



16 July 2019

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

**12.00 PM WEDNESDAY 24 JULY 2019**

**QUORUM:** Three Panel members.

**APOLOGIES:** By e-mail to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)

OR

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

## AGENDA

### **WLPP-1907.A Apologies**

### **WLPP-1907.DI Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-1907.1 PAGE 5 2 Blenheim Street, Queens Park - Demolition of existing dwelling and ancillary domestic structures, and the construction of a four storey plus basement residential flat building comprising 7 dwellings, including 3 affordable rental housing units (DA-236/2018)**

Report dated 12 July 2019 from the Development and Building Unit.

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

### **WLPP-1907.2 PAGE 74 Unit 1407 (lot 127), 80 Ebley Street, Bondi Junction - Installation of vergola awning to existing balcony of unit 1407 (DA-157/2019)**

Report dated 8 July 2019 from the Development and Building Unit.

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

### **WLPP-1907.3 PAGE 98 21 Fletcher Street, Tamarama - Alterations and additions to dwelling including attic extension, internal reconfiguration, new windows and pool over garage at rear (DA-122/2019)**

Report dated 10 July 2019 from the Development and Building Unit.

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



**WLPP-1907.4****PAGE 147**

**9/45 Sir Thomas Mitchell Road, Bondi Beach - Alterations and additions to roof space of existing residential flat building to convert into attic addition associated with unit 9 (DA-8/2019)**

Report dated 9 July 2019 from the Development and Building Unit.

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

**WLPP-1907.5****PAGE 180**

**Bondi Beach Public Bar, Retail, 154 Curlewis Street, Bondi Beach - Modification to delete condition 59 to permit low level entertainment (DA-413/2015/C)**

Report dated 10 July 2019 from the Development and Building Unit.

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

**WLPP-1907.6****PAGE 261**

**515 Old South Head Road, Rose Bay - Demolition of the existing structures on site and construction of a four storey mixed use building (DA-7/2019)**

Report dated 11 July 2019 from the Development and Building Unit.

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

**WLPP-1907.7****PAGE 323**

**4 George Street, Dover Heights - Alterations and additions to the existing 3 storey dwelling house, including a pool and landscaping (DA-58/2019).**

Report dated 8 July 2019 from the Development and Building Unit.

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

**22 Kimberley Street, Vaucluse - Alterations and additions to dwelling house including a first floor addition (DA-17/2019)**

Report dated 8 July 2019 from the Development and Building Unit.

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

**WLPP-1907.PP**

**Planning Proposals**

The Panel will provide confidential advice on any planning proposals presented at the meeting.



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-236/2018
<b>Site address</b>	2 Blenheim Street, Queens Park
<b>Proposal</b>	Demolition of existing dwelling and ancillary domestic structures, and the construction of a four storey plus basement residential flat building comprising 7 dwellings, including 3 affordable rental housing units
<b>Date of lodgement</b>	28 June 2018
<b>Owner</b>	A & G Vrankovic
<b>Applicant</b>	Archispectrum
<b>Submissions</b>	Seven (7)
<b>Cost of works</b>	\$1,255,166.83
<b>Issues</b>	SEPP 65; ARH SEPP; heritage conservation, setbacks; open spaces; overshadowing; car parking
<b>Recommendation</b>	That the application be granted a DEFERRED COMMENCEMENT CONSENT subject to conditions of consent



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 7 December 2018.

The site is identified as Lot B in DP 33600, known as 2 Blenheim Street, QUEENS PARK. It is located on the eastern side of Blenheim Street between Birrell Street and Yenda Avenue.

The site is irregular in shape and measuring 336m<sup>2</sup> in area, and is generally flat.

The site is occupied by a single storey dwelling house with vehicular access provided from Blenheim Street to a garage at the rear of the site via a Right of Way which spans the entire northern side boundary also benefiting 127 – 129 Bronte Road (property to the rear).

The subject site is adjoined by commercial premises to the north (side), a two-storey terrace to the south (side), and a three storey residential flat building to the east (rear). The locality is characterised by a variety of residential development, including semi-detached dwellings, terraces and residential flat buildings.

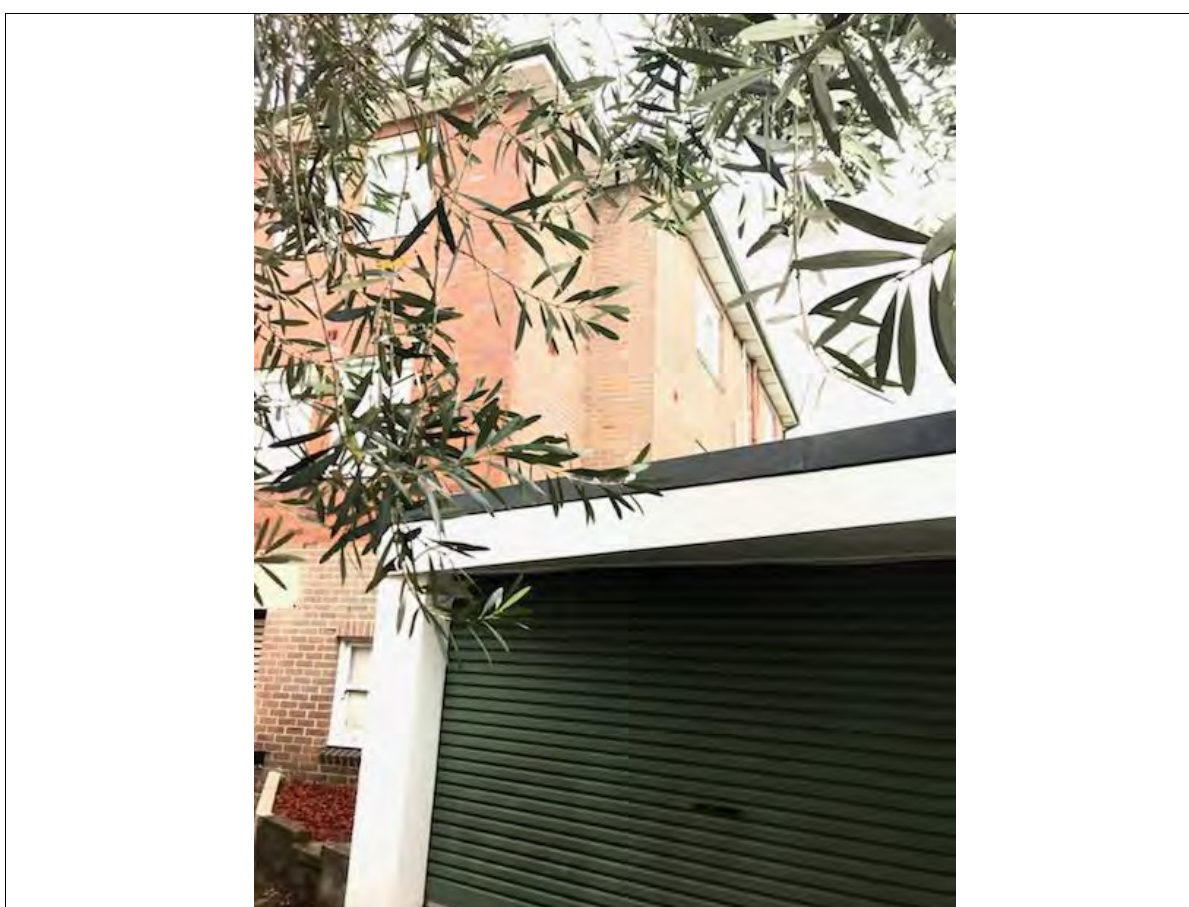
The subject site is located within the Blenheim Street/Bronte Road Landscape Conservation Area (C24) and is opposite the Blenheim Street Conservation Area - General (C1). The subject site is not Heritage Listed. Properties opposite, namely 1 and 3 Blenheim Street are heritage listed.



**Figure 1:** Subject site frontage



**Figure 2:** Site viewed from Blenheim Street



**Figure 3:** Development to rear of site



## 1.2 Relevant History

- **PD-30/2016**

Pre-DA advice, **PD-30/2016**, was provided on 24 November 2016 in relation to a scheme involving the construction of a four-storey residential flat building with basement parking, and included, in part, affordable housing in exchange for bonus floor space under State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. Provided advice indicated the proposal did not respond appropriately to the streetscape and should have better regard to the surrounding built form.

- **DA-135/2017**

On 19 April 2017, development application **DA-135/2017**, which sought to demolish existing detached dwelling house and construct a new four storey residential flat building containing eight units, including affordable rental housing and strata subdivision was lodged with Council for an assessment. On 24 May 2017, Council requested additional information, including: clause 4.6 variation to a development standard, 3D digital model; and Heritage Impact Statement. Subsequently, a Heritage Impact Statement was received on 2 August 2017, however all other information remained outstanding, and the application was refused on 2 November 2017.

- **DA-621/2014**

**DA-621/2014**, relates to development of 125 Bronte Road, Bondi Junction, which adjoins the northern boundary of the subject site. DA-621/2014 comprises demolition of the existing building and construction of four-storey boarding house over basement car park. Consent was upheld (approved) by the Land and Environment Court on 20 January 2016. The approval will result in a four-storey section of building adjoining the northern boundary of the subject site, with a setback from this shared boundary of 1m – 3.16m. On 13 April 2017, modifications were approved (DA-621/2014/A) which included both internal and external changes, along with an additional unit located within the basement level. The Floor Space Ratio of the development was increased to 1.4:1. Works are yet to commence on-site.

- **DA-236/2018**

The subject application, **DA-236/2018**, was deferred (21 March 2019) to enable the applicant an opportunity to address concerns regarding: non-trafficable roof area; window openings; balustrade material; materials and finishes; internal unit layouts; basement size; storage; side and rear fencing; landscaping; communal open space; encroachment into right of way; and designation of affordable rental housing units. An amended proposal was received by Council on 26 March 2019 and forms the basis of this assessment.

The amended proposal was not re-notified as amendments were considered minor in nature or lessened impact(s).

## 1.3 Proposal

The proposal seeks consent for the demolition of the existing dwelling and the construction of a four-storey plus basement residential flat building comprising seven dwelling apartments, including three as affordable rental housing. The proposal comprises:

Basement:

- Store rooms (8 x 10m<sup>2</sup>)
- Bulky waste receptacle room

- Bicycle storage
- Lift and stairs

Ground Floor:

- Unit 1 – affordable rental housing studio with west-facing terrace
- Unit 2 – affordable rental housing 1 bedroom with east and west-facing terraces

First Floor:

- Unit 3 – 2 bedrooms, 2 x west-facing balconies
- Unit 4 – studio, north-facing balcony

Second Floor:

- Unit 5 – 2 bedrooms, west-facing balcony
- Unit 6 – affordable rental housing studio, north-facing balcony

Third Floor:

- Unit 7 – 1 bedroom, north-facing roof top terrace

Units 1, 2 and 6 are identified as affordable rental housing and are all studio apartments. An area equal to 123.5m<sup>2</sup> or 30.8% of the gross floor area relates to affordable rental housing.

In addition to the above, the proposal includes bicycle storage (5 spaces), motorbike parking at-grade (2 spaces), and a 3000L underground rainwater tank.

No on-site vehicle parking is proposed.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

#### **2.1.1 SEPP (Building Sustainability Index – BASIX) 2004**

A BASIX Certificate has been submitted with the development application.

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

#### **2.1.2 SEPP 55 Remediation of Land**

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

#### **2.1.3 SEPP 65 Design Quality of Residential Flat Development**

The original proposal was referred to the Design Excellence Panel (DEP) on 17 September 2018. The amended proposal was not required to be referred to the Panel, as initial commentary was considered adequate to identify issues requiring further resolution in an amended scheme.

The Panel's comments regarding the original proposal and the nine design quality principles under SEPP 65, along with a planning response to each are set out in **Table 1** below:

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

Principle	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<ul style="list-style-type: none"> <li><i>The site is 335m<sup>2</sup> and has a frontage of 13.705 m to Blenheim Street. There is a Right of Way along the full length of the site's northern boundary which serves a 3 storey RFB to the east of the subject site. A proposed 4 storey boarding house to the north of the site has development consent and to the south of the site is a two storey sandstone dwelling.</i></li> <li><i>The context and neighbourhood character is described in the SEE which notes a large variety of building heights (1-6 storeys), eras and styles. However the predominant character of Blenheim Street is that of two storey town houses with a landscape character and good street trees. Opposite the site is a single storey 1850s sandstone dwelling and an 1880-1890 single storey timber dwelling of local heritage significance. Blenheim Street is located within a Landscape Conservation Area.</i></li> <li><i>The proposed building presents a two-storey element of enclosed balconies to the street with an open balcony on the third storey, then a setback fourth storey. Although this is an improvement on the previous proposal, the Panel has a series of concerns with regard to internal planning, amenity, privacy and overshadowing which, if suitably addressed will cause change to the street presentation and character of the building.</i></li> <li><i>The fourth floor causes serious overshadowing of the outdoor private space to the row of terrace houses to the south. The position</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed.</li> <li>The predominant character of Blenheim Street is derived from two storey dwellings that are terrace in style with shallow front setbacks, while adjoining sites to the north and east consists of 3 - 6 storey development or higher densities and limited open space.</li> <li>The proposal presents a two storey sandstone clad façade (considered in keeping with the character of the area) with levels above set back to improve the transition. Updates to internal planning, materials, privacy mitigation measures have been made, which are considered acceptable and discussed in greater detail in following sections of the report.</li> <li>The proposal will result in increased shadows, particularly from 12 noon onwards in mid</li> </ul>



Principle	Panel's Comment	Planning Comment
	<p><i>and size of the fourth storey needs to minimise these impacts.</i></p> <ul style="list-style-type: none"> <li><i>The existing fence to the street and that of the neighbours to the south appear on the survey to go beyond the site boundary. This needs to be clarified as the current arrangement creates more privacy than that proposed and it seems unlikely that the southern neighbours will change the fence position. The row of 5 townhouses further to the south have a larger front setback again with reasonable front garden space. The proposal does not match the character of the street which generally comprises a small front garden of deep soil, trees and low fences with two storey terrace houses set back from the boundary.</i></li> </ul>	<p>winter. This aspect is discussed in further detail below.</p> <ul style="list-style-type: none"> <li>The proposal aligns with the front setback of the adjoining dwelling to the south and provides a similar depth of area for landscaping. A condition is recommended that the ground level front planters be increased to a width of minimum 600mm and depth of minimum 600mm to provide adequate scope for decent planting to grow. Submitted plans reflect boundary dimensions and building setbacks as indicated on the survey with no encroachments. The proposed shallow front setback is consistent with the adjoining property to the south and those directly opposite.</li> </ul>
2. Built form & Scale	<ul style="list-style-type: none"> <li><i>The proposal for four storeys may be able to be successfully achieved if the following was investigated in discussion with Council:</i> <ul style="list-style-type: none"> <li><i>The front fence remaining in the current position and a garden space provided</i></li> <li><i>The building footprint moved south to the boundary – the length of the wall matching the eastern point of the neighbouring blank sandstone wall.</i></li> </ul> </li> <li><i>A landscaped front entry created on the north adjacent and parallel to the Right of Way. The entry gate should be set back on to the boundary line.</i></li> <li><i>The two ground floor units rearranged without the central corridor</i></li> <li><i>The lift, stair and basement fire egress designed to meet BCA</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed in part. <ul style="list-style-type: none"> <li>The front fence shall be rebuilt in similar location with planters along the frontage. A condition it recommended these be increased in size (600mm width) to allow scope for decent planting to grow.</li> <li>Nil southern setback is not agreed, as it's considered the resultant effect would exacerbate impact upon the adjoining property and reduce the amenity of occupants of the development through the loss of windows for natural light and ventilation.</li> <li>This option results in an entire replanning of the building and for the limited difference, was not considered justified.</li> </ul> </li> </ul>

Principle	Panel's Comment	Planning Comment
	<p><i>requirements, rationalised and improved</i></p> <ul style="list-style-type: none"> <li>- <i>The garbage area changed to an open covered communal space addressing the communal open space – BBQ area etc could be considered</i></li> <li>- <i>The bins arranged in a single-bin depth low fence enclosure as part of a well-considered landscape design – possibly parallel to the Right of Way.</i></li> <li>- <i>The unit planning throughout should be improved. Issues such as kitchens or entries looking directly into bathrooms, poor kitchen layouts and storage options, small wardrobes, insufficient space for washing machine installation, beds in kitchen areas, unprotected balcony areas, etc need to be addressed.</i></li> <li>- <i>Some balcony areas and depths do not meet ADG requirements.</i></li> <li>- <i>Added privacy screens (north) reduce winter sun access. Balcony sun access from the east and west needs to be investigated.</i></li> <li>- <i>Bulkheads will be needed within the units due to the misalignment of wet areas - ADG requirements should be met</i></li> <li>- <i>Fire separation requirements, screens or sprinklers are yet to be integrated with the elevations</i></li> <li>- <i>The upper level west elevation windows are inadequately protected from likely solar impacts</i></li> <li>- <i>The top level of the common stair should be provided with an operable window accessed from the top landing.</i></li> <li>- <i>Drainage for the non-trafficable roof area should be shown.</i></li> </ul>	<ul style="list-style-type: none"> <li>- Standard conditions imposed to ensure compliance in this respect.</li> <li>- The bin storage is considered appropriately located with direct access from the right of way to transfer bins to kerb for pick up. The BBQ is recommended to be relocated against the adjacent back wall to provide increased opportunity for additional mature landscaping along the rear boundary.</li> <li>- Amended scheme does improve unit layout from originally proposed to some extent.</li> <li>- Acceptable on merit - refer to Table 2, Part 4E.</li> <li>- Screening has been provided to meet requirements of BASIX, whilst addressing privacy impacts to adjoining properties, considered acceptable.</li> <li>- Amended scheme does improve unit layout from originally proposed to some extent. Standard condition will be imposed ensuring compliance with the BCA in this respect.</li> <li>- Awning over door opening has been introduced to address this.</li> <li>- Done (see window W03/3)</li> </ul>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <li>- <i>The section drawing should be improved to describe ceilings, bulkheads, concrete roof insulation and balcony drainage, setdowns to concrete balconies, sunshading, roof gutters, lift wall acoustic separation (to Units 4,6 and 7), basement pump-out tank, etc.</i></li> </ul> <p><i>If these issues are not satisfactorily addressed the Panel considers the proposal an overdevelopment of the site.</i></p>	<ul style="list-style-type: none"> <li>- Standard conditions ensure stormwater runoff complies with DCP.</li> <li>- A condition shall be imposed requiring these details prior to the issue of a Construction Certificate.</li> </ul>
3. Density	<ul style="list-style-type: none"> <li>• <i>It is the Panel's opinion that the floor space uplift being sought through the SEPP Affordable Rental Housing causes impacts on the development which are yet to be satisfactorily resolved in relation to streetscape, neighbours and local character. The current proposal is of insufficient merit to achieve the Panel's support.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The amended scheme does seek to benefit from the bonus floor space available through the SEPP ARH which results in a building form larger than the LEP standards envisage. Associated impacts and streetscape presentation are discussed in detail throughout the report in this respect.</li> </ul>
4. Sustainability	<ul style="list-style-type: none"> <li>• <i>The proposed two units per floor, smaller top floor and open stair should be able to achieve good access to natural light and winter sun as well as good cross ventilation, however the following issues need to be addressed:</i> <ul style="list-style-type: none"> <li>- <i>Windows – Fixed or type of operation should be clearly shown on the elevations for review with regard to cross ventilation and comfort.</i></li> <li>- <i>The proposed glazing to the common stair needs appropriate horizontal shading and opening panels operable from landings. The current design will create unacceptable heat loads and heat build-up.</i></li> <li>- <i>North windows generally need better horizontal sunshading.</i></li> <li>- <i>Ceiling fans should be located in all habitable rooms and clearly shown on the drawings</i></li> <li>- <i>Photovoltaics or solar hot water provision on the roofs.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Agreed. Comments are largely addressed by the amended proposal. <ul style="list-style-type: none"> <li>- Window operation is shown for some though not all openings. A condition is recommended to address this prior to the issue of a Construction Certificate.</li> </ul> </li> <li>- A condition is recommended that this bank of windows may be operable, provided they are translucent to allow natural ventilation, whilst mitigating privacy impacts.</li> <li>- The proposal complies with BASIX requirements.</li> <li>- Ceiling fans shall be conditioned for bedrooms.</li> <li>- A condition is imposed that should photovoltaics be</li> </ul>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <li>- <i>Inclusion of a rainwater tank. The tank should not conflict with deep-soil area.</i></li> <li>- <i>Sunshading and weather protection appropriate to orientation should be provided for all openings. The west windows to the upper level will experience high heat loads in summer if they are not adequately shaded. The lower balconies should also have a full wide shading option.</i></li> <li>- <i>Roof insulation for the western half of Unit 5 should be shown as rigid foam insulation with pebble ballast. The balcony above should ideally be raised tiles or timber on pedestals to shade the waterproofed slab. Alternatively a roof to the upper balcony would be more effective.</i></li> </ul>	<p>sought, they shall e eflush with the roof plane.</p> <ul style="list-style-type: none"> <li>- The proposal complies with BASIX requirements.</li> <li>- The upper level western facing openings include an awning over door frame which provide sunshading. Units below also include some sunshading devices.</li> <li>- Noted. These matters can be addressed at Construction Certificate stage.</li> </ul>
5. Landscape	<ul style="list-style-type: none"> <li>• <i>A landscape design prepared by a Landscape Architect needs to be submitted. The Concept Landscape Plan provided (DA16) has insufficient merit. Landscaped area should be provided to the street setback commensurate with the predominant setback on the eastern side of Blenheim Street, noting that the fence line issue needs to be clarified with Council. The removal of the concrete driveway and replacement with two tyre tracks where workable with ground cover planting in between would be preferred. The OSD tank should have a hard-landscape surface. A new entry, gate, letterboxes and pathway adjacent to the Right of Way should be investigated and could include flag stones, ground covers and possibly some trees of appropriate species. The southern ground floor unit should have access to private</i></li> </ul>	<ul style="list-style-type: none"> <li>• A condition is imposed requiring a landscape plan to be provided, prepared by a suitably qualified landscape architect. Limited scope at the front of the building is available for landscaping. Notwithstanding this, a condition is imposed to enlarge the planters at ground and second floor levels to improve scope for decent planting to grow. Further, a condition for mature planting to the rear is recommended. A street tree has been discussed with Council's Public Domain team, however not supported having regard to the limited space available at the front of the site. It is noted that street trees elsewhere in the street are located in the parking bay zone, rather than pathway. The driveway along the right of way is existing and proposed as 'grass cell' to enhance landscaping features of the site. A condition</li> </ul>

Principle	Panel's Comment	Planning Comment
	<p><i>outdoor space along the eastern portion of the southern boundary, and a sizeable private rear yard separated from the common outdoor space by a fence with a gate.</i></p> <p><i>The provision of additional street trees should be discussed with Council.</i></p>	<p>requiring letterboxes to be shown on plan are included.</p>
6. Amenity	<ul style="list-style-type: none"> <li><i>The local area is one of high amenity. Access to public transport, shops, services and parklands make this site ideal for affordable housing. The proposal however falls short of providing appropriate on-site and interior amenity, and therefore in its current form cannot be supported by the Panel. Issues include:</i> <ul style="list-style-type: none"> <li><i>- Compromised privacy to the ground floor bedrooms</i></li> <li><i>- Compromised privacy to the ground floor living and patio</i></li> <li><i>- Doglegged entry corridor to common stair and lift</i></li> <li><i>- Fixed screens to windows on the east to 1600 high will not stop overlooking from higher neighbouring windows but will compromise the amenity for the unit occupant. Operable screens will not ensure privacy to neighbours. This issue needs to be more carefully resolved. Further, accessibility to the common area and bins needs to be resolved. Currently a step is shown at the door threshold.</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>These comments are only agreed in part. The site is well located close to Bondi Junction and public transport routes.</li> <li>Windows to ground level bedrooms orientated to the front street can be mitigated through internal curtains/blinds. Further, a condition has been imposed requiring the planters to increase to provide additional scope for decent planting to grow which will further assist privacy. The window to the right of way of apartment 1 is a highlight window which can have blinds fitted if additional privacy from nearby properties is deemed necessary.</li> <li>Other forms of privacy mitigation have been implemented to windows/openings to offset privacy impacts for occupants and those on adjoining properties.</li> </ul>
7. Safety	<ul style="list-style-type: none"> <li><i>The driveway design needs to meet safety standards. Fire egress from the basement needs to meet BCA requirements. The method of fire safety treatment to windows should be clearly indicated on the drawings. The Panel recommends an independent BCA report be</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed. The proposal is capable of complying with the BCA, subject to appropriate conditions being imposed.</li> </ul>

Principle	Panel's Comment	Planning Comment
	<i>obtained by the applicant and provided to Council for review.</i>	
8. Housing Diversity and Social Interaction	<ul style="list-style-type: none"> <li><i>The Panel strongly supports the provision of affordable housing in this very well served location however the proposal lacks quality common areas and many of the poor aspects of the design could impact negatively on the occupants.</i></li> </ul>	<ul style="list-style-type: none"> <li>Agreed. Comments are largely addressed by the amended proposal.</li> </ul>
9. Aesthetics	<ul style="list-style-type: none"> <li><i>The proposal needs major planning changes which will impact on the building envelope and aesthetics. A careful analysis of the local character should be undertaken including setbacks and gardens. Issues of bulk and shadow need to be addressed. Architectural elements such as the open frame over the third floor balcony are meaningless and need to be considered more for weather protection, sunshading and amenity. The fourth floor indicates a lack of care with awkward overhangs, poor integration of wall and window colours and reduced amenity for the outdoor private space. Cross-section details at 1:20 scale describing the roof, walls, windows, balconies and the like should be provided for review with all DA submissions. This should also help with the position and tracking of the downpipes which currently are not well considered.</i></li> </ul>	<ul style="list-style-type: none"> <li>The proposal provides an acceptable presentation to the streetscape. The building provides a two storey form to the street with upper levels setback to provide a transition between larger buildings to the north and east, compared to the lower scale forms to the south and west. Materials characteristic of the area have also been included, for example sandstone which will enhance the streetscape appearance of the building. Amended plans also have improved the sunshading devices and privacy mitigation measures.</li> </ul>

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

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

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,

- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a Development Control Plan (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. The Waverley DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

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

### Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>Min separation distances from buildings to side and rear boundaries:               <ul style="list-style-type: none"> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> </ul> </li> <li>Increased separation of 3m where adjoins a lower density zone</li> </ul>	No       N/A	<p>The proposal is setback 2.7-2.8m from the northern side boundary, 0.9-1.5m from the southern side boundary, and 5.4m – 6.2m from the rear boundary. Although setbacks from boundaries are less than required, the proposal is considered to provide a reasonable level of separation between buildings to achieve visual privacy objectives of the ADG. Having regard to the context, the site width of 13.705m and surrounding development, strict compliance with the distance separation controls of the ADG cannot be achieved.</p> <p>The subject site is adjoined to its sides and rear by properties also located within the R3 Medium Density Residential Zone.</p>
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Yes      Yes	<ul style="list-style-type: none"> <li>71% of units receive at least 2 hours of direct sunlight mid-winter.</li> <li>All units are dual aspect and as such all receive some direct sunlight mid-winter.</li> </ul> <p>The proposal is consistent with the remaining objectives of this part of the ADG, ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> <li>Number of units with natural cross ventilation is maximised:               <ul style="list-style-type: none"> <li>At least 60% of units naturally ventilated</li> </ul> </li> </ul>	Yes	<ul style="list-style-type: none"> <li>All habitable rooms are provided with at least one window for natural ventilation.</li> <li>All units have dual aspects. In this regard, 100% of the units can be naturally cross ventilated.</li> </ul>
<b>4C Ceiling heights</b>		



Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> <li>Attics – 1.8m at edge of room with a 30° min ceiling slope</li> </ul>	Yes	The ceiling heights of all units comply with the minimum requirement.
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li><i>Studio = 35 m<sup>2</sup></i></li> <li><i>1 Bed = 50 m<sup>2</sup></i></li> <li><i>2 Bed = 70 m<sup>2</sup></i></li> <li><i>3 Bed = 90 m<sup>2</sup></i></li> <li><i>Add 5m<sup>2</sup> for each additional bathroom (above 1)</i></li> <li><i>Add 12m<sup>2</sup> for each additional bedroom</i></li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas which exceed minimum ADG requirements. In this regard, the size and layout of units are acceptable.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to circulation spaces.</p> <p>All robes are a minimum width of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> <li>Ground level, min 15m<sup>2</sup> &amp; 3m depth</li> </ul>	Yes (on merit)	<ul style="list-style-type: none"> <li>Unit 1 (ground level studio): 4.4m<sup>2</sup> / 1m depth</li> <li>Unit 2 (ground level 1 bed): 2.6m<sup>2</sup> / 1m depth &amp; 7.56m<sup>2</sup> / 1.8m depth</li> <li>Unit 3 (2 bed): 7.92m<sup>2</sup> / 1.8m depth &amp; 1.26m<sup>2</sup> / 1m depth</li> <li>Unit 4 (studio): 4.62m<sup>2</sup> / 1.4m depth</li> <li>Unit 5 (2 bed): 9.8m<sup>2</sup> / 2m depth</li> <li>Unit 6 (studio): 4.29m<sup>2</sup> / 1.3m depth</li> <li>Unit 7 (1 bed): 15.86m<sup>2</sup> / 2.6m depth</li> </ul> <p>Despite non-compliances, 100% of the units are provided a balcony or courtyard which is accessed from a main living area and in addition, access to 92.7m<sup>2</sup> of communal space to the rear of the building is provided, which includes barbeque, table and seating facilities. Accordingly, variations to open space and balconies are considered reasonable on merit and supported.</p> <p>The design of the balconies and courtyards is integrated into and contributes to the architectural form and detail of the building. Finishes are consistent with the palette of materials throughout the building.</p>
<b>4F Common circulation and spaces</b>		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	The maximum number of units accessing a central circulation core on each level is two.
<b>4G Storage</b>		



Design Criteria	Compliance	Comment
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>• 1-bed – 6m<sup>3</sup></li> <li>• 2-bed – 8m<sup>3</sup></li> <li>• 3+bed – 10m<sup>3</sup></li> </ul>	Yes	Each unit is provided additional internal storage along with a 10m <sup>3</sup> storage cage in the basement. The provided storage meets the requirements and objectives of the ADG. Conditions are imposed to ensure compliance in this respect.

#### 2.1.4 SEPP (Affordable Rental Housing) 2009

Part 2 Division 1 relates to in-fill development for the purposes of residential flat buildings. The proposed development satisfies the prescribed criteria, as the construction of a residential flat building is permitted with consent in the R3 Medium Density Residential Zone under the WLEP 2012. Further, the subject site does not contain a heritage item.

The subject site is located within an accessible area as defined under clause 4 as it is located within a 400m walking distance of a regular service bus stop, and 800m of Bondi Junction train station. Accordingly, the following clauses apply:

*i. Clause 13 – Floor Space Ratio*

Applies where the percentage of gross floor area (GFA) used for the purposes of affordable housing is 20 percent or more.

**Table 3: Assessment of the allowable Floor Space Ratio (FSR)**

Planning Instrument	FSR
WLEP 2012	0.9:1 development standard
SEPP Affordable Rental Housing	Minimum 20% of the GFA is to be used for affordable housing
Proposed Affordable Housing GFA	123.5m <sup>2</sup> or 30.8% of the GFA is allocated to affordable housing
Proposed bonus FSR	0.308
Allowable FSR with bonus	1.21:1
Proposed FSR (with bonus)	1.19:1 (complies)

In this instance, 30.8% of the building is proposed to be used for affordable housing, which proffers an additional bonus to be applied, bringing the allowable floor space ratio to 1.21:1. The proposal seeks a FSR of 1.19:1, which is consistent with the provisions of this clause.

Note, the GFA will be reduced by approximately 22.8m<sup>2</sup> subject to the deferred commencement matter being imposed relating to the upper level rear section (extending eastwards from lift core).

*ii. Clause 14 – Standards that cannot be used to refuse consent*

The assessment of this development application should have regard for the criteria for certain matters that cannot be used to refuse consent on the site. These include site area, landscaped area, deep soil zones, solar access, parking and dwelling size. An assessment against these standards is provided below:

**Table 4: Standard under the ARH SEPP which cannot be used to refuse development**

Development Standard	Proposal/existing and comment	Compliance with ARHSEPP
<b>Site and solar access</b> <ul style="list-style-type: none"> <li>• <b>Site area:</b> (1)(b) if the site area on which it is proposed to carry out the development is at least 450 square metres,</li> <li>• <b>Landscaped area:</b> (ii) at least 30% of the site area is to be landscaped,</li> <li>• <b>Deep soil zones:</b> (i) there is soil of sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the <b>deep soil zone</b>), and (ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</li> <li>• <b>Solar access:</b> if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Site area:</b> 336m<sup>2</sup>  This is not considered a sufficient reason for refusal of the application, as the development is located within the R3 medium density zone and is capable of providing reasonable amenity to the site and adjoining properties.</li> <li>• <b>Landscaped area:</b> 30.3%</li> <li>• <b>Deep soil zones:</b> 27.5%</li> <li>• <b>Solar access:</b> 71% of dwellings receive minimum requirements</li> </ul>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>General</b> <ul style="list-style-type: none"> <li>• <b>Parking:</b> (ii) at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Parking:</b> No on-site vehicular parking proposed. The site is located within close proximity to Bondi Junction and public transport options, subsequently a nil car parking rate is considered not unreasonable.</li> </ul>	<p>No</p>

<ul style="list-style-type: none"> <li>• <b>Dwelling size:</b> each dwelling has a GFA of at least: (i) 35m<sup>2</sup> in the case of a bedsitter or studio, (ii) 50m<sup>2</sup> in the case of a dwelling having 1 bedroom, (iii) 70m<sup>2</sup> in the case of a dwelling having 2 bedrooms, (iv) 95m<sup>2</sup> in the case of a dwelling having 3 or more bedrooms.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dwelling size:</b> <ul style="list-style-type: none"> <li>(i) Unit 1 (studio): 35m<sup>2</sup></li> <li>(ii) Unit 2 (1 bed): 50m<sup>2</sup></li> <li>(iii) Unit 3 (2 beds): 73.1m<sup>2</sup></li> <li>(iv) Unit 4 (studio): 43.4m<sup>2</sup></li> <li>(v) Unit 5 (2 beds): 71.4m<sup>2</sup></li> <li>(vi) Unit 6 (studio): 38.5m<sup>2</sup></li> <li>(vii) Unit 7 (1 bed): 50.1m<sup>2</sup></li> </ul> </li> </ul>	Yes
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iii. *Clause 16 – Continued application of SEPP 65 and Clause 16A Character of local area*

An assessment of the proposal against SEPP 65 has been considered earlier in this report (refer to section 2.1.3 of report). This clause specifies that a consent authority must not consent to development without considering the compatibility of the design of the building to the character of the surrounding area.

The proposed development was reviewed by the Waverley Design Excellence Panel and Council's Heritage Architect who have provided comments with regards to the building and in consideration of the character of the area. These comments informed the deferral of the application that sought a number of issues to be addressed, including though not limited to; building design, unit layouts, materials and finishes, privacy, landscaping areas, encroachments and fencing. The amended scheme is considered an acceptable form of development.

The applicant's documentation also includes a statement to describe how the design of the buildings achieves compliance with this clause.

iv. *Clause 17 – Must be used for affordable housing for 10 years*

To utilise bonus FSR provisions of the ARH SEPP, the following must be satisfied:

- (1) *A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:*
  - (a) *for 10 years from the date of the issue of the occupation certificate:*
    - (i) *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*
    - (ii) *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*
  - (b) *a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

The proposal provides three (3) affordable housing units in accordance with the provision of the SEPP. A condition is to be imposed to ensure that the identified units are used for this purpose.

The proposal is considered to comply with this clause.

## 2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 5: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal accords with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 12.5m	Yes	The proposal does not exceed 12.5m in height above existing ground level.
4.4 Floor space ratio Site area: 336m <sup>2</sup> • Permitted FSR: 0.9:1 plus SEPP (ARH) bonus 0.308 (overall permitted FSR 1.21:1)	Yes	Additional GFA is sought under the provisions of the ARH SEPP. The proposal seeks an FSR of 1.19:1, which complies.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage Conservation	Yes	The subject site is located within the Blenheim Street/Bronte Road Landscape Conservation Area. The proposal is considered to reasonably comply with heritage conservation objectives. Council's Heritage Architect has reviewed the proposal (refer to section 3.3 of report).
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	The proposal includes excavation associated with the basement and underground OSD tank. In the event of approval, standard conditions are included in the recommendation for imposition.

#### 2.1.6 Waverley Development Control Plan 2012

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

**Table 6: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	No	Refer to comments provided by Council's Sustainable Waste Coordinator under section 3 of this report.  In the event of an approval, waste management conditions are included in the recommendation for imposition.
2. Energy and water conservation	Yes	An amended BASIX certificate was submitted with the amended proposal, which addresses the minimum requirements of this part of the DCP.

Development Control	Compliance	Comment
6. Stormwater	Yes	Submitted stormwater management plans address the minimum requirements of this part of the DCP.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	An accessible path is provided to the front entry. Furthermore, lift access is provided from the ground floor entry to all units.  Adaptable units are not required as less than 10 units are proposed.
8. Transport	Yes (on merit)	Nil on-site parking is provided. A detailed discussion is presented below.
9. Heritage	Yes	Refer to comments provided by Council's Heritage Architect under section 3.3 of this report.
10. Safety	Yes	The proposal addresses safety objectives as detailed in Part B10 of the DCP.

**Table 7: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>Minimum frontage: 15m</li> </ul>	No (existing)	The subject site has a frontage of 13.705m. Refer to discussion below.
<b>2.3 Height</b>		
<ul style="list-style-type: none"> <li>Maximum external wall height: 9.5m</li> </ul>	Yes (on merit)	Except for a small section, proposed walls do not exceed 9.5m in height.
<b>2.4 Excavation</b>		
<ul style="list-style-type: none"> <li>No fill to raise levels</li> <li>Minimum setback of 1.5m from side boundaries</li> <li>Under building footprint except main access ramp</li> <li>Basements no more than 1.2m out of the ground</li> </ul>	Yes  Yes  Yes  Yes	<ul style="list-style-type: none"> <li>The proposal works with the topography of the land to negate the need for fill.</li> <li>The basement is setback a minimum 2.2m from a boundary.</li> <li>The basement is contained within the building footprint.</li> <li>The basement does not protrude above ground level.</li> </ul>
<b>2.5 Setbacks</b>		
2.5.1 Street setbacks <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	All levels of the building are setback from the street frontage to appropriately align with or transition between adjoining buildings.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 3m</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>	No  No  No	<ul style="list-style-type: none"> <li>The proposal is setback 2.84m from the northern side boundary and 0.9m from the southern side boundary.</li> <li>The proposal is setback a minimum dimension of 5m from the rear boundary.</li> <li>Deep soil areas which exceed 2m in dimension are provided to the rear of the building.</li> </ul> Refer to discussion below.

Development Control	Compliance	Comment
<b>2.6 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Maximum unit depth: 18m</li> <li>Maximum depth of single aspect unit: 8m</li> </ul>	Yes  Yes  N/A	<ul style="list-style-type: none"> <li>The building length is 17.2m (including balconies).</li> <li>All units have an internal depth which is less than 14m.</li> <li>All units are dual aspect.</li> </ul>
<b>2.8 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes Yes	As previously discussed, the proposal demonstrates a reasonable level of compatibility with the character of the local area.
<b>2.10 Fences and walls</b>		
<i>Front fence:</i> <ul style="list-style-type: none"> <li>Maximum height 1.2m</li> <li>Maximum 2/3 solid</li> <li>Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise</li> </ul> <i>Side fence:</i> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul> <i>Rear fence:</i> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	Yes Yes        Yes   Yes	<ul style="list-style-type: none"> <li>0.9m – 1.2m high front fence</li> <li>The front fence consists of open metal vertical members, with no masonry component proposed.</li> <li>1.8m high fencing to side boundaries.</li> <li>1.8m high fencing to rear boundary.</li> </ul>
<b>2.11 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Integrated into the design</li> <li>Secondary to pedestrian entrance</li> <li>Maximum of 1 x 2-way driveway</li> <li>From rear of side where possible</li> <li>Pedestrian safety</li> </ul>	No Yes Yes No Yes	A right of way exists along the northern boundary, providing vehicular access to 127 – 129 Bronte Road. The proposal utilises this access for bicycle and motorbike storage/parking to the rear of the site, however no on-site car parking is proposed.    Vehicular and pedestrian access are separated and clearly defined for increased safety.
<b>2.12 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level</li> <li>Accessible entry</li> <li>Legible, safe, well-lit</li> </ul>	Yes Yes Yes	Pedestrian entry is located to the front of the building.
<b>2.13 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 100.8m<sup>2</sup></li> <li>50% of the above is to be deep soil: 50.4m<sup>2</sup></li> </ul>	Yes  Yes	<ul style="list-style-type: none"> <li>30.3% or 102.1m<sup>2</sup> of the site area is landscaped.</li> <li>100% of the 92.7m<sup>2</sup> landscaped area to the rear of the site is considered deep soil (with exception of OSD tank).</li> </ul>
<b>2.14 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum 15% communal (R3 zone): 50.4m<sup>2</sup></li> <li>Minimum dimensions: 6m x 6m</li> <li>Accessible</li> </ul>	Yes  Yes (on merit) Yes	<ul style="list-style-type: none"> <li>27.5% or 92.7m<sup>2</sup> of the site area is communal.</li> <li>5m minimum dimension (5m x 11.4m).</li> <li>The communal area is accessible via the right of way and through the ground floor foyer.</li> </ul>

Development Control	Compliance	Comment
<b>2.16 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice.</li> <li>Direct sunlight to north facing windows of habitable rooms and private open space areas of adjacent dwellings should not be reduced to less than 3 hours at mid- winter.</li> </ul>	<p>Refer to Table 2 (ADG)</p> <p>No</p>	<p>The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies.</p> <p>Refer discussion below.</p>
<b>2.17 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss</li> </ul>	Yes	The proposal is unlikely to result in a loss of views across the site.
<b>2.18 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>Minimise overlooking of adjoining properties</li> </ul>	<p>Yes</p> <p>Refer to Table 2 (ADG)</p>	<p>The proposal incorporates design elements, i.e. window placement and screening, to prevent direct views into the open space of units below.</p>
<b>2.22 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	Bedrooms are generally located away from common circulation areas, stairs and lift.

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

## Transport

Part B8 Transport of the DCP specifies car parking and bicycle parking rates for residential flat buildings throughout the Council area. With reference to Parking Zone 1 requirements (applicable to the site), the proposal generates a demand for 7 on-site car parking spaces including visitor parking (rounded down to nearest whole number); 8 bicycle parking spaces, including visitor parking; and 1 motorcycle space.

The proposal provided on-site parking for no cars, 5 bicycles and 2 motorcycles. Accordingly, the proposal breaches the numerical requirements for car and bicycle parking by 7 and 3 spaces respectively. Despite this, the shortfall is supportable for the following reasons:

- The site is within 800m of the Bondi Junction Train Station.
- The site is within a short walking distance of public transportation, i.e. frequently serviced bus routes.
- The site is located a short walk from commercial areas of Bondi Junction and Charing Cross.
- Car and bicycle parking within the basement would require significant excavation of the site.
- Notwithstanding the above, while no carparking for vehicles is proposed, it is considered reasonable and appropriate to ensure compliance with the bicycle provisions. A condition

requiring 8 bicycles (7 x residential, 1 x visitor) spaces be provided to promote sustainable transport means.

The proposal is considered reasonable when assessed against the objectives of Part B8 Transport of the DCP. Accordingly, the proposal is reasonable and supportable.

### **Site, Scale and Frontage**

Part C2, Clause 2.2 of the DCP requires site frontages of 15m in the R3 zone.

The subject site has an existing street frontage of 13.705m. Whilst less than the requirement, the proposal delivers a building which is comparable in height and scale with neighbouring buildings (existing and those approved) and provides appropriate separation to mitigate adverse impacts. Accordingly, a departure of 1.295m from the minimum street frontage control is reasonable on merit and supported.

### **Side and Rear Setbacks**

Part C2, Clause 2.5.2 of the DCP seeks, in the case of a building which is greater than 9.5m in height in the R3 zone, a minimum side setback of 4.5m and rear setback of 6m or the predominant rear building line.

The proposal does not satisfy the minimum requirements of the DCP or the ADG (as previously discussed) with respect to side and rear boundary setbacks. Notwithstanding this, the proposal provides separation between buildings, will not obstruct natural ventilation or result in unreasonable overshadowing or privacy impacts due to the noncompliance.

The noncompliant side boundary setbacks (of 2.84m and 0.9m) provide collective setbacks between buildings of 4.5m and 2m respectively. A separation distance of 2m to the southern building is supportable as the adjoining building consists of a blank wall (ie no windows) to its two storey northern wall.

The proposal is setback 5.4m - 5.9m from the rear boundary and achieves a collective building setback in the order of 7m, which is commensurate with patterns of development within the locality.

On balance, the proposal is considered to address the objectives in clause 2.5. Accordingly, a departure from setback controls is reasonable on merit and supported.

### **Communal Open Space**

Part C2, Clause 2.14 of the DCP seeks, in the case of development within the R3 zone, that development be provided 15% of the site area as communal open space with a minimum dimension of 6m.

The proposal provides communal open space to the rear of the building (at grade) equivalent to 27.5% or 92.7m<sup>2</sup> of the site area. Whilst exceeding the area requirement, the tapered rear boundary results in the minimum dimension falling short by up to 1m. Notwithstanding this, the functionality of the area is not compromised, as it is still able to accommodate a barbeque, dining and lawn area in addition to plantings.



Given the amount of communal open space exceeds the requirement by 42.3m<sup>2</sup> or 83.9%, a 1m departure in dimension is considered reasonable on merit and supported.

### **Solar Access and Overshadowing**

Part C2, Clause 2.16 of the DCP seeks, living rooms and private open spaces for at least 70% of apartments to receive a minimum of 3 hours of direct sunlight between 9:00am and 3:00pm on June 21, however, as discussed under section 2.1.5 of the report, solar and daylight access requirements of the ADG override solar access and overshadowing provisions of the DCP.

The proposal provides 71% of apartments receiving direct sunlight for at least 2 hours between the hours of 9:00am and 3:00pm mid-winter, in accordance with the requirements of the ADG.

Adjoining properties are to retain a minimum of 3 hours direct sunlight. In this regard, submitted shadow diagrams demonstrate that the rear open space of the adjoining property to the south (i.e. No. 4 Blenheim Street) is significantly overshadowed during the morning by the residential flat building at No. 127-129 Bronte Road and in the afternoon by the approved (yet to be constructed) 4 storey development at 125 Bronte Road and existing building on the subject site. Therefore, the proposal does not comply with this control. At best 1.5 – 2 hours of sunlight is achieved through the day.

Given the east-west orientation of the site, impacts upon adjoining properties through loss of sunlight must be reasonably expected, particularly in the case of a 12.5m height compliant development. Notwithstanding this, the siting of the building, with non compliant separation distances does exacerbate the shadow impact upon adjoining properties. Perusal of the shadow analysis provided by the applicant indicates that the placement of the building that includes a 4 storey form to the rear does intensify this impact. In this regard, the shadowing impact creates the worst impact from the section at the rear, compared to other parts and areas of the building. To alter the upper level, so as not to extend all the way to the rear does improve this impact. Therefore, it is recommended that the eastern section of the upper level from the lift core to the rear be deleted. Potential exists to bring the form slightly forward, however that would be subject to an amended scheme and renotification. To ensure a resultant appropriate unit size is provided, the upper level would benefit from being an extension from a unit below, rather than remain as a self contained unit (given its only 27m<sup>2</sup> in area). This would improve the shadow impact closer to compliance.

Whilst, it is noted that compliance with the height and FSR development standards (accounting for SEPP ARH bonus for FSR) is achieved, it should be noted that this form and in particular the bonus can and should only be possible where the building is an acceptable form of development. In this instance, the shadow impact does adversely impact on the amenity of the properties to the south. Therefore, the reduction of the upper level to improve the shadow impact to southern properties, whilst reducing the gross floor area (by approximately 22.8m<sup>2</sup>) is considered necessary and justifiable in this instance.

Upon the recommendations being imposed, the resultant form will improve sunlight during the winter solstice closer to compliance.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

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

### 2.3 Suitability of the Site for the Development

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

### 2.4 Any Submissions

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

Seven (7) submissions were received. The issues raised in the submissions are summarised and discussed below. Note, amended plans were not notified as the impacts were lessened by the amendments.

**Table 8: Summary of property addresses that lodged a submission**

Property
3 Blenheim Street, Queens Park
13 Blenheim Street, Queens Park
127 Bronte Road, Queens Park (x 2)
303/129-131 Bronte Road, Queens Park
Address not provided (x 2)

***Issue: Demolition of character building***

**Response:** The subject building is not listed as a heritage item. Further, the proposal is supported by Council's heritage architect.

***Issue: Land size not sufficient to accommodate affordable housing***

**Response:** Refer discussion under sections 2.1.4 and 2.1.5 of this report.

***Issue: Privacy, visual and acoustic***

**Response:** All rear facing upper level windows consist of sill heights or privacy screening to 1.6m above finished floor level. No rear facing balconies are proposed and windows to side elevations are located to minimise direct views into habitable room windows. Balconies to the northern side elevation consist screening devices to provide additional privacy for occupants from/to the adjoining 4 storey boarding house.

***Issue: Building height***

**Response:** The proposal complies with the height of building development standard of the LEP. Furthermore, except for the third floor level designed as an in-roof element, proposed walls do not exceed the height control of the DCP.

***Issue: Design and character of building***

**Response:** Refer discussion under sections 2.1.4 and 2.1.5 of this report.

***Issue: Floor space ratio (FSR)***

**Response:** The proposal complies with the FSR development standard. Refer discussion under section 2.1.4 of this report.

***Issue: Air B&B, boarding house style development***

**Response:** The proposal is not a short-term accommodation or boarding house development, but rather a 'residential flat building'.

***Issue: Parking and traffic***

**Response:** Refer discussion under section 2.1.6 of this report.

***Issue: Loss of light***

**Response:** Refer discussion under section 2.1.6 of this report.

***Issue: Setbacks***

**Response:** Refer discussion under heading 2.1.6 of this report.

***Issue: Rain water tank proposed within registered right of way***

**Response:** The proposal has been amended to ensure no encroachment within the registered right of way. The underground on-site detention tank is now proposed to be located within the south-eastern rear corner of the subject site.

## **2.5 Public Interest**

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

## **3. REFERRALS**

### **3.1 Driveways – Creating Waverley**

The proposal was considered unsatisfactory and not recommended for approval on the following grounds:

- Waverley DCP 2012 – General provisions (B8) clause 8.1.1 requires a minimum of 7 residential parking spaces and 1 visitor space. This proposal does not cater for any parking spaces whereas the existing building does. This will increase demand for on-street parking on surrounding streets.

In the event of approval, standard technical conditions (relating to the public domain) were provided and are included in Appendix A. Having regard to the comment regarding lack of parking, a condition shall be imposed that no residential parking permits are permitted for residents of this site, to minimise impact on local traffic and parking.

### **3.2 GIS – Digital Waverley**

In the event of approval, conditions were provided and are included in Appendix A.

### 3.3 Heritage – Shaping Waverley

Council's Heritage Architect and Urban Planning Advisor has advised:

- *The building forms part of a cohesive streetscape of one and two storey residences of varied style and ages dating from the 1850's to recent years.*
- *The street elevation of the building is set back at the second floor with the third floor aligned in height with the ridge height of the adjacent terrace to the south. At best the development serves as a transitional element between the tall approved apartment building to the immediate north and the lower regime of residences to the south.*
- *Overall articulation of the street elevation including stone cladding to the first and second floors provides some cohesion with the streetscape.*
- *Setback of the top mansard floor has limited impact of this level on the streetscape.*
- *The street elevation of the building is set back at the second floor with the third floor aligned in height with the ridge height of the adjacent terrace to the south. It should be noted this setback does not align with the adjacent terrace in plan leaving the new development the more prominent element in the streetscape. At best the development serves as a transitional element between the tall approved apartment building to the immediate north and the lower regime of residences to the south.*
- *Overall articulation of the street elevation including stone cladding to the first and second floors provides some cohesion with the streetscape.*
- *Provision for landscaping is limited and it is questioned how effective cellular lawn will be in a designated right of way/drive that has no limitation on vehicular usage.*
- *The use of glazed balustrading to the top floor deck is not supported, the hard reflective plane serving to emphasises rather than neutralize the forward line of the deck – this defeating the setback of the upper floor. Balustrading should be of open metal vertical members matching that to the lower floors.*
- *Despite the extreme western exposure of the top floor, no sun shading is included over the glazed doors. The higher skillion eave will not protect from western sun. Pergolas or other shading at this level should be limited and set no higher than the door head height with projection limited to a metre out from the wall line.*
- *Finishes are generally bland with the proposed stone cladding the only positive colour in the street frontage. For this reason the stone should be made a condition of consent and not subsequently replaced by other material such as painted render. Return of the stone cladding to the northern and southern elevation are to be maintained in the completed works.*
- **Recommendations:** *To maintain cohesion with the established streetscape setting and the adjacent Conservation Area it is recommended that the design is amended as follows.*
  - (1) *The top floor balustrade is to be of open metal vertical members matching that to the lower floors.*
  - (2) *Pergolas or other shading at the top floor level should be limited and set no higher than the door head height with projection limited to a metre out from the wall line.*
  - (3) *Stone cladding is to be maintained in construction and not subsequently replaced by other material such as painted render. Returns of the stone cladding to the northern and southern elevation are to be maintained in the completed works.*
  - (4) *Provision for landscaping is to provide taller planting in large planters and deep soil planting to the street frontage and upper decks.*

*Planning comment:* The amended proposal is considered to largely address the above recommendations. The top balustrade is now vertical metal members similar to below levels. An awning over doorway to front elevation of the upper level has been included and set down to sit just above the doorframe. The use of stone cladding will be reiterated in a condition of consent, whereby in addition, it is recommended the cladding to be a minimum thickness of 300mm to ensure quality cladding is used.

Landscaping opportunities to the front are limited due to the placement of the building to the front street. However, a condition shall be imposed that enlarges the planters at ground level and third floor plan (to 600mm minimum width) to allow sufficient scope for decent planting to grow. Further, it is recommended that a minimum of 2 mature trees be planted on the site (eg. in the rear yard) to further enhance the vegetation provided on site. Conditions to this effect shall be imposed requiring an amended landscape plan to be submitted.

The resultant effect is considered to achieve an appropriate transition between the immediate high and low density development examples.

### **3.4 SEPP 65 Design Excellence Panel**

Comments discussed under section 2.1.3 of this report.

### **3.5 Stormwater – Creating Waverley**

Submitted plans were considered satisfactory with respect to stormwater details. In the event of approval, conditions were provided and are included in Appendix A.

### **3.6 Strategic Planning – Shaping Waverley**

In the event of approval, conditions were provided and are included in Appendix A.

### **3.7 Waste – Sustainable Waverley**

Council's Sustainable Waste Coordinator has advised:

- A post-construction Site Waste and Recycling Management Plan (SWRMP) has not been provided;
- A SWRMP will need to be submitted to ensure that it meets the requirements of the DCP, including waste storage, collection area, cleaning of waste receptacles and storage area(s);
- A separate Building Waste Management Plan is recommended.

*Planning comment:* These matters will be addressed via conditions to ensure compliance in this respect.

#### 4. SUMMARY

The proposal seeks consent to demolish existing structures on site and construct a 4 storey residential flat building comprising 7 units, 3 of which will be classed as affordable rental housing.

The proposed development is permissible within the R3 Medium Density Residential Zone, is consistent with the zone objectives and addresses heritage conservation provisions in clause 5.10 of the LEP. The proposal complies with the building height standard set out in the LEP and the FSR development standard by utilising the bonus afforded by the provisions of SEPP (ARH).

The amended proposal generally complies with SEPP 65, Apartment Design Guide and DCP controls relating to residential flat buildings, with the exception of distance separation and setbacks, minimum site frontage, overshadowing and carparking. The Design Excellence Panel (DEP) reviewed the original proposal and raised a number of issues whereby a number of these informed deferral of the application or addressed via conditions of consent. Other points raised by the panel were not agreed by Council officers and subsequently have been assessed and considered acceptable on merit. The amended scheme was not referred back to the DEP, however initial issues have been reviewed and discussed within the report.

Overall, the proposed residential flat building is of a height, bulk and scale which is commensurate with the existing character and scale of buildings adjoining the site. The proposal will provide a transition of scale between higher density buildings to the north and east and the lower scale to the south and west. Conditions will also be imposed to ensure the streetscape presentation is in keeping with the heritage character of the conservation areas.

The proposal will increase overshadowing impacts that do not meet the DCP control of maintaining 3 hours of sunlight to adjoining properties during the winter solstice. To address this, deferred commencement consent is recommended that deletes the upper eastern section (from lift core onwards) of the upper, third floor level to reduce the shadow impact. The resultant form is considered to achieve better compliance with the control.

The original proposal was publicly notified and resulted in the receipt of 7 submissions and no Councillor submissions were received. The issues raised relate to affordable housing, land size, height of building, design, traffic and parking, overshadowing/solar access impacts, visual bulk and scale, loss of privacy, development within right of way and use as an Air B&B or boarding house. The matters raised have been discussed above within the report. Upon deferral and amending of the proposal, the amended proposal was not notified having regard to the DCP, in that the resultant development will result in same or lesser impacts.

On balance, the amended proposal, located in a R3 residential zone, is considered an acceptable form of development that meets the desired future character objectives of the area. The proposal is referred to the Waverley Local Planning Panel as SEPP 65 applies to the proposal.

The proposal has been assessed against the matters for consideration under section 4.15 of the Act and is recommended for a deferred commencement consent, subject to conditions of consent.

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be granted a **DEFERRED COMMENCEMENT CONSENT** by the Waverley Local Planning Panel subject to the Conditions in Appendix A (Schedule A and B):

**Report prepared by:**

**Application reviewed and agreed on behalf of the  
Development and Building Unit (MR, BMcN, EF, AR)  
by:**

Fiona Koutsikas  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 10/07/2019**

**Date: 12/07/2019**

**Reason for referral:**

- 4 Sensitive development:
  - (b) SEPP 65 development

## **APPENDIX A – CONDITIONS OF CONSENT**

### **SCHEDULE A: DEFERRED COMMENCEMENT CONSENT**

The Director, Planning, Environment and Regulatory Services (or delegate) must be satisfied as to the following matters before the consent can operate.

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

1. The entire eastern section of the upper level (third floor on plan) extending from the lift core to the rear shall be deleted. This includes the bedroom, bathroom, laundry and kitchen of unit 7. In this regard, this upper level floor area shall be connected to a unit below (units 5 or 6) rather than be a separate independent unit. Should the form or layout be sought to be modified, a s4.55 modification application will be required. The area from the lift core eastwards shall revert to a flat non trafficable roof.
2. The section drawing (Plan DA13) should be updated and improved to describe ceilings, bulkheads, concrete roof insulation and balcony drainage, setdowns to concrete balconies, sunshading, roof gutters, lift wall acoustic separation (to Units 4,6 and 7), basement pump-out tank.
3. Cross-section details at 1:20 scale describing the roof, walls, windows, balconies and the like shall be provided.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above conditions and Waverley Council confirms such satisfaction in writing.

The applicant has 12 months to obtain approval of the amended plans and additional information required by the deferred commencement matters in order to activate the consent.



**Upon satisfying the consent authority as to the matters contained in Schedule A, the following condition will apply:**

## **SCHEDULE B:**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plan prepared by 'Archi Spectrum' as identified below:

<b>Drawing Number / Revision</b>	<b>Drawing Name</b>	<b>Date</b>	<b>Received by Council</b>
DA02 / B	Proposed Basement	25 March 2019	26 March 2019
DA03 / C	Proposed Ground Floor	5 June 2019	6 June 2019
DA04 / C	Proposed First Floor Plan	5 June 2019	6 June 2019
DA05 / B	Proposed Second Floor Plan	25 March 2019	26 March 2019
DA06 / B	Proposed Third Floor Plan	25 March 2019	26 March 2019
DA07 / B	Proposed Roof Plan	25 March 2019	26 March 2019
DA08 / B	Proposed Site & Roof Plan	25 March 2019	26 March 2019
DA09 / B	Proposed West Elevation (Blenheim Streetscape)	25 March 2019	26 March 2019
DA10 / B	Proposed East Elevation (Rear)	25 March 2019	26 March 2019
DA11 / B	Proposed North Elevation	25 March 2019	26 March 2019
DA12 / B	Proposed South Elevation	25 March 2019	26 March 2019
DA13 / B	Proposed Section AA	25 March 2019	26 March 2019
DA14 / B	External Finishes Schedule	25 March 2019	26 March 2019

(b) BASIX and NatHERs Certificate;

(c) Landscape Plan DA16 Rev A dated 20/06/2018 prepared by 'Archi Spectrum' and received by Council on 28/6/2018;

(d) Stormwater Details and documentation prepared by Waterdesign Civil Engineers, Job No. 2017 – 021, Drawing No. SW1 – SW3 (inclusive), Revision B dated 2 June 2018, and received by Council on 28 June 2018;

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

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The motorcycle parking in the rear yard shall be redesigned to provide 2 spaces, side by side to provide sufficient and ready access directly from the right of way.

- (b) The BBQ area in the rear yard is to be relocated to the motorcycle space (relocated in subclause a) closest to the rear access doorway.
- (c) The rear boundary perimeter planting shall extend over the (now relocated) BBQ area.
- (d) Stone cladding shall be provided to the front elevation and return along the northern and southern elevation (as per approved architectural plans) that provides a minimum thickness of 300mm stone to ensure quality stone is used. Plans to be amended accordingly.
- (e) The balustrade to the front balcony of unit 7 shall match material, colour and finish of those balcony balustrades to levels below, being vertical metal members.
- (f) The vertical panel of windows to the stairwell may be operable to provide natural ventilation, provided such windows are translucent to mitigate privacy impacts.
- (g) Window operation for all openings shall be shown on the plans.
- (h) Ceiling fans should be located in all habitable rooms and clearly shown on the drawings.
- (i) The letterbox location is to be shown on the plan, located in the front entry of the building, easily accessible for postal services.

The amendments / details are to be approved by the Director of Planning, Environment and Regulatory Services (or delegate) prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **3. AFFORDABLE HOUSING**

The following condition is imposed in accordance with Clause 17 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*:

For 10 years from the date of the issue of any occupation certificate:

- (a) The dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing. The three dwellings, identified as Units 1, 2 and 6 on plan are to be used for the purposes of affordable housing, and
- (b) All accommodation that is used for affordable housing will be managed by a registered community housing provider, and
- (c) A restriction will be registered, before the date of the issue of any Occupation Certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919 that will ensure that the requirements of paragraph (a) and (b) are met.
- (d) The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

### **4. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT**

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

### **5. ARCHITECT TO SUPERVISE DESIGN**

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

## **6. DOMESTIC HEATERS AND AIR CONDITIONING**

- (a) The provision of solid fuel heating/cooking appliances is not permitted.
- (b) Any air conditioning unit(s) installed on the site shall:
  - (i) Air conditioning plant is not permitted to be installed on any balcony or the roof of either building within this development. Air conditioning is to be installed within the basement.
  - (ii) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
    - i. before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;  
or
    - ii. before 7.00am and after 10.00pm on any other day.
  - (iii) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (d).
- (c) No plant or services are permitted to be installed on the roof without the separate consent of Council.

## **7. USE OF THE LAND**

This application does not authorise the use of these sites as backpacker or tourist accommodation. No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

## **8. NEW BOUNDARY FENCING**

New northern, eastern and southern boundary fencing is to be provided for the full extent of the site's boundaries and the cost shall be wholly borne by the developer/owner and shall be 1.8m high when measured from the existing ground level of the adjoining properties to ensure visual and acoustic privacy between the properties. The fencing is to be lapped and capped timber fencing, unless otherwise agreed by the adjoining property owner.

The 1.8m boundary fences are not to be constructed on top of retaining walls to avoid excessively high structures on boundaries. To clarify, the overall height of a fence and retaining wall must not exceed 1.8m from the existing ground level of the adjoining property.

The fencing must be erected and completed prior to the issue of any Occupation Certificate.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

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

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

### **10. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

#### **11. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$26,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

#### **12. LONG SERVICE LEVY**

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

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

#### **13. AFFORDABLE HOUSING FOR 10 YEARS**

- (a) In return for the development gaining an increased floor space, the Owner must lease the nominated properties to Council or its Nominee Manager at the Agreed Rent for the 10 year term for use by the Council as affordable housing in accordance with Council's affordable housing program. Details are to be approved by the Executive Manager, Development Assessment or delegate prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (b) The Registered Proprietor must at the sole cost and expense of the Registered Proprietor:
  - (i) prior to the issue of any construction certificate and no later than 30 days after the date of this consent;
  - (ii) enter into a deed of agreement with Council on terms acceptable to Council providing for the grant of the Lease; and
  - (iii) submit to Council for approval the Positive Covenant; and
  - (iv) cause the Positive Covenant in the form approved by Council to be created and registered on title of the Land;
  - (v) prior to issue of an Occupation Certificate in respect of any part of the Building take all steps, do all things and sign all documents necessary to effect the Lease;

An Occupation Certificate must not be issued in respect of the building the subject of this Consent until such time as the Lease has been signed by the Owner and the Council or its Nominee Manager.

#### **14. ARCHITECT TO SUPERVISE DESIGN**

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

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

#### **15. ESSENTIAL SERVICES - NEW BUILDING**

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

#### **16. SERVICE AUTHORITIES**

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

#### **17. HOARDING REQUIRED**

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

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

## **18. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

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

The CVPPM shall:

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

## **19. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

## **20. GEOTECHNICAL ENGINEERS REPORT**

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

## **21. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all

structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **22. DILAPIDATION REPORTS**

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

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

## **23. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate. The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

## **24. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **25. STORMWATER CERTIFICATION**



- a) Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.
- b) Under the current design, the orifice is to be 62mm.
- c) Weep holes for On-Site Detention Tank and Pollution Control Pit must be maximum of 20mm.

## **26. MOTORCYCLE PARKING**

A total of **2** motorcycle parking spaces are to be provided at the rear, side by side, allowing for sufficient scope for pedestrian access from right of way to rear yard to be maintained. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

## **27. BICYCLE PARKING**

A total of **8** bicycle parking spaces are to be provided, allocated in the following manner:

- (a) 7 residential bicycle spaces,
- (b) 1 visitor bicycle spaces

The residential spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the basement car parking area.

The visitor bike rack must be provided for the development and shall be located at the rear, close to the motorcycle parking.

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

## **28. ACCESS**

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

## **29. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS**

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

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

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

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

### **30. BASEMENT STORAGE**

Storage is to be allocated to individual units in accordance with the following minimum requirements:

- (a) Studio and 1 bedroom unit: 6m<sup>3</sup> of storage, and
- (b) 2 bedroom unit: 8m<sup>3</sup> of storage.

Plans demonstrating compliance with these requirements are to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

### **31. BASIX**

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

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

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

### **32. LANDSCAPED SLABS**

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

### **33. AMENDED LANDSCAPE PLAN**

The Landscape Plan is to be amended to reflect the approved plans and including the following modifications;

- (a) The Landscape Plan is to be prepared by a suitably qualified landscape designer/architect.

- (b) The planters located on the western elevation (street frontage) on the ground floor and third (upper level) floor shall be increased in size to minimum 600mm width and 600mm depth to allow scope for decent planting to grow.
- (c) A minimum of two mature trees are to be planted on-site. The plants are to have a minimum mature growth height of 4m.
- (d) The landscape strip along the rear boundary shall extend over the (relocated) BBQ area and include planting to provide an acoustic and visual buffer between the rear yard at adjoining property to the rear.
- (e) Plant species, number and location are to be shown on the plan.

The amended landscape plan is to be submitted for the approval of Council's Tree Management Officer prior to the issue of the relevant Construction Certificate.

#### **34. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

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

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **35. PRIOR TO SITE WORKS**

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

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

### **36. HOME BUILDING ACT**

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

### **37. 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.

### **38. OBSTRUCTION TO PUBLIC AREAS**

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

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

### **39. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **40. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements Safe Work NSW and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

#### **41. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

#### **42. ASBESTOS REMOVAL**

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

#### **43. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.
 See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012 (amendment 6).
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

#### **44. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 2000.

**45. RIGHT-OF-CARRIAGEWAY**

Access via the existing driveway is to not be obstructed during any time of the demolition and the construction phase of the development. Measures are also to be taken to ensure that no damage is caused to the driveway during these stages.

**46. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

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

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

**47. FOOTPATH PROTECTION**

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

**48. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

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

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

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

The specified **MANDATORY** inspections are: In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;

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

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

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

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

#### **50. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

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

#### **51. EXCAVATION TO BE LIMITED**

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

#### **52. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER**

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

#### **53. EXCAVATION AND BACKFILLING**

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

#### **54. EXCAVATION BELOW FOOTINGS**

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

- (a) preserve and protect the building from damage; and



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

**55. CERTIFICATE OF SURVEY – LEVELS**

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

**56. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

**57. FIRE SAFETY - EXITS**

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

**58. FIRE SAFETY MAINTENANCE**

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

**59. STONE CLADDING TO BUILDING**

Stone cladding shall be provided to the front elevation and return along the northern and southern elevation (as per approved architectural plans) that provides a minimum thickness of 300mm stone to ensure quality stone is used. No approval is granted or implied to vary this condition without prior written consent of Council.

**60. SERVICE PIPES**

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

**61. NO WORKS BEYOND BOUNDARIES**

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

## **62. ADJUSTMENTS TO STREET SIGNS**

Any changes to the type and location of street/parking control signs required as a result of the works shall be undertaken at the applicant's expense in accordance with Council's or RMS requirements.

## **63. ENCROACH BEYOND THE BOUNDARIES**

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

## **64. TREE PRUNING ON ADJOINING PROPERTIES**

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

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

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

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

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

If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.

## **65. WASTE AND RECYCLING STORAGE AND COLLECTION**

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

- **Residential** (based on the waste generation rates for 7 units having 1-2 bedrooms each and weekly collection of general waste and fortnightly collection of recycling)
  - 4 x 240L Mobile Garbage Bins (MGBs) for general waste
  - 4 x 240L MGB for container recycling
  - 4 x 240L MGB for paper and cardboard recycling

(b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, section 1.4 of Waverley Council Development Control Plan 2012

(amendment 6). All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.

- (c) Waste, recycling and garden organics receptacles must be stored at all times within a building. Exceptions can be made:
  - (i) Where storage space is available at the side or back of the building, away from public accessibility, and the area can be screened from public and commercial domains; or
  - (ii) Where the storage area at the front of the property is completely enclosed with no risk of public accessibility.
- (d) A minimum of 5m<sup>2</sup> floor space is required for the storage of unwanted household items, problem wastes and excess waste awaiting a council clean-up collection. This area must be clearly marked or gated and appropriate signage provided.
- (e) The proposal must have a method for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (g) Details of ongoing waste management strategy are to be documented within the SWRMP, and reviewed every 5 years to employ updated waste reduction strategies and technologies.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (i) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (j) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (k) All new developments are to provide adequate storage for waste to accommodate future change of uses including grease traps.
- (l) Kitchens, office tea rooms, and the like are to be designed with sufficient space for the interim storage of recyclable, organic and regular waste in separate receptacles.
- (m) Sufficient space must be allocated within the building for the storage of reusable items such as crates and pallets.
- (n) 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 is also to be provided for residents that is inaccessible to commercial premises.

- (o) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (p) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- (q) Where a change of use, change of tenant or change in waste management practices will result in a variation to the SWRMP, an application is to be made to Council to revise the approved SWRMP.

**66. ROOF SERVICES**

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

**67. ROOFWATER GUTTERING**

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **68. FINAL OCCUPATION CERTIFICATE**

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

### **69. QUALITY OF AFFORDABLE HOUSING UNITS**

The Registered Proprietor must ensure that:

- (a) the property complies with the following specifications:
  - (i) There is to be no diminution of quality.
  - (ii) All fixtures, fittings and inclusions are to be consistent with and reflect the same quality and standards as evident in other units and car spaces within the building and are to be verified by Council inspection of a random number of units within the Building.
  - (iii) The property will comply with appropriate Australian Standards and the Building Code of Australia.
  - (iv) The units will be equipped with floor-coverings, light fittings, clothes-dryers, telephone and television aerial points in the lounge and main bedroom, cable television fittings if provided in the Building, allocation of car and storage spaces consistent with other units, as a minimum all windows to have fly screens and venetian blinds/chain operated holland blinds or window furnishing consistent with other units, sliding door areas to have vertical blinds and security fly screen doors consistent with other units.
  - (v) Provision of air conditioning, security and/or intercom system to be consistent with other units.
- (b) a final inspection of the property and a random number of units within the building is carried out by Council (unless the Council authorises the appointed community housing organisation to do this in Council's place) to verify that the specifications referred to in this condition are complied with.
- (c) ensure that all defects identified in the final inspection as referred to in this condition are remedied to the satisfaction of Council prior to the release of the Strata Plan and Occupation Certificate.
- (d) provide Council with evidence of compliance with each of the above conditions as and when required by Council.

An Occupation Certificate must not be issued in respect of the building the subject of this Consent until such time as all matters relating to Affordable Housing Units have been completed and / or registered.

### **70. MANAGEMENT**

The Property is to be managed by a community organisation on Council's registered housing provider list and is to provide accommodation for a household identified to be on low to moderate incomes.

An Occupation Certificate must not be issued in respect of the building the subject of this consent until such time as the Lease has been signed by the Owner and the Council or its Nominee Manager.

## **71. ALLOCATION OF STREET NUMBER**

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

- No. 2 - primary address site number
- Blenheim Street- primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Blenheim Street.

The following sub-addressing will apply:

- Nos. 1-7 for the sub-addresses within the building correlating with Nos. 1-7 on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

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

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

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

## **72. SYDNEY WATER**

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

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

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

## **73. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION**

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

## **74. STORMWATER MANAGEMENT**

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

**75. LANDSCAPE PLAN**

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

**76. WASTE AND RECYCLING STORAGE AND COLLECTION - USE**

- (a) Composting facilities onsite must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (b) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (c) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (d) The path for bins between the waste and recycling storage area and the vehicle collection point must be free of steps and kerbs.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (i) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.

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

**77. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

**78. COMPOSTING**

The development shall accommodate the provision of a composting service for residents and the scheme shall be under the responsibility of the Body Corporate and provided prior to issuing of the Occupation Certificate.

## **79. WAVERLEY DIGITAL MODEL**

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

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

Notes:

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

## **80. FIRE SAFETY WORKS**

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

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

## **81. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

In respect to the allocation of parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

## **82. LIGHTING**

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



- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

### **83. PARKING SPACES**

- (a) All resident motorcycle parking spaces shall be clearly delineated and numbered.
- (b) Parking allocations shall be in accordance with conditions of this consent.
- (c) A maximum of one car space shall be allocated to any residential unit to ensure equitable allocation overall.
- (d) Should the building be strata titled in the future, parking spaces shall not be independent lots, but rather part lots attached to units.
- (e) The bicycle and motorcycle parking spaces are to be allocated and marked signposted.

All motorcycle and bicycle spaces are to be marked and allocated prior to the issue of any Occupation Certificate.

### **84. PARKING PERMITS**

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

### **85. NOISE ATTENUATION CERTIFICATE**

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

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with 'Noise Attenuation in Residential Flat Buildings' condition.
- (b) Lodge with Council for public record, the noise attenuation star rating results.

### **86. NOISE – PLANT AND EQUIPMENT**

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

### **87. SLIP TESTS OF COMMON AREAS**

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

**88. TACTILE NUMBER IN LIFT**

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

**89. USE OF ROOF**

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

**90. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS**

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

**91. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED**

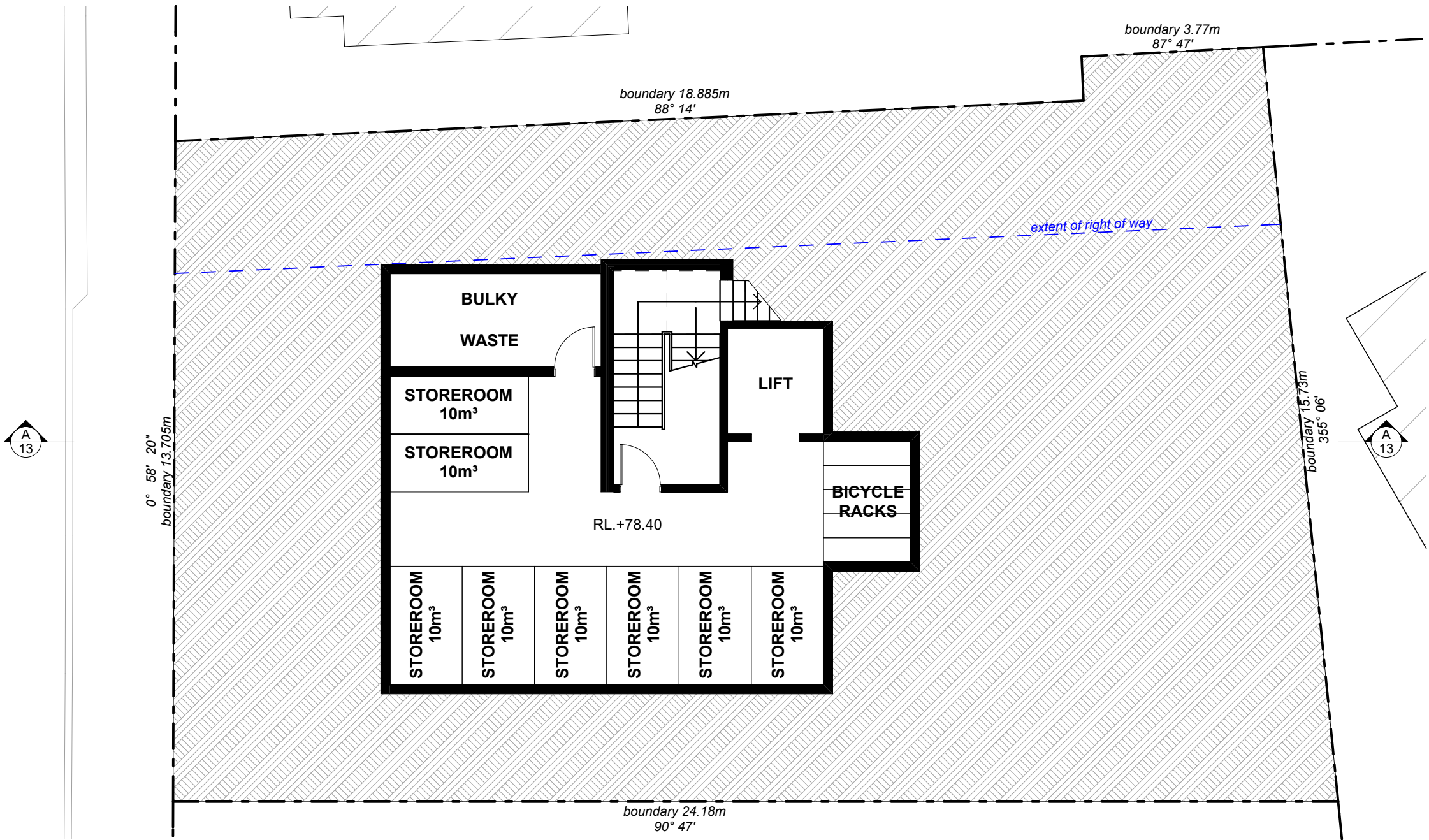
The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the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

**92. USE OF COMMON PROPERTY**

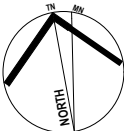
No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

AMENDED PLANS

RECEIVED  
Waverley Council  
  
Application No: DA-236/2018  
  
Date Received: 26/3/2019



Proposed Basement  
Scale 1:100



ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

CLIENT:  
**Alex Vrankovic**

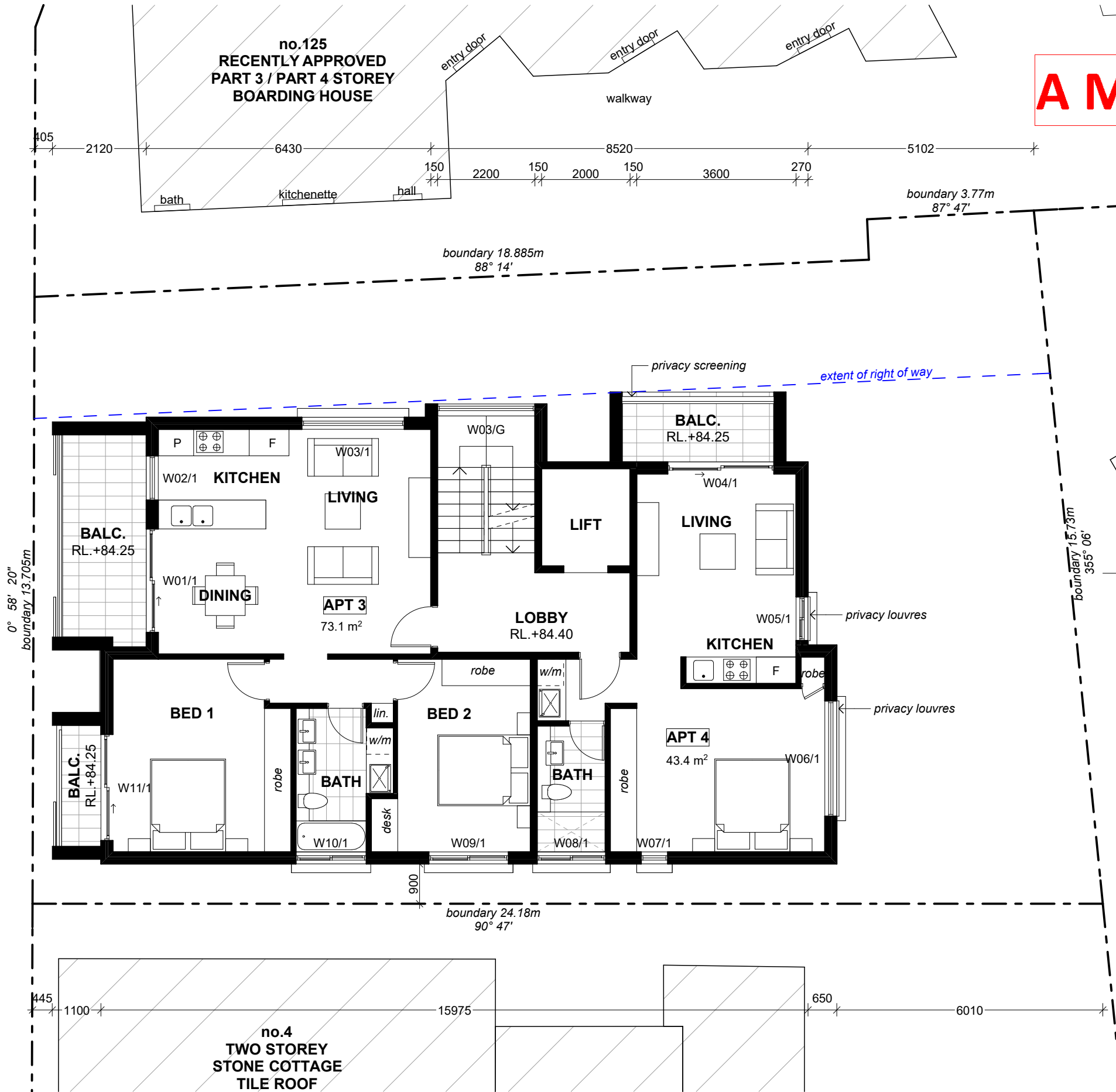
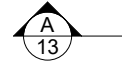
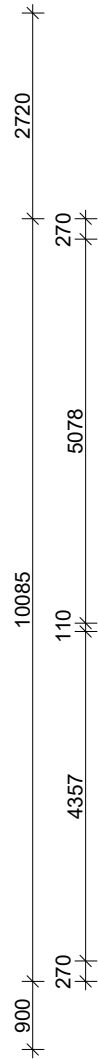
SHEET TITLE:  
**Proposed Basement**

SCALE: 1:100 @ A3  
DRAWN: BA

SHEET SIZE: **A3**  
DWG NO: **DA02 b**  
REVISION: **61**

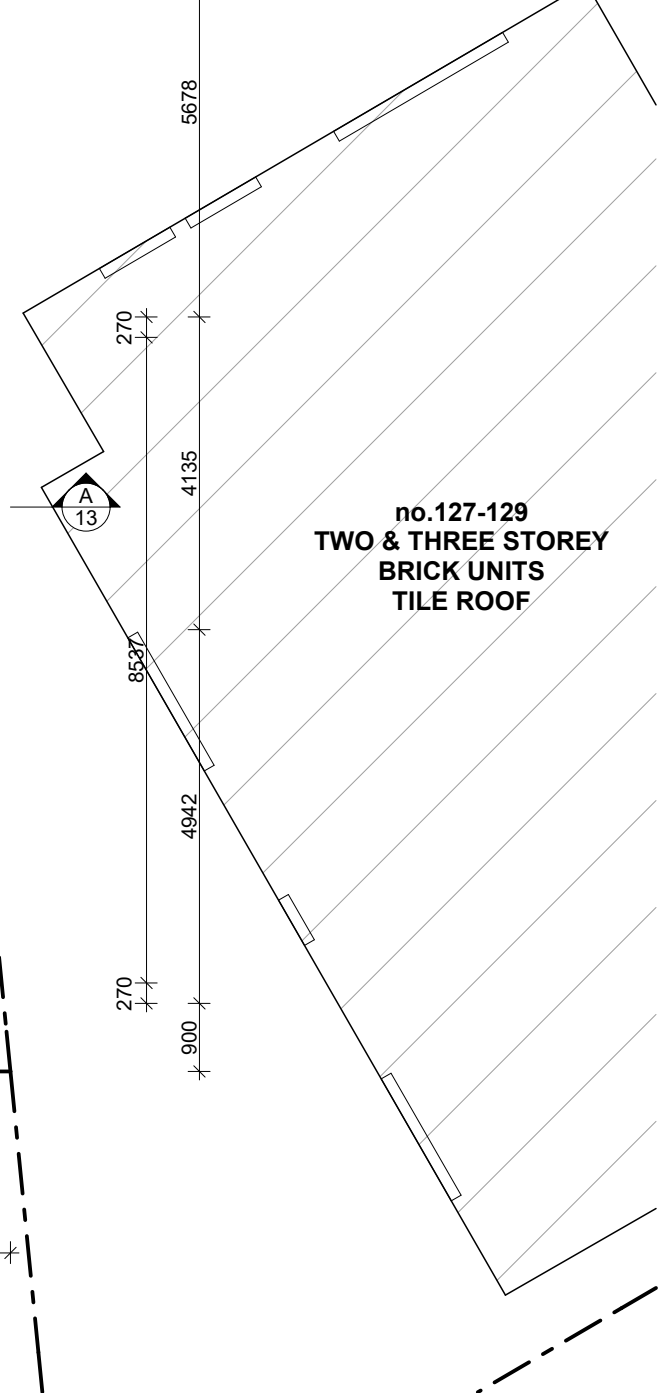


BLenheim STREET



AMENDED

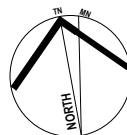
RECEIVED  
Waverley Council  
Application No: DA-236/2018  
Date Received: 06/06/2019



Proposed First Floor Plan  
Scale 1:100

no.4  
TWO STOREY  
STONE COTTAGE  
TILE ROOF

no.127-129  
TWO & THREE STOREY  
BRICK UNITS  
TILE ROOF



ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter
C	05/06/2019	Adjustment to affordable units

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

CLIENT:  
**Alex Vrankovic**

SHEET TITLE:  
**Proposed First Floor Plan**

SCALE: 1:100 @ A3  
DRAWN: BA  
SHEET SIZE: **A3**  
DWG NO: **DA04**  
REVISION: **C**

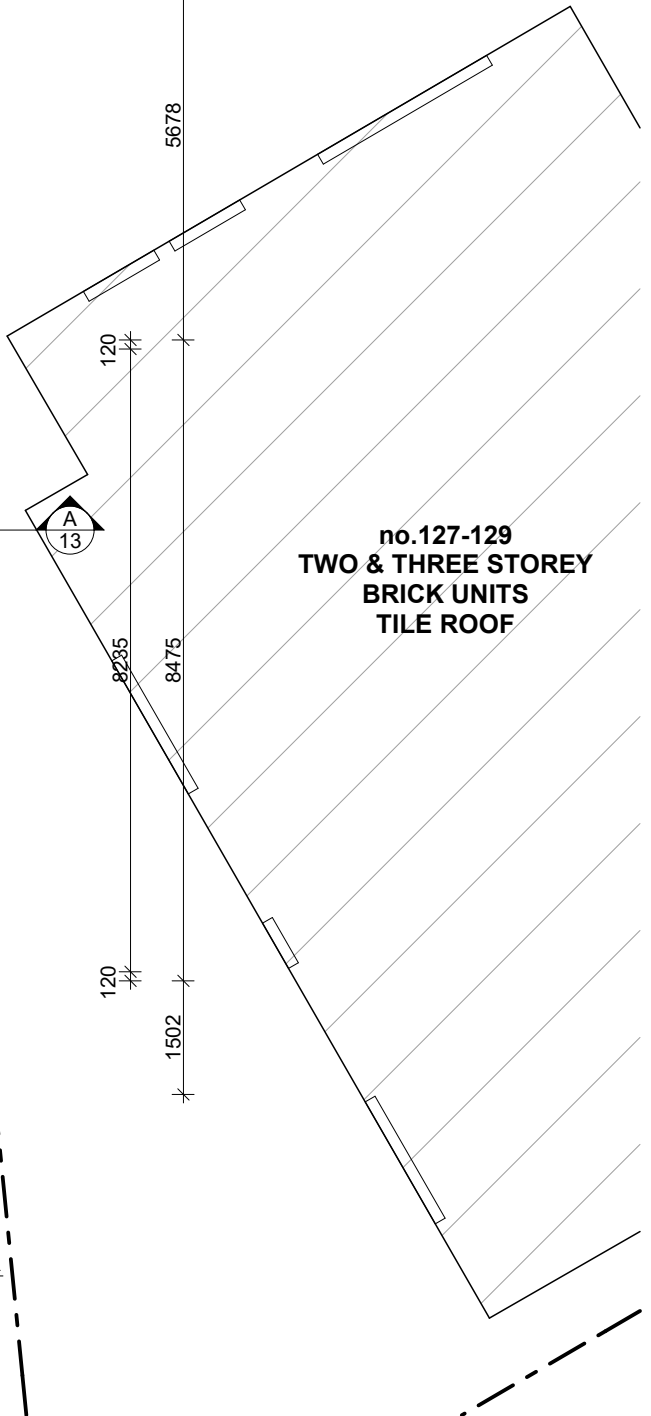
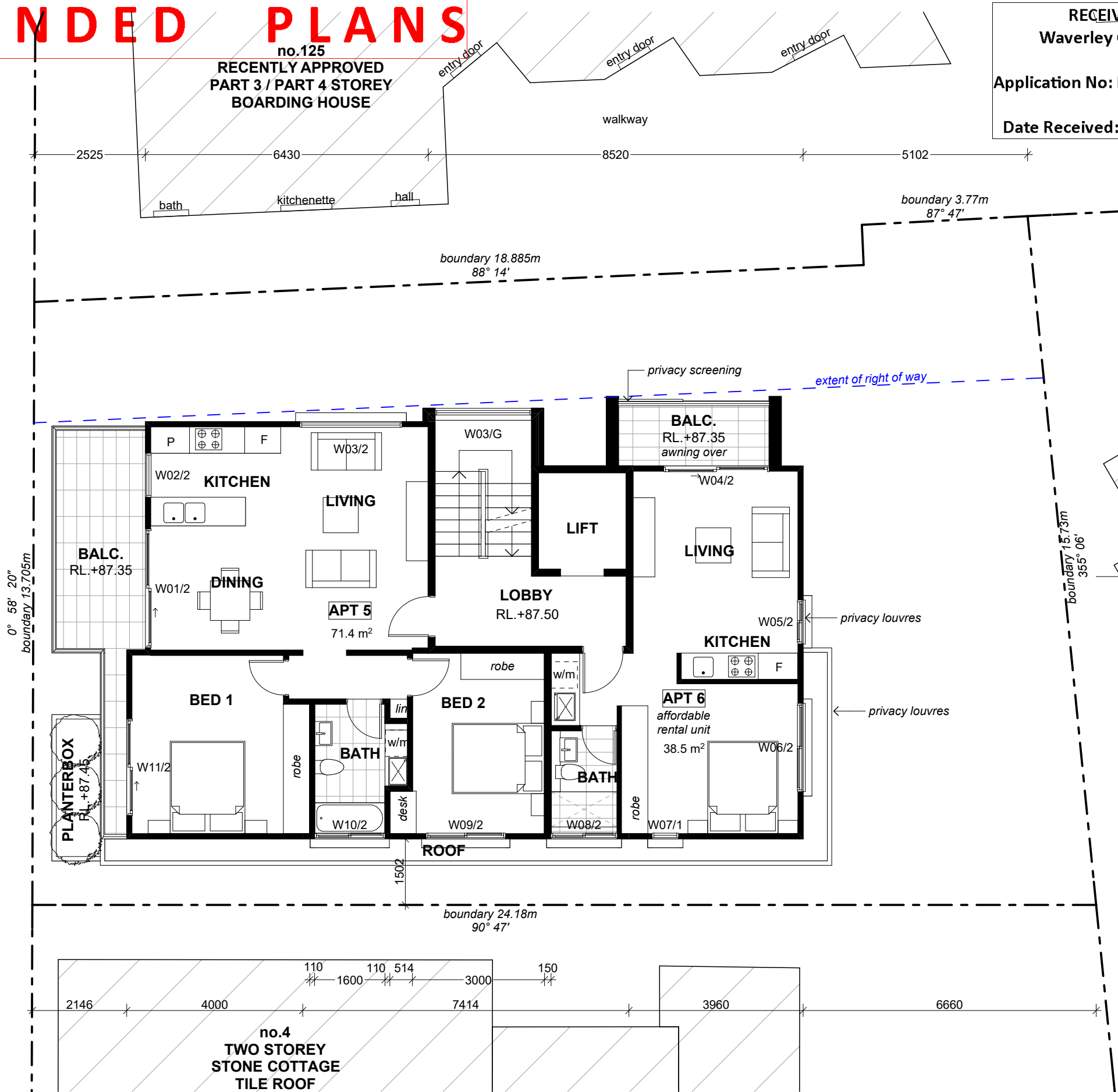
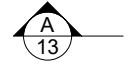
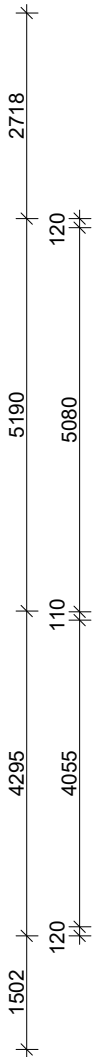


AMENDED PLANS

no.125  
RECENTLY APPROVED  
PART 3 / PART 4 STOREY  
BOARDING HOUSE

RECEIVED  
Waverley Council  
Application No: DA-236/2018  
Date Received: 26/3/2019

BLenheim STREET

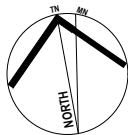


Proposed Second Floor Plan  
Scale 1:100

**ARCHISPECTRUM**  
Suite C5, 8 Allen St, Waterloo NSW 2017  
ph:(02) 8003 4074 mob: (0419) 670 108 fax: (02) 8003 9674  
email: office@archispectrum.com.au A.B.N. 40 966 067 144

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Project Manager  
**Corona Projects**  
Suite 705, Level 7, 35 Spring Street, Bondi Junction NSW 2022  
info@coronaprojects.com.au 0419438956




ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**  
CLIENT:  
**Alex Vrankovic**

SHEET TITLE:  
**Proposed Second Floor Plan**  
SCALE: 1:100 @ A3  
DRAWN: BA  
SHEET SIZE: **A3**  
DWG NO: **DA05 b**  
REVISION: **64**

**no.125**  
**RECENTLY APPROVED**  
**PART 3 / PART 4 STOREY**  
**BOARDING HOUSE**

**BLLENHEIM STREET**



0° 58' 20"  
boundary 13.705m

**ROOF**  
*non trafficable*  
RL.+90.45

*roof below*

roof below

**LIFT**

## BEDROOM

**APT 7**  
50.1 m<sup>2</sup>

**BALÇ.**  
RL.+90.45

**LIVING**

**KITCHEN  
/ DINING**

**BATH /  
LDRY**

boundary 24.18m  
90° 47'

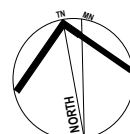
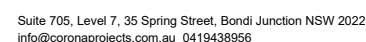
no.4  
TWO STOREY  
STONE COTTAGE  
TILE ROOF

**no.127-129  
TWO & THREE STOREY  
BRICK UNITS  
TILE ROOF**

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COMMENCEMENT OF ANY WORKS. IN CASE OF  
ANY DISCREPANCIES, IT SHOULD BE VERIFIED  
BEFORE CONTINUING FURTHER WORKS.

