

Waverley Council

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6 February 2012

A meeting of **COUNCIL** will be held at the Waverley Council Chambers, Bondi Road, Bondi Junction at:

12.30PM, SATURDAY 11 FEBRUARY 2012

QUORUM: Seven Councillors.

APOLOGIES: Email the General Manager or Governance Manager.

Late notice by telephone or through a Councillor attending the meeting.

A handwritten signature in black ink that reads "Anthony Reed".

Tony Reed
GENERAL MANAGER

AGENDA

I-1202.A LEAVES OF ABSENCE AND APOLOGIES

I-1202.DI DECLARATIONS OF INTEREST

I-1202.1 GENERAL BUSINESS

There are no items of General Business.

I-1202.2 INSPECTIONS

I-1202.2.1 PAGE 4 22 Isabella Street, Queens Park - Demolition of the existing building and construction of new dwelling with double garage and swimming pool (DA 40/2011)

Report dated 18 January 2012 from the Development and Building Unit.

Recommendation: That the application be granted Deferred Commencement Consent in accordance with the conditions contained in this report.

I-1202.2.1 PAGE 39 1 Langlee Street, Waverley – Alterations and additions to the existing detached dwelling, including a pool and hardstand car space (DA 362/2011)

Report dated 8 November 2011 from the Development and Building Unit.

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

I-1202.2.3 PAGE 53 21 Scott Street, Bronte – Demolition of existing dwelling and construction of a two storey dwelling including garage (DA 70/2011)

Report dated 20 December 2011 from the Development and Building Unit.

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

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

I-1202.2.4

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56-58 Hastings Parade, North Bondi – Alterations and additions to existing residential flat building (DA 395/2011)

Report dated 24 November 2011 from the Development and Building Unit.

Recommendation: That the application be granted Deferred Commencement Consent in accordance with the conditions contained in this report.

I-1202.2.5

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54 Military Road, North Bondi - Alterations and additions to dwelling including extensions at lower ground floor level (DA 410/2011)

Report dated 14 December 2011 from the Development and Building Unit.

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

I-1202.RM SUBMISSION OF RESCISSION MOTIONS

Note from the General Manager: Rescission motions must be submitted to the General Manager, or in the absence of the General Manager a member of Council's Governance Unit, and announced before the close of the meeting. The date and time of receipt will be noted on all rescission motions.

Rescission motions received before 10am on the next working day following the meeting will stay action to implement Council's decision until the rescission motion has been determined. This is in line with section 372 of the Local Government Act and Council's Code of Meeting Practice.

Rescission motions received after 10am on the next working day following the meeting may not stay action on implementing Council's decision.

Rescission motions will generally be dealt with at the next Council meeting.

The Chair will call for the submission of any rescission motions.

1. PREAMBLE

1.1 The application seeks permission for the demolition of the existing warehouse building and the construction of a new dwelling including garage.

On 6 December 2011 the proposal was reported to Council's Development Control Committee. The Committee deferred the application to allow Council officer's to consider amended plans submitted by the applicant.

Amended plans were proffered at the Council meeting and formally submitted in the 21 December 2011.

The applicant's amended plans were largely in response to the deferred commencement matters recommended by Council Development and Building Unit and ten reviewed and endorsed by Council's Independent Hearing and Assessment Panel.

The deferred commencement matters are listed below;

1. *The applicant is to acquire and extinguish the drainage reserves included in the site and consolidate the land, evidence of which is to be provided to Council.*
2. *The south side recess of 1.8m wide to the third level is to be increased to a minimum width of 3 m to favor the solar access of the balcony of the immediate dwelling at 24 Isabella Street.*
3. *The first floor pool and courtyard is not approved and shall be deleted and the courtyard space lowered to the ground level, allowing for reduction in size of both the garage and theatre area. Natural light and air is to be provided to all ground floor habitable accommodation.*
4. *Courtyard openings to the first floor to be modified to windows.*
5. *A landscape plan for the courtyard is to be provided, allowing for the planting of at least one (1) large tree.*
6. *A maximum of one (1) on-site car space is to be provided, surplus areas are to be converted to storage and the garage door opening reduced to maximum of 4 m wide.*
7. *The cladding system proposed to the street façade is not approved and it is to be modified to a high-quality face brick façade and the proportion of solid to void increased (particularly at the ground level). Materials and finishes of the street façade are to be to the satisfaction of Council's Heritage Architect.*

As assessment of the amended plans against the deferred commencement matters is below;

1. ***The applicant is to acquire and extinguish the drainage reserves included in the site and consolidate the land, evidence of which is to be provided to Council.***
 - This matter is appropriately addressed through a deferred commencement matter.
2. ***The south side recess of 1.8m wide to the third level is to be increased to a minimum width of 3 m to favor the solar access of the balcony of the immediate dwelling at 24 Isabella Street.***
 - The plans have been amended in accordance with the recommendation.
3. ***The first floor pool and courtyard is not approved and shall be deleted and the courtyard space lowered to the ground level, allowing for reduction in size of both the garage and theatre area. Natural light and air is to be provided to all ground floor habitable accommodation.***

- The plans have been amended in accordance with the recommendation.

4. Courtyard openings to the first floor to be modified to windows.

- The openings to the first floor have been modified to windows where they don't adjoin a deck. The upper level deck has been modified to have an internal courtyard to increase the private open space for the property. This also allows for the infiltration of light to the lower courtyard through the void area.

5. *A landscape plan for the courtyard is to be provided, allowing for the planting of at least one (1) large tree.*

- The plans have been amended in accordance with the recommendation.

6. *A maximum of one (1) on-site car space is to be provided, surplus areas are to be converted to storage and the garage door opening reduced to maximum of 4 m wide.*

- The plans remain to incorporate a double garage, however the reconfiguration of the layout provides for 4 bedrooms which permits a maximum of 2 car parking spaces. The proposal therefore complies with Council's standards.

7. *The cladding system proposed to the street façade is not approved and it is to be modified to a high-quality face brick façade and the proportion of solid to void increased (particularly at the ground level). Materials and finishes of the street façade are to be to the satisfaction of Council's Heritage Architect.*

- The plans have been amended in accordance with the recommendation.

A NSW Land and Environment Court appeal has also been lodged in respect to this application.

1.2 The Site and its Locality

The site lies on the eastern side of Isabella Street and currently contains a single storey industrial building of early post war construction extending through from Blenheim Street to Isabella Street on a separate lot, 22 Isabella Street.

The site has an area of 153 sqm which includes redundant Council drainage easements to its north side and rear.

The building is not listed in Waverley LEP 1996 Schedule 5 as an item of heritage significance but is located within the Blenheim Street Conservation Area and in the immediate visual context of several early Victorian Stone cottages c. 1850 erected on lands first purchased by Randwick entrepreneur Simeon Pearce. The remaining allotments are all residential uses with Listed Heritage Items located at No.12 and a set of dwellings at No.23-31. The site is bound by townhouse developments to the north and south.

The locality is characterised by a mix of early 20th century industrial buildings (many now converted or redeveloped as residential) and early 19th century dwelling houses.

1.3 History of the Site

Development Application 573/2005, Erect a new external projecting wall sign within the Blenheim Street Conservation Area – Refused

Development Application - 656/2000 - Demolish existing building - approved

Development Application -812/2000 - New dwelling - Approved

Building Application- 592/1995 - Construct of alterations to fire damaged units No. 7, 8 & 10 - Approved

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.

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 State/Regional Environmental Planning Policies

SEPP (Building Sustainability Index) applies to residential development. In this regard, an amended BASIX certificate is required for the amended plans and has been included as a condition of consent. The development therefore satisfies the requirements of the SEPP.

SEPP 55 – Contaminated Land Policy

The site is contaminated given that it currently operating as a mechanical repair workshop. Accordingly, the appropriate testing and remediation processes outlined in SEPP 55 are applicable. A Environmental Site Investigation & Remedial Action Plan (RAP) prepared by Hayes Environmental Consulting (HEC) Pty Ltd (Report No EP822 AB) dated 5 November 2010 was submitted with the application. The report concludes;

“With the implementation of this RAP, HEC expects that the site will be made suitable for the proposed land use (two dwellings), since the source materials posing potential

risks to human health and the environment will have been adequately removed and/or isolated. Upon completion of the proposed development, much of the final site surface will be covered by impervious materials (eg. concrete and pavers)”.

Council’s Environmental Health Department have reviewed the RAP and peer review of the RAP has been provided and it is consider that the approach to contamination acceptable.

The site is considered able to be remediated and suitable for its intended purpose. Conditions requiring the remediation of the site are recommended.

2.1.2 Waverley Local Environmental Plan 1996

LEP 1996 – Compliance Check	
Control	Compliance
Clause 3 – Specific Aims	Yes
Clause 10 – Zone Objectives	Yes
Clauses 21-26 – Environmental Considerations	Yes
Clause 30 – Aesthetic Appearance of Development	N/A
Part 4 – Heritage Provisions	See comments below

Part 4 – Heritage Provisions

Council’s Heritage Architect provided the following comments on the application.

The existing building forms part of the early and mid 20th Century industrial precinct formerly within Simeon Pearce’s lands purchased with his brother James Pearce in 1850. Whilst the applicant’s heritage report suggests a former house to the north of the site may have been Blenheim House the residence of Simeon Pearce, Blenheim House remains still standing in Randwick. Recent development in the Conservation area has seen extensive replacement of industrial structures with townhouses. Few of these reflect the forms and scale of remaining mid 19th Century structures within the Conservation Area these being some of the earliest extent structures remaining in Waverly(c 1950)

The current proposal is located between recent town house developments which display limited response to the historic setting. A number of issues with the planning of the proposed development require resolution which may affect the overall set out and appearance of the building.

- i) There is no indication of external landscaping to the Isabella Street elevation.*
- ii) There is no indication of how external glazing to the first floor can be accessed for cleaning with the proposed aluminium louvered screen set in close proximity to the glazing.*

Recommendations

To retain the aesthetic qualities of the Conservation Area and to ensure cohesive development within the Conservation Area it is recommended that:

- i. The retained factory façade define the maximum volume of new works set forward of adjacent construction.*
- ii. If the façade is to be retained similar to the adjoining property at Blenhiem Street, the treatment of the retained façade should clearly indicate its previous function and construction. Face brick work and elements of existing and previous painted signage (exposed by investigation) should remain immediately evident in the retained façade.*

iii. As the site is identified as of potential archaeological significance, a watching brief be prepared by an acknowledged archaeologist with attendance during demolition/excavation at the site.

Planning Comment

The immediate streetscape to the north and south of the site is characterised by contemporary infill. The retention of the existing warehouse building is not considered necessary in terms of the significance of the Conservation Area and contemporary infill, as per adjoining sites, is considered acceptable in this location. The proposed two (2) storey street wall approximates the scale of the existing industrial façade and is considered to address Council’s heritage Architect’s recommendation in this regard.

The proposal has been amended to be finished in face brick to compliment the Conservation Area. It is not considered reasonable to retain previous signage etc from the previous façade; rather the new building should read as a sympathetic contemporary infill building.

2.1.3 Waverley DCP 2010, Part D1 – Dwelling House & Dual Occupancy Development

COMPLIANCE CHECK			
Control	Standard	Proposed	Compliance
Height	<ul style="list-style-type: none"> Flat roof – 7.5m 	<ul style="list-style-type: none"> 6.5m for the 2 storey portion 9m height of the 3 storey element of the design. 	<p>Yes</p> <p>No</p>
Floor Space Ratio 153sqm	<ul style="list-style-type: none"> 0.93:1 	<ul style="list-style-type: none"> 1.67:1 	No
Setbacks	<ul style="list-style-type: none"> Side 900 to 1500mm Front and rear est. building line 	<ul style="list-style-type: none"> Nil Stepped setback to the front Rear nil setback 	<p>No</p> <p>Yes</p> <p>Yes</p>
Elevated external decks	<ul style="list-style-type: none"> 10sqm in area 1.5m depth 	<ul style="list-style-type: none"> Front balcony 1.5m depth 8.25sqm 	<p>No</p> <p>Yes</p>
Vehicular Access and Parking	<ul style="list-style-type: none"> Max. 2 space for a 4 bedroom dwelling Dimensions (5.5 m × 2.5m) Behind building setback 	<ul style="list-style-type: none"> 4 spaces 5.5m x 5.5m Incorporated within the building 	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Landscaping	<ul style="list-style-type: none"> 40% of site area 15% of site as soft 50% of front lands. 50% of front lands. as soft 	<ul style="list-style-type: none"> 27% 14% soft landscaping No landscaping at front of the site 	<p>No</p> <p>No</p> <p>Existing non compliance</p>

Height and Floor Space Ratio

The purpose of the height and density controls is to control the size, bulk and scale of developments to reflect the existing and desired future character of the area.

The bulk and scale of the development is comparative to the bulk and scale of the adjoining townhouse development to the north known as 15 Blenheim Street. Whilst the proposal is 1.5m over the maximum permitted height at the third level, it is considered appropriate in terms of its streetscape as it provides an appropriate height transition between the adjoining northern townhouse development and townhouse development to the south. In addition, the height of the building is lower than the adjoining property to the north and the height non-compliance is behind the rear building line of the adjoining property to the south. The development does not result in unreasonable privacy impacts (discussed later in detail), nor shadowing as the third level has been amended in accordance with the recommendations of the previous report (discussed in further detail in the next section of this report) to protect the solar access of the adjoining southern property.

Accordingly, subject to the above analysis, it is considered that the bulk, height and scale of the proposed new dwelling is consistent with the existing development in the street and is worthy of support.

Setbacks and drainage reserve

The development is proposed to be constructed over an existing drainage easement that lies on the rear boundary and northern boundary of the parcel of land. The industrial building currently lies over the easement, and the proposed building seeks the same. Council's Property Department has consented to the lodgement of the DA on the basis that the reserve is no longer required, and that any development consent issued would be on the condition that the land is acquired and consolidated into one allotment. This matter would be addressed via a 'deferred commencement' condition of consent.

The existing building has nil setbacks to the side (northern and southern) boundaries, similar to the existing building and adjoining townhouse developments. Given the pattern of development in the area, a nil setback to the sides of the site is considered acceptable, similar to the existing building footprint. Isabella Street is a very mixed streetscape and there are numerous buildings sited to the front building alignment, however generally the upper levels have some form of setback.

Landscaping

The development provides for additional landscaping on the site than currently exists and therefore despite the numerical non-compliance with Council's landscaping controls the amount of landscaping proposed on this site is acceptable given the constraints of the site and examples set by other sites within the street. The amended plan with ground floor internal courtyards and void areas is considered an appropriate design solution to the constraints of the site.

2.1.4 Other Matters

Streetscape

The proposed development is of a contemporary style, similar to the adjoining properties and properties across the road. The bulk and size of the development has been discussed previously, however in relation to streetscape, the proposal provides a transition between town house developments which adjoin the site to the north and south. Recent development in the Conservation area has seen extensive replacement of industrial structures with townhouses. Few of these reflect the forms and scale of remaining mid 19th Century structures within the Conservation Area; therefore it is considered that the proposed building is not unreasonable given the style of development within the direct vicinity.

Privacy

The pattern of development in this area provides for buildings built with nil setbacks to the side boundaries. In this case, the dwelling is redesigned with outdoor courtyard areas and

windows to the south of the site, abutting the adjoining townhouse dwelling to the south which has been constructed with no north facing windows. No windows are proposed to face the rear of the site to the east.

Windows to the front of the site overlook the public domain and are not considered to cause unreasonable privacy impacts. It is considered that given the setting and pattern of development, that privacy is maintained to an acceptable level.

Overshadowing

The shadow diagrams indicate the difference in shadow between the existing industrial building, the proposed residential building and existing shadows of the adjoining northern and southern properties.

The dwelling at the rear is contained to two storeys and below the maximum wall height. The drawings indicate that the majority of the shadow cast by the structure will be captured within the existing shadow, with additional shadow to the west in the morning period which would fall over roof of dwellings across the road. Additional shadow will fall over the south at midday and east in the afternoon. The east west orientation of the subdivision means that adjoining southern properties will be impacted by overshadowing.

A two (2) storey street wall to Isabella Street is considered acceptable on streetscape grounds.

A 3m setback of the third level to its south has been provided in accordance with the deferred commencement recommendations as a result of the non compliant third floor. Given the orientation of the site the main solar impact concerns a loss of midday sun, as the site is due north of this terrace.

Given the midday altitude of the sun midwinter (33 degrees), a minimum setback of 3 m would provide full sun to approximately 50% of this terrace during mid winter. At other times of the year solar access will be much better. Given the urban context of this site this modification is considered reasonable and balanced against the adjoining context.

3 REFERRALS

External

The proposal was referred and assessed by the Independent Hearing and Assessment Panel meeting of 30 November 2011. The panel noted the following;

The Panel visited the site and noted the buildings in Isabella Street; read Council Development Assessment Report, the Development and Building Unit Review and recommendations, submissions made; and were informed by verbal submission made at the IHAP meeting by objectors, their expert representative and the applicant's representative.

All the information was discussed and the Panel reached the decision that it agrees with the recommendations made in the Council report for a Deferred Commencement Consent. The Panel was satisfied that the Deferred Commencement conditions would allow the proposed development to not cause an impact which would warrant refusal of the application. The impact of shadows and visual impact on the streetscape is improved by the proposed conditions.

The Panel considered that the Deferred Commencement Condition 4 may be modified by deleting the last two words "to windows", to allow design flexibility Condition 4 would read as "Courtyard openings to the first floor to be modified". The application is recommended for

approval subject to satisfaction of the deferred commencement conditions recommended by the DBU.

3.2 Internal

Environmental Issues

The Environmental Site Investigation & Remedial Action Plan (RAP) prepared by Hayes Environmental Consulting Pty Ltd (Report No EP822 AB) dated 5 November 2010 was submitted with the application. The report concluded that with the implementation of this RAP, HEC expects that the site will be made suitable for the proposed land use (two dwelling).

A peer review of the RAP has been provided and it is considered acceptable, subject to conditions.

It should be noted that previous material was not considered appropriate and some attention to this matter has taken place over the course of this application, an acceptable RAP and peer review only being received on the 8 November 2011

Vehicular Access

A vehicle crossing to the site already exists. Council's Technical Services Team have reviewed the proposal and raised no objection subject to conditions.

Stormwater

Council's Technical services team have received the stormwater details, which do not comply with the requirements of the DCP. These additional details however can be addressed via conditions of consent.

Building Code of Australia Compliance

Standard conditions of consent are to be implemented in any conditional approval to ensure that the development complies with the DCP. The proposal satisfies the relevant matters required for assessment at the development application stage.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal is considered to be generally acceptable in regard to Section 79C(1)(b) of the Act for the reasons outlined within this report.

Section 79C(1)(c) - The suitability of the site for the development.

The proposal is considered to be generally acceptable in regard to Section 79C(1)(c) of the Act for the reasons outlined within this report.

4. PUBLIC SUBMISSION

The amended plans submitted address the deferred commencement matters requested to be addressed by the Development Control Committee of 6 December 2011 and have not been notified (other than through the Committee process).

Section 79C(1)(e) - The public interest.

It is considered that the matters of objection are justified and the proposal is not against the public interest.

5. DEVELOPMENT AND BUILDING UNIT REVIEW

The existing building on the site is a boundary to boundary warehouse used as a car repair workshop. This locality has an industrial heritage (eg Council's old Depot site is nearby). However, the locality has been zoned for residential purposes for some time and the remnant industrial uses are going through a process of conversion to residential use.

The existing warehouse has a nil front setback to Isabella Street. The new building generally reproduces the bulk and scale of the existing warehouse building to the street, over its ground and first floor levels. A 1.6 m setback is provided to the second floor from the street.

Isabella Street is a very mixed streetscape. There are numerous buildings sited to the front building alignment, however generally the upper levels have some form of setback. The two (2) storey street wall and upper level setback provided is considered acceptable in a streetscape and contextual sense.

The amended plans have addressed the majority of the previously recommended deferred commencement matters, such as:-

- The street façade cladding system has been replaced with a face brick finish.
- The third level is setback 3 m from the south side boundary to generally protect the solar access to the adjoining southern elevated deck area.
- The elevated first floor courtyard has been deleted and substandard internal spaces eliminated.
- The dwelling has also been reconfigured as a four (4) bedroom dwelling that allows for a maximum of two (2) car space under the DCP.
- The floor space of the development has been slightly reduced from a floor space ratio of 1.7:1 to 1.67:1. It is acknowledged that this is still a significant non-compliance with Council's controls but acceptable in this instance given the context of adjoining development and lack of unacceptable impacts flowing from the proposed floor space.

The site also includes an old drainage easement to the rear and north side, which Council's Property Section has consented to its inclusion in the site as part of this application. Council's engineer and property manager raise no objection to the sale of this land as part of this development. This issue is the last unresolved deferred commencement matter.

The site is also contaminated and final documentation has been received and reviewed in terms of the remediation of this site. Conditions in this respect are recommended.

A balcony has been added to the third level, addressing the street. This balcony was not part of the deferred commencement consent, provides for privacy / bulk / streetscape impacts (eg the balustrade) and is recommended to be deleted.

The DBU also notes that a NSW Land and Environment Court Appeal has been lodged in respect to this application.

The application is recommended for deferred commencement consent.

6. RECOMMENDATION

That Development Application No. 40/2011 at 22 Isabella Street, Queens Park for demolition of the existing building and construction of new dwelling with double garage and swimming pool of be approved by Council, subject to deferred commencement consent and the following conditions:-

SCHEDULE A

DEFERRED COMMENCEMENT CONSENT:

That the Council grant deferred commencement consent in accordance with the provisions of section 80(3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has submitted the following;

1. The applicant is to acquire and extinguish the drainage reserves included in the site and consolidate the land, evidence of which is to be provided to Council.

Upon satisfying Council as to the above matters, the following conditions shall apply:

SCHEDULE B

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 1.00, 1.01, 1.02, 1.03, 2.0, 2.01, 2.03, 2.05, 2.06, 2.08, 4.0, Issue E prepared by Development Design Pty Ltd dated 19 December 2011 and received by Council on 21 December 2011, in addition to tables and documentation received by Council on 3 February 2011.
- (b) BASIX Certificate (as modified).
- (c) The Remediation Action Plan Reference EP 822AB, prepared by Hayes Environmental Consulting Pty Ltd, dated 3 November 2010 and received by Council on 3 February 2011 and as amended, where and if required, by the project's accredited Auditor.
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) A modified BASIX certificate is to be provided reflecting the approved form of development.

- (b) The balcony off bedroom 4 and associated balustrading is not approved and shall be deleted and this area provided as non-trafficable roof area and the door openings converted to windows.
- (c) Details of the materials and finishes to the front façade are to be provided to the satisfaction of Council's Heritage Architect e.g. the face brick finish is to comprise traditional dry-pressed style bricks of muted colour.

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. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited, with the plans to be amended to indicate an alternative fuel source, prior to the issue of the Construction Certificate.

4. 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).

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2000* under the *Protection of the Environment Operations Act, 1997*.

6. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

7. 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

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 \$ 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.

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.

11. 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 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. SERVICE AUTHORITIES

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

13. HOARDING REQUIRED

A standard A-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.

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 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. 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. STORMWATER MANAGEMENT

- (a) Amended stormwater management plans are to be submitted to Council complying with the following sections of Waverley Development Control Plan 2010;
 - i) Part G4 – Clause 1.2 – on-site stormwater detention is required
 - ii) Part B – Clause 10.0 Water management
 - iii) Part B – Clause 10.2.4. on-site detention (details of proposed on-site stormwater detention system are required)
- (b) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2010 - Part G4 prior to the issue of a Construction Certificate.

18. 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.

19. LONG SECTION OF DRIVEWAY

A long section of the driveway shall be submitted for approval to the satisfaction of Divisional Manager, Technical Services, prior to issue of the Construction Certificate. The long section is to be drawn at a scale of 1:25 and shall include Reduced Levels (RLs) of the road

centreline, kerb, road reserve, and pavement within the property and garage floor. The RLs shall include the existing levels and the design levels.

20. VEHICULAR ACCESS

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

21. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

22. 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.

23. GARBAGE / RECYCLING BIN STORAGE AREA

An area of 1.35 m² (minimum) is to be provided within the property for the storage of garbage / recycling bins. The area is to be readily accessible to the street for easy placement of the bins. Details of the location of the bin storage area are to be provided on the plans prior to the issue of the Construction Certificate.

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 can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

25. 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.

26. LANDSCAPED SLABS

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

27. LANDSCAPE PLAN

A Landscape Plan is to be submitted showing the further soft landscaping within the courtyards of the development.

The amended landscape plan is to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

28. 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 (both internal and external), including ancillary structures located upon the adjoining properties.

29. POTENTIAL ARCHAEOLOGICAL SIGNIFICANCE

As the site is identified of potential archaeological significance, a watching brief is to be prepared by an acknowledged archaeologist with attendance during demolition/excavation at the site. In this regard prior to demolition/excavation an acknowledged archaeologist is to be engaged and attend the site during demolition and construction and provide written summary of findings to Council's Heritage Architect and compliance with Council heritage controls and NSW Heritage Act. If required, construction may be stopped to allow for suitable investigations and preservation and recording of relics.

30. SITE AUDIT STATEMENT

A Site Audit Statement (SAS) prepared by a NSW Office of Environment and Heritage (OEH) (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issuing of a construction certificate. Conditions on the SAS shall form part of the consent.

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

31. 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.

32. POTENTIAL ARCHAEOLOGICAL SIGNIFICANCE

As the site is identified as of potential archaeological significance, a watching brief is to be prepared by an acknowledged archaeologist with attendance during demolition/excavation at the site.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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

38. OBSTRUCTION TO PUBLIC AREAS

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

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

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

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

39. TOILET FACILITIES

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

40. 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.

41. SITE CONTAMINATION - REMEDIATION WORKS

Remediation and validation works shall be carried out in accordance with the Environmental Site Investigation & Remedial Action Plan prepared by Hayes Environmental Consulting Pty Ltd (Report No EP822 AB) dated 5 November 2010.

Any variation to the proposed remediation works shall be approved by the PCA in writing prior to the commencement of these works. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.

42. SITE CONTAMINATION - VALIDATION REPORT

After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Validation Report. The report shall be prepared with reference to the DECC guidelines, Consultants Reporting on Contaminated Sites and shall include:

- (a) Description and documentation of all works performed;
- (b) Results of validation testing and monitoring;
- (c) Validation results of any fill imported on to the site;

- (d) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
- (e) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

43. REMEDIATION REQUIREMENTS

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

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.
- (d) A covenant being registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.
- (e) A covenant being registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the DECC.

44. SITE CONTAMINATION - REMEDIATION WORKS

- (a) Remediation and validation works shall be carried out in accordance with Additional Environmental Site Investigations (Including Hazardous Materials Survey) and Remedial Action Plan, Report No (EP822) dated 3 November 2011 and prepared by Hayes Environmental Consulting and Interim advice dated 8 November 2011 prepared by NSW OEH Accredited Site Auditor Rod Harwood.
- (b) Any variation to the Remedial Action Plan shall be approved by the Accredited Site Auditor and Council in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (b) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.

45. CLASSIFICATION OF WASTE - REMEDIATION

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the 'Environment Operations Act 1997 and the NSW Office of Environment and Heritage (OEH) Waste Classification Guidelines, Part 1: Classifying Waste (April 2008)'. 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 OEH.

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 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.

47. 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 DECC, and with the provisions of:

- (a) New South Wales Occupational Health and Safety Act, 2000;
- (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- (d) Protection of the Environment Operations Act 1997 (NSW) and
- (e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

48. 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 WorkSafe's Control of Inorganic Lead at Work (NOHSC: 102(1994) and NOHSC: 2015(1994)).

- (c) All lead-contaminated materials being disposed of in accordance with the NSW Office of Environment and Heritage (OEH) Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999) and The Protection of the Environment Operations Act 1997 (NSW).

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 DECC'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.

51. SOIL AND WATER MANAGEMENT SIGN

Throughout the construction/remediation/demolition period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

52. 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.

53. 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.

54. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

55. 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.

56. 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.

57. 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 Environmental Operations (Noise Control) Regulation 2000.

58. 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.

59. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER

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 20dB(A) when assessed at any sensitive noise receiver.

60. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 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.

61. BUILDING CODE OF AUSTRALIA

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

62. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and

standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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 is prohibited.

66. 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.

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. 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.

69. 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.

70. 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.

71. EXISTING VEHICLE CROSSING IS TO BE MODIFIED

The existing vehicle crossing is to be modified to provide access to the proposed garage. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council. Modified vehicle crossing to be Wheel Strips instead of full width Concrete Driveway wherever feasible.

72. 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

73. 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.

74. 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.

