



17 July 2018

A meeting of the **WAVERLEY DEVELOPMENT ASSESSMENT PANEL** will be held will be held in the Community Room at the Margaret Whitlam Recreation Centre, Bondi Road, Bondi Junction at:

12.00 PM WEDNESDAY, 25 JULY 2018

QUORUM: Three Panel members.

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

OR

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

AGENDA

WDAP-1807.A

Apologies

WDAP-1807.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WDAP-1807.1

PAGE 5

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

Report dated 16 July 2018 from the Development and Building Unit.

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

WDAP-1807.2

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8 Miller Street, Bondi – Modification to existing dwelling including timber deck and balcony off attic level (DA-45/2016/A)

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

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

WDAP-1807.3

PAGE 116

25 Glasgow Avenue, Bondi Beach – Demolition of building, and construction of an attached dual occupancy including associated landscaping and Torrens title subdivision into two lots (DA-448/2017)

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

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

WDAP-1807.4**PAGE 178****383 Old South Head Road, North Bondi – Alterations and additions to existing dwelling including partial first floor addition (DA-572/2017)**

Report dated 11 July 2018 from the Development and Building Unit.

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

WDAP-1807.5**PAGE 221****427 Old South Head Road, Rose Bay – Alterations and additions to the existing dwelling including rear extension and internal reconfigurations (DA-550/2017)**

Report dated 11 July 2018 from the Development and Building Unit.

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

WDAP-1807.6**PAGE 255****483 Old South Head Road, Rose Bay – Partial demolition of existing building, alteration and additions together with remodelling of two shops and additions to the apartments at the rear and new units above the shops (DA-501/2017)**

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

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

WDAP-1807.7**PAGE 328****Units 1 and 2, 17 Alexander Street, Tamarama - Alterations and additions to Units 1 and 2 (DA-129/2018)**

Report dated 10 July 2018 from the Development and Building Unit.

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

WDAP-1807.8**PAGE 353****75 Gardyne Street, Bronte – New swimming pool in front yard area (DA-42/2018)**

Report dated 9 July 2018 from the Development and Building Unit.

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

WDAP-1807.9**PAGE 369****6 St Thomas Street, Bronte – Alterations and additions to existing 2 storey dwelling including upper floor addition (DA-568/2017)**

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

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



Waverley Development Assessment Panel

Application number	DA-475/2017
Site address	20-24 Hall Street, BONDI BEACH
Proposal	Partial demolition of heritage listed building (Australia Post Office) and construction of a four storey mixed use development containing 2 basement levels of car parking, ground level retail with 10 residential units above.
Date of lodgement	7 November 2017 24 April 2018, 5 May 2018 and 11 July 2018 (amended plans and additional documentation submitted)
Owner	Australian Postal Corporation
Applicant	Taylor Developments Group Pty Ltd c/o Urbis
Submissions	35 unique submissions and approximately 1,323 pro-forma submissions
Cost of works	\$5,830,000
Issues	Heritage, height, FSR, SEPP 65, setbacks
Recommendation	That the application be APPROVED, subject to conditions.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 1 March 2018.

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

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

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

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



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



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

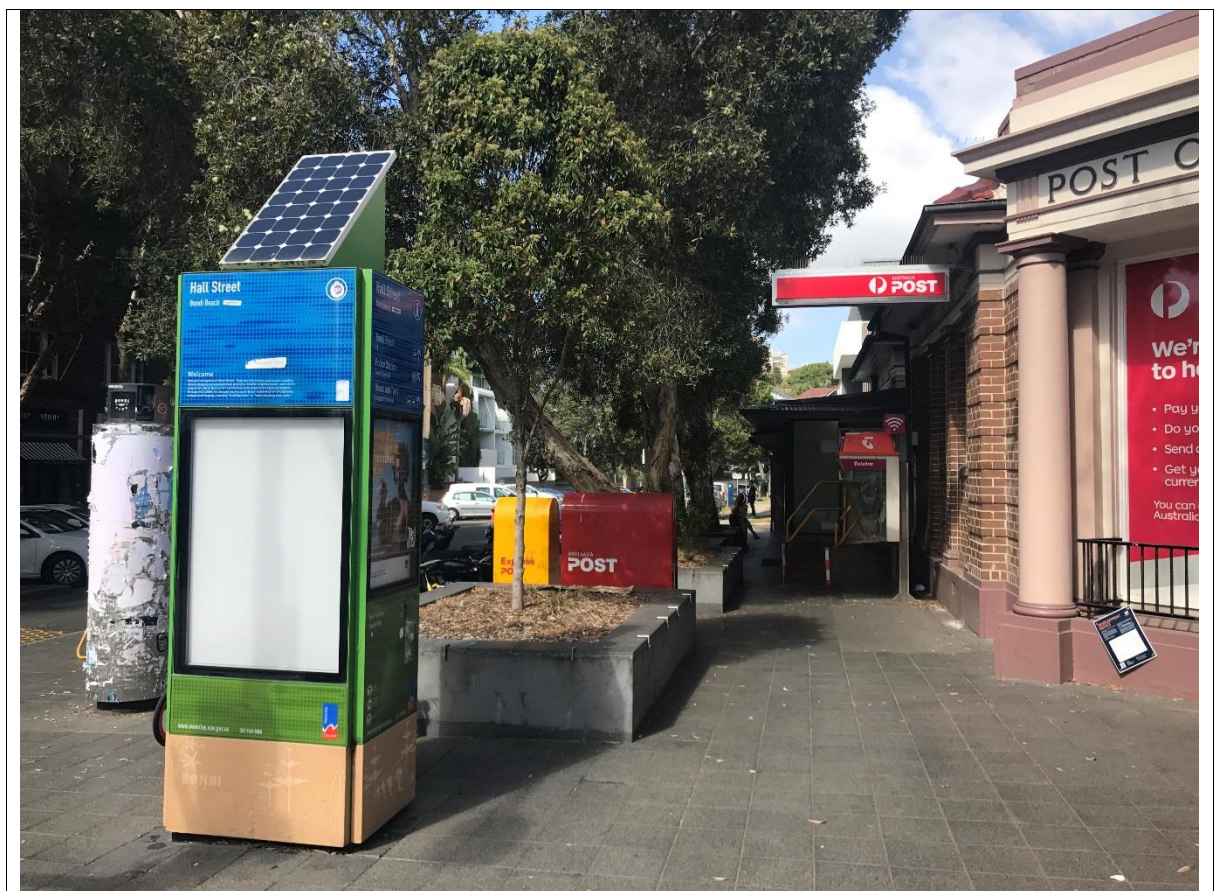


Figure 3: Looking south along Jaques Avenue from the corner of Hall Street



Figure 4: Site viewed from Hall Street



Figure 5: Site viewed from Jaques Avenue from vehicle crossover

1.2 Relevant History

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

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

Background to subject application

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

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

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

1.3 Proposal

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

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

- Associated public domain work including the removal of two on-site trees and one street tree and the retention of five street trees;
- Residential entrance lobby and vehicle access is provided from Jaques Avenue; and
- Construction of three additional levels consisting 10 residential apartments (5 x 2 bedroom and 5 x 3 bedroom).

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

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

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

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

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

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

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

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

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

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

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

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

2.1.2 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.3 SEPP 55 Remediation of Land

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

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

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

2.1.4 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Waverley Design Excellence Panel on 3 December 2017. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment are set out in **Table 1** below:

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

Principle	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<i>The Panel acknowledged a diverse mix of the highly urbanised Hall Street environment which is generally characterised by ground level retail and commercial activity with residential at the upper levels. The surrounding built form is generally 3-4 storeys, including some single storey detached dwellings. Both pitched and flat roof buildings prevail in the area.</i>	The proposal is generally supported with regards to the context and neighbourhood character.
2. Built form & Scale	<i>The Panel acknowledged that the built form of the proposed development has been influenced by a detailed study of the existing post office façade and an assessment of alternative methods in which the heritage fabric could be retained and integrated into the proposed development. The proposed development slightly breaches the 13m height plane on both the Hall Street and Jacques Avenue frontages. The proposed development reflects the setbacks associated with the retained heritage brick facades but generally occupies the balance of the site. The Hall Street and Jacques Avenue facades are highly articulated and subtly reflect the irregular pattern of window openings and piers associated with the retained built fabric of the post office.</i>	This commentary is generally agreed with. A discussion of the minor design and heritage issues raised by Council's Heritage Advisor is discussed below this table. The merits of the proposed variation to the height development standard is also addressed below.
3. Density	<i>The Panel was advised that the density of the approved development exceeded the permissible FSR of 2:1. The subject DA submitted to the Panel had an FSR of 2.12:1, which represented a 6% excess of the permissible GFA. The Panel noted that the proposed winter gardens had been included in the FSR assessment and that they represented an area such that if excluded from the GFA assessment, the proposed development would have an FSR of 1.92:1. The Panel formed the view</i>	This commentary is agreed with. The breach of the FSR development standard is discussed in further detail below. While the winter gardens are included in the GFA calculation, the proposed operable glazing to the wintergardens enable the space to function as an open balcony when desired. The wintergardens are an important aspect of the design and will contribute to the amenity and acoustic privacy of residents.

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

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

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

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

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

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from Table 5 relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none">Min separation distances from buildings to side and rear boundaries:Up to 12m (4 storey) – 6m habitable & 3m non-habitableIncreased separation of 3m where adjoins a lower density zone	No	The proposed setback from the side boundary to the south (1 Jaques Ave) is 1.5m, and the proposed setback from the west (26-28 Hall St) is 4m. See discussion below.
4A Solar and daylight access		
<ul style="list-style-type: none">Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winterA maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	Yes	90% of units (9 units) receive at least 2 hours of sunlight between 9am and 3pm on 21 June. Only 1 unit (10%) is a single aspect apartment, receiving no sunlight in midwinter. However, this apartment is double storey, which enhances the amenity and promotes natural air circulation. The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.

4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<p>All habitable rooms are provided with at least one window for natural ventilation.</p> <p>The applicant claims that 100% of apartments receive natural cross ventilation. It is acknowledged that 9 units have dual aspects. The remaining single aspect unit is double storey, which enhances the amenity and promotes natural air circulation. In this regard, 100% of apartments are naturally cross ventilated.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	Yes	<p>The proposal has a floor to ceiling height of 3.2m on the ground floor. The residential levels above (levels 1-3) have floor to ceiling heights of 2.7m. The site is located within the mixed use zone which requires a floor to ceiling height of 3.3m on the ground and first floors. The proposal does not comply with this requirements having 3.2m on the ground floor and 2.7m on the first floor. This non-compliance is considered acceptable as it is unlikely that Level 1 would be converted to commercial uses following strata titling of the building. Given the adaptive reuse of the ground floor, a floor to ceiling height of 3.2m is considered acceptable at ground floor level for the retail uses.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <i>Studio = 35 m²</i> <i>1 Bed = 50 m²</i> <i>2 Bed = 70 m²</i> <i>3 Bed = 90 m²</i> <i>Add 5m² for each additional bathroom (above 1)</i> <i>Add 12m² for each additional bedroom</i> <p>Every habitable room must have a window in an external wall with a total minimum glass</p>	Yes	<p>The proposal includes five 2 bedroom apartments and five 3 bedroom apartments. The two bedroom apartments are a minimum of 90sqm, and the three bedroom apartments are a minimum of 115sqm, which significantly exceeds the minimum requirements of 70sqm and 90sqm respectively.</p> <p>Each habitable room has an external wall with a glazed window meeting the requirements. All bedrooms and living areas meet the minimum size and dimension requirements.</p> <p>The proposal is consistent with the objectives of this part of the ADG as the proposed apartments</p>

area of not less than 10% of the floor area of the room.		are generous in size and provide adequate amenity to future occupants.
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	Yes	<p>100% of the units are provided with a wintergarden accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>During the assessment period, the applicant provided details of the winter gardens and whether the glazed openings would be operable to provide adequate amenity for future occupants. Details were provided indicating that the portion of the glazing that is operable sits above the balustrade and is able to slide down over the bottom panel to provide a balcony-like space. While the wintergardens will be included in the GFA calculations, they are considered to be a practical solution given the location of the site in a mixed use zone, and the number of food and drink premises along Hall Street.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall.</p> <p>The ADG requires apartments at ground or podium level to provide private open space instead of a balcony with a minimum area of 15sqm. The private open space for Unit 1.01 (which has a podium-like structure above the garage in the western corner of the site) is 15sqm with a minimum depth of 3m. This is in addition to the 10sqm wintergarden.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	The proposal includes three apartments off the circulation core on levels 1 and 3, and four apartments off the circulation core on level 2.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each parking space in the basement. The storage provided meets the requirements and objectives of the ADG.

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

Separation Distances

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

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

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

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the Waverley LEP 2012

Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as a mixed use building comprising ground floor retail use and shop top housing above, which is permitted with consent in the B4 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	No	The clerestory windows have a maximum height of 14.44m.
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 	No	The proposed GFA (including the winter gardens) is 1,632sqm which results in FSR of 2.12:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is identified as a local heritage item (I113) "Inter-war Stripped Classical style public building" under Waverley LEP 2012 Schedule 5. The Bondi Beach Post Office is also listed on the Commonwealth Heritage List (Place ID: 106174). See discussion with regards to heritage conservation below.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as containing Class 5 Acid Sulfate Soils. The proposal includes excavation which may encounter potential Acid Sulfate Soils. A Preliminary Site Investigation Report has been submitted with the development application which recommends that an Acid Sulfate Soil Management Plan (ASSMP) be undertaken prior to the commencement of the excavation phase of the development. A condition has been included.
6.2 Earthworks	Yes	The proposal satisfies the provisions of Clause 6.2 as the earthworks are not considered to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The application is accompanied by a geotechnical investigation report which advises that the existing ground

		floor façade is able to accommodate the proposed extent of excavation. All standard conditions of consent regarding earthworks and dilapidation reports for neighbouring buildings are included. Accordingly, the proposed earthworks on the site are considered to address the relevant provisions of Clause 6.2 Earthworks.
6.3 Flood planning	Yes	Clause 6.3 Flood Planning applies to all land identified as “flood planning area” on the associated LEP maps. The subject site is identified as being within a flood planning area, and accordingly the provisions of Clause 6.3 are applicable. The application is accompanied by a Flood Assessment Report prepared by Northrop which outlines the flood planning requirements and notes that the levels proposed are in compliance. The application was also internally referred to Council’s Stormwater Engineers for consideration and comment who advised that the minimum habitable floor level should be RL15.82. The proposed drawings indicate that the minimum habitable floor levels have been achieved through the use of ramping and stairs. The car park entry and residential lift lobby have been raised to RL15.82, which complies. The proposal is considered to satisfy the relevant provisions of Clause 6.3 Flood Planning.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

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

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The proposal results in a high quality designed building that demonstrates design excellence. The rooftop plant equipment that exceeds the height plane is screened within an acoustic enclosure, ensuring that where it is visible (from private properties), it will not be prominent.

- The proposed scale and visual impact fits within the context. The minor variation to the control enables the proposal to complete the corner and act as a bookend to the block between Consett Avenue and Jaques Avenue.
- The proposal satisfies the relevant objectives associated with the Hall Street Town Centre Local Village Centre of the Waverley DCP 2012. Waverley DCP 2012 Annexure E3-3 establishes the building envelope controls for sites, which indicates a building form of four storeys for the subject site. The proposal complies with the permissible number of storeys.
- The departure from the height development standard is required to provide lift access and provide services and additional amenity to the top floor apartment with clerestory windows. The additional height does not contribute towards the variation to FSR, nor does it relate to a trafficable roof terrace.

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

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

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

Clause 4.4 Floor space ratio

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

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

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

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

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

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

Heritage

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

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

The original and amended proposal were reviewed by Council's Heritage Advisor who recommended that further detail be provided about the treatment of the eaves and parapets. Concern is raised about how much of the existing parapet is to be removed and whether this will have an overall effect on the façade. The applicant has provided amended plans which retain more of the eave detailing, and

indicate section details of the eaves. However, a condition has been included requesting further information with regards to architectural resolution of the junction between existing post office and new fabric. In particular, the materials and finishes (as a physical sample board) have been requested by way of condition to ensure that the significance of the retained façade and the cohesive interface of new and existing fabric is maintained.

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

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposed waste storage rooms and waste management process for the development are appropriately located within the proposed building and the application is accompanied by a detailed Waste Management Plan prepared by Elephant's Foot Recycling Solutions. The application and Waste Management Plan were internally referred to Council's Waste Management Officer who advised that the proposal is satisfactory subject to conditions of consent. See discussion in the referrals section of this report.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate and is generally considered acceptable with regards to the relevant objectives and controls in Part B2.

Development Control	Compliance	Comment
6. Stormwater	Yes	The application is accompanied by a Stormwater Management Plan and the application was internally referred to Council's Creating Waverley team. The referral comments provided indicate that the proposal is deficient with respect to a number of stormwater details, however the issues raised by the officer are included as conditions of consent. Subject to satisfying the conditions of consent, the proposal is considered to satisfy the relevant provisions of Part B6 Stormwater.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	Under the provisions of Part B7, a development with three or more habitable storeys containing ten or more units require a percentage of units be provided as Class A adaptable units in accordance with the Australian Standards. The development is required to provide 1 adaptable unit (Apartment 1.04) with one accessible car parking space. During the assessment period, the access to the retail shop was updated to provide an improved ramp from the splay corner. A ramp is also provided within the residential lobby. Furthermore, the application is accompanied by an Access report. The proposal is acceptable with regards to objectives and control in Part B7.
8. Transport Zone 2 <u>Car parking</u> Residential: 17.5 (18) spaces Visitor: 2 spaces Retail: 8.2 (8) spaces <u>Motorcycle</u> 3 spaces required <u>Bicycle storage</u> Residential: 10 spaces Visitor: 1 space Retail: 2 spaces <u>Loading facilities</u> No required	Yes	<p>The proposal provides 24 residential parking spaces (including 2 small spaces and 1 accessible space), 4 motorcycle spaces and 13 bicycle storage spaces. No provision has been made for retail parking.</p> <p>The proposed development exceeds the requirements for residential car parking and does not provide any provisions for retail car parking. Given that access to the car park is via a car lifts and turn table, proving car parking for retail customers is not appropriate. It is recommended that the allocations be slightly adjusted to provide some retail parking (for staff), provision for a loading van, and ensure that two spaces are allocated for visitors and each residential lot is not allocated more than 2 car parking spaces.</p> <p>The proposed onsite parking and vehicular access requirements has been considered with regards to the objectives and controls in Part B8</p>

Development Control	Compliance	Comment
		and is supported, subject to appropriate conditions being imposed.
9. Heritage	Yes	The site is identified as a local heritage item (I113) "Inter-war Stripped Classical style public building" under Waverley LEP 2012 Schedule 5. The Bondi Beach Post Office is also listed on the Commonwealth Heritage List (Place ID: 106174). See discussion with regards to heritage conservation below.
10. Safety	Yes	The proposal has been considered against the provisions of Part B10 Safety and the proposed building is considered to provide a safe environment for future residents, visitors, workers and the general public. The proposal is supported with regards to Part B10.

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

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
	Yes	The proposed development has a slightly non-compliant FSR of 2.12:1 as a result of the proposed winter gardens being included in the GFA calculations. The proposed development will restore the heritage item and subsequently, will be in the public interest. Accordingly, the proposal is generally supported with regards to the objectives and controls in Clause 2.2 resulting in an appropriate building form when viewed from the streetscape and is not likely to result in unreasonable amenity impacts on surrounding properties and the public domain.
2.3 Height		
<ul style="list-style-type: none"> Maximum height: 13m 	No (but considered acceptable)	The proposed development slightly exceeds the height development standard. As discussed in other sections of this report, the height variation is supported as it satisfies the requirements of WLEP 2012 Clause 4.6. The proposed height satisfies the objectives and controls in Clause 2.3.
2.4 Excavation		
<ul style="list-style-type: none"> No fill to raise levels Minimum setback of 1.5m from side boundaries 	Yes No	The proposed excavation follows the footprint of the existing building. This allows for structural support directly underneath the external walls.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Under building footprint except main access ramp Basements no more than 1.2m out of the ground Geotechnical report required when > 3m in depth or 25% slope 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>As such, the excavated levels have nil setback to the western boundary and approximately 500mm setback from the southern and eastern boundaries. While this does not comply with the requirements of Clause 2.4, it is considered acceptable given the retention of the existing building façade and the requirement to provide structural support to the additional levels above. The excavation does not increase the bulk and scale of the development when viewed from Hall Street or Jaques Avenue. Furthermore, the application is accompanied by a Geotechnical Engineers report and all relevant conditions of consent regarding excavation and dilapidation are recommended for inclusion.</p>
2.5 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> Consistent street setback 	Yes	The building retains the existing Hall Street and a portion of the Jaques Avenue façade. The building is generally in alignment with surrounding buildings on both street frontages.
<p>2.5.2 Side and rear setbacks</p> <ul style="list-style-type: none"> Minimum side setback: 4.5 Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes (on merit)	The proposed building has a partial nil setback to the western boundary, while the setback is increased to 1.5m from the southern boundary. While this does not comply with the controls, the siting of the development is considered acceptable and has been discussed against the controls of the Apartment Design Guide in other sections of this report.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	Yes (on merit)	<p>The proposed building has a frontage to Hall Street measuring 18m, and a frontage to Jaques Avenue measuring 28m. The non-compliance of the Hall Street building depth is considered acceptable given the dimensions of the site and the surrounding pattern of development.</p> <p>The single aspect apartment measures 11m in depth, which is considered acceptable because it is a double storey apartment which offers satisfactory amenity to future occupants.</p>
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 6m btw non-habitable 	Yes (on merit)	The proposed development is considered to satisfy the objectives of Clause 2.7 as the building form provides for adequate visual and acoustic privacy for residents. The proposed building separation is supported with regards to

Development Control	Compliance	Comment
		the provisions of SEPP 65 and the Apartment Design Guide.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes	The proposed building addresses the provisions of Clause 2.8 as the building design incorporates a scale and appearance which complements and contributes to the streetscape, while the materials and finishes of the building demonstrate a high degree of architectural merit and quality.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety 	Yes	The proposal has provided adequate vehicular access and located on-site parking within basement levels. The vehicular access point at Jaques Avenue is a continuation of the existing vehicular access arrangements to the site and is most appropriate location for pedestrian safety and site functionality. The proposed vehicular access and parking addresses the objectives and controls in clause 2.11.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes	The proposal includes a residential entry on Jaques Avenue. The residential entry is legible, safe and accessible. It provides a strong residential entry that enables a positive connection with the street and public domain, while providing privacy from the ground floor retail tenancy.
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (B4 zone) 	No (but considered acceptable)	The proposed development has failed to provide private on-site communal open space or landscaped area. The reasons for not providing communal open space have been discussed above and generally relate to the site constraints, amenity of the site (proximity to public open spaces, shops, etc), excellent unit design and exceeding the minimum unit size requirements. The justification for the lack of communal open space is genuine given the constraints of the site and considerable amenity afforded by the proposal.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice 	Refer to Table 2 (ADG)	The ADG overrides the DCP in this regard.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Adjoining properties to retain minimum of three hours of sunlight during winter solstice 		
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal does not result in view loss impacts.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Minimise overlooking of adjoining properties 	<p>Yes</p> <p>Refer to Table 2 (ADG)</p>	<p>The design of residential units including the location of windows, opening and landscaping are considered to achieve reasonable levels of external and internal visual privacy for future occupants of the building and surrounding buildings. A condition will be imposed required a privacy screen to side (south eastern elevation) of apartment 1.01 to reduce overlooking to the adjoining property at 1 Jaques Avenue.</p> <p>Overall, the proposal is considered to address the objectives and controls of the ADG and WDCP 2012 CI 2.18</p>
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The proposed operable glazing to the winter gardens provides increased acoustic privacy for future occupants of the building, particularly given the ground floor food and drink premises on Hall Street.
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	The building services are setback significantly from the Hall Street and Jaques Avenue frontage to minimise visual impact when viewed from the streetscape. Building services will be largely located on the roof, in a sound proof enclosure or in the basement, considered acceptable subject to conditions. The proposed building services address the objectives of Clause 2.24.

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

Development Control	Compliance	Comment
1.1 Design		
1.1.1 Frontages	Yes	While the proposed ground floor retail use is unknown, the proposed building has been designed to enhance the scenic quality and amenity of the streetscape and public domain. As discussed in other areas of this report, there are concerns relating to the loss of heritage fabric as a result of full height window openings on the Hall Street frontage. As such, it is

Development Control	Compliance	Comment
		recommended that these window openings be limited. This will ensure that the openings are sympathetic and proportionate to the heritage listed building. The splay corner has been designed to promote an active street frontage. A condition shall be imposed that future retail use shall seek separate development consent for their use and operation.
1.1.2 Lighting	Yes	The proposal does not include an awning or lighting associated with the ground floor retail use. Any future development application for the retail fit out will include any awnings, lighting or signage.
1.1.3 Amenity	Yes	The associated facilities required for the future retail use have been included in the plans, including mechanical ducting, vents, waste rooms, goods lift etc. The proposal is considered to address the controls of clause 1.1.3.
1.2 Noise		
	Yes	The proposal does not include the fit out and use of the retail premises. A condition is recommended requiring a separate development consent be issued for the use and operation of the future retail use, which will address the objectives and controls of Part 1.2 and Part 1.3 (Hours of operation).

Public Domain works

The site, occupied by Bondi Beach Post Office is setback from its boundaries to Hall Street and Jaques Avenue. Within the front setback, as well as along the public pathway, there are a number of ancillary structures including a phone box, post boxes and garden beds. There are also 6 trees on Council land (2 on Hall Street and 4 on Jaques Avenue) as well as 2 additional trees on the Hall Street footpath within the site's boundary.

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

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

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

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

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

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

Table 6: Summary of property addresses that lodged a submission

Property
15 Consett Avenue, Bondi Beach
1 Jaques Avenue, Bondi Beach (additional submission received from Tony Moody Planning and Development on behalf of 1 Jaques Avenue, Bondi Beach)
1/80 Beach Road, Bondi Beach
4/16 Consett Avenue, Bondi Beach
Bondi and Bondi Beach Precinct Committees
North Bondi Precinct Committee
45 Hall Street, Bondi Beach
3/81 Warners Avenue Bondi Beach
16/34 Campbell Parade Bondi Beach
Suite 6/70 Campbell Parade, Bondi Beach
70 Campbell Parade, Bondi Beach
8/67 Curlewis Street, Bondi Beach
1/72-82 Beach Road, Bondi Beach
62A Lamrock Avenue, Bondi Beach
1/25 Sir Thomas Mitchell Road, Bondi Beach
105 Francis Street, Bondi Beach

408/80 Ebley Street, Bondi Junction
4/22 Hastings Parade, North Bondi
33 Nancy Street, North Bondi
65 Hastings Parade, North Bondi
28 Oceanview Avenue, Vaucluse
3/17 Ocean Street, Bondi
26/30-34 Penkivil Street, Bondi
30 Henrietta Street, Waverley
16 Stewart Street, North Bondi
16 Holland Road, Bellevue Hill
Additional written submissions with no postal address given: 9 submissions
Proforma letters: approximately 1323

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

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

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

Issue: Heritage impact

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

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

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

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

Issue: Loss of street trees

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

Issue: Geotechnical concerns

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

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

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

Issue: Overshadowing of the apartments at 1 Jaques Avenue

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

2.5 Public Interest

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

3. REFERRALS

3.1 Heritage Advisor – Shaping Waverley

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

3.2 Urban Design – Shaping Waverley

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

3.3 Fire Safety – Building Waverley

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

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

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

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

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

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

3.4 Tree Management – Clean and Attractive Waverley

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

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

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

3.5 Waste Minimisation and Management – Sustainable Waverley

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

3.6 Stormwater Management and Flood Planning – Creating Waverley

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

3.7 Traffic and Development – Creating Waverley

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

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

3.8 Land Information and GIS Officer – Digital Waverley

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

4. SUMMARY

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

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

The application presents some heritage issues with regards to the interface between the new and existing fabric. These issues have been addressed by way of condition requesting additional information and physical material samples. The proposal includes the retention and restoration of the façade and the applicant has submitted a Schedule of Conservation Works. This Schedule will form the

basis of a condition imposed requiring the applicant to enter into a Deed of Agreement for the conservation works, which will provide Council with the certainty that these restoration works will be completed.

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

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Emma Finnegan
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 13 July 2018

Date: 16 July 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA000 rev A dated 03.11.17, DA100 rev A dated 03.11.17, DA101 rev B dated 24.04.18, DA102 rev B dated 24.04.18, DA103 rev B dated 24.04.18, DA104 rev B dated 24.04.18, DA105 rev B dated 24.04.18, DA106 rev A dated 03.11.17, DA300 rev B dated 24.04.18, DA400 rev B dated 24.04.18, prepared by Smart Design Studio, and received by Council 24 April 2018, and Plan Nos DA107 rev C and DA301 rev B dated 30.04.18, prepared by Smart Design Studio and received by Council on 11 July 2018.
- (b) Landscape Plan Nos. LDA-01, LDA-02 and LDA-03, all Revision A, prepared by Christopher Owen Landscape Design, dated 01.11.17 and received by Council on 7 November 2017;
- (c) Arboricultural Impact Assessment Appraisal and Method Statement dated 6 November 2017 prepared by Naturally Trees and received by Council on 7 November 2017;
- (d) Schedule of Conservation Works, SH1146 Issue 02, by Urbis Pty Ltd, dated 30.04.2018 and received by Council on 10 May 2018;
- (e) BASIX Certificate;
- (f) BCA Assessment Report, Ref No 170348, dated November 2017, prepared by Blackett Magurie + Goldsmith, and received by Council on 7 November 2017;
- (g) Waste Management Plan prepared by Elephants Foot Recycling Solutions dated 2/11/2017, and received by Council on 7 November 2017;
- (h) Preliminary Site Investigation, Report ID: EBG-02643.Stage1.PSI.10.17, dated October 2017, prepared by Environmental Science Edwards Blasche Group Pty Ltd and received by Council on 7 November 2017 and the recommendations contained therewith in;
- (i) Flood Assessment Report, Revision A, dated 26/10/2017 prepared by Northrop and received by Council on 7 November 2017;
- (j) Geotechnical Investigation Report, Ref: 30768Zrpt Revision 2, dated 24 April 2018 prepared by JK Geotechnics and received by Council on 24 April 2018;
- (k) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS – ARCHITECTURAL DESIGN RESOLUTION

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

- (a) The building materials and finishes are to be clearly detailed on all building elevations.
- (b) A physical sample board of all external materials and paint finishes is to be provided.
- (c) 1:50 scale drawings (sections and part elevations) are to be provided that describe the construction of the façade and eaves including all materials and finishes. Particular detail is to be provided with regards to the ground level Jaques Avenue and Hall Street junction between the existing post office building and new works. In this regard, greater emphasis of a shadow line shall be explored to clearly distinguish old from new on both the horizontal line above existing post office building, and also the vertical line on Jaques Avenue where the junction occurs.
- (d) Privacy screening to a height of 1.8m measured above finished floor level shall be provided to the south eastern elevation of the balcony of apartment 1.01.
- (e) Details of the lift overrun servicing the retail and basement levels shall be detailed on the plan.

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

3. SCHEDULE OF HERITAGE RESTORATION WORKS

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

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

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

4. HERITAGE DEED OF AGREEMENT & PUBLIC POSITIVE COVENANT

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

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

5. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

6. ARCHITECT TO SUPERVISE DESIGN

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

7. SEPARATE APPLICATIONS FOR NON-RESIDENTIAL USE

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

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

8. PUBLIC DOMAIN WORKS

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

- (a) Upgrade of pavement and where required also the kerb and guttering along the entire site frontage of Hall Street and Jaques Avenue.

- (b) Provision of 1 tree pit and 1 street tree planted to Council specifications to the Hall Street frontage.

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

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

9. NOISE - MECHANICAL PLANT

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

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

10. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

11. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

12. DOMESTIC HEATERS AND AIR CONDITIONING

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

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

- (i) Air conditioning plant is not permitted to be installed on any balcony or the roof of either building within this development. Air conditioning is to be installed within the basement car park.
- (ii) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;
or
 - ii. before 7.00am and after 10.00pm on any other day.
- (iii) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (d).

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

13. USE OF COMMON PROPERTY

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

14. DOMESTIC HEATERS

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

15. BONDI - ROSE BAY SAND BODY

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

16. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes. Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

17. NO FLASHING SIGNS

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

18. LOCATION OF SIGNS

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

19. ERECTION OF SIGNS

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

- (a) Be subject to development consent of Council (if required);
- (b) Be erected/supported in a secure manner for safety purposes;
- (c) Does not cause measures that would cause irreversible damage to the building; and,
- (d) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

20. SEPARATE APPLICATION FOR SIGNAGE

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

21. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

22. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$100,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

23. LONG SERVICE LEVY

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

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

24. TREE PRESERVATION BOND

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

25. ARCHIVAL RECORDING OF EXISTING BUILDINGS

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

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

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

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

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

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

27. ROCK ANCHORS

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

28. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

29. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities – Part F2;
 - (xii) Room heights – Part F3;
 - (xiii) Room sizes – Part F3
 - (xiv) Light and ventilation – Part F4; and
 - (xv) Sound transmission and insulation - Part F5.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.
- (d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate and Strata Subdivision Certificate.

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

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

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

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

31. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

32. PUBLIC ART

Public Art is encouraged to be incorporated into the new development. Specific details and design of the proposed public art feature shall comply with 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Cultural Development Officer.

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

33. EXTERNAL FINISHES

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

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

34. SERVICE AUTHORITIES

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

35. HOARDING REQUIRED

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

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

36. GEOTECHNICAL ENGINEERS REPORT

The Geotechnical Assessment must be adhered to at all times.

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

37. ENGINEERING DETAILS

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

38. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

39. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 4.55 application to modify the approved development. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to

comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

40. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

41. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

42. EROSION, SEDIMENT AND POLLUTION CONTROL

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

43. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to

remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.

- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - i. the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
 - ii. any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - iii. the type(s) of material on which pedestrians will be required to walk;
 - iv. the width of the pathway on the route;
 - v. the location and type of proposed hoardings;
 - vi. the location of existing street lighting.

44. STORMWATER MANAGEMENT

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

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

(b) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted for approval by Council's Creating Waverley Division in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

45. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

46. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

47. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.

- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

48. ROOFWATER GUTTERING

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

49. BASIX

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

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

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

50. USE OF RENEWABLE TIMBERS

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

51. ENERGY AUSTRALIA

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

52. TRADE WASTE

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

53. ACCESS

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

54. ACCESS TO MAIN ENTRY

Access in accordance with AS1428.2 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

55. ACCESSIBLE SIGNAGE

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

56. VEHICULAR ACCESS

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

57. ACCESSIBLE CAR SPACE

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

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

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

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

58. CAR PARKING ALLOCATIONS

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

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

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

59. BICYCLE PARKING

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

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

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

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

60. MOTORCYCLE PARKING

A total of **4** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

61. ACCESS

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

62. ACCESSIBLE SIGNAGE

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

63. ADAPTABLE AND UNIVERSAL HOUSING

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

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

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

64. BASEMENT STORAGE

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

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

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

65. WASTE AND RECYCLING STORAGE AND COLLECTION

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

- **Residential**

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

- **Commercial**

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

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

- (c) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

- (d) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (e) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.
- (f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (i) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (j) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (k) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (l) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (m) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.
- (n) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

66. LANDSCAPED SLABS

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

67. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

68. ROOF SERVICES

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

69. SERVICE AUTHORITIES

Prior to the issue of a Construction Certificate;

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

70. BOUNDARY FENCING

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

71. PRIOR TO SITE WORKS

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

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

72. HOME BUILDING ACT

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

73. OBSTRUCTION TO PUBLIC AREAS

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

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

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

74. CONSTRUCTION SIGNS

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

75. BUILDING TO BE WRAPPED

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

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

76. TOILET FACILITIES

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

77. NO USE OF ORGANOCHLORIN PESTICIDES

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

78. DILAPIDATION REPORTS

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

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

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

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

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

Please note the following:

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

79. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

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

80. SITE HEALTH & SAFETY PLAN

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

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

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

81. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

82. DEMOLITION & SITE PREPARATION

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

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

83. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

84. USE OF FILL ON SITE

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

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

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

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

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

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

85. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

86. MANAGEMENT OF ACIDIC SOIL

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

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

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

87. POTENTIAL DEWATERING OF THE SITE

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

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

88. SOIL AND WATER MANAGEMENT PLAN

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

89. STOCKPILES

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

90. EXCAVATION TO BE LIMITED

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

91. EXCAVATION AND BACKFILLING

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

92. EXCAVATION BELOW FOOTINGS

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

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

93. FOOTPATH PROTECTION

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

94. LOCATION OF BUILDING OPERATIONS

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

95. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

96. ALL BUILDING MATERIALS STORED ON SITE

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

97. CONSTRUCTION HOURS

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

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

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

98. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

99. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

100. EXCAVATION AND BACKFILLING

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

101. EXCAVATION BELOW FOOTINGS

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

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

102. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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

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

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

104. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION ACT) - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)

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

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

The specified **MANDATORY** inspections are:

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

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

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

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

(f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

105. CERTIFICATE OF SURVEY - LEVELS

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

106. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

107. FIRE SAFETY - EXITS

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

108. FIRE SAFETY MAINTENANCE

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

109. HERITAGE ARCHITECT

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

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

110. CARE TO BE TAKEN DURING CONSTRUCTION

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

111. SERVICE PIPES

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

112. IN-SINK WASTE DISPOSAL SYSTEMS

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

113. WATER PROOFING

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

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

114. HOT TAP WATER SCALDING

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

115. SMOKE ALARM SYSTEM

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

116. TREATMENT OF BOUNDARY WALLS

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

117. ENCROACH BEYOND THE BOUNDARIES

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

118. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **basement car park**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

119. VEHICULAR ACCESS - FINISHED LEVEL

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

120. SPEED HUMP ON ACCESS RAMP

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

121. BASEMENT MANOUVREING SPACES

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

122. CONVEX MIRRORS

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

123. PARKING SPACES

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

124. RELOCATION OF PARKING SIGNS

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

125. FOOTPATH UPGRADE

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

126. FINISHED LEVEL OF PAVING

Paving at the property boundaries shall be finished as follows:

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

127. WORK OUTSIDE PROPERTY BOUNDARY

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

128. TREE REMOVAL

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

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

129. TREE RETENTION

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

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

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

130. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.
- (h) Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
- (i) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
- (j) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

131. STREET TREES

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

132. OCCUPATION CERTIFICATE

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

133. HERITAGE RESTORATION WORKS

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

134. SYDNEY WATER

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

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

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

135. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

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

136. STORMWATER

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

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

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

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

137. COPIES OF CONSENTS AND MANAGEMENT PLANS

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

138. POSITIVE COVENANT

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

139. LANDSCAPE CONSULTANT

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

140. WASTE AND RECYCLING STORAGE AND COLLECTION - USE

- (a) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (b) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (c) Should any of the commercial premises be utilised as a food premises a separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, banded and drained to a grease trap.
- (d) Should any of the commercial premises be utilised as a food premises, liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.

- (e) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (i) All waste and recycling receptacles must be removed from the kerbside as soon as possible on the same day as the collection service.
- (j) Should a collection vehicle be required to drive onto the property to collect waste and recycling bins, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance. In addition, all access roads and driveways must comply with BCA, AS and Annexure B1-3 in the Waverley Development Control Plan 2012.

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

141. WAVERLEY DIGITAL MODEL

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

- (a) A digital model of the building must be generated at a scale of 1:1 with units of measurement in metres and include the following:
 - (i) a building envelope which includes all elements affecting shadow analysis;
 - (ii) accurate placement of glazing, balconies, roof pitches, terraces, roof services and any other prominent external design features;
 - (iii) a ground level terrain showing accurate RLs extending to site boundaries.
- (b) All models must be generated in accordance with Council's Guidelines: Submitting Digital 3D Models. Further information and technical requirements can be obtained from Council's E-Planning (3D Modelling) Officer, Shaping Waverley.

Notes:

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

142. FIRE SAFETY UPGRADE AND LINEN PLAN

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

In this regard, the Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety upgrading works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:-

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

143. PUBLIC DOMAIN WORKS COMPLETED

All works set out in Condition 8 are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

144. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

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

145. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

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

146. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.

- (a) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (b) All external area lights and car parks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

147. ALLOCATION OF STREET NUMBER

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

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

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

- As the proposed development has multi level sub addressing the following shall apply when the premises are numbered:
 - i. The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level.
 - ii. For clarity, a zero will be interposed in the number of the first nine sub address levels ie level 3 unit 7 =307,
 - iii. Levels at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
 - iv. Commercial premises will be identified with an address identifier ie Shop G01, Shop G02 ,
 - v. Unit numbers must be unique for all sub premises.

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

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

148. VEHICLE ACCESS

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

149. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) A minimum of one car space per retail tenancy (for staff parking) shall be provided within the basement (ie, minimum 3 spaces based on 3 tenancies).

- (d) Car parking and storage spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

150. PARKING PERMITS

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

151. DELIVERY OF GOODS

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

152. NOISE ATTENUATION CERTIFICATE

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

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

153. NOISE – PLANT AND EQUIPMENT

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

154. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1, 1998 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

155. SLIP TESTS OF COMMON AREAS

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

156. TACTILE NUMBER IN LIFT

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

157. USE OF ROOF

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

ABBREVIATIONS

AC	Air Conditioning
ACC	Accessible
ACU	Air Condensor Unit
ADJ	Adjustable
AFFL	Above Finished Floor Level
AL	Aluminium
AP	Access Panel
AS	Australian Standard
BAL	Balustrade
BALC	Balcony
BCA	Building Code of Australia
BG	Box Gutter
BHD	Bulkhead
BIT	Bitumen
BK	Brick
BL	Building Line
BLDG	Building
BN	Bin
BR	Brass
BST	Ballast
BT	Bench Top
CB	Concrete Block
CFC	Compressed Fibre Cement
CJ	Construction Joint / Control Joint
COL	Column
CONC	Concrete
CP	Chrome Plated
CPT	Carpet
CR	Cement Render
CRS	Cement Render and Set
CT	Ceramic Tile
D	Door
DCV	Ducted Cross Ventilation
DD	Dish Drain
DIA	Diameter
DP	Downpipe
DSB	Distribution Switchboard
DWG	Drawing
EA	Exposed Aggregate
EC	Exhaust CowlEGExhaust Grille
EGL	Existing Ground Level
ELEC	Electrical
ENG	Engineer
EQ	Equal
EX	Existing Structure or Finish
EXH	Exhaust
EXST	Existing
F	Fixed
FC	Fibre Cement
FCL	Finished Ceiling Level
FG	Floor Grate
FGL	Finished Ground Level
FM	Flexible Mastic
FR	Fire Resistant
FRL	Fire Resistance Level
FW	Floor Waste
G	Glass/ Glazing
GALV	Galvanised - hot dipped
GBAL	Glass Balustrade
GCB	Glass - Colour Backed
GDR	Grated Drain
GF	Glazing - Fixed
GFC	Glass - Float Clear
GFRT	Glass - Fire Rated and Tinted
GFT	Glass - Float Tinted
GLC	Glass - Laminated Clear
GLT	Glass - laminated Tinted
GND	Ground
GO	Glass - Obscure
GT	Glass - Translucent
GTC	Glass - Toughened Clear
GTT	Glass - Toughened Tinted
HHW	High Horizontal Window
HRL	Handrail
HWH	Hot Water Heater
HWS	Hot Water Service
HWU	Hot Water unit
HYD	Hydraulic

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

PRELIMINARY
NOT FOR CONSTRUCTION

ISSUE	REASON	DATE
P1 A	DRAFT DA ISSUE ISSUED FOR DA	27.10.17 03.11.17

ICM	Intercom
INS	Insulation - Thermal / Acoustic
J	Joinery Item
LDP	Level Datum Point
LDRY	Laundry
LV	Louvre
LOR	Lift Overrun
MB	Mailbox
MC	Metal Cladding
MDB	Main Distribution Board
ME	Metal
MFL	Metal Flashing
MG	Metal Grille
MIJ	Mitred Joint
MJ	Movement Joint
MR	Metal Roof
MS	Mild Steel
MSB	Main Switch Board
MW	Matwell (with mat)
N	New Item
N/A	Not Applicable
NTS	Not To Scale
OD	Outside Diameter
OF	Overflow Spitter
O/H	Overhead
OV	Oven
PB	Plasterboard
PBFR	Plasterboard - Fire Resistant
PBMR	Plasterboard - Moisture Resistant
PC	Powdercoat
PF	Paint Finish refer Finishes Schedule
PFC	Parallel Flanged Channel
PU	Paving Unit
PVC	Polyvinylchloride
R	Refrigerator
RA	Return Air
RC	Reinforced Concrete
REF	Reference
RF	Roofing
RL	Relative Level
RP	Removable Panel
RS	Roller Shutter
RWH	Rain Water Head
RWO	Rain Water Outlet
SIM	Similar
SL	Skylight
SOP	Setout Point
SPP	Spandrel
SS	Stainless Steel
ST	Stone
STR#	Stair (number)
STRG	Storage
STRUCT	Structural
SWD	Stormwater Drain
SWG	Stormwater Grate
SWP	Stormwater Pit
TBA	To Be Advised
TBC	To Be Confirmed
TEL	Telephone
TER	Terracotta
THD	Threshold
TM	Timber
TMF	Timber Floor
TOC	Top of Column
TOK	Top of Kerb
TOP	Top of Parapet
TOW	Top of Wall
TPH	Toilet Paper Holder
TV	Television
UB	Universal Beam
UC	Universal Column
U/G	Underground
U/S	Underside
UNO	Unless Noted Otherwise
UOS	Unless Otherwise Specified
VP	Vent Pipe

W	Window
WC	Water Closet
WH	Weep Hole
WG	Winter Garden
WM	Washing Machine
WP	Waste Pipe
WPM	Water Proof Membrane
WT	Water Tank

DRAWING SCHEDULE

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

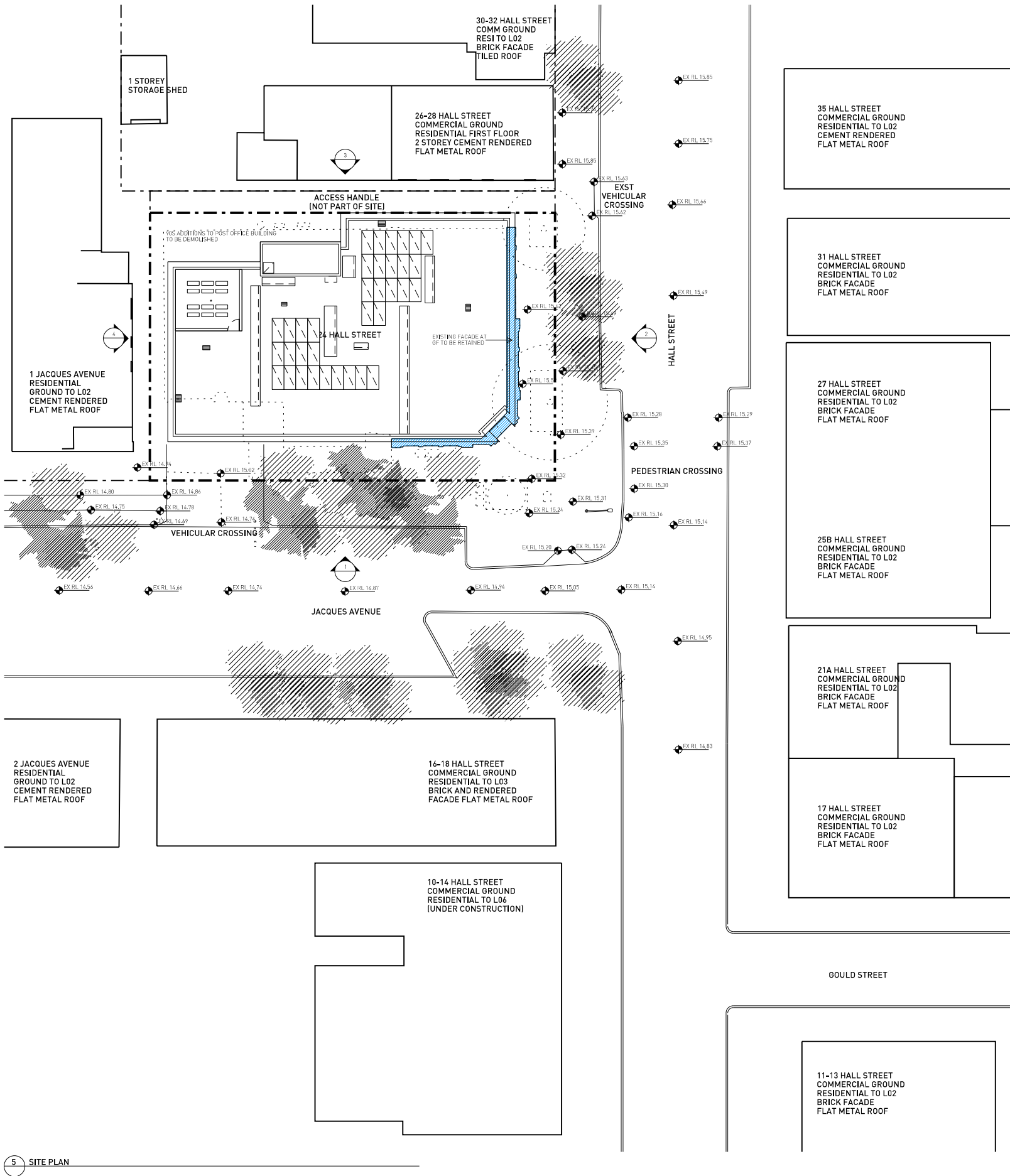
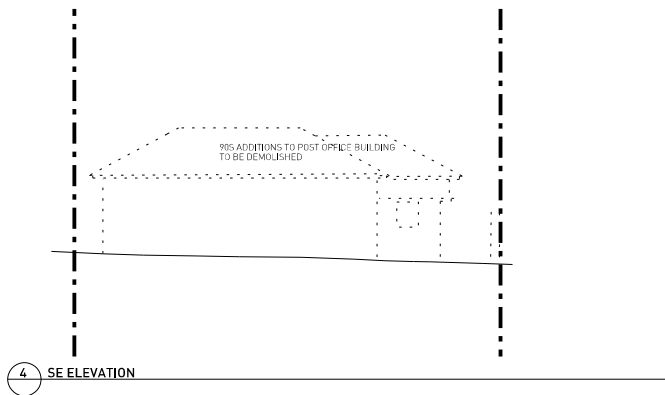
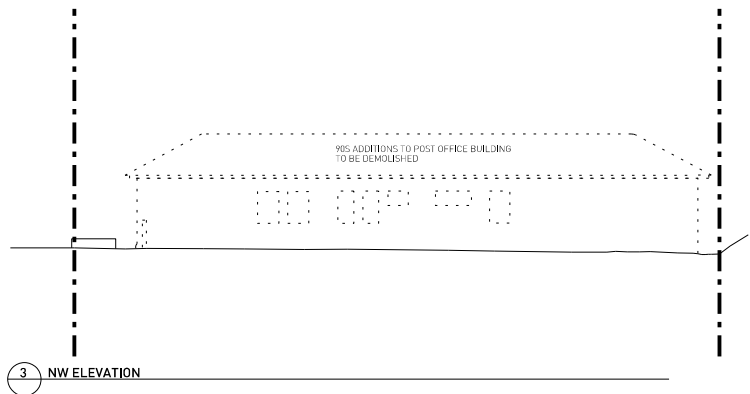
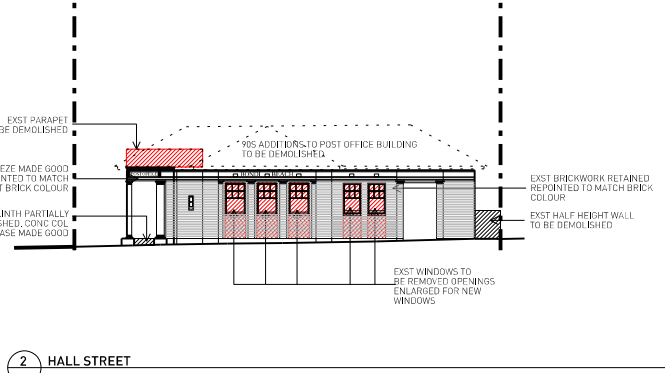
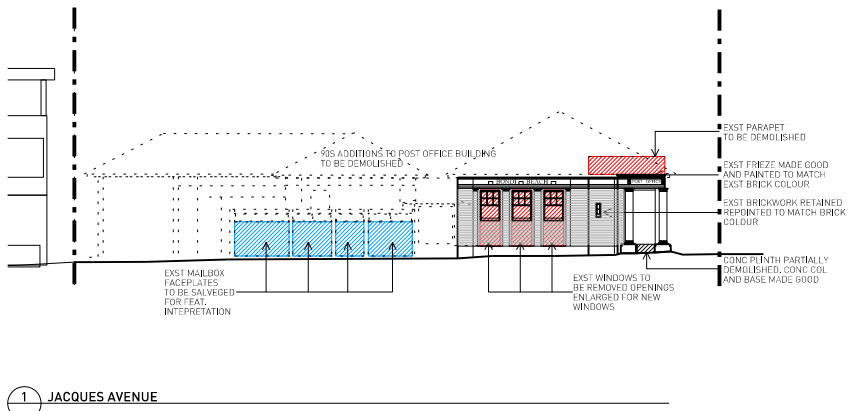


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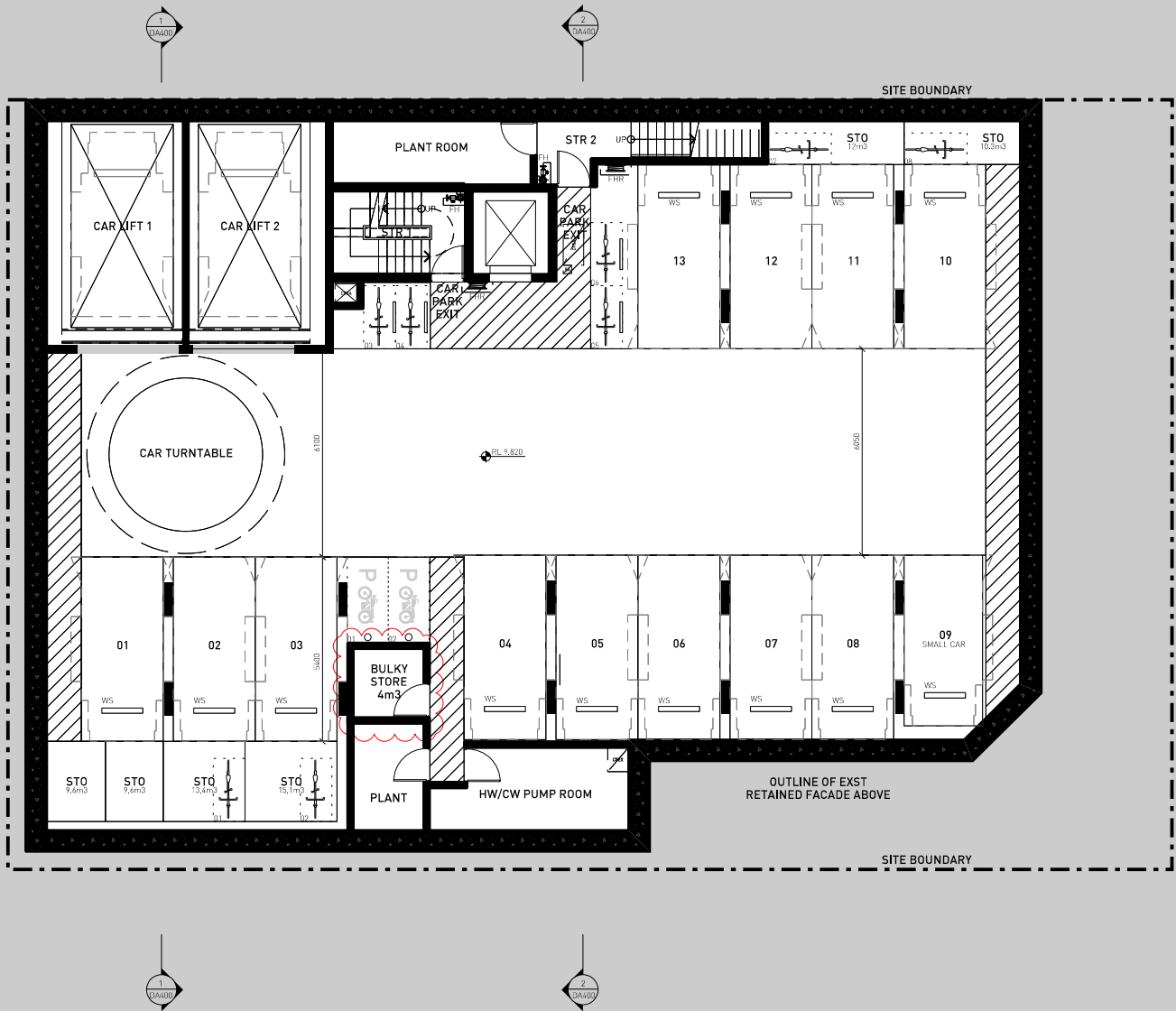
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A	ISSUED FOR DA	02.11.17



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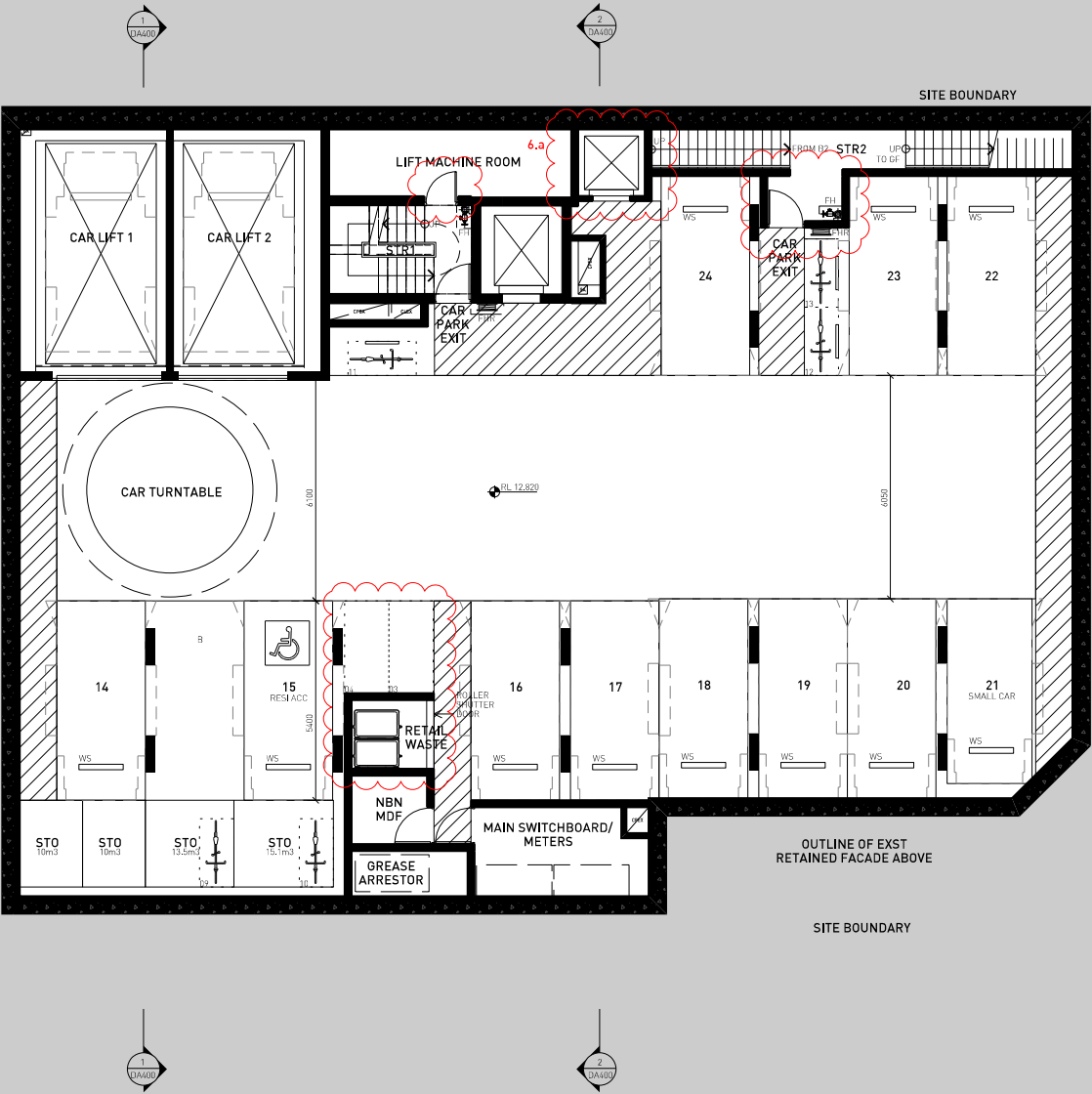
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P5	FOR INFORMATION	30.10.17
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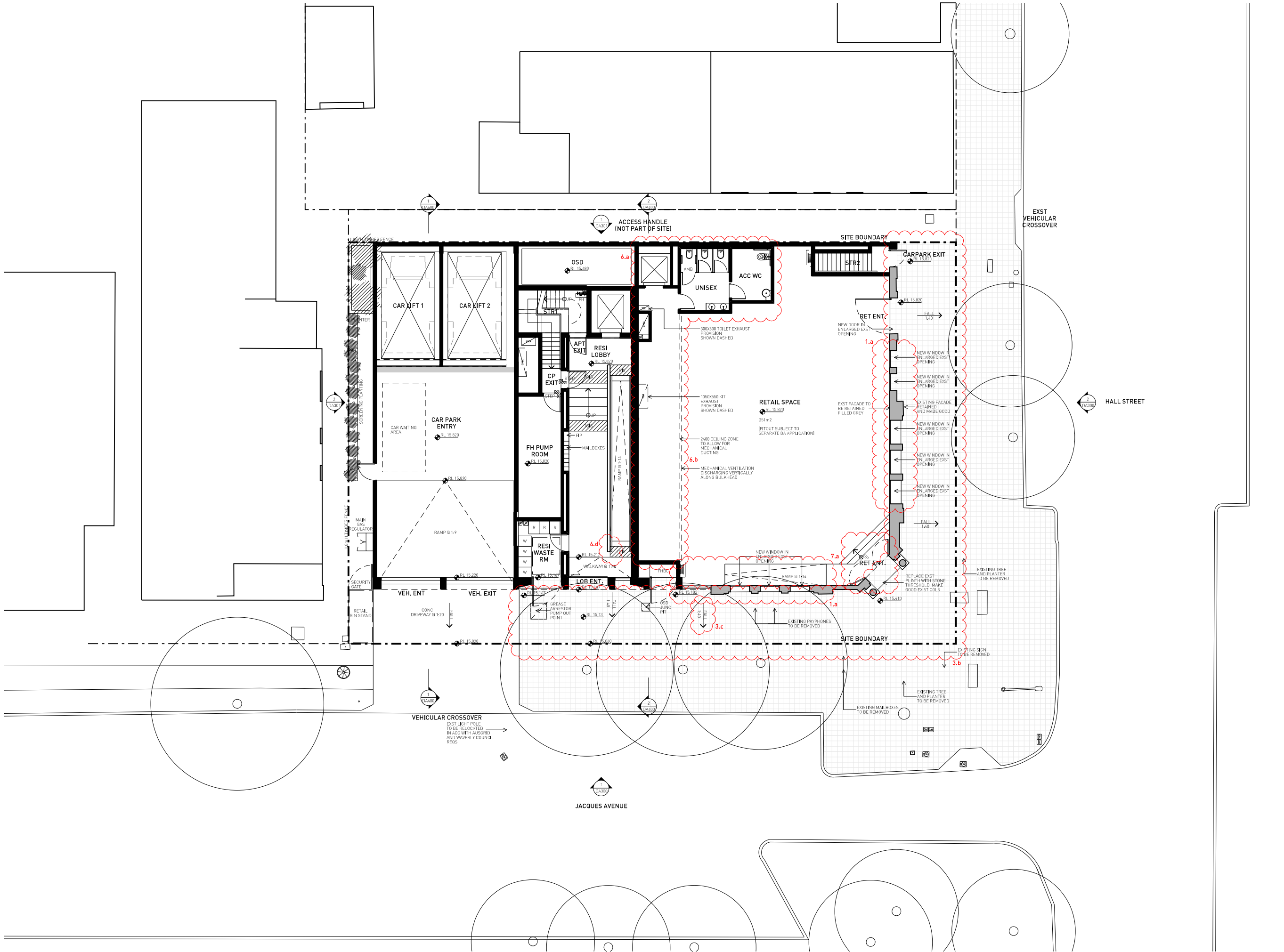


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P4	FOR INFORMATION	20.10.17
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A	ISSUED FOR DA	03.11.17
B	REVISED DA	24.04.18



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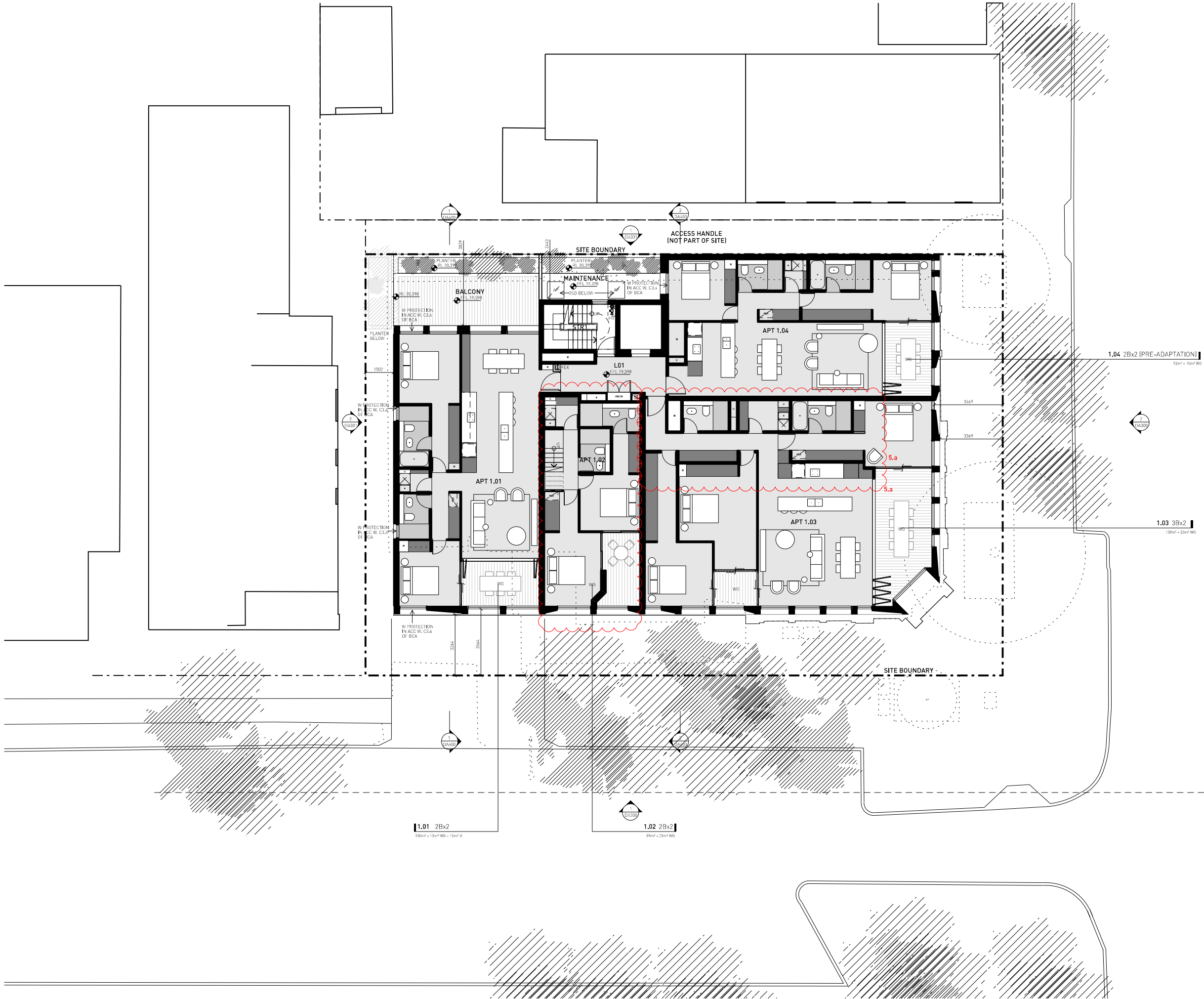
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B	REVISED DA	24.04.18



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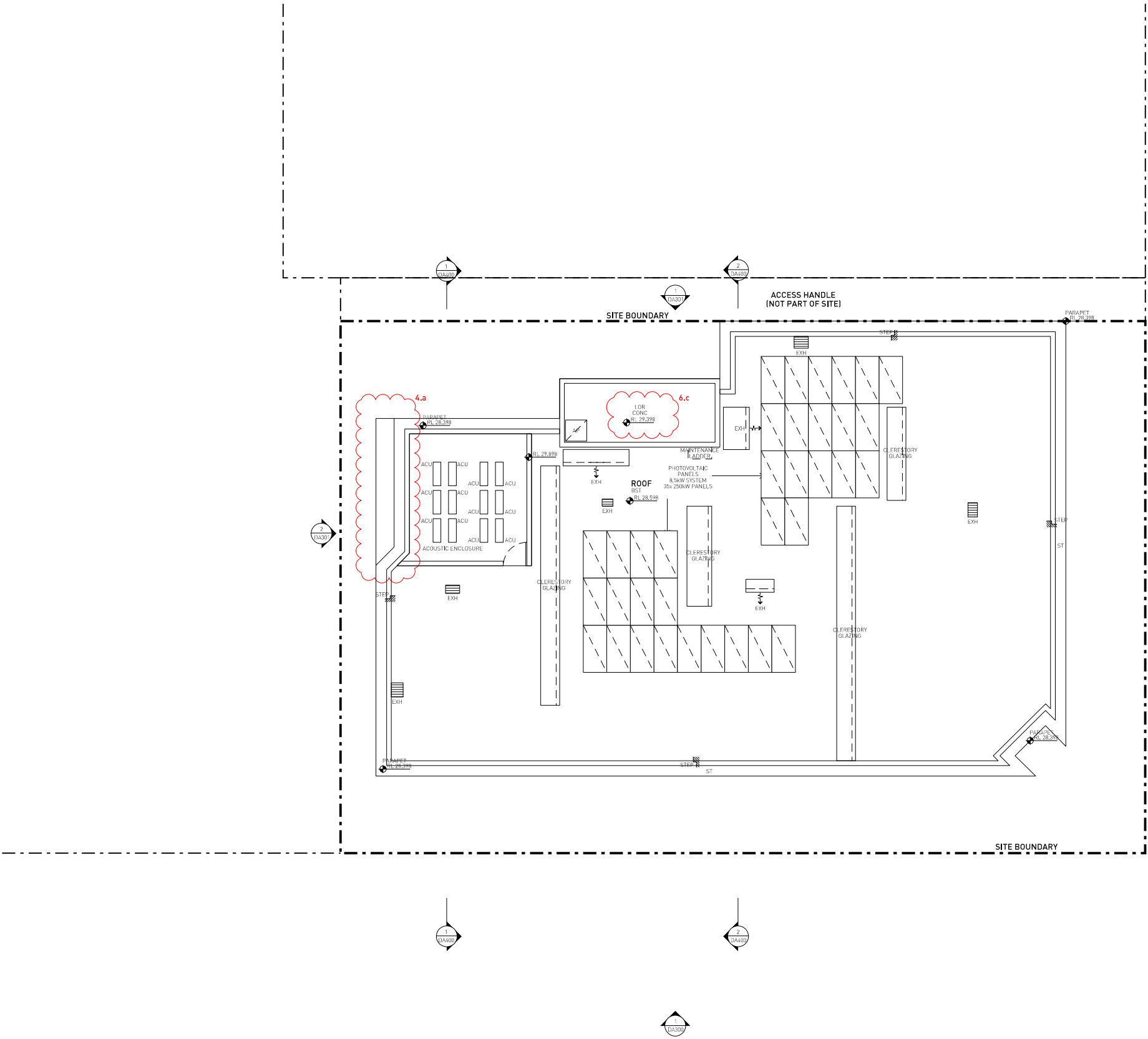
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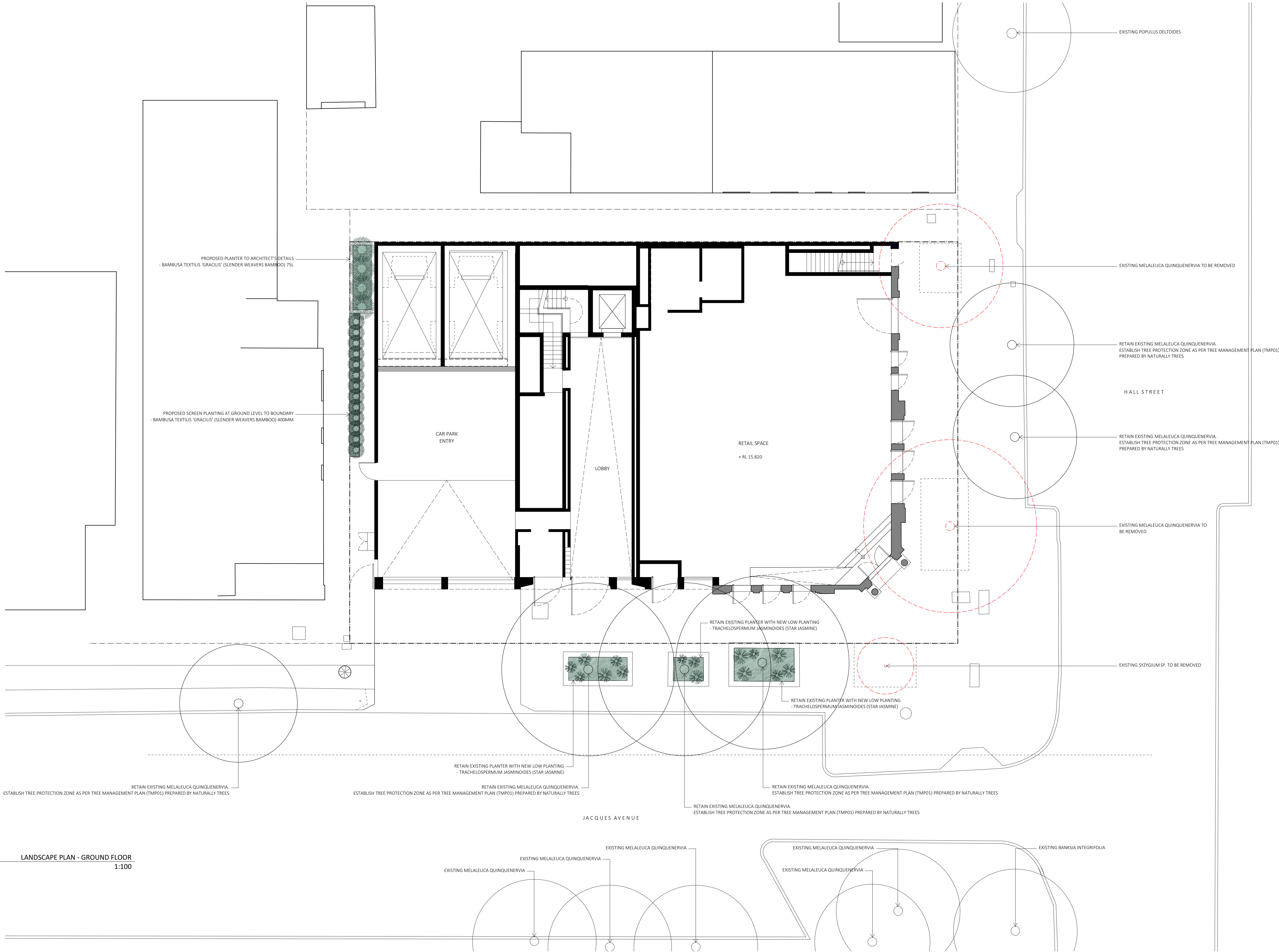
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A	ISSUED FOR QA	03.11.17

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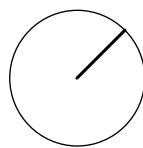
1 LANDSCAPE PLAN - GROUND FLOOR
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CHRISTOPHER
OWEN
LANDSCAPE DESIGN

CHRISTOPHER OWEN LANDSCAPE DESIGN
STUDIO 4
113 RESERVOIR STREET
SURRY HILLS NSW 2010
M 0064 000 032
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DRAWING NO. LDA-02 SCALE 1:100@A1

DATE
01.11.2017

ISSUE
A

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REVIEW

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C. OWEN
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D. STITCH
CHECKED
C. OWEN
DATE
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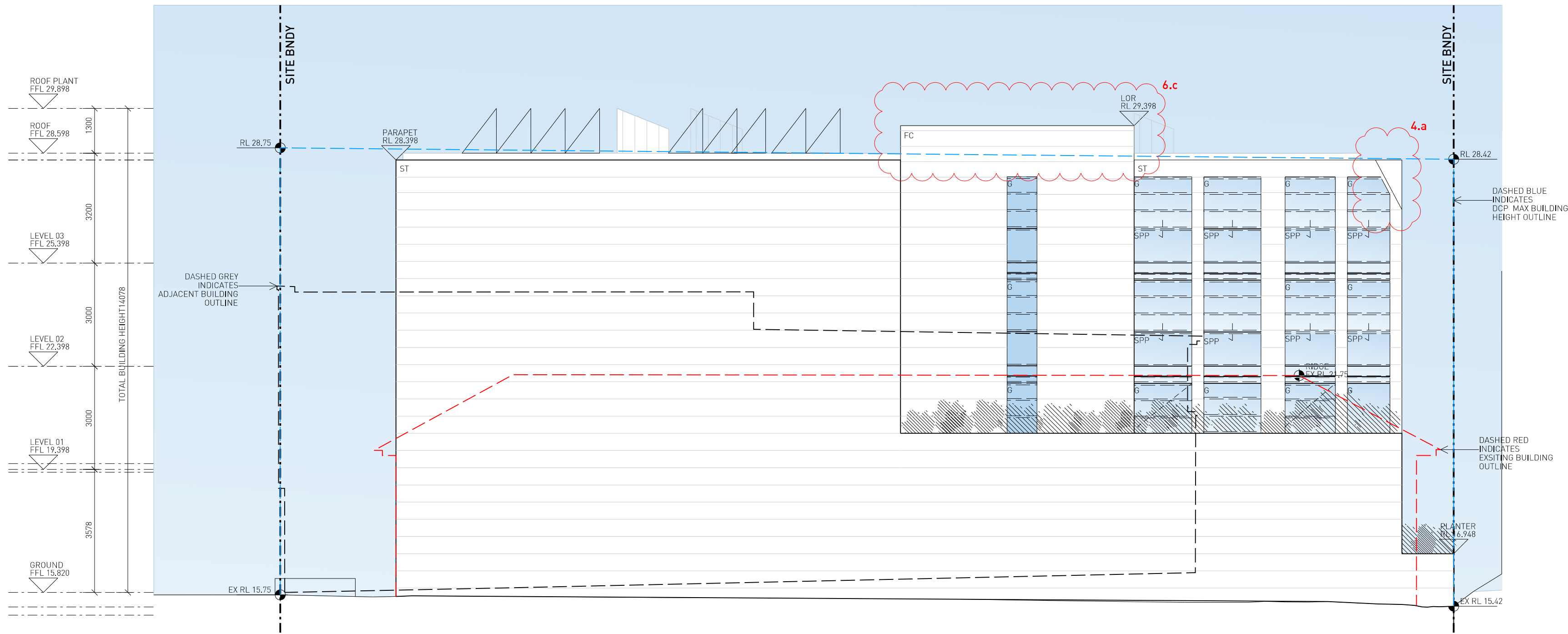
2 ELEVATION NORTH WEST HALL STREET

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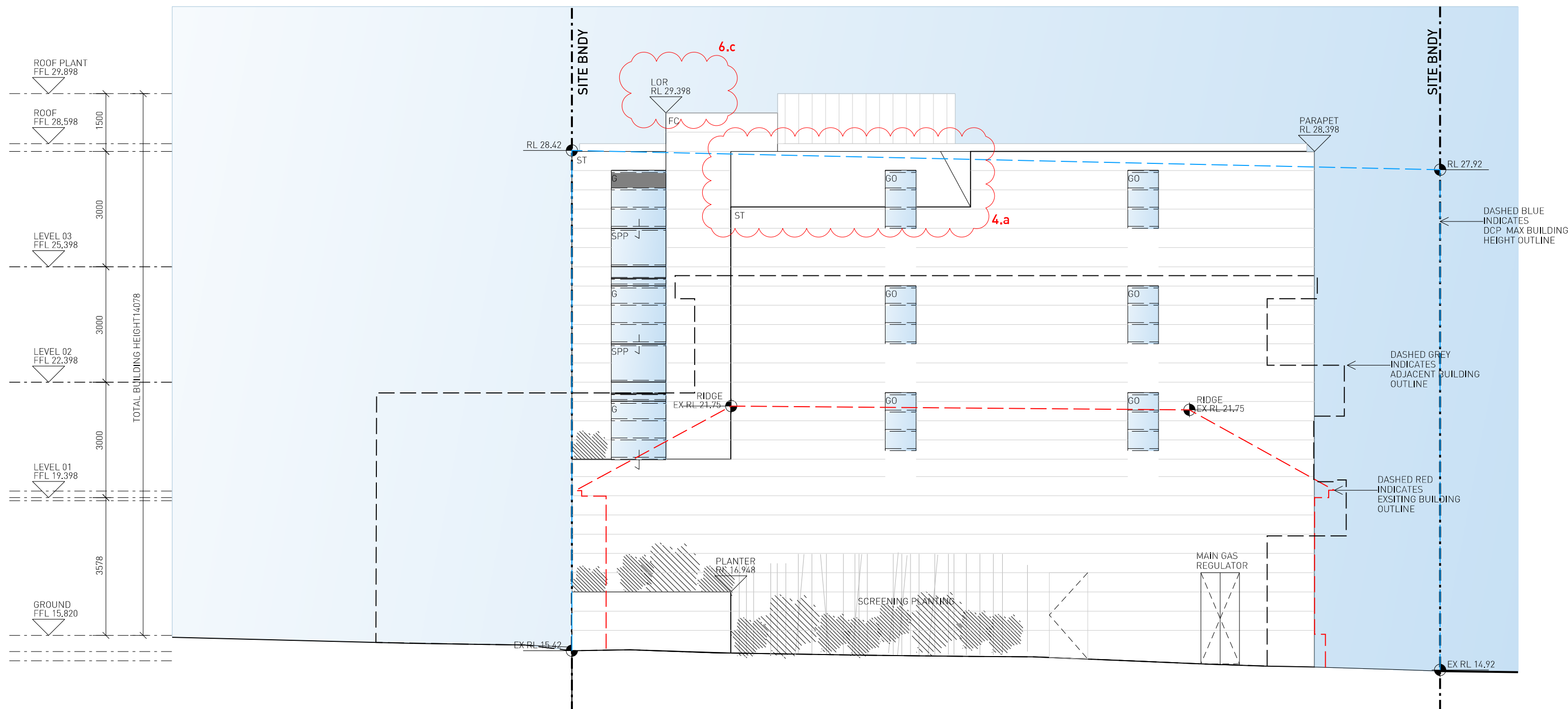
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1 ELEVATION NORTH WEST



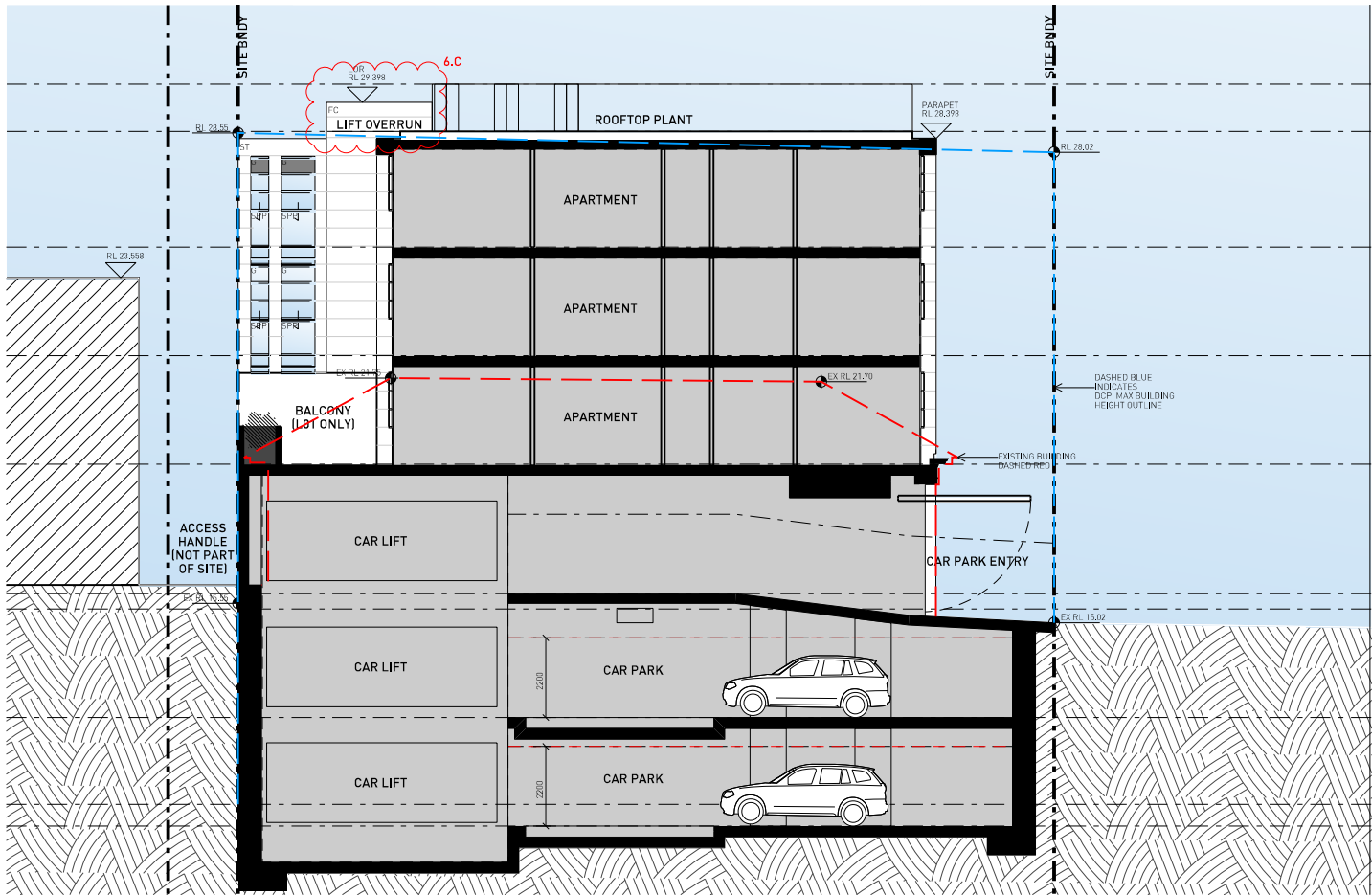
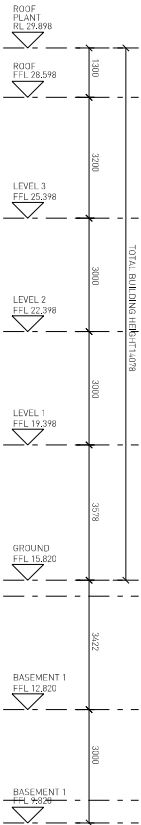
2 ELEVATION SOUTH EAST

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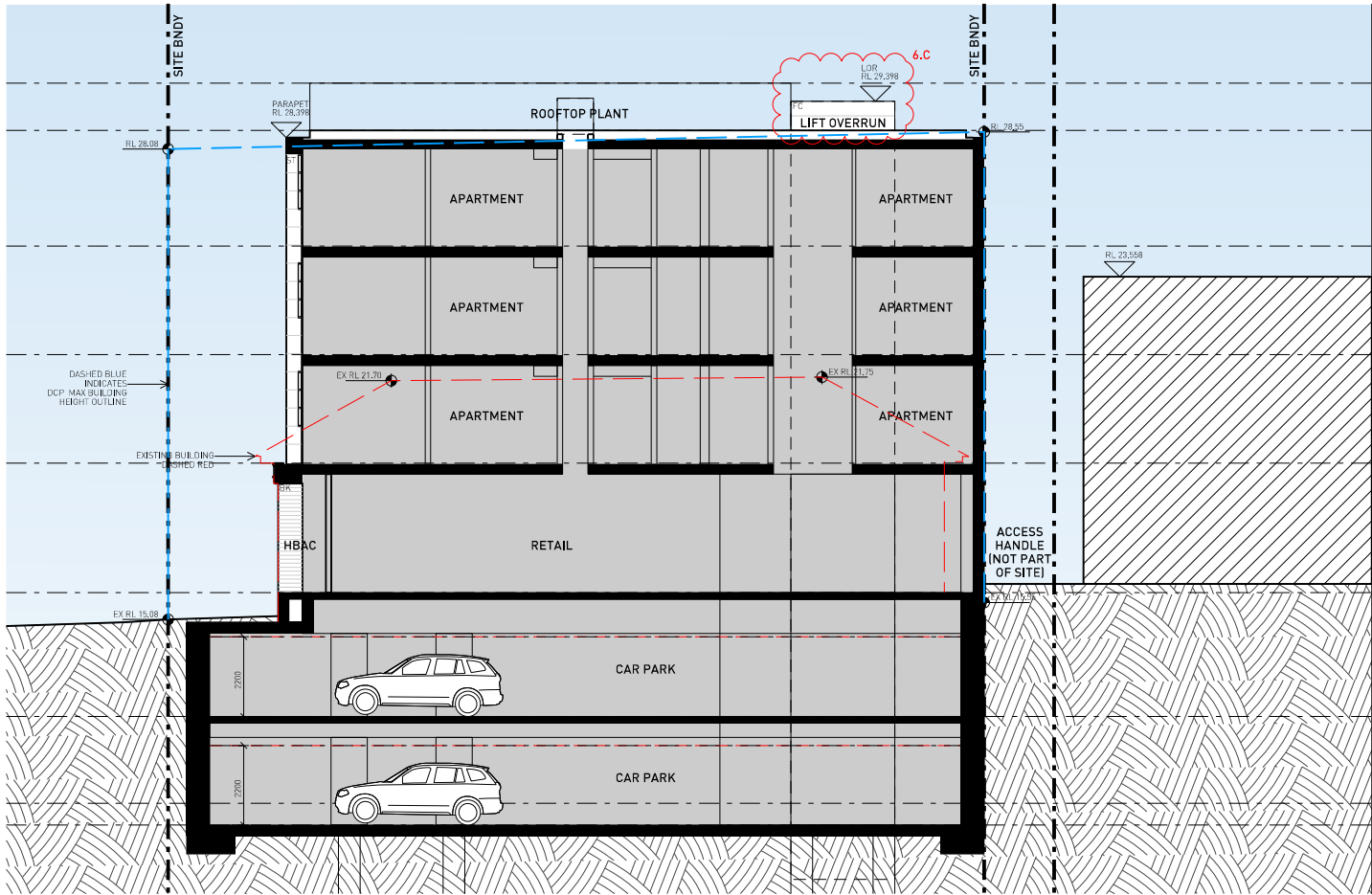
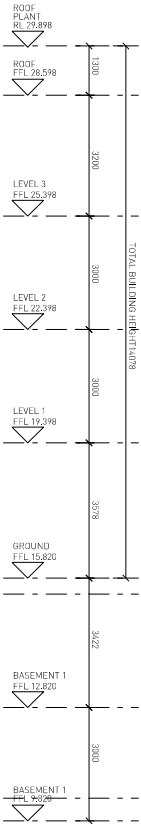
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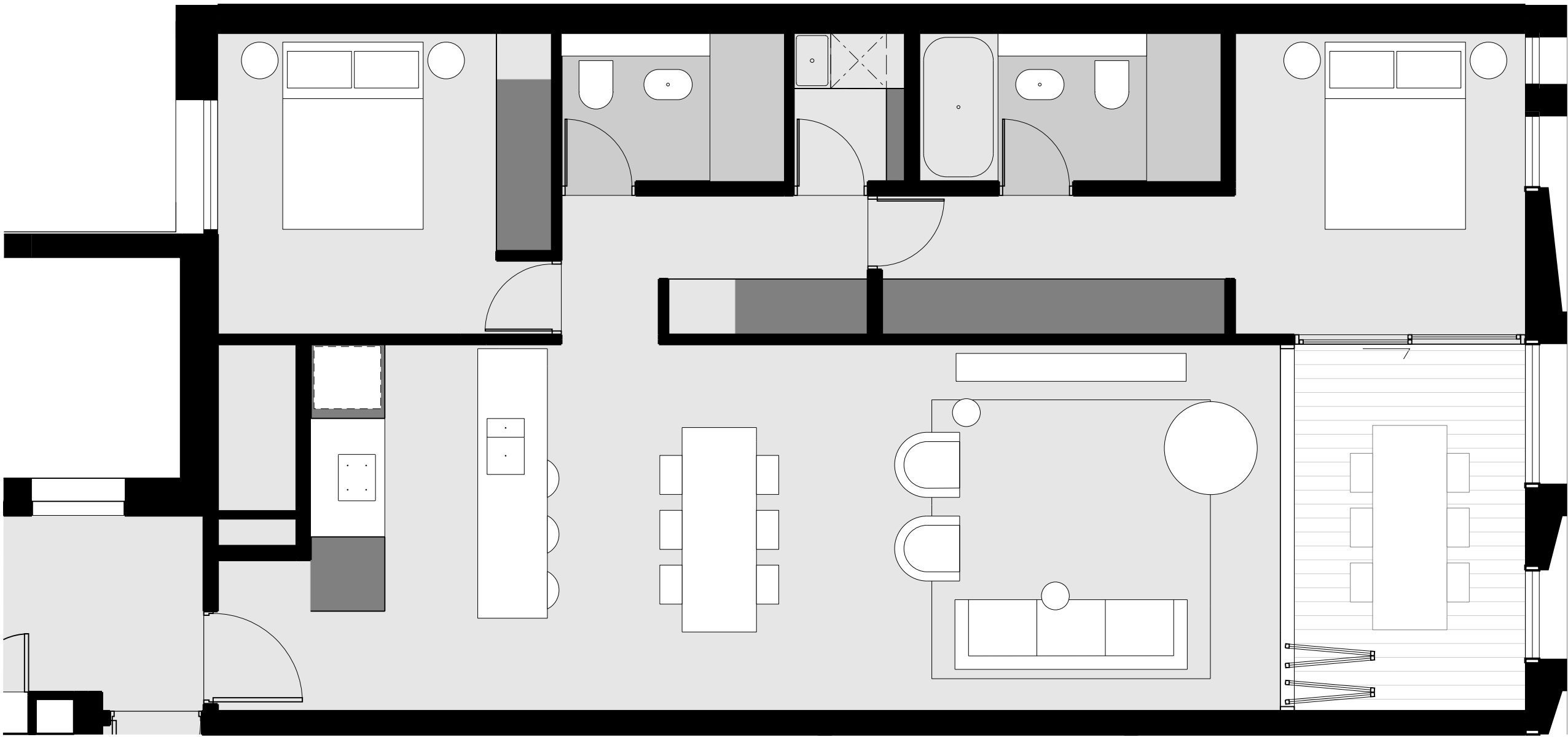
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2 SECTION BB

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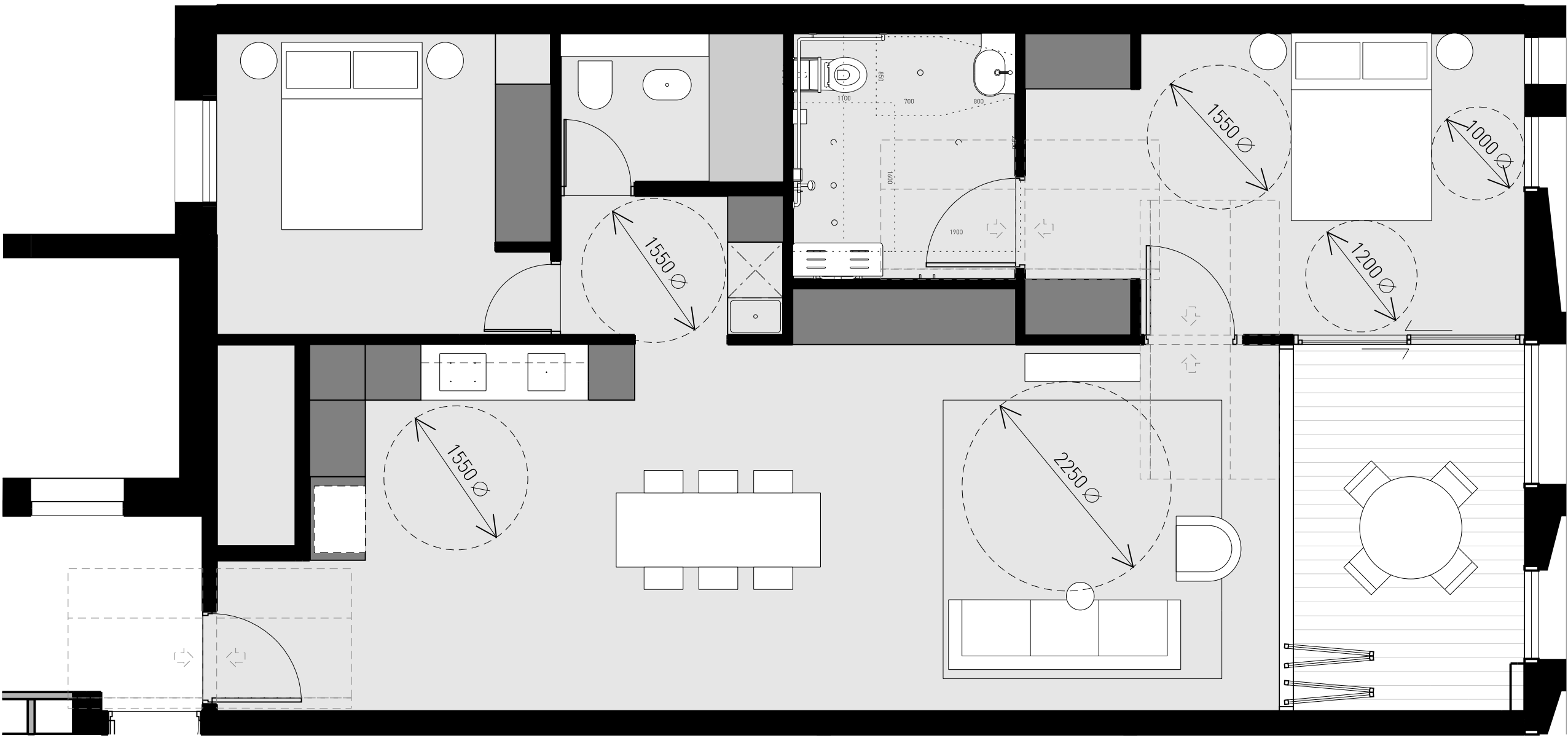
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1 2 BED PRE-ADAPTATION
L01.04



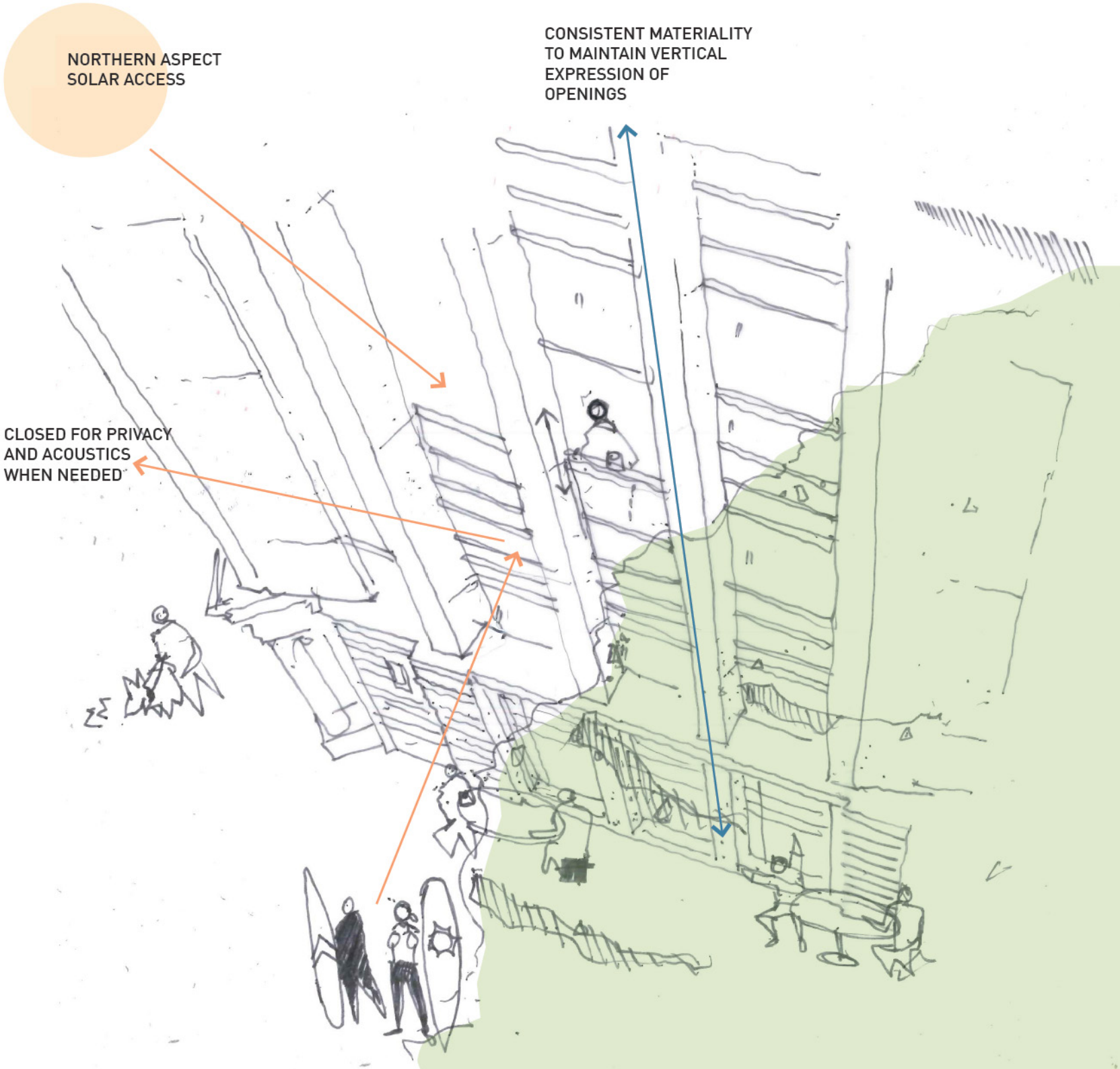
2 2 BED POST-ADAPTATION
L01.04

WINTER GARDENS

The prupose of the wintergardens is to

- Warm up apartments using a glasshouse effect
- Get full balcony (1m glass balustrade) when desired
- Create better space to keep apartments cool in Summer (window partially open)
- Mitigate against intrusive sound (busy food and beverage street) by opening bedroom onto winter garden

Keep outdoor furniture free from dirt and salt spray
Cohesive/uniform architectural appearance - integrated sun shading



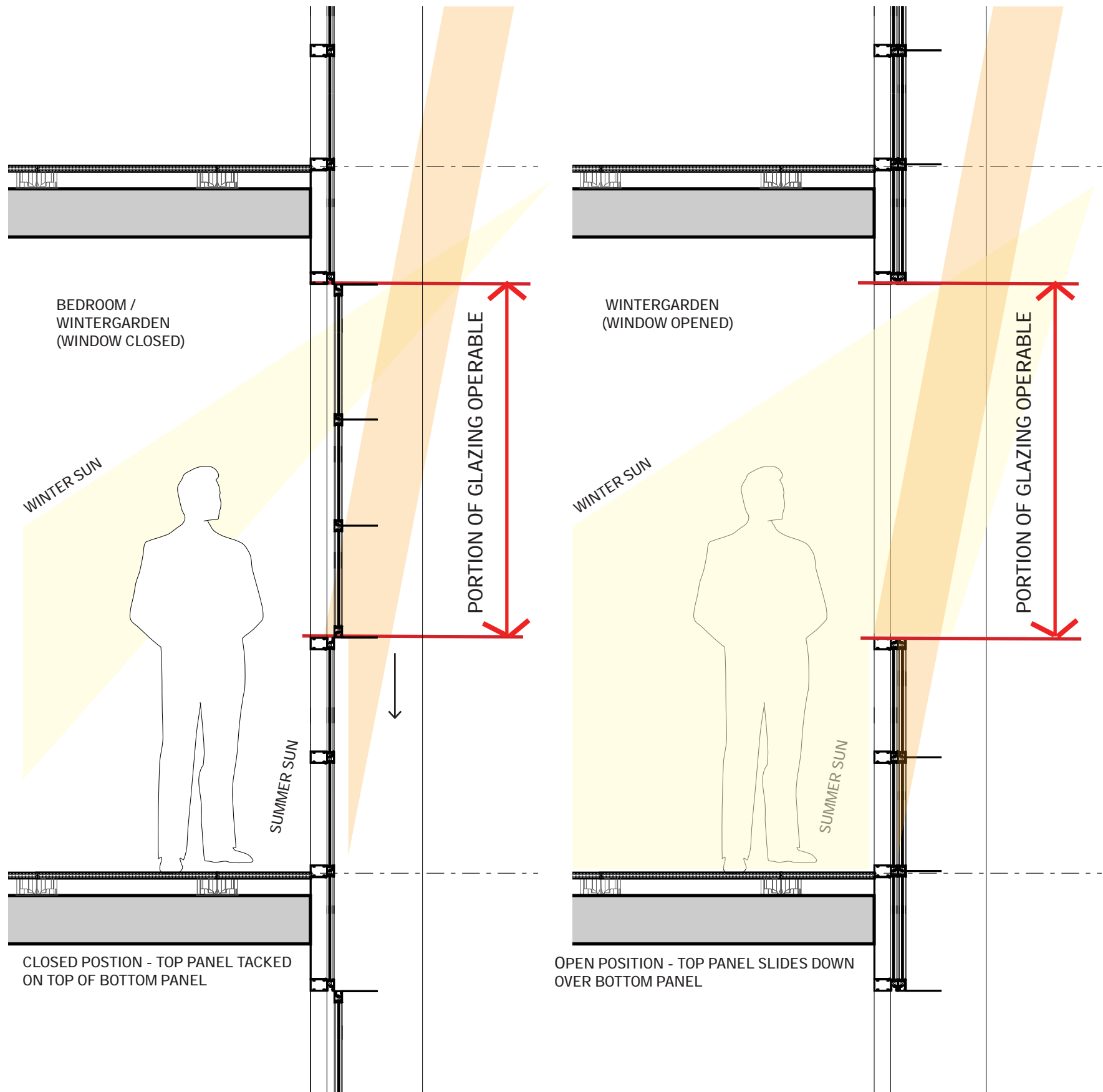
WINTER GARDENS:
GLAZING INFORMATION

Proposed North facing windows to incorporate horizontal shading devices to control solar access through the year and adheres to passive solar design principles.

