16 November 2020

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held by video conference at:

12.00 PM WEDNESDAY, 25 NOVEMBER 2020

QUORUM: Three Panel members.

APOLOGIES: By email to WLPP@waverley.nsw.gov.au

AGENDA

WLPP-2011.A
Apologies

WLPP-2011.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2011.1 **PAGE 4**
247 Military Road, Dover Heights – Alterations and additions to the existing residential flat building including attic conversion (DA-270/2020)

Report dated 12 November 2020 from the Development and Building Unit.

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

WLPP-2011.2 **PAGE 55**
Apartment 3, 1 Roscoe Street, Bondi Beach – Alterations and additions to residential flat building including extension of rooftop space with a gym, entertaining area, storage, bathroom and kitchenette for apartment below (DA-271/2020)

Report dated 16 November 2020 from the Development and Building Unit.

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

WLPP-2011.3 **PAGE 96**
8 Jackaman Street, Bondi – Modification to alter internal layout and increase roof height (DA-142/2017/1/B)

Report dated 12 November 2020 from the Development and Building Unit.

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

WLPP-2011.4 **PAGE 145**

157-159 Military Road, Dover Heights – Modification to approved mixed use development to increase floor space and other minor modifications (DA-316/2015/B)

Report dated 11 November 2020 from the Development and Building Unit.

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

WLPP-2011.5 **PAGE 173**

292-302 Oxford Street, Bondi Junction – Modifications to Condition 2(i) relating to changes to floor plans of Units 303 and 306 (resulting in a total of 48 apartments overall) (DA-600/2015)

Report dated 13 November 2020 from the Development and Building Unit.

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

WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-270/2020
Site address	247 Military Road, Dover Heights
Proposal	Alterations and additions to the existing residential flat building including attic conversion
Date of lodgement	27 August 2020
Owner	Proprietors of Strata Plan 30563/ Mrs M Baer
Applicant	Urban Den Architects
Submissions	Ten
Cost of works	$483,175
Issues	Building envelope, view impacts, visual and acoustic privacy
Recommendation	That the application be **REFUSED**

Site Map

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 22 October 2020.

The site is identified as Strata Lot 3 in SP 30563 and is known as 247 Military Road, Dover Heights.

The site is regular in shape with a western front boundary to Military Road measuring 15.24m, a northern side boundary measuring 33.225m, an eastern rear boundary of 15.24m and a southern side boundary measuring 33.225m, comprising a total site area of 506.3m². The site has a fall of approximately 4.5m from the front boundary to the rear. The site is occupied by a part two, part three storey residential flat building (RFB) with detached garage parking to the rear. The existing building comprises three x two bedroom units.

Adjoining the site to the south, is a part two, part three storey duplex known as 245 Military Road. To the north at 1-3 Bulga Road is a four storey RFB. To the east, at 7 Bulga Road, is a three storey dual occupancy and at 11A George Street is a single detached dwelling. On the opposite side of Military Road, is a mix of RFB's and single detached dwellings.

The area is a mixture of residential development types and styles including single dwellings, duplex dwellings and RFB's.

Figure 1: Subject site frontage

Figure 2: Streetscape view of site from Military Road looking north-east

Figure 3: View showing the rear of the subject site

1.2 Relevant History

The relevant development history of the site is as follows:

DA-628/2003 – Alterations and additions, including swimming pool, fence and window changes approved on 16 March 2004.

DA-470/2007 – Strata re-subdivision of the existing three storey residential flat building approved on 4 October 2007.

PD-11/2019 – This Pre-DA, which was lodged by the same applicant as the subject DA, was for alterations and additions to the existing RFB, which included a proposed attic addition, was finalised on 3 June 2019. This Pre-DA sought to increase the roof pitch to accommodate the attic floor level. The applicant was advised in the Pre-DA advice letter that '*the raising of the roof pitch to accommodate the additional floor space results in unreasonable visual bulk and scale impacts; is unreasonable in the context of the streetscape and the locality; impacts on the adjoining properties and will not be supported*'. The applicant was further advised that the '*roof alterations and additions are to be modest when viewed from its surrounds and should respond contextually to development on the adjoining properties. Consideration is to be given to the provision of dormers to the north and south side elevations, ensuring that any design is modest in scale*'.

1.3 Proposal

The proposed alterations and additions to the RFB are detailed as follows:

Second Floor Level

The existing second floor level (Unit 3) at RL66.98 will remain predominantly unchanged. To provide access to the new attic above, the proposal includes private internal stairs with storage below. An existing northern window at this location is to be removed. The existing living area will be used as a master bedroom. The existing rear balcony will have a new bi-fold door and a vergola roof replacing the existing roof.

New 'Attic' Floor Level

The proposed alterations and additions to Unit 3 of the existing RFB will include an addition within a new mansard style roof form at third floor level, and associated internal stairs. The new floor level will be at RL69.95 and will be the upper level of Unit 3. It will contain an open plan living/dining/kitchen area and a rear balcony. Skylights are proposed at its eastern side.

The alterations and additions will result in a building height of 11.8m, with an overall height to RL72.5. It is proposed to remove the existing roof eaves and extend the parapet wall above the line of the roof interface. The new mansard roof is to be finished in colorbond steel.

Figure 4: Photomontage (source: Applicant's submission)

2. ASSESSMENT

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

2.1.1 Existing Use Rights Provisions – Section 4.65 EP&A Act

The application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000* (the Regulations). The applicant has satisfactorily demonstrated that existing use rights apply in their development application.

Part 5 of the Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Clause 4.67 *Regulations respecting existing use* of the Act states the following:

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—

(a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and

(b) the change of an existing use to another use, and

(c) the enlargement or expansion or intensification of an existing use.

(d) (Repealed)

(2) The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.

(3) An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.

(4) Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.

In *Saffioti v Kiama Municipal Council [2018] NSW LEC 1426 (Saffioti 2018)* a Commissioner of the LEC considered the issue of whether the controls in a Development Control Plan (DCP) could be considered in assessing the merits of an application for development consent for development with existing use rights. The Commissioner decided that the relevant controls in the DCP could be considered, as the Act provides that any provisions of an environmental planning instrument (EPI) which would derogate from the provisions in the Regulations have no effect. In *Saffioti 2018,* the Commissioner found that as a DCP is not an EPI, section 4.67(3) does not apply to the provisions of such an instrument. The Commissioner also considered provisions of the Local Environment Plan (LEP) and found that only those provisions of the LEP which could have the effect of prohibiting the development derogated from the incorporated provisions and therefore could not be taken into account.

The Applicant appealed against the Commissioner's findings to a Judge of the Court on questions of law. The appeal was heard by the Chief Judge of the Court and failed on all grounds.

What can be taken away from *Saffioti 2018,* is that provisions of an EPI (eg. a LEP) may establish factual pre-conditions that a consent authority must be satisfied exist in order to grant development consent or fix developmental standards. An applicant seeking development consent to enlarge, expand or intensify an existing use must comply with any such provisions.

Such provisions will not derogate from the existing use 'incorporated provisions' in the Regulations. They will only do so (and have no effect for the purpose of section 4.67(3) of the EPA Act) if they derogate from the entitlement to make the relevant development application.

Previously, existing use rights have been assessed as if the provisions of the Waverley LEP 2012 (WLEP) and Waverley Development Control Plan 2012 (WDCP) do not apply and can only be used as a guide to development in as much as they control development upon surrounding sites. Existing Use Right assessments have been based upon four questions as set out in *Fodor Investments v Hornsby Shire Council [2005] NSWLEC 71.*

Given the outcome of *Saffioti 2018,* the assessment of existing use rights should be considered against both the development standards of the WLEP and the controls of the WDCP as detailed within this report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application, however, the BASIX certificate relates to a separate dwelling-house and not a unit. Should the application be approved, this can be addressed by a condition of consent.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is wholly located within the Coastal use area (Clause 14) according to the SEPP. Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:
- *(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- *(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- *(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- *(iv) Aboriginal cultural heritage, practices and places,*
- *(v) cultural and built environment heritage, and*

(b) is satisfied that:
- *(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- *(ii) (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- *(iii) (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Clause 15 states that development in the coastal zone generally is not to increase risk of coastal hazards.

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Council is satisfied that the proposed development is not likely to cause increased risk to coastal hazards on the land or other land.

2.2.4 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposed development are outlined below:

Table 1: WLEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the WLEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	No (existing use rights apply)	The proposal is defined as alterations and additions to a 'residential flat building', which is a prohibited use in the R2 zone. This application relies on existing use rights for development consent to be granted, which have been sufficiently established.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The existing height of the building is 11.42m, already exceeding the height development standard by 2.92m or 34.4%. The proposal seeks to increase the height to 11.82m, exceeding the height development standard by 3.32m or 39%.
4.4 Floor space ratio • 0.5:1 or 253.15m^2	No	The FSR of the existing building on the site is compliant at 0.479:1 (243m^2). The proposal seeks to increase the FSR to 0.549:1 (278m^2) exceeding the development standard by 24.85m^2 or 9.8%.
4.6 Exceptions to development standards	See discussion	Whilst the site enjoys the benefit of existing use rights, the application is still required to be accompanied by a written request pursuant to clause 4.6 of WLEP to vary the Height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

Clause 4.6 Exceptions to Development Standards – Height

The application seeks to vary the height of buildings development standard in Clause 4.3. The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 11.82m exceeding the standard by 3.32m equating to a 39% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP seeking to justify the contravention of the development standard by demonstrating:

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

b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the Height development standard on the following basis:

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

- *As outlined in the SEE, the proposal is consistent with this objective as the sympathetic design maximises neighbouring properties' environmental amenity, similar to the existing situation.*

- *The only shadow associated with the area of variation to a private open space will be at 12 noon. Regardless of the height exceedance, the shadow diagrams indicate the proposal is consistent with Council's requirement for three hours of sun over adjoining properties' private open spaces. The development is therefore consistent with the DCP requirements for solar access.*

- *Ocean views are available across the sloping site. The proposed alterations and additions have been carefully sited to maximise views for neighbouring properties and public spaces, by locating additional floor space within the roof space, recessed from all existing elevations. There will be no effect to the existing view corridor from Military Road through the southern side setback. Existing Ocean views from neighbours opposite the site will also be predominantly maintained, as illustrated in the view analyses submitted separately. Accordingly, the proposal will facilitate equitable view sharing in the locality.*

- *Privacy will also be maintained as the only windows proposed in the area above the height line (but within the existing building height) are skylights for natural light into the attic, oriented above the neighbouring residential flat building's non-trafficable roof. In fact, an existing northern window at the second floor level will be removed, improving privacy. The only new private open space faces the rear, with additional screens along both sides.*

- *The alterations and additions will enhance the top unit of an existing residential flat building on a sloping site, which is partly below the street level. Given the rear of the existing second floor and roof levels are already greater than the maximum height, any redevelopment at these two levels would be likely to exceed the height standard. Requiring compliance with the height standard would technically necessitate demolition of the existing unit and significantly limit the amenity of the existing building and feasibility of the renovation, without substantial improvement to neighbours' amenity.*

- *The proposal has suitably responded to solar access, views and privacy, given the existing height exceedance. For these reasons, the proposal is consistent with Objective (a).*

- *The existing residential flat building is in an R2 Low Density Residential zone and, as addressed in the SEE, the locality is characterised by a mix of multi-level residential flat buildings, attached and detached dwellings. Older buildings are being refurbished or replaced as part of the emerging contemporary character. As the proposed area of height variation is predominantly at the rear, it will not significantly impact the streetscape.*

- *The building after alterations and additions will continue to present to Military Road as two storeys with a pitched roof, generally consistent with the existing and desired height, bulk and character of the locality. The existing two-bedroom unit at the top level will be reconfigured into a three-bedroom unit with additional private open space, contributing to the dwelling mix. The variation predominantly occurs over the roof's rear portion where there is an existing height exceedance due to existing excavation into the sloping terrain, and the variation will generally maintain the existing building's bulk and scale. The proposal provides a visual benefit by upgrading a unit in an ageing building with high-quality alterations and additions, which will positively contribute to the emerging character. Furthermore, the alterations and additions reference the existing built form and use sympathetic materials to contribute to the street's physical definition.*

- *The height variation does not noticeably add to the building's bulk and scale, as the existing second floor and roof levels already exceed the height limit at the rear. The proposed built form retains the existing building's character and that of adjacent development. In fact, the height of the new roof ridge will remain well below that of the southern neighbour, maintaining a transition in RLs down towards the north and east. Accordingly, the proposed height is compatible with the locality's desired future character.*

b) That there are sufficient environmental planning grounds to justify contravening the standard:

- *The proposal relates to a residential flat building's existing use rights in an R2 Low Density Residential zone and satisfies an 'unreasonable and unnecessary' test established by the court in Wehbe.*

- *The proposal upgrades the existing residential flat building's Unit 3; maintains the existing character of the site and locality; and is of a similar scale to the area's developments. The proposal maintains the pitched roof form and two-storey street presentation of the existing residential flat building.*

- *When compared to the existing situation, the proposed area of additional height will not be readily discernible from the street as it includes replacing the existing roof which is already above the height limit at the rear and adding privacy screens to the rear. To ensure full compliance would require removing the existing second floor and roof, which would significantly and unreasonably reduce the existing floor space and occupant amenity. The proposed attic within the roof space and new terrace's rear location is a sensitive response.*

- *Our assessment has demonstrated the proposal will maintain neighbours' amenity, considered in detail in the submitted SEE. As the additional height is related to an existing situation and the proposed alterations and additions will improve future occupants' amenity, we consider the proposal is in the public interest.*

- *The proposal maintains the site's existing residential flat building use and is of a similar scale to the area's existing and desired future high-quality alterations and additions. The incorporation of private open space at the rear and internal living space within the roof*

space will provide amenity benefits, enhance the top unit's appeal and maintain the relationship with the surrounding development and public domain.

- *This report demonstrates the proposed alterations and additions to an existing residential flat development will be compatible with nearby developments. The area of technical contravention for the additional height will not be easily discernible from Military Road, and therefore will not impact streetscape amenity or the area's existing characteristics.*

- *As detailed, strict compliance with the development standard would not result in a better outcome for development. It would unnecessarily complicate orderly and economic development of the land in accordance with the objects of the EPA Act.*

- *Accordingly, in our opinion, the non-compliance will not be inconsistent with the locality's existing and desired future planning objectives. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the variation to the development standard, as required in Clause 4.6(3)(b).*

<u>Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)</u>

Development consent must not be granted unless the consent authority is satisfied that:

a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

<u>Does the written request adequately address those issues at clause 4.6(3)(a)?</u>

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007) LEC 827,* that is *the objectives of the development standard are achieved despite the non-compliance with that standard.* The objectives of the height development standard are as follows:

Clause 4.3 Height

(1) The objectives of this clause are as follows—

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

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

The applicant states the proposed height is consistent with the objectives of the height development standard and will not result in unreasonable impacts. Council disagrees with the contention that the relevant objectives of the standard are achieved.

The height of the existing building on the site is 11.42m, already exceeding the height development standard by 2.92m or 34.4%. The proposal seeks to exacerbate this non-compliance by increasing the height and density further and expanding upon the non-compliance by removing the existing roof and replacing it with a new roof, altering its form and pitch. The Clause 4.6 variation statement asserts that the additional floor space is to be located within the roof space, which is incorrect given the complete replacement and redesign of the roof form. The proposal will result in additional impacts to adjoining properties in regards to visual and acoustic privacy, view impacts and overshadowing and will not *'preserve the environmental amenity of neighbouring properties'* thereby being contrary to objective (a). The extent of these impacts is discussed later in this report.

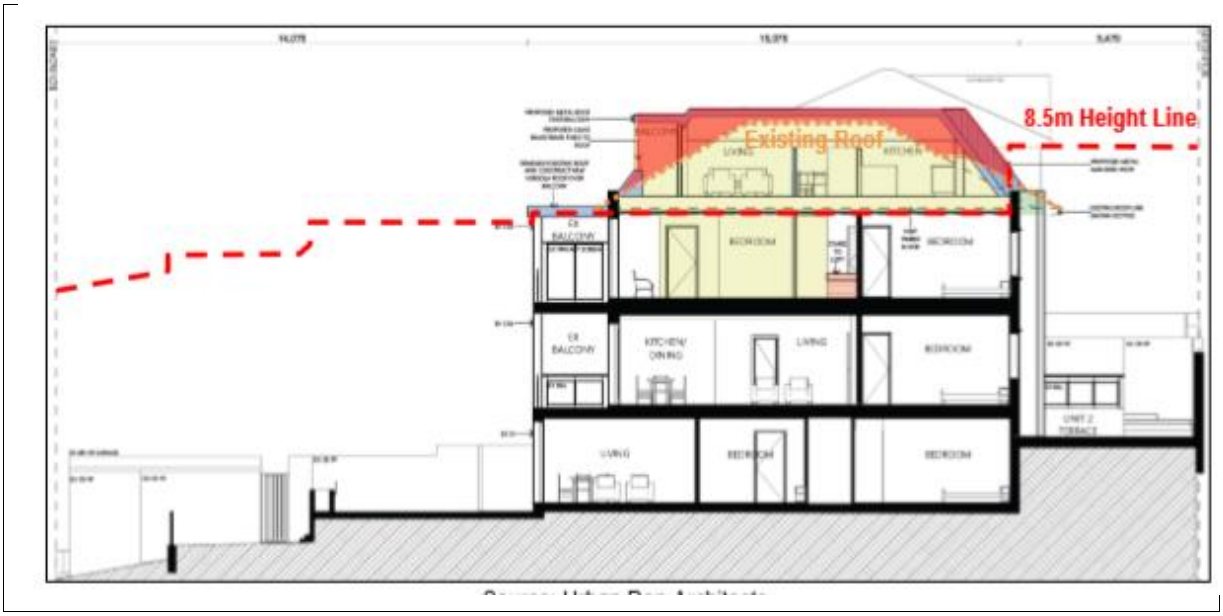

Figure 5: Extent of height non-compliance existing and proposed (Source: Urban Den Architects)

The proposal will accentuate the perceived building height of the development and increase the bulk and massing of the roof form as shown in **Figure 5** above. The additional roof height will further dominate the building and its streetscape. The change in roof to accommodate the additional floor space results in a building form that does not respond appropriately to its context particularly given its relationship with the adjoining RFB's to the south, which comprise traditional pitched tiled roof forms similar to the existing building. The proposal will be perceived as a non-cohesive element that is inconsistent and unsympathetic to the original architecture and design of the existing building. The height variation will manifest in adverse streetscape and visual impacts that are not compatible with the height, bulk and scale of the desired future character of the locality, contrary to objective (d) and is not supported.

<u>Does the written request adequately address those issues at clause 4.6(3)(b)?</u>

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The height of the existing building already breaches the height development standard by 2.92m. Whilst the existing building enjoys the benefits of existing use rights,

any proposed development is to still have regard to the development standards which define the desired built form for the locality. Further exceedance of this standard manifests in unreasonable impacts on the amenity of surrounding properties due to view loss, overshadowing and privacy impacts and is not supported.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out including:

Clause 2.1 – Land Use Zone – R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community, the existing building height already exceeds the applicable development standard by 2.92m, maximising and exceeding the desired built form for this low density area. A further exceedance of this standard by 0.4m is unacceptable, resulting in unreasonable impacts on the amenity of surrounding properties and the locality. The overall planning outcome for the site is unacceptable and cannot be supported.

The proposed non-compliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the height development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the height development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by Clause 4.6(3) of the WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the height development standard and the R2 Low Density Residential zone.

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the FSR development standard in Clause 4.4. The site is subject to a maximum FSR development standard of 0.5:1. The FSR of the existing building on the site is compliant at 0.479:1 (243m^2). The proposed development has a FSR of 0.549:1 or 278m^2, exceeding the standard by 24.85m^2 equating to a 9.8% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the WLEP seeking to justify the contravention of the development standard by demonstrating:

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

b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the FSR development standard on the following basis:

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

- *The LEP prescribes a maximum height limit of 8.5m and FSR of 0.5:1 for the location, as it is currently zoned R2 Low Density Residential. The existing residential flat building's Unit 3 and roof are already beyond the maximum building height. Therefore, the proposed alterations and additions for this unit exceed the building height limit. The proposed FSR also exceeds the development standard. However, in our opinion, the proposal will provide a correlation between the existing residential flat building and local development.*

- *The additional FSR will not add substantial bulk as it predominantly fills in the existing void within the pitched roof. This maintains a modest built form that positively contributes to the area's character. The proposal provides an improved residential unit, which is generally consistent with local development. The existing building has a floor area below the allowable GFA and is compatible with surrounding developments' bulk and scale. The FSR exceedance will not be easily discernible from the public domain and will not impact neighbours' amenity due to its attic location within a pitched roof replacing the existing.*

- *As the proposed floor space addition is within the roof space, it will not readily contribute to the scale of the built form when viewed from Military Road. Accordingly, the proposal provides a correlation between the existing and local built forms and although exceeding the FSR, satisfies Objective (b).*

- *The existing residential flat building is in the R2 zone and, as addressed in the SEE, the locality is characterised by a mix of older-style residential flat buildings as well as attached and detached dwellings. As the proposed floor space addition utilises the existing void below the pitched roof, the FSR variation will not impact the streetscape.*

- *The additional floor space will not be readily discernible from Military Road or neighbouring sites, as the sympathetic design scheme incorporates additional floor space largely within the current building envelope, in the form of a modest attic addition only.*

- *The change to the roof area to make space for an additional bedroom in Unit 3 does not significantly alter the overall built form. As no dormer, skylight or terrace is proposed at the front roof, the existing building's two storey street appearance with a pitched roof is maintained when viewed from Military Road.*

- *Despite the theoretical non-compliance, the proposal appears consistent with the locality's desired height, bulk and eclectic character. Accordingly, the proposed size and scale are compatible with the area's desired future character.*

- *As outlined in the SEE, the proposal has been carefully designed to maintain neighbours' amenity. The additional floor space is unlikely to alter the building's perceived scale due to the location within the pitched roof.*

- *Privacy is maintained through orienting attic skylights to the north, looking above the neighbouring residential flat building's non-trafficable roof. Therefore, visual privacy is unaffected.*

- *The additional floor area below the replacement pitched roof is also unlikely to generate additional shadows. Regardless of the FSR variation, the shadow diagrams indicate the development complies with Council's requirements to maintain three hours' sunlight to adjoining principal private open spaces.*

- *As noted in the SEE, public views of the ocean appear to be available from Military Road along the site's southern setback. Adjacent properties to the west also appear to have views across the site. The minor extent of additional bulk will maintain these existing view corridors for the public and neighbours, as illustrated in the view analyses submitted separately. Hence, the proposal facilitates equitable view sharing.*

b) That there are sufficient environmental planning grounds to justify contravening the standard:

- *The proposal relates to a residential flat building's existing use rights in the R2 Low Density Residential zone and satisfies an 'unreasonable and unnecessary' test established by the court in Wehbe.*

- *The proposal upgrades the top unit of the existing residential flat building; maintains the character of the site and locality; and is of a similar scale to both the existing and desired future developments in the area. The proposal maintains the character of the pitched roof and two storey appearance of the existing residential flat building when viewed from Military Road.*

- *There are numerous examples of recent developments in the vicinity which have been approved with FSR non-compliances. It is recognised that each DA is assessed on its own merits and each site has different characteristics. However, it is a relevant consideration to understand if Council has accepted breaches to the FSR standard in the past, under what circumstances these were supported and if indeed there are any comparable principles to the subject DA.*

- *On 13 June 2018, Council approved DA No. 484/2017 for alterations and additions to an existing dwelling at No. 174 Military Road, Dover Heights, with a 25% FSR exceedance and a 10% height exceedance. The main justification was the proposed bulk and scale would be compatible with adjoining developments.*

- *Also on 13 June 2018, Council approved DA No. 534/2017 for a new dual occupancy at No. 110 Military Road, Dover Heights, with a 41% FSR exceedance. The main justification was the proposed bulk and scale would be compatible with adjoining developments.*

- *Again on 13 June 2018, Council approved DA No. 468/2017 for a new dual occupancy at No. 58 Military Road, Dover Heights, with a 63% FSR exceedance and a 37% height exceedance. The main justification was the proposed height, bulk and scale would be compatible with adjoining developments.*

- *On 23 May 2018, Council approved DA No. 286/2017 for a new dual occupancy at No. 62 Military Road, Dover Heights, with a 14% FSR exceedance and a 34% height exceedance. The main justification was the proposed bulk, scale and envelope would be commensurate with adjoining developments.*

- *The floor space addition will enhance the upper unit's appeal and maintain the building relationship with surrounding developments. Furthermore, the development will positively address the public domain by accommodating internal living space below the pitched roof.*

- *The FSR non-compliance is theoretical and technical in nature as it is largely due to filling in a pre-existing void within the roof space. The variation enables reasonable improvement to a unit of an older building lacking in regular maintenance and resident amenity. Although the proposed FSR is 9.8% greater than the permitted, this additional area will not significantly alter the current appearance of the residential flat building, and can therefore be considered acceptable. In terms of FSR, the proposal is substantially the same externally, however with increased amenity and living space for future residents. The additional FSR is therefore considered acceptable in this situation.*

- *This report demonstrates the proposed alterations and additions to a unit of an existing residential flat development will be compatible with nearby developments. The area of technical contravention for the addition will not be readily noticeable from the street, and therefore will not affect streetscape amenity or the area's existing characteristics.*

- *Accordingly, in our opinion, the non-compliance will not be inconsistent with the locality's existing and desired future planning objectives. For the reasons contained in this application, there are sufficient environmental planning grounds to justify the variation to the development standard, as required in Clause 4.6(3)(b).*

<u>Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)</u>

Development consent must not be granted unless the consent authority is satisfied that:

a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

<u>Does the written request adequately address those issues at clause 4.6(3)(a)?</u>

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The applicant has primarily focused their commentary on the first justification/test of *Wehbe vs Pittwater Council (2007) LEC 827* that is *the objectives of the development standard are achieved despite the non-compliance with that standard*. The objectives of the FSR development standard are as follows:

Clause 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,
(b) to provide an appropriate correlation between maximum building heights and density controls,

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Objective (a) is not applicable to the proposed development.

The applicant has justified the non-compliance by stating the additional GFA of the proposal to the existing building will not be discernible, will not result in adverse impacts and is similar to other numerous examples in the vicinity which have been approved with FSR non-compliances. The examples given relate to low density housing forms of single dwellings and dual occupancy developments in the R2 Low Density Residential Zone, with the closest example located approximately 1km away at 174 Military Road, Dover Heights.

In regards to the subject DA, the non-compliance with the FSR development standard, coupled with the height non-compliance, demonstrates that the proposal is an inappropriate addition to a development that is already non-conforming within the R2 zone of the site and surrounding sites. The form of the proposed addition results in the additional GFA sought by the proposal being obvious and discernible from neighbouring properties and the public domain given the altered roof form from its traditional pitched and tiled roof with protruding eaves to a proposed mansard style with extended parapet wall, box gutter, no eaves and colorbond roofing. The change in roof to accommodate the additional floor space results in a building form that does not respond to its context particularly given its relationship with the adjoining residential flat buildings to the south which comprise traditional pitched roof forms similar to the existing building. The proposal will be perceived as a non-cohesive element that is inconsistent and unsympathetic to the original architecture and design of the existing inter-war building. The FSR variation will manifest in adverse streetscape and visual impacts that are not compatible with the bulk and scale of the desired future character of the locality, contrary to objective (c).

The FSR non-compliance will also manifest in unreasonable impacts on views, visual and acoustic privacy and increased overshadowing and will also result in adverse streetscape and visual impacts contrary to objective (d), and is not supported.

<u>Does the written request adequately address those issues at clause 4.6(3)(b)?</u>

In effect the existing building is larger than the development standards allow, with the building already achieving near its maximum FSR and substantially exceeding the height permitted on the site. The extent of the FSR variation, being 9.8% over the development standard demonstrates that the building bulk and scale of the development are excessive. The Clause 4.6 variation statement asserts that the additional floor space is to be located within the void area of the roof space, which is incorrect given the complete replacement and redesign of the roof form to enable the additional floor space to be accommodated.

The proposal results in amenity impacts by way of increased overshadowing, visual and acoustic privacy impacts and view impacts. The scale of the development does not preserve the amenity of surrounding properties nor minimise the adverse impact on the amenity of the locality and is inconsistent with objective (d).

The consistent departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standards representing an

overdevelopment of the site and does not result in design excellence. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality. The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard.

Is the development in the public interest?

The proposed development will not be in the public interest because it is not consistent with both the objectives of the particular standard as outlined above and the objectives for development within the zone in which the development is proposed to be carried out including:

Clause 2.1 – Land Use Zone – R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment;*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community, the exceedance of the development standard and the overall planning outcome for the site to achieve this objective as proposed is unacceptable and cannot be supported.

The proposed non-compliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the FSR development standard and is not in the public interest.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by Clause 4.6(3) of the WLEP. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

2.2.5 Waverley Development Control Plan (WDCP) 2012 –Amendment 8 – Effective 1 August 2020

The relevant matters to be considered under the WDCP for the proposed development are outlined below:

Table 2: WDCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction, however, no details have been provided identifying the area for waste storage on the submitted plans. Should the application be approved, conditions addressing the above matters can be provided.

Development Control	Compliance	Comment
2. Ecologically sustainable Development	No	BASIX certificate has been submitted however, it relates to a '*separate dwelling house*' which is not applicable to the development proposed. This matter can be addressed as a condition of consent should the application be approved.
3. Landscaping and Biodiversity	No change	As existing
5. Vegetation preservation	No change	
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent should the application be approved.
7. Accessibility and adaptability	No change	As existing.
8. Transport	No change	As existing. Vehicular access is provided from Military Road to the existing three single width garage spaces located at the rear of the site. The parking rates within the WDCP are a maximum control with the minimum being nil. The proposal provides three parking spaces for the development which is as existing. No change is proposed.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the WDCP.
12. Design Excellence	No	The proposal does not exhibit design excellence. The proposal exhibits poor building design and architecture with the alterations and additions resulting in them appearing as a non-cohesive element that has little relationship and harmony with the architecture of the existing building. The revised roof profile is inconsistent and uncharacteristic of the modest pitched roof profiles in the immediate area, particularly the existing buildings to the south. The development does not contribute to the architectural design quality of Waverley.

Development Control	Compliance	Comment
16. Public Domain	No	The form of the addition results in the height and additional GFA sought by the proposal being obvious and discernible from neighbouring properties and the public domain. The height and FSR non-compliance will result in adverse streetscape and visual bulk impacts.
17. Inter War Buildings	No	The proposed raised and altered roof profile does not retain the integrity of this inter war building nor preserve the building's contribution to, and relationship with the streetscape. The proposed alterations and additions are not complimentary to the existing building design but dominate the building. The removal of the roof eaves replaced with a parapet wall removes original fabric, undermines the integrity of the building design and is not supported.

Table 3: WDCP 2012 – Part C3 Other Residential Development Compliance Table

The proposal is defined as a 'Residential Flat Building' that is not subject to assessment under 'SEPP 65 Design Quality of Residential Apartment Development' in the WLEP.

Development Control	Compliance	Comment
3.2 Height		
• Height as set out by Clause 4.3 of WLEP	No	See discussion above under WLEP
3.3 Setbacks		
3.3.1 - Street setbacks • Consistent street setback	Yes	
3.3.2- Side and rear setbacks • Minimum side setback: 1.5m • Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback	Yes Yes	
3.5 Building design and streetscape		
• Development must be sensitive to the streetscape character and views. A streetscape and context analysis is to be provided	No	The proposal exhibits poor building design and architecture and will result in it appearing as a non-cohesive element that has little relationship and harmony with the architecture of the existing building, particularly given the altered roof form proposed.

Development Control	Compliance	Comment
• Respond to streetscape • Should demonstrate architectural character of the area, • Sympathetic external finishes • Removal of original architectural features not supported.	No No No No	The revised roof profile is inconsistent and uncharacteristic of the modest pitched roof profiles in the immediate area, particularly the existing buildings to the south. The external finishes of the proposal are not cohesive. The alteration to the roof design is not supported.
3.6 Attic and roof design		
• Roof design should contribute to the architectural design and environmental performance of the development • Roof design should respond to the streetscape character of the area • Attic must be wholly within the a pitched roof form • Not exceed 50% of the floor of area of the floor below • Not contain independent dwellings and must be accessed via internal stairs • Be naturally ventilated • Minimum room width: 3m • Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m • Dormer windows and skylights to be less than 50% of roof elevation	No No No Yes Yes Yes Yes Yes Yes	The proposal for an 'attic' floor level is not contained within the existing roof space but seeks to remove the existing modest roof form and reconstruct a mansard style roof to accommodate this level. By altering the roof form from its traditional pitched and tiled roof with protruding eaves to a proposed mansard style with extended parapet wall, box gutter, no eaves and colorbond roofing, the proposed roof design does not respond to the streetscape character of the area, especially the existing modest pitched/ gabled tiled roof forms of buildings immediately to the south.
3.9 Landscaping		
• Comply with part B3-Landscaping and Biodiversity	No change	

Development Control	Compliance	Comment
• Minimum of 30% of site area landscaped • 50% of the above is to be deep soil		
3.10 Communal open space		
• Minimum dimensions: 6m x 6m • Be located so solar access is maximised • Accessible	No change	
3.11 – Private Open Space		
3.11.2 – Balconies/decks • Balcony additions to match the character of the building • Should not dominate the façade • No wrap around balconies • Located to maximise solar access and privacy	No No Yes Yes	The proposed balcony addition contained within the mansard roof form is inappropriate having regard to the altered roof form proposed. The new balcony dominates the eastern roof profile.
3.12 Vehicular access and parking		
• Car parking to be integrated into the design of the development • Max 1 x 2 way vehicle access point • Provided from secondary street or lane • Pedestrian safety considered	No change	
3.13 Solar access and overshadowing		
• Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. • New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid-winter. • Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings should not be reduced to	Yes Yes Yes	Whilst compliant with this control, the increase in overshadowing to north facing windows of the adjoining property to the south is considered to be unreasonable in the circumstances of the case given the extensive breaches of the height and FSR

Development Control	Compliance	Comment
less than 3 hours of sunlight on 21 June.		development standards of WLEP. Increased shadow impacts are also evident to the adjoining properties to the east at 11a and 11 George Street. Overshadowing arising out of poor design is unacceptable even if it satisfies numerical guidelines, which in this case it doesn't.
3.14 Views and view sharing		
• Minimise view loss through design • Views from public spaces to be maintained.	No No	See further discussion below
3.15 Visual privacy and security		
• Dwellings to be orientated to the street with entrances and street numbering visible • Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened • Privacy be considered in relation to context density, separation use and design. • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development	As existing No No Yes	Similar to the existing east facing balconies on the lower levels of the subject building, the new upper floor level east facing balcony will overlook the private open space and living areas of the adjoining properties to the north, south and east. This will result in unacceptable privacy impacts to the adjoining properties.
3.16 Dwelling size and layout		
• Max habitable room depth for single aspect dwelling is 8m from a window • All habitable rooms to have a window • Provide a range of dwelling types and sizes • Min sizes 2 bedroom = 80m^2 3 bedroom = 100m^2	Yes Limited Yes Yes	The proposed new floor level, which comprises an open plan living dining and kitchen area, has limited windows provided. Whilst a large balcony is proposed off the rear of this level, only small skylights are proposed to the northern roof profile, limiting cross ventilation at this floor level.
3.17 Ceiling Heights		
• Min 2.4m floor to ceiling height attic levels	Yes	The ceiling heights of new floor level are proposed at 2.4m.

Development Control	Compliance	Comment
3.18 Storage		
In addition to kitchen cupboards and bedroom wardrobes, min storage required is: • 2 bed = 8m^3 • 3 or more bed = 10m^3 • All to provide bulk storage are in basement or ancillary structure	Not demonstrated	
3.19 Acoustic privacy		
• To ensure a high level of amenity for residents • Minimise noise transmission between dwellings by locating noisy and quieter areas next to other noisy or quieter areas.	No	The proposed elevated location of the new east facing balcony may result in acoustic privacy impacts to the neighbouring properties.
3.20 Natural Ventilation		
• All dwellings to be naturally cross-ventilated • Building to be orientated to maximise breezes • Ceiling fans are to be provided in all habitable rooms.	Limited Limited No	As discussed above, the proposed new floor level, which comprises an open plan living dining and kitchen area, has limited windows provided. Whilst a large balcony is proposed off the rear of this level, only small skylights are proposed to the northern roof profile, limiting cross ventilation at this floor level.
3.21 Building services		
• Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures • Outdoor Communal clothes drying area to be provided • Plant rooms away from entry communal and private open spaces and bedrooms. • Services on roof not to be seen from street or impact public or private	As existing Not shown No change Not shown	

Development Control	Compliance	Comment
views and be min 2m from the building edge		

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

Building Design and Streetscape

Part C3 3.5 of WDCP provides objectives and controls on building design and streetscape. The objectives of these controls seek to, amongst other things, *design residential development to respond to the streetscape character and to ensure alterations and additions maintain the original architectural character of existing residential flat buildings.*

The immediate area is characterised by a mix of detached dwellings and RFB's. To the south of the subject site at 245 and 243 Military Road are part two part three storey buildings comprising traditional pitched and gable roof forms (see **Figure 6** below). This row of three buildings sit quite proud when presenting at this elevated sweeping corner section of Military Road. The form of the proposed addition results in the additional height and GFA sought by the proposal being obvious and discernible from neighbouring properties and the public domain given the altered roof form from its traditional pitched and tiled roof with protruding eaves to a proposed mansard style with extended parapet wall, box gutter, no eaves and colorbond roofing. Significantly altering the roof form of No.247 Military Road results in a design outcome that is inconsistent and uncharacteristic of the roof profiles of the adjoining buildings, with the amended raised roof profile dominating the Military Road streetscape. When viewed from the rear, the raised roof profile will dominate the skyline, particularly given the steep sloping topography of the subject site which only accentuates the built form.

Figure 6: Military Road streetscape in vicinity of the site

The application was referred to Council's Urban Design team for comment. Whilst Council's Urban Designer advised that adapting the existing inter-war building is encouraged which ensures its ongoing retention, the proposed change to the roof form results in *a bulkier and slightly taller building that does not comply with FSR and height controls.* Council's Urban Designer is supportive of a mansard design for roof profiles where it can be demonstrated that there is no unreasonable impacts, stating that *any impacts that arise from further increasing the existing building envelope are not acceptable.*

The applicant's submission consistently relies upon the assertion that the additional floor space is contained with the roof void and that the proposed roof still retains the pitch which is consistent and compatible with the character of other buildings in the immediate locality. Council disagrees with this contention, with a complete replacement and redesign of the roof form proposed, from a pitched tiled roof to a mansard colorbond profile in order to accommodate the floor space. The removal of the roof eaves to be replaced with a parapet wall removes original form and undermines the integrity of the building design. The proposal for an 'attic' floor level is not contained within the existing roof space contrary to Part C3 3.6 *Attic and Roof Design* of WDCP. The altered design is not consistent nor compatible with other buildings in the immediate locality and is not supported.

View Impact Assessment

Part C3 3.14 *Views and View Sharing* of WDCP details all objectives and strategies for public and private domain views and view sharing, which generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's *Tenacity* principle for view sharing.

During public notification, the properties at Unit 2/245 Military Road and 264 Military Road, Dover Heights indicated that the proposed building will impact on private domain views. An assessment of this view impact is detailed below.

Photos taken from the property at Unit 2/245 Military Road, Dover Heights, which is located immediately to the south of the subject property, indicate that the subject proposal will impact on headland views and district views that this property currently enjoys from its rear private open balcony (see **Figures 9-11** below). Unit 2 is a duplex unit with its entrance located off Military Road and its main living areas located on the second level of 245 Military Road.

View Impact Analysis from Unit 2/ 245 Military Road, Dover Heights

	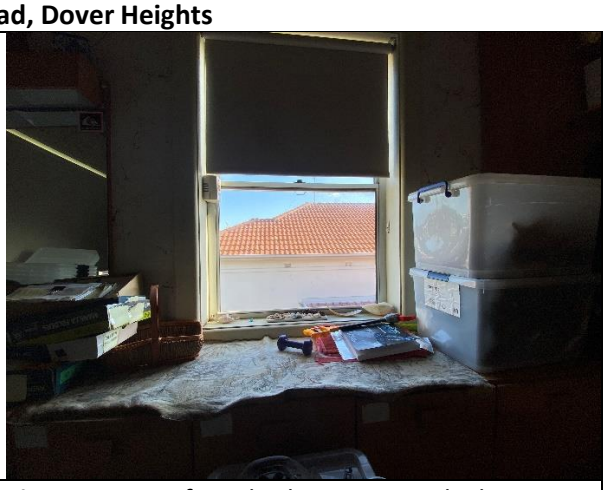
Figure 7: View from study towards the subject site (sitting position)	**Figure 8:** View from bedroom towards the subject site (sitting position)

Figure 9: View from balcony showing the existing view currently enjoyed (standing position)	**Figure 10:** View from balcony showing the existing view currently enjoyed (standing position)
Figure 11: View from balcony looking north-east showing extent of view towards headland and ocean view	**Figure 12:** View from balcony looking east showing ocean view not impacted by the proposed development

Figures 9 to 11 demonstrate the extent of the view loss as a result of the proposed alterations and additions. The associated view loss impact of headland views upon Unit 2/245 Military Road is considered to be unreasonable, particularly as the proposal exceeds the limits on height and FSR. This view loss impact is a key indication that the proposal is inappropriate and therefore should not be approved.

The owners of 264 Military Road (adjacent to the subject site on the opposite side of Military Road) have stated in their submission that the proposal will impact on views they currently enjoy. Photos submitted by the objector are provided below (see photo analysis for this property below in **Figures 13-14**).

View Impact Analysis from 264 Military Road, Dover Heights

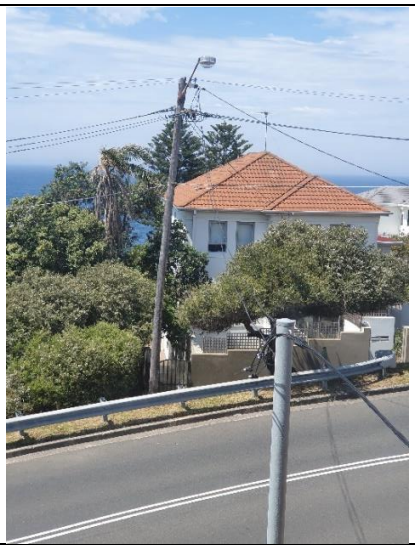	
Figure 13: View from lounge and dining room at front of 264 Military Road looking east over the development site	**Figure 14**: View from lounge and dining room at front of 264 Military Road looking east over the development site and to the north-east

The property enjoys ocean views from the front of the property to the east and north-east. The subject building currently obstructs views over the development site to the east. Whilst the increase in height and bulk may impact some of this view, the ocean views currently obtained to the north-east will not be obstructed.

In their submission, the applicant also acknowledges that the proposal will result in view loss impacts from the adjacent properties at 256, 262 and 264a Military Road and the public domain corner of Military Road and George Street, Dover Heights. A visual impact assessment was undertaken by Urbaine Architectural as part of the DA submission package, however, this assessment failed to assess the impact on views from the southern neighbouring properties. The assessment of view impacts undertaken by Urbaine Architectural determined that the view impacts from Nos. 256, 262 and 264a Military Road and the public domain as '*minimal*'. Notwithstanding this and having regard to the *Tenacity* planning principle, *where an impact arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable*.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA, subject to a building upgrade.

It is considered that the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, does not result in design excellence and would adversely impact upon the amenity of the locality and surrounding built environment.

2.4 Suitability of the Site for the Development

The site is not suitable for the proposed development.

2.5 Any Submissions

The development application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development.* Ten submissions were received.

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

Table 4: Summary of property addresses that lodged a submission

Property
25 Beaumont Street, Rose Bay
2/10 Diamond Bay Road, Vaucluse
6/1 Bulga Road, Dover Heights
5/5 Bulga Road, Dover Heights
5 Bulga Road, Dover Heights
7 Bulga Road, Dover Heights
11A George Street, Dover Heights
11 George Street, Dover Heights
Unit 2/ 245 Military Road, Dover Heights
264 Military Road, Dover Heights

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

- Non-compliance with the height and FSR development standards under WLEP
- Visual bulk and scale
- View loss
- Visual and acoustic privacy
- Overshadowing impact and solar access
- Streetscape and visual impact

The following issues are addressed as follows:

Issue: Building works, construction hours, dust, noise and asbestos removal

Response: Should the application be approved, standard conditions would be imposed. This will be a matter addressed during the Construction Certificate phase and does not provide a reason for refusal.

Issue: Impacts on pets during construction

Response: This does not provide a reason for refusal of the application.

2.6 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest and is not supported.

3. REFERRALS

3.1 Stormwater

Conditions were recommended in the event of approval.

3.2 Waste Management

Comments have been discussed above. Conditions were recommended in the event of approval.

3.3 Fire Safety (NCC)

Conditions were recommended in the event of an approval. A building upgrade is required.

3.4 Urban Design

Comments have been discussed previously in this report.

4. SUMMARY

The proposal seeks consent for alterations and additions to the existing residential flat building on the site, including alterations to the roof height, pitch and form to create an additional storey and internal alterations to the existing Unit 3.

The application was notified and submissions from ten properties were received. The issues raised have been discussed in this report.

The application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2000*. Given the outcome of a recent challenge in the Land and Environment Court (*Saffioti 2018),* the assessment of existing use rights should be considered against both the development standards of the WLEP and the controls of the WDCP.

The proposal fails to comply with a number of standards and controls of the WLEP and the WDCP including height and FSR development standards, building design and streetscape. The consistent departure of the proposal from the relevant planning provisions serves to demonstrate the failure of the development to meet the objectives of the development standards representing an overdevelopment of the site and does not result in design excellence. The proposal results in amenity impacts by way of increased overshadowing, visual and acoustic privacy impacts and view loss impacts. The development application is recommended for refusal.

DBU Decision

The application was reviewed by the DBU at the meeting on 13 October 2020 and the DBU determined that:

(a) The application is not acceptable and should be refused for the reasons in Appendix A.

DBU members: *A Rossi, B McNamara, E Finnegan*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

JZancanaro

Jo Zancanaro
Senior Development Assessment Planner

Date: 6 November 2020

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

Bridget McNamara
Manager, Development Assessment (North/ South)
Date: 12 November 2020

Reason for referral:

1 Departure from any development standard in an EPI by more than 10%
2 Contentious development (10 or more objections)

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the *Environmental Planning and Assessment Act 1979* the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the *Environmental Planning and Assessment Act 1979*, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity of the built environment.

2. The proposal does not satisfy section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:

    a. Clause 4.3 *Height of buildings* (1)(a) and (d), and (2) as the proposal significantly breaches the height development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the streetscape and amenity of adjoining properties, contrary to objectives (a) and (d) of the development standard.

    b. Clause 4.4 *Floor space ratio* (1)(c) and (d), as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objectives (c) and (d) of the development standard.

    c. Clause 4.6 *Exceptions to development standards* (1)(b), (3)(a) and (b), and (4)(a), as the proposed development will not result in a better development outcome for the site. The applicant's Clause 4.6 *Exceptions to development standards* fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breach to the height and floor space ratio development standards. The proposed development is contrary to the objectives of the development standards and the proposal is not in the public interest.

3. The proposal does not satisfy section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:

    a. Part B – *General Provisions*

        (i) Part B12 – *Design Excellence*, 12.1 *Design*, specifically objectives (a) and (d) and controls (a), (b), (c) and (e), and 12.2 *Context Analysis* specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of amenity and urban form, the overall bulk and massing of the development and environmental impacts such as view loss, overshadowing and visual and acoustic privacy. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

(ii) Part B17 – *Inter War Buildings*, specifically objective (d) and controls (c), (d), (g), (k), (l), (n) and (o), as the proposed raised and altered roof profile does not retain the integrity of this inter war building nor preserve the building's contribution to, and relationship with the streetscape. The proposed alterations and additions are not complimentary to the existing building design but dominate the building. The removal of the roof eaves replaced with a parapet wall undermines the integrity of the building design and is not supported.

b. Part C3 – *Other Residential Development*:

(i) Section 3.2 *Height*, in particular objectives (a), (b) and (c) and control (a) as the proposed development exceeds the maximum height development standard of 8.5m as set by Clause 4.3 of Waverley LEP 2012.

(ii) Section 3.5 *Building Design and Streetscape*, in particular objectives (a), (b), (c) and (d) and controls (a), (b), (c), (d) and (f) as the proposed building design does not respond to the existing streetscape character and the proposed alterations and additions do not demonstrate compatibility with the existing building or buildings on the adjoining sites. The proposed change to the roof profile involves the removal of original architectural features which is not cohesive and is not supported.

(iii) Section 3.6 *Attic and Roof Design*, in particular objectives (a), (b) and (c) and controls (a), (b) and (d) as the proposed roof design does not contribute or respond to the existing building or to the streetscape character of the area. The proposed attic level is not contained within the existing pitched roof form, contrary to control (d).

(iv) Section 3.14 *Views and View Sharing*, in particular objectives (a) and (b) and controls (a) and (b) as the proposal will result in unreasonable view loss impacts from the adjoining and adjacent properties and the public domain.

(v) Section 3.15 *Visual Privacy and Security*, in particular objectives (a) and (b) and control (d), in that the development may provide unacceptable visual privacy impacts to the adjoining properties to the south, east and west from the proposed new upper floor level balcony.

(vi) Section 3.19 *Acoustic Privacy*, in particular objective (a) and control (b), in that the development may provide unacceptable acoustic privacy impacts to the adjoining properties to the north, south and east from the proposed new upper floor level balcony.

4. The proposed development does not satisfy section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as the proposal will have an adverse environmental impact as the proposed development results in a poor planning outcome and an overdevelopment of the subject site which would adversely impact upon the amenity of the adjoining properties and the locality.

5. The proposal is contrary to 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*, as the development is not considered suitable for the subject site as the proposal results in a poor planning outcome providing for a built form that is excessive in terms of bulk and scale,

results in undesirable and unacceptable impact on the streetscape, neighbouring properties and the locality.

6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

RECEIVED
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020

DRAWING SCHEDULE

001	LEGEND
002	BASIX CERTIFICATE
003	SITE ANALYSIS
004	UNIT 1 FLOOR PLAN
005	UNIT 2 FLOOR PLAN
006	UNIT 3 FLOOR PLAN
007	UNIT 3 LOFT PLAN
008	ROOF PLAN
009	NORTH ELEVATION
010	EAST ELEVATION
011	WEST ELEVATION
012	SOUTH ELEVATION
013	SECTION AA
014	SECTION BB
015	SECTION CC
016	GFA DIAGRAM

LEGEND

BAL	BALUSTRADE
COL	COLUMN
CPT	CARPET
CR	CEMENT RENDER
C	CONCRETE
D	DOOR
EX	EXISTING
G	GATE
GD	GRATED DRAIN
LDRY	LAUNDRY
M	METAL
MR	METAL ROOF
PF	PAINT FINISH
RL	RELATIVE LEVEL
RW	RETAINING WALL
SMH	SEWER MANHOLE
TF	TILED FLOOR
TMB	TIMBER
W	WNDOW

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale:

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: LEGEND

Drawing Number: 001

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Waverley Council
Application No: DA-270/2020
Date Received: 27/08/2020

BASIX® Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A374512

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Sunday, 07, June 2020
To be valid, this certificate must be lodged within 3 months of the date of issue.

