

DATE: 22 February 2023

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

12.00PM WEDNESDAY, 22 FEBRUARY 2023

**QUORUM:** Three Panel members.

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

#### **AGENDA**

WLPP-2302 Apologies

WLPP-2302.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2302.1 Page 5

50 Gilbert Street, DOVER HEIGHTS NSW 2030 - Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation, and various other alteration. (DA-289/2021)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report.

WLPP-2302.2 Page 49

16 Rawson Avenue, Queens Park, NSW 2022 - Modification to increase the height and floor space of the dual occupancies, alter internal layout, pool size and location, windows, enclosure of rear balcony, enlargement of terraces, excavation and various other alteration. (DA- 296/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be APPROVED in accordance with the conditions contained in the report.

WLPP-2302.3 Page 87

11 Pembroke Street, Bronte, NSW 2024 - Alterations to extend existing attic space to unit 1. (DA-417/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report.

WLPP-2302.4 Page 128

446 Bronte Road, BRONTE NSW 2024 - Alterations and additions to dwelling house including extension of carport. (DA-288 2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be APPROVED in accordance with the conditions contained in the report.

WLPP-2302.5 Page 162

32 Gardyne Street, BRONTE NSW 2024 - Alterations and additions to dwelling house including second floor addition and balconies. (DA-375/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report.

WLPP-2302.6 Page 218

301 Bondi Road, BONDI NSW 2026 - Installation of 3 x car stackers to existing residential flat building accessed from Glen Street. (DA-392/2022)

Report dated 14 February 2023 from the Development and Building Unit.

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

WLPP-2302.7 Page 250

6/88 Beach Road, BONDI BEACH NSW 2026 - Alterations and additions to the upper level of Unit 6 to extend the existing top floor and provide solar panels on the roof. (DA-366/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report

WLPP-2302.8 Page 287

12 Princess Street, ROSE BAY NSW 2029 Modifications to approved dual occupancy, including extension of basement, ground and first floor levels. (DA-462/2021/A)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report.

WLPP-2302.9 Page 346

100 Francis Street, BONDI BEACH NSW 2026 - Alterations and additions to dwelling including new first floor addition. (DA-334/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be REFUSED for the reasons contained in the report.

WLPP-2302.10 Page 404

124-126 Campbell Parade, BONDI BEACH NSW 2026 - Modification to basement levels, unit layouts, unit amalgamation and change of roof, including increase to overall building height. (DA-323/2019)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be APPROVED in accordance with the conditions contained in the report.

WLPP-2302.11 Page 544

15 & 17 O'Brien St Bondi Beach & 156 Glenayr Ave Bondi Beach - AMENDED: Demolition of existing buildings and construction of a new four storey mixed use shoptop housing development comprising basement parking, ground floor retail tenancies and 14 residential units. (DA-83/2022)

Report dated 14 February 2023 from the Development and Building Unit.

**Council Recommendation:** That the application be APPROVED in accordance with the conditions contained in the report





# Report to the Waverley Local Planning Panel

Application number	DA-83/2022	
Site address	15-17 O'Brien Street & 156 Glenayr Avenue, BONDI BEACH	
Proposal	Demolition of existing buildings and construction of a new four storey mixed use shop top housing development comprising basement parking, ground floor retail tenancies and 14 residential units	
Date of lodgement	8 March 2022	
Owner	STM123 No. 25 Pty Ltd, Proprietors of Strata Plan 31836, Mr Y Kreyman	
Applicant	STM123 Pty Ltd	
Submissions	Five submissions	
Cost of works	\$8,075,476	
Principal Issues	<ul> <li>Building height;</li> <li>Landscaped and deep soil area;</li> <li>Waste management;</li> <li>Remediation of land;</li> <li>Residential amenity.</li> </ul>	
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report	

# SITE MAP



# 1. PREAMBLE

# 1.1. Executive Summary

The development application seeks consent for demolition of existing buildings and construction of a new four storey mixed use shop top housing development comprising basement parking, ground floor retail tenancies and 14 residential units at the site known as 15-17 O'Brien Street and 156 Glenayr Avenue, BONDI BEACH.

The principal issues arising from the assessment of the application are as follows:

- Building height;
- Landscaped and deep soil area;
- Waste management;
- Remediation of land; and
- Residential amenity.

The assessment finds these issues acceptable because the height of the building has been reduced to comply with the 13m height of building development standard, as it presents to Glenayr Avenue, with only minor parapet exceedances across the development site.

The deep soil landscaped area has been increased so that it complies with the minimum 7% requirement under the ADG, and additional landscaped area is recommended to be planted on the rooftop to contribute to greening of the site. Additional planting has been incorporated within the proposed lightwells, which will provide greater amenity for residents of the development.

The amended waste management strategy provides bin storage at basement level, with a separate service lift to access O'Brien Street to present bins for collection. A Site Audit Statement is required to address outstanding land contamination matters and to inform potential remediation requirements prior to the commencement of construction.

The proposal incorporates measures to ensure residential amenity is maximised including increased planting, unit sizes, layouts, orientation, private open spaces and a mix of retail and commercial opportunities at the ground floor level. The proposed rear courtyard also provides an additional outdoor space for future residents and visitors to the site.

A total number of five submission submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. It is recommended for approval subject to conditions of consent.

# 1.2. Site and Surrounding Locality

A site visit was carried out on 7 April 2022. A second site inspection was carried out on 22 November 2022.

The site is identified as follows, Lot G in DP 442099, SP 31836 and Lot N in DP 33098, known as 15-17 O'Brien Street & 156 Glenayr Avenue, BONDI BEACH.

The site is irregular in shape with a southern frontage to O'Brien Street, measuring 22.435m and a secondary north-western frontage to Glenayr Avenue, measuring 6.095m. It has an area of 947.1m<sup>2</sup> (consolidated) and falls from the south east towards the north west by approximately 680mm.

The existing site is occupied by the following development:

- No. 15 O'Brien Street comprises a one and two storey building;
- No. 17 O'Brien Street comprises a four storey residential flat building (RFB) with at grade car
  parking to the rear;
- Concrete driveway separating No. 15 and 17 O'Brien Street, providing vehicular access to the rear of the site; and
- No. 156 Glenayr Avenue comprises a mechanics workshop.

The locality is characterised by a variety of mixed use developments that form the Hall Street Town Centre.

Figures 1 to 12 are photos of the site and its context.



**Figure 1:** No. 15-17 O'Brien St, separated by driveway, looking north-east



Figure 2: No. 156 Glenayr Ave, looking south-east



**Figure 3:** No. 15 O'Brien St frontage with No. 13 O'Brien St attached to the east, looking north-east



**Figure 4:** No. 15 O'Brien St to the rear, looking south-east



**Figure 5:** No. 17 O'Brien St RFB frontage, looking north-east



**Figure 6:** No. 17 O'Brien St RFB to the rear, looking south-west



**Figure 7:** Driveway separating No. 15 & No. 17 O'Brien St, looking south-west



**Figure 8:** No. 45-47 Roscoe St RFB to the rear of 15-17 O'Brien St, looking north-east



**Figure 9:** Neighbouring property to the west, No. 95 Hall St, looking north-east



**Figure 10:** No. 156 Glenayr Ave and neighbouring RFB, No 154 Glenayr Ave to the north, looking north-east



**Figure 11:** Neighbouring RFB to the north, No. 154 Glenayr Ave, looking south-east



**Figure 12:** Neighbouring RFB to the north and rear of No. 156 Glenayr Ave, looking north-west

# 1.3. Relevant Development History

A search of Council's records revealed the following recent (last ten years) and relevant development history of the site:

#### 15 O'Brien Street

- DA-133/2013, Alterations to the building including mechanical ventilation system. Illegal works undertaken prior to approval. A building certificate on the site was finalised on 17 June 2013.
- DA-136/2013, Extension to existing restaurant to include first floor. Approved on 2 August 2013. CCB-51/2013 registered on 3 February 2015.
- DA-261/2013, Blinds attached to awning. Approved 18 July 2012.
- FPS-21/2018, Renewal of footpath seating for Mad Pizza Bondi Beach (4 tables, 16 seats),
   Approved 13 December 2018.

- DA-368/2020, Change of use to an artisan food and drink industry for the purposes of a distillery and tasting bar with internal fit-out. Granted deferred commencement consent 12 March 2021. CCB-176/2021 registered on 8 June 2021.
- FPS-13/2021, Provision of footpath seating for 'Bondi Liquor Company'. Approved 28 June 2021.
- TPO-299/2021, remove one Umbrella tree on the boundary of No. 17 O'Brien Street and replace with one local native tree on the site. Approved 7 February 2022.

#### 17 O'Brien Street

- TPO-184/2017, Remove one unknown tree located near rear boundary. Approved 17 August 2017.
- DA-189/2020, Change of use of retail ground floor tenancy from Kosher butchery to an art gallery. Approved 16 July 2020.

# 156 Glenayr Avenue

- DA-78/2011, Construction of four storey mixed use development providing six studio units and retention of car repair workshop at ground level. Withdrawn 28 June 2011.
- PD-45/2014, Pre DA for demolition and construction of a four-storey boarding house with 14 rooms. Finalised 6 February 2015.
- PD-5/2015, Pre DA for demolition of existing building and construction of four storey mixed use building. Finalised 6 March 2015.
- DA-281/2018, Demolition of existing mechanic workshop and construction of a four storey mixed use development. Withdrawn 7 February 2019.
- PD-7/2019, Pre DA for demolition of existing mechanics workshop and construction of a new shop top housing development with a café on the ground floor and six residential units. Finalised 15 July 2019.
- DA-257/2019, Demolition of existing structures and construction of a four storey shop top housing building containing a café at grounds floor level with six residential apartments above.
   Approved 22 April 2020.

# 1.4. Proposal

The development application seeks consent for demolition of the existing structures and construction of a four storey mixed use shop top housing development and basement level, including the following:

- Basement level:
  - Vehicular access ramp from Glenayr Avenue to the basement level car park;
  - 15 car parking spaces, including three accessible spaces and three visitor spaces;
  - Six motorcycle spaces;
  - 14 residential storage cages;
  - Residential and commercial waste storage;
  - Rainwater tank, plant and services;
  - Service lift, two residential lifts and fire stairs.

#### Ground floor level:

- Four separate retail tenancies;
- Through site link, providing pedestrian access from Glenayr Avenue through the site to O'Brien Street;
- Four visitor bicycle racks and surfboard racks;
- Service lift (terminates), two residential lifts and fire stairs;
- Security gate demarcating residential lobby;
- 14 residential bicycle parking racks, open to sky outdoor showers;
- Outdoor breakout area;
- Deep soil landscape zone along north eastern part of site.

#### • First floor level:

- Three x 3-bedroom units each with balconies;
- Two x 2-bedroom units each with balconies;
- Two residential lobbies, lifts and fire stairs.

#### Second floor level:

- Three x 3-bedroom units each with balconies;
- One x 2-bedroom unit with balcony;
- One x 1-bedroom unit with balcony;
- Two residential lobbies, lifts and fire stairs.

#### Third floor level:

- Two x 3-bedroom units each with balconies;
- One x 2-bedroom unit with balcony;
- One x 1-bedroom unit with balcony;
- Two residential lobbies, lifts and fire stairs.

#### • Roof level:

- 45 photovoltaic (PV) 330w solar panels;
- Services area;
- Lift overrun, RL 35.600.

# 1.5. Background

The development application was lodged on 8 March 2022 and deferred on 27 May 2022 for the following reasons (summarised):

### 1. Site isolation of adjoining site

The proposal has the potential to give rise to site isolation and subsequent sterilisation of the adjoining property at 95 Hall Street.

Evidence of any negotiations between the landowner of the adjoining property and subject site is to be provided to Council.

# 2. Gross floor area (GFA) calculation/floor space ratio (FSR)

It is recommended that the application be amended as follow:

- a) Internal ground floor circulation area adjacent to the lift residential lift lobby is to be included in the calculation of GFA/FSR.
- b) Should the recalculation of GFA/FSR give rise to an exceedance of the development standard, GFA is to be reduced to comply with the permitted FSR. Any exceedance of the FSR development standard will not be supported.

# 3. Height

It is recommended that the application be amended as follows:

a) Reduce the height of the lift overrun so that it does not exceed 1m over the maximum building height. Include the maximum height line on elevations and sections and update the clause 4.6 accordingly.

# 4. Rear setback, communal open space and deep soil

It is recommended that the application be amended as follows:

- a) Increase the setback area within the basement so that the area of deep soil may be increased. A minimum width of 3m is to be provided.
- b) Consider further options for the provision of communal open space on the site.

#### 5. Basement

- a) Excavation- The basement level is to be set in 900mm from side boundaries.
- b) Parking The allocation of parking is to be amended to provide:
  - i. 12 standard resident parking spaces (max)
  - ii. 3 accessible resident spaces (min)
  - iii. 3 standard visitor spaces (min)

The following additional matters are to be addressed in amended plans:

- i. A single electric vehicle charging point for cars at basement level.
- ii. One electric vehicle charging point and parking space for bicycles and motor scooters. This does not have to be in the basement.
- iii. The basement must include 14 bicycle spaces for the residential component of the development. Use of residential storage cages for storage of bicycles is not acceptable.
- iv. Security Class B storage lockers for residents' bicycles.
- v. The driveway ramp is to be a minimum of 3m kerb to kerb plus 0.3m clearances to walls.

#### c) Waste management:

 Council recommends that the waste storage arrangement be modified, and options considered for the provision of a roller door and basement level access

- to O'Brien Street for waste collection and servicing. Alternative options for the storage of waste on-site and the collection of waste are to be investigated and presented to Council for consideration.
- ii. The Site Waste Recycling Management Plan (SWRMP) is to be amended to include 1m² for problem waste such as electronics or textile waste as required in DCP.

### d) Building services:

 Consider options for incorporating services and plant internally and provide an overview of the potential options considered.

# 6. Residential amenity issues

It is recommended that any amendments to the application address the following matters:

- a) Separation distances between units 101 and 102 (level 1) and 301 and 302 (level 3) are approximately 4m, which is likely to give rise to visual and acoustic privacy impacts given the location of the bedrooms adjacent to balconies. Reconsider this configuration.
- b) The proposed lightwells have the potential to give rise to acoustic and amenity impacts, particularly where multiple units utilise the lightwells for cross ventilation. The configuration of lightwells requires further consideration and whether flipping them so they are wider on the elevation, may yield a more optimal result.
- c) Consider units with lightwells that face blank walls and potential amenity impacts this may give rise to. Consider the potential for landscape opportunities within lightwells.
- d) Consider the depth of balconies on the north-eastern side of the building and whether adequate solar/light would be achieved internally due to the depth of balconies.
- e) Notwithstanding the approved development at No. 156 Glenayr Avenue, provide shadowing information for the lightwell at No. 154 Glenayr Avenue to demonstrate extent of impact.
- f) Residential lobby and public space need to be better defined to ensure appropriate security of access corridors and lift lobby access for residents of the building.
- g) The through site link is unresolved and requires additional consideration with respect to safety, security (CPTED) and lighting (see Design Excellence Advisory Panel (comment below).

#### 7. Commercial tenancies

- ....it is recommended that the plans be amended to include:
  - a) provision for services, hydrants, toilet facilities and mechanical exhaust at ground floor level to support the commercial tenancies.

# 8. Design Excellence Advisory Panel (DEAP)

The minutes from the DEAP meeting were sent to the applicant on 19 April 2022. The comments relevant to the design of the proposal and the DEAP recommendations are provided below and are to be addressed in amended plans. Refer to **Table 1**.

# 9. Sustainable development

...it is recommended that the architectural plans be amended with the following BASIX related information as per the BASIX Council Checklist:

- a) The star rating of the gas instantaneous hot water system be included.
- b) The architectural plans be amended to show the rainwater tank location, size of tank and roof area draining to tank. If an underground tank is proposed that this is stated.
- c) BASIX energy efficiency lighting commitments are included.
- d) Solar panel area reflects the actual size as outlined in the BASIX commitments. (1 kWh of solar PV is  $\sim 8m2$ )
- e) BASIX specification block and NATHERS stamp are included on the architectural plans.

#### 10. Environmental Health

...the requirements of State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55), and the Contaminated Land Management Act 1997 (CLM Act) must be addressed. This may include, but not be limited to, the following:

- a) Detailed Environmental Site assessment (DESA) (also known as stage 2).
- b) Remediation Acton Plan (RAP).
- c) Validation Assessment.
- d) Site Audit Statement (SAS). Please arrange for this information to be provided to address the requirements of SEPP 55 and the CLM Act.

On 29 June 2022, Council met with the applicant to discuss the preliminary response to Council's deferral matters. The applicant presented a draft response as follows:

- Evidence of negotiations with adjoining landowner provided.
- Height of lift overruns reduced from RL 35.83 to RL 35.60.
- The area of deep soil to the rear of the site has been increased by approximately 6m<sup>2</sup>.
- No development site in the B2/B4 zone has been required to set in basement 900mm from side boundaries. If required, it will complicate construction and compromise useability of the basement level. Instead, increased basement shoring to ensure structural integrity of surroundings...
- Basement parking revised to address deferral comment.

Following the meeting, Council advised the applicant that any height exceedance owing to the lift overrun would only be supported if does not give rise to shadowing and view loss impacts. Council

requested that the applicant provide a view loss assessment, considering the views obtained towards Bondi Beach from adjoining properties.

On 16 August 2022, Council sent a further information request, including comments from Council's waste team in response to the applicant's draft deferral response and other matters that had not been responded to from Council's original deferral letter.

On 8 September 2022, Council advised the applicant of additional referral comments provided by Council's Stormwater Engineer and Tree Management Officer, requesting that these maters be addressed as part of the ongoing deferral process.

On 27 September 2022, the applicant submitted amended plans and documentation in response to matters raised in Council's deferral letter (May 2022), with the exception of the Detailed Site Investigation which was yet to be finalised. Council reviewed the amended documentation and raised the following concerns with the applicant:

- inconsistency of the height plane shown on the plans;
- unresolved waste management, with the collection point being maintained from Glenayr Avenue despite being advised this option would not be supported given the limited frontage; and
- that through site link is to be included as GFA, given the corridor is not open to the sky or partially open at the sides therefore the area is not excludable floor space.

It is noted that while the overall height of the proposal has not changed since the application was submitted, the height line was added to the architectural drawing set submitted to Council on 27 September 2022. The original architectural plans showed the parapet of the proposal and that of No. 154 Glenayr Avenue as matching in height. The height of the adjoining building at No. 154 has a maximum height of approximately 12.3m and therefore the two buildings do not have a consistent parapet height.

It is further noted that in Council's original deferral letter, the applicant was advised that the through site link may be excluded from the calculation of GFA on the basis that it was open at both ends. However, following further review, it was determined that the through site-link is not consistent with Land and Environment Court's (LEC) decisions in relation to the exclusion of breezeways, including in GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney, as the through site link is not contained on either side by the external face of walls that form the external walls of an apartment or a commercial premise and therefore does not serve the role of an external wall. The through site link is not designed as an external space and are not partially open to the sides.

On 27 October 2022, Council met with the applicant to discuss outstanding matters and it was agreed that the minor parapet exceedances may be acceptable on the basis that there would be no shadowing or view loss impacts however the height of the proposal as it presents to Glenayr Avenue was to be reduced to provide a more appropriate transition from the existing RFB at No. 154 Glenayr Avenue to the subject site and to match the approved height on the site under DA-257/2019. It was understood that the applicant would revise the Clause 4.6 Height Variation Report to reflect the requested

amendment. The applicant agreed to address the waste management issues and to provide a waste storage room at basement level with a service lift to provide access to O'Brien Street for waste collection.

On 16 November 2022, the applicant resubmitted a full set of architectural plans, a Supplementary Investigation, prepared by Martens and Associates to support the Contamination Report submitted with the original application, a Remedial Action Plan (RAP) and a revised Site Waste Recycling Management Plan.

The amended plans continued to show a height exceedance at the Glenayr Avenue site frontage. The through site link was revised to a service corridor and included a store/back of house room which was not included in the calculation of GFA. Council again advised the applicant that the height non-compliance at Glenayr Avenue would not be supported, as the height difference between the two parapets would have an unacceptable impact on the streetscape presentation to Glenayr Avenue. Council advised that the service corridor is not excludable GFA, and that the area should be included and/or the through site link reinstated and included in the calculation. The other remaining deferral matters, including traffic and waste management teams provided final comments (see section 3) and recommended conditions of consent.

On 25 November 2022, the applicant submitted further amended plans, including a mostly compliant parapet height to Glenayr Avenue and an amendment to the ground floor level to convert the through site link/service corridor to a planted area with services and the pedestrian access removed. Following further review of the amended plans by the DBU, on 30 November 2022 Council issued a final Request for Additional Information letter, requiring resolution of the following outstanding matters:

# Pedestrian access/through site link

The amended through site link/service corridor to a landscaped area is not supported. This area is not open to the sky, will not receive sunlight and will be a poor outcome for the site. The through site link should be reinstated and included in the calculation of gross floor area (GFA). The building services at the Glenayr Avenue frontage are to be relocated so that they do not dominate the frontage. The GFA across the site is to be reduced to comply with LEP maximum, or a Planning Agreement offer be considered for the site.

# **Basement**

Council's Traffic Engineer reviewed the amended basement layout. Parking space 12 cannot be accessed whether it is a standard or accessible space. The space should be deleted leaving 15 car spaces. Two adjacent standard spaces are to be converted into an accessible parking space and adjacent shared area.

Given the required amendments to the basement, the width of deep soil is to be increased to comply with the minimum 7% requirement, at least. It would require a minor adjustment to the basement...

#### **Contamination**

Council's Health Officer reviewed the Supplementary Investigation and Remedial Action Plan (RAP). The conclusion of the RAP states: 'Subject to the findings of the data gap closure assessment and the limitations of this report, MA considers that the implementation of this RAP shall render the site suitable for the proposed development.'

Accordingly, Council requires a Site Audit Statement (SAS) to be prepared by a suitably qualified person who is experienced in contaminated land issues clearly stating that the site is/or will be suitable for the intended use.

The applicant was advised in the letter that the application would be renotified given that the plans that were originally notified, showed the incorrect scaling of the adjacent RFB at No. 154 Glenayr Avenue.

The applicant's contamination specialist issued a letter setting out the status of site contamination and remediation, which stated: 'Based on our understanding of site history and review of all available site contamination data, we consider it is unlikely that the quality of soil beneath the existing structures will vary significantly to the findings of soil outside of the building footprints...we considered that existing data gaps present a low risk to the site and that implementation of the RAP shall render the site suitable for the proposed development'. Council's Environmental health officer reviewed the information submitted and advised that a SAS is required but may be undertaken prior to issue of a Construction Certificate. Conditions of consent were provided to this effect.

On 20 December 2022, following several additional iterations to resolve the calculation of FSR on the site and the provision of deep soil landscaped to comply with the required 7%, Council received a full set of amended architectural plans, which included the through site link in the calculation of FSR and an adjustment to the ground floor level basement to reduce GFA to comply with the maximum 2:1 FSR control. On 21 December 2022, the application was renotified.

# 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. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1<sup>st</sup> March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002

- SEPP (Resilience and Hazards) 2021
- SEPP (Industry and Employment) 2021.

A detailed discussion is provided for SEPP 65 as follows:

# SEPP (Design Quality of Residential Apartment Design)

The application was referred to the DEAP on 13 April 2022. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

n to the	D V. C	
Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<ul> <li>Contextual and open space relationships must be more clearly analysed to justify the approach to through site links and addressing potential CPTED issues</li> <li>The proposed arch openings respond in a positive way to the existing heritage context but should be reviewed to ensure suitable fit within the streetscapes</li> <li>Further consideration to the arched expression is recommended to reinforce the legibility and wayfinding through the site, and in particular main points of entry.</li> </ul>	The through site link has been retained on the plans and included in GFA. The through site link would be subject to an operational management plan, including safety and security measures to be implemented once the site is operational.  The applicant notes that eastern and western neighbouring properties feature arched detailing on facades, which has been repeated on the site.  The proposed arched openings are considered to reflect similar architecture in the immediate area and broader locality, including Bondi Pavilion and are supported.
2. Built form and	The Panel has no issues with the	Noted.
Scale	scale and built form subject to comments below regarding communal open space and control/management of access to those areas.	The streetscape is characterised by two to four storey built forms. The applicant notes that the proposal seeks to follow this streetscape language 'with a soft staggering of the fourth storey. This ensures a suitable built form and creates a cohesive connection and height transition from the western neighbour to the eastern neighbour'.
		Council is satisfied that the southern elevation to O'Brien Street is suitable and aligns with the Hall Street Town Centre development controls.
		The minor parapet exceedances would not give rise to unacceptable impacts appropriately transitioning from the 13m

Principle	Panel's Comment	Planning Comment
		height plane limit to the lower scale built form to the east. The reduced height of the proposal as it presents to Glenayr Avenue is appropriate as it matches the approved height at No. 156 Glenayr Avenue (under DA-257/2019) and provides a more appropriate height plane transition to the north in its relationship with No. 154 Glenayr Avenue.
3. Density	No comment	The proposal provides 14 units in total, with a mix of apartment sizes and densities. It was suggested that the unit mix could be more evenly distributed with less 3-bedroom units and a greater number of two and one-bedroom units and studios, however the proposed mix is adequate and therefore is ultimately a market based decision for the applicant.
4. Sustainability	<ul> <li>Include PV solar panels on the roof</li> <li>Provision of ceiling fans to living and bedrooms is strongly recommended by the panel.</li> <li>Exclude gas appliances in all of the building</li> <li>Allow cabling for future electric car charging</li> </ul>	The amended proposal includes 45 PV solar panels on the roof.  The provision of ceiling fans and an EV charging point are recommended conditions of consent. See <b>Table 4</b> for discussion on sustainability matters.
5. Landscape	<ul> <li>Deep soil is noted as being less than required under the ADG and DCP, and scope to increase this was recommended possibly through adjustments to the basement</li> <li>An increase in landscaped coverage could be achieved through rooftop planting and this may help offset deep soil deficiency.</li> </ul>	The amended application, including a further adjustment to the basement, has been undertaken to increase deep soil landscaped area to 7%. Whilst the deep soil area has been increased, the plans at ground floor level indicate that some sections will be covered by permeable surfaces. A condition of consent is recommended to require the deep soil area to be for planting only.  The amended plans did not incorporate rooftop planting as recommended by the DEAP. A condition of consent is recommended to require a non-trafficable landscaped area to be provided on the roof.
6. Amenity	Further analysis should be provided to ensure there are no adverse amenity impacts from lightwells being used for cross ventilation for multiple	The applicant confirmed that windows facing lightwells will be screened and planting increased to include climbing and spill-over planting.  In response to Council's deferral letter, the applicant submitted an addendum to the

Principle	Panel's Comment	Planning Comment
	<ul> <li>apartments.</li> <li>Investigation is needed to increase daylight access for the pedestrian link through to Glenayr Ave to improve the amenity for that connection.</li> </ul>	Acoustic Report submitted with the original application. The report found that amendment to the configuration of the lightwells may reduce noise transmission marginally but recommended mechanical ventilation measures to be employed to minimise potential noise impacts from lightwells.
		The applicant provided additional detail of the through site link, including photomontages of the corridor as well-lit and open at both ends. The amended plans identify a gate at the Glenayr Avenue entrance which will be closed after-hours. A plan of management will be required for the building, which will include measures to ensure the safety and security of users and after-hours management.
7. Safety	<ul> <li>Both the pedestrian entrances to Glenayr and O'Brien streets need to be adjusted to allow them to be closed off at night</li> <li>Consideration needs to given to provision of secure residential access in the open lift lobby and access corridors.</li> </ul>	It is likely that the main pedestrian entrance via O'Brien Street would remain open to provide access to commercial tenancies, dependent on the future uses and hours of operation and to provide access to the residential lift lobbies. The ground floor plan has been amended to include a security gate between the publicly accessible commercial tenancies and the residential lift lobbies, which is acceptable.
		As noted above, an after-hours gate is identified on the plans at the Glenayr Avenue entrance to manage security. A plan of management for operation of the site will be required, which will include suitable safety and security measures for the publicly accessible areas during after hour periods.
8. Housing Diversity and Social Interaction	By providing a mix of uses and housing types	The proposal provides a mix of housing types however a greater variation on the mix could be provided to a level spread of 3-bed, two-bed, 1-bed and studio. However as noted above, the proposed mix is considered adequate.
9. Aesthetics	The central arch opening on O'Brien Street should mark the point of entry through elimination of the lower arch under the awning.	The applicant's response noted that amending the lower arch under the awning would complicate the 'rational language' and that this matter would be addressed through signage. This is acceptable.
	More clarity is required for the location of materials and finishes on all	The amended plans included further detail on the location of materials and finishes on the elevations.

Principle	Panel's Comment	Planning Comment
	elevations.	

# Apartment Design Guide

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a 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. An assessment against the provisions within the ADG is provided in **Table 2** of this report.

**Table 2: Apartment Design Guide** 

Design Criteria	Compliance	Comment			
3F Visual privacy	3F Visual privacy				
<ul> <li>Min separation distances from buildings to side and rear boundaries:</li> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> <li>Increased separation of 3m where adjoins a lower density zone</li> </ul>	Acceptable on merit Yes	The development is proposed to be built to the boundary, with the exception of the rear of 15-17 O'Brien Street which includes an 8.9m rear setback incorporating deep soil landscaped area at basement /ground floor level. There is separation of up to 14m from the edge of the north facing balconies to the adjoining neighbour to the rear.  An increased setback is provided to the adjoining RFB to the rear which is zoned R3 Medium Density zone.			
4A Solar and daylight access					
<ul> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm midwinter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Yes	<ul> <li>71% of units receive at least 2 hours midwinter.</li> <li>14% of units receive no solar, being units 104 and 204 on levels 1 and 2 respectively.</li> <li>The proposal is consistent with the remaining objectives of this part of the ADG, ensuring that daylight access is satisfactory and incorporates shading in the warmer months.</li> </ul>			

Design Criteria	Compliance	Comment
4B Natural ventilation		
All habitable rooms are naturally ventilated	Yes	All habitable rooms are provided with at least one window for natural ventilation.
Number of units with natural cross ventilation is	Yes	At least 64% (9/14 units) achieve cross ventilation in accordance with the ADG.
maximised:  - At least 60% of units naturally ventilated		The development comprises a mix of units that are dual aspect and corner units with limited depth.
		The proposal uses a combination of sliding windows and doors, louvred glazing and voids to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
<ul> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling heights within all units comply with the minimum requirement.
4D Apartment size and layout		
The following minimum internal areas apply:  • 1 Bed = 50 m <sup>2</sup>	Yes	All units have internal areas in excess of the minimum ADG requirements. The proposed sizes and layouts of each unit is acceptable.
<ul> <li>2 Bed = 70 m²</li> <li>3 Bed = 90 m²</li> <li>Add 5m² for each additional bathroom</li> </ul>		The applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.
(above 1)		All bedrooms meet the minimum requirements in terms of dimensions and area.
Every habitable room must have a window in an external wall		All kitchens are separate to the circulation spaces.
with a total minimum glass area		All robes have a minimum length of 1.5m.
of not less than 10% of the floor area of the room.		The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balcon	ies	
All apartments provide primary balcony as follows:  • 1-bed – 8m² & 2m depth  • 2-bed - 10m² & 2m depth	Yes	All units are provided with a balcony accessed from the main living areas that are in excess of the minimum requirements of the ADG in terms of area and depth.
<ul> <li>3+bed - 12m² &amp; 2.4m depth</li> <li>Ground level, min 15m² &amp; 3m depth</li> </ul>		The balconies and courtyards are accessed from main living areas and some bedrooms and comprise varied orientations. The balconies on the southern side of the building face south-east and those on the northern side face north. The units above the Glenayr Avenue frontage comprise 3-bedrooms and include a west facing balcony accessed from the main living areas and east facing balcony accessed from a bedroom.  The design of the balconies and courtyards are

Design Criteria	Compliance	Comment
		integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials. Landscaped planters and wall reveals are incorporated in the design to enhance privacy.
4F Common circulation and space	es	
Max of 8 units accessed off a circulation core on a single level	Yes	At levels one and two, four units are accessed off residential lobby 1 and one unit is accessed off residential lobby 2. On level 3, three units are accessed off residential lobby 1 and one unit off residential lobby 2.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided:  • 1-bed – 6m³  • 2-bed – 8m³  • 3+bed – 10m³	Yes	The proposal provides separate storage within each apartment and a storage cage allocated at basement level for bulky items. A condition of consent is recommended to ensure compliance in this respect.

# 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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		<u>'</u>
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the LEP.
Part 2 Permitted or prohibited dev	elopment	
Zoning when application was submitted:  • B4 Mixed Use  Current zoning:  • B2 Local Centre Zone	Yes	On 30 September 2022, the Waverley LEP 2012 was amended, which changed the zoning of the site from B4 Mixed Use to B2 Local Centre. Savings provisions apply as the application was submitted prior to the LEP amendment, therefore for the purposes of the assessment, the site is subject to B4 zoning provisions.  The proposal is defined as commercial premises and shop top housing which is permitted with consent in the B4 Mixed Use and the B2 Local Centre zone.
Part 4 Principal development standards		
4.3 Height of buildings	No	The proposal has a maximum height of 14.15m

Provision	Compliance	Comment
• 13m		due to the lit overrun. The lift overrun represents the greatest extent of variation to the development standard. There are also some minor parapet exceedances across the development and plant and equipment on the roof, that is set in from the building edge.
4.4 Floor space ratio • 2:1 (1894.2m²)	Yes	The proposal has a total GFA of 1,894.2m² and an FSR of 2:1.  Ground floor = 403.6m²*  Level 1 = 532.6m²  Level 2 = 506.2m²  Level 3 = 454.8m²  *Shop 1 calculated at a total of 176m²
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is identified as comprising 'class 5' acid sulfate soils. The Geotechnical Report submitted with the application states that the soils tested as slightly acidic to moderately alkaline, with very low chloride and sulfate content. The proposed excavation works are not anticipated to impact on acid sulfate soils.
6.2 Earthworks	Yes	The proposal includes excavation below the footprint of the building to create a basement level to accommodate car parking, waste storage, residential storage cages, motorcycle parking as well as lift and fire stair access.  The Geotechnical Report submitted with the application, includes recommendations for construction of the basement level and a further detailed geotechnical report is required to be prepared prior to any Construction Certificate being issued. These works will be managed in accordance with Council's standard conditions of consent for excavation and backfilling.
6.9 Design excellence	Yes	The site is identified on the Key Sites map and was referred to the DEAP for consideration against the nine Design Quality Principles under the SEPP 65. Refer to <b>Table 1</b> for the DEAP comments and Council's assessment.

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

# Clause 4.6 Exceptions to Development Standards

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of building development standard of 13m. The proposed development has a maximum height of 14.15m, exceeding the standard by 1.15m equating to an 8.8% variation. The lift overrun represents the greatest extent of variation. The application also proposes the following other elements that exceed the development standard, to a lesser extent:

- Parapet of O'Brien Street interface, which has a breach of 200mm or 1.5%;
- Parapet of Glenayr Avenue interface, which is largely compliant with the height control, but has a breach of 140mm or 1.07% at the north facing part of the building; and
- Plant and equipment with associated screening that is set back from the building edge including air condenser units and photovoltaic cells that range between a 350mm-650mm breach at different points on the roof.

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard.

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

#### Applicant's Written Request - Clause 4.6(3)(a) and (b)

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The proposed development has been carefully designed to deliver a contextually appropriate built form that preserves the environmental amenity of neighbouring properties and public spaces.
  - (ii) ...the majority of built form is located below the building height. The only elements proposed above the building height control are rooftop articulation and parapets, plant and lift overrun.

- (iii) ...similar contemporary buildings of up to four storeys have been approved and constructed in close proximity to the subject site.
- (iv) The plant and lift overrun elements are set back from the building edges and will not be visible to the public domain. The variations to the height control at the O'Brien St and Glenayr Ave interfaces are so minor (140mm-200mm) they will not be discernible to anyone viewing the site.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) The delivery of an internal activated courtyard is achieved through the proposed massing on the site. This approach has narrowed the footprint to create a large, inviting courtyard with solar access at ground-floor. Such elements of the design are amenity features and contribute to overall site usability.
  - (ii) The approach to massing has resulted in minor roof elements and lift overrun and plant exceeding the height control. These exceedances are minor, do not include any floor space within them, and therefore do not increase the density or intensity of development on the site.
  - (iii) The plant and lift overrun are setback from the public domain and will have no visibility from the public domain. The parapet elements that breach the height control at O'Brien Street and Glenayr Ave are so minor (140mm-200mm) that they would not be discernible for anyone viewing the building.
  - (iv) They also create no environmental amenity impacts on surrounding development such as additional overshadowing or view loss. The overshadowing assessment that accompanies the application demonstrates that the elements that exceed the height control do not create any additional overshadowing beyond a compliant envelope.
  - (v) A previous approval DA257/2019 was granted consent with a building height at the Gelnayr [sic] Ave interface of RL33.9, which is consistent with the proposed building height at Glenayr Ave of the subject development.

# Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

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

- (a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- (b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
- (c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The applicant provides that the majority of the proposed development is under the 13m maximum height limit and the minor parapet exceedances would not give rise to additional overshadowing or view loss above those created by a compliant built form. Council agrees that the parapet exceedances are minor, and the amended plans have reduced the extent of non-compliance even further, so that the parapet height is more in keeping with the height of adjoining RFB at No. 154 Glenayr Avenue. The adjoining RFB is not developed to its maximum building height, with an approximate height of 12.3m. The reduced height of the proposed development to Glenayr Avenue now provides an appropriate transition between the two buildings so that the proposal sits 1m above the height of the neighbouring RFB, but now presents a mostly compliant parapet height, with the exception of a small parapet exceedance on the northern edge of approximately 200mm.

The proposed lift overrun and other rooftop elements that exceed the maximum height standard are not likely to be visible from the street level and public domain and would not give rise to additional shadowing or view loss impacts. Accordingly, the applicant has satisfactorily demonstrated that the objectives of the development standard is achieved, notwithstanding the non-compliance with the standard.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The applicant provides that the height exceedances relating to the roof elements, lift overrun and plant are minor, do not contain floor space and

therefore do not increase density on the site. The rooftop elements are set in from the edge of the roof and would not be visible from the public domain. The parapet exceedances to O'Brien Street and Glenayr Avenue are between 140-200mm and would also not be discernible to anyone viewing the building from the streetscape.

The applicant further notes that the exceedances would not create environmental amenity impacts including overshadowing or view loss and the shadow diagrams submitted with the application demonstrate that the elements that exceed the height control do not create additional overshadowing beyond a compliant envelope. In addition, the applicant notes that the proposal is consistent with Council's LEP and DCP controls, including those relating to the Hall Street Town Centre (see **Table 7**) and that the variations to height would not present as additional bulk and scale. Accordingly, the proposal is consistent with the desired future character of the area.

Council agrees that the minor parapet exceedances would not give rise to additional environmental amenity impacts beyond a compliant building envelope and therefore the parapet exceedances may be supported in this instance. The lift overrun and plant would be visible to the neighbouring RFB to the rear at No. 177-179 Glenayr Avenue however the extent of impact is minor and would not give rise to view loss impacts or be clearly discernible from the streetscape. See Section 2.1.3 for further discussion on view impacts.

The applicant also notes that the provision of an internal courtyard is achieved through the massing on the site, which has narrowed the footprint to create an area of communal open space to the rear. Whilst Council acknowledges that the rear courtyard has partly enabled the narrow footprint of the ground floor level to provide an open to the sky courtyard, the courtyard area space is not considered by Council to be communal open space for the exclusive benefit of the residents of the building. Whilst residents would be able to access this space, it is very much an extension of the retail and commercial premises at the front of the ground floor. Notwithstanding, Council agreed to this approach, given that the majority of private open space is in excess of the minimum requirements. In addition, the rear communal area would activate the ground floor commercial premises and if managed appropriately, would benefit the development overall.

# Is the development in the public interest?

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

The relevant objectives of the height of building development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,
- (d) to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

As noted above the elements that exceed the height of buildings development standard would not give rise to environmental impacts, including overshadowing and view loss, above what a compliant building envelope would. The applicant has demonstrated that the proposal is of a similar scale and proportion to other mixed use developments that have been approved or under construction in the area.

The proposed development is considered to be consistent with the desired future character of the area and would provide a positive contribution to the immediate streetscape and the broader Bondi Beach locality.

The relevant objectives of the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

The proposal is a mixed use development with commercial /retail at ground floor level and residential uses above. It seeks to integrate business/commercial and/or retail with residential uses (shop-top housing) above. The proposal is consistent with the objectives of the B4 zone.

#### Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B4 Mixed Use zone.

# 2.1.3. Waverley Development Control Plan 2012 (Waverley DCP 2012) – Amendment No.9

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 amended SWRMP is satisfactory. The amended plans include a waste storage room at basement level with a service lift to from the waste room in proximity to the O'Brien Street frontage, to enable bins to be presented to O'Brien Street for collection.
Ecologically Sustainable     Development	Yes	The amended proposal includes 46 PV solar panels. The applicant's Design Verification

<b>Development Control</b>	Compliance	Comment
		Statement (DVS) provides that the apartments are designed to maximise the north facing aspect and the rear setback ensures that building has access to daylight in the winter months. Deep reveals and recessed balconies provide shade in summer, even on the top floor and promote thermal heat gain during winter months.
		With respect to energy efficiency, Council is committed to ensuring high efficiency systems are provided for a mixed use developments and requires an Energy Efficiency Assessment Report to be prepared for new mixed use development, with a value >\$3m. The requirement to prepare an Energy Efficiency Report is recommended as a condition of consent.
3. Landscaping and Biodiversity	Yes	The proposal comprises a combination of deep soil planting, landscaping in voids and landscaped planters on unit balconies. A Landscape Plan was submitted with application including a mix of native plants. A condition of consent is recommended to require the Landscape Plan to be amended to include a non-trafficable rooftop landscaped area and the amended area of deep soil.
5. Vegetation Preservation	Yes	There are no trees proposed to be removed as a result of the proposed development. Council's Tree Management officer noted that the <i>Pittosporum undulatum</i> (sweet pittosporum) street tree may be removed if required for construction, and two replacement street trees are to be provided along the O'Brien Street frontage. A condition of consent is recommended.
6. Stormwater	Yes	Council's Stormwater Engineer reviewed the application and noted that the 156 Glenayr Avenue site is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. Conditions of consent have been included to address Council's flooding requirements.
7. Accessibility and Adaptability	Yes	An Access Report was submitted with the application. It concludes that the proposed works can achieve compliance with the relevant accessibility provisions under the National Code of Construction (NCC).
		The proposal includes three adaptable units, one on each level (102, 202, 302) and complies with the 20% requirement under the DCP. The ground

Development Control	Compliance	Comment
		floor level comprises an accessible toilet.
8. Transport  Zone 2  Min/max parking rate:  • 0-19  Visitor parking:  • 3 (min)  Motorcycle parking:  • Resident: 5  • Visitor: 1  Bicycle parking:  • Resident: 14  • Visitor: 3	Acceptable by condition	The proposal provides 15 car spaces, including nine standard, three accessible and three visitor spaces. Six motorcycle spaces are provided at basement level. Twelve bicycle racks for residents and four visitor bicycles spaces are allocated at ground floor level. A minimum of 14 resident and three visitor bicycle parking are required and resident parking is to be Security Class B spaces. Conditions of consent are recommended to require these minor modifications.
9. Heritage	Yes	The site does not comprise heritage items nor is the site within a Conservation Area. Council's Heritage Advisor reviewed the application and noted that the existing buildings are within the draft O'Brien Conservation Area but are not considered contributory to the conservation area or the existing streetscape.
10. Safety	Yes	The building remains orientated to the street and the individual premises has safe and direct pedestrian access to the street. All access points to the building will be lit and legible. An operational plan of management will be required for the building to include safety and security measures for all times of the day.
12. Design Excellence	Yes	The proposed development provides articulation of the front elevation and a refined materials and finishes palette. The proposal is consistent with the streetscape character and is considered to relate well to other contemporary mixed use and shop top housing developments in the precinct.
14. Excavation	Yes	The proposed excavation would be directly below the footprint of the building and is not considered to increase the bulk and scale of the building.  Several submissions received raised concern with potential impacts on neighbouring properties as a result of demolition and excavation for the basement. The conditions of consent require a dilapidation report to be prepared and made available to adjoining properties. In addition, a further detailed geotechnical report is to be provided prior to any Construction Certificate being issued. The works would also be managed in

<b>Development Control</b>	Compliance	Comment
		accordance with Council's standard excavation and back filling conditions of consent.
15. Advertising and Signage	N/A	The application does not seek consent for any specific signage. This detail will be subject to a separate application once future retail and commercial tenancies are identified.
16. Public Domain	Yes	Council's Public Domain officer reviewed the application and raised no objection subject to the recommended conditions of consent.