Guillotine sash windows to wintergardens maximises opening available to inhabitants and flexibility in arrangement of living spaces and private open areas.

The operation of the windows is that the entire top portion of the windows slides down over the bottom fixed portion of the window

When open, the window then acts as a balustrade



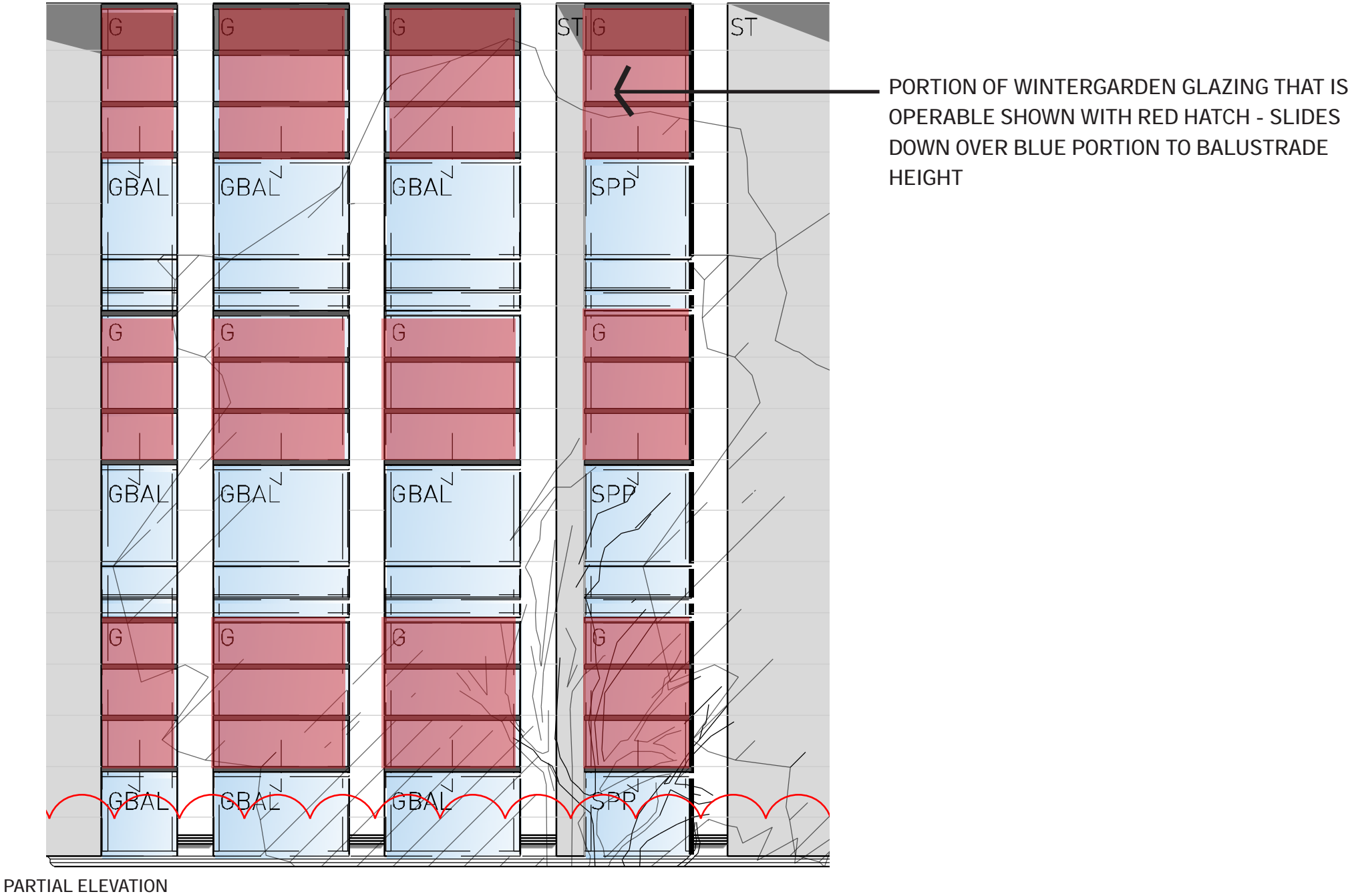
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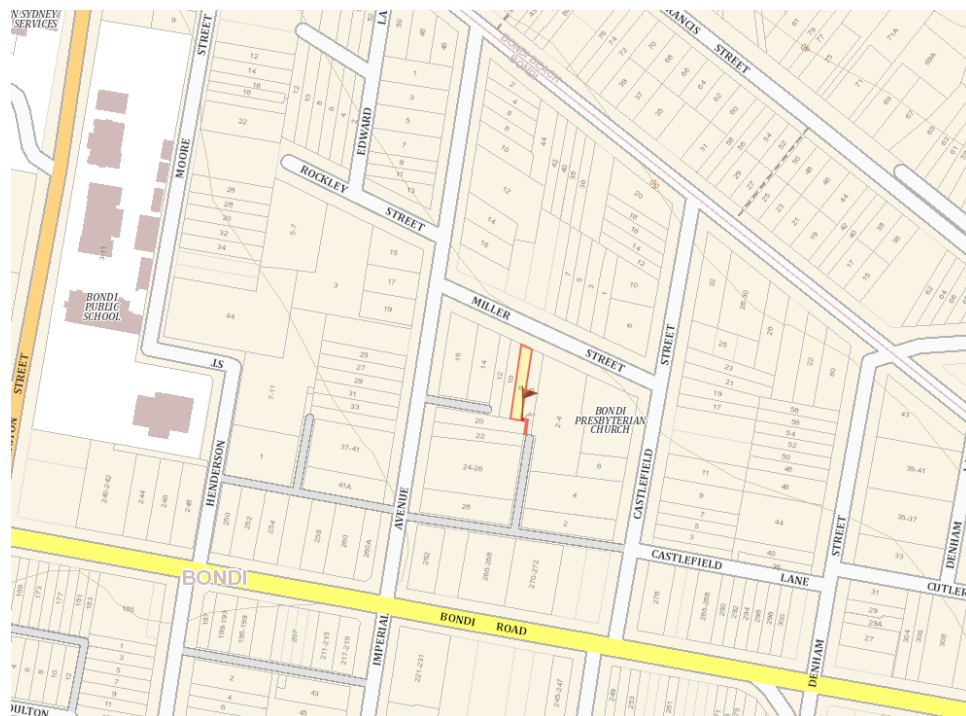




Report to the Waverley Development Assessment Panel

Application number	DA-455/2016/A
Site address	8 Miller Street Bondi
Proposal	Modification to existing dwelling including timber deck and balcony off attic level
Approved development description	Extension to ground and first floor of semi-detached dwelling
Date of lodgement	22 February 2018
Owner	Mr Meguideche and Ms Msika
Applicant	ISA Designs (Architect)
Submissions	Ten (10) submissions
Issues	Acoustic privacy, streetscape, consistency of semi-detached pair
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 22 May 2018.

The site is identified as Lot 1 in D719072, known as 8 Miller Street Bondi. It is located on the southern side of Miller Street between Castlefield Street and Imperial Avenue.

The site is generally rectangular in shape with a north frontage to Miller Street of 6.01m and a length of 38.305m. At the rear of the site is an awkward shaped dog-leg annex, used as a walkway providing access to Castlefield Lane.

The site was occupied by a two storey semi-detached dwelling. A replacement three-storey semi-detached dwelling is now under construction. Vehicular access is provided from Miller Street in the form of a hardstand space, with shared access from a central crossover with its twin semi at 6 Miller Street.

The subject site is adjoined by semi-detached dwellings on either side, being attached to the east, and with a separate pairing to the west. The locality is characterised by an eclectic variety of residential development, including semi-detached dwellings, detached dwellings and residential flat buildings.



Figure 1: Subject site frontage – No.8 Miller Street is the ‘right’ semi-detached dwelling in this photo, shown mostly demolished.



Figure 2: Site viewed from the first floor balcony of the adjoining site to the east, Unit 1/2-4 Miller Street.



Figure 3: Site viewed from first floor balcony of the adjoining site to the east, Unit 1/2-4 Miller Street, looking across the site to the eastern elevation of 10 Miller Street.

1.2 Details of Approved Development

DA-445/2016 approved significant alterations and additions to the semi-detached dwelling at 8 Miller Street, including an additional storey, on 16 January 2017.

DA-443/2016 was lodged and approved concurrently allowing significant alterations and additions to the semi-detached dwelling at 6 Miller Street, including an additional storey.

The combined consents facilitated concurrent works on 6 and 8 Miller Street as a semi-detached pairing. The approval included a shared central driveway crossing to access a hardstand car parking area in the front yard of the pair.

The hardstand spaces were approved, in part, due to there being an existing consent (DA-16/2012) for the 'construction of hardstand car space and landscaping to the front of each dwelling [6 and 8 Miller Street] with shared crossover, approved on 22 May 2012.

Both 6 and 8 Miller Street had various other applications in 2006, 2010 and 2012 providing for alterations to the dwellings, but these are not relevant to this application.

1.3 Proposal

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

- A new deck at the front of the site that is elevated to the extent it also operates as a carport to the approved hardstand parking area;
- New water feature adjacent to the deck; and
- A new terrace to the attic level*.

* The approved development does not contain an attic level. It is unclear on the plans what extent of the roof space is proposed to be used as an attic, and how access is provided. During an on-site discussion with the applicant, they as suggested the intention was to access the terrace via a pull-down ladder and that there was no attic accommodation adjacent to the terrace. However, this does not explain the window shown on the front elevation and is not clear on the plans.

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 notified the application and considered submissions as discussed further in the report.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

An amended BASIX Certificate would be required but was not submitted with the development 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 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of Plan	Yes	The proposal satisfies the aim of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential	Yes	The proposal is defined as a semi-detached dwelling, which is permitted with consent.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	No	The site is located within a Heritage Conservation Area. The carport structure in the front yard detracts from the landscape quality of the semi-detached pairing.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal continues to satisfy waste requirements of the DCP.
2. Energy and water conservation	Not known	The proposal is not accompanied by a BASIX Certificate
9. Heritage	No	The carport structure in the front yard detracts from the landscape quality of the semi-detached pairing in this conservation area.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	No	The carport/deck is an elevated structure forward of the building line and forward of the twin semi-detached dwelling, contrary to the controls.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	No	The carport/deck has a nil setback to the western boundary
1.4 Streetscape and visual impact		
(a) New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area.	No	The proposal introduces an elevated carport/deck structure into the front yard that detracts from the landscape quality and deep setback zone of the dwelling from the street, detracting from the character of the surrounding area.
(d) New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained.	No	The carport structure reduces the extent of landscaping forward of the dwelling and detracts from the open nature of the front area of the dwelling and its visual connection with the adjoining semi.

Development Control	Compliance	Comment
1.6 Semi-detached dwellings and terrace style development		
1.6.1 Built form <i>“(c) The use of an attic room in the existing roof void of a semi-detached dwelling is permitted provided: (ii) No external balconies are proposed for the attic room”</i>	No	The proposal is directly contradictory to this control, which allows for attics provided they do not have an external balcony.
1.8 Visual and acoustic privacy		
<i>Maximum size of balconies:</i> <ul style="list-style-type: none"> • 10m² in area • 1.5m deep 	No No No No	The proposed deck over the carport <ul style="list-style-type: none"> • Approximately 20m² • 3.9m deep The proposed attic terrace <ul style="list-style-type: none"> • 17.28m² • 6.8m deep
1.11 Car parking		
1.11.2 Location (b) Consistent with hierarchy of preferred car parking locations	No	The hierarchy promotes parking from the rear of a site, a garage/carport behind the building line of a site, then as the least preferred option, hardstands at the front of sites. It does not anticipate built structures (carports/garages) as part of parking accommodation that is forward of the building line.
1.11.2 Location (f) On-site car parking (other than from rear lanes) is not acceptable in heritage conservation areas where it will: (i) Break a consistent building line; (ii) Introduce uncharacteristic elements within an established streetscape; and/or (iii) Adversely impact on the integrity of the listed or contributory building or setting.	No	Whilst the parking itself is already approved in the form of a hardstand space, contrary to these controls, a carport structure would exacerbate the non-compliance with these controls.
1.11.3 Design (b) Car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site.	No	The approved landscaped hardstand area is a better planning response to this control than the proposed carport.

DISCUSSION

Carport/deck

The proposed carport is forward of the building line, dominates the streetscape, reduces the landscape contribution of the front yard area and is unsympathetic and unsymmetrical to its semi-detached twin. It would introduce a new built form element in the street which is currently dominated by open and landscaped hardstand areas. The heritage conservation setting of the area further elevates the importance of open style front yards.

Figure 4 below shows the positive contribution the open nature parking has on the streetscape as well as the dwelling itself. A carport on one side of the semi pairing detracts from this contribution.

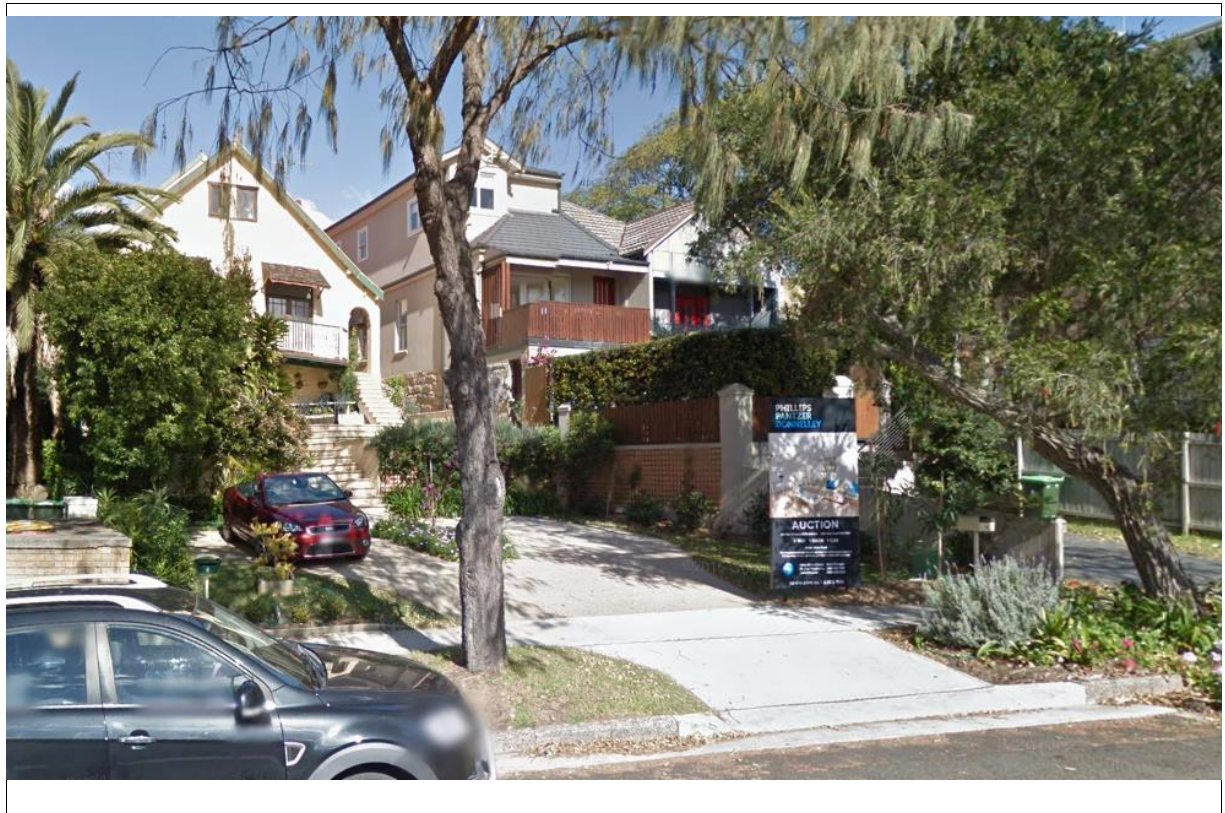


Figure 4: A screenshot from a 2014 Google Streetview shows the open landscaped nature of the combined hardstand parking area as it existed before the current construction work. This layout is similar to that approved on the site under DA-443/2016 and DA-445/2016.

The carport structure is also a raised deck for entertaining outside of a rumpus room. The size and depth exceeds the maximum controls by more than 100%. The dwelling has sufficient elevated outdoor areas at the first and second floors that more reasonably comply with the controls. The potential acoustic privacy impacts upon adjoining properties are not reasonable.

For these reasons the carport/deck is not supported.

Attic Terrace

The attic terrace introduces another acoustic privacy impact upon the adjoining properties that is not reasonable when considered against the Council's controls and Land and Environment Court (LEC) Planning Principles outlined in *Pafburn v North Sydney*, as revised in *Davies v Penrith City Council*:

26 The following questions are relevant to the assessment of impacts on neighbouring properties:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*
- How necessary and/or reasonable is the proposal causing the impact?*
- How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*
- Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The amenity impact upon the adjoining properties is the further loss of acoustic privacy. It is created by the provision of a new elevated terrace in addition to two existing terraces that provide sufficient amenity to the subject site. The terrace is specifically contrary to the planning controls.

The terrace could also be considered as a roof top terrace, as it sits upon the uppermost floor of the building. There are specific controls in the Council's DCP that restrict rooftop terraces unless there is a predominance of them in the area. In this area there are no roof top terraces.

This proposal shares many characteristics to one that led to an appeal against Waverley in Leichhardt Street Bronte, where it was concluded there was no justifiable planning need for the proposal when balanced against the impacts on adjoining properties. It relied upon considerations from another Waverley appeal that became a Planning Principle - *Super Studio v Waverley Council* [2004] NSWLEC 91 - which states "...the acceptability of an impact depends not only on the extent of the impact but also on reasonableness of and necessity for, the development that causes it".

The following conclusions are from the judgement in *Reznik v Waverley Council* [2006] NSWLEC 513, the appeal in Leichhardt Street Bronte:

Need for the rooftop terrace

48 The stated need for the proposed terrace is diminished by the fact that there are other balconies and courtyards available to the occupants of the subject terraced building both at the ground and first floor level. There is a water glimpse from the first floor front balcony.

49 The proposal would be contrary to the requirements of DCP2 that seeks to discourage rooftop terraces in Waverley and the evidence suggests that this instrument has been consistently applied.

The proposal in this modification application is a replica of the Reznik appeal. Council has consistently applied the position that where there are unreasonable impacts from non-compliant elevated terraces and ample alternative areas for the occupants of the dwelling to enjoy, they are not supported.

For these reasons the attic terrace is not supported.

2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, other than those described above.

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

Ten (10) submissions were received. The issues raised in the submissions are summarised and discussed below.

Table 1: Summary of property addresses that lodged a submission

Property
6 Miller Street (attached semi)
10 Miller Street
11 Miller Street
2-4 Miller Street (Unit 1)
2-4 Miller Street (Unit 4)
2-4 Miller Street (Unit 15)
2-4 Miller Street – Executive Committee, Body Corporate
18 Imperial Avenue
20 Imperial Avenue
22 Imperial Avenue

Issue: *Privacy from carport/deck*

Response: The proposed carport roof would result in unacceptable impacts on the acoustic privacy of adjoining properties and is not supported.

Issue: *Streetscape issues from carport*

Response: The carport would introduce an undesirable element into the streetscape and would detract from the landscaped contribution of the dwelling to the heritage conservation area and is not supported.

Issue: *Privacy from attic terrace*

Response: The attic terrace is unreasonable, unnecessary and adversely impacts upon the acoustic privacy of adjoining properties and is not supported.

Issue: *Additional changes on plans not properly shown/notated*

Response: There does appear to be new elements on the plans that are not reflected in the statement of environmental effects, are not notated as changes and do not form part of this application. Given the recommendation to refuse the application this is of no consequence. Should the WDAP resolve to approve the application, it should explicitly outline the scope of the approval to ensure there is no ambiguity.

Issue: *Water dispersal concerns*

Response: Appropriate conditions of consent could be imposed to deal with stormwater and roofwater dispersal.

2.6 Public Interest

Having regard to the submissions and the consistent application of the Council's controls, the proposal is not in the public interest.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

This application is to modify an approval for alterations and additions to a dwelling, to allow for the construction of a carport structure in the front yard area that also facilitates an elevated deck as its roof, as well as an attic level terrace.

The main issues are the loss of acoustic privacy that would occur to the adjoining properties, the impact upon the streetscape and heritage conservation area and the lack of detail in the plans. There has been a consistent application of Council's controls to reject this type of development.

Ten (10) submissions were received. Their focus is on the acoustic impacts arising from the proposed terraces, as well as streetscape impacts.

No Councillor submissions were made in respect to the assessment of the application.

It is recommended that the application be refused. It is required to be determined by the Waverley Development Assessment Panel due to the number of submissions received during notification.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Development Assessment Panel for the following reasons:

Report prepared by:

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

Lee Kosnetter | LK Planning
Consultant Planner

Date: 25 June 2018

Reason for referral:

2 Contentious development (10 or more objections)

Angela Rossi

Manager, Development Assessment (Central)

Date: 13 July 2018

APPENDIX A – REASONS FOR REFUSAL

1. 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 B9 – Heritage:
 - i. Clause 9.3 Scale and Proportion, specifically control (a), as the proposal is not cohesive in scale, proportion and finish to the surrounding streetscape and buildings
 - b. Part C1 – Dwelling Houses, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development:
 - i. Clause 1.2 Setbacks, specifically Control 1.2.1 Front and Rear Setback (a) as the proposed carport extends forward of the front building line; and Control 1.2.2 Side Setbacks as the proposal intrudes into the side setback area.
 - ii. Clause 1.4 Streetscape and Visual Impact, specifically Control (a) as the proposal is not visually compatible with its streetscape context and does not respond to essential elements that make up the character of the surrounding area; and (d) as the carport does not maintain the established character of the building in terms of significant landscaping
 - iii. Clause 1.6 – Semi-Detached Dwellings and Terrace Style Development, specifically control (c) as the use of an attic room in the existing roof void of a semi-detached dwelling is only permitted provided there are no external balconies are proposed for the attic room.
 - iv. Clause 1.8 – Visual and Acoustic Privacy, specifically control (d) as the carport terrace and attic terrace exceed the maximum depth and size controls and result in unreasonable acoustic privacy impacts upon adjoining properties.
 - v. Clause 1.11 – Car Parking, specifically control 1.11.2 (b), as the proposed carport is not anticipated by the controls; 1.12.2 (f) as it introduces uncharacteristic elements within an established streetscape and 1.11.3 as it is not sympathetically integrated into the design of residence.
2. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
 - a. The application was not accompanied by a BASIX Certificate; and
 - b. The plans contained amendments that were not properly notated or described in the Statement of Environmental Effects.
3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it detracts from the streetscape and landscape characteristics of the heritage conservation area.

4. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development results in unacceptable acoustic privacy impacts and is therefore considered unsuitable for the site.
5. The proposal is not considered to be in the public interest for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

THE MEGUIDECHE RESIDENCE

Section 96 (2) - DA 445/2016

Consent Issued 16.01.2017

DP. 719077 Lot 1

8 Miller Street, Bondi Beach NSW 2026

DRAWING LIST :

- S96_000Cover Page
- S96_001Location & Context Details
- S96_002Approved Lower Ground Floor Plan
- S96_003Approved First Floor & Roof + SWM Plans
- S96_004Proposed Lower Ground Floor Plan
- S96_005Proposed First Floor Plan
- S96_006Proposed Roof & SWM Plan
- S96_007Proposed Front Elevation
- S96_008Proposed Side Elevation
- S96_009Proposed Section AA
- S96_010Notification Plan

LEGEND :

- BAL

CBD

CF

CP

CT

FCC

FD

G

HR

J

LB

MSC

MSR

OG

P

RB

RWT

TC

TF

TG

TW

NB
- Balustrade to BCA requirements

Cupboard

Concrete floor, finish to be polished

Concrete pavers

Ceramic tiles

Fibre cement cladding, matt paint finish

Fire door

Gutter

Handrail to BCA requirements

Joinery

Letter Box

Metal sheet cladding

Metal sheet roof

Obscure glazing

Parapet

Rendered brickwork

Rainwater tank, to Hydraulic engineer details

Timber cladding

Timber flooring

Timber gate

New window/door system, selected timber finish

R3 Insulation to ceiling

Foil Insulation to underside of roof

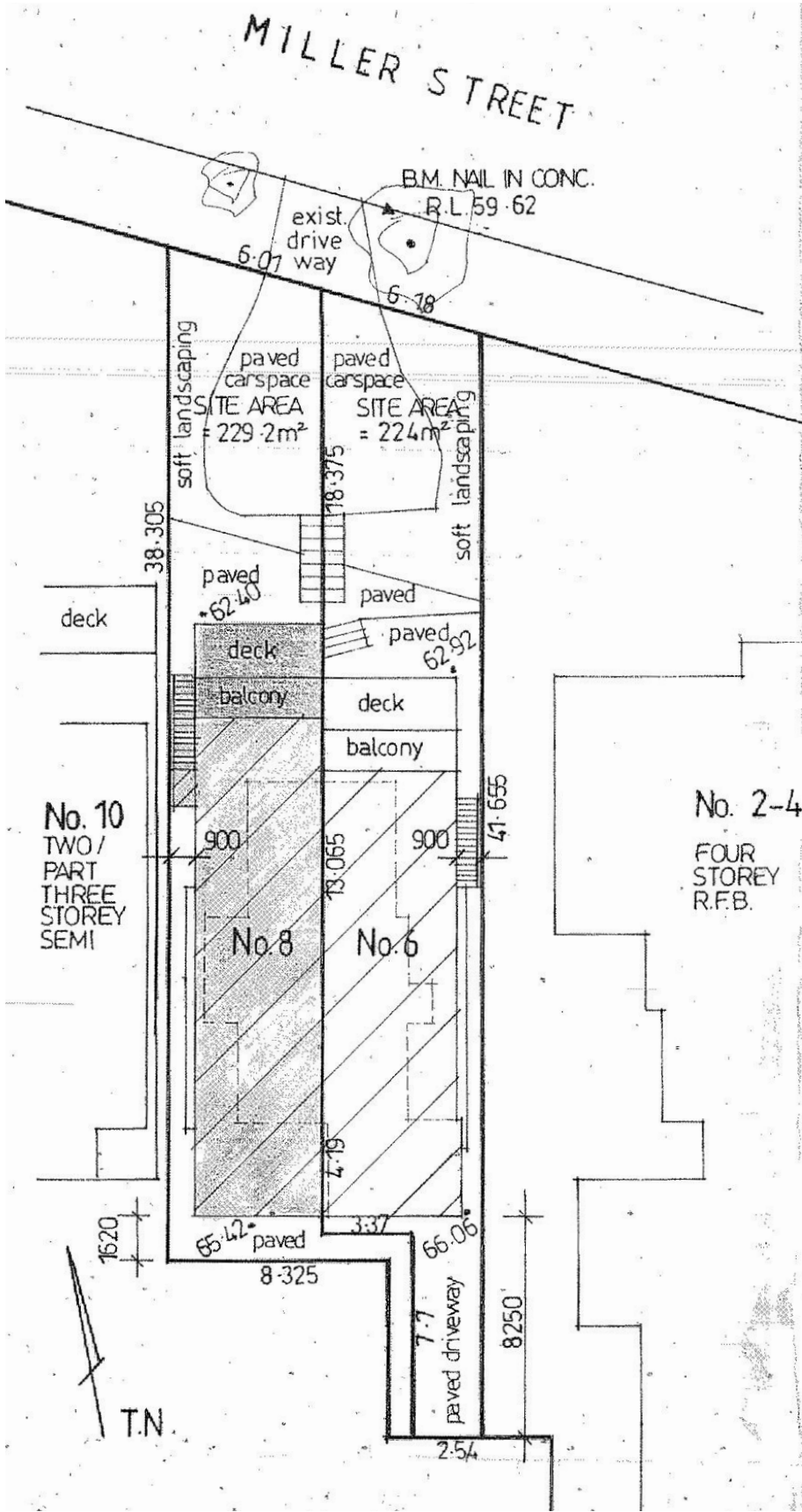
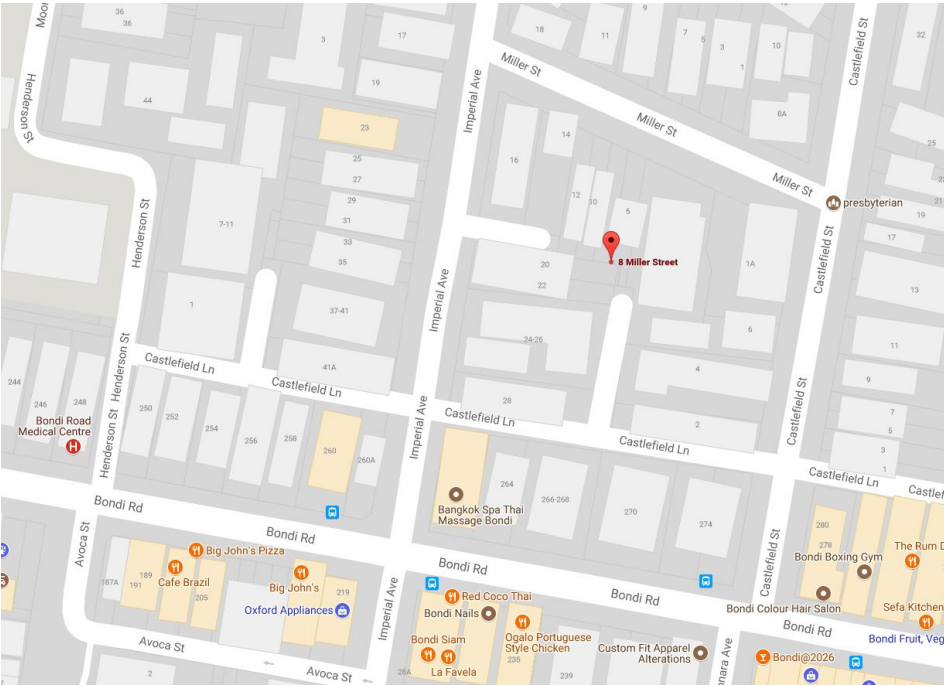
R1 Insulation to exterior walls

Existing wall to be demolished

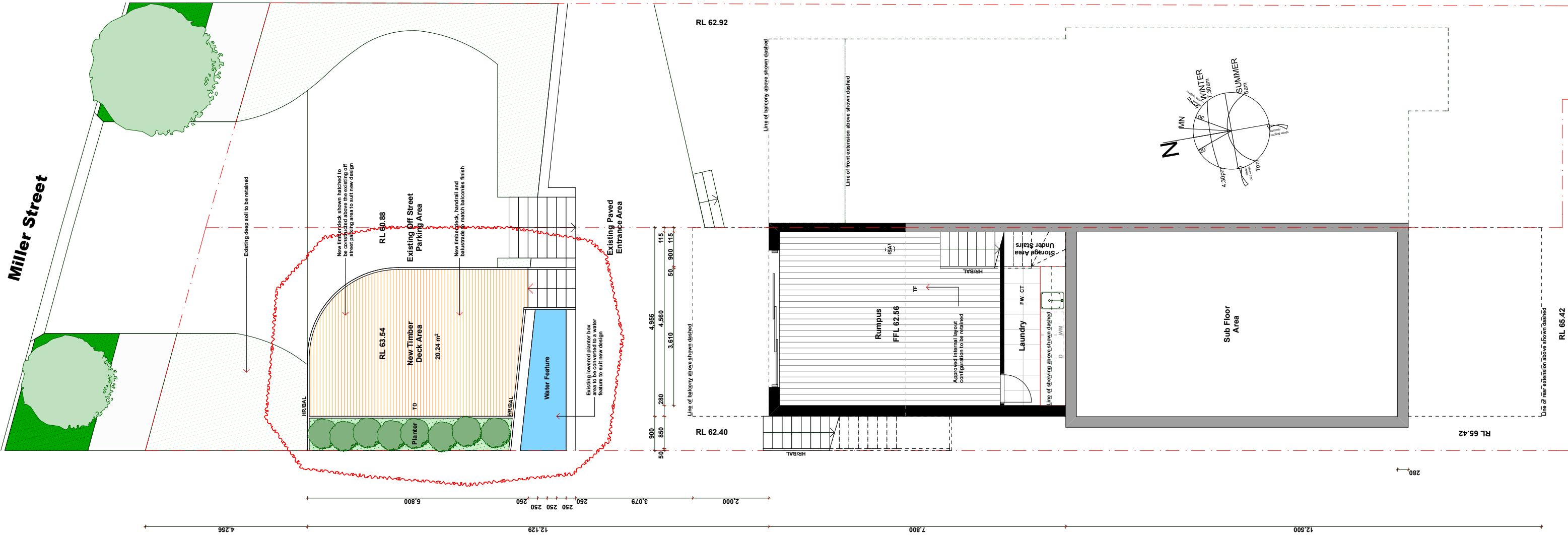
New wall

Existing wall to be retained




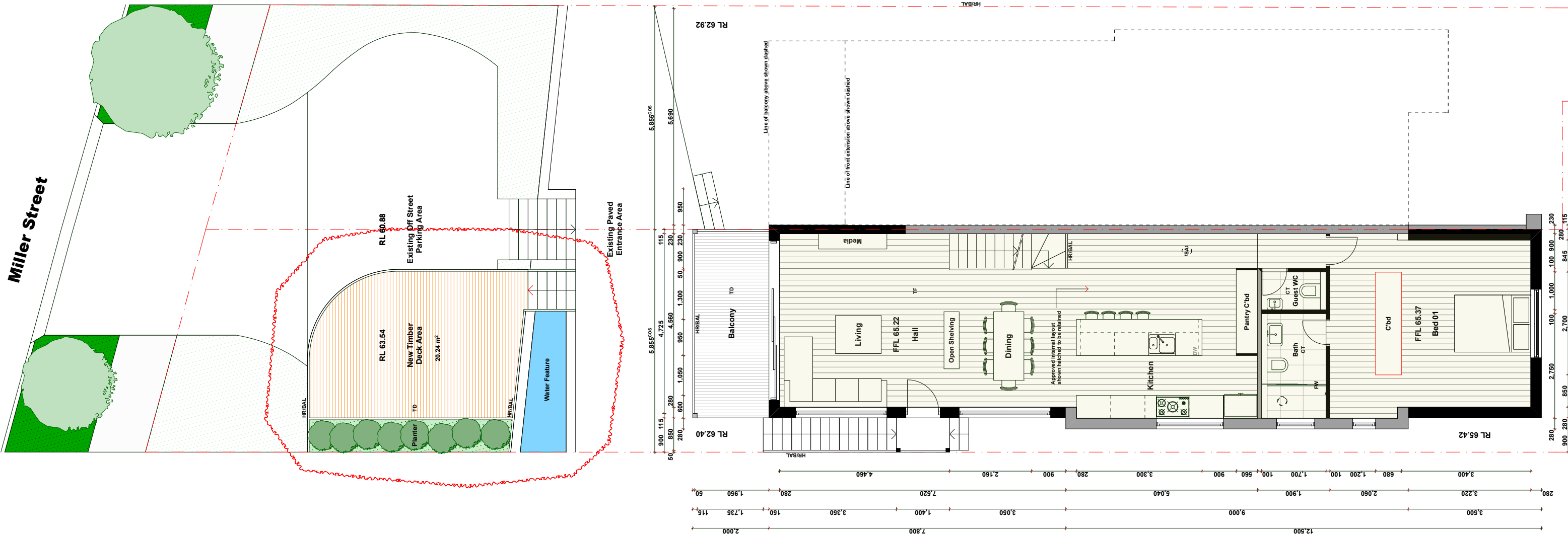


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					<div><div>Sent:</div><div>04.12.2017</div></div>	<div><div>Council Review</div></div>
				<div><div>Project No:</div><div>S96_171016</div></div>	<div><div>Scale:</div></div>	<div><div>Issue:</div></div>
				<div><div>Drawing No:</div><div>S96_001</div></div>	<div><div>Drawn:</div><div>AM</div></div>	<div><div>Revision:</div><div>B</div></div>
					108	



Proposed Lower Ground Floor Plan

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<div>Postal Address</div> <div>Mobile</div> <div>Email</div>	<div>PO Box 7516 Bondi Beach NSW 2026</div> <div>+61 451 867 426</div> <div>alon@isadesigns.com.au</div>					<div>Sent:</div> 04.12.2017	<div>Client Review</div> <div>Council Review</div>	
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					<div>Drawing No:</div> S96_004	<div>Drawn:</div> AM	<div>Revision:</div> B	



Proposed Ground Floor Plan

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Section 96 (1A)
Approved DA 445/2016

8 Miller Street
Bondi Beach NSW 2026

CLIENT:
Danny Meguideche

8 Miller Street
Bondi Beach NSW 2026

Drawing Name:
Proposed First Floor Plan

Project No: S96_171016

Drawing No: S96_005

Scale:

Drawn: AM

Date: 16.10.2017

Sent: 04.12.2017

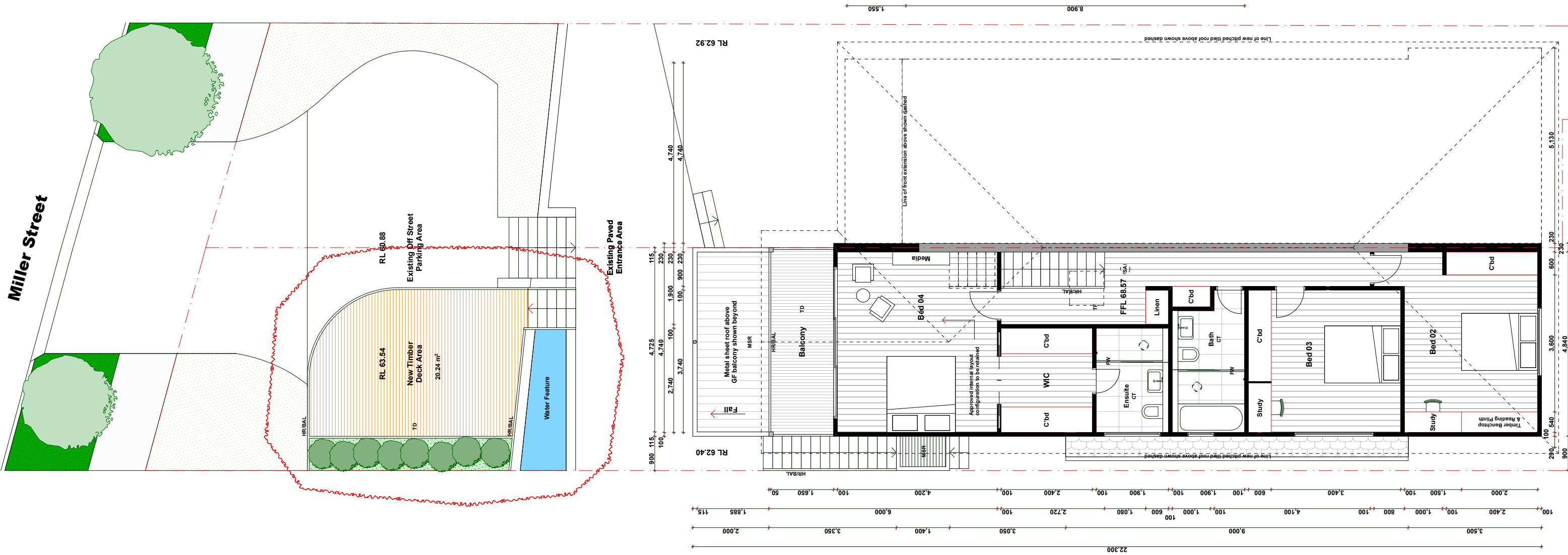
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Revision: B

Revision Description:

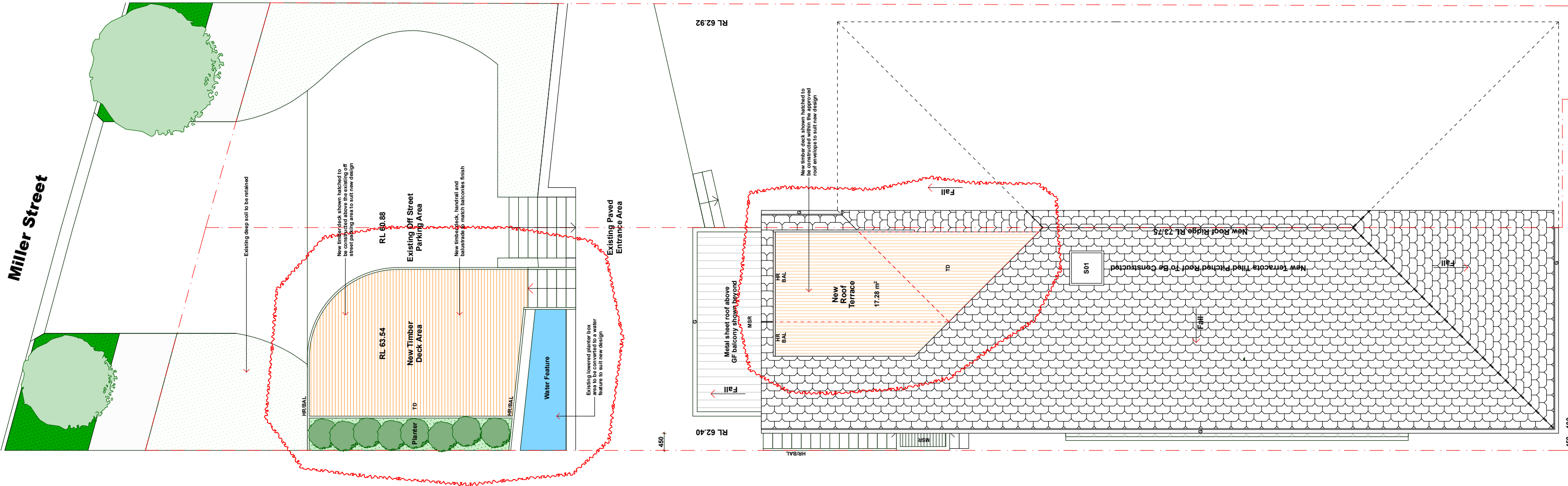
Client Review
Council Review

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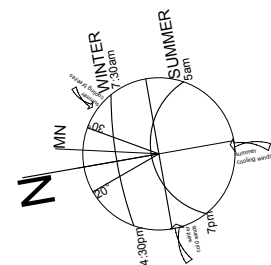


Proposed First Floor Plan

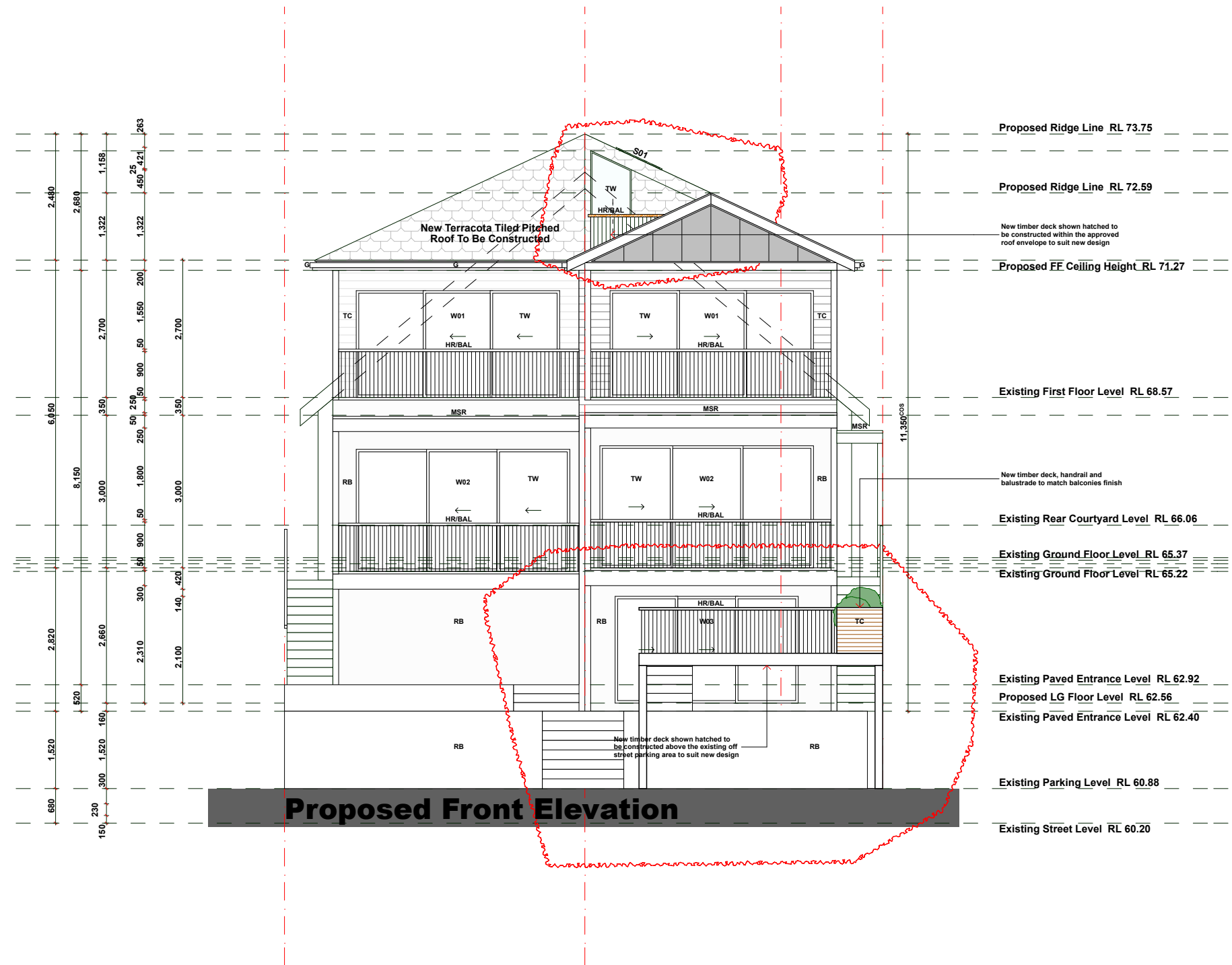
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				<div>Project No:</div> <div>S96_171016</div>		<div>Sent:</div> <div>04.12.2017</div>	
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				<div>Drawn:</div> <div>AM</div>	<div>Revision:</div> <div>B</div>		



Proposed Roof & SWM Plan



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<div>Email</div> alon@isadesigns.com.au								
					<div>Issue:</div>			
				<div>Drawing No:</div> S96_006 <div>Drawn:</div> AM	<div>Revision:</div> B			



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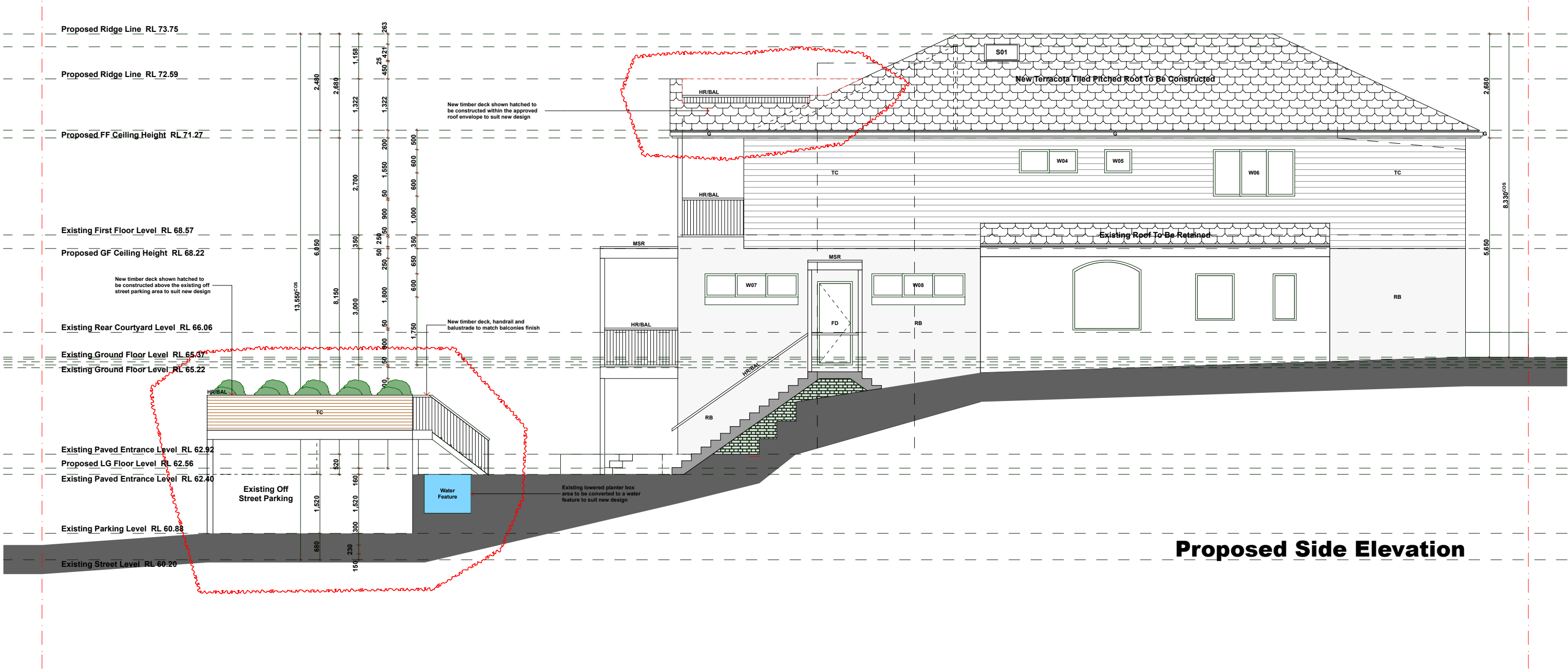
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Proposed Front Elevation

Project No: S96_171016
Scale:
Drawing No: S96_007
Drawn: AM

Date: 16.10.2017
Sent: 04.12.2017
Revision Description:
Client Review
Council Review

Issue:
Revision: B

113



Proposed Side Elevation

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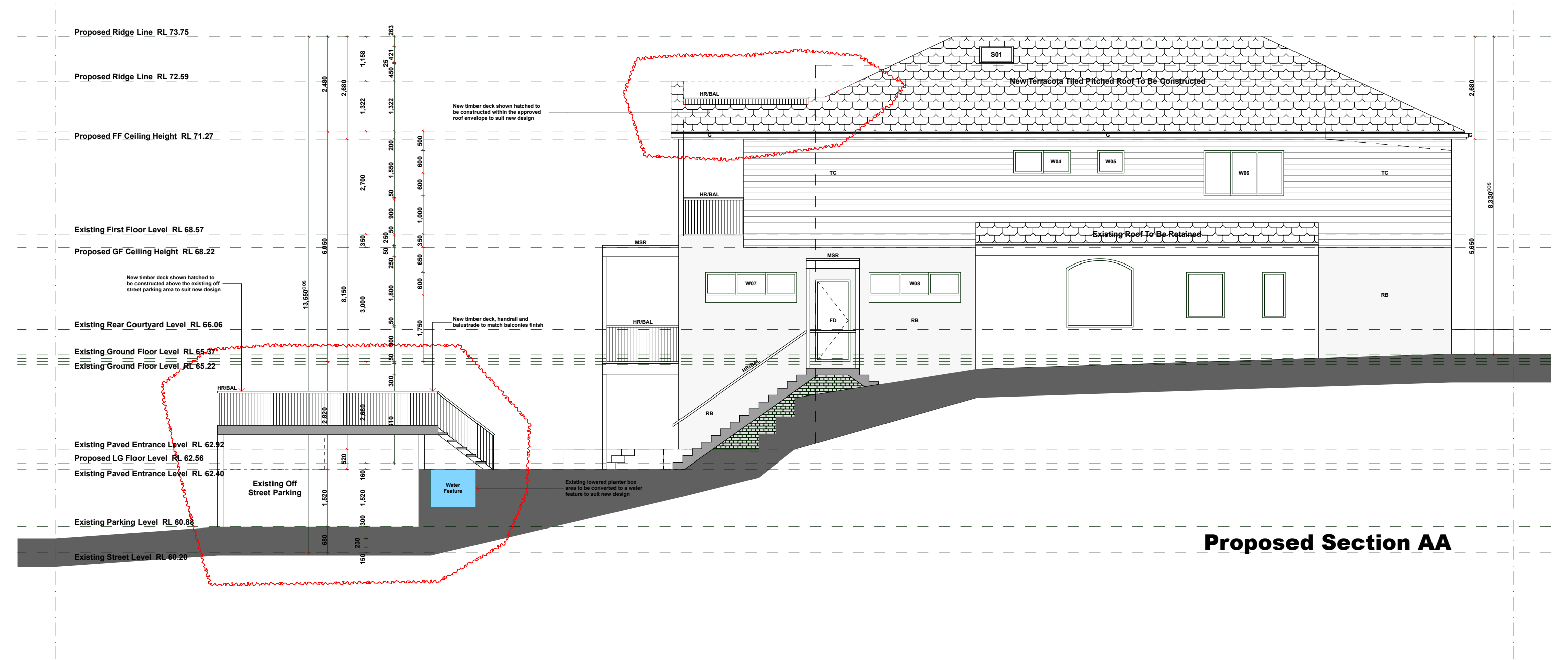
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Drawing Name:
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Project No: S96_171016
Drawing No: S96_008
Scale:
Drawn: AM

Date: 16.10.2017
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Revision Description:
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8 Miller Street
Bondi Beach NSW 2026

CLIENT:
Danny Meguideche

8 Miller Street
Bondi Beach NSW 2026

Drawing Name:

Proposed Section AA

Project No: S96_171016

Drawing No: S96_009

Scale:

Drawn: AM

Date: 16.10.2017

Sent: 04.12.2017

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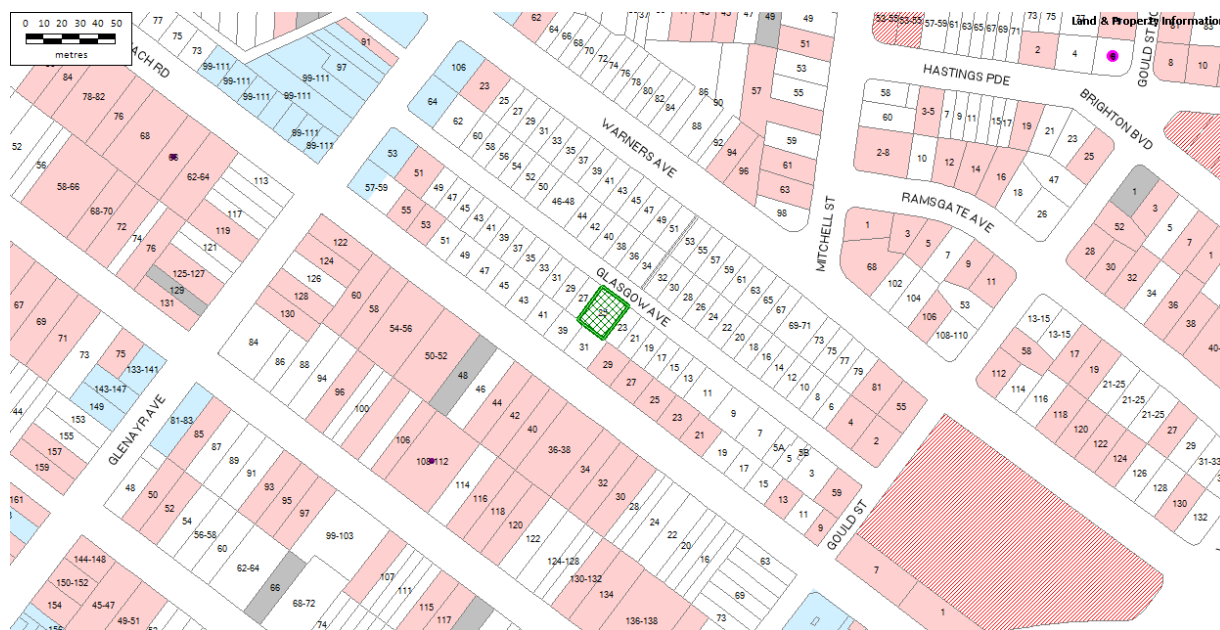
115



Report to the Waverley Development Assessment Panel

Application number	DA-448/2017
Site address	25 Glasgow Avenue, Bondi Beach
Proposal	Demolition of building, and construction of an attached dual occupancy including associated landscaping and torrens title subdivision into two lots
Date of lodgement	18 October 2017
Owner	Sixto Properties Pty Ltd
Applicant	Steve Watson
Submissions	Original: 26 Amended: 7
Cost of works	\$1,600,000
Issues	Variation to minimum lot size and floor space ratio, nil side and rear setbacks, fence height
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 20th February 2018.

The site is identified as Lot 45 in DP 12561, known as 25 Glasgow Avenue, BONDI BEACH. The site is rectangular in shape with a northern street frontage measuring 18.29m, eastern and western side boundaries measuring 22.86m, and a southern rear boundary measuring 18.29m. The site has an area of 420.8m² and is generally flat.

The site is occupied by a single storey dwelling with vehicular access provided from Glasgow Avenue with a carport at the front of the site and a garage at the rear both along the western side boundary.

The subject site is adjoined by a two storey dwelling on the western side and a single storey semi-detached dwelling on the western side. Directly to the rear is 31 and 39 Beach Road, each three storey residential flat buildings. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings and residential flat buildings.



Figure 1: Site viewed from Glasgow Avenue



Figure 2: Site viewed from the rear facing the back of the dwelling

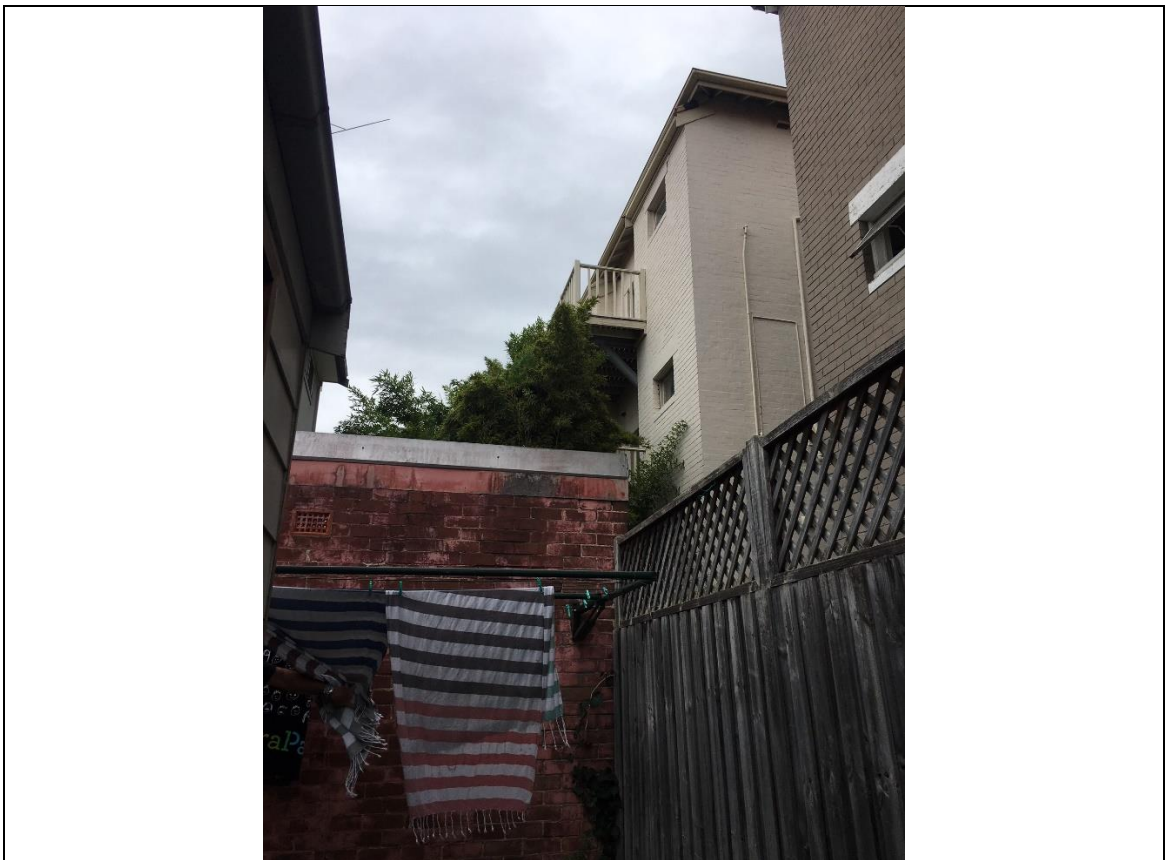


Figure 3: Site viewed from the rear facing south east towards the properties at the rear of the site fronting Beach Road

1.2 Relevant History

Site history:

- DA-632/1995 – Alterations and additions including extension to rear and carport to existing dwelling was approved on 25 October 1995
- DA-733/1995 – Alterations and additions including attic conversion to existing dwelling was approved on 1 November 1995
- PD-26/2017 – Construction of dual occupancy and subdivision was finalised on 26 July 2017. The key outcomes of the meeting are discussed below:

Setbacks

The existence of nil setbacks of outbuildings on the adjoining properties to the north-west and south-east of the site is potentially grounds to allow partial nil rear setbacks on the ground floor level only of the development subject to full assessment of these setbacks on associated amenity impacts which would consider issues raised in any submissions received from adjoining properties.

The rear setbacks of the first and second floor levels are inadequate and contribute to the excessive amount of additional overshadowing to the residential flat building to the south-west of the site. Therefore, the rear setbacks of the upper floor levels must be dictated by the predominant rear building line on comparable floor levels to adjoining and adjacent buildings to the north-west and south-east of the site. Any encroachments past the predominant rear building line would be unlikely supported.

The side nil setbacks of the ground floor level can be supported on merit provided they adjoin the extent of nil side setbacks of the outbuildings on the adjoining properties to the north-west and south-east of the site. The appropriateness of nil side setbacks of the development protruding further forward of the nil setbacks of the outbuildings would be subject to full assessment. Given the development is three storeys; a minimum side setback of 1.5m is required for a new three storey building as outlined by control (a) under section 1.2.2 of Part C1 of WDCP 2012. Notwithstanding, a 1.5m side setback for the uppermost floor level may not be sufficient enough and would depend on how that floor level is treated as either a mansard roof or an attic level.

Streetscape and visual impact

The development utilises contemporary architecture, which would not appear inconsistent with the desired future character of the street. The front building setbacks of the development should be consistent with the predominant front building line in order to maintain the established pattern of consistent street setbacks of buildings on the south-western side of Glasgow Avenue. Further, any third storey component of the development should be secondary in appearance by way of integrating it within a pitched roof form, mansard roof or cotemporary attic level. It should also be sufficiently set in from all building edges of the first and second storey levels and comprise differing materiality to that of the ground and first floor levels of the development in an attempt for it to present subservient and passive.

Dual occupancy development

The minimum lot area for attached dual occupancy (attached) development is 450m². The minor non-compliance is acceptable for a resultant form of pair of semi-detached

dwelling is achieved given the street context being dominated by semi-detached dwellings.

Visual and acoustic privacy

The terraces on the second floor level appear to exceed the maximum size controls for balconies and elevated decks. The terraces are in a central location and are set back considerably from the side boundaries of the site. These factors would assist to mitigate associated privacy impacts upon adjoining properties, which would strengthen the case to support the terraces on merit. Notwithstanding, the balustrade treatment of the terraces needs to be carefully considered in terms of its effect on the overall bulk and scale and aesthetics of the development.

Solar access

The development itself is expected to meet the minimum amount and duration of sunlight received by private open space and living areas of the subject development during mid-winter.

The shadow diagrams submitted with the application show that the proposal will significantly overshadow the majority of north-east facing windows of the adjoining residential flat building to the south-west at 31 Beach Road between 9am and 1pm at mid-winter. The additional overshadowing caused by the proposal would not be supported given the extent of variation to the height and FSR development standards and the inappropriate rear and side setbacks of the proposal. The extent of the additional overshadowing can be reduced by setting the first and second floor levels further back from the rear south-western boundary of the site.

Views

A thorough assessment on impacts on views that may be available across the site has not been conducted for the proposal. Consideration must be given to the NSW Land and Environment Court planning principle on view sharing for any new development on the site, particularly with regard to the availability of views across the site from the adjoining residential flat buildings to the south-west of the site at 31 and 39 Beach Road.

Car parking

The proposal will result in two thirds of the site's street boundary comprised of car parking, which would be adverse to the streetscape and reduce the ability for the front yard area to accommodate genuine landscaped area (i.e. plant types and species other than grass covers). The location and design of car parking should reflect off-street car parking in the street, which is to the sides of properties as a single hardstand car space or a driveway to a rear or side garage. Therefore, a single hardstand car space is supported on the far sides of each resultant lot and or dwelling. Two separate single-width driveways on either side are supported provided two on-street car parking spaces in front of the subject site are maintained.

Landscaping and open space

The site should comply with the minimum overall open space and landscaped area controls. The front yard area of the site should provide the minimum amount of landscaped area required in front building setback areas, which further supports the desire for the width of car parking to be reduced to a single width for each resultant lot

and dwelling. Further, the front yard area should be free of bin enclosures, which should be located behind the front building line and out of sight from the street.

Application history:

The application was deferred on 15 March 2018 to address the following matters:

Streetscape

The proposal is inconsistent with the streetscape character as a result of the following:

- The building exceeds the maximum height of buildings development standard in the LEP
- Three storeys in an area of predominantly two storey scale
- Ground and first floor extending beyond established predominant rear building lines
- Inadequate side setbacks at ground floor level
- Loss of landscaping and vegetation at street frontage

Accordingly it is recommended that to maintain cohesion with the established streetscape setting the application is amended having regard to the above LEP and DCP controls and comments, including removal of the upper floor level. This is further discussed at each section below.

Floor space ratio

The maximum permissible FSR for the site is 0.645:1 based on the site area shown on the title of land. According to our calculations, the proposal has an FSR of 1.15:1 which is significantly in excess of the allowable FSR. Calculation of FSR is based on the existing lot size of 418.1m². Compliance with the maximum permitted FSR is required for this site. In this regard, the proposed second floor level is not supported and must be deleted from the proposal.

At a minimum, compliance with the permitted FSR for the proposed lots (calculated separately for each lot) is required. In this instance, a written request pursuant to clause 4.6 of the WLEP 2012 is required to be submitted to justify any minor non-compliance with the maximum permitted FSR for the existing lot.

Setbacks

An increased setback along both side boundaries is required for the extent of the building. The proposed building exceeds the established predominant rear building lines at both the ground and first floor levels of the building. The nil rear setback at ground floor level is not supported on the basis of inconsistency with the established building line on adjoining sites and the height of the wall on the boundary resulting in excessive bulk to the rear adjoining property. The proposed rear building line at the first floor level is to be amended to reflect that of the predominant building lines established by buildings at Nos. 11 – 37 Glasgow Avenue.

Solar access

The proposed bulk of the development results in overshadowing to the adjoining properties, particularly No. 31 Beach Road. A second floor level is not supported for this site, and it is considered that a two storey form will ensure a reasonable level of solar access is retained at the adjoining properties. Elevational shadow diagrams are to be provided demonstrating the impact to the buildings located on adjoining properties at 9am, 12pm, and 3pm on June 21st.

Landscaping and privacy

The proposed double hardstand car parking spaces located at the front of the site are not supported. The location of the driveways and front hardstands are acceptable provided the street tree and power pole can be retained. However double hardstands are not supported; the area shown as landscaped area (with a car space also depicted) should be allocated as landscaped area (and not used for parking). In this regard, fencing is to be provided between the front hardstands and the proposed landscaped area to ensure these two spaces are delineated.

It is acknowledged that the rear setback area is not the desired location for useable open space. However reconsideration should be given to the allocation of landscaped and open space areas given the likely acoustic impacts of the landscaped area shown on the side of the dwellings extending from the internal living areas. The proposal is to comply with the minimum landscaped, open space and private open space controls stipulated in section C1.12 of the DCP. Further consideration to the allocation of these spaces is to be given, having regard to visual and acoustic privacy impacts and appropriate building lines.

Submissions

The notification of the application has received 27 objections to the proposal; issues raised include streetscape impact, height and bulk, building setbacks, privacy, overshadowing and car parking. This is a strong community reaction to the proposal and Council will be placing a large emphasis on the public interest consideration in the assessment of the application.

A meeting was held with the applicant on 5 April 2018 to discuss the above matters, and amended plans were submitted to Council on 14 May 2018 which were notified to affected properties.

A further set of amended plans were submitted to Council on 6 July 2018 comprising further details of glazing as requested by the Assessment Officer as well as design changes outside the scope of those requested by Council. These plans have not been used for the purposes of assessment as the changes were not requested and may require further notification.

1.3 Proposal

The application seeks approval for the demolition of the existing building and associated structures, and construction of an attached dual occupancy and associated landscaping and Torrens title subdivision into two lots. Details of the proposed development are provided below.

Ground floor

Each dwelling contains:

- One bedroom
- Open plan living, dining and kitchen
- WC
- Small landscaped courtyard at the rear accessed from the living/dining rooms
- Outdoor courtyard alongside boundary accessed from living/dining/kitchen
- One hardstand car parking space at the front of the site, each at the side boundary entrance to the site

First floor

Each dwelling contains:

- Three bedrooms including one master bedrooms with ensuite and balcony facing Glasgow Avenue
- One bathroom

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	The proposal includes Torrens title subdivision into two lots.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> • 325m² 	No	The proposal results in the subdivision of the sites to create two equally proportioned lots measuring 210.4m ² in area, which is below the minimum lot size stipulated in this clause.

Provision	Compliance	Comment
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal reaches a maximum building height of 8.5m which complies with this development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.64:1 	No	The proposal results in a gross floor area of 378m ² equating to an FSR of 0.9:1. This non-compliance is discussed below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the minimum lot size and maximum FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not located within a heritage conservation area nor is it a heritage listed item. The site is not located within close proximity to any heritage listed items which may be affected by this proposal.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located within an area classified as class 5 acid sulfate soils. However, given that the application does not propose works below 5m AHD, the proposal is unlikely to affect the acid sulfate soils and no further investigation is necessary.
6.2 Earthworks	Yes	The proposal seeks approval for excavation below the existing ground line to sink the building down approximately 1.4m for the ground floor and footings of the building. Conditions will be imposed on the consent to ensure excavation is appropriately managed during demolition and construction.

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

Exceptions to Development Standards

Clause 4.1 Minimum subdivision lot size

The size of the lots resulting from the proposed subdivision of the site are 210.4m² each, which is less than the minimum subdivision lot size development standard of 325m² prescribed under clause 4.1 of Waverley LEP 2012 by 114.6m² or 35.3%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The site represents an underutilised land parcel on Glasgow Avenue where some dwellings are substantially larger than the subject dwelling. The prevailing subdivision pattern of Glasgow Avenue is typically under the minimum lot size allocated to the land.
- The proposed variation to the minimum lot size for subdivision remains consistent with the objectives of clause 4.6 by providing flexibility in the application of the development standard to provide more housing in the Bondi Beach area.
- The proposed development has a built form and scale compatible with the surrounding development in the locality.
- The proposed 9.145m frontage of each lot will be commensurate with the majority of existing lot frontages located on Glasgow Avenue.
- The proposed lots are compatible with the prevailing subdivision context of the surrounding locality which is comprised of a broad range of lot sizes.
- The proposal enables a new development that provides landscaped areas and private open space for each new dwelling of high quality and high amenity.
- The proposed lot sizes permit a suitable residential development of appropriate floor space ratio and site coverage that is compatible with the character of adjoining properties, primarily to the east of the site.
- Whilst the proposed development is non-compliant with Council's numerical minimum lot size development standard, the proposal achieves compliance with the objectives of clause 4.1 to reflect the predominant subdivision pattern of the area and to maintain the existing amenity of neighbouring properties.
- The proposal meets the objectives of the R2 Low Density zone as the development will continue to meet the needs of the community within a low density context by providing increased housing within the Bondi Beach locality.
- Support of the non-compliance with the minimum lot size development standard would be in the public interest as the proposal will reflect the established subdivision pattern, enabling provision of a built form commensurate with the desired future character of the locality, and the proposal will not result in any unreasonable adverse environmental impacts upon the amenity of the adjoining properties in relation to overlooking, solar access and visual amenity and the proposed development satisfies the objectives of the WLEP 2012 and the character of the Bondi Beach locality. In this regard, compliance with the minimum lot size for subdivision development standard is considered unreasonable and unnecessary in the circumstances of this case.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

The proposal results in a non-compliance of 114.6m² below the minimum subdivision lot size development standard. The massing of the buildings is located to the rear of the property away from the street frontage of the site, and the proposal provides a built form that is designed to minimise bulk to the public domain. The proposed subdivision allotments enable a built form which is consistent with the desired future character of the site, whilst retaining and enhancing the streetscape. The proposed subdivision lot sizes are consistent with a number of allotments in the vicinity of the site and the existing lot size represents an anomaly within the established subdivision pattern along Glasgow Avenue as it is one of the only larger lot sizes not containing semi-detached or dual occupancy style housing.

The applicant's justification has demonstrated that compliance with the development standard is unreasonable or unnecessary. The proposed building has addressed the objectives of clause 4.1 Minimum subdivision lot size by reflecting and reinforcing the subdivision pattern which is predominant

in parts of Bondi Beach, and enabling a built form which minimises impacts of the development on the amenity of neighbouring properties and the streetscape.

In this regard, the proposed development satisfies the relevant objectives of the standard and the zone, and compliance with the minimum subdivision lot size development standard is unreasonable and unnecessary in the context of this site.

- ***Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard***

The proposal has established sufficient environmental planning ground to justify the subdivision lot size variation.

- ***Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant's written request has adequately addressed the matters required under subclause 3 and the variation to the subdivision lot size development standard is supported.

- ***Clause 4.6(4)(a)(ii) 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***

As outlined above the proposal is consistent with the objectives of clause 4.1 Minimum subdivision lot size and the objectives of the R2 Low Density Residential zone. The proposed variation to the development standard will not undermine the integrity of the development standard and the application is recommended for conditional approval.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.9:1, which exceeds the floor space ratio development standard of 0.64:1 prescribed under clause 4.4A of Waverley LEP 2012 by 108.7m² in gross floor area or 40.36%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The site represents an underutilised land parcel on Glasgow Avenue where some dwellings are substantially larger than the subject dwelling. The prevailing subdivision pattern of Glasgow Avenue is typically under the minimum lot size allocated to the land.
- The proposed development has a built form and scale compatible with the surrounding development in the locality.
- The proposed development provides an appropriate transition in scale from the rear three storey residential flat buildings and the one and storey semi-detached dwellings characterising Glasgow Avenue.
- The proposed variation to the FSR remains consistent with the objectives of clause 4.6 by providing flexibility in the application of the development standard to provide more housing in the Bondi Beach area.
- The proposed large side setback at the front portion of the dwellings will minimise bulk and scale and improve visual amenity to the streetscape and adjoining properties.

- The proposal is in keeping with the diverse character of the area in relation to building bulk, form and scale.
- The proposed development achieves compliance with the objectives of clause 4.4 of the WLEP 2012 by minimising bulk and scale impacts of new development by proposing a comparable bulk, scale and height to the adjoining and surrounding development within the locality.
- The proposal meets the objectives of the R2 Low Density zone as the development will continue to meet the needs of the community within a low density context by providing increased housing within the Bondi Beach locality.
- Support of the non-compliance with the FSR development standard would be in the public interest as the proposal enables provision of a built form commensurate with the desired future character of the locality and the proposal will not result in any unreasonable adverse environmental impacts upon the amenity of the adjoining properties in relation to view loss, overlooking, solar access and visual amenity and the proposed development satisfies the objectives of the WLEP 2012 and the character of the Bondi Beach locality. The proposed development provides an excellent internal dwelling layout for each dwelling with good circulation, natural ventilation, passive solar access and amenity of the occupants of the development. In this regard, compliance with the FSR development standard is considered unreasonable and unnecessary in the circumstances of this case.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

The proposal results in a non-compliance of 108.7m² above the floor space ratio development standard.

The proposed excess in FSR across the site is accommodated predominantly in the side boundary nil setbacks where the existing garages are located. The existing garages are not included in the gross floor area calculations, however they contribute to visual bulk on the site, and the proposed nil side boundary setbacks at the rear of the site reflect the established built character of the site, whilst improving the amenity for neighbouring properties to the front of the site by increasing side setbacks for the front portion of each dwelling. Given the proposal complies with the maximum building height and is consistent with the predominant rear building lines for each floor level, the proposed additional floor space accommodated in this area of the development does not have any unreasonable adverse visual bulk, overshadowing and privacy impacts. In this regard, the numerical non-compliance with FSR on the site enables provision of a built form which is commensurate with the established character of buildings within the vicinity of the site, and does not result in unreasonable and unacceptable amenity impacts for neighbouring properties or the streetscape. Further, the proposed development is sympathetic to the existing built form on neighbouring sites, and facilitates a development consistent with the desired future character of the area.

The applicant's justification has demonstrated that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the sites, and the proposed development addresses the objectives of clause 4.4 Floor space ratio by providing an appropriate correlation between the maximum building heights and density controls, acceptable building bulk and scale within the existing streetscape and character of the locality, and preserving the environmental amenity of surrounding properties and the amenity of the locality.

In this regard, the proposed development satisfies the relevant objectives of the standard and the zone, and compliance with the FSR development standard is unreasonable and unnecessary in the context of this site.

- ***Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard***

The proposal has established sufficient environmental planning ground to justify the FSR variation.

- ***Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant's written request has adequately addressed the matters required under subclause 3 and the variation to the FSR development standard is supported.

- ***Clause 4.6(4)(a)(ii) 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***

As outlined above the proposal is consistent with the objectives of clause 4.1 Minimum subdivision lot size and the objectives of the R2 Low Density Residential zone. The proposed variation to the development standard will not undermine the integrity of the development standard and the application is recommended for conditional approval.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application which is satisfactory with regard to this clause, subject to relevant conditions being imposed on the consent.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application which is satisfactory with regard to this clause, subject to relevant conditions being imposed on the consent.
5. Tree preservation	Yes	The existing street tree will be retained and conditions imposed on the consent will ensure its protection throughout construction. There are not any other significant trees located on the site.
6. Stormwater	No	The proposal is considered not satisfactory with regard to stormwater, which is discussed further at the 'Referrals' section of this report.

Development Control	Compliance	Comment
8. Transport	Yes	The proposal seeks approval for new driveways on either side boundary of the site gaining access from Glasgow Avenue at the front of the site. Whilst the proposal will introduce an additional driveway to the site, two on-street vehicle spaces will be retained in between the proposed driveways. The car parking will be hardstand spaces only and therefore will not dominate the streetscape or have any associated bulk. The proposed car parking is discussed in relation to Council's detailed controls at section C1.11 of table 3 of this report.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No – acceptable	<p>The proposal reaches a maximum overall building height of 8.5m. Whilst this exceeds the maximum 7.5m control permitted under this clause, the main bulk of the dwelling only reaches a maximum height of 6.6m. The portion of the roof which exceeds 7.5m is a centralised portion that is set back from the front, side and rear boundaries of the proposed building.</p> <p>The proposed height satisfies the objectives of this clause in that the proposal does not impact on views across the site, the overall height of the building suitably relates to the established character of development in the vicinity of the site, and the proposal enables adequate retention of solar access to the neighbouring properties at the rear (south) of the site as discussed at section 1.9 of this table. In this regard, the overall flat roof height is supported on merit.</p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes No - acceptable	<p>The proposed development aligns with the predominant front building lines at the ground and first floor levels of development in the direct vicinity of the site with the exception of the extension forward at ground floor level to accommodate storage. The development is required to extend no further forward than the established front building line, and the proposed storage presents as additional bulk to the street. The proposed added bulk at the street frontage</p>

Development Control	Compliance	Comment
		<p>for storage purposes is not supported and will be deleted via condition of consent.</p> <p>The proposed ground floor level has a nil setback to the rear boundary for a portion of the building. The portions of the building with a nil setback to the rear boundary reflect the existing garages in these locations. Whilst this exceeds the predominant building lines established for dwellings, it is considered that this area to the rear of the building is not a useable open space area and the proposed setback does not unreasonably affect the solar access of adjoining properties. The established character of development along this section of Glasgow Avenue is comprised of rear garages at the rear corners of the sites. Therefore the bulk located in these locations is supported on merit given the established character of development in the locality.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m 	<p>No – acceptable on merit</p>	<p>The proposed development provides the following side setbacks:</p> <p>Ground floor: 0m – 4m</p> <p>First floor: 1.5m – 3.5m</p> <p>The proposed nil setback at the ground floor level is located at the rear component of the building where the existing garages are located (south eastern and south western corners of the site). Further, the nil side setbacks align with the outbuildings located at the adjoining properties Nos. 23 and 27 Glasgow Avenue. Whilst the extent of nil setbacks extend beyond the length of the outbuildings at the adjoining sites, the extensive side setbacks provided along the front portion of the dwelling provided significantly reduced impacts compared to a compliant 900mm setback dwelling, and the balanced outcome is supported on merit. The proposed nil setbacks are not located adjacent to the private open space of the adjoining dwellings and do not have an unreasonable overshadowing impact to neighbouring properties.</p> <p>Further, the proposed first floor level is provided with far greater side setbacks than required providing further visual separation from neighbouring dwellings. The non-compliant side</p>

Development Control	Compliance	Comment
		setbacks for a portion of the ground floor level is supported on merit in light of the acceptability of amenity impacts.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	No – acceptable subject to conditions	The application seeks approval for excavation within the 900mm side and rear boundary setbacks. Relevant conditions will be imposed on the consent to ensure excavation is appropriately managed and any disturbances are minimised.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context Development must not dominate the streetscape Maintain the established character of the building in terms of significant landscaping 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	The proposed development is a two storey built form which is consistent with the building typology along Glasgow Avenue. The proposed pop-up roof of the first floor level is centrally located and set back from the street frontage of the site does not dominate the streetscape. The proposal responds to the transitional character of the locality between the three storey residential flat buildings along Beach Road to the south of the site and the one to two storey dwelling and semi-detached dwelling style buildings along Glasgow Avenue. The existing landscaping forward of the building is replaced with other landscaping so as to ensure provision of landscaping forward of the building to soften the impact of the development.
1.5 Dual occupancy development		
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached 	No – acceptable on merit	The site has an area of 418.1m ² which falls short of the minimum permitted site area for an attached dual occupancy. Given the established subdivision pattern and character of development in the locality, the proposed dual occupancy is consistent with the locality and as discussed at the 'Exceptions to development standards' section of this report, the proposed development is suitable for the site and the variation to this clause is supported on merit.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes - merit</p> <p>No - condition</p>	The proposed front fencing measures up to a height of 1.2m for the majority of the street frontage. There is a portion of the front fence that measures up to 1.8m in height; this portion of the fence is in the centre of the site frontage and relates to an enclosure set behind. A condition is recommended to reduce the front fence height to 1.2m and reduce the scale of the enclosure along the shared central boundary. The resultant effect is that the fence is

Development Control	Compliance	Comment
adjoining properties on 21 June		<p>direct sunlight to solar collectors for just less than 3 hours between 9am and 3pm at mid-winter at No. 31 Beach Road; the property located directly to the south of the subject site.</p> <p>The adjacent property receives sunlight to all habitable windows between 1pm and 3pm, and the kitchen and laundry windows on the northern elevation receive partial sunlight at 12pm. Given the narrow depth of the open space at the rear of No. 31 Beach Road, it is not considered necessary to protect the solar access in this location, and given the proposal's compliance with the height development standard it is near impossible to retain solar access to this space. The partial compliance with the solar access controls is supported on merit in light of the suitability of the design, the protection of solar access for almost 3 hours and the compliance of the proposal with the height development standard. The proposed built form generally fits in with the character of development in the locality and the minor non-compliance with solar access to the property at No. 31 Beach Road is considered appropriate.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings 	<p>Yes</p> <p>Yes</p>	The proposal does not obstruct any notable views across the site from neighbouring properties or the public domain. No objections have been received in relation to view loss. The proposal satisfies the objectives and controls this clause.
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The proposal includes on hard stand parking space for each dwelling, which is consistent with the maximum parking rates under this clause.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	<p>No</p> <p>Yes</p>	The proposed car parking is forward of the building line, however the existing car parking comprises a carport forward of the building line at the north-western corner of the site. The proposed car parking is in the form of hardstand parking spaces with no cover, therefore presenting a reduced car parking bulk from the

Development Control	Compliance	Comment
		<p>existing carport located forward of the building line. The proposed location and design of car parking reflects the character of off-street car parking in the street, which is to the sides of properties as a single hardstand car space or a driveway to a rear or side garage.</p> <p>The site is of a sufficient width to ensure the car parking consumes 38% of the site frontage which is less than the maximum 45% required by this clause.</p> <p>Given the proposed site layout, the principal private open space will be located along the side boundary setbacks and therefore car parking is restricted to the front of the site. The location of the car parking is supported on merit in light of the established character of parking in the locality as well as the absence of any visual impacts from the parking being located forward of the building line.</p>
1.11.3 Design <ul style="list-style-type: none"> Car parking is to be designed to complement style, massing and detail of the dwelling to which it relates Vehicle access is not to remove any street planting without consent Where parking is provided at dual occupancies 	<p>Yes</p> <p>Yes</p> <p>No – acceptable on merit</p>	<p>The car parking does not detract from the proposed dwellings and the existing street tree is being retained. Conditions are imposed on the consent to ensure protection of the tree during construction.</p> <p>Whilst the proposal includes two single driveways for the dual occupancy, the layout of the driveways is consistent with the established pattern of driveways on Glasgow Avenue. The driveways are located along the outer edges of the site is supported in light of the established pattern of driveways along Glasgow Avenue and the provision of private open space along the side setback area.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The proposed car parking provides the minimum dimensions for each hardstand space.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes - merit	The proposed driveways align with those at the neighbouring properties on either side. Given the proposal includes Torrens title subdivision, there will only be one driveway crossover per subdivided property. The driveways measure 3.5m in width each. However, the driveways retain two on-street parking spaces in between the driveways and therefore the widths are acceptable.
1.12 Landscaping and open space		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Overall open space: 136.5m² (32.4%)</p> <p>Overall landscaped area: 90.4m² (21.5%)</p> <p>Private open space: 75.9m²</p> <p>Front open space: 15m² (50%)</p> <p>Front landscaped area: 12m² (80%)</p> <p>The proposal does not achieve the minimum required open space control for the entire site. In light of the deletion of the storage area forward of the building line, the useable open space at the front of the dwelling will be increased, and the currently proposed open space along the side of the dwellings is considered suitable given they are a consolidated area. The established character of development along Glasgow Avenue comprises building with very small rear setbacks, and predominantly providing greater side setbacks to accommodate open space. The proposal is consistent with this character and is considered suitable.</p>

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

26 submissions were received in relation to the original proposal, and 7 submissions were received in relation to the amended proposal. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
2/4 Glasgow Ave – Original
3/4 Glasgow Ave – Original
12 Glasgow Ave – Original
14 Glasgow Ave – Original
16 Glasgow Ave – Original
21 Glasgow Ave – Original
23 Glasgow Ave – Original & Amended
24 Glasgow Ave – Original
30 Glasgow Ave – Original
31 Glasgow Ave – Original
32 Glasgow Ave – Original
34 Glasgow Ave – Original & Amended
35 Glasgow Ave – Original & Amended
36 Glasgow Ave – Original
37 Glasgow Ave – Original
38 Glasgow Ave – Original
40 Glasgow Ave – Original
43 Glasgow Ave – Original & Amended
45 Glasgow Ave – Original & Amended
47 Glasgow Ave – Original
52 Glasgow Ave – Original & Amended
58 Glasgow Ave – Original & Amended
60 Glasgow Ave – Original
31 Beach Road – Original
41 Beach Road – Original
Eastern Suburbs Heritage Society – Original

Issue: Variation to minimum lot size

Response: Discussion is provided at the ‘Exceptions to development standards’ section of this report, and the variation to the minimum lot size for subdivision development standard is adequately justified.

