



4 June 2018

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

12.00 PM WEDNESDAY, 13 JUNE 2018

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WDAP@waverley.nsw.gov.au

OR

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

AGENDA

WDAP-1806(1).A

Apologies

WDAP-1806(1).DI

Declarations of Interest

The Chair will call for any declarations of interest.

WDAP-1806(1).1

PAGE 5

9 Penkivil Street, Bondi - Modification to approved residential flat building including an additional storey and alterations to car stacker/parking with offer to enter a Planning Agreement (DA-541/2016/A)

Report dated 1 June 2018 from the Development and Building Unit.

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

WDAP-1806(1).2

PAGE 70

7 Chambers Avenue, Bondi Beach - New driveway crossing, hardstand car space and alterations to existing fence (DA-434/2017)

Report dated 30 May 2018 from the Development and Building Unit.

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

WDAP-1806(1).3

PAGE 91

94 Curlewis Street, Bondi Beach - Section 4.55 modification of vehicle repair workshop and garage to extend trading hours to between 7am and 10pm 7 days, and increase the number of employees to 9 staff plus principals (DA-184/1981/A)

Report dated 31 May 2018 from the Development and Building Unit.

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

WDAP-1806(1).4**PAGE 102**

52 Military Road, North Bondi - Modification for retrospective approval to use car lift roof area as new Juliet balcony and garden for unit 2A and the enlargement of floor area to roof top unit 6 of existing residential flat building (DA-672/2008/G)

Report dated 22 May 2018 from the Development and Building Unit.

Recommendation: That:

1. The application be approved in accordance with the conditions contained in the report.
2. The matter be referred to the Compliance Manager to consider the serving of a PIN or fine for the undertaking of unauthorised works.

WDAP-1806(1).5**PAGE 137**

58 Military Road, Dover Heights - Demolition of building; construction of a dual occupancy (DA-468/2017)

Report dated 28 May 2018 from the Development and Building Unit.

Recommendation: That the application be granted deferred commencement consent in accordance with the conditions contained in the report.

WDAP-1806(1).6**PAGE 186**

110 Military Road, Dover Heights - Demolition of existing dwelling and construction of a new dual occupancy and swimming pool together with strata subdivision (DA-534/2017)

Report dated 28 May 2018 from the Development and Building Unit.

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

WDAP-1806(1).7**PAGE 232**

174 Military Road, Dover Heights - Alterations and addition to existing dwelling including second floor room and roof deck (DA-484/2017)

Report dated 28 May 2018 from the Development and Building Unit.

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

WDAP-1806(1).8

PAGE 268

4 Victory Street, Rose Bay - Demolition of existing dwelling and construction of the three storey attached dual occupancy and strata subdivision (DA-305/2017)

Report dated 28 May 2018 from the Development and Building Unit.

Recommendation: That the application be granted deferred commencement consent in accordance with the conditions contained in the report.

WDAP-1806(1).9

PAGE 314

16A and 16B Llandaff Street, Bondi Junction - Demolition of existing buildings and construction of a 9 storey residential flat building with basement parking and offer to enter a Planning Agreement (DA-68/2017)

Report dated 1 June 2018 from the Development and Building Unit.

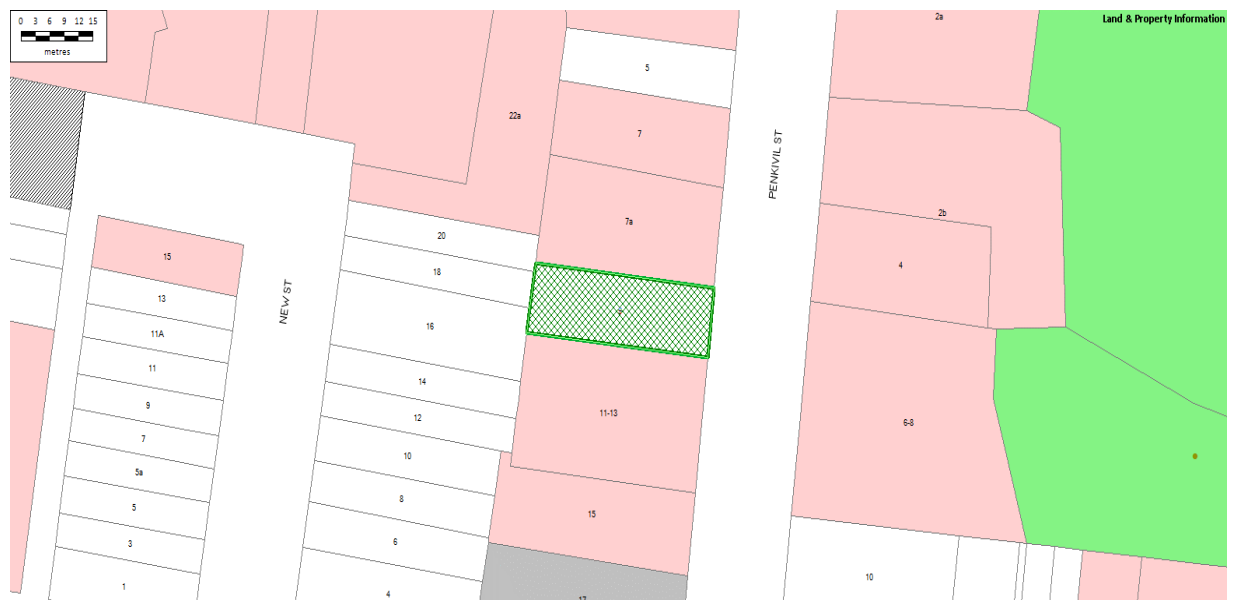
Recommendation: That the application be approved in accordance with the conditions contained in the report.



Report to the Waverley Development Assessment Panel

Application number	DA-541/2016/A
Site address	9 Penkivil Street, Bondi
Proposal	Modification to approved residential flat building including an additional storey and alterations to car stacker/parking with offer to enter a Planning Agreement
Approved development description	Demolition of existing dwellings and construction of a new four-storey residential flat building containing 8 units, basement car park
Date of lodgement	26 October 2017
Owner	B & I Properties 2 Pty Ltd
Applicant	CSA Architects Pty Ltd
Submissions	Four submissions
Issues	Non-compliance with height and FSR; visual privacy; and setbacks.
Recommendation	That the application be APPROVED .

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 9 in DP75806, known as 9 Penkivil Street, Bondi. The site is rectangular in shape with a front (east) boundary of 11.61m, north side boundary measuring 37.89m, west rear boundary measuring 11.72m and south side boundary measuring 19.395m. The site has an area of 447.5m² and has a slope from the west to the east of approximately 4000mm.

The site is occupied by a two-storey dwelling, with an attached garage located within the front yard area.

The subject site is adjoined by a seven-storey residential flat building above ground level parking to the south (11-13 Penkivil Street), to the north is 7A Penkivil Street, a five-storey residential flat building above ground level parking and to the west at 16, 18 and 20 New Street are partially elevated one and two-storey single dwellings. Opposite the site to the east are a series of residential flat buildings ranging in scale from three to nine storeys. Along both Penkivil and Ocean Streets there is a mix of residential flat buildings ranging in height from three to nine storeys.



Figure 1: Subject site (centre) viewed from Penkivil Street



Figure 2: Adjoining sites to the south (**11-13 Penkivil St**) and to the north (**7 A Penkivil St**) of the subject site

1.2 Details of Approved Development

DA-541/2016 for the demolition of the existing dwellings on the site and construction of a new four-storey residential flat building containing eight units and basement car park was approved by the Development Building Unit (DBU) on 9 August 2017.

1.3 Proposal

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

- Construct an additional storey to provide an additional 2-bedroom unit with balconies to the front and rear elevations.
- Modify the internal floor and ceiling heights within the building to accommodate a new car stacker.
- Enlargement of the size of the basement car park and associated excavation to increase the number of parking spaces from 7 to 9 spaces, predominately by installing a three level car stacker within the basement.

The modified proposal will result in an additional 2-bedroom unit with the overall development providing 9 units within the development. The unit mix is 4 x studios; 4 x 1-bedroom units and 1 x 2-bedroom unit. It is visualised in the photomontages in **Figure 3** below.

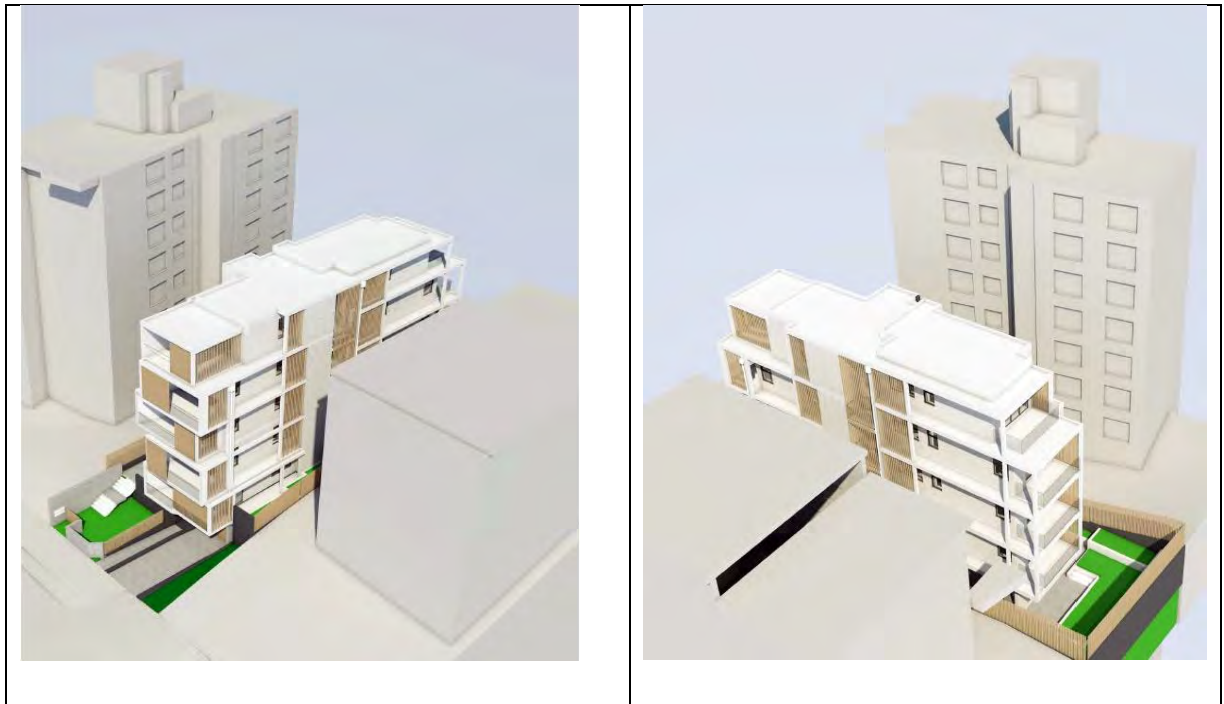


Figure 3: Photomontage of proposal (Source: Applicant)

The applicant wishes to enter into a planning agreement for the additional gross floor area contained in the proposed additional floor level to the approved development.

The applicant and Council's Shaping Waverley sub-program negotiated terms of a draft planning agreement simultaneously during the course of the assessment of the subject application. The agreed-upon development contribution for the Draft Planning Agreement is in the sum of **\$191,492**.

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

2. ASSESSMENT

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

2.1 Section 4.55 Considerations

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

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

- the land uses of the approved development remain unchanged as the proposed modifications involve adding one residential apartments to the approved development and do not substantially alter the apartment mix of the remaining apartments of the approved development

- the perceived building bulk and scale of the approved development, as proposed to be modified, will not constitute radical transformation of the approved development when viewed from the street and other public domain areas and adjoining properties
- the additional environmental and amenity impacts arising from the approved development, as proposed to be modified, are deemed reasonable and acceptable as explained in the body of this assessment report.

The above assessment considers the qualitative and quantitative changes to the essential elements of the approved development, as proposed to be modified, guided by the findings of the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*. These changes are considered acceptable within the terms of the ‘substantially the same development’ test applied to section 4.55 applications. The application can be accepted as a modification to the development consent under section 4.55 of the Act.

Public submissions received in relation to this application have been considered in the assessment of this application and addressed in the body of this report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

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 not required to be referred to the Waverley Design Excellence Panel as the modifications are not considered to constitute significant changes to the approved built form. The approved development, as proposed to be modified, is assessed against the nine design quality principles of the SEPP, which is set out in **Table 1** below.

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

Principle	Planning Comment on current proposal
1. Context & Neighbourhood	The proposed additional floor level to the approved development will not significantly accentuate the perceived building height, bulk and scale of the approved development when viewed in its streetscape context. The resultant building height, bulk and scale are similar to those of existing within the immediate vicinity of the site.

2. Built form and Scale	Despite the proposal exceeding the height of buildings and floor space ratio development standards, the proposal does not affect the overall building alignments, articulation and modulation of the approved development.
3. Density	The building has an acceptable bulk notwithstanding the variation to the floor space ratio development standard. The proposed additional residential apartment is afforded with a high level of amenity given that it is on the uppermost floor level that takes advantage of district outlooks and direct sunlight. Existing infrastructure, public transport and access to jobs within the locality are expected to cater for the net increase of one apartment in the approved development, as proposed to be modified.
4. Sustainability	The approved development, as proposed to be modified, remains consistent with the sustainability design quality principle in that the development affords adequate solar access and natural cross ventilation that minimises reliance on artificial heating and cooling. The application is accompanied by an amended BASIX certificate, which demonstrates the approved development, as proposed to be modified, meets the energy, water and thermal comfort targets set by SEPP BASIX.
5. Landscape	The proposal does not affect the landscaping scheme of the approved development.
6. Amenity	The proposed additional apartments are afforded reasonable amenity through room dimensions and layout; access to sunlight and natural ventilation, outlook and views; and visual and acoustic privacy.
7. Safety	The proposal does not affect the safety and security of the approved development.
8. Housing Diversity and Social Interaction	The proposal maintains an appropriate apartment mix and the additional apartment meets the minimum size and area for a two bedroom apartment outlined in the Apartment Design Guide. The approved development, as proposed to be modified, therefore responds well to the living needs and household budgets of the immediate locality. No communal area has been provided due to site constraints however as each unit has access to a balcony and in this regard the amenity is considered satisfactory.
9. Aesthetics	The proposal maintains the overall aesthetics of the approved development in terms of materiality, building articulation and modulation. The additional floor level respects and reflects the proportion of fenestration and rhythm of building articulation and modulation of the approved development.

Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide

Clause 6A of SEPP 65 requires that DCPs 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 	No	<ul style="list-style-type: none"> The approved development is separated by a distance of 5.11m between the outer face of the west-facing balconies of the development and the western rear boundary of the site. It is less than the minimum 9m separation distance required by the design criterion. The current proposal for the new penthouse unit is separated by a distance of 6.52m between the outer face of the west-facing balconies of the development and the western rear boundary of the site. It is less than the minimum 9m separation distance required by the design criterion. The approved and proposed development is separated by a minimum of 3.007m between habitable and non-habitable rooms at the side northern boundary of the site. It is less than the minimum 6m separation distance required by the design criterion. See discussion below on the inconsistencies with the minimum separation distances.
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"> The amended proposal provides all of the units with at least 2 hours mid-winter. All units are dual aspect and as such all receive some direct sunlight mid-winter. The amended 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.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 		<ul style="list-style-type: none"> All units have dual aspects and in this regard, 100% of the units can be naturally cross ventilated.
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all apartments comply with the minimum requirement of 2.7m including the additional apartment on fourth floor level of the development.
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> <i>Add 5m² for each additional bathroom (above 1)</i> <i>Add 12m² for each additional bedroom</i> <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>	Yes	<p>The proposed additional apartment has an area of 83.65m², which meets the minimum internal area of 70m² for two bedroom apartments.</p> <p>All habitable rooms of the additional apartment are provided with windows for light and ventilation. Each bedroom is adequate in size with appropriate window and glazed door openings.</p> <p>The kitchen of the additional apartment is separate to the circulation spaces.</p> <p>The modified 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 proposed additional apartment has a terrace accessed from the main living area that meets the minimum requirements of the ADG in terms of area and depth. The terrace accessed from Bedroom 1 is treated as a secondary outdoor space and meets the minimum requirements.</p> <p>The design of terraces 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. Screens or solid side walls where necessary are provided to enhance privacy.</p> <p>The proposal does not change the size and configuration of the terraces on the floor levels below of the development.</p>

Design Criteria	Compliance	Comment
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	The additional floor level comprises only one apartment. The circulation core of the approved development can cater for the proposed additional apartment.
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 area within the basement level.

Visual privacy

The approved development, as proposed to be modified, falls short of the minimum separation distances from the side and rear boundaries of the site that are prescribed under Part 3F of the ADG. The intent of the separation distances is to achieve reasonable levels of external and internal visual privacy for the subject development and adjoining existing development.

The rear (western) setback of the proposed additional floor level to the approved development (when measured to the external wall line of the development from the western boundary of the site) is **8.62m**. This falls short of the minimum separation distance suggested by the design criterion as the properties to the west are zoned R2 Low Density Residential, which requires a separation of 6m + 3m = 9m (see **Figure 4** below).

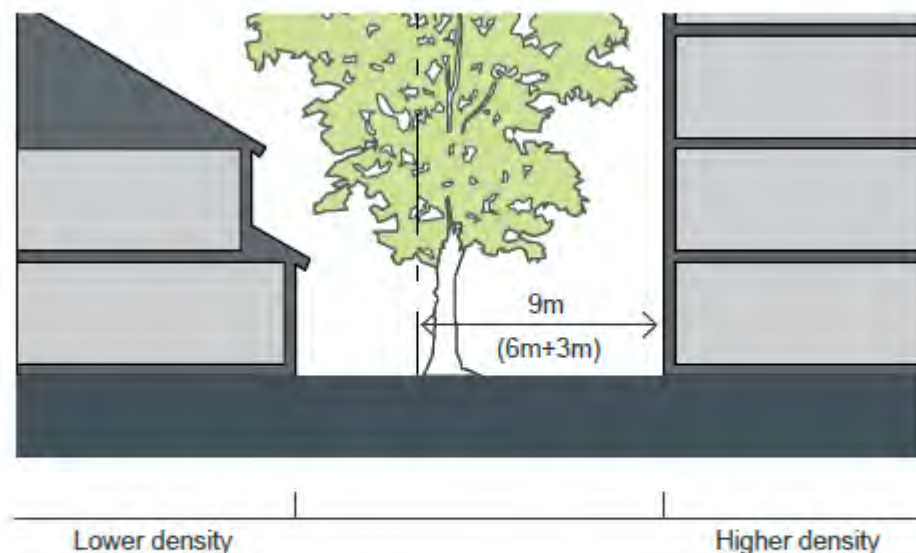


Figure 3F.5 To resolve amenity impacts, apartment buildings should increase the building separation distance (+3m) when adjacent to a different zone that permits lower density residential development

Figure 4: Extract from Apartment Design Guide (ADG)

The west-facing balconies on the approved lower floor levels encroach within the minimum separation distance area and are set back 5.11m from the rear (western) boundary. The west-facing balcony of the additional apartment is set back greater than the west-facing balconies below, which is a setback of **6.52m**. This is considered appropriate given that the potential privacy issues arising from the inconsistent separation distance is minimal as the balcony is accessed from a bedroom, which is a passive use and that is not expected to be greatly occupied compared to living areas.

The main windows and balconies of the additional apartment are orientated to the front and rear, with the side elevations containing minimal and smaller/secondary windows. The design of the apartment therefore respects the visual and acoustic privacy of adjoining residential flat buildings to the north and south of the site. The Apartment Design Guide notes that in an existing area where a strong rhythm has been established between buildings, smaller building separations may be appropriate. The subject site has a width (frontage) to Penkivil St of 11.61m, which makes full compliance with the required separation distances of 6m from each side boundary unachievable nor is it practical to have no windows on the side elevation of the building. In the circumstances of this case, the residential buildings which adjoin the site on either side have side setbacks of between 3-6m to the boundary with the subject site. The additional floor level to the approved development reflects the minimum side setbacks of the approved development (which range between 3m and 3.1m), which were deemed to be acceptable in the assessment and determination of the original application.

Notwithstanding, all of the windows on the southern side elevation of the proposed development service access corridors and the common stairwell where privacy impacts are low. It is also noted that these windows have a reasonably high sill height and provide louvre screens that will direct sightlines away from north-facing windows of the adjoining development to the south of the site at 11 – 13 Penkivil St. Therefore, the southern side building separation distance of the proposed development is considered acceptable on merit as it is considered to not compromise the visual privacy of the adjoining property at 11 – 13 Penkivil St.

Half of the windows on the northern side elevation of the development service low use rooms such as bedrooms whilst the other half service lounge/dining rooms. Privacy impacts from bedroom windows are not considered unreasonable given that bedrooms are low use rooms. Notwithstanding, the proposal provides screening to the bedroom windows on this elevation to ameliorate privacy impacts. Greater impact arises from living area windows given the high level of use of these areas. It is noted that the living area windows on the northern elevation are secondary to the main windows to these rooms on the front and rear elevations. Given the northern aspect of this façade it is understandable to provide windows to allow maximum solar access. The proposed living area windows are located in a position of the living room that does not encourage direct viewing into the adjoining property during normal use of the room. The common stairs and lobby are treated with louvres, screening views into the adjoining site.

The adjoining property to the north has balconies within the side setback which may be overlooked by the rear balconies on the subject site. A condition is recommended to require privacy screening on the northern side of the rear balcony of the additional apartment on the fourth floor level of the development to ameliorate this issue.

Given the above analysis, it is considered that the proposal will not have unreasonable privacy impacts upon surrounding properties or between units within the development and the separation distances as proposed are acceptable.

2.2.4 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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The modified 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 proposal is defined as <i>residential flat building</i> , which is permitted with consent in the R3 zone. The proposal is consistent with the objectives of the zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	No	The maximum height of the modified proposal is 14.9m exceeding the development standard. See discussion below.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.9:1	No	The modified proposal increases the overall GFA to 464.33m ² , which achieves a FSR of 1.038:1, exceeding the FSR development standard by 61.63m ² or 15%.
4.6 Exceptions to development standards	See discussion	The application is not accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the development standards as an assessment under clause 4.6 is not required for section 96 applications. A detailed discussion of the variation to the FSR development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes additional excavation to provide greater storage for services in the basement and enlarge the car stacker. All standard conditions in regards to the excavation continue to apply.

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

Height of Buildings

The proposal has an overall height of 14.9m which exceeds the height development standard by 2.4m or 19.2% over the allowable maximum of 12.5m.

A written request pursuant to clause 4.6 of Waverley LEP 2012 seeking to vary the development standard is not required for Section 96 applications and as such, has not been submitted. The test for section 4.55 applications relates to the proposed modification's being 'substantially the same development' as the original approval. The proposal satisfies this test.

Notwithstanding, the height of the proposed modification must still be considered against the relevant objectives of the LEP. The relevant objectives of the height of buildings development standard within the LEP are:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (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.*

In terms of objective (a), the additional impact on the amenity of neighbouring properties caused by the proposal is principally overshadowing. Shadow diagrams were provided which include shadow impacts in elevation on the northern elevation of the adjoining seven storey property to the south, 11-13 Penkivil Street.

The adjoining residential flat building at No. 11-13 Penkivil Street has balconies and associated living area doors/windows orientated to the front and rear of the building. Recent internet searches (real estate listings) generally indicate that the northern side elevation of this building contains kitchen windows and secondary dining room windows of units within this building.

The shadow elevations indicate the following impact in terms of No. 11-13 Penkivil Street:

- The top floor units (levels 4 – 7) will retain 3 hours of sunlight to the windows on the side elevation.
- The lower levels (levels 1-3) side windows are overshadowed from 9am to 3pm however this is predominantly consistent with the original approval. The additional extent of overshadowing is considered minor.

It should be noted that the main living area windows of all units at No. 11-13 Penkivil Street are oriented either toward the front east or the north east and as such, these units receive solar access to the main windows in the morning and the afternoon which will not be unreasonably impacted by the proposed development.

Given the above analysis, it is considered that the proposal will not result in unreasonable additional overshadowing of adjoining property to the south, 11- 13 Penkivil St, as the partially overshadowed windows are secondary windows within the units.

The proposed modification will result in a building with bulk and scale which are commensurate with adjoining buildings, and the existing and desired future character of the locality. The five storey height of the approved development, as proposed to be modified, is considered to provide an appropriate transitional height scale between the seven storey development to the south and the elevated four

storey development to the north, without unreasonably increasing the bulk and scale of the approved building form. The proposal is considered to be consistent with objectives (d)

The variation to the height of buildings development standard is considered reasonable in that it will not manifest in adverse additional overshadowing impacts. It will also not result in the approved development being incompatible with the existing and desired future built form character of the locality. The variation can therefore be supported on merit.

Floor Space Ratio

The proposal has an overall floor space ratio of 1.038:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4 of Waverley LEP 2012 by 61.63m² in gross floor area or 15%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 seeking to vary the development standard is not required for section 4.55 applications and as such, has not been submitted. The test for section 4.55 applications relates to the development being 'substantially the same development' as the original approval. The proposal satisfies this test.

Notwithstanding, the FSR of the proposed modification must still be considered against the relevant objectives of the LEP. The objectives of the FSR development standard within the LEP are:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The additional gross floor area is contained within an additional floor level to the approved development. The material impacts of the additional floor level have been considered with respect to the consequences of the floor level exceeding the height of buildings development standard, which is found to be acceptable on merit. The proposed additional floor level will not result in unreasonable amenity impacts on adjoining properties or the locality as discussed in detail in previous and subsequent sections of this report. The additional floor level will not result in the approved development becoming inconsistent with the existing and desired future built form character of the locality. The approved development, as proposed to be modified, continues to be consistent with the relevant objectives of the FSR development standard.

The applicant has submitted an undertaking to Council regarding their commitment to enter into a planning agreement for the additional gross floor area in accordance with the *Waverley Council Planning Agreement Policy 2014* (the Policy). The Policy states:

"Council may consider ... applications for development up to 15% above the maximum gross floor area permitted under clause 4.4 of Waverley LEP 2012".

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding development standards. The offer to enter into a planning agreement addresses the public benefit aspect of maintaining the FSR development standard when Council considers a variation with the standard by way of assessing and determining a development application.

The proposed development is in keeping with other proposals that have sought additional floor space up to 15% over the FSR development standard. Proposals which have been granted approval with 15% additional floor space have demonstrated that where there will be additional impacts, they are considered minor and were accepted on the balance of public benefit offered by a monetary contribution in accordance with the Policy.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the approved development has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report.

The proposal is consistent with the 15% cap on additional floor space specified in the Policy and is in accordance with other variations which have been permitted in conjunction with public benefits or purpose, such as affordable housing, public domain works or the like. The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a planning agreement, which would contribute to public works or a similar public benefit within the catchment of the site. A condition will be imposed for the planning agreement to be entered into by the applicant as has been agreed to.

The proposed development is considered to be an orderly and efficient use of the site that is within the R3 Medium Density Residential Zone. The built form and density of the development are appropriate in achieving the objectives of the R3 zone, specifically providing a variety of housing types and for the housing needs of the community within a medium density residential environment. Given the acceptability of the form and density of the development, the variation of the FSR and height of buildings development standards does not raise any matter of significance for State or regional environmental planning.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>The modified proposal maintains a waste storage room within the basement car park. Access to Penkivil Street for collection is via the ramped driveway or the lift to the ground floor level.</p> <p>The bin storage area of the development remains compliant, notwithstanding the addition of the new two bedroom unit.</p> <p>The proposal is consistent with the objectives of this part of the DCP.</p>

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	<p>An amended BASIX Certificate was provided with the application.</p> <p>Appropriate openings continue to be provided on all elevations for adequate cross ventilation and solar access for all units. Shading is provided to the western and eastern elevation windows.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
5. Tree preservation	Yes	The modified application does not change the approved landscaping plan and therefore addresses conditions of consent imposed in the original application.
7. Accessibility and adaptability <ul style="list-style-type: none"> • 10-15 units – 1 adaptable unit • 1 accessible car space per adaptable unit 	Yes	<ul style="list-style-type: none"> • The proposal increases the total number apartments of the development to nine. Therefore, adaptable apartments are not required for this development. • The additional apartment will be accessed by lift and stair.
8. Transport Parking Zone 2 Residential parking: Studio : 0.5 1 bedroom: 1.0 space per unit 2 bedroom: 1.5 space per unit Visitor parking: 1 space per 5 units Bicycle parking: 9 residential, Motorcycle parking: nil spaces required.	Yes	<p>Required: 4 x studio = 2 residential spaces</p> <p>Required: 4 x 1 bed = 4 residential spaces</p> <p>Required: 1 x 2 bed = 1.5 residential spaces</p> <p>Visitor: 1 space per 5 units = 1 space</p> <p>Minimum 8.5 car spaces required.</p> <p>Bicycle: 9 residential spaces</p> <p><u>Provided:</u> 9 car parking spaces (including a stacker accommodating 8 cars) and 6 bicycle spaces. The proposal is short of three bicycle spaces and condition 2(a) of the consent is recommended to be modified to require a total of nine bicycle spaces to be provided on the southern side of the building on ground level adjacent to the entry of the building lobby.</p> <p>No visitor spaces are provided due to the constraints of the site and this is deemed acceptable.</p>

Development Control	Compliance	Comment
10. Safety	Yes	The modified proposal continues to be consistent with the objectives and controls within this part of the DCP.

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

Development Control	Compliance	Comment
2.1 Special character areas		
Bondi Heights Special Character Area	Yes	<p>The modified proposal continues to be consistent with the desired future character stipulated within the DCP in that it includes extensive landscaping to enhance the landscape character of the site. The front and rear setbacks provide appropriate areas for planting and vegetation.</p> <p>The modified proposal is consistent with the objectives of this part of the DCP and the desired future character of the area.</p>
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 9.5m for 12.5m high buildings 	No	<p>A flat roof is proposed and the building has a maximum height of 14.9m.</p> <p>The slender form of the building and narrow appearance as viewed from Penkivil Street provides a scale and bulk that are comparable with similar buildings in the vicinity.</p> <p>The proposed five storey height of the development is considered to provide an appropriate transitional height scale between the seven storey development to the south and the elevated four storey development to the north, without unreasonably increasing the bulk and scale of the approved building form.</p> <p>As discussed, the proposal is not considered to adversely impact solar access, views and privacy.</p>
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 	No (acceptable on merit)	Additional excavation is proposed for the basement car park to accommodate more space for services. The additional excavation is not set back from the southern boundary, however this is accepted. Conditions relating to excavation still apply in the consent.

Development Control	Compliance	Comment
open space of lower level dwellings in same development	(subject to condition)	building associated with the new unit. As discussed in section 2.4 of this report, condition 2 of the consent is recommended to be modified to provide a privacy screen to the northern side elevation of the rear balcony associated with the new unit.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	The proposal proposes no services to be located on the roof. All services are located within a plant- services room at basement 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 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*.

Four submissions were received to the application. The issues raised in the submissions are summarised and discussed below.

Table 6: Summary of property addresses that lodged a submission

Property
6/7A Penkivil Street, Bondi
7/7A Penkivil Street, Bondi
9/7A Penkivil Street, Bondi
10/7A Penkivil Street, Bondi

Issue: Loss of light.

Response: All the objectors' properties are located to the north of the subject site. The proposal will not affect solar access to the adjoining building to the north of the site.

Issue: Loss of privacy.

Response: This issue has been discussed in detail previously in this report. A condition of consent has been recommended to require that privacy screens are to be installed on the northern side of the rear balcony of the additional floor level of the development.

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 Planning – Shaping Waverley

The application was referred to Council's Strategic Planner in regards to the offer to enter into a planning agreement and a monetary contribution for a planning agreement (to be executed at a later stage) was negotiated and agreed to between Council and the applicant. A condition of consent is recommended to this effect.

4. SUMMARY

The application seeks consent for modifications to the approved residential flat building including an additional storey to provide for one additional two bedroom unit with alterations at basement level to provide additional stack parking and an offer to enter a Planning Agreement.

The proposal has an overall height of 14.9m which exceeds the height development standard by 2.4m or 19.2% over the allowable maximum of 12.5m prescribed under clause 4.3 of Waverley LEP 2012. Also, the proposal has an overall floor space ratio of 1.038:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4 of Waverley LEP 2012 by 61.63m² in gross floor area or 13.77%.

The approved development, as proposed to be modified, is considered to be an orderly and efficient use of the site that is within the R3 Medium Density Residential Zone. The built form and density of the development are appropriate in achieving the objectives of the R3 zone, specifically providing a variety of housing types and for the housing needs of the community within a medium density residential environment. Given the acceptability of the form and density of the development, the variation of the height of buildings and FSR development standards is considered acceptable.

The application was notified and four submissions were received. This issues raised have been addressed by condition of consent and do not warrant refusal of the application.

The application is referred to the Waverley Development Assessment Panel for determination given it is associated with a planning agreement.

The application has been assessed against the matters for consideration under sections 4.15 and 4.55 of the Act, and is recommended for approval.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT 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:**

Paul Yachmennikov
Senior Development Assessment Officer

Ben Magistrale
Acting Manager, Development Assessment

Date: 4 May 2018

Date: 1 June 2018

Reason for referral:

- 4 Sensitive development:
 - (f) Planning Agreements

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by CSA Architects and received by Council on 30 June 2017 and **26 October 2017**;

Drawing No.	Date
BIP-01, Drawing Register, Rev B	22/06/2017
BIP-04, Site Analysis, Rev B	22/06/2017
BIP-05, Colours and Materials, Rev B	22/06/2017
BIP-07, Carpark Plan, Rev B	22/06/2017
BIP-08, Ground Floor Plan, Rev B	22/06/2017
BIP-09, First Floor Plan, Rev B	22/06/2017
BIP-10, Second Floor Plan, Rev B	22/06/2017
BIP-11, Third Floor Plan, Rev B	22/06/2017
BIP-12, Roof Plan, Rev B	22/06/2017
BIP-13, Elevations, Rev B	22/06/2017
BIP-14, North elevation, Rev B	22/06/2017
BIP-15, South Elevation, Rev B	22/06/2017
BIP-16, Sections, Rev B	22/06/2017
BIP-17, Wall Section Long, Rev B	22/06/2017
BIP-18, Driveway, Rev B	22/06/2017
BIP-19, Window Schedule (pg 1/2), Rev B	22/06/2017
BIP-20, Window Schedule (pg 2/2), Rev B	22/06/2017
BIP-25, Boundary Fence, Rev B	22/06/2017

Drawing No.	Date
<i>BIP-01, Drawing Register, Rev C</i>	<i>11/09/2017</i>
<i>BIP-03, Site Analysis, Rev C</i>	<i>11/09/2017</i>
<i>BIP-04, Colours and Materials, Rev C</i>	<i>11/09/2017</i>
<i>BIP-06, Carpark Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-07, Ground Floor Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-08, First Floor Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-09, Second Floor Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-10, Third Floor Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-11, Fourth Floor Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-12, Roof Plan, Rev C</i>	<i>11/09/2017</i>
<i>BIP-13, Elevations, Rev C</i>	<i>11/09/2017</i>
<i>BIP-14, North elevation, Rev C</i>	<i>11/09/2017</i>
<i>BIP-15, South Elevation, Rev C</i>	<i>11/09/2017</i>
<i>BIP-16, Sections, Rev C</i>	<i>11/09/2017</i>
<i>BIP-17, Wall Section-Long, Rev C</i>	<i>11/09/2017</i>
<i>BIP-18, Driveway, Rev C</i>	<i>11/09/2017</i>
<i>BIP-19, Window Schedule (pg 1/2), Rev C</i>	<i>11/09/2017</i>

MODIFIED BY DA-541/2016/A

- (b) BASIX Certificate no.779589M_02 dated ~~7 December 2016~~ **26 October 2017** and received by Council on ~~19 December 2016~~ **26 October 2017**;
- (c) Stormwater Management Plans, Drawing No. C16161-SW01 to C16161-SW05, prepared by CAM Consulting, dated 12 Dec 2016 and received by council on 19 December 2016;
- (d) Landscape Plans , Drawing no: DA 01 prepared by MICHAEL ZINN dated Dec 2016 and received by council on 19 December 2016;
- (e) Geotechnical Investigation Report prepared by GDK dated November 2016 and received by council on 19 December 2016;
- (f) Carpark and Access Compliance Report prepared by Terraflow Pty Ltd dated 12 Dec 2016 and received by council on 19 December 2016;
- (g) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012 and received by council on 19 December 2016;

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

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

- (a) **A total of nine** bicycle parking **spaces** shall be provided at ground floor level on the southern side of the building adjacent to the entry to the building lobby. ~~in accordance with the amended detail received by council on 28 August 2017 (dated stamped).~~
MODIFIED BY DA-541/2016/A
- (b) To minimise noise intrusion from the street, an acoustic absorbing ceiling is to be installed to the balconies facing Penkivil Street.
- (c) Privacy screening to a height of 1800mm shall be provided to the northern side of the rear balconies to protect the privacy of the adjoining terraces to the north.
SATISFIED BY DA-541/2016/A
- (d) **Privacy screening to a height of 1800mm shall be provided to the northern side of the rear balcony of Unit 9 of the development, to protect the privacy of the adjoining terraces to the north of the site**

ADDED BY DA-541/2016/A

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

B. New Conditions

10A. PLANNING AGREEMENT

- (a) The owner/ applicant is to:
 - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-541/2016/A; and
 - (ii) Pay a monetary contribution amount of **\$191, 492** prior to the issue of any Occupation certificate for the Development
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

ADDED BY DA-541/2016/A

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) The following Architectural Plans, prepared by CSA Architects and received by Council on 30 June 2017 and 26 October 2017;

Drawing No.	Date
BIP-01, Drawing Register, Rev C	11/09/2017
BIP-03, Site Analysis, Rev C	11/09/2017
BIP-04, Colours and Materials, Rev C	11/09/2017
BIP-06, Carpark Plan, Rev C	11/09/2017
BIP-07, Ground Floor Plan, Rev C	11/09/2017
BIP-08, First Floor Plan, Rev C	11/09/2017
BIP-09, Second Floor Plan, Rev C	11/09/2017
BIP-10, Third Floor Plan, Rev C	11/09/2017
BIP-11, Fourth Floor Plan, Rev C	11/09/2017
BIP-12, Roof Plan, Rev C	11/09/2017
BIP-13, Elevations, Rev C	11/09/2017
BIP-14, North elevation, Rev C	11/09/2017
BIP-15, South Elevation, Rev C	11/09/2017
BIP-16, Sections, Rev C	11/09/2017
BIP-17, Wall Section-Long, Rev C	11/09/2017
BIP-18, Driveway, Rev C	11/09/2017
BIP-19, Window Schedule (pg 1/2), Rev C	11/09/2017
BIP-20, Window Schedule (pg 2/2), Rev C	11/09/2017
BIP-25, Boundary Fence, Rev B	22/06/2017

- (b) BASIX Certificate no.779589M_02 dated 26 October 2017 and received by Council on 26 October 2017;
- (c) Stormwater Management Plans, Drawing No. C16161-SW01 to C16161-SW05, prepared by CAM Consulting, dated 12 Dec 2016 and received by council on 19 December 2016;
- (d) Landscape Plans , Drawing no: DA 01 prepared by MICHAEL ZINN dated Dec 2016 and received by council on 19 December 2016;
- (e) Geotechnical Investigation Report prepared by GDK dated November 2016 and received by council on 19 December 2016;
- (f) Carpark and Access Compliance Report prepared by Terraffic Pty Ltd dated 12 Dec 2016 and received by council on 19 December 2016;
- (g) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012 and received by council on 19 December 2016;

except where amended by the following conditions of consent.

MODIFIED BY DA-541/2016/A

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) A total of nine bicycle parking spaces shall be provided at ground floor level on the southern side of the building adjacent to the entry to the building lobby.

MODIFIED BY DA-541/2016/A

- (b) To minimise noise intrusion from the street, an acoustic absorbing ceiling is to be installed to the balconies facing Penkivil Street.

- (c) Privacy screening to a height of 1800mm shall be provided to the northern side of the rear balconies to protect the privacy of the adjoining terraces to the north.

SATISFIED BY DA-541/2016/A

- (d) Privacy screening to a height of 1800mm shall be provided to the northern side of the rear balcony of Unit 9 of the development, to protect the privacy of the adjoining terraces to the north of the site

ADDED BY DA-541/2016/A

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.

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 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. 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

8. SECTION 94A CONTRIBUTION

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

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

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

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

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

Advisory Note

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

9. 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.

10. 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.

10A. PLANNING AGREEMENT

- (a) The owner/ applicant is to:
 - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-541/2016/A; and
 - (ii) Pay a monetary contribution amount of **\$191, 492** prior to the issue of any Occupation certificate for the Development
 - (iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:

- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
- (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

ADDED BY DA-541/2016/A

11. 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;
- (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.

12. 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.

13. 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.

14. 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.

15. SERVICE AUTHORITIES

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

16. HOARDING REQUIRED

If hoarding is required, standard A and/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. 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.

17. 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.

18. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A Report shall be prepared by a practising Structural Engineer detailing the proposed methods of 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 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.

A copy of the Structural Engineer's report is to be submitted to Council, if Council is not the Principal Certifying Authority.

19. 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.

20. 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.

21. 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 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

22. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

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

- (a) Identification of nearby residents and other sensitive locations near to the site;

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

23. 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.

24. 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*.

25. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a minimum;
 - **Residential**
 - 3 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) Developments that are more than 3 habitable storeys must provide a waste and recycling compartment/area on each floor with sufficient capacity to store a minimum of 1 day volume of waste and recycling 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) 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.
- (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 are to be presented for collection no earlier than the previous night before collection and must be removed from the kerb-side as soon as possible on the same day as the collection. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. TOILET FACILITIES

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

33. 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.

34. 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.

35. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

36. 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.

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.

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.

37. 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.

38. 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.

39. 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.

40. 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 storm water drainage system.

41. 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.

42. 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.

43. BUILDING CODE OF AUSTRALIA

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

44. 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); and

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

45. 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 upper floor/s and finished ridge/ parapet levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

46. 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.

47. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed building including the footings and roof eaves, but not including proposed awnings as shown on the approved plans, are to encroach beyond the boundaries of the subject property.

48. 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.

49. 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.

50. 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.

51. PARKING SPACES

The resident car parking spaces in the basement are to be clearly line marked and signposted.

52. 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.

53. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

54. 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.

55. STORMWATER

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

56. 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.

57. 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.

58. 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.

59. 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 stairwell lights, 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.

60. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- No. 9 as the primary address site number
- Penkivil Street as the primary address location.

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

The following sub-addressing will apply:

- Nos. 1-9 for the sub-addresses within the building correlating with Nos. 1-9 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.

61. 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) The allocation of car parking spaces shall be restricted to, a minimum of 0 car spaces per unit and a maximum of 1 car space per unit 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.

62. PARKING PERMITS

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

63. 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 'Noise Attenuation in Residential Flat Buildings' condition.
- (b) Lodge with Council for public record, the noise attenuation star rating results.



Revision	Date	Description
C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue

C

S

A

Nominated Architect

185 Old South Head Road

Bondi Junction

Tel 61 2 9389 4055

Fax 61 2 9389 4077

www.csa-arch.com.au

alex@csa-arch.com.au

CSA ARCHITECTS

185 Old South Head Road

Bondi Junction

Tel 61 2 9389 4055

Fax 61 2 9389 4077

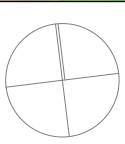
www.csa-arch.com.au

alex@csa-arch.com.au

SECTION 96 9 PENKIVIL STREET BONDI

Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work. the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.

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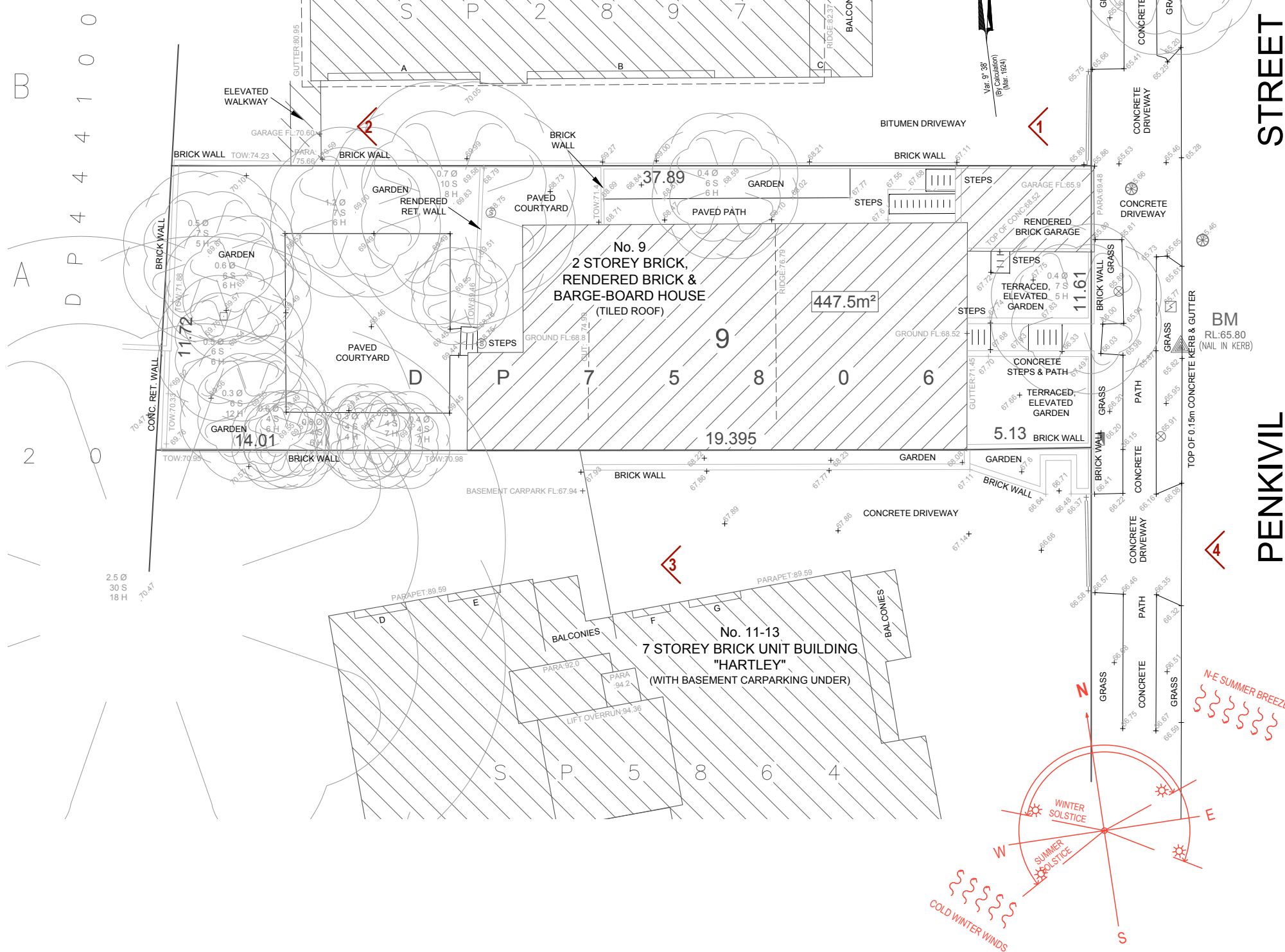
Rev C

BIP-02

3D View

11/9/2017

- LEGEND
- ELECTRICAL POLE
 - TELSTRA PIT
 - BOUNDARY TRAP
 - BOLLARD
 - STOP VALVE
 - SEWER MAN-HOLE
 - ELECTRICAL JUNCTION BOX



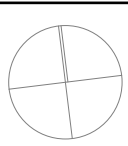
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CSA ARCHITECTS
185 Old South Head Road
Bondi Junction
Tel 61 2 9389 4055
Fax 61 2 9389 4077
www.csa-arch.com.au
alex@csa-arch.com.au

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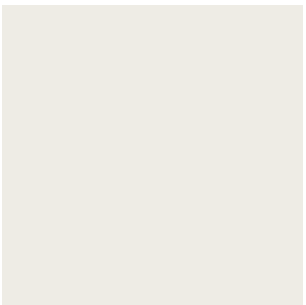
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Rev C

BIP-03
SITE ANALYSIS

11/9/2017



PAINT - SIMILAR TO DULUX
NATURAL WHITE PN1E1



PAINT - SIMILAR TO DULUX
DOMINO PG1A8

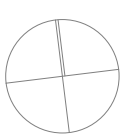


ALUMINIUM "KNOTWOOD"
OR SIMILAR SCREENS



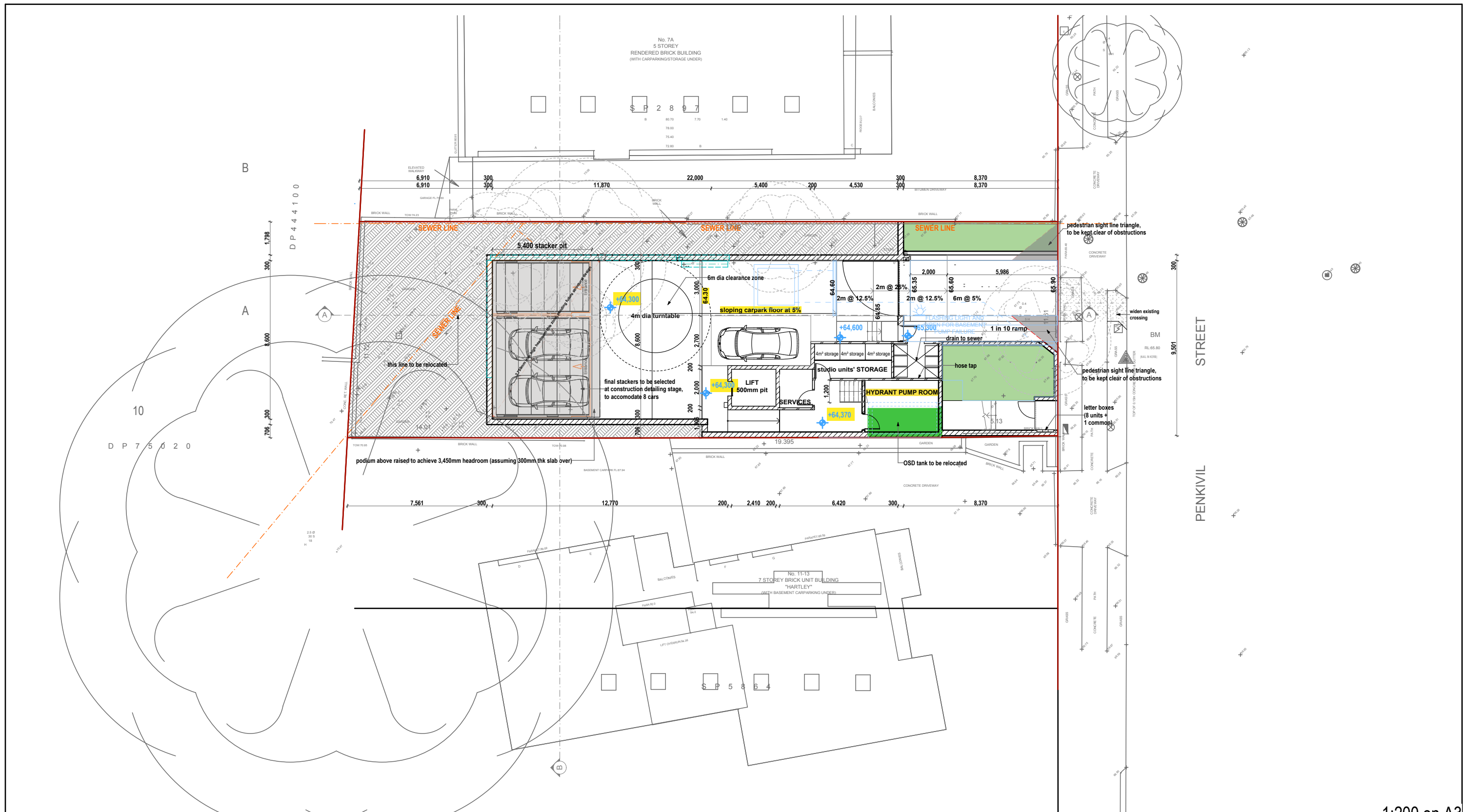
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NATURAL WHITE PN1E1

C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description



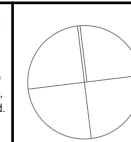


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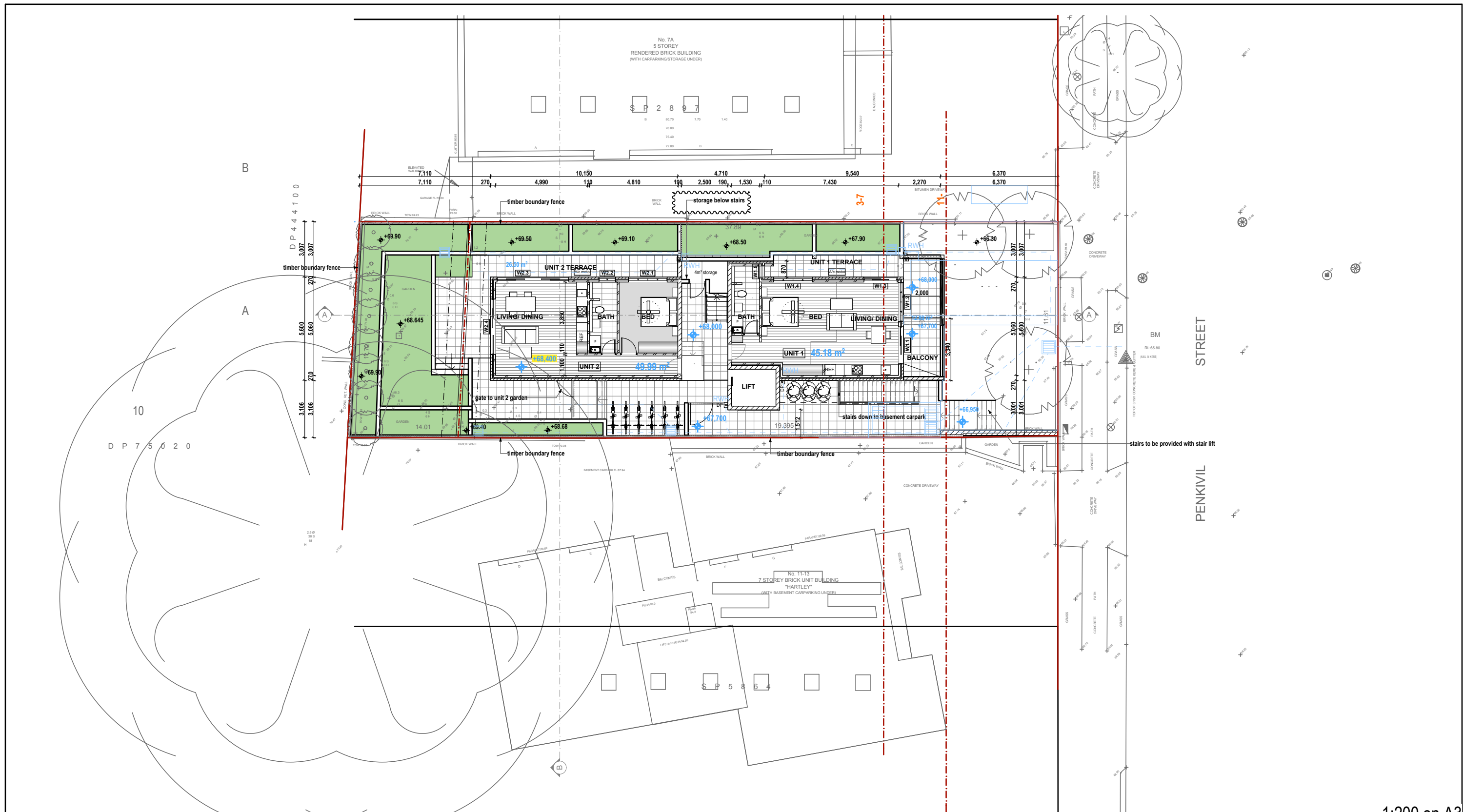


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1. CARPARK
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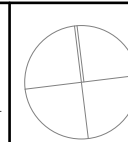
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue



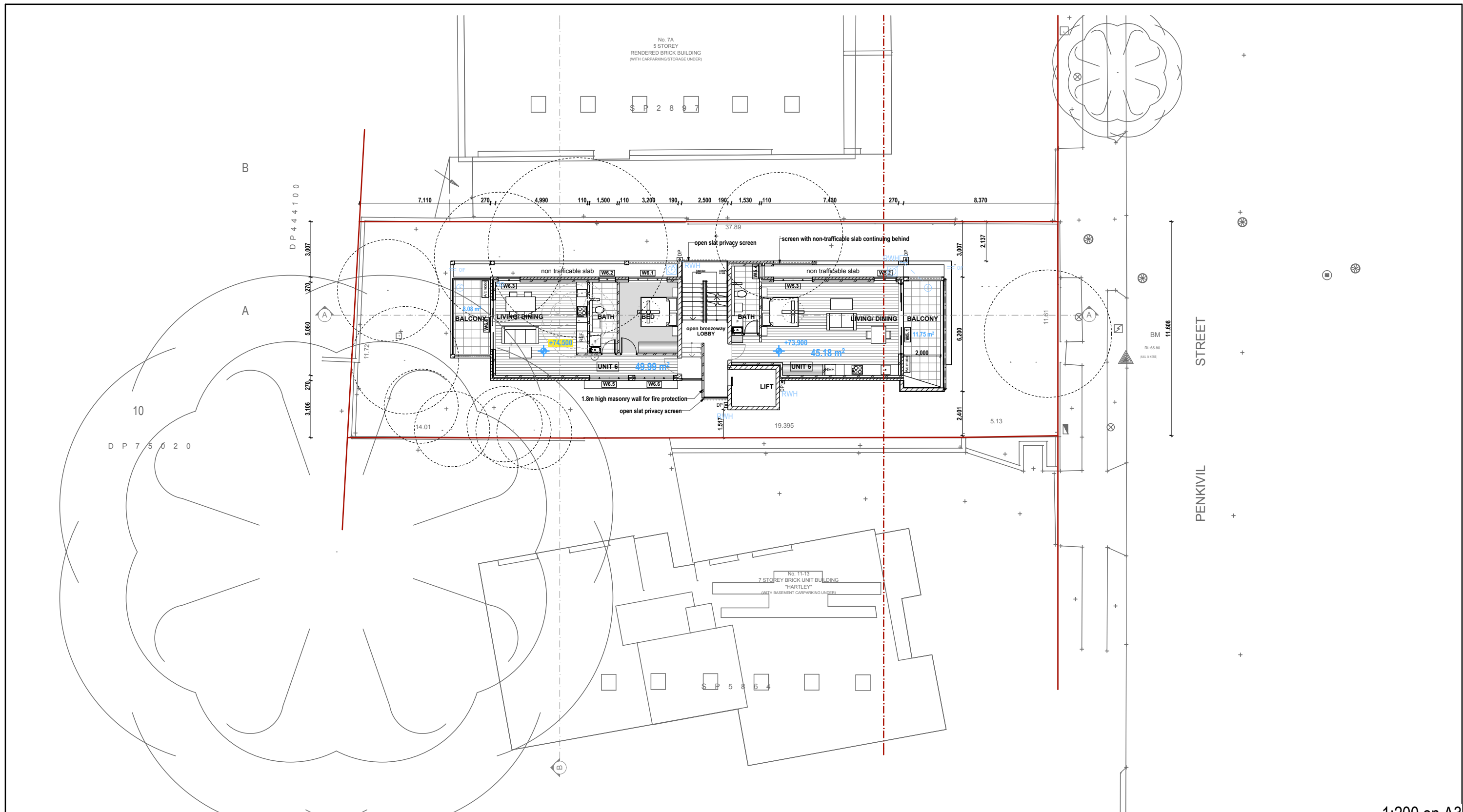
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2.

GROUND
1:200



Revision	Date	Description
C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue



1:200 on A3

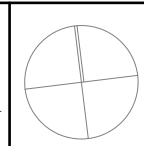
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Revision	Date	Description
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue

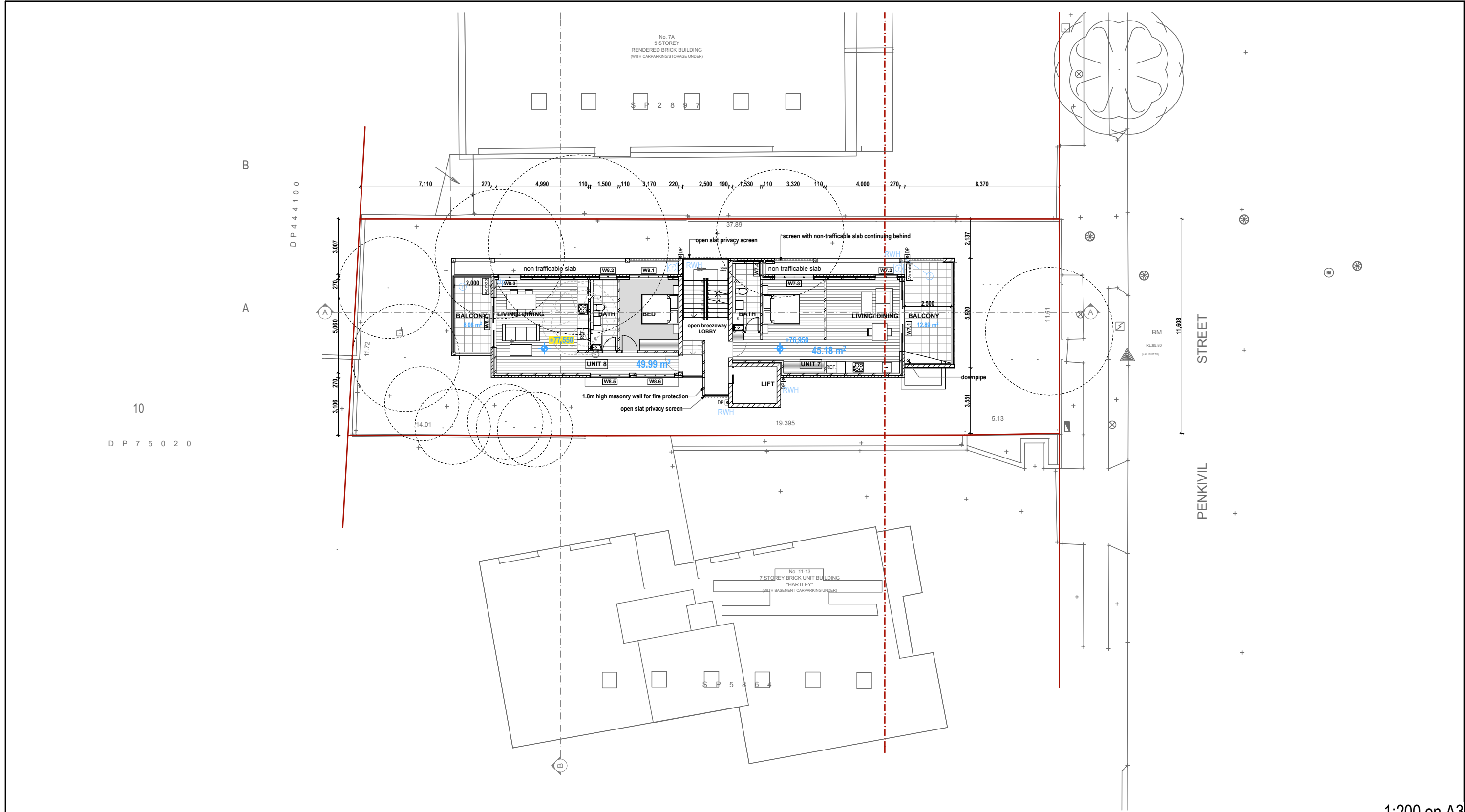
CSA ARCHITECTS
185 Old South Head Road
Bondi Junction
Tel 61 2 9389 4055
Fax 61 2 9389 4077
www.csa-arch.com.au
alex@csa-arch.com.au

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BIP-09
SECOND FLOOR PLAN
Rev C 11/9/2017



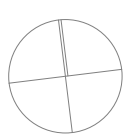
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5. THIRD
1:200

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185 Old South Head Road
Bondi Junction
Tel 61 2 9389 4055
Fax 61 2 9389 4077
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alex@csa-arch.com.au

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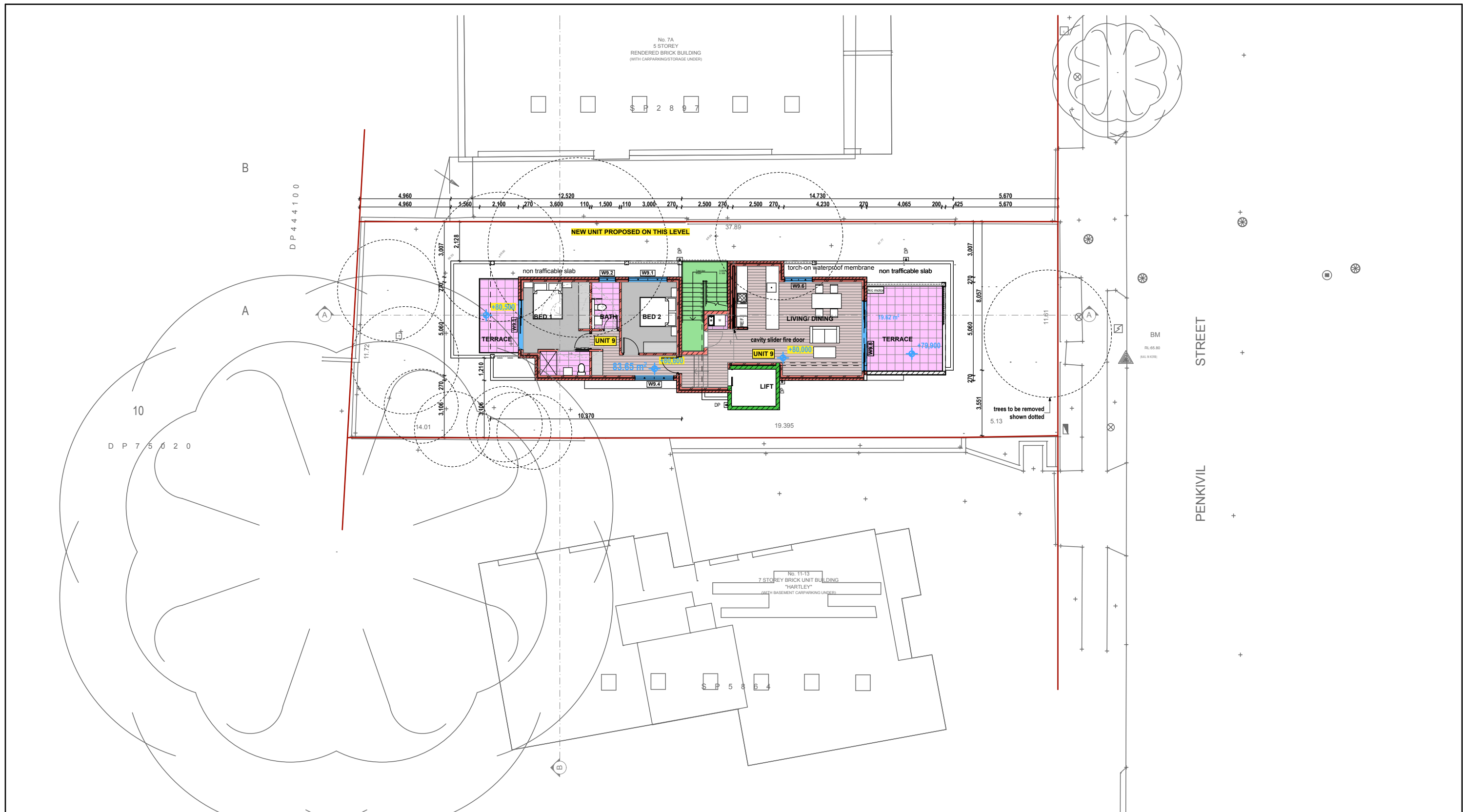


Rev C

Revision	Date	Description
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue

BIP-10
THIRD FLOOR PLAN

11/9/2017

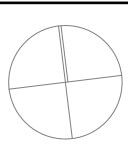


6. FOURTH
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CSA ARCHITECTS
185 Old South Head Road
Bondi Junction
Tel 61 2 9389 4055
Fax 61 2 9389 4077
www.csa-arch.com.au
alex@csa-arch.com.au

SECTION 96 9 PENKIVIL STREET BONDI

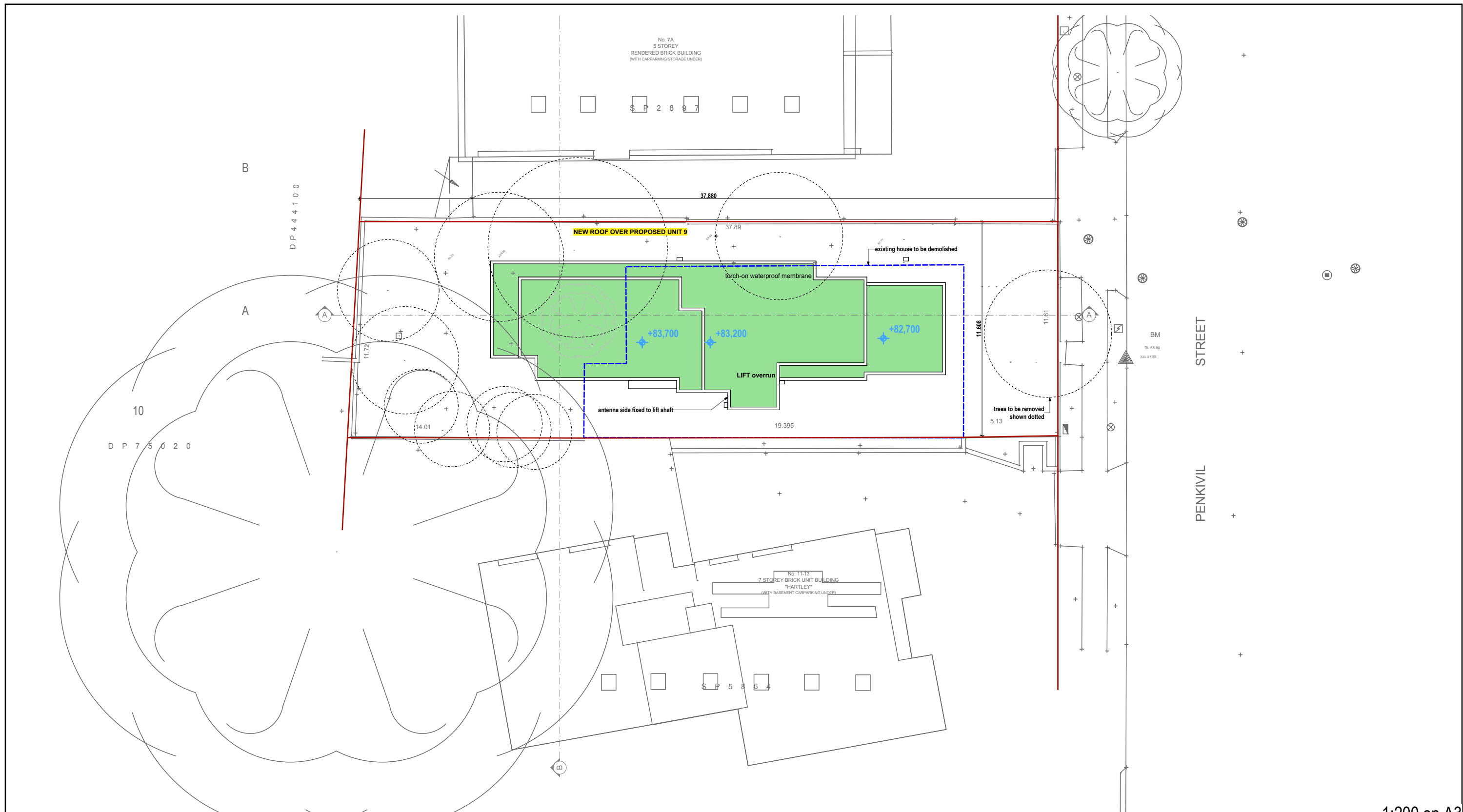
Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work. The preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only.
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Rev C

Revision	Date	Description
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue

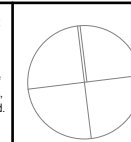
BIP-11
FOURTH FLOOR PLAN
11/9/2017



1:200 on A3

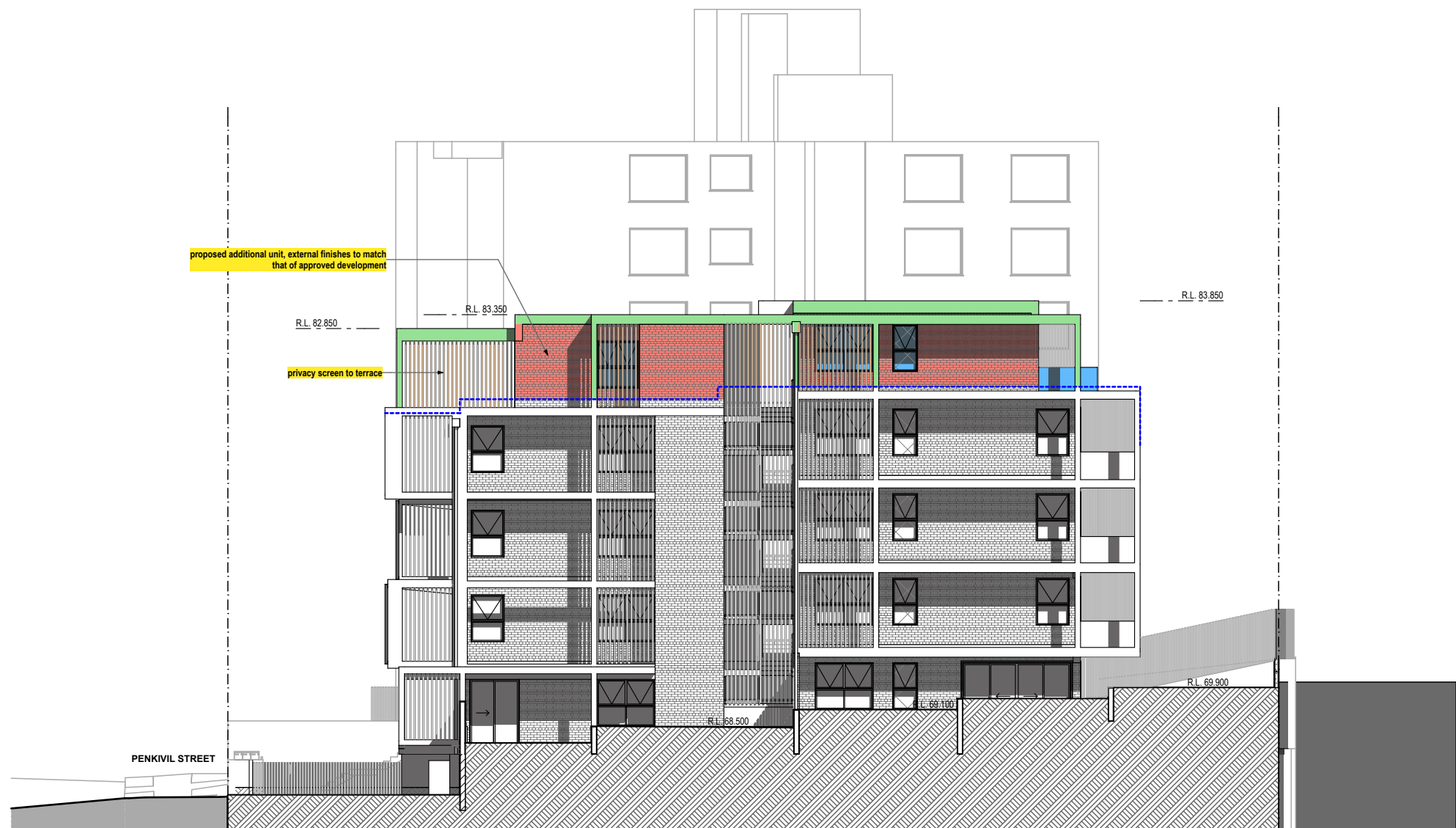
7. ROOF
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Revision	Date	Description
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue





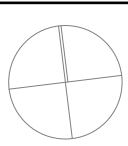
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description



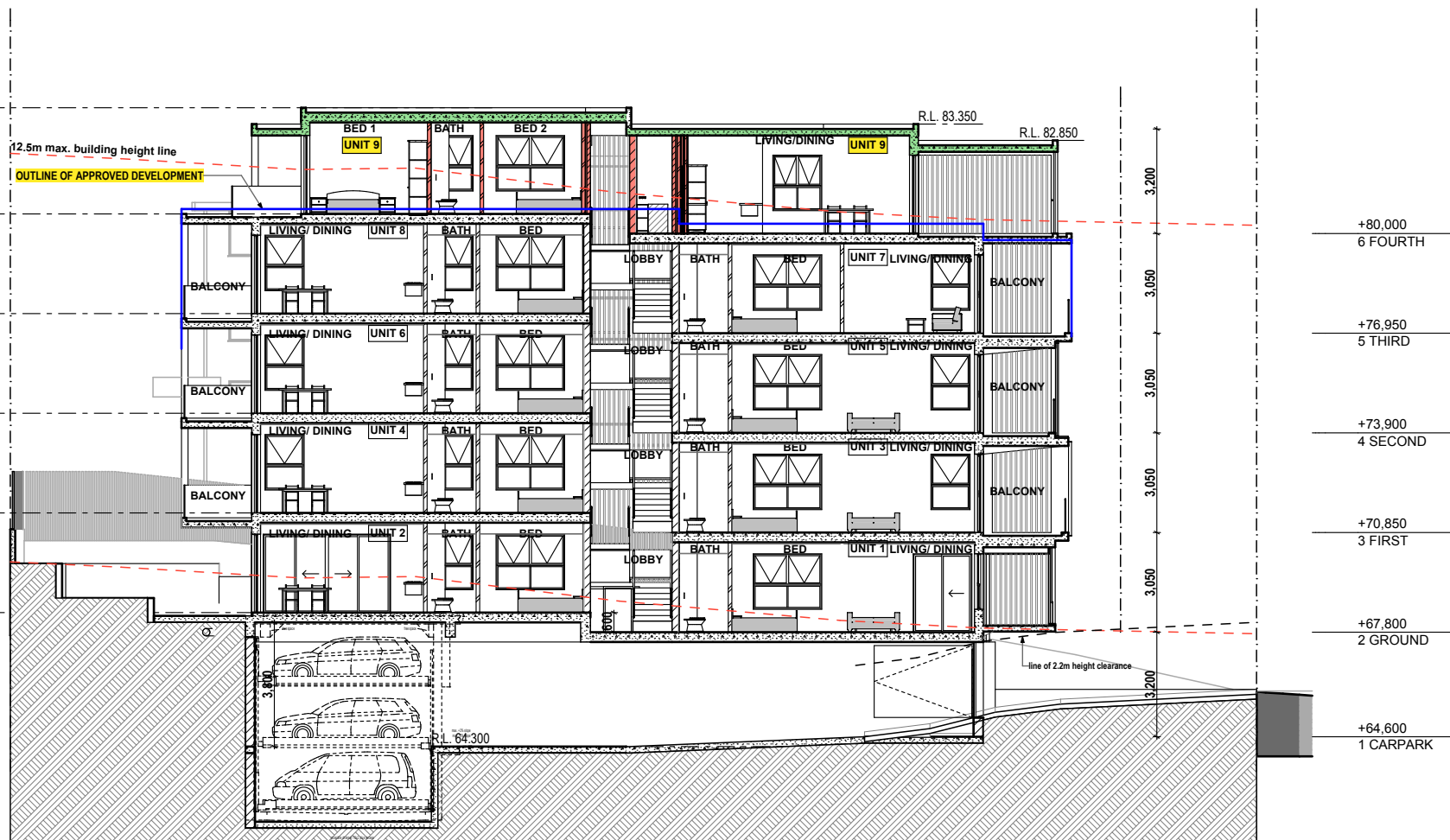
NORTH NORTH ELEVATION
1:200

+80.000	6 FOURTH
+76.950	5 THIRD
+73.900	4 SECOND
+70.850	3 FIRST
+67.800	2 GROUND
+64.800	

Revision	Date	Description
C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue

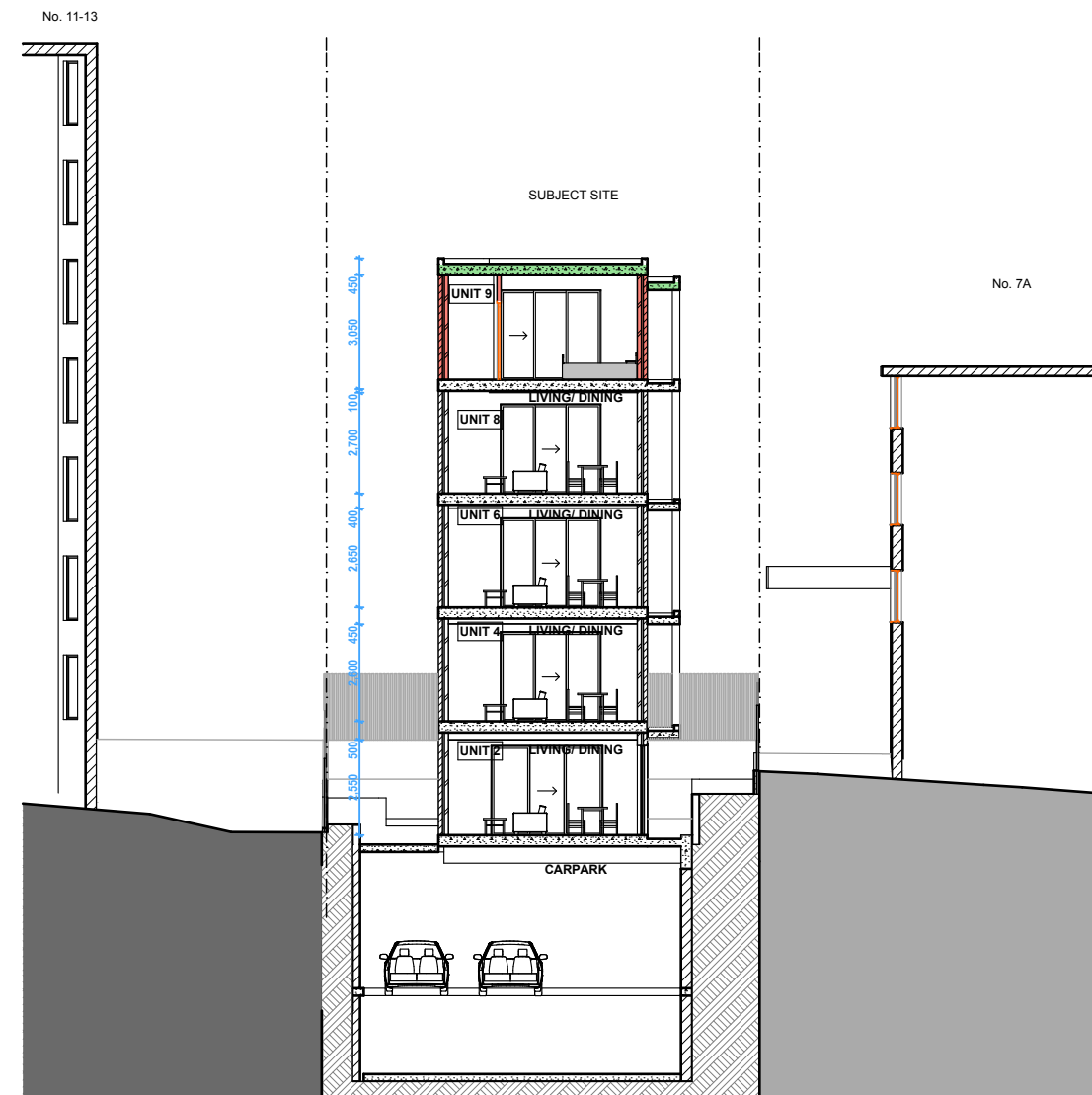






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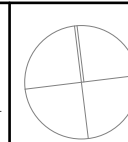
SECTION A-A
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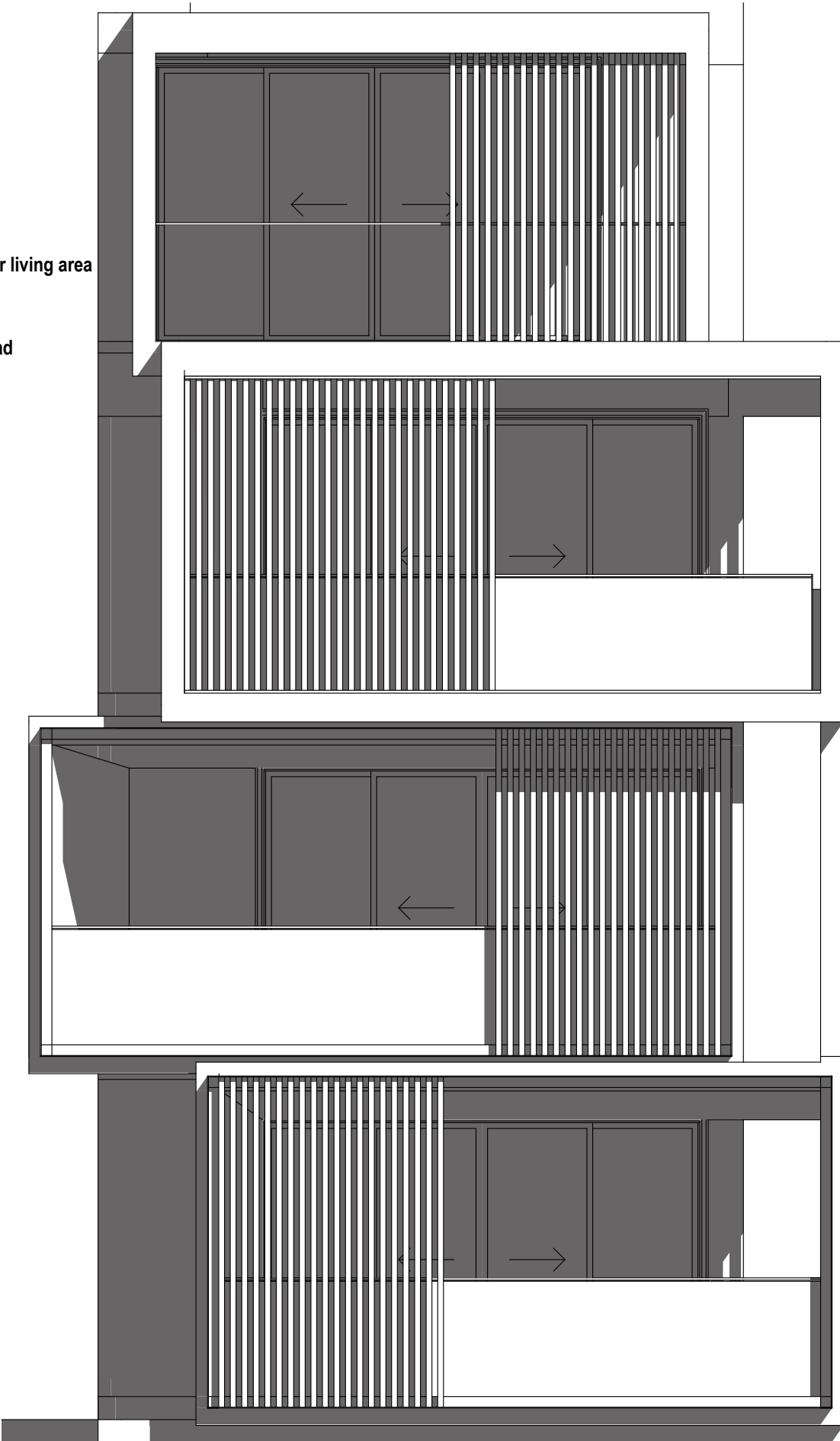
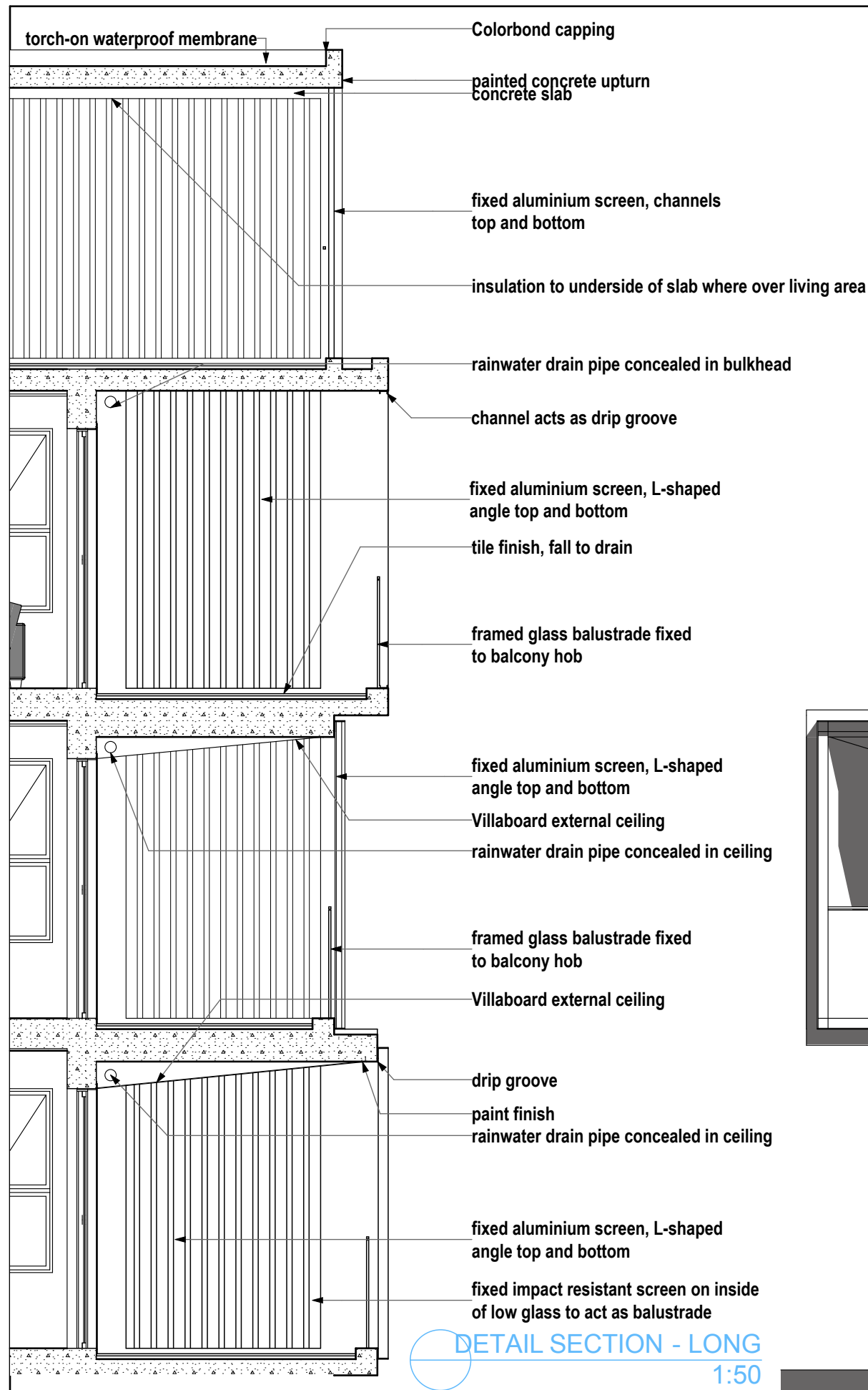


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Revision	Date	Description
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B	22/6/17	DA issue - amended
A	8/12/16	DA issue





ID	W1.1	W1.2	W1.3	W1.4	W1.5	W2.1	W2.2	W2.3	W2.4	W3.1	W3.2	W3.3	W3.4	W4.1	W4.2
NAME	Sliding door Multi-panels	Awning window	Sliding door Multi-panels	Awning window	Fixed glass panel	Awning window	Awning window	Sliding glass door	Sliding glass door	Sliding glass door	Awning window	Awning window	Fixed glass panel	Awning window	Awning window
W x H	2,000x2,400	2,100x1,700	1,800x2,400	2,100x1,700	600x600	2,100x1,700	900x1,700	3,900x2,400	3,000x2,400	3,800x2,400	1,200x1,700	2,100x1,700	600x600	2,100x1,700	900x1,700
SILL HEIGHT	0	700	0	700	1,800	700	700	0	0	0	700	700	1,800	700	700
HEAD HEIGHT	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400
2D															
ELEVATION															
NOTES															

ID	W4.3	W4.4	W4.5	W4.6	W5.1	W5.2	W5.3	W5.4	W6.1	W6.2	W6.3	W6.4
NAME	Awning window	Sliding glass door	Awning window	Awning window	Sliding glass door	Awning window	Awning window	Fixed glass panel	Awning window	Awning window	Awning window	Sliding glass door
W x H	1,200x1,700	2,700x2,400	2,100x1,600	2,100x1,600	3,800x2,400	1,200x1,700	2,100x1,700	600x600	2,100x1,700	900x1,700	1,200x1,700	2,700x2,400
SILL HEIGHT	700	0	800	800	0	700	700	1,800	700	700	700	0
HEAD HEIGHT	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400
2D												
ELEVATION												
NOTES												

C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description

C

S

A

Nominated Architect

185 Old South Head Road

Bondi Junction

Tel 61 2 9389 4055

Fax 61 2 9389 4077

www.csa-arch.com.au

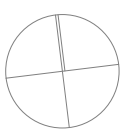
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SECTION 96 9 PENKIVIL STREET BONDI

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BIP-19

WINDOW SCHEDULE (pg 1/2)

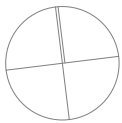
Rev C

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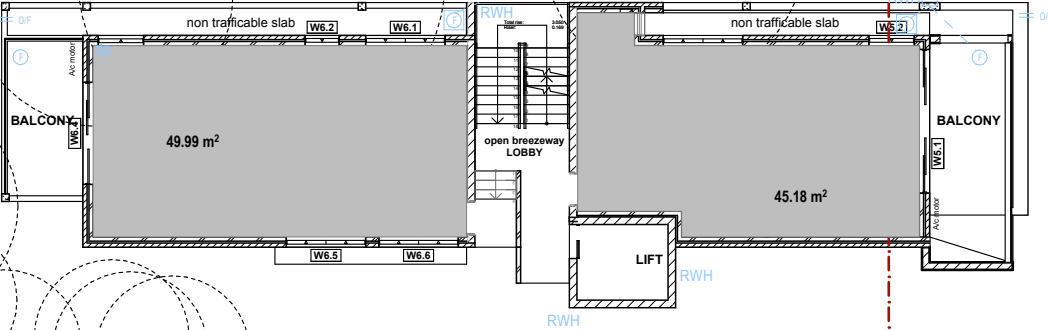
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NAME	Awning window	Sliding glass door	Awning window	Awning window	Fixed glass panel	Awning window	Awning window	Awning window	Sliding glass door	Awning window	Awning window	Awning window	Awning window	Sliding door Multi-panels
W x H	2,100x1,600	3,800x2,400	1,200x1,700	2,100x1,700	600x600	2,100x1,700	900x1,700	1,200x1,700	2,700x2,400	2,100x1,600	2,100x1,600	2,100x1,700	900x1,700	2,700x2,400
SILL HEIGHT	800	0	700	700	1,800	700	700	700	0	800	800	700	700	0
HEAD HEIGHT	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400
2D														
ELEVATION														
NOTES														

ID	W9.4	W9.5	W9.6
NAME	Awning window	Sliding glass door	Awning window
W x H	2,100x1,600	3,800x2,400	1,500x1,700
SILL HEIGHT	800	0	700
HEAD HEIGHT	2,400	2,400	2,400
2D			
ELEVATION			
NOTES			