### Project Manager



PROJECT:

**Proposed Development at:  
2 Blenheim Street, Queens Park**

SHEET TITLE:

**Proposed Third Floor Plan**

SCALE: 1:100 @ A3

DRAWN: BA

SHEET SIZE:      DWG NO:      REVISION:

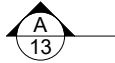
A3 DA06 b6  
65

AMENDED PLANS

no.125  
RECENTLY APPROVED  
PART 3 / PART 4 STOREY  
BOARDING HOUSE

RECEIVED  
Waverley Council  
Application No: DA-236/2018  
Date Received: 26/3/2019

BLenheim STREET



3728  
8175  
1802

0° 58' 20"  
boundary 13.705m

8855

8620

5102

boundary 18.885m  
88° 14'

boundary 3.77m  
87° 47'

extent of right of way

LOT B  
D P 3 3 6 0 0

335.1m<sup>2</sup> (13¼p) by DP33600  
336.0m<sup>2</sup> using Title dimensions

no.2

ROOF



2° pitch

boundary 24.18m  
90° 47'

7700

9820

6660

no.4  
TWO STOREY  
STONE COTTAGE  
TILE ROOF

no.127-129  
TWO & THREE STOREY  
BRICK UNITS  
TILE ROOF

boundary 15.73m  
355° 06'

5678

8175

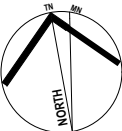
1802

Proposed Roof Plan  
Scale 1:100

Project Manager



Suite 705, Level 7, 35 Spring Street, Bondi Junction NSW 2022  
info@coronaprojects.com.au 0419438956



ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

CLIENT:  
**Alex Vrankovic**

SHEET TITLE:  
**Proposed Roof Plan**

SCALE: 1:100 @ A3  
DRAWN: BA

SHEET SIZE: A3  
DWG NO: DA07  
REVISION: b66



AMENDED PLANS

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Waverley Council

NatHERS Specs:  
- Floor slabs: - Concrete.

Application No: DA-236/2018  
Date Received: 26/3/2019  
- Wall system reaching a total R-value (R1.9). E.g. Lightweight wall with foil + R1.2 batts in cavity to plasterboard lining. (Top floor as per plans).  
- Cavity brick - aircell insulation (R1.24). Or, wall system of R1.6 rating. To remaining units.

- "Exterior walls  
All unit walls that are not party walls to other units or enclosed hall way. Unit walls bordering stairwells & lift shafts to be considered as "exterior" and meet the designated R-value.

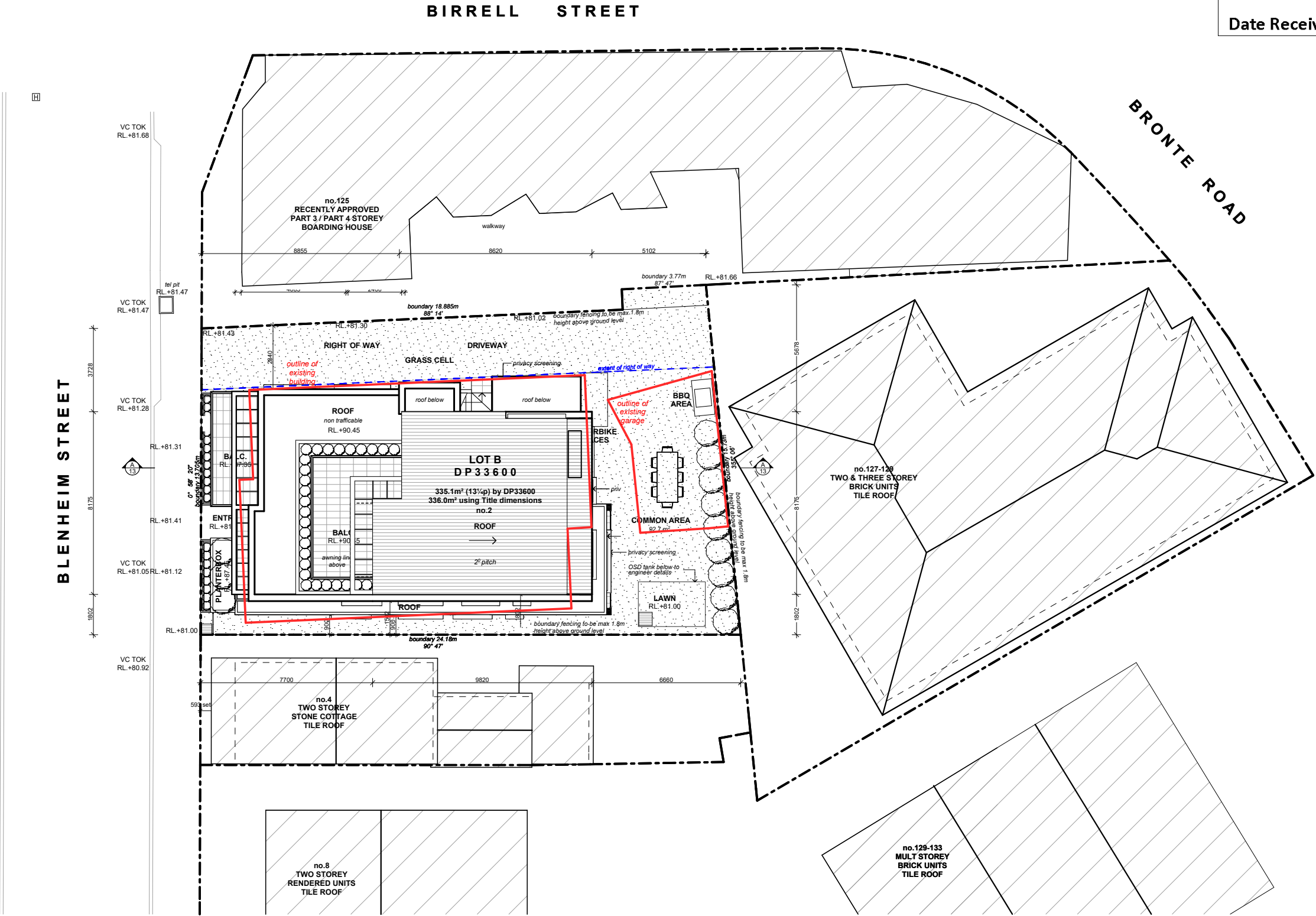
- Glazing:  
- Low Solar Gain Low-E glazing: for units1 & 7.  
- Type A (U-Value: 5.6, SHGC: 0.36).  
- Type B (U-Value: 5.6, SHGC: 0.41).

- Single clear glass: modelled for remaining unit glazing.  
- Type A (U-Value: 6.7, SHGC: 0.57).  
- Type B (U-Value: 6.7, SHGC: 0.70).

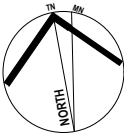
U-Value & SHGC are combined glass and frame figures.

- Ceiling insulation:  
- R2.0 ceiling insulation to all concrete & metal roofs.  
- Top floor units rated with sealed downlights& exhaust fans.  
- Metal (with foil under) & concreteroofof modelled as unventilated with medium colour finishes.

- External walls modelled with medium colour finishes



Proposed Site & Roof Plan  
Scale 1:200



ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

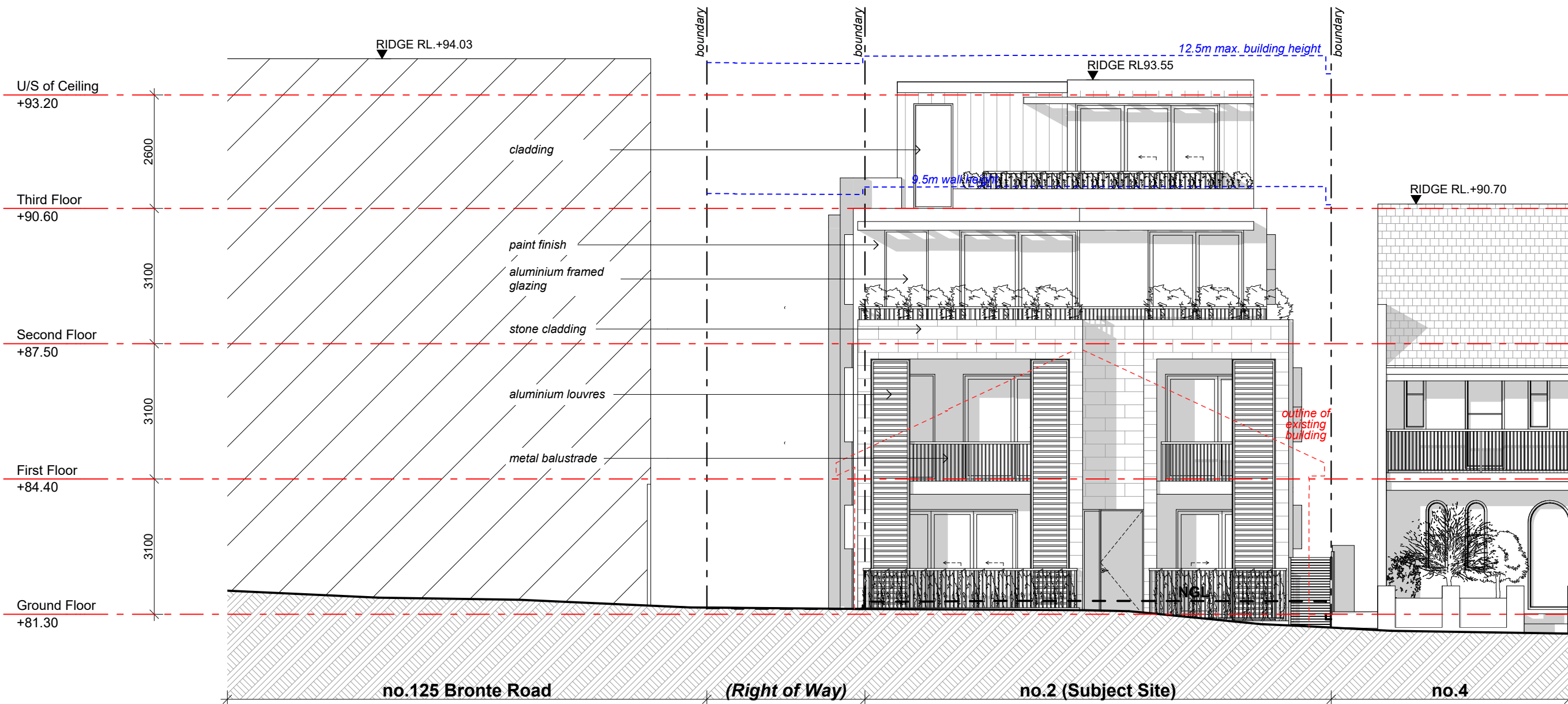
CLIENT:  
**Alex Vrankovic**

SHEET TITLE:  
**Proposed Site & Roof Plan**

SCALE: 1:200 @ A3  
DRAWN: BA  
SHEET SIZE: A3  
DWG NO: DA08  
REVISION: b67

AMENDED PLANS

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Waverley Council  
  
Application No: DA-236/2018  
  
Date Received: 26/3/2019



Proposed West Elevation (Blenheim Streetscape)  
Scale 1:100

ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

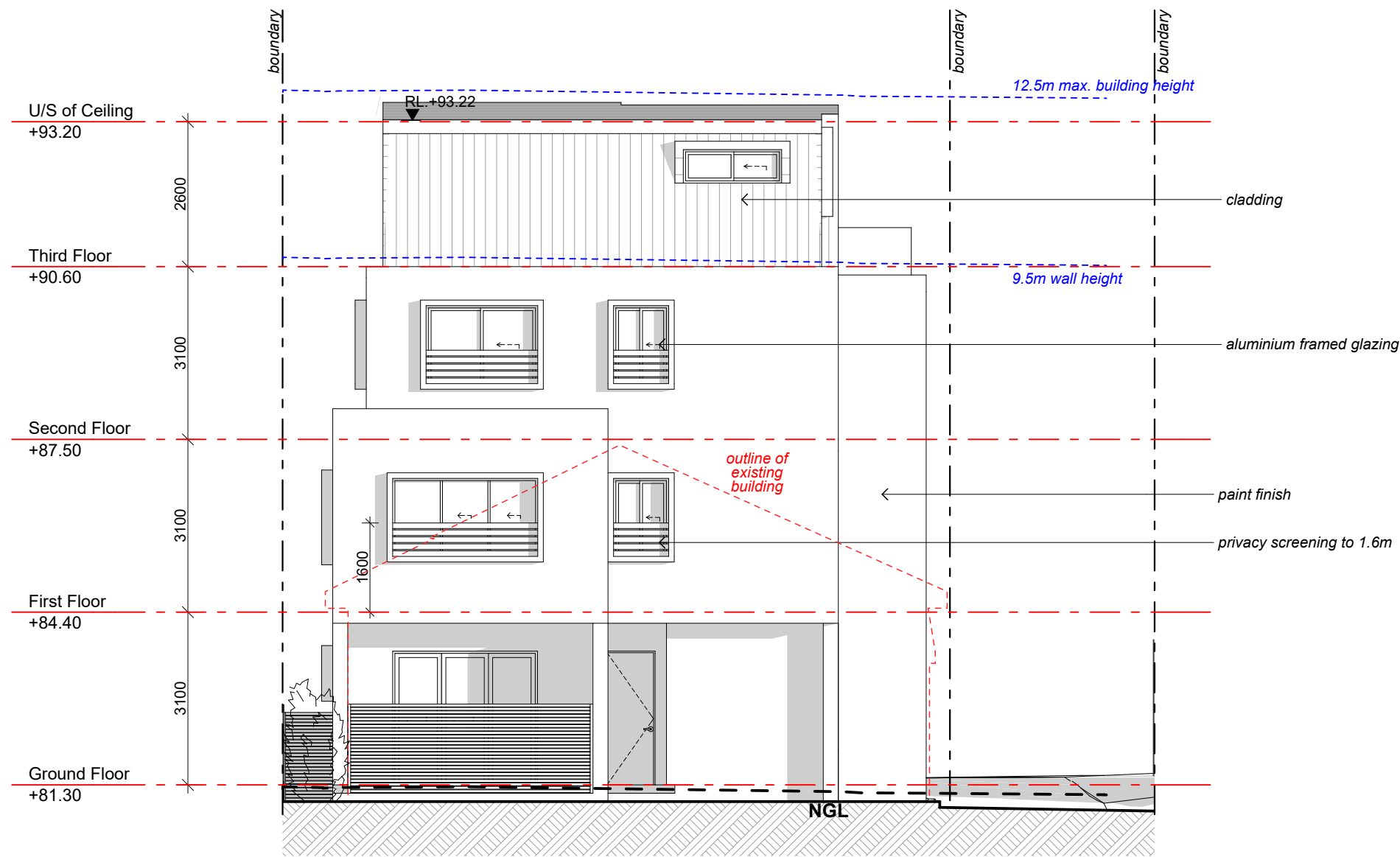
CLIENT:  
**Alex Vrankovic**

SHEET TITLE:  
**Proposed West Elevation (Blenheim Streetscape)**

SCALE: 1:100 @ A3  
DRAWN: BA  
SHEET SIZE: **A3**  
DWG NO: **DA09 b**  
REVISION: **68**

AMENDED PLANS

RECEIVED  
Waverley Council  
  
Application No: DA-236/2018  
  
Date Received: 26/3/2019



Proposed East Elevation (Rear)  
Scale 1:100

ISSUE	DATE	DESCRIPTION
A	20/06/2018	DA Issue for Council
B	25/03/2019	Adjustments as per deferral letter

PROJECT:  
**Proposed Development at:  
2 Blenheim Street, Queens Park**

CLIENT:  
**Alex Vrankovic**

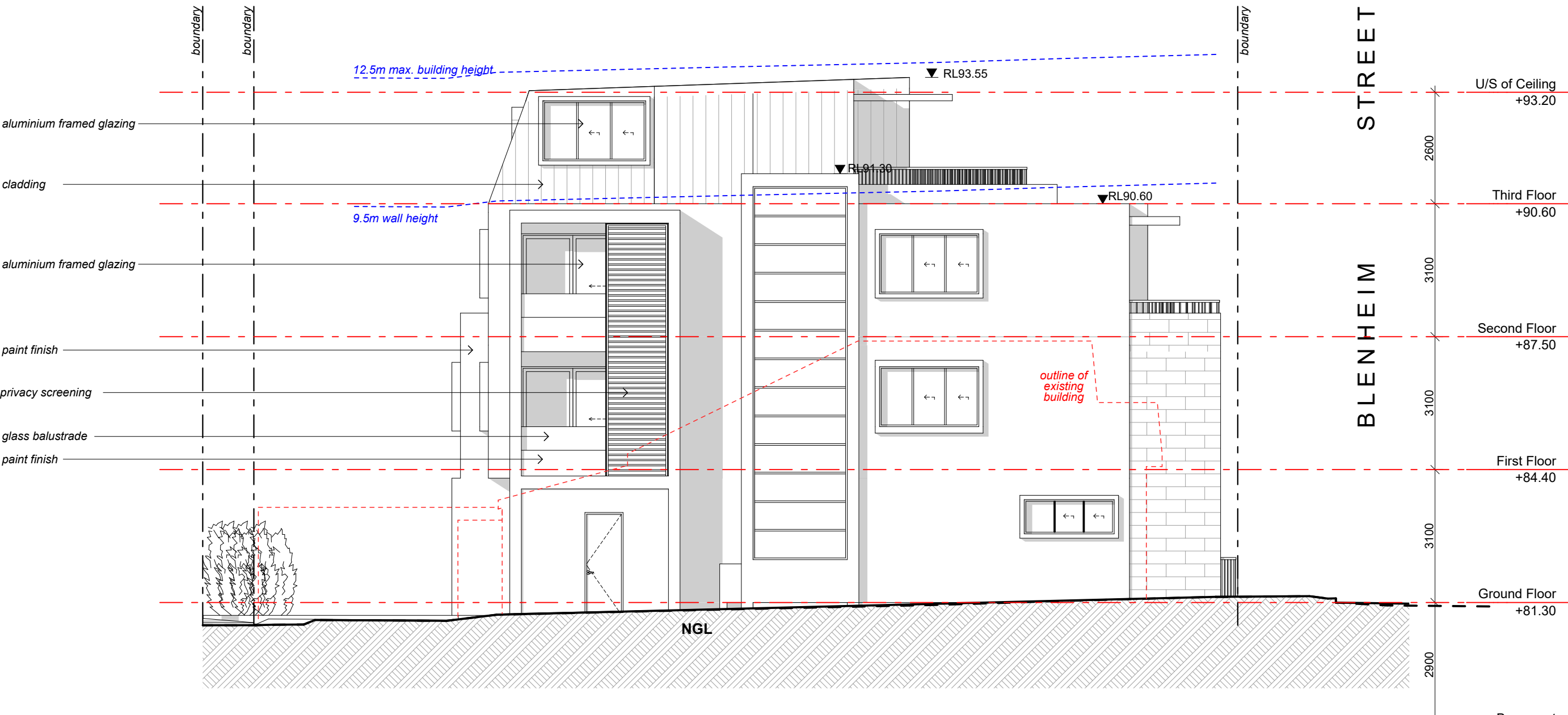
SHEET TITLE:  
**Proposed East Elevation (Rear)**

SCALE: 1:100 @ A3  
DRAWN: BA

SHEET SIZE: A3  
DWG NO: DA10  
REVISION: b69

AMENDED PLANS

RECEIVED  
Waverley Council  
  
Application No: DA-236/2018  
  
Date Received: 26/3/2019



Proposed North Elevation  
Scale 1:100

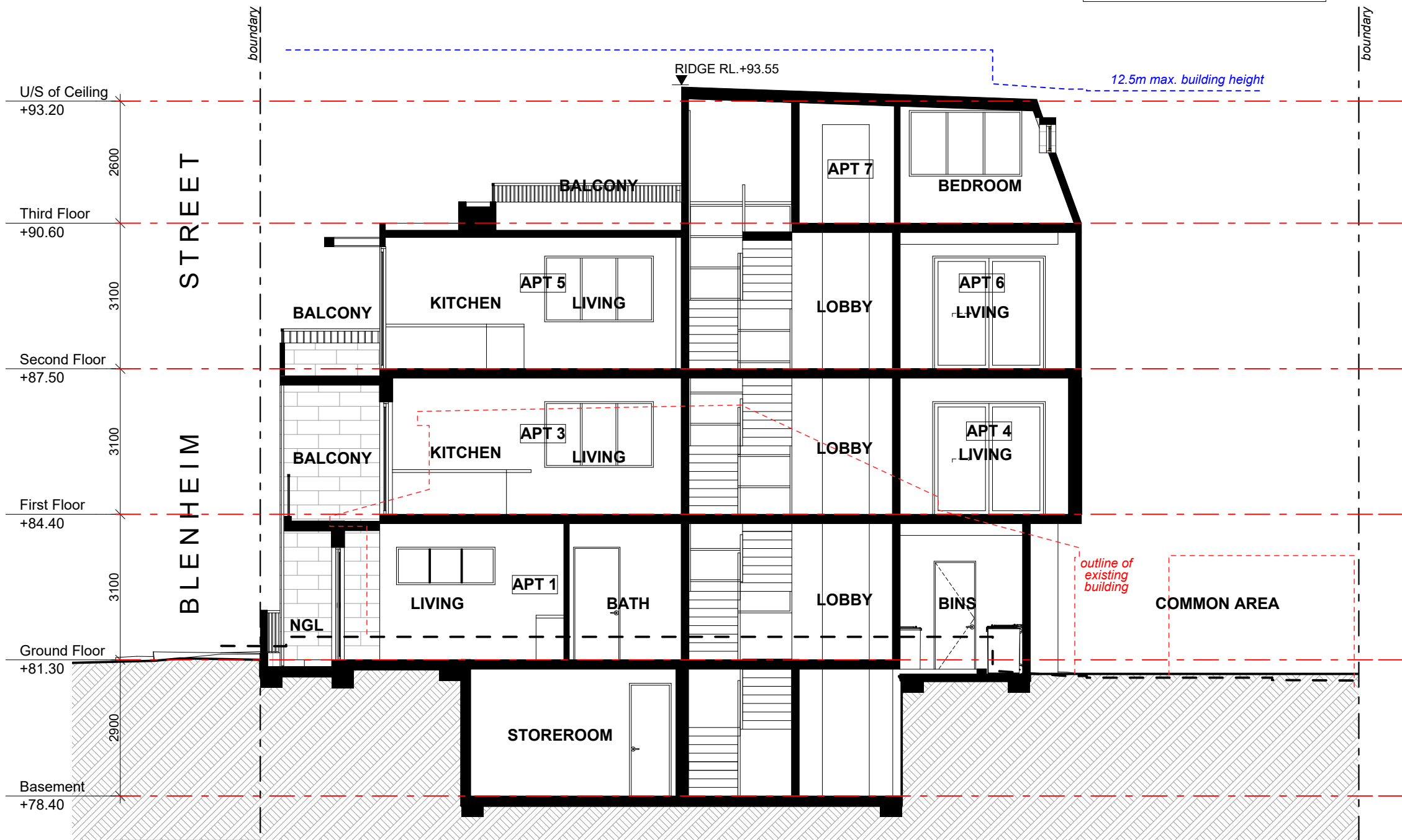
**RECEIVED**  
**Waverley Council**  
**Application No: DA-236/2018**  
**Date Received: 26/3/2019**





AMENDED PLANS

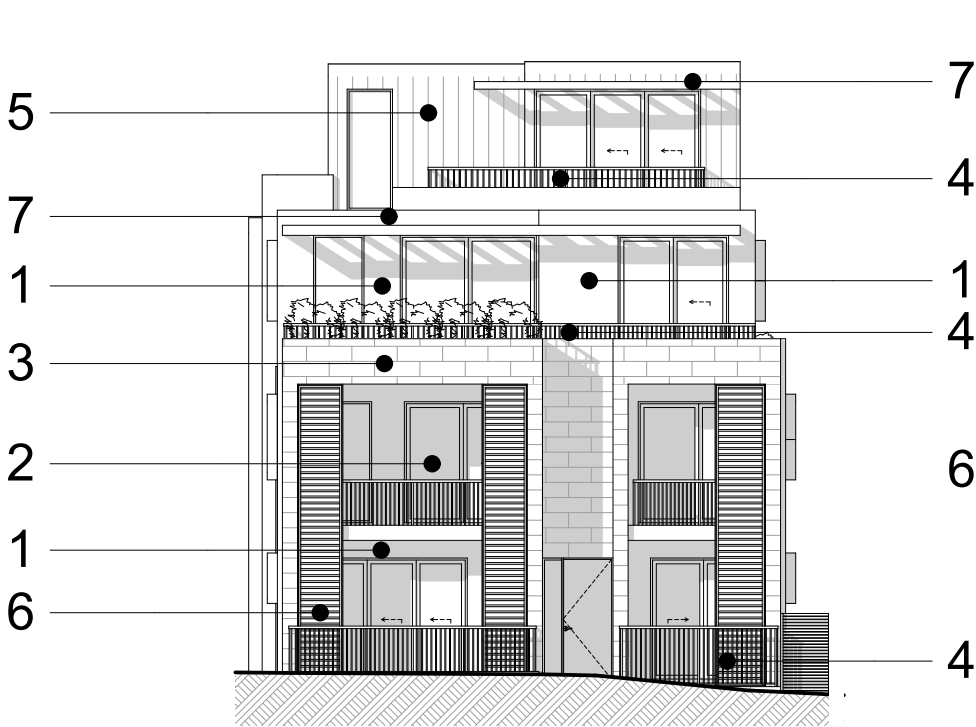
RECEIVED  
Waverley Council  
  
Application No: DA-236/2018  
  
Date Received: 26/3/2019



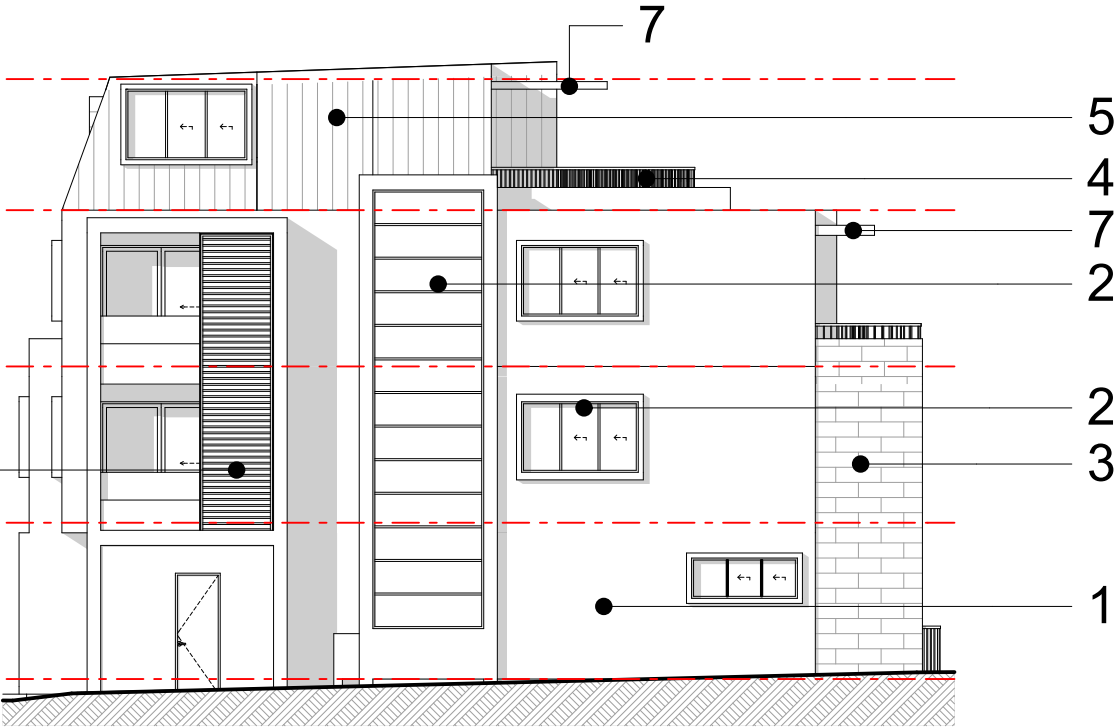
Proposed Section AA  
Scale 1:100

# AMENDED PLANS

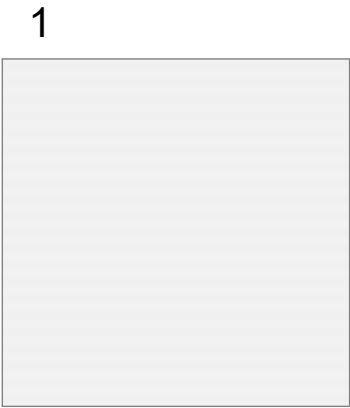
RECEIVED  
Waverley Council  
Application No: DA-236/2018  
Date Received: 26/3/2019



Proposed West Elevation (Blenheim Streetscape)  
Scale 1:100



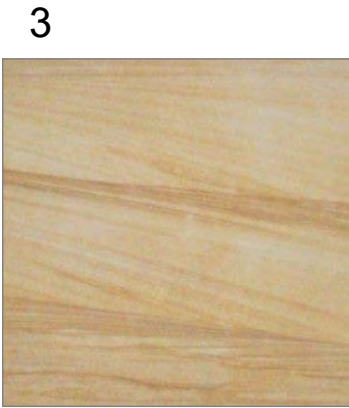
Proposed North Elevation  
Scale 1:100



1  
dulux paint:  
surfmist



2  
aluminium frame  
glazing



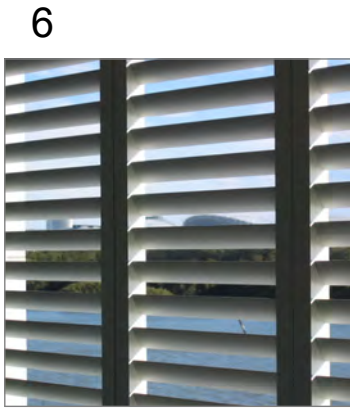
3  
sandstone  
cladding



4  
metal balustrade



5  
zincalum  
cladding



6  
external metal  
louvres



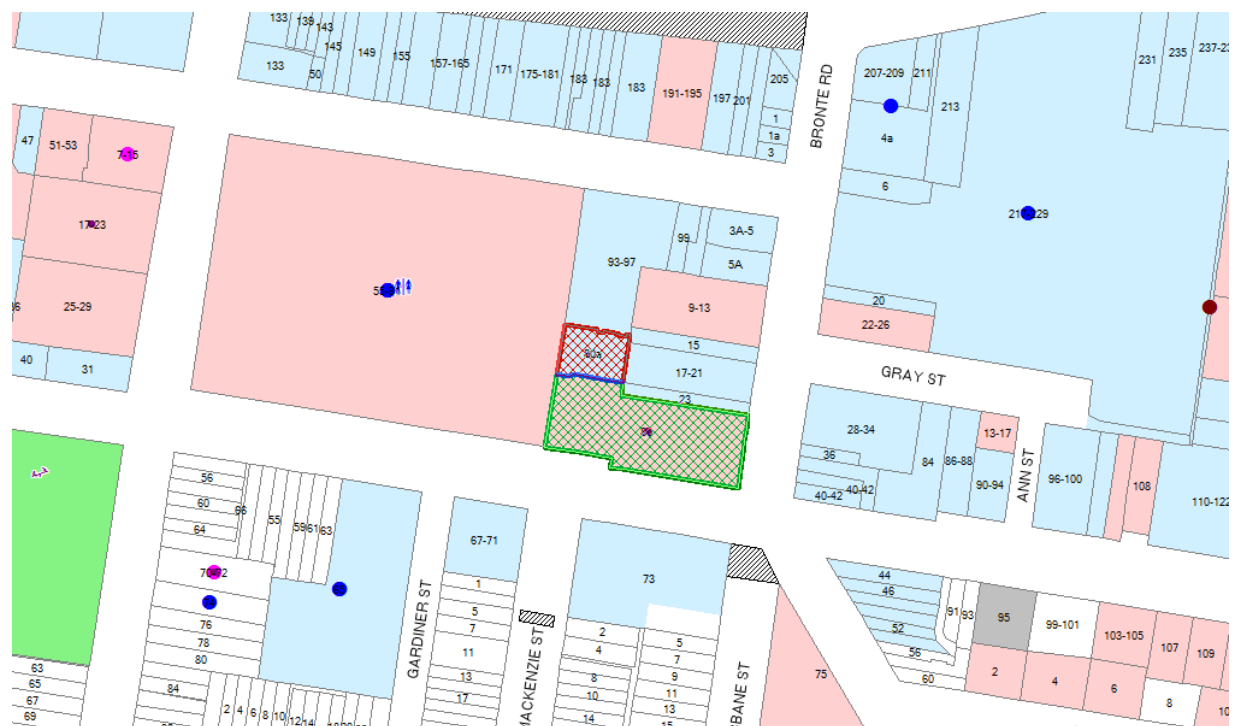
7  
external horizontal  
louvres



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-157/2019
<b>Site address</b>	Unit 1407 (lot 127), 80 Ebley St, BONDI JUNCTION
<b>Proposal</b>	Installation of vergola awning to existing balcony of unit 1407
<b>Date of lodgement</b>	20 May 2019
<b>Owner</b>	The Owners Strata Plan 72886 Unit 1407 (lot 127): River 4 Pty Ltd
<b>Applicant</b>	Performance Building Consultants
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$58 280.00
<b>Issues</b>	Height of Building
<b>Recommendation</b>	That the application be APPROVED

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 01 July 2019.

The site is identified as SP 72886, known as 80 Ebley St, BONDI JUNCTION, located on the corner of Bronte Road and Ebley Street. The site is irregular in shape, exhibiting an 'L shape', orientated to the corner.

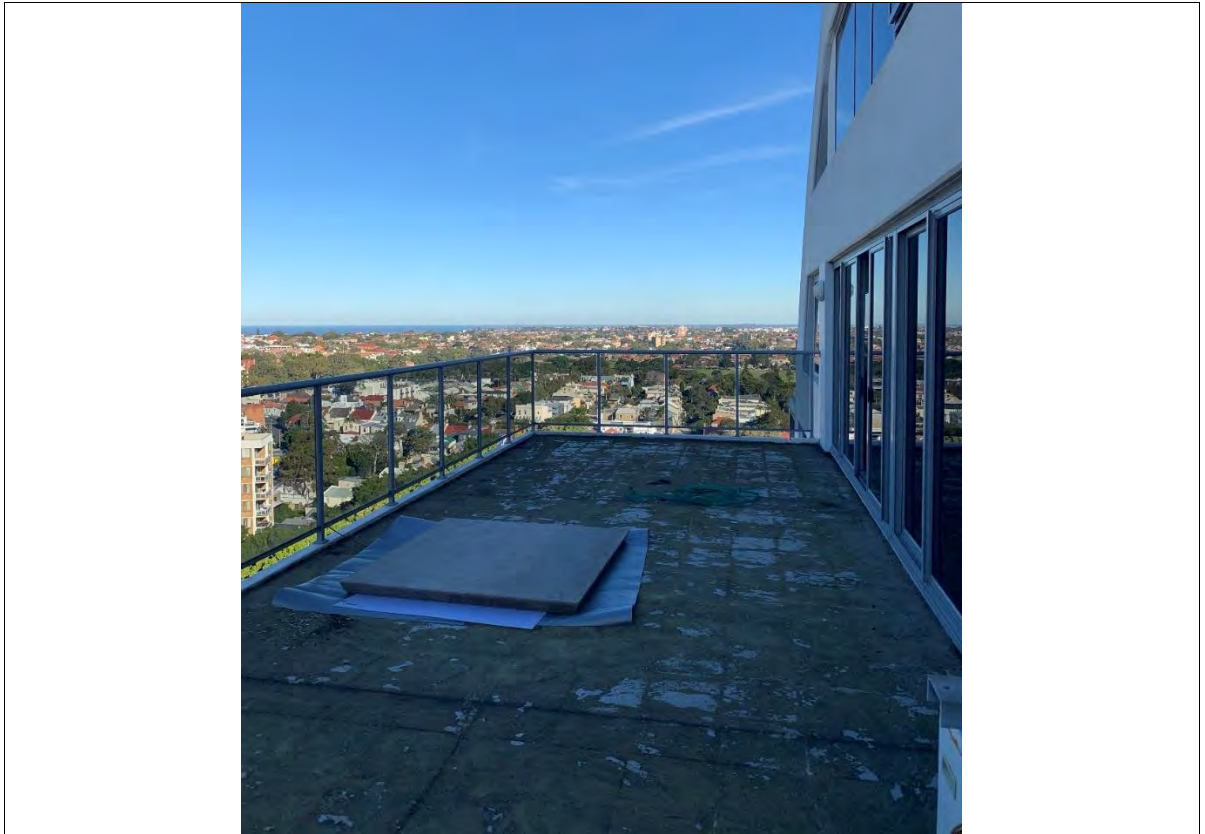
The site is occupied by a 16 storey mixed use development (shop top housing) with ground floor shops, residential apartments above and vehicular access provided from Ebley Street.

Unit 1407 (lot 127), the subject of this application is located on level 14 of the building on the south western corner of the site. The balcony effected by this proposal is situated on the eastern elevation (refer to photo below).

The subject site is adjoined by Eastgate shopping centre to the west and commercial buildings to the north, south and east. The locality is characterised by a majority mixed use developments of commercial buildings, shop top housing and residential flat buildings.



**Figure 1:** Subject site frontage from street level on the corner of Ebley Street and Bronte Road



**Figure 2:** Site viewed from subject balcony looking south



**Figure 3:** Site viewed from subject balcony looking north





**Figure 4:** The location of vergola in context with the overall building and locality (*Google Maps, 2019*)

## 1.2 Relevant History

### L-756/2001

Construction of multi-storey mixed use retail and residential building  
Approved 25 November 2002

### DA-756/2001/A

Section 96 amendment review of a number of conditions relating to L-756/2001  
Approved 16 June 2003

### DA-756/2001/B

Rebuild façade as per development approval  
Approved 10 September 2011

### DA-756/2001/C

To increase in the size of the structure provided  
Approved 18 December 2003

### DA-756/2001/D

To modify development consent DA-756/2001/A issued on 25 November 2002  
Approved 01 April 2004

### 1.3 DA-157/2019 History

02 July 2019 An email was sent to the applicant to amend the architectural plans as the height measurements were incorrect. The applicant was also instructed to amend the Statement of Environmental Effects and Clause 4.6 Variation to reflect accurate figures.

Amended architectural plans, Statement of Environmental Effects and Clause 4.6 Variation were received on the same day.

### 1.4 Proposal

The Development Application is for the installation of a vergola louvered roof system over an existing balcony to unit 1407 (lot 127) located on the 14<sup>th</sup> floor of the mixed use (shop top housing) building. The vergola will have an overall height of 2.65m above finished floor level of the balcony.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposed development meets the aims of the WLEP 2012.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Zone	Yes	The proposal is defined as shop top housing, which is permitted with consent in the B4 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"><li>32m</li></ul>	No. Clause 4.6 Variation is submitted.	The existing building height is 52.75m.  The proposed vergola will have a height of 46.8m above existing ground level.

Provision	Compliance	Comment
		<p>The proposal exceeds the development standard of 32m by 46.25%.</p> <p>It was confirmed that the balcony floor level is 100mm higher than the internal floor level. This accounts for the 100mm difference when measuring the difference between RL123.2 and RL120.45 against the figure of 2.65m provided.</p> <p>As this exceeds the development standard by more than 10%, the application is referred to the Waverley Local Planning Panel (WLPP) for determination.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height of Building development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.7 Solar access to public spaces in Bondi Junction	Yes	The proposal will not result in additional overshadowing to the areas listed under clause (2)(a) – (2)(e).
6.9 Design Excellence	Yes	The proposed vergola exhibits design excellence. The proposed vergola in context to the overall building, is considered to be a small addition in context to the overall building and is considered to achieve the relevant development standards stipulated under clause 4.

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**

##### *Clause 4.3 Height of Buildings*

The application seeks to vary the height of buildings development standard in Clause 4.3 of the Waverley Local Environmental Plan 2012.

The site is subject to a maximum height of building control of 32m. The proposed vergola, situated on level 14 is measured at a building height of 46.8m (above existing ground level), exceeding the standard by 14.8m equating to a 46.25% variation.

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

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

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

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

The applicant seeks to justify the contravention of the height of building 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 vergola will not add to the height of the approved building*
  - (ii) *The awning is consistent with the prevailing building height and streetscape character of the area*
  - (iii) *The roof form is an open structure and fits well into the topography of the allotment without adding to the bulk or scale of the building.*
  - (iv) *No impact in terms of view sharing from adjacent neighbours or public areas and with the awning built over an approved terrace area it adds no additional height to the approved building.*
  - (v) *The awning has minimal impact with regard to privacy and solar access enjoyed by adjacent properties. It maintains adequate sunlight access to private open spaces and to habitable rooms of the adjacent dwellings and the residence itself.*
  - (vi) *In terms of the zone objectives, the locality surrounding the site is displaying evidence of a renewal process, with medium to high density residential developments. The bulk and scale of the proposed development is generally consistent with most residential mixed use buildings in the locality. The proposed awning has been designed to meet the day to day needs of residents and will provide an active use of the private open space of the dwelling.*
  - (vii) *It is clear as noted above that the proposed development will have minimal impact on the amenity of adjacent properties, and further that a superior outcome will be achieved beyond that expected under the planning controls applying to the site. This is achieved notwithstanding the proposed non-compliance with the Height of Buildings control.*
  - (viii) *The objectives of the Height of Buildings control remain relevant, and the proposed development is generally consistent with, or not antipathetic to, the objectives of the Height of Buildings control, notwithstanding the numerical variation.*
- (b) *That there are sufficient environmental planning grounds to justify contravening the standard:*
  - (i) *The proposed awning certainly achieves the objectives of the standard. As the height of the building remains the same as prior to the proposed awning, together with the reasons set out above, it is considered that sufficient environmental planning grounds have been met to justify contravening the development standard in this instance.*

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing the development meets the objective of clause 4.3 of the WLEP 2012.

#### Is the development in the public interest?

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

#### *Clause 2.1 Land Zoning*

- (a) *To provide a mixture of compatible land uses.*

The proposed vergola adds to the residential use, enhancing the residential use in a mixed use area, adding to the objective of proving a mixture of compatible land uses.

*Clause 4.3 Height of buildings*

*(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,*

The proposed vergola does not exceed the height of the existing building. The existing buildings height is 52.75m. The proposed vergola will have a height of 46.8m above existing ground level. The vergola is considered not to have a significant environmental impact to neighbouring properties and the public spaces located below, meeting clause 6.7 of the Waverley Local Environmental Plan 2012.

Conclusion

For the reasons provided above the requested variation to the height of building is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of building and the Mixed Use Zone (B4).

## 2.1.2 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
12. Design Excellence	Yes	The proposal has an acceptable design given the surrounding context of the area and is considered a suitable response to the site and existing building.

**Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top house or mixed use developments that are 3 or more storeys and contain 4 or more dwellings.

Development Control	Compliance	Comment
<b>4.2 Height</b>		
<ul style="list-style-type: none"> <li>Refer to the LEP</li> </ul>	Yes	This matter is discussed above and does meet the objectives of the DCP control. A clause 4.6 variation is submitted with the Development Application.
<b>4.4 Streetscape</b>		
<ul style="list-style-type: none"> <li>Setbacks to be consistent with building line along the street</li> </ul>		The proposed vergola is considered to have appropriate setbacks not extending past any of the existing balconies balustrading.



Development Control	Compliance	Comment
<b>4.5 Building Design and Streetscape</b>		
<ul style="list-style-type: none"> <li>• Building design is to respond to the existing streetscape character of the area.</li> <li>• Alterations and additions should demonstrate architectural compatibility with the existing building.</li> <li>• The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.</li> </ul>	Yes	The development will integrate well into the existing residential flat building. The proposed vergola will be constructed of steel with a 'surfmist' finish. This colour will integrate well due to the existing colour of the building.
<b>4.10 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>• Minimise view loss through design</li> <li>• Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface.</li> <li>• Views from public spaces to be maintained.</li> </ul>	N/A	Due to the position of the vergola it will not result in view loss.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

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

Nil submissions were received.

## 2.5 Public Interest

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

### 3. REFERRALS

No internal or external referral comments were sought.

### 4. SUMMARY

The application is for the construction of a vergola (awning) louvered roof system to an existing balcony of unit 1407, located on the 14<sup>th</sup> floor of a mixed use development.

The issues that arose from the Development Application was that it exceeded the height of building development standard stipulated in the Waverley Local Environmental Plan 2012.

The existing building had a height of 52.75m and the proposed vergola will have a height of 46.8m above existing ground level, resulting in the proposal exceeding the height of building development standard of 32m by 46.25%. However, a profound clause 4.6 variation statement was submitted to justify the variation to the development standard.

The Development Application received nil submissions.

The Development Application is recommend for approval.

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

Joseph Somerville  
**Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date:** 03/07/2019

**Date:** 8/7/2019

**Reason for referral:**

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

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) Architectural Plans

<b>Dwg. No.</b>	<b>Revision</b>	<b>Title</b>	<b>Date</b>	<b>Date Received by Council</b>
18049 (sheet 1)	A	Site Plan	18/04/2019	21/05/2019
18049 (sheet 2)	A	Floor Plan	18/04/2019	21/05/2019
18049 (sheet 3)	A	Centre Beam Detail & Post Base Detail	18/04/2019	21/05/2019
18049 (sheet 4)	B	Eastern Elevation	02/07/2019	02/07/2019
18049 (sheet 5)	B	Southern Elevation	02/07/2019	02/07/2019
18049 (sheet 6)	B	Northern Elevation	02/07/2019	02/07/2019

(b) Schedule of external finishes and colours received by Council on 20/05/2019; and

Except where amended by the following conditions of consent.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **2. SECTION 7.12 CONTRIBUTION**

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

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

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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

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

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

#### Advisory Note

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

### **3. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$2665.00 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

#### **4. LONG SERVICE LEVY**

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

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

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

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

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

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

#### **6. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

#### **7. ENGINEERING DETAILS**

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

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **8. PRIOR TO SITE WORKS**

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

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

### **9. HOME BUILDING ACT**

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

### **10. 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.

### **12. ALL BUILDING MATERIALS STORED ON SITE**

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

### **13. CONSTRUCTION HOURS**

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

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

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

### **14. BUILDING CODE OF AUSTRALIA**

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

**15. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **17. FINAL OCCUPATION CERTIFICATE**

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

### **18. LIGHTING**

- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.
- (b) All external lighting fixtures should be vandal resistant.
- (c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.
- (d) Lighting should be free of obstructions, such as tree branches, pipes, etc.
- (e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.
- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.



DATE DRAFTED 18-04-19	AMENDED DATE A - B - C -
SALES REP. R.R	
DRAWN JGW	SHEET No. 1 OF 6
DRAWING No. 18049	DATE SIGNED
SCALE: AS NOTED @A3	
CLIENTS SIGNATURE	

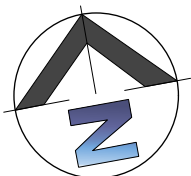
Project:  
**PROPOSED VERGOLA LOUVERED ROOF AT EXISTING UNITBLOCK**

Client:  
**River 4 Pty. Ltd  
ATF River 4 Trust**  
Address:  
**Unit 1407, 80 Ebley St  
Bondi Junction  
- NSW - 2022**

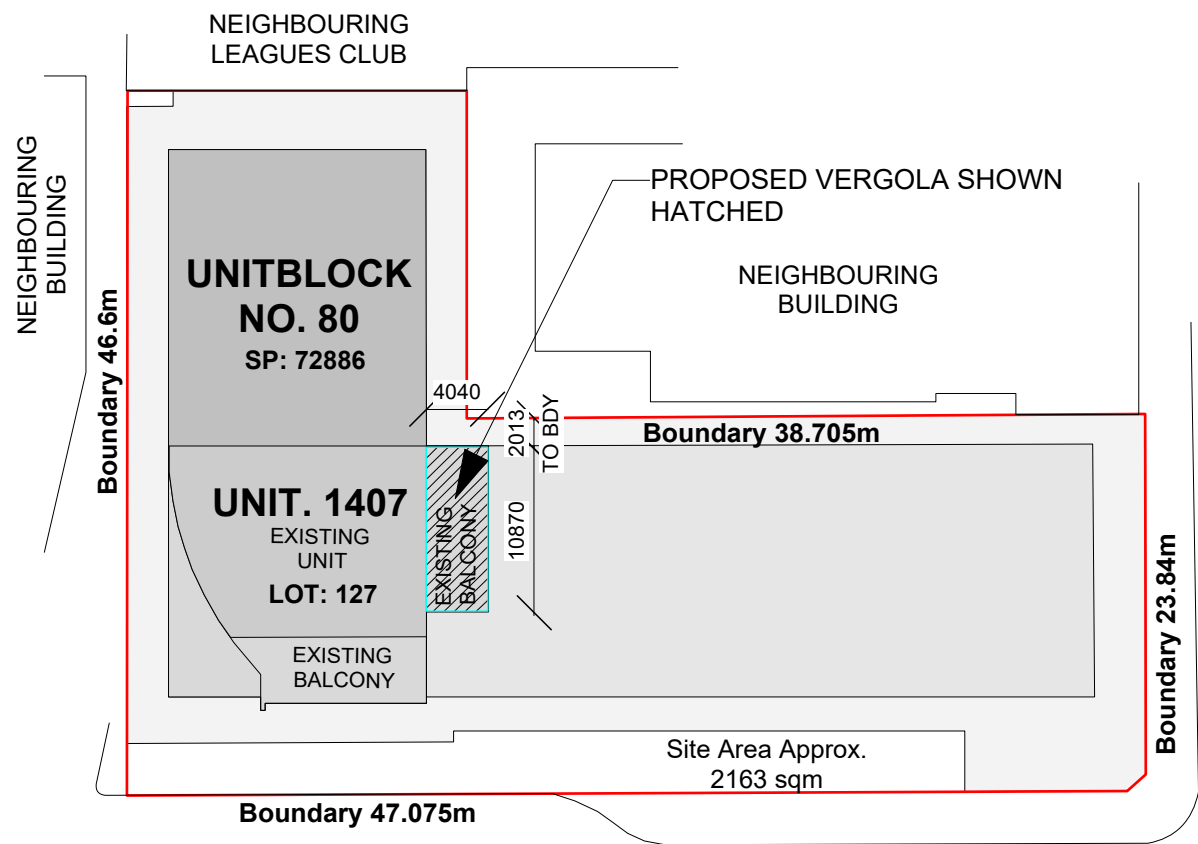
**VERGOLA**  
(NSW) PTY. LTD.  
7 TEPKO ROAD TERREY  
HILLS NSW 2084  
TEL: (02) 9450 3300  
FAX: (02) 9450 3333

**GENERAL NOTES**  
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.  
All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684.  
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference.  
All work to be carried out in a professional and workmanshiplike manner according to the plans and specification.  
All dimensions are to be checked and verified on site before the commencement of any work.  
Locate and protect all services prior to construction.

**ALL MEASUREMENTS TO BE VERIFIED AT C/M**

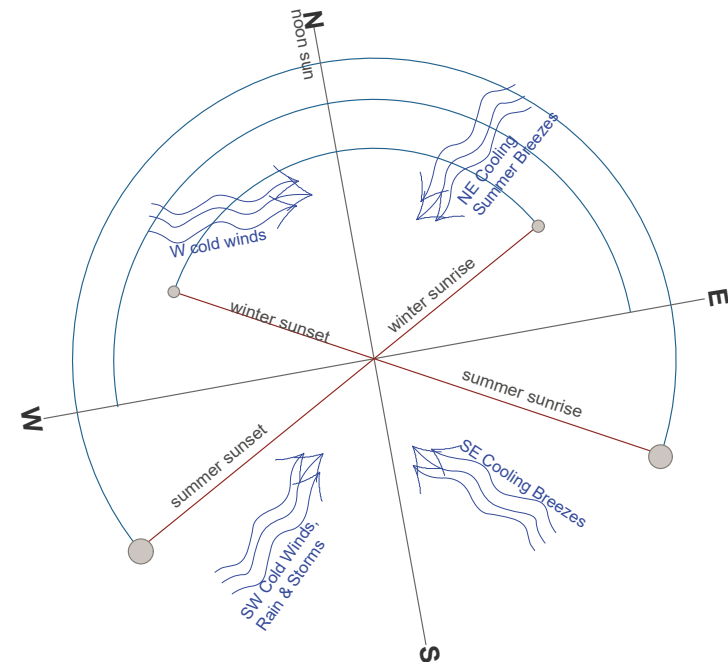


**RECEIVED**  
**Waverley Council**  
  
Application No: DA-157/2019  
  
Date Received: 21/05/2019



**SITE PLAN**  
Scale 1:500

**BRONTE ROAD**



**SITE ANALYSIS**  
EXISTING TOTAL UNIT AREA = 228.95 sq.m.  
EXISTING OUTDOOR AREA APPROX = 86.5 sq.m.  
**PROPOSED VERGOLA = 43.92 sq.m.**

**NOTES:-**  
AS THE PROPOSED VERGOLA IS TO BE BUILT OVER AN EXISTING HARDSTAND AREA WITHIN AN EXISTING UNIT BLOCK. THERE WILL BE NO INCREASE TO THE EXISTING SITE COVERAGE.  
ALL DOWNPIPES TO BE DIRECTED INTO THE EXISTING STORMWATER DISPOSAL SYSTEM.  
ALL DIMENSIONS ARE TO BE CONFIRMED WITH A SITE MEASURE PRIOR TO MANUFACTURE.

DATE DRAFTED	AMENDED DATE
18-04-19	A -
SALES REP.	B -
R.R	C -
DRAWN	SHEET No.
JGW	2 OF 6
DRAWING No.	DATE SIGNED
18049	
SCALE: AS NOTED @A3	
CLIENTS SIGNATURE	

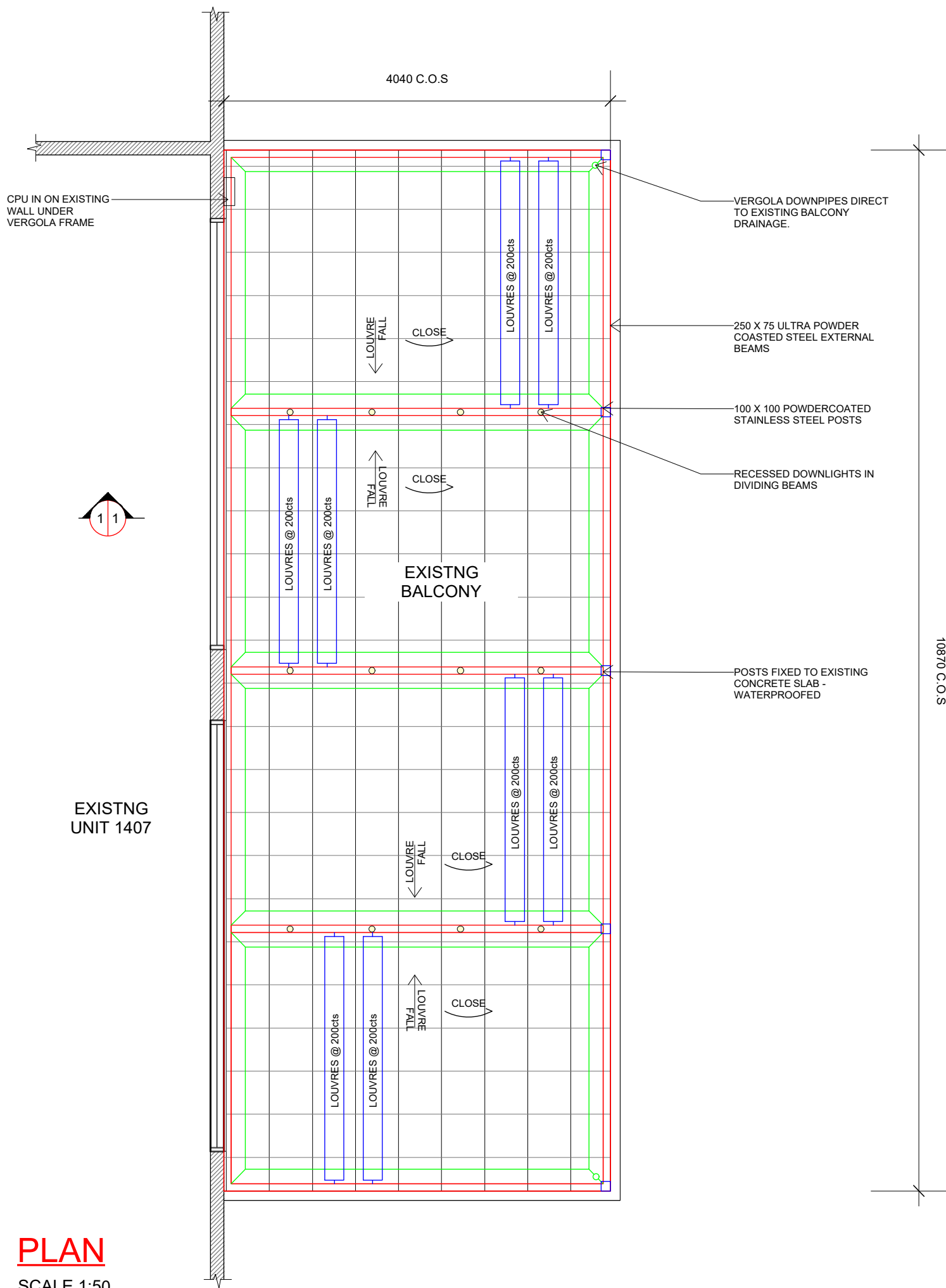
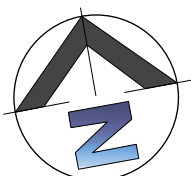
Project:  
**PROPOSED VERGOLA LOUVERED ROOF AT EXISTING UNITBLOCK**

Client:  
**River 4 Pty. Ltd**  
**ATF River 4 Trust**  
 Address:  
**Unit 1407, 80 Ebley St**  
**Bondi Junction**  
**- NSW - 2022**

**VERGOLA**  
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**ALL MEASUREMENTS TO BE VERIFIED AT C/M**



**PLAN**  
 SCALE 1:50

**RECEIVED**  
**Waverley Council**  
 Application No: DA-157/2019  
 Date Received: 21/05/2019

**NOTES:-**  
 VERGOLA FRAME: POWDERCOAT FRAME "SURFMIST" COLOUR FINISH  
 VERGOLA POSTS: POWDERCOAT "SURFMIST" COLOUR FINISH  
 FLASHING & GUTTER: MADE IN COLORBOND COLOUR "SURFMIST"  
 VERGOLA LOUVRES: MADE IN COLORBOND COLOUR "SURFMIST"  
 S/WATER: 65mm PVC DOWNPIPE TO EXISTING GUTTER & STORMWATER SYSTEM WITH PAINT COLOUR "SURFMIST"

DATE DRAFTED 18-04-19	AMENDED DATE A - B - C -
SALES REP. R.R	SHEET No. 3 OF 6
DRAWN JGW	DATE SIGNED
DRAWING No. 18049	
SCALE: AS NOTED @A3	
CLIENTS SIGNATURE	

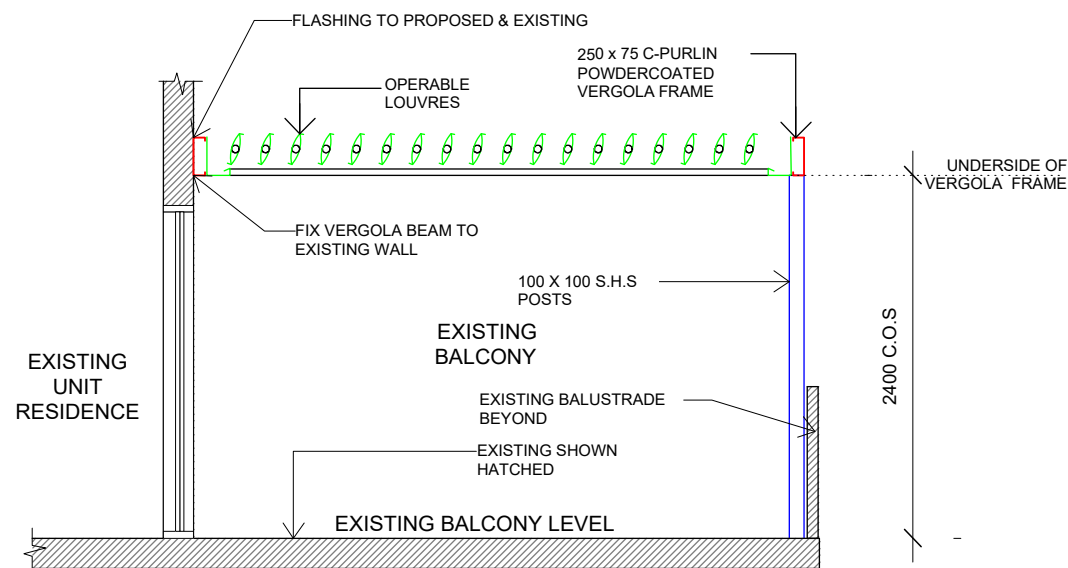
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**PROPOSED VERGOLA  
LOUVERED ROOF  
AT EXISTING  
UNITBLOCK**

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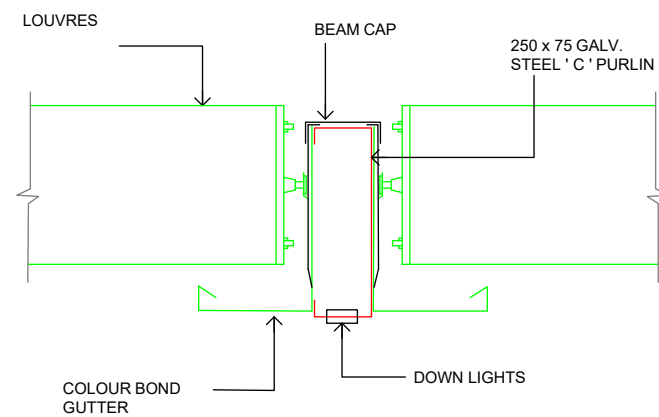
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Locate and protect all services prior to construction.

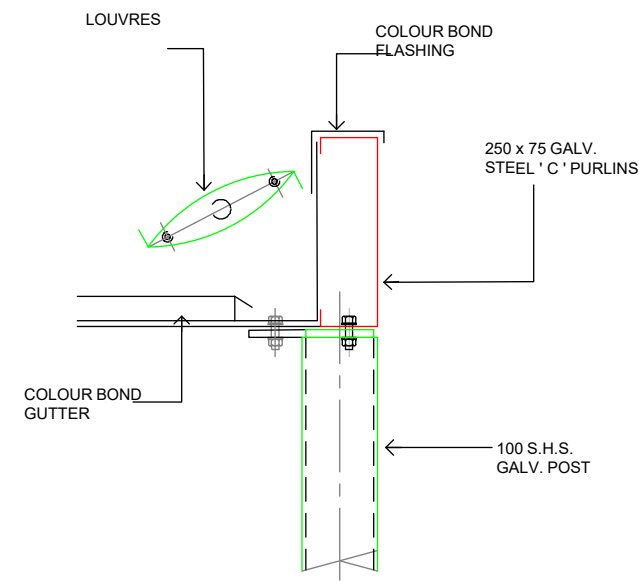
**ALL  
MEASUREMENTS  
TO BE VERIFIED  
AT C/M**



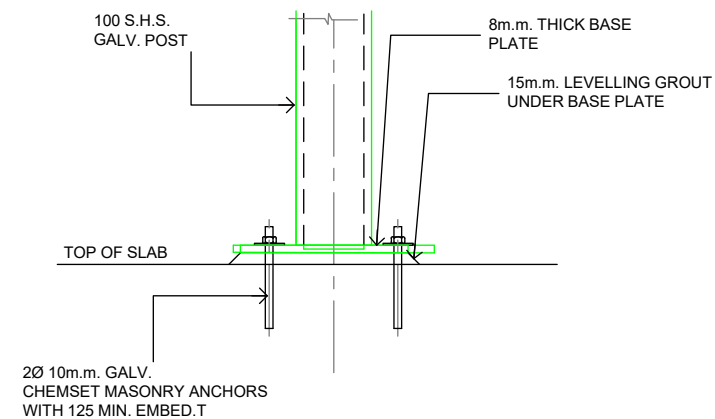
**SECTION**  
SCALE 1:50



**CENTRE BEAM  
DETAIL**  
SCALE 1:10



**POST DETAIL**  
SCALE 1:10



**POST BASE  
PLATE DETAIL**  
SCALE 1:10

RECEIVED  
Waverley Council

Application No: DA-157/2019

Date Received: 21/05/2019



DATE DRAFTED	AMENDED DATE
02-07-19	A - 18-04-19
SALES REP.	B - 02-07-19
R.R	C -
DRAWN	SHEET No.
JGW	4 OF 6
DRAWING No.	DATE SIGNED
18049	
SCALE.	AS NOTED @A3
CLIENTS SIGNATURE	

Project:  
**PROPOSED VERGOLA LOUVERED ROOF AT EXISTING UNITBLOCK**

Client:  
**River 4 Pty. Ltd**  
**ATF River 4 Trust**  
 Address:  
**Unit 1407, 80 Ebley St**  
**Bondi Junction**  
**- NSW - 2022**

**VERGOLA**  
 (NSW) PTY. LTD.  
 7 TEPKO ROAD TERREY HILLS NSW 2084  
 TEL: (02) 9450 3300  
 FAX: (02) 9450 3333

**GENERAL NOTES**  
 All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.  
 All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684.  
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**ALL MEASUREMENTS TO BE VERIFIED AT C/M**

# EASTERN ELEVATION

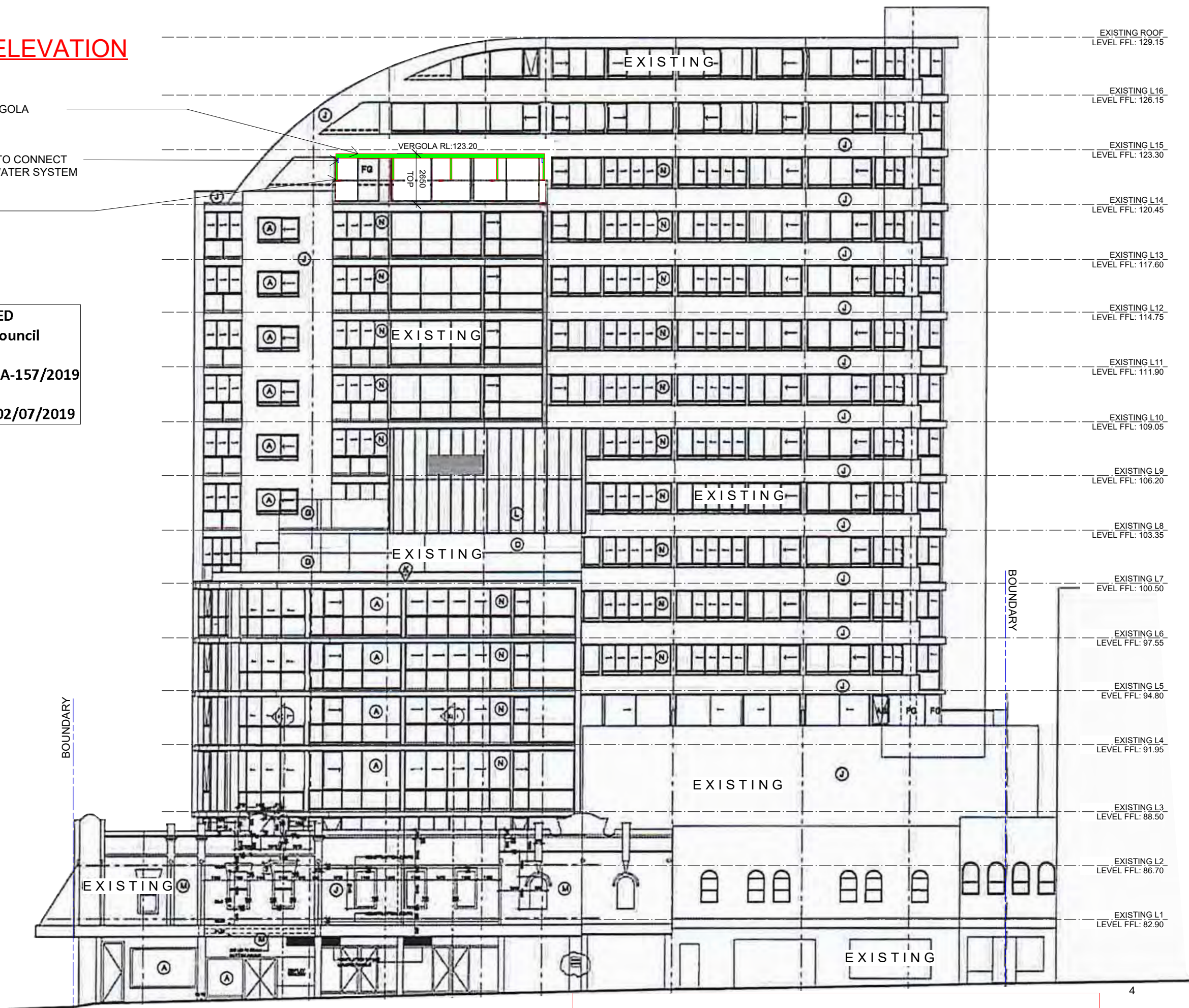
SCALE 1:200

250 X 75 C - PURLIN VERGOLA FRAME

PROPOSED DOWNPIPE TO CONNECT INTO EXISTING STORMWATER SYSTEM

100 X 100 S.H.S POSTS

RECEIVED  
 Waverley Council  
 Application No: DA-157/2019  
 Date Received: 02/07/2019



**AMENDED PLANS**







DATE DRAFTED	AMENDED DATE
02-07-19	A - 18-04-19
SALES REP.	B - 02-07-19
R.R	C -
DRAWN	SHEET No.
JGW	6 OF 6
DRAWING No.	DATE SIGNED
18049	
SCALE:	AS NOTED @A3
CLIENTS SIGNATURE	

## NORTHERN ELEVATION

SCALE 1:200

# AMENDED PLANS

Project:

**PROPOSED VERGOLA  
LOUVERED ROOF  
AT EXISTING  
UNITBLOCK**

Client:

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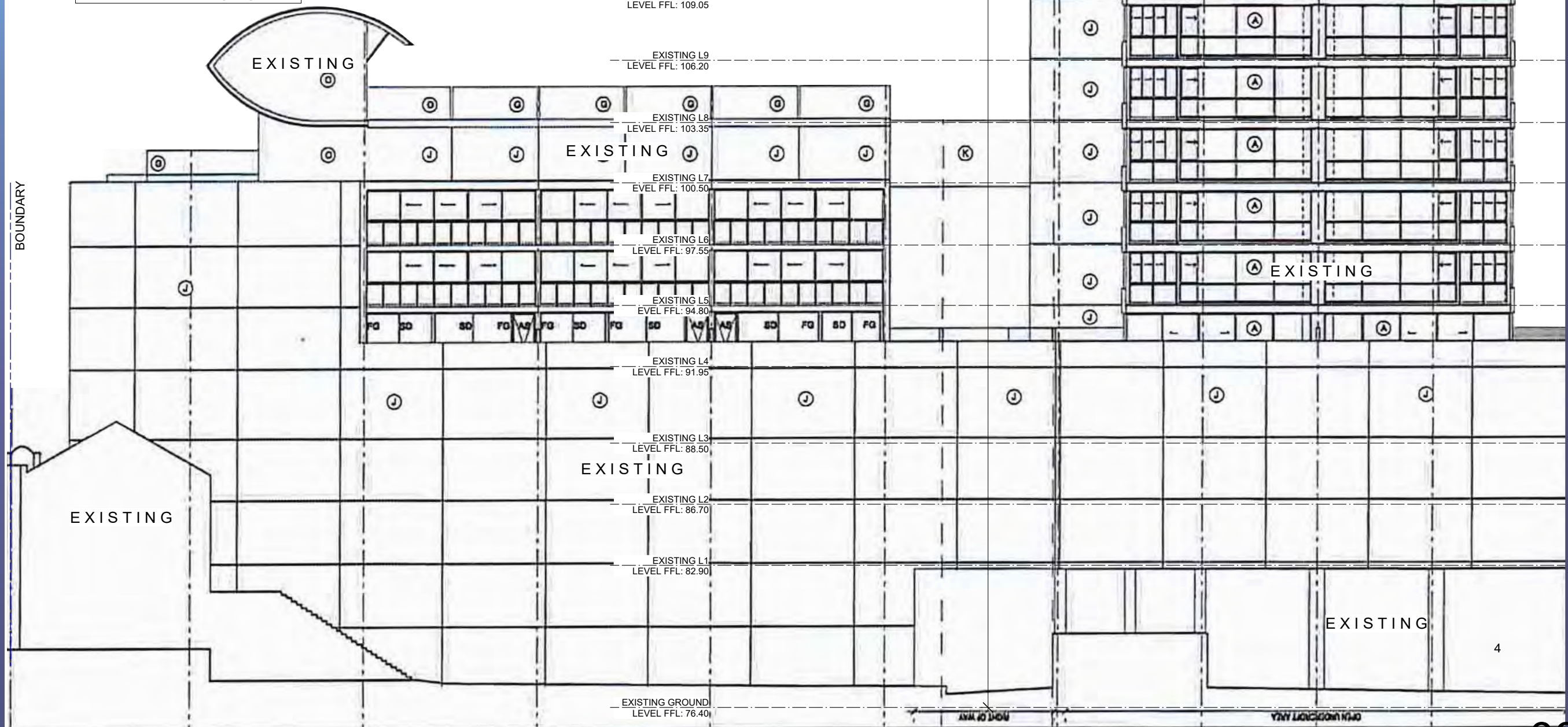
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**Waverley Council**  
**Application No: DA-157/2019**  
**Date Received: 02/07/2019**

BOUNDARY



DATE DRAFTED	AMENDED DATE
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SALES REP.	B -
R.R	C -
DRAWN	SHEET No.
JGW	1 OF 4
DRAWING No.	DATE SIGNED
18049	
SCALE.	AS NOTED @A3
CLIENTS SIGNATURE	

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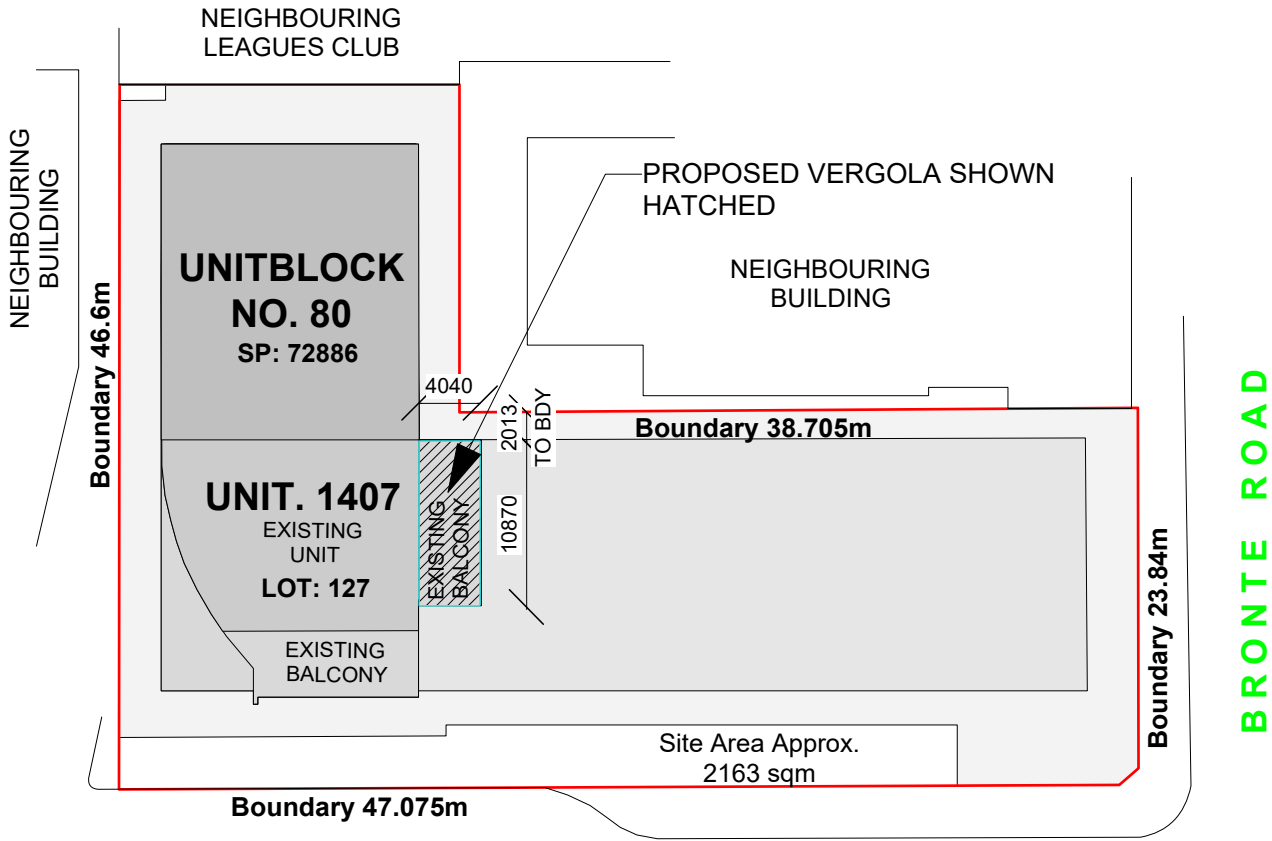
**ALL  
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**RECEIVED**  
Waverley Council

Application No: DA-157/2019

Date Received: 21/05/2019



**SITE PLAN**  
Scale 1:500





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-122/2019
<b>Site address</b>	21 Fletcher Street, TAMARAMA
<b>Proposal</b>	Alterations and additions to dwelling including attic extension, internal reconfiguration, new windows and pool over garage at rear
<b>Date of lodgement</b>	18 April 2019
<b>Owner</b>	Mr W C Kwok
<b>Applicant</b>	Mr W C Kwok
<b>Submissions</b>	1
<b>Cost of works</b>	\$489,500
<b>Issues</b>	4.3 – Height non-compliance 4.4 – FSR non-compliance
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions of consent.

**Site Map**





## 1.0 PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 11 June 2019.

The site is identified as Lot C DP110516, known as 21 Fletcher Street, Tamarama. It is located on the southern side of Fletcher Street, with rear access from Dellview Lane.

The site is rectangular in shape with an area of 219sqm. The north boundary to Fletcher Street measures 6m, Southern boundary to Dellview Lane measures 6m. The west boundary with 19 Fletcher Street measures 36.5m, and the east boundary with 23 Fletcher Street measures 36.6m. There is a steep fall across the site from the west to east by approximately 6m.

The site is occupied by a 3 storey single dwelling containing 3 bedrooms and terraced external living areas to the rear. The subject site is surrounded by flat buildings and dwelling houses.