Issue: Non-compliance with height of buildings development standard

Response: The amended proposal complies with the height of buildings development standard, however remains non-compliant with the flat roof height control stipulated in the WDCP 2012. This is discussed at table 3 of this report and is supported on merit.

Issue: Non-compliance with the Floor Space Ratio development standard and associated bulk and scale impacts

Response: Discussion is provided at the ‘Exceptions to development standards’ section of this report, and the variation to the Floor Space Ratio development standard is adequately justified.

Issue: Non-compliant side and rear building setbacks

Response: The proposed nil setbacks at the side and rear of the development are considered suitable on merit as discussed at table 3 of this report.

Issue: Rooftop terrace and associated privacy impacts

Response: The amended proposal does not include a roof terrace. The proposed balconies to the first floor level are provided with adequate privacy screening to either end of the balconies and given their location at the front of the dwelling, they do not directly overlook any private open space of neighbouring properties.

Issue: Second driveway and loss of on-street car parking

Response: The proposal retains two on-street car parking spaces in between the two driveways proposed. Therefore the driveway does not result in the loss of more than one on-street car parking space.

Issue: Proposed building over sewerage maintenance access point

Response: The plans must be presented to a Sydney Water Quick Check Agent for their approval prior to beginning construction. Building over any Sydney Water assets will be dealt with at this stage.

Issue: Incorrect and misleading information submitted with the application

Response: The application is assessed by Council on merit against Council's controls. The information submitted with the application is considered satisfactory for assessment purposes.

Issue: The proposal does not meet the objectives of the WLEP 2012 and there are insufficient planning grounds to justify contravention of the development standards

Response: The amended proposal satisfies the relevant objectives of the WLEP 2012 and provides suitable justification to contravene the minimum lot size and FSR development standards as discussed at the 'Exception to development standards' section of this report.

Issue: The proposal does not provide the minimum open space required by the WDCP 2012

Response: The provision of open space, whilst non-compliant with the requirements of the WDCP 2012, is sufficient to provide adequate private open space, and is consistent with the established character of built form in the vicinity of the site. Discussion is provided at table 3 of this report, and the non-compliance is considered reasonable.

Issue: The proposed height of fences is inconsistent with that required by the WDCP 2012

Response: As discussed at table 3 of this report, the proposed side fence heights are to be reduced to comply with that required under the WDCP 2012. The proposed front fence height is consistent with the adjoining fences to the east of the site and is considered suitable.

Issue: The proposal is inconsistent with the streetscape character in terms of bulk and scale

Response: The proposed development represents a contemporary approach to reflect the established character of development in the locality predominantly comprising semi-detached dwellings and dual occupancies. The amended proposal has reduced the building height from 3

storeys to 2 storeys, and provides a suitable streetscape outcome. The proposal complies with the maximum height of buildings development standard and is of a suitable scale so as not to dominate the existing streetscape, whilst ensuring consistency with the desired future character for the area.

Issue: Overshadowing

Response: Discussion is provided at table 3 of this report in relation to solar access and overshadowing. The proposal enables suitable retention of solar access to all adjoining properties.

2.5 Public Interest

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

3. REFERRALS

3.1 Driveways – Creating Waverley

Internal referral comments have been sought from Council’s Manager – Traffic and Development. The comments are summarised below.

The application has been examined and is considered suitable subject to the following conditions being imposed on the consent:

- *Construction Vehicle and Pedestrian Plan of Management*
- *New vehicle crossing*
- *Swept wheel path drawings*
- *Vehicular access – finished level*
- *All building materials stored on site*
- *Existing vehicle crossing is to be closed*

In light of the above comments, relevant conditions will be imposed on the consent.

3.2 Stormwater – Creating Waverley

Internal referral comments have been sought from Council’s Manager Design – Creating Waverley. The comments are summarised below.

The application has been examined and the application is considered not satisfactory. The drawings do not comply with the WDCP 2012 in relation to Waverley Council’s Water Management Technical Manual with respect to the following:

- *It is proposed to dispose of stormwater through infiltration. It must comply with section 3.1.1 of Waverley Council’s Water Management Technical Manual. This includes providing a full geotechnical report showing calculations for rate of infiltration and hydraulic conductivity as determined by a Geotechnical Engineer using an appropriate field or laboratory test. Submitted drawings must show plans, sections and details of infiltration trench to be considered.*
- *Checklist as set out in page 22 of Waverley Council’s Water Management Technical Manual is also required.*

- *Note: Since a sewer main runs through rear side of the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.*

In light of the above comments, relevant conditions will be imposed on the consent.

3.3 GIS – Digital Waverley

Internal referral comments have been sought from Council's GIS Officer. The comments are summarised below.

Should the application be supported, the following conditions shall be imposed:

- *The subdivision of the properties has led to the following allocation of primary address numbers:*
 - *No. 25A Glasgow Street for the eastern allotment - proposed Lot A;*
 - *No. 25B Glasgow Street for the western allotment - proposed Lot B.*
- *The primary address 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 Glasgow Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate. Any variation to the above premises numbering requires a new application to be lodged with Council.*

In light of the above comments, relevant conditions will be imposed on the consent.

3.4 Tree Management Officer – Open Spaces, Clean and Attractive Waverley

Internal referral comments have been sought from Council's Tree Management Officer. The comments are summarised below.

The proposed driveway is sufficient distance from the tree to have no effect on its root zone. The application is supported, subject to standard conditions being imposed, as well as a Tree Bond of \$1000 being required for the protection of the street tree.

In light of the above comments, relevant conditions will be imposed on the consent.

4. SUMMARY

The application seeks approval for the demolition of the existing dwelling and associated structures on the site, and construction of a two storey attached dual occupancy with hardstand car parking forward of the dwelling and associated Torrens title subdivision. A Pre-Development Application meeting was held at the Council Chambers on 25 July 2017, and written feedback was provided to the applicant as discussed throughout the history section of this report. The Development Application was deferred to address a number of issues relating to streetscape, floor space ratio, setbacks, solar access, landscaping and privacy. The amended proposal generally satisfies the objectives and controls of Council's Waverley Development Control Plan 2012 and Waverley Local Environmental Plan 2012. 27 submissions were received throughout the original notification, and 7 submissions were received in the notification period for the amended plans. The submissions have been addressed throughout this report, via amended plans or via conditions of consent. In light of the assessment made

throughout this report, the application is recommended for approval subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Alice Hanigan
Development Assessment Planner

Angela Rossi
Manager, Development Assessment

Date: 9 July 2018

Date: 13 July 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos 10-00D, 10-01G, 10-02C, 10-03G, 10-04G, 10-05G, 20-01E, 20-02E, 30-01E, 30-02E, 30-03E, 30-04E, 60-02D, 60-03C, tables and documentation prepared by Carter Williamson, and received by Council on date 14 May 2018;
- (b) BASIX Certificate;
- (c) Draft Subdivision Plan prepared by Harrison Friedmann & Associates Pty Ltd, dated 28/11/2017 Reference 60578 BW, 2 Sheets and received by Council on date 14 May 2018;
- (d) Schedule of Materials and Finishes Plan No 60-02D prepared by Carter Williamson, and received by Council on date 14 May 2018;
- (e) Landscape Plan No 10-07G prepared by Carter Williamson, and received by Council on date 14 May 2018;
- (f) Stormwater Plans and Details as approved by Council's Creating Waverley Council;
- (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:

- (a) The front fence shall be limited to 1.2m in height (as measured above footpath level) and must taper with the slope of the land;
- (b) The side boundary fencing shall be no greater than 1.8m in height (measured above existing ground level) and must taper with the slope of the land;
- (c) The plans shall be amended to provide details of the window glazing and operability
- (d) The proposed extension of the building to the front boundary at ground floor level for storage purposed / garbage enclosure purposes is to be deleted. A lightweight style enclosure of maximum 1.5m height is only supported.

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

3. PARKING ON-SITE

Parking for each dwelling shall be limited to 1 hardstand carspace per dwelling. In this regard, the central courtyard adjacent to each dwelling shall not be used for parking at any time and shall be separated by a fence.

4. DOMESTIC HEATERS

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

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. USE OF DWELLING

Each dwelling respectively (being 25A and 25B Glasgow Avenue) is to be used only as a single unit dwelling house.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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.

8. 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.

9. LONG SERVICE LEVY

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

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

10. TREE BOND

A bond of \$1,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

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

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

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

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

12. SERVICE AUTHORITIES

If required, the applicant is to seek approval from any relevant authority regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

13. HOARDING REQUIRED

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

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

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

15. EROSION, SEDIMENT AND POLLUTION CONTROL

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

16. STORMWATER MANAGEMENT

- a) The stormwater plans submitted with the application are considered not satisfactory with regard to stormwater. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual and the following details shall be submitted for approval of the Executive Manager Design – Creating Waverley prior to the issue of a Construction Certificate:
 - i. It is proposed to dispose of stormwater through infiltration. It must comply with section 3.1.1 of Waverley Council's Water Management Technical Manual. This includes providing a full geotechnical report showing calculations for rate of infiltration and hydraulic conductivity as determined by a Geotechnical Engineer using an appropriate field or laboratory test. Submitted drawings must show plans, sections and details of infiltration trench to be considered.
 - ii. Checklist as set out in page 22_of Waverley Council's Water Management Technical Manual is also required.
- b) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.
- c) Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

17. 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.

The recommendations outlined in the Geotechnical Report prepared by Dougal Partners and received by Council on 16 April 2018 are to be implemented throughout construction.

18. 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.

19. 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.

20. 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.

21. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.
Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.

- (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- e. Include swept wheel drawings, prepared by a suitably qualified and experienced traffic engineering consultant showing movements into and out of the site using the largest design vehicle proposed at the site during all stages of development.
- f. Show details and locations of any temporary driveways.

22. SWEPT PATH DRAWINGS

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, 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 path of vehicles entering and exiting the hardstand areas from Glasgow Avenue shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

23. ROOFWATER GUTTERING

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

24. BASIX

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

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

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

25. USE OF RENEWABLE TIMBERS

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

26. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. TOILET FACILITIES

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

34. DILAPIDATION REPORTS

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

Please note the following:

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

35. 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.

36. 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.

37. 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.

38. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

39. 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.

40. 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.

41. 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.

42. TEMPORARY DIVERSION OF ROOF WATERS

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

43. 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.

44. 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.

45. 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.

46. BUILDING CODE OF AUSTRALIA

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

47. 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;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling the pool.

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

48. 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.

49. 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.

50. 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.

51. 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.

52. IN-SINK WASTE DISPOSAL SYSTEMS

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

53. ENCROACH BEYOND THE BOUNDARIES

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

54. 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.

55. 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.

56. 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.

57. SERVICE PIPES

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

58. STREET TREES

No existing street trees shall be removed without Council approval. A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

59. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

60. 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.

61. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

62. NEW VEHICLE CROSSING

New vehicle crossings are to be provided to access the proposed hardstands. A separate application is required to be submitted to Council for the vehicle crossings with all work to be carried out with the approval of and in accordance with the requirements of Council.

63. VEHICULAR ACCESS - FINISHED LEVEL

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

64. WORK OUTSIDE PROPERTY BOUNDARY

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

65. REAR, SIDE AND INTERNAL DIVIDING FENCE HEIGHT

Any side boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property.

Any rear boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the subject property.

Any internal dividing fencing on site is not to exceed a maximum height of 1.8m above the proposed ground level of the subject property.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

66. 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.

67. 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.

68. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a 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.

69. STORMWATER MANAGEMENT

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

70. ALLOCATION OF STREET NUMBER

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

- No. 25A Glasgow Street for the eastern allotment - proposed Lot A;
- No. 25B Glasgow Street for the western allotment - proposed Lot B.

The primary address 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 Glasgow Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

71. 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.

72. 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.

73. 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.

stage	DEVELOPMENT APPLICATION
project	Proposed New Dwellings
for	Steve Watson & Cathe Stack
at	25 Glasgow Avenue, Bondi, NSW 2026
on	09.05.18
architects	

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Drawing List

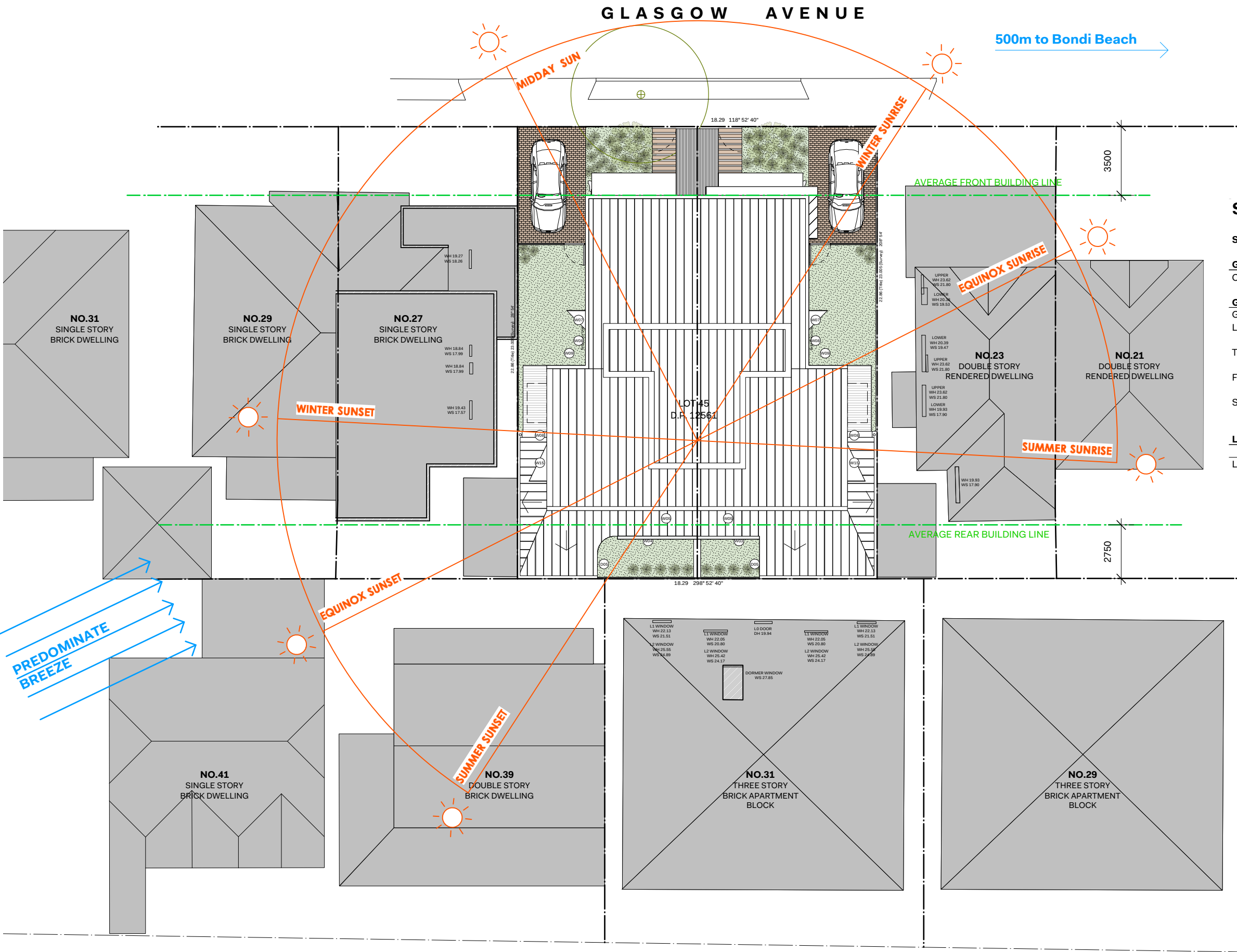
Dwg No.	Sheet Name	Scale	Rev. No.	Rev. Date
10-00	Plan: Subdivision Plan	1:100	D	9/5/18
10-01	Plan: Site Analysis	1:200	G	9/5/18
10-02	Plan: Demolition Plan	1:100	C	13/4/18
10-03	Plan: Ground Floor	1:100	G	9/5/18
10-04	Plan: Level 01	1:100	G	9/5/18
10-05	Plan: Roof	1:100	G	9/5/18
10-07	Landscape Plan: Ground Floor	1:100	D	9/5/18
20-01	Section: AA	1:100	E	9/5/18
20-02	Section: BB	1:100	E	9/5/18
30-01	Elevation: North	1:100	E	9/5/18
30-02	Elevation: South	1:100	E	9/5/18
30-03	Elevation: East	1:100	E	9/5/18
30-04	Elevation: West	1:100	E	9/5/18
60-01	Plan: Gross Floor Area	1:200	C	9/5/18
60-02	Material Sample Board	1:100	D	9/5/18
60-03	Plan: Site management plan	1:100	C	9/5/18
70-01	Shadow Analysis - 21 JUNE - 9AM	1:100	F	9/5/18
70-02	Shadow Analysis - 21 JUNE - 12PM	1:100	F	9/5/18
70-03	Shadow Analysis - 21 JUNE - 3PM	1:100	F	9/5/18
70-09	Shadow Analysis - 21 JUNE - Elevation	1:100	C	9/5/18
70-10	Shadow Analysis - 21 JUNE - Elevation	1:100	C	9/5/18
70-11	Shadow Analysis - 21 JUNE - Elevation	1:100	C	9/5/18
80-01	Notification Plan: Site Analysis	1:100	C	9/5/18
80-02	Notification Plan: Elevations	1:100	C	9/5/18
80-03	Notification Plan: Elevations	1:100	C	9/5/18
90-01	Perspective View 1	N/A	D	9/5/18
90-02	Perspective View 2	N/A	D	9/5/18
90-03	Perspective View 3	N/A	D	9/5/18

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Note: Any information for neighbouring buildings not provided by survey 12-33A, is indicative only, obtained from google maps + site photographs.



SITE ANALYSIS

SITE AREA:

420.80 m2

GROSS FLOOR AREA (GFA)

Calculated under LEP 2012

Gross Floor Area	Existing	Proposed		
Ground Floor	136.00 m2	218 m2		
Level 01	16.00 m2	160 m2		
Total	152.00 m2	378 m2		
FSR	0.36:1	0.90:1		
SITE COVERAGE	203	48.24%	249.80 m2	59.36%

LANDSCAPE

Existing	Proposed			
Area	Area			
%	%			
Landscape	158m2	37.5%	87.4m2	20.8%

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1 Existing Site Plan
1:200

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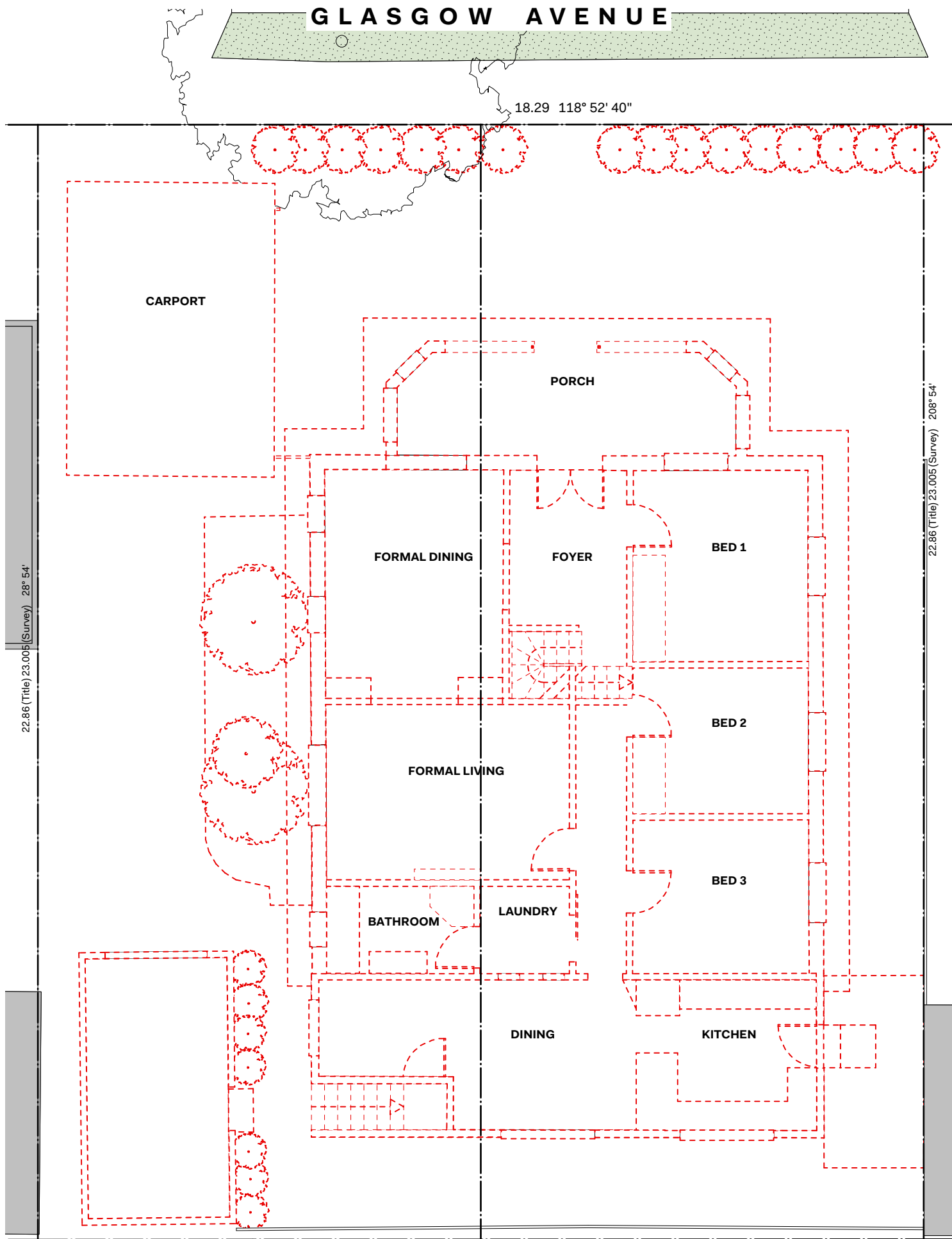
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A 11/7/17
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10-01 G

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1 Demolition Plan: Ground Floor
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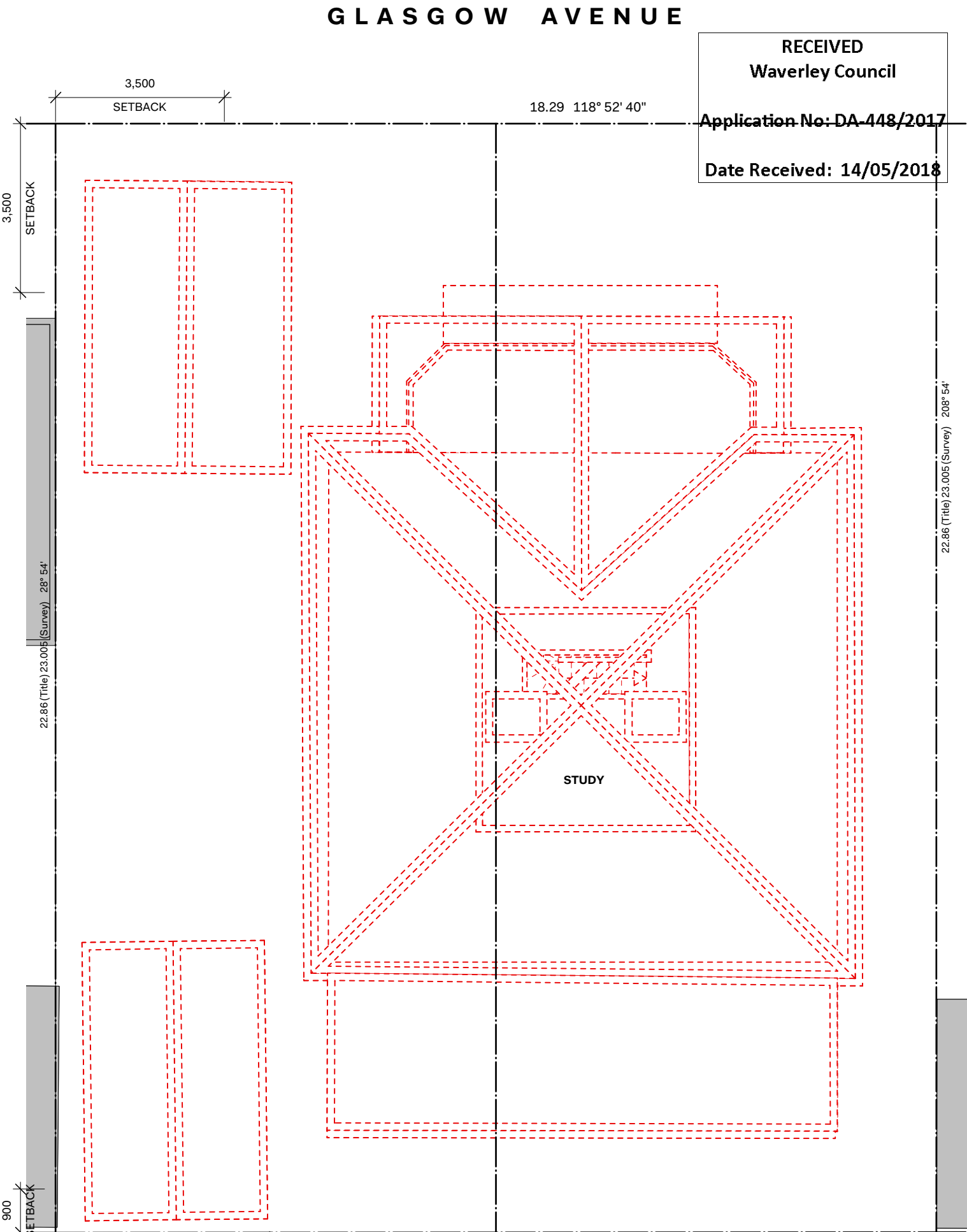
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Plan: Demolition Plan
10-02 C
161



2 Demolition Plan: Level 01
1:100

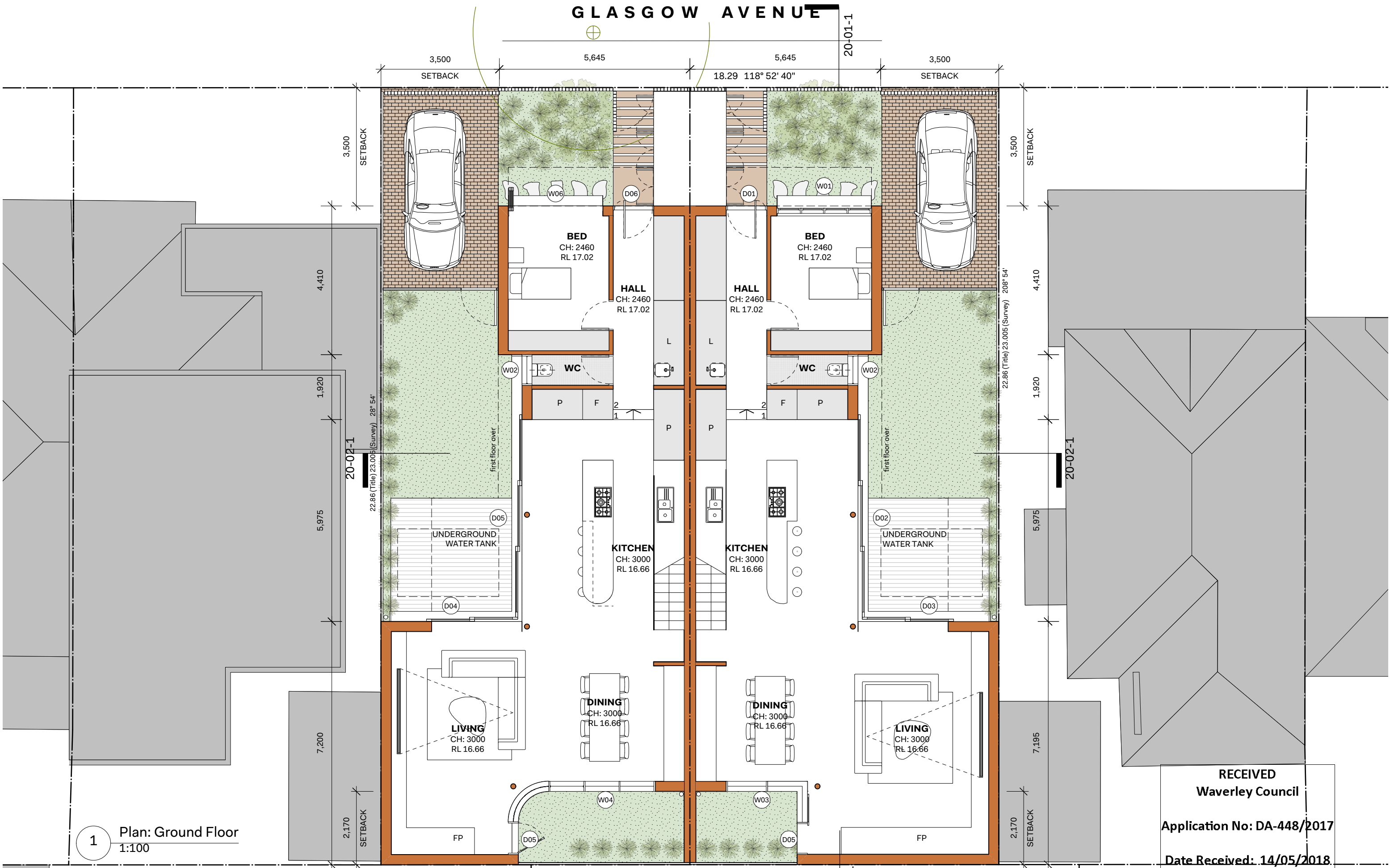
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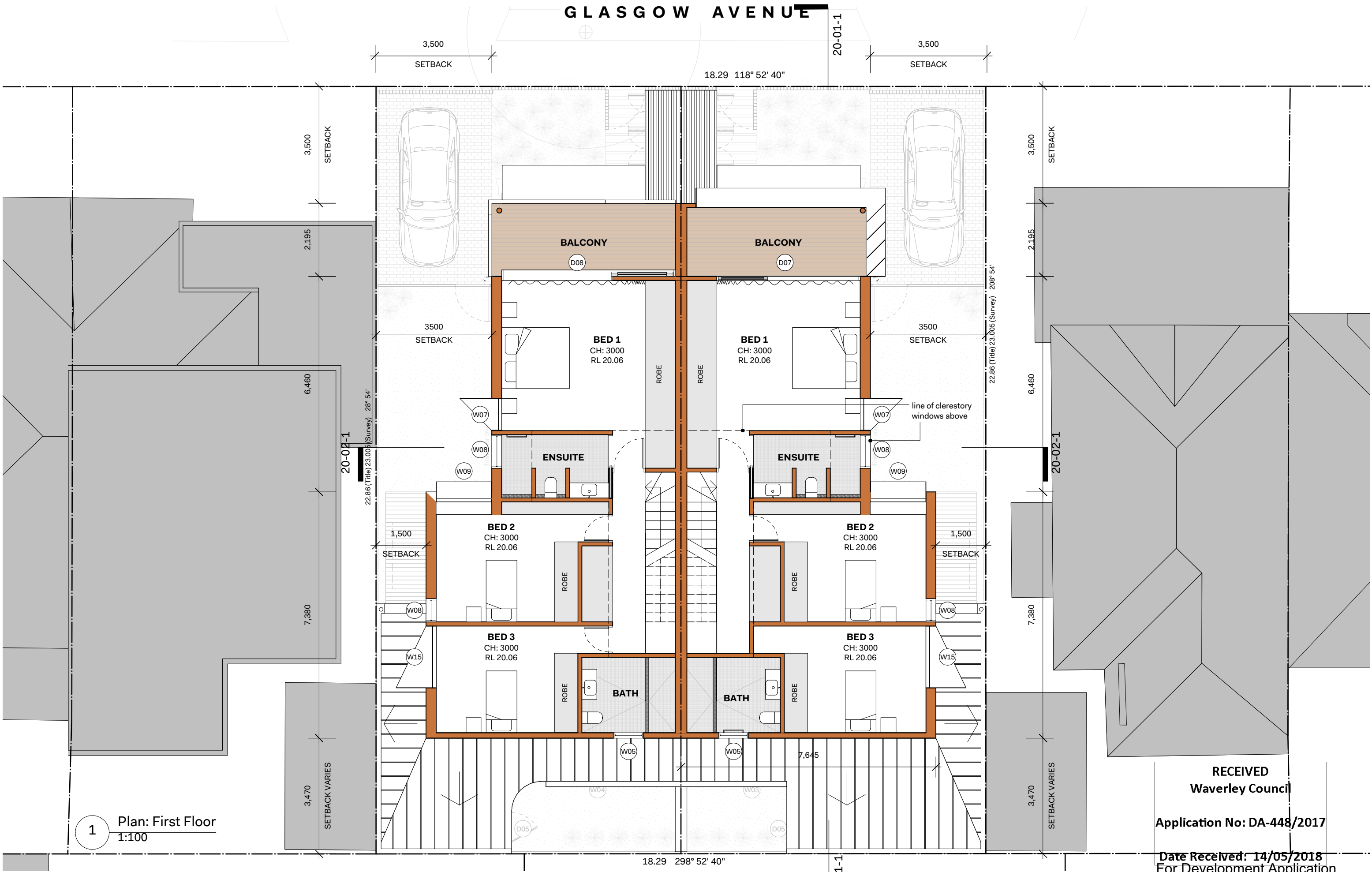
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1 Plan: First Floor
1:100

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Plan: Level 01

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10-04 G

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The diagram illustrates the proposed driveway layout with the following dimensions and setbacks:

- Left Side:** A setback of 3,500 units is indicated from the left boundary to the first driveway line. A second setback of 3,500 units is indicated from the second driveway line to the right boundary.
- Driveway Widths:** The width of the first driveway is 5,645 units, and the width of the second driveway is also 5,645 units.
- Right Side:** A setback of 3,500 units is indicated from the right boundary to the second driveway line.
- Central Dimensions:** The distance between the two driveway lines is 18.29 units. The angle between the driveway lines and the central boundary is 118° 52' 40".



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Plan: Roof

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1 North Elevation
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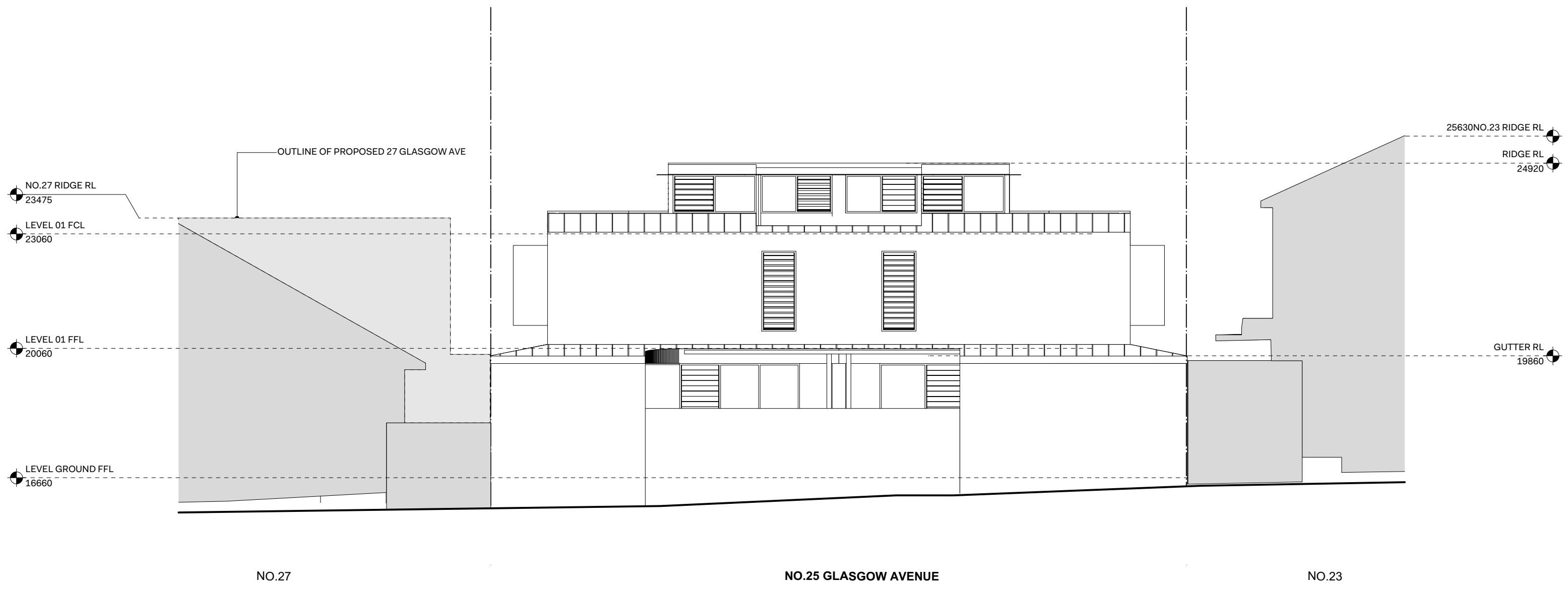
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30-01 E

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1 South Elevation
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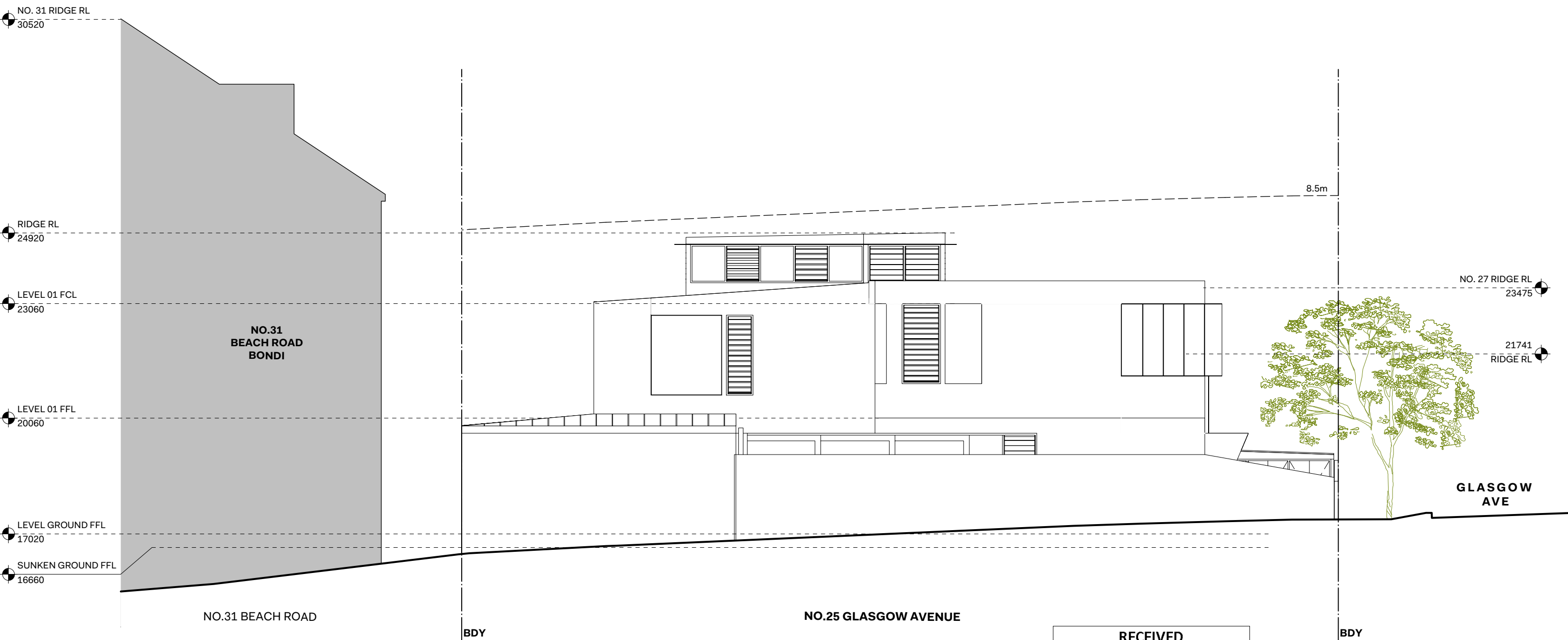
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Elevation: South

30-02 E

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1 East Elevation
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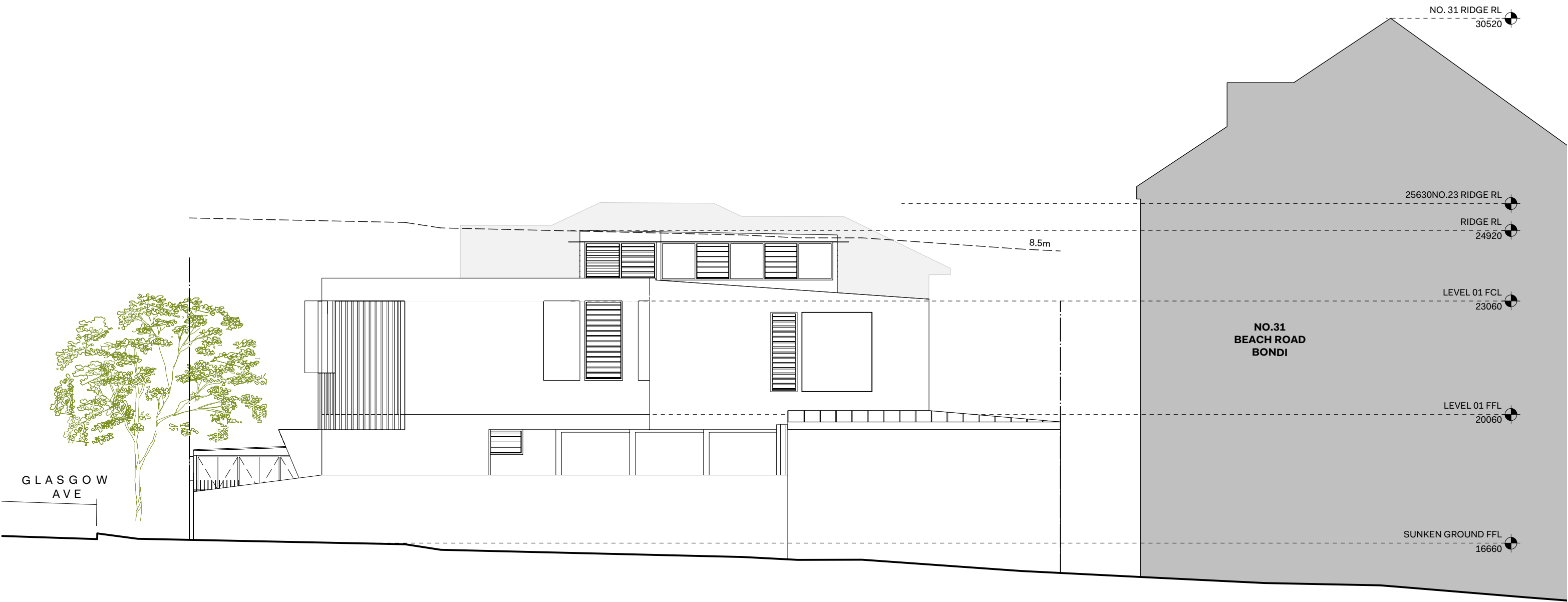
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Elevation: East

30-03 E 167



2 [Drawing Title]
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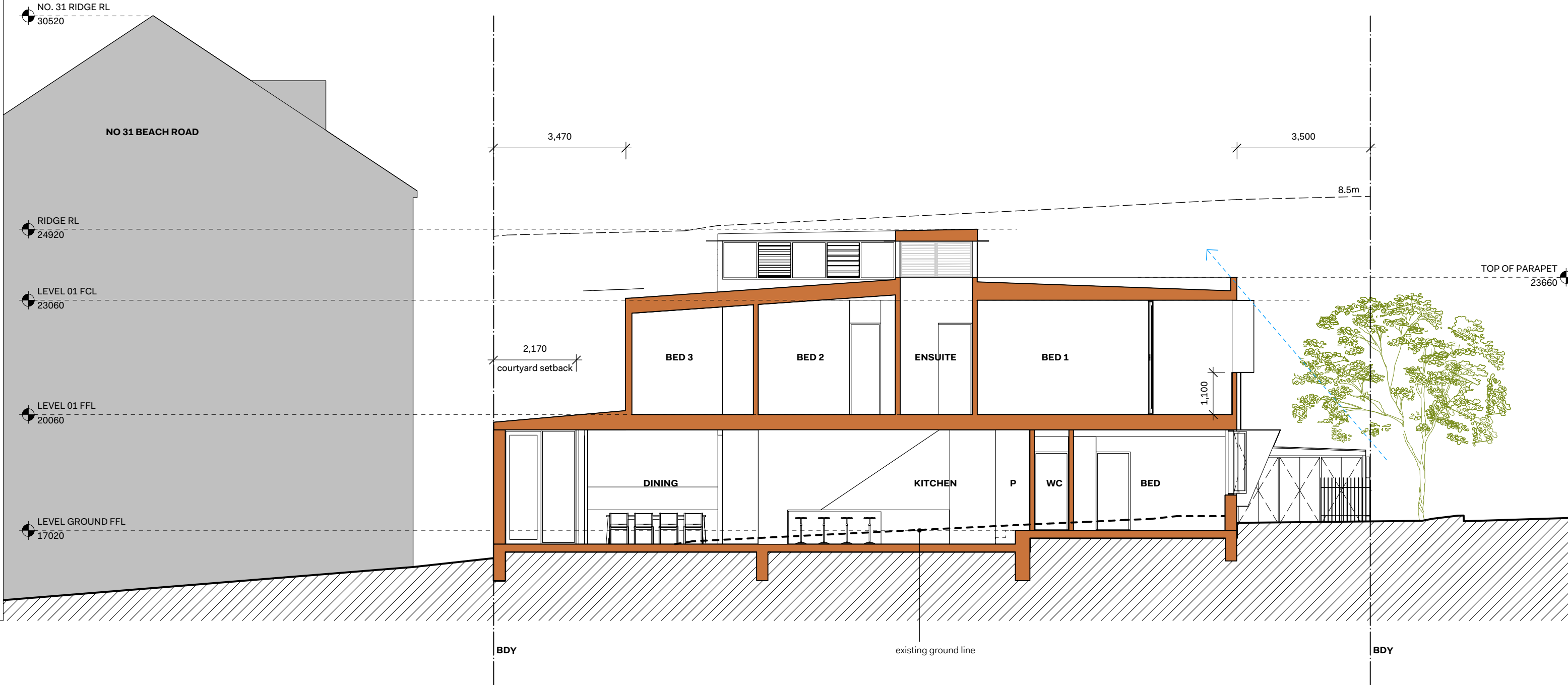
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Elevation: West

30-04 E

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1 Section AA
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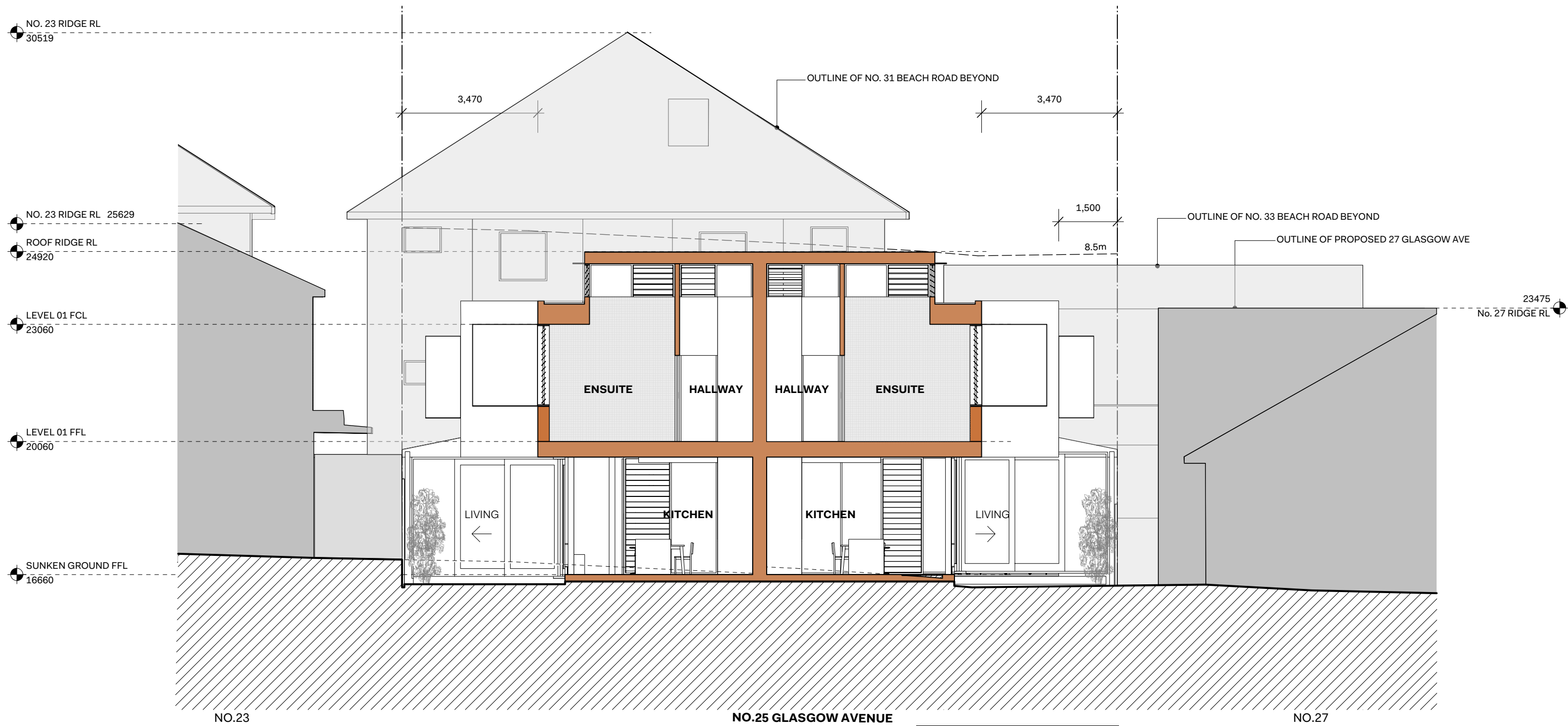
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For Development Application

Section: AA

20-01 E

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1 Section BB
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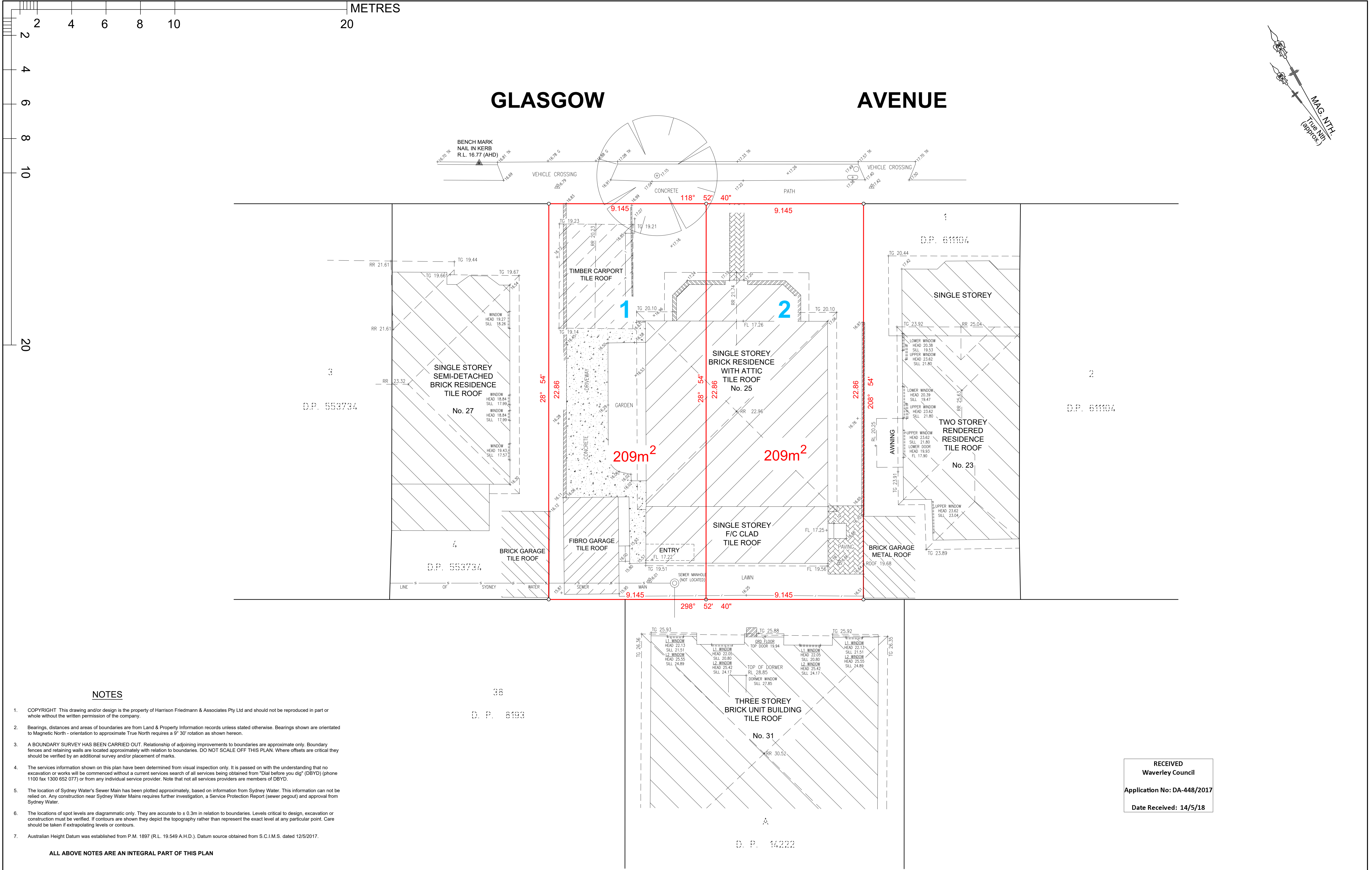
Revision Note.
Draft DA Review
DRAFT DA
DA SUBMISSION
DA RESUBMISSION
Final DA Resubmission

Date.
A 15/9/17
B 6/10/17
C 13/10/17
D 13/4/18
E 9/5/18

Section: BB

20-02 E

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NOTES

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- Bearings, distances and areas of boundaries are from Land & Property Information records unless stated otherwise. Bearings shown are orientated to Magnetic North - orientation to approximate True North requires a 9° 30' rotation as shown herein.
- A BOUNDARY SURVEY HAS BEEN CARRIED OUT. Relationship of adjoining improvements to boundaries are approximate only. Boundary fences and retaining walls are located approximately with relation to boundaries. DO NOT SCALE OFF THIS PLAN. Where offsets are critical they should be verified by an additional survey and/or placement of marks.
- The services information shown on this plan have been determined from visual inspection only. It is passed on with the understanding that no excavation or works will be commenced without a current services search of all services being obtained from "Dial before you dig" (DBYD) (phone 1100 fax 1300 652 077) or from any individual service provider. Note that not all services providers are members of DBYD.
- The location of Sydney Water's Sewer Main has been plotted approximately, based on information from Sydney Water. This information can not be relied on. Any construction near Sydney Water Mains requires further investigation, a Service Protection Report (sewer pegout) and approval from Sydney Water.
- The locations of spot levels are diagrammatic only. They are accurate to ± 0.3m in relation to boundaries. Levels critical to design, excavation or construction must be verified. If contours are shown they depict the topography rather than represent the exact level at any particular point. Care should be taken if extrapolating levels or contours.
- Australian Height Datum was established from P.M. 1897 (R.L. 19.549 A.H.D.). Datum source obtained from S.C.I.M.S. dated 12/5/2017.

ALL ABOVE NOTES ARE AN INTEGRAL PART OF THIS PLAN

Legend

BB	Bottom of Bank	G	Gutter	TF	Top of Fence	UW	Upper Window	ML	Metal Lid
BFL	Balcony Floor Level	GFL	Garage Floor Level	TG	Top of Gutter	VC	Vehicle Crossing	MH	Maintenance Hole
BRW	Bottom Retaining Wall	GM	Gas Meter	TK	Top of Kerb	VFL	Verandah Floor Level	MW	Monitoring Well
BRK	Bottom of Rock	INV	Invert Level	TP	Telstra Pillar	W	Window	PP	Power Pole
CONC	Concrete Edge of	IP	Sewer Insp. Point	TR	Top of Roof	WC	Toilet	SP	Sign Pole
EC FL	Concrete Floor Level	PC	Pedestrian Crossing	TRK	Top of Rock	WM	Water Meter	SV	Stop Valve
FP	Flag pole	PAR	Parapet	TRW	Top Retaining Wall	G	Gas	T	Telstra Pit
		RR	Top Roof Ridge	TW	Top Wall	H	Hydrant	TP	Telstra Pillar
		TB	Top of Bank	USA	Underside of Awning	LH	Lamp Hole	— S —	Approximate Location of Sydney Water Sewer Main (vide Hydra)
				USG	Underside of Gutter	LP	Light Pole		

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PLAN SHOWING PROPOSED SUBDIVISION OF LOT 45 D.P.12561

AT No. 25 GLASGOW AVENUE, BONDI BEACH

FOR STEVE WATSON

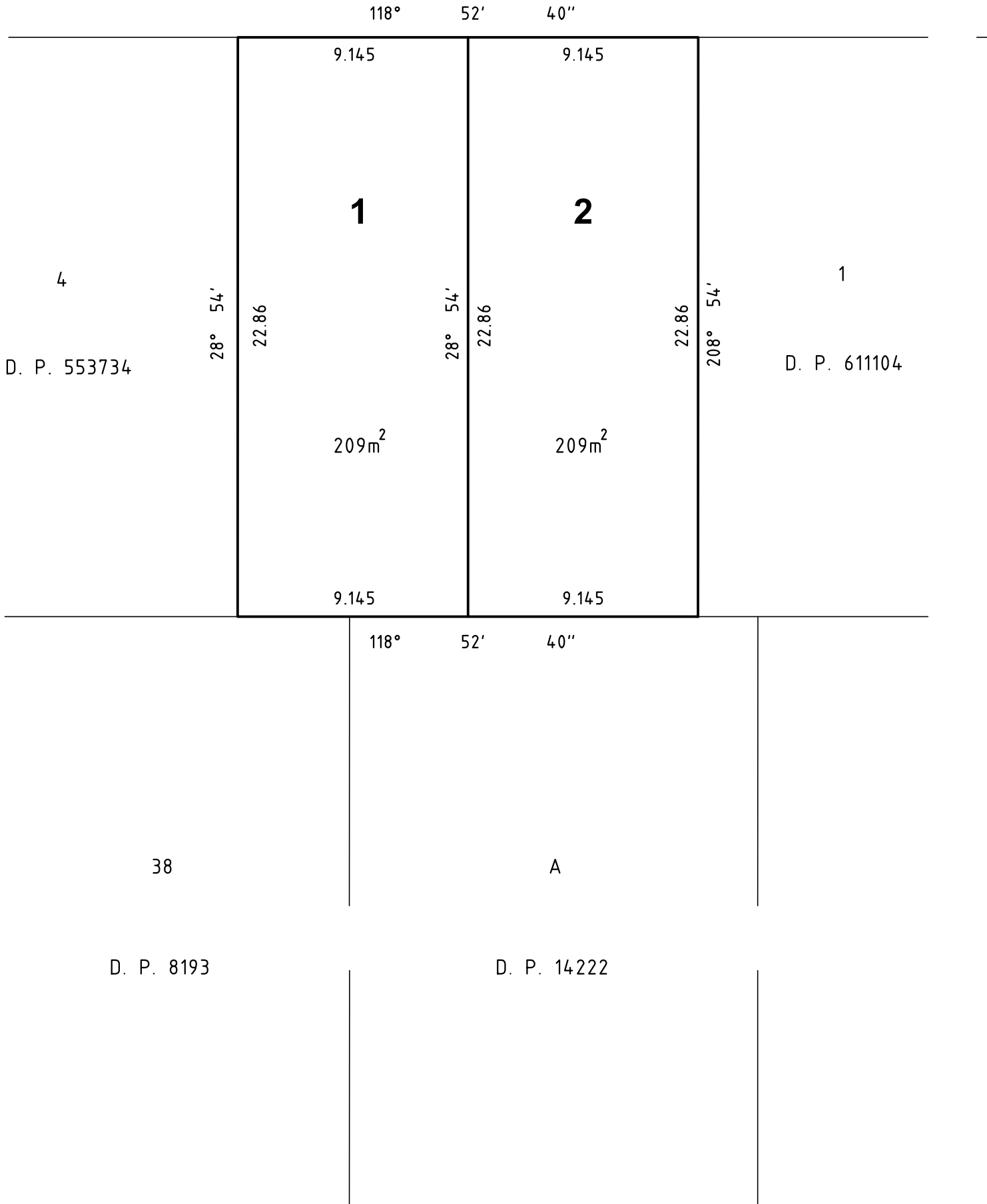
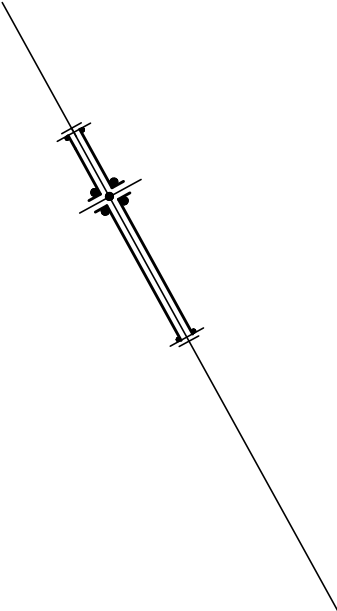
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Waverley Council
Application No: DA-448/2017
Date Received: 14/5/18

REDUCTION RATIO	1:100 @ A1	SURVEYED / DRAWN	BW/WS
DATUM		CHECKED	
DATE	28/11/2017	REFERENCE	60578 BW
		SHEET 1 OF 1	

AVENUE
GLENAYR

GLASGOW (12.19 WIDE) AVENUE

STREET
GOULD



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Application No: DA-448/2017
Date Received: 14/05/2018

BEACH ROAD



1 Key Plan
1:1000

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Application No: DA-448/2017

Date Received: 14/05/2018



Perspective View 1

For Development Application

Perspective View 1
90-01 D 173

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WILLIAMSON

Contact.
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Summer Hill NSW 2130
02 9799 4472
studio@carterwilliamson.com
Nominated Architect:
Shaun Carter 7860

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Design Development
Reference: 17236
Clients: Steve Watson, Cathe Stack

Address: 25 Glasgow Ave, Bondi

Description:
Drawn: JE
Checked: SC
Scale: N/A
Paper: A3

Revision Note.
Client Meeting
DA SUBMISSION
DA RESUBMISSION
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Date.
A 8/9/17
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2 Key Plan
1:1000

Perspective View 2

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For Development Application

Perspective View 2

90-02 D

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1 Key Plan
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Perspective View 3

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D 9/5/18

Perspective View 3

90-03 D 175

MATERIALS & FINISHES
25 GLASGOW AVENUE, BONDI

- WINDOWS AND DOORS
- Vertical metal external screens for privacy/ sunshading
 - Timber shutters to upper floor for privacy/ sunshading
 - White painted steel hoods

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Waverley Council

Application No: DA-448/2017

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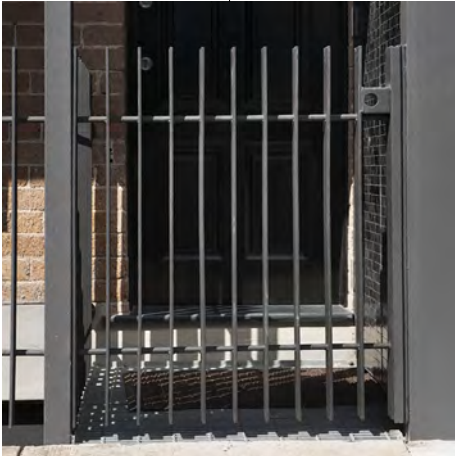
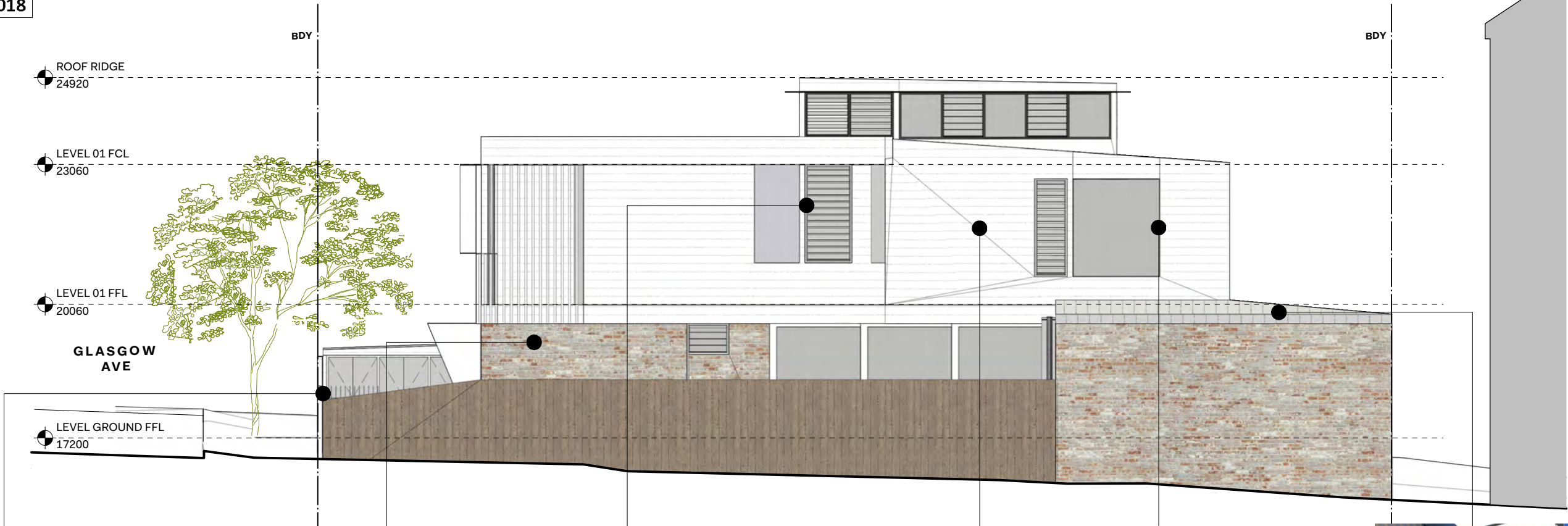
- EXTERNAL WALLS
- Ground: recycled brick face with semi-transparent light white render treatment
 - Level 1: light weight wall with external timber weatherboard cladding
 - Bin + Bike storage: timber weatherboard
 - Wall insulation refer to BASIX specification

- INTERNAL WALLS + CEILINGS
- Conventional timber stud walls
 - 13mm plasterboard to internal walls and ceiling, paint finish
 - Wall tiles/ stone to bathrooms, ensuite and laundry

- ROOFING
- Metal/ Zinc roof sheeting
 - Metal guttering, downpipes, flashings, etc.
 - Roof insulation refer to BASIX specification

- FLOOR STRUCTURE
- Ground Floor: new concrete slab, on ground & polished
 - First floor: new timber structure to engineer's specification, floor board/ carpet finish
 - Floor tiles/ stone to bathrooms, ensuite and laundry

- EXTERNAL WORKS
- Timber decking & soffit linings
 - Brick paving to carport
 - Refer to Landscaping Plan for landscape details



Steel Palisade Fencing



Recycled Brick with light render



Aluminium Windows



Timber Weatherboard



White Steel Hoods



Zinc Standing Seam Cladding

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Date.
A 6/10/17
B 13/10/17
C 13/4/18
D 9/5/18

Material Sample Board

60-02 D

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1. Banksia Integrifolia – Coastal Banksia



2. Westringia Fruticosa – Native Rosemary



3. Doryanthes excels – Gymea Lily



4. Rhagodina Spinescens – Spiny Saltbush



5. Leucophyta Siver night – Silver Nugget Cushion Bush



6. Metrosideras Cv. Thomasii – NZ Christmas Bush



7. Correa Alba – White Correa



8. Olearia Ghost Town – Ghost town Daisy Bush



9. Hardenbergia Violaca – Native Sarsaparilla



10. Pandorea Pandorana – Wonga Vine



11. Archontophoenix cunninghamiana – Bangalow Palm



12. Licuala Ramsayi - Australian Fan Fern



13. Asplenium Bulbiferum – Mother Spleenwort

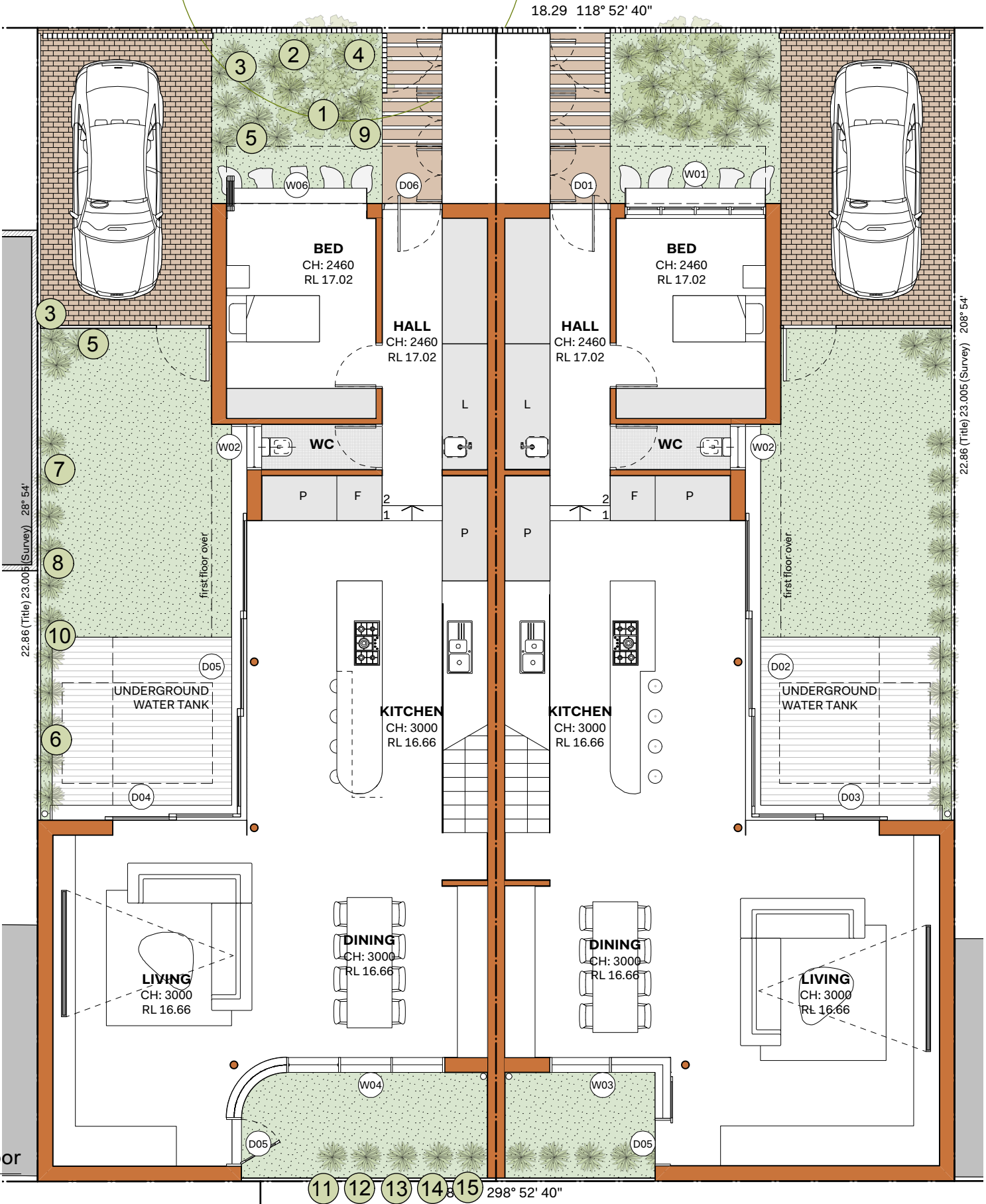


15. Asplenium – Necklace Fern, Kangaroo fern, chicken fern



14. Crinum Pedunculatum – Swamp Lily

GLASGOW AVENUE



3 Plan: Ground Floor
1:100

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For Development Application

Landscape Plan: Ground Floor

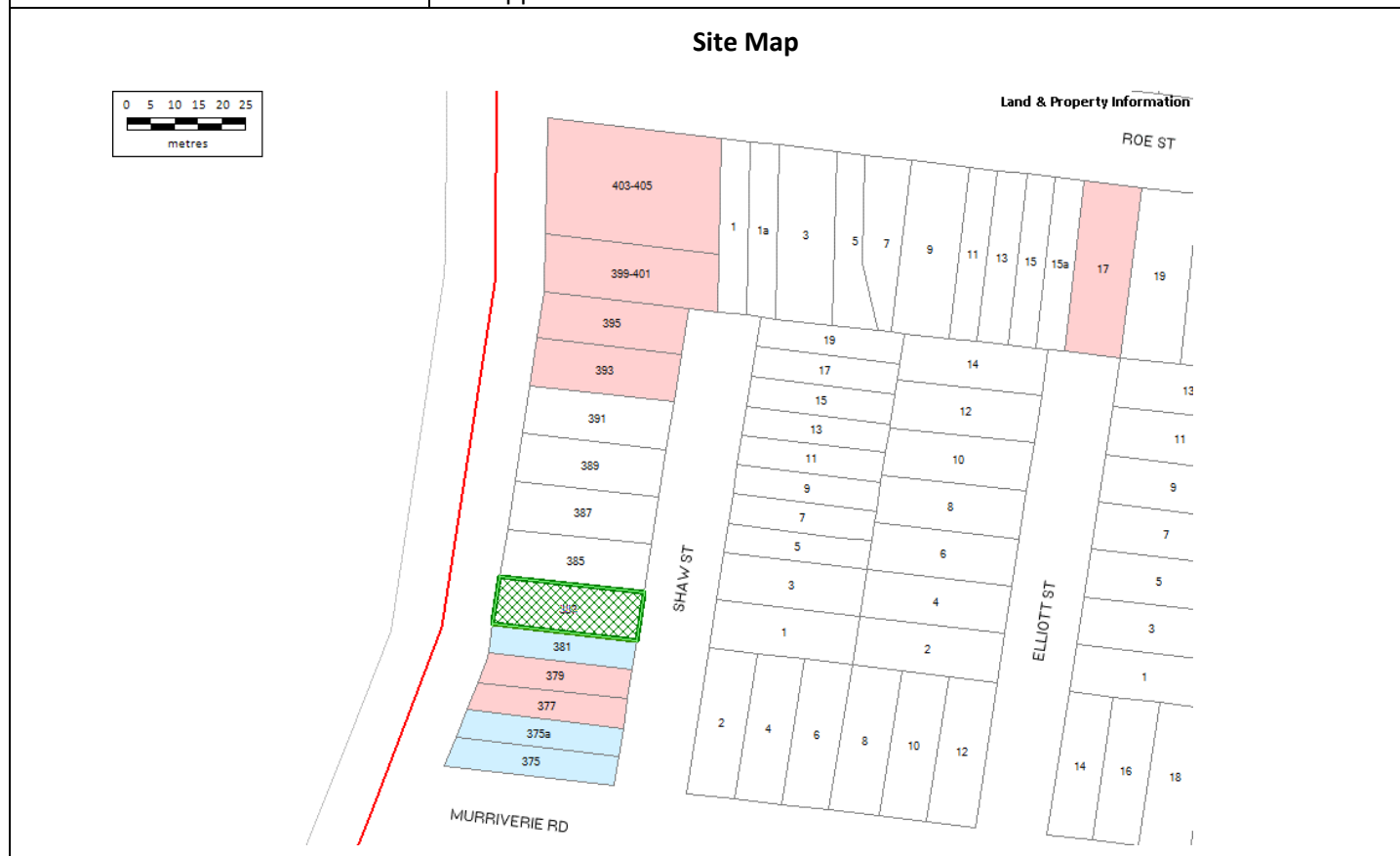
10-07 D

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Report to the Waverley Development Assessment Panel

Application number	DA-572/2017
Site address	383 Old South Head Road NORTH BONDI
Proposal	Alterations and additions to existing dwelling including partial first floor addition
Date of lodgement	22 December 2017
Owner	Mrs A Diamant
Applicant	Uri T Design
Submissions	Nil
Cost of works	\$600000
Issues	FSR
Recommendation	That the application be APPROVED subject to conditions of consent attached in the Appendix



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 18 May 2018.

The site is identified as Lot 2 DP 10851, known as 383 Old South Head Road NORTH BONDI. The subject site is located on the eastern side of Old South Head Road between Roe Street to the north and Murrivierie Road to the south. The site is parallelogram in shape with a western front and eastern rear boundaries measuring 10.06 m, and northern and southern side boundaries measuring 30.48m. The site has an area of 306.4 m² and is the site falls from the street towards the rear (Shaw Street) by approximately 6.43 m.

The site is occupied by a one and two storey detached dwelling with vehicular access provided from Shaw Street to a single garage located at the north-eastern side of the site.

The subject site is adjoined by detached dwelling to the north and a mixed use building to the south. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, mixed use commercial/residential and residential flat buildings.



Figure 1: Site viewed from the street



Figure 2: Site viewed from Shaw Street at the rear



Figure 3: Adjoining development as viewed from the rear

1.2 Relevant History

There are no relevant previous applications relating to the subject site.

1.3 Proposal

The development application seeks Council consent for alterations and additions to existing dwelling including partial first floor addition. The specifics of the proposal are as follows:

Garage Level

- Expansion of the single garage to the south for a double garage with a bin storage nook.
- New rear pedestrian stairs along the southern side boundary.

Lower Ground Floor

- Alterations and rear additions for a rumpus, maid room, laundry and bathroom.
- Provision of a pool and deck above the garage
- Paving of the rear private open space

Ground Floor

- Alterations and additions for a family/TV area, guest room with ensuite and walk-in wardrobe, study/home office, bathroom, WC, open dining/kitchen/living area with access to a rear balcony.

First Floor

- To the new first floor is proposed three bedrooms, en-suite bathroom, bathroom and a rear balcony.

The proposed development is considered to be a reasonable and appropriate use of the site and the application is recommended for approval subject to conditions of consent.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with regards to clause 1.2 aims of plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Medium Density Residential	Yes	The proposal is defined as detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	Yes	The proposed height is 9.4m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.768:1	No	The proposed FSR is 0.86:1 is non-compliant and a clause 4.6 Exception to the development standards has been submitted with the application, as discussed in detail below.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils • The site is located in acid sulphate soil class 5.	Yes	The proposal includes minimal disturbance to the natural ground surface, therefore acid sulphate soils is not considered to be a significant issue.
6.2 Earthworks	Yes	The proposal has been considered against the criteria of the Clause and is satisfactory, subject to conditions of consent.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.86:1, which exceeds the floor space ratio development standard of 0.768:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 28.19m² in gross floor area or 11.98%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The non-compliance is a direct result of the sloping topography of the site.
- The proposal complies with the maximum height in the LEP and complies with the front and rear setbacks and retains its existing side setbacks and is of a form that is almost compliant with Council's controls.
- The site is located within a R3 Medium Density Residential zone which prescribes building height and density controls that are designed to encourage medium density development in appropriate locations.
- The proposal is compatible with the existing bulk and scale of development on Old South Head Rd. The proposal contains an appropriate contextual fit, given the existing and approved development in the locality.
- The FSR non-compliance does not arise from an inappropriate building envelope.
- The proposal will be of a height and built form that complements the existing and emerging contemporary development in the locality.
- The proposal has been designed to minimise adverse impacts on the amenity of neighbouring properties and privacy has been adequately addressed.
- The bulk presenting to the street is consistent with surrounding residential buildings and reducing this would result in a form being incongruous with surrounding development and represent poor urban design outcome.
- The proposal is permissible within the R3 zone and is consistent with the relevant zone objectives which is to provide for the housing needs of the community within a medium density residential environment.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

The proposal results in a non-compliance of approximately 28m² above the development standard. The proposed development's maximum height and FSR are considered appropriate within the locality providing a building which fits within the context of surrounding building forms and residential uses. The applicant's justification has demonstrated that compliance with the development standard is unreasonable or unnecessary.

The proposed breach of the FSR control is considered to be minor with no unreasonable amenity impacts. The proposal provides an appropriate transition between the residential character to the north and the mixed use development to the south. The non-compliance is also largely due to the existing lower ground floor. When considering the bulk and scale above the lower ground floor, it would result in a relatively compliant form. Amenity impacts have been assessed later in the assessment and are not considered unreasonable.

- ***Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard***

The proposal has established sufficient environmental planning ground to justify the FSR variations as discussed above and later in the assessment.

- ***Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant's written request has adequately addressed the matters required under subclause 3 and the variation to the FSR development standard is supported.

- ***Clause 4.6(4)(a)(ii) 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***

As outlined above the proposal is consistent with the objectives of clause 4.4 Floor space ratio and the objectives of the R3 Medium Density Residential zone. The proposed variation to the FSR development standard will not undermine the integrity of the floor space ratio development standard and the application is recommended for conditional approval.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. Accordingly, the application is consistent with all relevant energy and water conservation targets, including those specified in the WDCP 2012.
3. Biodiversity	Conditioned	Standard conditions requiring 50% indigenous species will be imposed for new plantings.
5. Tree preservation	Yes	The proposed removal of one (1) Cocos palm tree located to the north of the site has been considered by Council's tree management officer and is supported for removal subject to conditions of consent.
6. Stormwater	No – conditioned	Council's Creating Waverley section has advised that the plans are not satisfactory in regards to stormwater details. A standard condition of consent is recommended requiring the stormwater drainage system to satisfy the requirements of the WDCP 2012.

Development Control	Compliance	Comment
8. Transport	Yes	The proposal generally complies with the relevant objectives and controls relating transport and on-site car parking.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No – acceptable	The proposed height with the flat roof front portion is 8.7m (south) to 9.4m (north) which is well in excess of the controls. It is however supportable as the non-compliance is due to the change in ground levels as the site slopes to the rear. It can also be supported as the building to the south is taller than that proposed at the subject site whilst there will be some additional impacts to the adjoining light well and windows inevitable due to the orientation of the site. Furthermore, the proposed height is not out of character with the street character and provides a transition between the residential and mixed use development to the south.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The new rear pitched roof portion will have compliant external wall heights.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	Proposal adheres to the established front and rear building lines.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Acceptable	Minimum side setbacks of 900mm are provided with the exception of a covered side entry on the northern side which can be supported as it does not raise any adverse amenity impacts to neighbours.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	Excavation is proposed in the elevated ground area within 1m of the rear boundary for the pool. Conditions requiring a geotechnical report and engineering details will be requested to ensure the stability of the site.
1.4 Streetscape and visual impact		
	Yes	The proposed dwelling is consistent with the emerging character of the area. The existing streetscape contains an eclectic mix of dwelling

Development Control	Compliance	Comment
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Acceptable	<p>Living areas and private open space of subject site will receive morning sun.</p> <p>The southern neighbour will also receive morning sun over their private open space in the morning.</p> <p>Although it is acknowledged that the amount of shadow cast to the neighbouring property would be increased from existing, the shadow impact is considered to be typical of a two storey dwelling with a lower ground floor having regard to the topography and orientation of sites and is acceptable. It should be noted that no objection was received from the southern adjoining neighbour.</p>
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	2 parking spaces are proposed.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The location of the off-street parking remains consistent with the parking hierarchy and is accessed from the rear frontage along Shaw Street.
1.11.3 Design	Yes	Proposed double garage remains consistent with the streetscape character of Shaw Street from which parking for the subject and adjoining premises is accessed. As the parking is accessed from the rear, it does not impact the appearance of the dwelling from the primary frontage of Old South Head Rd.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Each parking space meets the minimum dimensions.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The existing driveway crossover will need to be modified. New and modified vehicle crossing will be conditioned to be subject to a separate application and all work to be carried out with the approval of and in accordance with the requirements of Council.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	49.5% open space (including area above garages)

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	No – conditioned	Soft landscaping is proposed to be removed from the rear open space. Applicant states that landscaping is compliant but they have included areas which are shown to be paved. The plans do not delineate clearly the soft landscaped areas and calculations show that approximately 4% landscaping is provided which is insufficient. It will be conditioned for detailed landscape plans to be submitted demonstrating that this is achieved.
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	More than 69sqm of private open space is provided (excluding elevated balconies).
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	A pool is proposed at the rear of the property above the garages. Visual and acoustic privacy will be maintained to neighbours via proposed fencing. Appropriate conditions regarding acoustic attenuation of the pool equipment will be conditioned as part of any consent.

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*. No submissions were received.

2.5 Public Interest

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

3. REFERRALS

Creating Waverley

Stormwater

The application was referred internally to Council's Creating Waverley Department who advised that the proposed stormwater management details are not supported. Standard conditions requiring appropriate stormwater plans to be submitted prior to the issue of a Construction Certificate will be imposed accordingly.

Driveways

The application was referred internally to Council's Creating Waverley division for comments on the proposed vehicle parking and access. No objections were raised subject to the imposition of appropriate conditions of consent.

Tree Management Officer

The application was referred internally to Council's Tree Officer regarding removal of a tree to the north of the site. The removal of one (1) Cocos palm tree is supported.

4. SUMMARY

The proposal seeks consent for alterations and additions to existing dwelling including partial first floor addition. The proposal complies with Council's height standards and is acceptable in regards to setback controls. There are some non-compliances with the flat roof height and FSR, however these are considered acceptable as it has been assessed to have reasonable amenity impacts. Other issues identified in the assessment include privacy from the rear balcony, front fence height and lack of soft landscaping on site. These issues will be addressed through conditions of consent.

No submissions were received in respect of the application.

The proposal is considered acceptable on merit and supported in this instance subject to imposing standard conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Bianca Fyvie

Assistant Development Assessment Planner

Arif Faruqi

Manager, Development Assessment (North)

Date: 18 June 2018

Date: 11 July 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA-001 to DA-010, DA-015, Revision B, dated 3/05/2018, prepared by Uri T Design, and received by Council on 7 May 2018,
- (b) BASIX Certificate
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The steel blade additions to the front fence is not to increase the overall height of the front fence to more than 1.2m.
- (b) A 1.8m high privacy screen as measured from the finished balcony level and having maximum 25% openings is to be provided along the northern side of the ground floor rear balcony.
- (c) A landscape plan is to be submitted detailing that a minimum of 15% of the site area is deep soil soft landscaping. The plan is also to include a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

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

3. DOMESTIC HEATERS

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

4. BONDI - ROSE BAY SAND BODY

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

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. USE OF DWELLING

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

7. 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.

8. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. 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 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.

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **15000** 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.

11. 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.

12. 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 relevant sections 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 the relevant sections of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

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

13. HOARDING REQUIRED

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

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

14. 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 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. DETAILS OF BULK EXCAVATION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation 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.

16. 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.

17. 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.

18. STORMWATER MANAGEMENT

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

19. 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.

20. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

21. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has

no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to Council prior to the issue of a Construction Certificate.

22. ROOFWATER GUTTERING

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

23. 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 4.55/4.56 of the *Environmental Planning and Assessment Act 1979*.

24. LONG SECTIONS OF DRIVEWAY

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

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Shaw Street carriageway, the kerb and gutter, footpath and the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.
6. Show all paving on Council's land being sloped/ drained towards the roadway.
7. Include a separate drawing of any adjustments required to Council's footpath area to provide suitable vehicular access to and from the garage

25. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

26. 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 path of a vehicle entering and exiting the garages from Shaw Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Shaw Street both opposite and to the immediate south of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

27. 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)
- (c) the name and permit number of the owner/builder who intends to do the work; and
- (d)
- (e) any change to these arrangements for doing of the work.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. TOILET FACILITIES

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

34. DILAPIDATION REPORTS

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

Please note the following:

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

35. 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.

36. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

37. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

38. SOIL AND WATER MANAGEMENT PLAN

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

39. STOCKPILES

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

40. LOCATION OF BUILDING OPERATIONS

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

41. TEMPORARY DIVERSION OF ROOF WATERS

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

42. 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.

43. 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.

44. 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.

45. BUILDING CODE OF AUSTRALIA

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

46. 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, where relevant:

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

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

47. 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.

48. 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.

49. IN-SINK WASTE DISPOSAL SYSTEMS

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

50. ENCROACH BEYOND THE BOUNDARIES

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

51. 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.

52. 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.

53. 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.

54. TREATMENT OF BOUNDARY WALLS

Any new walls on the boundary are to be finished to a minimum standard, that being face brickwork and all mortar joints ironed (no dags).

55. TREE PRESERVATION

For trees not approved for removal, a tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

56. 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.

57. RECONSTRUCT VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new vehicle crossing constructed to provide access to the proposed garage. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

58. WORK OUTSIDE PROPERTY BOUNDARY

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

59. 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.

60. POOL DRAINAGE

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

61. OCCUPATION CERTIFICATE

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

62. 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 stormwater management plans submitted to satisfy conditions and to best engineering practice.

63. 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.

64. 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.

65. 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.

66. 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.

67. LANDSCAPE PLAN

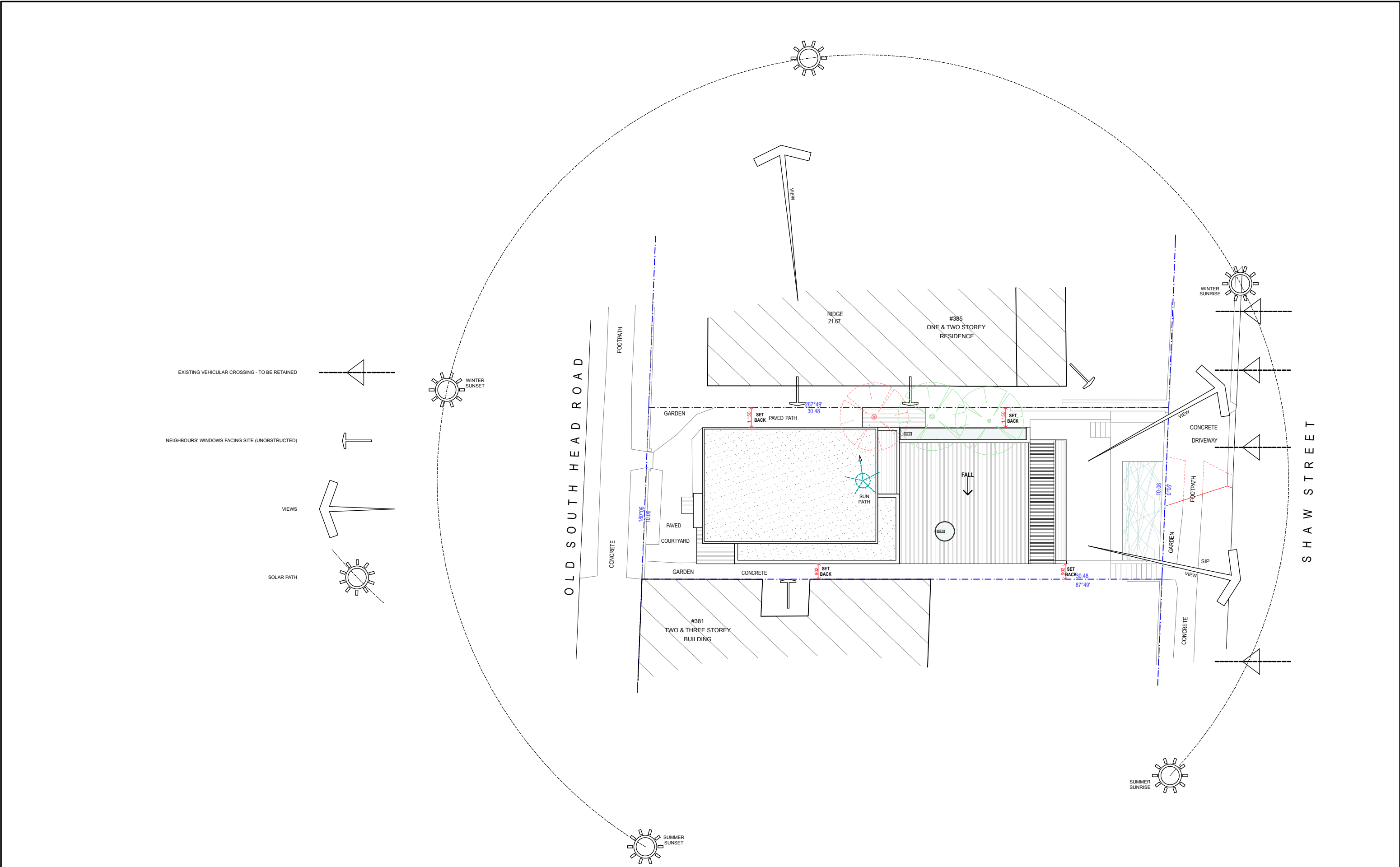
The site is to be landscaped and turfed in accordance with the landscape plan submitted to satisfy conditions with the landscape works completed prior to the issue of the Occupation Certificate.