75. 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*.

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- 0.01 INDEX, SITE AERIAL PHOTOGRAPH & SITE CALCULATIONS
- 1.00 PROPOSED ROOF PLAN ANALYSIS
- 1.01 PROPOSED GROUND FLOOR PLAN ANALYSIS
- 1.02 PROPOSED FIRST FLOOR PLAN & STORMWATER CONCEPT PLAN
- 1.03 PROPOSED SECOND FLOOR PLAN ANALYSIS
- 2.00 PROPOSED ISABELLA STREETSCAPE
- 2.03 PROPOSED NORTHERN ELEVATION
- 2.05 PROPOSED SOUTHERN ELEVATION
- 2.06 PROPOSED EASTERN REAR ELEVATION
- 2.08 PROPOSED ISABELLA DWELLING SECTION
- 4.00 PROPOSED LANDSCAPE PLAN

SITE AERIAL PHOTOGRAPH N.T.S

SITE AREA CALCULATIONS

PROPOSED (Isabella Lane Dwelling)

SITE AREA :	128.0 m ²
ACQUIRED SITE AREA :	25.45 m ²
TOTAL SITE AREA :	153.45 m ²
GARAGE FLOOR AREA :	92.45 m ²
FIRST FLOOR AREA :	100.68 m ²
SECOND FLOOR AREA :	63.27 m ²
G.F.A :	256.40 m ² (excl. 30m ² allowance)
F.S.R :	1.67 : 1
LANDSCAPE AREA :	57.26 m ² or 37.3%
SOFT LANDSCAPE :	21.71 m ² or 14.1%
P.O.S :	57.26 m ²

RECEIVED

21 DEC 2011

WAVERTLEY COUNCIL
LOCAL GOVERNMENT

DA PLANS
NOT FOR CONSTRUCTION

ISSUE:	AMENDMENTS:	DATE:
A	DA ISSUE	18.01.11
B	DA ISSUE B - additional survey detail	18.07.11
C	DA ISSUE C - as per planners recommendations	19.08.11
D	DA ISSUE D - 'Deferred Commencement' Amendments	15.12.11
E	DA ISSUE E - Further Amendments	19.12.11

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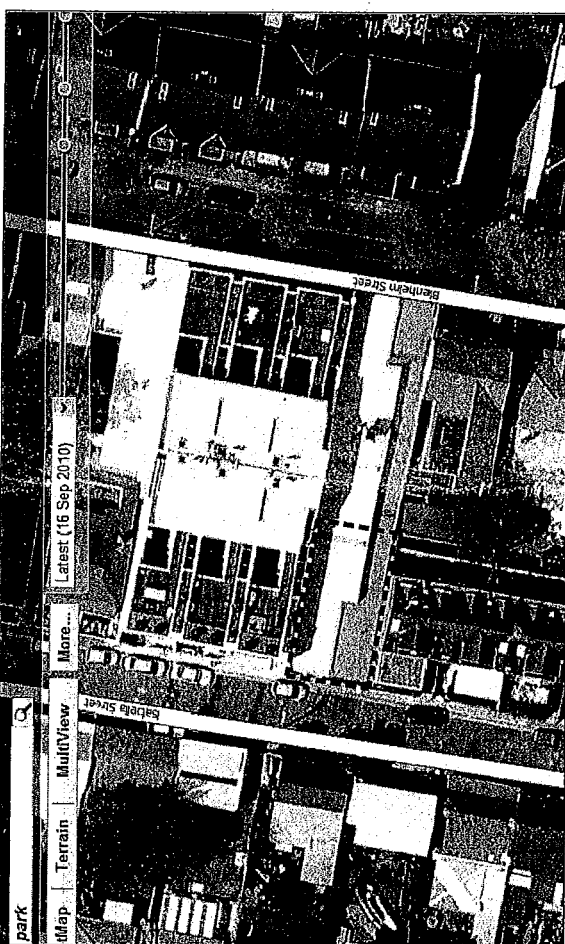
PROJECT:
PROPOSED NEW THREE STOREY DWELLING
DRAWING:
INDEX, SITE AERIAL PHOTO & SITE AREA CALCULATIONS

SCALE:
1:100 @ A3
DATE:
18.01.11
DRAWN:
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CHECKED:
S.G

ISSUE:
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DO NOT SCALE DRAWING

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DA PLANS NOT FOR CONSTRUCTION

DA - 040711

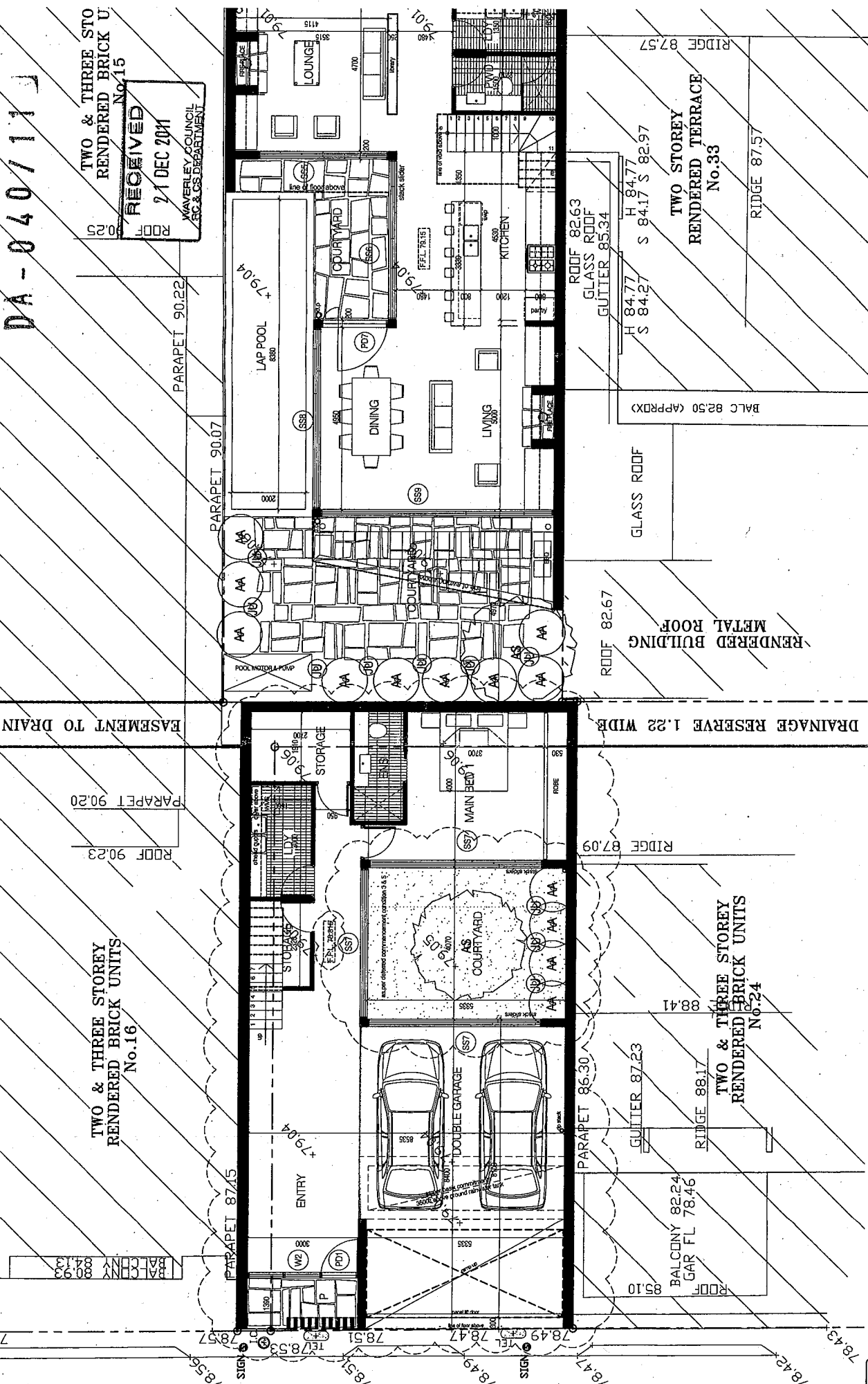
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BALCONY 84.13

ISABELLA LANE



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TWO STOREY
RENDERED TERRACE
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RIDGE 87.57

RENDERED BUILDING
METAL ROOF
ROOF 82.67
DRAINAGE RESERVE 1.22 WIDE
RIDGE 87.09

TWO & THREE STOREY
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RIDGE 88.17
BALCONY 82.24
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TWO STOREY
RENDERED TERRACE
No.33
RIDGE 87.57

<p>DA PLANS NOT FOR CONSTRUCTION</p>		<p>AMENDMENTS:</p> <p>A DA ISSUE B DA ISSUE - additional survey detail C DA ISSUE - as per planners recommendations D DA ISSUE D - "Deferred Commencement" Amendments E DA ISSUE E - Further Amendments</p>		<p>DATE:</p> <p>18.01.11 18.07.11 19.08.11 15.12.11 19.12.11</p>		<p>Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7600 info@developmentdesign.com.au www.developmentdesign.com.au</p>		<p>CLIENT: 31 Blenheim Street Pty Ltd ADDRESS: LOT 7, D.P 4184 22 Isabella Lane (rear 31 Blenheim Street) Queens Park NSW 2022</p>		<p>PROJECT: PROPOSED NEW THREE STOREY DWELLING DRAWING: PROPOSED GROUND FLOOR PLAN ANALYSIS</p>		<p>SCALE: 1:100 @ A3 DATE: 18.01.11 DRAWN: S.G CHECKED: S.G</p>		<p>ISSUE: A DA E</p>		<p>ISSUE: A DA SHEET NO: 1.01</p>	
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PROPOSED GROUND FLOOR PLAN ANALYSIS

DA-0401112

TWO & THREE STOREY
RENDERED BRICK UNIT
No.15

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RC & CS DEPARTMENT

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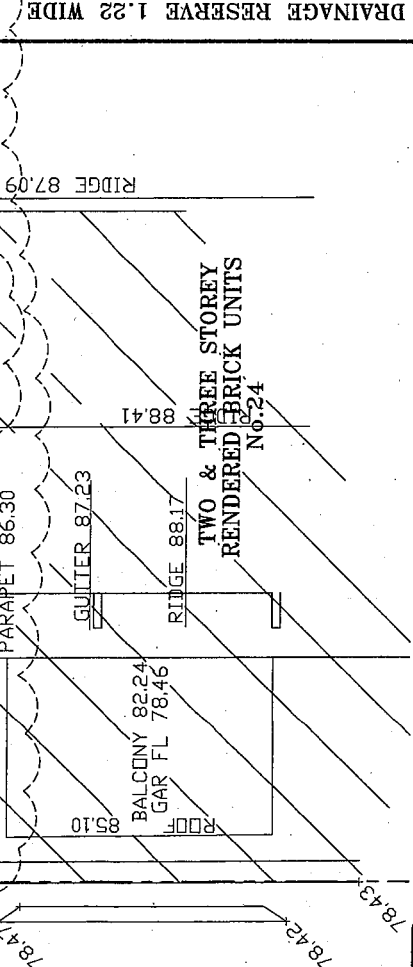
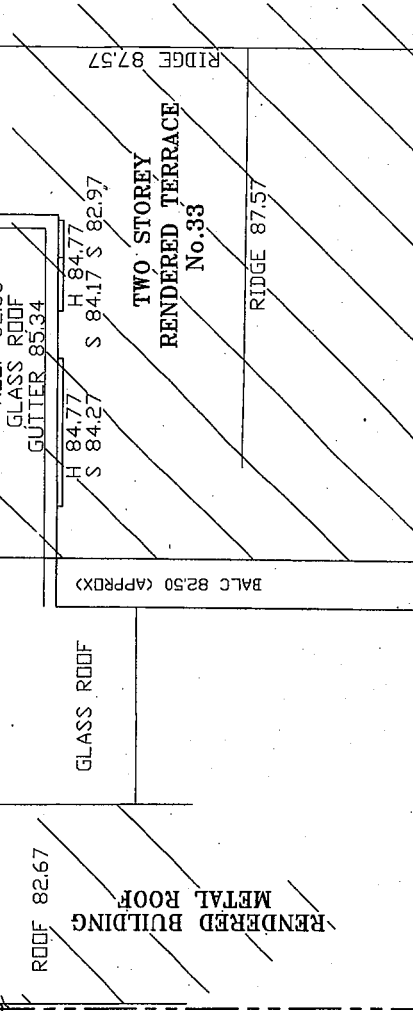
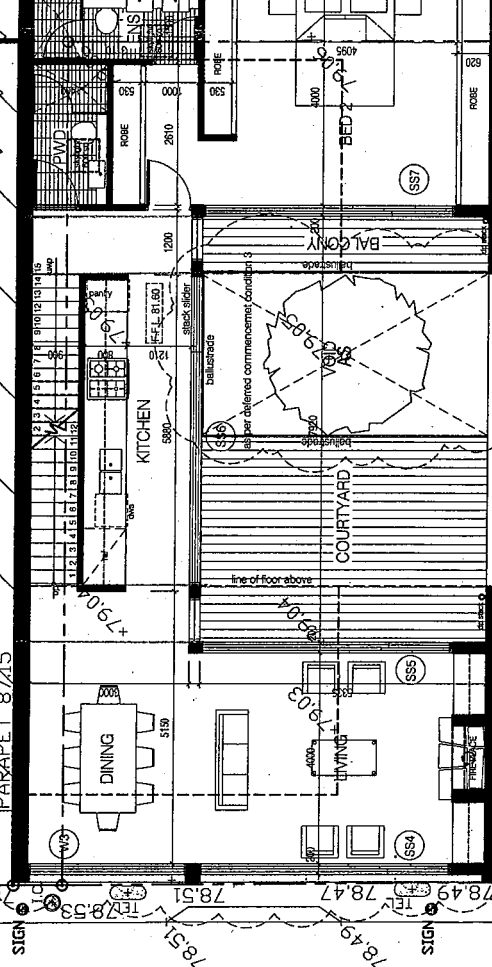
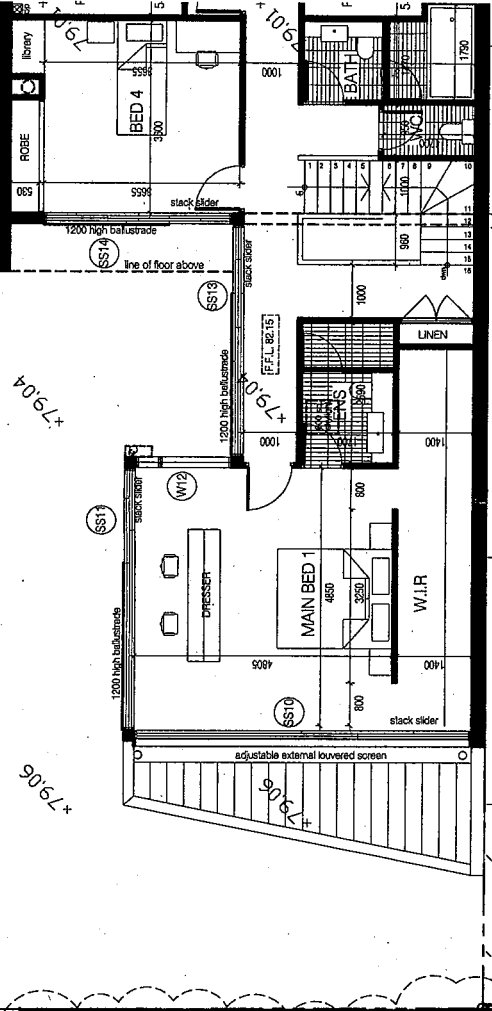
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PROPOSED FIRST FLOOR PLAN ANALYSIS

SCALE: 1:100 @ A3
DATE: 18.01.11
DRAWN: S.G
CHECKED: S.G
DO NOT SCALE DRAWING

PROJECT: PROPOSED NEW THREE STOREY DWELLING
DRAWING: PROPOSED FIRST FLOOR PLAN ANALYSIS

CLIENT: Development Design Pty Ltd
31 Blenheim Street Pty Ltd
ACN 107 176 867

ADDRESS: 340a Riley Street Surry Hills NSW 2010
LOT 7, D.P. 4194
22 Isabella Lane (rear 31 Blenheim Street)
Queens Park NSW 2022

ISSUE: A
DA
SHEET No: 1.02

AMENDMENTS:
A DA ISSUE B - additional survey detail
B DA ISSUE C - as per planners recommendations
C DA ISSUE D - 'Deferred Commencement' Amendments
D DA ISSUE E - Further Amendments

DATE: 18.01.11
19.08.11
15.12.11
19.12.11

DA PLANS
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ISSUE: A
DA
SHEET No: 1.02

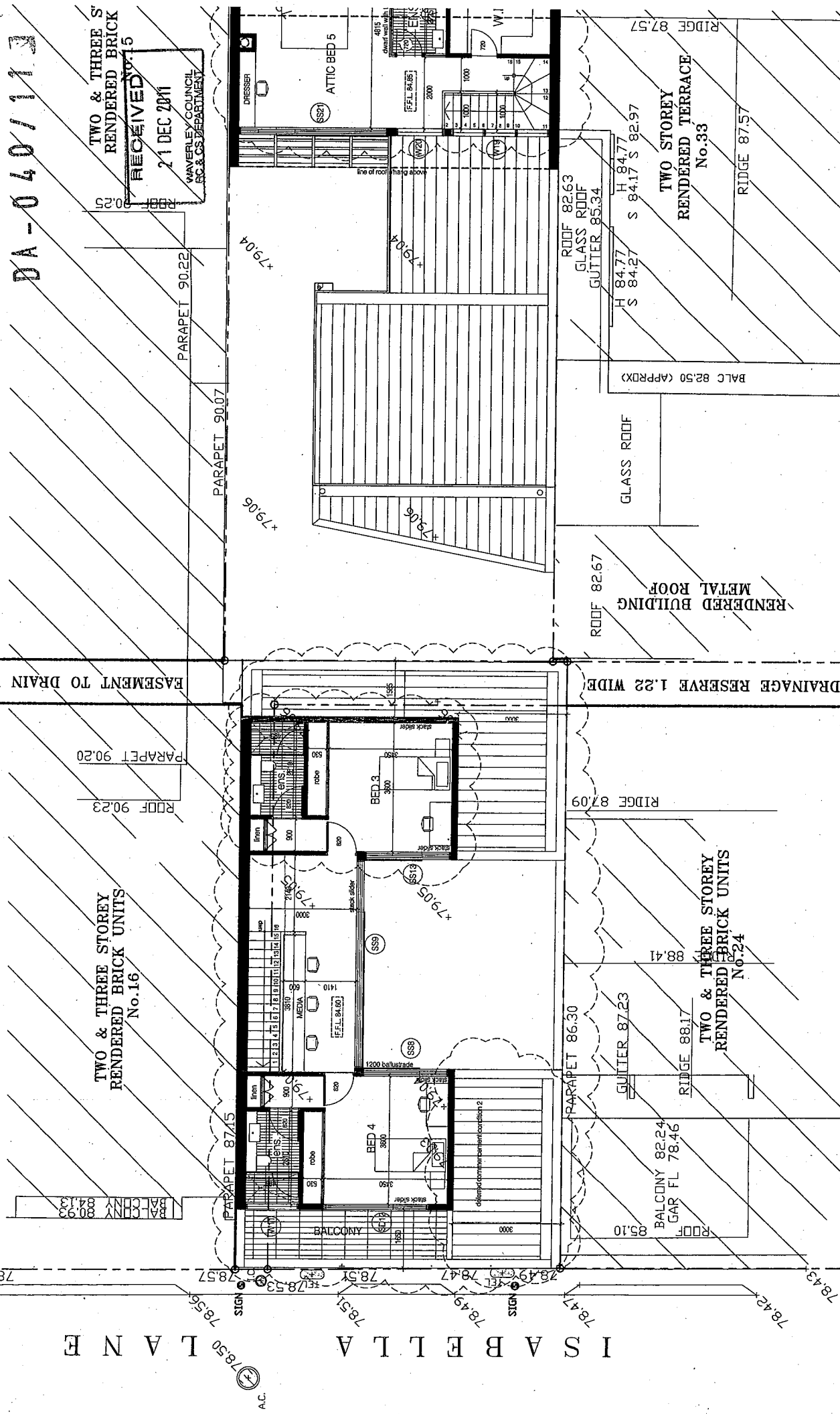
AMENDMENTS:
A DA ISSUE B - additional survey detail
B DA ISSUE C - as per planners recommendations
C DA ISSUE D - 'Deferred Commencement' Amendments
D DA ISSUE E - Further Amendments

DATE: 18.01.11
19.08.11
15.12.11
19.12.11

ISABELLA LANE

32

DA-040/113



<p>DA PLANS NOT FOR CONSTRUCTION</p>		<p>AMENDMENTS:</p> <p>DA ISSUE - additional survey detail B ISSUE C - as per planners recommendations DA ISSUE D - 'Deferred Commencement' Amendments E ISSUE E - Further Amendments</p>		<p>DATE:</p> <p>18.01.11 18.07.11 19.06.11 15.12.11 19.12.11</p>		<p>Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7600 info@developmentdesign.com.au www.developmentdesign.com.au</p>		<p>CLIENT: 31 Blenheim Street Pty Ltd ADDRESS: LOT 7, D.P.4134 22 Isabella Lane (rear 31 Blenheim Street) Queens Park NSW 2022</p>		<p>PROJECT: PROPOSED NEW THREE STOREY DWELLING DRAWING: *PROPOSED SECOND FLOOR PLAN ANALYSIS</p>		<p>SCALE: 1:100 @ A3 DATE: 18.01.11 DRAWN: S.G. CHECKED: S.G.</p>		<p>ISSUE: A DA DO NOT SCALE DRAWING</p>		<p>ISSUE: A DA SHEET No: 1.03</p>	
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PROPOSED SECOND FLOOR PLAN ANALYSIS

ISABELLA LANE

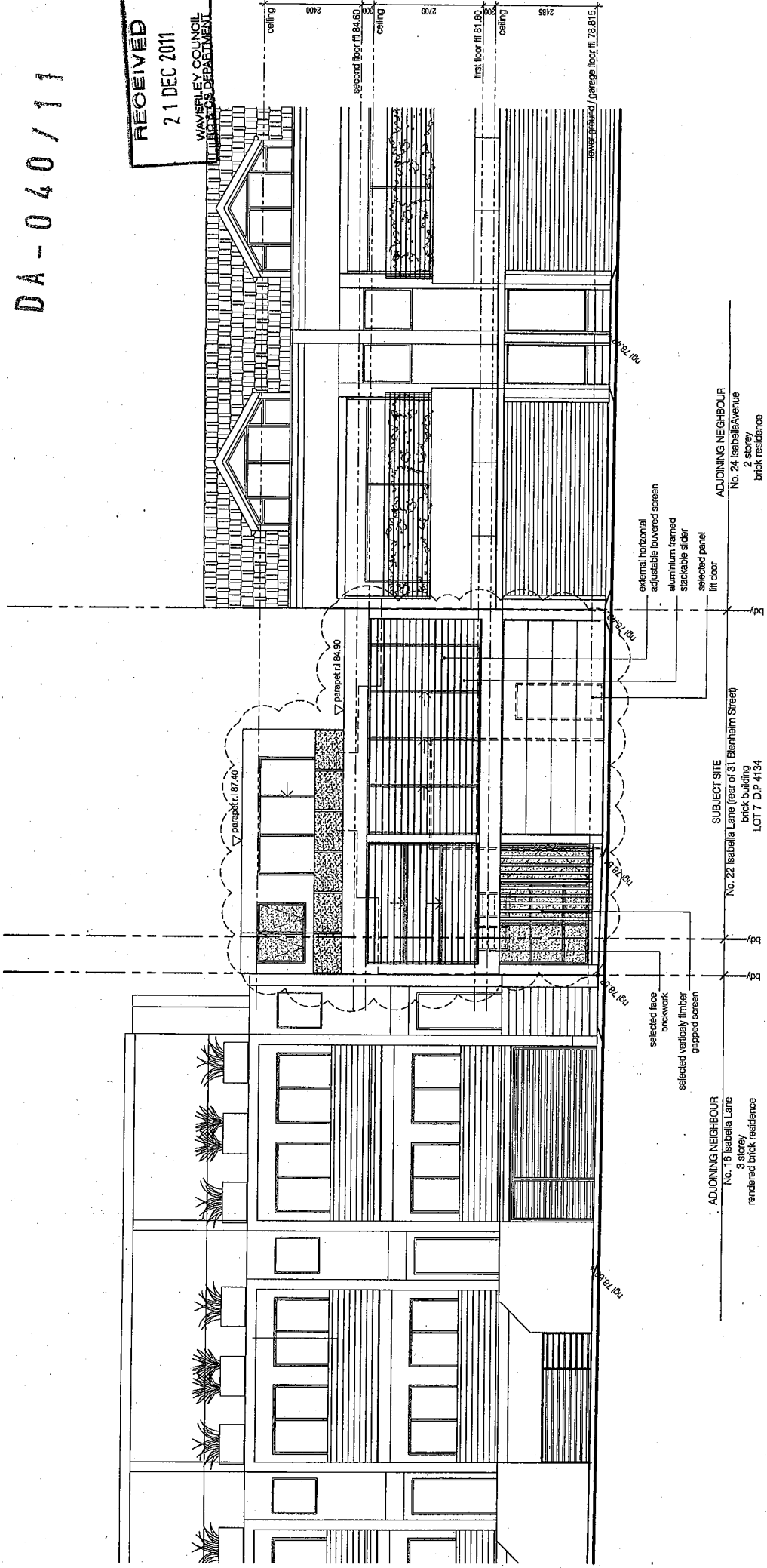
TWO & THREE STOREY RENDERED BRICK UNITS No.16

TWO & THREE STOREY RENDERED BRICK UNITS No.33

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 RC & CS DEPARTMENT

DA-040/11

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21 DEC 2011
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PLANNING DEPARTMENT



PROPOSED WESTERN ELEVATION

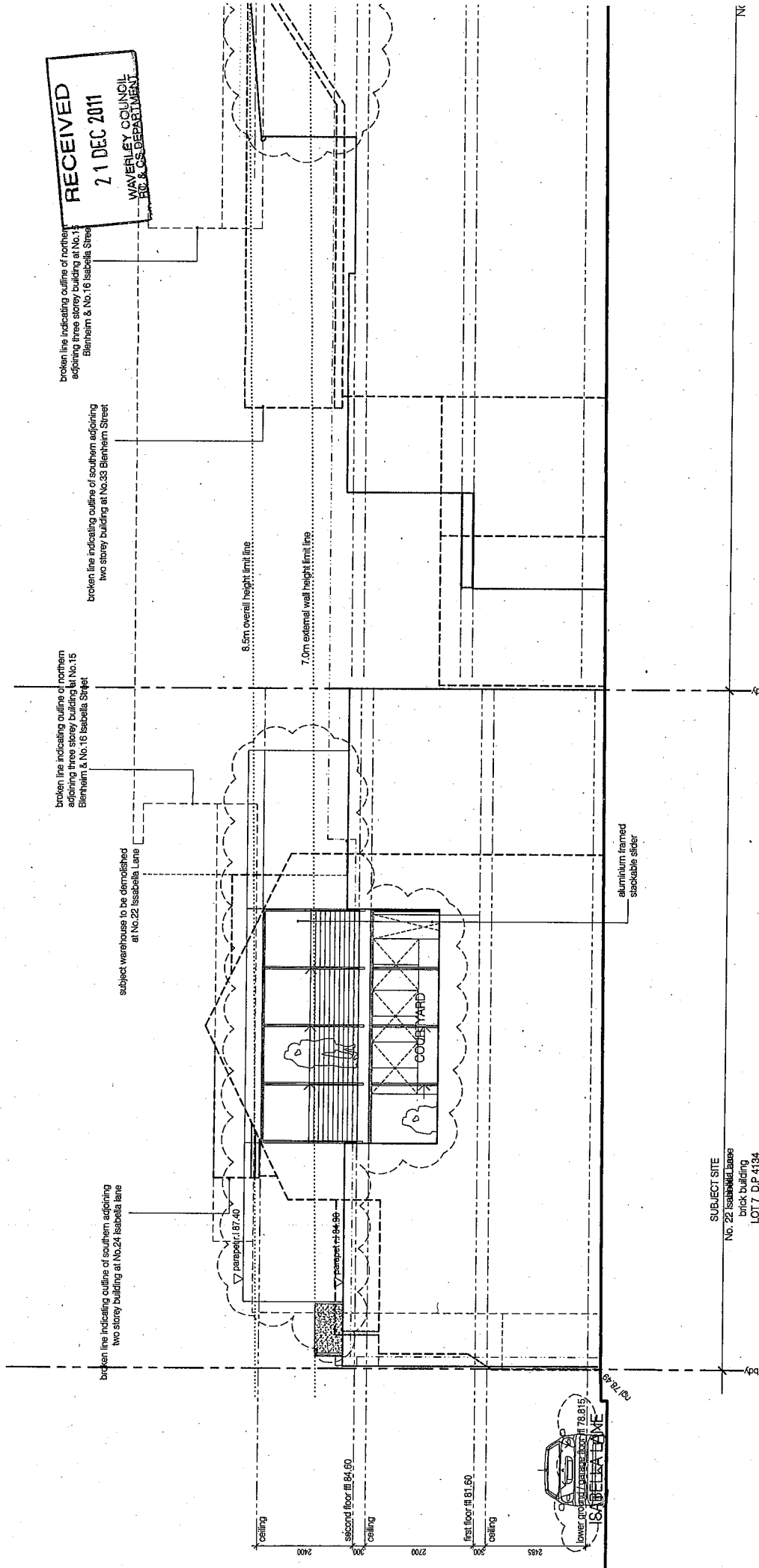
DA PLANS NOT FOR CONSTRUCTION	AMENDMENTS: DA ISSUE DA ISSUE B - additional survey detail DA ISSUE C - as per planners' recommendations DA ISSUE D - 'Deferred Commencement' Amendments DA ISSUE E - Further Amendments	DATE: 18.01.11 18.07.11 19.08.11 15.12.11 19.12.11	CLIENT: Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7600 info@developmentdesign.com.au www.developmentdesign.com.au	CLIENT: 31 Blenheim Street Pty Ltd ADDRESS: LOT 7, D.P. 4134 22 Isabella Lane (rear 31 Blenheim Street) Queens Park NSW 2022	PROJECT: PROPOSED NEW THREE STOREY DWELLING DRAWING: PROPOSED BLENHEIM STREETSCAPE	SCALE: 1:100 @ A3 DATE: 18.01.11 DRAWN: S.G. CHECKED: S.G.	ISSUE: A B C D E	ISSUE: A DA SHEET NO: 2.00
	ADJOINING NEIGHBOUR No. 16 Isabella Lane 3 storey rendered brick residence		SUBJECT SITE No. 22 Isabella Lane (rear of 31 Blenheim Street) brick building LOT 7 D.P. 4134		ADJOINING NEIGHBOUR No. 24 Isabella Avenue 2 storey brick residence		DO NOT SCALE DRAWING	