NSW GOVERNMENT | Planning, Industry & Environment

Description of project

Project address	
Project name	247 Military Rd., Dover Heights
Street address	247 Military Road Dover Heights 2030
Local Government Area	Waverley Council
Plan type and number	Deposited Plan SP30563
Lot number	CP
Section number	-
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at $50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Positive eco
ABN (if applicable): 58696166590

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Hot water			
The applicant must install the following hot water system in the development: gas instantaneous.	✓	✓	✓
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓

Construction	Additional insulation required (R-value)	Other specifications
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
raked ceiling, pitched/skillion roof: framed	ceiling: R0.74 (up), roof: foil backed blanket (100 mm)	medium (solar absorptance 0.475 - 0.70)
flat ceiling, flat roof: framed	ceiling: R0.58 (up), roof: foil backed blanket (100 mm)	medium (solar absorptance 0.475 - 0.70)

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors			
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓
Each window or glazed door with 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.	✓	✓	✓
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.		✓	✓
Pergolas with adjustable shading may have adjustable blades or removable shade cloth (not less than 80% shading ratio). Adjustable blades must overlap in plan view.		✓	✓

Windows and glazed doors glazing requirements

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W2	E	6.93	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W1	E	17.28	0	0	pergola (adjustable shade) >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)

Skylights			
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓	✓	✓

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
The following requirements must also be satisfied in relation to each skylight:		✓	✓
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.		✓	✓

Skylights glazing requirements

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S2	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S3	1	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale:

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

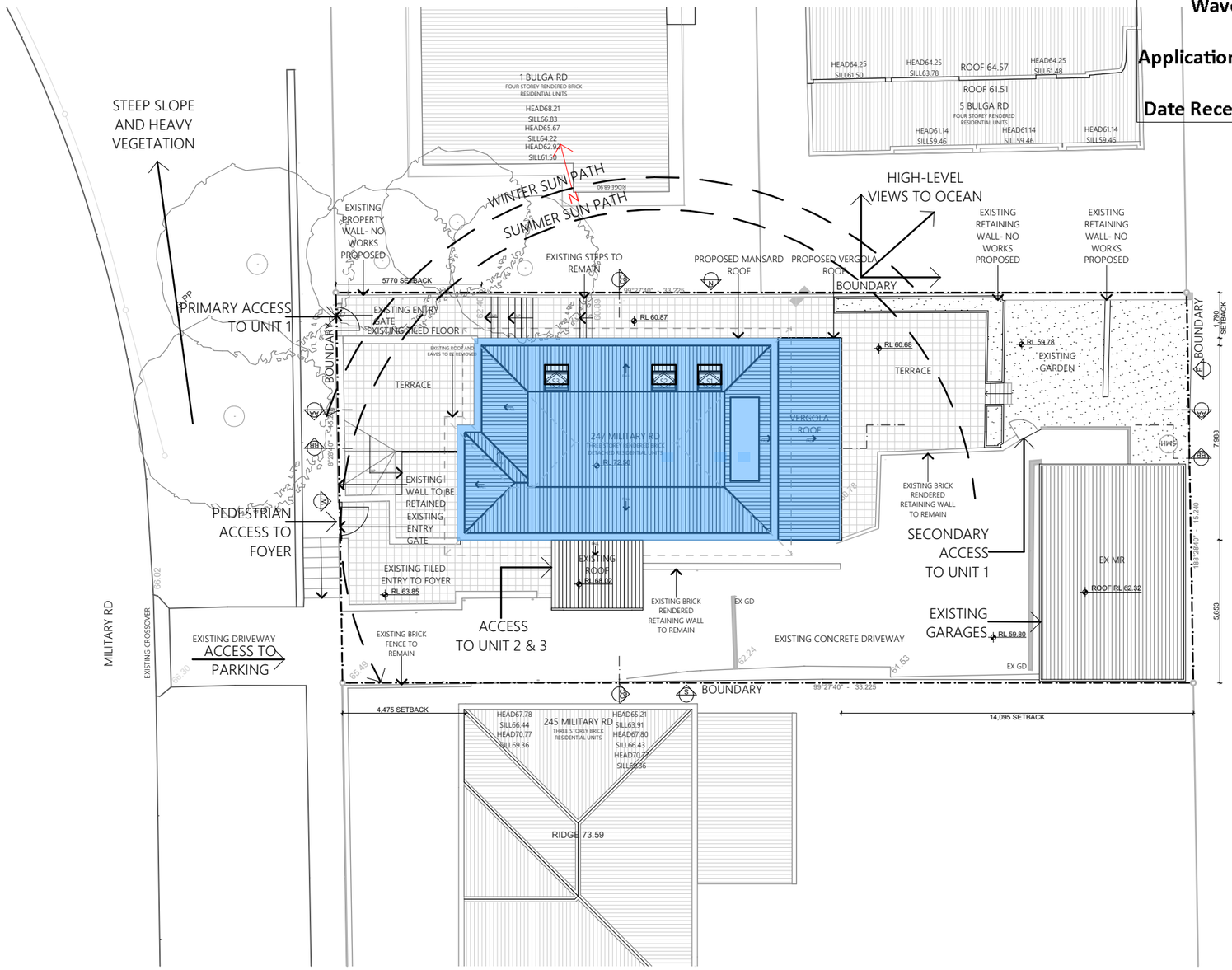
Drawing Title: BASIX

Drawing Number: 002

RECEIVED
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020



CONCRETE | TIMBER | METAL | CEMENT RENDER | TILES
GLASS | EARTH | BRICK | STONE

SITE AREA: 506.3m²
EX GFA: 243m²
PROPOSED GFA: 278m²

PROPOSED FSR: 0.54:1

N

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:200 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: SITE ANALYSIS

Drawing Number: 003

RECEIVED
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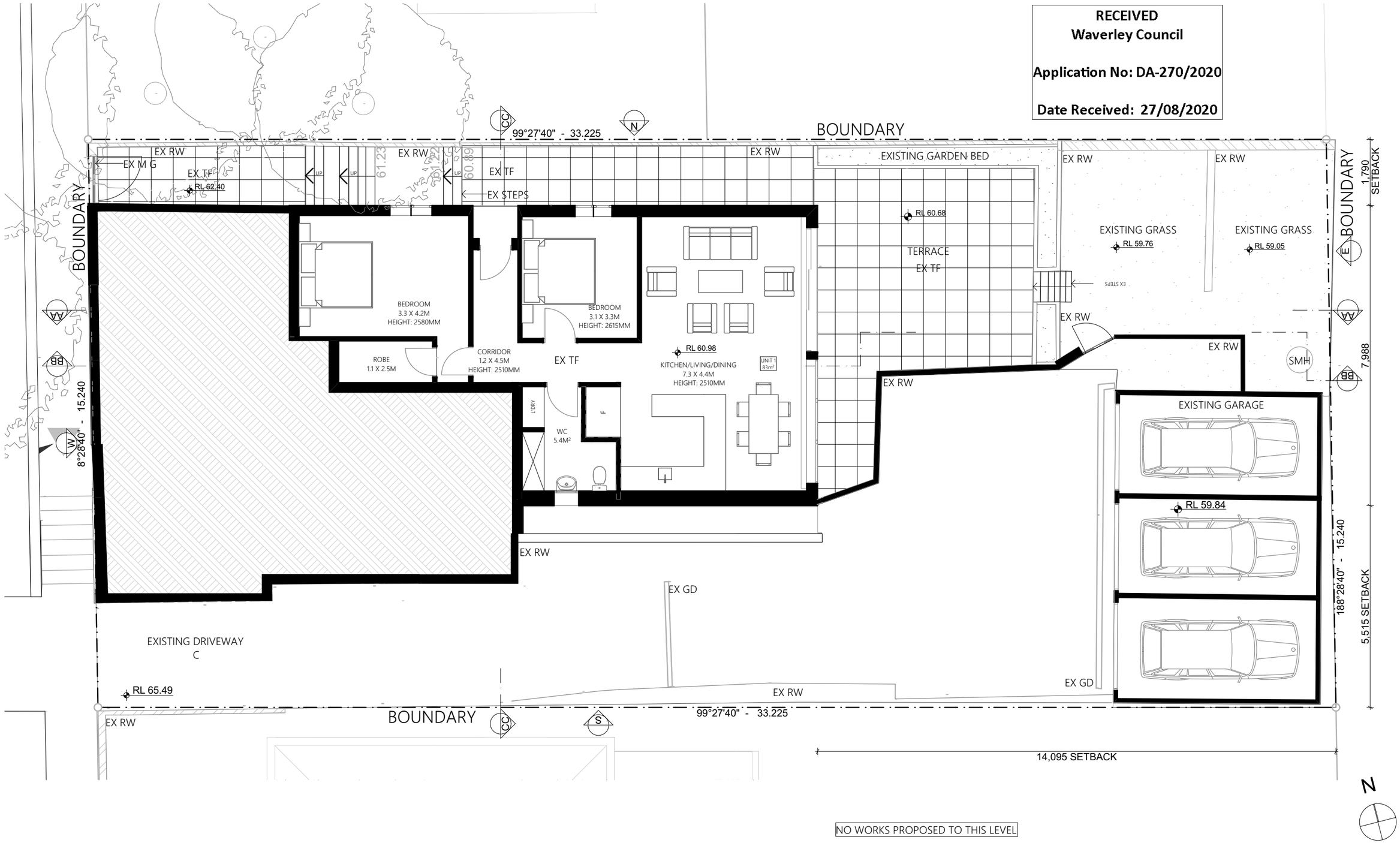
Application No: DA-270/2020

Date Received: 27/08/2020



NO WORKS PROPOSED TO THIS LEVEL

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

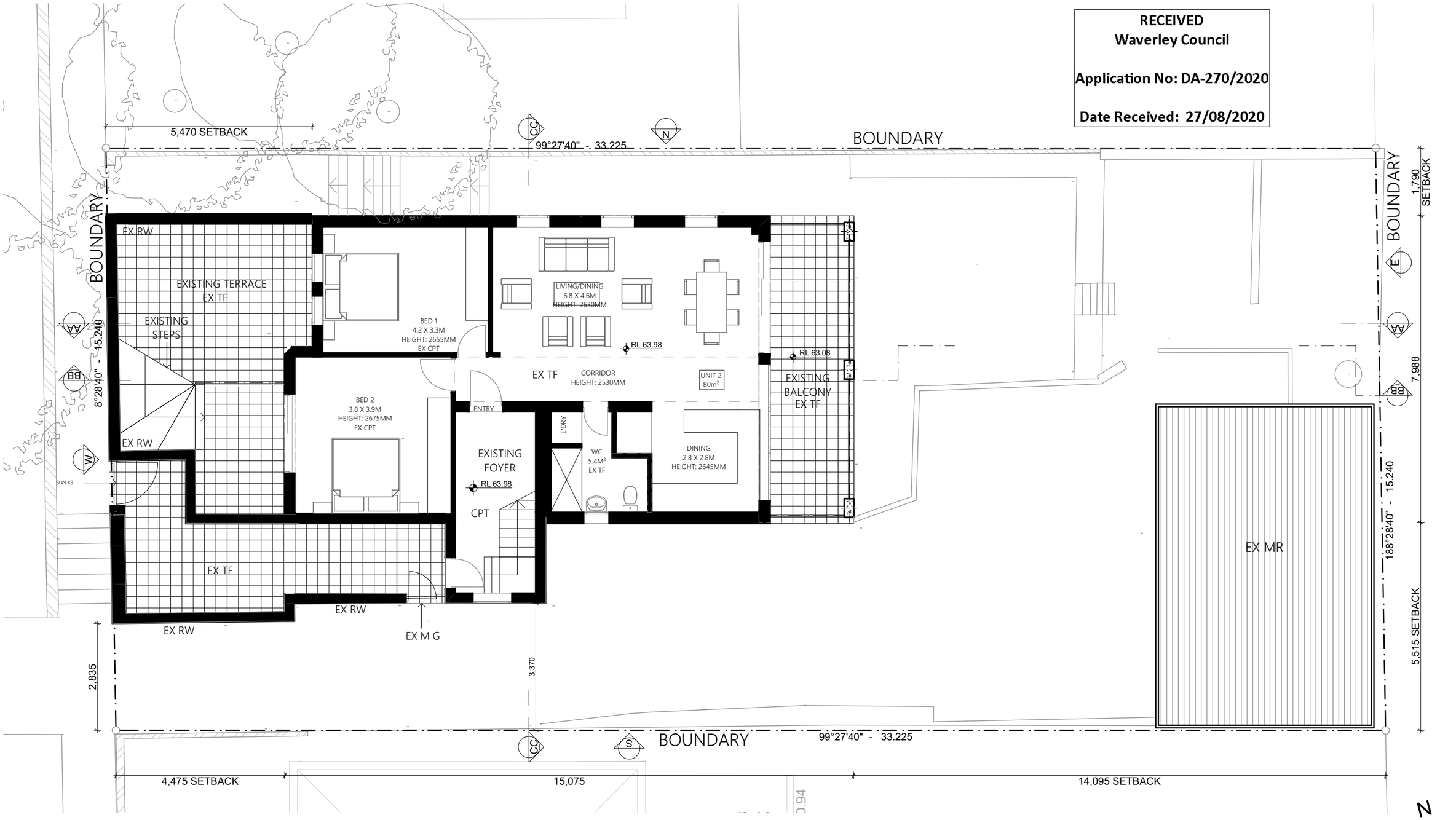
Drawing Title: UNIT 1 FLOOR PLAN

Drawing Number: 004

RECEIVED
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020



NO WORKS PROPOSED TO THIS LEVEL

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: UNIT 2 FLOOR PLAN

Drawing Number: 005

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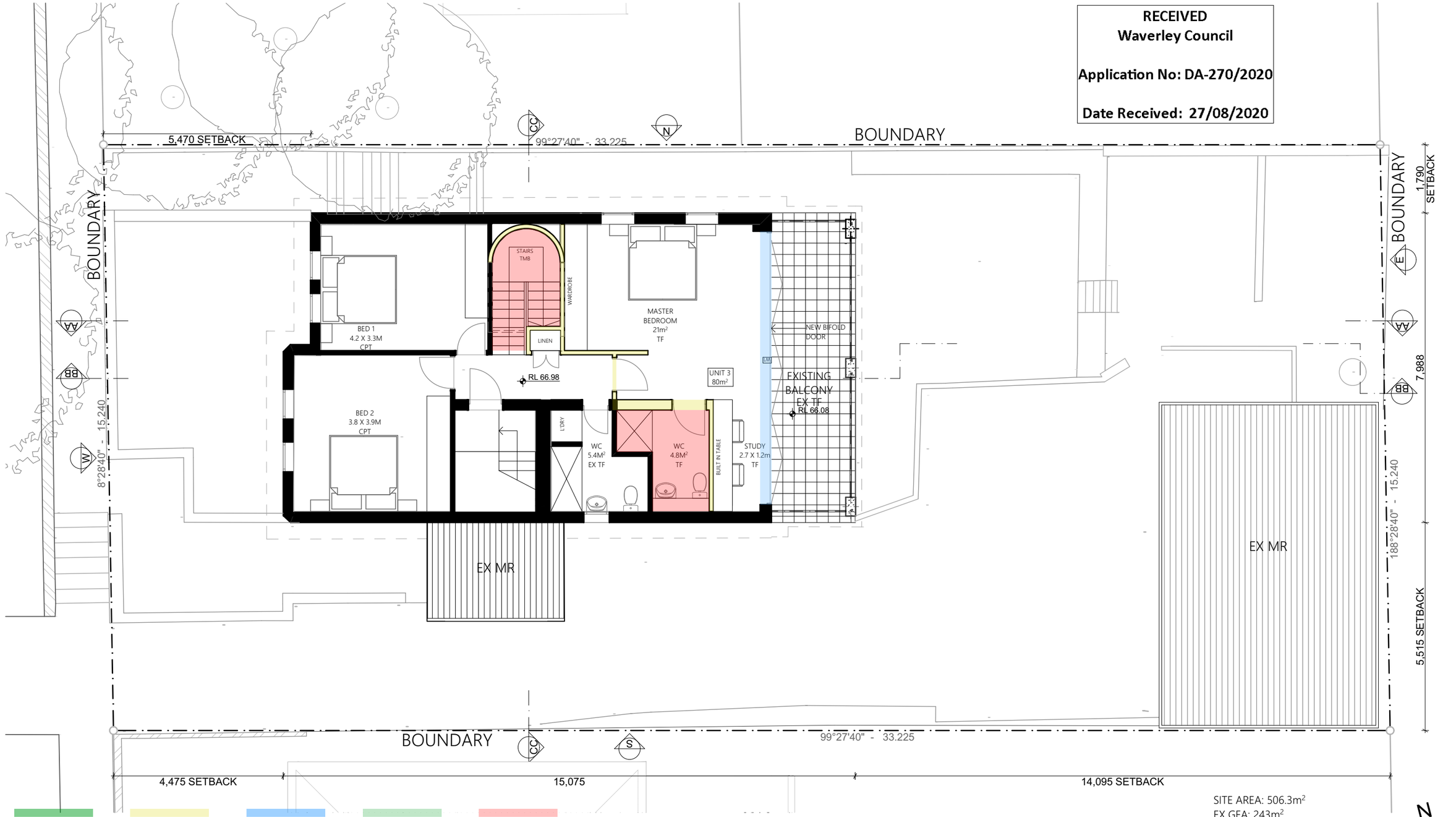
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020



SITE AREA: 506.3m²
EX GFA: 243m²
PROPOSED GFA: 278m²

PROPOSED FSR: 0.54:1

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: UNIT 3 PROPOSED

Drawing Number: 006

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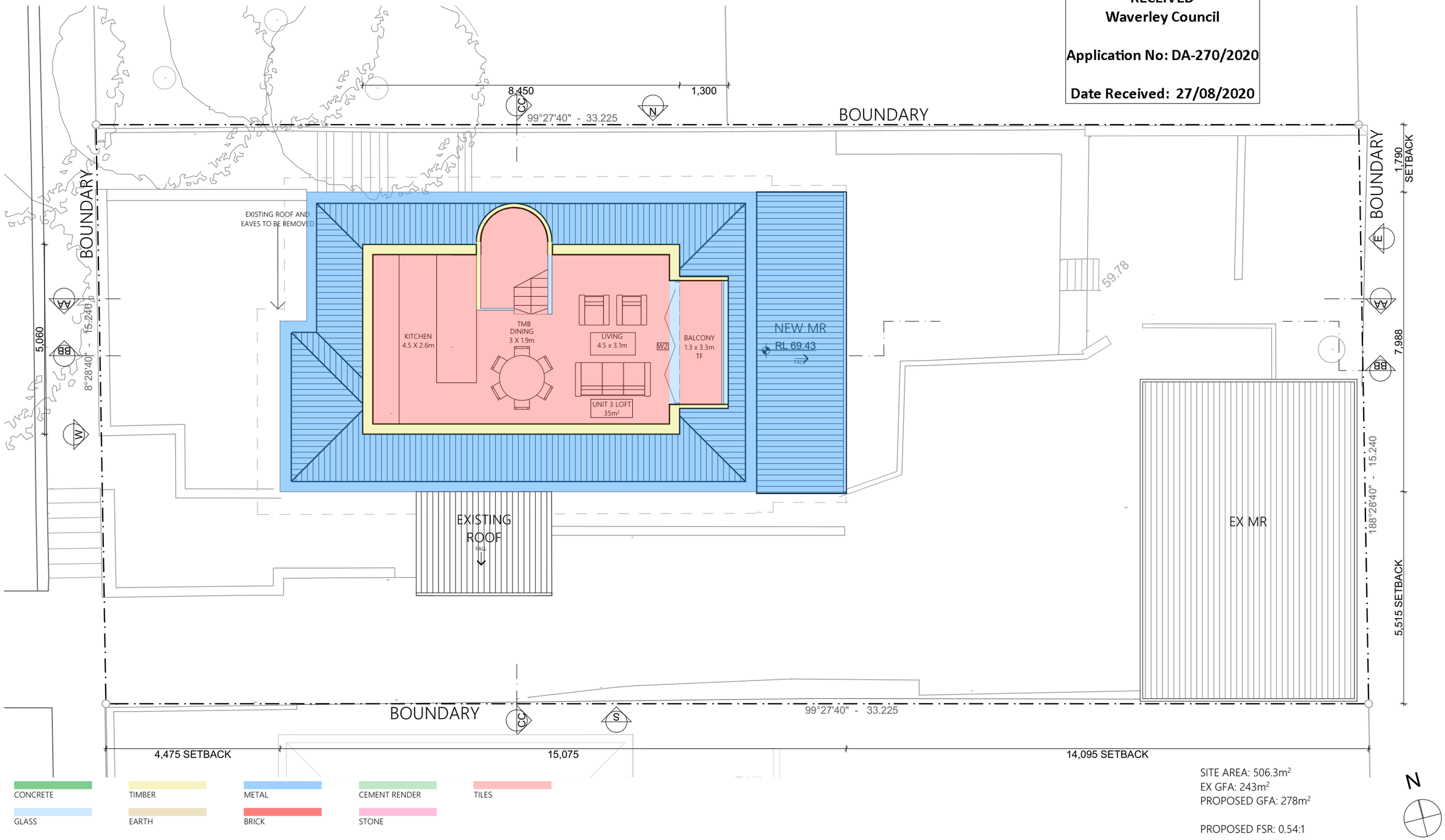
Application No: DA-270/2020

Date Received: 27/08/2020



CONCRETE | TIMBER | METAL | CEMENT RENDER | TILES
GLASS | EARTH | BRICK | STONE

SITE AREA: 506.3m²
EX GFA: 243m²
PROPOSED GFA: 278m²

PROPOSED FSR: 0.54:1

N

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

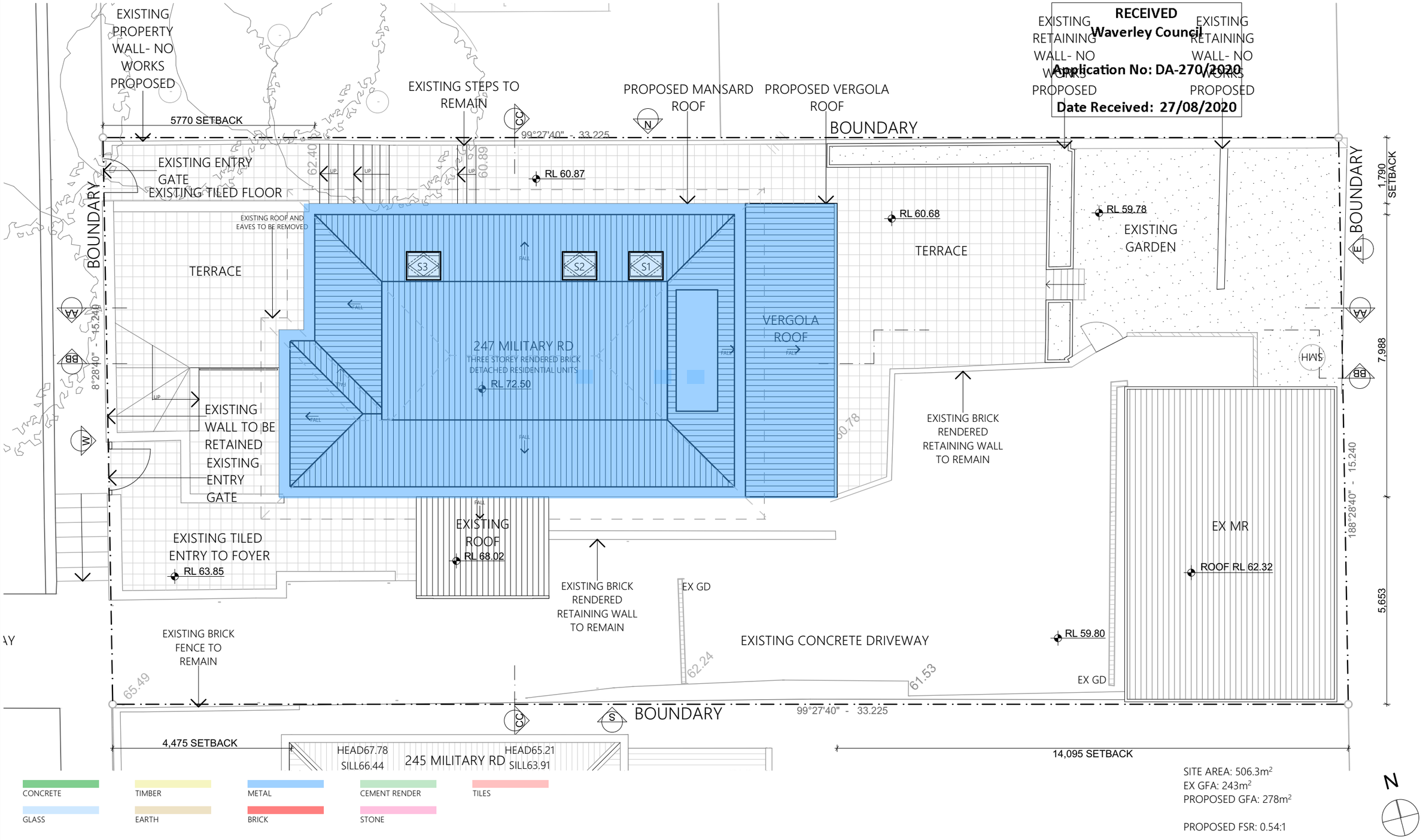
Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: LOFT PLAN_PROPOSED

Drawing Number: 007



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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: ROOF PLAN_PROPOSED

Drawing Number: 008

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Application No: DA-270/2020
Date Received: 27/08/2020

CONCRETE | TIMBER | METAL | CEMENT RENDER | TILES
GLASS | EARTH | BRICK | STONE

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3
Date: July 2020
Project Phase: DA

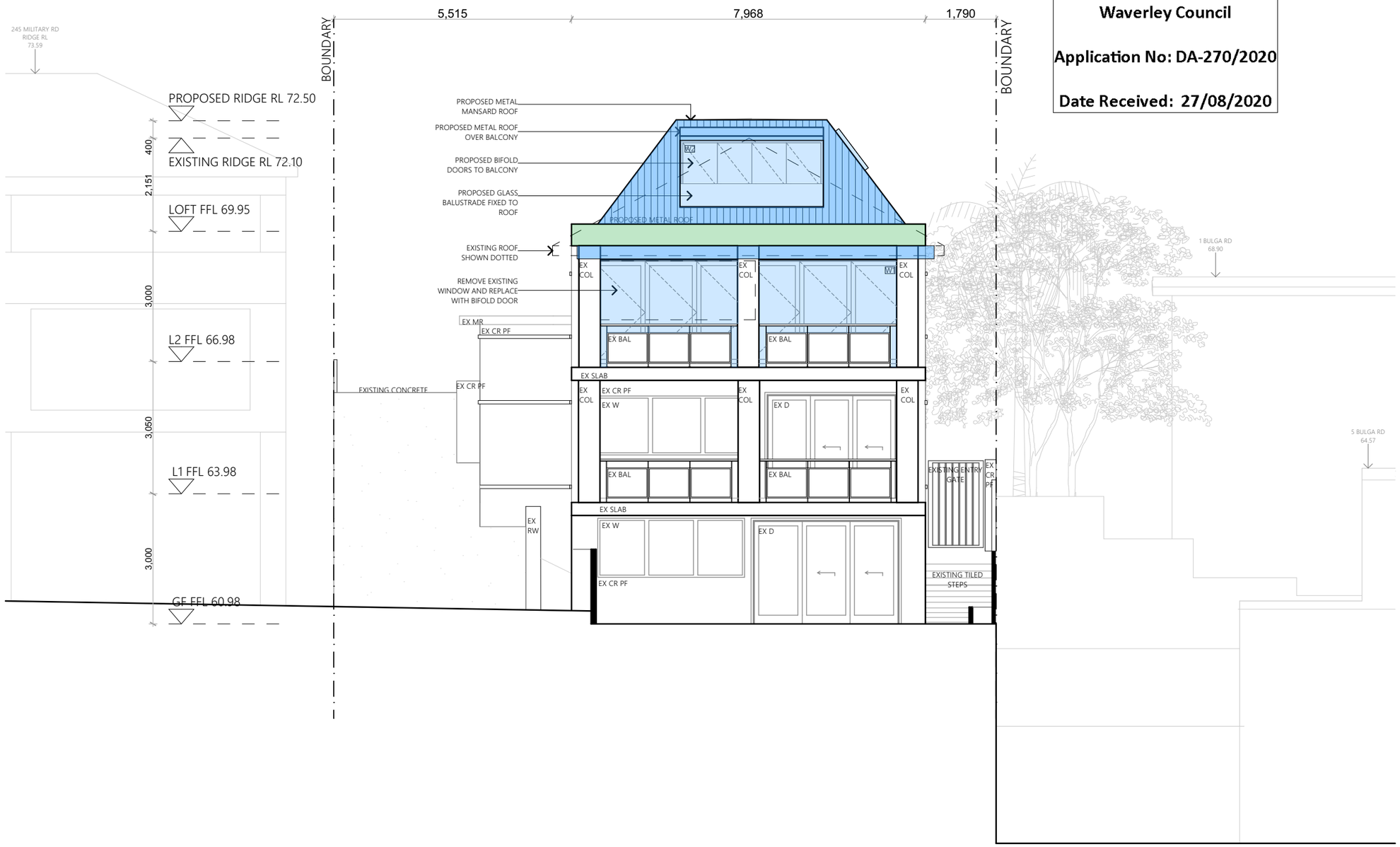
Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: NORTH ELEVATION
Drawing Number: 009

RECEIVED
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020



CONCRETE | TIMBER | METAL | CEMENT RENDER | TILES
GLASS | EARTH | BRICK | STONE

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

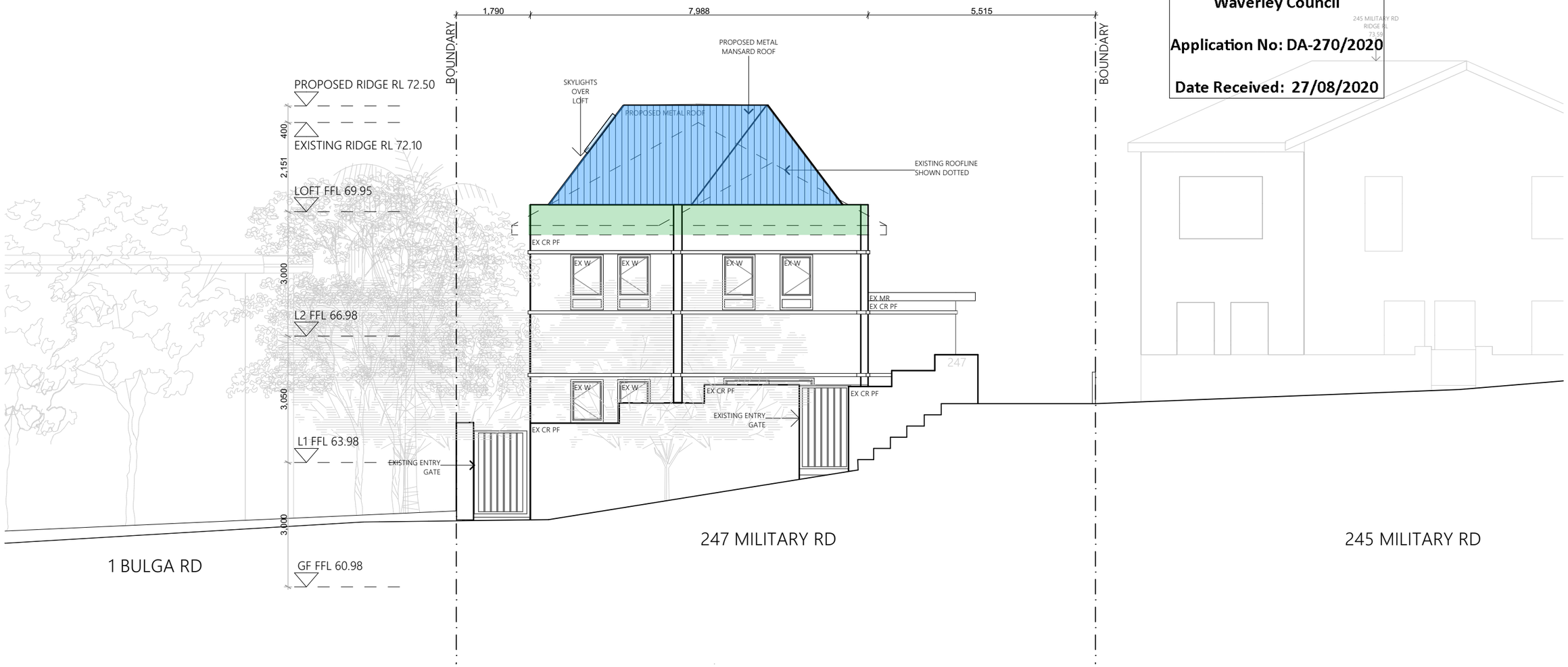
Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: EAST ELEVATION

Drawing Number: 010

RECEIVED
Waverley Council
Application No: DA-270/2020
Date Received: 27/08/2020



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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3
Date: July 2020
Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: WEST ELEVATION
Drawing Number: 011

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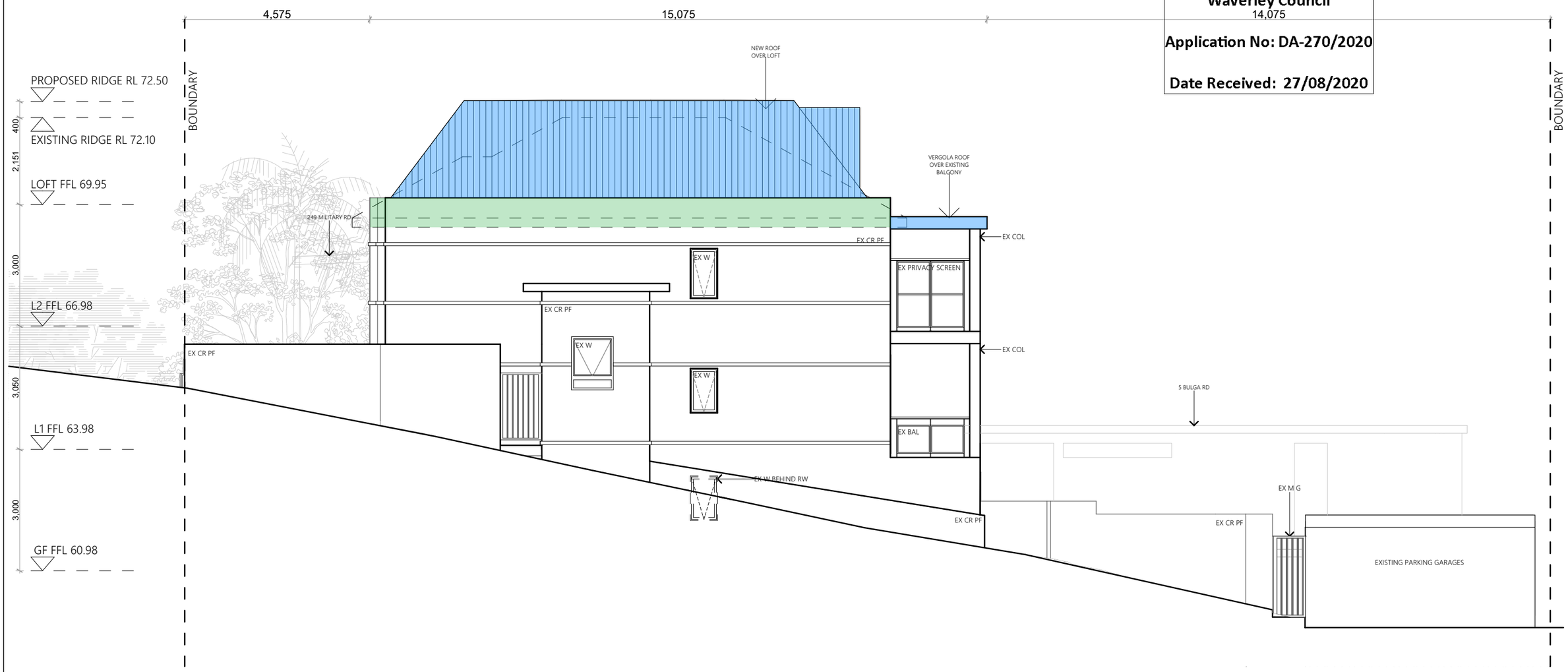
Waverley Council
Application No: DA-270/2020
Date Received: 27/08/2020



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MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3
Date: July 2020
Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: SOUTH ELEVATION
Drawing Number: 012

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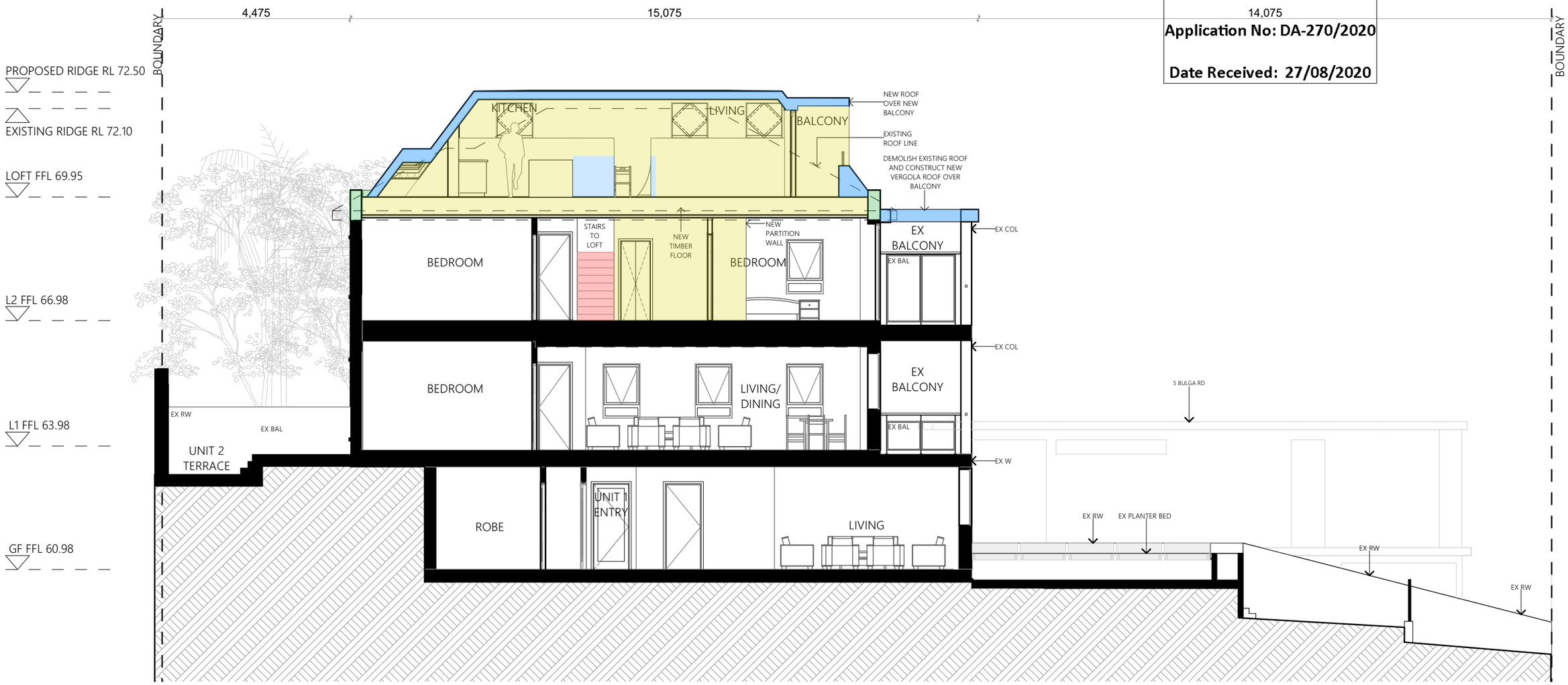
Waverley Council
Application No: DA-270/2020
Date Received: 27/08/2020



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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: SECTION BB

Drawing Number: 013

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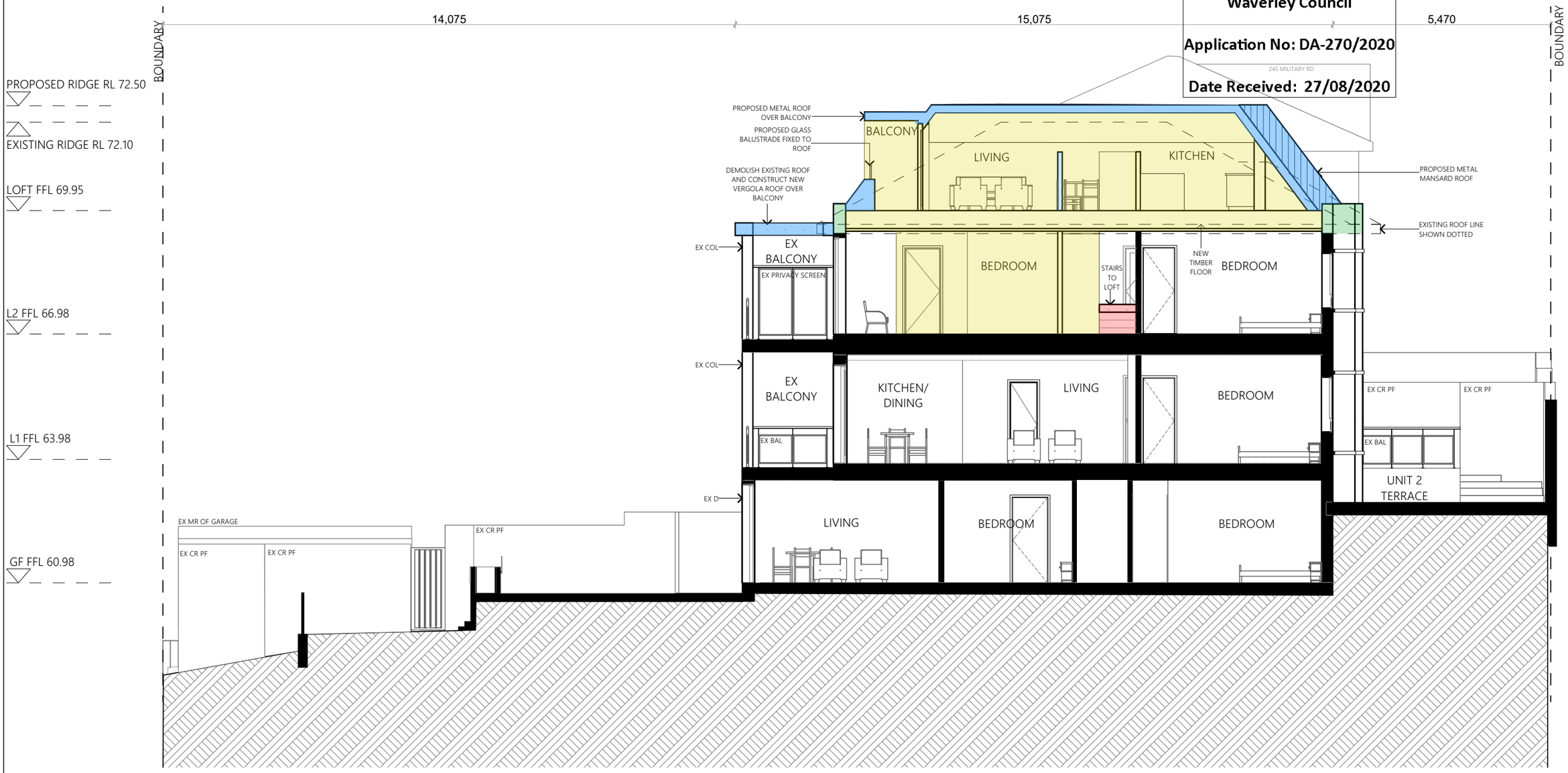
Application No: DA-270/2020
Date Received: 27/08/2020



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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: SECTION AA

Drawing Number: 014

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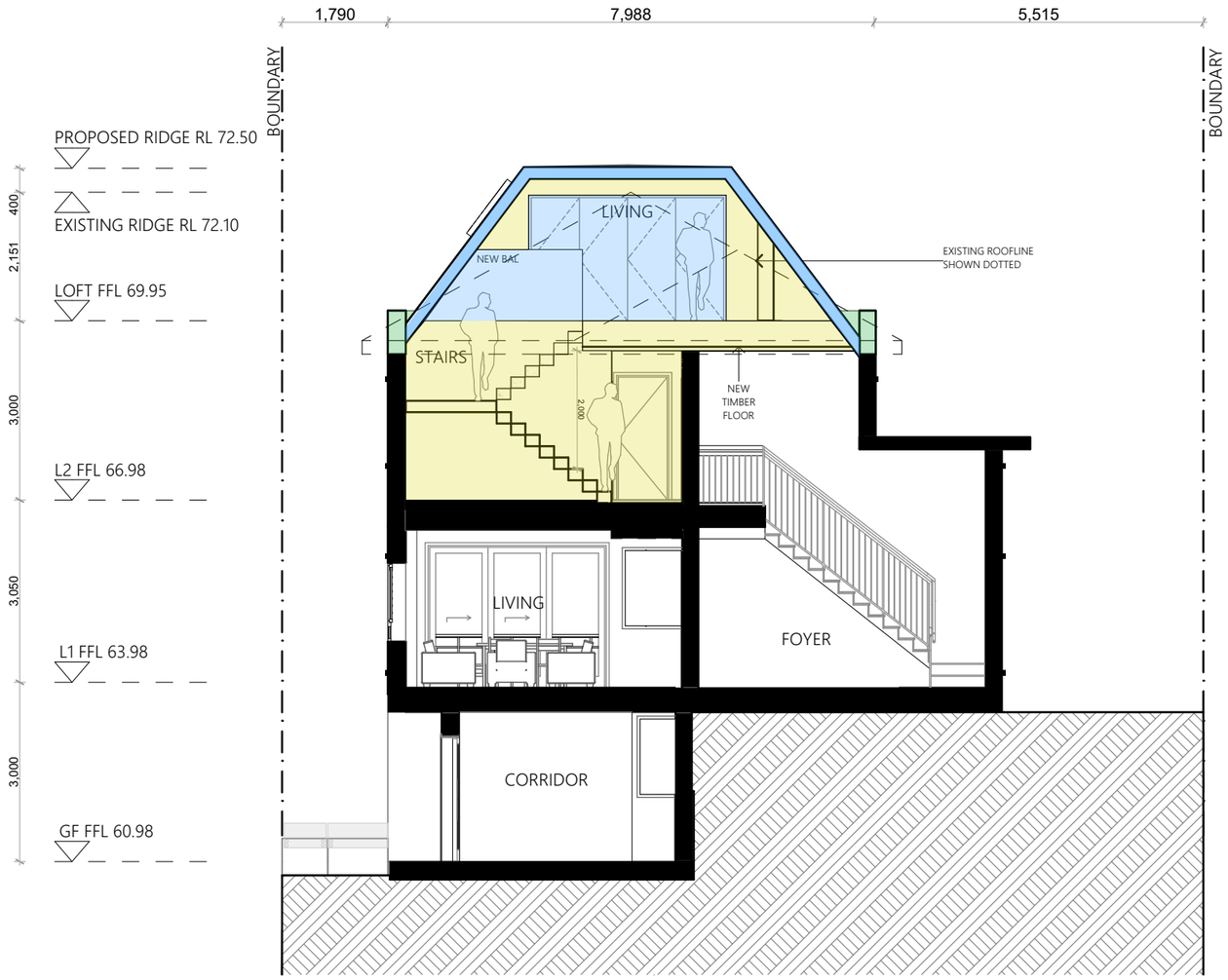
Application No: DA-270/2020

Date Received: 27/08/2020



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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:100 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

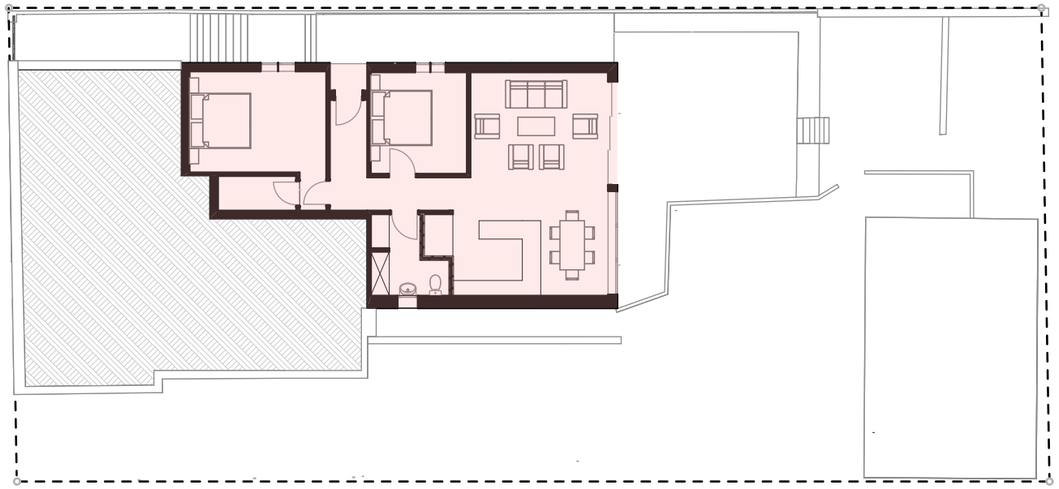
Drawing Title: SECTION CC

Drawing Number: 015

RECEIVED
Waverley Council

Application No: DA-270/2020

Date Received: 27/08/2020



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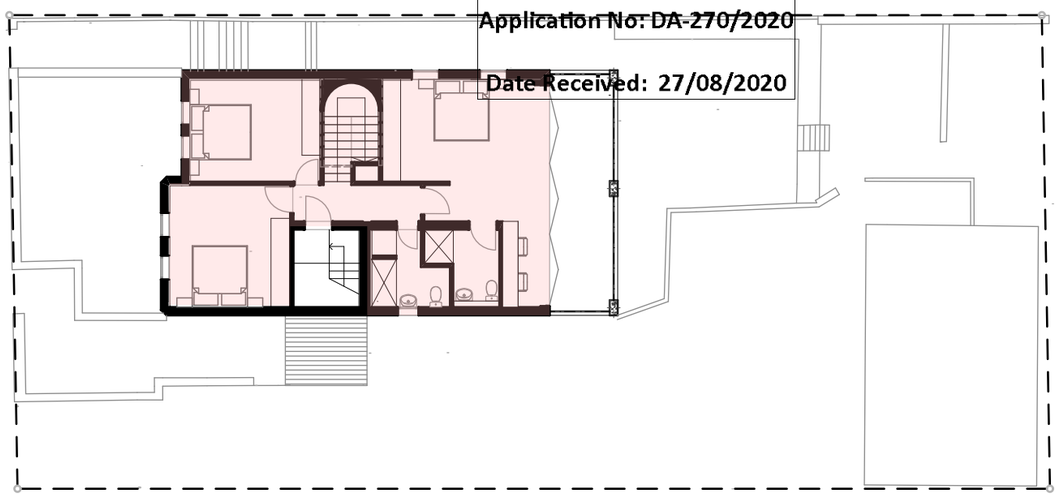

SECOND FLOOR
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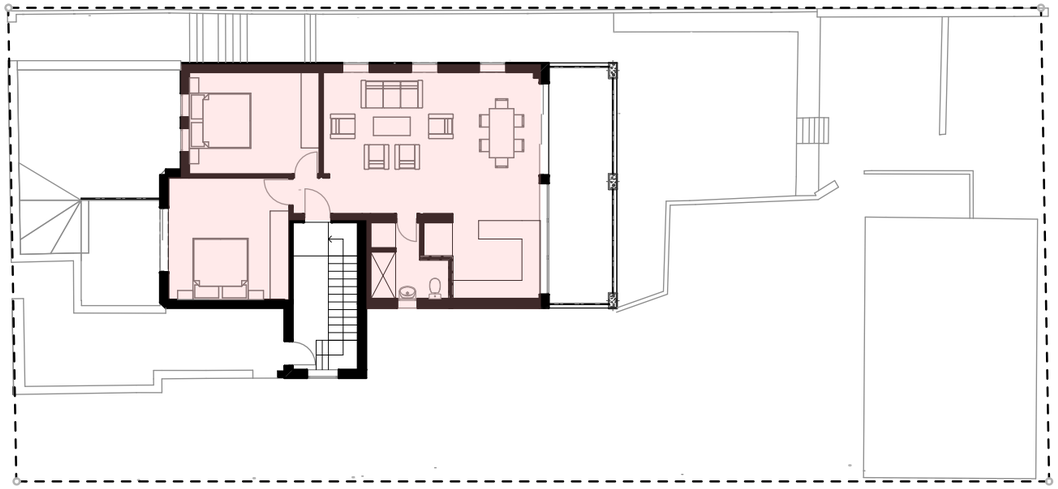

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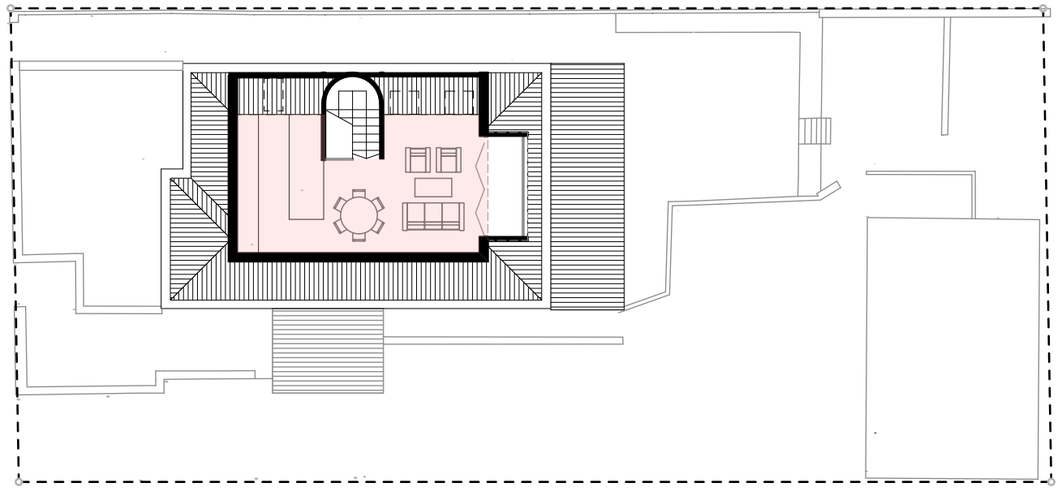

LOFT FLOOR
1:200
35m^2

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ALTERATIONS & ADDITIONS

MR AND MRS BAER

NO 247 MILITARY RD, DOVER HEIGHTS

Drawing Scale: 1:200 @ A3

Date: July 2020

Project Phase: DA

Date	Status	Issue
NOV 2018	Initial Issue	A
JAN 2019	Amend roof design and delete side addition	B
JUL 2020	DA Drawings Issue	C

Drawing Title: GFA DIAGRAM

Drawing Number: 016

WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-271/2020
Site address	Apartment 3, 1 Roscoe Street, BONDI BEACH
Proposal	Alterations and additions to residential flat building including extension of rooftop space with a gym, entertaining area, storage, bathroom and kitchenette for apartment below
Date of lodgement	28 August 2020
Owner	Ms R L Levett
Applicant	Mr K Levett
Submissions	Fourteen (14)
Cost of works	$135,000
Issues	Amenity, landscaping
Recommendation	That the application be APPROVED

Site Map

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 16 September 2020.