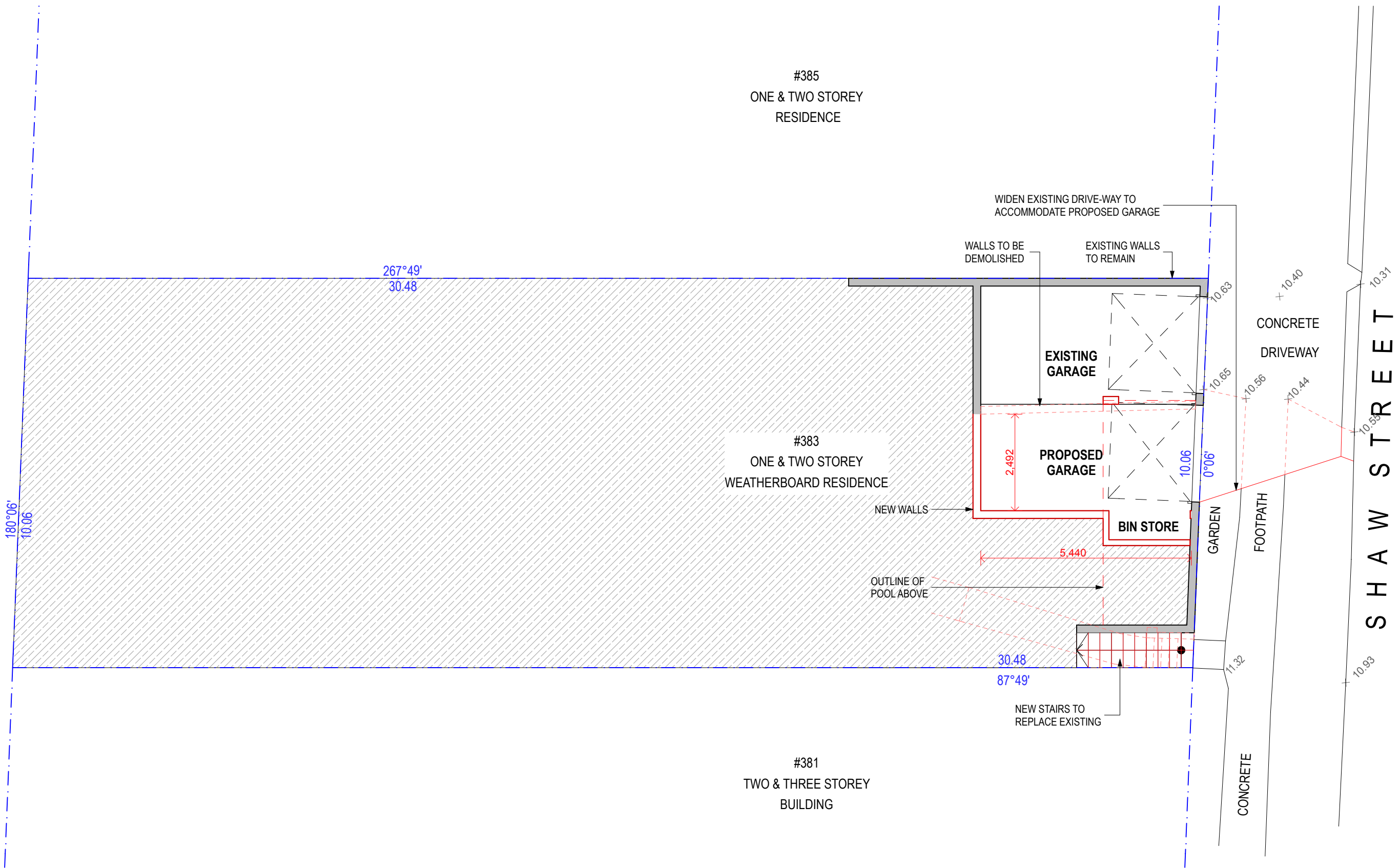
68. LIGHTING

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.

69. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.





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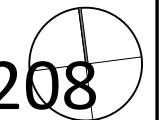
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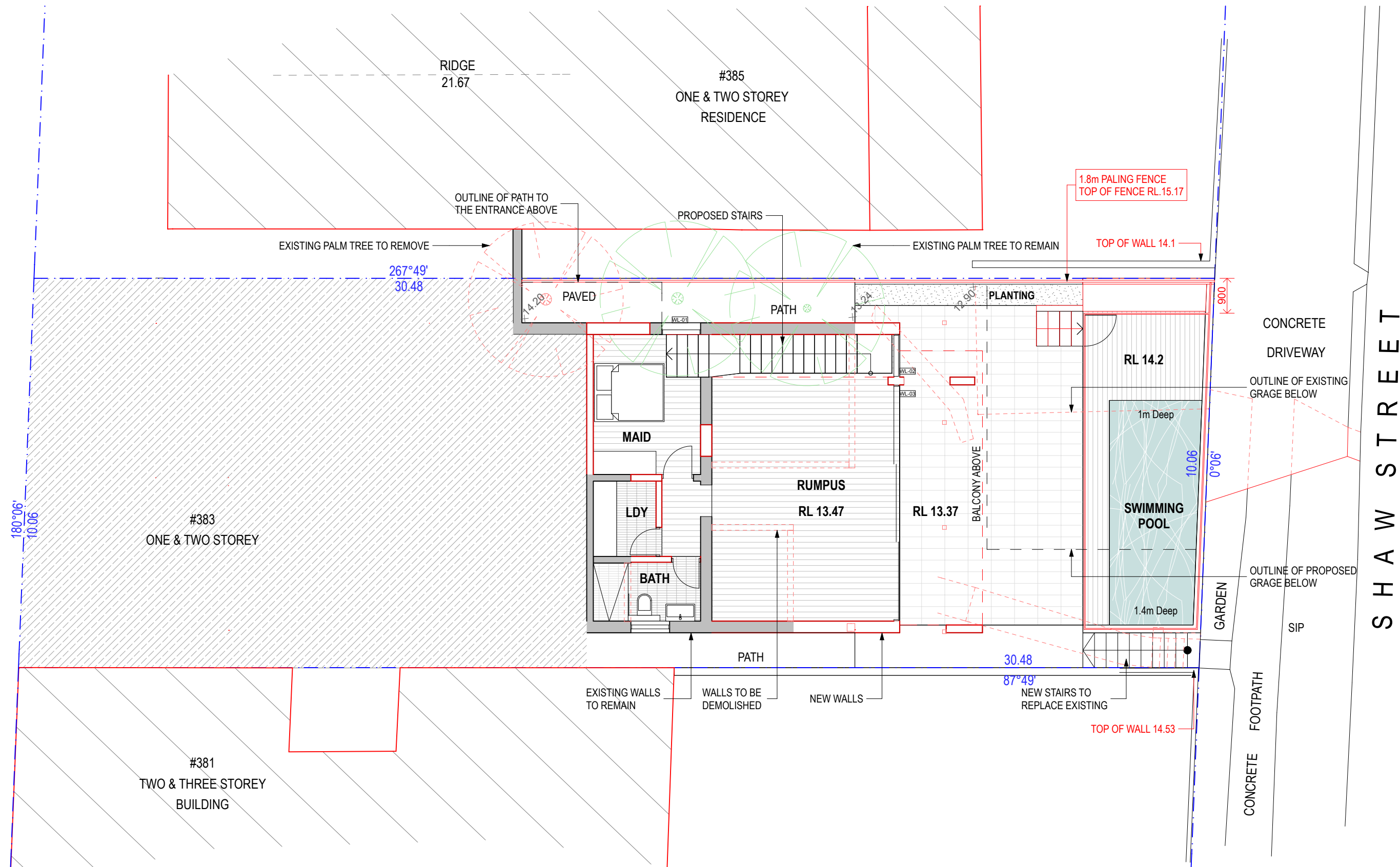
A
B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

DRAWING	GARAGE LEVEL	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-002
	NORTH BONDJ NSW 2026	REVISION	REV B

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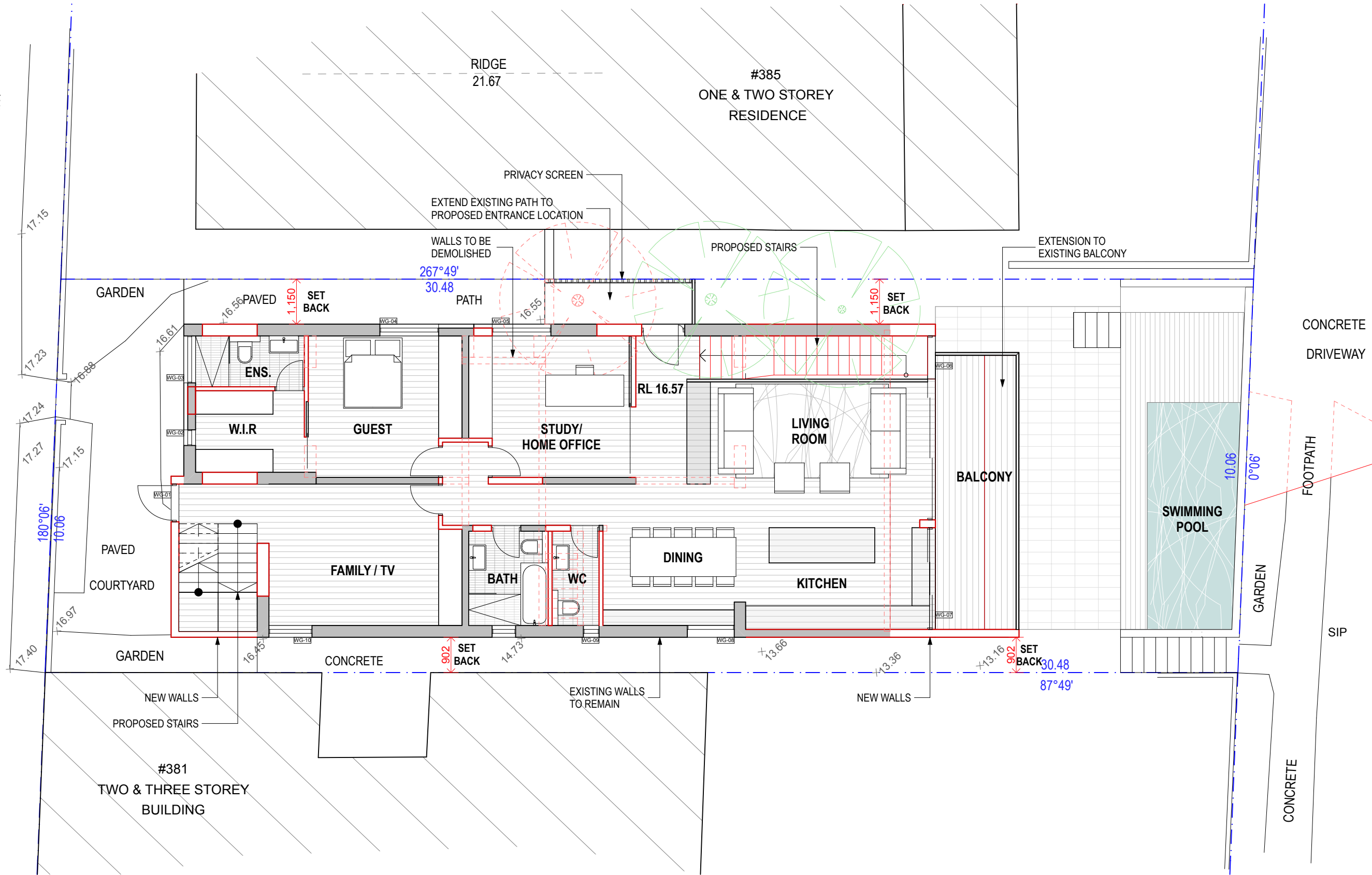
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PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-003
	NORTH BONDI NSW 2026	REVISION	REV B

SCALE: 1:100 @ A3 PLOTTED: 3/05/2018

209

OLD SOUTH HEAD ROAD

SHAW STREET



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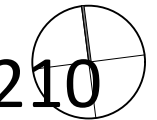
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DRAWING GROUND FLOOR PLAN
PROJECT ALTERATIONS AND ADDITIONS
383 OLD SOUTH HEAD ROAD
NORTH BOND NSW 2026
DRAWN BY UT
JOB NO OS-383
DRAWING NO DA-004
REVISION REV B

SCALE: 1:100 @ A3 PLOTTED: 3/05/2018



OLD SOUTH HEAD ROAD

FOOTPATH

CONCRETE

180°06'

10.06

GARDEN

AWNING OVER DOOR

PAVED
COURTYARD

GARDEN

NEW WALLS

PROPOSED STAIRS

#381
TWO & THREE STOREY
BUILDING

RIDGE
21.67

#385
ONE & TWO STOREY
RESIDENCE

NEW ROOF
OVER ENTRANCE

OUTLINE OF EXISTING
ROOF TO DEMOLISH

SKYLIGHT WITH
ADJUSTABLE LOUVRES

AWNING OVER GROUND
FLOOR BALCONY

CONCRETE
DRIVEWAY

FOOTPATH

SIP

SHAW STREET

10.06

0°06'

GARDEN

CONCRETE

267°49'
30.48

PAVED

1.150
SET
BACK

PATH

1.150
SET
BACK

WF-03

BATH

WF-02

WF-01

RL 19.67

ROBE

BED 1

BED 2

BALCONY

WF-04

WF-05

WF-06

MASTER BED

ENS.

W.I.R.

902
SET
BACK

CONCRETE

NEW WALLS

FALL
↓

SKL-02

902
SET
BACK

30.48

87°49'

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A

B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

DRAWING FIRST FLOOR PLAN

DRAWN BY UT

PROJECT ALTERATIONS AND ADDITIONS

JOB NO OS-383

383 OLD SOUTH HEAD ROAD

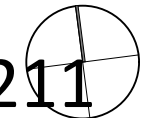
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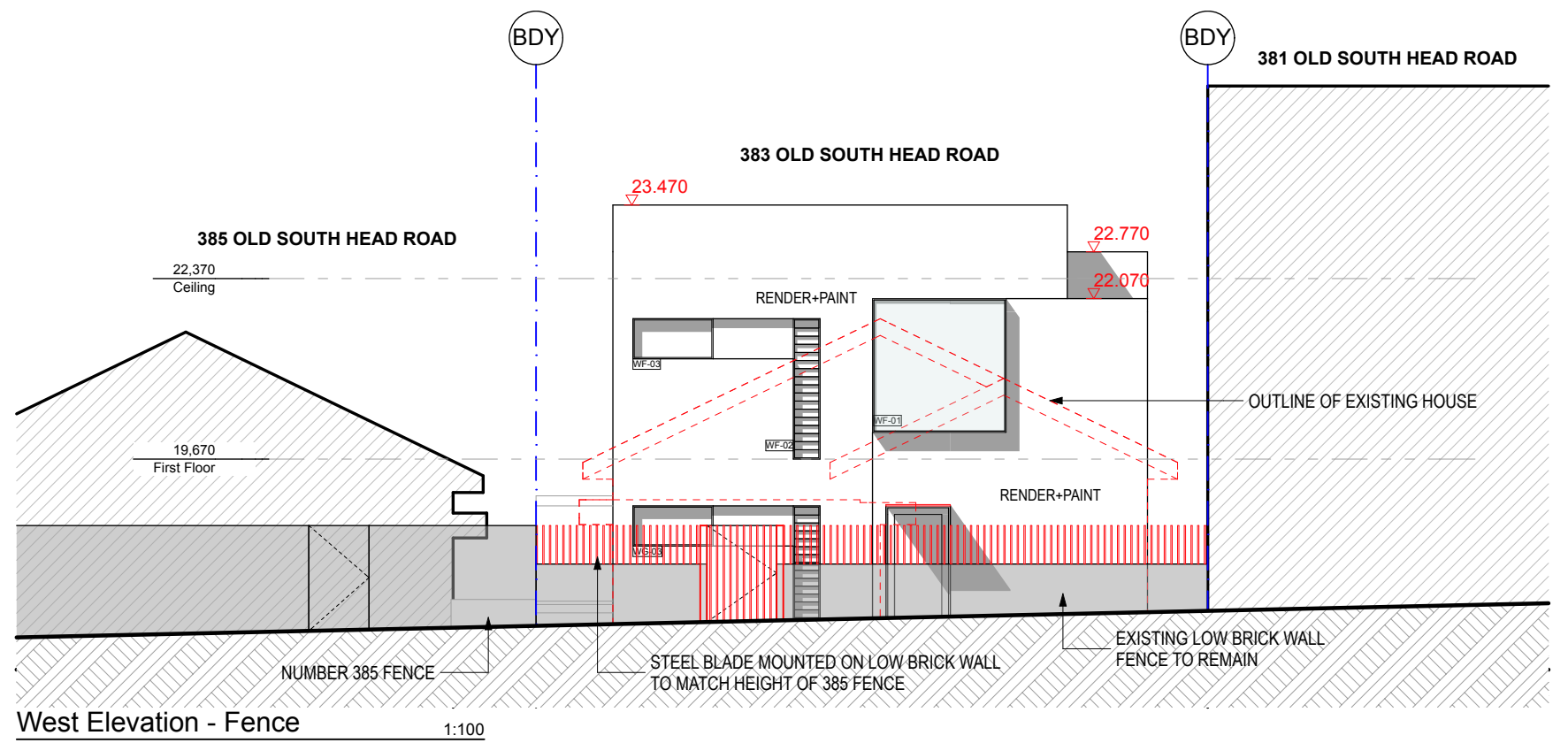
NORTH BONDI NSW 2026

REVISION REV B

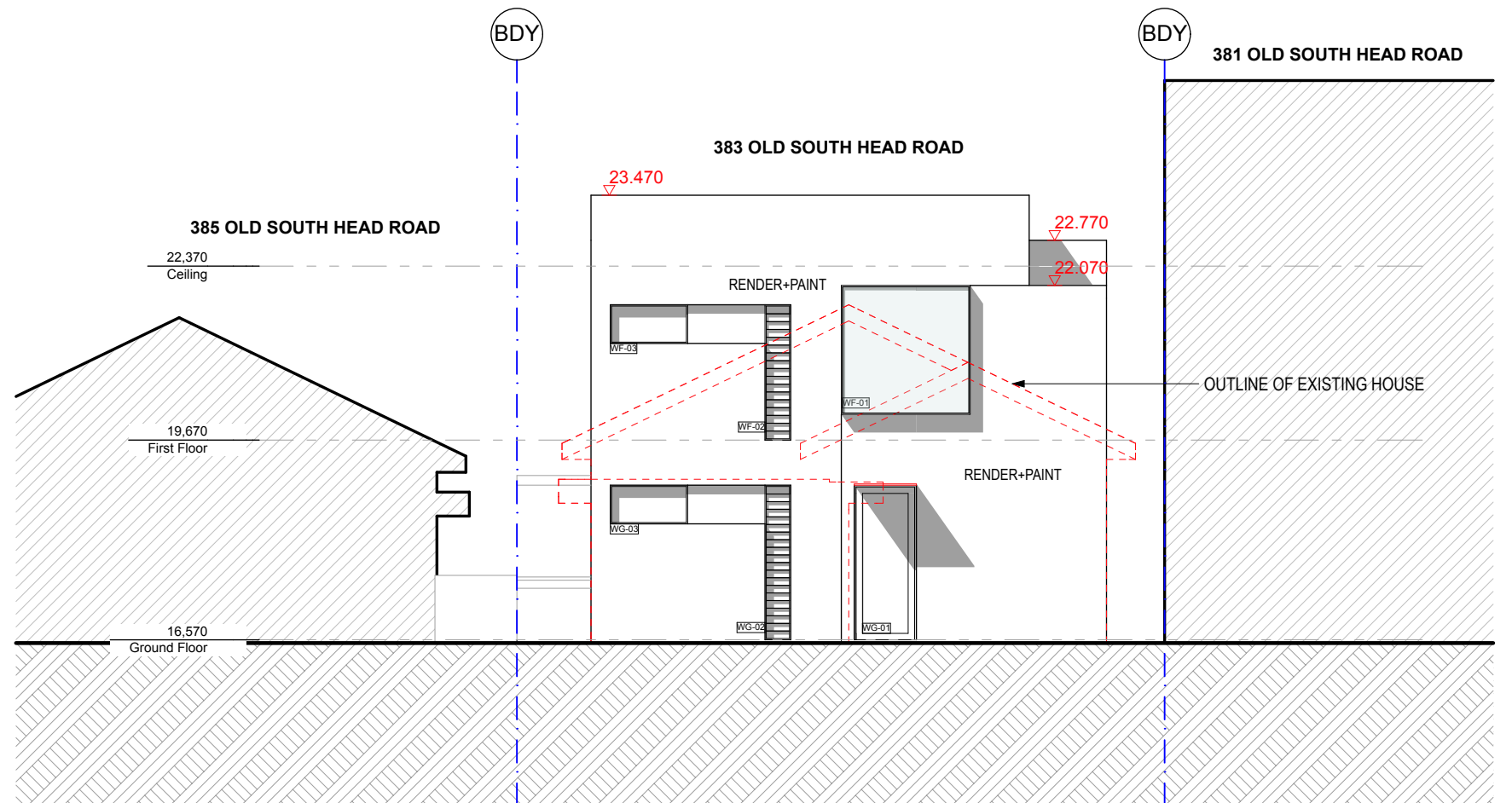
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West Elevation - Fence 1:100



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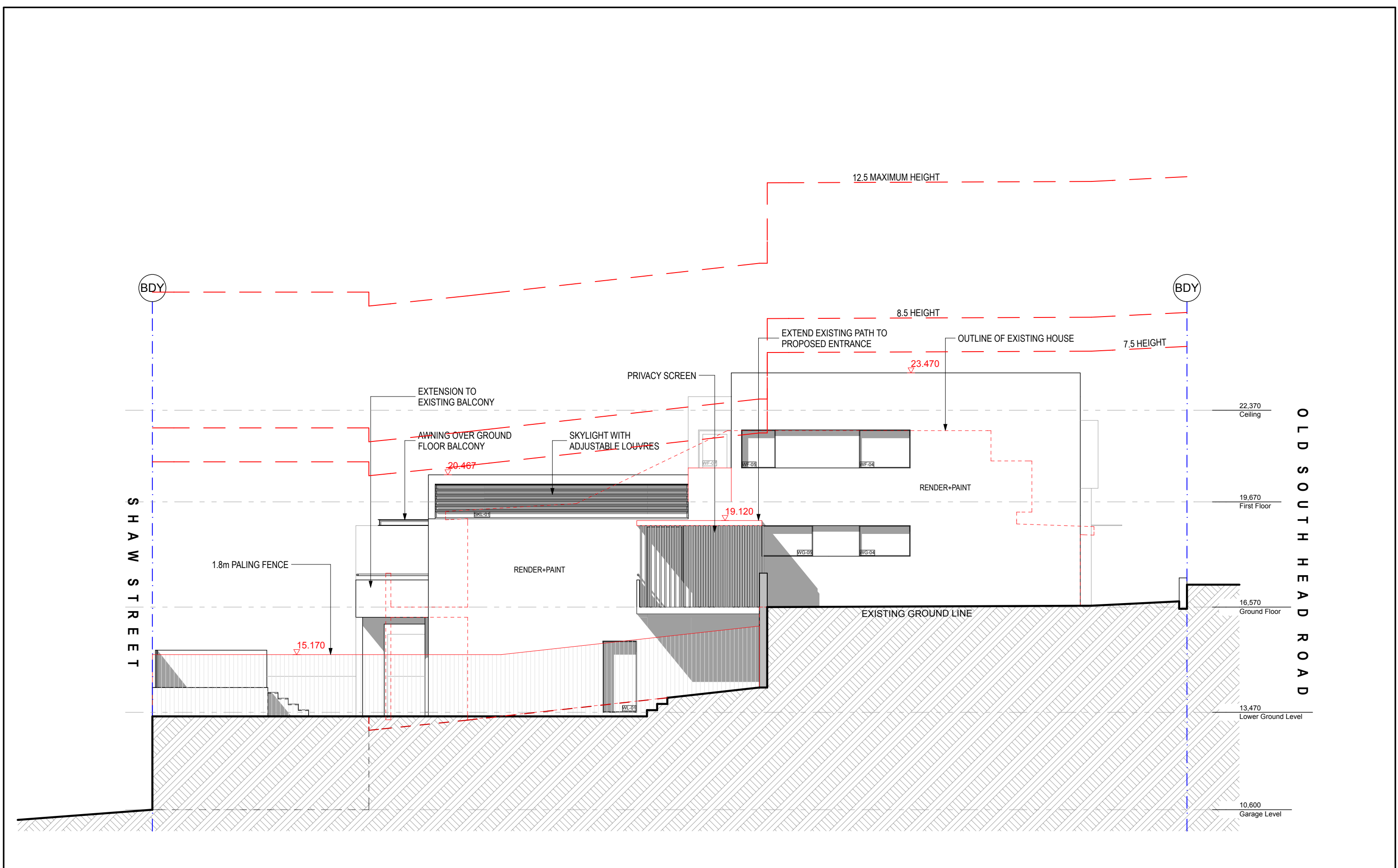
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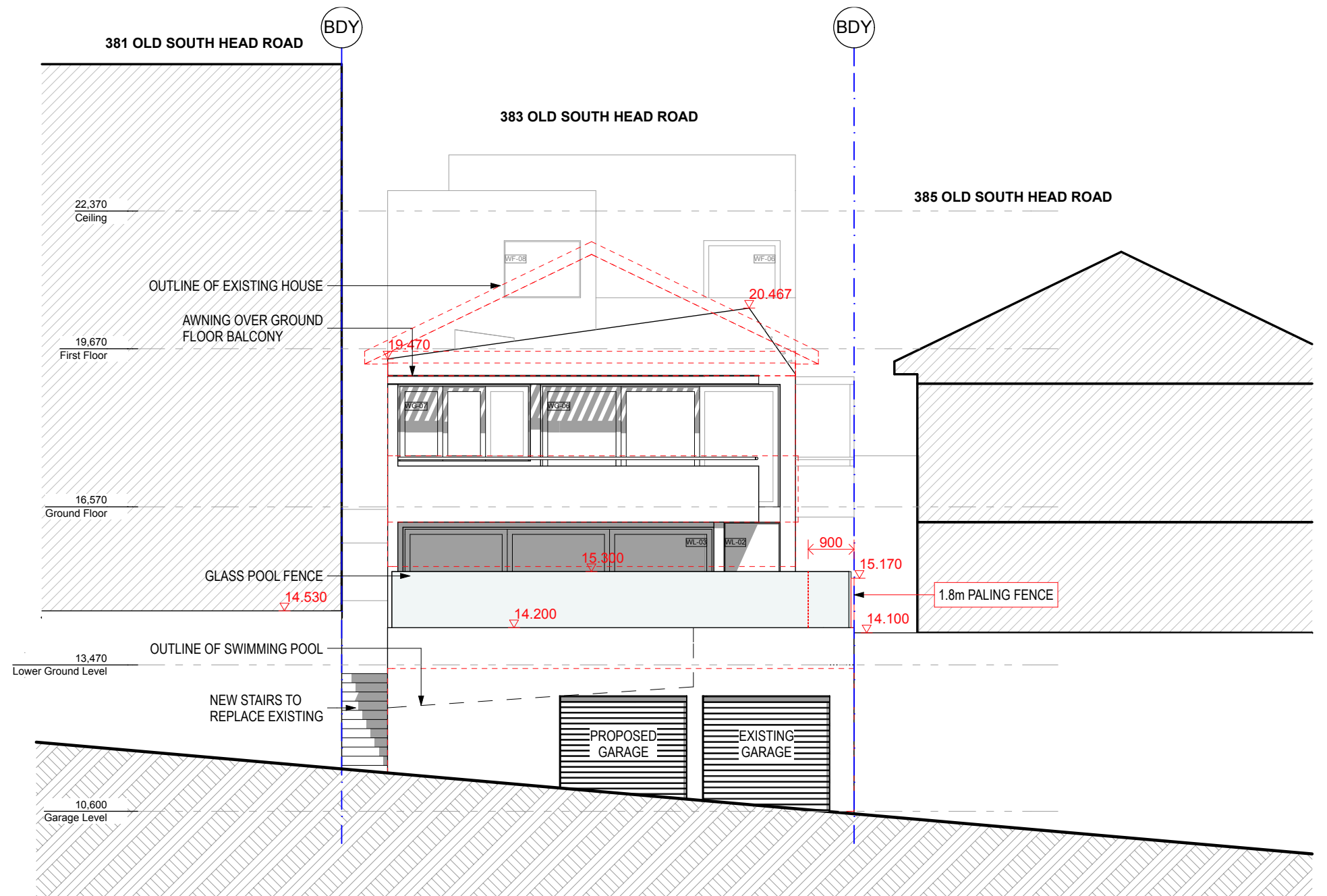
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PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-006
	NORTH BOND BEACH NSW 2026	REVISION	REV B

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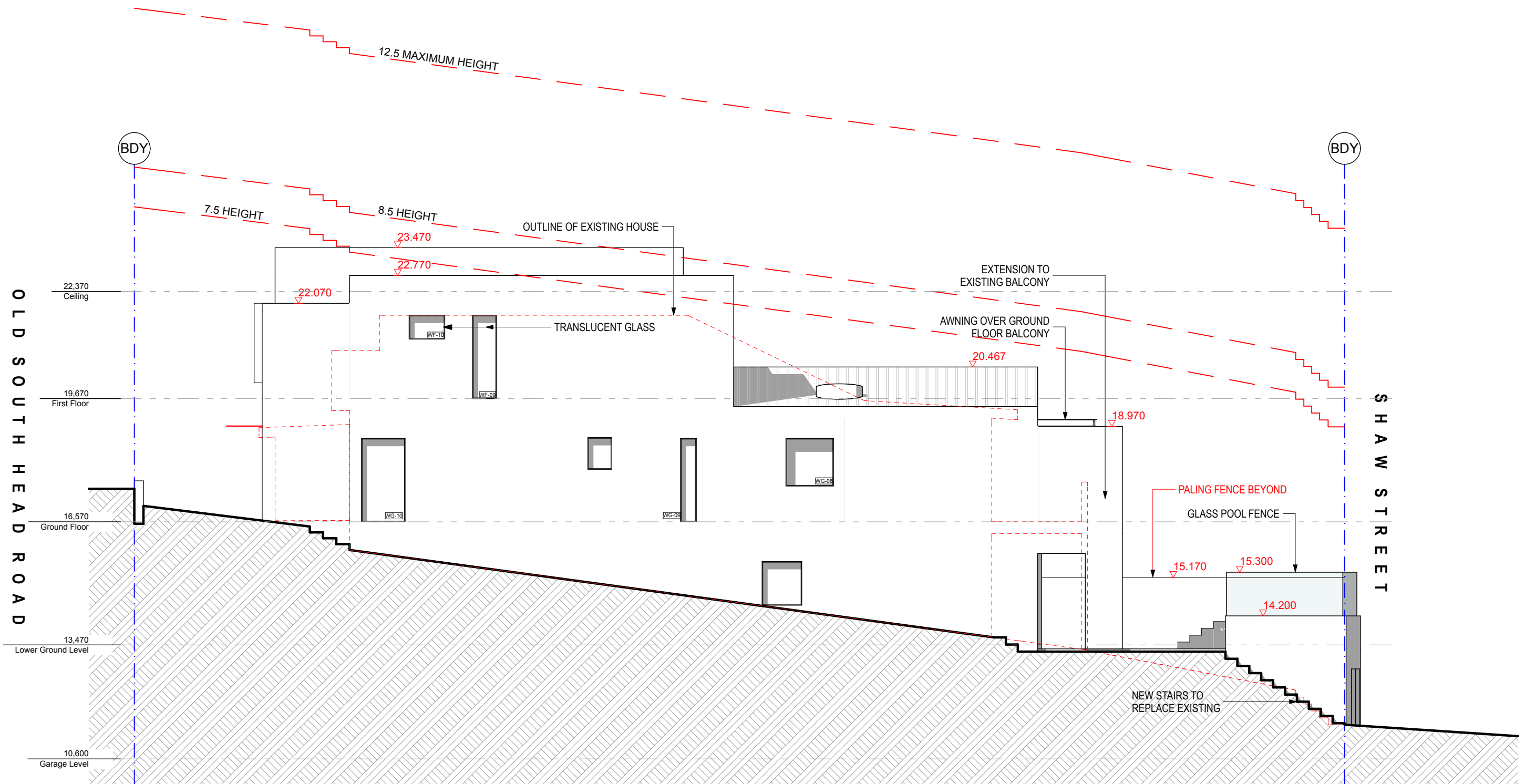
A
B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

DRAWING	EAST ELEVATION	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-008
	NORTH BONDI NSW 2026	REVISION	REV B

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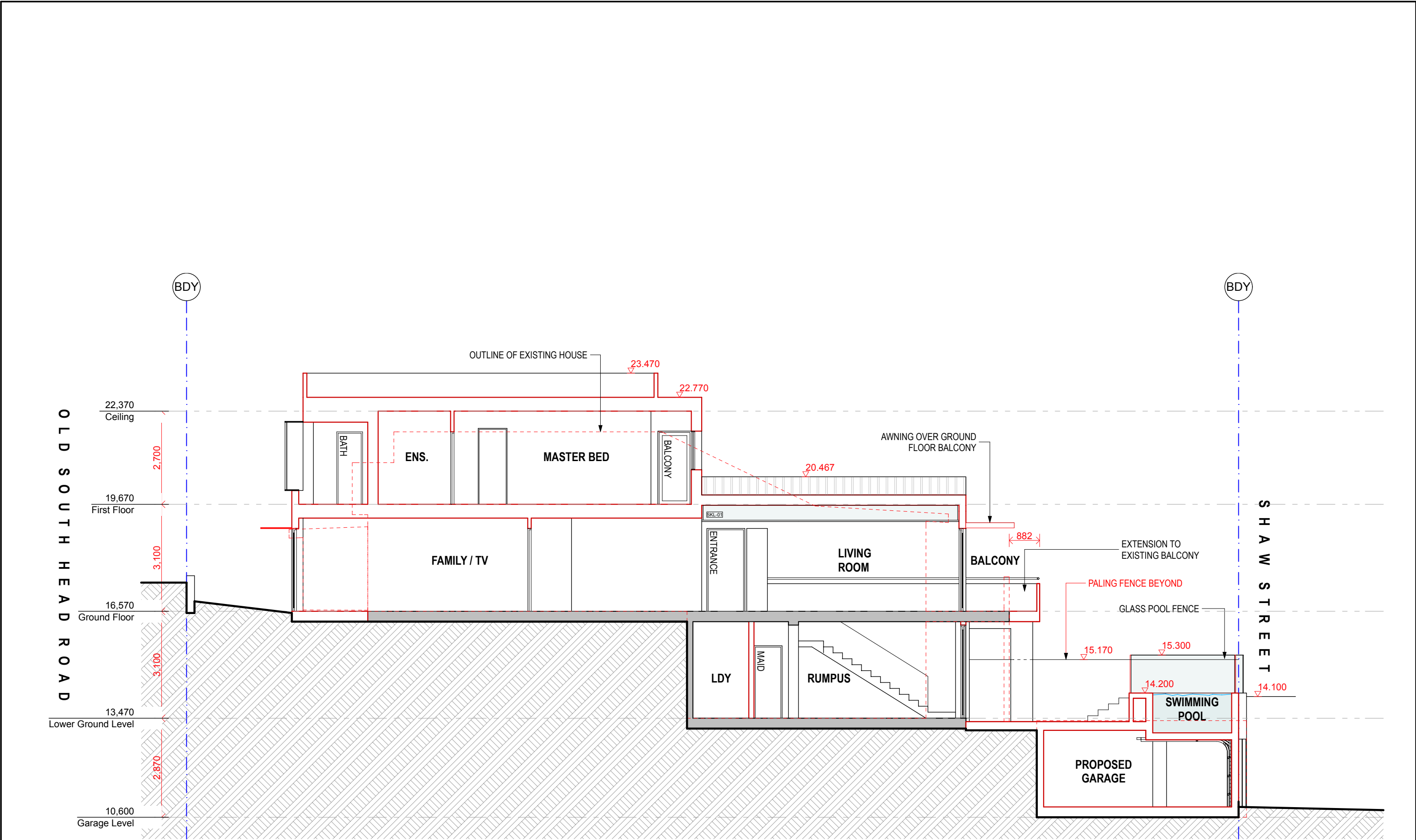
A
B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

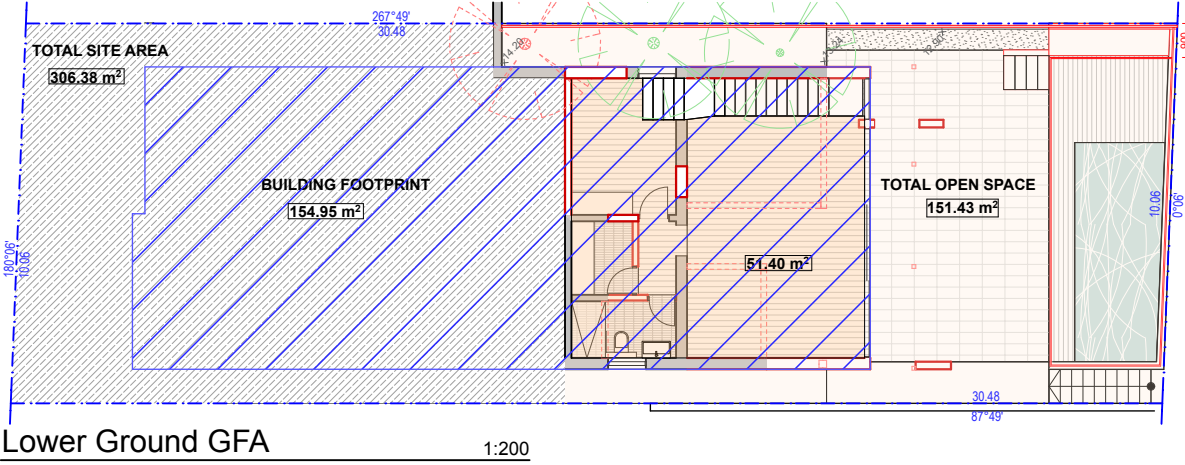
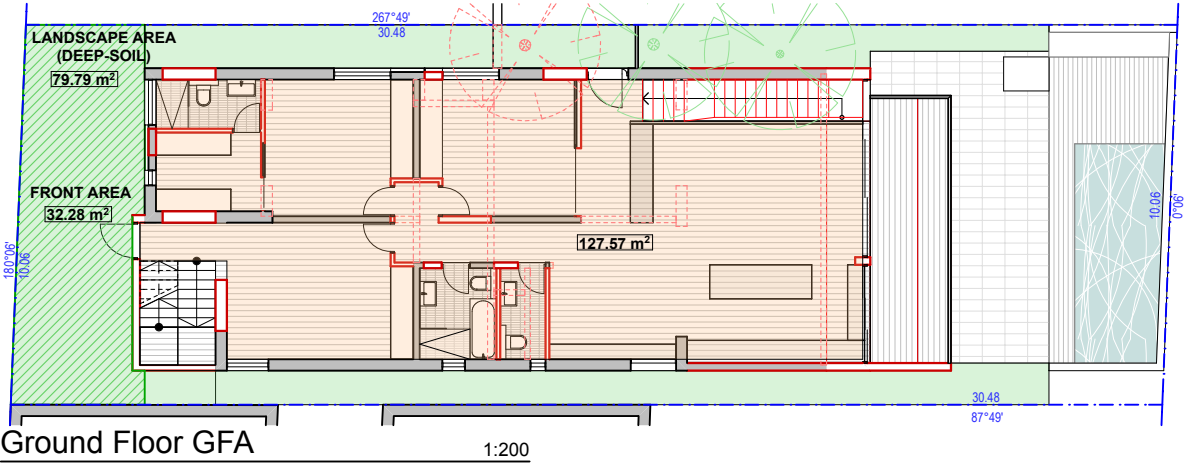
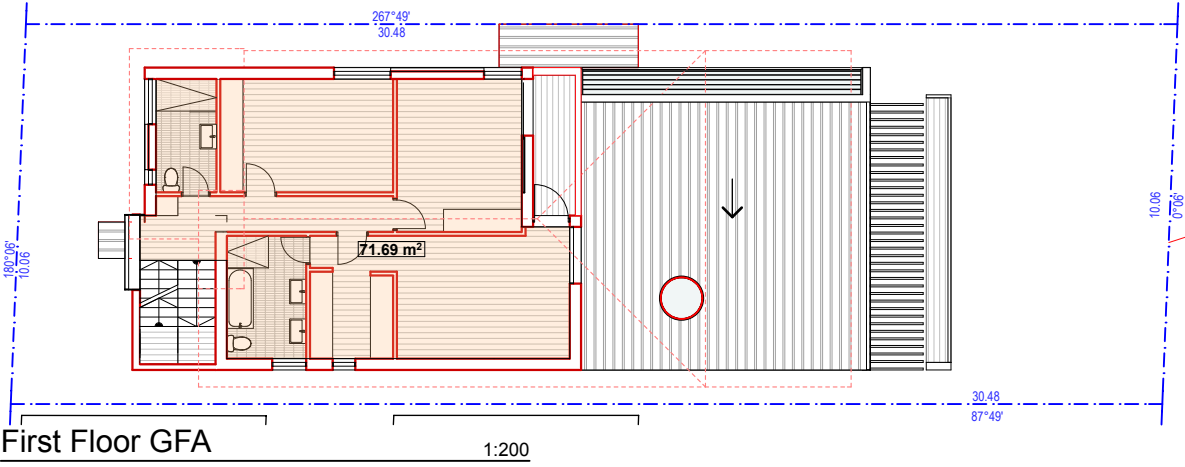
DRAWING	SOUTH ELEVATION	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-009
	NORTH BOND BEACH NSW 2026	REVISION	REV B

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NOTES

LOWER GROUND GFA =	51.4m ²
GROUND FLOOR GFA =	127.6m ²
FIRST FLOOR GFA =	71.7m ²
TOTAL GFA =	250.7m²
TOTAL SITE AREA =	306.4m²
FSR =	0.9 :1
PROPOSED FSR =	0.81 :1

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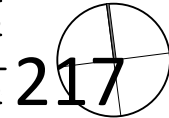
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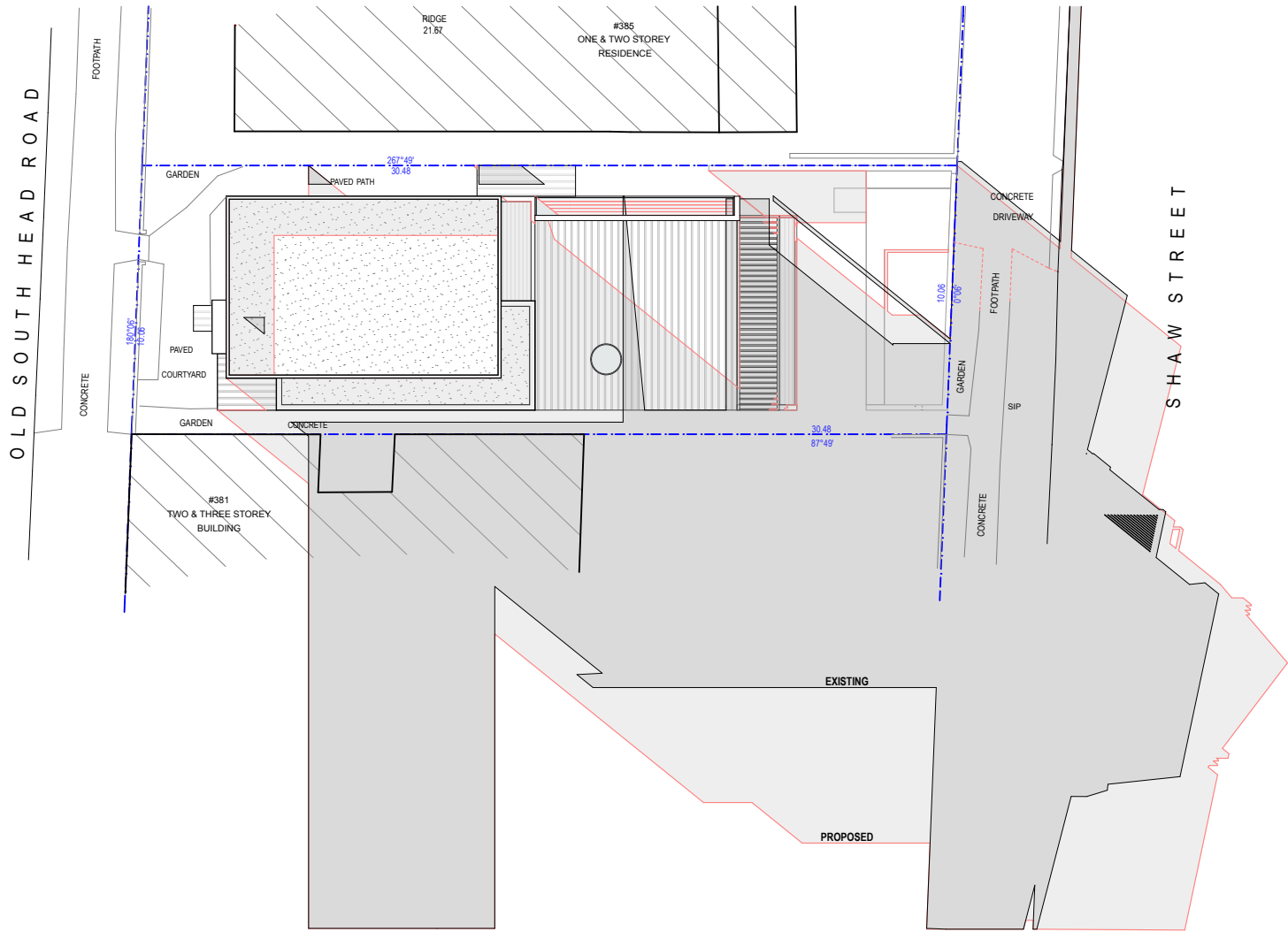
REVISIONS
A
B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

DRAWING	AREA CALCULATIONS	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-011
	NORTH BOND I NSW 2026	REVISION	REV B

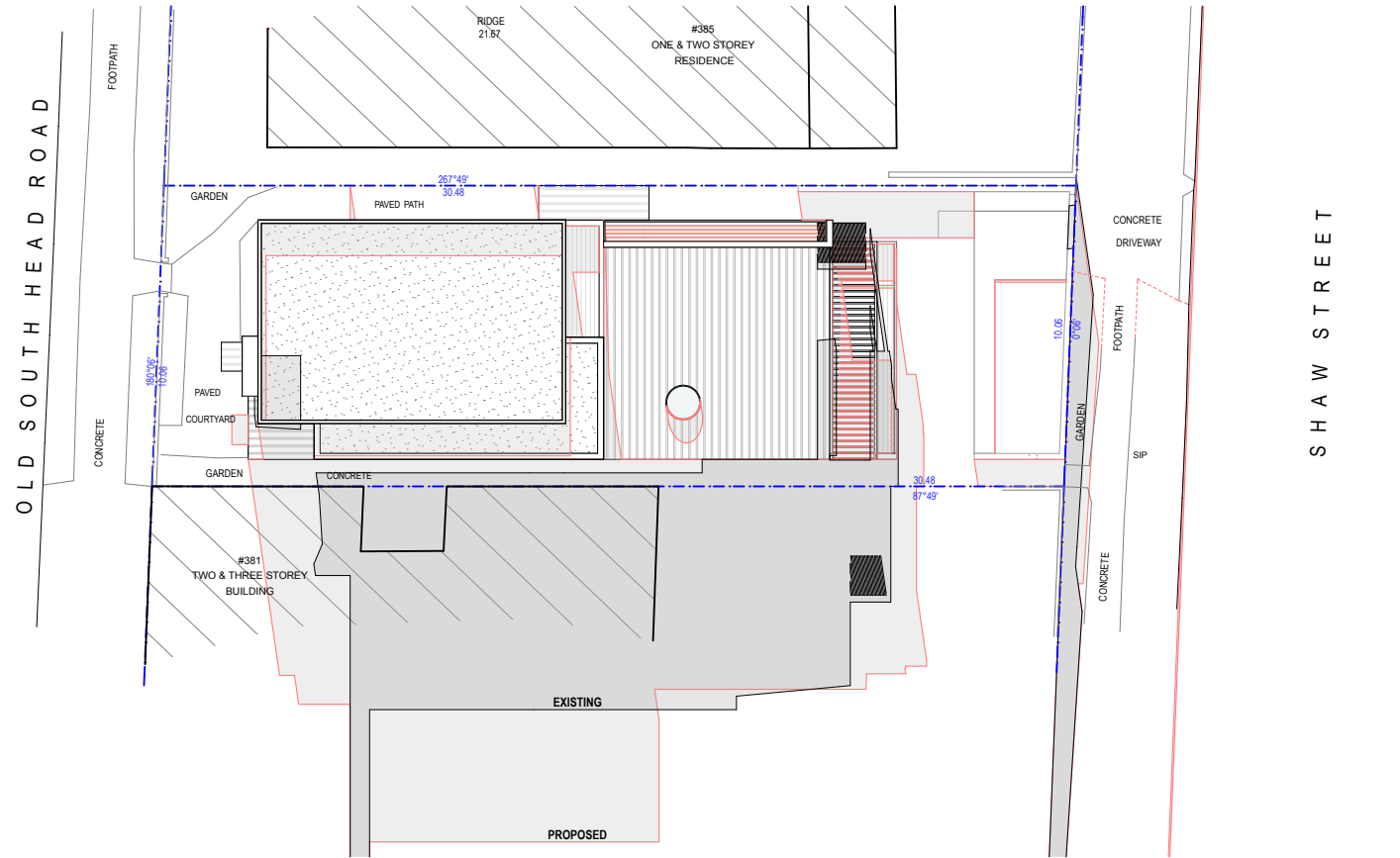
SCALE: 1:200 @ A3 PLOTTED: 3/05/2018

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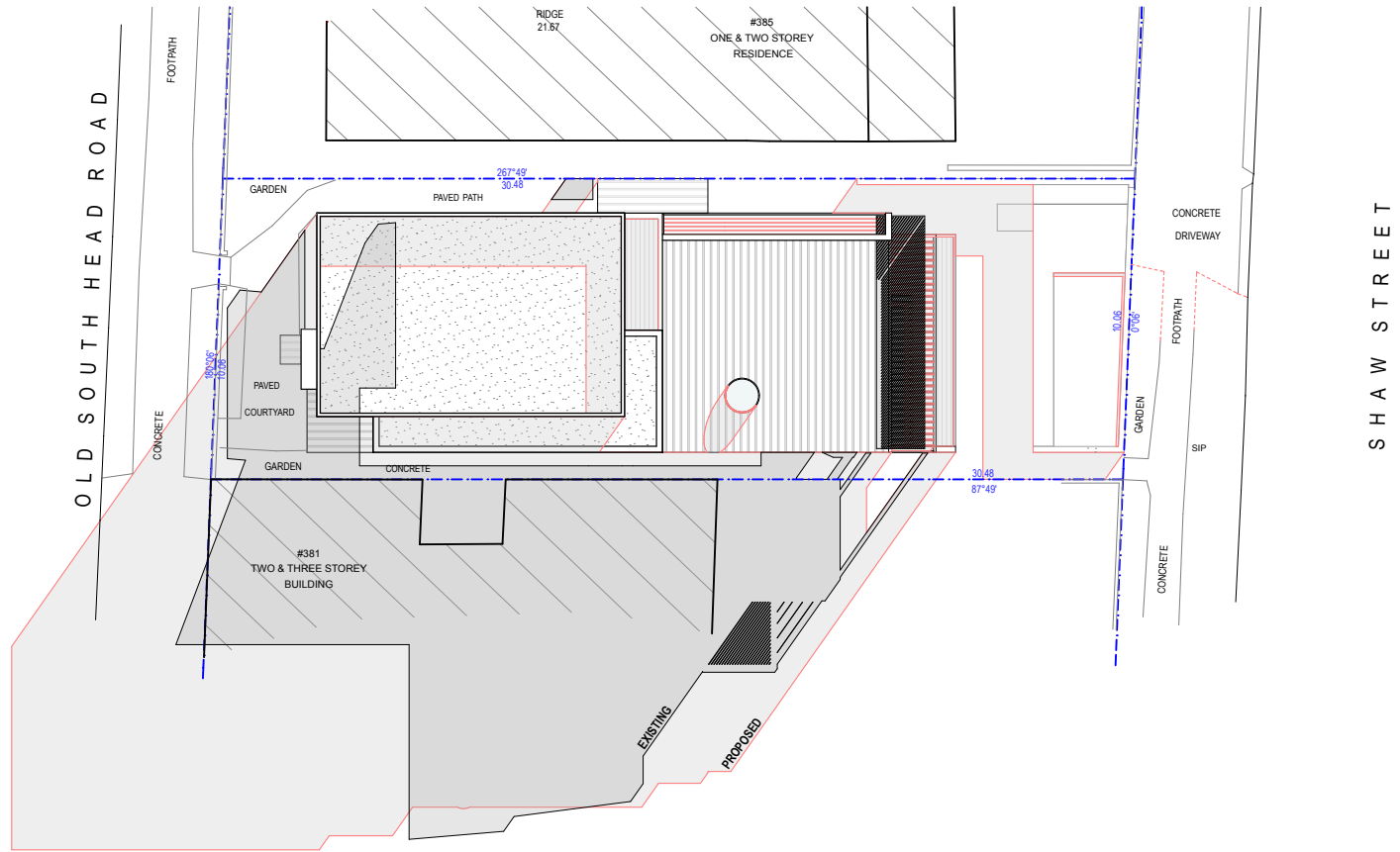




Shadow 3pm 1:250



Shadow 12pm 1:250



Shadow 9am 1:250

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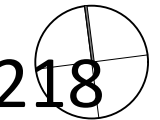
REVISIONS

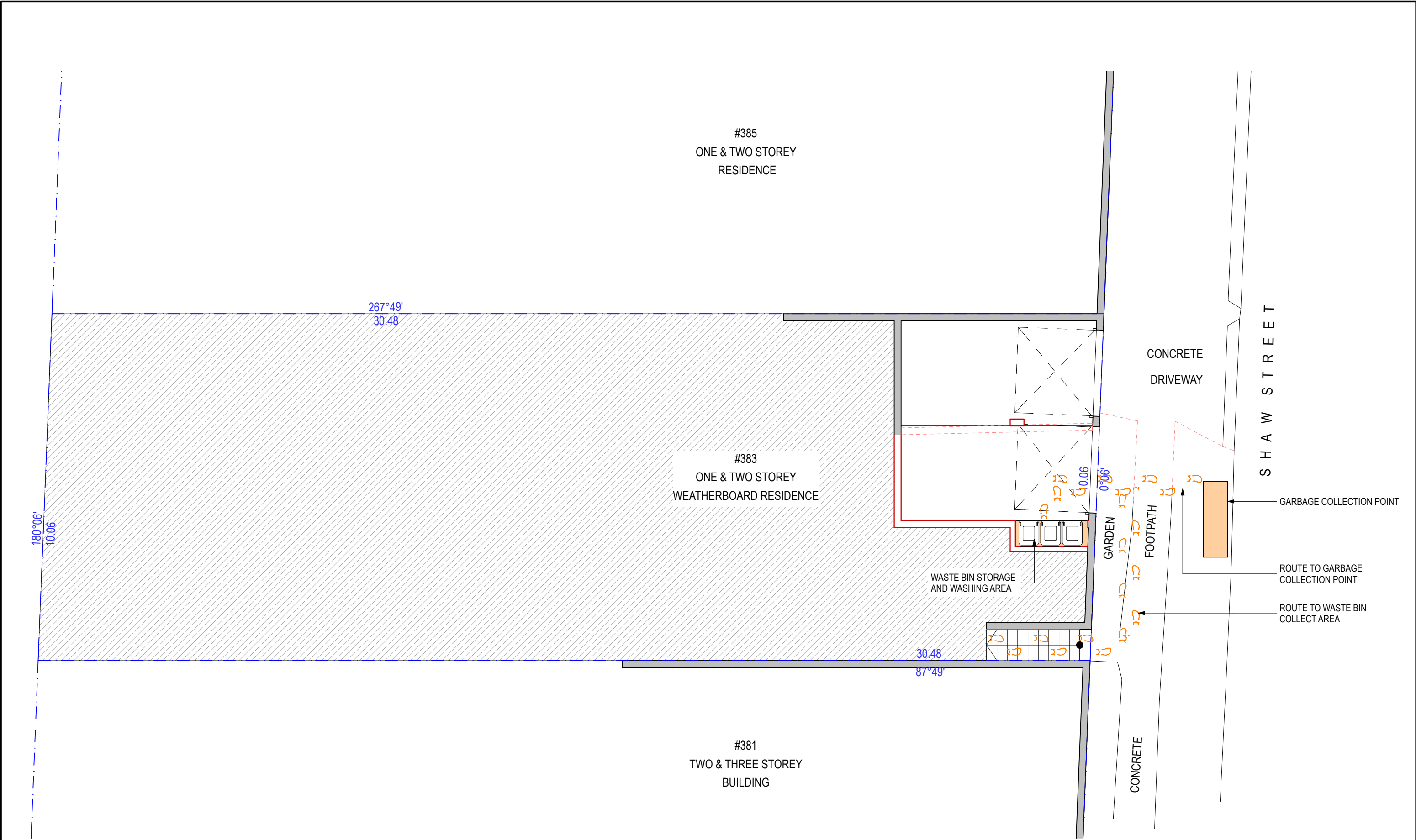
A
B - SET-BACK POOL FENCE 900mm FROM BOUNDARY

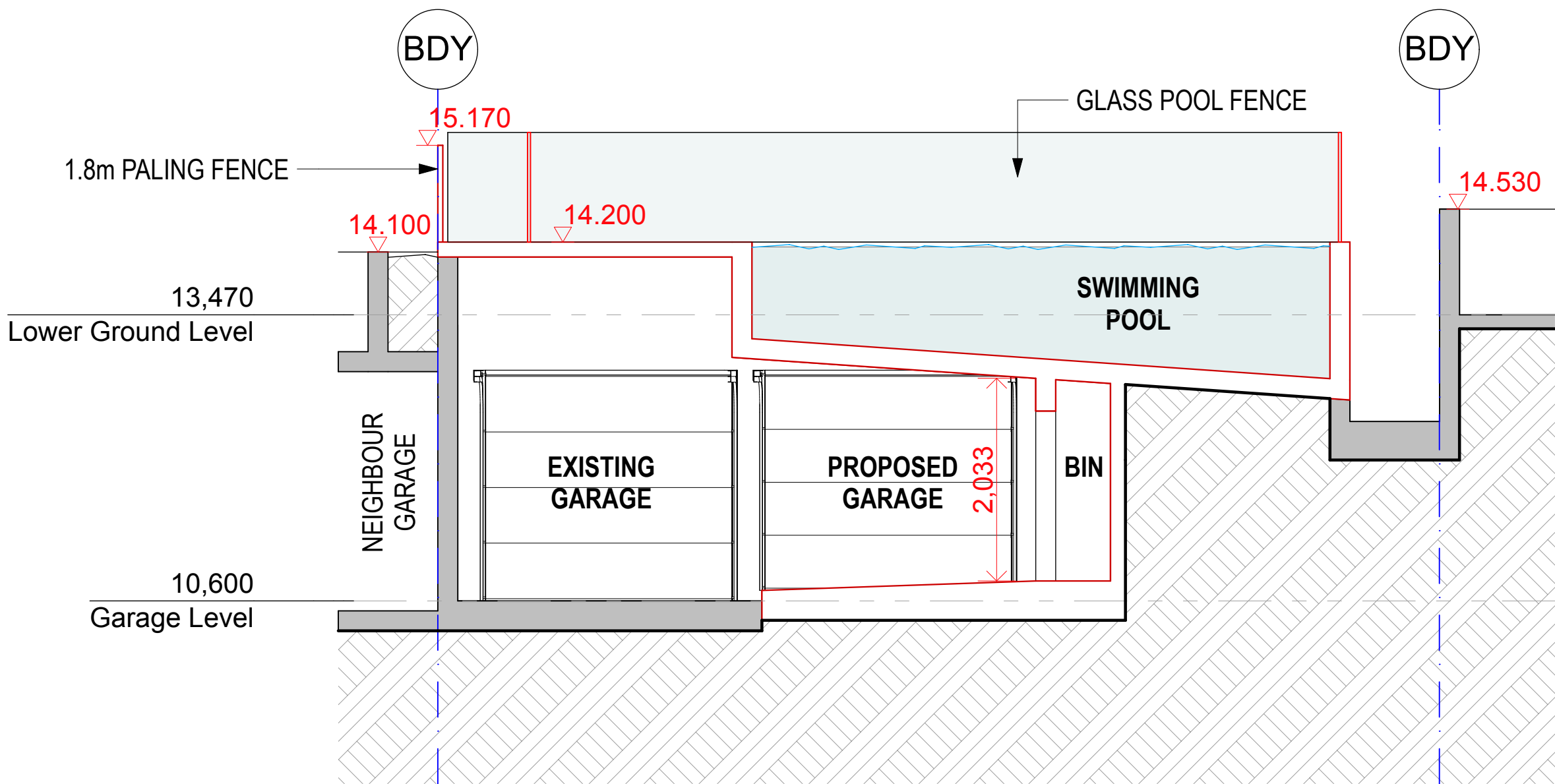
DRAWING	SHADOWS EXISTING + PROPOSED PLAN - JUNE 21	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-012
	NORTH BOND I NSW 2026	REVISION	REV B

SCALE: 1:250 @ A3 PLOTTED: 3/05/2018

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DRAWING	SECTION BB	DRAWN BY	UT
PROJECT	ALTERATIONS AND ADDITIONS	JOB NO	OS-383
	383 OLD SOUTH HEAD ROAD	DRAWING NO	DA-015
	NORTH BOND BEACH NSW 2026	REVISION	REV B

SCALE: 1:50 @ A3 PLOTTED: 3/05/2018

220



Report to the Waverley Development Assessment Panel

Application number	DA-550/2017
Site address	427 Old South Head Road, Rose Bay
Proposal	Alterations and additions to the existing dwelling including rear extension and internal reconfiguration
Date of lodgement	19 December 2017
Owner	The Jewish Benevolence Society NSW Incorporated
Applicant	Isa Designs
Submissions	Four
Cost of works	\$110, 000
Issues	FSR, privacy and submissions
Recommendation	That the application be APPROVED subject to conditions of consent attached in the Appendix

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 26 March 2018.

The site is identified as Lot 1 in DP 8829, known as 427 Old South Head Road, Rose Bay. The site is rectangular in shape with a north (side) boundary measuring 40.845m, east (rear) boundary measuring 12.08m, south (side) boundary measuring 37.725m and west (front) boundary measuring 12.495m. The site has an area of 474.2m² and the site falls from the west towards the east by approximately 3m.

The site is occupied by a part two and part three storey detached dwelling with vehicular access provided from Old South Head Road via a right of carriageway on the northern boundary of the site to a garage located at the lower ground level of the dwelling.

The subject site is adjoined by a four storey residential flat building to the north and a detached single storey dwelling to the south. The locality is characterised by a variety of residential developments including detached dwellings and residential flat buildings.

The property is not listed as an item of Environmental Heritage, and is not located within a heritage conservation area.



Figure 1: Site viewed from the front (Old South Head Road)



Figure 2: Site viewed from the rear



Figure 1: Vehicular access from the northern boundary of the site.

1.2 Relevant History

BR-91/123

The application for the construction of an additional storey was approved by Council. Despite the current configuration of the dwelling as two units, no consent is evident on Council records for the use of the property as a dual occupancy.

DA-596/2015 - Alterations and additions and convert the existing dwelling into a dual occupancy and new pool at the rear. The proposal sought to remedy the unapproved division of the property into two dwellings and which includes the required upgrading of the building to comply with the BCA for a Class 2 building. The application was refused by the Waverley Development Assessment Panel on the 27 July 2016 for the following reasons;

1. *The plans submitted with the application are wholly inadequate as supporting documentation for the proposed dual occupancy. In particular, the plans are insufficient in the following manner:*
 - a. *Allocation of private open space*
 - b. *Allocation of parking and storage areas*
 - c. *Proper delineation of spaces according to their use*
 - d. *A number of bedrooms are undersized*
 - e. *Absence of any landscape plan*
 - f. *Lack of details of the swimming pool fencing*
 - g. *Lack of detail as to intended occupancy of each unit*
2. *The proposal fails to satisfy the considerations under Clause 4.6, with regards to clause 4.4 – Floor Space Ratio.*
3. *The Granny Flat is not previously approved, is not acceptable and does not provide appropriate internal amenity for its use.*
4. *The lack of architectural design quality results in an adverse impact upon the streetscape.*

Planner's comment: This proposal has taken out the secondary entrance and is configured as a dwelling house.

1.3 Proposal

This application seeks alterations and additions to the existing dwelling including rear extension and internal reconfiguration. The dwelling house is currently configured as a dual occupancy development (Class 2) with 2 separate entrances to the building at ground floor level, with one leading to the first floor.

This DA seeks approval to remove the second kitchen and proposes a 6 bedroom dwelling house. The secondary entrance at the front door has also been removed.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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 not inconsistent with regards to clause 1.2 aims of plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the zone.
Part 4 Principal development standards		
4.3 Height of buildings • 12.5m	Yes	The existing dwelling and proposed rear addition is within the 12.5m height limit.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio Site Area: 474.2m ² 0.58:1 or 275m ²	No	GFA: 326sqm Proposed FSR: 0.6875:1
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standards. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils • The site is located in acid sulphate soil class 5.	Yes	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.

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.6875:1, which exceeds the floor space ratio development standard of 0.58:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 51m² in gross floor area or 18.5%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- Existing GFA (which results in a FSR of 0.67:1) is already in excess of the allowable FSR and the proposal will only increase the overall FSR by 2-3%
- The proposed variation of floor space, whilst minor and not detracting from or impacting upon the surrounding properties is necessary to promote the viable economic redevelopment and will allow diversity of living spaces within the existing building.
- Increase in floor area to the dwelling is mostly as a result of the existing lower ground internal area being included in the gross floor area calculations. The proposed additions to the rear above the existing balconies on the ground and first floor only result in an addition of 11.39sqm.
- The established building height and envelope corresponds to the maximum height limit permitted within the zone.
- Existing building setbacks and height are maintained.
- The proposed building and scale of the overall development has generally no amenity or visual impact upon the character of the surrounding streetscapes and neighbourhood.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

Compliance is unreasonable and unnecessary given the proposal generally maintains the existing building envelope in terms of the side setbacks and existing roof form and the rear additions are consistent with the predominant rear building line and does not result in unreasonable adverse amenity impacts to the adjoining development. The proposed development's FSR is considered appropriate within the locality especially given the site sits within a medium density residential zone which provides for a larger bulk and scale form for residential flat buildings such as those to the north of the site. The works are considered appropriate within the locality and does not impact the existing streetscape character.

- ***Clause 4.6(3)(b) that there are sufficient environmental planning grounds to justify contravening the development standard***

The additions to the rear of the site adhere to the existing ground floor rear building line. Whilst the expansion of the first floor will result in additional overshadowing to the southern adjoining neighbour, this mainly falls over the roof form at 9am and midday and in the afternoon, it results in minor additional overshadowing over private open space. Overshadowing is not considered

unreasonable given the orientation of the sites and the substantial setback of the enclosed first floor additions from the southern boundary. Other amenity impacts such as privacy can be mitigated through conditions of consent.

- ***Clause 4.6(4)(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant's written request has adequately addressed the matters required under subclause 3, therefore, the consent authority can consider a variation to the development standard.

- ***Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out***

In consideration of the public interest, the additions are not contrary to the objectives of the R3 zone as it provides for the housing needs of a community within a medium density residential environment and continues to provide a variety of housing types.

The objectives of the FSR development standard are to provide an appropriate correlation between the maximum building heights and density controls and to ensure that buildings are compatible with the bulk, scale and streetscape and desired future character of the locality.

The subject site is in a medium density zone and immediately to the north are residential flat buildings of a larger bulk and scale than the subject development. Whilst detached dwellings are located south of the site, the proposed development is considered to provide a transition between the two varying scales of development. As noted by the applicant, the existing building exceeds the GFA and the additions represent only a minor increase in the overall FSR of the site. The proposal is also well within the building height and as the additions are located to the rear, there is no impact on the streetscape. The proposal is considered to be compatible with the future character of the locality. The environmental impacts from the additions are not unreasonable and are not contrary to the objectives of the development standard.

It is considered therefore that the proposal, despite the non-compliance with the FSR development standard still meets the objectives of the zone and therefore is in the public interest satisfying the considerations of Clause 4.6.

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


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

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

Development Control	Compliance	Comment
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.

Development Control	Compliance	Comment
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. Accordingly, the application is consistent with all relevant energy and water conservation targets, including those specified in the WDCP 2012.
3. Biodiversity	N/A	The site is within a habitat buffer zone. However no changes are proposed to the landscaping on site and thus this section is not applicable.
6. Stormwater	No – conditioned	Council's Creating Waverley section has advised that the plans are not satisfactory in regards to stormwater details. A standard condition of consent is recommended requiring the stormwater drainage system to satisfy the requirements of the WDCP 2012.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Acceptable	No change to the existing pitched roof form. The rear flat roof addition exceeds a height of 7.5m due to the slope of the land towards the rear but is considered to be appropriately located under the eave/gutter line.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant rear building line at each floor level 	Yes	<p>No change to the lower ground and ground floor rear building line. The first floor has been extended to match the ground floor rear building line and can be supported given the rear building line established by the flat buildings to the north.</p> 
1.2.2 Side setbacks	Yes	Proposal matches the existing side setbacks of

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 0.9m 		1.003 and 1.006m.
1.4 Streetscape and visual impact		
	N/A	Works are internal or to the rear.
1.8 Visual and acoustic privacy		
<i>Maximum size of balconies:</i> <ul style="list-style-type: none"> 10m² in area 1.5m deep 	No – conditioned	The proposed terrace areas on the ground and first floor comply with the maximum area but exceed the maximum balcony depth. To improve privacy to adjoining developments, it will be conditioned for 1.8m high privacy screens to be provided to the northern side of the ground floor rear terrace and the southern side of the first floor rear terrace.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>N/A</p> <p>Acceptable</p>	<p>No change to the living areas and principal open space.</p> <p>The existing northern windows of the southern neighbour are already overshadowed in mid-winter and the shadow diagrams show that the additional impacts will be mostly over the roof in the morning and midday. The principal open space of the southern adjoining development will maintain 3 hours of sunlight in the morning.</p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space 	Yes	<p>61.9% open space</p> <p>28.2% landscaped area</p> <p>158.6sqm of at grade private open space.</p>

2.2 Other Impacts of the Development

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*.

Four 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
425 Old South Head Rd, ROSE BAY NSW 2029
423 Old South Head Road, NORTH BONDI
2B Owen St, NORTH BONDI NSW 2026
2A Owen St, NORTH BONDI NSW 2026

Issue: Overshadowing

Response: Addressed in the DCP assessment above.

Issue: Privacy

Response: Addressed in the DCP assessment above.

Issue: Use of the premises as a meeting place for religious functions, activities and parties and concerns regarding the premises housing backpackers and overseas travellers (questioning the use of the premises)

Response: Standard conditions regarding the approved use of the premises as a dwelling will be imposed. Furthermore, a separate condition stating that the premise has not been approved as a place of public worship will be imposed.

Issue: Cars taking up parking on the streets and traffic

Response: Use of onstreet parking is not a matter for assessment as they are provided for public use.

Issue: Noise disturbances from the property and rubbish on the footpath

Response: The application has been assessed as a dwelling and noise from domestic activities are not unreasonable. Disturbances and littering beyond the approved use are a matter for Council rangers/compliance team.

2.5 Public Interest

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

3. REFERRALS

3.1 Stormwater – Creating Waverley

The application was referred internally to Council's Creating Waverley Department who advised that the proposed stormwater management details are not supported. Standard conditions

requiring appropriate stormwater plans to be submitted prior to the issue of a Construction Certificate will be imposed accordingly.

4. SUMMARY

The application seeks consent for alterations and additions to the existing dwelling including rear extension and internal reconfiguration. The main issues relate to FSR and privacy. Privacy will be addressed through conditions of consent for privacy screens to the sides of the balconies and FSR has been assessed to be acceptable given the medium density zoning, bulk and scale to the north and the future character of the area. Four submissions were received in respect to the application raising concerns about overshadowing, privacy, onstreet carparking, noise and litter, as well as use beyond that approved. Parking, noise and litter resulting from non-compliance with the approved use is a matter for compliance and overshadowing, privacy and approved use have been addressed in the assessment as well as through conditions of consent. The application, being assessed on merit is considered supportable subject to recommended conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Bianca Chiu
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 14 May 2018

Date: 11 July 2018

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Plan Nos DA_004, DA_005, DA_007, DA_008, DA_011, DA_012, revision D, dated 26.04.2018 and received by Council on 1 May 2018; and DA_003, DA_006, DA_009, DA_010, revision C, dated 21.11.2017, received by Council on 19 December 2017, all prepared by iSA DESiGNS;
- (b) BASIX Certificate No. A302444, dated 18 December 2017, and received by Council on 19 December 2017;
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) A 1.8m high privacy screen as measured from the finished floor level of the rear terraces with maximum 25% openings, is to be provided for the full depth of the northern side of the ground floor rear terrace and the southern side of the rear first floor terrace.

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

3. APPROVED USE – USE OF DWELLING

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

The premises has not been approved for use as a place of public worship or other residential accommodation including short term accommodation.

4. DOMESTIC HEATERS

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

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 94A CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **3300** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. HOARDING REQUIRED

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

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

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

12. EROSION, SEDIMENT AND POLLUTION CONTROL

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

13. ENGINEERING DETAILS

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

14. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

15. STORMWATER MANAGEMENT

The stormwater drainage drawings do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Guidelines. On Site Detention system and its details are required as per the Water Management Technical Guidelines.

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 and be to the satisfaction of Council's Stormwater Engineers prior to the issue of a Construction Certificate.

16. ROOFWATER GUTTERING

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

17. BASIX

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

18. 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.

19. 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.

20. 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.

21. EXCAVATION AND BACKFILLING

Any 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.

22. 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.

23. OBSTRUCTION TO PUBLIC AREAS

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

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

24. TOILET FACILITIES

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

25. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

26. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

27. 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.

28. SOIL AND WATER MANAGEMENT PLAN

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

29. STOCKPILES

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

30. LOCATION OF BUILDING OPERATIONS

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

31. TEMPORARY DIVERSION OF ROOF WATERS

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

32. 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.

33. 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.

34. BUILDING CODE OF AUSTRALIA

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

35. 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, where relevant:

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

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

36. 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.

37. IN-SINK WASTE DISPOSAL SYSTEMS

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

38. ENCROACH BEYOND THE BOUNDARIES

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

39. 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.

40. 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.

41. 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.

42. SERVICE PIPES

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

43. TREE PRESERVATION

For trees not approved for removal under this application, a tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in

writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

44. 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.

45. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

46. OCCUPATION CERTIFICATE

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

47. STORMWATER MANAGEMENT

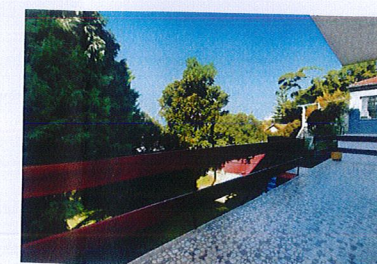
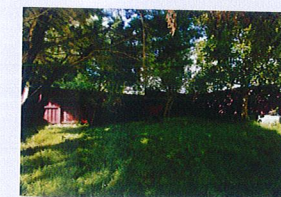
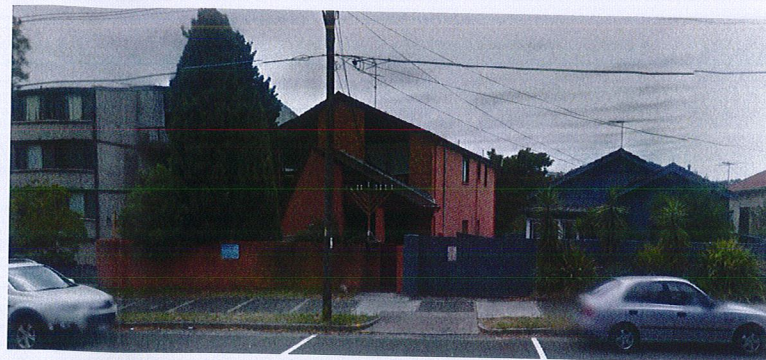
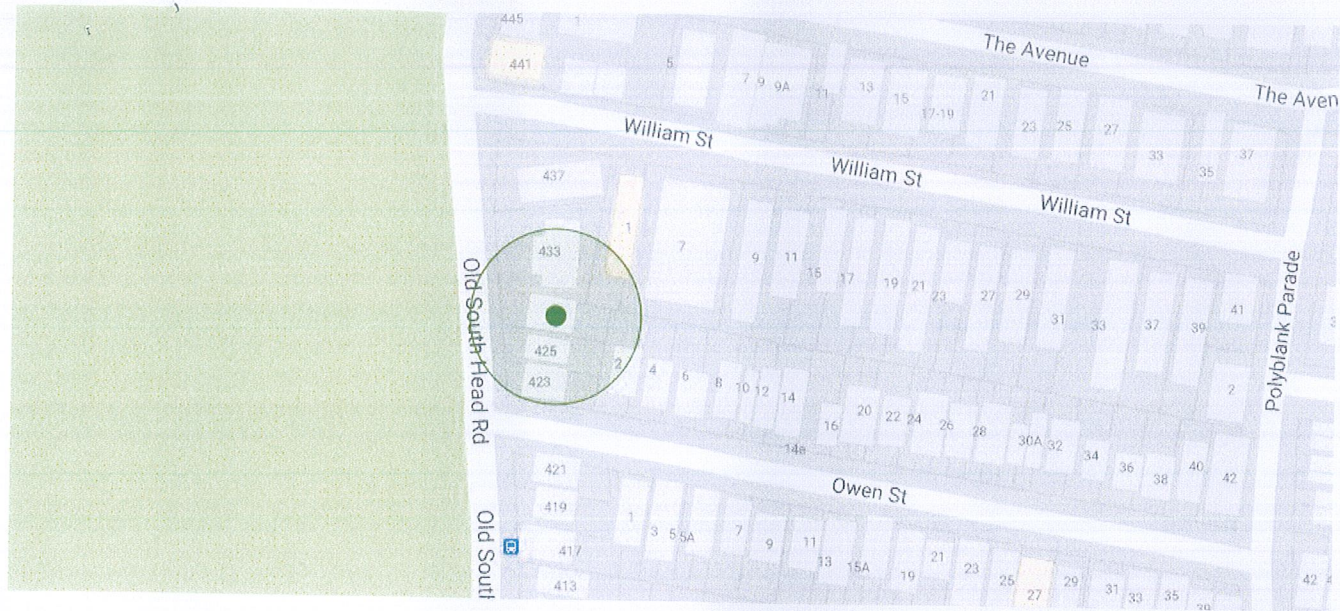
Prior to issuance of occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the stormwater management plans submitted to satisfy conditions and to best engineering practice.

48. 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.

49. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.



550/17-

RECEIVED
19 DEC 2017
WAVERLEY COUNCIL
Customer First



ISA DESIGNS

Alon Musael

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Address
Mobile
Email

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Bondi Beach NSW 2026
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alon@isadesigns.com.au



This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.

FOR CONSTRUCTION

PROJECT:
Alterations & Additions

DP. 8829 Lot 1

427 Old South Head Road
Rose Bay NSW 2029

CLIENT:
**The Jewish Benevolence
Society NSW Incorporated**

427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:
Location & Context Details

Project No: DA_170502

Drawing No: DA_001

Scale:

Drawn: AM

Date: 02.05.2017

Sent: 21.11.2017

Issue:

Revision: C

Revision Description:

Preliminaries & Schematic Design
Client Amendments
DA Submission - Council Review

243



DA-5501

LEGEND

- | | |
|--|---------------------|
| | COMMS PIT |
| | WATER METER |
| | BENCH MARK |
| | GAS METER |
| | POWER POLE/SERVICES |
- ELECTRICITY POWER LINE ————— E —————
- GUT : TOP OF GUTTER
- S:3 (SPREAD)

D:0.3 (DIAMETER)

H:10 (HEIGHT)
- SHRUB

NO BOUNDARY SURVEY HAS BEEN UNDERTAKEN. BEARINGS, DIMENSIONS AND AREAS ARE FROM TITLE ONLY AND ARE SUBJECT TO CONFIRMATION BY BOUNDARY SURVEY.

DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DETAIL FROM THE DRAWING
SURVEYOR MUST BE CONTACTED IF THERE ARE ANY DISCREPANCIES.

SERVICES SHOWN ARE INDICATIVE ONLY. POSITIONS ARE BASED ON SURFACE INDICATOR(S) LOCATED DURING FIELD SURVEY. CONFIRMATION OF THE EXACT POSITION SHOULD BE MADE PRIOR TO ANY EXCAVATION WORK. OTHER SERVICES MAY EXIST WHICH ARE NOT SHOWN.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (A.H.D.) USING PM 1839 R.L. 15.689m.

RIDGE & GUTTERS HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE
 TO $\pm 0.05\text{m}$

ADJOINING DWELLINGS, BUILDINGS HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY
NO WINDOWS WERE SURVEYED.

CONTOURS ARE AN INDICATION OF LANDFORM AND SHOULD NOT BE TAKEN IN PREFERENCE TO SPOT LEVELS SHOWN.

iSA DESiGNS

Alon Musael

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Address
Mobile
Email

PO Box 7516
Bondi Beach NSW 2026
+61 451 867 426
alon@isadesigns.com.au

OLD SOUTH HEAD ROAD

FOR CONSTRUCTION

PROJECT:

Alterations & Additions

DP. 8829 Lot 1

427 Old South Head Road
Rose Bay NSW 2029

CLIENT:

The Jewish Benevolence Society NSW Incorporated

427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:

Survey Plan

Project No: DA_170502

Drawing No: DA_002 **Drawn:** AM

Date: 02.05.2017

Sent: 21.11.2017

Issue:

Revision: C

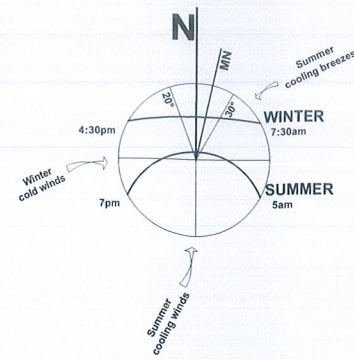
Revision Description:

Preliminaries & Schematic Design

Client Amendments

DA Submission - Council Review

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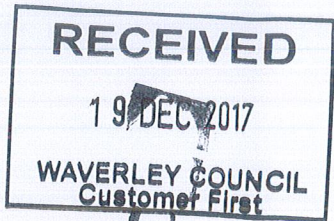
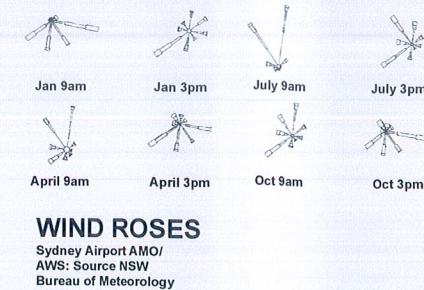
FLOOR SPACE CALCULATIONS

Existing - 427 Old South Head Road, Rose Bay

Site Area -	474.20 Sqm
Existing Outdoor Area -	294.07 Sqm
Permissible FSR -	0.90 : 1
Existing FSR -	0.58 : 1
Existing Site Coverage -	38.00 %
Existing Landscape Area -	36.73 %
Existing Ground Floor Area -	142.14 Sqm
Existing First Floor Area -	132.33 Sqm
Total Existing Floor Area -	274.47 Sqm

Proposed - 427 Old South Head Road, Rose Bay

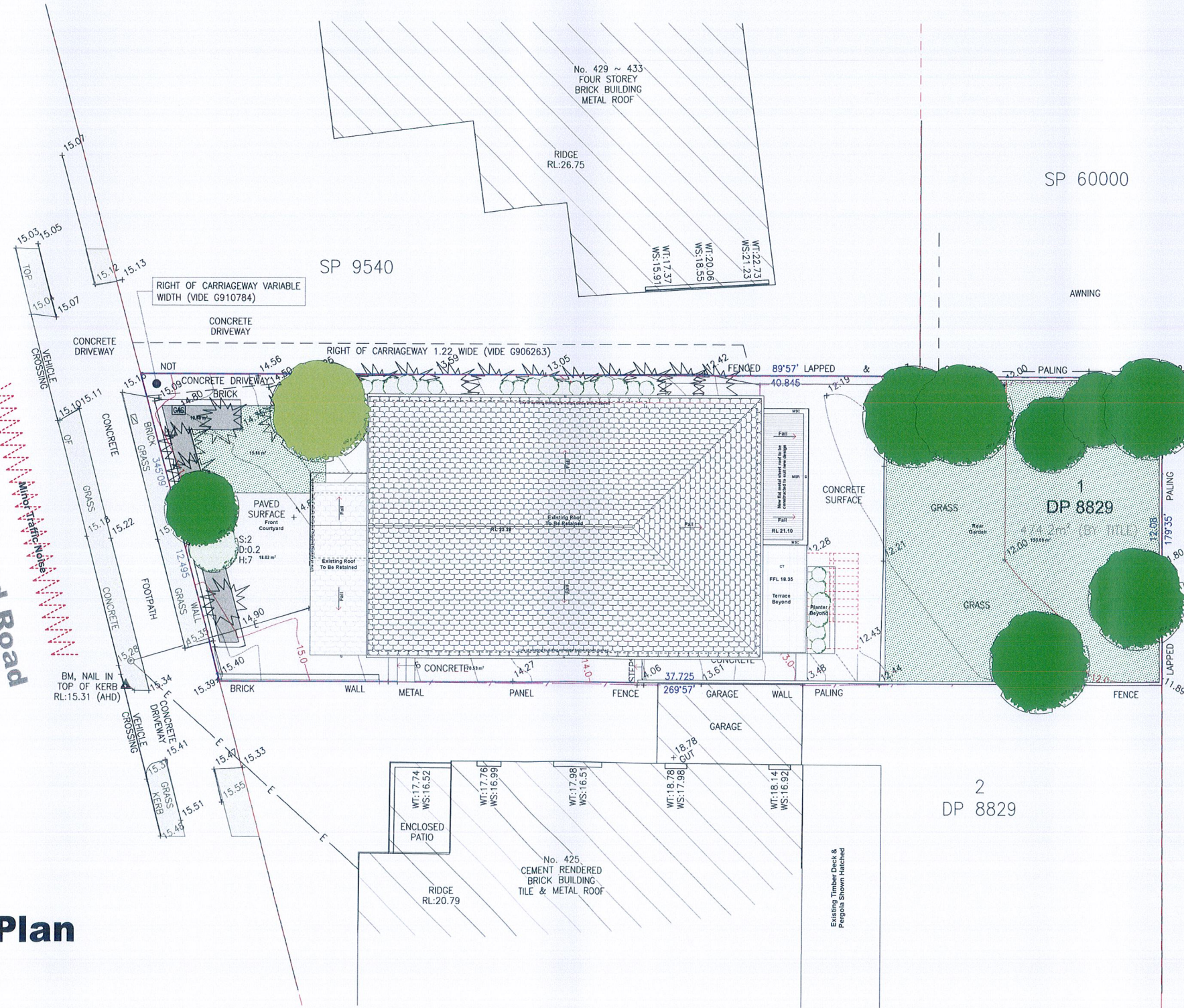
Site Area -	474.20 Sqm
Proposed Outdoor Area -	294.07 Sqm
Permissible FSR -	0.90 : 1
Proposed FSR -	0.70 : 1
Proposed Site Coverage -	38.00 %
Proposed Landscape Area -	36.73 %
Proposed Lower Ground Floor Area -	40.38 Sqm
Proposed Ground Floor Area -	150.82 Sqm
Proposed First Floor Area -	138.72 Sqm
Total Proposed Floor Area -	329.92 Sqm



DA-550/17

Old South Head Road

Site Analysis Plan



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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

DP. 8829 Lot 1

427 Old South Head Road
Rose Bay NSW 2029

CLIENT:

The Jewish Benevolence
Society NSW Incorporated

427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:

Site Analysis Plan

Project No: DA_170502

Drawing No: DA_003

Scale: 1 : 200 @ A3

Drawn: AM

Date: 02.05.2017

Sent: 21.11.2017

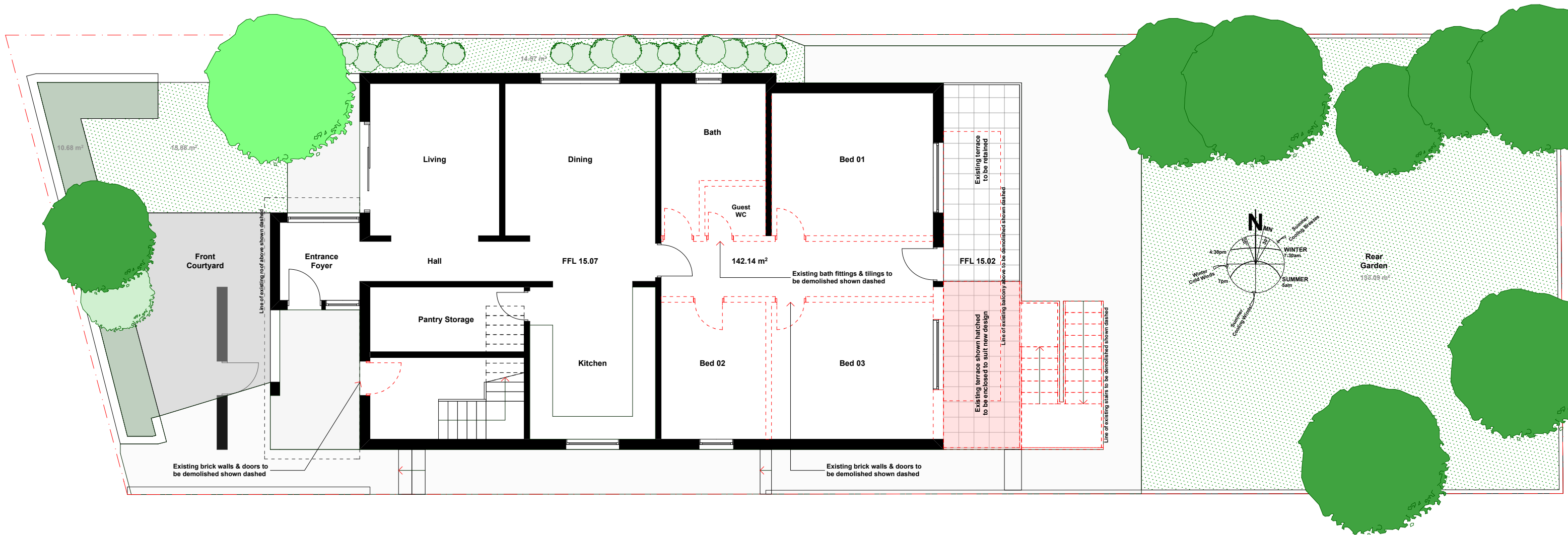
Issue:

Revision: C

Revision Description:

Preliminaries & Schematic Design
Client Amendments
DA Submission - Council Review

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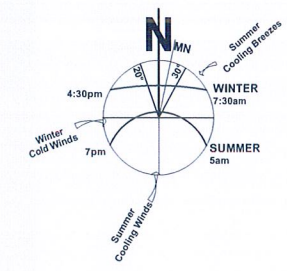
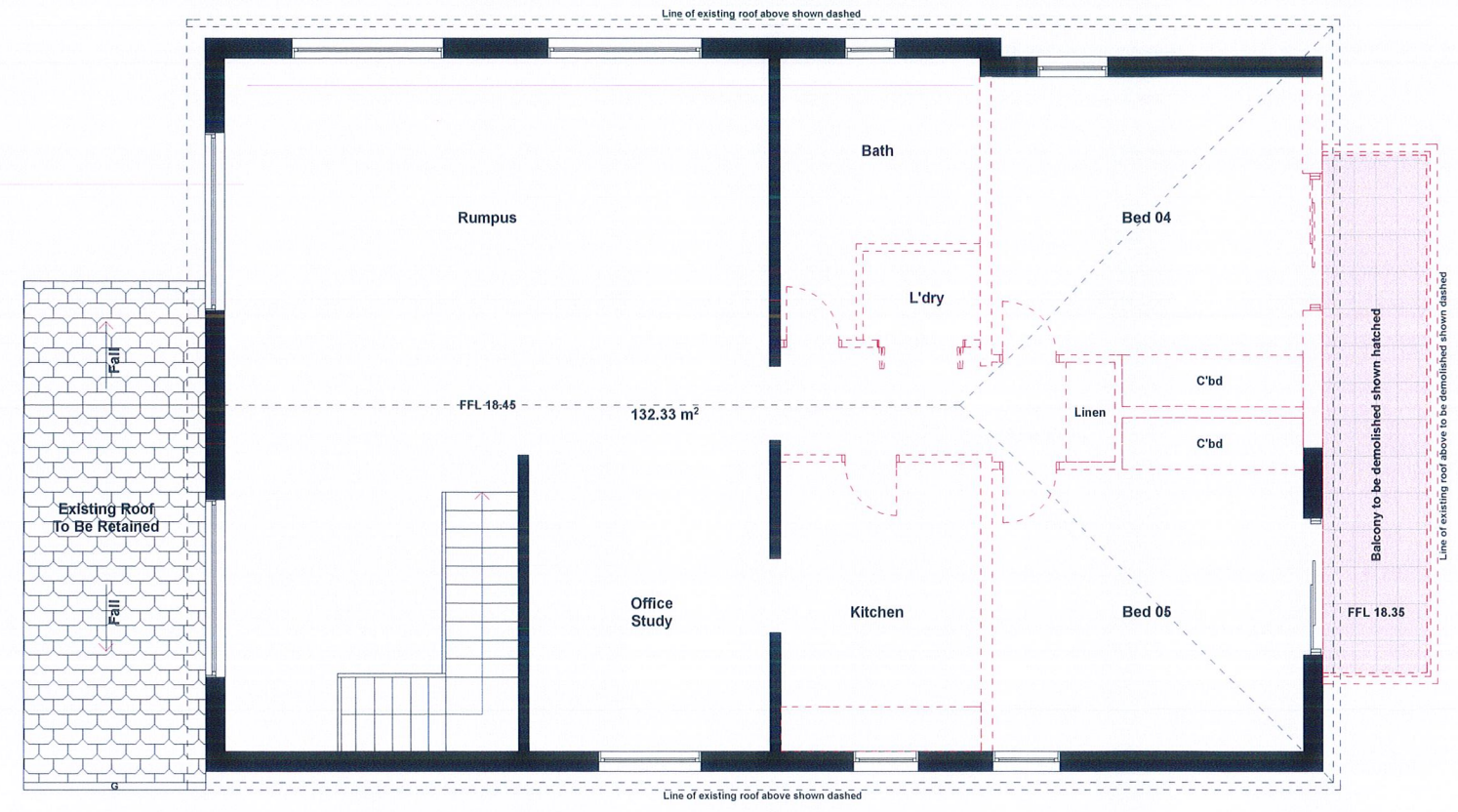


Existing & Demolition Ground Floor Plan

<div><div>isa DESiGNS</div><div>Alon Musael</div><div><div>Postal Address</div><div>Mobile</div><div>Email</div></div><div><div>PO Box 7516</div><div>Bondi Beach NSW 2026</div><div>+61 451 867 426</div><div>alon@isadesigns.com.au</div></div></div> <div><div><div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div><div>FOR CONSTRUCTION</div></div></div>	<div><div>PROJECT:</div><div>Alterations & Additions</div><div>DP. 8829 Lot 1</div><div>427 Old South Head Road</div><div>Rose Bay NSW 2029</div></div>	<div><div>CLIENT:</div><div>The Jewish Benevolence Society NSW Incorporated</div><div>427 Old South Head Road</div><div>Rose Bay NSW 2029</div></div>	<div><div>Drawing Name:</div><div>Existing & Demolition Ground Floor Plan</div></div>	<div><div>Date:</div><div>02.05.2017</div></div> <div><div>Revision Description:</div><div>Preliminaries & Schematic Design</div><div>Client Amendments</div><div>DA Submission - Council Review</div><div>Additional Information Request</div></div>
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Existing & Demolition First Floor Plan