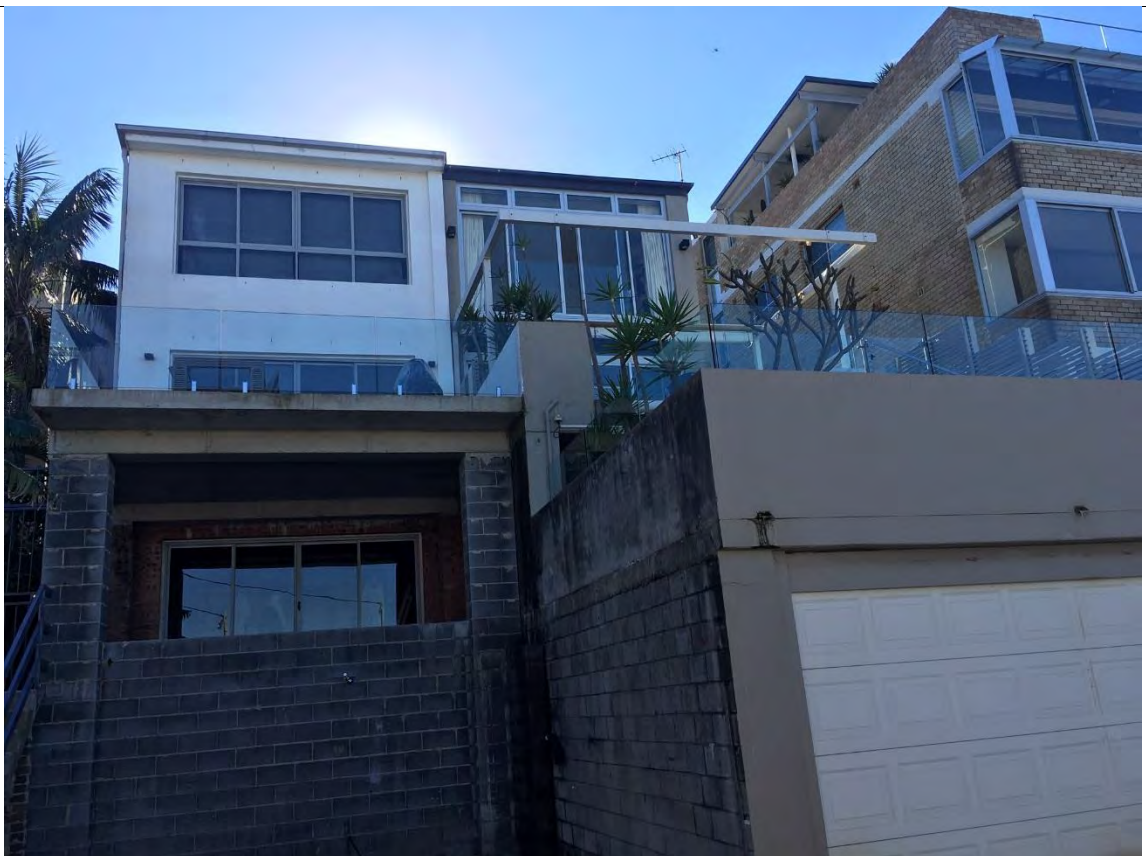


Figure 1 - Subject Site Frontage





**Figure 2 -Site Frontage demonstrating relationship with 23 Fletcher Street to the East**



**Figure 3 - Subject site (Centre) from Dellview Lane to the Rear.**





**Figure 4 - Subject site (centre) viewed from the rear at Dellview Lane**



**Figure 5 - Rear of subject site (right) at existing terrace level showing relationship to 19 Fletcher Street, including asymmetric eaves**



Figure 6: View from terrace level of subject site to properties of Carlisle Street to the rear across Dellview Lane

## 1.2 Relevant History

<b>REF</b>	<b>DA-67/2007</b>	<b>Date Submitted</b>	16 February 2007
<b>Site</b>	21 Fletcher Street TAMARAMA		
<b>Description</b>	Alterations and additions to a semidetached house, including an extension of first floor level		
<b>Approved</b>	16 March 2007	<b>Delegation</b>	Delegated Authority
<b>Operative</b>	16 March 2007		
	Development included minor alterations and additions including; <ol style="list-style-type: none"> <li>1. The replacement of window and door openings within the front northern and rear southern elevations at ground and first floor levels.</li> <li>2. The construction of a minor addition to the rear southern elevation at first floor level to align with the rear external wall at ground floor level.</li> </ol>		

<b>REF</b>	<b>DA-340/2007</b>	<b>Date Submitted</b>	29 June 2007
<b>Site</b>	21 Fletcher Street TAMARAMA		
<b>Description</b>	Alterations and additions to the existing premises		
<b>Approved</b>	8 December 2007	<b>Delegation</b>	Council
<b>Operative</b>	19 December 2007		
	The development included: <ol style="list-style-type: none"> <li>1. New timber pergola, new glazed balustrade and handrail, vertical louvers to perimeter wall and timber decking to existing ground level rear terrace.</li> <li>2. Plant new vegetation (lawn) and provide new glass balustrade to lower level rear terrace.</li> </ol>		

	<p>This decision was appealed to the Land and Environment Court, specifically in relation to condition 2 of the consent (which imposed specific conditions on the rear pergola). The Appeal was upheld on 17 June 2008, subject to varied wording of condition 2.</p> <p>It is noted under the Land and Environment Court Appeal decision, a privacy screen to western boundary (1.8m high by 1.5m deep) was required to be installed. It is noted that this screen has been installed in accordance with the decision, however has not been included on proposed plans for this application. For the benefit of clarity, a condition has been recommended requiring the privacy screen to be retained full in accordance with the decision.</p>
--	--

### 1.3 Proposal

The proposal seeks consent for alterations and additions to the existing dwelling. The proposal includes:

- Constructing additions to the existing attic level to provide a bedroom and ensuite with a rear dormer window.
- Creation of new Lower ground level plunge pool above existing garage
- Internal re-arrangements for stairs, bathrooms and circulation space
- Five (5) new skylights
- Five (5) new eastern window openings.  
Windows W01, W02, W04 W05 including privacy screening.
- Replacement of windows and doors (no change in location or dimension) to the rear (Southern) elevation.
- New rear eave to match 19 Fletcher Street, which forms semidetached pair with subject site.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

#### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is partly located within the Coastal environment area (Clause 13) and wholly located in a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) Aboriginal cultural heritage, practices and places,*
  - (v) cultural and built environment heritage, and*
- (b) is satisfied that:*
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards. Development consent must not be granted to development on land within the coastal zone unless the



consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The proposal includes alterations to an existing building. No excavation is proposed. The development will not impact existing access to the foreshore, beach or headland, nor will it overshadow or result in the loss of views from public places to foreshores. The proposal will not impact the visual amenity and scenic qualities of the coast, including coastal headlands. The proposal is considered acceptable against the relevant clauses of SEPP (Coastal Management) 2018.

#### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal relates to an existing single dwelling house, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	No - Cl4.6 submitted	<p>The overall height of the building remains as existing.</p> <p>However the proposed works to the upper level have a maximum height of 11.5m which exceeds the maximum height by 2m or 21%.</p>
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.86:1</li> </ul>	No - Cl4.6 submitted	<p>The proposed works will increase the existing GFA by 16.8m<sup>2</sup>, resulting in an <b>FSR of 1.08:1</b> (GFA: 237.5 m<sup>2</sup>) which is a <b>26% variation</b> to the floor space ratio standard.</p> <p>The existing dwelling on the site has a FSR of 1:1 (GFA: 220.7m<sup>2</sup>) which exceeds the standard by 81.6m<sup>2</sup> and a 17% variation to the standard.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.

Provision	Compliance	Comment
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is identified as having Class 5 Acid Sulfate Soils. No excavation works are proposed and as such, no further investigation or assessment is required with regards to acid sulfate soils.
6.4 Terrestrial Biodiversity	Yes	The proposed works largely retain the significant vegetation to the front garden, and is considered to have no impact upon the ecological value and significance of the flora and fauna on the site and surrounding area.

### Exceptions to Development Standards

#### Clause 4.6 Exceptions to Development Standards - Clause 4.3 – Height of Buildings

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

The site is subject to a maximum height control of 9.5m

The proposed development has a height of 11.5m, exceeding the standard by 2m equating to a 21 % variation.

It is noted that the site has a significant slope of 1:16 which results in a fall of approximately 6m from the front of the site at Fletcher Street to the rear boundary at Dellview Lane. The extension (RL64.445) is set down 1.08m from the existing ridge height (RL65.530), and will not change the maximum height of building for the primary ridge line of the dwelling.

Development Standard		Existing	Variation to Standard	Proposed	Variation to Standard
H.O.B	9.5	11.5	2m 21%	11.5	2m 21%

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

- 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.

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

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



The applicant seeks to justify the contravention of the Clause 4.3 Height of Building development standard on the following basis:

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

*Compliance with the development standard is unreasonable and unnecessary as the proposal will have limited impact on the streetscape presentation.*

*The ridge of the existing dwelling breaches the 9.5m control. The proposed addition to the existing attic is fully contained within the footprint of the existing main roof structure and would be barely discernible from Fletcher Street, as the new roof is proposed in the same material and angle as the existing roof.*

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

*Exceedance of the height control will not create additional building bulk that results in unreasonable environmental amenity impacts in terms of overshadowing, loss of views, loss of privacy or loss of visual amenity and a reduction in this bulk would not create additional benefit for adjoining properties or the locality.*

*The rear dormer window of the proposed addition to the existing attic level has been appropriately sited and designed to minimise any overlooking.*

*The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone*

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

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

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

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

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

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*



The objectives of the Height of Buildings Control are:

- (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.*

The overall height of the development is considered to remain in keeping with the overall bulk and character of the host dwelling. The attic level extensions are considered to fit appropriately within the existing 11.5m building envelope, to produce an appropriate correlation between building height and density.

The proposal is considered to respond appropriately to the topography of the site and existing build form, and has incorporated appropriate design measures to ensure the amenity of neighbouring properties and opportunities for views are protected.

The design has responded to the constraints of the site to produce a design response that is compatible with the primary and secondary streetscapes that define the desired future character of the Fletcher Street and Dellview Lane streetscapes, and the wider locality.

The unaltered front elevation and modified rear elevations are considered to both positively contribute to the physical definition of the streetscape and public domain at a pedestrian and wider level.

The objectives of the R3 zone are to:

- (ii) *To provide for the housing needs of the community within a medium density residential environment.*
- (i) *To provide a variety of housing types within a medium density residential environment.*
- (ii) *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is considered to be an appropriate extension to the single dwelling, and would provide a variety of housing types within the medium density setting by retaining a family sized semi-detached dwelling in a streetscape characterised by single dwellings, semi-detached dwellings and residential flat buildings. The proposed changes will ensure the facilities meet the day to day needs of the future occupants.

### Conclusion

For the reasons provided above the requested variation to the height of buildings standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.3 (Height Of Buildings) and the R3 Medium Density Zone

### **Clause 4.6 Exceptions to Development Standards - Clause 4.4 and 4.4A Floor Space Ratio**

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

The site is 219m<sup>2</sup> is subject to a maximum FSR control of 0.86:1 (GFA:188.3m<sup>2</sup>)

The existing dwelling has a FSR of 1:1 (GFA 220.7m<sup>2</sup>), exceeding the standard by 32.4m<sup>2</sup> equating to a 17 % variation.

The existing dwelling has a FSR of 1.08:1 (GFA 237.5 m<sup>2</sup>), an increase of 16.8m<sup>2</sup> exceeding the standard by 49.2m<sup>2</sup> equating to a 26 % variation.

Development Standard		Existing	Variation to Standard	Proposed	Variation to Standard
Site Area	219 m <sup>2</sup>		-	-	-
GFA	188.3	220.7	+32.4 m <sup>2</sup>	237.5 (+16.8m <sup>2</sup> )	+49.2 m <sup>2</sup>
FSR	0.86:1	1:1	+17%	<b>1.08:1</b>	<b>+26%</b>

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

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

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

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

The applicant seeks to justify the contravention of the Clause 4.3 Height of Building 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 existing FSR for the site is 1:1 (which exceeds the maximum FSR control by 81.6 m2 in gross floor area or 17%). The proposal results in an additional 16.8m2 only, which is a minor increase.*
  - (ii) *Compliance with the development standard is unreasonable and unnecessary as the proposal will have limited impact on the streetscape presentation.*
- b) *That there are sufficient environmental planning grounds to justify contravening the standard:*
  - (i) *The proposed addition to the existing attic is fully contained within the footprint of the existing main roof structure and would be barely discernible from Fletcher Street as the new roof is proposed in the same material and angle as the existing roof. The proposed addition to the existing attic level is set back at the rear behind the levels below to minimise bulk and scale impacts and provide visual relief.*

- (ii) *The rear dormer window of the proposed addition to the existing attic level has been appropriately sited and designed to minimise any overlooking.*
- (iii) *The only additional overshadowing impact resulting from the proposal is to the west-facing window of the top level apartment at No. 23 Fletcher Street, which adjoins the subject site to the east.*
- (iv) *The intensity of the development is appropriate and acceptable, having regard to the 3 storey semi-detached dwelling adjacent to the west of the site at No. 19 Fletcher Street and the 4-storey residential flat building adjacent to the east of the site at No. 23 Fletcher Street.*
- (v) *The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone.*

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing:

- (i) The additional floor area is wholly within the existing envelope and does not result in additional bulk or does it change the scale of the building when viewed from the primary frontage of Fletcher Street. Due to the topography of Dellview Lane, the visual appearance of the additional floor space would not be prominently visible from the public domain.
- (ii) The new floor space does not have amenity impacts on neighbouring properties, nor does it result in view loss.
- (iii) The minor increase in gross floor area will not affect the intensity of development in the site, as the site will remain a single dwelling. The proposal will result in an increase to the living area and in turn enhance the amenity for occupants of the dwelling within the subject site.
- (iv) The minor increase in gross floor area allows for the upgrade of the building façade, which will have a positive impact on the building's presentation to the lane to the rear.

Is the development in the public interest?

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

The objectives of the Floor Space Ratio Control are to

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

The overall scale of the development is considered to remain in keeping with the overall bulk and character of the host dwelling. The attic level extensions are considered to fit appropriately within the existing footprint and building envelope, to produce an appropriate correlation between building height and density, whilst producing a design response that is compatible with the primary and secondary streetscapes.

The objectives of the R3 zone are to:

- (a) To provide for the housing needs of the community within a medium density residential environment.*
- (b) To provide a variety of housing types within a medium density residential environment.*
- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is considered to be an appropriate extension to the single dwelling, and would provide a variety of housing types within the medium density setting by retaining a family sized semi-detached dwelling in a streetscape. The proposed changes will ensure the facilities meet the day to day needs of the future occupants.

### Conclusion

For the reasons provided above, the requested variation to the floor space ratio standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.4 (floor space ratio) and the R3 Medium Density Zone.

### **2.1.5 Waverley Development Control Plan 2012**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal does not intensify the use of the site beyond a single dwelling. Therefore existing waste provisions are acceptable.
2. Energy and water conservation	Yes	BASIX Certificates have been submitted.
3.2 Biodiversity	Yes	<p>The rear of the site falls within the Biodiversity Habitat Corridor. The area within the corridor is occupied by a garage and lower ground floor lawn with a maximum substrate depth of 185mm. No existing vegetation is included within the corridor zone.</p> <p>Notwithstanding, two new integrated seating and planter beds are proposed with minimum depths of 450mm and are to house native vegetation only.</p> <p>A condition is recommended requiring submission of details demonstrating a landscape species selection has been prepared by a suitably qualified landscape or bushland regeneration professional in accordance with Annexure B2-1 of the Waverley DCP 2012 and that the planters be increased in size (min 600mm width) to provide greater opportunity for decent planting.</p>

**Table 3: Part C2 Low Density Residential Development Compliance Table**

The proposal is defined as a Dwelling House, meaning a building containing only one dwelling in accordance with the Waverley LEP 2012 definitions.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	Yes	No changes to external wall height.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	New attic level located to the rear of the ridge line only, and will not impact upon front building line.  The proposed new eave has been designed to be in keeping with the rear eave of the adjoining property 19 Fletcher Street. Whilst the attic is the first of its development at this level in the pair, it will maintain existing rear building lines for the semi-detached properties.
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>• Minimum of 0.9m</li> </ul>	No but existing	No changes to side setbacks
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• New development to be compatible with streetscape context</li> <li>• Replacement windows to complement the style &amp; proportions of existing dwelling</li> <li>• Significant landscaping to be maintained.</li> <li>• Porticos only permitted where a character of the streetscape</li> </ul>	Yes	No changes to front of dwelling proposed.  Replacement windows to the rear retain the proportions of existing window openings and modern design of the house approved under DA-340/2007.  Proposed extension to the rear only, and would only be visible from constrained oblique views. Attic to be finished in matching materials as existing roof to ensure addition is not



Development Control	Compliance	Comment
		<p>prominently discernible when viewed from public domain.</p> <p>Significant front landscaping retained. Additional landscaping to rear terrace proposed.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	Yes	<p><i>Eastern Elevation</i></p> <p>New windows proposed to the eastern (side) elevation addressing 23 Fletcher Street include:</p> <ul style="list-style-type: none"> <li>Windows W01,02,04,05 are accessed from bathrooms(non habitable) , and are fitted with privacy screening.</li> <li>Window W03 has no privacy screening proposed, however it is accessed from new stairway, which itself does not constitute a habitable room or space of congregation.</li> <li>The window W03 has been designed to align with the stairwell of 23 Fletcher Street and not to habitable rooms of the neighbouring flats.</li> </ul> <p><i>Western Elevation</i></p> <ul style="list-style-type: none"> <li>No new windows proposed for western (Side) elevation</li> </ul> <p><i>Northern Elevation</i></p> <ul style="list-style-type: none"> <li>No new windows proposed for Northern (front) elevation</li> </ul> <p><i>South Elevation</i></p> <ul style="list-style-type: none"> <li>New replacement of south facing windows at ground and first floor occupy existing openings and do not create new opportunities for overlooking.</li> <li>The proposed attic window is located 18m from the rear boundary and is accessed by bedroom only. It is considered to provide sufficient separation to protect the visual amenities of the properties in Dellview Lane and Carlisle Street.</li> </ul>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas</li> </ul>	Yes	<p>Sun Diagrams FLET-DA-900 Rev A (plan) and FLET-DA-901 Rev A (Elevations) demonstrate that living areas and principal open space areas</p>

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>		<p>of the adjoining properties maintain existing levels of solar access on 21 June.</p> <p>Newly created shadows to 23 Fletcher Street are to existing bathroom only, which does not constitute living area or habitable room.</p>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	<p>The location of the attic extension and new pool are designed to sit largely within the existing building envelope.</p> <p>The side boundary walls have a minor increase and predominant retention of glazing. It is considered the location and height of the side walls will not harm significant views from the adjoining Fletcher Street properties.</p> <p>The proposal is considered to be to be designed and sited so as to enable a sharing of views from the adjoining Fletcher Street Properties.</p>
<b>2.8 Car parking</b>		
<p>2.8.2 Design Approach</p> <ul style="list-style-type: none"> <li>Parking only allowed where site conditions permit</li> </ul>	Yes	<p>Notwithstanding the new changes for proposed pool, the garage is to be retained as per the approved plans under DA-340/2007.</p>
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	<p>It is noted the proposal results in the loss of the 16sqm of previously approved lawn space (DA-370/2007) of the lower terrace directly above the garage.</p> <p>However, noting that the space accommodates lawn only and no deep soil planting (existing space has a maximum approved depth of 185mm as per DA-370/2007) the proposal will not result in the loss of vegetation or tree canopy within the area.</p> <p>The existing lawn is connected via drainage systems to off site runoff, and does not retain sufficient on site filtration. The replacement with non-porous surfaces, subject to appropriate drainage strategies will not detract from existing levels of on site filtration.</p>

Development Control	Compliance	Comment
		<p>Front garden maintains existing 30% landscaped area with 3 significant trees to contribute to biodiversity and drainage on site.</p> <p>The proposed works retain the significant vegetation to the front garden and public verge, and is considered to have no impact upon the ecological value and significance of the flora and fauna on the site and surrounding area.</p> <p>The existing lawn area and proposed deck is not visible from the street, and the change in surface materiality will not harm the character of the development within the streetscape.</p> <p>Existing rear terraces (As approved under DA-340/2007) retained with additional planter boxes designed as integrated seating with 4sqm of planter beds at 450mm high to encourage adequate soil depths to support additional native vegetation on site (to be increased to 600mm width via condition).</p>
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	Yes	<p>Swimming pool is located at the rear of the property and not within side setback between dwellings.</p> <p>The proposed decking is existing and is considered to protect the visual privacy of the neighbouring properties of Fletcher Street and Dellview lane.</p> <p>The proposal uses the existing stepped form of the building to screen pool structures, and all pool equipment is proposed to be housed in acoustically treated storage structure.</p> <p>Conditions shall be imposed to ensure swimming pool complies with relevant legislation and that new pool fencing is clear to ensure views are not impacted.</p>
<b>2.11 Dormer windows</b>		
<ul style="list-style-type: none"> <li>If &lt; 2.5m from gutter to ridge, flush to the roof and maximum of one per single fronted dwelling or one pair on a double fronted dwelling</li> </ul>		<p>The ridge of the dormer is in keeping with the predominant roof form of the existing dwelling.</p> <p>The proposed attic extension has a maximum RL of 64.445, which is set down 1.08m from the existing ridgeline RL65.530.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Minimum 0.3m below main roof ridge</li> <li>Skillion dormer permitted at the rear of the roof, provided ridge line is maintained</li> </ul>		
<b>2.13 Semi-detached dwellings and terrace style development</b>		
<p>2.13.1 - Built form</p> <ul style="list-style-type: none"> <li>Additions to match the style of the original semi-detached dwelling</li> <li>Existing roof form maintained forward of principle ridgeline</li> <li>Use of roof as an attic permitted provided</li> <li>Front verandahs to be maintained.</li> </ul>	Yes	<p>The Design controls for dormers are met. (2.11 above)</p> <p>No external balconies are proposed for the attic room.</p> <p>The existing roof form as the dominant aspect of the street frontage is retained. (2.13.3 Below)</p> <p>The new works RL64.445 do not exceed the existing ridge height RL65.530.</p> <p>The new works remain cohesive with the existing roof form, pitch and finish.</p>
<p>2.13.3 - Material finishes and detail for semi-detached dwellings</p> <ul style="list-style-type: none"> <li>Finishes and detailing are to be cohesive with the existing dwelling</li> <li>Historic features of the roofscape are to be incorporated into the addition</li> <li>Dorms roof forms are to match the style of the original dwelling</li> <li>New windows to have a similar proportion to the existing</li> <li>Upper wall finishes to reflect the style &amp; character of the original building.</li> </ul>	Yes	<p>Whilst the form of the dormer for the attic extension is of a non-traditional design, it is considered that the design approach ensures the proposed style, pitch, materials, and colour of the extension match that of the host building.</p> <p>The design of the attic extension retains the characteristic plane of the hipped roof to the eastern side of the semi-detached pair.</p> <p>The materiality of the proposal complements the character of the existing roof form of the dwelling.</p> <p>Replacement windows to the rear are of a scale and proportion in keeping with the previous approval.</p>
<p>2.13.5- Streetscape and visual impact controls for terraces</p> <ul style="list-style-type: none"> <li>Additional storey reflects character of terrace</li> </ul>	Yes	<p>The main roof envelope of the existing building remains intact and the proposed dormer is of a proportional scale, size and orientation of the existing roof.</p> <p>Existing ridge of RL65.530 retained.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Extensions no higher than the existing ridge</li> <li>Attic conversions maintain existing roof envelope with only dormers</li> </ul>		
<b>2.14 Dual Frontage Development</b>		
<p>2.14.1 - General Controls</p> <ul style="list-style-type: none"> <li>Primary and secondary frontage to be defined</li> <li>Appropriate forms to be provided to each street</li> <li>Dormer or roof projections: <ul style="list-style-type: none"> <li>set a minimum of 0.6m from outer garage walls;</li> <li>set a minimum of 0.3m below the garage ridgeline; and</li> <li>not have a maximum combined width exceeding 50% of associated roof width.</li> <li>be detailed to address overlooking</li> </ul> </li> <li>Privacy treatments to be provided for first floors above garages</li> <li>Pedestrian pass door provided for single width garage doors</li> <li>Garage studios and rear lane garage develops are to be provided with landscaping</li> </ul>	Yes	<p>The site meets the definition of being a dual frontage development as a lot which has two frontages to streetscapes.</p> <p>Development has clearly identified the primary frontage as Fletcher Street, with secondary frontage of Dellview Lane. The primary frontage is retained as existing, and the new works to the rear are appropriately designed to ensure the key function of the lane is the provision of access to the site at the ground level garage and stairs.</p> <p>The proposed works to the terrace and new attic will enhance the activation and presentation of the dwelling to the lane. The works do not detract from existing levels of passive surveillance, are to be constructed with high quality design, materials and finishes, and will allow for new landscaping by way of planter boxes.</p>

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

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

One submissions was received. The issues raised in the submission are summarised and discussed below.

**Table 3: Summary of property addresses that lodged a submission**

Property
1/rear of 31 Carlisle St TAMARAMA, NSW 2026

***Issue: The proposal will encourage more people to be outdoors, disturbing the peace and quiet***

***Response:*** The proposal does not increase the number of units or density of the building. The use of a balcony is ancillary to the residential dwelling and is therefore considered appropriate within the R3 medium density residential zone.

***Issue: Concern about construction noise***

***Response:*** Appropriate conditions applied to manage noise and disturbance during construction period.

## **2.5 Public Interest**

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

## **3. REFERRALS**

### **3.1 Waste and Recycling – Sustainable Waverley**

The application was referred to Council’s Waste and Recycling team who provided standard conditions, which have been included.

## **4. SUMMARY**

The application seeks consent for alterations and additions to the existing single dwelling. The proposal includes the creation of new attic, creation of new lower ground level pool, internal reconfigurations, new windows and alteration to eave at the rear of the first floor to match the adjoining property 19 Fletcher Street, of which the site forms a pair.

The proposal results in a height of building non-compliance. The works to the attic level exceeds the height control, although they are below the height of the existing building. The proposal will not result in overshadowing, privacy or view loss impacts. The works are not visible from the primary streetscape, and will not be readily visible from the immediate context of the surroundings.

The proposal results in an FSR non-compliance. This non-compliance is acceptable as the new floor space is within the existing building envelope and does not add to the bulk and scale of the building.

One submission was received. The proposal is recommended for approval, subject to conditions.

**5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL**

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

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit (MR, BMcN,  
EF, AR) by:**

Rohan Johnston  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date:** 05/07/19

**Date:** 10/07/19

**Reason for referral:**

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

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by NICK BELL ARCHITECTS as follows:

<b>Drawing Number</b>	<b>Rev</b>	<b>Plan description</b>	<b>Date</b>	<b>Received by Council</b>
FLET – DA -100	A	SITE AND ROOF PLAN	09.04.2019	18/04/2019
FLET – DA -101	A	BASEMENT PLAN	09.04.2019	18/04/2019
FLET – DA -102	A	LOWER GROUND FLOOR PLAN	09.04.2019	18/04/2019
FLET – DA -103	A	GROUND FLOOR PLAN	09.04.2019	18/04/2019
FLET – DA -104	A	FIRST FLOOR PLAN	09.04.2019	18/04/2019
FLET – DA -105	A	ATTIC FLOOR PLAN	09.04.2019	18/04/2019
FLET – DA - 110	A	LANDSCAPE PLAN	09.04.2019	18/04/2019
FLET – DA - 111	A	WATER MANAGEMENT PLAN	09.04.2019	18/04/2019
FLET – DA -200	A	SECTION A	09.04.2019	18/04/2019
FLET – DA -201	A	REAR (SOUTH) ELEVATION	09.04.2019	18/04/2019
FLET – DA -202	A	SIDE (EAST) ELEVATION	09.04.2019	18/04/2019
FLET – DA -203	A	FRONT (NORTH) ELEVATION	09.04.2019	18/04/2019
FLET – DA - 910	A	SCHEDULE OF EXTERNAL FINISHES	09.04.2019	18/04/2019
FLET – DA - 911	A	SCHEDULE OF EXTERNAL FINISHES	09.04.2019	18/04/2019

(b) BASIX and NatHERs Certificate;

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

Except where amended by the following conditions of consent.

#### **2. PRIVACY SCREENS AS APPROVED**

Existing privacy screens (to the rear) installed as per required under Land and Environment Court Decision 10187 of 2018 are to be retained or reinstalled to the specification as detailed in that decision.

#### **3. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.



#### **4. APPROVED USE -DWELLING HOUSE**

This application approves the use of the building/s on the site for a single dwelling house.

#### **5. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **7. SECTION 7.12 CONTRIBUTION**

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

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

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

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

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

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the

revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

#### **8. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$ **10,557.50** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

#### **9. LONG SERVICE LEVY**

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

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

#### **10. HOARDING REQUIRED**

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**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

#### **11. ENGINEERING DETAILS**

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

#### **12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

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

#### **13. EXISTING PARTY WALL IS TO BE EXTENDED**

The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. The plans are to be notated accordingly prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority.

All work to the separating wall must be contained within the boundaries of the subject site only.

However, in the case of an agreement between neighbours for work affecting both sides of a separating wall, written consent of all owners of all properties upon which work will take place must be obtained. The consent must clearly stipulate if approval is granted for works to the separating wall OR if approval is granted for vertical or lateral support use of the separating wall. It is the responsibility of the applicant to determine the relevance of any cross easements affecting the separating wall.

Where it is not possible to obtain the adjoining owners' consent, it must then be demonstrated that the works are to be supported independently of the separating wall and do not rely on the separating wall for lateral or vertical support. Detailed plans must be accompanied by a certificate from a qualified and practising Structural Engineer. It is not sufficient for a Structural Engineer to state that the works will impose no additional load on the separating wall.

These details are to be supplied to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Separating wall consent does not prevent you and your neighbour entering into any private agreement. For example, to make good any damage from the works. This is a civil matter between neighbours.

#### **14. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

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

#### **15. DILAPIDATION REPORTS**

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

Please note the following:

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

for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

## **16. STORMWATER MANAGEMENT**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

## **17. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **18. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

## **19. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **20. LANDSCAPE PLAN AND PLANTINGS IN A HABITAT CORRIDOR**

A landscape plan is to be submitted and approved by Council's Tree Management Officer (or delegate) with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants.

- (a) A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.
- (b) To provide greater opportunity for landscaping on site, the planters to the rear terrace shall be increased in size to a minimum width of 600mm and minimum depth of 600mm and landscaped accordingly.

## **21. LANDSCAPED SLABS**

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

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **22. PRIOR TO SITE WORKS**

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

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

### **23. HOME BUILDING ACT**

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

### **24. CONSTRUCTION SIGNS**

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

### **25. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **26. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **27. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;

- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **28. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

## **29. ASBESTOS REMOVAL**

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

## **30. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 Environment Operations (Noise Control) Regulation 2000.

### **31. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

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.

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

### **32. TEMPORARY DIVERSION OF ROOF WATERS**

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

### **33. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

### **34. CONSTRUCTION INSPECTIONS**

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

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

The specified **MANDATORY** inspections for **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;

- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

### **35. CERTIFICATE OF SURVEY – LEVELS**

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

### **36. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF**

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

### **37. PARTY WALL**

The existing party wall is to be extended to the underside of the roof in accordance with the requirements of the Building Code of Australia.

### **38. TREATMENT OF BOUNDARY WALLS**

The wall/s approved on the western boundary with the 19 Fletcher Street are to be finished to the same high standard as the remaining building and not left unfinished to ensure a pleasing aesthetic to adjoining buildings.

### **39. SERVICE PIPES**

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

#### **40. STREET TREES TO BE RETAINED**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

#### **41. TREE PROTECTION**

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

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

#### **42. WORK OUTSIDE PROPERTY BOUNDARY**

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

#### **43. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of **RL54.510**.
- (f) The swimming pool, including fencing and/or barriers shall comply with the requirements of the Swimming Pool Act 1992 and Swimming Pool Regulation 2018.

(g) Pool fencing to be clear glazing to minimise impact on views.

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

**44. NO WORKS BEYOND BOUNDARIES**

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

**45. SIDE FENCE HEIGHT**

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **46. FINAL OCCUPATION CERTIFICATE**

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

### **47. STORMWATER MANAGEMENT**

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

### **48. SWIMMING POOL/OUTDOOR SPA CERTIFICATION**

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

### **49. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area

by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

Application No: DA-122/2019  
Date Received: 18/04/2019

BASIX REQUIREMENTS

- FIXTURES
- SWIMMING POOL OF ≤8.75 kL VOLUME TO BE CONSTRUCTED OUTDOORS, HAVE A POOL COVER, POOL PUMP, TIMER & AN ELECTRIC HEAT PUMP.
  - RAINWATER TANK TO BE CONSTRUCTED OF MIN. 754L TO COLLECT FROM MIN. 5m<sup>2</sup> OF ROOF AREA & CONNECTED TO A TAP LOCATED WITHIN 10M OF THE EDGE OF THE POOL.
- LIGHTING
- A MINIMUM OF 40% OF LIGHT FIXTURES ARE TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT, OR LED LAMPS.

- CONSTRUCTION
- EXTERNAL WALLS TO ACHIEVE R.130 INSULATION (OR R1.70 INCLUDING CONSTRUCTION)

AREA CALCULATIONS

SITE AREA: 219 m<sup>2</sup>  
PERMITTED MAX. FSR: 0.86:1

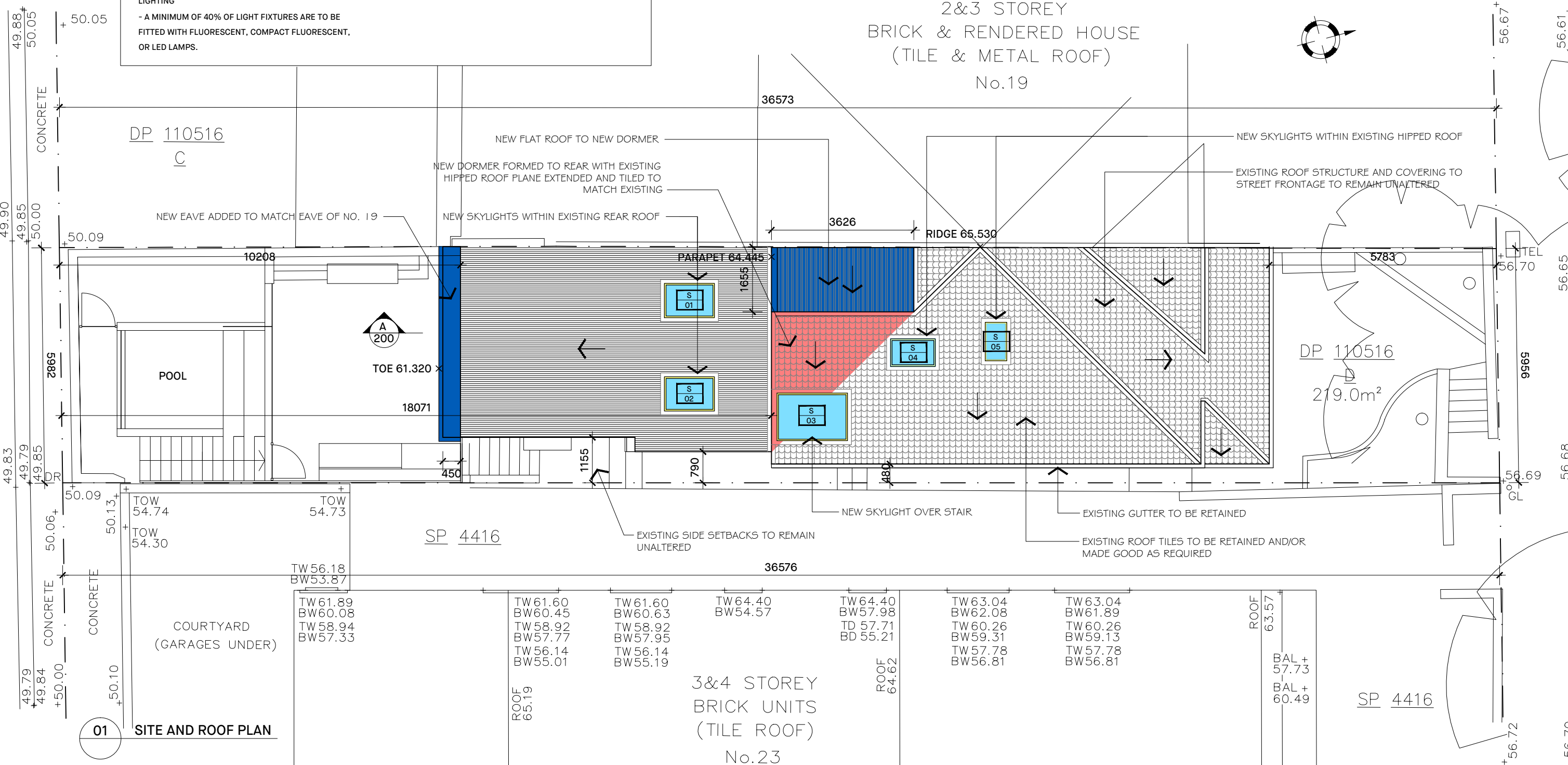
EXISTING GFA & FSR CALCULATIONS  
EXISTING GFA: 220.7 m<sup>2</sup>  
EXISTING FSR: 1:1

PROPOSED GFA & FSR CALCULATIONS  
PROPOSED TOTAL GFA: 237.5m<sup>2</sup>  
PROPOSED FSR: 1.08:1

KEY

- DEMOLITION
- EXISTING WALLS/ STRUCTURES IN SECTION
- NEW WALLS/ STRUCTURES IN SECTION
- EXTERNAL TILES/ PAVING
- INTERNAL TILES
- BRICK
- TIMBER
- STEEL/ ALUMINIUM
- GLASS
- CONCRETE
- FIBRE CEMENT/ CEMENT RENDER
- EARTH
- GRAVEL
- COPPER

2&3 STOREY  
BRICK & RENDERED HOUSE  
(TILE & METAL ROOF)  
No.19



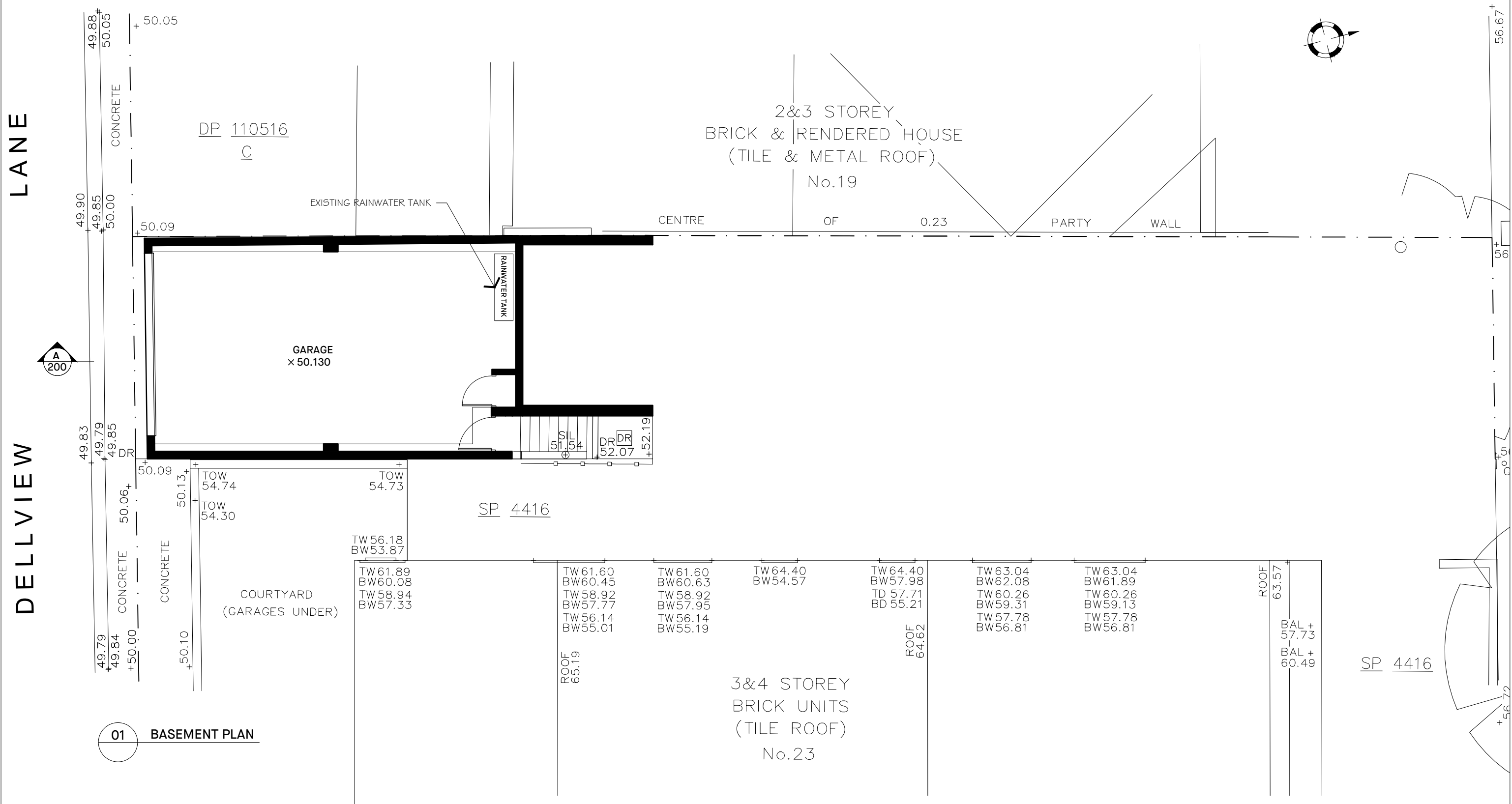
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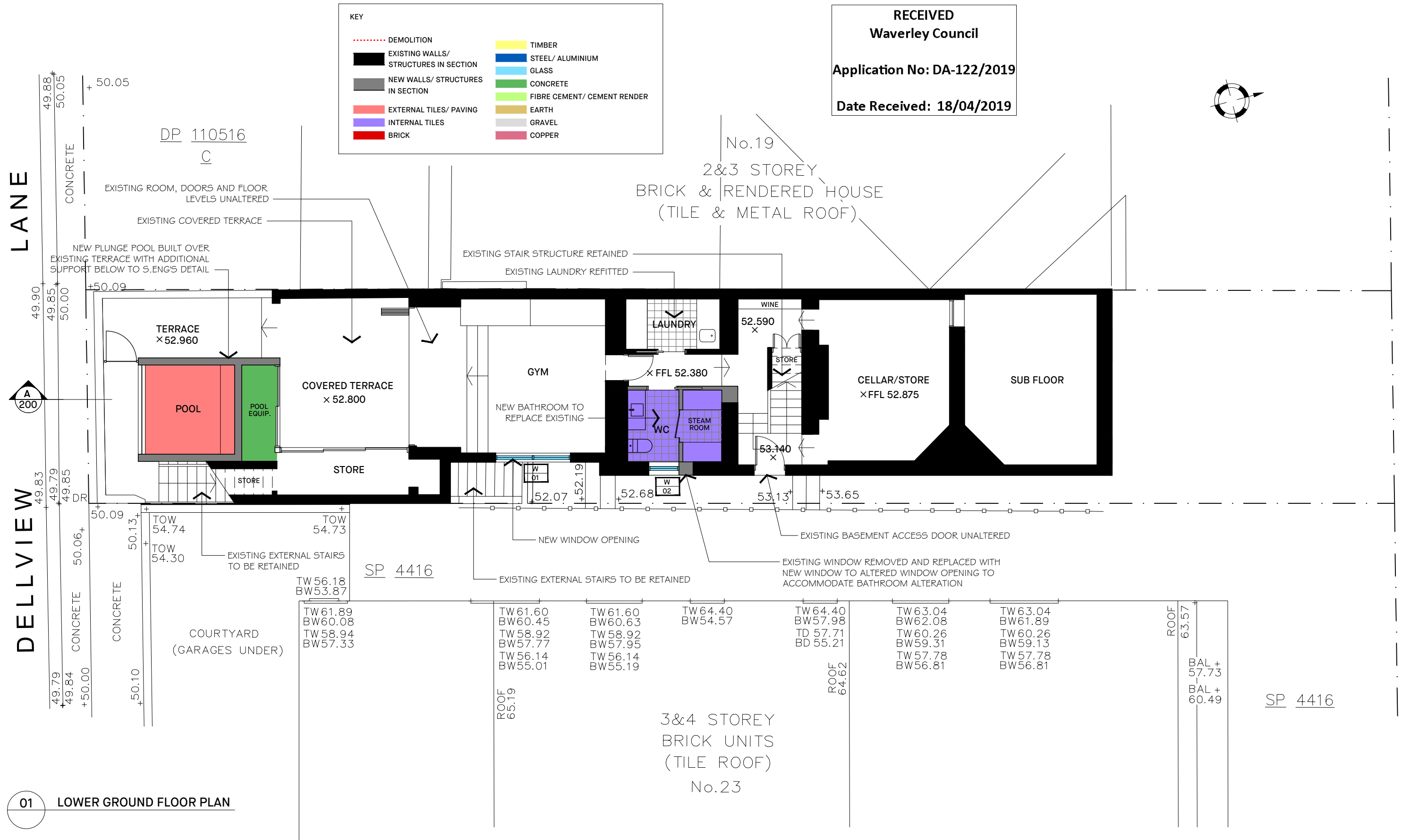
REV	DATE	DESCRIPTION
A	09.04.2019	ISSUED FOR DEVELOPMENT APPLICATION

CLIENT	ERIN O'CONNOR & WAI KWOK	DRAWING	SITE AND ROOF PLAN
ADDRESS	21 FLETCHER STREET TAMARAMA NSW 2026	SCALE	1:100 @ A3
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		REVISION	A





<div>NICK BELL ARCHITECTS</div> <div>+61 2 9699 3572 ADMIN@NICKBELLARCHITECTS.COM L2 27 RENNY ST, PADDINGTON NSW 2021 NICKBELLARCHITECTS.COM</div>	REV	DATE	DESCRIPTION	<div>KEY</div> <div><div>EXISTING STRUCTURE IN SECTION</div><div>NEW STRUCTURE IN SECTION</div><div>OUTLINE OF EXISTING STRUCTURE TO BE REMOVED</div></div>	CLIENT	ERIN O'CONNOR & WAI KWOK	DRAWING	BASEMENT PLAN
	A	09.04.2019	ISSUED FOR DEVELOPMENT APPLICATION		ADDRESS	21 FLETCHER STREET TAMARAMA NSW 2026	SCALE	1:100 @ A3
					Check all dimensions on site and report any discrepancies immediately before proceeding with the works. DO NOT SCALE FROM DRAWINGS. Accuracy of dimensions on site are the responsibility of the contractor. This drawing is the copyright of Nick Bell Architects and must not be used, copied or re-produced in whole or part except by written agreement. Nominated Architect: Nick Bell - NSW Registration Number 8322		DWG NO.	FLET-DA-101
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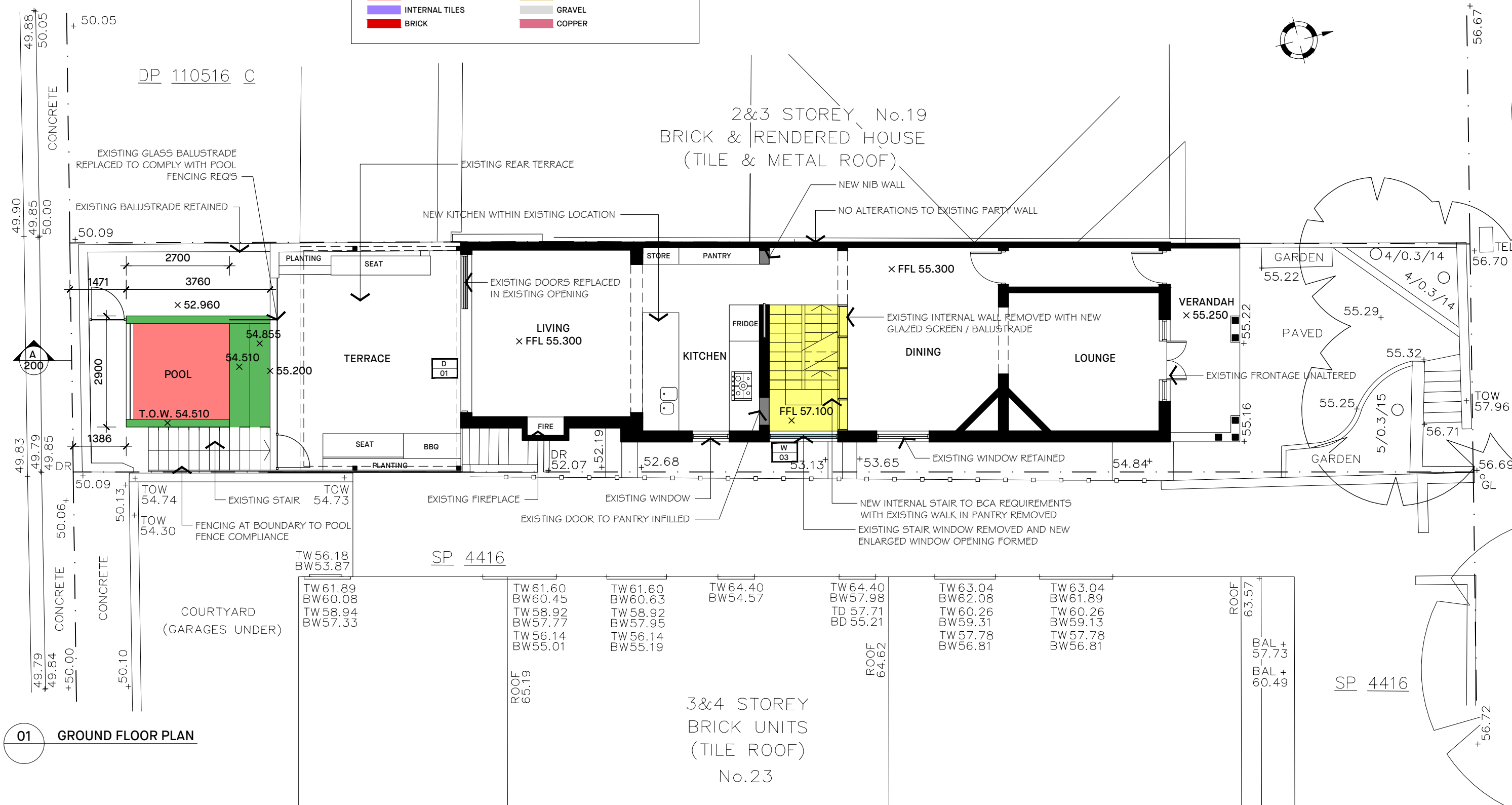
REV	DATE	DESCRIPTION
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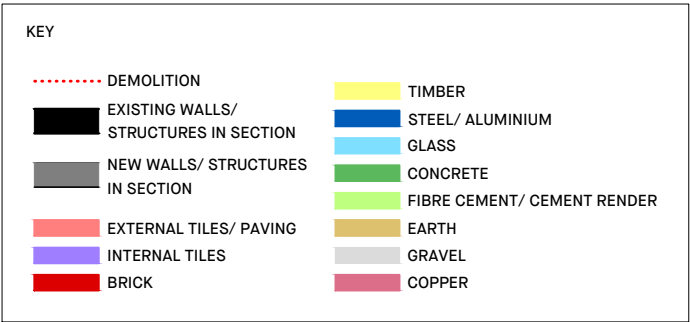
CLIENT	ERIN O'CONNOR & WAI KWOK	DRAWING	LOWER GROUND FLOOR PLAN
ADDRESS	21 FLETCHER ST TAMARAMA NSW 2026	SCALE	1:100 @ A3
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		REVISION	A

KEY	
.....	DEMOLITION
■	EXISTING WALLS/ STRUCTURES IN SECTION
■	NEW WALLS/ STRUCTURES IN SECTION
■	EXTERNAL TILES/ PAVING
■	INTERNAL TILES
■	BRICK
■	TIMBER
■	STEEL/ ALUMINIUM
■	GLASS
■	CONCRETE
■	FIBRE CEMENT/ CEMENT RENDER
■	EARTH
■	GRAVEL
■	COPPER

LANE

DELLVIEW



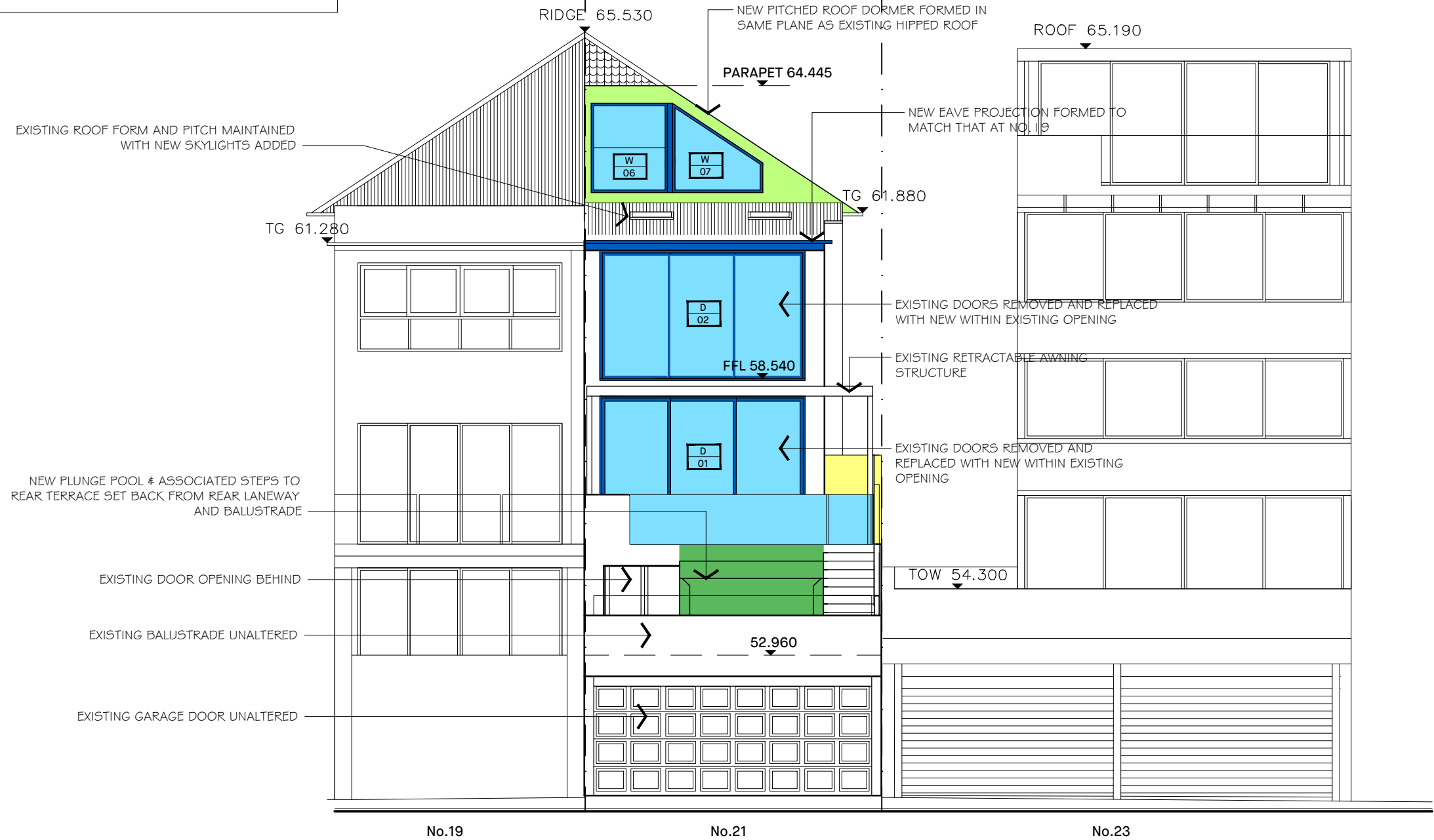
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KEY	
..... DEMOLITION	TIMBER
EXISTING WALLS/ STRUCTURES IN SECTION	STEEL/ ALUMINIUM
NEW WALLS/ STRUCTURES IN SECTION	GLASS
EXTERNAL TILES/ PAVING	CONCRETE
INTERNAL TILES	FIBRE CEMENT/ CEMENT RENDER
BRICK	EARTH
	GRAVEL
	COPPER



01 REAR (SOUTH) ELEVATION

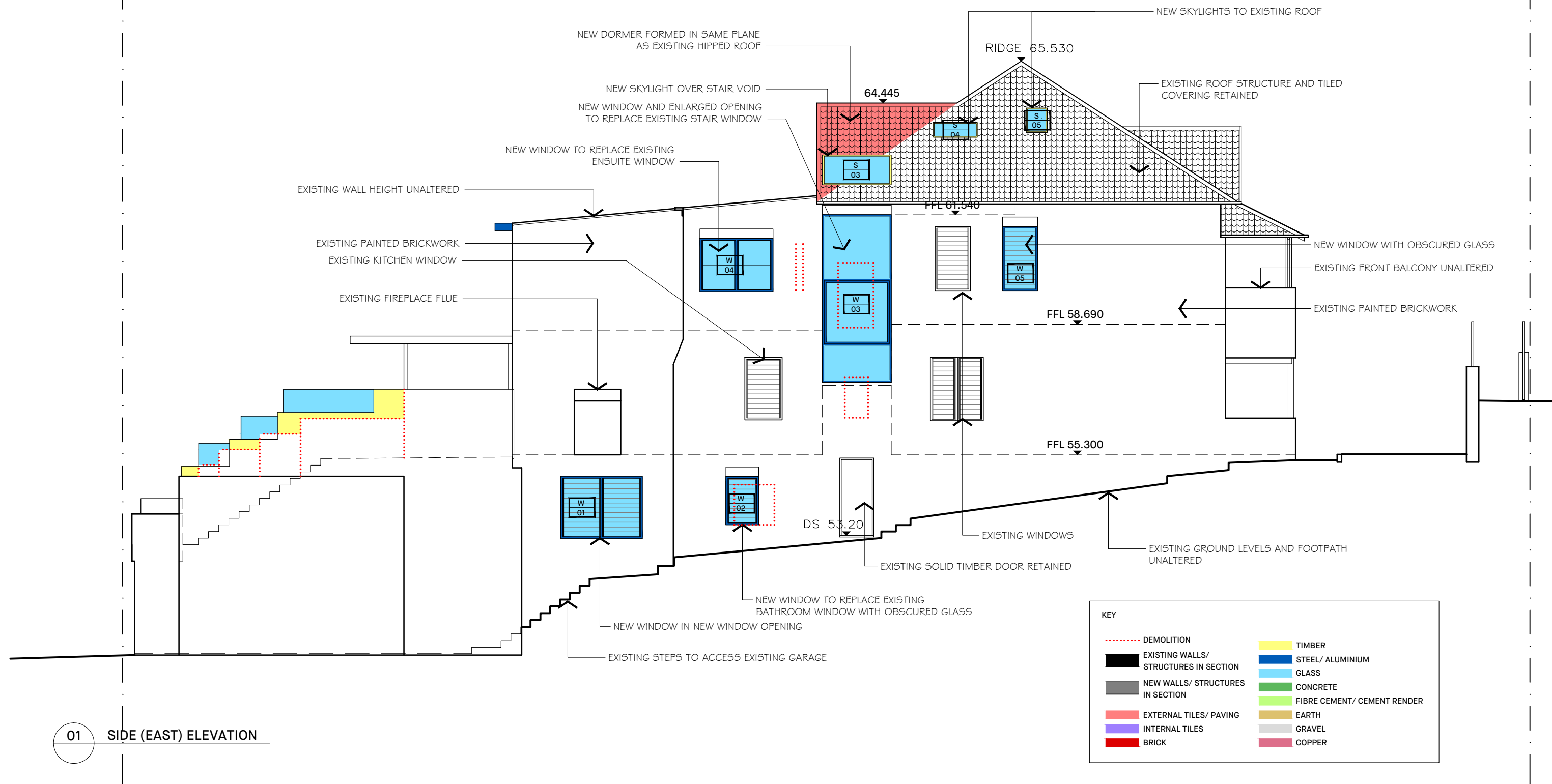
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REV	DATE	DESCRIPTION
A	09.04.2019	ISSUED FOR DEVELOPMENT APPLICATION

CLIENT	ERIN O'CONNOR & WAI KWOK	DRAWING	REAR (SOUTH) ELEVATION
ADDRESS	21 FLETCHER ST TAMARAMA NSW 2026	SCALE	1:100 @ A3
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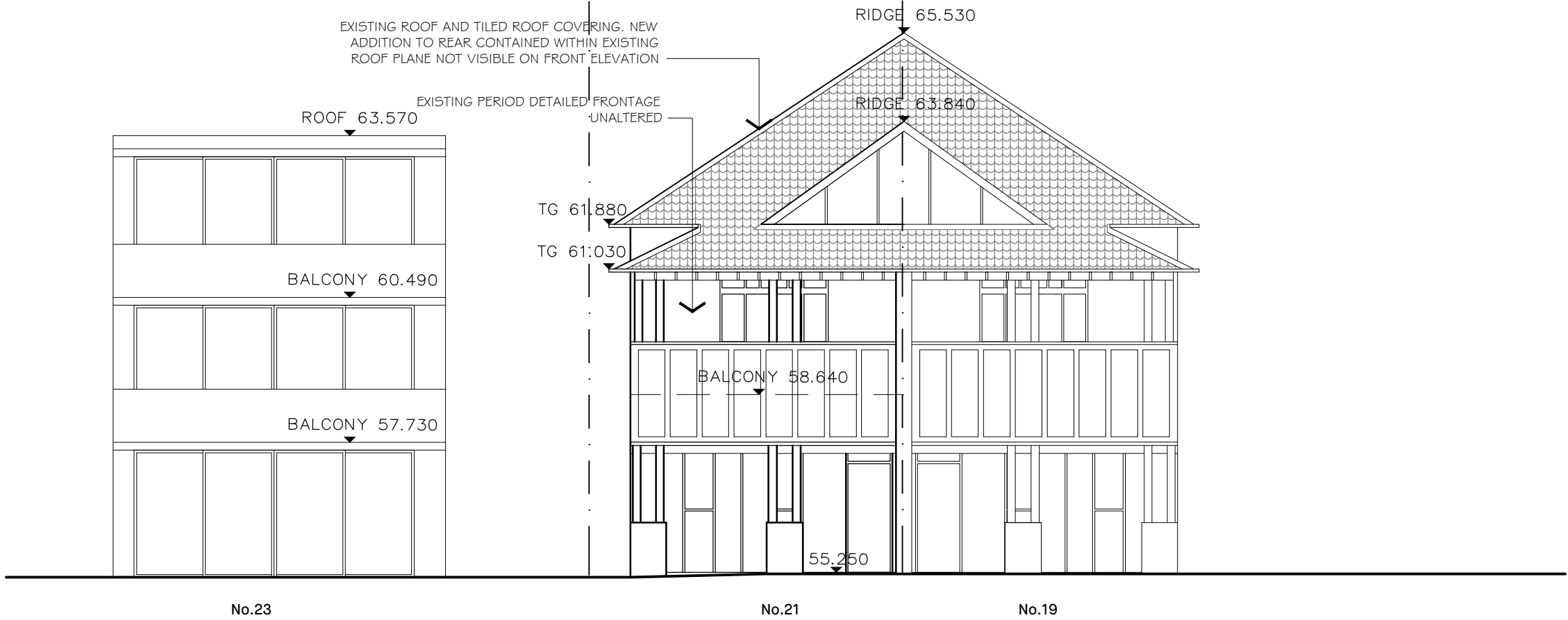
01 SIDE (EAST) ELEVATION

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REV	DATE	DESCRIPTION
A	09.04.2019	ISSUED FOR DEVELOPMENT APPLICATION

CLIENT	ERIN O'CONNOR & WAI KWOK	DRAWING	SIDE (EAST) ELEVATION
ADDRESS	21 FLETCHER ST TAMARAMA NSW 2026	SCALE	1:100 @ A3
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01 FRONT (NORTH) ELEVATION

KEY

..... DEMOLITION

EXISTING WALLS/  
STRUCTURES IN SECTION

NEW WALLS/ STRUCTURES  
IN SECTION

EXTERNAL TILES/ PAVING

INTERNAL TILES

BRICK

TIMBER

STEEL/ ALUMINIUM

GLASS

CONCRETE

FIBRE CEMENT/ CEMENT RENDER

EARTH

GRAVEL

COPPER

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REV

DATE

DESCRIPTION

A

09.04.2019

ISSUED FOR DEVELOPMENT APPLICATION

CLIENT

ERIN O'CONNOR & WAI KWOK

ADDRESS

21 FLETCHER ST  
TAMARAMA  
NSW 2026

DRAWING

FRONT (NORTH) ELEVATION

SCALE

1:100 @ A3

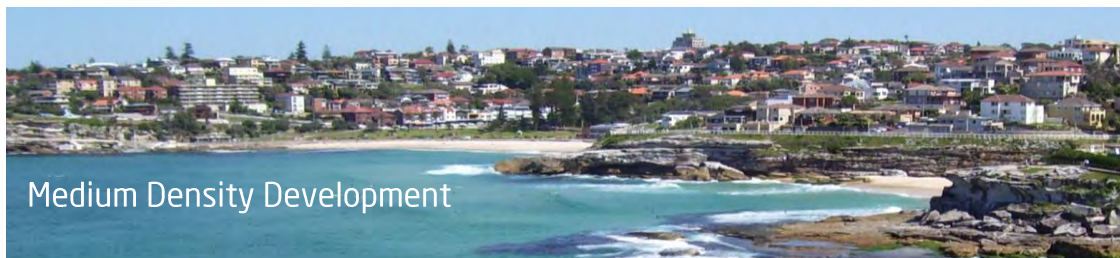
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Nominated Architect: Nick Bell - NSW Registration Number 8322

DWG NO.

FLET-DA-203

REVISION

A



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-8/2019
<b>Site address</b>	9/45 Sir Thomas Mitchell Road, Bondi Beach
<b>Proposal</b>	Alterations and additions to roof space of existing residential flat building to convert into attic addition associated with unit 9.
<b>Date of lodgement</b>	24 January 2019. Amended plans submitted 13 May 2019
<b>Owner</b>	K Payne and SP 12610
<b>Applicant</b>	K Payne
<b>Submissions</b>	1
<b>Cost of works</b>	\$200,000.00
<b>Issues</b>	LEP Compliance
<b>Recommendation</b>	That the application be APPROVED

**Site Map**



## **1. PREAMBLE**

### **1.1 Site and Surrounding Locality**

A site visit was carried out on 10 March 2019.

The site is identified as Lot 9 and common property in SP 12610. The site is known as 9/45 Sir Thomas Mitchell Road, Bondi Beach. The site is located on the north eastern side of Sir Thomas Mitchell Road between Forest Knoll Avenue and Ormond Street.

The site is irregular in shape with a splayed southern frontage of 16.295m to Sir Thomas Mitchell Road and an area of 568.8m<sup>2</sup>. The site falls from the street frontage towards the rear by around 1.8m.

The site is occupied by a 3 storey residential flat building containing 9 dwellings. No vehicle access is available.

The subject site is adjoined by a 3 storey residential flat buildings on either side. To the south is a 3 storey residential flat building and to the rear is a 2 storey semidetached dwelling and residential flat buildings. The locality is characterised by a variety of residential development, including semidetached dwellings, dwelling houses and residential flat buildings.



**Figure 1:** Subject site frontage to Sir Thomas Mitchell Road





**Figure 2:** Site viewed from the rear and adjoining building.

## **1.2 Relevant History**

There is no relevant history for the site.

In relation to the subject application, the application was deferred on 7 March 2019 seeking floor plans for entire building, amended clause 4.6 statement, improvement needed to address controls contained in the DCP for attic additions, privacy impacts and fire safety measures.

Additional information was received by Council on 13 May 2019 and the application is assessed having regard to these.

## **1.3 Proposal**

Development consent to carry out alterations and additions to the existing residential flat building including the following works:

- Internal alterations to provide access stairs from unit 9 attic addition above.
- Conversion of a section of the roof space to attic area containing a bedroom, shower and rear facing balcony. The roof structure is to be extended to a gable end to accommodate part of the additions and located at the rear of the building.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

#### 2.1.2 SEPP 55 Remediation of Land

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

#### 2.1.3 SEPP 65 Design Quality of Residential Apartment Development

The SEPP does not apply to this development as the proposal is considered minor works pursuant to 4(1)(a)(ii) of the SEPP.

#### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 12.5m	No	14.4m
4.4 Floor space ratio • 0.9:1 Permitted • 1.25 Existing	No	1.31:1 (41.45%)

Provision	Compliance	Comment
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is located in a class 5 acid sulfate soil zone. The proposal being an attic conversion would not be impacted by the soil classification.

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

### **Exceptions to Development Standards**

#### *Clause 4.3 Height of buildings*

The proposal has an overall building height of up to 14.4m, which exceeds the height of buildings development standard of 12.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.9mm or 15.2%.

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

- The roof addition will match the existing ridge height of the roof at RL 37.74.
- The proposal is consistent with the zone objectives in that it meets the housing needs of the community and provides a variety of housing types within a medium density residential environment. The additional bedroom will be discrete and provide additional habitable space within the building within the established building height, envelope and architectural profile.
- The proposal is consistent with the objectives of the standard. The building was built to past standards and has an appropriate correlation between height and density. The proposal extends the ridge at the existing height of RL 37.74.
- The proposal will not result in a loss of views over the property.
- The proposed height is considered appropriate in the interwar residential flat building. The proposal is contained mainly within the building envelope and the minor addition does not result in an undesirable visual outcome and bulk impact to adjoining sites and is not considered an overdevelopment of the site.
- An attic addition was approved at 47 Sir Thomas Mitchell Road (DA-492/2017). (It is noted the design of the attic addition was different and at the side, not the rear).
- The proposal will not result in any undue impacts on the adjoining buildings.

Having regard to the circumstances of the case, given that the additions are at the rear of the building and encouraged by Council's DCP which allows attic additions to residential flat building, and having regards to the 4.6 Objection submitted by the applicant, it is considered that compliance is



unreasonable or unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify contravening the development standard and the proposal will be in the public interest because it is consistent with objectives of the development standard and zone.

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 1.31:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 235.8m<sup>2</sup> in gross floor area or 41.45%.

The permitted 0.9:1 FSR would result in a building with a floor area of 511.92m<sup>2</sup>.

The existing building being an older style residential flat building is well in excess of the maximum, being 711.9m<sup>2</sup> or 1.25:1.

The proposal seeks to add an additional 35.8m<sup>2</sup> of floor space partially within the existing roof form and results in a floor space of 747.7m<sup>2</sup> and fsr of 1.31:1. The variation sought is 235.8m<sup>2</sup> in excess of the permitted fsr or 41.45%.

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

- The proposal is consistent with the zone objectives in that it meets the housing needs of the community and provides a variety of housing types within a medium density residential environment. The additional bedroom will be discrete and provide additional habitable space within the building within the established building height, envelope and architectural profile.
- The proposal is consistent with the objectives of the standard. The building was built to past standards and has an appropriate correlation between height and density. The variation from the existing fsr of 1.25:1 to the proposed 1.31:1 is 0.06. The applicant suggests the variation is acceptable as it is a minor roof addition to the residential flat building, is at the rear and has minor impact on adjoining sites.
- The proposed fsr is considered appropriate for the interwar residential flat building. The proposal is contained mainly within the building envelope and the minor variation does not result in an undesirable visual outcome, bulk impact to adjoining sites and is not considered an overdevelopment of the site.
- An attic addition was approved at 47 Sir Thomas Mitchell Road (DA-492/2017). (It is noted the design of the attic addition was different and at the side, not the rear).
- The proposal will not result in any undue impacts on the adjoining buildings.

Having regard to the circumstances of the case, given that the additions are at the rear of the building and encouraged by Council's DCP, especially when utilising existing roof space for usable floor area and having regards to the 4.6 Objection submitted by the applicant, it is considered that compliance is unreasonable or unnecessary in the circumstances of the case. There are sufficient environmental planning grounds to justify contravening the development standard and the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.

#### **2.1.5 Waverley Development Control Plan 2012**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.  The waste and recycling storage area is located in an area convenient for users of the site.
5. Tree preservation	Yes	There are no trees impacted by the proposal.

**Table 3: Waverley DCP 2012 – Part C3 Medium Density Residential Development Compliance Table**

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

Development Control	Compliance	Comment
<b>3.1 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>Minimum frontage: 15m – R3 zone</li> </ul>	Yes	The site has a frontage of 16.295m.
<b>3.2 Height</b>		
<ul style="list-style-type: none"> <li>Maximum external wall height: 9.5m</li> </ul>	Yes	No increase, addition is contained in an extension of the hip roof.
<b>3.3 Setbacks</b>		
3.3.2- Side and rear setbacks		
<ul style="list-style-type: none"> <li>Side setback</li> </ul>	Yes	No change to side boundary setback as contained in the hip roof.
<ul style="list-style-type: none"> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback.</li> </ul>	Yes	Stepped rear building line. Proposal considered satisfactory.
<b>3.5 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> </ul>	Yes	Addition at rear therefore no streetscape impact.
<ul style="list-style-type: none"> <li>Sympathetic external finishes</li> </ul>	Yes	Building has tiled finish to match existing.
<ul style="list-style-type: none"> <li>Removal of original architectural features not supported.</li> </ul>	Yes	No original features being removed.
<b>3.6 Attic and roof design</b>		
<ul style="list-style-type: none"> <li>Attic must be wholly within the a pitched roof form</li> </ul>	No	Attic located wholly in the existing roof pitch, but also sought to be extended to a gable end at the rear.
<ul style="list-style-type: none"> <li>Not exceed 50% of the floor of area of the floor below</li> </ul>	Yes	The additional floor space is less than 50% of the lower dwelling.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Not contain independent dwellings and must be accessed via internal stairs</li> <li>Be naturally ventilated</li> <li>Minimum room width: 3m</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Contains a bedroom ancillary to the dwelling below.</p> <p>The dwelling has natural ventilation in the form of openable skylights and rear balcony doors. The habitable area depth (&gt;2.4m) is at least 3m.</p>
<ul style="list-style-type: none"> <li>Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m</li> <li>Dormer windows and skylights to be less than 50% of roof elevation</li> </ul>	<p>No</p> <p>N/A</p>	<p>Conditioned to comply with BCA.</p>
<b>3.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 170.6m<sup>2</sup></li> <li>50% of the above is to be deep soil: 85m<sup>2</sup></li> </ul>	N/A	No change.
<b>3.10 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum 15% communal (R3 zone): 85m<sup>2</sup></li> <li>Minimum dimensions: 6m x 6m</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	N/A	No change.
<b>3.11 – Private Open Space</b>		
3.11.2 – Balconies/decks		
<ul style="list-style-type: none"> <li>Balcony additions to match the character of the building</li> </ul>	Yes	The balcony will be the only one on the building, however given its location it will not be out of character with the building.
<ul style="list-style-type: none"> <li>Should not dominate the façade</li> </ul>	Yes	The balcony will not dominate the rear façade.
<ul style="list-style-type: none"> <li>Located to maximise solar access and privacy</li> </ul>	Yes	The balcony will not impact solar access and is less than the balcony width and area associated with a dwelling house.
<b>3.13 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units on 21 June.</li> </ul>	Yes	The existing building overshadows neighbouring properties. The degree of additional afternoon shadowing is not considered to increase the impact.
<b>3.14 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss through design</li> </ul>	Yes	The proposal will not impact view lines.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Views from public spaces to be maintained.</li> </ul>		
<b>3.15 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	Yes	The outlook from the small balcony would be over the development to the rear in Lamrock Avenue.
<b>3.17 Ceiling Heights</b>		
<ul style="list-style-type: none"> <li>Min 2.4m floor to ceiling height attic levels</li> </ul>	No	2.4m provided for a width of 3m. This is less than the required 2/3. Conditioned to comply with BCA.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	The addition adjoins roof space.
<b>3.20 Natural Ventilation</b>		
<ul style="list-style-type: none"> <li>All dwellings to be naturally cross-ventilated</li> </ul>	Yes	Openable skylights and balcony doors maximize air flow.
<ul style="list-style-type: none"> <li>Building to be orientated to maximise breezes</li> </ul>	Yes	Openable skylights and balcony doors maximize air flow.
<ul style="list-style-type: none"> <li>Ceiling fans are to be provided in all habitable rooms.</li> </ul>	Yes	Provided.
<b>3.22 Interwar Flat Buildings</b>		
3.22.1 – General		
<ul style="list-style-type: none"> <li>Retain the character of the building</li> </ul>	Yes	There will be no change to the publicly visible character of the building.
<ul style="list-style-type: none"> <li>Preserve the integrity of the building and retain original building fabric and decorative elements &amp; parapets</li> </ul>	Yes	The majority of the original fabric is retained.
<ul style="list-style-type: none"> <li>Minimise alterations and additions and be secondary to existing building</li> </ul>	Yes	The additions are considered discrete and secondary to the main building.
<ul style="list-style-type: none"> <li>Differentiate between old and new additions</li> </ul>	Yes	Whilst materials will match the conversion of the existing hip to a gable end will differentiate.
<ul style="list-style-type: none"> <li>Minimise visibility of new works from the public domain.</li> </ul>	Yes	The new works will not be visible from the street.

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

### **Attic to be wholly contained in the building roof.**

The attic seeks to provide an attic addition at the rear of the existing residential flat building. The additions are not wholly contained in the existing roof which presently has a hip end. The addition is proposed partly within the roof cavity and seeks to alter the roof form to the rear to provide a gable end addition. The extension of the roof form has its own issues in relation to breaching the height maximum. This has been dealt with above.

The gable end is considered a satisfactory design solution to the provision of an attic to the building and not dissimilar to other attic additions approved. The design of the resulting building is considered satisfactory and in keeping with the style and period of the building. The attic addition will not result in any undue impacts on adjoining sites and it is noted no objections to the proposal were received.

The variation is considered acceptable on the above grounds.

### **Minimum Ceiling Height**

The DPC requires that the ceiling to the addition be 2.4m for at least 2/3 of the floor area of the attic addition. The proposal is less than this amount being around 10.12m<sup>2</sup>. The remainder varies down to 2.2m on the sides. Council's Building Surveyor has viewed the proposal and applied a condition that the ceiling heights for this habitable level must comply with the BCA or an alternate solution provided. No external alterations to the building to accommodate this is permitted without the submission of an amended proposal to Council.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

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

## **2.3 Suitability of the Site for the Development**

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

## **2.4 Any Submissions**

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

One submission was received questioning whether the development had body corporate approval. The approval has been confirmed and noted by the submitter. The amended plans were such that they did not require renotification having regard to the DCP.

## **2.5 Public Interest**

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

### 3. REFERRALS

#### 3.1 FIRE SAFETY OFFICER

Council's Fire Safety Office has viewed the proposal and has advised that there may be a number of non compliances with the BCA, including but not limited to:

- i. Possible fire separation issues between existing residential sole occupancy units and common areas (Section C of BCA).
- ii. Ceiling heights

Note: All new building works must comply with the BCA, in particular, protection of openings and fire resistance levels of building elements. The Certifying Authority must ensure subject works can comply with the BCA prior to the issue of a Construction Certificate.

The officer has provided conditions of consent that are recommended for imposition.

### 4. SUMMARY

The application seeks to carry out alterations and additions to the existing residential flat building, including an attic roof conversion/ extension associated with unit 9. The existing building exceeds the maximum floor space ratio and height for the zone. Clause 4.6 Objections have been submitted and are assessed in the body of this report.

Following an initial assessment the proposal was altered to better comply with the BCA and Council's DCP. The variations were not sufficient to warrant renotification.

The additions are generally satisfactory and no objections were submitted to the proposal. No Councillor submissions have been received and no declarations of conflict of interest have been received. The submission received did not object to the proposal and has been dealt with.

On balance the proposal is supported.

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

Peter Thomas  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment - Central**

**Date: 21 June 2019**

**Date: 9 July 2019**

**Reason for referral:**

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

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos DA01a – DA008a, tables and documentation prepared by Archi Spectrum, dated 10 May 2019, and received by Council on 13 May, 2019,
- (b) BASIX Certificate No. A324669 dated 1 November 2018, and received by Council on 24 January 2019;
- (c) BCA Report and documentation prepared by Matt Shuter dated 03 May 2019, and received by Council on 13 May 2019;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The attic addition (Plan No. DA03 a) associated with Unit 9 must be provided with a ceiling height that complies with the requirements of Clause F3.1 of the BCA. Detailed plans verifying compliance with this condition are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (b) If compliance with the deemed to satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternate building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Environmental Planning and Assessment Act to be lodged with Council to amend this consent.

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

#### **3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT**



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

**4. NEW DEVELOPMENT APPLICATION REQUIRED**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **5. SECTION 7.12 CONTRIBUTION**

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

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

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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

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

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

#### Advisory Note

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

### **6. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$6100.00 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

### **7. LONG SERVICE LEVY**

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

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

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

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

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

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

#### **9. ESSENTIAL SERVICES - EXISTING BUILDING**

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

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

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

#### **10. FIRE SAFETY UPGRADING WORKS**

- a) In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, **unit 9** must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
  - (i) The entire attic area (including roof void) of unit 9 must be separated from other adjoining sole occupancy units and internal common areas by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

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

#### **11. HOARDING REQUIRED**

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

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

#### **12. ENGINEERING DETAILS**

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

#### **13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

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

#### **14. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

**15. STORMWATER MANAGEMENT**

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

**16. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

**17. ROOFWATER GUTTERING**

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

**18. BASIX**

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

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

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

**19. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS**

Noise attenuation is to be achieved in all new components of the works approved in this development application, by a minimum of the following standards:

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

- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

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

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **20. PRIOR TO SITE WORKS**

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

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

### **21. HOME BUILDING ACT**

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

### **22. OBSTRUCTION TO PUBLIC AREAS**

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

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

### **23. CONSTRUCTION SIGNS**

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

### **24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan



prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

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

## **25. ASBESTOS REMOVAL**

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

## **26. DEMOLITION & SITE PREPARATION**

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

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

## **27. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or

(iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

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

## **28. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

## **29. STOCKPILES**

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

## **30. LOCATION OF BUILDING OPERATIONS**

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

## **31. TEMPORARY DIVERSION OF ROOF WATERS**

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

**32. ALL BUILDING MATERIALS STORED ON SITE**

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

**33. CONSTRUCTION HOURS**

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

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

(b) Sundays and public holidays

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

**34. BUILDING CODE OF AUSTRALIA**

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

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

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

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

The specified **MANDATORY** inspections are:

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

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

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

- (a) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (b) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

**36. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

**37. ROOFING MATERIAL TO MATCH EXISTING**

The roof covering to the proposed rear attic addition is to have a uniform appearance to match the roof covering over the existing residential flat building.

**38. WATER PROOFING**

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

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

**39. HOT TAP WATER SCALDING**

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

**40. SMOKE ALARM SYSTEM**

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

**41. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED**

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **42. FINAL OCCUPATION CERTIFICATE**

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

### **43. STRATA SUBDIVISION**

The strata plan is to be amended to incorporate the new boundaries of lot 9.

### **44. STORMWATER**

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

### **120. FIRE SAFETY WORKS**

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

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

### **45. FIRE SAFETY - EXITS**

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

### **46. FIRE SAFETY MAINTENANCE**

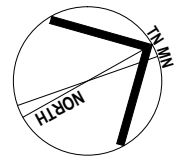
Access to all essential fire safety measures, such as fire hydrants, fire hose reels, portable fire extinguishers and the like must be maintained at all times and not be blocked or obstructed by furniture, equipment or the like.