PROPOSED BLENHEIM STREETSCAPE

35

DA - 040/117

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21 DEC 2011
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HC & CS DEPARTMENT



PROPOSED SOUTHERN ELEVATION

DA PLANS
NOT FOR CONSTRUCTION

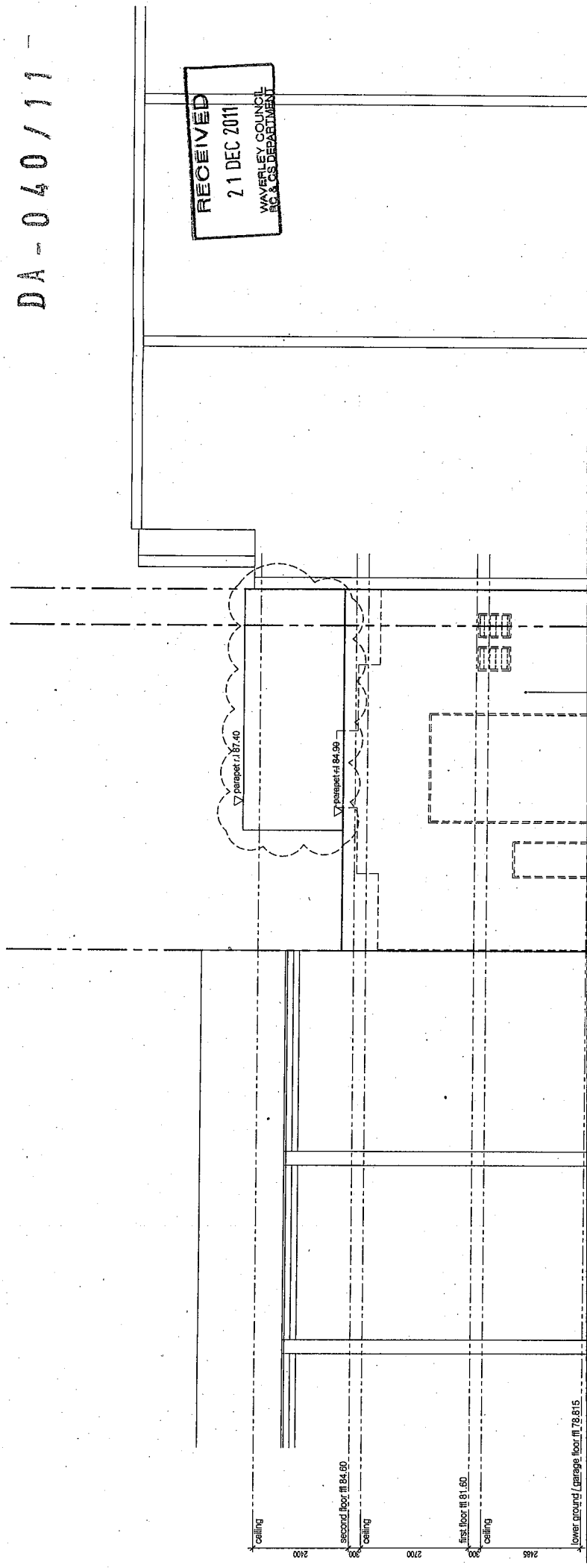
AMENDMENTS: DA ISSUE B - additional survey detail DA ISSUE C - as per planners recommendations DA ISSUE D - 'Deferred Commencement' Amendments DA ISSUE E - Further Amendments	ISSUE: A	DATE: 18.01.11	CLIENT: 31 Blenheim Street Pty Ltd ACN 107 176 867	PROJECT: PROPOSED NEW THREE STOREY DWELLING	SCALE: 1:100 @ A3	ISSUE: A DA SHEET NO: 2.05
	B	18.07.11			ADDRESS: LOT 7, D.P. 4134 22 Isabella Lane (rear 31 Blenheim Street) Queens Park NSW 2022	
	C	19.08.11	DEVELOPMENT DESIGN PTY LTD 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7800 info@developmentdesign.com.au www.developmentdesign.com.au	DRAWING: PROPOSED SOUTHERN ELEVATION		
	D	15.12.11				
	E	19.12.11				

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ISABELLA LANE
SUBJECT TO THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1995

DA - 040/111 -

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21 DEC 2011
WAVERTLEY COUNCIL
LGA & CCS DEPARTMENT



PROPOSED EASTERN REAR ELEVATION

DA PLANS
NOT FOR CONSTRUCTION

ISSUE: A B C D E	AMENDMENTS: DA ISSUE B - additional survey detail DA ISSUE C - as per planners recommendations DA ISSUE D - 'Deferred Commencement' Amendments DA ISSUE E - Further Amendments	DATE: 18.01.11 18.07.11 19.08.11 15.12.11 19.12.11	Development Design Pty Ltd ACN 107 176 867 340a Riley Street, Surry Hills NSW 2010 +61(02) 9211 7600 info@developmentdesign.com.au www.developmentdesign.com.au		CLIENT: 31 Blenheim Street Pty Ltd	PROJECT: PROPOSED NEW THREE STOREY DWELLING	SCALE: 1:100 @ A3	ISSUE: A
			ADDRESS: LOT 7, D.P. 4134 22 Isabella Lane (rear, 31 Blenheim Street) Queens Park NSW 2022		DRAWING: PROPOSED EASTERN REAR ELEVATION	DATE: 18.01.11	DO NOT SCALE DRAWING	DA SHEET No: 2.06
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PROPOSED EASTERN REAR ELEVATION

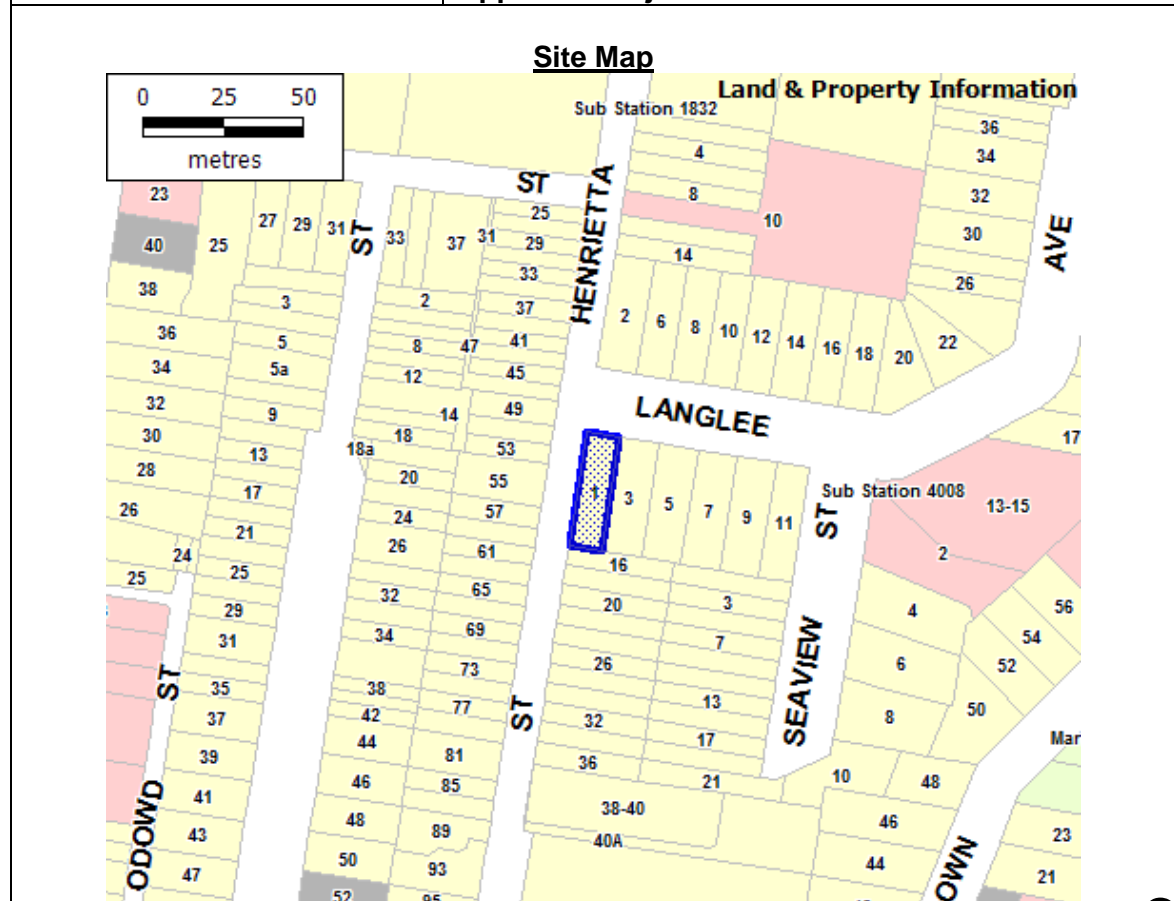
1 Langlee Street, Waverley – Alterations and additions, including parking (DA 362/2011)

Report dated 8 November 2011 from the Development and Building Unit.

Recommendation: That the application be part approved and refused (car space) in accordance with the conditions contained in this report.

Save and excepted by Cn Kay and seconded Cn Betts for on-site car parking reasons.

Development Assessment Report	
Development Application No.	362/11
Address	1 Langlee Street , Waverley
Lodgement Date	2 August 2011
Proposal	Alterations and additions to the existing detached dwelling including a pool and hardstand car space.
Zoning and relevant controls	Residential 2(a) WLEP 1996 WDCP 2010
Owner	Mr and Mrs White
Applicant	Mr M White
Building Classification	Class 1a, 10b
Submissions	Nil submissions
Issues	Streetscape, Parking within front building line
Recommendation	Approval subject to the deletion of the hardstand.



1. PREAMBLE

1.1 The Site and its Locality

The site is located on the southern side of Langlee Street at the intersection of Henrietta Street. The subject site is rectangular in shape with a frontage of 10.285m and side boundaries of approximately 35.255m. The site has an area of 362.7m².

Existing on site is a two storey detached cottage containing an attic style additional storey. A single garage is located in the rear yard area which is accessed via Henrietta street.

Generally, the street and locality are characterised by single and two-storey detached and semi-detached dwellings of varying scale and architectural style together with two-storey walk-up residential flats.

1.2 Application History

DA-395/2006 to effect alterations and additions within the roof space at the existing premises approved 10 October 2006.

1.3 Proposal Description

Consent is sought for alterations and additions to the existing dwelling.

Details of the proposed development are as follows:

Dwelling:

- Install new aluminium windows and doors to the rear elevation of the dwelling.

Rear yard:

- The existing garage, which is accessed from Henrietta St, shall be demolished so as to provide an area for the construction of an in ground swimming pool and associated landscaped area. The pool will be sited 900mm from the eastern side boundary. A pool storage and filter pump equipment store is proposed to be constructed up to the rear southern and eastern side boundaries. The pool store/shed will be a maximum height of 2.4m.
- A masonry 2.3m high fence is proposed in the rear yard area abutting the eastern side boundary. The height of the fence will be 1.8m above the pool coping level.

Front yard:

- The overall dimensions of the hardstand are 5765mm x 2800mm which involves demolition of a considerable portion of the front fence, including the demolition of the front portion of the dwelling's covered verandah for the provision of a hardstand in the front setback.
- The existing front fence is proposed to be altered to accommodate the hardstand access which also includes replacing the timber paling fence portion to an open metal fencing.
- The proposal involves the removal of a large street tree being a *Callistemon viminalis* (Bottlebrush) for the purposes of providing a vehicular access driveway to the proposed hardstand.

2. ASSESSMENT

Section 79C(1)(a) Planning Instruments.

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.

2.1 Waverley Local Environmental Plan 1996

The site is zoned Residential 2(a) under Council's LEP. The site is not listed as a heritage item, under Council's LEP.

The application has been assessed having regard to the relevant provisions of the LEP and is considered to be satisfactory in this regard.

2.2 Waverley Development Control Plan 2010

DCP - Compliance Check			
Control	Standard	Proposed	Compliance
Vehicular Access and Parking	• No. of spaces	1	Yes
	• Dimensions (5.5 m × 2.5m)	5.765m x 2.8m	Yes
	• In front of building setback	Yes	No
	• Demolition of part of dwelling	Part demolition front	No
Landscaping	• 50% front landscaped	61% (23m ²)	Yes
	• 50% front soft lands	61% (23m ²)	Yes

Swimming Pools Policy - Compliance Check			
Control	Standard	Proposed	Compliance
Pool	Rear yard area	Rear Yard	Yes
Height	• Max. 600mm	100mm	Yes
Setbacks	• Min. 900mm	Min 900mm	Yes
Pool Fencing	• 1.2 metres	Condition to be imposed	Yes

Vehicular access and parking

The proposal seeks to demolish the existing partially enclosed carport at the rear, accessed from Henrietta Street and close the vehicle crossover. A new hardstand car space at the front of the property accessed from Langlee Ave.

The proposed hardstand at the front of the property is fundamentally unsupportable given Council's controls. It is in direct contradiction to a number of controls that were specifically introduced to restrict this exact type of development.

To assess the significance of the non-compliance with the DCP controls, it is appropriate to consider the objectives of the 'Vehicular Access and Parking' controls. The objectives are:

- (a) *To ensure that the design and size of off-street car parking facilities does not unreasonably detract from the appearance and quality of the dwelling-house or streetscape;*
- (b) *To maximise pedestrian and vehicular safety;*
- (c) *To minimise loss of on-street car parking; and*
- (d) *To minimise loss of views from the public domain.*

If the proposed off-street parking facilities or associated works will unreasonably detract from the appearance of the dwelling, streetscape or landscape, or from the heritage quality, or adversely impact on the pedestrian environment, or reduce the availability of on street car parking, a zero parking requirement may be imposed.

Note: The characteristics of some sites may mean that car parking should not be provided on site.

With regard to objective (a), the hardstand is considered to unreasonably detract from the appearance of the dwelling, as the front yard which currently softens the dwelling's appearance from the street will be replaced with a level paved space for a car.

With regard to objective (b), the introduction of an additional driveway crossing does not maximise pedestrian or vehicular safety within Langlee Ave.

It is then mentioned in the objectives that if the *proposed parking will unreasonably detract from the appearance of the dwelling ... or reduce the availability of on-street car parking, a zero parking requirement may be imposed.* That is to say that the maximum car parking allowance (of 1 car space) is not an 'as of right' control.

With regard to the Development Control Plan, the proposed hardstand space is not compliant with the relevant controls and objectives relating to vehicular access and parking, and can not be supported. It is considered that the existing carport and crossing accessed from Henrietta Street should be maintained.

2.3 Other Matters

Streetscape and Visual Impact

The streetscape has scattered car accommodation in the front yard area. However, the proposed hardstand is considered to be to the detriment of the streetscape as well as the architectural merit of the premises as it involves the removal of a mature street tree and the demolition of a portion of the covered front verandah.

Subsequently the hardstand proposed within the application should not be supported.

3. REFERRALS

Strategic Tree Planning Officer

Situated at the front of the property are two mature and healthy street trees: a Eucalypt and a Bottlebrush, both of similar width but with the Eucalypt being two metres taller.

The proposed driveway at the front of the property would require the removal of the mature Bottlebrush tree (*Callistemon viminalis*). The tree is six (6) metres in height with a six (6) metre canopy and is in excellent condition. It is estimated to be between 40 and 50 years old. It is also the first and largest *Callistemon* tree in an avenue of *Callistemon* trees on this side of Langlee Avenue.

As stated in the submission by the applicant there is a history of sewer blockages from this tree, however, these blockages have been regularly attended to by Council plumbers in accordance with Council's Drainage Policy.

The location of a replacement tree as shown on the application is impractical due to the closeness of the proposed planting to the Eucalypt and the width of its canopy. The present location of the two trees is the ideal distance between two street trees.

In addition, the property has an existing driveway and hardstand at the rear of the property in Henrietta Street. A replacement tree in Henrietta Street is also not feasible due to the narrowness of the footpath.

The application for the removal of the tree on the above grounds is not supported.

Technical Services

Council's Technical Service Department have provided conditions of consent if the application is approved. It has been noted that the installation of a driveway as proposed on the Langlee Ave frontage would not result in the loss of a legal car parking space. Vehicles presently being parked outside No.1 are being parked illegally as they are standing well within the statutory 10m "No Stopping" setback from Henrietta St.

If a NO STOPPING sign was installed in Langlee Ave 10m to the east of the Henrietta St kerb line, there would only be a legal parking length of some 2m between the sign and the wing of the driveway at No. 3.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal is considered to be acceptable as it provides a sympathetic presentation to the street for this existing detached dwelling. The proposed development satisfies the Streetscape and Visual Impact requirements specifically outlined in Waverley Development Control Plan 2010, with the exception of the proposed hardstand in the front yard area which is recommended to be deleted from the application, for the reasons outlined above.

Section 79C(1)(c) - The suitability of the site for the development.

The site is considered to be capable of the provision of minor alterations and swimming pool to the existing detached dwelling, and is considered acceptable.

4. PUBLIC SUBMISSION

The application was notified/advertised for 14 days in accordance with *Development Control Plan 2010 Part C3 – Advertising and Notification of Development Applications*.

No submissions were received.

Section 79C(1)(e) - The public interest.

The proposal is considered satisfactory with regard to Section 79C(1)(e) of the Act, as discussed within the report, and the proposal is in the public interest as it does visually integrate into the existing roof form together with its presentation to the streetscape.

5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

The DBU gave consideration to the proposal having regard to the relevant matters under Section 79C of the Act. This included the Council's controls, the report of the Development Assessment Officer.

The proposed works to the rear of the dwelling, including installation of the swimming pool are considered satisfactory and worthy of support. Works to the front of the dwelling, including demolition of part of the front façade to accommodate car parking however are not supported. The site, being located on a corner, already has the benefit of a garage and cross over at the rear of the property. From a streetscape and policy perspective, this is the most appropriate location for vehicle accommodation on the site, especially given that the proposed hardstand to the front of the site would be contrary to a number of the DCP controls, including demolition of the front of the dwelling and loss of a street tree. These non compliances are considered to the detriment of the streetscape.

The DBU recommends partial approval of the application, supporting the fenestration changes to the rear and swimming pool, however the garage to the rear is not supported.

6. RECOMMENDATION

That Development Application No. 362/2011 at 1 Langlee Street, Waverley for alterations and additions including a pool and boundary fencing be approved by the Development & Building Unit delegation subject to the following conditions:

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan/Dwg No25/11, dated 12 July 2011, west elevation dated 10 October 2011, tables and documentation prepared by Peter Banfield, dated 12 July 2011, and received by Council on 2 August 2011,

(b) BASIX Certificate,

except where amended by the following conditions of consent;

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The vehicular crossing off Langlee Avenue and associated alterations to the front verandah and fencing to create a hardstand car space are not approved and shall be deleted from the plans. This section of the front yard area shall remain landscaped which includes predominantly 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 DWELLING

The premises are to be used only as a single unit dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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.

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$2,000 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.

6. LONG SERVICE LEVY

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

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

7. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

8. 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.

9. 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.

10. 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.

11. 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 plans. 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.

12. 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

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

20. 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 Storm water: 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.

21. SOIL AND WATER MANAGEMENT SIGN

Throughout the construction/remediation/demolition period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. BUILDING CODE OF AUSTRALIA

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

28. 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; and
- (e) 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.

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.

29. ENCROACH BEYOND THE BOUNDARIES

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

30. 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.

31. 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.

32. 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) The finished level of the proposed pool is not to exceed a maximum height of 100mm above the existing natural ground level;
- (d) 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 1926-1993 "Fencing for Private Swimming Pools". This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) 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.

33. POOL DRAINAGE

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

34. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

35. 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.

21 Scott Street Bronte – Demolition of existing dwelling and construction of a two storey dwelling including garage (DA 70/2011)

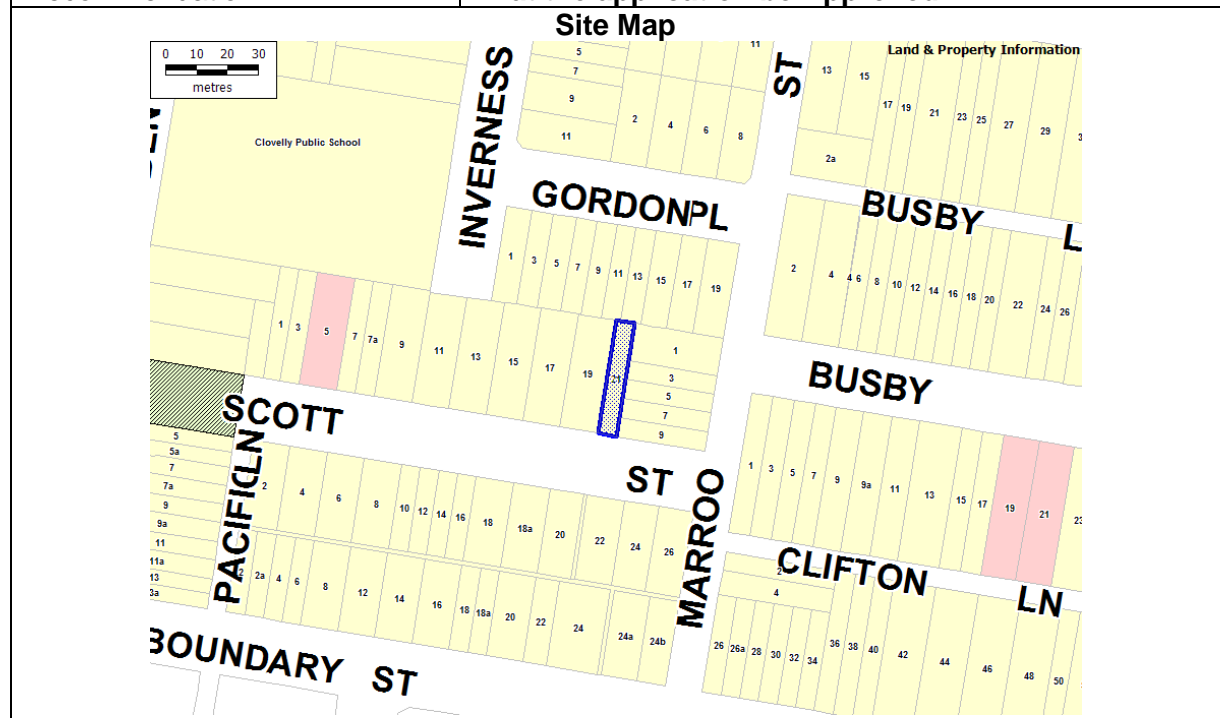
Report dated 23 January 2012 from the Development and Building Unit.

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

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

Referred to the DCC (and IHAP) given the number of submissions received

Development Assessment Report	
Development Application No.	170/2011
Address	21 Scott St, Bronte
Lodgement Date	12 April 2011 – Original application 29 August 2011 – Amended Plans
Proposal	Demolition of existing dwelling and construction of a two storey dwelling including garage
Zoning and relevant controls	Waverley Local Environmental Plan 1996 • Zoned Residential 2(a) Waverley Development Control Plan 2010 * Part D1 – Dwelling House and Dual Occupancy Development
Owner	A & G Almeida
Applicant	MCK Architects
Submissions	Original Plan – Six (6) Amended Plan – Seven (7)
Issues	Setback and elevated external deck
Recommendation	That the application be Approved



1. PREAMBLE

1.1 The Site and its Locality

The site is located on the northern side of Scott Street between the intersections of Marroo Street and Arden Street. The site has a 6.095m frontage with a length of 36.58m, providing a total site area of 224.60m². The site has a fall from the rear to the front of approximately 6 metres.

Existing on the site is a single storey detached dwelling built to the east side boundary. The significant level change has resulted the existing dwelling being excavated into the site and the rear garden being retained by a masonry wall. No parking is currently provided on the site.

To the east of the site are the backyard areas of a number of semi-detached pair of dwellings which faces Marroo Street (Nos. 1 to 9 Marroo Street). To the west of the site is a two storey brick dwelling with large pitched tile roof at No.19 Scott Street. This building has a 1.0m setback from the shared side boundary and its living area built above a garage level to the street.

The locality is typically residential with a variety of architectural styles. The site is not listed as a heritage item, is not within a heritage conservation area and is not located within a residential character study area.

1.2 Background

There are no previous relevant development application files for this property.

This application, DA-170/2011, was lodged on 12 April 2011. The proposal included the demolition of the existing structures on the site and the construction of a two storey contemporary dwelling integrated with a garage. The application was deferred on 7 July 2011 in order to address DCP non-compliances issues in regard to bulk, setbacks, decks and landscaping.

Amended plans were submitted on 29 August 2011 and these plans were subsequently re-notified to surrounding properties. The plans essentially shifted the front building setback to be in line with the adjoining building at No. 19 Scott Street, reduced the originally proposed bulk / FSR, increased eastern side setback, greater landscaping at the front, deletion of fin walls on the side of building, reduced terrace / balcony area, deleted the fin walls of the terrace and internal changes to the design of the dwelling.

This report is an assessment of amended plans lodged 29 August 2011.

1.3 Proposal Description

The proposal is to demolish all structures on the site and to construct a two storey contemporary dwelling with a flat roof. A new garage is to be integrated into the dwelling design at semi-submerged basement level with entry from Scott Street. The reconfiguration of the ground floor interiors includes three (3) bedrooms, bathrooms and laundry. The first floor is to comprise kitchen, dining, living, study, stairs, toilet and deck / terrace at the rear and the front.

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.

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 State/Regional Environmental Planning Policies

SEPP Building Sustainability Index (BASIX) 2004

The applicant has submitted a BASIX Certificate that demonstrates compliance with State regulated energy efficiency and water conservation targets.

2.1.2 Waverley Local Environmental Plan 1996

The site is zoned Residential 2(a) under Waverley LEP 1996, with the proposed works permissible within the zone. The proposal satisfies the Zone Objectives, General and Specific Aims of the LEP. The new dwelling improves the amenity for the occupiers of the site with no significant impact on the predominant residential character of this locality.

The site itself is not listed as a heritage item, however the adjacent property at No.5 Marroo Street *is* listed as a heritage item. An assessment is therefore required as to the likely effect the proposed development will have on the heritage significance of this item.