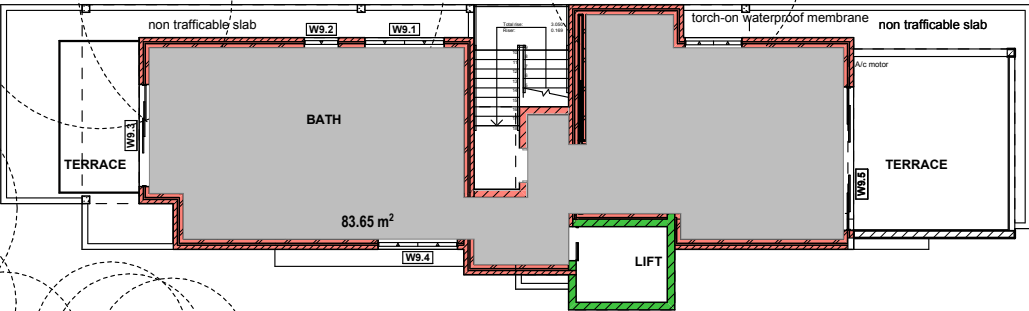
C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description



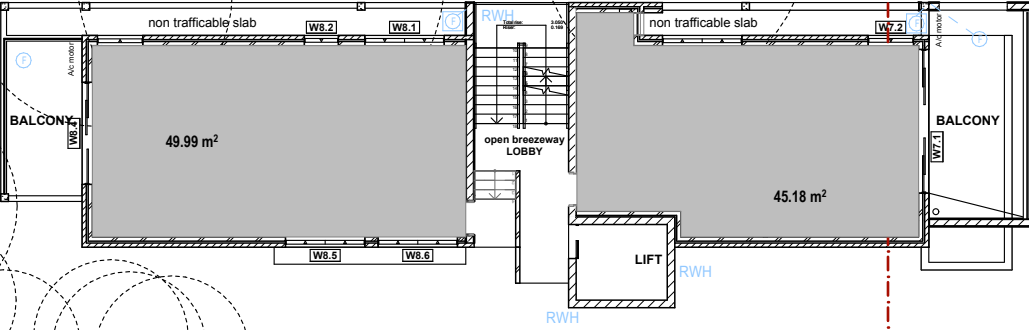
SITE AREA = 447.5m²
PROPOSED FLOOR SPACE RATIO = 464.33m²/447.5m² = 1.03:1
APPROVED FLOOR SPACE RATIO = 380.68m²/447.5m² = 0.85:1



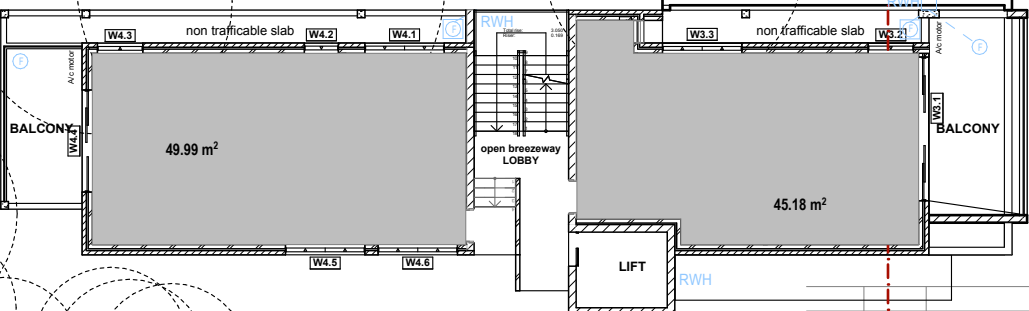
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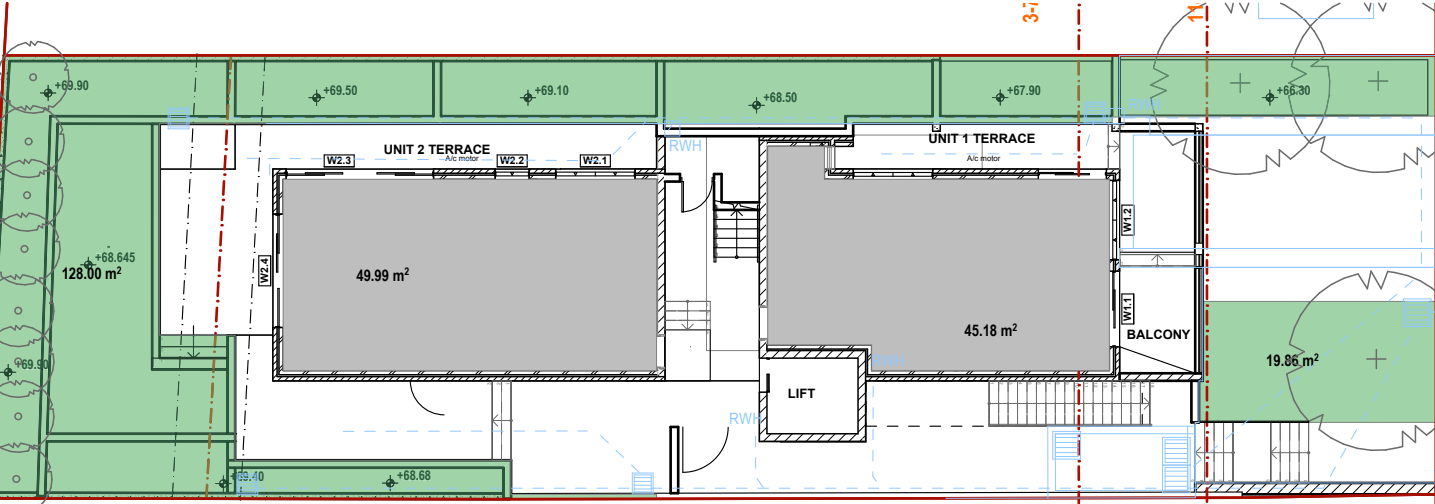
6. FOURTH
1:200



5. THIRD
1:200



3. FIRST
1:200



2. GROUND
1:200

C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description

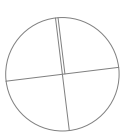
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CSA ARCHITECTS
185 Old South Head Road
Bondi Junction
Tel 61 2 9389 4055
Fax 61 2 9389 4077
www.csa-arch.com.au
alex@csa-arch.com.au

SECTION 96 9 PENKIVIL STREET BONDI

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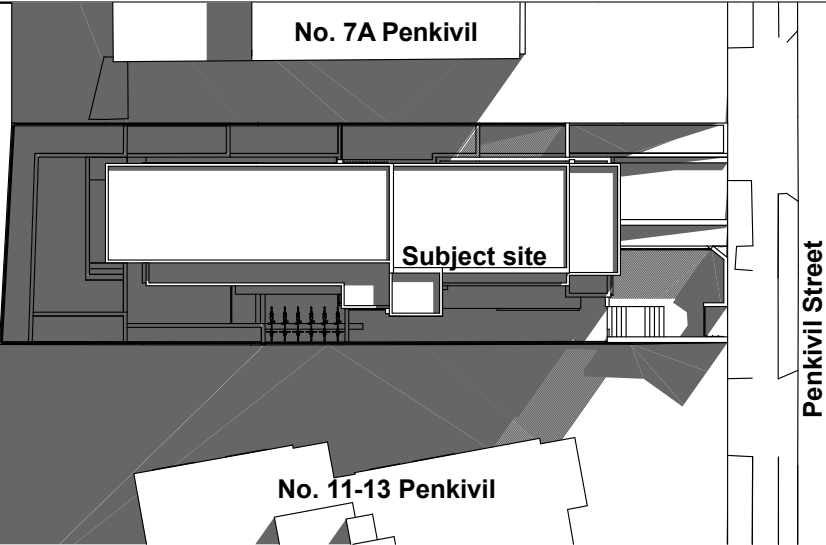
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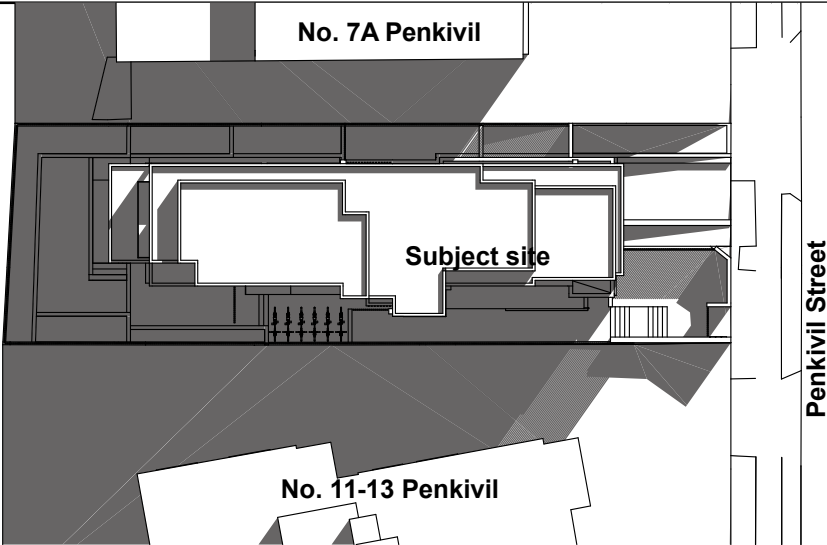
Rev C

BIP-21
CALCULATIONS
11/9/2017

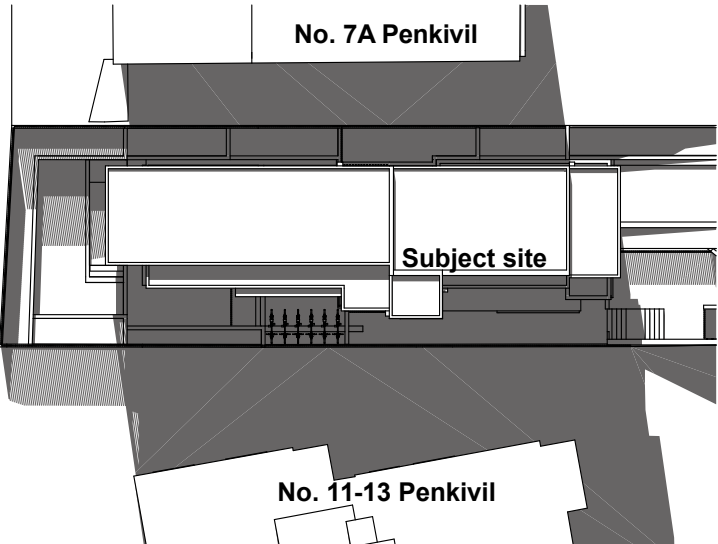
THERE ARE NO CHANGES TO APPROVED SHADOWS
IN PLAN VIEW THAT RESULT FROM THE PROPOSED
S96 MODIFICATIONS



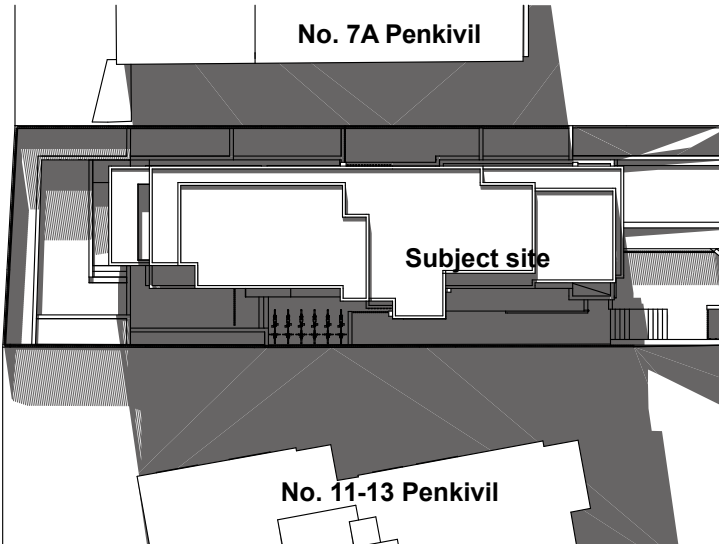
June 0900 Approved
1:400



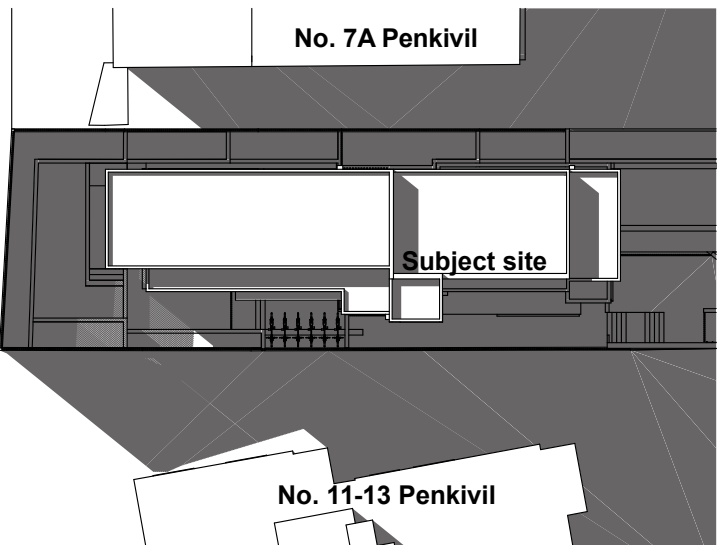
June 0900 Proposed
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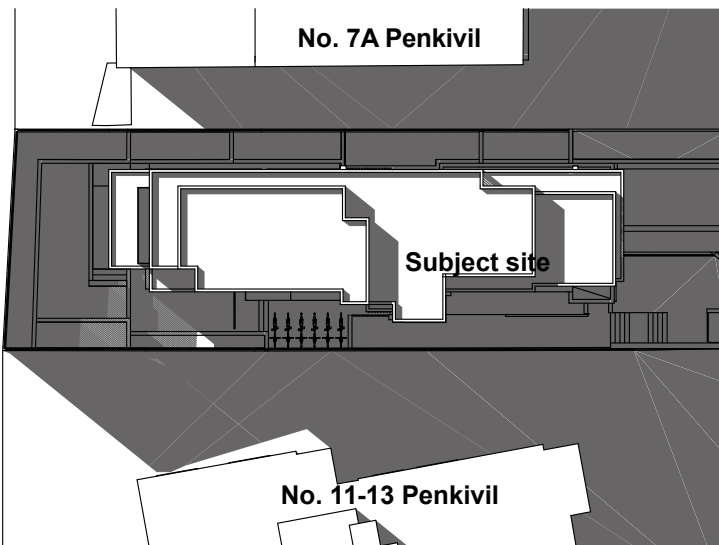
June 1200 Approved
1:400



June 1200 Proposed
1:400

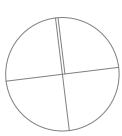


June 1500 Approved
1:400



June 1500 Proposed
1:400

C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description

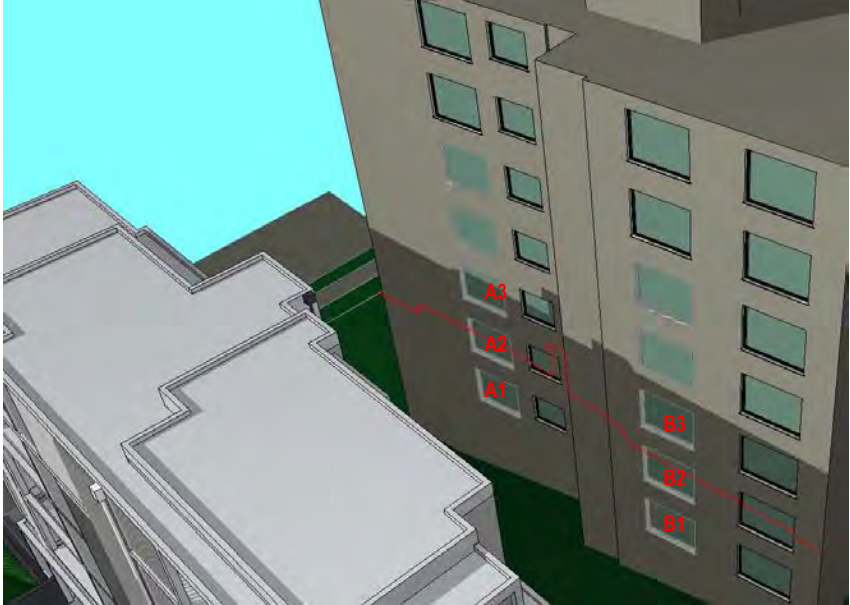


Red line - shadow from approved building

June 21 - 0900



June 21 - 1000



June 21 - 1100



June 21 - 1200



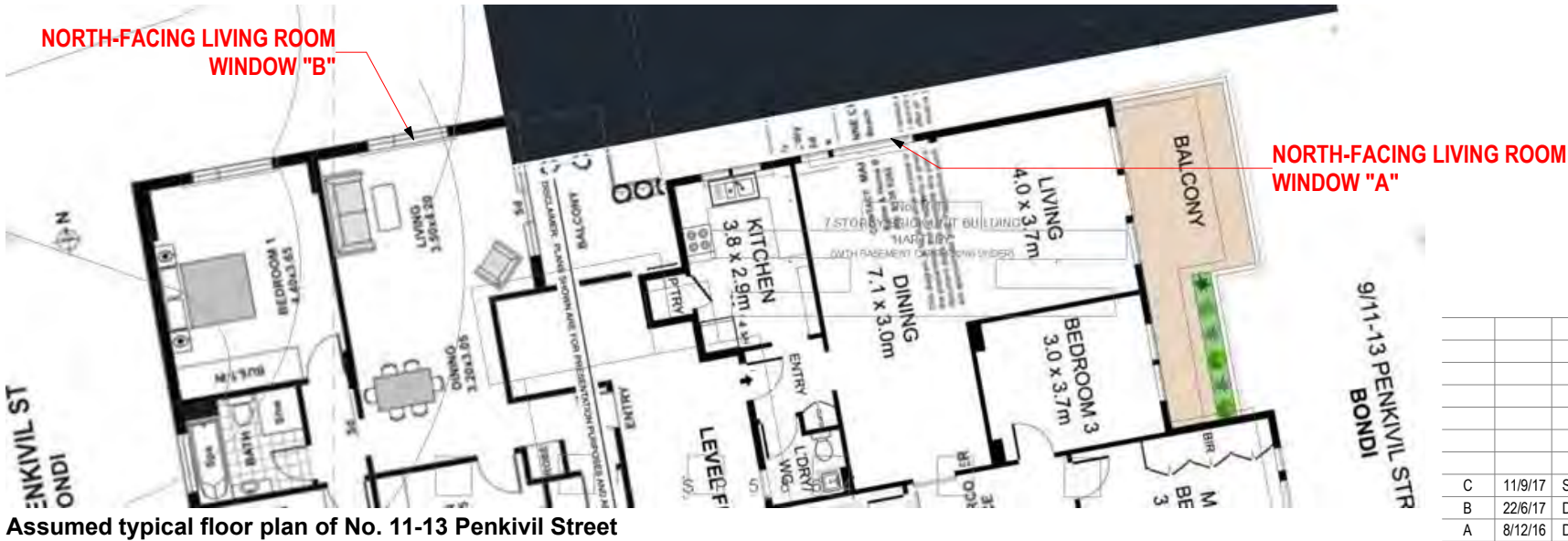
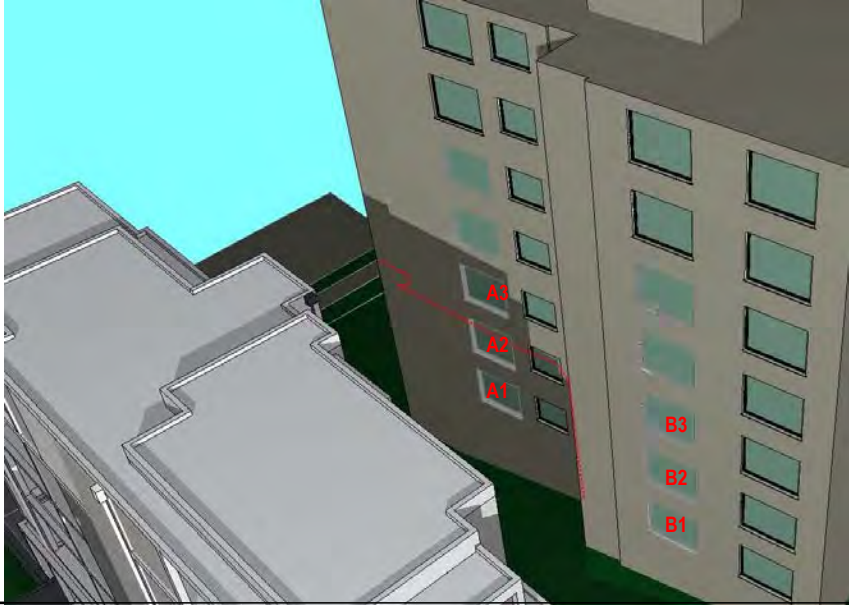
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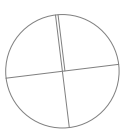
June 21 - 1400



June 21 - 1500



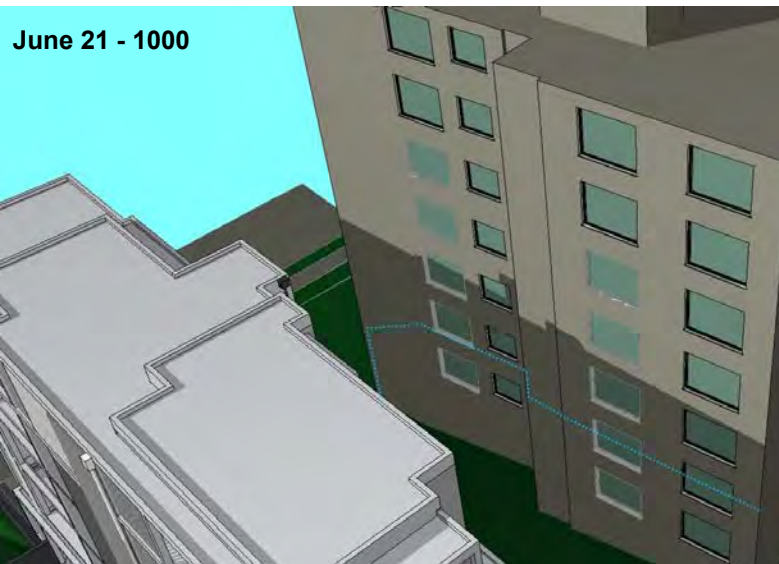
Revision	Date	Description
C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue



June 21 - 0900



June 21 - 1000



June 21 - 1100



June 21 - 1200



June 21 - 1300



June 21 - 1400

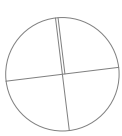


June 21 - 1500



Blue dotted line - shadow from development with complying wall height and side setbacks

C	11/9/17	S96 issue
B	22/6/17	DA issue - amended
A	8/12/16	DA issue
Revision	Date	Description

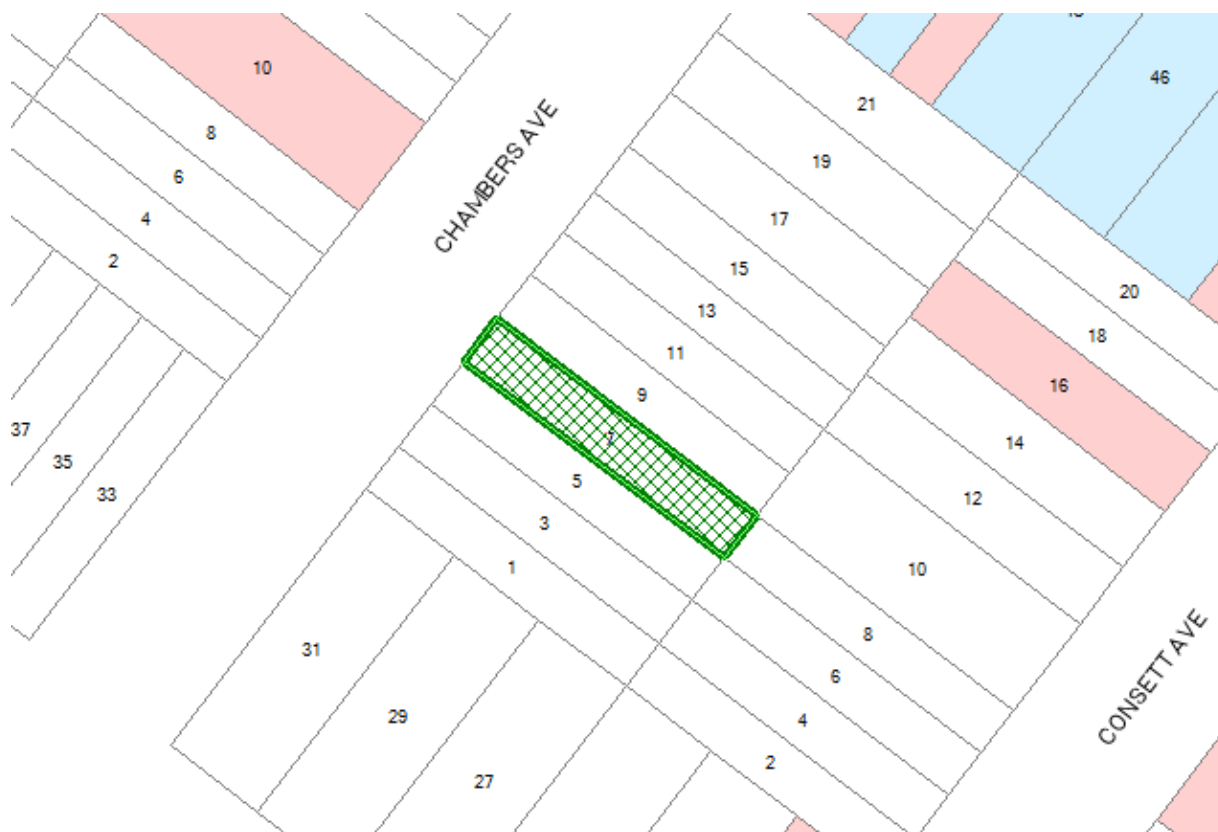




Delegated Report

Application number	DA-434/2017
Site address	7 Chambers Avenue, Bondi Beach NSW 2026
Proposal	New driveway crossing, hardstand car space and alterations to existing fence.
Date of lodgement	12-Oct-2017
Owner	Ms H M Felitsch
Applicant	Ms L Ru
Submissions	Nil
Cost of works	\$10,000
Issues	Loss of two on-street car spaces, impact to street trees
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 1 March 2018 with Council's Traffic Engineer.

The site is identified as Lot 1 in DP 501362, known as 7 Chambers Street, Bondi Beach. The site is rectangular in shape with a frontage to Chambers Avenue measuring 6.133m. The site has an area of 221.3m² and is generally flat.

The site is occupied by a single storey semi-detached dwelling with no car parking.

The subject site is adjoined by semi-detached dwellings on either side. The adjoining semi-detached dwelling at 5 Chambers Avenue that forms a pair with the subject semi-detached dwelling does not contain off-street car parking. The adjoining property to the north-east of the site at 9 Chambers Avenue contains a hardstand car space within the front yard of the property.

The locality is characterised by a variety of low and medium residential development, including semi-detached dwellings and residential flat buildings.



Figure 1: Site viewed from front



Figure 2: Street tree near proposed hardstand location



Figure 1: Site viewed from 3 Chambers Ave

1.2 Relevant History

A search of Council's records revealed the following associated applications:

BA-160/1998, alterations and additions to the rear of the dwelling

- Approved on 6 May 1998.

DA-93/2017 construction of a hardstand car parking space forward of semi-detached dwelling

- Refused 23 June 2017 due to loss of trees, undesirable streetscape impacts and reduction of on-street car parking

1.3 Proposal

The application seeks development consent for the following:

- Partial demolition of the front fence and front verandah wall.
- Construction of a paved hardstand car space in the front yard with dimensions of 4.9m x 2.7m.

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 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 meets the relevant aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is ancillary to the principal use of the site as a 'semi-detached dwelling', which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings	NA	No change to building height.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	NA	No change to floor space.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils. The proposed works are not considered to disturb acid sulfate soils.

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

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

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

Development Control	Compliance	Comment
5. Tree preservation	No	The proposal retains the two Paperbark trees in front of the subject property however Council's Tree Officer advised that there is a major structural root located in close proximity to the proposed driveway cross over. It is likely the trees would be adversely affected by the proposed driveway and would potentially result in the loss of both trees. Full comments are provided in 'Referrals' section of this report.
8. Transport	No	The proposal has been designed to retain the two Paperbark trees to the front of the property however advice from Council's Tree Management Officer indicates that it is likely that the proposed cross over will adversely affect the root system of the both trees and potentially they will need to be removed. The loss of the trees is contrary to control (g) under section 8.4 Urban Design of the WDCP 2012. Car parking is discussed in detail below the tables in this report.

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
1.6 Semi-detached dwellings and terrace style development		
1.6.1 Built form d) alterations to front verandahs are to be minimal and to maintain the existing form, detail and finish and the relationship of the verandah to the front verandah of the adjoining semi-detached dwelling	No	The proposal seeks to alter the front verandah by demolishing part of the wall however this does not impact on the cohesion of the pair of semi-detached dwellings or the streetscape of Chambers Ave. The existing front façade of the paired semi-detached dwellings do not maintain symmetry or form. Chambers Ave is comprised of various front hardstands, garages and carports therefore it is not likely to result in unreasonable streetscape impacts.
1.7 Fences		
Front: • Maximum height of 1.2m	Yes	The existing 1.1m high front fence is proposed to be partially demolished to construct a hardstand. New fencing has not been proposed

Development Control	Compliance	Comment
<p>the heritage significance of the building or area;</p> <p>(viii) There is limited availability to public transport;</p> <p>(ix) The safety of vehicles, pedestrians and cyclists is maintained;</p> <p>(x) There is adequate bin storage space other than on the hardstand.</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>(viii) The site is within walking distance to both Glenayr Av and Campbell Pde providing major bus routes (buses 379, 333 and 380 to the city).</p> <p>(ix) The proposal seeks to construct one car space within the property boundary therefore the safety of pedestrians and cyclists is maintained.</p> <p>The site has adequate bin storage.</p>
<p>1.11.3 Design</p> <p>(a) all car parking should be designed to complement the style, massing and detail of the dwelling to which it relates</p> <p>(b) car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site</p> <p>(c) No element of the street façade/frontage of a building, including verandahs and window awnings are to be removed or demolished in order to accommodate car parking</p> <p>(f) Vehicle access is not to remove existing street planting without consent</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes, however may result in adverse effects to root system</p>	<p>The proposal involves removing part of the front verandah wall which does not complement the style and detail of the dwelling.</p> <p>The proposed hardstand car space is not sympathetically integrated into the design of the subject site. The development requires demolition of the existing front wall structure in order to comply with the dimensions required for one parking space.</p> <p>The proposal seeks consent to demolish part of the front verandah wall which is contrary to control (c).</p> <p>The proposal does not propose to remove any street trees however Council's Tree Officer identified two mature healthy Paperbark trees in close proximity to the proposed driveway. The construction of a paved driveway is likely to adversely affect the root system of these trees therefore under the current design it is not recommended for approval.</p>

Development Control	Compliance	Comment
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	No	The application proposes a 2.7m x 4.93m parking space which does not strictly comply with the dimensions control however there are similar undersized parking spaces in the immediate vicinity so this non-compliance would not be sufficient to warrant a refusal on this issue alone. However there are other major non-compliances that are discussed in detail below and therefore the extent of non-compliances indicates that the proposal is not suitable for the site.
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	The proposal seeks consent to construct one driveway with a width of 2.7m.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	N/A	No change to overall and front open space of the site.
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	No	The proposal reduces the overall landscaped area by approx. 13m ² which reduces the landscaped area to approximately 7%.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	NA	No change to private open space.
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	100% of the front setback is open space.
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	The proposed landscaped area equates to approximately 56% of the front open space.

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

Tree Preservation

Council's Tree Officer does not support the application on the basis that the driveway is likely to adversely impact on the major root system of two street trees (highlighted in red in photo below). In addition, removal of the trees is not supported as both are mature specimens and are unlikely to expand much further in root size. The loss of mature and significant trees would leave a substantial gap in the canopy of the tree lined street. The proposed driveway is not consistent with Council's Tree Management Policy or the provisions of Part B5 Tree Preservation under the WDCP therefore it is not supported.



Photo of proposed driveway location and major structural root system.

Car Parking

The proposed hardstand and crossover are inconsistent with a number of Transport and Car Parking controls in the WDCP as discussed throughout this report. In addition, the proposed single car space will result in the loss of two metered on-street car parking spaces, which is an undesirable outcome in terms of maintaining the supply of on-street parking to the general public. In this regard, a reduced or nil parking rate applies to this case in accordance with the terms outlined in control (b) under section 1.11.1 of Part C1 of the DCP.

While the proposed hardstand aims to follow the preferred hierarchy of the car parking locations, it does not satisfy all of the principal criteria to allow a hardstand forward of the front building line as discussed in detail in the table above. The proposed hardstand car space is therefore considered to be inappropriate for the site.

The proposal will result in the partial demolition of the existing fabric of the dwelling, specifically the front external wall to accommodate the proposed hardstand. This does not comply with control (c) under section 1.11.3 of Part C1 of Waverley DCP 2012, which explicitly discourages any element of the street façade of the building, including verandahs, to be removed in order to accommodate car parking.

While the proposed partial demolition of the front wall of the subject dwelling is not considered to be detrimental to the design integrity and conformity with the overall appearance of the subject dwelling and its adjoining semi-detached dwelling, the lack of space within the front building setback area demonstrates that the proposed hardstand car space cannot be readily accommodated given that the effective length of the car space is 4.93m, which is well short of the minimum length of 5.4m specified by the DCP. If the proposed hardstand car space were to be approved, any vehicle parked in the car space would likely overhang the footpath of Chambers Avenue, which would have an undesirable impact on the public domain. It is acknowledged that there are other undersized car

spaces on the street, as previously discussed, however this issue, in conjunction with the many other non-compliances with the DCP controls indicates that the proposal is not suitable for the site.

The proposed hardstand will result in undesirable streetscape impacts and will also adversely affect the availability of on-street car parking spaces available to the general public. The application is accompanied by a letter from the owner of the property, which outlines the intent of the car space. The personal health circumstances of the owner are acknowledged, however they cannot be used as grounds to support the application within the realms of the matters of consideration under section 79C(1) of the Act. The applicant has the option to apply for an on-street disability/accessibility parking space through the Waverley Traffic Committee. An advisory note was placed on the previous Notice of Determination informing the Applicant of that option.

Car Parking – Street Analysis

During the site inspection it was noted that there is a predominance of front hardstand car parks in the immediate vicinity of the subject site therefore a street analysis was conducted to assess the dimensions, approval dates, loss of trees and on-street car parks. The street analysis (refer to table 4) of Chambers Ave identified 12 properties within the street comprising of garages, carports and hardstands approved by Council between 1996 and 2003 which predates the current parking controls. In summary, the analysis indicates that although there is a predominance for some form of parking in the front setback within this street, these consents predate current controls and did not result in the loss of more than one on-street metered car space.

Table 4: Chambers Ave Street Analysis

Street Number	Type of Parking-Hardstand, Carport or Garage	Landscaping	Width of driveway entry (measured on site)	Council Approval
South side of Chambers Ave				
Detached dwellings				
21 Chambers Ave	Nil	NA	NA	NA
19 Chambers Ave	Nil	NA	NA	NA
17 Chambers Ave	Hardstand, loss of one on-street car park, removed portion of front entry, removed one paperbark street tree	Nil	3.4m	Approved 17 January 2002 – Hardstand and new vehicle crossing – 3.0m x 4.9m under L-862/2001
Paired Semi-detached dwellings				
15 Chambers Ave	Hardstand, loss of one on-street car park, no trees removed	Nil	2.36m	Approved 14 May 2002 – hardstand and new crossing – 2.38m x 5.2m under L-233/2002
13 Chambers Ave	Hardstand, loss of one on-street park, no trees removed	Nil	2.36m	Approved 14 May 2002 – hardstand and new crossing – 2.38m x 5.2m under L-232/2002

Paired Semi-detached dwellings				
11 Chambers Ave	Nil	NA	NA	NA
9 Chambers Ave	Hardstand, removed two on-street car parks, no trees removed	Nil	3.0m	Approved 18 December 2003 – hardstand and new crossing – 2.5m x 4.9m under DA-666/2003
Paired Semi-detached dwellings				
7 Chambers Ave (subject property)	Nil	NA	NA	NA
5 Chambers Ave	Nil	NA	NA	NA
Paired Semi-detached dwellings				
3 Chambers Ave	Carport	Nil	4.1m	Carport approved in 1976, 3.4m x 5m, BR76/7 Garage door - Retrospective works no action letter provided from Council 7 April 2016.
1 Chambers Ave	Nil	NA	NA	NA
North side of Chambers Ave				
Paired Semi-detached dwellings				
22 Chambers Ave	Hardstand, retained mature street tree	Nil	2.85m	Approved 21 March 2001 - hardstand and new crossing - 5.5m x 3m under LD-105/2001
20 Chambers Ave	Nil	NA	NA	NA
Paired Semi-detached dwellings				
18 Chambers Ave	Hardstand, removed one paperbark tree and replaced with Water Gum	Nil	3.5m	Hardstand and new vehicle crossing approved 14 October 1999 – 5.5m x 3.87m under L-367/1999
16 Chambers Ave	Hardstand, plans amended to retain existing tree	Nil	3.8m	Amended plans approved - hardstand and crossing - 5.5m x 3m under BA-188/1997
Paired Semi-detached dwellings				
14 Chambers Ave	Nil	NA	NA	NA
12 Chambers Ave	Nil	NA	NA	NA
Paired Semi-detached dwellings				
8 Chambers Ave	Garage, removed one Paper Bark tree and	Nil	2.7-3.0m	Approved 10 December 1996 –

	replaced within the vicinity			hardstand and crossing – 5.5m x 3.2m under BA-655/1996
6 Chambers Ave	Garage, retained tree	Nil	2.7-3.0m	Approved 16 March 2010
Paired Semi-detached dwellings				
4 Chambers Ave	Garage	Nil	2.9m	Approved 20 July 2001 – garage and new crossing – 6.5m length L-363/2001
2 Chambers Ave	Garage	Nil	3.0m	Approved 20 July 2001 – garage and new crossing – 6.5m length L-363/2001
Residential Flat Building				
10 Chambers Ave	Driveway	Nil	2.7m	NA

2.2 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development as it results in adverse effects to healthy mature street trees and the loss of two (2) on-street car parking spaces.

2.3 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*.

No submissions were received.

2.4 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest. In this regard, the application is recommended for refusal.

3. REFERRALS

3.1 Driveways – Creating Waverley

An internal referral was sought from Council's Traffic Engineer who objects to the application on the basis that the proposed car parking space is undersized and the associated driveway will result in the loss of two metered on-street car parking spaces in front of the subject site.

3.2 Tree Management – Clean Waverley

The following comments were provided by Council's Tree Management Officer:

Situated on the naturestrip in front of the property is a mature Paperbark tree (Melaleuca leucadendra) (T1). It is 12 metres in height with a crown spread of 8 to 9 metres. There is also a mature paperbark tree (Melaleuca quinquenervia) (T2) on the boundary of 5 Chambers

Avenue, 12 metres in height with a crown spread of 12 to 14 metres. Both trees are healthy and in good condition.

This application differs from the previous DA-93/2017 in March this year in that it shows a narrower driveway and the tree T1 directly in front of 7 Chambers Avenue to be retained. Additionally, the driveway is a further 400mm from the edge of the tree for a total of 600mm from the trunk.

However, a site inspection shows that there is a major structural root located in the naturestrip running directly north to south. This root would be a major support root within the tree's structural root zone. It is likely that this tree would be adversely affected by the proposed driveway application.

*It is also noted in the earlier application, in an undated arborist report from About Trees, the arborist commented on the negative impact on the structural root zone of the second paperbark T2 (*Melaleuca quinquenervia*) tree due to excavation for the proposed crossover and driveway. He recommended its removal.*

The arborist also recommended removal of both trees due to existing and potential damage to surrounding infrastructure. However, it should be noted, both trees are mature specimens and unlikely to expand much further in root size. Although there was evidence of some footpath upheaval, the footpath has been recently re-laid.

Recommendation

Although the new driveway design shows an additional 400mm distance from the trunk of the first Paperbark, the application is not supported due to the impact to the tree roots and potential loss of two mature and significant trees from the streetscape. Chambers Avenue is defined by the trees in the street and the loss of two such large mature trees would leave a substantial gap in the canopy of the tree lined street.

There is limited space for planting an advanced street tree and any replacement tree would struggle to become established in the restricted root zone

4. SUMMARY

The application seeks consent for a hardstand car space and cross over to the front of the semi-detached dwelling.

The assessment of the application finds that the proposed hardstand car space is contrary to the car parking policies contained in Waverley DCP 2012 and that the proposal will result in undesirable streetscape impacts. Additionally the proposal will affect the availability of on-street car parking available to the general public and will potentially impact upon mature street trees.

The application was notified and received no submissions.

The application has been assessed against the matters for consideration under section 79C(1) of the Act. Accordingly, the proposal is not supported and recommended for refusal.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **REFUSED** by the Waverley Development Assessment Panel for the reasons contained in Appendix A:

Report prepared by:

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

Bianca Fyvie

Assistant Development Assessment Planner

Kylie Lucas

Acting Manager, Development Assessment

Date: 29 May 2018

Date: 30 May 2018

Reason for referral:

- 4 Sensitive development:
 - (a) Review application

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 79C (1) of the *Environmental Planning and Assessment Act 1979* (the Act) the section 96 modification application is refused for the following reasons:

1. The proposal does not satisfy section 79C(1)(a)(iii) of the Act, as the proposal is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B5 – Tree Preservation
 - i. Clause 5.1 General Provisions, specifically objectives (a) and (b) in that the proposal detrimentally affects the health of a mature Paperbark street tree and consequently fails to conserve trees of environmental and aesthetic significance.
 - b. Part B8 – Transport
 - i. Clause 8.4 Urban Design, specifically objective (a) and control (g), as the hardstand car space will adversely affect the health of a mature tree that is important to the streetscape of Chambers Avenue.
 - c. Part C1 – Dwelling House, Dual Occupancy, Secondary, Semi-Detached Dwelling and Terrace Development;
 - i. Clause 1.11 Car Parking, specifically objectives (b), (d) and (f) in relation to the design, location and the impact on the streetscape of the hardstand car space and its effect on the availability of on-street parking supply within the area.
 - ii. Clause 1.11.1 Parking Rates, specifically control (b) in that a nil parking rate applies to the site given that the site is incapable of providing off-street car parking without affecting the health of a mature Paperbark Street tree and resulting in the loss of two on-street car parking spaces on Chambers Avenue.
 - iii. Clause 1.11.2 Location, specifically controls (d)(ii) and (iv) as insufficient front setback is available to accommodate a sufficiently sized car space without alterations to the semi-detached dwelling.
 - iv. Clause 1.11.3 Design, specifically controls (a), (b) and (c) as the proposal involves partial demolition of the street facade of the semi-detached dwelling to accommodate car parking.
 - v. Clause 1.12 Landscaping and Open Space, specifically objective (a) and controls (b) and (f) as the hardstand car space will reduce front landscaped area which negatively impacts the amenity and visual setting of the site.
2. The proposal does not satisfy section 79C(1)(b) of the Act, as the proposal will have an undesirable impact on the built environment in relation to the hardstand pavement damaging the root system of mature street trees that form part of the tree canopy along Chambers Avenue.
3. The proposal is contrary to section 79C(1)(c) of the Act, as the subject site does not provide a suitable front building setback to accommodate off-street car parking and will remove two on-street car parks.

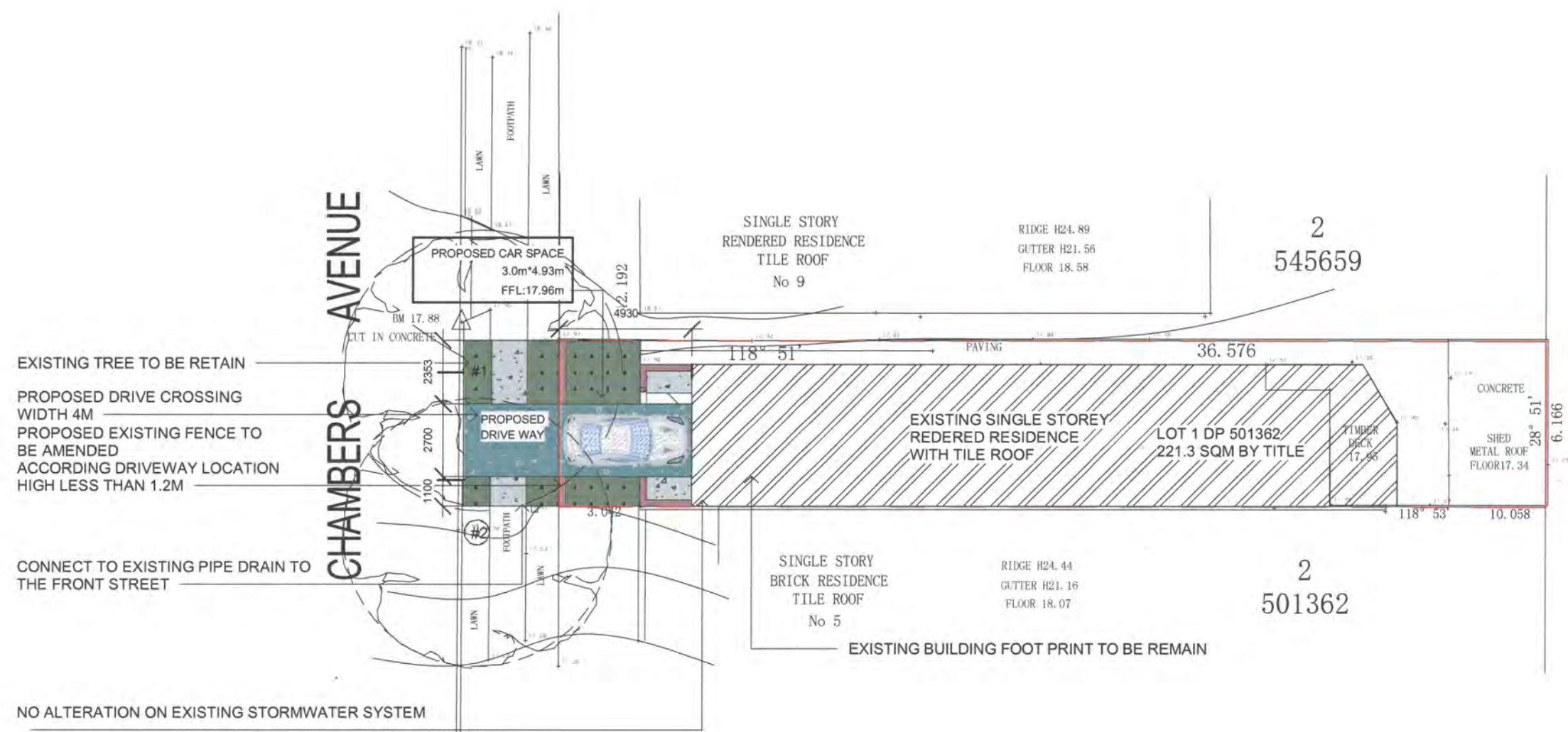
4. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to section 79C(1)(e) of the Act.

ADVISORY NOTE:

The applicant may wish to apply for a disability on-street car parking space. Such car parking space can only be granted by the Waverley Traffic Committee and on the basis of the following:

- no off-street parking available
- the resident of the subject property holds a disability permit
- the resident of the subject property proves to Council that they reside at the property.

Please note that such car parking space is not designated to any one person and can be used by anyone else living or working in the area should they have a disability permit.



1 Site Plan
1 : 200

	EXISTING	PROPOSED
FLOOR AREA	108 SQM	108 SQM
FSR	48.8%	48.8%
SITE AREA	221.3 SQM	221.3 SQM
LANDSCAPE AREA	14.8%	11.9%
CAR SPACE	NONE	1 CAR SPACE
SITE AREA = 221.3 SQM		



HR BUILDING DESIGN

Unit 10/151-153 Pacific HWY, Hornsby, NSW
Tel: 9940 3326 Mob: 0435 549 585
Info@hr-building.com www.hr-building.com

Address: 7 Chambers Ave Bondi Beach
Client: Helen Felitsch

**PROPOSED DRIVEWAY CROSSING, FENCE
ALTERATION, CAR SPACE, TREE REMOVAL**

D.P. 501362
LOT. 1

Project No. 16171
Date 27/03/2017

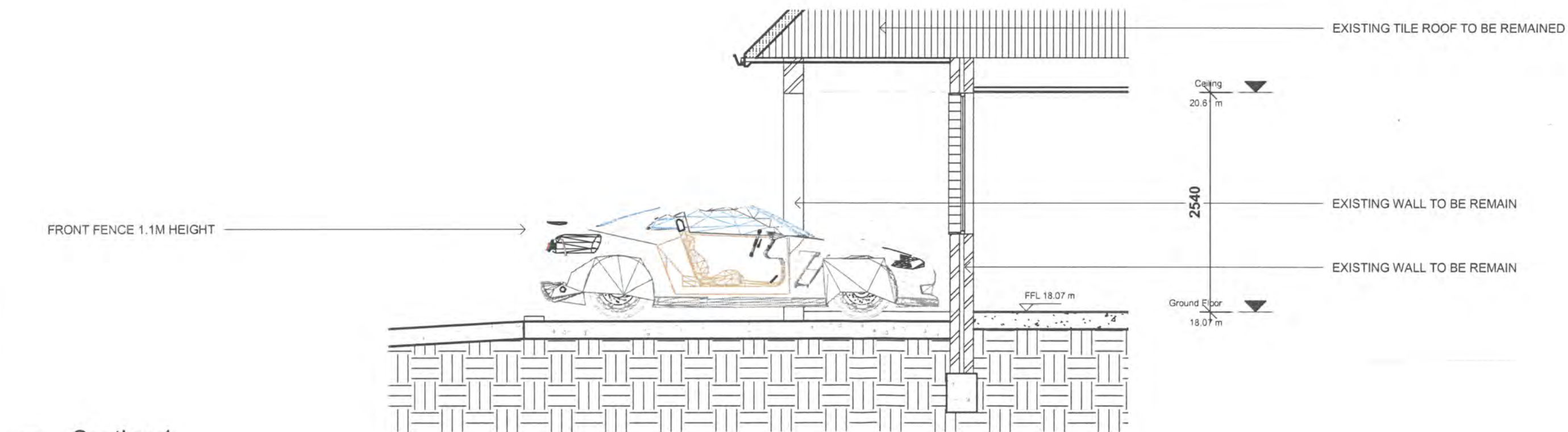
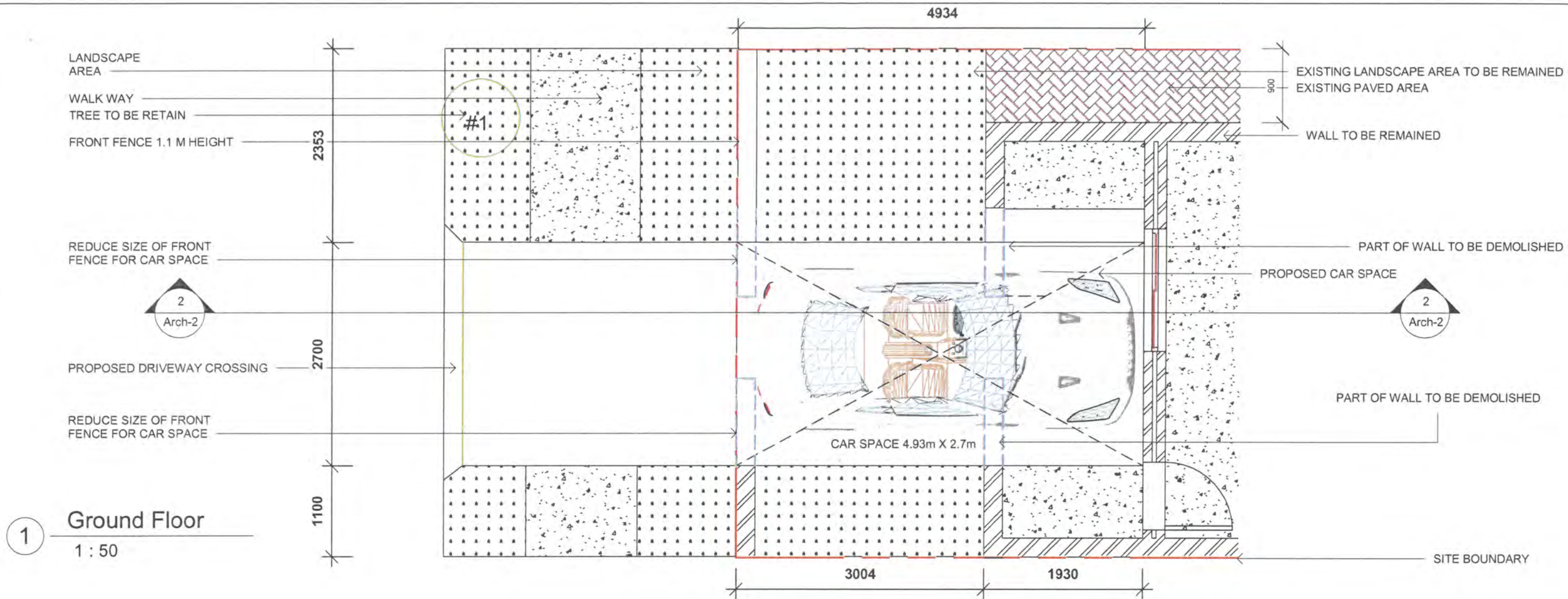
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16/02/2017

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Drawn By Ru Li

Site Plan & Stormwate Plan

87



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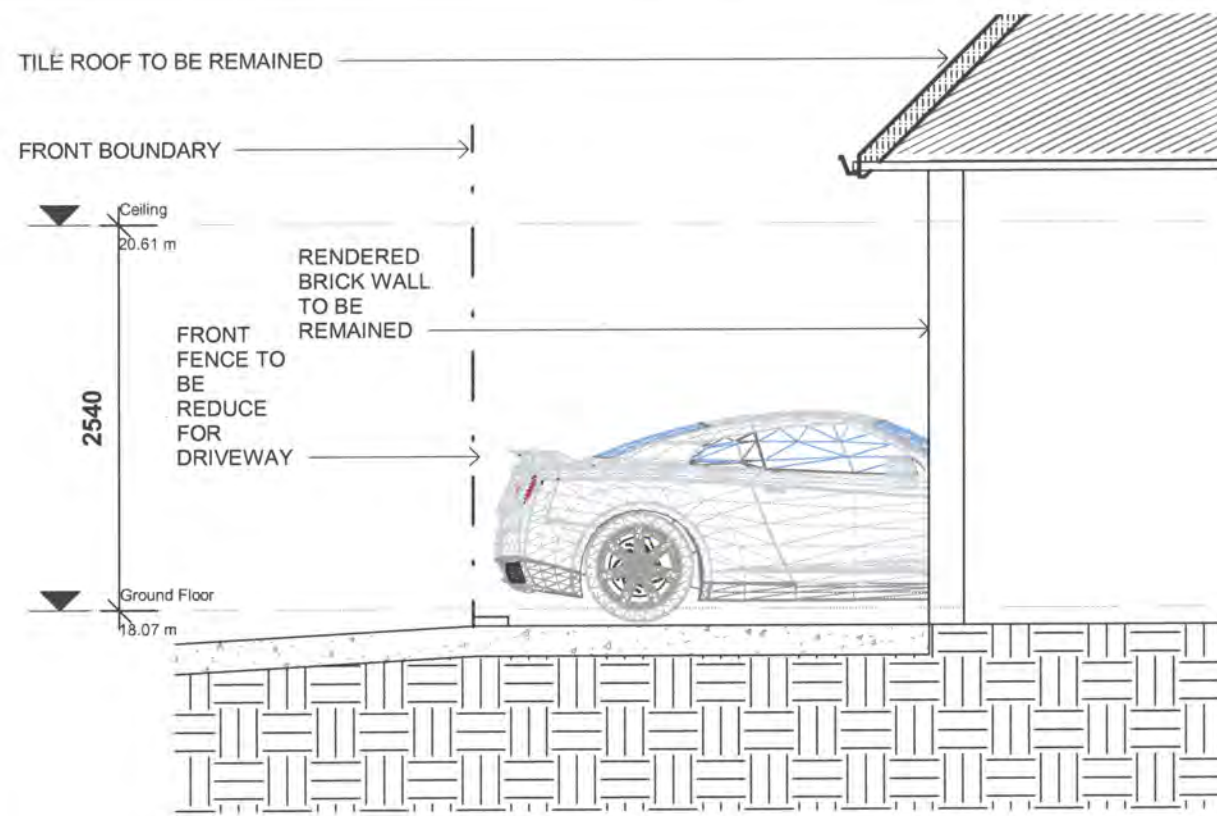
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Ru Li

FLOOR PLAN & SECTION
PLAN

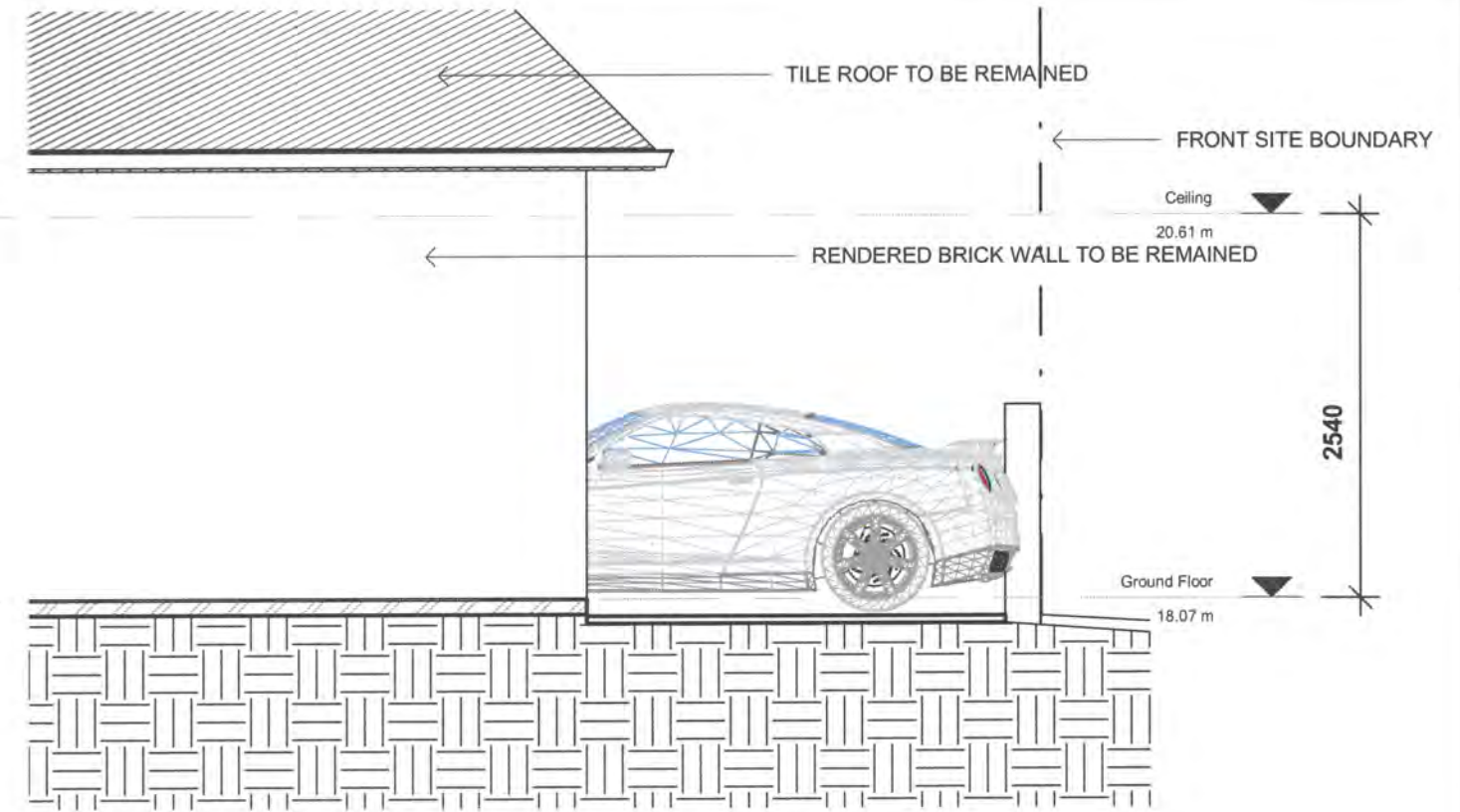
Arch-2
88



South Elevation

3

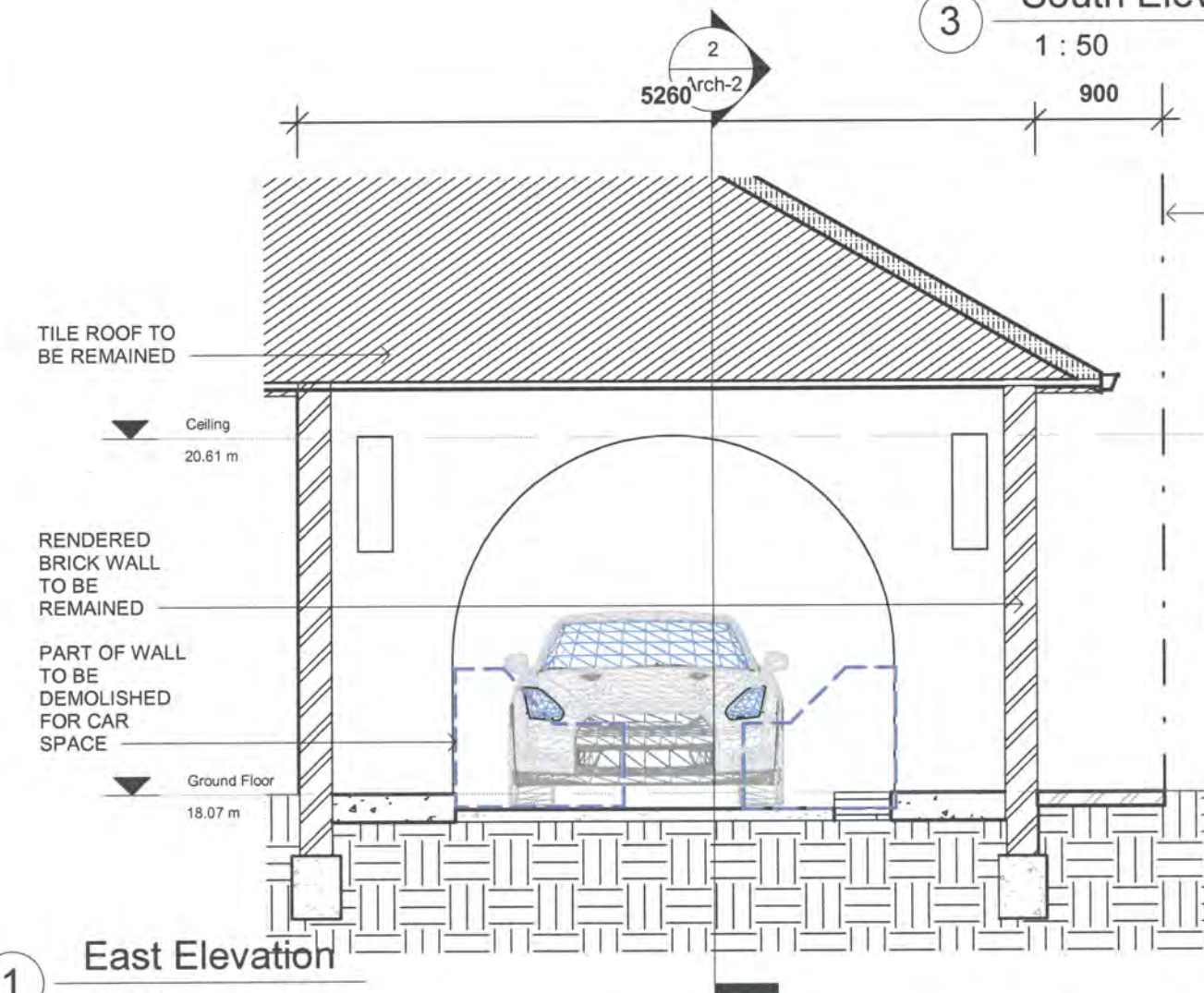
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North Elevation

2

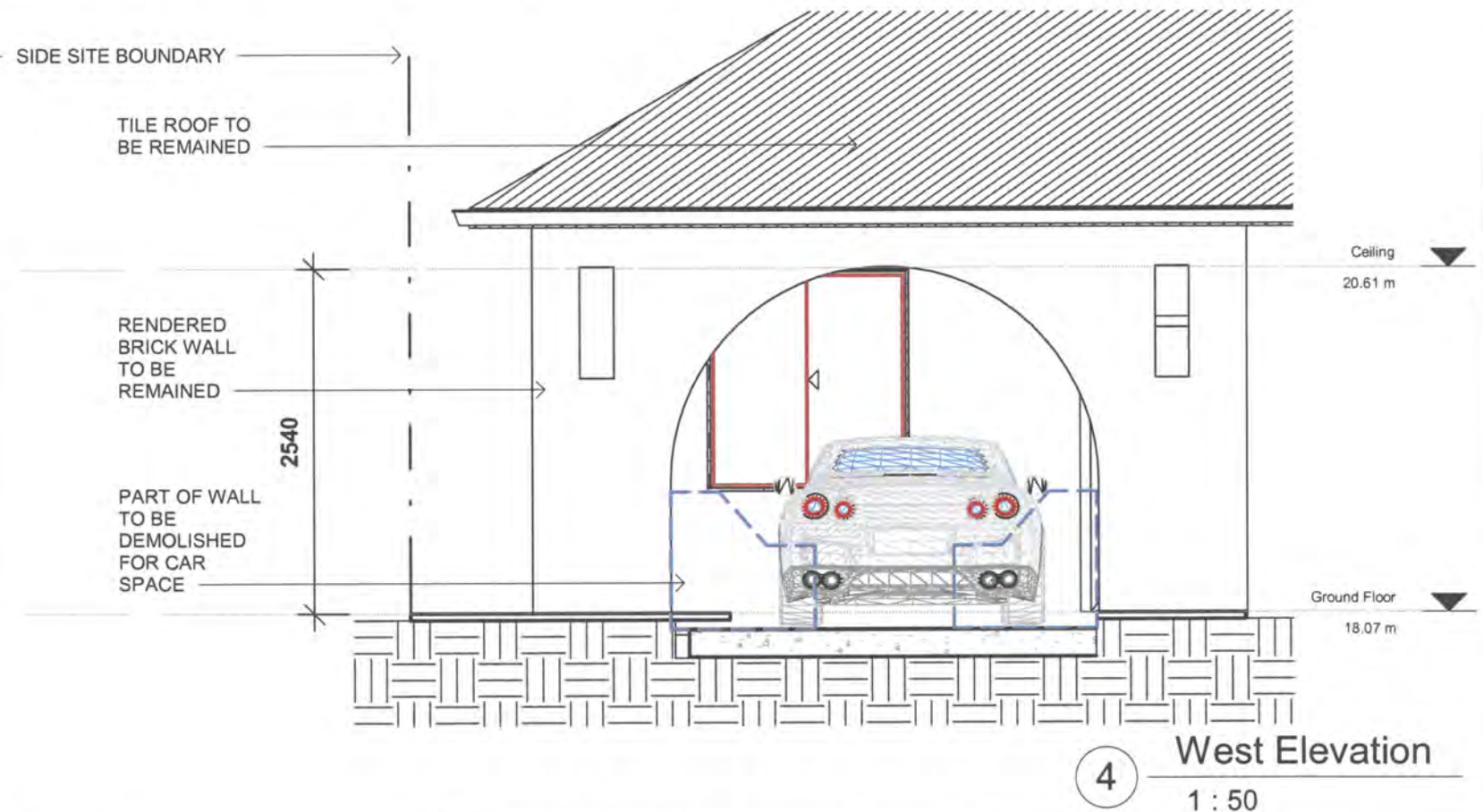
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East Elevation

1

1 : 50



West Elevation

4

1 : 50



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D.P.
LOT.

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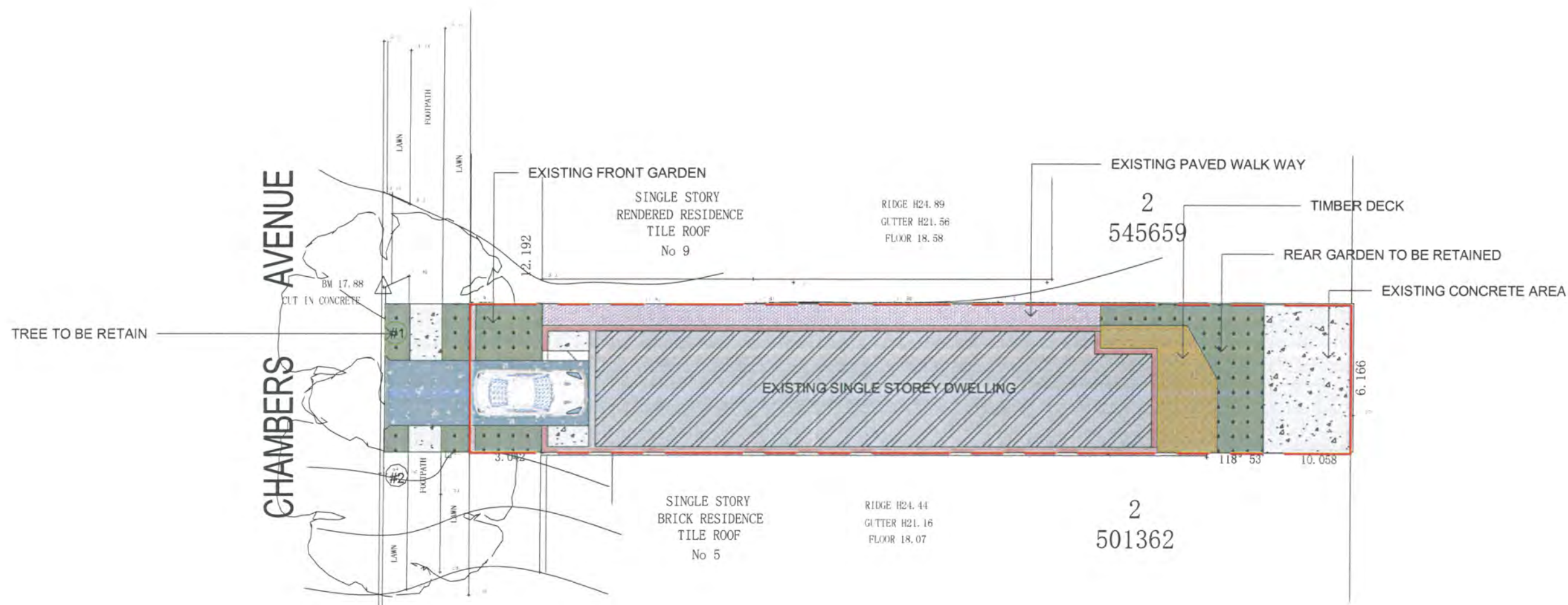
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Drawn By

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Ru Li

Elevation & Section Plan

89



LANDSCAPE NOTES

1. GENERAL NOTES

All quantities and measurements are to be confirmed on site prior to ordering and installation of proposed works. All proposed structural works to be approved by project engineer/BCA consultant prior to construction.

2. Flooring

New tiled/paved areas-Refer to architectural specification for details

3. Garden Edging

All planter beds adjacent to lawn areas to have flush Galvanised mild steel edging

4. Boundary Fencing

Keep good existing boundary fencing

Proposed 1.8m H colorbond steel fence to match existing

5. Soil and Garden Bed Preparation

All plantings on grade are to be mix of cultivated site soils and imported organic mix.

Contractor to allow for application of pelletized organic fertiliser such as , Organic life, and , Blood and bone, or similar at time of planting works

6. Mulching

All planting areas, unless otherwise specified, to be mulched with ANL (or equivalent) , Forest blend, to 50mm deep with catchment dish to be left around base of plants.

7. Turf

New Turf to be , King, s Pride,

Lay min. 100mm base paver of 80/20 turf underlay mix by ANL or equivalent for levelling prior to install of turf rolls. After installation of council layovers and footpaths, make good turf nature strips as necessary. Match turf species to adjacent areas as per Council spec.

8. Drainage

Refer to stormwater plan for drainage information regarding OSD tanks and Surface collection pits.

9. Irrigation

Automatic drip irrigation watering system to be selected and installed to extend to all landscaped areas included in works. The landscape Contractor is to liaise Council as necessary, to ensure that the irrigation system conform with all Water Board, Council & Australian standards and regulation.



Concrete



Turf

1 Landscape Plan
1 : 200



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D.P. 501362
LOT. 1

Project No. 16171
Date 27/03/2017



01 ISSUE FOR DA

16/02/2017

Scale 1 : 200
Drawn By Ru Li

Landscape Plan

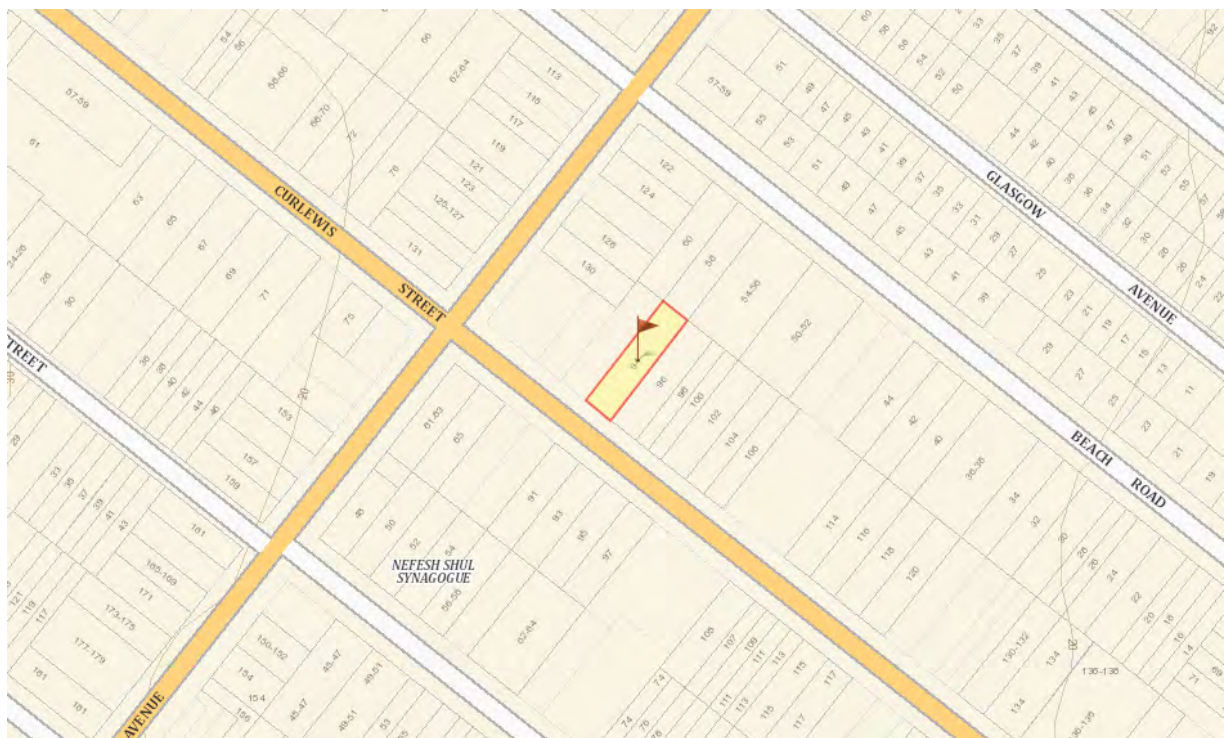


Section 4.55 Modification

Report to the Waverley Development Assessment Panel

Application number	DA-184/1981/A
Site address	94 Curlewis Street, BONDI BEACH
Proposal	Section 4.55 modification of vehicle repair workshop and garage to extend trading hours to between 7am and 10pm 7 days, and increase the number of employees to 9 staff plus principals.
Approved development description	Rebuilding of fire damaged vehicle repair workshop and garage buildings
Date of lodgement	18 December 2017
Owner	Mr John Murray
Applicant	Bondi Mechanic Pty Ltd
Submissions	15 (5 in support, 10 objections)
Issues	Noise and parking
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 30 May 2018.

The site is identified as Lot 23 Sec 3 DP 747, known as 94 Curlewis Street, BONDI BEACH. It is located on the northern side of Curlewis Street between Glenayr Avenue and Gould Street.

The site is rectangular in shape with a front and rear boundary of approximately 12m and side boundaries of approximately 49m. The site has an area of approximately 588sqm and is generally flat.

The site is occupied by a vehicle repair workshop and garage with vehicular access provided from Curlewis Street.

The subject site is adjoined by a residential flat building to the east and a mixed used building to the west. The locality is characterised by a variety of residential and commercial development.



Figure 1: Subject site frontage

1.2 Details of Approved Development

DA-184/1981 granted consent for the '*rebuilding of fire damaged vehicle repair workshop and garage building*'. Condition 3 limits the number of employees to six staff excluding principals. Condition 9 restricts the hours of operation to between 7am and 6pm Monday to Friday and between 7am and 12 noon Saturday, with no operation approved on Sunday.

1.3 Proposal

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

- Amend Condition 3 to increase the number of employees to nine staff (excluding principals)
- Amend Condition 9 to extend the hours of operation to between 7am and 10pm, 7 days.

During the assessment period, the assessing officer contacted the applicant to discuss the operational activities that were proposed to be carried out between 7pm and 10pm. The applicant advised that during these hours, it is intended to limit operation to paper work, non-noise generating machinery and the drop-off and pick-up of vehicles.

2. ASSESSMENT

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

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modifications, if approved, are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP 55 Remediation of Land

The subject site has historically been used for vehicle repair purposes and site land contamination is considered likely. The proposal does not include any works, demolition or excavation or change to a more sensitive use and therefore, no further investigation is necessary.

2.2.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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 LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	No	The proposal is defined as a 'vehicle repair station', which is prohibited in the R3 zone. Refer to the following section of this report for detailed discussion.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m² 	N/A	The proposal does not alter the height of the existing building.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	N/A	The proposal does not alter the floor space of the existing building.

The site is located within the R3 Medium Density Residential zone. The existing and proposed use is defined as a 'vehicle repair station' under the standard instrument, and is prohibited in the R3 zone.

The existing vehicle repair workshop is a lawful and approved use. It has continued to operate since development consent was granted under DA-184/1981. The use of the premises is considered to be an 'existing use' under Division 4.11 of the Act, because it was a lawful use at the time that the LEP made vehicle repair stations prohibited. Therefore, the controls in the Sydney Local Environmental Plan 2012 do not apply.

Part 5 Clause 44 of the Environmental Planning & Assessment Regulation 2000 allows an existing use to be enlarged, expanded, intensified, altered, extended or rebuilt subject to development consent. The proposal relates only to hours of operation and number of employees and does not result in any alteration or enlargement of the existing floor area of the building. The proposal is not considered to result in a significant intensification of the existing use.

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

The proposal has existing use rights and as such the controls of Development Control Plan 2012 do not apply to the development and a merit assessment must be undertaken to determine acceptability of the proposal. However, the site is zoned R3 – Medium Density Residential, as are the surrounding sites, and it is considered appropriate to assess the development against the relevant controls for the zoning as these controls are reflective of the pattern of development envisaged for the area and surrounding sites.

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal does not result in an increase in waste on the site. The existing arrangements are satisfactory.
7. Accessibility and adaptability	Yes	No change is proposed to the existing access arrangements on site, which are considered satisfactory.

Table 3: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.2 Noise		
(a) To ensure that the proposed use does not negatively impact on surrounding properties	Yes	<p>As discussed above, the applicant has advised that the proposed operational activities to be carried out after 7pm include paper work, non-noise generating machinery and the drop-off and pick-up of vehicles. Providing that noise generating machinery is not used after 7pm, the proposed operation is considered to generate noise comparable to other commercial or residential operations. It is recommended that a condition be included restricting noise generating activities after 7pm.</p> <p>Council's Health Officer recommended that an acoustic report be submitted. However, given the operational activities to be carried out after 7pm are not considered to generate offensive noise, and that the proposed hours are consistent with the general base hours of operation for residential zones, requesting an acoustic report is considered onerous. It is recommended that a condition be included to ensure that if substantiated complaints are received, an acoustic report is required to be submitted to the satisfaction of Council's Health Compliance Unit.</p>

1.3 Hours of operation		
All Residential Zones: (a) General base trading hours 7am to 10pm 7 days (b) Extended trading hours (trial basis) til 11pm (Fri/Sat only)	Yes	The application proposes to modify Condition 9 to extend trading hours to between 7.00am and 10.00pm 7 days, which complies with the general base trading hours in all residential zones.

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*.

Fifteen unique submissions were received (it is noted that some objectors lodged multiple submissions each from various addresses) with ten being objections and five in support of the proposal. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
2/96 Curlewis Street, Bondi Beach
4/96 Curlewis Street, Bondi Beach
9/96 Curlewis Street, Bondi Beach
13 and 14/96 Curlewis Street, Bondi Beach
102 Curlewis Street, Bondi Beach
104 Curlewis Street, Bondi Beach
109 Curlewis Street, Bondi Beach
63 Curlewis Street, Bondi Beach
68 Curlewis Street, Bondi Beach
21 Curlewis Street, Bondi Beach
89 Curlewis Street, Bondi Beach
93 Curlewis Street, Bondi Beach
44 Glenayr Avenue, North Bondi
147 Glenayr Avenue, Bondi Beach
21 Napier Street, Dover Heights

1/54 Lamrock Avenue, Bondi Beach
Flood Street (no address)
60 Beach Road, Bondi Beach

Issue: Noise from machinery, radios, cleaning and customers coming and going

Response: The noise associated with cleaning, radio and customers is considered comparable to the usual operation of a commercial business and is not considered excessive. Waverley DCP 2012 D1 Part 1.3 permits general base trading house until 10pm in a residential zone. Therefore the proposed activities until 10pm are considered acceptable. As discussed in other areas of this report, a condition is recommended relating to an acoustic report being submitted should substantiated noise complaints be received.

Issue: Impact on parking given that cars will now be parked on the street at night

Response: Curlewis Street has 2hr parking, with exceptions for residential parking permits. As such, the proposed extension of hours is not likely to result in unreasonable parking impacts.

Issue: Approval until 10pm will set a precedent for all mechanics in the area

Response: Any application lodged with Council will be assessed on its own merit and in accordance with the applicable planning controls.

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 Health and Compliance – Safe Waverley

The application was referred to Council's Health and Compliance Officers who advised that a search of Council records revealed no complaints from residents or other businesses relating to odours or noise have been made. However, the Health Officer recommends that an acoustic report be submitted.

Requesting an acoustic report is considered onerous because the applicant has advised that after 7.00pm noise generating activities will not be carried out (a condition has been recommended to reflect this), and the proposed hours until 10pm are in accordance with the general base trading hours permitted in all residential zones under Waverley DCP 2012 Part D1 Clause 1.3. Notwithstanding, it is recommended that a condition be included to ensure that if substantiated complaints are received, an acoustic report is required to be submitted to the satisfaction of Council's Health Compliance Unit.

4. SUMMARY

The Section 4.55 application seeks to modify the approved consent for a vehicle repair workshop and garage. The proposed modifications include increasing the number of employees from six staff to nine staff (excluding principals), and extending the hours of operation from 7am to 6pm Monday to Friday and 7am and 12 noon Saturday to between 7am and 10pm Monday to Sunday.

The application has been discussed with the applicant throughout the assessment period, including the types of activities that are anticipated to be carried out after 7pm. The applicant has advised that general operational conditions such as paper work, dropping off and picking up vehicles and non-machine reliant repairs are to be carried out between 7pm and 10pm.

Fifteen unique submissions were received (some objectors lodged multiple submissions) comprised of ten objections and five letters in support of the proposal. Most of the submissions relate to noise and parking impacts. The submissions have been resolved by way of conditions restricting noise generating machinery after 7pm and requiring an acoustic report to be submitted should substantiated complaints be received.

The application is recommended for approval, subject to conditions.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT 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

Kylie Lucas
A/ Manager, Development Assessment

Date: 31 May 2018

Date: 31 May 2018

Reason for referral:

2 Contentious development (10 or more objections)

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

3. Number of employees to be limited to ~~6~~ **9** persons excluding the principals.
9. Operation being confined to the hours between 7am to ~~6pm~~ **10pm 7 days Monday to Friday and 7am to 12pm Saturday. After 7pm, noise generating machinery is not to be used.**

B. New Conditions

15. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

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

WAVERLEY MUNICIPAL COUNCIL

Consent
register

Notice of APPROVAL of Development Application

Under the provisions of

1. The Environmental Planning and Assessment Act, 1979; and
2. Interim Development Order No. 2 - Municipality of Waverley

Mr. J.E. Murray,
92 Gurlawis Street,
BONDI BEACH 2026.

Reference

Date Authorised 24.9.81.

D.A. No. 184/81

File B.R. 81/360

Pursuant to Section 92 of the Act, the Council of the Municipality of Waverley
APPROVES your Application for Consent for the rebuilding of fire damaged
vehicle repair workshop and garage building.

On land located at 92-94 Gurlawis Street, Bondi Beach.

Subject to the following conditions:

1. No smash repairs, panel beating, spray painting to take place on the premises.
2. No storage of petrol to take place on the premises.
3. Number of employees to be limited to 6 persons excluding the principals.
4. Staff facilities to be provided to the Municipal Health and Building Surveyor's satisfaction.
5. The maintenance of a window display to be arranged to the satisfaction of the Municipal Town Planner.
6. The storage of waste to be to the satisfaction of the Municipal Health and Building Surveyor.
7. The completed building to satisfy the requirements of the Municipal Health and Building Surveyor.
8. No vehicles to be parked on the street whilst awaiting attention, nor any vehicles to be prepared on the street.
9. Operation being confined to the hours between 7 am. to 6 pm. Monday to Friday and 7 am. to 12 pm. Saturday.
10. No sound reproduction device nor any forms of entertainment to be operated within the premises so as to be audible from any public place or other parts of the premises or adjoining premises.
11. The building to be refurbished to the satisfaction of the Municipal Health and Building Surveyor.
12. Approval to be obtained from the Municipal Health Surveyor for -
 - a) Proposed trade or business sign.
 - b) Ventilation and disposal of wastes, including water, steam and fumes
 - c) Structural alterations.

NOTES:

Contd.:

1. No variation of the above conditions will be permitted without the written approval of Council.
2. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.
3. To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.
4. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
5. This consent does not relieve the applicant of the obligation to obtain BUILDING APPROVAL as provided by Sections 311 and 312 and Ordinance 70 under the Local Government Act BEFORE ANY WORK IS COMMENCED.

Council Chambers, WAVERLEY.
Box 9, P.O., BONDI JUNCTION

24.9.81.

D.G. STAIT
ENGINEER/TOWN PLANNER.
Date of issue

And-Bell
Town Clerk.

WAVERLEY MUNICIPAL COUNCIL

Notice of APPROVAL of Development Application

Under the provisions of

1. The Environmental Planning and Assessment Act, 1979; and
2. Interim Development Order No. 2 - Municipality of Waverley

Reference 24.9.81.
Date Authorised 184/81
D.A. No. B.R. 81/360
File

Pursuant to Section 92 of the Act, the Council of the Municipality of Waverley
APPROVES your Application for Consent to

This is page 2 of the consent.

On land located at

Subject to the following conditions:

13. Consultation with the Municipal Health Surveyor to ensure compliance with the Local Government Act, the Pure Food Act, and the Public Health Act, and the Noise Control Act.
14. The applicant is to notify the Municipal Health Surveyor seven days before occupying the premises to ensure consultations required by previous conditions.

NOTES:

1. No variation of the above conditions will be permitted without the written approval of Council.
2. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.
3. To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.
4. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
5. This consent does not relieve the applicant of the obligation to obtain BUILDING APPROVAL as provided by Sections 311 and 312 and Ordinance 70 under the Local Government Act BEFORE ANY WORK IS COMMENCED.

Council Chambers, WAVERLEY.
Box 9, P.O., BONDI JUNCTION

24.9.81.

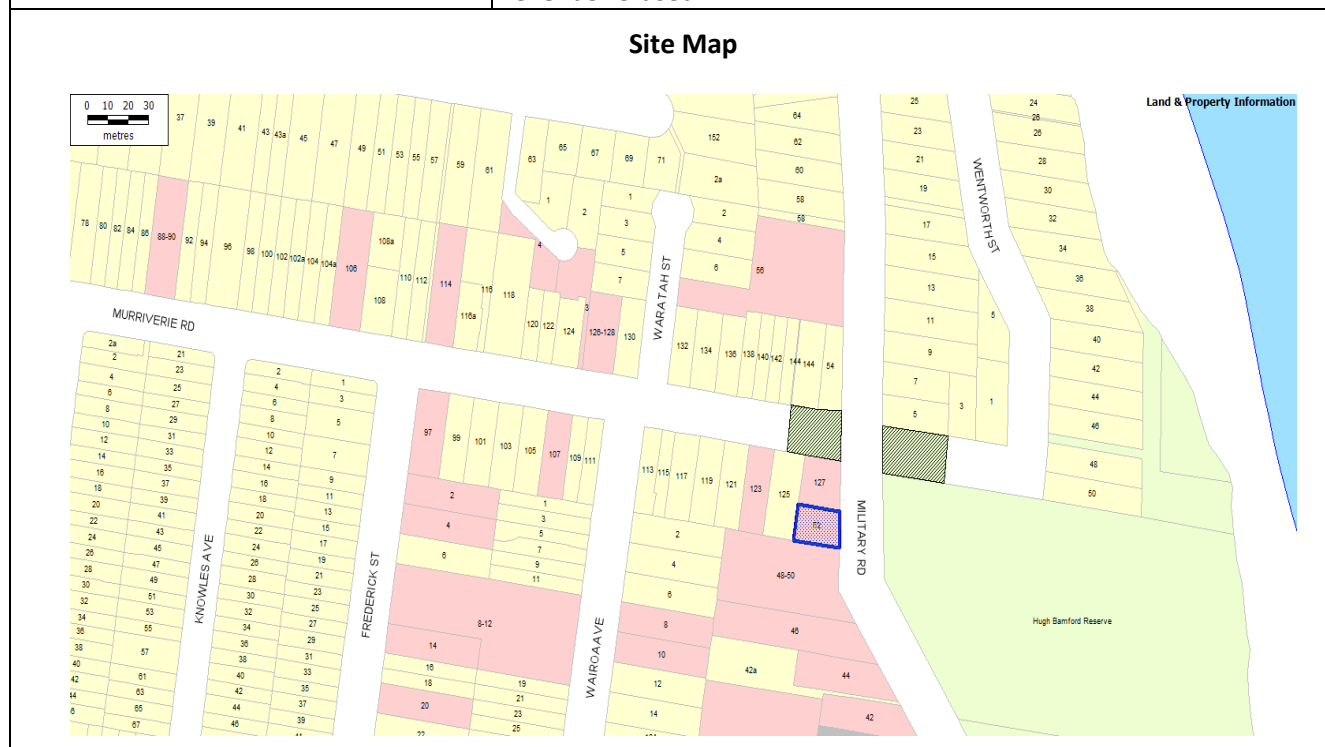
D.G. STAIT
ENGINEER/TOWN PLANNER
Date of issue

Ref. Date
Town Clerk.



Report to Waverley Development Assessment Panel

Application number	DA-672/2008/G
Site address	52 Military Road, North Bondi
Proposal	Modification for retrospective approval to use car lift roof area as new Juliet balcony and garden for unit 2A and the enlargement of floor area to roof top unit 6 of existing residential flat building
Approved development	Alterations and additional storey to existing residential flat building
Date of lodgement	27 October, 2017
Owner/ Applicant	United Mortgage Pty Ltd
Submissions	Seven submissions
Issues	Unauthorised completed works, visual and acoustic privacy
Recommendation	That part application for Juliet balcony be approved subject to a special condition and the proposed extensions for unit 6 on roof top level be refused



1. PREAMBLE

1.1 Site and Surrounding Locality

The subject site is located on the western side of Military Road, across from Hugh Bamford Reserve. It is regular in shape and has a total area of 326.70m². It has a frontage to the street of 15.35m, and a steep fall of approximately 8m from the front street level to the rear of the existing residential flat building.

Existing on site is now a five storey residential flat building above a storage and car parking basement and an under-croft apartment area. To the north and south are residential flat buildings and across Military Road is Hugh Bamford Reserve.

Generally, the street is characterised by large dwelling houses on generous allotments and a mixture of three to four storey residential flat buildings, of varying ages and architectural styles.



Figure 1: Subject site frontage



Figure 2: Unauthorised terrace constructed above the car lift roof having direct access from unit 2A



Figure 3: Completed works for the roof top level unit 6 as viewed from the west



Figure 4: Internal layout and enlargement of the roof top level unit 6

1.2 Relevant Development History

DA 672/2008 – Application approved by the Development Control Committee on 22 September 2009 for alterations and an additional unit on the top of the existing residential flat building.

The original proposal sought to amalgamate the existing two units on each level of the four storey building plus an additional bedsitter unit on the roof level. However, Council's Development Control Committee resolved to defer the application for amended plans showing the top floor area being no more than 35 sqm including the lift, and the footprint of the top floor area to be in the same position as the existing laundry structure.

The amended application was finally approved by the Development Control Committee, wherein the existing 8 units within the building over 4 levels were retained and an additional bedsitter unit on the roof level with an area of 60sqm was approved by the Committee.

DA672/2008/A – Application approved on 13 December 2010 for modification to shift the lift out to the northern side of the building with the internal space of the bedsitter being increased to 64sqm, thereby converting it into a one bedroom unit, add new columns to the western terrace for the provision of a concrete roof above the terrace.

DA672/2008/B – Application approved 2 June 2011 for modification to convert from two units to one unit per floor and window changes within residential flat building and the whole existing roof converted to a terrace.

DA 672/2008/C – Application approved 3 September 2014 for additional refurbishment to include a car lift, storage rooms, extension of roof level unit 6 to a floor area of 71 m² (increase of additional

7sqm) and additional car parking together with a new 2 bedroom unit within the existing under-croft area. Condition No. 36(b) was imposed to this modification approval in order to delete the additional unit proposed within the under-croft area due to amenity reasons.

DA 672/2008/D – Application approved 2 March 2015 for modification to delete condition no. 36(b) to allow additional unit within the under-croft area of existing residential flat building.

DA 672/2008/E – Application approved 2 March 2015 for modification to unit 1 of existing residential flat building with the proposed extensions to the floor area of unit 6 on roof top level. The proposed extension to the roof top unit was rejected and condition no. 36(r) was added to the consent which states as follows:-

r. The proposed extensions to the floor area of unit 6 on roof top level is refused and not approved, thereby the development must be in accordance to the approved one bedroom flat 6 under DA 672/2008/D (ADDED AS PER DA 672/2008/E).

DA 377/2016 – Application refused 20 December, 2016 to amend existing strata subdivision of a residential flat building. The reasons for refusal of this application are:-

- 1. Insufficient information has been submitted in order to allow for proper assessment of the application.*
- 2. The proposed strata subdivision plans are not in accordance with the development plans approved under Development Application No. 672/2008 and the Section 96 Modification Applications (DA 672/2008/E).*
- 3. The unauthorised works or proposed extensions to the floor area of unit 6 on roof top level and the trafficable terrace area for unit 2A above the roof of the car lift are contrary to section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, resulting in unreasonable adverse environmental impacts on adjacent properties and the surrounding areas.*
- 4. The proposals is not in the public interest and contrary to Section 79C(1)(e) Environmental Planning and Assessment Act 1979.*

DA 672/2008/F – Application refused 1 August 2017 for retrospective approval to convert car lift roof to terrace for unit 2A and enlargement of upper roof level unit 6. The reasons for refusal of this application are:-

- 1. The proposal to increase the floor area of roof top unit 6 of the building will result in an FSR of 1.86:1. This is considered an overdevelopment of the site and is contrary to Waverley Local Environmental Plan maximum overall FSR limit of 0.6:1. The proposal exceeds the maximum permissible FSR for the site by more than 300%, which is considered to be excessive and is not supported.*
- 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 Development Control Plan 2012, in respect to the following provisions:*
 - a. Part C2 – Multi Unit and Multi Unit Housing;*

- i. *Objectives and controls in clause 2.2 Site, scale and frontage as the proposed extension will further increase the visual bulk and scale of the building when viewed from the streetscape and will have a negative impact on the public domain.*
 - ii. *Objectives and controls in clause 2.18 visual and acoustic privacy as the proposed terrace will result in unreasonable visual and acoustic amenity impacts on neighbouring residential buildings.*
3. *The proposed terrace above the roof of the car lift structure will create an undesirable precedent in the area.*
4. *The proposed development does not satisfy section 79C (1) (b) of the Environmental Planning and Assessment Act 1979, as the proposed modifications will have adverse environmental impacts upon the amenity of the locality.*
5. *The proposal is not considered to be in the public interest for the reasons outlined in public submissions, contrary to Section 79C(1)(e) Environmental Planning and Assessment Act 1979.*

1.3 Proposal

This is the seventh modification application which has been lodged and seeks for the following modification to the residential flat building:

- Retrospective consent for conversion of the outdoor terrace already built above the roof of the car lift structure to a succulent garden with a Juliet balcony (2.5m x 850mm) for use of ground floor unit 2A, including retention of bi-fold doors, planter boxes and a glazed balustrade around the perimeter of the balcony;
- Retrospective consent for additional external door openings to roof top level unit 6 on its southern facade; and,
- Retrospective consent for completed internal reconfiguration to roof top level unit 6 and further enlargement to the floor area by an additional 12.5m² thereby increasing the total area of unit 6 to 83.5 m².