### **47. LIGHTING**

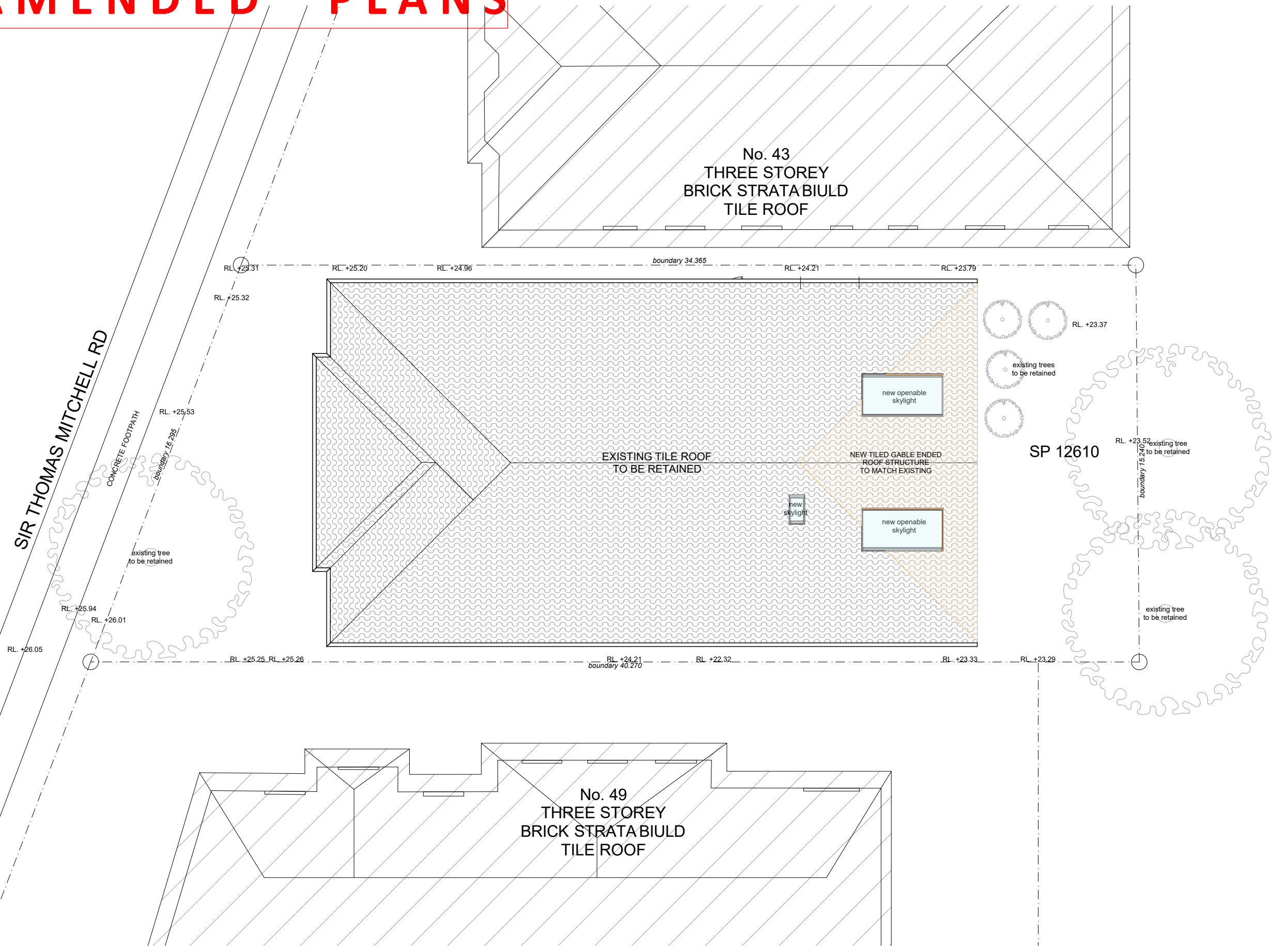
- (a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control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

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

# AMENDED PLANS

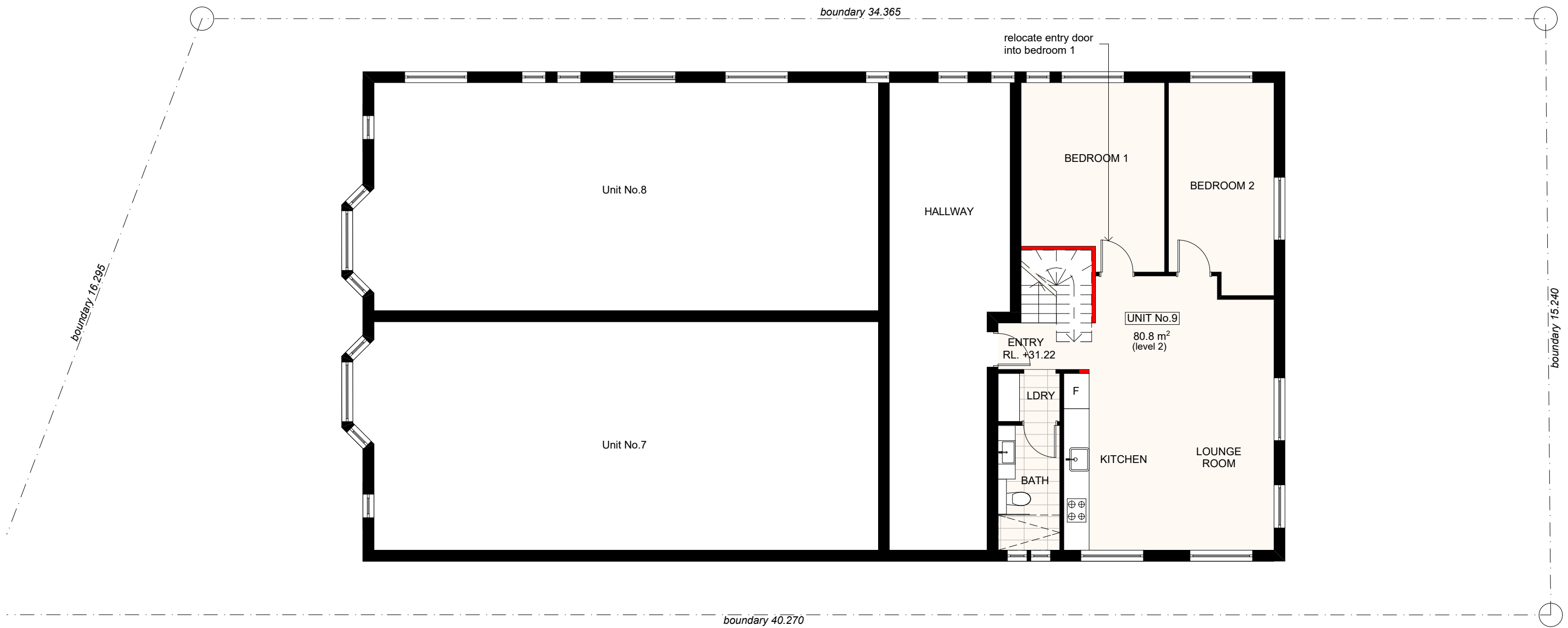


**Site Context Plan**  
SCALE 1:150



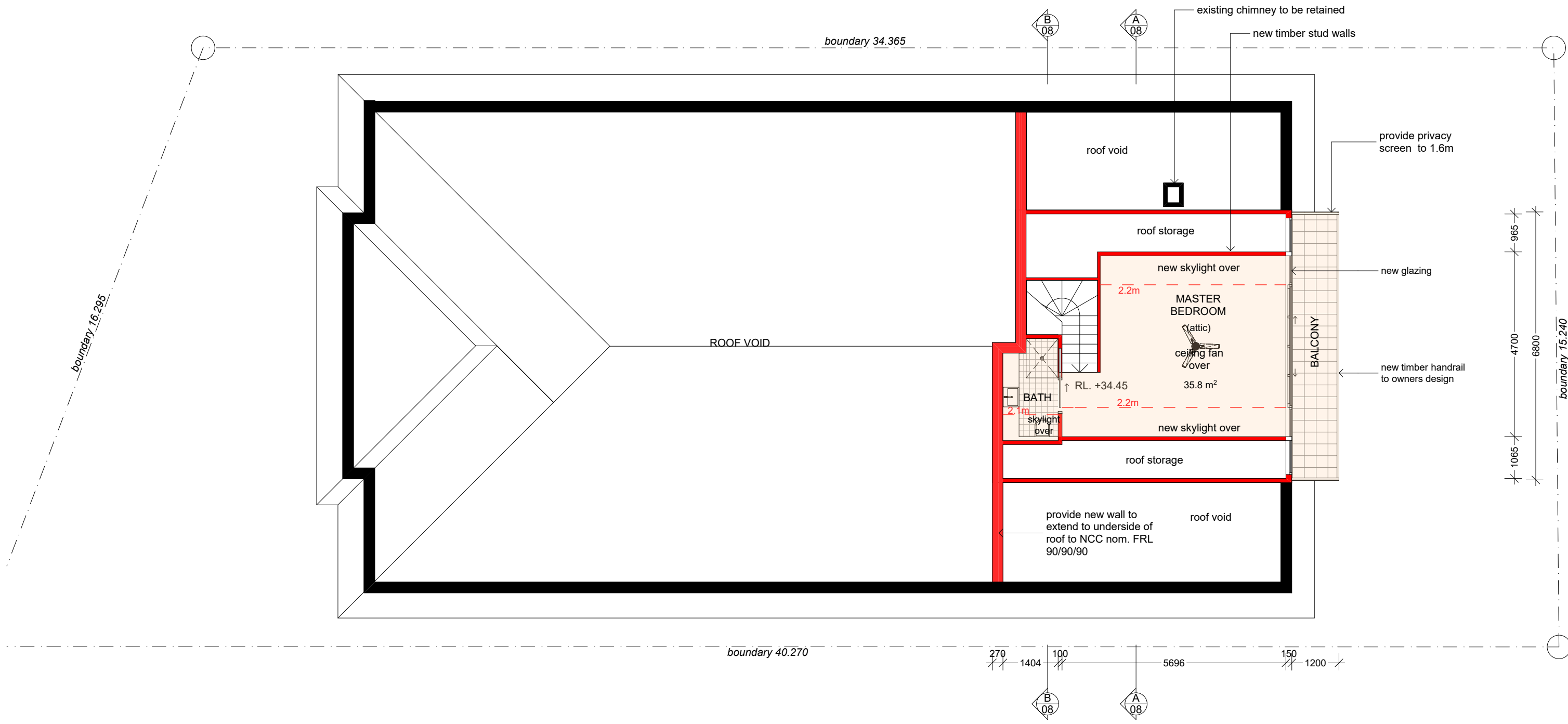
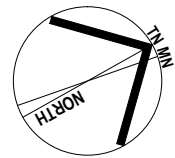


# AMENDED PLANS



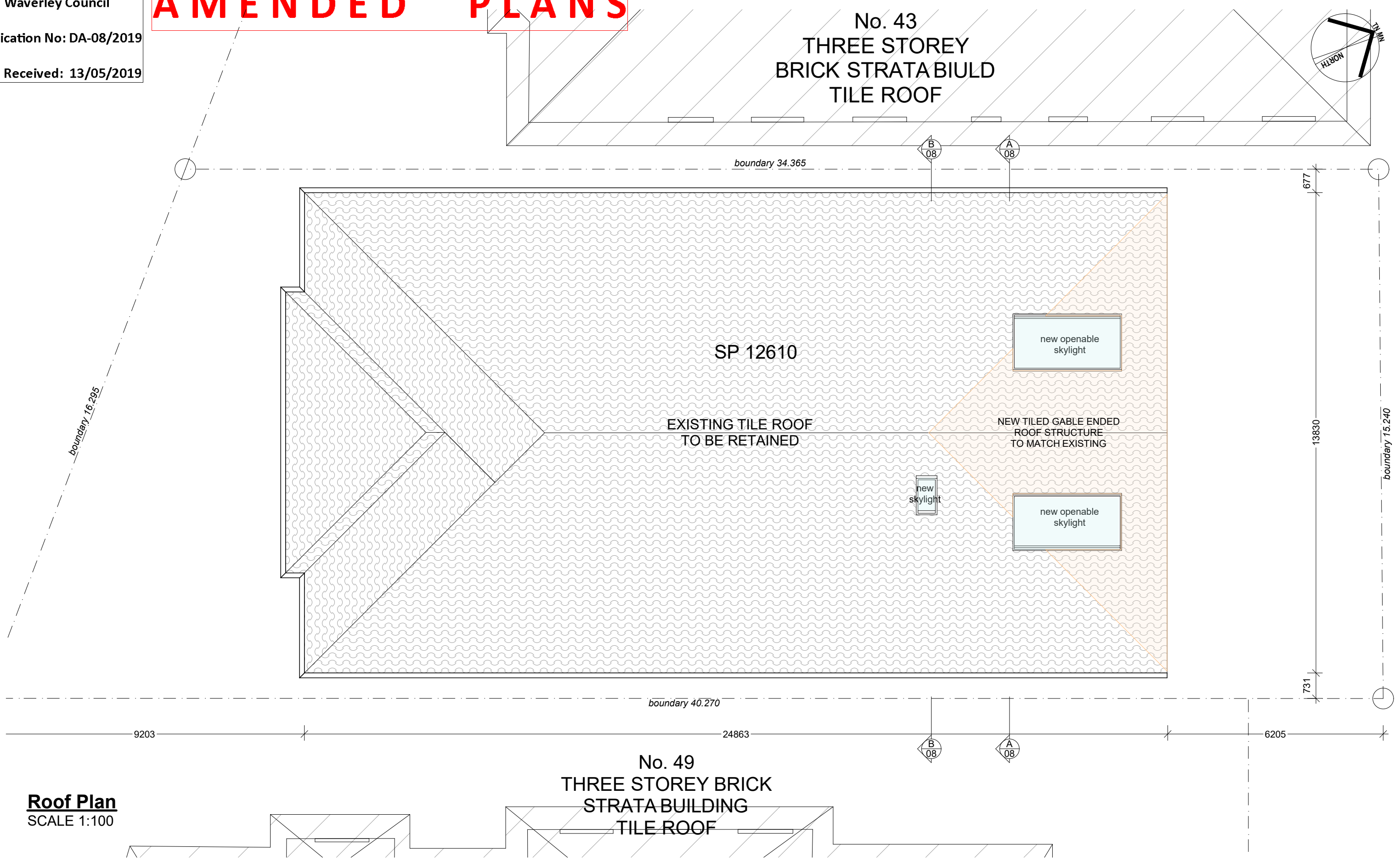
**Modified Second Floor Plan**  
SCALE 1:100

AMENDED PLANS

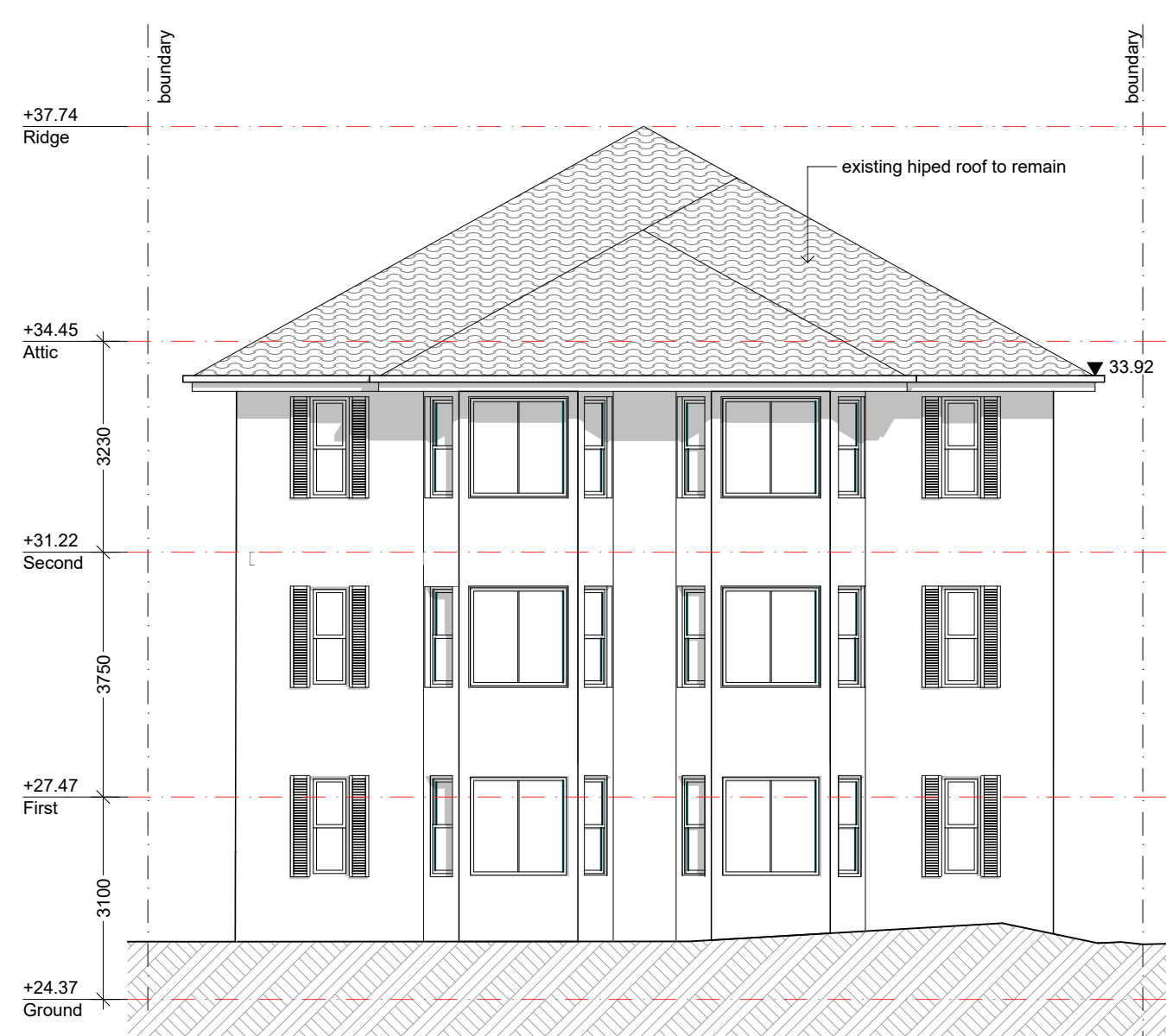


**Modified Attic Floor Plan**  
SCALE 1:100

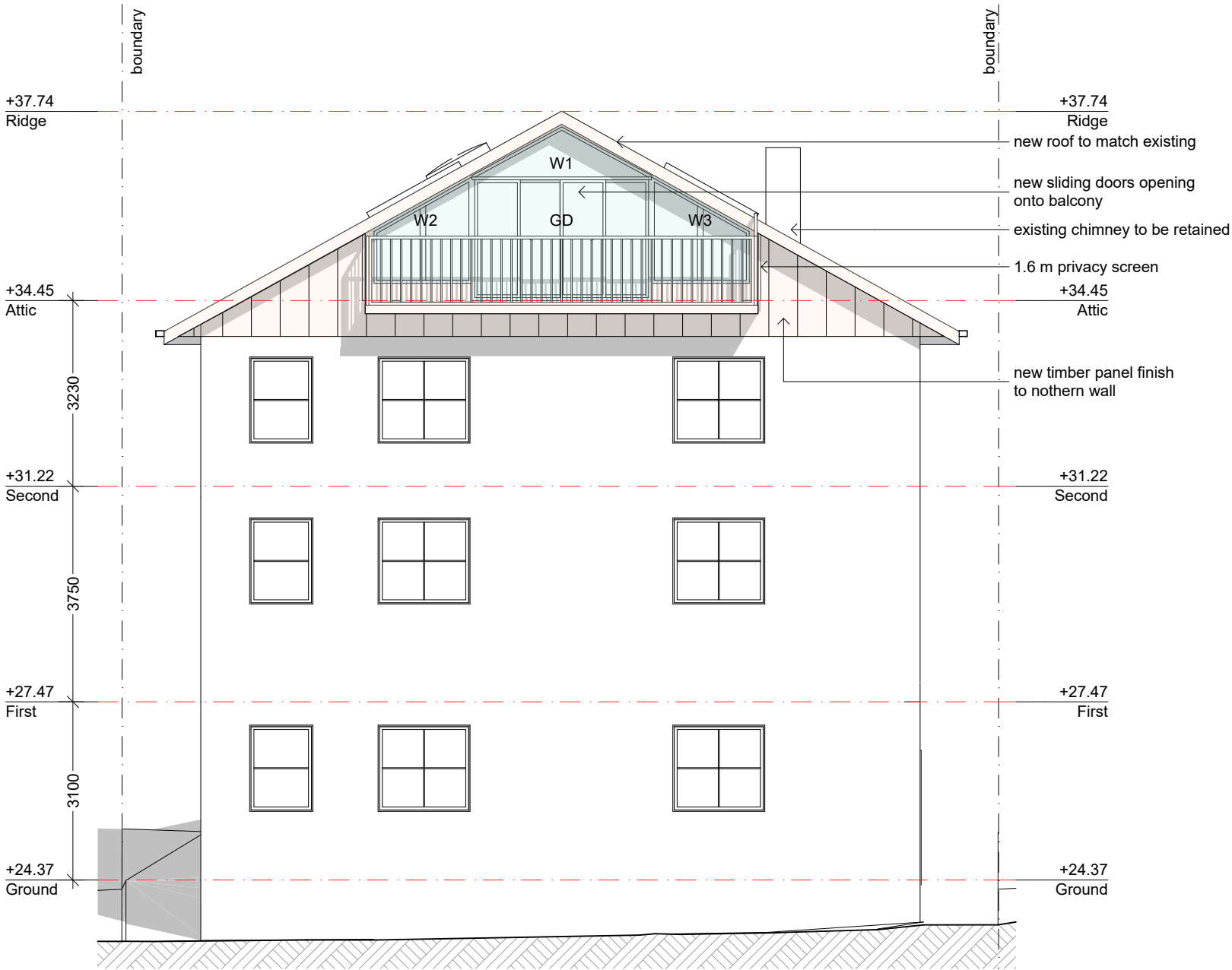
# AMENDED PLANS



**Roof Plan**  
SCALE 1:100

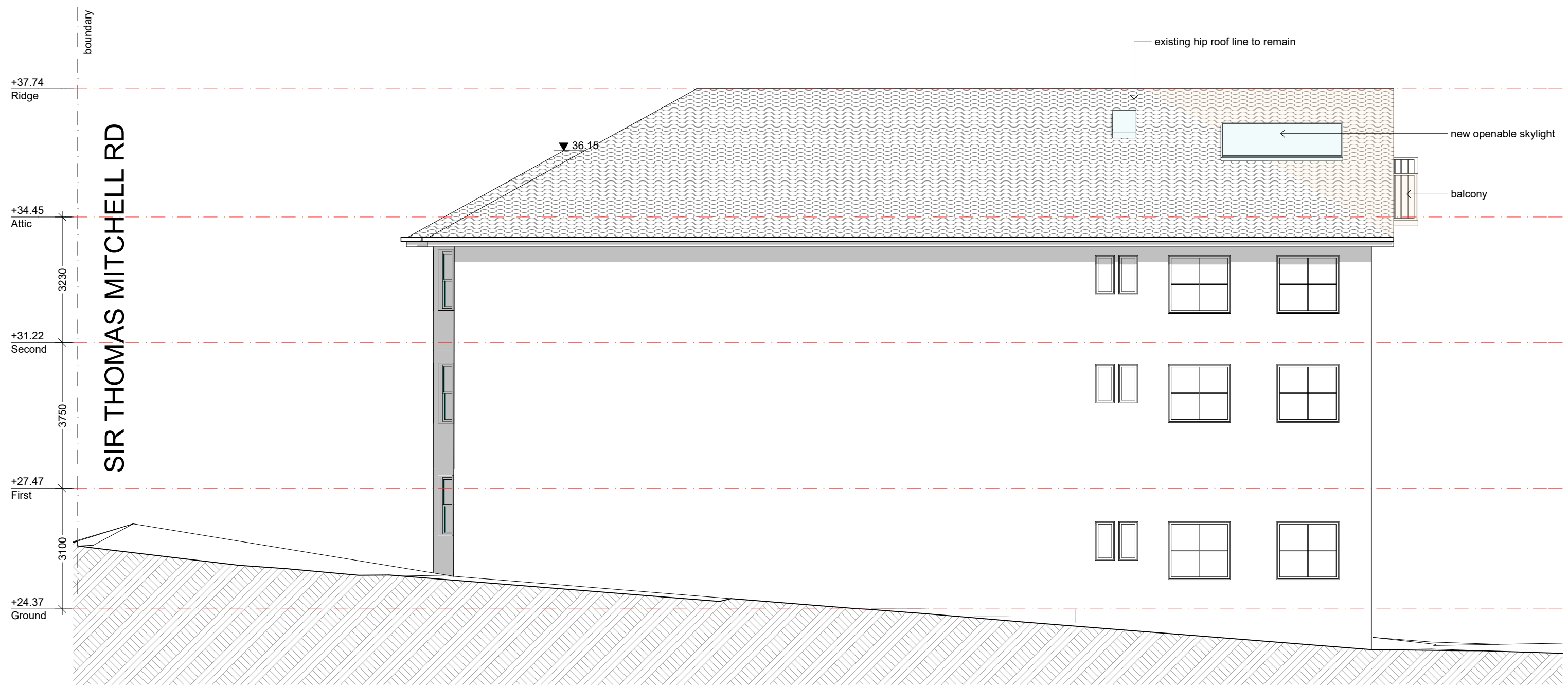


**South-Western (Street) Elevation**  
SCALE 1:100



**North-Eastern (Rear) Elevation**  
SCALE 1:100

# AMENDED PLANS



**South-Eastern Elevation**  
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	10.05.2019	DA issue for Council

PROJECT:  
**Alterations & Additions**  
9/45 Sir Thomas Mitchell Rd, Bondi

CLIENT:  
**K Payne**  
9/45 Sir Thomas Mitchell Rd, Bondi

SHEET TITLE:  
**South-Eastern Elevation**

SCALE: 1:100 @ A3  
DRAWN: KW

SHEET SIZE: DWG NO: REVISION:

**A3 DA06 a**  
**177**

# AMENDED PLANS



**North-Western Elevation**  
SCALE 1:100

ISSUE	DATE	DESCRIPTION
A	10.05.2019	DA issue for Council

PROJECT:  
**Alterations & Additions**  
9/45 Sir Thomas Mitchell Rd, Bondi

CLIENT:  
**K Payne**  
9/45 Sir Thomas Mitchell Rd, Bondi

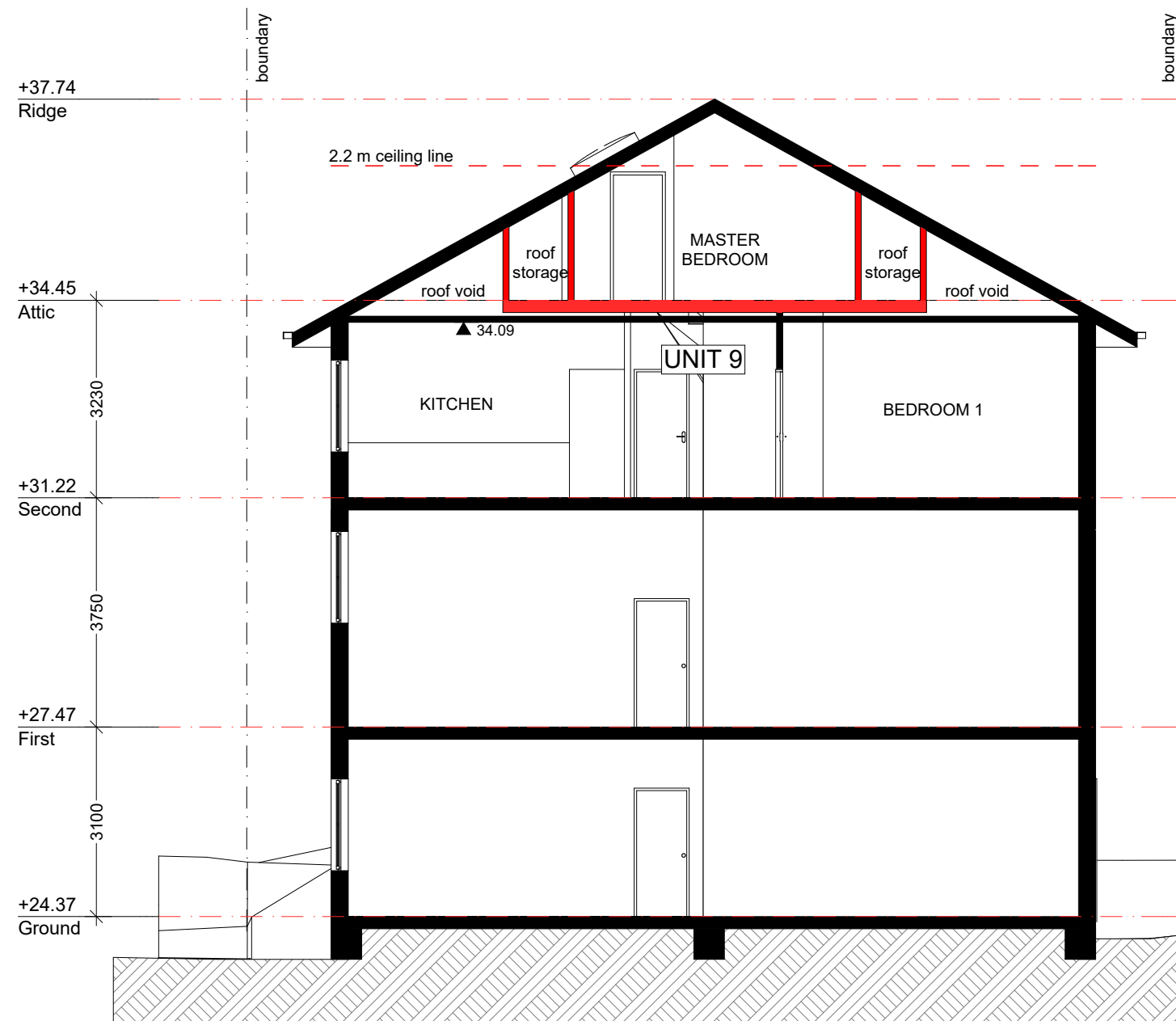
SHEET TITLE:  
**North-Western Elevation**

SCALE: 1:100 @ A3  
DRAWN: KW  
SHEET SIZE: DWG NO: REVISION:

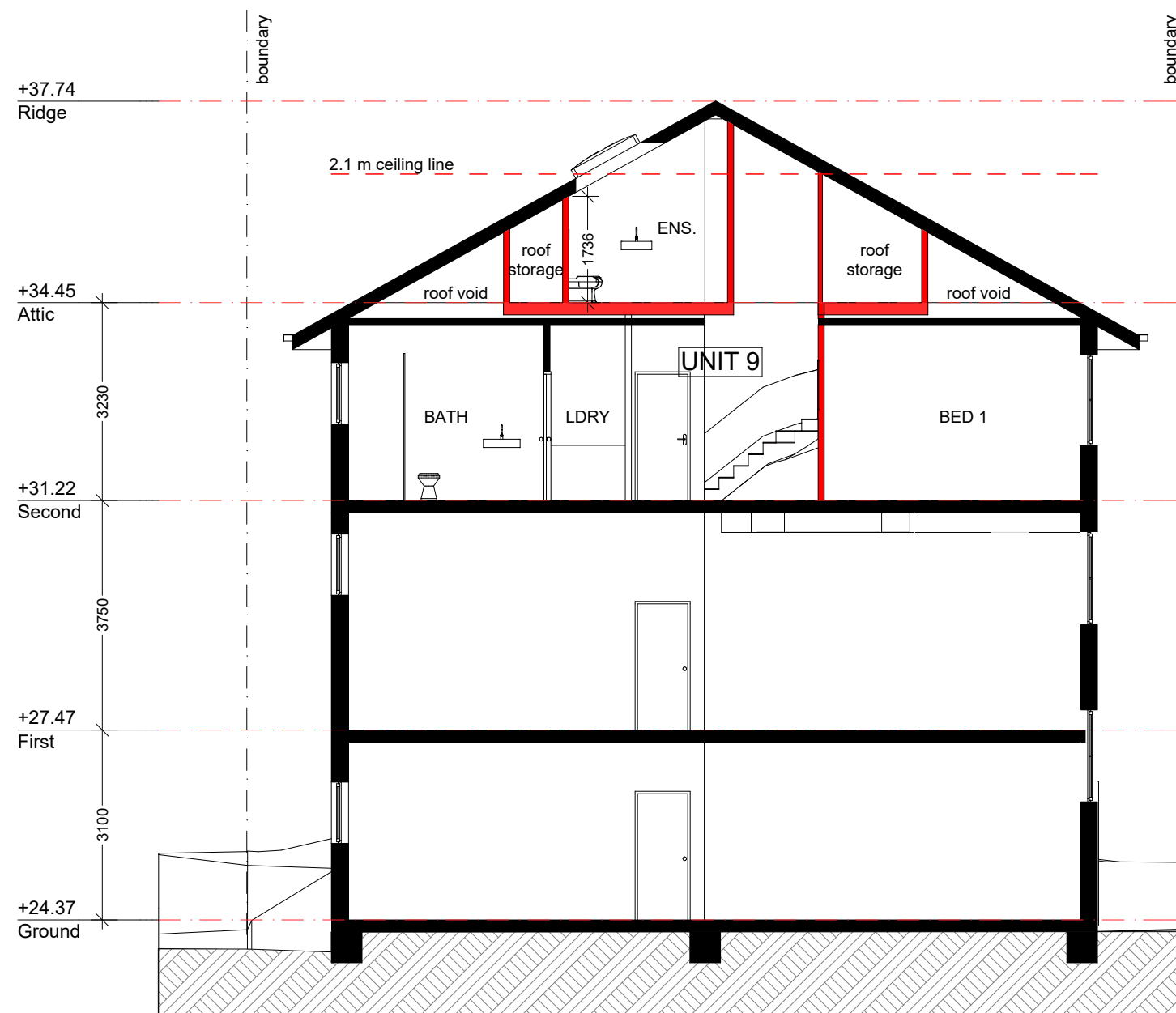
**A3 DA07**  
178



# AMENDED PLANS



**Section AA**  
SCALE 1:100



**Section BB**  
SCALE 1:100





## Section 4.55 Modification

### Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-413/2015/C
<b>Site address</b>	Bondi Beach Public Bar, Retail, 154 Curlew Street, Bondi Beach
<b>Proposal</b>	Modification to delete condition 59 to permit low level entertainment
<b>Approved development description</b>	Use and fitout of tenancy G/03 as a pub with trading hours between 7am to 1am, Monday to Saturday and between 7am to midnight, Sundays.
<b>Date of lodgement</b>	11 December 2018
<b>Owner</b>	Bondi Beachside Pty Limited, Bondi Beachside Rebel Pty Limited and Bondi Beachside Holdings Pty Limited
<b>Applicant</b>	Design Collaborative P/L
<b>Submissions</b>	Seventeen submissions
<b>Cost of Works</b>	Nil
<b>Issues</b>	Noise
<b>Recommendation</b>	That the application be APPROVED

**Site Map**



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

The site is identified as Lot 203 DP 1211700, known as 154 Curlewis Street, Bondi Beach (formerly known as 180-186 Campbell Parade). The site is located within the Bondi Pacific Development, a mixed use development bounded by Campbell Parade, Curlewis Street, Beach Road and Gould Street.

The subject tenancy is at the ground floor level on the corner of Curlewis Street and Campbell Parade and contains a pub (hotel) known as the Bondi Beach Public Bar (BBPB) providing a restaurant, bar and gaming room with pedestrian access from Curlewis Street and Campbell Parade.

### 1.2 Details of Approved Development

**DA-619/2007** was determined on 9 December 2008 and granted approval for the substantial redevelopment of the Swiss Grand Hotel building at No.180-186 Campbell Parade, Bondi Beach.

The scheme included a total floor area of 25,926m<sup>2</sup>, including 74 residential apartments, 68 hotel apartments, two levels of retail space including a gymnasium at the rear facing Gould Street, and works to the existing basement area to accommodate parking. There have been a number of subsequent modification applications of the above approval for redevelopment of the site which are unnecessary to detail in this report.

The following applications are relevant to the subject tenancy (pub) to which the current application relates:

- **DA-413/2015** for the use and fitout of tenancy G/03 as a pub was approved through the s34 process of the Land and Environment Court on 1 September 2016.
- **DA-413/2015/A** for modification to the internal configuration and facade of approved pub was approved on 7 July 2017.
- **DA-413/2015/B** modify Condition 63 to allow the door to the gaming room to be used after 10pm was approved on 19 April 2018.

On 30 April 2019, during the assessment of the subject application, **DA-413/2015/C**, the applicant advised that they were conducting further acoustic testing at the request of one of the objectors at 104/180-186 Campbell Parade, a unit directly above the pub.

Upon follow-up from Council Assessment Officer, the applicant advised on 11 June 2019 that the objector had *'verbally informed us that there is no problem with noise or other coming from our venue to her apartment'* and as such no further acoustic testing was undertaken. Council has not received any correspondence from the objector to say that the objection no longer stands and as such, it is considered to still apply and is discussed in Section 2.5 of this report.

### 1.3 Proposal

The application has been lodged as a section 4.55 (2) application however it is considered to be an application under section 4.56 (modification of consent granted by the Court) instead and has been assessed as such. The modification application seeks to delete condition 59 of the consent to allow low level entertainment within the pub.

Existing condition 59 of the consent requires the following:

## 59. ENTERTAINMENT NOISE

*Musical instruments or amplified sound in the form of DJs, live bands, performers are not permitted on the premises without the written approval of Council, which may be granted subject to conditions.*

The application is to seek the approval of council in accordance with the condition, to allow low level entertainment noise in the form of guitars, acoustic soloists and DJs.

## 2. ASSESSMENT

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

### 2.1 Section 4.55 Considerations

**Section 4.56 applications - Modification by consent authorities of consents granted by the Court** - the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and each person who made a submission in respect of the relevant development application has been notified of the proposed modification by sending written notice and submissions considered as discussed further in the report.

### 2.2 Planning Instruments and Development Control Plans

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

#### 2.2.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The modified proposal is consistent with the objectives of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is permitted with consent in the zoning and is consistent with the zone objectives.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	N/A	The site is not heritage listed however it is located within the Bondi Beach Conservation Area (C2) and within the vicinity of heritage listed items.

Provision	Compliance	Comment
		The proposal does not include changes to the façade or the structure and as such will have no impact upon the conservation area.

## 2.2.2 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

**Table 2: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Design</b>		
1.1.1 Frontages	N/A	The external appearance of the building will not altered as a result of this proposal.
1.1.4 General Amenity	Yes	Refer to detailed discussion below.
1.1.5 Noise	Yes	Refer to detailed discussion below.  Subject to the implementation of the recommendations within the Acoustic Report, low level entertainment is considered reasonable and is supported given that noise generation from the site is already strictly controlled via conditions of consent.

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

### Amenity and noise

Condition 80 of the consent requires the following:

#### **80. LIQUOR LICENSE PREMISES - NOISE EMISSIONS**

- (a) *The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.*
- (b) *The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.*
- (c) *The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.*

*(d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.*

*NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.*

*'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.*

*'boundary' includes any window or elevated window of an affected residence.  
The 'LA10' may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.*

*The 'LA90' shall be measured in the absence of any noise from the premises (including mechanical plant noise).*

*When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).*

*Terms in this clause shall have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.*

*(Reason: To ensure the amenity of surrounding land uses)*

An Acoustic Report was provided to Council which provides an assessment of noise emissions of the proposed DJ and live music in accordance with condition 80 as above. The report provides recommendations and is referenced in the recommended conditions of consent.

*The report concludes that 'noise emissions from the proposed use of live/DJ music...have been assessed based on the measured background noise levels on site and the condition of consent requirements presented in the development consent... Provided that the recommendations in Section 6 are adopted, noise emissions from the proposed use of live/DJ music within the bar will comply with the noise emission requirements.'*

A section has also been added to the approved Plan of Management (POM) to address the proposal which is considered satisfactory. However, the POM submitted is absent of attachments to the document (provided in previous applications). Therefore, to ensure a completed version of the POM is adopted, a condition shall be imposed requiring a complete document, with attachments to be submitted prior to the DJ and live music commencing.

There are a number of conditions on the consent which seek to ensure that noise disturbance to neighbouring properties is within specified limits. One such condition, No. 60, requires that all sound amplification equipment is to be controlled by a noise limiter. The noise limiter must be connected directly to the power amplifiers without intervening electronics and housed in a tamper-proof cabinet which shall be kept locked at all times. Keys shall be held in safe-keeping by the licensee only. This is to ensure that the noise cannot be increased by patrons or staff (other than the licensee).

There are also conditions relating to entertainment emissions (No. 80), noise from speakers (No. 61), noise complaints (No. 62), closure of window and door openings (No. 63), as well as a number of other acoustic certification conditions. In this regard, there are sufficient conditions on the consent to ensure that any potential breaches of the noise conditions (should they occur) can be pursued and remedied.

Given the above analysis, the proposal is recommended for approval.

### 2.3 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

### 2.4 Suitability of the Site for the Development

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

### 2.5 Any Submissions

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

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

**Table 3: Summary of property addresses that lodged a submission**

Property
157 Curlewis Street
178 Campbell Parade (Managing Agents)
2/178 Campbell Parade
13/178 Campbell Parade
180 Campbell Parade (no unit specified)
103/180-186 Campbell Parade
104/180-186 Campbell Parade
201/180-186 Campbell Parade
203/180-186 Campbell Parade
207/180-186 Campbell Parade
302/180-186 Campbell Parade
304/180-186 Campbell Parade
306/180-186 Campbell Parade
309/180-186 Campbell Parade
406/180-186 Campbell Parade
510/180-186 Campbell Parade
607/180-186 Campbell Parade

***Issue: Noise and vibration impacts.***

***Response:*** This issue has been discussed previously in this report.

***Issue: The opening times, outdoor seating and window openings should be restricted.***

***Response:*** The modification application relates only to condition 59. The original and previous consents, including the development application for outdoor seating which was considered as a separate application, have been previously considered and cannot be revisited as part of this application. Opening times and window openings/doors were considered in the original application and these conditions are reiterated on the consent as part of this modification. Condition 79 of the consent requires the following:

**79. NO ENTERTAINMENT EXTERNAL TO THE PREMISES**

*No sound reproduction device nor any form of entertainment is to be operated external to the premises.*

*Speakers must not be installed and music must not be played to the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas / public domain.*

The entertainment will be restricted to being inside the premises as the consent relates only to the internal area of the pub. There is a separate development consent for the outdoor seating with a condition stating that no sound reproduction device nor any form of entertainment is to be operated within the footway area without the approval of Council. No consent has been sought to modify this condition.

***Issue: Patrons will drift out onto the street to escape the noise.***

***Response:*** There is an existing outdoor footpath seating area with an approved number of seats. There are restrictions on the use of this area including that it be used for restaurant purposes and be waiter table service only. There is also an approved Plan of Management (which is reviewable) for both areas that has measures in place to limit loitering around the premises.

***Issue: Will increase commercial activity and pedestrian and vehicular traffic.***

***Response:*** There will be no increase to the approved number of patrons of the establishment therefore there will no increased commercial activity or pedestrian and vehicular traffic beyond that already envisioned through the approval of the pub in the first instance.

***Issue: Loss of property value and rental income.***

***Response:*** This is not a matter for consideration under the Environmental Planning and Assessment Act.

***Issue: No indication of where within the pub the entertainment or speakers will be located. If located near windows/doors, the noise will increase.***

***Response:*** Regardless of where the speakers or entertainment are located, condition 80 limits the noise emissions allowable. The proposal does not include alteration of this condition therefore the



amplified music cannot operate outside of the applicable noise controls. The proprietor will need to locate the entertainment in a position which allows them to comply with the noise conditions.

***Issue: If modification is approved then they may seek an increase in patron numbers given their history of amending the consent incrementally.***

**Response:** The application is not for an increase in patron numbers and a modification cannot be refused based on assumptions of future applications. The applicant has a right to submit development applications and modifications and each must be considered and assessed on their merits.

## **2.6 Public Interest**

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

## **3. REFERRALS**

### **3.1 Health (Acoustics) – Safe Waverley**

The application was referred to Council's Environmental Health Officer and no objection was raised. It is noted that the original consent includes a number of standard and custom conditions relating to noise and these will continue to apply to the subject modification.

### **3.2 Licensing Unit (Local Police Command)**

The application was referred to the Local Police command and no response was received at the time of finalisation of this report.

## **4. SUMMARY**

The application has been lodged as a section 4.55 (2) application however it is considered to be an application under section 4.56 (modification of consent granted by the Court) instead and has been assessed as such. The application seeks consent to modify Condition 59 of the development consent to allow low level entertainment noise.

An Acoustic Report was provided to Council concluding that provided that the recommendations in the report are adopted, noise emissions from the proposed use of live/DJ music within the bar will comply with the noise emission requirements. The Acoustic Report is referenced in the conditions of consent.

The application was notified and seventeen submissions were received. Submissions are discussed in the body of this report.

The modification application is recommended for approval.

## **5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

That the Section 4.55 (assessed as a Section 4.56) Modification Application be **APPROVED** by the Waverley Local Planning Panel subject to the Conditions in Part 1:

**Report prepared by:**

**Application reviewed and agreed on behalf of  
the Development and Building Unit (MR, BMcN,  
EF, AR) by:**

Kylie Lucas  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 18 June 2019**

**Date: 10 July 2019**

**Reason for referral:**

2 Contentious development (10 or more objections)

## **PART 1 – CONDITIONS OF CONSENT TO BE MODIFIED**

### **A. Amended/Deleted Conditions**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos, tables and documentation prepared by 'Architects Nicholas + Associates', and received by Council on 11 September 2015 as follows:

<b>Plan Nos</b>	<b>Issue</b>	<b>Date</b>
DA 000	E	14.08.15
DA 001	E	14.08.15
DA 002	E	14.08.15
DA 003	D	14.08.15
DA 004	D	14.08.15
DA 011	D	14.08.15
DA 012	F	14.08.15
DA 013	D	14.08.15
DA 014	D	14.08.15
DA 021	D	14.08.15
DA 030	A	14.08.15
DA 150	F	14.08.15
DA 160	F	14.08.15
DA 700	D	14.08.15
DA 701	D	14.08.15
DA 705	D	14.08.15
DA 706	D	14.08.15
DA 710	D	14.08.15
DA 711	D	14.08.15
DA 715	E	14.08.15
DA 720	C	14.08.15

- (i) and as amended by the following architectural plans received by Council on 1 September 2016 :

<b>Plan Nos</b>	<b>Issue</b>	<b>Date</b>
DA 010	H	8.07.16
DA 020	F	8.07.16
DA 151	F	8.07.16

- (ii) and as amended by DA-413/2015/A and the following architectural plans drawn by George Livissianis:

<b>Plan Nos</b>	<b>Issue and date</b>	<b>Received by Council Date</b>
01.01	A dated 10.04.17	11 April 2017
01.02	A dated 10.04.17	11 April 2017
01.03	A dated 10.04.17	11 April 2017
01.04	A dated 10.04.17	11 April 2017

01.05	A dated 10.04.17	11 April 2017
01.06	B dated 15.06.17	16 June 2017
01.08	A dated 10.04.17	11 April 2017
02.01	B dated 15.06.17	16 June 2017
02.02	A dated 10.04.17	11 April 2017
03.10	A dated 10.04.17	11 April 2017
04.01	C dated 16.06.17	16 June 2017
04.03	C dated 16.06.17	16 June 2017
05.01	A dated 10.04.17	11 April 2017
05.04	A dated 10.04.17	11 April 2017
07.01	A dated 30.03.17	11 April 2017
10.01	A dated 10.04.17	11 April 2017
10.02	A dated 10.04.17	11 April 2017

(ADDED DA-413/2015/A)

- (b) Noise Impact Assessment reference 20151028.2/2706A/R9/BW prepared by Acoustic Logic Consultancy dated 27/06/2017. (AMENDED DA-413/2015/A)
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.
- (d) A Council approved Plan of Management.
- (e) **Amplified Music Noise Impact Assessment Document Reference 20180435.2/1012A/R1/JL Revision 1 dated 12/12/2018 prepared by Acoustic Logic and received by Council on 11 December 2018. (ADDED DA-413/2015/C)**

Except where amended by the following conditions of consent.

#### 42. ACOUSTIC CERTIFICATION - POST-OCCUPATION CERTIFICATE

Within the first 60 days of use of the premise commencing **and/or after the commencement of entertainment noise under condition 59 as per DA-431/2015/C**, attended acoustic monitoring must be undertaken in accordance with the following:

- (a) The compliance testing is to be carried out at the operator's expense and is to be undertaken by a suitably qualified acoustic or consulting engineer (approved by Council acting reasonably) who is independent of any acoustic engineers or firms involved in the development application or supervision of the construction or fitout at the subject premises.
- (b) The Council or its consultant may attend and monitor the acoustic compliance testing. The operator's consultant may attend the monitoring provided that it is a term of engagement that such consultant does not advise the operator as to when the testing is to be undertaken.
- (c) The acoustic consultant must:
  - i. Notify the Council when the measurements will take place;
  - ii. measure and verify that the noise emanating from the premises complies with these conditions;
  - iii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with these conditions; and,

- iv. submit a report including recommendations to Council within 21 days of completing the measurements.

The noise measurement must:

- i. be undertaken on a date notified to and agreed by the Council;
- ii. be undertaken without the knowledge of the applicant, manager/management or operator of the premises;
- iii. be taken on a night when the premises is operating at or near maximum patron capacity and an allowance made in the noise readings to account for maximum patron capacity;
- iv. include all sensitive noise receivers and elevated receptor locations;
- v. have a duration of 15 minutes for any individual measurement sample; and,
- vi. include the time period from 9pm to 30 minutes after closing time.

The locations of noise compliance testing shall include as a minimum the most affected habitable room of each of the following apartments on Level 1 of the Pacific Bondi Beach building:

- i. Apartment above the Curlewis Street Bar (Sports Bar) (three 15min samples 11.00pm-midnight and one sample midnight-1am);
- ii. Apartment above the Campbell Parade Bar (Public Bar) (three 15min samples 11.00pm-midnight and two samples midnight-1am); and,
- iii. Apartment with windows of a habitable room facing Curlewis Street above the openable windows of the Campbell Parade Bar (three 15min samples between 9.00pm-10pm with all the Campbell Parade Bar windows facing Curlewis Street fully open.

In addition, Council may specify other locations for noise compliance testing.

The compliance report shall provide details of when the testing was undertaken and by whom and details of the number of patrons within the various areas of the premises at the time the testing was undertaken and details of what mechanical plant was in operation. The report must specify whether there is compliance or non compliance and any recommendations to be implemented to achieve compliance.

If there are any matters of non-compliance with the conditions of consent, the premises is required to implement any recommendations of the compliance report within 30 days of receipt of that report. A further compliance test shall be undertaken (in accordance with (a)-(g) above) to assess the effectiveness of the additional noise control measures and that report is to be provided to Council within 10 days of the further test.

If there is non-compliance with conditions of consent prior to midnight then the use of the premises must cease at 10.00pm until such time as the consultant who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.

If there is non-compliance with conditions of consent after midnight then the use of the premises shall cease at midnight until such time as the consultant who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.

Conditions (h), (i) and (j) continue to apply until such time as the acoustic compliance testing and the resulting compliance report certify that there is no non-compliance with conditions of consent.

In the event that a non-compliance can only be remedied by a restriction on the number of patrons in any space, then the Plan of Management shall be modified so as to give effect to this restriction and the operator shall implement that restriction.

**(AMENDED DA-413/2015/C)**

**59. ENTERTAINMENT NOISE**

Musical instruments or amplified sound in the form of DJs, live bands, performers are ~~not~~ permitted on the premises ~~without the written approval of Council, which may be granted subject to conditions~~ **subject to the recommendations contained within the Amplified Music Noise Impact Assessment (Document Reference 20180435.2/1012A/R1/JL) Revision 1 dated 12/12/2018 prepared by Acoustic Logic and received by Council on 11 December 2018 being implemented and certified as implemented and/or completed by a suitably qualified acoustic.**

**(AMENDED DA-413/2015/C)**

**B. New Conditions**

**92. ACOUSTIC CERTIFICATION - PRIOR TO COMMENCEMENT OF ENTERTAINMENT NOISE**

Prior to the commencement of entertainment noise under condition 59 as per DA-413/2015/C, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that all acoustic recommendations have been incorporated into the development and completed.

The report is to include the Noise Compliance Verification Report as specified in condition 60.

**(ADDED DA-413/2015/C)**

**93. COMPLETE VERSION OF PLAN OF MANAGEMENT REQUIRED – DA-413/2015/C**

Prior to the commencement of entertainment noise under condition 59 as per DA-413/2015/C, an up to date and full set of the Plan of Management shall be submitted to Council for approval. In this regard, the document, including all attachments are to be provided in 1 complete file.

**(ADDED DA-413/2015/C)**

## **PART 2 – FULL SET OF CONDITIONS**

### **APPENDIX A: DEFERRED COMMENCEMENT CONSENT**

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, deferred commencement consent is granted. The consent is not to operate until the applicant has satisfied Council to the following matters:

#### **1. DETAILS OF LOADING**

Insufficient details have been provided regarding the proposed loading arrangement for the Hotel use. A loading bay space shall be provided in the basement car park close to the Hotel use. The loading bay shall:

- (a) be capable of accommodating a small rigid vehicle with minimum dimensions of 3.5 x 6.4m size;
- (b) be located within the basement (within 20m from keg room storage facility); and
- (c) comply with AS2890.2-2002 – Off Street Commercial Vehicle Facilities.

The loading bay in the basement carpark shall be used for unloading/loading of beer kegs only, with all other deliveries to occur via the loading dock of the building, accessed from Beach Road. Details of the loading bay area within the basement car park are to be provided and the Loading Dock Management Plan for Pacific Bondi Beach (dated July 2015) is to be amended to reflect this condition and forwarded to Council.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the regulations, as to the matters specified in the above condition and Waverley Council confirms such satisfaction in writing.

This condition must be satisfied within one year of the date of this consent.

**(SATISFIED AND ACTIVATED ON 13/07/2017)**



Upon satisfying the consent authority as to the matters contained in Appendix A, the following conditions shall apply:

## **APPENDIX B – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos, tables and documentation prepared by 'Architects Nicholas + Associates', and received by Council on 11 September 2015 as follows:

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DA 030	A	14.08.15
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- (i) and as amended by the following architectural plans received by Council on 1 September 2016 :

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01.05	A dated 10.04.17	11 April 2017
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02.02	A dated 10.04.17	11 April 2017
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05.01	A dated 10.04.17	11 April 2017
05.04	A dated 10.04.17	11 April 2017
07.01	A dated 30.03.17	11 April 2017
10.01	A dated 10.04.17	11 April 2017
10.02	A dated 10.04.17	11 April 2017

***(ADDED DA-413/2015/A)***

- (b) Noise Impact Assessment reference 20151028.2/2706A/R9/BW prepared by Acoustic Logic Consultancy dated 27/06/2017.

***(AMENDED DA-413/2015/A)***

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

- (d) A Council approved Plan of Management.

- (e) Amplified Music Noise Impact Assessment Document Reference 20180435.2/1012A/R1/JL Revision 1 dated 12/12/2018 prepared by Acoustic Logic and received by Council on 11 December 2018.

***(ADDED DA-413/2015/C)***

Except where amended by the following conditions of consent.

## **2. RESIDENTIAL RECEIVERS**

In the event that further residential uses are approved within the Bondi Pacific Development on the first floor level of the building, a new acoustic assessment must be undertaken by an acoustic expert and submitted and approved by Council. Any recommendations made as a result of such acoustic assessment must be implemented and adhered to during the construction and the on-going use of the tenancy.

## **3. PLAN OF MANAGEMENT**

The Plan of Management shall be amended/updated to include details of all operational and management procedures of the premises. The plan of management is to include;

- (a) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities)

- (b) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements)
- (c) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol)
- (d) The POM shall also provide details to satisfy conditions relating to Smoking Area and Community Liaison Committee.
- (e) Any other such operational matters to ensure compliance with relevant regulatory requirements.

The POM shall be approved by Council's Director, Waverley Futures (or delegate) prior to the issuing of any occupation certificate.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **4. SECTION 94A CONTRIBUTION**

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

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

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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

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

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

#### Advisory Note

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

### **5. SECURITY DEPOSIT**

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

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

## **6. LONG SERVICE LEVY**

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

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

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

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

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

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

## **8. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.

- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
  - the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
  - any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
  - the type(s) of material on which pedestrians will be required to walk;
  - the width of the pathway on the route;
  - the location and type of proposed hoardings;
  - the location of existing street lighting.

## **9. AMENDED LANDSCAPE PLAN**

The Landscape Plan is to be amended by the following changes:

- (a) The Plan shall be amended to include all plant species, plant type and pot size, prepared by a suitably qualified landscape architect.

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

## **10. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

## **11. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

**12. ENGINEERING DETAILS**

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

**13. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**14. TRADE WASTE**

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

**15. SANITARY FACILITIES TO BE PROVIDED IN ACCORDANCE WITH BCA**

The subject tenancy must be provided with sanitary facilities (i.e. location, number and type of facility) in accordance with the requirements of Part F2 of the Building Code of Australia. *NB. Should common facilities be used to achieve compliance, it will be necessary to determine what other tenancies share that facility in calculating population numbers.*

**16. BCA & FIRE SAFETY UPGRADING WORKS**

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000, the subject tenancy must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
  - (i) Provision for escape – Part D1;
  - (ii) Construction of exits – Part D2; and
  - (iii) Access for people with a disability - Part D3.

**17. WASTE AND RECYCLING STORAGE AND COLLECTION**

- (a) Mobile garbage bins (MGBs) or crates for waste and recyclables from the commercial food premises should be situated in a convenient waste compartment/areas to store a minimum of 1-2 day's volume of waste and recyclables likely to be generated from that commercial premises.



- (b) Waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) Sufficient space must be allocated on-site for the storage of reusable commercial items such as crates and pallets. The storage of reusable items on the public land and kerbside is not permitted at any time.
- (d) Should the waste generated from the commercial premises contain 20% or more food waste, a daily waste collection will be required.
- (e) Separate space must be allocated for the storage of liquid wastes and oils. The liquid waste storage area must be undercover, bunded and drained to a grease trap. The storage of liquid wastes and oils containers on public land and kerbside is not permitted at any time.
- (f) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (g) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (h) The premises must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (i) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (j) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (k) All waste and recycling receptacles are to be collected onsite. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

The above matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of Council's Sustainable Waverley staff prior to the issue of a Construction Certificate.

## **18. ACOUSTIC CERTIFICATION**

Prior to the issue of a Construction Certificate, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that the construction documentation incorporates all required measures required to satisfy the noise conditions set out in this consent.

Any management measures recommended in the acoustic report shall be incorporated into a Plan of Management, which shall be submitted to Council for approval.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **19. PRIOR TO SITE WORKS**

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

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

### **20. CONSTRUCTION SIGNS**

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

### **21. OBSTRUCTION TO PUBLIC AREAS**

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

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

### **22. TOILET FACILITIES**

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

### **23. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

### **24. STOCKPILES**

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

**25. DEMOLITION & SITE PREPARATION**

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

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

**26. LOCATION OF BUILDING OPERATIONS**

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

**27. ALL BUILDING MATERIALS STORED ON SITE**

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

**28. CONSTRUCTION HOURS**

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

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

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

**29. BUILDING CODE OF AUSTRALIA**

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

**30. FIRE SAFETY – EXITS**

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

### **31. FIRE SAFETY MAINTENANCE**

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

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

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

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

The specified **MANDATORY** inspections are:

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

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

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

- (a) sediment control measures prior to the commencement of building work;

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

### **33. ESSENTIAL SERVICES - EXISTING BUILDING**

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

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

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

#### **34. CONSTRUCTION AND FITOUT OF FOOD PREMISES**

- (a) The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste.
- (b) The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other rigid, smooth-faced impervious material.
- (c) Ceilings within the food preparation and storage areas must be free of gaps and open joints and must be finished with an impervious sealed material. Drop in panels are not permitted in food preparation areas, food storage areas or areas where open food is displayed or served.
- (d) Hand wash basin/s, with hot and cold running water mixed through a common spout, hand wash soap and hand drying facilities must be provided in all food preparation/bar areas.
- (e) A double bowl sink or two compartment tub (the capacity of which must be capable of fitting all food contact equipment) must be provided in the food preparation area, in addition to the hand basin,

OR

A single bowl sink and a dishwasher must be provided in the food preparation or designated area, (where all the food contact equipment will fit in the dishwasher) in addition to the hand basin.

- (f) The cooking appliances require an approved air handling system designed in accordance with AS1668.1-1998 and AS1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

#### **35. COOLROOM**

The coolroom shall be constructed in accordance with the Building Code of Australia, Section G1.2 Refrigerated Chambers, strong rooms and vaults.

#### **36. SERVICE PIPES**

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

#### **37. WORK OUTSIDE PROPERTY BOUNDARY**

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **38. OCCUPATION CERTIFICATE**

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

### **39. FOOD PREMISES**

The following requirements apply to premises that commercially provide food:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Officer Surveyor prior to Occupation;
- (c) Notification of the businesses Food Safety Supervisor must be provided prior to operation.
- (d) The premises are to be registered with Council prior to the issue of the Occupation Certificate;
- (e) The premises must be constructed in accordance with the requirements of Council's "Policy for fit-out and construction of food premises". Copies of the policy can be purchased at Council's Customer Service Centre; and
- (f) The proprietor must pay any fees incurred by the carrying out of food safety inspections as determined by Council's Pricing Policy, Fees and Charges.

### **40. GENERAL REGULATORY PREMISES**

The proprietor of the food business shall:

- (a) Arrange for an inspection by Council's Environmental Health Officer prior to occupation.
- (b) Be registered with Council prior to occupation.
- (c) Pay any fees incurred by the carrying out of health regulation inspections as determined by Council's Pricing Policy, Fees and Charges.

### **41. ACOUSTIC CERTIFICATION - PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

Prior to the issue of any Occupation Certificate, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that all acoustic recommendations have been incorporated into the development.

The report is to include the Noise Compliance Verification Report as specified in condition 60.

### **42. ACOUSTIC CERTIFICATION - POST-OCCUPATION CERTIFICATE**

Within the first 60 days of use of the premise commencing and/or after the commencement of entertainment noise under condition 59 as per DA-431/2015/C, attended acoustic monitoring must be undertaken in accordance with the following:

- (a) The compliance testing is to be carried out at the operator's expense and is to be undertaken by a suitably qualified acoustic or consulting engineer (approved by Council acting reasonably) who is independent of any acoustic engineers or firms involved in the development application or supervision of the construction or fitout at the subject premises.
- (b) The Council or its consultant may attend and monitor the acoustic compliance testing. The operator's consultant may attend the monitoring provided that it is a term of engagement that such consultant does not advise the operator as to when the testing is to be undertaken.
- (c) The acoustic consultant must:
  - i. Notify the Council when the measurements will take place;
  - ii. measure and verify that the noise emanating from the premises complies with these conditions;
  - iii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with these conditions; and,
  - iv. submit a report including recommendations to Council within 21 days of completing the measurements.

The noise measurement must:

- i. be undertaken on a date notified to and agreed by the Council;
- ii. be undertaken without the knowledge of the applicant, manager/management or operator of the premises;
- iii. be taken on a night when the premises is operating at or near maximum patron capacity and an allowance made in the noise readings to account for maximum patron capacity;
- iv. include all sensitive noise receivers and elevated receptor locations;
- v. have a duration of 15 minutes for any individual measurement sample; and,
- vi. include the time period from 9pm to 30 minutes after closing time.

The locations of noise compliance testing shall include as a minimum the most affected habitable room of each of the following apartments on Level 1 of the Pacific Bondi Beach building:

- i. Apartment above the Curlewis Street Bar (Sports Bar) (three 15min samples 11.00pm-midnight and one sample midnight-1am);
- ii. Apartment above the Campbell Parade Bar (Public Bar) (three 15min samples 11.00pm-midnight and two samples midnight-1am); and,
- iii. Apartment with windows of a habitable room facing Curlewis Street above the openable windows of the Campbell Parade Bar (three 15min samples between 9.00pm-10pm with all the Campbell Parade Bar windows facing Curlewis Street fully open.

In addition, Council may specify other locations for noise compliance testing.

The compliance report shall provide details of when the testing was undertaken and by whom and details of the number of patrons within the various areas of the premises at the time the

testing was undertaken and details of what mechanical plant was in operation. The report must specify whether there is compliance or non compliance and any recommendations to be implemented to achieve compliance.

If there are any matters of non-compliance with the conditions of consent, the premises is required to implement any recommendations of the compliance report within 30 days of receipt of that report. A further compliance test shall be undertaken (in accordance with (a)-(g) above) to assess the effectiveness of the additional noise control measures and that report is to be provided to Council within 10 days of the further test.

If there is non-compliance with conditions of consent prior to midnight then the use of the premises must cease at 10.00pm until such time as the consultant who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.

If there is non-compliance with conditions of consent after midnight then the use of the premises shall cease at midnight until such time as the consultant who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.

Conditions (h), (i) and (j) continue to apply until such time as the acoustic compliance testing and the resulting compliance report certify that there is no non-compliance with conditions of consent.

In the event that a non-compliance can only be remedied by a restriction on the number of patrons in any space, then the Plan of Management shall be modified so as to give effect to this restriction and the operator shall implement that restriction.

**(AMENDED DA-413/2015/C)**

**43. LANDSCAPE PLAN**

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



## **E. OPERATIONAL CONDITIONS DURING OCCUPATION**

### **44. OPERATION IN ACCORDANCE WITH RELEVANT MANAGEMENT PLANS FOR THE BUILDING**

The premises shall operate in accordance with the following Council approved management plans for the building:

- (a) Loading Dock Management Plan
- (b) Loading Vehicle Management Plan
- (c) Waste Management Plan
- (d) Plan of Management
- (e) Signage Plan

The onus is on the management of the subject premises to obtain a copy of these plans and ensure management and staff of the subject tenancy are familiar with the relevant terms and conditions contained within.

### **45. HOURS OF OPERATION**

#### **(a) Hours of Operation**

**Internal Area:** The hours of operation for the indoor area of the premises is restricted to:

**Monday to Saturday: 7.00am to 11.00pm; and  
Sunday: 7.00am to 10.00pm.**

- (b) Irrespective of sub clause (a), the set-up and clean-up for the premises may occur for one hour before and one hour after the approved hours of operation. During this time, the premises shall not trade nor be open to the public.

### **46. REVIEWABLE CONDITION PERMITTING EXTENDED TRADING HOURS**

Notwithstanding condition 45 (Hours of Operation) of this consent and subject to condition 47 (Review condition permitting review of extended trading hours) of this consent, the premises may trade as follows ("**the extended trading hours**"):

**Monday to Saturday: 11.00pm – 1.00am  
Sunday: 10.00pm – 12.00am midnight**

### **47. REVIEW CONDITION PERMITTING REVIEW OF THE EXTENDED TRADING HOURS**

- (a) Condition 46 of this consent is subject to review condition 47.
- (b) The purpose of this review condition is:
  - (i) To enable Council to review the environmental performance of the use and operation of the premises during the extended trading hours;
  - (ii) To enable the Council to change **the extended trading hours** in condition 46 after carrying out a review.
- (c) Condition 46 will be reviewed not earlier than 1 (one) year from the date of this determination. The Council may change condition 46 on review.

- (d) The operator of the premises will be given not less than 14 days written notice that a review of condition 46 is to be carried out under this condition. The Council may notify such other persons as it thinks fit of the review. The Council must take into account any submissions made by a person (including the operator) that are received within 14 days after notice is given to the person of that review.
- (e) Consideration of the review will include, but not be limited to:
  - i. compliance of the premises in terms of security and its general management;
  - ii. number and nature of substantiated complaints regarding the operation of the premises received by Council or the NSW Police Force;
  - iii. compliance with conditions of consent and the Plan of Management;
  - iv. any comments received from the NSW Police Force; and
  - v. any other matters considered relevant to the environmental evaluation of the premises.
- (f) Conditions 45, 46 and 47 apply during the period that sections 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* remains in force. In the event Section 80A (10B)-(10E) of the *Environmental Planning and Assessment Act 1979* is repealed or amended in such a way so as to prevent a review of the extended trading hours, the extended trading hours will cease to apply on the one year anniversary of this determination.
- (g) If the Council makes a decision to change reviewable condition 46 and:
  - (i) An appeal against that decision is lodged within 7 days of service of the determination in respect of the decision; and
  - (ii) The appeal is prosecuted by the appellant with diligence  
then the operator may continue to trade during the extended hours until the Land and Environment Court has finally determined the appeal.

#### **48. HOURS OF ADMISSION – NO PATRON ENTRY**

No patron is to be admitted or re-admitted to the licensed premises after 12.00am Monday to Saturday and after 11.00pm on Sunday.

#### **49. MAXIMUM PATRON CAPACITY**

- (a) The approved patron capacity for the premises is limited to:

***Total of 396 patrons (inclusive of staff, security, entertainers and patrons)***

***Comprising of:***

***(i) Gaming room: 30 patrons,***

***(ii) Internal Bar and Dining Area : 366 patrons***

- (b) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

***(AMENDED DA-413/2015/A)***

#### **50. SIGNAGE TO BE DISPLAYED**

- (a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near each entry to the premises. The signage shall state:

*Approved hours of operation – Internal area*

*Monday to Saturday: 7.00am to 1.00am*

*Sunday: 7.00am to 12.00am (midnight).*

*No entry or re-entry after 12.00am (midnight) Monday to Saturday and after 11.00pm on Sunday.*

*Approved patron capacity:*

*Total of 396 patrons comprising:*

*Gaming room: 30 patrons*

*Internal Bar and Dining Area: 366 patrons*

*Upon leaving please respect local residents by minimising noise*

- (b) Signage specified above is to be erected prior to the commencement of operations.
- (c) Any amendments to trading hours shall be reflected in the signage required in subclause (a) above.

**(AMENDED DA-413/2015/A)**

**51. OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)**

- (a) The operation and management of the premises shall be in accordance with a POM approved by Council.
- (b) The approved POM shall be filed with Council and the Licensing Police of the Local Area Command prior to the commencement of operations
- (c) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with the Local Area Command. The updated POM is to be provided to Council and the Police.
- (d) An independent review of the Plan of Management may be undertaken by the Council or the Licensing Police of the Local Area Command upon providing the applicant with written notice.

**52. SECURITY MANAGEMENT PLAN**

Security is to be undertaken in accordance with the approved Security Management Plan within the approved Plan of Management. Any modifications to security procedures is to be updated in the plan of management and a copy provided to Council and Licensing Police for their records.

**53. LIQUOR SALE / SUPPLY / CONSUMPTION (HOTELIER'S LICENCE)**

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.

(b) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.

(c) No patron shall be permitted to take glasses or open containers of liquor off the premises.

**54. 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/](http://www.esla.net.au/) ).

**55. NEIGHBOURHOOD AMENITY**

The management of the premises:

(a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.

(b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

(c) Shall record in a Register kept at the premises full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.

(d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

**56. COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or OLGR Authorised Officers.

**57. COMMUNITY LIASON COMMITTEE**

The licensee or senior management nominee of the premises is to attend a Precinct meeting when invited by the convenor of the relevant committee. Notice of any meeting shall be provided to the Hotel no later than 7 days prior to the committee meeting.

The Hotel representative should make themselves known at the committee meeting and their attendance should be recorded in the minutes of the meeting.

The Plan of Management is to be amended to reflect this condition.

**58. DELIVERY OF GOODS**

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. For all goods (with the exception of beer kegs), deliveries shall occur via the loading dock, accessed from Beach Road. For beer kegs only, the delivery shall occur via the approved loading bay located within the basement carpark, accessed from Curlewis Street.

The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose, with the exception of a single loading bay.

All deliveries to the Building must be made via the following:

- Loading Dock – enter from Beach Road Roller Shutter, via Campbell Parade. The loading/unloading hours are from 7.00am to 8.00pm Monday to Friday and 8.00am to 6.00pm Saturdays and Sundays.
- Loading Bay (beer kegs only) – entry from Curlewis Street, via basement carpark. The loading/unloading hours are from 7.00am to 10.00am Monday to Friday.

The loading dock shutter will be closed at all times and will open only to receive deliveries.

Keg delivery shall at all times occur in the loading bay only within the basement carpark. Delivery vehicles shall be limited to those vehicles capable of being accommodated within the basement carpark/loading bay. A register of deliveries shall be kept on site that includes time and date of loading/unloading to the loading bay.

The loading bay within the basement shall be used for retail public parking outside of loading/unloading times.

**59. ENTERTAINMENT NOISE**

Musical instruments or amplified sound in the form of DJs, live bands, performers are permitted on the premises subject to the recommendations contained within the Amplified Music Noise Impact Assessment (Document Reference 20180435.2/1012A/R1/JL) Revision 1 dated 12/12/2018 prepared by Acoustic Logic and received by Council on 11 December 2018 being implemented and certified as implemented and/or completed by a suitably qualified acoustic.

***(AMENDED DA-413/2015/C)***

**60. SOUND AMPLIFICATION EQUIPMENT - NOISE COMPLIANCE VERIFICATION REPORT**

- (a) All speakers shall be installed with vibration isolation mounting
- (b) All sound amplification equipment used on the premises must be controlled by a Root Mean Square (RMS) noise limiter (compression ratio greater than or equal to 20:1) (Limiter). The Limiter settings shall be adjusted by a suitably qualified acoustic consultant to ensure that the Noise Use (Licensed Premises) condition specified here-in is complied with.

- (c) The Limiter must be connected directly to the power amplifiers without intervening electronics and housed in a tamper-proof cabinet which shall be kept locked at all times. Keys shall be held in safe-keeping by the licensee only.
- (d) Prior to commencement of use of any sound amplification equipment, the acoustic consultant must submit a Noise Compliance Verification Report to Council which must include:
  - i. A schematic of the sound amplification system, including all source inputs, processors, amplifiers and speakers.
  - ii. Make and model of all sound amplification equipment installed.
  - iii. The final settings of the Limiter and amplifiers.
  - iv. The basis for selection and details of a reference music track to be used for setting the Limiter (Reference Music Track). The music type used must be typical of the loudest music used at the premises. The Reference Music Track shall be held in safe keeping by the licensee in a locked cabinet.
  - v. The LA10 (1/1 octave bands 31.5Hz to 8kHz) sound level shall be measured at the Reference Position when the Reference Music Track is played at a level at which the Limiters are operating at maximum compression and maximum output (Reference Sound Level).
  - vi. The basis for selection of the Reference Position (in the centre of the dance floor area or centre of the venue space or at a specific distance from the main loudspeakers) shall be provided.
  - vii. Verification that the Reference Sound Level is not exceeded irrespective of any volume or other adjustment settings on the mixing desk or ancillary electronic equipment connected to the inputs of the Limiters.
  - viii. An assessment of compliance with the Noise Use (Licensed Premises) condition specified here-in at the most affected residence locations when the sound amplification system is producing the Reference Sound Level.
  - ix. If alternative Limiter settings are required to satisfy the Noise Use (Licensed Premises) condition at other times of the day or night, then a description and assessment of those alternative Limiter settings in accordance with the requirements of this clause.
  - x. Where external windows or doors of the premises are to be kept open for operational reasons, identification of the proposed methods to be adopted to ensure that noise levels emitted from the premises comply with the Noise Use (Licensed Premises) condition specified here-in. The use of automatic mechanical or electronic methods shall be utilised where feasible and reasonable rather than reliance upon intervention by personnel.

The Noise Compliance Verification Report shall be submitted to Council for approval.

No modifications to the sound amplification equipment shall be made without approval of Council. Any modifications will require submission of an updated Noise Compliance Verification Report.

## **61. NOISE FROM SPEAKERS**

All speakers shall:

- (a) be placed on anti-vibration mountings;

- (b) be completely independent of the building structure (particularly where there is a residential portion in the building); and
- (c) be positioned so noise does not emanate in the direction of residential premises.

**62. NOISE COMPLAINTS**

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

- (d) The identification of sensitive noise receivers potentially impacted by the proposal;
- (e) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements) and the conditions of this consent;
- (f) The formation of a suitable assessment criteria having regard to the Conditions of Consent and guidelines contained in the NSW EPA Industrial Noise Policy;
- (g) The identification of operational noise producing facets of the use and the subsequent measurements of resultant noise at the identified sensitive receiver locations from the operation of the use;
- (h) A statement indicating that the operation of the premises complies with the conditions of this consent together with details of acoustic and/or management control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

**63. CLOSURE OF WINDOW / DOOR OPENINGS**

To minimise any transmission of noise from the premises to nearby residential buildings:

- (a) The window / door openings to the Curlewis Street and Campbell Parade frontages shall be closed by 10.00pm each day (excluding the main principle entranceway on Campbell Parade and the gaming room entry on Curlewis Street that may be opened when being utilised for entry and exit purposes).

**(AMENDED DA-413/2015/B)**

- (b) The doors and windows leading to and from internal areas of the premises shall be acoustically sealed.

**64. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES (LICENSED VENUES)**

The Management must maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the following requirements:

- (a) Internal cameras must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- (b) External cameras must operate continuously;
- (c) It must record in digital format and at a minimum of 15 frames per second,
- (d) Any recorded image must specify the time and date of the image;
- (e) The system's cameras must cover:
  - i. all entry and exit points of the premises,
  - ii. the footpath immediately adjacent to the premises,
  - iii. any rear access points to the premises, and
  - iv. all publicly accessible areas (other than toilets) on the premises.
- (f) Cameras must have the ability to record viewable footage in low light environments;
- (g) Any cameras monitoring the entry and exit points of the premises, shall provide recorded images in which the picture quality and detail is sufficient to enable the identity of person/s to be established.
- (h) CCTV recordings must be retained for at least 30 days.
- (i) Signage shall be clearly displayed adjacent to the principal entry alerting persons entering the premises that CCTV is in operation.
- (j) Ensure that at least one member of staff is on the premises at all times the premises is trading who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage.
- (k) Provide any recordings made by the system to an Authorised Council or Police Officer within 24 hours of any request by an Authorised Council or Police Officer to provide such recordings.

**65. TOILET FACILITIES - NUMBERS FOR FOOD PREMISES**

Adequate sanitary facilities shall be provided within the subject tenancy/premises to comply with the Building Code of Australia. There shall be no reliance on common facilities within the building to satisfy this condition.

**66. AMUSEMENT MACHINES & THE LIKE**

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council. Only approved gaming devices may occur.

**67. NO BARBECUE OR CHARCOAL TYPE COOKING**



This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

**68. NO USE OF NON-RECYCLABLE PACKAGING WITH FOOD SERVICE**

The premises shall not provide prepared food to its customers in any non-recyclable or non bio-degradable polystyrene foam food packaging nor shall any restaurant/take-away food outlet purchase, obtain or keep any polystyrene foam food packaging for such purposes.

**69. LITTER PATROLS**

Litter patrols are to be undertaken in the general vicinity of the premises. Such patrols will take place intermittently during the hours of operation with the final patrol conducted at the cessation of trade. A litter patrol Register must be maintained and kept on the premises at all times detailing date, time of patrol, staff member responsible, and manager's signature.

**70. WASTE**

**Bin Storage Area**

- a) The waste and recycling storage area needs to be undercover.
- b) The waste and recycling storage areas must be bunded to the sewer and be equipped with a supply of hot and cold water mixed through a centralised mixing valve with a hose cock.
- c) The waste and recycling storage areas must be able to accommodate all bins, with all bins simultaneously accessible.

**Amenity**

All garbage and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin.

**Management**

- a) All waste and recycling must be collected from the loading bay inside the development.
- b) The applicant must enter into a commercial waste collection contract.
- c) Waste collection for the retail precinct of the development shall occur daily.
- d) Collection frequency may need to be increased in peak summer periods.

**71. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

**72. RECYCLING OF WASTE PAPER**

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

**73. GLASS CRUSHER**

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.

**74. NOISE FROM GLASS REMOVAL**

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.

**75. GLASS SORTING, CRUSHING OR COLLECTION**

No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

This condition is imposed to protect the amenities of neighbouring residents.

**76. LIGHTING**

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

(b) All external lighting fixtures should be vandal resistant.

(c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.

(d) Lighting should be free of obstructions, such as tree branches, pipes, etc.

(e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

**77. ROLLER SHUTTERS**

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

Should increased security be desired, then consideration should be given to applying shatter-resistant film or replacing existing shop window glass with laminated glass.

**78. NO SPRUIKERS**

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council.

**79. NO ENTERTAINMENT EXTERNAL TO THE PREMISES**

No sound reproduction device nor any form of entertainment is to be operated external to the premises.

Speakers must not be installed and music must not be played to the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas / public domain.

#### **80. LIQUOR LICENSE PREMISES - NOISE EMISSIONS**

- (a) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.
- (c) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.
- (d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.

'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.

'boundary' includes any window or elevated window of an affected residence.

The 'LA10' may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.

The 'LA90' shall be measured in the absence of any noise from the premises (including mechanical plant noise).

When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).

Terms in this clause shall have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure the amenity of surrounding land uses)

#### **81. CERTIFICATION OF MECHANICAL EXHAUST**

The mechanical exhaust ventilation system is to comply with the approved plans and specifications in addition to Australian Standards AS 1668 (part 1, 1998 and part 2, 2012). A

Certificate of Test together with a copy of the final test figures is to be submitted by a competent person and approved by the Principle Certifying Authority prior to the issue of the Occupation Certificate.

## **82. MECHANICAL VENTILATION SYSTEMS**

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
  - (i) inspection, testing and commissioning details;
  - (ii) date of inspection, testing and commissioning details;
  - (iii) the name and address of the individual who carried out the test; and
  - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

## **83. NOISE - MECHANICAL PLANT**

Noise associated with mechanical plant, machinery and ancillary fittings 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) An LAeq(15min) noise level that exceeds the LA90 background noise level by more than 5dB when measured or assessed at the boundary of any affected residence. The measured noise level must be corrected in accordance with the NSW EPA 'Industrial Noise Policy' Modifying Factors.
- (c) An LAeq(15min) noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) that exceeds the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) within any habitable room of any affected residence.
- (d) Notwithstanding compliance with (b) and (c) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any affected residence between the hours of midnight and 7.00am.

When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).

'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.

'boundary' includes any window or elevated window of an affected residence.

Terms in this clause have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

**84. REFRIGERATION UNITS & MECHANICAL PLANT**

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any refrigeration motors/units or other mechanical plant associated with the use of the building.

**85. MECHANICAL EXHAUST MAINTENANCE**

A maintenance program is to be implemented for the mechanical exhaust ventilation system that includes the cleaning of the entire system from the hood to the top of the flue at the discharge point at six (6) monthly intervals.

**86. LOCATION OF GREASE TRAP**

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied.

**Note: Sydney Water also have requirements for grease arrestors that you need to comply with.**

**87. INTRUDER ALARM**

- (a) The premises shall be fitted with an Intruder alarm system that has been designed and installed to the Australian Standard (Domestic and Commercial Alarm Systems).
- (b) A duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.
- (c) Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

**88. NO FLASHING SIGNS**

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

**89. LOCATION OF SIGNS**

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

**90. ERECTION OF SIGNS**

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

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

**91. NO SIGNS OR GOODS ON PUBLIC AREA**

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

**92. ACOUSTIC CERTIFICATION - PRIOR TO COMMENCEMENT OF ENTERTAINMENT NOISE**

Prior to the commencement of entertainment noise under condition 59 as per DA-413/2015/C, an acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority, certifying that all acoustic recommendations have been incorporated into the development and completed.

The report is to include the Noise Compliance Verification Report as specified in condition 60.

***(ADDED DA-413/2015/C)***

**93. COMPLETE VERSION OF PLAN OF MANAGEMENT REQUIRED – DA-413/2015/C**

Prior to the commencement of entertainment noise under condition 59 as per DA-413/2015/C, an up to date and full set of the Plan of Management shall be submitted to Council for approval. In this regard, the document, including all attachments are to be provided in 1 complete file.

***(ADDED DA-413/2015/C)***

**NOTE:**

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. (Reason: To ensure the amenity of surrounding land uses)

**RECEIVED**  
**Waverley Council**

**Application No: DA-413/2015/C**

**Date Received: 11/12/2018**

## **Bondi Beach Public Bar**

### **Amplified Music Noise Impact Assessment**

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## DOCUMENT CONTROL REGISTER

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## 1 INTRODUCTION

This report presents our assessment of noise emissions of proposed DJ and live music from the Bondi Beach Public Bar located on the ground floor of the Pacific Bondi development at 180-186 Campbell Parade, Bondi Beach.

In this report we will:

- Identify potential sources of noise during operation of the proposed development.
- Setup noise emission limits based on the condition of consent requirements presented in the Development Consent issued by Waverley Council (ref: DA-413/2015/B, dated 19/04/2018).
- Discuss the appropriate management and noise control measures that should be adopted to minimise adverse impacts on surrounding receivers during the operation of the proposed facility.

This assessment has been carried out in accordance with the requirements of condition 60.

## 2 SITE DESCRIPTION

### 2.1 THE PROPOSAL

The Bondi Beach Public Bar is located on the ground floor of the Pacific Bondi development located at 180-186 Campbell Parade, Bondi Beach. The site is located within the block bounded by Beach Road, Curlewis Street and Campbell Parade. The site has a capacity of 396 patrons and has the following approved operation hours:

- 7am-1am Mondays to Saturdays;
- 7am-12am midnight Sundays.

The site is bound to the south-west by Curlewis Street and to the south-east by Campbell Parade.

The proposal is to permit the use of DJs and live music within the internal areas of the site. The use of DJ or live music is currently not permitted under condition 59 unless written approval is obtained from Council. Condition 60 of the consent sets out the requirements of an amplified music verification report. It is assumed that provided Condition 60 is met then an application can be made to permit amplified music.

The purpose of the measurements and analysis undertaken in this assessment is to address the requirements of Condition 60.

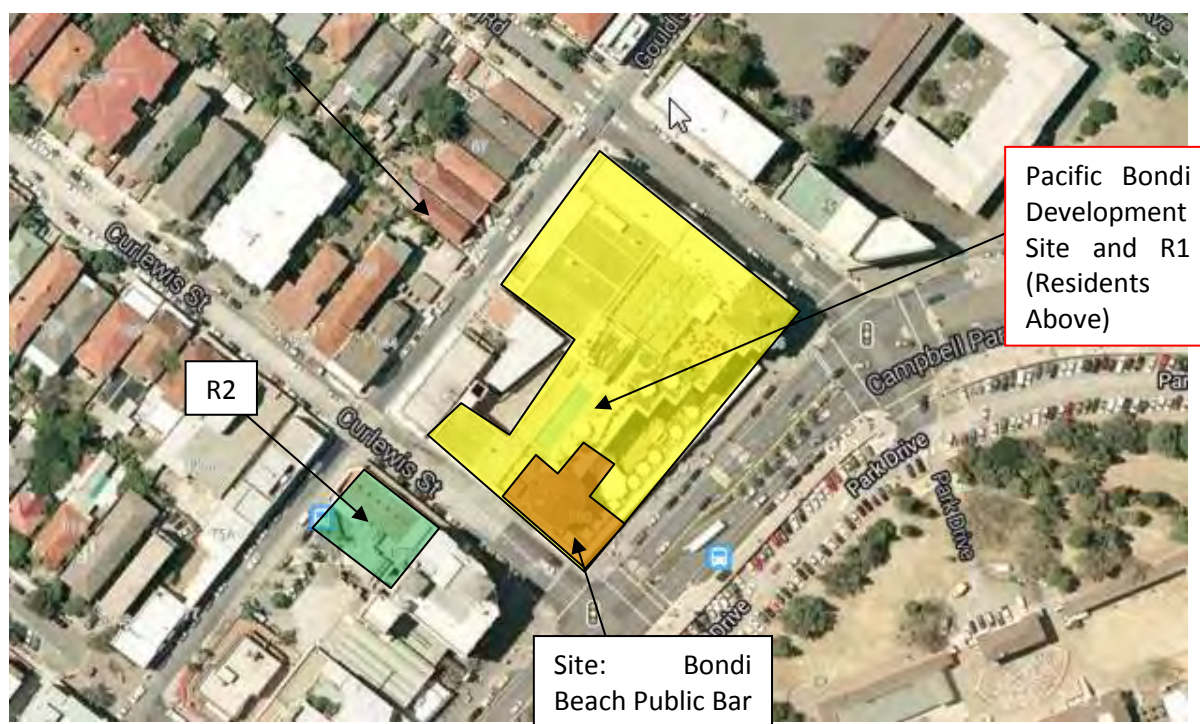
### 2.2 POTENTIALLY AFFECTED PROPERTIES

The nearest affected residential receivers are as follows:

- Noise Receiver 1 (R1) – Residential apartments located directly above the subject bar within the Pacific Bondi precinct.
- Noise Receiver 2 (R2) – Residential apartments located to the south-west of the site, across Curlewis Street.

If noise emissions comply at the above locations, then they will comply all other noise receiver locations.

Figure 1 shows the site map and nearest noise receivers.



**Figure 1: Site Map and Noise Monitor Location**

### 3 NOISE EMISSION CRITERIA

#### 3.1 CONDITIONS OF CONSENT

Noise emission criteria for music noise emissions from the development will be formulated based on the requirements of condition 80 of the Development Consent issued by Waverley Council (ref: DA-413/2015/B, dated 19/04/2018), which states:

*“80. Liquor License Premises – Noise Emissions*

- (a) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.*
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.*
- (c) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.*
- (d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.*

*NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.*

*‘affected residence’ includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.*

*‘boundary’ includes any window or elevated window of an affected residence.*

*The ‘LA10’ may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.*

*The ‘LA90’ shall be measured in the absence of any noise from the premises (including mechanical plant noise).*

*When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).”*

The relevant noise emission criteria are presented in the table below. The noise emission requirements are based on the background noise measurements presented in the Noise Impact Assessment prepared by this office (ref: 20151028.2/2706A/R9/BW, dated 27/06/2017), which is referenced in condition 1(b).

**Table 1 – Criteria for Residential Receivers – Acoustic Objectives dBL<sub>10(15minutes)</sub>**

Location	Time Period	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-wt
Surrounding Affected residence on Curlews Street	Daytime BG+5dB(A) (7am – 6pm)	73	69	63	61	59	59	56	49	37	<b>63</b>
	Evening BG+5dB(A) (6pm – 10pm)	70	66	61	59	59	59	55	47	37	<b>63</b>
	Night BG+5dB(A) (10pm – 12am)	64	62	59	57	54	51	48	41	31	<b>55</b>
	Night BG+0dB(A) (12am – 1am)	59	57	54	52	49	46	43	36	26	<b>50</b>

**Table 2 – Internal Criteria for Residential Receivers – Acoustic Objectives dBL<sub>10(15minutes)</sub>**

Location	Time Period	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
Internal Areas of Residential Apartments Above Bar	7am-12am midnight	60	44	38	28	19	13	11	12	13
	12am midnight- 7am*	60	38	28	18	9	3	1	2	13

\*Based on the greater of “background noise level – 10dB(A)” and the threshold of hearing contour. We note that a noise source will be inaudible if it is below the threshold of hearing or 10dB(A) lower than the existing background noise level.



## 4 AIRBORNE NOISE REDUCTION TESTING

A noise reduction test was conducted of the existing façade of the Bondi Beach Public Bar as well as the common floor/ceiling construction separating the site bar from the apartment directly above. The testing was conducted on the 8<sup>th</sup> October 2018.

The noise reduction testing was conducted by playing music as loudly as possible within the bar area through the bar's loudspeaker system in an attempt for the music to be clearly audible at the nearest residential receivers and then measuring the resultant noise at the receivers. Based on the noise reduction testing, it will be possible to determine the maximum music noise levels permitted in the bar to comply with the noise emission requirements.

The reference music track used for the noise reduction testing was *Move On Out* by Bontan. This music was selected for the testing as it is consistently loud and it also covers a large frequency range (i.e. has bass as well as high frequency content). Refer to Appendix 1 for the schematic of the sound amplification system as well as the make and model of the sound amplification system.

Noise measurements in the bar with the reference music track playing were conducted in the Sunken Lounge as indicated in the figure below. This reference location was selected as it was a central area and open within the bar.

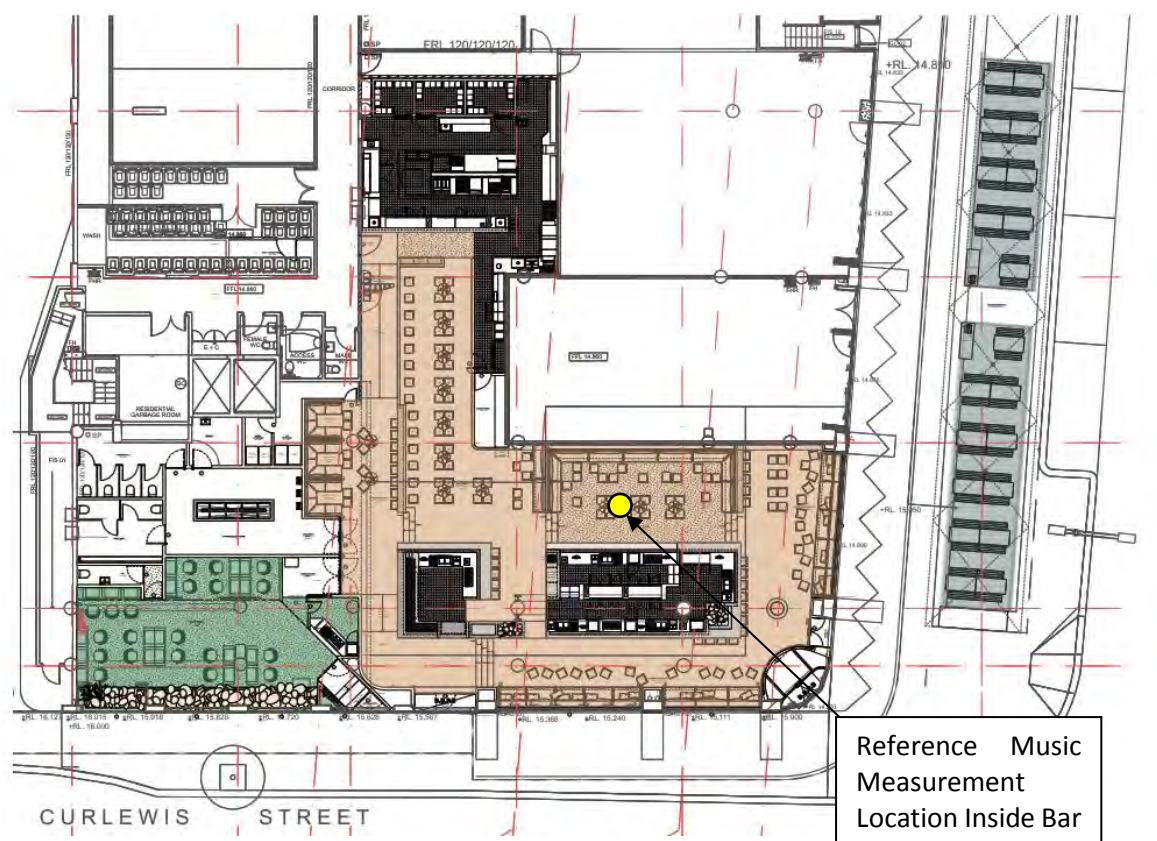


Figure 2 – Reference Music Measurement Location Inside Bar

The measurements are generally in accordance with the procedures given in Australian Standards AS 2253 and AS 1276.