The new dwelling is contemporary in design, as is appropriate for new development in this locality. The Scott Street locality is undergoing a shift in character, given its proximity to the coast and relatively underdeveloped housing stocks. There have been various approvals recently in this locality for similar redevelopments. A contributing factor in the coming years will be the recent introduction of the NSW Housing Codes which allow for new dwellings on lots greater than 200m² with no character assessment and no requirement to consider the impact on adjacent heritage items. The Codes vary from the Council's DCP and in some cases allow for increased development potential, without development consent. The subject proposal is a reasonable one, in terms of development potential, when reviewed against what could be done on the site under the NSW Housing Code.

The proposal does not have an adverse impact on the significance of the adjacent heritage item. The heritage building has an existing setback from the subject building of over 5 metres and this separation is retained, albeit with a two storey form replacing the current single storey dwelling. The significance of the item does not rely on the older building forms surrounding it and this locality has no statutory heritage significance attached to it.

2.1.3 Waverley Development Control Plan 2010, Part D1 – Dwelling House & Dual Occupancy Development

COMPLIANCE CHECK			
Control	Standard	Proposed	Compliance
Height	<ul style="list-style-type: none"> Flat roof – Max 7.5m 	<ul style="list-style-type: none"> Front 5.3m – 7.3m Rear 3.5m – 4.4m 	Yes Yes
Floor Space Ratio (Site Area 196sqm)	<ul style="list-style-type: none"> 0.83:1 (186 sqm) 	<ul style="list-style-type: none"> 0.83:1 (186 sqm) 	Yes
Setbacks	<ul style="list-style-type: none"> Side 900 Front and rear est. building line 	<ul style="list-style-type: none"> West – 0.9m East – Nil Front – Aligned with front of 19 Scott (neighbour) Rear – No predominant line & satisfy objectives 	Yes No Yes Yes (on merit)
Elevated external decks	<ul style="list-style-type: none"> 10sqm in area 1.5m depth 	<ul style="list-style-type: none"> 10sqm in area 2.6m depth 	Yes No
Vehicular Access and Parking	<ul style="list-style-type: none"> No. of spaces Dimensions (5.5 m x 2.5m) Behind building setback 	<ul style="list-style-type: none"> One (1) 5.5m x 2.5m Satisfactory 	Yes Yes Yes
Landscaping	<ul style="list-style-type: none"> 40% of site area 15% of site as soft 50% of front lands. 50% of front lands. as soft 	<ul style="list-style-type: none"> 44% 17% 50% 60% 	Yes Yes Yes Yes

Side Setback

The area of non-compliance relates to the nil eastern side setback proposed, instead of the 900mm minimum side setback as required to the 2 to 3 storey part of the building.

The existing dwelling has a nil (0) setback on one of the side boundary to the east of the site, with a 1.3m side setback on the western side. The existing nil setback on the eastern side extends for a length of 20m in a single storey form.

The amended proposal has a 900mm setback along the western side boundary and a nil setback along the eastern side boundary at ground floor, with a broken pop-up wall 300 to 1090mm setback along the eastern boundary at first floor. Despite the increased height from a one to two storey dwelling, the introduction of some setback is a positive outcome for the adjacent neighbour at No.1 to 9 Marroo Street which provides a physical and visual separation between the dwellings and overcomes an issue with privacy and solar access. It is to be noted that the proposed eastern side elevation will only be provided with high level windows and the broken pop up wall is lowered to 2.3m in height from the finished floor level at first floor. Considering the amenity of the future occupant of the development and the constraint of the site (width of 6m for the subject property), and that the applicant has made an attempt to improve the appearance of the eastern wall from the adjoining properties, this non-compliance in side setback is supported.

Elevated external deck

The front first floor terrace / deck provide a depth of approximately 2.6m, which exceeds Council's maximum control of 1.5m for the site.

The amended plans indicate that the proposed terrace located off a living room has been reduced in the usable area from 13 square metres to generally comply with Council's maximum 10 square metres area. Concerns are raised that the proposed terrace has the potential to overlook into the adjoining properties rear yards of No 7 and 9 Marroo Street and does little to retain privacy. Should the application be approved, a condition is to be imposed that a lattice privacy screen (or the like) of a minimum of 1.6m in height is to be provided along the full eastern side of the first floor terrace / deck at the front of the building.

The proposed location of the terrace is nevertheless considered acceptable given that the terrace is orientated towards the street rather to the side or rear, and is unlikely to overlook toward the living areas and private open space of adjoining properties subject to conditions.

2.1.4 Other Matters

Streetscape

The section of Scott street is diverse in character with 3 storey walk up flats, single detached two storey dwellings, semi-detached pair of dwellings and modern houses. The proposal for a contemporary design is considered an acceptable addition to the streetscape which will be undergoing a change in architectural language over time.

Privacy

Visual privacy impacts caused by the dwelling are reasonable given the compliance with the external elevated deck controls (being maximum of 10m²) and the location of those decks (front deck facing the street is a positive attribute for the streetscape that promotes casual surveillance of the street, and the rear terrace / deck is practically at natural ground level due to the slope of the site).

Side facing eastern windows are generally highlight or obscured, and are domestically proportioned and appropriately located to minimise direct overlooking of neighbouring properties.

The proposal subject to conditions will attain an appropriate level of privacy for all properties.

3 REFERRALS

3.1 Internal

Vehicular Access and Stormwater

The application was referred to Waverley Council's Manager of Technical Services, who has raised no objection to the proposal subject to the imposition of conditions.

Public Domain/Tree Preservation

The application was referred to Waverley Council's Tree Planning Officer, who advised the following comments:-

"There are trees on neighbouring properties that will be affected by the proposed development, but only one of those is covered by Waverley Council's Tree Preservation Order. The subject tree is located in the rear yard of 7 Marroo St, in the rear SW corner. It has an eccentric canopy that leans extensively to the north and over the roof of the subject

property. The overhang extends into the footprint of the proposed extension. If the second floor addition is approved then it will require the removal of one a main branch back to the trunk and the removal of several other branchlets. This presents a problem on several accounts:

1. A Development Application consent is only applicable to the subject site, Council cannot grant approval for work on a neighbours property
2. The extent of pruning is above what is aboriculturally acceptable. Approximately 50% of the tree's canopy would be required to be removed. The option of removal would therefore need to be considered
3. Consent from the owner of the tree is required to be able to approve the pruning or removal of the tree; if this is not forthcoming then the applicant is presented with an approval that they cannot comply with. The applicant is then forced to take the issue to court (presumably under the Trees – Disputes between neighbours Act 2006)

It should be noted that the tree is an average specimen of good health but it is not a long lived specimen. Under TPO there is no valid reason for the removal of this tree, the request/approval for an additional storey on the neighbouring property is the only reason for the removal of the tree.

The issue in this case is not necessarily the merits of whether the tree can be removed or not, it is actually that the tree is on another property and its pruning/removal cannot be granted as part of this DA.

To address these issues the standard condition of requiring owners consent to prune or remove a tree will be imposed, but the applicant should be made aware of this constraint as it has a major impact on the ability to progress with any approved DA.”

No objection is raised to the proposal subject to a special condition attached that consent is obtained from the adjoining property owner to prune or remove a tree at the rear yard of No. 7 Maroo Street prior the issue of Construction Certificate approval.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal is considered to have a minimal and acceptable impact on the natural and built environment, and no further social or economic impacts are expected as a result of the proposal.

Section 79C(1)(c) - The suitability of the site for the development.

The site is suitable for the development, allowing for permissible development and a two storey dwelling commensurate with the scale of surrounding buildings and the reasonable development potential of the site.

4. PUBLIC SUBMISSION

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development*.

The application was deferred on 7 July 2011 and amended plans were subsequently lodged and re-notified for a 14 day period, with additional submissions received.

Seven (7) objections have been received for the amended plans. The issues raised in the submissions are summarised and discussed below.

Property	Location	Summary of Objections
19 Scott St	Adjoining (west)	<ul style="list-style-type: none"> • Character • Size / scale • Setback • Landscaping • Overshadowing • Garage • Stability • Drainage
22 Scott St	Across the Street	<ul style="list-style-type: none"> • Overshadowing • Privacy • Garage / safety concerns
1 Marroo St	Adjoining (east)	<ul style="list-style-type: none"> • Privacy • Size / scale
3 Marroo St	Adjoining (east)	<ul style="list-style-type: none"> • Privacy • Character • Streetscape • Height • Size / bulk • Setback • Fence (height of side garden wall) • Landscaping • Overshadowing
5 Marroo St	Adjoining (east)	<ul style="list-style-type: none"> • Height • Setback • Overshadowing • Size / scale • Privacy
7 Marroo St	Adjoining (east)	<ul style="list-style-type: none"> • Height • Size / scale • Setback • Streetscape • Privacy • Landscape • Overshadowing

Property	Location	Summary of Objections
9 Marroo St	Adjoining (east)	<ul style="list-style-type: none"> • Setback • Overshadowing / solar access • Height • Size / bulk • Character

Issue: Overshadowing

Comment – The north-south alignment of this site means that shadows over adjoining sites are limited to either the morning or afternoon (not both) and that both adjacent properties continue to receive appropriate solar access given the east west path of the sun orientation. The overshadowing impacts resulting from the additional storey are considered acceptable given that application is compliant generally with Council’s other controls.

Issue: Character

Comment – The contemporary design of the building is acceptable given the general compliance with Council’s controls and the emerging character of this locality. The area does not have statutory protection in the way of heritage significance and is open to contemporary designs including those which do not require Council approval through the NSW Housing Code. The proposed dwelling is acceptable in its surroundings as there is no specific theme or characteristics on Scott Street that provide significant contribution to the streetscape. The proposal commensurate with other approvals and recent builds in the vicinity. A two storey built form is entirely appropriate in this location.

There have been detailed objections lodged by the immediate neighbours that a contemporary house is not appropriate on the site and that the existing building should be retained. It is to be noted that the site / area is close to the coast, is not a conservation area, the existing housing stock is varied and, the allotments are narrow and site topography affords many design opportunities. Many of the existing houses in the near vicinity are dilapidated and require redevelopment / renewal. It is considered very reasonable on planning grounds that re-development in this locality is contemporary in nature.

Issue: Size / scale / FSR

Comment – The proposed Floor Space Ratio of the development complies with Council’s maximum control for the site and the proposal is not considered an overdevelopment.

Issue: Height

Comment – The proposed height of the development complies with Council’s maximum control for the site and therefore subsequently supported.

Issue: Setbacks & streetscape

Comment – Much objection has been made regarding the proposed wall of the building on the eastern side boundary. The existing house is sited on its east side boundary, as are numerous other houses in this locality. To comply with Council’s 900mm setbacks to each boundary would only allow for a building 4.2m in width which would compromise the amenity of the internal spaces and potentially additional side windows facing neighbours. Building on

the side boundary provides an appropriate planning response to redevelopment in small lot constraints.

These issues have been discussed previously in this report and the proposal satisfies the relevant setback controls and objectives in the DCP.

Issue: Landscaping

Comment – The proposal has more landscaping than required by the DCP and complies with the overall landscaping control in the DCP.

Issue: Privacy

Comment – Privacy impacts have been addressed previously in this report with conditions of consent recommended to minimise impacts where appropriate.

Issue: Stability

Comment – Standard conditions are imposed in relation to construction and excavation issues including a requirement for a dilapidation report for No. 19 Scott Street (adjoining property to west).

Issue: Fence (height of garden wall)

Comment – The applicant proposed a 1.8m to 3.0m high masonry side boundary fence (eastern garden wall) at the rear, which is considered excessive. Should the application be approved, it is recommended that a condition is imposed that the new masonry boundary fence at the eastern side shall be no higher than a maximum of 1.8m above the natural ground level.

Issue: Drainage

Comment – The application has been referred to Council's storm water engineer who was satisfied with the submitted storm water plans. No objection is raised to the proposed drainage of storm water on the property subject to the imposition of conditions.

Issue: Garage / safety concerns

Comment – The proposal provides the appropriate level of parking, which is integrated with the dwelling design, off the street behind the front building line.

Section 79C(1)(e) - The public interest.

It is not considered that the application is against the public interest.

5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

This is a two-storey contemporary dwelling designed by local architects. The DBU visited the site and noted that the east side setback is in part reproducing the setback of the existing building. The amended plans have addressed a previous issue with the front setback, by setting the building back generally in line with the building to its west at No.19 Scott Street.

The house generally complies with the core bulk and scale controls in the DCP and given the heritage status of the locality, the design is considered acceptable in a streetscape / context sense.

An issue emerged with an over hanging tree canopy from a neighbouring property, a condition of consent is recommended the consent to any pruning of these trees, subject to neighbour consent. This consent is to be considered Council's consent to pruning / removal of overhanging trees under Council's Tree Preservation Area.

The application is recommended for consent subject to conditions of consent.

6. RECOMMENDATION

That Development Application No. 170/2011 at 21 Scott Street, Bronte for demolition of existing dwelling and construction of new two storey dwelling including garage be approved by Council, subject to the following conditions:-

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA 000 to 012 Issue 02, tables and documentation prepared by Marsh Cashman Koolloos, dated 8 August 2011, and received by Council on date 29 August 2011,
- (b) Landscape Plan Nos DA 016 Issue 02, prepared by Marsh Cashman Koolloos, dated 8 August 2011, and received by Council on date 29 August 2011,
- (c) Stormwater drainage plan drawing Nos H-DA-00 and H-DA-)1 prepared by ITM design Pty Ltd dated 08.04.11, and received by Council on date 12 April 2011.
- (d) BASIX Certificate; and,
- (e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) A lattice privacy screen (or the like) of a minimum of 1.6m in height is to be provided along the full eastern side of the first floor terrace / deck at the front of the building, in order to provide relief to the overlooking of the adjoining properties to the east. In addition, the depth / width of the proposed front first floor terrace / deck shall be reduced from 2.6m to a maximum of 1.5m, in order to better address Council's elevated deck requirements under WDCP 2010; and,
- (b) The new proposed masonry fence at the rear eastern side boundary shall be no higher than a maximum height of 1.8m above the natural ground level of the adjoining property, to ensure it complies with Council's controls and to retain the neighbouring amenity.

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. TREE PRUNING OR REMOVAL

Should any trees on neighbouring properties covered by Waverley Council's Tree Preservation Order within approved zone of development (i.e. overhanging the approved building) then permission is granted under this consent for necessary pruning or removal of trees, subject to the owner consent of the tree(s) for the works. Evidence of owners consent is to be presented to the certifying authority prior to the issue of a Construction Certificate and any removal / pruning of trees.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. 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.

5. 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.

6. LONG SERVICE LEVY

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

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

7. NO BUILDING 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 appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & the Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

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

8. STREET TREE BOND

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 tree to protect them from damage during construction.

A bond of \$1000 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 Watergum tree at the front boundary of the property. 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.

9. AMENDED LANDSCAPE PLAN

The landscape plan is to be amended by the following changes:

- (a) The site shall be planted with a minimum of 50% local native species (represented across trees, shrubs, groundcovers)
- (b) Details of selected species, planting locations, mature height, pot size and planting numbers is to be clearly shown on the landscaping plan
- (c) There shall be a capacity for the planting of a minimum of one specimen local native tree to be planted in the rear yard. Any tree is to be planted a minimum of 1.0 metres from any boundary, structure or underground services.
- (d) All plantings are to be installed at finished ground level.

The amended landscape plan is to be submitted to and approved by Waverley Council's Tree Management Officer prior to the issue of the Construction Certificate.

10. LONG SECTION OF DRIVEWAY

A long section of the driveway shall be submitted for approval to the satisfaction of Divisional Manager, Technical Services, prior to issue of the Construction Certificate. The long section is to be drawn at a scale of 1:25 and shall include Reduced Levels (RLs) of the road centreline, kerb, road reserve, and pavement within the property and garage floor. The RLs shall include the existing levels and the design levels.

11. HOARDING REQUIRED

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

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

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with 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. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

13. EROSION, SEDIMENT AND POLLUTION CONTROL

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

14. STORMWATER MANAGEMENT

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 2010 - Part G4 prior to the issue of a Construction Certificate.

15. ENGINEERING DETAILS

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

16. 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.

17. ROOFWATER GUTTERING

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

18. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not 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. 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.

26. TOILET FACILITIES

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

27. 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.

28. 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 (both internal and external), including ancillary structures located upon No. 19 Scott Street.

29. 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.

30. TREE PLAN

All trees, shrubs or vegetation on the subject or neighbouring sites identified for retention and within 7.5m of the building work are to be provided with tree protection measures as described below.

- **Trees to be retained and protected**

There are no trees to be retained on the site

Species	Location	Action
Callistemon sp	Rear SW corner of 7 Maroo Avenue	Retain and protect as per the conditions below.

Established boundary fences or site boundary fences are to remain in place at all times to physically protect any existing trees or vegetation on neighbouring sites. If fences are to be removed and replaced this process shall be undertaken in the most minimal time possible.

If tree roots are exposed during this process and they are to be exposed for any more than 24 hours then a protective absorbent covering is to run the length of the exposed boundary. This covering is to be kept moist to prevent the drying out of roots.

Any backfilling material required due to excavation shall meet the requirements of AS 4419-2003 Soils for landscaping and garden use. Any backfilling material shall also be conducive to promoting root development and growth.

Soil levels are not to be changed around any trees on the subject or neighbouring properties.

There are to be no underground services installed within 2.0 metres from the middle of the trunk of any trees to be planted, or 1.0 metres from the edge of any proposed garden bed.

No mechanical excavation shall be undertaken within the tree canopy spread (within the dripline) or within 2.0m from the middle of the trunk (whichever is greater) of any tree, shrub or vegetation that is protected under Waverley Council's Tree Preservation Order.

If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.

If tree roots are required to be removed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process then Waverley Council's Tree Management Officer is to be contacted to make final determination.

31. 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.

32. 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 DECC'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.

33. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

34. 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.

35. 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.

36. TEMPORARY DIVERSION OF ROOF WATERS

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

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. 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 Environmental Operations (Noise Control) Regulation 2000.

39. 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.

40. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 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.

41. BUILDING CODE OF AUSTRALIA

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

42. 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.

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. IN-SINK WASTE DISPOSAL SYSTEMS

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

46. ENCROACH BEYOND THE BOUNDARIES

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

47. 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.

48. 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.

49. 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.

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. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed garage. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council. All new vehicle crossings to be Wheel Strips instead of full width concrete driveway wherever feasible.

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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

53. 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.

54. 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*.

55. 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.

MINUTES OF THE MEETING OF THE INDEPENDENT HEARING AND ASSESSMENT PANEL OF WAVERLEY COUNCIL

Location: Council Chambers, Corner of Paul Street and Bondi Road

Date: 18 January 2012

Time commenced: Inspections – 4.00 pm
Public Hearing – 6.00 pm

Panel Members:

Tina Spiegel	Solicitor/ Town Planner (Chair)
Jocelyn Jackson	Architect
John O’Grady	Town Planner
Amanda Swebeck	Community Representative

Staff in attendance: Philip Bull – Area Manager (South Team)

Disclosures: Nil

ITEM 1 IHAP- 1201.1

Proposal: Demolition of existing dwelling and construction of a two storey dwelling including garage

Address: 21 Scott Street, Bronte

Council reference: DA-170/2011

PANEL COMMENTARY:

The Panel visited the site and the properties adjoining the site in Marroo Street and Scott Street; read Council Development Assessment Report, the Development and Building Unit Report dated 20 December 2011 and recommendations, written submissions made prior to and at the IHAP meeting; and were informed by verbal submission made at the IHAP meeting by objectors, their expert representative and the applicant’s representative.

The Panel appreciates the concerns expressed by the objectors in Marroo Street regarding their perception of loss of amenity, due to impact of the proposed dwelling on views and having an overbearing impact. The Marroo Street properties are currently one level and have relatively small areas of private open space. The adjoining Scott Street property has a kitchen window located very close to the side boundary with the subject site.

The panel are of the view that the design solution has sensitively taken into consideration all aspects of concern expressed by the objectors. Currently the adjoining properties are experiencing the benefit of an underdeveloped site.

As it is a narrow site, strict compliance with side setbacks will result in a very awkward design and will not improve the perceived amenity impact by the adjoining properties.

There is no privacy impact as there are no windows proposed which will impact on the privacy of the adjoining properties.

In a situation where there is a complying FSR and the building is lower than the height control the proposed development cannot be considered overdevelopment of the site. It is a modest building.

The shadows cast are within the expected and tolerable range. If the design complied with setbacks and increased the height of the rear of the dwelling from 3.5m to 7.5 metres the impact of overshadowing and overbearing would be significantly increased. As a result of the height of the rear of the property being equivalent to one level, the properties on Marroo Street may at some future date be able to take advantage of views over the proposed dwelling.

The garden wall which is a sculptural feature of a vertical garden is considered an enhancing feature to be retained.

In relation to dilapidation reports the panel consider it advisable that the reports be done for 3, 5, 7 and 9 Marroo Street as well as 19 Scott Street.

For all these reasons the Panel consider this proposal to be a sensitive and well developed design solution for the site.

CONCLUSIONS:

The application is recommended for approval subject to conditions and the addition of a condition which requires a dilapidation report of Numbers 3,5,7 and 9 Marroo Street and 19 Scott Street to be carried out prior to construction.

RECOMMENDATION OF THE PANEL:

Development application No DA 170/2011 is approved subject to the conditions contained in Council Report dated 20 December 2011 and an additional condition regarding dilapidation reports be included.

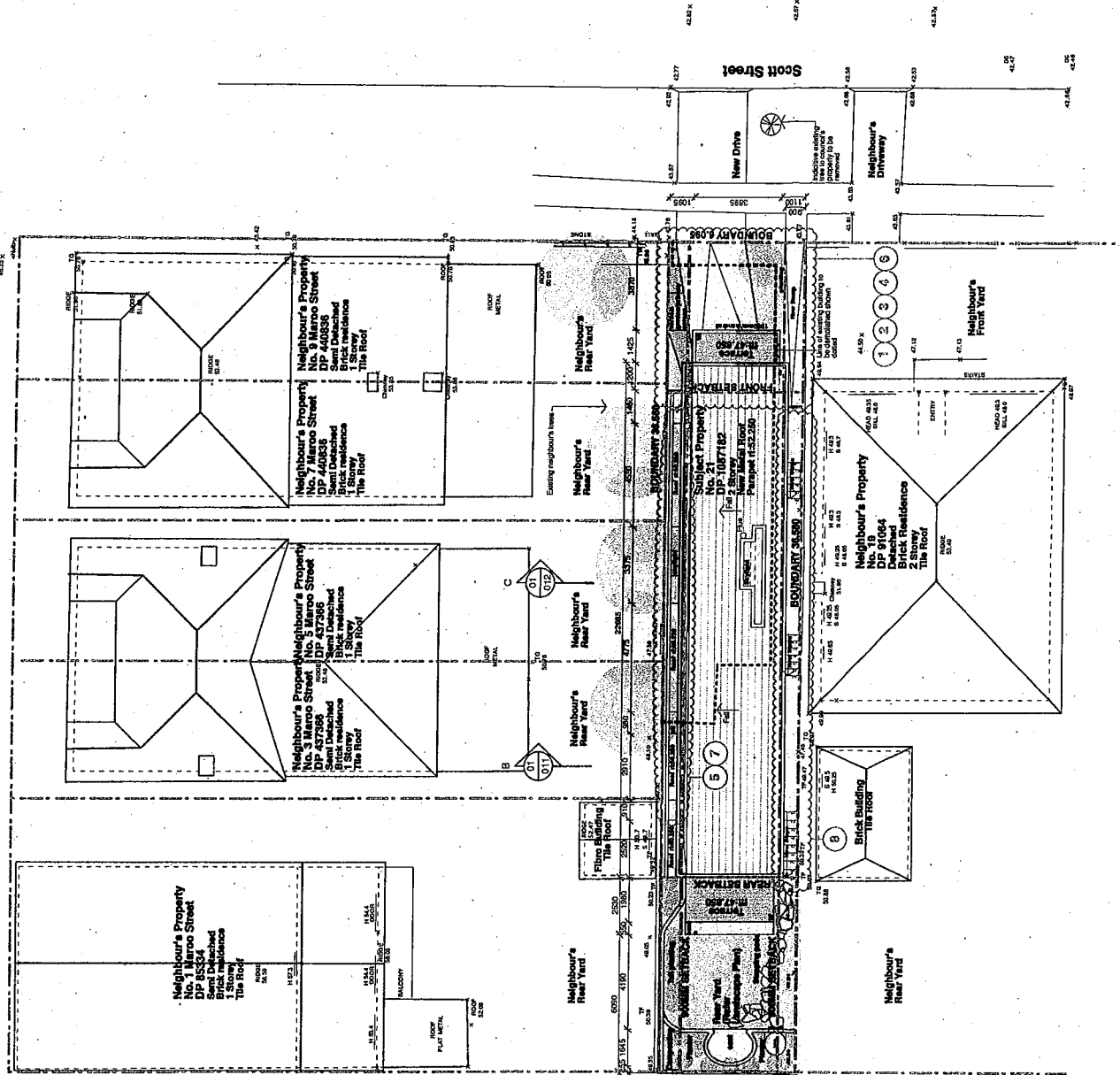
VOTING FOR THE RECOMMENDATION:

4 All Unanimous

NOTE: Condition 28 of the recommendation requires the preparation and submission of Dilapidation Report – this should be amended to address the additional properties indicated above.

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- Schedule of Amendments**
1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 2. Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 3. Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 4. First floor balcony extent reduced and privacy screening amended.
 5. First floor set-back amended.
 6. First floor set-back amended.
 7. New skylights to Ground Floor Hall and Entry amended.
 8. Side passage amended and metal hood over Entry deleted.



For DA purposes only

Job Upsilon House 21 Scott Street	Site Plan	scale	NTS	issue
	chg file	aim meas	drawn	job no
	date	110902	DL	1026
	date	August 2011		DA 001 02

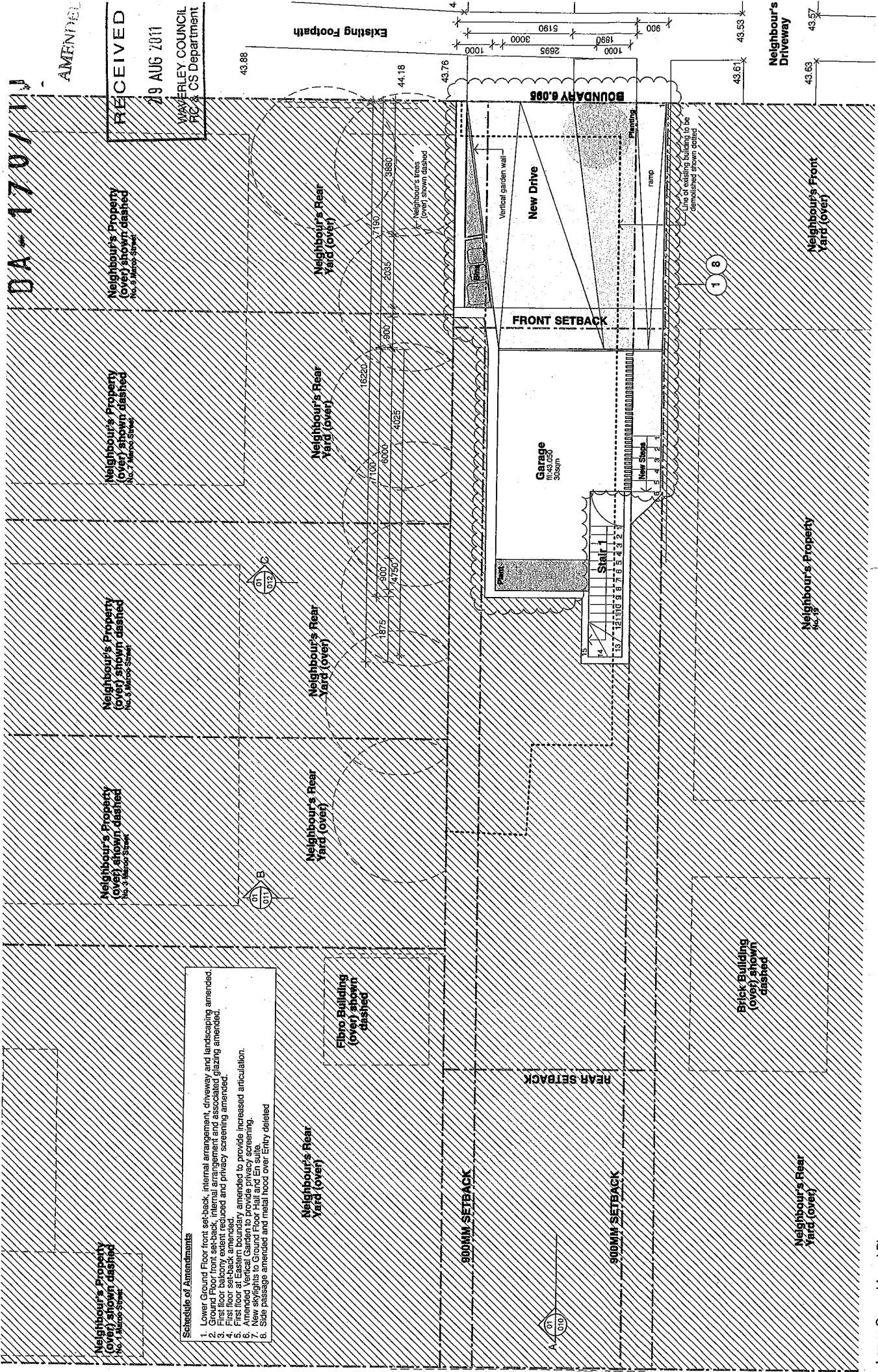
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marsh cashman koolloos
 Studio 201, 104 Commonwealth Street, Surry Hills, NSW 2010
 Tel 9211 4146 Fax 9211 4146 architect@marshcashman.com

DA-17011

AMENDED

RECEIVED
19 AUG 2011
WAXERLEY COUNCIL
PC & CS Department



Schedule of Amendments

1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
2. Lower Ground Floor rear set-back, internal arrangement and associated glazing amended.
3. First floor balcony enclosure, pool and privacy screening amended.
4. First floor set-back amended.
5. First floor at Eastern boundary amended to provide increased articulation.
6. Amended Vertical Garden to provide privacy screening.
7. New skylights to Ground Floor Hall and En suite.
8. Side passage amended and metal hood over Entry deleted.