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

Development Control	Compliance	Comment	
3.1 Site, scale and frontage			
<ul> <li>Minimum frontage:</li> <li>15m – R3 zone</li> <li>20m – R4 zone</li> </ul>	Yes	This control relates to residential zoned land. Notwithstanding, the principal frontage to O'Brien Street is approximately 22m.	
3.2 Height			
<ul> <li>Maximum external wall height:</li> <li>R3/9.5m – 7m</li> <li>R3/12.5m – 9.5m</li> <li>R4/20m – 17m</li> <li>R4/28m – 25m</li> </ul>	N/A	This control relates to residential zoned land.  Notwithstanding, the site is subject to a maximum building height of 13m under the Waverley LEP 2012. The proposal has a maximum height of 14.15m as set out in <b>Table 2</b> .	
3.3 Setbacks			
<ul><li>3.3.1 - Street setbacks</li><li>Consistent street setback</li></ul>	Yes	The proposal is consistent with the predominant building line on the street. The O'Brien Street frontage is articulated and the upper-level façades of O'Brien Street and Glenayr Avenue setback by 3m and 2.45m respectively.	
<ul> <li>3.3.2- Side and rear setbacks</li> <li>Minimum side setback: 1.5-2.5m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil along side boundary min 2m wide</li> </ul>	Acceptable on merit Yes  Partial compliance	The development is proposed to be built to the side boundaries (O'Brien Street and Glenayr Avenue), which is consistent with adjoining development and characteristic of the Hall Street Town Centre setback arrangements.  No. 15-17 O'Brien Street includes an 8.9m rear setback incorporating a section of deep soil landscaped area, with minimum width of 2m at basement /ground floor level. There is separation of up to 14m from the edge of the north facing balconies to the adjoining neighbour to the rear.	
3.4 Length and depth of building	3.4 Length and depth of buildings		
<ul> <li>Maximum building length:</li> <li>24m</li> </ul>	Acceptable on merit	The O'Brien Street building has an approximate length of 27m from the front to the rear façade and Glenayr Avenue has an approximate length of	

<b>Development Control</b>	Compliance	Comment
Façade to be articulated	Yes	20m.
Maximum unit depth: 18m	Yes	This building length and depth of units is appropriate given the configuration of the site.
3.5 Building design and streets	cape	
<ul> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> <li>Corner sites to address both streets as primary frontages.</li> </ul>	Yes Yes Yes	The O'Brien Street elevation is appropriately articulated and includes sympathetic and refined external finishes in accordance with the DCP.  The site is located at the juncture of Hall and O'Brien Streets but is not strictly a corner site. The O'Brien Street frontage removes the existing driveway that currently separates No. 15 and No. 17 O'Brien Street. The consolidation of the two frontages is a benefit of the proposal and removes the centralised car parking access, relocating this to the Glenayr Avenue frontage.
3.7 Fences and walls		
	Acceptable on merit	Given that the proposal is built to the side and front boundaries, the proposal does not include a front or side fence. The rear northern boundary fence/retaining wall between the O'Brien Street building and the rear adjoining neighbour, 45-47 Roscoe Street is 2.7m. Given the existing ground levels to the rear of the site, a 2.7m rear fence is acceptable to provide an appropriate level of privacy for both properties.
3.8 Pedestrian access and entry	1	
<ul> <li>Entry at street level and respond to pattern within the street</li> <li>Accessible entry</li> <li>Separate to vehicular entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes Yes Yes	The proposal includes street level entry from O'Brien Street, which responds to the pattern of frontages in the vicinity.  The entry to the building will be accessible.  Vehicular entry is provided on the site's secondary frontage at Glenayr Avenue. A through site pedestrian link is provided adjacent to the vehicular entry to the basement, providing access through the site from Glenayr Avenue to O'Brien Street. The through site link will be closed off from access during after-hours and will form part of the operational management plan for the site.
3.9 Landscaping		
<ul> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped: 284.1m²</li> <li>50% of the above is to be</li> </ul>	Yes  Acceptable on merit	The proposal provides approximately 165m² landscaped area, including areas of deep soil and landscaping planters across the development site.  The proposal has been amended to include 7% of deep soil landscaped area in accordance with the ADG. Conditions of consent are recommended to

<b>Development Control</b>	Compliance	Comment
deep soil: 142.05m²		require the deep soil area to be for planting only and for a minimum of 80m² landscaped area to be provided on the roof to address the shortfall of landscaped area on the site.
		A condition of consent is recommended to require planters and rooftop planting to have a minimum soil depth of 300mm, including the climbing planters within the proposed lightwells.
3.10 Communal open space		
Minimum 15% communal	N/A	The numerical control relates to residential zoned
<ul><li>(R3 zone)</li><li>Min 25% communal (R4 zone)</li></ul>	N/A	land. Notwithstanding, the subject site does not provide communal open space for the exclusive use of future residents of the building. As noted
Minimum dimensions: 6m     x 6m	Yes	above, the rear ground floor level courtyard is an extension of the retail/commercial floor space at the O'Brien Street frontage but would be
Minimum of 30% of communal area must receive three hours of sunlight	Yes	accessible to residents of the development. This space, including the planting along the rear has a total area of 131m² which is approximately 14% of the site area.
Accessible	Acceptable by condition	The rear courtyard would receive at least three hours of sunlight.
	condition	A condition of consent is recommended to require the rear courtyard to be accessible.
3.11 Private Open Space		
<ul> <li>3.11.2 – Balconies/decks</li> <li>Should not dominate the façade</li> <li>No wrap around balconies</li> <li>Located to maximise solar</li> </ul>	Yes Yes Yes	The proposed balconies are integrated into the architectural design of the building and situated in the foreground of the arched features, the balconies are not considered to dominate the façade.
access and privacy  Balustrades to allow views	Yes	The balconies have been configured to maximise solar access and privacy.
and casual surveillance of the street & privacy	163	The balustrades are a combination of solid construction and metal palisades to enable casual surveillance of the street.
3.12 Vehicular access and parki	ng	
<ul> <li>Car parking to be integrated into the design of the development</li> <li>Max 1 x 2 way vehicle</li> </ul>	Yes Yes	The proposed development comprises a basement level car park. The basement would be accessed via Glenayr Avenue and has been appropriately integrated into the design of the development.
<ul><li>access point</li><li>Provided from secondary street or lane</li></ul>	Yes	There is one two-way access point and a waiting bay within the car park. Glenayr Avenue is considered the secondary frontage.
<ul><li>Pedestrian safety considered</li><li>Basement parking should</li></ul>	Yes Partial	The basement level is located beneath the footprint of the building. The deep soil zone (7%) is
1 0	. artiar	

Development Control	Compliance	Commont
not contravene deep soil zone controls	Compliance compliance	provided along the north-eastern side of the site and a small portion on the western side which complies with the ADG and is acceptable subject to the area being for planting purposes only.
3.13 Solar access and overshad	owing	, , , , , , , , , , , , , , , , , , ,
<ul> <li>New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter.</li> <li>Direct sunlight to north facing windows of habitable rooms on all private open space areas</li> </ul>	Yes Yes	At least two hours of sunlight would be maintained to solar collectors on adjoining properties in mid-winter, including the neighbouring property lightwell.  Given the orientation of the site, the proposal does not reduce direct sunlight to north facing windows or private open space on adjoining properties to less than 3 hours between 9am and 3pm on 21 June.
of adjacent dwellings to less than three hours of sunlight on 21 June.		
3.14 Views and view sharing		
<ul><li>Minimise view loss through design</li><li>Views from public spaces</li></ul>	Yes Yes	Potential view loss has been considered in the view impact analysis. See below the table for further discussion.
to be maintained.		There would be no view loss from public spaces, as a result of the proposal.
3.15 Visual privacy and security		
Dwellings to be orientated to the street with entrances and street numbering visible	Yes	Apartments are orientated to O'Brien Street to the south or Glenayr Avenue to the west. A condition of consent is recommended to require street numbering to be positioned so that it is clearly visible on the site boundary.
<ul> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> </ul>	Yes	Balconies on levels 1-3 are orientated towards the street frontages or the rear, benefiting from a northly aspect. Above ground open space would be fitted with solid side walls and planting.
<ul> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	Yes	The plan of management for the development would include security measures to ensure the safety of residents.  Overlooking of private open space within the
Prevent overlooking of more than 50% of private open space of lower level dwellings in same development.	Yes	subject development would be minimal due to orientation of the elevated open space and appropriate screening.
3.16 Dwelling size and layout (refer to ADG)		
3.17 Ceiling Heights (refer to ADG)		

3.18 Storage (refer to ADG)

Development Control	Compliance	Comment
3.19 Acoustic privacy		
Internal amenity by locating noisy areas away from quiet areas	Acceptable on merit	The proposal has been designed to maximise acoustic privacy and amenity for residents as far as practicable. Council raised concern that the location of internal lightwells, adjacent to bedrooms and living areas may give rise to acoustic privacy impacts. The applicant sought further details from an acoustic engineer which found that while an amendment to the configuration of the lightwells may reduce noise transmission marginally, mechanical ventilation measures are recommended to minimise potential noise impacts from lightwells.  The recommendations from the acoustic report are included as conditions of consent.
3.20 Natural Ventilation (refer	to ADG)	
3.21 Building services		
<ul> <li>Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures</li> <li>Outdoor Communal clothes drying area to be provided</li> <li>Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge</li> </ul>	No Yes  Acceptable on merit	The amended application includes a waste storage room at basement level with service lift to provide access for bin presentation to the principal frontage on O'Brien Street. Building services including fire hydrants, water main and gas meters are identified on the ground floor plan. Other services, including diesel and electric pumps and associated services are located at basement level. mailboxes are located at ground floor level within residential lobby 1.  The site does not comprise outdoor clothes drying, however each residential unit comprises a laundry and space for clothes drying.  Plant rooms are not located within the entry to the building.  The lift overrun servicing residential lobby 2 is in the mid-section of the site on the buildings edge. The overrun is adjacent to the neighbouring RFB and would give rise to impacts on public or private views and its location is acceptable in this instance. The PV panels are also a minimum of 1.8m from the building edge, however these elements are considered visually obtrusive and are not likely to be visible from the public domain.

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

<b>Development Control</b>	Compliance	Comment	
1.1 Other Policies, Strategies and Standards			
1.2 Design			
1.2.1 Frontages	Yes	The retail frontage to O'Brien Street is retained and is considered to promote an active street frontage. The Glenayr Avenue frontage comprises vehicular access to the basement car park and a separate pedestrian through site link. As the secondary frontage, these uses are appropriate.	
1.2.2 Awnings	Yes	A continuous awning is proposed for the full length of the O'Brien Street and Glenayr Avenue frontages. A condition of consent is recommended to require further details to be provided for the proposed awning and for this detail to be approved by Council.	
1.2.3 Lighting	Yes	There is no specific lighting proposed under the application. Under awning lighting may be required and further details to be provided for Council are included in a condition of consent.	
1.2.3 General Amenity	Yes	The proposal includes plant and services within the building envelope. The new tenancies would have internal access to plant rooms and services.	
1.2.4 Noise	Yes	An Acoustic Report was submitted with the application that considers the potential noise impacts on future occupants of the development and to surrounding residents. Of the assessed components of noise, the report made the following conclusions:	
		<ul> <li>A detailed assessment of mechanical plant noise should be prepared for the subject development before construction. Where are conditioning and other mechanical ventilation systems are not proposed, the recommendations provided in this report would be voided.</li> <li>Acoustical treatment options for the common floors and services partitions included within this report would be adequate for satisfying the sound insulation provisions of the BCA or Council's requirements.</li> </ul>	
		Conditions of consent are recommended to ensure that noise emissions from mechanical plant are managed and for the recommendations of the Acoustic Report to be implemented.	

Development Control	Compliance	Comment	
1.3 Hours of operation			
	N/A	The application does not seek consent for the retail or commercial tenancies hours of operation, which will be subject to separate use applications.	
1.4 Restricted premises			
	N/A	Not proposed under the application.	

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

Development Control	Compliance	Comment	
3.1 Specific controls			
3.1.7 - Hall Street Town Centre – Desired Future Character Objectives:  a) To maintain Hall Street and the southern end of Glenayr Avenue as a separate and discrete precinct within the wider Bondi Beach town centre, with the role and character of providing local shops, services and residential accommodation for the local community.	Yes	The proposed development falls within the Hall Street Town Centre precinct and would provide a positive contribution to the character and role of the town centre.  The application provides retail and commercial opportunities and residential accommodation for the local community in line with the desired future character objectives.	
b) To effectively manage the retail/commercial and residential interface in the centre.	Yes	The primary entrance via O'Brien Street is bordered by generously sized commercial tenancies. The residential part of the site would be accessed via two lobby areas, that are separated from the publicly accessible spaces. The development presents as a mixed use commercial and residential building and provides an appropriate interface between the two uses.	
c) To maintain and enhance accessibility to public open space.	Yes	The proposed premises are accessible. The proposed commercial tenancies to O'Brien Street would have access to the communal landscaped open space at the rear. While this outdoor space is an extension of the commercial premises, it would be accessible to residents of the development.	
3.2 Generic controls			
<ul> <li>3.2.1 Land uses</li> <li>The ground floor component of a mixed use building is to be used for a permitted non-residential</li> </ul>	Yes	The ground floor is for non-residential uses, comprising four commercial/shop tenancies, with access provided to upper floor residential levels.  All floors above ground floor are proposed for	

<b>Development Control</b>	Compliance	Comment
use		residential.
Building floors above ground and first floor are to be designed for permanent residential use only	Yes	The car parking is provided at basement level to be accessed via Glenayr Avenue, via the site's 'secondary frontage'.  Residential development is proposed at level one and is clearly separated from the ground floor
Car parking is to be located at basement level with vehicular access from side streets or rear lanes	Yes	commercial areas.
Residential and low scale commercial office uses are acceptable at first floor level.	Yes	
3.2.2 Public domain interface		The proposal is considered to respond to the
Development must be sensitive to the streetscape character and views. A streetscape and context analysis is to be	Yes	existing streetscape character as well as the emerging character of the broader precinct. A Design Verification Statement was provided with the application including a context analysis and consideration of neighbourhood character.
provided in accordance with Part B12 Design Excellence.		The application proposes active street frontages to O'Brien Street (principal) with flexible ground floor layouts that could support different tenancies. The frontage to Glenayr Avenue (secondary) provides
<ul> <li>Development on a lot identified in this Part is to provide active street frontages</li> </ul>	Acceptable on merit	access to the basement car park, but also provides the through site link which will assist in activation of the Glenayr Avenue frontage, by enabling continuity of pedestrian activity through the site.
Buildings are to be located to the front street alignment, with the exception of recommended upper level setbacks, nominated in the controls for each of	Yes	The building is located to the street alignment and proposes setbacks of the upper floor levels, both to the O'Brien Street and Glenayr Avenue frontages and comprises increased setbacks to the rear northern boundary, which are considered appropriate given the configuration of the site.
<ul><li>the individual centres.</li><li>Individual buildings are to</li></ul>	Yes	O'Brien Street is clearly identifiable as the principal street address for access to the upper residential levels.
have a clear street address where entries to upper levels are well defined at the ground floor address		The character of shopfronts in this immediate locality varies; however, the proposed shopfronts are consistent in dimensions with other shop frontages and the broader streetscape.
New shop fronts are to be consistent in width and	Yes	The shopfronts are predominantly clear glazing and have sill heights of approximately 3m.
height with the predominant and		Access to the residential levels is from within the ground floor level and not via the street frontage.

Development Control	Compliance	Comment
historical character of the		There are no solid facades at ground floor level.
<ul> <li>Shop fronts are to be made up predominantly of clear glazing with sill heights to be a maximum of 700mm above finished footpath level along street</li> </ul>	Yes	The design of the development responds to the existing streetscape pattern and the slight change in levels from Glenayr Avenue to Hall Street and onto O'Brien Street. The existing shopfronts have slightly varied awning heights as a result and the proposal is considered to respond appropriately to the change in levels and heights of adjoining
<ul> <li>Access to residential levels above ground level should not occupy more than 20% of the principal street frontage</li> </ul>	Yes	properties. The Design Verification Statement provides a detailed analysis of the existing streetscape pattern and demonstrates how design was developed in response to it.
<ul> <li>There are to be no solid facades along the primary street frontage at ground level frontages</li> </ul>	Yes	
The design of a development proposal is to have regard to the existing streetscape pattern.	Yes	
<ul> <li>3.2.3 Built form</li> <li>Development is to be consistent with the planning controls relating to overall height, floor to ceiling heights and setbacks - Annexure E3-3</li> </ul>	Yes	The proposal is considered to respond to the building envelope controls through the provision of setbacks to the upper levels and at the rear where the site adjoins No. 45-47 Roscoe Street. The proposal is generally consistent with the relevant town centre controls, in terms of setbacks and floor to ceiling heights. Building height is discussed in section 2.1.2.
<ul> <li>Ground floor retail depth must allow for adequate display and sales area as well as essential back-of- house storage and loading facilities</li> </ul>	Yes	The ground floor level building depth is appropriate and responds to the layout and dimensions of the building.  The depth of the building exceeds the 14m control; however, the proposal is appropriate as it
The preferred building depth for floors above ground level is 10-14m. The maximum building depth for floors above ground level, glazing line to glazing line is 18m	Acceptable on merit	responds to the prominent location and provides an appropriate rear setback.  The adjoining site to the north (45-47 Roscoe Street) is zoned R3 and the rear northern boundary of the subject that adjoins this zone includes deep soil landscaped area that complies with a maximum depth of 3m.
<ul> <li>Sites in local village centres that adjoin residential development at the rear are to provide</li> </ul>	Yes	

<b>Development Control</b>	Compliance	Comment
deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary		
<ul> <li>3.2.4 Building facade articulation`</li> <li>New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms</li> </ul>	Yes	The eastern and western neighbouring properties feature arched detailing on their facades, which is characteristic of the streetscape and the wider locality. The proposal incorporates this detailing and repeats the arched feature, which can also be found in buildings further to the east, including Ravesi's Hotel and Bondi Pavilion.
New buildings should draw on the predominant pattern of the existing streetscape	Yes	The balconies fronting O'Brien Street and Glenayr Avenue are recessed behind the principal building façade and balustrades are a combination of solid construction and metal palisade balustrades.  There are no glass balustrades proposed.
Balconies to the street facade are to be recessed behind the principal building façade	Yes	
Balustrades to balconies fronting the street are to be predominantly solid with minimal or no glass	Yes	
<ul> <li>3.2.6 Building services and site facilities</li> <li>Garbage and recycling storage and collection areas, and the structures in which they are contained, are not to be visible from the public domain</li> </ul>	Yes	Waste facilities are proposed to be wholly contained in the basement level and not visible from the public domain.  The rear setback comprises an outdoor courtyard and deep soil landscaped area. This space would not be utilised for waste or bottle storage.  The rear of the building at ground floor level faces an RFB as noted above. The rear of the
Setbacks on ground level at the rear are not to be used at all for any purposes associated with storage of waste or recycling material	Yes	development comprises a boundary wall, which is suitably setback from the rear of the adjoining RFB (approx. 9m).  A condition of consent is recommended to require adequate provision to be made within the confines of the building, for the installation of a mechanical
The rear of buildings, at ground level, where they back directly on to residential properties are to be effectively 'sealed' at the rear, to avoid noise and odour transmission	Yes	exhaust system for future commercial/food uses within the building.

Development Control	Compliance	Comment
New and refurbished buildings must incorporate venting from ground floor premises so to avoid impacting on residential properties.	Yes	

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

## View impact analysis

As detailed in section 2.1.2, the application proposes a height exceedance of up to 1.15m, above the 13m height limit, owing to the lift overrun which services residential lobby 1. This represents the greatest extent of variation, with other elements, including roof services and parapet exceedances identified as minor and not likely to impact on views or sharing of views from surrounding properties.

Council requested that the applicant submit a view impact analysis (VIA), considering potential view loss from surrounding properties. The applicant identified several properties that views may be obtainable from and provided an assessment in accordance with the LEC Planning Principle outlined in *Tenacity Consulting v. Warringah Council* [2004] NSWLEC 140, including:

- 4<sup>th</sup> floor dwellings at 113-115 Hall Street, Bondi Beach;
- 4<sup>th</sup> and 5<sup>th</sup> floor dwellings at 177 Glenayr Avenue, Bondi Beach.

# 113-115 Hall Street, Bondi Beach

The VIA states that the views affected are localised views and sky outlook to Bondi Beach to the east. The views to be impacted are from living and balcony areas facing Glenayr Avenue. **Figure 13** shows the extent of view impact, with the lift overrun situated in front of a taller building, located further to the east.



Figure 13: View impact from 113-115 Hall St, Bondi Beach

The VIA states that the proposal, including the elements situated above the height plane will not impact on views towards Bondi Beach to the east or outlook views. Accordingly, the view impact is negligible. The VIA further notes that the elements are set back beyond the approved development directly to the east and other approved developments or those under construction.

Council is satisfied that the view impacts at 113-115 Hall Street, Bondi Beach are negligible, and the proposal is not likely to reduce the extent of views or view sharing than would otherwise be obtainable with a compliant building height.

# 177 Glenayr Avenue, Bondi Beach

The VIA states that the views affected are localised views and sky outlook to Bondi Beach to the east. **Figure 14** shows the extent of view impact from the 4<sup>th</sup> floor level, with the lift overrun protruding above the 13m height plane positioned in front of the taller building further east. **Figure 15** shows the extent of view impact from the 5<sup>th</sup> floor, with the lift overrun and other elements visible but below the eyeline at this level.



**Figure 14:** View impact from 4<sup>th</sup> floor 117 Glenayr Avenue, Bondi Beach



**Figure 15:** View impact from 5<sup>th</sup> floor 117 Glenayr Avenue, Bondi Beach

The VIA states that the proposal, including the elements situated above the height plane have no impact on views or outlook and that the elements are sufficiently set back beyond the approved development to the east. The VIA further states that there is no view loss to Bondi Beach and that as above, the existing construction site further to the east, sits higher than the proposed structures.

Council considers that potential view impacts from the 5<sup>th</sup> floor are negligible, given that the elements are positioned below the height of the 5<sup>th</sup> floor level. Views from the 4<sup>th</sup> level are altered somewhat with the position of the lift overrun aligning with the taller building to the east however as indicated in **Figure 14**, the view impact is negligible.

Council is satisfied that any potential view loss impacts from surrounding properties as a result of the lift overrun and additional height of the rooftop elements would be negligible.

## Landscaped area

The application proposes approximately 165m² of landscaped area, which equates to 17% of the site area and includes areas of deep soil and on structure planting. The Waverley DCP 2012 requires a minimum 30% of the site area (284.13m²) to be landscaped area and for 50% of this to be deep soil (142.05m²). While the proposal complies with the deep soil requirements under the ADG, providing 7% of the site area as deep soil planting, subject to the sections identified as 'permeable surfaces' being converted to areas of planting, the application falls significantly short of the landscaped areas requirements under the Waverley DCP 2012.

It is further noted that the DEAP identified rooftop planting to be considered by the applicant as a potential way of addressing the landscaped area shortfall, which was not addressed by the applicant following the deferral letter process. Council is of the view that landscaped area should be increased on the site, where possible in order to maximise infiltration and minimise offsite stormwater runoff. A condition of consent is therefore recommended to require a minimum of  $80m^2$  of non-trafficable landscaped area to be provided on the rooftop. The rooftop planting shall have a minimum soil depth of 300mm and be ground cover species that will not interrupt or diminish views from adjacent properties. These requirements are included as conditions of consent.

# 2.2. Other Impacts of the Development

The proposal is considered to 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 suitable for the proposal.

# 2.4. Any Submissions

The application was originally notified from 4 April 2022 to 21 April 2022 and the amended plans were re-notified from 21 December 2022 to 2 February 2023 and site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*. Submissions were able to be made to Council at any stage throughout the assessment of the application.

Three unique submissions were received during the first notification of the proposal and two unique submissions were received during re-notification of the amended proposal. Submissions were received from the following properties:

- 1/154 Glenayr Avenue, Bondi Beach;
- 15/154 Glenayr Avenue, Bondi Beach;
- 11 O'Brien Street, Bondi Beach
- 95 Hall Street, Bondi Beach;
- Barracluff Avenue, Bondi Beach (specific address withheld).

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

*Issue:* Space between buildings (154 and 156 Glenayr Avenue) should be provided to ensure adequate visual and acoustic privacy, natural ventilation, sunlight, and access to outlook. The structure will impact on sunlight access in the common stairwell.

**Response:** The residential units that face the Glenayr Avenue frontage are built to the boundary. This design approach, including the extent of setback and building height is consistent with the approved development on this site (DA-257/2019). The shadow diagrams submitted with the application demonstrate that the proposal complies with the relevant solar access controls under the ADG and the Waverley DCP 2012. In addition, the proposal will not reduce solar access to the private open spaces and the adjoining property lightwell, above that which was assessed and approved under DA-257/2019. Visual and acoustic privacy matters have been assessed in this assessment report and are considered acceptable with appropriate privacy screens and acoustic measures to be employed in the construction of the development.

Issue: What landscaping, if any, has been planned?

**Response:** The proposal includes landscaped area and conditions of consent are recommended to require the landscaped area to be increased, by providing a landscaped rooftop and increased deep soil zone.

*Issue:* A Dilapidation report must be carried out prior to construction and if necessary, during construction to ensure that any damage to our property and surrounds are identified.

**Response**: Conditions of consent are recommended to require a dilapidation report to be prepared for all adjoining properties and any nearby properties that may be subject to potential damage as a result of any works being undertaken. The dilapidation report to be made available to affected property owners. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

*Issue:* Concern over the substantial works, demolition and excavation will threaten my property. There are no setbacks to the basement level and the works may impact on the structural integrity of my property.

**Response**: Council has recommended additional conditions of consent in relation to excavation works requiring the applicant to provide a further detailed geotechnical report to the satisfaction of Council prior to any Construction Certificate, that addresses how the excavation can be carried out without damage or adverse impacts on adjoining properties.

Issue: Will demolition impact on the façade of our building, which we were required to rebuild in 2018.

**Response**: The purpose of the dilapidation report is to identify potential damage that may occur on neighbouring properties as a result of demolition. The dilapidation report is to be made available to affected property owners.

*Issue:* Construction noise, dust will affect my business and restaurant which comprises outdoor dining. How will customers, deliveries and staff continue to access our premises?

**Response**: Construction works, and any impacts associated with dust and noise will be managed through standard conditions of consent. Access to neighbouring businesses and residential properties must not be obstructed during construction. Any breach to these conditions may lead to compliance action against the developer.

*Issue:* Concern is raised regarding the multiple lots that envelope my block and the scale of development that breaches height controls, overshadows my property and will impact privacy.

**Response**: Shadowing to the neighbouring property at 95 Hall Street is existing shadows from the neighbouring RFB at 97 Hall Street. Changes to the shadow profile are minor and fall on adjoining roofs and the road. The proposal complies with the solar access provisions and is acceptable.

*Issue:* Council has been working on the Glenayr Avenue upgrade works for the last 6 months, impacting my life and sleep. I work from home and oppose the development due to noise impacts and interruption on my day-to-day life.

**Response**: The impacts as a result of the street upgrade works are acknowledged. Council is unable to control the timetabling of construction work on privately owned properties. Notwithstanding, as detailed above, construction works will be managed in accordance with Councils' standard conditions of consent, including control of dust, construction hours and the like.

Issue: The row of old terraces on O'Brien Street are heritage buildings that should be protected.

**Response**: Council's Heritage Advisor reviewed the application and noted that the existing building are within the draft O'Brien Street Conservation Area but are not considered contributory to this or the existing streetscapes.

# 2.5. Public Interest

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

## 3. REFERRALS

The following internal and external referral comments were sought:

## 3.1. Traffic and Development

Council's Traffic Engineer reviewed the various iterations of the architectural plans. The most recent architectural plan set address Council's traffic comments and no objections were raised subject to the recommended conditions of consent.

#### 3.2. Stormwater

Council's Stormwater Engineer reviewed the original application and noted that the Glenayr Avenue site is flood affected, requiring that the habitable floor of the flood affected area of this portion of the site, be set at a minimum of 150mm above the level of adjacent ground. On 8 September 2022, Council provided this feedback to the applicant to which they advised, 'we have confirmed with our

stormwater/flood consultant that the FFLs are appropriately sited and will sit 150mm above the adjacent ground for drainage.'

Following submission of the latest architectural plan set (21 December 2022), the plans were referred to Council's stormwater team for further review.

Modified conditions of consent were recommended, including specific flooding requirements relating to the Glenayr Avenue site. Given the flood risk at the Glenayr Avenue site, where vehicles are proposed to access the basement car park, the applicant must engage a suitably qualified and practising Civil/Hydraulic Engineer to demonstrate and recommend how the flood water that enters the basement and through site link are to be drained (i.e. there may be a requirement for installation of the flood gates or a pump out system to drain the water that enters the basement). This will be required at the Construction Certificate stage. Modified conditions have been included in the recommendation.

# 3.3. Tree Management

Council's Tree Management Officer (TMO) reviewed the application, noting that situated on the nature strip in front of 15-17 O'Brien Street is one *Pittosporum undulatum* (sweet pittosporum) street tree may be removed if required for construction, and two replacement street trees are to be provided along the O'Brien Street frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds, and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel-swept path or obstruct the proposed vehicular crossing.

## 3.4. Environmental Health

Council's Environmental Health team reviewed the application and noted that the Preliminary Site Investigation carried out by JK Environments, February 2022 has not concluded that the site is suitable for the proposed use. A Remedial Action Plan (RAP) carried out by Marten and Associates dated November 2022 has been provided and is to be implemented in full. A Site Audit Statement is required prior to the issue of a construction certificate for any works associated with the approved building. Conditions of consent have been recommended and included in the recommendation.

# 3.5. Sustainable Development

Council's Sustainable Development team reviewed the application and requested that the plans be amended to include BASIX related information as per the BASIX Council checklist. Some elements have been included and others omitted, these have been included as conditions of consent.

In addition, a condition of consent is recommended to require an Energy Assessment to be undertaken and submitted in accordance with the *Waverley DCP 2012*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building. The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

# 3.6. Waste Management

Council's waste management officer reviewed the amended proposal, including the waste storage room and services lift to provides access for bin presentation to O'Brien Street, noting that the amended SWRMP, received 16 November 2022 is sufficient, subject to the recommended conditions of consent.

#### 3.7. Public Domain

The application was referred to Council's Public Domain Team for review and comment. No objections were raised subject to the recommended conditions of consent.

# 3.8. Urban Design

The application was referred to Council's Urban Design Team for review and comment. It was recommended that the upper floor height limit be reduced to comply with the height of buildings development standard, that the facades be redesigned to respond to the character of the area and that the through site link be further refined to address safety and security concerns and potential conflicts between residential and commercial uses.

The application was amended to provide a mostly compliant building height, with the exception for some minor parapet exceedances and those of the lift overrun and rooftop elements. The facades are considered to respond to the emerging character and architecture of the area and the broader locality and the design intent has been satisfactorily justified and documented in the Design Verification Statement which the assessment of the application has found to be acceptable. The through site link has been further refined, including an after-hours security gate to address potential safety issues during occupation. The issues raised are considered to have been addressed as far as practicable and no conditions of consent were recommended.

# 4. CONCLUSION

The development application seeks consent for demolition of existing buildings and construction of a new four storey mixed use shop top housing development comprising basement parking, ground floor retail tenancies and 14 residential units at the site known as 15-17 O'Brien Street and 156 Glenayr Avenue, BONDI BEACH.

The principal issues arising from the assessment of the application are as follows:

- Building height;
- Landscaped and deep soil area;
- Waste management;
- Remediation of land;
- Residential amenity.

The assessment finds these issues acceptable because the height of the building as it presents to Glenayr Avenue has been reduced to mostly comply with the 13m height of buildings development

standard, with only minor parapet exceedances, which are considered satisfactory as they will not give rise to additional overshadowing, nor would it unreasonably impact solar access to adjoining properties or add to bulk and scale of the building. In addition, the landscaped area has been increased so that it complies with the minimum 7% of site area as required under the ADG. Additional landscaping was also provided in lightwells however the site does not comply with landscaped area provisions under the Waverley DCP 2012 and conditions of consent is recommended to require a minimum area of  $80\text{m}^2$  of rooftop planting to address the shortfall. A further condition is recommended to require the area identified as deep soil landscaped area to be for planting only.

The amended waste management solution provides bins storage at basement level, with a separate services lift provided in proximity to the O'Brien Street principal frontage, for presentation to the principal frontage. The waste solution is a much-improved aspect of the application and is supported. Potential site contamination issues will be required to be resolved through the preparation of a Site Audit Statement prepared by an EPA accredited site auditor, required to be undertaken and provided to Council prior to a Construction Certificate being issued.

The amended proposal incorporates additional planting in lightwells and greater separation between commercial and residential uses, addressing matters first by Council regarding residential amenity. The proposed unit sizes, layouts, orientation and extent of private open spaces are considered to achieve an acceptable level of amenity for future residents of the site.

A total number of five submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for approval subject to conditions of consent.

# 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

Report prepared by:	Application reviewed by:
H	
Alana Jelfs	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment
Date: 3 February 2023	Date: 9 February 2023

## Reason for WLPP referral:

- 1. Sensitive development:
  - (a) SEPP 65 development

# APPENDIX A – CONDITIONS OF CONSENT

# A. APPROVED DEVELOPMENT

#### 1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by BANG Architecture of Project No: 00008 including the following:

Plan Number	Plan description	Plan Date	Date received
and Revision			by Council
DA101, Rev E	Site Plan & Analysis	20.12.2022	20.12.2022
DA103, Rev E	Demolition Plan	20.12.2022	20.12.2022
DA200, Rev E	Ground Floor Plan	20.12.2022	20.12.2022
DA201, Rev E	Level 1 Floor Plan	20.12.2022	20.12.2022
DA202, Rev E	Level 2 Floor Plan	20.12.2022	20.12.2022
DA203, Rev E	Level 3 Floor Plan	20.12.2022	20.12.2022
DA210, Rev E	Roof Plan	20.12.2022	20.12.2022
DA220, Rev E	Basement 1 Plan	20.12.2022	20.12.2022
DA300, Rev E	South Elevation (O'Brien)	20.12.2022	20.12.2022
DA301, Rev E	South East Elevation (from neighbour)	20.12.2022	20.12.2022
DA302, Rev E	North East Elevation (Courtyard)	20.12.2022	20.12.2022
DA303, Rev E	North West Elevation (Glenayr)	20.12.2022	20.12.2022
DA304, Rev E	South East Elevation (Hall)	20.12.2022	20.12.2022
DA310, Rev E	Sections A-A	20.12.2022	20.12.2022
DA311, Rev E	Sections B-B	20.12.2022	20.12.2022
DA312, Rev E	Sections C-C	20.12.2022	20.12.2022
DA313, Rev E	Sections D-D (Driveway)	20.12.2022	20.12.2022
DA314, Rev E	Sections Lightwell & Internal Elevations	20.12.2022	20.12.2022
DA601, Rev E	Adaptable Housing Pre & Post Units	20.12.2022	20.12.2022
DA602, Rev E	Adaptable Housing Pre & Post Units	20.12.2022	20.12.2022
DA603, Rev E	Adaptable Housing Pre & Post Units	20.12.2022	20.12.2022

- (b) Landscape Plan No. LP01-0122 to LP06-0122, Revision C and documentation prepared by Tanya Wood Landscape Architecture, dated 14 December 2022 and received by Council on 16 December 2022
- (c) BASIX and NatHERs Certificate/s
- (d) Access Report prepared by Design Confidence dated 18 February 2022, received by Council on 4 March 2022 (subject to any amendment required to reflect Architectural Plans, Revision E)
- (e) Adaptable Housing Assessment Report prepared Design Confidence, received by Council on 4 March 2022 (subject to any amendment required to reflect Architectural Plans, Revision E)
- (f) Acoustic Report prepared by Koikas Acoustics Pty Ltd, dated 11 January 2022, received by Council on 4 March 2022 and Acoustic Addendum, dated 7 July 2022, received by Council 8 July 2022
- (g) Schedule of external finishes and colours received by Council on 20 December 2022
- (h) Operational Waste Management Plan, Revision D prepared by Elephants Foot, dated 15 November 2022, received by Council on 16 November 2022

- (i) Preliminary (Stage 1) Site Investigation Report prepared by JK Environments, dated 16 February 2022, received by Council 4 March 2022
- (j) Supplementary Investigation prepared by Martens Consulting, dated November 2022, received by Council 16 November 2022
- (k) Remedial Action Plan prepared by Martens Consulting, dated November 2022, received by Council 16 November 2022
- (I) Geotechnical Investigation prepared JK Geotechnics, dated 14 February 2022, received by Council 4 March 2022

Except where amended by the following conditions of consent.

## 2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The area approved as deep soil landscaped area must be for planting purposes only. No structures, including permeable paving are permitted over the deep soil landscaped area at ground floor level.
- (b) DA210 Roof Plan is to be amended to include a minimum of 80m<sup>2</sup> of non-trafficable landscaped area, planted with groundcover species that do not exceed 400mm with a minimum soil depth of 300mm, and be designed and constructed in accordance with the requirements of condition 36 (Green Roof Landscaping Details).
- (c) Planting in lightwells and balcony planters are to have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely and suitable for the selected plant species. The lightwell and balcony planters are to be designed as non -trafficable areas and must be irrigated without requiring frequent maintenance access. Any access to the planters is to be for servicing purposes only. The Landscape Plan shall be updated to incorporate these amendments.
- (d) Ceiling fans must be provided in every habitable room.
- (e) The Architectural Plans are to be amended to include the following:
  - i. The star rating of the gas instantaneous hot water system.
  - ii. The rainwater tank location, size of tank and roof area draining to tank.
  - iii. BASIX energy efficiency lighting commitments.
  - iv. Solar panel area to reflect the actual size as outlined in the BASIX commitments.

The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

## 3. MULTI UNIT HOUSING DEVELOPMENT DESIGN

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

#### 4. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on both O'Brien Street and Glenayr Avenue frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular crossing
- Road pavement
- Kerb and gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street Lighting
- Street tree planting and landscaping

## **5. REAR COURTYARD**

The rear courtyard is to be accessible to residents and visitors of the site and comply with the requirements of the DDA 1992, the relevant Australian Standards and the NCC.

## 6. AWNING OVER THE PUBLIC DOMAIN

A continuous awning along the entire frontage of the O'Brien Street site and Glenayr Avenue site shall be provided for weather protection for pedestrians. Further details with regards to under awning lighting and materials and finishes are to be provided to Council for approval prior to the issue of any construction certificate. These elements shall match the building façade and materials and finishes.

#### 7. ACCESS TO ADJOINING PROPERTIES AND BUSINESSES DURING CONSTRUCTION

Access must be maintained to the adjoining properties at all times during construction. Appropriate signage is to be erected to demonstrate this.

# B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

# **GENERAL REQUIREMENTS**

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and

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

# **CONTRIBUTIONS, FEES & BONDS**

# 9. SECTION 7.12 CONTRIBUTION

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

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

A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (i) A development valued at \$100,000 or less will be exempt from the levy;
  - (ii) A development valued at \$100,001 \$200,000 will attract a levy of 0.5% of the full cost of the development; or
  - (iii) A development valued at \$200,001 or more will attract a levy of 1% of the <u>full</u> cost of the development.

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

## 10. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$ 161,510.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

## 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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

<u>Note</u>: 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 0.25% of building work costing \$250,000 or more.

## 12. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.

An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.

## 13. STREET 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 of the newly planted *Callistemon Dawson River* (weeping bottlebrush) and trees on the nature strip. The bond is to be lodged prior to the issue of any Occupation Certificate.

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

## **PLAN DETAILS**

# 14. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

# 15. ARCHITECTURAL DETAILING

Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate) which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace;
- (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials;
- (c) Detailed drawings of the shop fronts, entry foyers, awnings, window operation.

This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify this prior to lodging documentation to satisfy this condition.

## 16. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.

## 17. BASEMENT STORAGE

The basement level/s are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

#### 18. ADAPTABLE HOUSING

A minimum of 20% of the apartments in the development are to be provided as 'adaptable housing' within the development, with at least 1 car space allocated to each of these apartments. Adaptable apartments must be certified as 'adaptable housing units' by an independent suitably qualified person, confirming compliance with the relevant Australian Standards.

#### 19. UNIVERSAL HOUSING

Apartments in the development are to be provided with universal design features (as outlined in the *Liveable Housing Design Guidelines*) to meet the changing need of occupant's over their lifetimes in accordance with Part B7 of the *Waverley Development Control Plan 2012*.

## **CONSTRUCTION MATTERS**

#### 20. HOARDING

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

#### 21. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual.

The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.

# 22. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical 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.

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

#### 23. ENGINEERING DETAILS

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

# 24. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

Evidence is to be provided to the Principal Certifier that arrangements have been made for;

- (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

## TRAFFIC MANAGEMENT

## 25. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/development\_applications - conditions of consent\_

#### STORMWATER & FLOODING

#### 26. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer and:

- a) The stormwater management plan shall be updated to be consistent with the architectural drawings.
- b) The plans shall provide additional details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. updated pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, OSD plaque, OSD warning sign and catchment plan. The current design is also considered fully submerged during a 1% AEP storm event, which is not compliant to the current Council standards, consideration shall be made to amend the outlet invert of the OSD system. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be resubmitted and amended to reflect any changes.
- c) Details of any rainwater tank required by BASIX commitments or as nominated on the architectural plan, including the overflow connection to the approved stormwater drainage system are to be submitted.
- d) The current design proposes a below ground In-situ concrete based structure. A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure is to be provided.
- e) Provide details of all pipe sizes, type, grade, length, invert levels, dimensions, types of drainage pits and inspection openings and their location, for the full extents of the development. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided at Council request.
- f) Show an alarm system in the event of the basement pump-out system failing. A warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement. A minimum freeboard of 150 mm from the pump out system to all parking spaces, full hydraulic details and pump manufacturers specification are to be provided.
- g) To protect the underground basement from possible inundation by surface waters from the street gutter and footpath overflows, a crest shall be installed at the boundary.
- h) All proposed conduits within the public domain shall be constructed using minimum Class 3 reinforced concrete pipes (RCPs) with a minimum diameter of 375 mm. A junction pit shall be installed at all changes of gradient and changes of direction in the pipeline.

- i) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g. the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe).
- j) The proposed junction pit within the O'Brien Street frontage must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
- k) Seepage water must not be directly or indirectly discharged to Council's street gutter
- The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021:

Required percentage reductions in post development average annual load of pollutants

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with cross-sections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment.