The instruments used during the tests are listed below.

1. Norsonic 140 Sound Level Analyser.
2. Norsonic 1251 Sound Level Calibrator.

The measured noise reduction is presented below.

#### 4.1 NOISE REDUCTION TESTING RESULTS

##### 4.1.1 Noise Reduction to Residential Receiver Above Bar (R1)

Noise reduction testing was conducted to residential apartment 108 located directly above the bar. A test was conducted with all of the windows and doors of the bar closed and a separate test was conducted with all of the windows and doors of the bar open. The results of the noise reduction testing are presented in the tables below.

**Table 3 – Measured Noise Reduction to Apartment 108 Above Bar (Windows and Doors of Bar Closed)**

Receiver Location		Measured Noise Reduction (dB)								
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz
R1: Apartment 108	Living Room - Windows of Apartment Closed	43	43	45	56	64	62	60	63	63
	Bedroom - Windows of Apartment Closed	48	48	49	58	64	63	69	69	69
	Apartment Balcony*	> 46	> 46	> 50	> 53	> 50	> 50	> 50	> 60	> 58

Note: measured receiver noise levels have been corrected for background noise with noise source turned off.

\*Music was completely inaudible on apartment balcony.



**Table 4 – Measured Noise Reduction to Apartment 108 Above Bar (Windows and Doors of Bar Open)**

Receiver Location		Measured Noise Reduction (dB)								
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz
R1: Apartment 108	Living Room Windows of Apartment Closed	37	37	40	49	56	54	52	57	59
	Bedroom Windows of Apartment Closed	43	43	41	51	62	63	64	68	68
	Apartment Balcony	25	25	32	35	35	33	34	35	38

Note: measured receiver noise levels have been corrected by background noise with noise source turned off.

#### 4.1.2 Noise Reduction to Residential Receivers to the South-West (R2)

Noise reduction testing was conducted to boundary of the residential receivers to the south-west across Curlewis Street. A test was conducted with all windows and doors of the bar closed and a separate test was conducted with all of the windows and doors of the bar open. The results of the noise reduction testing are presented in the tables below.

**Table 5 – Measured Noise Reduction to Receiver 2 (Windows and Doors of Bar Closed)**

Receiver Location		Measured Noise Reduction (dB)								
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz
R2: Residential to the South-West*		> 41	> 41	> 43	> 44	> 46	> 45	> 45	> 51	> 54

Note: measured receiver noise levels have been corrected by background noise with noise source turned off.

\*Music was inaudible at receiver.

**Table 6 – Measured Noise Reduction to Receiver 2 (Windows and Doors of Bar Open)**

Receiver Location		Measured Noise Reduction (dB)								
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1KHz	2KHz	4KHz	8KHz
R2: Residential to the South-West		21	21	23	24	27	27	27	28	31

Note: measured receiver noise levels have been corrected for background noise with noise source turned off.

## 5 NOISE EMISSION ASSESSMENT

Noise emissions from the subject bar to the surrounding residential receivers have been calculated based on the measured noise reduction between the site and these receivers during on-site testing (refer to section 4).

Using these octave band noise reductions, the maximum permissible noise level spectrum within the bar have been determined to comply with the assessment criteria at all sensitive receivers at all times. The recommended acoustic controls are presented in section 6 below.

## 6 RECOMMENDATIONS

To ensure ongoing compliance with the patron/music noise emission requirements (refer to section 3), the following acoustic controls are recommended to be implemented:

- When live or heavily amplified DJ music is played in the bar:
  - Between 7am-10pm:
    - Amplified music within the bar is to be limited nominally to the noise spectrum as shown below:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	86	86	83	83	83	75	71	70	68	<b>83</b>

- Windows and doors of the bar may remain open.
- Between 10pm-12am midnight:
  - Amplified music within the bar is to be limited nominally to the noise spectrum as shown below:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	86	86	83	83	83	75	71	70	68	<b>83</b>

- Windows and doors of the bar are to remain closed except for patron ingress/egress.

○ Between 12am midnight-1am:

- Amplified music within the bar is to be limited nominally to the noise spectrum as shown below:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	80	80	73	73	69	65	61	61	60	<b>72</b>

- Windows and doors of the bar are to remain closed except for patron ingress/egress.

## 7 CONDITION 60

The requirements of Condition 60 are summarised below.

- a) This office has been advised that the speakers of the bar have been vibration isolated from the building structure as required by condition 60(a).
- b) To be implemented, with sound limits based on the recommendations of this report.
- c) To be implemented, with sound limits based on the recommendations of this report.
- d) Verification report. This is satisfied by this report except that the settings of sound limiters will need to be verified at the reference position once installed and set.

## 8 CONCLUSION

Noise emissions from the proposed use of live/DJ music at the Bondi Beach Public Bar located on the ground floor of located on the ground floor of the Pacific Bondi development at 180-186 Campbell Parade, Bondi Beach have been assessed based on the measured background noise levels on site and the condition of consent requirements presented in the Development Consent issued by Waverley Council (ref: DA-413/2015/B, dated 19/04/2018).

Provided that the recommendations in Section 6 are adopted, noise emissions from the proposed use of live/DJ music within the bar will comply with the noise emission requirements.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Justin Leong', with a horizontal line underneath.

Justin Leong

## **APPENDIX 1: SCHEMATIC OF SOUND AMPLIFICATION SYSTEM & SOUND AMPLIFICATION EQUIPMENT INSTALLED**



## **EQUIPMENT LIST**

### **Speakers**

34 x Martin MA CCD8 8inch mid high speakers in white  
34 x Martin MA CCD8 yoke wall brackets  
5 x Martin MA CSX112B-F12" Subwoofers  
9 x Martin MA CDD6 6inch mid high speakers in white  
9 x Martin MA CDD6 yoke wall brackets  
10 x QSC QA AC-C6T-LP 6.5 inch ceiling speakers  
10 x QSC QA AC-C4T 4 inch ceiling speakers

### **Amplification**

12 x QSC QA CMX800Va Amplifiers  
1 x QSC QA CMX500V Amplifiers  
1 x QSC QSYS CORE 110f system processors  
2 x QSC Q-Sys 10 Port POE network Switches  
1 x 45RU server racks

### **IPad and wall pads for system control surfaces**

2 x QSC TSC 7inch wall mounted touchscreens  
2 x iPad Air 32gig Wi-Fi  
2x Iport induction chargers and cases  
3 x Wi-Fi replicators (needs to be on its own network)

### **Wireless Microphones**

2x SHR-BLX24RS58K14 Shure wireless 1/2R Handheld System  
2 x SHR-UA221 Shure Antenna Splitter/Combiner  
2 x SHR-UA8-578-638 Shure Antenna 1/2 Wave Omnidirectional Receiver  
2 x SHR-UA834WB Shure In-Line Antenna Amplifier  
2 x SHR-UABIAST Shure Adapter In-Line BIAS-T



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**Application No: DA-413/2015/C**

**Date Received: 11/12/2018**

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# **PLAN OF MANAGEMENT**

**FOR**

## **THE BONDI BEACH PUBLIC BAR**

**LOCATED 154 CURLEWIS STREET, BONDI BEACH  
(also known as 180-186 CAMPBELL PARADE, BONDI  
BEACH**

**December 2018  
Ref: 150641. 8P**



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### **ATTACHMENTS**

**Appendix A – Liquor License LIQH400110227**

**Appendix B – Development Consent/s**

**[DA-413/2015 and any subsequent modifications]**

**Appendix C – Incident Register Example**

**Appendix D – Security Management Plan**

## 1.0 INTRODUCTION

- 1) The purpose of this Plan of Management (*the Plan*) is to establish performance criteria for the operation of the Bondi Beach Public Bar (*the Hotel*), having regard to the relevant matters under the *Environmental Planning and Assessment Act 1979* and the *Liquor Act 2007* (*the Liquor Act*) and any relevant Regulation under that legislation.
- 2) Where there is a conflict between this Plan of Management and management plans of condition 44 of DA-413/2015, then this Plan of Management shall prevail.
- 3) The Outdoor Seating area (along the Campbell Parade frontage) operates under a separate Plan of Management (as per development consent, DA-232/2017). Where there is a conflict between the two Plan of Managements, this Plan of Management shall prevail.
- 4) All staff involved with the sale or supply of liquor or security, shall receive instruction and training on the contents of this Plan and its attachments. A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Council Compliance Officers, the Police, or inspectors from Liquor and Gaming NSW (L&G). Copies of the liquor license (Appendix A) and development consent (Appendix B) will also be kept on site and produced upon a request by Police or Council Officers.
- 5) The provisions of this Plan must be adhered to at all times during the execution of the duty of all members of staff and security. Disregarding the provision of this Plan may lead to on-the-spot dismissal.
- 6) Reference in this Plan to the **Licensee** is a reference to the most senior Hotel management person on duty, even in the absence of the Licensee.
- 7) Reference in this Plan to the **Security Manager** is a reference to the most senior Hotel security person on duty, unless the role of Security Manager has been delegated by the Licensee.
- 8) An obligation or responsibility under this Plan assigned to a Duty or Security Manager may be undertaken by another member of staff, as delegated by the relevant manager.

## 2.0 OPERATIONAL DETAILS

### 2.1 THE POLICE AND COMMUNITY LIAISON COMMITTEE

- 9) The Licensee will maintain an active membership in the Eastern Suburbs Liquor Accord.
- 10) The management team for the Hotel will meet amongst themselves on a monthly basis and as required with the Commander or his delegate of the Eastern Suburbs Local Police Area Command. Matters that will be discussed will range from the management of upcoming events, complaints received from residents, businesses, the Police or Council, any recent incidents and where improvements could be made with respect to security and management

procedures. Management procedures and this Plan are to be reviewed at those meetings to address on-going matters as they arise and to ensure contingency plans are in place.

11) This Plan incorporates a community complaint section to deal with any complaints as to noise or the behaviour of patrons or staff. See Section 3.3 of this Plan for more information.

12) The licensee or senior management nominee of the premises is to attend a Precinct Meeting when invited by the convenor of the relevant committee. Notice of any meeting shall be provided to the Hotel no later than 7 days prior to the committee meeting. The hotel representative should make themselves known at the committee meeting and their attendance should be recorded in the minutes of the meeting.

## 2.2 HOURS OF OPERATION

13) The hours of operation of the Hotel are as follows;

*Approved hours of operation – internal area and gaming room*

*Monday to Saturday 7.00am to 11.00pm*

*Sunday 7.00am to 10.00pm (midnight)*

*No entry or re-entry after 12.00am(midnight) Monday to Saturday and after 11.00pm on Sunday*

*The approved extended trial trading hours currently constitute;*

*Monday to Saturday 11.00pm to 1.00am*

*Sunday 10.00pm to 12.00am (midnight)*

14) Packaged liquor may be sold over the bar for consumption away from the Hotel between the hours of 10am and 10pm, daily.

15) No patron shall be permitted access to the Hotel outside the hours of operation.

## 2.3 CAPACITY

16) The Hotel has a maximum capacity of **396 patrons** (inclusive of staff, security, entertainers and patrons)

I. Internal Bar and Dining Area: 366 persons; and

II. Gaming Room: 30 persons.

## 3.0 MANAGEMENT MEASURES

### 3.1 GENERAL AMENITY

17) The Licensee shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the Hotel does not impact adversely on the surrounding area.

18) Patrons wishing to smoke will be directed by security and hotel staff as to where the most appropriate location is situated. Security and management to

ensure patrons who leave the premises to smoke comply with all relevant legislation. Hotel management will provide cigarette butt bins in this area, whilst periodic cleaning patrols by Hotel staff will also maintain the cleanliness of the area. In accordance with current legislation, no smoking will be allowed in the internal bar and dining areas of the hotel at anytime.

19) The Licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the Hotel does not detrimentally affect the amenity of the surrounding area.

20) The Licensee shall ensure that the entry points and immediate vicinity are kept clean and tidy during the Hotel's hours of operation.

21) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.

22) Any queuing of patrons shall not block pedestrian movement along the footway.

23) Following the close of the Hotel the Licensee shall ensure that the entry points and immediate vicinity of the Hotel are cleaned with all signs of rubbish and waste removed.

24) Any person who has been turned out of the Hotel or refused entry for being intoxicated, violent, quarrelsome or disorderly is not permitted to re-enter the Hotel for 24 hours or remain within 50 metres of the Hotel for 6 hours without a reasonable excuse. Reasonable excuses include: fearing for their safety; to obtain transport; or they reside within 50 metres of the Hotel. The Security Manager shall contact the Police if any person refuses to leave the Hotel or refuses to move more than 50 metres from the Hotel as required by the Liquor Act.

### **3.2 THE RESPONSIBLE SERVICE OF ALCOHOL**

25) The sale and supply of liquor shall be exercised – at all times – in accordance with the provisions of the Liquor Act and Regulation and the Hotel Licence (**Appendix A**).

26) The following operational policies for the Responsible Service of Alcohol shall apply at all times:

- I. All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the Responsible Service of Alcohol
- II. All staff are required to have their RSA Competency Card available at all times when working. Failure to produce RSA Certification at the request of Police or Inspector is an offence under the Liquor Act with a maximum penalty of \$550 (for you, not the Hotel).
- III. The Licensee shall not permit the Hotel to engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- IV. Alcohol shall not be served to any person who is intoxicated.
- V. Any person who is intoxicated shall be denied entry to the Hotel.

VI. All staff and security are responsible to ensure that intoxication or any indecent, violent or quarrelsome conduct by patrons in the Hotel is brought to the attention of the Licensee. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the Licensee.

VII. Patrons under the age of 18 years shall only be admitted to the Hotel in the company of a responsible adult<sup>1</sup> and no patron under 18 years shall be permitted entry to the Gaming Room. Production of photographic identification will be required to confirm the age of any patron who appears to be under the age of 25 years. The only acceptable proof of age identification shall be a valid:

- (a) Australian State or other Government issued photo identification card, such as a driver's licence or proof of age card; or
- (b) Passport; or
- (c) Keypass identity card issued by Australia Post.

IX. Low alcohol beer and non-alcoholic beverages shall be available at all times.

X. Free drinking water shall be available at all times.

XI. Light meals shall be available on request whenever liquor is available for consumption in the Hotel.

XII. Staff are not permitted to consume alcohol whilst on duty.

27) A person is to be considered intoxicated if the person's speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor. Bring to the attention of Licensee any person considered to be displaying signs of intoxication.

### 3.3 COMPLAINTS AND THE INCIDENT REGISTER

28) The Licensee shall ensure that details of the following are recorded in the Hotel's Incident Register (**Appendix C**) at all times:

- I. Any incident involving violence or anti-social behaviour occurring on the Hotel;
- II. Any incident of which the Licensee is aware, that involves violence or anti- social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to, the Hotel;

**Responsible adult** in relation to a minor, means an adult who is: (a) a parent, step-parent or guardian of the minor, or (b) the minor's spouse or de facto partner, or (c) for the time being standing in as the parent of the minor.

III. Any incident that results in a person being turned out of the Hotel under

---

Section 77 of Liquor Act; viz

- a) For being intoxicated, violent, quarrelsome or disorderly;
- b) Whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., unaccompanied minors;
- c) Who smokes within an area of the Hotel that is a smoke-free area; or
- d) Who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.

IV. Any incident that results in a patron of the Hotel requiring medical assistance;

V. Any incident that occurred either on the Hotel or in the immediate vicinity, which involved the committing of a crime or required the intervention of security;

VI. Any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons; and

VII. Any visit by any NSW Police Officer, L&G Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.

29) The Incident Register entry is to note under which of the above reasons the entry is being made, including the details of any incidents, what action was taken by security, the level of intoxication of any patrons involved and whether the Police were called.

30) The Licensee shall make the Incident Register available to any NSW Police Officer, Council Officer, L&G Special Inspector on request.

31) Persons who wish to make a complaint should contact the Hotel on the phone number displayed on the Hotel's website. Calls to the Hotel must be answered at all times when the Hotel is trading and for at least 30 minutes after closing time. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by the Licensee within 48 hours of a complaint being made.

32) The following details of complaints made to the Hotel are to be recorded in the Incident Register:

- I. Date and time of the incident that led to the complaint;
- II. Nature of the complaint;
- III. Address and contact details of the complainant;
- IV. Any actions proposed to deal with the complaint; and

- V. The actions taken and the time and date when that was reported to the complainant.
- VI. The Incident Register is to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately and that sufficient details in relation to incidents are being recorded.

### 3.4 TECHNICAL NOISE CRITERIA AND NOISE CONTROLS

33) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight at the boundary of any affected residence.

34) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7:00am at the boundary of any affected residence.

35) Notwithstanding compliance with the above, noise from the Hotel shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7:00am.

36) Any noise mitigation measures and noise limiting devices must not be altered or modified unless on the advice of or by a qualified acoustic consultant and Council must promptly receive written notification from the Licensee, of any such changes.

37) The employment of any member of staff, security or entertainer found tampering with the sound system or noise-limiting device may be terminated on the spot.

38) All windows and doors to the Hotel are to remain closed at 10pm except for ingress and egress. All Main Bar patrons must use the Campbell Parade main doors after 10pm.

39) All windows to the Hotel must be closed whenever the noise limiter for the Hotel permits a maximum volume of more than 70dB(A).

40) All entertainment must be limited to relevant noise criteria below:  
Between 7am and 10pm:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	86	86	83	83	83	75	71	70	68	83

Between 10pm and 12midnight:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	86	86	83	83	83	75	71	70	68	83

Between 12midnight and 1am the following day:

	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-weight dB(A)
Music Noise Spectrum – dBL <sub>10</sub>	80	80	73	73	69	65	61	61	60	72

#### 41) Sound Amplification Equipment

- All speakers shall be installed with vibration isolation mounting
- All sound amplification equipment used on the premises must be controlled by a Root Mean Square (RMS) noise limiter (compression ratio greater than or equal to 20:1) (Limiter). The limiter settings shall be adjusted by a suitably qualified acoustic consultant to ensure that the Noise Use condition specified here-in is complied with
- The Limiter must be connected directly to the power amplifiers without intervening electronics and housed in a tamper proof cabinet which shall be kept locked at all times. Keys shall be held in safe-keeping by the Licensee only

42) No modifications to the sound amplification equipment shall be made without approval of Council. Any modifications will require submission of an updated Noise Compliance Verification Report

### 3.5 SIGNAGE

43) The Licensee shall be responsible to ensure the following signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near each entry to the premises as follows:

*I. Approved hours of operation – internal area*

*Monday to Saturday 7.00am to 1.00am*

*Sunday 7.00am to 12.00am (midnight)*

*No entry or re-entry after 12.00am (midnight) Monday to Saturday and after 11.00pm on Sundays*

*II. Approved patron capacity;*

*Total of 396 patrons comprising;*

*Gaming Room 30 patrons*

*Internal Bar and Dining Areas 366 patrons*

*Upon leaving please respect local residents by minimising noise*

44) The Licensee shall be responsible to ensure all signage required under the Liquor Act and Regulation, is displayed and maintained in a prominent position, in accordance with those legislative requirements; including:

- I. Signage at the entrance stating the licence name, type of licence number and the name of the Licensee.
- II. Signage obtained from L&G and erected at the entrance to areas where a minors area authorization is in place: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.
- III. Signage obtained from L&G and erected at the entrance to bar areas stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.



- IV. Signage obtained from L&G and erected at any bar area stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.

### **3.6 WASTE MANAGEMENT AND DELIVERIES**

45) All waste shall be stored within the building for collection. Waste and recycling will be collected by a waste contractor and will not be stored on the public way, e.g., the footpath, at any time.

46) The Licensee is to ensure that adequate bins are to be provided outside the Hotel for patrons to properly dispose of cigarette butts.

47) The Licensee shall ensure the Hotel is cleaned daily after close or more frequently as the need arises.

48) Delivery of kegs must occur from a designated parking space next to the keg room at basement level two, between the hours of 7am and 10am

49) Litter patrols are to be undertaken in the general vicinity of the premises. Such patrols will take place intermittently during the hours of operation with the final patrol conducted at the cessation of trade. A litter patrol Register must be kept on the premises at all times detailing the date, time of patrol, staff member responsible, and manager's signature

50) No bottle or glass sorting, recycling or collection shall take place between 8.00pm and on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

### **4.0 SECURITY MEASURES**

51) Security is to be undertaken in accordance with an approved Security Management Plan within the approved Plan of Management (Appendix D). Any modifications to security procedures is to be updated in this plan of management and a copy provided to Council and Licensing Police for their records.

52) The Security Management Plan shall be reviewed not less than 3months after commencement of operations, in consultation with the Licensing Police of the local Police Area Command. Any amendments to be made shall be submitted to Council and the Licensing Police for their records.

#### **4.1 GENERAL MEASURES**

53) The Security Manager shall require all security personnel employed at the Hotel to:

- I. Be dressed in readily identifiable uniform so that they may be highly visible to patrons and displaying identification as a security guard.
- II. Fill in a time sheet (with start and finish times), which is to be initialed by the Licensee. Access to the sign on sheet shall be provided to NSW Police on request.
- III. Report to the Security Manager and Licensee to obtain a briefing on any

- specific duties to be addressed before commencing duty.
- IV. Prevent any person, detected as intoxicated, entering the Hotel and bring to notice of the Licensee, any person on the Hotel who might be considered to be in, or approaching, a state of intoxication.
  - V. Prevent patrons from removing glass or alcohol from the Hotel.
  - VI. Prevent patrons entering the Hotel with alcoholic drinks.
  - VII. Monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.
  - VIII. Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.
  - IX. Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.
  - X. In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem.
  - XI. Continually apply a "Hands Off" policy. Patrons are only to be asked to leave at the direction of management and forced removal from the Hotel must only occur at the direction of the Licensee and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron or member of staff.
  - XII. Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register as soon as practicable.

54) Security is to act in accordance with their powers in the public domain to assist persons in distress or give corrective advice to patrons of the Hotel. Patrons may be advised that failure to adhere to the directions of security will lead to refusal of re-entry.

55) Security are to be aware of the location of public transport options in order to properly advise departing patrons, as follows.

- I. Buses are available from Campbell Parade at the northern end of Bondi Pavilion. The 380 route operates 24 hours a day on average every 15-20 minutes between Circular Quay and Bondi Beach.
- II. The nearest Taxi Rank is located on Campbell Parade visible from outside of the Bondi Beach Public Bar.

56) The doorway leading between the kitchen pass and the public amenities corridor (at rear) shall be used by staff only, except in the case of an emergency (ie. as emergency exit). "Staff Only Beyond This Point" signs are to be displayed on the actual door, as well as at the top of the service ramp which descends to this door way located in front of the kitchen pass, so as to deter patrons from using this door for whatever reason.

## **4.2 SECURITY STAFF**

57) Upon commencing operations, Security are to be provided on the following basis until clause 48 commences:

- I. From 8pm one (1) licensed security officer is to be deployed at each entrance to the Hotel on Campbell Parade and Curlewis Street on Friday and Saturday nights and on any night preceding a public holiday.

- II. If there are more than 200 patrons in the Hotel after 10pm, one (1) additional licensed security officer is to be employed from 10pm to patrol the internal areas of Hotel. One (1) additional licensed security person is to be provided for each additional 100 patrons beyond that.

#### **4.3 CRIME SCENE PRESERVATION**

58) Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises or in the immediate vicinity, the person must:

- I. Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police; and
- II. Make direct and personal contact with the Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident; and
- III. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

#### **4.4 CLOSED CIRCUIT TELEVISION (CCTV)**

59) CCTV cameras must be maintained throughout the Hotel with camera coverage to specifically record images of the following areas:

- I. all public entrances and exits, whether or not in use at the time;
- II. toilet external entrances;
- III. all public accessible areas within the Hotel excluding toilets; and
- IV. the footpath area directly adjacent to the Hotel.

60) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

61) Recordings must:

- I. be in digital format; and
- II. record at a minimum of six frames per second; and
- III. commence one hour prior to opening, and operate continuously until at least one hour after closure.

62) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system.

63) Recordings must be retained for a period of 30 days before being reused or destroyed. The Licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

64) When the Hotel is open and trading, at least one person shall be at the Hotel who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies on compact disc, DVD or USB within 24 hours of a request by Police or OLGR Inspector.

65) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR Inspectors and other regulatory officers upon request.

#### 4.5 FOOTPATH AND ENTRY MANAGEMENT

66) Patrons may be directed at any time to enter from Campbell Parade and if required patrons are to be directed to queue along the buildings frontage from the Campbell Parade entrance. Patrons are to be permitted entry into the Hotel as quickly as possible to avoid congregation on the footpaths surrounding the entry. Queuing will assist in ensuring that all patrons are vetted for intoxication and age verification prior to entry, as well as to ensure that the maximum capacity of the Hotel is not exceeded.

67) The Security Manager is to ensure that patrons queuing to enter are to be checked that they meet the Hotel's entry requirements and dress code, and as follows:

- I. **Groups:** Entry may be denied to groups of males if they are perceived to be potentially aggressive or violent.
- II. **Young patrons:** Young patrons are to be denied entry even if is suspected they, or a member of their group, is under age.
- III. **Attitude:** Any person who is rude, aggressive, violent, quarrelsome, difficult or perceived to have a negative attitude is to be denied entry.
- IV. **Clothing:** No person wearing any clothing, jewellery or accessories indicating association with any gang, including colours, patches, abbreviations, etc., including 1%, or 1%er insignia.

68) If possible, and at the discretion of the Security Manager, prior to making it to the front of the queue patrons not meeting the above requirements are to be instructed to leave the queue.

69) The minimum requirement for counting patrons within and as they enter the Hotel is to be undertaken as follows.

- I. Until there are **250 patrons** within the Hotel, the number of persons present may be monitored by a periodic head count, made by the Licensee or Security Manager, at the discretion of the Licensee, at either half-hourly or hourly intervals.
- II. Whenever there are more than **250 patrons** the number of persons shall be monitored by the use of a hand-held counting device operated by a dedicated security person at the entry/exit point.
- III. Once the Hotel reaches **396 patrons**, the Hotel is to utilise a one-out one-in procedure.

## **5.0 OTHER RELEVANT MATTERS**

### **5.1 DRUGS AND DRINK SPIKING**

70) If any person is caught dealing, purchasing or consuming drugs within the Hotel, the person (or persons) are to be requested to leave immediately by the Duty or Security Manager and the Police must be informed of this. This is their first and only warning. If the same person is caught again, then the person (or persons) are to be banned for a period determined by the Licensee and the Police notified. The incident is to be recorded in the Incident Register.

71) The Licensee shall ensure that all toilets are patrolled by security or a member of staff at random intervals. The relevant member of staff must notify the Licensee of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there is no female personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male member of staff or security.

72) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:

- I. Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc – contact the Licensee about any person who goes to length to remain anonymous.
- II. An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.
- III. Any affected person will need to get to a safe place, which may be theirs or a friends place. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.
- IV. Contact the Police and thoroughly document the incident including any responses to questions in the Hotel's Incident Register.
- V. Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc and monitor patrons that order these drinks and bring to the attention of the Licensee if you suspect drink spiking.

### **5.2 FIRE SAFETY AND ESSENTIAL SERVICES**

73) The Licensee shall ensure that all essential services installed at the Hotel are certified annually and shall ensure that they remain in good working order at all times.

74) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as quickly as soon as possible.

75) The Licensee shall ensure that lists of telephone numbers of all relevant emergency agencies shall be kept in the office.

76) In the event of an emergency at the Hotel the Licensee is to direct staff to remove patrons from the Hotel and is to ensure the toilets are clear of patrons

before evacuating. Staff, or if present, the Security Manager is to direct patrons away from the Hotel as they exit.

### **5.3 AMENDMENT TO THIS PLAN**

77) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments can be made, following consultation with both the Police and Council who shall agree to those changes in writing and be provided with a copy of any modified Plan.

78) This Plan and its attachments are also subject to legislative changes to the Liquor Act 2007 and Liquor Regulation 2008. Where the publications of L&G are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes may be made to the Plan without consultation with the Police or Council.

79) An independent review of the Plan of Management may be undertaken by the Council or the Licensing Police of the local Police Area Command upon providing the applicant with written notice.

**PoM Version:** December 2018

**Licensee Name:** Jordan Kevin Burrows

**Licensee Signature:**

## **APPENDIX A – LIQUOR LICENCE**

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**APPENDIX B – DEVELOPMENT CONSENT**



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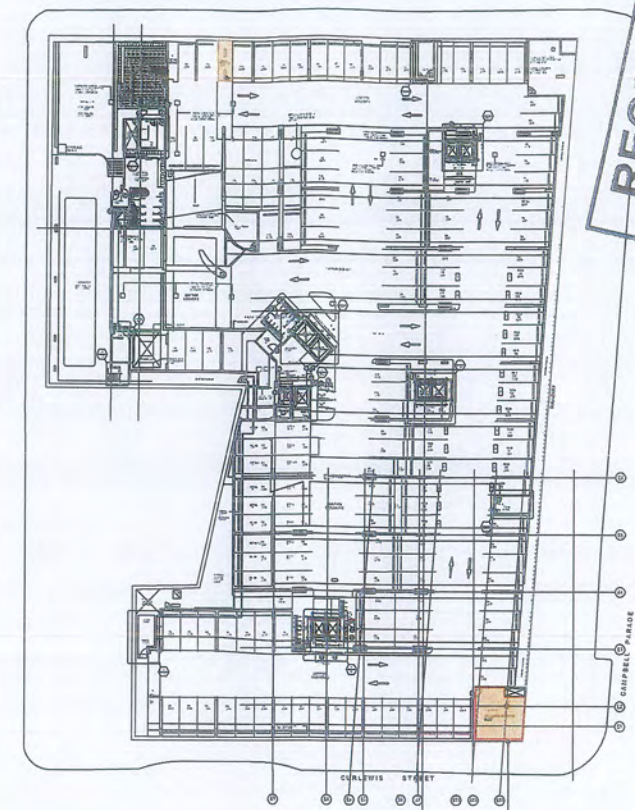
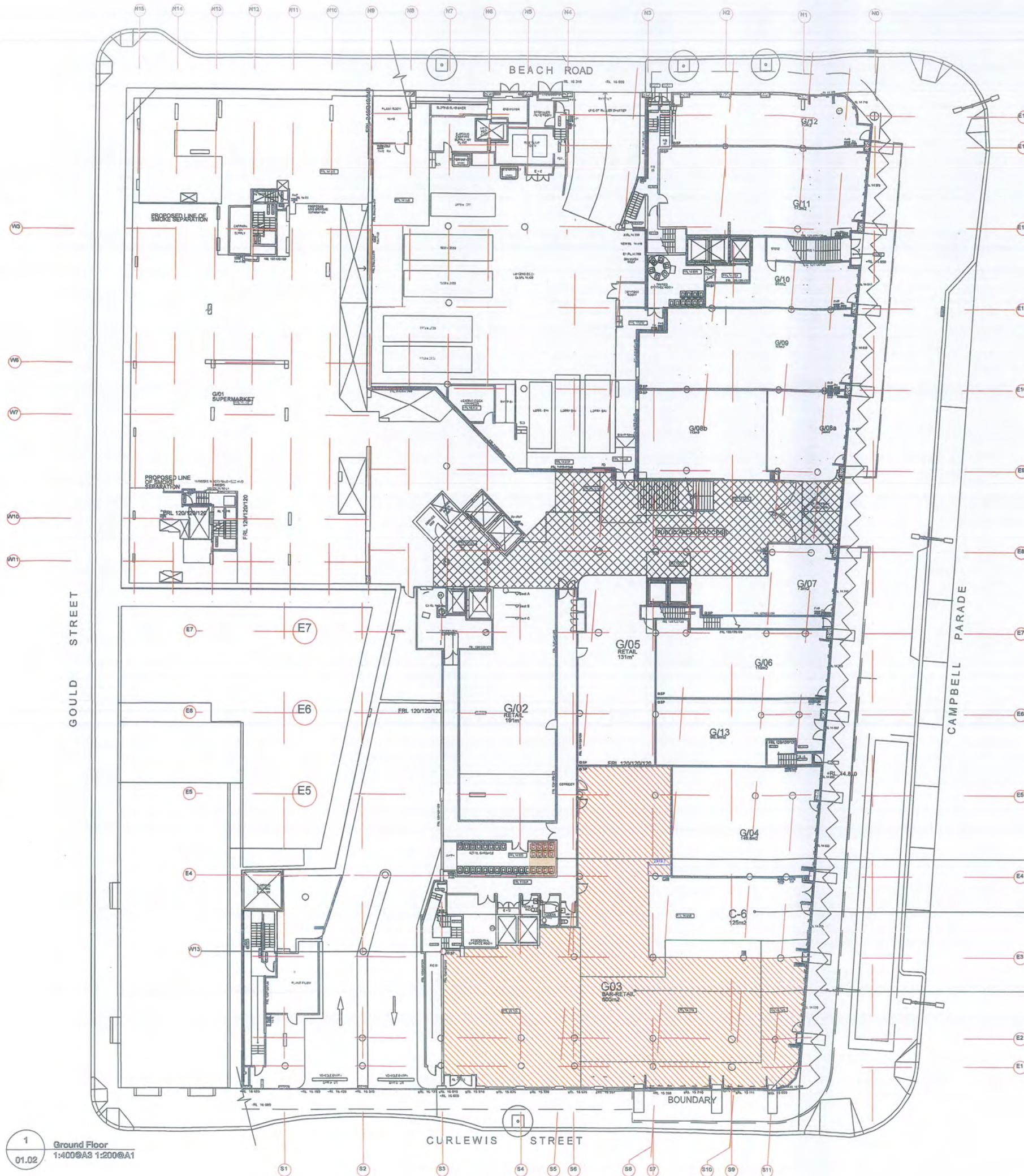
## **APPENDIX C – INCIDENT REGISTER EXAMPLE**

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## **APPENDIX D – SECURITY MANAGEMENT PLAN**



RECEIVED  
11 APR 2017  
WAVERLEY COUNCIL  
Customer First  
DA 413/15A



2 Basement Level B2  
01.02 1:1000@A3 1:500@A1

PT201 - STORAGE ROOM (11M2)

PT203 - STORAGE ROOM (48M2)

RETAIL GARBAGE ROOM (8M2)

C-6 - TENANCY REMOVED FROM PROPOSED S96 FLOOR AREA

G03 - PUBLIC BAR (600M2)

Waverley Council  
**APPROVED**

Section 96 Approval  
These plans/specifications form part of the modified Notice of Determination in respect to development application No. DA-413/15A and are subject to any conditions of the development consent.

*Authorised person*  
Authorised person

A 10.04.17 S96 APPLICATION

revision

revision

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Do not scale from drawings. Any discrepancies are to be notified to George Unibuild immediately. If in doubt, ask.

George Unibuild

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Unibuild pt

Issue

S96 APPLICATION

Job

BONDI BEACH PUBLIC BAR

Address

LOT 203 PACIFIC BONDI BEACH, 180 CAMPBELL

PARADE, BONDI BEACH, SYDNEY, NSW 2026

Draw

PLAN - TENANCY IDENTIFICATION

Scale

1:100@A3 1:200@A1

Date

01.04.17

Drawn by

01.02



DA-413/15/A

RECEIVED  
16 JUN 2017  
P & ES Department

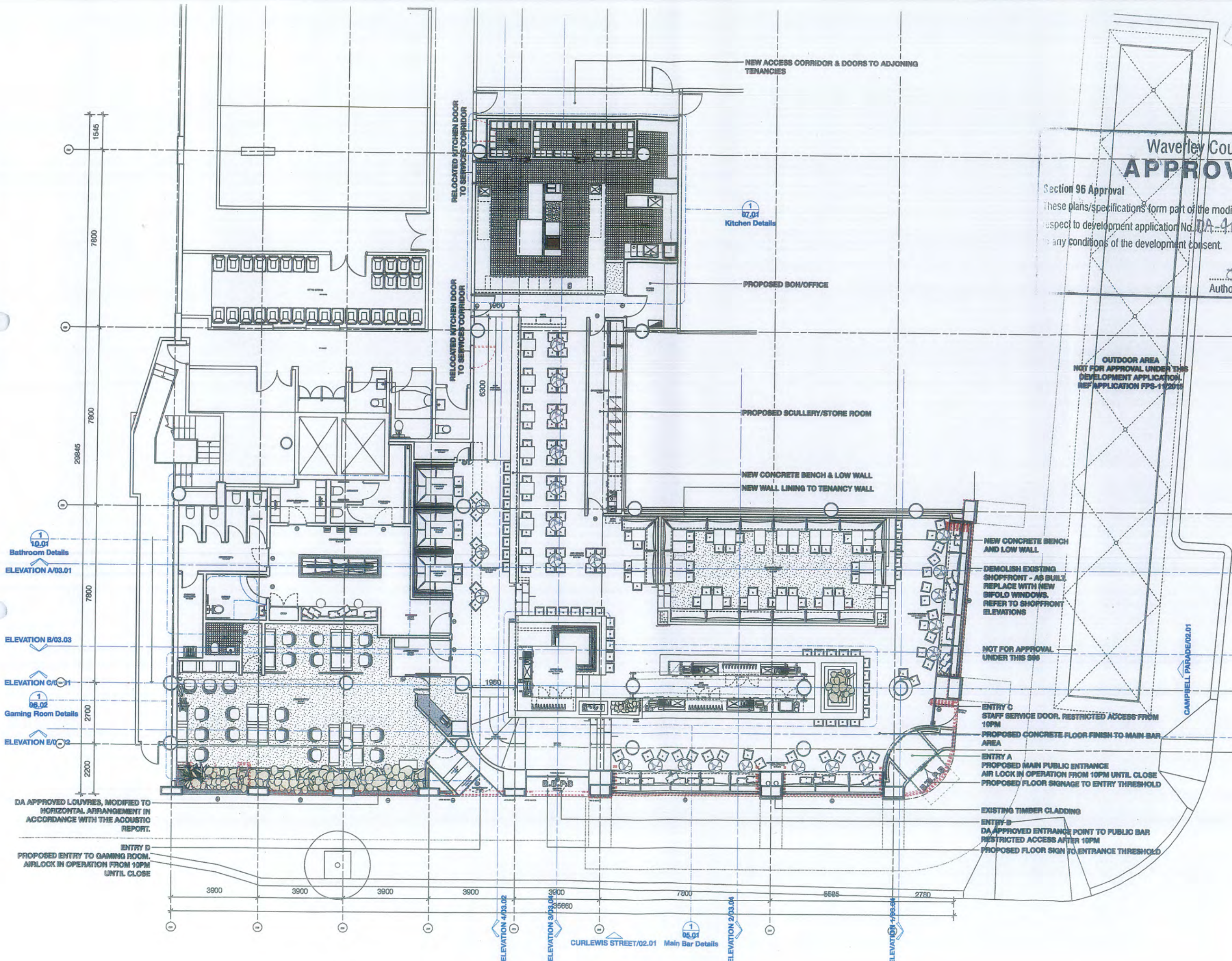
Waverley Council  
**APPROVED**

**Section 96 Approval**

These plans/specifications form part of the modified Notice of Determination in respect to development application No. DA-413/15/A and are subject to any conditions of the development consent.

*Adrian*  
Authorised person

OUTDOOR AREA  
NOT FOR APPROVAL UNDER THIS  
DEVELOPMENT APPLICATION  
REF APPLICATION FPS-11/2015



D 15.6.17 2015 APPLICATION  
A 15.6.17 2015 APPLICATION  
curlew  
curlew  
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international requirements outlined by the client.  
\*\* Do not scale from drawings. Any  
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benn  
2015 APPLICATION  
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DOWNSIDE PUBLIC BAR  
address  
LOT 253 PROPOSED DOWNSIDE BAR, 100 CAMPBELL  
PARADE, DOWNSIDE, SYDNEY, NSW 2053  
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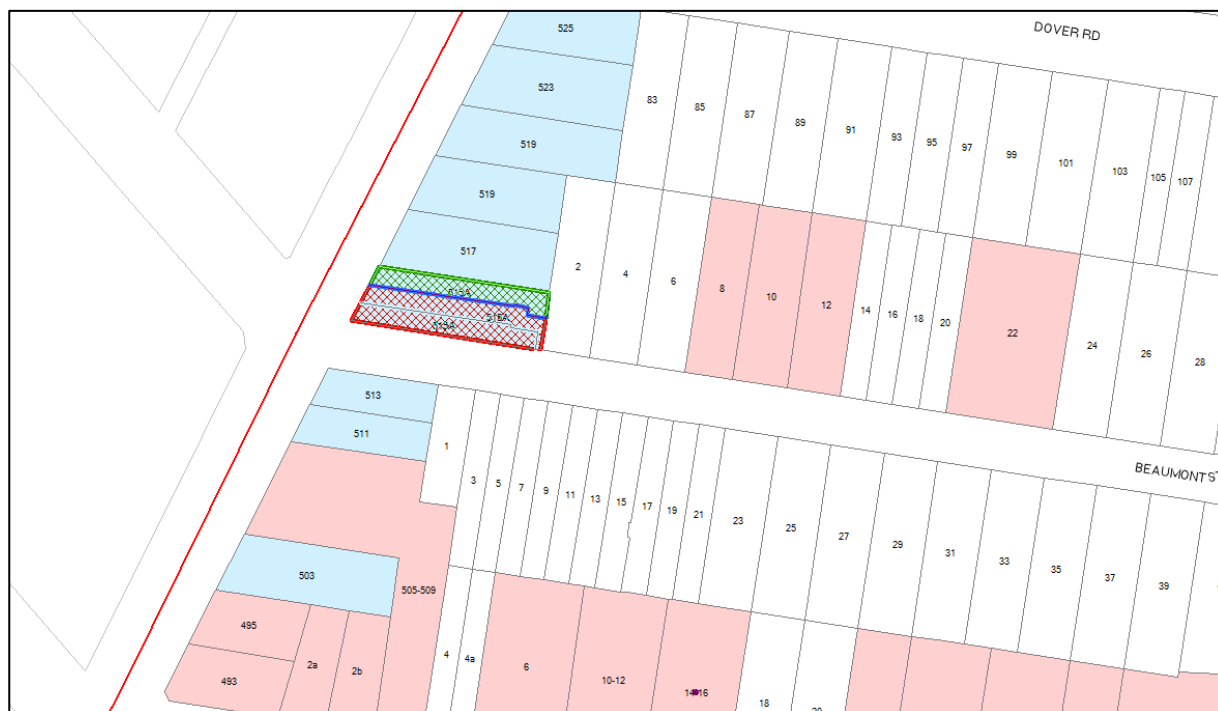




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-7/2019
<b>Site address</b>	515 Old South Head Road, ROSE BAY
<b>Proposal</b>	Demolition of the existing structures on site and construction of a four storey mixed use building.
<b>Date of lodgement</b>	23 January 2019
<b>Owner</b>	Fredless Investments Pty Ltd
<b>Applicant</b>	Fredless Investments Pty Ltd
<b>Submissions</b>	Eleven (11)
<b>Cost of works</b>	\$3,819,188
<b>Issues</b>	FSR, height, streetscape impacts, amenity impacts,
<b>Recommendation</b>	That the application be REFUSED

**Site Map**



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 21 May 2019.

The site is identified as Lot 1, 2 and 3 of DP 222252, known as 515 Old South Head Road, ROSE BAY. It is located on the north-eastern corner of the intersection of Old South Head Road and Beaumont Street.

The site is roughly rectangular in shape with an area of 678.5sqm. There is 1.39m fall from the rear of the site (east) to the front (west). The site has a splayed northern frontage to Old South Head Road measuring 15.4m, a southern boundary to Beaumont Street measuring 46.6m, a northern boundary of 43.6m and a rear eastern boundary measuring 14.7m.

The site is occupied by a two storey mixed use building, built in 1925. The ground floor is comprised of three retail tenancies accessed from Old South Head Road and the first floor contains commercial tenancies accessed via Beaumont Street. At the rear of the site, is vehicle access from Beaumont Street including three separate single garage structures with hard stand car parking spaces for an additional six cars.

The site is largely surrounded by retail, commercial and residential uses. Old South Head Road is characterised by three storey buildings containing ground floor shops with residential or commercial uses above. Immediately adjoining the site to the north (Old South Head Road) is a three storey shop-top housing development and opposite, to the south (across Beaumont Street), is a two storey retail building. To the rear of the site is a two storey detached dwelling.



**Figure 1:** Subject site frontage on the corner of Old South Head Road and Beaumont Street



**Figure 2:** Adjoining development to the north at Old South Head Road



**Figure 3:** Site viewed from Beaumont Street





**Figure 4:** Garages at the rear of the site and adjoining single dwelling on Beaumont Street



**Figure 5:** Rear of subject site and adjoining single dwelling (2 Beaumont Street)



## **1.2 Relevant History**

A search of Council records revealed previous development applications have been lodged for various retail and commercial uses overtime. These applications are not specifically related to the subject application.

## **1.3 Proposal**

The application seeks consent for demolition of the existing building and garages and construction of a new mixed use building containing 3 shops, an office and car parking on the ground floor with 12 residential units above. Specifically, the proposal includes:

### Ground floor:

- Three shops fronting Old South Head Road;
- One office fronting Beaumont Street;
- Waste and recycling facilities for the commercial and residential uses;
- An open residential lobby with lift access adjacent to a central courtyard with secure storage and parking for 12 bicycles; and
- Parking off Beaumont Street for 14 cars (utilising car stackers) and two motorbikes.

### First floor:

- A total of five residential units around an open central breezeway comprising:
  - One x 1 bedroom unit; and
  - Four x 2 bedroom units.

### Second floor:

- A total of five residential units around an open central breezeway comprising:
  - One x 1 bedroom unit; and
  - Four x 2 bedroom units.

### Third floor:

- A total of two x 3 bedroom residential units; and
- A centralised plan area to Beaumont Street.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

### 2.1.2 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for retail purposes. Documentation that demonstrates the requirements of SEPP 55 has not been provided, therefore a full and proper assessment cannot be made.

### 2.1.3 State Environmental Planning Policy (Infrastructure) 2007

#### Clause 101

The application is subject to Clause 101 of the SEPP as the site has frontage to Old South Head Road, which is a classified road. Subject to conditions, the application could satisfy Clause 101 of the Infrastructure SEPP; however, is recommended for refusal.

#### Clause 102

The application is subject to Clause 102 of the SEPP as the average daily traffic volume of Old South Head Road is more than 20,000 vehicles. The applicant has submitted a Noise Impact Assessment to address the Clause; however, the proposal is recommended for refusal.

### 2.1.4 SEPP 65 Design Quality of Residential Apartment Development

The application was referred to the Joint Randwick/Waverley SEPP 65 Design Excellence Panel on 18 February 2019. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment are set out in **Table 1** below:

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

Principle	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<i>The eastern side of Old South Head Road to the north of the site is comprised of 3 storey shop top housing. Opposite the site on the western side of Old South Head Road is 2 storey older shop top housing. On the western side at 494-496 Old South Head Road is shop top housing of 3 storeys with a 4<sup>th</sup> storey setback.</i> <i>The subject site is currently occupied by "The Beaumont Buildings", a fine corner building with excellent architectural character. This is a distinctive corner building and memorable landmark that is worthy</i>	The assessing officer concurs with the comments of the Design Excellence Panel.  The proposed building does not respond to the streetscape character in terms of rhythm, flow or materiality. The existing building should either be retained (with the potential for a sympathetic addition), or the proposed built form revised in order to respond to the neighbourhood character and to foster a better articulation of the corner. The existing building provides a strong visual presence in the

Principle	Panel's Comment	Planning Comment
	<p><i>of retention. The building addressing Old South Head Road and for a depth of 2 rooms along Beaumont Street has the potential for retention. The ground floor and first floor heights are appropriate for ground level retail and upper level residential, retaining existing windows and façade detailing. Additional residential floor space could be setback from Old South Head Road behind the existing parapet.</i></p> <p><i>The site is zoned B4 and is immediately adjacent to an R2 residential zone. The current proposal does not provide an appropriate transition between the two zonings.</i></p>	<p>intersection, which is not emulated in the proposed design.</p> <p>The proposal does not provide adequate separation distances, or even attempt to minimise the bulk of the building to the rear. The site adjoins the R2 Low Density Residential zone and has adverse amenity impacts on the neighbouring detached single dwelling.</p>
2. Built form & Scale	<p><i>The transition between the B4 and R2 zones should be in accordance with the Apartment Design Guide, which requires a 9m setback across a zoning boundary to upper level residential balconies and windows. The current design has a 7.33m setback.</i></p> <p><i>The articulated side entry setback from Beaumont Street is supported.</i></p> <p><i>The Panel supports a large reduction in car parking provision on the site to enable the retention of the Beaumont Building. There is good access to public transport with a bus stop adjacent to the site. The substantial area set aside for shuffle and stacker parking for a mixed residential and commercial car parking does not seem to be an appropriate outcome.</i></p> <p><i>The stair configuration could be reviewed to reduce travel distance around the lift and encourage more direct stair use.</i></p> <p><i>More information is needed about the neighbour to the north and any windows, rooms or outdoor space that may be impacted by the proposal. Shadow impacts on the houses at 1 and 3 Beaumont Street need to be clarified.</i></p>	<p>The proposal is not of an appropriate built form and scale.</p> <p>The proposal exceeds the height and floor space ratio development standards and does not provide adequate setbacks in accordance with the Apartment Design Guide (ADG) (see discussion in the tables below).</p> <p>While a reduction in car parking may be appropriate, the non-compliant setbacks has adverse amenity impacts both internally between the proposed residential units and to neighbouring properties.</p> <p>The proposed building is not compatible with the scale of surrounding developments and exceeds the development controls for the subject site, which demonstrate the desired future character of the area. Therefore, the proposed development is not suitable for the subject site.</p>

Principle	Panel's Comment	Planning Comment
3. Density	<p><i>The proposal exceeds the permissible density by 19% and a Clause 4.6 variation request has been submitted. It should be noted that none of the common corridors, breezeway and L3 plant area have been included in FSR calculations. These add substantially to the building bulk.</i></p> <p><i>The building bulk generated by the additional 19% measured FSR and the areas not included in the measurements is excessive given the built form issues identified in this review.</i></p>	<p>The assessing officer agrees. The proposal significantly exceeds the maximum FSR control, and the common corridors have not been included in the calculations.</p> <p>For amenity and security purposes, the open corridors and breezeways are not appropriate and would require to be enclosed. This further exacerbates the FSR non-compliance.</p>
4. Sustainability	<p><i>Sustainability initiatives are lacking in terms of water reuse, ventilation and solar power.</i></p> <p><i>There is no tank for the harvesting and reuse of water. Unit 1.03 and 2.03 would benefit from a high level window or louvres to the corridor for natural cross ventilation.</i></p> <p><i>All living rooms and bedrooms should have ceiling fans shown on the DA plans to minimise the use of air conditioning.</i></p> <p><i>Rooftop solar panels should be used to power the common spaces of the development at a minimum.</i></p> <p><i>Top floor western windows should be provided with sun shading.</i></p>	<p>The assessing officer agrees with the comments. The application does not adequately satisfy Principle 4, Sustainability.</p>
5. Landscape	<p><i>The Panel would prefer to see the retention of the existing significant tree on the site but acknowledged the potential impact that such action would have on development potential.</i></p> <p><i>The ground floor central courtyard is small and not useful for communal open space. The first floor bedroom 2 terrace to Unit 1.01 is compromised by the need to be screened all round.</i></p> <p><i>It is recommended that the ground floor courtyard is extended to the west, the bikes and storage relocated, the first floor balcony</i></p>	<p>The comments of the Design Excellence Panel regarding retention of the tree on site are acknowledged. However, Council's Tree Management officer has supported the removal of trees on site given they possess no outstanding attributes worthy of retention.</p> <p>Notwithstanding support for tree removal, it is agreed that the ground floor central courtyard is not suitable as communal open space. The proposal lacks adequate and usable landscaping, and coupled with the exceedance of the floor space ratio</p>

Principle	Panel's Comment	Planning Comment
	<p><i>deleted and the first floor planter moved to the bedroom wall and reduced in size.</i></p> <p><i>Air-conditioning condensers and bike parking spaces are not to occupy the eastern deep soil landscaped area.</i></p> <p><i>The provision of street trees should be discussed with the council.</i></p>	development standard results in a development that is not suitable for the site.
6. Amenity	<p><i>The Panel has the following concerns:</i></p> <ul style="list-style-type: none"> <li><i>- The privacy of apartments 1.02, 1.05, 2.02, 2.05, 3.01 and 3.02 is compromised by cross viewing from the open breezeway.</i></li> <li><i>- Landscape is insufficient to provide screening. To avoid having screens on all bedroom and kitchen windows it is preferable to screen the breezeway.</i></li> <li><i>- The western façade needs to provide high amenity including traffic noise reduction.</i></li> <li><i>- The eastern apartments overlook the eastern boundary. A larger setback is required.</i></li> <li><i>- The commercial AC units and visitor bike parking should not be placed in the ground floor landscaped areas.</i></li> <li><i>- Residential storage volumes have not been identified on floor plans and the storage at ground level appears to be insufficient. Bicycle storage is a different category compared to residential storage and should be located away from residential storage. A potential location is to replace the ground floor office adjacent to the ground level entry lobby, with a rearrangement of residential and commercial waste rooms.</i></li> <li><i>- Residential and commercial waste areas both exit to the street through the residential waste area and into the residential entry space.</i></li> </ul>	The assessing officer agrees. The proposed development has significant amenity impacts on neighbouring properties. In addition, the proposed apartments themselves do not provide an adequate level of amenity for future occupants. Specific amenity impacts are discussed in further detail below in the ADG and Waverley Development Control Plan 2012 (Waverley DCP 2012) tables.

Principle	Panel's Comment	Planning Comment
	<i>- Ground floor levels should be revised. Ramps into retail spaces should be avoided.</i>	
7. Safety	<i>There is no waiting bay for cars entering the car park and using the car stacker and shuffle systems. The safety and functionality of this proposal needs to be demonstrated to Council's traffic planners.</i>	Noted. However, this was not raised by Council's Traffic Engineers.  The open communal corridors and breezeways are not a suitable outcome to meet Principle 7: Safety.
8. Housing Diversity and Social Interaction	<i>No communal open space has been identified. The use of the ground floor courtyard is a potential location if increased in size as described in Principle 5: Landscape.</i>  <i>The Panel considers that the meaningful retention of the existing building, retention of the large tree and the addition of some residential floor space would provide a far better, diverse and socially responsible outcome.</i>  <i>The balcony on the northern boundary has possible fire separation and overlooking issues.</i>	The assessing officer concurs. There is no adequate space for social interaction. The communal open space is not only undersized, it will also have amenity impacts on apartments within the development.
9. Aesthetics	<i>The Panel strongly recommends the retention of the existing building with the addition of sensitively designed new floor space and well-appointed landscaped areas.</i>  <i>The design and quality of finish of the concrete street awning is important to achieving an acceptable outcome. A metal street awning would have a high quality finish and would be more consistent with other awnings in the street.</i>	The 'Beaumont Building' is a unique example of Inter-War style in Old South Head Road and one of the objectives of Waverley DCP 2012 C4 is to ensure that these buildings are maintained and conserved, thus preserving the character of Waverley and its streetscapes. Waverley DCP 2012 Part C4, Section 4.14 states that developments should preserve the integrity of these buildings by maintaining its original fabric, decorative element and minimise disruption.  The proposed design is not considered to respond to the streetscape character in terms of rhythm, flow and materiality and fails to provide the expected corner articulation, which is distinctly characterised by the 'Beaumont Building'.

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

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

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

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in the table below.

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3C Communal and Public Open Space</b>		
<ul style="list-style-type: none"><li>Communal open space has a minimum area equal to 25% of the site</li><li>Developments to achieve a minimum of 50% direct sunlight to the principal part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.</li></ul>	No	The proposal provides a landscaped courtyard on the ground floor as communal open space. It measures 11.56m <sup>2</sup> , with dimensions of 3.4m x 3.4m, equating to 1.7% of the site area. The space is significantly undersized, overlooked from the levels above and is not capable of being used as meaningful communal open space.
	No	The solar access diagrams submitted, indicate that the communal open space does not receive any direct sunlight on the winter solstice.
<b>3E Deep Soil Zones</b>		
<ul style="list-style-type: none"><li>Deep soil zones are to meet the following minimum requirements:<ul style="list-style-type: none"><li>650m<sup>2</sup> - 1,500m<sup>2</sup> site:<ul style="list-style-type: none"><li>3m minimum dimensions, and</li><li>7% of site area</li></ul></li></ul></li></ul>	No	<p>The proposal provides a total 55m<sup>2</sup> (8.1%) of deep soil zones on the site. Including:</p> <ul style="list-style-type: none"><li>- Internal courtyard: 11.56m<sup>2</sup> (3.4m x 3.4m)</li><li>- Rear setback: 43.5sqm (3m x 14.5m)</li></ul> <p>Numerically, the proposal complies. However, the whole space is not usable as a deep soil zone for the following reasons:</p> <p>The internal courtyard proposed as communal open space is not large enough to function as both a communal open space and accommodate meaningful deep soil planting. Therefore, if the courtyard is used as a deep soil zone, the</p>

Design Criteria	Compliance	Comment
		<p>development will provide no communal open space. If the courtyard is used as communal open space, the development will be deficient if deep soil zones. This is an indication that the proposal is an over development of the site and that insufficient open space has been provided.</p> <p>The submitted plans indicate that the rear setback includes an "Allocated Retail AC Condenser Area" and the visitor bike parking spaces, which further detracts from the amount of usable deep soil zones on site.</p>
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <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>	<p>No</p> <p>No</p>	<p>The proposal provides nil setback to the northern boundary with 517 Old South Head Road. The plans do not indicate the windows and openings on the building at 517 Old South Head Road so the full impact of the nil setback cannot be determined.</p> <p>The open common corridor is setback approximately 5m from the northern boundary. The Unit 1.02 balcony abuts the northern boundary which will have significant privacy impacts.</p> <p>To the rear (eastern) boundary with 2 Beaumont Street (in the R2 Low Density Residential Zone), the proposed development provides the following setbacks:</p> <ul style="list-style-type: none"> <li>Ground floor (to car parking): 3m</li> <li>First floor (to balconies): 4.8m</li> <li>Second floor (to balconies and living room windows): 7.33m</li> <li>Third floor (to the balcony): 9m</li> </ul> <p>Five of the proposed apartments (including their balconies and habitable windows) overlook the existing single dwelling at 2 Beaumont Street, and the windows of this dwelling have not been indicated on the submitted drawings.</p> <p>There is also concern raised about the inadequate setbacks between apartments and the open communal corridor within the development. Visual privacy of Units 1.02, 1.05, 2.02, 2.05, 3.01 and 3.02 is compromised by cross viewing from the open communal corridor. While the applicant appears to have included landscape screening, this is insufficient.</p>





Design Criteria	Compliance	Comment
Bedrooms have minimum dimension of 3m (excluding wardrobe space) - Master bedrooms: 10m <sup>2</sup> - Other bedrooms: 9m <sup>2</sup>	No	The master bedrooms are undersized in Units 1.01 and 2.01 (measuring 9.6sqm). The master bedrooms in Units 1.04 and 2.04 have minimum dimensions of 2.5m.
<b>4E Private open space and balconies</b>		
All apartments provide primary balcony as follows:  <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> </ul>	No	100% of the units are provided with a balcony. However, the majority of the units do not meet the minimum size requirement.
<b>4F Common circulation and spaces</b>		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes, however amenity impacts	While compliant with the number of units' access of the circulation space, the common circulation spaces are not considered to provide adequate safety and amenity for future occupants. They compromise the visual and acoustic privacy of a number of units.
<b>4G Storage</b>		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>1-bed – 6m<sup>3</sup></li> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	No	The residential storage volumes have not been identified on the floor plans and storage at the ground floor level appears insufficient. The plans indicate that the residential storage is used as bicycle storage, which is a different category of storage.

### 2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	No	The proposal is not consistent with the Aims of the Plan.

Provision	Compliance	Comment
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as shop-top housing, which is permitted with consent in the B4 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>13m</li> </ul>	No	The proposal has a maximum height of 13.55m, which exceeds the height development standard by 550mm or 4.2%.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>1.5:1</li> </ul>	No	<p>The submitted gross floor area (GFA) diagrams indicate a proposed GFA of 1,212.62m<sup>2</sup> (a FSR of 1.78:1). However, the submitted Statement of Environmental Effects and Clause 4.6 written request states the proposed GFA is 1,213.12m<sup>2</sup> (a FSR of 1.79:1) or a 19.1% (195.37m<sup>2</sup>) exceedance.</p> <p>Notwithstanding the above, it is noted that portions of the proposed corridors, which are enclosed on Ground, Level 1 and Level 2 have not been included in GFA and result in an additional 19.5m<sup>2</sup> and therefore a FSR of 1.82:1, exceeding the development standard by 214.87m<sup>2</sup> or 21%.</p> <p>It is also noted that an excessive area in front of the lift on each level is not calculated towards GFA, which would be common circulation space and if included would further exceed the FSR standard.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.1 Acid Sulfate Soils	Yes	The site is identified as being within a Class 5 Acid Sulfate Soils area. The proposal does not include excavation that would lower the water table in adjoining Class 4 areas and therefore no further investigation is necessary. However, for other reasons outlined in this report the development is not supported.
6.2 Earthworks	Yes	The proposal includes excavation to a depth of 3m for the car stackers. A Geotechnical Report has been submitted. However, for

Provision	Compliance	Comment
		other reasons outlined in this report, the proposed development is not supported.

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

## Exceptions to Development Standards

### Clause 4.3 Height of buildings

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

The site is subject to a maximum height control of 13m. The proposed development has a height of 13.55m, exceeding the standard by 550mm equating to a 4.2% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *Strict compliance with the development standard in this case would not be reasonable and is unnecessary, as the non-compliance is a numerical outcome that is not representative of the absence of impacts associated with the breach or reasonable scale of the building.*
  - (ii) *In this particular case, strict compliance is unreasonable as it would hinder the attainment of a reasonable environmental planning outcome for the commercial premises by restricting their flexibility to have different uses over time that may require services in the ceiling void. Strict compliance is unnecessary as the objectives of the zone and the development standard are met despite the non-compliance, and in this particular case, the removal of the offending area of non-compliance does not result in a better planning outcome or increased benefit to adjoining properties or the public domain.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) *A lack of environmental impacts does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the non-compliance does not cause unreasonable overshadowing, view loss, privacy or visual bulk impacts upon the adjoining properties and does not have an unreasonable impact on the streetscape or locality.*

(ii) *The environmental planning grounds justifying the variation are:*

- a. *The scale of the building is consistent with the site specific controls in the DCP that seek a building with a 3 storey appearance to Old South Head Road, with a 4th storey set back behind the principal form. The corner orientation of the site attracts a secondary frontage appearance to Beaumont Street that is activated by the wrap-around commercial premises at the front, a separate office premises facing the secondary street and a centralised residential lobby.*
- b. *The scale of the building is entirely consistent with the building envelope controls outlined in the DCP for the Rose Bay Small Village that dictate the future desired character of the area.*
- c. *The scale of the building is complementary to the existing built context.*
- d. *The proposal introduces an appropriate building for this neighbourhood that celebrates the corner, provides a robust appearance to Old South Head Road whilst providing a respectful transition to the lower density zoning and built form in the streets behind.*
- e. *The materials and finishes are high quality and do not require ongoing maintenance.*
- f. *The 3 bays at the retail level and the 2 projecting bays at the residential levels above are informed by the grid-like and fine grain pattern of the Rose Bay Small Village. The uppermost floor floats above the main building with a different but complementary style separating it from the grounded built form below. The design Page 13 of 13 at the top level includes the full integration of plant/services so that there are no extrusions for plant and equipment above the roof of the building.*
- g. *That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*

- c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*
- d) *to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the height development standard as the proposal has not demonstrated that the non-compliance with the height development standard will not result in discernible negative environmental impacts upon the amenity of adjoining properties in terms of overshadowing. Coupled with the exceedance of the FSR development standard and insufficient setbacks, the development has significant and detrimental impacts on the adjoining properties and the streetscape.

Is the development in the public interest?

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

The objectives of the B4 Mixed Use Zone are:

- *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.*
- *to encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

The proposal will provide additional housing and other land uses on site to meet the day to day needs of residents. However, the design of the development and non-compliance with other key planning controls is not considered to be appropriate for the site and the surrounding area.

The objectives of the Height development standard are:

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

The proposal does not preserve the environmental amenity of neighbouring properties and does not respond to the streetscape. Clauses (b) and (c) are not relevant. The proposal is not compatible with the height, bulk and scale of the desired future character of the locality as it significantly exceeds the

FSR development standard and has insufficient setbacks. The proposed building does not positively complement and contribute to the physical definition of the street network and public space.

### Conclusion

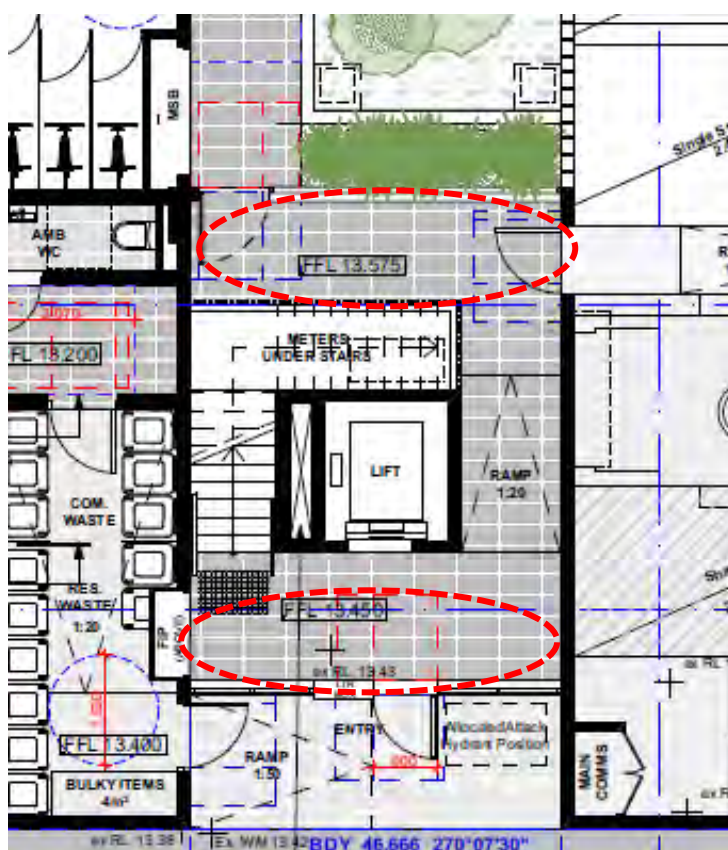
For the reasons provided above the requested variation to the height development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of Height development standard and the B4 Zone.

### Clause 4.4 Floor Space Ratio

The application seeks to vary the floor space ratio development standard in Clause 4.4.

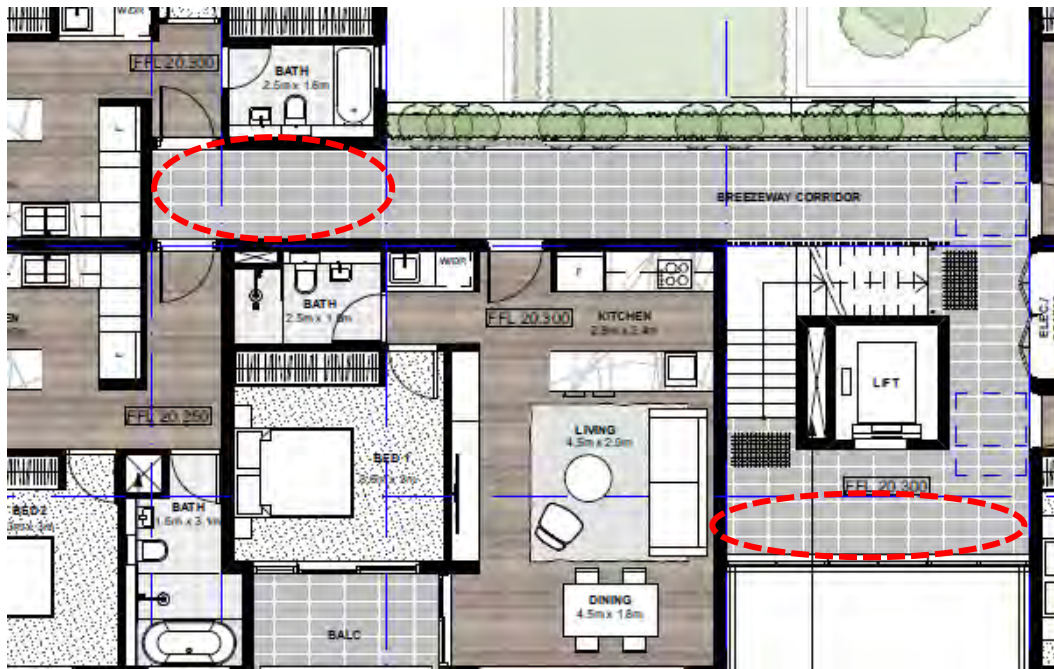
The site is subject to a maximum FSR control of 1.5:1. The Applicant has stated that the proposed development has a FSR of 1.79:1, exceeding the standard by 195.37m<sup>2</sup> equating to a 19.1% variation. However, as discussed above, with the inclusion of portions of the various enclosed corridors result in an additional 19.5m<sup>2</sup> GFA, which should be included and therefore a FSR of 1.82:1 is proposed, exceeding the development standard by 214.87m<sup>2</sup> or 21%. This calculation does not include the areas adjacent to the lift, which appear excessive and further exacerbate the bulk of the building.

Examples of some of the additional areas that should be included as GFA are identified in the figures below.



**Figure 6:** Ground Level Plan showing additional areas highlighted that should be included as GFA.





**Figure 7:** Level 2 Plan showing additional areas clouded that should be included as GFA.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) *Strict compliance with the development standard in this case would not be reasonable and is unnecessary, as the non-compliance is a numerical outcome that is not representative of the absence of impacts associated with the breach or reasonable scale of the building.*
  - (ii) *In this particular case, strict compliance is unreasonable as it would hinder the attainment of a reasonable environmental planning outcome for the commercial and residential components of the proposal. Strict compliance is unnecessary as the objectives of the zone and the development standard are met despite the non-compliance, and in this particular case, a reduction in floor space across the site does not result in a better planning outcome or increased benefit to adjoining properties or the public domain.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *A lack of environmental impacts does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the non-compliance does not cause any additional overshadowing, view loss, privacy or visual bulk impacts upon the adjoining properties and has an improved impact on the streetscape and locality.*
- (ii) *The environmental planning grounds justifying the variation are:*
- *The scale of the building is consistent with the site specific controls in the DCP that seek a building with a 3 storey appearance to Old South Head Road, with a 4th storey set back behind the principal form. These controls dictate the future desired character of the area.*
  - *The variation is the consequence of the site's corner orientation that attracts a secondary frontage to Beaumont Street. The secondary frontage demands floor space to continue the built form along the street condition.*
  - *The scale of the building is complementary to the existing built context.*
  - *The proposal introduces an appropriate building for this neighbourhood that celebrates the corner, provides a robust appearance to Old South Head Road whilst providing a respectful transition to the lower density zoning and built form in the streets behind.*
  - *The amenity of all retail tenancies is being improved, with new shared facilities, improved plant and equipment arrangements and access.*
  - *The building modulates and has a high level of articulation to minimise the perception of bulk.*
  - *There are genuine opportunities for deep soil planting at the rear of the site and within the central courtyard contributing to the amenity of the future occupants as well as making a positive contribution to the streetscape and locality generally*
  - *That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the FSR development standard as the proposal has not demonstrated that the non-compliance with the FSR development standard will not result in discernible negative environmental impacts upon the amenity of adjoining properties in terms of overshadowing. Coupled with the non-complaint setbacks and poor amenity of some of the proposed apartments, the development has significant and detrimental impacts on the adjoining properties and the streetscape.

Is the development in the public interest?

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

The objectives of the B4 Mixed Use Zone are:

- 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.*
- to encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

The objectives of the Height development standard are:

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The proposal does not provide an appropriate correlation between the maximum building height and density controls. The proposal exceeds the height development standard by 550mm and the proposal has insufficient setbacks. This, coupled with the 19% (or 21%) exceedance of the FSR development

standard, results in a proposal that is a gross overdevelopment of the site and a building that is not compatible with the bulk, scale, streetscape and desired future character of the area.

The proposal does not preserve the environmental amenity of the neighbouring properties. These amenity impacts are directly attributed to the overdevelopment of the site in terms of insufficient setbacks and exceedance of the maximum FSR control.

### Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR development standard and the B4 Zone.

## **2.1.6 Waverley Development Control Plan 2012**

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

**Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste 1.4.1.1 Storage <ul style="list-style-type: none"> <li>Bin storage area to be provided with rates in B1-2</li> </ul> 1.4.1.2 – Residential <ul style="list-style-type: none"> <li>Bulky waste storage area To be provided and bulky problem waste area with rates.</li> </ul>	No	Council's Waste and Recycling Officer has reviewed the proposal and the waste management plan submitted with the proposal and advised that the applicant has largely underestimated the space required for the expected number of bins.  Further, a minimum of 5m <sup>2</sup> is required for the storage of bulky items awaiting collection has not been provided on the drawings.
2. Ecologically sustainable Development	No	The cost of the development is over \$3 million, however the applicant has not provided an Energy Assessment Report or a commitment in the form of a draft proposal to reducing the greenhouse gas emissions from the development to equal a 30% reduction from a reference building.
3. Landscaping and Biodiversity	No	The landscaping plan has been reviewed and is not acceptable. The communal courtyard is small, and has adverse amenity impacts on a number of apartments. The proposal is heavily reliant on landscape screening, however this is not considered sufficient.  Given there is no proposed basement level, the opportunity for decent deep soil planting could be better incorporated into the proposal. The proposal includes air conditioning condenser

Development Control	Compliance	Comment
		units and visitor bicycle parking within the deep soil area at the rear of the site.
5. Tree preservation	No	The application involves the removal of a large tree onsite. The Design Excellence Panel raised concern about its removal, and recommended it be retained. However, Council's Tree Management Officer has advised that there are no outstanding attributes that warrant its retention. Notwithstanding this, the application is recommended for refusal.
6. Stormwater	No	The stormwater plans were referred to Council's Stormwater Engineer, who advised that they are not satisfactory as they do not comply with the Waverley DCP 2012 in reference to Waverley Council's Water Management Technical Manual.  The site is not flood prone and the design complies with the Water Management Technical Manual.
7. Accessibility and adaptability	Yes	An Access Report has been provided advising that the proposal is capable of comply with the Building Code of Australia and Waverley DCP 2012. However, for other reasons outlined in this report the application is not supported.
8. Transport <ul style="list-style-type: none"> <li>Car parking Provision Rates (maximum): Residents: 15 spaces Visitor: 2 spaces Motorcycle: 5 spaces Bicycle: 12 residential</li> </ul>	No	<p>The application was referred to Council's traffic engineers who raised no specific objection to the proposal. However, for other reasons outlined in the report the proposed development is not supported.</p> <p>14 residential parking spaces are proposed including one accessible space, which complies with the maximum permissible. However, no visitor parking spaces have been included. 12 residential bicycle parking spaces have been proposed. Only two motorcycle spaces are proposed, which does not comply.</p> <p>No car or bicycle parking is proposed for the retail and commercial component of the development. However, as the car parking rates provided in Waverley DCP 2012 Part B8 are maximums, this complies with the controls.</p> <p>Notwithstanding this, Council's Traffic Engineer has recommended that one car parking space should be provided for each retail tenancy.</p> <p>The bicycle parking rates provided in the Waverley DCP 2012 are minimums, and therefore there should be some bicycle storage</p>

Development Control	Compliance	Comment
		provided for the retail and commercial tenancies.
10. Safety	No	<p>The proposal is not considered to meet the objectives and controls of Waverley DCP 2012 Part B10 or the CPTED principles.</p> <p>At ground floor level there are a number of blind corners, with access to a number of areas including the car parking, waste room, storage, stairs and the ground floor courtyard. The common corridors are not enclosed (in an attempt to minimise the FSR non-compliance), which has adverse safety and security impacts for future residents.</p>
12. Design Excellence	No	<p>The applicant has not provided a context plan which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.</p> <p>The application was referred to Council's Urban Designer who advised that the proposed building does not respond well within the streetscape rhythm and flow or materiality.</p> <p>This particular section of Old South Head Road is mainly characterised by masonry brick buildings, some of them painted. It is acknowledged that the intention was to introduce a contemporary architectural aesthetic, however, the materials chosen do not reflect or respond to the identity of the area.</p> <p>As mentioned against SEPP 65 Principle 9: Aesthetics, the "Beaumont Building" is a unique example of Inter-War style on Old South Head Road and Waverley DCP 2012 states that developments should preserve the integrity of these buildings by maintaining original fabric, decorative elements and minimise disruptions, alterations and additions to the original building fabric. These include brick or stonework, lighting, fencing and also applies to shopfronts.</p> <p>None of these objectives are achieved by the proposed development and therefore the proposal is not considered to demonstrate design excellence in accordance with Waverley DCP 2012 B12.</p>

Development Control	Compliance	Comment
16. Public Domain	No	<p>The proposal does not comply with Waverley DCP 2012 Clause 16.1(h) as the ground floor retail tenancies are not at the same level as the adjacent footpath. Further, there are multiple ramps within the building on the ground floor, including the retail back of house and residential entrance lobby.</p> <p>The ramp providing access to the waste room off the public footpath also results in a poor public domain outcome. The convoluted access results in a development that does not provide adequate amenity for future occupants.</p>

**Table 5: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

This part applies to development that is subject to SEPP 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top house or mixed use developments that are 3 or more storeys and contain 4 or more dwellings.

Development Control	Compliance	Comment
<b>4.1 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>The <i>Waverley Council Planning Agreement Policy</i> applies to a development application seeking to vary a developments standard under WLEP 2012.</li> </ul>	No	The proposed development seeks to vary the height and FSR development standards. The proposal does not include any Planning Agreements.
<ul style="list-style-type: none"> <li>The maximum FSR is set by Clause 4.4 of WLEP</li> </ul>	No	The proposal exceeds the maximum FSR in Clause 4.4 of WLEP. This matter is discussed above.
<b>4.2 Height</b>		
<ul style="list-style-type: none"> <li>Refer to the LEP</li> </ul>	No	This matter is discussed above and does not meet the objectives of the DCP control.
<b>4.4 Streetscape</b>		
<ul style="list-style-type: none"> <li>Setbacks to be consistent with building line along the street</li> </ul>	No	The front setbacks are inconsistent with the existing mixed use building at 517 Old South Head Road. The proposal includes nil setback for the first 3 levels, and the fourth floor setback in line with the third floor of the adjoining property. The proposed development extends beyond the height of the neighbouring building before providing a setback, which is inconsistent with the streetscape.
<ul style="list-style-type: none"> <li>Setbacks above street frontage height are to be included where the adjacent buildings includes upper level setbacks</li> </ul>	No	



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Sympathetic external finishes</li> </ul>	No	The proposed development is not considered to include sympathetic external finishes. As discussed under Design Excellence in Waverley DCP 2012 B12, the materials do not respond to or reflect the identity of the area.
<ul style="list-style-type: none"> <li>Buildings to be articulated to respond to the streetscape.</li> </ul>	No	The proposed building is not considered to be articulated to respond to the streetscape. The inclusion of balconies on the corner of the building for Units 1.01, 1.02, 2.01 and 2.02 do not reflect the strong corner presence of the existing "Beaumont Building".
<b>4.5 Building Design and Streetscape</b>		
<ul style="list-style-type: none"> <li>Building design is to respond to the existing streetscape character of the area.</li> </ul>	No	As discussed above, the proposed building design is not considered to respond to the existing streetscape character of the area.
<ul style="list-style-type: none"> <li>The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.</li> </ul>	No	The colour and finish of external finishes is not sympathetic to the street, which is predominantly brick or painted brick.
<ul style="list-style-type: none"> <li>The removal of original architectural details and finishes is not supported</li> </ul>	No	The proposal demolishes the existing "Beaumont Building" which does not comply with Waverley DCP 2012 Clause 4.5 (e) which states the removal of original architectural details and finishes is not supported.
<b>4.7 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Car parking to be integrated into the design of the development</li> <li>Max 1 x 2 way vehicle access point</li> <li>Provided from secondary street or lane</li> <li>Pedestrian safety considered</li> <li>Basement parking should not contravene deep soil zone controls</li> </ul>	Yes	The application was referred to Council's Traffic Engineer who raised no specific objection to the proposed car parking arrangements. However, for other reasons outlined in this report, the application is recommended for refusal.
<b>4.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Accessible entry</li> <li>Legible, safe, well-lit</li> </ul>	No	The pedestrian entry includes a ramp to the waste room, and internal ramps and corners with a number of openings to other areas of the building including car parking and back of house for the retail. The pedestrian entrance and lobby

Development Control	Compliance	Comment
		is open to the courtyard which poses security concerns.
<b>4.9 Landscaping</b>		
<ul style="list-style-type: none"> <li>Comply with part B3- Landscaping and Biodiversity</li> <li>Minimum of 30% of site area landscaped: 203.55m<sup>2</sup></li> <li>50% of the above is to be deep soil: 101.77m<sup>2</sup></li> </ul>	<p>No</p> <p>No</p>	<p>The applicant has advised that a total of 140m<sup>2</sup> of landscaping is proposed over four levels (including planter boxes) which equates to 21% of the site, which does not comply.</p> <p>The deep soil landscaping equates to 43.5m<sup>2</sup> or 31% of total landscaping.</p> <p>The deep soil areas includes the 3m setback at the rear and the internal courtyard.</p> <p>The courtyard has an area of 11.56m<sup>2</sup> (with dimensions of 3.4m x 3.4m), which is considered inadequate for use and for substantial deep soil planting. The 3m setback at the rear also includes air conditioner condenser units and visitor bike parking, so it is not clear whether it will genuinely be used as deep soil.</p>
<b>4.11 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened</li> <li>Prevent overlooking of more than 50% of private open space of lower level dwellings in same development</li> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	<p>No</p> <p>No</p> <p>No</p>	<p>As discussed in the tables above, the setbacks and separation distances do not comply with the ADG and result in adverse visual privacy impacts.</p> <p>The balconies associated with units 1.04, 1.05, 2.04, 2.05 and 3.01 overlook the two storey dwelling at 2 Beaumont Street. The windows on the western elevation of the dwelling have not been included on the plans so the full visual privacy impacts are not clear.</p> <p>Furthermore, the southern elevation windows on the building at 517 Old South Head Road have not been included on the plans so it is not clear whether the open breezeway corridor or the balcony associated with Unit 1.02 has overlooking impacts.</p> <p>There is also adverse visual privacy impact within the proposed development. Particularly between the balcony of Unit 1.02 and Bed 2 of Unit 1.05. The common courtyard area is overlooked by the balcony of Unit 1.02. The breezeway overlooks the balcony of Unit 1.02 and the bedroom windows of Units 1.02, 1.05, 2.02, and 2.05.</p>

Development Control	Compliance	Comment
<b>4.12 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Sound proofing through acoustic glazing</li> <li>• Internal amenity by locating noisy areas away from quiet areas</li> </ul>	No	<p>Similarly to visual privacy discussed in point 4.11 above, the common courtyard area and open breezeway corridor has acoustic privacy impacts on a number of the apartments above. Particularly the balcony of Unit 1.02 and the bedrooms of Units 1.02, 1.05, 2.02, and 2.05.</p> <p>The air conditioner condenser units included within the 3m setback from the eastern boundary are likely to have adverse acoustic impacts on the dwelling at 2 Beaumont Street and the proposed eastern units.</p>
<b>4.13 Building services</b>		
<ul style="list-style-type: none"> <li>• Outdoor Communal clothes drying area to be provided</li> </ul>	No	There is no space for communal clothes drying on site.
<ul style="list-style-type: none"> <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> </ul>	No	<p>The plant room is enclosed on the top floor of the building which adds to the bulk and scale of the development. It is located next to the bedroom of Unit 3.02 and the breezeway corridor.</p> <p>The air conditioning condenser units are located within the 3m deep soil setback which is not an appropriate location given the potential acoustic impacts on the neighbouring dwelling and proposed units.</p>
<ul style="list-style-type: none"> <li>• Plant rooms away from entry communal and private open spaces and bedrooms.</li> <li>• Building Services setback from walls, edges and front entrances</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	
<b>4.14 Interwar Flat Buildings</b>		
<p>4.14.1 – General</p> <ul style="list-style-type: none"> <li>• Retain the character of the building</li> <li>• Preserve the integrity of the building and retain</li> </ul>	No	<p>The proposal does not comply with the Controls of Waverley DCP 2012 Part 4.14.1 as it results in the demolition of the existing building. The “Beaumont Building” is a unique example of Inter-War style on Old South Head Road.</p>

Development Control	Compliance	Comment
<p>original building fabric and decorative elements &amp; parapets</p> <ul style="list-style-type: none"> <li>Minimise alterations and additions and be secondary to existing building</li> <li>Differentiate between old and new additions</li> </ul> <p>4.14.1 – Shop Fronts</p> <ul style="list-style-type: none"> <li>Retain original significant features (signage, glazing pattern, location of doors, tiling &amp; awnings)</li> <li>Respect original form, scale and detailing of the building in the streetscape</li> <li>Increase accessibility to the shopfront as deemed suitable by Council</li> </ul>	No	<p>The proposal does not retain the original significant features of the shop front, nor does it reflect the original form, scale and detailing of the building in the streetscape. In particular, the proposed building does not provide an articulation of the corner. This is especially pronounced given the balconies have been provided on both the north west and south west corners, which does not reflect the existing building's strong visual presence at the corner intersection.</p> <p>The shops are at different levels to the footpath which results in ramps being included for all shops, which does not provide appropriate access and the ability to future proof the shops for future uses.</p>

**Table 6: Waverley DCP 2012 – Part E3 – Local Village Centres**

Development Control	Compliance	Comment
<b>3.1.11 Rose Bay Small Villages (North and South)</b>		
<p>Desired Future Character Objectives</p> <p>a) Ensure an integrated approach and consistent treatment to the conservation of buildings of historic character;</p> <p>b) To maintain and improve the continuity of awnings over the footpath;</p> <p>c) To maintain Old South Head Road as the primary streetscape in the village with side</p>	No	<p>The existing building is a unique example of Inter-War style on Old South Head Road and the proposed demolition is inconsistent with the desired future character objectives in 3.1.11(a) which seeks to ensure an integrated approach and consistent treatment to the conservation of buildings of historic character.</p> <p>The proposed building is not considered to provide a good distinction between the mixed use sections of Old South Head Road and residential side street (Beaumont Street) in accordance with 3.1.11(d). The proposed building has inadequate setbacks from the rear boundary and R2 Low Density Residential zone.</p>

Development Control	Compliance	Comment
streets as secondary frontages; d) Maintain a good distinction between the mixed use sections of Old South Head Rd and residential side streets.		Waverley DCP 2012 Annexure E3-2 indicates the typical built form for three storey centres, which includes Rose Bay Small Village (North & South). Control diagram (C) stipulates rear setback details being a minimum of 9m setback to the upper level balconies from the rear boundary. As discussed in other areas of this report, the proposed setbacks are inadequate and insufficient information has been provided with regards to overshadowing and visual privacy to the adjoining properties.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

## 2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

## 2.4 Any Submissions

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

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

**Table 4: Summary of property addresses that lodged a submission**

Property
517 Old South Head Road, ROSE BAY
2 Beaumont Street, ROSE BAY
3 Beaumont Street, ROSE BAY
4 Beaumont Street, ROSE BAY
5 Beaumont Street, ROSE BAY
6 Beaumont Street, ROSE BAY
7 Beaumont Street, ROSE BAY
11 Beaumont Street, ROSE BAY
11A Beaumont Street, ROSE BAY
21 Beaumont Street, ROSE BAY
23 Beaumont Street, ROSE BAY

**Issue:** *The proposal is not in keeping with the streetscape of Old South Head Rd or Beaumont Street.*

**Response:** Agreed and discussed throughout this report, the application is recommended for refusal.

***Issue: Overdevelopment of the site (including height, FSR and setbacks).***

***Response:*** Agreed and discussed throughout this report, the application is recommended for refusal.

***Issue: The traditional shop building should be retained.***

***Response:*** Agreed and discussed throughout this report, the application is recommended for refusal

***Issue: Visual privacy impacts.***

***Response:*** Agreed and discussed throughout this report, the application is recommended for refusal.

***Issue: Traffic impacts and parking arrangement is ineffective and does not provide adequate parking.***

***Response:*** The Waverley DCP 2012 Part B8 provides maximum car parking rates. This development is permitted a maximum of 15 parking spaces, and proposes to provide 14 car parking spaces. Council's traffic engineer has reviewed the application and raises no objection to the car parking arrangement on site. Notwithstanding this, the application is recommended for refusal for a number of other reasons.