The site is identified as SP 72059, known as 1 Roscoe Street, Bondi Beach. The site is located on the southern side of Roscoe Street at the intersection with Wellington Street.

Existing on site is a three storey residential flat building with basement parking, accessed from Wellington Street. The building comprises of 3 apartments (1 per floor), with Unit 3, the subject of this application being located on the upper level (second floor). On the roof is an existing terrace, for the exclusive use of Unit 3.

The site is not listed as a heritage item and is not located within an Urban Conservation Area under Council's LEP 2012.

Figure 1: Subject site viewed from Wellington Street

Figure 2: Site viewed from the corner of Wellington Street and Roscoe Street

Figure 3: Rooftop area location of proposed works

1.2 Relevant History

- LD-660/1999 - Proposed the demolition and construction of a 3 storey residential flat building with basement parking. Approved 23/11/1999.

- DA-362/2018 – Proposed balcony enclosure. Approved 13 November 2018.

- In regards to the subject application, following preliminary assessment, the application was deferred on 27 October 2020 raising issues for the amenity impacts on neighbours, particularly with the intensification of use of this area, potential use as a separate dwelling and the need for additional landscaping to the roof to occur, to reduce visual and acoustic impacts, as well as promote greater greenery to the site. Ongoing discussions between the applicant and Council's assessment officer occurred and an amended plan incorporating great landscaping was received by Council on 3 November 2020. The application is assessed having regard to these amendments.

1.3 Proposal

The development proposes to construct an enclosed room on the existing rooftop terrace of the building for the purpose of a gym/entertaining/storage space for use by Unit 3. The room will include an open plan gym/entertaining space with associated bathroom and kitchenette/sink. The proposed room will connect directly to the existing rooftop terrace which is used exclusively by Unit 3. Access to the rooftop is via the common stairwell.

The applicant has provided 3D images to demonstrate the proposed addition and are shown below.

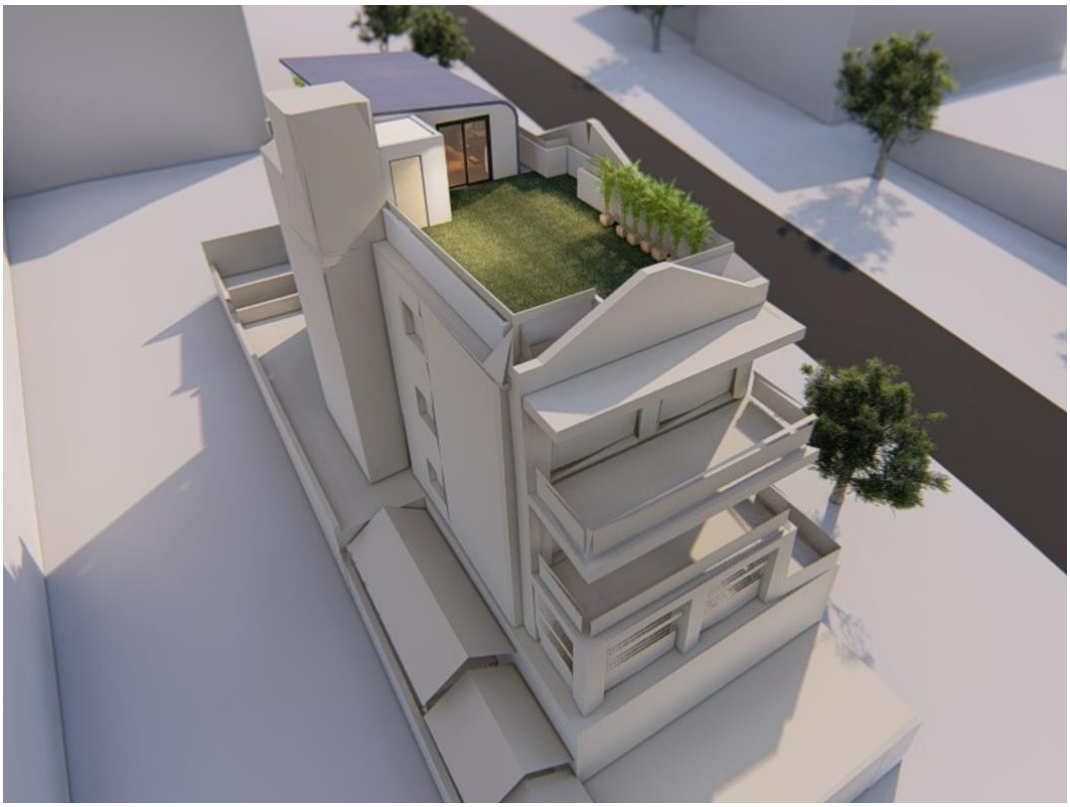


Figure 4: 3D image of proposal (Source: applicant)

Figure 5: 3D image view from Wellington Street of proposal (Source: applicant)

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Med Density	Yes	The proposal is defined as alterations to a residential flat building (RFB), which is permitted in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	No	The development proposes an overall height of 13.82m, which does not comply with the standard by 1.32m.
4.4 Floor space ratio (FSR) Site= 383.9m² Max allowable FSR= 0.9:1 (345.5m²)	Yes	Proposal increases the FSR by 27.98m². The proposed site FSR equals 0.89:1 (340.48m²), which is compliant.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in Clause 4.3.

The site is subject to a maximum height control of 12.5 metres. The proposed development has a height of 13.82 metres, exceeding the standard by 1.32m equating to a 10.56% variation.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Waverley Local Environmental Plan 2012 seeking to justify the contravention of the development standard by demonstrating:

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

b) That there are sufficient environmental planning grounds to justify contravening the standard.

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

Applicants Written Request - Clause 4.6(3)(a) and (b)

The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:

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

(i) *The height variation is significantly lower in height than the existing non-compliant lift overrun and, as noted, does not introduce any additional adverse amenity impacts.*

(ii) *The exceedance varies due to the curved roof design and the topography of the site. At the south west corner, the variation is only 0.63m (5.04%), with the maximum variation at the north eastern corner being 1.32m (10.36%). The lowest point of the curved roof faces Wellington Street and the highest point incorporates a highlight window to allow for cross-ventilation and to comply with BASIX requirements. The variation is therefore designed to be as minimal as possible when viewed as a whole, and to allow for better environmental performance.*

(iii) *The design of the addition is set within the existing roof terrace and is a contemporary design which is complementary to the existing building, yet which has been designed to be recessive in appearance when viewed in the streetscape.*

(iv) *As previously noted the bulk and scale of the proposal is demonstrated to be compatible with, and sensitive to, both existing and likely future development in the streetscape. In this regard, it is submitted that the additional height proposed allows for a good planning outcome with benefits associated with the provision of additional ancillary residential space within an existing building envelope, with no significant adverse impacts in terms of visual bulk, streetscape character and being of a high quality, well-considered design*

(v) *The development has been designed to provide a high quality urban outcome, with the building designed so as to not impact on the views, privacy or amenity of neighbouring properties. The non-compliance has no perceptible impact on the streetscape as it appears to be a contemporary addition to an existing building, is recessive in design and utilises screen planting to provide visual interest and additional softening, furthermore, it does not detract from the architectural merit of the building.*

b) That there are sufficient environmental planning grounds to justify contravening the standard:

(i) *It is considered that, despite non-compliance with the height standard, the proposed height, design and urban form are compatible with the emerging and desired character of the locality.*

(ii) *The non-compliance will have no adverse impact on adjoining properties with regard to visual impacts or overshadowing. The additional shadow cast by the proposal will be insignificant, being cast over the side setback of Nos.117-119 Wellington Street (where it fronts Roscoe Street). No part of the shadow introduces additional overshadowing to habitable rooms or the existing terraces at Nos.117-119 Wellington Street, beyond that of the existing building.*

(iii) *To require strict compliance would not result in any material planning benefit and would in fact be counterproductive as it would result in the loss of additional high quality ancillary residential space within the locality. To insist on strict compliance would thwart and*

preclude the redevelopment of the land to a reasonable standard, and not allow the site to reach its full development potential.

(iv) *The development does not introduce any additional privacy impacts beyond those of the existing building as it is set within the existing roof terrace and is consistent with all other building envelope controls including setbacks and FSR.*

(v) *Substantial excavation was carried out to construct the existing building. As such, the current ground level is significantly lower than the original ground level. If the original ground level was taken into account the proposal would be 12.05m in height, and therefore compliant with the height standard.*

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

Development consent must not be granted unless the consent authority is satisfied that:

a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

Does the written request adequately address those issues at clause 4.6(3)(a)?

It is considered that the applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;

b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

Does the written request adequately address those issues at clause 4.6(3)(b)?

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard by establishing that the non-compliance with the height of buildings

development standard is already encountered by the existing lift overrun and that the proposed addition will have greater setbacks than the existing building and has been designed to soften the appearance from the streetscape. Further, the applicant has correctly identified that the overall building height of the development is measured from the floor level of the existing lower ground floor level, which predominantly accounts for the non-compliance with the development standard. The proposal will comply with the FSR development standard and setback controls. The applicant has adequately addressed each of the relevant objectives of the height of buildings development standard to establish that the proposal will be in the public interest, despite the non-compliance, specifically as the environmental amenity of neighbouring properties is preserved by the proposal.

Is the development in the public interest?

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

The objectives of the height of building development standard, expressed under clause 4.3(1) of the LEP, are as follows:

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

Objectives (b)-(c) do not apply as the site is outside of the Bondi Junction Centre.

In terms of objective (a), the extent and the area of the non-compliance with the development standard will not manifest in adverse impacts on the environmental amenity of neighbouring properties and public spaces, specifically in relation to views. Further, the overshadowing impact arising from the non-compliance is minimal and will not effect any habitable windows or private open spaces on neighbouring properties.

In terms of objective (d), the ridge levels of the proposed roof are not too dissimilar to those of adjoining dwellings within the visual catchment of the site. Further, the roof form and overall scale of the proposal do not present as a bulky structure to the streetscape. The development will only be visible from further up Wellington Street and will not be visible from most vantage points. The proposal therefore complements and contributes to the physical definition of Wellington Street.

Conclusion

For the reasons provided above, the requested variation to the height of building standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the height of buildings standard and the R3 zone.

2.1.4 Waverley Development Control Plan (DCP) 2012 –Amendment 7 – Effective 2 March 2020

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Ongoing site waste will not be impacted by the proposal.
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable, noting additional landscaping to existing will be provided on site. All proposed works are located on the rooftop and will not impact on deep soil landscaping on the site.
6. Stormwater	Yes	Stormwater is proposed to remain as existing. Standard conditions are imposed on the consent to provide adequate run off for the proposed addition.
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.

Table 5: Waverley DCP 2012 – Part C3 Medium Density Residential Development Compliance Table

The proposal is defined as a "Residential Flat Building" that is not subject to assessment under SEPP 65 Design Quality of Residential Apartment Development" in the LEP.

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
• Minimum frontage: 15m – R3 zone	N/A	No changes are proposed to the size of the frontage.
3.2 Height		
• Maximum external wall height: 9.5m	No	The external wall height is proposed to be 13.5 metres, which does not comply with the standard. It is noted however that the additional wall height is setback from all property boundaries by more than 3 metres, and more than 9 metres from an adjacent building. The addition is also setback further than the existing

Development Control	Compliance	Comment
		building and will not overwhelm the streetscape in any way. The addition has been designed to soften its appearance and is viewed as a secondary element to the existing built form. It is also noted that the development will not result in a non-compliance with overshadowing or privacy, as discussed within this table.
3.3 Setbacks		
3.3.1 - Street setbacks • Consistent street setback	Yes	The addition will sit 16.5m from the front boundary.
3.3.2- Side and rear setbacks • Minimum side setback: 1.5-2.5m • Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback • Deep soil along side boundary min 2m wide	Yes Yes Yes N/A	The development will have side setbacks of 3.16m from the south-western boundary and 4.3m from the north-eastern boundary. The addition will have a rear boundary setback of 7.7m. No changes are proposed to the deep soil available on site.
3.5 Building design and streetscape		
• Respond to streetscape • Sympathetic external finishes • Corner sites to address both streets as primary frontages • Removal of original architectural features not supported.	Yes	The proposed addition has been designed as a secondary element to the existing built form and will only have minimal visibility from some section of Wellington Street due to the natural slope of the area. The materials are proposed to be sympathetic to the streetscape and will soften its appearance. Further, landscaping has been proposed along the rear boundary to aid in softening its appearance of built form. The development will not be visible from Roscoe Street.
3.9 Landscaping		
• Comply with part B3-Landscaping and Biodiversity • Minimum of 30% of site area landscaped. • 50% of the above is to be deep soil.	N/A	Due to the addition being located solely on the rooftop, no changes are proposed to the existing landscaping on site. Notwithstanding, landscaping has been proposed along the rear and south eastern perimeter to soften the appearance of built form from the neighbouring properties. It is recommended a greater area of landscaping be provided to address overlooking concerns while minimising the trafficable area of the roof terrace to a more acceptable level.
3.13 Solar access and overshadowing		
• Minimum of three hours of sunlight to a minimum of 70% of units on 21 June.	Yes	Due to the orientation of the site, the existing private open space located on the rooftop will maintain adequate sunlight.

Development Control	Compliance	Comment
• New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid winter. • Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June.		Shadow diagrams have been provided in both plan form and as 3D images. All shadow diagrams demonstrate that the additional overshadowing will only cover external walls between 9am and 3pm. There will therefore be no impact to neighbouring principle living areas or private open spaces. This is discussed in more detail below.
3.14 Views and view sharing		
• Minimise view loss through design • Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. • Views from public spaces to be maintained.	Yes Yes Yes	The development will not have a detrimental impact on views from neighbouring properties. This is discussed further below this table. The property is not located adjacent to a Council park. No views from public spaces will be impacted.
3.15 Visual privacy and security		
• Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened • Privacy be considered in relation to context density, separation use and design. • Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site.	Yes	The building currently has a rooftop terrace over the entire roof top, which is solely owned by Unit 3. The development proposes to reduce the overall size of the rooftop terrace to make way for the addition. The proposal complies with the standards and is discussed in more detail directly below this table.
3.17 Ceiling Heights		
• Min 2.7m floor to ceiling height residential floors • Min 2.4m floor to ceiling height attic levels	Acceptable	The development proposes a floor to ceiling height of 2.4 metres, which does not comply with the standard as this is considered a habitable room. The 2.4 metre height has been proposed to limit the overall height of the built form and to soften the appearance from the streetscape. As this room will only be used when the rooftop is being used, the reduced ceiling height is considered acceptable and preferred in this case.

Development Control	Compliance	Comment
3.19 Acoustic privacy		
• Internal amenity by locating noisy areas away from quiet areas	Yes	The location of the development will remove the section of rooftop that currently has the ability to overlook into the private open spaces of the adjacent properties. Further, the built form will assist to block noise from the remaining trafficable rooftop area. It is considered that the development will improve acoustic privacy to neighbouring properties and is therefore considered acceptable.

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

Overshadowing

The shadow diagrams based on the proposed development have been submitted in plan and elevation form showing the shadowing of the proposed development at 9am, 12pm and 3pm during the winter solstice (21 June). The diagrams show the extent of the existing shadow and the proposed shadow.

The shadow cast over the adjoining units to the south-east of the site shows the majority of the shadow impact falling within the shadow of the existing dwelling, with any additional shadows falling on external walls. The 3D images provided below demonstrate that there are no additional shadow impacts to the neighbouring properties within the afternoon hours.

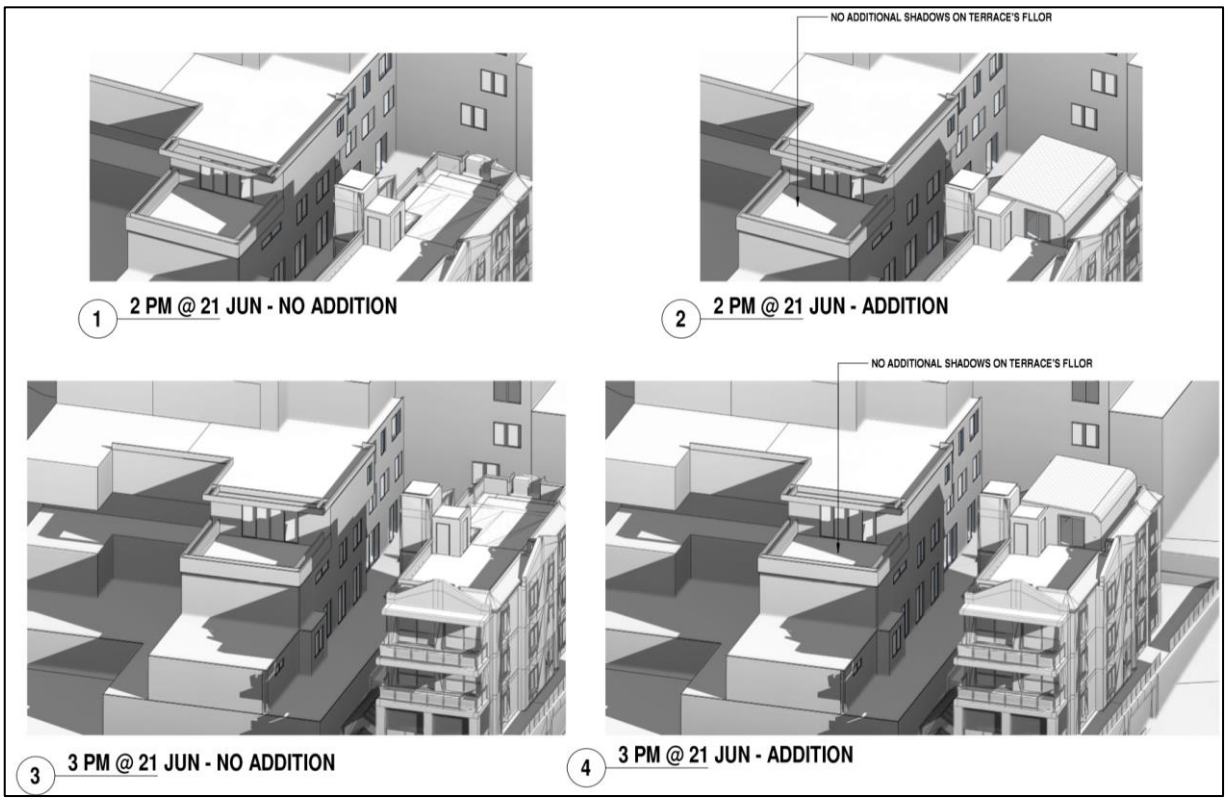


Figure 6: 3D images of existing and proposed shadow impact to south east (Source: applicant)

With regard to the units along the south western side, the shadow diagrams demonstrate that no additional shadow will occur at 9am. At 12pm there is a minor portion of the north-east facing windows which will be impacted, however these windows receive sunlight at 9am and again at 3pm. The 3D image below shows the extent of additional overshadow at 12pm only.

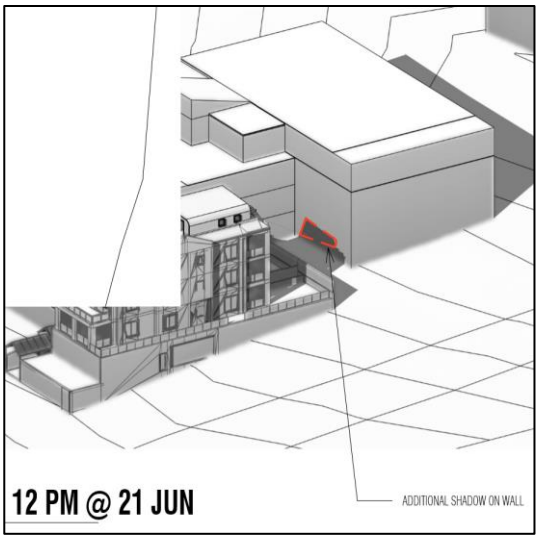


Figure 7: 3D images of proposed shadow impact to south west (Source: applicant)

Overall, the extent of overshadowing caused by the proposed development is deemed reasonable in this instance. The development adequately satisfies the solar access objectives of the DCP and ADG.

Views and View Sharing

Clause 3.14 Views of Part C3 in the Waverley DCP 2012 outlines the objectives and controls relating the assessment of views and view loss. The development proposes to increase the overall height of the building, adding an additional room on the rooftop terrace. The proposed addition is located in direct view of the unit at No. 17-117-119 Wellington Street to the south west.

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing. The applicant has submitted their own 'View Analysis', prepared by Planning Ingenuity dated 7 October 2020 (full copies are available on file).

An assessment against all four steps has been undertaken below.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

View from the balcony of Unit 17/117-119 Wellington Street facing north showing the existing and proposed view

View from the living room of Unit 17/117-119 Wellington Street facing north towards Dover Heights

View from the roof terrace of Unit 17/117-119 Wellington Street facing west towards Rose Bay

The existing views from the unit at No. 17/117-119 Wellington Street comprises views to the north towards Dover Heights and to the west towards Rose Bay, as shown in the images above. The views that are to be impacted by the development are largely land and sky views from across the subject site. There are minor distant water views of Rose Bay from the rooftop terrace (shown above in the image on the right).

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from the neighbouring property are obtained across the side and rear boundaries of the subject site and are viewed from a standing position. Sky views are visible from a sitting position.

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The views impact 3 separate areas within Unit 17 on the neighbouring property of 117-119 Wellington Street; the front balcony, living room and the roof terrace. It is best to assess each individually.

The views from the balcony are from the side of the balcony facing north. Due to the existing privacy screen located along the northern side of their balcony, the view impact of the proposed addition will be minimal as it will sit only slightly higher than the screen. From a sitting position, the screen will completely block the view of the addition.

The view from the living room is across the rear boundary of the subject site and will impede a small section of land from a standing position and sky views from a sitting position. It is considered that this view has no significant views and is considered to be a minor impact of view loss.

The view impact from the roof terrace at Unit 17/117-119 Wellington Street is considered to be the most impacted. The view from one section of this terrace has minor distant water views across the side of the subject site. The water views are only visible if standing at the edge of the terrace and from a standing position. From a seated position, the views impacted are sky views only.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposal is compliant with the maximum FSR controls under the Waverley LEP 2012. Whilst the development does not strictly comply with the height controls specified in the WLEP, it is noted that full compliance with the standard would still result in the distant water views being impacted. It is considered that the impact of the development is reasonable, given the views to be impacted are assessed as 'minor'.

The existing privacy screen along the northern side of the balcony at unit 17/117-119 Wellington Street would mask the proposed addition and therefore, any subsequent view impacts are not dissimilar to existing.

With regard to the outlook from their living area, the views are largely of district views of land and sky only. This is considered to be minor and it would be unreasonable to limit development on neighbouring properties to maintain this outlook.

The view that would be impacted the most is from the roof terrace at unit 17/117-119 Wellington Street looking across the subject site towards Rose Bay. Whilst the views do have distant water visibility, it is only visible from a standing position and is considered to be relatively minor in significance. The remaining overall views across the roof terrace far outweigh the distant water view seen from across the subject site, as shown below.

View from roof terrace of 17/117-119 Wellington Street looking towards Rose Bay (north to north-east). The subject site is to the left of photo (west).

Subsequently, the question that is left to be asked is whether a more skilful design could provide the applicant with the same development potential and amenity, whilst at the same time reducing the impact on the views of neighbours. Section 3.14 – Views and View Sharing (a) of the DCP states that "*New development should be designed to minimise view loss to adjoining and adjacent properties while still providing opportunities for views from the development itself (refer to Figures 23 and 24).*"

It is acknowledged that although there would be some view loss impact for the neighbouring property in question, it is still considered that the proposal is reasonable and that any development of the subject site would likely result in view loss impacts for the neighbour's property, which is across a side boundary. Some of the existing views currently obtained across the side boundary would be lost, however the remaining views from the rooftop terrace are maintained.

It is considered that the loss of view is not unreasonable in the circumstances of the case. Accordingly, the proposed development and corresponding view sharing arrangements are considered reasonable and are an appropriate response to the view loss controls in the Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle. Therefore, the view loss impacts on Unit 17/117-119 Wellington Street are considered reasonable and supported given the merits of the application.

Visual Privacy and Security

The existing roof terrace of the subject site has direct views into the private open spaces of the neighbouring units to the south east and south west. As seen in the image below, the proposed addition will block views from the rear of the roof terrace to the neighbouring private open spaces to the south. The privacy of the neighbouring roof terraces would be improved by the development, as this section would not be trafficable.

Notwithstanding, it is acknowledged that the development will result in an increase of traffic to the existing rooftop terrace which will result in further impacts of noise and privacy from the northern section of the roof top. In order to limit visual and acoustic privacy, a condition has been recommended to provide planting around the perimeter of the remaining roof terrace. This will limit the trafficable area to better comply with the standards under control (i), section 3.15 Part C3 of the Waverley DCP 2012. The use of the planting will also act to soften the visual impact of the development from the streetscape.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

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

Table 3: Summary of property addresses that lodged a submission

Property
Body Corporate - 117-119 Wellington Street, BONDI BEACH
5/117-119 Wellington Street, BONDI BEACH
6/117-119 Wellington Street, BONDI BEACH
8/117-119 Wellington Street, BONDI BEACH
10/117-119 Wellington Street, BONDI BEACH
11/117-119 Wellington Street, BONDI BEACH
12/117-119 Wellington Street, BONDI BEACH
13/117-119 Wellington Street, BONDI BEACH
14/117-119 Wellington Street, BONDI BEACH
15/117-119 Wellington Street, BONDI BEACH
17/117-119 Wellington Street, BONDI BEACH
2 Roscoe Street, BONDI BEACH
121 Wellington Street, BONDI BEACH
1/121-123 Wellington Street, BONDI BEACH

Issue: Overshadowing to the windows of the adjacent buildings, during both winter and summer months

Response: Overshadowing impacts have been assessed in the body of the report and are considered to be acceptable. The proposed addition will only overshadow the existing external wall on the neighbouring properties. It is important to note that the ADG and Waverley DCP required overshadowing diagrams on 21 June, being the winter solstice as this is the shortest day and would have the most impact on neighbouring properties. The application complies with the standards of the DCP 2012 and ADG and is acceptable.

Issue: Loss of direct sunlight to living room windows to the neighbouring properties

Response: The development will not cause unreasonable loss of direct sunlight to the neighbouring properties. This is discussed in more detail in the Overshadowing section of this report.

Issue: The terrace will have direct views of the swimming pool at the neighbouring property

Response: The proposed addition will block direct views of the neighbouring properties from the rooftop terrace. This will be an improvement from the existing view opportunities and is considered an upgrade. Furthermore, perimeter planting will be conditioned to reduce the trafficable area of the existing terrace and assist to minimise overlooking from existing state. The resultant effect should reduce this impact from existing.

Issue: Privacy concerns from the south-east facing windows

Response: The proposed south east facing windows are highlight windows and will not result in direct overlooking to neighbouring properties. Further, the addition will stop any direct views from the rooftop terrace that currently existing. Privacy from the existing roof terrace is improved by this development subject to the recommended conditions being imposed.

Issue: Noise of construction

Response: Standard conditions will be placed on the consent to limit construction to the standard hours so as to minimise impacts to neighbouring properties.

Issue: The development will devalue neighbouring properties

Response: The value of properties is not a matter of consideration for proposed development.

Issue: The development will result in increased traffic to the roof which will increase noise

Response: The development will limit view opportunities from the existing roof terrace and move the trafficable areas to the north section only. This will limit noise impacts to neighbouring properties and will improve noise and privacy to neighbouring properties. Further, conditions have been recommended to provide planting along the perimeter of the roof terrace, which will further limit overlooking to neighbouring properties.

Issue: The development will result in a precedent for other buildings to propose rooftop terraces and additions

Response: Each development is assessed on their merits having regard to the relevant controls in place. The roof terrace already exists and therefore will not provide a precedent in the area. It is further noted that roof terraces are evident in this area.

2.5 Public Interest

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

3. REFERRALS

Having regard to the nature of the proposal, no referrals to other sections of Council was required.

4. SUMMARY

The proposal seeks approval for the construction of a rooftop addition on the existing roof terrace for the exclusive use of unit 3.

The proposed non-compliance regarding the breach in the height limit has been assessed and is considered acceptable in this instance, subject to conditions for additional planting along the perimeter of the roof terrace in order to soften the appearance and reduce amenity impacts.

The application received 14 submissions relating to overshadowing, loss of sunlight and amenity impacts to neighbours. The concerns have been addressed in the body of this report.

In light of the assessment made throughout this report, and the in the absence of adverse environmental impacts, the application is recommended for approval, subject to conditions.

DBU Decision
The application was reviewed by the DBU at the meeting on 3 November 2020 and the DBU determined:

(a) The application is acceptable and should be approved, subject to the conditions in Appendix A.

DBU members: A Rossi, B McNamara, B Magistrale, E Finnegan

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

Katie Johnstone
Senior Development Assessment Planner

Date: 9 November 2020

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

Angela Rossi
Manager, Development Assessment (Central)

Date: 16 November 2020

Reason for referral:

2 Contentious development (10 or more objections)
3 Departure from any development standard in an EPI by more than 10%

APPENDIX A:

Conditions of the development consent

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Robinson Moeskops Architects, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 19.001.1-1	Floor Plan	28/07/2020	28/08/2020
DA 19.001.2-2	North Elevation	28/07/2020	28/08/2020
DA 19.001.2-3	Sections	05/08/2020	28/08/2020
DA 19.001.4-4	West Elevation	28/07/2020	28/08/2020
DA 19.001.5-5	East Elevation	28/07/2020	28/08/2020
DA 19.001.6-6	Section A-A	28/07/2020	28/08/2020
DA 19.001.3-3	South Elevation	28/07/2020	2/11/2020

(b) Landscape Plan No. 061-BBP and documentation prepared by Yellow Brick CAD, dated 01/11/2020 and received by Council on 02/22/2020
(c) BASIX Certificate

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) To reduce amenity impacts to adjoining properties, the landscaping to the roof terrace shall be increased. Perimeter planting in the form of a permanent planter box shall be constructed along the entire perimeter of the roof terrace with a minimum 1m width. The exception to this width is directly south and south-east of the new addition which shall comprise entirely of planters (and air conditioning outlet as shown on plans). A minimum soil depth of 600mm shall apply to all perimeter planting on the roof. The perimeter landscaping (ie planter boxes) shall be permanently fixed structures and not plant pots. The architectural and landscape plan shall be amended accordingly.
(b) The north-western lobby door is to be removed and the wall reinstated to provide sufficient scope for the perimeter landscape planting required in Condition 2(a). Access to the roof terrace and associated addition is to be maintained through the alternate doorway on the western side of lobby (directly opposite the lift).

The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

3. APPROVED USE – ROOF TOP ADDITION FOR UNIT 3

This application approves the rooftop addition and use as a gym / entertaining and storage room only for the exclusive use of Unit 3. The use of this level shall at all times be in association with the principle dwelling on unit 3 (on level 3 of the building). No approval is granted or implied for this roof top addition to be used as a separate domicile. Where / if required, the Strata Plan shall be amended prior to the issue of an Occupation Certificate.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

GENERAL REQUIREMENTS

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

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979 and

(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000 and

(c) Council is given at least two days' notice in writing of the intention to commence the building works.

5. 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.

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed andsubmitted to Council:

(i) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

(ii) 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 are in the Waverley Council Contributions Plan 2006, available on Council's website.

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

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

Prior to the issue of any 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.

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **$3,485.20** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

CONSTRUCTION MATTERS

9. HOARDING

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and applicable fees paid, prior to the erection of the hoarding.

10. ENGINEERING DETAILS

Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.

11. ENGINEERING CERTIFICATE OF ADEQUACY

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

12. FIRE SAFETY UPGRADING WORKS

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

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

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

(c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

(d) Prior to the commencement of any required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate.

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

<u>STORMWATER & FLOODING</u>

13. STORMWATER MANAGEMENT

(a) Stormwater plans and details shall be prepared by a suitably qualified hydraulics engineer to ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system.

(b) The plans and details shall be prepared in accordance with Council's *Water Management Technical Manual* and must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate), prior to the issue of any Construction Certificate. For further information regarding this, please contact assets@waverley.nsw.gov.au, phone 9083 8886 or visit Council's website for details:

https://www.waverley.nsw.gov.au/__data/assets/pdf_file/0010/2503/WaterManagementTechnicalManual2014-FINAL.pdf

ENERGY EFFICIENCY & SUSTAINABILITY

14. BASIX

All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.

15. GREEN ROOF LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.1 of the *Waverley Development Control Plan 2012* including;

(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).

(b) Have a minimum soil depth of 600mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

A qualified landscape architect must review the design and verify that it complies with the above requirements prior to the issue of the relevant Construction Certificate.

WASTE

16. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* 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.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required.

17. PRIOR TO ANY WORKS

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. DEMOLITION & EXCAVATION

20. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including:

- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice for the Safe Removal of Asbestos;
- Australian Standard 2601 (2001) – Demolition of Structures;
- The Protection of the Environment Operations Act 1997;

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

(a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
(b) Confirm that no asbestos products are present on the subject land; or
(c) Particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561)
(d) Describe the method of demolition;
(e) Describe the precautions to be employed to minimise any dust nuisance; and
(f) Describe the disposal methods for hazardous materials.

21. CONTROL OF DUST ON CONSTRUCTION SITES

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 (e.g.: 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.

22. <u>CONSTRUCTION MATTERS</u>

23. CONSTRUCTION HOURS

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

(a) Sundays and public holidays;

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

Noise from construction activities shall comply with the Protection of the Environmental Operations (Noise Control) Regulation 2017.

24. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

25. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.

26. CERTIFICATE OF SURVEY - LEVELS

All construction works are to be 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.

27. 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 location 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

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE OR SUBDIVISION CERTIFICATE

The requirements outlined in this section are to be provided to the satisfaction of the Principal Certifying Authority in all instances, except where a condition explicitly specifies the approval of Council or a Council Officer is required, prior to the issue of an Occupation Certificate or Subdivision Certificate, whichever applies.

28. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. The Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

29. FIRE SAFETY WORKS

The Occupation Certificate is not be issued until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council.

30. CERTIFICATION OF BASIX COMMITMENTS

The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.

31. CERTIFICATION OF LANDSCAPING

At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.

32. CERTIFICATION OF STORMWATER SYSTEM

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

E. ADVISORY MATTERS

The following advisory matters are provided as additional information to ensure compliance with the relevant legislation and requirements. You must also check other Commonwealth and NSW Acts and Regulations which may apply to the works or use approved in this application.

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays:

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service.
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition)
- Include DA reference number
- Include condition number/s seeking to be addressed
- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner.
- Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au

AD2. SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

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.

AD3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

AD5. ALTERATIONS AND ADDITIONS ONLY

This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.

AD6. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD7. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

AD8. TREE REMOVAL/PRESERVATION

Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

AD9. WORK OUTSIDE PROPERTY BOUNDARY

This consent does not authorise any work outside the property boundary.

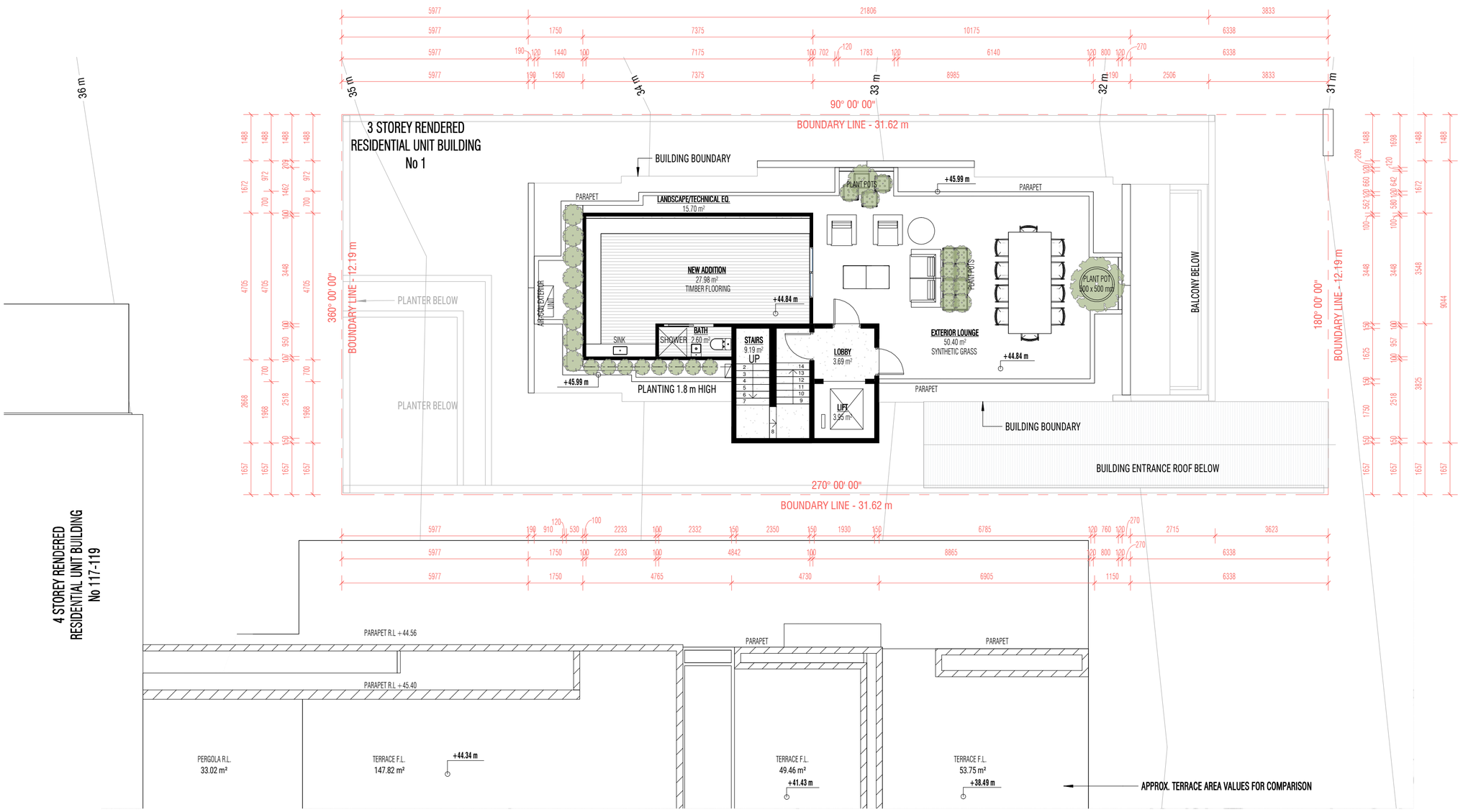
3D RENDER - BIRD'S EYE VIEW 1

3D RENDER - BIRD'S EYE VIEW 2

3D RENDER - VIEW FROM WEST

Room Schedule

Name	Area	Phase
EXTERIOR LOUNGE	50.40 m²	EXISTING
LANDSCAPE/TECHNICAL EQ.	15.70 m²	EXISTING
LIFT	3.95 m²	EXISTING
LOBBY	3.69 m²	EXISTING
STAIRS	9.19 m²	EXISTING
BATH	2.60 m²	NEW
NEW ADDITION	27.98 m²	NEW
	113.50 m²	



1 **FLOOR PLAN**
1 : 100

TOWN PLANNING

GENERAL NOTES:

ALL MEASUREMENT IN MILLIMETRES UNLESS NOTED OTHERWISE. ALL DIMENSIONS MUST BE CHECKED ON SITE BEFORE COMMENCEMENT OF ANY WORK OR THE PREPARATION OF SHOP DRAWINGS. DISCREPANCIES MUST BE IMMEDIATELY REPORTED FOR INTERPRETATION. DO NOT SCALE DRAWINGS - USE FIGURED DIMENSIONS ONLY.

THESE DRAWINGS ARE TO BE USED IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS BY CONSULTANTS. ALL CONSTRUCTION MATERIALS AND WORKMANSHIP ARE TO BE IN ACCORD WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS, LOCAL AUTHORITY AND ALL RELEVANT AUTHORITIES REGULATIONS, STATUTORY REQUIREMENTS AND BY-LAWS.

COPYRIGHT

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REV	DATE	DESCRIPTION
4	02/08/20	TOWN PLANNING
3	18/01/20	REVISION 2
2	03/11/19	REVISION 1
1	00/00/00	CLIENT PRESENTATION

REVISION SCHEDULE

YELLOW BRICK · CAD
Melbourne | Australia
yellowbrickcad.com
P: 0 452 506 075
@: info@yellowbrickcad.com

PROJECT CODE
061-BBP

PROJECT NAME
ROSCOE ST. TERRACE
ADDRESS: 1 ROSCOE ST. BONDI - NSW

CLIENT NAME
KEITH LEVETT

DESIGN BY
YELLOW BRICK CAD

DRAWN BY
P. HEEGER

REVISION
4 - TOWN PLANNING

SHEET NAME
FLOORPLAN

SHEET ISSUE DATE
01/11/2020
21:50:04

SHEET SIZE

FILE NAME
061-BBP-ROSCOE ST. TERRACE-A-001-FLOORPLAN-4.PDF

NORTH

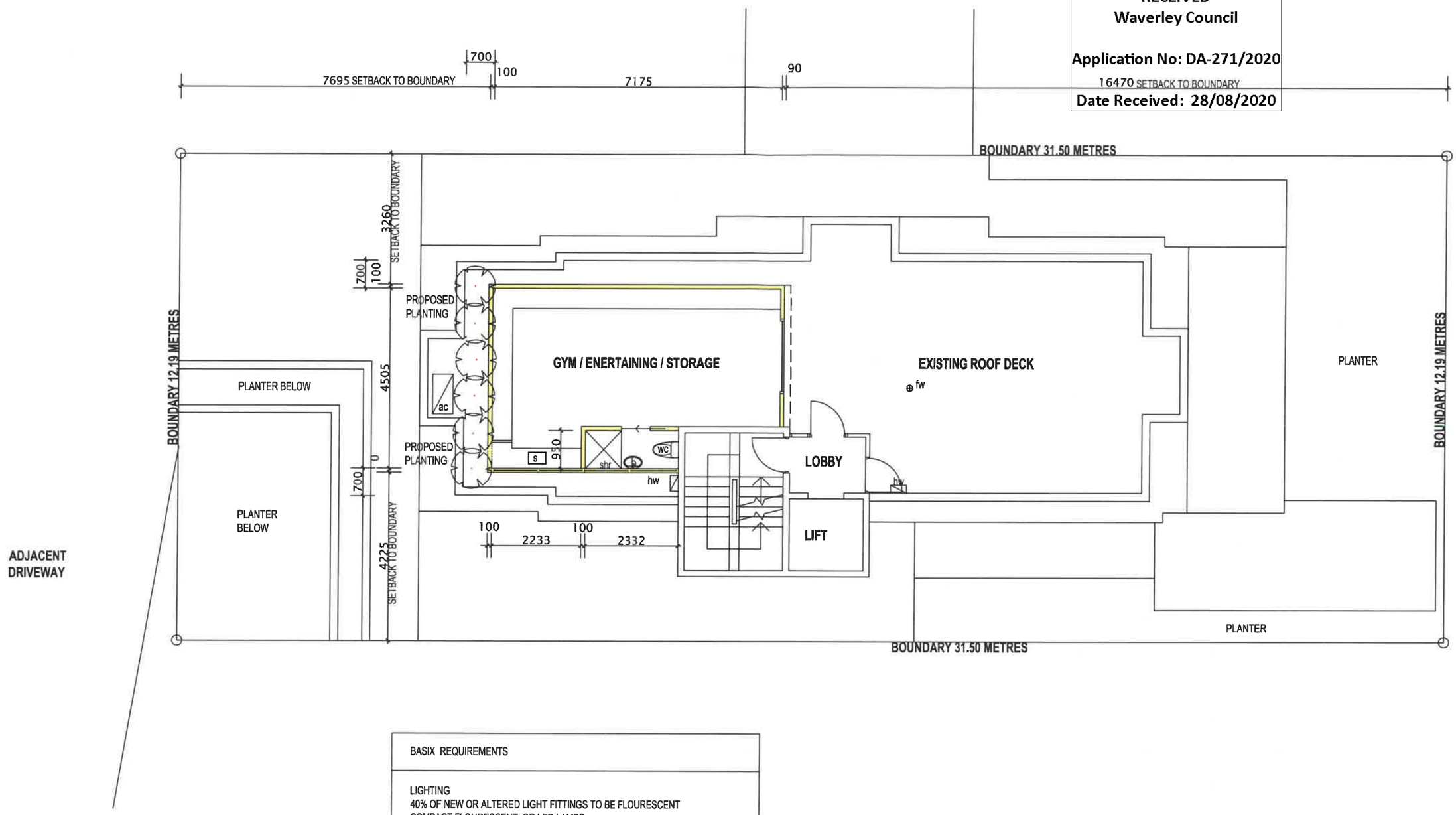
SHEET Nº
A-001

SCALE
1 : 100

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



BASIX REQUIREMENTS

LIGHTING
40% OF NEW OR ALTERED LIGHT FITTINGS TO BE FLOURESCENT COMPACT FLOURESCENT, OR LED LAMPS

FIXTURES
TOILET TO BE 3 STAR RATED
TAPS TO BE 3 STAR RATED

CONSTRUCTION
EXTERNAL WALL (WEATHERBOARD, FIBRO, METAL CLAD
R1.70 (OR R2.10 INCLUDING CONSTRUCTION)
RAKED CEILING, PITCHED / SKILLION ROOF FRAMED
CEILING : R3.00 (UP) ROOF FOIL / SARKING

MEDIUM SOLAR ABSORPTANCE 0.45 - 0.70

GLAZING
WINDOWS STANDARD ALUMINIUM SINGLE CLEAR (U-VALUE : 7.63, SHGC : 0.75)

0 1 2 3 4 5 6 7 8 9 10

SCALE

28TH JULY 2020

NORTH

project PROPOSED ADDITION TO UNIT 3

address LOT A IN DP 977664
NO 1 ROSCOE STREET
BONDI

1 : 100
JULY 2020

MR KEITH LEVETT

ROBINSON MOESKOPS
ARCHITECTS
PO BOX 3092
WOOLOOWARE NSW 2230
phone 9527 1892 fax 9527 1813

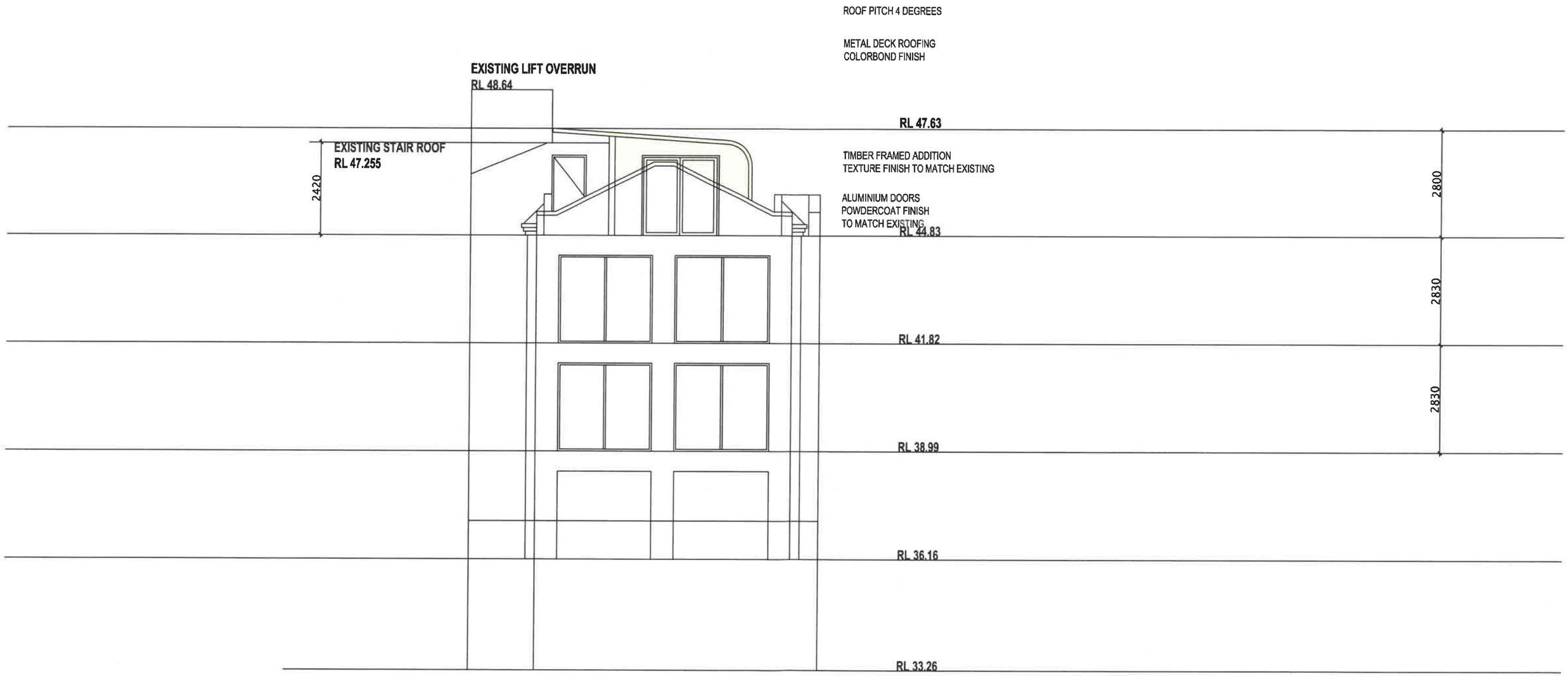
1

drg no. DA 19.001.1
issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



NORTH ELEVATION

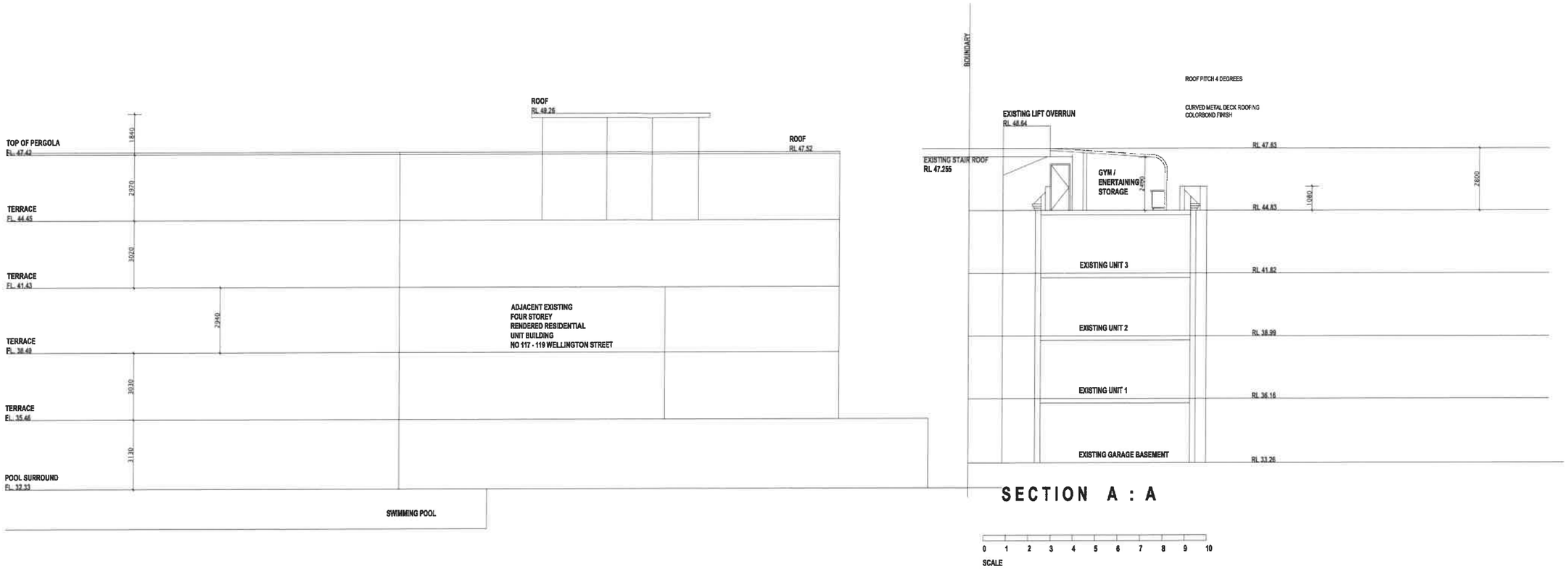
28TH JULY 2020

	project PROPOSED ADDITION TO UNIT 3	ROBINSON MOESKOPS ARCHITECTS PO BOX 2602 WOOLOOWARE NSW 2230 phone 9527 1892 fax 9527 1910	2
	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI		
1 : 100	MR KEITH LEVETT		drg no. DA 19.001.2
JULY 2020			issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