1 Lower Ground Level Plan
1:100



marsh cashman koolloos
Studio 401, 104 Commonwealth Street, Surry Hills, NSW 2010
Tel 9211 4146 Fax 9211 4146 architects@marshkoolloos.com



Issue
01 11.04.2011 DA submission
02 08.08.2011 Amended DA

Job
Upsilon House
21 Scott Street

dwg
file date
Lower Ground Level Plan
alm.meas 110802
August 2011

For DA purposes only
scale 1:100
drawn DL
job no 1026
issue DA 002 02

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DA-170/11

AMENDED

RECEIVED
29 AUG 2011
WANDERLEY COUNCIL
R.C. & C.S. Department

Neighbour's Property
(over) shown dashed
No. 9 Maroo Street

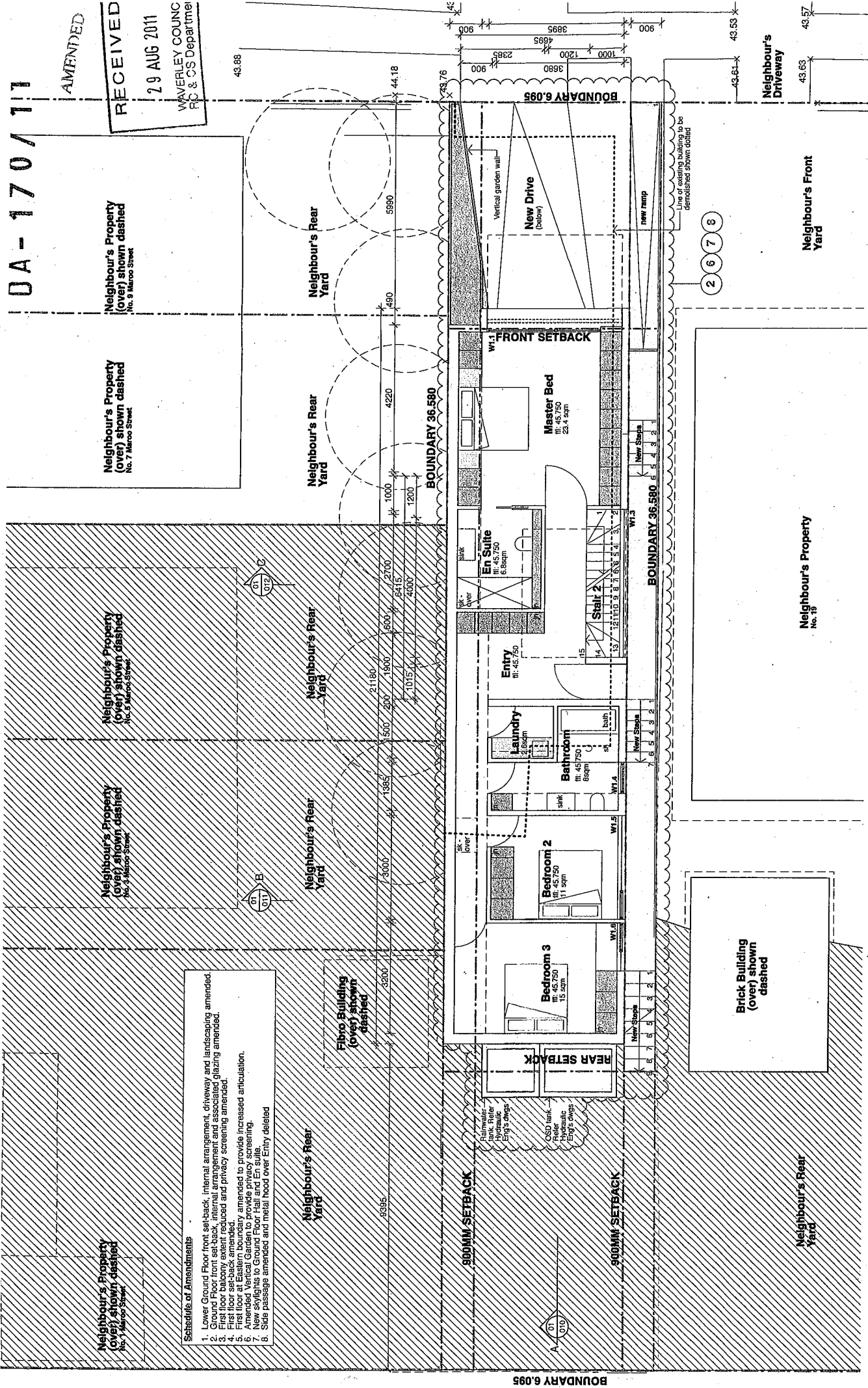
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(over) shown dashed
No. 7 Maroo Street

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No. 5 Maroo Street

Neighbour's Property
(over) shown dashed
No. 3 Maroo Street

Neighbour's Property
(over) shown dashed
No. 1 Maroo Street

- Schedule of Amendments**
1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 2. Ground Floor front set-back, internal arrangement and associated glazing amended.
 3. First floor set-back amended.
 4. First floor set-back amended.
 5. First floor at Eastern boundary amended to provide increased articulation.
 6. Amended Vertical Garden to provide privacy screening.
 7. New skylights to Ground Floor Hall and En suite.
 8. Side passage amended and metal hood over Entry deleted.



1 Ground Level Plan
1:100

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Issue
01 11.04.2011 DA submission
02 08.08.2011 Amended DA

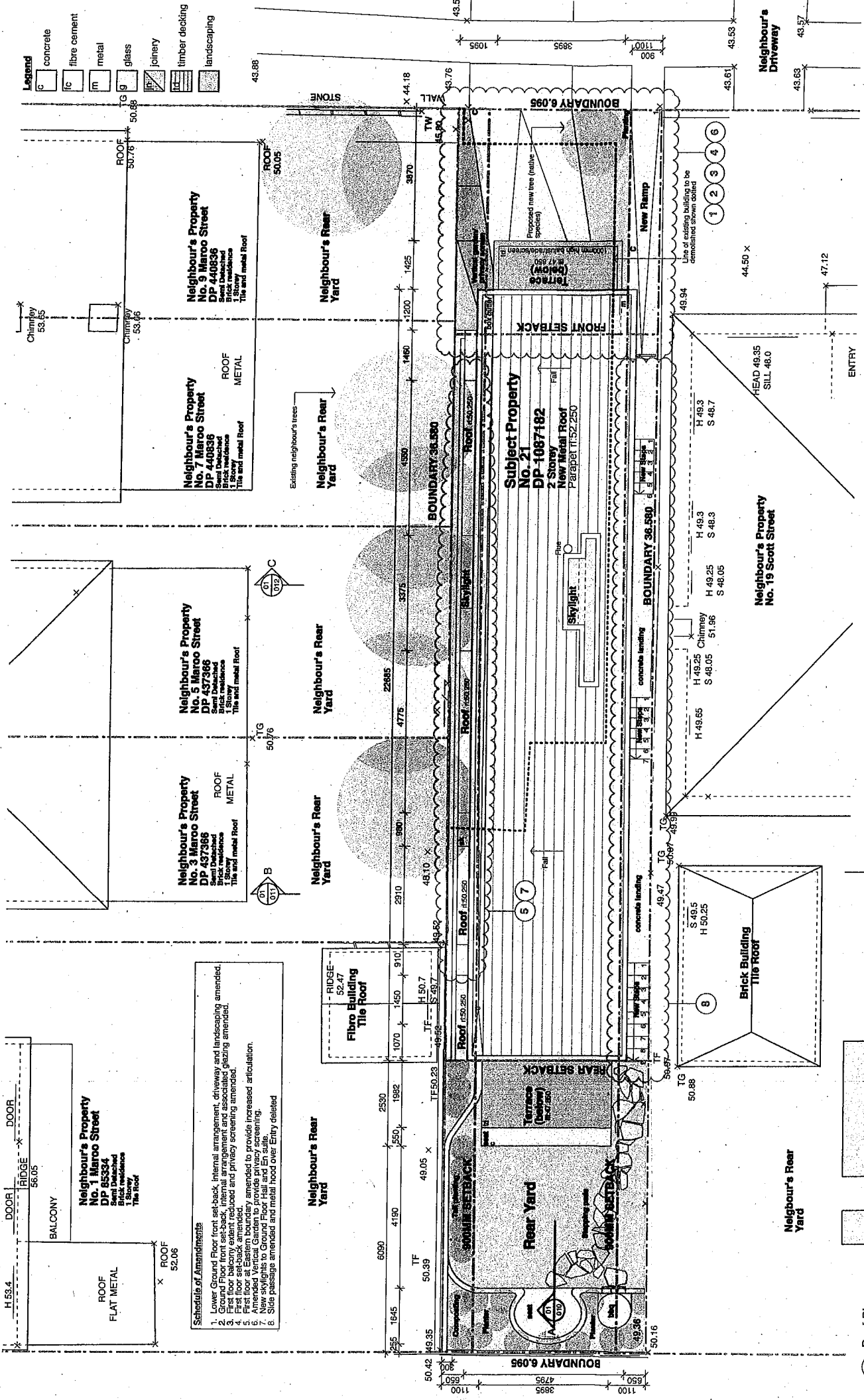
job
Upsilon House
21 Scott Street

dwg
file
date

Ground Level Plan
alt. meas. 110802
August 2011

scale 1:100
drawn DL
job no 1026
issue DA 003 02

For DA purposes only



Legend

C	concrete
FC	fibre cement
M	metal
G	glass
J	joinery
LD	timber decking
L	landscaping

- Schedule of Amendments**
1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 2. Ground Floor front set-back, internal arrangement and associated glazing amended.
 3. First floor balcony extent reduced and privacy screening amended.
 4. First floor set-back amended.
 5. First floor set-back amended.
 6. Amended Vertical Garden, amended to provide increased articulation.
 7. New skylights to Ground Floor Hall and En suite.
 8. Site passage amended and metal hood over Entry deleted.

1 Roof Plan

Scale: 1:100

Job: **Upsilon House**
21 Scott Street

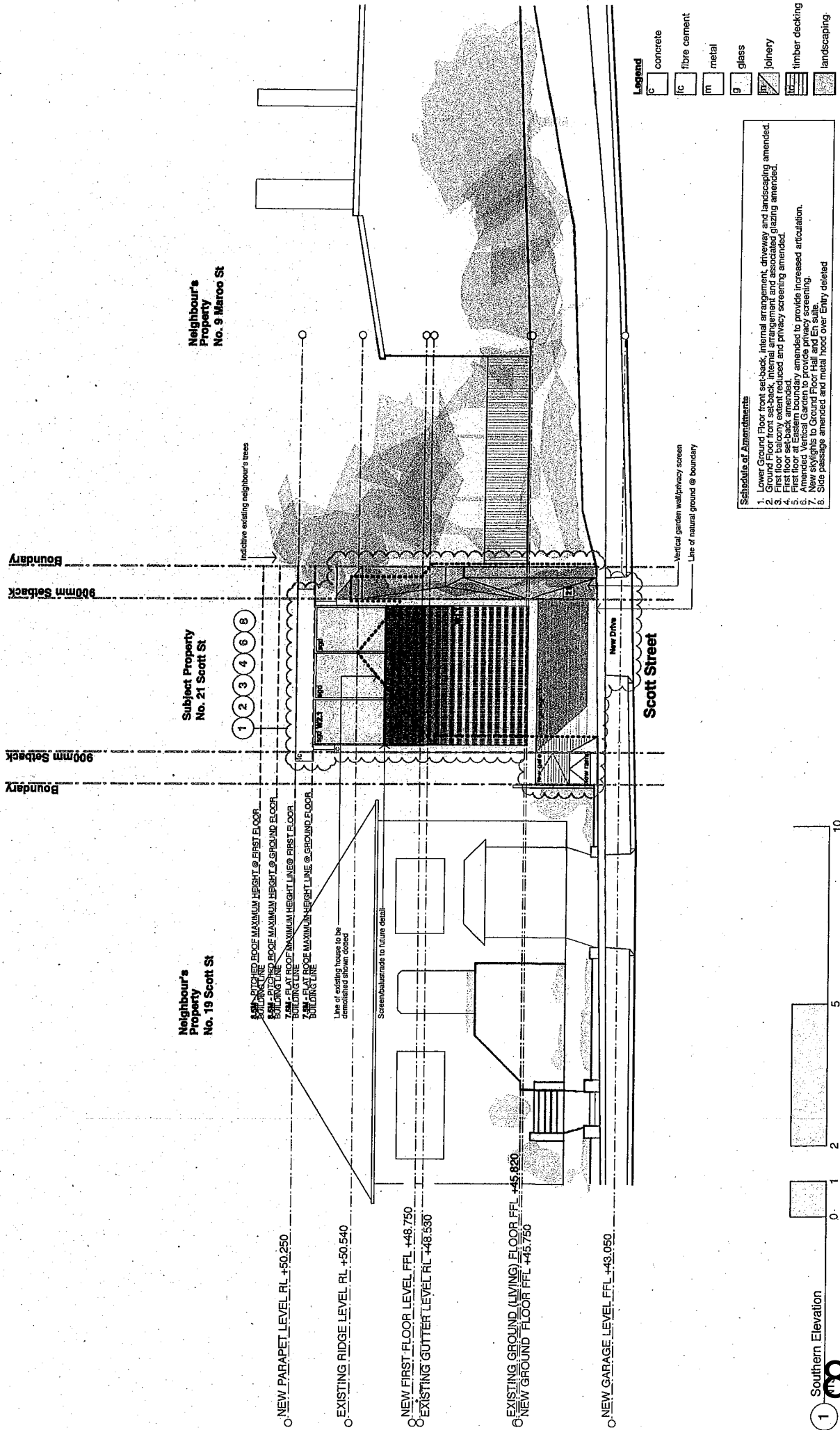
Issue: 01 11.04.2011 DA submission
02 06.09.2011 Amended DA

Change: Roof Plan
aim.meas.110602
file
date August.2011

Scale: NTS
drawn: DL
job no: 1026
issue: DA 005 02

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For DA purposes only

Upsilon House
21 Scott Street

job
dwg file
Southern Elevation
aim.meas.110802
August 2011

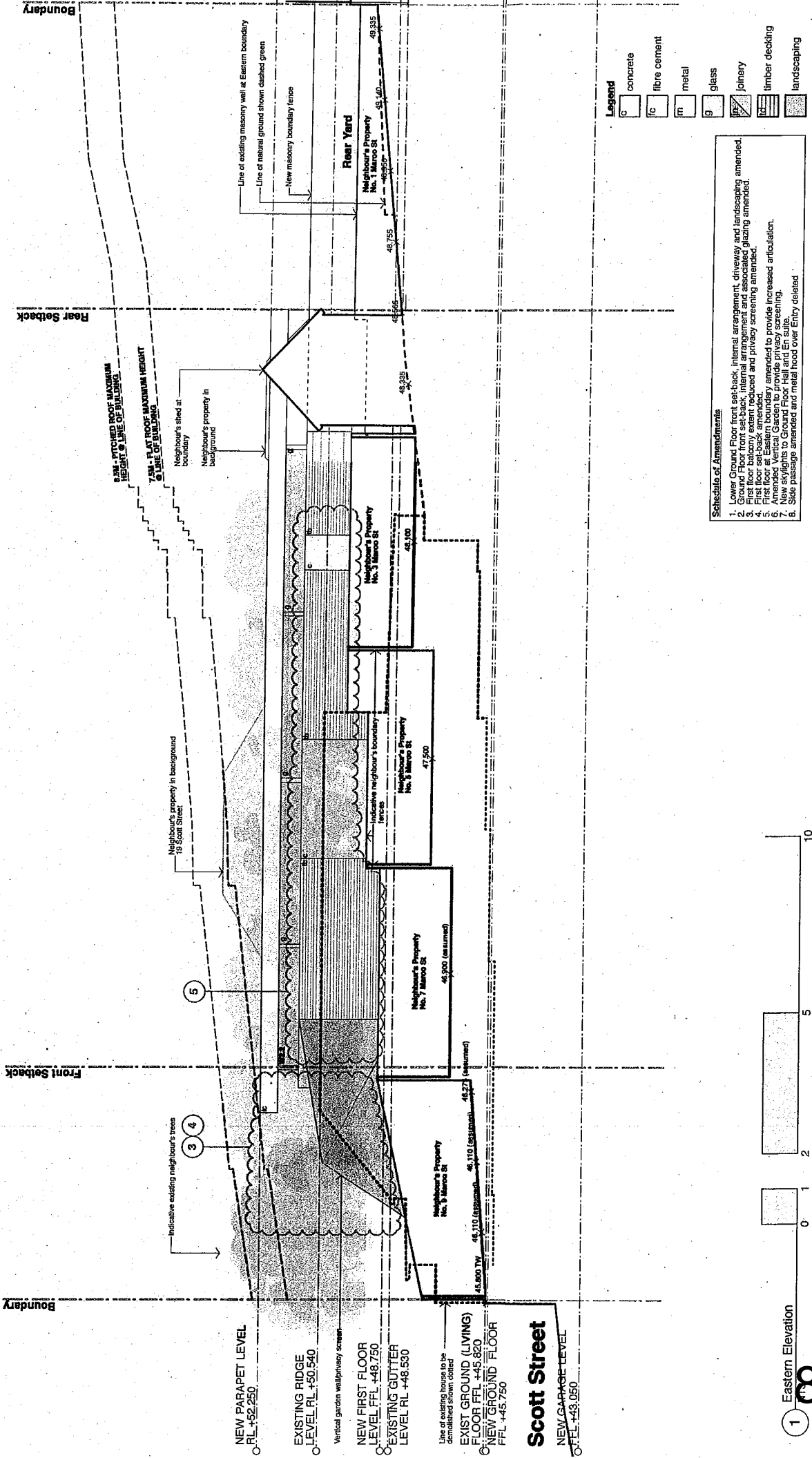
scale
NTS
drawn DL
job no 1026

issue
01 11.04.2011 DA submission
02 08.08.2011 Amended DA

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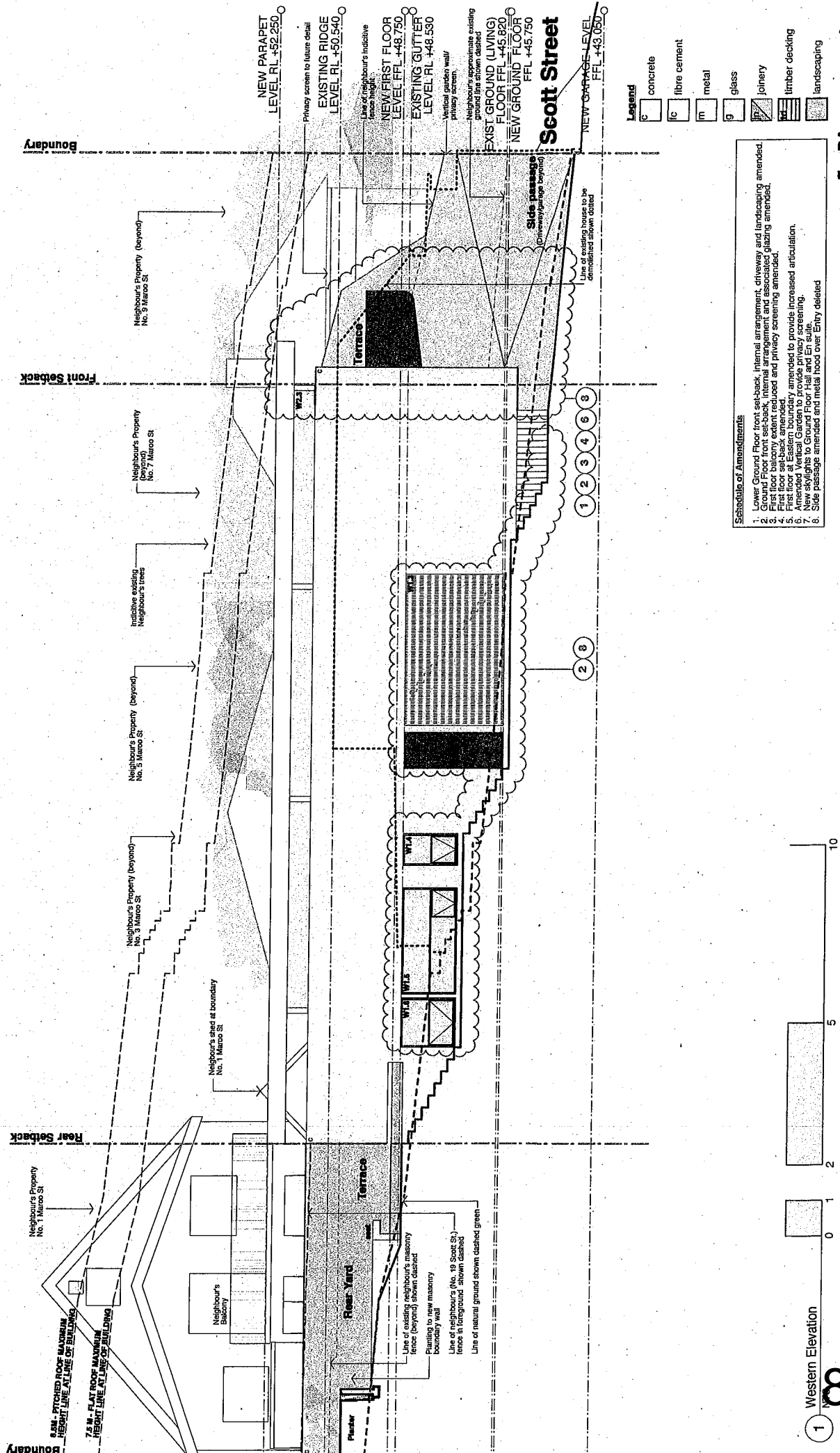
- Legend**
- concrete
 - fibre cement
 - metal
 - glass
 - joinery
 - timber decking
 - landscaping

- Schedule of Amendments**
1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
 2. Ground Floor front set-back, internal arrangement and associated paving amended.
 3. First floor balcony extent reduced and privacy screening amended.
 4. First floor set-back amended.
 5. First floor set-back amended.
 6. Amended Vertical Garden to provide increased articulation.
 7. New skylights to Ground Floor Hall and En suite.
 8. Stair passage amended and metal hood over Entry deleted.

For DA purposes only

Job Upsilon House 21 Scott Street	Issue 01 11.04.2011 DA submission 02 09.05.2011 Amended DA	Scale NTS	Issue 1026
Change file	Change date	Scale aim.meas	Issue DL
		August 2011	DA 008 02

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- Legend**
- C concrete
 - FC fibre cement
 - M metal
 - G glass
 - J joinery
 - L timber decking
 - landscaping

Schedule of Amendments

1. Lower Ground Floor front set-back, internal arrangement, driveway and landscaping amended.
2. Ground Floor front set-back, internal arrangement and associated glazing amended.
3. First floor front set-back amended.
4. First floor at Eastern boundary amended to provide increased articulation.
5. Amended Vertical Garden to provide privacy screening.
6. Adjustments to Ground Floor Hall and Entry.
7. Slide passage amended and metal hood over Entry deleted.

For DA purposes only

job Upsilon House 21 Scott Street	dwg file date	scale NTS drawn DL	issue no. 1026
issue 01 02	DA submission 11.04.2011 08.08.2011	Western Elevation aim.meas.110802	job no. DA 009 02

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56- 58 Hastings Parade, North Bondi – Alterations and additions to existing residential flat building (DA 395/2011)

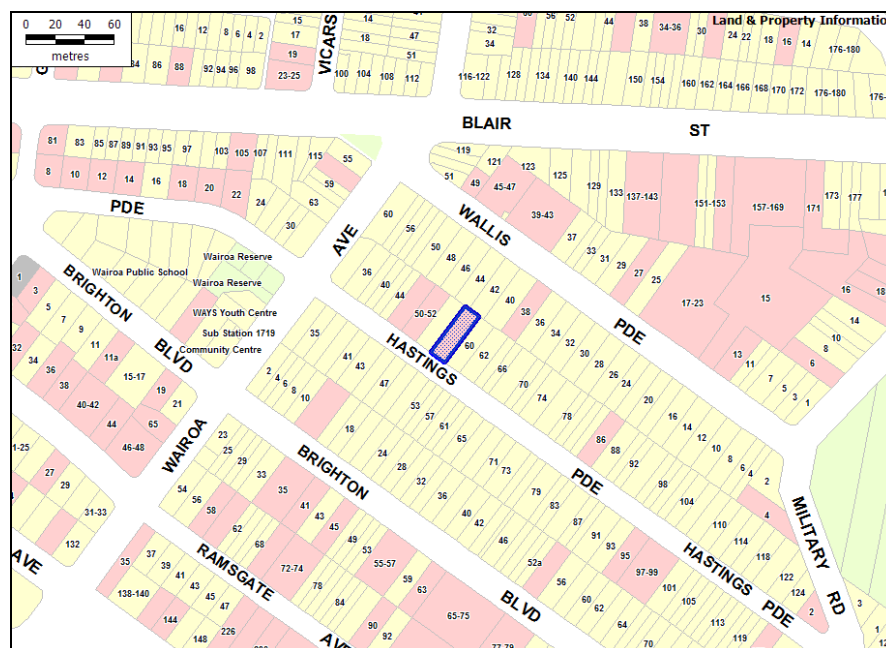
Report dated 24 November 2011 from the Development and Building Unit.

Recommendation: That the application be granted Deferred Commencement Consent in accordance with the conditions contained in this report.

Referred to DCC on as the application involves intensification of a non-conforming use (i.e. a residential flat building in a Residential 2(a) zone).

Development Assessment Report	
Development Application No.	DA-395/2011
Address	56 – 58 Hastings Parade, North Bondi
Lodgement Date	22 August 2011
Proposal	Alterations and additions to an existing residential flat building including a first floor addition and amended strata plan
Zoning and relevant controls	Residential 2(a) – LEP1996
Owner	Strata Plan 21440
Applicant	Rory Toomey
Submissions	Three (3) submissions
Issues	<ul style="list-style-type: none"> • Site Frontage • Density and Scale • Setbacks • Ceiling Height • Parking • Private Open Space
Recommendation	Deferred Commencement Consent

Site Map



1. PREAMBLE

1.1 The Site and its Locality

The subject site is located on the north eastern side of Hastings Parade and contains a single storey residential flat building comprising four strata titled residential units. The two front units contain 2 bedrooms with small courtyards within the front setback whilst the rear two units are one bedroom units with rear gardens.

The surrounding locality is characterised by a mixture of attached and detached dwellings and small residential flat buildings. To the north of the site are a number of single storey residential flat buildings similar to the subject site and to the south are predominantly smaller dwelling houses.

1.2 Background

A Pre-DA application was submitted to Council on 3 December 2010 (PD-35/2010) for a similar development to that which is proposed. Advice was provided which has resulted in the deletion of a proposed hardstand car space within the front setback and increases in the side setbacks to the upper floor level.

1.3 Proposal Description

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

- A first floor addition to create 4 x 3 bedroom units with the rear two units also having small study/media rooms.
- Extension of the ground floor level 1000mm toward the rear.
- Infilling of two existing porches at the ground floor level and relocation of the entry doors to the rear two units.
- Installation of glazed doors at the ground floor level at the rear to gain access to two new ground floor decks.
- Amendment of the existing strata plan to incorporate the changes above.