- m) A grated trench drain shall be provided, within private property across the basement driveway entry on the Glenayr Ave frontage. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate shall be no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain shall be connected to an approved drainage system.
- n) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

# Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval.
- Council must be notified when the connection has been made to the kerb inlet pit and an inspection must be made by a Council officer prior to public domain restoration and backfill at the

point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hour's notice must be provided to Council prior to inspection.

• Council's contact for infrastructure assessment: E-mail: <a href="mailto:assets@waverley.nsw.gov.au">assets@waverley.nsw.gov.au</a> or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday) The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

## **27. FLOODING REQUIREMENTS**

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated for the Glenayr Avenue part of the site to reflect the following:

- a) The minimum habitable finished floor level must be set at a minimum level of 1% AEP plus 300mm freeboard.
- b) All new building materials must be flood resistant or flood compatible to a height of 1% AEP plus 300mm freeboard.
- c) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 1% AEP plus 300mm freeboard.
- d) A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 1% AEP plus 300mm freeboard.
- e) A storage area is to be provided above the RL of 1% AEP plus 300mm freeboard. for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- f) Any proposed fencing must be built using flood-compatible material.
- g) There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council.

# 28. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Infrastructure Engineer:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width on O'Brien Street and Glenayr Avenue (including kerb side lane) site frontages. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) <u>Footpath, Kerb and Gutter:</u> Replace all footpath, kerb and gutter traversing both O'Brien Street and Glenayr Avenue to match the Bondi Beach Precinct Master Plan. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles

are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.

- c) <u>Street Trees:</u> A minimum of two (2) street trees must be planted along O'Brien Street site frontage. All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds, and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel-swept path or obstruct the proposed vehicular crossing.
- d) <u>Street Lighting:</u> All public street lighting along the site frontages shall comply with the Australian Standard AS1158:2010 Lighting for Roads and Public Spaces.
- e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development.

#### **Notes**

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Council's contact for public domain: E-mail: <u>assets@waverley.nsw.gov.au</u> or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

## **CONTAMINATION**

## 29. REMEDIAL ACTION PLAN RECOMMENDATIONS

The Amended Remedial Action Plan by Martens and Associates dated November 2022 are be implemented in full.

# **30. SITE AUDIT STATEMENT**

A Site Audit Statement (SAS) prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issue of any construction certificate for any works associated with the approved building.

Recommendations of the SAS must be implemented in full. Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

# **ENERGY EFFICIENCY & SUSTAINABILITY**

## **31. BASIX**

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

#### **32. ENERGY EFFICIENCY**

An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2012*, which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate for any works above ground level. The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

## 33. REFLECTIVITY REPORT

In accordance with Part B16 of the Waverley Development Control Plan 2012, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m2. A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.
- (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

If the approved development cannot achieve compliance with the above requirements, a Section 4.55 modification application must be submitted.

# **WASTE**

## 34. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) - Part 2 is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the SWRMP Part 2 is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

# **35. WASTE STORAGE AREAS**

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development;

- Residential (14 units 12 x 2-bedroom units and 2 x 1-bedroom units)
  - 7 x 240L Mobile Garbage Bin (MGB) for general waste collected weekly OR 3 x 660L MGB collected weekly.
  - 7 x 240L MGB for container recycling collected fortnightly OR 2 x660L MGB collected fortnightly

- 7 x 240L MGB for paper and cardboard recycling collected fortnightly OR 2 x 660L MGB collected fortnightly.
- A minimum of 4m<sup>2</sup> floor space is required for the on-site storage of bulky waste awaiting collection.
- A minimum of 1m² floor space is required for additional problem waste streams (such as
  electronic waste or textile waste). This should be inside or adjacent to the onsite storage of
  bulky waste.
- Commercial (1 café at 121.8 m²; 1 x take-away at 121.8m²; and 1 x office at 121.8m²)
  - o 2 x 660L Mobile Garbage Bin (MGB) for general waste collected 3 x per week
  - o 2x 660L MGBs for comingled recycling collected 3 x per week
  - o Extra space must be available for reusable items such as crates or boxes.
  - o Frequency of service must be adjusted to meet demand
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the Waverley Council Development Control Plan 2012 to the satisfaction of the Principal Certifying Authority, including:
  - There must be at least two separate waste and recycling storage rooms or areas, one for commercial waste and recycling, and one for residential waste and recycling. Storage rooms are to be self-contained and have separate keys and locking systems.
  - A separate bulky waste storage room must be provided for residents that is inaccessible to commercial premises. This room must include a doorway clearance of a minimum 1.5m

## **LANDSCAPING & TREES**

#### 36. GREEN ROOF LANDSCAPING DETAILS

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

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.
- (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

A qualified landscape architect must review the design and verify that it complies with the above requirements.

## **NOISE**

## 37. NOISE - ACOUSTIC REPORT

An Acoustic Assessment Report prepared by a suitably qualified acoustic consultant shall be prepared to assess the impacts of the development (internal and external areas) including any mechanical plant, refrigeration motors and air conditioning units and make recommendations to ensure that the noise from the development will be within the acceptable limits of the Protection of the Environment Operations Act 1997 and relevant legislation. The plan must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate).

Note: Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

For further information on the requirements, refer to Council's website:

https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/development\_applications\_-conditions\_of\_consent

#### 38. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator.

For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website.

Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact with the Coordinator, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

#### 39. DILAPIDATION REPORT

A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is be made available to affected property owners.

The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

## **40. VERMIN AND RAT CONTROL**

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

# C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

#### PRIOR TO ANY WORKS

#### 41. 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.

# **DEMOLITION & EXCAVATION**

## **42. REMEDIATION REQUIREMENTS**

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

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

# 43. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

#### 44. CONTROL OF DUST ON CONSTRUCTION SITES

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

# 45. NOISE MANAGEMENT PLAN – DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

https://www.waverley.nsw.gov.au/building/development\_applications/post\_determination/development\_applications - conditions of consent\_

# 46. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

#### 47. EXCAVATION AND BACKFILLING

- (a) A further detailed geotechnical report is to be provided to the satisfaction of Council prior to any Construction Certificate, that addresses how the excavation works can be carried out without damage or adverse impacts on adjoining properties including de-watering as a result of the proposed excavation. In particular, the report is to address the matters raised in section 4.10 of the Geotechnical Investigation Report prepared by JK Geotechnics (Report No. 34684PNrpt) dated 14 February 2022 and received by Council on 4 March 2022.
- (b) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.
- (c) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.
- (d) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.
- (e) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.
- (f) All work 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.

# **CONSTRUCTION MATTERS**

## **48. 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 Sundays and public holidays.

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

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

## 49. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

#### 50. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

#### 51. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, street light, street trees and landscape hold points.

## **52. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002, clause 162A of the Environmental Planning and Assessment Regulation 2000 and the requirements of any other applicable legislation or instruments.

#### 53. CERTIFICATE OF SURVEY - LEVELS

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

# 54. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

## 55. WORK OUTSIDE PROPERTY BOUNDARY

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

#### TREE PROTECTION AND REMOVAL

#### **56. TREE PROTECTION**

All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.

No existing street trees shall be removed without Council approval. 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 in accordance with AS4970-2009 "Protection of trees on construction sites.

#### **57. STREET TREE REMOVAL AND REPLACEMENT**

- (a) The applicant may remove one (1) Pittosporum undulatum (sweet pittosporum) street tree.
- (b) Prior to the issue of any Occupation Certificate Two *Callistemon Dawson River* (weeping bottlebrush) replacement trees with a minimum pot size of 75 litres when planted, are to be planted along the O'Brien Street frontage.

All new trees proposed within the Council verge will require the installation of suitable tree pits, surrounds, and root cell barriers as per the Waverley Council Public Domain Technical Manual. The chosen tree species and location shall not interfere with the wheel-swept path or obstruct the proposed vehicular crossing.

The tree is to be planted by a horticulturist (Min qualification AQF Level 3)

# **VEHICLE ACCESS & PUBLIC DOMAIN WORKS**

## 58. NEW VEHICLE CROSSING

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

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

#### 59. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

# **60. CAR PARKING**

15 car parking spaces are to be provided within the development, allocated in the following manner:

- i) 9 standard residential parking spaces
- ii) 3 accessible residential parking spaces
- iii) 3 standard visitor spaces

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling. All car spaces and to be appropriately marked.

## **61. BICYCLE PARKING**

A minimum of 14 resident and 3 visitor bicycle parking spaces are to be provided within the development. The resident parking spaces are to be Security Class B spaces.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

## **62. MOTORCYCLE PARKING**

A minimum of six motorcycle parking spaces are to be provided within the development.

# **63. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**

A vehicle priority system shall be provided. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

#### **64. VEHICLE ACCESS**

All vehicles including service vehicles entering and exiting the site are to do so in a forward direction.

# **65. ELECTRIC VEHICLE CHARGING POINTS**

1 'Level 2' AC fast electric vehicle charging point is to be installed. It is to be located so that it can be accessed from a visitor parking space. Additional EV charging points do not require further approvals.

## **66. PARKING PERMITS**

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

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

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

#### **CERTIFICATION AND LICENCES**

#### **67. FINAL OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, an Occupation Certificate must be obtained.

The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

## **68. CERTIFICATION OF BASIX COMMITMENTS**

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

## 69. CERTIFICATION OF APPROVED DESIGN

In accordance with 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 statement from an architect who is registered in accordance with the *Architects Act 2003* (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

## 70. CERTIFICATION OF BASIX COMMITMENTS

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

#### 71. CERTIFICATION OF LANDSCAPING

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

# 72. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility, the pump out system and other drainage related

infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.

b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

#### 73. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD SYSTEM

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

## 74. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATERQUALITY AND RAINWATER

Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" shall be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Water Management Manual 2021. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.

## 75. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of any pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

## 76. CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any newly constructed stormwater drainage system has been built in accordance with the Development Consent, Water Management Technical Manual, all applicable

Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

#### 77. POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on the new pipeline at least up to the next pit downstream of the proposed works. This is to ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate).

# 78. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

## 79. WORK-AS-EXECUTED PLAN - PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

# 80. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

## Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

• To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

#### 81. CERTIFICATION OF ALL MECHANICAL PLANT

A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.

#### 82. FOOD PREMISES

The fit out of the premises must be in accordance with the Waverley Council Policy for Fit-out and Construction of Food Premises available on Council's website, as well as any other relevant legislation.

https://www.waverley.nsw.gov.au/building/compliance and regulations/environmental health regulations/food safety

#### 83. NOISE EMISSIONS

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### 84. 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.

#### 85. REFRIGERATION UNITS & MECHANICAL PLANT

Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.

#### **86. ACOUSTIC REPORT RECOMMENDATIONS**

The "recommendations & conclusions" as outlined in the acoustic report prepared by Koikas Acoustics Pty Ltd [Reference No. 5213R20221101] dated 11 January 2022 shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and Council certifying that the recommendations made in the above report have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

#### MANAGEMENT PLANS

#### 87. PLAN OF MANAGEMENT - GENERAL USE

A Plan of Management (PoM) is to be submitted for the operation of the premises and is to include details of the operational and management procedures as well pro-active measures to control the following:

- (a) Amenity impacts to the surrounding neighbourhood of the premises;
- (b) Security measures, including the management and operation of the through site link and afterhours access;
- (c) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints);
- (d) The behaviour of patrons;
- (e) Liquor practices (if licensed, including the responsible service of alcohol);
- (f) Staffing roles and responsibilities (including security personnel if required);
- (g) Management of patrons within the premises and their exit and dispersal from the area; and
- (h) Other such operational matters to ensure compliance with relevant regulatory requirements.

The PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate.

#### 88. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE & COLLECTION

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following.

- (a) Onsite collection is required in line with the Pacific Building's existing servicing arrangements
- (b) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (c) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, 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) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (i) At no times shall bins be stored on the public domain (e.g. footpaths).

#### 89. GREEN TRAVEL PLAN

A Green Travel Plan must be prepared and address the following:

- (a) Consideration of a car share space within the development.
- (b) Bicycle parking should cater for cargo bikes up to at least 2.2 metres.
- (c) Bicycle parking should provide power access (through a standard power point) to all bikes.

A final update of the Green Travel Plan within six months of occupancy, with detailed baseline data, targets and measures and informed by at least an initial all travel survey of residents and staff, must be registered on the section 88b instrument for inclusion in the Strata By-Laws.

The requirement for annual review of the Green Travel Plan, informed at least by an annual all travel survey of all residents and staff, must be registered on the section 88b instrument for inclusion in the Strata By-Laws.

The annual review of measures must include an assessment of the appropriate level, type and access of bike parking.

#### **OTHER MATTERS**

#### 90. STREET NUMBER/S

The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering:

- No. 15 primary address site number.
- O'Brien Steet primary address location.

Glenayr Ave secondary entry point.

Premises with multiple street frontages and access points shall display the 'primary address number at the primary address location and the 'primary address number' and location at secondary street location

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry points and clearly visible on the site boundary that fronts O'Brien Street.

The following sub addressing principles will apply:

Shops G01- G04 for the commercial sub-address sites within the building correlating with Nos.
 lot 1-4 on the floor plans for the building,

- Nos. 101-105 for the residential sub-address site within the building correlating on level 1 of the floor plans for the building.
- Nos. 201-205 for the residential sub-address site within the building correlating on level 2 of the floor plans for the building.
- Nos. 301-304 for the residential sub-address site within the building correlating on level 3 of the floor plans for the building.

The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,

For clarity, a zero will be interposed in the number of the first nine sub address levels i.e., Level 3 unit 7 = 307,

Level at ground and below ground shall also be identified by prefixes to distinguish these levels i.e., Ground =G, Lower Ground = LG, Basement = B etc

Commercial premises will be identified with an address identifier ie Shop G01, Office 102,

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

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

#### 91. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.

#### E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

#### **GENERAL MATTERS**

#### 92. HOURS OF OPERATION OF REAR COURTYARD OPEN SPACE

The use of the communal open space on the roof level of the development shall be restricted to the following hours:

(a) Monday to Friday (excluding public holidays) 7am to 9pm
 (b) Weekends and public holidays 8am to 9pm
 (c) New Year's Eve 9am to 12:30am.

#### 93. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

#### 94. NOISE EMISSIONS

The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

#### 95. RAINWATER HARVESTING AND REUSE

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

#### 96. ONGOING MAINTENANCE - STORMWATER DRAINAGE SYSTEM

Council will need to be provided with an OSD and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the detention facility must be:

- Kept clean and free from silt, rubbish and debris.
- Be maintained so that it functions in a safe and efficient manner.
- Not be altered without prior consent in writing of the Council.

#### **AMENITY & SAFETY**

#### 97. WASTE MANAGEMENT PLAN REVIEW

After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.

#### 98. LITTER CHECKS

Regular litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises) to monitor litter, including cigarette butt litter and packaging. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature. Building management must provide tenant and resident education to ensure appropriate disposal of cigarette butts.

#### **PARKING AND ACCESS**

#### 99. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the building are to do so in a forward direction.

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

#### 100. ON SITE GARBAGE COLLECTION

The collection of residential and commercial waste and recycling is to be undertaken on the site. No bins are to be stored or left on the street for collection.

#### 101. ADJUSTMENTS TO STREET SIGNS

Any street signs required to be removed as a result of the works shall be relocated at the applicant and/or owner's expense in accordance with Council's requirements.

#### 102. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the building are to be carried out within the site.

#### **ADVISORY MATTERS**

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

#### AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

#### **AD2. SYDNEY WATER REQUIREMENTS**

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

#### AD3. DIAL BEFORE YOU DIG

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

#### AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

#### AD5. EXCAVATION TO BE LIMITED

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

#### AD6. BONDI - ROSE BAY SAND BODY

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

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

#### AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.

#### AD8. SEPARATE APPLICATION FOR SIGNAGE

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

#### AD9. TREE REMOVAL/PRESERVATION

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

#### AD10. 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.

#### **AD11. SYDNEY WATER CERTIFICATE**

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.

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.

#### **AD12. OUTDOOR DINING**

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

#### **AD13. LIQUOR LICENSING ACCORD**

The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord. For information visit the Eastern Suburbs Liquor Accord website: www.esla.net.au/

#### AD14. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

#### AD15. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

#### **AD16. SITE RECTIFICATION WORKS**

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works including but not limited to:
  - (a) make the building/site safe and of an appearance acceptable to Council.
  - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
  - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
  - (d) AND to call on such bank guarantee to cover the cost thereof.
- (ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

# AMENDED

RECEIVED Waverley Council

Application No: DA-83/2022

Date Received: 20/12/2022



# O'BRIEN & GLENAYR

80000

Project Partners

Refer to consultant documentation when directed
Town planner - The Planning Studio
Access consultant - Design Confidence
BCA consultant - Design Confidence
Acoustic engineer - Koikas Engineers
Arborist - TBC
Basix & Nathers - AGA Consultants
Fire safety - Design Confidence
Geotechnical engineer - JK Group
Contamination engineer - JK Group
Heritage architect - N/A
Land surveyor - ESA Survey
Landscape architect - TWLA
Quantity surveyor - Berco Consulting
Electrical engineer - N/A

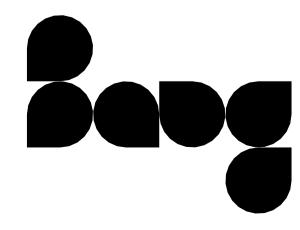
Structural engineer - N/A Structural engineer - N/A Stormwater & Flood engineer - Glenn Haigh and Partners Traffic engineer - Traffix Waste consultant - Elephants Foot

Electrical engineer - N/A Mechanical engineer - N/A Hydraulic engineer - N/A

15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia Development Application (NOT FOR CONSTRUCTION)

DAO Pro	ject inforn	nation	
I	DA000	E	Title page
ا	DA001	Е	Project Summary
DA1 Site	informatio	on	
	DA100	Е	Location plan
	DA101	Е	Site plan & analysis
	DA102	E	Survey plan
	DA103	Е	Demolition plan
	oor Plans		
	DA200	E	Ground
	DA201	E	Level 1
	DA202	E	Level 2
	DA203	E	Level 3
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	DA210	E	Roof
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	DA500	E	Solar access
	DA501	E	Cross ventilation
	DA502	E	Landscaped area
	DA503	_	Communal open space
	DA504	E	Deep soil
	DA505	E	Storage calculation
	DA506	E	Unit mix
	DA507	E	Gross floor area
	DA508	E	Height plane
	ptable ho	using	
	DA600	E	Adaptable unit allocation
	DA601	E	Pre & Post units
	DA602	E	Pre & Post units
	DA603	E	Pre & Post units
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	DA700	Ε	Design Verification State
	DA701	E	Principle 1
	DA702	E	Principle 2
	DA703	E	Principle 3
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■ BANG Architecture PTY LTD www.bangarchitecture.com.au info@bangarchitecture.com.au Suite 16 / 79-81 Old South Head Road Bondi Junction NSW 2022 Australia



Date Received: 20/12/2022



# Site Information

15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia

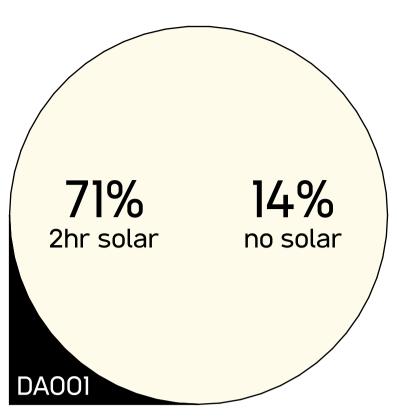
G/DP442099, SP31836, N/DP33098

Site Areas

Floor space ratio:

Height limit:

Local Government Area: Waverley Council



## Solar Access

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

9/14 units

# Cross Ventilated units

**Apartment Design Guide** 

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

Design criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.

ventilation and cannot be fully enclosed Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line

if any enclosure of the balconies at these levels allows adequate natural

Apartments at ten storeys or greater are deemed to be cross ventilated only

# 17% 164.7 m<sup>2</sup> / 947.3 m<sup>2</sup>

### Landscaped area

Waverley Council Development Control Plan 3.9

Definition: The definition of 'landscaped area' is the same as the definition adopted in the WLEP 2012 and is defined as "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard

(a) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation. (b) To encourage mature and substantial tree planting to improve the amenity

(c) To allow for landscaping to provide screening between buildings. (d) To ensure landscaped areas are useable and maintainable spaces that contribute to the existing landscape character of the street. (e) To minimise the extent of impervious areas and facilitate rainwater

(f) To influence the microclimate of open space within the development.

(a) Development is to comply with the provisions of Part B3 Landscaping and

(b) 30% of the site area is to be provided as landscaped area. (c) 50% of the landscaped area must be deep soil zone. (d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting. (e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.

(f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland. (g) For developments with podium landscaping, compliance with Section B3

13 Metre

minor encroachments

Landscaping and Biodiversity is required.

30% 290.9 m<sup>2</sup> / 947.3 m<sup>2</sup>

# Communal open space

#### Apartment Design Guide

Objective 3D-1

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

Design criteria Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

Waverley Council Development Control Plan 3.10

(e) To provide a pleasant outlook for development.

(a) To provide communal indoor and outdoor areas of high design quality. (b) To provide space to encourage interaction between residents. (c) To encourage a positive street address for the development. (d) To provide residents with recreational opportunities.

Controls

(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space. (b) 25% of the total site area for development in the R4 zone is to be provided

for R4 as consolidated communal open space (c) Communal open space is to: (i) Be consolidated into a useable area with a

minimum dimension of 6m x 6m. (ii) Be located so that solar access is maximised.

use by people with disabilities.

**DA001** 

Adaptable Housing.

Adaptable Housing.

Adaptable units

(iii) Provide a landscape buffer between buildings. (iv) Be designed to a high quality, and allow for landscaping and seating. (v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).

(g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21. (h) Communal open space is to be accessible to all dwellings within a

development. (i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site. (j) All facilities in communal areas are to be constructed so as to enable their

21%

3/14 units

Waverley Council Development Control Plan 7.2 Adaptable Dwellings

development to accommodate occupants' changing needs over time.

(b) Adaptable dwellings are to be allocated to all dwelling typologies to

in accordance with the relevant Australian Standards.

the Waverley Development Application Guide.

residential unit and be a part lot in the strata plan.

accommodate various household sizes.

This section is to be read in conjunction with Australian Standard AS 4299-1995

(a) To ensure adequate adaptable housing is provided for within new residential

(b) To ensure adaptable dwellings are included within residential development

(a) Plans identifying adaptable housing are to be submitted in accordance with

(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to

the nearest whole number) shall comply with the provisions of an adaptable

unit as specified in accordance with the Australian Standard AS 4299-1995

(d) One accessible car parking space is to be provided for every adaptable

7.0% 66.4 m<sup>2</sup> / 947.3 m<sup>2</sup>

# Deep Soil area

#### **Apartment Design Guide**

Objective 3E-1

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

Design criteria

Deep soil zones are to meet the following minimum requirements: Site area less than 650m2 Deep soil zone 7%

Site area 650m2 - 1,500m2 3m Minimum dimensions Deep soil zone 7% Site area greater than 1,500m2 6m Minimum dimensions Deep soil zone 7%

Waverley Council Development Control Plan Amendment no8 Sites in local village centres that adjoin residential development at the rear are to provide deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary.

NatHERS Specifications

Skylights Glass Frame U value SHGC Detail

Default Single glazed clear Aluminium 7.3 0.79 For unit 304 Internal blind require

researe are the specification splint which the Naturi-Research assessment is based. It detains included in these Specifications of the Naturi-Research and the Naturi-Research and the Naturi Research and the Natura Research

Default Single glazed, low E high solar gain

Default Single glazed, low E high solar gain

Default Single glazed, low E high solar gain

Default Double glazed, low E low solar gain

The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance

# complies 14/14 units

Objective 4G-1

Adequate, well designed storage is provided in each apartment

Dwelling type Storage size volume Studio apartments 6m3 1 bedroom apartments 2 bedroom apartments

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site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do

not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing

Architecture PTY LTD. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the

reflects a design by BANG Architecture PTY LTD and is to be used only for work when authorised in writing by BANG

contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

ith without written permission of BANG Architecture PTY LTD. Notes: The Builder shall check all dimensions and levels on

1B 2B **3B** DA001

storage is provided: Dwelling type

FSR 2:1 Allowable GFA 1,894.6 **DA001** 

#### **Gross Floor Area**

Sydney Local Environmental Plan 2012

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

(a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and

(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes-(d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement-

(ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and

(g) car parking to meet any requirements of the consent authority (including access to that car parking), and (h) any space used for the loading or unloading of goods (including access to it),

(i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above.

(i) storage, and

00008 Project Info 15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)

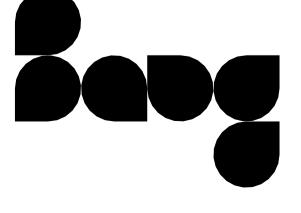
E DA Final Submission Set or half @ A3

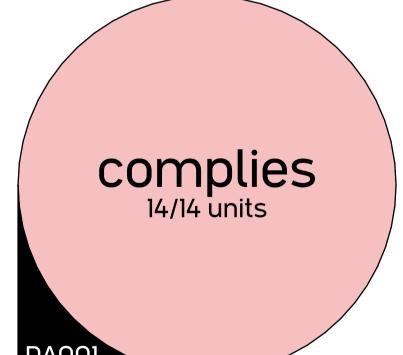
■ Rev | Change Name DA RFI Response (work in progress) DA RFI Response Submission set DA Submission Set Lowered height

Height limit

25/08/2022 WM

Project information **Project Summary** 





# Storage allocation

storage is provided:

In addition to storage in kitchens, bathrooms and bedrooms, the following

3+ bedroom apartments 10m3

At least 50% of the required storage is to be located within the apartment

# Unit mix Objective 4G-1

Adequate, well designed storage is provided in each apartment In addition to storage in kitchens, bathrooms and bedrooms, the following Storage size volume Studio apartments 6m3 l bedroom apartments 2 bedroom apartments 3+ bedroom apartments 10m3 At least 50% of the required storage is to be located within the apartment

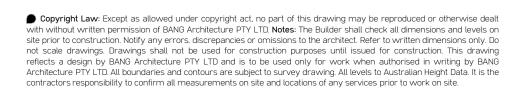
BANG Architecture PTY LTD www.bangarchitecture.com.au info@bangarchitecture.com.au Suite 16 / 79-81 Old South Head Road Bondi Junction NSW 2022 Australia

Nominated Architect Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Oueen Street Woollahra NSW 2025

Date Received: 20/12/2022





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15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)



Rev Change Name B DA RFI Response (work in progress) DA RFI Response Submission set DA Submission Set Lowered height

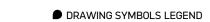
Site information Location plan

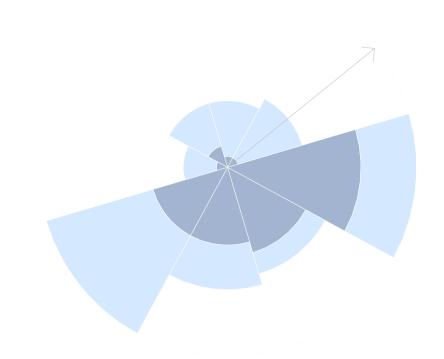
**DA100** E



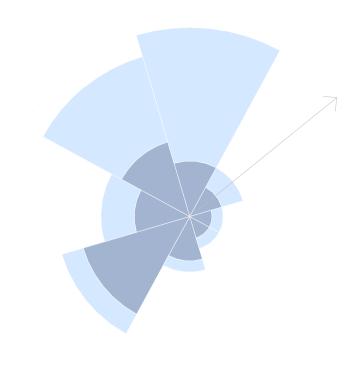
# AMENDED



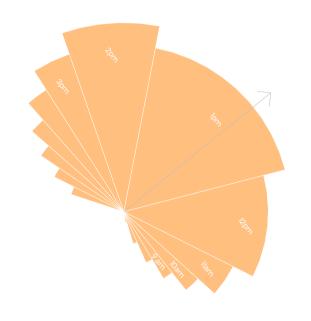




■ SUMMER WINDS
prevailing wind direction: north easterly + southerly
morning winds & afternoon winds



■ WINTER WINDS prevailing wind direction: north westerly + southerly morning winds & afternoon winds

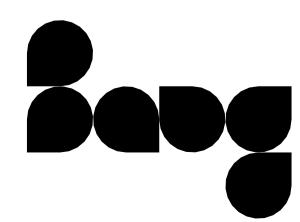


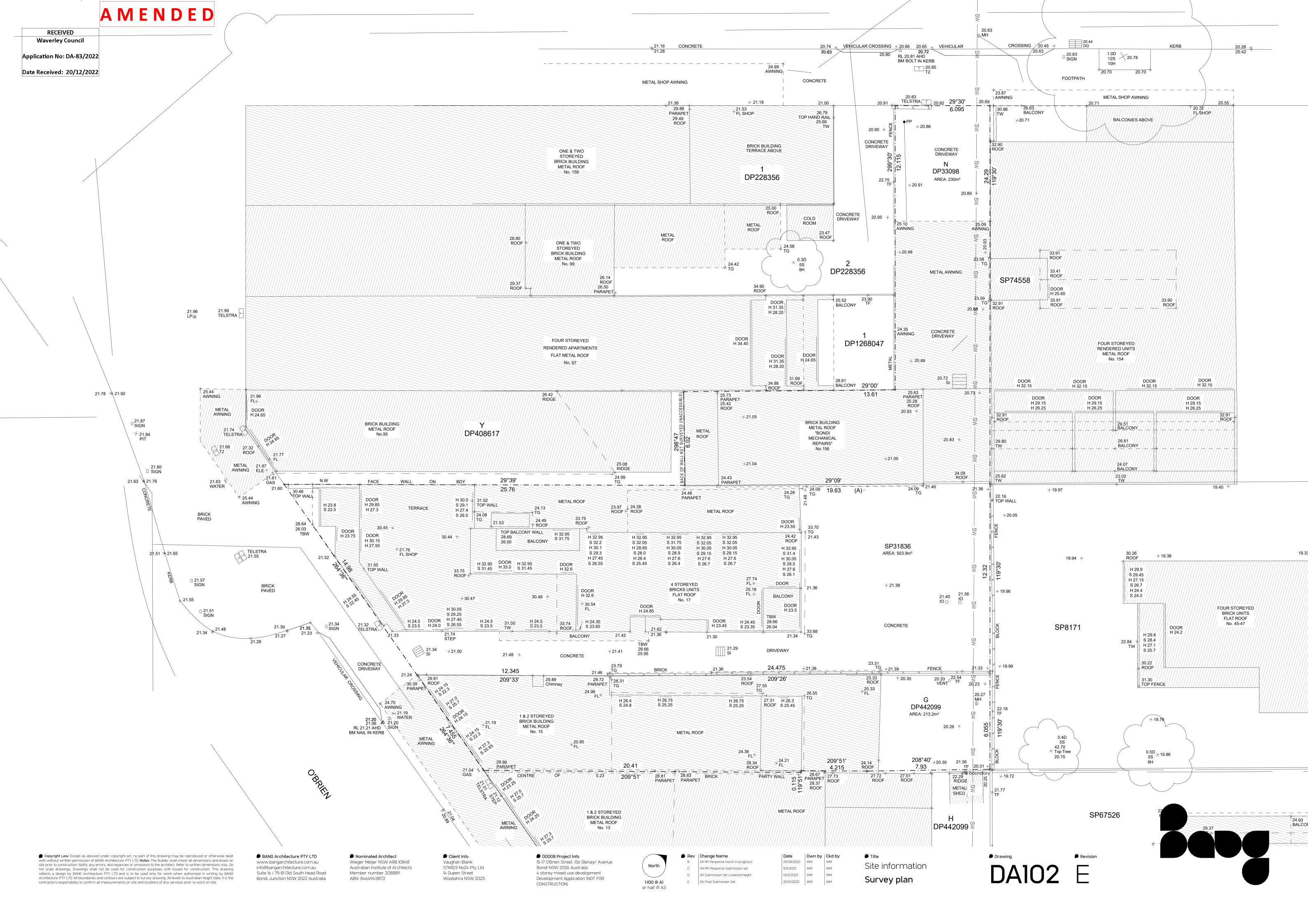
SUMMER SOLSTICE SUN EYE DIAGRAM22 December with sun intensity

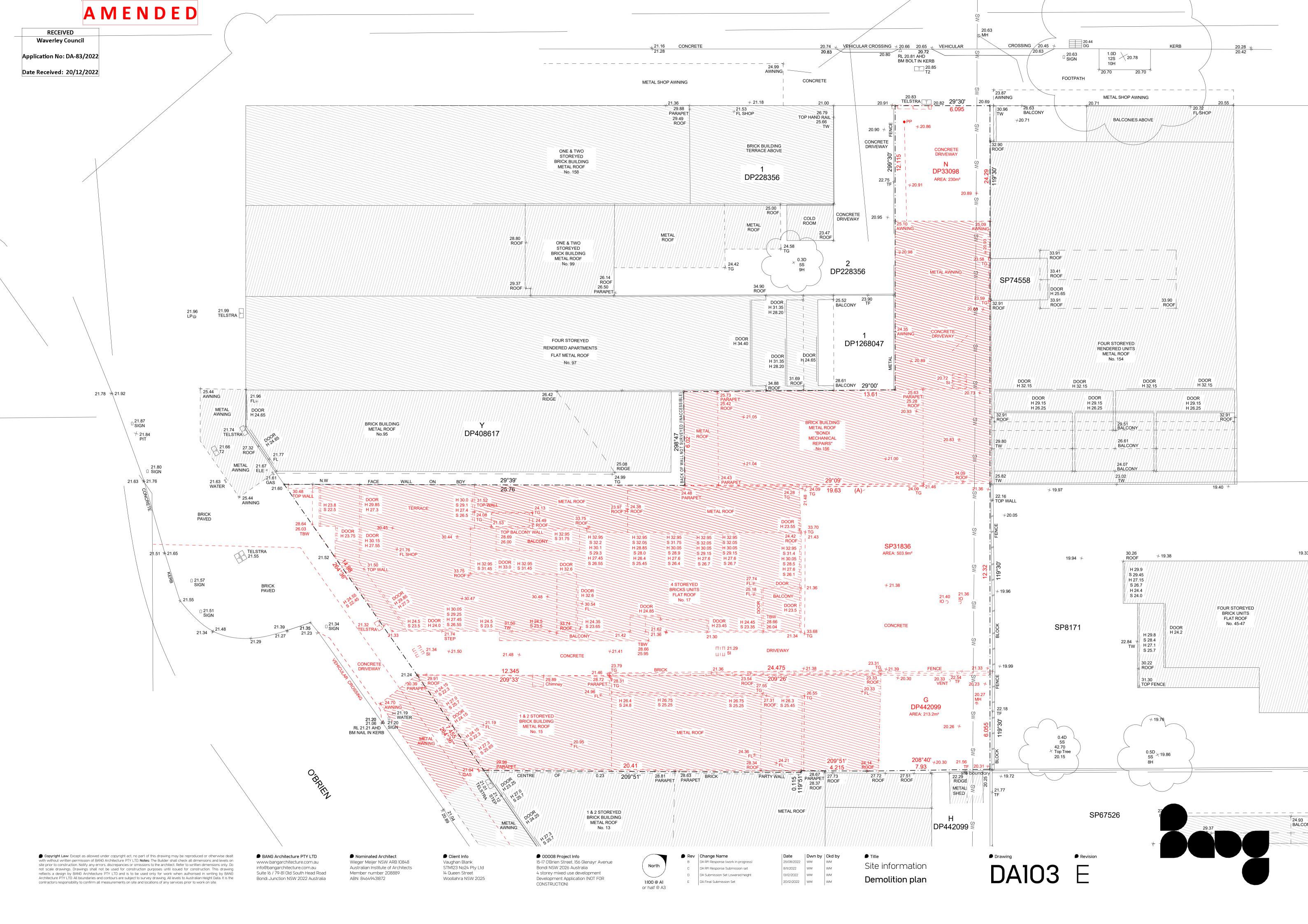


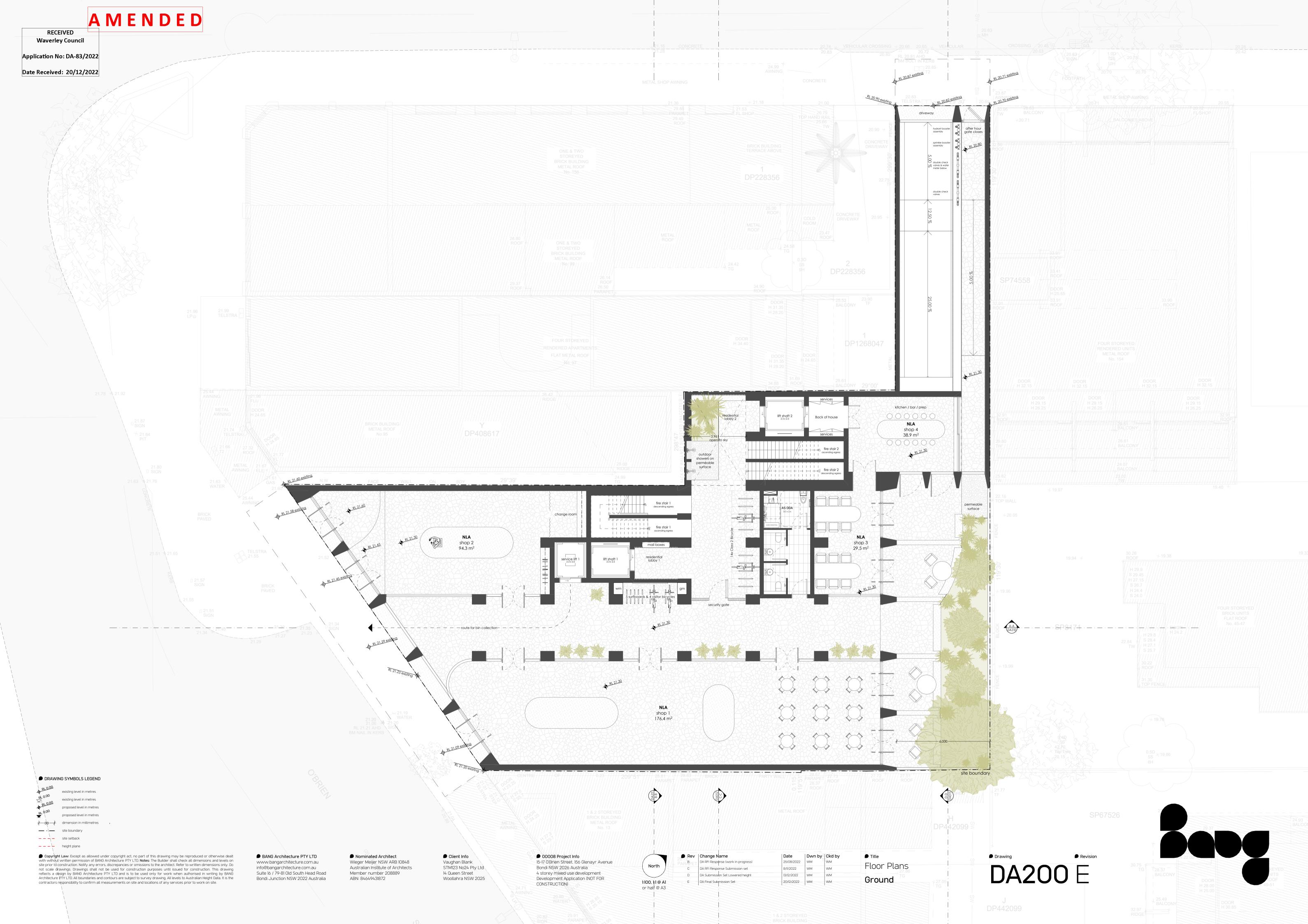
■ WINTER SOLSTICE SUN EYE DIAGRAM
22 June with sun intensity