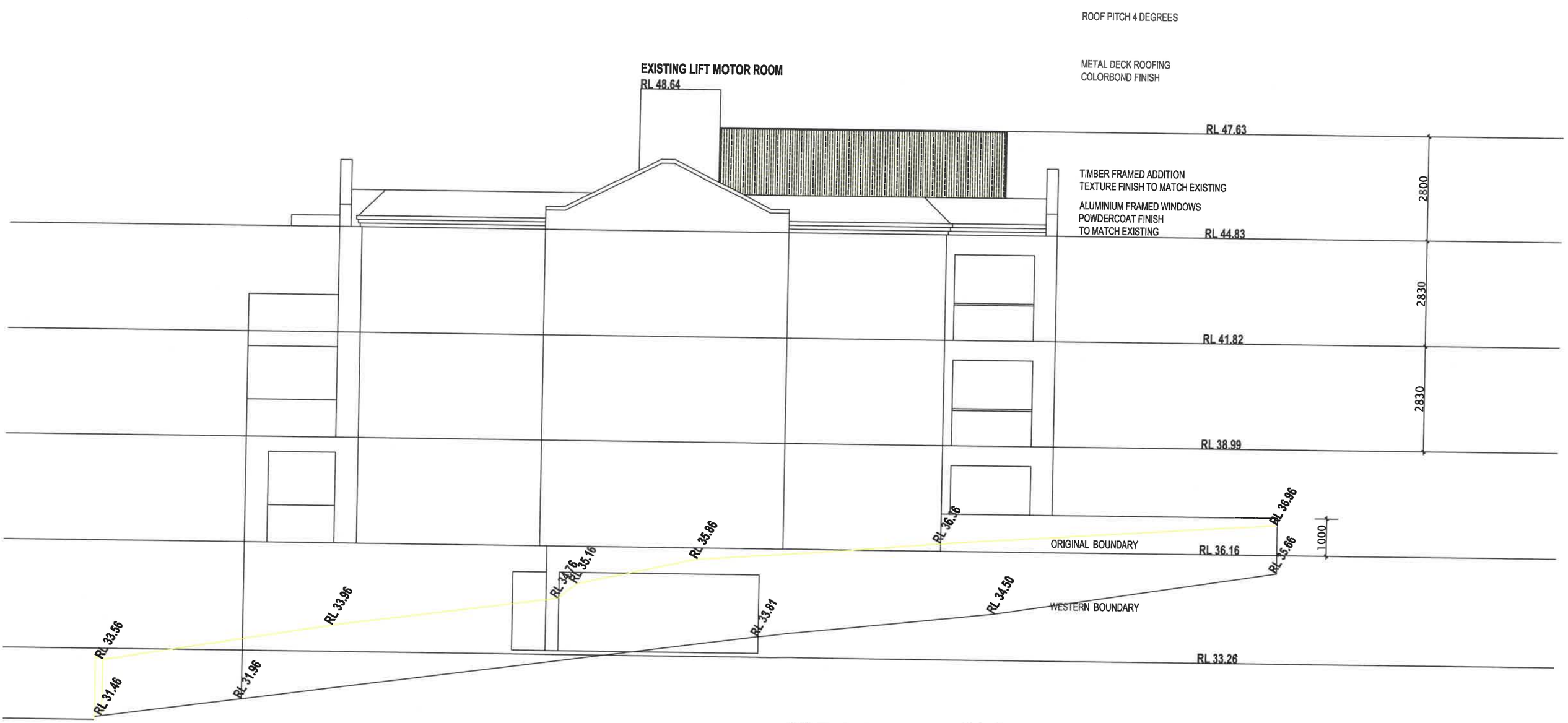
5 AUGUST 2020

	project PROPOSED ADDITION TO UNIT 3		3
	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI	ROBINSON MOESKOPS ARCHITECTS PO BOX 2092 WOOLOOWARE NSW 2230 phone 9527 5592 fax 9527 1910	dwg no. DA 19.001.2
1 : 100 SEPTEMBER 2019	MR KEITH LEVETT		issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



WEST ELEVATION

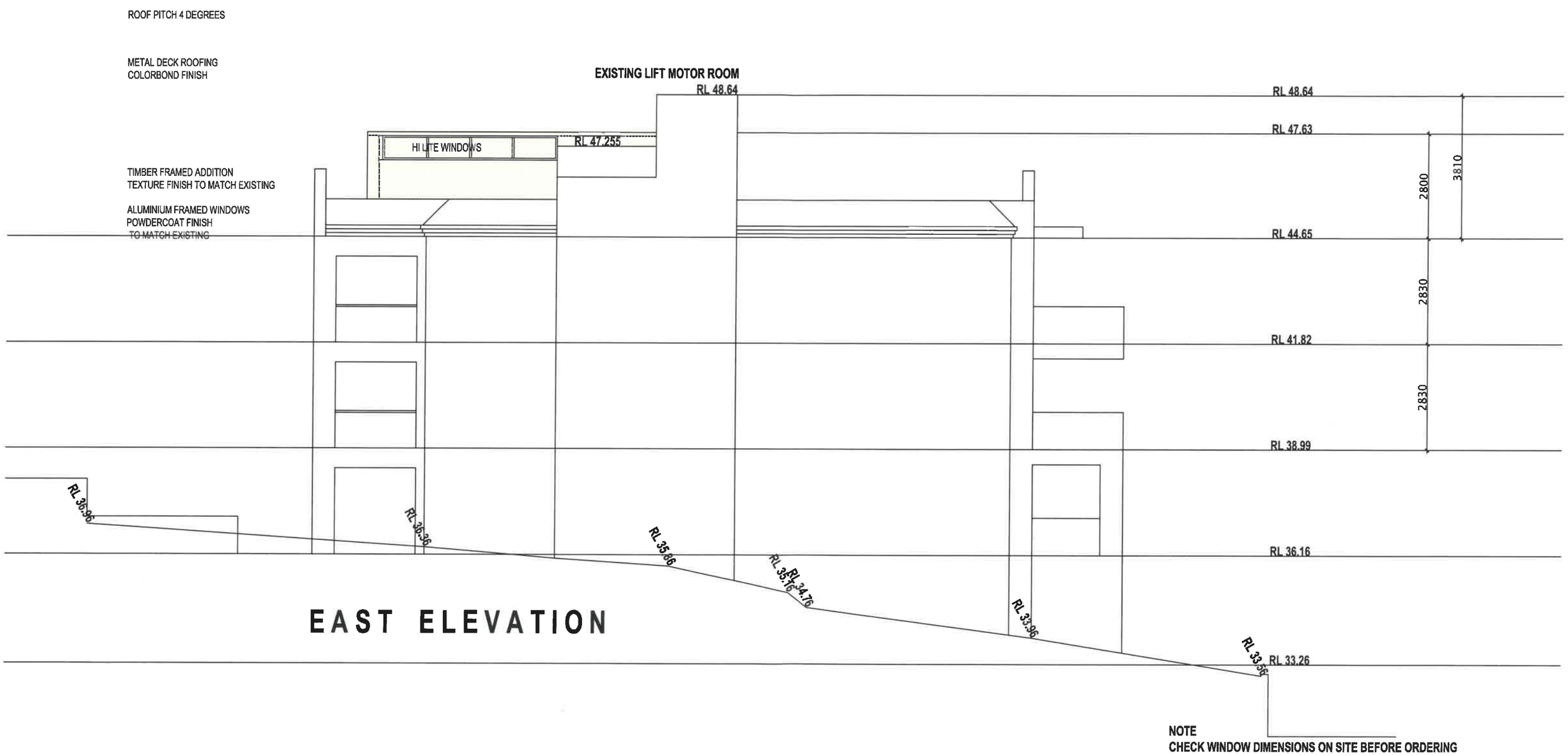
28TH JULY 2020

	project PROPOSED ADDITION TO UNIT 3	ROBINSON MOESKOPS ARCHITECTS PO BOX 2002 WOOLOOWARE NSW 2230 phone 9527 1592 fax 9527 1813	4
	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI		
1 : 100	MR KEITH LEVETT		drg no. DA 19.001.4
JULY 2020			issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



NOTE
CHECK WINDOW DIMENSIONS ON SITE BEFORE ORDERING

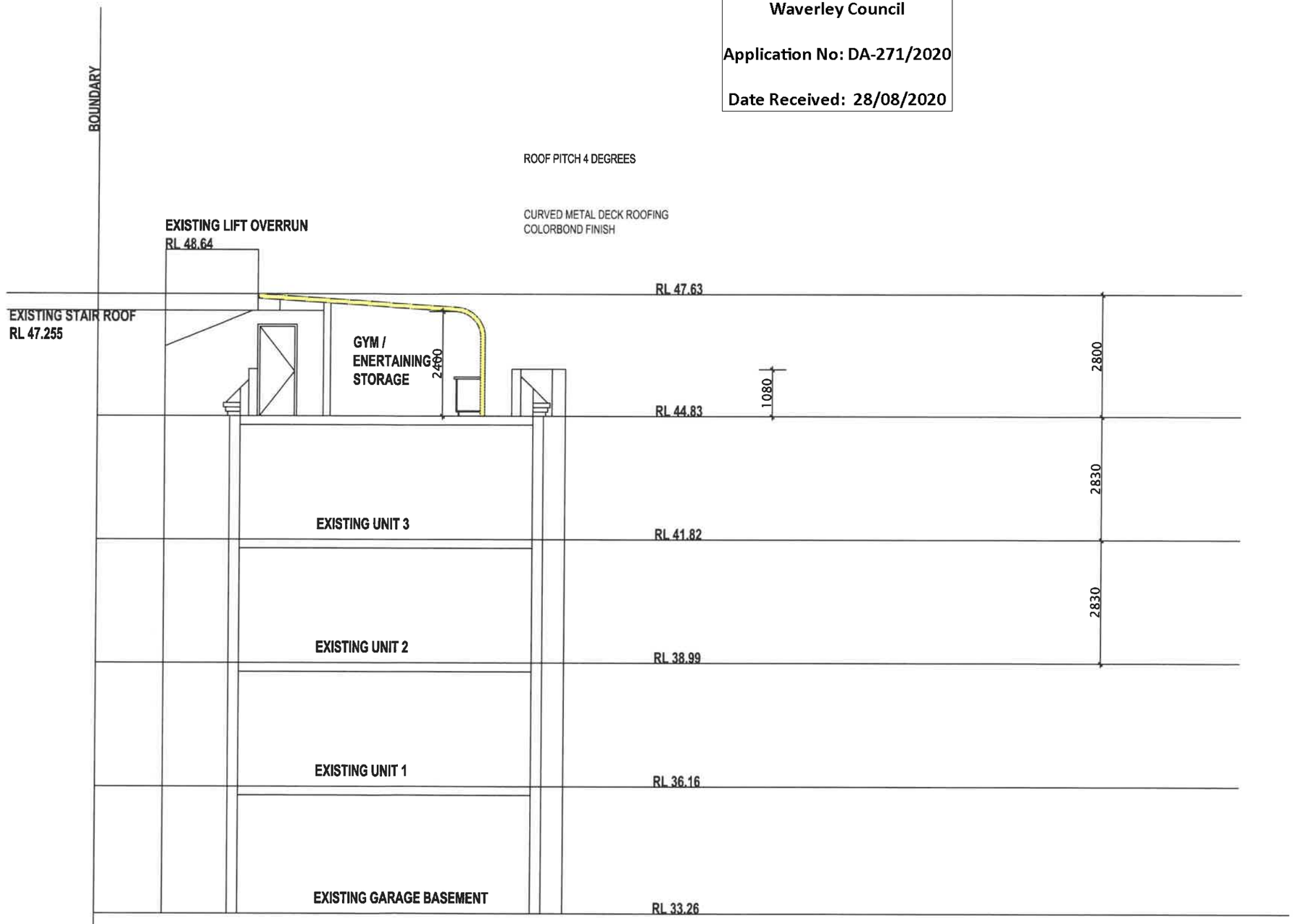
28TH JULY 2020

	project PROPOSED ADDITION TO UNIT 3	ROBINSON MOESKOPS ARCHITECTS PO BOX 2002 WOOLOOWARE NSW 2230 phone 9327 1855 fax 9327 1910	5
	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI		
1 : 100	MR KEITH LEVETT		drg no. DA 19.001.5
JULY 2020			issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 28/08/2020



SECTION A : A

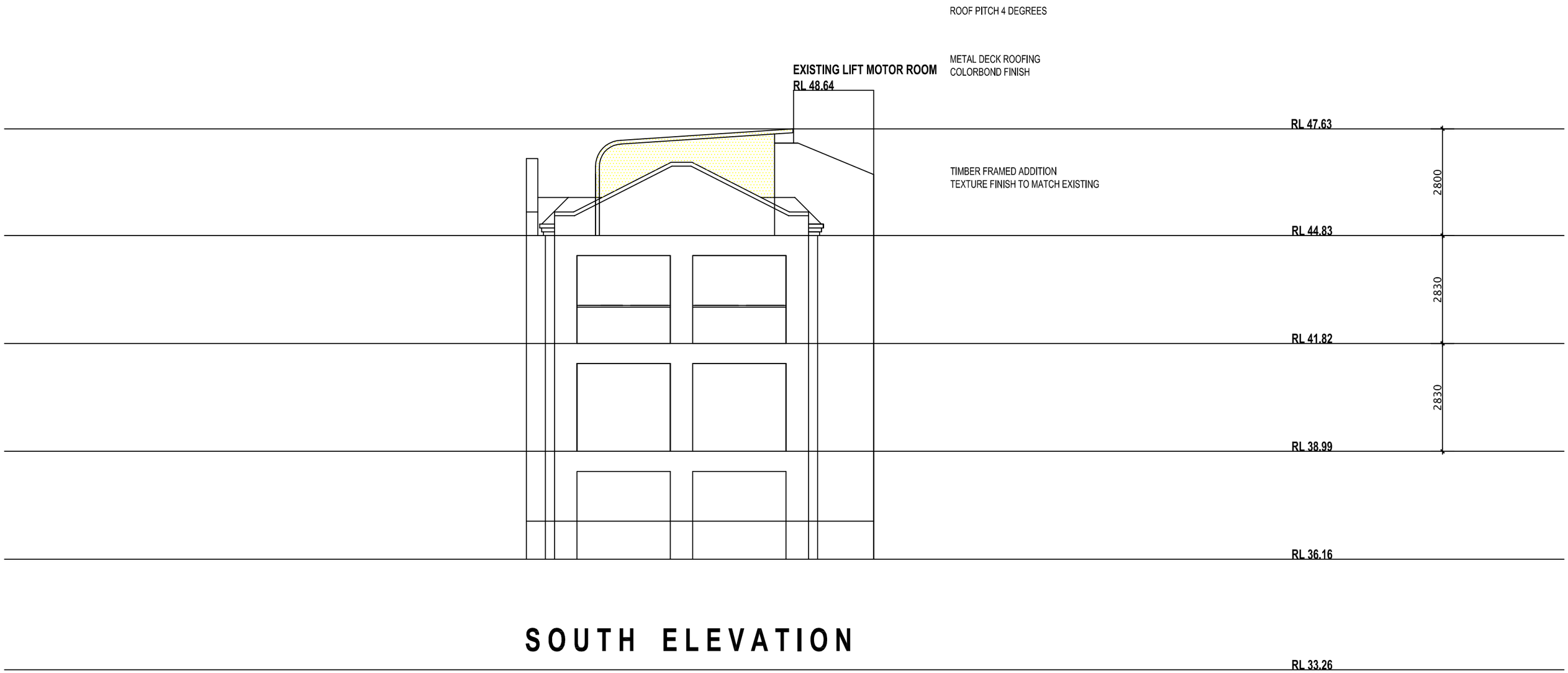
28TH JULY 2020

NORTH	project PROPOSED ADDITION TO UNIT 3	ROBINSON MOESKOPS ARCHITECTS PO BOX 2002 WOOLOOWARE NSW 2230 phone 9527 1862 fax 9527 1910	6
	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI		
1 : 100	MR KEITH LEVETT		drg no. DA 19.001.6
JULY 2020			issue no.

RECEIVED
Waverley Council

Application No: DA-271/2020

Date Received: 02/11/2020



SOUTH ELEVATION

28TH JULY 2020

	project PROPOSED ADDITION TO UNIT 3	ROBINSON MOESKOPS ARCHITECTS PO BOX 2002 WOOLOOWARE NSW 2230 phone 9527 1892 fax 9527 1810	3
1 : 100	address LOT A IN DP 977664 NO 1 ROSCOE STREET BONDI		drg no. D-19.001-3
JULY 2020	MR KEITH LEVETT		issue

WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-142/2017/1/B
Site address	8 Jackaman Street, Bondi
Proposal	Modification to alter internal layout and increase roof height
Approved development description	Review of refusal for demolition, construction of a dual occupancy development (attached), Torrens tittle subdivision and a swimming pool.
Date of lodgement	6 August 2020
Owner	Fine Point Developments Pty Ltd
Applicant	Fine Point Developments Pty Ltd
Submissions	A total of fourteen (14) submission received
Cost of Works	$32,250 in addition to the original cost of works.
Issues	Non-compliance with the FSR development standard.
Recommendation	That the application be **APPROVED.**

Site Map

1. PREAMBLE

1.1 Site and Surrounding Locality

The site was inspected in 2018 when the original development application was assessed.

The site is identified as Lot 35 in DP 4339, known as 8 Jackaman Street, Bondi. The site is rectangular in shape with a front (east) boundary measuring 12.19m and side boundary length of 41.695m. The site has an area of 508.3m² and the site falls from the rear towards the front by approximately 2.9m.

The site was formally occupied by a single storey dwelling house with no vehicular access. Demolition and construction works have recently commenced (i.e. since the middle of 2020).

The subject site is adjoined to the north by a single storey attached dwelling (at 10 Jackaman Street) and to the south a two-storey brick dwelling house (at 6 Jackaman Street). Jackaman Street is characterised by predominantly single storey freestanding and attached Federation dwellings with a few contemporary dwellings. The locality is characterised by predominantly residential development, including free standing dwellings, semi-detached dwellings and terraces. In particular, the nearby Philip and Avoca Street have a similar cohesive streetscape to Jackaman Street.

Figure 1: Recent aerial photograph of the site (identified by blue pin graphic) and surrounds (Source: NearMaps 2020)

Figure 2: The site (in its state prior to demolition works) in its streetscape context (looking west)

Figure 3: 'Bird's eye' view aerial photograph, looking south over properties on the western side of Jackaman Street to appreciate rear building lines of surrounding dwellings/buildings on either side of the site (Source: NearMaps 2020)

1.2 Details of Approved Development

The site benefits from a complying development certificate, known as CD-125/2017 for the demolition of existing structures only, which was issued by a private certifier and registered with Council on 23 June 2017.

The original development application, known as DA-142/2017 for the construction of a two-three storey attached dual occupancy with integrated garages, pool and Torrens title land subdivision, was refused by the former Waverley Development Asesssment Panel on 25 October 2017.

A review application, known as DA-142/2017/1 was made under section 8.3 (formerly known as section 82A) of the *Environmental Planning and Assessment Act 1979* (the Act). This review application was approved by the former Waverley Development Asesssment Panel on 18 April 2018. The development consent required via condition 2 the following design modificaitons to the approved development:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) The metal outriggers supporting the screens to the northern and southern sides of the development shall be deleted. The screens can be designed to fold into the interior of the front verandahs.

(b) The landscape plan referred to in condition 1(a) of this consent shall be amended to change the replacement street tree to a Brushbox (Lophostemon confertus) and must be a minimum pot size of 100 litres. The tree is to be planted on the naturestrip midway between the northern edge of the driveway and the boundary with 10 Jackaman Street.

(c) The storm water plans referred to in condition 1(d) of this consent shall be amended to revise the orifice diameter to be 60mm and to indicate that 3.000L rainwater tanks are to be installed for each dwelling of the development.

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

A modification application, known as DA-142/2017/1/A for modification to construct a new media room at basement level and new windows was approved under delegated authority on 20 July 2018.

1.3 Background of subject application

The subject application was lodged with Council on 6 August 2020. It was initially and intended to be made under section 4.55(1A) of the Act, which means the modification was of minimal environmental impact.

During the course of the preliminary assessment of the application and following the closing of the notification/submission period, the applicant wrote to Council on 25 September 2020 to formally remove the proposed modification to the driveway design and reaffirm its approved design as a single shared driveway to provide access to both approved dwellings on the site.

Following its preliminary assessment, the modification application was deferred on 6 October 2020 for the following reasons:

1. Change the application from a section 4.55(1A) to section 4.55(2) as the proposed modifications do not constitute minor or minimal environmental impact.

2. Correctly calculate the overall floor space ratio or gross floor area of the approved development, as proposed to be modified, and provide further written justification for the proposed increase of gross floor area.

3. Clarification and improvement of the shadow analysis of the approved development, as proposed to be modified.

4. Clarification and further details on privacy mechanisms for the west-facing window openings on the first floor level of the approved development, as proposed to be modified.

5. Formalise the decision to not modify the approved driveway design.

6. Correctly measure the increase of the overall building height of the approved development, as proposed to be modified.

Council received amended plans and additional information on 15 October 2020. The plans and information did not require public notification as they did not change the scope and design of the proposed modifications. These plans and additional information form the basis for the assessment of this application.

1.4 Proposal

The application has been now made under section 4.55(2) application and provides for the following modifications to the approved development:

<u>Basement Level (both dwellings)</u>
- Replace cellar with storage room and reposition of laundry.
- Minor change to stair leading to garages.

<u>Ground Floor Level (both dwellings)</u>
- Deletion of split level to create a consistent finished floor level of RL67.710.

<u>First Floor Level (both dwellings)</u>
- Extension of rear bedrooms, involving additional gross floor area.
- Change of finished first level from RL70.650 to RL71.010.
- Minor reconfiguration of internal layout by removing internal door opening of rear bedrooms.
- Increase of top of side roof parapets of both dwellings from RL71.810 to RL72.120.
- Increase of top of roof parapet of front/street facing front portion of the southern dwelling from RL71.400 to RL 71.700.

<u>Roof Level</u>
- Change of uppermost roof level from RL74.100 to RL74.700 (i.e. a net increase of building height by 600mm).

<u>Western Elevation</u>
- Vertical louvre screens across western elevation.

<u>Side (North/South) Elevations</u>
- Slight change to the number of panes of first floor windows (from four to two), while this is not notated on the plans, it is still considered in the assessment of this application.
- Indication of AC or air-conditioning units on either side.

2. ASSESSMENT

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

2.1 Section 4.55 Considerations

The application was initially submitted under section 4.55(1A) of the Act. The preliminary assessment of the application revealed that the scope and extent of the associated environmental impacts were not deemed "minimal" under the terms of section 4.55(1A) of the Act. Accordingly, the application was deferred to require the application to be made under section 4.55(2) of the Act.

The proposed modifications are considered to be substantially the same development as the original consent given the land use and essential nature of the development are unchanged.

The modifications result in a modest increase of the overall gross floor area of the development to the rear of the development. While the overall building height of the development has been increased, it will remain compliant with the height of buildings development standard under Waverley Local Environmental Plan 2012. Therefore, the perceived building height, bulk and scale of the approved development, as proposed to be modified, will largely remain unchanged from neighbouring properties and the public domain.

The environmental impacts of the proposed modifications are discussed later in this report.

Council has consulted any relevant Minister or Authority and publicly notified the application to surrounding properties. No submissions were received.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

The application was accompanied by two BASIX Certificates to reflect the approved development, as proposed to be modified. The BASIX Certificates list measures to satisfy BASIX requirements which have been incorporated into the development.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	Development consent for Torrens title subdivision has already been granted. The proposed modifications do not change the approved Torrens title subdivision of the site.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as 'dual occupancy (attached)', which is permitted with consent in the R2 zone. It satisfies the relevant zone objectives.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • 325m^2	N/A	No change to the approved Torrens title subdivision of the site.
4.3 Height of buildings • 8.5m	Yes	• The overall building height of the approved development is 7.44m, measured to RL74.100 (which is the roof level of the rear portion of the development) above existing ground level of RL66.660. • The approved development, as proposed to be modified, increases the overall building height by 600mm to RL74.700, measuring 8.04m above existing ground level. The development will continue to comply with the height of buildings development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • Site area: 508.3m^2 • 0.545:1 (277m^2)	No	• The approved development, as previously modified by DA-142/2017/A, comprises an overall gross floor area of 386m^2 and a floor space ratio of 0.76:1. • The proposed modifications slightly increase the overall gross floor area (GFA) by 21.4m^2 to 407.4m^2, achieving a floor space ratio (FSR) of 0.8:1. • The overall exceedance of GFA/FSR is **130.4m^2** or **47%**.
4.6 Exceptions to development standards	See discussion	The approved development, as proposed to be modified, exceeds the FSR development standard. While clause 4.6 of the WLEP does not apply to modification applications made

Provision	Compliance	Comment
		under section 4.55 of the Act, the exceedances are discussed below **Table 1** of this report.
Part 6 Additional local provisions		
6.2 Earthworks	N/A	No additional excavation is proposed.

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

Floor Space Ratio

The proposed modifications result in an increase of the overall GFA of the approved development. The net increase of GFA is 21.4m^2, culminating in the approved development, as proposed to be modified, comprising an overall GFA of 407.4m^2 and an FSR of 0.8:1, which results in an exceedance of the FSR development standard by 130.4m^2 or 47%.

The applicant has provided some written justification for the non-compliance with the development standard and has based the justification on the performance of the proposal against the objectives of the FSR development standard. The relevant objectives of the development standard are as follows:

(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,

(b) to provide an appropriate correlation between maximum building heights and density controls,

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Objective (a) is irrelevant to the assessment of this application as the subject site is outside the Bondi Junction Centre.

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The additional gross floor area is minor, and includes the party wall of the two approved dwellings of the development.
- If these dwellings were to be measured against the FSR formula based on the site area of each approved subdivided (torrens) lot pursuant to clause 4.4A of Waverley LEP 2012, each dwelling would be FSR compliant.
- The non-compliance is technical in nature and the development is in keeping with the objectives of the FSR development standard.

The points raised in the applicant's justification are sufficient and acceptable to support the modest increase of GFA to the approved development.

The additional GFA is ultimately manifested at the rear of the first floor level of the approved development, as proposed to be modified. This is due to the reduction of the rear setback of the first floor level given the proposed extensions to the rear master bedrooms on the first floor levels of each dwelling. The application was deferred to ask the applicant to provide clearer analysis on net overshadowing and privacy impacts upon neighbouring properties in order to determine whether the additional GFA would preserve the environmental amenity of these neighbouring properties.

The amended shadow diagrams clearly demonstrate that the net overshadowing impact (or additional shadowing compared to shadowing caused by the current approved development on the site) is minor as the additional GFA will partially and marginally overshadow some north-facing windows of the adjoining dwelling house to the south of the site at 6 Jackaman Street between 1pm and 3pm during the winter solstice (that is, 21 June). Further, the plan form shadow diagrams demonstrate the net overshadowing impact on the rear yard area of the adjoining property at 6 Jackaman Street ranges from minor to moderate between 9am and 1pm. Notwithstanding, at least 50% of the rear yard area of the adjoining property will receive sunlight during the winter solstice. In this regard, the net overshadowing impact caused by the approved development, as proposed to be modified, is considered reasonable and is expected to preserve the environmental amenity of neighbouring properties in relation to solar access.

In relation to privacy, the applicant has provided further details about the louvre privacy screen system that will be across the west-facing window openings on the first floor level of the approved development, as proposed to be modified. These windows serve bedrooms, which are rooms of low and passive use. Further, the roof garden in front of these windows will be maintained, that will also assist to offset any undue privacy impact upon neighbouring properties. Therefore, the net privacy impact caused by the approved development, as proposed to be modified, is deemed reasonable and is expected to preserve the environmental amenity of neighbouring properties.

While the additional GFA is manifested by modestly reducing the rear setback of the first floor level of the approved development, as proposed to be modified, any associated visual bulk or amenity impacts upon neighbouring properties would be limited. Further discussion on the change of the rear first floor building line of the approved development, as proposed to be modified, is provided later in this report. There is no change to the perceived building bulk and scale of the development when viewed from Jackaman Street. Further, the increased building height of the development will comply with the height of buildings development standard of 8.5m under Waverley LEP 2012.

The applicant's central argument that the non-compliance with the FSR development standard is technical in nature is sound. Development consent has already been granted for the site to be subdivided in to two Torrens title lots. If the site were to have been first subdivided (that is, be granted a subdivision certificate and registered with NSW Land Registry Services), then the FSR for each dwelling of the development would comply with the relevant FSR development standard prescribed by clause 4.4A of Waverley LEP 2012 based on the site area of each lot.

Despite the existing and further exceedance of the FSR development standard, the approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the exceedance is deemed acceptable and is supported.

2.2.4 Waverley Development Control Plan 2012 - Amendment No 8 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	N/A	No change to waste management aspects of the approved development.
2. Ecologically sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	N/A	Satisfactory.
5. Vegetation Preservation	N/A	No additional tree removal.
6. Stormwater	N/A	No change to the stormwater aspects of the approved development.
8. Transport	N/A	The initial change to the driveway design to allow separate vehicular crossings is no longer being pursued by the applicant and amended plans were submitted to remove this proposed modification. The already approved driveway design will remain unchanged.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.

Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
• Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Pitched Roof dwelling house • Maximum external wall height of 7m	N/A	The development does not utilise a pitched roof form.
Flat roof dwelling house • Maximum wall height of 7.5m	No (acceptable on merit)	Given the height of the roof parapets has increased, so too has the overall external wall height of the development, which measures 8.04m above existing ground level. Despite the non-compliance, the environmental impacts

Development Control	Compliance	Comment
		arising from the increased wall height have been examined and found to be reasonable and non-adverse. The development will continue to comply with the height of buildings development standard of 8.5m, which is a higher order planning control than that of the maximum wall height control in Waverley DCP 2012. Further, the development will satisfy the objectives under section 2.1 of Part C2 of Waverley DCP 2012 that relate to the maximum wall height control.
2.2 Setbacks		
2.2.1 Front and rear building lines • Predominant front building line • Predominant rear building line at each floor level	N/A Yes (on merit)	• The front setbacks of the approved development remain unchanged. • As established in the assessment of the original development application and demonstrated in aerial photography shown in **Figures 1** and **3** in this report, there is no clear predominant rear building line for the first floor level of the development to follow other than the adjoining two storey dwelling house to the south of the site. The development extends past the rear building setback of the first floor level of that adjoining dwelling house, and therefore, the appropriateness of this encroachment was considered acceptable on merit. The environmental impacts caused by the reduction of the rear first floor setback of the development has been considered in section 2.2.3 of this report in relation to the additional GFA to the development, and are deemed reasonable and non-adverse to the amenity of neighbouring properties. The reduced rear setback of the first floor level is deemed consistent with the relevant objectives of the setback controls under section 2.2 of Part C2 of Waverley DCP 2012. Therefore, the reduced rear setback of the first floor level of the development is deemed acceptable.
2.2.2 Side setbacks • Minimum of 0.9m	N/A	No change to the side setbacks of the approved development.
2.3 Streetscape and visual impact		
• New development to be compatible with streetscape context • Replacement windows to complement the style &	Yes	The proposed modifications do not overly change the overall appearance and aesthetics of the development when viewed from Jackaman Street. Despite the increased roof parapet heights, the considerable setback or recess of

Development Control	Compliance	Comment
proportions of existing dwelling • Significant landscaping to be maintained. • Porticos only permitted where a character of the streetscape		the upper most floor level from the front building line of the ground and basement levels of the development remains unchanged. Further, the roof gardens within this setback area will remain.
2.4 Fences		
	N/A	No change to front, side and rear fences.
2.5 Visual and acoustic privacy		
• Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.	Yes	• No additional windows are proposed. While not clearly notated, there are slight changes to the panes of the side windows on the first floor level of the development from four vertical panes to two. However, the overall size of the modified appears to be lesser than that of the approved windows. • As explained in section 2.2.3 of this report, the applicant has provided greater details about the privacy mechanisms that will be used across the west-facing window openings on the first floor level of the development. These windows do serve bedrooms, which are of low and passive use. Therefore, these windows are not expected to result in unreasonable privacy impacts upon neighbouring properties. • Air conditioning units are notated on the site plan and are shown to be located to the external sides of each dwelling. While the units are within the side setback areas of the development, they are positioned sufficiently away from window openings of adjoining dwellings on either side of the site. Therefore, the noise impacts of the units are expected to be reasonable and the location of these units acceptable. The use of the air conditioning units is subject to regulatory requirements under the *Protection of the Environment Operations (Noise Control) Regulation 2017*.
2.6 Solar access		
• Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to	Yes Yes	• The proposed modifications are not expected to change the amount and duration of sunlight received to living rooms and private open space areas of the subject development on 21 June. • As explained in section 2.2.3 of this report, the increased building height and reduced

Development Control	Compliance	Comment
living areas and principal open space areas of adjoining properties on 21 June		rear setback of the first floor level of the development will result in minor to moderate additional overshadowing impacts on the adjoining property to the south of the site on 21 June. The development will preserve sunlight received to at least 50% of the rear yard are of this adjoining property, and marginally overshadow some north-facing window openings within the afternoon period of 21 June. The extent of the additional overshadowing is considered reasonable.
2.7 Views		
• Views from the public domain are to be maintained • Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.	Yes	The increased building height and reduced rear building setback of the first floor level of the development is not expected to result in view impacts upon surrounding properties.
2.9 Landscaping and open space		
	N/A	No change to the provision of open space and landscaped area as the building footprint of the approved development, as proposed to be modified, remains unchanged.
2.15 Dual Occupancy Development		
	Yes	The proposed modifications maintain the design and aesthetical consistency and cohesion of the pair of dwellings of the development.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

The modification application was notified for 14 days in accordance with *The Waverley Community Development Participation and Consultation Plan.*

A total of 14 submissions were received from the following properties:

- 4 Jackaman Street, Bondi.
- 11 Jackaman Street, Bondi.
- 12 Jackaman Street, Bondi.
- 70 Watson Street, Bondi*.
- 72 Watson Street, Bondi*.
- 74 Watson Street, Bondi*.
- 76 Watson Street, Bondi*.
- 85-87 Watson Street, Bondi.
- 61 Fletcher St, Tamarama.
- 24 Hewlett Street, Bronte.
- 9 Pembroke Street, Bronte.

NB: Submissions received from property addresses detonated with an asterisk above comprises the same substance and written structure. Therefore, 10 unique submissions were received, objecting to this application.

The following issues raised in the submissions have been identified and discussed in the body of this report:

- Increase building height.
- Driveway design – this issue has been specifically resolved by the amended plans that have deleted modifications to the design.
- Rear building setback.
- Non-compliance with the FSR development standard.
- Visual and acoustic privacy impacts.

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

Issue: *Tree removal, specifically removal of Jacaranda tree*

Response: This modification application does not seek to remove any further trees that have already been approved to be removed.

Issue: *Inadequate public notification of this modification application*

Response: Disagreed. The application was notified correctly and as per The Waverley Community Development Participation and Consultation Plan.

Issue: *Senior Council Officers have already ruled on the maximum height and size of the development*

Response: The applicant is entitled to modify the design of the approved development in accordance with section 4.55 of the Act and within reason. The overall building height of the approved development, as proposed to be modified, remains compliant with the height of buildings development standard. The reasonableness of the additional GFA to the development has been discussed earlier in this report.

2.6 Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application seeks to modify the approved dual occupancy development at 8 Jackaman Street, Bondi, specifically modestly increasing the GFA of the development. The proposal will further the exceedance of the FSR development standard under WLEP, however, the additional GFA will be largely indiscernible and will not result in unreasonable additional environmental amenity impacts upon neighbouring properties. The applicant has also justified the net increase of the GFA and exceedance of the FSR development standard soundly and the exceedance can be supported.

The application was publicly notified and 14 submissions were received, 10 of which are deemed unique. The issues raised in the submissions have been identified, considered and addressed in the assessment of this application. Further, the application is made under section 4.55(2) of the Act and will exceed the FSR development standard under WLEP by more than 10%. Therefore, the application is referred to the Waverley Local Planning Panel for determination.

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

DBU Decision
The application was reviewed by the DBU at the meeting on 29 September 2020 and the DBU determined:

> *The application should be deferred for additional information on overshadowing impacts, calculation of the overall GFA/FSR and increases to building height of the development, and following receipt of sufficient information, is supported.*

DBU members: *A Rossi, E Finnegan and B Magistrale.*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Appendix A:

Report prepared by:

Ben Magistrale
Senior Development Assessment Planner

Date: 6 November 2020

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

Angela Rossi
Manager, Development Assessment (Central)

Date: 12 November 2020

Reason for referral:
2 Contentious development (10 or more objections)
3 Departure from any development standard in an EPI by more than 10%

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

~~(a) Architectural Plan Nos. DD-1010, DD-1020, DD-1040, DD-1070, DD-1100, DD-1101, DD-1102, DD-1200, DD-1201, DD-1202, DD-1203, DD-1204, DD-1205, DD-1300 and DD-1301 (all Issue C), tables and documentation prepared by panovscott, dated 13 December 2017, and received by Council on 22 December 2017;~~

~~**(i) Architectural Plan Nos. DD-1010 (issue D), DD-1020 (issue C), DD-1040 (issue D), DD-1070 (issue C), DD-1100 (issue D), DD-1101 (issue C), DD-1102 (issue C), DD-1200 (issue C), DD-1201 (issue C), DD-1202 (issue D), DD-1203 (issue D), DD-1204 (issue D), DD-1205 (issue D), DD-1300 (issue D) and DD-1301 (issue D), tables and documentation prepared by panovscott, dated 23 May 2018, and received by Council on 7 June 2018;**~~

(Modified by DA-142/2017/1/A)

(a) Architectural Plans known as Project Number 20016 and Drawing Nos DD-1040 (Revision I), DD-1100 (Revision J), DD-1101 (Revision G), DD-1102 (Revision E), DD-1200 (Revision D), DD-1201 (Revision F), DD-1202 (Revision G), DD-1203 (Revision H), DD-1204 (Revision G), DD-1205 (Revision I), DD-1300 (Revision G) and DD-1301 (Revision F), prepared by Lead Architects, dated 13 October 2020 and received by Council on 15 October 2020.

(MODIFIED BY DA-142/2017/1/B)

(b) BASIX Certificate;

(c) Landscape Plan Nos. LDA-01, LDA-02, LDA-03 and LDA-04 and documentation prepared by Christopher Owen Landscape Design, dated 11 December 2017, and received by Council on 22 December 2017;

(d) Stormwater Details and documentation, including Stormwater Drawing Plan Nos. SW01, SW02 and SW03 (all Issue C) and dated 14 December 2017, prepared by Hyten Engineering and received by Council on 22 December 2017;

(e) Geotechnical Investigation Report (Reference No. 30295Zrpt Rev 1) prepared by JK Geotechnics Geotechnical and Environmental Engineers, dated 10 April 2017 and received by Council on 22 December 2017;

(f) Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 12 April 2017 and received by Council on 22 December 2017;

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

Except where amended by the following conditions of consent.

B. New Conditions

Nil.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

~~(a) Architectural Plan Nos. DD-1010, DD-1020, DD-1040, DD-1070, DD-1100, DD-1101, DD-1102, DD-1200, DD-1201, DD-1202, DD-1203, DD-1204, DD-1205, DD-1300 and DD-1301 (all Issue C), tables and documentation prepared by panovscott, dated 13 December 2017, and received by Council on 22 December 2017;~~

~~(i) Architectural Plan Nos. DD-1010 (issue D), DD-1020 (issue C), DD-1040 (issue D), DD-1070 (issue C), DD-1100 (issue D), DD-1101 (issue C), DD-1102 (issue C), DD-1200 (issue C), DD-1201 (issue C), DD-1202 (issue D), DD-1203 (issue D), DD-1204 (issue D), DD-1205 (issue D), DD-1300 (issue D) and DD-1301 (issue D), tables and documentation prepared by panovscott, dated 23 May 2018, and received by Council on 7 June 2018;~~
~~(Modified by DA-142/2017/1/A)~~

(a) Architectural Plans known as Project Number 20016 and Drawing Nos DD-1040 (Revision I), DD-1100 (Revision J), DD-1101 (Revision G), DD-1102 (Revision E), DD-1200 (Revision D), DD-1201 (Revision F), DD-1202 (Revision G), DD-1203 (Revision H), DD-1204 (Revision G), DD-1205 (Revision I), DD-1300 (Revision G) and DD-1301 (Revision F), prepared by Lead Architects, dated 13 October 2020 and received by Council on 15 October 2020.
(MODIFIED BY DA-142/2017/1/B)

(b) BASIX Certificate;

(c) Landscape Plan Nos. LDA-01, LDA-02, LDA-03 and LDA-04 and documentation prepared by Christopher Owen Landscape Design, dated 11 December 2017, and received by Council on 22 December 2017;

(d) Stormwater Details and documentation, including Stormwater Drawing Plan Nos. SW01, SW02 and SW03 (all Issue C) and dated 14 December 2017, prepared by Hyten Engineering and received by Council on 22 December 2017;

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(f) Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees, dated 12 April 2017 and received by Council on 22 December 2017;

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(d) The metal outriggers supporting the screens to the northern and southern sides of the development shall be deleted. The screens can be designed to fold into the interior of the front verandahs.

(e) The landscape plan referred to in condition 1(a) of this consent shall be amended to change the replacement street tree to a Brushbox (Lophostemon confertus) and must be a minimum pot size of 100 litres. The tree is to be planted on the naturestrip midway between the northern edge of the driveway and the boundary with 10 Jackaman Street.

(f) The storm water plans referred to in condition 1(d) of this consent shall be amended to revise the orifice diameter to be 60mm and to indicate that 3.000L rainwater tanks are to be installed for each dwelling of the development.

The amendments are to be approved by the appointed **Principal Certifying Authority** 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. SECTION 7.12 CONTRIBUTION

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

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

(1) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

(2) Where the total development cost is $500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

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

Advisory Note

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

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **$25,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

6. LONG SERVICE LEVY

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

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

7. STREET TREE

(a) The street tree may be removed by the applicant on the condition that a replacement tree is planted. The tree is to be a Brushbox (Lophostemon confertus) and must be a minimum pot size of 100 litres. The tree is to be planted by a qualified horticulturist/arborist (minimum AQF Level 3). The tree is to be planted on the naturestrip midway between the northern edge of the driveway and the boundary with 10 Jackaman Street.

(b) A bond of **$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted Brushbox tree (Lophostemon confertus) on the naturestrip of the property. The bond is to be lodged prior to the issue of a Construction Certificate. The bond shall also apply for the protection of the adjacent Ficus tree outside 6 Jackaman Street.

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.

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

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

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

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

9. HOARDING REQUIRED

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

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

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

11. EROSION, SEDIMENT AND POLLUTION CONTROL

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

12. SYDNEY WATER QUICK CHECK

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

13. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

14. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

15. ENGINEERING DETAILS

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

16. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

(a) Show the size and number of trucks to be used during the various stages of the development.
(b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
(c) Show the location and length of any proposed Works/Construction Zones.
Note:
  (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
(d) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

17. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel paths of vehicles entering and exiting each of the garages from Jackaman Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

(a) Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
(b) Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Jackaman Street to the immediate north and south of the proposed driveway.
(c) Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.
(d) Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel paths.

(e) Accurately show the length of the Council's kerb and gutter remaining between the northern side wing of the existing driveway at No.6 and the southern side wing of the proposed driveway at No.8

18. NEW VEHICLE CROSSING

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

19. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

20. BASIX

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979.*

21. GREEN ROOF

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

22. 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.

23. 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.

24. 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.

25. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or section 4.55 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

26. 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.

27. 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.

28. 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.

29. TOILET FACILITIES

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

30. OBSTRUCTION TO PUBLIC AREAS

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

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

(c) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

31. DILAPIDATION REPORTS

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

Please note the following:

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

32. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

33. DEMOLITION & SITE PREPARATION

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

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

34. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

35. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW

Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

36. 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.

37. 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.

38. 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.

39. POTENTIAL DEWATERING OF THE SITE

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

(a) Undertake the necessary site investigations prior to construction;
(b) Prove that a water table is present or absent;
(c) Assess the feasibility of alternative construction methods;
(d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
(e) Design an appropriate and safe dewatering system;
(f) Apply for a dewatering licence,
(g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
(h) Design and implement a monitoring program;
(i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
(j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

40. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays

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

41. 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.

42. BUILDING CODE OF AUSTRALIA

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

43. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:
(a) at the commencement of building work;
(b) after excavation for, and prior to the placement of, any footings;
(c) prior to pouring any in-situ reinforced concrete building element;
(d) prior to covering of the framework for any floor, roof or other building element;
(e) prior to covering any waterproofing in any wet areas;
(f) prior to covering any stormwater drainage connections; and
(g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

44. 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.

45. 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.

46. 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.

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. 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.

49. ASBESTOS REMOVAL

(a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

(b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

(c) No asbestos products are to be reused on site.

(d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

50. TREE REMOVAL

This consent authorises the removal of the trees listed in the table below and identified in the Arboricultural Impact Assessment specified in condition 1 of this consent. The trees to be removed shall be replaced as per the Arboricultural Impact Assessment.

Tree No.	**Species**	**Location**
T 1	*Callistemon*	On-site
T 3	*Podocarpus elatus*	On-site
T 7	*Sysygium*	On-site
T 8	*Erythrina crista-galli*	On-site
T 9	*Corymbia citriodora*	On-site
T 10	*Persea Americana*	On-site
T11	*Plumeria*	On-site
T12	*Plumeria*	On-site
T15	*Callistemon*	On-site
T16	*Eriobotrya japonica*	On-site

51. TREES TO BE RETAINED

All trees, identified in the table below, are to be retained in accordance with the tree protection measures, including tree protection fences, recommended in the Arboricultural Impact Assessment specified in condition 1 of this consent.

Tree No.	**Species**	**Location**
T 2	*Tristaniopsis laurina*	On-site
T 4	*Yucca sp*	On-site
T 5	*Persea Americana*	On-site
T 6	*Corymbia citriodora*	On-site
T 13	*Robinia pseudoacacia*	On-site
T 14	*Cotoneaster sp*	On-site
T 17	*Callistemon*	On-site
T 18	*Ficus microcarpa var hilli*	Street Tree

52. 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.

53. TREE PRUNING ON ADJOINING PROPERTIES

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

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

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

54. VEHICULAR ACCESS - FINISHED LEVEL

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

55. 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.

56. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

(a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;

(b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;

(c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

57. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with section 6.4(c) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

58. 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.

59. FINAL OCCUPATION CERTIFICATE

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

60. STORMWATER MANAGEMENT

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

61. POOL SIGN

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

62. INSPECTION OF POOL

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

63. SWIMMING/SPA POOL PUMP - RESTRICTIONS

Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the

requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

64. SWIMMING POOL REGISTRATION

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

65. LANDSCAPE PLAN

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

66. 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.

67. ALLOCATION OF STREET NUMBER - TORRENS TITLE SUBDIVISION DUAL OCCUPANCY

The subdivision of the property has led to the following allocation of primary address numbers:

- No. 8 for the south allotment (proposed lot 1);
- No. 8A for the north allotment (proposed Lot 2).

The primary premises numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Jackaman Street. The primary premises numbers are to be positioned on the sites prior to the issue of the Occupation Certificate.

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

68. USE OF BASEMENT LEVEL

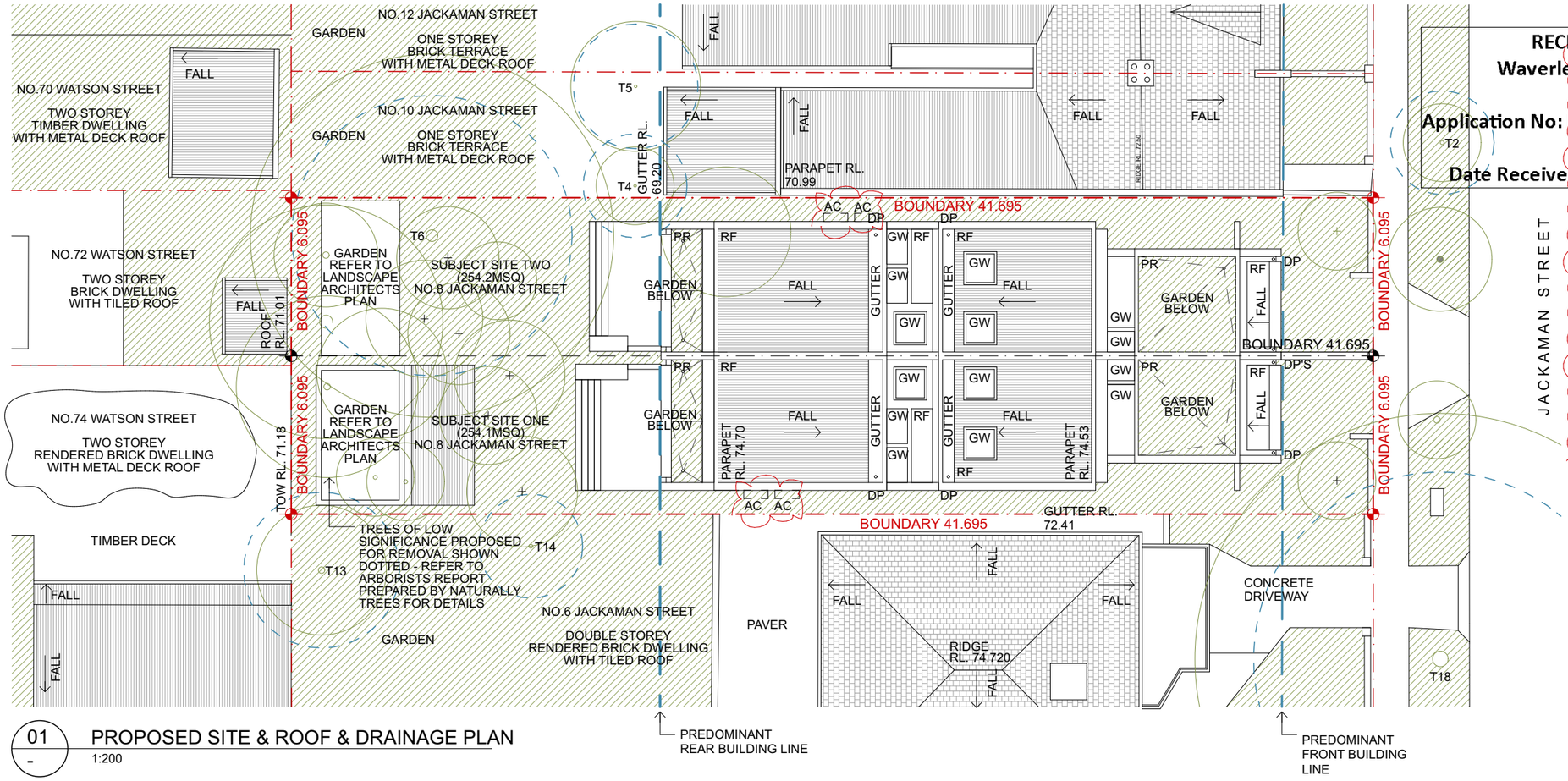
The basement level shall be used for non-habitable purposes only (i.e. storage, laundry and car parking).

69. VEHICLE TO BE PARKED WITHIN THE SITE

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

70. GREEN ROOF

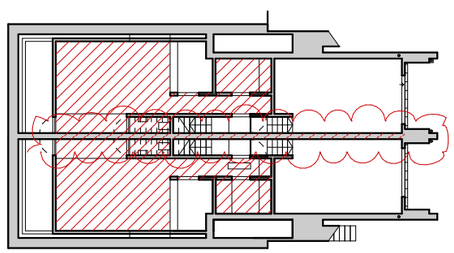
The green roof shall be non trafficable and accessed for maintenance purposes only.