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.

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 Waverley Local Environmental Plan 1996

The site is zoned Residential 2(a) pursuant to Waverley Local Environmental Plan 1996, with residential flat buildings prohibited under the zoning. The residential flat building is considered to be an Existing Use under Division 10 of the Environmental Planning & Assessment Act 1979. Clause 44 in Part 5 of the Environmental Planning & Assessment Regulation 2000 provides that development consent is required for any rebuilding of an existing use, whilst clause 42 requires development consent for the enlargement and intensification of an existing use. The Regulations provide that an existing use may only be

rebuilt on the land to which the existing use was erected before the relevant date, but does not provide further restrictions/requirements in regard to the assessment of the application.

The merit assessment of this development application is therefore to be considered under Section 79C of the Environmental Planning and Assessment Act 1979.

Clause 3 – Specific Aims

The majority of Specific Aims are either not relevant in the assessment of the application or are satisfactorily addressed by standard conditions of consent.

The proposal will satisfy subclause (7) in relation to housing by contributing to the provision of a variety of housing types to meet the changing needs of the community, maintains the existing residential dwellings on the site and, subject to amendments detailed later in this report, will not impact unreasonably upon the amenity of neighbouring properties.

The proposal satisfies the Specific Aims and can be supported.

Clause 10 – Zone Objectives

Clause 10 requires one or more of the zone objectives to be satisfied by a development.

The aims of the 2(a) zone are:

- (a) to allow for housing only in the form of dwelling-houses and boarding houses;*
- (b) to maintain and improve the amenity and the existing characteristics of the localities predominantly characterised by dwelling-houses; and*
- (c) to allow certain non-residential uses of low intensity which are compatible with the character and scale of low density housing.*

As the development is relying on the Existing Use provisions of the Environmental Planning & Assessment Act 1979 (EP&A Act), zone objectives (a) and (c) do not apply. However, it is considered that the intent of objective (b) is applicable in the assessment to determine the appropriateness of the development.

The proposal provides an increase in the floor space ratio of the development, however the proposal is not out of character with existing extensions on neighbouring residential flat buildings. The character of the area is diverse, with a range of dwelling houses and residential flat buildings. The proposal will not unreasonably impact upon the privacy of neighbouring properties and subject to amendments outlined later in this report, will not have unreasonable impact on solar access to neighbouring properties. As a consequence, it will not have a detrimental impact on the amenity and characteristics of the locality and the intent of the objectives of the zoning are satisfied.

2.1.2 Waverley Development Control Plan 2010, Part D2 – Multi-Unit Housing and I1 – Land Use and Transport

While the Waverley DCP 2010 controls do not specifically apply given the site enjoys existing use rights, it is reasonable to have consideration to the following controls.

COMPLIANCE CHECK – Residential 2(b) Zone			
Control	Standard	Proposed	Compliance
Minimum Site Frontage	– 15m	– 12.2m	No
Height	<ul style="list-style-type: none"> • Wall height 6.5m • Overall height 9.5m • Number of storeys 2 • Maximum pitch 35° 	<ul style="list-style-type: none"> – 6.5m – 8.5m – 2 Storeys – 26 degrees 	Yes Yes Yes Yes
Maximum Floor Space Ratio (Site Area)	– 0.6:1	– 1.04:1	No
Setbacks – Front	<ul style="list-style-type: none"> • Predominant setback 	– Front is behind ridge consistent with surrounding	Yes
Rear Side	<ul style="list-style-type: none"> • 6m • 3m 	<ul style="list-style-type: none"> – 6.2m – 1.7m and 1.8m 	Yes No
Building Length	<ul style="list-style-type: none"> • Maximum 24m 	<ul style="list-style-type: none"> – Ground floor = 28m – Upper floor = 22m 	No Yes
Building Depth	<ul style="list-style-type: none"> • Maximum of unit is 18m • Maximum for single aspect unit is 8m 	<ul style="list-style-type: none"> – 11.5m – No single aspects 	Yes N/A
Sunlight – Small sites	<ul style="list-style-type: none"> • 50% of units minimum 3 hours 9am-3pm 	– 2 of the 4 units have northern aspect	Yes
Ceiling Heights (floor to ceiling)	<ul style="list-style-type: none"> • Residential 2.7m 	– 2.4m	No
Courtyards to ground level units	<ul style="list-style-type: none"> • Minimum area 25m² • Minimum width & depth 3m 	<ul style="list-style-type: none"> – Front Units (1 & 3): 16sqm 3.5 m x 4.5 m – Rear Units (2 & 4): 36sqm 6 m x 6 m 	No Yes Yes Yes
Storage Facilities	<ul style="list-style-type: none"> • Three plus bed unit 10m³ 	– Sufficient internal storage	Yes
Minimum unit size	<ul style="list-style-type: none"> • 3 bedroom 100m² 	<ul style="list-style-type: none"> – 114sqm (Units 1 & 3) – 125.16sqm (Units 2 & 4) 	Yes Yes
Parking Spaces (Parking Zone B)	<ul style="list-style-type: none"> • Number of space • Number of visitors • Other uses 	– No parking	No

Site Frontage

The site frontage is 12.2 metres rather than 15 metres however this is an existing residential flat building. The site width is adequate for the small scale residential flat building.

Density and Scale

The existing building on the site already has an FSR of 0.61:1 with the maximum FSR under the DCP being 0.6:1. The proposal will increase the FSR to 1.04:1 however with the amendments outlined in the following section of this report, this will be reduced to 0.99:1.

The proposal has been designed to not exceed the height control for residential dwellings in accordance with the surrounding zoning. The upper floor addition has been set back behind the front ridge of the original building and in from the side boundaries to be consistent with extensions to similar buildings to the northwest of the site and to have a domestic presentation to the street. As such the bulk of the upper floor addition is contained at the rear of the building ensuring the integrity of the main building and the group of similar buildings of which it forms a part, is maintained.

The following section of this report outlines amendments that will be required by deferred commencement conditions to be made to the rear setback of the first floor level to reduce impact upon the residential dwelling to the southeast of the site. These changes will reduce the FSR to 0.99:1. Perusal of the shadow diagrams submitted with the application indicate that the additional overshadowing from the proposal will be improved through the setting back of the upper floor level.

Accordingly it is considered that the amended proposal will not have an unreasonable impact upon adjoining properties and is supported.

Setbacks

Side Setbacks:

The DCP requires that side boundary setbacks are 3 metres for residential flat buildings however the proposed upper floor level only achieves 1700mm and 1800mm. Given the limited width of the site and the existing ground floor residential flat building, it is considered that compliant side boundary setbacks for the upper floor level would result in an incongruous and peculiar streetscape appearance.

Rear Setback:

In regards to the rear boundary setback, the DCP simply states that it should be 6 metres which the proposal does comply with. However, given that the zoning is 2(a) and the property is surrounded by single dwellings on either side, it is considered appropriate to consider a greater rear boundary setback for the proposed upper floor level. The property to the southeast of the site is a single dwelling and the proposed upper floor addition will extend significantly beyond the rear setback of this dwelling. This will result in additional overshadowing and an overbearing aspect to the adjoining site.

It is noted that an upper floor addition has been constructed at Nos. 46-48 Hastings Parade which is a similar style of building located three properties to the northwest of the site. This is the only other building within the group of single storey residential flat buildings that has a similar upper floor addition. The upper floor addition to this building is set back from the rear boundary significantly more than the subject proposal. Due to the impact upon the adjoining site to the southeast and the precedent set by the addition at Nos. 46-48, it is considered that the rear setback of the proposed upper floor level should be increased. In this regard a

deferred commencement condition has been included requiring that proposed upper floor addition be set back a further 3 metres to reduce impact upon the adjoining property. This will result in the loss of the small study/media room allowing the units to still retain 3 bedrooms.

Ceiling Height

The proposed upper floor addition has been designed to be consistent with the height controls for a single dwelling house rather than those for a residential flat building due to the residential 2(a) zoning. As such, the ceiling height of the upper floor addition is only 2.4 metres rather than 2.7 metres as required by the DCP for residential flat buildings. The 2.4 metre ceiling height is still in compliance with the requirements of the Building Code of Australia (BCA) and consistent with surrounding residential development. Accordingly it is considered that the variation to the ceiling height is acceptable. A generous 3 m floor to ceiling height is provided to the existing ground floor level.

Parking

Part I1 - Land Use and Transport of the DCP establishes the parking policies for the Waverley LGA that encourage walking, cycling and public transport usage and thus reduce car dependency.

The subject site is located within a moderate parking provision zone under the DCP. The minimum amount of parking required to be provided on the site is 4 spaces. The subject development provides no car parking on the site.

The existing building is comprised of 2 x 2-bedroom units and 2 x 1-bedroom units without any parking being provided. The proposal does not result in any additional units rather increases the amount of bedrooms on the site.

The increase in the number of bedrooms is unlikely to generate an unreasonable demand for additional parking given that there are no additional units proposed. There is no capacity on the site to provide car parking spaces without the loss of on-street parking spaces and the loss of the integrity of the building and the streetscape. The site is located within walking distance of shops, the beach, community facilities and public transport. On balance, it is considered that the provision of no car parking spaces on the site is a better outcome for the site and the street.

Parking could only be provided to the site via works to the façade and hardstands to the front of the existing building, this would result in the loss of kerbside and adverse urban design and public domain impacts.

Private Open Space

The existing building already contains 4 units each with an area of private open space. The front 2 units have small courtyards within the front setback and the rear two units have courtyards at the rear. The proposal does not alter this arrangement with all four units having designated private open space. This arrangement is considered acceptable given the limited size of the site, the fact that the courtyards are sufficient to meet user needs for recreation and that this arrangement has been existing for some time.

2.1.3 Other Matters

Streetscape

The proposed upper floor addition has been designed to be a recessive element of the building being set back from the front elevation by 6 metres. The pitched roof has a domestic presentation and scale consistent with the surrounding residential dwellings and additions to a similar building within the street to the northwest of the site. The streetscape presentation of the proposed upper floor addition is simple and consistent with the design of the existing dwelling. It is considered that the proposal will not harm the character of the building or the streetscape.

Privacy

The proposed upper floor addition has no balconies or decks with only new windows on each elevation. The windows at the first floor level are to bedrooms, bathrooms and stairways which are all rooms of low use with few occupants. Privacy impacts from rooms of low use are not considered unreasonable and therefore no further privacy measures are recommended.

At ground floor level existing fencing and separation distances ensure impacts from new windows are not detrimental. Additionally, the new ground floor decks at the rear are small in size and are not significantly raised above ground level.

Given the above analysis it is considered that the proposed development will not have unreasonable privacy impacts upon surrounding properties.

3 REFERRALS

3.1 Internal

Waste Management

Council's Environmental Services provided the following comments:

I refer to the application received for the proposed work to be carried out at 56-58 Hastings Parade, North Bondi.

Transport

No bike parking is included on the plans. The applicant is required to provide bike parking by way of either secure lockable area(s), bike lockers or bicycle racks. The Waverley DCP outlines bicycle parking rates required in Table 3 of Section 11.

Waste Management

No Site Waste Management and Recycling Plan is attached to the application.

The applicant is required to submit a Waste Management and Recycling Plan that clearly shows the waste generation rates and storage location for all of the garbage bins for this development before any referral is made.

Comment: A condition of Deferred Commencement requires the submission of a Waste Management and Recycling Plan. It is noted that the four units already exist on the site and there will be no additional units therefore the existing arrangement, where the bins are kept in

each units private courtyard, is likely to be maintained. There would be no additional bins required as part of this application. Each unit has level access to the street for collection.

In regards to bicycle parking, the DCP requires that bicycle parking is provided for all **new** residential developments. The subject application is for alterations and additions to an existing residential flat building and is not a new development. As such, bicycle parking is not required to be provided.

Stormwater

The following comments were provided by Council's Technical Services in response to the subject development:

*The stormwater drawings by Rory Toomey, dated 12 August 2011, have been checked and are considered **not** satisfactory with respect to the stormwater details.*

The drawings do not comply with the Waverley Development Control Plan 2010 with respect:

- i) Part G4 – Clause 1.2 – on-site stormwater detention is required.*
- ii) Part B – Clause 10.0 Water Management.*
- iii) Part B – Clause 10.2.4 On Site Detention (details of the proposed on-site stormwater detention system are required).*

A condition is included within the Recommendation addressing the above.

Building Code of Australia Compliance

Council's Fire Safety Officer provided conditions which are included within the Recommendation.

Land Information Officer

The following comments were provided by Council's Land Information Officer:

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

- No. 58-58 for the building;*
- Nos. 1-4 for the units within the building correlating with Nos. 5-8 on the floor plans for the building.*

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.

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

A condition reflecting the above is included within the Recommendation.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal would be unlikely to result in significant adverse impacts on the natural environment nor any social or economic impacts on the locality. The likely impacts of the development have been assessed in further detail elsewhere in this report.

Section 79C(1)(c) - The suitability of the site for the development.

Having regard to the assessment in sections 2 and 3 and particularly noting the existing development on the site and the adjoining development and noting the not unreasonable impact arising from the proposed development onto adjoining properties and the streetscape, the site is considered suitable for the proposed development. In this regard the proposal can be supported subject to the imposition of conditions.

4. PUBLIC SUBMISSIONS

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development*.

Three (3) submissions were received. The issues raised in the submission are summarised and discussed below.

Property	Location	Summary of Objections
54 Hastings Pde	Adjoining to the north-west	<ul style="list-style-type: none"> • The fence is not built on the true boundary and the new entrance will be too close to the boundary when the fence is reconstructed in the correct position. • Height will cause overshadowing to solar panels on roof.
53 Hastings Pde	Opposite the site	<ul style="list-style-type: none"> • Additional need for parking generated by the development.
Design Collaborative on behalf of 60 Hastings Pde	Adjoining to the south-east	<ul style="list-style-type: none"> • The applicant should be required to provide existing use rights. • Inappropriate height, bulk and scale of the additions at the rear resulting in loss of amenity and visual and acoustic privacy. • Inadequate landscaped area. • Rear building line.

Issue:

- *Inadequate landscaped area.*
- *Additional need for parking generated by the development.*

- *Inappropriate height, bulk and scale of the additions at the rear resulting in loss of amenity and visual privacy.*
- *Rear building line.*

Comment – These issues have been discussed in detail previously in this report.

Issue: The fence is not built on the true boundary and the new entrance will be too close to the boundary when the fence is reconstructed in the correct position.

Comment – The plans indicate that the new entry door to Unit 2 will be set back from the side boundary by approximately 900mm. Conditions require that the proposal comply with the Building Code of Australia and where the door is less than 900mm, certain requirements in regards to fire rating will need to be met. Nevertheless the side boundary setback will allow sufficient width to ensure that access to the front door is not impeded and if necessary, the door may need to be fire rated for protection of openings.

Issue: Height will cause overshadowing to solar panels on roof of No. 54 Hastings Parade.

Comment – No. 54 Hastings Parade is located to the northwest of the site and as such there would be no overshadowing of No. 54 Hastings from the proposed development between the hours of 9am and 3pm on any day of the year. In this regard, No. 54 will continue to receive adequate solar access.

Issue: The applicant should be required to provide existing use rights.

Comment – The existing building is in use as four residential units and has been strata subdivided as such. Council has no records of previous consent for the strata subdivision of the building however development consents dating back to 1994 indicate that the building was strata subdivided into 4 units at this time. In this regard, as the building has been subdivided into 4 units for at least 17 years and all subsequent applications have treated the building as 4 strata units, it is considered that the building has existing use rights as a residential flat building.

Issue: Acoustic privacy.

Comment – As there will be no increase in the number of units on the site and the use will continue to be residential, it is considered that the proposal will not result in unreasonable acoustic impacts upon surrounding properties.

Section 79C(1)(e) - The public interest.

The proposal, as discussed, will not have a detrimental impact on the adjoining or nearby properties and satisfies this section of the Act having regard to the above analysis of the submissions.

5. DEVELOPMENT AND BUILDING UNIT (DBU) REVIEW

Residential flat buildings are not a permissible use in the site's Residential 2(a) zone. Nevertheless, the subject building and various others residential flat building were built in this area prior to the current zoning. Under the draft zoning for the site, residential flat buildings are still prohibited, however this portion of Hasting Parade is surrounded by zonings allowing for residential flat development and there are various residential flat buildings in this part of

Hastings Parade. An addition to a residential flat building is not unreasonable in this context, especially a low-scale one as proposed.

The works provide for first floor additions to the existing residential flat building. The scale of these works is consistent with additions to adjoining dwelling houses and similar residential flat buildings, where like additions have been built. A condition is recommended to further setback the rear addition to the two (2) rear units, this is considered reasonable on impact grounds and respects the low density nature of the site's zoning.

The application is recommended for approval subject to conditions.

6. RECOMMENDATION

That Development Application No. DA-395/2011 at 56-58 Hastings Parade, North Bondi for alterations and additions to an existing residential flat building be approved by Council, subject to the following conditions:-

Deferred Commencement Consent

That the Council grant deferred commencement consent in accordance with the provisions of section 80(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:

- 1) The proposed first floor addition shall be set back a further 3 metres from the rear to reduce impact upon the adjoining residential dwellings.
- 2) The strata plan shall be amended to be consistent with the above requirement (Deferred Commencement Condition No. 1).
- 3) A Site Waste and Recycling Management Plan (SWRMP) Checklist 1 shall be submitted for approval in accordance with Part G1, Waverley DCP 2010.

Upon satisfying council as to the above matters, the following conditions apply:

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA-101, DA-102, DA-103, DA-110, DA-120, DA-121, DA-122 tables and documentation prepared by Rory Toomey Architect, and received by Council on date 22 August 2011,
- (b) Landscape Plan No. DA-310 and documentation prepared by Rory Toomey Architect, and received by Council on (date);
- (c) BASIX Certificate;
- (d) Schedule of external finishes and colours received by Council on 22 August 2011; and

Except where amended by the following conditions of consent.

2. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including and agreement, instrument or dealing evidenced by a company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. 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.

4. 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.

5. 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.

6. 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) Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & the 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.

7. 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 (e.g. fire rating of windows within 3m of a fire source).

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.

8. 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.

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

10. 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.

11. 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 2010 - Part G4 prior to the issue of a Construction Certificate.

12. 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.

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

14. 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.

15. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (e.g. addressing any modification required via conditions of consent). Any significant works (i.e. 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*.

16. 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

17. PRIOR TO SITE WORKS

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

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

18. 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.

19. CONSTRUCTION SIGNS

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

20. OBSTRUCTION TO PUBLIC AREAS

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

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

21. TOILET FACILITIES

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

22. 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.

23. 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.

24. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

25. 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 DECC'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.

26. 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.

27. 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.

28. 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.

29. 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 Environmental Operations (Noise Control) Regulation 2000.

30. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 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.

31. BUILDING CODE OF AUSTRALIA

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

32. 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) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (e) prior to installation of fire resisting construction systems (i.e. 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.

33. 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.

34. 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.

35. 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.

36. SMOKE ALARM SYSTEM

A smoke alarm complying with AS 3786 is to be installed within each dwelling. Certification of installation is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

37. 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.

38. 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.

39. LIGHTING

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting*.

40. ALLOCATION OF STREET NUMBER

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

- No. 56-58 for the building;
- Nos. 1-4 for the units within the building correlating with Nos. 1-4 on the floor plans for the building.

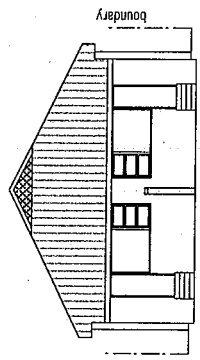
The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate.

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

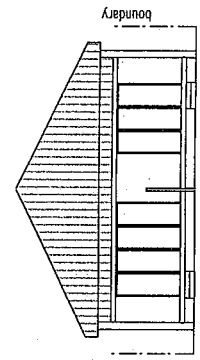
J:\HOME\PES\reports\South Team\Philip Bull\DCC2011\Dec\56hastings.doc

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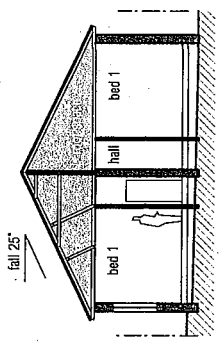
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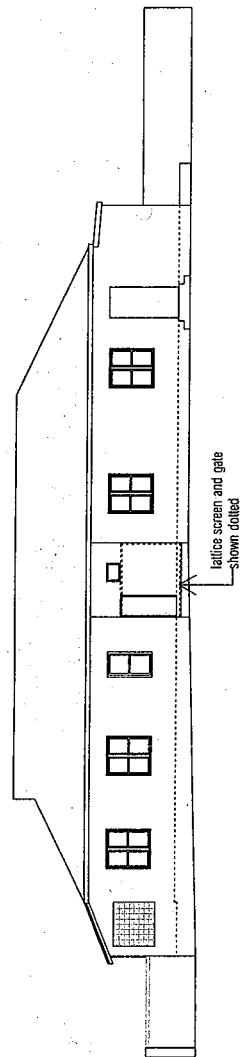
1 existing S/W (street) elevation



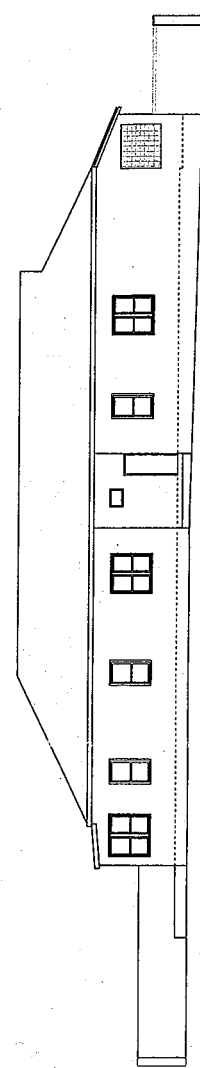
2 existing N/E (rear) elevation



3 existing section



4 existing S/E elevation

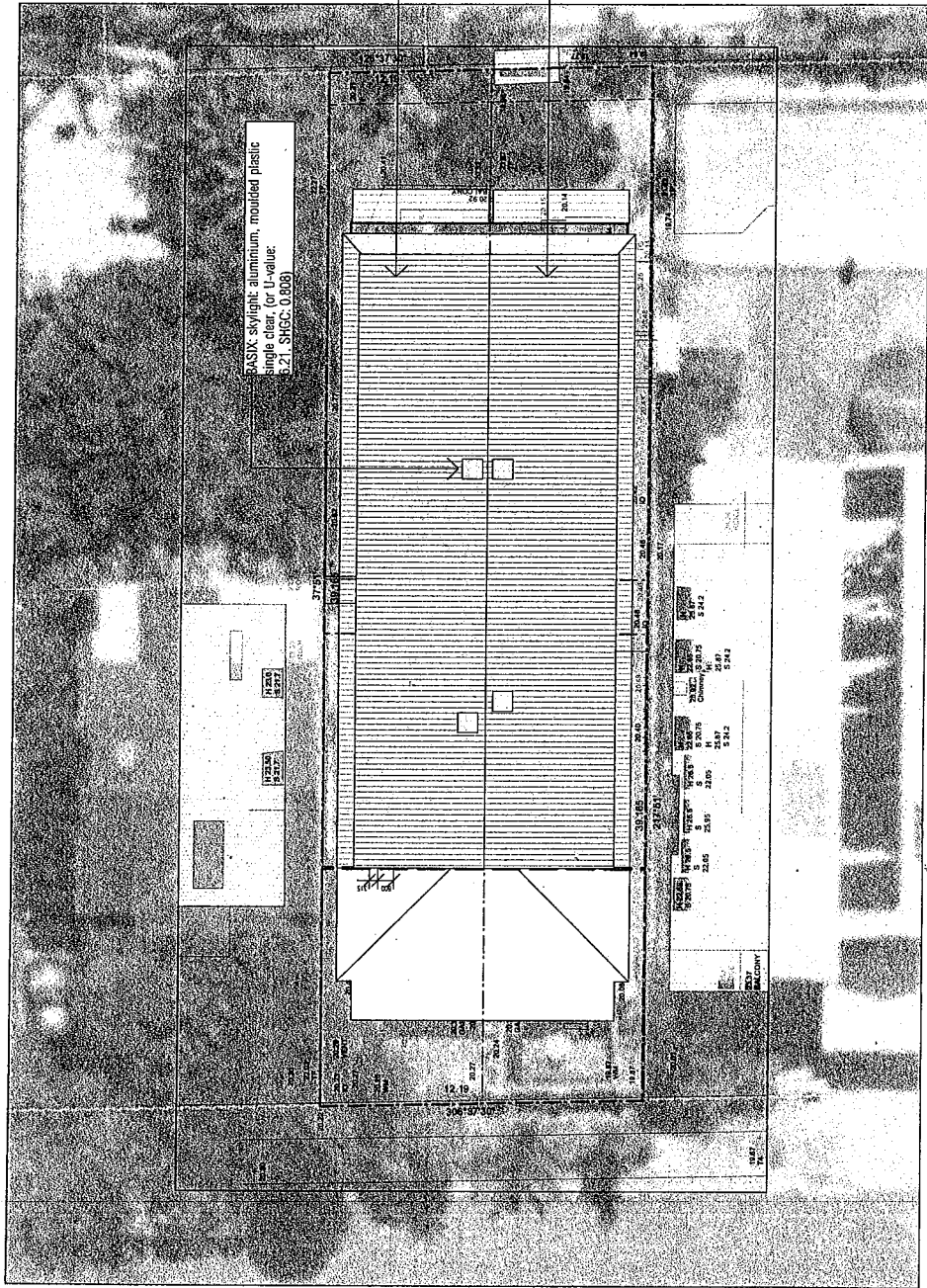


5 existing NW elevation

key	proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw			drawing title: existing elevations & sections	
	rory toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com			dwg no.: EX-02 scale @ A3: 1:200	
do not scale from drawings. figured dimensions always take precedence - if in doubt, just ask rory.		issue date	revision	for	

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BASIC insulation to new roof. ceiling: R2.75
(up), roof: thermocellular
reflective, medium (solar absorptance 0.475 -
0.70)

BASIC insulation to new roof. ceiling: R2.75
(up), roof: thermocellular
reflective, medium (solar absorptance 0.475 -
0.70)

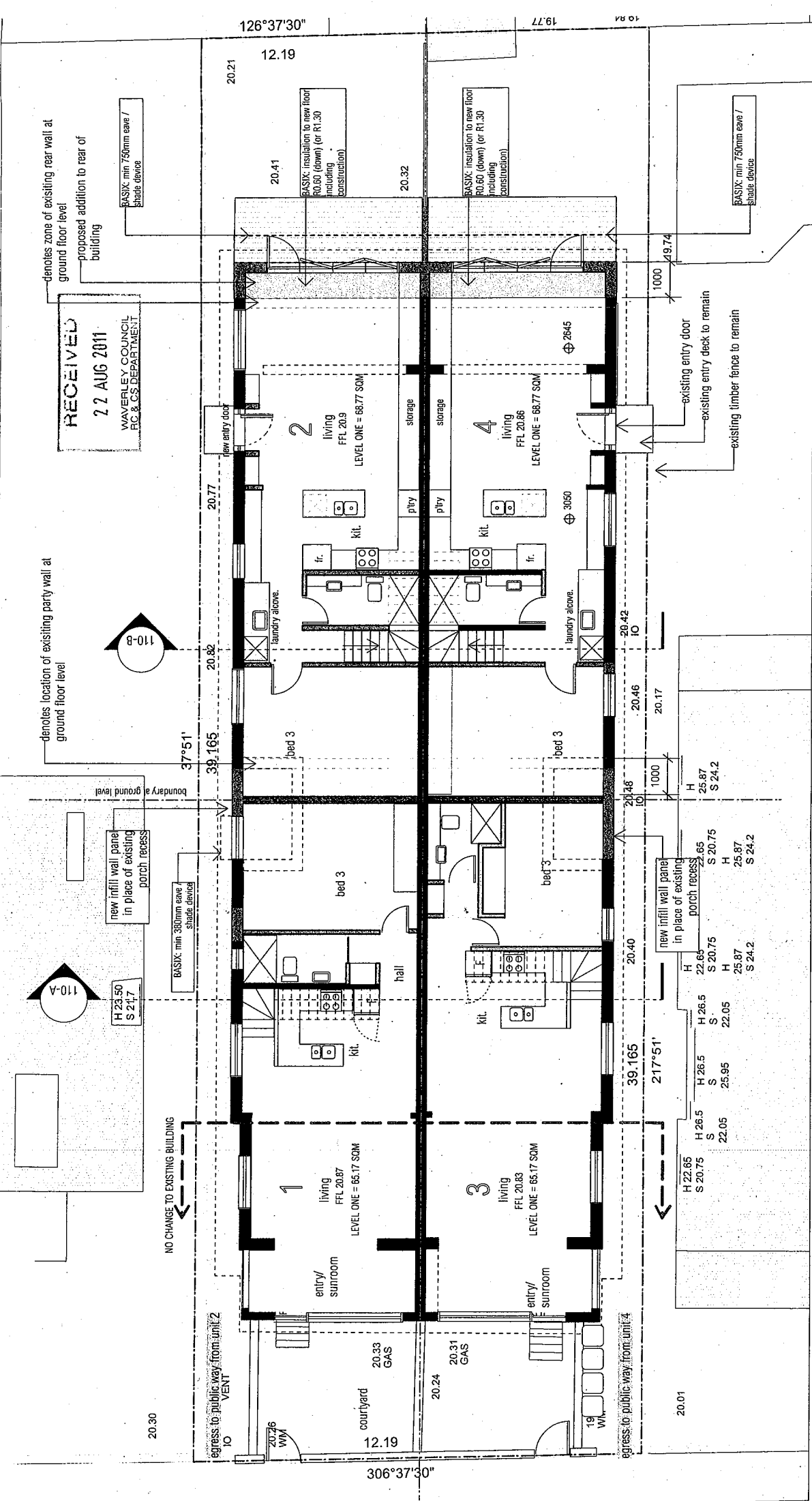
BASIC skylight aluminium, rounded plastic
single clear. (or U-value
0.21 SHEC 0.808)