It should be noted that roof top unit 6 was originally approved under DA 672/2008 as a studio bedsitter apartment where it was initially recommended by Council's Development Control Committee to be not more than 35 m² (including the lift) and the footprint of the area was to be in the same position as the existing laundry structure which was existing above the roof. The Development Control Committee however, gave concession to the applicant by approving the area of the top floor unit to be 60sqm.

The current proposal is the fourth attempt by the applicant to further increase the floor area of unit 6 by an extension of the eastern, western and southern walls of the unit. The last extension to unit 6 sought by the applicant was to increase the area of unit 6 from 71 sqm to 90sqm, which was refused under delegation by Council.

It was during a site inspection by the Council officer in relation to a strata application (DA377/2016) where it was noted that the top floor unit 6 has been further extended despite

the fact that Council had refused the extension previously sought through the section 96 application.

The applicant is thereby seeking retrospective approval for all these works carried out under this current modification application.

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 application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*. The application has been notified and submissions considered as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has not been submitted with this application. The modifications / changes warrant the lodgement of an amended BASIX certificate and the measures detailed in the BASIX Certificate are to be implemented.

SEPP 65 Design Quality of Residential Flat Development

SEPP 65 applies to the erection of a new residential flat building, the substantial redevelopment or the substantial refurbishment of an existing residential flat building or the conversion of an existing building to a residential flat building.

The proposed works under this application are not considered to be substantial refurbishment and therefore the SEPP is not applicable.

2.2.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of plan.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table Zone R3- Medium Density Residential	Yes	The proposal is consistent with zone objectives and permissible with Council consent.
Part 4 Principal development standards		
4.3 Height of Buildings	N/A	Whilst the building does not comply with the maximum building height in the zoning, the modification does not seek to increase the approved overall building height.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (Site= 326.7m ²)	No	<p>A maximum FSR of 0.6:1 is permitted (GFA 195.60m²) under Clause 4.4A of the LEP.</p> <p>An FSR of 1.54:1 was originally approved. There was gradual increase in floor area through subsequent section 96 applications, which resulted in the FSR being increased to and 1.82:1. Under this current application the FSR will further increase to 1.85:1.</p> <p>The FSR non-compliance is discussed in the issues section of this report below.</p>
4.6 Exceptions to development standards	N/A for S96	The proposal breaches the maximum FSR control as stated above.

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

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

Table 2: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> Maximum FSR =0.6:1 	No	<p>The proposed modification will result in the FSR being increased to 1.85:1.</p> <p>See discussions of this issue following this table.</p>
2.5 Setbacks		
<ul style="list-style-type: none"> Side setbacks 	Yes	The proposed extension to unit 6 is setback further than the units below and from the western, eastern and southern walls of the building.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	No	Some additional overshadowing impacts are envisaged from the proposed extension of the eastern, western and southern walls of unit 6 given the orientation of the subject site in particular to the southern residential flat building at nos. 48-50 Military Road. The applicant has submitted shadow plans and

Development Control	Compliance	Comment
		perspective diagrams associated with the previous modification application (DA 672/2008/F). Whilst the proposed amendments indicate minor overshadowing, the shadow impact has to be considered in totality as to how the incremental increase in the footprint of unit 6 has impacted the southern adjoining properties, given that initially it was a small laundry structure on the roof top (35sqm) and how this has grown to become a large one bedroom unit measuring 83.5sqm.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Privacy 	Yes	The modification proposed to include the erection of a Juliet balcony and a succulent garden for use of ground floor unit 2A above the car lift area. See further discussions following this table below.

Floor Space Ratio

The proposed modification seeks to further increase the overall approved building floor area by approximately 12.5 m² for unit 6 which was initially approved on the roof top level. The revised layout will convert unit 6 from the originally approved bedsitter apartment to an area capable of accommodating for a two bedroom apartment or penthouse given that under the Apartment Design Guide the minimum area for a two bedroom unit is 70sqm whereas the proposed area for unit 6 is 83.5sqm. The proposal is considered to constitute an overdevelopment of the site, excessive in bulk and scale and is contrary to the aims and objectives of the Waverley LEP and DCP 2012.

A maximum FSR of 0.6:1 is permitted (GFA 195.60m²) under Clause 4.4A of the LEP for the subject site. An FSR of 1.54:1 was originally approved when the existing laundry area on the roof top was approved to be converted into a separate unit. There were additional gradual increases in floor area of the building with other recent previous applications which resulted in the FSR being increased to 1.82:1. The current proposal will further increase the FSR to 1.85:1.

The existing residential building was an old building and was already non-compliant with the floor space ratio and building height controls before any recent approvals were granted for alterations and additions. The existing FSR of the building was already more than double of what was permissible in the zoning and the alteration and additions to this building were approved keeping in mind that the proposed visual bulk of the building should be kept at a minimum. However, through the lodgement of consecutive modification applications with incremental increase in floor area the building has resulted in a bulk which is already now well beyond the objectives of the control. Additional bulk has been added to the top unit and to the external elevations of the building, which has made the building much larger in bulk and scale when viewed from the street and from the adjoining properties and therefore anymore incremental increase in floor area cannot be supported.

The modification application has been assessed having regard to the relevant provisions of the LEP and the variation to the FSR has previously been refused by Council. This fourth attempt to extend the floor area to the top unit 6 is not supported and recommended for refusal for the reasons as discussed in the report.

Visual and acoustic privacy

It is to be noted that on a previous modification application (DA 672/ 2008/F), the applicant was seeking for a retrospective consent for the whole roof above the car lift to be used as a terrace area for unit 2A. The terrace had an approximate area of 21.40 sqm, which resulted in unreasonable visual and acoustic privacy / amenity impacts on neighbouring buildings and therefore was refused by Council on 1 August 2017.

Council's control Clause 2.18 (g) (v) requires that roof top terraces are provided for casual and infrequent activity and not used as an extension of private open space or entertaining areas. The addition of the Juliet balcony above the roof of a car lift is to allow the installed bi-fold doors to be opened from unit 2A only. The applicant's architect argues that, "*the conversion of the terrace to a non-trafficable garden area creates a softening effect*". Should this part of the application be approved a special condition is recommended that, the proposed small Juliet balcony for unit 2A shall be a maximum of 2.5m in length and 0.85m in depth, with the rest of the low maintenance garden above the roof of the car lift area to be made non-trafficable. In this regard, provision be made for 1.2m high planter boxes around the perimeter (east & south sides) of the Juliet balcony containing adequate mature plants. The planter boxes are to be constructed as permanent structures. The proposed works for Juliet balcony together with the new modified terrace are to be completed within the 60 days of the modification application consent date.

The current modification seeks to reduce the terrace area to 2.12sqm (0.85m x 2.50m) with the provision of a planter box along its southern and eastern side. The rest of the area over the roof of the car lift will be converted to a non-trafficable garden area. Given the small area of the terrace, it is considered that it will have minimal and acceptable privacy and acoustic impact on the adjoining properties and as such no objection is raised to the new modified version of the terrace. It is however considered crucial that the planter boxes are constructed as permanent structures and condition to be imposed in this regard.

2.3 Other Impacts of the Development

The proposed enlargement of unit 6 floor area is contrary to a number of planning controls relating to FSR in the WLEP and therefore the proposal is considered to have a detrimental effect relating to environmental and social impacts on the locality. The application for proposed extension to the top floor unit is not supported, however the Juliet balcony is acceptable subject to condition.

2.4 Suitability of the Site for the Development

The site is suitable for a residential flat building given the zoning of the land. However, any further increase in the bulk and scale is not supportable given that the building has already exceeded the controls by more than 300%.

2.5 Any Submissions

The modification application was notified in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

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

Table 1: Summary of property addresses that lodged a submission

Property
6/ 48-50 Military Road, North Bondi
24/ 48-50 Military Road, North Bondi
26/ 48-50 Military Road, North Bondi
45/ 48-50 Military Road, North Bondi
74/ 48-50 Military Road, North Bondi
Premium Strata/ 48-50 Military Road, North Bondi
5A/56 Military Road, North Bondi

Issue: *“The unit 2A terrace is oversized and as a garden with access does not prevent large groups of people can still gather there creating noise and loss of privacy.”*

Comment - This privacy issue has been discussed in detail above in the assessment report.

Issue: *“A further blatant attempt to force Council to retrospectively rubber stamp the unauthorised works these applicants undertook without Council approval and now by stealth want to make further changes which effectively increase FSR further”.*

Comment – The FSR increase issue is concurred with, as it is considered that this application is another attempt by the applicant to have the works retrospectively approved given that the strata subdivision plan was rejected by Council. (DA 377/2016).

Issue: *“The owner used our driveway without approval and caused significant damage. You may be misled that they “made good” their damage, however no they did not! They used our land, driveway and entrances without any compensation”.*

Comment – This issue is private matter between the two neighbours.

Issue: *“Not in the public interest”.*

Comment – This issue is discussed further in detail below in the assessment report.

2.6 Public Interest

The proposed modification providing for additional bulk have resulted in unacceptable amenity impacts on neighbouring buildings and the public domain. The part proposal does not satisfy Section 79C (1)(E) of the Act.

3. REFERRALS

No referrals required.

4. SUMMARY

The current Section 96 modification application seeks for retrospective approval to use car lift roof area as new Juliet balcony and garden for unit 2A and the enlargement of floor area to roof top unit 6 of existing residential flat building including changes to the internal layout and additional door openings.

The proposal exceeds the maximum floor space ratio permitted by the LEP, and given the history for numerous extensions of the building as a whole (i.e: new units and new under-croft basement levels), the bulk and built form of the development is considered an overdevelopment of the site. It is to be

noted that a previous Section 96 application refused the extension of the floor area to unit 6 on the roof top level, and the current proposal is another attempt for increase in area for the roof top unit.

The proposed new smaller terrace on top of the car lift structure is considered acceptable given that it will have minimal and acceptable impact on adjoining properties.

Seven (7) submissions were received during the notification period and the issues raised have been discussed in the report above.

It is recommended that the part application for Juliet balcony be approved subject to a special condition and the proposed extensions for unit 6 on roof top level be refused.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

- A. That the Section 4.55 Modification Application is part **APPROVED** by the Waverley Development Assessment Panel subject to the Conditions in Appendix A.
- B. That the matter be referred to the Compliance Manager to consider the serving of a PIN or fine for the undertaking of unauthorised works.

Report prepared by:

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

Idaly Yap
Senior/Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

**(Reviewed and agreed on behalf of the
Development and Building Unit)**

Date: 21 May 2018

Date: 22 May 2018

Reason for referral:

- 3 Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. AMENDED / ADDED CONDITIONS

1. APPROVED DEVELOPMENT (AMENDED VIA DA-672/2008/G)

The development must be in accordance with Architectural Drawing Sheet No. A30, A31 A31/4, A31/3, A32 to A41, A43 & A 44 prepared by Simon Wakerman and Associates P/L and received by Council on 16 December 2014, and the approved modification plans:

(a) Drawing No. A32 prepared by Simon Wakerman and Associates P/L and received by Council on 16 April 2015. (Amended as per DA 672/2008/E); and,

(b) Sheet No. A30 prepared by Simon Wakerman and Associates P/L and received by Council on 27 October, 2017 (Added as per DA 672/2008/G).

But only in so far as they relate to the modification highlighted on those Section 96 plans and details in the Section 96 application, except where amended by the following conditions of consent.

36. GENERAL MODIFICATIONS (AMENDED VIA DA-672/2008/A, DA-672/2008/D, DA-672/2008/E AND DA-672/2008/G)

The proposal shall be amended as follows:

- a. The front fence (indicated as new screen wall on drawings) is to be a maximum height of 1.8 metres with 50% transparency above 1.2m in accordance with the Waverley DCP (AMENDED DA 672/2008/A).
- b. ~~The under-croft level / area shall be use only for storage or retained as existing car parking spaces. In this regard, the proposed additional unit / dwelling in the under croft area is refused and not approved (thereby the new unit is to be deleted), as the amenity for this new basement unit is considered not acceptable, poor and inadequate (DELETED AS PER DA 672/2008/D).~~
- c. Details are to be submitted showing the concrete columns to all balconies are to be increased to 300mm in diameter, in order to provide a strong architectural element in the design (ADDED AS PER DA 672/2008/D).
- d. Submission of a proper landscape plan prepared by a suitably qualified landscape consultant indicating plant species, maintenance program and the provision of hanging, climbing gardens over the patio of proposed unit no. 1 and passenger and car lift shaft walls (ADDED AS PER DA 672/2008/D).
- e. Submission of acoustic treatment details prepared by suitably qualified expert for passenger lift and car lift, including provision for cavity wall separation between the lifts and the adjacent units to ensure that vibration and noise impacts are minimised (ADDED AS PER DA 672/2008/D).

- f. Plans are to indicate capping, flashing, handrails, downpipes and other relevant details. In addition, the provision of laundry areas need to be indicated for units 1 and 6 (ADDED AS PER DA 672/2008/D).
- g. All privacy screens and other railings shall be made metallic (ADDED AS PER DA 672/2008/D).
- h. The new lower level facades on the east, west and southern boundaries are to have a higher quality masonry finish to compliment the neighbouring buildings and improve the neighbour's amenity and outlook (ADDED AS PER DA 672/2008/D).
- i. Submission of a schedule showing the materials, colours and finishes of the building to include (but not limited) white cement rendered wall treatment and new anodised operable aluminium windows with frameless glass balustrades (ADDED AS PER DA 672/2008/D).
- j. Ceiling fans are to be provided in all habitable rooms and to be indicated on the drawings (ADDED AS PER DA 672/2008/D).
- k. Outdoor clothes lines are to be provided to both a common area for common use and at ground floor units (ADDED AS PER DA 672/2008/D).
- l. The provision of an additional car space for unit no. 1 behind the car lift area as indicated on the previous plans approved under DA 672/2008/C and thereby having a total of 6 car parking spaces on site. (ADDED AS PER DA 672/2008/D).
- m. Additional airflow or cross ventilation is to be provided in the proposed new subterranean unit 1 other than from the new patio adjacent to bedroom 2, which has risks of damming water and being damp (ADDED AS PER DA 672/2008/D).
- n. The provision of a proper stormwater drainage system to address any future damming water issues in the new patio for unit 1 (ADDED AS PER DA 672/2008/D).
- o. The opening on the south facade of unit 1 is to be corrected on elevation drawings and floor plan for the bathroom (ADDED AS PER DA 672/2008/D).
- p. All floor plans are to be correctly dimensioned, particularly the laundries for units 2b and 3b, which have been poorly placed with insufficient areas and no dimensions provided (ADDED AS PER DA 672/2008/D).
- q. Doors to flat 1 bedroom 1 and 2 to be fitted with openable fanlights to assist in cross ventilation (ADDED AS PER DA 672/2008/D).
- r. The proposed extensions to the floor area of unit 6 on roof top level is refused and not approved, thereby the development must be in accordance to the approved one bedroom flat 6 under DA 672/2008/D (ADDED AS PER DA 672/2008/E).
- s. **No approval is expressed or implied under this modification to increase the floor area of unit 6. The proposed small Juliet balcony for unit 2A shall be a maximum of 2.5m in length and 0.85m in depth, with the rest of the low maintenance garden above the roof of the car lift area to be made non-trafficable. In this regard, provision be made for 1.2m high planter boxes around the perimeter (east & south sides) of the Juliet balcony containing adequate mature plants. The planter boxes are to be constructed as permanent structures. The**

proposed works for Juliet balcony plus roof top garden are to be completed within the 60 days of the modification application consent date. (Added as per DA 672/2008/G)

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.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT (AMENDED VIA DA-672/2008/G)

The development must be in accordance with Architectural Drawing Sheet No. A30, A31 A31/4, A31/3, A32 to A41, A43 & A 44 prepared by Simon Wakerman and Associates P/L and received by Council on 16 December 2014, and the approved modification plans:

(b) Drawing No. A32 prepared by Simon Wakerman and Associates P/L and received by Council on 16 April 2015. (Amended as per DA 672/2008/E); and,

(b) Sheet No. A30 prepared by Simon Wakerman and Associates P/L and received by Council on 27 October, 2017 (Added as per DA 672/2008/G).

But only in so far as they relate to the modification highlighted on those Section 96 plans and details in the Section 96 application, except where amended by the following conditions of consent.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and the *"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 Chambers (First Floor) 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.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Chambers, First Floor, Cnr Paul Street and Bondi Road, Bondi Junction.

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.

3. 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 that may be caused to any Council property as a consequence of this building work.

This deposit 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 will be refunded after satisfactory completion of the building work to the person who paid the deposit.

4. 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.

5. NO BUILDING 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 81A(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.

6. 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 (AMENDED DA 672/2008/C).

7.1. FIRE SAFETY UPGRADING WORKS (AMENDED DA- DA 672/2008/C)

- 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, the existing 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) Fire fighting equipment – Part E1;
 - (vii) Smoke hazard management – Part E2;
 - (viii) Lift Installations – Part E3;
 - (ix) Emergency lighting, exit signs and warning systems – Part E4;
 - (x) Sanitary and other facilities – Part F2;
 - (xi) Room heights – Part F3;
 - (xii) Light and ventilation – Part F4; and
 - (xiii) 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 (AMENDED DA 672/2008/C).

8. 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.

9. HOARDING REQUIRED

If required, hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings are 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.

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2006 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.

11. 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.

12. 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 2006 (Amendment No.2) – Part B, Clause 9.2, prior to a Construction Certificate.

13. 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.

14. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

15. 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.

16. 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.

17. 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.

18. 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.

19. TOILET FACILITIES

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

20. 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 AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

21. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

22. 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 DEC's Managing Urban Stormwater: Construction Activities. 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.

23. 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.

24. 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.

25. 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.

26. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

27. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS AND NOT EXCEEDING 26 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

28. BUILDING CODE OF AUSTRALIA

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

29. 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; 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.

30. TREE PRESERVATION

A tree preservation order exists in Waverley. 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.

31. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

32. 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.

33. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

34. 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.

35. LIGHTING

Any new 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*.

In addition, car park lighting is to be movement sensitive and not cause a nuisance to surrounding dwellings.

36. GENERAL MODIFICATIONS (AMENDED DA-672/2008/A), AND BY DA-672/2008/D, AND BY DA-672/2008/E, AND BY DA-672/2008/F

The proposal shall be amended as follows:

- a. The front fence (indicated as new screen wall on drawings) is to be a maximum height of 1.8 metres with 50% transparency above 1.2m in accordance with the Waverley DCP (AMENDED DA 672/2008/A).
- b. ~~The under-croft level / area shall be use only for storage or retained as existing car parking spaces. In this regard, the proposed additional unit / dwelling in the under-croft area is refused and not approved (thereby the new unit is to be deleted), as the amenity for this new basement unit is considered not acceptable, poor and inadequate (DELETED AS PER DA 672/2008/D).~~
- c. Details are to be submitted showing the concrete columns to all balconies are to be increased to 300mm in diameter, in order to provide a strong architectural element in the design (ADDED AS PER DA 672/2008/D).
- d. Submission of a proper landscape plan prepared by a suitably qualified landscape consultant indicating plant species, maintenance program and the provision of hanging, climbing gardens over the patio of proposed unit no. 1 and passenger and car lift shaft walls (ADDED AS PER DA 672/2008/D).
- e. Submission of acoustic treatment details prepared by suitably qualified expert for passenger lift and car lift, including provision for cavity wall separation between the lifts and the adjacent units to ensure that vibration and noise impacts are minimised (ADDED AS PER DA 672/2008/D).

- f. Plans are to indicate capping, flashing, handrails, downpipes and other relevant details. In addition, the provision of laundry areas need to be indicated for units 1 and 6 (ADDED AS PER DA 672/2008/D).
- g. All privacy screens and other railings shall be made metallic (ADDED AS PER DA 672/2008/D).
- h. The new lower level facades on the east, west and southern boundaries are to have a higher quality masonry finish to compliment the neighbouring buildings and improve the neighbour's amenity and outlook (ADDED AS PER DA 672/2008/D).
- i. Submission of a schedule showing the materials, colours and finishes of the building to include (but not limited) white cement rendered wall treatment and new anodised operable aluminium windows with frameless glass balustrades (ADDED AS PER DA 672/2008/D).
- j. Ceiling fans are to be provided in all habitable rooms and to be indicated on the drawings (ADDED AS PER DA 672/2008/D).
- k. Outdoor clothes lines are to be provided to both a common area for common use and at ground floor units (ADDED AS PER DA 672/2008/D).
- l. The provision of an additional car space for unit no. 1 behind the car lift area as indicated on the previous plans approved under DA 672/2008/C and thereby having a total of 6 car parking spaces on site. (ADDED AS PER DA 672/2008/D).
- m. Additional airflow or cross ventilation is to be provided in the proposed new subterranean unit 1 other than from the new patio adjacent to bedroom 2, which has risks of damming water and being damp (ADDED AS PER DA 672/2008/D).
- n. The provision of a proper stormwater drainage system to address any future damming water issues in the new patio for unit 1 (ADDED AS PER DA 672/2008/D).
- o. The opening on the south facade of unit 1 is to be corrected on elevation drawings and floor plan for the bathroom (ADDED AS PER DA 672/2008/D).
- p. All floor plans are to be correctly dimensioned, particularly the laundries for units 2b and 3b, which have been poorly placed with insufficient areas and no dimensions provided (ADDED AS PER DA 672/2008/D).
- q. Doors to flat 1 bedroom 1 and 2 to be fitted with openable fanlights to assist in cross ventilation (ADDED AS PER DA 672/2008/D).
- r. The proposed extensions to the floor area of unit 6 on roof top level is refused and not approved, thereby the development must be in accordance to the approved one bedroom flat 6 under DA 672/2008/D (ADDED AS PER DA 672/2008/E).
- s. **No approval is expressed or implied under this modification to increase the floor area of unit 6. The proposed small Juliet balcony for unit 2A shall be a maximum of 2.5m in length and 0.85m in depth, with the rest of the low maintenance garden above the roof of the car lift area to be made non-trafficable. In this regard, provision be made for 1.2m high planter boxes around the perimeter (east & south sides) of the Juliet balcony containing adequate mature plants. The planter boxes are to be constructed as permanent structures. The**

proposed works for Juliet balcony plus roof top garden are to be completed within the 60 days of the modification application consent date. (Added as per DA 672/2008/G)

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.

37. NEW OR MODIFIED OPENINGS

All new or modified openings in external walls of the building, including the walls of the lift shaft and all windows opening onto the fire stair, located within 3m of fire source features are to be protected in accordance with Part C3 of the Building Code of Australia.

Details as to the method of protection are to be provided in the plans prior to the issue of a Construction Certificate **(AMENDED DA 672/2008/B)**.

38. 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 staging of demolition (types of materials to be removed from the site), 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 demolition, 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 **(AMENDED DA 672/2008/A)**.

39. 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 **(AMENDED DA 672/2008/A)**.

40. 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;
- (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 **(AMENDED DA 672/2008/A)**.

41. DILAPIDATION REPORT

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining properties prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings at the adjoining properties **(AMENDED DA 672/2008/A)**.

42. 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 **(AMENDED DA 672/2008/A)**.

43. 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 **(AMENDED DA 672/2008/A)**.

44. 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*.

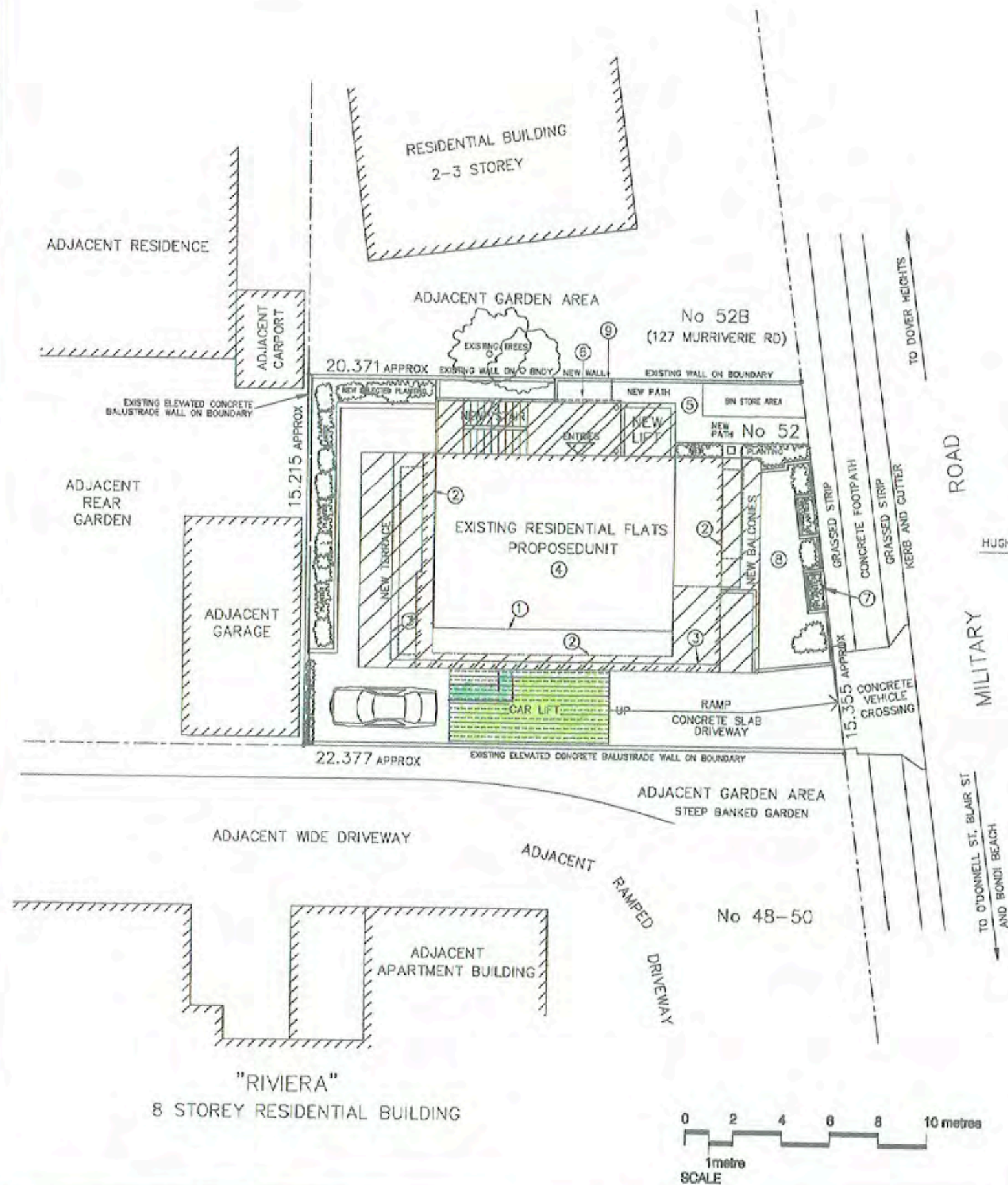
45. VEHICLE ACCESS

All vehicles entering and exiting the basement garage / area shall do so in a forward direction at all times.

46. ADDITIONAL SECTION 94A LEVY REQUIRED (ADDED DA 672/2008/E)

An amended cost report indicating the itemised full cost of the development (including the modifications scope of work for units 1 and 6 and the additional car parking in the new basement levels) shall be completed and submitted to Council. In this regard, prior to the

issue of the Occupation Certificate evidence must be provided that the additional Section 96 contribution development levy has been paid to Waverley Council pursuant to section 94A of the Environmental Planning Assessment Act 1979 and the “Waverley Council Development Contributions Plan 2006”.



LEGEND

- EXISTING PERIMETER WALLS OF BUILDING
- AREA OF TERRACE AND BALCONY
- NEW EXTERNAL STAIR AND LIFT (ACCESS TO EACH FLOOR LEVEL EXCEPT UNDERCROFT) EXISTING INTERNAL STAIR TO BE REMOVED AND REPLACED WITH A NEW EXTERNAL FIRE ESCAPE STAIR AND A NEW EXTERNAL LIFT.
- NEW PROPOSED UNIT EXTENSION
- LINE OF NEW ROOF

KEY

KEY NOTES

- OUTLINE OF APPROVED UNIT,
- OUTLINE OF PROPOSED UNIT,
- LINE OF NEW ROOF,
- THE EXISTING CAR PARK LEVEL TO BE CONVERTED TO A NEW 2 BEDROOMS UNIT,
- NEW PATH AND PLANTING LEADING TO THE GROUND FLOOR ENTRY OF THE BUILDING.
- NEW BIN STORAGE AREA AT CAR PARKING LEVEL (UNDER ENTRY).
- NEW FRONT WALL/FENCE AND PLANTERS.
- NEW LAWN AREA AND COURTYARD
- BOUNDARY WALL AND PATH EXTENDED UP TO NEW STAIR, ENTRY AND LIFT.

SITE PLAN NOTES

THIS SITE PLAN, THE LEGEND AND THE KEY NOTES, INDICATE IN GENERAL TERMS ONLY, THE SCOPE OF THE NEW WORKS. REFER TO THE FLOOR PLANS AT EACH FLOOR LEVEL, THE SECTION A-A AND THE ELEVATIONS, FOR FURTHER INFORMATION ON THE EXTENT OF THE NEW WORKS.

GENERAL NOTES

DO NOT SCALE FROM DRAWINGS

ALL DIMENSIONS SHOWN ON THIS SET OF DRAWINGS SHALL BE CHECKED AND CONFIRMED ON SITE.

THE EXACT LOCATION/POSITION/SIZES OF ALL EXISTING STRUCTURAL COLUMNS, BEAMS, SLABS AND OTHER STRUCTURAL MEMBERS OF THE EXISTING BUILDING, UNDERCROFT AND CAR PARKING AREA, SHALL BE REMEASURED AND CHECKED ON SITE IN DETAIL, RECORDED AND CONFIRMED BY A STRUCTURAL ENGINEER, BEFORE ANY WORKING DRAWINGS FOR THIS PROJECT ARE PREPARED.

THE BOUNDARY DIMENSIONS AND ANGLES SHOWN ON THESE DRAWINGS ARE APPROXIMATE. BOUNDARY DIMENSIONS AND ANGLES SHOWN ON THESE DRAWINGS SHALL BE DETERMINED EXACTLY BY A REGISTERED SURVEYOR, AND MARKED ON SITE BY THE SURVEYOR BEFORE THE PREPARATION OF ANY WORKING DRAWING DOCUMENTATION OR COMMENCEMENT OF ANY BUILDING WORKS.

ENVIRONMENTAL PROVISIONS - (IN ACCORDANCE WITH APPROVAL CONDITIONS)

ALL NEW TAPS AND TOILET FLUSH MECHANISMS SPECIFIED TO BE OF THE BEST WATER RATING.
ALL NEW BUILT-IN ELECTRICAL APPLIANCES AND FIXTURES TO BE OF THE HIGHEST ENERGY RATING.
SOLAR PANELS AND A SOLAR HOT WATER SYSTEM TO BE INSTALLED ON THE ROOFTOP.
RAINWATER TANK TO BE INCORPORATED IN THE UNDERCROFT AREA.
NEW WALLS AT THE TOP LEVEL (ROOFTOP) SPECIFIED AS HEBEL BLOCK, SHALL HAVE BUILT-IN AIR GAP INSULATION.
ALL NEW GLAZING WILL BE IN ACCORDANCE WITH BEST THERMAL INSULATION STANDARDS.
ALL TIMBERS USED ARE TO BE CERTIFIED RENEWABLE PLANTATION TIMBERS.

to	Amendment	Date	No	Amendment	Date	Drawings Prepared By	Project	Drawing Title	For CC	Scale	Drawn	Date	Designed	Drawing Number	Sheet
3	EXTERNAL LIFT ADDED. BODY WALL & PATH AT NEW ENTRY CHANGED. KEY NOTE 4, 5, CHANGED, 9 ADDED. ENVIRONMENTAL PROVISIONS ADDED. AREA OF ADDITIONS AT ROOF LEVEL REDUCED IN SIZE. LEGEND ADJUSTED. NEW PRIVACY SCREEN ADDED ON WEST BOUNDARY.	12/9/10	4	KEY NOTE 4 WORDING CHANGED RE NUMBER OF FLATS IN BUILDING. WORDING ON LEGEND CHANGED.	5/4/11	Simon Wakeman and Associates P/L Architects 180 Old South Head Rd Vaucluse 2030 ph 0227 4440 fax 0228 7012	REFURBISHMENT TO RESIDENTIAL FLATS at 52 MILITARY RD NORTH BONDI	PROPOSED NEW SITE PLAN	17/8/2011	1:200	A.N.	08/09/2014	S.W.	080900/6	A31

Succulent Garden

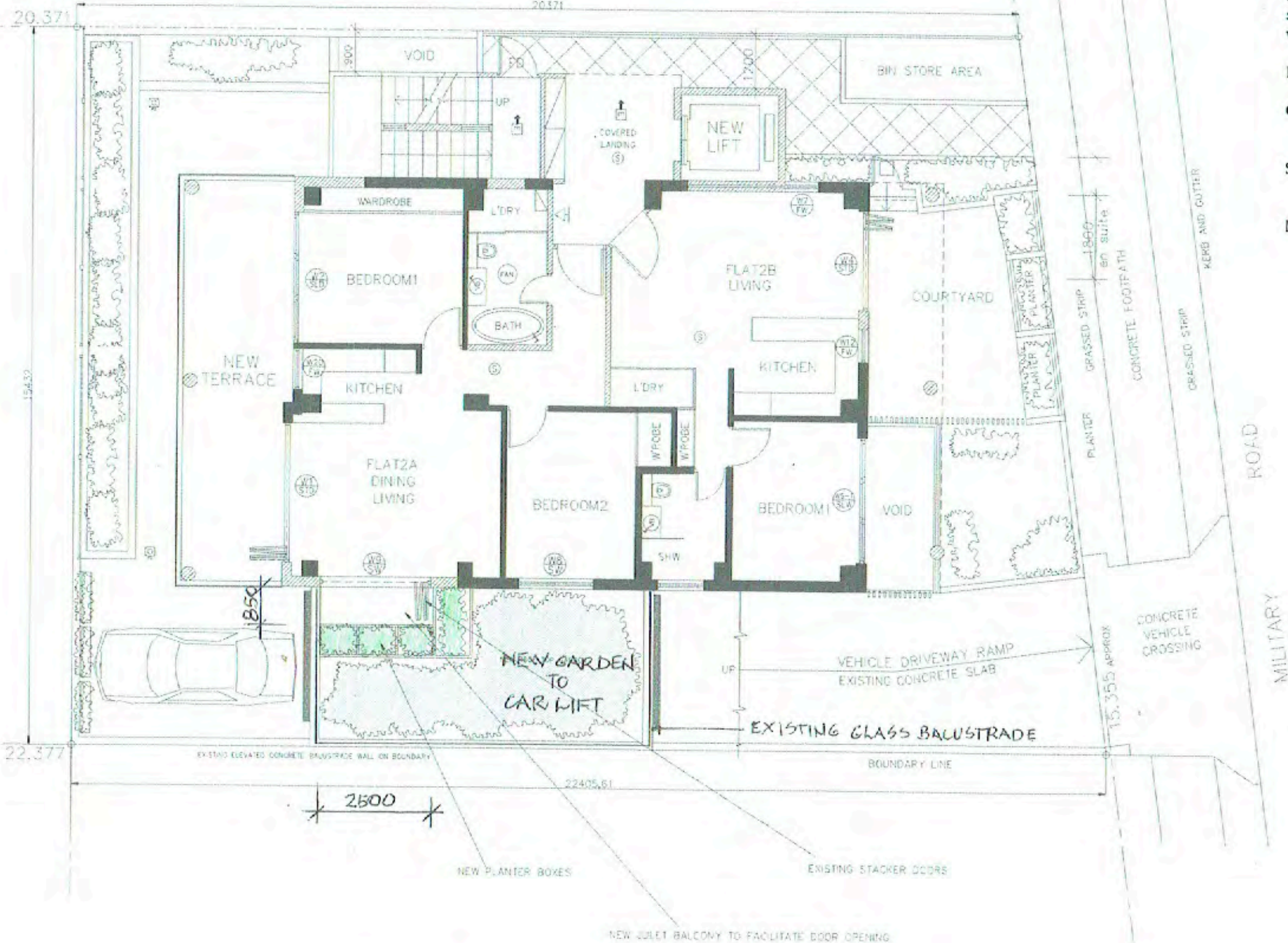
Preparatory work : Provide drainage cell to area of garden.
Cover drainage cell with geotech fabric.
Form mounding with sandy soil to plant suppliers recommendations. Cover soils with washed river pebbles .

Panting Schedule:

Ground covers : 20 x Pigface Carpobrotus
20 x Aeonium Kiwi

Small plants : 12 x Hummels Sunset Jade M
12 Varigated Jade

Medium plants: 6 x Agave Attenuata M
6 x Agave Attenuata Nova L



To	Amendment	Date	No	Amendment	Date

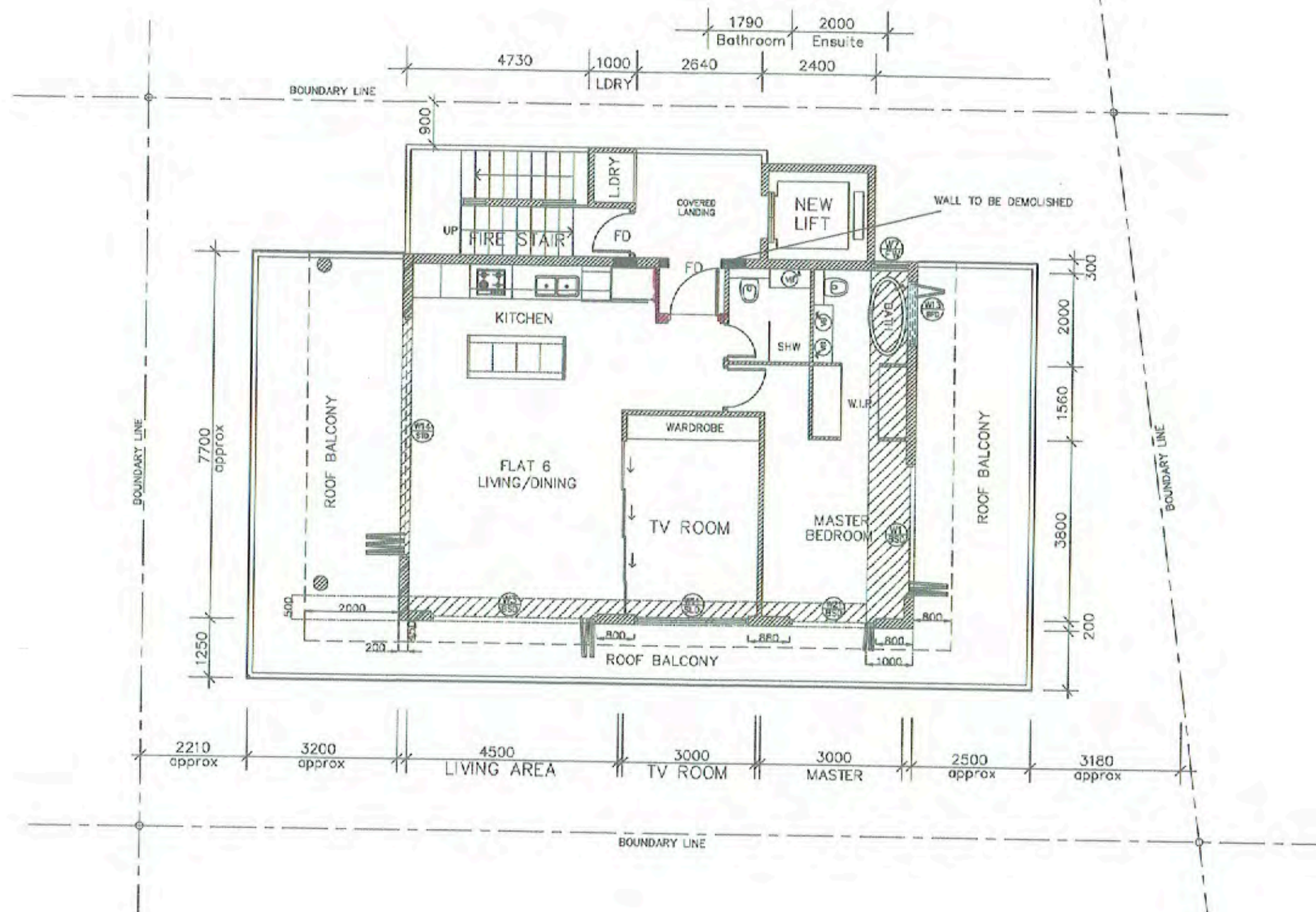


Drawings Prepared By
Simon Wakerman and Associates P/L
Architects
180 Old South Head Rd
Vaucluse 2030
ph 0237 4440 fax 0299 7012

Project
REFURBISHMENT TO
RESIDENTIAL FLATS at
52 MILITARY RD NORTH BONDI

Drawing Title
SITE AND
GROUND FLOOR PLAN
UNITS 2A & 2B

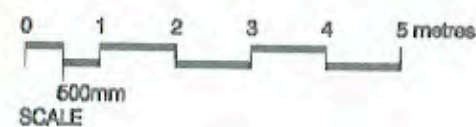
Scale 1:100
Date 30/11/2014
Drawing Number 010917
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Designed S.W.
Sheet No A3



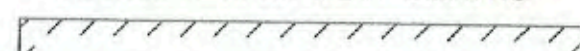
NOT :




SHOWS EXTENSION TO FLOOR AREA



ADJACENT APARTMENT BUILDING



to	Amendment	Date	No	Amendment		Drawings Prepared By Simon Wakeman and Associates P/L Architects 180 Old South Head Rd Vaucluse 2030 ph 0227 4440 fax 0228 7012	Project REFURBISHMENT TO RESIDENTIAL FLATS at 52 MILITARY RD NORTH BONDI	Drawing Title FLOOR PLAN FOR ROOFTOP FLAT	For CC 17/8/2011		
									Scale 1:100	Drawn A.N.	Designed S.W.
									Date 08/09/2014		
									Drawing Number 020917	Sheet 10	A.31

ROOF PARAPET RL 87.465

ROOFTOP FLAT FLOOR LEVEL RL 84.465

THIRD FLOOR CEILING LEVEL

THIRD FLOOR LEVEL RL 81.53

SECOND FLOOR CEILING LEVEL

SECOND FLOOR LEVEL RL 78.66

FIRST FLOOR CEILING LEVEL

FIRST FLOOR LEVEL RL 75.80

GROUND FLOOR CEILING LEVEL

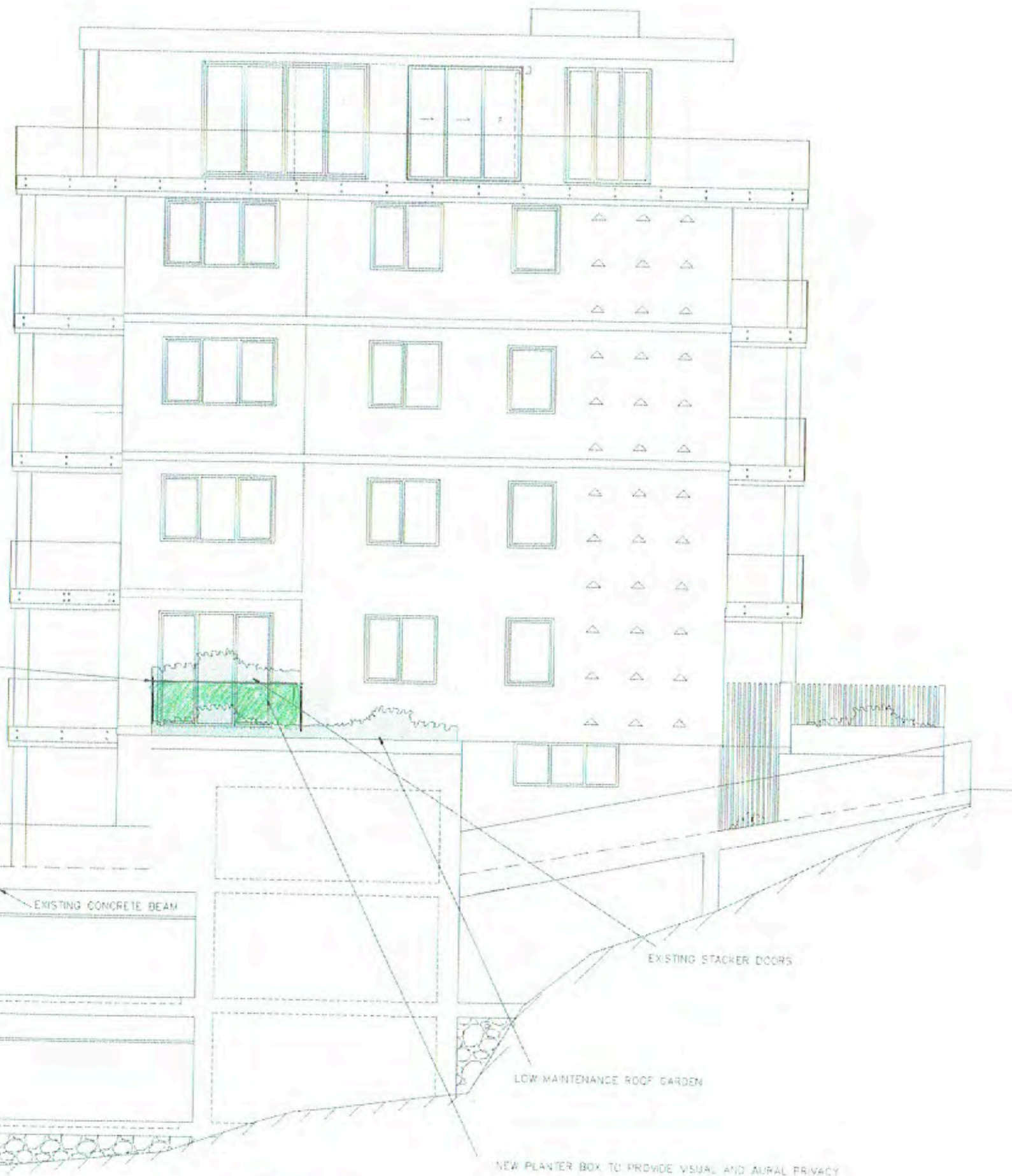
NEW Juliet BALCONY TO FACILITATE DOOR OPENING

GROUND FLOOR LEVEL RL 72.94

SEE NOTE 1
UNDER GROUND FLOOR LEVEL RL 70.00
(SLAB LEVEL VARIES WITH FALLS)

ALL TO ENGINEERS DETAILS
FIRST CAR PARK LEVEL RL 67.20

SECOND CAR PARK LEVEL RL 64.50



ROOF PARAPET

ROOFTOP FLAT FLOOR LEVEL

THIRD FLOOR LEVEL

SECOND FLOOR LEVEL

FIRST FLOOR LEVEL

GROUND FLOOR LEVEL

UNDER GROUND FLOOR LEVEL

to	Amendment	Date	No	Amendment	Date

Drawings Prepared By
Simon Wakerman and Associates P/L
Architects
180 Old South Head Rd
Vaucluse 2030
ph 0227 4440 fax 0227 7012

Project
REFURBISHMENT TO
RESIDENTIAL FLATS at
52 MILITARY RD NORTH BONDI

Drawing Title
SOUTH ELEVATION

Scale 1:100

Date 26/03/2015

Drawing Number
040917

Drawn
N.H.

Designed
S.W.

Sheet
A3

134

ROOF PARAPET RL 87.465

ROOFTOP FLAT FLOOR LEVEL RL 84.465

THIRD FLOOR CEILING LEVEL

THIRD FLOOR LEVEL RL 81.53

SECOND FLOOR CEILING LEVEL

SECOND FLOOR LEVEL RL 78.66

FIRST FLOOR CEILING LEVEL

FIRST FLOOR LEVEL RL 75.80

GROUND FLOOR CEILING LEVEL

GROUND FLOOR LEVEL RL 72.94

SEE NOTE 1
UNDER GROUND FLOOR LEVEL RL 70.00
(SLAB LEVEL VARIES WITH FALLS)

NEW LOW MAINTENANCE GARDEN TO ROOF TOP

0 1 2 3 4 5 metres
500mm
SCALE

ROOF PARAPET

ROOFTOP FLAT FLOOR LEVEL

THIRD FLOOR LEVEL

SECOND FLOOR LEVEL

FIRST FLOOR LEVEL

GROUND FLOOR LEVEL

UNDER GROUND FLOOR LEVEL

Amendment						Drawings Prepared By Simon Wakerman and Associates P/L Architects 180 Old South Head Rd Vaucluse 2030 ph 0227 4440 fax 0299 7019	Project REFURBISHMENT TO RESIDENTIAL FLATS at 52 MILITARY RD NORTH BONDI	Drawing Title EAST ELEVATION	For CC 17/8/2011	
to	Amendment	Date	No	Amendment	Date				Scale 1:100	Drawn N.H.
									Date 28/03/2015	Designed S.W.
									Drawing Number 060017	Sheet No A26

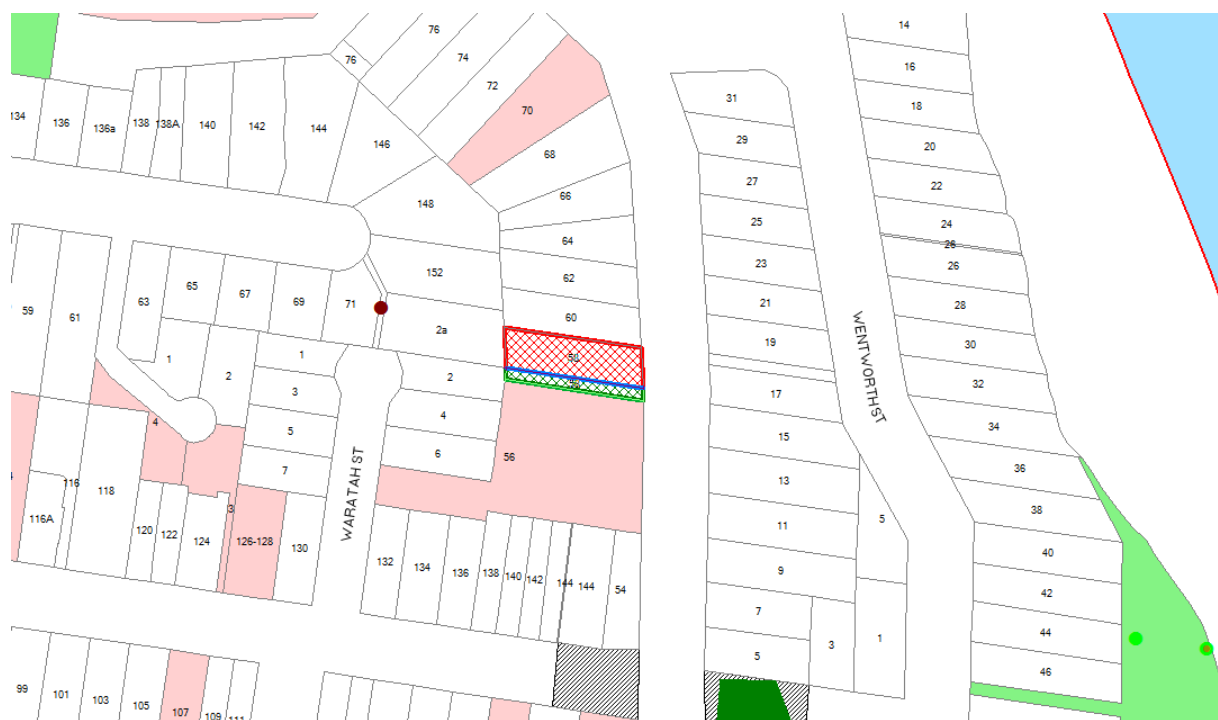
SECOND CAR PARK LEVEL



Report to the Waverley Development Assessment Panel

Application number	DA-468/2017
Site address	58 Military Road, Dover Heights
Proposal	Demolition of building; construction of a dual occupancy
Date of lodgement	2 November 2017
Owner	Dragonwin (Aust) Investment Pty Ltd
Applicant	Gelder Architecture
Submissions	Four submissions received
Cost of works	\$2.5 million
Issues	Non-compliance with building height and floor space ratio development standards; rear setbacks, privacy and car parking.
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 15 March 2018.

The site comprises two allotments which are identified as Lot A in DP 366637 and Lot 15 in DP 10090, known as 58 Military Road, Dover Heights. The site is irregular in shape with a frontage to Military Road measuring 15.24m. The site has an area of 634.3m² falls steeply from its street frontage (east) towards the west by approximately 13.3m.

The site is occupied by a three storey dwelling house with vehicular access provided from Military Road and a garage located at the front of the site.

The subject site is adjoined by an eight-storey residential flat building to the south at 56 Military Road and a three storey dwelling house to the north at 60 Military Road and one and two storey dwelling houses to the west of the site at 2 and 2A Waratah Street. The locality is characterised by predominantly low density residential development, including dwelling houses and dual occupancies.



Figure 1: Site (centre of photo) viewed from Military Road, looking west



Figure 2: Rear of existing development on the site, looking east from the rear yard



Figure 1: Rear of adjoining dwelling house to the north of the site at 60 Military Road, looking north from the rear yard

1.2 Relevant History

A search of Council records reveals the following recent and relevant development history of the site:

- DA-392/2009 for substantial demolition of existing dwelling and construction of two storey dwelling including double garage and rear deck was approved on 1 December 2009.
- DA-613/2010 for demolition of existing dwelling and construction of part two/three storey dwelling, carport and swimming pool was approved on 12 July 2011.
- DA-613/2010/A for modification to extend front room and carport and provision of roof to bin store area was approved on 22 December 2011.
- DA-613/2010/B to modify internal room configuration, new fireplace and flue and rooftop solar panels was approved on 1 June 2012.

A construction certificate, known as CCB-264/2014, was released associated with the approved development known as DA-613/2010 (as modified), however the site inspection revealed no works as part of the approved development have commenced. This development consent has subsequently lapsed.

1.3 Proposal

The application seeks development consent for the demolition of existing structures and the construction of a three and part four storey dual occupancy (attached) with each dwelling comprising:

- two bedrooms, study and two bathrooms on basement level
- rumpus room, laundry and bathroom and rear balcony on lower ground floor level
- open plan living, kitchen and dining room, bathroom and garage comprising a car stacker system to accommodate two parked vehicles on ground floor level
- two bedrooms, two bathrooms and front balcony on first floor level.

The application also seeks development consent for the following:

- earthworks, including excavation and fill
- construction of front fence
- tree removal
- new vehicular access.

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 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	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	Subdivision is not proposed.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as ‘dual occupancy (attached)’, which is permitted with consent in the R2 zone. It satisfies the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposed development has an overall building height of 11.6m, measured to RL 66.700 (the roof level of the uppermost floor level) above RL55.100 (existing ground level). The height exceedance is 3.1m or 37%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.5:1 SA: 634.3m² Max GFA: 317.15m² 	Yes	The overall gross floor area of the proposed development is 516.6m ² , which achieves a floor space ratio of 0.814:1. The proposal exceeds the development standard by 199.45m ² or 63% over.
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 of buildings and floor space ratio 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 adjoining property to the south of the site is known to be an archaeological site as it was a former quarry (Item No. A536 under Schedule 5 of Waverley LEP 2012). The proposal is not expected to have any discernible impact on the significance of the archaeological site.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes (by condition)	The proposal involves excavating more than 3m below existing ground level to accommodate the basement level of the development. Conditions of consent are recommended to require the submission of a geotechnical report to the satisfaction of the Principal Certifying Authority that recommends appropriate measures to be taken during excavation works. Standard conditions of consent are recommended to require structural engineering details to be submitted as part of the construction certificate application and for dilapidation reports to be prepared.

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

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The proposal has an overall building height of 11.6m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 3.1m or 37%. The area of non-compliance occurs within the uppermost circulation core of the development where the terrain of the site begins to considerably slope downwards towards the west and to the rear boundary of the site and the rearmost portion of the development.

The relevant objectives of the height of buildings development standard set out under clause 4.3(1) of Waverley LEP 2012 are extracted as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (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*

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 non-compliance is a product of the sharp slope of the terrain of the site.
- The non-compliance will not impact on the visual amenity of the streetscape as the proposed development, when viewed from Military Road, presents as two storeys and appears below the height of buildings development standard. The exceedance will therefore not be perceived from Military Road.
- The non-compliance will not result in view impacts from adjacent properties to the east of the site and within the public domain.
- The adjoining residential flat building to the south of the site at 56 Military Road is seven storeys and significantly exceeds the height of buildings development standard. The non-compliance is not out of character with the surrounds of the site.
- The development is an economic and orderly use of the site.
- The development meets the zone objectives in terms of providing housing to meet the needs of the community in a well-designed dwelling with a high level of amenity.

The written request to vary the height of buildings development standard is considered generally well-founded with regard to the matters for consideration under clauses 4.6(3) and (4) of Waverley LEP 2012, including the objectives of the development standard.

While the circulation core of the development (comprising the stairwell and lift) results in the development being part four storeys, the building height of the development appropriately steps down to follow the steep east-west fall of the site. The development has been successfully designed to present as two storeys when viewed from Military Road and present as typically two and, in part, three storeys across its side elevations due to its building height stepping down to follow the fall of the site. The three storey form of the development within its rear (western) portion is considered appropriate as it reflects the three storey form of the existing development on the site and the adjoining dwelling house to the north of the site. Further, the development is set back sufficiently from the front and side boundaries of the site. The development will be compatible with the prevailing one storey (those dwellings that have steep pitched roof forms) and two storey street presentation of surrounding buildings on the western side of Military Road that are within the visual catchment of the site. In this regard, the non-compliance with the height of buildings development standard is not expected to manifest in adverse visual and streetscape impacts.

The non-compliance with the development standard will not impact on public and private views over the site towards the skyline of the Sydney Central Business District and the Harbour Bridge given the terrain of the site and the building height of the development stepping down to follow the fall of the site. Further, the non-compliance will not manifest in adverse additional overshadowing of adjoining properties to the south and south-west of the site. Additional overshadowing of these properties is expected given the steep terrain of the site and its surrounds. The appropriateness of the rear setbacks of the proposed development is discussed later in this report and a condition of consent recommended to address the rear setbacks of the development is expected to lessen the additional overshadowing impact of the development.

The applicant has adequately demonstrated that compliance with the height of buildings development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the height of buildings development standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the height of buildings development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.814:1, which exceeds the floor space ratio (FSR) development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 199.45m² in gross floor area or 63%.

The relevant objectives of the FSR development standard set out under clause 4.4(1) of Waverley LEP 2012 are extracted as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

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 FSR of the proposed development is not out of character with surrounding buildings given the adjoining residential flat building to the south of the site.
- The majority of the building bulk and scale of the development is contained at the rear of the development. The development maintains a consistent rear setback with surrounding buildings and has a complying site coverage (i.e. sufficient open space and landscaped area are provided).
- The development will not result in unreasonable additional overshadowing and view impacts.
- The bulk and scale of the development is appropriate to the built form context and terrain of the site, and therefore, compliance with the development standard is deemed unreasonable and unnecessary.
- The development is an economic and orderly use of the site.
- The development meets the zone objectives in terms of providing housing to meet the needs of the community in a well-designed dwelling with a high level of amenity.

The written request to vary the FSR development standard is considered generally well-founded with regard to the matters for consideration under clauses 4.6(3) and (4) of Waverley LEP 2012, including the objectives of the development standard. The non-compliance is significant in quantitative terms. The qualitative implications of the non-compliance are assessed as being the most relevant in the consideration of the non-compliance with the development standard.

The majority of the gross floor area of the basement or lowermost level of the development is counted in the calculation of the overall gross floor area of the development. The development will be perceived as a two storey building form when viewed from Military Road given the steep terrain of the site. Therefore, the majority of the gross floor area and apparent gross floor area of the development is concealed from the street, and therefore, the non-compliance will not lead to the

development being out of character with the prevailing built form character of Military Road within the visual catchment of the site.

As discussed previously, the development successfully transitions its building height to follow the downward fall of the site in an east-west direction. The transition in building height moderates the perceived building bulk and scale of the development across its side elevations and assists to lessen the visual impacts of the development upon adjoining properties. Further, the non-compliance with the FSR development standard is not considered to be a strong determinant of the overall extent of additional overshadowing caused by the proposed development. The rear setbacks of the development are discussed later in this report and are found to be the contributing factors to the extent of overshadowing impact and visual impact of the development. A condition of consent is recommended to increase the rear setbacks of the development, which will reduce the extent of overshadowing and visual impact upon adjoining properties.

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the FSR development standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan has been submitted. Bins will be stored to the sides of the development.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX Certificate has been submitted. The proposed development satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort.
5. Tree preservation	Yes	Council's Tree Management Officer did not object to the proposed tree removal, including the Banksia street tree. The Officer recommends that the street tree be appropriately replaced. A condition of consent is recommended to this effect.
6. Stormwater	Yes (by condition)	Council's Manager, Design in Creating Waverley finds the stormwater plans unsatisfactory. A condition of consent is recommended to ensure the stormwater plans comply with Council's Stormwater Policy prior to the issue of a construction certificate.

Development Control	Compliance	Comment
		<p>boundaries of properties to the north of the site.</p> <ul style="list-style-type: none"> See discussion below this table on the rear setbacks of the development.
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5m (for a new three storey building) 	Partial compliance	<p>The majority of the development is three storeys and therefore the minimum side setback of the development is 1.5m.</p> <p>The development is set back from the northern side boundary of the site:</p> <ul style="list-style-type: none"> by 1.5m on basement and lower ground floor level between 1.2m and 1.5m on ground floor level by 1.2m on first floor level. <p>The development is set back from the southern side boundary of the site:</p> <ul style="list-style-type: none"> by 1.7m on basement and lower ground floor level between 1.5m and 1.7m on ground floor level by 1.5m on first floor level. <p>All of the southern side setbacks of the development comply with the minimum side setback control. The majority of the northern side setbacks of the development are compliant. The minor non-compliance with the control encountered by the ground and first floor levels of the development are inconsequential. The side setback of 1.2m occurs within front most portion of the development and the extent of the setbacks are relatively small compared to the overall depth of the development. These setbacks will not cause any discernible impact upon the adjoining property to the north of the site.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The proposed excavation is set back greater than 0.9m from side boundaries of the site.
1.4 Streetscape and visual impact		
	Yes	The proposed development utilises contemporary architecture which is consistent with the existing, emerging and desired future character of the locality. The perceived bulk and scale of the development are compatible with the prevailing built form character of the locality.
1.5 Dual occupancy development		

Development Control	Compliance	Comment
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached 600m² for detached 	Yes	The site has an area of 634.3m ² and is therefore appropriate to accommodate an attached dual occupancy development.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes N/A	<ul style="list-style-type: none"> The proposed front fences are situated on the northern and southern ends of the street boundary of the site and do not extent across the full extent of the boundary. The fences have an overall building height of 1.2m and the majority of the profiles of the fences are open. Side and rear boundary fences are not detailed on the plans and therefore are not part of the application. Separate development consent would be required for these fences if they are not deemed exempt development.
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. 	Yes	<ul style="list-style-type: none"> The majority of windows across the side elevations of the development are high-light with typical sill heights of 1.5m. These windows are not expect to compromise the visual privacy of adjoining properties. The westernmost windows serving the rumpus room and open plan living and dining room on lower ground and ground floor levels have no sill heights and have the potential to unreasonably overlook adjoining properties. In this regard, privacy treatment is required for these windows. A condition of consent is recommended to this effect. The window openings and glazed door openings across the rear (western) elevation do not directly face adjoining properties to the north and south of the site and are not expected to overlook the adjoining properties to the west of the site given substantial distances of separation between the subject development and the rear yards and window openings of dwellings on these adjoining properties.
<ul style="list-style-type: none"> External stairs are not acceptable. 	Acceptable	<ul style="list-style-type: none"> External stairs are only proposed within the side passageways and will not enable overlooking of adjoining properties.
<ul style="list-style-type: none"> Maximum size of balconies: 10m² in area 1.5m deep 	No (resolved by condition)	<ul style="list-style-type: none"> The area and depth of the balconies of the development are as follows: <ul style="list-style-type: none"> Lower ground rear balconies each have an area of approximately

Development Control	Compliance	Comment
		overshadowing is not considered to be unreasonable, particularly upon the adjoining residential flat building to the south of the site given the majority of apartments of the adjoining buildings will maintain at least three hours of sunlight on 21 June.
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. 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> An inspection of views standing on the footpath on the eastern side of Military Road revealed that the proposed development is not expected to affect public views over the site. Public submissions received did not raise issue with view impact. Further, submissions were not received from properties on the eastern side of Military Road that are opposite the site.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	No (resolved by condition)	Two formal car parking spaces proposed for each dwelling. However, a third car space for each dwelling can be accommodated within the driveway. A deferred commencement consent condition is recommended to intend for the driveway to be reduced in width, which will prevent the opportunity for a third car parking space for each dwelling.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings 	Yes	The garages are integrated within the building envelope of the development and situated behind the front building line.
1.11.3 Design	Yes	The garages are designed satisfactorily to be neatly integrated into the overall appearance of the development. While the garages will be accessed by one shared driveway, the width of the driveway is too expansive. A condition of consent is recommended to reduce the width of the driveway.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Adequate internal dimensions are provided for off-street car parking.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	No (resolved by condition)	The driveway will be approximately 8m wide measured across the street boundary of the site. A deferred commencement consent condition is recommended for the applicant to provide swept path wheel diagrams to show the minimum width of to provide shared vehicular access to each garage of the dwellings. This will aim to reduce the width of the driveway (if permitting).

Development Control	Compliance	Comment
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 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (resolved by condition)</p>	<ul style="list-style-type: none"> The overall open space area is 323.68m² (51% of the site area). The overall landscaped area is 253.6m² (40% of the site area). Each dwelling has private open space areas in excess of 25m² that are accessed from living and active areas of each dwelling. The front open space area is 80m², which occupies all of the front building setback area of the site. The front landscaped area is 12.5m², which is 16% of the front open space area provided. The recommended deferred commencement consent condition to reduce the width of the driveway will increase the amount of front landscaped area (if permitting)

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

Rear setbacks

The proposed development extends past the rear setbacks of the adjoining dwelling house to the north of the site, which is considered to establish the predominant rear building line of buildings further north. The basement level of the development extends the furthest, however, given its elevation relative to existing ground level, the bulk and scale of the basement level will not be overly perceived from adjoining properties, and therefore, is not expected to adversely impact upon these adjoining properties. The proposed development attempts to reflect the rear setbacks of the previously approved development on the site (known as DA-613/2010 as modified) by aligning the rear external walls with the rear alignment of the building envelope of the approved development. The rear balconies on lower ground and ground floor levels of the proposed development do extend past the rear setbacks of the previously approved development, which is deemed slightly unreasonable. The rear balconies of the adjoining dwelling house to the north of the site are considered reasonable cues to inform the rear setbacks of the lower ground and ground levels of the development. In this regard, a condition of consent is recommended to reduce the depth of the rear lower ground and ground balconies so that the western edge of the balconies aligns with that of the balconies on the comparable floor levels of the adjoining dwelling house to the north of the site. The condition will also require the roof coverings above the balconies to be reduced to reflect the required reduced depths of the balconies.

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 initially notified for 14 days in November 2017 and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

A couple of properties were not initially notified and were notified of the application in April 2018 as they are deemed to be directly affected by the application.

Four submissions were received from the following properties:

- 5A/56 Military Road
- 5C/56 Military Road
- 7B/56 Military Road
- 2A Waratah Street

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

- non-compliance with height of buildings development standard
- front, rear and side setbacks
- visual and acoustic privacy
- car parking.

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

Issue: *The proposal utilises a flat roof form and it is inconsistent with planning controls and the character of the area*

Response: There are no specific controls in Waverley DCP 2012 that dictates the roof form for new development in the Dover Heights area. The flat roof form of the development is synonymous with contemporary designed dwelling houses in the Dover Heights area.

Issue: *The finishes of the development should be non-reflective*

Response: Noted. No planning control exists that specifies that materials selected for any development should be non-reflective. A condition of consent cannot be imposed to control the reflectivity of domestic development within the considerations of the Act.

Issue: *Overland flow and stormwater run-off*

Response: The proposed stormwater system includes on-site detention, which is designed to reduce stormwater run-off. A condition of consent is recommended to require stormwater plans to be amended to wholly comply with Council's Stormwater Policy prior to the issue of a construction certificate.

Issue: *Overgrown vegetation and the current state of the existing development on the site*

Response: This matter cannot be used as a reason to refuse consent to the application and/or prejudice the assessment of the application. Should the application be approved, the site will be redeveloped and this matter will be resolved

Issue: *Construction impacts*

Response: Standard conditions of consent are recommended to minimise disturbance to adjoining properties during site works/construction of the development. This includes the requirement of the preparation of a dilapidation 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 Creating Waverley – Stormwater

Council's Manager, Design in the Creating Waverley department objected to the stormwater plans submitted with the application. A condition of consent is recommended to ensure the stormwater plans are brought into compliance with Council's Stormwater Policy prior to the issue of a construction certificate.

3.2 Creating Waverley – Traffic and Development

Council's Professional Engineer – Traffic and Development did not object to the proposal, subject to conditions of consent.

3.3 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer considered the proposed tree removal inside and outside of the site and does not object to the proposed removal, subject to the street tree being appropriately replaced. Conditions of consent are recommended to this effect.

3.4 Digital Waverley – Land Information

Council's GIS Officer did not object to the proposal, subject to conditions of consent specifying the land information (i.e. street numbering) for the new development.

4. SUMMARY

The application seeks development consent for demolition of existing structures and construction of a new attached dual occupancy development on the site known as 56 Military Road, Dover Heights.

The main issues in the assessment of the application are:

- non-compliance with the height of buildings and floor space ratio development standards
- rear building setbacks of the development
- visual and acoustic privacy
- car parking.

The assessment finds these issues acceptable on planning merit and specific design change conditions of consent are recommended to address these issues.

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

The application is referred to the Waverley Development Assessment Panel given that it seeks to exceed the height of buildings and floor space ratio development standard by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for deferred commencement consent, specifically to address the width of the driveway.

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:**

Ben Magistrale
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 8 May 2018

Date: 28 May 2018

Reason for referral:

- 3 Departure from any development standard in an EPI by more than 10%

APPENDIX A – DEFERRED COMMENCEMENT CONSENT CONDITIONS

The consent authority must be satisfied as to the following matters before the consent can operate.

Deferred commencement consent is granted in accordance with the provisions of section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. The consent is not to operate until the applicant has satisfied Council as to the following matters before the consent can operate:

1. In order to minimise the loss of on street parking, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the garages from Military Road shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- (a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
 - (b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Military Road to the immediate north and south of the proposed driveway.
 - (c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.
 - (d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
 - (e) Accurately show the length of the Council's kerb and gutter remaining between the southern side wing of the existing driveway at No.60 and the northern side wing of the proposed driveway at No.58 Military Road.
2. The width of the driveway shall be reduced in accordance with the results of the swept wheel path drawings as required by deferred commencement consent condition 1 and approved by Council's Executive Manager, Creating Waverley. Landscaped area within the front building setback area of the development shall increase accordingly. Amended plans shall be submitted for the approval of Council to meet this requirement.
 3. The depth of the rear lower ground and ground balconies shall be reduced so that the western edge of the balconies aligns with that of the balconies on the comparable floor levels of the adjoining dwelling house to the north of the site that is shown on the site survey prepared by W. Buxton Pty Ltd. The roof coverings above the balconies shall be reduced to reflect the required reduced depths of the balconies. Amended plans shall be submitted for the approval of Council to meet this requirement.
 4. Privacy screens shall be erected across the outer sides of the rear lower ground and ground balconies to a height of 1.8m above respective finished floor levels and be constructed of a light-weight material that is complementary to the architectural style of the development. Amended plans shall be submitted for the approval of Council to meet this requirement.
 5. The westernmost windows serving the rumpus room and open plan living and dining room on lower ground and ground floor levels of the development shall implement additional privacy

measures to reduce impacts upon adjoining properties. To mitigate privacy impacts, one of the following measures shall be implemented and details provided to Council:

- Sill height shall be raised to 1.5m above finished floor level; or
- Privacy screening (such as fixed louvres angled so as to prevent overlooking to the west of the site) shall be fitted on the outside of the window; or
- Obscure glazing to a height of 1.5m above finished floor level.

Amended plans shall be submitted for the approval of Council to meet this requirement.

The applicant has 12 months to obtain approval of the amended plans and additional information required by the deferred commencement matters in order to activate the consent. The consent will become active for five years from the date of satisfying the deferred commencement consent matters.

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA01, DA02, DA03, DA04, DA05 and DA10 (all Amendment D), tables and documentation prepared by Gelder Architects, dated 3 October 2017, and received by Council on 2 November 2017;
- (b) Landscape Plan No. L1-B and documentation prepared by Nicholas Bray Landscapes, dated 21 September 2017, and received by Council on 2 November 2017;
- (c) BASIX Certificate;
- (d) Schedule of external finishes and colours prepared by Gelder Architects and received by Council on 2 November 2017; and
- (e) 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.

NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.

2. DOMESTIC HEATERS

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

3. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

5. SECURITY DEPOSIT

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

6. LONG SERVICE LEVY

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

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

7. STREET TREE

- (a) The street tree may be removed by the applicant on the condition that a replacement tree is planted. The tree is to be a *Cupaniopsis anacardioides* of minimum container size of 75 litres and grown to Natspec standard.

The replacement tree is to be planted by a qualified horticulturist/arborist (minimum AQF Level 3).

- (b) A bond of **\$1,000** 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 newly planted *Cupaniopsis anacardioides* tree on the nature strip of the property.

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 Banksia tree is maintained in good condition as determined by Council's Tree Officer. If the 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.

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and 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.

9. HOARDING REQUIRED

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

of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

10. 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.

11. 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.

12. SYDNEY WATER QUICK CHECK

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

13. 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.

14. 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.

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. STORMWATER PLANS

The Stormwater Management Site Plans prepared by Adams Engineering, Project No. 170398, Drawing No. C001, C002 and C003 Rev A and dated 1 November 2017 are **not satisfactory** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

The following shall be submitted to the satisfaction of the Executive Manager, Creating Waverley prior to the issue of a construction certificate:

- (a) An Updated Stormwater Management Plan and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

17. SYDNEY WATER QUICK CHECK

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

18. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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 4.55 of the *Environmental Planning and Assessment Act 1979*.

20. 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.

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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. TOILET FACILITIES

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

25. OBSTRUCTION TO PUBLIC AREAS

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

29. 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.

30. 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.

31. 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.

32. 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.

33. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. BUILDING CODE OF AUSTRALIA

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

42. 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; and
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns.

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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. TREE REMOVAL

This consent authorises the removal of all trees on the site that are shown to be removed on the landscape plan referred to in condition 1 of this consent.

50. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **garages**. 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.

51. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

52. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

53. 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.

54. 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 the Environmental Planning and Assessment Act, 1979 have been satisfied.

55. 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 and to best engineering practice.

56. LANDSCAPE PLAN

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

57. 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.

58. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the car space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

59. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 58 - primary address site number

- Military primary address location.

The primary address number for the property shall be a minimum of 75mm high shall be positioned 600mm-1500mm above ground level and clearly visible from the street.

The following sub-addressing will apply:

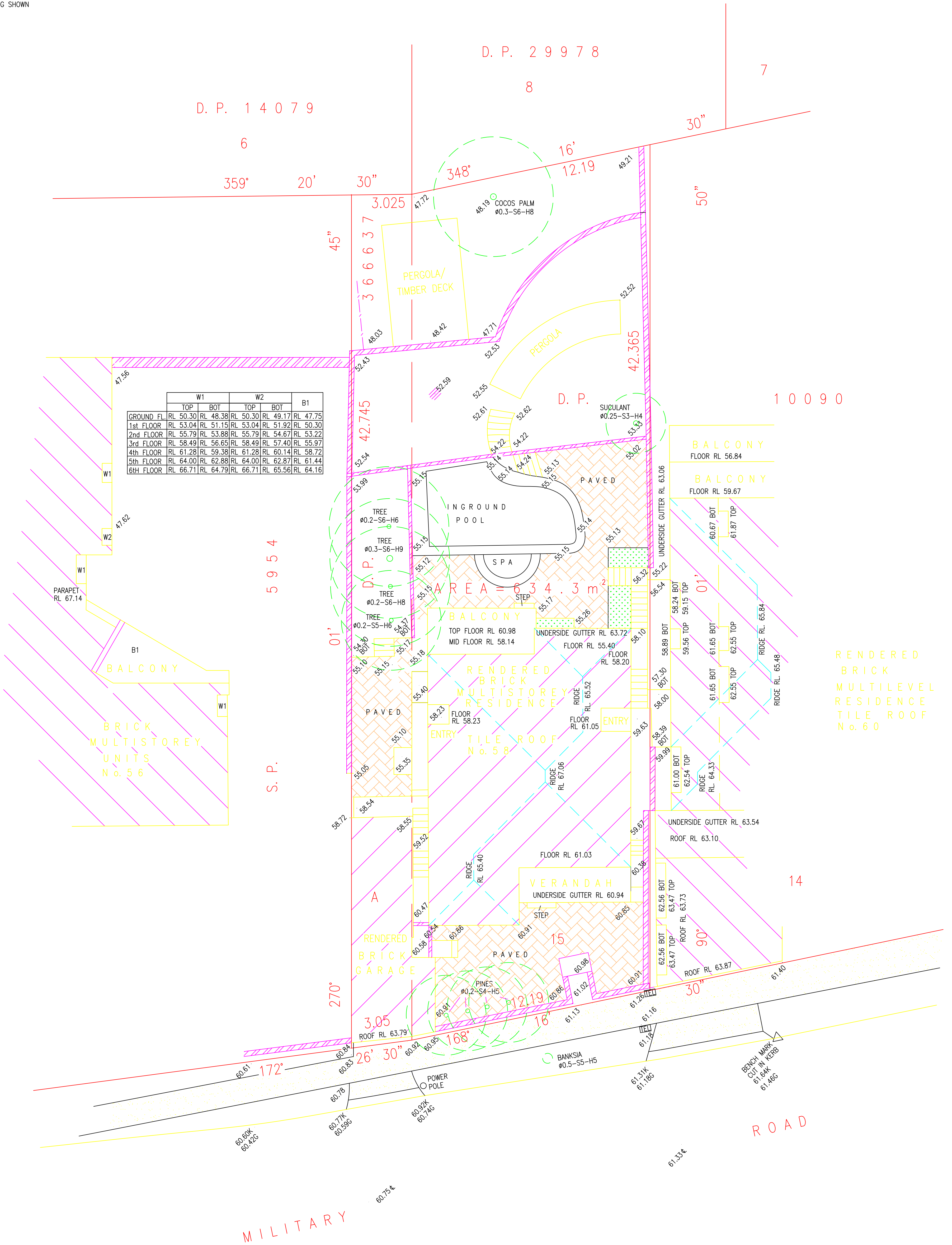
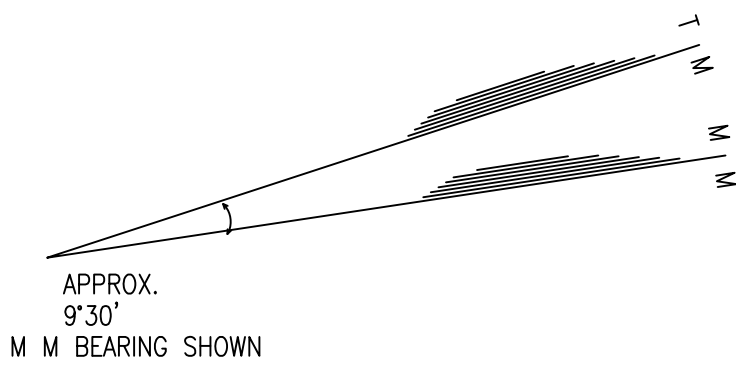
- No. 1/58 for the sub-addresses within the building correlating with the south allotment on the floor plans for the building (proposed Duplex B),
- Nos. 2/58 for the sub-addresses within the building correlating with the north allotment on the floor plans for the building (proposed Duplex A).

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.

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



NOTE: No underground services search has been carried out. You are advised to "Dial 1100 Before You Dig" before carrying out any building work.

SHEET 1

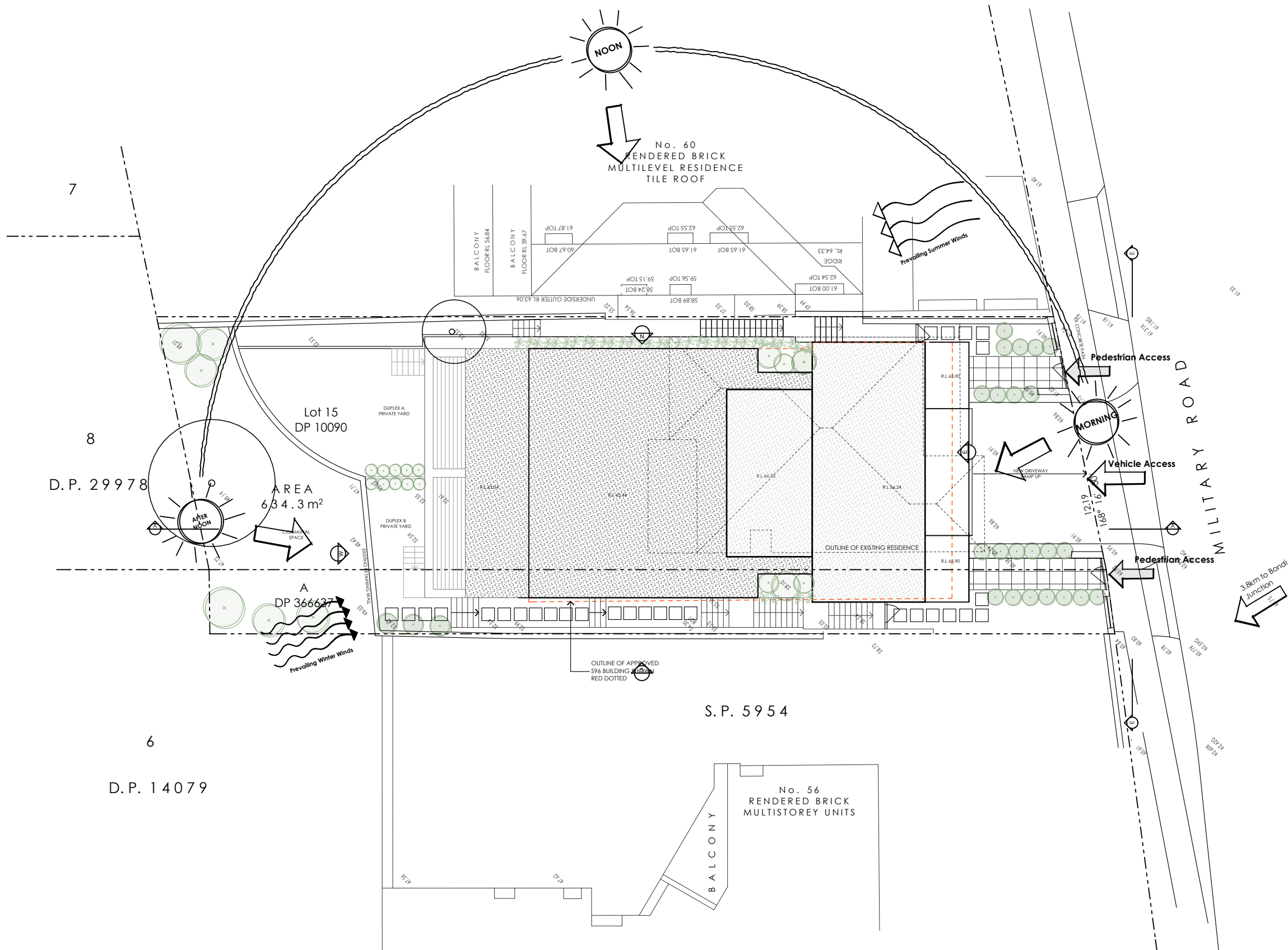
PLAN OF LEVELS AND DETAILS AT
58 MILITARY ROAD, DOVER HEIGHTS
FOR MR. RICHARD ERNSTER

Boundaries have not been surveyed.
Dimensions and areas compiled from
information obtained from the L.T.O.
Improvements shown are diagrammatic
only and shown for plotting purposes only.

Contours are approximate and preference
should be given to spot levels.
No services search has been made and
only those visible at time of survey have
been located. Levels under buildings unknown.
Adjoining building details shown are approx.
only due to restricted access.

DATUM	A.H.D.
REDUCTION RATIO	1:100
REFERENCE NO.	202690
DATE OF SURVEY	5/6/2009
SURVEYED BY	P.B./L.S./D.M.
DRAWN BY	VAL

W. BUXTON PTY LTD
A.C.N. 002 678 819
REGISTERED SURVEYORS
76 WILLISON ROAD
CARLTON 2218
TEL. (02) 9553 9800
FAX (02) 9588 5793



D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	19.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development
at
**58 Military Rd,
DOVER HEIGHTS**
for
**Dragonwin (Aust)
Investments Group**



Level 2 19-23 Bridge Street PYMBLE NSW 2073 AUSTRALIA
t:(02)9440 2455 f:(02)9440 2466 e:info@gelder.com.au w:gelder.com.au

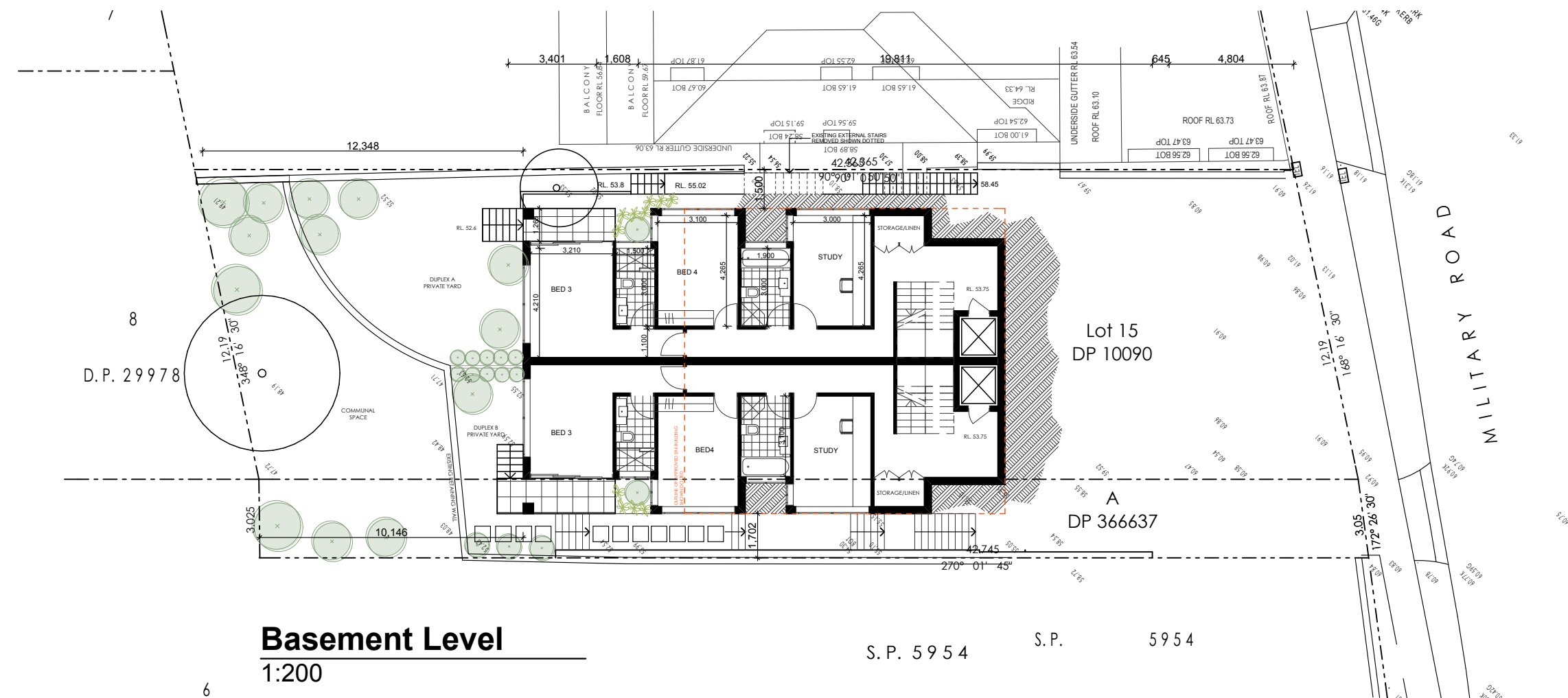
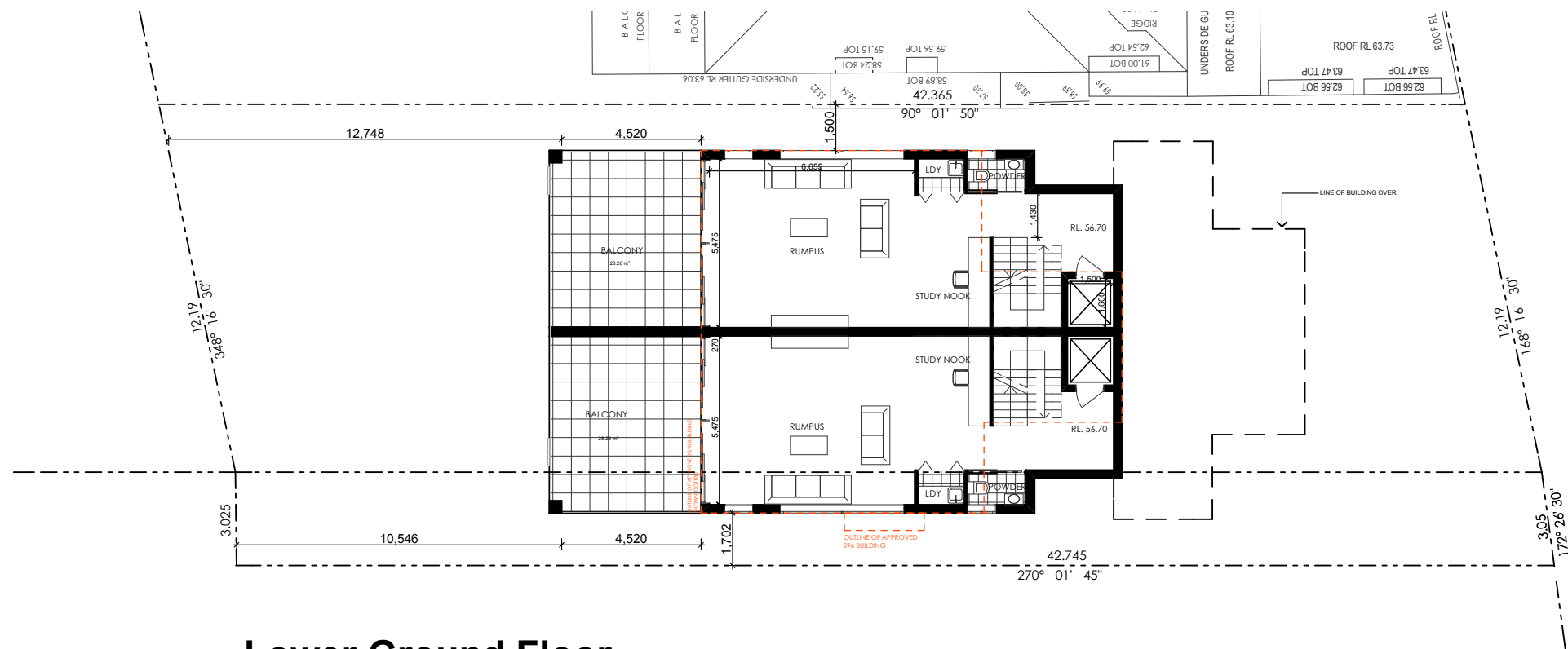
ABN 48 080 878 827

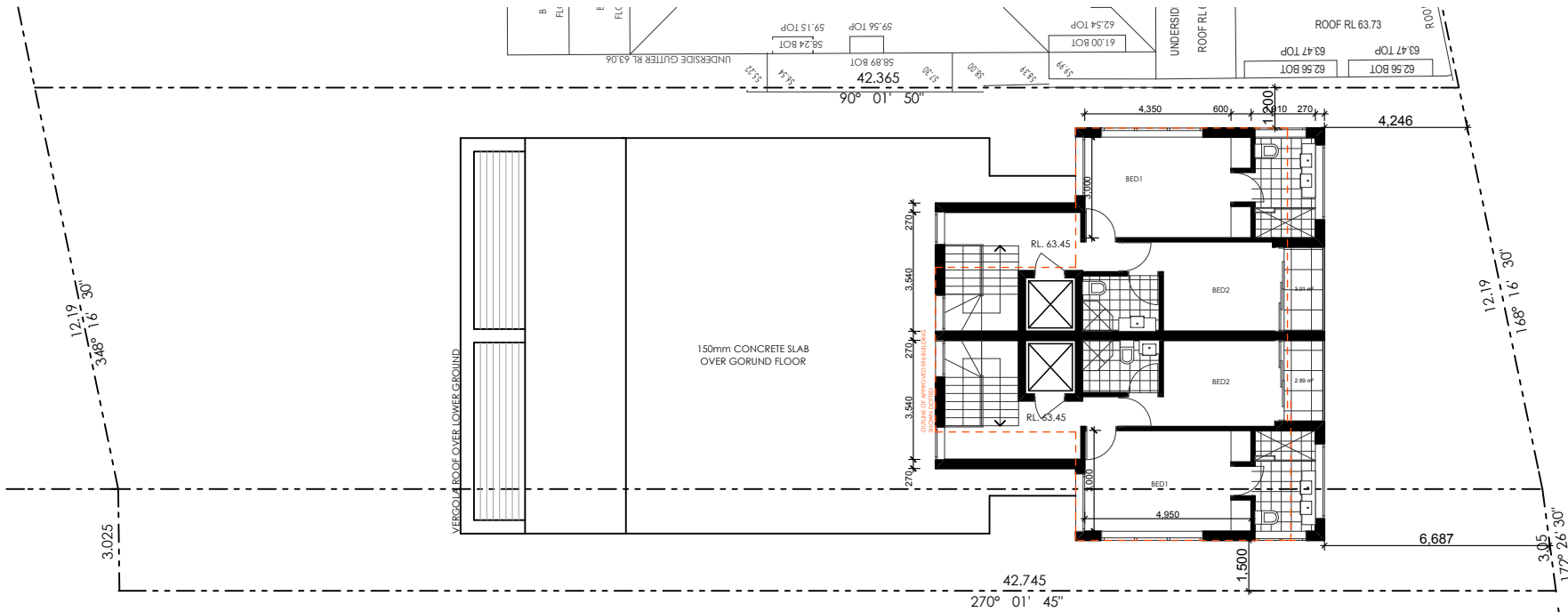
Site Analysis

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Project No:	1767	Date:	April 2017	Amendment:
Drawing No:	DA01	Scale:	1:200, 1:400	D
		Date Plotted:	23/10/2017	

A3 ORIGINAL SIZE

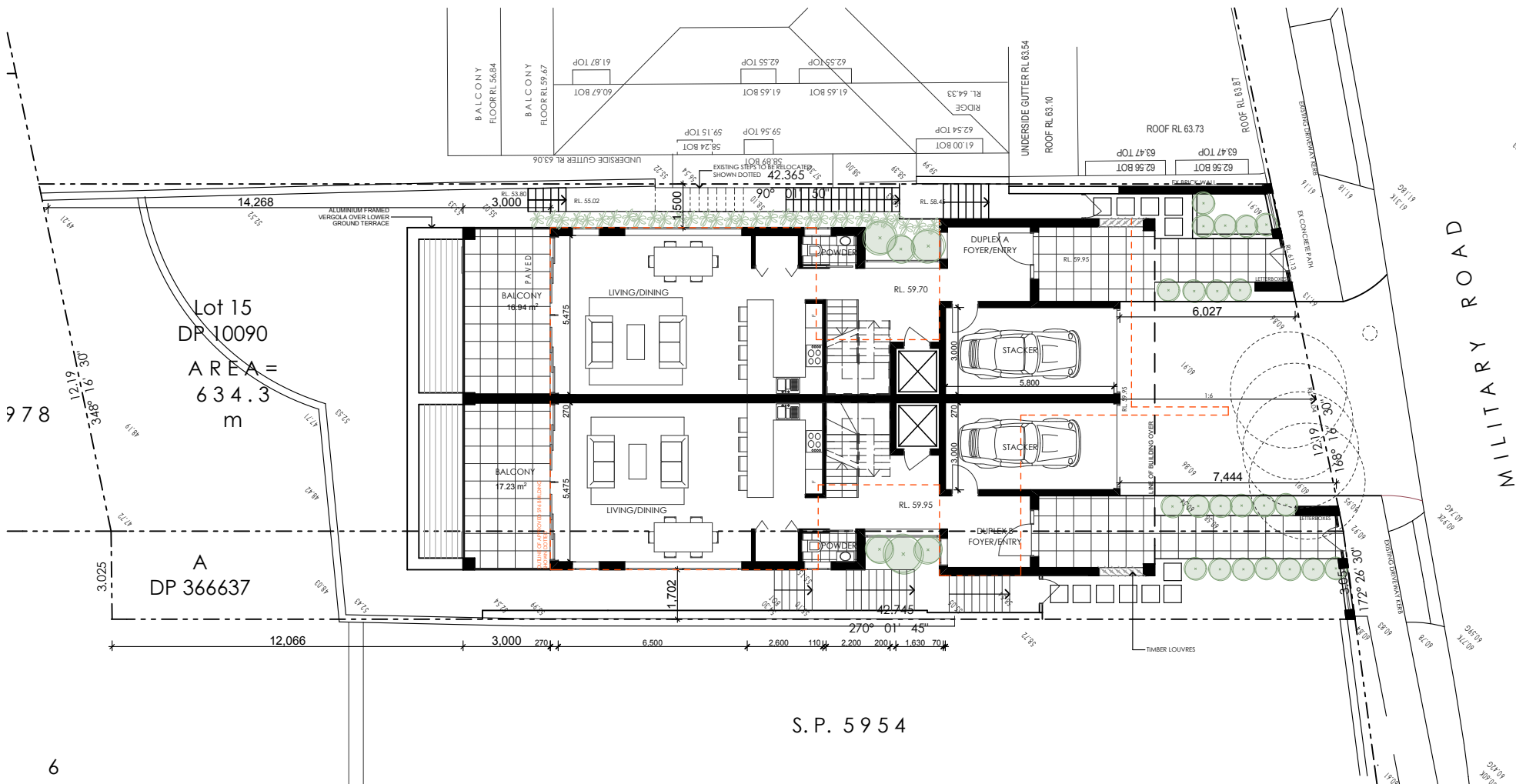




S. P. 59 5 4

First Floor

1:200



S. P. 59 5 4

Ground Floor

1:200

September 2017	BSA Reference: 12542
Building Sustainability Assessments	Ph: (02) 4962 3438
enquiries@buildingsustainability.net.au	www.buildingsustainability.net.au
Important Note	
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.	
If different construction elements are applied from the Assessor Certificate it is no longer valid.	
Thermal Performance Specifications (does not apply to garage)	
External Wall Construction	Added Insulation
Cavity Brick	R1.0
Internal Wall Construction	Added Insulation
Plasterboard on studs	R2.0 to walls adjacent to garage
Roof Construction	Added Insulation
Plasterboard	R3.5 to ceilings adjacent to roof space
Roof Construction	Colour
Concrete	Any
Floor Construction	Covering
Concrete	As drawn
Added Insulation	R2.0 to floors adjacent to garage
	R2.0 to floors where open below
Windows	Glass and frame type
ALM-003-01 A	Aluminum Type A
ALM-004-01 A	Aluminum Type B
ALM-001-01 A	Aluminum Type A Single clear
ALM-002-01 A	Aluminum Type B Single clear
Type A windows are awning windows, bifolds, casements, lift 'n' turn windows, entry doors, French doors	
Type B windows are double hung windows, sliding windows & doors, fixed windows, slider doors, louvers	
U and SHGC values are according to AFRC. Alternative products may be used if the U value is lower and the SHGC is within the range specified	
External Window Shading (awnings, verandahs, pergolas, awnings etc)	
All shade elements modelled as drawn	
Ceiling Penetrations (downlights, exhaust fans, flues etc)	
No adjustment has been made for losses to insulation arising from ceiling penetrations.	