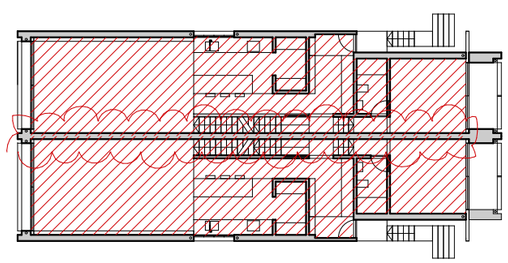
01 - PROPOSED SITE & ROOF & DRAINAGE PLAN
1:200

CN OFF NEW PLYWOOD FORM CONCRETE
RF METAL DECK ROOF & FLASHINGS
GW TRANSPARENT GLASS WINDOW/SKYLIGHT
PR PLANTED ROOF
DP DOWN PIPE
O GUTTER OVERFLOW

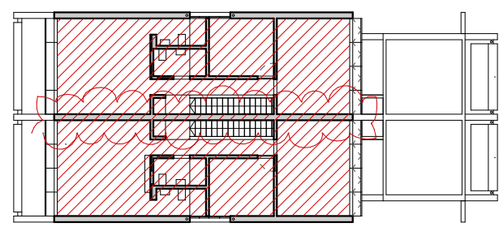
NOTE: ALL PROPOSED REAR & SIDE FENCES DO NOT EXCEED 1.8M IN HEIGHT



02 - PROPOSED GFA - GL
1:300



03 - PROPOSED GFA - GU
1:300



04 - PROPOSED GFA - L1
1:300

RECEIVED
Waverley Council
Application No: DA-142/2017/1/B
Date Received: 15/10/2020

DEVELOPMENT CALCULATIONS

EXISTING SITE AREA		508.3 SQM
EXISTING GROSS FLOOR AREA	GROUND	141.9 SQM
	TOTAL	141.9 SQM
EXISTING FLOOR SPACE RATIO		0.28:1
PROPOSED GROSS FLOOR AREA	LOWER GROUND	68.4 SQM
	UPPER GROUND	195.4 SQM
	LEVEL ONE	143.6 SQM
	TOTAL	407.4 SQM
PROPOSED FLOOR SPACE RATIO		0.80:1
PERMISSIBLE FLOOR SPACE RATIO		0.545:1
PROPOSED OPEN SPACE	341.6 SQM	67 % OF SITE
REQUIRED OPEN SPACE		40 % OF SITE
PROPOSED LANDSCAPE SPACE	158.8 SQM	31 % OF SITE
REQUIRED LANDSCAPE SPACE		15 % OF SITE
PROPOSED AREA OF OPEN SPACE IN FRONT OF BUILDING	59.8 SQM	
REQUIRED AREA OF OPEN SPACE IN FRONT OF BUILDING	30 SQM	50 % OF TOTAL AREA
PROPOSED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	37.1 SQM	123 % OF REQUIRED
REQUIRED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	15 SQM	

SITE ONE

GROSS FLOOR AREA	LOWER GROUND	38.4 SQM
	UPPER GROUND	99.2 SQM
	LEVEL ONE	66.1 SQM
	TOTAL	203.7 SQM
PROPOSED OPEN SPACE	170.3 SQM	67 % OF SITE
PROPOSED LANDSCAPE SPACE	68.2 SQM	27 % OF SITE

NOTE: THE FIGURES ABOVE DO NOT INCLUDE THE ROOF GARDENS WHICH IS AN ADDITIONAL 24.1 SQM LANDSCAPE SPACE WHICH WOULD RESULT IN A TOTAL OF 92.2 SQM OF 36 % OF THE SITE.

AREA IN FRONT OF BUILDING		29.9 SQM
PROPOSED AREA OF OPEN SPACE IN FRONT OF BUILDING	29.9 SQM	
REQUIRED AREA OF OPEN SPACE IN FRONT OF BUILDING	15 SQM	50 % OF TOTAL AREA
PROPOSED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	18.5 SQM	123 % OF REQUIRED OPEN SPACE
REQUIRED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	7.5 SQM	50 % OF REQUIRED OPEN SPACE

SITE TWO

GROSS FLOOR AREA		254.2 SQM
	LOWER GROUND	38.4 SQM
	UPPER GROUND	99.2 SQM
	LEVEL ONE	66.1 SQM
	TOTAL	203.7 SQM
PROPOSED OPEN SPACE	171.3 SQM	67 % OF SITE
PROPOSED LANDSCAPE SPACE	90.6 SQM	36 % OF SITE

NOTE: THE FIGURES ABOVE DO NOT INCLUDE THE ROOF GARDENS WHICH IS AN ADDITIONAL 24.1 SQM LANDSCAPE SPACE WHICH WOULD RESULT IN A TOTAL OF 114.6 SQM OF 45 % OF THE SITE.

AREA IN FRONT OF BUILDING		29.9 SQM
PROPOSED AREA OF OPEN SPACE IN FRONT OF BUILDING	29.9 SQM	
REQUIRED AREA OF OPEN SPACE IN FRONT OF BUILDING	15.0 SQM	50 % OF TOTAL AREA
PROPOSED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	18.6 SQM	124 % OF REQUIRED OPEN SPACE
REQUIRED AREA OF LANDSCAPE SPACE IN FRONT OF BUILDING	7.5 SQM	50 % OF REQUIRED OPEN SPACE

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DRAWING TITLE
SITE PLAN & DRAINAGE & CALCULATIONS
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:200
0mm 2,000 4,000 6,000 8,000 10,000

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1040	I

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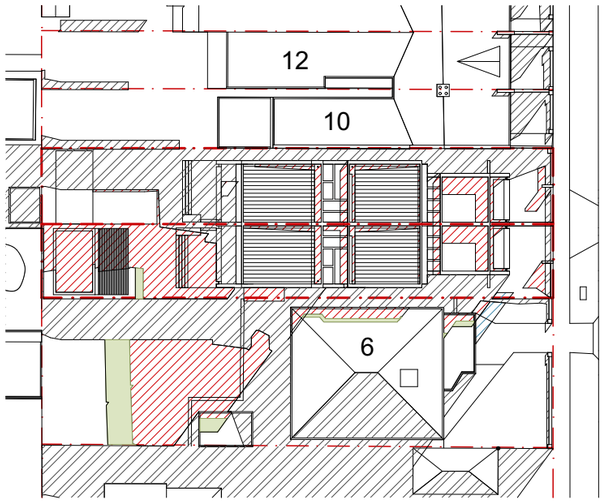
Waverley Council
Application No: DA-142/2017/1/B
Date Received: 15/10/2020



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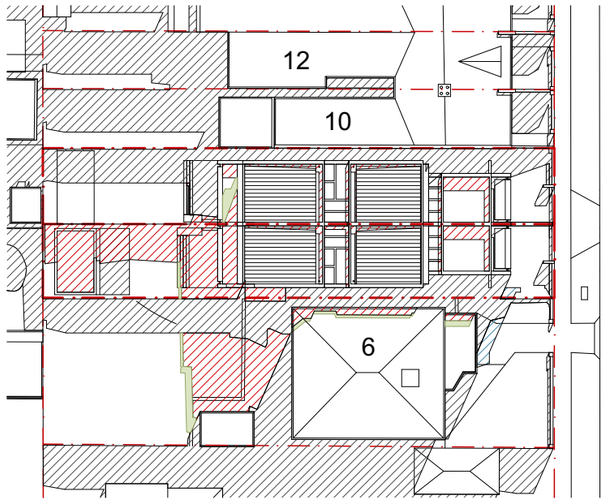

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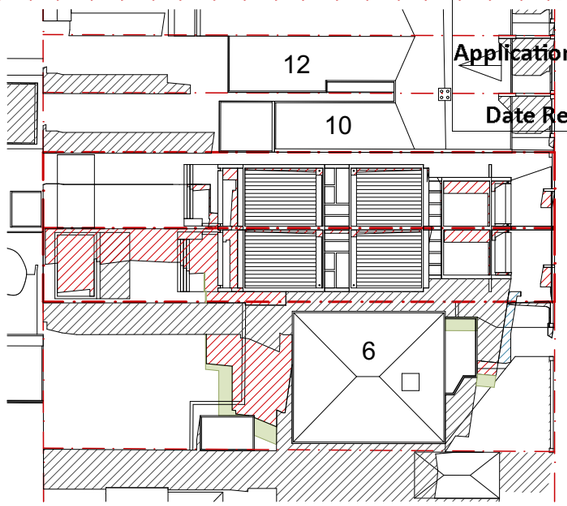

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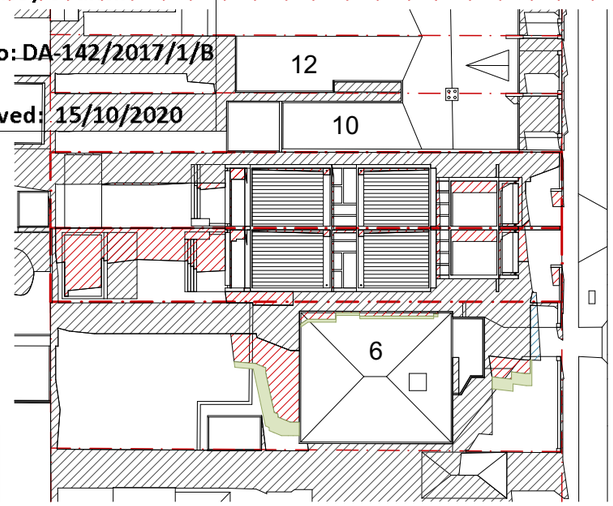

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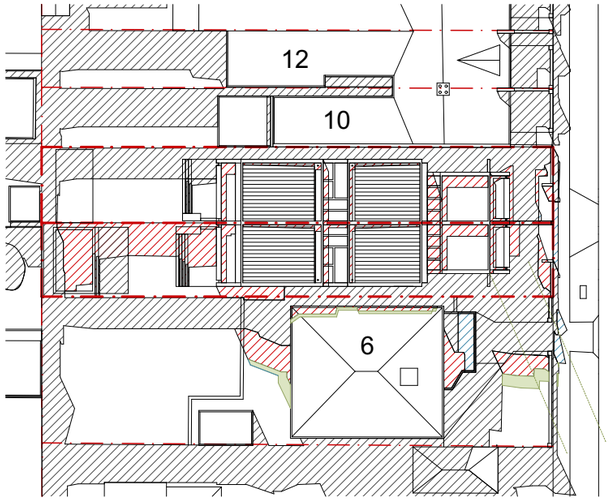

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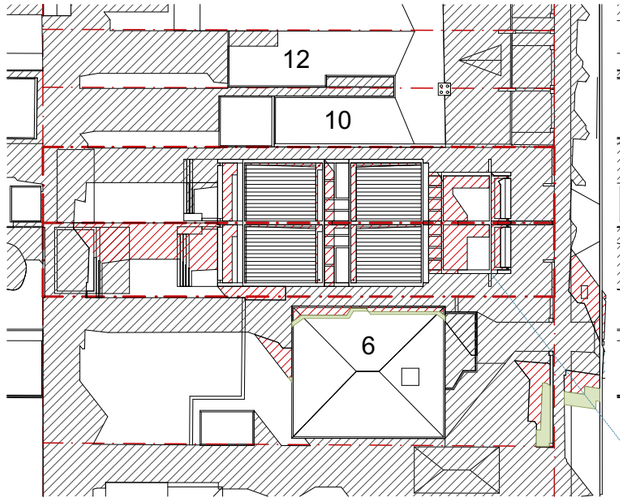

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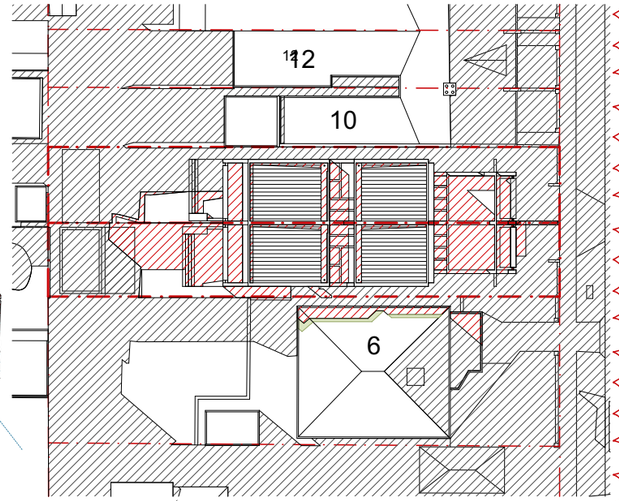

07 - 3PM WINTER SOLSTICE
1:500

GREY HATCH DENOTES EXISTING SHADOW

RED HATCH DENOTES PROPOSED SHADOW

GREEN HATCH DENOTES PROPOSED S4.55 SHADOW

BLUE HATCH DENOTES PROPOSED REDUCED SHADOW TO THAT OF THE EXISTING

SHADOWS ARE GENERATED USING SKETCHUP CAD MODELLING SOFTWARE AND HAVE BEEN PREPARED IN ACCORDANCE WITH LAND AND ENVIRONMENT COURT PLANNING PRINCIPLE: THE BENEVOLENT SOCIETY V WAVERLEY COUNCIL [2010] NSWLEC 1082

WINTER SOLSTICE IS 21 JUNE

PLEASE REFER TO THE COMMENTARY IN THE STATEMENT OF ENVIRONMENTAL EFFECTS RELATING TO SOLAR ACCESS.

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DRAWING TITLE
SOLAR ACCESS PLAN DIAGRAMS

PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1060	E

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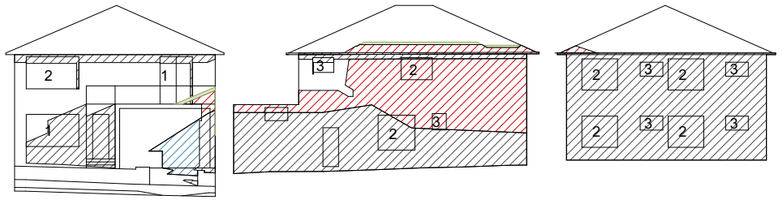

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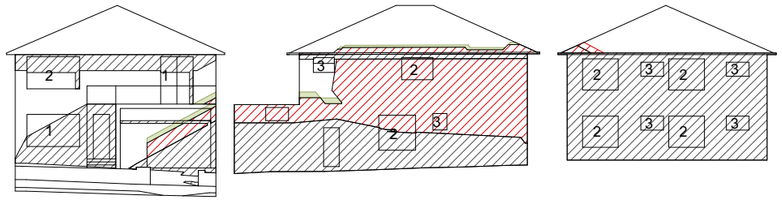

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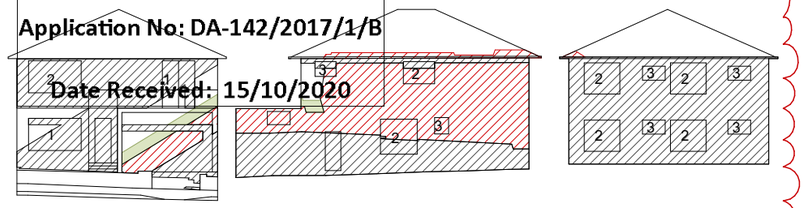

03 - 11AM WINTER SOLSTICE
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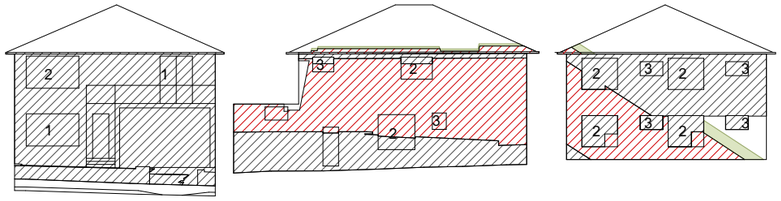

04 - 12PM WINTER SOLSTICE
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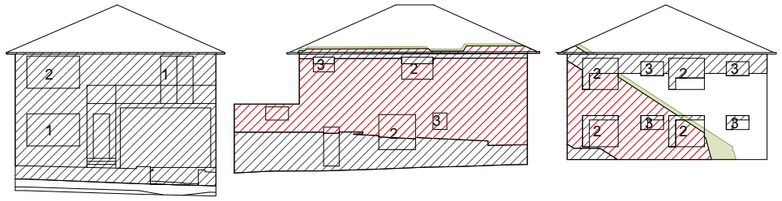

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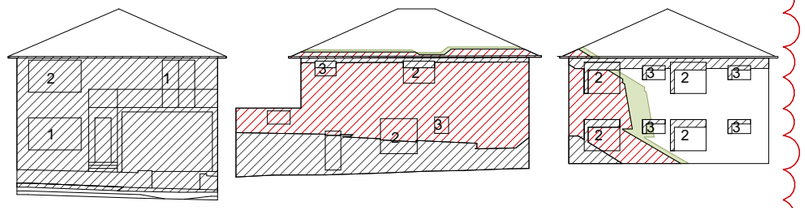

06 - 2PM WINTER SOLSTICE
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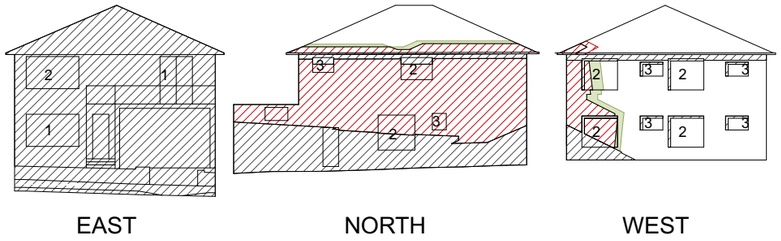

07 - 3PM WINTER SOLSTICE
1:300

ELEVATIONAL STUDY

NO.6 JACKAMAN STREET, BONDI

ADJACENT DWELLING

BASED ON OBSERVATIONS OF THE EXTERIOR OF THE DWELLING, THE SIZE & LOCATION OF WINDOWS IT HAS BEEN ASSUMED WINDOWS NOTED THUS ARE:

1. LIVING ROOMS
2. BEDROOMS
3. BATHROOMS

GREY HATCH DENOTES EXISTING SHADOW

RED HATCH DENOTES PROPOSED SHADOW

GREEN HATCH DENOTES PROPOSED S4.55 SHADOW

BLUE HATCH DENOTES PROPOSED REDUCED SHADOW TO THAT OF THE EXISTING

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DRAWING TITLE
SOLAR ACCESS ELEVATION DIAGRAMS

PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1061	E

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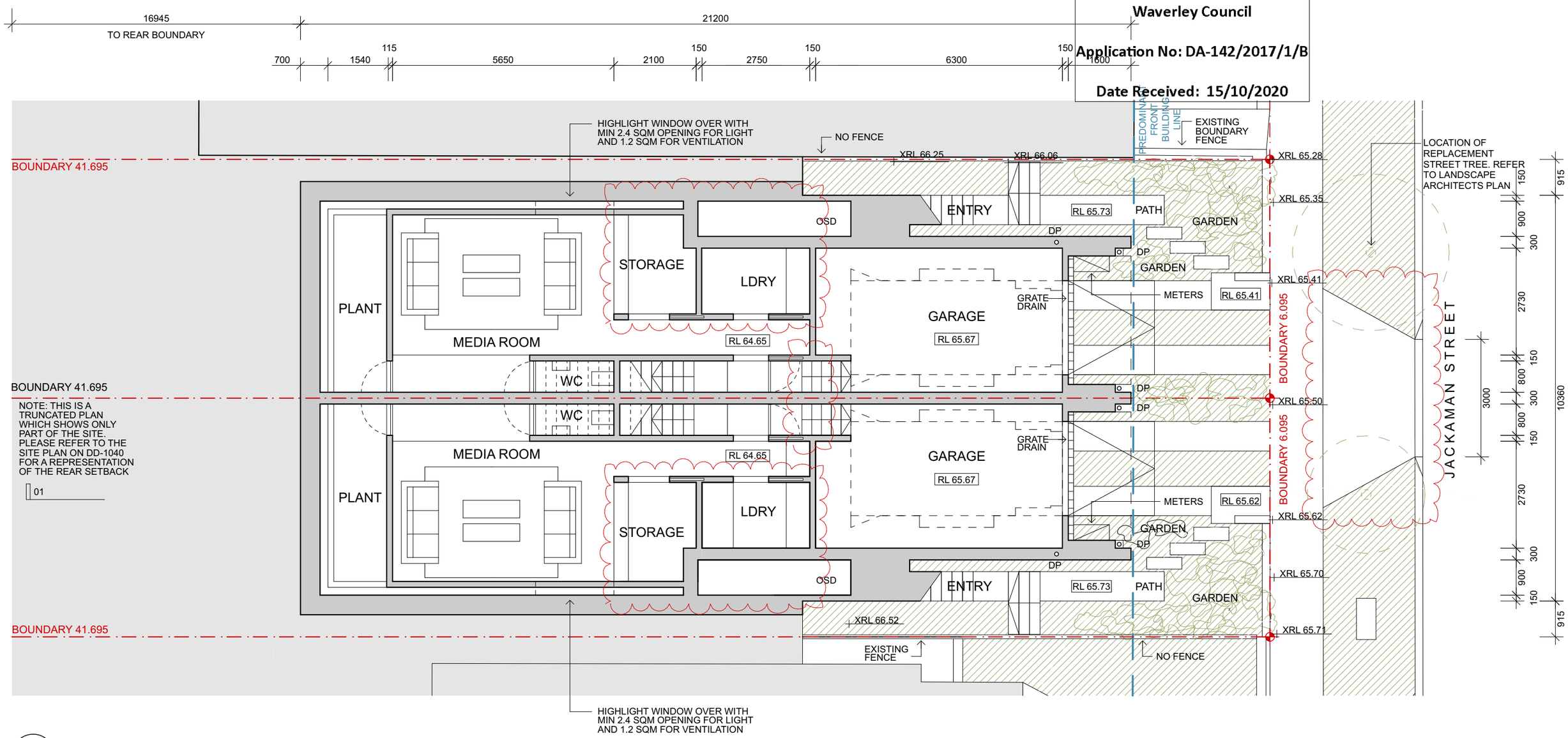


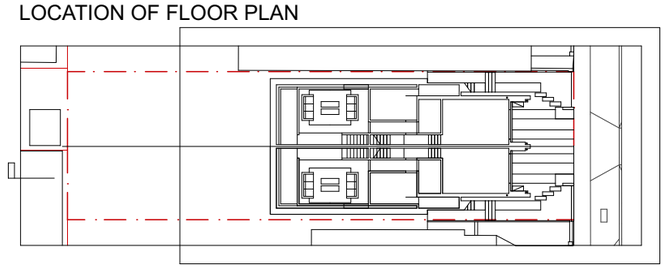
NOTE: THIS IS A TRUNCATED PLAN WHICH SHOWS ONLY PART OF THE SITE. PLEASE REFER TO THE SITE PLAN ON DD-1040 FOR A REPRESENTATION OF THE REAR SETBACK

01

01 - LOWER GROUND FLOOR PLAN

1:100

LOCATION OF FLOOR PLAN



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DRAWING TITLE
LOWER GROUND FLOOR PLAN
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:100

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1100	J

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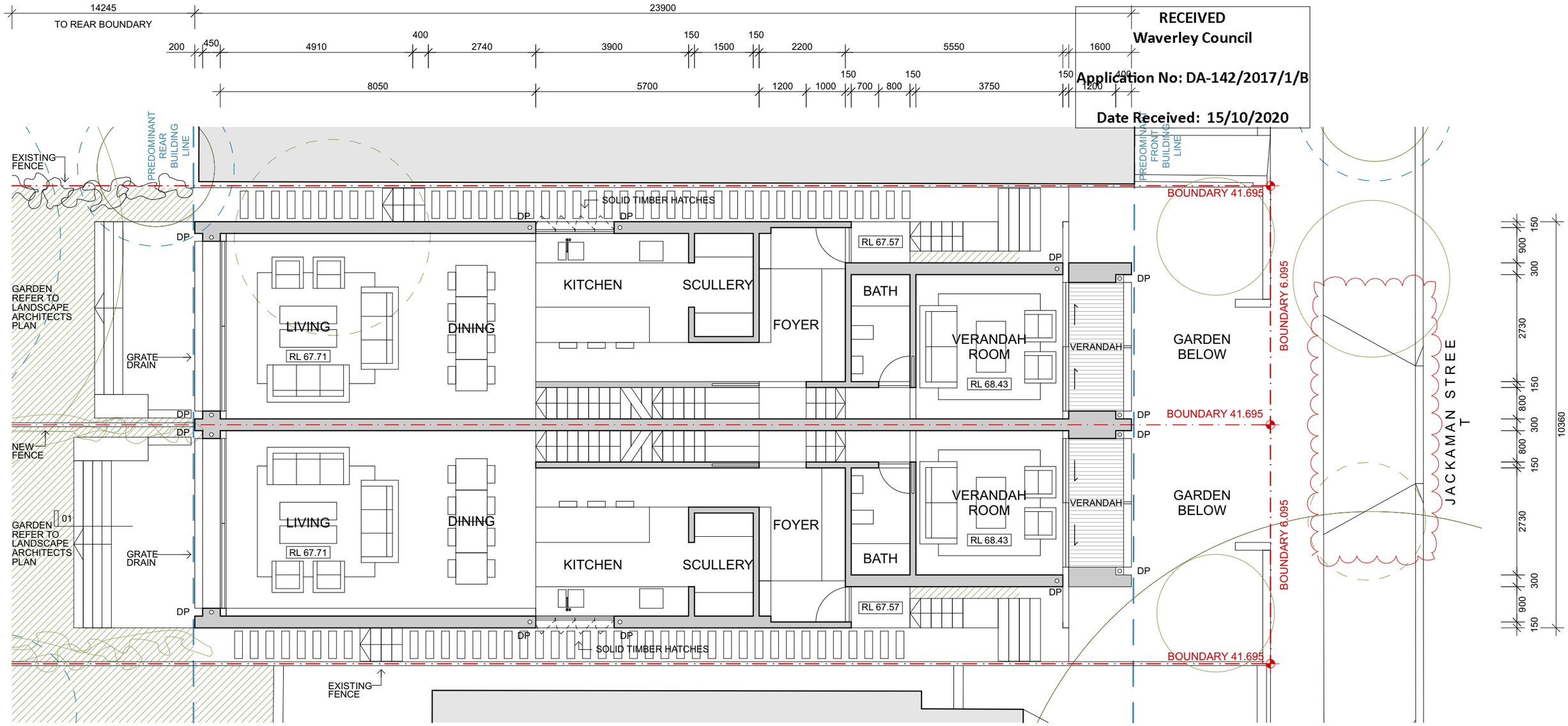
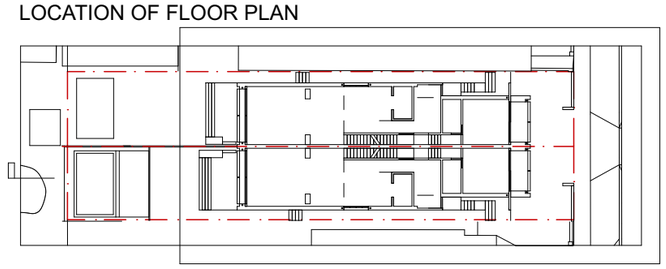
Application No: DA-142/2017/1/B
Date Received: 15/10/2020



01 UPPER GROUND FLOOR PLAN
1:100

LOCATION OF FLOOR PLAN



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DRAWING TITLE
UPPER GROUND FLOOR PLAN
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1101	G

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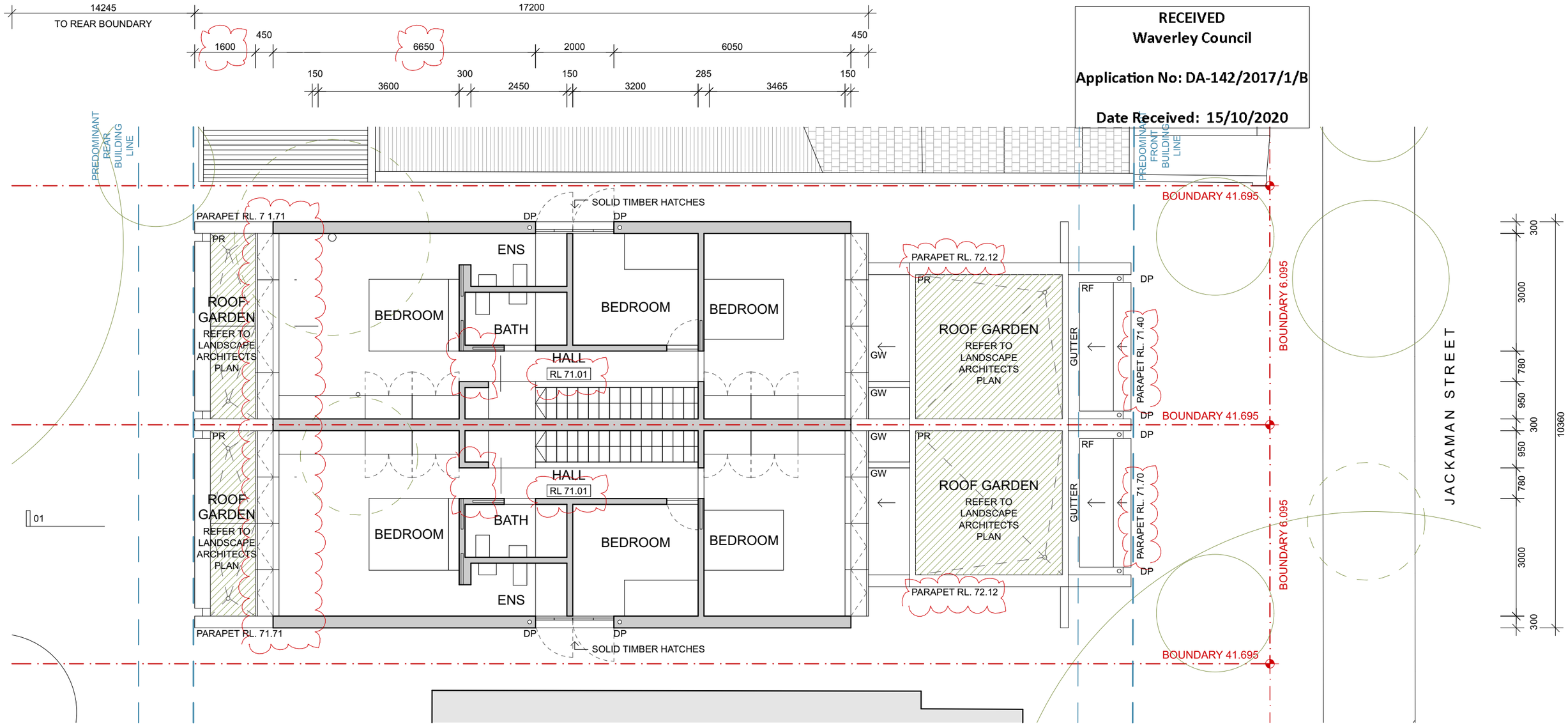
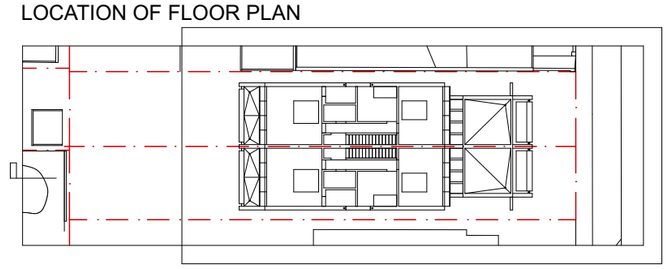


01 FIRST FLOOR PLAN
1:100

LOCATION OF FLOOR PLAN



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DRAWING TITLE
FIRST FLOOR PLAN
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
14/7/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1102	E

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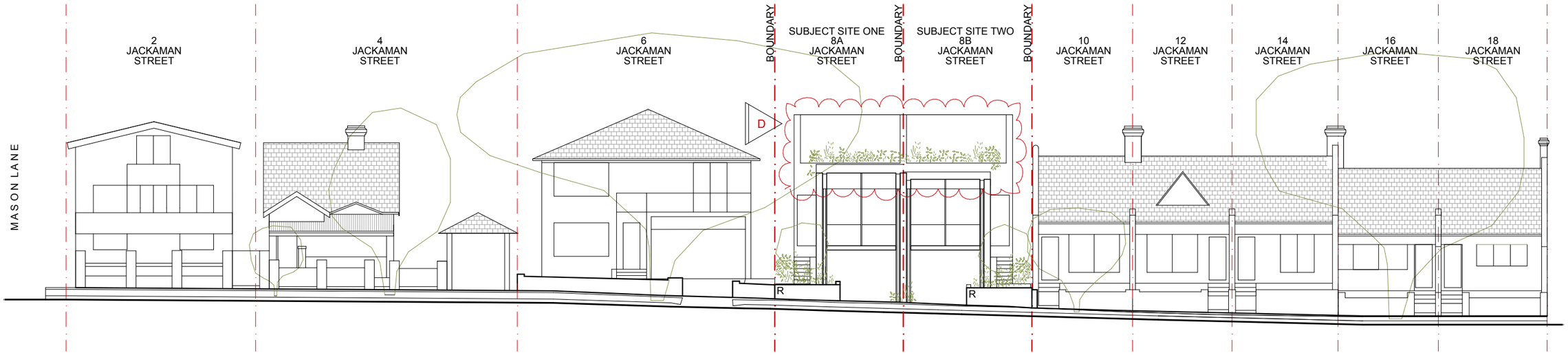
Application No: DA-142/2017/1/B

Date Received: 15/10/2020



REFER TO DD-1201 FOR BUILDING ELEVATION

01 - JACKAMAN STREET ELEVATION
1:200

CONCRETE | GLASS WINDOW / SKYLIGHT | RENDER | METAL | PLANTED ROOF | METAL DECK ROOF & FLASHINGS | RECYCLED BRICK | PAINTED BRICK | TIMBER

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DRAWING TITLE
STREETSCAPE ELEVATION
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:200

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
7/7/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1200	D

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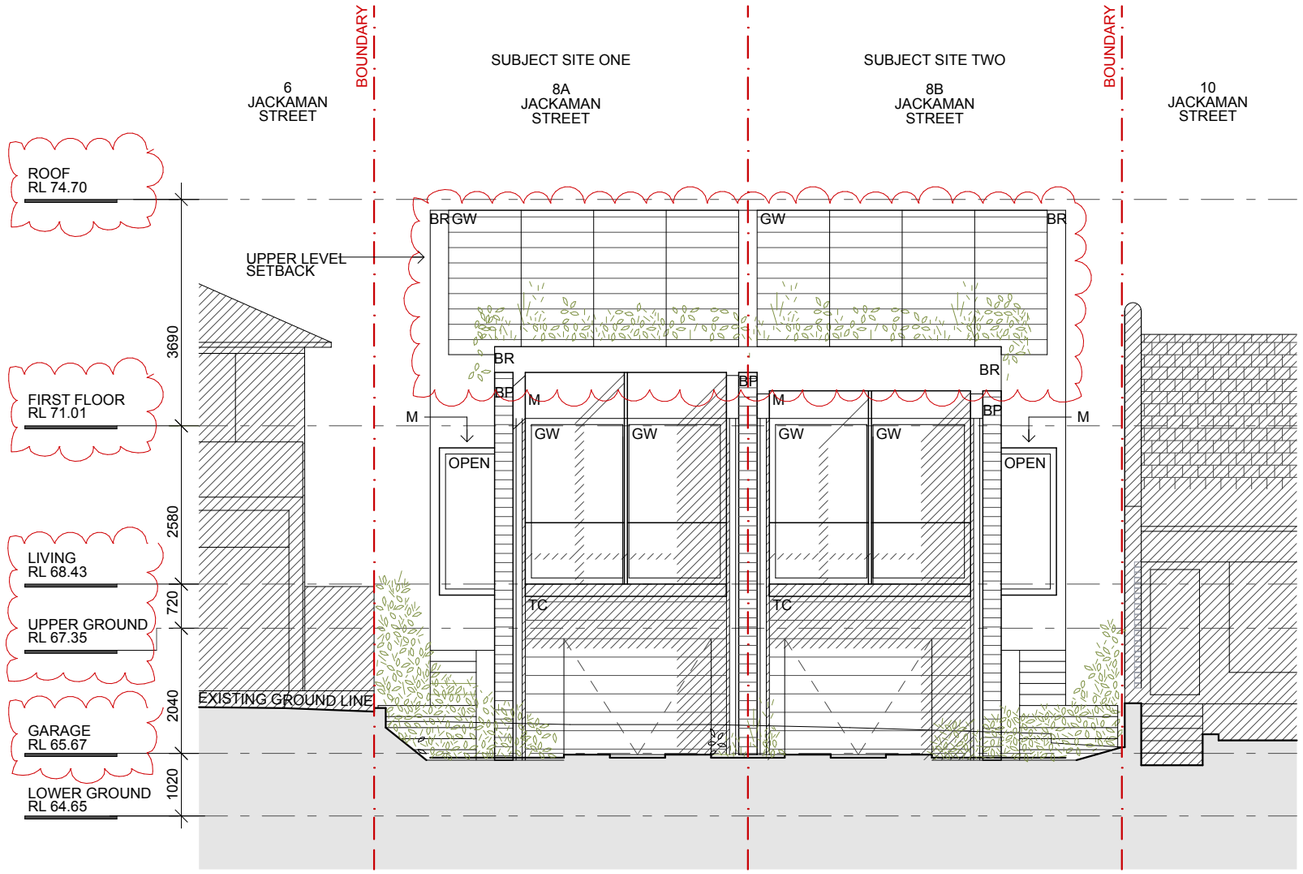
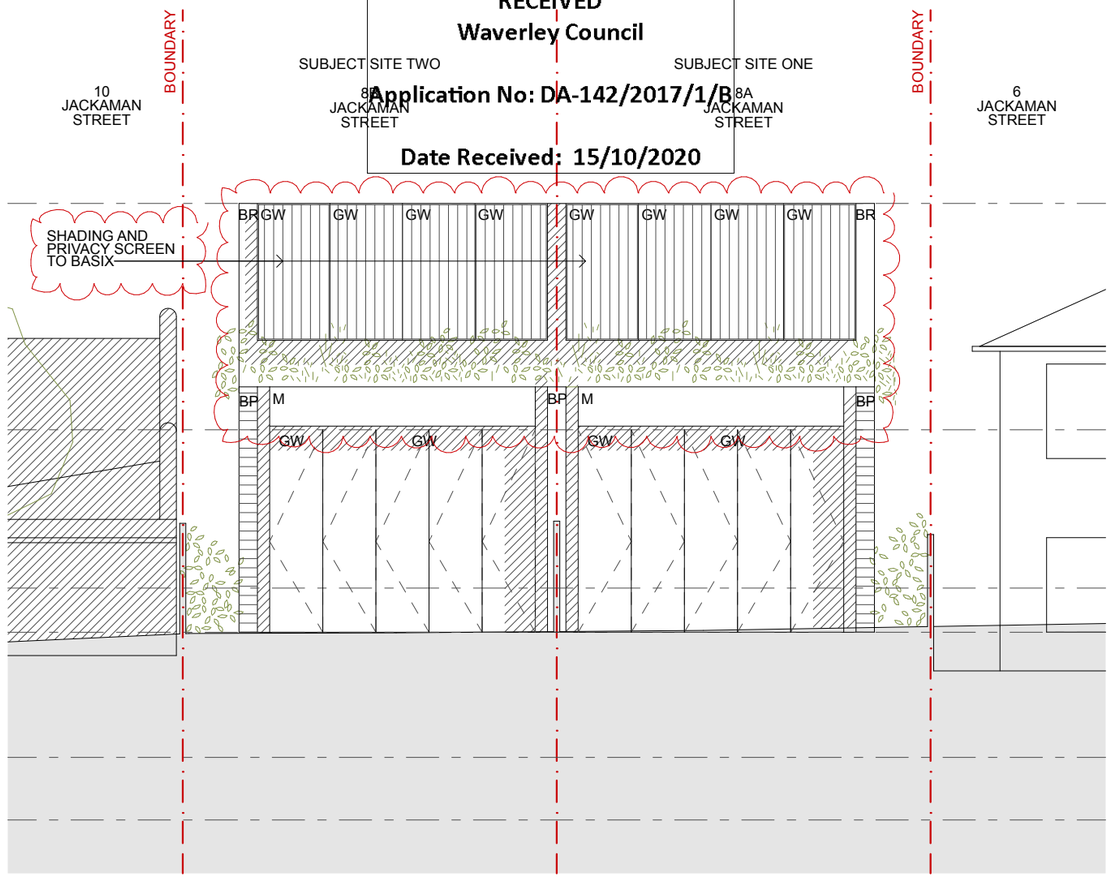


01 - FRONT (EAST) ELEVATION - AT BUILDING LINE
1:100



02 - REAR (WEST) ELEVATION - AT BUILDING LINE
1:100

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Waverley Council
Application No: DA-142/2017/1/B
Date Received: 15/10/2020

CONCRETE | GLASS WINDOW / SKYLIGHT | RENDER | METAL | PLANTED ROOF | METAL DECK ROOF & FLASHINGS | RECYCLED BRICK | PAINTED BRICK | TIMBER

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DRAWING TITLE
ELEVATION
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:100

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	**DRAWING NUMBER**	**REVISION STATUS**
20016	DD-1201	F

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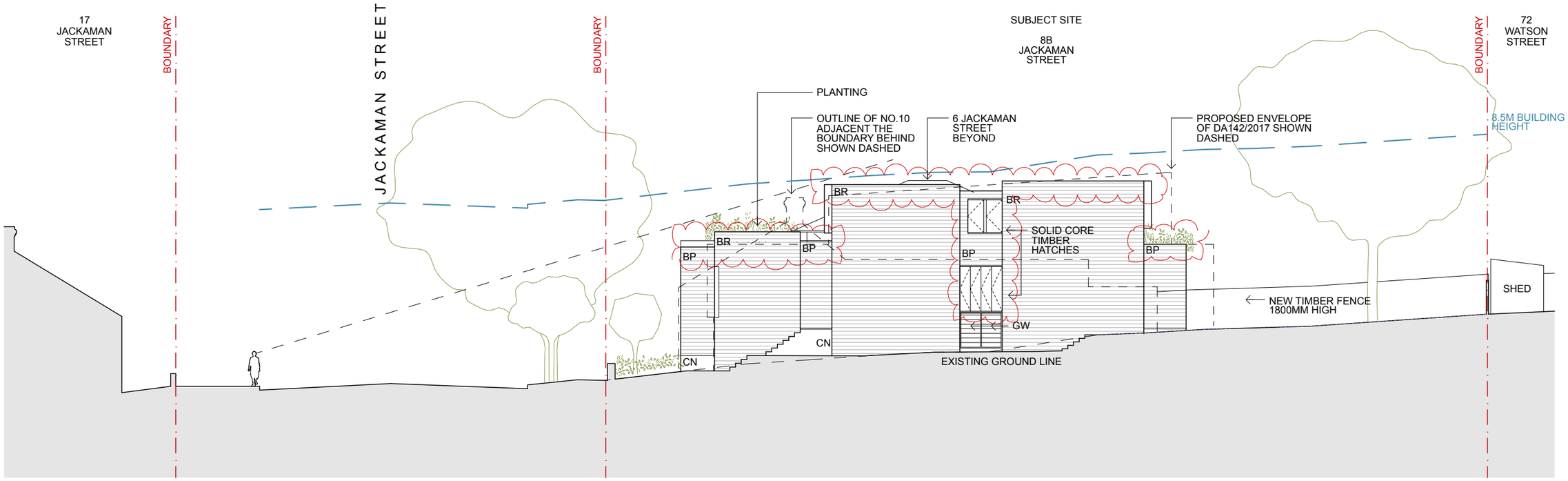

01 - SIDE (NORTH) ELEVATION AT BUILDING LINE
1:200

CONCRETE | GLASS WINDOW / SKYLIGHT | RENDER | METAL | PLANTED ROOF | METAL DECK ROOF & FLASHINGS | RECYCLED BRICK | PAINTED BRICK | TIMBER

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DRAWING TITLE
ELEVATION
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:200

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
14/7/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
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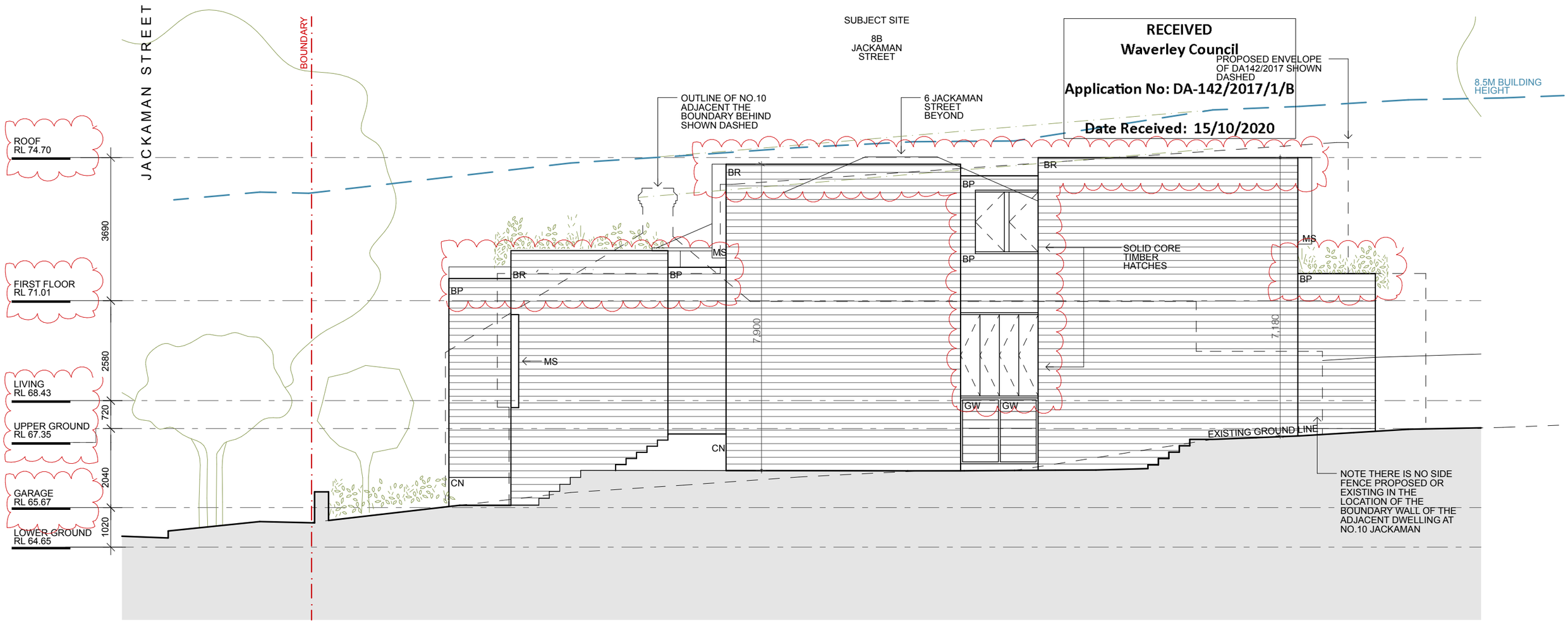

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Waverley Council
Application No: DA-142/2017/1/B
Date Received: 15/10/2020

01 - SIDE (NORTH) ELEVATION AT BUILDING LINE
1:100

CONCRETE | GLASS WINDOW / SKYLIGHT | RENDER | METAL | PLANTED ROOF | METAL DECK ROOF & FLASHINGS | RECYCLED BRICK | PAINTED BRICK | TIMBER

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DRAWING TITLE
ELEVATION
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:100

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
20016	DD-1203	H

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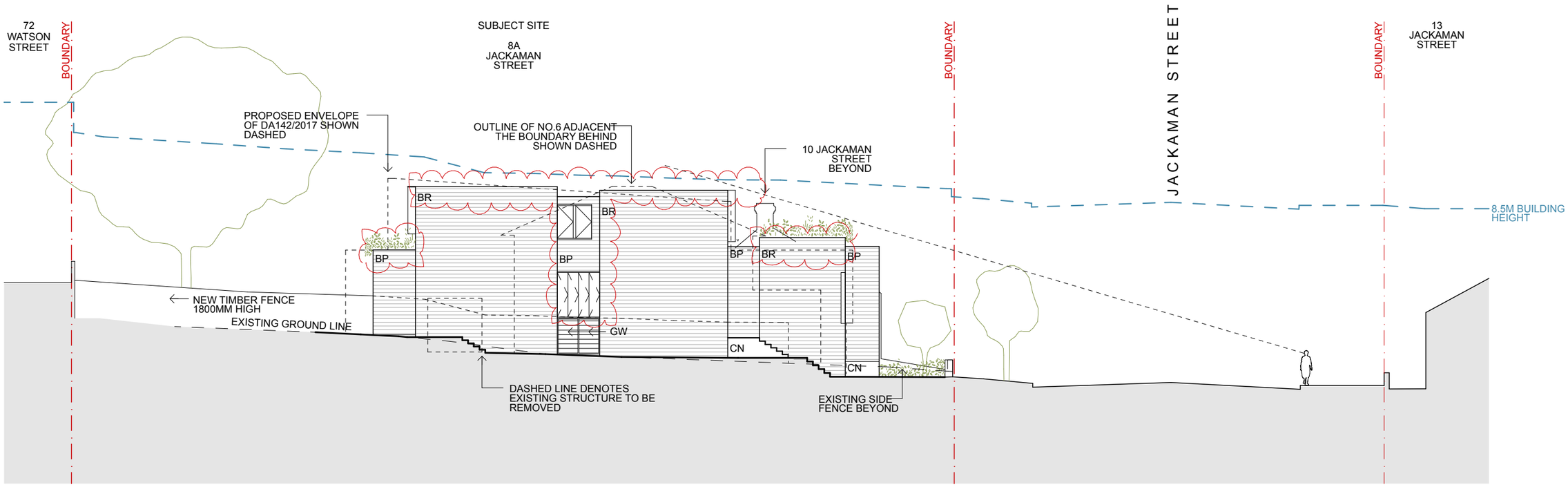
Application No: DA-142/2017/1/B

Date Received: 15/10/2020



01
-
SIDE (SOUTH) ELEVATION AT BUILDING LINE
1:200

CONCRETE | GLASS WINDOW / SKYLIGHT | RENDER | METAL | PLANTED ROOF | METAL DECK ROOF & FLASHINGS | RECYCLED BRICK | PAINTED BRICK | TIMBER

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Architect: Simon Tonks 8871

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DRAWING TITLE
ELEVATION
PROJECT DETAILS
NEW DWELLINGS FOR FINE POINT DEVELOPMENT
8 JACKAMAN STREET, BONDI

AMENDED PLANS

PROJECT NORTH
1:200

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
14/7/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
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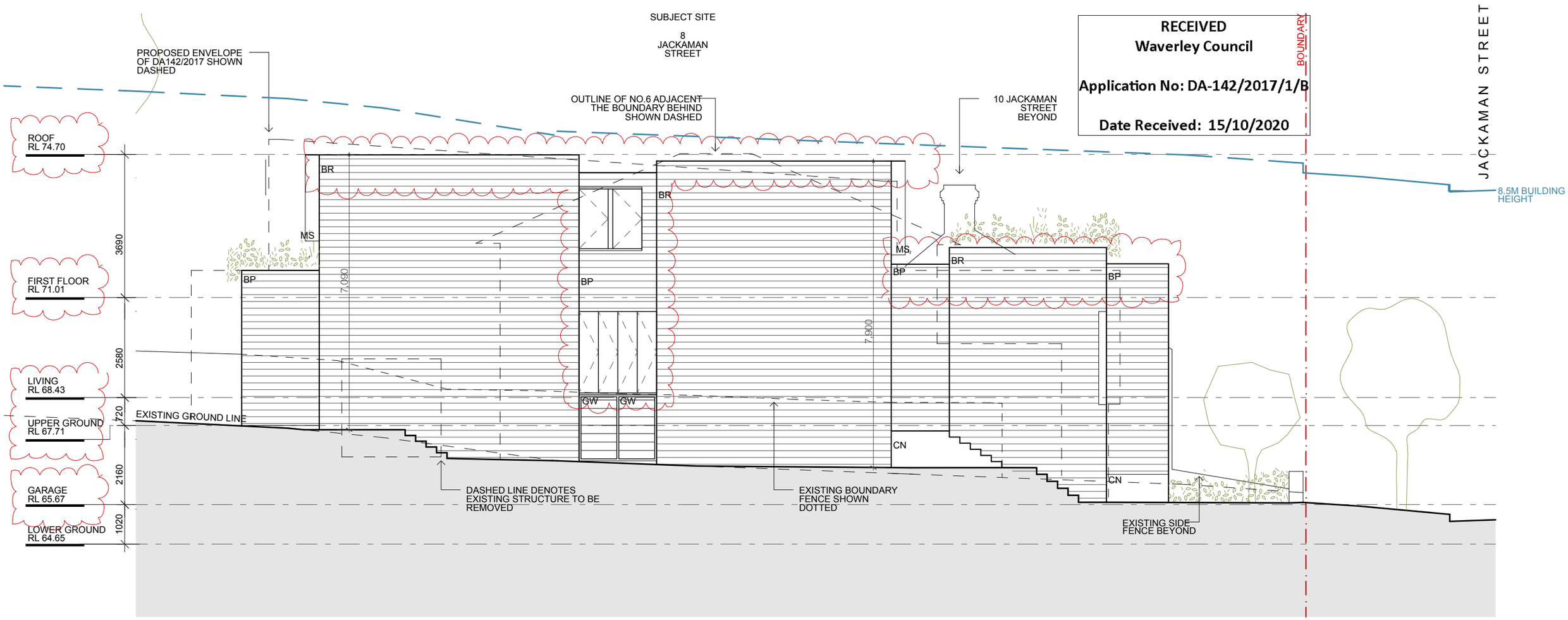

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13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
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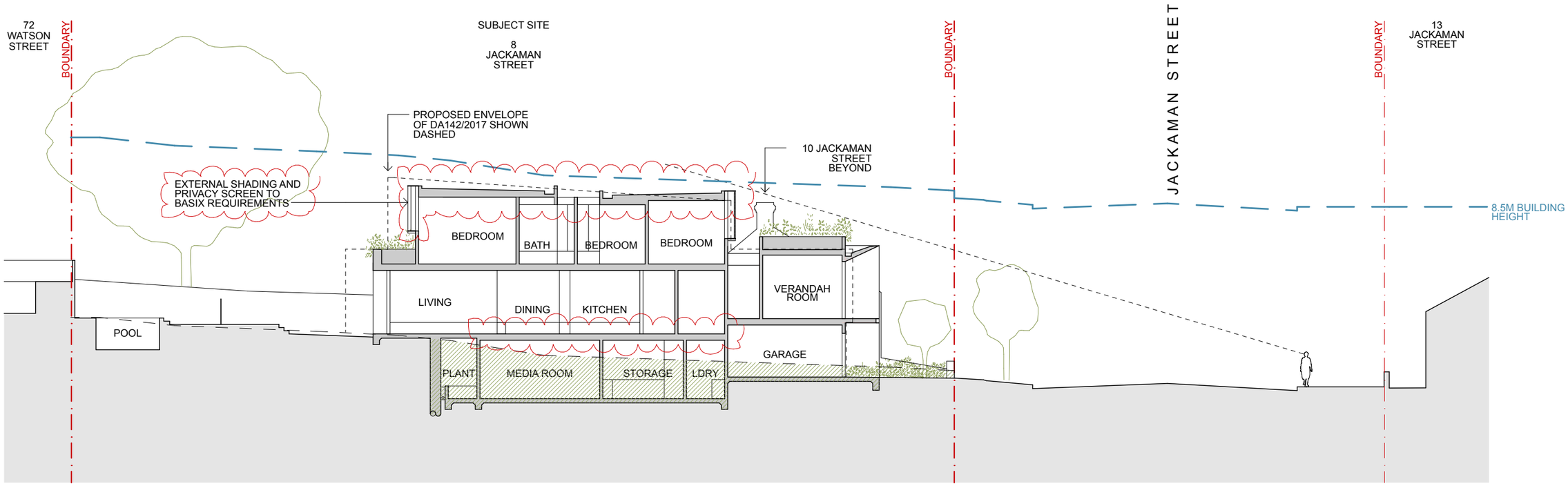

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PROJECT NORTH
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DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
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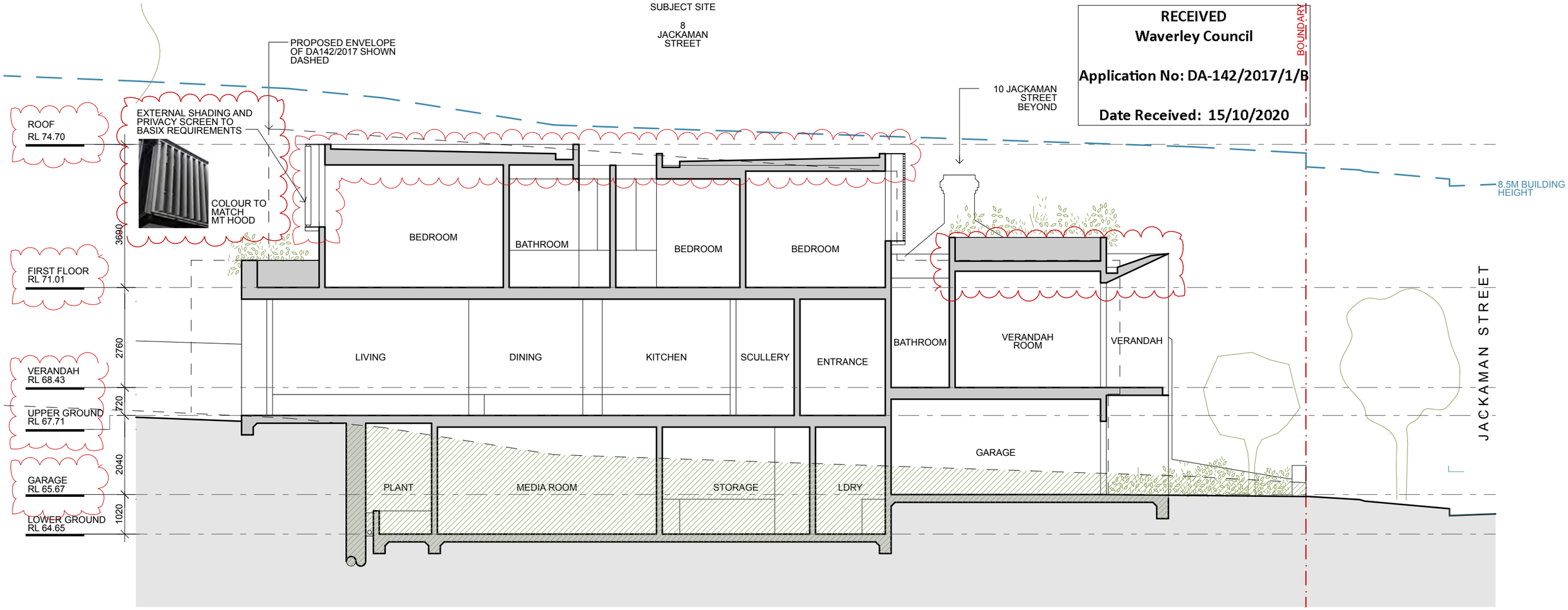

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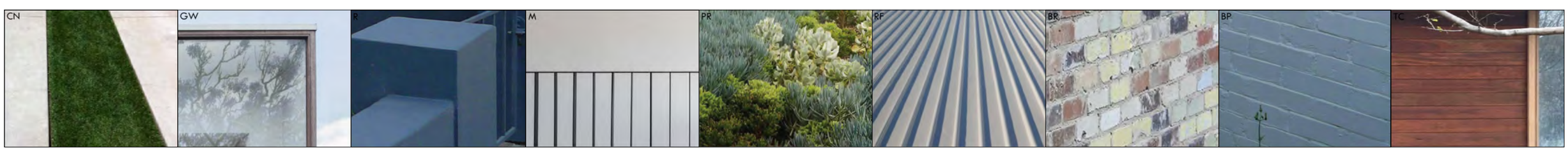

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PROJECT NORTH

DATE OF ISSUE	PRINT SIZE	PROJECT STATUS
13/10/20	A3 LANDSCAPE	APPROVAL
PROJECT NUMBER	DRAWING NUMBER	REVISION STATUS
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WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-316/2015/B
Site address	157-159 Military Road, Dover Heights
Proposal	Modification to approved mixed use development to increase floor space and other minor modifications.
Approved development description	Demolition of existing building, construction of mixed use building with basement car parking and strata subdivision.
Date of lodgement	14 August 2020
Owner	Mr K K Verma, Mr N Verma, and Mr S Verma
Applicant	Mr A Betros, ABC Planning Pty Ltd
Submissions	Nil
Cost of Works	$2,093,000
Issues	Non-compliant FSR
Recommendation	That the application be **REFUSED**

Site Map

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 2 November 2020.