E DA Final Submission Set



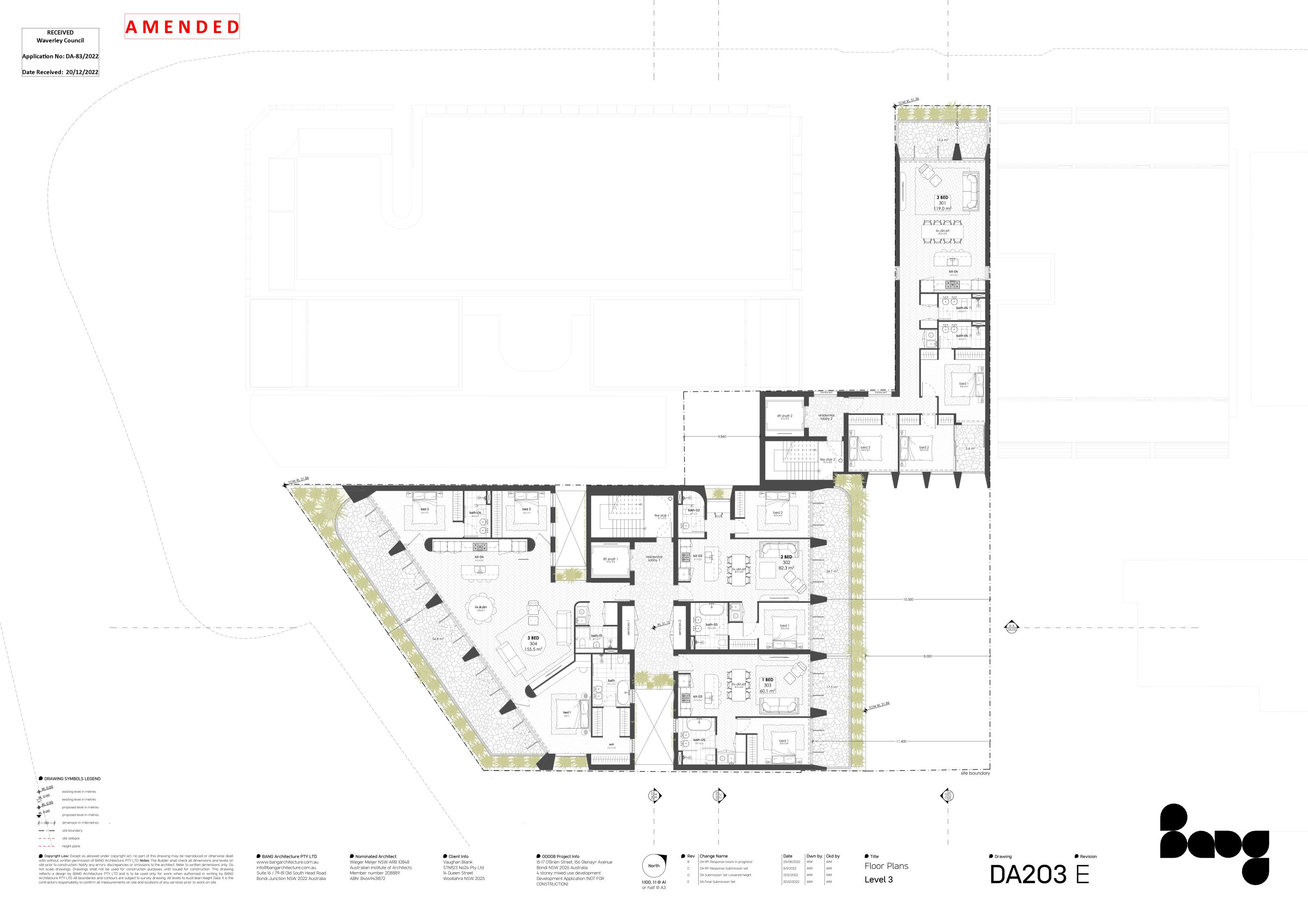


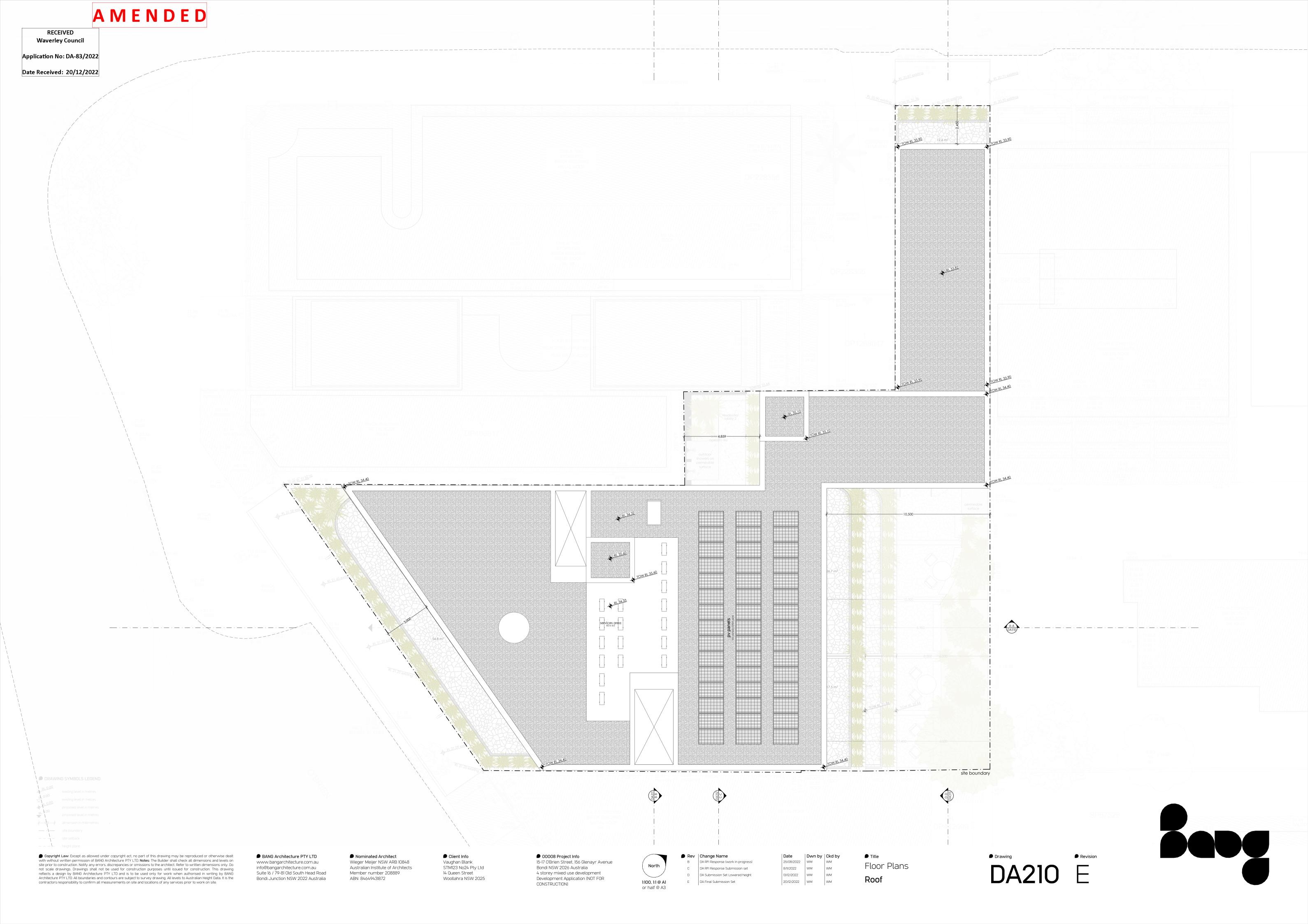






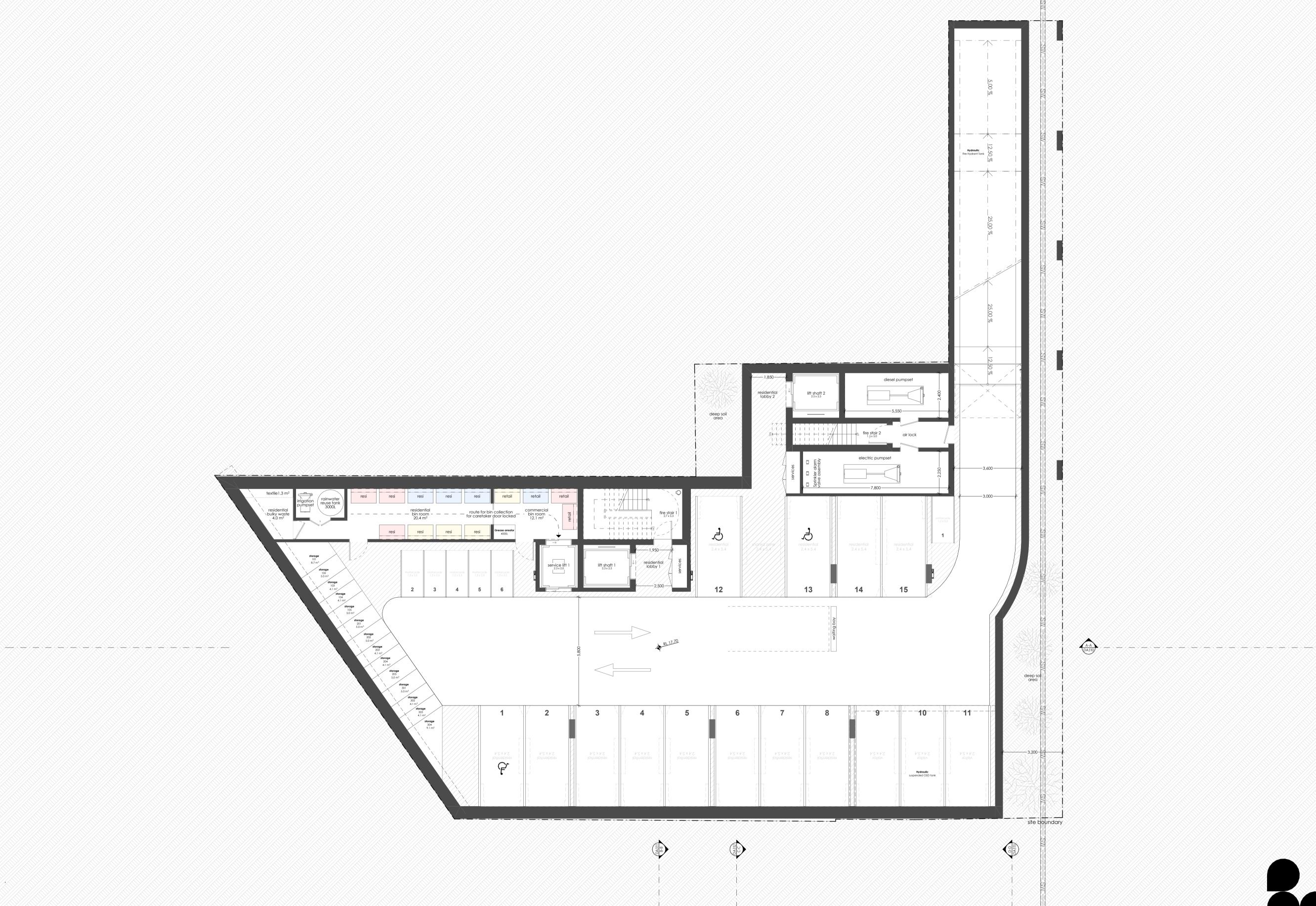






AMENDED RECEIVED Waverley Council

Application No: DA-83/2022 Date Received: 20/12/2022



#### ■ DRAWING SYMBOLS LEGEND

proposed level in metres

proposed level in metres dimension in millimetres site boundary

\_ \_ \_ site setback height plane

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Client Info Vaughan Blank STMI23 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025  00008 Project Info
 15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)

Rev Change Name B DA RFI Response (work in progress) C DA RFI Response Submission set D DA Submission Set Lowered height 1:100, 1:1 @ A1 E DA Final Submission Set or half @ A3

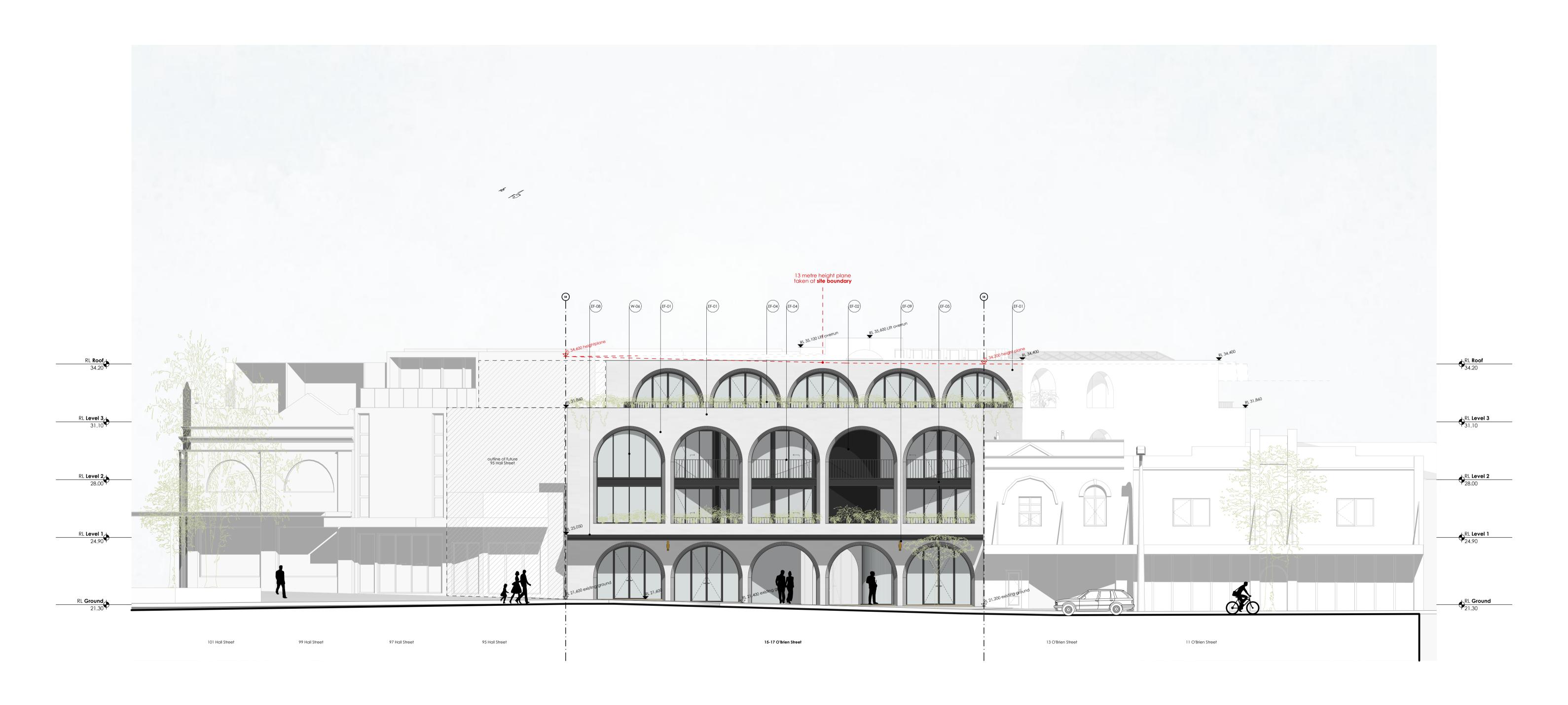
Floor Plans Basement 1

**DA220** E

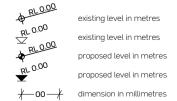




Date Received: 20/12/2022



#### DRAWING SYMBOLS LEGEND



proposed level in metres # 00 # dimension in millimetres — · — site boundary --- site setback

--- height plane © Copyright Law: Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of BANG Architecture PTY LTD. Notes: The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by BANG Architecture PTY LTD and is to be used only for work when authorised in writing by BANG Architecture PTY LTD. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

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Rev Change Name

B DA RFI Response (work in progress)

C DA RFI Response Submission set

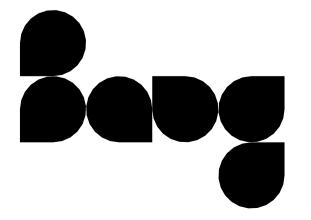
D DA Submission Set Lowered height

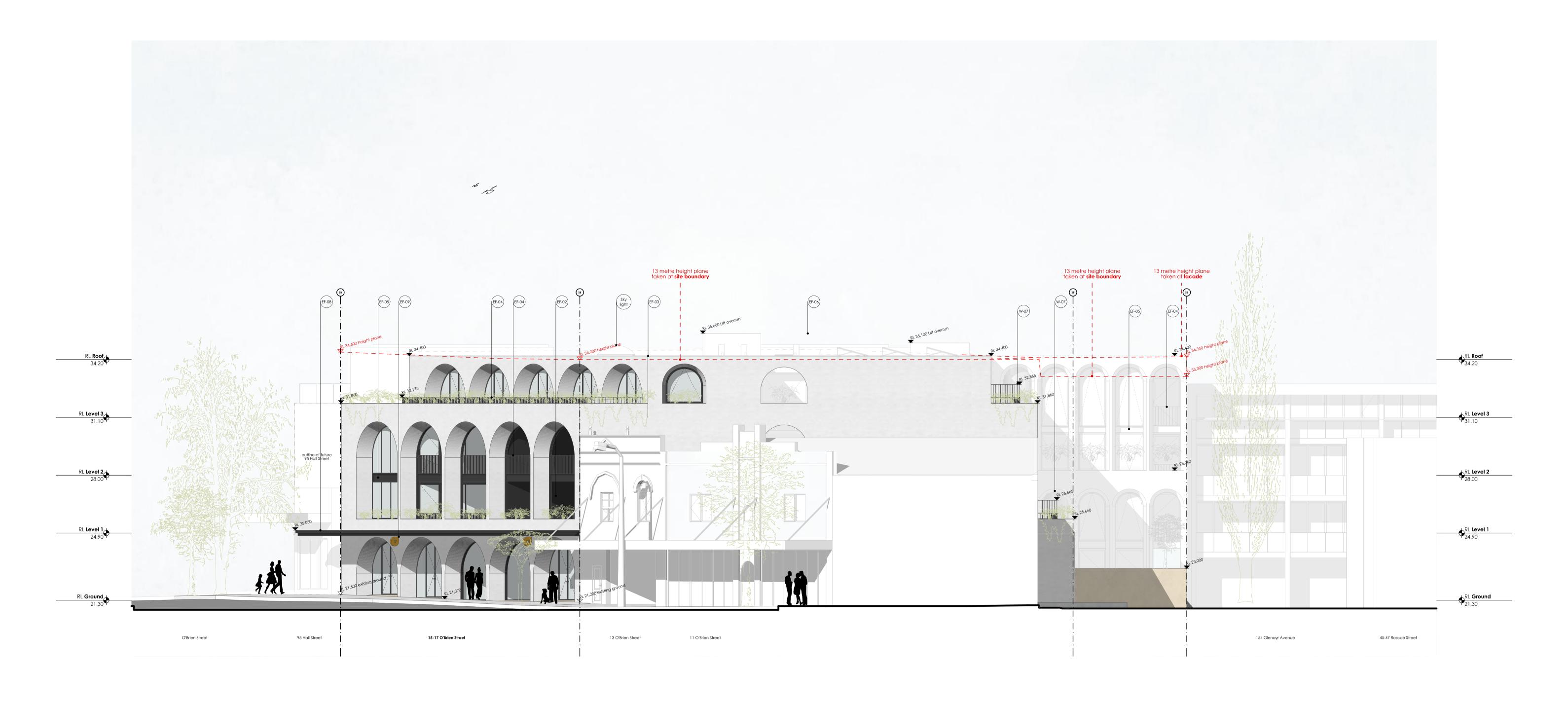
E DA Final Submission Set



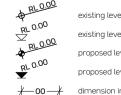
Elevations South (O'Brien)







#### DRAWING SYMBOLS LEGEND



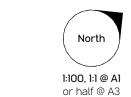
existing level in metres

proposed level in metres # 00 # dimension in millimetres — · — site boundary

--- site setback **— — —** height plane Copyright Law: Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of BANG Architecture PTY LTD. Notes: The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by BANG Architecture PTY LTD and is to be used only for work when authorised in writing by BANG Architecture PTY LTD. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

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Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025



● 00008 Project Info 15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia

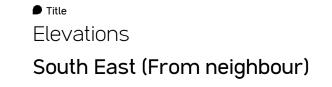
4 storey mixed use development

CONSTRUCTION)

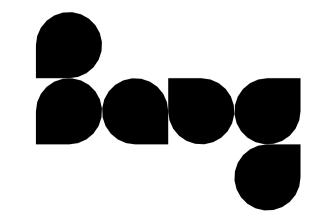
Development Application (NOT FOR





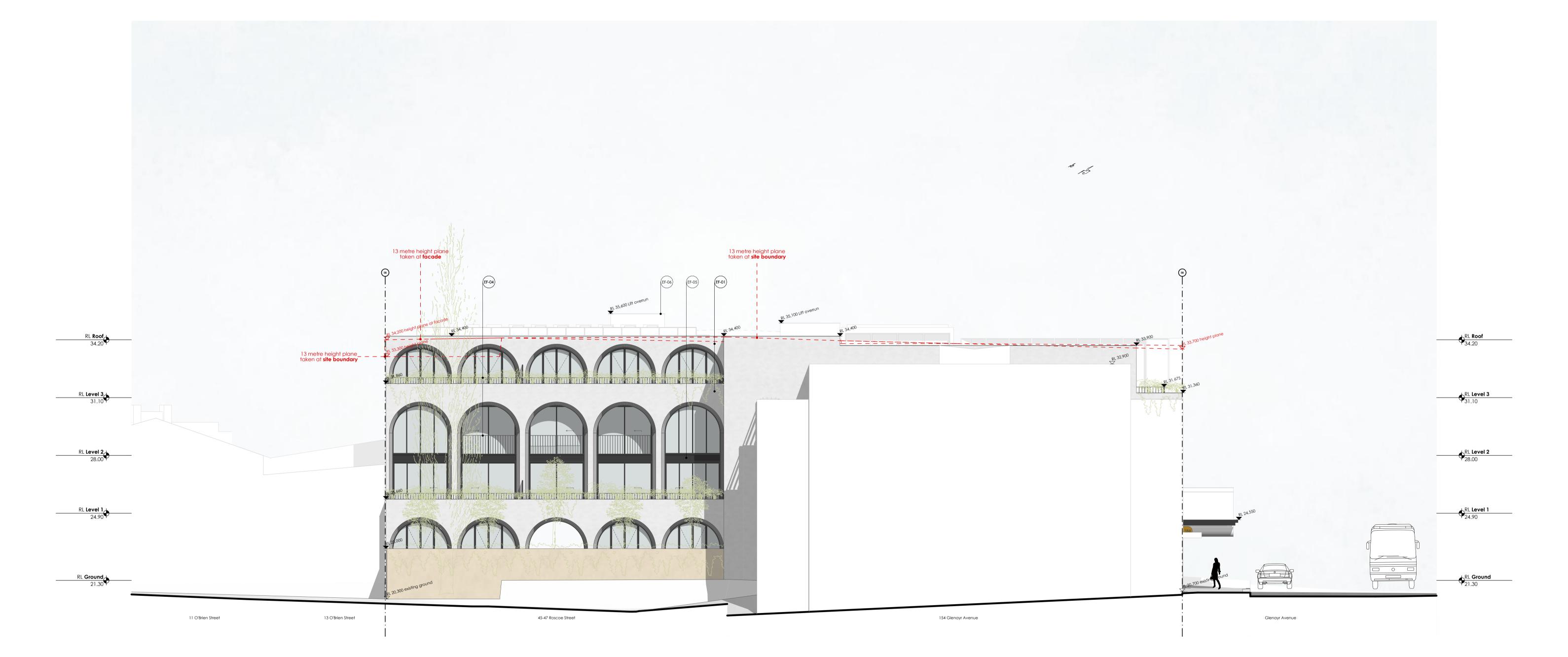






Application No: DA-83/2022

Date Received: 20/12/2022



#### ■ DRAWING SYMBOLS LEGEND

existing level in met
existing level in met
existing level in met
proposed level in m
proposed level in m

proposed level in metres
proposed level in metres
proposed level in metres
dimension in millimetres
site boundary

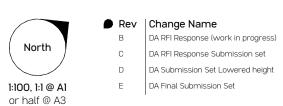
- - - site setback
- - - height plane

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Nominated Architect
Wieger Meijer NSW ARB 10848
Australian Institute of Architects
Member number 208889
ABN: 84649431872

Olient Info
Vaughan Blank
STM123 No24 Pty Ltd
14 Queen Street
Woollahra NSW 2025

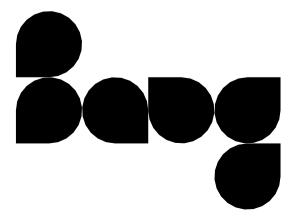
● 00008 Project Info
15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application (NOT FOR
CONSTRUCTION)





● Title
Elevations
North East (Courtyard)

Parawing Revision DA302 E





**Waverley Council** Application No: DA-83/2022

RECEIVED

Date Received: 20/12/2022



#### DRAWING SYMBOLS LEGEND

RL 0.00

proposed level in metres

proposed level in metres # 00 # dimension in millimetres

— · — site boundary --- site setback

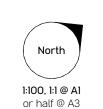
--- height plane

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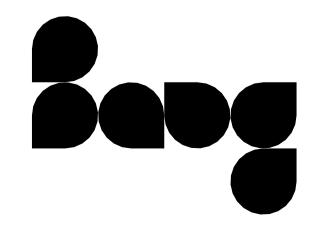
Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025 ● 00008 Project Info 15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)



E DA Final Submission Set



Elevations North West (Glenayr) **DA303** E



# AMENDED

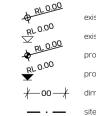
RECEIVED **Waverley Council** 

Application No: DA-83/2022

Date Received: 20/12/2022



#### DRAWING SYMBOLS LEGEND



existing level in metres
existing level in metres
existing level in metres
proposed level in metres proposed level in metres

proposed level in metres # 00 # dimension in millimetres — · — site boundary

**---** site setback --- height plane

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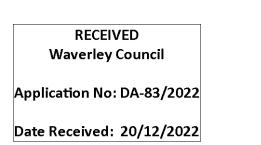
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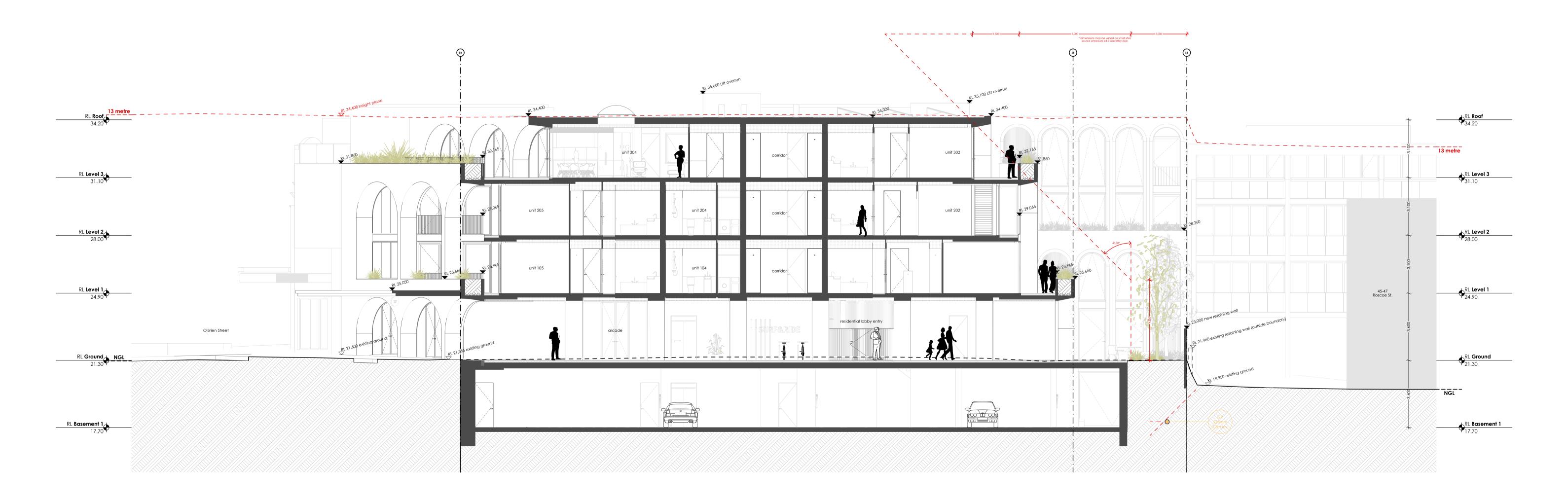


Elevations South East (Hall)









#### DRAWING SYMBOLS LEGEND

proposed level in metres proposed level in metres # 00 # dimension in millimetres

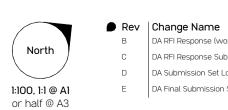
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— · — site boundary --- site setback --- height plane

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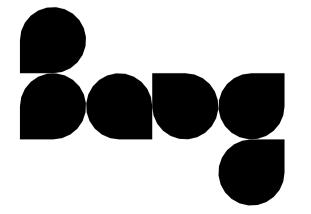


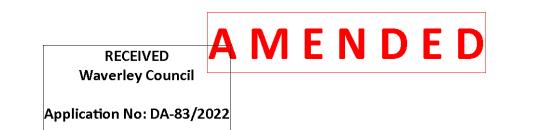
E DA Final Submission Set



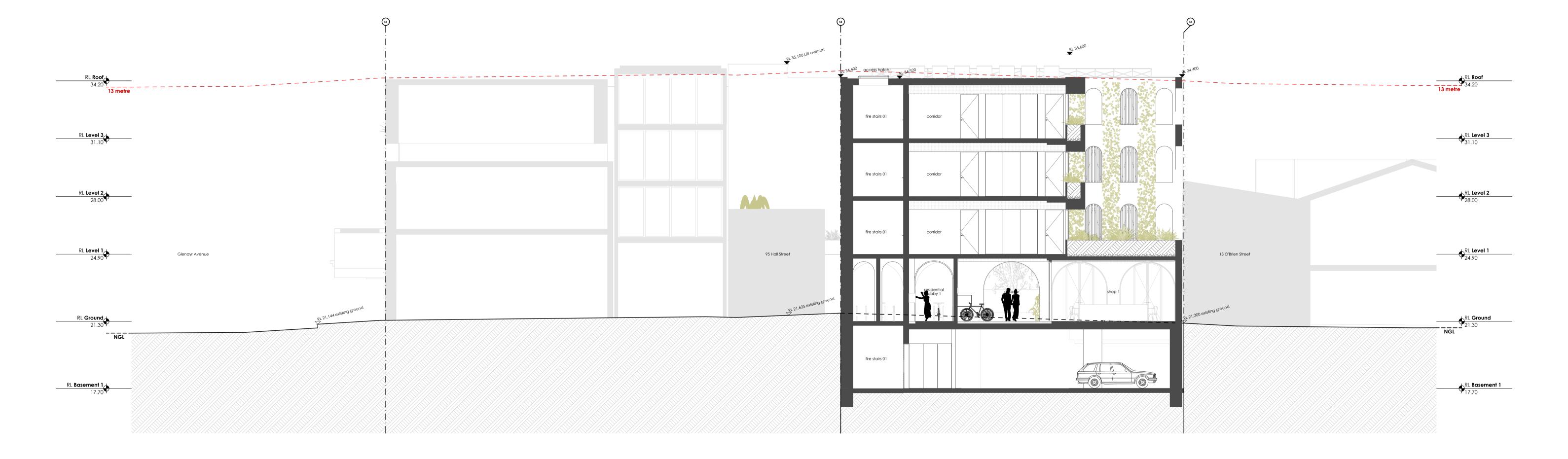
Sections







Date Received: 20/12/2022



#### ■ DRAWING SYMBOLS LEGEND

--- height plane

existing level in metres
existing level in metres
existing level in metres
proposed level in metres
proposed level in metres
dimension in millimetres
site boundary
site setback

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Member number 208889
ABN: 84649431872

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Vaughan Blank
STMI23 No24 Pty Ltd
I4 Queen Street
Woollahra NSW 2025

● 00008 Project Info
15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application (NOT FOR
CONSTRUCTION)

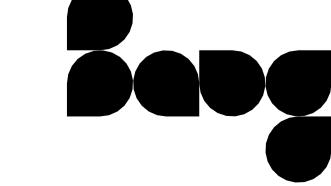




E DA Final Submission Set

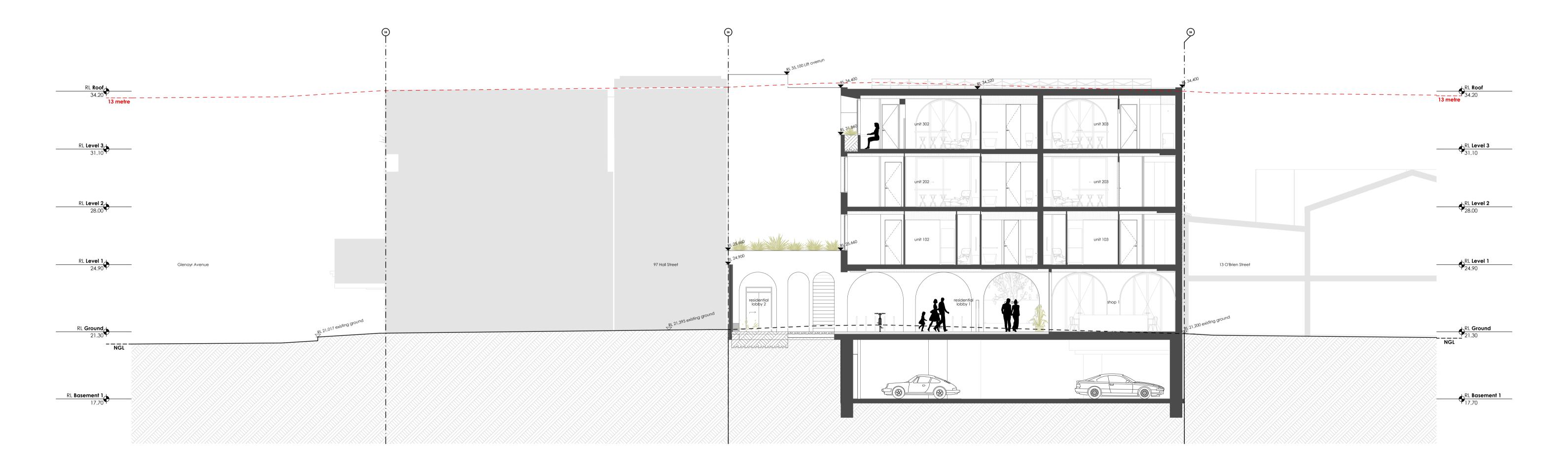
Sections

DA311



AMENDED

RECEIVED **Waverley Council** Application No: DA-83/2022 Date Received: 20/12/2022



#### DRAWING SYMBOLS LEGEND

proposed level in metres proposed level in metres # 00 # dimension in millimetres — · — site boundary

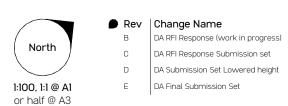
--- site setback

--- height plane Copyright Law: Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of BANG Architecture PTY LTD. Notes: The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing reflects a design by BANG Architecture PTY LTD and is to be used only for work when authorised in writing by BANG Architecture PTY LTD. All boundaries and contours are subject to survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

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15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)



C DA RFI Response Submission set

D DA Submission Set Lowered height

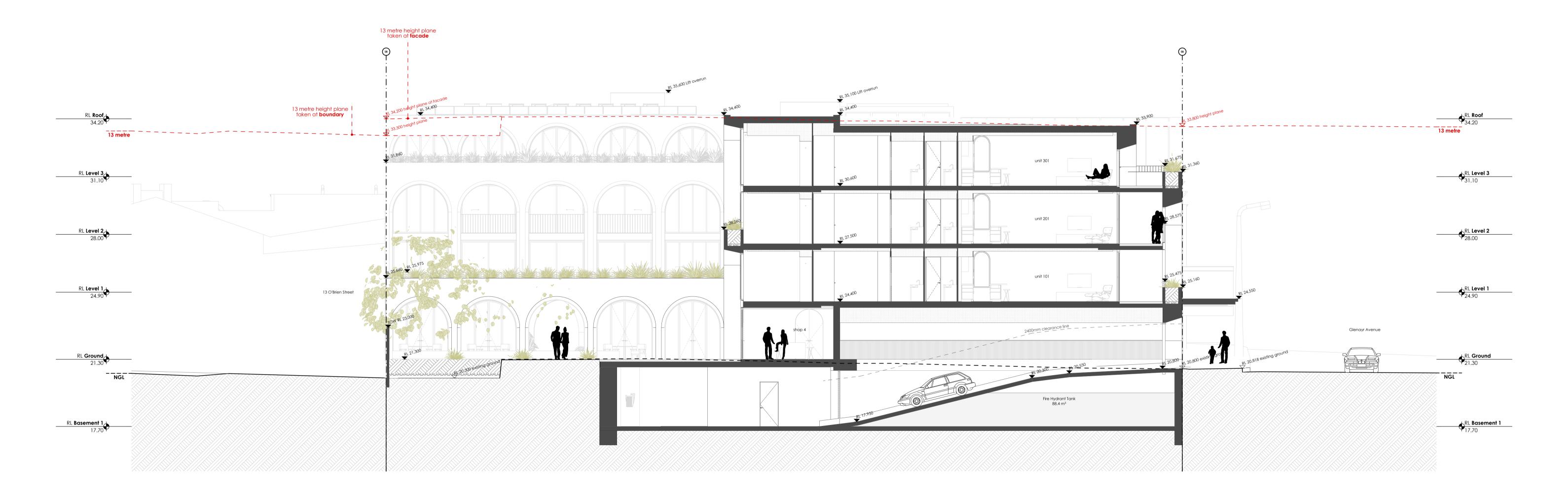
E DA Final Submission Set







Date Received: 20/12/2022



#### DRAWING SYMBOLS LEGEND

proposed level in metres proposed level in metres dimension in millimetres

 dimension in millimetres

— · — site boundary

**---** site setback --- height plane

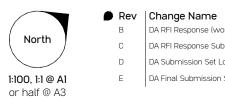
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Bondi NSW 2026 Australia
4 storey mixed use development

Payalanment Application (NOT FOR Development Application (NOT FOR CONSTRUCTION)

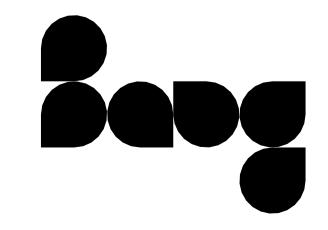


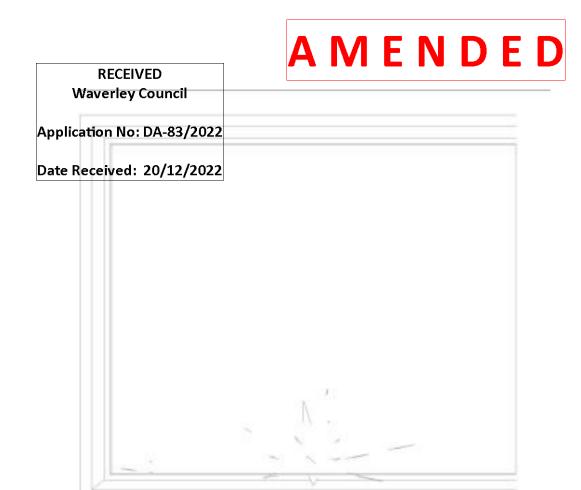
E DA Final Submission Set

B DA RFI Response (work in progress) C DA RFI Response Submission set D DA Submission Set Lowered height

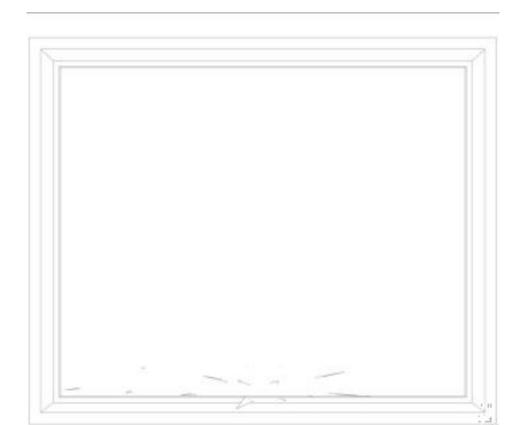
Sections D-D (Driveway)

DA313 E

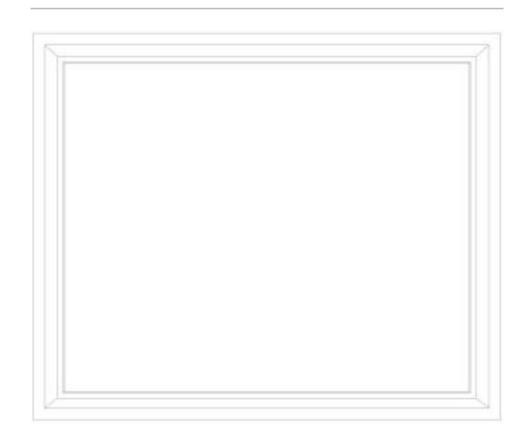




West lightwell - Level 3



West lightwell - Level 2

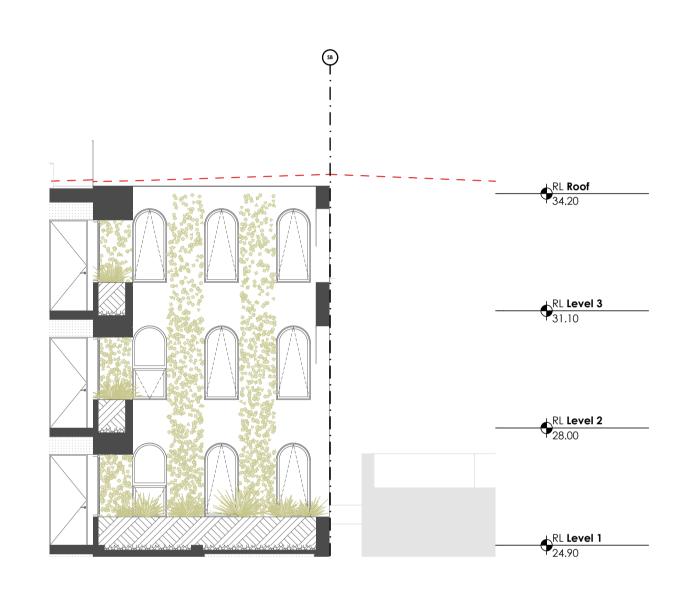




--- height plane © Copyright Law: Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt



West lightwell - North internal elevation



West lightwell - North internal elevation

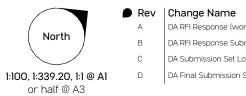


West lightwell - Level 1



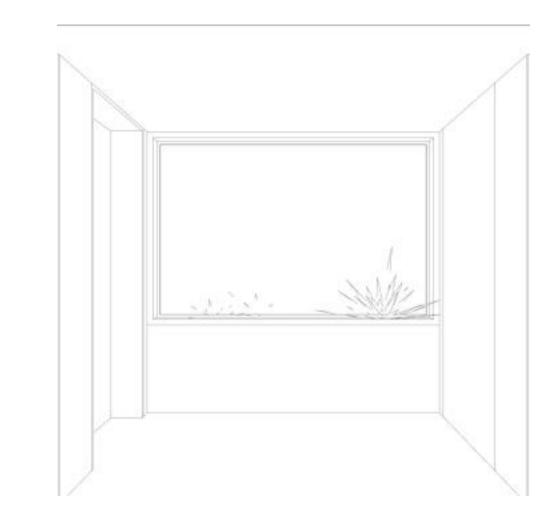
Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025



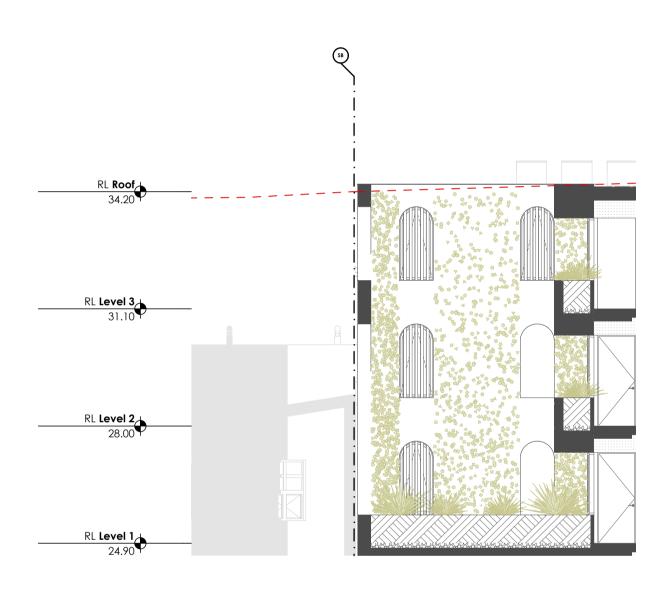




Lightwell & Internal Elevations DA314

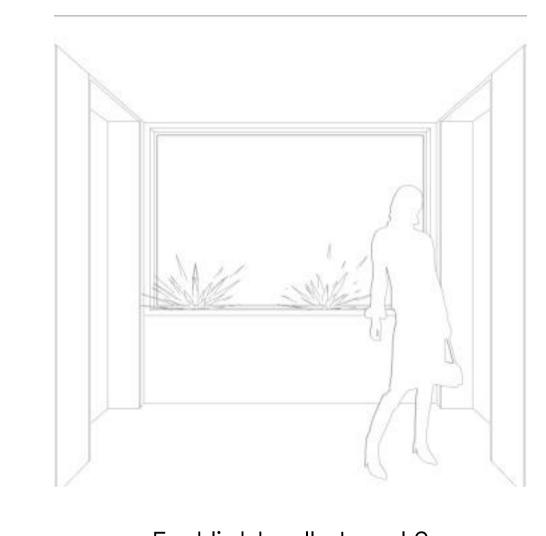


East lightwell - Level 3



East lightwell - South internal elevation

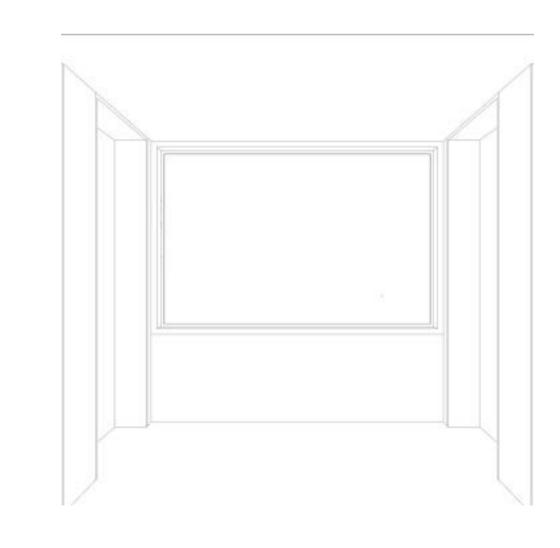
East lightwell - North internal elevation