***Issue: Impacts during construction.***

***Response:*** The application is recommended for refusal. Should the application be supported, standard conditions would be imposed relating to construction impacts.

***Issue: Removal of established trees.***

***Response:*** Council's Tree Management Officer has advised that the tree to be removed has no outstanding qualities and its removal is supported. However, the application is recommended for refusal for other reasons outlined in this report.

***Issue: There is an oversupply of retail shops and vacant tenancies.***

***Response:*** Shop-top housing and retail tenancies are permissible in the B4 zone.

***Issue: Impact on adjoining property including removal of boundary fence, dilapidation reports, fire safety.***

***Response:*** The application is recommended for refusal. Should the application be supported, standard conditions would be imposed relating to these matters.

## **2.5 Public Interest**

It is considered that the proposal will have a detrimental effect on the public interest, and as such, is recommended for refusal.

## **3. REFERRALS**

### **3.1 Stormwater**

The stormwater management plans submitted with the application are considered not satisfactory with regards to stormwater details and do not comply with the Waverley DCP 2012 with regards to Waverley Council's Water Management Technical Manual.

### **3.2 SEPP 65 Design Review Panel**

The application was referred to the SEPP 65 Design Review panel. The comments of the Panel have been discussed in this report.

### **3.3 Urban Design**

Council's Urban Designer raised significant concern about the demolition of the existing building and the design of the proposed new building. The comments from the urban designer have been discussed in other areas of this report. In summary, the main recommendations include:

- Retain the existing building or at least the proposed built form is revised in order to respond to the neighbourhood character and to foster a better articulation of the corner, as the existing configuration provides a strong visual presence in the intersection.
- The setback across zoning boundary defined in the ADG is respected.
- Amend the selected materials to more appropriately respond to the street character and to improve the interface at a street level.
- The minimum separation between habitable rooms is compliant or, at least, visual privacy is improved.
- The landscaped area is increased to at least the minimum standard in order to provide a better amenity and therefore reduce the FSR variation.

### **3.4 Traffic and Parking**

The car parking is generally acceptable (other than the shortfall of retail car parking spaces), and standard conditions were included should the application be supported.

### **3.5 Green Infrastructure**

The application is not accompanied by information to assess the compliance of the energy consumption reduction as specified in Waverley DCP 2012. A draft proposal is required outlining how the project will deliver a development with greenhouse gas emissions that are 30% less than those of a reference building.

### **3.6 Waste and Sustainability**

The applicant has largely underestimated the space required for the expected number of bins. This is outlined above in the Waverley DCP 2012 table.

### **3.7 Tree Management**

Situated on the property are several species of trees, it is noted that the trees possess no outstanding attributes worth of retention (due to poor health, poor structure, weed species or under 5 metres in height) and their removal is supported.

### **3.8 Environmental Health**

The application is unsatisfactory with regards to the requirements of SEPP 55. Further assessment may include but not be limited to; preliminary environmental site assessment, detailed environmental site assessment, remediation action plan, validation assessment, site audit statement.



#### 4. SUMMARY

The application seeks consent for demolition of the existing building and garages and construction of a new mixed use building containing three shops, an office and car parking on the ground floor with 12 residential units above. The proposal exceeds the maximum FSR and height and has a number of non-compliances with the design principles of SEPP65, the design criteria of the ADG and Waverley DCP 2012.

There were 11 submissions received. The application is recommended for REFUSAL.

#### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

**Report prepared by:**

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

Emma Finnegan  
**Senior Development Assessment Planner**

Bridget McNamara  
**Manager, Development Assessment  
(North/South)**

**Date: 9/7/2019**

**Date: 11/7/2019**

**Reason for referral:**

- 1 Contentious development (10 or more objections)
- 2 Departure from any development standard in an EPI by more than 10%
- 3 Sensitive development:
  - (b) SEPP 65 development

## **APPENDIX A – REASONS FOR REFUSAL**

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

1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
  - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will exceed the maximum height of buildings, which results in a building that is not compatible with the desired future character of the locality, is over development of the site and the Panel does not support the Clause 4.6 variation written request.
  - b. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the height development standard and the zone objectives. As such, the development is not in the public interest.
  - c. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum floor space ratio, which results in a building that is not compatible with the bulk and scale of the desired future character of the locality, is overdevelopment of the site and the Panel does not support the Clause 4.6 variation written request.
  - d. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the floor space ratio development standard and the zone objectives. As such, the development is not in the public interest.
2. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design or amenity in the built environment.
3. The proposal does not meet the nine design quality principles of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and does not satisfy the design criteria of the Apartment Design Guide.
4. The proposal is unsatisfactory with regards to the requirements for land contamination under State Environmental Planning Policy No 55 – Remediation of Land.
5. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B1 – Waste
    - i. as insufficient waste storage has been provided.
  - b. Part B2 – Ecological Sustainable Development
    - i. as an Energy Assessment Report has not been provided.
  - c. Part B3 – Landscaping and Biodiversity
    - i. as insufficient landscaping has been provided onsite.

- d. Part B6 – Stormwater
    - i. as the submitted stormwater do not sufficiently address the requirements.
  - e. Part B8 – Transport
    - i. as insufficient bicycle parking is provided for the retail units.
  - f. Part B10 – Safety
    - i. as the proposal does not provide safe access for residents.
  - g. Part B12 – Design Excellence
    - i. as the proposed development does not provide an acceptable design given the surrounding context of the area.
  - h. Part B16 – Public Domain
    - i. as the proposal does not provide ground floor retail tenancies at the same level of the adjacent footpath.
  - i. Part C4 – High Density Residential Development, in particular:
    - i. 4.1 Site, Scale and Frontage
    - ii. 4.2 Height
    - iii. 4.4 Streetscape
    - iv. 4.5 Building Design and Streetscape
    - v. 4.9 Landscaping
    - vi. 4.11 Visual privacy and security
    - vii. 4.12 Acoustic privacy
    - viii. 4.13 Building services
    - ix. 4.14 Interwar Flat Buildings
  - j. Part E3 – Site Specific Development
    - i. 3.1.11 Rose Bay Small Villages (North and South)
6. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal would adversely impact upon the amenity of the locality and surrounding built environment.
  7. The proposal is not considered to be in the public interest for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

PROJECT  
PROPOSED MIXED USE DEVELOPMENT

515 Old South Head Road Rose Bay NSW  
2029

DA0000	COVERPAGE		A
DA1000	LOCATION PLAN		A
DA1001	SITE PLAN	1:500	A
DA2000	GROUND FLOOR PLAN	1:200	A
DA2001	LEVEL 1 PLAN	1:200	A
DA2002	LEVEL 2 PLAN	1:200	A
DA2003	LEVEL 3 PLAN	1:200	A
DA2004	ROOF PLAN	1:200	A
DA2005	GROUND FLOOR DETAIL PLAN 1	1:100	A
DA2006	GROUND FLOOR DETAIL PLAN 2	1:100	A
DA2007	LEVEL 1 DETAIL PLAN 1	1:100	A
DA2008	LEVEL 1 DETAIL PLAN 2	1:100	A
DA2009	LEVEL 2 DETAIL PLAN 1	1:100	A
DA2010	LEVEL 2 DETAIL PLAN 2	1:100	A
DA2011	LEVEL 3 DETAIL PLAN 1	1:100	A
DA2012	LEVEL 3 DETAIL PLAN 2	1:100	A
DA2013	ADAPTABLE UNIT PLAN	1:100	A
DA2300	SECTION A	1:200	A
DA2301	SECTION B	1:200	A
DA2400	WEST & EAST ELEVATIONS	1:200	A
DA2401	SOUTH ELEVATION	1:200	A
DA2402	NORTH ELEVATION	1:200	A
DA2500	EXTERNAL FINISHES - NORTH & SOUTH ...	1:200	A
DA9000	GFA PLAN	1:250	A
DA9001	LANDSCAPE AREA CALCULATION	1:250	A
DA9002	AREA DIAGRAM - SEPP 65		A
DA9003	3D HEIGHT PLANE	1:100	A
DA9004	CONCEPT DIAGRAMS		A
DA9005	PHOTOMONTAGE - EXISTING		A
DA9006	PHOTOMONTAGE - PROPOSED		A
DA9100	SHADOW DIAGRAMS	1:500	A
DA9101	SHADOW DIAGRAMS	1:500	A
DA9200	SOLAR ACCESS		A
DA9201	SOLAR ACCESS		A
DA9301	GROUND & FIRST FLOOR SWRMP	1:200	A
DA9302	SECOND & THIRD FLOOR SWRMP	1:200	A



DEVELOPMENT APPLICATION





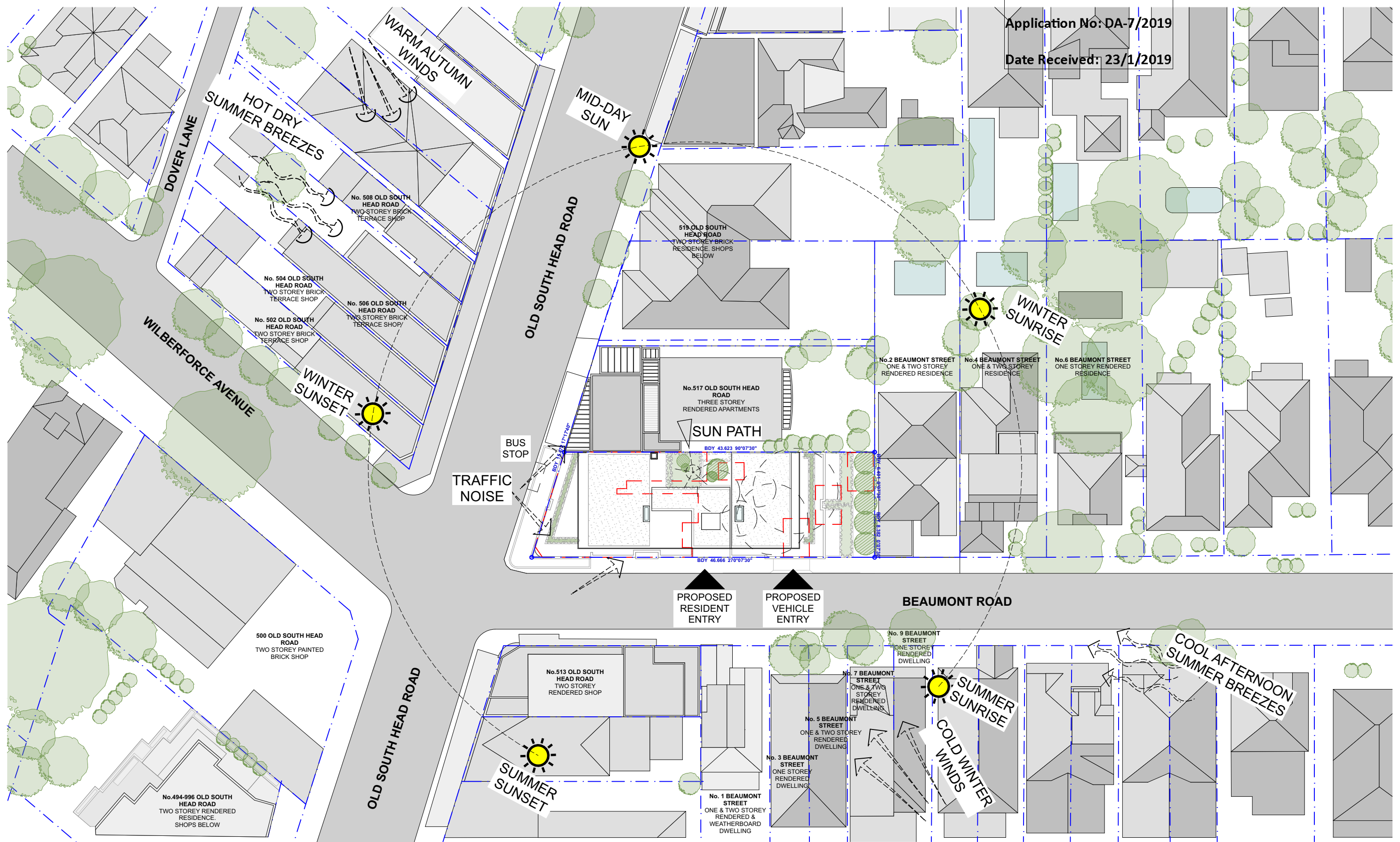
1:2500



1:1000



Application No: DA-7/2019  
Date Received: 23/1/2019



1 SITE PLAN  
1:500

**MARK SHAPIRO ARCHITECTS**  
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NSW REG. 9789  
ABN 646 2000 7678

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A 18/01/2019 ISSUE FOR DA SUBMISSION  
ISSUE DATE REVISION

LEGEND:

- 1 - PROPERTY BOUNDARY
- 3 - EXISTING BUILDING TO BE DEMOLISHED



1 - EXISTING TREE TO BE RETAINED.



2 - NEW TREE TO BE PLANTED.



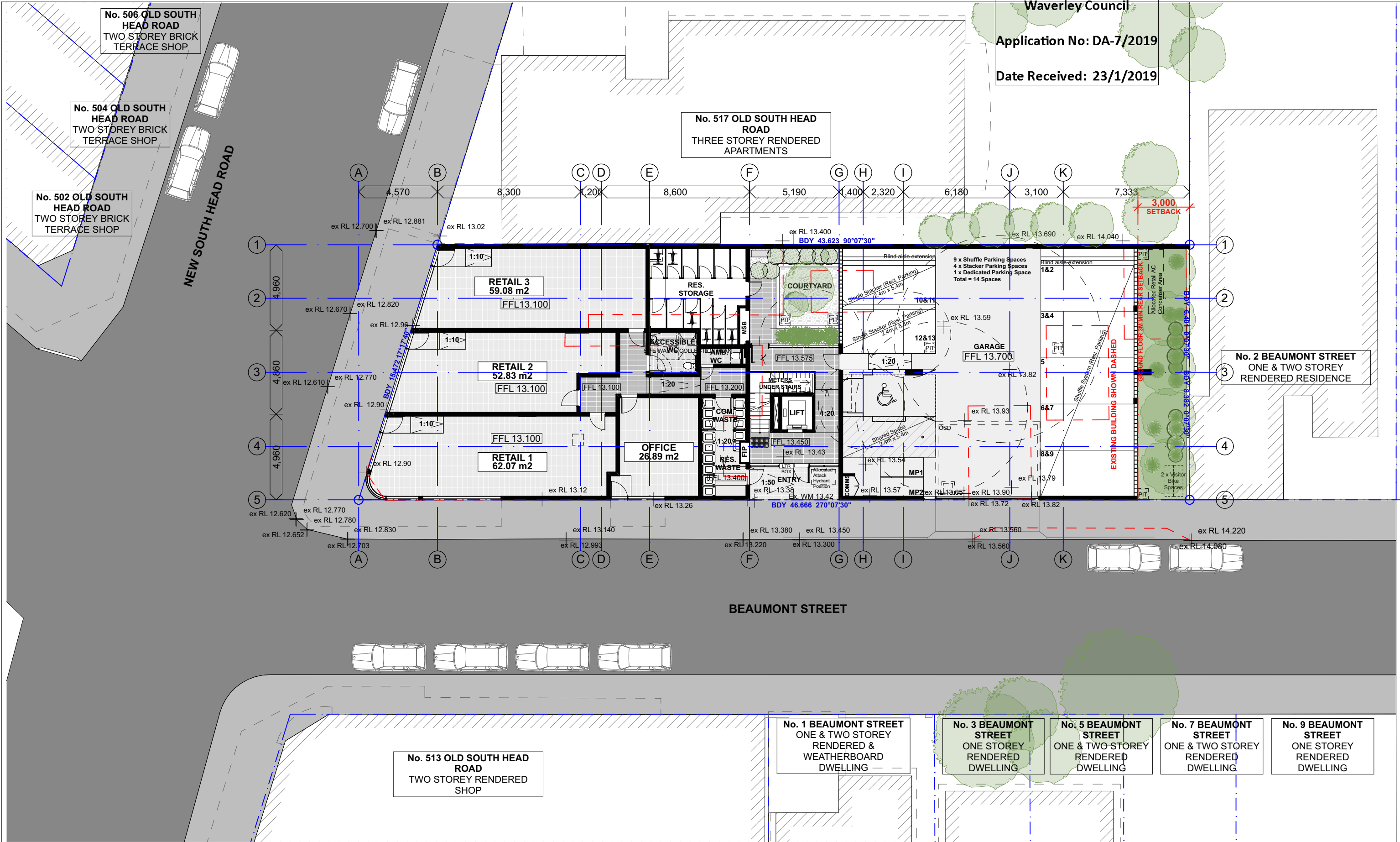
3 - EXISTING TREE TO BE REMOVED, TREE REFERENCE NUMBER NOTED.

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**SITE PLAN**



PROJECT NO: 17018  
SCALE: 1:500 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

**DA1001A**

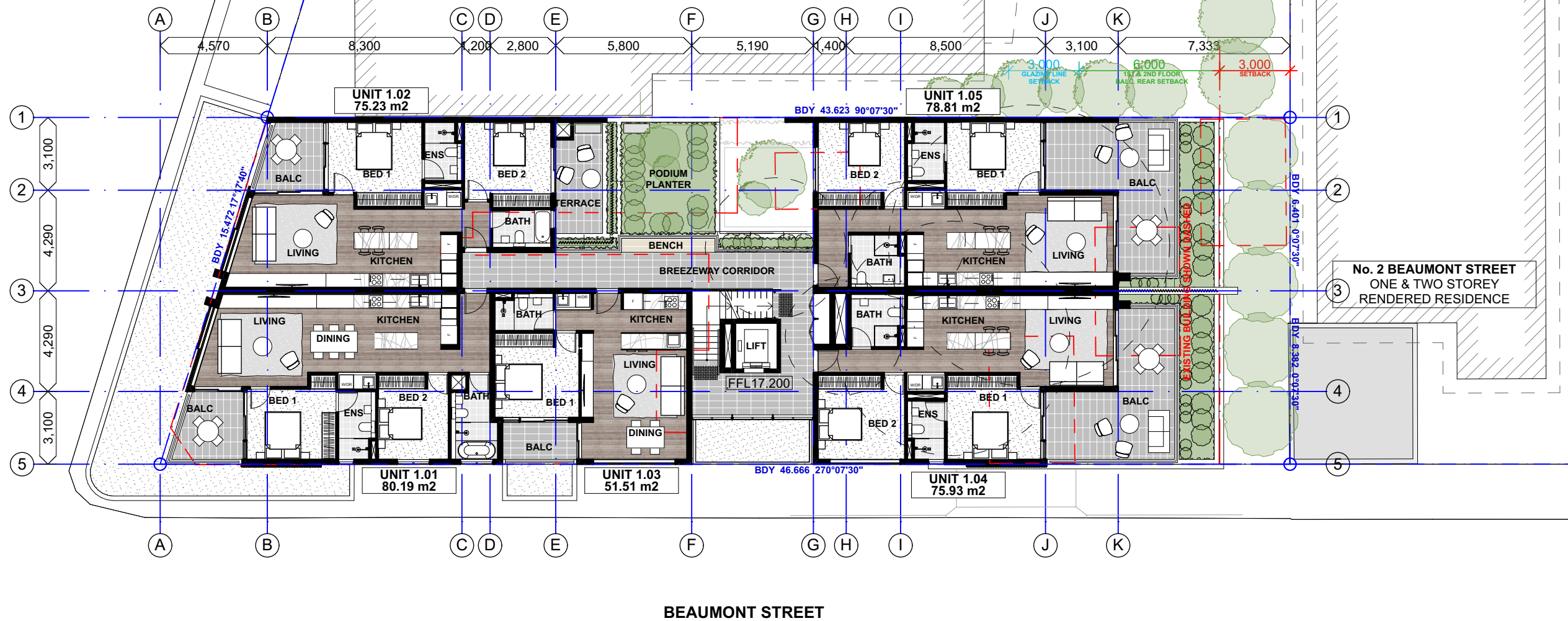


<div>1</div> <div>GROUND FLOOR PLAN</div> <div>1:200</div>		<div>Copyright of this drawing is retained by Mark Shapiro Architects. Authority is required for reproduction. Contractor to verify all dimensions on site prior to commencing work. MSA is to be notified of any discrepancies in the dimension and setting out of the work.</div> <div><div>MARK SHAPIRO ARCHITECTS</div><div>T 0421 996 467</div><div>W markshapiro.com.au</div><div>E mark@markshapiro.com.au</div><div>NSW REG. 9789</div><div>ABN 646 2000 7678</div></div> <div><div>GENERAL NOTES</div><div>1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.</div><div>2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED</div><div>3. CONTRACTOR TO NOTIFY MSA OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING</div><div>4. MPRD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION</div><div>5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE</div><div>6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE</div><div>7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE</div></div> <div><div>ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES &amp; AUSTRALIAN STANDARDS</div><div>CLAUSE B 1.4 - MATERIAL &amp; FORMS CONSTRUCTIONS</div><div>SPEC. C1.1 - FIRE RESISTING CONSTRUCTION</div><div>SPEC. C1.10 - FIRE HAZARD PROPERTIES</div><div>SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE</div><div>CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL</div><div>CLAUSE C2.12 - SEPARATION OF EQUIPMENT</div><div>CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM</div><div>CLAUSE C2.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)</div><div>CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS</div><div>CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS</div><div>CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL</div><div>CLAUSE D2.13 - GONGS AND RISERS</div><div>CLAUSE D2.14 - LANDINGS</div><div>CLAUSE D2.15 - THRESHOLDS</div><div>CLAUSE D2.16 - BALUSTRADES</div><div>CLAUSE D2.17 - HANDRAILS</div><div>CLAUSE D2.21 - OPERATION OF LATCH</div><div>CLAUSE D2.2 - SIGNS ON DOORS</div><div>CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS</div><div>CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE</div><div>CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACIL./SERV.FEATURES</div><div>CLAUSE D8.8 - TACTILE INDICATORS</div><div>CLAUSE F1.7 - WATERPROOFING OF WET AREAS</div><div>CLAUSE F1.9F1.10 - DAMP PROOFING</div><div>CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS</div><div>CLAUSE F4.4 - SOUND INSULATION OF FLOORS</div><div>CLAUSE F4.5 - SOUND INSULATION OF WALLS</div><div>CLAUSE F4.6 - SOUND INSULATION OF SERVICES</div><div>CLAUSE F5.7 - SOUND INSULATION OF PUMPS</div></div> <div><div>SPECIFICATIONS (refer to specification attachment)</div><div>ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSES 4.4 &amp; AS1680</div><div>BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16</div><div>DRAINAGE GUTTERS &amp; DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2</div><div>ENERGY EFFICIENCY LABELING: TO COMPLY WITH J2 OF BCA</div><div>FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA</div><div>HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA</div><div>MASONRY: TO COMPLY WITH AS3700</div><div>MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J5 OF BCA</div><div>MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 &amp; AS88.2</div><div>SMOKE ALARMS: TO COMPLY WITH BCA PART 4 CLAUSE &amp; SPEC E2.2 &amp; AS3788</div><div>PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C1.15 &amp; AS1530 4.2005</div><div>SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA</div><div>STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13</div><div>WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700</div></div> <div><div>BASIS COMMITMENTS</div><div>WATER OPTIONS</div><div>SHOWERHEADS: 3 STAR</div><div>TOILETS: 4 STAR</div><div>CLOTHES WASHERS: 3.5 STAR</div><div>KITCHEN TAPS: 3 STAR</div><div>BATHROOM TAPS: 4 STAR</div><div>DISHWASHERS: NA</div><div>RAIN WATER TANK: NA</div><div>POOL/SPA: NA</div><div>FROM ROOF AREA: 281 sqm</div><div>ENERGY OPTIONS</div><div>COOLING: 1 Phase, 2 STAR (Zoned)</div><div>HEATING: 1 Phase, 2 STAR (Zoned)</div><div>VENTILATION: 3.5 STAR</div><div>ARTIFICIAL LIGHTING (UNITS): (COMMON AREA)</div><div>ARTIFICIAL LIGHTING (UNITS): (COMMON AREA)</div><div>CENTRAL ENERGY SYSTEM: WATER HEATING</div><div>COOKING: Gas cooktop, Electric Oven</div><div>REFRIGERATOR: 3 STAR</div><div>DISHWASHER: 3 STAR</div><div>CLOTHES WASHER: 3 STAR</div><div>THERMAL COMFORT OPTIONS</div><div>EXT. WALLS: Concrete Lined</div><div>ROOF: R2.5 added; Colour: Light</div><div>WINDOWS: (Units 2.03 &amp; 2.04) Awning</div><div>WINDOWS: (Units 2.03 &amp; 2.04) Fixed, Sliding</div><div>WINDOWS: (Elsewhere) Awning</div><div>WINDOWS: (Elsewhere) Fixed, Sliding</div><div>WINDOWS: (Elsewhere) Single Clear, Use = 6.70 SHGC = 0.57</div><div>WINDOWS: (Elsewhere) Single Clear, Use = 4.89</div></div> <div><div>PROJECT: PROPOSED MIXED USE DEVELOPMENT</div><div>515 Old South Head Road</div><div>Rose Bay NSW 2029</div><div>DRAWING: GROUND FLOOR PLAN</div><div>PROJECT NO: 17018</div><div>SCALE: 1:200 @A3</div><div>DRAWING NO: REV</div><div>PLOTTED: 18/01/2019</div><div>DA2000A</div><div>300</div></div>
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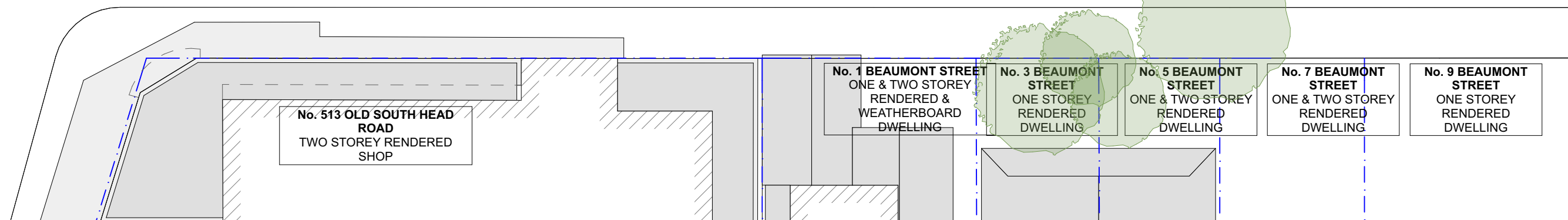


**Application No: DA-7/2019**

**Date Received: 23/1/2019**



**BEAUMONT STREET**



FIRST FLOOR PLAN  
1:200



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A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY RING
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY MPROD OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MPROD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES RELEVANT TO CONSTRUCTION WITHIN FIVE DAYS

CLAUSE B.14 - MATERIAL & FORMS CONSTRUCTION	CLAUSE D.17 - HANDRAILS
SPEC. C.11 - FIRE RESISTING CONSTRUCTION	CLAUSE D.21 - OPERATION OF LATCH
SPEC. C.12 - FIRE HAZARD PROPERTIES	CLAUSE D.23 - SIGNS ON DOORS
CLAUSE C.16 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE D.24 - GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D.26 - VERTICAL SEPARATION OF WALLS IN EXTERNAL WALL	CLAUSE D.23 - PARTS OF BUILDINGS TO BE ACCESSIBLE
CLAUSE C.17 - OPERATION OF EQUIPMENT	CLAUSE D.25 - ACCESSIBLE TOILETS
CLAUSE C.18 - ELECTRICITY SUPPLY SYSTEM	CLAUSE D.28 - TACTILE INDICATORS
CLAUSE C.19 - ELECTRICAL PROTECTION OF CONDUITS	CLAUSE D.29 - ACCESSIBLE TOILETS AND WET AREAS
CLAUSE C.38 - OPENING IN FIRE ISOLATED EXITS	CLAUSE F.19.10 - DUMP PROOFING
CLAUSE C.39 - OPENING IN FIRE ISOLATED INSTALLATIONS	CLAUSE G.25 - CONSTRUCTION OF SEPARATE COMPARTMENTS
CLAUSE D.10 - DISCHARGE FROM EXITS	PART 74 - LIGHTING AND VENTILATION
CLAUSE D.27 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	CLAUSE G.54 - SOUND ISOLATION OF FLOORS
CLAUSE D.28 - GONGS AND ALARMS	CLAUSE F.55 - SOUND INSULATION OF WALLS
CLAUSE D.14 - LANDINGS	CLAUSE F.56 - SOUND INSULATION OF SERVICES
CLAUSE F.5 - THRESHOLDS	CLAUSE F.57 - SOUND INSULATION OF PUMPS
CLAUSE D.26 - BALUSTRADES	

**ARTIFICIAL LIGHTING:** TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1680  
**RAIL TRAFFIC HEIGHTS:** TO COMPLY WITH BCA CLAUSE 02.6  
**DOWNWIND WIND SPEED:** TO COMPLY WITH BCA CLAUSE 3500 & AS1680  
**ENERGY EFFICIENT GLAZING:** TO COMPLY WITH CLAUSE 22 OF BCA  
**FIRE SERVICES:** TO COMPLY WITH SECTION E OF BCA  
**DRY RISE WATER SYSTEM:** TO COMPLY WITH PART JT OF BCA  
**MASONRY:** TO COMPLY WITH AS3700  
**METEOROLOGY:** BCA CLAUSE C3.15 & AS1530-4:2005  
**CLIMATE:** TO COMPLY WITH BCA CLAUSE 3.15 & AS1530-4:2005  
**MECHANICAL EXHAUST VENTILATION:** TO COMPLY WITH AS1668 & AS58  
**SMOKE ALARMS:** TO COMPLY WITH BCA PART CLAUSE 5 SPEC 2 & A56  
**THIRD PARTY:** TO COMPLY WITH AS1668 & AS58  
**MECHANICALLY DRIVEN PENETRATIONS:** TO COMPLY WITH BCA CLAUSE  
 3.15 & AS1530-4:2005  
**SOUND:** TO COMPLY WITH PARTS OF BCA  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE 02.13  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE 02.13  
**WATER:** TO COMPLY WITH PART JT OF BCA

ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS	
<b>WATER OPTIONS</b>	<b>ENERGY OPTIONS</b>
SHOWERHEADS: 3 STAR	COOLING: 1 Phase, 2 STAR (Zone)
TOWELS: 2 STAR	HEATING: 1 Phase, 2 STAR (Zone)
CLOTHES WASHERS: 3 STAR	VENTILATION: Each Bathroom, kitchen
KITCHEN TAPS: 3 STAR	(UNITS)
BATHROOM TAPS: 3 STAR	(COMMON AREA)
DISHWASHERS: 4 STAR	ARTIFICIAL LIGHTING (UNITS)
RAIN WATER TANK: NA	(COMMON AREA)
GRAY WATER TANK: NA	
POOLSPA: 3 STAR	
FROM ROOF AREA: 281 sqm	
	<b>CENTRAL ENERGY SYSTEM</b>
	WATER HEATING: 5 STAR, Gas Instantaneous
	COOKING: Gas cooktop, Electric Oven
	REFRIGERATOR: 2 STAR
	DISHWASHER: 3 STAR

AS PER BASIC CERTIFICATE AND STAMPED PLANS)

**ENERGY OPTIONS**

COOLING: 1 Phase, 3 STAR (Zoned)

HEATING: 1 Phase, 2 STAR (Zoned)

VENTILATION: Each Bathroom, kitchen & Laundry individual fan ducted with operation controlled interlocked to light switch & Res Garbage room & Storage Ventilation exhaust only

(COMMON AREA)

ARTIFICIAL LIGHTING (UNITS): Dedicated

(COMMON AREA): 100% Fluorescent; time clock & motion sensor

All other areas compact fluorescent, manual or except for lift car - connected to lift call button.

Water Heating: 100% gasless lift car with VVVF motor

5 STAR, Gas Instantaneous

Gas cooking, Electric Oven

REFRIGERATOR: 2 STAR

DISHWASHER: 3 STAR

### Thermal Control Options

EXT WALLS:

Concrete Lined:	R2.5 added; Colour: Light; Unit 2.03 & 2.04 or
Concrete Lined:	R1.5 added; Colour: Light;
Metal clad:	R2.5 Bulk; Colour: Dark;
Metal clad:	R2.5 Bulk; Colour: Medium

Floors:

Cladding; R1.4 added where open below

Roof:

Cladding; 60mm Insulation (R1.3) Colour: Light

Ceiling:

Plasterboard + Insulation R2.5 Bulk

Windows:

Single Low E; U = 5.40 SHGC = 0.49

(Units 2.03 & 2.04) Awning

Windows:

Single Low E; U = 5.40 SHGC = 0.58

(Units 2.03 & 2.04) Fixed, Sliding

Windows:

Fixed, Clear; U = 6.70 SHGC = 0.57

(Awning)

Group B:

Single Clear; U = 6.70 SHGC = 0.57

(Elsewhere)

Fixed, Sliding

PROJECT:  
**PROPOSED MIXED USE  
DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:

## LEVEL 1 PLAN

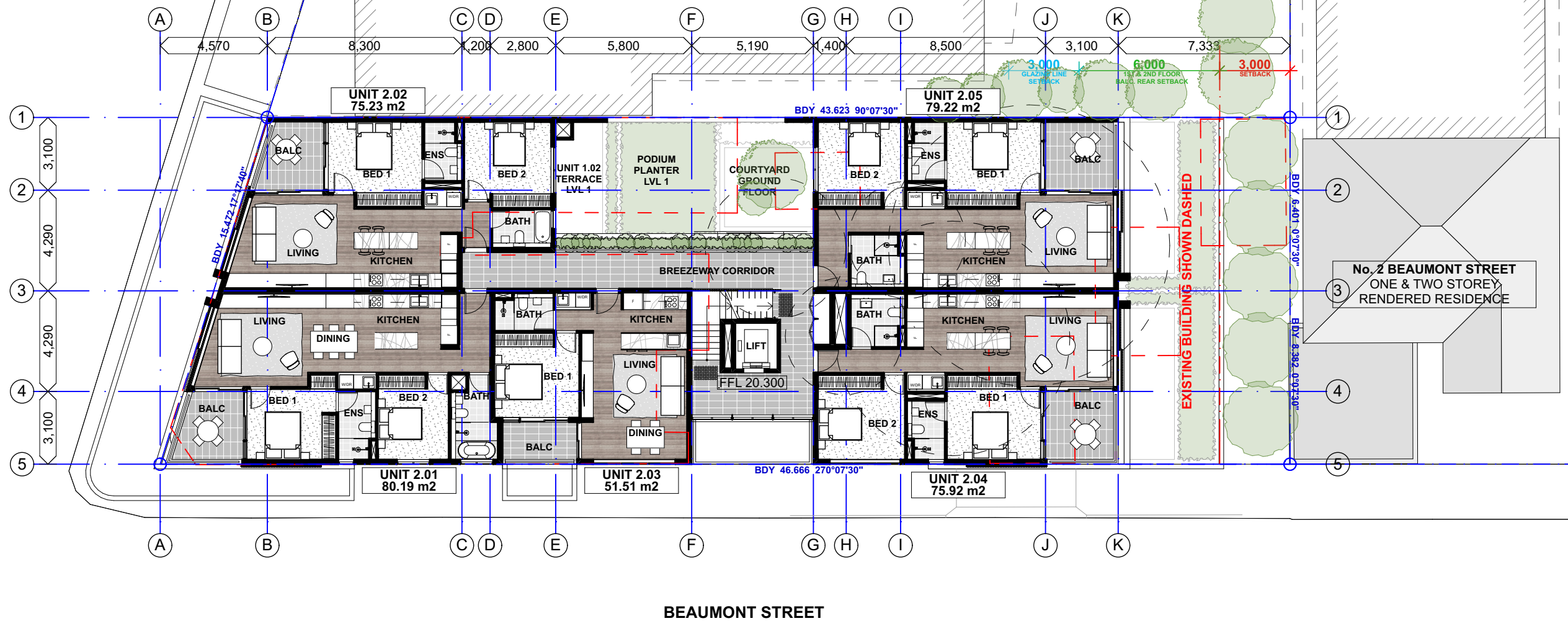
PROJECT NO: 17018

SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

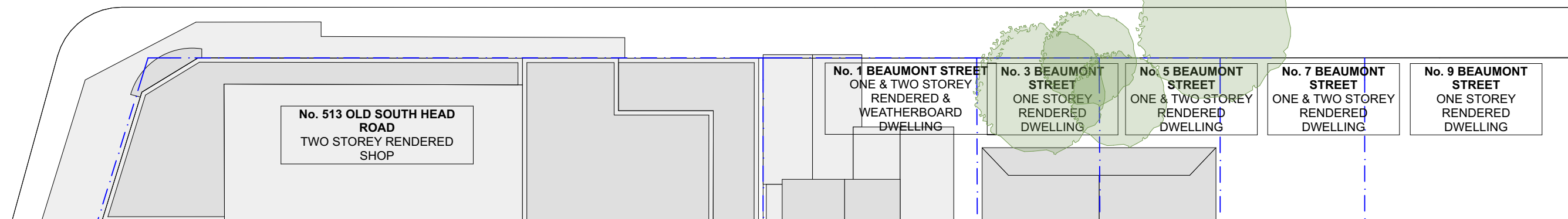
DA2001A

301





**BEAUMONT STREET**



SECOND FLOOR PLAN  
1:200



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A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY MP/RD OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MP/RD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY

CLUSE 1.4 - MATERIALS & FORMS CONSTRUCTIONS	CLUSE 12.17 - HANDRAILS
CLUSE C.1.1 - FIRE RESISTING CONSTRUCTION	CLUSE 12.21 - OPERATION OF LATCH
CLUSE C.1.2 - FIRE RESISTING PROPERTIES	CLUSE 13.1 - SOUND INSULATION
CLUSE C.2.1 - ELECTRICAL INSTALLATION	CLUSE 13.2 - SOUND INSULATION REQUIREMENTS
CLUSE C.2.2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL	CLUSE 13.3 - PARTS OF BUILDING TO BE ACCESSIBLE
CLUSE C.2.3 - ELECTRICAL SUPPLY SYSTEM	CLUSE 13.4 - ACCESSIBLE FEATURES
CLUSE C.2.4 - ELECTRICAL CONNECTION (OF OPENINGS)	CLUSE 13.8 - TACTILE INDICATORS
CLUSE C.3 - OPENING IN FIRE ISOLATED EXITS	CLUSE 13.9 - ACCESSIBLE DETECT AREA
CLUSE C.3.1 - OPENING IN FIRE ISOLATED EXITS	CLUSE 14.1 - LIGHT TO DAMP PROPORTION
CLUSE C.3.2 - DISCHARGE FROM EXITS	CLUSE 14.2 - CONSTRUCTION OF PARTS OF BUILDING
CLUSE C.3.3 - DISCHARGE FROM EXITS	PART 14 - LIGHTING AND VENTILATION
CLUSE C.4 - INSTALLATION OF STAIRS AND PATHS OF TRAVEL	CLUSE 15.1 - SOUND INSULATION OF FLOORS
CLUSE D.1 - GOINGS AND RISERS	CLUSE 15.2 - SOUND INSULATION OF WALLS
CLUSE D.2 - GOINGS AND RISERS	CLUSE 15.4 - SOUND INSULATION OF ROOFS
CLUSE D.2.1 - GOINGS AND RISERS	CLUSE 15.7 - SOUND INSULATION OF PUMPS
CLUSE D.2.2 - BALUSTRADES	

**ARTIFICIAL LIGHTING:** TO COMPLY WITH BCA PART CLAUSES 4 & AS 1688  
**BALUSTRADE HANDRAILS:** TO COMPLY WITH BCA CLAUSE D2 16  
**BATHS:** TO COMPLY WITH BCA CLAUSE D2 16  
**BATHING:** TO COMPLY WITH BCA CLAUSE D2 16  
**BATTERY ENERGY EFFICIENCY GLAZING:** TO COMPLY WITH J2 OF BCA  
**FIRE SERVICES:** TO COMPLY WITH SECTION OF BCA  
**HOT WATER SYSTEMS:** TO COMPLY WITH PART 7 OF BCA  
**MASONRY:** TO COMPLY WITH AS3700  
**MICHELECHYDRAULIC:** TO COMPLY WITH AS1530 4-2005  
**MOTION DETECTORS:** TO COMPLY WITH AS1530 4-2005  
**NON-FLAMMABLE:** TO COMPLY WITH PARTS OF BCA  
**SMOKE EXHAUST VENTILATION:** TO COMPLY WITH AS1688 & AS  
**SMOKE ALARMS:** TO COMPLY WITH BCA PART CLAUSE & SPEC E2 AS  
**SMOKE EXHAUST:** TO COMPLY WITH AS1688 & AS  
**MICHELECHYDRAULIC PENETRATIONS:** TO COMPLY WITH BCA CLAUSE  
 C3 15 & AS1530 4-2005  
**SOUND TRANSMISSION:** TO COMPLY WITH PARTS OF BCA  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2 13  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2 13

[ALL OTHER BASIC COMMITMENTS]	
<b>WATER OPTIONS</b>	
SHOWERHEADS:	3 STAR
TOILETS:	4 STAR
CLOTHES WASHERS:	3.5 STAR
KITCHEN TAPS:	3 STAR
BATHROOM TAPS:	3 STAR
DISHWASHERS:	4 STAR
RAIN WATER TANK:	NA
STORM WATER TANK:	NA
POOL/SPA:	NA
FROM ROOF AREA:	281 sqm

ENERGY OPTIONS:  
 COOLING:  
 HEATING:  
 VENTILATION:  
 (UNITS)  
 VENTILATION :  
 (COMMON AREA)  
 ARTIFICIAL LIGHTING:  
 ARTIFICIAL LIGHTING:  
 (COMMON AREA)  
 CENTRAL ENERGY SYSTEM:  
 WATER HEATING:  
 COOKING:  
 REFRIGERATOR:  
 DISHWASHER:

1 Phase, 2 STAR (Zone  
1 Phase, 2 STAR (Zone  
Each Bathroom, kitchen  
ducted with operation o  
Com & Res Garbage ro  
exhaust only.

(UNITS):  
Dedicated  
Garage fluorescent; tim  
All other areas compact  
except for lift car - conn  
Lift Type gearless tracin  
5 STAR, Gas Instantane  
Gas cooktop, Electric O  
2 STAR  
3 STAR

### Thermal Comfort Options

EXT. WALLS:

Concrete Lined: R2.5 added; Colour: Light; Unit 2.03 & 2.04  
 Concrete Lined: R1.5 added; Colour: Light  
 Metal Clad: R2.5 Bulk; Colour: Dark  
 Metal Clad: R2.5 Bulk; Colour: Medium

FLOORS:

ROOF: Concrete; R1.4 added where open below  
 Concrete; 60mm Anticon (R1.3); Colour: Light

CEILING: Plasterboard + Insulation R2.5 Bulk  
 Single Low E; Usw = 5.40 SHGC = 0.49

WINDOWS: (Units 2.03 & 2.04) Awing  
 Clear; Low E; Usw = 5.40 SHGC = 0.58

WINDOWS: (Units 2.03 & 2.04) Fixed, Sliding  
 Fixed, Clear; Usw = 6.70 SHGC = 0.57

WINDOWS: (Elsewhere) Fixed, Sliding  
 Fixed, Clear; Usw = 6.70 SHGC = 0.57

GROUP B: (Elsewhere) Fixed, Sliding

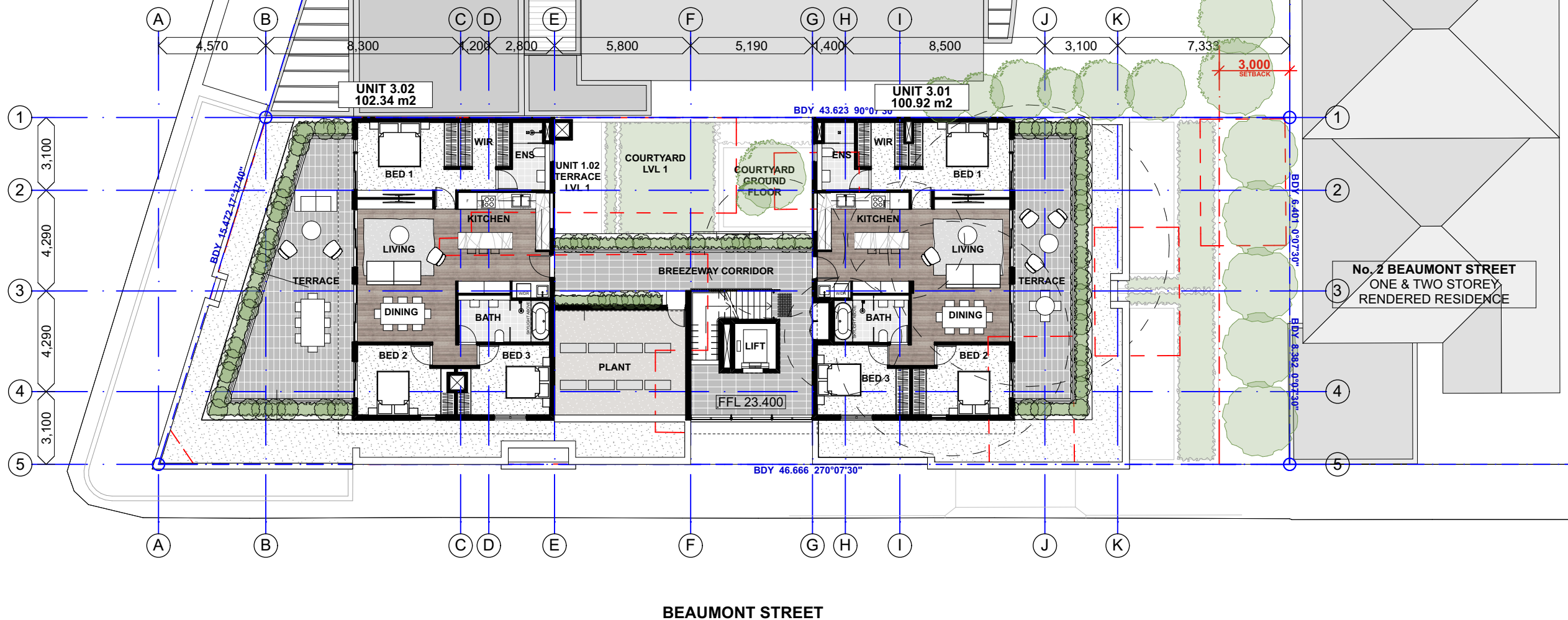
PROJECT:  
**PROPOSED MIXED USE  
DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**LEVEL 2 PLAN**

PROJECT NO: 17018  
SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

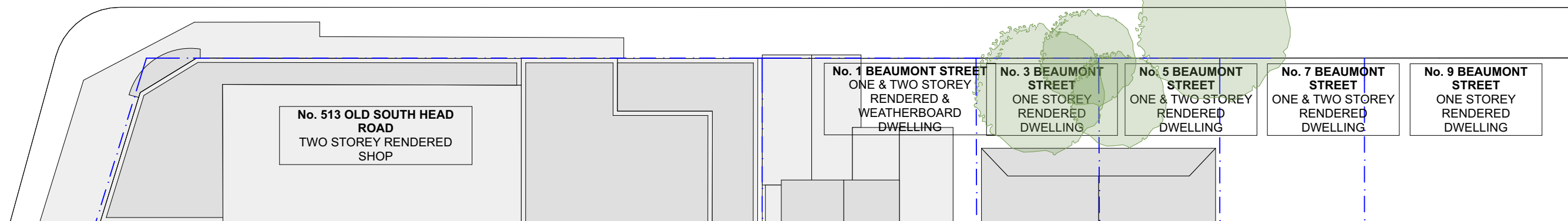
DA2002A

302

**Date Received: 23/1/2019**



**BEAUMONT STREET**



THIRD FLOOR PLAN  
1:200



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A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY NOTED
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY MPRED OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
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6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEW TRADE

CLAUSE 1.4 - MATERIAL & FORMS CONSTRUCTIONS	CLAUSE 17.1 - HANDRAILS
SPEC. C11 - FIRE RESISTING CONSTRUCTION	CLAUSE 18.2.1 - OPERATION OF LATCH
SPEC. C12 - FIRE HAZARD COMPLIANCE	CLAUSE 18.2.2 - SIGNS AND NOTICES
SPEC. C13 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE 18.3 - GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE 16.2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL	CLAUSE 18.3.3 - PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE 16.3 - VERTICAL SEPARATION OF EXTERIOR WALLS	CLAUSE 18.3.4 - IDENTIFICATION OF FEATURES
CLAUSE 16.3.1 - ELECTRICITY SUPPLY SYSTEM	CLAUSE 18.3.8 - TACTILE INDICATORS
CLAUSE 16.3.2 - FIRE ALARM SYSTEMS	CLAUSE 18.3.9 - IDENTIFICATION OF WEAREAS
CLAUSE 16.3.8 - OPENING IN FIRE ISOLATED EXITS	CLAUSE 19.1F.10 - DUMP PROOFING
CLAUSE 16.3.9 - EXITS AND EXITS SEPARATIONS	CLAUSE 19.5 - CONSTRUCTION OF COMMON AREAS COMPARTMENTS
CLAUSE 16.10 - DISCHARGE FROM EXITS	PART 74 - LIGHTING AND VENTILATION
CLAUSE 17.2 - INSTALLATIONS IN AREAS AND PATHS OF TRAVEL	CLAUSE 74.4 - SOUND INSULATION OF FLOORS
CLAUSE 17.3 - GONGES AND RISERS	CLAUSE 74.5 - SOUND INSULATION OF WALLS
CLAUSE 17.4 - LANDINGS	CLAUSE 74.6 - SOUND INSULATION OF SERVICES
CLAUSE 17.5 - THRESHOLDS	CLAUSE 74.7 - SOUND INSULATION OF PUMPS
CLAUSE 17.6 - BALUSTRADES	

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 6.4 & AS1686  
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE 6.2  
BATHS: TO COMPLY WITH BCA PART 3.5 & AS1530 3.500 3.2  
ENERGY EFFICIENCY/GLAZING: TO COMPLY WITH J2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION 8 OF BCA  
HOT WATER SYSTEMS: TO COMPLY WITH SECTION 8 OF BCA  
MASONRY: TO COMPLY WITH AS3700  
MECHANICALLY/AUTOMATIC: BCA CLAUSE 3.5 & AS1530 4.2005  
MECHANICAL EXHAUST FAN: TO COMPLY WITH PART 3.5 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 & AS616  
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE 6 SPEC 2 & 2.2  
WATER PENETRATIONS: TO COMPLY WITH SECTION 8 OF BCA  
MECHANICALLY/AUTOMATIC PENETRATIONS TO COMPLY WITH BCA CLAUSE  
C.3.15 & AS1530 4.2005  
SOUND: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
WATER PENETRATIONS: TO COMPLY WITH SECTION 8 OF BCA

WATER OPTIONS			ENERGY OPTIONS		
SHOWERS:	3 STAR	WATER HEATING:	1 Phase, 2 STAR		
TOILETS:	4 STAR	HEATING:	1 Phase, 2 STAR		
CLOTHES WASHERS:	3 STAR	VENTILATION:	Each Bathroom, kitchen		
KITCHEN TAPS:	3 STAR	VENTILATION:	with operation of		
BATHROOM TAPS:	3 STAR	VENTILATION:	3 & 4 Res. Garbage ref		
DISHWASHERS:	4 STAR	(COMMON AREA)	exhaust only		
STORM WATER TANK:	NA	ARTIFICIAL LIGHTING (UNITS):	Dedicated		
POLYSPAL:	NA	ARTIFICIAL LIGHTING:	Garage, common, tint		
FROM ROOF AREA:	281 sqm	(COMMON AREA)	All other areas common		
			except for lift car		
			Lift type gas/electric		
			5 STAR, Gas Instant		
			Gas cooktop, Electric		
			2 STAR		
			3 STAR		

**ENERGY CERTIFICATE**

**Cooling:** 1 Phase, 2 STAR (Zoned)  
1 Phase, 2 STAR (Zoned)

**Heating:** Each Bathroom, kitchen & Laundry individual fan  
connected with operation control interlocked to light  
switch & Com Res Garbage room & Storage ventilation  
exhaust only.

**Artificial Lighting (Units):** Dedicated  
Cold Cathode fluorescent; time clock & motion sensor  
All other common space fluorescent, manual on  
except for lift car - connected to lift call button.

**Water Heating:** 1 Phase, 2 STAR  
1 Phase, 2 STAR  
5 STAR, Gas Instantaneous  
Gas cooktop, Electric Oven

**Refrigerator:** 2 STAR  
2 STAR

**Dishwasher:** 3 STAR

### THERMAL COMFORT OPTIONS

EXT. WALLS:

Concrete Lined:	R2.5 added; Colour: Light; Unit 2.03 & 2.04 or
Concrete Lined:	R2.5 added; Colour: Light
Concrete Lined:	R2.5 Bulk; Colour: Dark
Metal Clad:	R.5 Bulk; Colour: Medium

FLOORS:

Concrete; R1.4 added where open below

ROOF:

Concrete; 60mm Insulation (R1.3) Bulk

CEILING:

Plasterboard + Insulation R2.5 Bulk

WINDOWS:

Single Low E; U = 5.40 SHGC = 0.49

(Units 2.03 & 2.04) Avening

Single Low E; U = 5.40 SHGC = 0.58

(Units 2.03 & 2.04) Fading, Sliding -

Single Clear; U = 6.70 SHGC = 0.57

(Elsewhere) Avening

Single Clear; U = 6.70 SHGC = 0.57

(Elsewhere) Fading, Sliding

PROJECT:  
**PROPOSED MIXED USE  
DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**LEVEL 3 PLAN**

PROJECT NO: 17018  
SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

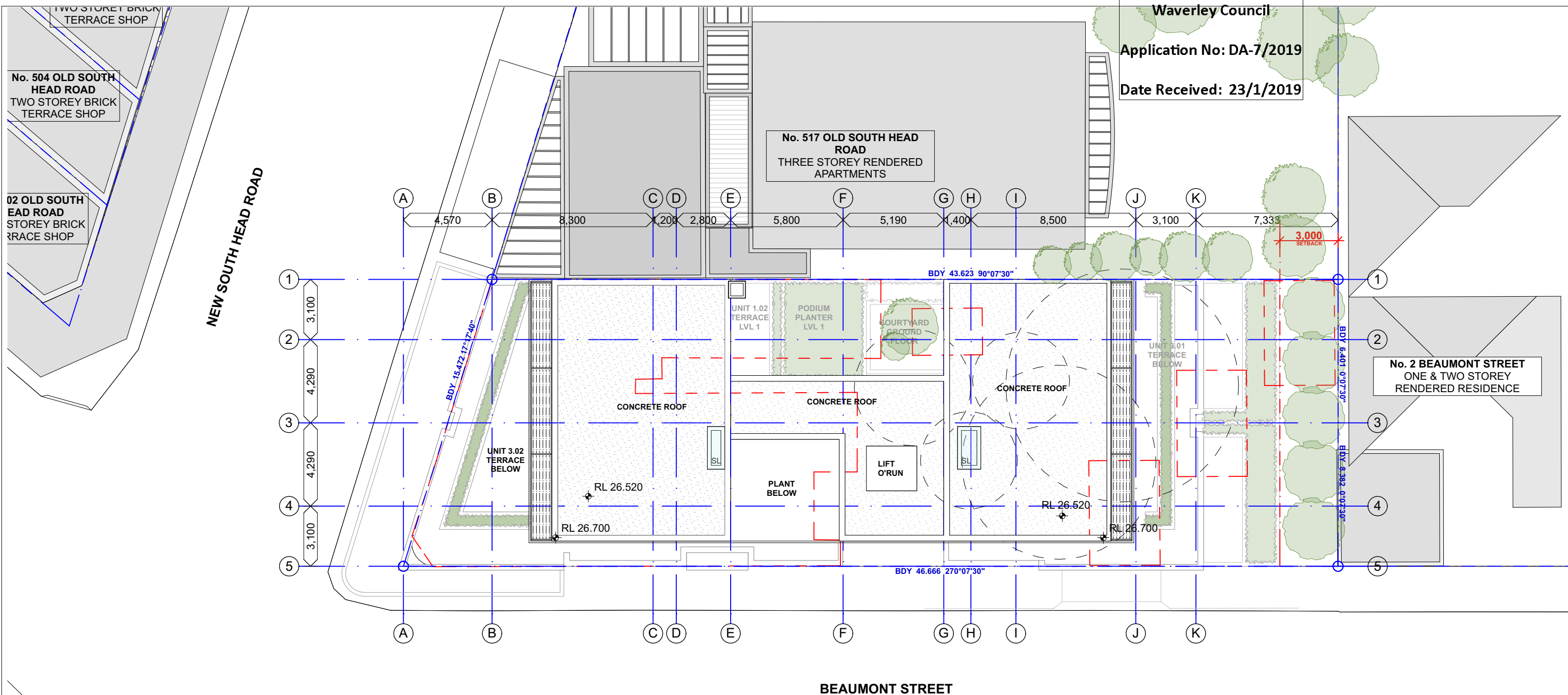
DA2003A

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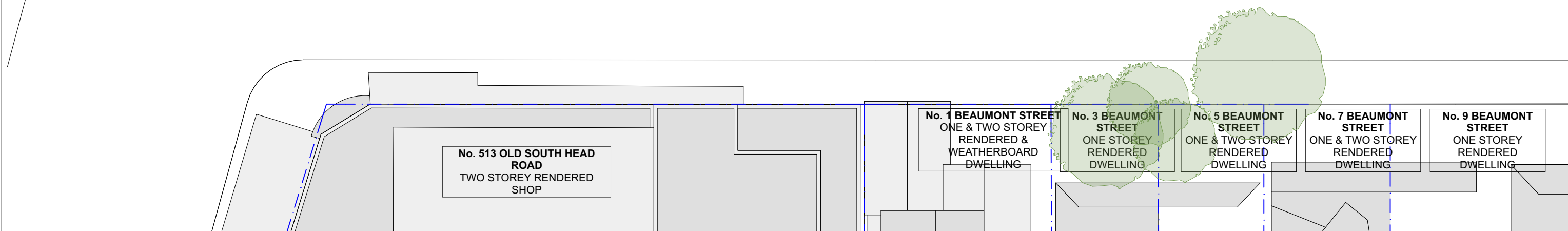


**Application No: DA-7/2019**

**Date Received: 23/1/2019**



**BEAUMONT STREET**



ROOF LEVEL PLAN  
1:200



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A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REQ.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY PRDGM OF ANY DISCREPANCIES, OMISSIONS OR INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MPDPO TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO LAIUSE WITH ELECTRICAL CONTRACTORS TO ENSURE POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING COMPLETION OF WORKS. ALL DISCREPANCIES OR ANY DISCREPANCIES ARE TO BE RECTIFIED WITH THE NEAREST TRADE

[illegible]

**AIRFALL LIGHTING:** TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1686  
**DRY RISE SUPPLY:** TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1686  
**DRAINAGE GUTTERS & DOWNPIPS:** TO COMPLY WITH AS3500 3.2  
**ENERGY EFFICIENCY GLAZING:** TO COMPLY WITH J2 OF BCA  
**FIRE RESISTANCE:** TO COMPLY WITH PARTS 3 & 4 OF BCA  
**HOT WATER:** SYSTEMS TO COMPLY WITH PART 7 OF BCA  
**MASONRY:** TO COMPLY WITH AS3370  
**MECHANICAL ELECTRICAL:** TO COMPLY WITH AS1530 & 4.205  
**MECHANICAL AIR CONDITIONING:** TO COMPLY WITH PART 3 OF BCA  
**MECHANICAL EXHAUST VENTILATION:** TO COMPLY WITH AS1686 & AS618  
**SMOKE ALARMS:** TO COMPLY WITH BCA PART CLAUSE 5 SPEC 2.2.2.2  
**MECHANICAL EXHAUST PENETRATIONS:** TO COMPLY WITH BCA CLAUSE  
 C3.15 & AS1530 4.205  
**FOUND FOOTING:** TO COMPLY WITH PARTS OF BCA  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2-13  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2-13

WATER OPTIONS		ENERGY OPTIONS	
SHOWERHEADS:	3 STAR	COOLING:	
TOILETS:	4 STAR	HEATING:	
CLOTHES WASHERS:	3.5 STAR	VENTILATION:	
KITCHEN TAPS:	3 STAR	(UNITS)	
BATHROOM TAPS:	3 STAR	VENTILATION:	
DISHWASHERS:	4 STAR	(COMMON AREA)	
RAIN WATER TANK:	NA	ARTIFICIAL LIGHTING:	
STORM WATER TANK:	NA	ARTIFICIAL LIGHTING:	
POOLSPA:	NA	(COMMON AREA)	
FROM ROOF AREA:	281 sqm	CENTRAL ENERGY SYSTEM:	
		WATER HEATING:	
		COOKING:	
		REFRIGERATOR:	
		DISHWASHER:	

**ENERGY OPTIONS**  
COOLING:  
HEATING:  
VENTILATION:  
(UNITS)  
VENTILATION :  
(COMMON AREA)  
ARTIFICIAL LIGHTING:  
ARTIFICIAL LIGHTING:  
(COMMON AREA)  
CENTRAL ENERGY SYSTEM:  
WATER HEATING:  
COOKING:  
REFRIGERATOR:  
DISHWASHER:

### THERMAL COMFORT OPTIONS

EXT. WALLS:

Concrete Lined:	R2.5 added; Colour: Light; Uti 2.03 & 2.04
Concrete Lined:	R1.5 added; Colour: Light
Concrete Lined:	R2.5 Bulk; Colour: Dark
Metal Clad:	R2.5 Bulk; Colour: Medium

FLOORS:

Concrete; 60mm Aniskin (R1.3) Colour: Light

CEILING:

Single Low E; Insulation: R2.5 Bulk

Single Low E; U = 5.40 SHGC = 0.49

WINDOWS:

(Units: 2.03 & 2.04) Awning

Single Low E; U = 5.40 SHGC = 0.58

(Units: 2.03 & 2.04) Fixed, Sliding

Single Low E; U = 6.70 SHGC = 0.57

(Elsewhere)

Awning

Single Clear; U = 6.70 SHGC = 0.57

(Elsewhere)

Fixed, Sliding

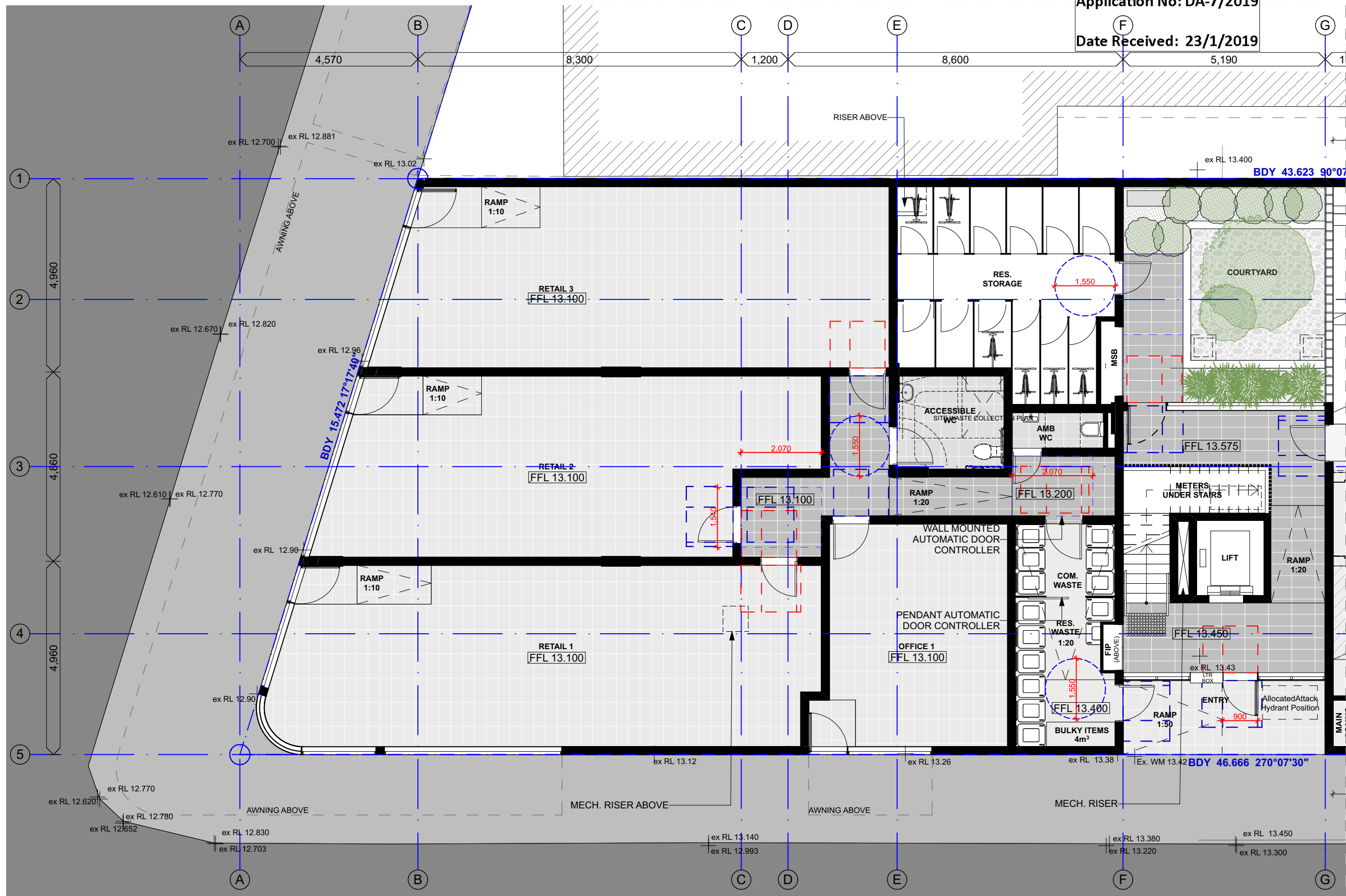
PROJECT:  
**PROPOSED MIXED USE  
DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:

PROJECT NO: 17018

SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

DA2004A

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CONTINUE TO DA2006

GROUND FLOOR DETAIL PLAN 1  
1:100



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A 18/01/2019 ISSUE FOR DA SUBMISSION

GENERAL NOTES  
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.  
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED  
3. CONTRACTOR TO NOTIFY MPRD OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING  
4. MPRD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION  
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE  
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE  
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS  
CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC. C1.1 - FIRE RESISTING CONSTRUCTION  
SPEC. C1.10 - FIRE HAZARD PROPERTIES  
SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C2.12 - SEPARATION OF EQUIPMENT  
CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM  
CLAUSE C3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS  
CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS  
CLAUSE D1.10 - DISCHARGE FROM EXITS  
CLAUSE D2.13 - GONGS AND RISERS  
CLAUSE D2.14 - LANDINGS  
CLAUSE D2.15 - THRESHOLDS  
CLAUSE D2.16 - BALUSTRADES  
CLAUSE D2.17 - HANDRAILS  
CLAUSE D2.21 - OPERATION OF LATCH  
CLAUSE D2.23 - SIGNS ON DOORS  
CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE  
CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACIL/SERV/FEATURES  
CLAUSE D3.8 - TACTILE INDICATORS  
CLAUSE F1.7 - WATERPROOFING OF WET AREAS  
CLAUSE F1.9F1.10 - DAMP PROOFING  
CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS  
PART F4 - LIGHTING AND VENTILATION  
CLAUSE F4.4 - SOUND INSULATION OF FLOORS  
CLAUSE F4.5 - SOUND INSULATION OF WALLS  
CLAUSE F4.6 - SOUND INSULATION OF SERVICES  
CLAUSE F5.7 - SOUND INSULATION OF PUMPS

SPECIFICATIONS (refer to specification attachment)  
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 4 CLAUSE F4.4 & AS1680  
BALLUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2  
ENERGY EFFICIENCY/CLADDING: TO COMPLY WITH J2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA  
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J5 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 & AS882.2  
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786  
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4.2005  
CLADDING: TO COMPLY WITH PARTS OF BCA  
SOUND TRANSMISSION: TO COMPLY WITH BCA CLAUSE D2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3786

BASIS COMMITMENTS  
WATER OPTIONS  
SHOWERHEADS: 3 STAR  
TOILETS: 4 STAR  
CLOTHES WASHERS: 3.5 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 4 STAR  
DISHWASHERS: 4 STAR  
RAIN WATER TANK: NA  
STORM WATER TANK: NA  
POOL/SPA: NA  
FROM ROOF AREA: 281 sqm  
ENERGY OPTIONS  
COOLING: 1 Phase, 2 STAR (Zoned)  
HEATING: 1 Phase, 2 STAR (Zoned)  
VENTILATION: Each Bathroom, Kitchen & Laundry individual fan ducted with operation control interlocked to light  
3.5 STAR  
VENTILATION: (COMMON AREA)  
ARTIFICIAL LIGHTING (UNITS): (COMMON AREA)  
ARTIFICIAL LIGHTING: (COMMON AREA)  
CENTRAL ENERGY SYSTEM:  
WATER HEATING: 3 STAR  
COOKING: 3 STAR  
REFRIGERATOR: 3 STAR  
DISHWASHER: 3 STAR  
CLOTHES WASHER: 3 STAR

THERMAL COMFORT OPTIONS  
EXT. WALLS: Concrete Lined  
CONCRETE LINING: R1.5 added; Colour: Light  
METAL CLAD: R2.5 Bulk; Colour: Dark  
FLOORS: Concrete; 60mm Anicon (R1.3) Colour: Light  
ROOF: R2.5 added; Colour: Light  
CEILING: Single Low E; U<sub>av</sub> = 5.40 SHGC = 0.49  
WINDOWS: (Units 2.03 & 2.04) Awning  
Single Low E; U<sub>av</sub> = 5.40 SHGC = 0.58  
Single Low E; U<sub>av</sub> = 6.70 SHGC = 0.57  
Single Low E; U<sub>av</sub> = 6.70 SHGC = 0.57  
Single Low E; U<sub>av</sub> = 4.89  
SPYLIGHT

PROJECT:  
PROPOSED MIXED USE  
DEVELOPMENT  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING NO: DA2005A

PROJECT NO: 17018  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

GROUND FLOOR DETAIL PLAN  
1

DA2005A



A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

**ALL CONSTRUCTION TO COMPLY AT MINIMUM WITH BCA CLAUSES & AUSTRALIAN STANDARDS**

CLAUSE 1.4 - MATERIAL & FORMS CONSTRUCTIONS	CLAUSE D.17 - HANDRAILS
SPEC. C.11 - FIRE RESISTING CONSTRUCTION	CLAUSE D.21 - OPERATIONAL OF LATCH
SPEC. C.10 - HAZARD PROTECTION	CLAUSE D.22 - SIGN ON GLASS
SPEC. C.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE D.23 - GENERAL BUILDINGS ACCESS REQUIREMENTS
CLAUSE D.1 - PERFORMANCE OF OPENINGS IN EXTERNAL WALLS	CLAUSE D.24 - ACCESSIBLE TOILETS
CLAUSE D.2 - SEPARATION OF EQUIPMENT	CLAUSE D.28 - IDENT. OF ACCESSIBLE FACILITY/SERVICE
CLAUSE D.3 - PROTECTION OF EXTERIOR WALLS	CLAUSE D.29 - TACTILE MAPS
CLAUSE D.3 - ACCEPTABLE METHODS OF PROTECTION OF OPENINGS	CLAUSE D.30 - WATERPROOFING OF WEET AREAS
CLAUSE D.4 - PROTECTION OF EXTERIOR WALLS	CLAUSE D.31 - LIGHTING AND GLASS
CLAUSE D.15 - OPENING FOR SERVICE INSTALLATIONS	CLAUSE D.32 - CONSTRUCTION OF SANITARY CUMULATIVE
CLAUSE D.16 - PROTECTION OF OPENINGS IN EXTERNAL WALLS	CLAUSE F.4 - SOUND INSULATION OF FLOORS
CLAUSE D.27 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL	CLAUSE F.4 - SOUND INSULATION OF FLOORS
CLAUSE D.28 - PROTECTION OF OPENINGS IN EXTERNAL WALLS	CLAUSE F.5 - SOUND INSULATION OF WALLS
CLAUSE D.24 - LANDINGS	CLAUSE F.6 - SOUND INSULATION OF SERVICES
CLAUSE D.25 - STAIRWAYS	CLAUSE F.7 - SOUND INSULATION OF PUMPS
CLAUSE D.26 - BALUSTRADES	

**SPECIFICATIONS [refer to specification attachment]**

**ARTIFICIAL LIGHTING:** TO COMPLY WITH BCA PART CLAUSE#4 & AS-168

**BALUSTRADE HEIGHTS:** TO COMPLY WITH BCA CLAUSE D2.16

**CEILING:** TO COMPLY WITH BCA PART CLAUSE#4 & AS-168 3500 3.2

**ENERGY EFFICIENT GLAZING:** TO COMPLY WITH JJ OF BCA

**FIRE SERVICES:** TO COMPLY WITH SECTION OF BC

**HOT WATER:** SYSTEMS TO COMPLY WITH PART 7 OF BC

**MASONRY:** TO COMPLY WITH PART 8 OF BC

**MICHELE/HYDRAULIC:** BCA CLAUSE C3.15 & AS1530 4-2005

**MECHANICAL AIR CONDITIONING:** TO COMPLY WITH PART 5J OF BCA

**MECHANICAL EXHAUST VENTILATION:** TO COMPLY WITH BC#168 & AS168

**MOISTURE:** TO COMPLY WITH PART 7 OF BC

**PENETRATIONS:** THROUGH FIRE RATED CONSTRUCTION FOR MICHELE/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005

**SOUND TRANSMISSION:** TO COMPLY WITH PARTS OF BCA

**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2.13

**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2.13

<b>BASIC COMMITMENTS</b>					
JAIL ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS.					
<b>WATER OPTIONS</b>		<b>ENERGY OPTIONS</b>			
SHOW HEADS:	3 STAR	Cooling:		1 Phase, 2 STAR (Zon)	
TOLETS:	3 STAR	HEATING:		2 STAR, 2 STAR (Zon)	
CLOS. STORE WASHERS:	3 STAR	CLIMATE CONTROLATION:		Each Bath has gas heat	
KITCHEN TAPS:	3 STAR	VENTILATION:		Connected with operation of	
BATHING TAPS:	3 STAR	(UNITS):		Com & Res Garbage re-	
DISHWASHERS:	3 STAR	ARTIFICIAL LIGHTING (UNITS):		dedicated	
RAIN WATER TANK:	NA	COMMON AREA:		Dedicated	
STORM WATER TANK:	NA	ARTIFICIAL LIGHTING (COPM.):		Garage fluorescent, time	
ROOF RAIN WATER:	NA	REFRIGERATOR:		All other areas compact	
FROM ROOF AREA:	281 sqm	Cooking:		except for lift car - trash	
		WATER HEATING:		Lift Type - gearless traction	
		COOKING:		Gas cooktop, Gas instantaneous	
		REFRIGERATOR:		Gas cooktop, Electric	
		DISHWASHER:		2 STAR	
				3 STAR	

**THERMAL COMFORT OPTIONS**

**EXT. WALLS:**

Concrete Linet: R2.5 added; Colour: Light; Unit 2.03 & 2.04

Metal Clad: R2.1 Bulk; Colour: Dark

Metal Clad: R2.5 Bulk; Colour: Medium

**FLOORS:**

Concrete: R1.4 added; Colour: Light; Option open below

Concrete: 60mm Antracite (R1.3) Colour: Light

**CEILING:**

Plasterboard + Insulation R2.5 Bulk

Single Low E; U = 5.40 SHGC = 0.49

**WINDOWS:**

(Units 2.03 & 2.04)

Awning

Single Clear; U = 5.40 SHGC = 0.58

(Units 2.03 & 2.04)

Folding, Sliding

Single Clear; U = 6.70 SHGC = 0.57

**WINDOWS:**

(Elsewhere)

Awning

Single Clear; U = 6.70 SHGC = 0.57

**GROUP B**

(Elsewhere)

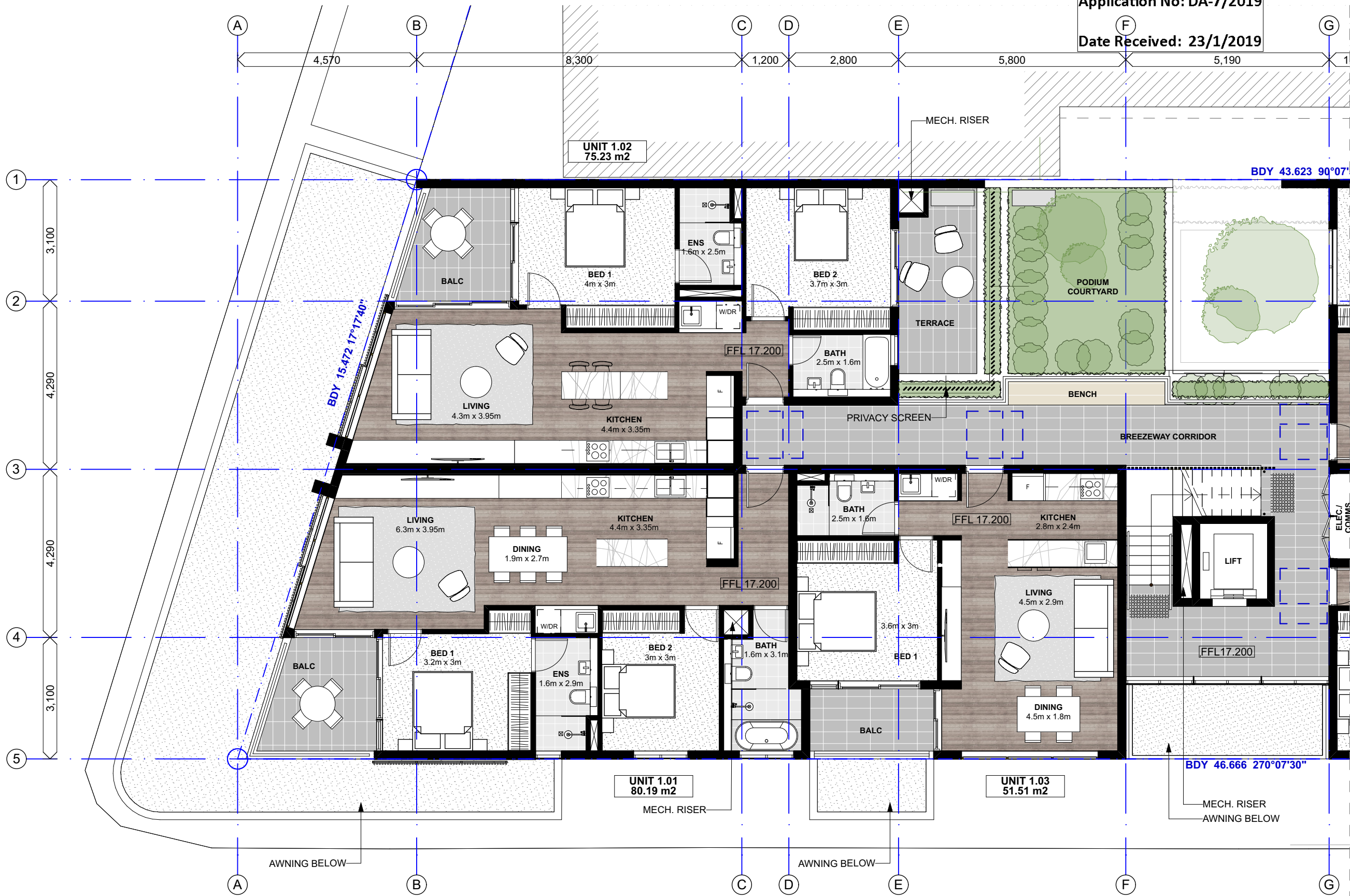
Sliding, Sliding

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**GROUND FLOOR DEVELOPMENT**

PROJECT NO: 17018  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

**DA2006A**





LEVEL 1 DETAIL PLAN 1  
1:100

CONTINUE TO DA2008



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ABN 646 2000 7678

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A 18/01/2019  
ISSUE FOR  
DA SUBMISSION  
ISSUE DATE REVISION

**GENERAL NOTES**  
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4. MSA TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.  
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.  
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE.  
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

**ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS**  
CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC. C1.1 - FIRE RESISTING CONSTRUCTION  
SPEC. C1.10 - FIRE HAZARD PROPERTIES  
SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C2.7 - SEPARATION OF EQUIPMENT  
CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM  
CLAUSE C3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS  
CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS  
CLAUSE C3.17 - DISCHARGE FROM EXITS  
CLAUSE C3.17 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE D2.13 - GONGS AND RISERS  
CLAUSE D2.14 - LANDINGS  
CLAUSE D2.15 - THRESHOLDS  
CLAUSE D2.16 - BALUSTRADES  
CLAUSE D2.21 - OPERATION OF LATCH  
CLAUSE D2.23 - SIGNS ON DOORS  
CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE  
CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACILITIES/FEATURES  
CLAUSE D3.8 - TACTILE INDICATORS  
CLAUSE F1.7 - WATERPROOFING OF WET AREAS  
CLAUSE F1.9F1.10 - DAMP PROOFING  
CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS  
PART F4 - LIGHTING AND VENTILATION  
CLAUSE F5.4 - SOUND INSULATION OF FLOORS  
CLAUSE F5.5 - SOUND INSULATION OF WALLS  
CLAUSE F5.6 - SOUND INSULATION OF SERVICES  
CLAUSE F5.7 - SOUND INSULATION OF PUMPS

**SPECIFICATIONS (refer to specification attachment)**  
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F4.4 & AS1680  
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2  
ENERGY EFFICIENCY GLAZING: TO COMPLY WITH J2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA  
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J8 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 & AS88.2  
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786  
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C1.15 & AS1530 4.2.005  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3790

**BASIX COMMITMENTS**  
(ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS)  
**WATER OPTIONS**  
SHOWERHEADS: 3 STAR  
TOILETS: 4 STAR  
CLOTHES WASHERS: 3.5 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 4 STAR  
DISHWASHERS: NA  
RAIN WATER TANK: NA  
POOL/SPA: NA  
FROM ROOF AREA: 281 sqm  
**ENERGY OPTIONS**  
COOLING: 1 Phase, 2 STAR (Zoned)  
HEATING: 1 Phase, 2 STAR (Zoned)  
VENTILATION: Each Bathroom, Kitchen & Laundry Individual fan ducted with operation control interlocked to light Com & Res Garbage room & Storage ventilation exhaust only.  
ROOF: Dedicated  
CELLING: Garage fluorescent; time clock & motion sensors.  
ARTIFICIAL LIGHTING (UNITS): All other areas compact fluorescent, manual on/off, except for lift car - connected to lift call button.  
ARTIFICIAL LIGHTING (COMMON AREA): L/E Type gearless traction with VVVF motor.  
CENTRAL ENERGY SYSTEM: 5 STAR, Gas instantaneous  
WATER HEATING: Gas cooktop, Electric Oven  
COOKING: 2 STAR  
REFRIGERATOR: 3 STAR  
DISHWASHER: 3 STAR  
CLOTHES WASHER: 3 STAR

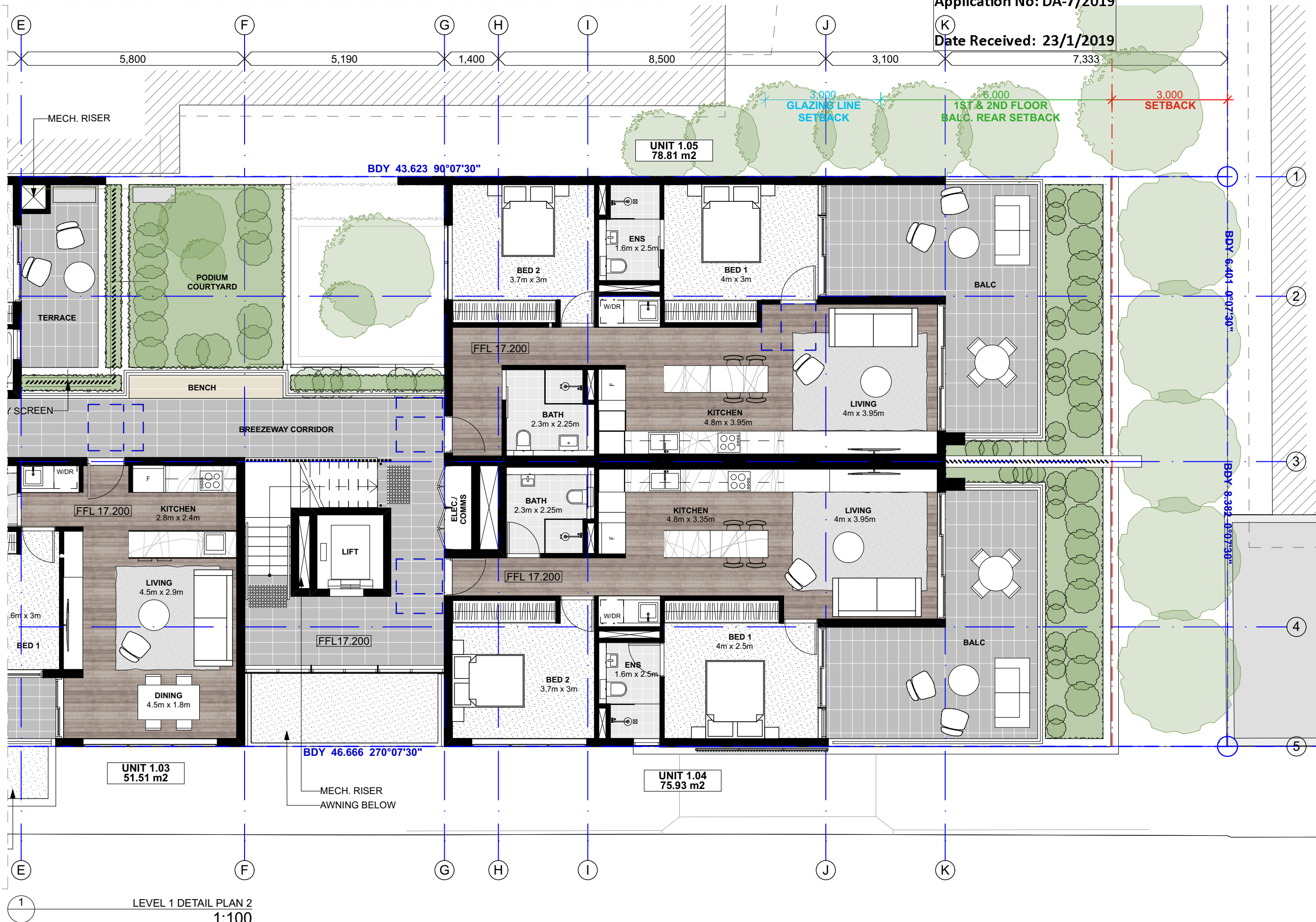
**THERMAL COMFORT OPTIONS**  
EXT. WALLS: Concrete Linet  
CONCRETE LINET: R2.5 added; Colour: Light  
METAL CLAD: R2.5 Bulk; Colour: Dark  
FLOORS: Concrete; 60mm Anicon (R1.3) Colour: Light  
CEILING: Praterboard + insulation R2.5 Bulk  
ROOF: Single Low E; U<sub>av</sub> = 5.40 SHGC = 0.49  
WINDOWS: (Units 2.03 & 2.04) Awning  
Single Low E; U<sub>av</sub> = 5.40 SHGC = 0.58  
(Units 2.03 & 2.04) Fixed, Sliding  
Single Clear; U<sub>av</sub> = 6.70 SHGC = 0.57  
Awning  
Single Clear; U<sub>av</sub> = 6.70 SHGC = 0.57  
Fixed, Sliding  
Single Clear; U<sub>av</sub> = 4.89  
SPYLIGHT

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
LEVEL 1 DETAIL PLAN 1

PROJECT NO: 17018  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

DA2007A

Application No: DA-7/2019  
Date Received: 23/1/2019



CONTINUE TO DA2007

LEVEL 1 DETAIL PLAN 2  
1:100



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NSW REG. 9789  
ABN 646 2000 7678

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A 18/01/2019  
ISSUE DATE  
DA SUBMISSION  
REVISION

**GENERAL NOTES**  
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.  
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED.  
3. CONTRACTOR TO NOTIFY MPRD OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.  
4. MPRD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.  
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.  
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE.  
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

**ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS**  
CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC. C1.1 - FIRE RESISTING CONSTRUCTION  
SPEC. C1.10 - FIRE HAZARD PROPERTIES  
SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C2.7 - SEPARATION OF EQUIPMENT  
CLAUSE C2.13 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)  
CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS  
CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS  
CLAUSE D1.10 - DISCHARGE FROM EXITS  
CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE D2.13 - GONGS AND RISERS  
CLAUSE D2.14 - LANDINGS  
CLAUSE D2.15 - THRESHOLDS  
CLAUSE D2.16 - BALUSTRADES  
CLAUSE D2.17 - HANDRAILS  
CLAUSE D2.21 - OPERATION OF LATCH  
CLAUSE D3.2 - SIGNS ON DOORS  
CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE  
CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACILITIES/FEATURES  
CLAUSE D3.8 - TACTILE INDICATORS  
CLAUSE F1.7 - WATERPROOFING OF WET AREAS  
CLAUSE F1.9F1.10 - DAMP PROOFING  
CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS  
PART F4 - LIGHTING AND VENTILATION  
CLAUSE F4.4 - SOUND INSULATION OF FLOORS  
CLAUSE F5.5 - SOUND INSULATION OF WALLS  
CLAUSE F5.6 - SOUND INSULATION OF SERVICES  
CLAUSE F5.7 - SOUND INSULATION OF PUMPS

**SPECIFICATIONS (refer to specification attachment)**  
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA CLAUSE D2.16  
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2  
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA  
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA  
MASONRY: TO COMPLY WITH AS3700  
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J6 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS88.2  
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786  
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700

**BASIS COMMITMENTS**  
(ALL OTHER BASIS COMMITMENTS AS PER BASIS CERTIFICATE AND STAMPED PLANS)  
**WATER OPTIONS**  
SHOWERHEADS: 3 STAR  
TOILETS: 4 STAR  
CLOTHES WASHERS: 3.5 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 4 STAR  
DISHWASHERS: NA  
RAIN WATER TANK: NA  
STORM WATER TANK: NA  
POOL/SPA: NA  
FROM ROOF AREA: 281 sqm  
**ENERGY OPTIONS**  
COOLING: 1 Phase, 2 STAR (Zoned)  
HEATING: 1 Phase, 2 STAR (Zoned)  
VENTILATION: 3.5 STAR (UNITS)  
VENTILATION: 4 STAR (COMMON AREA)  
ARTIFICIAL LIGHTING (UNITS): 3 STAR  
ARTIFICIAL LIGHTING (COMMON AREA): 3 STAR  
CENTRAL ENERGY SYSTEM: WATER HEATING  
WATER HEATING: 2 STAR  
COOKING: 3 STAR  
REFRIGERATOR: 3 STAR  
DISHWASHER: 3 STAR  
CLOTHES WASHER: 3 STAR

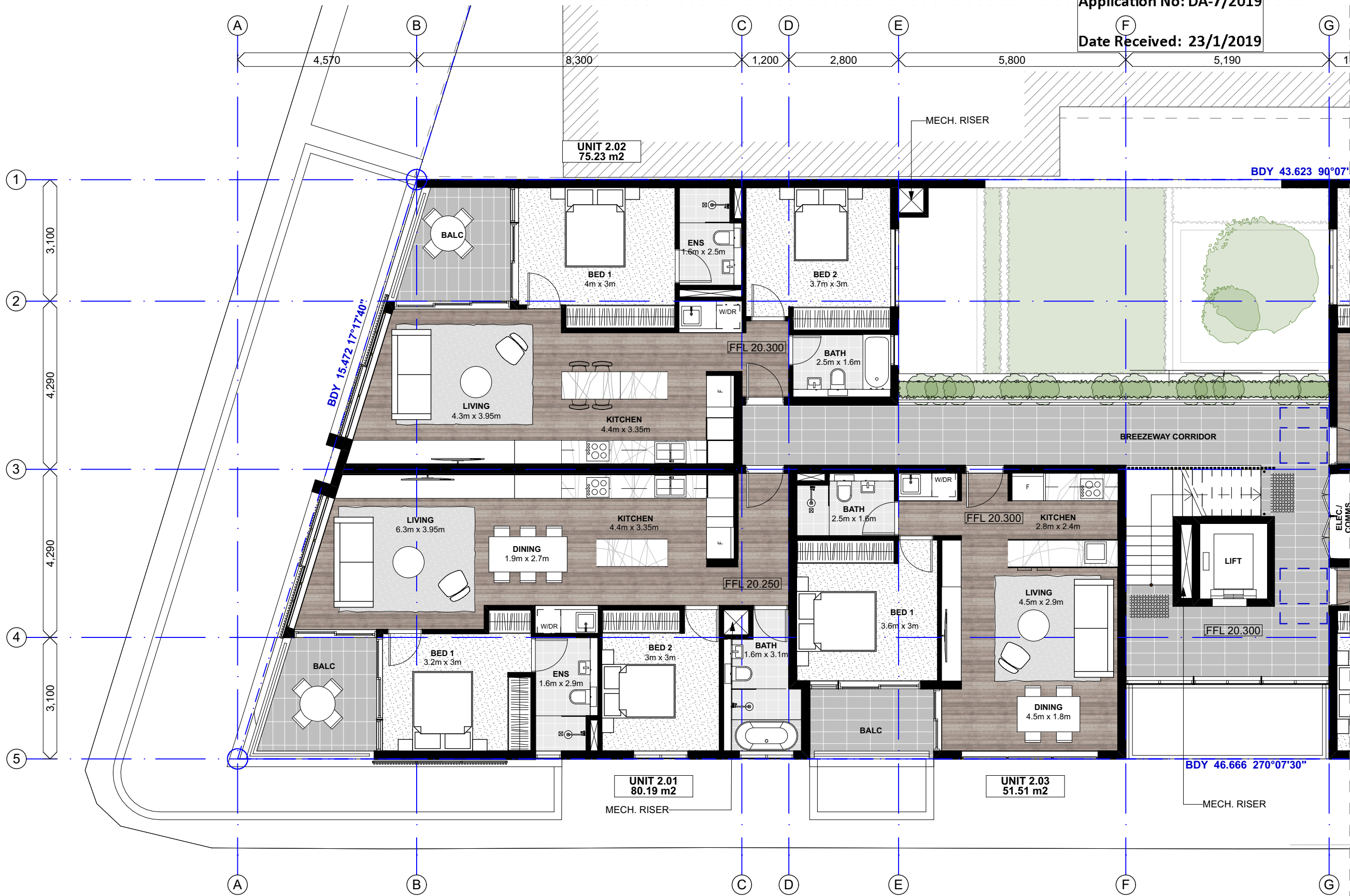
**THERMAL COMFORT OPTIONS**  
EXT. WALLS: Concrete Linet  
CONCRETE LINET: R2.5 added; Colour: Light  
METAL CLAD: R2.5 added; Colour: Light  
METAL CLAD: R2.5 added; Colour: Dark  
FLOORS: Concrete; 60mm Anicon (R1.3) Colour: Light  
ROOF: Pristebond + insulation R2.5 Bulk  
CEILING: Single Low E; Use = 5.40 SHGC = 0.49  
WINDOWS: (Units 2.03 & 2.04) Awning  
Single Low E; Use = 5.40 SHGC = 0.58  
WINDOWS: (Units 2.03 & 2.04) Fixed, Sliding  
Single Low E; Use = 6.70 SHGC = 0.57  
WINDOWS: (Elsewhere) Awning  
Single Clear; Use = 6.70 SHGC = 0.57  
WINDOWS: (Elsewhere) Fixed, Sliding  
Single Clear; Use = 4.89  
SPYLIGHT:

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**LEVEL 1 DETAIL PLAN 2**

PROJECT NO: 17018  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

**DA2008A**

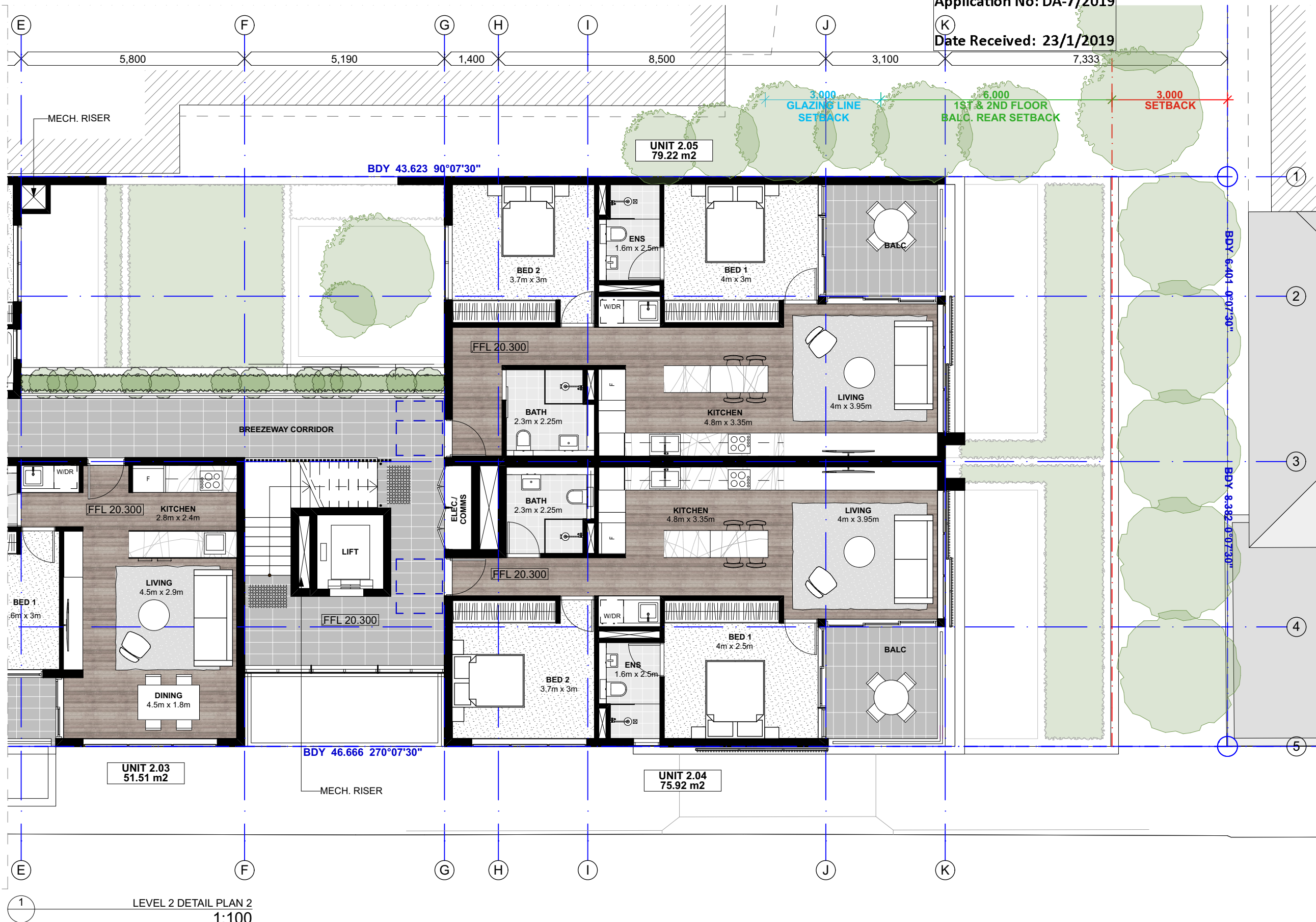




LEVEL 2 DETAIL PLAN 1  
1:100

CONTINUE TO DA2010

Application No: DA-7/2019  
Date Received: 23/1/2019



CONTINUE TO DA2009

LEVEL 2 DETAIL PLAN 2  
1:100



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A 18/01/2019  
ISSUE FOR DA SUBMISSION  
ISSUE DATE REVISION

**GENERAL NOTES**  
1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA/AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTHORITY REG.  
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3. CONTRACTOR TO NOTIFY MPRD OF ANY DISCREPANCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING.  
4. MPRD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.  
5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.  
6. ALL DIMENSIONS TO BE VERIFIED ON SITE. DO NOT SCALE.  
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE.

**ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS**  
CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS  
SPEC. C1.1 - FIRE RESISTING CONSTRUCTION  
SPEC. C1.10 - FIRE HAZARD PROPERTIES  
SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE  
CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL  
CLAUSE C3.1 - SEPARATION OF EQUIPMENT  
CLAUSE C3.13 - ELECTRICITY SUPPLY SYSTEM  
CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS  
CLAUSE C3.16 - DISCHARGE FROM EXITS  
CLAUSE C3.17 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL  
CLAUSE D2.13 - GOINGS AND RISERS  
CLAUSE D2.14 - LANDINGS  
CLAUSE D2.15 - THRESHOLDS  
CLAUSE D2.16 - BALUSTRADES  
CLAUSE D2.17 - HANDRAILS  
CLAUSE D2.21 - OPERATION OF LATCH  
CLAUSE D2.22 - SIGNS ON DOORS  
CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS  
CLAUSE D3.8 - PARTS OF BUILDING TO BE ACCESSIBLE  
CLAUSE D3.8 - IDENT. OF ACCESSIBLE FACILITY FEATURES  
CLAUSE D3.8 - TACTILE INDICATORS  
CLAUSE F1.7 - WATERPROOFING OF WET AREAS  
CLAUSE F1.9F1.10 - DAMP PROOFING  
CLAUSE F2.5 - CONSTRUCTION OF SANITARY COMPARTMENTS  
PART F4 - LIGHTING AND VENTILATION  
CLAUSE F4.4 - SOUND INSULATION OF FLOORS  
CLAUSE F5.5 - SOUND INSULATION OF WALLS  
CLAUSE F5.6 - SOUND INSULATION OF SERVICES  
CLAUSE F5.7 - SOUND INSULATION OF PUMPS

**SPECIFICATIONS (refer to specification attachment)**  
ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F4.4 & AS1680  
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16  
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS2539 3.2  
ENERGY EFFICIENCY LABELING: TO COMPLY WITH J2 OF BCA  
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA  
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA  
MASONRY: TO COMPLY WITH AS3700  
MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J6 OF BCA  
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1686 & AS882.2  
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786  
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECHANICAL/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C1.15 & AS1530.4-2005  
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA  
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13  
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700

**BASIS COMMITMENTS**  
WATER OPTIONS  
SHOWERHEADS: 3 STAR  
TOILETS: 4 STAR  
CLOTHES WASHERS: 3 STAR  
KITCHEN TAPS: 3 STAR  
BATHROOM TAPS: 4 STAR  
DISHWASHERS: NA  
RAIN WATER TANK: NA  
STORM WATER TANK: NA  
POOL SPA: NA  
FROM ROOF AREA: 281 sqm  
ENERGY OPTIONS  
COOLING: 1 Phase, 2 STAR (Zoned)  
HEATING: 1 Phase, 2 STAR (Zoned)  
VENTILATION: 3.5 STAR  
VENTILATION (UNITS): 3 STAR  
ARTIFICIAL LIGHTING (UNITS): 4 STAR  
ARTIFICIAL LIGHTING (COMMON AREA): 3 STAR  
CENTRAL ENERGY SYSTEM: WATER HEATING  
COOKING: 2 STAR  
REFRIGERATOR: 3 STAR  
DISHWASHER: 3 STAR  
CLOTHES WASHER: 3 STAR

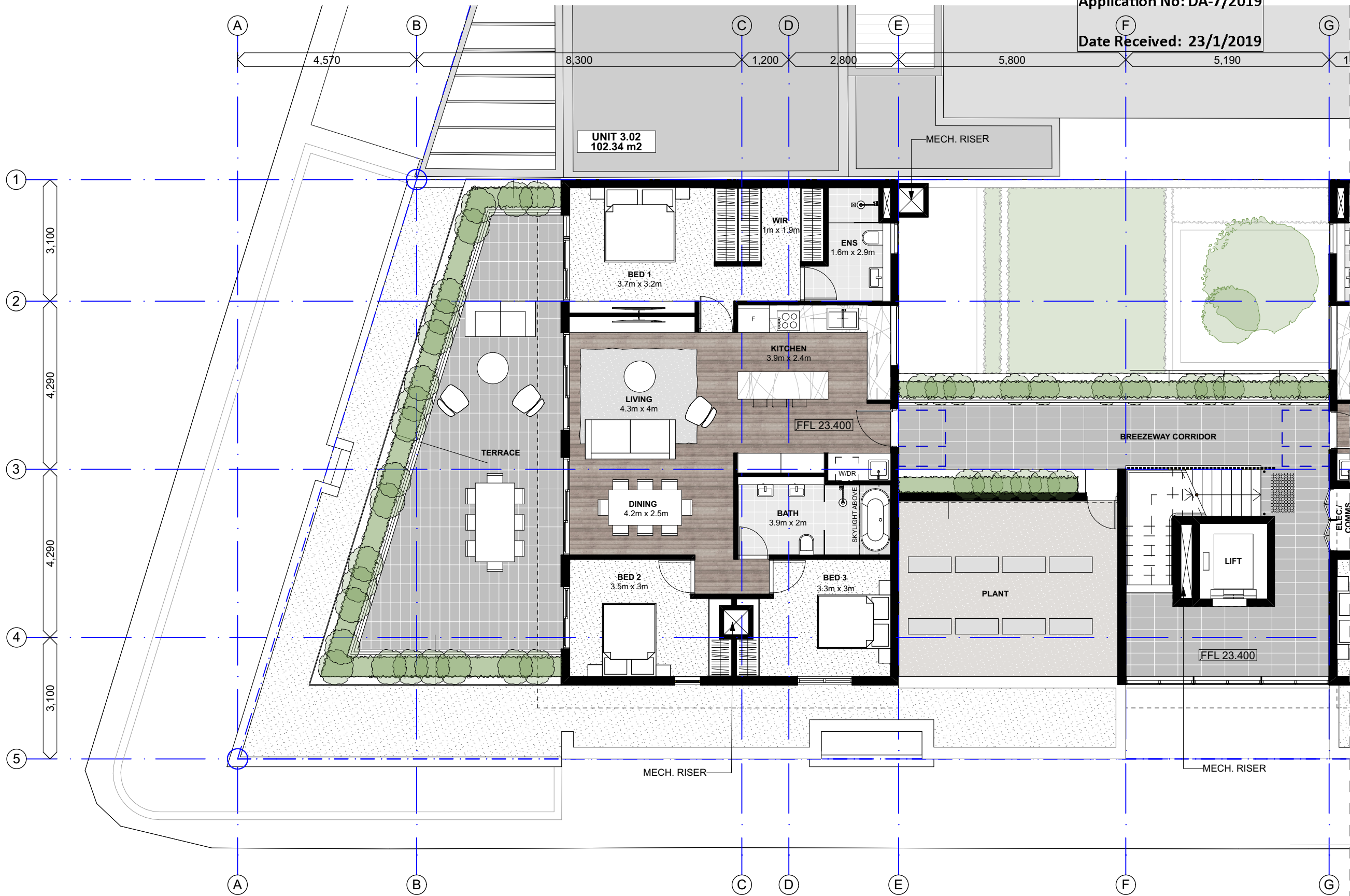
**THERMAL COMFORT OPTIONS**  
EXT. WALLS: Concrete Linet  
R2.5 added: Colour: Light  
R1.5 added: Colour: Light  
Metal Clad: R2.5 Bulk Colour: Dark  
FLOORS: Concrete: R1.4 added where open below  
ROOF: Concrete: 60mm Anicon (R1.3) Colour: Light  
CELLING: Single Low E: Use = 5.40 SHGC = 0.49  
WINDOWS: (Units 2.03 & 2.04) Awning  
Single Low E: Use = 5.40 SHGC = 0.58  
Single Low E: Use = 6.70 SHGC = 0.57  
Single Low E: Use = 6.70 SHGC = 0.57  
Single Low E: Use = 4.89  
SPYLIGHT: Awning  
Fixed, Sliding  
Single Clear: Use = 4.89

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:  
**LEVEL 2 DETAIL PLAN 2**

PROJECT NO: 17018  
SCALE: 1:100 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

DA2010A



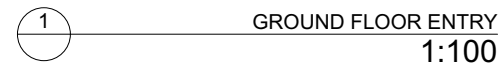


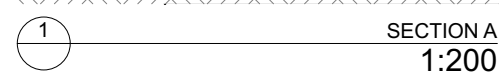
LEVEL 3 DETAIL PLAN 1  
1:100

CONTINUE TO DA2012









Date Received: 23/1/2019



SECTION B  
1:200



A	18/01/2019	ISSUE FOR DA SUBMISSION
<b>ISSUE</b>	<b>DATE</b>	<b>REVISION</b>

1. ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF THE STATE OF TEXAS AND ALL APPLICABLE STATUTORY REGULATIONS AND LOCAL AUTHORITY RES.
2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
3. CONTRACTOR TO NOTIFY MPROD OF ANY DISCREPANCIES, OMISSIONS, INCONSISTENCIES OR OTHER NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
4. MPROD TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION.
5. CONTRACTOR TO CO-ORDINATE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE
7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING CONSTRUCTION AND ARCHITECT TO BE NOTIFIED OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH NEXT TRADE

CLAUSE 14 - MATERIAL & FORMS CONSTRUCTIONS	CLAUSE 21-71 - HANDRAILS
SPEC. C14 - FIRE RESISTING CONSTRUCTION	CLAUSE 22-1 - OPERATION OF LATCH
SPEC. C14-1 - FIRE HAZARD PROPERTIES	CLAUSE 22-2 - SIGNS ON GLASS
SPEC. C11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE	CLAUSE 23 - GENERAL BUILDING ACCESS REQUIREMENTS
SPEC. C26 - VERTICAL PERFORATION OF OPENINGS IN EXTERNAL WALL	CLAUSE 23-3 - PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE 21-1 - OPERATION OF EQUIPMENT	CLAUSE 23-4 - ACCESS TO COMMON AREAS & FEATURES
CLAUSE 21-2 - ELECTRICITY SUPPLY SYSTEM	CLAUSE 23-8 - TACTILE INDICATORS
CLAUSE 21-3 - EXTINGUISHABLE FIRE PROTECTION OF OPENINGS	CLAUSE 23-9 - CONSTRUCTION OF WET AREAS
CLAUSE C3-8 - OPENING IN FIRE ISOLATED EXITS	CLAUSE 5.19 F1-10 - DUMP PROOFING
CLAUSE 21-4 - EXTINGUISHABLE FIRE PROTECTION OF OPENINGS	CLAUSE 5.19 F1-11 - CONSTRUCTION OF SERVICE COMPARTMENTS
CLAUSE 21-5 - DISCHARGE FROM EXITS	PART 74 - LIGHTING AND VENTILATION
CLAUSE 21-6 - INSTALLATION OF EXITS AND PATHS OF TRAVEL	CLAUSE 5.19 F1-12 - SOUND INSULATION OF FLOORS
CLAUSE 21-10 - GOINGS AND RISERS	CLAUSE 5.19 F1-13 - SOUND INSULATION OF WALLS
CLAUSE 21-14 - LANDINGS	CLAUSE 5.19 F1-14 - SOUND INSULATION OF SERVICES
CLAUSE 21-15 - THRESHOLDS	CLAUSE 5.17 - SOUND INSULATION OF PUMPS
CLAUSE 21-16 - BALUSTRADES	

**ARTIFICIAL LIGHTING:** TO COMPLY WITH BCA PART 04-05.4 F4 & AS1680  
**BALUSTRADE HEIGHTS:** TO COMPLY WITH BCA CLAUSE D2-13  
**BARBICUE GRILLS:** TO COMPLY WITH BCA CLAUSE D2-13  
**ENERGY EFFICIENCY GLAZING:** TO COMPLY WITH J2 OF BCA  
**FIRE SERVICES:** TO COMPLY WITH SECTION 6 OF BCA  
**HOT WATER SYSTEMS:** TO COMPLY WITH PART 08 OF BCA  
**MASONRY:** TO COMPLY WITH AS3700  
**MECHELOIDHYDRAULIC:** BCA CLAUSE 15.5 & AS1530-4-2005  
**MECHANICAL VENTILATION:** TO COMPLY WITH PART 3 OF BCA  
**MECHANICAL EXHAUST VENTILATION:** TO COMPLY WITH AS1698 & AS618  
**SMOKE ALARMS:** TO COMPLY WITH BCA-PART CLAUSE 5 SPEC E2 & AS618  
**THROUGH THE ROOF PENETRATIONS:** TO COMPLY WITH AS1698  
**MECHELOIDHYDRAULIC PENETRATIONS:** TO COMPLY WITH BCA CLAUSE 15.5 & AS1530-4-2005  
**SOUND TRANSMISSION:** TO COMPLY WITH PARTS OF BCA  
**STAIR CONSTRUCTION:** TO COMPLY WITH BCA CLAUSE D2-13  
**STAIR CASES:** TO COMPLY WITH BCA CLAUSE D2-13  
**WATERPROOFING OF WET AREAS:** TO COMPLY WITH AS3740

ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS:		
<b>WATER OPTIONS</b>		<b>ENERGY OPTIONS</b>
SHOW HEADS:	3 STAR	1 Phase, 2 STAR (Zone)
TOILETS:	3 STAR	1 Phase, 2 STAR (Zone)
CLOTHES WASHERS:	3 STAR	Each Bathroom, kitchen
KITCHEN TAPS:	3 STAR	Withall with operation on
BATHROOM TAPS:	3 STAR	Com & Res Garage room
DISHWASHERS:	4 STAR	exhaust only
WATER TANK TAPS:	3 STAR	Garage floor mount; time
STORM WATER TANK:	NA	All other areas compact
POOLS/SPA:	2Bt spm	Light car - compact
FROM ROOF AREA:		5 LIFE gearless trash lift
		5 STAR, Gas Instantane
		Gas cooktop, Electric O
		2 STAR
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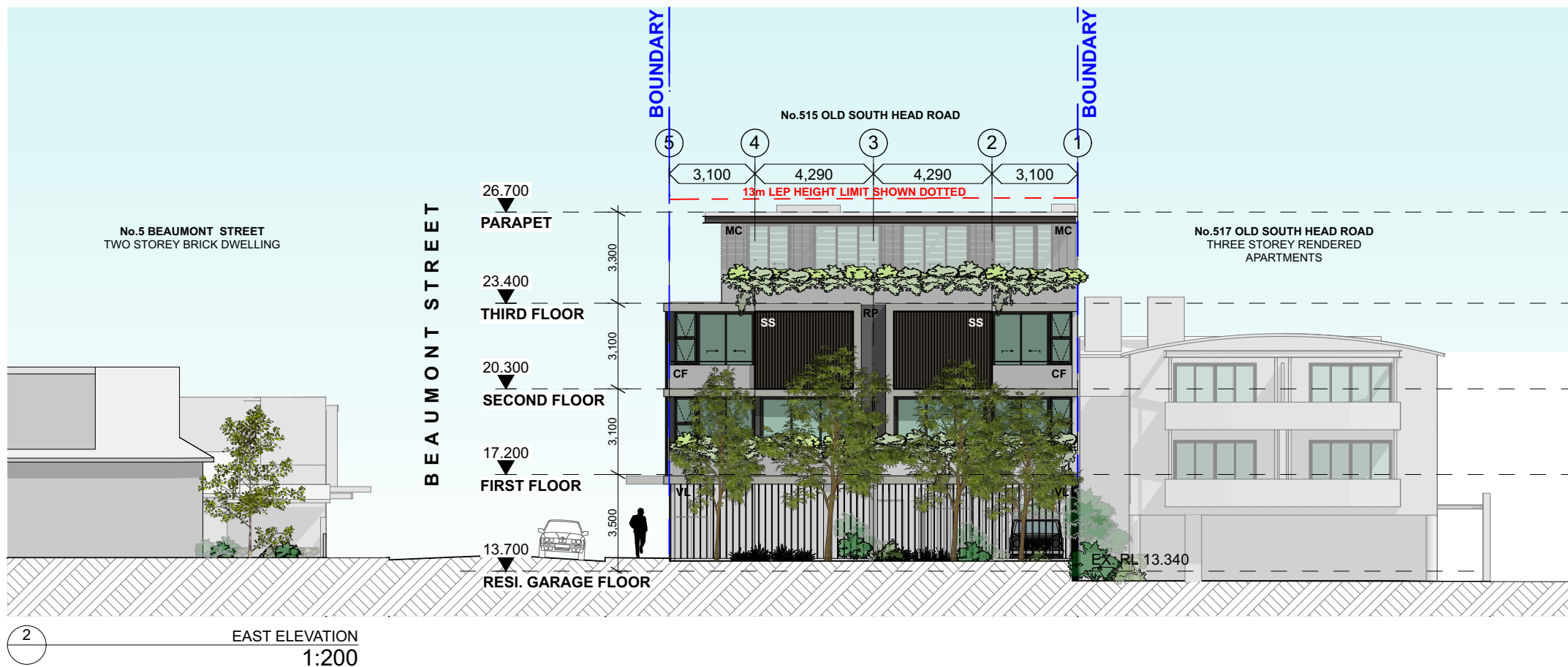
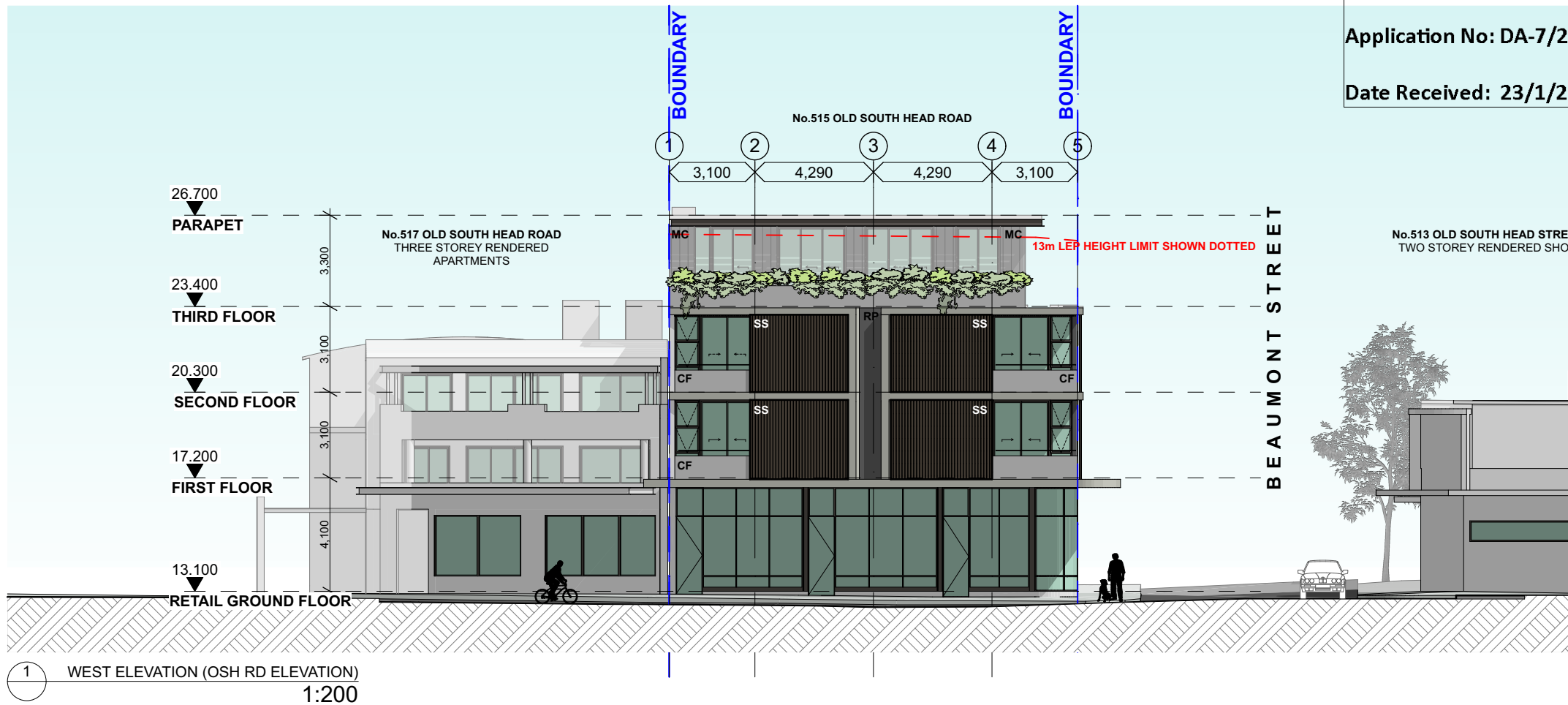
EXT. WALLS:	
Concrete Unlined:	R2.5 added; Colour: Light; Unit 2.03 & 2.04 only
Metal Clad:	R2.5 bulk; Colour: Dark
Concrete Lined:	R2.5 bulk; Colour: Medium
FLOORS:	Concrete R1 + 100mm (100mm) where open above
ROOF:	Concrete; 60mm ANCON (R1.3) Colour: Light
CEILING:	Plasterboard + Insulation R2.5 Bulk
WINDOWS:	Single Low E; U = 5.40 SHGC = 0.49
DOORS:	Single Low E; U = 5.40 SHGC = 0.49
WINDOWS:	Single Low E; U = 5.40 SHGC = 0.57
(Units 2.03 & 2.04)	Fixed, Sliding
WINDOWS:	Single Low E; U = 5.40 SHGC = 0.57
(Elsewhere)	Awning
GROUP B:	Single Clear; U = 6.70 SHGC = 0.57
(Elsewhere)	Fixed, Sliding
	Single Clear; U = 6.70 SHGC = 0.57

## SECTION B

SCALE: 1:200 @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

315



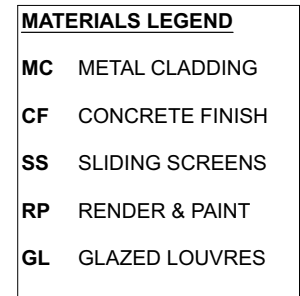


**MATERIALS LEGEND**

MC	METAL CLADDING
CF	CONCRETE FINISH
SS	SLIDING SCREENS
RP	RENDER & PAINT
GL	GLAZED LOUVRES



<b><u>MATERIALS LEGEND</u></b>	
<b>MC</b>	METAL CLADDING
<b>CF</b>	CONCRETE FINISH
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<b>RP</b>	RENDER & PAINT
<b>GL</b>	GLAZED LOUVRES





RECEIVED  
Waverley Council  
  
Application No: DA-7/2019  
  
Date Received: 23/1/2019



1

EXISTING STREET VIEW

**MARK SHAPIRO ARCHITECTS**  
T 0421 996 467  
W markshapiro.com.au  
E mark@markshapiro.com.au  
NSW REG. 9789  
ABN 646 2000 7678

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A	18/01/2019	ISSUE FOR DA SUBMISSION
ISSUE	DATE	REVISION

PROJECT:  
**PROPOSED MIXED USE DEVELOPMENT**  
515 Old South Head Road  
Rose Bay NSW 2029  
DRAWING:

PROJECT NO: 17018  
SCALE: @A3  
DRAWING NO: REV:  
PLOTTED: 18/01/2019

PHOTOMONTAGE - EXISTING

DA9005A



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1

PROPOSED STREET VIEW



MARK SHAPIRO ARCHITECTS

T 0421 996 467  
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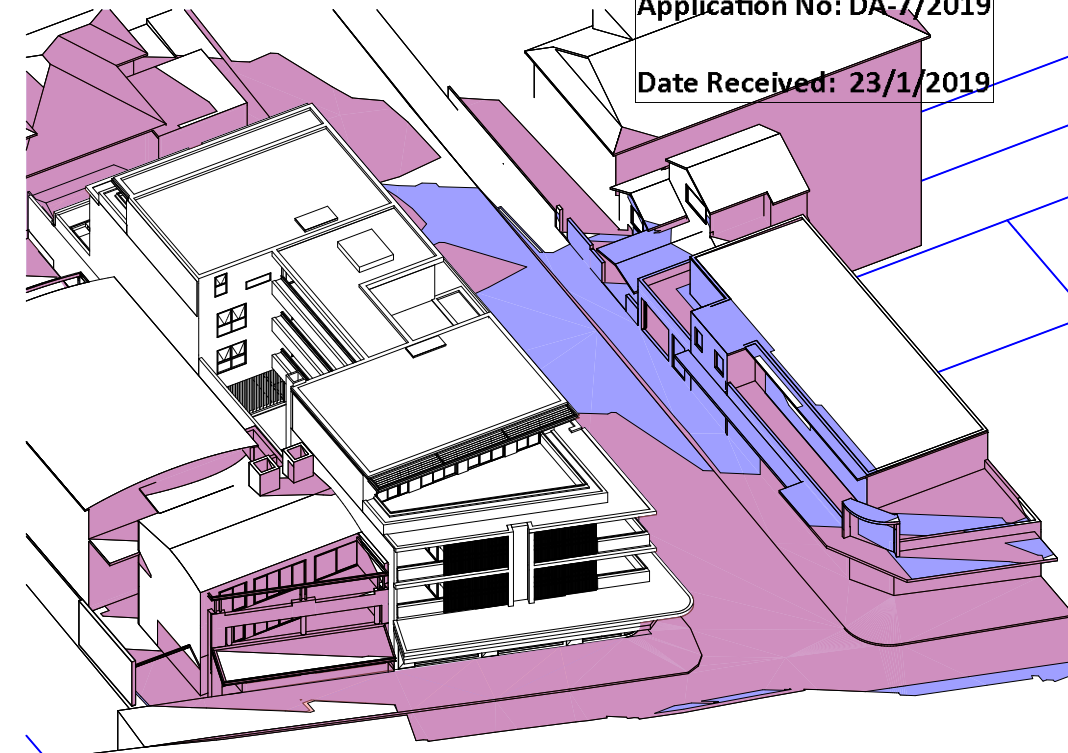
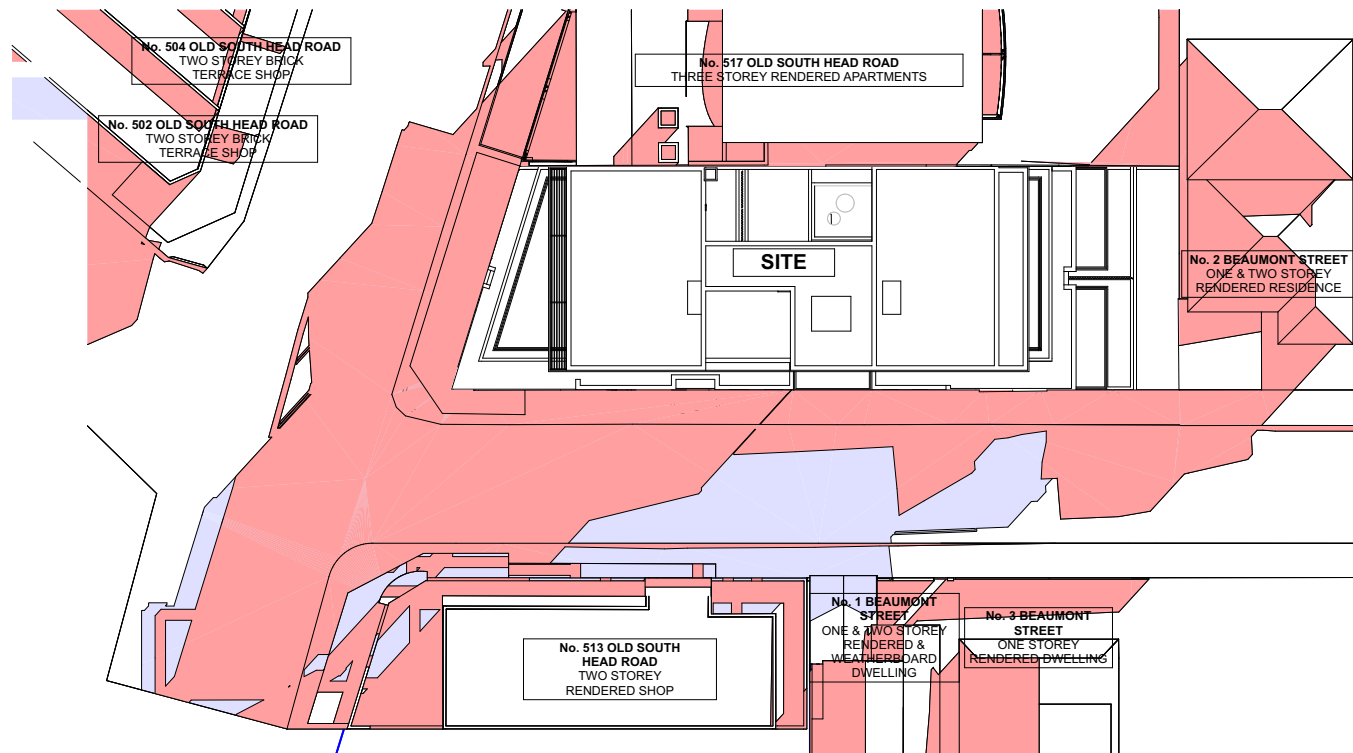
DA9006A



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Waverley Council

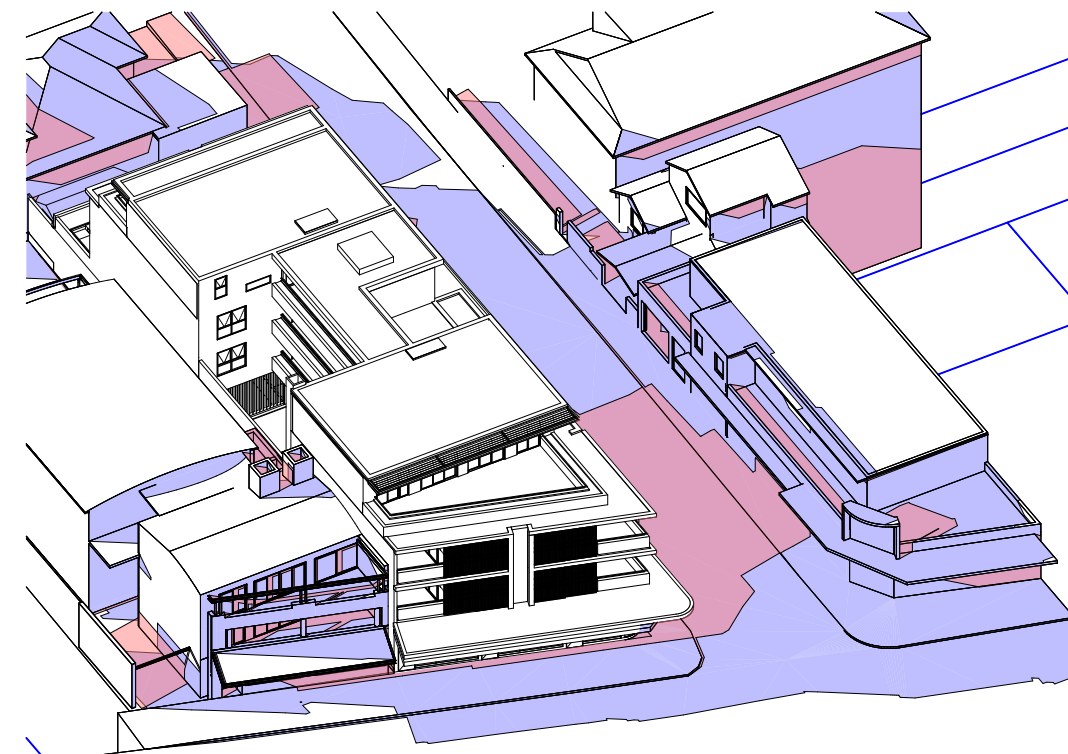
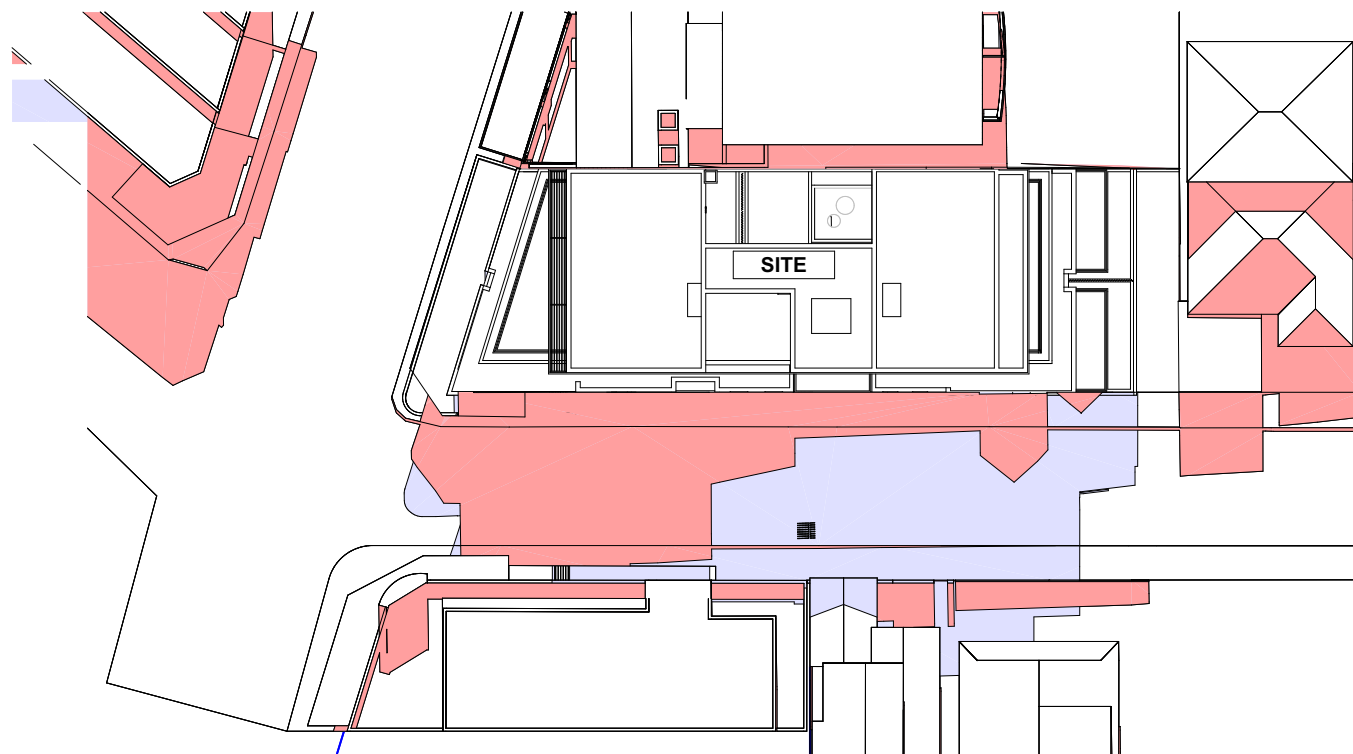
Application No: DA-7/2019

Date Received: 23/1/2019



1 9AM JUNE 21 - EXISTING SHADOWS  
1:500

2 JUNE 21 - 9AM - 3D SHADOWS



2 12PM JUNE 21 - EXISTING SHADOWS  
1:500

1 JUNE 21 - 12PM - 3D SHADOWS

**LEGEND**

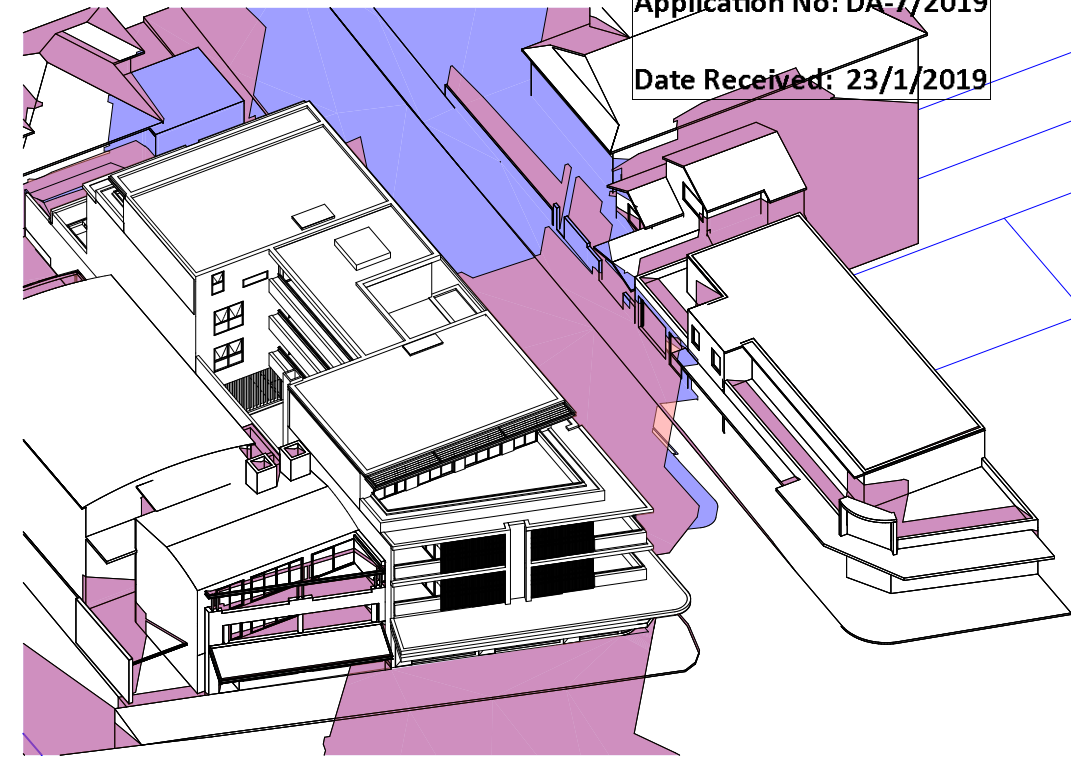
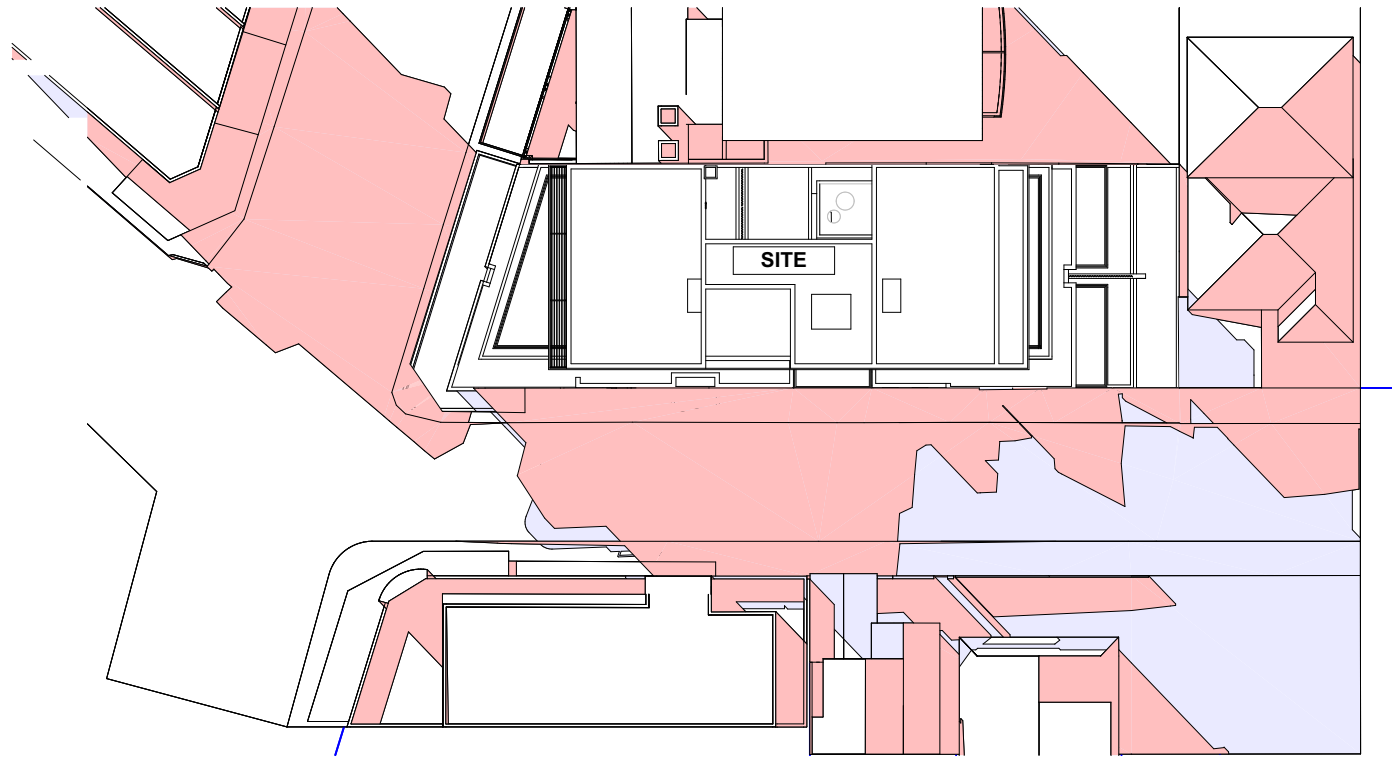
- EXISTING SHADOWS
- PROPOSED ADDITIONAL SHADOWS



RECEIVED  
Waverley Council

Application No: DA-7/2019

Date Received: 23/1/2019





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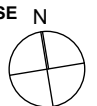
3PM JUNE 21 - EXISTING SHADOWS  
1:500

2

JUNE 21 - 3PM 3D SHADOWS

**LEGEND**

	EXISTING SHADOWS
	PROPOSED ADDITIONAL SHADOWS



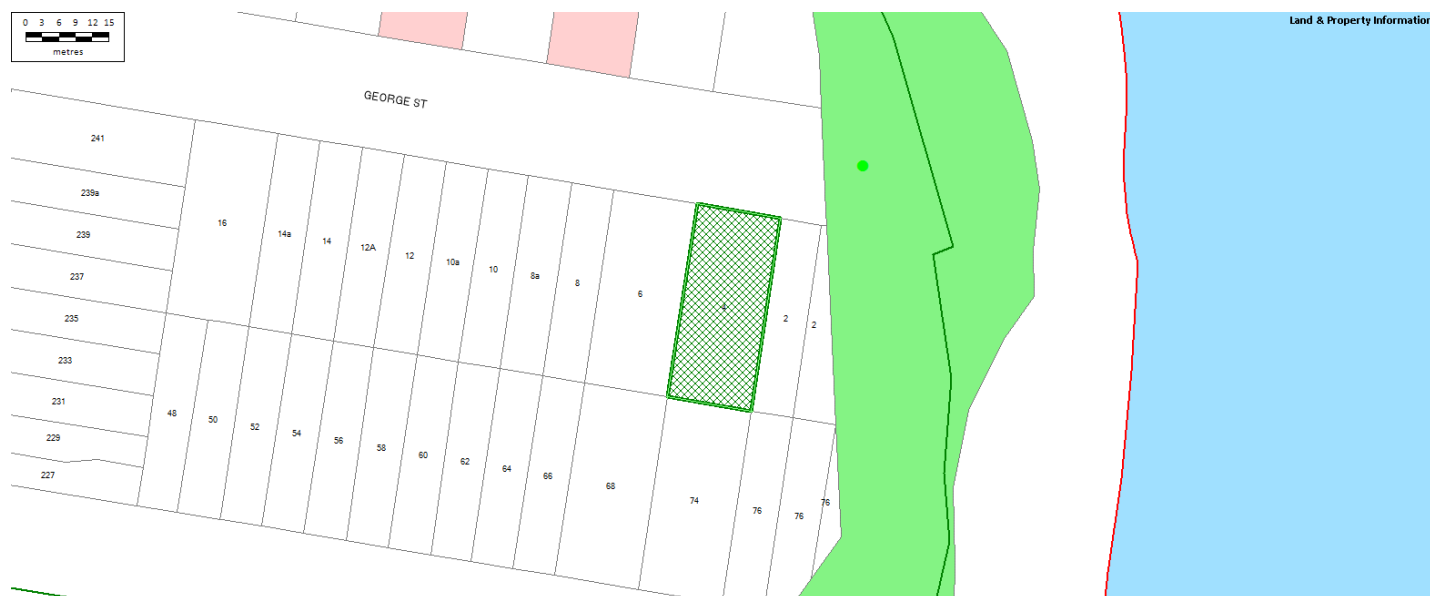




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-58/2019.
<b>Site address</b>	4 George Street, Dover Heights
<b>Proposal</b>	Alterations and additions to the existing 3 storey dwelling house, including a pool and landscaping.
<b>Date of lodgement</b>	26 February, 2019
<b>Owner</b>	Mr R Schirato and Ms L Hammond- Parker
<b>Applicant</b>	Ms L Mckenzie of Alexander and Co
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$492,250
<b>Issues</b>	FSR
<b>Recommendation</b>	That the application be APPROVED

**Site Map**



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 1 July 2019.

The site is identified as Lot 41 DP 8724 and known as 4 George Street, Dover Heights. The site is rectangular in shape with a northern frontage to George Street of 15.24m and an area of 536.4m<sup>2</sup>. The site falls from the rear towards the street by approximately 3.8m and also has a slight cross fall from west to east consistent with the hill location.

The site is occupied by a part three storey dwelling house with vehicular access provided from George Street to garaging located within the front building line, with an internal drive through to an outdoor carpark at the rear of the dwelling house. The dwelling house has an existing roof terrace.

The subject site is adjoined by dwelling houses on either side. The locality is characterised by a variety of residential developments including semi-detached dwellings and dwelling houses and the escarpments of Dover Heights.



**Figure 1:** Site viewed from George Street



**Figure 2:** Streetscape



**Figure 3:** Site viewed from rear. Location of pool proposed on right in existing drive through.

## 1.2 Relevant History

DA- 324/99 was approved on 29 October, 1999 for the erection of a three storey dwelling house including a garage level.



CD-2018/00128 was issued in 2018 for works to the existing dwelling house including the replacement of windows within the existing openings, and internal reconfiguration of walls and rooms.

PD- 41/0018 considered the current proposal. Issues raised in the assessment included:

- Building FSR;
- Setbacks;
- Garden Terrace;
- View Impacts; and
- Swimming Pool.

The conclusion of the Pre-DA was:

*The proposed alterations and additions to the existing dwelling at the site are generally supported, subject to supporting Clause 4.6 of the WLEP documentation and the design amendments (particularly in regard to the removal of proposed front pergola and relocation of pool)... View analysis may also be required on the assumption that the proposed additions could have some view impacts of the development upon the surrounds of the site.*

### **1.3 Proposal**

Development consent is sought to carry out the following:

Ground floor:

- Removal of bathroom and conversion to a storeroom;
- Conversion of the rear opening and ramp to a sealed storage area, no longer providing access to the rear yard.
- Additional landscaping at the front entrance; and
- Erection of a light weight pergola over the street entry.

First floor:

- Extension of the kitchen area including a rendered wall with curved glazing looking to the rear terrace and new pool.
- Alterations to the living area;
- Alteration to the front façade including doors to the guest bedroom, front door and entry, replacement of window and also existing bi-fold door with curved operable glazing (sliding doors);
- Installation of light weight pergola partly over front terrace;
- Landscaping to front terrace;
- Various new windows and doors
- Landscaping and minor earthworks in the rear yard. This includes the construction of a pool/ spa (and associated fencing. Removal of the existing Canary Island Date Palm and its replacement with various types of landscaping. Installation of privacy screen and planting along the eastern boundary.
- Installation of an on-site detention tank; and

- Installation of a rainwater tank.

Second Floor:

- Alterations and additions to the master bedroom, including to the front façade with replacement of the existing bi-fold doors with curved operable glazing providing access to the front balcony;
- Various external modifications to windows and doors;
- Removal of the existing pergola and installation of light weight pergola partially over the rear balcony; and
- Installation of privacy screen along western side of rear balcony, balustrades and planter beds along southern and western perimeter within the rear balcony.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

#### 2.1.2 SEPP 55 Remediation of Land

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

#### 2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.

Provision	Compliance	Comment
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 – Low Density Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent or prohibited in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	No change	The existing building is 10.34m high and no increase is proposed.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio 0.51:1 (276.2m <sup>2</sup> )	No	Existing FSR 0.57:1 Proposed FSR 0.58:1 (+37.8m <sup>2</sup> ) or 13.6% variation. The proposal is for an additional 8.25m <sup>2</sup> of floor area.
4.6 Exception to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	Earthworks associated with pool are proposed and acceptable subject to conditions.

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

### Exceptions to Development Standards

#### *Clause 4.4 Floor space ratio*

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The proposal has an overall floor space ratio of 0.58:1, which exceeds the FSR development standard of 0.51:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 37.8m<sup>2</sup> in gross floor area or 13.6%.

It should be noted that the existing building exceeds the FSR control and has an FSR of 0.57:1 (or exceedance of 29.5m<sup>2</sup> or 10.7% variation). The proposal adds an additional 8.25m<sup>2</sup> in areas where it will not impact on neighbour amenity or be visually obtrusive.

A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the 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.

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

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

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - (i) The existing dwelling house on the site is already over the FSR control, so any additions will also be over. The dwelling house, however lends itself to alterations and addition whilst retaining the character and nature of the dwelling house.
  - (ii) The increase proposed is minor and in discrete areas of the dwelling house. The alterations to the front face improve its aesthetics and integration into the streetscape.
  - (iii) The applicant demonstrates consistency with the objectives of the standard:
    - a. There is no change to the building height therefore retaining the correlation between these development standards (height and FSR);
    - b. The proposal would improve the presence of the dwelling house thereby ensuring it is compatible with the bulk, scale, streetscape and desired future character of the locality; and
    - c. The proposal would not result in a perceived increase to the scale of the building and retain the amenity of neighbouring properties and the locality.
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - (i) In terms of the zone objectives, the applicant suggests the proposal is consistent as the additional floor space will:
    - a. The additional floor space at the front of the dwelling will not alter or protrude into the minimum existing front setback thereby retaining views achieved over the property.
    - b. The additional floor area at the rear of the dwelling is behind the existing built form and will not result in a reduction in the rear setback or impact on views over the property.
    - c. The proposal has addressed privacy to the adjoining sites by orienting the addition towards the rear yard and the provision of planting and privacy screens. The additions have been located to ensure that they would not result in privacy impacts on surrounding properties.
    - d. The proposal would not result in increases to overshadowing of neighbouring properties.
    - e. The proposal would not adversely alter the presence of the building to George Street. The additions will slightly reduce the perceived bulk of the

- dwelling thereby improving the integration of the building into the surrounding streetscape.
- f. Allow for the provision of housing in accordance with the needs of the community while maintaining the principle of a low density residential community;
- g. The proposal would not preclude the development of other land; and
- h. Minimal environmental impact on neighbouring property amenity.

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

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

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing that the objectives of the development standard are achieved without strict compliance.

### Is the development in the public interest?

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

- To provide for the housing needs of the community within a low density residential environment;
- To ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality; and
- To establish limitations on the overall scale of development to preserve the environmental amenity of the neighbouring properties and minimise the adverse impacts on the amenity of the locality.

### Conclusion

For the reasons provided above the requested variation to the FSR 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 floor space ratio standard and the R2 – Low Density Zone.

#### **2.1.4 Waverley Development Control Plan 2012 (Amendment 6)**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains a rainwater tank and a condition will be imposed to ensure that solid fuel heating is not used. The rain water tank is required by the BASIX certificate and is shown at the rear of the site near the eastern boundary. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	<p>The landscape plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible.</p> <p>The application was referred to Council's Biodiversity Officer. The landscape plan will be required to be modified with the <i>Westringia fruticosa</i> "Jervis Gem" replaced with indigenous non cultivar <i>Westringia fruticosa</i> so as not to threaten the gene pool of the remnant nearby <i>westringia fruticosas</i>. The remainder of the landscape plan provided has been accepted as compliant.</p>
5. Tree preservation	Yes	One tree (Canary Island Date Palm) is to be removed. Council's Tree Management Officer has agreed to the removal.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.

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

The proposal is defined as a "Dwelling House" in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.2 Setbacks</b>		
<p>2.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	No	The main building work complies. The first floor front pergola protrudes in what is an open streetscape and as such is not supported and is discussed further below.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Overall landscaped area: 15% of site area (80.5m<sup>2</sup>)</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>areas. The proposal increases the landscaped area.</p> <p>The front of the site is mainly existing structures and it is not possible to meet this requirement.</p> <p>To be conditioned.</p>
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>	<p>No</p>	<p>The pool is located at the rear of the building and not visible from the street. It is however proposed within the side setback area which is contrary to the DCP. This is discussed further below.</p>

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

### Front setback, streetscape and visual impact

At the front of the dwelling house at first floor level, a pergola is proposed over a section of the balcony. A proposal for a larger pergola was rejected at the Pre-DA stage. The structure remains forward of the front building line and is not supported. The applicant, on site, advised the structure was intended to break up the front façade of the dwelling house. No objection is raised to the section of pergola located in line with the northern edge of the second floor balcony above, and extending on this alignment in front of the guest bedroom and entrance.

At street level the property has existing tall walls with a central indent. The proposal is for a pergola over this section of the frontage to again reduce the visual impact of the walling. No objection is raised to this structure as it will add interest to what are currently large bland walls.

### Location of pool and excavation

The pool is located towards the rear of the site, however within the side setbacks area. Council's DCP indicates that pools should not be located within the side setback between dwellings. The applicant in support of the application has submitted a letter from the immediate affected neighbour agreeing to the location as well as an acoustic report indicating that the relocation of the pool further to the rear would not result in a significant improvement to noise penetration to the neighbouring site.

The pool is proposed to be built over a previously excavated driveway, some additional excavation will be required to accommodate a pool with variable depth of 1.3-1.8m. There is no side setback



requirement for a pool, however excavation would normally be required to be 900mm from the side boundary. A small setback is provided along the boundary and conditions of consent will require a dilapidation report and details of shoring to be provided to the Certifier. The neighbour has agreed to the location, and indeed on the affected side of the neighbour's dwelling house there are no windows.

The balconies on the eastern side of the dwelling house overhang/ are close to the pool below. It will be necessary for the balustrading being treated to meet the requirements of the Swimming Pool Act.

### **Landscaped area**

The existing site is mainly hard surfaces, with extensive areas of paving and terraces. The proposal increases the landscape component to comply. The front landscaped area cannot comply as the area is occupied by garaging and the access steps. The proposal does not affect this area. The street level pergola structure proposed will still allow planting and the area being landscaped.

The site is located in a habitat corridor and Council's Biodiversity Officer has reviewed the proposal. The landscape plan incorporates a large number of native ground covers, in particular 132 *carpobrotus glaucescens* (Angular Sea Fig or Pig Face). The landscape plan is required to be modified with the *Westringia fruticosa* "Jervis Gem" replaced with indigenous non cultivar *Westringia fruticosa* so as not to threaten the gene pool of the remnant *westringia fruticosas*. The remainder of the landscape plan provided has been accepted as compliant.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

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

## **2.3 Suitability of the Site for the Development**

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

## **2.4 Any Submissions**

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

No submissions were received.

## **2.5 Public Interest**

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

### 3. REFERRALS

#### 3.1 Stormwater – Creating Waverley

Council's Manager Design has reviewed the proposal and advised that the application is satisfactory and provided conditions of approval.

#### 3.2 Tree Management Officer

Council's Tree Management Office has reviewed the proposal, including the removal of the Canary Island Palm. The officer has agreed to the removal and provided conditions of consent.

#### 3.3 Biodiversity Officer

Council's Biodiversity Officer has reviewed the proposal, given the site's location within a habitat corridor. The landscape plan to however be modified with the *Westringia fruticosa* "Jervis Gem" replaced with indigenous non cultivar *Westringia fruticosa* so as not to threaten the gene pool of the remnant *westringia fruticosa*s. The remainder of the landscape plan provided has been accepted as compliant.

### 4. SUMMARY

Development consent is sought to carry out alterations and additions to the existing dwelling house. The existing building exceeds the development standards of height and floor space ratio. The proposal does not increase the height, but seeks to increase the floor space ratio marginally. The variation over the existing floor space is not considered significant, given it is mainly associated with minor additions to windows and changing wall alignments and a small kitchen addition. The applicant has submitted a 4.6 Objection to the variation, and it is supported, given the nature of the proposal and compliance with the zone and standard objectives.

No objections were submitted to the proposal and no Councillor submissions were received. No notices of Conflict of Interest were received.

On balance the proposal is supported.

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

Peter Thomas  
**Senior Development Assessment Planner**

Bridget McNamara  
**Manager, Development Assessment (North)**

**Date: 1 July 2019**

**Date: 8 July 2019**

**Reason for referral:**

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

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) Architectural Plans prepared by [architect] as follows:

<b>Drawing Number/rev</b>	<b>Title</b>	<b>Date</b>	<b>Received by Council</b>
DA-A01-001 A	First Floor Plan – Existing and Demolition	14.02.2019	26.02.2019
DA-A02-001 A	Second Floor Plan – Existing and Demolition	14.02.2019	26.02.2019
DA-AXX-001 A	Site, Roof and Analysis Plan Existing and Demolition	14.02.2019	26.02.2019
DA-D00-011 A	Ground Floor – General and Arrangement Plan	14.02.2019	26.02.2019
DA-D01-011 A	First Floor - General Arrangement Plan	14.02.2019	26.02.2019
DA-D02-011 A	Second Floor - General Arrangement Plan	14.02.2019	26.02.2019
DA-DXX-011 A	Proposed Site Roof + Analysis Plan	14.02.2019	26.02.2019
DA-EXX-001 A	Overall Building - External Elevation West	14.02.2019	26.02.2019
DA-EXX-002 A	Overall Building - External Elevation North	14.02.2019	26.02.2019
DA-EXX-003 A	Overall Building - External Elevation East	14.02.2019	26.02.2019
DA-EXX-004 A	Overall Building - External Elevation South	14.02.2019	26.02.2019

(b) Landscape Plan No. DA-01 - DA-03, issue 2 and documentation prepared by Wyer and Co, dated 8 July, 2019, and received by Council on 8 July, 2019;

(c) The Arboricultural Impact Assessment Report prepared by Glenyss Laws Consulting Arborist dated 25 January, 2019 and received by Council on 26 February, 2019;

(d) BASIX Certificate No. A340147 dated 14 February, 2019, and received by Council on 26 February, 2019;

(e) Stormwater Details and documentation prepared by Civil and Structural Engineering Design Services dated 15 February, 2019, and received by Council on 26 February, 2019;

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

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The front first floor pergola is not to extend forward of the northern edge of the second floor balcony.

- (b) The planters and new balustrades to the roof over the “kids play room” are to be deleted, as use of this area would impact negatively on privacy of the adjoining site.
- (c) An outdoor drying area is to be provided at the rear of the dwelling house.
- (d) Any balconies overhanging/ within a close distance to the pool/ spa are to be treated to comply with the fencing provisions of the Swimming Pool Act.
- (e) The landscape plan to be modified with the *Westringia fruiticosa* “Jervis Gem” replaced with the indigenous non cultivar *Westringia fruiticosa*, so as not to threaten the gene pool of the remnant *westringia fruiticosas*.

The amendments are to be approved by the **Executive Manager, Building Waverley (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

### **4. APPROVED USE -DWELLING HOUSE**

This application approves the use of the building/s on the site for a single dwelling house.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days’ notice in writing of the intention to commence the building works.

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

## 6. SECTION 7.12 CONTRIBUTION

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

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

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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

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

(a) A development valued at \$100,000 or less will be exempt from the levy.

(b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

## 7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ 10557.50 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **8. LONG SERVICE LEVY**

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

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

## **9. HOARDING REQUIRED**

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**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

## **10. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and exiting the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **11. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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



## 12. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

## 13. ENGINEERING DETAILS

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

## 14. DILAPIDATION REPORTS

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

Please note the following:

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

## 15. STORMWATER

- (a) Prior to the issue of an occupation certificate, certification is to be provided to the Certifying Authority from a suitably qualified hydraulics engineer, that the stormwater system has been **constructed** in accordance with the approved stormwater management plans and to best engineering practice.
- (b) Under the current design, the orifice diameter is to be 80mm.

## **16. BASIX**

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **17. DOMESTIC HEATERS/ FIREPLACES**

The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **18. PRIOR TO SITE WORKS**

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

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

### **19. HOME BUILDING ACT**

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

### **20. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building

works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

## **21. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

## **22. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

## **23. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

## **24. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **25. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

## **26. ASBESTOS REMOVAL**

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

## **27. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

## **28. EXCAVATION AND BACKFILLING**

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

## **29. EXCAVATION BELOW FOOTINGS**

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

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

## **30. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

## **31. MANAGEMENT OF ACIDIC SOIL**

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

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The Cement Concrete & Aggregates Australia Technical Note TN68 is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
  - i. Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
  - ii. On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

### **32. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER**

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

### **33. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 2000.

### **34. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

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.

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

### **35. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

### **36. CONSTRUCTION INSPECTIONS**

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



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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

### **37. CERTIFICATE OF SURVEY – LEVELS**

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

### **38. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

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

### **39. TREES PERMITTED TO BE REMOVED**

The *Phoenix canariensis* tree on site is permitted to be removed as a part of this development application.

No other trees other than those specified above are permitted to be removed as a part of this development application.

**40. WORK OUTSIDE PROPERTY BOUNDARY**

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

**41. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

**42. NO WORKS BEYOND BOUNDARIES**

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

**43. SIDE FENCE HEIGHT**

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

**D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

**44. LANDSCAPE INSPECTION**

Prior to the issue of an Occupation Certificate, the Landscape Architect is to certify that planting has been carried out in accordance with the plant schedule. This is required as the site is located in a habitat zone.

#### **45. FINAL OCCUPATION CERTIFICATE**

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

#### **46. STORMWATER MANAGEMENT**

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

#### **47. SWIMMING POOL/OUTDOOR SPA CERTIFICATION**

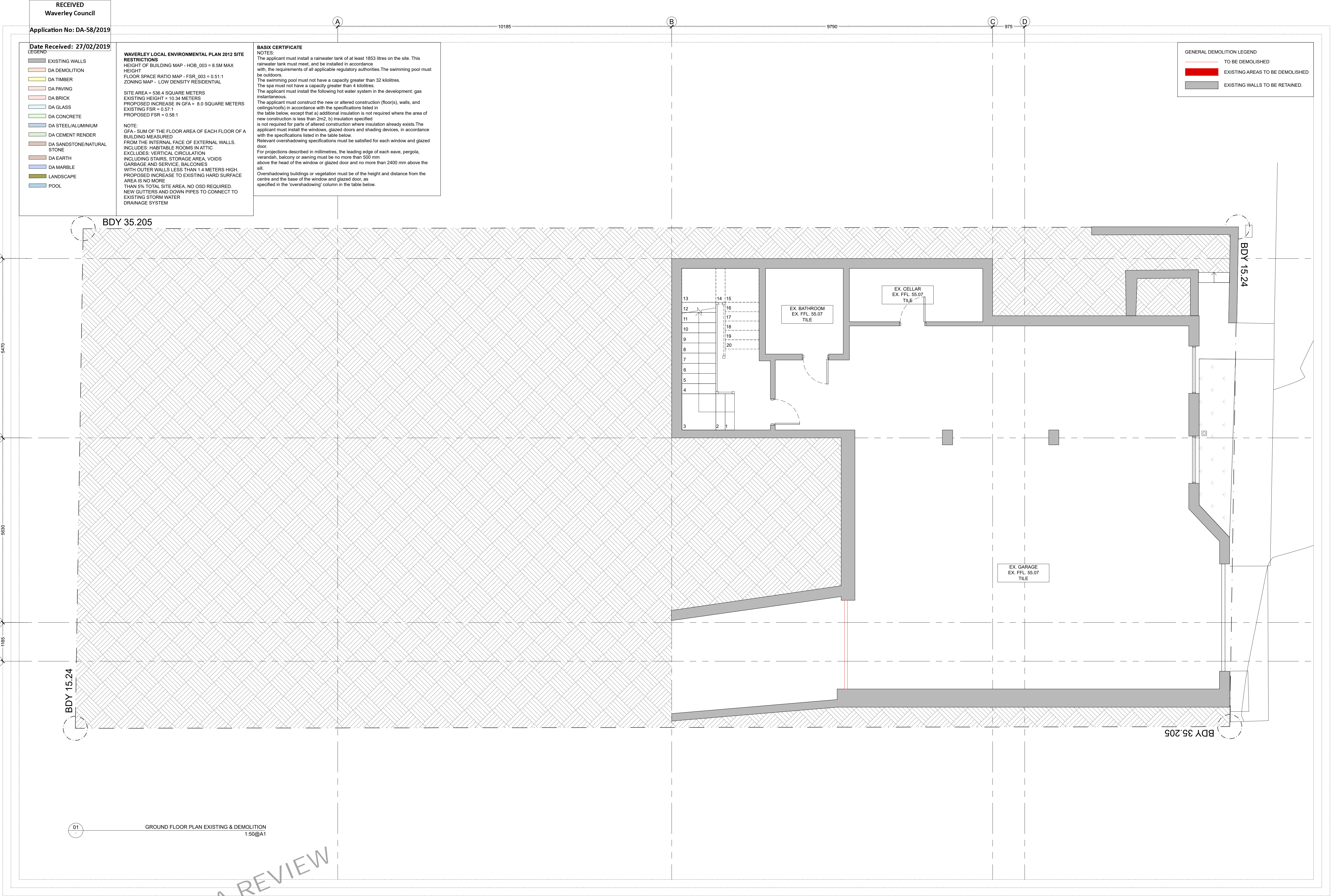
The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

# APPENDIX B: Architectural Drawings (inc. Shadow, materials and pool details)





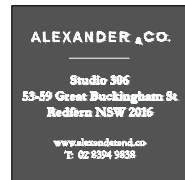


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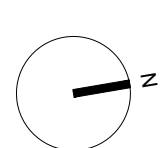
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CLIENT:  
ROLANDO SCHIRATO

PROJECT:  
4 GEORGE ST DOVER HEIGHTS 2030

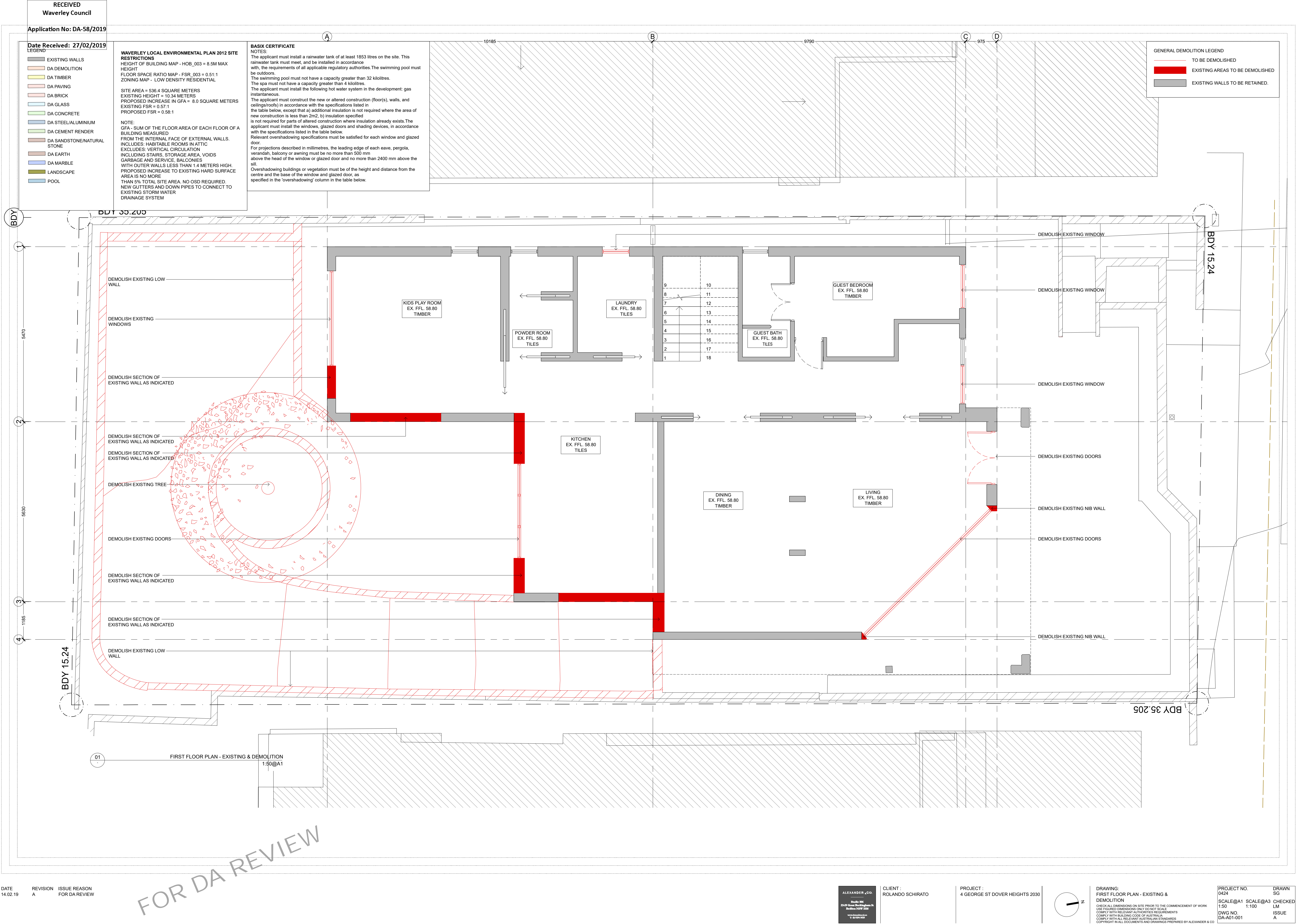


DRAWING:  
GROUND FLOOR PLAN  
EXISTING & DEMOLITION  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO

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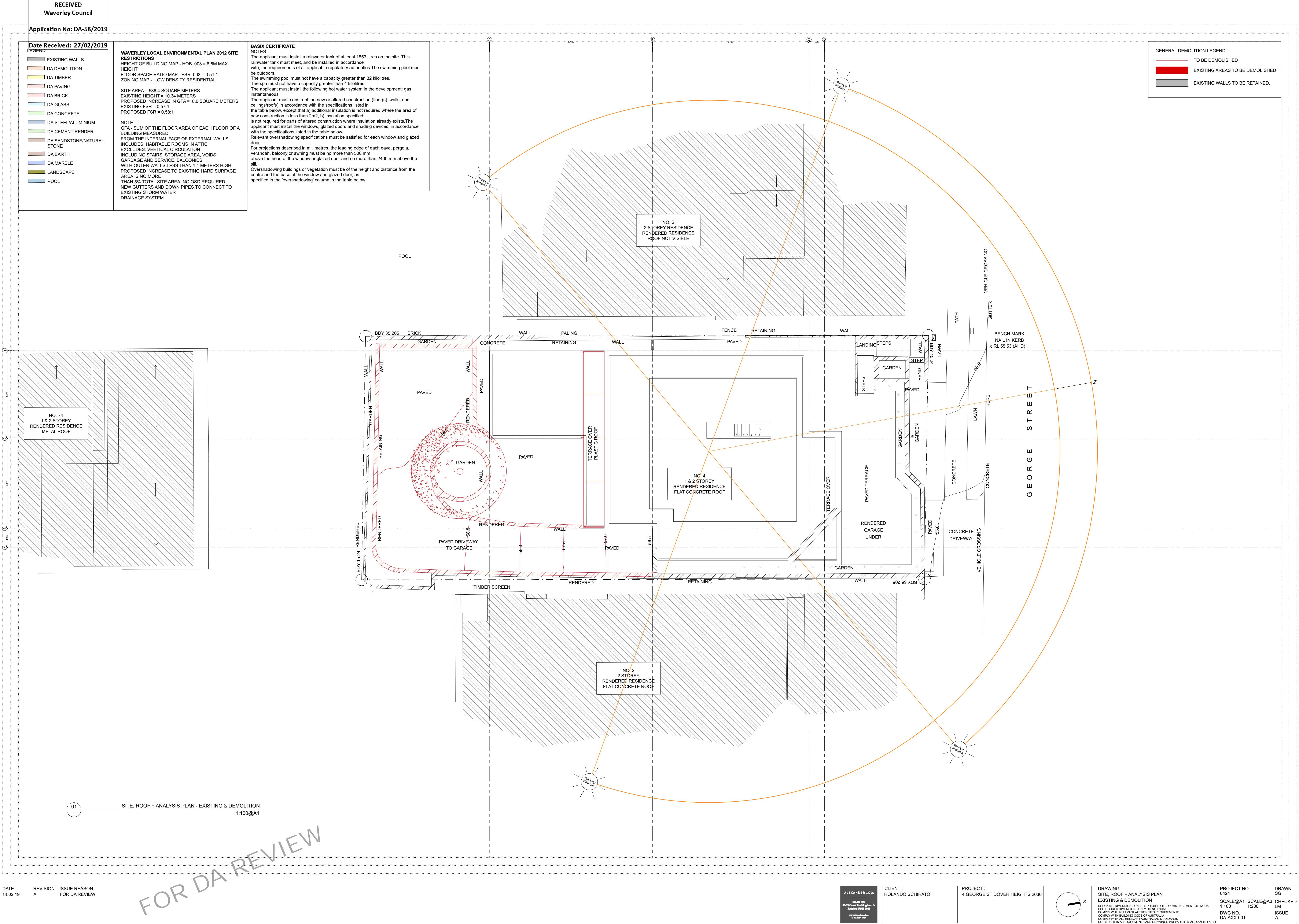




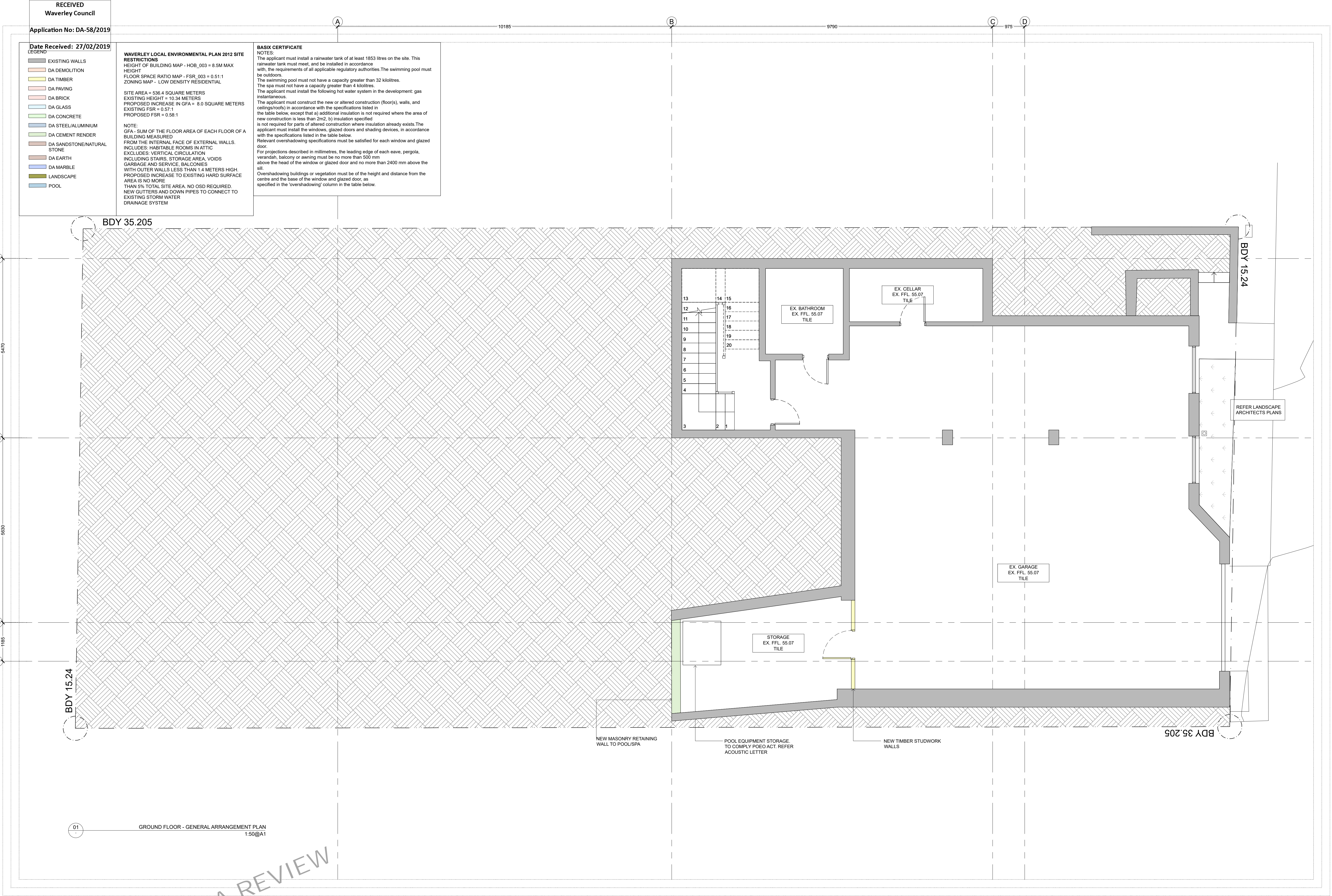












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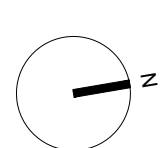
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FOR DA REVIEW