58 Military Road			
SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for complete details. For definitions refer to basix.nsw.gov.au			
WATER COMMITMENTS			
Fixtures			
3 Star Shower Heads	Yes	3 Star Toilet	Yes
3 Star Kitchen / Basin Taps	Yes	3 Star Toilet	Yes
Alternative Water			
Minimum Tank Size (L)	3000	Collected from Roof Area (m2)	80
Tank Connected To:			
All Toilets	Yes	Laundry W/M Cold Tap	Yes
One Outdoor Tap	Yes		
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water			
Gas Instantaneous	5 Star		
Cooling System	Living	3 Phase A/C Zoned	EER 3.0 - 3.5
Bedrooms	3 Phase A/C Zoned		EER 3.0 - 3.5
Heating System	Living	3 Phase A/C Zoned	EER 3.0 - 3.5
Bedrooms	3 Phase A/C Zoned		EER 3.0 - 3.5
Ventilation			
1 x Bathroom	Fan ducted to exterior	Manual on/off	
Kitchen	Fan ducted to exterior	Manual on/off	
Laundry	Fan ducted to exterior	Manual on/off	
Natural Lighting			
Window/Skylight in Kitchen	No		
Window/Skylight in Bathrooms/Toilets	Yes	Yes	Yes
Artificial Lighting			
Number of bedrooms	5	Dedicated	Yes
rooms to be primarily lit by fluorescent or LED lights	Kitchen	No	Dedicated
All Bathrooms/Toilets	Yes	Dedicated	Yes
Laundry	Yes	Dedicated	Yes
All Hallways	Yes	Dedicated	Yes
OTHER COMMITMENTS			
Outdoor clothes line	Yes	Ventilated refrigerator space	Yes
Stove/Oven	Gas cooktop & electric oven		

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B	General Amendments for client	19.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development

at

58 Military Rd,
DOVER HEIGHTS

for

Dragonwin (Aust)
Investments Group



ARCHITECTS

Level 2 19-23 Bridge Street PYMBLE NSW 2073 AUSTRALIA
t:(02)9440 2455 f:(02)9440 2466 e:info@gelder.com.au w:gelder.com.au

ABN 48 080 878 827

Floor Plans

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Project No:	1767	Date:	April 2017	Amendment
Drawing No:	DA03	Scale:	1:200	
		Date Plotted:	23/10/2017	

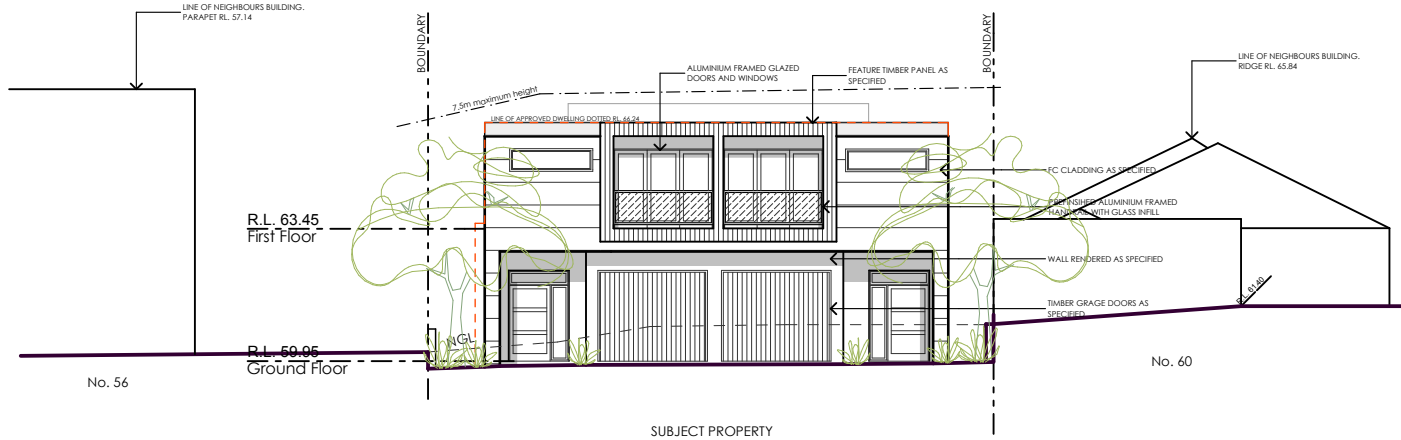


A3 ORIGINAL SIZE: 117x177 58 Military Rd DOVER HEIGHTS NSW 2073 AUSTRALIA

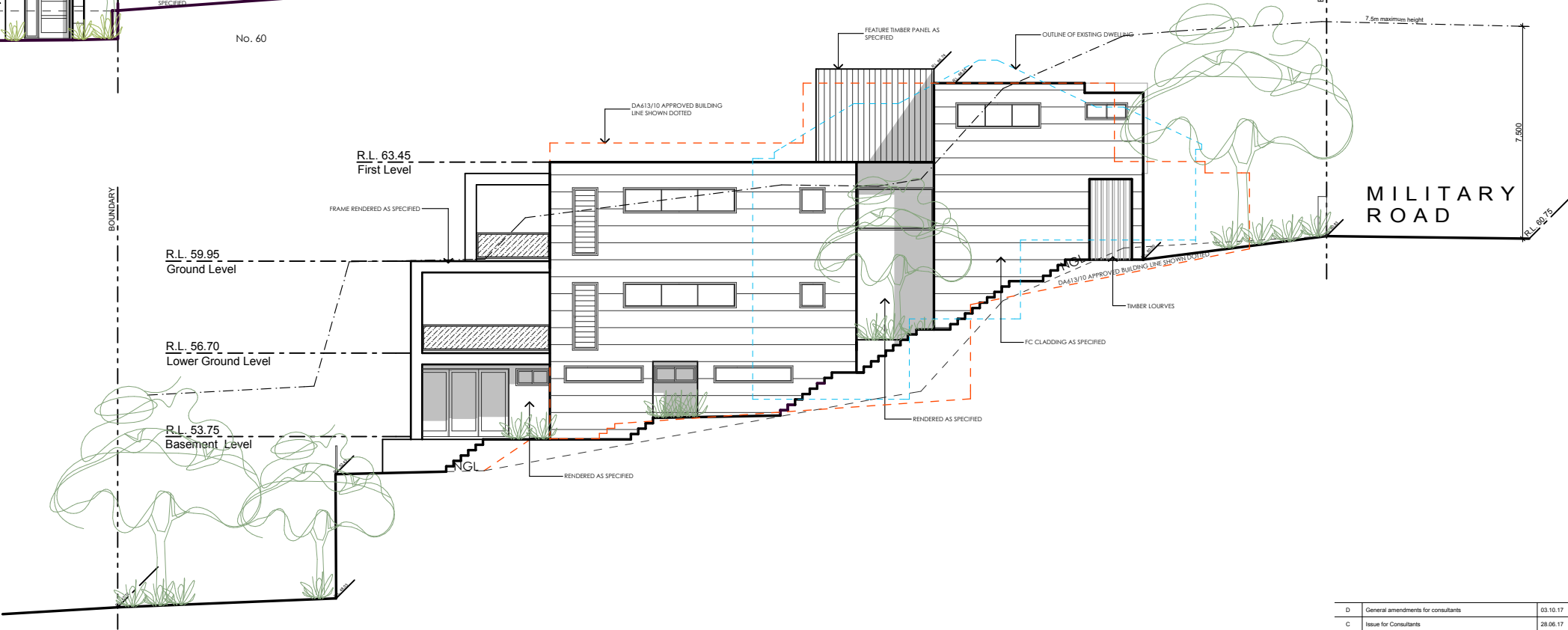
Page 10 of 11

Change

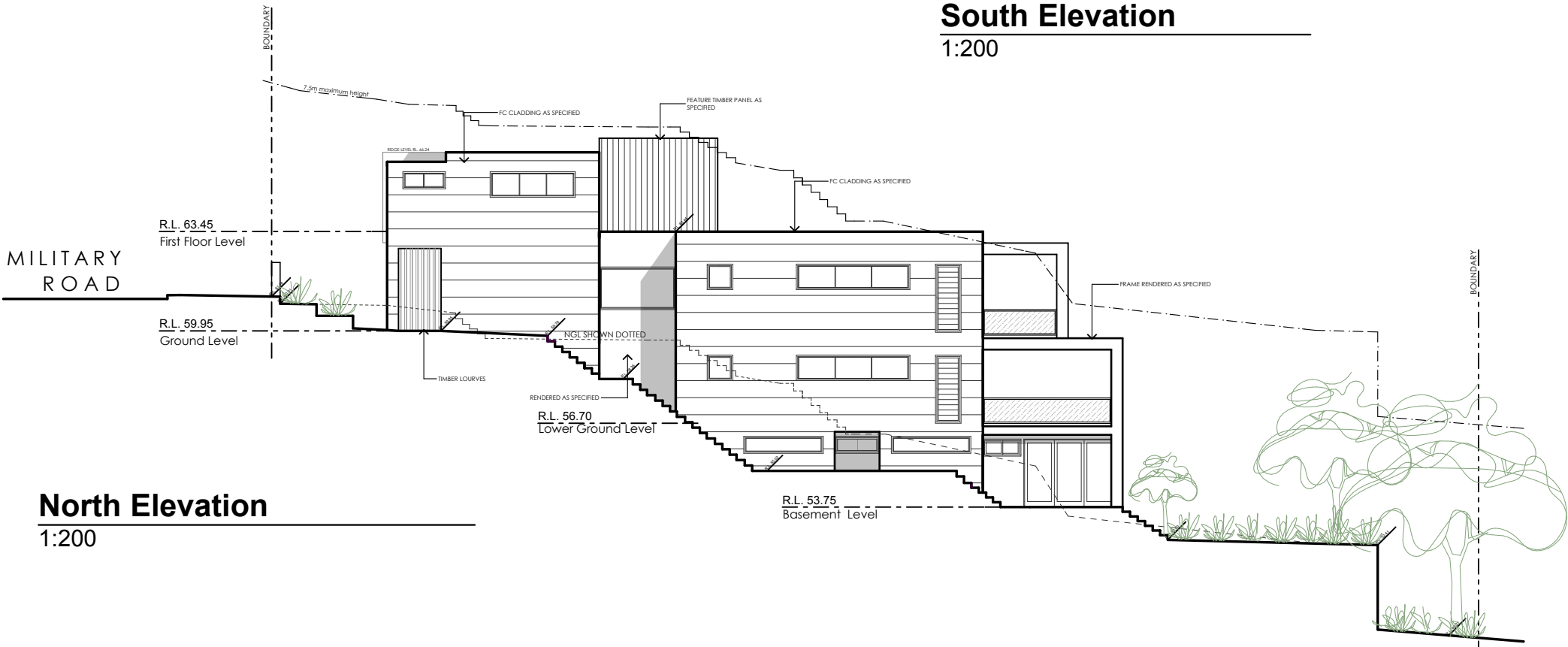
177



East Elevation
1:200



South Elevation
1:200



North Elevation
1:200

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	18.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development
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for
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Investments Group



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t:(02)9440 2455 f:(02)9440 2466 e:info@gelder.com.au w:gelder.com.au

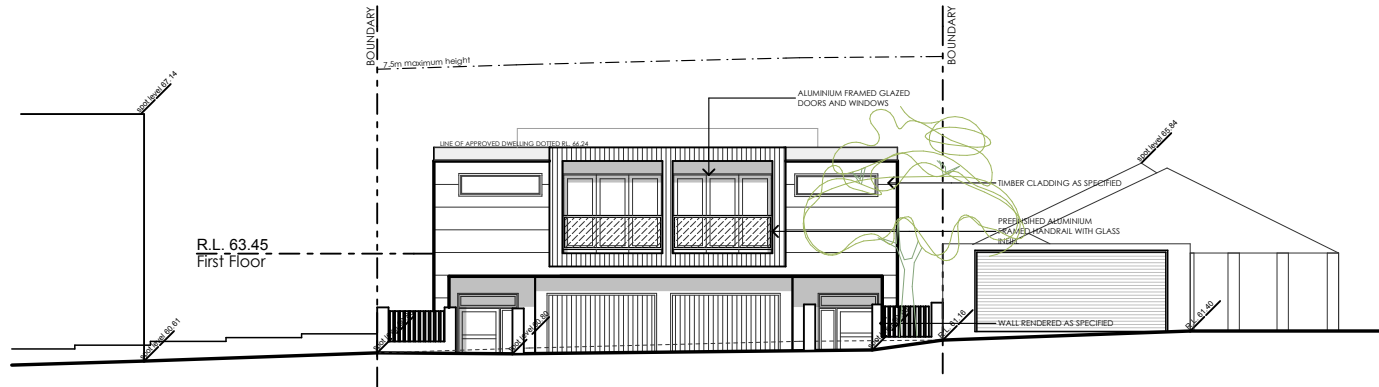
ABN 48 080 878 827

Elevations

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Project No:	1767	Date:	April 2017	Amendment
Drawing No:	DA04	Scale:	1:200	D
		Date Plotted:	23/10/2017	

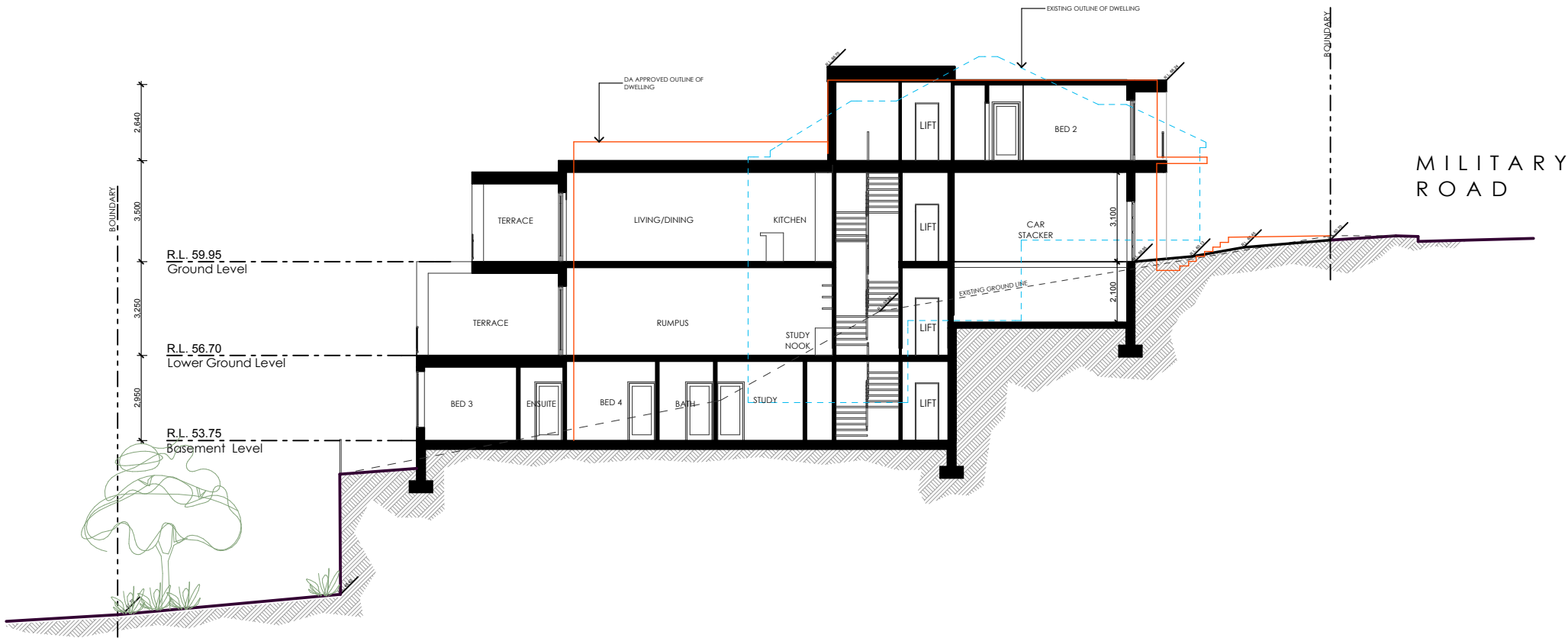
A3 ORIGINAL SIZE



Street Front Elevation
1:200



West Elevation
1:200



A-A Section
1:200

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
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Duplex Residential Development
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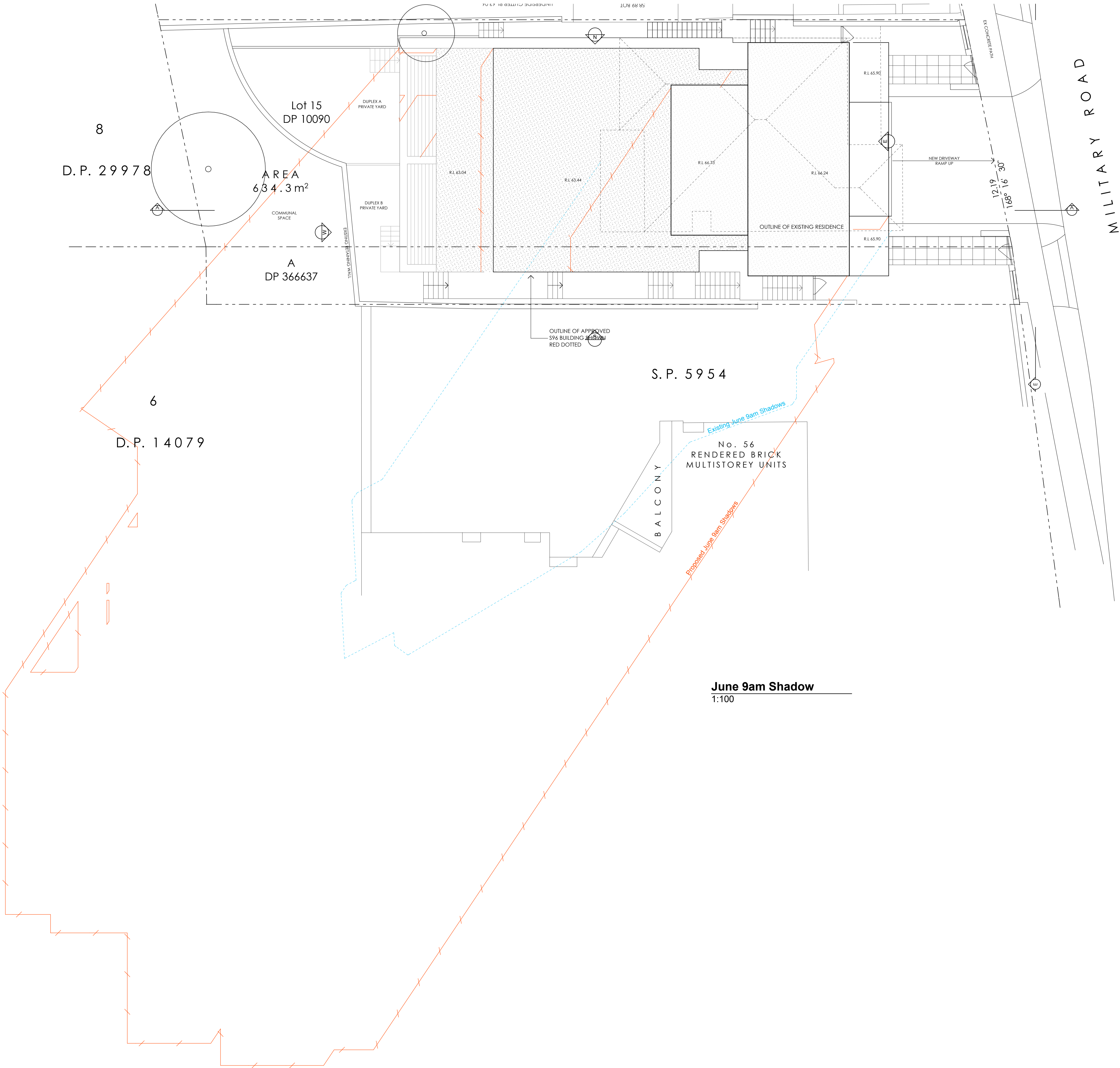


Elevations & Section A-A

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Project No:	1767	Date:	April 2017	Amendment
Drawing No:	DA05	Scale:	1:200	D
		Date Plotted:	23/10/2017	

A3 ORIGINAL SIZE



D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	18.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

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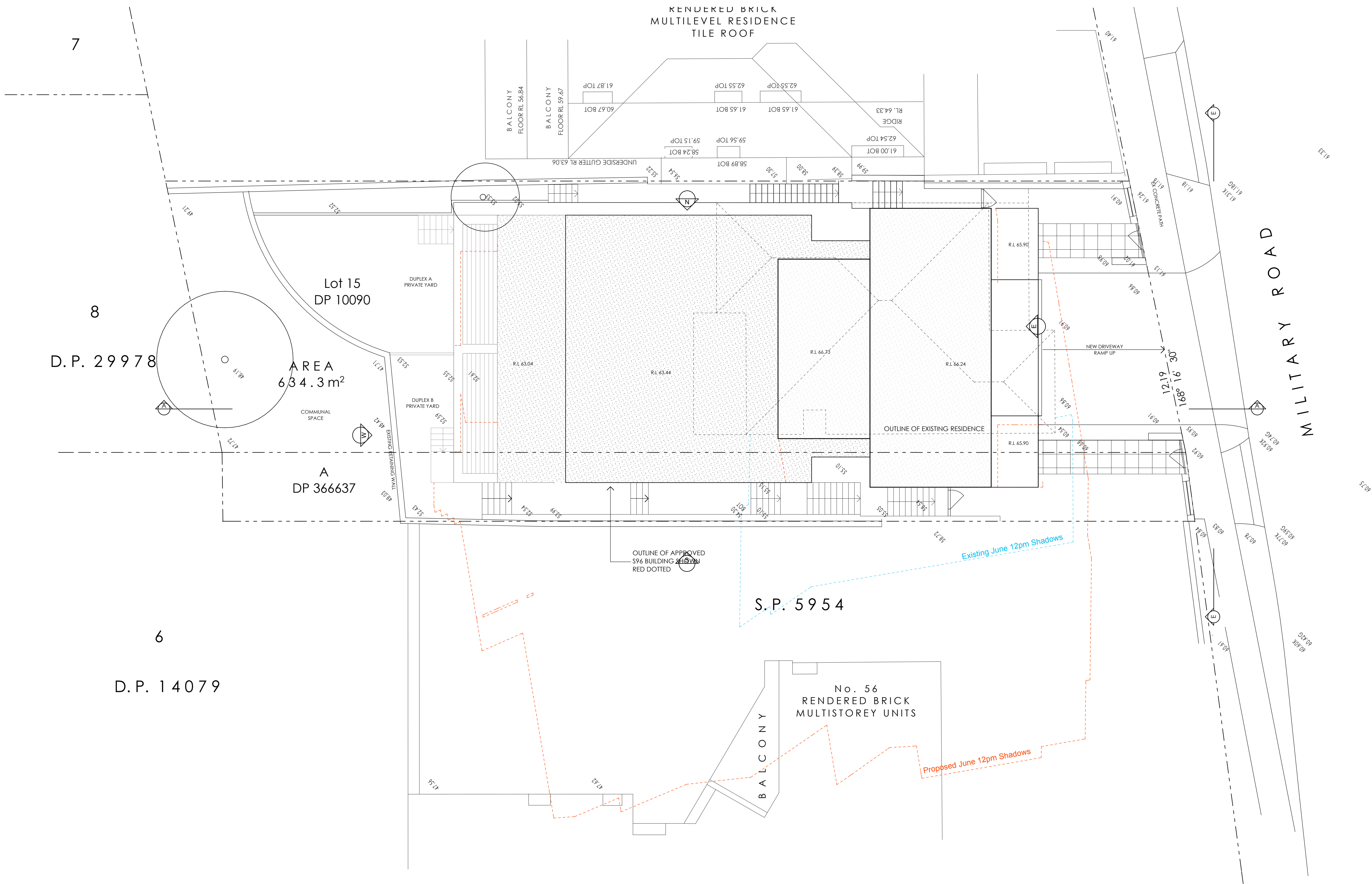


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June 9am Shadow Diagram

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Project No:	1767	Date:	April 2017	Amendment:
Drawing No:	DA06	Scale:	1:100	D
		Date Plotted:	23/10/2017	



June 12pm Shadow
1:100

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	18.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development
at
**58 Military Rd,
DOVER HEIGHTS**
for
**Dragonwin (Aust)
Investments Group**



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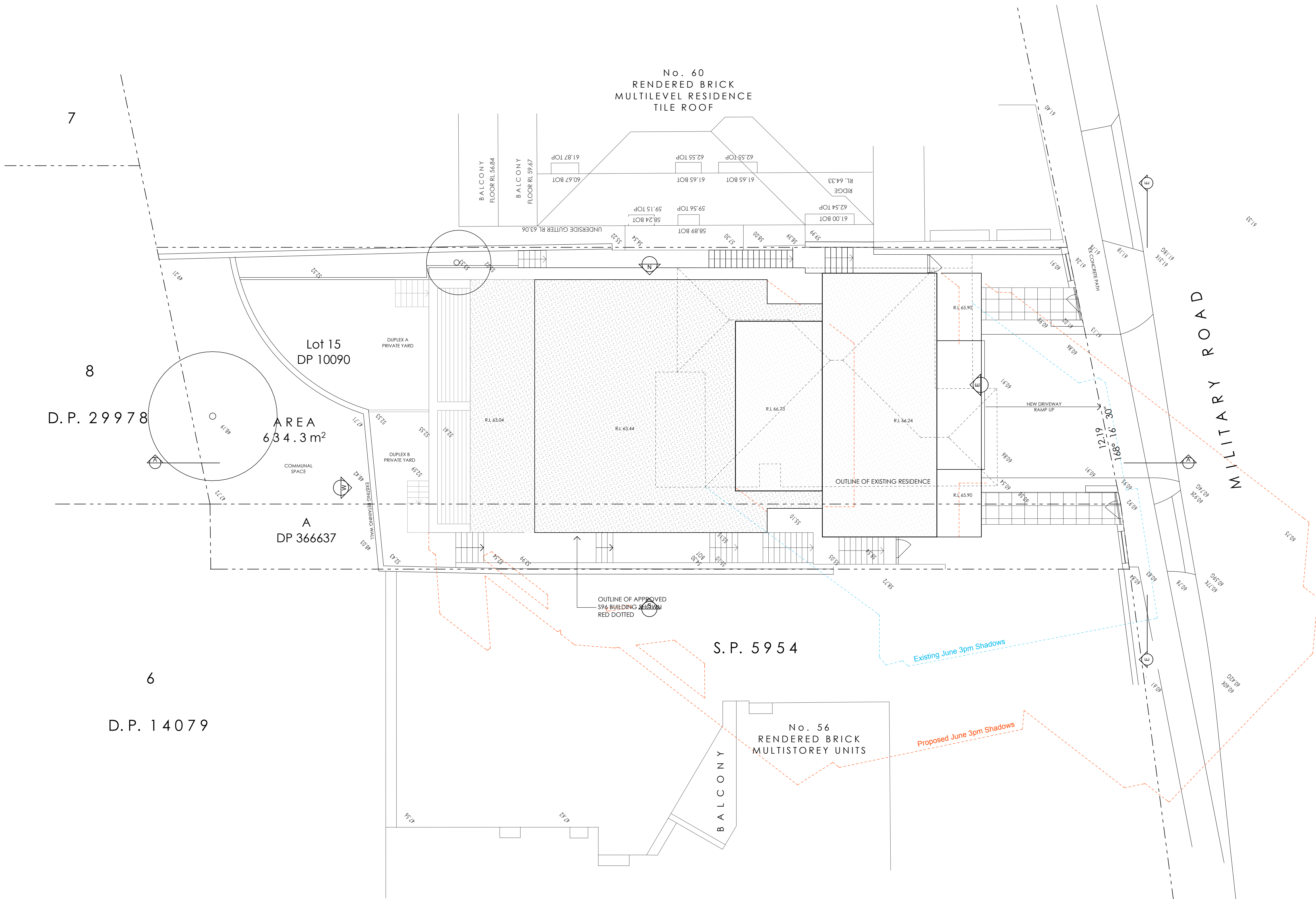
ABN 48 000 878 827

June 12pm Shadow
Diagram

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Project No:	1767	Date:	April 2017	Amendment:
Drawing No:	DA07	Scale:	1:100	D
		Date Plotted:	23/10/2017	

A1 ORIGINAL SIZE 1:100 58 Military Rd DOVER HEIGHTS 2017 Plans 1767-ARCH-DA-01 - Change of gongjin



June 3pm Shadow
1:100

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	18.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development
at
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DOVER HEIGHTS**
for
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June 3pm Shadow
Diagram

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Project No:	1767	Date:	April 2017	Amendment:
Drawing No:	DA08	Scale:	1:100	D
		Date Plotted:	23/10/2017	

A1 ORIGINAL SIZE 1:100 58 Military Rd DOVER HEIGHTS 2017 Plans 1767-ARCH-DA-01 - Change of garage plan



June 9am



June 12pm



June 3pm

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
B	General Amendments for client	19.05.17
A	Preliminary Drawings for client	11.05.17
Issue	Amendment	Date

Duplex Residential Development
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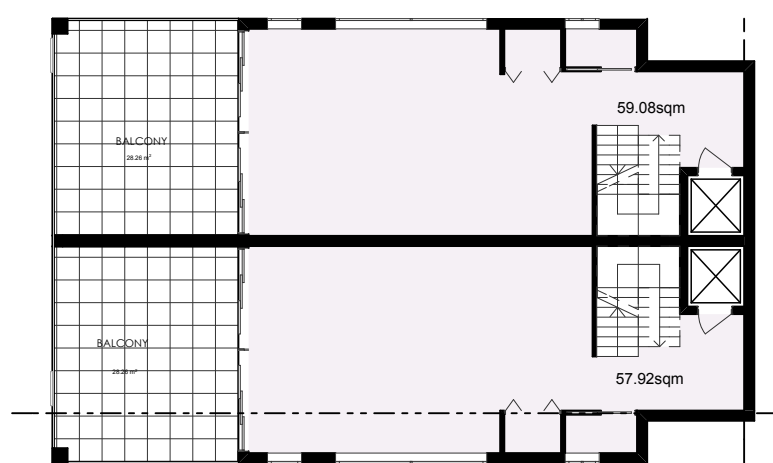
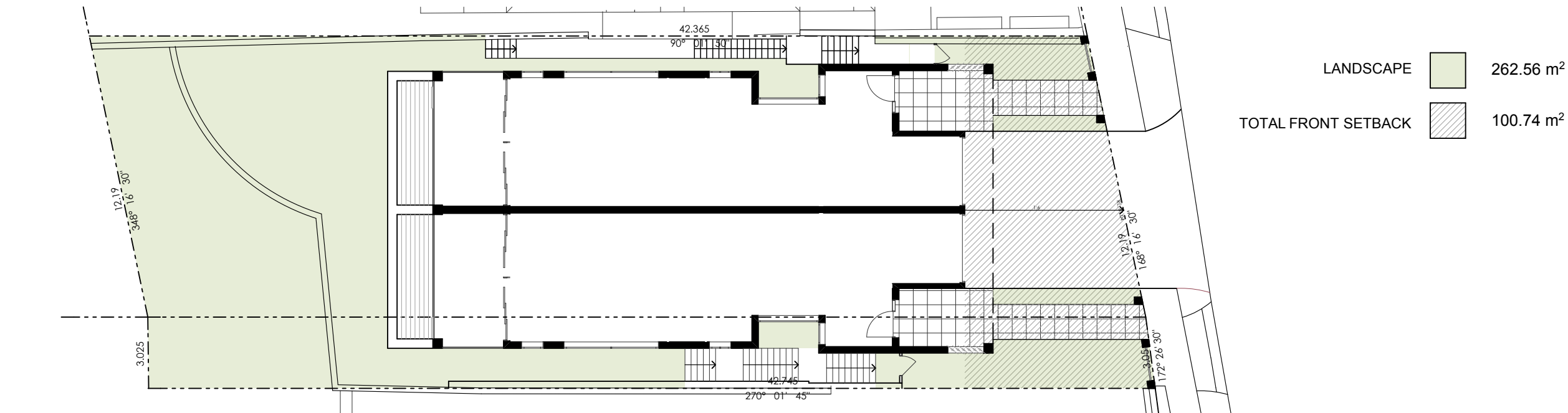
3D June Shadows

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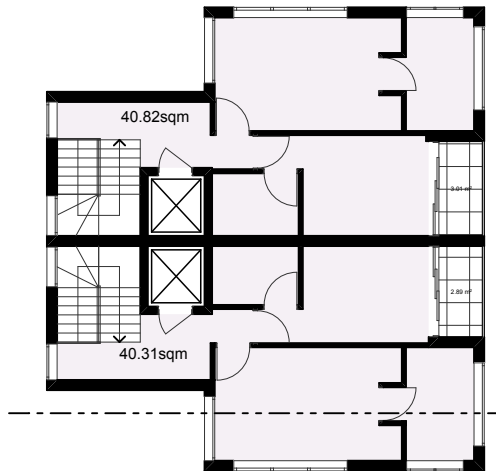
Project No:	1767	Date:	April 2017	Amendment
Drawing No:	DA09	Scale:	1:250	D
		Date Plotted:	23/10/2017	

A3 ORIGINAL SIZE

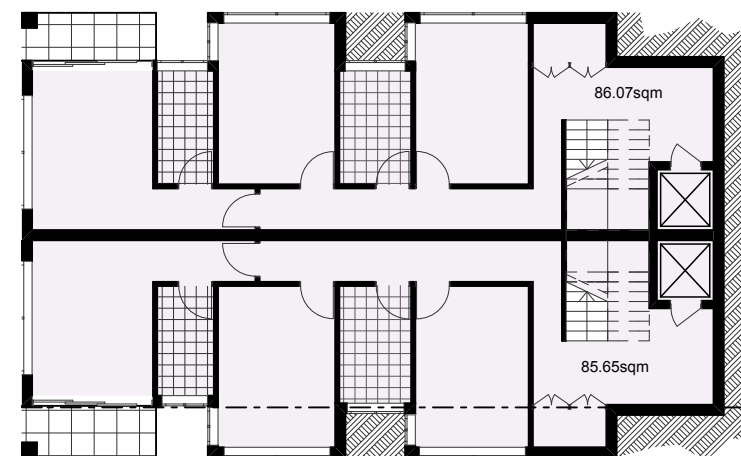




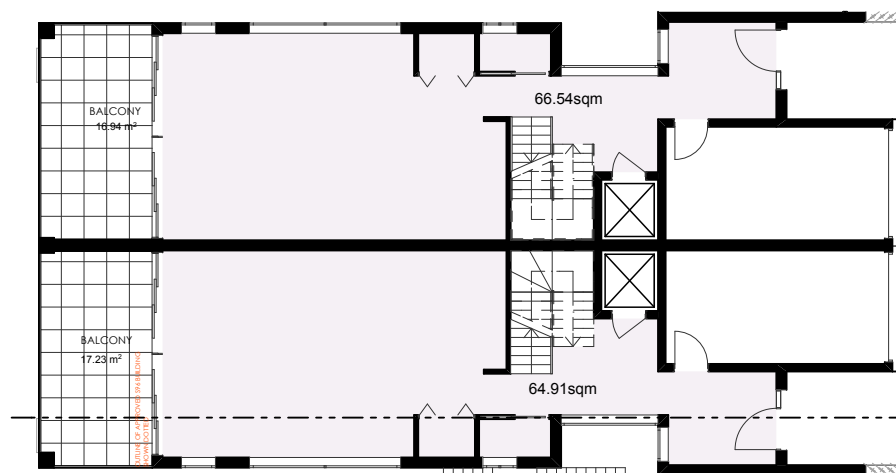
Lower Ground Floor



First Floor



Basement Floor



Ground Floor

Area Calculations:

Site Area: 634.3m²
Allowable FSR: 0.5:1 = 317.15m²
DA Approved GFA: 501.5m² (0.79:1)

Duplex A

First 40.82m²
Ground 66.54m²
Lower Ground 59.08m²
Basement 86.07m²

Duplex B

First 40.31m²
Ground 64.91m²
Lower Ground 57.92m²
Basement 85.65m²

Total GFA: 501.38m² (0.79:1)

Landscape Area:
40% Open Space 323.68m²
15% Landscape 262.56m²

D	General amendments for consultants	03.10.17
C	Issue for Consultants	28.06.17
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Issue	Amendment	Date

Duplex Residential Development
at
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ARCHITECTS

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t:(02)9440 2455 f:(02)9440 2466 e:info@gelder.com.au w:gelder.com.au

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Area Calculations

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Project No:	1767	Date:	April 2017	Amendment
Drawing No:	DA11	Scale:	1:200	D
		Date Plotted:	23/10/2017	

A3 ORIGINAL SIZE



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 15 March 2018.

The site is identified as Lot 1 in DP 4683, known as 110 Military Road, Dover Heights. The site is rectangular with frontages to Military Road (i.e. northern boundary of site) and Loombah Road (i.e. western boundary of site) measuring 15.24m and 40.54m respectively. The site has an area of 617.8m² and falls from the north to the south by approximately 3.3m and has a slight cross fall of 1m (i.e. east-west).

The site is occupied by a one, part two storey dwelling house with vehicular access provided from Loombah Road via two separate vehicular crossings and a two vehicle garage located in the undercroft of the dwelling house and a hardstand area in the rear yard that is capable of accommodating further off-street car parking.

The subject site is adjoined by a two, part three storey dwelling house to the east of the site at 108 Military Road and a two, part three storey dwelling house to the south of the site at 15 Loombah Road. The locality is characterised by low density residential development including dwelling houses and dual occupancy development.



Figure 1: Site (midground of photo) viewed the intersection of Kippara Road and Loombah Road, looking south-east



Figure 2: Site viewed from footpath on the northern side of Military Road, looking south



Figure 3: The rear of the existing development on the subject site (far left of photo), the western side elevation of the adjoining dwelling house to the east of the site at 108 Military Road (background of photo) and the northern side elevation of the adjoining dwelling house to the south of the site at 15 Loombah Road (far right of photo)

1.2 Relevant History

A search of Council's records reveals the following relevant and recent development history of the site:

- DA-521/2015 for substantial alterations and additions to dwelling house, including an additional floor level and lower ground and ground floor rear additions, to convert into two attached dual occupancy dwellings was withdrawn by the applicant on 21 March 2016. Council's assessment of this application was complete with a recommendation of refusal to the Waverley Development Assessment Panel.
- DA-225/2016 for substantial alterations and additions to convert the existing dwelling house into two attached dual occupancy dwellings was refused when the applicant appealed its deemed refusal in the NSW Land and Environment Court. The appeal was dismissed by the Court on 16 February 2017.
- A complying development certificate, known as CD-139/2017 (Council's reference number) to demolish the existing dwelling and construct a new two storey dwelling, with one attached and one detached garage was issued in 2017.

1.3 Proposal

The application seeks development consent for demolition of existing structures and construction of a three storey dual occupancy (attached) development, comprising:

- basement comprising four off-street car parking spaces and storage
- a three bedroom dwelling on ground floor level
- a three bedroom dwelling on first floor level
- an internal common lift and stair providing access to all levels of the development.

Development consent is also sought for the following:

- excavation
- tree removal
- construction of an in-ground swimming pool
- construction of front fencing along the Military Road and Loombah Road boundaries of the site
- landscaping works, including the provision of fill
- Strata subdivision of the site to create two Strata lots associated with the two proposed dwellings of the development.

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 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	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	Strata subdivision of the proposed development is included as part of the application.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as ‘dual occupancy (attached)’, which is permitted with consent in the R2 zone. The proposal satisfies the relevant objectives of the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	Yes	The proposed development has an overall building height of 8.5m, measured to the roof ridge of the most part of the development at RL78.700 above ground level (existing) of RL70.200.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.5:1 (>550m²) Site area: 617.8m²Max. GFA: 308.9m²	No	The proposed development comprises a total of 436m ² of gross floor area. The development achieves a floor space ratio of 0.706:1. It exceeds the development standard by 127.1m ² or 41%.
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 floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.2 Earthworks	Yes (by condition)	The proposal involves minor excavation and some fill. The extent of excavation is deemed reasonable and would be managed through appropriate conditions of consent. A separate condition of consent is recommended to control the use and quality of fill.

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

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.706:1, which exceeds the floor space ratio (FSR) development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 127.1m² of gross floor area or 41%.

The relevant objectives of the FSR development standard set out under clause 4.4(1) of Waverley LEP 2012 are extracted as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

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 building envelope of the proposed development is compatible with that of surrounding buildings within the area.
- The site is on a corner and the development is perceived differently to other surrounding sites.
- The development is sited such that it minimises its bulk and scale impact as well as maintaining iconic views enjoyed by the adjoining property to the east of the site at 108 Military Road. The development provides for greater landscaped area in the rear yard than the existing development.
- The slope of the site reduces the perceived bulk at the northern end of the development, which is the primary elevation of the development (i.e. northern elevation).
- The development affords good amenity for each dwelling and meets the housing needs of the community.
- The area of the site enables dual occupancy development to occur on the site.
- The development is well articulated.
- The development is consistent with the streetscape of Military Road and Loombah Road in terms of many buildings that make up the streetscape being between two and three storeys high.
- The development is consistent with the character statement for the Dover Heights locality contained in the former Waverley Development Control Plan 2010.
- The non-compliance with the development standard will result in minimal amenity impacts in terms of views, overshadowing and visual impacts.
- The development is consistent with the objectives of the FSR development standard and the R2 zone.

The arguments presented in the written request to vary the Floor Space Ratio development standard are generally well-founded within the terms of clauses 4.6(3) and (4) of Waverley LEP 2012.

The perceived building bulk and scale of the development are compatible with the predominant built form character of the immediate vicinity of the site. The siting of the development is considered appropriate compared with previous development schemes presented in separate development applications made to Council in that the current scheme has regard to the iconic views enjoyed from the adjoining property to the east of the site at 108 Military Road across the rear portion of the subject site. The development extends past the front building setback of the existing development in order to address the corner orientation and nature of the site. While the development extends past the front building setbacks of the existing development and the adjoining development to the east of the site, the distribution of building massing and bulk towards the front portion of the development is deemed a balanced outcome, specifically given that the subject development will preserve iconic views enjoyed by the adjoining property at 108 Military Road.

The development provides for an appropriate building envelope as it complies with the height of buildings development standard and is set back sufficiently and consistent with setback controls. The non-compliance with the FSR development standard will therefore not hinder the ability of the development to achieve a building envelope that is consistent with the desired future character of the site and the immediate area as envisaged by the building height and other density controls.

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The non-compliance will not contravene the relevant objectives of the FSR development standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine

the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan has been submitted with the application. The plans show general waste, recycling and green waste bins will be stored in the basement garage, which will not be visible from the street.
2. Energy and water conservation	Yes	A BASIX certificate accompanies the application, which demonstrates the proposed development meets the water, thermal comfort and energy efficiency targets set under SEPP BASIX.
5. Tree preservation	Yes	Satisfactory.
6. Stormwater	Yes	The proposed stormwater system does not conform to Council's Stormwater Policy. A condition of consent is recommended for the applicant to amend the stormwater system prior to the release of a construction certificate and to the satisfaction of Council's Creating Waverley department.
8. Transport	Yes	The proposal meets the maximum number of car parking spaces for a dual occupancy development as stipulated under section 1.11 of Part C1 of Waverley DCP 2012. Off-street car parking is integrated within the building envelope of the development and its design and presence from the street are acceptable.
10. Safety	Yes	Satisfactory.

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 (acceptable on merit)	The proposal has an overall building height of 8.5m, which exceeds the maximum overall building height control of 7.5m. The overall building height of the development complies with the height of buildings development standard of 8.5m under Waverley LEP 2012,

Development Control	Compliance	Comment
		which is a higher-order planning control than the DCP height control. The proposal is considered consistent with the relevant objectives outlined in section 1.1 of Part C1 of Waverley DCP 2012 in that the development provides an appropriate building height and scale that responds to the topography and street character within the immediate vicinity of the site and does not manifest in adverse view, visual and overshadowing impacts upon adjacent properties.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	N/A	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 	<p>No (acceptable on merit)</p> <p>Yes</p>	<ul style="list-style-type: none"> The development will extend forward of the predominant front building line established by buildings to the east of the site. The substantial front setback of the adjoining dwelling house to the east is considered an anomaly in the pattern of front building setbacks of surrounding buildings. The development has been sited to consider and preserve views enjoyed by the adjoining property to the east at 108 Military Road, which accounts for the development extending past the predominant front building line. The site is on a corner and the building massing and bulk of the development is concentrated within the front portion of the development to address the corner orientation and nature of the site. In this regard, the front setback of the development is not expected to result in adverse streetscape impacts. All levels of the proposed development are sited behind the rear building setback of the adjoining building to the east of the site at 108 Military Road. The development is therefore considered to be consistent with the predominant rear building line within the visual catchment of the site.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 1.5m (for new three storey dwelling) 	Partial compliance	<p>The development is set back from the eastern side boundary:</p> <ul style="list-style-type: none"> between 1.18m and 2.81m on basement level 1.19m on ground floor level 2.06m on first floor level.

Development Control	Compliance	Comment
		<p>The areas of non-compliance are deemed inconsequential in that the basement and ground floor levels are well below the maximum height controls for a two storey development and are set back greater than 0.9m from the side boundary. The uppermost level of the development is set back greater than 1.5m from the side boundary, and therefore, the development provides for sufficient spatial relief from the adjoining building to the east of the site relative to height.</p> <p>The side setback controls can be applied to guide the western setback of development that faces Loombah Road. The development is set back between 1.3m and 2.1m on ground floor level and 1.28m on first floor level from the western boundary. These setbacks are considered acceptable in that they provide adequate visual relief from Loombah Road and sufficient landscaping within the setback area to assist to soften the development when viewed from the street.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The proposed excavation is set back greater than 0.9m from the side boundaries of the site.
1.4 Streetscape and visual impact		
	Yes	The proposed development utilises contemporary architecture, which is consistent the predominant existing and emerging character of the locality.
1.5 Dual occupancy development		
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached 600m² for detached 	Yes	The site has an area of 617.8m ² and is therefore appropriately sized to accommodate attached dual occupancy development.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high 	Partial compliance	<ul style="list-style-type: none"> The front fence along the Military Road boundary of the site has an overall height of 1.2m above existing ground level. The front fence along the Loombah Road boundary of the site is broken into segments that step down to follow the slope of the site. The majority of the fence is under 1.2m, with some parts exceeding the maximum height control. This is deemed acceptable given the fence steps down in height towards the rear boundary of the site.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<ul style="list-style-type: none"> The shadow diagrams submitted with the application show that the proposed development will overshadow some of the north-facing windows of the adjoining building to the south of the site at 15 Loombah Road between 9am and before 12noon on 21 June. The proposed development will overshadow the west-facing window openings of the adjoining building to the east of the site at 108 Military Road between 12pm and before 3pm on 21 June. The extent of overshadowing is considered moderate. While the development exceeds the FSR development standard, the development complies with the height of buildings development standard and is sufficiently set back from the eastern side boundary and the southern rear boundary. In this regard, the additional overshadowing experienced upon the adjoining dwellings caused by the proposed development is deemed reasonable.
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 proposed development specifically addresses the view loss issue encountered by previous schemes of the redevelopment of the site. The rear setbacks of the development maintains the iconic views enjoyed by the adjoining property to the east of the site at 108 Military Road. A letter on behalf of the owners of 108 Military Road accompanies the application and expresses no objection to the proposed development in relation to views.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	A total of four off-street car parking spaces are provided, which would account for two spaces for each dwelling. The development meets the maximum car parking spaces required for the development.
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	The garage is located on basement level of the development and is appropriately integrated within the building envelope of the development.

Development Control	Compliance	Comment
1.11.3 Design	Yes	The design of the garage is appropriate as the garage will not appear overly conspicuous when viewed from Loombah Road.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage provides sufficient dimensions to accommodate four car parking spaces.
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	The proposal utilises the existing single-width driveway to gain vehicular access to the site.
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 Yes Yes Yes Yes	<ul style="list-style-type: none"> The overall open space area is 355.8m² (58% of site area). The overall landscaped area is 190.2m² (31% of site area). Each dwelling has private open space with an area of greater than 25m². Front open space area is 64.4m² (100% of front building setback area). Front landscaped area is 46m² (71% of front open space provided).
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pool is located within the rear yard of the site and is sufficiently set back from the side boundaries of the site

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

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*.

No submissions were received.

A letter on behalf of the owners of the adjoining property to the east of the site at 108 Military Road expressing no objection to the proposed development. The applicant has evidentially consulted with the owners of 108 Military Road on the design of the proposed development prior to lodging this development application.

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 Creating Waverley – Stormwater

Council's Manager, Design in the Creating Waverley department did not object to the stormwater plans submitted with the application, subject to conditions of consent.

3.2 Creating Waverley – Traffic and Development

Council's Professional Engineer – Traffic and Development did not object to the proposal, subject to conditions of consent.

3.3 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer considered the proposed tree removal inside and outside of the site and did not object to the proposed removal when the previous applications were referred to the Officer. The Officer's referral comment remains valid. A conditions of consent is recommended to protect the Paperbark Street tree within the nature strip on Military Road during site works.

3.4 Digital Waverley – Land Information

Council's GIS Officer did not object to the proposal, subject to conditions of consent specifying the land information (i.e. street numbering) for the new development.

4. SUMMARY

The application seeks development consent for demolition of existing structures and construction of an attached dual occupancy development at the site known as 110 Military Road, Dover Heights. The main issue in the assessment of the application is the non-compliance with the floor space ratio development standard. The assessment finds this issue acceptable as the written request seeking to vary the FSR development standard is well founded with regards to clause 4.6 of Waverley LEP 2012.

The application did not attract any public submission.

The application is referred to the Waverley Development Assessment Panel for determination given it seeks to vary the FSR development standard by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

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:**

Ben Magistrale
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 10 May 2018

Date: 28 May 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 A-2.01, A-2.02, A-2.03, A-3.01, A-3.02, A-3.03, A-3.04, A-4.01, A-4.02, A-4.03, A-4.04, and A-5.01, tables and documentation prepared by ASA Designs, dated October 2017, and received by Council on 12 December 2017;
- (b) Landscape Plan No. DA02 and documentation prepared by Michael Zinn Landscape Designer, dated April 2016, and received by Council on 12 December 2017;
- (c) BASIX Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. STRATA SUBDIVISION

Draft Strata subdivision plans shall be prepared to reflect the floor plans of the development referred to in condition 1 of this consent and in the correct format and shall be submitted for the approval of Council prior to the release of a construction certificate.

3. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

4. 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.

5. SWIMMING POOLS

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.

- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

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 **\$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.

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. STREET TREE PROTECTION

The Banksia Integrifolia Street Tree located within the verge of Military Road and in front of the property is to be protected during site works.

Where provision of tree protection fencing is in impractical due to its proximity to the proposed building envelope, trunk protection shall be erected around the tree to avoid accidental damage. As a minimum, the trunk protection shall consist of two metre lengths of hardwood timbers (100 x 50mm) spaced at 100-150mm centres secured together with 2mm galvanised wire. These shall be strapped around the trunk (not fixed in any way) to avoid mechanical injury or damage. Trunk protection should be installed prior to any site works and maintained in good condition for the duration of the construction period.

In the event of any trees, becoming damaged for any reason during the construction period a consulting arborist shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the arborist.

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 the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and 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.

11. HOARDING REQUIRED

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

of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

12. 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.

13. 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.

14. 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.

15. 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.

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. 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.

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 4.55 of the *Environmental Planning and Assessment Act 1979*.

20. 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.

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.

21. STORMWATER PLANS

The Concept Drainage Plans prepared by ASA Designs, Project No. ASA 171019, DWG No. A-2.02, Dated 1 November 2017 are 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's Water Management Technical Manual.

The following shall be submitted to the satisfaction of the Executive Manager, Creating Waverley prior to the issue of a construction certificate:

- (a) A 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 including orifice diameter & depth of water above centreline of orifice etc. along with completed **mandatory checklist as set out in page 22** of Waverley Council's Water Management Technical Manual is required.

22. SYDNEY WATER QUICK CHECK

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

23. 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.

24. LONG SECTION OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RLs) of the Loombah Road carriageway, the kerb and gutter, footpath and the basement carpark floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show paving of the driveway at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the opening.
- (f) Show the paving between the back edge of the Council's pathway and the property boundary being sloped towards the roadway at all points.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. TOILET FACILITIES

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

32. 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.

33. 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.

34. 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.

35. 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.

36. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. BUILDING CODE OF AUSTRALIA

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

44. FIRE SAFETY

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

45. 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); and
- (g) swimming pool fencing prior to filling pool.

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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Consent is granted to the removal of trees inside the site.

53. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

54. 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.

55. 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 and to best engineering practice.

56. 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 sections 6.9 and 6.10 of the Environmental Planning & Assessment Act, 1979 have been satisfied.

57. LANDSCAPE PLAN

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

58. 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.

59. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-address numbers for a strata subdivision:

- No. 17 - primary address number
- Loombah Road- 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 that fronts Loombah Road.

The following sub-addressing will apply:

- Unit nos. 1 -2 for the sub-addresses within the building correlating with ground floor unit and first floor unit on the floor plans for the building.

The sub-address number shall be clearly visible on the entry door to the unit.

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 Subdivision/Occupation Certificate.

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

60. POOL SIGN

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

61. INSPECTION OF POOL

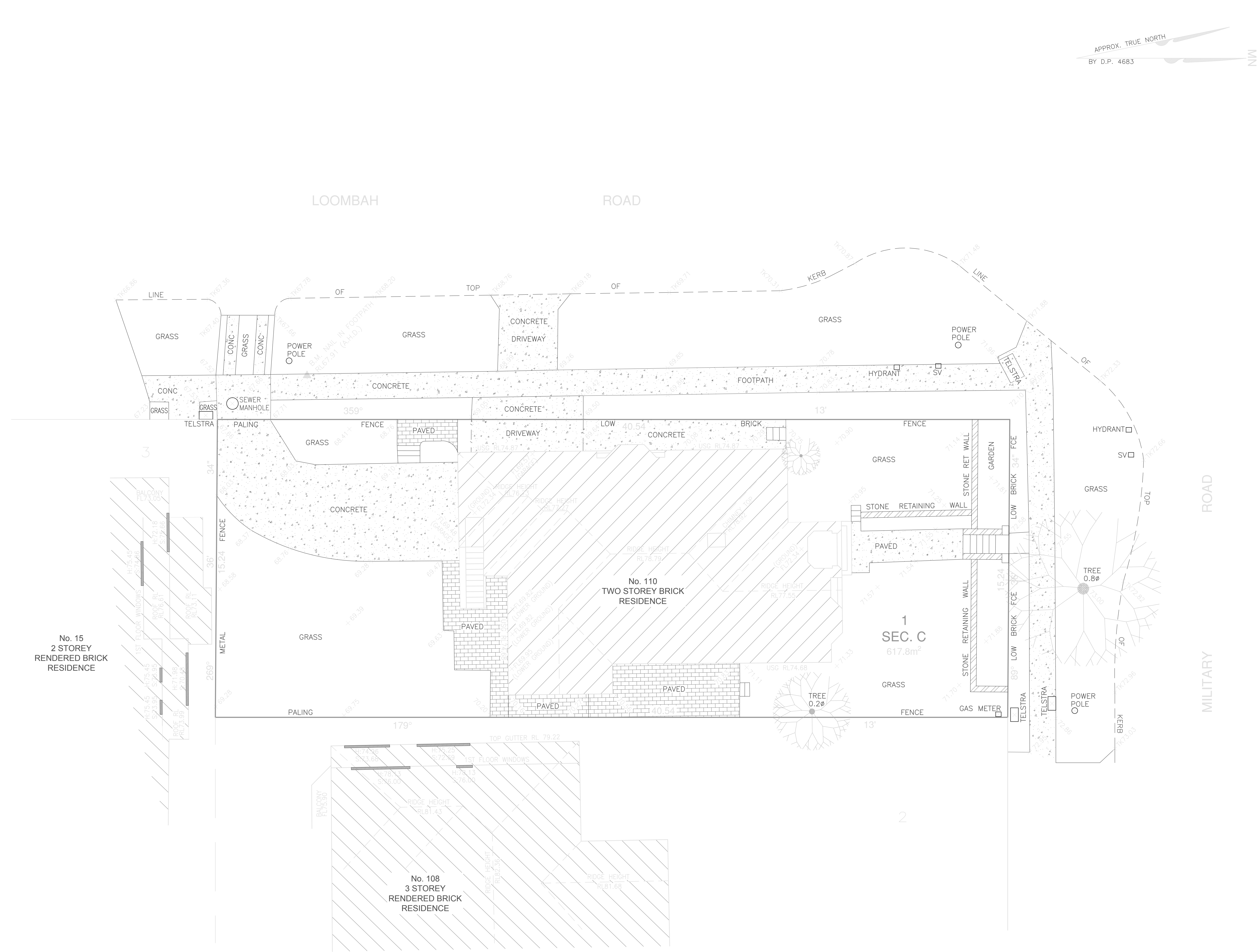
A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

62. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

63. SWIMMING POOL REGISTRATION

The swimming pool is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.



THIS SURVEY HAS BEEN MADE FOR LEVEL AND DETAIL PURPOSES ONLY. IF IT IS INTENDED TO ERECT ANY IMPROVEMENTS ALONG OR NEAR THE BOUNDARIES OF THE SUBJECT LAND THOSE BOUNDARIES SHOULD BE MARKED.

- NOTES**
- COPYRIGHT OF THIS DRAWING AND/OR DESIGN IS THE PROPERTY OF WATSON BUCHAN PTY LTD, AND SHOULD NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION OF THE COMPANY.
 - RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY. NO BOUNDARY SURVEY HAS BEEN MADE. DO NOT SCALE OFF THIS PLAN WHERE OFFSETS ARE CRITICAL. THEY SHOULD BE CONFIRMED BY A FURTHER SURVEY.
 - SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH.
 - THE BEARINGS ON THESE PLAN BOUNDARIES, ARE FROM PLANS OF THE DEPARTMENT OF LANDS. THEY ARE ON MAGNETIC MERIDIAN. IF ACCURATE TRUE NORTH IS REQUIRED, A FURTHER SURVEY WOULD BE NECESSARY.



LEGEND

TK	DENOTES TOP KERB
USG	DENOTES UNDERSIDE GUTTER
FL	DENOTES FLOOR LEVEL
H	DENOTES HEAD OF WINDOW
S	DENOTES SILL OF WINDOW

REV.	AMENDMENTS	DATE
DATUM:	AUST HEIGHT DATUM	
ORIGIN:	PM1852 72.134	
SOURCE:	S.C.I.M.S.	

PLAN SHOWING LEVELS & DETAILS
OVER LOT 1 SEC C IN D.P. 4683
AT No. 110 MILITARY ROAD,
DOVER HEIGHTS
FOR BLUE LABEL CONSTRUCTIONS

CONSULTING SURVEYORS

WATSON BUCHAN
PTY.LTD.

P.O. BOX 176
CARINGBAH N.S.W. 1495
PHONE: 9524 4073
FAX: 9540 1387
EMAIL : surveyor@watsonbuchan.com.au

DRAWN:	M.T/S.K.	CHECKED:	J.W.
SCALE:	1:100	DATE OF SURVEY:	26/05/2015
SURVEYORS REFERENCE:	15/251	REVISION:	217

1 TREE TO BE REMOVED.(NO ENVIRONMENTAL SIGNIFICANCE)

147 m3 OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

LANDSCAPING: TO BE NATIVE LOW WATER /DROUGHT TOLERANT PLANTS.



0431 410 780
sasha custodie
BArch(hons), BArch (design)

Project :
Proposed Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :Steve Nafte

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Drawing Title:

SITE PLAN

Project Ref. No.: **ASA 171019**

Scale: **1 : 100**

Drawn By: **SC**

Drawing No.: **A-2.01**

Date: **OCT, 2017**

TOTAL SITE AREA	617.8 SQM
EXISTING FLOOR SPACE	204 SQ.M 33%
PROPOSED FLOOR SPACE :	
APARTMENT A	219 SQ.M
APARTMENT B	217 SQ.M
TOTAL 436 SQ.M	
FSR (FLOOR SPACE RATIO)	1:617.8/436=0.70:1 70%
PROPOSED IMPERVIOUS	286 SQ. M 46%
PROPOSED LANDSCAPED	311.8 SQ.M 50.1%

1 TREE TO BE REMOVED.(NO ENVIRONMENTAL SIGNIFICANCE)

147 m3 OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

LANDSCAPING: TO BE NATIVE LOW WATER /DROUGHT TOLERANT PLANTS.

LEGEND

- EXISTING 300MM DOUBLE BRICK WALLS
- NEW DOUBLE BRICK WALLS TO MATCH EXISTING
- PROPOSED NEW BLOCK WORK
- PROPOSED NEW INTERNAL STUD WALLS
- PROPOSED BLOCK WORK EXTERNAL WALLS

NOTES:

6 mm VILLABOARD TO BE USED IN WET AREAS IN PLACE OF PLASTER BOARD.

LEGEND

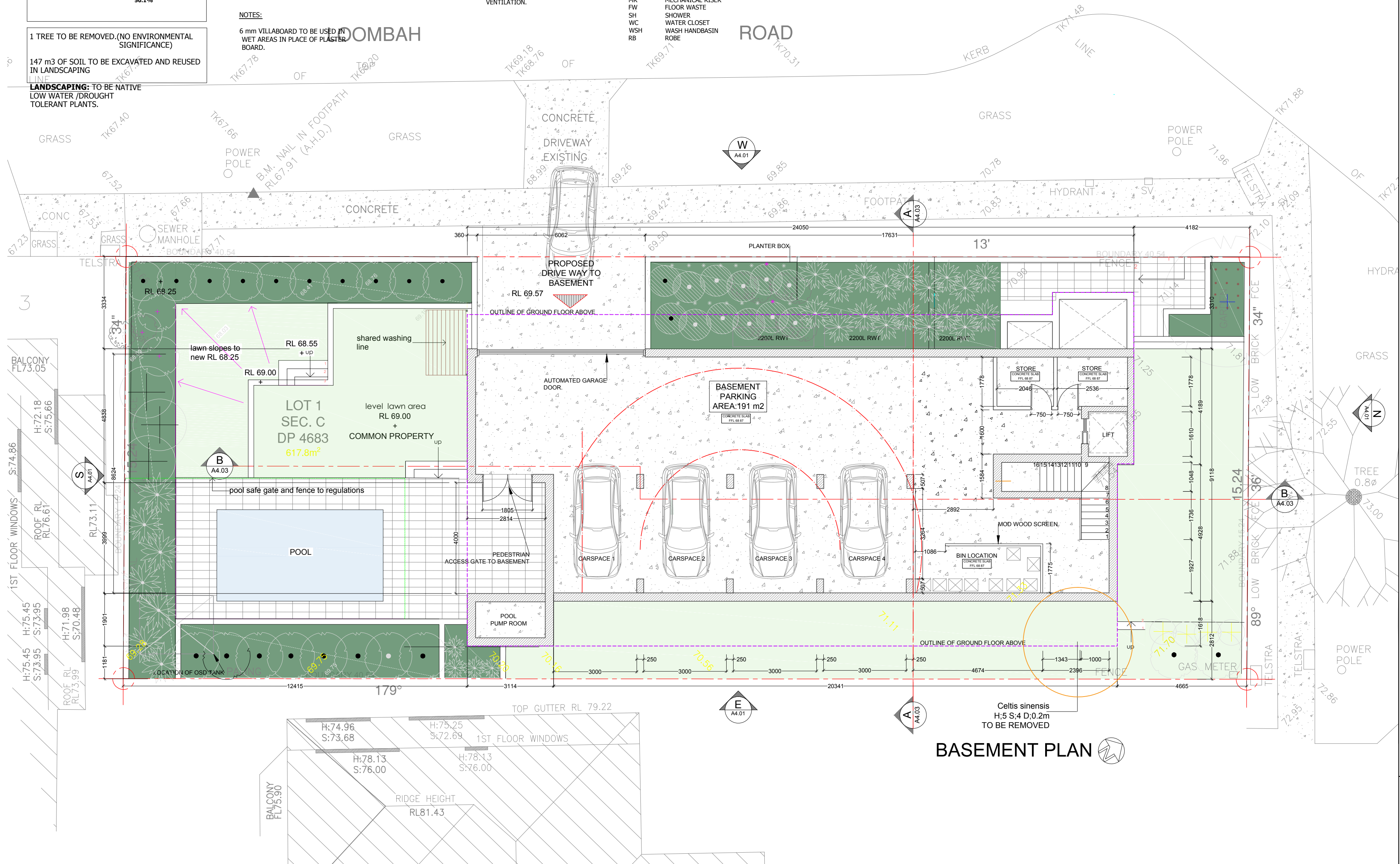
- CL CLADDING-SCYON MATRIX
- BR BLOCK WORK WITH RENDER
- DBR DOUBLE BRICK WITH RENDER
- DP DOWNPIPE
- TP TIMBER FINISH POSTS
- GB GLASS BALUSTRADE
- DSC DOUBLE STUD WITH CLADDING

NOTES:

ALL GLAZING TO GROUND FLOOR, ON WESTERN ELEVATION TO BE SANDBLASTED TO A HEIGHT OF 1.6M ABOVE FFL FOR VISUAL PRIVACY. 100mm LIMIT SWITCHES TO BE INSTALLED TO ALLOW FOR CROSS VENTILATION.

LEGEND

- BBO BARBEQUE
- LB LETTER BOX
- MH MANHOLE
- GR GRATE
- SR LOW LYING SERVER
- STR STORAGE
- OV OVEN
- FRIDGE
- PTRY PANTRY
- DW DISHWASHER
- WSH WASHING MACHINE
- SNK SINK
- ST STOVE
- FP FIRE PLACE
- AC AIR CONDITIONING UNIT
- MR MECHANICAL RISER
- FW FLOOR WASTE
- SH SHOWER
- WC WATER CLOSET
- WSH WASH HANDBASIN
- RB ROBE








28 Jacaranda Plc.
South Coogee, 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for : Steve Nafte

Issue / Amendments:
DA APPLICATION

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Drawing Title:
BASEMENT PLAN
Project Ref. No.: **ASA 171019** **Drawn By:** **SC** **Date:** **OCT, 2017**
Scale: **1 : 100** **Drawing No.:** **A-3.01**

LEGEND	
	EXISTING 300MM DOUBLE BRICK WALLS
	NEW DOUBLE BRICK WALLS TO MATCH EXISTING
	PROPOSED NEW BLOCK WORK
	PROPOSED NEW INTERNAL STUD WALLS
	PROPOSED BLOCK WORK EXTERNAL WALLS

1 TREE TO BE REMOVED.(NO ENVIRONMENTAL SIGNIFICANCE)

147 m3 OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

NOTES:

6 mm VILLABOARD TO BE USED IN WET AREAS IN PLACE OF PLASTER BOARD.

LB	BARBEQUE
BQ	LETTER BOX
MH	MANHOLE
GR	GRATE
SR	LOW LYING SERVER
STR	STORAGE
OV	OVEN
FR	FRIDGE
PTRY	PANTRY
DW	DISHWASHER
WSH	WASHING MACHINE
SNK	STNK
ST	STOVE
FP	FIRE PLACE
AC	AIR CONDITIONING UNIT
MR	MECHANICAL RISER
FW	FLOOR WASTE
SH	SHOWER
WC	WATER CLOSET
WSH	WASH HANDBASIN
RB	ROBE

ALL GLAZING TO GROUND FLOOR, ON WESTERN ELEVATION TO BE SANDBLASTED TO A HEIGHT OF 1.6M ABOVE FFL FOR VISUAL PRIVACY. 100mm LIMIT SWITCHES TO BE INSTALLED TO ALLOW FOR CROSS VENTILATION.

The logo of the American Association of University Professors (AAUP) is a circular emblem. It features a large, bold, serif capital letter 'W' in the center. Below the 'W', the text 'A4.01' is written in a smaller, sans-serif font. The entire emblem is set against a white background with a thin black border.



Project Ref. No.: **ASA 171019** Drawn By: **SC** Date: **OCT, 2017**
Scale: **1 : 100** Drawing No.: **A-3.02**

TOTAL SITE AREA	617.8 SQM
EXISTING FLOOR SPACE	204 SQ.M
	33%
PROPOSED FLOOR SPACE :	
APARTMENT A	219 SQ.M
APARTMENT B	217 SQ.M
	TOTAL 436 SQ.M
FSR (FLOOR SPACE RATIO)	1:617.8/436=0.70:1
	70%
PROPOSED IMPERVIOUS	286 SQ. M
	46%
PROPOSED LANDSCAPED	311.8 SQ.M
	50.1%

1. TREE TO BE REMOVED. (NO ENVIRONMENTAL SIGNIFICANCE)

147 m3 OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

LANDSCAPING: TO BE NATIVE LOW WATER/DROUGHT TOLERANT PLANTS.

LEGEND

- EXISTING 300MM DOUBLE BRICK WALLS
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- PROPOSED NEW INTERNAL STUD WALLS
- PROPOSED BLOCK WORK EXTERNAL WALLS

NOTES:

6 mm VILLABOARD TO BE USED IN WET AREAS IN PLACE OF PLASTER BOARD.

LEGEND

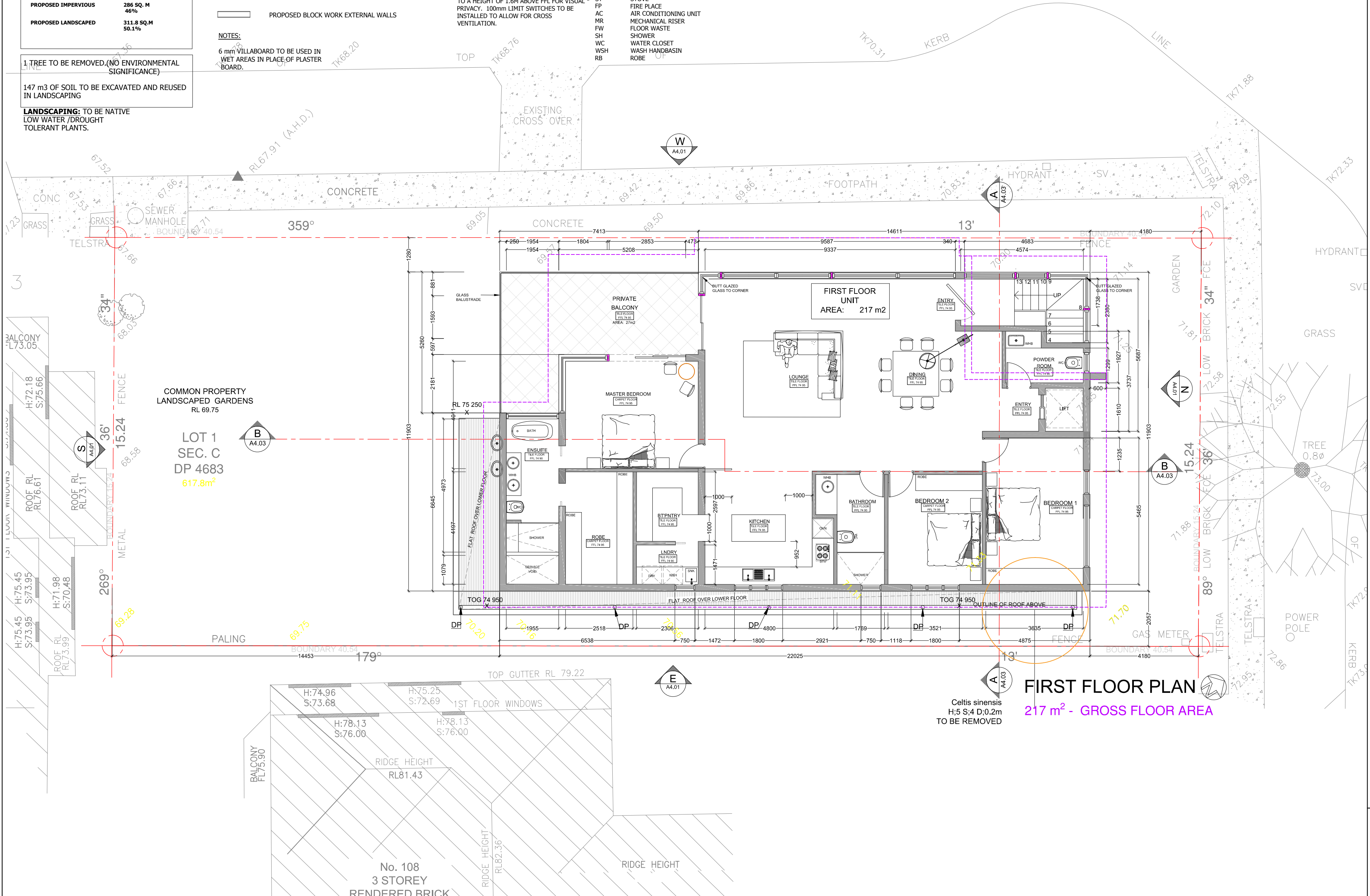
- CL CLADDING: SCYON MATRIX
- BR BLOCK WORK WITH RENDER
- DBR DOUBLE BRICK WITH RENDER
- DP DOWNPIPE
- TP TIMBER FINISH POSTS
- GB GLASS BALUSTRADE
- DSC DOUBLE STUD WITH CLADDING

NOTES:

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LEGEND

- BBQ BARBEQUE
- LB LETTER BOX
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- MR MECHANICAL RISER
- FW FLOOR WASTE
- SH SHOWER
- WC WATER CLOSET
- WSH WASH HANDBASIN
- RB ROBE



FIRST FLOOR PLAN
217 m² - GROSS FLOOR AREA

REVISION



28 Jacaranda Plc.
South Coogee, 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
NEW Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :

Issue / Amendments:
PRE DA APPLICATION

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Drawing Title:
FIRST FLOOR PLAN
Project Ref. No.: ASA 171019 **Drawn By:** SC **Date:** OCT, 2017
Scale: 1 : 100 **Drawing No.:** A-3.03






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147 m³ OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

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	PROPOSED NEW INTERNAL STUD WALLS
	PROPOSED BLOCK WORK EXTERNAL WALLS

NOTES:

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LEGEND

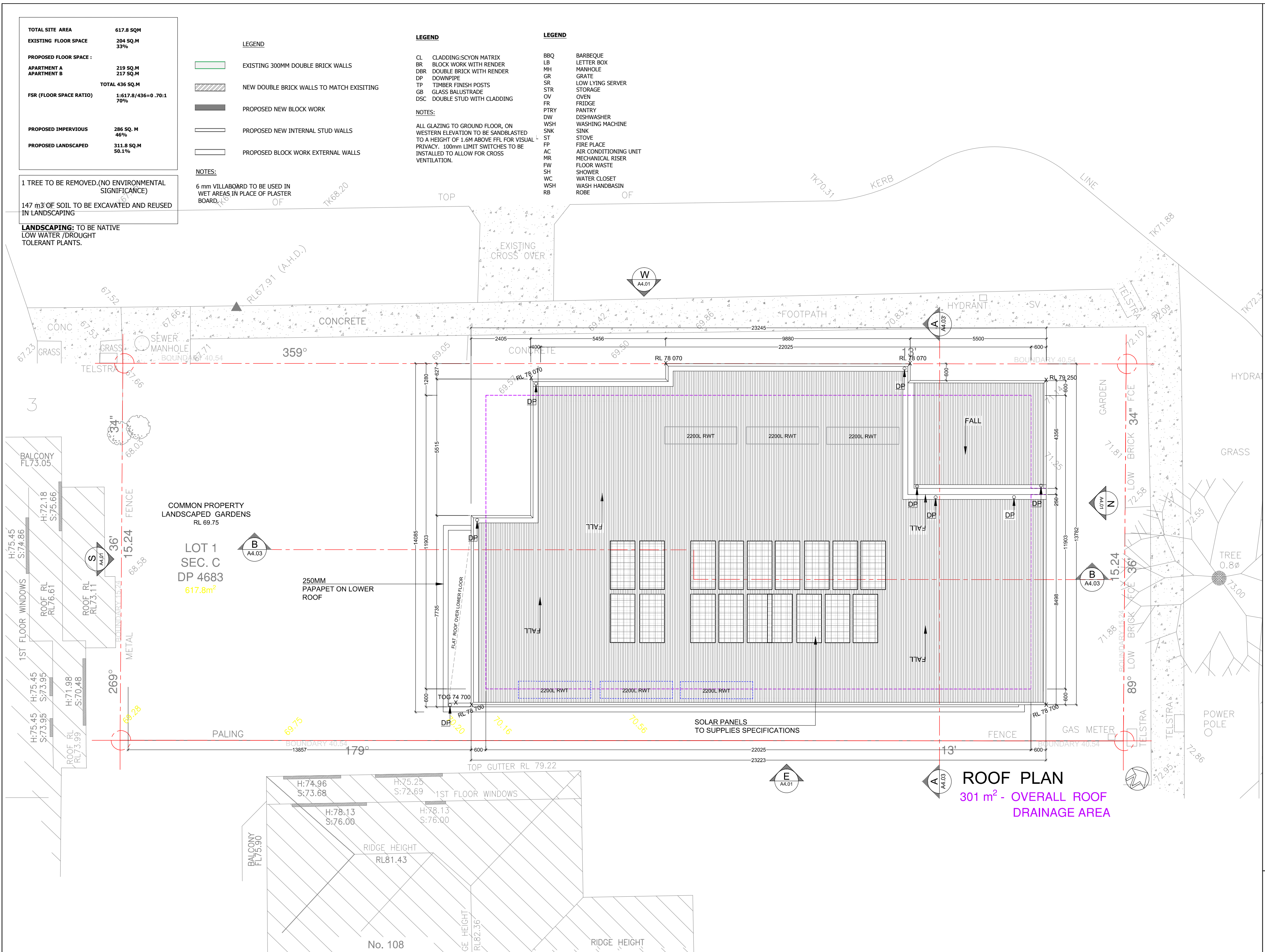
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BR	BLOCK WORK WITH RENDER
DBR	DOUBLE BRICK WITH RENDER
DP	DOWNPIPE
TP	TIMBER FINISH POSTS
GB	GLASS BALUSTRADE
DSC	DOUBLE STUD WITH CLADDING

NOTES:

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LEGEND

BQ	BARBEQUE
LB	LETTER BOX
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OV	OVEN
FR	FRIDGE
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AC	AIR CONDITIONING UNIT
MR	MECHANICAL RISER
FW	FLOOR WASTE
SH	SHOWER
WC	WATER CLOSET
WSH	WASH HANDBASIN
RB	ROBE



ROOF PLAN
301 m² - OVERALL ROOF DRAINAGE AREA

REVISION



0431 410 780
asa@custodio.com
Bach(hons), March (design)

28 Jacaranda Plc.
South Coogee. 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
NEW Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for : Steve Nafte

Issue / Amendments:
DA APPLICATION

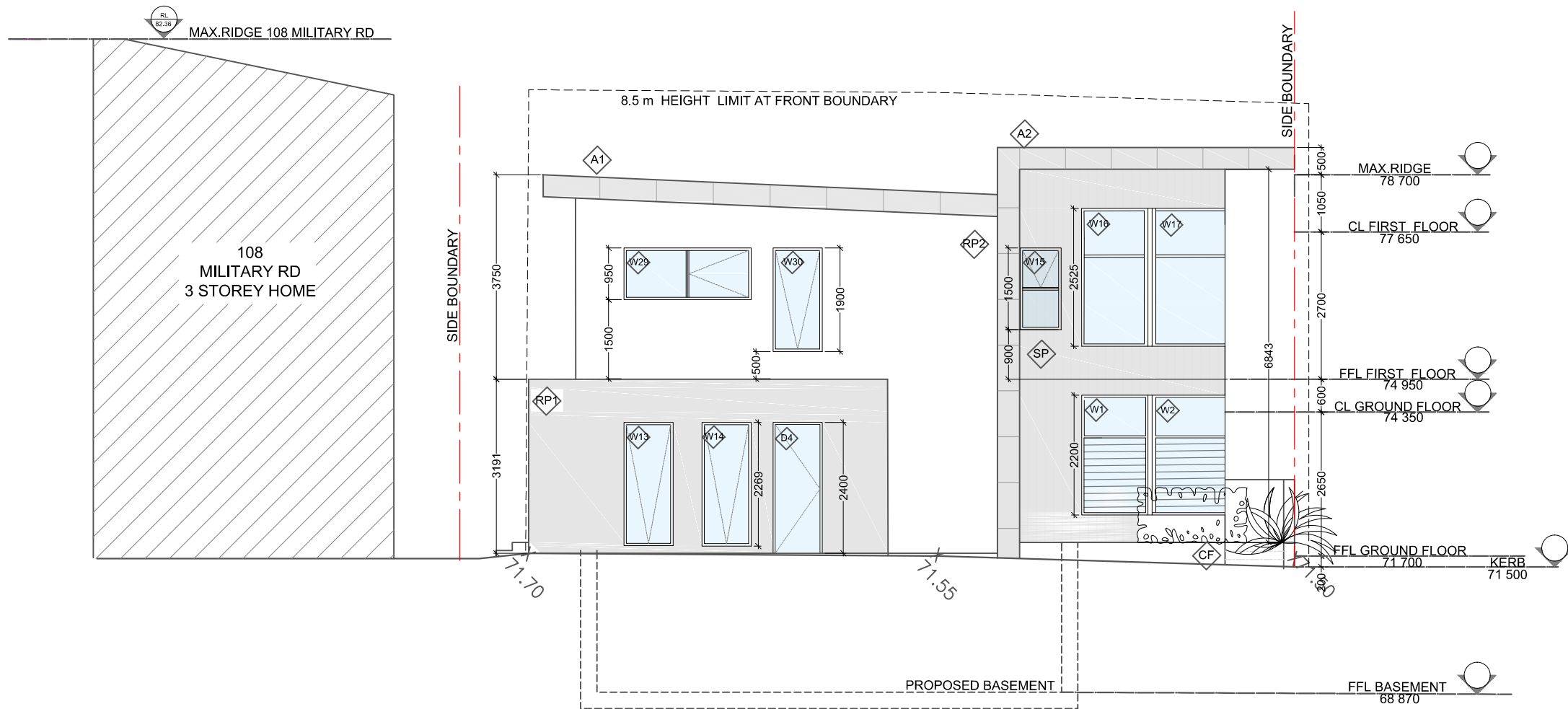
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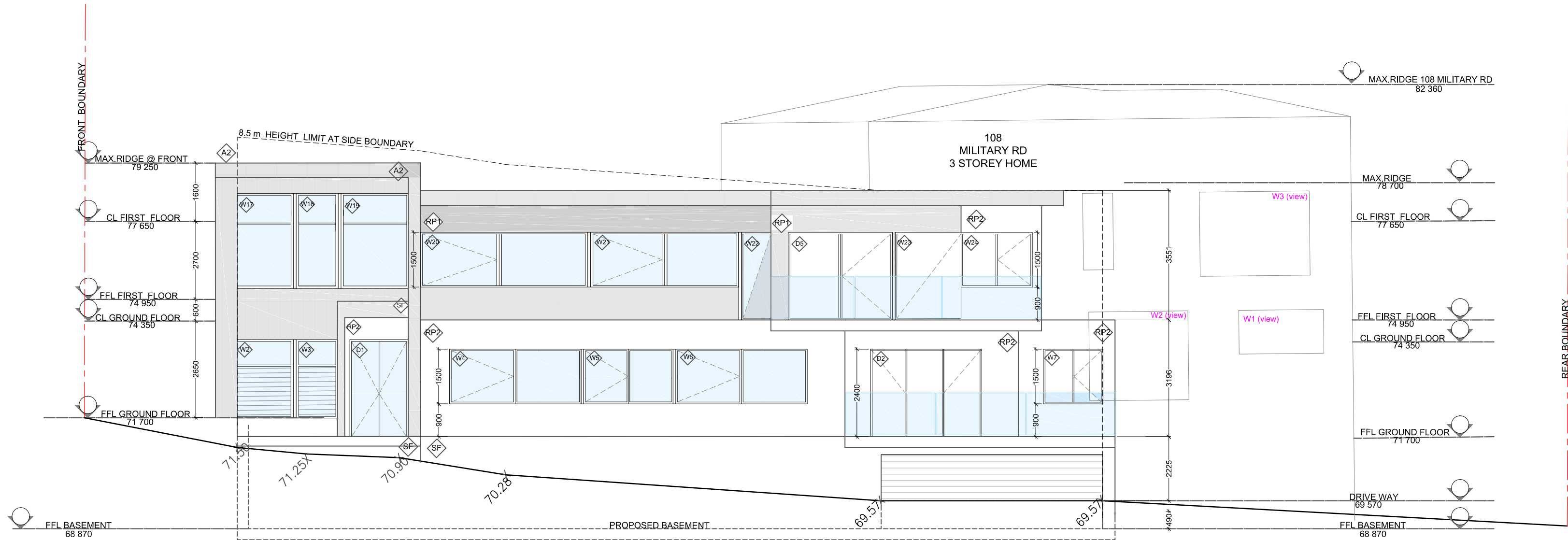
ROOF PLAN

Project Ref. No.: ASA 171019 **Drawn By:** SC **Date:** OCT, 2017
Scale: 1 : 100 **Drawing No.:** A-3.04

- A2
 RP1 DULUX COLOUR DOMINO
 RP2 DULUX COLOUR LEXICON
 SP
 A1 ALUCABOND SILVER/WHITE 101
 T TIMBER
 SF BLUE STONE FINISH OR SIMILAR



NORTH ELEVATION



WEST ELEVATION

REVISIONS:



28 Jacaranda Plc.
 South Coogee, 2034
 tel. (02) 96651264
 mob. 0431410780
 asa.custodio@gmail.com

Project :
 New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
 for:Steve Nafte

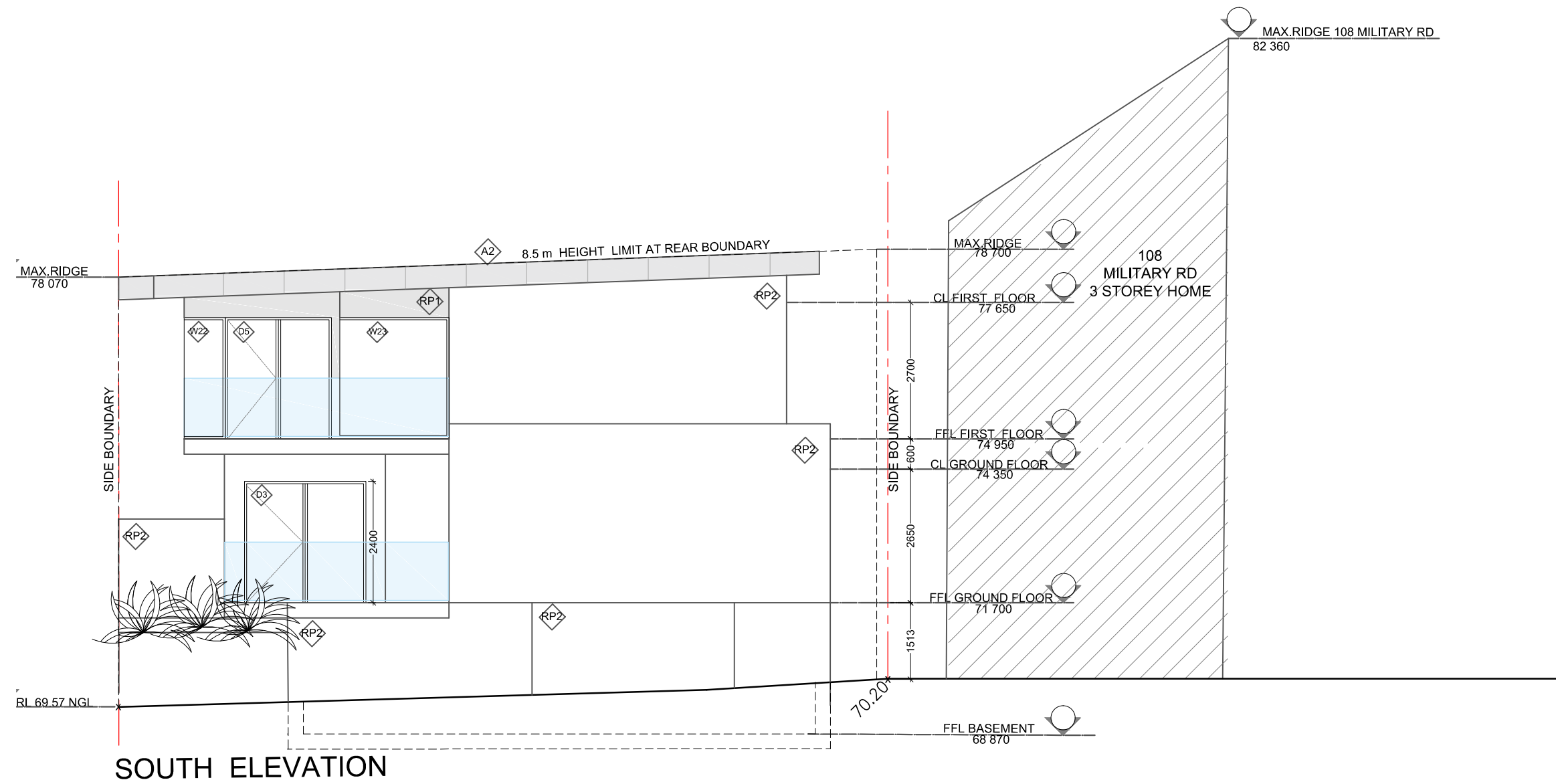
Issue / Amendments:
 DA APPLICATION

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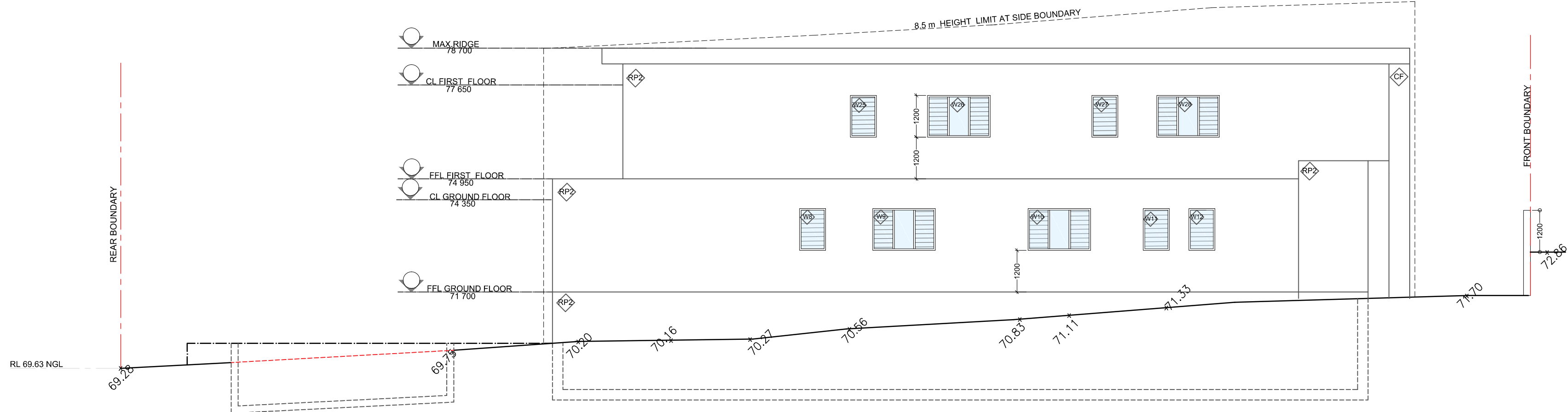
Drawing Title:
ELEVATIONS: NORTH AND WEST