East lightwell - Level 2



East lightwell - Level 1



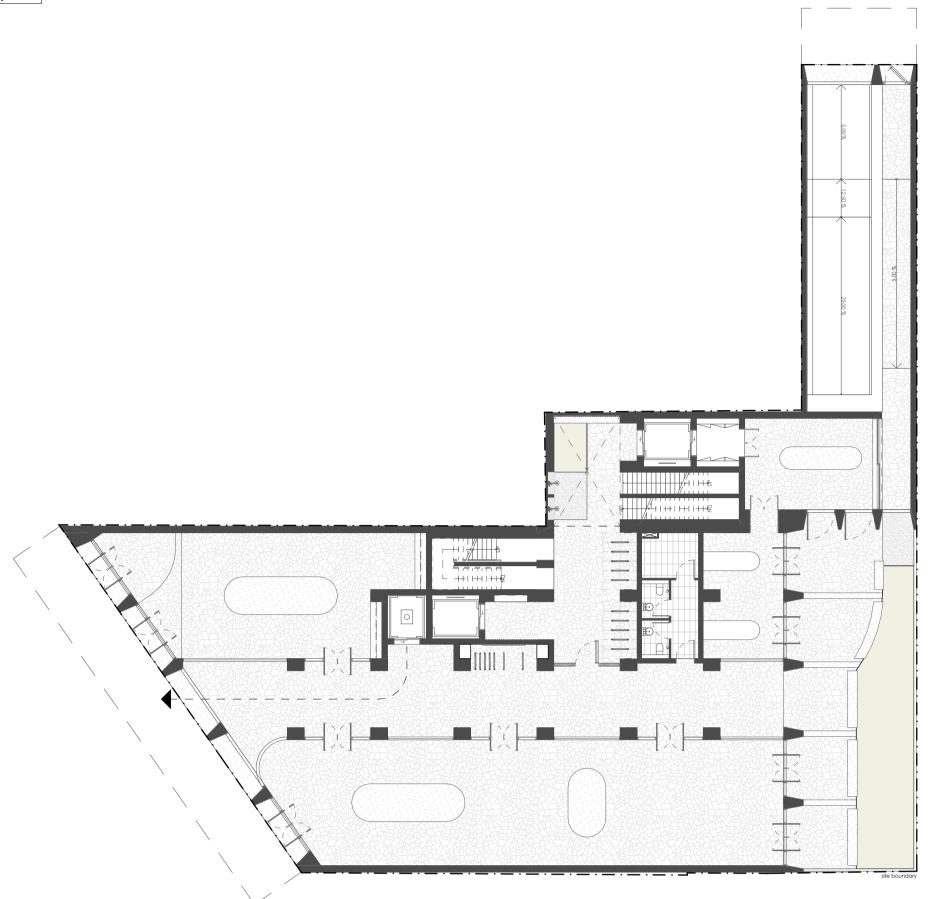
East lightwell - Level 1



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Client Info Vaughan Blank 14 Queen Street

● 00008 Project Info 15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)

Rev | Change Name

Compliance diagrams

14% 71% 2hr solar no solar DA500 Solar Access

#### Objective 4A-1

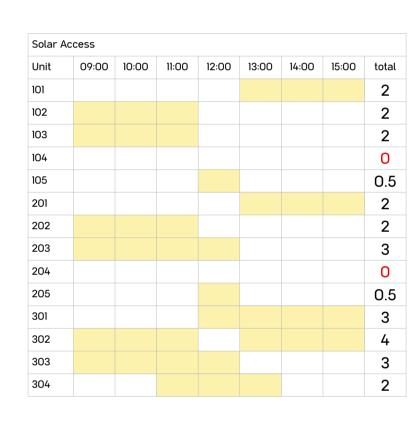
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

#### Design criteria

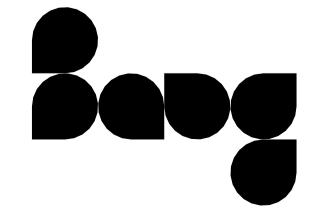
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter







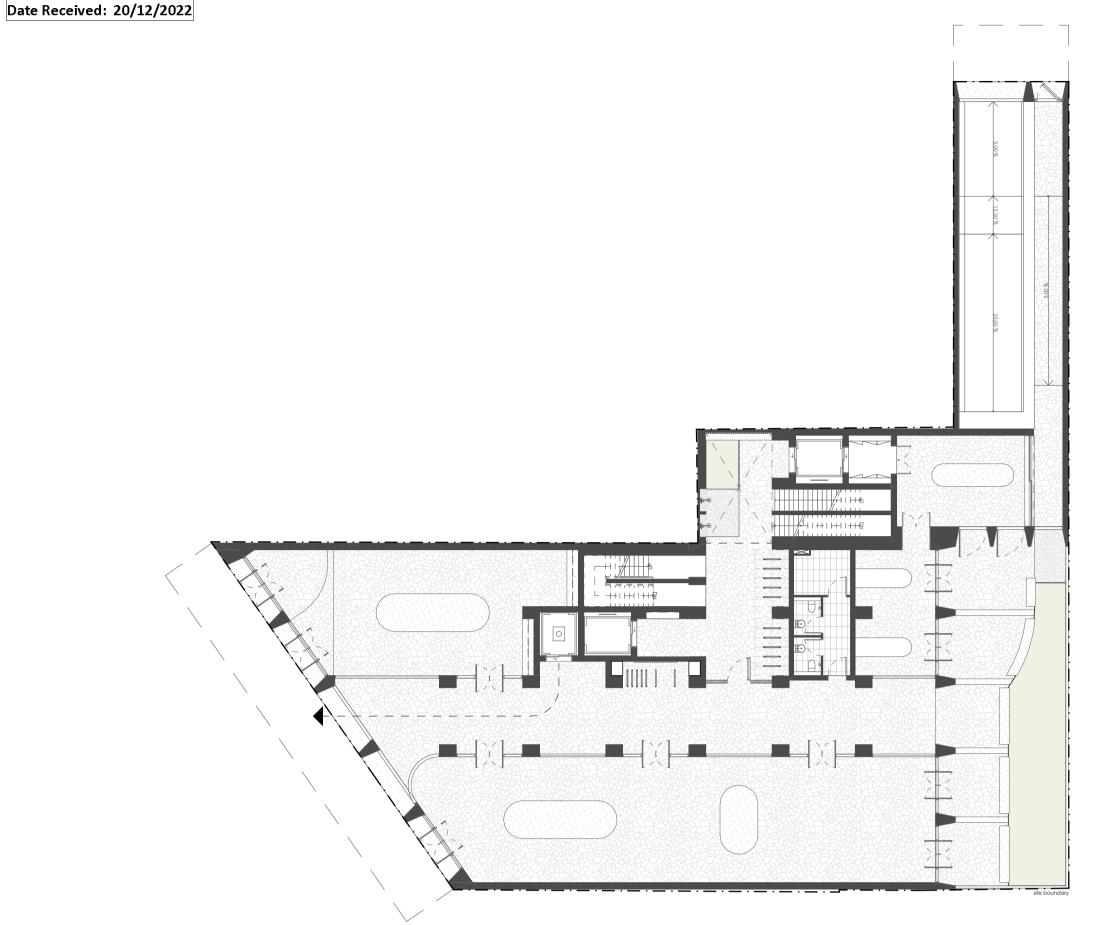


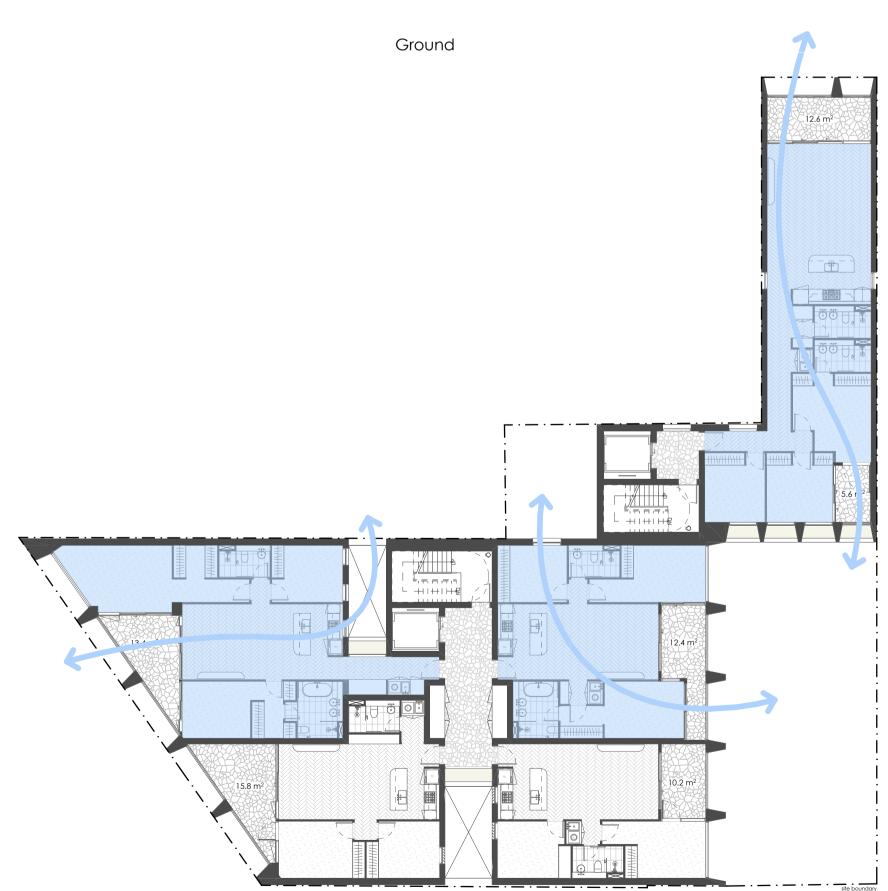
Level 3

Level 1

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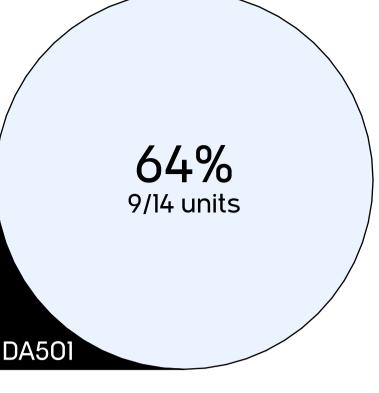
00008 Project Info15-17 O'Brien Street, 156 Glenayr Avenue Bondi NSW 2026 Australia 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)





Level 1

DA501 E



# **Cross Ventilated units**

#### Apartment Design Guide

#### Objective 4B-3

The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

**Design criteria**At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.

Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed

Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line

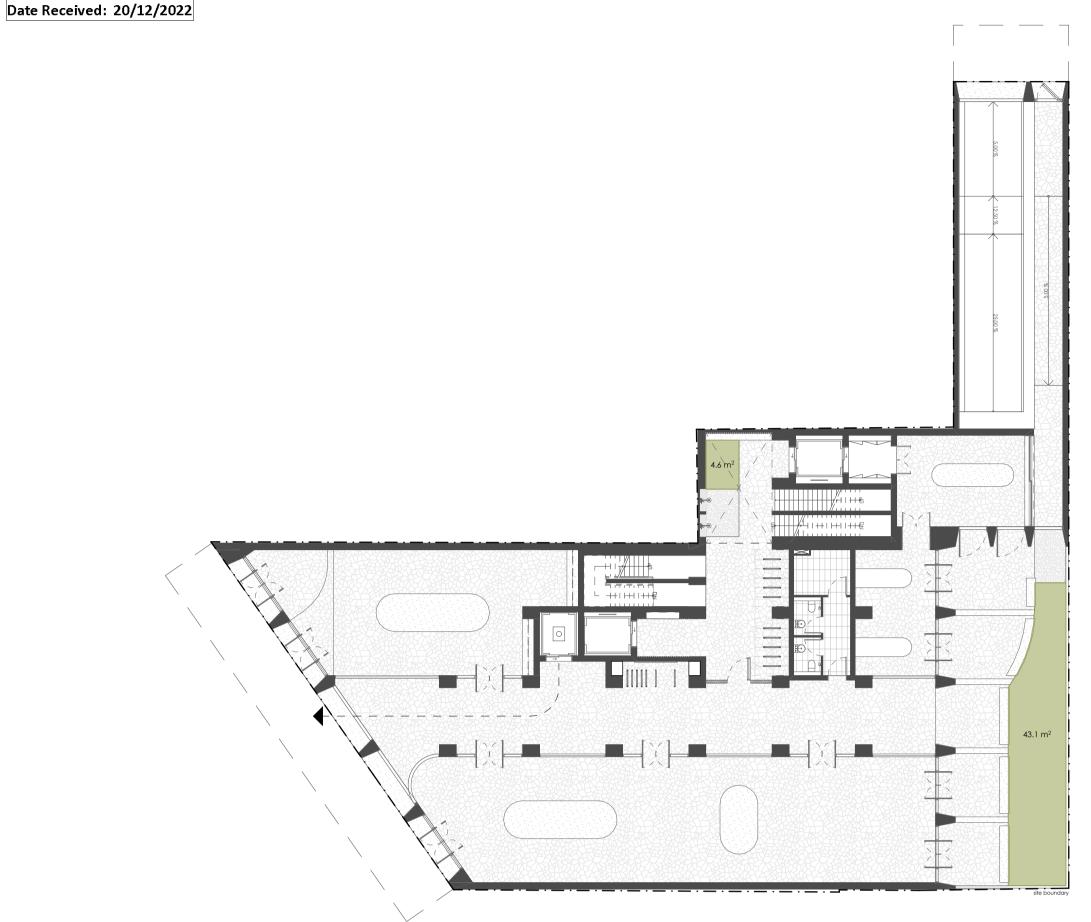




Level 3

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Application No: DA-83/2022







Level 2

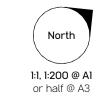
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Rev | Change Name DA RFI Response (work in progress) DA RFI Response Submission set DA Submission Set Lowered height

Level 3

Level 1

Compliance diagrams Landscaped area

**17%** 164.7 m² / 947.3 m² Landscaped area

#### Waverley Council Development Control Plan 3.9

Definition: The definition of 'landscaped area' is the same as the definition adopted in the WLEP 2012 and is defined as "a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard

(a) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.
(b) To encourage mature and substantial tree planting to improve the amenity

of developments. (c) To allow for landscaping to provide screening between buildings.
(d) To ensure landscaped areas are useable and maintainable spaces that

contribute to the existing landscape character of the street. (e) To minimise the extent of impervious areas and facilitate rainwater

#### (f) To influence the microclimate of open space within the development.

(a) Development is to comply with the provisions of Part B3 Landscaping and Biodiversity.

(b) 30% of the site area is to be provided as landscaped area.

(c) 50% of the landscaped area must be deep soil zone.(d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting. (e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.

(f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.

# (g) For developments with podium landscaping, compliance with Section B3 Landscaping and Biodiversity is required.

164.7 m²

Proposed Landscaped Area				
Level 3	46.6			
Level 2	8.6			
Level 1	61.8			
Ground	47.7			





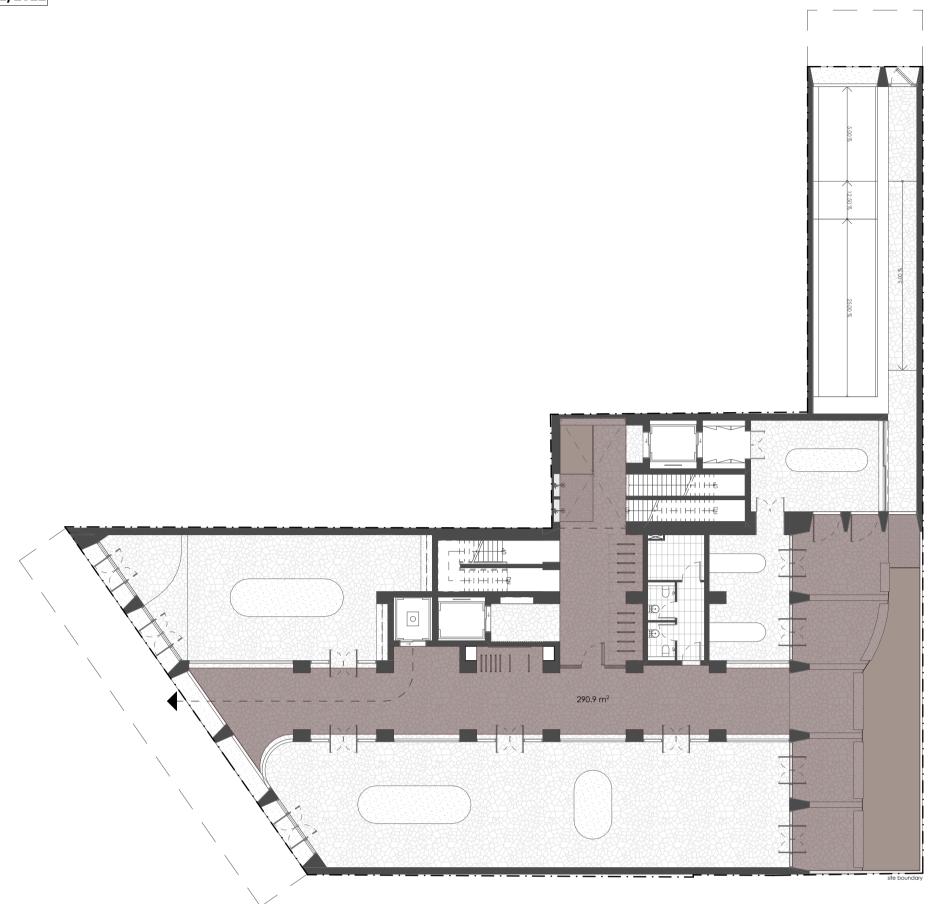


# AMENDED

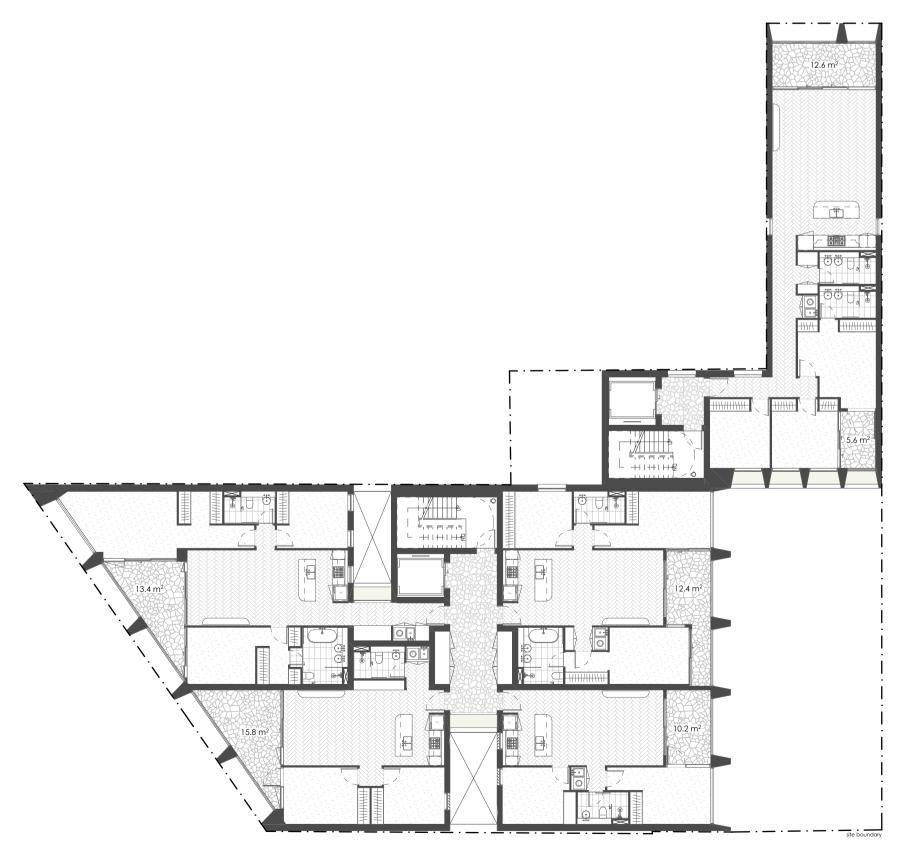
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Level 2

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O0008 Project Info Bondi NSW 2026 Australia

or half @ A3

E DA Final Submission Set

Rev | Change Name DA RFI Response (work in progress) DA RFI Response Submission set DA Submission Set Lowered height

Level 3

Level 1

Communal open space

**30%** 290.9 m² / 947.3 m² Communal open space

#### **Apartment Design Guide**

#### Objective 3D-1

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

#### Design criteria

Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

#### Waverley Council Development Control Plan 3.10

(a) To provide communal indoor and outdoor areas of high design quality. (b) To provide space to encourage interaction between residents. (c) To encourage a positive street address for the development.

(d) To provide residents with recreational opportunities. (e) To provide a pleasant outlook for development.

(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space. (b) 25% of the total site area for development in the R4 zone is to be provided

for R4 as consolidated communal open space. (c) Communal open space is to: (i) Be consolidated into a useable area with a

minimum dimension of 6m x 6m. (ii) Be located so that solar access is maximised.

(iii) Provide a landscape buffer between buildings.

(iv) Be designed to a high quality, and allow for landscaping and seating.(v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).

(g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.

(h) Communal open space is to be accessible to all dwellings within a development.

(i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.

(j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.

# Proposed Communal Open Space

Ground

290.9

290.9 m²

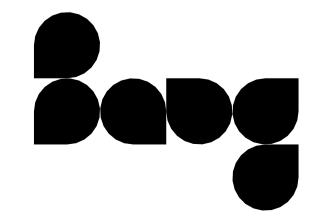
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15-17 O'Brien Street, 156 Glenayr Avenue 4 storey mixed use development Development Application (NOT FOR CONSTRUCTION)



Compliance diagrams

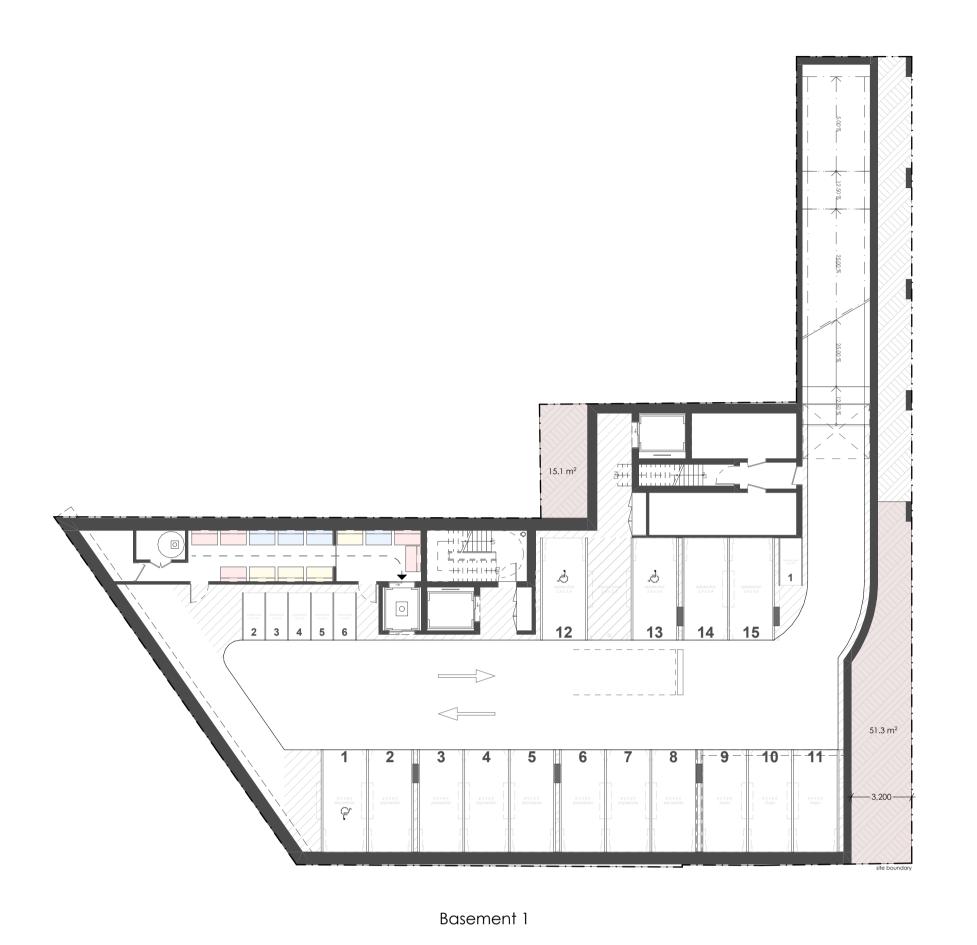
**DA503** E

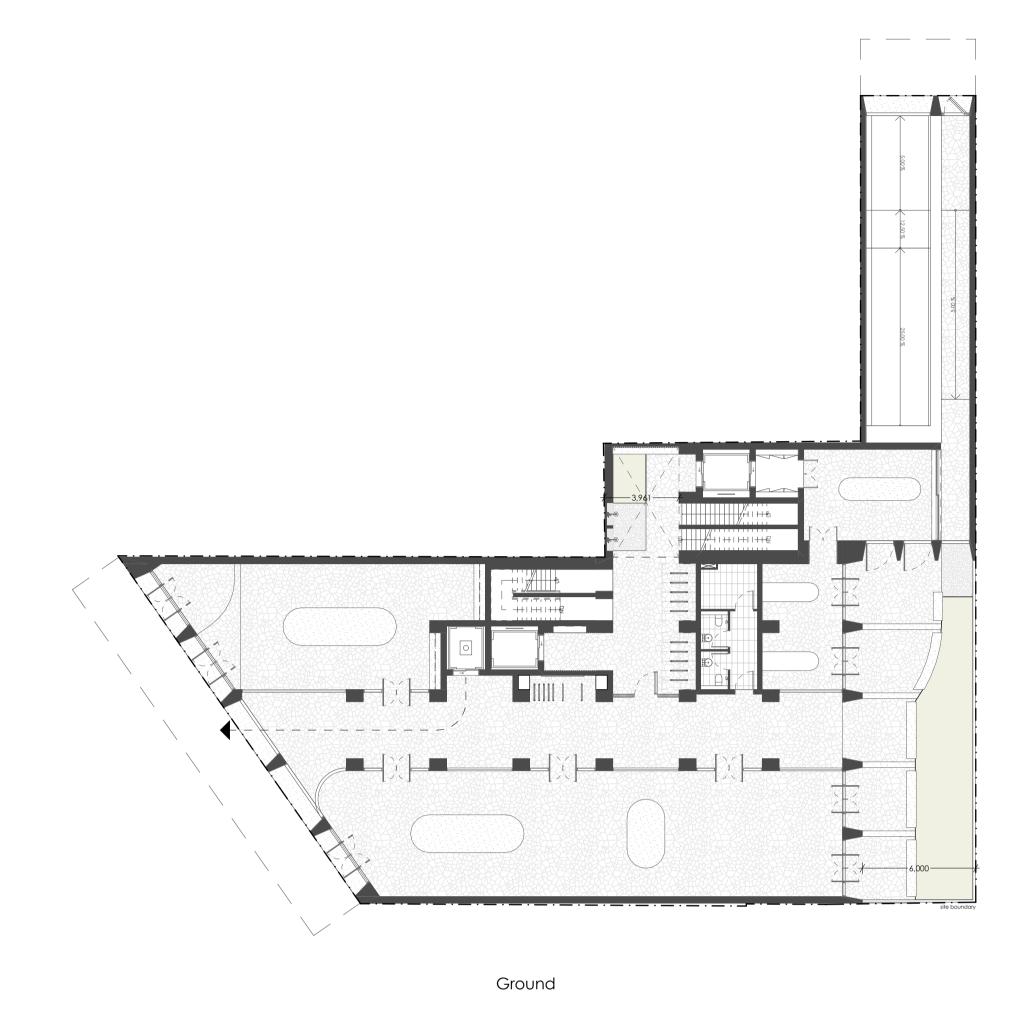


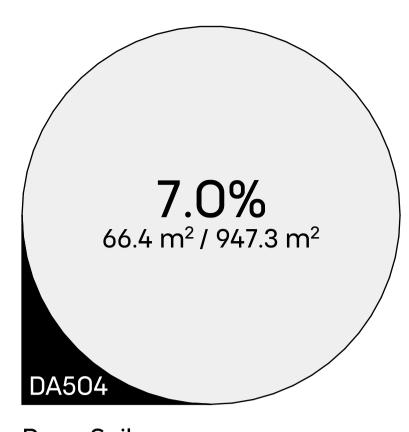
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# Deep Soil area

#### Apartment Design Guide

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

#### Design criteria Deep soil zones are to meet the following minimum requirements:

Site area less than 650m2 Deep soil zone 7%
Site area 650m2 - 1,500m2 3m Minimum dimensions Deep soil zone 7%
Site area greater than 1,500m2 6m Minimum dimensions Deep soil zone 7%

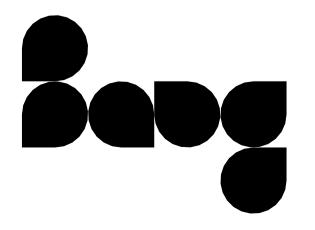
Waverley Council Development Control Plan Amendment no8 Sites in local village centres that adjoin residential development at the rear are to provide deep soil zones within the rear setback area with a minimum depth of 2 metres from the boundary.

#### Proposed Deep soil Area

Basement 1

66.4

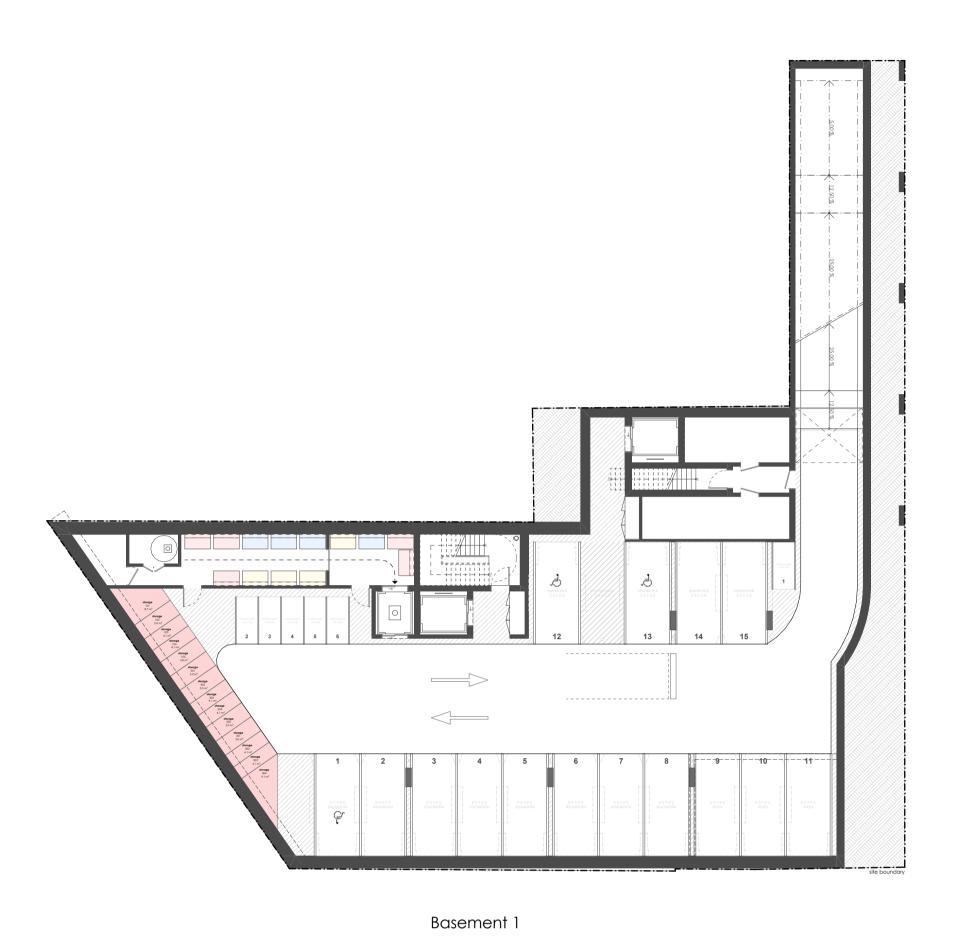
 $66.4 \text{ m}^2$ 



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Level 2

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1:1, 1:200 @ A1 or half @ A3

Rev | Change Name

B DA RFI Response (work in progress) DA RFI Response Submission set D DA Submission Set Lowered height

Level 3

Level 1

Compliance diagrams Storage calculation

.\_....

complies 14/14 units

# Storage allocation

**Objective 4G-1**Adequate, well designed storage is provided in each apartment

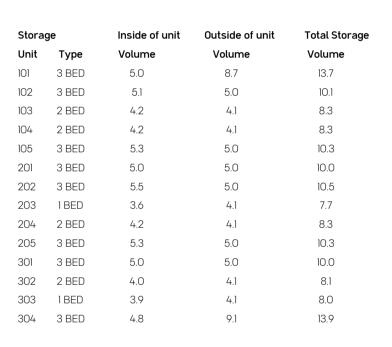
**Design criteria**In addition to storage in kitchens, bathrooms and bedrooms, the following

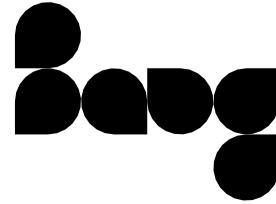
Dwelling type Studio apartments Storage size volume 6m3 8m3 1 bedroom apartments 2 bedroom apartments

3+ bedroom apartments 10m3

storage is provided:

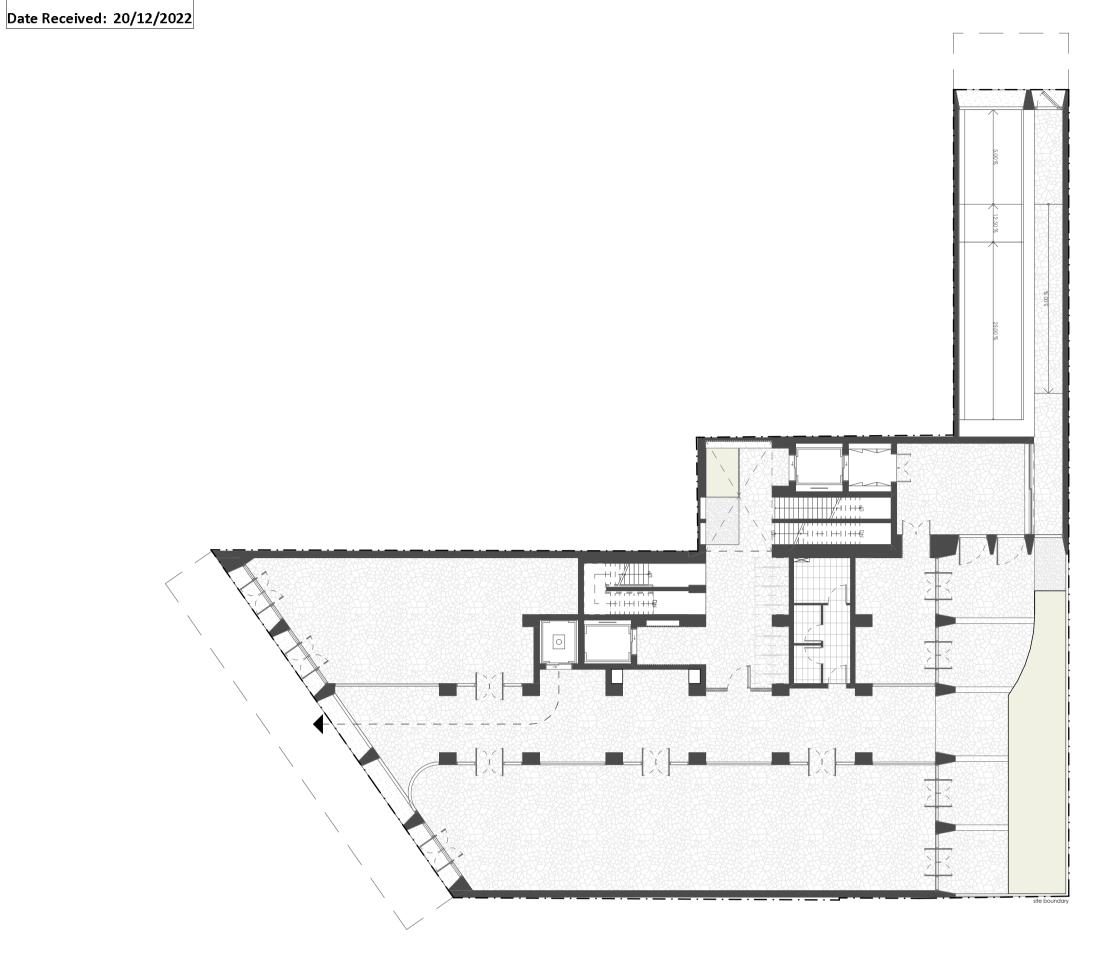
At least 50% of the required storage is to be located within the apartment



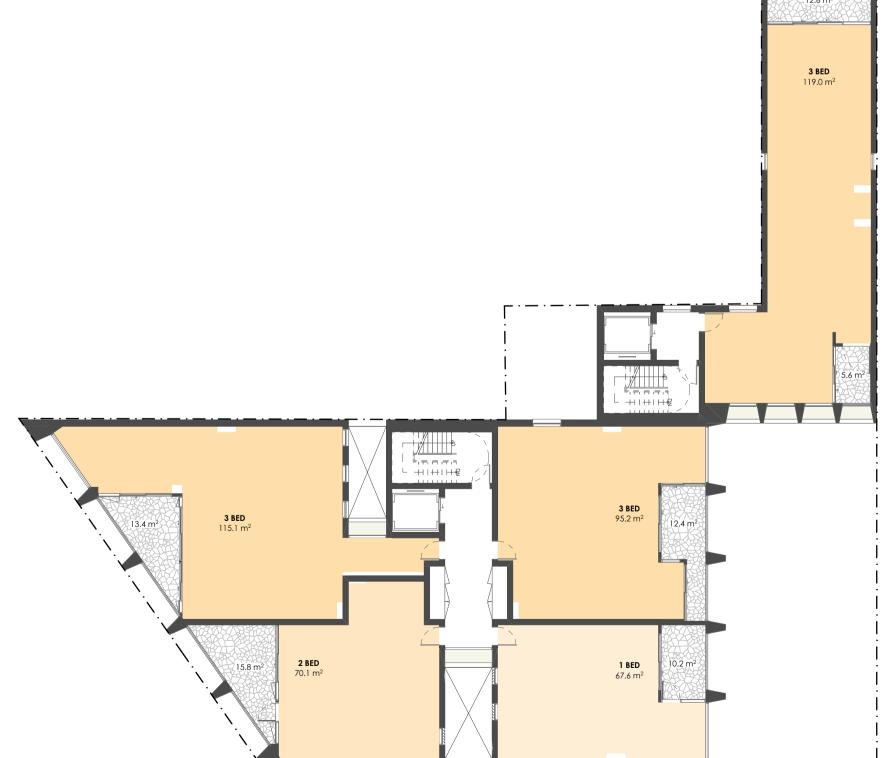




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Level 3

Level 1

**3 BED** 109.2 m<sup>2</sup>

**1 BED** 60.1 m<sup>2</sup>

Compliance diagrams

**1B** 2B 3B 29% Unit mix

Objective 4G-1 Adequate, well designed storage is provided in each apartment

**Design criteria**In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

Dwelling type Studio apartments Storage size volume

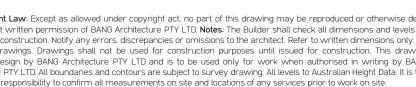
6m3 8m3 l bedroom apartments 2 bedroom apartments

3+ bedroom apartments 10m3 At least 50% of the required storage is to be located within the apartment

**Unit Mix** Unit type: Quantity 1 BED 2 BED 3 BED

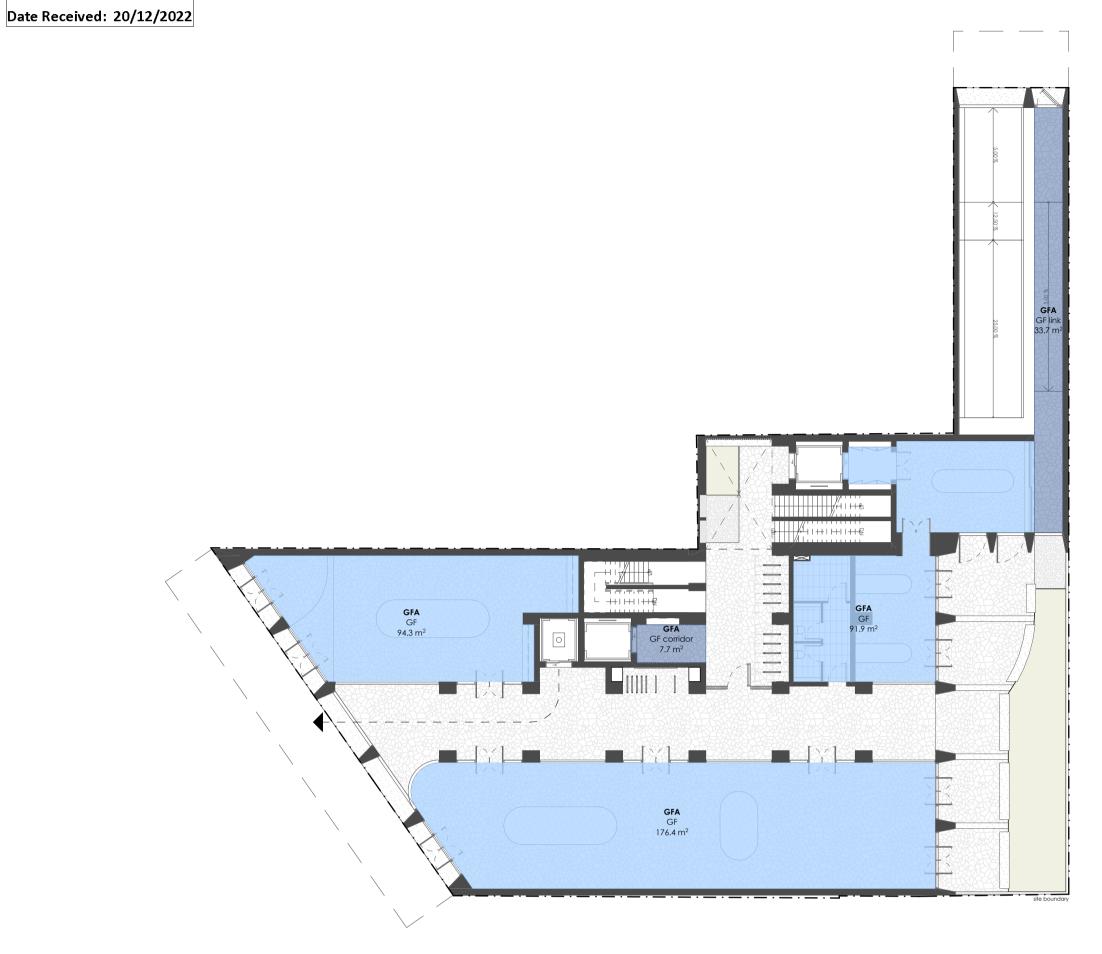




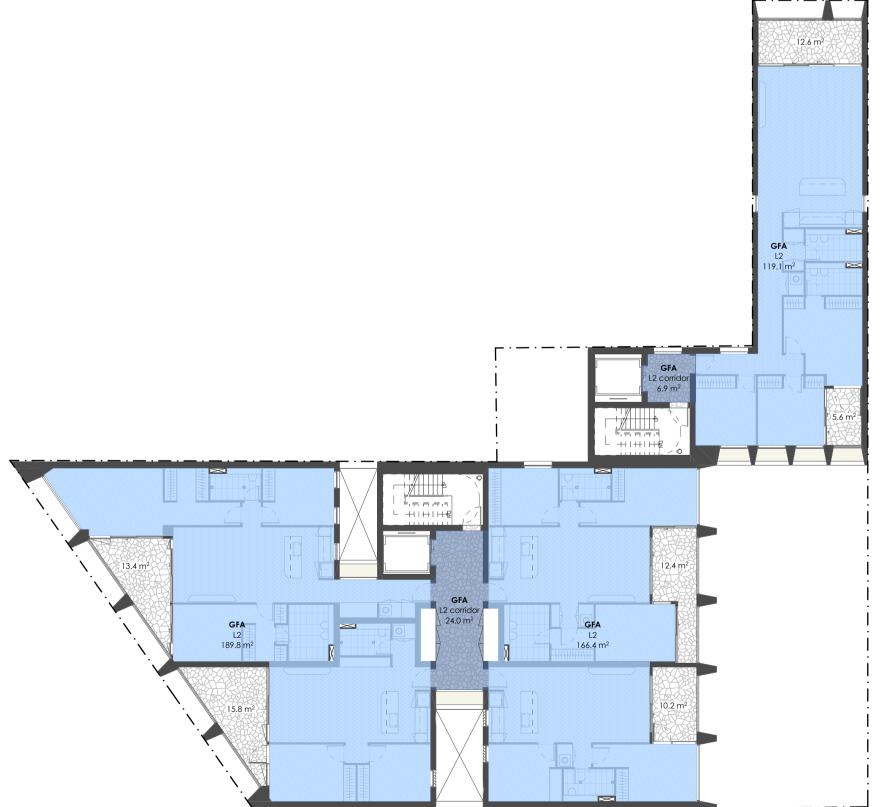


**2 BED** 82.3 m<sup>2</sup>

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B DA RFI Response (work in progress) DA RFI Response Submission set DA Submission Set Lowered height