The site is identified as Lot 1 in DP 126719, known as 157-159 Military Road, Dover Heights. The subject site is located on the south-eastern corner of the Military Road and Blake Street intersection. The site is rectangular in shape with a western front boundary to Military Road measuring 15.24m, northern secondary boundary to Blake Street measuring 28.955m, a southern side boundary measuring 30.48m and eastern rear boundary measuring 16.765m. The site includes a 2.165m splay corner and has an area of 509.8 m² and is generally flat.

The site is occupied by a single storey brick building with three commercial tenancies, two detached rear sheds and no vehicular access.

The subject site is adjoined by a mixed residential/commercial development to the south and a detached dwelling to the east. The locality is characterised by a variety of residential developments including dwellings, mixed commercial uses and residential flat buildings.

Figure 1: Subject site

Figure 2: Site viewed from across Blake Street

Figure 3: Site viewed from Blake Street looking west towards the rear of the subject site

1.2 Details of Approved Development

DA-316/2015 was approved on 24 March 2016 for demolition of the existing building, construction of a mixed use building with basement car parking and strata subdivision subject to deferred commencement conditions. This included the applicant entering into a voluntary planning agreement with Council for an additional 15% of gross floor area (GFA). The mixed use development contains six units, retail space and two car spaces on the ground floor and basement parking for seven vehicles. The consent was activated on 14 August 2018.

DA-316/2015/A was approved on 14 February 2017 for an extension of time from one to two years for the satisfaction of the deferred commencement matters.

1.3 Proposal

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

- Modification of residential entry for compliant accessibility;
- Minor modifications to rear planters (area unchanged);
- Relocation of bicycle parking;
- Minor changes to kitchen and storage to Unit 1;
- Addition of bedroom to Unit 2, enlarged living area by removal of eastern balcony;
- Minor changes to kitchen and storage to Unit 4;
- Addition of bedroom to Unit 5 and modification of living area;
- Removal of roof internal parapets;
- Addition/ updating of windows to Units 2 and 5; and
- Substitution of external finishes to equivalent range of standard colours.

The application seeks an additional 61.5m^2 of GFA (Note: the applicant's Statement of Environmental Effects (SEE) and GFA plans lodged with the Section 4.55 application package indicate a proposal for an additional 28m^2 of floor space, but this did not include part of the additional floor area to Unit 2 or satisfy the requirements of the GFA definition of excluded areas under Waverley Local Environmental Plan 2012 (WLEP). This is discussed in further detail below).

2. ASSESSMENT

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

2.1 Section 4.55 Considerations

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

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has not been submitted with the application.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 SEPP 65 Design Quality of Residential Flat Development

The application was not referred to the Waverley Design Excellence Advisory Panel (DEAP) given the nature of the works proposed; however, an assessment has been undertaken with regard to the nine design quality principles under SEPP 65 which are set out in Table 1 below:

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

Principle
Principle 1: Context and Neighbourhood
The subject proposal does not respond to the context of the desired future character of the locality, given the excessive breach of the FSR proposed.
Principle 2: Built Form and Scale
The existing building is already not compliant with the FSR and building height development standards of the WLEP. The proposal seeks to exacerbate these non-compliances.
Principle 3: Density
The existing development has a non-compliant height and FSR. The proposal seeks to exacerbate these non-compliances, resulting in a density which is inappropriate for the site and its context.
Principle 4: Sustainability
As approved
Principle 5: Landscape
Satisfactory
Principle 6: Amenity
Satisfactory internal amenity for residents of enlarged units. The infill of the roof garden area and void above blocks natural light and ventilation to the common lift/ stair well and removes window to Bathroom for Units 1 and 4.
Principle 7: Safety
Satisfactory
Principle 8: Housing Diversity and Social Interaction
Satisfactory
Principle 9: Aesthetics
The proposal reduces the articulation of the built form as it presents at the northern Blake Street elevation with the infill of part of the green roof garden area and void above.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
Part 3 Siting the development		
3A Site analysis	No	A site analysis was not provided with the application.
3B Orientation	Yes	The orientation of the new floor additions are satisfactory.
3C Public domain interface	No	The proposal will accentuate the perceived length of building massing when viewed from the public domain due to the infilling of part of the approved green roof garden and void area above as it presents to Blake Street.
3D Communal and public open space ADG control: Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice	No change	The proposal does not alter the existing area of common open space located to the rear of the subject site
3E Deep soil zones ADG control: 7% of the site, deep soil zones should be provided	No change	
3F Visual privacy Min separation distances from buildings (windows and balconies) to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable	Yes	It is proposed to extend floor space to Unit 2 over the approved eastern facing balcony. Adequate separation distances of 6m is maintained to the side boundary, which is satisfactory. The proposed location of the new Bed 2 to Units 2 and 5 are satisfactory in regards to separation distances.
3G Pedestrian access and entries	Yes	The proposal will retain the pedestrian entry to Blake Street. The entry is connected to, and addresses, the public domain and is easily identifiable. The entry is to be upgraded for access compliance.
3J Bicycle and car parking	Yes	It is proposed to relocate one bicycle parking space from basement level to the rear of the building at ground floor level.

Design Criteria	Compliance	Comment
Part 4 – Designing the building		
Amenity		
4A Solar and daylight access Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	No change No change	Shadow diagrams have not been submitted with the application. The location of the additional floor space is not likely to cause unreasonable impacts on the amenity of adjoining or adjacent properties in terms of overshadowing. The proposed additional bedrooms are sited and orientated to the north.
4B Natural ventilation All habitable rooms are naturally ventilated At least 60% of units naturally ventilated in the first 9 storeys of the development.	Yes Yes	100% of units are naturally cross-ventilated. All units have dual aspects.
4C Ceiling heights Habitable rooms – 2.7m Non-habitable rooms – 2.4m	Yes Yes	The ceiling heights of the apartments are greater than 2.7m.
4D Apartment size and layout The following minimum internal areas apply: • *2 Bed - 70 m^2* • *Add 5m^2 for each additional bathroom (above 1)* Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Yes Yes	Units 2 and 5 are modified from one bedroom apartments to two bedroom apartments which satisfy the internal floor area control.

Design Criteria	Compliance	Comment
Maximum depth of open plan living layouts is 8m.	Yes	
4E Private open space and balconies All apartments provide primary balcony as follows: • 2-bed - 10m^2 & 2m depth	Yes	
4F Common circulation and spaces • Max of 8 units accessed off a circulation core on a single level	No change	A maximum of three units are accessed from the lobby.
4G Storage In addition to kitchens, bathrooms and bedrooms, the following is provided: • 2-bed – 8m^3	Yes	Additional storage is proposed internally to Units 1 and 4. This is in addition to the approved storage cages within the Basement Car Park level.
4H Acoustic privacy	Yes	
Configuration		
4K Apartment mix	No	The development now comprises solely two bedrooms units only
4M Facades	No	The proposal will accentuate the perceived length of building massing when viewed from the public domain due to the infilling of part of the approved roof garden and void area above as it presents to Blake Street.
4O Landscape design	No	The approved first floor level green roof garden is to be reduced in size from 22m^2 to 10m^2 and appears to now include a balustrade which is contrary to Condition 88 of the original development consent (although this is unclear from the elevations submitted with the application and should the modification application be approved, this would be required to be addressed by condition).
4Q Universal Design	No change	Not identified

Design Criteria	Compliance	Comment
Performance		
4U Energy	Yes	All apartments within the building incorporate passive environmental design, meeting the cross-ventilation requirements in the ADG. Adequate natural light and solar access is provided to the apartments. The infill of the roof garden area and void above blocks natural light and ventilation to the common lift/ stair well and removes the windows to Bathroom for Units 1 and 4.
4V Water management and conservation	Not demonstrated	No details provided
4W Waste management	No change	
4X Building maintenance	Yes	The ADG suggests that building design should provide protection from weathering and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this.

2.2.4 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposal are outlined below:

Table 3: WLEP Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table B1 Neighbourhood Centre	Yes	No change to the approved use as 'shop top housing' development.
Part 4 Principal development standards		
4.3 Height of buildings • 9m	No - As approved	9.83m
4.4 Floor space ratio • 1:1 • Site Area: 509.8m^2	No	The approved non-compliant FSR is 1.15:1 (584m^2). It is proposed to increase the FSR by 61.5m^2 (see further discussion below).
4.6 Exceptions to development standards	See discussion	The non-compliance of the approved development, as proposed to be modified, with the FSR development standard is not required to be considered under clause 4.6 of WLEP. Notwithstanding, an assessment

Provision	Compliance	Comment
		against the objectives of clause 4.4 of WLEP in relation to FSR is set out below the table.

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

Clause 4.4 - Floor Space Ratio

The modification application seeks to vary the FSR development standard in Clause 4.4. The site is subject to a maximum FSR control of 1:1 or 509.8m^2 of GFA. The approved development under DA-316/2015 has a FSR of 1.15:1, equating to a 15% variation. The applicant entered into an agreement under Council's Planning Agreement Policy for the 15% variation to the FSR development standard, which was completed on 3 May 2018.

When the original DA was assessed; however, the GFA provided in the applicant's submission excluded areas used for common horizontal circulation being the lobby areas on all three levels, retail garbage room at ground floor level and also a storage area to the ground level retail tenancy. Whilst it could be argued that the horizontal circulation areas on Levels 1 and 2 should have been excluded given they have open louvres to both their north and south sides, the other areas should not have been excluded from the FSR calculation. Should these areas be included (ie. ground floor lobby, retail store, retail garbage room), as was required by WLEP at the time and under the current definition, the total GFA of the approved development is calculated at 620.5m^2 or a FSR of 1.21:1, being a 21% exceedance of the FSR development standard (calculations undertaken by Council assessment officer based on submitted architectural plans).

In the applicant's SEE and GFA plans submitted with this Section 4.55 modification application, the additional floor space they seek is calculated as 28m^2. However, the applicant has not included a part of the extended Unit 2 floor space located at the eastern side of this unit in the calculations, which in total equates to 33.5m^2 of floor space being added to the building envelope. The applicant has also again failed to include those areas for common horizontal circulation including the lobby areas, retail garbage room at ground floor level and also a storage area to the ground level retail tenancy, as required by the WLEP definition for GFA.

The modified proposal now seeks to enclose the Level 1 and 2 lobby areas at the north side due to the location of Bedroom 2 to Units 2 and 5. These lobby areas are now only partially open to the south side with louvre screens, but are otherwise now fully enclosed to the elements. In accordance with the definition of GFA under WLEP, these lobby areas to Levels 1 and 2 should be included in the calculation of GFA. Accordingly, by including the Level 1 and 2 lobby areas, the proposed modified development increases the overall GFA by 61.5m^2 to 681.5m^2, which results in a FSR of 1.34:1, being a 34% exceedance of the FSR development standard.

The application is made under Section 4.55(2) of the Act and therefore the variation cannot be considered under clause 4.6 of WLEP. Notwithstanding, the variation of the FSR development standard is considered against the objectives of the FSR development standard expressed by clause 4.4(1) of WLEP to guide the merit assessment, which are extracted as follows:

Clause 4.4 Floor Space Ratio

(1) The objectives of this clause are as follows—

(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,

(b) to provide an appropriate correlation between maximum building heights and density controls,

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Objective (a) does not apply to the subject development.

Notwithstanding the discrepancies in the GFA calculations and having regard to the addition of 33.5m^2 of GFA to the building envelope only as proposed, the scale and streetscape presentation of the proposed building will change as a result of the increase in FSR due to the filling in of part of the approved void area as it presents to Blake Street and removing at least half of the approved green roof. The proposed FSR results in a substantial exceedance of the development standard which is considered to be unacceptable.

The building as approved was considered to be an acceptable development with regards to the FSR exceedance at the time, however, further creeping of the envelope is considered to be unacceptable resulting in unreasonable impacts on the streetscape and the desired future character of the locality contrary to objective (c) of the FSR development standard. The extent of the FSR exceedance will also set an undesirable precedent for the locality and is not supported.

2.2.5 Waverley Development Control Plan 2012 - Amendment No 8 (WDCP) – Effective 1 August 2020

The relevant matters to be considered under the WDCP for the proposal are outlined below:

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

Development Control	Compliance	Comment
1. Waste	No change	
2. Ecologically sustainable Development	Yes	The proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
3. Landscaping and Biodiversity	No	The size of the first floor level north facing green roof garden is to be reduced in order to accommodate the additional floor space to Unit 2. It also appears that a balustrade is proposed now to this green roof which is contrary to Condition 88 of the original development consent.
6. Stormwater	Yes	This matter was addressed as part of the original approval with conditions imposed accordingly.

Development Control	Compliance	Comment
7. Accessibility and adaptability	Yes	As the development contains less than 10 units, no adaptable dwellings are required. The development includes a lift and access ramps.
8. Transport	No change	Whilst the modification application proposes an increase in the number of bedrooms proposed to Units 2 and 5, there is no change proposed to the number of car spaces on site, remaining at nine spaces in total, which satisfies the minimum requirement.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the WDCP.
11. Design Excellence	No	The proposal as modified is not considered to be a form of development that is a suitable response for the site.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

This part applies to shop top housing developments:

Development Control	Compliance	Comment
3.1 Site, Scale and Frontage		
	No	The proposed significant breach of the FSR results in an overdevelopment of the subject site.
3.2 Height		
• Refer to the WLEP	No change	
3.5 Building Design and Streetscape		
• Building design is to respond to the existing streetscape character of the area.	No	The proposal will accentuate the perceived length of building massing when viewed from the public domain due to the infilling of part of the approved roof garden and void area above as it presents to Blake Street.
• The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.	Yes	The changes proposed to building finishes and materials is considered to be acceptable on merit.
3.8 Pedestrian access and entry		
• Entry at street level and respond to pattern within the street • Accessible entry • Separate to vehicular entry • Legible, safe, well-lit	Yes	There is no change proposed to the location of the pedestrian access. The doorway is to be further recessed to enable ramping of the access way.

Development Control	Compliance	Comment
3.9 Landscaping		
• 30% of the site area is to be provided as landscaped area	No	The approved first floor level green roof garden is to be reduced in size from 22m^2 to 10m^2 only and appears to now include a balustrade which is contrary to Condition 88 of the original development consent (although this is unclear from the elevations submitted with the application and should the modification application be approved, would be addressed by condition). The numerical compliance with the controls of WDCP has not been addressed in the submission.
3.12 Vehicular access and parking		
	Yes	The proposed works have no impact upon the approved car parking located at the basement and ground floor levels of the building.
3.14 Views and view sharing		
	Yes	No adverse view loss impacts are anticipated as a result of the proposed modified development.
3.15 Visual privacy and security		
• Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened • Privacy be considered in relation to context density, separation use and design.	Yes	It is proposed to extend floor space to Unit 2 over the approved eastern facing balcony. Adequate separation distances of 6m is maintained to the side boundary, which is satisfactory.
3.19 Acoustic privacy		
• Sound proofing through acoustic glazing • Internal amenity by locating noisy areas away from quiet areas	Yes	
3.21 Building services		
	Yes	The proposal, as modified, is considered to maintain adequate building services.

Waverley DCP 2012 – Part D1 Commercial and Retail Development

The original approval addressed the provisions of Part D1 of WDCP. No changes are proposed to the retail/ commercial component of the development. Accordingly the provisions of Part D1 are not applicable to the modification application.

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

Development Control	Compliance	Comment
3.1 Specific controls		
Blake Street Neighbourhood Centre	No	The additional floor space results in an overdevelopment of the subject site which is not of a scale that responds to the desired future character of the area.
3.2 Generic controls		
3.2.1 Land uses	Yes	
3.2.2 Public domain interface	Yes	No changes are proposed to the active retail frontages.
3.2.3 Built form	No	The additional floor space results in an overdevelopment of the subject site which is not of a scale that responds to the desired future character of the area.
3.2.4 Building facade articulation	No	The proposal will accentuate the perceived length of building massing when viewed from the public domain due to the infilling of part of the approved green roof garden and void area above as it presents to Blake Street.
3.2.6 Building services and site facilities	No change	

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.4 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.5 Any Submissions

The modification application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development.* No submissions were received.

2.6 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest and is not supported.

3. REFERRALS

3.1 Strategic Planning

The application was referred to Council's Strategic Planning unit for comment given the increase in FSR proposed and given the approved development is the subject of an existing VPA. It is considered

however, that the modified development is not acceptable on planning grounds to warrant application of the Planning Agreements Policy 2014.

4. SUMMARY

The proposal seeks consent for modifications to the approved mixed use development including an increase in FSR resulting in a total non-compliance with the FSR development standard of 34%, which is based on up to date calculations of FSR under the WLEP. Notwithstanding the discrepancy in the GFA calculations and having regard to the addition of 33.5m^2 of GFA to the building envelope only, this creeping of the FSR results in a substantial exceedance of the development standard which is considered to be unacceptable.

The application was notified and no submissions were received.

Whilst the minor modifications involving changes to bicycle parking location, pedestrian entry ramping, rear planter boxes, roof changes and minor internal changes to Units 1 and 4 may be acceptable, the main issue with the application is the increase in FSR proposed, which is the major component of this Section 4.55 application. The proposal seeks to further intensify an already non-complying development with the additional floor space proposed, representing an overdevelopment of the site. The Section 4.55 application is recommended for refusal.

DBU Decision

The application was reviewed by the DBU at the meeting on 22 September 2020 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A. DBU members: *M Reid, A Rossi, B McNamara, E Finnegan*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

Report prepared by:

JZancanaro

Jo Zancanaro
Senior Development Assessment Planner

Date: 6 November 2020

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

Bridget McNamara
Manager, Development Assessment (North/South)
Date: 11 November 2020

Reason for referral:

1 Departure from any development standard in an EPI by more than 10%
2 Sensitive development:
    (a) SEPP 65 development
    (b) Planning Agreements

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) and 4.55 of the *Environmental Planning and Assessment Act 1979* the Section 4.55 modification application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the *Environmental Planning and Assessment Act 1979,* as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity of the built environment.

2. The proposal does not satisfy section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not satisfy the provisions of the State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, in particular the following provisions:

    a. Clause 2 Aim, objectives etc, subclauses (3)(a)(ii) and (iii), (b) and (d) as the proposed development fails to achieve the objectives of urban planning policies of the local context, fails to provide an appropriate built form and aesthetic qualities to positively contribute to the streetscape, and fails to maximise the amenity for future occupants and the wider community.

    b. The proposed development is contrary to Part 4 *Application of Design Principles*, in particular Principles 1 *Context and Neighbourhood*, 2 *Built Form and Scale*, 3 *Density,* and 9 *Aesthetics.*

3. The proposal does not satisfy section 4.15 (1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, as the proposal does not satisfy the *Waverley Local Environmental Plan 2012*, in particular, the following provisions:

    a. Clause 4.4 *Floor space ratio* (1)(b), (c) and (d) and (2), as the proposed additional floor space represents an overdevelopment of the subject site which is not compatible with the bulk and scale of the desired future character of the locality.

4. The proposal does not satisfy section 4.15 (1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, as the proposed development is contrary to *Waverley Development Control Plan 2012*, in respect to the following provisions:

    a. Part B – General Provisions

        (i) Part B12 – *Design Excellence*, 12.1 *Design*, specifically objectives (a) and (d) and controls (a), (b), (c) and (e), and 12.2 *Context Analysis* specifically objectives (a), (b), (c) and (d), as the proposal has failed to consider the suitability of the land for development, the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of amenity and urban form and the overall bulk and massing of the development. The development does not ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

    b. Part C3 – Other Residential Development;

        (i) Section 3.5 *Building Design and Streetscape*, specifically objectives (a), (b), (c) and control (b), as the proposal results in an overdevelopment of the subject site.

5. The proposed development does not satisfy section 4.15 (1)(b) of the *Environmental Planning and Assessment Act 1979*, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site.

6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the *Environmental Planning and Assessment Act, 1979*.

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QUATTRO PROJECT NUMBER 18-0448

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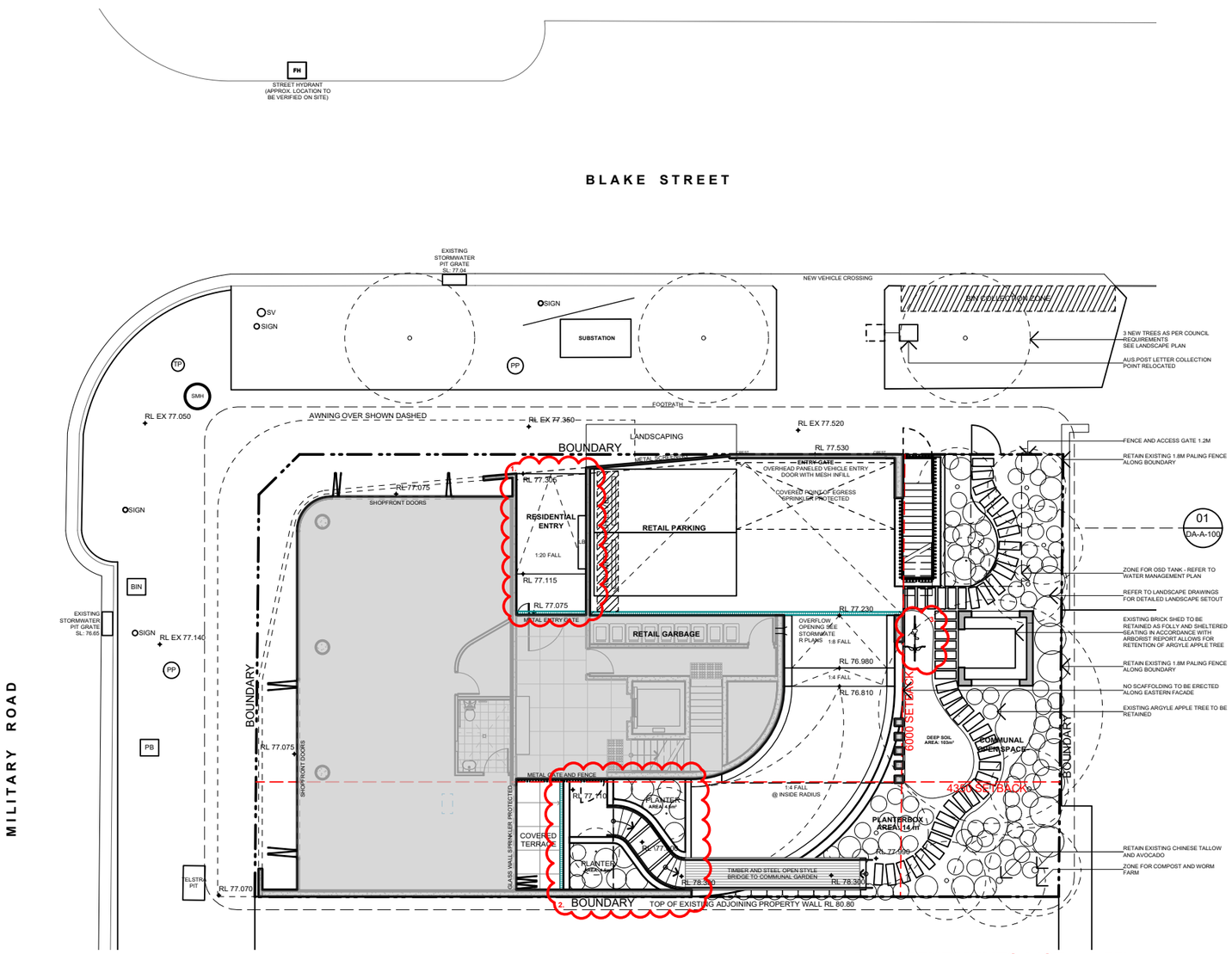

DA AMENDMENTS LIST (s4.55)

1. MODIFY RESIDENTIAL ENTRY FOR COMPLAINT ACCES
2. MINOR MODIFICATIONS TO REAR PLANTERS (AREA UNCHANGED)
3. BICYCLE PARKING RELOCATED - ALLOW FOR AS2890.3 COMPLIANCE
4. MINOR CHANGES TO KITCHEN AND STORAGE TO UNIT 1
5. ADDITION OF BEDROOM TO UNIT 2
   REMOVAL OF EASTERN BALCONEY
   MODIFIED LIVING AREA TO SUIT
6. MINOR CHANGES TO KITCHEN AND STORAGE TO UNIT 4
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8. ROOF INTERNAL PARAPETS REMOVED
9. ADDITIONAL / UPDATED WINDOWS INCLUDED FOR POINTS 5 AND 7
10. SUBSITUTE TO EXTERNAL FINISHES TO EQUIVALENT RANGE OF STANDARD COLOURS

01 SITE PLAN
scale 1:200

N

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Registered Architect - 2384
Tim Zuber

Project
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Drawing title
SITE PLAN

Scale at A3 1:200
0m 1 2.5 5 8

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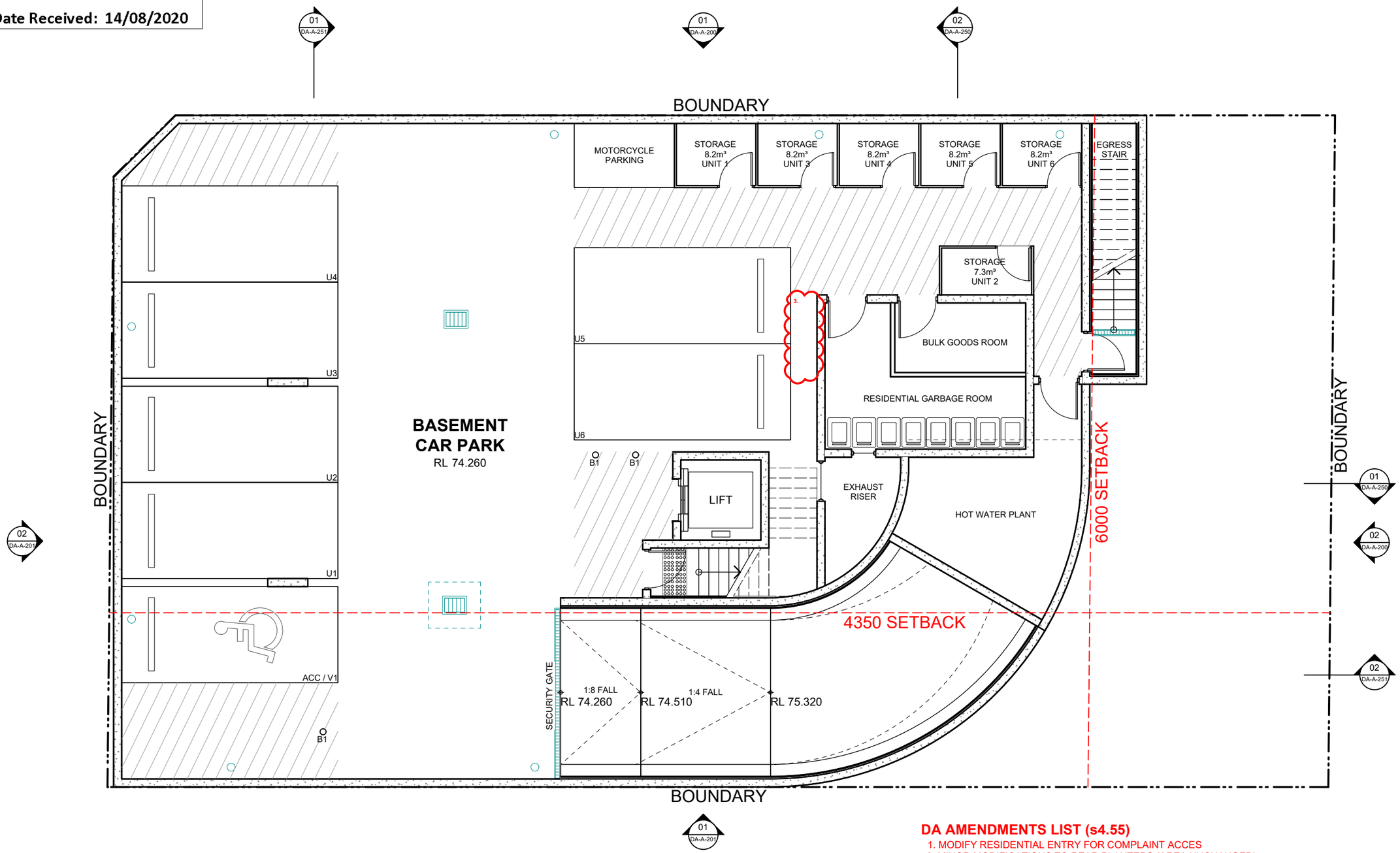

01 BASEMENT PLAN
scale 1:100

DA AMENDMENTS LIST (s4.55)

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Tim Zuber

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Drawing title
BASEMENT PLAN

Scale at A3 1:100
0m 500 1m 2.5 4

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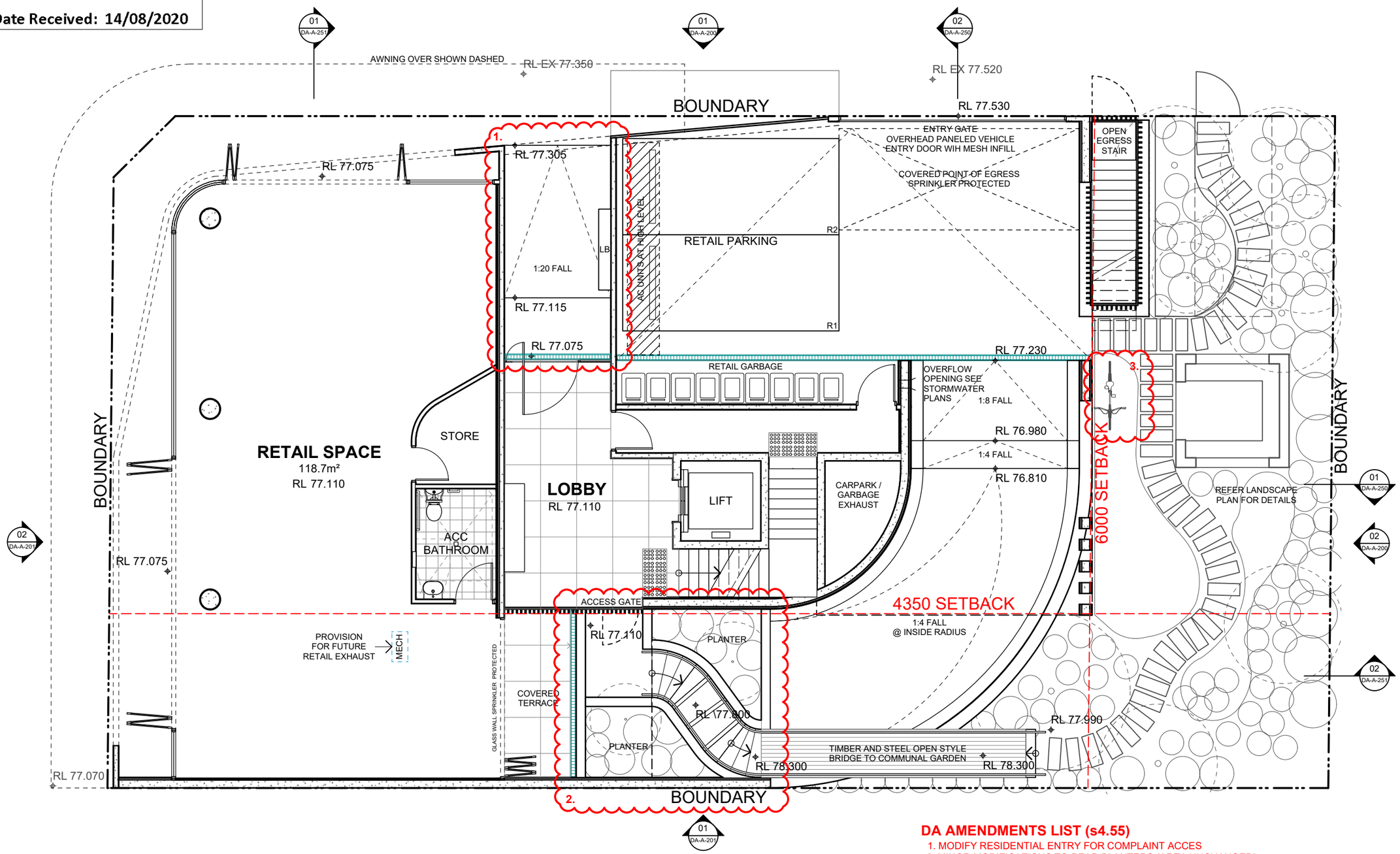

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01 GROUND PLAN
scale 1:100

N

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Drawing title
GROUND PLAN

Scale at A3 1:100
0m 500 1m 2.5 4

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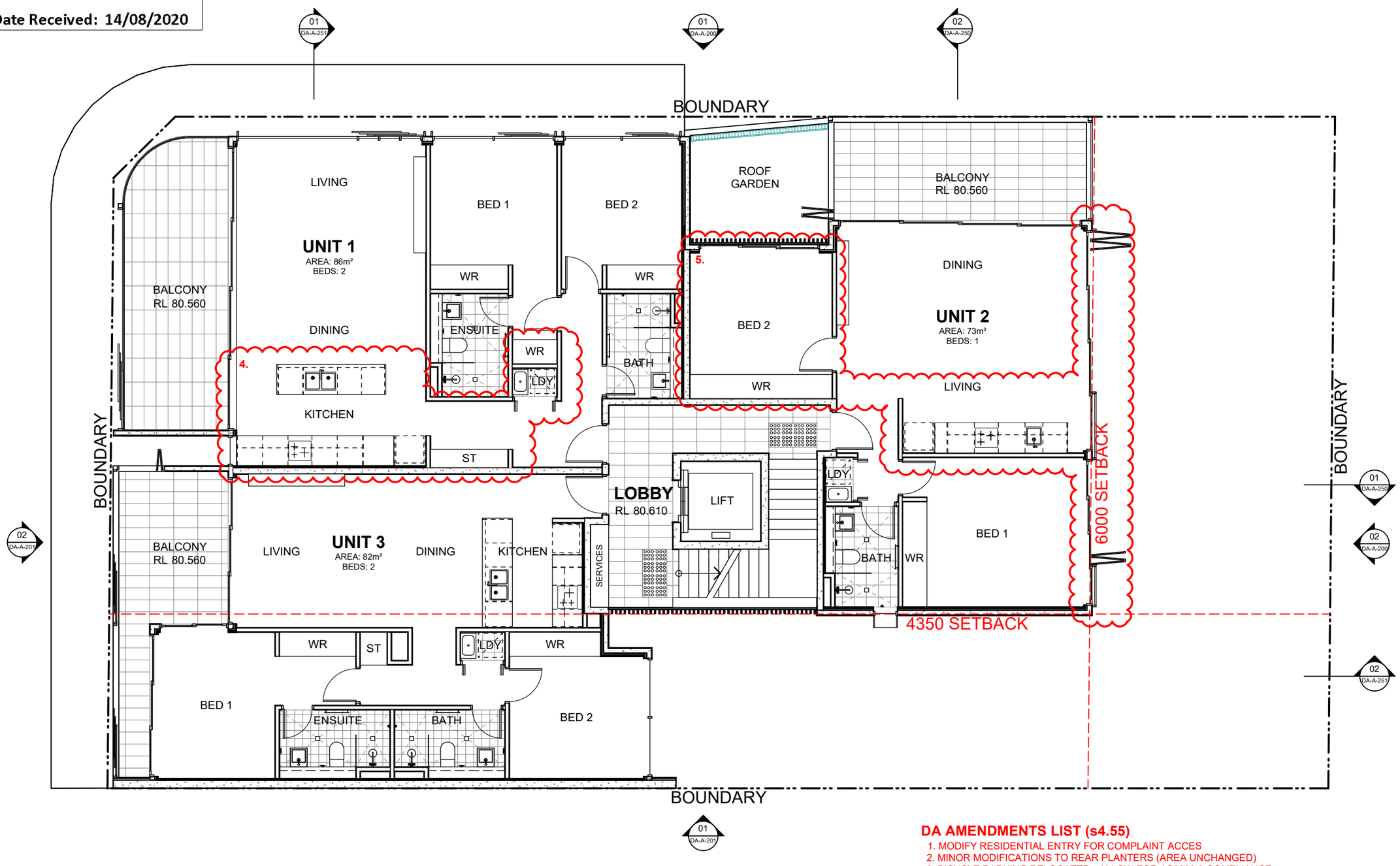

01 LEVEL 1 PLAN
scale 1:100

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Drawing title
LEVEL 1 PLAN

Scale at A3 1:100
0m 500 1m 2.5 4

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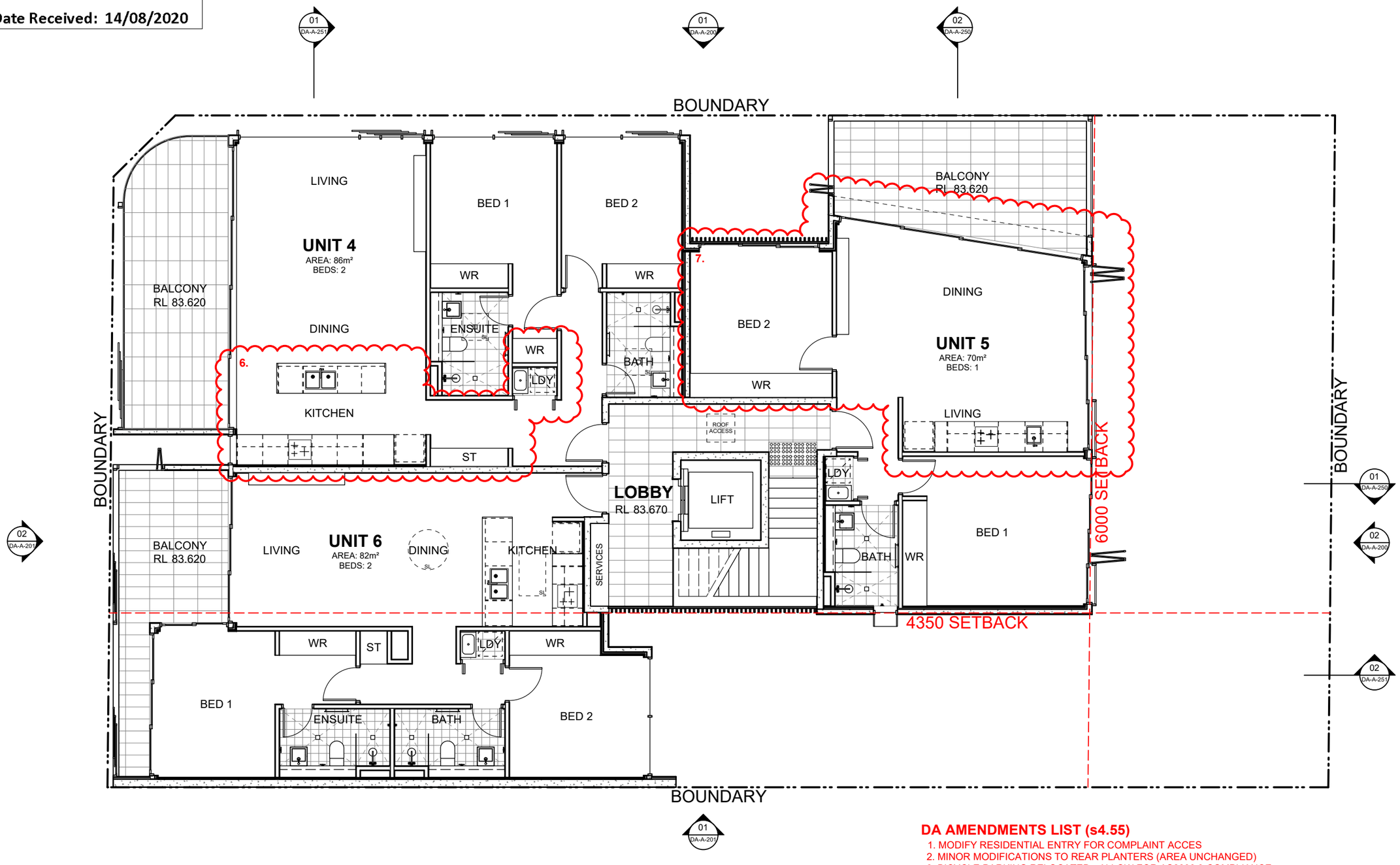

01 LEVEL 2 PLAN
scale 1:100

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Drawing title
LEVEL 2 PLAN

Scale at A3 1:100
0m 500 1m 2.5 4

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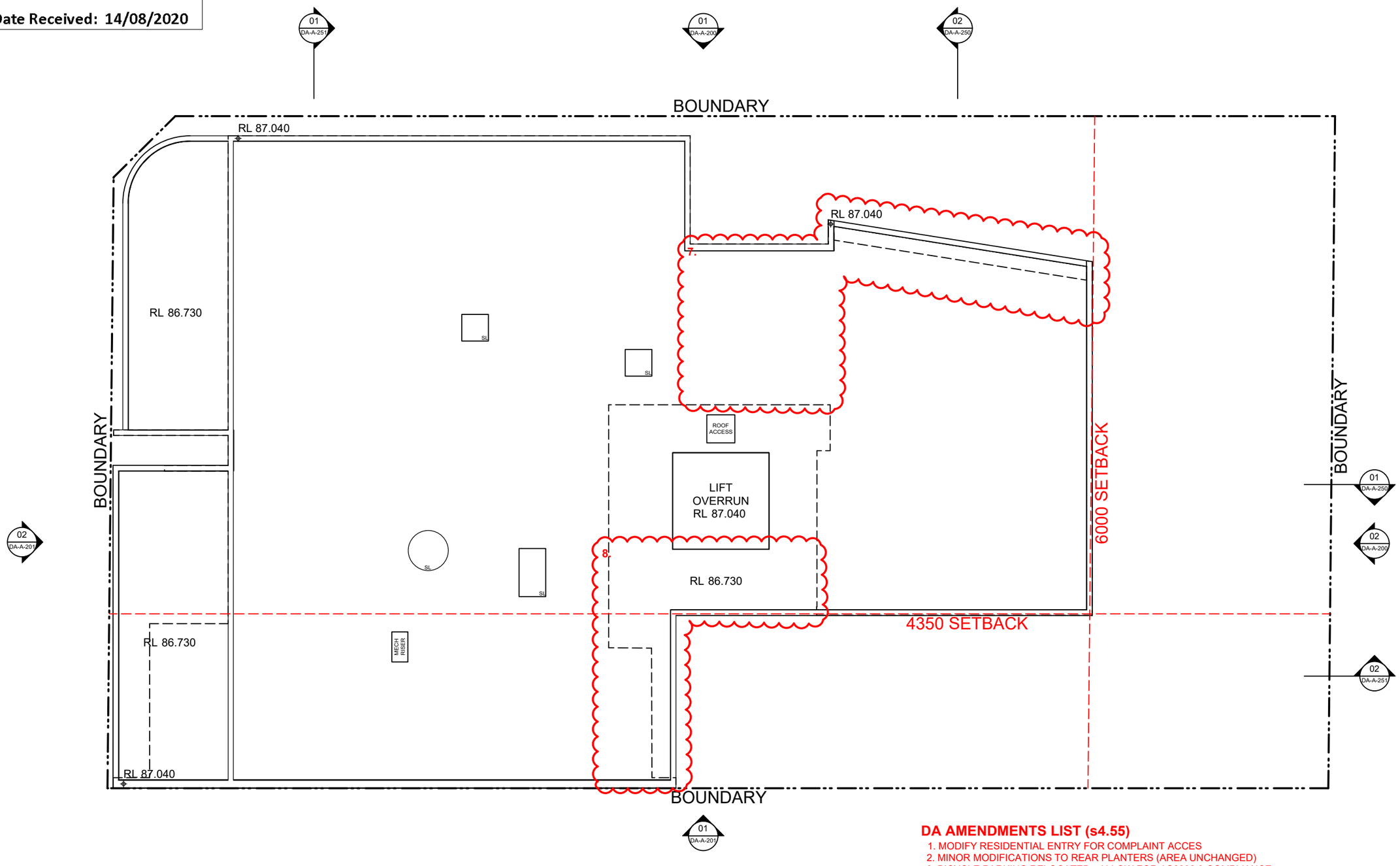

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01 ROOF PLAN
scale 1:100

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Drawing title
ROOF PLAN

Scale at A3 1:100
0m 500 1m 2.5 4

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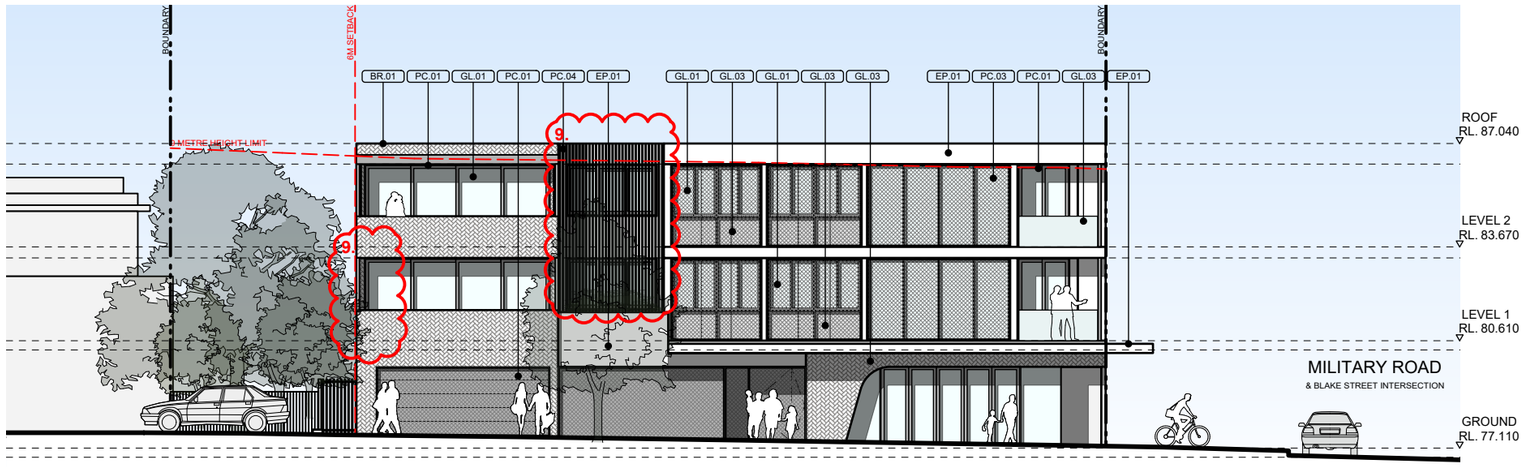
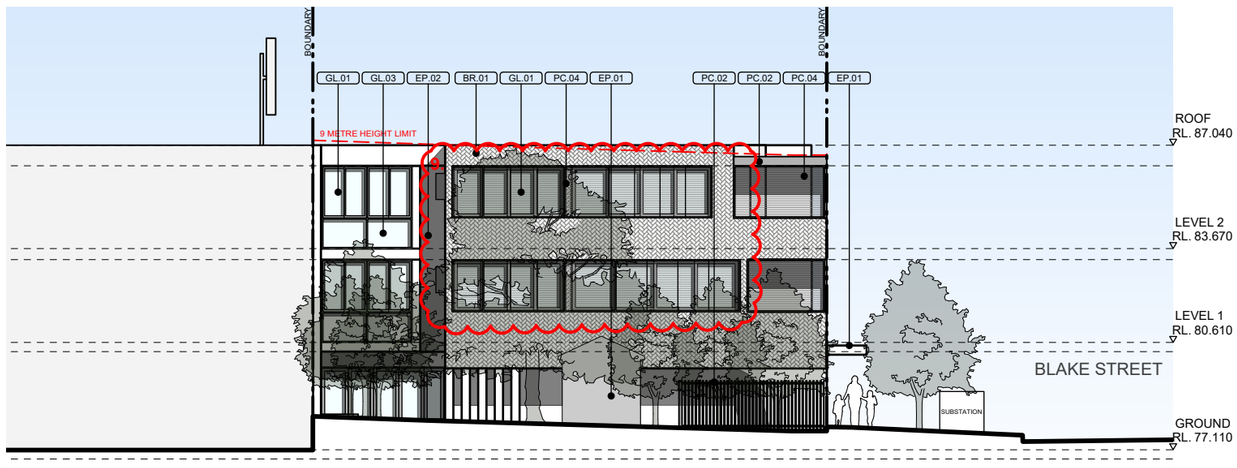


01 NORTH ELEVATION - BLAKE STREET
scale 1:200

EXTERNAL FINISHES

BR.01	BRICK TILE - MIXED GREY HERRINGBONE PATTERN
GL.01	CLEAR GLASS
GL.02	COLOUR BACKED GLASS 'SURFMIST' OR EQUIVALENT FRIT SCREEN
GL.03	COLOUR BACKED GLASS CB 'SURFMIST' OR EQUIVALENT
EP.01	EXTERNAL PAINT CB 'SURFMIST' OR EQUIVALENT
EP.02	EXTERNAL PAINT CB 'MONUMENT' OR EQUIVALENT
PC.01	POWDERCOAT CB 'BASALT' OR EQUIVALENT
PC.02	POWDERCOAT CB 'MONUMENT' OR EQUIVALENT PERFORATED METAL
PC.03	POWDERCOAT CB 'SURFMIST' OR EQUIVALENT PERFORATED METAL
PC.04	POWDERCOAT TIMBER LOOK BATTEN

10.