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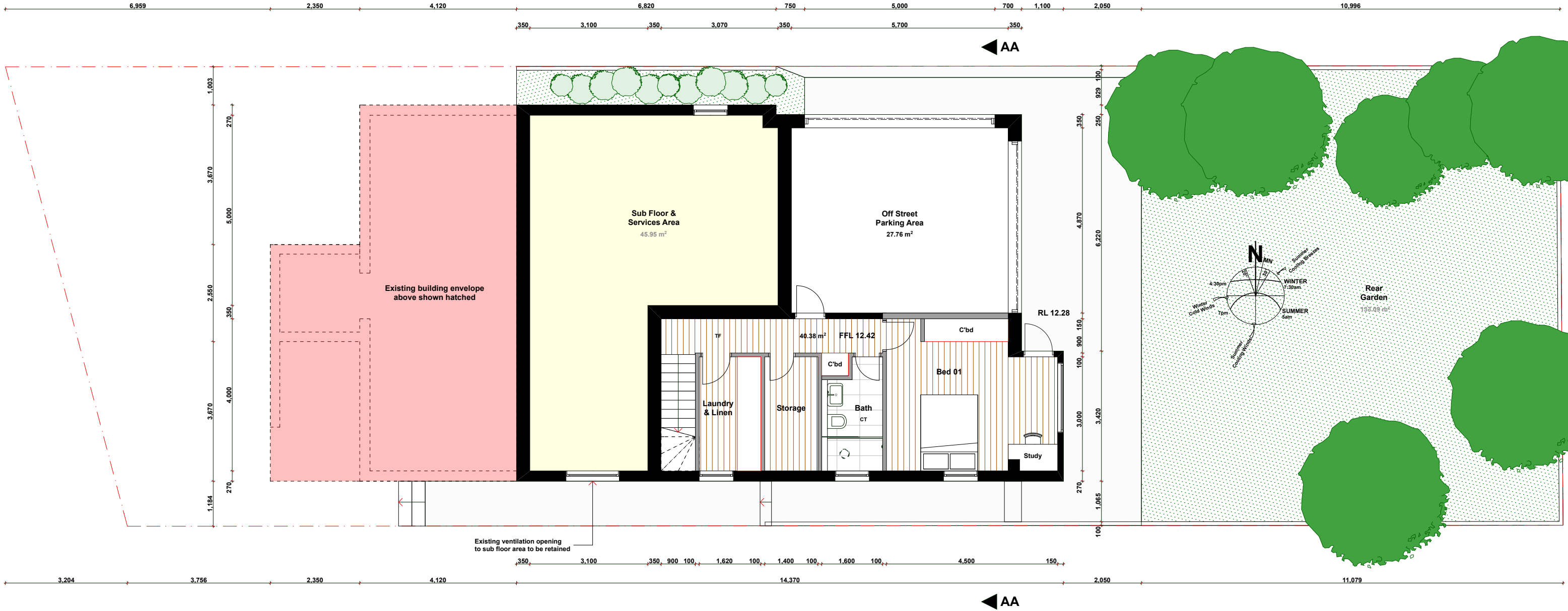
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PROJECT:
Alterations & Additions
DP. 8829 Lot 1
427 Old South Head Road
Rose Bay NSW 2029

CLIENT:
The Jewish Benevolence
Society NSW Incorporated
427 Old South Head Road
Rose Bay NSW 2029

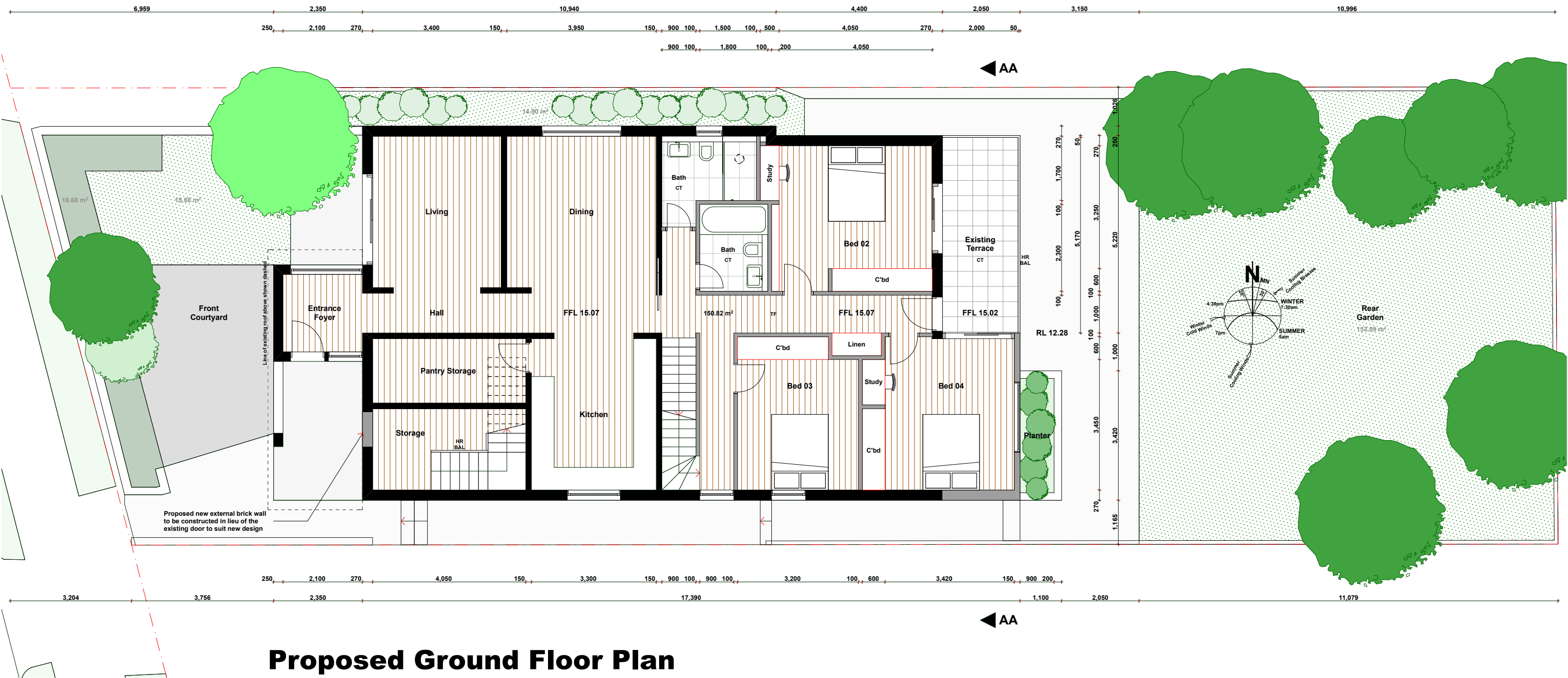
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Existing & Demolition First Floor Plan
Project No: DA_170502
Drawing No: DA_006
Scale: 1 : 100 @ A3
Drawn: AM

Date: 02.05.2017
Sent: 21.11.2017
Issue:
Revision: C
Revision Description:
Preliminaries & Schematic Design
Client Amendments
DA Submission - Council Review
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Proposed Lower Ground Floor Plan

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

DP. 8829 Lot 1

427 Old South Head Road
Rose Bay NSW 2029

CLIENT:

**The Jewish Benevolence
Society NSW Incorporated**

427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:

Proposed Ground Floor Plan

Project No: DA_170502

Drawing No: DA_008

Scale: 1 : 100 @ A3

Drawn: AM

Date: 02.05.2017

Sent: 26.04.2018

Issue:

Revision: D

Revision Description:

Preliminaries & Schematic Design

Client Amendments

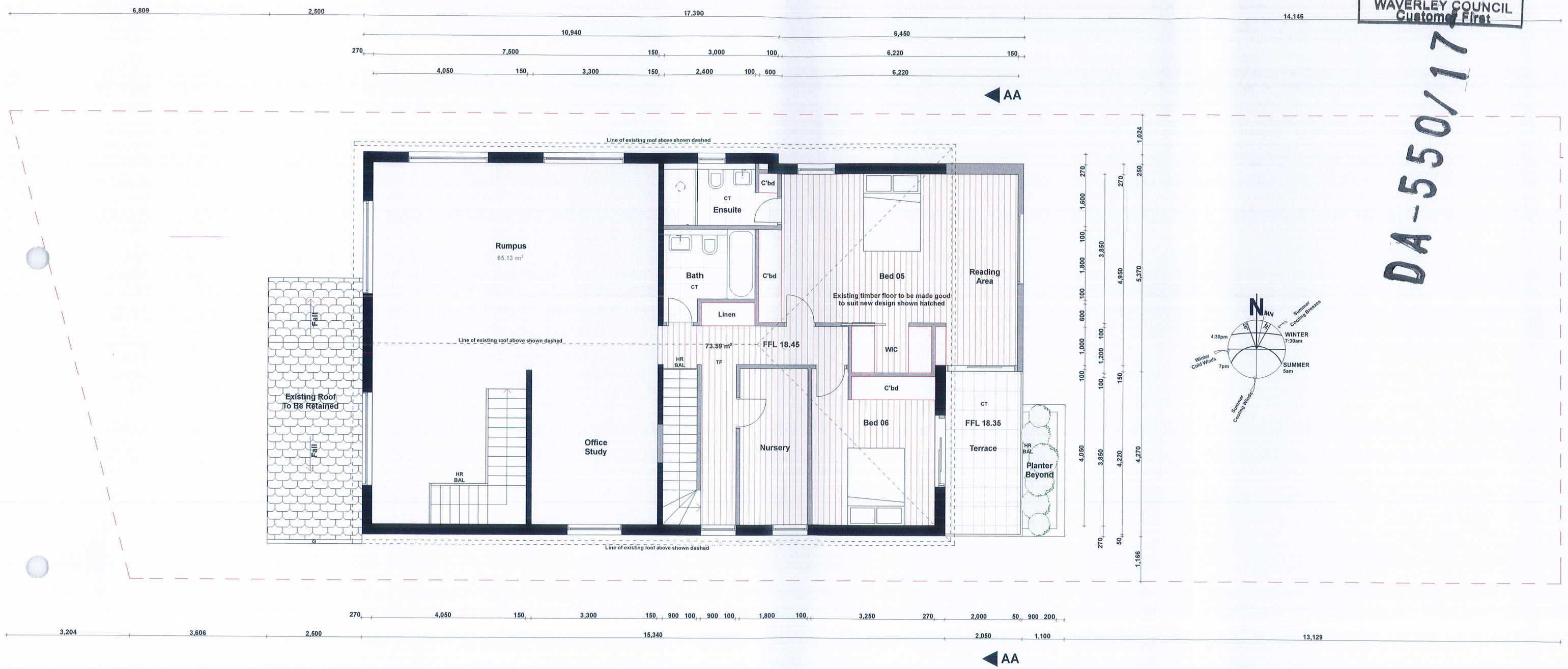
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Proposed First Floor Plan

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
DP. 8829 Lot 1
427 Old South Head Road
Rose Bay NSW 2029

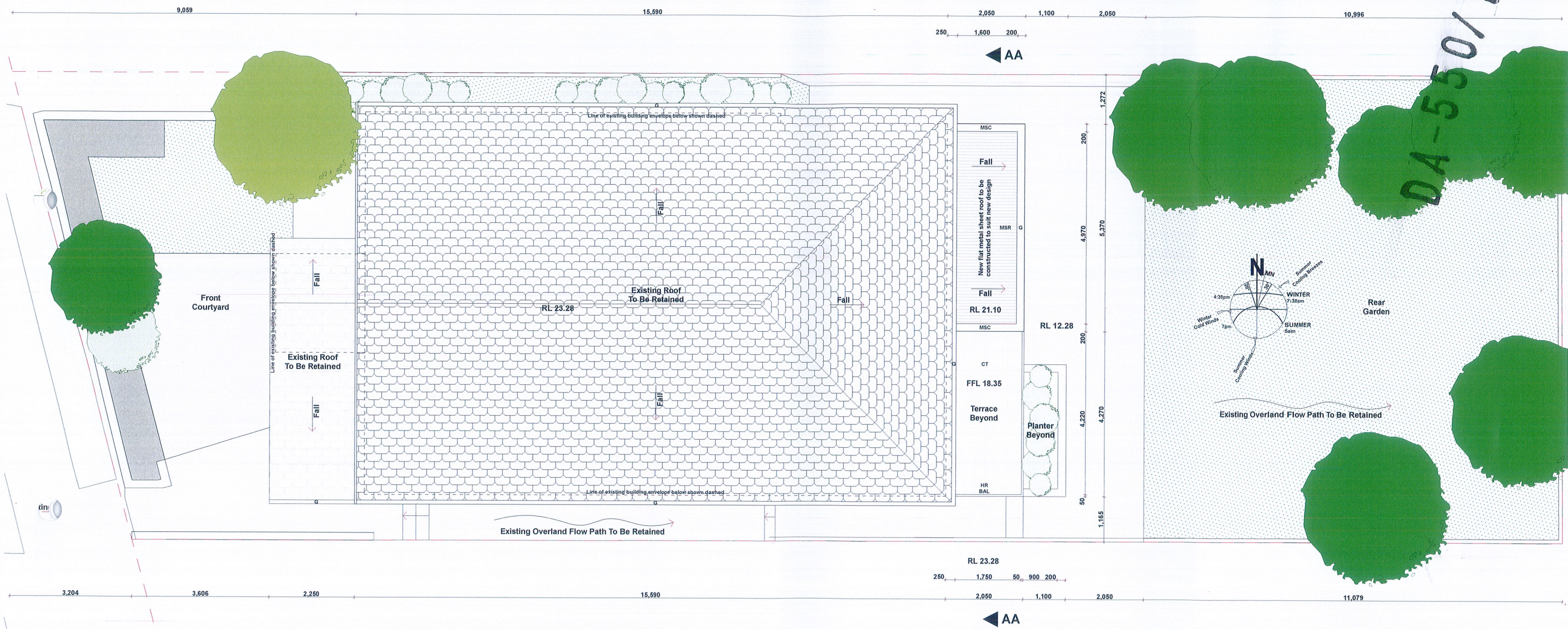
CLIENT:
The Jewish Benevolence Society NSW Incorporated
427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:
Proposed First Floor Plan
Project No: DA_170502
Drawing No: DA_009
Scale: 1 : 100 @ A3
Drawn: AM


Date: 02.05.2017
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Revision Description:
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Client Amendments
DA Submission - Council Review
251

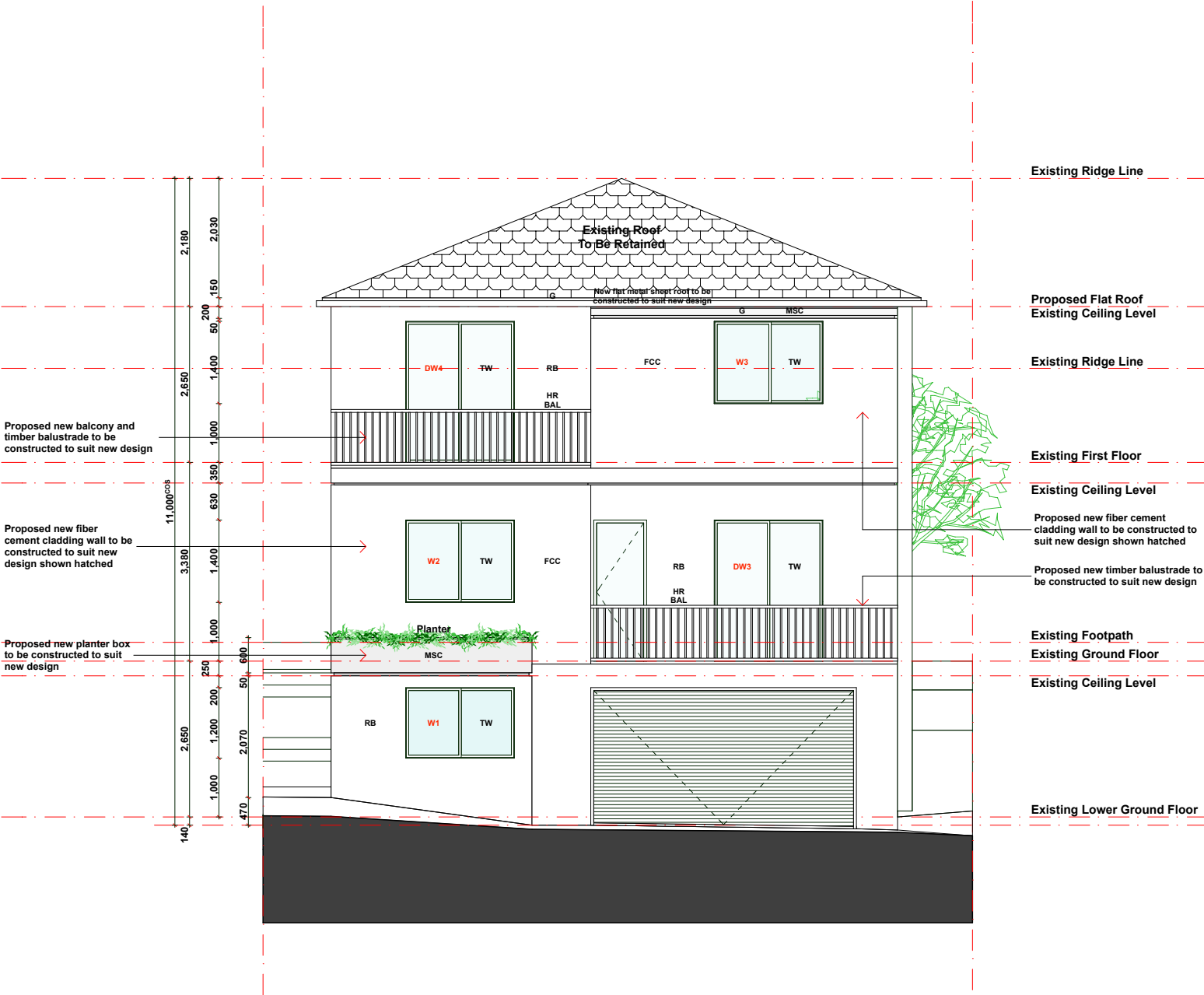
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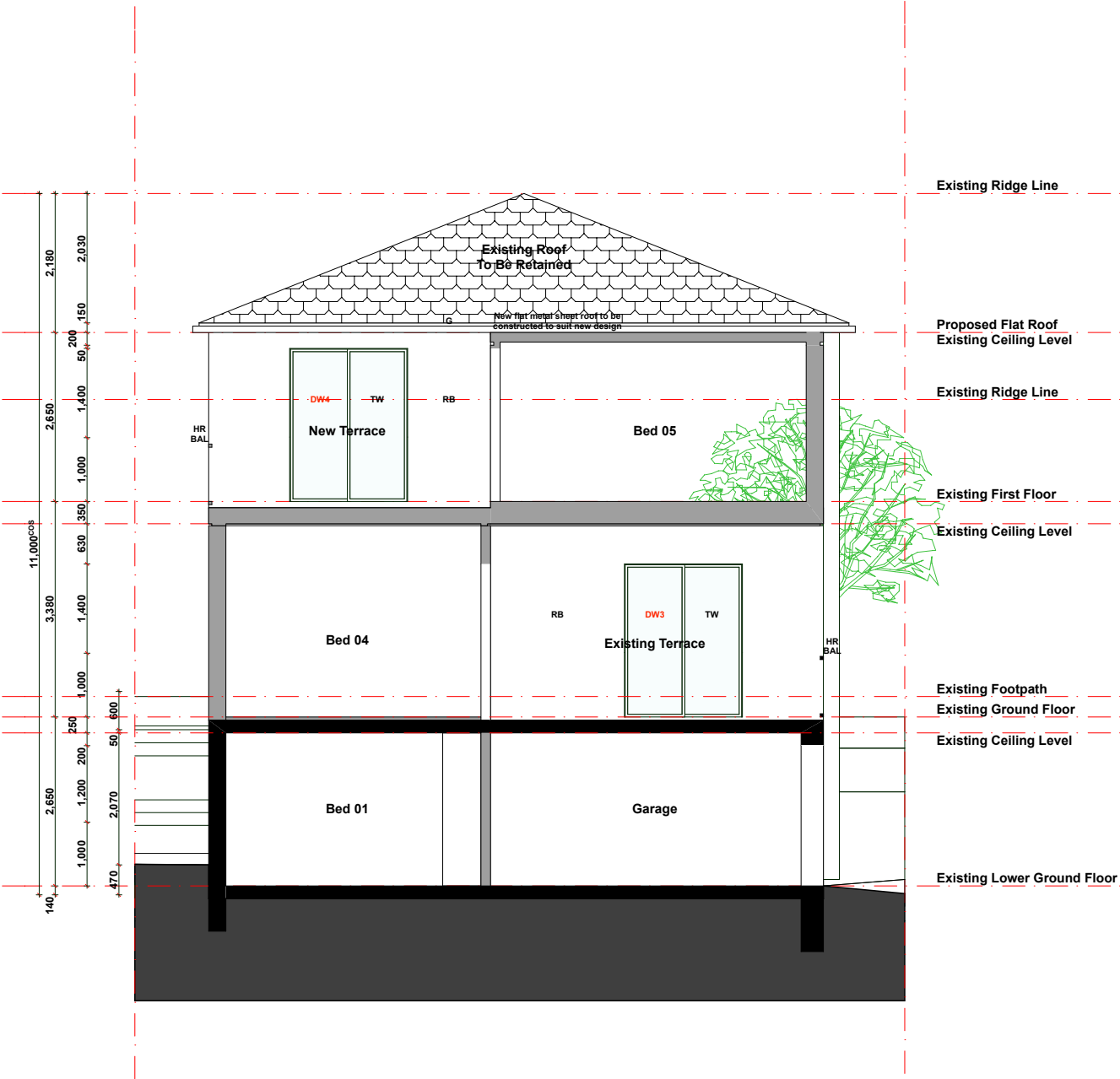


Proposed Roof & SWM Plan

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				Project No: DA_170502	Scale: 1 : 100 @ A3	Sent: 21.11.2017	
	FOR CONSTRUCTION			Drawing No: DA_010	Drawn: AM	Issue:	
					Revision: C		



Proposed East Elevation



Proposed Section AA

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

DP. 8829 Lot 1

427 Old South Head Road
Rose Bay NSW 2029

CLIENT:

The Jewish Benevolence
Society NSW Incorporated

427 Old South Head Road
Rose Bay NSW 2029

Drawing Name:

Proposed East Elevation & Section AA

Project No: DA_170502

Drawing No: DA_012

Scale: 1 : 100 @ A3

Drawn: AM

Date: 02.05.2017

Sent: 26.04.2018

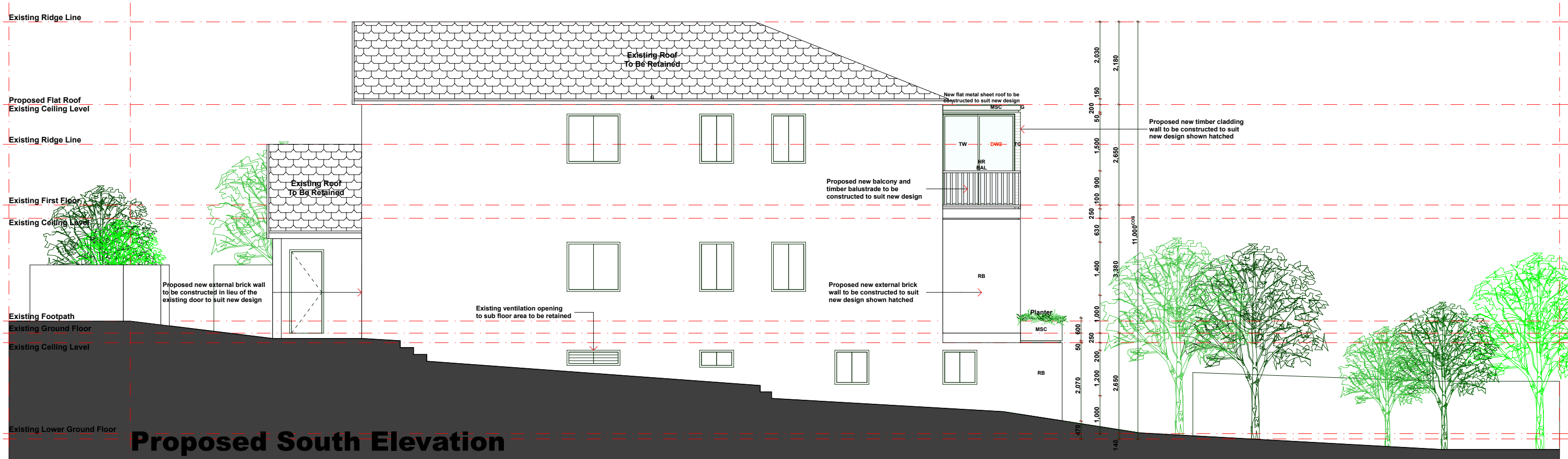
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Revision: D

Revision Description:

Preliminaries & Schematic Design
Client Amendments
DA Submission - Council Review
Additional Information Request

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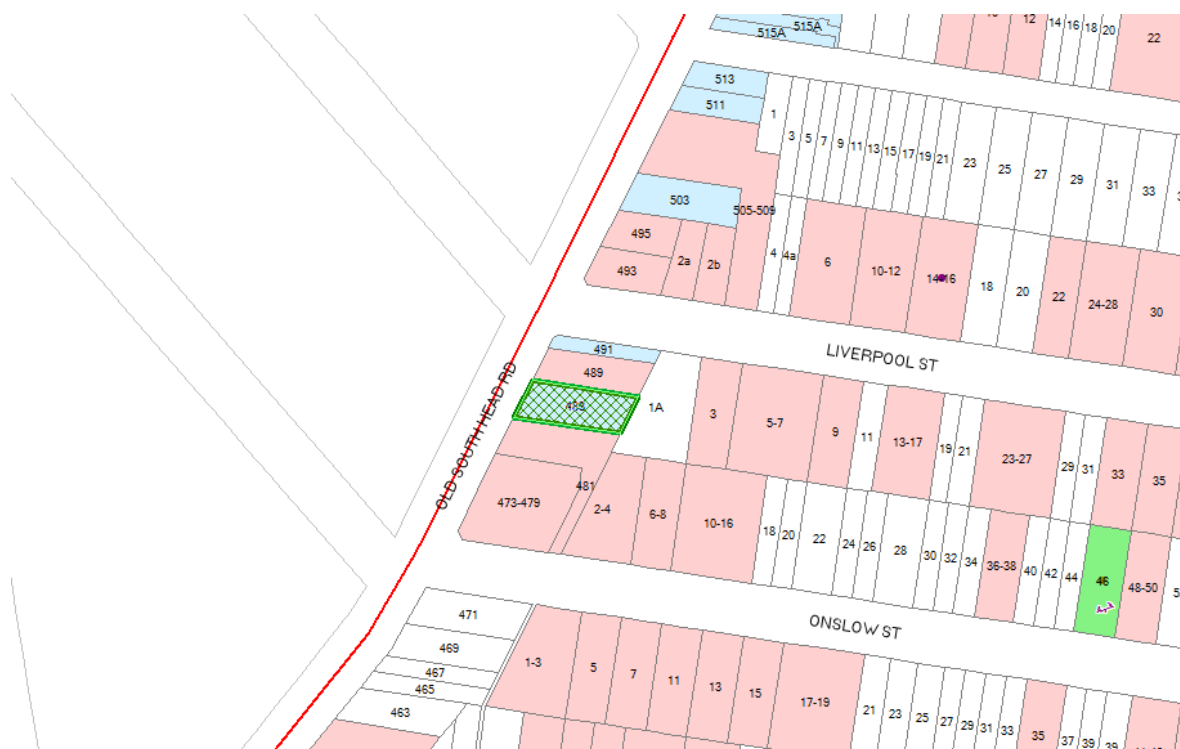
<div><div>isa DESiGNS</div><div>Alon Musael</div><div><div>Postal Address</div><div>PO Box 7516</div><div>Bondi Beach NSW 2026</div><div>Mobile</div><div>+61 451 867 426</div><div>Email</div><div>alon@isadesigns.com.au</div></div></div>	<div><div><div><div></div></div></div><div>This drawing and design is subject to copyright and may not be reproduced without prior written consent. Detail drawings are to be taken in preference to more general drawings. All dimensions to be verified on site prior to commencement of any work. All discrepancies shall be reported to the designer immediately.</div></div>	<div><div>PROJECT:</div><div>Alterations & Additions</div><div>DP. 8829 Lot 1</div><div>427 Old South Head Road</div><div>Rose Bay NSW 2029</div></div>	<div><div>CLIENT:</div><div>The Jewish Benevolence Society NSW Incorporated</div><div>427 Old South Head Road</div><div>Rose Bay NSW 2029</div></div>	<div><div>Drawing Name:</div><div>Proposed North & South Elevations</div></div>		<div><div>Date:</div><div>02.05.2017</div></div>	<div><div>Revision Description:</div><div>Preliminaries & Schematic Design</div></div>
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				<div><div>Drawing No:</div><div>DA_011</div></div>	<div><div>Drawn:</div><div>AM</div></div>	<div><div>Revision:</div><div>D</div></div>	



Report to Waverley Development Assessment Panel

Application number	DA-501/2017
Site address	483 Old South Head Road, Rose Bay
Proposal	Partial demolition of existing building, alteration and additions together with remodelling of two shops and additions to the apartments at the rear and new units above the shops.
Date of lodgement	Originally lodged on 24 November 2017 (amended on 1 June 2018)
Owner	W A Investors Pty Limited
Applicant	W A Investors Pty Limited
Submissions	Five submissions received
Cost of works	\$2,089,905
Issues	Existing use rights and permissibility and street setbacks.
Recommendation	That the application be granted APPROVAL subject to conditions.

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 29 March 2018.

The site is identified as Lot 2 in DP 5169 known as 483 Old South Head Road, Rose Bay. It is located on the eastern side of Old South Head Road between Liverpool Street to the north and Onslow Street to the south.

The site is irregular in shape with a frontage to Old South Head Road measuring 15.24m. The site has an area of 583m² and is relatively flat.

A two storey mixed use development, comprising two ground level shops and residential apartments on ground and first floor levels, occupies the site. The site does not have any vehicular access and off-street car parking.

The subject site is within the neighbourhood centre (or small village) of Rose Bay and is adjoined by three and four storey shop top housing developments on either side to the north and south and a three storey (above ground level garage) residential flat building to the east at 1A Liverpool Street . The locality is characterised by a variety of residential and commercial development, including shop top housing and residential flat buildings.



Figure 1: Subject site frontage (looking east)



Figure 2: Rear of existing development on subject site and its surrounds as viewed from bird's eye view (looking west)



Figure 3: Adjoining development to the east of the site at 1A Liverpool Street

1.2 Relevant History

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

- TP 312 for use of ground floor shop premises as a beautician salon was approved on 10 February 1981.
- DA-107/1993 for use of ground floor premises as a laundrette and ancillary dry cleaning agency was approved on 21 May 1993.

Recent development history of the site is as follow:

- DA-423/2016 for partial demolition, alterations to shops and additions of units, together with new two storey maisonette style apartments at the rear and above and construction of two townhouses at the eastern end of the site was withdrawn on 2 March 2017.

Council officers liaised with the applicant on several occasions for additional information and clarification on design matters of the application. The application was not formally deferred, however amended plans were received by Council on 1 June 2018. The amended plans were publicly notified to directly affected properties. See section 2.4 of this report on submissions received.

1.3 Proposal

The application, as amended on 4 June 2018, seeks development consent for substantial alterations and additions to the existing development that currently comprises ground floor level shop and residential apartments. The specifics of the proposal are as follows:

- construction of two additional floor levels comprising three new apartments
- side and rear extensions to and remodelling of the ground floor level to
 - retain the two existing street-facing shops on
 - incorporate building services (i.e. waste storage areas for the residential and commercial aspects of the development), bicycle storage and general storage
 - incorporate two x one bedroom apartments
- side area rear extensions to and remodelling of the first floor level to incorporate four x one bedroom apartments
- alterations to the shopfront of the existing street façade, including new window openings and building entrance.

The key statistics of the development are as follows:

Aspect	Existing	Proposed
Number of apartments	5	9
Apartment mix	1 x two bedroom apartment 4 x one bedroom apartments	7 x one bedroom apartment 1 x two bedroom apartment 1 x three bedroom apartment
Number of shops	2	2

The application also seeks development consent for the following:

- tree removal

Proposal does not include any off-street car parking.

2. ASSESSMENT

The use of the building is considered to be an 'existing use' under Division 4.11 of the *Environmental Planning and Assessment Act 1979* (the Act). Part 5 of the *Environmental Planning and Assessment Regulation 2000* allows an existing use to be enlarged, expanded, altered and extended or rebuilt subject to development consent. Clause 41(2) of the Regulations restricts existing commercial uses to not be expanded more than 10% in terms of gross floor area among other restrictions.

The Regulations provide that an existing use may only be altered, extended or rebuilt on the land to which the existing use was erected before the relevant date, but does not provide further restrictions/requirements in regard to the assessment of the application. The merit assessment of this development application is therefore to be considered under section 4.15(1) of the Act having regard to relevant provisions of Waverley LEP 2012 and Waverley DCP 2012 in as much as they control development on surrounding sites.

In this regard, the prescriptive provisions of the applicable environmental planning instruments, including SEPPs and LEPs, do not apply and can only be used as a guide to a merit assessment. The remaining applicable matters under section 4.15 require the consent authority to consider:

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

The majority of the site is used for residential and retail purposes. One of the shops of the existing development is used for the purposes of a laundromat. The applicant has confirmed through the agency currently managing the leasing of shops and apartments of the development confirmed in writing (refer to letter from Ray White dated 30 April 2018) that the laundromat carries out dry cleaning activities off premises and only clothes washing is done on the premises. In this regard, site land contamination is considered unlikely and no further investigation is necessary.

2.1.3 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel on 4 December 2017. The Panel's comment of the proposed development with regard to the nine design

quality principles under SEPP 65 have been incorporated in the assessment of the proposal against the nine design quality principles of SEPP 65. The assessment is set out in **Table 1** below:

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<i>The site is located in a streetscape with consistent height, and the existing building contributes to the quality of the streetscape. The existing residential flat buildings to the south and north of the site are poor quality and have windows and balconies facing across side boundaries. This is not a desirable model of site layout and window orientation.</i>	The site is within the neighbourhood centre of Rose Bay, which comprises a mix of terrace shop, walk-up residential flat buildings and mixed use developments of varying building scales and styles. The existing development has an Interwar street façade, which is being retained in the proposal. The proposed additions, for the most part, are concealed behind the street façade so to respect its presence and design integrity. A four storey built form is not uncharacteristic of the existing and desired future character of the immediate locality and the desired future character given that the development does not exceed the principal built form development standards in Waverley LEP 2012.
2. Built form and Scale	<i>The proposal has ground floor Units 1 and 2 in alignment between the existing rear setbacks of the buildings to the south and north. Units 3, 6, 7 and 9 are located close to the front boundary and Units 4 and 5 are set back further from the rear boundary than Units 1 and 2. It is recommended that Units 7 and 9 are set back a minimum of 6m from the street boundary so that they are much less visible from the street. Units 4 and 5 could be located closer to the rear boundary. The proposal contains bedroom windows on upper floors that face directly across the side boundaries and are within 4m and 5m of existing windows and balconies on either side of the site. This is unacceptable for visual privacy and does not comply with ADG separation distances. It is recommended to set side walls further from side boundaries (narrow</i>	The overall building form and scale of the proposal are considered appropriate with regard to the principal built form development standards and controls applying to the site. The front building setback of the uppermost floor level of the proposal was deemed to be inappropriate given it would enlarge and accentuate the perceived building bulk and scale of the proposed additions from the street. It was resolved (by way of submission of amended plans) by relocating the upstairs bedroom and ensuite bathroom of Unit 9 to the southern side of the development and away from the street.

Principle	Panel's Comment	Planning Comment
	<p><i>down apartments) and orientate all windows to the rear of the property. This will require stepped side walls, as bedroom windows look past kitchens and living rooms. This approach should also be taken at ground floor, as the existing bedrooms in Units 1 and 2 can be overlooked from upper level balconies in adjoining buildings. This approach to the site planning will avoid visual privacy issues with the neighbours and will allow for improved privacy and solar access for neighbouring sites when they are re-developed in the future. Setting back the top floor from the southern boundary, as proposed, would have some benefit for the existing property to the south, however new windows should not be oriented across the northern side boundary.</i></p>	
3. Density	<p><i>The proposal exceeds the FSR and Council will need to assess the Clause 4.6 submission. The issues of proximity with neighbouring sites would be reduced with a lower FSR.</i></p>	<p>The proposal does not exceed the FSR development standard of Waverley LEP 2012. The increase of the number of apartments is considered reasonable and the additional demand for services is expected to be met by existing infrastructure and access to jobs within the immediate locality.</p>
4. Sustainability	<p><i>Opportunities for solar panels to power common areas should be explored. A water tank or tanks should be provided for irrigation. Balcony overhangs or sun hoods with vertical blades should be provided for east and west facing doors and windows. There should be no north facing or south facing windows.</i></p>	<p>The proposal meets the targets of SEPP BASIX and its design is considered acceptable with regard to environmental sustainability.</p> <p>The issues raised by the Design Review Panel in relation to resource, energy and water efficiency are matters that can be dealt by the future owners' corporation of the building, should the application be approved and the development constructed, such as providing solar panels.</p> <p>The development predominantly orientates living areas of each apartment to either the east and west</p>

Principle	Panel's Comment	Planning Comment
5. Landscape	<i>The proposed rear communal garden is an opportunity for excellent deep soil planting. Appropriately sized canopy trees will provide shade for outdoor sitting and will provide a pleasant outlook for apartments all around the site. Seating and possibly a fountain would enhance the space for passive recreation.</i>	The proposal provides for more open space and landscaped area than is required by Waverley DCP 2012. The landscape plan includes canopy trees. The landscape scheme of the development is deemed reasonable.
6. Amenity	<i>The proximity of bedroom windows to existing windows are not acceptable. See comments in Principle 2. The Panel recommended that an access study should be done to ensure applicable codes can be met for retail entries and circulation.</i>	The internal layout of and provision of private open space allocated to each apartment of the development are satisfactory in terms of providing for desirable amenity.
7. Safety	<i>There are no perceived major issues of safety. However in consideration of CPTED principles there should be a reconsideration of the street entry to avoid the deep recess off the footpath that does not allow for defensible space, particularly outside of business hours. Rearrangement of the retail frontages and entry could assist in addressing this issue.</i>	Agreed. A condition of consent is recommended to require another door at the street entry (to create an air-lock) so to eliminate the opportunity for concealment and encourage a safe entry point of the development.
8. Housing Diversity and Social Interaction	<i>The proposed development contains a high proportion of 1 bedroom, with 78% 1 bedroom apartments. It would be desirable to have more 2 bedroom apartments. Social interaction in the communal rear garden would be assisted with seating and good landscaping.</i>	<p>The proposal provides a mix of one, two and three bedroom apartments. While there is a large proportion of one bedroom apartments in the development, the existing development comprises predominately one bedroom apartments. The proposal is considered to adequately respond to the housing market in the locality.</p> <p>The communal open space and common foyer areas encourage social interaction between residents of the development.</p>
9. Aesthetics	<i>The proposed second floor Units 7 and 9, and third floor Unit 9 are too close to the street frontage and are too visible. They should be set back a minimum of 6m. The curved roof form on the third floor apartment is not in keeping with the</i>	The design and aesthetics of the proposed development respond to the emerging architectural character of Old South Head Road and will contribute positively to the desired future character of the immediate area.

Principle	Panel's Comment	Planning Comment
	<i>predominantly rectilinear forms in the street. The materials and colours should be enduring and visually recessive, in a mid to dark tonal range.</i>	<p>The amended plans address the close proximity of the uppermost floor addition to the street alignment of the site. The curved roof of the uppermost floor level is not considered inappropriate and is not expected to be overly conspicuous from Old South Head Road.</p> <p>A condition of consent is recommended to amend the schedule of materials and finishes and relevant elevation drawings to demonstrate a mid to dark colour tonal range for the additions to the building when viewed from Old South Head Road.</p>

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

Clause 6A of SEPP 65 requires that development control plans (DCP) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

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

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from **Table 4** relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	No (acceptable on merit)	The proposed additions (that comprise window openings and balconies) are set back: <ul style="list-style-type: none"> between 1.25m (which is an existing setback) and 2.61m from the northern side boundary of the site between ground and first floor levels

Design Criteria	Compliance	Comment
	Yes	<ul style="list-style-type: none"> • by 2.61m from the northern side boundary between second and third floor levels • between 1.2m (which is an existing setback) and 2.46m from the southern side boundary of the site • by 2.46m from the southern side boundary between second and third floor levels. <p>The proposed additions are set back from the rear (eastern) boundary by:</p> <ul style="list-style-type: none"> • 10.3m on ground floor level • 11.6m on first floor level • 15.6m on second floor level • 19.5m on third floor level. <p>The distances of separation of the proposed additions from the rear (eastern) boundary are well in excess of the minimum separation distances nominated in the ADG, and therefore, window openings and balconies of the development that address the rear (eastern) boundary are unlikely to cause adverse privacy impacts.</p> <p>In terms of the side setbacks of the development, the majority of these are existing. All of the windows on the southern and northern side elevations of the proposed development service rooms of low use (bedrooms and bathrooms) where privacy impacts are low. Further, these windows have reasonably high sill heights and/or are narrow in width that will discourage direct sightlines to adjacent side windows of adjoining developments to the north and south of the site. Therefore, the side building separation distance of the proposed development is considered acceptable on merit as it is not considered to compromise the visual privacy of adjoining residential properties.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter • A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	No (acceptable on merit)	<ul style="list-style-type: none"> • Only three of the nine apartments (33%) will receive two hours of direct sunlight to living rooms between 9am and 3pm midwinter. However, the private open space areas of the majority of the apartments (seven apartments) will receive at least two hours of direct sunlight between 9am and 3pm on 21 June.

Design Criteria	Compliance	Comment
		<ul style="list-style-type: none"> Two out of the nine apartments (22%) will not receive any direct sunlight to living room and private open space between 9am and 3pm on 21 June. The inconsistency with the design criteria is deemed reasonable given the site orientation and constraints, principally as the development is infill within a local and neighbourhood centre. A development on the site that is consistent with the design criteria would have lesser rear building setbacks, which would cause adverse overshadowing impacts upon the adjoining development to the south. The proposal provides for a balanced approach, and given that the majority of private open space areas of the development will receive at least two hours of sunlight during the winter solstice, the provides for adequate amenity for the development.
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. 77% (7 of the 9) apartments are genuinely dual aspect and as such can be naturally cross ventilated. <p>The proposal uses a combination of full height sliding doors, windows and adequate ceiling heights to achieve appropriate cross ventilation within the building. Those apartment that have a eastern aspect have their living areas orientated to the east, which will capitalise on sea breezes.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all apartments comply with the minimum requirement.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom Every habitable room must have a window in an external wall with a total minimum 	Yes	All apartments have minimum internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable.
	Yes	The proposal achieves compliance with the minimum glazed area to each habitable room.

Design Criteria	Compliance	Comment
<p>glass area of not less than 10% of the floor area of the room.</p> <ul style="list-style-type: none"> Master bedroom minimum area of 10sqm and other bedrooms 9sqm excluding wardrobes Habitable room depths are limited to a maximum of 2.5 x ceiling height Maximum depth of habitable room from window is 8m Living rooms minimum width 3.6m for studio and 1 bedroom units; 4m for 2 to 3 bedroom apartments 	<p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>Whilst there are some open plan layouts where the depths exceed 8m from a window, additional ceiling height has been provided to ensure that adequate amenity is provided to these open plan layouts.</p> <p>Minimum living room widths have been provided.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 2-bed – 10m² & 2m depth 3-bed – 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	Yes	<p>All of the apartments are provided with balconies accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth.</p> <p>The balconies and courtyards are accessed from the main living areas and are mainly oriented to the road frontages.</p> <p>The design of the balconies and courtyards are integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the materials of the building overall.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level >10 storeys, max 40 units for 1 lift 	Yes	A maximum of four apartments are accessed from the each core on each level.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> 1-bed – 6m³ 	Yes (by condition)	Whilst the applicant states that compliant storage has been provided both internally within the units and separately in a storage area at ground level, the application does not

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> 2-bed – 8m³ 3-bed – 10m³ At least 50% of storage is within units		demonstrate the volume of storage provided to each apartment. A condition of consent is recommended to ensure adequate storage is provided to all apartments.

The proposal is considered to be consistent with SEPP 65 and the ADG and is supported.

2.1.4 SEPP (Infrastructure) 2007

Clause 101 of the SEPP applies to the proposal as the site has frontage to Old South Head Road, which is a classified Road. Whilst Old South Head Road is a classified road, RMS traffic counts indicate that the traffic volume does not exceed 40,000 vehicles for annual average daily traffic volume and thus it is not considered the development will be adversely affected by noise and vibration.

The application does not seek development consent for vehicular access from Old South Head Road. Therefore, the concurrence of the RMS under the *Roads Act 1993* is not required.

2.1.5 SEPP (Affordable Rental Housing) 2009

The applicant has adequately addressed the application of SEPP (ARH) to the development proposal, and has provided evidence that demonstrates the low-rental status of the building as at 28 January 2000, as well as evidence of rents charged in the two years prior to lodgement of the DA that demonstrate that all of the five dwellings are low-rental dwellings.

The existing development is deemed a 'low-rental residential building' under Part 3 of SEPP (ARH) by Council's Shaping Waverley department (refer to their referral). The proposal seeks Strata subdivision and internal works, including changing the unit mix of the residential flat building. In this regard, clause 50 of SEPP (ARH) applies to the assessment of the application. Council's Strategic Planner has provided a detailed assessment of the proposal against clause 50 of SEPP (ARH) and has calculated a contribution figure applicable to the proposal in accordance with clause 51 of SEPP (ARH). That figure is in the sum of **\$274,706**. A condition of consent is recommended to require the applicant to pay the applicable contribution prior to the issue of a construction certificate for the development.

2.1.6 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	N/A	Development consent for subdivision is not sought by this application.
Land Use Table B4 Mixed Use Zone	No (existing use rights apply)	See discussion below this table.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	Yes	The proposal has an overall building height of 12.82m, measured to the uppermost roof level of the development at RL25.860 above ground level (existing) of RL 13.040.
4.4 Floor space ratio <ul style="list-style-type: none"> 1.5:1 	Yes	The proposed development contains an overall gross floor area of 822.26m ² , which is achieves a floor space ratio of 1.41:1.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils, however it is not within 500m of other classes of acid sulfate soils and the proposal will not excavate 5m below the AHD.
6.2 Earthworks	Yes	Limited excavation works are proposed. These works are not considered to cause any discernible impact.

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

Permissibility/Existing Use Rights

The definition of 'shop top housing' has been examined in detail in the Land and Environment Court. Findings from the judgement of *Hrsto v Canterbury City Council (No 2) [2014] NSWLEC 121* confirm that dwellings cannot be on the same level or levels below ground floor retail premises and business premises within the same building. Therefore, the subject development cannot be defined as 'shop top housing' given it contains residential apartments (i.e. dwellings) on ground floor level of the development.

The subject development is a 'mixed use development' comprised of 'shops' and dwellings that would otherwise be contained in a 'residential flat building'. Residential flat buildings are prohibited in the B4 zone.

The application relies on existing use rights to permit the proposal. The interiors of these dwellings (i.e. detailing of windows, skirting boards and finishes of kitchen and bathrooms) suggest these dwellings are at least 50 years old. While Council records of the original building are not readily available, the current condition of some of the apartments of the building (as shown in photos and commentary in the Statement of Environmental Effects) suggests that the building originally contained dwellings when it was consented to by Council. In this regard, Council is satisfied that the applicant has adequately established existing use rights with respect to permitting the residential use aspect of the development.

Clause 41(2) of the EP&A Regulation restricts the extent of alterations and additions to commercial uses with respect to existing use rights permitted under the Act. While the proposal involves substantial alterations and additions to the overall existing development, the commercial use aspect of the development (i.e. the shops) will not be rebuilt, intensified and expanded as the floor space of the two shops is being decreased from existing (as shown on the ground floor plans submitted with the application). The proposed intensification, expansion and enlargement of the residential aspect of the development are permitted and their appropriateness is considered on planning merit with

regard to development standards and planning controls that would otherwise apply to development that is ordinarily permitted within the B4 zone.

Council is satisfied that the proposal can be consented to with respect to existing use rights.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan (SWRMP) accompanies the application and it details waste management procedures from the demolition and construction phase to on-going use of the proposed development. General waste, recycling and green waste bins will be stored on ground floor level and within the northern side of the building and out of sight of Old South Head Road. Council's Acting Coordinator, Sustainable Waste did not object to the waste management aspects of the development in-principle and has recommended conditions of consent to ensure the waste management practices of the development are satisfactory, including requiring that adequate storage area is provided for the number bins needed to cater for the number of apartments in the development and the anticipated commercial uses on ground floor level.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX certificate accompanies the application, which demonstrates compliance with energy, thermal comfort and water efficiency targets set under SEPP BASIX. The overall building design, layout and orientation of the proposed development have regard to the passive energy design controls under section 2.1 of Part B2 of the DCP.
5. Tree preservation	Yes	Satisfactory.
6. Stormwater	Yes	Council's Senior Design Team deems the stormwater management plans associated with the proposed development satisfactory, subject to a condition of consent requiring the stormwater system as built to be certified by an

Development Control	Compliance	Comment
		appropriate hydraulic engineer prior to an occupation certificate being issued for the development.
7. Accessibility and adaptability	Yes	A lift is not required. Appropriate conditions of consent are recommended to ensure the detail design of the development accords with applicable provisions under the <i>Disability Discrimination Act 1992</i> , relevant Australian Standards and the BCA. BCA condition.
8. Transport Parking Zone 2 <ul style="list-style-type: none"> One bed: 7 x 1 spaces Two bed: 1 x 1.5 spaces Three bed: 1 x 2 spaces Total: 10.5 or 11 spaces Bicycle parking: <ul style="list-style-type: none"> 1 space per dwelling = 9 spaces 1 space for commercial 	No (acceptable on merit and by condition)	<ul style="list-style-type: none"> The proposal does not provide any off-street car parking. While the proposal involves substantial alterations and additions, it is not considered a 'reconstruction' of the building and therefore the total number of off-street car parking spaces generated by the proposal (including the existing five apartments) is not necessarily required. The additional off-street car parking demand generated by the additional apartments would be offset by the site's excellent access to frequent bus services operating along Old South Head Road. The development also incorporates bicycle storage. In this regard, the proposal is not expected to result in a large demand of on-street car parking. Bicycle parking is provided on ground floor level, however the quantum of spaces is not delineated on the plans. A condition of consent is recommended to require ample bicycle spaces to be shown on the plans (ensuring adequate room is provided).
10. Safety	Yes (by condition)	The public access points of the development are satisfactory, with the exception of the main front entry of the building that comprises a long alcove that can enable opportunities for concealment. A condition of consent is recommended to require an additional door to this entry point that will create an airlock and improve the perceived safety of the entry point. Further, the secondary pedestrian access point within the northern side passageway is a safety concern as there is no controlled access by way of a gate or door. A condition of consent is recommended to require a secured gate to be erected at the beginning of the northern side passageway and 1m from the street boundary of the site.

Development Control	Compliance	Comment
		The development will encourage further surveillance of Old South Head Road, particularly given that it orientated living areas of some of the apartments that have an aspect to the street.

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

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
	N/A	This section applies to sites zoned R3 or R4.
2.3 Height		
	N/A	This section applies to sites zoned R3 or R4.
2.4 Excavation		
	Yes	Minimal excavation and fill are proposed.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal maintains the street façade of the existing development, and therefore, does not change the street setback of the development. The uppermost floor level (that will conspicuously extend above the original street façade of the existing development) has been amended and further set back from the street boundary of the site. The increased street setback of the uppermost floor level reduces the perceived bulk and scale of the uppermost floor level of the street, and therefore, results in a better street presentation than the original form of the development.
2.5.2 Side and rear setbacks	Yes	<ul style="list-style-type: none"> The side and rear setbacks are based on development in R3 and R4 zones. The setbacks of the proposed development are conventional for in-fill mixed use development within an established local or neighbourhood centre. The setbacks of the development are deemed suitable for protecting the visual privacy of the development itself and adjoining properties. They are also appropriate in protecting the solar access to the adjoining property to the south of the site. The nil side setbacks abut nil side setbacks of the adjoining developments to the north and south of the site. The side setbacks of the development are consistent with the objectives of the side setback controls and are therefore deemed acceptable.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	No (acceptable on merit)	<ul style="list-style-type: none"> The rear setbacks of the development are accepted. They align appropriately with the predominant rear building line, especially the rear setbacks of the adjoining buildings to the north and south of the site. A deep soil zone is provided within the southern side setback area. While it is less than 2m wide, it is considered acceptable as it provide ample opportunity for screen planting.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	Yes Yes N/A	<ul style="list-style-type: none"> The maximum length of the development is approximately 15m. The depth of all apartments are less than 18m. There are no single aspect apartments in the development.
2.7 Building separation - superseded by the ADG		
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes (by condition)	<ul style="list-style-type: none"> The proposal maintains and attempts to restore the original street façade of the building. The amended form of the development has adequately addressed the street setback of the uppermost floor level of the additions such that it does not dominate the original street façade of the existing development. The materials and finishes of the development are mainly render and a condition of consent is recommended to require a mid to dark colour tone to be selected to the approval of Council prior to the issue of a construction certificate to ensure that the additions are perceived as recessive when viewed from Old South Head Road.
2.9 Attic and roof design		
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation 	Yes	This section primarily applies to sites zoned R3 or R4. However, the uppermost floor level is somewhat considered to be an attic and is generally consistent with the controls contained in this section.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Must be connected to unit below 		
2.10 Fences and walls		
	N/A	Plans indicate that the proposal does not involve new side and rear fencing.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	Yes (by condition)	Two pedestrian entry points of the development are provided. A recommended condition of consent is recommended to address the perceived safety concern of these entry points.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 175m² 50% of the above is to be deep soil: 87.5m² 	Yes Yes	<ul style="list-style-type: none"> Overall landscaped area: 175m² (30% of site area) Deep soil zone: 165.6m²
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	N/A	Communal open space controls apply to sites zoned R2 or R3. Notwithstanding, the development provides for a large communal open space area within the rear yard of the site that is accessible and will receive ample sunlight in mid-winter.
2.15 Private open space - superseded by the ADG		
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	(superseded by the ADG) Yes	The views from the sun diagrams show have been submitted that show the sunlight received by the adjoining residential development to the south of the site between 9am and 3pm on 21 June. The diagrams quantify and demonstrate the amount and duration of sunlight received by the adjoining development that will be maintained by the proposal. The proposal will not affect sunlight received by the uppermost floor level of the adjoining development between 9am and 3pm during the winter solstice. The proposed additions will result in moderate additional overshadowing of the lower floor levels of the adjoining development. This additional impact is considered reasonable in that just over half of the overall apartments of the adjoining development will retain at least three hours of sunlight during the winter solstice. The additional impact is anticipated and accepted in any case given that the development complies with the height of buildings and floor space ratio development standards in Waverley LEP 2012 and its southern side setbacks and

Development Control	Compliance	Comment
		stepped down profile across its rear portion, which is envisaged by the DCP and ADG.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	Submissions received claim the proposed development will affect outlook, however do not claim loss of water and iconic views. The development is not expected to adversely affect any view of water and icons that may be available across and over the site given that it complies with principal built form planning controls.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	<ul style="list-style-type: none"> The rear of the development steps and recesses in per each floor level. The trafficable areas of the rear balconies on each floor level are sufficiently set in and are therefore not expected to directly overlook balconies on lower floor levels and/or the ground level private courtyards. Glazed door and window openings across the rear elevation of the development will also not encourage direct overlooking of private open space areas of apartments below. The window openings across the side elevations of the development are considered acceptable. The majority of rear balconies and terraces are accessed from living rooms and not all of these balconies and terraces have side privacy screens to protect the visual privacy of adjoining residential development. A condition of consent is recommended to require side privacy screens of the rear first and second floor balconies and terraces.
2.19 Apartment size and layout – superseded by the ADG		
2.20 Ceiling heights – superseded by the ADG		
2.21 Storage – superseded by the ADG		
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	Satisfactory.
2.23 Natural ventilation – superseded by the ADG		
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the building edge 	Yes	Satisfactory. Letter boxes are provided at the main pedestrian entry point of the development.

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

Development Control	Compliance	Comment
1.1 Design		
1.1.1 Frontages	Yes	<ul style="list-style-type: none"> Each shopfront of the development comprises sufficiently sized and proportioned glazed openings that will promote active street frontages. The architectural plans do not indicate that roller shutters will be installed across the shopfronts and a condition of consent is recommended to prohibit the installation of roller shutters over the life of the development. The development provides for awnings over the footpath areas of Old South Head Road.
1.1.2 Lighting	Yes	While lighting of the exterior and interior of the proposed development has not been detailed in the application, it is expected that the retail premises will be adequately lit. A condition of consent is recommended to require the underside of the awnings to comprise lights.
1.1.3 Amenity	Yes	The proposed development includes sufficient facilities to cater for the future use of its retail and commercial premises. The commercial and retail premises have adequate space for further mechanical equipment and other facilities to be retrofitted in order to avoid equipment and facilities being installed outside of the building envelope of the development. Separate development consent (if required by Exempt and Complying Development Codes SEPP) will address operational details of the future use and fit-out of these tenancies.
1.2 Noise		
	N/A	Operational matters relating to the specific use of the commercial and retail premises of the development would be subject to separate applications in order to assess the noise impacts of the premises of the development upon surrounding properties. On this occasion, section 1.2 of Part D1 of Waverley DCP 2012 does not apply to the subject application.
1.3 Hours of operation		
	N/A	The hours of operation for each of the retail and commercial premises of the development would be subject to separate applications for the use and fit-out of the tenancies.
1.4 Restricted premises		

Development Control	Compliance	Comment
	N/A	The specific use and operation of the tenancies are unknown at this stage, and therefore section 1.4 of Part D1 of Waverley DCP 2012 does not apply to the subject application.

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

Development Control	Compliance	Comment
3.1 Specific controls		
Rose Bay Small Villages (North and South)	Yes	<ul style="list-style-type: none"> The proposal maintains the original street façade and preserves the majority of its detailing and decorative features. The proposal maintains the shop awning. The proposal is consistent with the relevant desired future character objectives of the local village.
3.2 Generic controls		
3.2.1 Land uses	Yes	The proposal maintains small ground floor shops. The particular use of the shops is unknown at this stage.
3.2.2 Public domain interface	Yes	Satisfactory. The ground floor level of the street frontage of the development is active given it comprises retail and commercial tenancies.
3.2.3 Built form	Yes	The proposed alterations and additions to the building are generally consistent with the built form controls shown in the 'Typical Built Form for Three Storey Centre' cross sections shown in Annexure E3-2 in that the proposal is set back more than 3m from the rear boundary of the site and the rear of the uppermost floor levels step in and down appropriately.
3.2.4 Building facade articulation	Yes	The proposal maintains the street façade of the existing building, which provides fine building façade articulation. The uppermost floor level of the development is set back sufficiently to respect the existing street façade of the building.
3.2.5 Buildings of historic character	Yes	The existing building is not identified as comprising historic character, however the proposal preserves the street façade of the dwelling, which satisfies the objectives and controls of this section.
3.2.6 Building services and site facilities	Yes	Building services and site facilities are not overly visible from Old South Head Road.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Five submissions were received during the initial notification period from the following properties in Rose Bay:

- 489 Old South Head Road (apartment not identified)
- 3/489 Old South Head Road
- 6/489 Old South Head Road
- 7/489 Old South Head Road
- 17/481 Old South Head Road.

The amended plans were publicly notified for 14 days and one submission from 6/489 Old South Head Road was received during this notification period.

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

- density increase and bulk and scale (FSR)
- building setbacks
- visual and acoustic privacy
- traffic and parking (nil parking provided)
- overshadowing
- loss of outlook and views of the district
- loss of affordable rental apartments.

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

Issue: Loss of vegetation

Response: Council's Tree Management Officer did not object to the proposed tree removal. Some of the mature and established canopy trees within the eastern edge of the site will be maintained. The application includes a comprehensive set of screen planting along the eastern and southern boundaries.

Issue: Waste management

Response: Noted. Council's Acting Coordinator, Sustainable Waste has reviewed the application and deems that the dedicated waste storage rooms of the development are sufficient to accommodate the amount of bins that will service the residential and commercial components of the development.

Issues such as pest control arising from storage of waste bins cannot be dealt with at the development application stage.

***Issue:** Inability for loading/unloading of good onsite*

Response: Noted. Loading and unloading of goods associated with the use of the existing shops have always occurred from setting down at Old South Head Road. The continuation of this arrangement is considered reasonable.

***Issue:** Glare and heat load of materials and finishes of the new additions to the building*

Response: No controls exist in relation to glare and heat load of buildings, and therefore, there is no nexus or ability for Council to impose a condition to deal with this matter.

***Issue:** The proposal will devalue adjoining properties*

Response: This is not a matter for consideration under section 4.15 of the Act.

2.5 Public Interest

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

3. REFERRALS

3.1 Design Excellence Panel

The application was referred to the Waverley Design Excellence Panel (the Panel) for comment. Commentary from the Panel is set out in **Table 1** in section 2.1.3 of the report, which includes a planning response to the Panel's commentary against the nine design quality principles of SEPP 65.

3.2 Clean and Attractive Waverley – Tree Management

Council's Tree Management Officer did not object to the removal of vegetation as they deemed the site does not feature trees of any significance.

3.3 Creating Waverley - Stormwater

Council's Senior Design Team Leader, Creating Waverley did not object to the proposed stormwater system of the development, subject to a condition of consent.

3.4 Sustainable Waverley – Sustainable waste

Council's Acting Coordinator, Sustainable Waste did not object to the application, subject to conditions of consent.

3.5 Digital Waverley – Land Information

Council's GIS/Land Information Officer did not object to the proposed Strata subdivision of the proposed development, subject to conditions of consent.

3.6 Building Waverley – Fire Safety

Council's Fire Safety Officer recommended the submission of a BCA/National Construction Code of Australia deemed-to-satisfy assessment report to determine whether compliance with relevant provisions would not warrant redesign of existing parts of the development and subsequent modification of consent, should the application be approved. This information was asked for and Council received the report on 6 July 2018.

Council's Fire Safety Officer has recommended a suite of conditions in relation to fire safety and these conditions have been adopted in the Recommendation.

4. SUMMARY

The application seeks development consent for substantial alterations and additions to the existing mixed use development comprising ground level shops and residential dwellings at the site known as 483 Old South Head Road, Rose Bay. The main issues in the assessment of this application are existing use rights and permissibility and street setbacks. Council is satisfied that existing use rights have been established and the scope of alterations and additions, including the intensification of both the commercial and residential aspects of the development, are consistent with the limitations set out by the Act and Regulations to consent to the application.

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

The application is referred to the Waverley Development Assessment Panel as it is subjected to SEPP 65.

The application has been assessed against the relevant matters for consideration under section 4.55, and is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Ben Magistrale
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment

Date: 10 July 2018

Date: 12 July 2018

Reason for referral:

- 4 Sensitive development:
(b) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan B01-B, B02-A, B03-A B04-B, B05-B, B06-B, B07-B, B08, B09-B, B10-Band B11-B, tables and documentation prepared by Van Rooijen Meyers Architects, dated 13 November 2017 and 31 May 2018, and received by Council on 1 June 2018;
- (b) Landscape Plan No LP-OSH01 and documentation prepared by Ari Anderson, dated October 2017, and received by Council on 24 November 2017;
- (c) BASIX Certificate;
- (d) National Construction Code and Building Code of Australia Deemed to Satisfy Assessment Report (Reference No. 2018-45.3) prepared by Bernie Cohen of Essential Certifiers, dated 4 July 2018 and received by Council on 5 July 2018;
- (e) Stormwater Management Plans, known as Job No. 17215, Drawing Nos. SW1.01, SW1.02, SW1.03, SW4.01 and SW4.02 (Revision A), prepared by Sparks and Partners Consulting Engineers, dated 13 October 2017 and received by Council on 24 November 2017;
- (f) Schedule of external finishes and colours prepared by Van Rooijen Meyers Architects, dated 23 October 2017, and received by Council on 24 November 2017; and
- (g) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, including Drawing No. B29-A prepared by Van Rooijen Meyers Architects, dated 13 November 2017 and received by Council on 24 November 2017.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) In order to prevent opportunities for concealment, the following shall be provided:
 - (i) An additional front entry door shall be installed at the point of the entry alcove where the splayed walls meet the straight walls.
 - (ii) A secured gate shall be installed at the beginning of the northern side passageway and set back no more than 1m from the street boundary of the site.
- (b) The schedule of materials and finishes and relevant elevation drawings shall be amended to demonstrate a mid to dark colour tonal range for the external finishes of the additions to the existing development when viewed from Old South Head Road.

- (c) Plans and/or a diagram shall demarcate the volume of storage allocated inside and outside of each apartment of the development. The minimum volume of storage shall be as follows
- (i) 1-bed – 6m³
 - (ii) 2-bed – 8m³
 - (iii) 3-bed – 10m³

At least 50% of the minimum volume of storage shall be provided inside the apartments.

- (d) Privacy screens shall be erected across the full extent of the northern and southern sides of the first and second floor rear terraces and balconies to a height of 1.8m above finished level of these terraces.

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

3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

4. ARCHITECT TO SUPERVISE DESIGN

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

5. DOMESTIC HEATERS

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

6. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 1.5 metres from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

7. 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.

8. 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.

9. BONDI - ROSE BAY SAND BODY

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

10. 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.

11. USE OF COMMON PROPERTY

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

12. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

13. 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.

14. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,000** 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.

15. 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.

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

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of **\$274,706** payable for the provision of affordable housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of a Construction Certificate.

17. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

18. 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.

19. CERTIFICATION OF MECHANICAL EXHAUST

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1, 1998 and part 2, 2012). A Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

20. 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.

21. 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.

22. SYDNEY WATER QUICK CHECK

Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval prior to the release of a construction certificate.

23. STORMWATER PLANS

The orifice diameter of the stormwater system shall be amended to be 60mm. The stormwater plans shall be amended to reflect this requirement prior to the issue of a construction certificate and to the satisfaction of the appointed Principal Certifying Authority.

24. SERVICE AUTHORITIES

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

25. 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.

26. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

27. 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.

28. 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.

29. 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.

30. WASTE AND RECYCLING STORAGE AND COLLECTION

The below matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of the appointed Principal Certifying Authority prior to the issue of a Construction Certificate.

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

- **Commercial**
 - 2 x 240L bin for garbage
 - 2 x 240L bin for paper/cardboard recycling.
 - **Residential**
 - 3 x 240L Mobile Garbage Bins (MGBs) for general waste
 - 1 x 240L MGBs for container recycling
 - 1 x 240L MGBs for paper recycling
 - 1 x 240L MGBs for excess waste & recycling or garden organic waste should this be generated on the property.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) A room or caged area with a minimum volume of 4 m³ must be allocated for the storage of discarded bulky items, such as old furniture, awaiting Council pick up.
- (d) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (e) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (f) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (g) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (h) The storage of bins on the kerbside/public land is not permitted at any time. Bins must be presented the night before collection and brought in the same day immediately following collection.

31. 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.

32. BICYCLE PARKING

Provision shall be provided within the development for the parking of not less than one (1) bicycle per residential apartment. Bicycle parking shall be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and located within the ground floor area. Details of the bicycle parking facility satisfying the above shall be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

33. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

34. FIRE SAFETY UPGRADING WORKS

Fire safety upgrading works are to be undertaken in accordance with all recommendations identified in the NCC BCA Deemed to Satisfy Assessment Report No 2018-45.3 prepared by Bernie Cohen of Essential Certifiers dated 4 July 2018 and the new works to the existing buildings to ensure that the completed building fully complies with provisions of the Building Code of Australia (BCA) including the provision of essential fire safety measures and fire separation between classifications in accordance with Sections C & E of the BCA:

- (a) Details demonstrating compliance with the BCA must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
- (b) Prior to the commencement of the required fire safety upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works must be completed and certified by the installers including issuing of a Final Fire Safety Certificate prior to the issue of an Occupation Certificate.

35. 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 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.

36. 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*.

37. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

38. 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.

39. 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.

40. 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.

41. OBSTRUCTION TO PUBLIC AREAS

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

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

42. TOILET FACILITIES

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

43. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

44. 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.

45. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.

- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

46. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

47. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

48. SOIL AND WATER MANAGEMENT PLAN

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

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

49. 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.

50. 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.

51. 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.

52. CONSTRUCTION HOURS

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

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

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

53. BUILDING CODE OF AUSTRALIA

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

54. 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, 3 and 4 building:

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

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; and
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

55. 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.

56. 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.

57. 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.

58. 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.

59. ENCROACH BEYOND THE BOUNDARIES

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

60. 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.

61. 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.

62. 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.

63. ROOFWATER GUTTERING

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

64. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

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

65. TREE PROTECTION

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

Precautions shall be taken when working near trees proposed to be retained within the site and outside of the site, 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.

66. 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.

67. WORK OUTSIDE PROPERTY BOUNDARY

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

68. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

69. FIRE SAFETY UPGRADE

The Occupation Certificate shall not be released by the appointed Principal Certifying Authority until all fire safety upgrading works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule has been installed and:

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

70. 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.

71. 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.

72. 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.

73. STORMWATER

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

74. STRATA SUBDIVISION

Development consent is required for strata subdivision of the development.

In respect to the allocation of storage spaces, 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 storage requirements of the Apartment Design Guide.

75. 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.

76. NOISE – PLANT AND EQUIPMENT

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

77. SLIP TESTS OF COMMON AREAS

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

78. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/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.

79. UNDERAWNING LIGHTS

Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Oxford Street and Spring Street directly in front of the subject site.

The lights are to be installed prior to the issue of an occupation certificate for the development.

80. LIGHTING

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

- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

81. ALLOCATION OF STREET NUMBER

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

- No. 483 - primary address site number
- Old South Head Road - primary address location.

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

- Shop G01 for the commercial sub-address sites within the building correlating with Commercial Shop B the floor plans for the building,
- Shop G02 for the commercial sub-address sites within the building correlating with Commercial Shop A on the floor plans for the building,
- Nos. G03, G04 for the residential sub-address site within the building correlating with unit 1 and 2 on the floor plans for the building,
- Nos. 101, 102, 103, 104 for the residential sub-address site within the building correlating with unit 6, 3, 4, 5 and 2 on the floor plans for the building,
- Nos. 201 202, 203 for the residential sub-address site within the building correlating with unit 9, 7, 8 on the floor plans for the building.

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

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

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

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

82. FIRE SAFETY MAINTENANCE

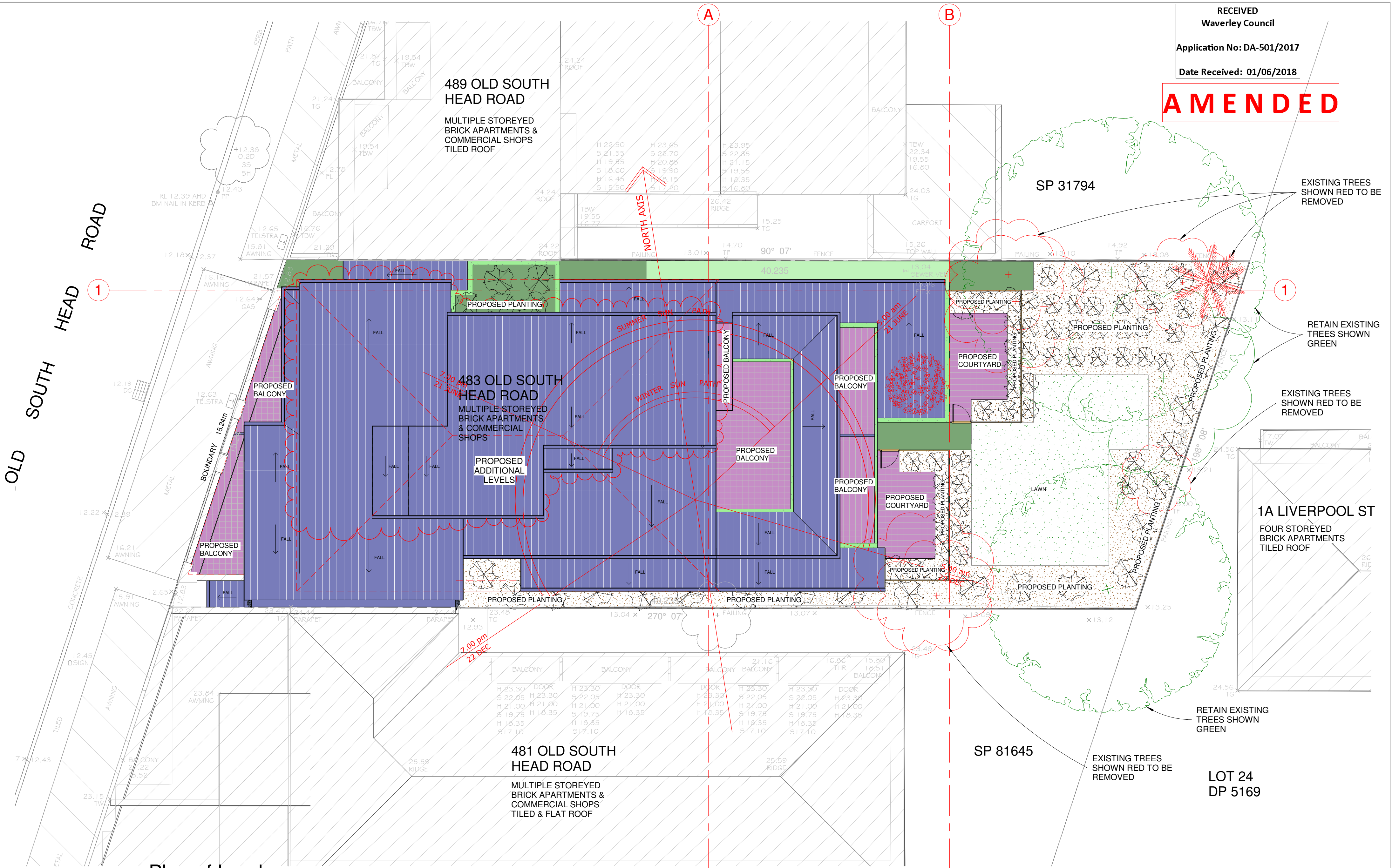
Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

83. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

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

AMENDED



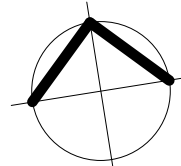
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Alterations and additions to:		SCALE: 1 : 100 @ A2		A	DA SUBMISSION		13/11/2017
483 Old South Head Road, ROSE BAY		DRAWN: WH		B	AMENDMENT TO DA. TOP FLOOR CHANGED AS REQUIRED BY COUNCIL		31/05/2018
		DATE: 31 MAY 18					
		JOB NO: 853-16					
		DRAWING NO: B01 - B					

NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.

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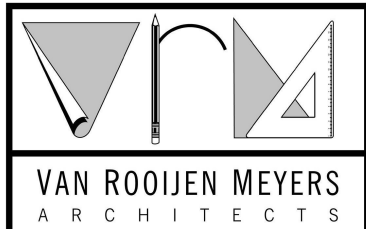
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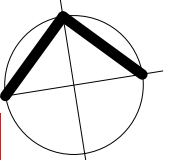


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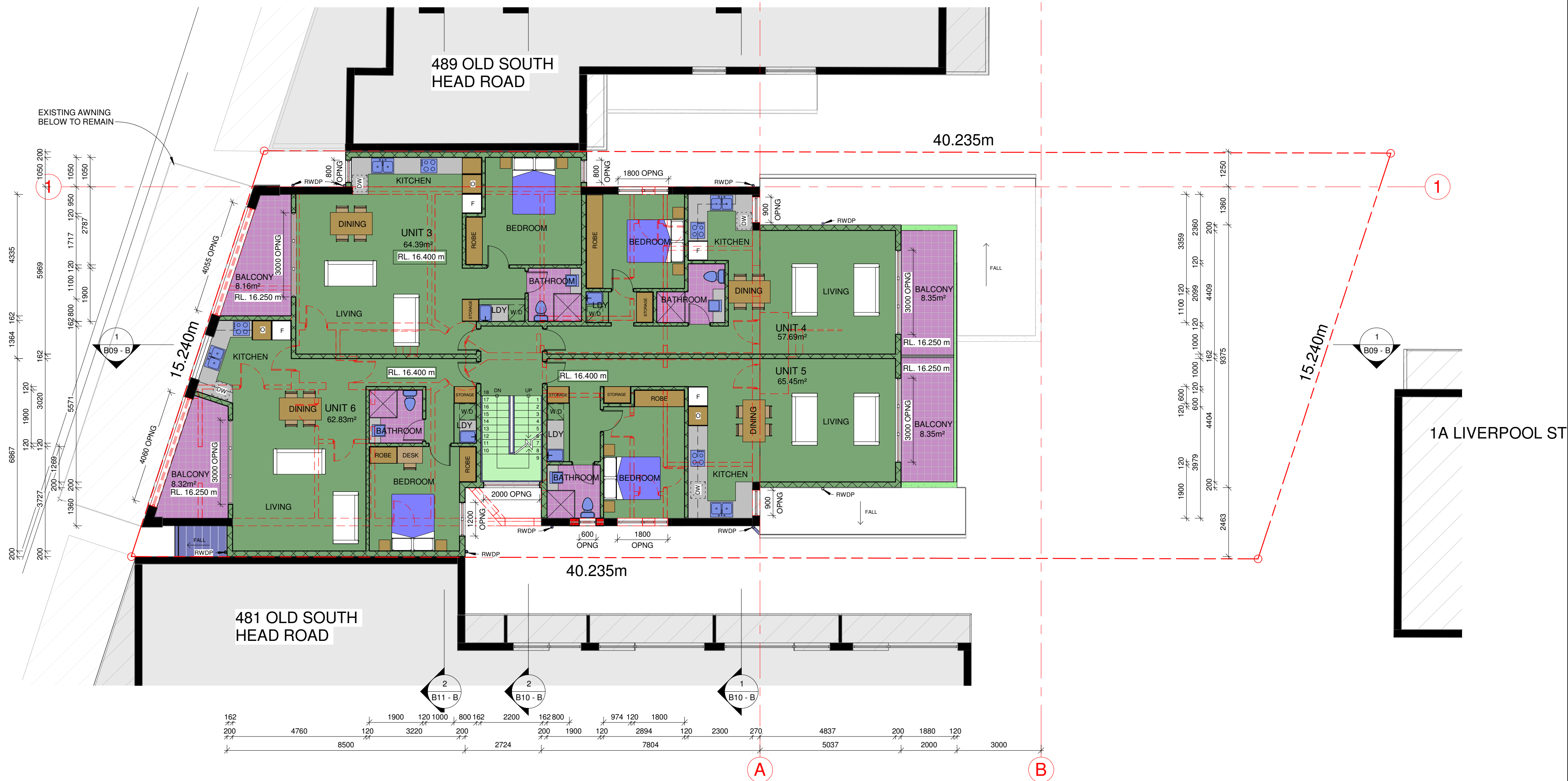


1 Ground Floor Plan
1 : 100


PROJECT: SHUB Alterations and additions to: 483 Old South Head Road, ROSE BAY	Ground Floor Plan		NO.	DESCRIPTION		DATE	NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.		P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA 4980
	SCALE: 1 : 100 @ A2	DRAWN: WH	A	DA SUBMISSION		13/11/2017			
	DATE: 31 MAY 18	JOB NO: 853-16							
	DRAWING NO: B02 - A								



AMENDED



1 First Floor Plan
1 : 100

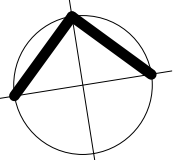
PROJECT: SHUB Alterations and additions to; 483 Old South Head Road, ROSE BAY	First Floor Plan		NO.	DESCRIPTION	DATE	NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.	 VAN ROOIJEN MEYERS ARCHITECTS	P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA 4980 GARY MEYERS, AIA 4980		
	SCALE: 1 : 100 @ A2	DRAWN: WH	A						DA SUBMISSION	13/11/2017
	DATE: 31 MAY 18	JOB NO: 853-16								
	DRAWING NO: B03 - A									

Date Received: 01/06/2018



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GARY MEYERS, AIA 4980

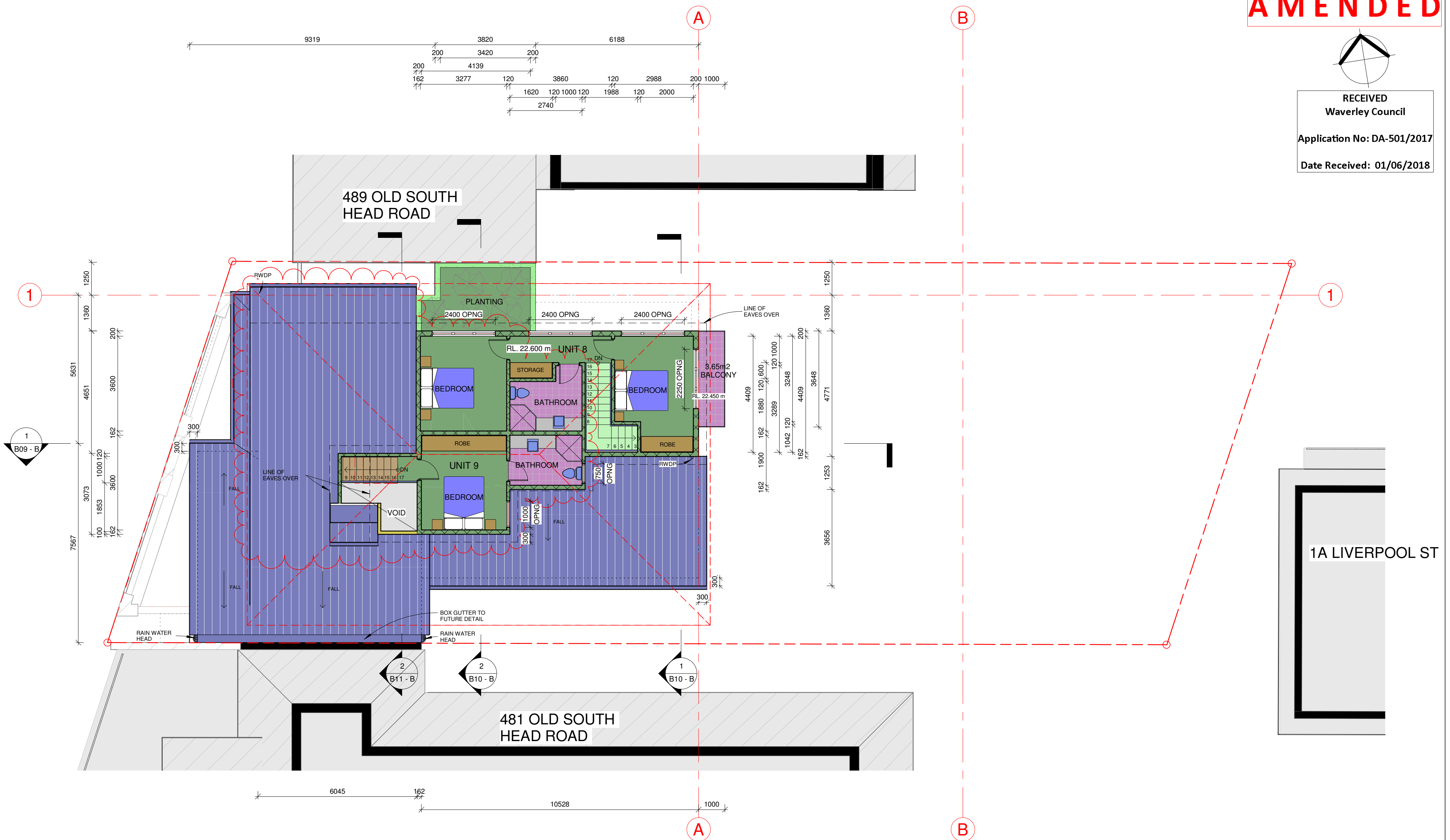
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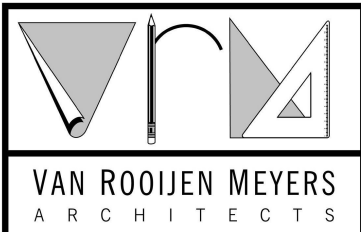
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Application No: DA-501/2017

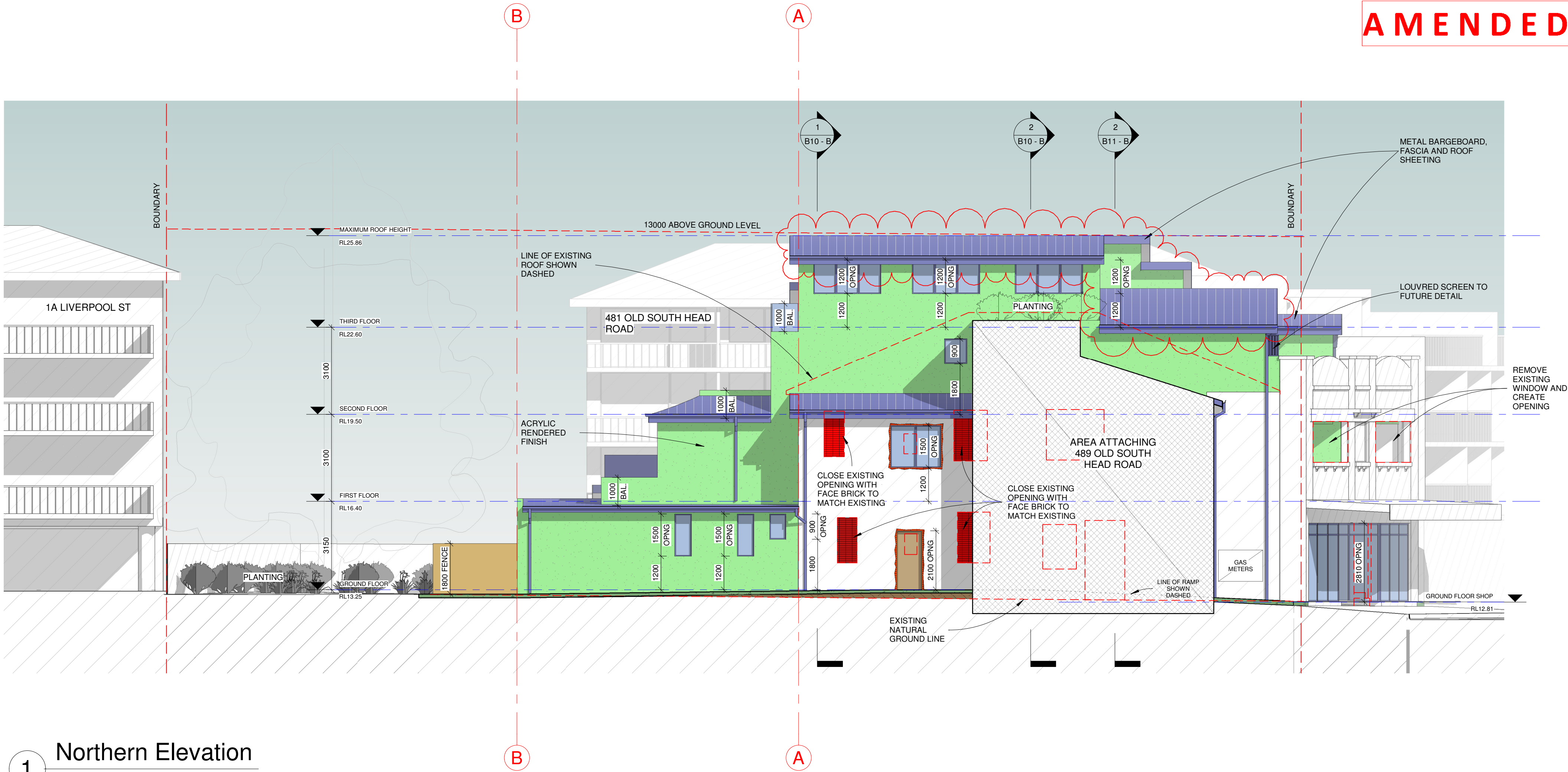
Date Received: 01/06/2018



1 Third Floor Plan
1 : 100

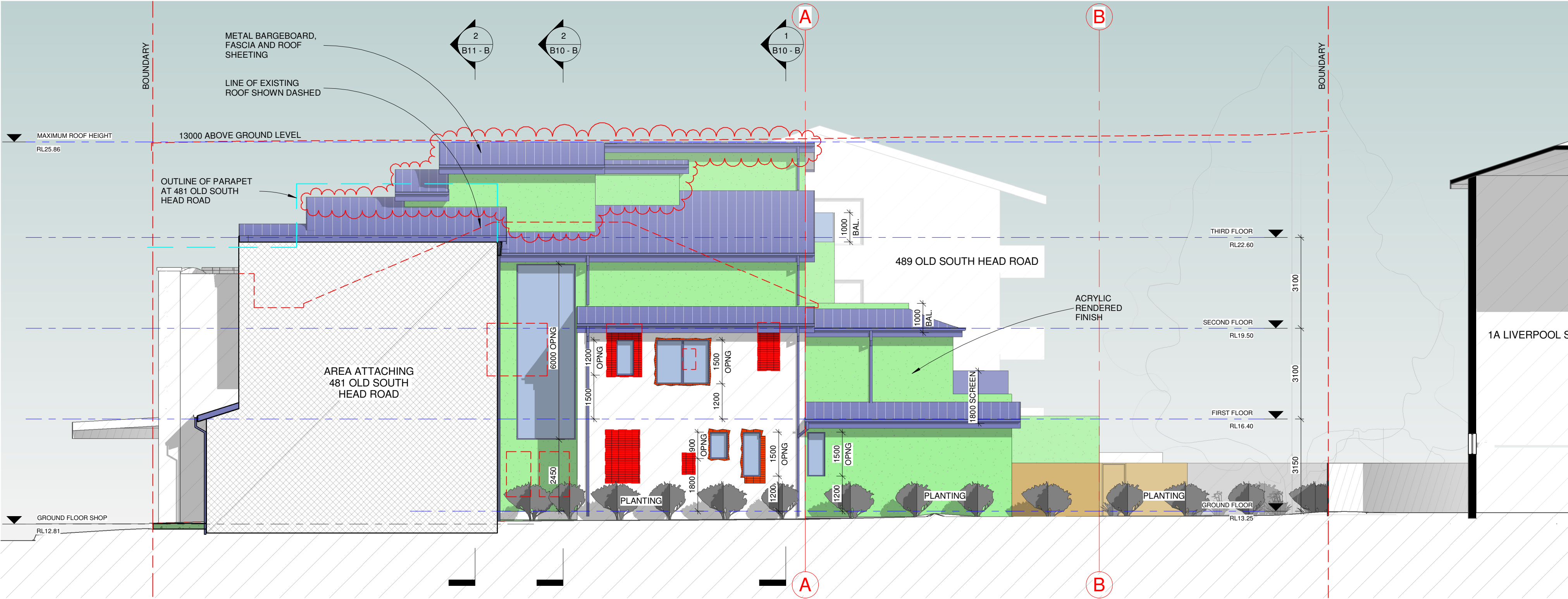
PROJECT: SHUB Alterations and additions to; 483 Old South Head Road, ROSE BAY	Third Floor		NO.	DESCRIPTION	DATE	<p>NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.</p> <div><p>VAN ROOIJEN MEYERS ARCHITECTS</p></div> <p>P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA 4980 GARY MEYERS, AIA 4980</p>
	SCALE: 1 : 100 @ A2	DRAWN: WH	A	DA SUBMISSION	13/11/2017	
	DATE: 31 MAY 18	JOB NO: 853-16	B	AMENDMENT TO DA. TOP FLOOR CHANGED AS REQUIRED BY COUNCIL	31/05/2018	
	DRAWING NO: B05 - B					

AMENDED



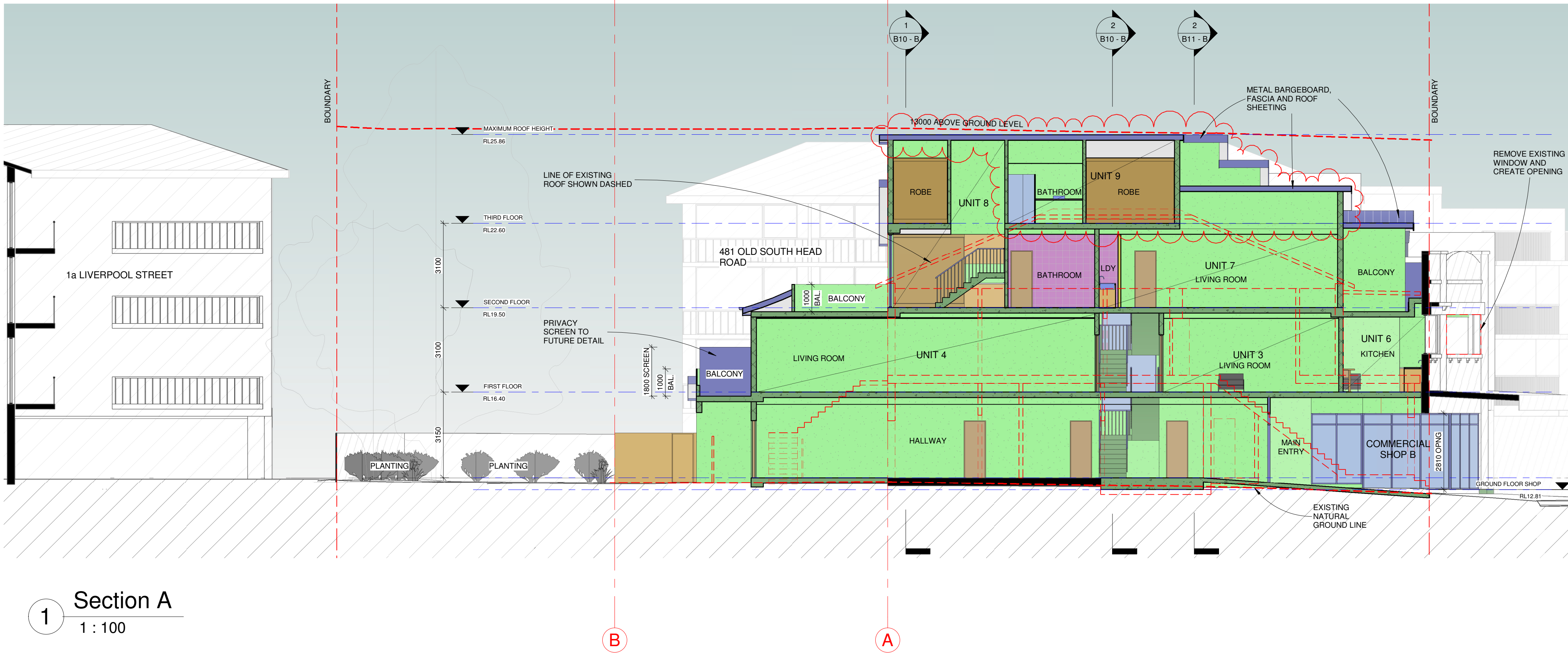
1 Northern Elevation
1 : 100

AMENDED



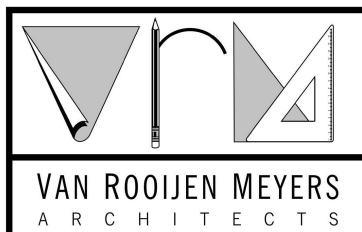
1 Southern Elevation
1 : 100

AMENDED



PROJECT: SHUB Alterations and additions to; 483 Old South Head Road, ROSE BAY	Sections		NO.	DESCRIPTION	DATE
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	DATE: 31 MAY 18	JOB NO: 853-16	B	AMENDMENT TO DA. TOP FLOOR CHANGED AS REQUIRED BY COUNCIL	31/05/2018
	DRAWING NO: B09 - B				