Level 3

Level 1

Compliance diagrams Gross floor area

FSR 2:1 Allowable GFA 1,894.6 **Gross Floor Area** 

### Sydney Local Environmental Plan 2012

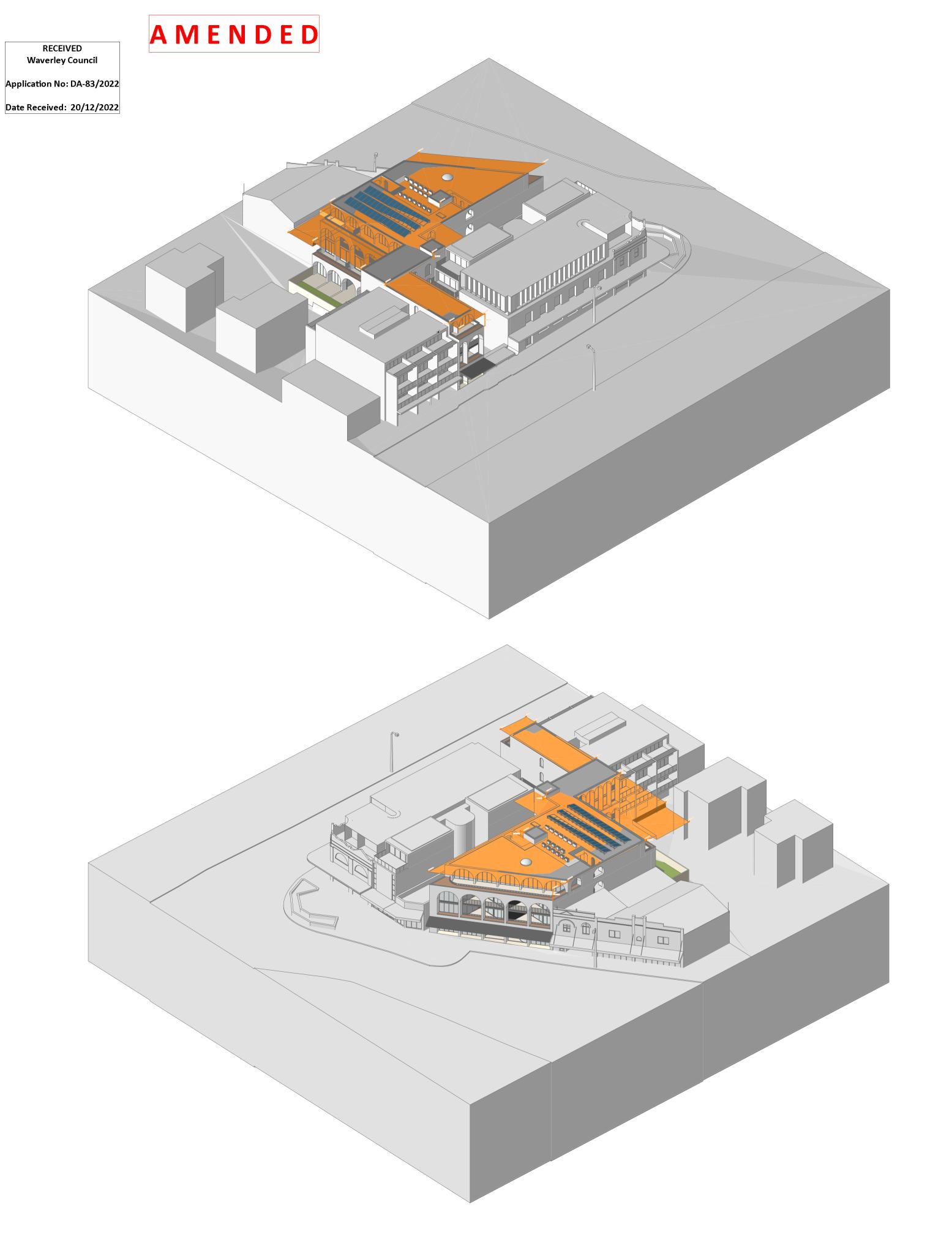
gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

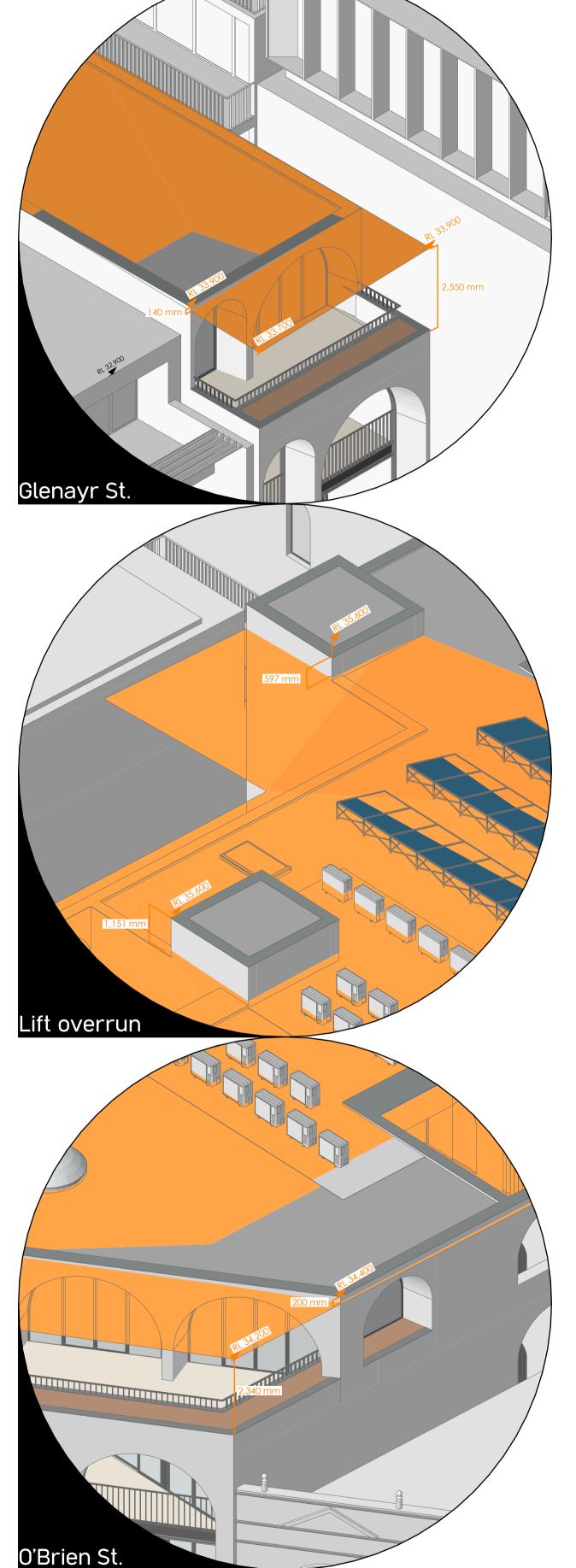
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement-(i) storage, and
- (ii) vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical
- services or ducting, and (g) car parking to meet any requirements of the consent authority (including
- access to that car parking), and
  (h) any space used for the loading or unloading of goods (including access to it),
- (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above.

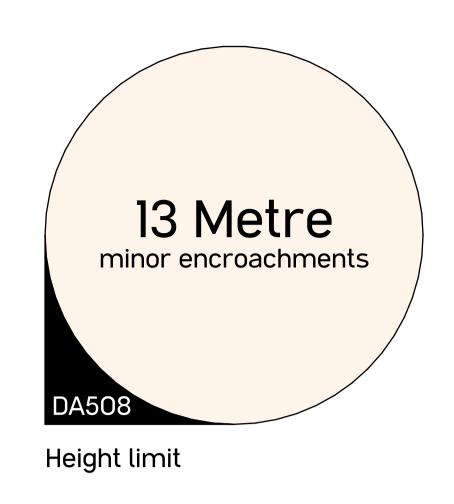
Proposed Gr	oss Floor Area		
Storey	Total GFA	Internal GFA	Corridor GFA
3	453.3	422.4	30.9
2	506.2	475.3	30.9
1	531.1	500.2	30.9
0	404.0	362.6	41.4
	1,894.6 m²	1,760.5 m²	134.1 m²

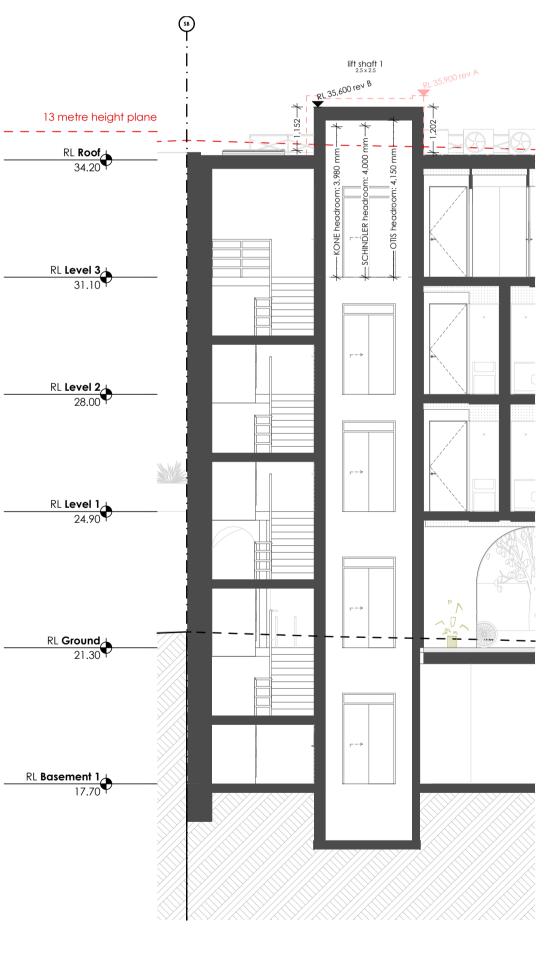
•	SA and NLA	Internal Area	Polony Area
Storey	Unit	Internal Area	Balcony Area
3	201	110.0	10.0
	301	119.0	18.2
	302	82.3	26.7
	303	60.1	17.5
	304	155.5	54.8
		416.9 m²	117.2 m²
2			
	201	119.0	18.2
	202	95.2	12.4
	203	67.6	10.2
	204	70.1	15.8
	205	115.1	13.4
		467.0 m²	70.0 m²
1			
	101	119.0	18.2
	102	109.2	19.8
	103	77.5	13.0
	104	70.1	15.8
	105	115.1	13.4
		490.9 m²	80.2 m²
0			267.4 m²
	shop 1	176.4	
	shop 2	94.3	
	shop 3	29.5	
	shop 4	38.9	
	31100 1	339.1 m²	
		1,713.9 m²	
l lmik Miss		1,713.7111	
Unit Mix Unit type:		Quantity	
1 BED		2	
2 BED		4	
3 BED		8	
		14	











Typical Section - Lift shaft 1

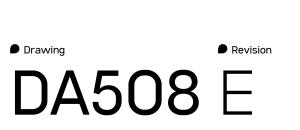
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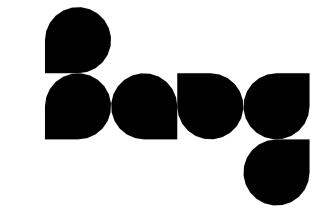
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1:1, 1:500, 1:100 @ A1 or half @ A3

Rev | Change Name DA RFI Response (work in progress) DA RFI Response Submission set

Compliance diagrams Height plane

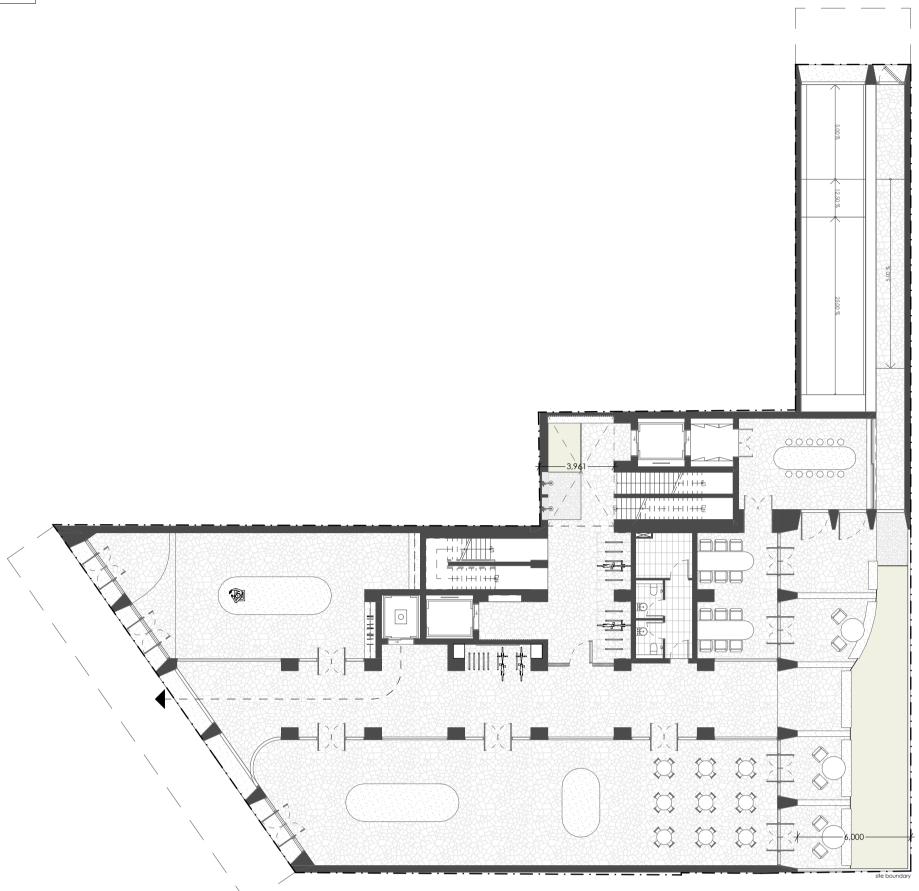




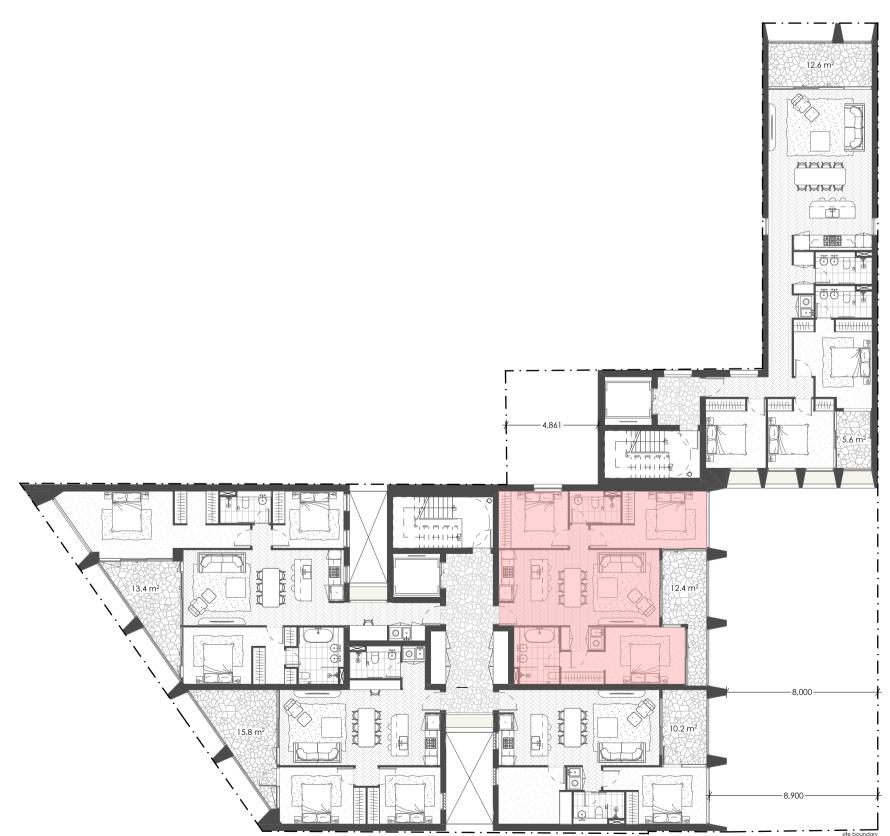
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Level 2

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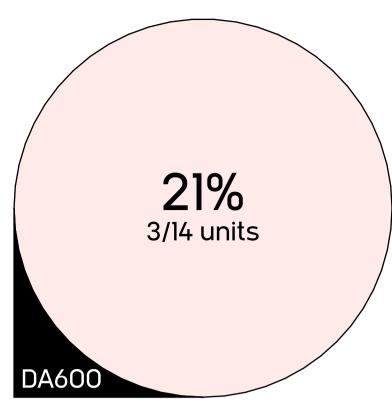


Rev | Change Name DA RFI Response (work in progress) DA RFI Response Submission set D DA Submission Set Lowered height E DA Final Submission Set

Adaptable housing Adaptable unit allocation

BERE

**DA600** E



### Waverley Council Development Control Plan 7.2 Adaptable Dwellings

This section is to be read in conjunction with Australian Standard AS 4299-1995

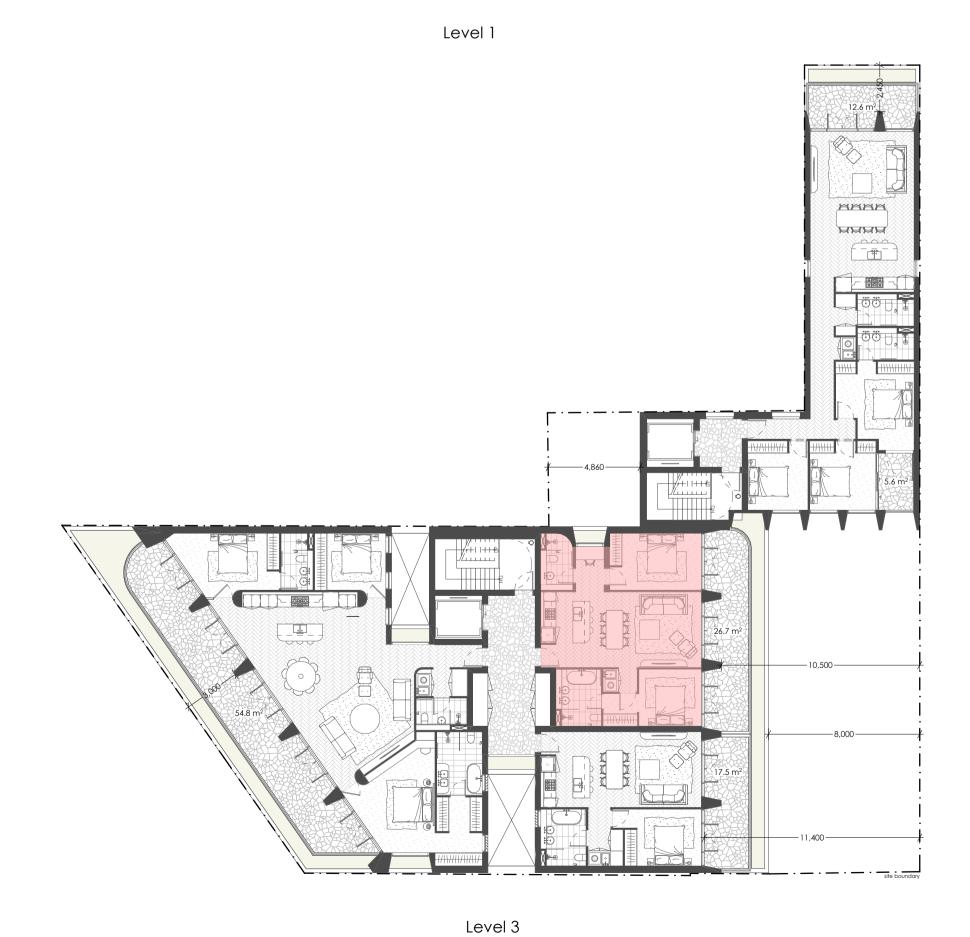
(a) To ensure adequate adaptable housing is provided for within new residential development to accommodate occupants' changing needs over time. (b) To ensure adaptable dwellings are included within residential development

(a) Plans identifying adaptable housing are to be submitted in accordance with the Waverley Development Application Guide.

(b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to

the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.

(d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.

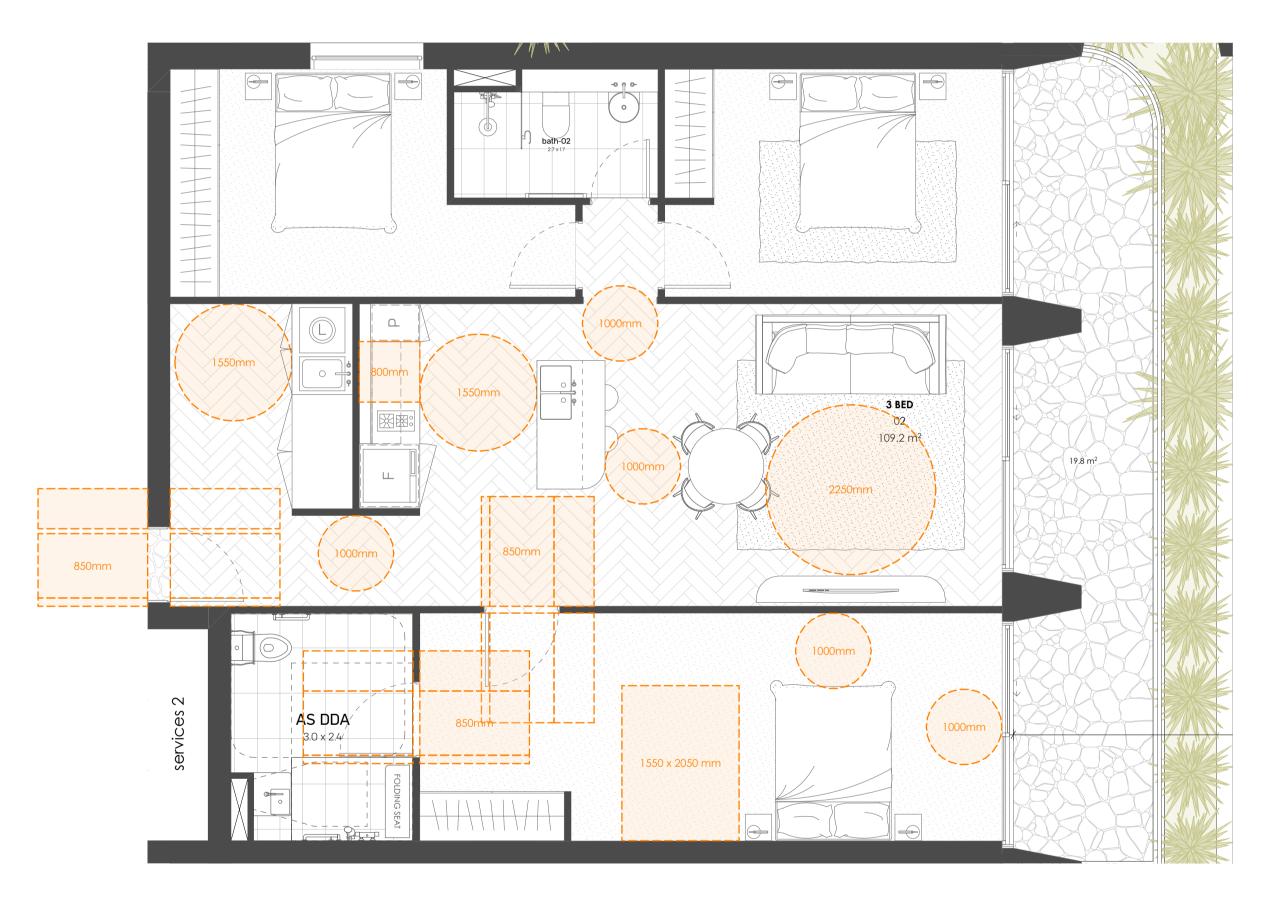


Adaptable units Adaptable Housing. in accordance with the relevant Australian Standards.

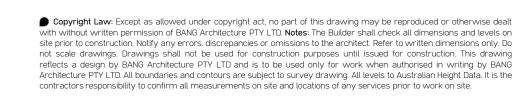
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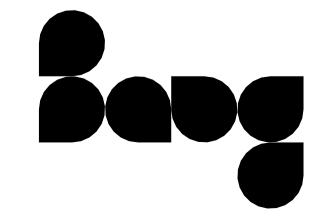


UNIT 102: PRE-adaption



UNIT 102: POST-adaption









UNIT 202: PRE-adaption

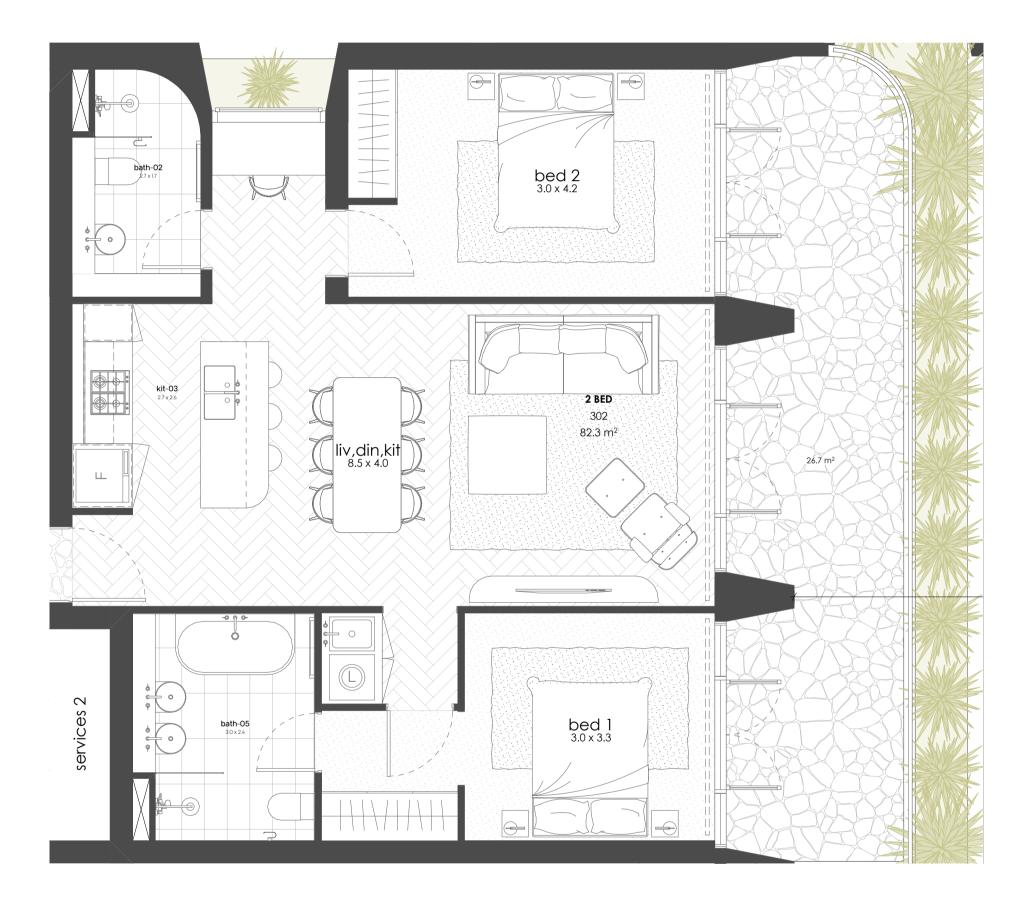


UNIT 202: POST-adaption

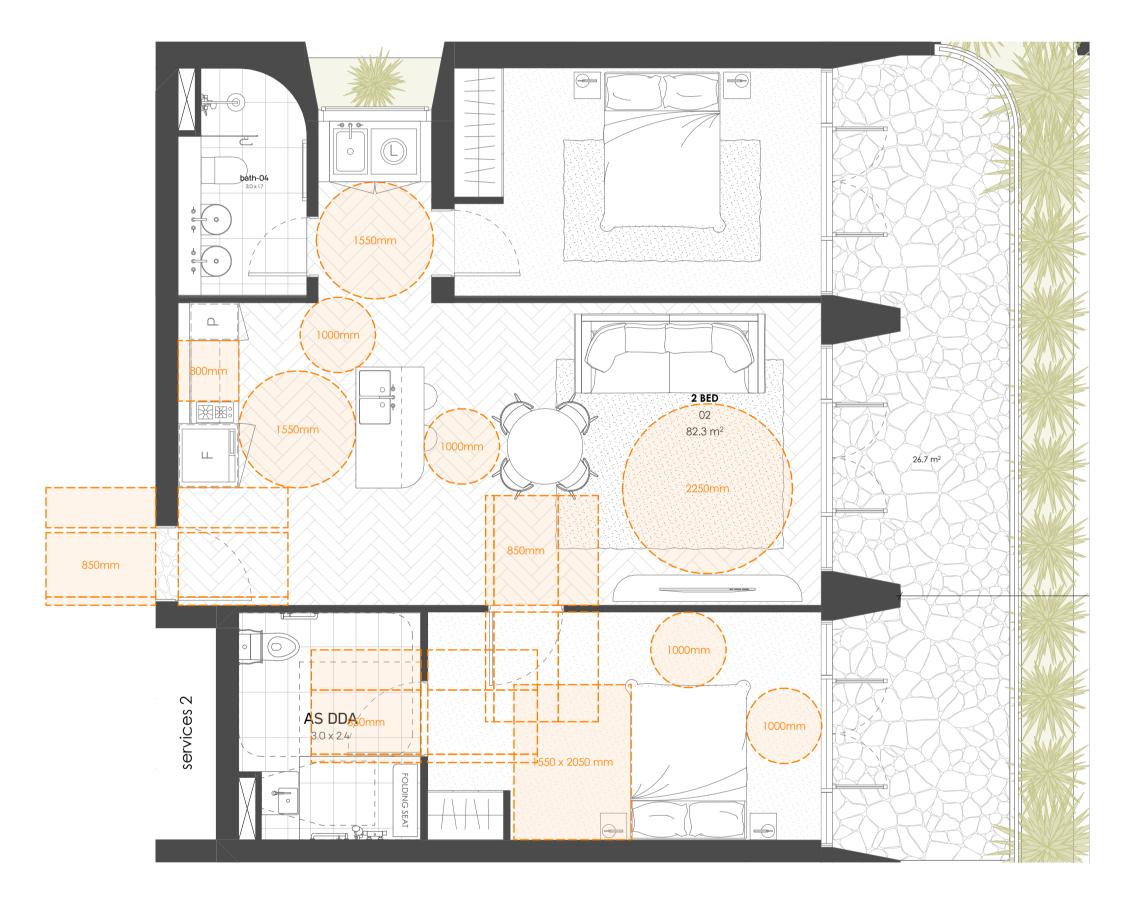


CONSTRUCTION)

1:50 @ A1



UNIT 302: PRE-adaption



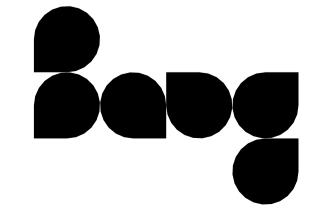
UNIT 302: POST-adaption

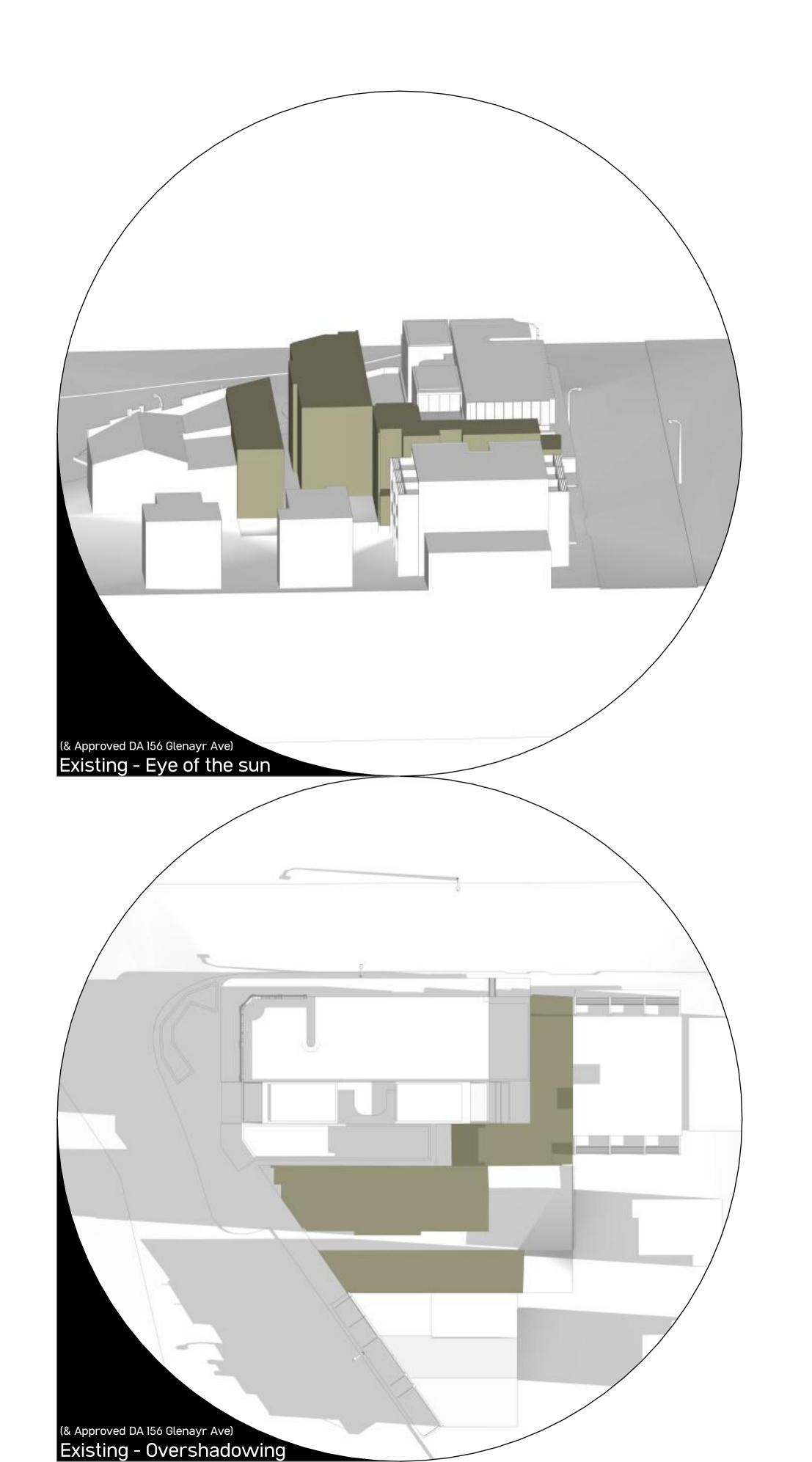
Client Info

Vaughan Blank STM123 No24 Pty Ltd

Woollahra NSW 2025

14 Queen Street

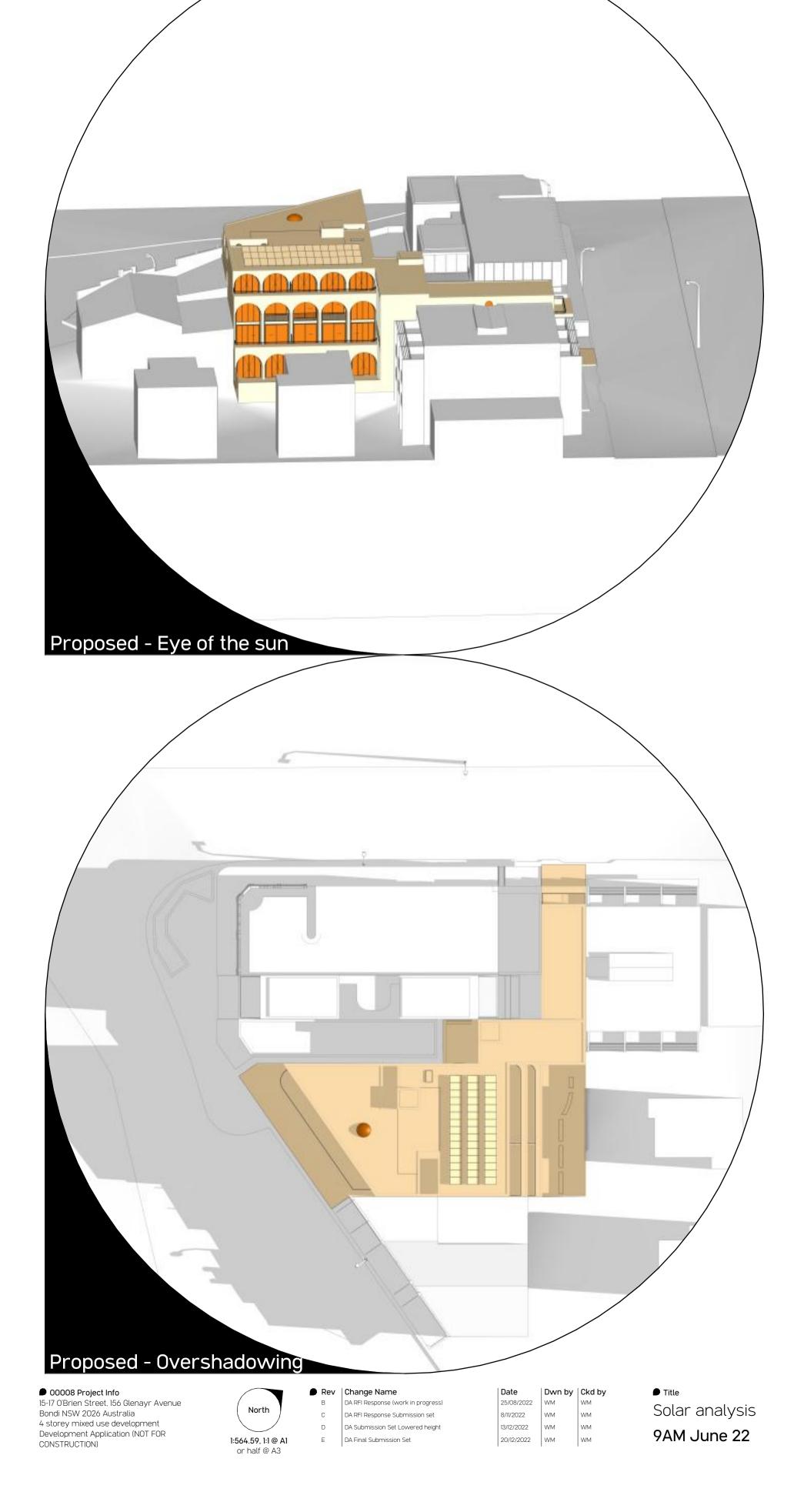




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■ Nominated Architect Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025





## Winter solstice



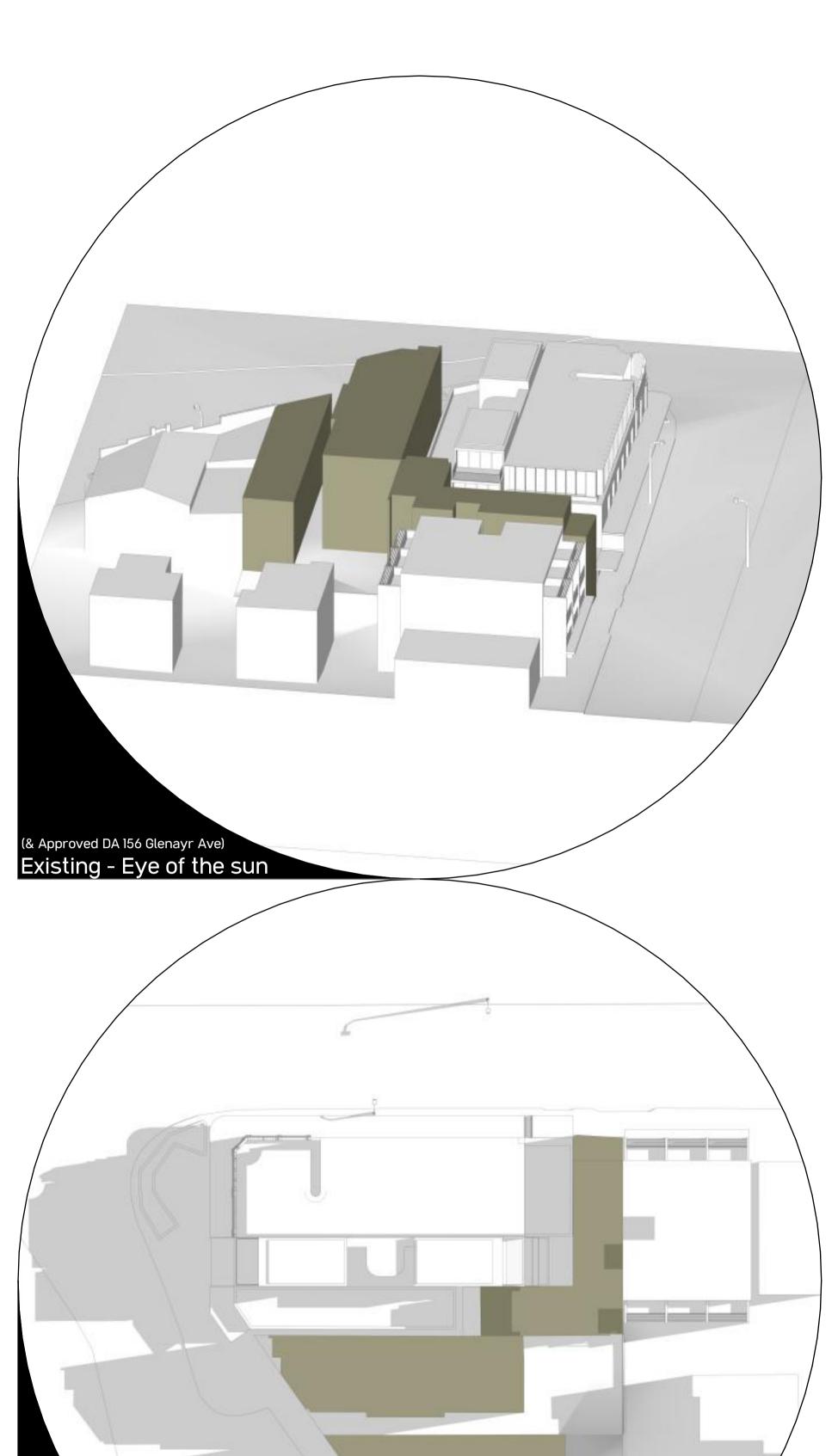
RECEIVED **Waverley Council** Application No: DA-83/2022 Date Received: 20/12/2022