Project Ref. No.: 171019 Drawn By: SC Date: OCT, 2017
 Scale: 1 : 100 Drawing No.: A-4.01

- A2
- RP1 DULUX COLOUR DOMINO
- RP2 DULUX COLOUR LEXICON
- SP
- A1 ALUCABOND SILVER/WHITE 101
- T TIMBER
- SF BLUE STONE FINISH OR SIMILAR



SOUTH ELEVATION



EAST ELEVATION

REVISIONS:



28 Jacaranda Plc.
South Coogee. 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

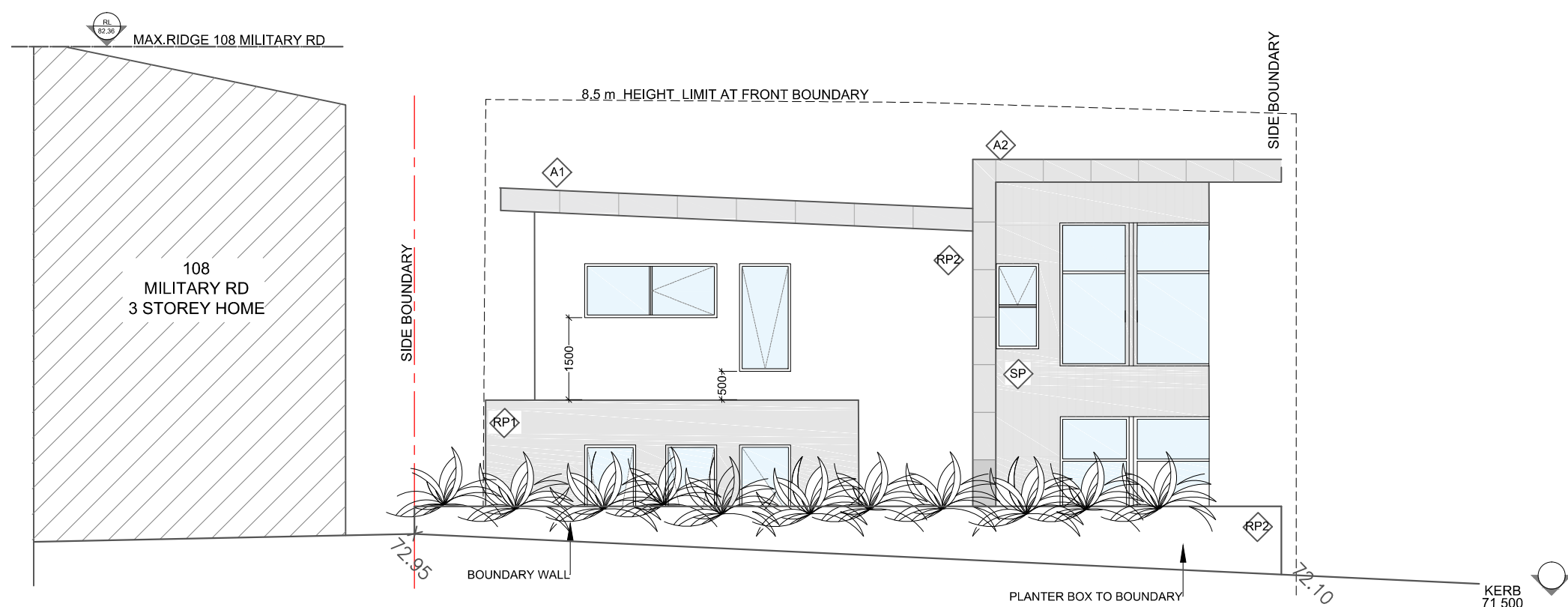
Project :
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for : Steve Nafte

Issue / Amendments:
DA APPLICATION

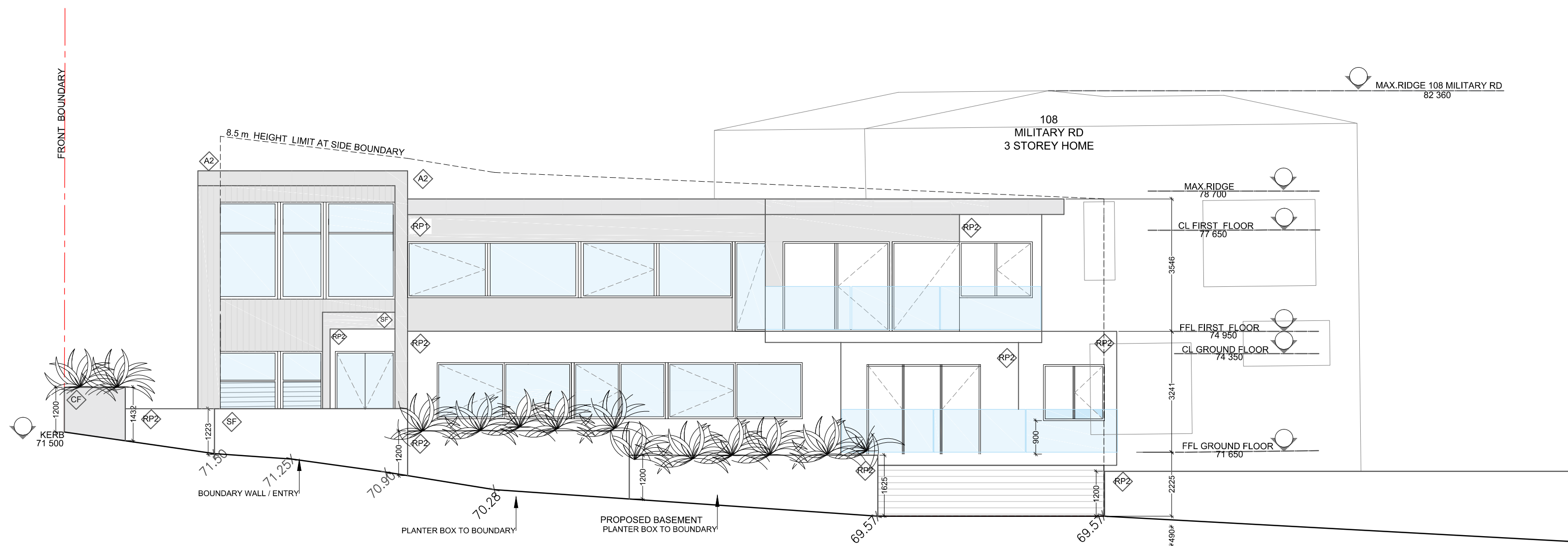
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Drawing Title:
SOUTH AND EAST ELEVATION
Project Ref. No.: 171019 **Drawn By:** SC **Date:** OCT, 2017
Scale: 1 : 100 **Drawing No.:** A-4.02

- A2
- RP1 DULUX COLOUR DOMINO
- RP2 DULUX COLOUR LEXICON
- SP
- A1 ALUCABOND SILVER/WHITE 101
- T TIMBER
- SF BLUE STONE FINISH OR SIMILAR



NORTH ELEVATION- STREET VIEW



WEST ELEVATION

REVISIONS:



28 Jacaranda Plc.
South Coogee, 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

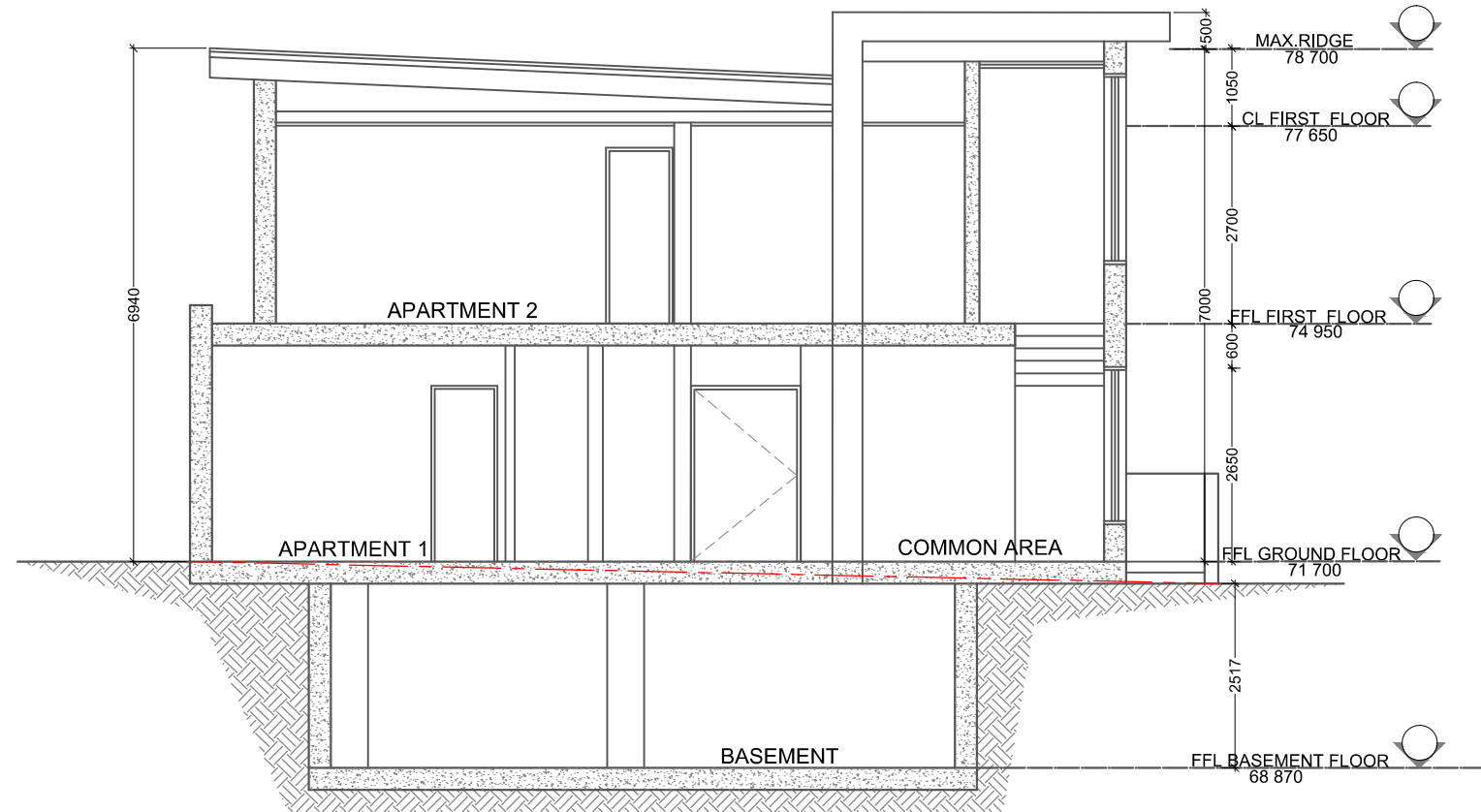
Project :
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :

Issue / Amendments:
DA APPLICATION

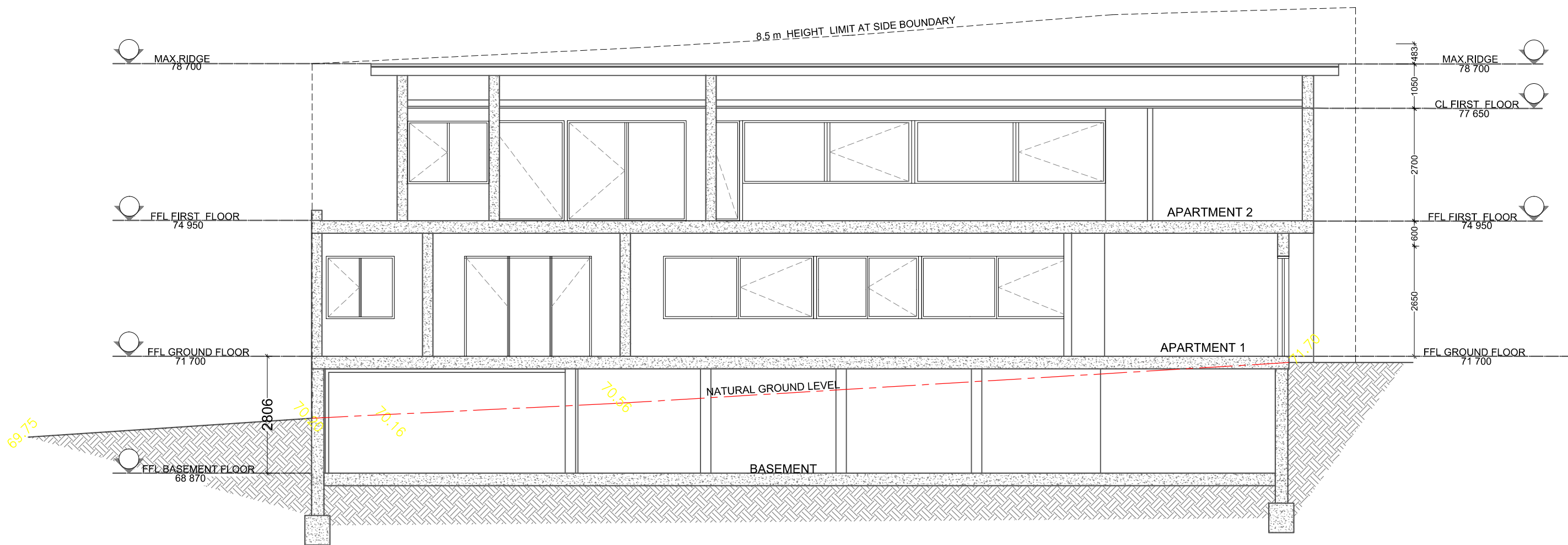
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Drawing Title:
NORTH & WEST STREET VIEW
Project Ref. No.: **ASA 171019** Drawn By: **SC** Date: **OCT, 2017**
Scale: **1 : 100** Drawing No.: **A-4.03**

- A2
- RP1 DULUX COLOUR DOMINO
- RP2 DULUX COLOUR LEXICON
- SP
- A1 ALUCABOND SILVER/WHITE 101
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SECTION 'A-A'



SECTION 'B-B'

REVISIONS:



28 Jacaranda Plc.
South Coogee, 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :

Issue / Amendments:
DA APPLICATION

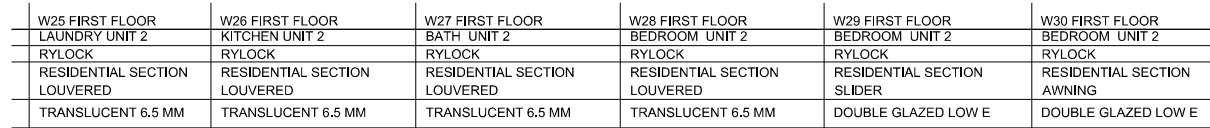
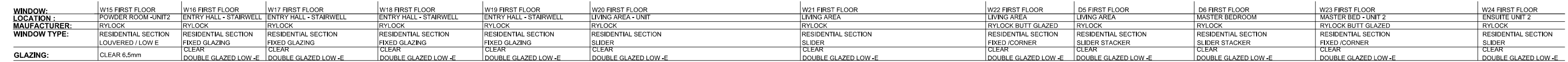
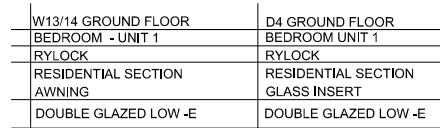
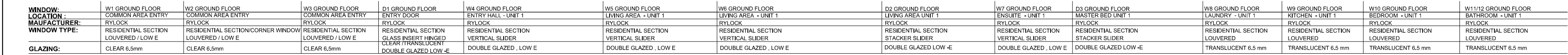
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SECTIONS
Project Ref. No.: **ASA 171019** Drawn By: **SC** Date: **OCT, 2017**
Scale: **1 : 100** Drawing No.: **A-4.04**

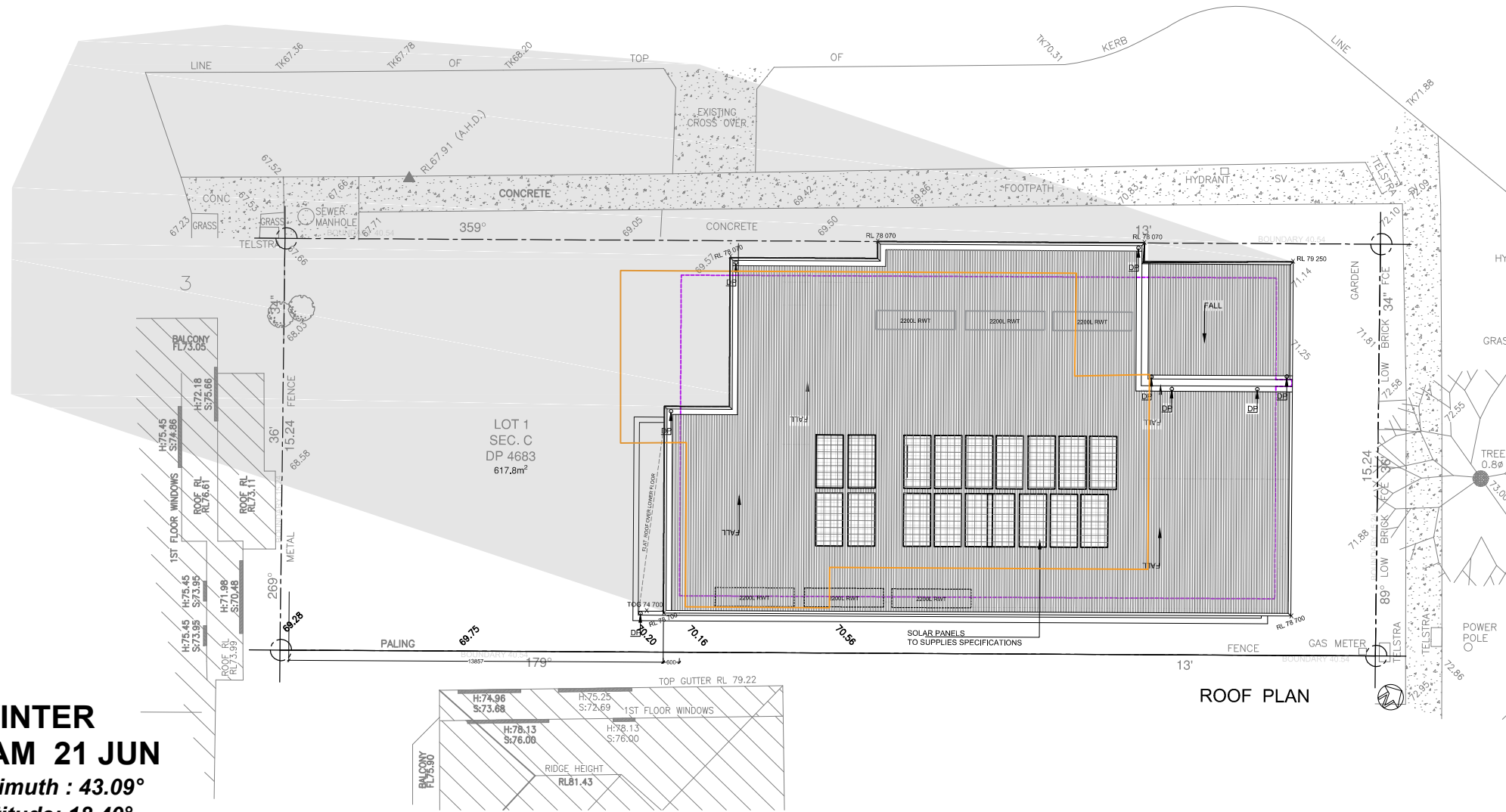
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :

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Project Ref. No.: **ASA 171019** Drawn By: **SC** Date: **OCT, 2017**
Scale: **1 : 100** Drawing No.: **A-5.01**

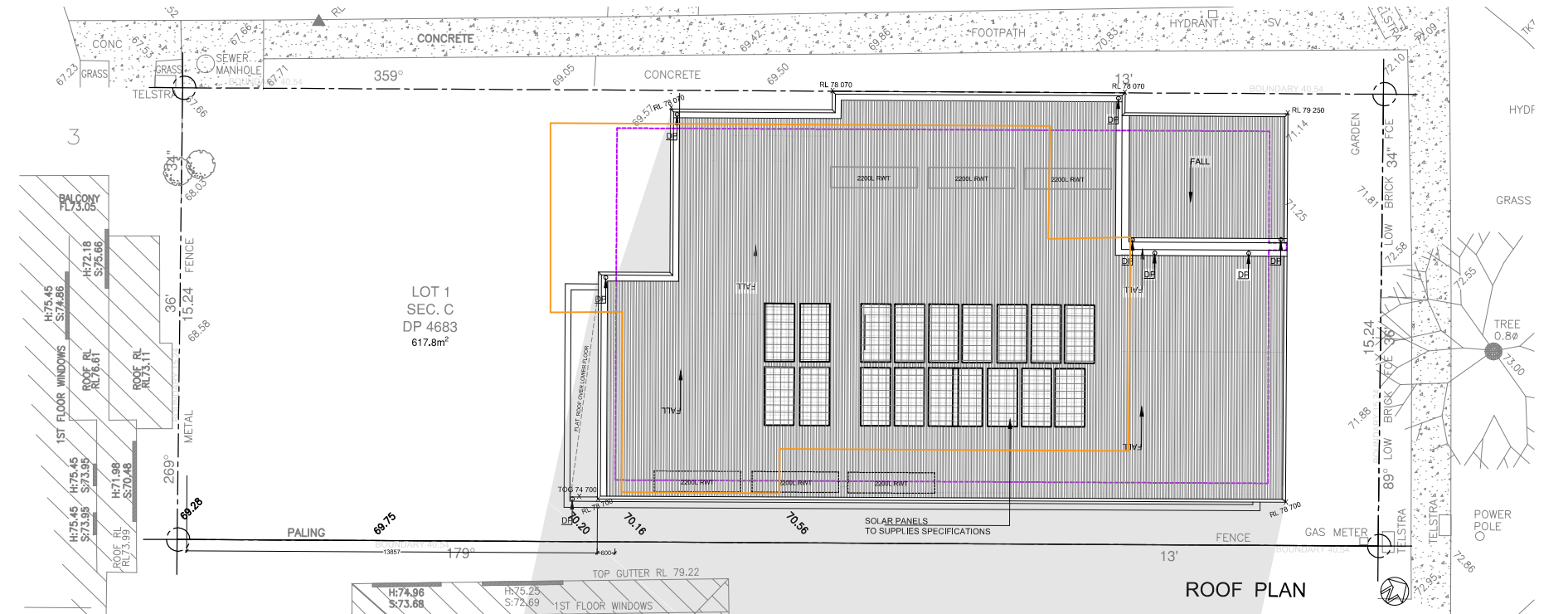


WINTER
9AM 21 JUN
Azimuth : 43.09°
Altitude: 18.40°



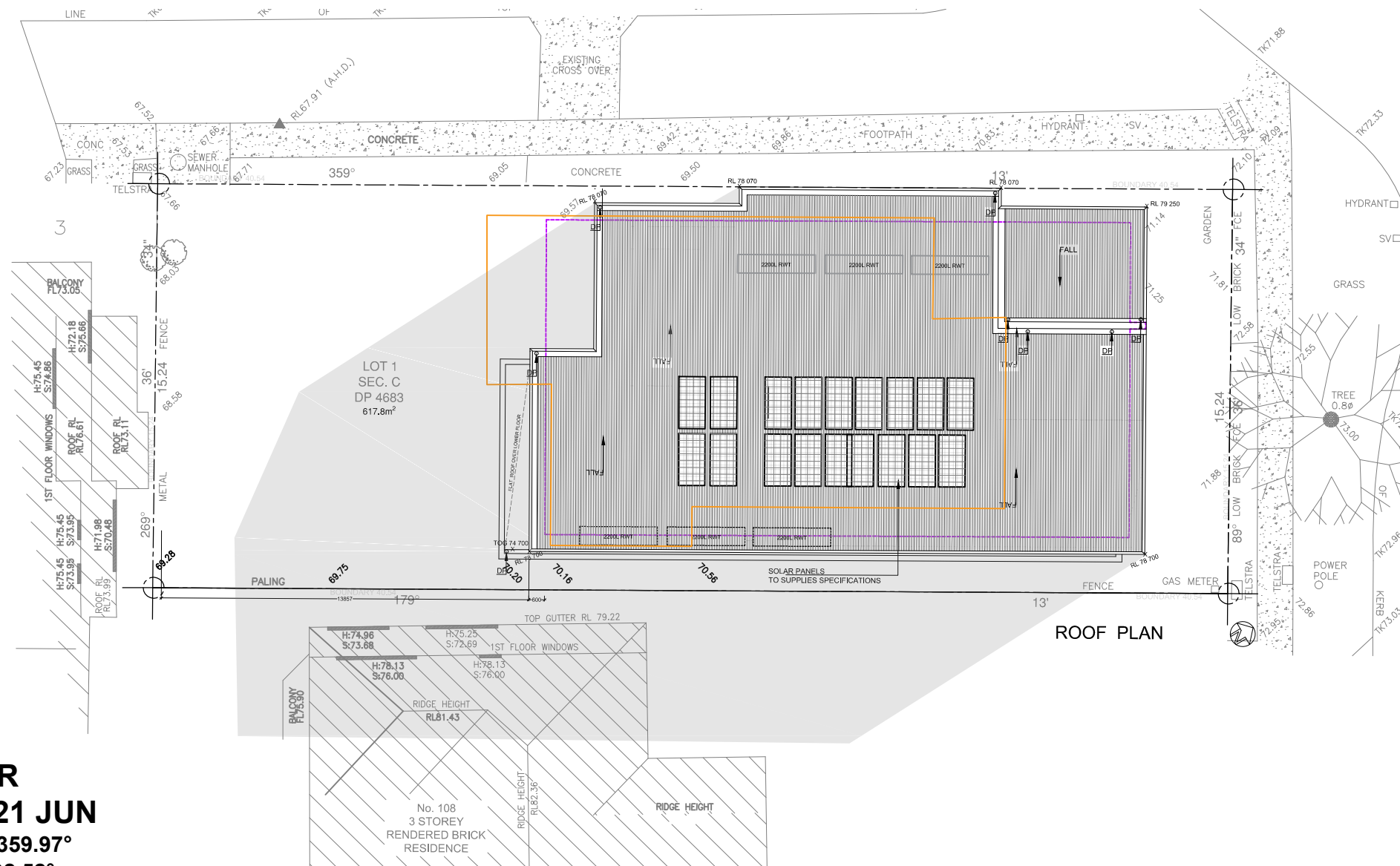
ROOF PLAN

WINTER
3PM 21 JUN
Azimuth : 316.11°
Altitude : 17.80°



ROOF PLAN

WINTER
12PM 21 JUN
Azimuth: 359.97°
Altitude: 32.52°



ROOF PLAN



0431 410 780
and in southern
March (9am-5pm)

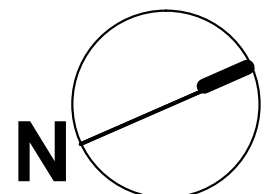
28 Jacaranda Plc.
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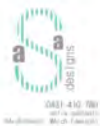
Project :
New Dual Occupancy
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :Steve Nafte

Issue / Amendments:
DA APPLICATION

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Drawing Title:
SHADOW DIAGRAMS - WINTER
Project Ref. No.: Drawn By: Date:
ASA 171019 SC OCT, 2017
Scale: Drawing No.:
1 : 100 A-5.02





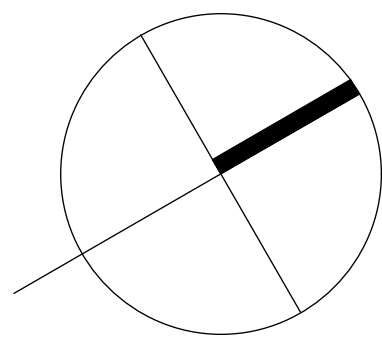
28 Jacaranda Plc.
South Coogee, 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
New Dual Occupancy
**110 MILITARY ROAD
DOVER HEIGHTS NSW**
for:BLUE LABEL CONSTRUCTION

Issue / Amendments:
DA APPLICATION

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Drawing Title:
PHOTOMONTAGE
Project Ref. No.: ASA 171019
Scale: 1 : NTS
Drawn By: SC
Drawing No.: A-5.03
Date: OCT, 2017



LOOMBAH ROAD

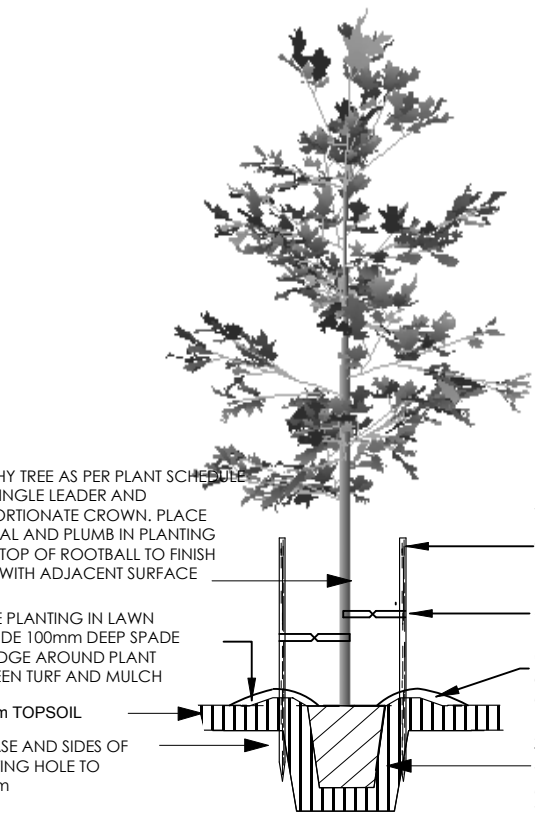
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KIPPARA ROAD

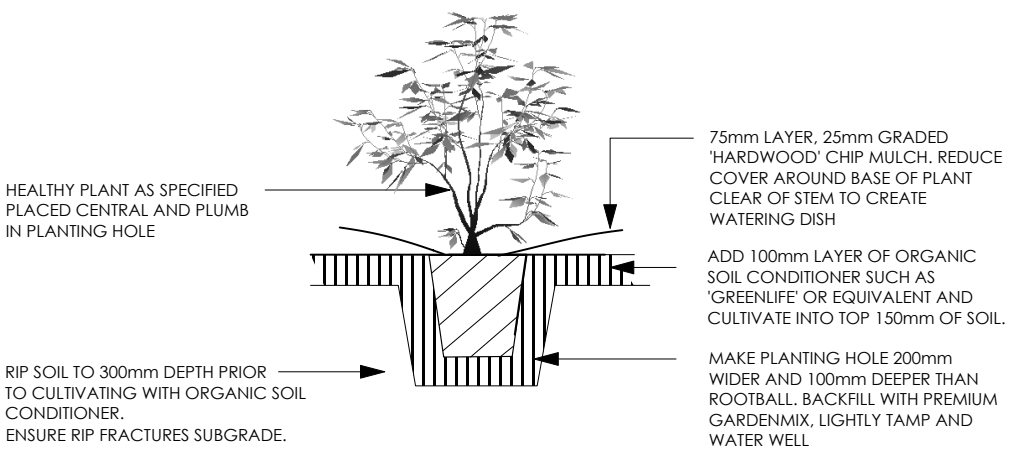
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MILITARY ROAD

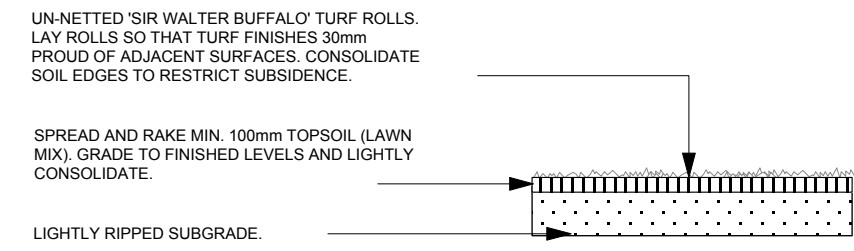
LANDSCAPE PLAN 1:100



1 TREE PLANTING
Typical Section n.t.s.



2 SHRUB PLANTING
Typical Section n.t.s.

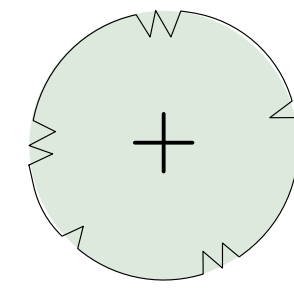


3 TURF
Typical Section n.t.s.

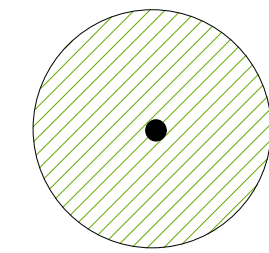
PLANT SCHEDULE

Botanical Name	Common Name	No.	mm	mm	Pot Size
Cupaniopsis anacardioides	Tuckeroo	1	4500	5000	75 lt
Callistemon viminalis 'Macarthur'	Weeping Bottlebrush	11	1800	1500	200mm
Doryanthes excelsa	Gymea Lily	7	2000	1500	200mm
Crinum pedunculatum	Crinum Lily	9	1200	1200	200mm
Acmena smithii Minor	Small-leafed Lillypilly	10	3500	1800	75lt
Lomandra longifolia 'Tanika'	Spiny-headed mat rush	21	800	400	140mm
Rhaphiolepis 'Cosmic White'	Indian Hawthorn	6	1200	1200	200mm
Senecio mandraliscae	Blue chalk sticks	9	500	500	200mm
Myoporum parvifolium 'Yareena'	Creeping Boobiala	10	250	500	200mm
Yucca elephant 'Silver Star'	Yucca variegated	3	2000	800	200mm
Alternanthera 'Little Ruby'	Alternanthera	8	400	800	200mm
Rhaphiolepis 'Oriental Pearl'	Indian Hawthorn	4	800	800	300mm
Dianella Silver Streak	Flax Lily	11	350	300	200mm
Cordylina glauca	New Zealand Cabbage Tree	6	1500	800	300mm
Hibbertia scandens	Guinea Flower	7	2000	1000	140mm
Grevillea 'Superb'	Grevillea	3	1500	2000	200mm
Correa alba 'Coastal Pink'	Correa sp.	3	1500	1500	200mm
Pimelea ferruginea White Sensation	White Rice Flower	4	750	1000	200mm

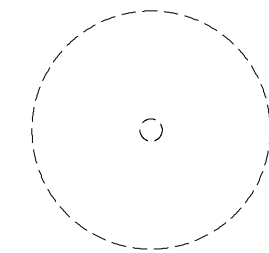
LEGEND



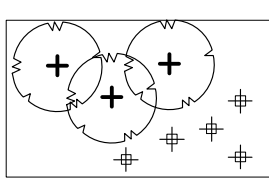
PROPOSED TREES



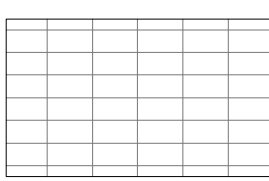
EXISTING ADJACENT SITE TREES



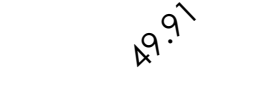
EXISTING TREES TO BE REMOVED



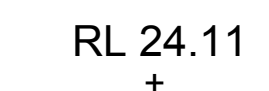
DEEP SOIL PLANTING AREAS



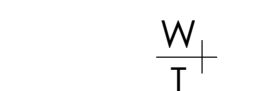
SLAB/TILE PAVING



EXISTING SITE LEVELS



PROPOSED LEVELS



WATER TAP

LANDSCAPE NOTES:

GENERAL

- The Landscape drawings have been based on site survey and building layout information as supplied by CLIENT.
- Landscape plans are to be read in conjunction with all architectural and other project consultant's drawings and specifications and with such other written instructions as may be issued during the course of the contract.
- Any discrepancies between landscape/architectural or other project consultant's drawings shall be reported to the landscape designer prior to any works being carried out.
- All works are to be carried out in accordance with drawing notation and/or written specifications where applicable.
- Works and supply of materials not covered by drawing notation or written specification are to be carried out in accordance with AS Codes, LCA guidelines and the By-Laws and Ordinances of the relevant Building Authority and/or manufacturer's recommendations as applicable.
- All dimensions and locations of works are to be checked on site and confirmed by the landscape/building site supervisor prior to the commencement of any works.
- Dimensions shall not be obtained by scaling from structural drawings. Dimensions are indicated in millimeters unless otherwise specified.
- The contractor shall at all times implement adequate erosion and sediment control measures where applicable.
- The position of services indicated on drawings (when applicable), are approximate and must be confirmed on site prior to the commencement of any site work.

SITE PREPARATION

All existing trees and/or vegetation to be retained, is to be preserved and protected from any damage occurring during the execution of landscape works. The root systems of existing retained plants are not to be disturbed. Landscape operations carried out within the root zone is to be carefully carried out using hand tools. Storage of materials, mixing of materials, vehicular parking, disposal of building materials and stockpiling shall not be carried out within 3m of the drip line of these trees/vegetation.

DRAINAGE

subsoil drainage

Where applicable, a flexible 90mm subsoil, socked, drainage coil is to be installed to all planting areas defined by retaining walls, interfaces between planting/lawn areas and paving, kerb lines, footpath edges etc. on natural ground. The subsoil drainage lines are to be installed and covered with free draining gravel of the base of retaining walls and planting areas, as above, and sufficient buried to ensure they are covered with 100mm free draining gravel and 150mm topsoil. The gravel is to be covered with 3-4 oz non-woven filter fabric.

surface drainage

The contractor is to ensure adequate drainage is provided to all newly paved/hard surface areas. Linking either to existing drainage sump pits or to new pits constructed by the contractor. The Subsoil and Surface drainage system is to be linked to the site's storm water system.

PAVING

To client selection

LAWN EDGING

100mm Link-Edge aluminium garden edging to be used between lawn and planting beds

IRRIGATION

An automated irrigation system is to be selected and installed to access all lawn and garden areas. The contractor is to liaise with the client as to the level of automation required. The system is to comply with the latest Council, Water Board and Australian standards applicable at the time of installation.

SOIL PREPARATION

All proposed planting areas are to be deep ripped to a depth of 300mm and clay soils are to be treated with a clay breaker. 150mm depth of ANL Organic Garden Mix to be imported and combined with 25mm depth GreenLife compost or approved equivalent.

LAWN

Turf is to be laid on 75mm soil compost mix/Turf underlay over 200mm deep rotary hoed prepared and levelled area. Turf shall be of even thickness, free from weed and other foreign matter and laid within 36 hours of cutting. Turf shall be laid in a stretcher bond pattern, lightly jointed and finished flush with adjacent edging/paving surfaces after tamping down. Water immediately after laying, ensuring topsoil is watered to full depth. Contractor is to provide adequate drainage facility under lawn where applicable. Lawn species: Buffalo 'Sir Walter'

NEW PLANTING

All plants shall be true to type and size, of healthy growth, disease free nursery stock, and not displaying any restricted growth or damage. Plants shall have been hardened off and suitable for planting in the climatic conditions prevailing at the site. Trees shall be of uniform appearance and have a single leading trunk and proportionate and balanced crown. The Contractor shall be responsible for the health of plants from time of delivery, and no consideration will be given to any claim arising from the Contractor's neglect or failure to observe any defects in the plants at time of delivery. Remove plant from container without disturbing the root ball and place centrally and plumb in the hole with the top of the root-ball level with the surrounding surface level. Backfill root-ball with an Organic garden soil-mix, lightly tamp and water thoroughly to eliminate air pockets. Refer to Tree Planting Detail when applicable. Ensure soil-mix is not placed over the top of the root-ball and that the plant stem remains the same height above the ground as it was in the container. Soil-mix for backfilling of plants shall conform to AS4419:1998.

MULCHING

On completion of planting, all areas are to be mulched using Green Life compost to a depth of 75mm. A water catchment dish is to be provided around the base of each plant.

FERTILISER

All newly planted areas are to be fertilised with an organic life, slow release fertiliser (Osmocote 8-9 month / Agriform (R) 21g) which is to be adequately watered in.

MAINTENANCE

The landscape contractor shall maintain the landscape area for a period of 12 weeks from the date of practical completion. Works shall include weeding, pruning, checking watering systems, fertilizing, removal of rubbish and the control of pests and disease to the plants as they arise. During the maintenance period, any plants deemed to have failed shall be replaced progressively and not all at once upon the completion of the maintenance period

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110 MILITARY ROAD

110 Military Road
Dover Heights
NSW

LANDSCAPE PLAN

MICHAEL ZINN
landscape designer
INDIPORT AALDLA
105 newland street
bondi junction nsw 2022
mob 0410 239285

Drawing Name

LANDSCAPE PLAN DEVELOPMENT APPLICATION

scale	date	check	dwg no.
1:100 @ A1	APR 2016	mdz	DA 02

TOTAL SITE AREA 617.8 SQM

EXISTING FLOOR SPACE 204 SQ.M
33%

PROPOSED FLOOR SPACE :

APARTMENT A 219 SQ.M
APARTMENT B 217 SQ.M

TOTAL 436 SQ.M

FSR (FLOOR SPACE RATIO) 1:617.8/436=0.70:1
70%

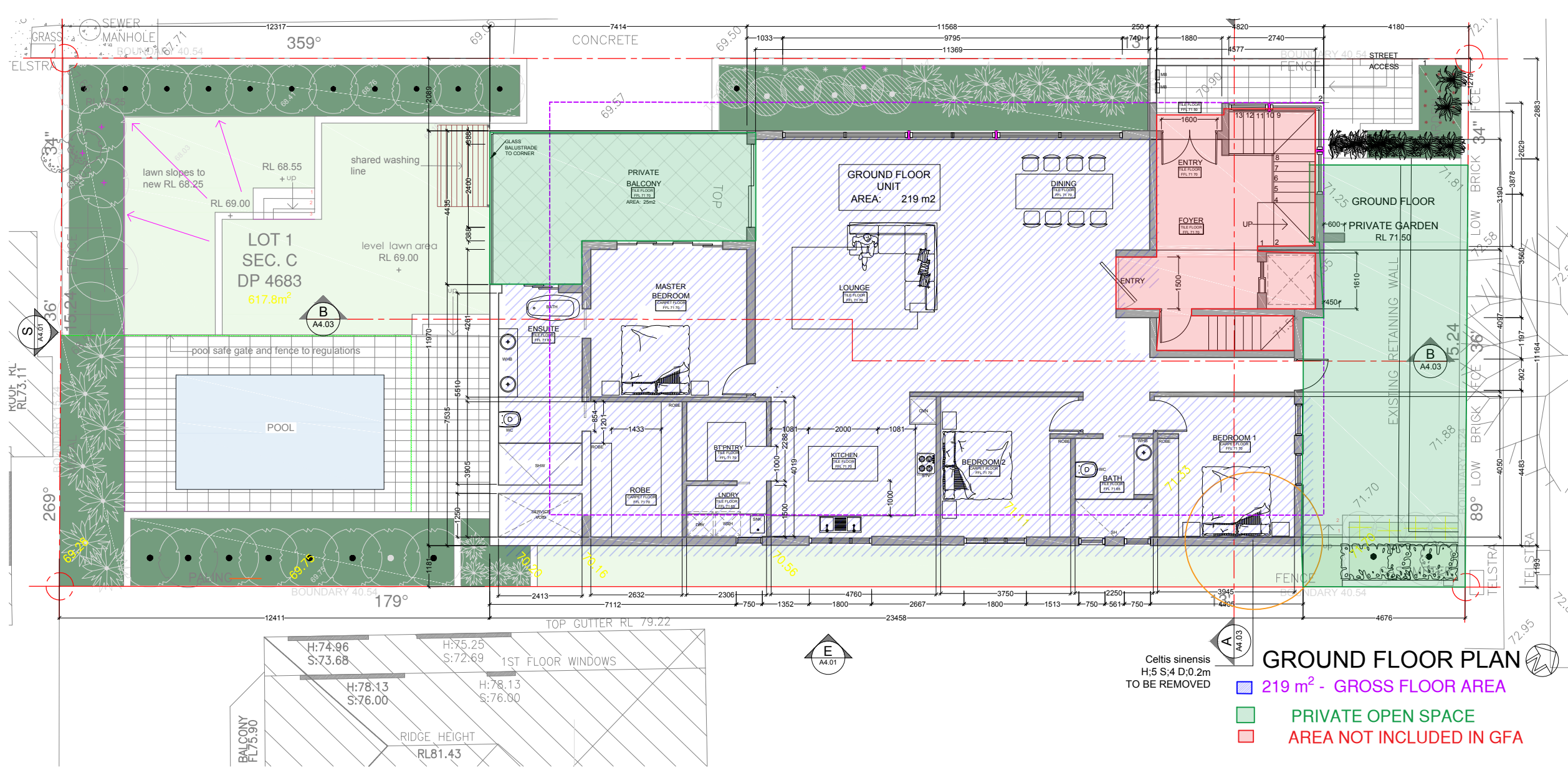
PROPOSED IMPERVIOUS 286 SQ. M
46%

PROPOSED LANDSCAPED 311.8 SQ.M
50.1%

1 TREE TO BE REMOVED.(NO ENVIRONMENTAL SIGNIFICANCE)

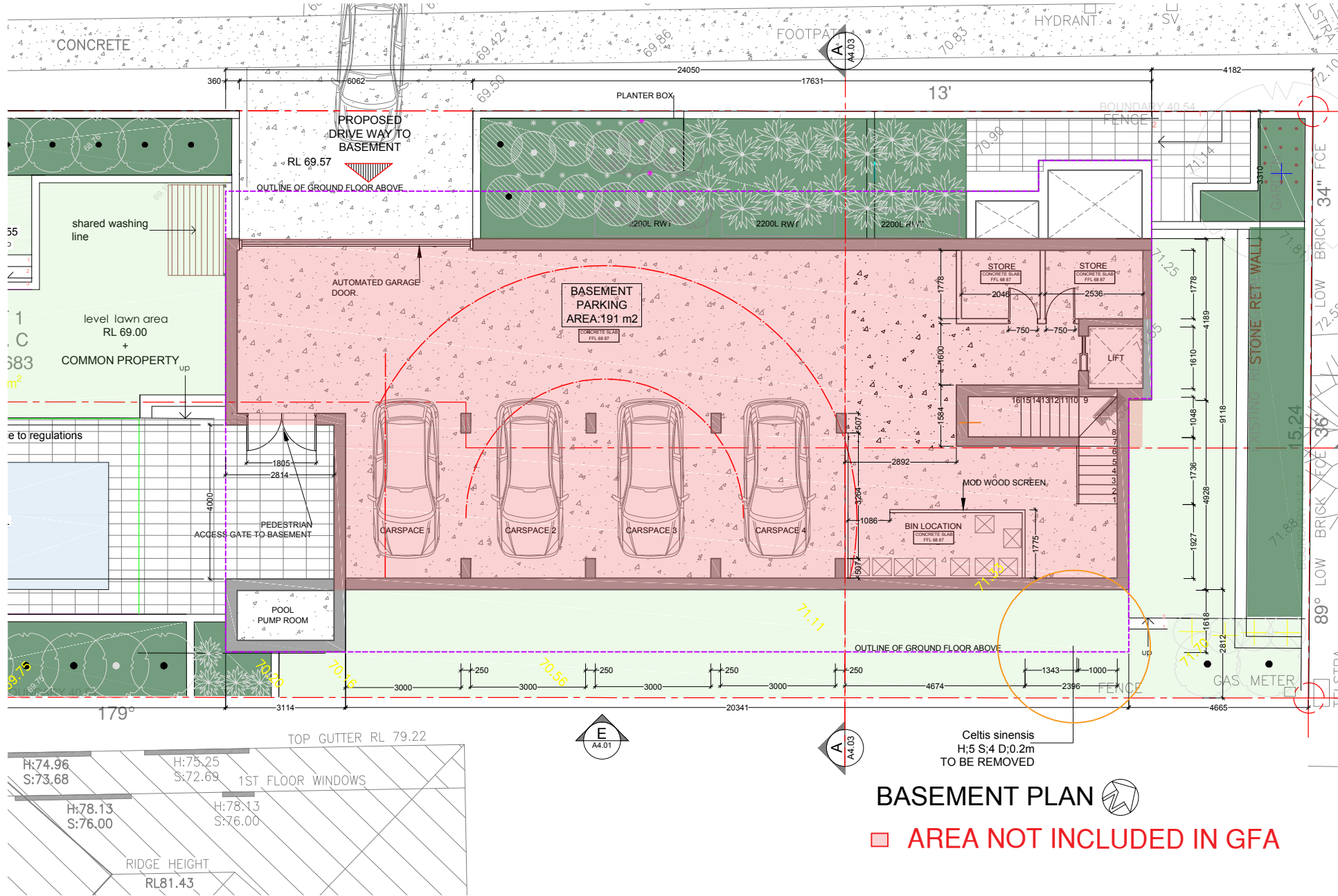
147 m3 OF SOIL TO BE EXCAVATED AND REUSED IN LANDSCAPING

LANDSCAPING: TO BE NATIVE
LOW WATER /DROUGHT
TOLERANT PLANTS.



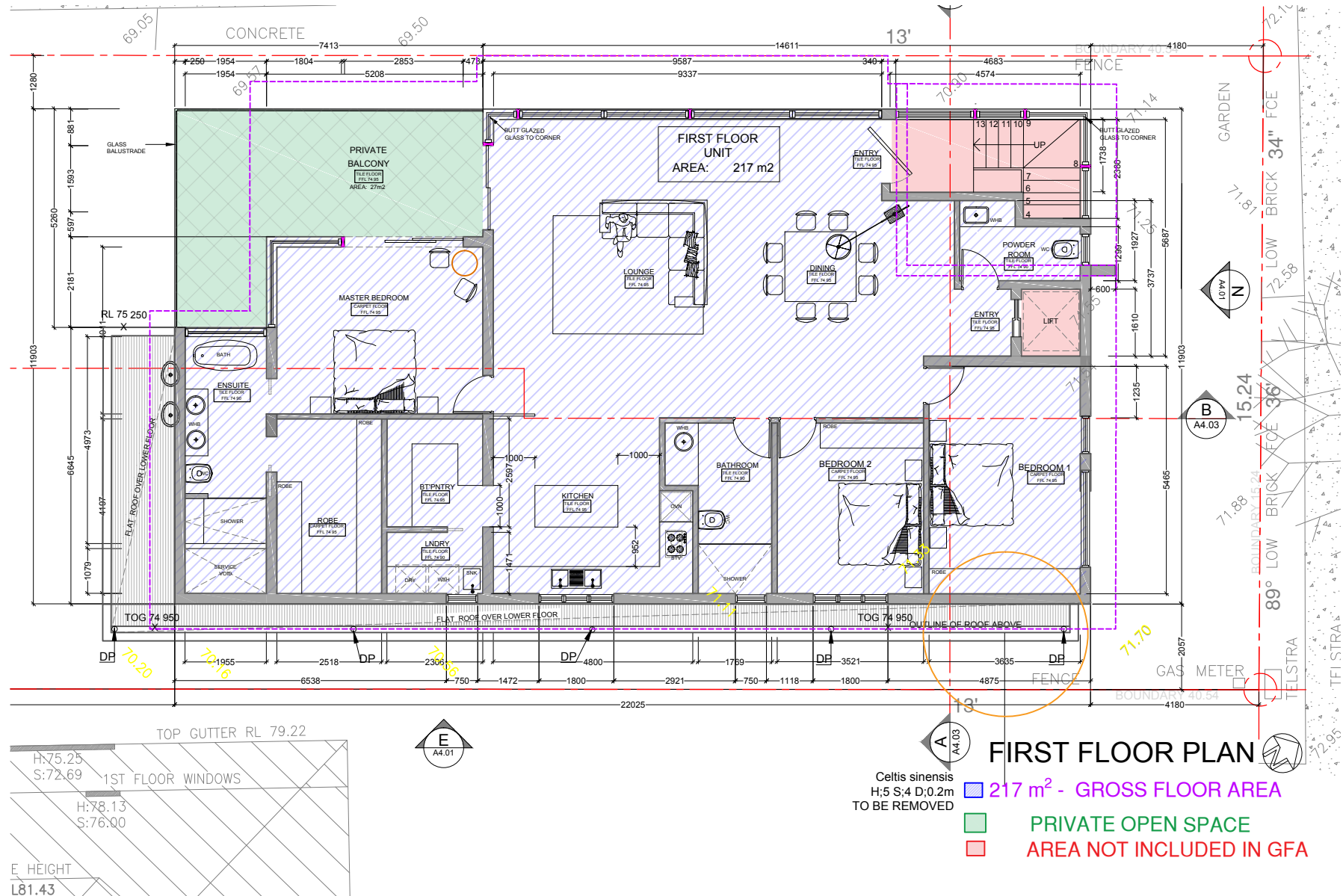
GROUND FLOOR PLAN

219 m² - GROSS FLOOR AREA
PRIVATE OPEN SPACE
AREA NOT INCLUDED IN GFA



BASEMENT PLAN

AREA NOT INCLUDED IN GFA



FIRST FLOOR PLAN

217 m² - GROSS FLOOR AREA
PRIVATE OPEN SPACE
AREA NOT INCLUDED IN GFA

REVISIONS:



0431 410 780
asa custodio
Birch(hons), March (design)

28 Jacaranda Plc.
South Coogee. 2034
tel. (02) 96651264
mob. 0431410780
asa.custodio@gmail.com

Project :
NEW DUAL OCCUPANCY
110 MILITARY ROAD
DOVER HEIGHTS NSW
for :BLUE LABEL CONSTRUCTION

Issue / Amendments:
DEVELOPMENT APPLICATION

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Drawing Title:
AREA CALCULATIONS
Project Ref. No.: ASA 171019 **Drawn By:** SC **Date:** OCT, 2017
Scale: 1 : NTS **Drawing No.:** A-2.04



Report to the Waverley Development Assessment Panel

Application number	DA-484/2017
Site address	174 Military Road, Dover Heights
Proposal	Alterations and addition to existing dwelling including second floor room and roof deck.
Date of lodgement	10 November 2017
Owner	Ms N T Sher
Applicant	Mr C H Sher
Submissions	Two submissions received
Cost of works	\$475,000
Issues	Non-compliance with height of buildings and FSR development standards and privacy.
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 19 April 2017.

The site is identified as Lot 92 in DP 11822, known as 174 Military Road, Dover Heights. The site is rectangular in shape with a frontage to Military Road measuring 13.41m. The site has an area of 568.2m² and falls from the street frontage towards the west by approximately 2.2 m.

The inspection of the site revealed that the development is a two storey attached dual occupancy development with each dwelling located above one another with vehicular access provided from Military Road and a two car garage located at the front of the site.

The subject site is adjoined by dwelling houses on either side. The locality is characterised by a variety of residential developments including dwelling houses and dual occupancy development.



Figure 1: Site viewed from Military Road, looking west



Figure 2: Rear yard, looking south-west



Figure 1: Rear building line of existing development on the site (left photo) and rear of adjoining dwelling house to the south of the site (right photo)

1.2 Relevant History

A search of Council's records reveals the following recent and relevant development history of the site:

- BR 213/92 to effect alterations and additions to the existing dwelling house to create a dual occupancy was approved on 15 December 1992.

- DA-430/2006 for proposed swimming pool within rear yard to replace existing pool was approved on 17 August 2006.

1.3 Proposal

The application seeks development consent for alterations and additions to convert the dual occupancy into a dwelling house comprising only one dwelling and includes the following works:

- construction of a part additional floor level including a library/gym and a roof terrace
- extension of rear ground floor deck
- additional gross floor area on first floor level
- internal reconfiguration of ground and first floor levels
- additional window openings across sides and rear elevations of the development
- resurfacing of rear and side yards, including some fill works
- landscaping works.

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 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	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal changes the use of the existing development from 'dual occupancy (attached)' to 'dwelling house', which is permitted with consent in the R2 zone. It satisfies the relevant objectives of the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has an overall building height of 9.36m, measured to the ridge of the roof of the pop-out addition at RL83.282 above ground level (existing) of RL 73.920. The proposal exceeds the height of buildings development standard by 0.86m or 10%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 Max GFA: 284.1m² 	No	The proposal increases the overall gross floor area to 345.35m ² , which achieves a floor space ratio of 0.61:1. The exceedance is 61.25m ² or 25%.
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 of buildings and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes (by condition)	The proposal includes some fill works. Appropriate conditions of consent are recommended.

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

Council is able to grant consent to a development that contravenes any development standard in Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3) (a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(iii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

Clause 4.3 Height of buildings

The proposal has an overall building height of 9.63m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 0.86m or 10%. The proposed part floor level is the only aspect of the proposal that exceeds the development standard.

The relevant objectives of the height of buildings development standard set out under clause 4.3(1) of Waverley LEP 2012 are extracted as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (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*

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 exceedance of the development standard has no impact on the perceived bulk or scale of the development from the public domain or adjacent sites as it is centred in the building footprint.
- The shadow diagrams demonstrate that the part additional floor level does not detrimentally impact the amenity of adjacent sites and the public domain.
- The additional part floor level is centrally located within the roof form of the existing building to ensure it is visually recessive from Military Road.
- Strict compliance with the development standard would be contrary to the objectives of the development standard as the exceedance does not impact the amenity of adjacent sites and

the public domain and the proposal is compatible with the height, bulk and scale of the existing character of the locality.

- The additional building height does not result in any environmental or amenity impacts on surrounding sites or public domain due to its scale and siting.
- The proposal will be in the public interest as it meets the objectives of the zone and development standard under Waverley LEP 2012 and presents no impact on the amenity of surrounding sites or public domain.
- Compliance with the development standard would hinder the development fulfilling the objects of the Act in terms of orderly and economic use and development of land.

The arguments presented in the written request are not well founded to support the exceedance of the height of buildings development standard in terms of clauses 4.6(3) and (4) of Waverley LEP 2012. The proposal concurrently varies the height of buildings and floor space ratio (FSR) development standard and these non-compliances are manifested in the proposed part additional floor level. The existing development is over capacity in terms of floor area and any further enlargement, particularly above the development, would be deemed inappropriate. While the part additional floor level is argued to be “recessive” in appearance and scale, it will appear apparent within the streetscape. The immediate streetscape predominantly comprises two storey buildings, and therefore, the proposed part additional floor level is deemed contrary to the predominant built form character of the immediate surrounds of the site.

The additional overshadowing caused by the proposed part additional floor level, while minor, is deemed an unreasonable additional impact given it a direct result from the proposal varying the height of buildings and FSR development standards. While no view objection was received from surrounding properties, the additional part level has the potential to affect views as the site is located within a significant view corridor towards Sydney Harbour and iconic buildings and structures, such as the Harbour Bridge.

The non-compliance with the height of buildings development standard is deemed to result in unreasonable environmental impacts. As such, there is no strong case to justify breaching the development standard. In this regard, the written request to vary the development standard under the terms of clause 4.6 of Waverley LEP 2012 is not accepted. A condition of consent is recommended to require the proposed additional part level comprising the gym/library to be deleted and for the roof deck or terrace to be accessed by a stair that is wholly contained within the existing roof space of the development.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.61:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 61.25m² of gross floor area or 25%.

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 to seek contravention of the FSR development standard is similar in content to the justification presented for the exceedance of the height of buildings development standard and therefore will not be repeated in this sub-section of this report.

The arguments presented in the written request to specifically vary the FSR development standard are generally well-founded for the proposed additional gross floor area other than for that contained within the part additional floor level. Similar to the assessment of the non-compliance with the height

of buildings development standard, the proposed additional part floor level will result in unreasonable additional environmental impacts. Further, the additional part floor level is an obvious representation of the overall development exceeding the FSR development standard. In this regard, the proposed part additional floor level is not supported and a condition of consent is recommended to this effect.

The additional gross floor area to the part of the front and rear portions of the development are considered acceptable in that these additions are not overly conspicuous in terms of affecting the perceived building bulk and scale of the development and will not manifest in discernible additional environmental impacts. In this regard, compliance with the FSR development standard as it relates to these additions is deemed unnecessary and unreasonable and the non-compliance will not compromise the ability for the development to be consistent with the zone objectives and the objectives of the FSR development standard. The variation, in part, is therefore supported.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. Accordingly, the application is consistent with all relevant energy and water conservation targets.
5. Tree preservation	Yes	Conditions of consent are recommended to protect the Banksia Street tree during site works.
6. Stormwater	Yes (by condition)	A condition of consent is recommended to bring the stormwater system into compliance with Part B6 of Waverley DCP 2012.
8. Transport	N/A	No change to vehicular access and provision of off-street car parking.
10. Safety	Yes	Satisfactory.

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 	N/A	The proposed part additional floor level has a pitched roof, and therefore, this control does not comply.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	N/A	The proposal does not increase the overall external wall height of the development.

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 Predominant rear building line at each floor level 	Yes Yes (acceptable on merit)	<ul style="list-style-type: none"> No change to the front building line of the existing development. The proposed ground floor rear extension extends slightly past the predominant ground floor rear building line, however sits behind the outer western edge of the existing external stair on the site. The minor encroachment does not result in any bulk and scale impacts. The northern blade wall is proposed to be extended and the new screen on the southern side will adequately protect the visual privacy of adjoining properties. The first floor rear building line of the development remains unchanged.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Partial compliance	The proposed rear extensions maintain the current side setbacks of the existing development. The screens on the southern sides of the rear deck and balcony are set back by 875mm from the southern side boundary. The non-compliant setback is deemed inconsequential in terms of affecting the amenity of the adjoining property to the south of the site.
1.3 Excavation		
<ul style="list-style-type: none"> Fill not to be used to raise ground levels 	No (acceptable on merit)	The ground level within the northern side setback area of the development is proposed to be raised by a maximum of approximately 760mm (a finished level of RL 73.950). The raised ground level is not expected to be greater than the ground level of the area immediately adjacent to the southern boundary of the adjoining property to the north of the site. Therefore, the proposed raised ground level is inconsequential.
1.4 Streetscape and visual impact		
	Yes	The proposal (with the exception of the part additional floor level) does not discernibly change the street presentation of the existing development. A condition of consent is recommended to delete the part additional floor level, which will reduce the streetscape impacts of the proposal.
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 	Yes	<ul style="list-style-type: none"> New window openings along the side elevations on ground floor level of the development are either obscured by boundary fencing or do not directly face

Development Control	Compliance	Comment
<p>open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</p>	Yes	<p>window openings of the adjoining buildings to the north and south of the site.</p> <ul style="list-style-type: none"> New window openings along the side elevations on first floor level of the development serve passive and non-habitable rooms (i.e. bedrooms and bathrooms) and are therefore not expected to affect the visual privacy of adjoining properties
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No (acceptable on merit)	<ul style="list-style-type: none"> The glazed door openings across the rear elevation and orientated to the rear deck and balcony of the development are sufficiently recessed in from the outer edges of the deck and balcony and therefore are not expected to enable direct lines of sight to adjoining properties. The proposal extends the area and depth of the raised deck on ground floor level of the development greater than the maximum size controls for elevated decks, however the deck does not significantly extend above ground level and side screens will be extended to protect the visual privacy of adjoining properties. The extension of the size of the deck is deemed acceptable.
<ul style="list-style-type: none"> Roof terraces are discouraged unless properties contiguous to the subject site contain roof terraces 	Yes	<ul style="list-style-type: none"> The current area and depth of the rear first floor balcony are proposed to be reduced. The proposed 'roof deck' is treated as a roof terrace as it is on a predominant 'roof top' of the development. The roof terrace can be supported in principle given that the adjoining building to the north of the site at 176 Military Road comprises a lawful roof terrace (Development Consent No. DA-446/2003/A). The proposed roof terrace has an area of 14.9m², which complies with the maximum size control for roof terraces expressed in control (e) (iii) in section 1.8 of Part C1 of Waverley DCP 2012. The terrace is, however, accessed from the additional part floor level (which extends outside of the current building envelope and roof form of the existing development). This is contrary to control (e)(v) in section 1.8 of Part C1 of Waverley DCP 2012. A condition of consent is recommended to require the roof terrace to be accessed via a stair that is wholly contained within the existing roof space of the development.

Development Control	Compliance	Comment
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Additional overshadowing unreasonable if resulting from non-compliance with principal built form controls 	<p>Yes</p> <p>No (resolved by condition)</p>	<ul style="list-style-type: none"> The proposal will not discernibly affect the solar access received by the subject dwelling house. The shadow diagrams submitted with the application show the proposal (specifically the proposed additional part floor level) will increase overshadowing of the adjoining property to the south of the site on 21 June. The additional shadowing impact is deemed unreasonable given that the additional part floor level exceeds both the height and FSR development standards. A condition of consent is recommended to delete the part additional floor level.
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. 	<p>Yes (by condition)</p>	<p>While no objections were received in relation to view loss, the proposed roof hood has the potential to impact on private views. Accordingly, a condition of consent is recommended to not approve this aspect of the proposal.</p>
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 	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (resolved by condition)</p>	<ul style="list-style-type: none"> No discernible change to the overall amount of open space. Overall landscaped area is 147.73m² (26% of site area). Sufficient private open space area maintained. The front open space is 85.3m² (100% of front building setback area). Front open landscaped area is 8m² (9% of front open space provided). This non-compliance is deemed unacceptable as it removes the opportunity for the front yard to enhance the amenity and visual setting of the site, streetscape and surrounding neighbourhood, which is contrary to objective (a) of section 1.12 of Part C1 of Waverley DCP 2012. A condition of consent is recommended to reduce the additional paved area to a pedestrian footpath between the front gate and the entry stair

Development Control	Compliance	Comment
		and for the remaining area to comprise landscaped area.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	N/A	No change to existing swimming pool.

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 from the following properties in Dover Heights:

- 16 Wallangra Road
- 20 Wallangra Road.

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

- non-compliance with the height and FSR development standards
- visual and acoustic privacy.

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 Creating Waverley – Stormwater

Council's Manager, Design in the Creating Waverley department objected to the stormwater plans submitted with the application. A condition of consent is recommended to ensure the stormwater plans are brought into compliance with Council's Stormwater Policy prior to the issue of a construction certificate.

3.2 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer considered the proposed tree removal inside and outside of the site and does not object to the proposed removal, subject to the street tree being appropriately replaced. Conditions of consent are recommended to this effect.

3.3 Building Waverley – Fire Safety

Council's Fire Safety Officer did not object to the conversion of the development from a Class 2 building (i.e. dual occupancy with one dwelling above the other) to a Class 1A building (i.e. single dwelling house).

4. SUMMARY

The application seeks development consent for alterations and additions to the existing attached dual occupancy development by converting it to a single dwelling house. The main issues in the assessment of the application are as follows:

- non-compliance with the height of buildings and FSR development standards
- visual and acoustic privacy impacts.

The assessment finds these issues acceptable on merit, with the exception of the proposed part additional floor level, which is recommended to be deleted.

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

The application is referred to the Waverley Development Assessment Panel for determination as it seeks to vary the height of buildings and FSR development standards by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and is recommended for approval, subject to conditions of consent.

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:**

Ben Magistrale
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 11 May 2018

Date: 28 May 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 DA1.00, DA1.01, DA1.02 and DA1.03, tables and documentation prepared by Stubbs Design Tribe dated 9 November 2017, and received by Council on 10 November 2017;
- (b) Landscape Plan No. DA1.05 prepared by Stubbs Design Tribe dated 9 November 2017 and received by Council on 10 November 2017;
- (c) BASIX Certificate;
- (d) Schedule of external finishes and colours prepared by Stubbs Design Tribe and received by Council on 10 November 2017; and
- (e) 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 part additional floor level comprising the library/gym (shown on second floor on the plans) is not approved and shall be deleted. The roof terrace shall be accessed by a stair that is wholly contained within the existing roof profile of the dwelling house. The ridge level of the roof of the dwelling house shall remain as existing (i.e. RL81.900).
- (b) The full extent of the additional paved area within the front yard area of the site is not approved. The additional paved area shall be restricted to a pedestrian footpath with a width reflecting that of the external entry stair. The remaining area that is southward of the external entry stair shall be comprised of landscaped area.

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

3. 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.

4. DOMESTIC HEATERS

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

5. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

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 **\$10,000** 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.

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 the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and 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.

10. HOARDING REQUIRED

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

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

11. 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.

12. 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.

13. SYDNEY WATER QUICK CHECK

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

14. 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.

15. STORMWATER PLANS

The Water Management Site Plan prepared by Stubbs Design Tribe, Project No. 1217, Drawing No. DA1.06 and dated 9/11/17 are 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's Water Management Technical Manual.

The following shall be submitted to the satisfaction of the Executive Manager, Creating Waverley prior to the issue of a construction certificate:

- (a) On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross and long sections, top water level, details of orifice plate including orifice diameter and depth of water above centreline of orifice etc.
- (b) A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

16. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

17. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be

considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

18. 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.

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.

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. STREET TREE PROTECTION

The existing Banksia tree on the naturestrip at the front of the property is to be protected for the duration of the construction works.

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.

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. 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.

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. TOILET FACILITIES

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

25. OBSTRUCTION TO PUBLIC AREAS

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

24. 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.

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. DEMOLITION & SITE PREPARATION

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

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

27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

28. 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.

29. 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.

30. 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.

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. 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.

33. BUILDING CODE OF AUSTRALIA

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

34. 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; and
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns.

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. 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.

36. 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.

37. 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.

38. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

39. FINAL OCCUPATION CERTIFICATE

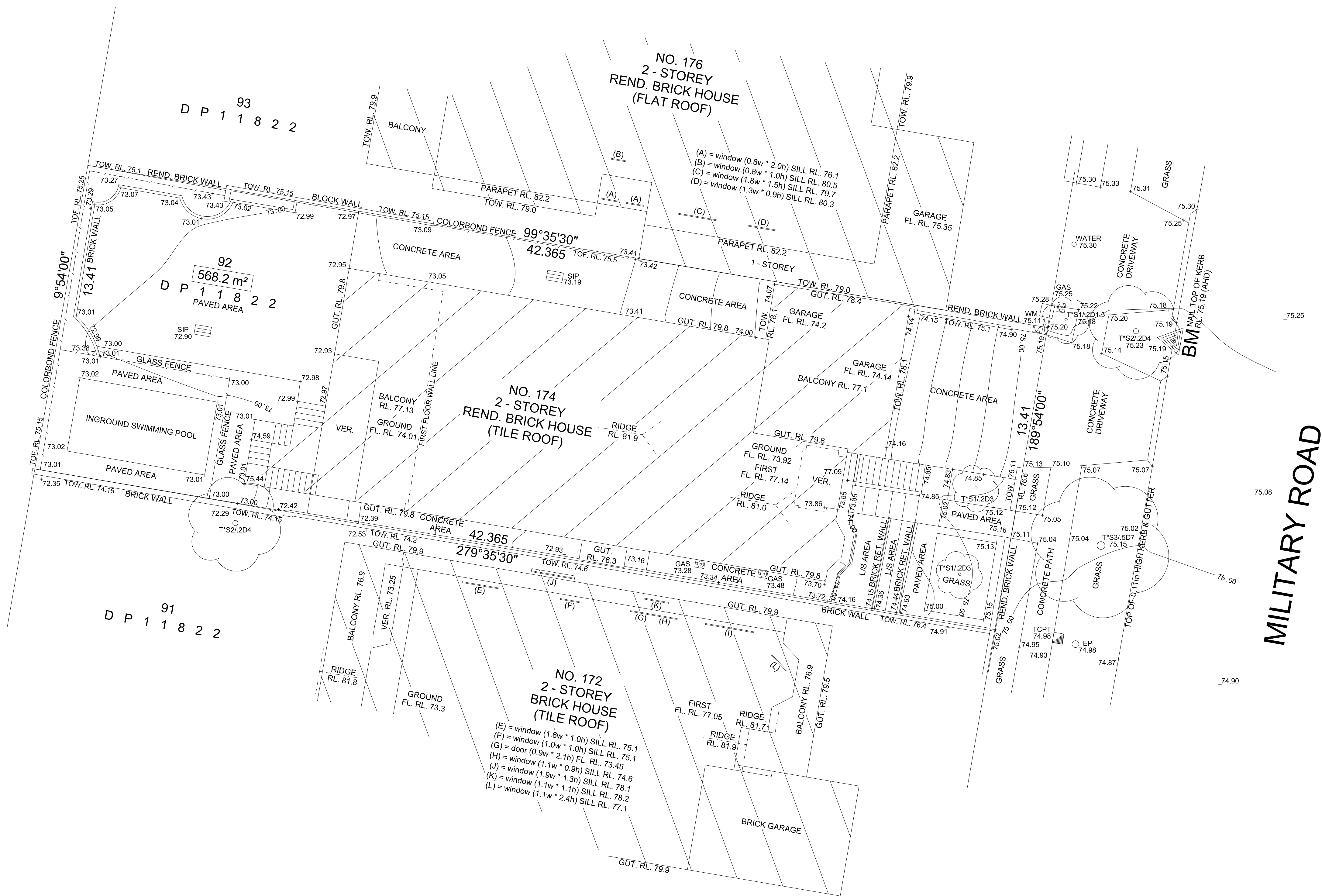
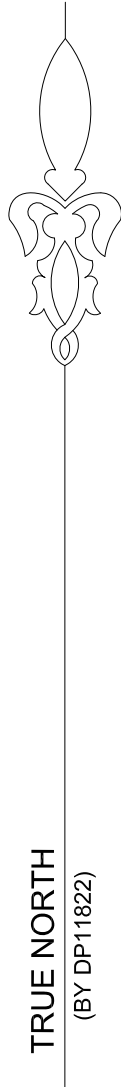
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning and Assessment Act, 1979 have been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

40. STORMWATER MANAGEMENT

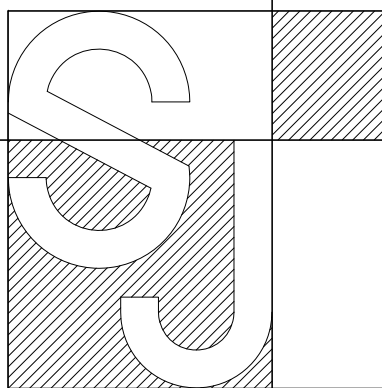
Prior to issuance of occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

41. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.



NOTE:
THE SUBJECT TITLE IS AFFECTED BY;
1) B785969 COVENANT



S.J SURVEYING SERVICES PTY LTD
LAND & ENGINEERING SURVEYORS
ABN 76 600 839 978
P.O. BOX 139 MORTDALE, NSW 2223
Mob: 0408 671 199 FAX: (02) 9570 1390
EMAIL: sash@sjsurveying.com
www.sjsurveying.com

SURVEYED BY: S.H & P.S

DRAWN BY: J.D

HEIGHT DATUM: PM 11002 RL. 75.524 (AHD)

CHECKED: JOHN WALTON REGISTERED SURVEYOR

TITLE
DETAIL AND LEVEL SURVEY

NO. 174 MILITARY ROAD,
DOVER HEIGHTS
LOT 92 DP 11822

CLIENT
CLIVE & NICOLE SHER

PLAN DATE:

20/07/17

DATE OF SURVEY:

19/06/17

CONTOUR INTERVAL:

0.2m

PLAN DETAILS

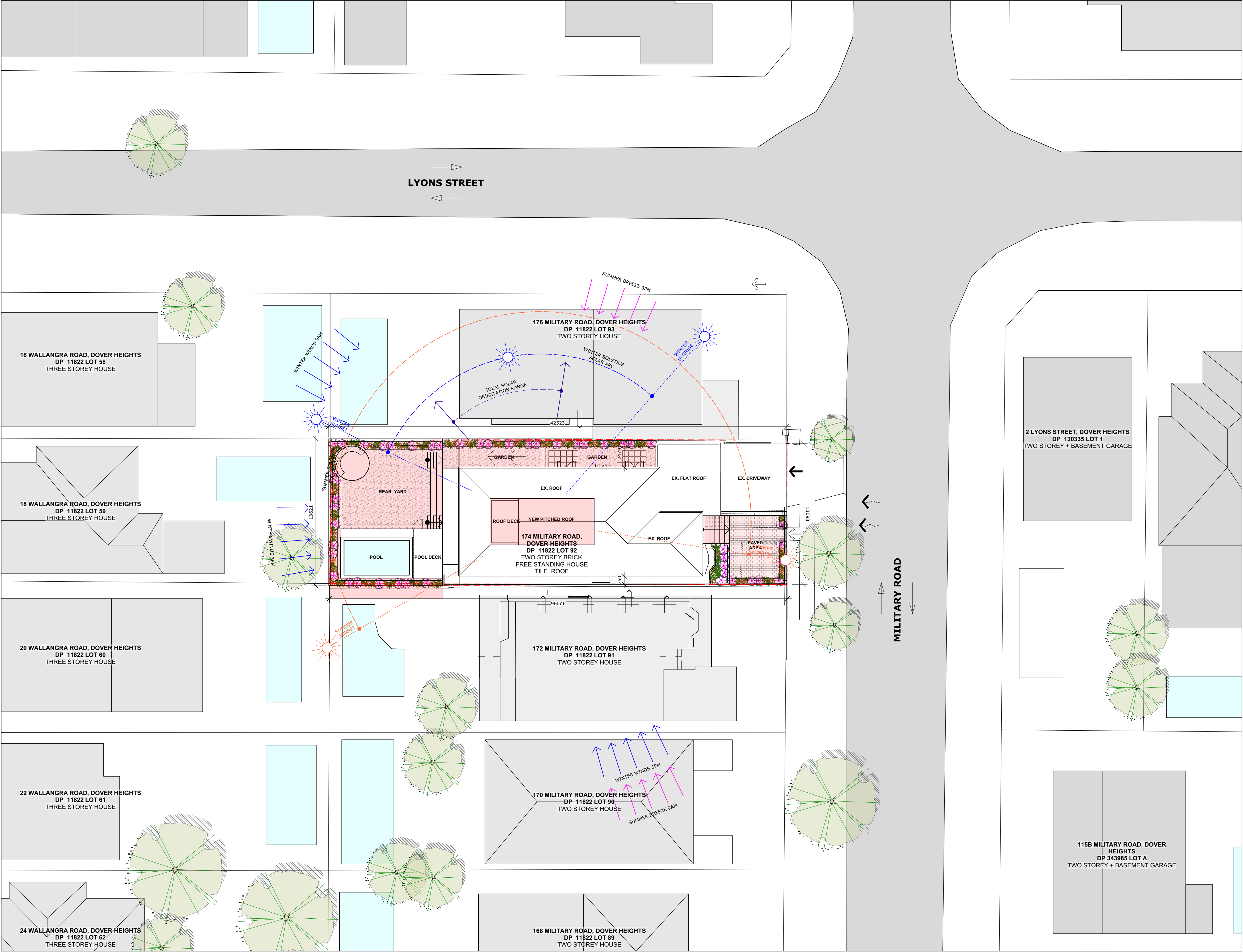
JOB No.:	180417
FILE No.:	180417
SCALE:	1 : 100 (A1)

NOTE:

- (1) NO BOUNDARIES HAVE BEEN MARKED OR SURVEYED (TILE DIMENSIONS SHOWN).
- (2) LOT BEARINGS, DIMENSIONS AND AREA HAVE BEEN COMPILED FROM DP11822 AND ARE SUBJECT TO FINAL SURVEY.
- (3) ALL DETAIL AND FEATURES SHOWN HEREON HAVE BEEN PLOTTED IN RELATION TO THE OCCUPATIONS (FENCES AND/OR WALLS ETC). THESE OCCUPATIONS HAVE NOT YET BEEN ACCURATELY LOCATED IN RELATION TO THE BOUNDARIES.
- (4) SHOULD ANY FEATURES OR STRUCTURES BE CRITICAL TO THE DESIGN OF FUTURE DEVELOPMENT THAT FEATURE SHOULD BE ACCURATELY LOCATED. WHERE OFFSETS TO BOUNDARIES ARE CRITICAL FURTHER SURVEY IS REQUIRED.
- (5) SERVICES THAT ARE NOT SHOWN ON THE PLAN WERE NOT VISIBLE AT THE TIME OF THE SURVEY. NO INVESTIGATION OF UNDERGROUND SERVICES. HAS BEEN MADE. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE. (DIAL 1100 BEFORE YOU DIG).
- (6) SPOT LEVELS SHOULD BE USED FOR CALCULATION OF QUANTITIES WITH CAUTION.
- (7) CONTOURS ARE INDICATIVE ONLY. ADOPT SPOT LEVELS IN PREFERENCE TO CONTOURS.
- (8) SIGNIFICANT TREES SHOWN "APPROXIMATELY" ONLY.
- (9) ADJOINING PROPERTIES AND WINDOWS LOCATIONS APPROXIMATE ONLY.
- (10) SHOULD THERE BE ANY DISCREPANCIES ON THE SURVEY PLAN PLEASE CONTACT S.J SURVEYING SERVICES PTY LTD IMMEDIATELY BEFORE WORK COMMENCES.

LEGEND

		SI	SIGN
WM	WATER METRE	SV	STOP VALVE
SIP	SURFACE INLET PIT	AV	AIR VENT
TCPT	TELSTRA PIT	FL	FLOOR LEVEL
SMH	SEWER MAN HOLE	BM	BENCH MARK
SWMH	STORM WATER MH	MH	MAN HOLE
BT	BOUNDARY TRAP	GAS	GAS METER
EP	ELECTRIC POLE	PIT	UNKNOWN PIT
S	RADIAL TREE SPREAD	HY	HYDRANT
TL	TRAFFIC LIGHT	TAP	WATER TAP
DMR	RTA UTILITY		
EBOX	ELECTRICITY BOX		



1 SITE ANALYSIS PLAN
Scale: 1:200



174 MILITARY ROAD AS VIEWED FROM STREET



EXISTING FRONT YARD ACCESS + LANDSCAPING



EXISTING REAR BUILDING ELEVATION



176 MILITARY ROAD AS VIEWED FROM 174 EXISTING ROOF ABOVE GARAGE



SIDE SETBACK BETWEEN 174 & 176 MILITARY



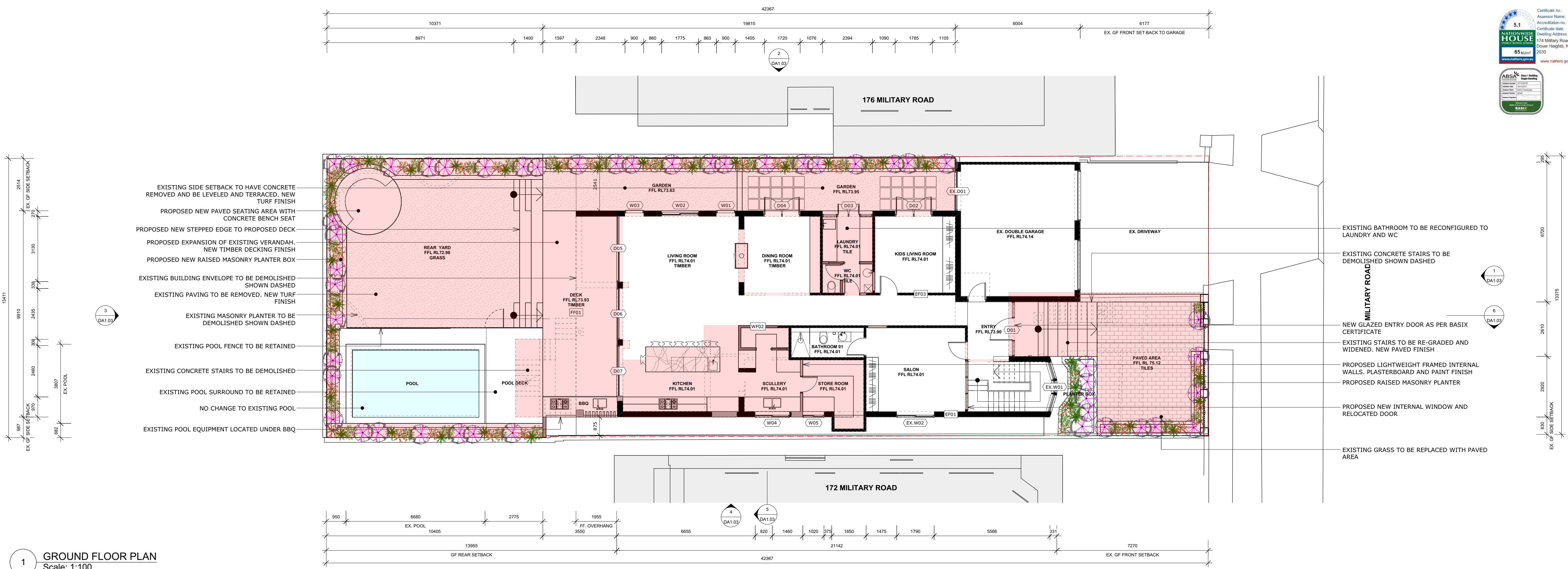
VIEW FROM FIRST FLOOR BALCONY



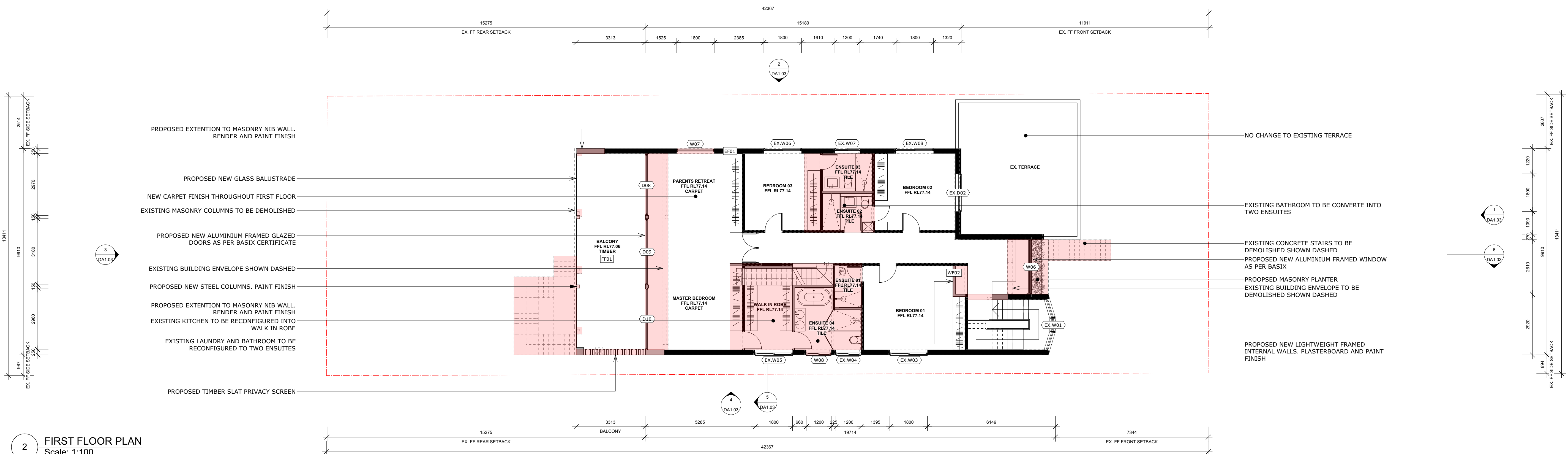
EXISTING REAR YARD WITH PAVED

CONTROL	REQUIRED	PROPOSED	COMPLIANCE
FSR (LEP)	0.5:1 (284.1M2)	345.35M2	X
HEIGHT (LEP)	8.5M	9.1M	X
LANDSCAPING	15% MIN.	26%	✓
PRIVATE OPEN SPACE	40% MIN.	44.8%	✓
FRONT SETBACK	ALIGNED	EXISTING	✓
SIDE SETBACK	1-2 STOREYS 900MM	EXISTING	✓
REAR SETBACK	ALIGNED	EXISTING	✓

2 COMPLIANCE TABLE



1 GROUND FLOOR PLAN
Scale: 1:100



2 FIRST FLOOR PLAN
Scale: 1:100

STUBBS
DESIGN
TRIBE

Architecture Interiors Landscapes

APT 2/ 206T Alison Road
Randwick, NSW, 2031
p. 02 9399 6673
e. info@stubbdesigntribe.com.au
www.stubbdesigntribe.com.au
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KEY

EXISTING STRUCTURES TO BE DEMOLISHED

LOT BOUNDARIES

PROPOSED NEW WORKS

EXISTING WALLS

PROPOSED NEW WALLS

EF01

EXISTING WALL FINISH - RENDERED DOUBLE BRICK

EF03

EXISTING WALL FINISH - RENDERED MASONRY

WF01

WALL FINISH - COLOURBOND MONUMENT CLAD

WF02

WALL FINISH - INTERNAL PAINT FINISH

FF01

FLOOR FINISH - TIMBER DECK

0

1

2

3

4

5 M

1:100@A1

Rev

Date

Comment

By

Stage

DEVELOPMENT APPLICATION

MILITARY ROAD ALTERATIONS

Drawing No.

DA1.01

Issue

Date

Comment

By

Site Address

174 MILITARY ROAD, DOVER HEIGHTS DP11822 LOT 92

Drawing Title

GROUND + FIRST FLOOR PLANS

Scale

1:100@A1

Rev #

1

9/11/17

DEVELOPMENT APPLICATION

EG

Client

CLIVE + NIKKI SHER

Project No.