02 EAST ELEVATION
scale 1:200

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Tim Zuber

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157 - 159A MILITARY ROAD & BLAKE STREET,
DOVER HEIGHTS, NSW 2030

Drawing title
ELEVATION SHEET 1

Scale at A3 1:200
0m 1 2.5 5 8

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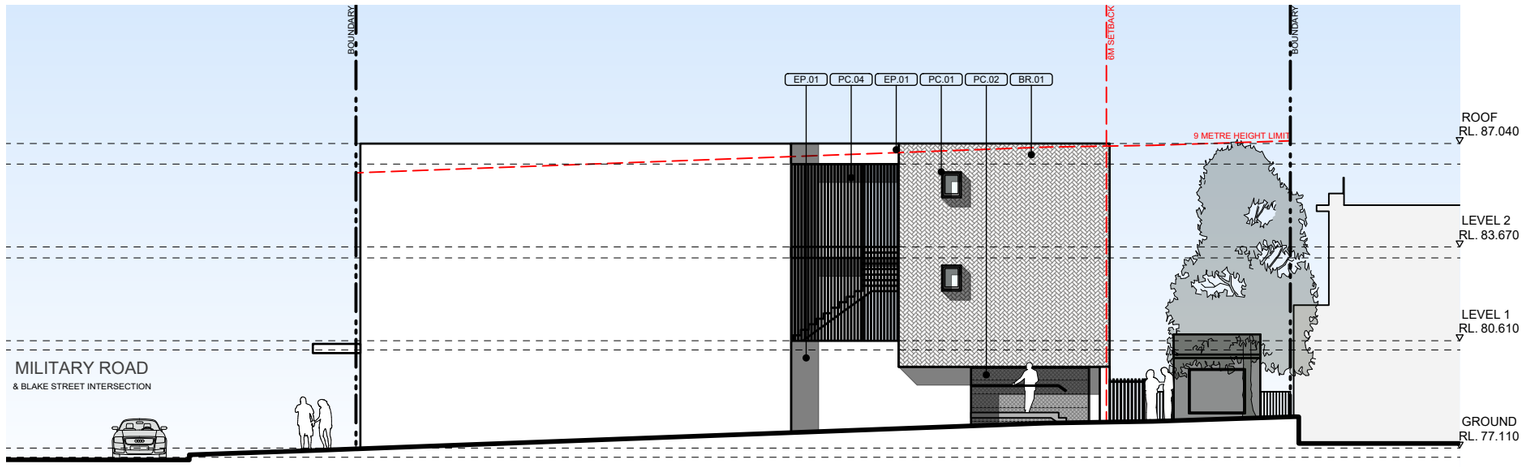

01 SOUTH ELEVATION
scale 1:200

EXTERNAL FINISHES

BR.01	BRICK TILE - MIXED GREY HERRINGBONE PATTERN
GL.01	CLEAR GLASS
GL.02	COLOUR BACKED GLASS 'SURFMIST' OR EQUIVALENT FRIT SCREEN
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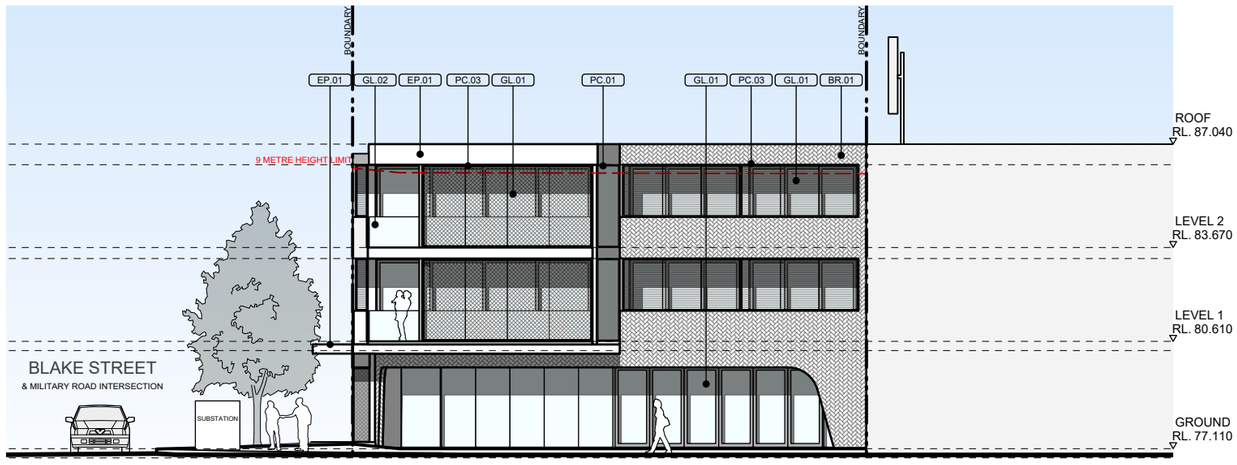

02 WEST ELEVATION - MILTARY ROAD
scale 1:200

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Drawing title
ELEVATION SHEET 2

Scale at A3 1:200
0m 1 2.5 5 8

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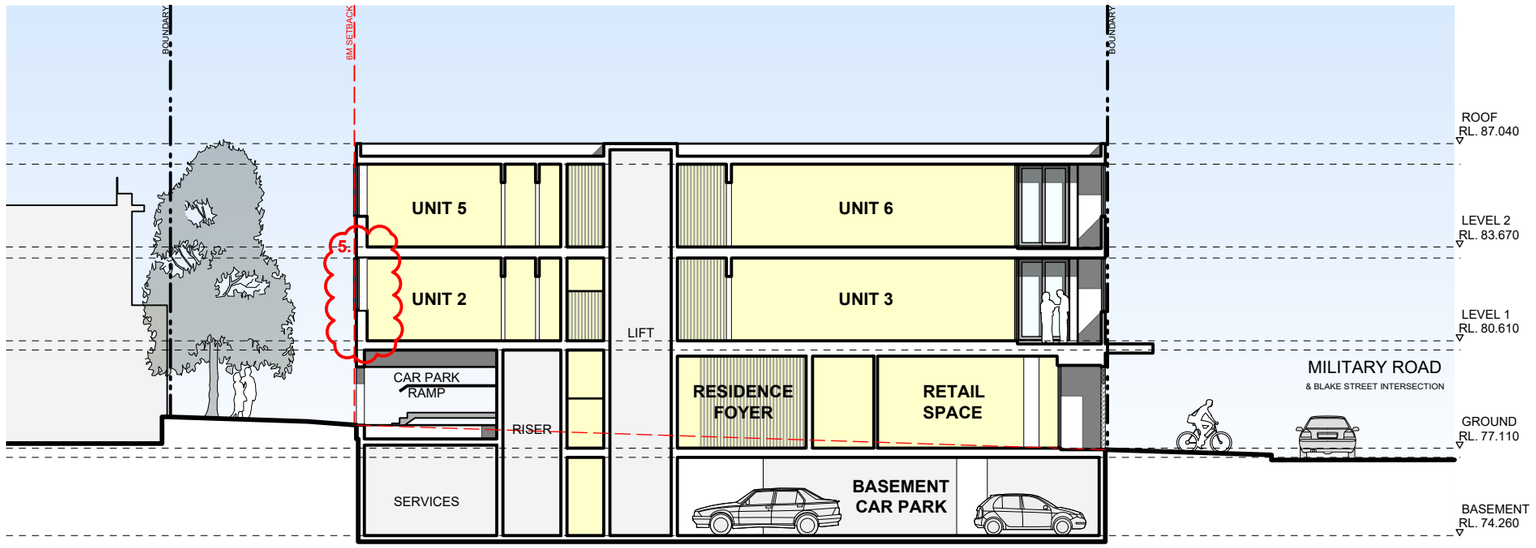
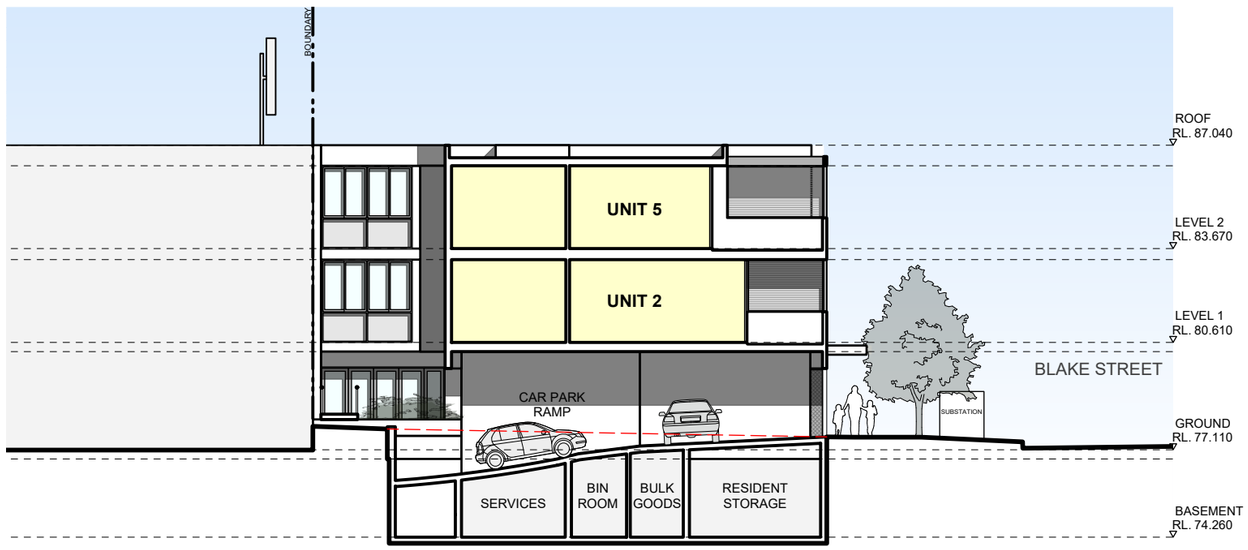


01 SECTION 01
scale 1:200



02 SECTION 02
scale 1:200

DA AMENDMENTS LIST (s4.55)

1. MODIFY RESIDENTIAL ENTRY FOR COMPLAINT ACCES
2. MINOR MODIFICATIONS TO REAR PLANTERS (AREA UNCHANGED)
3. BICYCLE PARKING RELOCATED - ALLOW FOR AS2890.3 COMPLIANCE
4. MINOR CHANGES TO KITCHEN AND STORAGE TO UNIT 1
5. ADDITION OF BEDROOM TO UNIT 2
   REMOVAL OF EASTERN BALCONEY
   MODIFIED LIVING AREA TO SUIT
6. MINOR CHANGES TO KITCHEN AND STORAGE TO UNIT 4
7. ADDITION OF BEDROOM TO UNIT 5
   MODIFIED LIVING AREA TO SUIT
8. ROOF INTERNAL PARAPETS REMOVED
9. ADDITIONAL / UPDATED WINDOWS INCLUDED FOR POINTS 5 AND 7
10. SUBSITUTE TO EXTERNAL FINISHES TO EQUIVALENT RANGE OF STANDARD COLOURS

Notes

Rev. No.	Date	Revision	Auth'd
A	2/12/19	S4.55 APPLICATION	TZ

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VERMA PROPERTY GROUP

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Registered Architect - 2384
Tim Zuber

Project
157 - 159A MILITARY ROAD & BLAKE STREET, DOVER HEIGHTS, NSW 2030

Drawing title
SECTIONS SHEET 1

Scale at A3 1:200
0m 1 2.5 5 8

Figured dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

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TZ	PH	

Project Number	Drawing Number	Rev
18-0448	DA-A-250	A

S4.55 APPLICATION

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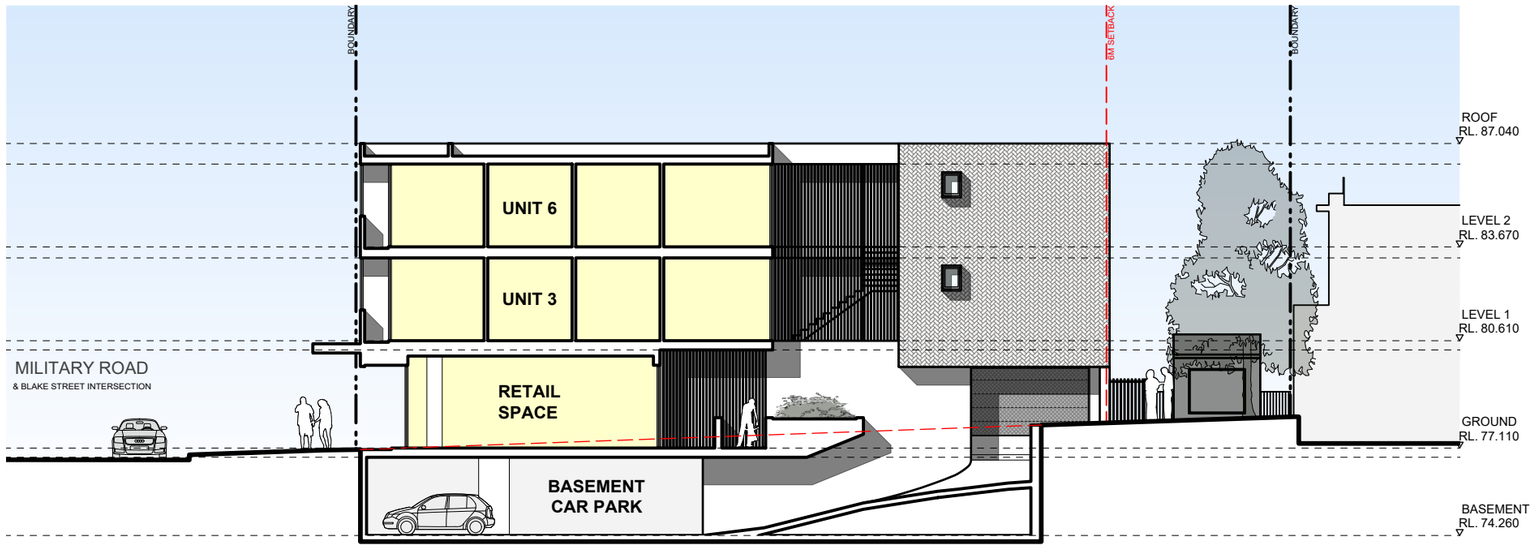
Waverley Council

Application No: DA-316/2015/B

Date Received: 14/08/2020



01 SECTION 03
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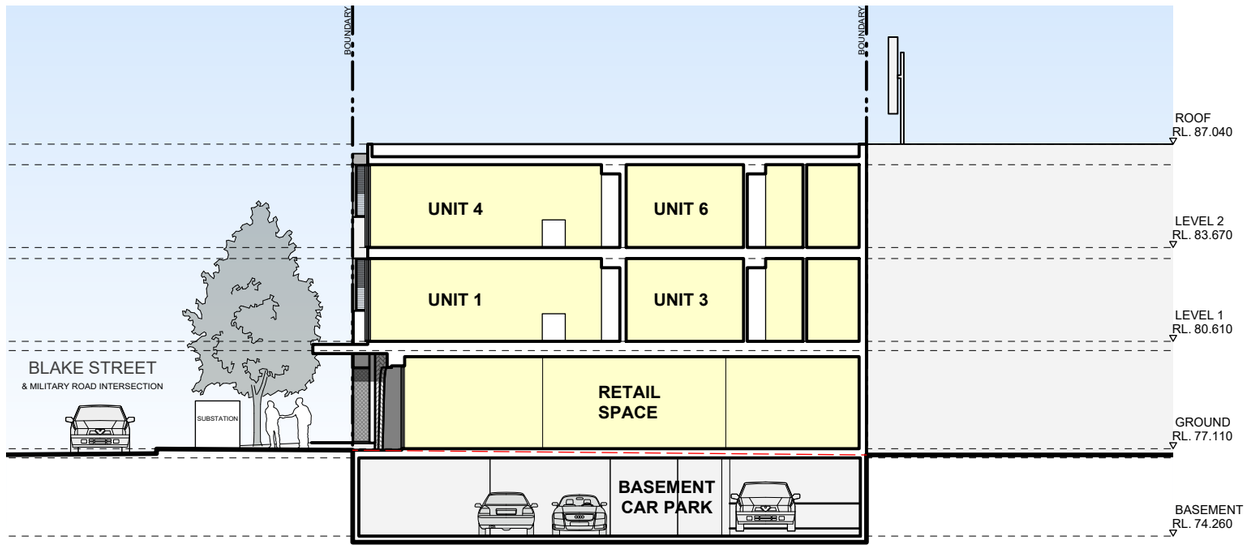

02 SECTION 04
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DA AMENDMENTS LIST (s4.55)

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   REMOVAL OF EASTERN BALCONEY
   MODIFIED LIVING AREA TO SUIT
6. MINOR CHANGES TO KITCHEN AND STORAGE TO UNIT 4
7. ADDITION OF BEDROOM TO UNIT 5
   MODIFIED LIVING AREA TO SUIT
8. ROOF INTERNAL PARAPETS REMOVED
9. ADDITIONAL / UPDATED WINDOWS INCLUDED FOR POINTS 5 AND 7
10. SUBSITUTE TO EXTERNAL FINISHES TO EQUIVALENT RANGE OF STANDARD COLOURS

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Registered Architect - 2384
Tim Zuber

Project
157 - 159A MILITARY ROAD & BLAKE STREET, DOVER HEIGHTS, NSW 2030

Drawing title
SECTIONS SHEET 2

Scale at A3 1:200
0m 1 2.5 5 8

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Project Number	Drawing Number	Rev
18-0448	DA-A-251	A

S4.55 APPLICATION

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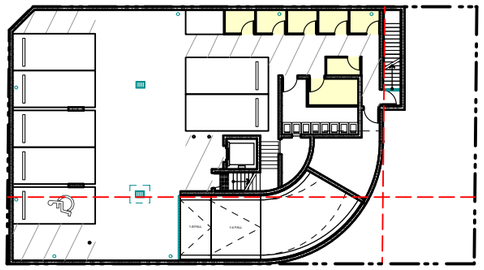
Waverley Council

Application No: DA-316/2015/B

Date Received: 14/08/2020



01 BASEMENT PLAN
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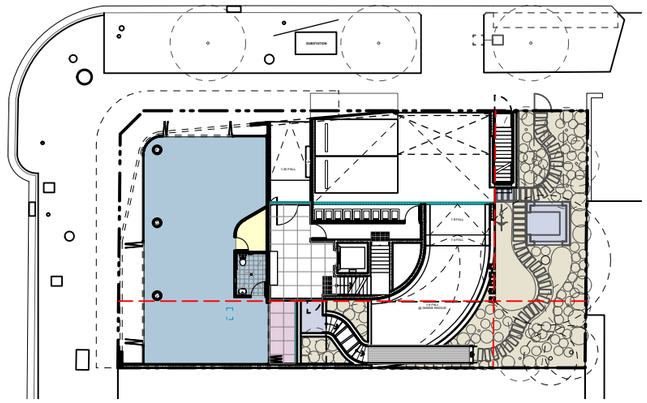
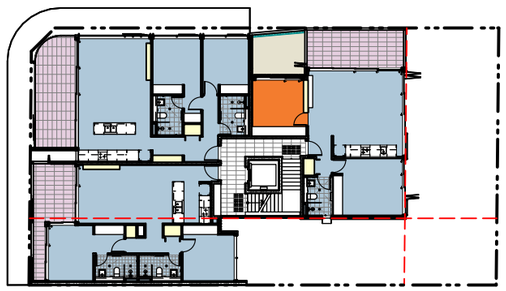


02 GROUND PLAN
scale 1:400



03 LEVEL 1 PLAN
scale 1:400

04 LEVEL 2 PLAN
scale 1:400

GFA CALCULATIONS:

BASED ON PROPOSDED APPROVED DA.

SITE AREA:	**510 m²**
GROUND FLOOR:	120m²
FIRST FLOOR:	233m²
SECOND FLOOR:	231m²
TOTAL:	**584m²**
APPROVED PROPOSED FSR: (SHOWN BLUE)	**1.15 : 1**
CONTROL FSR:	1 : 1
ADDITIONAL GFA LEVEL 1:	14m²
ADDITIONAL GFA LEVEL 2 :	14m²
PROPOSED TOTAL NEW GFA: (SHOWN ORANGE)	**28m²**
PROPOSED TOTAL GFA:	**612m²**
PROPOSED FSR:	**1.2 : 1**

PRIVATE OPEN SPACE CALCULATIONS:

GROUND FLOOR:	7.5m²
FIRST FLOOR:	47.1m²
SECOND FLOOR:	49.6m²
TOTAL:	**104.2m²**
COMMUNAL OPEN SPACE:	130.8m²
DEEP SOIL:	103.0m²

STORAGE SPACE CALCULATIONS:

BASEMENT:	63.2m³
GROUND FLOOR:	10.7m³
FIRST FLOOR:	9.1 m³
SECOND FLOOR:	9.1 m³
TOTAL:	**92.1**m³

GROSS FLOOR AREA
DEFINITION AS PER WAVERLEY LEP 2012

MEANS THE SUM OF THE FLOOR AREA OF EACH FLOOR OF A BUILDING MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS, OR FROM THE INTERNAL FACE OF WALLS SEPARATING THE BUILDING FROM ANY OTHER BUILDING, MEASURED AT A HEIGHT OF 1.4M ABOVE THE FLOOR, AND INCLUDES:

A) THE AREA OF A MEZZANINE; AND

B) HABITABLE ROOMS IN A BASEMENT OR AN ATTIC, AND

C) ANY SHOP, AUDITORIUM, CINEMA, AND THE LIKE, IN A BASEMENT OR ATTIC,

BUT EXCLUDES:

D) ANY AREA FOR COMMON VERTICAL CIRCULATION, SUCH AS LIFTS AND STAIRS, AND

E) ANY BASEMENT:

(i) STORAGE, AND
(ii) VEHICULAR ACCESS, LOADING AREAS, GARBAGE AND SERVICES, AND

F) PLANT ROOMS, LIFT TOWERS AND OTHER AREAS USED EXCLUSIVELY FOR MECHANICAL SERVICES OR DUCTING; AND

G) CAR PARKING TO MEET THE REQUIREMENTS OF T HE CONSENT AUTHORITY (INCLUDING ACCESS TO THAT CAR PARKING); AND

H) ANY SPACE USED FOR THE LOADING AND UNLOADING OF GOODS (INCLUDING ACCESS TO IT); AND

I) TERRACES AND BALCONIES WITH OUTER WALLS LESS THAN 1.4M HIGH; AND

J) VOIDS ABOVE A FLOOR AT THE LEVEL OF A STOREY OR STOREY ABOVE.

N

Notes

Rev. No.	Date	Revision	Auth'd
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Drawing title
GROSS FLOOR AREAS

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Project Number	Drawing Number	Rev
18-0448	DA-A-800	A

S4.55 APPLICATION

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WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-600/2015/I
Site address	292-302 Oxford Street, Bondi Junction
Proposal	Modifications to Condition 2(i) relating to changes to floor plans of Units 303 and 306 (resulting in a total of 48 apartments overall)
Approved Development	Demolition and construction of 14 storey mixed use (shop top housing) development including retail on ground and first floor, 55 residential apartments above and basement parking
Date of lodgement	16 October 2020
Owner	Janco Developments Pty Ltd
Applicant	Janco Developments Pty Ltd
Submissions	None
Issues	Separation distances, visual and acoustic privacy and amenity
Recommendation	That the application be **APPROVED**

Site Map

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 21 October 2020.

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

The site is rectangular in shape with a north boundary to Hegarty Lane of 21.23m, side eastern and western boundaries of approximately 38-39m and front south facing boundary of 21.33m. The site has an overall area of 833.3m² and has a slope from Oxford Street at the front to Hegarty Lane at the rear, with an overall difference of 2.5m.

The site was previously occupied by Walter Carter Funeral Home with a florist shop facing Oxford Street. The approved development is currently under construction. The site is adjoined by an eight-storey commercial building to the west and a 14 storey mixed use building to the east at 306 Oxford Street.

Figure 1: Subject site frontage

1.2 Relevant History

DA-600/2015 sought development consent for the demolition of the existing building and construction of a 12 storey mixed use building containing basement parking, commercial space and 48 residential apartments, with through site link connecting Oxford Street and Hegarty Lane (it is noted that the determination notice stated approval for 48 residential apartments, however, only 47 were shown on the final approved architectural plans). Approval was granted by the then Waverley Development Assessment Panel at its meeting of 24 May 2017 subject to deferred commencement consent.

DA-600/2015/A was approved on 30 April 2018 to enable an extension of time to satisfy the deferred commencement matters. Confirmation of the satisfaction of the deferred commencement matters was provided in Council's letter dated 6 June 2018.

DA-600/2015/B was approved by the Waverley Local Planning Panel (WLPP) on 27 March 2019 for a modification to include two additional storeys with an offer for a VPA and other various modifications.

This modification application is of relevance to the subject application, being the most recent application that sought amendments to the apartments in question adjoining the lightwell.

In particular, all residential apartments on these levels, being levels 2 and 3 are either 1 bedroom apartments or studio apartments, as shown in Figure 2 and 3 below. On level 2 (Figure 2), Apartment L2-4 (fronting Hegarty Lane) is a studio apartment with a bathroom to the lightwell. While, on level 3 (Figure 3), Apartment L3-4 (fronting Hegarty Lane) provided a studio unit with a bathroom to the lightwell, while Apartment L3-8 (fronting Oxford St) provided a 1 bedroom unit with a balcony to the lightwell. A section of this part of the building is shown below in Figure 4.

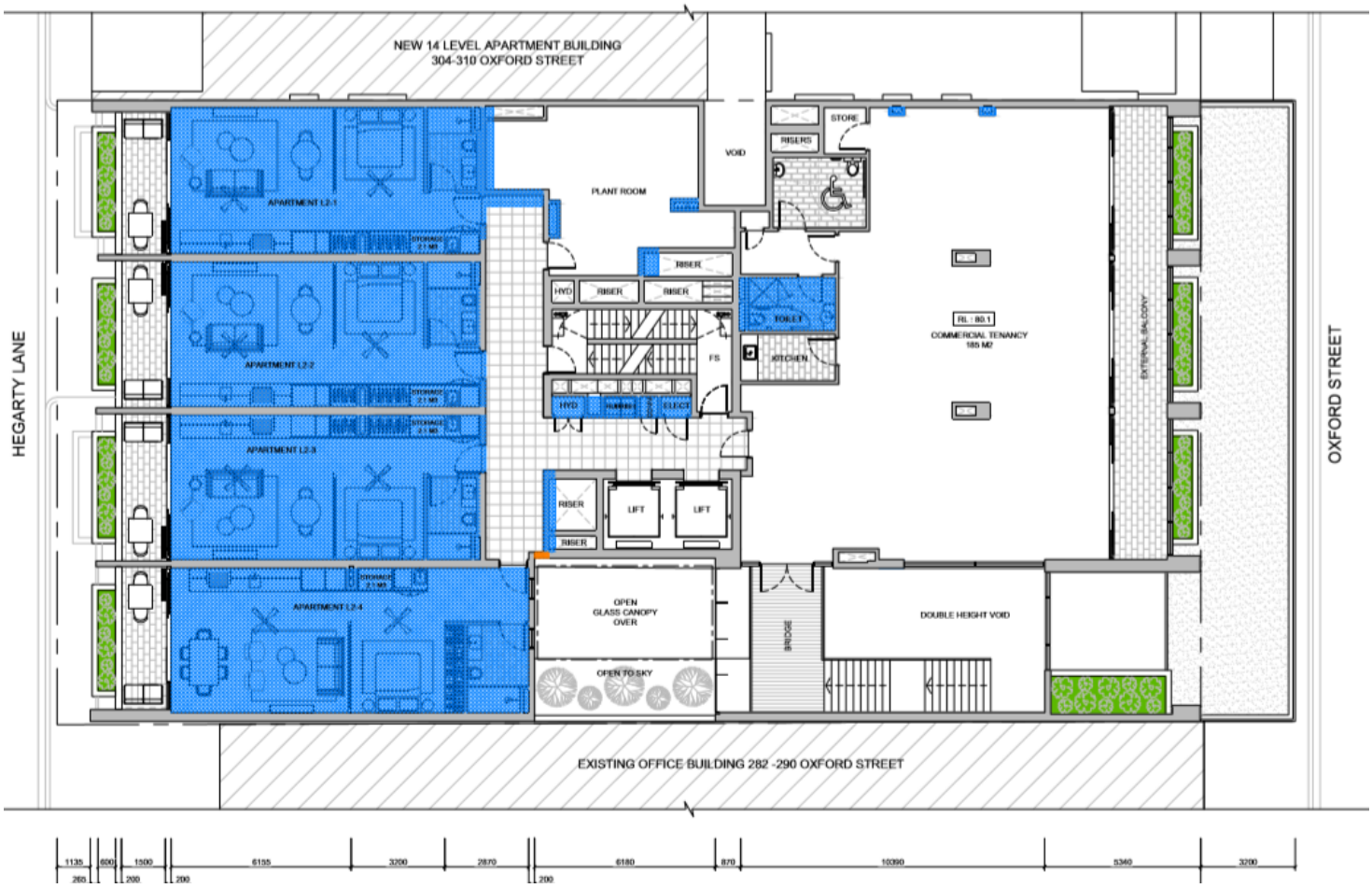

Figure 2: Level 2 approved plan, DA-600/2015/B

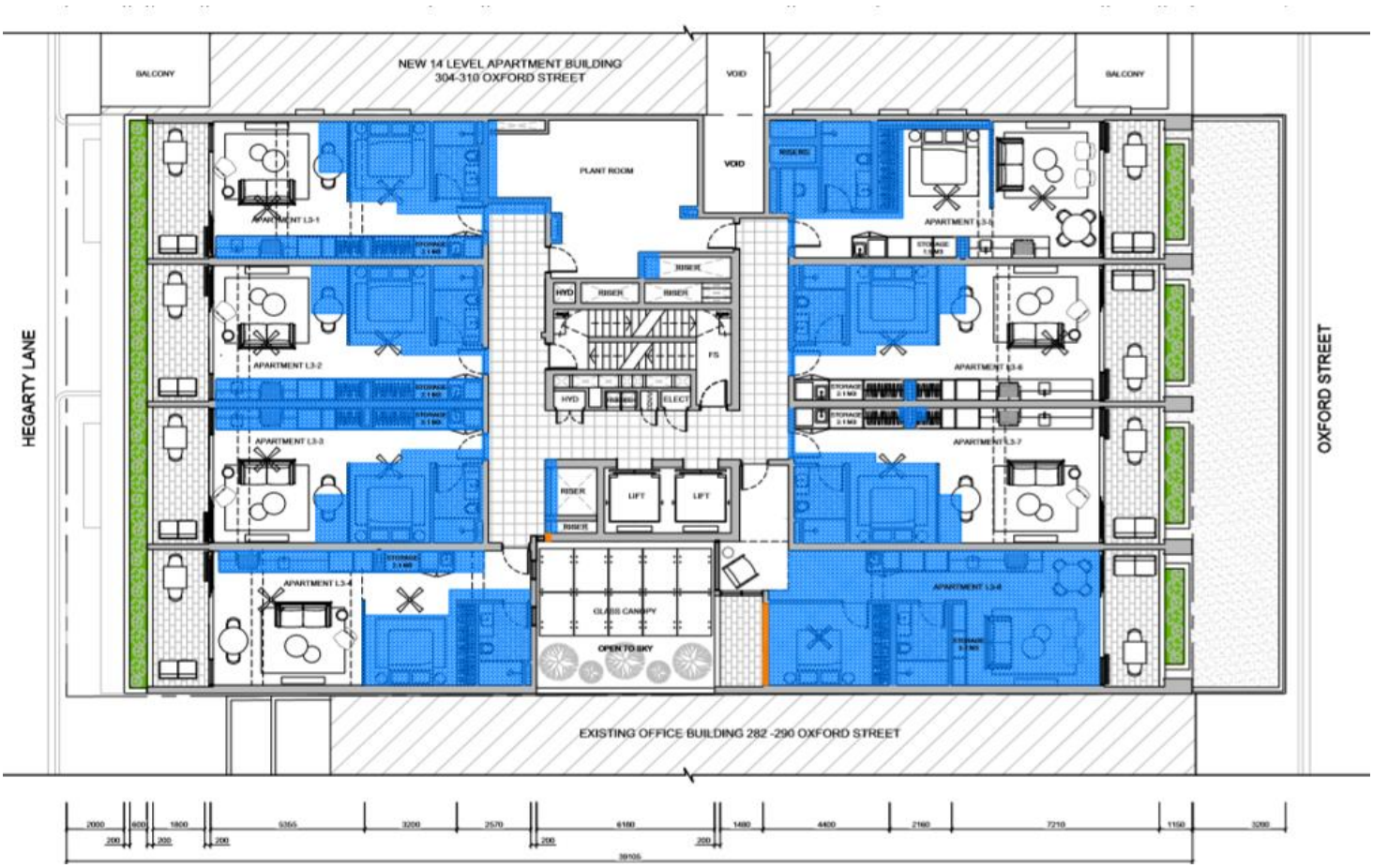

Figure 3: Level 3 approved floor plan, DA-600/2015/B

Figure 4: Approved Section plan through building showing level 2 in blue circle and level 3 in red circle, DA-600/2015/B

DA-600/2015/C was approved on 15 October 2019 for modification to the internal layout and car parking arrangements of Level 1 to Basement 6.

DA-600/2015/D was refused on 7 November 2019 for the modification to the size of the proposed loading bay on site. This application related to modification of condition 42 which requires swept path drawings for a medium rigid vehicle (MRV). The applicant sought to amend condition 42(1) to limit the size of service vehicles to small rigid vehicles (SRV).

DA-600/2015/E was approved on 11 November 2019 for the modification to the wording of Condition 4 relating to architectural detailing.

DA-600/2015/F was approved on 5 March 2020 for modifications to Condition 2(g) relating to the location of air condenser units and height increase to the lift overrun.

DA-600/2015/G was refused on 28 April 2020 for the modification to the size of the proposed loading bay on site.

DA-600/2015/H was approved on 23 September 2020 for modifications to approved mixed use (shop top housing) development including modifications to the internal layouts of apartments. Condition 2(i) was inserted by the WLPP which states as follows:

> *(i) The proposed layout changes to Units L2-04, L3-03, L3-04 and L3-06 are not approved under this modification application DA-600/2015/H.*

At this meeting, the Panel raised concerns for the visual and acoustic privacy between the apartments with openings directly to the lightwell and compliance with the Apartment Design Guidelines (ADG) and SEPP 65. Subsequently, the Panel resolved to approve the overall application, subject to the imposition of condition (i). The resultant effect is these apartments (namely, L2-04, L3-03, L3-04 and L3-06) revert back to the most recent approved layout of these areas, largely those shown in DA-600/2015/B.

The relevant approved plans for DA-600/2015/H are shown below (Figure 4-6). Note, these plans must be read (ie, they are overridden) in conjunction with condition 2(i) of that consent.

In this application, DA-600/2015/H on level 2, all apartments are either 1 bedroom apartments or studio apartments (Figure 4) and on level 3, the proposal sought an apartment mix of studio, 1 bedroom and 3 bedroom apartments (Figure 5).

On level 2 (Figure 5), Apartment L2-04 (fronting Hegarty Lane) sought a change from a studio apartment to a 1 bedroom apartment with bedroom to the lightwell. While, on level 3 (Figure 6), Apartment L3-4 (fronting Hegarty Lane) sought a change from 2 x studio apartments (formerly apartments L3-4 and L3-5) to a 2 bedroom apartment with bedroom and storage room to the lightwell (amalgamating units L3-4 and L3-5), while Apartment L3-8 (fronting Oxford St) sought a change from a 1 bedroom unit and studio unit (formerly apartments L3-7 and 3-8) to a 3 bedroom apartment (amalgamation of units L3-7 and L3-8) with a balcony and bedroom to the lightwell. A section of this part of the building is shown below in Figure 7.

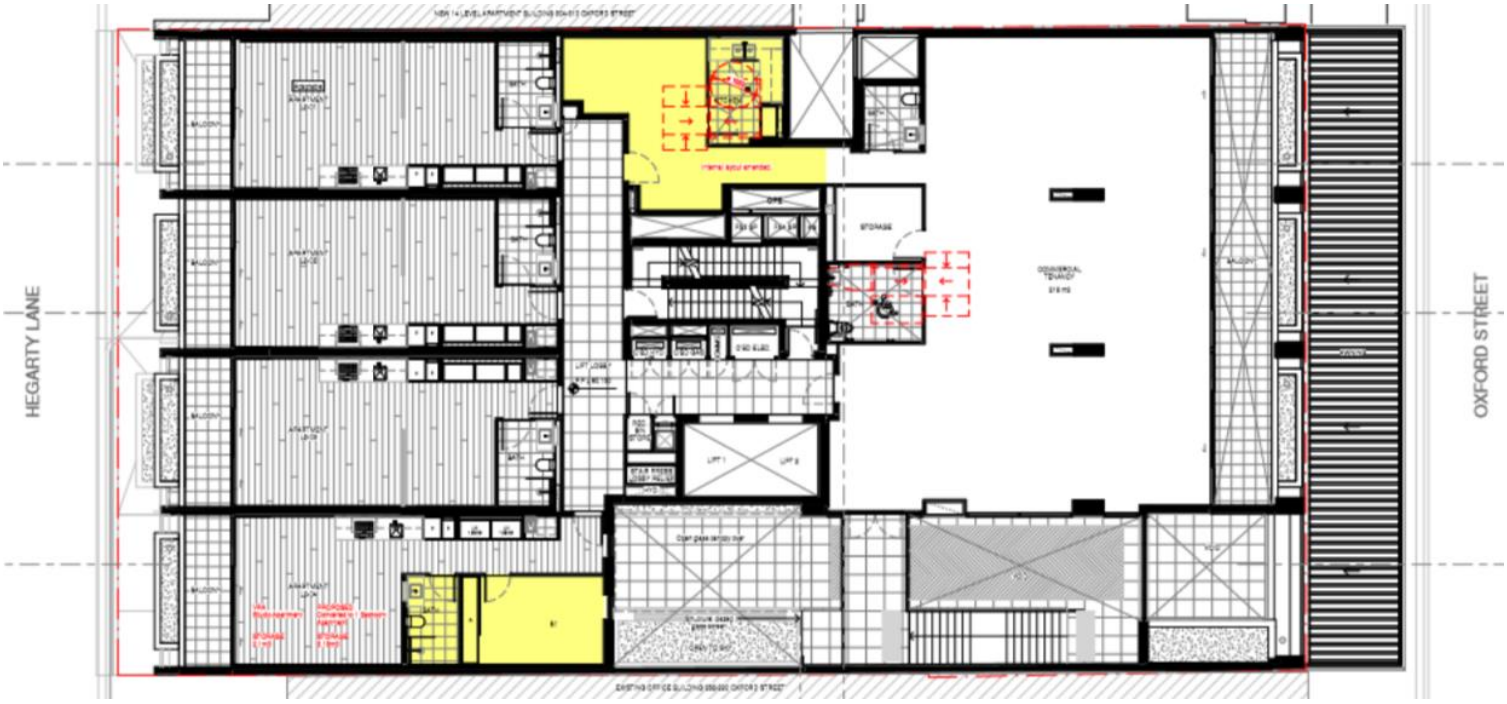

Figure 5: Level 2 approved plan, DA-600/2015/H

Figure 6: Level 3 approved plan, DA-600/2015/H

Figure 7: Approved Section plan through building showing level 2 in blue circle and level 3 in red circle, DA-600/2015/H

1.3 Proposal

The application has been lodged as a section 4.55(1A) application and seeks to amend Condition 2(i) to enable Units L3-03 and L3-06 to be approved as was previously applied for under DA-600/2015/H. The details of the layout changes include as follows:

- Apartment L3.03 and L3.04 – Studio apartments to be amalgamated into a 2 Bedroom apartment non adaptable – new L3.03
- Apartment L3.07 and L3.08 – Studio and 1 Bedroom apartments to be amalgamated into a 3 Bedroom apartment – new L3.06
- Resultant reduction of 2 net apartments occurs based on the amalgamation of these apartments.

In response to concerns raised by the WLPP at its meeting of 23 September 2020, largely to do with visual and acoustic privacy between apartments with openings to the lightwell and compliance with the Apartment Design Guidelines (ADG), an Acoustic Report has been submitted with the subject modification application identifying recommendations to mitigate reverberation within the void area between the bedrooms of the two units L3.03 and L3.06, to satisfy the requirements of SEPP 65 and the ADG.

2 ASSESSMENT

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

2.1 Section 4.55 Considerations

Section 4.55 (1A) applications - the application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate has been submitted with the application, which is satisfactory.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 SEPP 65 Design Quality of Residential Flat Development

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

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

Principle	Planning Comment
1. Context and Neighbourhood	The proposed unit reconfiguration will not add to the building height, bulk and scale of the approved development when viewed in its streetscape context.
2. Built form and Scale	The proposal does not affect the overall building alignments, articulation and modulation of the approved development.
3. Density	The proposed reconfigured units will have an acceptable level of amenity (see further discussion below).
4.Sustainability	The approved development, as proposed to be modified, remains consistent with the sustainability design quality principle in that the reconfigured units are afforded adequate solar access and natural cross ventilation that minimises reliance on artificial heating and cooling.
5. Landscape	The proposal does not affect the landscaping scheme of the approved development.
6. Amenity	The proposed apartments are afforded reasonable amenity (see further discussion below).
7. Safety	The proposal does not affect the safety and security of the approved development.
8. Housing Diversity and Social Interaction	The proposal maintains an appropriate apartment mix and the apartments meet the minimum size and area for apartments outlined in the Apartment Design Guide.
9. Aesthetics	The proposal maintains the overall aesthetics of the approved development in terms of materiality, building articulation and modulation.

Apartment Design Guide

SEPP 65 requires the proposed development to consider Parts 3 and 4 of the Apartment Design Guide (ADG). The application is accompanied by an assessment against Parts 3 and 4 of the ADG. An assessment against the provisions within the ADG is provided in **Table 2**.

Table 2: Assessment against the Apartment Design Guide

Design Criteria	Consistency	Planning assessment
Part 3 Siting the development		
3F Visual privacy • Adequate distance separation between buildings *over 25m = 12m between habitable rooms 6m between non-habitable rooms • privacy measures should not compromise outlook & access to light & air	No	6.2m proposed - see further discussion below
3J Bicycle and car parking	No change	The approval under development consent DA-600/2015/H addressed car parking provision for the number of units proposed, which is satisfactory.
Part 4 Designing the building		
Amenity		
4A Solar and daylight access • 70% of apartments in a building receive a minimum of 2 hours between 9am and 3pm mid winter • Maximum of 15% of apartments in a building receive no direct sunlight during 9am and 3pm during mid winter	Yes Yes	
4B Natural ventilation • All habitable rooms naturally ventilated, • single aspect apartments to maximise ventilation • Max cross ventilation in the development- at least 60%	Yes	
4C Ceiling heights	No change	
4D Apartment size and layout	Yes	

Design Criteria	Consistency	Planning assessment
The following minimum internal areas apply: • *2 Bed - 70 m^2* • *3 Bed - 90m^2* • *Add 5m^2 for each additional bathroom (above 1)* Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Maximum depth of open plan living layouts is 8m.	Yes No	All of the proposed reconfigured apartments comply with the minimum internal area. Apartment L3-03 has an open plan layout of 11m from glazing to back of kitchen joinery. Apartment L3-06 has an open plan layout of 9.6m from glazing to back of kitchen joinery. The open plan layout of apartments L3-03 and L3-06 prioritise bedrooms and living rooms next to glazing on the exterior building façade. As the neighbouring properties are built to east and west boundaries, there is limited flexibility in open plan layout and solar access.
4E Private open space and balconies	Yes	
4F Common circulation and spaces • max 8 apartments off a circulation core • max apartments sharing a lift is 40 • safe & promote social interaction	Yes	
4G Storage	Yes	
4H Acoustic Privacy	Acceptable on merit	See further discussion below
Configuration		
4K Apartment mix	Yes	The approved development, as proposed to be modified, maintains a mix of studio, one, two, three and four bedroom apartments.
4M Facades	No change	
4N Roof design	No change	
4O Landscape design and 4P Planting on structures	No change	

Building Separation, Apartment Layout and Amenity

The application seeks to amend the configurations of approved studio apartments L3.03 and L3.04, L3.07 and one bedroom unit L3.08 (approved under DA-600/2015/B). Approved apartments L3.03 and L3.04 are north facing with L3.04 extending through to the internal western side light well. This approved unit has a bathroom oriented onto this light well. Apartment L3.07 and L3.08 are south facing with Apartment L3.08 also extending through to the west side light well, with an existing approved bedroom oriented to this light well.

The proposed new Apartment L3-03 is a two bedroom north facing unit. The location of bedrooms have been reconfigured so that Bedroom 1 has a northerly outlook and Bedroom 2 is now proposed to be oriented to the western side light well. A window is proposed to this Bedroom 2 for light and natural ventilation. The proposed new Apartment L3-06 is a three bedroom south facing unit. There is no change to the location of Bedroom 2 which is still oriented to the western side light well, however, the reconfigured unit now has its Bedroom 3 also orientated into this light well.

There is no change to the separation distances proposed between Apartments L3.03 and L3.06 which is 6.2m, however, there is a change to the uses of the rooms located directly opposite each of these units, with bedrooms now directly facing each other. The issues raised by the WLPP at its September meeting included concerns with internal amenity in regards to visual and acoustic privacy impacts.

In response to these concerns, the applicant has provided the following justification in their submission:

> *Apartments L3-03 and L3-06 have been designed such that their living space is directly adjacent to the main private open space. Due to the site constraint of being an infill development with boundary to boundary construction to the east and west, proposed secondary bedrooms face into a light well provided along the western boundary. An operable screen is proposed above the solid masonry upstand to Apartment L3-06 balcony which increases visual privacy whilst maintaining outlook for the resident, while a fixed screen to Bedroom 3's window increases privacy from the offset bedroom 2 window of Apartment L3-03.*

To support the application, an acoustic report prepared by Acoustic Logic dated 12 October 2020 has been submitted. The following extract is provided:

> *With regard to distance attenuation and acoustic privacy, a halving of the distance between habitable rooms would result in a reduction in performance of 6dB. Alternatively, if an additional 6dB of noise attenuation could be provided between these habitable rooms, the level acoustic privacy recommended within the ADG would be maintained. In this case, it is proposed to include absorptive treatment to the lightwell, as well as noise barriers/louvred openings to level 3 balcony. The current layout of the lightwell provides a glass canopy between level two and three, which covers the through site link. An operable sliding screen is also proposed to be installed to the balcony of L3.06, which provides a minimum of 3.25m^2 clear opening.*
>
> *The eastern wall of the lightwell on level two is a green wall, whilst the western wall contains a planter box with landscaping. In addition, it is proposed to line three sides of the level three light well with absorptive treatment.*
>
> *The combination of barrier/building treatments will minimise noise transfer between habitable spaces. Landscaped areas and absorptive treatment provided will minimise any reflections between the habitable spaces and maximise the acoustic effect of the glazed canopy. Introduction of additional acoustic lining to the lightwell on level 3 will also increase the noise attenuation between adjacent apartments.*

In concert, the above acoustic treatments would provide at least an additional 6dB of attenuation across the lightwell, and therefore achieve an alternative acoustic performance to that recommended by the ADG. In light of this, the acoustic privacy provided between habitable rooms across the lightwell should be considered acceptable.

Whilst it is acknowledged that the new Bedroom 2 to Apartment L3-03 will have reduced amenity due to its location overlooking the light well, when considered as a unit in totality, the new two bedroom apartment configuration is considered to provide better amenity as a whole than the original studio units approved under DA-600/2015/B. To achieve improved light and ventilation into Bedroom 2 it is recommended that the adjoining storage room be amalgamated into this bedroom to enable two windows to be provided to Bedroom 2 (note that separate storage cages are provided within the Basement levels). It is also recommended that translucent glazing be provided to each of the windows to Bedroom 2 to a height of 1.6m minimum, as measured above finished floor level.

The proposed new Bedroom 3 to Unit L3-06 will have its glazing orientated towards the west over the existing approved internal balcony. A sliding batten screen is proposed to the balcony to ameliorate against impacts on visual and acoustic amenity.

These measures together with the recommendations contained within the submitted acoustic report are considered to satisfactorily address the issues identified by the WLPP, with the amended unit configuration and recommended for approval. The resultant effect also provides a greater apartment mix throughout the building with larger units becoming available, particularly on the lower levels of the development, considered a positive outcome for the site.

2.2.4 SEPP (Infrastructure) 2007

The site is identified within the 'railway corridor' and is affected by SEPP (Infrastructure) 2007. The Section 4.55 application does not propose any modification to the built form that would require concurrence to be obtained from Sydney Trains.

2.2.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

2.2.6 Waverley Local Environmental Plan 2012 (WLEP)

The relevant matters to be considered under the WLEP for the proposal are outlined below:

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed modifications to the development address the provisions of clause 1.2 of WLEP.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The approved 'shop top housing' development, as proposed to be modified,

Provision	Compliance	Comment
		remains permitted with development consent in the B4 Mixed Use Zone. The development remains consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 38m	No change	
4.4 Floor space ratio (FSR) • 5:1 • Site area 833.3m^2 • 4,166.5m^2 of GFA	No change	

2.2.7 Waverley Development Control Plan (WDCP) 2012 - Amendment No.9 – Effective 1 October 2020

The relevant matters to be considered under the WDCP for the proposal are outlined below:

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

Development Control	Compliance	Comment
1. Waste	Yes	No change
2. Ecologically Sustainable Development	Yes	Satisfactory
6. Stormwater	Yes	No change
7. Accessibility and adaptability	Yes	The proposal does not change the overall accessibility of the development.
10. Safety	Yes	No change
12. Design Excellence	Yes	The proposal maintains the overall aesthetics and built form character of the approved development, which were considered as part of the assessment and determination of the original development application and subsequent modification applications.

Table 5: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development. The relevant sections of Part 3 of WDCP as it applies to the subject modification application are addressed in Table 5.

Development Control	Compliance	Comment
3.5 Building design and streetscape		
	Yes	The overall form, materials and finishes of the approved development remain unchanged as a result of the proposed modification application. There are minor changes to the internal light well located at the western side of the building, however, these are not visible from the street.
3.15 Visual Privacy and Security		

Development Control	Compliance	Comment
Offset windows of dwellings in new development and adjacent development Provide louvres or screens to windows/ balconies where necessary	Acceptable on merit	The proposal seeks to locate bedroom windows adjacent to bedroom windows. See discussion above under ADG compliance table
3.16 Acoustic Privacy		
Soundproofing of all units by such means as acoustic glazing. Minimise noise transmission between dwellings by locating noisy and quieter area next to other noisy or quiet areas eg. Living rooms adjacent to living rooms and bedrooms adjacent to bedrooms.	Acceptable on merit	The proposal seeks to locate bedrooms adjacent to bedrooms. See further discussion above under ADG compliance table.

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

The relevant sections of Part C4 of WDCP as it applies to the subject modification application are addressed in Table 7.