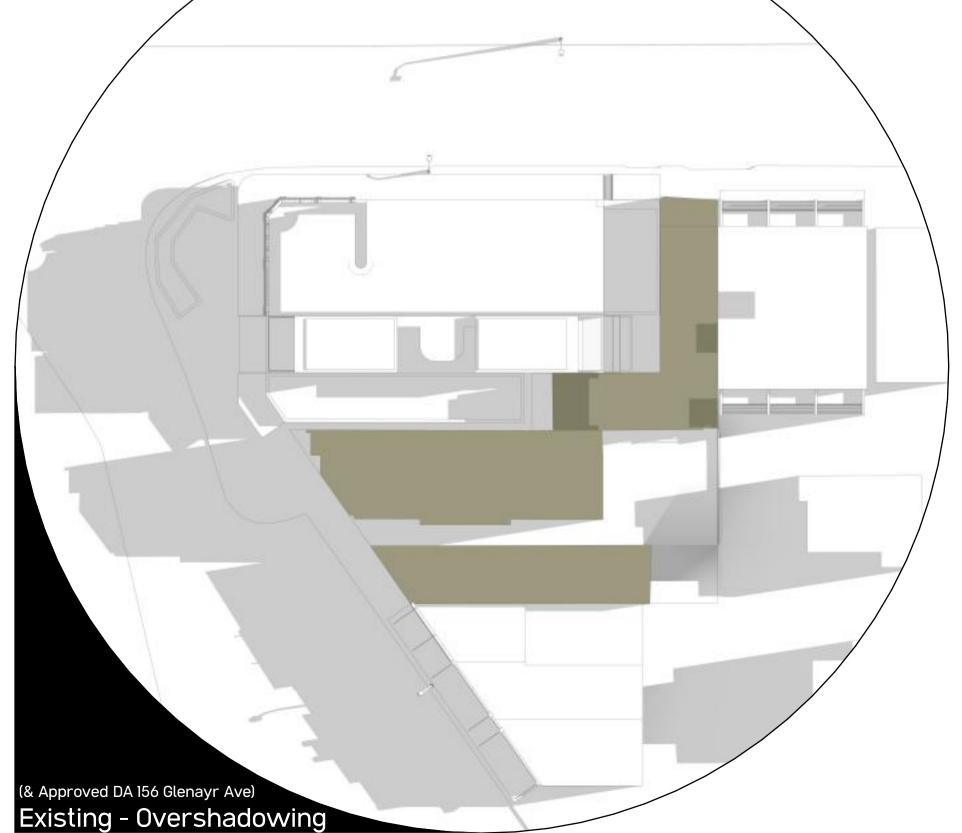




**DA400** E



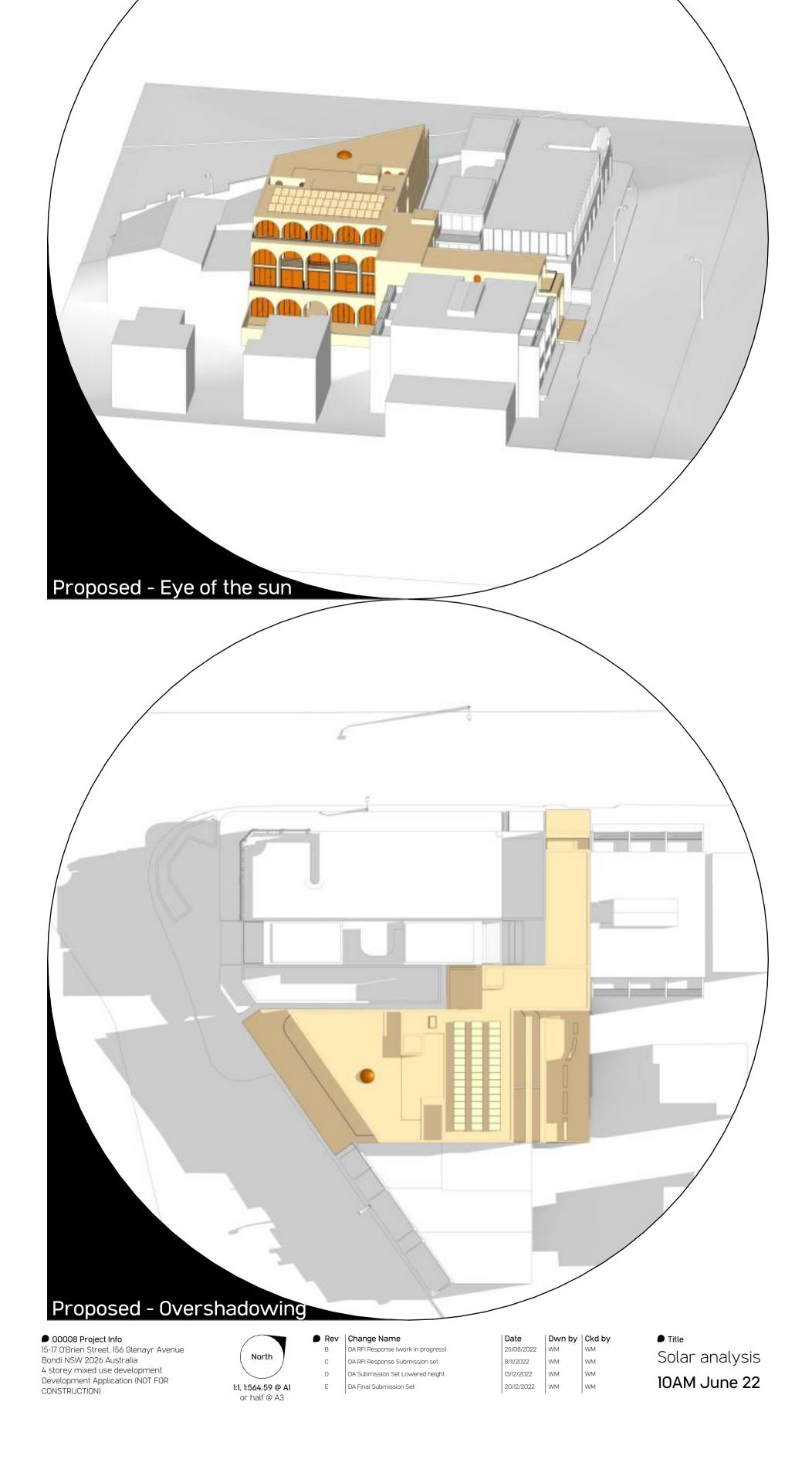




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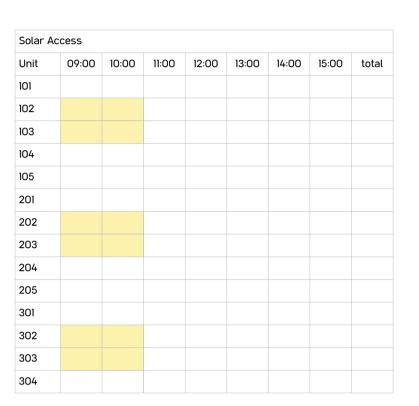
■ Nominated Architect Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025





## Winter solstice

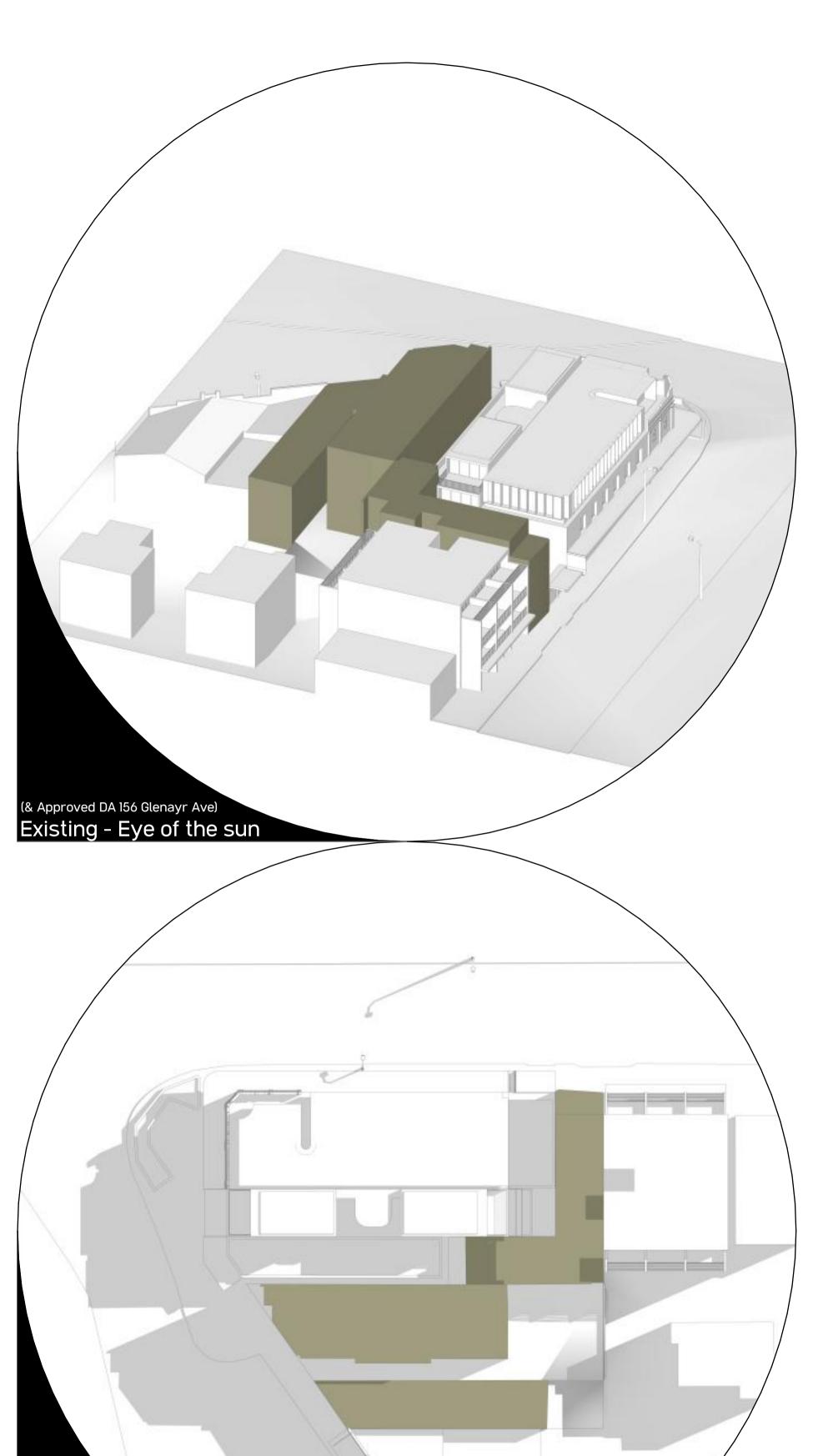


RECEIVED **Waverley Council** Application No: DA-83/2022 Date Received: 20/12/2022



DA401 E







Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025

 00008 Project Info
15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application (NOT FOR CONSTRUCTION)

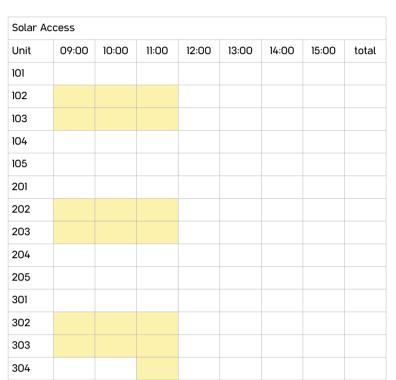
Proposed - Eye of the sun

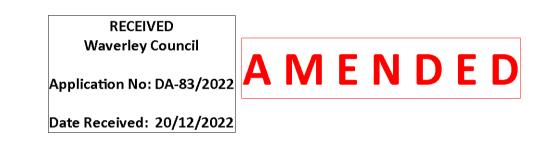


Rev Change Name B DA RFI Response (work in progress) DA RFI Response Submission set D DA Submission Set Lowered height E DA Final Submission Set

Solar analysis 11AM June 22

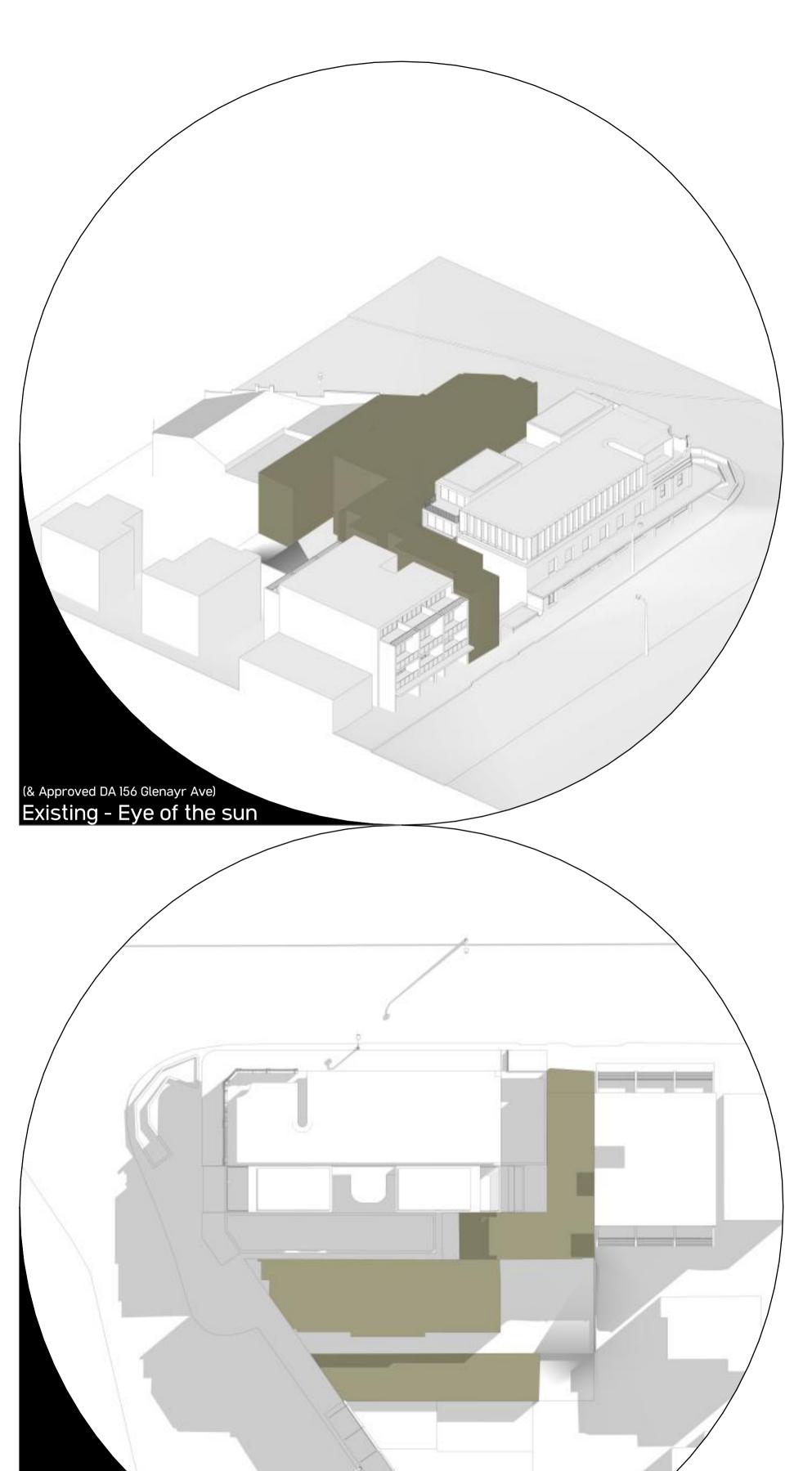


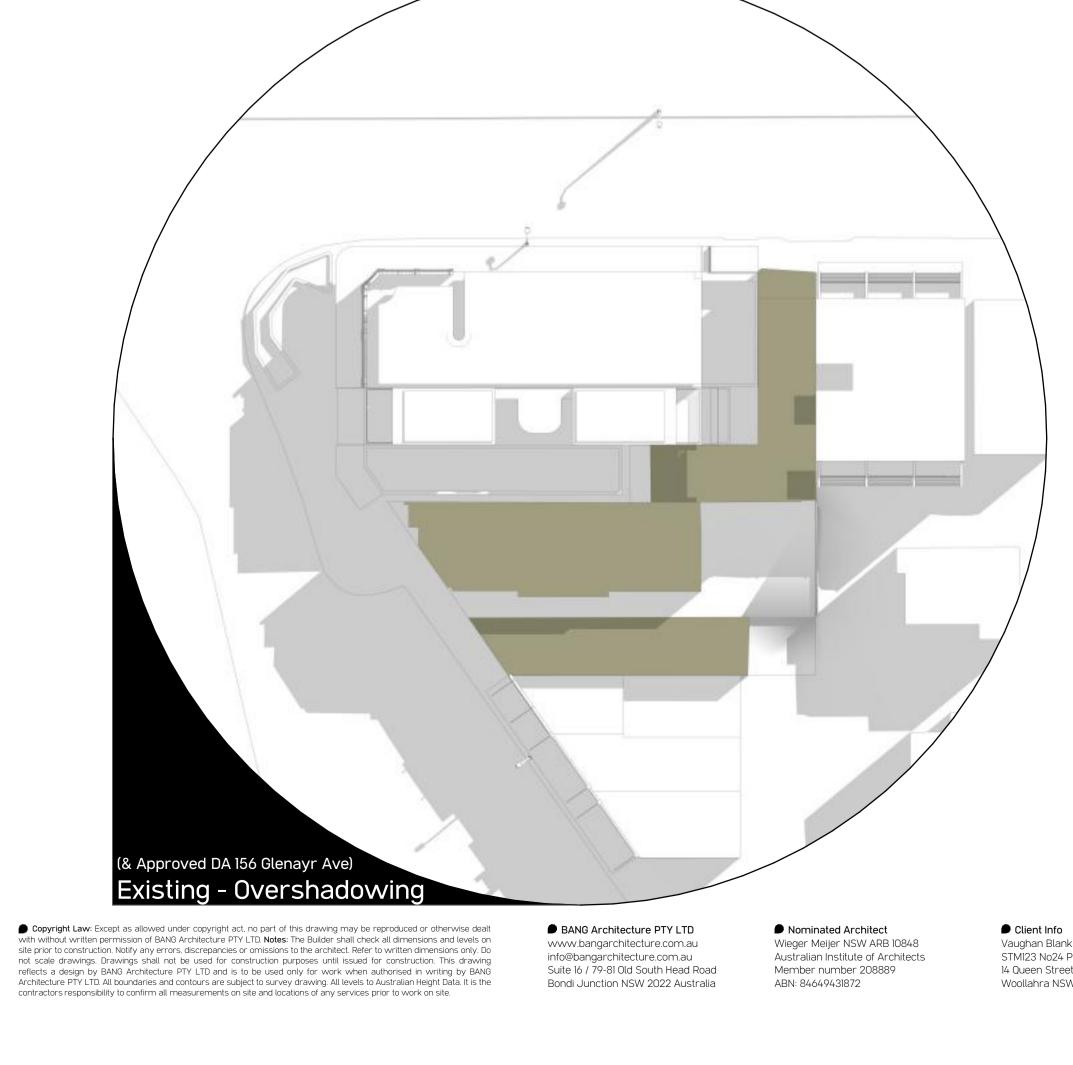




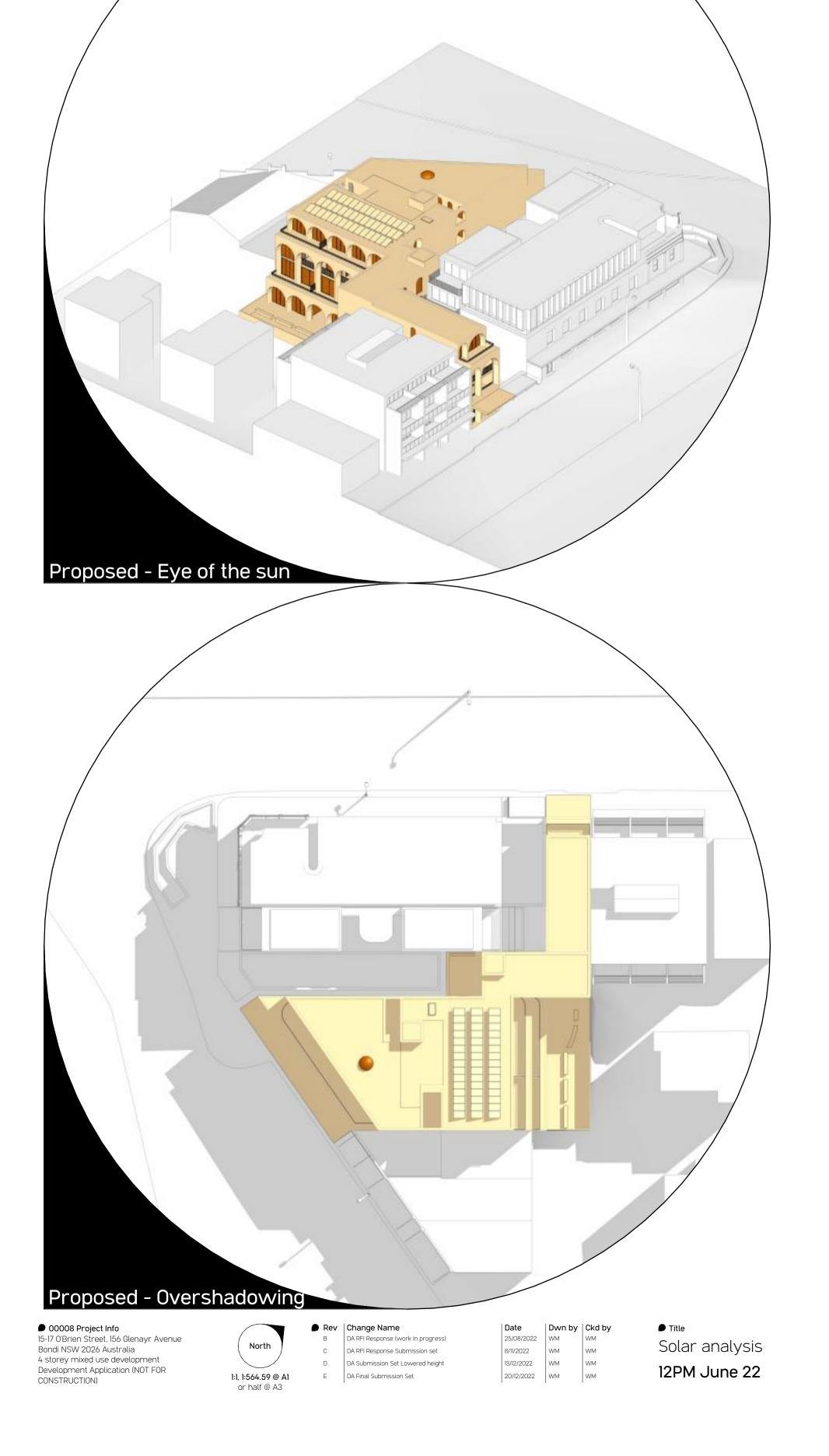


DA402 E



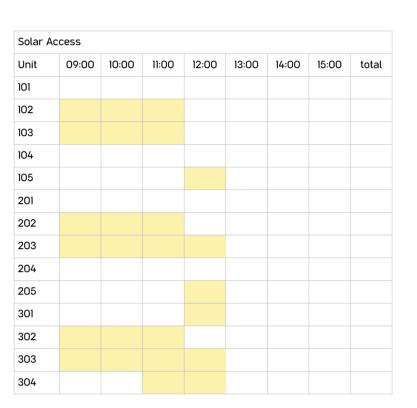


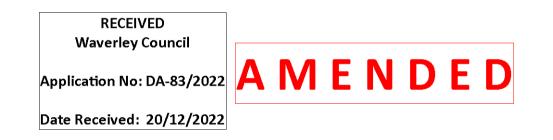
Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025



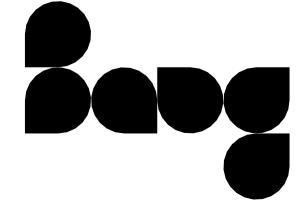


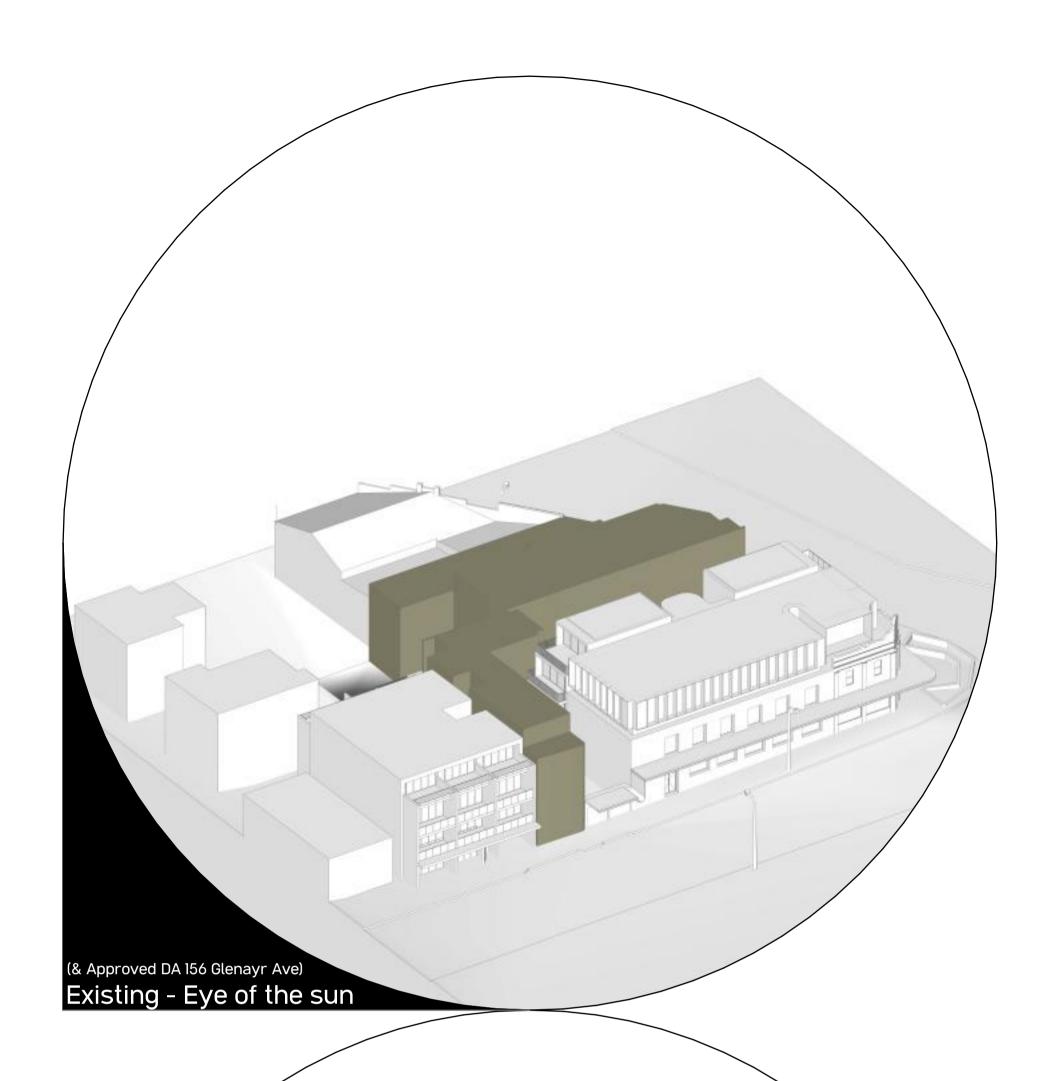
## Winter solstice









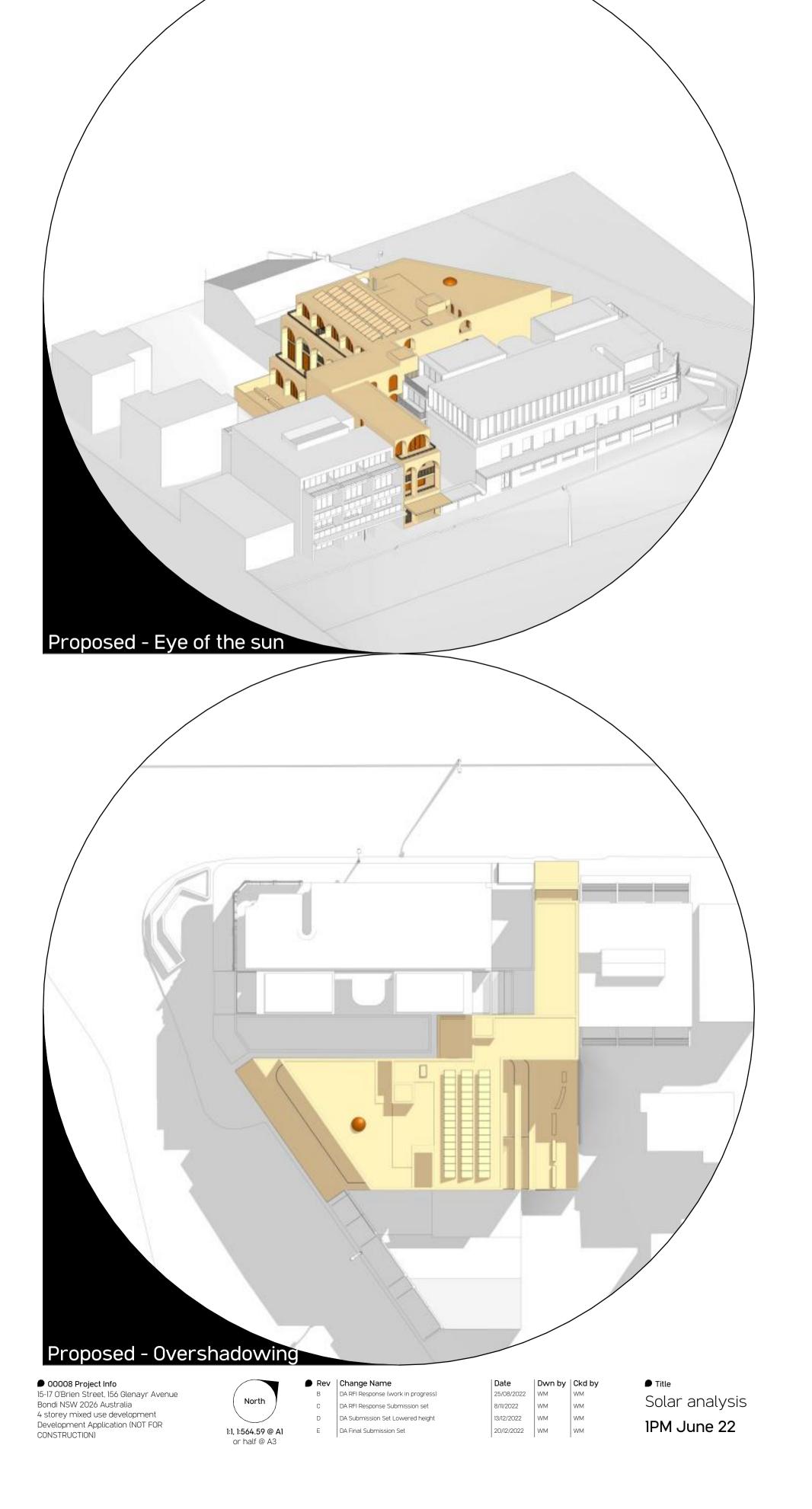




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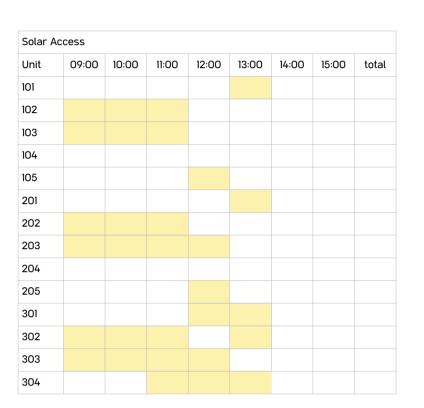
■ Nominated Architect Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

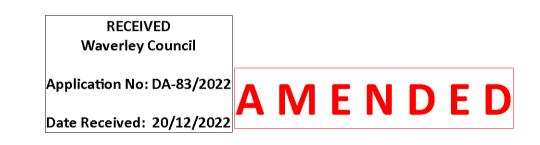
Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025





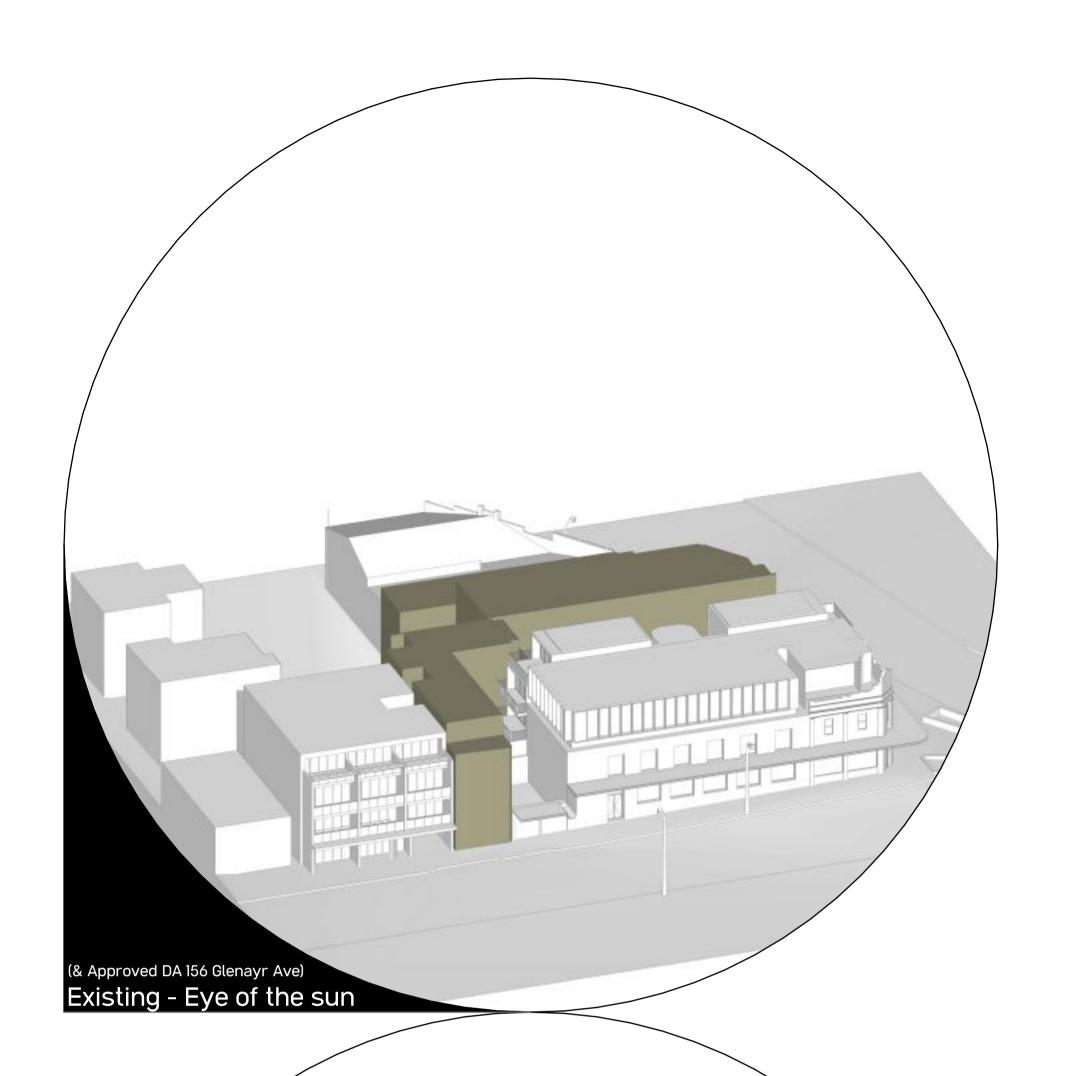
## Winter solstice

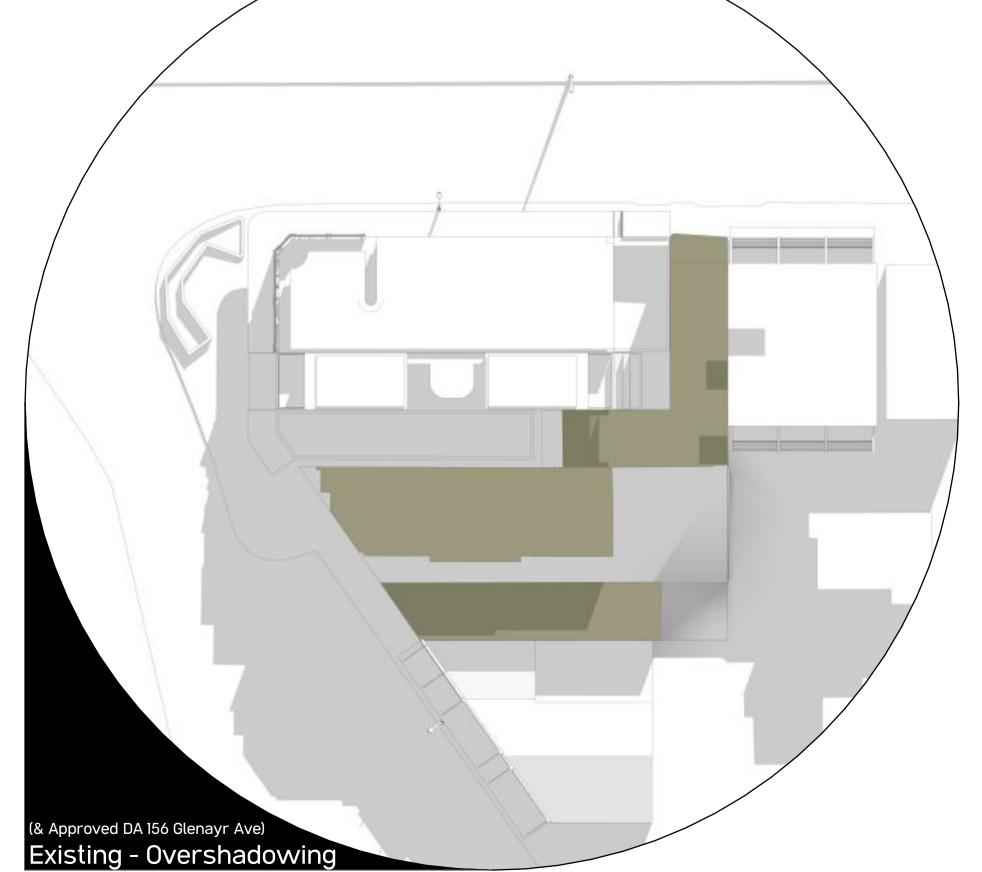






**DA404** E



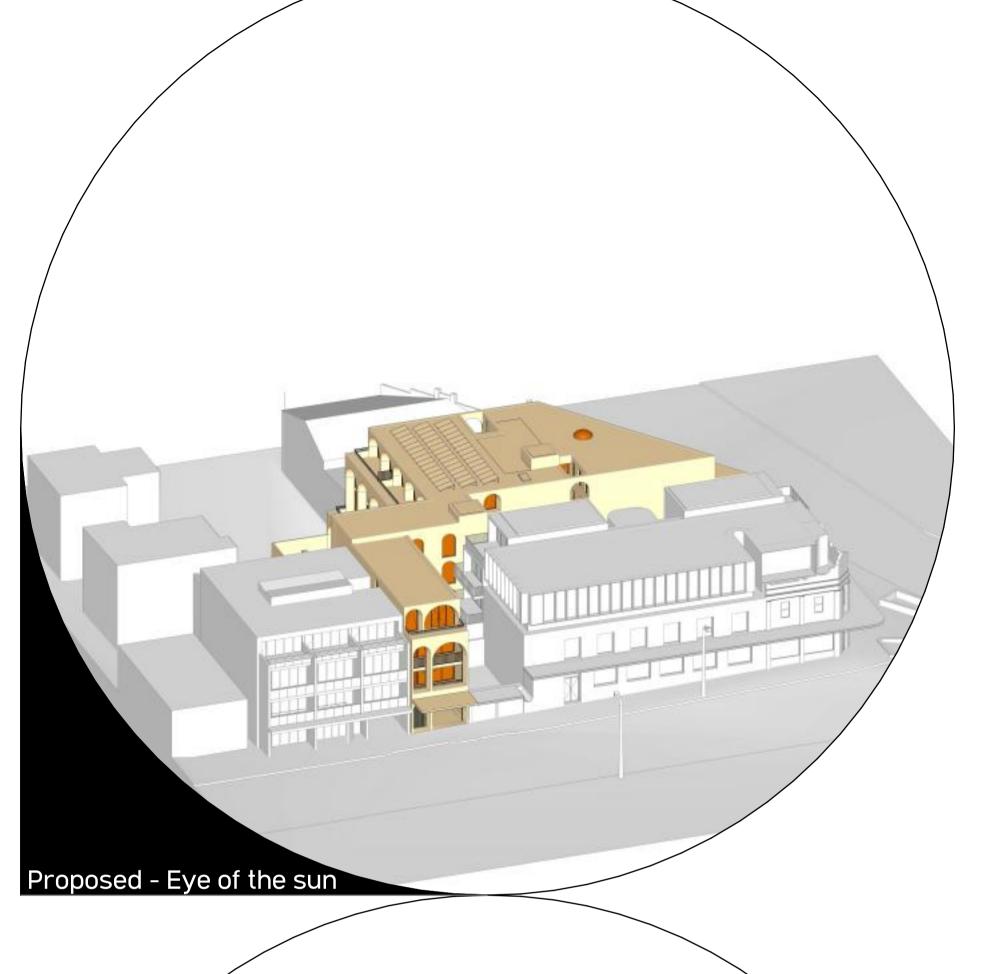


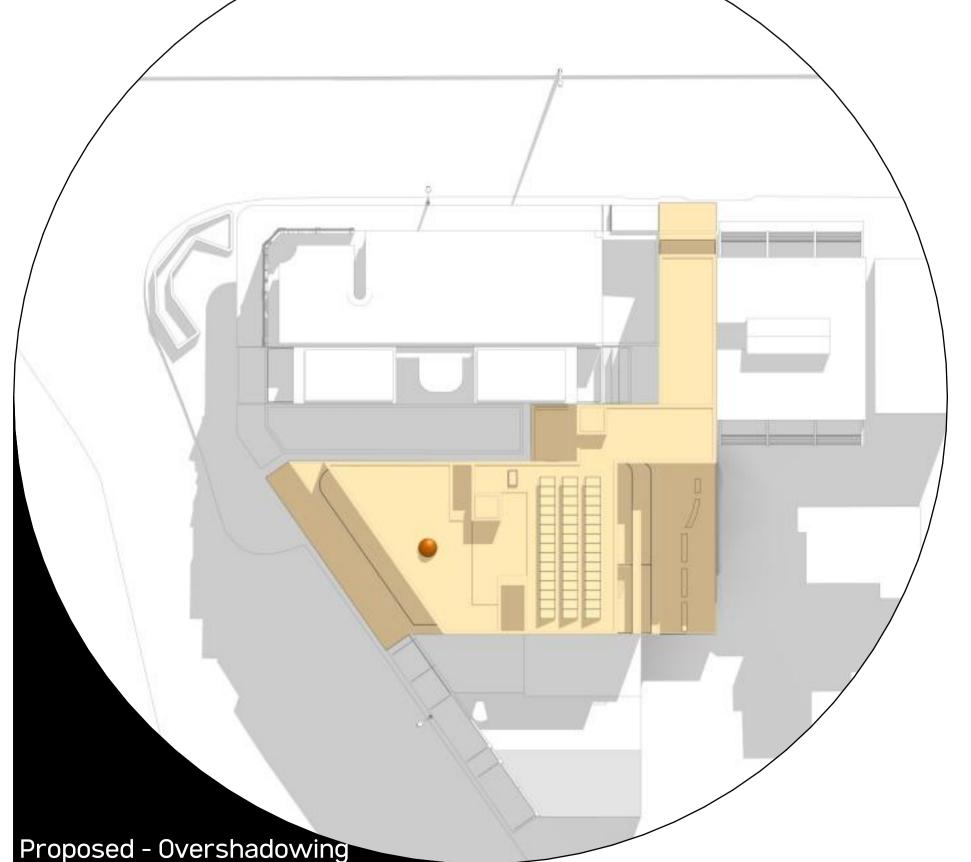
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Nominated Architect
Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025 00008 Project Info
15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application (NOT FOR