1217

Dwg Date:

Plot Date:

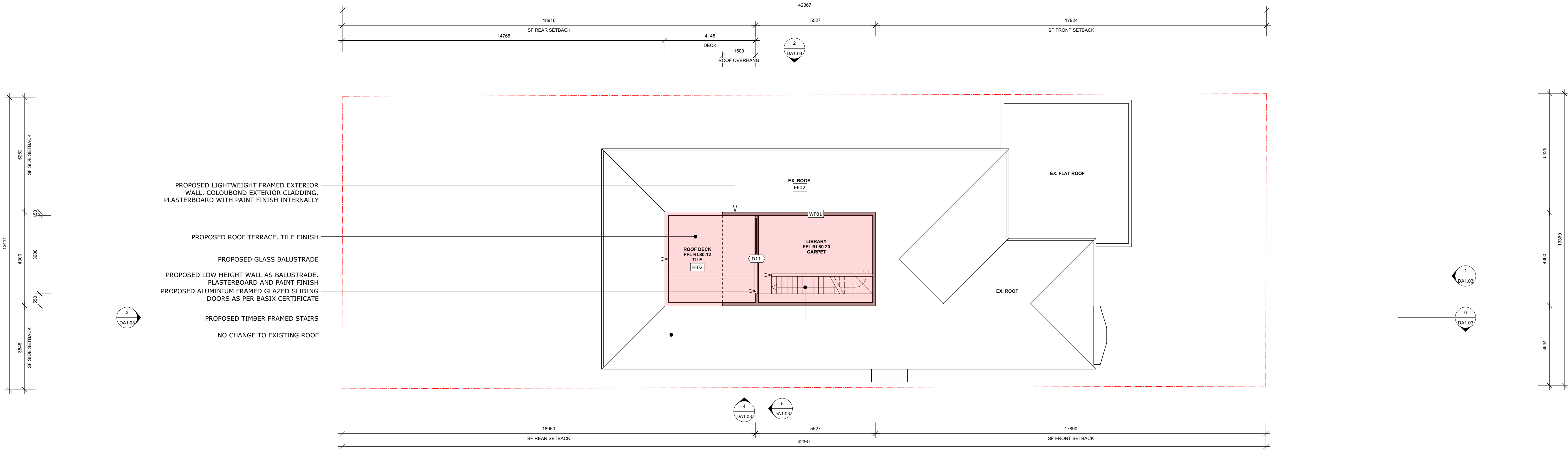
9/11/17

Drawn By

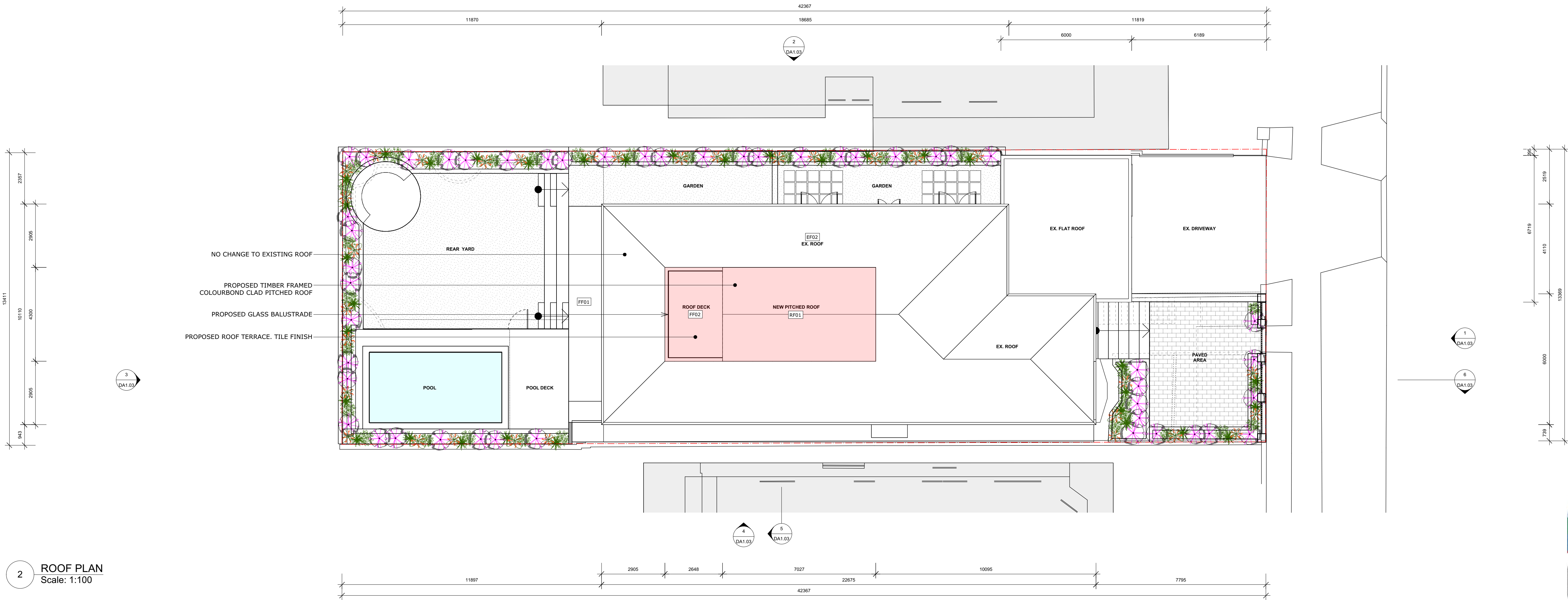
LC

Checked By

EG



1 SECOND FLOOR PLAN
Scale: 1:100

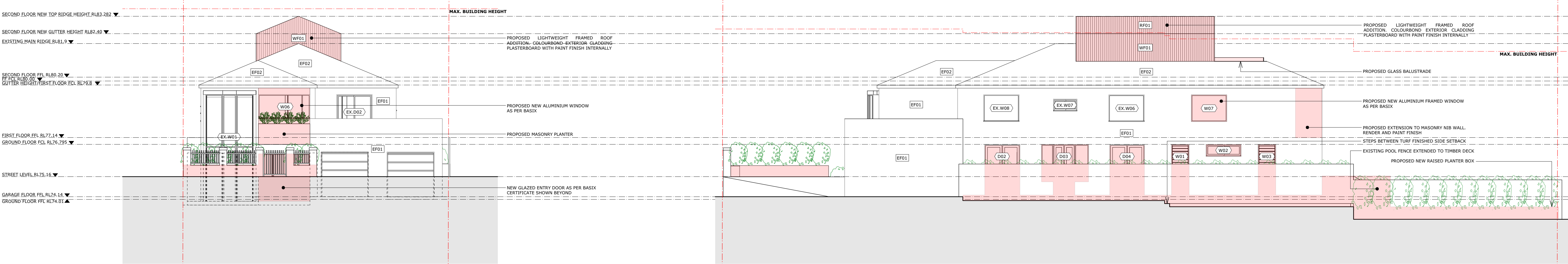


2 ROOF PLAN
Scale: 1:100

KEY	
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---	LOT BOUNDARIES
---	PROPOSED NEW WORKS
---	EXISTING WALLS
---	PROPOSED NEW WALLS
EF02	EXISTING ROOF FINISH - ROOF TILES
WFO1	WALL FINISH - COLOURBOND MONUMENT CLAD
RF01	ROOF FINISH - COLOURBOND MONUMENT CLAD
FF01	FLOOR FINISH - TIMBER DECK
FF02	FLOOR FINISH - TILES

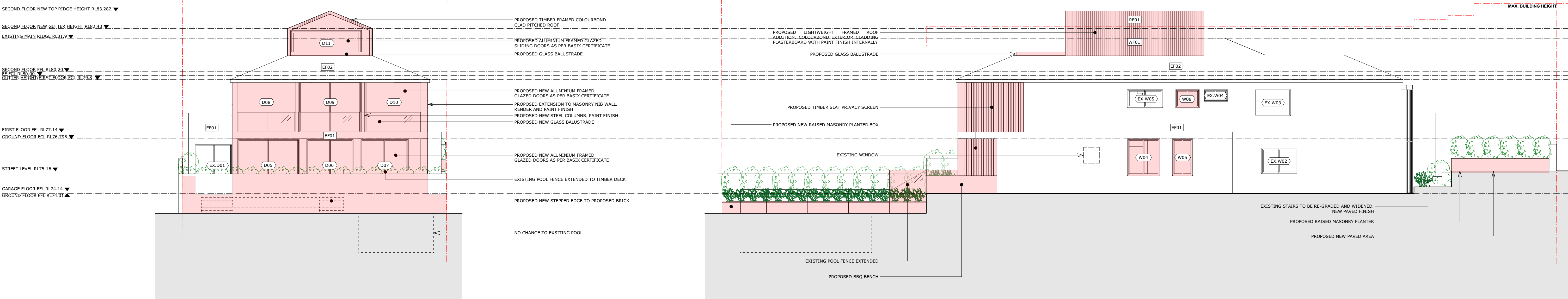
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Rev	Date	Comment	By	Stage	MILITARY ROAD ALTERATIONS		Drawing No. DA1.02	
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					Client CLIVE + NIKKI SHER		Drawn By LC	Checked By EG
					Project No. 1217 Dwg Date: 9/11/17		Plot Date: 9/11/17	



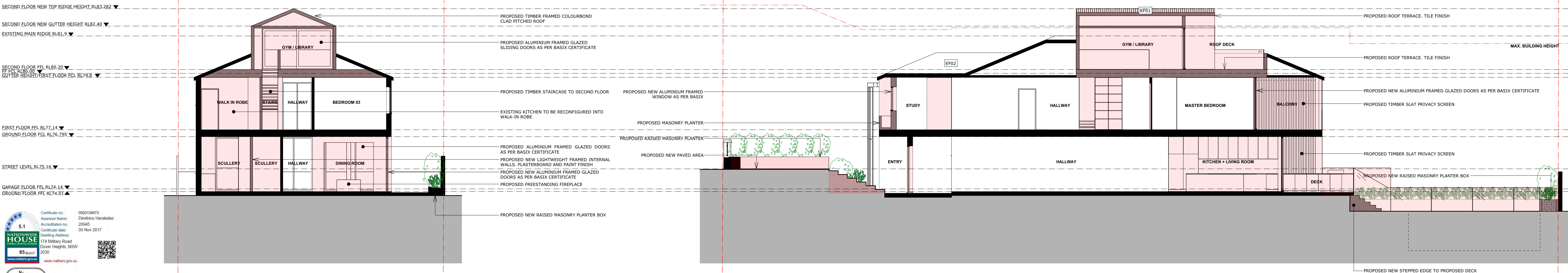
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2 NORTH ELEVATION
Scale: 1:100



3 WEST ELEVATION
Scale: 1:100

4 SOUTH ELEVATION
Scale: 1:100



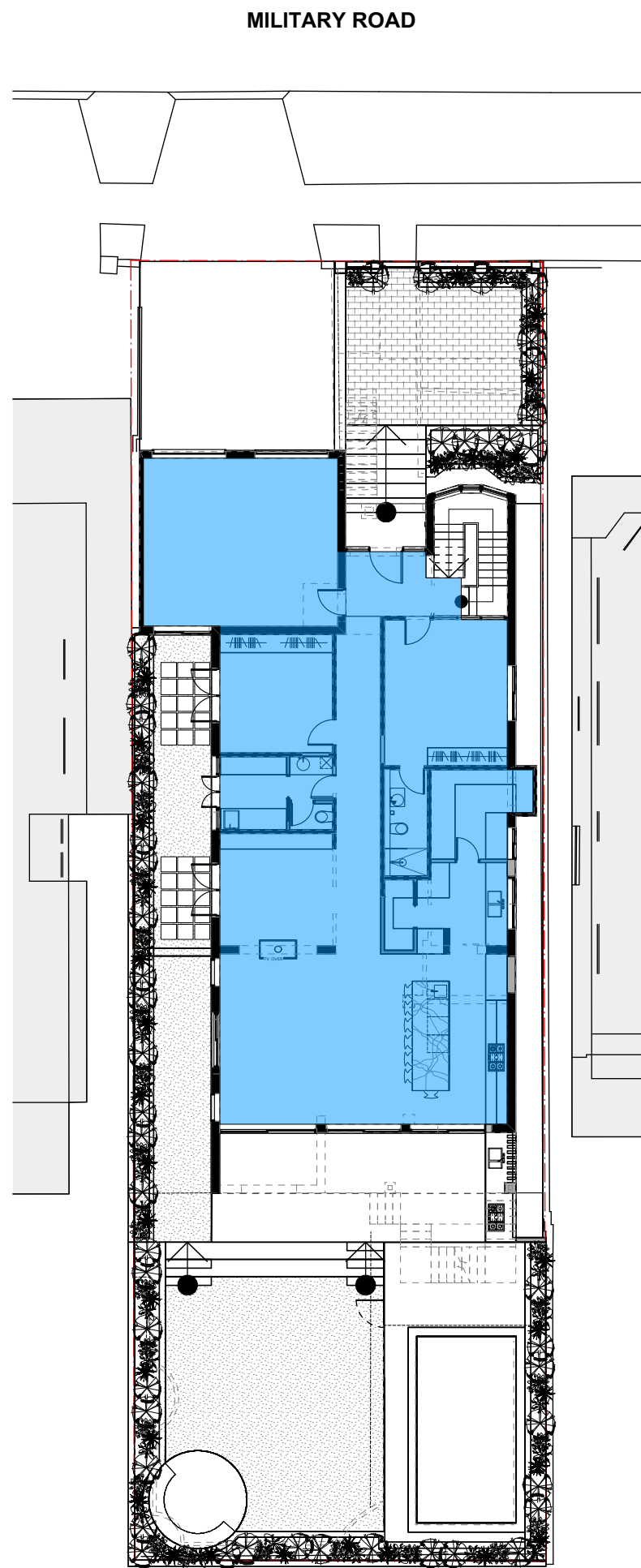
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Scale: 1:100

6 SECTION 02
Scale: 1:100

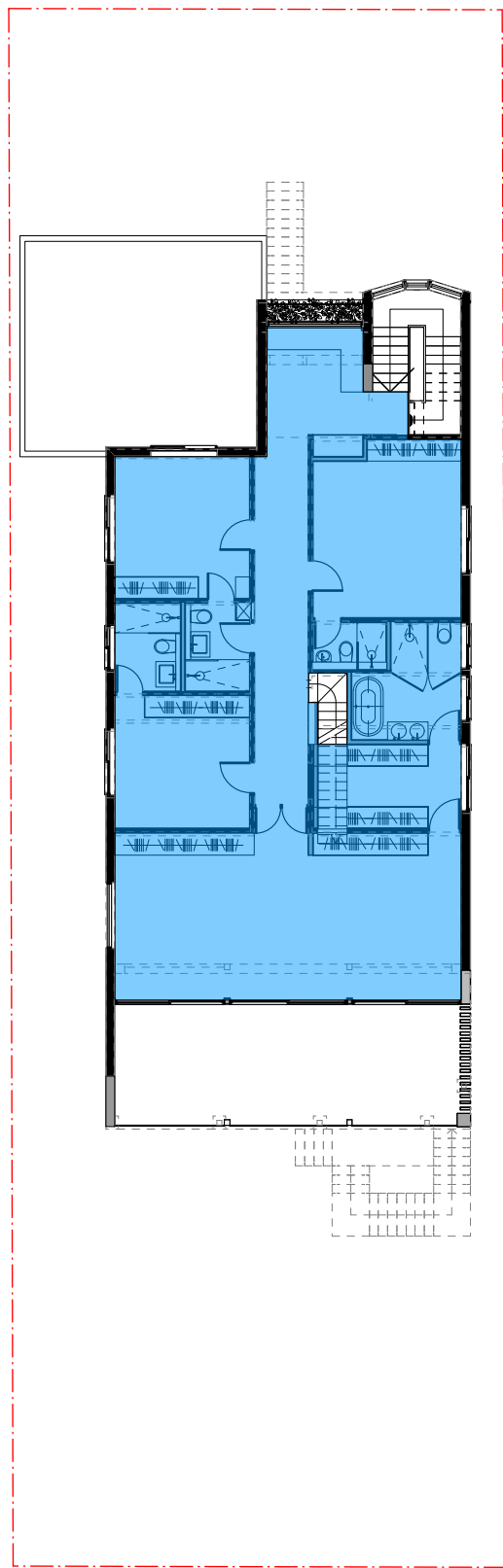
KEY	
---	EXISTING STRUCTURES TO BE DEMOLISHED
---	LOT BOUNDARIES
---	PROPOSED NEW WORKS
---	EXISTING WALLS
---	PROPOSED NEW WALLS
EF01	EXISTING WALL FINISH - RENDERED DOUBLE BRICK
EF02	EXISTING ROOF FINISH - ROOF TILES
WF01	WALL FINISH - COLOURBOND MONUMENT CLAD
RF01	ROOF FINISH - COLOURBOND MONUMENT CLAD
FF01	FLOOR FINISH - TIMBER DECK

0 1 2 3 4 5 M
1:100@A1

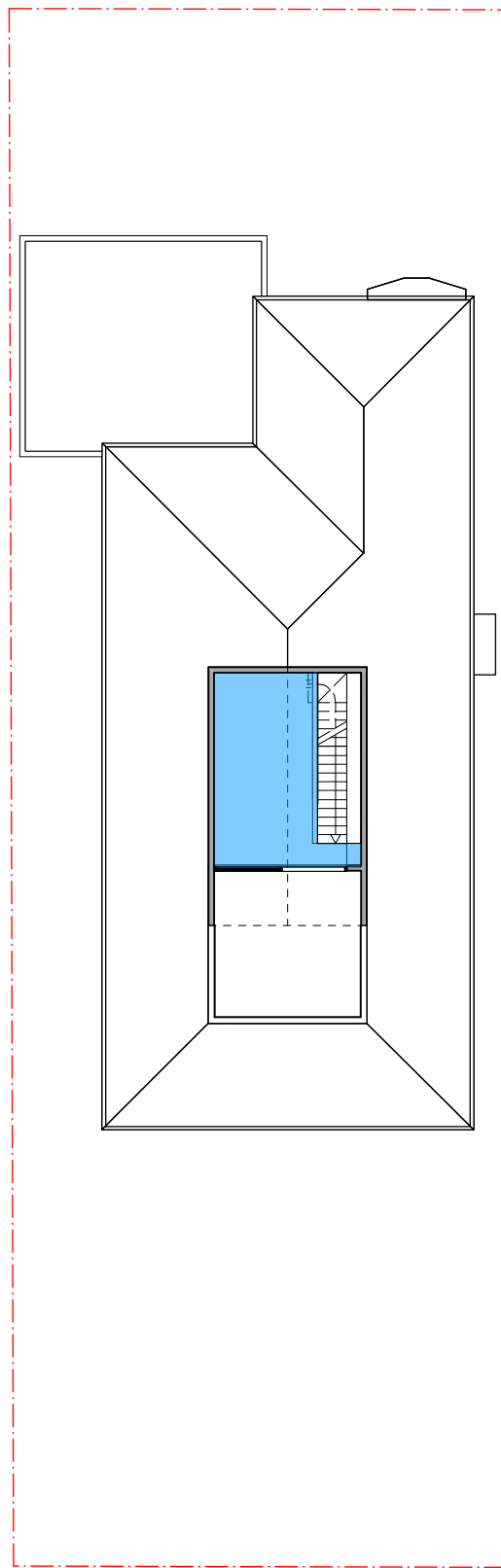
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Issue		Date	Comment	By	Site Address		Drawing Title	
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					Client		Scale	
					CLIVE + NIKKI SHER		1:100@A1	
					Project No.		Rev #	
					1217			
					Dwg Date:		Drawn By	
					Plot Date:		LC	
					9/11/17		Checked By	
							EG	



1 GROUND FLOOR PLAN
Scale: 1:200



2 FIRST FLOOR PLAN
Scale: 1:200

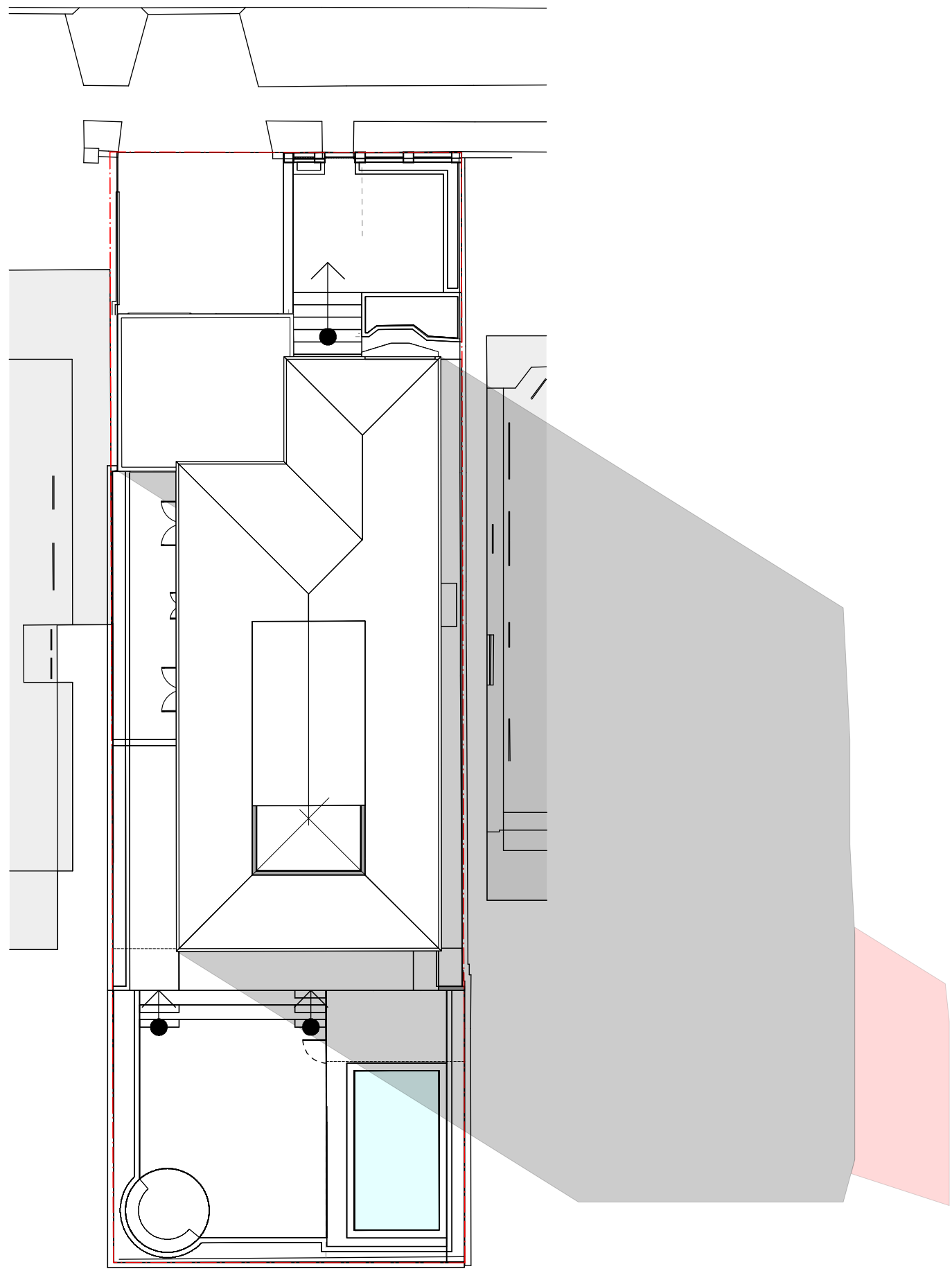


3 SECOND FLOOR PLAN
Scale: 1:200

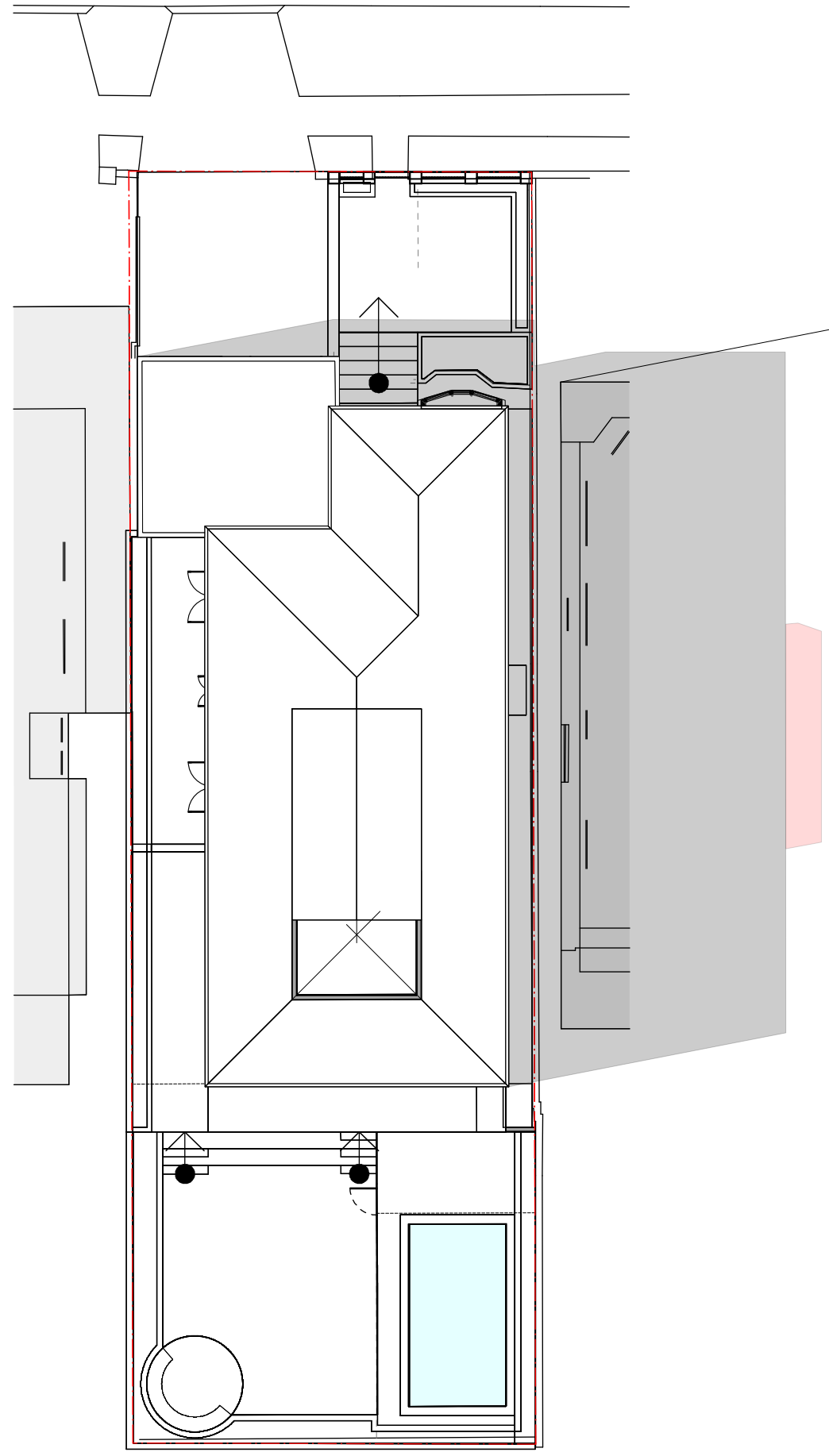
CALCULATIONS	
SITE AREA:	568.2m ²
EXISTING FLOOR AREA:	338.24m ²
GROUND FLOOR AREA:	197.22m ²
FIRST FLOOR AREA:	149.38m ²
SECOND FLOOR AREA:	15.54m ²
TOTAL FLOOR AREA:	362.14m ²
MAXIMUM FSR:	0.5:1
EXISTING FSR:	0.59:1
PROPOSED FSR:	0.63:1



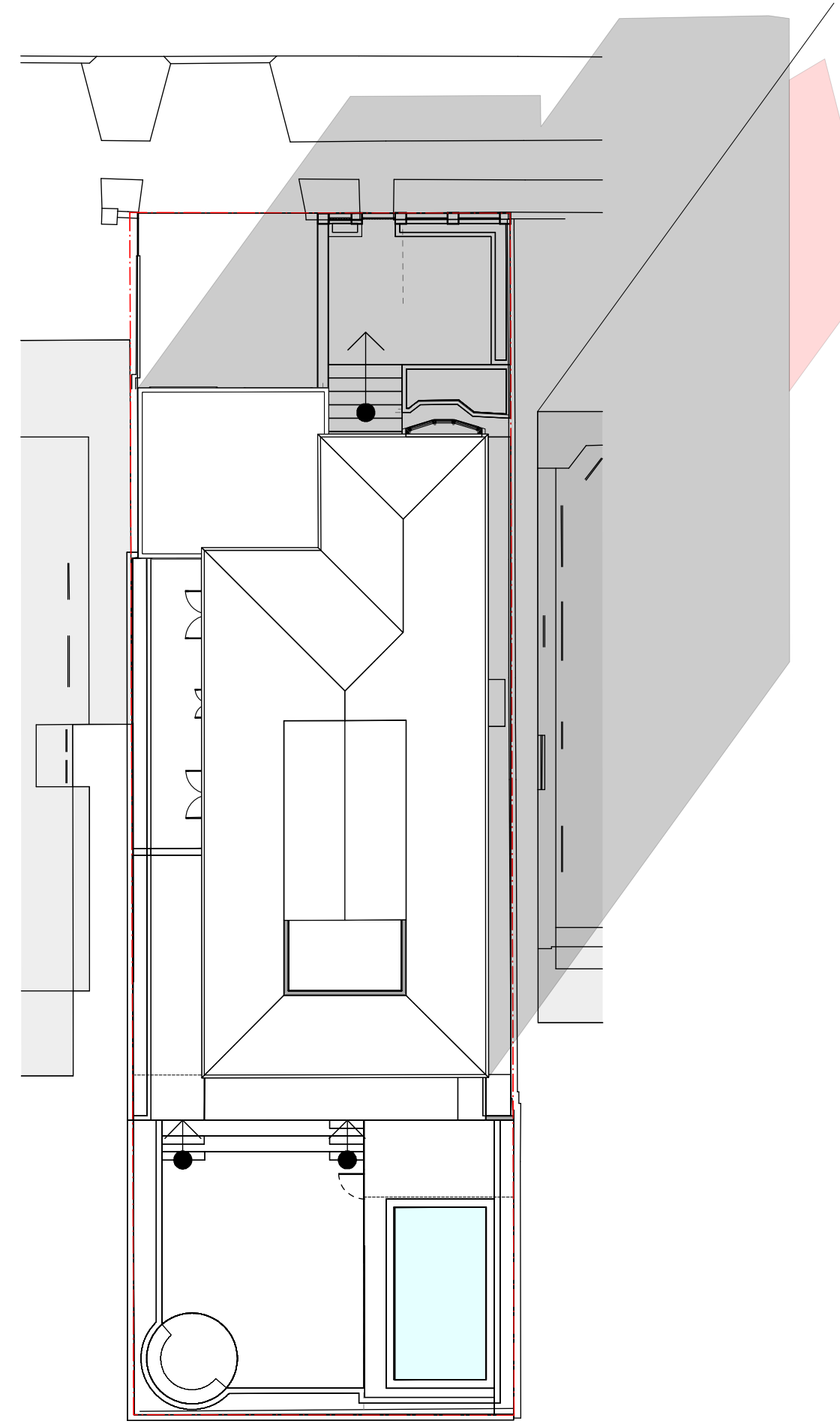
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				Site Address	Drawing Title	Scale
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				Client	Project No.	Drawn By
				CLIVE + NIKKI SHER	1217	LC
					Dwg Date:	Checked By
					9/11/17	EG



1 21st June 9am
Azimuth: 42°
Altitude: 18°



2 21st June 12pm
Azimuth: 359°
Altitude: 32°



3 21st June 3pm
Azimuth: 316°
Altitude: 18°



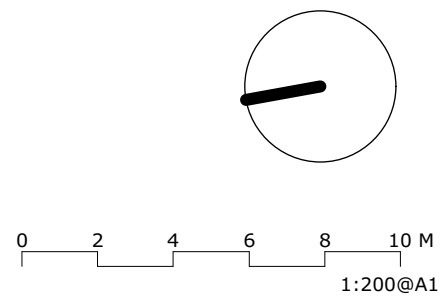
Architecture Interiors Landscapes

APT 2/ 206T Allison Road
Randwick, NSW, 2031
p. 02 9399 6673
e. info@stubbsdesigntribe.com.au
www.stubbsdesigntribe.com.au
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KEY

EXISTING SHADOWS

PROPOSED SHADOWS



Rev	Date	Comment	By	Stage	MILITARY ROAD ALTERATIONS		Drawing No. DA1.04	
				DEVELOPMENT APPLICATION				
				Site Address	Drawing Title		Scale	Rev #
				174 MILITARY ROAD, DOVER HEIGHTS DP11822 LOT 92	SHADOW DIAGRAMS		1:200@A1	
				Client	Project No.	1217	Drawn By	Checked By
				CLIVE + NIKKI SHER	Dwg Date:	Plot Date:	LC	EG
						9/11/17		





ARCHITECTURE THAT INSPIRES

EXISTING!EXTERNAL!COLOURS!AND!FINISHES!SCHEDULE
174!MILITARY!ROAD,!DOVER!HEIGHTS!
ISSUE:1A!
DATE:10/11/2017!

Apt 2/206T Alison Rd
 Randwick NSW, 2031
 ph: 02 9399 6673

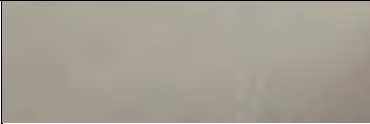









info@stubbsdesigntribe.com.au
 www.stubbsdesigntribe.com.au

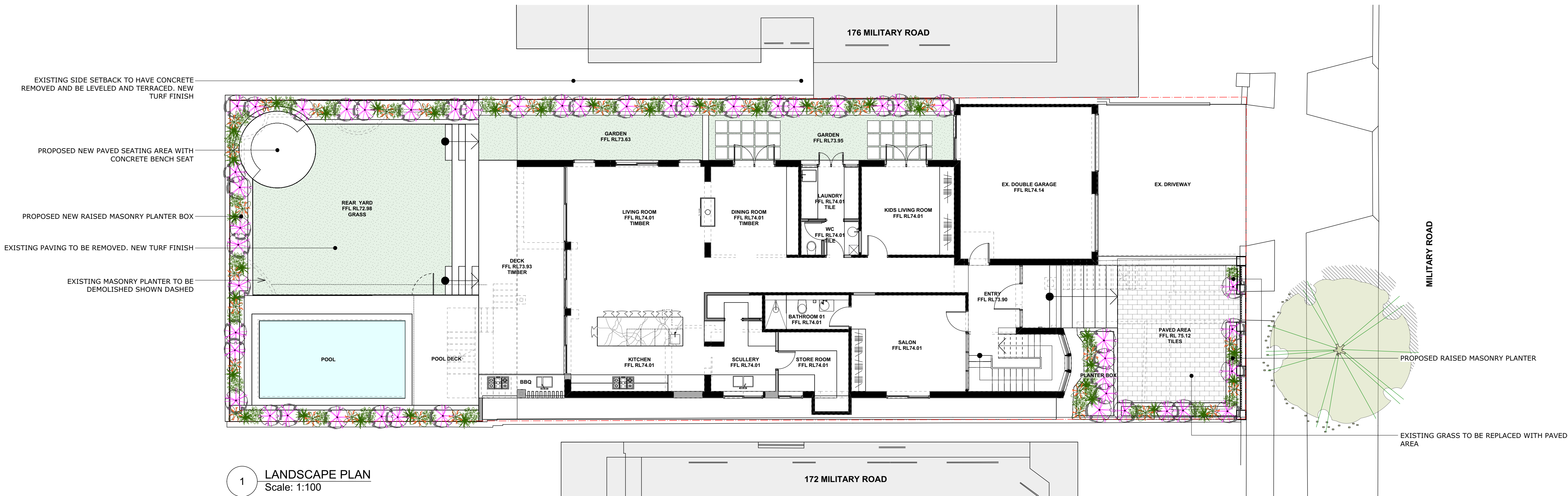
ABN 65 771 230 353

Nominated Architect: Mathew Stubbs

NSW Registered Architect No. 7212

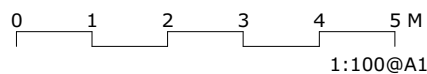
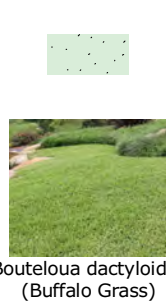
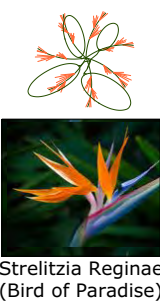
AIA Membership No. 28118

TAG	SURFACE	FINISH	SAMPLE
EF.01&	EXISTING& EXTERNAL!WALL& FINISH	RENDERED!DOUBLE!BRICK&	
EF.02&	EXISTING!ROOF&	ROOF!TILES&	
EF.03&	EXISTING& INTERNAL!FINISH&	RENDERED!MASONRY&	
WF.01&	WALL!FINISH!01&	LIGHTWEIGHT!FRAMED!PLASTERBOARD.& PAINT!FINISH.&COLOURBOND!MONUMENT& CLAD!EXTERIOR.&	
WF.02&	WALL!FINISH!02&	LIGHTWEIGHT!FRAMED!PLASTERBOARD.& PAINT!FINISH.&	
RF.01&	ROOF!CLADDING&	COLOURBOND!MONUMENT!CLAD&	
FF.01&	FLOOR!FINISH&	TIMBER!DECKING&	
FF.02&	FLOOR!FINISH&	TILES&	
&	NEW!EXTERIOR!& WINDOWS!&& DOORS&	BLACK!ALUMINIUM&	
&	GUTTERS!&& DOWNPIPES&	EXISTING&	



PLANTING LEGEND

As	Acmena Smithii
Aa	Adiantum Aethiopicum
Sr	Strelitzia Reginae
Ye	Yucca Elephantipes
Bd	Bouteloua dactyloides



Rev	Date	Comment	By	Stage	MILITARY ROAD ALTERATIONS	Drawing No. DA1.05
				DEVELOPMENT APPLICATION		
				Site Address	Drawing Title	Scale
				174 MILITARY ROAD, DOVER HEIGHTS DP11822 LOT 92	LANDSCAPE PLAN	1:100@A1
				Client	Project No.	Drawn By
				CLIVE + NIKKI SHER	1217	LC
					Dwg Date:	Checked By
					Plot Date: 9/11/17	EG



Report to Waverley Development Assessment Panel

Application number	DA-305/2017
Site address	4 Victory Street, Rose Bay
Proposal	Demolition of existing dwelling and construction of the three storey attached dual occupancy and strata subdivision
Date of lodgement	28 July 2017
Owner	Doctor E Weiner and Mrs S J Weiner
Applicant	Mrs S J Weiner
Submissions	One submission
Cost of works	\$2 500 000
Issues	Height; FSR; Visual and acoustic privacy.
Recommendation	That the application be granted a DEFERRED COMMENCEMENT CONSENT



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 7 September and 31 October 2017.

The site is identified as Lot B in DP 329866, known as 4 Victory Street, Rose Bay. The site is irregular in shape with a north (rear) boundary measuring 19.545m, eastern side boundary measuring 29.275m, western side boundary measuring 26.84m and a curved front boundary to Victory Street measuring 24.035m. The site has an area of 625m² and falls from the front towards the rear by approximately 1.79m.

The site is occupied by a two-storey detached dwelling with a swimming pool in the rear yard and vehicular access provided from Victory Street to a double garage.

The subject site is adjoined by the rear yard of 45A Blake Street to the west and the rear of 47 Blake Street to the north. Victory Street adjoins the southern boundary of the site and Gilbert Street on the eastern boundary. The locality contains a variety of residential developments predominantly characterised by large detached or semi-detached dwellings on large lots of land.



Figure 1: Site viewed from Victory Street



Figure 2: Site viewed from the east (side elevation with Gilbert Street)



Figure 3: Western side/rear yard of site

1.2 Relevant History

The following applications are relevant to the subject site:

- BA-709/1996: Construction of a two-storey dwelling was approved on 12 December 1996. The dwelling has been constructed.
- BA-689/1996: Construction of a swimming pool approved on 14 February 1997. The swimming pool has been constructed.
- L-32/2000: First floor balcony to existing dwelling was approved on 28 February 2000. This balcony has not been constructed and the consent has now expired.

After preliminary assessment of the subject application, it was deferred on 2 November 2017 to address the following matters:

- Floor Space Ratio (FSR)

The FSR as quoted within the Statement of Environmental Effects (SEE) is 65% greater than the FSR development standard of Waverley Local Environmental Plan 2012 (the LEP). The bulk of the building at the rear of the site (adjoining 47 Blake St) and along the Gilbert Street frontage is excessive. The building will form a continuous wall wrapping around from the Victory Street frontage for almost the entire length of Gilbert Street. The bulk of the building at the rear should be reduced by increasing the setbacks of the structure to extend no further to the north than the existing dwelling on the site. The topmost floor should also incorporate a greater setback stepped from the level below to provide articulation and reduce visual bulk.

Please note that when calculating gross floor area, the definition contained within the LEP should be strictly adhered to. Officer calculations indicate that the FSR may be higher than stipulated in the LEP. In this regard, please confirm that lifts and stairs in dwellings have been included on all levels except the topmost floor (as this is considered a void). Lifts and stairs in dwellings are not 'common' circulation spaces (common spaces are only within residential flat buildings). Please adjust any calculations and documentation accordingly.

- Privacy

Unit 2 provides the main private open space within a large high level deck which has the potential to overlook the adjoining property to the north (47 Blake Street). Ensure the privacy of this property is addressed in any redesign.

- Driveway location

The driveway location of Unit 2 has limited sightline and may pose a safety risk when entering and/or leaving the site. Please provide a report from a suitably qualified professional addressing the driveway location particularly in regards to safety and sightlines.

- Correction of plans and documentation

The plans and documentation submitted with the application lack detail and are incorrect in areas, specifically:

- Lower level elevations have not been shown.
- Adjacent dwellings and site boundaries must be shown on the floor plans.

- *The existing dwelling should be outlined on the plans and elevations.*
- *No short section has been provided.*
- *The height compliance line must be shown from the existing ground directly below the building, and should not be taken from the level of the footpath.*
- *Clarify that the FSR calculations are correct (as detailed previously).*
- *The 'Clause 4.6 Variation' documents must be updated to address the points above regarding height and FSR.*

Throughout the assessment of this application, draft plans were commented on by Council Officers. The applicant was advised to amend the proposal in the following manner:

1. *The lower ground floor rear setback is acceptable.*
2. *The ground floor rear setback shall extend no further than the existing building on the site.*
3. *The upper floor shall be set back from the rear wall of the level below to incorporate a noticeable step.*
4. *The draft plans....will result in visual and acoustic privacy impacts to the adjoining properties.*

Amended plans were received by Council on 6 March 2018 which reduced the building only marginally in the front south-eastern corner and at the rear first floor level. However, the gross floor area (GFA) calculation was reduced by over 40m² simply by renaming two rooms at the lower ground floor level as storage (in the original plans these areas were designated as 'gymnasium/theatre') and removing the windows to these rooms.

The amended plans form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of the existing two-storey dwelling on the site and construction of a three-storey dual occupancy building. The proposal also includes strata subdivision into two lots. The existing swimming pool within the rear yard of the site will be retained.

Unit 1 will have pedestrian and vehicular access from Victory Street and will occupy the majority of the lower ground and ground floor level. This unit will be provided with a double garage and driveway crossing from Victory Street. The lower ground floor level will provide living areas and the ground floor level will provide four bedrooms with an elevated terrace from the main bedroom on the western side of the building. The retained swimming pool and rear yard will be allocated to this unit in the strata subdivision.

Unit 2 will occupy the entire first floor level providing three bedrooms and living areas with a large elevated terrace on the western elevation. This unit also occupies the south-eastern corner of the building providing store rooms and bathroom at the lower ground floor level and a single garage, further storage and the entry foyer and lift at the ground floor level. The entry foyer and garage will be accessed from Gilbert Street.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate 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 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 LEP.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposal includes strata subdivision of the dual occupancy. Strata subdivision plans have been provided however these have not been updated to reflect the amended plans. Appropriate conditions of consent are in Appendix B to rectify this issue.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone. The proposal is consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a maximum height of 9.96m exceeding the development standard by 1.46m or 17%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	<p>There is a discrepancy between the calculations provided by the Applicant and those carried out by Council Officers. Council Officers are of the opinion that parts of the building which have been excluded from the calculation should be included. This is discussed in greater detail below this table.</p> <p>Calculations by Council indicate that the FSR is 0.87:1 as opposed to the Applicant's calculations of 0.76:1.</p>
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	<p>The site is located opposite Caffyn Park which is designated as <i>Caffyn Park Landscape Conservation Area</i> (C31 in LEP 2012).</p> <p>Caffyn Park is located overlooking the subject site being located at a much higher level to the east of the site. The proposal will not impact upon the significance of this conservation area being topographically removed from the subject site.</p> <p>Additionally, an inspection from Caffyn Park indicates that the subject site will not impact upon significant views from this park.</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 9.96m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.46m or 17%. It should be noted that this variation is only on the western elevation for a small part of the building where the building adjoins the swimming pool surrounds and to the lift overrun on the eastern elevation. The majority of the building will have a height of 9.4m exceeding the development standard by 900mm or 11%.

There is a discrepancy between the calculations provided by the Applicant and those carried out by the Assessment Planner. Despite Council's deferral letter stating that the height must be taken from the existing ground directly below the building and should not be taken from the level of the footpath and that the 'Clause 4.6 Variation' documents must be updated to address this, no amended document in relation to the height non-compliance was provided. In this regard, the figures/calculations within the 'Clause 4.6 Variation to Height Control' statement are incorrect and the calculations above are those of the Assessment Planner.

Notwithstanding the incorrect calculations, 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 is consistent with the relevant aims of the LEP and the objectives of the FSR development standard.
- The proposal provides a built form that is complementary to the character of the surrounding area and which will integrate with the established pattern along the streetscape.
- No public or private views will be impacted by the proposal.
- The proposed development will not result in any additional overshadowing of the living area or private open space of surrounding dwellings.

- The development has been designed to minimise any privacy impacts on surrounding properties and provides generous setbacks to common boundaries to adjoining residences.

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 applicable to this site.

The shadow diagrams indicate that the proposal will predominantly overshadow the street and no unreasonable additional overshadowing of surrounding properties will result. Privacy impacts are not considered unreasonable, subject to amendments required by condition, as discussed in detail in subsequent sections of this report. Additionally, the proposal will not result in unreasonable loss of public or private significant views from surrounding properties or Caffyn Park opposite the site. In this regard, the proposal is considered to be consistent with objective (a).

The footpath level on Gilbert Street is approximately 2m higher than the existing ground level of the subject site immediately adjacent. A boundary fence sits on the boundary at the higher footpath level and as such, the lower ground floor level of the dwelling is not clearly visible from the public domain (refer to Figures 1 and 2) appearing as a single storey dwelling on the Gilbert Street frontage.

The proposal will exceed the height control however this will be visible only from part of the Victory Street elevation. The Gilbert Street elevation will continue to present as a two-storey building with the lower ground floor level being contained below the street level. Surrounding development typically ranges from two to three-storeys in scale with surrounding streets characterised by large dwellings up to three-storeys in height, often elevated above the street or a garage level. The scale of the development proposed, being three-storeys, is not out of character with the pattern of recent development within the area. The fact that the lower ground floor level is largely located below the street level lessens the perceived bulk and scale of the development from the public domain. In this regard, the proposal is consistent with objective (d).

The arguments in the written request are considered valid and reasonable. Accordingly, 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.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.87:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 233m² in gross floor area or 75%.

Again, there is a discrepancy between the calculations provided by the Applicant and those carried out by the Assessment Planner. The amended plans reduced the building only marginally in the front south-eastern corner and at the rear first floor level. However, the gross floor area (GFA) calculation was reduced by over 40m² simply by renaming two rooms at the lower ground floor level as storage (in the original plans these areas were designated as 'gymnasium/theatre') and removing the windows to these rooms. The definition for GFA excludes storage from a basement only. The two storage rooms at the lower ground floor level do not fit within the definition of 'basement' as they are predominantly above the existing ground level as indicated by the survey provided with the application. In this regard, the storage rooms are included in GFA calculations. The figure for FSR quoted is based on the Assessment Officer's calculations.

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 is consistent with the relevant aims of the LEP and the objectives of the FSR development standard.
- The proposal provides a built form that is complementary to the character of the surrounding area and which will integrate with the established pattern along the streetscape.
- No public or private views will be impacted by the proposal.
- The proposed development will not result in any additional overshadowing of the living area or private open space of surrounding dwellings.
- The development has been designed to minimise any privacy impacts on surrounding properties and provides generous setbacks to common boundaries to adjoining residences.

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

Clause 4.4 Floor Space Ratio

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

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

Objective (a) is not applicable to the subject site.

It is acknowledged that the pattern of development in the area is that of two to three-storey dwellings and dual occupancies, often built above garage levels. There are a number of surrounding buildings with height, bulk and scale much greater than the FSR control allows and, in this regard, a variation to the FSR development standard is not inappropriate.

The subject proposal incorporates a lower ground floor level set below the level of the street effectively 'hidden' from view from Gilbert Street. This lower ground level was excavated in the past with the original dwelling sitting below the street both on Gilbert and Victory Streets. On Victory Street the proposal will appear as a part two and three-storey dwelling consistent with the scale of surrounding properties. The three-storey bulk of the proposal will be most apparent from inside the subject site itself and from the adjoining property to the rear (north). The only other adjoining property is 45A Blake Street along the western side boundary which is located 2.5m lower than the subject site. The dwelling on this site is set toward the front of the site on Blake Street with predominantly the rear yard of this property adjoining the subject site. Given that the bulk of the proposed building is set back 5.374m to 11m from this boundary, the proposal will not cause unreasonable amenity impacts upon this property.

The property that is most likely to be impacted by the proposal is 47 Blake Street to the north (rear) as the proposal seeks to continue the three-storey scale to within 3m of the rear boundary. This property is a two-storey dwelling with a rear setback of approximately 9m. This property will have a building with three-storey height and scale built close to the boundary and adjacent to their private open space. The associated balconies will likely result in visual and acoustic privacy impacts also (discussed later).

The only other comparable property to the subject site in terms of rear setback is 47 Blake Street and this property has a minimum 9m rear setback. Both properties are highly visible within Gilbert Street and from the surrounding public domain. A 3m rear setback is considered inappropriate particularly as the building has secondary frontage to Gilbert Street. The design does not acknowledge or contribute to the streetscape on Gilbert Street presenting as overly bulky by wrapping around the entire frontage of the site both on Victory Street and Gilbert Street. In order to reduce impact upon the adjoining northern property and to reduce the bulk of the building within the Gilbert Street streetscape, the rear setback of the building should be increased.

Given that the lower ground floor level is not visible within the streetscape, the rear setback of 1.5m is accepted. At the ground floor level, the rear of the building should not extend any further to the rear than the existing building on the site (minimum of 5m) and the first floor level should incorporate a further 2m step in the built form (minimum of 7m). A deferred commencement condition to this effect is included in Appendix A. It should be noted that if the lower ground floor level were excluded from the GFA calculations, these amendments will reduce the FSR of the ground and first floor level to within the FSR development standard. The lower ground floor level would effectively become bonus floor space being located below the street level and formed by way of excavation of the subject site in the past.

Subject to the amendments outlined, it is considered that the proposal will be consistent with objectives (b), (c) and (d) of the FSR development standard.

Accordingly, it is considered that compliance with the FSR 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.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>Separate bin storage areas are provided for each dwelling which are suitable screened from the street. Each area has access to the street for collection.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
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>The proposal includes the removal of two Cocos Palms within the front yard. These trees are on Council's list of tree species that are exempt and do not require a permit for removal.</p>
6. Stormwater	Yes	<p>The stormwater plans provided were referred to Council's engineers and the plans are considered satisfactory.</p>
7. Accessibility and adaptability	Yes	<p>Level access is provided to the front door of each dwelling. Additionally Unit 2 (upper level) is provided with a lift.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
8. Transport	Yes	<p>The proposal generally complies with the relevant objectives and controls relating to transport and on-site car parking. Refer to Table 3 for more detailed discussion.</p>
9. Heritage	Yes	<p>Refer to Table 1.</p>

Development Control	Compliance	Comment
10. Safety	Yes	<p>Each dwelling provides balconies and windows overlooking both Victory and Gilbert Streets. Unit 1 has a front entry provided from Victory Street and Unit 2 has entry provided from Gilbert Street. Each entry is clearly definable and legible from the street with a front porch area visible from the road.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>

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	<p>The proposed height is 9.4m however it should be noted that the lower level of the building is contained below the footpath level on Gilbert Street and for much of the Victory Street frontage. In this regard, the proposal presents to Gilbert Street as a two-storey dwelling with wall height ranging from 6.9m to 7.66m. On Gilbert Street the proposal presents as part two and three-storey with the height at the eastern end being 7.11m increasing to 8.7m at the western end where the site slopes down Victory Street.</p> <p>The proposal exceeds the height controls for the majority of the upper level however this is internal to the site and is set back substantially from the western side boundary.</p> <p>The height of the proposal is considered acceptable as discussed under Section 2.1.3 of this report.</p>
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 	Yes (subject to condition)	<p>In terms of front setback, the subject site is uniquely positioned in that it addresses two streets. Additionally, the properties to the west of the site have frontages to Victory Street and Blake Street and predominantly address Blake Street. In this regard, there are not sufficient structures on adjoining properties to the west to form a predominantly setback to Victory Street.</p>

Development Control	Compliance	Comment
		<p>Notwithstanding, the subject proposal has been designed to have a front setback which is generally consistent with the existing dwelling on the site. This is considered appropriate.</p> <p>As detailed previously in this report, the rear setbacks proposed are considered insufficient and deferred commencement conditions are recommended to address this (refer to Appendix A).</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5m 	<p>Yes</p> <p>No</p>	<ul style="list-style-type: none"> Western side 1053mm (garage) to 4500mm (3-storey part). Eastern side 1140mm to 1500mm. <p>The side setbacks are appropriate. The eastern side has frontage to Gilbert Street and appropriately addresses this street.</p> <p>The western side adjoins the rear yard of a property fronting Blake Street and provides more than sufficient setbacks for the 3-storey portion of the dwelling within only the single storey garage being within the 1500mm side setback requirement.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	<p>The proposal includes excavation only in the south-eastern (front) corner of the site. This will adjoin only the street with no adjoining properties being impacted. Appropriate conditions are included in Appendix B.</p>
1.4 Streetscape and visual impact		
Consistent with streetscape and visual impact from the street	Yes (subject to conditions)	<p>The proposal will present as two-storeys along Gilbert Street. As discussed previously in this report, the bulk of the structure along Gilbert Street is considered excessive and a greater rear setback to the two upper levels is recommended (refer to Appendix A). The reduction of bulk at the rear will ensure an appropriate streetscape appearance consistent with surrounding properties.</p> <p>On Victory Street, the proposal will present as a part two and three-storey dwelling stepping with the slope of the land.</p>
1.5 Dual occupancy development		
<p>Minimum lot size:</p> <ul style="list-style-type: none"> 450m² for attached 600m² for detached 	Yes	<p>The site area is 625m².</p> <p>Each dwelling will address either Victory or Gilbert Streets providing a separate entry from</p>

Development Control	Compliance	Comment
Must appear as a single dwelling	Yes	either street. In this regard, the proposal has been designed to appear as a single dwelling within each streetscape.
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	<p>The proposal provide solid masonry boundary fencing along both Victory Street and Gilbert Street. These fences exceed the maximum height of the DCP extending to 2200mm in some parts. The height of the fencing is varied due to the slope of the land along both streets.</p> <p>The fencing is not considered to be inappropriate given that the Gilbert Street fencing is in actuality, a side fence and the fencing effectively screens the bulk of the building which drops another level below the street.</p> <p>The proposed fencing is not out of character in this part of Rose Bay as there are numerous properties surrounding the site and within the streetscape with high solid fencing.</p>
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: 10m² in area 1.5m deep 	No	Refer to discussion below this table.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of 	<p>Yes</p> <p>Yes</p>	<p>The proposal has been orientated to receive sufficient solar access to all private open spaces and living room windows.</p> <p>The proposal will predominantly overshadow the street and no unreasonable additional overshadowing will result.</p>

Development Control	Compliance	Comment
adjoining properties on 21 June		
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	There are significant city skyline and harbour views to the west of the site. The property opposite the site to the west is Caffyn Park which is located at a much higher level than the subject site. An inspection from this park indicates that the proposal will not unreasonably impact upon significant public domain views from this park.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	Unit 1 provides a double garage and Unit 2 provides a single garage.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings 	Yes	<p>The garage to Unit 1 on Victory Street extends slightly forward of the building line of the dwelling and aligns with the front setback of the site. This is consistent with development further to the west on Victory Street (which is the relevant streetscape) as this part of the street is characterised by rear parking structures built up to the boundary alignment.</p> <p>The single garage to Unit 2 accessed from Gilbert Street is integrated into the design of the dwelling and is in line with the building line.</p>
1.11.3 Design	Yes	<p>Both garages have been designed to be integrated with the design of the building incorporating materials and finishes consistent with the development overall.</p> <p>The DCP requires that for dual occupancies, the parking is to utilise shared accessways. The proposal provides two separate driveway crossings on Victory Street. Given that the proposal has been designed to present to both Victory Street and Gilbert Street, and to give a domestic appearance on both streets, this is considered appropriate.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Unit 1: double garage with dimensions of 6m x 6m (2 spaces).

Development Control	Compliance	Comment
	Yes	Unit 2: single garage with dimensions of 6.8m x 4m (1 space).
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	No	<p>The proposal provides two driveway crossings as per the discussion above. It should be noted that there is no on-street parking permitted along both street frontages of the site. In this regard, the proposal will not result in a loss of on-street parking and will provide a net increase in parking in the area.</p> <p>The proposed gutter width of the driveway crossings both exceed 3m. Conditions provided by Council's Traffic Engineers require that the maximum width of the gutter crossings/laybacks shall not exceed 3.9m (refer to Appendix B).</p> <p>There is an existing bus stop adjacent to the existing driveway crossing that is unlikely to be impacted by the proposal. Notwithstanding a condition is included in Appendix B relating to the bus stop.</p>
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 Yes Yes Yes No	<ul style="list-style-type: none"> Open space is 54% of the site. Landscaped area is 22% of the site. Unit 1: 215m² Unit 2: Front courtyard = 22m² and balcony = 34m² The front open space is 100% of the front setback (Victory Street). The landscaped area is 26% of the front open space. The landscaping plan shows a paved courtyard within the Victory Street front setback of the site which is to be accessed from the storage room of Unit 1 which is allocated the entire rear yard and swimming pool. In this regard, the paved area is likely to be underutilised and would be better used as soft landscaping to contribute to the streetscape and soften the built structures at the front of the site. In this regard, a condition is included in Appendix B requiring that the front setback on Victory Street be soft landscaping.

1.13 Swimming pools and spa pools

<ul style="list-style-type: none">Located in the rear of property	N/A	The existing pool within the rear yard on the western boundary is being retained.
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Visual and acoustic privacy

The proposal includes windows and balconies on the eastern and southern elevation however both of these have outlook to the street and will not impact upon the privacy of adjoining residences.

The proposal includes extensive floor-to-ceiling windows and elevated balconies on the western side elevation however has been designed to minimise privacy impacts upon the adjoining property to the west (45A Blake Street) through extensive setbacks from this boundary. The DCP requires 1.5m side setbacks for a building of this scale. The proposal provides a varying side setback from the western boundary however the rear wing of the building, which contains extensive windows and elevated terraces will be set back 11m to the windows and 7m to the balconies. These setbacks are considered more than adequate to prevent overlooking and provides significant physical and visual separation from 45A Blake Street.

Figure 4 below was taken from the existing first floor western side window looking toward 45A Blake Street and shows that the existing side setbacks allow only the roof of this dwelling to be overlooked. The window from which this photo was taken will generally align with the location of the elevated terraces of the proposal at the ground floor level. Any future upper floor addition to 45A Blake Street would not be unreasonably compromised by the proposed development as the extensive side setback would also be taken into consideration during any future assessment on that site.



Figure 4: View from existing first floor level western side window toward the adjoining property at 45A Blake Street

The remaining parts of the western elevation have smaller windows or are to rooms of low use with fewer privacy impacts and will not result in unreasonable privacy impacts upon the adjoining properties.

There is potential for visual and acoustic privacy impacts upon both adjoining residential properties from the proposed first floor terrace which exceeds the maximum controls for terraces of the DCP. The proposed terrace will have a minimum depth of 2.5m with an area of approximately 16m². This is a large, high level terrace functioning as the principle area of private open space for Unit 2 with access from the main living areas. As detailed previously in this report, conditions of deferred commencement will increase the rear setback of the building at the ground and first floor levels which will also apply to the terraces which will substantially reduce the size of the terrace at the first floor level. This reduction will reduce privacy impacts and the resultant terrace is supported.

Subject to the deferred commencement conditions, the subject proposal will not have unreasonable privacy impacts upon surrounding properties.

2.2 Section 79C(1)(b) – 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 Section 79C(1)(c) – Suitability of the Site for the Development

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

2.4 Section 79C(1)(d) – Any Submissions

The original 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*. One submission from 45A Blake Street was received.

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. One submission from 45A Blake Street was received.

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

Table 4: Summary of property addresses that lodged a submission

Property
45A Blake Street, Rose Bay

Issue: Height

Response: This issue has been discussed extensively previously in this report.

Issue: Side setbacks are being reduced from the existing resulting in the building moving closer to 45A Blake Street.

Response: The DCP requires 1.5m side setbacks for a building of this scale. The proposal provides a varying side setback from the western boundary being 1053mm to the garage at the front increasing to a minimum of 4500mm to the 3-storey part of the building, also at the front of the site. The main bulk of the building will be set back 5.374m to 11m from the western side boundary. These setbacks are considered more than adequate and provides significant physical and visual separation from 45A Blake Street.

Issue: Orientation of the building toward the side elevation, increased windows on the western side elevation and the associated privacy impacts.

Response: This issue has been discussed previously in this report.

Issue: Increased overshadowing.

Response: Shadow diagrams indicate that the majority of overshadowing will fall onto the street. In terms of 45A Blake Street, which adjoins the property on the western side, the overshadowing of this property will be minimal with the shadow diagrams showing overshadowing only in the south-eastern rear corner of the site at 9am. By 12pm there is no overshadowing of this property. This is not considered unreasonable and does not warrant refusal or further amendment of the application.

2.5 Section 79C(1)(e) – 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 B.

3.2 Stormwater – Creating Waverley

The submitted stormwater plans were referred to Council's Stormwater Engineers and were considered satisfactory. Conditions were provided which are included in Appendix B.

3.3 GIS and ePlanning – Digital Waverley

A condition regarding street numbering was provided which is included in Appendix B.

4. SUMMARY

The application seeks consent for the demolition of the existing dwelling and construction of a new part two and three storey dual occupancy building.

The development exceeds both the FSR and height development standards in the LEP. The arguments mounted in the Clause 4.6 objection are not considered to adequately argue the merits of the case to allow a variation to the controls as requested. It is recommended therefore that the rear setbacks

of the development be increased at the ground and first floor levels by deferred commencement conditions.

The development performs well against the remaining development controls and the architectural style is in keeping with the emerging presence of contemporary architecture with flat roof dwellings in the surrounding area.

The original and amended applications were notified and one submission was received raising issues relating to height, setbacks and privacy. The issues raised have been discussed within this report.

The application is recommended for approval subject to deferred commencement conditions.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Development Application be **APPROVED** by the Waverley Development Assessment Panel subject to the Deferred Commencement conditions in Appendix A and Conditions in Appendix B:

Report prepared by:

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

Kylie Lucas
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 8 May 2018

Date: 28 May 2018

Reason for referral:

- 3 Departure from any development standard in an EPI by more than 10%

APPENDIX A – DEFERRED COMMENCEMENT CONDITIONS

That the Council grant deferred commencement consent in accordance with the provisions of Section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

1. The middle floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 5 metres.
2. The upper floor level rear (northern) setback, including all structures and balcony, shall be increased to a minimum of 7 metres.
3. The draft strata plans shall be amended to reflect the above requirements.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

These conditions must be satisfied within 1 year of the date of this consent.

APPENDIX B – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Plan Nos 1946-16Dab Sheets 1- 4 Revision b, tables and documentation prepared by Adan Creative Designs, dated 02/03/2018, and received by Council on date 6 March 2018,
- (b) Landscape Plan No. LPDA 17-318/1 to LPDA 17-318/1 and documentation prepared by Conzept Landscape Architects, dated May 2017, and received by Council on 27 July 2017;
- (c) BASIX Certificate;
- (d) Schedule of external finishes and colours prepared by Adan Creative Designs received by Council on 20 December 2017;
- (e) Draft strata plans as approved by Deferred Commencement Condition No. 3; and
- (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.

NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.

2. AMENDED LANDSCAPE PLAN

The landscaping plan shall be amended as follows:

- (a) The front paved area on the Victory Street elevation shall be deleted and replaced with soft landscaping.

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.

3. USE OF COMMON PROPERTY

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

4. 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.

5. 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).

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 94A CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

7. 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.

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 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 81A(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. 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.

11. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of each driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- a) Be drawn at a scale of 1:25
- b) Include reduced levels (RL's) of the Victory Street carriageway, the kerb and gutter, footpath and paving within the property and the garage floor.
- c) Include existing and design levels.
- d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- e) Show all paving proposed on Council's land being designed to cater for all runoff waters on Council's footpath area being drained away from the property.

12. HOARDING

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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

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*.

19. 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.

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. 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.

24. 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.

25. TOILET FACILITIES

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

26. 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.

27. 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 AS260-2001, Demolition of Structure and a Hazardous Materials Assessment 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 for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

28. 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.

29. SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

30. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

31. 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.

32. 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.

33. 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.

34. 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.

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;
- (b) Sundays and public holidays; and

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

36. 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.

37. BUILDING CODE OF AUSTRALIA

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

38. 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.

39. 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.

40. 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.

41. 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.

42. IN-SINK WASTE DISPOSAL SYSTEMS

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

43. 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.

44. 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.

45. 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.

46. 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.

47. VEHICLE CROSSINGS

A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council. Vehicle crossings works shall be as follows:

- a) A new vehicle crossing is to be provided to access the proposed **single garage** at the east of the site.
- b) The existing (western) vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **double garage**.
- c) All vehicle crossings are to be constructed in plain concrete.
- d) The maximum width of gutter crossings/laybacks shall not exceed 3.9m

48. BUS STOP – CONCRETE PAD

Any changes/alterations to the existing concrete bus stop pad required as result of the removal of the existing driveway and construction of the new driveway on the western side shall be carried out in accordance with Council's standards and specifications at the applicant's expense.

49. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

50. 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.

51. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

52. 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*.

53. STREET NUMBER

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. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

54. 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.

Under the current design, the orifice diameter must be 70mm.

55. 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.

56. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary address and sub-address numbering for a strata subdivisions dual occupancy:

- No. 24 - primary address site number
- Victory Street - primary address location
- Alternative access point Gilbert Street

As the redevelopment has sub-address sites the following sub-addressing will apply;

- No. 1/24 for the sub-addresses within the building correlating with proposed Lot 1 on the floor plans for the building,
- Nos. 2/24 Victory Street for the sub-addresses within the building correlating with proposed Lot 2 on the floor plans for the building.

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

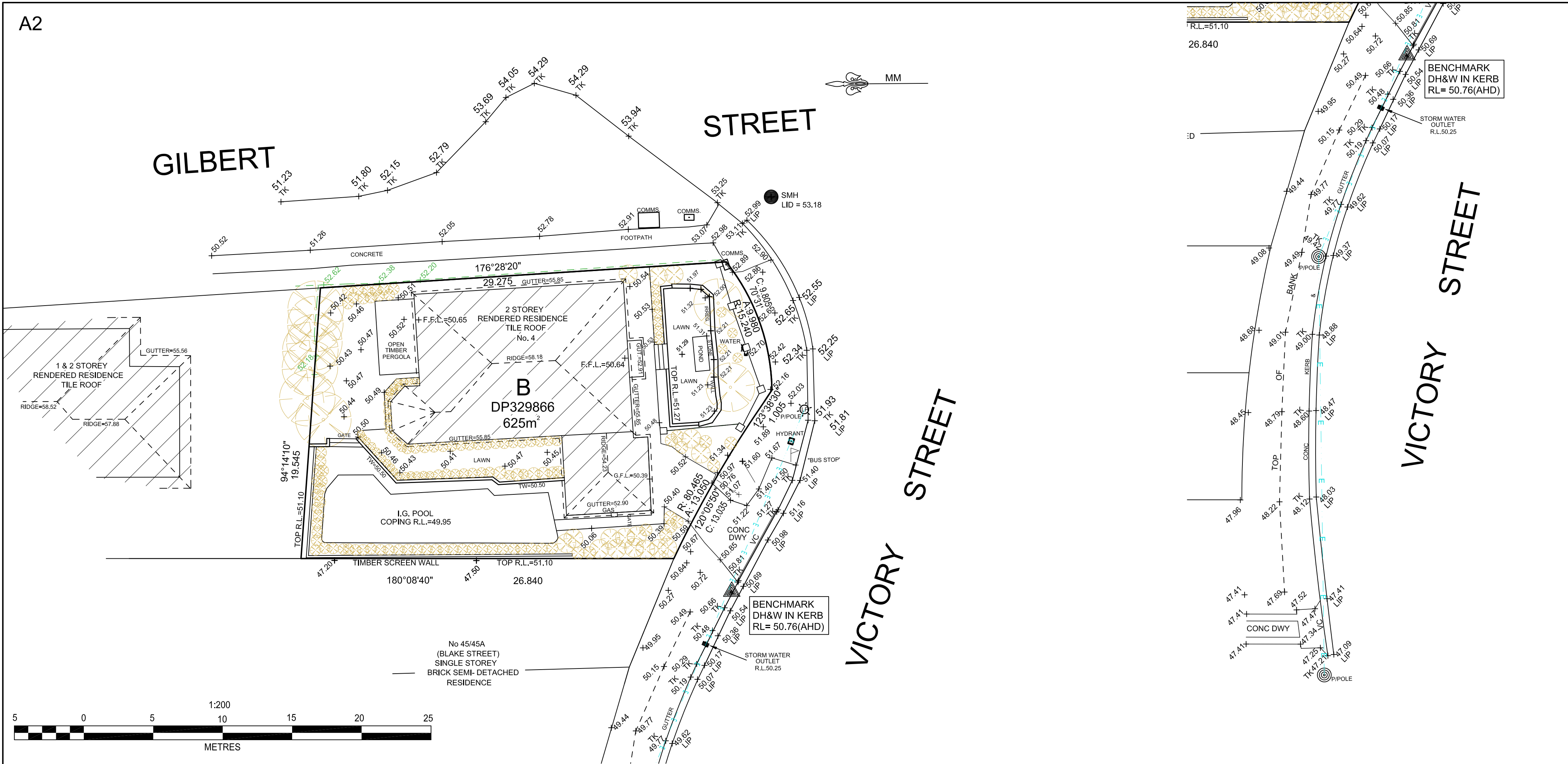
The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

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 address numbers for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries located near the entry points and clearly visible from the street. The 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.



VC DENOTES VEHICULAR CROSSING
TK DENOTES LEVEL AT TOP OF KERB
LIP DENOTES LEVEL AT LIP OF KERB



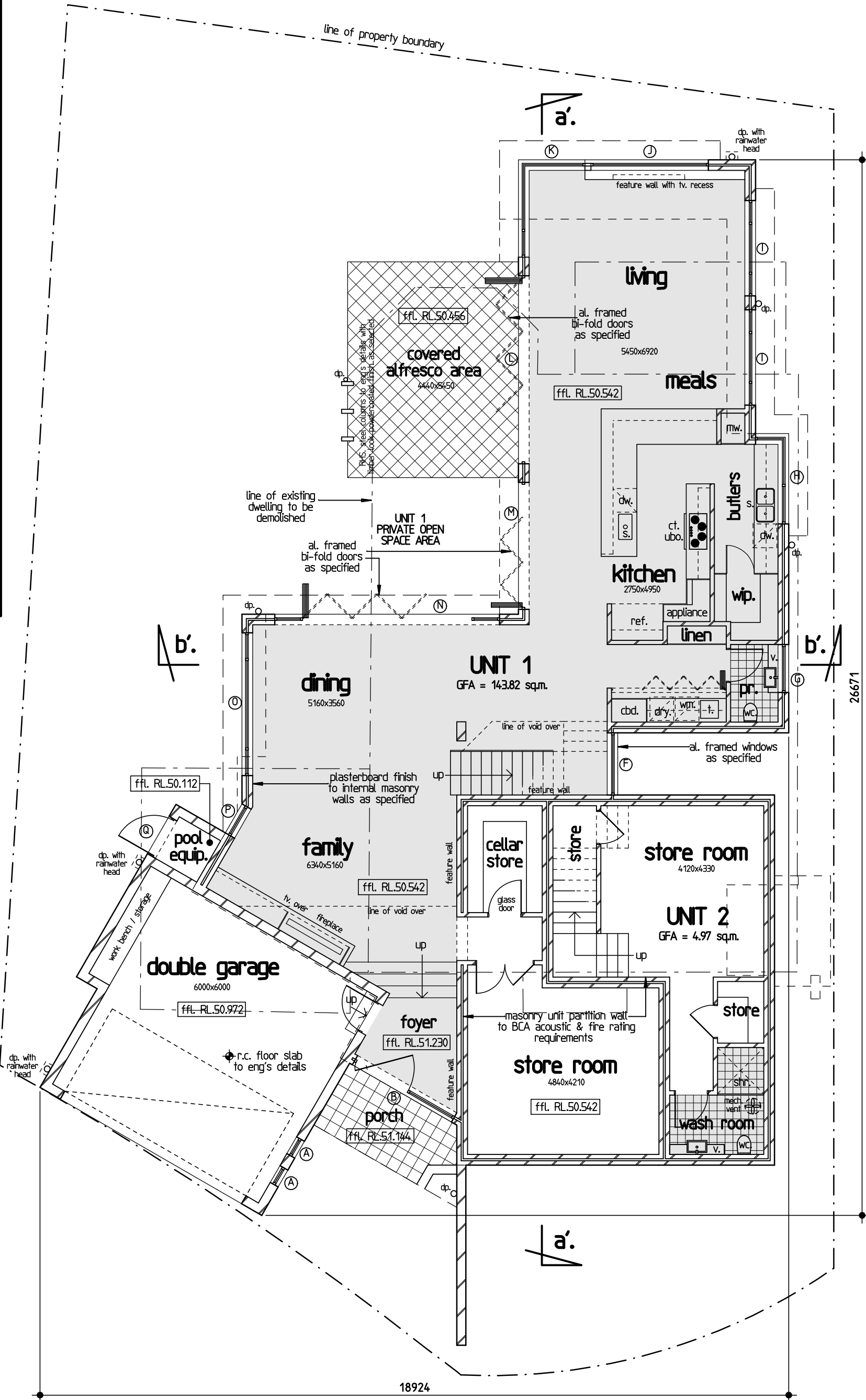
- NOTES:
1. THIS DETAIL SURVEY IS NOT A 'SURVEY' AS DEFINED BY THE SURVEYING & SPATIAL INFORMATION ACT, 2002.
 2. DATUM OF LEVELS : AUSTRALIAN HEIGHT DATUM.
 3. ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY.
 4. NO SEARCH MADE OF LOCATION AND NATURE OF TELEPHONE, ELECTRICITY, SEWER, WATER, GAS AND DRAINAGE RECORDS AT THE RELEVANT AUTHORITY. PRIOR TO ANY CONSTRUCTION THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR LOCATION OF SERVICES.
 5. THE POSITION OF IMPROVEMENTS IN RELATION TO BOUNDARIES IS DIAGRAMMATIC ONLY.
 6. VISIBLE, ACCESSIBLE SERVICES LOCATED ONLY
 7. SIGNIFICANT TREES LOCATED ONLY.
 8. NEIGHBOURING HOUSES, RIDGE AND ROOF POSITIONS ARE INDICATIVE ONLY.
 9. THIS TITLE BLOCK AND NOTES IS AN INTEGRAL PART OF THIS DRAWING WHICH IS NOT TO BE REMOVED.
 10. CONTOURS ARE INDICATIVE ONLY. SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.

SURVEY OF VICTORY STREET HAS BEEN
UPDATED ONLY NO ADDITIONAL SURVEY HAS
BEEN UNDERTAKEN ON LOT B IN D.P.329866

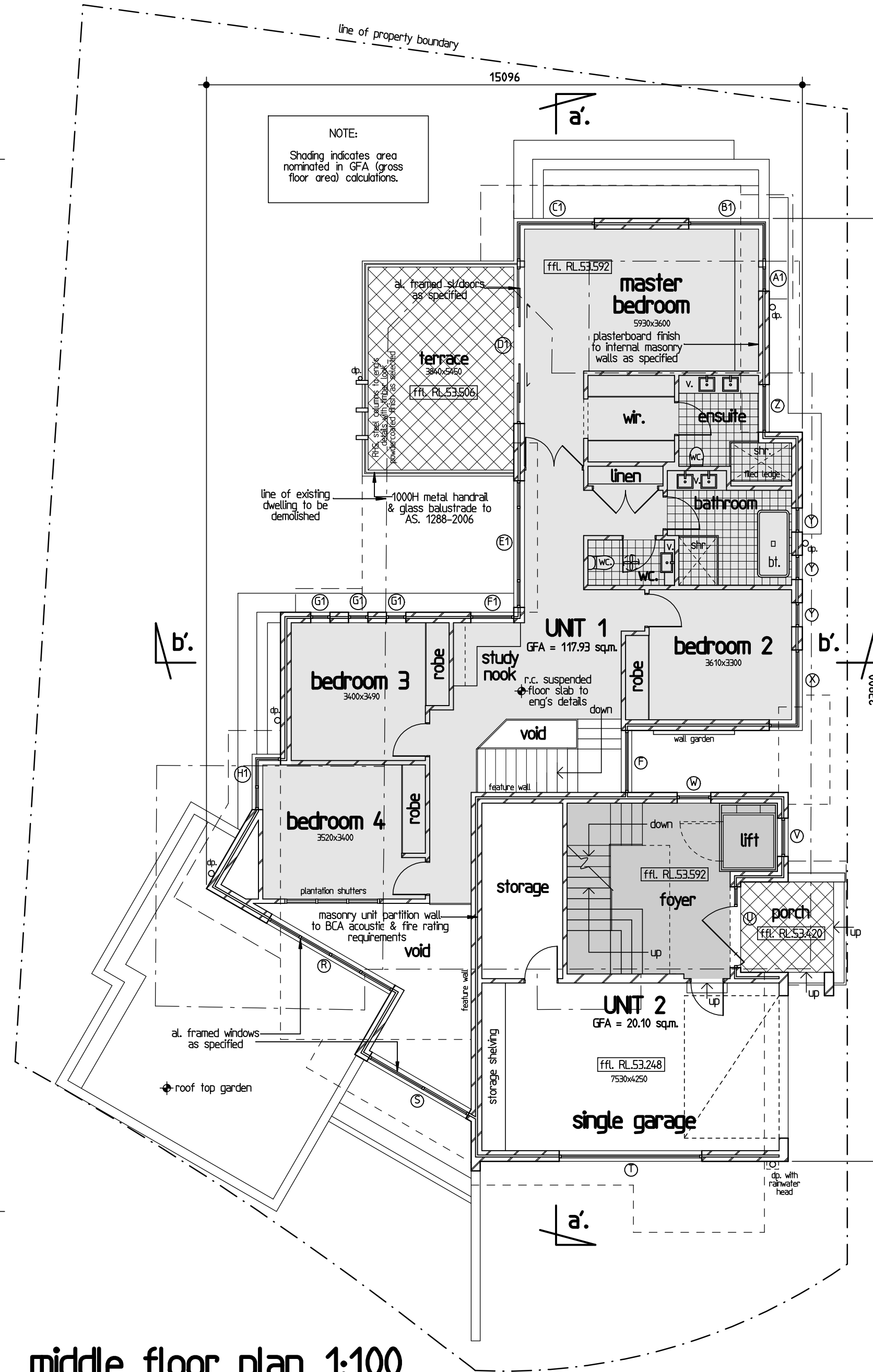
<p>© THIS PLAN AND THE INFORMATION CONTAINED HEREIN REMAINS THE PROPERTY OF RICHARD HOGAN & CO. PTY LTD. IT MUST NOT BE COPIED IN WHOLE OR PART. AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN FOR THAT WHICH IT HAS BEEN PREPARED, WITHOUT THE WRITTEN CONSENT OF RICHARD HOGAN & CO PTY LTD. THIS PLAN HAS BEEN PREPARED FOR THE SOLE USE OF THE INSTRUCTING PARTY.</p> <p>RHCO RICHARD HOGAN & CO. SURVEYING & DEVELOPMENT CONSULTANTS</p> <p>ABN 59 082 453 165 P.O. BOX 4365, Penrith Plaza, NSW 2750. Phone: (02) 4732 6599 Web: www.rhco.com.au Email: admin@hoganco.com.au</p>	<p>SURVEYOR: SM DRAWN: RH REDUCTION RATIO: 1:200 CONTOUR INTERVAL: N/A SHEET 1 OF 1</p>	<p>ORIGIN OF LEVELS: PM 1827 R.L. = 69.294</p> <p>DATUM: AUSTRALIAN HEIGHT DATUM</p> <p>DATE: 07.03.2017 & 11.07.17</p> <p>VERSION No.: C</p>	<p>DETAIL AND LEVEL SURVEY LOT B IN DP 329866 4 VICTORY STREET, ROSE BAY.</p>	
			<p>CLIENT: WEINER</p>	
			<p>L.G.A.: WAVERLEY</p>	<p>JOB REF: 13427</p>

window / door schedule						
label	qty.	description	specifications	glazing	wall	window frame height width
(A)	2	al. fr. fixed glass window			230	2000 490
(B)	1	al. fr. timber pivot door & sidelight			270	2600 2890
(F)	1	al. fr. awning/fixed window			270	5450 1570
(G)	1	al. fr. awning window			270	500 1210
(H)	1	al. fr. awning/fixed pillarless glass window	site measure		270	1370 2190/750
(I)	2	al. fr. louvre/fixed/louvre glass window	breakaway louvre system		270	2400 2410
(J)	1	al. fr. fixed glass window			270	500 2970
(K)	1	al. fr. fixed pillarless/louvre glass window	breakaway louvre system, site measure		270	2400 1690/2370
(L)	1	al. fr. bi-fold patio doors - 5 leaf			270	2400 4750
(M)	1	al. fr. bi-fold patio doors - 4 leaf			270	2400 3210
(N)	1	al. fr. 5 leaf bi-fold doors & louvre sidelights	breakaway louvre system		270	2400 5680
(O)	1	al. fr. louvre/fixed/louvre glass window	breakaway louvre Stronghold system		270	2400 3610
(P)	1	al. fr. fixed glass window			270	2400 840
(Q)	1	powdercoated al. fr. louvre door			230	2400 1090
(R)	1	al. fr. fixed glass window			270	1600 3600
(S)	1	al. fr. fixed glass window			270	1800 2890
(T)	1	al. fr. fixed glass window			270	600 3610
(U)	1	al. fr. timber pivot door & sidelight			270	2700 2050
(V)	1	al. fr. fixed glass window			270	5450 970
(W)	1	al. fr. louvre glass window			270	2400 850
(X)	1	al. fr. fixed pillarless glass window	site measure		270	1500 750/950
(Y)	3	al. fr. awning window			270	1500 610
(Z)	1	al. fr. awning window			270	500 1210
(A1)	1	al. fr. louvre glass window	breakaway louvre system		270	1500 610
(B1)	1	al. fr. fixed pillarless glass window	site measure		270	1500 990/990
(C1)	1	al. fr. fixed pillarless glass window	site measure		270	1500 1650/990
(D1)	1	al. fr. sliding doors - 4 panel			270	2400 3970
(E1)	1	al. fr. louvre/fixed/louvre glass window			270	2400 3210
(F1)	1	al. fr. awning window			270	1500 1090
(G1)	3	al. fr. awning window	restricted opening		270	1500 490
(H1)	1	al. fr. fixed pillarless/awning window	restricted opening		270	1500 630/1310
(I1)	1	al. fr. fixed pillarless glass window	site measure		270	2400 870/870
(J1)	1	al. fr. sliding door - 2 panel			270	2400 2170
(K1)	1	al. fr. stacker s/d doors - 3 panel			270	2400 2890
(L1)	2	al. fr. louvre glass window	breakaway louvre Stronghold system		270	2400 610
(M1)	1	al. fr. fixed glass window			270	2400 610
(N1)	1	al. fr. awning/fixed pillarless window	site measure		270	600 2070/1700
(O1)	1	al. fr. awning window			270	600 850
(P1)	2	al. fr. fixed glass window			270	600 610
(Q1)	1	al. fr. glass french doors			270	2400 1730
(R1)	1	al. fr. awning window	restricted opening		270	500 1570
(S1)	1	al. fr. fixed pillarless/awning window	restricted opening		270	1370 1110/1470
(T1)	2	al. fr. louvre glass window	breakaway louvre Stronghold system		270	1800 850
(U1)	1	al. fr. fixed glass window			270	1800 850
(V1)	1	al. fr. fixed glass window			270	500 3210
(W1)	1	al. fr. fixed pillarless glass window	site measure		270	2400 1690/990
(X1)	1	al. fr. bi-fold patio doors - 5 leaf			270	2400 4190
(Y1)	1	al. fr. bi-fold corner patio doors - 5 leaf	site measure		270	2400 4330/330
(Z1)	1	al. fr. fixed pillarless glass window	site measure		270	2100 1980/1340
(A2)	2	al. fr. louvre glass window	breakaway louvre Stronghold system		270	2100 610
(B2)	3	al. fr. awning window	restricted opening		270	1500 490
total: 66						

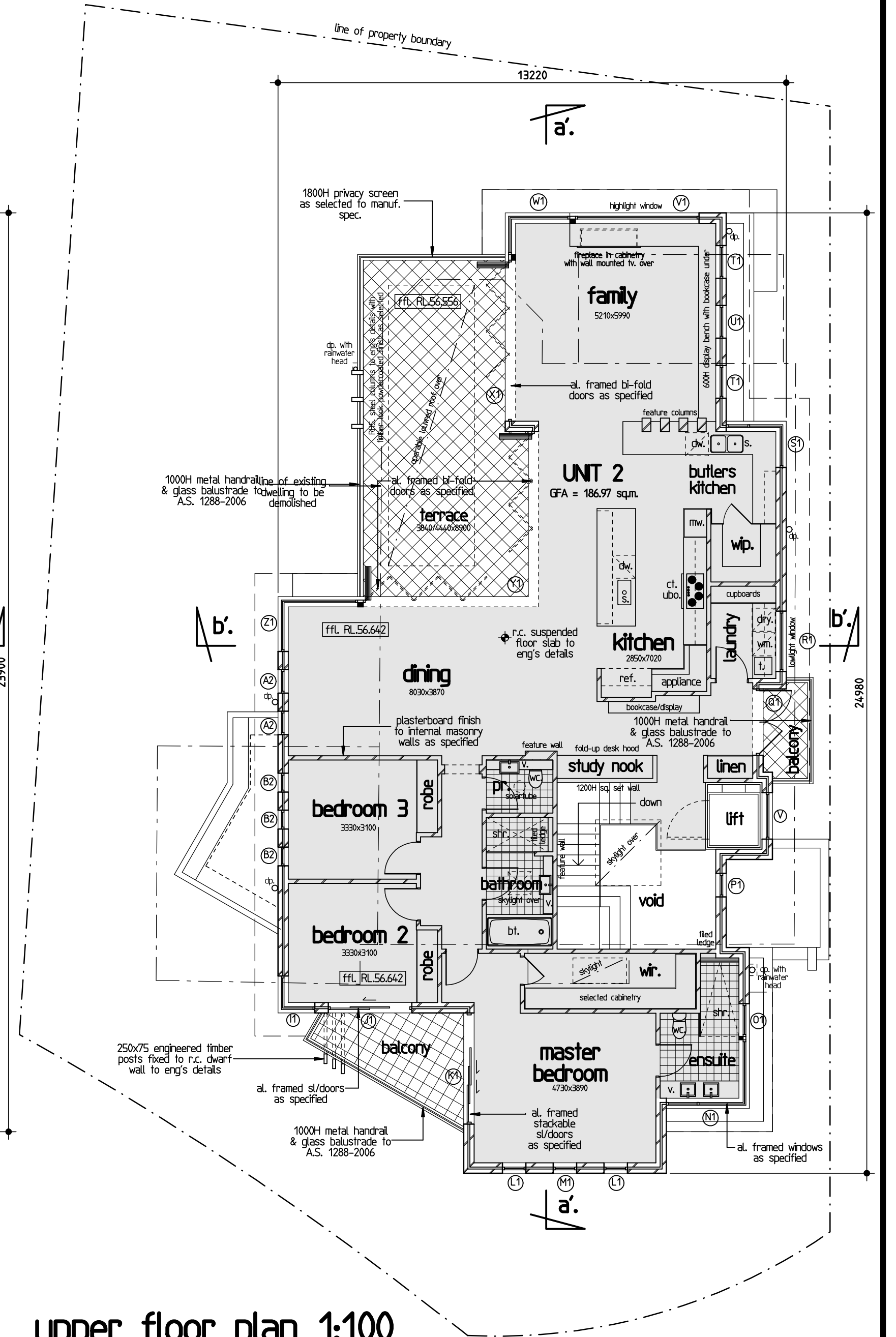
NOTE:
 all window sizes are nominal and are to be verified on-site by the selected window manufacturer.
 selected manufacturers schedule of size for frame and sash openings is to override shown nominal sizes.
 see appended basic certificate for aluminium frame and glazing requirements.
 shading to window schedule indicates operable windows that require either approved fixed grilles or restricted opening devices being fitted in order to meet the requirements of the BCA Clause 39.3.3
 Sealing Pool Access and BCA Clause 39.2.5 Protection of Openings.



lower floor plan 1:100



middle floor plan 1:100



upper floor plan 1:100

NOTE:
 - Gutters & downpipes are to be in accordance with Clause 35.2 of the BCA & AS 2600 with all downpipes being a minimum size of either 100x75 or 100 dia. & all box guttering will be a minimum size of 400x200.
 - All wet areas are to be provided with floor wastes in accordance with the BCA.
 - Landings where required are to be in accordance with Clause 39.1.3 of the BCA.
 - Windows with over 4m drop & balustrades for access paths where required are to be in accordance with Clause 39.2 of the BCA.
 - All internal stairs are to be provided with a handrail to at least one side in accordance Clause 39.2.4 of the BCA.
 - All glass balustrades must comply with Section 7 of AS1288-2006 - Engineer to certify.
 - Brick parapet construction to be in accordance with Clause 3.3.12 of the BCA.
 - All roof cladding is to be in accordance with AS 1562.1
 - All windows will comply with Part 39.2.5 of the BCA - Protection of Operable Windows

NOTE:
 Figured dimensions are to take preference over scaling.
 All construction practices are to be in accordance with the current issue of the BCA, & all other relevant codes.
 All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.
 All plans are to be read in conjunction with supporting report documentation & other consultants details.

issue	date	description
a	04-07-17	FOR DA SUBMISSION
b	02-03-18	COUNCIL REQUESTED REVISIONS

adan
CREATIVE DESIGNS

adan creative designs is a member of:
 building designers association of australia.
 membership number: 1119-10

postal: 5 york street,
 emu plains, 2750
 phone: (02) 47 026 020
 fax: (02) 47 026 021
 email: daniel@adandesigns.com
 web: www.adandesigns.com

client:
Mr. & Mrs. Weiner

job address:
**Lot B in dp.329866, No.4
 Victory Street, Rose Bay**

builder:

project description:
Proposed Dual Occupancy Development

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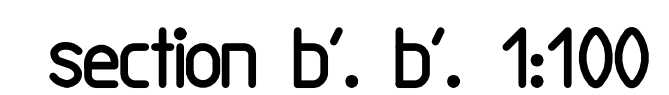
sheet
2 of 4.

drawing n.
1946-16DAb

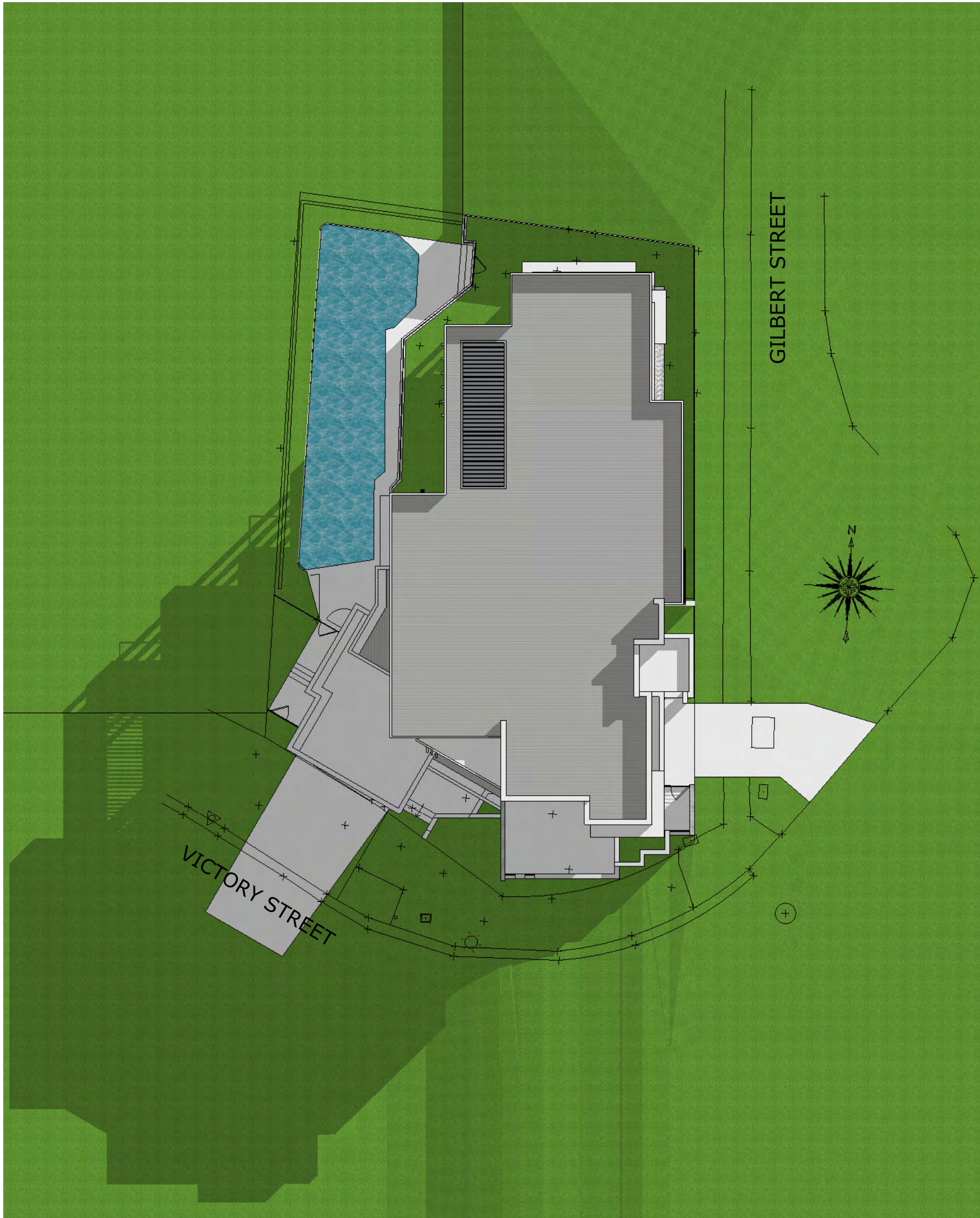
date:
02/03/2018



northern elevation 1:100



project description:		
Proposed Dual Occupancy Development		
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sheet	drawing n°	date:
3 of 4.	1946-16DAb	02/03/2018



9am Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

12pm Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

3pm Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

NOTE:
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issue	date	description
A	13-06-17	SHADOW DIAGRAMS



adan creative designs is a member of:
building designers association of Australia
membership number: 1119-10

postal: 5 York street,
emu plains. 2750
phone: (02) 47 026 020
fax: (02) 47 026 021
email: daniel@adandesigns.com
web: www.adandesigns.com



client:
Mr. & Mrs. Weiner

job address:
**Lot B in dp.329866, No.4
Victory Street, Rose Bay**

builder:

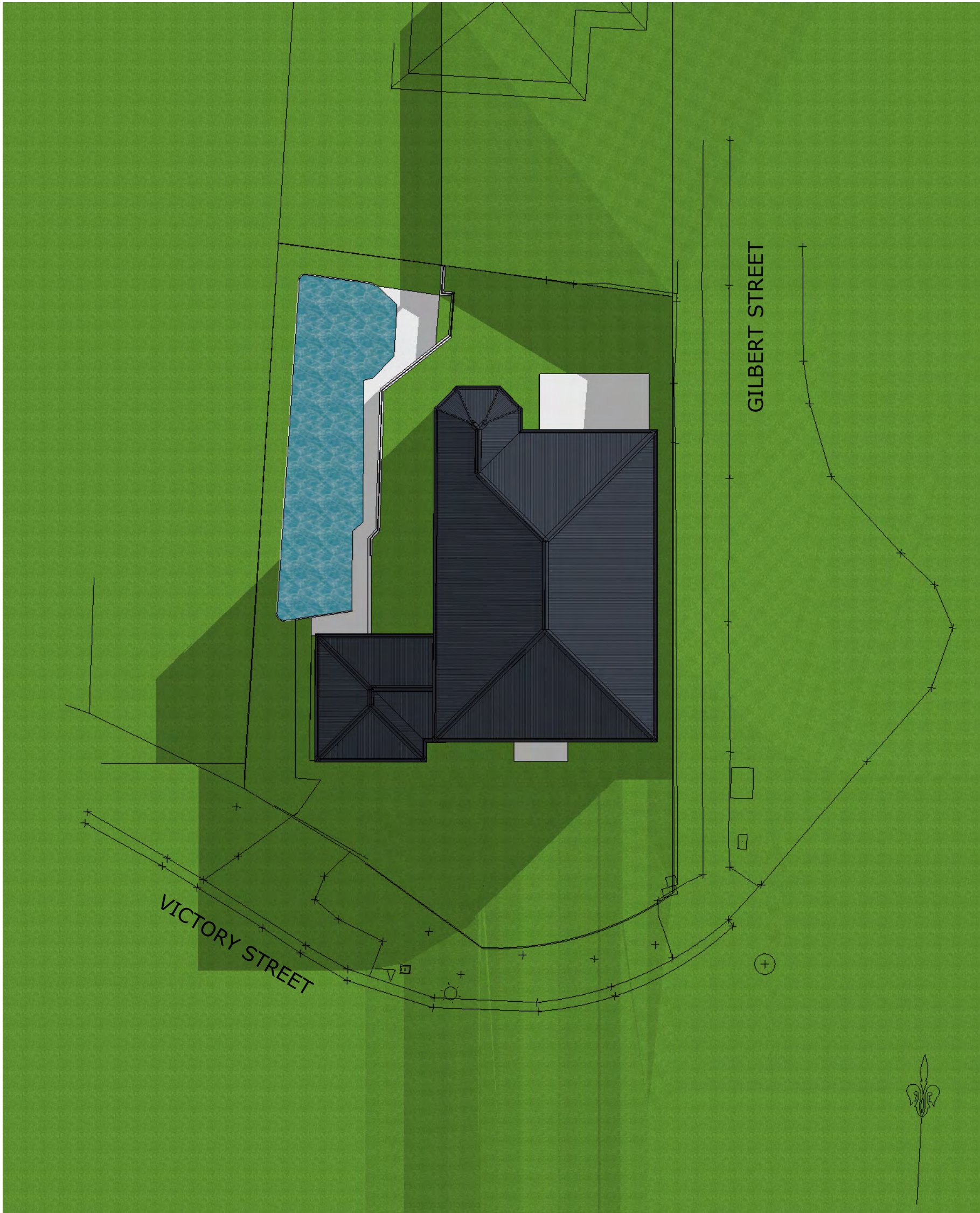
project description:
**Proposed Dual Occupancy
Development**

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sheet
1 of 1

drawing no.
1946-16Sa

date:
13/06/2017



9am Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

12pm Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

3pm Shadow Diagrams 1:200

indicating shadow cast at 21st of June, Winter Solstice

NOTE:
Figured dimensions are to take preference over scaling.
All construction practices are to be in accordance with the current issue of the BCA. & all other relevant codes.
All details are to be thoroughly checked by the builder prior to the commencement of any site works. Any discrepancies are to be brought to the attention of ADAN CREATIVE DESIGNS at that time.
All plans are to be read in conjunction with supporting report documentation & other consultants details.

issue	date	description
A	04-07-17	EXISTING SHADOW DIAGRAMS



adan creative designs is a member of:
building designers association of Australia
membership number: 1119-10

postal: 5 York street,
emu plains. 2750
phone: (02) 47 026 020
fax: (02) 47 026 021
email: daniel@adandesigns.com
web: www.adandesigns.com



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job address:
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Victory Street, Rose Bay**

builder:

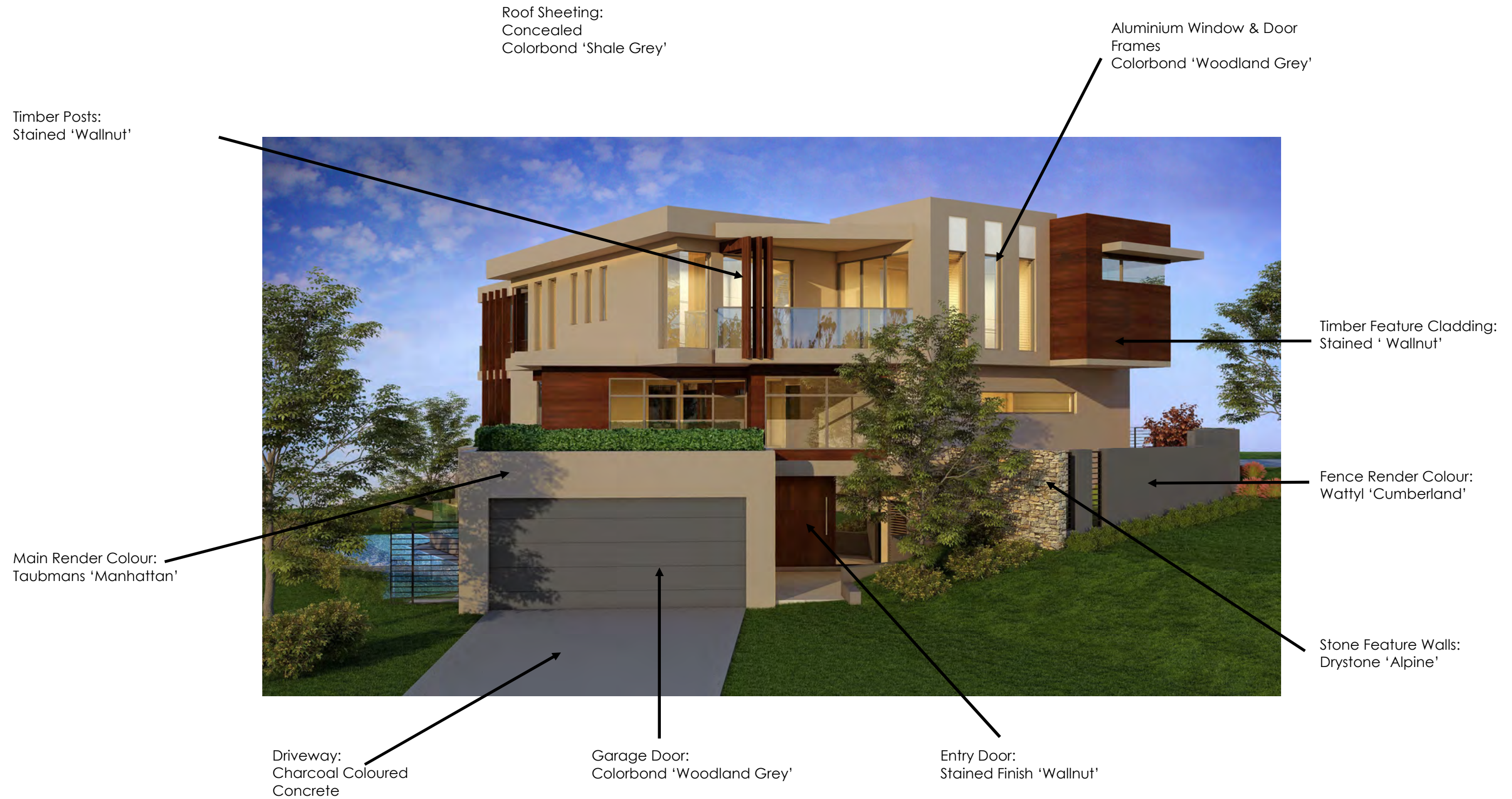
project description:
**Proposed Dual Occupancy
Development**

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sheet
1 of 1

drawing no.
1946-16EXSa

date:
04/07/2017



External Materials & Finishes Schedule

AT: Lot B, No.4, Victory Street, Rose Bay

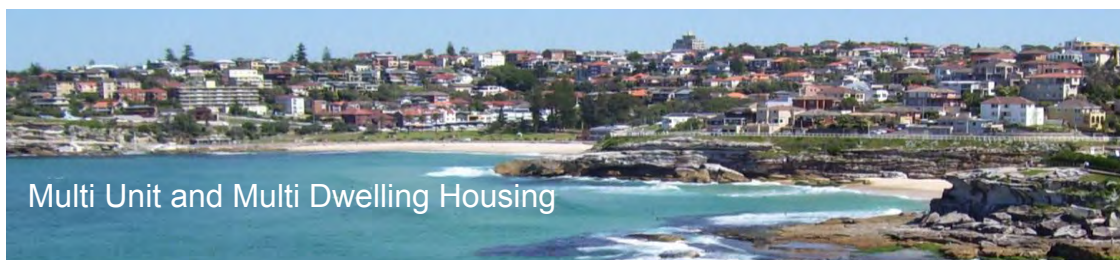
postal: 5 york street,
emu plains. 2750

phone: (02) 47 026 020

email: daniel@adandesigns.com

web: adandesigns.com





Report to the Waverley Development Assessment Panel

Application number	DA-68/2017
Site address	16A and 16B Llandaff Street, Bondi Junction
Proposal	Demolition of existing buildings and construction of a 9 storey residential flat building with basement parking and offer to enter a Planning Agreement.
Date of lodgement	7 March 2017, Amended Plans 14 November 2017
Owner	Mrs M Brenner and Doctor L Brenner
Applicant	Phine Investments and GSA Planning
Submissions	21 submissions and 1 petition to original plans, 4 submissions to amended plans
Cost of works	\$7, 815, 627
Issues	FSR, common open space, setbacks, planning agreement
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 14 June 2017.