1 proposed site/roof plan

1:200

key	proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw rory toomey architect p.o box 2031, strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com		issue	date	revision	for	drawing title: proposed roof / site plan
	do not scale from drawings. figured dimensions always take precedence - if in doubt, just ask rory						dwg no.: DA-101 scale @ A3: 1:200



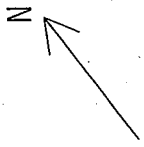


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1 proposed level 1 plan/ site plan

107

<p>proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw</p> <p>roxy toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 roxytoomey@gmail.com</p> <p><small>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask roxy</small></p>	<p>issue date</p> <p>3.05.11 8.11.09</p>	<p>revision</p> <p>units 2 & 4 plans as per 31.10.09 meeting</p>	<p>client</p> <p>client</p>
	<p>drawing title:</p> <p>proposed level 1 floor plan</p>	<p>dwg no.:</p> <p>DA-102</p>	<p>scale @ A3:</p> <p>1:100</p>



key

laundry basket

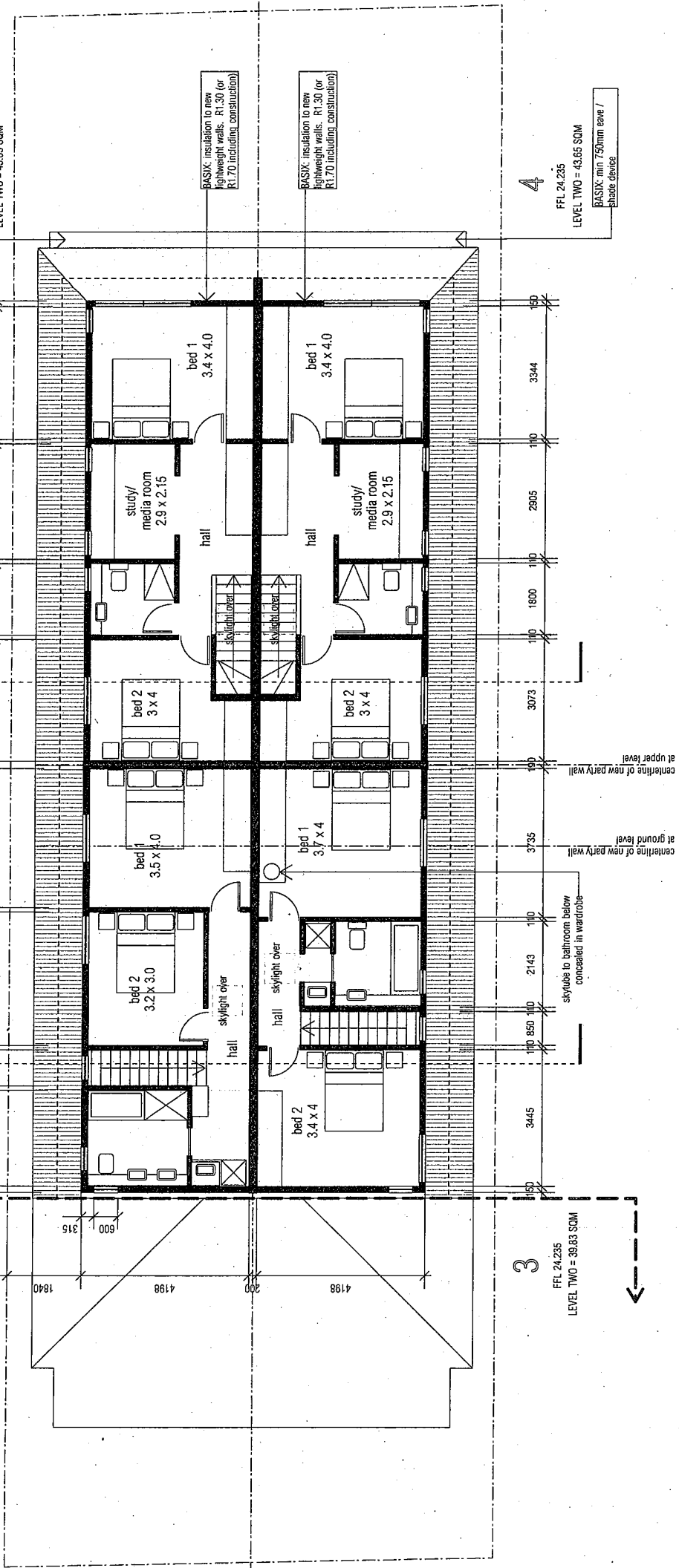
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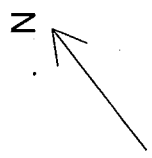
110-B

110-A

NO CHANGE TO EXISTING
FFL 24.235
LEVEL TWO = 39.83 SQM

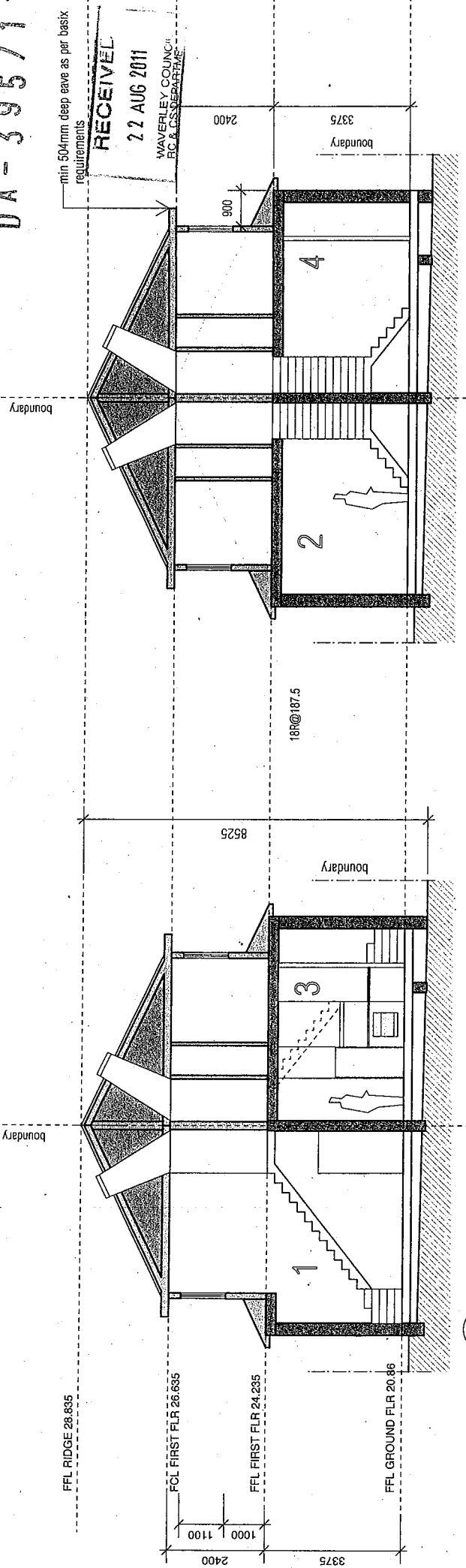


1 proposed level 2 plan 1:100



108

issue	date	revision	for
<p>key</p> <p>proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw</p> <p>rory toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com</p> <p><small>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory</small></p>			
drawing title:			proposed level 2 floor plan
dwg no.:			DA-103
scale @ A3:			1:100

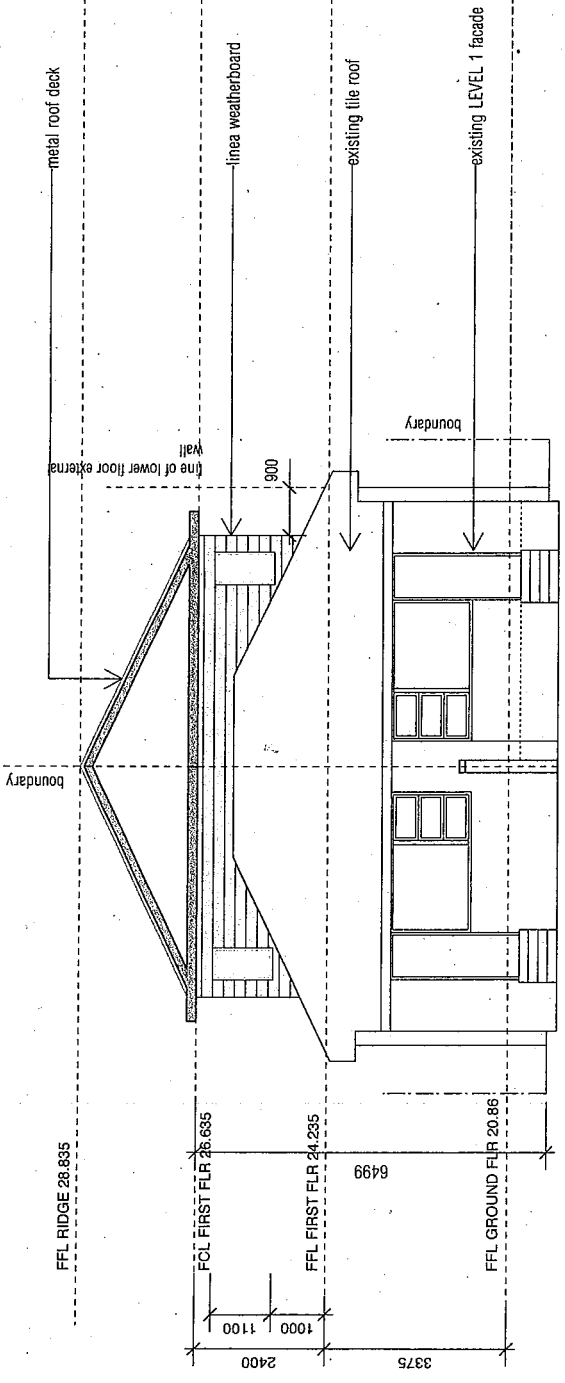


1 proposed section A 1:100

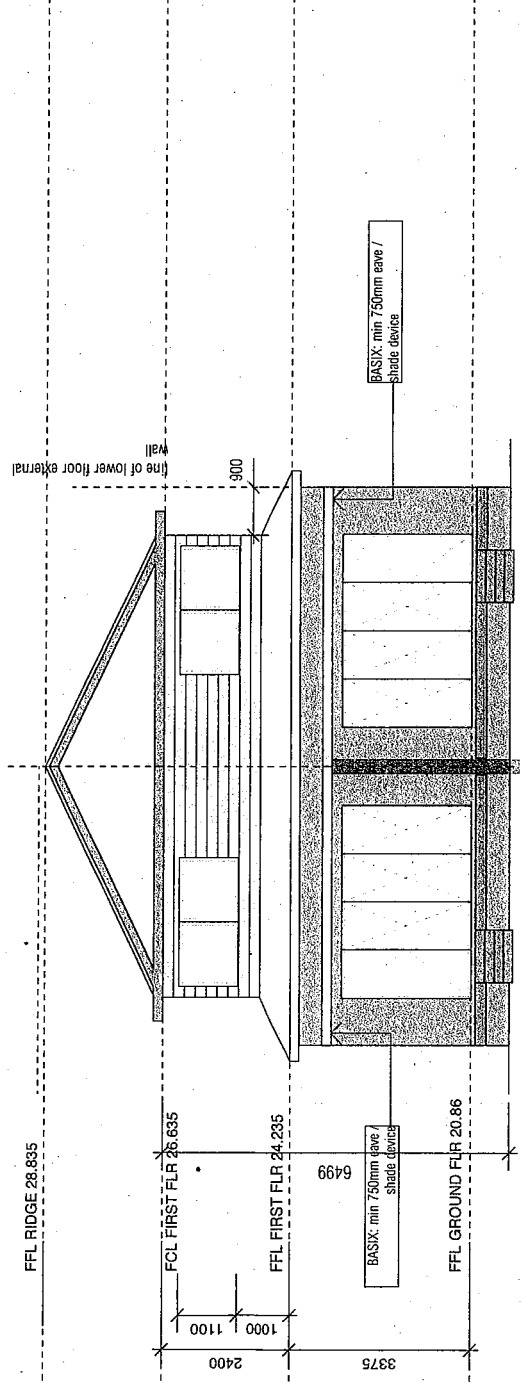
2 proposed section B 1:100

key	<p>proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw</p> <p>rory toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com</p> <p><small>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory</small></p>		<p>issue</p>	<p>date</p>	<p>revision</p>	<p>for</p>	<p>drawing title: proposed sections</p>
	<p>dwg no.: DA-110</p> <p>scale @ A3: 1:100</p>						

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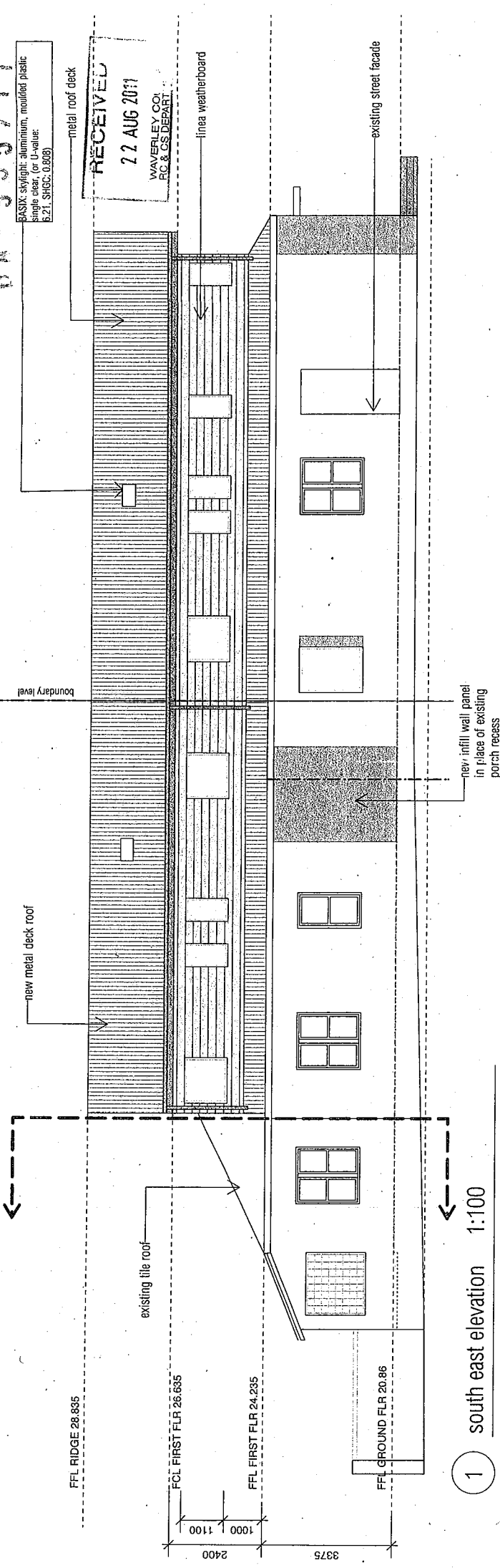


1 proposed front (street) elevation 1:100



2 proposed rear elevation 1:100

key	<p>proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw</p> <p>rory toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com</p> <p><small>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory</small></p>			<p>issue date</p>	<p>revision</p>	<p>for</p>	<p>drawing title: proposed front & rear elevations</p> <p>dwg no.: DA-120</p> <p>scale @ A3: 1:100</p>
	<p>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory</p>						



key	proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw rory toomey architect p.o box 2031 strawberry hills nsw 2012 m 0400 399 840 rorytoomey@gmail.com <small>do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory</small>			drawing title: proposed south east elevation
	issue	date	revision	for
		dwg no.: DA-121		scale @ A3: 1:100

NO CHANGE TO EXISTING

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BASIX: skylight: aluminum, moulded plastic
single clear, (or U-value:
6.21, SHGC: 0.803)

BASIX: skylight: aluminum, moulded plastic
single clear, (or U-value:
6.21, SHGC: 0.803)

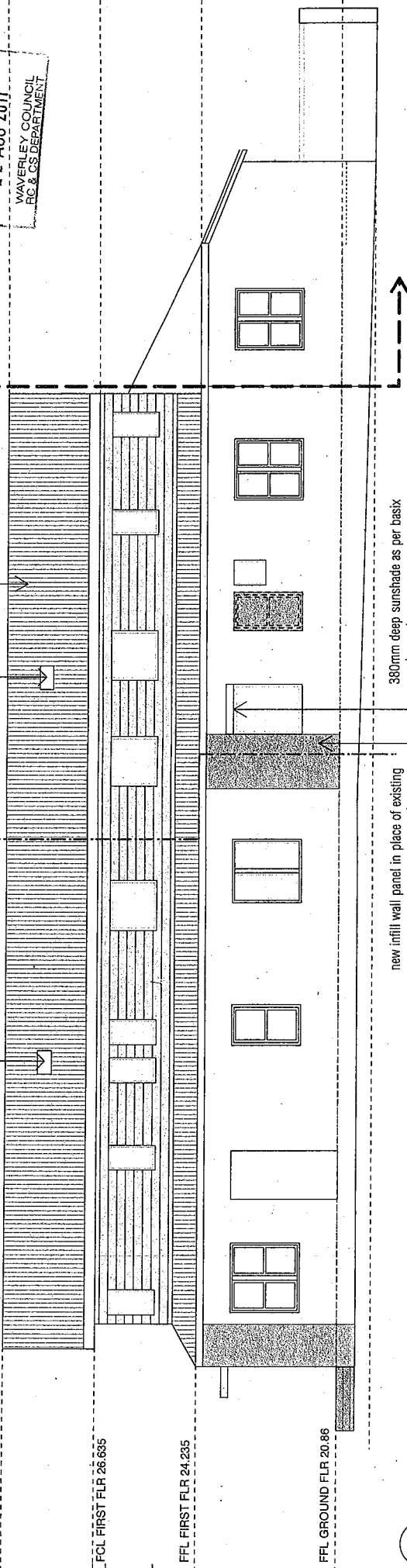
FFL RIDGE 28.835

FCL FIRST FLR 26.635

FFL FIRST FLR 24.235

FFL GROUND FLR 20.86

2400
1100
1000
3775



new metal deck roof

new infill wall panel in place of existing porch recess

380mm deep sunshade as per basix requirements

1 north west elevation 1:100

key

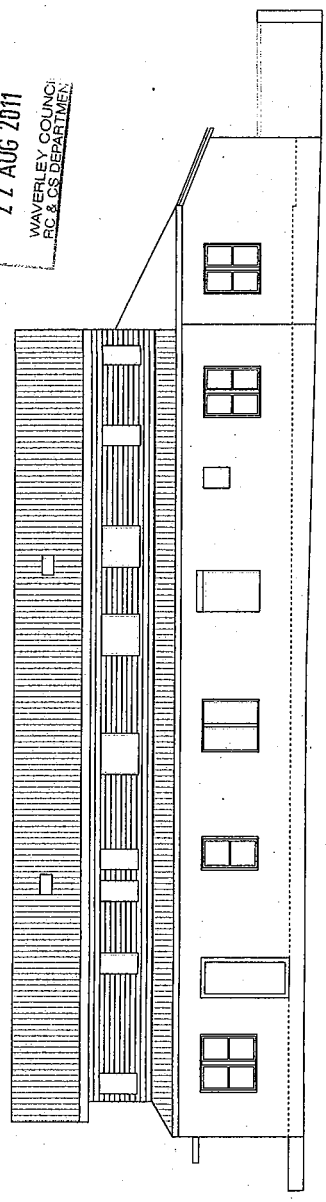
proposed alterations to residential flat building at 56 - 58 hastings parade, bondi nsw
rory toomey architect
p.o box 2031 strawberry hills nsw 2012
m 0400 399 840
rorytoomey@gmail.com
do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory

issue	date	revision	for

drawing title:
proposed north west elevation
dwg no.: **DA-122**
scale @ A3: **1:100**

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PC & CS DEPARTMENT



KEY ELEVATION - NOT TO SCALE

EXTERNAL ITEM	MATERIAL	COLOUR CODE (NAME)
WALL (LOWER FLOOR)	CEMENT RENDER. PAINT FINISH	DULUX 'ANTIQUE WHITE USA'
WALL (UPPER FLOOR)	FIBER CEMENT WEATHERBOARD CLADDING	DULUX 'vivid white'
ROOF GUTTERS DOWNPIPES	COLORBOND STEEL	'windspray'
GATE FENCE	TIMBER	'stain finish' T.B.A
DECKING, STEPS	MODWOOD	'silver gum'
FEATURE TIMBER, PERGOLA, SUNSHADE	HARDWOOD TIMBER BATTENS	'stain finish' T.B.A
DOOR FRAMES WINDOW FRAMES	TIMBER PAINT FINISH	DULUX 'vivid white'
EXTERNAL PAVING	CONCRETE	concrete gray
EXTERNAL TILING	CONCRETE	slate gray

key
A.F.S = AS FUTURE SPECIFICATION

proposed alterations to residential flat building at
56 - 58 hastings parade, bondi nsw
rory toomey architect
p.o box 2031 strawberr hills nsw 2012
m 0400 999 840
rorytoomey@gmail.com
do not scale from drawings, figured dimensions always take precedence - if in doubt, just ask rory

issue	date	revision	for

drawing title:
colours & finishes schedule
dwg no.: **DA-201**
scale @ A3: **--**

54 Military Road, North Bondi - Alterations and additions to dwelling including extensions at lower ground floor level (DA 410/2011)

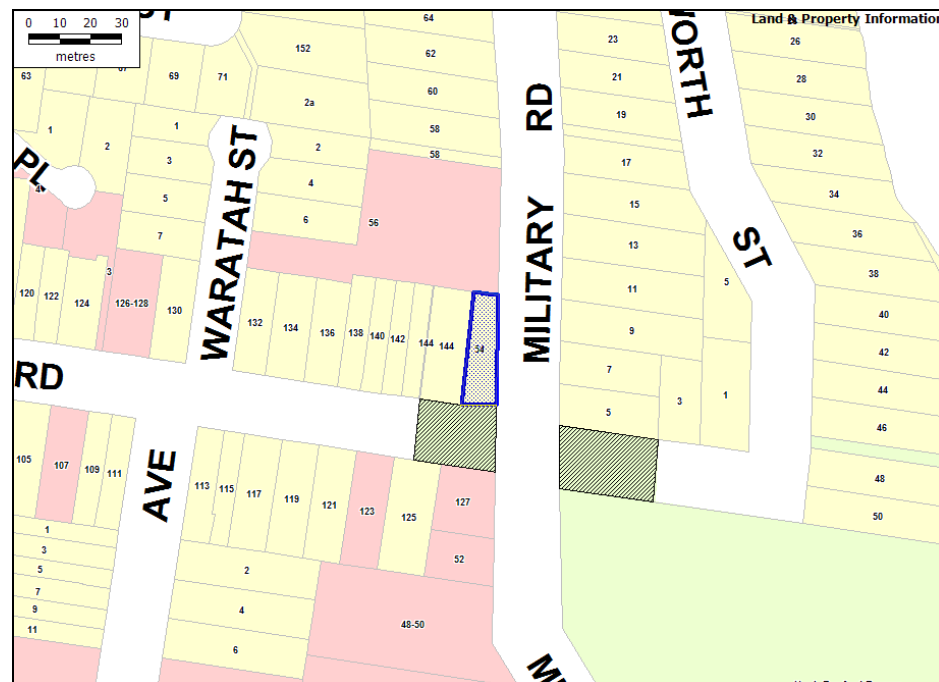
Report dated 14 December 2011 from the Development and Building Unit.

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

Referred to the Development Control Committee by Mayor Wakefield, seconded by Cnr Wy Kanak for excessive FSR, bulk, insufficient setback, public interest and private/public amenity impacts.

Development Assessment Report Of Dwelling	
Development Application No.	DA- 410/2011
Address	54 Military Road, North Bondi
Lodgement Date	31 August 2011
Proposal	Alterations and additions to dwelling including extensions at lower ground floor level
Zoning and relevant controls	<ul style="list-style-type: none"> • Residential 2(a) – LEP 1996 • DCP 2010
Owner	B and N Mundell
Applicant	The Art of Windows Pty Ltd
Submissions	Two submissions received
Issues	<ul style="list-style-type: none"> • Side Setback • Floor Space Ratio • Streetscape • Privacy
Recommendation	Approval

Site Map



1. PREAMBLE

1.1 The Site and its Locality

The subject site is located on the western side of Military Road and is considerably elevated above Murriverie Road to the west. The subject site contains a two storey dwelling built into the side of a steep hill elevated above the adjoining sites to the west.

Given the elevated nature of this site to its neighbours to the rear (west), the site function is somewhat irregular, whereby the site has a wide frontage to Military Rd yet is very limited in depth. The resultant effect is that the rear of the property forms the eastern *side* boundary of 144 Murriverie Rd, located some metres below (ridge of 144 Murriverie Rd aligns with footings of subject dwelling).

The surrounding area is predominantly characterised by attached and detached dwellings.

1.2 Background

The following consents relate the subject site:

- BA-469/1993 for alterations and additions to the existing dwelling was approved on 7 September 1993.
- DA-67/2004 for alterations and additions including internal window changes and a new stairway was approved on 28 April 2004.

1.3 Proposal Description

The proposal seeks consent for alterations and additions to the existing dwelling involving the following:

- Cantilevered extension of the lower ground floor level an additional 1080mm toward the west.
- Extension of the lower ground floor level into an existing undercroft on the northern side of the building.
- Internal alterations to move two bedrooms from the ground floor level to the lower ground floor level and vice versa for the rumpus room.

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.

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 Waverley Local Environmental Plan 1996

The site is zoned Residential 2(a) under Waverley LEP 1996. The proposal is considered to be consistent with the relevant specific aims under Council's LEP. The proposal is considered to be consistent with the relevant zone objectives for the Residential 2(a) zone.

The site is not listed as a heritage item under the LEP nor contained within a Heritage Conservation Area.

The application has been assessed having regard to the relevant provisions of the LEP and is considered to be acceptable for the reasons discussed.

2.1.2 Draft Waverley LEP 2011 and DCP 2011

The LEP 2011 and DCP 2011 have recently completed their exhibition and therefore require consideration in the assessment of this proposal. The draft controls are not materially different to the current controls with limited exceptions that not relevant to this site or application. The proposal is consistent with the draft controls.

2.1.3 Waverley Development Control Plan 2010, Part D1 – Dwelling House & Dual Occupancy Development

Control	Standard	Proposed	Compliance
Height	<ul style="list-style-type: none"> • Wall – 7 metres • Max. – 8.5 metres • Flat roof – 7.5m 	<ul style="list-style-type: none"> • No change to height – all alterations below the upper level 	N/A
Floor Space Ratio (Site Area 355sqm)	<ul style="list-style-type: none"> • 0.7:1 (248.5sq.m) 	<ul style="list-style-type: none"> • 0.88:1 (313.34sq.m) • Excess: 65sq.m 	No
Setbacks	<ul style="list-style-type: none"> • Side 1500mm • Front and rear est. building line 	<ul style="list-style-type: none"> • 1300mm 	No Yes Yes
Elevated external decks	<ul style="list-style-type: none"> • 10sqm in area • 1.5m depth 	<ul style="list-style-type: none"> • 3.5sqm • 1m depth 	Yes Yes

Non-compliances with the DCP are discussed below:

Side Setback

Technically the western boundary of the site is the **rear** boundary and not the side as the dwelling fronts and is accessed from Military Road. However the orientation and shape of the site is consistent with those properties to the west which front Murriverie Road. Therefore at No. 144 Murriverie Road which adjoins the site to the west, this boundary is a side boundary. In this regard a merit assessment of the western boundary setback is the most appropriate course in this instance.