CONSTRUCTION)





Rev Change Name

E DA Final Submission Set

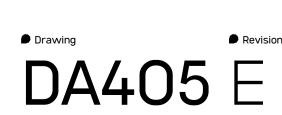
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or half @ A3

B DA RFI Response (work in progress)

DA RFI Response Submission set

DA Submission Set Lowered height

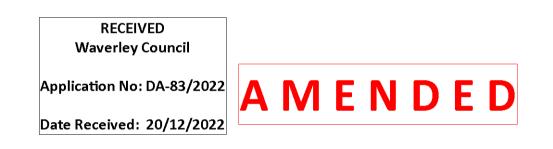


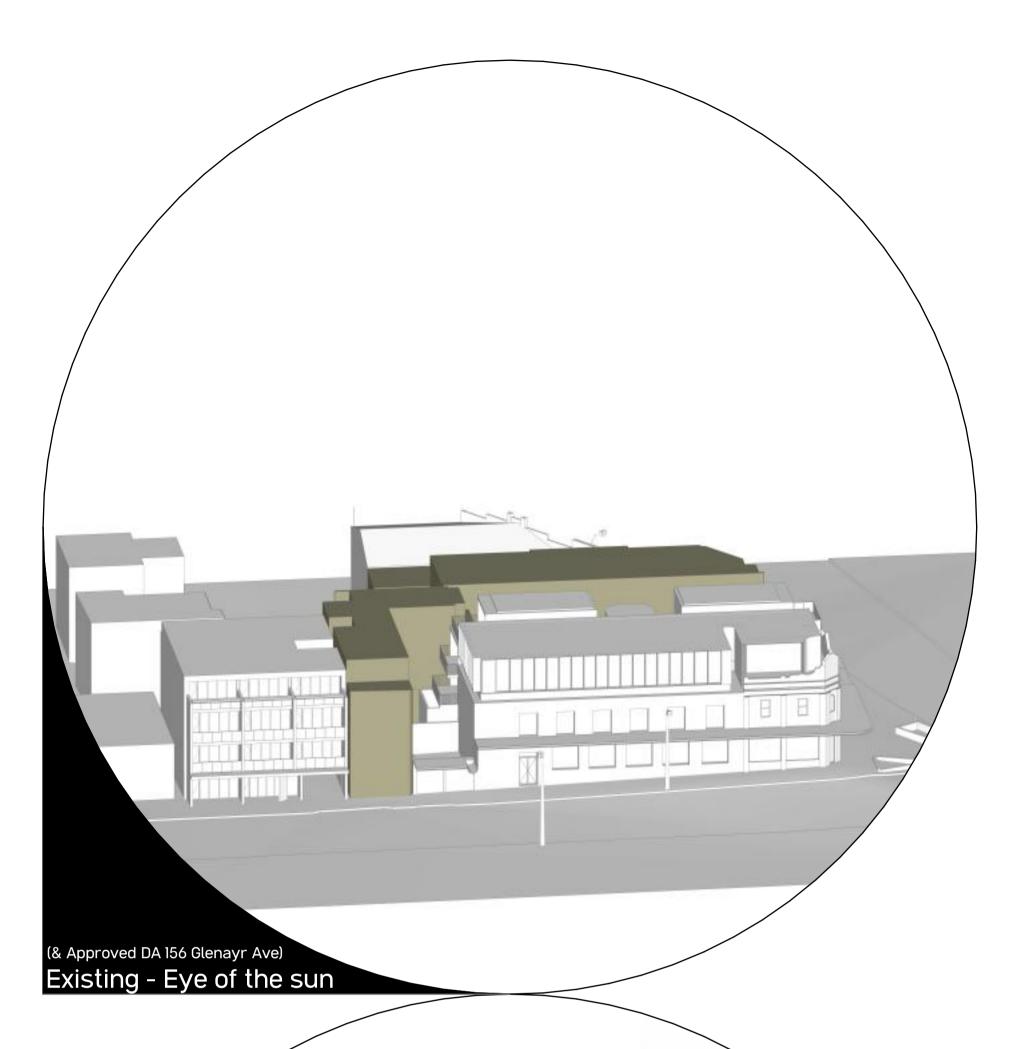
Solar analysis

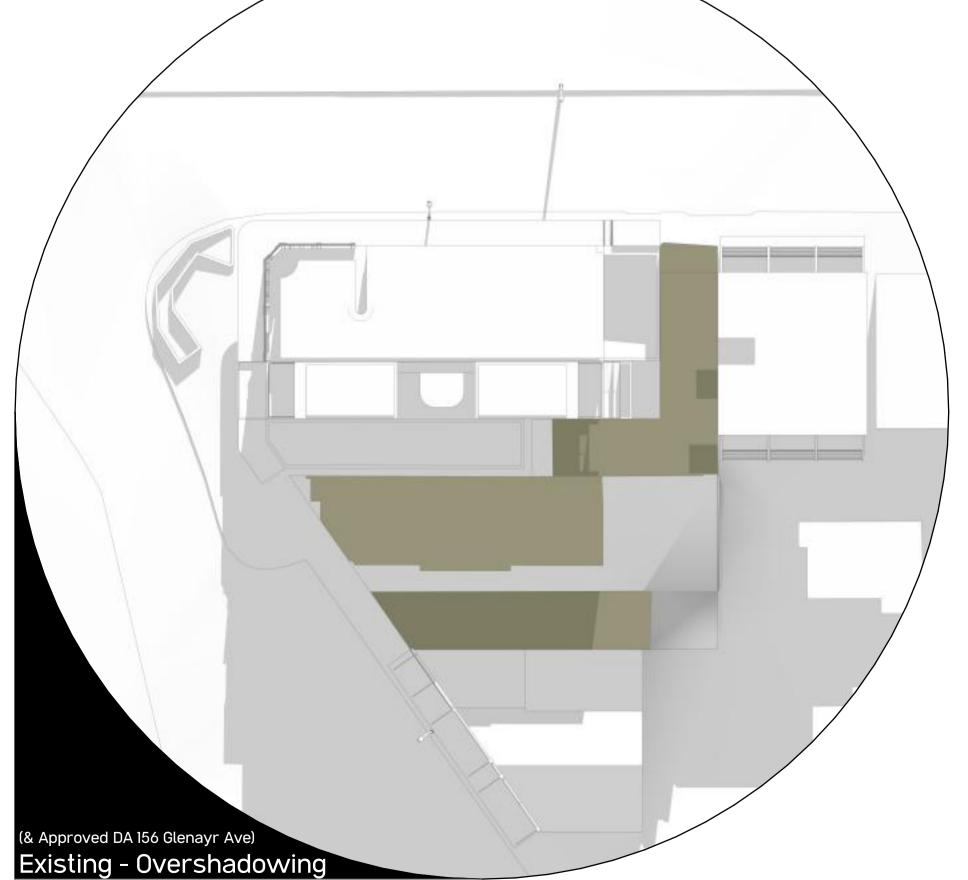
2PM June 22



Solar Ad	cess							
Unit	09:00	10:00	11:00	12:00	13:00	14:00	15:00	total
101								
102								
103								
104								
105								
201								
202								
203								
204								
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302								
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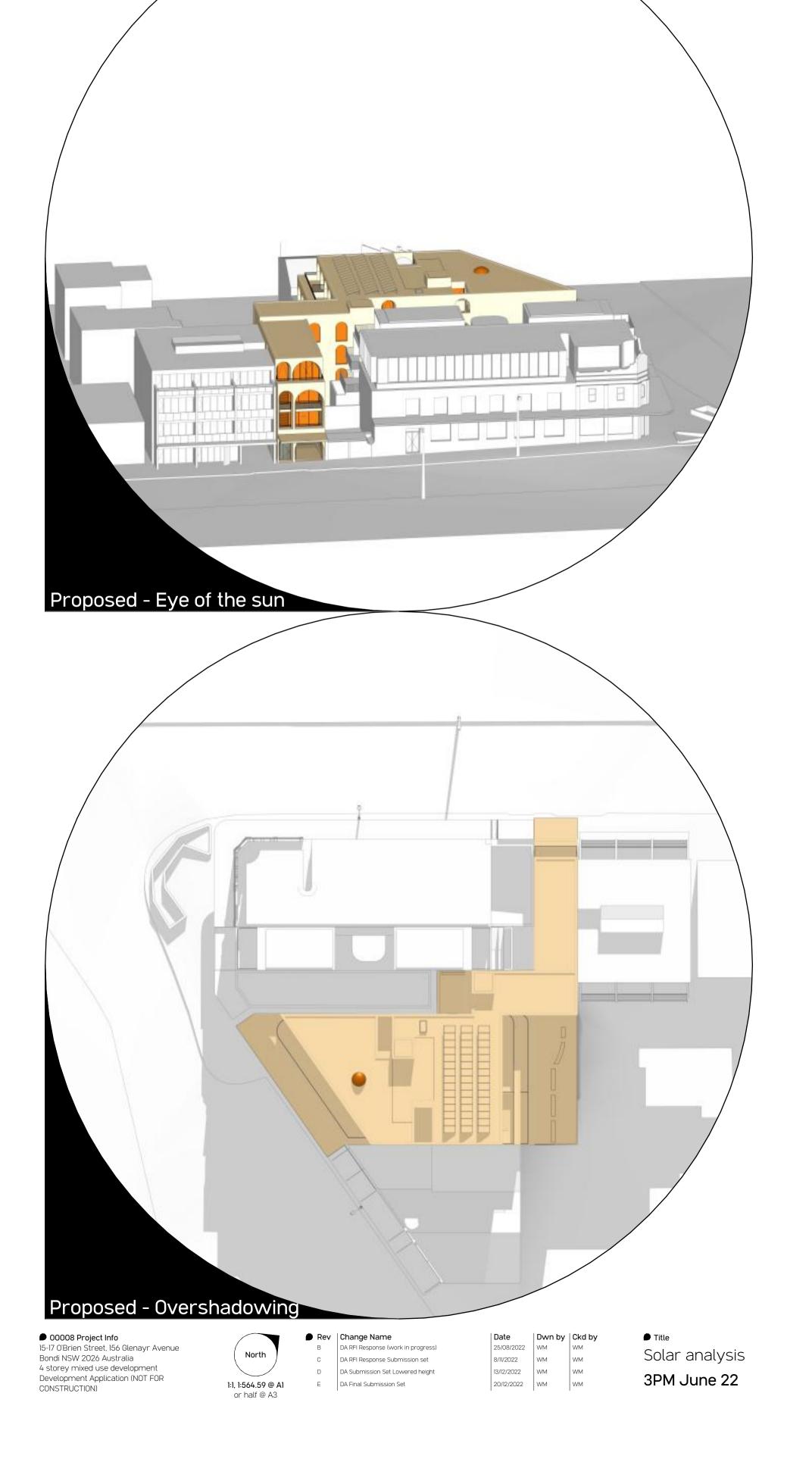


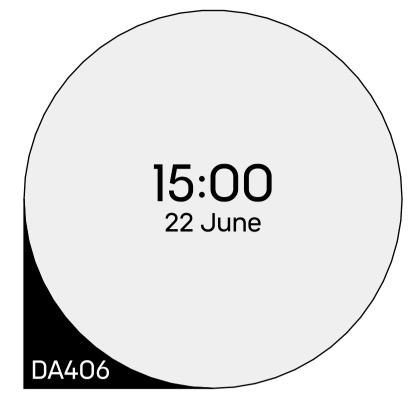


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Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025





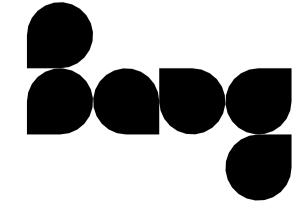
## Winter solstice

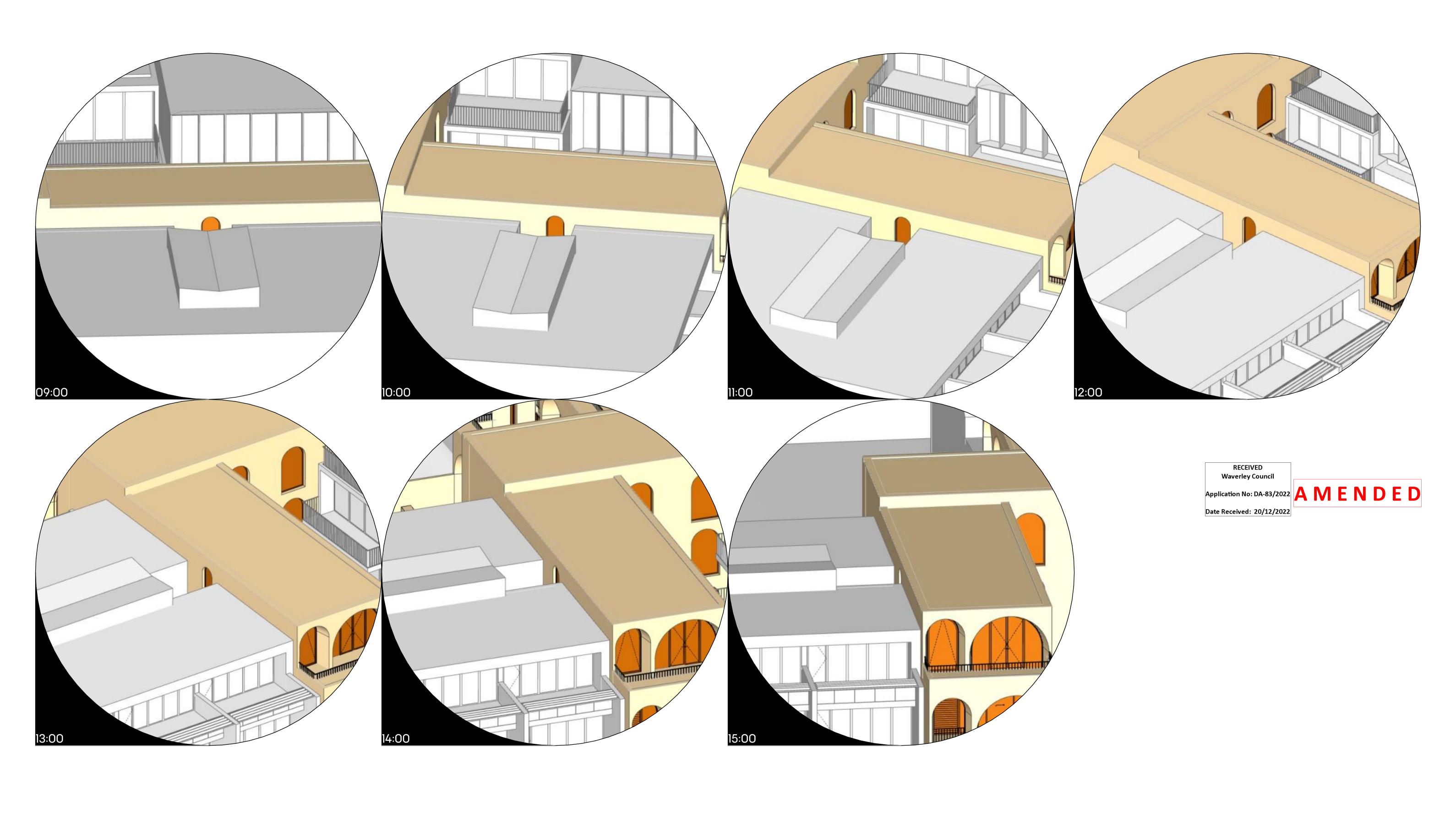
Solar Access								
Unit	09:00	10:00	11:00	12:00	13:00	14:00	15:00	total
101								2
102								2
103								2
104								0
105								0.5
201								2
202								2
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301								3
302								4
303								3
304								2

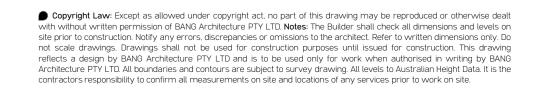
RECEIVED Waverley Council Application No: DA-83/2022



DA406 E







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Nominated Architect
Wieger Meijer NSW ARB 10848 Australian Institute of Architects Member number 208889 ABN: 84649431872

Client Info Vaughan Blank STM123 No24 Pty Ltd 14 Queen Street Woollahra NSW 2025

● 00008 Project Info
15-17 O'Brien Street, 156 Glenayr Avenue
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application (NOT FOR
CONSTRUCTION)



B DA RFI Response Submission set

C DA Submission Set Lowered height

D DA Final Submission Set

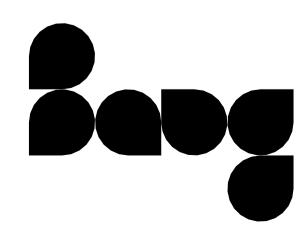
RevA Change NameDA RFI Response (work in progress)

Overshadowing
Lightwell 154 Glenayr Avenue

Drawing

Revision

DA410



### NOTE GENERAL:

1. Figure dimensions shall take precedence over scale

2. Contractors must verify all dimensions on job before commencing any work or making shop drawings.

3. All structural works including demolition to be verified by Structural Engineer prior to contractor undertaking any works. All structural landscaping and building works to be undertaken by suitably qualified, insured and licensed persons in the field only. Supervision and coordination of such work to be undertaken by suitably qualified, insured, licensed and experienced structural landscaper and/or builder only.

4. Verify all plant numbers on site prior to ordering and advise Landscape Architect if any changes are deemed necessary. Responsibility of number of plant stock ordered rests solely with contractor not Landscape Architect. Plant schedule for approval process only, not to be used for orders or quotes. Set out instructions as given on site by TWLA including any amendments to plant species and type as given on site remain the responsibility of contractor to update quote and order accordingly. Plant schedule as guide

5. Automatic irrigation system to be installed by irrigation subcontractor who is a suitably qualified, insured and licensed persons in the field only.

6. Check existing RL's and all soil depths on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.

7. Contractor/s to familiarize self and team with existing site conditions prior to undertaking any works, including any underground services.

8. Forest Fines Mulch from Australian Native Landscapes to be evenly distributed under all completed garden beds post soil, plant, irrigation and electrical install (Ph. 13 14 58).

9. Lighting to be from Nocturnal Lighting (Sydney Distributor Ph: 02 9699 6007) or Lumascape Lighting (+61 7 3854 5000), to electrician detail. Allow for power to all garden beds as directed by TWLA.

10. Pot selection from The Balcony Garden and Martin Kellock Pots, TBD by TWLA.

11. Any natural materials used in the project including but not limited to timber, stone and plant material, may change in appearance and dimension following exposure to use or climatic conditions and this is typical of such materials. Any discrepancy regarding natural or non-natural material to be directed to supplier, landscape contractor, stonemason, manufacturer or the like. No responsibility for material used on project rests with Landscape Architect.

12. Comply with relevant authority requirements.

13. Comply with National Construction Code requirements.

14. Comply with Australian Standards for material, construction and landscape practice.

15. Comply with BASIX certificate, if applicable.

16. Do not scale from drawings

17. This drawing is protected by copyright.

PLANT SCHEDULE				
Botanic Name	Common Name	Pot Size	Max Height (mm)	NO.
Acer palmatum	Japanese maple	100L	3000	4
Aptenia cordifolia	Baby sun rose	200	groundcover	33
Alocasia macrorrhiza	Elephant ear	300	1500	15
Aspidistra elatior	Cast Iron Plant	200	700	20
Barrel cactus	Barrel cactus	300	400	7
Carpobrotus glauscens	Pigs face	200	groundcover	10
Crassula blue bird	Blue jade	200	500	125
Cissus ellen danica	Snake vine	200	groundcover	33
Cephalocereus senilis	Old man cactus	45L	2000	7
Epipremnum aureum	Devils ivy	200	spillover/groundcover	68
Euphorbia cowboy	Cowboy cactus	300	1500	4
Hedera helix	Dwarf ivy	200	climber	8
Kalanchoe silver spoon	Silver spoon	200	600	25
Livistona australis	Cabbage tree palm	broot	20000	2
Ophiopogon jaburun	Mondo	200	600	15
Olea europa	Olive	broot	4500	5
Philodendron xanadu	Xanadu	200	1000	18
Rosemary huntington carpet	Trailing rosemary	200	groundcover	60
Rosmarinus officianalis	Rosemary	200	700	50
Senecio serpens	Blue chalk sticks	200	groundcover	55
Spathiphyllum sensation	Giant peace lily	200	1200	55

### **NOTE LIGHTWELL LANDSCAPE:**

1. The proposed lightwell landscape on LP04-0122 Landscape Plan - L1, Revision D, Dated: Dec 2022 is inclusive of the following species; Acer palmatum, Ophiopogon jaburun, Spathiphyllum sensation, Alocasia macrosshiza, Aspidistra sp., Epripremnum aureum and Hedera helix. Low light tolerant and hardy species suited to the light well location. Please refer to plant schedule for further information regarding numbers and height

2. The proposed lightwell landscape on LP05-0122 Landscape Plan L2, Revision D, Dated: Dec 2022 is inclusive of the following species; Cissus ellen danica and Epipremnum aureum. Low light tolerant and hardy species suited to the light well location. Please refer to plant

3. The proposed lightwell landscape on LP06-0122 Landscape Plan L3, Revision D, Dated: Dec 2022 is inclusive of the following species; Cissus ellen danica and Epipremnum aureum. Low light tolerant and hardy species suited to the light well location. Please refer to plant schedule for further information regarding numbers and height. Consistency between L2 and L3 with regards to the landscape proposal.

4. Automatic irrigation system to be installed by irrigation subcontractor. Irrigation to include but not limited to:

- To gardens: Combination of border jets and microsprays to narrow beds along with shrub head risers with Rain Bird nozzles to larger areas.

- Automatic control via Orbit Control Star controllers operating Hunter 25mm remote control valves. Automatic rain shut down devices to be included.

- Connection to water service via approved dual check valve backflow prevention devices and brass isolation valves.

- Irrigation system manual to be prepared and issued to client and landscape

maintenance team for reference.

5. Check proposed planter RL's for all above ground levels with contractor. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies.

6. Contractor/s to familiarize self and team with existing conditions prior to undertaking any works in landscape planters, including any services.

7. Level 1 planters: Planter Box Mix (soil) from Australian Native Landscapes.

8. Flo Cell Drainage Cell from Atlantis for planters. Ph. 9417 8344

9. Forest Fines Mulch from Australian Native Landscapes to be evenly distributed under

all completed garden beds post soil, plant, irrigation and electrical install (Ph: 131458).

10. Landscape maintenance general: The lightwell landscaped areas are intended to be low maintenance. Maintenance during the plant establish period will ensure the longevity and low maintenance nature of the planters and future success of these species. Maintenance to include:

- PLANT ESTABLISHMENT PERIOD: 13 weeks

- MAINTENANCE PERIOD: 39 weeks.

- MAINTENANCE PERIOD. 39 Weeks.

- DEFECTS LIABILITY PERIOD: The Contractor will be entirely responsible for the complete replacement of any tree, shrub, plant, grass or turf area that dies or fails to meet the specification due to defective materials or workmanship and including any damage sustained through vandalism. Replacement items will be of equal size, species and quality to those specified, and the Contractor will be responsible for the complete repair and reinstatement to the reasonable satisfaction of the Landscape Architect and the Superintendent. Works to be carried. out as soon as possible within the bounds of good horticultural practice. This maintenance must be carried out in such a manner to avoid unreasonable disturbance of any buildings and adjoining works not part of the contract.

- MAINTENANCE REQUIREMENTS: Following the date of Practical Completion, the Contractor shall maintain all the landscape areas of the works in accordance within this section for the periods stated. The Contractor shall maintain the whole of the planted areas in a manner which ensures the establishment of healthy and vigorous plants and a close textured, weed free appearance. Allowance shall be made in pricing for watering to maintain all planting in a healthy moist condition to facilitate optimum conditions for early establishment. Throughout the planting establishment period, carry out maintenance work including, watering, weeding, rubbish removal, fertilising, pest and disease control, reseeding (if applicable), returfing (if applicable), staking and tying, replanting, cultivating, pruning, clipping, and reinstatement of mulch.

- During the maintenance period the Contractor will be expected to:

+Establish a regular pattern of site visits throughout the maintenance period;

+Carry out routine maintenance operations;

+Correct any defects, which become apparent during the earliest suitable weather conditions;

+Attend hand-over any meetings deemed necessary with the Superintendent at off-maintenance inspection, and regular meetings with the Landscape Architect to monitor defects and maintenance;

+The Contractor will be deemed to have allowed for a minimum of 12 monthly main visits per year, but should not assume that this will be sufficient to discharge the requirements of the maintenance. - LITTER ARISINGS & DEBRIS MATERIALS: All debris unless otherwise stated and arising from the performance of the works shall promptly be removed from the site and the Contractor will be required to make good any damage at their own expense, or bear any cost incurred

through their failure to comply with this requirement. Remove all litter and deleterious material from planting areas at the time of each main visit (no less than monthly). - PESTICIDES AND HERBICIDES: The Contractor must only use chemicals specifically approved for the purpose for which it is intended and the conditions of approval for the chemicals and any relevant code of practice. The Contractor will consider in every instance whether the

use of chemicals is strictly necessary before application. Herbicides used to kill perennial weed growth shall be appropriate foliar applied, non-residual, translocated herbicides applied in accordance with established horticultural and health and safety practices. All tree, shrub and ground cover planting areas are to be kept completely weed free through the use of chemical, mechanical and hand weeding as appropriate to the type of planting, its prominence and species involved. Translocated herbicides should be used in preference to contact products, and where applied in ornamental areas re-visits to remove dead growth will be required.

RRIGATION AND GARDEN WATERING: Ensure the continued and adequate watering of all planting areas during the establishment and maintenance periods. Ensure that all planting is watered adequately until planting is established. Maintain irrigation system by regularly flushing thoroughly, checking heads, sprays and drippers and clean if blocked. Clean strainers and adjust for even distribution with no dry areas. Liaise with irrigation contractor.

- PRUNING: As the trees specified in light well planters are ornamental it is not expected pruning will be needed more than once yearly. Inspect tree canopies regularly for shape, dead and diseased wood. Allow for formative pruning under the direction of the landscape architect to ensure the development of an even crown of good shape. Allow for pruning out dead/diseased wood as necessary. Inspect shrub and groundcover planting areas regularly and prune out dead or diseased growth as and when discovered. Inspect areas of ground cover planting regularly. In areas of compacted soil surface lightly fork soil to improve establishment. Cut back plants significantly overhanging kerbs or paths or any species climbing/touching windows in a manner appropriate for the species and to the approval of the Landscape architect and Superintendent.

- PLANT FAILURES & REPLACEMENTS: Advise Landscape Architect of any failures and allow for the removal from site of any plantings which fail to establish. Replace as soon as possible. Monitor and report any incidents of malicious damage or theft. Planting requiring replacement due to inadequate maintenance practices shall be replaced at the cost of the Contractor

- PLANTER MULCH: As noted. Inspect mulch depths to all planting areas regularly and allow for tidying and topping up levels to specified depths as required.

- FERTILISING FREQUENCY: LocationProductN:P:KRateGardensTBC As per package. 4 No. foliage applic/year/man. recommended. Tree & palm specimensTBCAs per package. 4 No. foliage applic/year/man. recommended. Note: All native plantings are to be fertilised with products < 3% phosphorous. Apply liquid plant conditioner into irrigation system bi annually - or as needed.

- LOG BOOK: Keep a log book recording, according to weekly cycles, when and what maintenance work has been done and what materials, including toxic materials, have been used. Make the log book available for inspection on request and include as part of the Maintenance Manual at the completion of the On Maintenance period.

- PRODUCT WARRANTIES: Submit the supplier's written statement certifying that plants are true to the required species and type, and are free from diseases, pests and weeds. Supply also all documentation, shop drawings, warranties and guarantees for items installed and used on site for inclusion in the Maintenance Manual.

- MAINTENANCE MANUAL: The Contractor shall supply a Maintenance Manual for the site covering the maintenance of all hard and soft landscape areas including but not limited to fertilising, pruning, watering, pest and weed control, cleaning and rubbish removal. The Maintenance Log Book is also required to be kept as part of this Manual to ensure that the maintenance activities are being carried out in accordance with the Manual. Included in the Maintenance Manual should be the product warranties and certifications for all elements



EMAIL tanya@twla.com.au

DATE	REVISION	NOTE	RECIPIENT
14.02.2022 23.02.2022		Issued for client/architect comment DA	Arch/client Arch/client
26.08.2022 05.12.2022 14.12.2022	D	Information on lightwell landscaping Updated ground floor Updated ground floor	Arch/client Arch/client Arch/client
		1,	

Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. Check existing RL's on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authority requirements, comply with National Construction Code requirements. Comply with Australian Standards for material and construction practice. Comply with BASIX certificate. Do not scale from drawings. This drawing is protected by copyright.

Project:	Dwg no:	Drawn by:
Project: 15-17 O'Brien & 156 Glenayr	LP01-0122	TW
Ave Bondi		
Client:	Title:	Issue:
STM	Notes	01

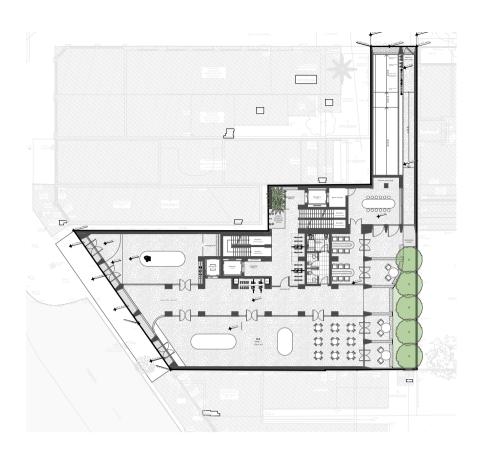
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RECEIVED **Waverley Council** 

Application No: DA-83/2022

Date Received: 16/12/2022









LEVEL 1

**RECEIVED** WEVERRy Council

Application No: DA-83/2022

Date Received: 16/12/2022



LEVEL 3

**GROUND** 



EMAIL tanya@twla.com.au WEB www.twla.com.au ABN 61 100 972 986

DATE REVISION NOTE
14.02.2022 A Issued for
23.02.2022 B DA
26.08.2022 C Informat
Updated
14.12.2022 E Updated

RECIPIENT
Arch/client
Arch/cli

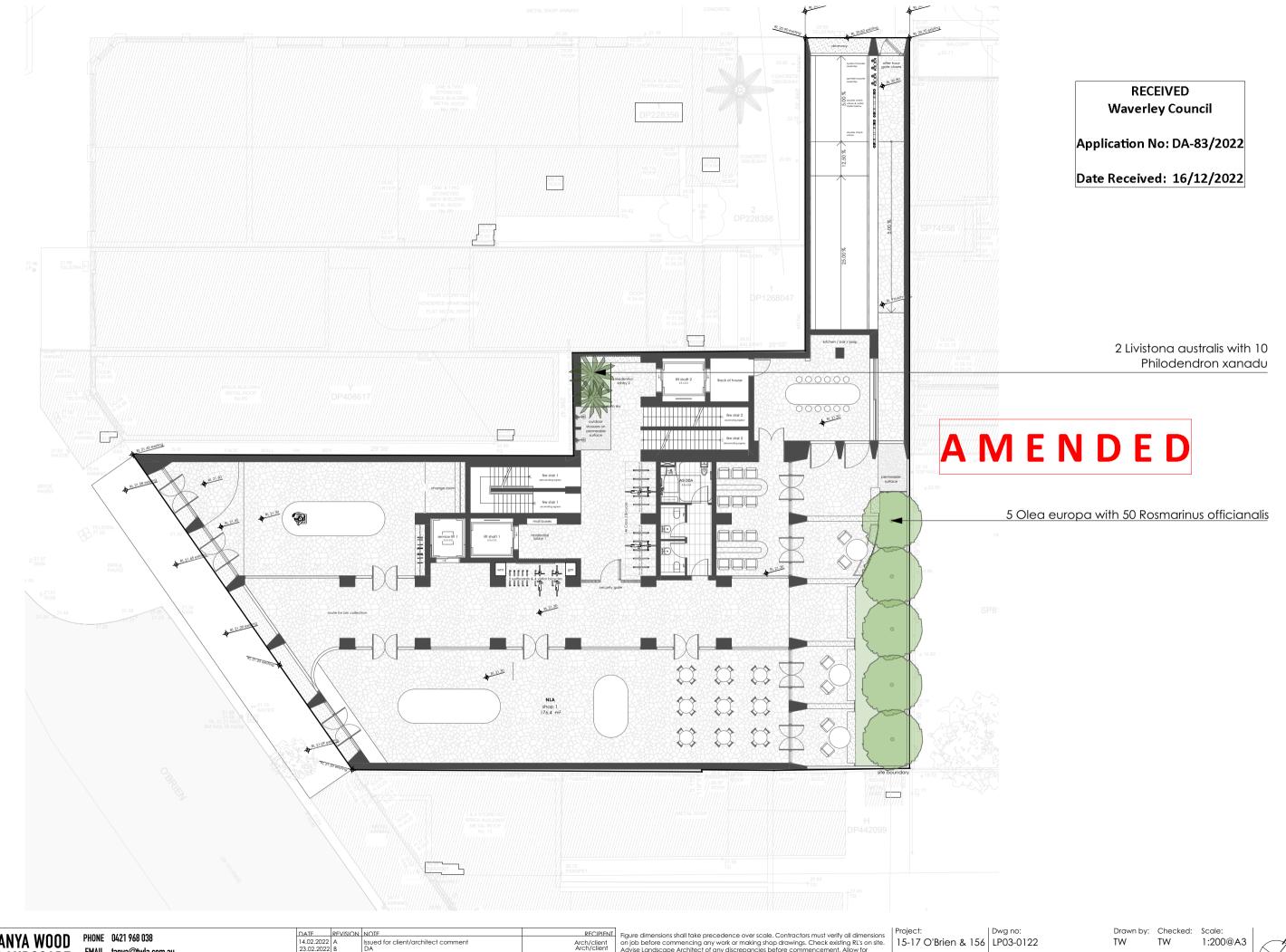
15-17 O'Brien & 156 Glenayr LP02-0122 Ave Bondi Client: STM

Site Plans

Drawn by: Checked: Scale: TW 1:500@A3



Date:





EMAIL tanya@twla.com.au WEB www.twla.com.au ABN 61 100 972 986

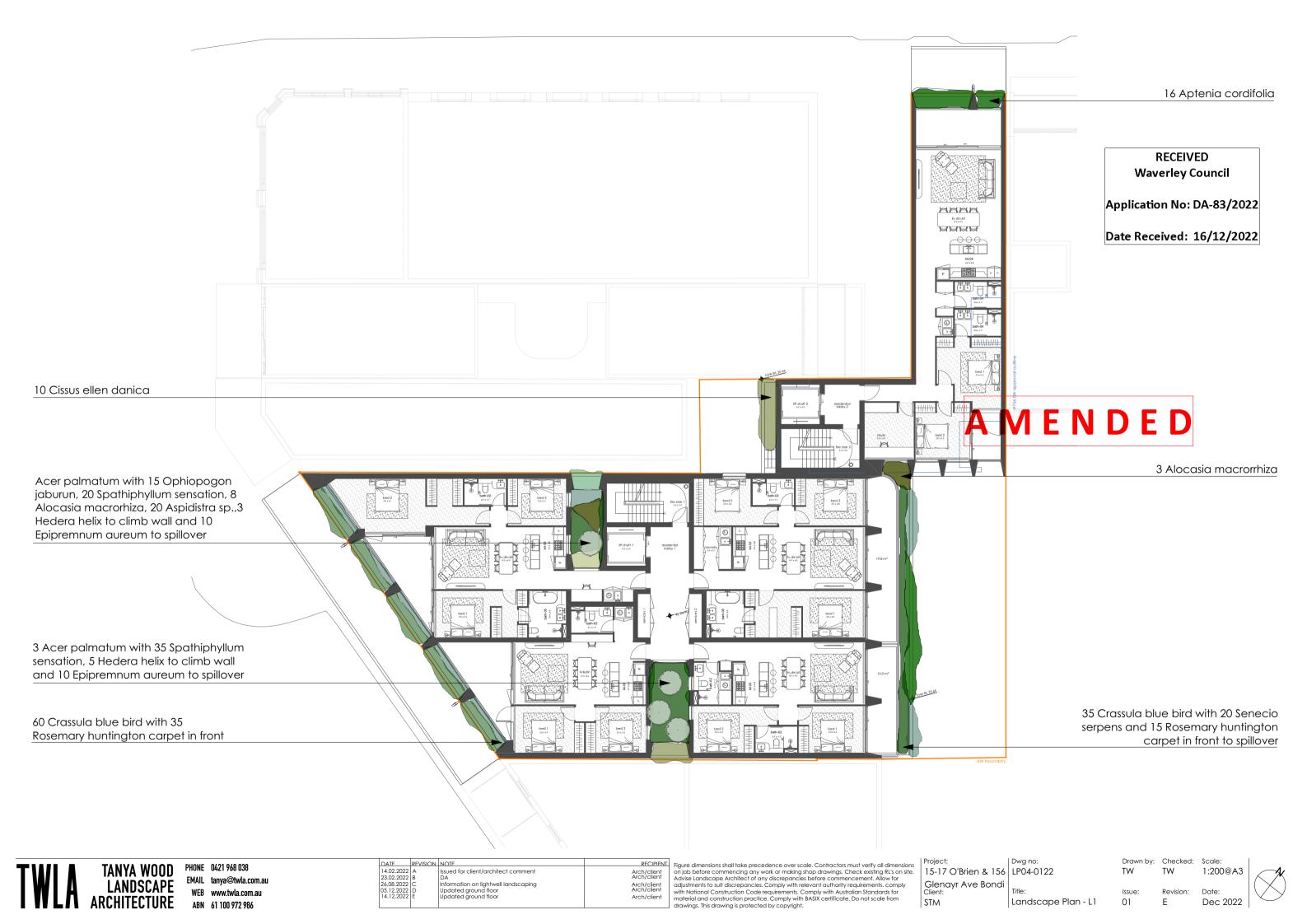
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14.02.2022 A Issued for
23.02.2022 B DA
26.08.2022 C Informore

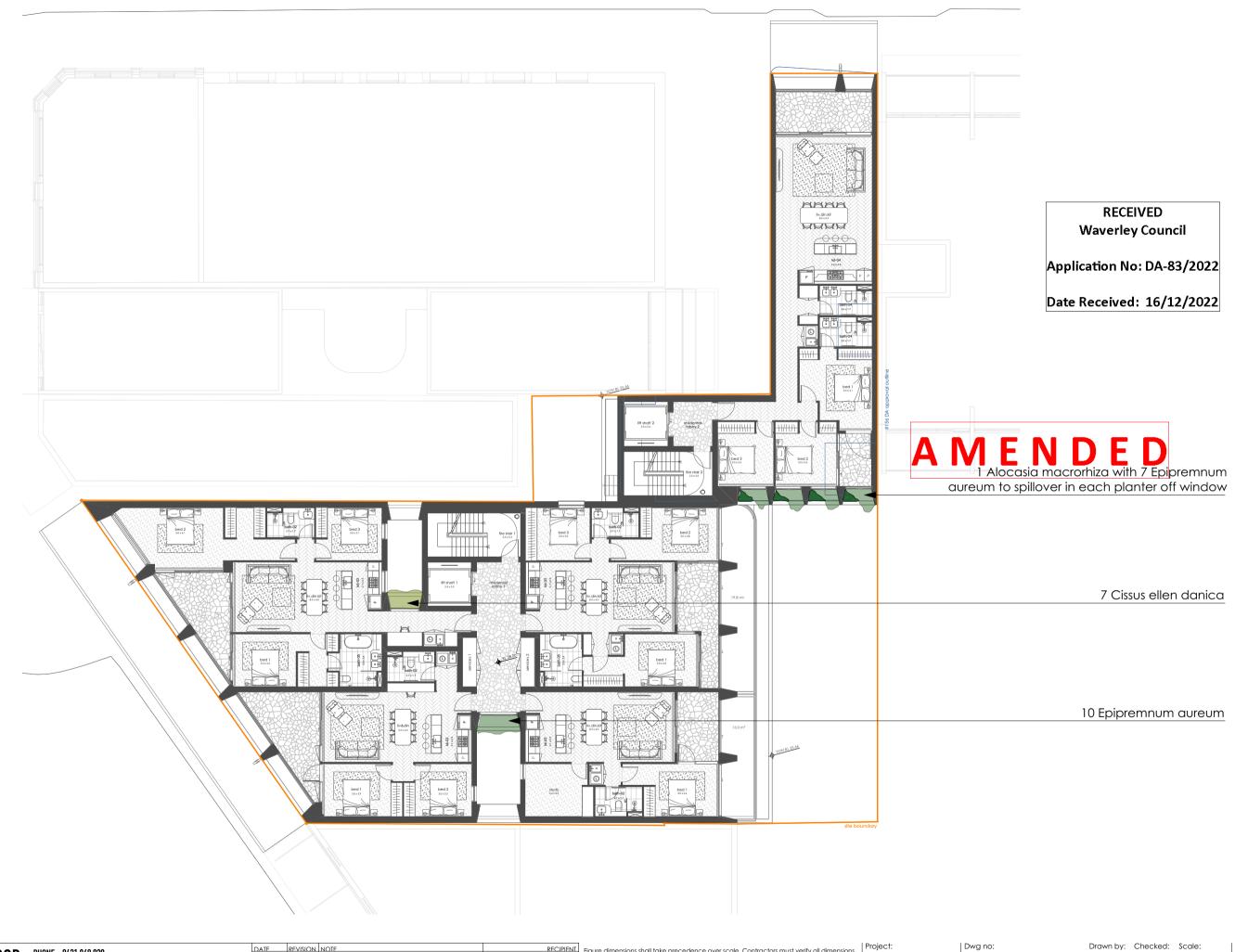
Figure dimensions shall take precedence over scale. Contractors must verify all dimensions on job before commencing any work or making shop drawings. Check existing RL's on site. Advise Landscape Architect of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authority requirements. comply with National Construction Code requirements. Comply with Australian Standards for material and construction practice. Comply with BASIX certificate. Do not scale from drawings. This drawing is protected by copyright.

Glenayr Ave Bondi Client: STM

Landscape Plan - Ground 01









PHONE 0421 968 038 EMAIL tanya@twla.com.au WEB www.twla.com.au ABN 61 100 972 986

DATF REVISION NOTE
14.02.2022 A Issued for
23.02.2022 B DA
26.08.2022 C Informat
Updated
14.12.2022 E Updated NOTE
Issued for client/architect comment
DA
Information on lightwell landscaping
Updated ground floor
Updated ground floor RECIPIENT
Arch/client
Arch/cli

15-17 O'Brien & 156 LP05-0122 Glenayr Ave Bondi Client: STM

Landscape Plan - L2

TW 1:200@A3

Date: Dec 2022







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 DATE
 REVISION
 NOTE

 14.02.2022
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 23.02.2022
 B
 DA

 26.08.2022
 C
 Informo
 A formation on lightwell landscaping pdated ground floor pdated ground floor RECIPIENT
Arch/client
Arch/cli

Glenayr Ave Bondi STM

Landscape Plan - L3

Dec 2022