Development Control	Compliance	Comment
1.2 Urban form		
	Yes	
1.3 Building use		
	Yes	No change to the building uses of the approved development.
1.4 Access and movement		
	No change	The proposal maintains the vehicular and pedestrian access points of the approved development.
1.7 Active street frontages		
	No change	The proposal does not change the composition of the shopfront of the approved development and maintains the active street frontages of the development.
1.16 Design excellence		
	Yes	The proposal maintains the overall aesthetics and built form character of the approved development, which were considered as part of the assessment and determination of the original development application.
1.17 Building elevations		

Development Control	Compliance	Comment
	Yes	Modifications are proposed within the void area which are not visible from the street. These modifications are minor with no impacts identified.

2.3 Other Impacts of the Development

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

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

Given the minor nature of the Section 4.55 modification application which involves internal changes only, there was no need to notify the subject application.

2.6 Public Interest

The proposal is not considered to be contrary to the public interest.

3. SUMMARY

The application seeks to modify development consent, known as DA-600/2015, for demolition of and construction of a 12 storey mixed use development including retail on ground floor and 48 residential apartments that was granted by the Waverley Development Assessment Panel on 24 May 2017, which was subsequently amended by DA-600/2015/B for addition of two levels and comprising a total of 55 apartments. The proposed modifications seek amendments to unit configuration to create amended units L3-03 and L-3.06.

The application has been assessed within the framework of the matters for consideration under sections 4.15 and 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. The assessment finds that the approved development, as proposed to be modified, is substantially the same as the approved development and is acceptable with regard to its performance against environmental planning instruments, specifically SEPP 65, Waverley LEP 2012 and the Waverley DCP 2012 subject to the implementation of recommendations contained within the submitted acoustic report and changes to the internal layout of Bedroom 2 of Unit L3-03. The increase in apartment mix for the development that enables larger apartments to be located at lower levels of the building is considered a positive outcome for the site.

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

DBU Decision

The application was reviewed by the DBU at the meeting on 27 October 2020 and the DBU determined that the application is acceptable and should be approved, subject to the conditions in Appendix A and B.

DBU members: *A Rossi, B McNamara, E Finnegan, Ben Magistrale*

4. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55(1A) Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the conditions in Appendices A and B of this report.

Report prepared by:	**Application reviewed and agreed on behalf of Waverley Council's Development and Building Unit by:**
J Zancanaro	
Jo Zancanaro **Senior Development Assessment Planner**	Angela Rossi **Manager, Development Assessment (Central)**
Date: 4 November 2020	**Date:** 13 November 2020

Reason for referral:

4. Sensitive development and condition previously imposed by WLPP:
   SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/ Deleted Conditions

A. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

(a) Architectural Plans;

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	08.05.16
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	08.05.16
Basement B3 Plan DA 1.03-02	12.04.17 – Revision 2	Howe Architects	08.05.16
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	08.05.16
Basement B1 Plan DA 1.06-03	12.04.17- Revision 3	Howe Architects	08.05.16
Ground Floor Plan DA 1.07-04	12.04.17 – Revision 4	Howe Architects	08.05.16
Level 2 Plan DA 1.08-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 3 Plan DA 1.09-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Level 4 Plan DA 1.10-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 5 Plan DA 1.11-04	03.05.17 – Revision 4	Howe Architects	08.05.16
Level 6 Plan DA 1.12-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 7 Plan DA 1.13-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 8 Plan DA 1.14-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 9 Plan DA 1.15-04	03.05.17- Revision 4	Howe Architects	08.05.16
Level 10 Plan DA 1.16-3	14.04.17- Revision 3	Howe Architects	08.05.16
Level 11 Plan DA 1.17-03	12.04.17 - Revision 3	Howe Architects	08.05.16
Level 12 Plan DA 1.18-03	12.04.17- Revision 3	Howe Architects	08.05.16
Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16
Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16

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

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

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	13.02.18
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
Ground Floor Plan DA 1.07-08	20.12.17 – Revision 8	Howe Architects	13.02.18
Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 7 Plan DA 1.13-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 8 Plan DA 1.14-08	13.02.18- Revision 8	Howe Architects	13.02.18
Level 9 Plan DA 1.15-08	13.02.18- Revision 8	Howe Architects	13.02.18

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

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

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
VPA & Section 4.55 Basement B6 General Layout Plan DA01 1.02-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B5 General Layout Plan DA01 1.03-01	19.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Basement B4 General Layout Plan DA01 1.04A-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B3 General Layout Plan DA01 1.04-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B2 General Layout Plan DA01 1.05-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Basement B1 General Layout Plan DA01 1.06-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Ground Floor General Layout Plan DA01 1.07-01	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 2 General Layout Plan DA01 1.08-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 3 General Layout Plan DA01 1.09-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 4 General Layout Plan DA01 1.10-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 5 General Layout Plan DA01 1.11-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 6 General Layout Plan DA01 1.12-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 7 General Layout Plan DA01 1.13-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 8 General Layout Plan DA01 1.14-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 9 General Layout Plan DA01 1.15-00	19.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Level 10 General Layout Plan DA01 1.16-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 11 General Layout Plan DA01 1.17-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 12 General Layout Plan DA01 1.18-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 13 General Layout Plan DA01 1.19-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Level 14 General Layout Plan DA01 1.20-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.21-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Roof Terrace General Layout Plan DA01 1.22-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 1 DA01 1.27-00	19.01.18	Howe Architects	18.04.18
Adaptable Units- Sheet 2 DA01 1.28-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed North Elevation DA01 2.05-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed South Elevation DA01 2.06-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed West Elevation DA01 2.07-00	19.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed East Elevation DA01 2.08-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section A-A DA01 3.00-00	30.01.18	Howe Architects	18.04.18

VPA & Section 4.55 Proposed Section B-B DA01 3.01-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section C-C DA01 3.02-00	30.01.18	Howe Architects	18.04.18
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

(iii) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 13 June 2019 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 June 2019 and 17 July 2019 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Basement Level 6 S4.55 - 102	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 5 S4.55 - 103	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 4 S4.55 - 104	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 3 S4.55 - 105	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 2 S4.55 - 106	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 1 S4.55 - 107	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Level 1 S4.55 - 108	August 2019 Revision C	Beta Solutions Architects	12.09.19
Section 4.55 Section A-A S4.55 - 301	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section B-B S4.55 - 302	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section C-C S4.55 - 303	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section D-D S4.55 – 304	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 South Elevation S4.55 - 202	June 2019 Revision B	Beta Solutions Architects	17.07.19
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement	30.01.18	Howe Architects	18.04.18

DA01 3.03 -00			

(iv) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 24 February 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 25 February 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
A122 - Roof Terrace	February 2020 Revision P	Beta Solutions Architects	25.02.2020
A122 – Roof Terrace	February 2020 Revision Q	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision H	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A201 – North Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A202 – South Elevation	February 2020 Revision L	Beta Solutions Architects	25.02.2020
A203 – West Elevation	February 2020 Revision G	Beta Solutions Architects	25.02.2020
A204 – East Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020

(v) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 7 August 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 August 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Level 2 S4.55 - 109	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 3 S4.55 - 110	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 4 S4.55 - 111	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 5 S4.55 - 112	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 6 S4.55 - 113	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 7 S4.55 - 114	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 8 S4.55 - 115	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 10 S4.55 - 117	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 11 S4.55 - 118	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 12 S4.55 - 119	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 13 S4.55 - 120	May 2020 Revision B	Beta Solutions Architects	18.08.20

Section 4.55 Section A-A S4.55 - 301	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section B-B S4.55 - 302	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section C-C S4.55 - 303	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 – 304	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 – 305	May 2020 Revision B	Beta Solutions Architects	18.08.20
Adaptable Units- Sheet 2 S4.55 – 802	May 2020 Revision B	Beta Solutions Architects	18.08.20

(vi) As amended by the following architectural plans prepared by 'Beta Solutions Architects' and 'Richard Stanisich' stamp date received by Council on 16 October 2020 and including:

Drawing Number and Description	***Date and Revision***	***Author of Drawing***	***Received by Council Date***
Section 4.55 – Level 3 S4.55-110	***13.10.2020 Revision C***	***Beta Solutions Architects and Richards Stanisich***	***16.10.2020***
Section Details – Level 3 Screens S4.55-A1350	***13.10.2020 Revision A***	***Beta Solutions Architects and Richards Stanisich***	***16.10.2020***
Section Details – Level 3 Screens S4.55-A1304	***13.10.2020 Revision A***	***Beta Solutions Architects and Richards Stanisich***	***16.10.2020***

(b) BASIX Certificate to be updated with the Construction Certificate Plans

(c) Wind Report " Pedestrian Level Winds - Wind Tunnel Test", prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report " Pedestrian Level Winds - Wind Tunnel Test", prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;

(d) BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report, prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;

(e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;

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

(g) Acoustic report prepared by Acoustic Logic reference No. 20201087.1/1210A/R1/AW dated 12 October 2020 and stamp date received by Council on 16 October 2020;

Except where amended by the following conditions of consent.

(AMENDED DA-600/2015/I)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

~~***(a) The layout of apartment 3.08 is to be amended to provide access from a living area to the balcony which adjoins the lightwell.***~~

(b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.

(c) A car wash bay is to be provided in the basement

(d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.

(e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.

(f) Off street carparking shall be limited to a maximum of 55 residential car spaces, 9 visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (6 car spaces) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.

(g) (AMENDED/ DELETED DA-600/2015/F)

(h) The proposed fire doors to the Level 1 Oxford Street frontage of the site are to be treated in a materiality and colour that is the same as the materiality and colour as the area surrounding the fire doors so that it is visually integrated with the development.

(i) The proposed layout changes to units L2-04***,*** ~~***L3-03***~~, L3-04 ~~***and L3-06***~~ are not approved under ~~***this***~~ modification application DA-600/2015/H.

(j) The proposed Bedroom 2 and adjoining storage room within Apartment L3-03 are to be amalgamated into one larger bedroom to enable the provision of two windows to Bedroom 2 for light and ventilation. The storage area is to be relocated elsewhere within the apartment. The windows to Bedroom 2 of Apartment L3-03 are to be provided with translucent glazing to a minimum height of 1.6m as measured above finished floor level.

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

(AMENDED DA-600/2015/I)

10A. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 ***and acoustic report prepared by Acoustic Logic reference No. 20201087.1/1210A/R1/AW dated 12 October 2020 and stamp date received by Council on 16 October 2020,*** shall be implemented.

An Engineers Certificate prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

(AMENDED DA-600/2015/I)

APPENDIX B – FULL SET OF CONDITIONS

Attachment A **DA-600/2015/I**
Conditions of the development consent

~~**Attachment A DA-600/2015/A**~~

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

~~1. The proposal is subject to further design refinement in order to achieve the following outcomes:~~

~~a) Introduce more vertical elements into the tower thereby improving its vertical proportions in order to better reflect the design context provided by the existing and approved buildings to the east. Vertical elements should be extended from the top of the podium to the top of the building.~~

~~b) A reduction in the apparent width and visual dominance of the building by limiting the extent and protrusion of the curved balconies.~~

~~c) The creation of a strong roof form in order to provide an appropriate termination to the top of the building.~~

~~d) A less complex materiality and form.~~

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

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

~~2. Approval/certification is to be obtained from Sydney Trains as to the following matters and the approval/certification is to be forwarded to the Council:~~

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

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

~~Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.~~ ***(Attachment A - Deleted following Consent activation on 6 June 2018)***

Attachment B **DA-600/2015/I**

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

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

(a) Architectural Plans;

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

Roof Terrace Plan DA 1.19-02	12.04.17- Revision 2	Howe Architects	08.05.16
Roof Plan DA 1.26-00	29.07.16- Revision 0	Howe Architects	08.05.16
Adaptable Units- Sheet 1 DA 1.27_01	12.04.17– Revision 1	Howe Architects	08.05.16
Adaptable Units- Sheet 2 DA 1.28_01	12.04.17– Revision 1	Howe Architects	08.05.16
Proposed North Elevation DA 2.05-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed South Elevation DA 2.06-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed West Elevation DA 2.07-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Proposed East Elevation DA-2.08-03	14.04.17 – Revision 3	Howe Architects	08.05.16
Section A-A DA 3.00-03	12.04.17 – Revision 3	Howe Architects	08.05.16
Section B-B DA 3.01-03	05.04.17 – Revision 3	Howe Architects	08.05.16
Section C-C DA 3.02-02	05.04.17 – Revision 2	Howe Architects	08.05.16
Typical Balustrade Cross sections DA-6.80-02	20.04.17 – Revision 2	Howe Architects	08.05.16

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

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Basement B5 Plan DA 1.03-02	12.04.17 - Revision 2	Howe Architects	13.02.18
Basement B4 Plan DA 1.04-01	03.05.17 - Revision 1	Howe Architects	13.02.18
Basement B3 Plan DA 1.03-02	13.04.17 – Revision 2	Howe Architects	13.02.18
Basement B2 Plan DA 1.05-03	13.04.17 – Revision 3	Howe Architects	13.02.18
Basement B1 Plan DA 1.06-06	20.12.17- Revision 6	Howe Architects	13.02.18
Ground Floor Plan DA 1.07-08	20.12.17 – Revision 8	Howe Architects	13.02.18
Level 2 Plan DA 1.08-07	20.12.17- Revision 8	Howe Architects	13.02.18
Level 3 Plan DA 1.09-08	13.02.18 – Revision 8	Howe Architects	13.02.18
Level 4 Plan DA 1.10-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 5 Plan DA 1.11-08	13.02.18– Revision 8	Howe Architects	13.02.18
Level 6 Plan DA 1.12-08	13.02.18- Revision 8	Howe Architects	13.02.18

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

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

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

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

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

(iii) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 13 June 2019 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 June 2019 and 17 July 2019 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Basement Level 6 S4.55 - 102	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 5 S4.55 - 103	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 4 S4.55 - 104	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 3 S4.55 - 105	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 2 S4.55 - 106	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Basement Level 1 S4.55 - 107	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Level 1 S4.55 - 108	August 2019 Revision C	Beta Solutions Architects	12.09.19
Section 4.55 Section A-A S4.55 - 301	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section B-B S4.55 - 302	June 2019 Revision A	Beta Solutions Architects	18.06.19

Section 4.55 Section C-C S4.55 - 303	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 Section D-D S4.55 – 304	June 2019 Revision A	Beta Solutions Architects	18.06.19
Section 4.55 South Elevation S4.55 - 202	June 2019 Revision B	Beta Solutions Architects	17.07.19
VPA & Section 4.55 Proposed Section D-D Location of Railcorp Easement DA01 3.03 -00	30.01.18	Howe Architects	18.04.18

(iv) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 24 February 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 25 February 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
A122 - Roof Terrace	February 2020 Revision P	Beta Solutions Architects	25.02.2020
A122 – Roof Terrace	February 2020 Revision Q	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision H	Beta Solutions Architects	25.02.2020
A123 - Roof	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A201 – North Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020
A202 – South Elevation	February 2020 Revision L	Beta Solutions Architects	25.02.2020
A203 – West Elevation	February 2020 Revision G	Beta Solutions Architects	25.02.2020
A204 – East Elevation	February 2020 Revision I	Beta Solutions Architects	25.02.2020

(v) As amended by the detailed list of modifications prepared by 'Beta Solutions Architects' dated 7 August 2020 and the following architectural plans prepared by 'Beta Solutions Architects' and stamp date received by Council on 18 August 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 Level 2 S4.55 - 109	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 3 S4.55 - 110	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 4 S4.55 - 111	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 5 S4.55 - 112	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 6 S4.55 - 113	May 2020 Revision B	Beta Solutions Architects	18.08.20

Section 4.55 Level 7 S4.55 - 114	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 8 S4.55 - 115	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 10 S4.55 - 117	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 11 S4.55 - 118	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 12 S4.55 - 119	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Level 13 S4.55 - 120	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section A-A S4.55 - 301	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section B-B S4.55 - 302	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section C-C S4.55 - 303	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 – 304	May 2020 Revision B	Beta Solutions Architects	18.08.20
Section 4.55 Section D-D S4.55 – 305	May 2020 Revision B	Beta Solutions Architects	18.08.20
Adaptable Units- Sheet 2 S4.55 – 802	May 2020 Revision B	Beta Solutions Architects	18.08.20

(vi) As amended by the following architectural plans prepared by 'Beta Solutions Architects' and 'Richard Stanisich' stamp date received by Council on 16 October 2020 and including:

Drawing Number and Description	Date and Revision	Author of Drawing	Received by Council Date
Section 4.55 – Level 3 S4.55-110	13.10.2020 Revision C	Beta Solutions Architects and Richards Stanisich	16.10.2020
Section Details – Level 3 Screens S4.55-A1350	13.10.2020 Revision A	Beta Solutions Architects and Richards Stanisich	16.10.2020
Section Details – Level 3 Screens S4.55-A1304	13.10.2020 Revision A	Beta Solutions Architects and Richards Stanisich	16.10.2020

(b) BASIX Certificate to be updated with the Construction Certificate Plans

(c) Wind Report " Pedestrian Level Winds - Wind Tunnel Test", prepared by Vipac Engineers and Scientists, dated 4 April 2017 and received by Council on 5 May 2017 as amended by Wind Report " Pedestrian Level Winds - Wind Tunnel Test", prepared by Vipac Engineers and Scientists, dated 13 April 2018 and received by Council on 18 April 2018;

(d) BCA Design Compliance Report, prepared by Matt Shuter and Associates, dated 9 August 2016 and received by Council on 30 August 2016 as amended by BCA Design Compliance Report,

prepared by Matt Shuter and Associates dated 26 February 2018 and received by Council on 18 April 2018;

(e) Site Contamination Reports, Phase 1 Environmental Site Assessment Report, dated 16 November 2015 prepared by LG Consult and received by Council on 24 December 2015 and Interim Site Audit Advice 1, prepared by GHD, Site Auditor Andrew Kohlrusch, Report number 2125711 dated 3 August 2016 and received by Council on 30 August 2016;

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

(g) Acoustic report prepared by Acoustic Logic reference No. 20201087.1/1210A/R1/AW dated 12 October 2020 and stamp date received by Council on 16 October 2020;

Except where amended by the following conditions of consent.

(AMENDED DA-600/2015/I)

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) DELETED (DA-600/2015/I)

(b) Vertically stacked car parking spaces are not permitted, pursuant to Part B8, Clause 8.4(j) of the Waverley Development Control Plan 2012 and all reference to car stackers are to be deleted from all plans, in particular on the Section B-B drawing DA 3.01-03.

(c) A car wash bay is to be provided in the basement

(d) 8 bicycle racks are to be provided at street level for visitors to both the residential and commercial parts of the building. In accordance with the DCP, the spaces are to be provided at a convenient location near a major entrance.

(e) Awning details to Oxford Street are to be provided to ensure that the awnings between the building and adjoining development to the east have an appropriate relationship and height clearance from the footpath.

(f) Off street carparking shall be limited to a maximum of 55 residential car spaces, 9 visitor car spaces, 3 commercial/retail spaces and a loading dock. In this regard, the excess carparking spaces (6 car spaces) are not approved and shall be deleted from the plan. This area shall be redesigned as storage (for commercial/retail uses) or plant.

(g) (AMENDED/ DELETED DA-600/2015/F)

(h) The proposed fire doors to the Level 1 Oxford Street frontage of the site are to be treated in a materiality and colour that is the same as the materiality and colour as the area surrounding the fire doors so that it is visually integrated with the development.

(i) The proposed layout changes to units L2-04, L3-04 are not approved under modification application DA-600/2015/H.

(j) The proposed Bedroom 2 and adjoining storage room within Apartment L3-03 are to be amalgamated into one larger bedroom to enable the provision of two windows to Bedroom 2 for light and ventilation. The storage area is to be relocated elsewhere within the apartment.

The windows to Bedroom 2 of Apartment L3-03 are to be provided with translucent glazing to a minimum height of 1.6m as measured above finished floor level.

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

(AMENDED DA-600/2015/I)

3. DETAILED LANDSCAPE PLAN

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

The plan is to include;

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

(b) Species which can be accommodated within the depth of the planters proposed and have an appropriate mature height

(c) Species which have easy maintenance and non-deciduous so that the aesthetic of the building is retained year round.

(d) Details of irrigation are to be provided.

(e) Maintenance Plan/Schedule required for the proposed planting scheme.

4. ARCHITECTURAL DETAILING

Prior to the issue of the Construction Certificate for Stage 5 works (CC5) as outlined in the letter from Vic Lilli & Partners – Accredited Building Certifiers dated 31 October 2019 and stamp date received by Council on 1 November 2019, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

(a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.

(b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.

(c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

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

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of a Construction Certificate for Stage 5 works (CC5) as outlined in the letter from Vic Lilli & Partners – Accredited Building Certifiers dated 31 October 2019 and stamp date received by Council on 1 November 2019, under the Environmental Planning and Assessment Act 1979.

5. REFLECTIVITY REPORT

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

(a) The development is to limit the use of large areas of glass in facades to a maximum of 60% of the façade surface area above ground level
(b) To minimise potential impact on pedestrians and occupants of neighbouring buildings all panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%. Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%
(c) Reflected solar glare on drivers should not exceed 500 candelas / m2. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).

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

6. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

7. ARCHITECT TO SUPERVISE DESIGN

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

8. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

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

9. EXCAVATION TO BE LIMITED

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

10. SIGNAGE

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

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

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

10A. ACOUSTIC REPORT RECOMMENDATIONS

The recommendations as outlined in the acoustic report prepared by Acouras Consultancy [Reference No. SYD2018-1047-R005B] dated 3 June 2020 and acoustic report prepared by Acoustic Logic reference No. 20201087.1/1210A/R1/AW dated 12 October 2020 and stamp date received by Council on 16 October 2020, shall be implemented.

An Engineers Certificate prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

(AMENDED DA-600/2015/I)

10B. REFRIGERATION UNITS AND MECHANICAL PLANT

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

(DELETED DA-600/2015/H)

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

11. SECTION 94A CONTRIBUTION

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

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

(1) Where the total development cost is less than $500,000:
"Waverley Council Cost Summary Report"; or,

(2) Where the total development cost is $500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

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

Advisory Note

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

11A. PLANNING AGREEMENT

a) The owner/ applicant to:

(i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-600/2015/B; and

(ii) Pay a monetary contribution amount of $1,687,239.08 prior to the issue of any Occupation certificate for the Development

(iii) A Planning Agreement will be entered into under Section 93F of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.

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

(i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development

(ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:

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

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

(ADDED DA-600/2015/B)

12. SECURITY DEPOSIT

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

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

13. LONG SERVICE LEVY

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

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

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

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

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

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

15. ESSENTIAL SERVICES - NEW BUILDING

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

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

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

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

16. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

17. SERVICE AUTHORITIES

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

18. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

19. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

20. HOARDING REQUIRED

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

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

21. ENGINEERING DETAILS

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

22. GEOTECHNICAL ENGINEERS REPORT

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

23. UNDERGROUND ANCHORS

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

24. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

25. EROSION, SEDIMENT AND POLLUTION CONTROL

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

26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

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

a. The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
b. There being no access for vehicles at any time from the Oxford Street frontage.
c. The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
    - such vehicles cannot adequately and safely gain access to and from the site or
    - access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
d. The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
e. Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
f. The location and materials of construction of temporary driveways providing access into and out of the site.
g. The location and length of any proposed Works/Construction Zones. Note:
    - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
    - It is illegal to:
        i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
        ii. Barricade/reserve a section of roadway without the prior approval of Council
h. The hours of operation of demolition/construction vehicles.
i. The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
j. How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
    - The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
    - Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
    - The type(s) of material on which pedestrians will be required to walk
    - The width of the pathway on the route
    - The location and type of proposed hoardings
    - The location of existing street lighting

k. Any bus zones, taxi zones etc., that may be affected/require temporary relocation as a result of development works.
l. Any other requirements that arise out of the assessment of the application prior to it being approved.

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

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

27. ON-SITE STORMWATER DETENTION DETAILS

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

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

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

(AMENDED DA-600/2015/B)

28. STORMWATER CERTIFICATION

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

29. BASIX

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

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

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

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

30. ENERGY EFFICIENCY

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

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

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

31. PLANS TO REFLECT THE ENERGY ASSESSMENT REPORT

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

32. USE OF RENEWABLE TIMBERS

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

33. LANDSCAPED SLABS

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

34. ACCESS

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

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

35. ACCESS TO MAIN ENTRY

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

36. ADAPTABLE HOUSING

8 Adaptable units are to be provided within the development, those being L1-1, L2.01, L4.04, L5-05, L12-04, L6-03, L7-03, L13-03 nominated on drawing 1.27 and S4.55 – 802. One car space is to be allocated to each of these apartments. Details are to be submitted to the Principal Certifying Authority, demonstrating compliance with the relevant Australian Standards, prior to the issue of the Construction Certificate.

(AMENDED DA-600/2015/H)

37. WASTE STORAGE AREAS

(a) The development is to include a bin storage point with enough space to accommodate the following minimum number of bins for the residential and commercial components of the development;

(a) Residential
- 16 x 240L Mobile Garbage Bins (MGBs) for general waste,
- 12 x 240 MGBs for recycling materials:
  - 6 x 240L MGBs for recyclables, and
  - 6 x 240L MGBs for paper and cardboard.
- Additional space is to be made available for an extra 240L MGB for general waste

(b) Commercial
- 3 x 240L Mobile Garbage Bins (MGBs) for general waste,
- 2 x 240 MGBs for comingled recycling materials.
- Space will need to be available to accommodate the additional waste and recycling needs of commercial premises such as milk/bread crates.

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.

(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

(d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.

(e) The development must have rooms or caged areas with a minimum volume 4m³ available for the storage of discarded residential bulky waste, such as old furniture, awaiting Council pick up.

(f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.

(g) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.

(h) All new developments are to provide adequate storage for waste to accommodate future change of uses.

(i) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.

(j) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(k) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

(l) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

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

38. INSTALLATION OF AIR CONDITIONING

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

(a) Be located inside approved plant rooms.

(b) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

(i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or

(ii) before 7.00am and after 10.00pm on any other day.

(c) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

39. LOCATION OF GREASE TRAP

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

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

40. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

A Noise Management Plan must be submitted to Council for approval prior to the issue of a construction certificate and complied with during any construction works. The plan must be prepared by a suitably qualified person, who possesses the qualifications to render them eligible for membership of the

Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include, but not be limited to the following:-

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

(b) Description of hours of work and what work will be undertaken

(c) Description of what work practices will be applied to minimise noise

(d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;

(e) Selection criteria for plant and equipment;

(f) Community consultation;

(g) Details of work schedules for all construction phases;

(h) Selection of traffic routes to minimise residential noise intrusion;

(i) Schedule of plant and equipment use and maintenance programs;

(j) Noise monitoring techniques and method of reporting results;

(k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;

(l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.

(m) Site induction details for employees and contractors, and;

(n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

41. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

(a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

(b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.

(c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?

(d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.

(e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

42. SWEPT WHEEL PATH DRAWINGS

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

The swept wheel path drawings shall:

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

42A. CAR PARKING ALLOCATIONS

A total of **67** car vehicle parking spaces are to be provided, allocated in the following manner:

(a) 55 residential parking spaces;
(b) 9 visitor parking spaces ;
(c) 3 retail/commercial parking spaces.
(d) At least 5 of these spaces to be allocated as accessible parking spaces.

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

(AMENDED DA-600/2015/H)

42B. BICYCLE PARKING

A minimum total of 56 bicycle parking spaces are to be provided, allocated in the following manner:

(a) 48 residential bicycle spaces;
(b) 6 visitor bicycle spaces ;
(c) 2 retail bicycle spaces.
(d) At least 4 of these spaces to be located at ground level, adjacent to lobby

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

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

(AMENDED DA-600/2015/H)

42C. MOTORCYCLE PARKING

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

(ADDED DA-600/2015/B)

C. SYDNEY TRAINS CONDITIONS OF CONSENT

43. REQUIREMENTS OF SYDNEY TRAINS

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

(b) No rock anchors/bolts are to be installed into Sydney Trains property, easement or stratum.

(c) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
   (i) Machinery to be used during excavation/construction.
   (ii) If required by Sydney Trains as a result of the assessment of the documentation submitted as part of the deferred commencement conditions, track/tunnel monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
   (iii) A rail safety plan including instrumentation and the monitoring regime.

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

(d) Sydney Trains or any persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

(e) No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.

(f) Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.

(g) Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings are to indicate that there has been no encroachment into Sydney Trains property, easement or stratum. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(h) Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

(i) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report.

(j) Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that

risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

(k) Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

(l) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

(m) Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

(n) Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail CorridorManagement Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

(o) Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.

(p) Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:

(i) Shoring System Details prepared by Northrop, Job Number SY151150, Drawing Number SK30, Revision 5 dated 14 November 2018
(ii) Shoring System Details Letter prepared by Northrop to Sydney Trains dated 14 November 2018
(iii) Asset Geotechnical Numerical Modelling of Impact on Rail Tunnels Report Reference 4429-2-R3-Rev 4 dated 26 November 2018
(iv) Douglas Partners Report Reference 86488.00 R003 Rev 1 Geotechnical Tunnel Monitoring Plan dated 4 September 2018

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

works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

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

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

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

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

(i) Inclusion of rock sawing of the perimeter of the excavation prior to rock hammering to limit vibration transfers

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

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

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

(AMENDED DA-600/2015/B)

D. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

44. PRIOR TO SITE WORKS

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

(a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or

(b) the name and permit number of the owner/builder who intends to do the work; and

(c) any change to these arrangements for doing of the work.

45. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building

works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

46. EXCAVATION AND BACKFILLING

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

47. EXCAVATION BELOW FOOTINGS

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

(a) preserve and protect the building from damage; and

(b) if necessary, must underpin and support the building in an approved manner; and

(c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

48. OBSTRUCTION TO PUBLIC AREAS

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

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

(b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

49. TOILET FACILITIES

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

50. NO USE OF ORGANOCHLORIN PESTICIDES

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

51. DILAPIDATION REPORTS

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

Please note the following:

(a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.

(b) This is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.

(c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

(d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

52. SITE REMEDIATION

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

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

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

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

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

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

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

53. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

(a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

(c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

54. REMEDIATION REQUIREMENTS

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

(a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.

(b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.

(c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.

55. SITE CONTAMINATION - VALIDATION REPORT

(a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. Subsequent Construction Certificates will not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:

(b) Description and documentation of all works performed;

(c) Results of validation testing and monitoring;

(d) Validation results of any fill imported on to the site;

(e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and

(f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

56. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

57. DEMOLITION & SITE PREPARATION

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

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

58. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

(a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:

(i) Landfill waste;
(ii) Recyclable waste;
(iii) Materials to be re-used on-site; and/or,
(iv) Excavation materials.
See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

(b) A 100% re-use of sandstone is required.

(c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.

(d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.

(e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.

(f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.

(g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.

(h) Records are to be retained on-site demonstrating lawful disposal of waste.
(i) Easy vehicular access to waste and recycling material storage areas must be provided.

(j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.

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

59. SITE HEALTH & SAFETY PLAN

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

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

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

60. SOIL AND WATER MANAGEMENT PLAN

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

61. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides

for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

62. POTENTIAL DEWATERING OF THE SITE

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

(a) Undertake the necessary site investigations prior to construction;
(b) Prove that a water table is present or absent;
(c) Assess the feasibility of alternative construction methods;
(d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
(e) Design an appropriate and safe dewatering system;
(f) Apply for a dewatering licence,
(g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
(h) Design and implement a monitoring program;
(i) Monitor, analyse, interpret and report on dewatering to Council, DPI Office of Water throughout construction;
(j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

63. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

64. ASBESTOS REMOVAL

(a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

(b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

(c) No asbestos products are to be reused on site.

(d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

65. FOOTPATH PROTECTION

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

66. STOCKPILES

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

67. LOCATION OF BUILDING OPERATIONS

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

68. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

69. ALL BUILDING MATERIALS STORED ON SITE

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

70. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays

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

71. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

72. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

Council will take into account:

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

73. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:
(a) at the commencement of the building work;
(b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
(c) prior to covering any stormwater drainage connections; and
(d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

In the case of a Class 5, 6, 7, 8 or 9 building:
(a) at the commencement of the building work;
(b) prior to covering any stormwater drainage connections; and
(c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

75. MECHANICAL VENTILATION SYSTEMS

(a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

(b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation

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

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

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

76. CERTIFICATE OF SURVEY - LEVELS

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

77. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

78. IN-SINK WASTE DISPOSAL SYSTEMS

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

79. WATER PROOFING

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

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

80. HOT TAP WATER SCALDING

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

81. BALCONIES NOT TO BE ENCLOSED

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

82. SERVICE PIPES

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

83. FIRE SAFETY - EXITS

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

84. FIRE SAFETY MAINTENANCE

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

85. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

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

86. EXISTING VEHICLE CROSSINGS

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

87. NEW VEHICLE CROSSING

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

88. FINISHED LEVEL OF PAVING

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

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

89. HEGARTY LANE- PUBLIC DOMAIN WORKS

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

E. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

90. FINAL OCCUPATION CERTIFICATE

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

91. SYDNEY WATER

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

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

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

92. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

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

93. NOISE ATTENUATION CERTIFICATE

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

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

94. NOISE – PLANT AND EQUIPMENT

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

95. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1 and part 2, 2012). A Certificate of Test together with a

copy of the final test figures is to be submitted by a competent person and approved by the Principal Certifying Authority prior to the issue of the Occupation Certificate.

96. STORMWATER

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

97. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

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

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

98. TELECOMMUNICATIONS

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

99. PUBLIC DOMAIN WORKS COMPLETED

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

100. WAVERLEY DIGITAL MODEL

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

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

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

Notes:
- This model will update previous version/s submitted at Development Application stage.

- Any future modifications (under Section 96 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

101. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

(a) A waste management plan is to be submitted to Council for approval outlining the procedures/processes for the ongoing management of both the residential and commercial waste for the building and is to include the requirements contained in this consent. The document, once approved by Council is to form an approved document to be complied with during the operation of the building.

(b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.

(c) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.

(d) Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap.

(e) Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.

(f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.

(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

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

102. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

(i) DP/Lot/Strata Plan,
(ii) Address,
(iii) Building footprint (m^2)
(iv) Gross Floor area (m^2)
(v) total residential floor space (m^2)
(vi) total office space (m^2)
(vii) total retail space (m^2)
(viii) total no. of levels (m^2)
(ix) No. levels above ground

(x) No. levels below ground
(xi) No. of residential levels
(xii) No. of dwellings
(xiii) No. of commercial levels
(xiv) No. of parking spaces
(xv) Parking location (above or below ground)
(xvi) Ground floor use (commercial, retail or residential)

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

103. LANDSCAPE PLAN

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

104. LANDSCAPE CONSULTANT

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

105. ALLOCATION OF STREET NUMBER

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

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

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

- As the redevelopment has multi-level sub-addressing the following sub-addressing will apply;
  - All sub-premises numbers must be unique,
  - The floor/level number will represent the first number of the sub address and the last two digits in the sub-address shall be unique on each level,
  - For clarity, a zero will be interposed in the number of the first nine sub address levels ie. Level 3 unit 7 =307,
  - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
  - Commercial premises will be identified with an address identifier ie Shop 101, Office 102,

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

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

106. SLIP TESTS OF COMMON AREAS

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

107. TACTILE NUMBER IN LIFT

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

108. MARKING OF CAR SPACES

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

109. VEHICLE ACCESS

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

109A. PARKING

(a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.

(b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.

(c) A minimum of one car space per retail tenancy (for staff parking) shall be provided within the basement (ie, minimum 3 spaces based on 3 tenancies).

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

(ADDED DA-600/2015/B)

109B. PARKING PERMITS

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

(ADDED DA-600/2015/B)

110. CONTROLS AT VEHICULAR EXIT

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

111. PUBLIC ART

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

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

112. LIGHTING

(a) Lighting is to be provided to the pedestrian entrance at the rear of the site to Hegarty lane and the access point from the through site link and within the lobby area, to provide safe entrances for residents of the building.

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

(c) All external lighting fixtures should be vandal resistant.

(d) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.

(e) Lighting should be free of obstructions, such as tree branches, pipes, etc.

(f) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

(g) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

113. PEST CONTROL

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

F. OPERATIONAL CONDITIONS DURING OCCUPATION

114. DOMESTIC HEATERS

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

115. DELIVERY OF GOODS

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

116. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes. Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

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

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

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

118. THROUGH-SITE LINK

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

(a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 7.00am to 10.00pm, seven days a week.

(b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to each entry.

(c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.

(d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.

(e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.

(f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.

(g) Dedicated areas for outdoor seating or the like within the through site link shall not be indicated on any future subdivision plan. Any proposal to utilise the through site link for outdoor seating shall be subject to development applications being submitted individually for the various commercial/retail tenancies.

(h) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.

(i) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

119. NOISE - MECHANICAL PLANT

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

(a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.

(b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

(c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

(d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

120. NOISE EMISSIONS

The use of the premises shall not give rise to:

(a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;

(b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

(c) No sound reproduction device nor any forms of entertainment (or general noise) within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises. The background noise level must be measured in absence of noise emitted from the use in accordance with AS 1055.

(b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.

(c) Sound reproduction devices shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.

(d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver (any place of different occupancy)

121. AIR EMISSIONS

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

122. AIR-CONDITIONING

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

123. CONTROL OF LEGIONNAIRES DISEASE

(a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010, Public Health Regulation 2012 and NSW Health Code of Practice for the Control of Legionnaires Disease.*

(b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation.* Registration forms are available from Council.

124. DISPLAY OF WASTE MANAGEMENT PLAN

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

125. FIRE SAFETY MAINTENANCE

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

126. NOISE COMPLAINTS

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

(a) The identification of sensitive noise receivers potentially impacted by the proposal;

(b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);

(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;

(d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where

appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;

(e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

ADVICE TO APPLICANT

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

SYDNEY WATER REQUIREMENTS

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

RECEIVED
Waverley Council

Application No: DA-600/2015/I

Date Received: 16/10/2020

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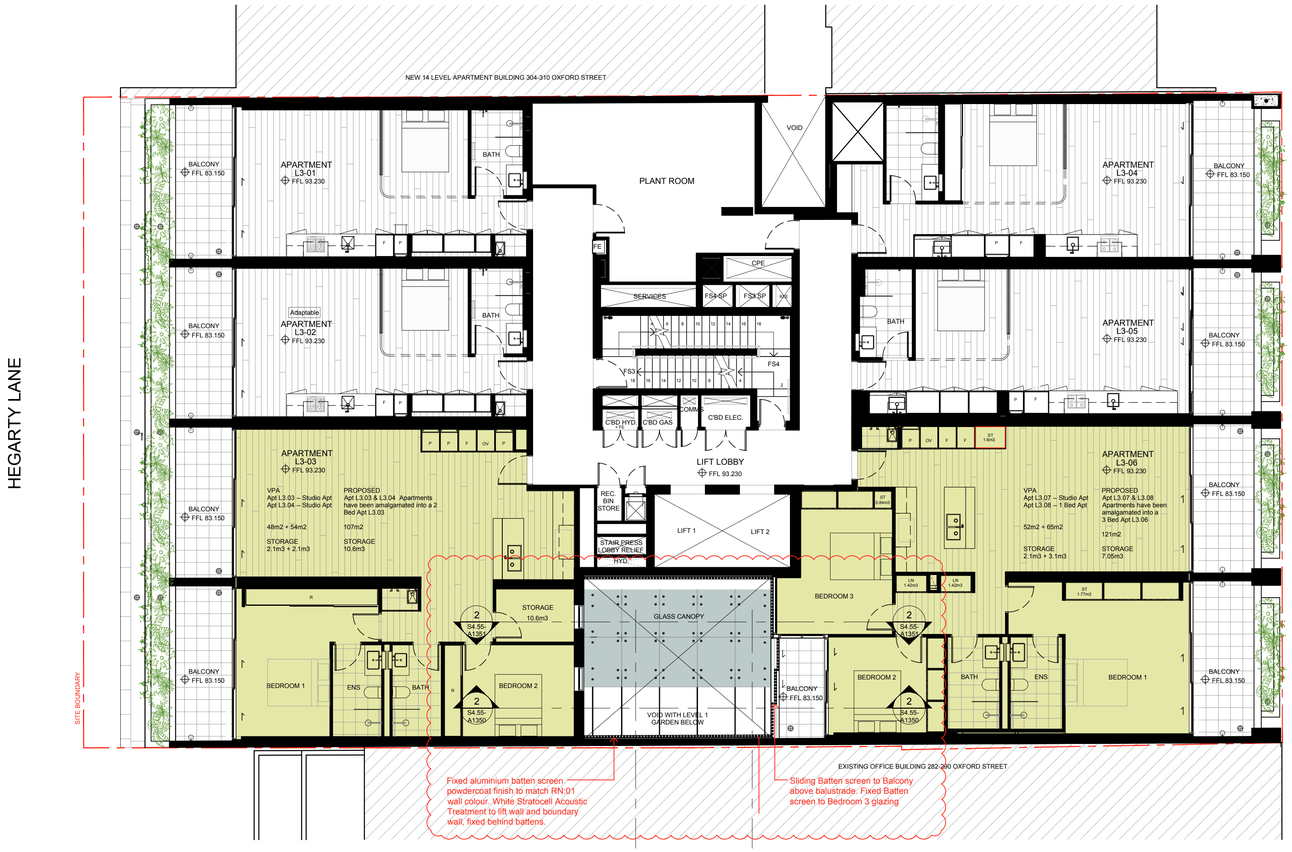
This S4.55 application for the proposed modification of development consent DA-600/2015 has been prepared by Richards Stanisich and is independent to the relevant stakeholders listed on drawing titleblocks. The documentation accompanying this lodgement is based on information and drawings provided by Beta Solutions Architects Pty Ltd. The applicant is to ensure all information is correct and current.

REV. C 13.10.2020 S4.55 Submission



1 LEVEL 3
1 : 100

VPA	AREAS	PROPOSED MODIFICATION	AREAS
Apt L3.03 – Studio apartment Apt L3.04 – Studio apartment	Apt L3.03 Nett Area: 48 m2 Balcony: 9 m2 Apt L3.04 Nett Area: 54 m2 Balcony: 9 m2	Apt L3.03 & L3.04 – Studio apartments have been amalgamated into a 2 Bedroom apartment L3.03	Apt L3.03 Nett Area: 107 m2 Balcony: 19 m2
Apt L3.07 – Studio apartment Apt L3.08 – 1 Bedroom apartment	Apt L3.07 Nett Area: 52 m2 Balcony: 9 m2 Apt L3.08 Nett Area: 65 m2 Balcony: 14 m2	Apt L3.07 & L3.08 – Studio & 1 Bedroom apartments have been amalgamated into a 3 Bedroom apartment L3.06	Apt L3.06 Nett Area: 121 m2 Balcony: 23 m2

LEGEND:

PROPOSED INTERNAL MODIFICATIONS TO APPROVED VPA / SECTION 4.55

SEPP 65 STORAGE SCHEDULE COMPLIANCE TABLE

Apartment Design Guide 2015 Objective 4G-1.1: In addition to storage in kitchens, bathrooms and bedrooms, storage needs to be provided. At least 50% of the required storage is to be located within the apartment.

UNIT	STORAGE REQUIRED (50%)	STORAGE PROVIDED
UNIT L3.03	4m3	10.6m3
UNIT L3.06	5m3	7.05m3

IMPORTANT NOTES:
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Larger scale drawings and written dimensions take preference.
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REVISION	DATE	DESCRIPTION	BY
A	13.05.2020	ISSUED FOR S4.55 APPLICATION	JZ
B	07.08.2020	DIMENSIONS UPDATED FOR CLARITY AS REQUESTED BY COUNCIL. PLANT ROOM DIVIDED INTO 2	GJ

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Beta Solutions Pty Ltd ARCHITECTS

PROJECT
The OXFORD
MIXED USE APARTMENT DEVELOPMENT
292-302 Oxford St. Bondi Junction NSW 2022

DRAWING TITLE
SECTION 4.55 - LEVEL 3

A1 SHEET

Scale	Date	Drawn	Checked
As indicated	September 2020	JZ	AT
Job 18100	Drawing S4.55-110		Revision B

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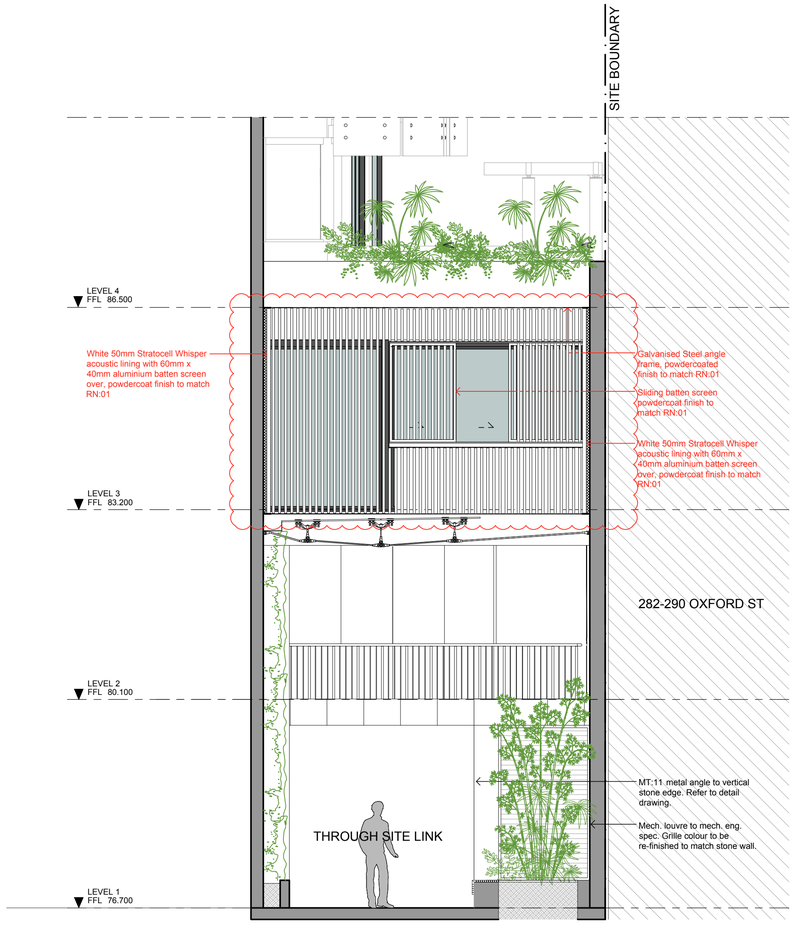

1 SECTION DETAIL 1
1 : 50

2 SECTION DETAIL 2
1 : 50

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PROJECT
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MIXED USE APARTMENT DEVELOPMENT
292-302 Oxford St. Bondi Junction NSW 2022

DRAWING TITLE
A1 SHEET
SECTION DETAILS - LEVEL 3 SCREENS

Scale	Date	Drawn	Checked
Job	Drawing S4.55 - A1350		Revision

RECEIVED
Waverley Council

Application No: DA-600/2015/I

Date Received: 16/10/2020

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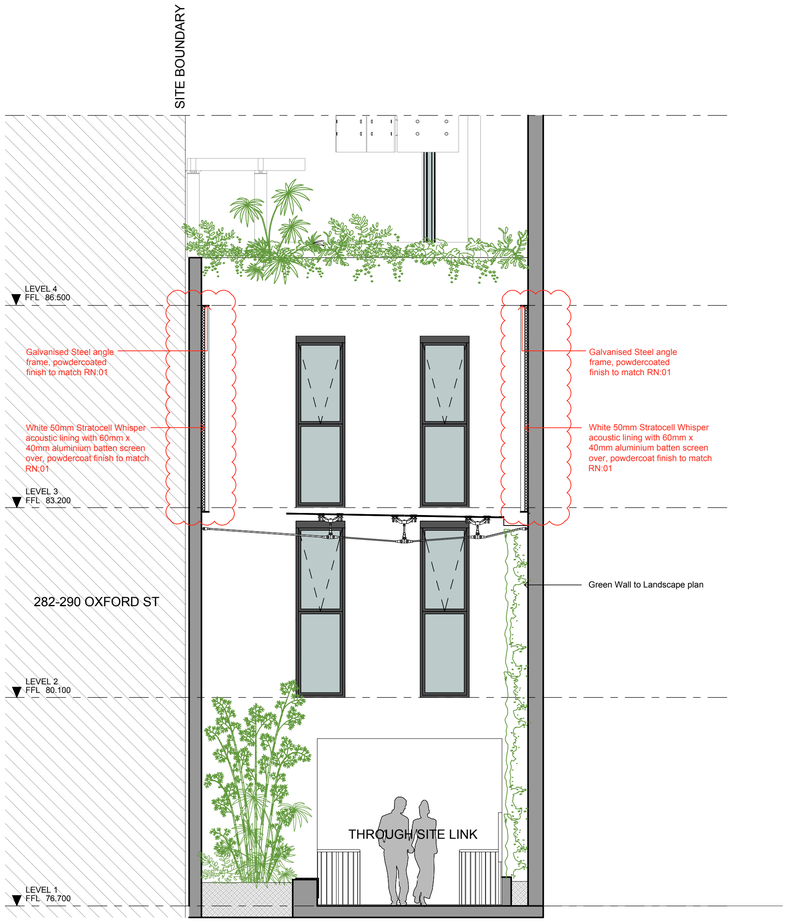
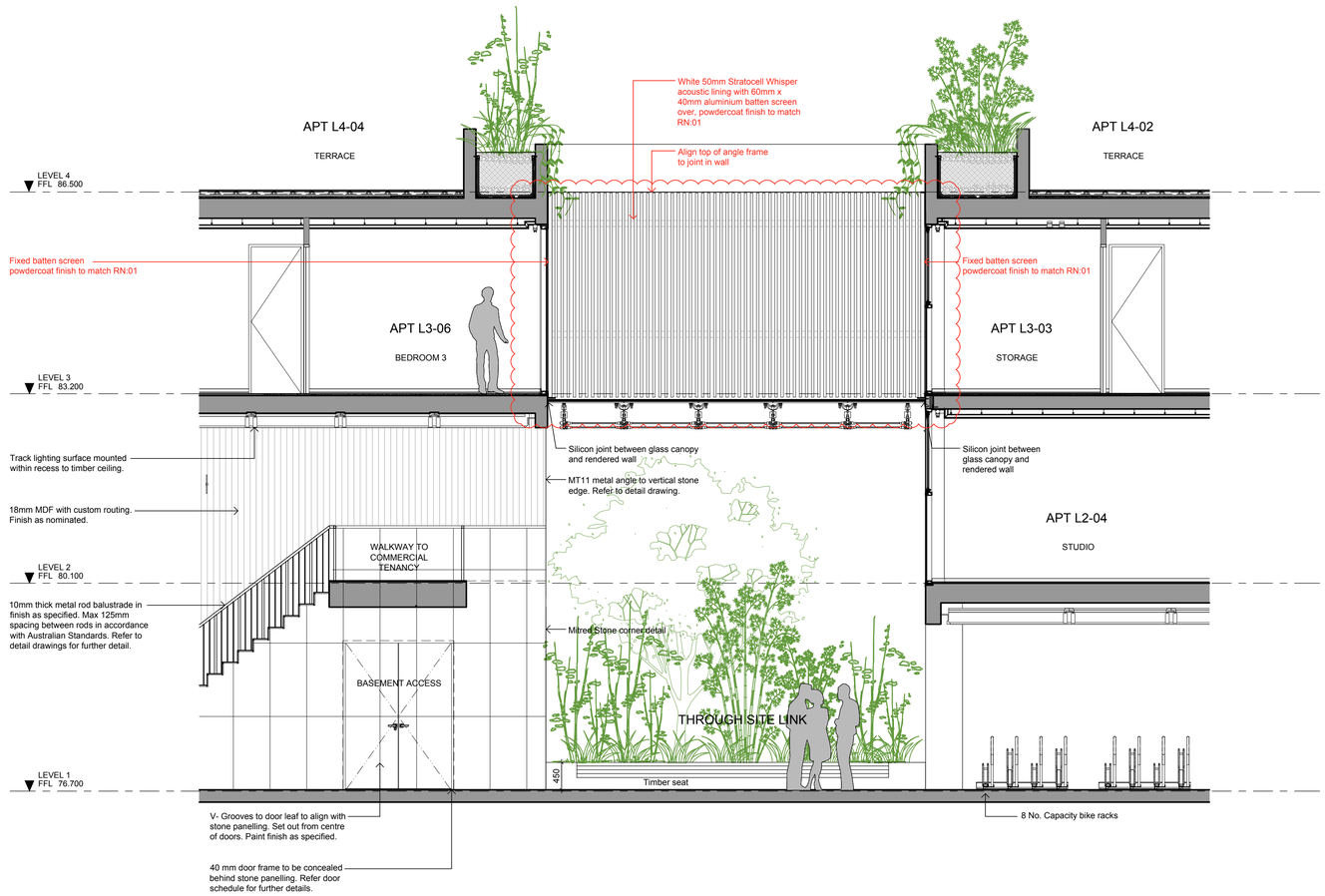
REV. A **13.10.2020** S4.55 Submission



1 SECTION DETAIL 1
1 : 50



2 SECTION DETAIL 2
1 : 50

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MIXED USE APARTMENT DEVELOPMENT
292-302 Oxford St. Bondi Junction NSW 2022

DRAWING TITLE
SECTION DETAILS - LEVEL 3 SCREENS
A1 SHEET

Scale	Date	Drawn	Checked
Job	Drawing S4.55 - A1304		Revision