The site is located on the northern side of Llandaff Street, between Botany Street and Hollywood Avenue and is known as Nos. 16A and 16B Llandaff Street, legally described as Lots 1 and 2 in DP181757.

The site is a rectangular shaped parcel of land, with a northern boundary of 25.6 metres, an eastern boundary of 36.48 metres, a southern boundary of 25.6 metres, and a western boundary of 36.93 metres, providing a total site area of 939.7m². The site has a fall of 1.43 metres west along Llandaff Street from AHD 94.36 to AHD 92.93 at the south-eastern and south-western corners of the site respectively. The site falls 0.6 metres from the centre of the rear boundary (AHD 94.43) to the centre of the front boundary (AHD 93.82).

The site is occupied by two double storey brick residential flat buildings, each with a hipped tile roof. Both buildings have a similar design and comprise eight apartments each. A shared pedestrian pathway leading to the entrance of the buildings is located through the centre of the site.

Development in the surrounding area comprises residential flat buildings of various architectural styles that range in height from four to nine storeys. Development on the southern side of Llandaff Street is characterised by single storey brick dwellings and terrace row housing, located within a heritage conservation area. At the western end of the street, where Llandaff Street meets Hollywood Avenue, is Bondi Junction Commercial Centre. The scale of buildings is larger, with multi-storey mixed use buildings and high density residential development.



Figure 1: Subject site frontage



Figure 2: Site Context

1.2 Relevant History

On 6 July 2017, this development application was deferred by Council, providing the opportunity to amend the scheme to address the following key issues;

- Front setback
- Entrance to the building and front setback
- Issues related to the general layout and ADG compliance
- Clarification of landscaping and communal open space
- More detailed shadowing analysis
- Boundary fencing detail
- Architectural detailing

Amended plans and additional information in response to the above matters were submitted to Council on 14 November 2017 and are subject to assessment in the report below.

1.3 Proposal

The application seeks permission for the demolition of the existing buildings and construction of a 9 storey residential flat building providing 30 residential units (14 x 1-bedroom units, 14 x 2-bedroom units and 2 x 3-bedroom units), and a basement car park accessed via a ramped driveway from Llandaff Street.

The application also offers a Planning Agreement to provide a monetary contribution for public works.



Figure 3: Photomontage of the proposal

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which are to be 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

The proposal is to demolish two existing residential flat buildings and construct a new residential development with basement car park. Therefore a more sensitive use is not being proposed in regards to land contamination. However, a preliminary site investigation was submitted with the DA which concludes that the site is suitable for the intended use, but notes that that existing buildings may contain hazardous materials. Conditions of consent are recommended in this regard.

2.1.3 SEPP (Infrastructure) 2007

The site is located adjacent to a rail corridor, therefore it is affected by SEPP Infrastructure. Given that the development will involve construction adjacent to the rail corridor, the concurrence from the relevant rail authority is required pursuant to Clause 84(1) of the SEPP.

Concurrence was granted on 18 May 2018 subject to conditions of consent which have been included in Appendix A.

2.1.4 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Joint Randwick/Waverley Design Excellence Panel in March 2017. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 are set out in **Table 1** below and a planning response provided where relevant.

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

Principle	Panel's Comment
1. Context and Neighbourhood	<i>The surrounding context is in a state of transition, reflected in the height and floor space ratio (FSR) established by Council with a number of surrounding construction sites. High density development in the immediate surrounding area and beyond ranges from terraces to multistorey mixed-use and commercial developments.</i>

Principle	Panel's Comment
	<p><i>Number 16 and 16a Llandaff Street are approximately 400 metres from Bondi Junction's heavy rail station, and 100 metres from Westfield Bondi Junction to the west. The site is close to public transport, shops, services and the open space of Waverley Park.</i></p>
2. Built form and Scale	<p><i>In the Panel's opinion, the proposed building would not be out of scale in its context. The materials and articulation of the building are supported, however, meticulous detailing particularly of the "ear windows" is required. The 1:50 facade section shown on drawing DA9410 demonstrates a number of waterproofing and maintenance issues.</i></p> <p><i>The off form concrete aesthetic relies on careful detailing to prevent staining. The drawings need to show clearly and, in detail, how rainwater outlets and downpipes are integrated into the building. This includes the roofs over the "ear window" details.</i></p> <p><i>The sections, particularly roof sections, are diagrammatic and do not show real detailing which should include insulation and protection of insulation.</i></p> <p><i>The streetscape relationship and entry sequence are not very well managed, with a severe edge to the street, and a fairly restricted entry passage, next to bin storage. The panel feels that removal of one or two apartments on the entry side in order to create a grand "reception room" style of entry, visible from the street, and related to the side garden space, would be more in keeping with the intended quality and use of the building. This would also improve the relationship of the building with the street.</i></p> <p>Planning Comment: Drawing 9410 and 9411 provided in the amended drawings provides a façade section to demonstrate the consideration of construction issues, staining and waterproofing, which have been reviewed by Council's Architect and found unsatisfactory. This matter is to form a condition of consent.</p>
3. Density	<p><i>The maximum allowable FSR is 2:1 (1870 m²). The proposal, negotiated through a VPA is 2.3:1 (2151 m²) which is 15% above the maximum allowable. This increase in density is only acceptable if the amenity of both the apartments in the immediate neighbours is maintained.</i></p> <p><i>The applicant should demonstrate that numbers 41 to 49 Llandaff Street maintain a minimum of 2 hours of sunlight to primary living areas between 9 AM and 3 PM in mid-winter.</i></p> <p><i>Drawings need to demonstrate that the proposal with the surrounding eight and nine storey buildings shown, achieve 2 hours of sunlight to main living area and open spaces in mid-winter.</i></p> <p>Planning Comment: The shadow diagrams indicate that the dwellings at 41 – 49 Llandaff Street will have no additional shadowing impacts in their backyards as a result of the proposal, as demonstrated by the Cad Draft P/L shadow diagrams. There will be additional shadow in the afternoon period from 12noon, to 3pm in the front yards of 43-53 Llandaff Street but with no impacts in the backyards. The shadow will extend to the private courtyards which</p>

Principle	Panel's Comment
	<p>facade Llandaff Street for the development at 7 Botany Street by 3pm, however those dwellings receive adequate sunlight between 9am and noon.</p>
4. Sustainability	<p><i>Further considerations:</i></p> <ul style="list-style-type: none"> - All bathrooms on external walls should have external windows to reduce the need for artificial ventilation. Not provided on ground floor bathrooms. - The method of window operation should be indicated on the drawings. Provided in amended plans. - Awning windows provide poor ventilation options. Louvres should be considered. Provided in amended plans. - Sun-shading and/or weather protection provided to suit orientation. Addressed in amended plans. - Consideration of solar hot water heaters and on-site water retention. - Ceiling fans for bedrooms and living areas. Provided in amended plans. - Air-conditioning is not shown on the drawings and the Panel supports this passive approach. Mechanical ventilation provided. - Ventilating skylights should be shown to the top floor apartments. Provided in the amended plans. - Window types and operation to accommodate different weather conditions, and allow occupants a variety of ventilation options whilst maintaining security. Addressed in amended plans. - Roof slabs should be provided with foam insulation covered with pebble ballast to create effective thermal comfort to the top floor apartments if no solar array is used. This is shown on the façade section detail. - Outdoor clothes drying areas should be shown. Provided on amended landscape plan. <p>Planning Comment: The majority of these matters have been addressed in the amended plans.</p>
5. Landscape	<p><i>It is unclear on the landscape drawings which is communal open-space, and private open-space (the blue colours appear the same). The applicant should provide 25% of the site area as communal open-space and demonstrate that allocation clearly. The communal open space should have activating features, such as a BBQ, seating and other items, shown to demonstrate that the layout provided is suitable.</i></p> <p><i>Accurate structural depths, particularly of retaining walls, should be shown on all the sections to ensure the areas of deep soil shown on the drawings are able to be achieved in reality. Demonstrate sufficient soil depth and irrigation for planting over concrete slabs.</i></p> <p><i>More detailed consideration needs to be given to the particular conditions of landscape and ground treatment around all edges of the site, especially in terms of plant selection, spatial amenity and materiality of ground surfaces and retaining wall facings. Drainage needs to be more clearly understood to guarantee amenity of these spaces and neighbouring sites, given the level transitions.</i></p> <p>Planning Comment: The amended landscaping plan provides clothes drying area, BBQ area and clarifies which areas are to be used for communal open</p>

Principle	Panel's Comment
	space. 25% of the site is provided as communal open space which is discussed, in detail, later in this report.
6. Amenity	<p><i>With the apartments being built to rent, the Panel recommends a redesign of the ground floor to make a generous entry lobby and waiting lounge. The lobby and lift lobby should be clearly visible from the street as stated in the applicant's submission. This may mean the elimination of Unit 2 and possible commensurate small extension of Unit 1 towards the east.</i></p> <p><i>The east elevation seems to show Unit 1 and Unit 2 sunken a half level below the street. Section A shows this to be level with the street. These drawings need to be coordinated as this relationship may affect the pedestrian entry ramping. The bin store on the basement 01 should be increased in size, and the ground floor bin store removed from the entry sequence. The Panel does not support clear glass balustrades.</i></p> <p><i>The areas of storage for each apartment should be shown clearly on the drawings and comply with the ADG. There are significant areas under FS 03 in both basements that are not used. The common area lobby on all floors should be naturally ventilated and lit.</i></p> <p><i>The entry door to FS 02 should move west 1 metre to allow elbow room beside the entry door to the north west apartments.</i></p> <p><i>The ear windows on the eastern façade should, as a default, face towards the north to give additional northern sun. Any change in this should be demonstrated and explained.</i></p> <p>Planning Comment: The amended plans have relocated the entrance lobby to the centre of the building, rather than the side only with a larger internal lobby area (although not significantly larger). The architect has clarified that the lobby area on each level will have a fixed open window of 50% open for natural ventilation.</p> <p>The ear windows have been designed not only for light, but outlook to views to the south east also. The lobby area has been improved. Refer to discussion below.</p>
7. Safety	<p><i>The transition between private and public domain has safety and security issues. The 1.5 metre wide ramp passing by the bin store, and arriving at a blank wall to the lobby must be redesigned.</i></p> <p>Planning Comment: The lobby has been redesigned to be from the front of the building with the side passage having separate access for bins and visitor bike storage in the amended proposal. The internal width of the lobby space has been increased in size. Mail boxes however should be provided and a condition to this effect is included in Appendix A.</p>
8. Housing Diversity and Social Interaction	<i>This is a convenient and attractive location and is suitable for more intense development. The intention to build these apartments for rental is strongly supported and the Panel would expect to see a high level of finish to ensure low levels of maintenance in the future.</i>

Principle	Panel's Comment
9. Aesthetics	<p><i>The building design, materials, colours and proportions appear to be well considered and are supported. The aesthetic relies on careful detailing and this must be evident in the details in the application. One area of detail of particular importance is the balconies facing the street – their edge conditions should be detailed to ensure drainage away from the leading edge, and protection of the proposed timber soffits.</i></p> <p><i>The minimalist approach to the façade materiality is supported and the timber treatment to the underside of balconies works well to balance the concrete finishes on the walls. Consider the use of fritted or translucent balcony glass to maintain privacy and reduce the appearance of clutter on balconies.</i></p> <p>Planning Comment: The applicant has not opted for frosted or fritted glass balustrades.</p>

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.

An assessment against the provisions within the ADG is provided in the DCP 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: (4 storey) – 6m habitable & 3m non-habitable (9+ storeys) – 12m habitable & 6m non-habitable 	Yes	The building is set back 6m from the western and eastern side boundaries and rear boundary, providing the appropriate 6m separation to the adjoining 4 storey residential flat building to the east and a 15m -20m separation to adjoining 9 storey building to the west. A 12m separation is provided to the building to the rear.
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 	Yes	<ul style="list-style-type: none"> 77% of units receive at least 2 hours mid-winter. 3 of the apartments on the southern side and western side of the building at the lower 2

Design Criteria	Compliance	Comment
<p>between 9am-3pm mid-winter</p> <ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 		<p>levels would not receive any direct sunlight at midwinter, being 10% of the development.</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 (provided that the ear windows contain operable windows for natural ventilation). All units have dual aspects and therefore 100% of the units can be naturally cross ventilated. <p>The proposal uses a combination of full height openable doors, ear (pop-out) windows, skylights and voids 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 floor to floor RL's are noted on the elevation plans which provide 3.1m floor to floor clearances between each level which can typically accommodate structure and services and provide a 2.7m floor to ceiling height in most buildings. Given this has not been detailed on the plans, a condition of consent is recommended to ensure compliance.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² 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>	Yes	<p>All units either comply with, or in most cases are in excess of, the minimum ADG requirements depending on their type. In this regard, the proposed unit sizes and layout are acceptable.</p> <p>All habitable rooms 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>Daylight and air are accessed through the window and are not borrowed from adjoining rooms.</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>100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The balconies and courtyards are accessed from the main living area and face either north or south depending on the orientation of the unit, so as to not impose on the adjoining properties either side. A condition of consent has been imposed to address privacy between the balconies of the development to enhance privacy.</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>
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	There are a maximum of 4 units per floor accessing the same circulation core.
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 	Yes	As detailed on drawing 9004 each apartment is provided with the required volume of storage split between the apartment interior and storage areas within the basement. The storage provided meets the requirements and objectives of the ADG. A condition has been recommended to ensure compliance in this respect.

Setbacks and distance separation

The ADG notes that for a building of 4 storeys, the distance between habitable rooms shall be 12m, a building of 5-8 storeys, a separation of 18m; and a building of 9 storeys and above, a separation of 24m. The DCP controls state that the setback for buildings within the R4 zone should be 6m to the side and rear boundaries with which the proposal complies, however the ADG supersedes this control.

There is a separation of 15m – 20m to the adjoining nine-storey building at 10 Llandaff Street and a separation of 9m-11m to the part three and four-storey residential flat building at 18 Llandaff Street.

The ADG clarifies the three aims of the distance separation guidelines which are:

- *To ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings,*
- *Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook, and*
- *To provide suitable areas for communal open spaces, deep soil and landscaping.*

The guide also notes that *‘where applying separation to buildings on adjoining sites, apply half the minimum separation distances measured to the building. This distributes the building separation equally between sites’*.

In consideration of the context of the street and the buildings either side, the siting of the building is considered to be appropriate, providing view corridors either side of the site and visual separation between the buildings to enable landscaping to soften the built form in the street. Currently the buildings provide very little separation and landscaping. The site plan, drawing DA 1006, demonstrates that the building footprint and setbacks are not out of context with the area. The building is within the maximum height development standard set in the LEP and is therefore considered to be reflective of the desired future character of the area.

The residential amenity of the building and the adjoining buildings is not considered to be compromised as a result of the siting of the building. The distance between the buildings, whilst less than the guidance of the ADG is sufficient to protect the visual and acoustic privacy of the building and adjoining units. The building has been designed to orientate the main larger windows to the living areas to the front and rear with small ear windows to the side elevations which direct views to the front and rear. This addresses any potential impacts from the larger windows and balconies which are located on the eastern elevation of the adjoining nine-storey building at 10 Llandaff Street.

The balconies on the rear elevation will be directed to the two residential flat buildings which address Waverley Street, however the balconies will not be directly in alignment and predominantly offset from the corresponding balconies of those properties. The 6m setbacks from the boundaries provides for sufficient natural ventilation, sunlight and day light access and outlook and significantly improves the existing setbacks which are 900mm from the side boundaries with landscaped space.

Sufficient landscaped areas are provided around the building, providing common open space, deep soil area with detailed landscaping plans provided with the application. The common open space and landscaped areas are discussed in the consideration of the DCP controls in section 2.1.7 below.

It is noteworthy that DA-101/2017 for 20 Llandaff Street was approved by the Waverley Development Assessment Panel on 28 March 2017 with lesser setbacks, as the design of the building sufficiently achieved the objectives of the ADG controls.

Based on the discussion above, refusal of the application on the basis of the distance separation guidelines provided in the ADG, is not justified in this case as the development is consistent with the aims of the guide.

2.1.5 SEPP (Affordable Rental Housing) 2009

Part 3 – Retention of existing affordable rental housing applies to this development.

To determine whether the units within the subject building are defined as ‘low rental’, rent levels for the years 2015 and 2017 have been compared with the current and previous 12 month median rent rates as specified by the Rent and Sales Report released quarterly by Housing NSW. 15 of the 16 units fall below the median rates and are therefore considered to be ‘low rental’ at the time of lodgement.

Clause 50(2) Assessment

A full assessment of Clause 50(2) is available on the development application file. In summary, of the 16 existing dwellings 15 are considered low-rental dwellings assessed against the Rent and Sales Report. These dwellings were rented below the median rent during the 24 month period prior to

lodgement. Therefore there will be a loss of 15 low-rental dwellings as a result of the development.

Given the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of \$594,375 formulated in accordance with clause 51(3) of the SEPP.

Clause 51 Contributions for affordable housing

Clause 51 of SEPP (Affordable Rental Housing) 2009 sets out the formula to calculate the contributions payable based on the total loss of low rental bedrooms. The affordable housing payment is subject to the following assumptions:

- L = 15 bedrooms
- Average value of first quartile of sales from 4 most recent Rent and Sales Report: \$792,500

Quarter	First quartile sale
Sep-16	\$835,000
Jun-16	\$800,000
Mar-16	\$785,000
Dec-15	\$750,000
<i>Average</i>	<i>\$792,500</i>

Therefore contribution payable is $15 \times \$792,500 \times 0.05 = \textbf{\$594,375}$. The contribution of \$594,375 will be formalised by way of condition of consent in accordance with section 94F(1) of the Environmental Planning and Assessment Act, 1979.

2.1.6 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 does not contravene the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R4 High Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the zone.
Part 4 Principal development standards		
4.3 Height of buildings • 28m	Yes	The proposal has a maximum height of 27.8m complying with the development standard.
4.4 Floor space ratio • 2:1 Site Area: 939.7m ² Permitted GFA: 1, 879.4m ²	No	Proposed GFA: 2,161 m ² Proposed FSR: 2.3:1 The proposal exceeds the maximum permitted GFA by 281.6m ² , a variation of 15% over 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 FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The proposal is not considered to have an adverse impact on the adjacent heritage conservation area.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	A Geotechnical Report has been submitted with the application which concludes that <i>'if the development is designed and constructed in accordance with the recommendations given in the report, these affects are anticipated to have negligible impact and be within acceptable limits with regard to impacts on adjoining developments'</i> . Sydney Trains has also reviewed the proposal in detail and granted concurrence subject to conditions of consent. It is considered therefore that the proposal meets the objectives of the Clause, subject to conditions of consent.

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

Exceptions to Development Standards - Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 2.3:1, which exceeds the floor space ratio development standard of 2:1 prescribed under clause 4.4 Waverley LEP 2012 by 281.6m² in gross floor area which equates to a 15% breach. The applicant has proposed to enter into a Voluntary Planning Agreement (VPA) with Waverley Council and provide a public benefit contribution in support of the variation.

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:

It is our opinion that the proposal satisfies a number of the five tests established in Wehbe and for that reason, the development standard is unreasonable and unnecessary in this instance.

The subject site is located in an R4 High Density Zone. This zone provides building height and density controls of 28m and 2:1 respectively. The proposal is fully compliant with the LEP height and provides an appropriate contextual fit in the locality.

While the proposal has an FSR of 2.3:1, it has a similar density to surrounding development in the locality which is characterised by large multi-storey residential flat buildings. The majority of new developments maximise floor space and height resulting in multi-storey buildings that appear to exceed the FSR and height control.

Accordingly, the proposed built form is considered to provide an appropriate transition from neighbouring high rise development.

The overall bulk and scale of the building is consistent with what is envisaged on the subject site under Council's controls. Given the proposal complies with the height development standard and is consistent with the majority of relevant controls prescribed in the DCP including front and side setbacks and landscaping, the breach in FSR will not be perceived as excessive bulk and is unlikely to be easily visible from the public domain.

Despite the FSR non-compliance, the slender built form and external façade treatments create visual interest and depth whilst reducing the appearance of building bulk. It is noted that the proposal seeks an FSR 15% above the standard and proposes a VPA for additional public benefit. Council has approved any number of developments in the Waverley LGA with variations to the FSR.

Evidently Council has approved similar developments in the locality despite non-compliance with the floor space development standard. In our opinion, the proposal is compatible with the bulk, scale, streetscape and existing character of the locality and is consistent with recent approvals and the emerging form of development in the locality. The proposed VPA will provide additional public benefit and is considered to be in the public interest. The non-compliance is appropriate on this basis.

The proposal has been designed to minimise potential environmental amenity impacts on neighbouring properties. This is outlined in detail in Section 5 of the SEE separately submitted.

Numerous design measures have been implemented in order to protect the privacy of adjoining development. The units have been orientated towards the front and rear setbacks to reduce opportunities for overlooking. Where window openings are proposed on side elevations, they have minimal dimensions and are screened by fixed vertical louvres which direct sightlines to Llandaff Street and the rear boundary.

The proposal has a compliant overall height and is predominately compliant with setbacks. Accordingly, despite the density, any overshadowing or view loss impacts that occur as a result of the development are the function of a compliant envelope.

The justification in the applicant's request has addressed subclause (3) of Clause 4.6. The consent authority must be satisfied those matters have been addressed, as well as whether the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In consideration of context, the site is located in an area that was up-zoned under the former Bondi Junction LEP 2010 and the current Waverley LEP 2012. The proposed building is within the maximum height limit and therefore corresponds with the desired height of development in the area.

It is concluded that generally, the proposed building would not appear out of context in terms of height with the surrounding area with many recent developments at No.17-19, No.21-27, No.33-37 and No.42-48 Waverley Street and No.10 Llandaff Street which are all nine-storey residential flat buildings. Recently a nine-storey development was approved at 20 and 20A Llandaff Street in DA-101/2017.

From a pedestrian perspective the additional FSR will not be materially seen, as the building will comply with the height limitation specified in the LEP and there is adequate distance separation between the buildings to provide visual relief, and overall is not considered to be out of context with the emerging character of the Bondi Junction centre.

However, as established in *PDE Investments No 8 Pty Ltd v Manly Council* [2004] NSWLEC 355, the fact that the building envelope is larger than the maximum FSR is not a reason to exceed the FSR. If it were, the FSR control would be unnecessary.

A building envelope is determined by compliance with a number of controls such as setback, landscaped area and height. The purpose is to provide an envelope within which development may occur but not one which the development should necessarily fill. For example the proposed building which is 15% over the control, could be further articulated or be provided with additional common open at ground floor level (which is currently deficient) to reduce the FSR to reflect compliance.

A building with further setbacks and articulation could indeed result in a building which could comply with the maximum FSR resulting in a building of lesser bulk. Although the building would comply with the distance separation guidelines provided in the ADG for the first floor levels, and the objectives of those controls for the upper levels, a building with larger side setbacks would provide a slimmer building profile and a quicker movement of the shadow over the lower density dwellings on the southern side of Llandaff Street.

Shadow diagrams provided demonstrate the impacts from the building which complies with the height limit, showing that at mid-winter, in the morning period the additional shadow will be cast over the terrace houses on the southern side of Llandaff Street, with similar impacts to the existing building at 10 Llandaff Street. The extent of impact on environmental amenity to those properties in the morning

period are also impacted by mature trees and vegetation in these rear yards which would provide an extent of existing shade to rear yards.

At midday, the additional shadow will fall over 43 and 45 Llandaff Street and between midday and 3pm will impact the front yards and roofs of 51-53 Llandaff Street and 7 Botany Street.

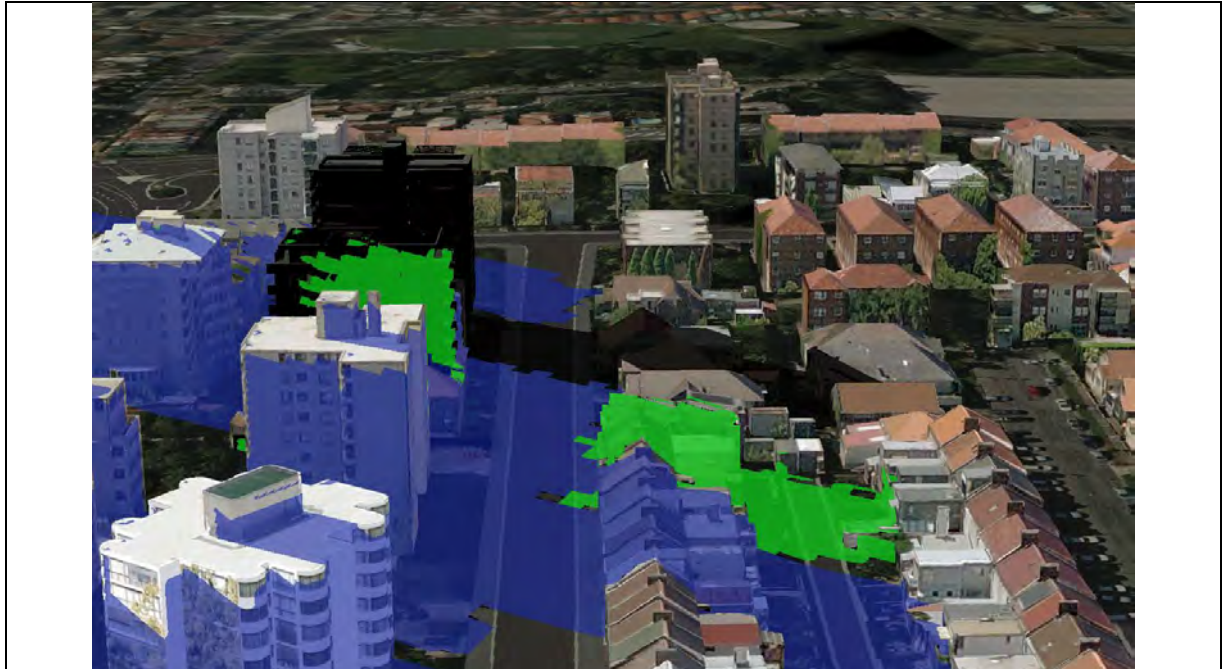


Figure 5 – 9am shadow from the proposal shown in green, existing shadow of 10-16 Llandaff in blue

As shown on the extract above, the proposal has similar overshadowing impact on the adjoining residential building at 10 Llandaff Street, and the setbacks between the buildings provide relief in the extent of the shadow. To the adjoining eastern residential flat building, the additional shadow will occur at 3pm, to part of the western elevation of the building. The only additional overshadowing on the adjoining nine-storey building at 10-16 Llandaff Street is to a blank wall.

In terms of view impacts, the proposed building may interrupt the outlook across the side boundary of the adjoining nine-storey building to the west at 10-16 Llandaff Street towards Bondi Beach. However, given the slope of the street, even a building slightly lower than the height limit would obscure this outlook and according to the Planning Principle established in *Tenacity vs Warringah Council*, the loss of this outlook is not unreasonable. Given the high density zoning of the area, it is not a reasonable expectation that all existing properties will maintain side views across underdeveloped sites.

The building has been designed with ancillary windows to the side elevations, protected by screening, and architectural 'ear' windows angled away from the adjoining buildings to limit overlooking to the adjoining buildings either side, directing the outlook to the views beyond and primary balconies directed to the street and the rear.

As noted earlier, the applicant has proposed a planning agreement to provide a monetary contribution for public works identified in Appendix 6 of the Planning Agreements Policy. The Policy allows for development 'up to 15%' above the maximum GFA permitted under Clause 4.4 of the WLEP' provided that is accepted on planning grounds. The application proposes an additional 282m² of gross floor area, equating to 15% over the maximum FSR permitted for the site. This meets the limitations set in the Planning Agreement Policy.

The Policy provides a mechanism to address the public benefit offset of additional reasonable impacts from developments exceeding the controls. Proposals which have been granted approval with 15% additional floor space have demonstrated that where there will be additional impacts, they were not considered 'devastating' (for example no view, or only partial view obstruction or reduced but reasonable solar access) and were accepted on the balance of public benefit offered by affordable housing or monetary contribution in accordance with the VPA policy.

The fundamental principle of the Policy is that any benefit that arises from an agreement to vary these development standards is shared between developer and the community and must be acceptable on environmental impact grounds. Having regard to the Policy, it is considered that despite the building containing 15% more floor space over the control that the impacts which may be mitigated by further building articulation, are not considered devastating, and are appropriately offset by the contribution to public works proposed by the applicant.

The reasonableness of impacts associated with the additional floor space has been weighted against the likely public interest (i.e. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable with the overshadowing impacts, whilst more than the existing building, not devastating and reflective of the zoning of the land. This relates to the merits of this case only - the reasonableness of these impacts (extra FSR) would have a lesser weight in the absence of a clear public benefit.

Therefore, the proposal is considered with the objectives of the FSR and height development standards, satisfying the public interest considerations of the Act, maintaining the integrity of the development standard.

It is considered that the proposal is not against the public interest as it complies with the limitations set in the Planning Agreement Policy and proffers a monetary contributions for public works within the area. If approval is granted, it is recommended that the Planning Agreement be accepted by the Waverley Development Assessment Panel.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal is found to be acceptable with regards to waste management with sufficient waste storage areas accommodated within the site and conditions of consent recommended.
2. Energy and water conservation	Yes	An amended BASIX certificate was submitted with the proposal which addresses the minimum requirements of this part of the DCP.
5. Tree preservation	Yes	Council's Tree Management Officer has reviewed the proposal and noted the street tree closest to No 10 Llandaff Street on the condition that a replacement tree is planted closer to the remaining trees. Tree protection is required for the other two street trees.
6. Stormwater	Yes	The stormwater plans prepared by Green Arrow, Project No. 216-1575, Drawing No. H-01 to H-07 (Rev B), dated 26 October 2017 are considered satisfactory with respect to the stormwater details. Conditions of consent are recommended in this regard.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	3 adaptable and 5 liveable units are proposed, although 6 are required under the DCP (20%). This matter can be addressed as a condition of consent.
8. Transport		
Parking Zone 1 – High Density Development 30 units		
<u>Car parking Rates</u> Resident: 0.6 space per 1 bed x 14 0.9 spaces per 2 bed x 14 1.4 spaces per 3 bed x 2	Yes	8.4 spaces 12.6 spaces 2.8 spaces Total: 24 spaces required for residents
Visitor: 1 per 5 units 5 spaces required for visitors	Yes	6 visitor spaces required <u>Total car spaces provided: 30 spaces</u>
<u>Bicycle Parking Rates</u> 30 resident 3 visitor	Yes	

Development Control	Compliance	Comment
<u>Motorcycle Parking</u> 3 per 15 car spaces (30) <u>Urban Design</u>	Yes	30 resident bike spaces are provided in the basement, 3 visitor bike spaces are provided on the eastern boundary of the site at ground level. 6 motorcycle spaces area accommodated in the basement. The basement car park is not wholly under the building footprint given the excavation restrictions related to the rail corridor underneath the site. The driveway is located on the western boundary, and integrated with landscaping to soften the impact to the streetscape.
10. Safety	Yes	The proposal is considered acceptable in relation to the principles of designing for safety, providing casual surveillance to the street and an open lobby area.

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		
<ul style="list-style-type: none"> Minimum frontage: 20m (R4 Zone) 	Yes	The site has a frontage of 26m, meeting the 20m requirement.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 25m 	Yes	The wall height is 23m to level 8 with the 9 th level set in from the side of the building. The proposal complies with the overall height limit permitted in the LEP and there is a nine-storey scale of buildings within the immediate context which, with a flat roof aesthetic, do not provide a lower wall height of 25m. Arguably, the 9 th level provides relief being setback from the level below, thereby when viewing the building from the side elevation, it reads as an eight-storey building.
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels Minimum setback of 1.5m from side boundaries Geotechnical report required when > 3m in depth or 25% slope 	Yes No No	No fill is proposed. The excavation is proposed to the site boundaries, however a geotechnical report has been provided and assessed by Sydney Trains, given the rail corridor beneath. Comprehensive condition of consent have been provided in this regard, which is considered to address the aims of this DCP clause.
	Yes	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Under building footprint except main access ramp 		The basement exceeds the footprint of the building above in order to provide the required parking, storage and facilities extending closer to all boundaries. Deep soil is provided around the perimeters for sufficient landscaping. This is considered acceptable.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The building has an acceptable street setback aligning with the outer eave of the adjoining residential flat building to the east at 28 Llandaff Street and the approved development at 20 Llandaff Street.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 6m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along one side boundary min 2m wide 	Yes Yes No	The development provides 6m setbacks to the side boundary. The rear setback is considered appropriate in the context. Given the extent of the basement below, the proposal does not provide 2m of deep soil planting on either side boundaries.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m 	Yes Yes	The building is only 14m to the street frontage No unit is deeper than 18m
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	The Design Excellence Panel have reviewed the proposal and noted that the materials and finishes and overall aesthetic of the building is satisfactory, subject to conditions of consent.
2.10 Fences and walls		
<i>Front fence:</i> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid <i>Side and rear fencing:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes Yes	No front fencing is proposed, only low retaining walls. Side and rear boundary fencing has yet to be clarified, as the ground level is partially excavated. It is important that standard 1.8m boundary fences are not constructed on top of retaining walls and present a high fence to the adjoining property. A condition to this effect is included in Appendix A.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance 	Yes Yes Yes	The driveway to the basement is integrated into the design of the building.

Development Control	Compliance	Comment
<ul style="list-style-type: none">Maximum of 1 x 2-way drivewayPedestrian safety	Yes	The pedestrian entry is separate and secondary to the residential lobby and entrance to ensure pedestrian safety.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none">Entry at street levelAccessible entryLegible, safe, well-lit	Yes	The entry to the building is located in the middle of the building and is directly seen from the street. The entry can be made accessible and conditions shall be imposed regarding lighting for safety.
2.13 Landscaping		
<ul style="list-style-type: none">Minimum of 30% of site area landscaped: 283m²50% of the above is to be deep soil: 100m²	Yes	30% of the site is provided as landscaped area.
	No	Only 35% of the site is provided as deep soil area. This matter is discussed in the 'Issues' section below.
2.14 Communal open space		
<ul style="list-style-type: none">Min 25% communal (R4 zone): 235m²Minimum dimensions: 6m x 6mMinimum of 30% of communal area must receive three hours of sunlightAccessible	Yes	25% of the site is identified as communal open space however, not all the areas included are for recreation purposes. This matter is discussed in the 'Issues' section below. The area to the west of the building will receive sunlight and is accessible.
	Yes	
	Yes	
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 solsticeNew development should not reduce the solar access of solar collector/s of an adjoining property to less than two hours per day in mid-winter.Direct sunlight to north facing windows of habitable rooms and private open space areas of adjacent dwellings should not be reduced to less than 3 hours at mid- winter.	Refer to Table 2 (ADG)	The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies.
	Yes	The building complies with the overall height limit for the site and the length of the shadow cast at mid-winter over the additional properties in Ebley Street, and those at 43, 45, 47, 51 and 53 are therefore anticipated. This is discussed in the consideration of the LEP above.
	Yes	The proposal does not overshadow the northern elevations of the adjoining buildings either side of the site. The LEP development standards for height and FSR anticipate overshadowing to the properties across the road, nevertheless, the control applies to adjacent dwellings.
2.17 Views and view sharing		
<ul style="list-style-type: none">Minimise view loss	Yes	The proposal does not interrupt views from public areas, and any view loss from surrounding properties is not unreasonable, given the building complies with the overall height limit (with the

Development Control	Compliance	Comment
		exception of the plant and communal spaces atop the roof).
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>There will be limited overlooking between private open spaces within the building, as balconies are co-located up the building. Privacy screening is proposed between the rear balconies.</p> <p>The design of the windows and side elevations is appropriate, limiting direct overlooking. This has been discussed in the consideration of the Apartment Design Guide.</p>
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Plumbing is co-located vertically within the building and away from common walls. In addition bedrooms are located away from common walls which achieves the objectives of the control. A condition is recommended regarding sound transmission between units.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge Mail boxes provided Services integrated into the building 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>There are no services proposed on the roof, only the lift overrun</p> <p>Mail boxes are provided in the lobby area.</p> <p>Plant is provided in the basement area</p>

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

Common Open Space and Landscaping

The application proposes a common open space to the north/west of the building providing an area for resident recreation with landscaping, clothes drying and BBQ facilities. The calculations also include the area to the east of the building which is an area used for the bins to be taken to the street, a bin storage area and fire stair, which is not considered to be a pleasant area for recreation, as required by the objectives of the control which are:

- (a) To provide communal ground floor areas of high design quality.
- (b) To encourage a positive street and identity for the development.
- (c) To provide residents with recreational opportunities.
- (d) To provide a pleasant outlook for development.

Discounting the space to the east of the building from the communal open space, the remaining area is considered to be of an acceptable quality, providing facilities and with access to sunlight. Due to the setback of the basement the rear boundary can facilitate some deeper soil plantings to provide some privacy screening and pleasant outlook for the buildings at the rear.

In addition to the above, Clause 2.5.2 of Council's DCP requires a deep soil area of 2m to be provided along one side boundary. The underlying objective of the control is to retain and reinforce existing mature vegetation, provide screen planting and to provide sufficient space for new mature landscaping that contributes to the landscape of the site.

The applicant justifies the non-compliance noting that the proposal meets the objectives of the control as it improves the existing landscaped setting by providing continuous deep soil landscaping throughout the site and additional deep soil planters within the side boundaries.

Deep soil planting areas are provided around the perimeters of the site at the rear and rear half of the side boundaries, to provide privacy screening as well as substantial space at the front of the site. This will provide natural privacy screening to the 2 ground floor units at the front of the site as well as contributing to the landscape character of the street. Conditions are recommended to retain 2 street trees and replace the tree required to be removed to accommodate the driveway to the basement car park.

The Landscaping design prepared by Arcadia Landscape Architecture is considered to be of an acceptable quality and an improvement to landscaping on the site.

2.2 Section 79C(1)(b) – 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 Section 79C(1)(c) – Suitability of the Site for the Development

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

2.4 Section 79C(1)(d) – 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*.

21 submissions were received to the original proposal, including a petition with 62 signatures. The amended plans were re-notified for 14 days and 4 submissions were received to the amended plans.

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

Table 6: Summary of property addresses that lodged a submission

Property
3/10-16 Llandaff St, BONDI JUNCTION NSW 2022
16/10-16 Llandaff St, BONDI JUNCTION NSW 2022
17/10-16 Llandaff St, BONDI JUNCTION NSW 2022
24/10-16 Llandaff St, BONDI JUNCTION NSW 2022
3/16A Llandaff St, BONDI JUNCTION NSW 2022
11 Llandaff St, BONDI JUNCTION NSW 2022
15 Llandaff St, BONDI JUNCTION NSW 2022
11/18 Llandaff St, BONDI JUNCTION
19 Llandaff St, BONDI JUNCTION
21 Llandaff St, BONDI JUNCTION
25 Llandaff St, BONDI JUNCTION NSW 2022
31 Llandaff St, BONDI JUNCTION NSW 2022
35 Llandaff St, BONDI JUNCTION NSW 2022
37 Llandaff St, BONDI JUNCTION NSW 2022
47 Llandaff St, BONDI JUNCTION NSW 2022
148 Ebley St, BONDI JUNCTION NSW 2022
Owner of 9 Llandaff Street
Owner 49 Llandaff Street
2705/71-73 Spring St, BONDI JUNCTION NSW 2022
170 Birrell St, BONDI JUNCTION NSW 2022

Issue: Overshadowing and request for additional shadow diagrams to show 2 more equinoxes

Response: The overshadowing impacts from the proposed building have been discussed within this report and are not considered unreasonable given the context of the site and the high density zoning of the land. The DCP requests that shadow diagrams be provided at the winter solstice as it presents the worst case scenario, being the shortest day of the year.

Another objection was made to the overshadowing of the pool of the adjoining residential flat building at 10 -16 Llandaff Street which is located to the north of that building and the pool will not be overshadowed by the proposal.

Issue: Views

Response: This matter has been discussed within the DCP table of this report. Outlook from adjoining buildings which may be lost as a result of the proposal is not a justified reasons for refusal, given the building will comply with the LEP height limit and will be lost as a result of the existing building being underdeveloped and two-storeys.

Issue: Privacy (visual and acoustic) – generally

Response: Concerns have been raised regarding privacy impacts from the wrap around balcony on the upper most level. A condition is recommended to nominate the parts of the balcony which extend around the side elevations of the building to be nominated as non-trafficable area and a landscape treatment or the like be provided to ensure this.

Issue: Breach to FSR and height

Response: This matter has been discussed within the body of the report. The proposed nine-storey building is not out of character with other existing buildings within the vicinity, in particular, the adjoining building to the west at 10 -16 Llandaff Street.

Issue: Setbacks and distance separation

Response: The proposed building predominantly complies with the distance separation controls in the Apartment Design Guide. This matter has been discussed in the consideration of SEPP 65 (Design Quality of Residential Apartment Development).

Issue: Poor design - coloured wall projections are inconsistent with the area and heritage aesthetics of the street

Response: The Design Excellence Panel were supportive of the aesthetics of the scheme, noting that “the minimalist approach to the façade materially is supported and the timber treatment to the underside of the balconies works well to balance the concrete finishes on the walls”. Concern was raised regarding some technical aspects of the balcony construction, to ensure that drainage did not have an adverse impact on the aesthetic of the timber soffits. Detailing of the water proofing of the rear windows was also requested to ensure their success. This detail can be addressed as a condition of consent. Council’s heritage architect has not raised any concerns regarding the proposed building and impact on the Heritage Conservation Area on the other side of the street.

Issue: Request for dilapidation reports and concerns regarding excavation (particularly to the basement car park at 10 Llandaff Street next door)

Response: This matter can be addressed as a condition of consent.

Issue: Impacts on the heritage listed terraces in Llandaff Street

Response: The proposed building will have additional shadowing impacts on the low density terraces across the road, which is a result of the zoning of the land and previously discussed in the body of this report. However this is not a matter which would warrant refusal of the application.

Issue: Breach to common open space control

Response: This matter has been discussed within the body of this report.

Issue: Noise, dirt dust and other amenity impacts during construction

Response: It has been suggested in one of the submissions that the construction hours should be 9am to 5pm, with no work on the week-end to limit disturbances. The standard hours of operation have been recommended in the conditions of consent, which limits construction to Monday to Friday and restricted hours on Saturday. Standard hours are applied to construction across the Local Government Area to ensure equity and that construction impacts are not drawn out.

Issue: Parking and traffic congestion

Response: The two existing residential flat buildings on the site provide no off-street parking for 16 units. Whilst the application proposes 30 units, sufficient parking for both residents and visitors are provided with the basement parking. The Traffic Report submitted with the application raises no

issues with regard to traffic movements and no objection has been raised from Council's Manager of Traffic and Development regarding the proposal. Conditions of consent are recommended regarding movements in and out of the basement car parking and a request for a Construction Vehicle and Pedestrian Plan of Management to manage those vehicles during construction.

Issue: Queries regarding existing tenancy arrangements for the development site

Response: This is matter for the owner of the property and not a matter for consideration under the Act. Evidence provided by the applicant indicates that the demolition of the buildings will result in a loss of affordable housing in the area, and therefore pursuant to the SEPP, a contribution therefore must be paid to the state government for the purposes of providing affordable housing.

Issue: Property values decreased

Response: This is not a relevant matter for consideration.

Issue: Anxiety and stress from development

Response: Appropriate conditions of consent are recommended for this application and imposed on all developments in the LGA to ensure that construction is carried out within certain hours with restrictions on noise and traffic to limit disturbances to surrounding properties. This is not a matter which would warrant refusal of the application.

Issue: Land zoning is poorly considered – 2-3 storeys on 1 side of the road and 8 storeys on the other side

Response: The controls for the site were gazetted in the LEP 2010 and 2012 and this is not a matter which can be changed as a part of this development application process.

Issue: Overcrowding

Response: The apartments comply with the minimum sizes specified by the State Government's Guidelines for Apartment Design to avoid undersized accommodation with poor amenity and overcrowding. The density for the proposal reflects the statutory development controls set for the site.

Issue: No effort to allow solar panels, vegetation walls or other forward thinking.

Response: A BASIX certificate has been provided with the application and those requirements must be committed to in the Construction Certificate Plans. This State Government initiative has been mandated to ensure that buildings are more 'sustainable' and whilst Council encourages Green Star design for new development (as seen in Part B of the DCP), this ultimately lies with the motivation of the developer and not a matter which Council can enforce or refuse in this application. Sustainable Developments are always encouraged by the Council.

Issue: Pollution from more cars in Bondi Junction

Response: The development does not mandate the use of cars for residents within the building. The car parking is proposed to meet Council's DCP controls in force at this time. This is not a matter which would justify refusal of the application.

Issue: Rubbish on the street would be worse with additional units in the street

Response: A bin storage area is proposed within the development. The waste management plan submitted with the application outlines that it will be the building manager's responsibility of transporting the bins from the bin holding area to the street on collection day. Garbage collection is a function of living and the application cannot be justified on this basis. Conditions of consent are to be imposed to ensure that bins are not put out on the street later than 5:30pm the day before and collected shortly after. Anecdotally, for new buildings with an appointed building manager, the bin presentation and storage arrangements are efficient and not a matter which would warrant refusal of the application.

Issue: Car share space should be provided within the building

Response: The DCP does not require a car share space for this development, as that is only required for a development of over 90 dwellings. Thirty car parking spaces have been provided within the basement for residents and visitors with 6 spaces required for visitors which complies with the DCP.

Issue: Objection to the current building being demolished

Response: Without the two existing residential flat buildings being heritage listed, the consent authority cannot refuse the application on this basis.

2.5 Section 79C(1)(e) – Public Interest

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

3. OTHER REFERRALS

3.1 Traffic, Parking and Driveways– Creating Waverley

Council's Manager of Traffic and Development has examined the proposal and recommended approval subject to conditions (included in Appendix A) and the following car parking rates to comply with the Waverley DCP:

	WDCP 2012 Requirement	Proposed	Comments
Resident Spaces 1 bed – 14 2 bed – 14 3 bed - 2	24	30	The 6 car parking spaces that are surplus can be allocated to visitor spaces to account for the non-compliance below.
Visitor Spaces	6	0	6 visitor spaces should be allocated and line marked
Bicycles	33	33	Complies
Motorcycles	6	6	Complies

3.2 Stormwater – Creating Waverley

The stormwater plans prepared by Green Arrow, Project No. 216-1575, Drawing No. H-01 to H-07 (Rev B), dated 26 October 2017 are considered satisfactory with respect to the stormwater details. Conditions of consent are recommended in this regard.

3.3 Tree Management Officer – Clean and Attractive Waverley

Situated on the naturestrip in front of these properties are three Crepe Myrtle trees (*Lagerstroemia indica*). All trees are 5 to 6 metres in height and in good to excellent condition with some minor crown lifting required. The trees dominate the middle section of Llandaff Street.

The proposed new driveway will require the removal of the tree on the western side closest to 10 Llandaff Street. The applicant may remove the street tree on the condition that a replacement tree is planted closer to the remaining trees. Tree protection is required for the other two street trees. Conditions of consent are recommended in this regard.

3.4 Shaping Waverley

The planning agreement proposed by the applicant has been reviewed by Council's Shaping Waverley who have advised that it is in accordance with the Waverley Planning Agreement Policy 2014. A condition of consent is recommended in this regard.

4. SUMMARY

The application proposes a new nine-storey residential flat building in place of 2 x two-storey residential flat buildings at 16A and 16B Llandaff Street. The site is zoned R4 allowing for a residential flat building of 28 metres and an FSR of 2:1. The application exceeds the FSR development standard and seeks to vary the standard through Clause 4.6 of the LEP with an offer to enter into a planning agreement for public works to the area.

The non-compliance with the FSR is attributed to the building envelope and therefore linked to the impacts resulting from non-compliance with the distance separation guidelines in the ADG. It has been demonstrated however, that privacy and overlooking is appropriately mitigated through screening and the wider shadow profile created from the building does not result in devastating impacts which are appropriately offset by the public benefit provided by the contribution proposed in the planning agreement.

Council's Heritage Architect is satisfied that the proposal is satisfactory in relation to the impacts on the Heritage listed terraces on the opposite side of the street and the conservation area generally. The site is located over the rail corridor and Sydney Trains has provided concurrence, subject to conditions of consent.

An assessment of the demolition of the existing buildings against the SEPP (Affordable Rental Housing) has revealed that there will be a loss of affordable rental housing and according to the provisions of the SEPP, a contribution is required to be paid. This is addressed as a condition of consent.

The submissions received to the original plans and amended plans have been considered in the report and addressed via condition where appropriate. The objection to the density of the proposal has been determined within the strategic framework set in the LEP and this is not a matter which would warrant refusal of the application.

The application is recommended for approval.

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:**

Beth Matlawski
Senior Development Assessment Planner

Kylie Lucas
A/Manager, Development Assessment

Date: 30 May 2018

Date: 1 June 2018

Reason for referral:

- 2 Development applications for Class 2 – 9 buildings that :
 - a) have a value of greater than \$3m, or
 - b) have received more than 6 unresolved objections,
 - f) Planning Agreements

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans noted in the table below prepared by MHNDU;

Drawing description and No.	Revision No.	Dated
Cover Page DA 000	Revision B	27.10.17
Site Plan DA1006	Revision B	27.10.17
Landscape Buffer Section DA 1007	Revision B	27.10.17
Basement 02 Floor Plan DA 2000	Revision B	27.10.17
Basement 02 Floor Plan DA 2001	Revision B	27.10.17
Ground Floor Plan DA 2002	Revision B	27.10.17
Level 1 Floor Plan 2003	Revision B	27.10.17
Level 2-4 Typical Floor Plan DA 2003	Revision B	27.10.17
Levels 5-7 Typical Floor Plan DA 2004	Revision B	27.10.17
Level 8 Floor Plan DA 2005	Revision B	27.10.17
Roof Plan DA 2006	Revision B	27.10.17
Elevation East DA 2400	Revision B	27.10.17
Elevation North DA 2402	Revision B	27.10.17
Elevation South DA 2403	Revision B	27.10.17
Section A DA 2500	Revision B	27.10.17
Section DA 2501	Revision B	27.10.17
Ramp Section: Clearances DA 2502	Revision B	27.10.17
Adaptable Layout DA 9003	Revision B	27.10.17
Elevation West- Fixed Louvres DA 9206	Revision B	27.10.17
Façade Section DA 9410	Revision B	05.09.17
Façade Section DA 9411	Revision B	27.10.17

(b) Landscape Plan prepared by Arcadia Landscape Architecture, Issue B, dated November 2017 and received by Council on 14 November 2017;

(c) BASIX Certificate;

(d) Stormwater plans prepared by Green Arrow, Project No. 216/1575, Drawing No. H-01 to H-06 (Rev A), dated Nov 2016 and received by Council on 7 March 2017;

(e) Schedule of external finishes and colours on drawing DA 6000, Revision B, dated 27.10.17 and received by Council on 14 November 2017;

(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 development is approved, subject to the following plan amendments;

- (a) The skylights on the roof are to be ventilating.
- (b) The ear windows are to be operable to allow natural ventilation.
- (c) The floor to ceiling heights in all apartments must achieve 2.7m and shall be demonstrated on the plans.
- (d) Mail boxes are to be provided within the site.
- (e) Privacy treatments are to be provided in between the balconies on the building on the front and rear of elevations to ensure visual privacy and prevent overlooking between the balconies of the development. Such treatments are to be incorporated into the architectural design of the building to avoid ad-hoc additions in the future.
- (f) The parts of the balcony on Level 8 which extend around the side elevations of the building to be nominated as non-trafficable area and a landscape treatment or the like be provided to ensure this is not used as balcony area to address privacy.

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

3. 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 Apartment Development.

4. 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.

5. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with 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.

7. SECTION 94A CONTRIBUTION

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

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

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

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

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

Advisory Note

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

- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

8. 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.

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

- 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.
- The contribution of \$594,375 payable for the provision of affordable housing under s94G(3)(b) 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.

11. PLANNING AGREEMENT

- The owner/ applicant to:
 - Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-68/2017; and
 - Pay a monetary contribution amount of \$727,168 prior to the issue of any Occupation certificate for the Development
 - A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development and Council.

2. In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date
3. The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014 (specific work can be included here if relevant).

12. STREET TREES & BOND

Situated on the naturestrip in front of the development site at 16A- 16B Llandaff Street are three Crepe Myrtle trees (*Lagerstroemia indica*). Permission is granted to remove the tree closest to 10 Llandaff Street, provided that a replacement tree is planted prior to the issue of any Occupation Certificate for the development.

A replacement Crepe Myrtle tree (*Lagerstroemia indica* 'Tuscarora'), with a minimum pot size of 200 litres is to be planted prior to the issue of an Occupation Certificate (please refer to relevant conditions later in this consent). The replacement tree is to be purchased prior to construction commencing and a bill of sale for the replacement tree is to be presented to the PCA prior to the issue of a Construction Certificate.

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 of the existing street trees. The bond will also be held to ensure the health of the newly planted replacement street tree. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

In the event the existing or new trees are found damaged, dying or dead because of works at any time during the construction period or due to negligence/damage by the applicant/agent/contractor, the full bond amount or part thereof will be forfeited.

13. SYDNEY TRAINS CONDITIONS

- A1.** All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
 - Geotechnical Report prepared by **Asset Geotechnical Engineering** dated 2 August 2017

(Ref: 4394-1-R1) supported by:

- **Jeffery and Katauskas** dated 19 February 2003 (Ref: 17443WZrpt)
- **Golder Associates** dated 8 January 1997 (Ref: 96621181.A)
- Geotechnical Statement prepared by **Asset Geotechnical Engineering** dated 18 April 2018, reference 4394-1-L1-Rev1
- Structural Design Report prepared by **Demlakian Engineering** dated 13 December 2017, Reference 217090rpt20171213_DW_Structural Design Report_Rev 2
- Plans prepared by **Demlakian Engineering**:
 - SK-01 Rev P2 dated 06.09.17
 - SK-02 Rev P2 dated 06.09.17
 - SK-03 Rev P1 dated 04.07.17
- Drawings prepared by **MHNDU**:
 - DA2000 dated 31.10.2017 Rev B
 - DA2001 dated 27.10.2017 Rev B
 - DA2002 dated 27.10.2017 Rev B
- DA Acoustic Assessment prepared by **Acoustic Logic** dated 19 April 2018, Revision 2, Reference 20131737.1/1904A/R2/BW

The Principal Certifying Authority is not to issue the Construction Certificate until the measures detailed in the documents approved/certified by Sydney Trains under this Condition are incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate (unless amended and subsequently endorsed by Sydney Trains in order to comply with the requirements of Condition A2). Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- A2.** Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for review and endorsement the following items:

a. Final loading and un-loading assessment with FEM modelling

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. In the event that the above documentation requires the amendment of the documentation provided in Condition A1 then the Construction Certificate shall be based on the amended documentation endorsed by Sydney Trains.

- A3.** If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- A4.** Prior to the issuing of a Construction Certificate the applicant is to submit to Sydney Trains for review and endorsement a report detailing all Machinery to be used during excavation/construction.

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

- A5.** An acoustic assessment is to be submitted to Council prior to the commencement of works demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- A6.** Prior to the commencement of works the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
- A7.** If required by Sydney Trains, prior to the commencement of works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor.
- A8.** Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- A9.** No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- A10.** Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- A11.** If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal.
- A12.** If required, prior to the commencement of works the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works.
- A13.** Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- A14.** Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.
- A15.** No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW.

Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.

- A16.** Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- A17.** Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

14. 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.

15. 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 relating to any works above the existing ground level.

16. SERVICE AUTHORITIES

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

17. 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 Apartment Development.

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.

18. HOARDING REQUIRED

A hoarding designed and constructed in accordance with the requirements of the Work Cover Authority is to be 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 required to be erected over the footpath or any public place, the approval of Council must be obtained first.

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. 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 any 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.

21. 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.

22. 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.

23. 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 issue of any Construction Certificate.

24. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

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

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - such vehicles cannot adequately and safely gain access to and from the site or
 - access into or out of the site may not be 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:
 - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - It is illegal to:
 - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
 - ii. Barricade/reserve a section of roadway without the prior approval of Council
- (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:

- The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
- Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
- The type(s) of material on which pedestrians will be required to walk
- The width of the pathway on the route
- The location and type of proposed hoardings
- The location of existing street lighting

NOTE: PRIOR TO THE PREPARATION OF THE CVPPM, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

25. UNDERGROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Please note, written owner's consent is required for any encroachments beyond the property boundary.

Note: Council charges a fee for each anchor approved to extend into a road reserve.

26. STORMWATER CERTIFICATION

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

The contractor is to apply for relevant Road Opening Permit prior to commencement of drainage works.

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 the relevant Construction Certificate.

28. 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*.

29. ADAPTABLE HOUSING

At least 3 apartments are to be provided as adaptable housing within the development, with at least 1 car space is to be allocated to each of these apartments, of 1 and 2 bedroom apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards and the BCA. Six (6) units (20%) are to have universal design features as detailed in the Apartment Design Guidelines.

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

30. DISABLED CAR PARKING

All disabled car parking space dimensions and head clearances are to be in accordance with Australian Standards AS2890.6:2009 Off-street Parking for People with Disabilities.

31. WASTE STORAGE AREAS

- (a) The development must have a bin storage area for a minimum with enough space to accommodate the following bins for the development;
 - 10 x 240L Mobile Garbage Bins (MGBs) for general waste or 5 x 240L bins with a 2:1 compaction ratio;
 - 8 x 240 MGBs for recycling materials:
 - 4x 240L MGBs for recyclables, and
 - 4 x 240L MGBs for paper and cardboard.
 - Additional space is to be made available for 3 x 240L bins for an extra 240L MGB for general waste; and extra 240L MGB for recycling and an extra MGB for garden organic waste should this type of waste be generated
- (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) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (d) All waste and recycling must be inside Council approved bins/skips with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (e) 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.
- (f) 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.
- (g) Clear and easy signs identifying the different types of MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (h) The storage of bins on the kerbside, laneway, or any other public land is not permitted at any time. Bins must be presented for collection the night before, and brought back into the property immediately following collection.

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

32. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council's Executive Manager, Health and Compliance for approval and comment prior to the issue of any 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.

33. VERMIN AND RAT CONTROL

Significant work has gone into reducing vermin and rat population in the Bondi Junction area, which is a historical problem. One of the main contributing factors is the demolition of premises that have been harbouring vermin. Therefore, it is necessary that a pest control management program be implemented prior to demolition as follows:

A Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining and describing measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager of Health and Compliance prior to the issue of a Construction Certificate for the demolition of existing buildings.

34. 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.
- (e) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

35. 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.

36. SIDE AND REAR BOUNDARY FENCING

The fencing on the boundaries of the site must not exceed 1.8m from the exiting ground level of the adjoining property. In this regard, boundary fences are not to be constructed on top of retaining walls and present a high fence to the adjoining property.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. TOILET FACILITIES

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

43. 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.

44. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

45. DEMOLITION REQUIREMENTS

Where unacceptably high levels of lead are found following demolition activities, the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

46. 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.

47. SITE HEALTH & SAFETY PLAN

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

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

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

48. 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.

49. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

50. 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.

51. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

52. 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.

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 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

Council will take into account:

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

61. NATIONAL CONSTRUCTION CODE

All building work must be carried out in accordance with the requirements of the National Construction Code.

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

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

63. 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.

64. 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.

65. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems are not permitted.

66. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the National Construction Code. 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.

67. 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.

68. SERVICE PIPES

All conduits, 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.

69. 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.

70. 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.

71. ADJUSTMENTS TO STREET SIGNS

Any changes to the type and location of street/parking control signs required as a result of the works shall be undertaken at the applicant's expense in accordance with Council's requirements.

72. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access 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.

73. 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.

74. TREE PROTECTION

A protective fence is to be installed around the perimeter of the two other street trees in accordance with Australian Standard 4970: Protection of Trees on Development Sites. The fence is to be positioned so as not to intrude onto the footpath. The fence must be installed prior to demolition and maintained until the issue of the Occupation Certificate.

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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

75. 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.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. NOISE EMISSIONS

The use of the property 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.

82. STORMWATER

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

83. TELECOMMUNICATIONS

Notification of arrangement for the provision of a telephone supply to each apartment of commercial/retail spaces is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Occupation Certificate.

84. STREETScape WORKS & REPLACEMENT TREE

A replacement Crepe Myrtle tree (*Lagerstroemia indica* 'Tuscarora') is to be planted by a qualified horticulturist (AQF Level 3) on the naturestrip two metres from the eastern edge of the driveway prior to the issue of any Occupation Certificate. As noted in this consent, the tree is to be a minimum pot size of 200 litres.

The footpaths at the front of the site re to be upgraded in accordance with Council's Bondi Junction Technical Manual. In this regard, the applicant is to confer with Council prior to commencement of the works.

85. WAVERLEY DIGITAL MODEL

Prior to the issue of any Occupation Certificate an accurate 'as built' digital model of the building must be submitted to Council's Shaping Waverley sub-program 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, Waverley Futures.

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.

86. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management the residential waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.
- (b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (c) 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.
- (d) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (e) All waste and recycling must be inside Council approved bins/skips with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the approved manner will not be collected.
- (f) 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.

- (g) The storage of bins on the kerbside on public land and kerbside is not permitted at any time, apart from when presented for collection on the nominated collection day. Bins must be presented for collection the night before, and brought back into the approved bin storage area within the property boundary immediately after collection.

The waste management plan and evidence of compliance with the above matters are to be submitted to the satisfaction of the Council's Executive Manager, Sustainable Waverley prior to the issue of an Occupation Certificate.

87. BONDJ JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m²)
- (iv) Gross Floor area (m²)
- (v) total residential floor space (m²)
- (vi) total office space (m²)
- (vii) total retail space (m²)
- (viii) total no. of levels (m²)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings
- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

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

88. LANDSCAPING

The Landscaping Consultant engaged for the development 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.

89. ALLOCATION OF STREET NUMBERS –Multi level Residential Flat Building

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering for a Multi-Level Residential Flat Building:

- **No. 16A** - primary address number
- **Llandaff Street** - primary address site

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 Llandaff Street.

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

- Nos. G01, G02, G03 for the sub-addresses within the building correlating with Nos. 001-003 on the floor plans for the building,
- Nos. 101-104 for the sub-addresses within the building correlating with Nos. 101-104 on the floor plans for the building,
- Nos. 201-204 for the sub-addresses within the building correlating with Nos. 201-204 on the floor plans for the building,
- Nos. 301-304 for the sub-addresses within the building correlating with 301-304 on the floor plans for the building,
- Nos. 401-404 for the sub-addresses within the building correlating with 401-404 on the floor plans for the building,
- Nos. 501-503 for the sub-addresses within the building correlating with Nos. 501-503 on the floor plans for the building,
- Nos. 601-603 for the sub-addresses within the building correlating with Nos. 601-603 on the floor plans for the building,
- Nos. 701-703 for the sub-addresses within the building correlating with Nos. 701-703-17 on the floor plans for the building,
- Nos. 801-802 for the sub-addresses within the building correlating with Nos. 801-802 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.

Should the property be strata subdivide Council must notified of the corresponding sub-address numbers to Strata lot number prior to the issue of the Subdivision Certificate.

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

90. SLIP TESTS OF COMMON AREAS

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

91. 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.

92. STRATA SUBDIVISION OR LAND CONSOLIDATION

Consent is required for strata subdivision of the development. Should the development not be strata subdivided, the lots are to be consolidated.

Note: In respect to the allocation of car parking, bicycle spaces and storage spaces for any future strata subdivision, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or identified as common property.

Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012 or the rates in the Apartment Design Guide. In this regard, no one apartment shall be allotted more than 2 car parking spaces.

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

93. LINE MARKING OF CAR, MOTORCYCLE AND BICYCLE SPACES

The following number of car spaces are to be provided for each component of the development;

- 24 resident car parking spaces (no apartments are to be allocated more than 1 car parking space)
- 6 resident visitor car parking spaces
- 6 Motorcycle spaces
- 33 Bicycle spaces (30 resident and 3 visitor in lobby area)

All disabled persons car parking spaces and shared bays are to be designed, constructed and marked in accordance with Australian Standards AS2890.6:2009 Off-Street Parking for People with Disabilities.

The resident, resident visitor, retail, commercial/office, disabled parking spaces, bicycle and motorcycle parking spaces are to be clearly line marked, numbered and signposted prior to the issue of an Occupation Certificate for use of those relevant areas.

94. APARTMENT STORAGE

Prior to the issue of an Occupation Certificate for the residential apartments, the PCA must be satisfied that the general storage for each apartment has been provided in accordance with the approved plans and Apartment Design Guide providing the following;

- 6m³ of storage for the 1 bedroom apartments;
- 8m³ of storage for the 2 bedroom apartments;
- 10m³ of storage for 3 bedroom apartments;

95. VEHICLE ACCESS

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

96. ACCESS RAMP

Prior to the issue of an Occupation Certificate the following must be installed;

- (a) a speed hump shall be installed inside the site adjacent to the Llandaff Street property boundary.
- (b) the access ramp shall be fitted with an electronically controlled system that permits only one vehicle to be on the ramp at any one time with priority being given to vehicles entering the site.

97. LIGHTING

- (a) Lighting is to be provided to the pedestrian entrance of the building, to provide safety for residents of the building.
- (b) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (c) All external lighting fixtures should be vandal resistant.
- (d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (e) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (g) All external area lights and car parks 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.

98. PEST CONTROL

A Pest and Vermin Control Management Plan is to be implemented for the ongoing occupation of the uses within the development. Prior to the implementation of the plan, details are to be provided and be to the satisfaction of Council's Executive Manager Health and Compliance prior to the issue of the relevant occupation certificate.

99. BALCONIES AND AIR CONDITIONING

The private open balconies on the building are not to be enclosed at any future time, nor air conditioning plant be erected on the balconies, to ensure the architectural integrity of the building is retained.

PROJECT
16A&16B LLANDAFF STREET,
BONDI JUNCTION, NSW
WAVERLEY COUNCIL

- ADDITIONAL DRAWING LAYOUTS ARE CLOUDED IN INDEX BELOW:

Layout No:	Layout Name	Rev	Date
DA 0000	COVERPAGE	B	10/11/17
DA 1000	SURROUNDING CONTEXT PLAN	B	10/11/17
DA 1001	SITE ANALYSIS PLAN	B	10/11/17
DA 1002	SITE SURVEY PLAN	B	10/11/17
DA 1003	CONTEXT PHOTOGRAPHS	B	10/11/17
DA 1004	NORTH / SOUTH STREETScape	B	10/11/17
DA 1005	EAST / WEST STREETScape	B	10/11/17
DA 1006	SITE & ROOF PLAN	B	10/11/17
DA 1007	1A LANDSCAPE BUFFER SECTION	B	10/11/17
DA 2000	BASEMENT 02 FLOOR PLAN	B	10/11/17
DA 2001	BASEMENT 01 FLOOR PLAN	B	10/11/17
DA 2002	GROUND FLOOR PLAN	B	10/11/17
DA 2003	LEVEL 1 FLOOR PLAN	B	10/11/17
DA 2003	LEVELS 2-4 TYPICAL FLOOR PLAN	B	10/11/17
DA 2004	LEVELS 5-7 TYPICAL FLOOR PLAN	B	10/11/17
DA 2005	LEVEL 8 FLOOR PLAN	B	10/11/17
DA 2006	ROOF PLAN	B	10/11/17
DA 2400	ELEVATION EAST	B	10/11/17
DA 2401	ELEVATION WEST	B	10/11/17
DA 2402	ELEVATION NORTH	B	10/11/17
DA 2403	ELEVATION SOUTH	B	10/11/17
DA 2500	SECTION A	B	10/11/17
DA 2501	SECTION B	B	10/11/17
DA 2502	RAMP SECTION : CLEARANCES	B	10/11/17
DA 6000	EXTERNAL FINISHES	B	10/11/17
DA 9000	GFA COMPLIANCE	B	10/11/17
DA 9001	SOLAR COMPLIANCE	B	10/11/17
DA 9002	CROSS VENT. COMPLIANCE	B	10/11/17
DA 9003	ADAPTABLE LAYOUT	B	10/11/17
DA 9004	STORAGE COMPLIANCE	B	10/11/17
DA 9005	3A COMMUNAL OPEN SPACE AND DEEP SOIL	B	10/11/17
DA 9100	SOLAR ACCESS 21 JUNE	B	10/11/17
DA 9200	NOTIFICATION PLAN	B	10/11/17
DA 9201	PHOTOMONTAGE	B	10/11/17
DA 9202	WASTE MANAGEMENT PLAN	B	10/11/17
DA 9203	WASTE MANAGEMENT PLAN	B	10/11/17
DA 9204	5A EXISTING + PROPOSED BOUNDARY FEN...	B	10/11/17
DA 9205	5A EXISTING BOUNDARY FENCING	B	10/11/17
DA 9410	6A FACADE SECTION	B	10/11/17
DA 9411	6A FACADE SECTION	B	10/11/17
DA 9500	1A PERSPECTIVE SKETCHES	B	10/11/17
DA 9501	1A PERSPECTIVE SKETCHES	B	10/11/17

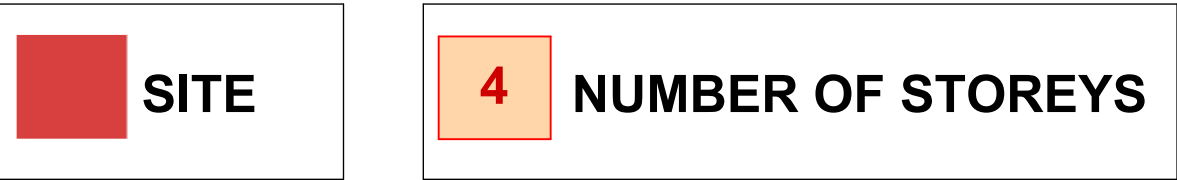
SEPP65 REPORT

DA 9400	DESIGN VERIFICATION	B	10/11/17
DA 9401	SEPP 65 PRINCIPLE 1	B	10/11/17
DA 9402	SEPP 65 PRINCIPLE 2	B	10/11/17
DA 9403	SEPP 65 PRINCIPLE 3	B	10/11/17
DA 9404	SEPP 65 PRINCIPLE 4	B	10/11/17
DA 9405	SEPP 65 PRINCIPLE 5	B	10/11/17
DA 9406	SEPP 65 PRINCIPLE 6	B	10/11/17
DA 9407	SEPP 65 PRINCIPLE 7	B	10/11/17
DA 9408	SEPP 65 PRINCIPLE 8	B	10/11/17
DA 9409	SEPP 65 PRINCIPLE 9	B	10/11/17



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CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGN'S DRAWING/PERSON IS RETAINED BY MHNDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

CLAUSE D2.14 - LANDING
CLAUSE D2.15 - THRESHOLDS
CLAUSE D2.16 - BALUSTRADES

STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

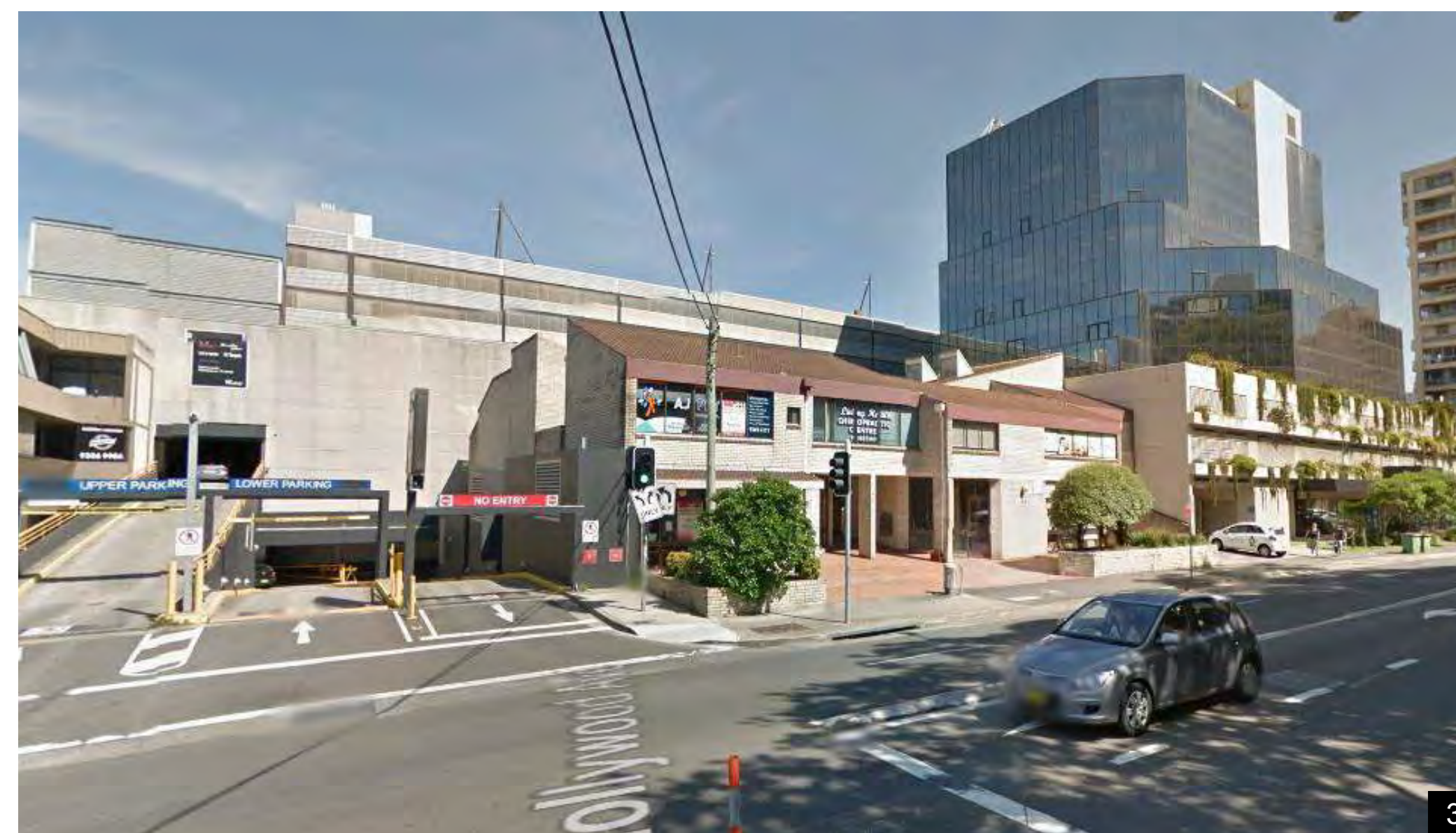
FLUORESCENT TO LIP
CENTRAL ENERGY

AREA INDIGENOUS OR LOW
WATER USE SPECIES: 50 sqm



DRAWING:
SITE SURVEY PLAN

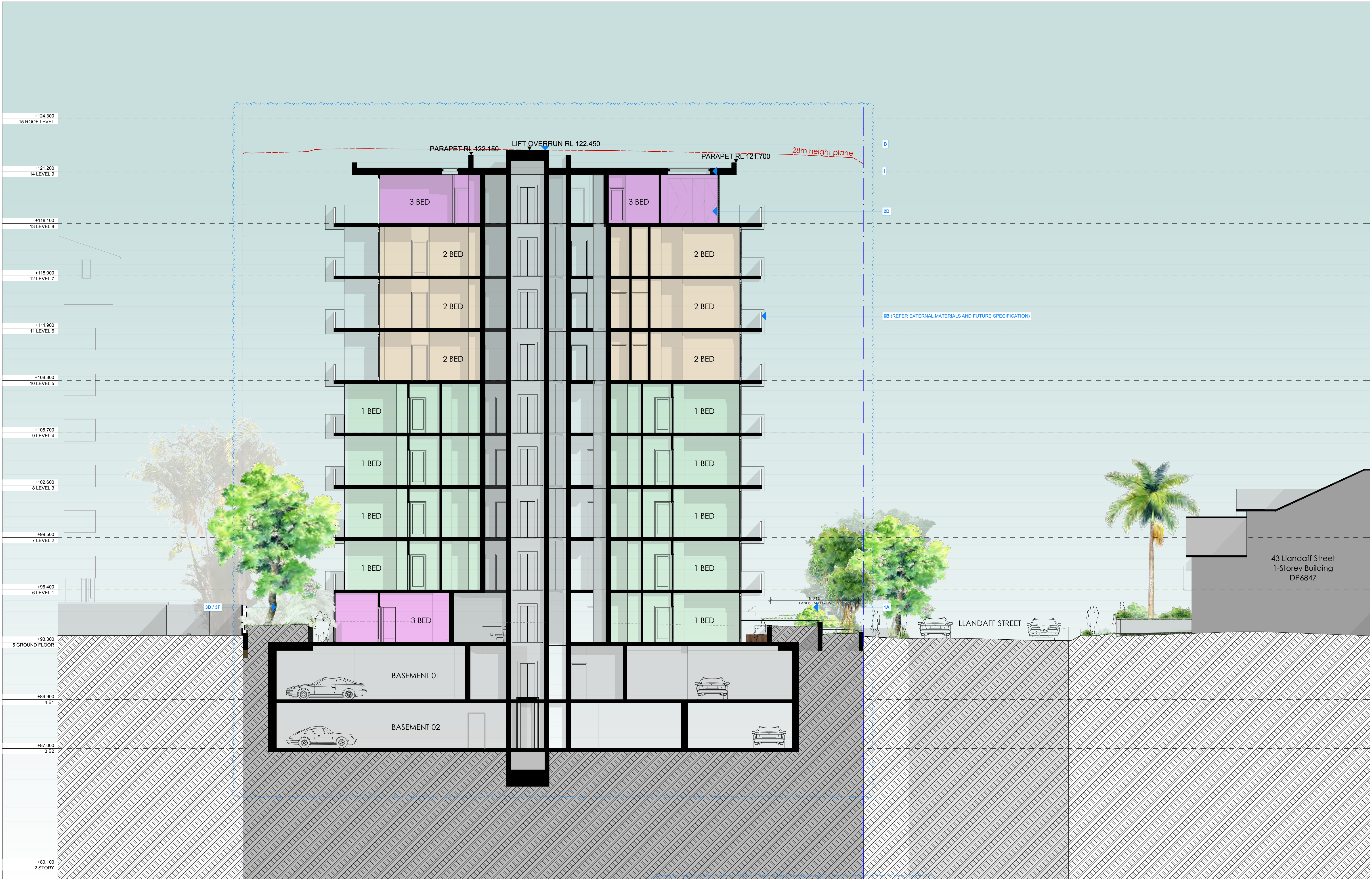
DA 1002



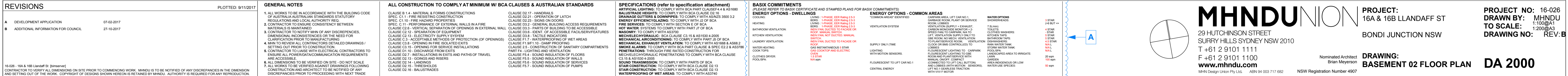
- 1 Existing building on proposed site
- 2 Intersection of Botany Street and Llandaff Street
- 3 View towards Westfield Bondi from Llandaff
- 4 View towards Llandaff from Hollywood Avenue

REVISIONS		PLOTTED: 01/11/2017		GENERAL NOTES		ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLASSES 4 & AUSTRALIAN STANDARDS		SPECIFICATIONS (Refer specification attachment)		BASIS COMMITMENTS	
										PLEASE REFER TO BASIS CERTIFICATE AND STAMPED PLANS FOR BASIS COMMITMENTS.	
										ENERGY OPTIONS - COMMON AREAS	
										ENERGY OPTIONS - OVERLEAF	
A	DEVELOPMENT APPLICATION	07-02-2017		1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA 2011, AS 1926.1, AS 1926.2, AS 1926.3, AS 1926.4, AS 1926.5, AS 1926.6, AS 1926.7, AS 1926.8, AS 1926.9, AS 1926.10, AS 1926.11, AS 1926.12, AS 1926.13, AS 1926.14, AS 1926.15, AS 1926.16, AS 1926.17, AS 1926.18, AS 1926.19, AS 1926.20, AS 1926.21, AS 1926.22, AS 1926.23, AS 1926.24, AS 1926.25, AS 1926.26, AS 1926.27, AS 1926.28, AS 1926.29, AS 1926.30, AS 1926.31, AS 1926.32, AS 1926.33, AS 1926.34, AS 1926.35, AS 1926.36, AS 1926.37, AS 1926.38, AS 1926.39, AS 1926.40, AS 1926.41, AS 1926.42, AS 1926.43, AS 1926.44, AS 1926.45, AS 1926.46, AS 1926.47, AS 1926.48, AS 1926.49, AS 1926.50, AS 1926.51, AS 1926.52, AS 1926.53, AS 1926.54, AS 1926.55, AS 1926.56, AS 1926.57, AS 1926.58, AS 1926.59, AS 1926.60, AS 1926.61, AS 1926.62, AS 1926.63, AS 1926.64, AS 1926.65, AS 1926.66, AS 1926.67, AS 1926.68, AS 1926.69, AS 1926.70, AS 1926.71, AS 1926.72, AS 1926.73, AS 1926.74, AS 1926.75, AS 1926.76, AS 1926.77, AS 1926.78, 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1926.619, AS 1926.620, AS 1926.621, AS 1926.622, AS 1926.623, AS 1926.624, AS 1926.625, AS 1926.626, AS 1926.627, AS 1926.628, AS 1926.629, AS 1926.630, AS 1926.631, AS 1926.632, AS 1926.633, AS 1926.634, AS 1926.635, AS 1926.636, AS 1926.637, AS 1926.638, AS 1926.639, AS 1926.640, AS 1926.641, AS 1926.642, AS 1926.643, AS 1926.644, AS 1926.645, AS 1926.646, AS 1926.647, AS 1926.648, AS 1926.649, AS 1926.650, AS 1926.651, AS 1926.652, AS 1926.653, AS 1926.654, AS 1926.655, AS 1926.656, AS 1926.657, AS 1926.658, AS 1926.659, AS 1926.660, AS 1926.661, AS 1926.662, AS 1926.663, AS 1926.664, AS 1926.665, AS 1926.666, AS 1926.667, AS 1926.668, AS 1926.669, AS 1926.670, AS 1926.671, AS 1926.672, AS 1926.673, AS 1926.674, AS 1926.675, AS 1926.676, AS 1926.677, AS 1926.678, AS 1926.679, AS 1926.680, AS 1926.681, AS 1926.682, AS 1926.683, AS 1926.684, AS 1926.685, AS 1926.686, AS 1926.687, AS 1926.688, AS 1926.689, AS 1926.690, AS 1926.691, AS 1926.692, AS 1926.693, AS 1926.694, AS 1926.695, AS 1926.696, AS 1926.697, AS 1926.698, AS 1926.699, AS 1926.700, AS 1926.701, AS 1926.702, AS 1926.703, AS 1926.704, AS 1926.705, AS 1926.706, AS 1926.707, AS 1926.708, AS 1926.709, AS 1926.710, AS 1926.711, AS 1926.712, AS 1926.713, AS 1926.714, AS 1926.715, AS 1926.716, AS 1926.717, AS 1926.718, AS 1926.719, AS 1926.720, AS 1926.721, AS 1926.722, AS 1926.723, AS 1926.724, AS 1926.725, AS 1926.726, AS 1926.727, AS 1926.728, AS 1926.729, AS 1926.730, AS 1926.731, AS 1926.732, AS 1926.733, AS 1926.734, AS 1926.735, AS 1926.736, AS 1926.737, AS 1926.738, AS 1926.739, AS 1926.740, AS 1926.741, AS 1926.742, AS 1926.743, AS 1926.744, AS 1926.745, AS 1926.746, AS 1926.747, AS 1926.748, AS 1926.749, AS 1926.750, AS 1926.751, AS 1926.752, AS 1926.753, AS 1926.754, AS 1926.755, AS 1926.756, AS 1926.757, AS 1926.758, AS 1926.759, AS 1926.760, AS 1926.761, AS 1926.762, AS 1926.763, AS 1926.764, AS 1926.765, AS 1926.766, AS 1926.767, AS 1926.768, AS 1926.769, AS 1926.770, AS 1926.771, AS 1926.772, AS 1926.773, AS 1926.774, AS 1926.775, AS 1926.776, AS 1926.777, AS 1926.778, AS 1926.779, AS 1926.780, AS 1926.781, AS 1926.782, AS 1926.783, AS 1926.784, AS 1926.785, AS 1926.786, AS 1926.787, AS 1926.788, AS 1926.789, AS 1926.790, AS 1926.791, AS 1926.792, AS 1926.793, AS 1926.794, AS 1926.795, AS 1926.796, AS 1926.797, AS 1926.798, AS 1926.799, AS 1926.800, AS 1926.801, AS 1926.802, AS 1926.803, AS 1926.804, AS 1926.805, AS 1926.806, AS 1926.807, AS 1926.808, AS 1926.809, AS 1926.810, AS 1926.811, AS 1926.812, AS 1926.813, AS 1926.814, AS 1926.815, AS 1926.816, AS 1926.817, AS 1926.818, AS 1926.819, AS 1926.820, AS 1926.821, AS 1926.822, AS 1926.823, AS 1926.824, AS 1926.825, AS 1926.826, AS 1926.827, AS 1926.828, AS 1926.829, AS 1926.830, AS 1926.831, AS 1926.832, AS 1926.833, AS 1926.834, AS 1926.835, AS 1926.836, AS 1926.837, AS 1926.838, AS 1926.839, AS 1926.840, AS 1926.841, AS 1926.842, AS 1926.843, AS 1926.844, AS 1926.845, AS 1926.846, AS 1926.847, AS 1926.848, AS 1926.849, AS 1926.850, AS 1926.851, AS 1926.852, AS 1926.853, AS 1926.854, AS 1926.855, AS 1926.856, AS 1926.857, AS 1926.858, AS 1926.859, AS 1926.860, AS 1926.861, AS 1926.862, AS 1926.863, AS 1926.864, AS 1926.865, AS 1926.866, AS 1926.867, AS 1926.868, AS 1926.869, AS 1926.870, AS 1926.871, AS 1926.872, AS 1926.873, AS 1926.874, AS 1926.875, AS 1926.876, AS 1926.877, AS 1926.878, AS 1926.879, AS 1926.880, AS 1926.881, AS 1926.882, AS 1926.883, AS 1926.884, AS 1926.885, AS 1926.886, AS 1926.887, AS 1926.888, AS 1926.889, AS 1926.890, AS 1926.891, AS 1926.892, AS 1926.893, AS 1926.894, AS 1926.895, AS 1926.896, AS 1926.897, AS 1926.898, AS 1926.899, AS 1926.900, AS 1926.901, AS 1926.902, AS 1926.903, AS 1926.904, AS 1926.905, AS 1926.906, AS 1926.907, AS 1926.908, AS 1926.909, AS 1926.910, AS 1926.911, AS 1926.912, AS 1926.913, AS 1926.914, AS 1926.915, AS 1926.916, AS 1926.917, AS 1926.918, AS 1926.919, AS 1926.920, AS 1926.921, AS 1926.922, AS 1926.923, AS 1926.924, AS 1926.925, AS 1926.926, AS 1926.927, AS 1926.928, AS 1926.929, AS 1926.930, AS 1926.931, AS 1926.932, AS 1926.933, AS 1926.934, AS 1926.935, AS 1926.936, AS 1926.937, AS 1926.938, AS 1926.939, AS 1926.940, AS 1926.941, AS 1926.942, AS 1926.943, AS 1926.944, AS 1926.945, AS 1926.946, AS 1926.947, AS 1926.948, AS 1926.949, AS 1926.950, AS 1926.951, AS 1926.952, AS 1926.953, AS 1926.954, AS 1926.955, AS 1926.956, AS 1926.957, AS 1926.958, AS 1926.959, AS 1926.960, AS 1926.961, AS 1926.962, AS 1926.963, AS 1926.964, AS 1926.965, AS 1926.966, AS 1926.967, AS 1926.968, AS 1926.969, AS 1926.970, AS 1926.971, AS 1926.972, AS 1926.973, AS 1926.974, AS 1926.975, AS 1926.976, AS 1926.977, AS 1926.978, AS 1926.979, AS 1926.980, AS 1926.981, AS 1926.982, AS 1926.983, AS 1926.984, AS 1926.985, AS 1926.986, AS 1926.987, AS 1926.988, AS 1926.989, AS 1926.990, AS 1926.991, AS 1926.992, AS 1926.993, AS 1926.994, AS 1926.995, AS 1926.996, AS 1926.997, AS 1926.998, AS 1926.999, AS 1927.000, AS 1927.001, AS 1927.002, AS 1927.003, AS 1927.004, AS 1927.005, AS 1927.006, AS 1927.007, AS 1927.008, AS 1927.009, AS 1927.010, AS 1927.011, AS 1927.012, AS 1927.013, AS 1927.014, AS 1927.015, AS 1927.016, AS 1927.017, AS 1927.018, AS 1927.019, AS 1927.020, AS 1927.021, AS 1927.022, AS 1927.023, AS 1927.024, AS 1927.025, AS 1927.026, AS 1927.027, AS 1927.028, AS 1927.029, AS 1927.030, AS 1927.031, AS 1927.032, AS 1927.033, AS 1927.034, AS 1927.035, AS 1927.036, AS 1927.037, AS 1927.038, AS 1927.039, AS 1927.040, AS 1927.041, AS 1927.042, AS 1927.043, AS 1927.044, AS 1927.045, AS 1927.046, AS 1927.047, AS 1927.048, AS 1927.049, AS 1927.050, AS 1927.051, AS 1927.052, AS 1927.053, AS 1927.054, AS 1927.055, AS 1927.056, AS 1927.057, AS 1927.058, AS 1927.059, AS 1927.060, AS 1927.061, AS 1927.062, AS 1927.063, AS 1927.064, AS 1927.065, AS 1927.066, AS 1927.067, AS 1927.068, AS 1927.069, AS 1927.070, AS 1927.071, AS 1927.072, AS 1927.073, AS 1927.074, AS 1927.075, AS 1927.076, AS 1927.077, AS 1927.078, AS 1927.079, AS 1927.080, AS 1927.081, AS 1927.082, AS 1927.083, AS 1927.084, AS 1927.085, AS 1927.086, AS 1927.087, AS 1927.088, AS 1927.089, AS 1927.090, AS 1927.091, AS 1927.092, AS 1927.093, AS 1927.094, AS 1927.095, AS 1927.096, AS 1927.097, AS 1927.098							

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REVISIONS		GENERAL NOTES		ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS		SPECIFICATIONS (refer to specification attachment)		BASIS COMMITMENTS		ENERGY OPTIONS - COMMON AREAS		WATER OPTIONS	
A	DEVELOPMENT APPLICATION	07-02-2017	1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY RECS.	CLAUSE B1.4 - MATERIAL & FORMS CONSTRUCTIONS	CLAUSE D2.1 - OPERATION OF LATCH	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15	PLUMBING: TO COMPLY WITH BCA CLAUSE D2.15
B	ADDITIONAL INFORMATION FOR COUNCIL	27-10-2017	2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED	CLAUSE D2.2 - FIRE RESISTING CONSTRUCTION	CLAUSE D2.3 - SOUND INSULATION	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15	CLIMATE: TO COMPLY WITH BCA CLAUSE D2.15
			3. CONTRACTOR TO NOTIFY ANY OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING	CLAUSE D2.4 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL	CLAUSE D2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2
			4. MIN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION	CLAUSE D2.6 - OPENINGS FOR SERVICE INSTALLATIONS	CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2
			5. CONTRACTOR TO ENSURE ALL POWER CABLES / COMMUNICATION REQUIREMENTS	CLAUSE D2.8 - OPENINGS FOR SERVICE INSTALLATIONS	CLAUSE D2.9 - SOUND INSULATION OF FLOORS	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2
			6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE	CLAUSE D2.10 - OPENINGS FOR SERVICE INSTALLATIONS	CLAUSE D2.11 - SOUND INSULATION OF WALLS	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2
			7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE	CLAUSE D2.12 - OPENINGS FOR SERVICE INSTALLATIONS	CLAUSE D2.13 - SOUND INSULATION OF PUMPS	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2	MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS562.2





GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY ORDINANCES AND LOCAL AUTHORITY REGULATIONS.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.
3. CONTRACTOR TO REPORT TO OWNER OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
4. WHO REVIEW ALL CONTRACTORS DETAILED DRAWINGS & FITTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO Liaise WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER DATA/COMMUNICATION REQUIREMENTS ARE MET.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLASSES & AUSTRALIAN STANDARDS

CLASSE 1 - 4 - MASONRY & FORMS CONSTRUCTION	CLASSE 22 - 7 - HANDMADE SLABS
SPEC. C11 - 1 - FIRE RESISTING CONSTRUCTION	CLASSE 22 - 8 - OPERATION OF LATCH
SPEC. C11 - 2 - FIRE RESISTING CONSTRUCTION	CLASSE 22 - 9 - SOUND INSULATION
SPEC. C11 - 3 - FIRE RESISTING CONSTRUCTION	CLASSE 22 - 10 - GENERAL BUILDING ACCESS REQUIREMENTS
SPEC. C11 - 11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLASSE 22 - 11 - ACCESSIBLE FACILITIES
SPEC. C11 - 12 - PERFORMANCE OF EXTERIOR WALLS IN A FIRE	CLASSE 22 - 12 - ACCESSIBLE FACILITIES
CLASSE 23 - 2 - SEPARATION OF EQUIPMENT	CLASSE 22 - 13 - IDENTIFICATION OF ACCESSIBLE FACILITIES
CLASSE 23 - 3 - SEPARATION OF EQUIPMENT	CLASSE 22 - 14 - TACTILE INDICATORS
CLASSE 23 - 3 - ACCEPTABLE METHODS OF PROTECTION (OR PENETRATIONS)	CLASSE 22 - 15 - WATERPROOFING OF MET AREAS
CLASSE 23 - 3 - ACCEPTABLE METHODS OF PROTECTION (OR PENETRATIONS)	CLASSE 23 - 1 - ACCESSIBLE FACILITIES
CLASSE 23 - 3 - OPENING FOR SERVICE INSTALLATIONS	CLASSE 23 - 2 - CONSTRUCTION OF SANITARY CANNY
CLASSE 23 - 3 - OPENING FOR SERVICE INSTALLATIONS	CLASSE 23 - 3 - ACCESSIBLE FACILITIES
CLASSE 27 - 1 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	CLASSE 23 - 4 - SOUND INSULATION OF FLOORS
CLASSE 27 - 2 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	CLASSE 23 - 5 - SOUND INSULATION OF WALLS
CLASSE 28 - 1 - LANDINGS	CLASSE 23 - 6 - SOUND INSULATION OF SERVICES
CLASSE 28 - 2 - TUNNELS AND TUNNELS	CLASSE 23 - 7 - SOUND INSULATION OF PUMPS
CLASSE 29 - 1 - BALUSTRADES	

SPECIFICATIONS (refer to specification attachment)

AIRFICIAL LIGHTING: TO COMPLY WITH BCA PART C4 SUBSET A & AS

BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2

DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500

ELECTRICAL INSTALLATION: TO COMPLY WITH BCA PART C6 & C7

FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA

HOT WATER SYSTEMS: TO COMPLY WITH PART J7 OF BCA

MASONRY CONSTRUCTION: TO COMPLY WITH PART K OF BCA

MECHELE/HYDRAULIC: BCA CLAUSE C3.15 & AS1510-4.20

MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J.25 OF BCA

MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1510-4.20

SMOKE ALARMS: TO COMPLY WITH PART C8.2 OF SPEC E2

PENETRATIONS THROUGH FIRE RATED CONSTRUCTION: TO COMPLY WITH MECH/ELE/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15

STAIR TRANSMISSION: TO COMPLY WITH PARTS OF BCA


STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13


STAIR CASES: TO COMPLY WITH PART J.25 OF BCA

WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIC COMMITMENTS		(PLEASE REFER TO BASIC CERTIFICATE AND STAMPED PLANS FOR BASIC COMMITMENTS)	
ENERGY OPTIONS - DWELLINGS		ENERGY OPTIONS - COMMERCIAL	
HEATING:	LONG - 1 PHASE, RER RANG 3.0 BDRS - 1 PHASE, RER RANG 2.5	VENTILATION SYSTEM	
BATHROOM VENTILATION:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
KITCHEN VENTILATION:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
LAUNDRY VENTILATION:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
WATER HEATING:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
COOK TOP:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
CLOTHES DRYER:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		
POOL/SPA:	LONG - 1 PHASE, RER RANG 2.5 BDRS - 1 PHASE, RER RANG 2.5		

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 <p>MHNDUNION</p> <p>29 HUTCHINSON STREET SURREY HILLS SYDNEY NSW 2010</p> <p>T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com</p> <p>M/N Design, Union Pty Ltd, ABN 54 003 717 052</p>	<p>PROJECT: 16A & 16B LLANDAFF ST</p> <p>BOND: JUNCTION NSW</p> <p>DRAWING: BASEMENT 01 FLOOR PLAN</p>	<p>PROJECT NO: 16-026</p> <p>DRAWN BY: MHNDU 1100/DA1</p> <p>TO SCALE: 1:200</p> <p>DRAWING NO: REV: B</p>
	<p>Nominated Architect: Brian Meyerson</p> <p>NSW Registration Number: 4907</p>	



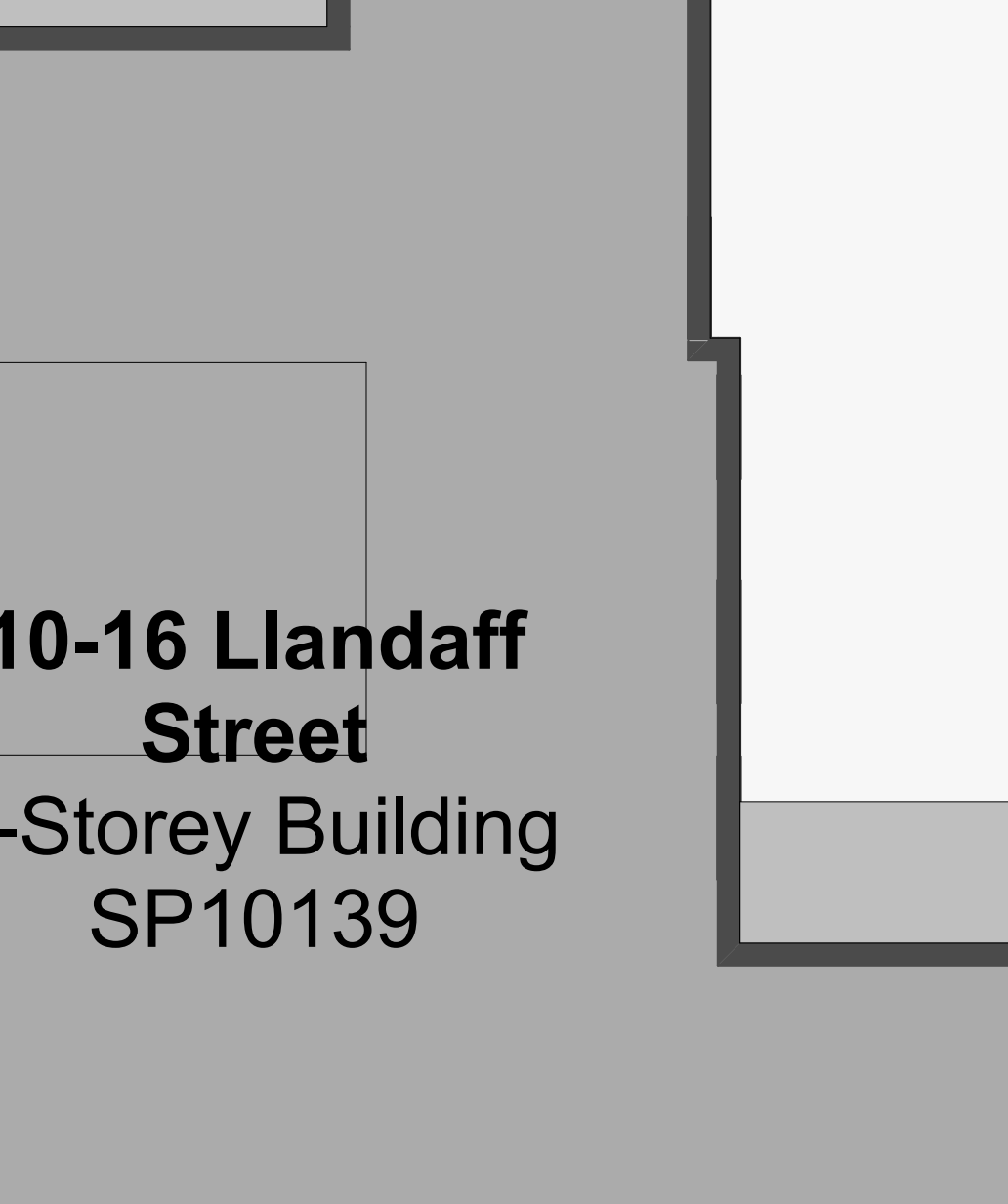
**10-16 Llandaff
Street**

9-Storey Building
SP10139

18 Llandaff Street
4-Storey Building
SP1853

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**10-16 Llandaff
Street**

9-Storey Building
SP10139

2D

2F / L

**18 Llandaff
Street**

**4-Storey
Building**

SP1853

2D

2019年12月

388

This architectural floor plan illustrates a residential building layout with two 2-bedroom units and common areas. The plan is oriented with a grid system (1A to 2D) and includes various dimensions and labels.