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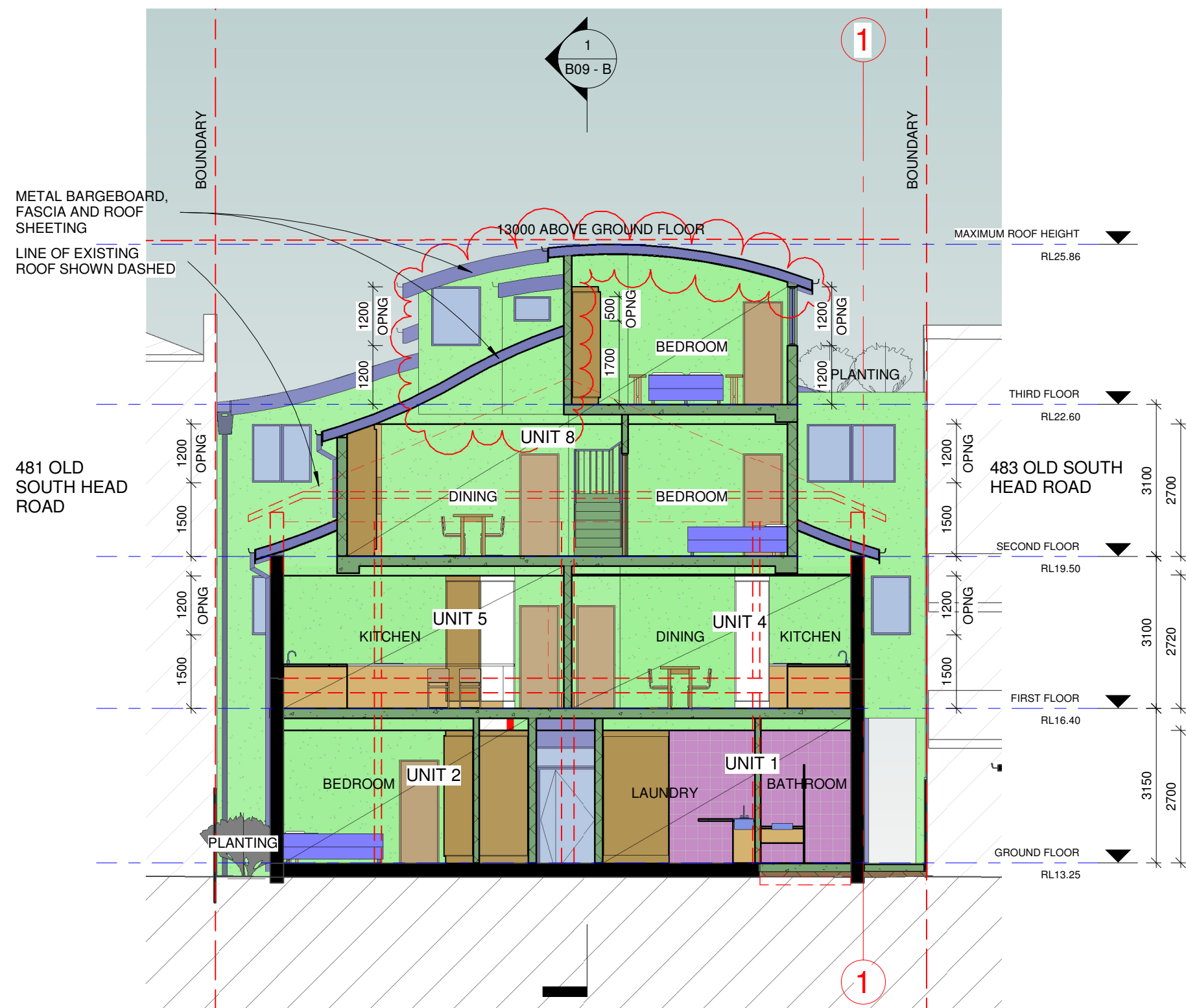
VAN ROOIJEN MEYERS
ARCHITECTS

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FAX: (02) 9371 0114

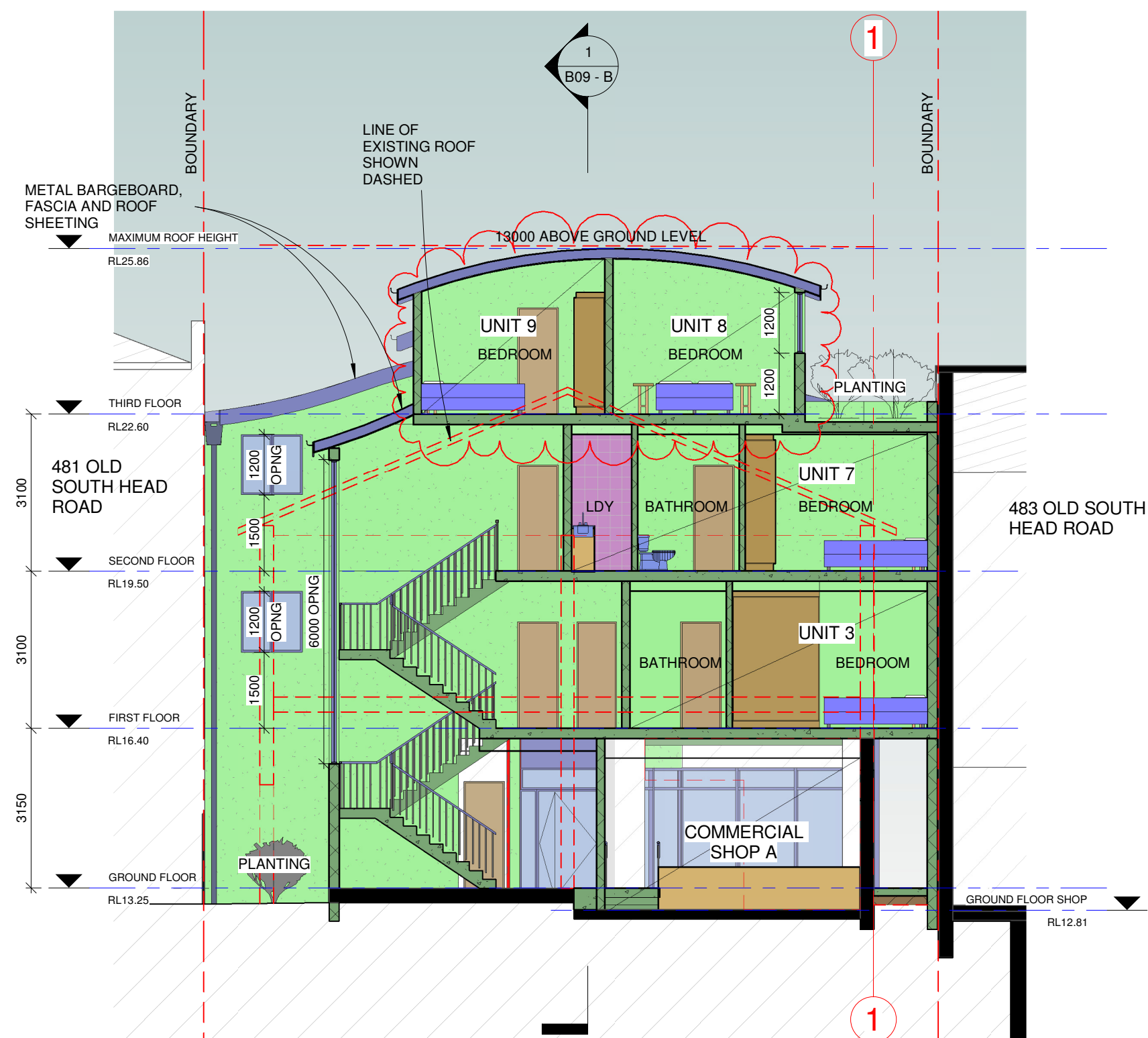
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GARY MEYERS, AIA 4980

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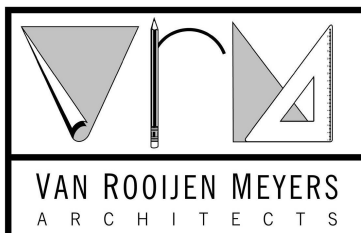
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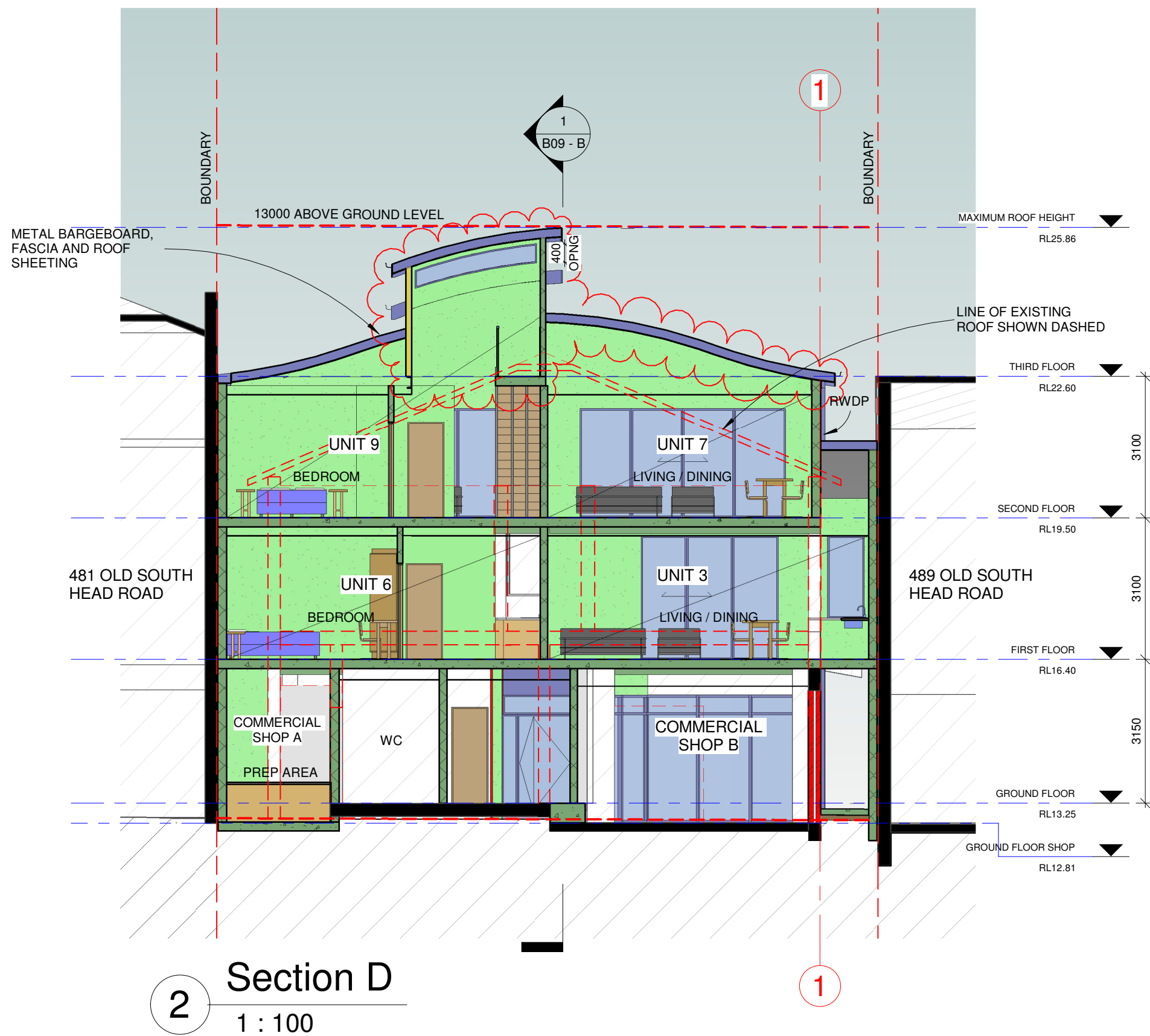
1 Section B
1 : 100



2 Section C
1 : 100

<div>PROJECT: SHUB</div> <div>Alterations and additions to;</div> <div>483 Old South Head Road, ROSE BAY</div>	Sections		NO.	DESCRIPTION	DATE	<div>NOTES: 1. The builder is to be held responsible for all levels and the setting out of the work on site. 2. Maintain existing dimensions as required. 3. Figured dimensions are to take precedence over scaling. 4. These plans remain the property of Van Rooijen Meyers and Partners Pty. Ltd., and the designs contained hereon are copyright. They may not be reproduced without permission.</div> <div></div> <div><div>P.O. BOX 114, ROSE BAY NSW 2029 TEL: (02) 9371 9677 FAX: (02) 9371 0114 ARNOLD VAN ROOIJEN, AIA 4980 GARY MEYERS, AIA 4980</div><div>312</div></div>
	SCALE: 1 : 100 @ A2	DRAWN: WH	A	DA SUBMISSION	13/11/2017	
	DATE: 31 MAY 18	JOB NO: 853-16	B	AMENDMENT TO DA. TOP FLOOR CHANGED AS REQUIRED BY COUNCIL	31/05/2018	
	DRAWING NO: B10 - B					

AMENDED



SHADOW ANALYSIS
Winter Solstice 09:00

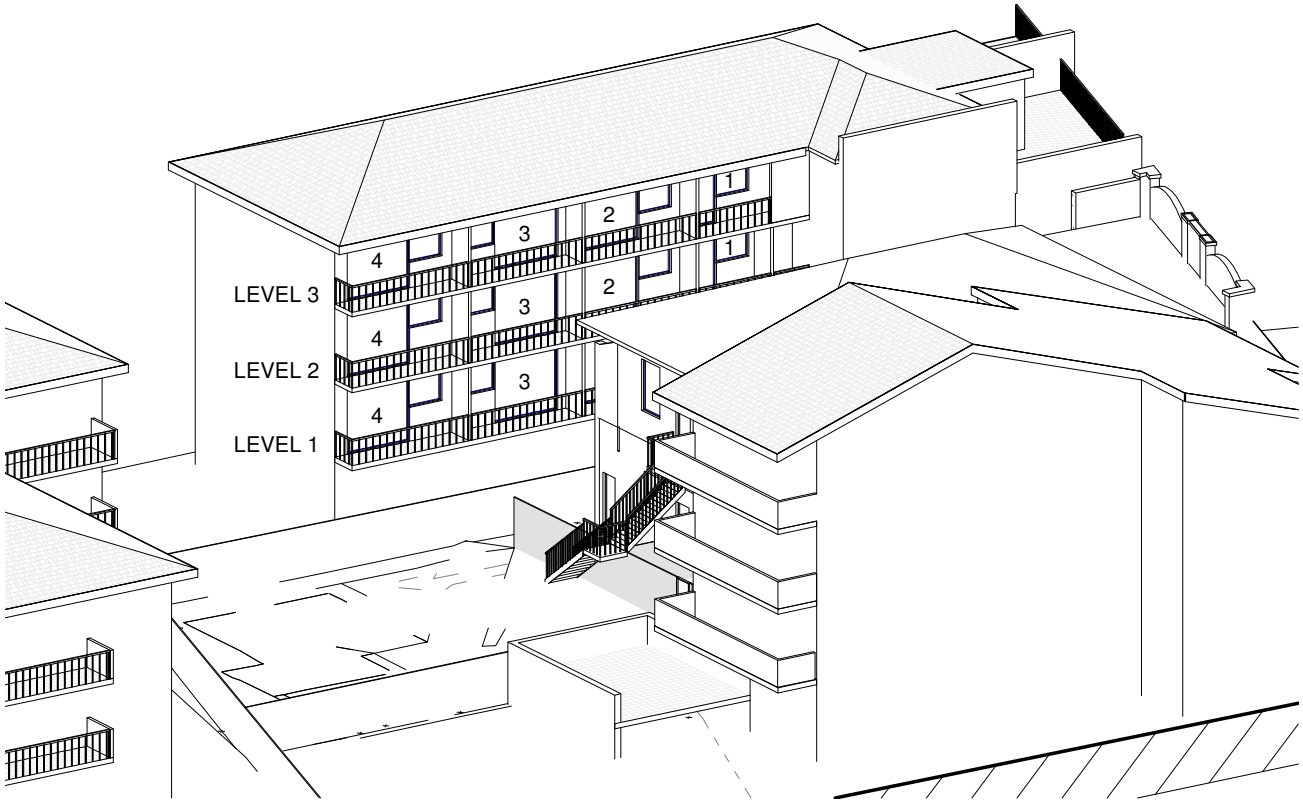
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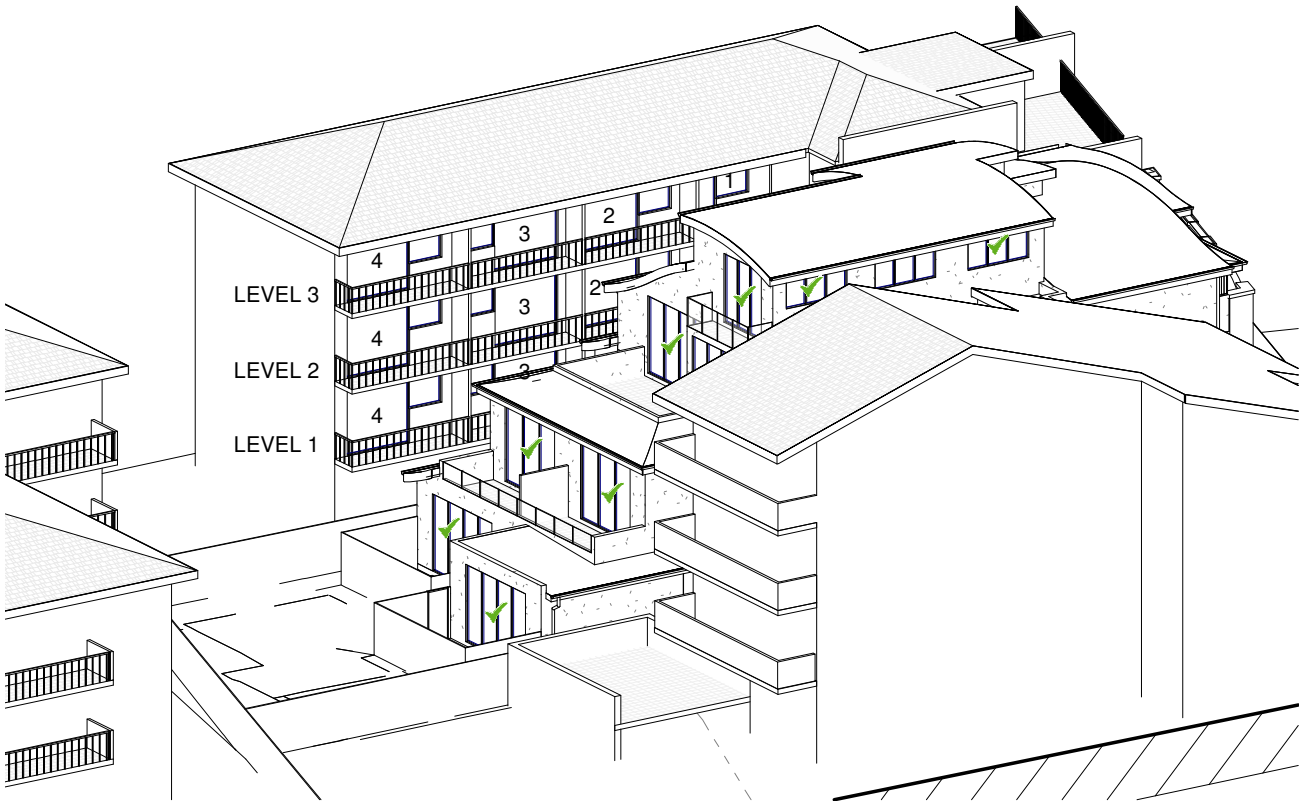
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓

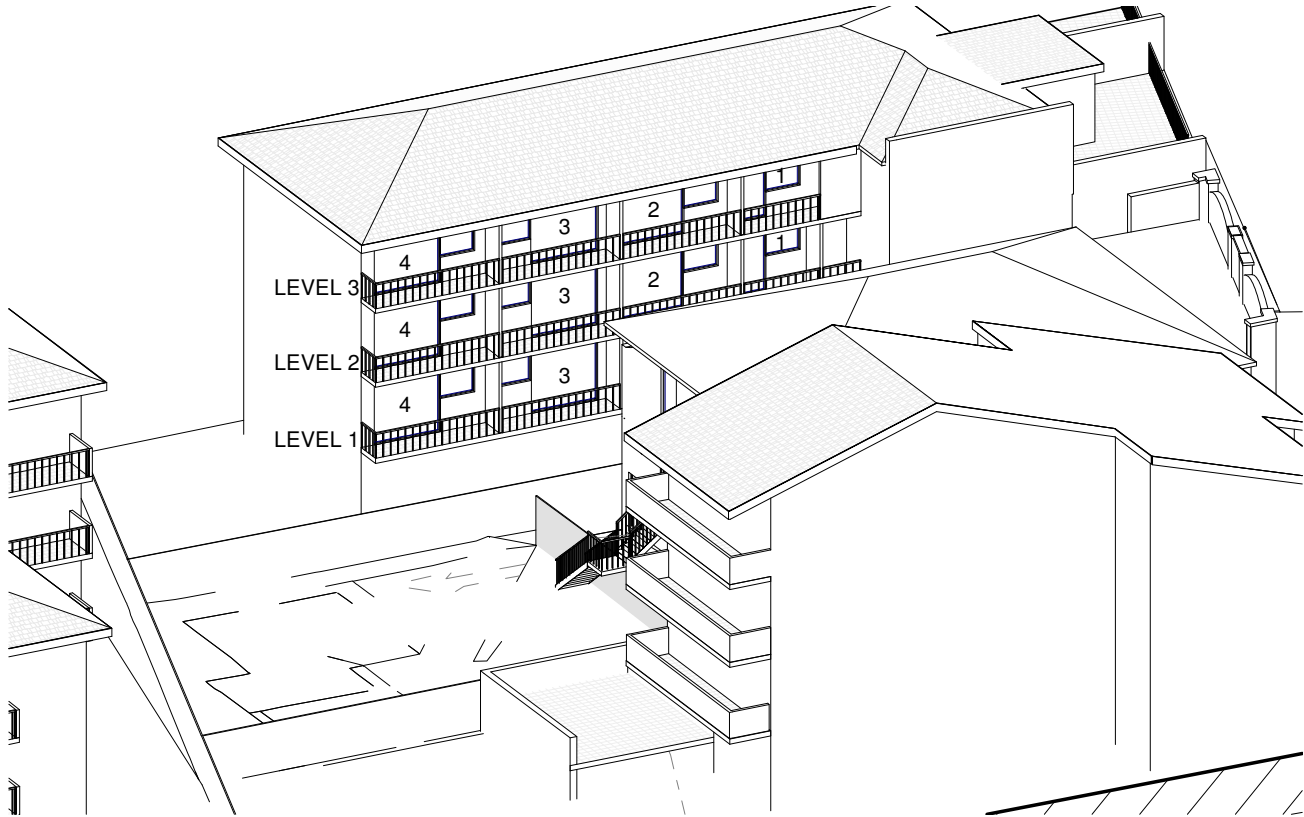
OPENINGS TO HABITABLE
ROOMS THAT RECEIVE
MORE THAN 50% SOLAR
ACCESS

SHADOW ANALYSIS
Winter Solstice 09:30

RECEIVED
Waverley Council
Application No: DA-501/2017
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓ OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 10:00

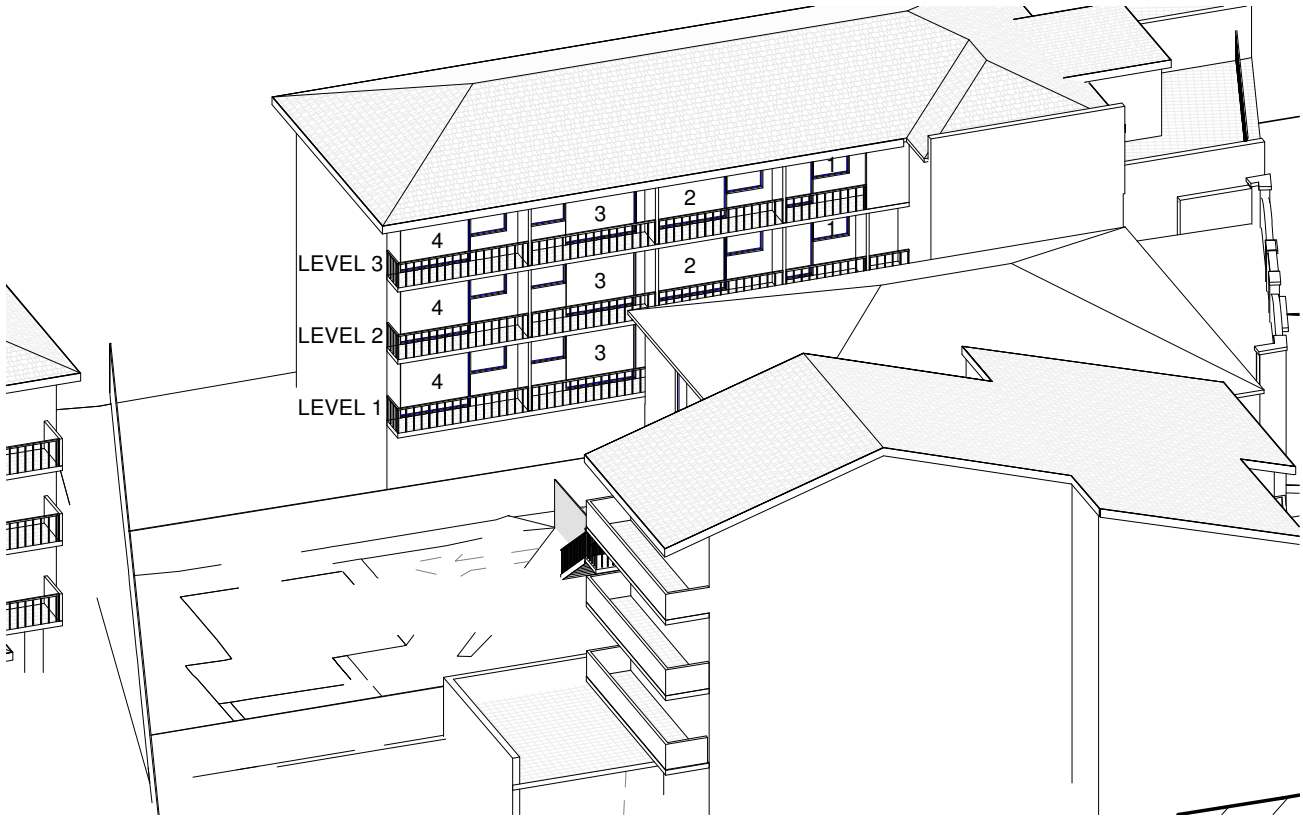
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Waverley Council

Application No: DA-501/2017

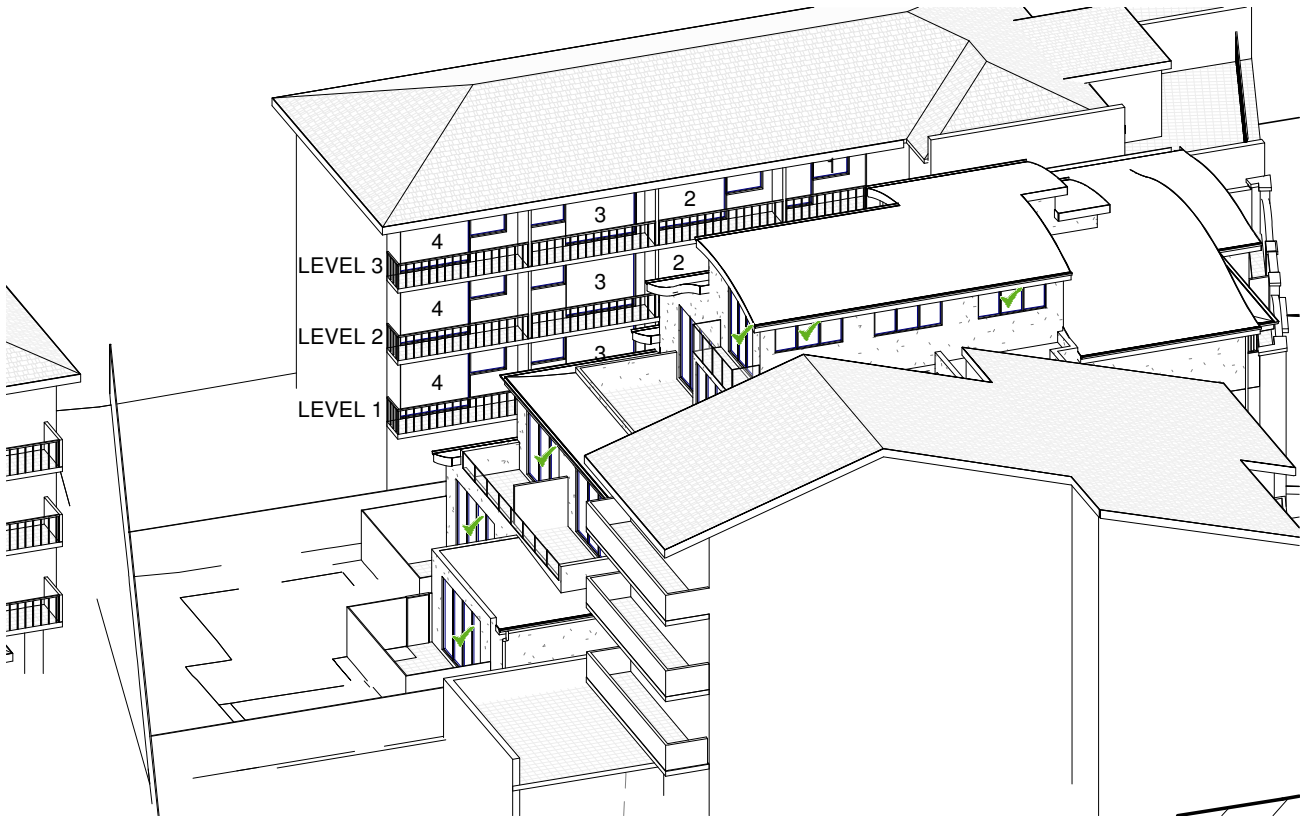
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓

OPENINGS TO HABITABLE
ROOMS THAT RECEIVE
MORE THAN 50% SOLAR
ACCESS

SHADOW ANALYSIS
Winter Solstice 10:30

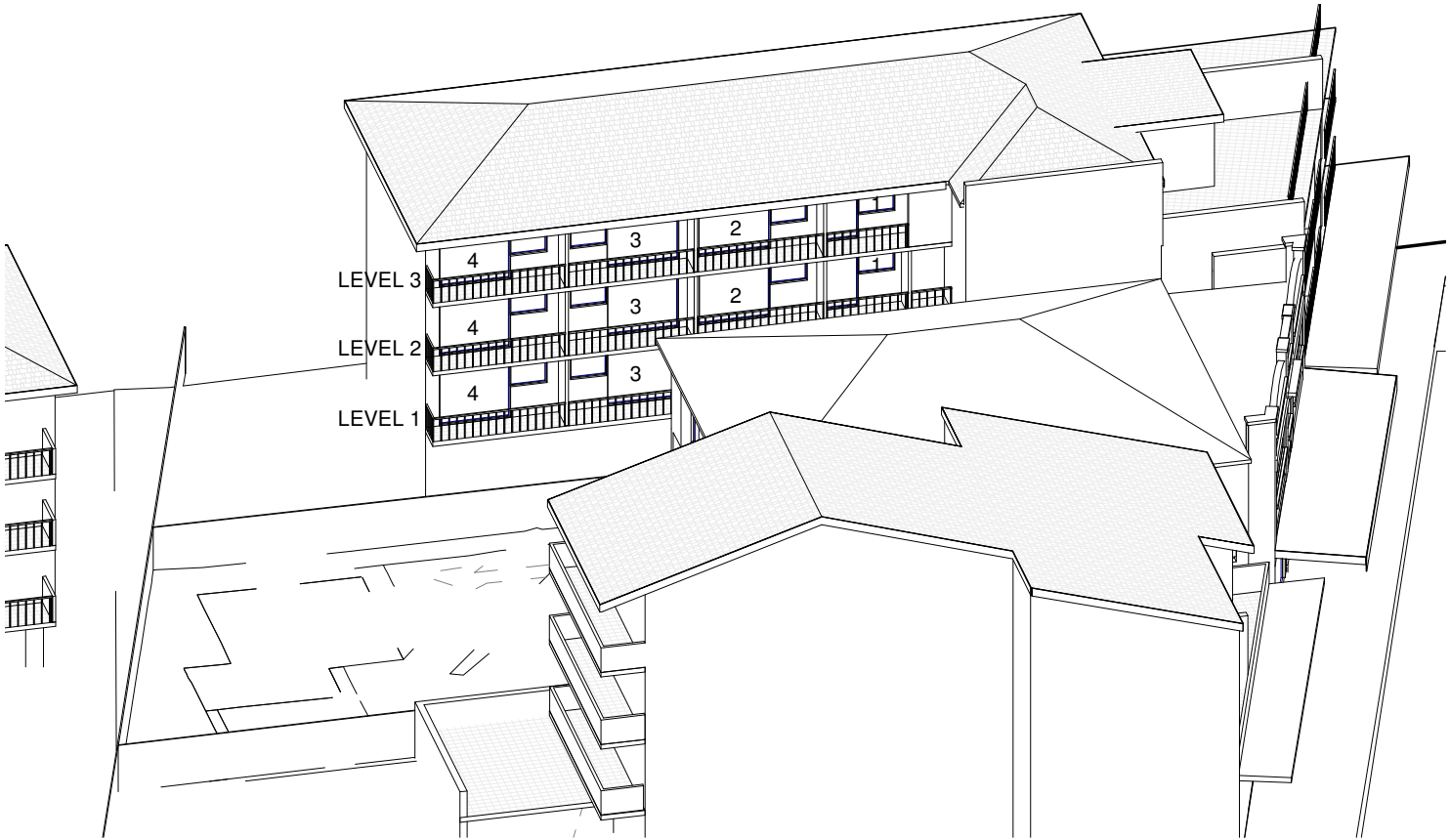
RECEIVED
Waverley Council

Application No: DA-501/2017

Date Received: 01/06/2018

AMENDED


View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

 OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 11:00

RECEIVED
Waverley Council
Application No: DA-501/2017
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓ OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 11:30

RECEIVED
Waverley Council
Application No: DA-501/2017
Date Received: 01/06/2018

AMENDED


View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

 OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 12:00

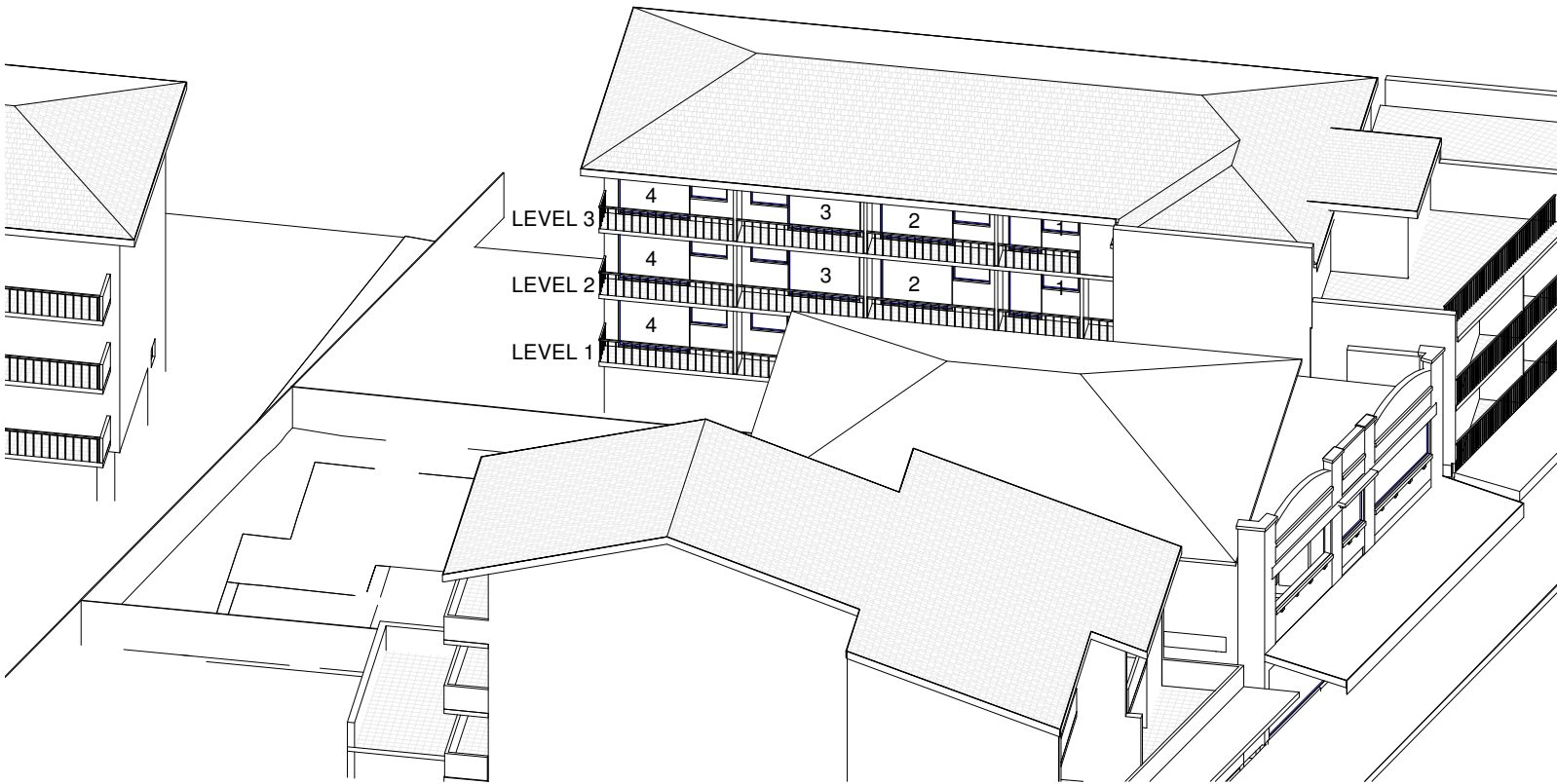
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Application No: DA-501/2017

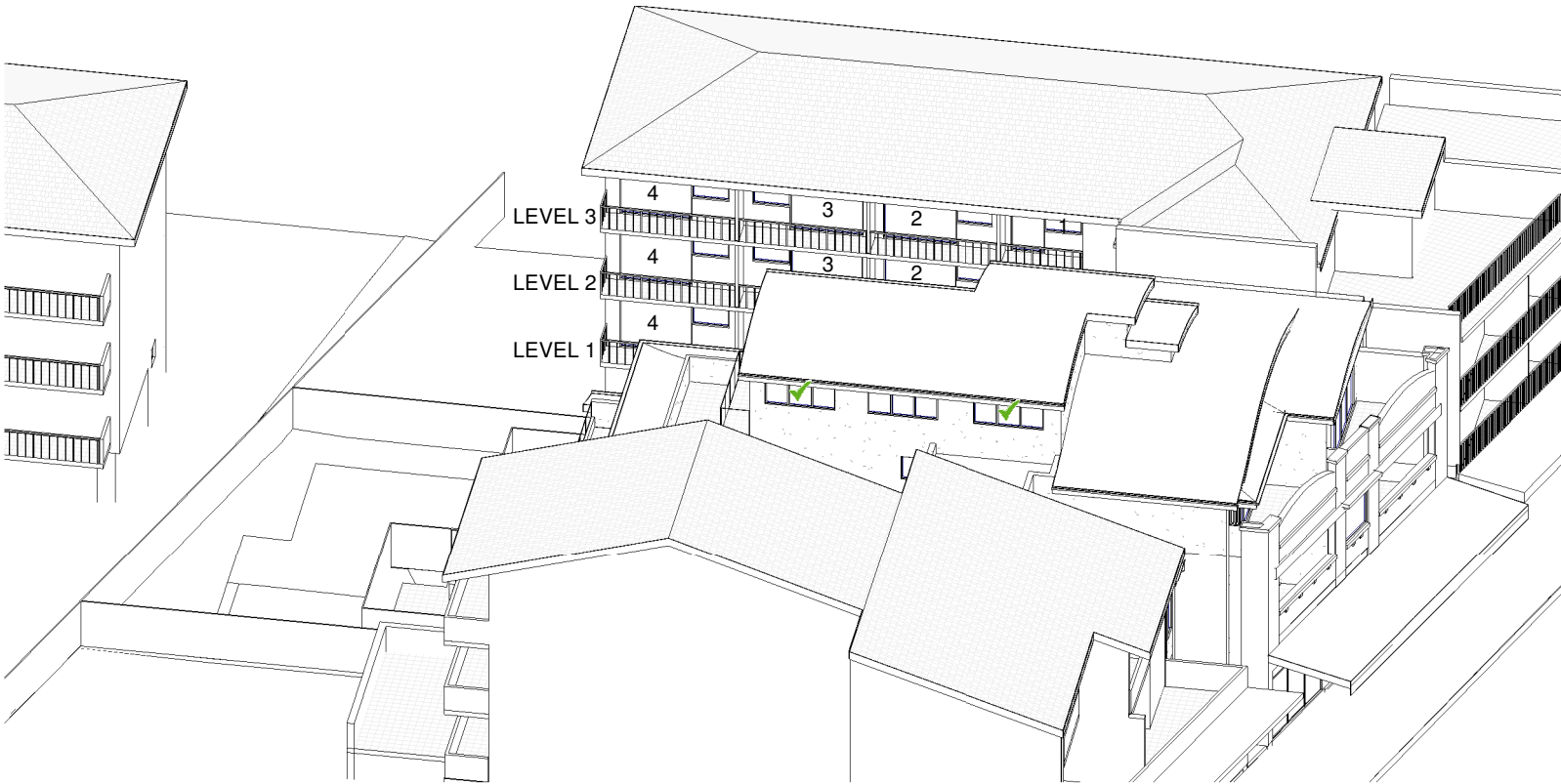
Date Received: 01/06/2018

AMENDED


View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

 OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 12:30

RECEIVED
Waverley Council

Application No: DA-501/2017

Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓

OPENINGS TO HABITABLE
ROOMS THAT RECEIVE
MORE THAN 50% SOLAR
ACCESS

SHADOW ANALYSIS
Winter Solstice 13:00

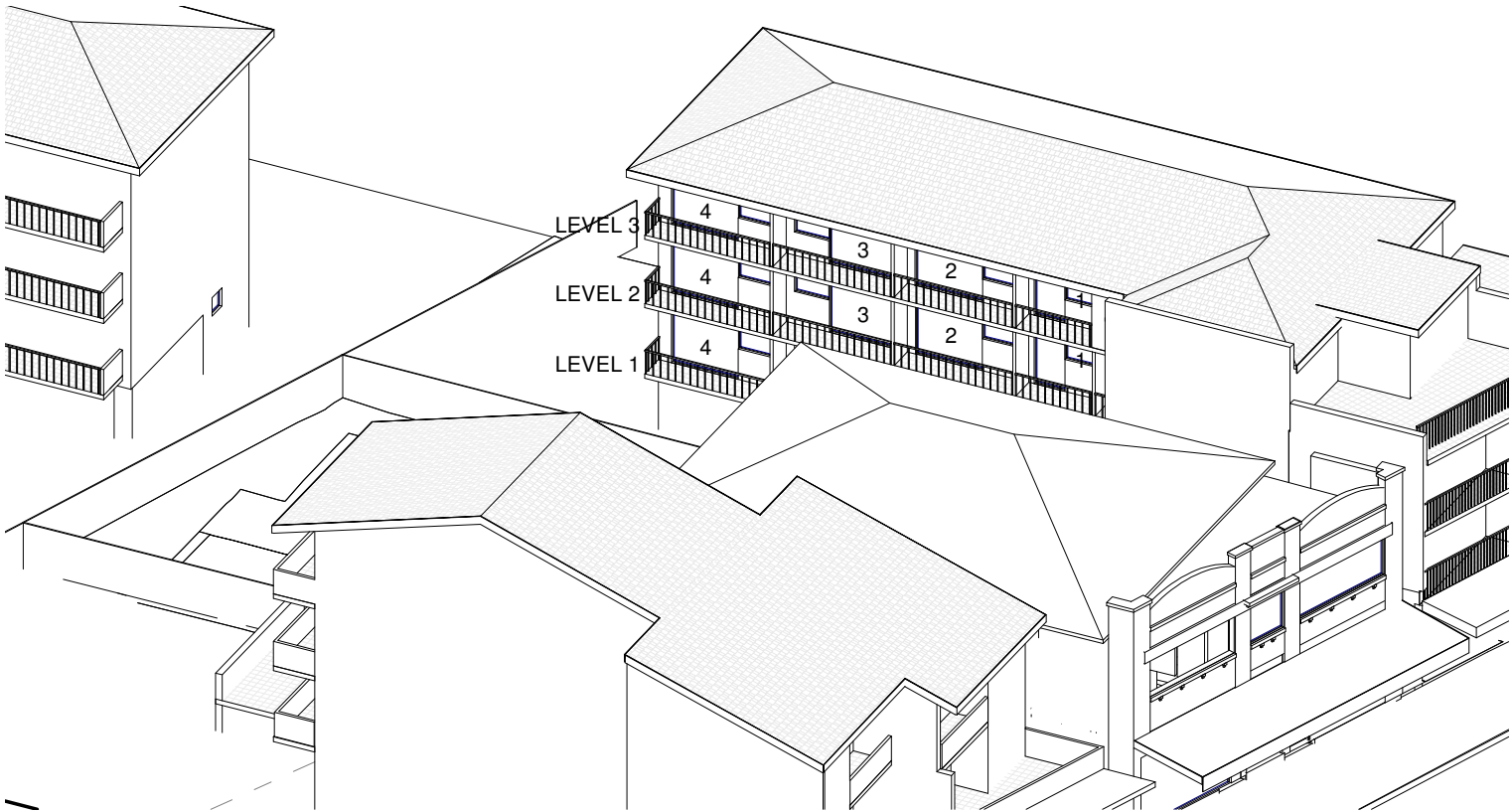
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Waverley Council

Application No: DA-501/2017

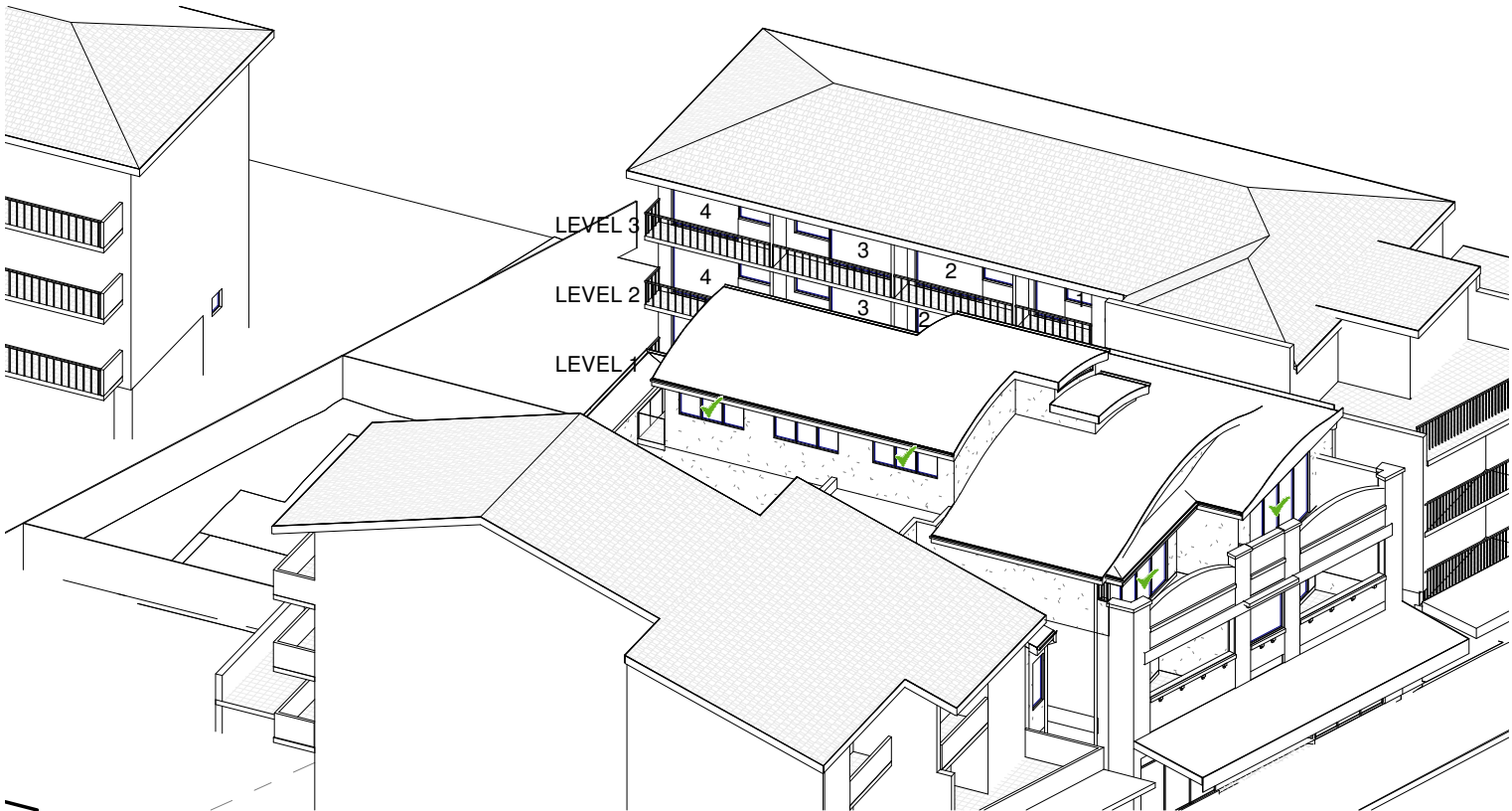
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓

OPENINGS TO HABITABLE
ROOMS THAT RECEIVE
MORE THAN 50% SOLAR
ACCESS

SHADOW ANALYSIS
Winter Solstice 13:30

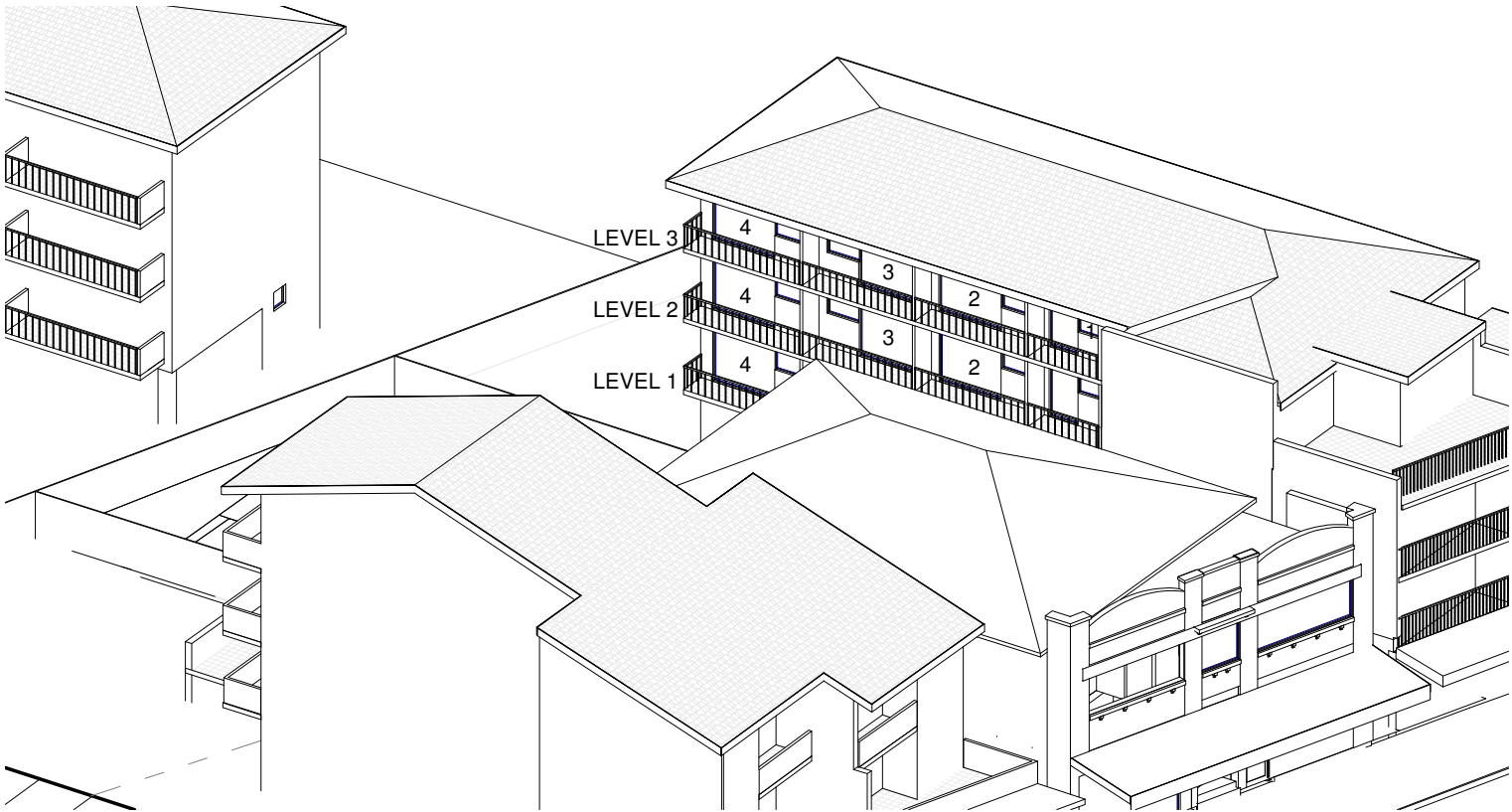
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Waverley Council

Application No: DA-501/2017

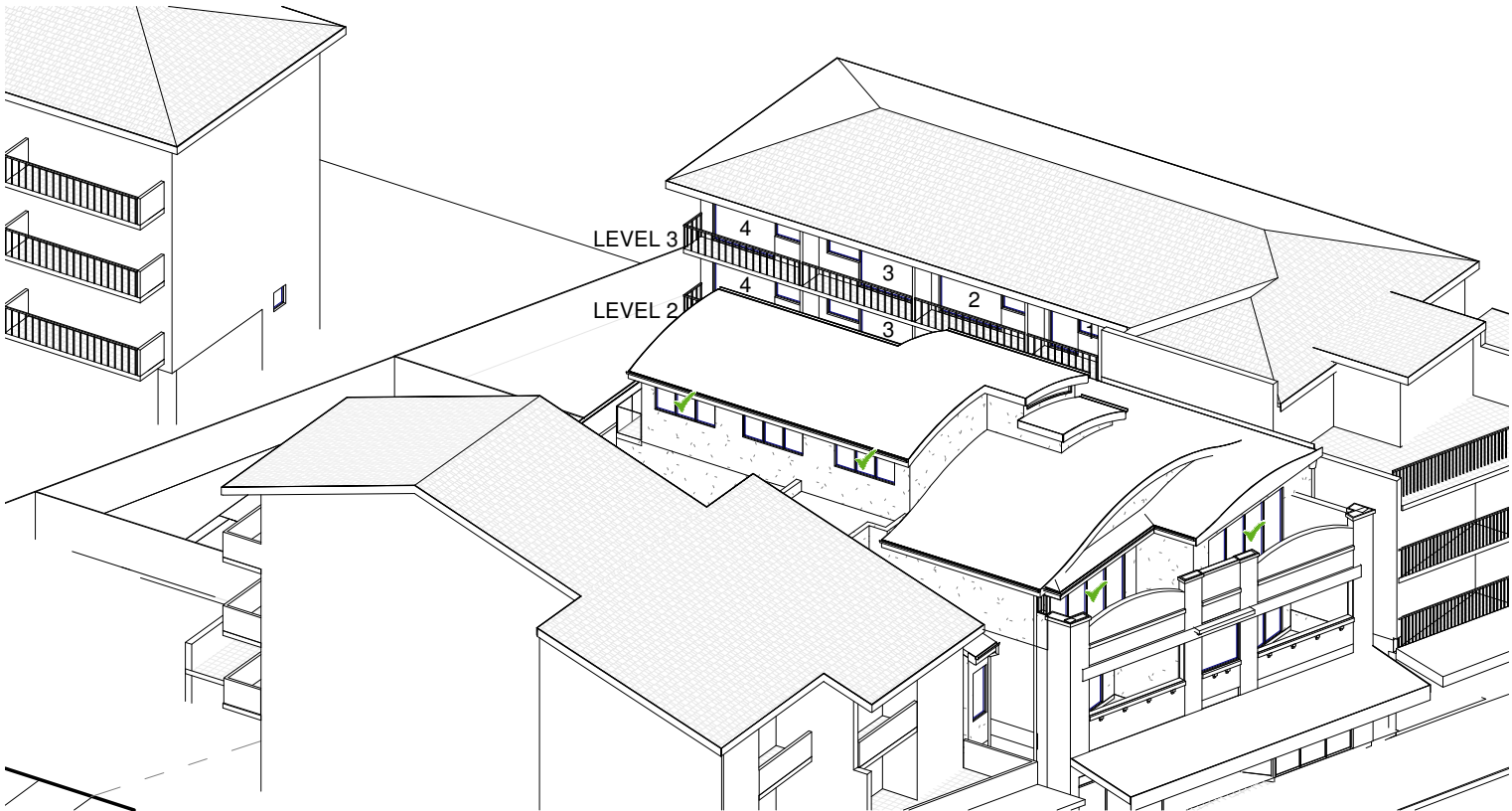
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

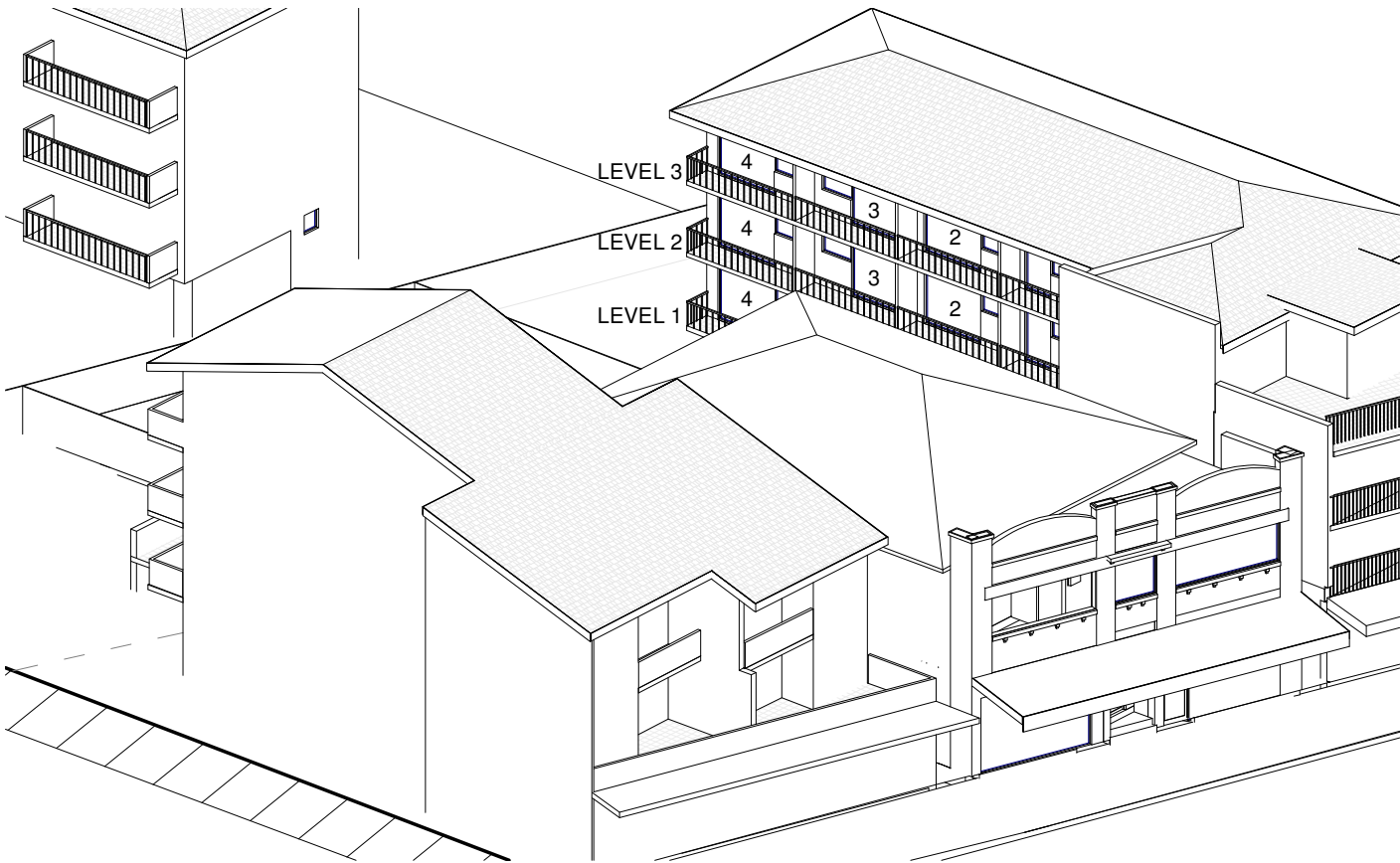
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SHADOW ANALYSIS
Winter Solstice 14:00

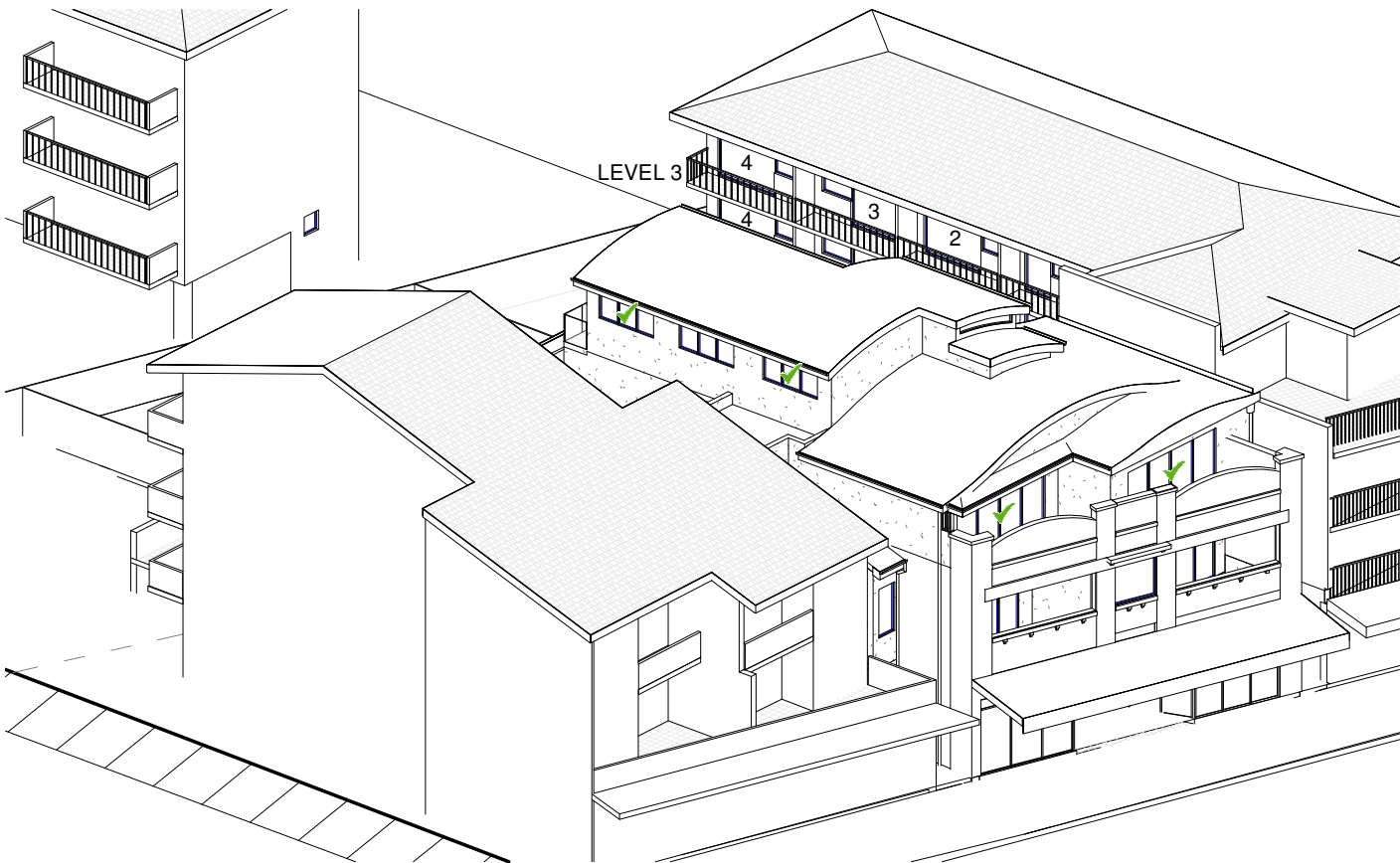
RECEIVED
Waverley Council
Application No: DA-501/2017
Date Received: 01/06/2018

AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓ OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 14:30

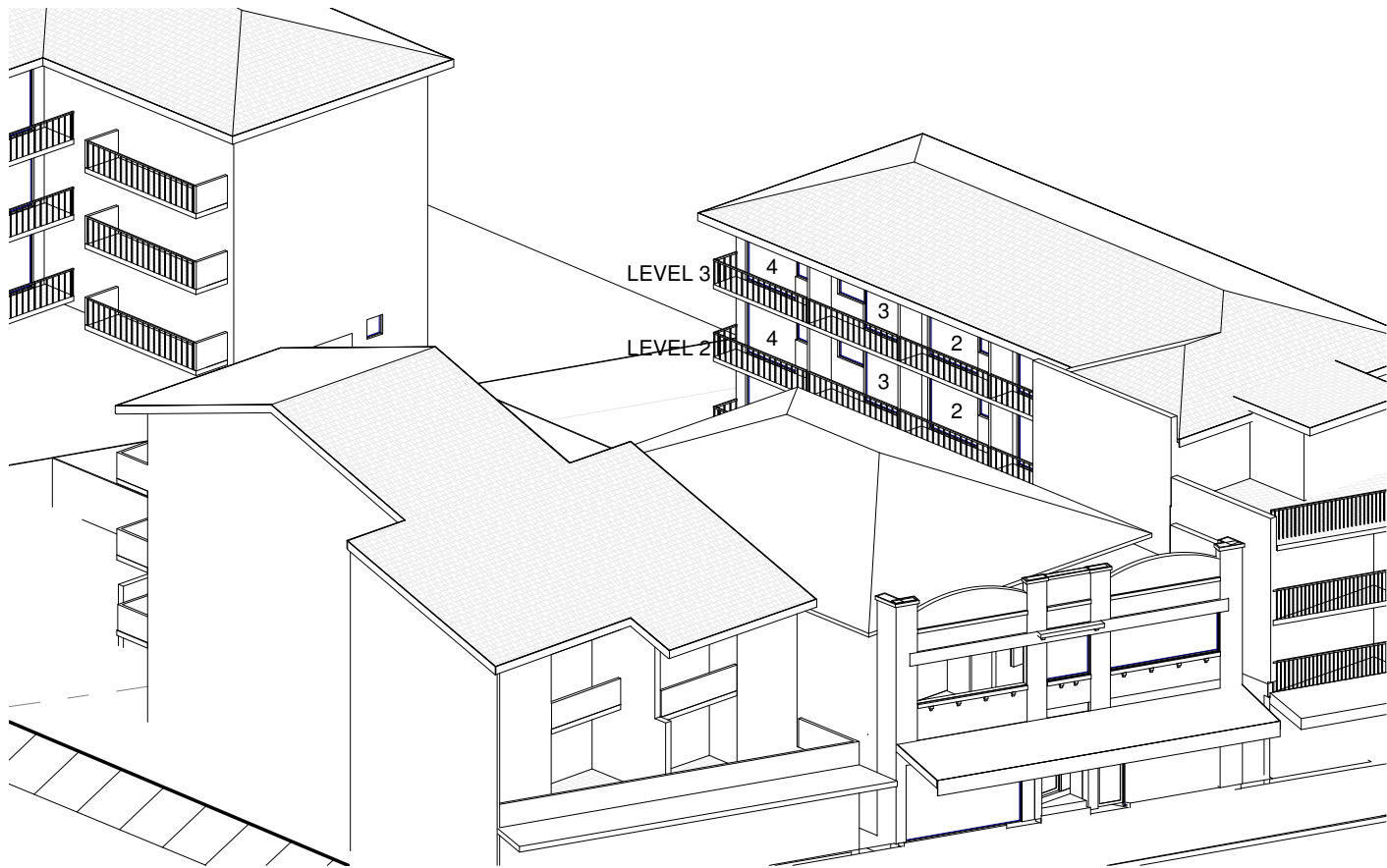
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Waverley Council

Application No: DA-501/2017

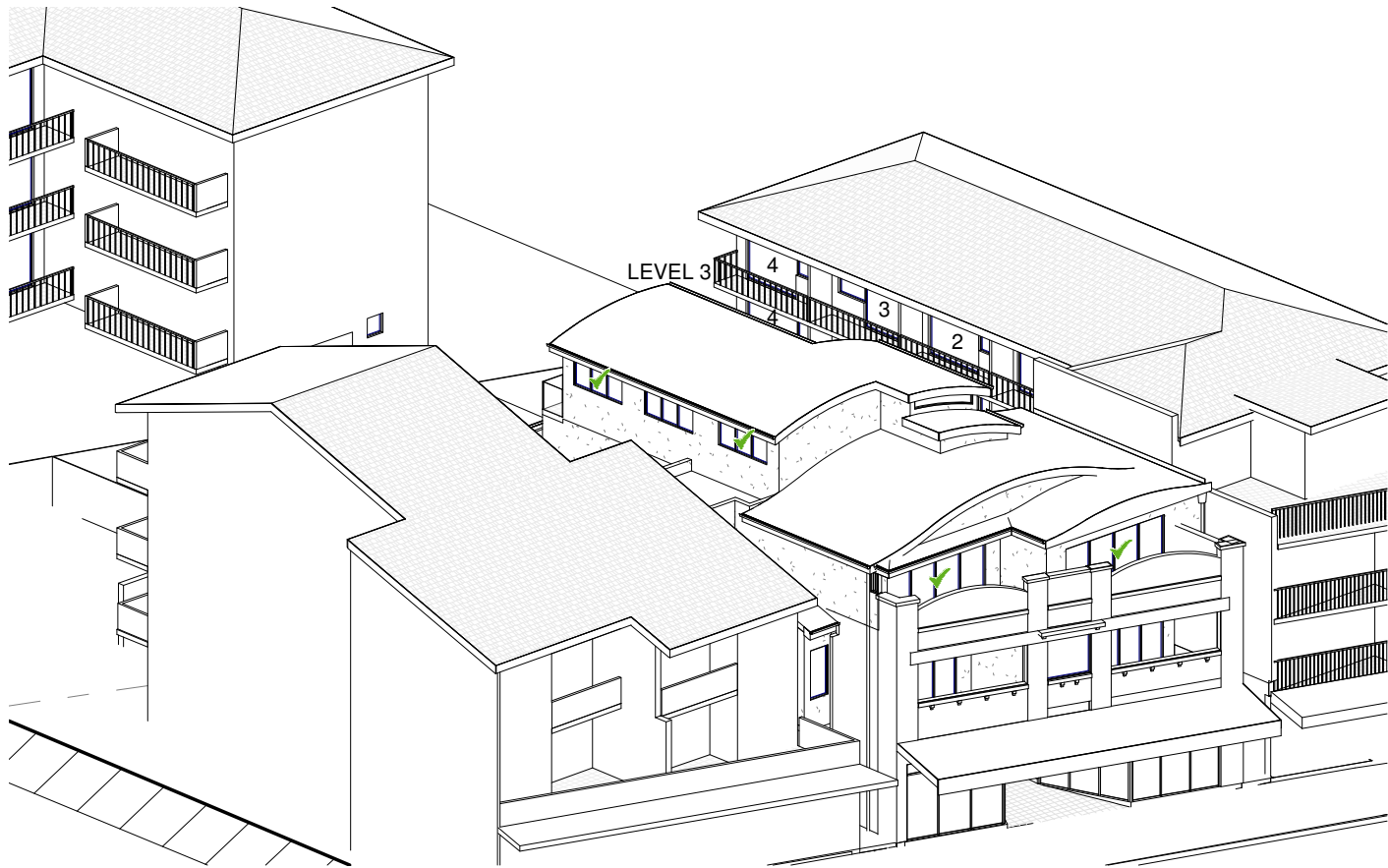
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AMENDED

View from the sun
Existing Building



View from the sun
Proposed Building



LEGEND

✓ OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS

SHADOW ANALYSIS
Winter Solstice 15:00

RECEIVED
Waverley Council

Application No: DA-501/2017

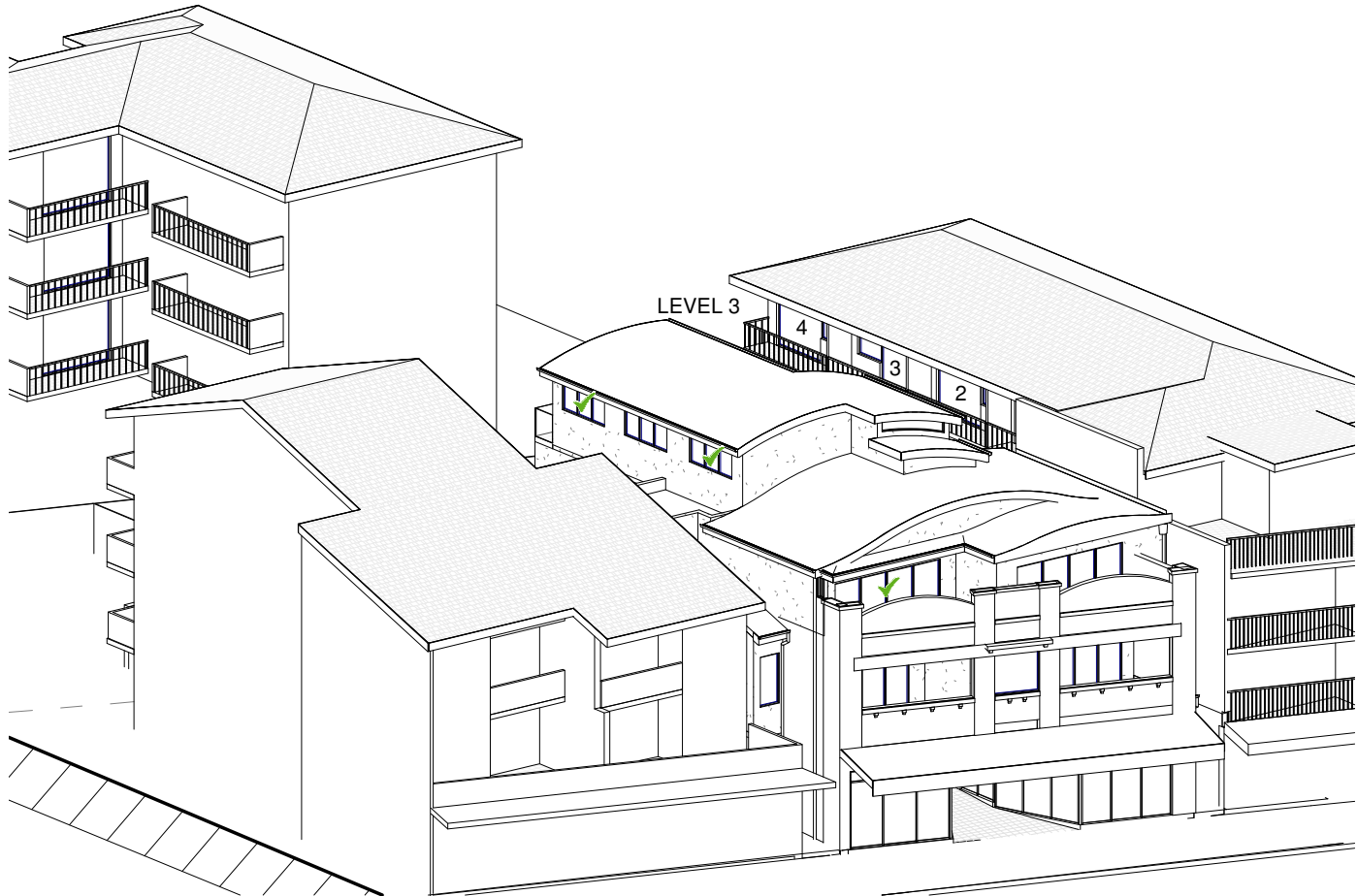
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AMENDED

View from the sun
Existing Building

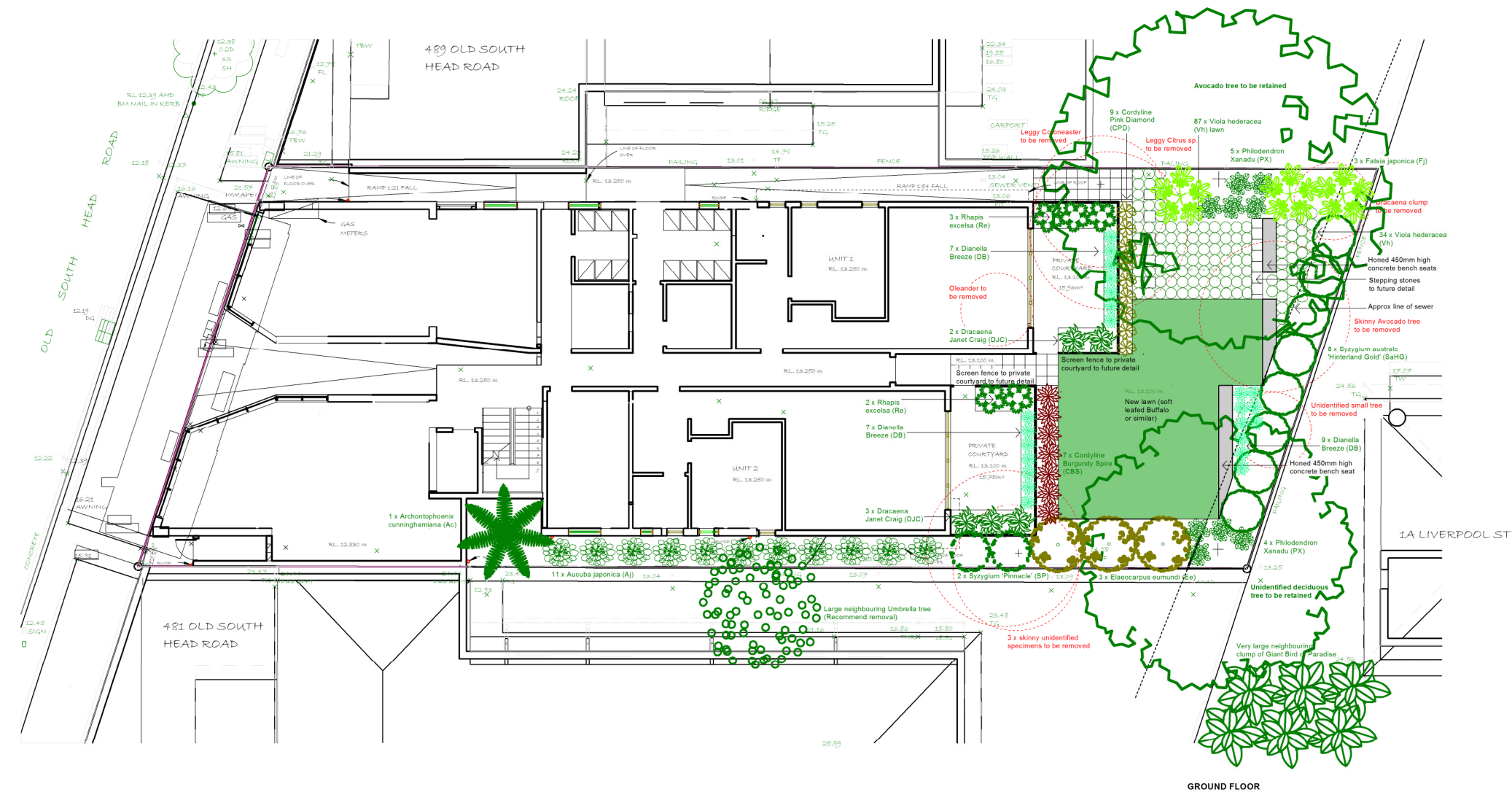


View from the sun
Proposed Building



LEGEND

✓ OPENINGS TO HABITABLE ROOMS THAT RECEIVE MORE THAN 50% SOLAR ACCESS



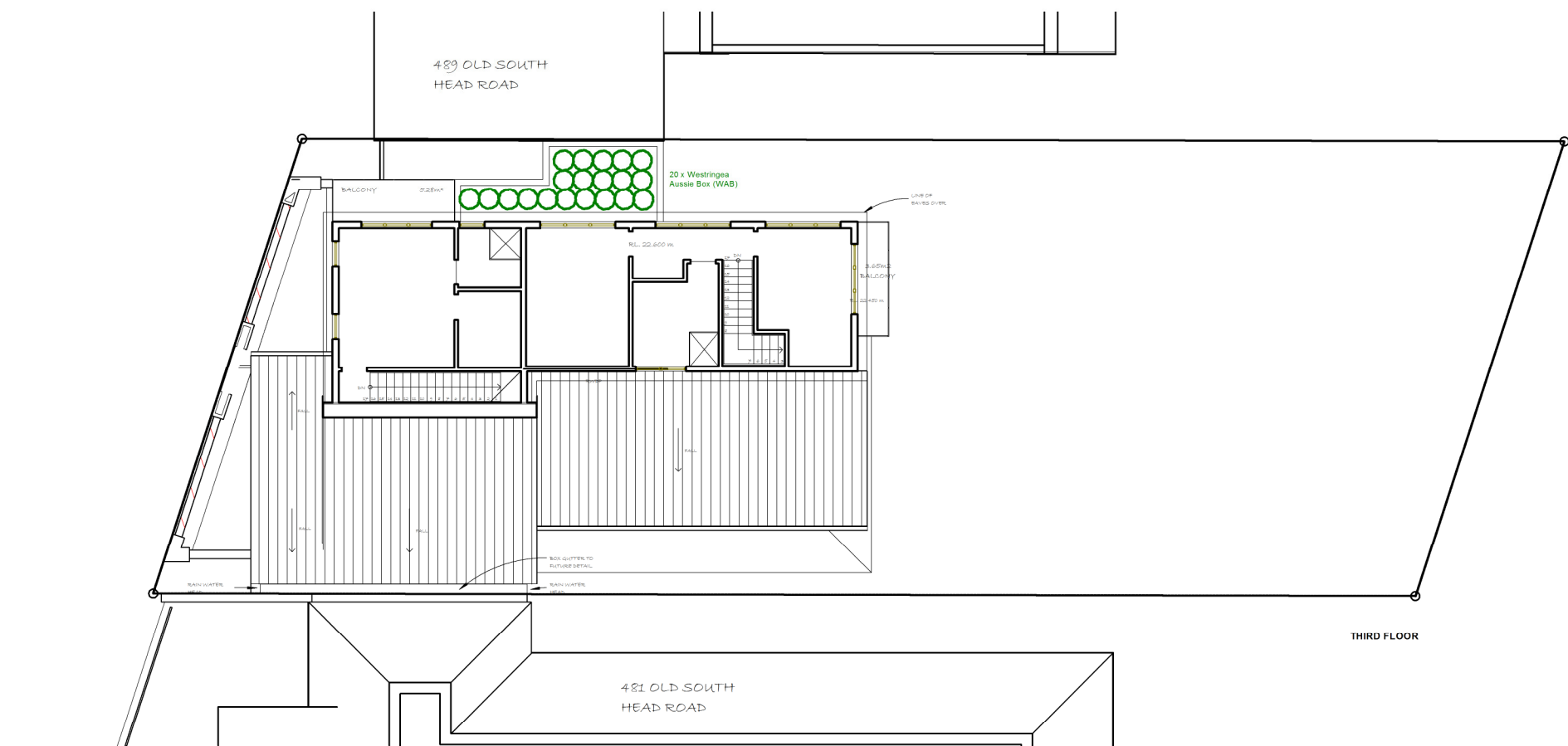
PLANT SCHEDULE - CONCEPT LANDSCAPE PLAN: 483 OLD SOUTH HEAD ROAD, ROSE BAY					
Symbol	Botanical Name	Common Name	Quantity	Size (pot) (suggested)	Mature height (m) (approximate)
Ac	Archontophoenix cunninghamiana	Bangalow Palm	1	75 litre	15.0 m
Aj	Aucuba japonica	Japanese Laurel	11	300 mm	2.5 m
CPD	Cordyline Pink Diamond	Cordyline cultivar	9	200 mm	2.0 m
DB	Dianella Breeze	Dianella cultivar	23	140 mm	0.4 m
DJC	Dracaena Janet Craig	Dracaena cultivar	5	300 mm	2.0 m
Ee	Elaeocarpus eumundi	Smooth Leafed Quandong	3	with 1.5 m of growth	5.0 m
Fj	Fatsia japonica	Japanese Aralia	3	300 mm	3.0 m
PX	Philodendron Xanadu	Dwarf Philodendron	9	200 mm	0.75 m
Re	Rhapis excelsa	Lady Palm	5	300 mm	2.5 m
SaHG	Syzygium australe Hinterland Gold	Gold Lilly Pilly	8	with 1.5 m of growth	4.0 m
SP	Syzygium Pinnacle	Syzygium cultivar	2	with 1.5 m of growth	5.0 m clipped
Vh	Viola hederacea	Native Violet	121	tube stock	0.15 m
WAB	Westringea Aussie Box	Dwarf Westringea	20	140 mm	0.5 m

The Concept Landscape Plan for 483 Old South Head Road, Rose Bay has been prepared to provide the site and the proposed development with a well considered and unified landscape response, one that takes into account existing lot conditions, the proposed architectural layout and envisaged future use of the site's external spaces.

Several inconsequential small existing trees, most with poor form, dotted around the edges of the rear garden are to be removed. The site's two largest specimens, an Avocado tree on the northern boundary and a large specimen in the site's south-east corner are to be retained, so as not to diminish the suburb's urban canopy. The small specimens that are to be removed would be replaced by various other small trees and large shrubs in the rear grounds, including Smooth Leafed Quandong and Syzygiums. With maturity, these specimens will provide an improved extent of vegetative screening between the subject property and neighbouring allotments.

The rear garden, to be retained at its existing levels, is proposed to remain as a large open multipurpose common area lawn, skirted by garden beds and framed on its eastern side by an alignment of built-in bench seats to support the passive recreation needs of the residents. Other species suggested for the rear garden include Fatsia, dwarf Philodendron, Aucuba and native violet in shaded zones around the boundaries and below existing canopies and Cordylines, Rhapis and Dracaena to frame the partially shaded courtyards of Units 1 and 2. An Archontophoenix palm is proposed in the building cut-out along the southern boundary. The raised planter bed on the third floor of the building is suggested to be mass planted with Westringea Aussie Box.

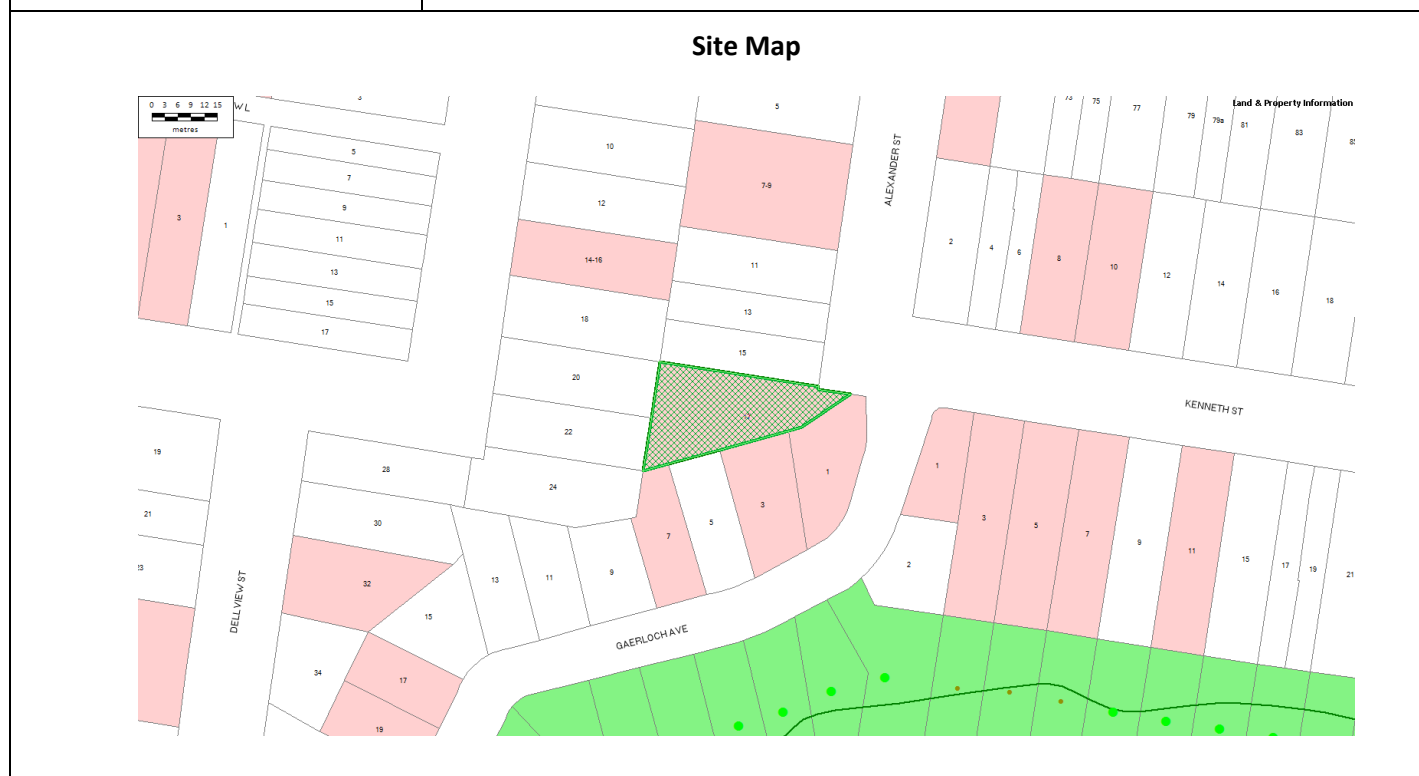
Overall, the landscape effect of this scheme will be a consistent and comprehensive planted surrounds to the rear garden of the development, with an increase in the planting volume to all boundaries of the property. The layout will improve the amenity and quality of the site's open spaces. This Concept Landscape Plan has taken into account the site's climatic characteristics and visual associations with neighbouring properties.





Report to the Waverley Development Assessment Panel

Application number	DA-129/2018
Site address	Units 1 and 2, 17 Alexander Street, Tamarama
Proposal	Alterations and additions to Units 1 and 2
Date of lodgement	17 April 2018
Owner	The Owners Strata Plan 73924
Applicant	Neil Morris Pty Ltd
Submissions	Nil
Cost of works	\$150,000
Issues	FSR
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 16 May 2018.

The site is identified as CP SP 73924, known as 17 Alexander Street, Tamarama. The site is irregular in shape with a 7.935m frontage to Alexander Street and an overall area of 642.5m².

The site is located on the western side of Alexander Street at its intersection with Kenneth Street.

The site has a slope towards the rear of the site and is occupied by a two storey residential flat building containing six dwellings.

The building is not a listed heritage item nor located within a conservation area.

The locality is characterised by a variety of residential developments in the form of detached, semi-detached and residential flat buildings.



Figure 1: Subject site frontage



Figure 2: Terrace to be enclosed



Figure 3: Rear yard of Unit 1, Unit 2 in background

1.2 Relevant History

Nil.

1.3 Proposal

The proposal includes:

- Alterations and additions to Unit 1, including the demolition of internal walls to provide for an altered internal layout, the construction of a small infill addition to the rear, and new door and window openings to the southern side and western rear elevations; and
- Alterations and additions to Unit 2, including the construction of a small infill addition to the rear, and new door and window openings to its western rear elevation.

The proposal increases the gross floor area of the building by 10.5m².

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 65 Design Quality of Residential Flat Development

SEPP 65 does not apply to the application as the proposal is not considered to constitute a substantial redevelopment of an existing building; therefore, the application has not been referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
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 Zone	Yes	The proposal is for alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	Yes	The proposal does not alter the existing building height, which is less than 9.5m above existing ground level.
4.4A Exceptions to Floor space ratio (site area: 642.5m ²) <ul style="list-style-type: none"> 0.6:1 	No See discussion	The proposal has an FSR of 0.744:1 exceeding the development standard by 93m ² or 24%. The proposal increases the GFA by 10.5m ² .
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.744:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4A of Waverley LEP 2012 by 93m² in gross floor area or 24%. The proposal increases the existing non-compliance in floor space ratio from 21.4%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- Compliance with the development standard is unreasonable and unnecessary, as the proposal does not seek to alter the existing appearance of the development within the street. The proposed additional floor area is to be accommodated to the rear at ground level within existing covered courtyards within the envelope of the existing building.*
- The overall character and design of the building will not be altered.*

- *The proposal will allow for improved internal amenity for the subject dwellings in terms of functionality and solar access.*
- *The proposal will not alter the existing bulk and scale, which is acceptable within its context.*
- *The form of the development will not affect the visual amenity of the locality.*
- *The proposal will not impact on privacy, solar access and views for adjoining and adjacent properties.*

The proposal converts two existing external terrace areas associated with Units 1 and 2, at the rear of the building at ground level, into internal floor areas; the additional floor area measures 10.5m² and extends the existing breach of the control by 2.6%.

The consent authority must not accept a variation under Clause 4.6 unless the applicant has adequately addressed subclause 3 and the proposal be in the public interest because it is consistent with the objectives of the development standard and applicable zone.

The objectives of the FSR development standard are:

Clause 4.4A 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 as the subject land is not located within the Bondi Junction Centre.

With respect to Objectives (b), (c) and (d), the works are of a scale which will not adversely impact upon surrounding properties through overshadowing, overlooking or visual enclosure. Furthermore, the proposal will not alter existing views from/to the public domain and does not reduce available areas of private open spaces of Units 1 and 2 to less than that sought by the relevant WDCP control.

Existing building height and density parameters remain. Furthermore, the proposal will have no impact upon the buildings presentation to the Alexander Street streetscape, or the character and amenity of adjacent properties.

In the context of the site and scale of development, compliance with the FSR development standard is considered to be unnecessary as sufficient environmental planning grounds exist to justify its contravention.

Despite its non-compliance with the FSR development standard, the proposal achieves the objectives of the development standard and R3 zone, and will not prejudice development outcomes; it is therefore considered to be in the public interest.

The consent authority can therefore accept a variation to the development standard.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A waste management plan has been submitted and a condition of consent is recommended to ensure waste is managed appropriately during construction.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate.
6. Stormwater	Yes	A stormwater management plan which accords with the Waverley Council Water Management Technical Manual is to be provided and can be addressed as a condition of consent.

Table 3: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.5 Setbacks		
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 3m 	Yes	The proposal maintains the existing side and rear setbacks.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape 	Yes	The proposed works are generally considered satisfactory and will result in no adverse impacts upon the appearance of the streetscape or the existing development.
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	Yes	The proposal is not expected to result in any adverse impacts upon the adjoining premises with respect to view loss.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> To have adequate visual privacy levels for residents and neighbours. 	Yes	The proposed works will maintain adequate visual levels for the adjacent properties and existing dwellings within the same development.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

Nil submissions were received.