The proposed cantilevered extensions at the lower ground floor level will extend to 1300mm from the western boundary and the ground floor level above is to remain as existing with a varying setback of 1800mm – 2200mm.

The proposed extensions will not result in any unreasonable additional overshadowing as the shadows will predominantly fall within existing shadows being at the lower ground floor level. The adjoining property to the west at No. 144 Murriverie Road has very little privacy in the rear yard as it is currently overlooked by the majority of windows on the subject dwelling. Decreasing the western boundary setback will further exacerbate this issue and result in a greater sense of enclosure at No. 144 Murriverie Road.

Upon inspection of the adjoining property at No. 144 Murriverie Road, it was noted that the windows to proposed Bedroom 2, 3 and 4 will look directly into the rear garden of this property however windows further to the south of the dwelling (new bathroom, Bedroom 1

and ensuite) overlook the side elevation of No. 144 Murriverie Road. This side elevation contains only highlight windows which are obscure glazed therefore there is no unreasonable privacy issues from the southern end of the dwelling. As such it is considered appropriate to allow the proposed cantilevered extension to the southern portion of the dwelling only with the existing setback being maintained to the northern portion (Bedrooms 2, 3 and 4). These rooms will continue to be of a decent size for the intended use as bedrooms (approximately 4 metres by 4 metres).

Floor Space Ratio (FSR)

The existing dwelling already exceeds the maximum FSR provision of the DCP and the increase in floor space proposed will only exacerbate this. As discussed above, amendments required by condition will alleviate impacts upon the adjoining property whilst allowing some redevelopment of the site.

The proposal includes an extension into part of an existing undercroft area on the northern side of the lower ground floor level. Subject to there being no change in the western boundary setback, the proposed extension into the undercroft area will not result in any increase in height, bulk or scale of the building being contained below the existing garage at the ground floor level. Privacy impacts will not be unreasonable due to the fact that the proposed extension will be used as a bedroom which is a room of low use with few occupants. Additionally, the proposed extension will turn an outdoor entertainment area into an enclosed bedroom reducing aural and visual privacy impacts.

In this regard, it is considered that the proposed undercroft extension and the proposed cantilevering of the bathrooms and main bedroom will not have unreasonable impacts upon adjoining properties and are supported. However, the cantilevered extension of Bedrooms 2, 3 and 4 is not considered appropriate given the detrimental bulk and scale impacts upon the adjoining property to the west and as such a condition to this effect is included within the Recommendation.

2.1.4 Other Matters

Streetscape

The proposed alterations are contained at the rear of the building however, due to the raised level of the site, will be visible from Murriverie Road. The alterations will not significantly alter the appearance of the building with the windows generally being consistent with windows on the upper floor level. The proposed alterations will not harm the character of the building nor the streetscape.

Privacy

The proposal includes full height glazed windows with Juliet style balconies for the majority of the lower ground floor elevation. Although the lower ground floor level is predominantly bedrooms which are considered rooms of low use with not unreasonable privacy impacts, full height glazing will exacerbate an existing privacy issue between the subject site and the adjoining western property at No. 144 Murriverie Road. The owner of the subject site has requested in writing that the windows be altered to have raised sill heights matching the sill heights of the windows on the level above to alleviate privacy concerns. However, a condition will require that the extensions to Bedrooms 2 and 3 are not approved and as such the existing windows must remain. The new window to the undercroft extension (Bedroom 4) will be required to match the existing windows to Bedrooms 2 and 3 to unify the design.

The exception to this alteration by condition is the windows to the main bedroom which includes a small balcony necessitating full height glazed doors for access. However as previously outlined, the southern portion of the western elevation overlooks the side elevation of No. 144 Murriverie, which contains only highlight windows. There are no unreasonable privacy impacts from the main bedroom windows and balcony nor the bathroom window as these overlook the street (Murriverie Road) and highlight obscure windows on No. 144 Murriverie Road.

3 REFERRALS

3.1 Internal

Stormwater

Council's Technical Services reviewed the plans and advised that on-site detention is not required for this development.

Section 79C(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposal would be unlikely to result in significant adverse impacts on the natural environment nor any social or economic impacts on the locality. The likely impacts of the development have been assessed in further detail elsewhere in this report.

Section 79C(1)(c) - The suitability of the site for the development.

The proposal is for alterations and additions to an existing residential dwelling which is a suitable type of development in a residential zone. The proposal is not out of character with surrounding development. Therefore, the application satisfies this section of the Act having regard to the above analysis.

4. PUBLIC SUBMISSION

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development*.

Two (2) submissions were received. The issues raised in the submissions are summarised and discussed below.

Property	Location	Summary of Objections
144 Murriverie Rd	Adjoining property to west	<ul style="list-style-type: none"> • Further exacerbate the sense of enclosure and overlooking that already exists. • Overlooking from the floor-to-ceiling glass and Juliet balconies. Any bedroom glazing, if approved, should be fixed and obscure to 1.5m above floor level with no Juliet balconies. • Due to the steep topography of the site, any new work should be supported by a geotechnical

		<p>investigation and supervision by a geotechnical engineer during construction.</p> <ul style="list-style-type: none"> • No trees should be damaged during construction due to the screening they currently provide.
North Bondi Precinct		<ul style="list-style-type: none"> • Excessive FSR; • Insufficient setbacks; • Building should not increase footprint if it impacts on neighbours.

Issue: Further exacerbate the sense of enclosure and overlooking that already exists.

Comment – This issue has been discussed in detail earlier in this report.

Issue: Overlooking from the floor-to-ceiling glass and Juliet balconies. Any bedroom glazing, if approved, should be fixed and obscure to 1.5m above floor level with no Juliet balconies.

Comment – This issue has been discussed in detail earlier in this report.

Issue: Due to the steep topography of the site, any new work should be supported by a geotechnical investigation and supervision by a geotechnical engineer during construction.

Comment – The proposed extensions will be cantilevered or contained within an existing undercroft with no additional building works on ground. Conditions will require submission of **structural** engineering details not geotechnical engineering.

Issue: No trees should be damaged during construction due to the screening they currently provide.

Comment – A condition to this effect is included within the Recommendation.

Issue: Excessive FSR;

Comment - This issue has been discussed in detail earlier in this report.

Issue: Insufficient setbacks;

Comment - This issue has been discussed in detail earlier in this report.

Issue: Building should not increase footprint if it impacts on neighbours.

Comment - This issue has been discussed in detail earlier in this report. Upon the recommendations being imposed, the proposal is not considered to unreasonably impact adjoining properties.

Section 79C(1)(e) - The public interest.

The proposal will not have an unreasonable impact on the adjoining or nearby properties and satisfies this section of the Act.

5. CONCLUSION/DEVELOPMENT AND BUILDING UNIT REVIEW

The DBU gave consideration to the proposal having regard to the matters under Section 79C of the Act. This included the issues raised in submissions to the application and the provisions of Council's Development Control Plan.

The DBU reviewed the proposal and noted that the site has an irregular function to it, whereby the property size and orientation aligns with properties accessed from Murriverie Road, despite having a wide frontage to Military Road, that is significantly elevated to those such properties on Murriverie Road.

As such, in reviewing the proposal the DBU formed the view that the elevated nature of the property already experiences severe overlooking impacts, particularly to 144 Murriverie Road. Accordingly conditions are recommended to delete the cantilevered section of the proposed bedrooms 2, 3 and 4 (lower ground floor level), considered to alleviate impacts upon the adjoining property whilst allowing some redevelopment of the site to occur.

Other works including the proposed undercroft extension and the proposed cantilevering of the bathrooms and main bedroom will not have unreasonable impacts upon adjoining properties and are supported.

Accordingly the application is supported subject to the imposition of conditions.

6. RECOMMENDATION

That Development Application No. DA-410/2011 at 54 Military Road, North Bondi for alterations and additions to the existing dwelling be approved by the Council, subject to the following conditions:-

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 1 to 4, tables and documentation prepared by R. Macrae, dated 12.8.11, and received by Council on date 31 August 2011,
- (b) BASIX Certificate;
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The cantilevering of the lower ground floor level to proposed bedrooms 2, 3 and 4 is not approved to reduce bulk and scale impacts upon the adjoining western property. In this regard the existing windows to "existing Bedroom 3" and the "existing rumpus room" (as identified on the approved plans) shall remain.

- (b) The new window to Bedroom 4 identified as W8 on the approved plans, shall have a sill height and size to match the existing windows to “existing Bedroom 3” and the “existing rumpus room” (as identified on the approved plans).

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

4. INSTALLATION OF AIR CONDITIONING

Any 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

5. 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.

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$4000 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.

7. 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.

8. 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 appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & the 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.

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 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 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. 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.

13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

14. 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.

15. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

The above condition is a prescribed condition under the Environmental Planning and Assessment 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*.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

16. PRIOR TO SITE WORKS

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

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

17. HOME BUILDING ACT

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the Home and Building Act, 1989. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

18. 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.

19. 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.

20. OBSTRUCTION TO PUBLIC AREAS

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

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

21. 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.

22. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

23. 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 DECC'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.

24. 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.

25. 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.

26. 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.

27. 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 Environmental Operations (Noise Control) Regulation 2000.

28. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 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.

29. BUILDING CODE OF AUSTRALIA

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

30. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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.

31. 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.

32. 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.

33. 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.

34. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;

- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

35. FINAL OCCUPATION CERTIFICATE

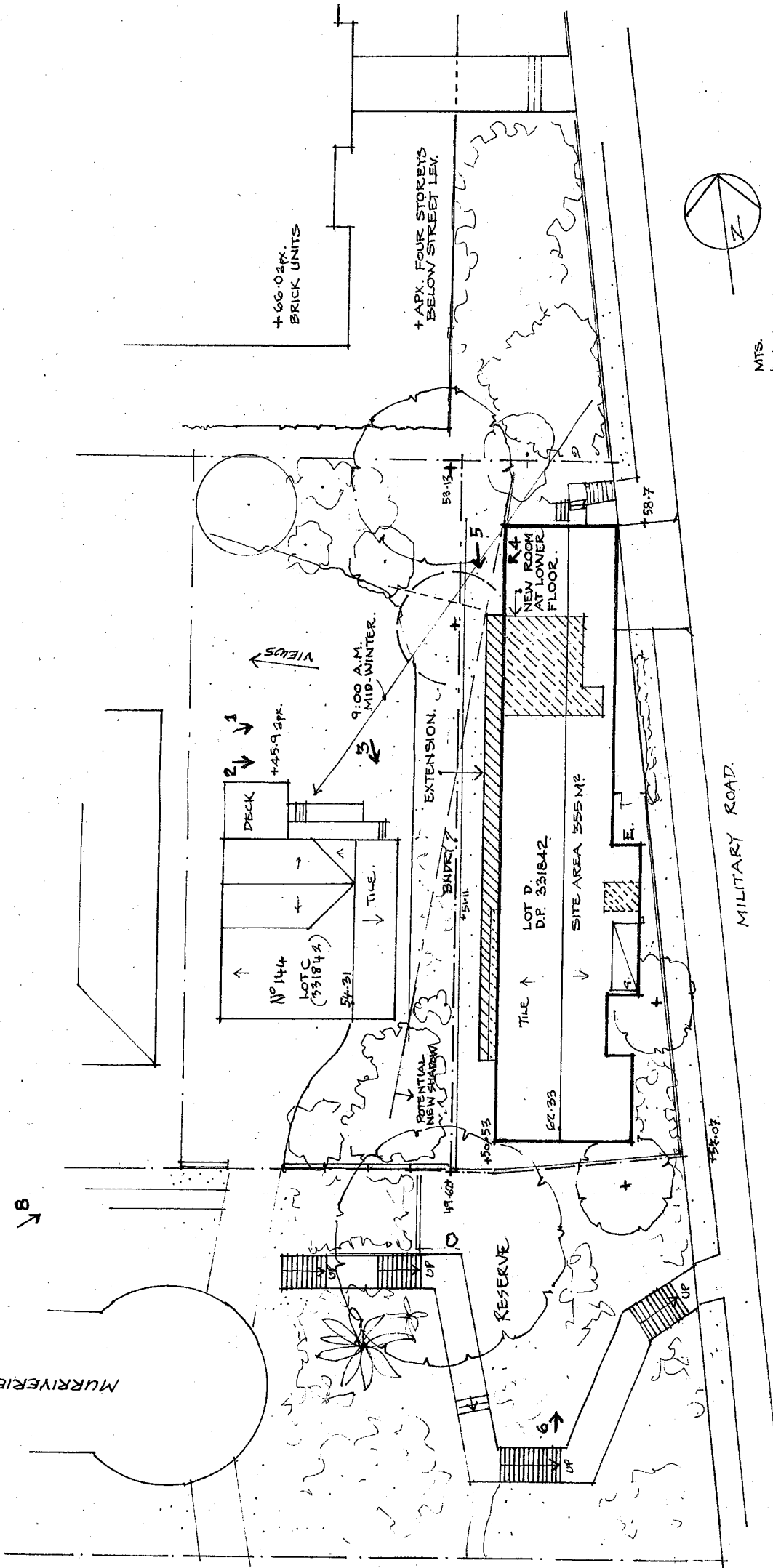
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act,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

36. 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*.

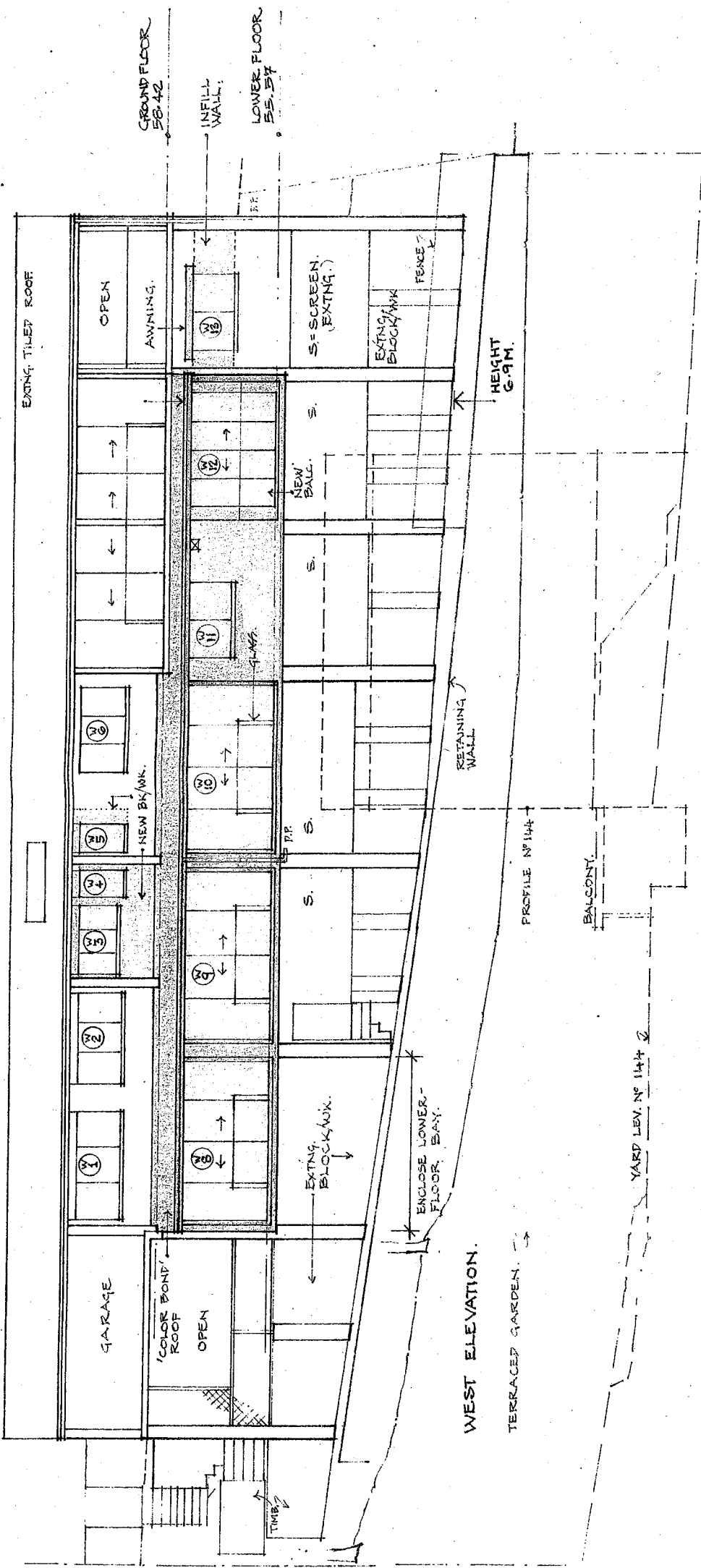
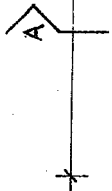
MURRIERIE RD

8 ↗



54 MILITARY RD; DOVER HEIGHTS
 ALTERATIONS & ADDITIONS.
 SITE ANALYSIS PLAN.
 SCALE 1:200

22.1 M. — LOWER FLOOR EXTENSION.



GROUND FLOOR
55.42

INFILL WALL
LOWER FLOOR
55.57

EXTING. TILED ROOF

OPEN

AWNING

S. SCREEN (EXTING.)

EXTING. BLOCK/WK.

FENCE

HEIGHT
6.9 M.

NEW BALG.

GLASS

RETAINING WALL

PROFILE N° 144

BALCONY

YARD LEV. N° 144

ENCLOSE LOWER-FLOOR BAY.

EXTING. BLOCK/WK.

GARAGE

COLOR BOND ROOF

OPEN

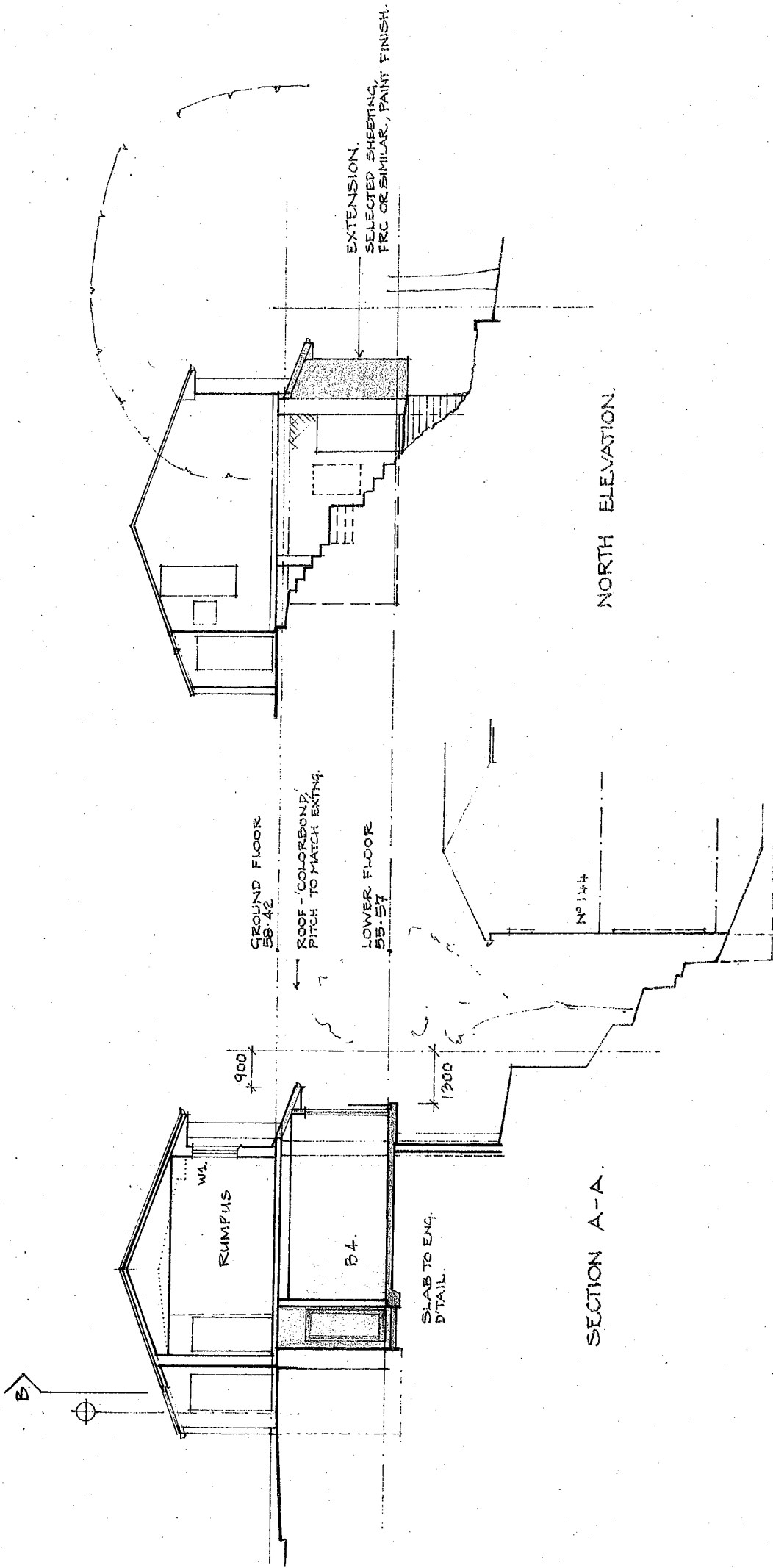
TIMB.

WEST ELEVATION.

TERRACED GARDEN.

54 MILITARY RE DOVER HIGHTS.
 ALTERATIONS & ADDITIONS.
 FOR: B & N MUNDELL.
 APPLICANT: THE ART OF WINDOWS.
 PO BOX 902 DOUBLE BAY 2028.
 PH. 93280388.

DWG. N° 2 OF 4 SCALE 1:100
 DATE 12.8.11, DMM, R. MACRAE, ISSUE A.



NORTH ELEVATION.

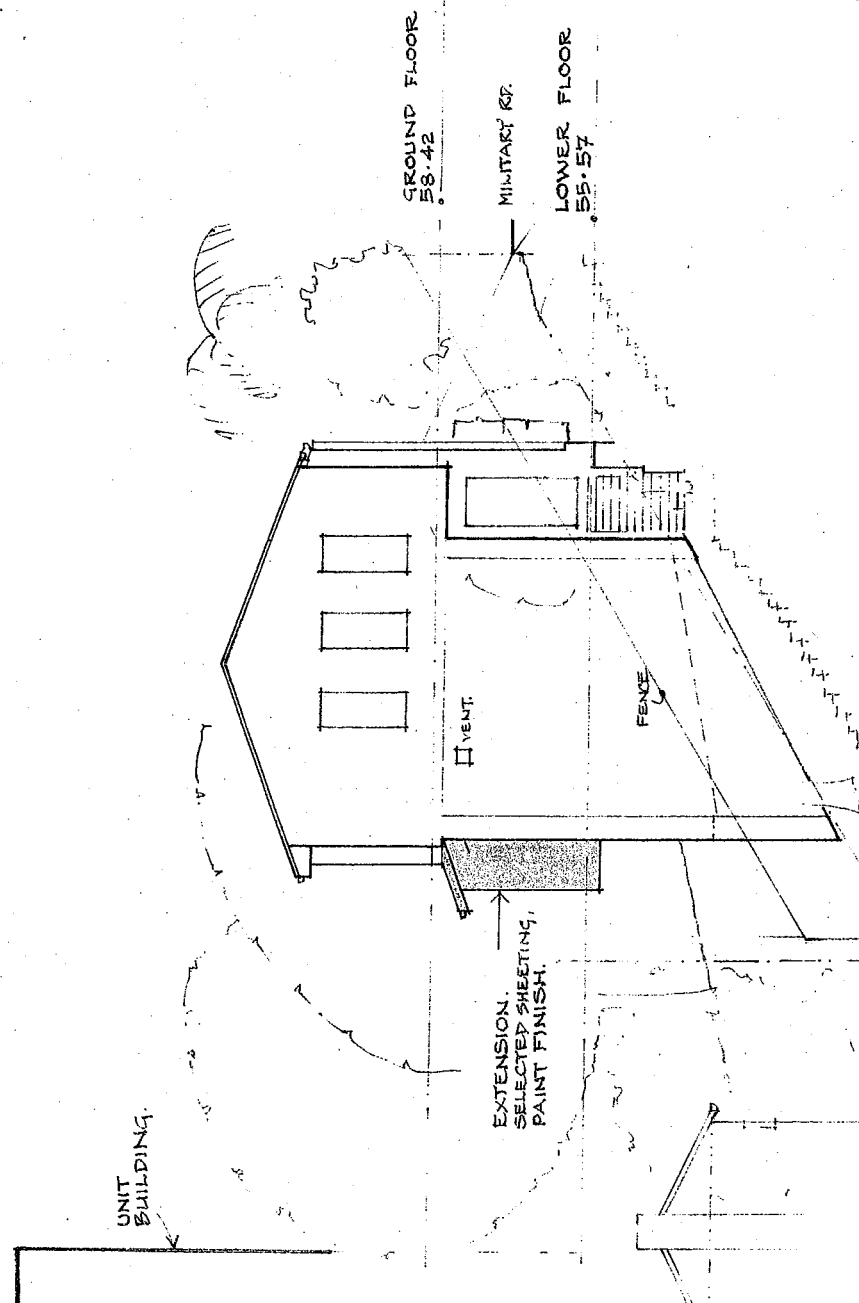
SECTION A-A.

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in this document, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
external wall: cavity brick	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R0.70 (up), roof: foil backed blanket (55 mm)	light (solar absorptance < 0.475)

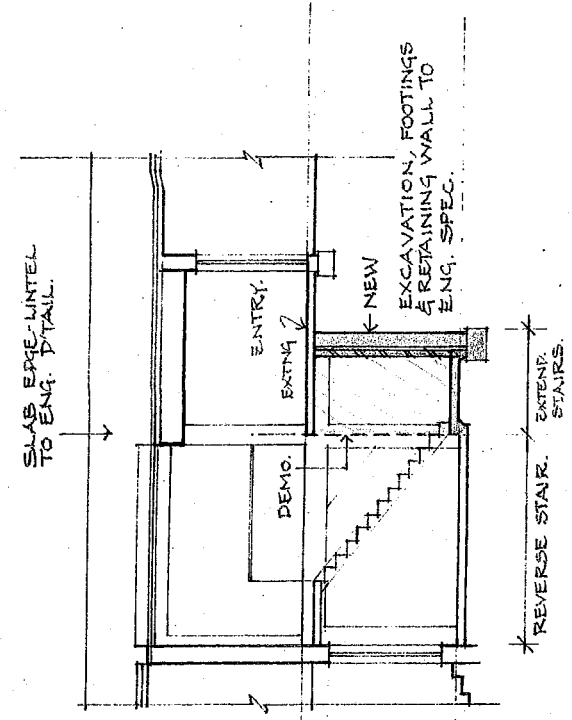
S4 MILITARY RP, DOVER HEIGHTS ALTERATIONS & ADDITIONS.
 FOR: B & N MUNDELL.
 APPLICANT: THE ART OF WINDOWS.
 PO BOX 902 DOUBLE BAY 2028.
 PH. 93280388.
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SOUTH ELEVATION.

W3	W	1.8	0	0	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W4	W	0.8	0	0	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	W	0.8	0	0	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	W	2.6	0	0	Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W7	N	10.8	0	0	projection/height above sill ratio >=0.43
W8	W	9	0	0	projection/height above sill ratio >=0.29
W9	W	9.4	0	0	projection/height above sill ratio >=0.29
W10	W	9.2	0	0	projection/height above sill ratio >=0.29
W11	W	2	0	0	projection/height above sill ratio >=0.29
W12	W	6	0	0	projection/height above sill ratio >=0.29
W13	W	12	0	0	projection/height above sill ratio >=0.29

SECTION B-B



Windows and glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or have a U-value and Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.

For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.

Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.

Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	W	3	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W2	W	2.5	0	0	eave/verandah/pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

54 MILITARY RP; DOVER HGHTS ALTERATIONS & ADDITIONS.
FOR: B & N MUNDELL.
 APPLICANT: THE ART OF WINDOWS.
 PO BOX 902 DOUBLE BAY 2028.
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 DWG. NO 4 OF 4 SCALE 1:100
 DATE 12-8-11, DWN. R. MACRAE, ISSUE A.