Units and Areas:

- Unit 503 (Top Left):** 2BED AREA: 81 m², TYPE H, UNIT 503. Includes a L/D (Living/Dining) area, 6.0m wide, and a BALC (Balcony) AREA: 17 m².
- Unit 504 (Bottom Left):** 2BED AREA: 70 m², ADAPTABLE LAYOUT. Includes a L/D (Living/Dining) area, 5.6m wide, and a BALC (Balcony) AREA: 12 m².
- Unit 505 (Top Right):** 2BED AREA: 78 m². Includes a L/D (Living/Dining) area, 4.2m wide, and a BALC (Balcony) AREA: 10 m².

Common Areas and Features:

- LIFT:** Located in the central corridor.
- CARDARK EXHAUST:** Located near the lift.
- FS 02:** Fire safety feature near the lift.
- GC:** Garbage Chute.
- REAR SIDE BACK:** 6,000mm dimension.
- FRONT SIDE BACK:** 6,000mm dimension.
- 6000 SIDE SETBACK:** Indicated on the left and right sides.

Dimensions and Orientation:

- Grid Lines:** 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D.
- Angles:** 271° 47', 271° 46', 90° 46', 90° 47'.
- Distances:** 12.8, 36.93, 36.48, 5.545, 6.070, 6.150, 6.000.

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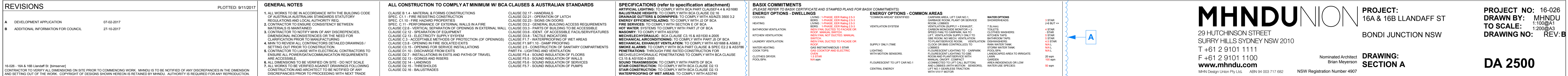
PROJECT: 16A & 16B LLANDAFF ST
BONDJI JUNCTION NSW

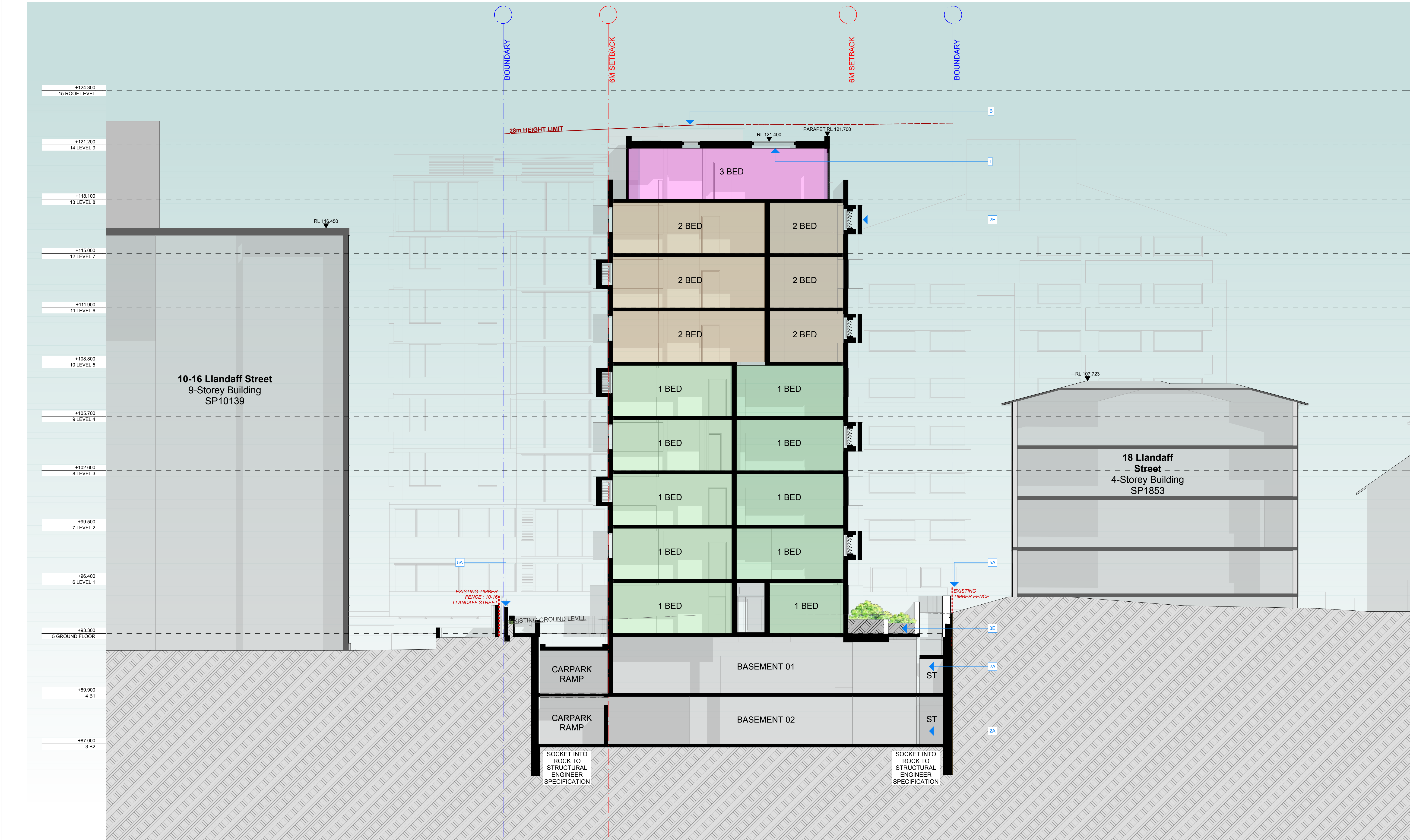
PROJECT NO: 16-026
DRAWN BY: MHNDU
TO SCALE: 1:100@A1
DRAWING NO: 1:200@A3
REV: E

DRAWING:
LEVELS 5-7 TYPICAL FLOOR
PLAN

DA 2004

Nominated Architect
 Brian Meyererson
 Registration Number 4907





REVISIONS

A DEVELOPMENT APPLICATION

07-02-2021

B ADDITIONAL INFORMATION FOR COUNCIL

10-10-2021

PLOTTED: 09/11/2021

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY RECS.

2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.

3. CONTRACTOR TO NOTIFY ANY OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.

4. MIN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.

5. CONTRACTOR TO ENSURE ALL POWER DATA COMMUNICATION REQUIREMENTS ARE ACCOMMODATED.

6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.

7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

ALL CONSTRUCTION TO COMPLY WITH MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B1.4 - MATERIAL & FORMS CONSTRUCTIONS

CLAUSE B1.5 - FIRE RESISTING CONSTRUCTION

CLAUSE B1.6 - OPENINGS FOR SERVICE INSTALLATIONS

CLAUSE B1.7 - ELECTRICAL SUPPLY SYSTEM

CLAUSE B1.8 - OPENINGS FOR SERVICE INSTALLATIONS

CLAUSE B1.9 - DISCHARGE FROM EXITS

CLAUSE B2.1 - TYPED INDICATORS

CLAUSE B2.2 - TYPED INDICATORS

CLAUSE B2.3 - TYPED INDICATORS

CLAUSE B2.4 - TYPED INDICATORS

CLAUSE B2.5 - TYPED INDICATORS

CLAUSE B2.6 - TYPED INDICATORS

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CLAUSE B2.99 - TYPED INDICATORS

CLAUSE B2.100 - TYPED INDICATORS

SPECIFICATIONS (refer to specification attachment)

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA CLAUSE 4.8 & AS1680

ENERGY EFFICIENT LIGHTING: TO COMPLY WITH AS/NZS 2600.2.2

HEATING: TO COMPLY WITH AS/NZS 2600.2.2

NOT CLIMATE CONTROLLED BUILDING

VENTILATION SYSTEM: TO COMPLY WITH AS/NZS 2600.2.2

WATER HEATING: TO COMPLY WITH AS/NZS 2600.2.2

COOLING: TO COMPLY WITH AS/NZS 2600.2.2

BATHROOM VENTILATION: TO COMPLY WITH AS/NZS 2600.2.2

KITCHEN VENTILATION: TO COMPLY WITH AS/NZS 2600.2.2

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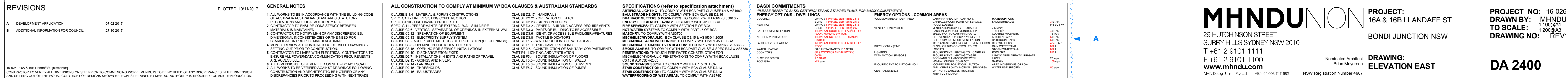
KITCHEN VENTILATION: TO COMPLY WITH AS/NZS 2600.2.2

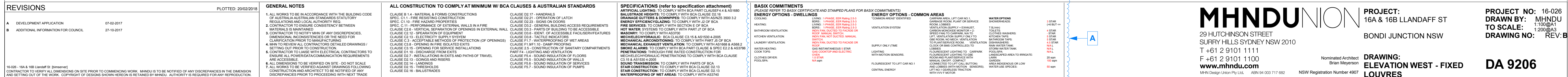
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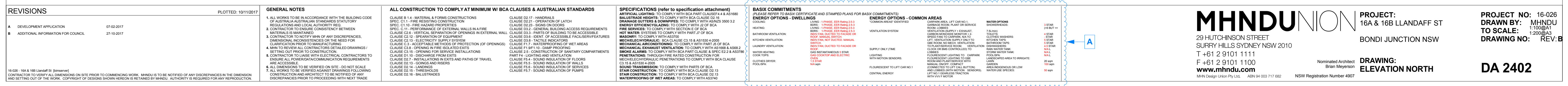
WATER HEATING: TO COMPLY WITH AS/NZS 2600.2.2

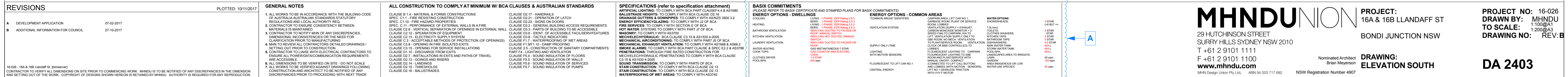
COOLING: TO COMPLY WITH AS/NZS 2600.2.2

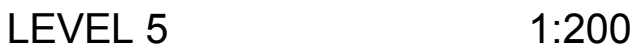
BATHROOM VENTILATION: TO COMPLY WITH AS/NZS 2600.2













CROSS VENTILATION COMPLIANCE		
% REQUIRED	60%	✓
% ACHIEVED	100%	

LEGEND	
	ACHIEVES CROSS VENTILATION
	DOES NOT ACHIEVES CROSS VENTILATION

REVISONS		PLOTTED: 9/11/2017
A	DEVELOPMENT APPLICATION	07-02-2017
B	ADDITIONAL INFORMATION FOR COUNCIL	27-10-2017

16-026 - 15A & 16B Landcraft St [summary]
 CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. HANDOUT IS TO NOTIFY OF ANY DISCREPANCIES IN THE DIMENSION
 AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREIN IS RETAINED BY HANDOUT. A NOTICE IS REQUIRED FOR ANY REPRODUCTION

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS TO BE MAINTAINED
3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE POWER AND DATA COMMUNICATION REQUIREMENTS ARE ACCESSIBLE
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

[illegible]

SPECIFICATIONS (refer to specification attachment)

AIRPLANE LIGHTING: TO COMPLY WITH BICA PART CLAUSE 4.6 & AS 15150-4-2005

BALLASTS/STROBES: TO COMPLY WITH BICA CLAUSE D2 15

BATTERY: TO COMPLY WITH BICA PART CLAUSE 4.6 & AS 15150-4-2005

ENERGY EFFICIENT GLAZING: TO COMPLY WITH J2 OF BICA

FIRE SERVICES: TO COMPLY WITH SECTION E OF BICA

HOT WATER SYSTEMS: TO COMPLY WITH PART J7 OF BICA

MECHANICAL: TO COMPLY WITH BICA PART CLAUSE 4.6

MECHANICAL/HYDRAULIC: CLAUSE C15 & AS1530-4-2005

MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J6 OF BICA

MECHANICAL ELECTRICAL: TO COMPLY WITH BICA PART CLAUSE 4.6

SMOKE ALARMS: TO COMPLY WITH BICA PART CLAUSE 4 & SPEC E2.2

PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR PENETRATIONS TO COMPLY WITH BICA PART CLAUSE 4.6

CLIMATE CONTROL: TO COMPLY WITH BICA PART CLAUSE C15 & AS1530-4-2005

TRANS TRANSMISSION: TO COMPLY WITH PARTS OF BICA CLAUSE 4.6

WATERPROOFING: TO COMPLY WITH BICA PART CLAUSE D2.13

STAIR CONSTRUCTION: TO COMPLY WITH BICA CLAUSE D2.13

WATERPROOFING OF WET AREAS: TO COMPLY WITH AS15740

[illegible]

AMMUN AREAS	WATER OPTIONS	SPRINKLERS
CAMPFIRE AREA, LIFT CAR NO. 1	SHOWERHEADS	5 STARS
ROCK CLOSET, ROOF SERVICE	ROCK CLOSET	4 STARS
ROCK CLOSET - KITCHEN	TOILETS	4 STARS
GAS MONITOR MONITOR #2	AREA PROTECTED	5 STARS
TOILET	KITCHEN PANS	5 STARS
LIFT VENTILATION SPLY ONLY TO	DISPOSAL	5 STARS
USE ROOM NO. 10 VENTILATION	WARM WATER	4 STARS
TO LIFTS SERVICE ROOM	WATER TANK	N/A
TOILETS	POOL WATER TANK	N/A
FLUORESCENT LIGHTING TO GARDEN	POOLS	N/A
FLUORESCENT LIGHTING TO GARDEN	LANDSCAPED AREA TO BERKATE	N/A
ROCKS AND PLANTINGS WITH	GARDEN	200 gals
MANUAL CLOTH COMPACT	CONNECTION TO CALL BELL	100 gals
AND CLOTHES WITH (HOTCH BENDINGS)	WATER USE SPECIES	80 gals
NO. 11 LEAKAGE TRACTION		
WITH VVVV MOTOR		

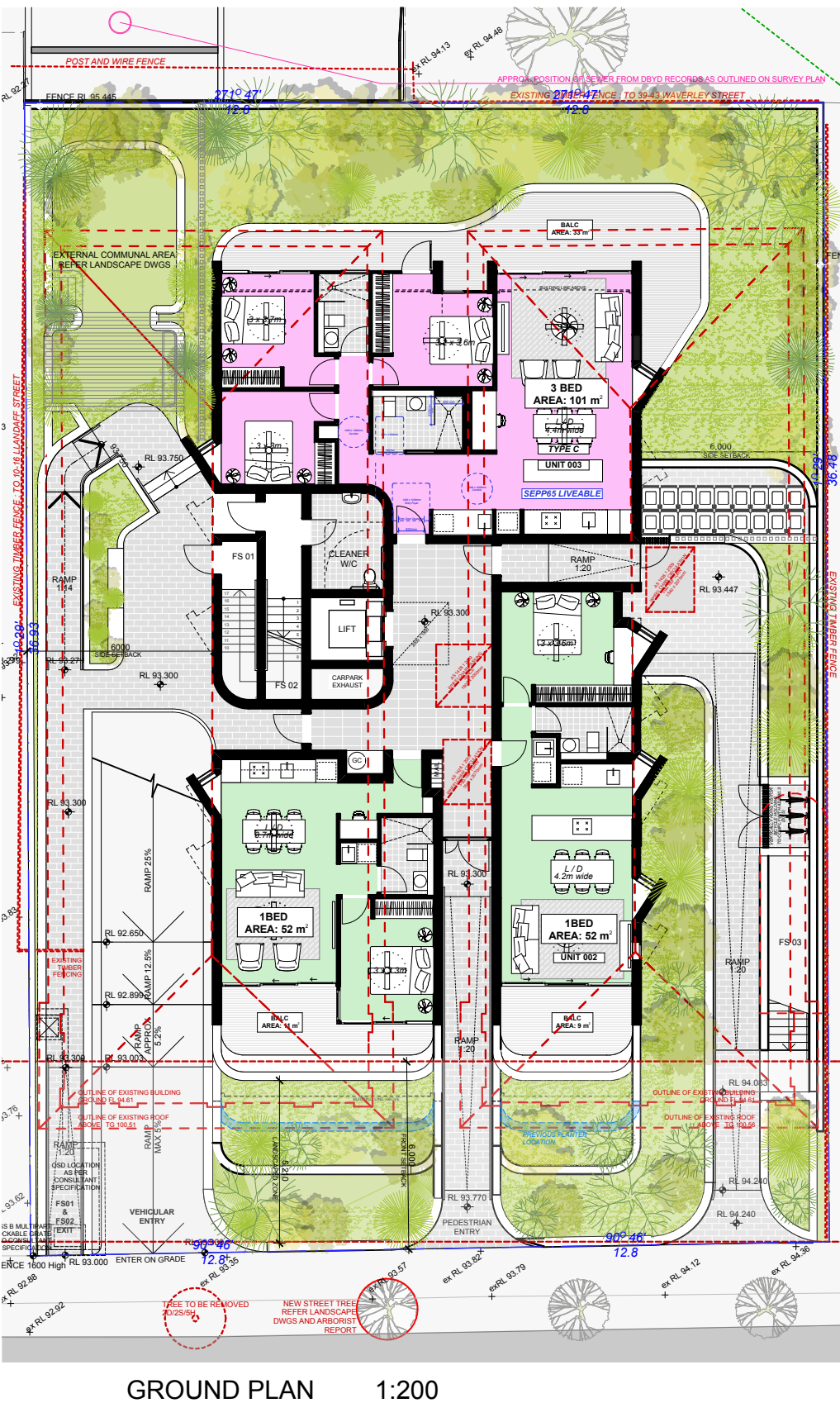


PROJECT NO: 16-026
DRAWN BY: MHNDU
TO SCALE: 1:50@A1
1:100@A3
DRAWING NO: REV: B



NOTE:

EXISTING TIMBER FENCING TO BE REMOVED / NEGOTIATED WITH NEIGHBOURS. PROPOSAL INCLUDES LOW HEIGHT BOUNDARY WALLS /AND LANDSCAPING ACTING AS SCREENING. ALL PROPOSED FENCING ADHERES TO DCP REQUIREMENTS

[illegible]



COMPLIES

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL COUNCIL REQUIREMENTS
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
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4. MNH TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SPECIFICATIONS AND APPROVE FOR CONSTRUCTION
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE
6. ALL WORKS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES

SPECIFICATIONS (refer to specification attachment)
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA CLAUSE 44.6
CEILING: TO COMPLY WITH BCA CLAUSE 44.6
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 42.2
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500
DUCTWORK: TO COMPLY WITH AS/NZS 3500
FEEDER SERVICES: TO COMPLY WITH SECTION 6 OF BCA
HOT WATER SYSTEMS: TO COMPLY WITH PART 7 OF BCA
MASONRY: TO COMPLY WITH AS/3700
MECHANICAL: TO COMPLY WITH AS/3700
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 45 OF BCA
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS/1668 &
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS/1668 &
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR
MECHANIC/HYDRAULIC PENETRATIONS: TO COMPLY WITH THE BCA
CL 35 & AS/1540 & 4205
ROOF CONSTRUCTION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 42.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 42.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE 42.13

COMMON AREAS	WATER OFFSETS	
CARPARK AREA, LIFT CAR NO. 1	SHOWER/CHANGE	1 STAR
GARBAGE ROOM, PLANT OR SERVICE ROOM (CORR)	2.0 L/min	0.5 STAR
FLUORESCENT LIGHTING + EXHAUST	2.0 L/min	1 STAR
CARPARK INDICATOR MOUNTED > 2.5 METRE FAN TO CARPARK, N/A	CLOTHES WARDERS	1 STAR
VENTILATION SUPPLY OR EXHAUST	DISINFECTANT	1 STAR
ICE ROOM, NO MECH. VENTILATION	BATHROOM TAPS	1 STAR
TO PLANT/STORAGE ROOM, VENTILATION	DISINFECTANT	1.5 STAR
CLUTCH OR BRAK CONTROL TO LOBBIES	RAIN WATER TANK	N/A
FLUORESCENT LIGHTING TO CARPARK	STOMCH WATER TANK	N/A
FLUORESCENT LIGHTING TO SERVICE ROOM AND PLANT/STORAGE ROOM	POOL/SPA	1 STAR
CONTRACTOR WORK	LAUNDRY WATER AREA TO BERGATE LAUNDRY	0.5 STAR
CONNECTED TO 100 L (200 L) SINKS	GARDEN	0.5 STAR
DISINFECTANT BOTTLE (MISCELLANEOUS)	AREA INDICATOR OR LOW	0.5 STAR
WATER SUPPLY TRACTION	WATER USE SPECIFIC	0.5 STAR
WATER VV MOTOR		

401



EXISTING TIMBER FENCING TO BE REMOVED / NEGOTIATED WITH NEIGHBOURS. PROPOSAL INCLUDES LOW HEIGHT BOUNDARY WALLS /AND LANDSCAPING ACTING AS SCREENING. ALL PROPOSED FENCING ADHERES TO DCP REQUIREMENTS

MHNDU_{NION}

PROJECT NO: 16-026
DRAWN BY: MHNDU
TO SCALE: NTS @A3
DRAWING NO: REV: B

DA 9205

402

[illegible][illegible]

29 HUTCHINSON STREET
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682

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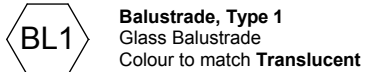
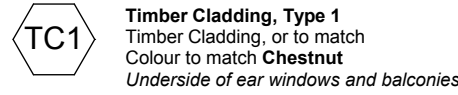
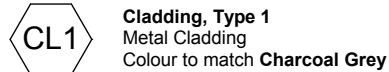
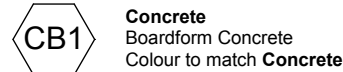
The image displays two architectural drawings of a building facade, along with a material legend.

Left Drawing (Side Elevation): Shows a building facade with a central vertical element. The facade is divided into sections by a central vertical element. The drawing includes a 28m HEIGHT PLANE and a SITE BOUNDARY. The facade features a mix of materials, including concrete, metal cladding, and glass. The drawing is labeled with various material codes (CL1, GL2, CB1, BL1, GL1) and a section line (2E).

Right Drawing (Section View): Shows a cross-section of the building facade. The drawing includes a 28m HEIGHT PLANE and a SITE BOUNDARY. The facade features a mix of materials, including concrete, metal cladding, and glass. The drawing is labeled with various material codes (CL1, CB1, GL2, GL1) and a section line (2E).

Material Legend:

- Concrete**
 - CB1 Boardform Concrete Colour to match Concrete
- Cladding, Type 1**
 - CL1 Metal Cladding Colour to match Charcoal Grey
- Glass, Type 1**
 - GL1 Clear Glazing, Dark Aluminium Frame Colour to match Clear
- Glass, Type 2**
 - GL2 Tinted Grey Glazing, Black Aluminium Frame Colour to match Transparent Grey
- Glass, Type 3**
 - GL3 Clear Glazing, Black Aluminium Frame Colour to match Clear
- Balustrade, Type 1**
 - BL1 Glass Balustrade Colour to match Translucent
- Timber Cladding, Type 1**
 - TC1 Timber Cladding, or to match Chestnut Colour to match Chestnut Underside of eaves windows and balconies

[illegible]

404

29 HUTCHINSON STREET
SURREY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682

DA 9410



REVISONS		PLOTTED: 9/11/17	GENERAL NOTES
A	DEVELOPMENT APPLICATION	24-01-17	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY RGS
B	ADDITIONAL INFORMATION FOR COUNCIL	05-09-17	<p>CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS BE MAINTAINED</p> <p>CONTRACTOR TO ENSURE ALL DIMENSIONS, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CORRECTION TO ANALYSIS</p> <p>MINI TO REMOVE ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION</p> <p>CONTRACTOR TO LABEL WITH ELECTRICAL, CONTRACTORS TO ENSURE ALL POWER/DATA COMMUNICATION REQUIREMENTS ARE ACCESSED</p> <p>ALL DIMENSIONS TO BE VERIFIED ON SITE, DO NOT SCALE</p> <p>CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DIMENSIONAL PRIOR TO PROCEEDING WITH MOST TRADE</p>

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLASSIFICATIONS & AUSTRALIAN STANDARDS	
CLAS 1.4 - MATERIALS & FORMS CONTINUOUS	CLAS 02.17 - HANDRAILS
CLAS 1.5 - HAZARDOUS PROPERTIES	CLAS 02.21 - OPERATION OF LATCH
SPEC 1.1 - FIRE RESISTING CONSTRUCTION	CLAS 03.01 - INSIDE GLASS UNIT
CLAS 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAS 03.02 - GLASS BUILDING ACCESS REQUIREMENTS
CLAS 2.8 - VERTICAL SEPARATION OF PROPERTIES IN EXTERNAL WALL	CLAS 03.03 - PARTS OF BUILDING TO BE ACCESSIBLE
CLAS 2.9 - EXTERIOR WALLS TO BE FIRE RESISTANT	CLAS 03.04 - GLASS BUILDING ACCESS REQUIREMENTS
CLAS 2.13 - ELECTRICITY SUPPLY SYSTEMS	CLAS 03.05 - TACTILE INDICATORS
CLAS 2.14 - EXTERIOR WALLS TO BE FIRE RESISTANT (SECTION OF OPENINGS)	CLAS 03.06 - TACTILE INDICATORS
CLAS 3.8 - OPENING IN FIRE ISOATED EXITS	CLAS 03.11 - 01 - DAMP PROOFING
CLAS 3.9 - EXTERIOR WALLS TO BE FIRE RESISTANT (SECTION OF OPENINGS)	CLAS 03.11 - 02 - CONSTRUCTION OF ANY COMBUSTIBLE PART
CLAS 3.10 - DISCHARGE FROM EXITS AND PATHS OF TRAVEL	CLAS 03.11 - 03 - LIGHTING AND VENTILATION
CLAS 3.11 - DISCHARGE FROM EXITS AND PATHS OF TRAVEL	CLAS 03.11 - 04 - CONSTRUCTION OF ANY COMBUSTIBLE PART
CLAS 3.12 - GROUNDING AND RISERS	CLAS 03.11 - 05 - CONSTRUCTION OF ANY COMBUSTIBLE PART
CLAS 3.13 - GROUNDING	CLAS 03.11 - 06 - CONSTRUCTION OF ANY COMBUSTIBLE PART
CLAS 3.14 - GROUNDING	CLAS 03.11 - 07 - CONSTRUCTION OF ANY COMBUSTIBLE PART
CLAS 3.15 - BALUSTRADES	CLAS 03.11 - 08 - CONSTRUCTION OF ANY COMBUSTIBLE PART
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	CLAS 03.11 - 87 - CONSTRUCTION OF ANY COMBUSTIBLE PART
	CLAS 03.11 - 88 -

SPECIFICATIONS (refer to specification attachment)

ARTIFICIAL DRAINAGE: TO COMPLY WITH BCA PART C405.4.4 & AS1688.1

BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.2

DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500.3.2

EMERGENCY LIGHTS: TO COMPLY WITH AS/NZS 3536.1

FIRE SERVICES: TO COMPLY WITH SECTION 6 OF BCA

HOT WATER SYSTEMS: TO COMPLY WITH PART 47 OF BCA

MATHS: TO COMPLY WITH PART 4 OF BCA

MECHANICAL/DRAINAGE: BCA CLAUSE C3.15 & AS1590.4.20

MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 4 OF BCA

MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688.1 & AS822

SMOKE ALARMS: TO COMPLY WITH BCA PART C405.4.4 & SPEC E2.2 & AS3785.1

SMOKE EXHAUST: TO COMPLY WITH AS1688.1 & AS822

MECHANICAL/DRAINAGE PENETRATIONS: TO COMPLY WITH BCA CLAUSE E3.1

STAIR TRANSMISSION: TO COMPLY WITH PARTS OF BCA

STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13

STAIR PROTECTION: TO COMPLY WITH BCA CLAUSE D2.13

WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

[illegible]

3 STAR
(HIGHEST)

4 STAR

5 STAR

5 STAR

4.5 STAR

N/A

N/A

N/A

20 sqm

100 sqm

50 sqm

MHNDUNION

29 HUTCHINSON STREET
SURREY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com

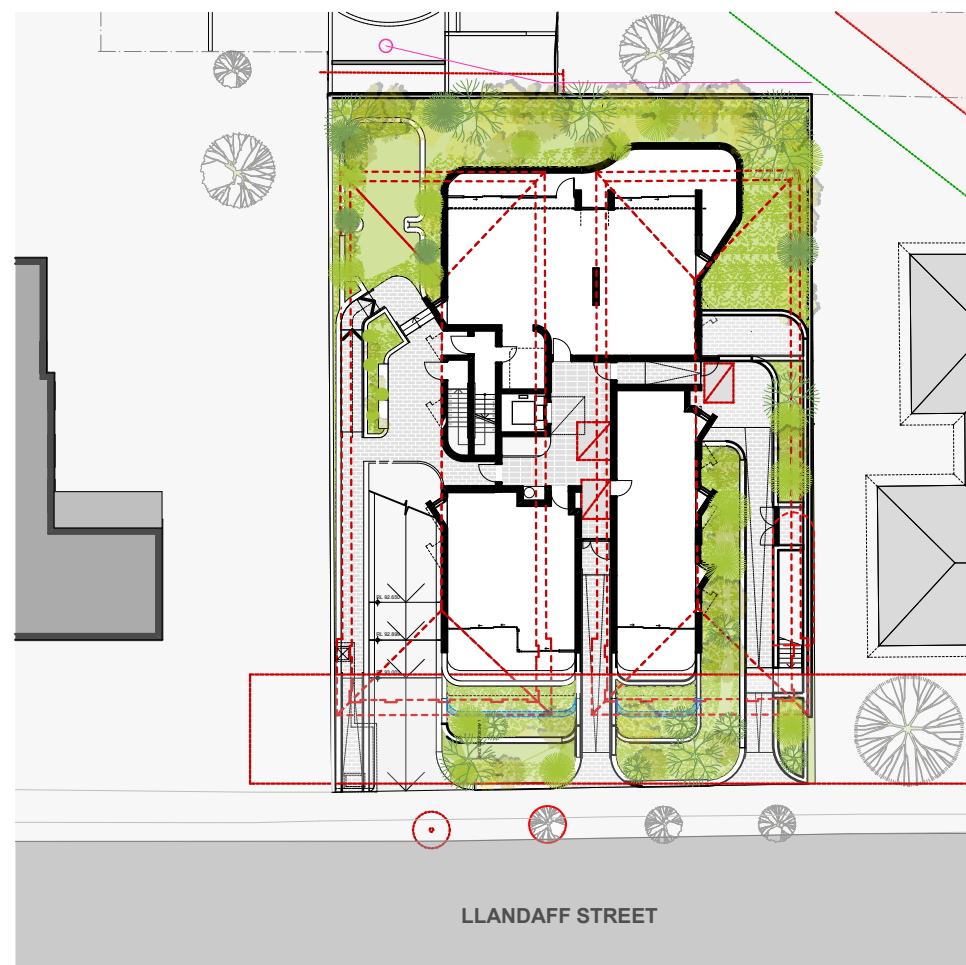
MH/N Design Unit Pty Ltd. ABN 94 003 717 682

PROJECT:
16A & 16B LLANDAFF ST
BONDI JUNCTION NSW

DRAWING:
PERSPECTIVE
SKETCHES

PROJECT NO: 16-026
DRAWN BY: MHNDU
TO SCALE: NTS @A3
DRAWING NO: REV: B

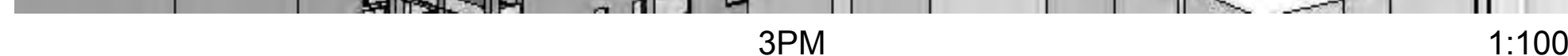
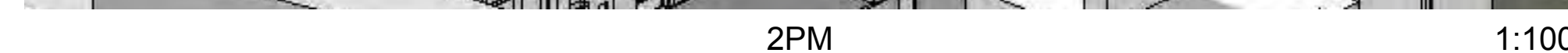
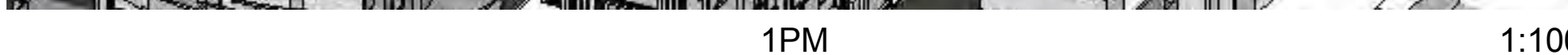
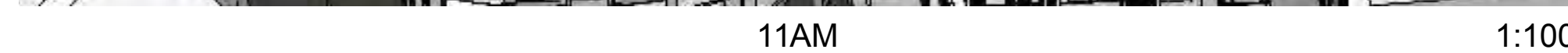
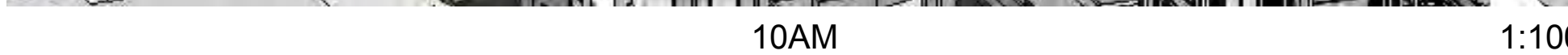
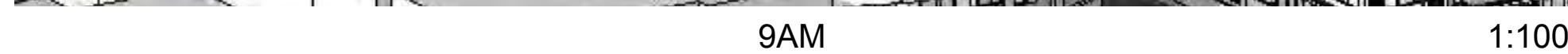
DA 9500

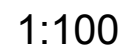
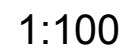
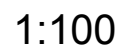
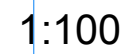


LLANDAFF STREET

WATER OPTIONS
SHOWERHEADS:
7.5 liter/min)
TOILETS:
CLOTHES WASHERS:
KITCHEN TAPS:
BATHROOM TAPS:
DISHWASHERS:
RAIN WATER TANK:
STORM WATER TANK:
POOL/SPA:
LANDSCAPED AREA TO IRRIGATE:
LAWN:
GARDEN:
AREA/INDIGENOUS OR LOW
WATER USE SPECIES:

DA 9501

410

2,161 m²

DA 9000

PROJECT:
16A & 16B LLANDAFF S
BONDI JUNCTION NSW

DRAWING:
GFA COMPLIANCE



LEGEND

ACHIEVES SOLAR COMPLIANCE

DOES NOT ACHIEVES SOLAR COMPLIANCE

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MINDU IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. COPYRIGHT OF DESIGNS SHOWN HEREON IS RETAINED BY MINDU. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION.

GENERAL NOTES

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS/STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN TENDERS IS MAINTAINED.
3. CONTRACTOR TO NOTIFY MINOR OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.
4. MINOR AND REVISION ALL CHANGES TO BE OBTAINED DRAWINGS/ SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL OVERHEAD COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE.
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING DESIGN AND ARCHITECT - TO BE NOTIFIED IF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

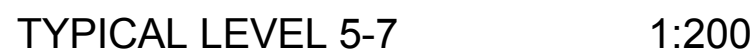
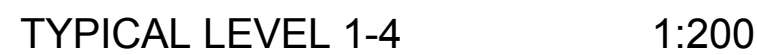
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SPECIFICATIONS (refer to specification attachment)

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE# 4.4 & AS1
BALLRASTRA HEIGHTS: TO COMPLY WITH BCA CLAUSE ED26
CEILING: TO COMPLY WITH BCA PART CLAUSE 4.13
ENERGY EFFICIENCY GLAZING: TO COMPLY WITH 4.2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
WATER SYSTEMS: TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
METAL/CLAD/HYDRAULIC: BCLA CLAUSE C3.15 & AS1530-4
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J6 OF BCA
MECHANICAL ELECTRICAL: TO COMPLY WITH BCLA CLAUSE 4.13
SMOKE ALARMS: TO COMPLY WITH BCLA PART CLAUSE & SPEC E2.2
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR
MECHANICAL ELECTRICAL PENETRATIONS TO COMPLY WITH
C3.15 & AS1530-4-2002
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCLA CLAUSE ED.13
STAIR CASEWAY CONSTRUCTION: TO COMPLY WITH C3.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIS COMMITMENTS		ENERGY OPTIONS	
(PLEASE REFER TO BASIC CERTIFICATE AND STAMPED PLANS FOR BASIC COMMITMENTS)		(PLEASE REFER TO BASIC CERTIFICATE AND STAMPED PLANS FOR BASIC COMMITMENTS)	
COOLING:	LMDH 1 PHASE, EER RATING 2.5.3	ENERGY OPTIONS	"COMMON AREA" IDENTIFIED
HEATING:	LMDH 1 PHASE, EER RATING 2.5.3		
BATHROOM VENTILATION:	INDV.FAN, DUCTED TO FACE OR BATF	VENTILATION SYSTEM	
KITCHEN VENTILATION:	INDV.FAN, DUCTED TO FACE OR BATF		
LAUNDRY VENTILATION:	INDV.FAN, DUCTED TO FACE OR BATF		
WATER HEATING:	GA GAS INSTANTANEOUS 5 STAR	SUPPLY ONLY (TBE)	
COOK TOP:	GA GAS COOKTOP AND ELECTRIC OVEN	LOADING	WITH MOTION SENSORS
CLOTHES DRYER:	1.5.3.10A N/A	FLUORESCENT TO LIFT CAR	
		CENTRAL ENERGY	

[illegible]



Unit Number	Unit Type	Req (m3)	Volume	Complies
001	1 BED	6m3	6.8	✓
002	1 BED	6m3	7.0	✓
003	3 BED	10m3	10.5	✓
101	1 BED	6m3	7.1	✓
102	1 BED	6m3	7.5	✓
103	2 BED	8m3	9.0	✓
104	1 BED	6m3	9.1	✓
201	1 BED	6m3	8.7	✓
202	1 BED	6m3	9.0	✓
203	2 BED	8m3	9.0	✓
204	1 BED	6m3	10.2	✓
301	1 BED	6m3	8.2	✓
302	1 BED	6m3	7.7	✓
303	2 BED	8m3	9.0	✓
304	1 BED	6m3	8.9	✓
401	1 BED	6m3	7.4	✓
402	1 BED	6m3	7.5	✓
403	2 BED	8m3	9.0	✓
404	1 BED	6m3	8.9	✓

Total Storage Schedule				
Unit Number	Unit Type	Req (m3)	Volume	Complies
501	2 BED	8m3	8.3	✓
502	2 BED	8m3	9.0	✓
503	2 BED	8m3	9.0	✓
601	2 BED	8m3	11.7	✓
602	2 BED	8m3	9.8	✓
603	2 BED	8m3	9.0	✓
701	2 BED	8m3	4.9	✓
702	2 BED	8m3	9.0	✓
703	2 BED	8m3	9.0	✓
801	3 BED	10m3	11.6	✓
802	2 BED	8m3	9.5	✓

A	DEVELOPMENT APPLICATION	07-02-2017
B	ADDITIONAL INFORMATION FOR COUNCIL	27-10-2017

CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK. MHNDD IS TO BE NOTIFIED OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE WORK. ALL COPYRIGHT OF DESIGN IS SOLELY IN PERSON IS RETAINED BY MHNDD. AUTHORITY IS REQUIRED FOR ANY REPRODUCTION

PLOTTED: 8/11/2

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY MHN OF ANY DISCREPANCIES, OMISSIONS, INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION
5. CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF THE TRADE

CLAUSE B1-4 - MATERIALS & CONSTRUCTIONS	CLAUSE D21 - HANDRAILS
SPEC C1-1 - FIRE-RESISTING CONSTRUCTION	CLAUSE D22 - OPERATION OF LATCH
SPEC C1-2 - LOCKING AND SECURITY PROPERTIES	CLAUSE D23 - SMOKE OR SHIELD
SPEC C1-3 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE D24 - GENERAL BUILDING ACCESS REQUIRE
CLAUSE D28 - VERBAL SEPARATION OF OPENINGS IN EXTERNAL WALL	CLAUSE D3-3 - PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D29 - ELECTRICAL EQUIPMENT	CLAUSE D3-4 - ACCESSIBLE TOILETS
CLAUSE D3-1 - ELECTRICITY SUPPLY SYSTEM	CLAUSE D38 - TACTILE INDICATORS
CLAUSE D3-2 - ELECTRICAL EQUIPMENT	CLAUSE D39 - ACCESSIBLE TOILET AREAS
CLAUSE D3-3 - OPENING IN FIRE ISOLATED EXITS	CLAUSE F1 SPT 10 - DAMP PROOFING
CLAUSE D3-4 - ELECTRICAL INSTALLATIONS	CLAUSE F1 SPT 11 - CONSTRUCTION OF BATHROOM PART
CLAUSE D10 - DISCHARGE FROM EXITS	PART F4 - LIGHTING AND VENTILATION
CLAUSE D11 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	CLAUSE F5-1 - SOUND INSULATION OF FLOORS
CLAUSE D12 - THERMAL INSULATION OF WALLS	CLAUSE F5-2 - SOUND INSULATION OF WALLS
CLAUSE D14 - LANDINGS	CLAUSE F5-6 - SOUND INSULATION OF SERVICES
CLAUSE D15 - THERMAL INSULATION OF ROOFS	CLAUSE F5-7 - SOUND INSULATION OF PUMPS
CLAUSE D16 - BALUSTRADES	

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 6.4 & AS
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2 16
BATHING: TO COMPLY WITH BCA CLAUSE D2 15
BATHING: TO COMPLY WITH BCA CLAUSE D2 15
ENERGY EFFICIENCY GLAZING: TO COMPLY WITH D2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHANICAL AIR CONDITIONING: TO COMPLY WITH AS1530-4:2005
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1608 &
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR
PENETRATIONS TO COMPLY WITH BCA CLAUSE
C3 15 & AS1530-4:2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2 13
WATER PENETRATIONS: TO COMPLY WITH BCA CLAUSE D2 13

(PLEASE REFER TO BASIC CEILING VENTILATION CHARTS FOR
HEATING, COOLING, AND VENTILATION OPTIONS - DWELLING TYPE)
HEATING:
BATHROOM VENTILATION:
KITCHEN VENTILATION:
LAUNDRY VENTILATION:
WATER HEATING:
COOK TOPS:
CLOTHES DRYER:
POOL/SPA:

PHASE, EER Rating 2-5-3
PHASE, EER Rating 2-5-3
PHASE, EER Rating 2-5-3
PHASE, EER Rating 2-5-3
DUCTED TO FACADE OR
MANUAL, SWITCH
NOT DUCTED, MANUAL,
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SURREY HILLS
T +61 2 910
F +61 2 910
www.mhnd
MH-ND Design Union Pty

NDU
N STREET
YDNEY NSW 21
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com
ABN 94 003 717 682

Nominations
Brisbane
NSW Registration

PROJ
16A &
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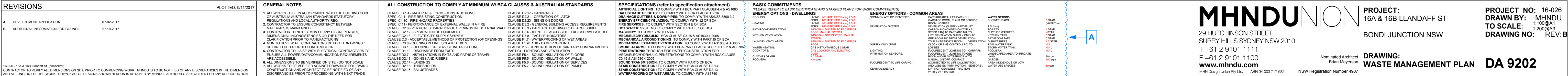
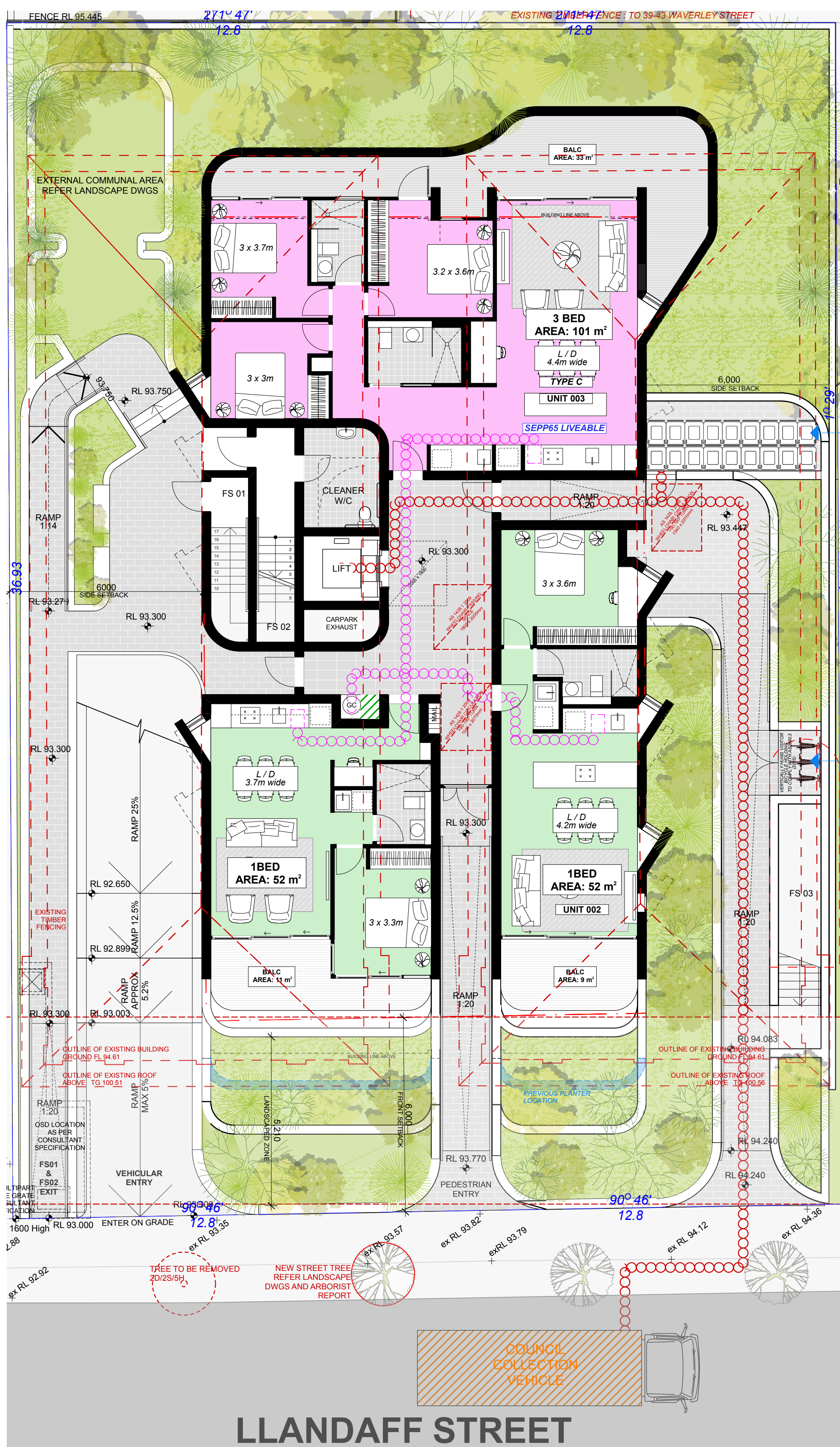
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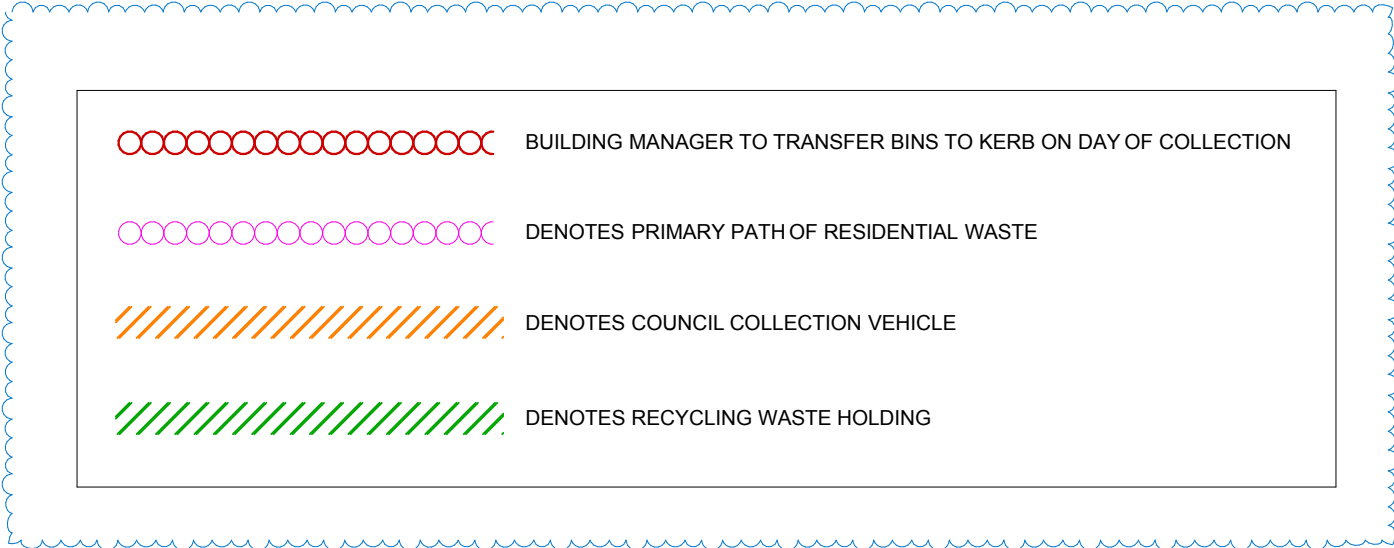
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16-026
MHNDU
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REV: B





MHNDU

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29 HUTCHINSON STREET
SURREY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1130
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 662

PROJECT:
16A & 16B LLANDAFF ST
BOTAI JUNCTION NSW

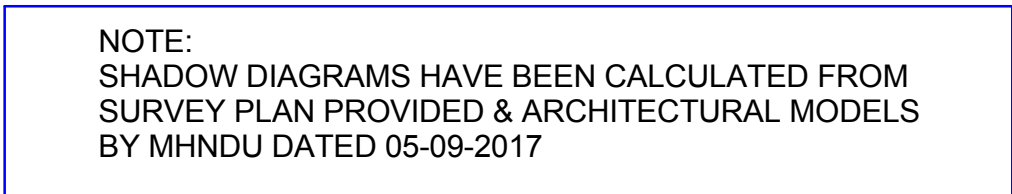
Nominated Architect
Brian Meyerson






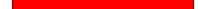

NSW Registration Number: 4907

DRAWING:
WASTE MANAGEMENT PLAN

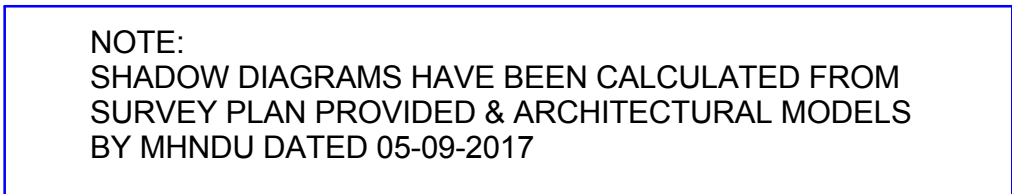
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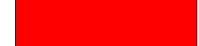


PROJECT NO: 16-026
DRAWN BY: MHNDU
SCALE: 1:100 @ A1
1:200 @ A2
DRAWING NO: REV. B



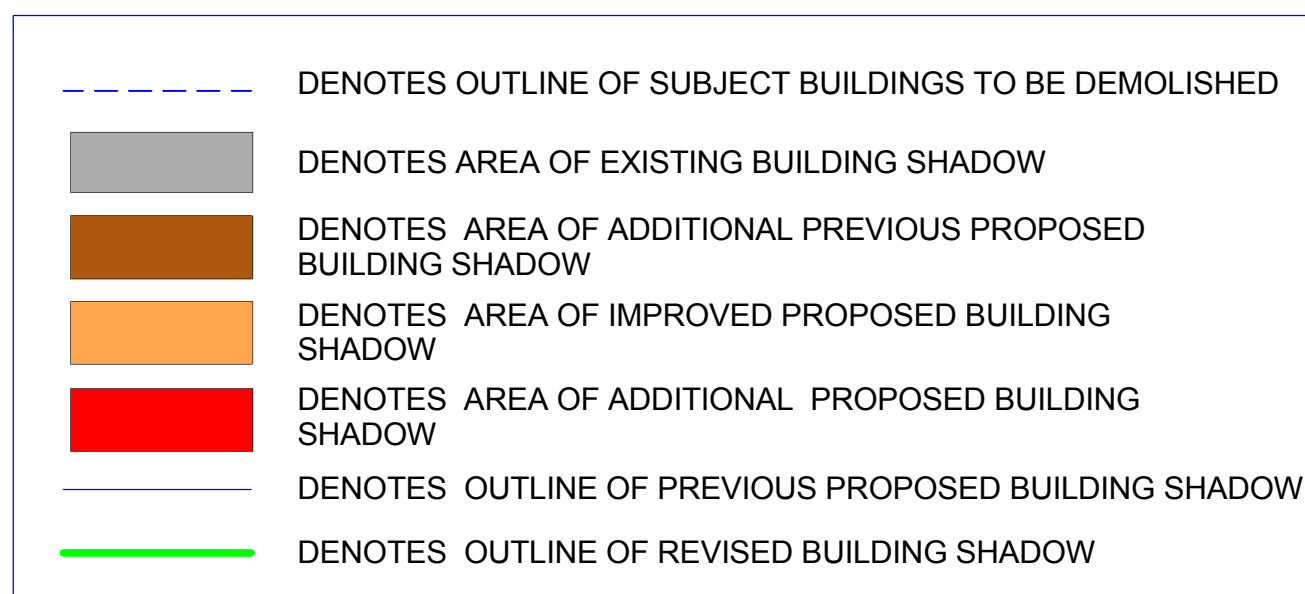
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SHADOW DIAGRAMS

Use figured dimensions in preference to scaling of drawings.
notify architect of any discrepancies prior
to commencement of work.

SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

Shadowing June 21st 3.00pm

scale: 

Project number 5819-16 A103

26/10/2017 11:08:36



SHADOW DIAGRAMS

Use figured dimensions in preference to scaling of drawings,
notify architect of any discrepancies prior
to commencement of work.

SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

Shadowing Elevations

Date: 25-10-17
Scale: 1 : 200@A1
Drawn by: JD
Checked by: JD

Project number 5819-16 A104

26/10/2017 11:08:36

LLANDAFF STREET BONDI JUNCTION
LANDSCAPE DEVELOPMENT APPLICATION
NOVEMBER 2017
ISSUE B



- 101 / Site Analysis | Context Plan
- 102 / Strategy | Principles
- 103 / Landscape Plan
- 104 / Landscape Section
- 105 / Proposed Planting Palette
- 106 / Landscape Planting Plan | Schedule



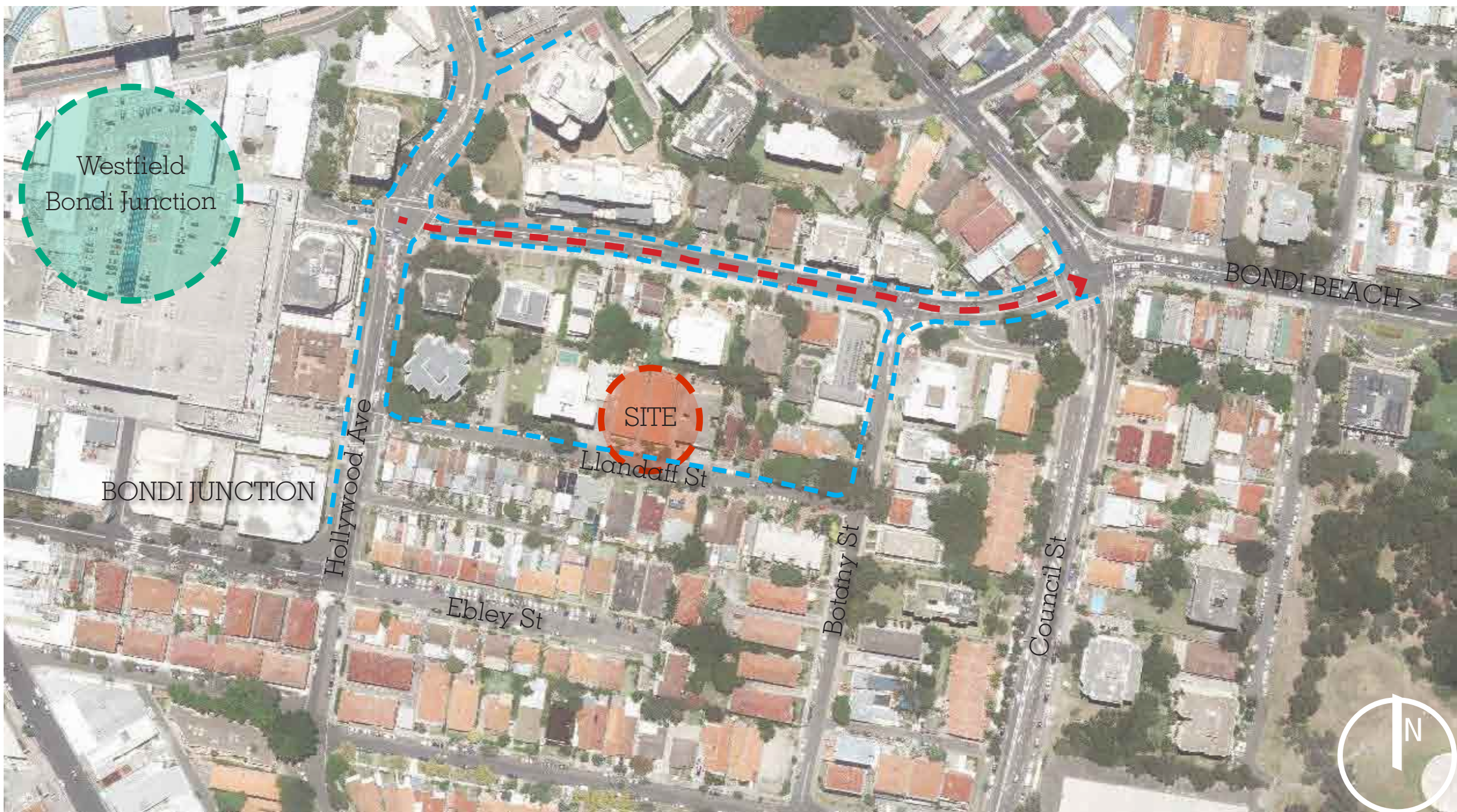
CONTEXT PLAN - SYDNEY

LOCATION

Located in the center of Llandaff St, Bondi Junction it is only 8km away from the city CBD and 4km away from a plethora of beaches including Bondi Beach, Rushcutters Bay and Rose Bay.

TRANSPORT

Bondi Junction is the transport hub of the eastern suburbs with strong bus and railway connections to suburbs in the north such as Edgecliff, Kings Cross before the link connects to main city stations.



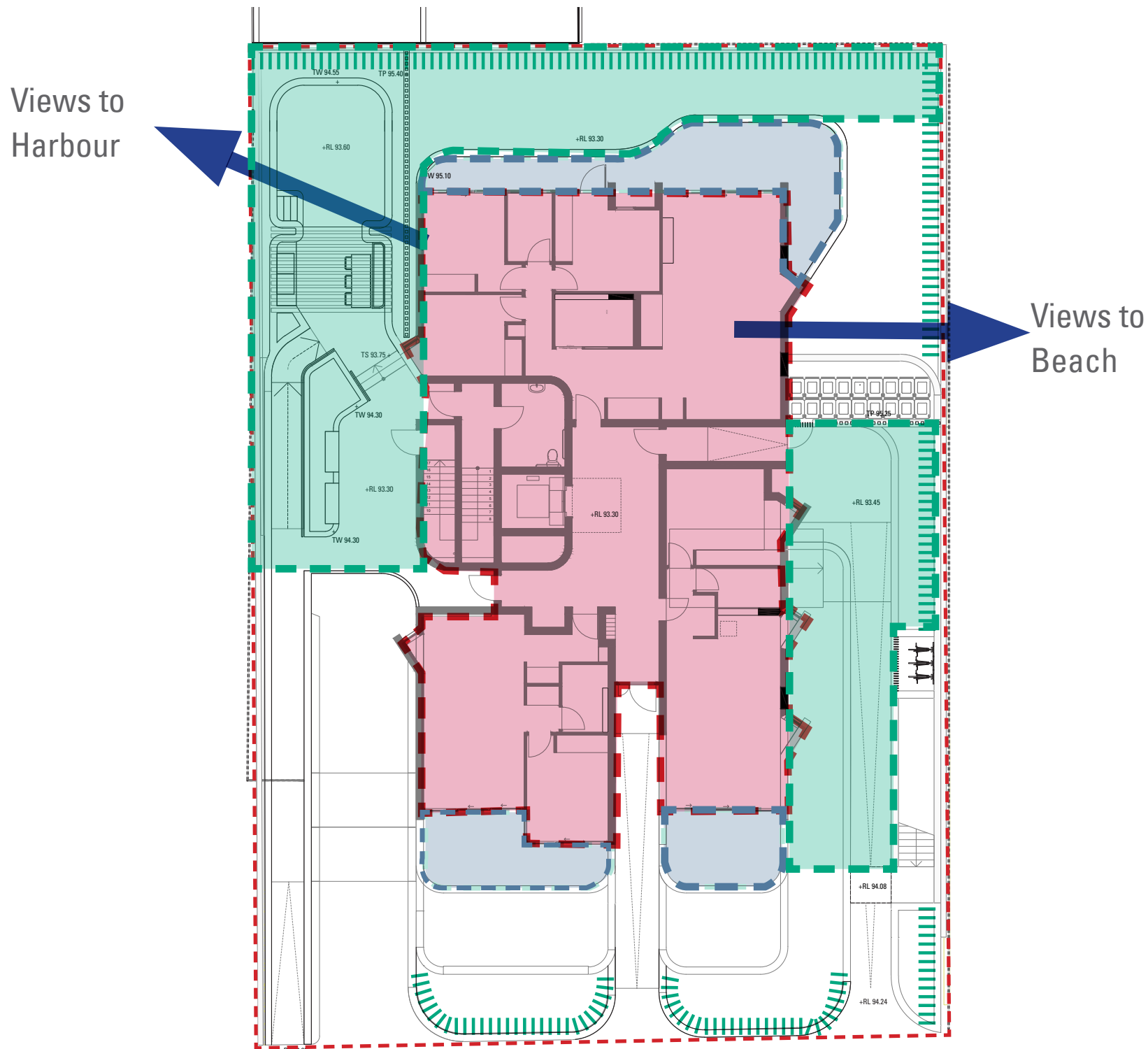
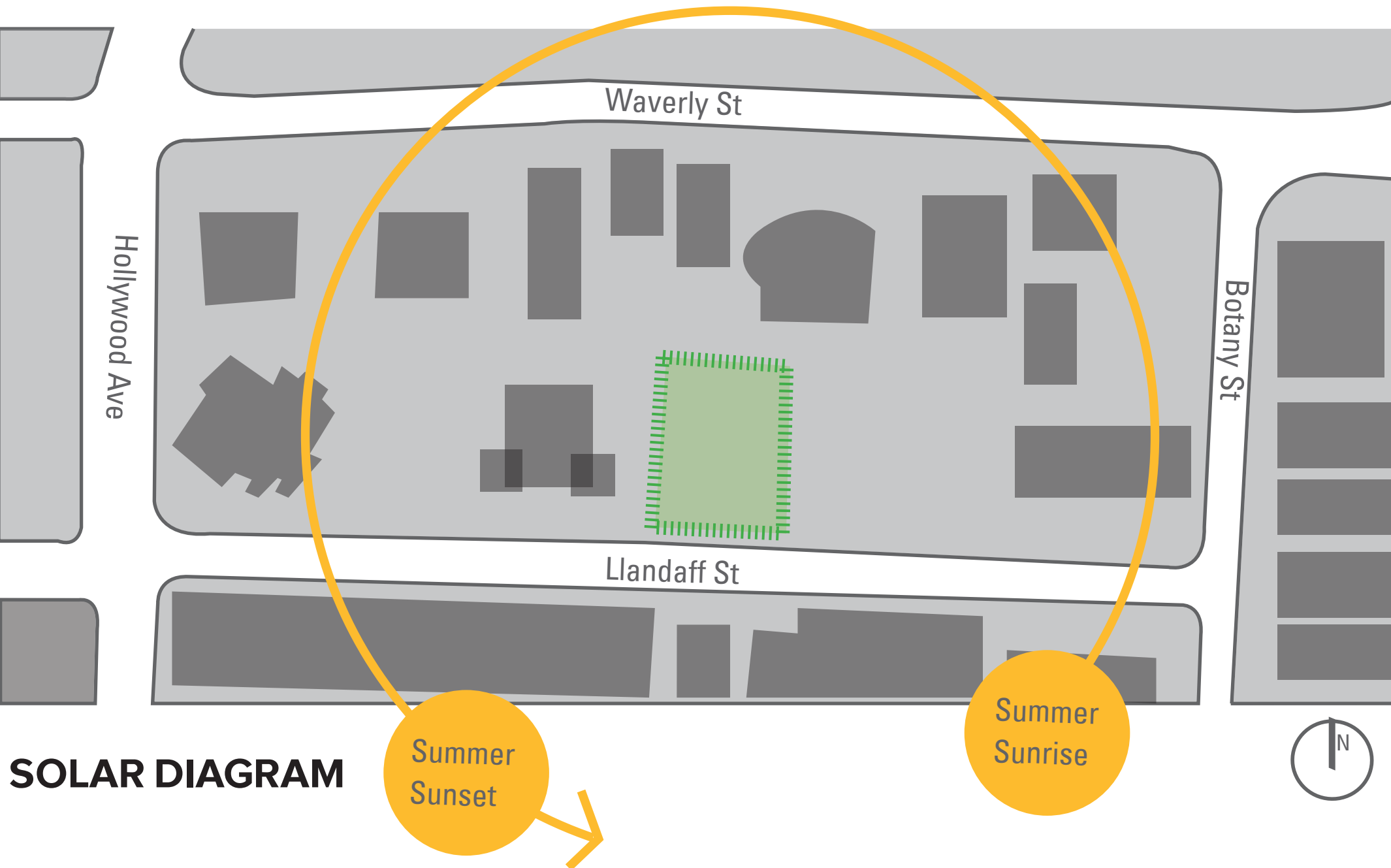
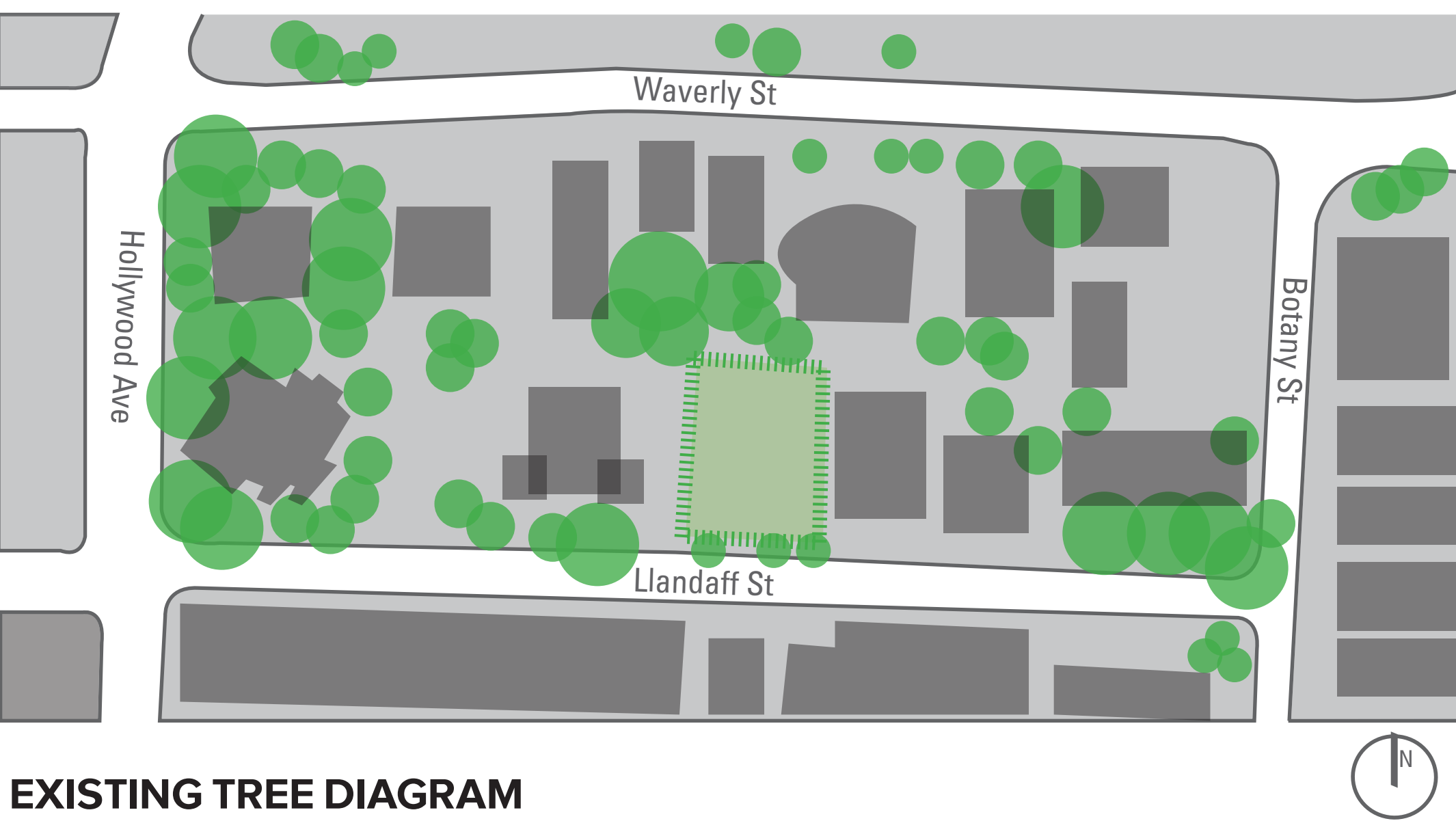
LOCAL PLAN - LLANDAFF STREET

LOCAL

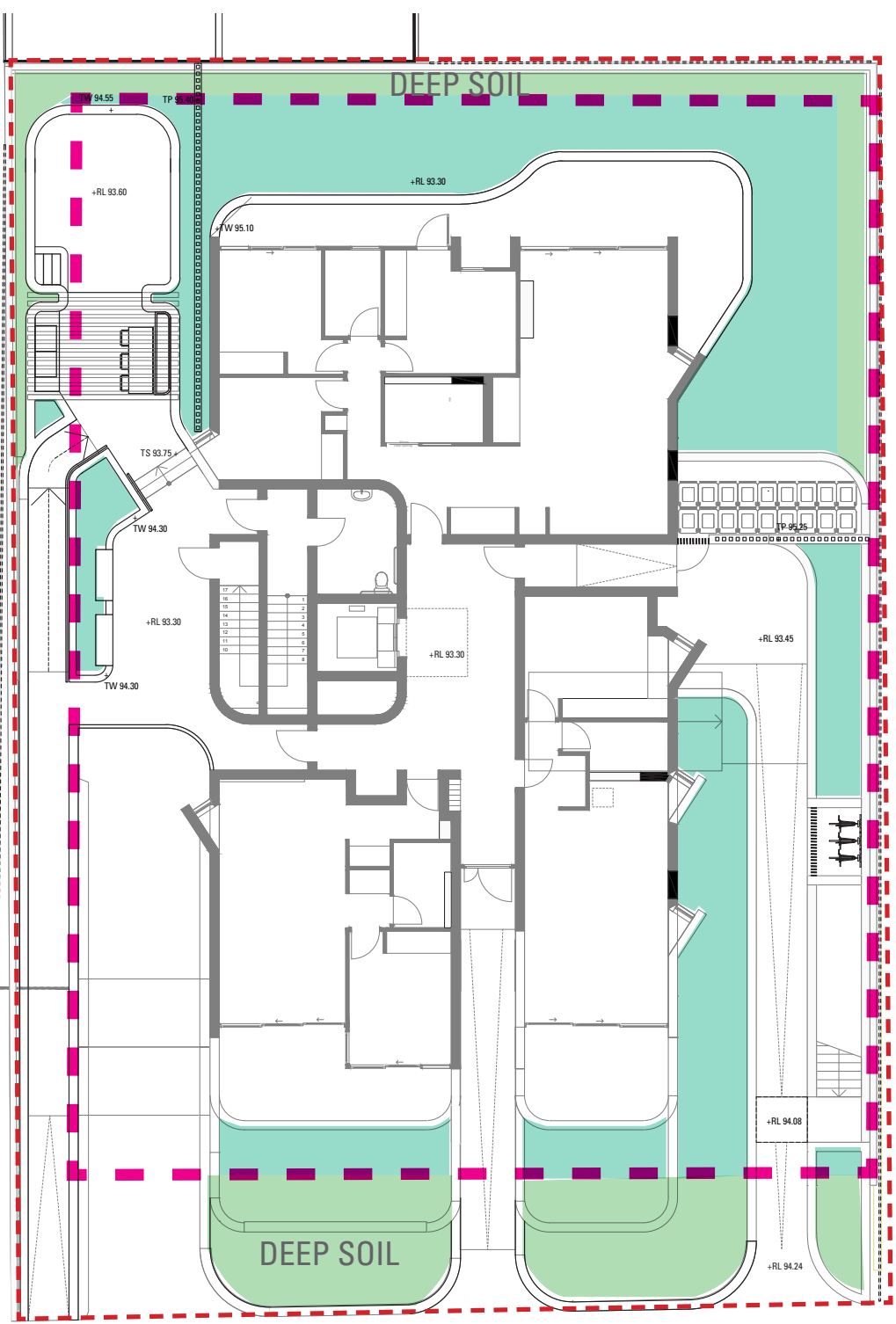
The site is located within 500m and walking distance to the popular Bondi Junction transport hub and Bondi's Westfield shopping mall and within 300m of the local Coles supermarket.

ACTIVATION

Oxford Street, Denison and Spring Street all have active street frontages. Directly opposite the site sits Westfield Bondi Junction with numerous retail stores, cafes and restaurants within easy walking distance.



OPEN SPACE DIAGRAM



SOIL DEPTH DIAGRAM

OPEN SPACE DIAGRAM LEGEND

- Communal open space - 235m²
- Building footprint
- Private open space
- Screening vegetation
- Site extents

KEY PRINCIPLES

- 1/ Adaptable / flexible spaces
- 2/ Responsive to building layout
- 3/ Balance of communal and semi private spaces
- 4/ Ease of flow between integrated spaces
- 5/ Maximise solar exposure
- 6/ Integrated sustainability
- 7/ Efficient methods of construction
- 8/ Robust materiality

DEEP SOIL DEPTHS - 283m² Total Landscaped Area

- 0 - 500 mm - 183m²
- > 800 mm and exceeding required 9m³ volume - 100m²
- Basement parking boundary



LANDSCAPE PLAN - SCALE 1:100 @ A1

0 2 4 6 8 10M
SCALE 1:100 @ A1

PLANTING PALETTE



Cyathea cooperi



Agave attenuata



Monstera deliciosa



Asplenium australasicum



Pennisetum alopecuroides



Aspidistra elatior



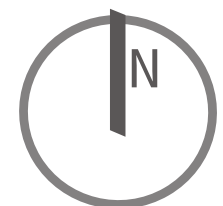
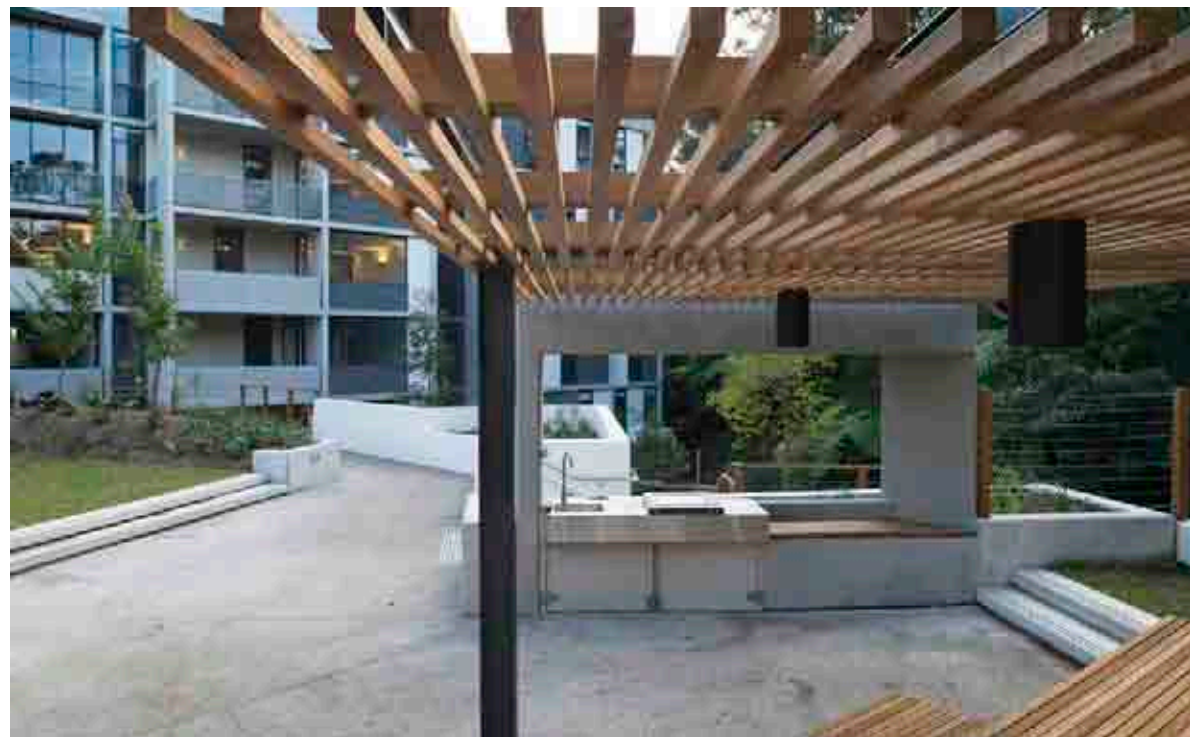
Plumeria obtusa

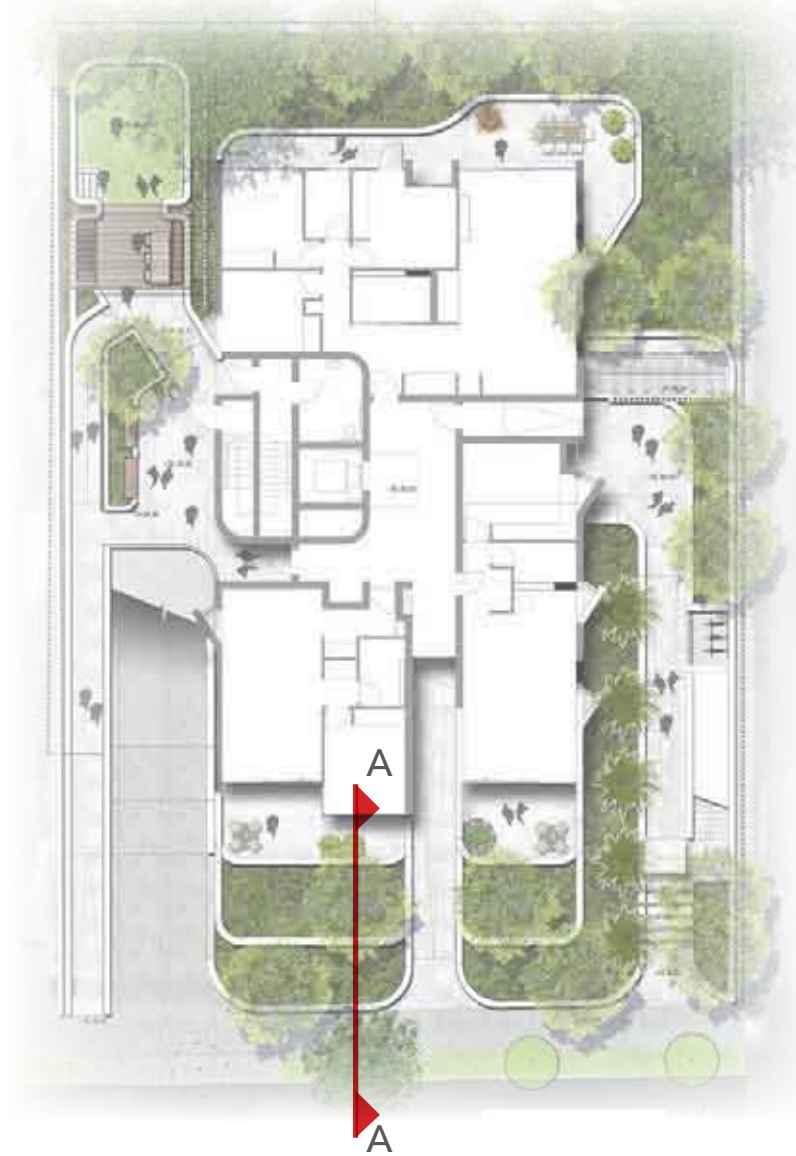


Artemisia stelleriana

LEGEND

- 01 Communal outdoor courtyard with lawn
- 02 Embankment planting
- 03 Propose screening Frangipani
- 04 Raised planter wall w. integrated seating
- 05 Plant screening
- 06 Private paved courtyard
- 07 Basement carpark entrance
- 08 Services entry
- 09 Feature tree
- 10 Communal BBQ and dining facilities
- 11 Timber Frame entry portal
- 12 Communal clothes line





Section AA - Llandaff St Planter Frontage - 1:20 @ A1



GROUND LEVEL LANDSCAPE



Lomandra confertifolia



Pennisetum alopecuroides



Monstera deliciosa



Artemisia stelleriana



Asplenium australasicum



Agave attenuata



Dianella caerulea 'Little Jess'



Murraya paniculata



Sansevieria trifasciata



Pyrus calleryana 'Bradford'



Aspidistra elatior



Acmena 'Allyn Magic'



Elaeocarpus eumundi



Plumeria obtusa



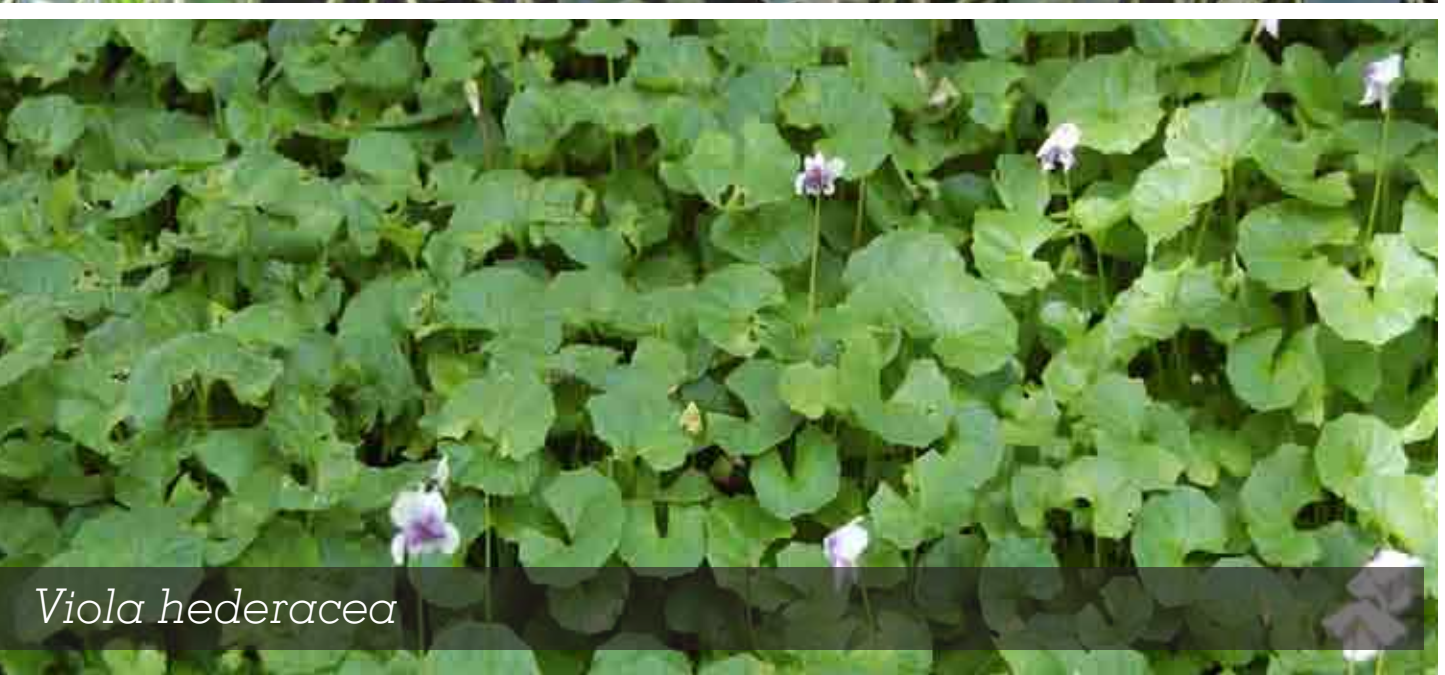
Cyathea cooperi



Ctenanth setosa



Dichondra repens 'Silver Falls'



Viola hederacea

16A + 16B LLANDAFF ST PLANT SCHEDULE					
CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	POT SIZE	QUANTITY
TREES & PALMS					
Ee	<i>Elaeocarpus eumindii</i>	Quandong	6 x 3	400L	1
Po	<i>Plumeria obtusa</i>	Evergreen Frangipani	2.5 x 4	400L	15
Pb	<i>Pyrus calleryana</i> 'Bradford'	Bradford Pear	10 x 8	400L	2
SHRUBS & ACCENTS					
As	<i>Acmena</i> 'Allyn Magic'	Allyn Magic Lilly Pilly	1 x 1	300mm	10
Ct	<i>Ctenanthe</i> 'Grey Star'	Grey Star	1.5 x 1.5	300mm	50
Dc	<i>Dianella caerulea</i> 'Little Jess'	Flax Lily	0.4 x 0.4	300mm	20
Mo	<i>Monstera deliciosa</i>	Swiss Cheese Plant	3 x 3	25L	4
Mp	<i>Murraya paniculata</i>	Orange Jasmine	3 x 2	300mm	20
Pc	<i>Philodendron Congo</i>	Congo	1.5 x 0.7	25L	27
Ts	<i>Tradescantia spathacea</i>	Boat Lily	0.5 x 1	300mm	33
Wa	<i>Westringia</i> 'Aussie Box'	Aussie Box Hedge	0.8 x 0.8	300mm	12
GRASSES & RUSHES					
Lc	<i>Lomandra confertifolia</i>	Mat Rush	0.8 x 0.8	150mm	20
Lv	<i>Lomandra</i> 'Verday'	Mat Rush	0.6 x 0.6	150mm	132
Pa	<i>Pennisetum alopecuroides</i>	Swamp Foxtail	1 x 1	150mm	25
FERNS & CYCADS					
Aa	<i>Asplenium australasicum</i>	Birds Nest Fern	1.5 x 1.5	200mm	24
Ae	<i>Aspidistra elatior</i>	Cast Iron Plant	0.5 x 1	200mm	53
Ag	<i>Agave attenuata</i>	Century Plant	1 x 1	200mm	20
Cc	<i>Cyathea cooperi</i>	Tree Fern	5 x 2	300mm	8
GROUNDCOVERS & CLIMBERS					
As	<i>Artemisia stelleriana</i> 'Boughton Silver'	Artemisia	0.5 x 0.5	150mm	26
Ds	<i>Dichondra repens</i> 'Silver Falls'	Silver Falls	0.3 spreading	150mm	10
Sm	<i>Senecio mandraliscae</i>	Blue Chalk Sticks	0.3 x 1	200mm	108
St	<i>Sansevieria trifasciata</i> 'Moonshine'	Silver Snakeplant	0.4 x 0.2	200mm	54
Vh	<i>Viola hederacea</i>	Native Violet	0.2 x 0.5	150mm	120