2.5 Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The proposal seeks permission for alterations and additions to Units 1 and 2, including the demolition of internal walls to provide for altered internal layouts and the construction of small infill additions to the rear and includes new external door and window openings.

The proposal increases the GFA of the building by 10.5m² and extends the existing non-compliance with the FSR development standard of 0.6:1 from 21.4% to 24%. Despite this non-compliance, the proposal is considered to maintain the existing and desired character of the area and achieves the objectives of both the standard and the zone. The proposal is considered to be in the public interest.

No submissions were received.

On balance, the proposal is considered to represent an orderly and economic development, which warrants approval subject to the imposition of conditions of consent.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

F Koutsikas
Development Assessment Planner

Date: 13 June 2018

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

A Rossi
Manager, Development Assessment (Central)

Date: 10 July 2018

Reason for referral:

1

2

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

4

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plans No's DA01 – DA03, tables and documentation, prepared by Neil Morris Pty Ltd dated 4 April 2018 and received by Council on 17 April 2018; and
- (b) Basix Certificate.

Except where amended by the following conditions of consent.

2. USE OF COMMON PROPERTY

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

3. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 450mm from a boundary.
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (e) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

4. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

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

5. DOMESTIC HEATERS

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

6. SECTION 94A CONTRIBUTION

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

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

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

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

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

Advisory Note

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

7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$3300** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

8. LONG SERVICE LEVY

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

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

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

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

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

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

10. 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. ENGINEERING DETAILS

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

12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

13. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

14. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Fire resistance and stability – Part C1;
 - (ii) Compartmentation and separation – Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Provision for escape – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Access for people with a disability – Part D3;
 - (vii) Fire fighting equipment – Part E1;
 - (viii) Smoke hazard management – Part E2;
 - (ix) Lift installations – Part E3;
 - (x) Emergency lighting, exit signs and warning systems – Part E4;
 - (xi) Sanitary and other facilities – Part F2;
 - (xii) Room heights – Part F3;
 - (xiii) Light and ventilation – Part F4; and
 - (xiv) Sound transmission and insulation – Part F5.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

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

15. HOARDING REQUIRED

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

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

16. EROSION, SEDIMENT AND POLLUTION CONTROL

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

17. STORMWATER MANAGEMENT

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.

18. ROOFWATER GUTTERING

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

19. BASIX

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

20. PRIOR TO SITE WORKS

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

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

21. HOME BUILDING ACT

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

22. CONSTRUCTION SIGNS

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

23. OBSTRUCTION TO PUBLIC AREAS

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

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

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

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

24. TOILET FACILITIES

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

25. 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.

26. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

27. 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.

28. 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.

29. 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.

30. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays; and

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

31. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

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

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

33. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the

Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and www.nsw.gov.au/fibro and www.workcover.nsw.gov.au.

- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

35. DEMOLITION & SITE PREPARATION

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

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

36. ASBESTOS REMOVAL

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

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

37. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

38. SOIL AND WATER MANAGEMENT PLAN

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

39. LOCATION OF BUILDING OPERATIONS

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

40. ALL BUILDING MATERIALS STORED ON SITE

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

41. CONSTRUCTION HOURS

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

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

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

42. 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.

43. IN-SINK WASTE DISPOSAL SYSTEMS

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

44. 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.

45. 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.

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. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

48. 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.

49. STORMWATER

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

50. FIRE SAFETY WORKS

The Occupation Certificate shall not be released by Council or an accredited certifier, until all fire safety works are completed and a Final Fire Safety Certificate has been submitted to Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:-

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

51. 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.

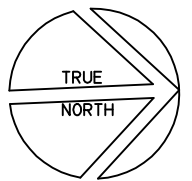
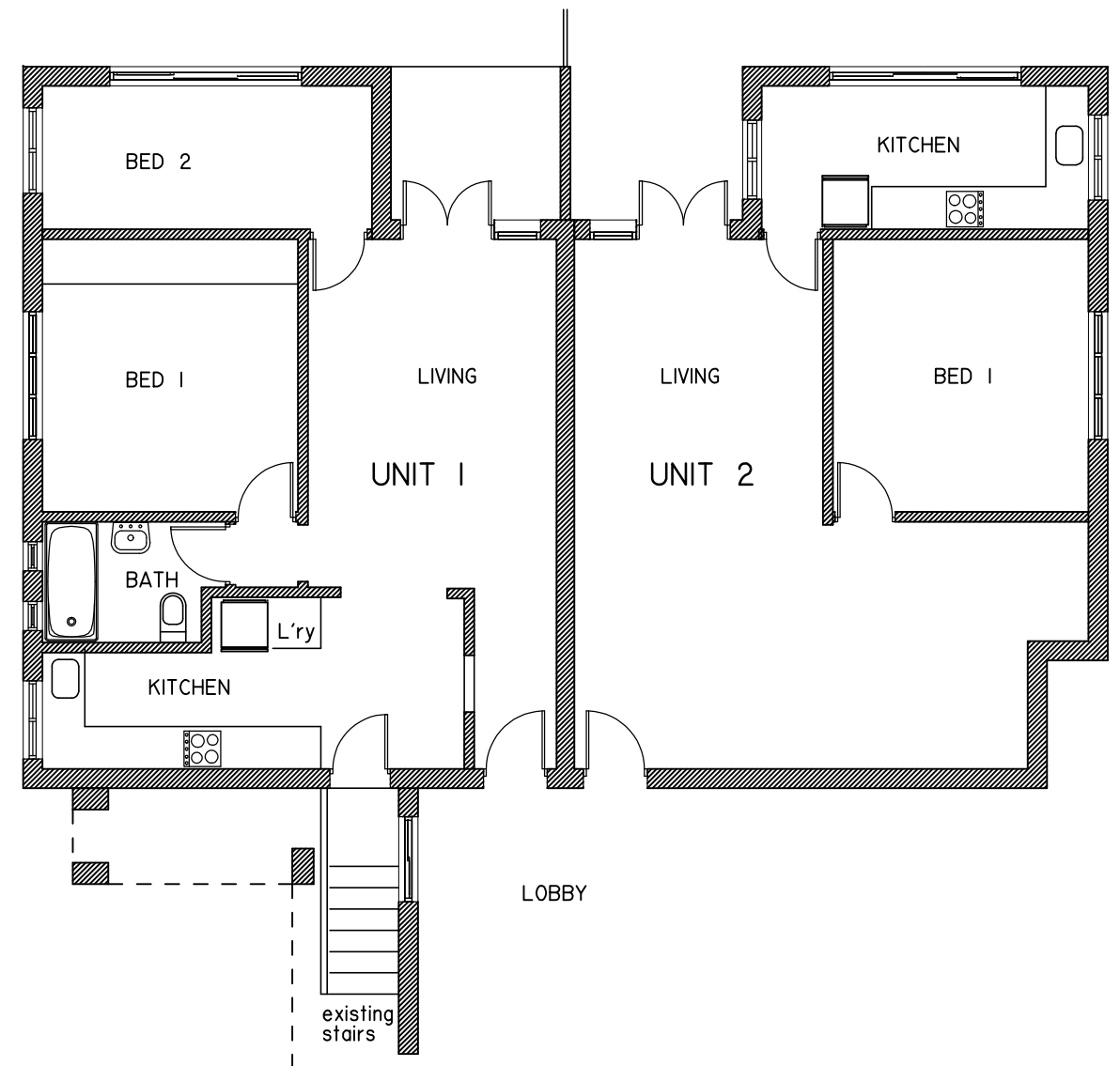
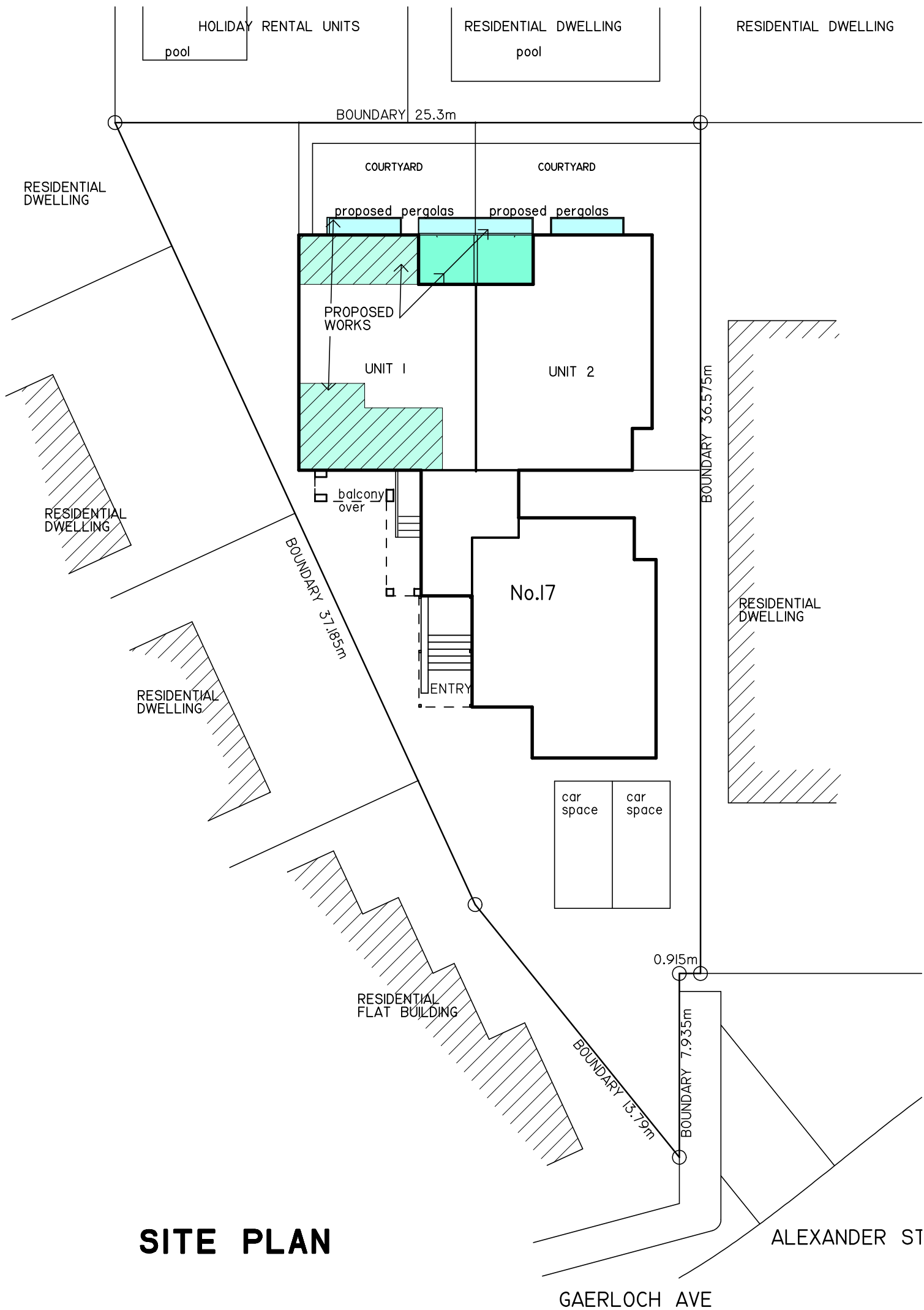
52. FIRE SAFETY MAINTENANCE

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.

53. LIGHTING

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.

- (a) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (b) All external area lights and car parks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.



SITE AREA- 642.5 sq.m			
FLOOR SPACE (FSR 0.6:l)			
	existing	new	total
UNIT 1	72.3	5.25	77.55
UNIT 2	70.7	5.25	75.95
GROUND FLOOR	234	10.5	244.5
FIRST FLOOR	234	0	234
TOTAL FLOOR AREA	468	10.5	478.5
TOTAL FSR	0.73:l		0.74:l

ALTERATIONS TO UNITS 1 & 2 17 ALEXANDER ST TAMARAMA

SITE PLAN & EXISTING FLOOR PLANS

APRIL 2018

SCALE 1:l00,1:200

Neil Morris Pty Ltd
Architect

59 HENDY AVE RANDWICK

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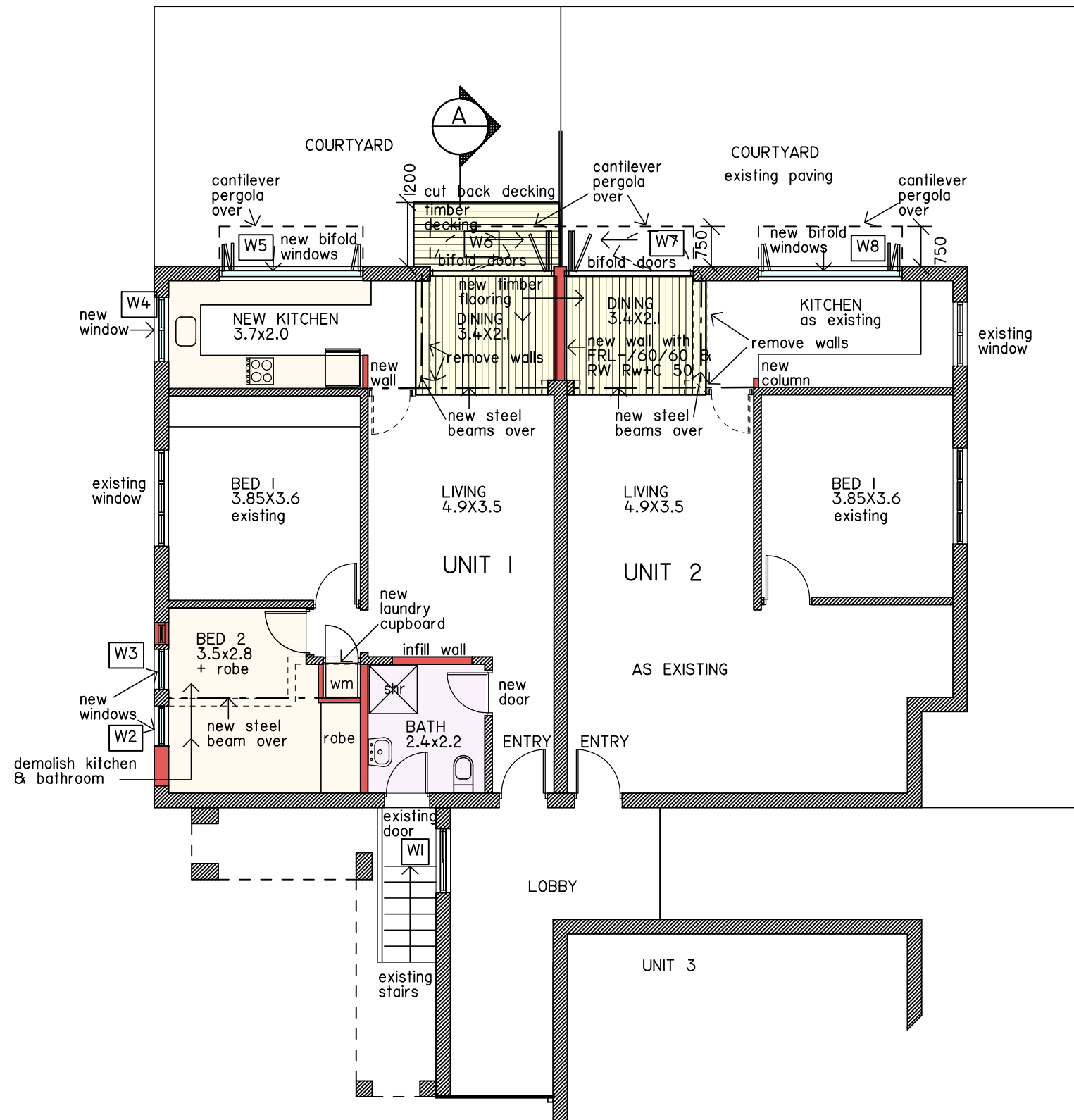
EMAIL: nd.morris@bigpond.com

NOMINATED ARCHITECT-Neil Morris- Registration 4987

4-4-18 DEVELOPMENT APPLICATION ISSUE

DA01

350



GROUND FLOOR PLAN

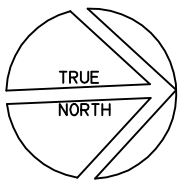
BASIX COMMITMENTS		WINDOWS & DOORS
WINDOW NO.	SHADING DEVICE	WINDOW FRAME & GLASS TYPE
W1	balcony >=900mm	Timber, single toned (or U value 5.67, SHGC 0.49)
W2,W3,W4	none	Standard aluminium, single clear (or U value 7.63, SHGC 0.75)
W5,W8	pergola >=750mm	as per W2
W6,W7	pergola >=750mm	as per W2

BASIX COMMITMENTS	NEW CONSTRUCTION
CONSTRUCTION	INSULATION R- VALUE
Concrete slab on ground floor	nil
Suspended floor with enclosed subfloor: framed (R0.7)	R0.60 (down) or R1.3 including construction
External wall framed	R1.30 or R1.7 including construction
Flat ceiling; flat roof framed	R3.0 (up), roof: none Light (solar absorptance <0.475)

LEGEND:

- +4.3.40 existing spot level
- RL:4.10 proposed level
- existing work to be retained
- existing work to be demolished
- new work
- existing tree to be retained

NOTE
All structural steelwork subject to Structural Engineer's design



**ALTERATIONS TO UNITS 1 & 2
17 ALEXANDER ST
TAMARAMA**

PROPOSED FLOOR PLANS

APRIL 2018 SCALE 1:100

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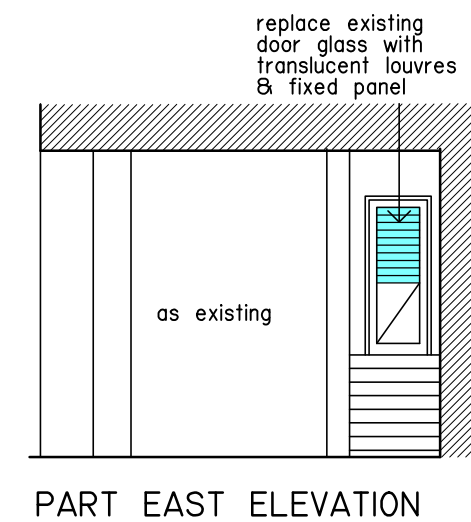
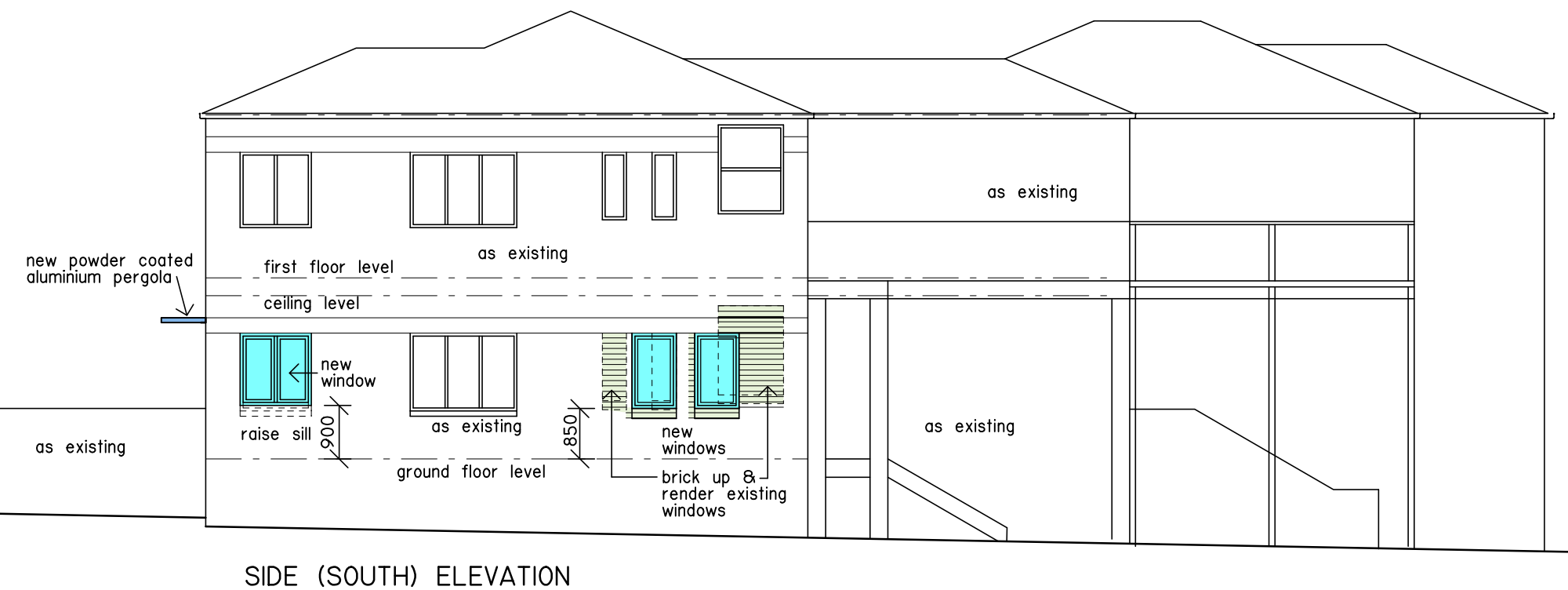
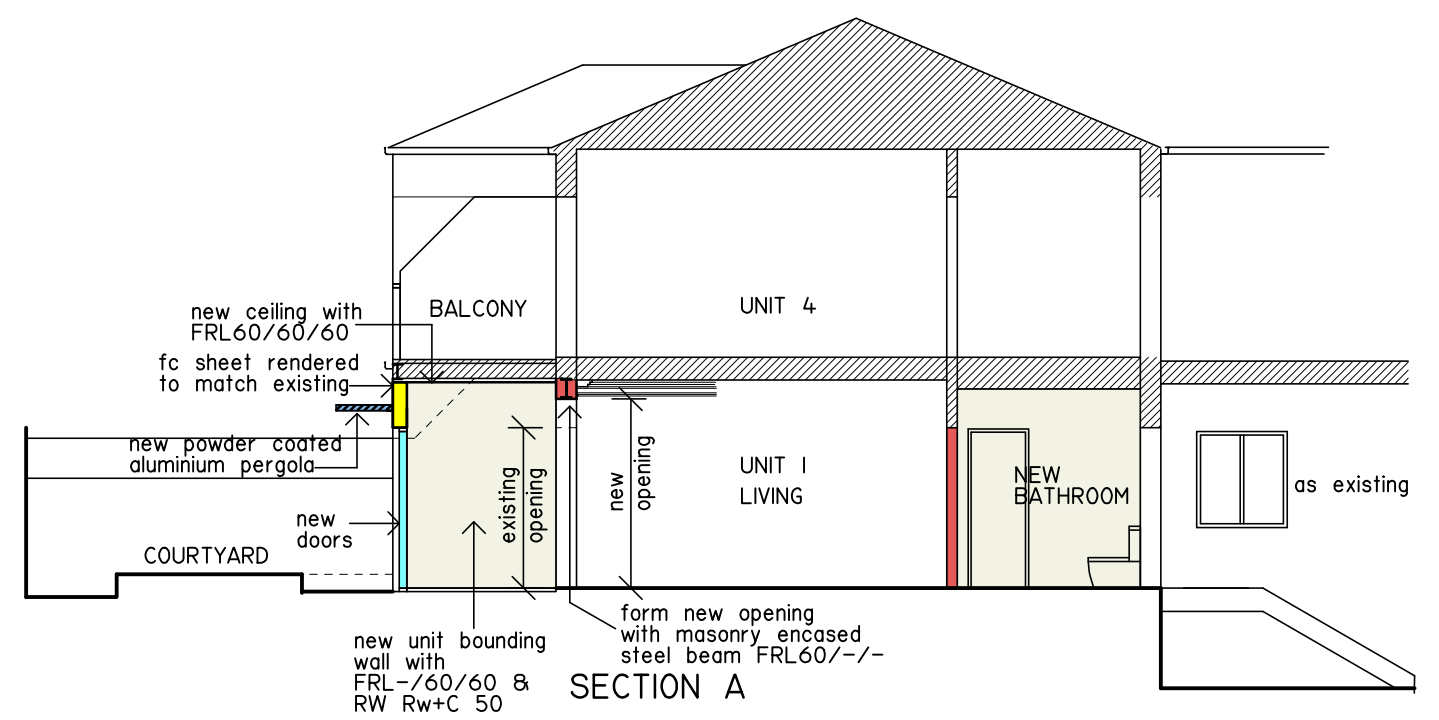
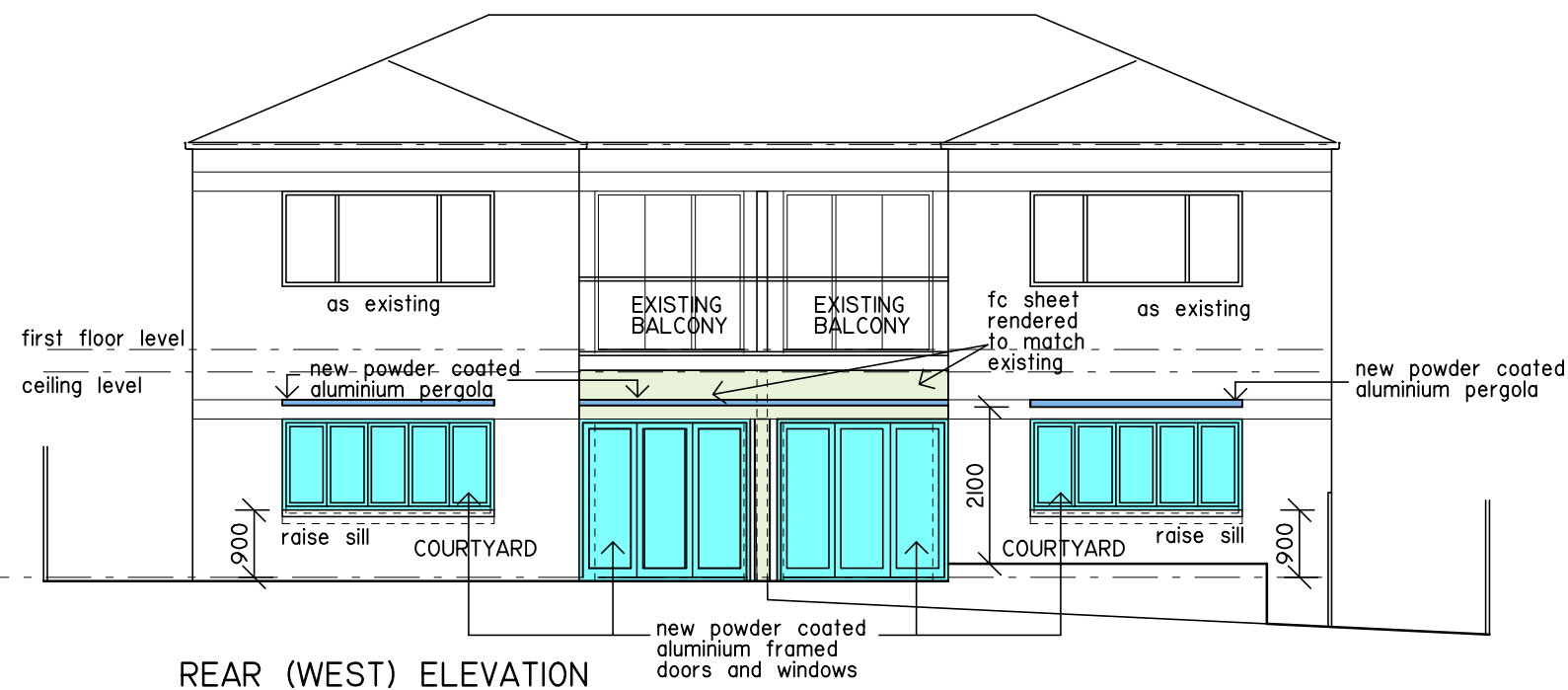
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NOMINATED ARCHITECT-Neil Morris- Registration 4987

4-4-18 DA ISSUE

DA02
351



ALTERATIONS TO UNITS 1 & 2
17 ALEXANDER ST
TAMARAMA

ELEVATIONS & SECTION

APRIL 2018

SCALE 1:100

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NOMINATED ARCHITECT—Neil Morris—Registration 4987

4-4-18 DA ISSUE

DA03

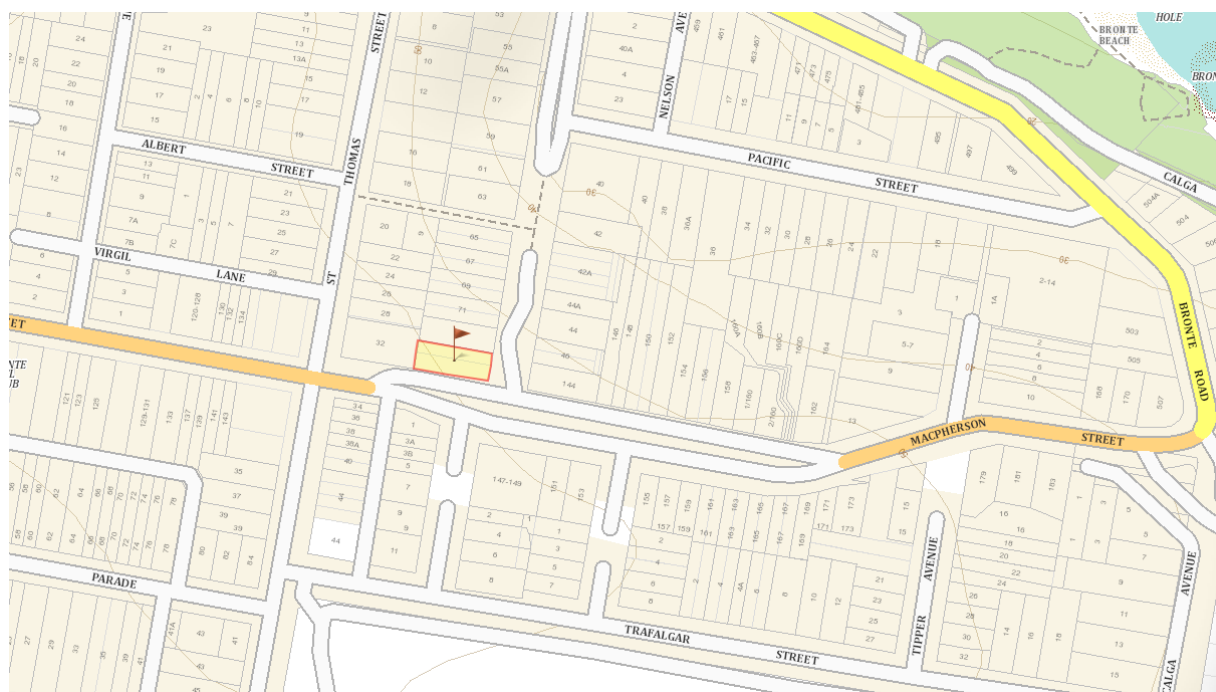
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Report to the Waverley Development Assessment Panel

Application number	DA-42/2018
Site address	75 Gardyne Street Bronte
Proposal	New swimming pool in front yard area
Date of lodgement	22 February 2018
Owner	Mile and Georgina Brujic
Applicant	Mile and Georgina Brujic, C/O Weir Phillips Architects
Submissions	3 submissions
Cost of works	\$30,000
Issues	Acoustic privacy, location contrary to DCP control for swimming pools
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 22 May 2018 date.

The site is identified as Lots 22 and 23 of DP 2806, known as 75 Gardyne Street Bronte. The site is rectangular in shape with a north and south long boundary of 36.375m, and an east and west short boundary of 13.715m. The total site area is 498.7m².

The site's frontage is to Gardyne Street with a historic principal entry point on the corner of the site at Gardyne and Macpherson Streets, and a more recently introduced entrance from Macpherson Street as part of its current redevelopment.

The site has a fall from the rear to the front of approximately a metre, and sits generally flat behind a retaining wall along Gardyne Street that otherwise falls dramatically from south to north.

The site is occupied by a detached dwelling house with vehicular access provided from Macpherson Street at the rear of the property.

The site is adjoined by a residential flat building to its north and west, but the locality is typically made up of dwelling houses.

The site is heritage listed and so is its neighbour to the north, the residential flat building at 73 Gardyne Street, which contains 7 units.



Figure 1: Site viewed from the corner of Gardyne St and the lower split portion of Macpherson St

1.2 Relevant History

DA-277/2017 was approved by Council under Delegated Authority on 28 November 2017, allowing for alterations and additions to the heritage listed property. As part of that application, a swimming pool was proposed in the front yard area of the dwelling. The pool component of that application was refused by virtue of a condition of consent, 2(c) which reads:

The proposal shall be amended as follows:

*(c) The deletion and removal of all references to proposed swimming pool located in the property frontage. The swimming pool **is not approved** as part of this development consent;*

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

On 16 February 2018, Council officers issued a letter in response to amended plans confirming that this condition (and others) were satisfied. The plans no longer included the swimming pool. A Construction Certificate has since been issued and works have commenced on site.

1.3 Proposal

The proposal is for the construction of a swimming pool in the front yard area of the dwelling. The pool is mostly in-ground, sitting approximately 1 metre out of the existing ground level at its highest point due to the slope of the land. The proposal includes associated decking, fencing, landscaping and plant equipment.

The main components of the proposed pool are almost identical to the refused pool component of the previous DA-277/2017, although it is proposed slightly larger and closer to the side boundary than the previous application. This application essentially seeks a review of the previous decision.

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 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.

2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential	Yes	The proposal is defined as a swimming pool, associated with a dwelling house, which is permitted with consent.
5.10 Heritage conservation	No	The site is listed as a heritage item. The proposed pool area detracts from the landscape quality of the front yard area and therefore from the heritage quality of the item.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains class 5 acid sulfate soil. The proposed works are not within 500m of adjacent class 1, 2, 3 or 4 land or lower the water table below 1m AHD. In accordance with the LEP an acid sulfate soils management plan is not required.
6.2 Earthworks	Yes	Earthworks associated with the excavation and filling adjacent to the pool may be conditioned to satisfy the requirements of the LEP.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal is capable of complying with the waste requirements of the DCP subject to standard conditions of consent.
6. Stormwater	Yes	The proposal is capable of complying with the stormwater requirements of the DCP subject to standard conditions of consent, noting there are stormwater works associated with the main redevelopment of the site currently underway as per DA-277/2017.
9. Heritage	No	<p>The proposal does not satisfy the control relating to landscape character 9.4(b) <i>“Front and rear setbacks should ensure the retention of the existing landscape character of the heritage item or conservation area.”</i></p> <p>The landscape character in the front yard of this building is a vegetated garden area with a meandering path to the entrance of the building. This is located behind a decorative and significant sandstone boundary fence.</p> <p>The proposed pool introduces an area of hard surfaces and reduces opportunity for planting (in the location of the pool itself) as well as raised glass balustrading that detracts from the landscape contribution of the front yard area to the dwelling house behind.</p>

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained 	Yes	There is no disruption of views caused by the proposal from the public domain.
<ul style="list-style-type: none"> Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	There is no disruption of view caused by the proposal from private properties.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	41%
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area 	Yes	18%
<ul style="list-style-type: none"> Minimum area of 25m² for private open space 	Yes	> 25m ²
<ul style="list-style-type: none"> Front open space: 50% of front building setback area 	Yes	> 50%
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 	Yes	> 50%
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	No	The pool is proposed in the front yard area.

Swimming pool location

The swimming pool is proposed in the front yard area of the dwelling, contrary to the DCP controls. In full, the swimming pool objectives and controls read:

Objectives

- (a) To protect significant trees and landscaping on the subject site and adjoining properties.*
- (b) To retain the visual and acoustic privacy of adjoining properties.*
- (c) To ensure the location of swimming pools and spa pools do not adversely impact upon adjoining properties and/or streetscapes.*

Controls

- (a) Swimming pools and spa pools must be located at the rear of the property.*
- (b) Swimming pools and spa pools should not be located within the side setback, between dwellings.*
- (c) In the case of a corner block, swimming pools and spa pools must not be located within the primary street frontage.*
- (d) Swimming pools and spa pools are to be setback from significant trees and landscaping in line with Australian Standard AS4970-2009 - Protection of trees on development sites.*
- (e) Where decking abuts any boundary, additional consideration must be given to the visual privacy of adjoining properties.*
- (f) Exposed pool structures must be screened if visible above ground.*
- (g) All pool equipment must be enclosed within an acoustically treated structure.*

The pool is contrary to control (a) and (c), and therefore does not meet objectives (b) and (c) which relate to retaining the acoustic privacy of adjoining properties and ensuring there are no adverse impacts upon adjoining properties.

The applicant's justification is based on merit compliance with control (c) as the predominant consideration, given the site is on a corner block. Their rationale is that the redevelopment of the building has further emphasised that the 'frontage' of the building is to Macpherson street, and therefore the pool is not located within the primary frontage.

This is not accepted. The site orientation and location of the building on the site clearly defines Gardyne Street as the property's primary frontage. The Gardyne Street frontage has a deep landscaped setback, consistent with the frontages of other buildings in Gardyne Street, and the narrow side setback to Macpherson Street is consistent with the subdivision pattern and side setback rhythm in Gardyne Street.

Control (a) is therefore the relevant consideration, that is, pools must be located at the rear of the property. One main purpose of this is to minimise acoustic impacts upon adjoining properties.

The applicant states that there will be no visual or acoustic privacy impacts upon the adjoining properties. It is agreed there are no further visual privacy impacts based on the extent of existing mutual overlooking between sites in this location. However, it is not agreed that there is no acoustic impact. In relation to the acoustic impact, the applicant's only justification is that *'it could be considered that the impacts will be lowered as the pool confines the space to a function that is used sparingly and generally during the day'*. This is true of all swimming pools and is not sufficient justification to address acoustic privacy impacts.

The pool area is elevated and immediately adjacent to the neighbouring property's communal outdoor space as well as windows to four of the units within the adjoining property. The concentration of a noisy recreational activity directly under these windows, when considered against the passive landscaped area it replaces, does not 'retain' the acoustic privacy of the adjoining properties as is required by the objectives of the Council's swimming pool controls. Further, the proposal attracted submissions from those adjoining units seeking refusal of the pool based on its acoustic impacts.

The applicant has mapped a small number of pools (5) in the wider area (115m, 190m, 250m, 260m and 375m away from the site) and mentioned 2 others (450m away) as precedents for pools in the

front yard areas of dwellings. Each of those proposals have been considered on their merits and do not provide justification for this site.

The applicant notes, and it is agreed, that the pool's proposed location is out of necessity and not choice, as the site is constrained by its heritage listing and the building's orientation on the site. This means that the only available space for an outdoor swimming pool is in the front yard. However, given the acoustic impacts arising from the pool upon adjoining properties, it is not supported in this location and therefore the site is not able to accommodate an outdoor swimming pool.

2.2 Other Impacts of the Development

The applicant has not sufficiently demonstrated the location of the swimming pool plant equipment or any proposed acoustic treatment. There is a notation on the plans for plant however it is located adjacent to the gate and not shown underground. This requires clarification if the application were to be approved.

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, other than those already described in relation to heritage and acoustic impacts, subject to appropriate conditions being imposed.

2.3 Suitability of the Site for the Development

The site is not suitable for a swimming pool to be in the front yard area.

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*.

Three (3) 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
1/73 Gardyne Street
5/73 Gardyne Street
Body Corporate -73 Gardyne Street

Issue: Acoustic privacy

Response: It is agreed that the pool introduces an activity with unreasonable acoustic privacy impacts upon the neighbours given the DCP objective is to 'retain' acoustic privacy.

Issue: Visual Privacy

Response: There is no further visual privacy impact that would occur as a result of the proposal as compared to the existing extent of overlooking that occurs.

Issue: Impact on heritage item

Response: The removal of the landscape opportunities to the front of the building detracts from the heritage significance of the dwelling.

Issue: Danger to neighbours and passers-by

Response: Appropriate pool fencing would be required to address this issue.

Issue: Excavation

Response: Subject to conditions of consent, excavation matters are capable of being addressed.

2.5 Public Interest

It is considered that the proposal is contrary to the public interest given the submissions received.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application is for the construction of a swimming pool in the front yard of the property. It follows a previous approved development application in 2017 for the overall redevelopment of the site which included a swimming pool component that was deleted via conditions of consent.

The main issue is the non-compliance with Council's DCP controls for swimming pools which states that pools must be located at the rear of a property. The purpose of the control is, in part, to protect the acoustic privacy of adjoining properties from an activity known to be noisy. The pool is situated under the windows of 4 units within the adjoining property to the north and unreasonably impacts upon that property. Submissions were received from units within that property, as well as from the Body Corporate.

The pool would also interfere with the landscape quality of the site which is a heritage item. The landscaped front yard area is specifically noted in the item's listing and should be retained.

There were no Councillor submissions made in relation to the application.

The recommendation is to refuse the application.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:



Lee Kosnetter | LK Planning
Consultant Town Planner

Date: 4 June 2018

Reason for referral:

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

Arif Faruqi
Manager, Development Assessment

Date: 9 July 2018

6 Seeking a review of a previous decision made under delegated authority

APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 5.10 (4) as the proposal will have an adverse impact on the landscape quality that contributes to the significance of the building as heritage item.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B9 – Heritage
 - i. Clause 9.4 ‘Siting’, specifically objective (c) and control (b), as the application reduces opportunity for planting and introduces an area of hard surfaces that detract from the landscape contribution of the front yard area to the significance of the heritage item.
 - b. Part C1 – Dwelling Houses, Dual Occupancies, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development
 - i. Clause 1.13 ‘Swimming Pools’, specifically objectives (b) and (c), and controls (a) and (c), as the pool is located in the front yard area of the dwelling and would create adverse acoustic privacy impacts upon adjoining properties.
3. The proposal is not considered to be in the public interest for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

Swimming Pool DA

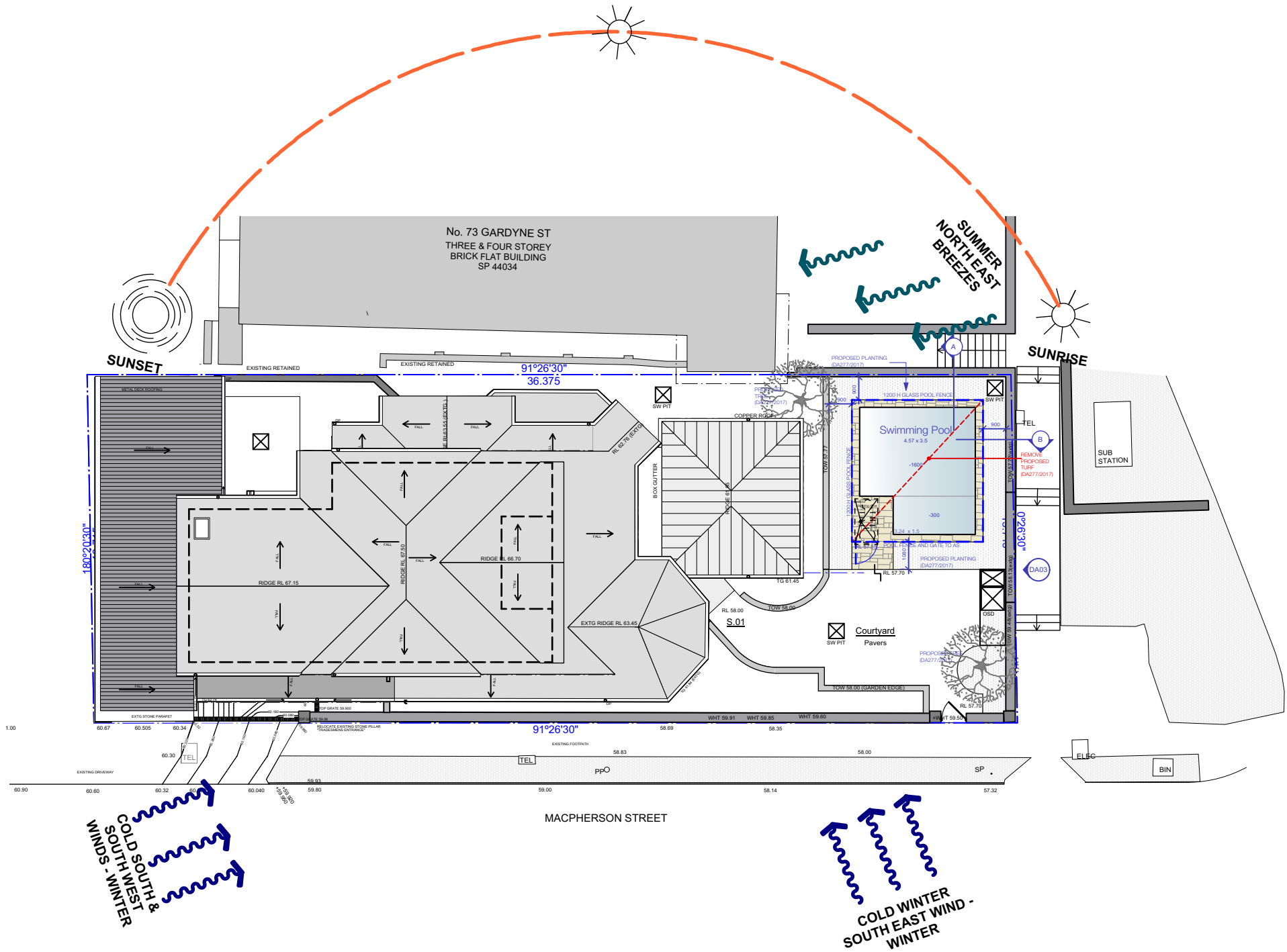
75 GARDYNE STREET, BRONTE NSW 2024
LOT 23 - SECTION 2 - DP 2806



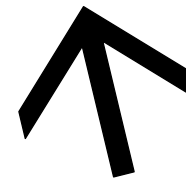
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Source: SIXMaps

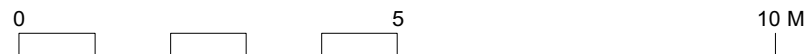
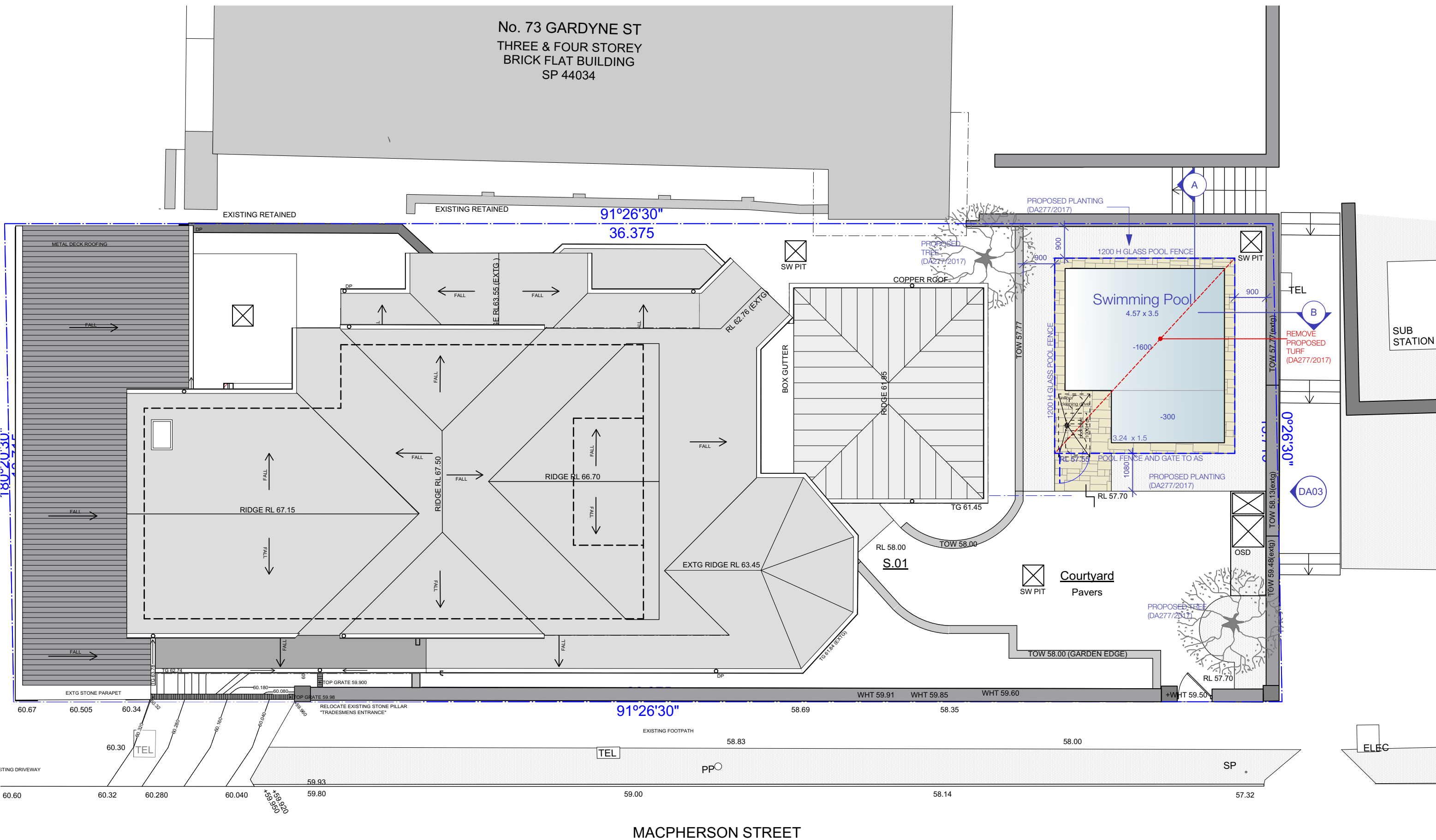
DRAWING LIST

Dwg N°	Description	Scale
DA01	Cover Page	N/A
DA02	Site Plan	1:100
DA03	East Elevation	1:100
DA04	Sections A & B	1:100

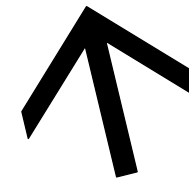


02 Site Analysis Plan
Scale 1:200



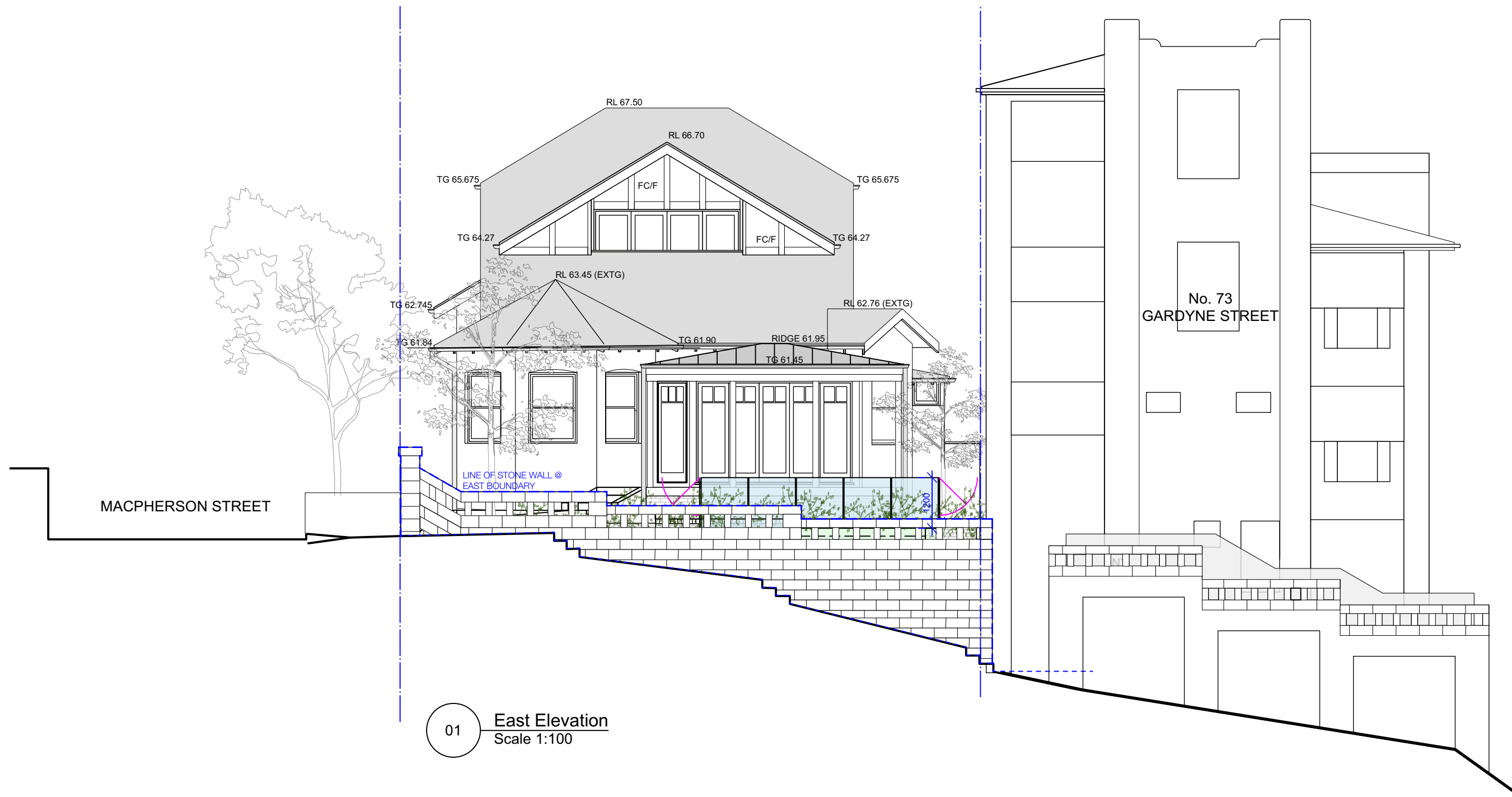


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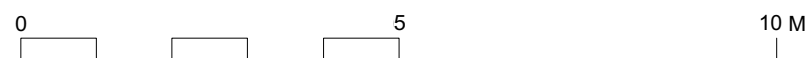


**Weir
Phillips
Architects**
NSW Registration Number 6385 Robert Weir

A	19/2/18	DA SUBMISSION	PROJECT #	BMB
ISSUE	DATE	REVISION		
PROJECT			75 Gardyne Street, Bronte	
CLIENT	Georgina Brujic	DATE #	30/01/2018	DWG #
DWG	Swimming Pool Plan	SCALE	1:100	DA02
		DRAWN	DP	
		CWD	DP	
Level 19, 100 William Street, Sydney NSW 2000				365
T: 612 9310 1010 W: www.weirphillips.com.au E: info@weirphillips.com.au				



01 East Elevation
Scale 1:100

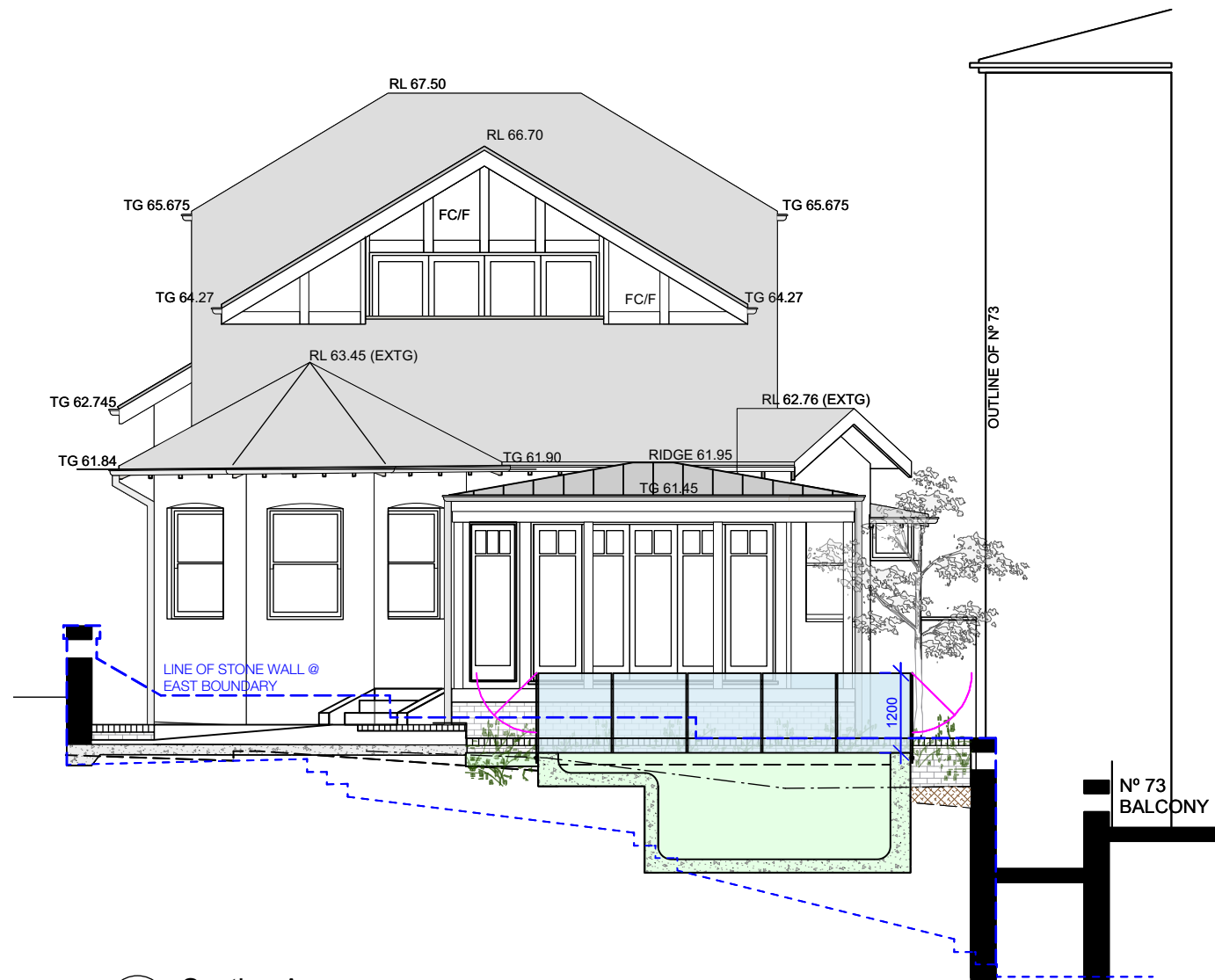


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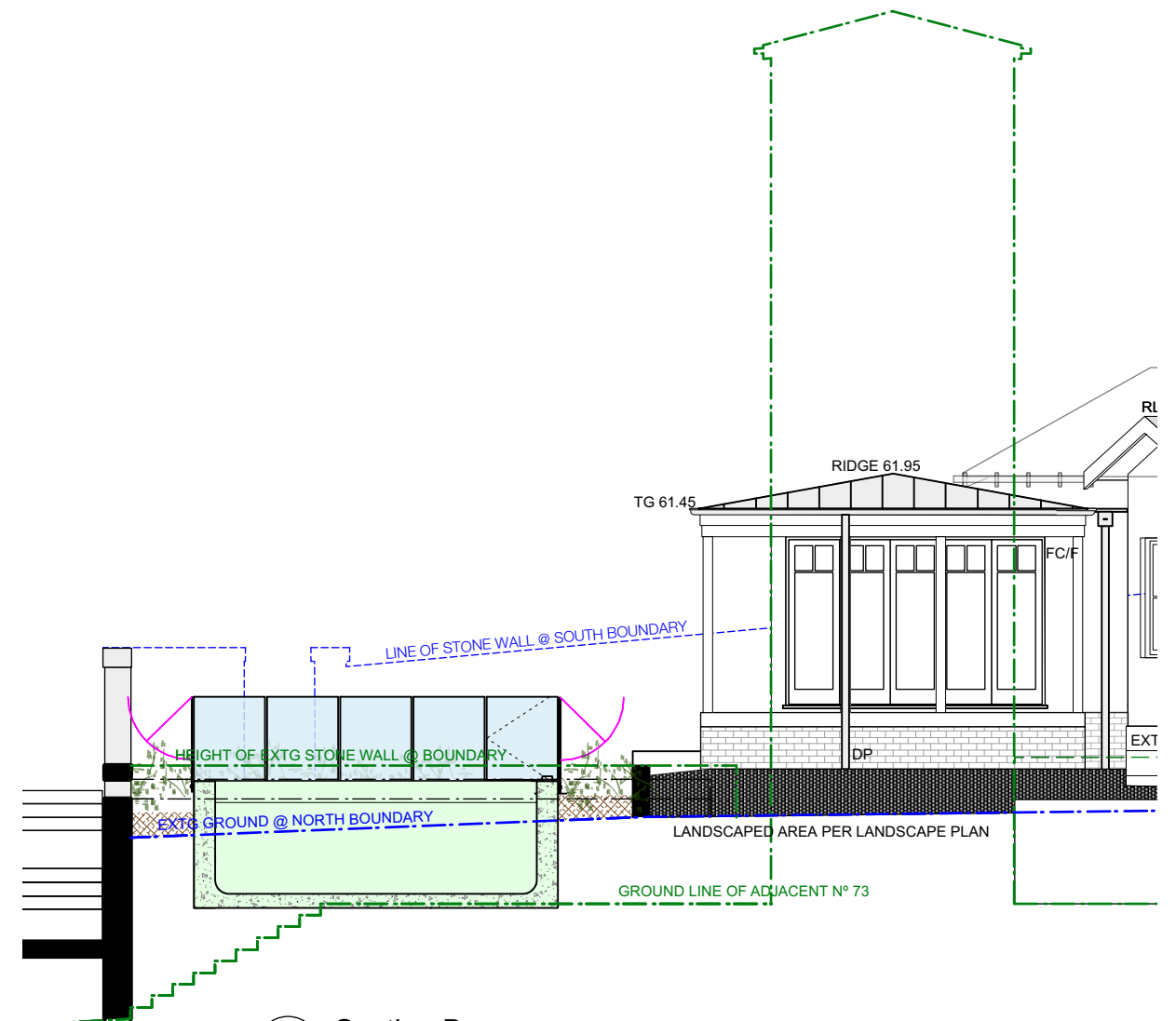
**Weir
Phillips
Architects**
NSW Registration Number 6385 Robert Weir

A		19/2/18		DA SUBMISSION			
ISSUE		DATE		REVISION		PROJECT #	
PROJECT		75 Gardyne Street, Bronte				BM	
CLIENT		Georgina Brujic		DATE # 30/01/2018		DWG #	
				SCALE 1:100		DA0	
DWG		East Elevation		DRAWN By		366	
				CWD By		(REVISION)	
Level 19, 100 William Street, Sydney NSW 2000							
T: 612 9310 1010 W: www.weirphillips.com.au E: info@weirphillips.com.au							

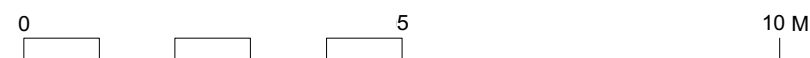
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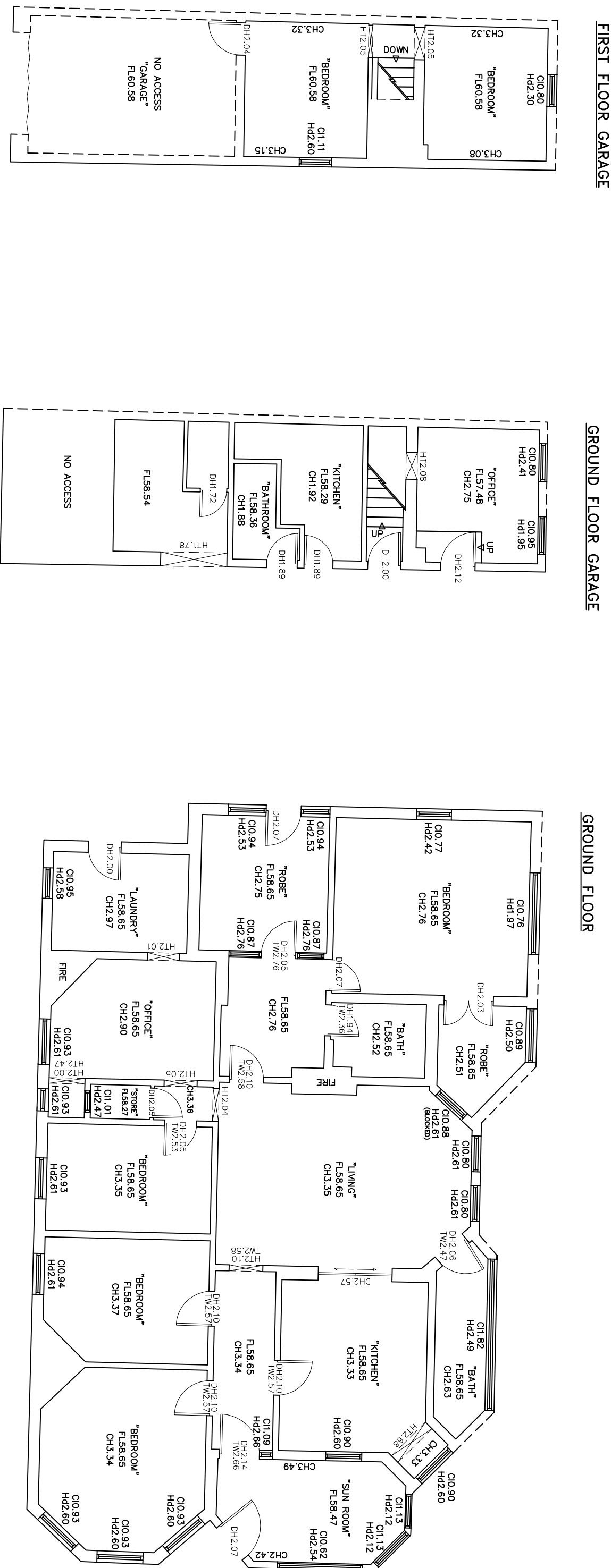
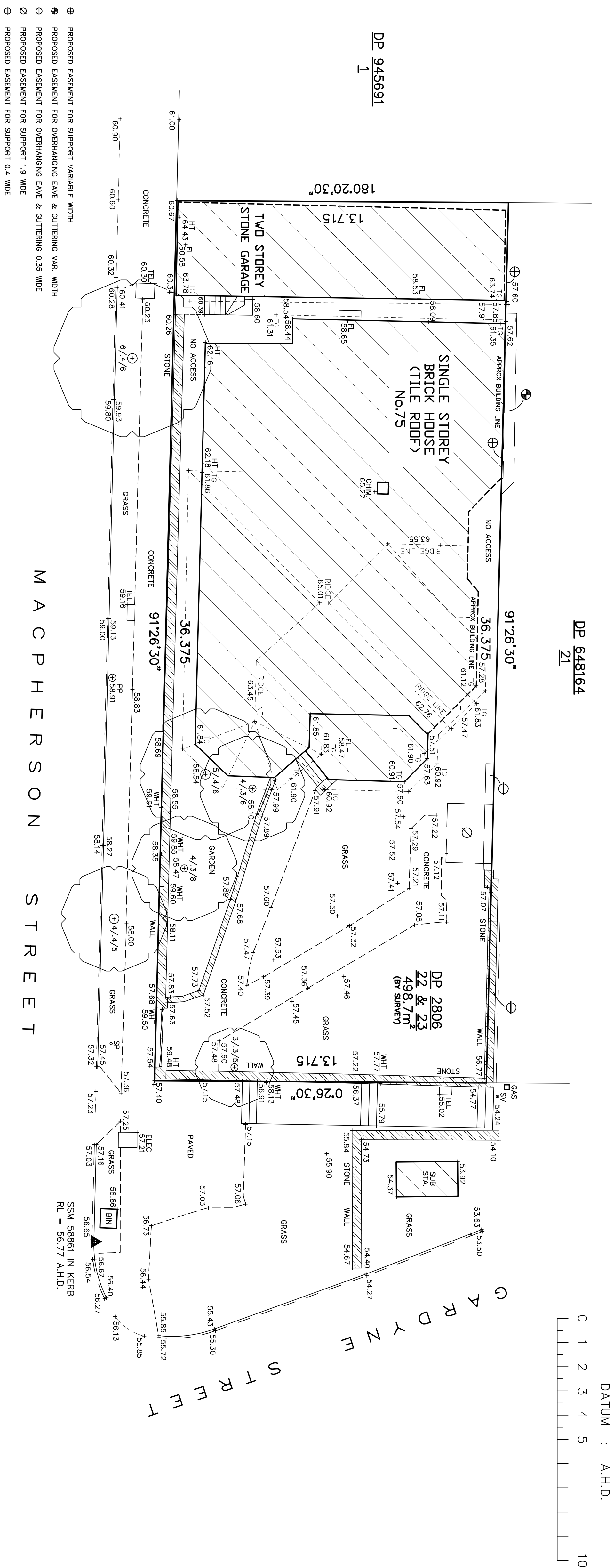
01 Section A
Scale 1:200



02 Section B
Scale 1:100



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LEGEND	
	Building
	Walls
	Keel Bottom
	Concrete edge
	Keel top
	Barrier
	Hedge
	Fence
	Overhead Powerline
	Manholes
	Survey Station & Name
	Bench Mark
	Sp
	Spalling
	Tra, 12.0/5.10 (Spread/Trunk/Height)
	Area Of Undergrowth
	Gate
	IC
	CL
	Inspection chamber
	Cover level
	Invert level
	lv 40.25
	Pipe invert (diameter)
	CU
	Gully
	Back Gully
	MO
	Manhole
	BALC
	Receiv Height
	ROL
	Relevd
	BS
	Bus Stop
	BW
	Bottom of Window
	CHM
	Canney Height
	ER
	Earth Road
	FL
	Fire Hydrant
	FH
	Fl Floor level
	GU
	Gully
	GFL
	Ground Floor Level
	GM
	Gas Meter
	GV
	gas Valve
	HT
	Height
	IC
	Inspection Cover
	LFL
	Lower Floor Level
	MO
	Manhole
	PARA
	Piercet Height
	PP
	Power Pole
	SFL
	Second Floor Level
	SIL
	Sill Height
	SL
	Sign Post
	SV
	Stop Valve
	SVP
	Sewer Vent Pipe
	TD
	Top of Door
	TDW
	Top of Door/Window
	TEL
	Telstro
	TG
	Top of Gutter
	TL
	Traffic Light
	TW
	Top of Window
	TOP
	Top of Fence
	TOW
	Top of Wall
	UND
	Understore Height
	Water Meter
	WM
	Water Meter
	W-B
	Wall to Boundary
	CH
	Ceiling Height
	C
	Window
	WH
	Window Height
	DH
	Door
	FL
	Floor Level
	H4
	Window Head Height
	HT
	Window

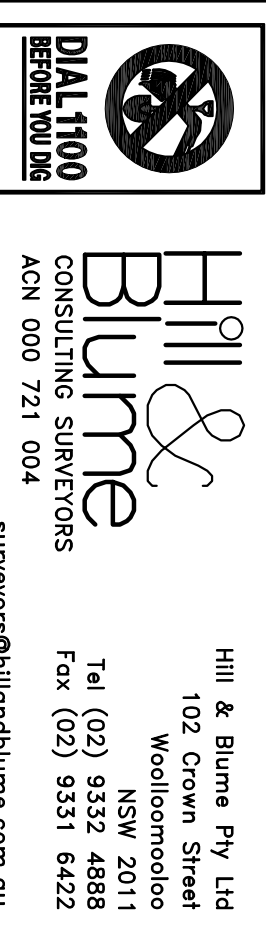
NOTES:

ALL DIMENSIONS/LEVELS SHOULD BE CHECKED ON SITE PRIOR TO THE DESIGN AND CONSTRUCTION. THE TREE INFORMATION (WHERE APPLICABLE) HAS BEEN SURETRED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY.

- 1) SURVEY MARKS MUST BE PLACED PRIOR TO ANY CONSTRUCTION WORK.
- 2) ORIGIN OF LEVELS SHALL BE: PL66.77 ± M.D.
- 3) STATE AND BOUNDARY SURVEYS HAVE BEEN CARRIED OUT.
- 4) NO UNDERGROUND SERVICES STRUCK HERE, ONLY C/S IN THE NEIGHBORHOOD.
- 5) THE POSITION OF THE SURVEY MARKS IS INDICATED BY THE PLANT PLOTTED.
- 6) EXISTING AND NEW CONDUITS ARE IDENTIFIED BY A DIAGNOSTICALLY ONLY.
- 7) THE EMBLEM IN THIS PART IS TO BE USED FOR DESIGN AND DA PURPOSES ONLY. SURVEY MARKS MUST BE PLACED PRIOR TO ANY CONSTRUCTION.
- 8) STATE AREA CALCULATED BY SURVEY.
- 9) THE RECORDS OF THE SERVICE AUTHORITY HAVE NOT BEEN INVESTIGATED, ONLY THESE SERVICES CAN BE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
- 10) THEREFORE, THE COMPARISON OF THEIR EXACT POSITION SHOULD BE MADE PRIOR TO COMMENCEMENT OF EXCAVATION.
- 11) IF THERE IS ANY OTHER PLANT (A) (ROAD LEVEL, TAIL POSITION, ROAD, POLE, ETC.) CAPABLE TO THE PREPARATION OF DESIGN PLANS FOR CONSTRUCTION, THAT CAN BE SEEN SHOULD BE PLACED IN THE SAME POSITION (LOADED) HERE, IN CONNECTION WITH THESE PLANS OF COMMENCEMENT OF CONSTRUCTION.
- 12) THESE MARKS, SIGNS AND LANDMARKS HAVE NOT BEEN INNOVATED, TOLDED, AND THE DETERMINATION ONLY.

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PROJECT

SHOWING SELECTED LEVELS

SHOWING SELECTED LEVELS
AND DETAIL OVER

SCALE	DRAWN/PAPER SIZE
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SURVEY DATE _____ DRAWING No. _____



Report to the Waverley Development Assessment Panel

Application number	DA-568/2017
Site address	6 St Thomas Street, Bronte
Proposal	Alterations and additions to existing two storey dwelling including upper floor addition
Date of lodgement	22 December 2017
Owner	Ms R Fernando
Applicant	Ms R Fernando
Submissions	Four submissions received
Cost of works	\$2.75 million
Issues	Non-compliance with floor space ratio development standard and view impact.
Recommendation	That the application be APPROVED subject to conditions of consent



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 26 April 2018.

The site is identified as Lot 2 in DP 102958, known as 6 St Thomas Street, Bronte. The site is rectangular in shape with a frontage to St Thomas Street measuring 15.24m. The site has an area of 557.2m² and it falls from its street frontage towards the east to its rear boundary by approximately 6.84m.

The site is occupied by a two storey dwelling house with vehicular access provided from St Thomas Street and a double garage located at the front of the site.

The subject site is adjoined by a three storey dual occupancy development to the north at 4 St Thomas Street, a three storey dwelling house to the south at 8 St Thomas Street and two x two storey dwelling houses to the east at 51 and 53 Gardyne Street. The locality is characterised predominantly by low density residential development, including dwelling houses and dual occupancy developments.



Figure 1: Site viewed from St Thomas Street, looking east



Figure 2: Rear building line of adjacent buildings, looking north-east from the adjoining dwelling house to the south of the site at 8 St Thomas Street

1.2 Relevant History

Nil.

1.3 Proposal

The application seeks development consent for substantial alterations and additions to the existing dwelling house, including:

- construction of an upper floor level, known as Level 2 on the plans, to include four bedrooms and bathroom and ensuite bathroom, west (front) terrace and east (rear) terrace
- major reconfiguration of existing ground floor, known as Level 1 on the plans, to create an open plan kitchen, dining and living room and TV/rumpus room
- reconfiguration of lower ground level, known as Level 0 on the plans, including a new bedroom, living space, laundry and bathroom
- installation of a lift
- installation of an external spiral stair

Development consent is also sought for the following:

- construction of an in-ground swimming pool
- replacement of pedestrian gates and alterations to the existing front fence
- replacement of rollerdoor to the existing front double garage
- construction of new side boundary fences.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a 'dwelling house', which is permitted with consent in the R2 zone. The proposal meets the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposal has an overall building height of the development is determined by the 'L2 eave' level of the northern-eastern corner of the uppermost floor level of the development, which is at RL59.390. The overall building height of the proposal is 8.27m measured directly above existing ground level of RL51.120.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	No	The proposal increases the overall gross floor area of the development to 299m ² , which achieves a floor space ratio of 0.537:1. The

Provision	Compliance	Comment
<ul style="list-style-type: none"> 0.5:1 (Max GFA = 278.6m²) 		proposal exceeds the development standard by 20.4m ² or 7%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils, however it is not within 500m of other classes of acid sulfate soils and the proposal will not excavate 5m below the AHD.
6.2 Earthworks	Yes	Limited excavation works are proposed. These works are not considered to cause any discernible impact.

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

Exceptions to Development Standards

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

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

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio (FSR) of 0.537:1:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 of Waverley LEP 2012 by 20.4m² in gross floor area or 7%.

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

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

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The gross floor area that exceeds the FSR development standard is equivalent to the area that has been excavated for the subfloor area of the dwelling, specifically for lift and stair access. Therefore, does not add to bulk and scale of the dwelling house and will not give rise to amenity impacts.
- The massing of the building steps down the site, which assists with concealing the non-conforming gross floor area of the development from adjoining properties and the public domain.
- Flexibility in the application of the development standard should be granted given the breach of the standard occurs within the sub-floor of the existing building. The proposal makes efficient use of the subfloor of the existing building, which benefit from high levels of solar access and outlook.
- The proposal has been designed to minimise any overshadowing, loss of privacy and visual impacts for neighbouring properties. The proposal is considered to be consistent with the desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight.
- The non-compliance does not raise any matters of State and regional significance as the proposal is consistent and compatible with the neighbouring sites in terms of its bulk, scale and character and there is no public benefit in maintaining the development standard.
- The proposal is consistent with the objectives of the FSR development standard and the R2 zone.

The arguments presented in the written request are generally well-founded to support the non-compliance with the development standard in terms of the matters outlined in clauses 4.6(3) and (4) of Waverley LEP 2012. The arguments focus on the non-compliance occurring within the subfloor level of the development to demonstrate that the non-compliance will not give rise to adverse impacts on surrounding properties and the public domain. The written request does not comment on the additional bulk and scale created by the additional floor level, which in part is the area of the development that does not conform to the FSR development standard given it is the area that adds to the building envelope of the existing development. Notwithstanding, the assessment made on the associated impacts of the non-compliance with the FSR development in the written request is deemed sufficient and adequate to justify the non-compliance. The breach of the FSR development will not manifest in adverse environmental impacts on the amenity of adjoining properties, in terms of visual impact, overshadowing, view loss and visual and acoustic privacy impact. The proposed upper floor addition is appropriately set back from the side and rear boundaries and is well articulated to offset its perceived building bulk and scale. These matters are specifically assessed against relevant controls in Waverley DCP 2012 later in this report.

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The resultant non-compliance will not contravene the relevant objectives of the FSR development

standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan has been submitted. Bins will be stored within the front double garage and out of sight of the street.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX Certificate has been submitted. The proposed development satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort. The proposal includes green roofs. A condition of consent is recommended to restrict usage of these roofs to maintenance purposes only and for certain vegetation to be planted on these roofs.
5. Tree preservation	N/A	The site does not contain any tree that would be protected by Council's Tree Preservation Order.
6. Stormwater	No (resolved by condition)	Council's Manager, Design (Creating Waverley) found the stormwater plans submitted with the application unsatisfactory. A condition of consent is recommended to require the stormwater plans to be amended so that they conform to Council's Stormwater Policy.
8. Transport	Yes	The proposal does not change the existing vehicular access and off-street car parking arrangements of the site.
10. Safety	Yes	Satisfactory.

Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	N/A	The proposal utilises a non-traditional and asymmetrical pitched roof. Therefore, this control does not apply to the assessment of this application.
1.1.2 External wall height	Yes	The proposed upper floor level steps in from the sides, rear and front building lines of the lower

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Minimum of 0.9m (for first two storeys) Minimum of 1.5m (for third storey) 	Yes	<ul style="list-style-type: none"> 0.9m from the northern and southern side boundaries of the site, respectively. The proposed upper floor level of the development is set back 3.623m from the northern side boundary. The southern edge of the upper floor level is effectively a pitched or mansard roof edge, which pitches approximately 1.3m from the southern side boundary of the site. Given that the southern edge of the proposed upper floor level is not strictly a building wall, the side setback control of 1.5m does not apply to the southern side of the upper floor level.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The additional excavation is contained within the centre of the site and set back at least 0.9m from the side boundaries of the site.
1.4 Streetscape and visual impact		
	Yes	The proposed alterations and additions attempt to modernise the appearance of the existing development and will be consistent with the prevailing built form character of St Thomas Street.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The proposal maintains the existing front fence and replaces the pedestrian gate. The proposal includes new side boundary fences along the southern side boundary and part of the northern side boundary. The fence will be 1.8m above existing ground level on the boundaries (as outlined on the elevation drawings).
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. 	Yes	<ul style="list-style-type: none"> The windows across the northern and southern side elevations of the development are minimal. The windows that are substantial in size and are located above the side boundary fence across the southern elevation, known as 'W05' and 'W06', are non-traditional in that they comprise gaps in brickwork (known as 'hit and miss brickwork screen') and horizontal glass louvres on the outside of the wall. This type of window is depicted in the external finishes board on Architectural Drawing No. DA16. These windows are unlikely to cause privacy impacts upon the adjoining property to the south of the site as they significantly obscure sightlines.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	<p>No (resolved by condition of consent)</p> <p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> External spiral stair will impact upon the visual privacy of the adjoining properties and is therefore recommended to be deleted by way of condition of consent. The size of the balconies and decks of the development are as follows: <ul style="list-style-type: none"> The raised deck at the rear on Level 0 has a trafficable area of 25m² and a depth of 3m. The exceedance of the maximum size controls has no consequence on visual privacy of adjoining properties given that adequate privacy screens are provided to the sides of the deck. The rear terrace on Level 1 has a trafficable area of 34.5m² and an overall depth of 3m. The terrace comprises privacy screens across its northern and southern edges as well as a planter on the southern side. These are considered satisfactory in terms of directing sightlines away from the adjoining properties to the north and south of the site. Occupants of the terrace are likely to look eastward towards the views of the ocean and the coastline and not directly across the side boundaries of the site. Therefore, the size and design of the terrace are not expected to compromise the visual privacy of adjoining properties. The rear (east) terrace on Level 2 has a trafficable area of 24.5m² and an overall depth of 2.6m. The terrace is accessed from bedrooms, which are rooms of low and passive use. The edges of these terraces are lined with planters or a green roof that will assist to control sightlines across the side boundaries of the site. The front (west) terrace on Level 2 has a trafficable area of 10.5m² and an overall depth of 2.7m. The terrace is primarily oriented to St Thomas Street and out of direct sight of window openings of adjoining dwellings.

Development Control	Compliance	Comment
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The principal private open space areas, being the rear terraces and the rear yard are expected to receive the minimum amount and duration of sunlight during mid-winter. The shadow diagrams are in the form of angle of sun diagrams at 9am, 12pm and 3pm on 21 June. These diagrams compared the building envelopes of the existing development against the proposed development to determine the extent of additional overshadowing caused by the proposal. The diagrams reveal that the north-facing windows on the ground floor level of the dwelling house will be overshadowed by the proposal. This is expected for any additional floor level to the existing development. The development is set back in compliance with the minimum side and rear setback controls and complies with the height of buildings development standard. In this regard, the additional overshadowing is caused by the proposed additions to the existing building are considered reasonable, and will therefore not cause adverse overshadowing impacts upon the adjoining property to the south of the site.
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	See discussion	See discussion below.
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	Two off-street car parking spaces are provided, which represent the status quo of parking on the site.

Development Control	Compliance	Comment
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	No (acceptable on merit)	The proposal maintains the location of the garage within the front of the site, which is not considered inconsistent with the streetscape of St Thomas Street.
1.11.3 Design	Yes	The design of the garage is considered satisfactory.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The internal dimensions of the garage are sufficient to accommodate two off-street car parking spaces.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	N/A	The existing driveway is being maintained.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes Yes	<ul style="list-style-type: none"> • Overall open space area: 324.64m² (58% of site area). • Overall landscaped area: 163.76m² (29% of site area). • The private open space area is more than 25m². • The front open space area is 63.271m² (52% of front building setback area). • The front landscaped area is 35.78m² (57% of front open space area).
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	The swimming pool is located in the rear yard of the site. Adequate screening is provided between the pool and adjoining properties in order to protect the visual and acoustic privacy of these properties.

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

Views

The submitters from 8 St Thomas Street, adjoining the subject site to the south, claim that the proposed additions to the existing development on the site will affect views, specifically loss of district views. Council officers have inspected the adjoining property on several occasions and are well aware of the extent and quality of views this property enjoys. **Figures 3 and 4** include photos of northward views, principally district views, and eastward views of the ocean, Bronte Beach and the coastline.



Figure 3: Northward views of the district, coastline and ocean standing on the uppermost rear balcony of the adjoining dwelling house at 8 St Thomas Street



Figure 4: Eastward views of the ocean, Bronte Beach and coastline standing on the rear ground floor balcony of the adjoining dwelling house at 8 St Thomas Street

The proposed additions to the existing development on the site are **NOT** expected to affect views of the ocean, Bronte Beach and coastline enjoyed principally eastward and over the rear boundary of the adjoining site at 8 St Thomas Street. Consistent with the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah [2004] LEC 140*, these views are more valuable in retaining and protecting than district views. These district views are available across the side boundary of the subject site and the adjoining site. In this regard, the proposed additions will not manifest in adverse and unreasonable view loss impact.

The applicant is cognisant of potential impacts on views of the ocean and coastline that are enjoyed from properties opposite the site and on the western side of St Thomas Street (i.e. 7, 9 and 11 St Thomas Street) as view impact analyses have been undertaken and shown in photomontages submitted with the application. The montages reveal that the proposal will not result in adverse, devastating and unreasonable view loss impact upon these properties, which has been demonstrated by the absence of objections to the application received from these properties.

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*.

Four submissions were received from the following properties:

- 8 St Thomas Street
- 27 Yanko Avenue
- 51 Gardyne / 2A St Thomas Street
- 4A St Thomas Street.

Of these submissions, the submission from 27 Yanko Avenue raised no objection to the application. Further, the submission from 4A St Thomas Street showed an initial interest in the application during the notification period, however never made a formal submission against the application.

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

- overshadowing impact
- gross floor area and non-compliance with floor space ratio of the development
- view impact

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

Issue: *Visual appearance of blank and poorly articulated southern wall of the proposed uppermost floor addition*

Response: This wall as referred to in the submission is effectively the side profile of the roof form of the addition, which somewhat takes the form of a mansard roof. It is not considered unsightly and is accepted.

Issue: *The shadow diagrams submitted with the application are inadequate to determine the shadowing impact of the development*

Response: Noted. The diagrams are in the form of angle from the sun instead of a traditional plan and elevation form of diagram. The diagrams are deemed sufficient to demonstrate the additional shadowing impact caused by the proposed additions.

Issue: *The development should be described as a new building rather than alterations and additions so that the side setbacks of the development are greater than the existing development*

Response: Disagreed. While the scope of the alterations and additions to the existing development is substantial, they do not constitute the proposal being characterised and described as a 'new building' as the development for the most part maintains the building footprint of the existing development, including external walls of the dwelling house and garage, and the additional building massing volume to the existing development is primarily contained within the proposed additional upper floor level, which are sited appropriately and consistently with the setback controls in Waverley DCP 2012. Therefore, the side setbacks of the development can be accepted as existing.

Issue: *The gross floor area of the development has not been accurately measured by the applicant*

Response: Noted. Council has conducted their own measurements and calculations based on the definition of 'gross floor area' in Waverley LEP 2012.

Issue: *A specific condition of consent should be imposed to control and moderate noise and air emissions from the laundry of the development*

Response: Disagreed. This is a pre-emptive matter and Council has no power to impose a condition of consent to restrict the use of a domestic laundry in a residential dwelling.

Issue: *Dilapidation reports should be required as a condition of consent*

Response: Agreed. A condition of consent is recommended to this effect.

Issue: *The cost of any retaining walls on or near the common boundary between the site and the adjoining property at 8 St Thomas Street should be borne by the applicant*

Response: This is a civil matter that cannot involve Council.

Issue: *Information on eastern boundary wall and fence*

Response: The existing retaining wall and timber fence above on the eastern boundary of the site are shown to remain as existing. A secondary fence is proposed approximately 1m from the eastern boundary of the site, which acts as part of the safety fence around the swimming pool. This secondary

fence has a height of approximately 1.4m and appears to have a light-weight and palisade constitution, though not specified on the plans. The fence is not expected to be imposing upon adjoining properties.

2.5 Public Interest

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

3. REFERRALS

3.1 Creating Waverley – Driveways

Council's Professional Engineer (Creating Waverley) did not object to the application, subject to conditions.

3.2 Creating Waverley – Stormwater

Council's Manager, Design from the Creating Waverley department objected to the stormwater plans. A condition of consent is recommended to require the stormwater plans to be amended to conform to Council's Stormwater Policy prior to the issue of a construction certificate.

4. SUMMARY

The application seeks development consent for alterations and additions to the dwelling house at 6 St Thomas Street, Bronte, including an upper floor level. The main issues in the assessment of the application are:

- non-compliance with floor space ratio development standard
- view impact.

The assessment finds these issues acceptable on planning merit.

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

The application is referred to the Waverley Development Assessment Panel by the discretion of Council's Development and Building Unit.

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

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by:

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

Ben Magistrale
Senior Development Assessment Planner

Arif Faruqi
**Manager, Development Assessment
(North/South)**

Date: 6 July 2018

Date: 13 July 2018

Reason for referral:

WDAP Charter:

- 6 Development Applications that, in the opinion of the General Manager or Director Waverley Futures or delegate should be determined by the Panel for public interest reasons.

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos DA02, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA11, DA12, DA13, DA15 and DA16 (all Revision 01), tables and documentation prepared by Neeson Murcutt Architects Pty Ltd, 21 December 2017, and received by Council on 22 December 2017;
- (b) Landscape Plan No. L100 (Revision C) and documentation prepared by Spirit Level Designs Pty Ltd, dated 20 December 2017, and received by Council on 22 December 2017;
- (c) BASIX Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) In order to maintain adequate visual privacy for adjoining properties, the external spiral stair connected to the rear terraces is not approved and shall be deleted.
- (b) In order to reduce visual bulk related impacts upon the adjoining development to the south of the site, the southern side screen/nib wall to the rear terrace on Level 1 is not approved and shall be deleted.

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

3. NEW DEVELOPMENT APPLICATION REQUIRED

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

4. DOMESTIC HEATERS

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

5. USE OF DWELLING

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

6. SWIMMING POOLS

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

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. 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.

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

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

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

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

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

11. HOARDING REQUIRED

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

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

12. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

13. EROSION, SEDIMENT AND POLLUTION CONTROL

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

14. STORMWATER MANAGEMENT

The stormwater management Plans prepared by INLINE Hydraulic Services, Project No. 2017-0424, DWG No. HDA01 to HDA07 (Amendments P4), Dated 20 December 2017 are not satisfactory with respect to stormwater details.

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

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

- (a) Pump out details are required e.g. pump out tank details, dimensions, cross and long sections, invert level, pump installation details.
- (b) An updated stormwater management plan including above details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

15. 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.

16. ENGINEERING DETAILS

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

17. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.

(c) Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.

(d) Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

18. BASIX

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

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

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

19. GREEN ROOF

The green roofs of the development 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 roofs are non-trafficable areas 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

20. PRIOR TO SITE WORKS

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

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

21. HOME BUILDING ACT

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

22. CONSTRUCTION SIGNS

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

23. EXCAVATION AND BACKFILLING

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

24. TOILET FACILITIES

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

25. OBSTRUCTION TO PUBLIC AREAS

- (a) If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:
- (b) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;

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

25. DILAPIDATION REPORTS

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

Please note the following:

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

26. USE OF FILL ON SITE

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

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

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

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

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

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

27. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard 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.

28. DEMOLITION AND SITE PREPARATION

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

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

29. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

30. 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.

31. STOCKPILES

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

32. LOCATION OF BUILDING OPERATIONS

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

33. ALL BUILDING MATERIALS STORED ON SITE

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

34. 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.

35. 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.

36. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified MANDATORY inspections are:

In the case of a Class 1 and 10 building:

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

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

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

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

44. 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.

45. 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.

46. 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

47. 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.

48. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. LIGHTING

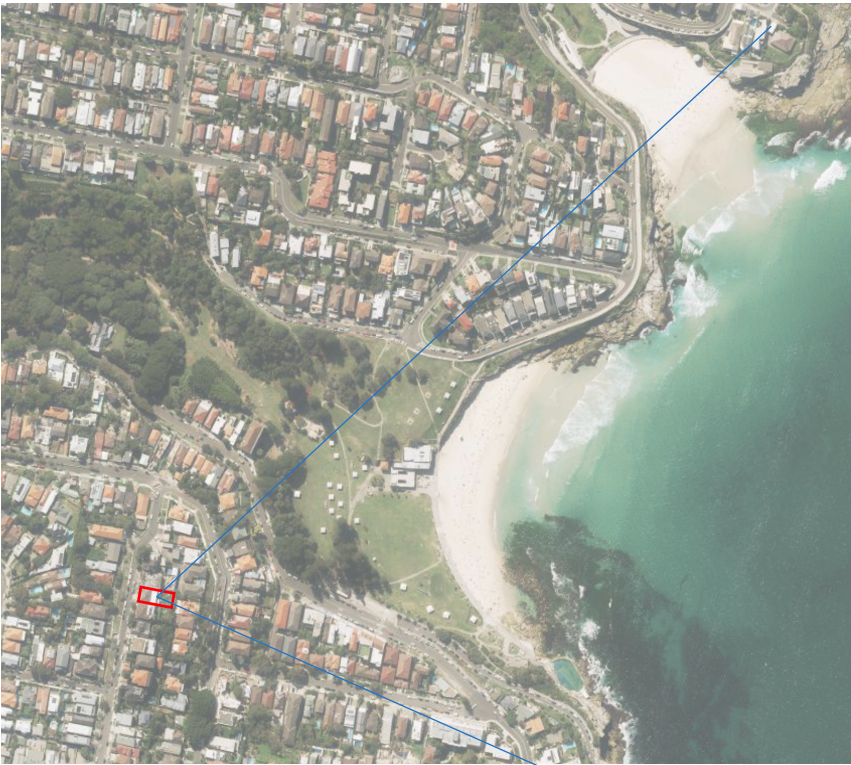
Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control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

DRAWING LIST

DRAWING NO.	TITLE	SCALE
DA01	COVER SHEET	1:1.20
DA02	SITE ANALYSIS	1:400
DA03	PLANNING DIAGRAMS	1:400
DA04	PLAN L0	1:100
DA05	PLAN L1	1:100
DA06	PLAN L2	1:100
DA07	PLAN ROOF	1:100
DA08	ELEVATION - NORTH	1:100
DA09	ELEVATION - SOUTH	1:100
DA10	ELEVATION - EAST	1:100
DA11	ELEVATION - WEST	1:100
DA12	SECTION A-A	1:100
DA13	SECTION B-B	1:100
DA14	SHADOW DIAGRAMS	NTS
DA15	SWRMP	1:100
DA16	EXTERNAL FINISHES + BASIX	NTS
DA17	NEIGHBOUR VIEW STUDY A	
DA18	NEIGHBOUR VIEW STUDY B	
DA19	NEIGHBOUR VIEW STUDY C	



ST THOMAS STREET EAST



EASTERN VIEW FROM LEVEL 2

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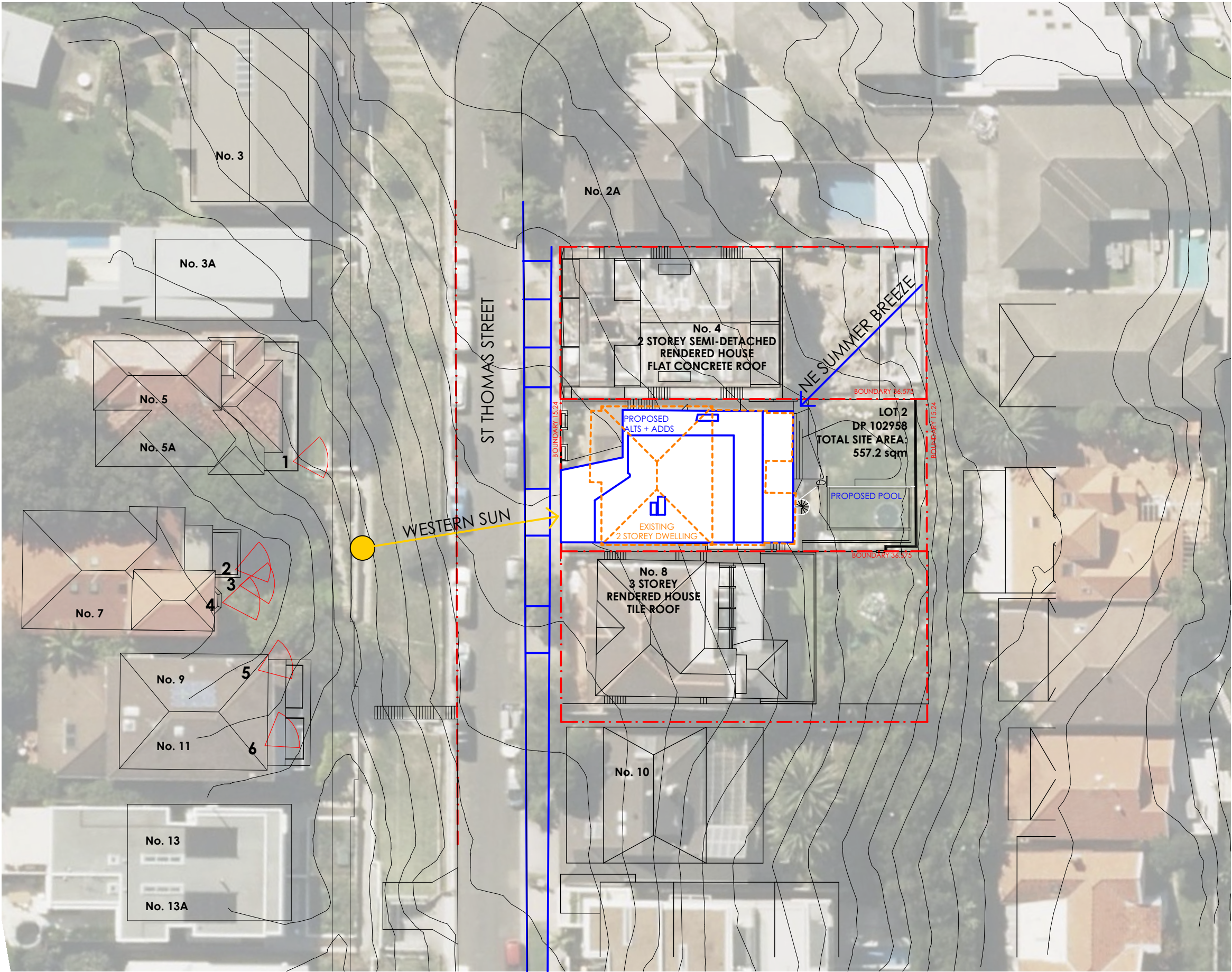
- IF DISCREPANCY EXISTS NOTIFY ARCHITECT
- COS - CONFIRM ON SITE
- IF IN DOUBT ASK

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ISSUE	DATE	REVISION
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ALTERATIONS AND ADDITIONS TO				NEESON MURCUTT ARCHITECTS PTY LTD		
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958				L2 9 ROSLYN ST POTTS POINT 2011 T. 8297 3590 F. 8297 3510		
FOR Brett Mason & Renuka Fernando				NOMINATED ARCHITECT: RACHEL NEESON No. 6692		
NO	REV	TITLE	PHASE	SCALE	DATE	
DA01	01	COVER SHEET	DA	1:1.20 @A3	21/12/17	
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SITE ANALYSIS PLAN

view # (refer to Statement of Environmental Effects for neighbour view studies)

line of proposed alterations + additions

line of existing building

boundary line

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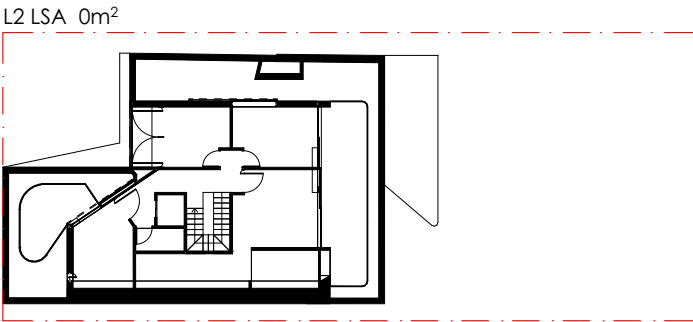
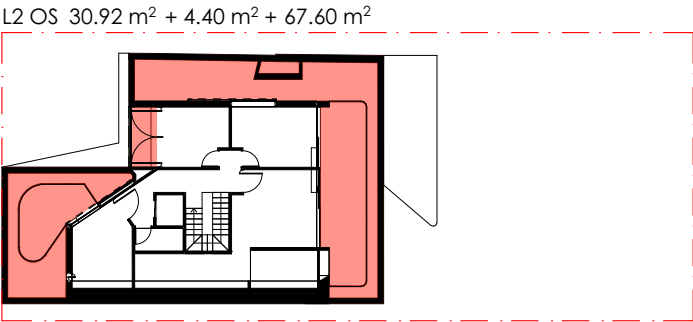
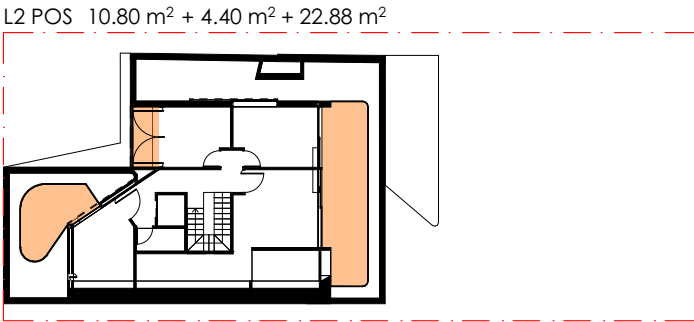
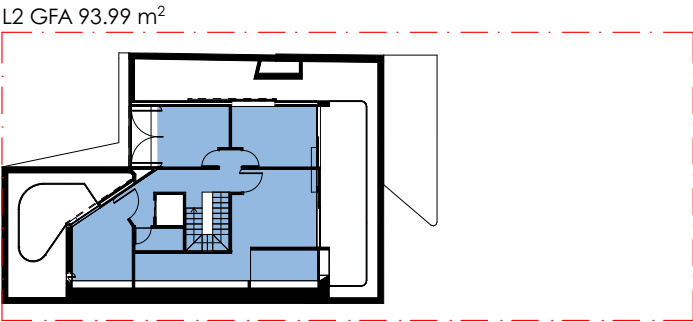
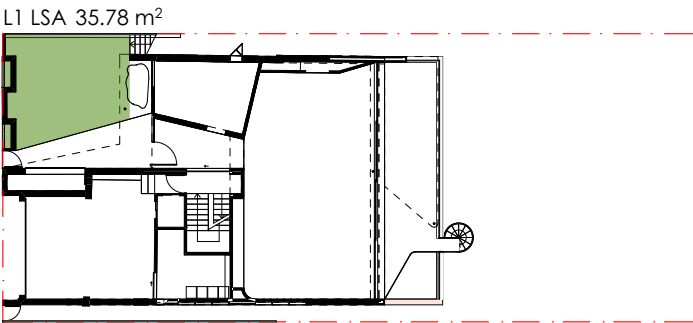
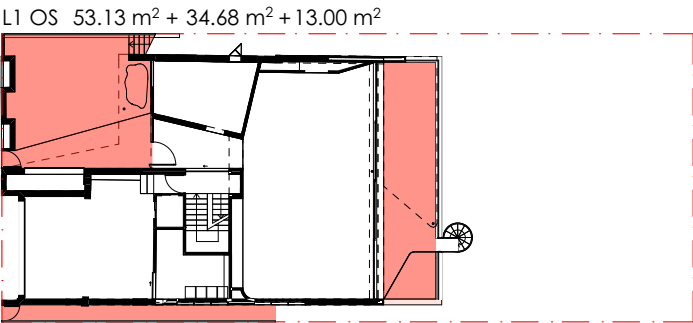
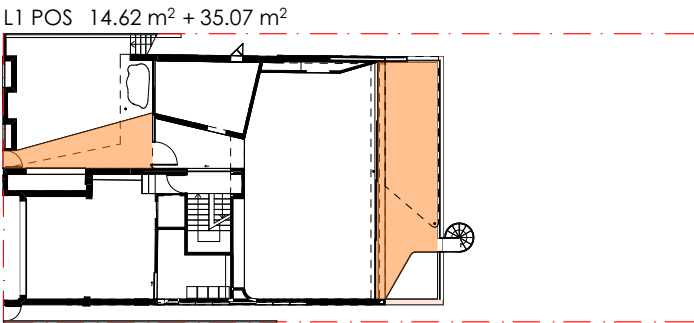
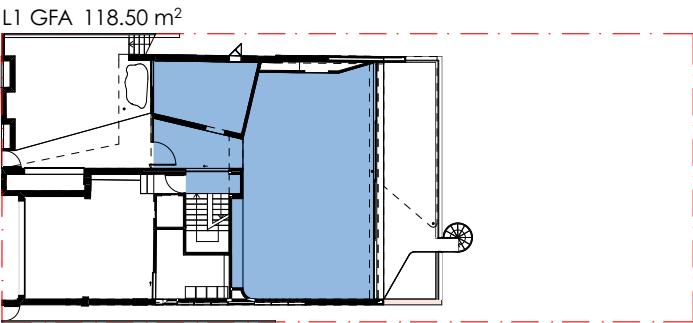
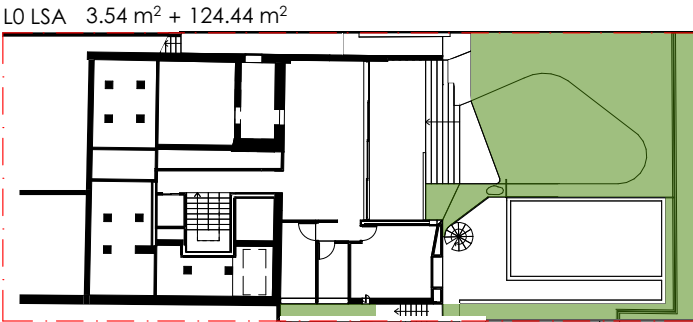
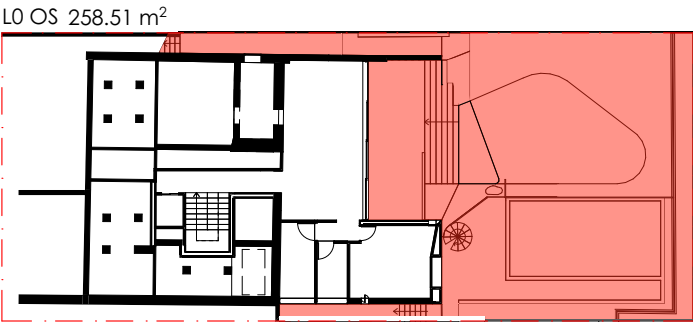
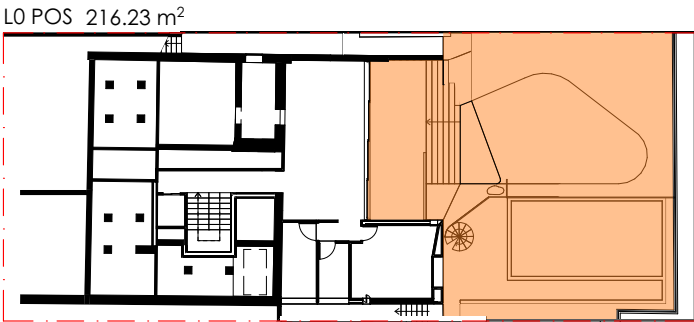
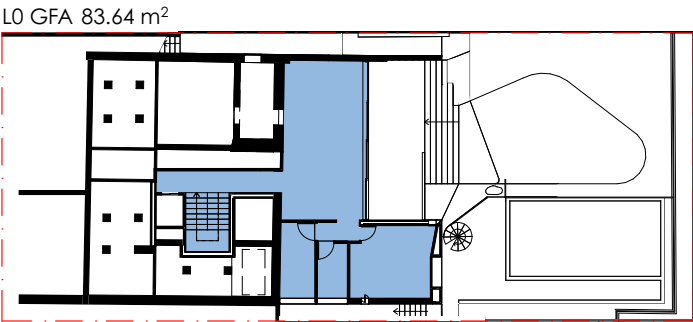
ALTERATIONS AND ADDITIONS TO
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason & Renuka Fernando

NEESON MURCUTT ARCHITECTS PTY LTD
L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3590 F 8297 3510
NOMINATED ARCHITECT: RACHEL NEESON No. 6692

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Total GFA : 296.13m²
Site Area (by calc) : 557.2m²
FSR : 0.53:1 (max allowable FSR 0.5:1)

Total POS : 304.00m²
Site Area (by calc) : 557.2m²
POS% : 54.6% (DCP min 25% = 139.3m²)

Total OS : 462.24m²
Site Area (by calc) : 557.2m²
OS% : 83.0% (DCP min 40% = 222.88m²)

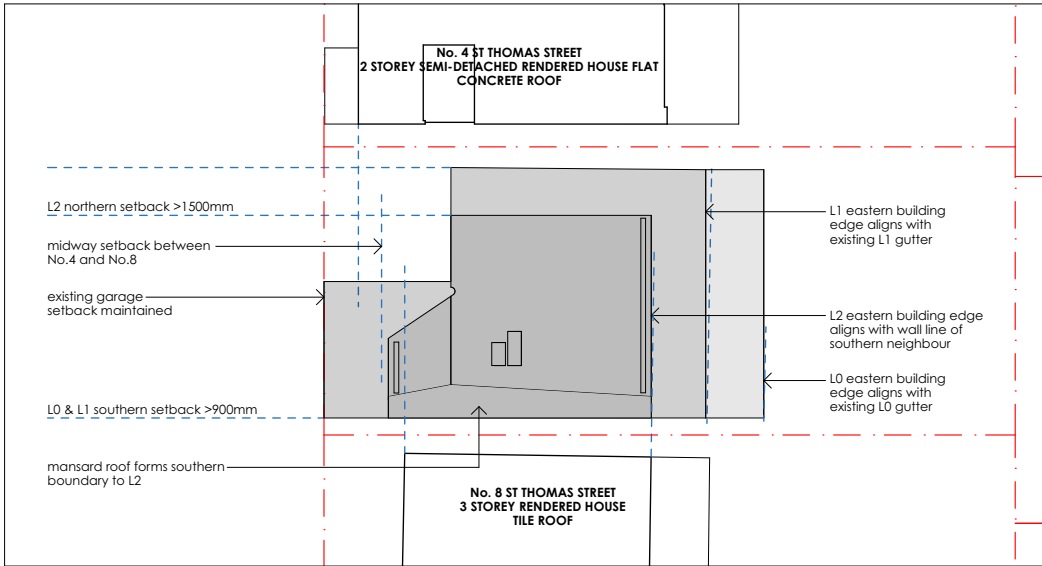
Total LSA : 163.76m²
Site Area (by calc) : 557.2m²
LSA : 29.4% (DCP min 15% = 83.58m²)

GFA/FSR

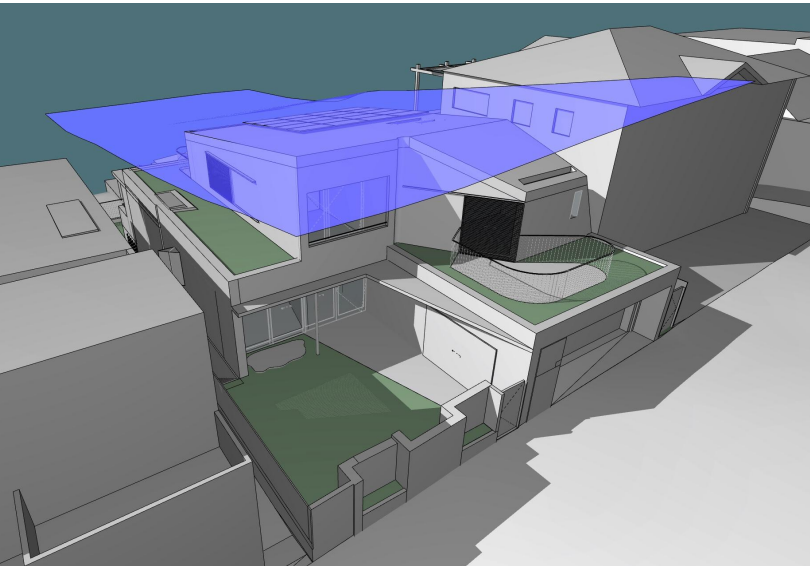
PRIVATE OPEN SPACE

OPEN SPACE

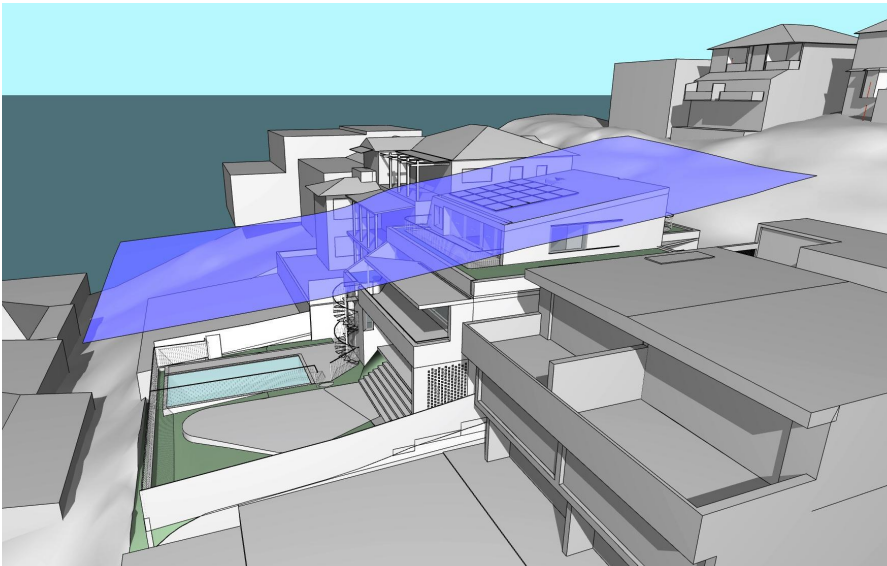
LANDSCAPED AREA



BUILDING ALIGNMENT + SETBACKS



LEP MAX. BUILDING HEIGHT CONTROL 8.5m



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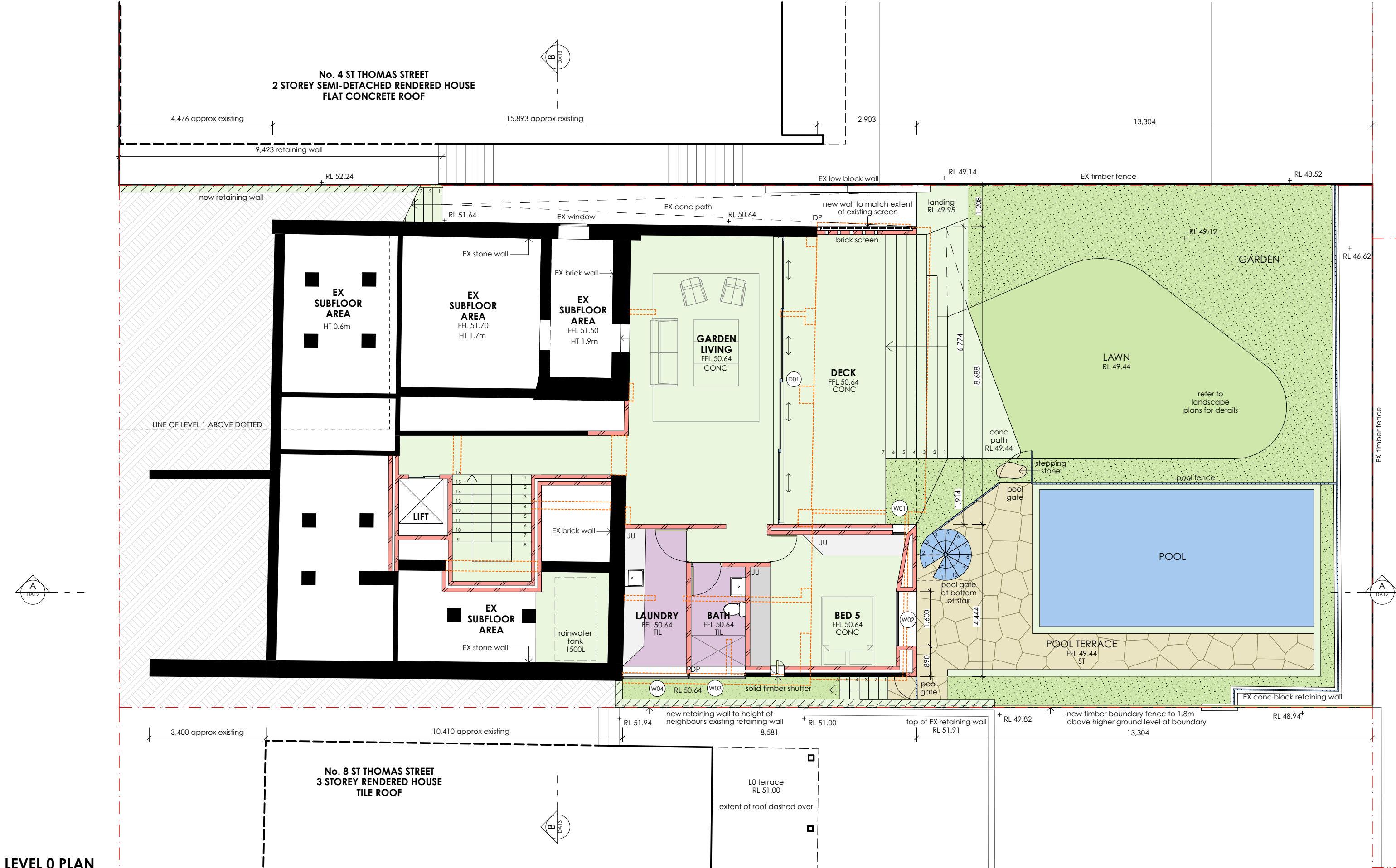
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ALTERATIONS AND ADDITIONS TO
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FOR Brett Mason & Renuka Fernando

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DA03	01	PLANNING DIAGRAMS	DA	1:400 @A3	21/12/17

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LEVEL 0 PLAN

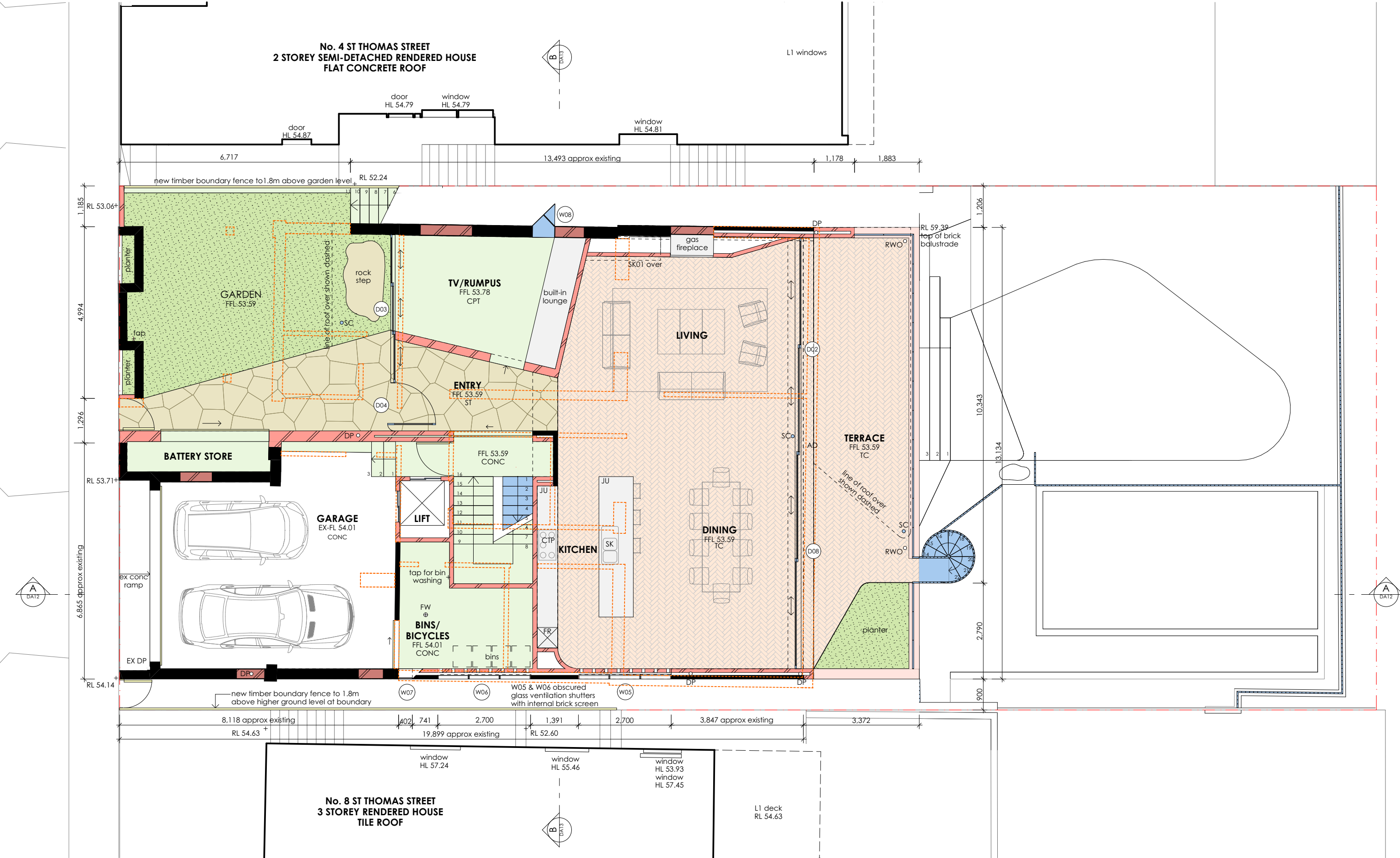
LEGEND	
AD	NEW ALUMINIUM DOOR
AW	NEW ALUMINIUM WINDOW
EX-FL	EXISTING FLOORING
CONC	NEW CONCRETE
CPT	NEW CARPET
CTP	COOKTOP
DP	DOWNPIPE
FR	FRIDGE
FW	FLOOR WASTE
JU	JOINERY UNIT
PV	PHOTOVOLTAIC PANEL
RWO	RAINWATER OUTLET
BC	BOX GUTTER
SC	STEEL COLUMN
SK	SINK
ST	NEW STONE
TC	NEW TERRACOTTA TILE
TDK	TIMBER DECK
TF	TIMBER FLOOR
TIL	NEW CERAMIC TILE

CONSULTANTS	
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-	COMPLY WITH THE BUILDING CODE OF AUSTRALIA
-	COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
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EXISTING ELEMENTS TO BE DEMOLISHED	
BRICK	TIMBER
CONCRETE	TERRACOTTA
STEEL/ALUMINIUM	CERAMIC TILE
GARDEN BED	STONE

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LEVEL 1 PLAN

LEGEND

AD

NEW ALUMINIUM DOOR

AW

NEW ALUMINIUM WINDOW

EX-FL

EXISTING FLOORING

CONC

NEW CONCRETE

CPT

NEW CARPET

CTP

COOKTOP

DP

DOWNPIPE

FR

FRIDGE

FW

FLOOR WASTE

JU

JOINERY UNIT

PV

PHOTOVOLTAIC PANEL

RWO

RAINWATER OUTLET

BC

BOX GUTTER

SC

STEEL COLUMN

SK

SINK

ST

NEW STONE

TC

NEW TERRACOTTA TILE

TDK

TIMBER DECK

TF

TIMBER FLOOR

TIL

NEW CERAMIC TILE

EXISTING (RETAIN)

BRICK

CONCRETE

STEEL/ALUMINIUM

GARDEN BED

TIMBER

TERRACOTTA

CERAMIC TILE

STONE

CONSULTANTS

- COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS

- COMPLY WITH THE BUILDING CODE OF AUSTRALIA

- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS

- DIMENSIONS IN MILLIMETRES

- USE FIGURES DIMENSIONS ONLY

- DO NOT SCALE

- IF DISCREPANCY EXISTS NOTIFY ARCHITECT

- COS - CONFIRM ON SITE

- IF IN DOUBT ASK

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ALTERATIONS AND ADDITIONS TO

6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason & Renuka Fernando

NO

REV

TITLE

PHASE

SCALE

DATE

NEESON MURCUTT ARCHITECTS PTY LTD

L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3390 F 8297 3510

NOMINATED ARCHITECT: RACHEL NEESON No. 6692

DA05 01 PLAN L1

DA

1:100 @A3

21/12/17

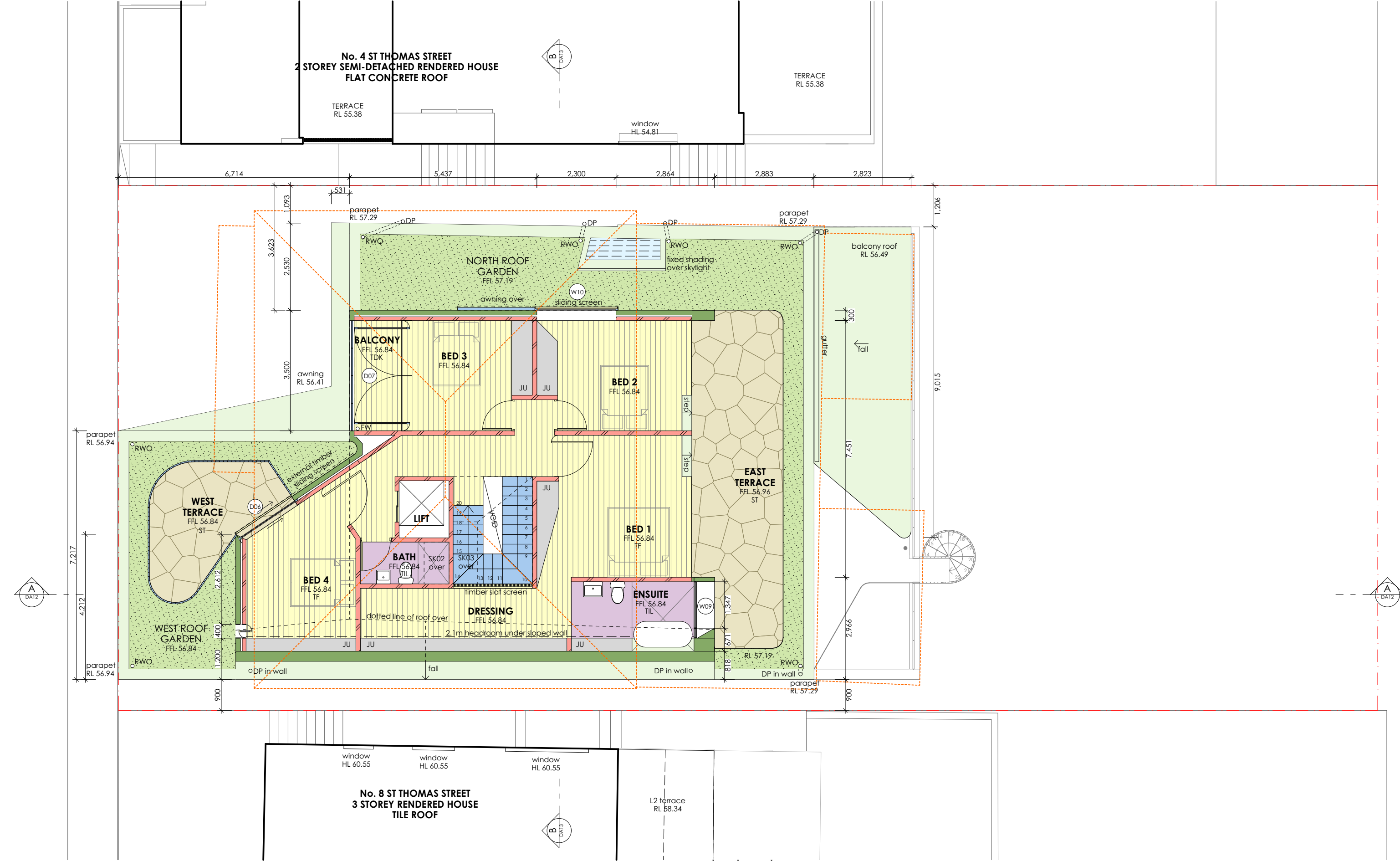
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




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LEVEL 2 PLAN

LEGEND			
AD	NEW ALUMINIUM DOOR	SC	STEEL COLUMN
AW	NEW ALUMINIUM WINDOW	SK	SINK
EX-FL	EXISTING FLOORING	ST	NEW STONE
CONC	NEW CONCRETE	TC	NEW TERRACOTTA TILE
CPT	NEW CARPET	TDK	TIMBER DECK
CTP	COOKTOP	TF	TIMBER FLOOR
DP	DOWNPIPE	TIL	NEW CERAMIC TILE
FR	FRIDGE		
FW	FLOOR WASTE		
JU	JOINERY UNIT		
PV	PHOTOVOLTAIC PANEL		
RWO	RAINWATER OUTLET		
BC	BOX GUTTER		

----- EXISTING ELEMENTS TO BE DEMOLISHED	
	EXISTING (RETAIN)
	BRICK
	CONCRETE
	STEEL/ALUMINIUM
	GARDEN BED
	TIMBER
	TERRACOTTA
	CERAMIC TILE
	STONE

CONSULTANTS	
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- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS	- IF IN DOUBT ASK
- DIMENSIONS IN MILLIMETRES	
- USE FIGURES DIMENSIONS ONLY	
- DO NOT SCALE	
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ALTERATIONS AND ADDITIONS TO				NEESON MURCUTT ARCHITECTS PTY LTD		
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958				L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3390 F 8297 3510		
FOR Brett Mason & Renuka Fernando				NOMINATED ARCHITECT: RACHEL NEESON No. 6692		
NO	REV	TITLE	PHASE	SCALE	DATE	
DA06	01	PLAN L2	DA	1:100 @A3	21/12/17	

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ROOF PLAN

LEGEND	
AD	NEW ALUMINIUM DOOR
AW	NEW ALUMINIUM WINDOW
EX-FL	EXISTING FLOORING
CONC	NEW CONCRETE
CPT	NEW CARPET
CTP	COOKTOP
DP	DOWNPIPE
FR	FRIDGE
FW	FLOOR WASTE
JU	JOINERY UNIT
PV	PHOTOVOLTAIC PANEL
RWO	RAINWATER OUTLET
BC	BOX GUTTER
SC	STEEL COLUMN
SK	SINK
ST	NEW STONE
TC	NEW TERRACOTTA TILE
TDK	TIMBER DECK
TF	TIMBER FLOOR
TIL	NEW CERAMIC TILE

EXISTING ELEMENTS TO BE DEMOLISHED	
	BRICK
	CONCRETE
	STEEL/ALUMINIUM
	GARDEN BED
	TIMBER
	TERRACOTTA
	CERAMIC TILE
	STONE

CONSULTANTS

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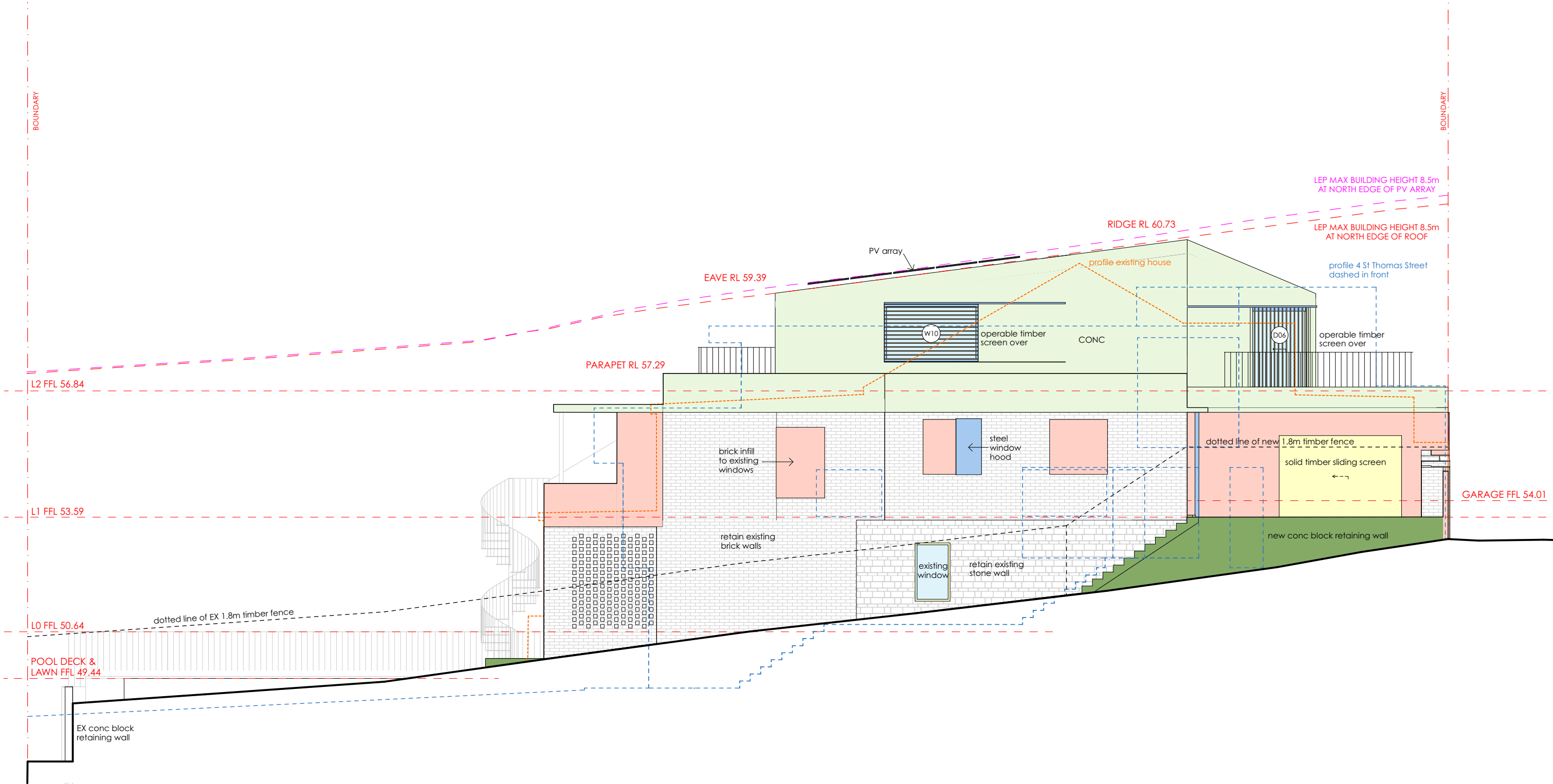
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ALTERATIONS AND ADDITIONS TO			NEESON MURCUTT ARCHITECTS PTY LTD		
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958			L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3590 F 8297 3510		
FOR Brett Mason & Renuka Fernando			NOMINATED ARCHITECT: RACHEL NEESON No. 6692		
NO	REV	TITLE	PHASE	SCALE	DATE
DA07	01	PLAN ROOF	DA	1:100 @A3	21/12/17
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NORTH ELEVATION

LEGEND

AD

NEW ALUMINIUM DOOR

AW

NEW ALUMINIUM WINDOW

EX-FL

EXISTING FLOORING

CONC

NEW CONCRETE

CTP

NEW CARPET

CTP

COOKTOP

DP

DOWNPIPE

FR

FRIDGE

FW

FLOOR WASTE

JU

JOINERY UNIT

PV

PHOTOVOLTAIC PANEL

RWO

RAINWATER OUTLET

BG

BOX GUTTER

SC

STEEL COLUMN

SK

SINK

ST

NEW STONE

TC

NEW TERRACOTTA TILE

TDK

TIMBER DECK

TF

TIMBER FLOOR

TIL

NEW CERAMIC TILE

EXISTING (RETAIN)

BRICK

CONCRETE

STEEL/ALUMINIUM

GARDEN BED

EXISTING ELEMENTS TO BE DEMOLISHED

TERRACOTTA

CERAMIC TILE

STONE

TIMBER

CONSULTANTS

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- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS

- DIMENSIONS IN MILLIMETRES

- USE FIGURES DIMENSIONS ONLY

- DO NOT SCALE

- IF DISCREPANCY EXISTS NOTIFY ARCHITECT

- COS - CONFIRM ON SITE

- IF IN DOUBT ASK

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ALTERATIONS AND ADDITIONS TO

6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason & Renuka Fernando

NEESON MURCUTT ARCHITECTS PTY LTD

L2 9 ROSLYN ST. POTTS POINT 2011 T. 8297 3590 F. 8297 3510

NOMINATED ARCHITECT: RACHEL NEESON No. 6692

NO

REV

TITLE

PHASE

SCALE

DATE

DA08

01

ELEVATION - NORTH

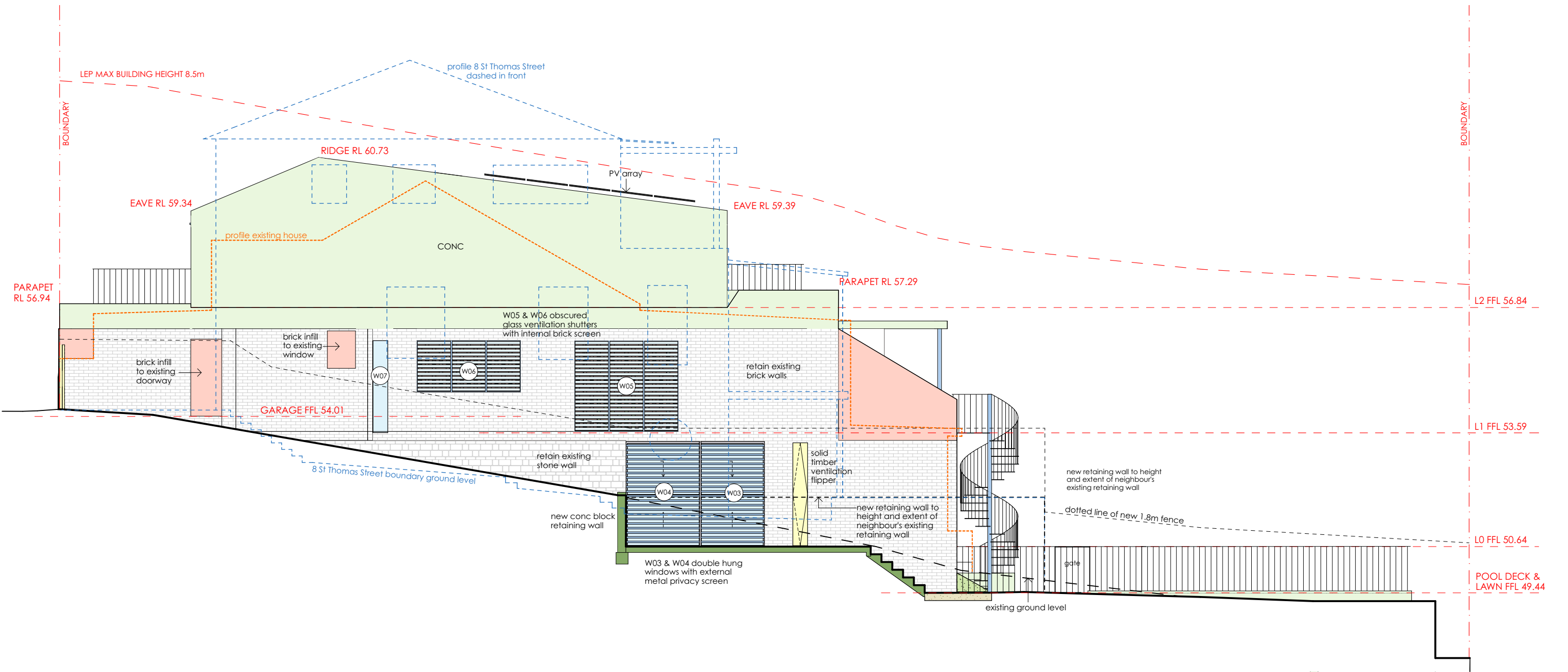
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SOUTH ELEVATION

LEGEND			
AD	NEW ALUMINIUM DOOR	SC	STEEL COLUMN
AW	NEW ALUMINIUM WINDOW	SK	SINK
EX-FL	EXISTING FLOORING	ST	NEW STONE
CONC	NEW CONCRETE	TC	NEW TERRACOTTA TILE
CTP	NEW CARPET	TDK	TIMBER DECK
CTP	COOKTOP	TF	TIMBER FLOOR
DP	DOWNPIPE	TIL	NEW CERAMIC TILE
FR	FRIDGE		
FW	FLOOR WASTE		
JU	JOINERY UNIT		
PV	PHOTOVOLTAIC PANEL		
RWO	RAINWATER OUTLET		
BG	BOX GUTTER		

EXISTING ELEMENTS TO BE DEMOLISHED	
	BRICK
	CONCRETE
	STEEL/ALUMINIUM
	GARDEN BED

	TIMBER
	TERRACOTTA
	CERAMIC TILE
	STONE

CONSULTANTS	
- COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS	- IF DISCREPANCY EXISTS NOTIFY ARCHITECT
- COMPLY WITH THE BUILDING CODE OF AUSTRALIA	- COS - CONFIRM ON SITE
- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS	- IF IN DOUBT ASK
- DIMENSIONS IN MILLIMETRES	
- USE FIGURES DIMENSIONS ONLY	
- DO NOT SCALE	

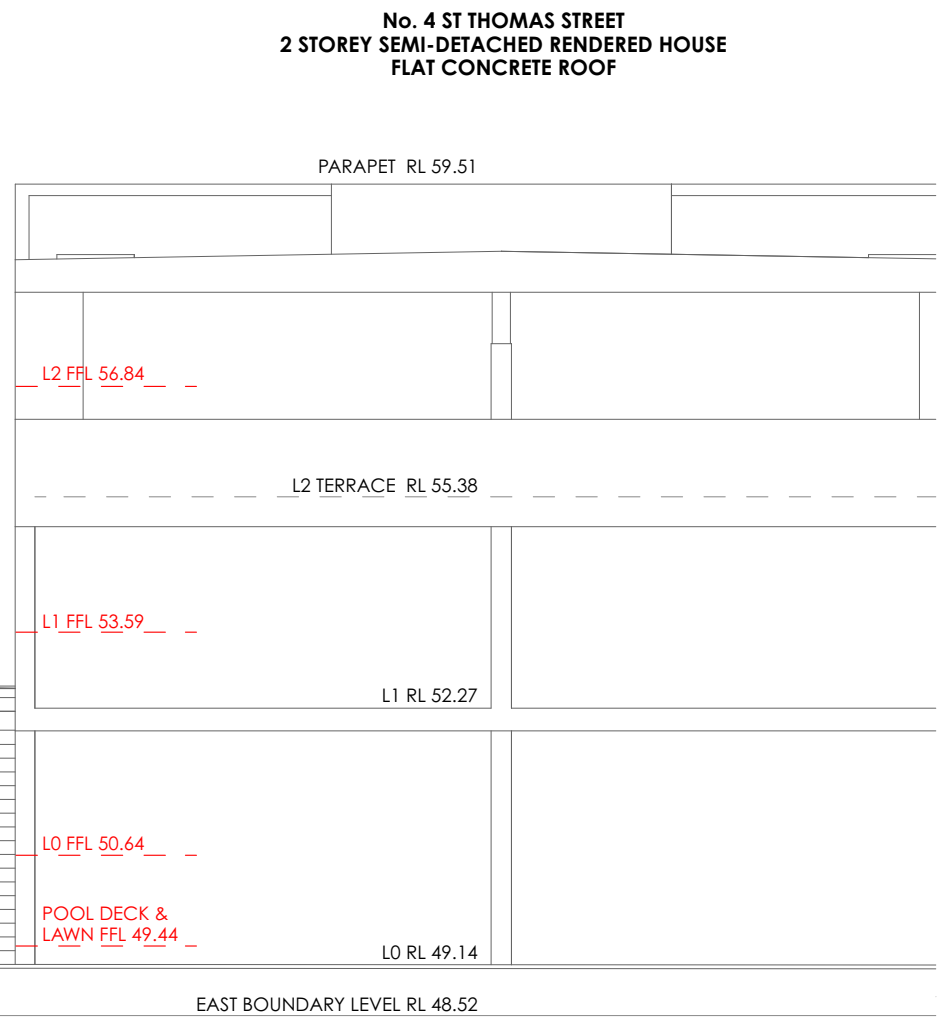
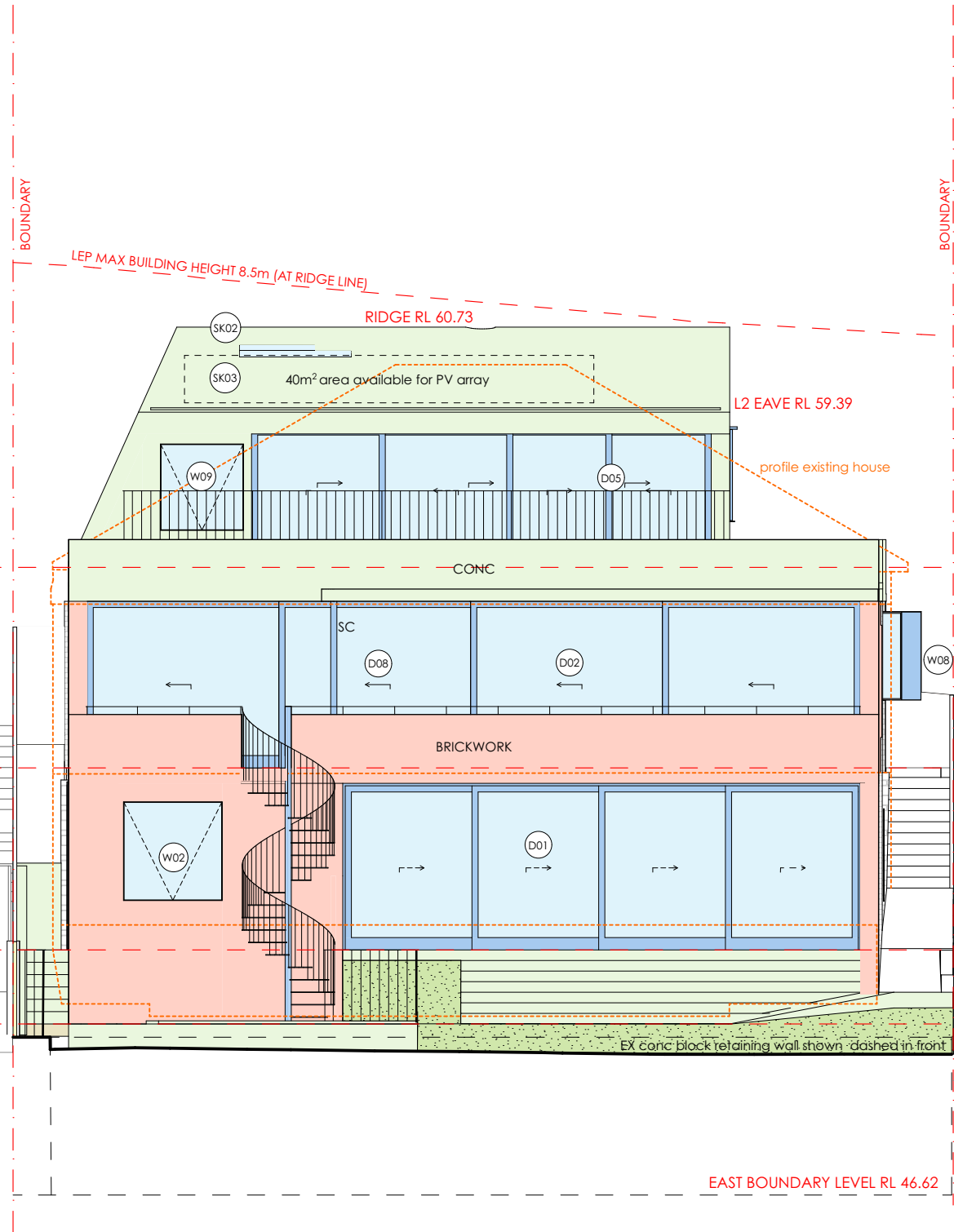
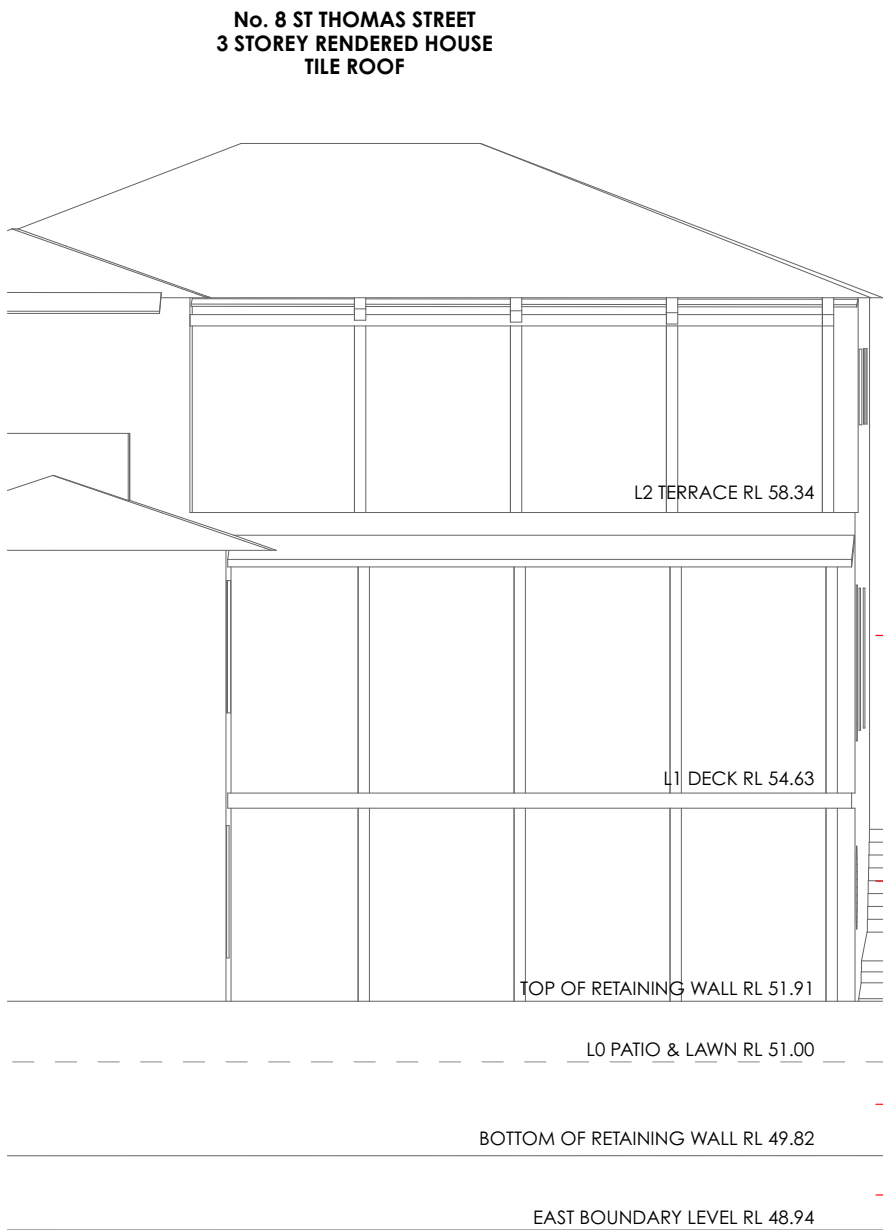
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ALTERATIONS AND ADDITIONS TO			NEESON MURCUTT ARCHITECTS PTY LTD		
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958			L2 9 ROSLYN ST. POTTS POINT 2011 T. 8297 3590 F. 8297 3510		
FOR Brett Mason & Renuka Fernando			NOMINATED ARCHITECT: RACHEL NEESON No. 6692		
NO	REV	TITLE	PHASE	SCALE	DATE
DA09	01	ELEVATION - SOUTH	DA	1:100 @A3	21/12/17

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EAST ELEVATION

LEGEND		CONSULTANTS	
AD NEW ALUMINIUM DOOR	SC STEEL COLUMN	- COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS	
AW NEW ALUMINIUM WINDOW	SK SINK	- COMPLY WITH THE BUILDING CODE OF AUSTRALIA	
EX-FL EXISTING FLOORING	ST NEW STONE	- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS	
CONC NEW CONCRETE	TC NEW TERRACOTTA TILE	- DIMENSIONS IN MILLIMETRES	
CTP NEW CARPET	TDK TIMBER DECK	- USE FIGURES DIMENSIONS ONLY	
CTP COOKTOP	TF TIMBER FLOOR	- DO NOT SCALE	
DP DOWNPIPE	TIL NEW CERAMIC TILE		
FR FRIDGE			
FW FLOOR WASTE			
JU JOINERY UNIT			
PV PHOTOVOLTAIC PANEL			
RWO RAINWATER OUTLET			
BG BOX GUTTER			

EXISTING (RETAIN)	TIMBER
BRICK	TERRACOTTA
CONCRETE	CERAMIC TILE
STEEL/ALUMINIUM	STONE
GARDEN BED	

EXISTING ELEMENTS TO BE DEMOLISHED	
BRICK	
CONCRETE	
STEEL/ALUMINIUM	
GARDEN BED	

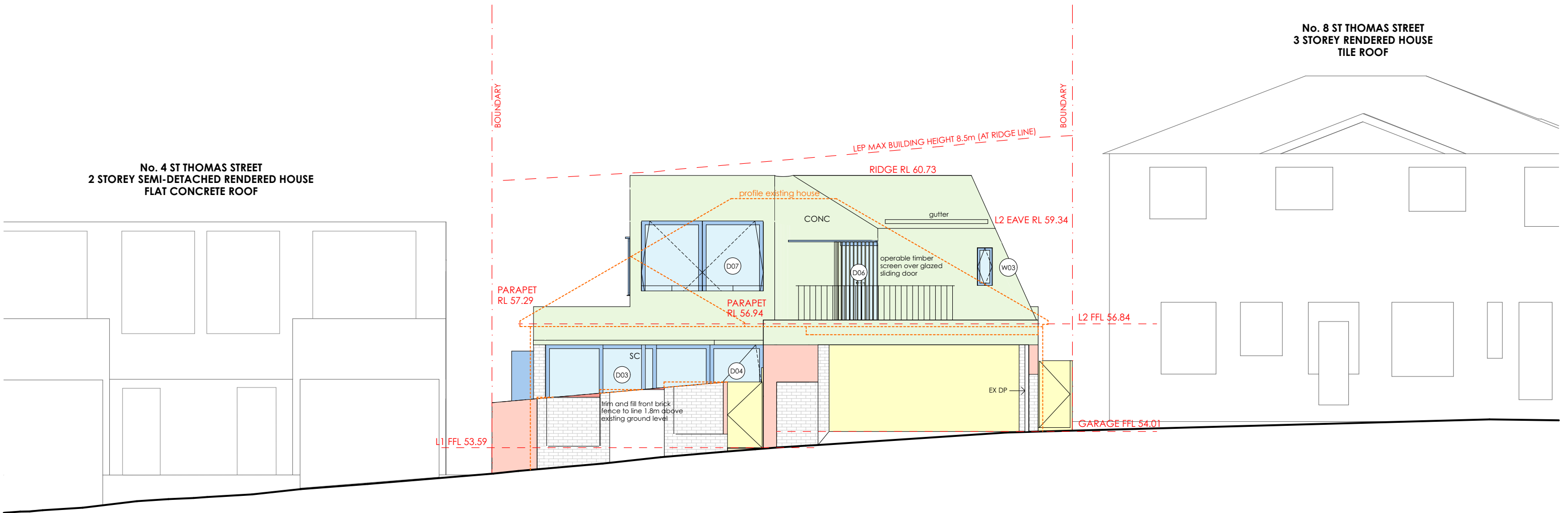
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ALTERATIONS AND ADDITIONS TO 6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958		NEESON MURCUTT ARCHITECTS PTY LTD L2 9 ROSLYN ST. POTTS POINT 2011 T. 8297 3590 F. 8297 3510 NOMINATED ARCHITECT: RACHEL NEESON No. 6692	
FOR Brett Mason & Renuka Fernando			
NO	REV	TITLE	PHASE
DA10	01	ELEVATION - EAST	DA
		SCALE	DATE
		1:100 @A3	21/12/17

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WEST ELEVATION

LEGEND

AD

NEW ALUMINIUM DOOR

AW

NEW ALUMINIUM WINDOW

EX-FL

EXISTING FLOORING

CONC

NEW CONCRETE

CTP

NEW CARPET

CTP

COOKTOP

DP

DOWNPIPE

FR

FLOOR WASTE

FW

FLOOR WASTE

JU

JOINERY UNIT

PV

PHOTOVOLTAIC PANEL

RWO

RAINWATER OUTLET

BG

BOX GUTTER

SC

STEEL COLUMN

SK

SINK

ST

NEW STONE

TC

NEW TERRACOTTA TILE

TDK

TIMBER DECK

TF

TIMBER FLOOR

TIL

NEW CERAMIC TILE

EXISTING (RETAIN)

BRICK

CONCRETE

STEEL/ALUMINIUM

GARDEN BED

EXISTING ELEMENTS TO BE DEMOLISHED

TERRACOTTA

CERAMIC TILE

STONE

TIMBER

TERRACOTTA

CERAMIC TILE

STONE

CONSULTANTS

- COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS

- COMPLY WITH THE BUILDING CODE OF AUSTRALIA

- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS

- DIMENSIONS IN MILLIMETRES

- USE FIGURES DIMENSIONS ONLY

- DO NOT SCALE

- IF DISCREPANCY EXISTS NOTIFY ARCHITECT

- COS - CONFIRM ON SITE

- IF IN DOUBT ASK

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ALTERATIONS AND ADDITIONS TO

6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason & Renuka Fernando

NEESON MURCUTT ARCHITECTS PTY LTD

L2 9 ROSLYN ST. POTTS POINT 2011 T. 8297 3590 F. 8297 3510

NOMINATED ARCHITECT: RACHEL NEESON No. 6692

NO

REV

TITLE

PHASE

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DATE

DA11

01

ELEVATION - WEST

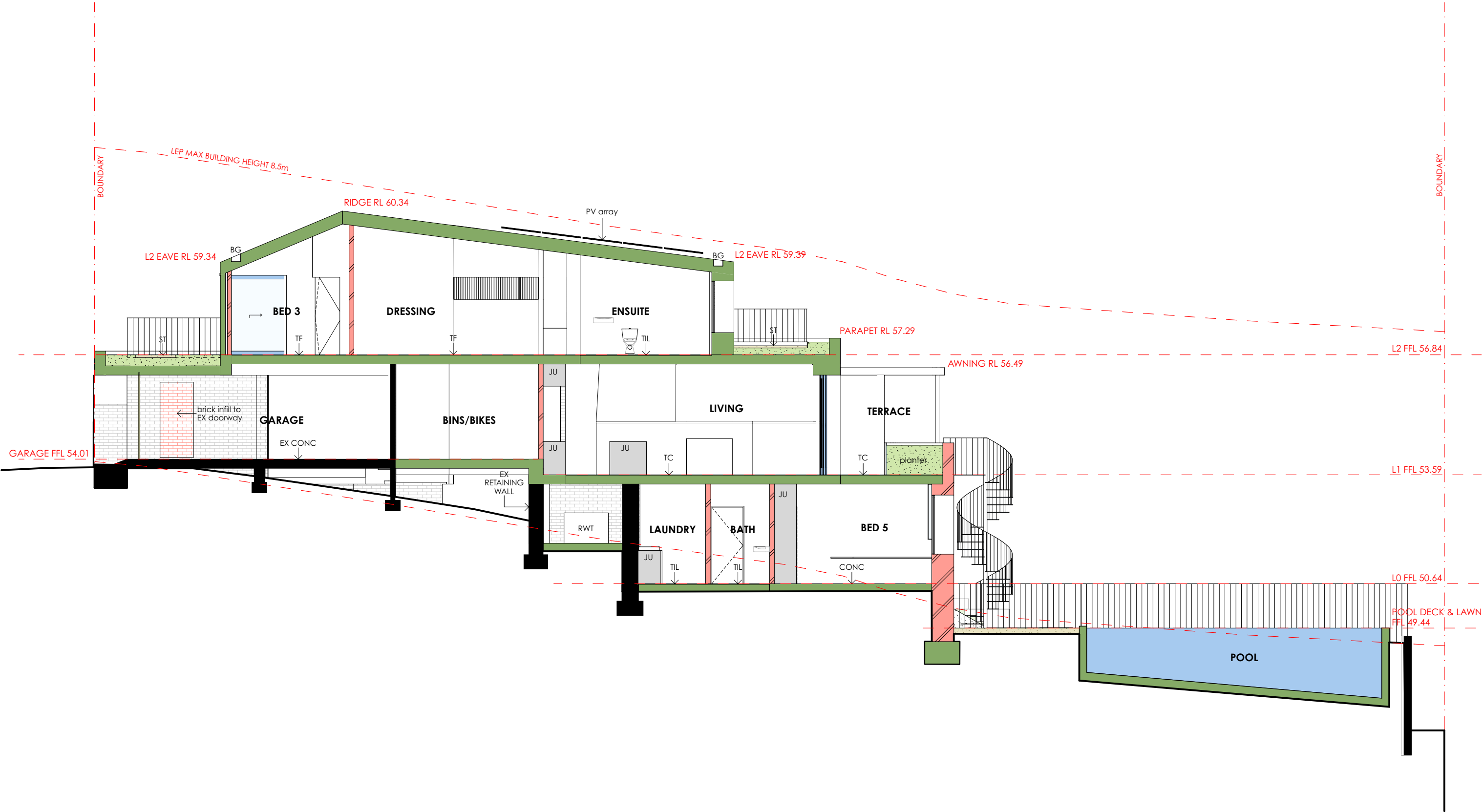
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SECTION A-A

LEGEND			
AD	NEW ALUMINIUM DOOR	SC	STEEL COLUMN
AW	NEW ALUMINIUM WINDOW	SK	SINK
EX-FL	EXISTING FLOORING	ST	NEW STONE
CONC	NEW CONCRETE	TC	NEW TERRACOTTA TILE
CTP	NEW CARPET	TDK	TIMBER DECK
CTP	COOKTOP	TF	TIMBER FLOOR
DP	DOWNPIPE	TIL	NEW CERAMIC TILE
FR	FRIDGE		
FW	FLOOR WASTE		
JU	JOINERY UNIT		
PV	PHOTOVOLTAIC PANEL		
RWO	RAINWATER OUTLET		
BG	BOX GUTTER		

EXISTING ELEMENTS TO BE DEMOLISHED			
EXISTING (RETAIN)	BRICK	CONCRETE	STEEL/ALUMINIUM
EXISTING (RETAIN)	GARDEN BED		

TIMBER	TERRACOTTA	CERAMIC TILE	STONE
--------	------------	--------------	-------

CONSULTANTS			
- COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS			
- COMPLY WITH THE BUILDING CODE OF AUSTRALIA			
- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS			
- DIMENSIONS IN MILLIMETRES			
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ALTERATIONS AND ADDITIONS TO

6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason & Renuka Fernando

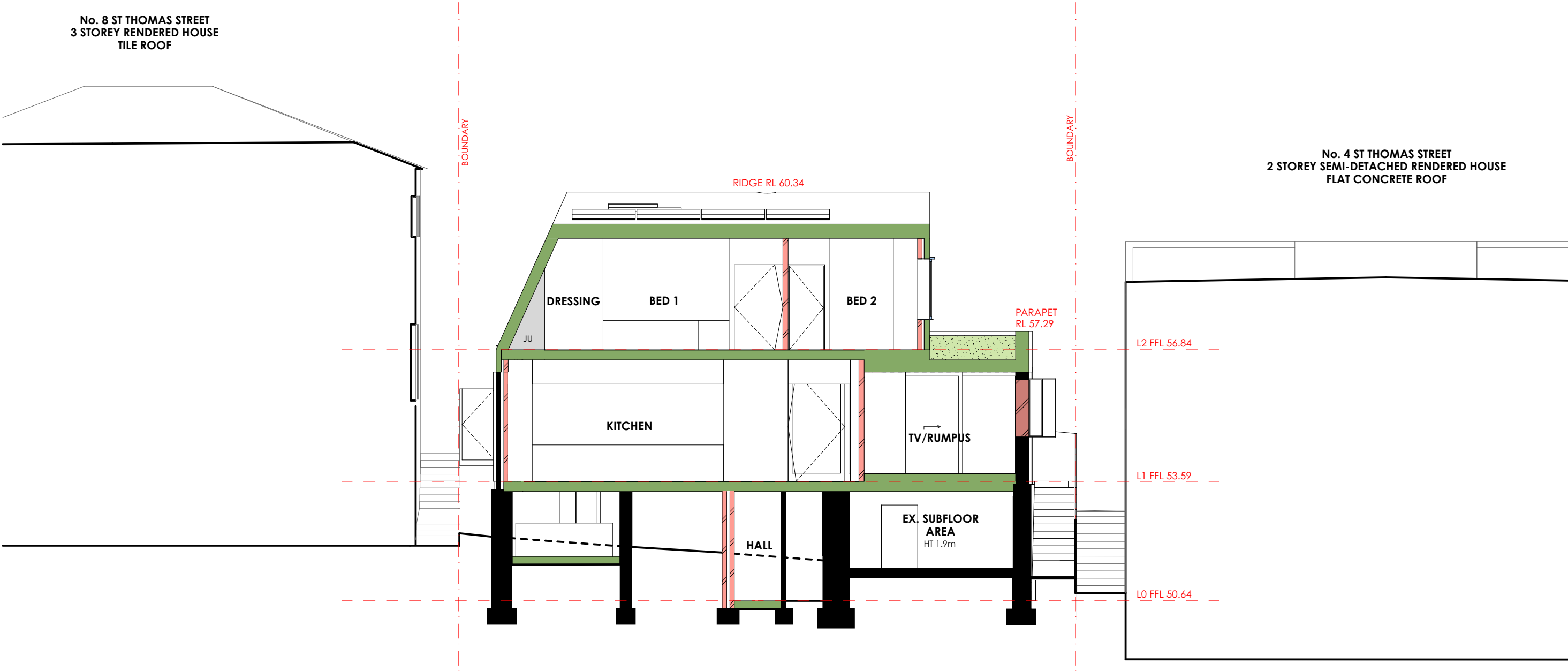
NEESON MURCUTT ARCHITECTS PTY LTD

L2 9 ROSLYN ST POTTS POINT 2011 T. 8297 3590 F. 8297 3510

NOMINATED ARCHITECT : RACHEL NEESON No. 6692

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SECTION B-B

LEGEND

AD

NEW ALUMINIUM DOOR

AW

NEW ALUMINIUM WINDOW

EX-FL

EXISTING FLOORING

CONC

NEW CONCRETE

CTP

NEW CARPET

CTP

COOKTOP

DP

DOWNPIPE

FR

FRIDGE

FW

FLOOR WASTE

JU

JOINERY UNIT

PV

PHOTOVOLTAIC PANEL

RWO

RAINWATER OUTLET

BG

BOX GUTTER

SC

STEEL COLUMN

SK

SINK

ST

NEW STONE

TC

NEW TERRACOTTA TILE

TDK

TIMBER DECK

TF

TIMBER FLOOR

TIL

NEW CERAMIC TILE

EXISTING (RETAIN)

BRICK

CONCRETE

STEEL/ALUMINIUM

GARDEN BED

EXISTING ELEMENTS TO BE DEMOLISHED

TERRACOTTA

CERAMIC TILE

STONE

TIMBER

TERRACOTTA

CERAMIC TILE

STONE

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L2 9 ROSLYN ST. POTTS POINT 2011 T. 8297 3590 F. 8297 3510

NOMINATED ARCHITECT: RACHEL NEESON No. 6692

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REV

TITLE

PHASE

SCALE

DATE

DA13

01

SECTION B-B

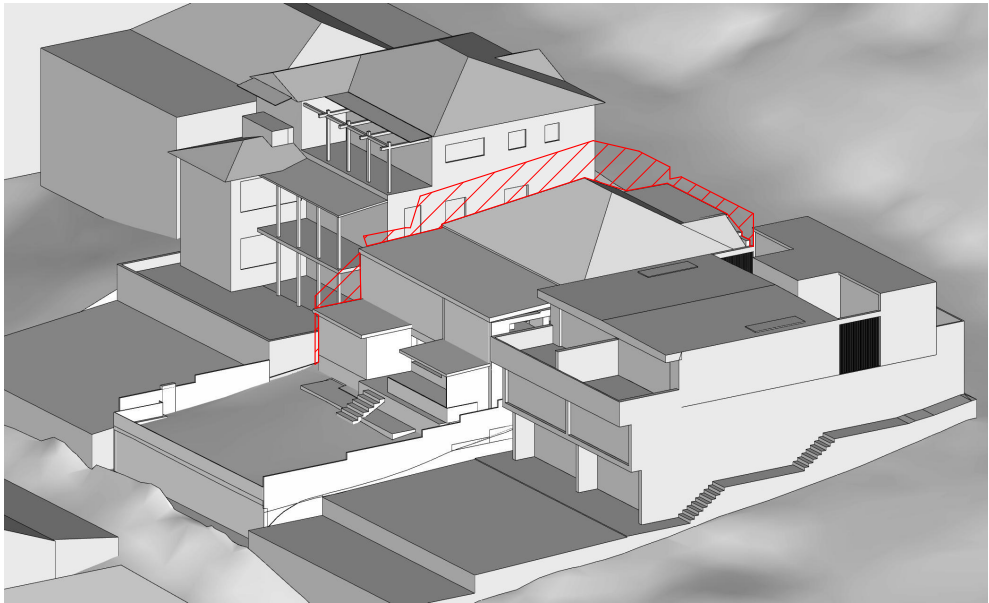
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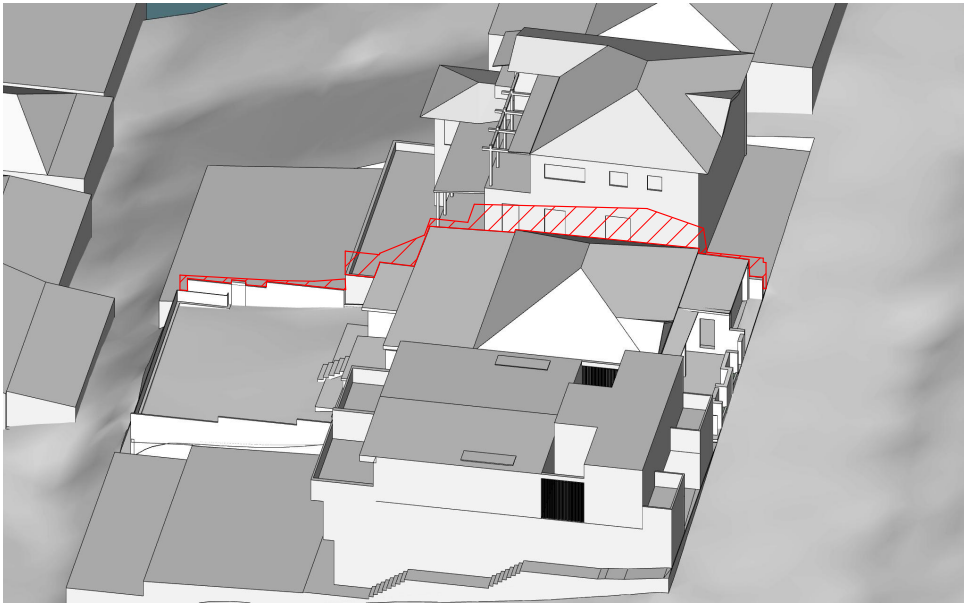
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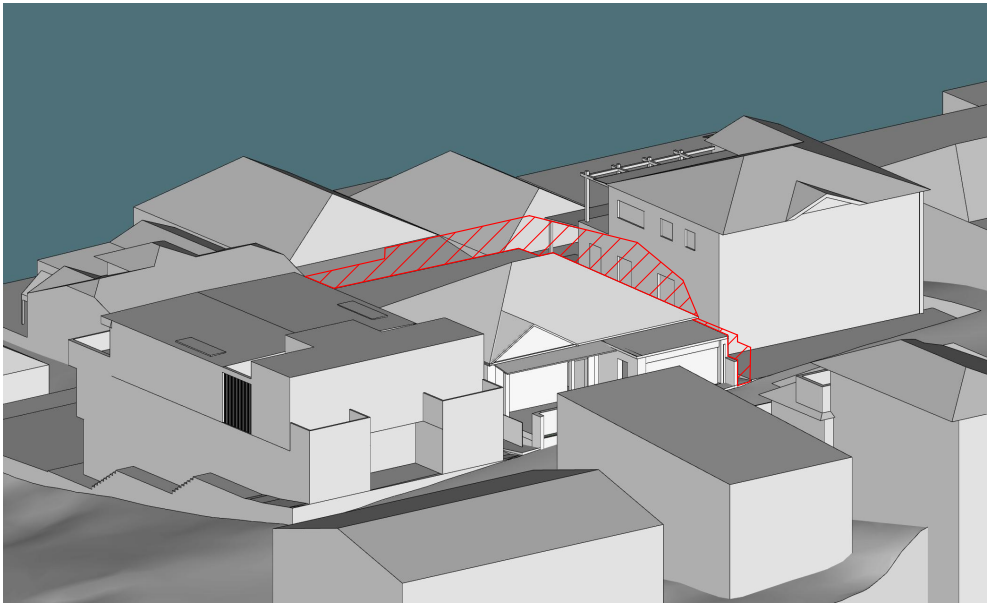
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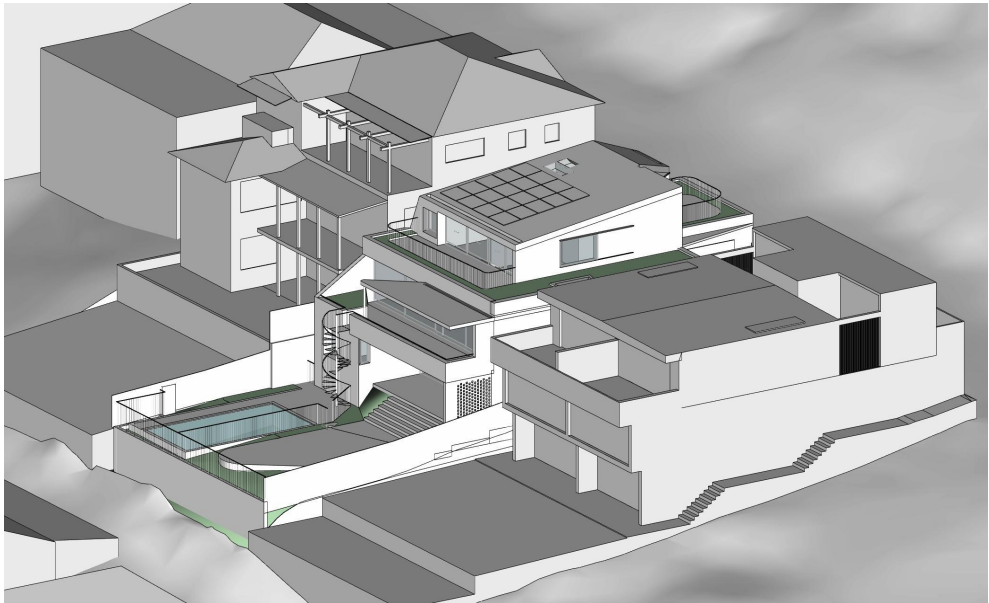
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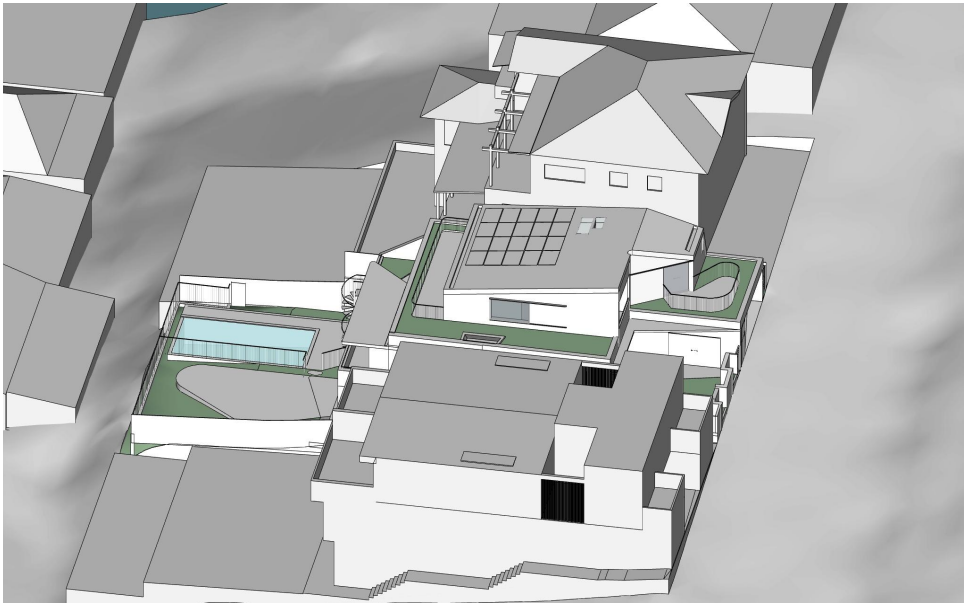
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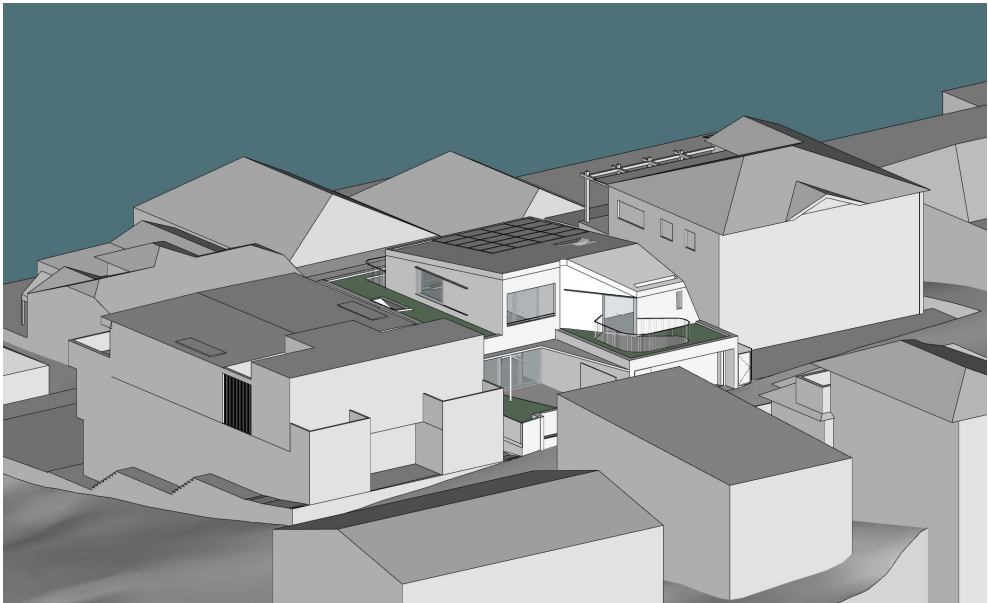
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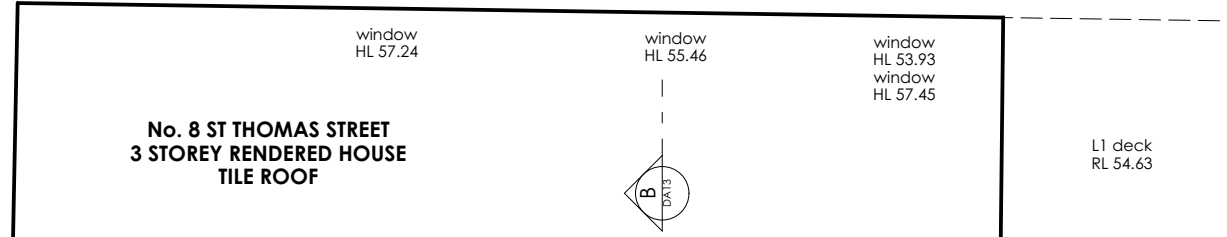
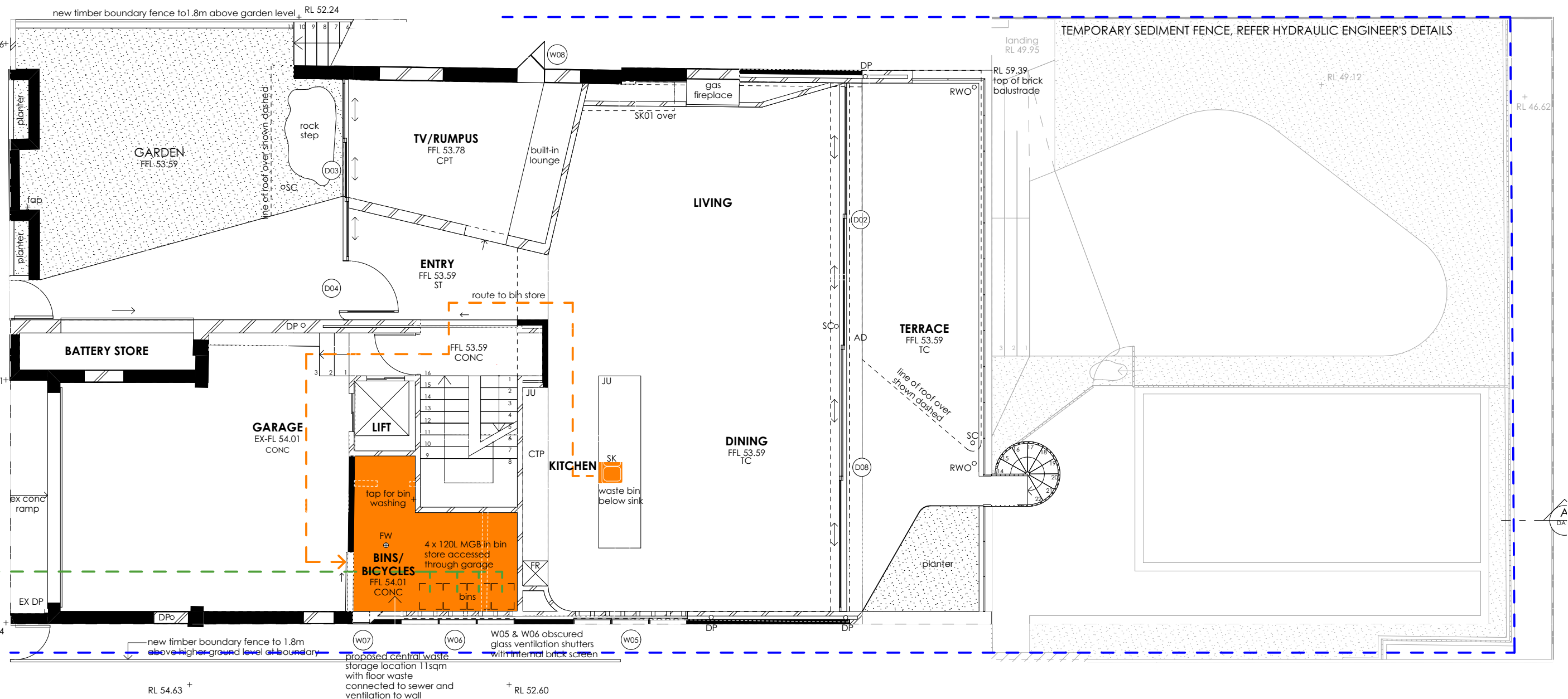
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21 JUNE 12PM PROPOSED



21 JUNE 3PM PROPOSED



CONSULTANTS

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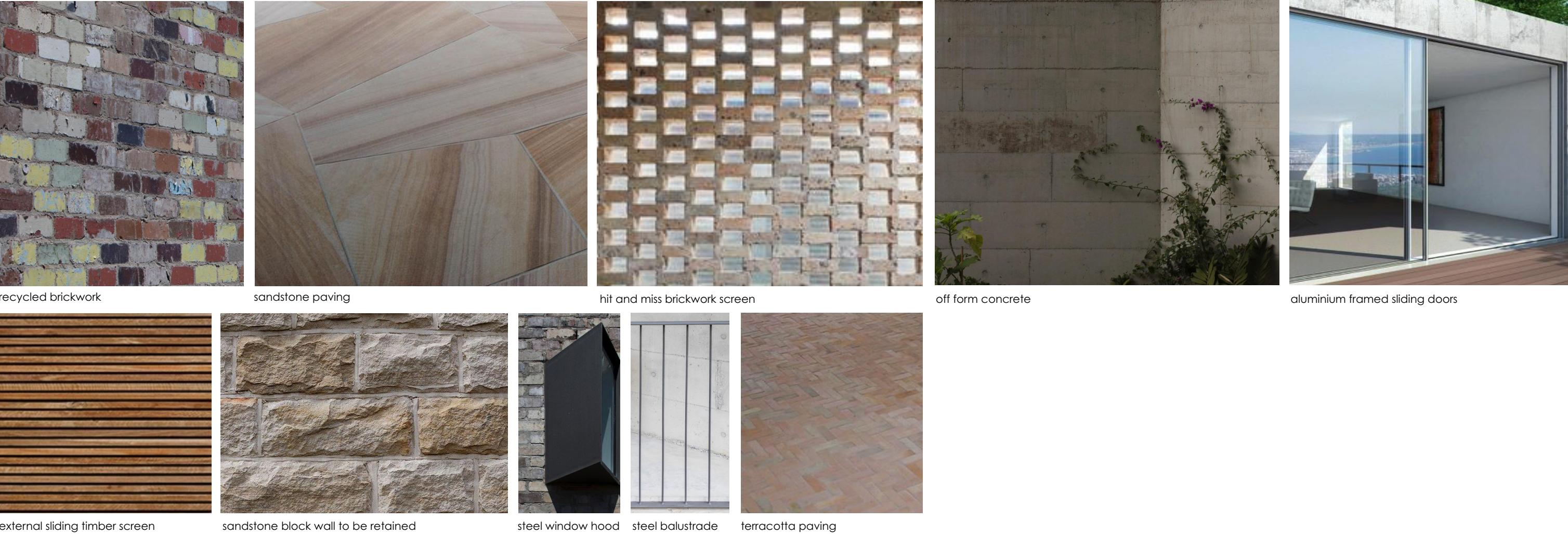
ALTERATIONS AND ADDITIONS TO
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958
 FOR Brett Mason & Renuka Fernando

NEESON MURCUTT ARCHITECTS PTY LTD
L2 9 ROSLYN ST POTTS POINT 2011 T. 8297 3590 F. 8297 3510
NOMINATED ARCHITECT: RACHEL NEESON No. 6692

NO	REV	TITLE	PHASE	SCALE	DATE
DA15 01		SWRMP	DA	1:100 @A3	21/12/17

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SCHEDULE OF EXTERNAL FINISHES



BASIX COMMITMENTS

In accordance with BASIX certificate number A301387

RAINWATER TANK	Minimum size 1219L, must meet and be installed in accordance with, the requirements of all applicable regulatory authorities	WINDOWS	W01,W04, W05, W06, W07, W11 - standard aluminium, single clear (or U-value: 7.63, SHGC: 0.75) W02 - standard aluminium, single pyrolytic low-e (U-value: 5.7, SHGC: 0.47) W08 - improved aluminium, single clear (or U-value: 6.44, SHGC: 0.75) W09, D08 - improved aluminium, single pyrolytic low-e (U-value: 4.48, SHGC: 0.46), eave/verandah/pergola/balcony >=450mm W10 - improved aluminium, single clear (or U-value: 6.44, SHGC: 0.75), external louvre/blind (adjustable) D01 - improved aluminium, single clear (or U-value: 6.44, SHGC: 0.75), eave/verandah/pergola/balcony>=900mm D02 - improved aluminium, single pyrolytic low-e (U-value: 4.48, SHGC: 0.46), eave/verandah/pergola/balcony >=900mm D03, D04, D07 - standard aluminium, single clear (or U-value: 7.63, SHGC: 0.75), eave/verandah/pergola/balcony >=900mm D05 - improved aluminium, single pyrolytic low-e (U-value: 4.48, SHGC: 0.46), eave/verandah/pergola/balcony >=600mm D06 - improved aluminium, single clear (or U-value: 6.44, SHGC: 0.75), external louvre/blind (adjustable)
POOL	Located outdoors with maximum capacity of 48kL		
HOT WATER	Gas-boosted solar system		
LIGHTING	Minimum of 40% new/altered light fixtures must be fitted with fluorescent, compact fluorescent, or LED lamps		
FIXTURES	All shower heads - minimum 3 star water rating (9L/min) All toilets - minimum 3 star water rating (4L/min) All taps - minimum 3 star water rating (9L/min)	SKYLIGHTS	SK01 + SK02 - aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808, external fixed awning/blind SK03 - aluminium, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808, no shading
INSULATION	R1.00 (slab edge) minimum insulation to concrete slab on ground with in-slab heating system R0.70 (down) under + slab edge (or R1 including construction to suspended floor above garage with in-floor heating system R1.18 (or R1.70 including construction) to external concrete block/plasterboard walls R0.18 to single skin masonry internal wall shared with garage R3.00 to all ceilings Roof material to have light solar absorptance (<0.475)		

CONSULTANTS

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- COMPLY WITH THE BUILDING CODE OF AUSTRALIA
- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS
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ALTERATIONS AND ADDITIONS TO 6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958			NEESON MURCUTT ARCHITECTS PTY LTD L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3590 F 8297 3510 NOMINATED ARCHITECT : RACHEL NEESON No. 6692		
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DA16	01	EXTERNAL FINISHES + BASIX	DA	NTS @A3	21/12/17
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1. VIEW FROM No. 5 ST THOMAS ST. LEVEL 1 DECK, SOUTHERN END (STANDING)



2. VIEW FROM No. 7 ST THOMAS ST. LEVEL 1 DECK SOUTHERN END (STANDING)

PROPOSED HOUSE SHOWN AS TRANSPARENT OVERLAY

CONSULTANTS

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FOR Brett Mason & Renuka Fernando				NOMINATED ARCHITECT : RACHEL NEESON No. 6692			
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DA17	01	NEIGHBOUR VIEW STUDY A	DA	@A3	21/12/17		
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3. VIEW FROM No. 7 ST THOMAS ST. LEVEL 0 ON PROPOSED PATIO, SOUTHERN END (STANDING)



4. VIEW FROM No. 7 ST THOMAS ST. LEVEL 1 WINDOW (STANDING)

PROPOSED HOUSE SHOWN AS TRANSPARENT OVERLAY

CONSULTANTS

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- COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS

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ALTERATIONS AND ADDITIONS TO 6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958				NEESON MURCUTT ARCHITECTS PTY LTD L2 9 ROSLYN ST POTTS POINT 2011 T 8297 3590 F 8297 3510	
FOR Brett Mason & Renuka Fernando				NOMINATED ARCHITECT : RACHEL NEESON No. 6692	
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DA18	01	NEIGHBOUR VIEW STUDY B	DA	@A3	21/12/17
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5. VIEW FROM No. 9 ST THOMAS ST. LEVEL 2 WINDOW (SITTING)



6. VIEW FROM No. 11 ST THOMAS ST. LEVEL 2 WINDOW (STANDING)

PROPOSED HOUSE SHOWN AS TRANSPARENT OVERLAY

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FOR Brett Mason & Renuka Fernando							
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