FOR DA REVIEW



CLIENT:  
ROLANDO SCHIRATO

PROJECT:  
4 GEORGE ST DOVER HEIGHTS 2030

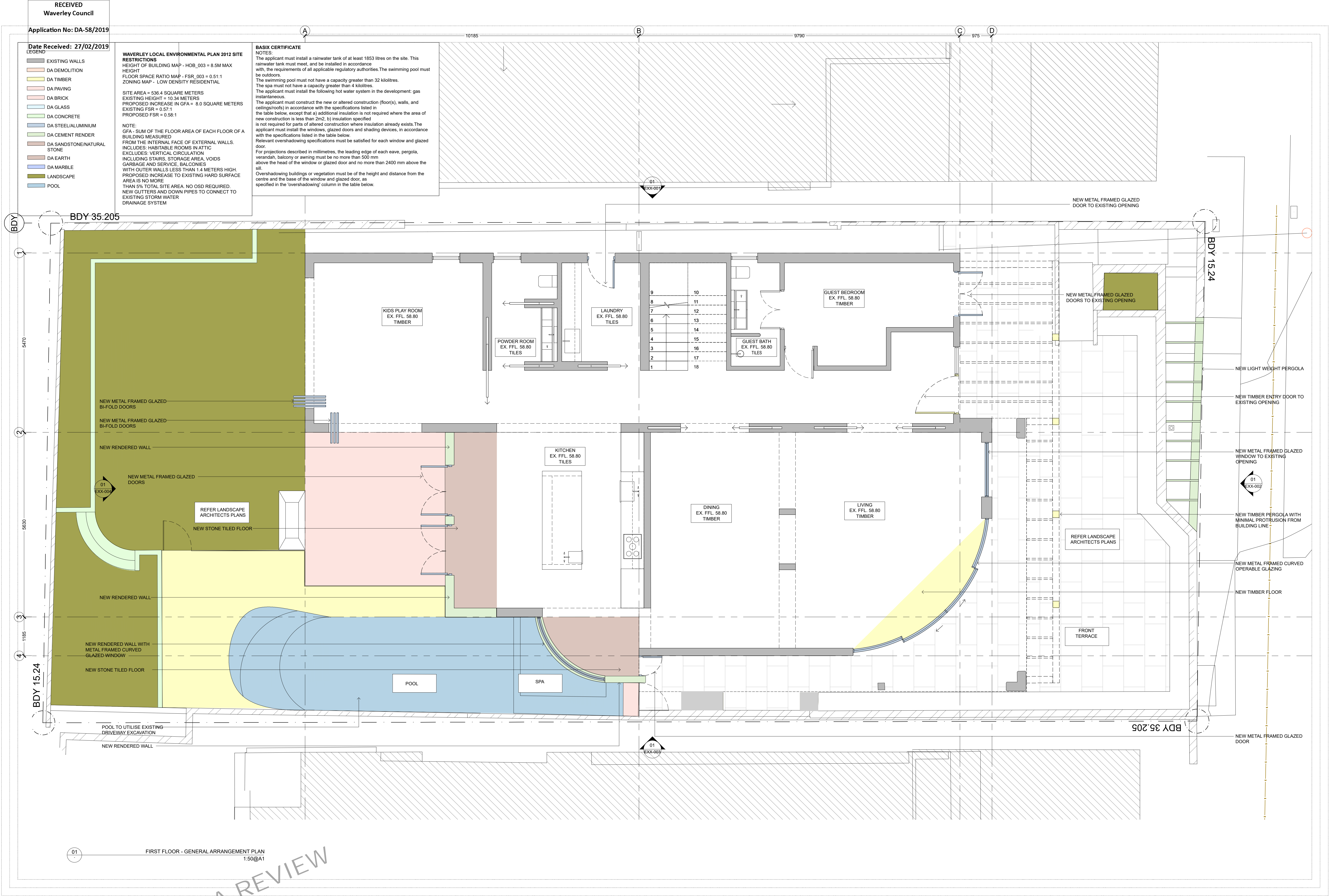


DRAWING:  
GROUND FLOOR - GENERAL  
ARRANGEMENT PLAN  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK.  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE.  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
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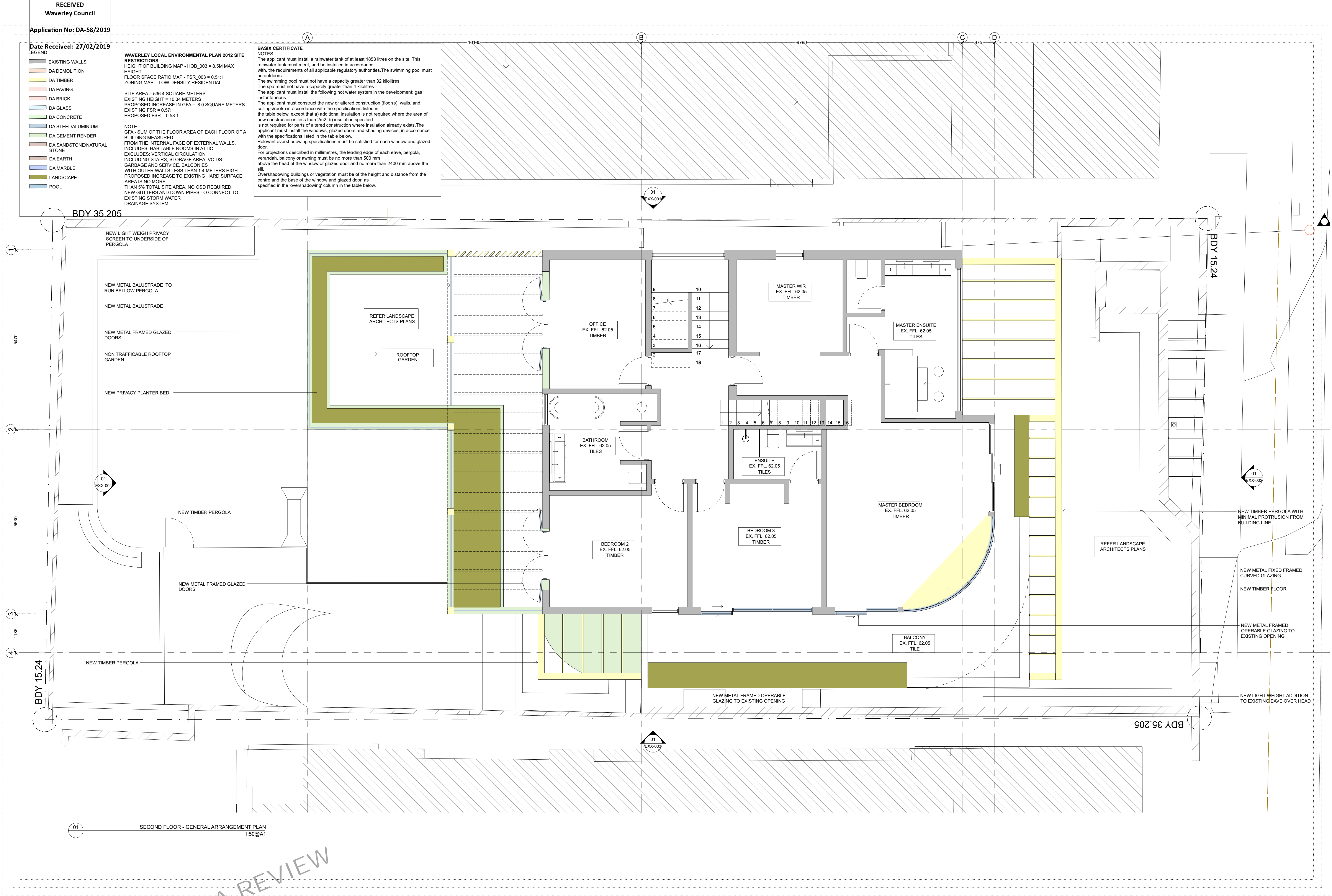
PROJECT NO.  
0424  
SCALE@A1  
1:50  
DWG NO.  
DA-D00-011

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DATE  
14.02.19

REVISION  
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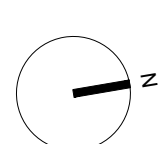
ISSUE REASON  
FOR DA REVIEW

FOR DA REVIEW

ALEXANDER & CO.  
Studio 005  
15-01 Green Building  
Bridges NSW 2015

CLIENT:  
ROLANDO SCHIRATO

PROJECT:  
4 GEORGE ST DOVER HEIGHTS 2030



DRAWING:  
SECOND FLOOR - GENERAL  
ARRANGEMENT PLAN

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK

USE FIGURED DIMENSIONS ONLY DO NOT SCALE

COMPLY WITH BUILDING CODE OF AUSTRALIA

COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS

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PROJECT NO.  
0424

SCALE@A1  
1:50

SCALE@A3  
1:100

DWG NO.  
DA-D02-011

DRAWN  
SG

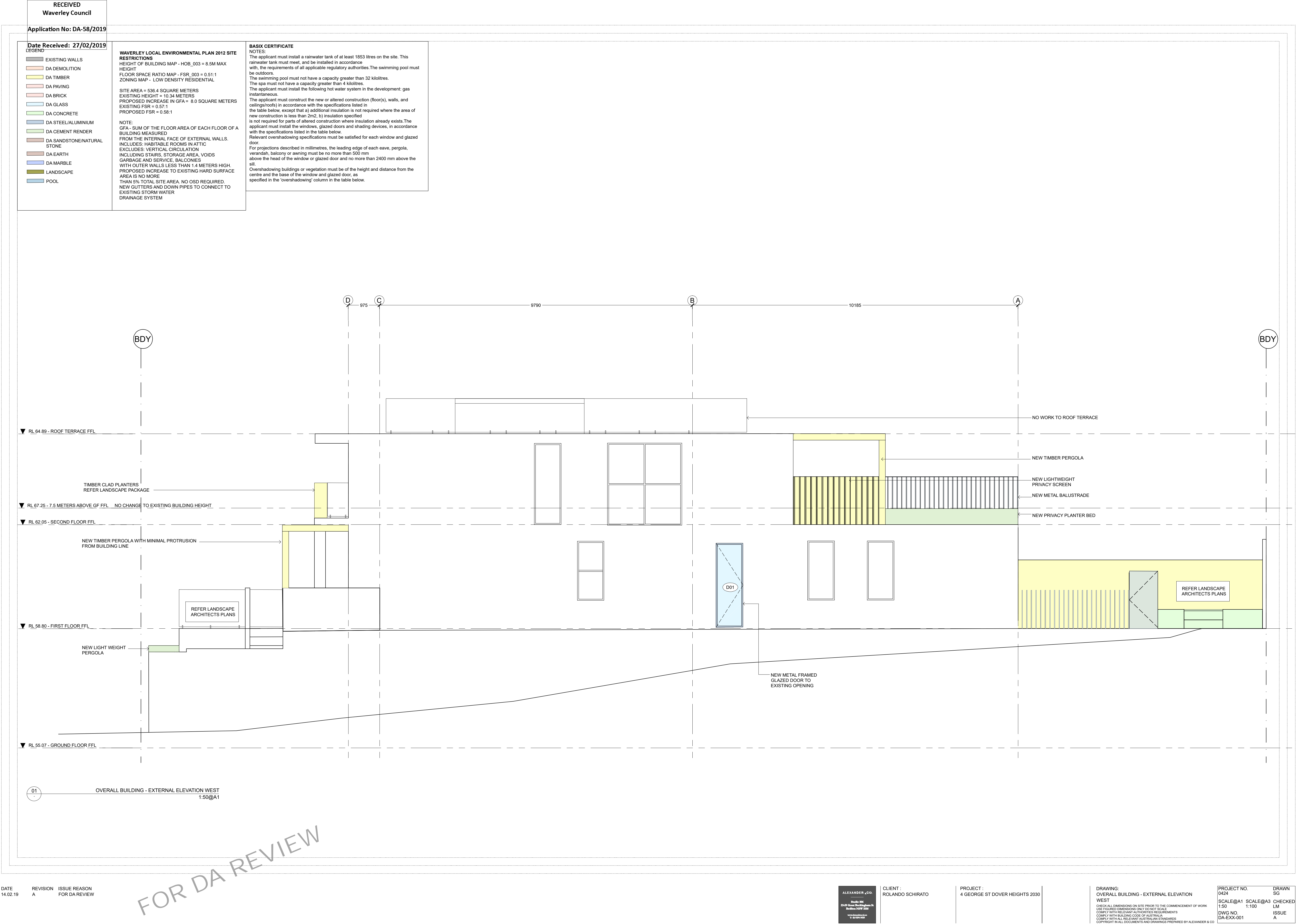
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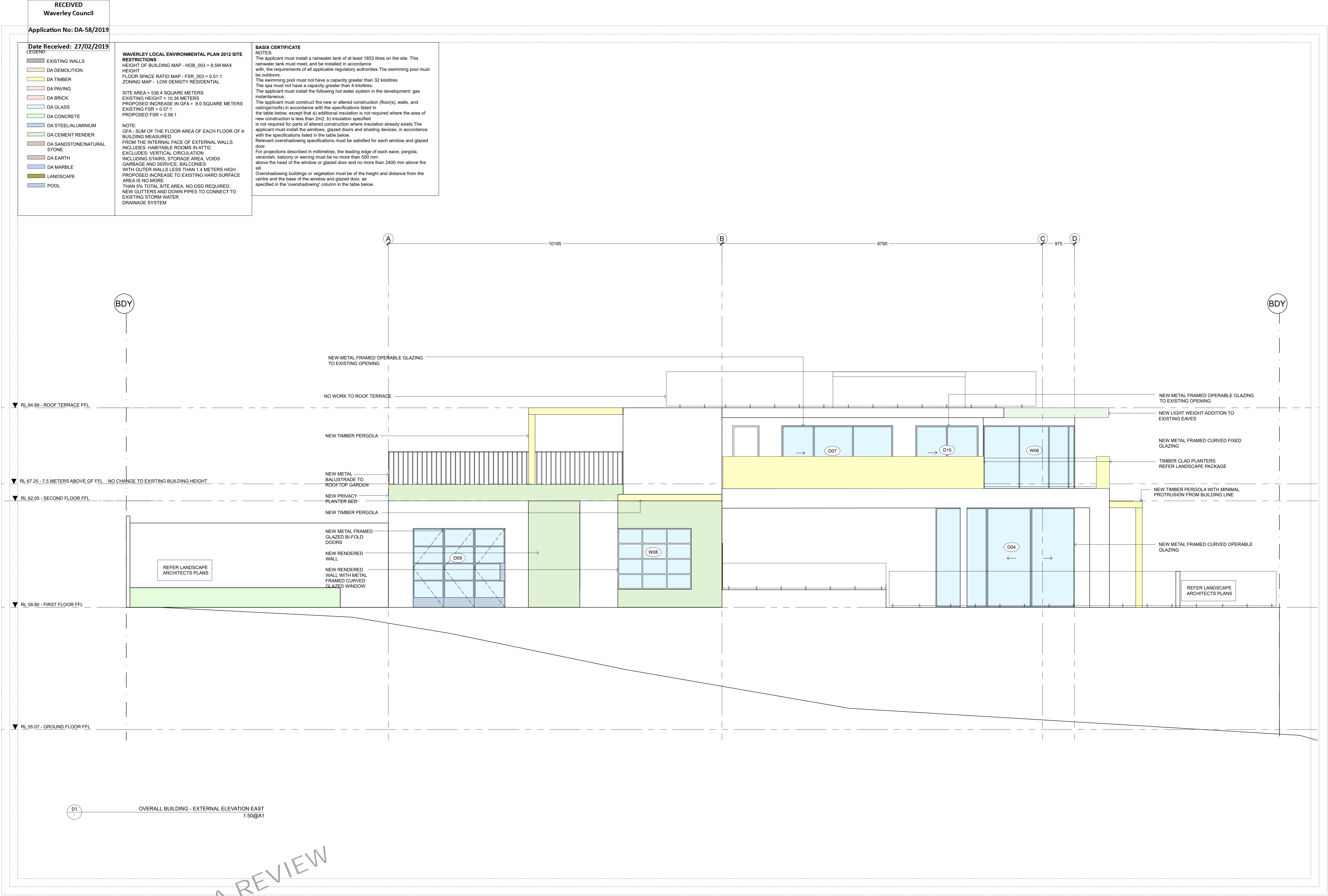




























Date Received: 27/02/2019

### LEGEND

-  EXISTING WALLS
-  DA DEMOLITION
-  DA TIMBER
-  DA PAVING
-  DA BRICK
-  DA GLASS
-  DA CONCRETE
-  DA STEEL/ALUMIN
-  DA CEMENT RENOV
-  DA SANDSTONE/BL
-  DA EARTH
-  DA MARBLE
-  LANDSCAPE
-  POOL

**WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012 SITE  
RESTRICTIONS**  
HEIGHT OF BUILDING MAP - HOB\_003 = 8.5M MAX  
HEIGHT  
FLOOR SPACE RATIO MAP - FSR\_003 = 0.51:1  
ZONING MAP - LOW DENSITY RESIDENTIAL

**SITE AREA = 536.4 SQUARE METERS**  
**EXISTING HEIGHT = 10.34 METERS**  
**PROPOSED INCREASE IN GFA = 8.0 SQUARE METERS**  
**EXISTING FSR = 0.57:1**  
**PROPOSED FSR = 0.58:1**

NOTE: GFA- SUM OF THE FLOOR AREA OF EACH FLOOR OF A BUILDING MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS. INCLUDES: HABITABLE ROOMS IN ATTIC EXCLUDES: VERTICAL CIRCULATION INCLUDING STAIRS, STORAGE AREA, VOIDS GARBAGE AND SERVICE, BALCONIES WITH OUTER WALLS LESS THAN 1.4 METERS HIGH. PROPOSED INCREASE TO EXISTING HARD SURFACE AREA IS NO MORE THAN 5% TOTAL SITE AREA. NO OSD REQUIRED. NEW GUTTERS AND DOWN PIPES TO CONNECT TO EXISTING STORM WATER DRAINAGE SYSTEM

## BASIX CERTIFICATE

**NOTES:**

The applicant must install a rainwater tank of at least 1653 litres on the site. This rainwater tank must meet, and be installed in accordance with the requirements of all applicable regulatory authorities. The swimming pool must be outdoors.

The swimming pool must not have a capacity greater than 32 kilolitres.

The spa must not have a capacity greater than 4 kilolitres.

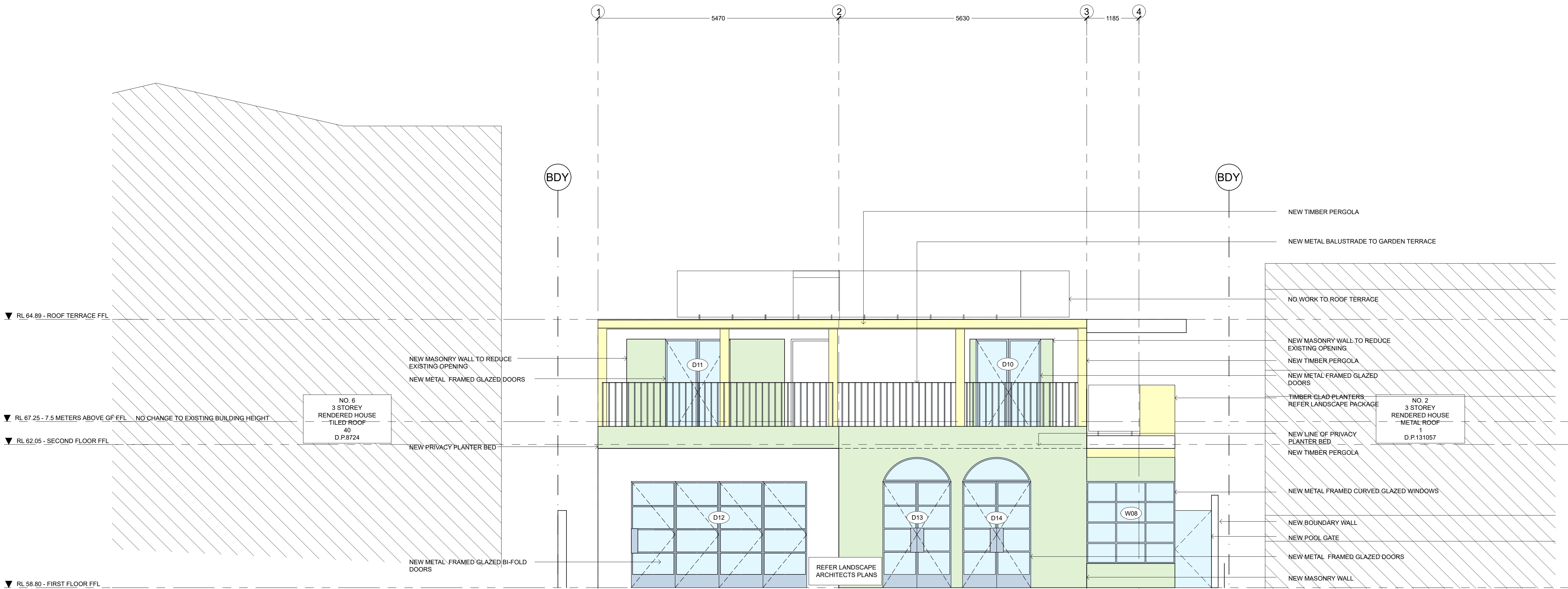
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The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional windows are not required where the area of new construction is less than 2m<sup>2</sup>, b) insulation specified is not required for parts of altered construction where insulation already exists. The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below.

Relevant overshadowing specifications must be satisfied for each window and glazed door.

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

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.



01

OVERALL BUILDING - EXTERNAL ELEVATION SOUTH  
1:50@A1

FOR DA REVIEW

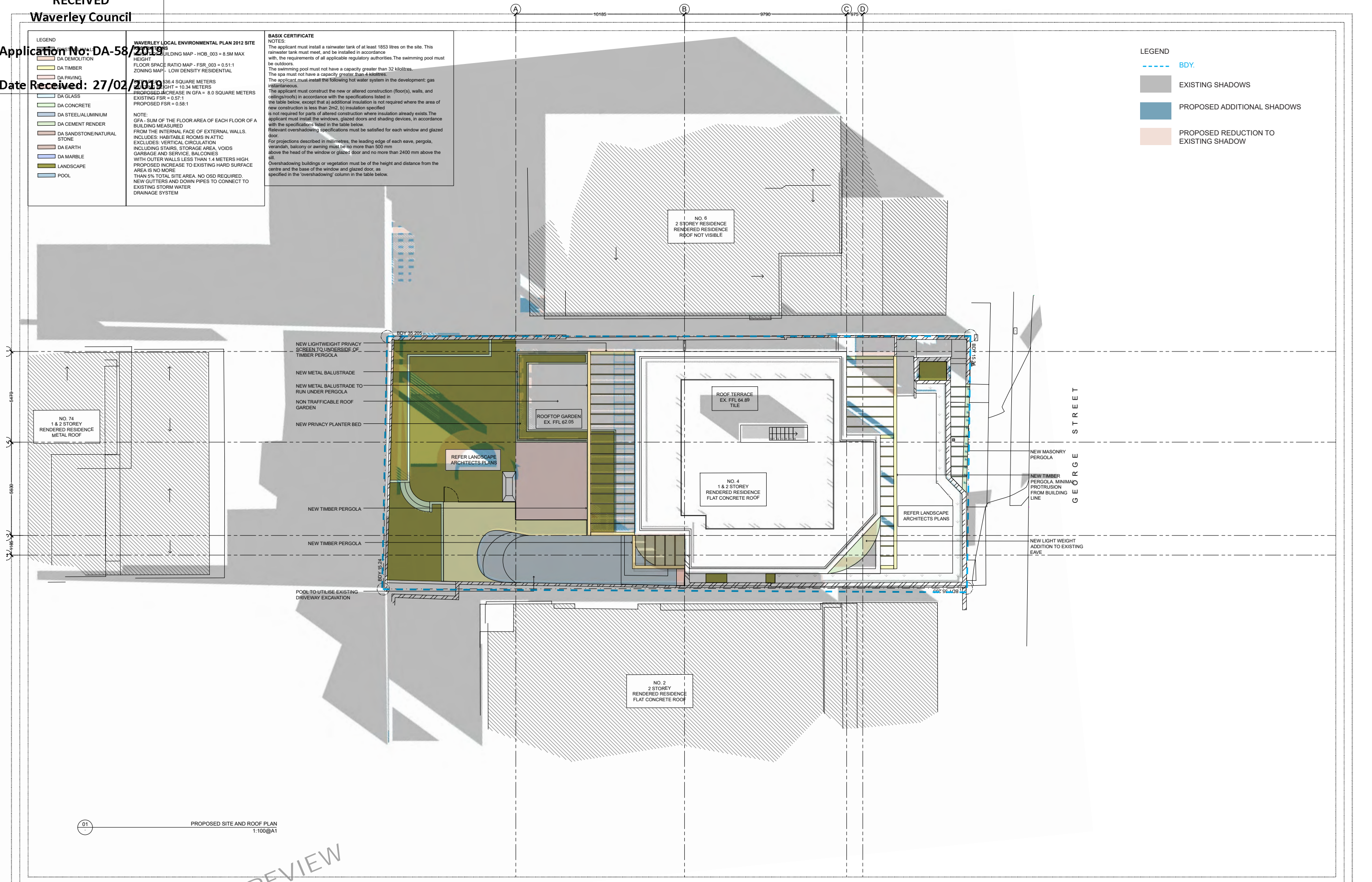
Application No: DA-58/2019

Date Received: 27/02/2019

LEGEND	WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012 SITE
DA DEMOLITION	DA DEMOLITION
DA TIMBER	DA TIMBER
DA PAVING	DA PAVING
DA GLASS	DA GLASS
DA CONCRETE	DA CONCRETE
DA STEEL/ALUMINIUM	DA STEEL/ALUMINIUM
DA CEMENT RENDER	DA CEMENT RENDER
DA SANDSTONE/NATURAL STONE	DA SANDSTONE/NATURAL STONE
DA EARTH	DA EARTH
DA MARBLE	DA MARBLE
LANDSCAPE	LANDSCAPE
POOL	POOL

**BASIC CERTIFICATE**  
NOTES:  
The applicant must install a rainwater tank of at least 1853 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities. The swimming pool must be outdoors.  
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LEGEND	BDY.
EXISTING SHADOWS	
PROPOSED ADDITIONAL SHADOWS	
PROPOSED REDUCTION TO EXISTING SHADOW	





Application No: DA-58/2019

Date Received: 27/02/2019

## LEGEND

- DA DEMOLITION
- DA TIMBER
- DA PAVING
- DA GLASS
- DA CONCRETE
- DA STEEL/ALUMINIUM
- DA CEMENT RENDER
- DA SANDSTONE/NATURAL STONE
- DA EARTH
- DA MARBLE
- LANDSCAPE
- POOL

## WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012 SITE

BUILDING MAP - HOB\_003 = 8.5M MAX  
HEIGHT  
FLOOR SPACE RATIO MAP - FSR\_003 = 0.51:1  
ZONING MAP - LOW DENSITY RESIDENTIAL  
PROPOSED INCREASE IN GFA = 8.0 SQUARE METERS  
EXISTING FSR = 0.57:1  
PROPOSED FSR = 0.58:1

NOTE:  
GFA - SUM OF THE FLOOR AREA OF EACH FLOOR OF A BUILDING MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS.  
INCLUDES: HABITABLE ROOMS IN ATTIC  
EXCLUDES: VERTICAL CIRCULATION INCLUDING STAIRS, STORAGE AREA, VOIDS, GARBAGE AND SERVICE, BALCONIES WITH OUTER WALLS LESS THAN 1.4 METERS HIGH.  
PROPOSED INCREASE TO EXISTING HARD SURFACE AREA IS NO MORE THAN 5% TOTAL SITE AREA. NO OSD REQUIRED.  
NEW GUTTERS AND DOWN PIPES TO CONNECT TO EXISTING STORM WATER DRAINAGE SYSTEM

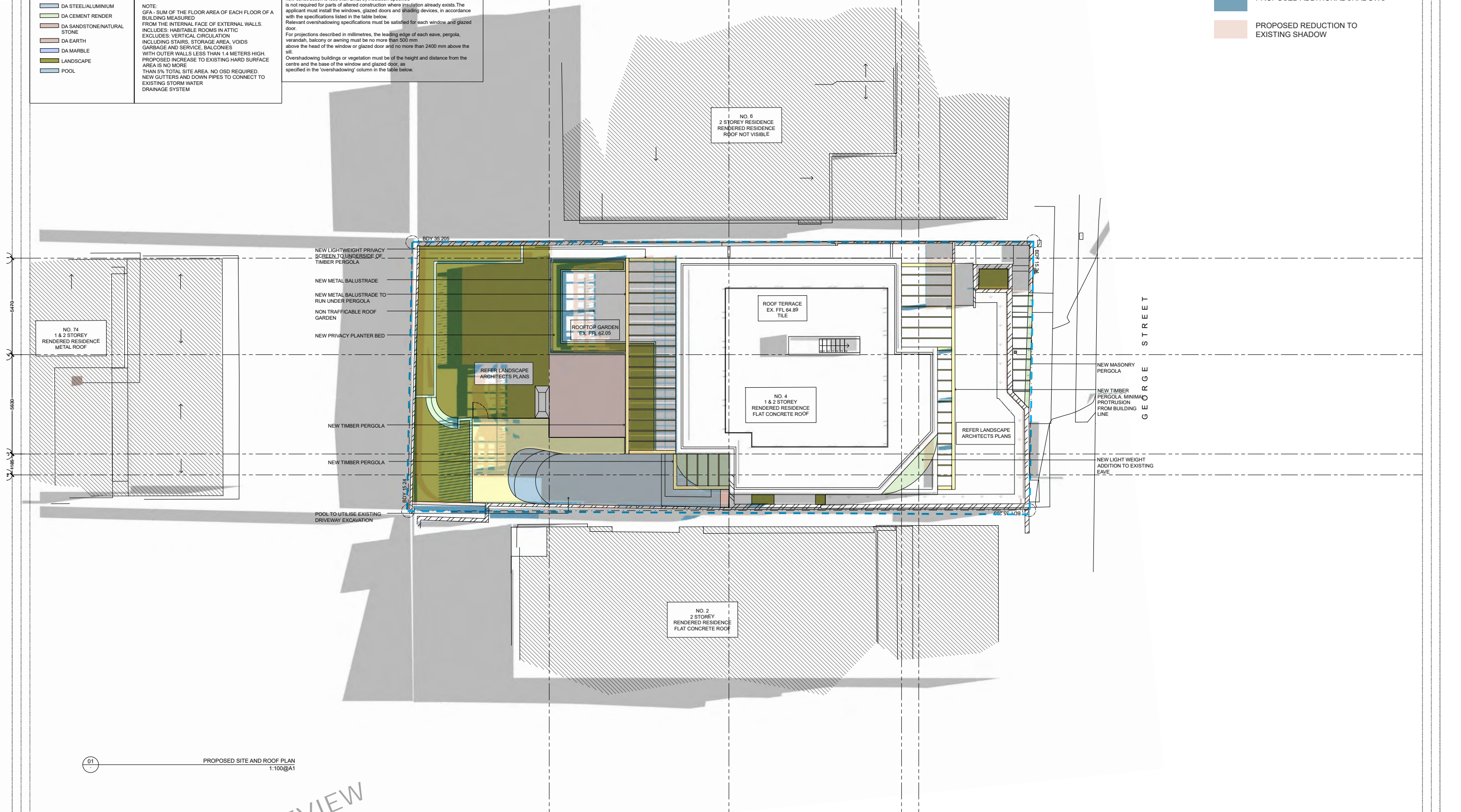
## BASIX CERTIFICATE

## NOTES:

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## LEGEND

- BDY.
- EXISTING SHADOWS
- PROPOSED ADDITIONAL SHADOWS
- PROPOSED REDUCTION TO EXISTING SHADOW



01

PROPOSED SITE AND ROOF PLAN  
1:100@A1

FOR DA REVIEW

DATE  
15.02.19

REVISION  
A

ISSUE REASON  
FOR DA REVIEW



CLIENT :  
ROLANDO SCHIRATO

PROJECT :  
4 GEORGE ST DOVER HEIGHTS 2030



DRAWING:  
SHADOW DIAGRAM 21 JUNE  
12 PM PLAN

CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH RELEVANT AUTHORITIES REQUIREMENTS  
COMPLY WITH BUILDING CODES OF AUSTRALIA  
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PROJECT NO.  
0424

SCALE@A1 SCALE@A3  
1:100 1:200

DWG NO.  
DA-XXX-002

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SG

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A



Application No: DA-58/2019

**Date Received:** 27/02/2019

**LEGEND**

- DA CONCRETE
- DA STEEL/ALUMINIUM
- DA CEMENT RENDER
- DA SANDSTONE/NATURAL STONE
- DA EARTH
- DA MARBLE
- LANDSCAPE
- POOL
- DA DEMOLITION
- DA TIMBER
- DA PAVING
- DA GLASS

**Waverley Local Environmental Plan 2012 SITE BUILDING**

EXISTING FLOOR MAP - HOB\_003 = 8.5M MAX HEIGHT

FLOOR SPACE RATIO MAP - FSR\_003 = 0.51:1

ZONING MAP - LOW DENSITY RESIDENTIAL

EXISTING FSR = 0.364 SQUARE METERS

PROPOSED INCREASE IN FSR = 10.34 METERS

EXISTING FSR = 0.57

PROPOSED FSR = 0.58:1

**NOTE:**

GFA - SUM OF THE FLOOR AREA OF EACH FLOOR OF A BUILDING MEASURED FROM THE INTERNAL FACE OF EXTERNAL WALLS. INCLUDES: HABITABLE ROOMS IN ATTIC CIRCULATION: VERTICAL CIRCULATION INCLUDING STAIRS, STORAGE AREA, VOIDS GARBAGE AND SERVICE, BALCONIES WITH OUTER WALLS LESS THAN 1.4 METERS HIGH. PROPOSED INCREASE TO EXISTING HAD SURFACE AREA IS NO MORE THAN 5% TOTAL SITE AREA. NO OSD REQUIRED.

### BASIC CERTIFICATE

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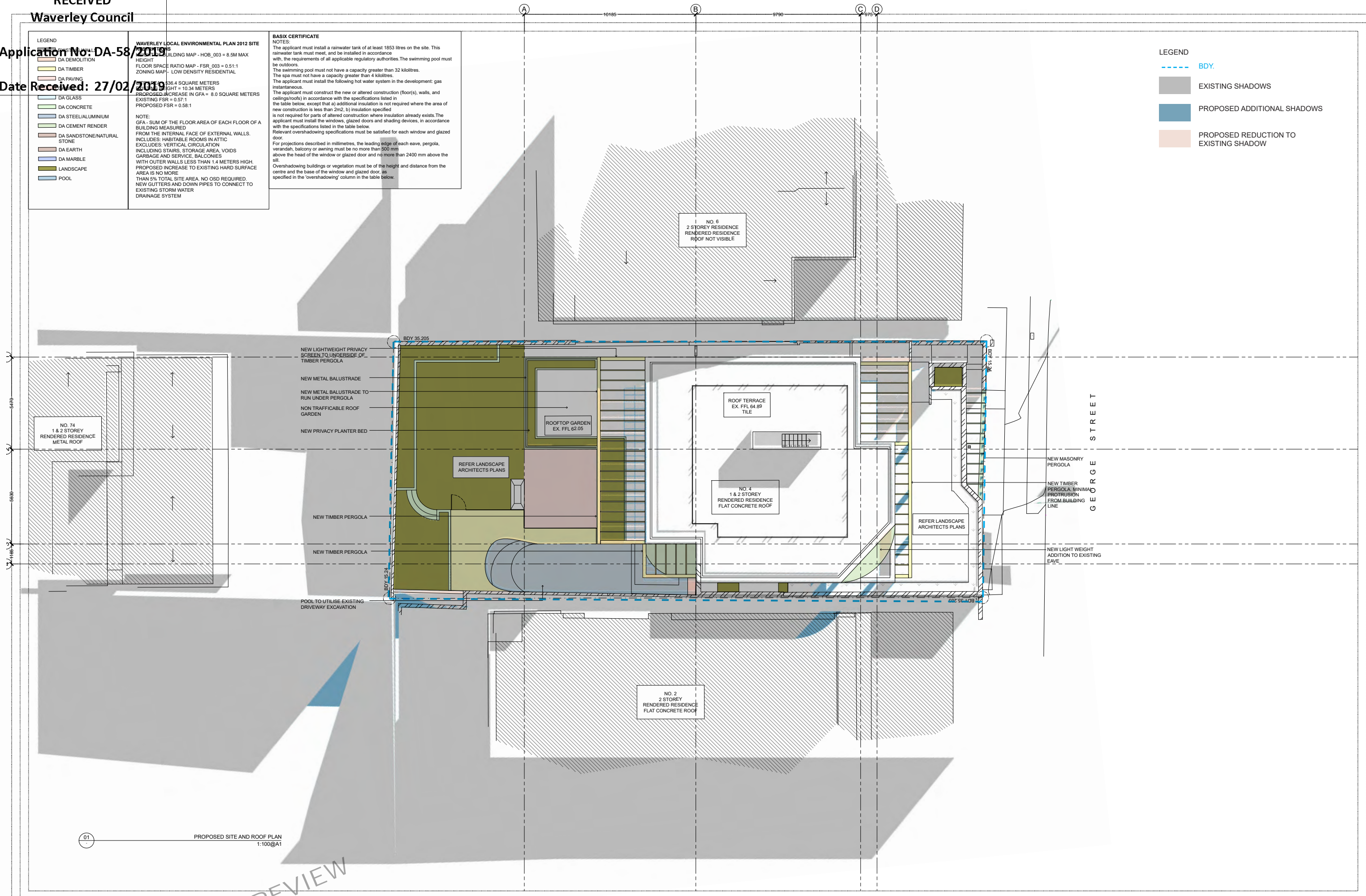
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### LEGEND

BDY.

## EXISTING SHADOWS

### PROPOSED ADDITIONAL SHADOWS

PROPOSED REDUCTION TO  
EXISTING SHADOW

FOR DA REVIEW



RECEIVED

Waverley Council

Application No: DA-58/2019

Date Received: 27/02/2019

LEGEND

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BDY.

EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

PROPOSED REDUCTION TO EXISTING SHADOW

DATE	REVISION	ISSUE REASON
15.02.19	A	FOR DA REVIEW

FOR DA REVIEW

ALEXANDER & CO

Architects

200 George Street, Sydney NSW 2000

02 9233 1234

alexanderandco.com.au

CLIENT :  
ROLANDO SCHIRATO

PROJECT :  
4 GEORGE ST DOVER HEIGHTS 2030

DRAWING:  
SHADOW DIAGRAM 21 JUNE  
9 AM AXONOMETRIC  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS  
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PROJECT NO.  
0424

SCALE@A1 SCALE@A3

DWG NO.  
DA-YXX-004

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SG

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LM

ISSUE



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Waverley Council

Application No: DA-58/2019

Date Received: 27/02/2019

LEGEND

BDY.

EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

PROPOSED REDUCTION TO  
EXISTING SHADOW

DATE	REVISION	ISSUE REASON
15.02.19	A	FOR DA REVIEW

FOR DA REVIEW



CLIENT :  
ROLANDO SCHIRATO

PROJECT :  
4 GEORGE ST DOVER HEIGHTS 2030

DRAWING:  
SHADOW DIAGRAM 21 JUNE  
12 PM AXONOMETRIC  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
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PROJECT NO. 0424	DRAWN SG
SCALE@A1 SCALE@A3	CHECKED LM
DWG NO. DA-YXX-005	ISSUE



RECEIVED

Waverley Council

Application No: DA-58/2019

Date Received: 27/02/2019

LEGEND

BDY.

EXISTING SHADOWS

PROPOSED ADDITIONAL SHADOWS

PROPOSED REDUCTION TO  
EXISTING SHADOW

DATE	REVISION	ISSUE REASON
15.02.19	A	FOR DA REVIEW

FOR DA REVIEW



CLIENT :  
ROLANDO SCHIRATO

PROJECT :  
4 GEORGE ST DOVER HEIGHTS 2030

DRAWING:  
SHADOW DIAGRAM 21 JUNE  
3 PM AXONOMETRIC  
CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK  
USE FIGURED DIMENSIONS ONLY DO NOT SCALE  
COMPLY WITH BUILDING CODE OF AUSTRALIA  
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PROJECT NO.  
0424  
SCALE@A1 SCALE@A3  
DWG NO.  
DA-YXC-006

DRAWN  
SG  
CHECKED  
LM  
ISSUE





01 RENDER WALLS



02 METAL WINDOW + DOOR FRAMES



03 HARDWOOD TIMBER PERGOLA



04 HARDWOOD TIMBER DECKING



05 BRICK PAVING



06 METAL PALISADE BALUSTRADE



07 HARDWOOD TIMBER WALL CLADDING



08 RENDERED PERGOLA



09 METAL POOL FENCE + POOL GATES

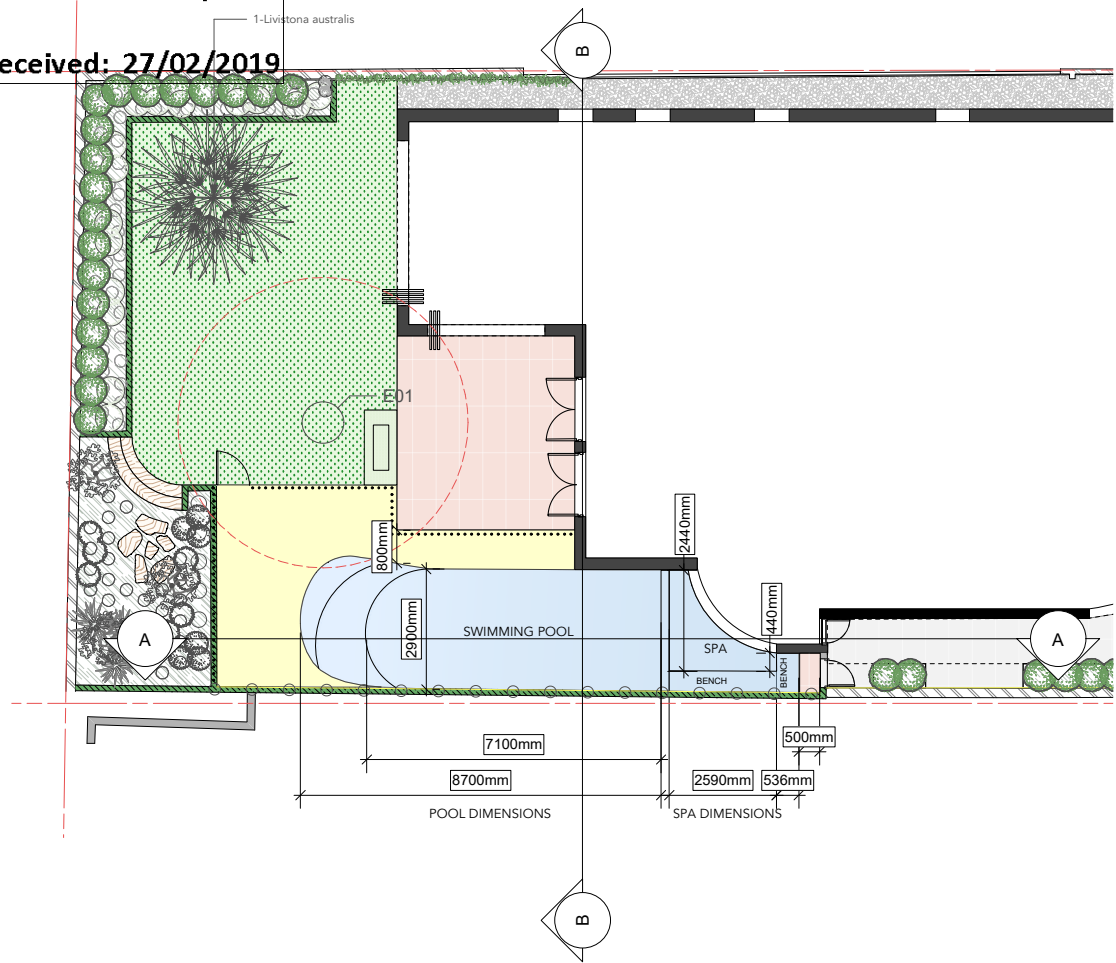


10 PEBBLECRETE

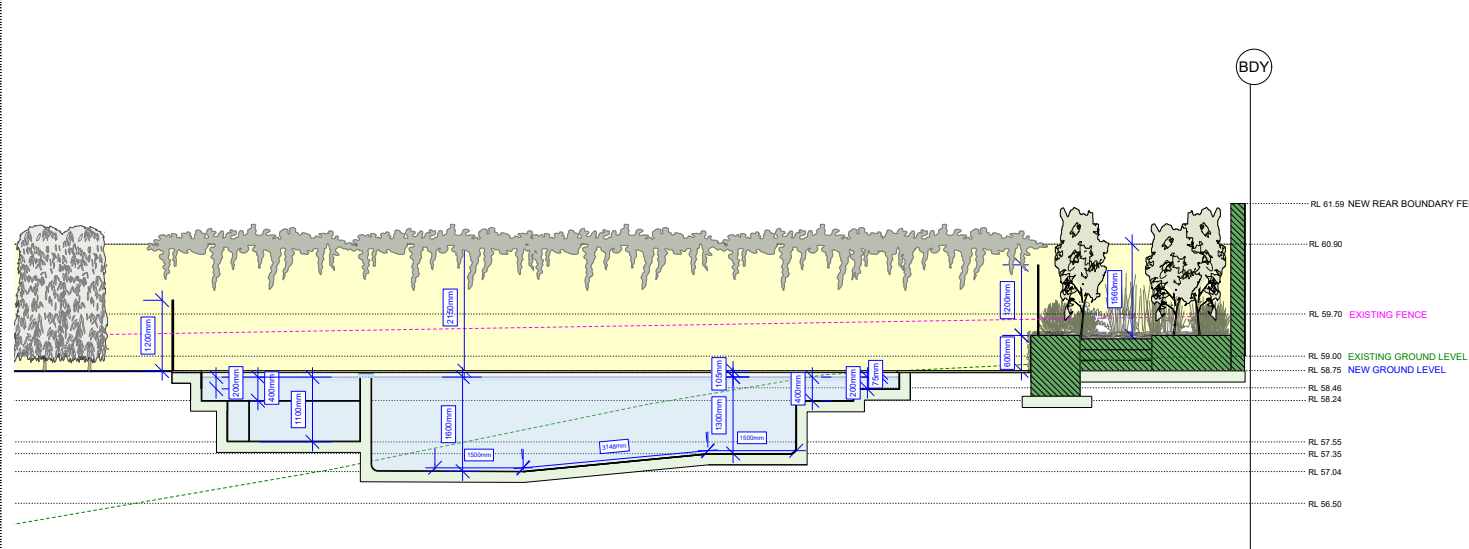
\* IMAGES INDICATIVE ONLY

FOR DA REVIEW





01 Plan NTS  
\* REFER LANDSCAPE DRAWINGS



02 Section A-A NTS  
\* REFER LANDSCAPE DRAWINGS

2 George Street  
Dover Heights  
Sydney 2030

Regarding our support for the proposed Development Application for pool location of No. 4 George Street;

To the assessing Planner at Waverley Council,

We have written this letter of support for the proposed development at No. 4 George Street.

Having reviewed and discussed this proposal with the owners, we make particular reference to the proposed pool location within the application.

The pool is proposed to adopt the historic pool location originally utilized within the development prior to its modification to a vehicle driveway. The existing driveway excavation which occurs to the East of No.4, and directly between our two properties creates a natural catchment for the pool which will minimize the impacts of construction noise and material removal from site during construction.

Moreover, the existing driveway location to our East is adjacent our wholly blank Western wall with the exception of a utility door which opens to the South-West of our property. Given this lack of window and door openings, it would appear the least visually and acoustically impactful location for the pool.

On this basis, we support the proposal without reservation.

Warm Regards,

George Touma

04 No.2 George St Neighbours Letter of Support

ACOUSTIC LOGIC

DIRECTORS  
MATTHEW PALAVIDIS  
VICTOR FATTORETTO  
MATTHEW SHIELDS

20190121.1/1102A/R2/AW  
11/02/2019  
Alexander and Co.  
Studio 11  
17 Thurlow Street  
REDFERN NSW 2016

ATTN: LUCIA MCKENZIE

4 George Street, Dover Heights - Preliminary Assessment of Pool Location

This letter has been prepared to address Waverley Council concerns relating to the proposed location of a backyard swimming pool and associated mechanical equipment at 4 George Street, Dover Heights. These concerns have been raised within the 'Pre-DA Meeting Advice' dated 4 December 2018.

The current proposal locates the swimming pool along the eastern boundary adjacent to 2 George Street, Dover Heights. Council has requested that the pool be relocated to the southern portion of the site adjacent to 74 Lancaster Street, Dover Heights. The reasoning for the revised location is largely related to potential acoustic impacts on residents at 2 George Street. With regard to the above, we note the following:

- Whilst there is no specific numerical requirement relating to acoustic separation between adjacent single dwelling houses, a comparison of the acoustic separation between each pool location would assist:
  - Given that all surrounding receivers are multi storey, there is little to no acoustic screening provided between backyards and adjacent residents.
  - As such, noise attenuation will be achieved by distance between source and receiver only.
  - The difference in acoustic separation between the proposed pool locations to residents at 2 George Street, 6 George Street & 30 Lancaster Street is approximately 2 dB(A).
  - A change in noise level of up to 2 dB(A) is generally not perceptible, and as such there would be little difference acoustically between the two locations;

Based on the above, there would be negligible difference acoustically between the two proposed locations. Therefore, the location of the pool in the originally proposed location (along the eastern boundary) should be considered acceptable.

Mechanical plant to service the pool and spa is to be assessed with regard to Council requirements and Protection of the Environment Operations Act 1997 relating to pool pumps and equipment (i.e. inaudibility in any neighbouring residences between the hours of 10pm - 7am). The current proposal locates mechanical plant within a fully enclosed garage area. Pending final selection of plant, it is expected that noise emissions will readily comply with the acoustic requirements nominated above.

Please contact us should you have any further queries.

Yours faithfully,

Alexander and Co.  
Acoustic Logic Consultancy Pty Ltd  
Alex Washer

05 Acoustic Letter



1. No.2 George St West elevation

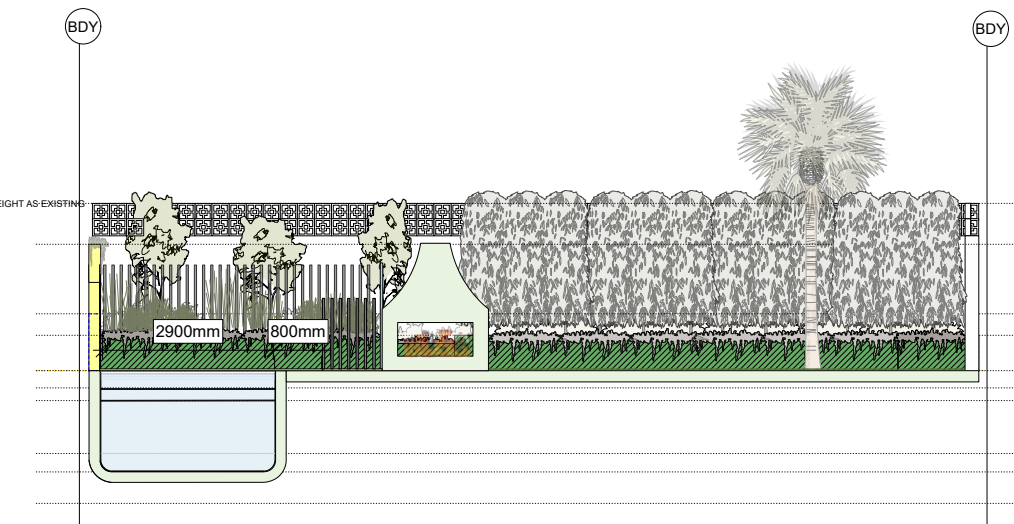


2. Existing driveway facing North from backyard



3. Existing driveway facing South from within existing garage

06 Site Photos



03 Section B-B NTS  
\* REFER LANDSCAPE DRAWINGS

FOR DA REVIEW





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-17/2019
<b>Site address</b>	22 Kimberley Street, Vaucluse
<b>Proposal</b>	Alterations and additions to dwelling house including a first floor addition
<b>Date of lodgement</b>	4 February, 2019
<b>Owner</b>	Ms J Prats
<b>Applicant</b>	C Mendoza – Addbuild Master Builders Pty Ltd.
<b>Submissions</b>	5
<b>Cost of works</b>	\$392,520
<b>Issues</b>	Height, boundary setbacks and neighbour submissions
<b>Recommendation</b>	That the application be APPROVED.

**Site Map**



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 27 March 2019.

The site comprises two lots and is identified as lots 17 and 18 DP 976698 and is known as 22 Kimberley Street, Vacluse. The site has a northern street frontage of 12.19m and a total area of 334.2m<sup>2</sup>. The site falls from the rear to the front and also has a cross fall from the west down to the east. The site is located on the slope of Kimberley Street.

The site is occupied by a single storey dwelling house with a garage below, which is within the front building.

Adjoining the site to the east, is a two storey duplex with two ground level garages. To the west is a two storey dual occupancy with two ground level garages built to the street alignment. Opposite, across Kimberley Street, is a 10 storey residential flat building. To the rear (south east), at 1 and 3 Ray Street are a pair of part 1 and part 2 storey semi-detached dwellings. At 2 Ethel Street (south west) is a two storey dwelling house.

The locality is characterised by a variety of residential developments, including semi-detached dwellings, dwelling houses and residential flat buildings.



**Figure 1:** Site viewed from Kimberley Street





**Figure 2:** Street view



**Figure 3:** Rear of site and view east

## **1.2 Relevant History**

DA- 310/2003 for alterations and additions including a first floor addition and conversion to dual occupancy was refused.

DA-78/2005 was approved on 6 February, 2006 to enclose the rear courtyard and create a bedroom with deck.

## **1.3 Proposal**

Development consent is sought to carry out alterations and additions to the existing single storey dwelling house and includes the following:

- Internal alterations to provide an internal stair to the proposed upper level;
- First floor addition comprising four bedrooms and a bathroom; and
- A balcony is proposed at the front (north eastern corner) and the rear eastern side.

## **2. ASSESSMENT**

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

### **2.1 Planning Instruments and Development Control Plans**

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

#### **2.1.1 SEPP (Building Sustainability Index – BASIX) 2004**

A BASIX Certificate has been submitted with the development application.

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

#### **2.1.2 SEPP 55 Remediation of Land**

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

#### **2.1.3 SEPP (Coastal Management) 2018**

*The SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.*

*Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (f) Aboriginal cultural heritage, practices and places,*
- (g) the use of the surf zone.*

The above matters have been considered and are considered satisfactory in the context of the subject application.

*Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;*

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

The above matters have been considered and are considered satisfactory in the context of the subject application.

- (b) is satisfied that:*
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The above matters have been considered and are considered satisfactory in the context of the subject application.

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

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

The proposal will not increase the risk of coastal hazards on the site or other land.

#### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 – low density zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	No	Up to 9.81m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.73:1 (246.4m <sup>2</sup> )	Yes	The floor space complies at 0.7:1 (235.5m <sup>2</sup> ).
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 development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.
6.4 Terrestrial biodiversity	Referred for comment	The site is identified as habitat corridor and has been referred to the Biodiversity officers for comment. The proposal is limited to a first floor addition and as such there is no impact and no landscape plan required.



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

#### **Clause 4.6 Exceptions to Development Standards**

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

The site is subject to a maximum 8.5m control of height. The proposed development has an overall height of 9.81m, exceeding the standard by 1.31m or 11.5%.

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

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

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

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

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

- a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
  - The proposal is consistent with the objectives of the zone.
  - The proposal is acceptable as it does not contravene the character of the area, the nature of the site including its location, topography, zoning and physical attributes. Also the proposal does not detract from the streetscape or the inherent nature of the residential area
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
  - The proposed development is restricted by the sloping nature of the land.
  - The proposed development has given consideration to neighbouring lots and does not provide a negative impact on the streetscape character.
  - The overall design is considered suitable for the streetscape and will be consistent with other dwellings in the area.
  - The sloping nature of Kimberley Street makes it impossible to have a compliant first floor addition, as the floor level would need to slope to comply.
  - Directly opposite the site is a residential flat building which provides substantial bulk and scale to the streetscape of Kimberley Street, with this level of bulk already provided, the additional storey will not be impacting on the streetscape.

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

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

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard

is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard referencing that the variation from the standard is minor and is a result on the specific site conditions.

The proposal is consistent with the built form in this section of Kimberley Street and will be in keeping with streetscape and built character.

Is the development in the public interest?

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

The variation occurs in the centre portion of the site where the ridge exceeds the height limit. The building on the western and eastern sides complies. The variation is a result of the roof design required to span the dwelling house and is due to the existing building platform; the additions being a first floor over an existing slightly elevated ground floor and slope of the site. The variation can therefore be seen as being site generated rather than a desire for overdevelopment of the standard.

It is considered having regard to the variation and the argument put forward by the applicant that compliance with the standard is unreasonable and unnecessary in the circumstances of this case, there are sufficient environmental planning grounds to justify contravening the development standard and the proposal will not be contrary to the public interest because it is consistent with objectives of the development standard and applicable zone.

Conclusion

For the reasons provided above, the requested variation to the height is supported, as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Height and the R2 – Residential zone.

## **2.1.5 Waverley Development Control Plan 2012 (Amendment 6)**

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.
3. Landscaping and Biodiversity	Referred for comment	The site is located in a Habitat Corridor.  The application was referred to Council's Biodiversity Officer. It was noted that the proposal is a first floor addition and as such would not require a landscape plan.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.

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

The proposal is defined as a "Dwelling House" in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	<p>The proposal does not contravene the general objectives of this part of the DCP.</p> <p>There will be some loss of easterly water views from the property to the west (20 Kimberley Street). These views are, however, over side boundaries and a compliant development would similarly impact on the reduction in the view corridor. Views over side boundaries are not always possible to maintain. Views will remain available from part of the first floor eastern side rear balcony and from the front of the building.</p> <p>The alterations and additions are not out of scale with surrounding development or the area.</p>
<b>2.1 Height</b>		
Pitched Roof dwelling house <ul style="list-style-type: none"> <li>• Maximum external wall height of 7m</li> </ul>	Yes	Wall heights comply with the 7m maximum as the higher walls are broken by a setback and roof form.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines	No	The additions are located over the existing ground floor and align with the front setbacks. The building does not extend beyond its rear ground floor alignment. The first floor level is

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>		<p>set back less than the two storey duplex to the west, and greater than the three storey building to the east. Setbacks in this section of Kimberley Street are variable and the proposal is acceptable.</p> <p>This is discussed further below.</p>
<p>2.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>Minimum of 1.2m</li> </ul>	No	<p>The setbacks are variable and generally exceed the 1200mm setback for the first floor addition. The non-compliance is on the eastern side where the addition at its closest point is 950mm from the boundary; however, is acceptable.</p> <p>This is discussed further below.</p>
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style &amp; proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes	<p>The design is not out of keeping with the streetscape.</p>
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> </ul>	No	<p>On the western side, the windows are to bathrooms and a landing. These windows are all highlight. On the eastern side and rear, the windows are to bedrooms, which being low activity rooms are not likely to result in an undue privacy impact. The rear eastern side balcony will directly overlook the private open space of the site to the east, being 24 Kimberley Street. A condition is recommended requiring this side rear balcony to be deleted and the façade to be amended accordingly.</p> <p>The front balcony overlooks public areas and the public/ private interface of the adjoining site.</p> <p>It is noted that due to the topography and orientation of the sites in this section of Kimberley Street, there is a low level of privacy between dwellings and private open space areas.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>	<p>Yes</p> <p>Yes</p> <p>N/A</p>	<p>No external stairs proposed.</p> <p>The balcony size is less than the maximum.</p>
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	<p>Yes</p>	<p>The site has a north/ south orientation. Increased shadowing will meet the DCP minimums.</p>
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>No loss of public views.</p> <p>This has been discussed above.</p>
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> </ul>	<p>No change</p>	<p>No change, as the proposal is a first floor addition.</p>



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>		

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

### Setbacks

Waverley DCP 2012 Amendment 6 has increased setbacks for non-compliant height dwelling houses. The normal setback for a two storey dwelling house is 900mm, which the development would comply with. The requirement under the DCP amendment is 1200mm for a building exceeding the LEP height requirement. The proposed first floor addition is generally compliant and in most cases exceeds the minimum setback. The non-compliance occurs on the eastern side towards the front of the addition. It is noted that the height variation occurs in the centre part of the site and not near the side boundaries as would be the case with a flat roof building. The variation is supported given the extent of the variation, the location of the non-compliant height and negligible impact on solar access that strict compliance would result in.

### Rear building Line

The addition is located over the existing ground floor and align with the front setbacks. The building does not extend beyond its existing rear ground floor alignment. The first floor level set back is less than the two storey duplex to the west, and greater than the two storey building to the east. Setbacks in this section of Kimberley Street are variable with the building on corner of Kimberley and Ray Street as well as the buildings to the west, all extending well beyond the rear proposed first floor alignment.

### Privacy from rear eastern balcony

The rear eastern balcony is oriented onto the side eastern boundary and set 1.3-1.5m from the side boundary. Users of the balcony would directly overlook the adjoining site when accessing the easterly views. There is limited privacy between the sites, however this will decrease the privacy further and this is not considered desirable. The balcony is to be deleted and the openings deleted and replaced with either wall or highlight windows.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

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

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

**Table 4: Summary of property addresses that lodged a submission**

Property
1/20 Kimberley Street, Vaucluse
2/20 Kimberley Street, Vaucluse
24 Kimberley Street, Vaucluse
1 Ray Street, Vaucluse
2 Ethel Kimberley Street, Vaucluse

**Issue:** Loss of privacy from windows W12 and W13 to 2 Ethel Street.  
Loss of privacy from balconies and eastern side windows to 24 Kimberly Street.  
Loss of privacy to rear yard and rooms of 1 Ray Street.

**Response:** Windows W12 and W13 are located at the rear of the dwelling house and are to the master bedroom. The windows are over 7.5m from the rear boundary. Privacy to the rear open space and dwellings in this section of Kimberley Street is compromised due to the street topography, small size of the sites and the fact that most of the buildings are two storey and all overlook each other.

The balcony to the eastern side at the rear, however, will further decrease the privacy to a number of adjoining sites, as it is close to the boundary and users would be looking directly into/ over the adjoining site and as such is not supported. This is discussed above.

**Issue:** Overshadowing and accuracy of shadow diagrams (2 Ethel, 1 Ray and 24 Kimberley Streets).

**Response:** This issue was reviewed by the applicant and advised as correct. The proposal whilst increasing overshadowing will remain compliant with the DCP.

**Issue:** Non-compliant roof height.

**Response:** This issue has been discussed above and is considered acceptable.

**Issue:** Previous application in 2003 rejected.

**Response:** A description of the 2003 application is outlined in the Background section of this report. The proposal at that time was for dual occupancy and did not comply with a number of controls, including that the site was too small for a dual occupancy. The current application is for a first floor addition.

**Issue:** Suspected unauthorised building work, including a rear deck addition.

**Response:** It would appear that the unauthorised work referred to is a rear deck and barbecue area at the rear of the ground floor level. This issue was subject to a complaint to Council in 2017 and was referred to Council's Compliance section at the time.

**Issue:** Possible non-compliance with 40% open space requirement.

**Response:** The application indicates that the 40% requirement is not met. The proposal is a first floor addition and no reduction in open space results.

**Issue:** Overdevelopment of the site.

**Response:** The proposal complies with the floor space ratio relevant to the site, which is an indicator of the intensity of development on the site. The landscaped area on the site does not comply by virtue of the existing development on the site. The landscaped area is not being made smaller. The height of the building complies with wall heights, but not the overall height for a section in the central portion of the building. This matter has been discussed above. Boundary setbacks for the eastern boundary do not comply and has been discussed above. It is not agreed that the proposal is an overdevelopment of the site.

**Issue:** Excessive bulk and scale, request for greater side boundary setbacks.

**Response:** The building is considered to be an appropriate bulk and scale and will fit into the existing streetscape. Setbacks have been addressed in this report.

**Issue:** Request for dilapidation report.

**Response:** The works are for a first floor addition only and no excavation will be undertaken. A dilapidation report is not considered to be required.

**Issue:** Stormwater concerns.

**Response:** The current stormwater scheme for the site is unsatisfactory and will require amendment prior to issue of the Construction Certificate. A suitable condition is recommended.

**Issue:** Increased traffic and parking demand.

**Response:** The proposal is not considered to increase traffic or parking demand that cannot be met by the existing infrastructure.

**Issue:** Construction and noise impact from development.

**Response:** With any development there is a short term impact caused by the building operations. Council's standard conditions restrict building times.

## **2.5 Public Interest**

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

## **3. REFERRALS**

### **3.1 Stormwater – Creating Waverley**

Council's engineers have advised that the current proposal is unsatisfactory in terms of stormwater management on the site and will require review and amendment.

### 3.2 Biodiversity

The site is located in a Habitat Corridor. The application was referred to Council's Biodiversity Officer. It was noted that the proposal is a first floor addition and as such would not require a landscape plan.

## 4. SUMMARY

Development consent is sought to carry out first floor additions to an existing dwelling house. The proposal complies with the exception of overall building height and some setbacks. These issues have been addressed in the above report.

The application attracted 5 objections which raised concern at the impact of the development on their amenity. The issues raised have been addressed in the report. No Council submissions were received and no notices of conflict of interest were received.

On balance the proposal is supported.

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

Peter Thomas  
**Senior Development Assessment Planner**

Bridget McNamara  
**Manager, Development Assessment (North)**

**Date: 12 June 2019**

**Date: 8 July 2019**

**Reason for referral:**

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

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

(a) Architectural Plans prepared by Addbuild as follows:

<b>Drawing Number/rev</b>	<b>Plan description</b>	<b>Received by Council</b>
2	Site & Site Analysis Plan	4/2/19
4	Ground Floor Plan – Demolition	4/2/19
5	First Floor Plan – Proposed	4/2/19
6	Northern Elevation – Front, Eastern Elevation - Side	4/2/19
7	Southern Elevation – Rear, Western Elevation - Side	4/2/19
8	Section A.A	4/2/19

(b) BASIX Certificate No. A336689 dated 19 December, 2018 and received by Council on 4 February, 2018,

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

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The rear first floor eastern balcony and associated door opening is to be deleted. A highlight window or solid wall is permitted in place of the door.

The amendments are to be approved by the **Executive Manager, Building Waverley (or delegate)** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

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. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

#### **4. DOMESTIC HEATERS/FIREPLACES**



The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **6. SECTION 7.12 CONTRIBUTION**

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

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

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

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

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been

paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

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

## **7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$8,405.00 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **8. LONG SERVICE LEVY**

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

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

## **9. HOARDING REQUIRED**

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**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

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

## **10. EROSION, SEDIMENT AND POLLUTION CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and exiting the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

#### **11. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

#### **12. ENGINEERING DETAILS**

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

#### **13. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

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

#### **14. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**15. ON-SITE STORMWATER DETENTION DETAILS**

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

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council given prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

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

**16. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

**C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

**17. PRIOR TO SITE WORKS**

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

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

**18. HOME BUILDING ACT**

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

**19. CONSTRUCTION SIGNS**

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building

works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

## **20. OBSTRUCTION TO PUBLIC AREAS**

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

## **21. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

## **22. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

## **23. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **24. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared



in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

## **25. ASBESTOS REMOVAL**

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

## **26. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) 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 2000.

## **27. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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

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.

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

## **28. TEMPORARY DIVERSION OF ROOF WATERS**

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

## **29. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

## **30. CONSTRUCTION INSPECTIONS**

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

- (a) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (b) steel reinforcement, prior to pouring concrete;
- (c) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (d) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

### **31. CERTIFICATE OF SURVEY – LEVELS**

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

### **32. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **33. FINAL OCCUPATION CERTIFICATE**

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

### **34. STORMWATER MANAGEMENT**

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

The following reference notes must be read in conjunction with the architectural plans and construction notes, contained herein. Some of these notes may not be applicable to the scope of works.

STORMWATER DRAINS.

SUPPLY, INSTALL AND CONNECT NEW STORMWATER DRAINS FROM NEW DOWNPIPES TO EXISTING SERVICE AS NECESSARY.  
**NOTE:** BUILDER ASSUMES AN EXISTING STORMWATER DRAIN SYSTEM CURRENTLY EXISTS ON SITE AND IS DISCHARGED TO A LEGAL POINT. BUILDER HAS MADE NO ALLOWANCE TO PROVIDE NEW **SWD** SYSTEM AND / OR LEGAL POINT OF DISCHARGE SHOULD NO SYSTEM EXIST.

ASBESTOS.

UNLESS OTHERWISE SPECIFIED IN THESE SPECIFICATIONS. NO ALLOWANCE HAS BEEN MADE FOR THE REMOVAL OR HANDLING OF ANY ASBESTOS PRODUCTS. SHOULD ANY ASBESTOS BE ENCOUNTERED ANY COSTS INVOLVED IN REMOVING OR HANDLING THESE PRODUCTS WILL BE THE CLIENTS RESPONSIBILITY.

GUTTERS AND DOWNPIPES.

ALL GUTTERS AND DOWNPIPES HAS BEEN ALLOWED AS ZINCALUME QUADRANT COLORBOND.  
**NO** ALLOWANCE HAS BEEN MADE TO MATCH EXISTING ALUMINIUM GUTTERS AND DOWNPIPES UNLESS SPECIFICALLY NOTED OTHERWISE.

GLAZING.

ALL NEW GLAZING TO COMPLY WITH **AS 1288 (2006) - GLASS IN BUILDINGS.**

ELECTRICALS.

EXISTING CABLES WILL BE INSPECTED WHEN WORK COMMENCES.  
ANY UPGRADE OR RECTIFICATION WORK REQUIRED WILL BE QUOTED ON SITE.

METER BOX.

**NO** ALLOWANCE HAS BEEN MADE TO UPGRADE METER BOX.

RELOCATION OF METER BOX.

**NO** ALLOWANCE HAS BEEN MADE TO RELOCATE EXISTING METER BOX.

EXISTING TREES AND VEGETATION

**NO** ALLOWANCE HAS BEEN MADE TO CLEAR THE AREA OF THE PROPOSED ADDITION OF ANY TREES, SHRUBS OR OTHER VEGETATION.

FLOOR REPAIRS.

MAKE GOOD FLOOR WITH ONE PIECE OF TIMBER FLOORING LAID IN THE SAME DIRECTION OF THE WALL BEING DEMOLISHED.

SKYLIGHTS AND SOLAR TUBES.

**ACTUAL POSITION MAY CHANGE ON SITE, DEPENDING ON STRUCTURAL CONDITIONS.**

ALL TIMBER SIZES ARE NOMINAL

CONCRETE FOOTINGS & SLABS.

**NO** ALLOWANCE FOR ANY PIERING.

TERMITE TREATMENT.

KORDON TREMITE TREATMENT TO EXTERNAL SLAB EDGES AND PENETRATIONS.

CARPORT & AWNINGS (Unless Specified)

**NO** ALLOWANCE HAS BEEN MADE TO REMOVE & RE-ERECT. THIS WILL BE THE CLIENT'S RESPONSIBILITY IF IT RESTRICTS ACCESS TO DELIVER BUILDING MATERIAL OR ERECT SCAFFOLDING.DISCUSS OPTIONS WITH SUPERVISOR.

WHERE EXISTING WALLS ARE TO BE DEMOLISHED







IF THE REMAINING CEILINGS ARE NOT THE SAME LEVEL OR MATERIAL  
ADDITIONAL REMEDIAL WORKS MAY BE REQUIRED AND MUST BE DISCUSSED WITH YOUR SUPERVISOR

CEMENT RENDER

**NO** ALLOWANCE HAS BEEN MADE TO REPAIR CRACKED OR FALLEN RENDER AS A CONSEQUENCE OF RENOVATION WORK.

SMOKE ALARM

ALL NEW SMOKE ALARMS TO BE HARDWIRED TO COMPLY WITH AUSTRALIAN STANDARDS. (AS 3786)

SPECIFICATION		RECEIVED Waverley Council	SPECIAL NOTES			
<div>o 2 / 90 X 38 EXTERNAL TOP PLATES</div> <div>o 90 X 45 EXTERNAL BOTTOM PLATES</div> <div>o 90 X 38 EXT STUDS @ 450 CTRS MAX</div> <div>o 70 X 45 INT TOP &amp; BOTTOM PLATES</div> <div>o 70 X 45 INT STUDS @450 CTRS MAX</div> <div>o HJ 200 ENGINEERED FLOOR JOISTS @ 450 CTRS MAX UNLESS OTHERWISE SPECIFIED BY ENGINEER</div>		Application No: DA-17/2019	<div>o ALL BUILDING WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA.</div> <div>o ALL DOOR FURNITURE TO BE SUPPLIED BY OWNER AND FIXED BY BUILDER. NOTE: MORTICE LOCKS WILL BE CHARGED EXTRA.</div> <div>o ALL DOOR AND ENSUITE FIXTURES, FITTINGS, TAPS AND TILES TO BE SUPPLIED BY OWNER AND FIXED BY BUILDER.</div> <div>o SHOWER SCREENS AND MIRRORS TO NEW BATHROOM AND ENSUITE TO BE SUPPLIED AND FIXED BY BUILDER</div> <div>o WALL TILES TO BATHROOM AND ENSUITE TO HAVE 2000mm HIGH TO SHOWER RECESS AND 1200mm TO REMAINING WALLS.</div>			
Date Received: 4/2/2019						
FLOORING	FIRST FLOOR: 20mm STRUCTURAL SHEET. (UNSANDED)		WORKS BY OWNER			
FASCIA	180 X 25mm FS.		<div>o RELOCATE T.V. ANTENNA AND SATELLITE DISH. (IF REQUIRED)</div> <div>o REMOVE A/C CONDITIONING UNIT IN AREA OF NEW WORKS. ALTER AND REINSTATE ON COMPLETION OF NEW WORKS BY OWNER.</div>			
BARGE	NOT APPLICABLE		DO NOT SCALE OFF DRAWINGS ALL FINISHED GROUND LEVELS AND DIMENSIONS AS SHOWN ON PLAN ARE THEORETICAL ONLY AND ARE SUBJECT TO SITE CONDITIONS			
WINDOWS AND EXTERNAL DOORS	POWDER COATED ALUMINIUM WINDOWS AND SLIDING DOORS. <u>NO ALLOWANCE</u> FOR FLYSCREENS TO WINDOWS AND DOORS		1	TO ESTIMATING	M.V	23-10-18
BRICKWORK	COMMON BRICKWORK		2	TO CONTRACT	M.V	26-10-18
CLADDING	75mm POLYSTYRENE CLADDING WITH TEXTURE COAT FINISH. LAID OVER FOIL SARKING.		3	TO VARIATION 1	M.V	12-12-18
ROOF PLUMBING	100 x 50mm COLORBOND DOWNPIPES 110mm COLORBOND QUAD GUTTERS		4.2	TO DA APPLICATION REQUIREMENTS	M.V	17-01-19
SOFFIT LINING	4.5 mm F.C. SHEET.		NO.	ISSUE	DRWN	APP DATE
ROOF COVERING	NEW CEMENT ROOF TILES FROM STANDARD TILE RANGE. LAY OVER FOIL SARKING.		COPYRIGHT: THIS DESIGN AND PRINTS ARE THE PROPERTY OF ADDBUILD MASTER BUILDERS PTY. LTD. AND IS ISSUED FOR THE SOLE PURPOSE OF ENTERING INTO A BUILDING CONTRACT WITH THE COMPANY. IT MUST NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT PRIOR WRITTEN PERMISSION OF THE COMPANY			
INTERNAL LININGS	INT. WALL - 10 mm PLASTERBOARD CEILINGS - 10 mm PLASTERBOARD WET AREA - 6 mm VILLABOARD CORNICE - 90mm COVE CORNICE - SQUARE SET (First Floor)		THIS IS THE PLAN REFERRED TO IN THE CONTRACT DATED			
INTERNAL FIXINGS	JAMBS - EX 100 X 38mm REBATED SKIRTING - EX 75 X 25mm SPLAYED ARCHITRAVE - EX 75 X 25mm SPLAYED		<b>DATE:</b>			
BUILT IN CUPBOARDS (LINEN CUP'D)	WHERE APPLICABLE BUILT IN AND WALK IN WARDROBES TO HAVE ONE ONLY 16MM THICK MELAMINE SHELF WITH PIPE HANGING ROD UNDER. LINEN TO HAVE 5 / 16MM THICK MELAMINE SHELVES.		<b>SIGNED:</b> OWNER			
DOORS	PRIME COATED 4 PANEL HOLLOW CORE MOLDED FOR PAINT FINISH.		<b>SIGNED:</b> OWNER			
ELECTRICAL TO ADDITIONS	TWO WAY LIGHT SWITCH  1. OFF LIGHT POINTS  16. OFF DOUBLE G.P.O.  16. OFF CEILING EXHAUST FANS  2. OFF  HARDWIRED SMOKE ALARMS  2. OFF CIRCUITS 4. OFF RCD safety switch to new power circuit 4. OFF		<b>SIGNED:</b> BUILDER			
HOT WATER SYSTEM	CONNECT TO EXISTING HOT WATER UNIT.		<b>PROPOSED GROUND FLOOR ALTERATIONS AND FIRST FLOOR ADDITIONS</b>			
STAIRCASE AND BALUSTRADE	TYPE: CLOSED TIMBER STRINGER. <ul style="list-style-type: none"><li>PLASTERBOARD SOFFIT LINING UNDER TREADS 1 - 18 BY BUILDER</li></ul> NOMINAL WIDTH: 900mm RISE: 18No. x 184 TREAD: 240mm FINISH: MAPLE TREADS & RISERS, MAPLE STRINGER, AND MAPLE SQUARE BALUSTRADE.		FOR: Ms. Jessica PRATS			
METALWORK	INTERNAL: BLACK, EXTERNAL: PRIMED		AT: No.22 KIMBERLEY STREET, VAUCLUSE, NSW, 2030			
EXCAVATION	EXCAVATION HAS BEEN ASSUMED TO BE IN SOIL, CLAY OR OTHER MATERIAL REASONABLY CAPABLE OF EXCAVATION WITH HAND TOOLS		<div><b>Addbuild</b> Master Builders Pty. Ltd</div> Suite OC / 9 Blaxland Road, RHODES, NSW, 2138 Phone: 8765 1555 / Fax: 8765 1778			
INSULATION TO ADDITIONS ONLY	CEILING TO FIRST FLOOR ADDITION: R3.0 INSULATION		www.addbuild.com.au Email: info@addbuild.com.au Builders Licence No. 114851C A.B.N. 47 092 812 649			
PAINING	ALL INTERNAL PAINTING TO FIRST FLOOR ADDITION BY: BUILDER. ALL EXTERNAL PAINTING TO FIRST FLOOR ADDITION BY: BUILDER. ALL RENOVATION PAINTING BY OWNER UNLESS SPECIFICALLY NOTED OTHERWISE.		SCALE: 1:100 1:200	SHEET No: 1	JOB No: 1789/4	395

BASIX Certificate

Certificate number: A336689

Fixtures and systems

Lighting

The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent or light-emitting-diode (LED) lamps.

Fixtures

The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.

The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.

The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

Insulation requirements; Construction

Additional insulation required (R-value)

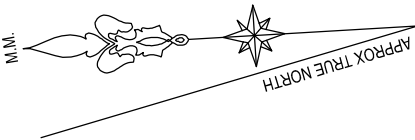
Floor above Existing Dwelling or Building	NIL
External Wall: External Insulated Façade System (EIFS) (Façade Panel: 75mm)	NIL
Flat Ceiling, Pitched Roof:	Ceiling: R2.50 (up), roof: foil/sarking and other specification are medium (solar absorptance 0.475 - 0.70)

Windows and glazed doors glazing requirements

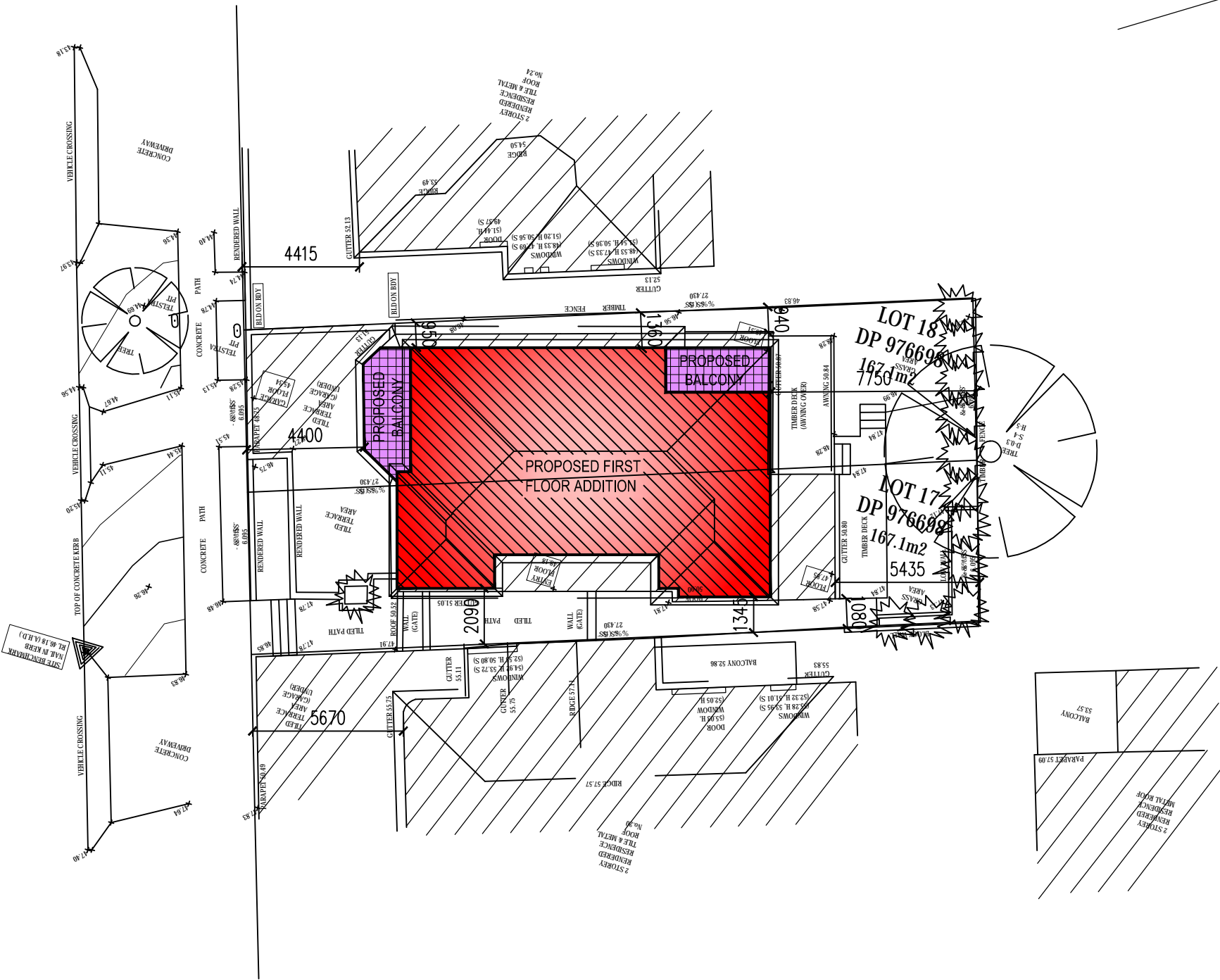
W1, W2, W3, W4, W11, W12 and W13	Improved Aluminium, Single Clear, (U-value: 6.44, SHGC: 0.75)
W5, W6, W7, W8, W9 and W10	Improved Aluminium, Single Pyrolytic low-e, (U-value: 4.48, SHGC: 0.46)

New Handrail / Balustrade Will Be Sourced and Will Be Advised at Selection Stage By Owner.





KIMBERLEY STREET



Area Calculations:

Site Area -- 334.2 m2 ( Lot 17 & 18 )  
Existing Ground Floor Area -- 137.5 m2  
Existing Other Structure -

Existing Gross Floor Area. -- 137.5 m2  
Existing Floor Space Ratio (FSR) -- 0.42 : 1  
  
Total Existing Site Coverage -- 235.8 m2 or 70.0 %  
Total Existing Landscape Area -- 98.4 m2 or 30.0 %

Proposed Ground Floor Area. -- 137.5 m2  
Proposed First Floor Area. -- 98.0 m2  
Proposed Gross Floor Area. -- 235.5 m2  
Proposed Floor Space Ratio (FSR) -- 0.70 : 1

Total Existing Site Coverage -- 235.8 m2 or 70.0 % (Not Affected By Proposal)  
Total Existing Landscape Area -- 98.4 m2 or 30.0 % (Not Affected By Proposal)

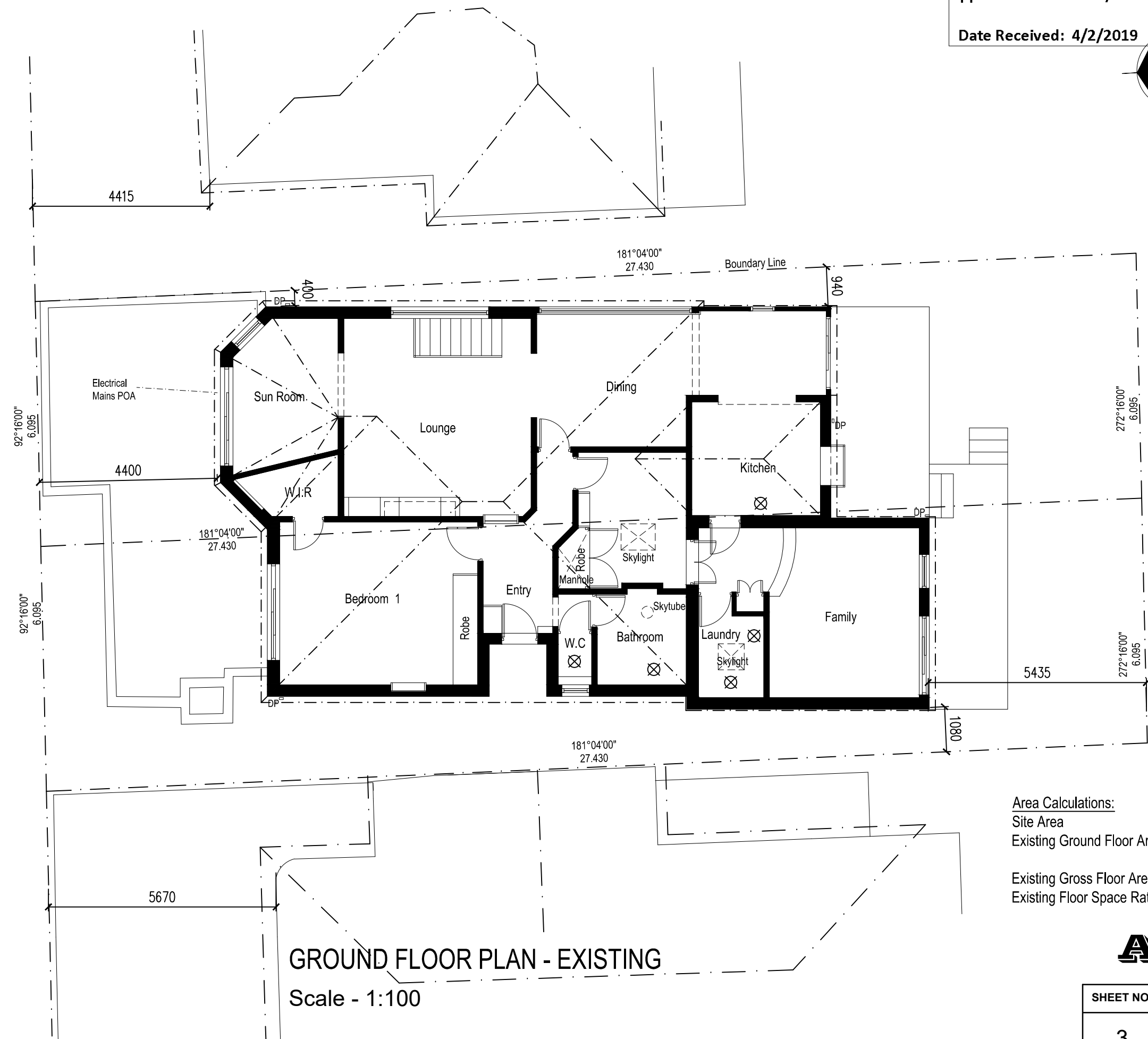
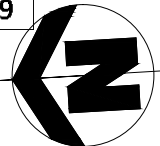
SITE & SITE ANALYSIS PLAN  
Scale - 1:200

**Aaddbuild**  
Master Builders Pty. Ltd

SHEET NO	FOR:	JOB NO
2	Ms. Jessica PRATS	1780/4.2
	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	



RECEIVED  
Waverley Council  
  
Application No: DA-17/2019  
  
Date Received: 4/2/2019

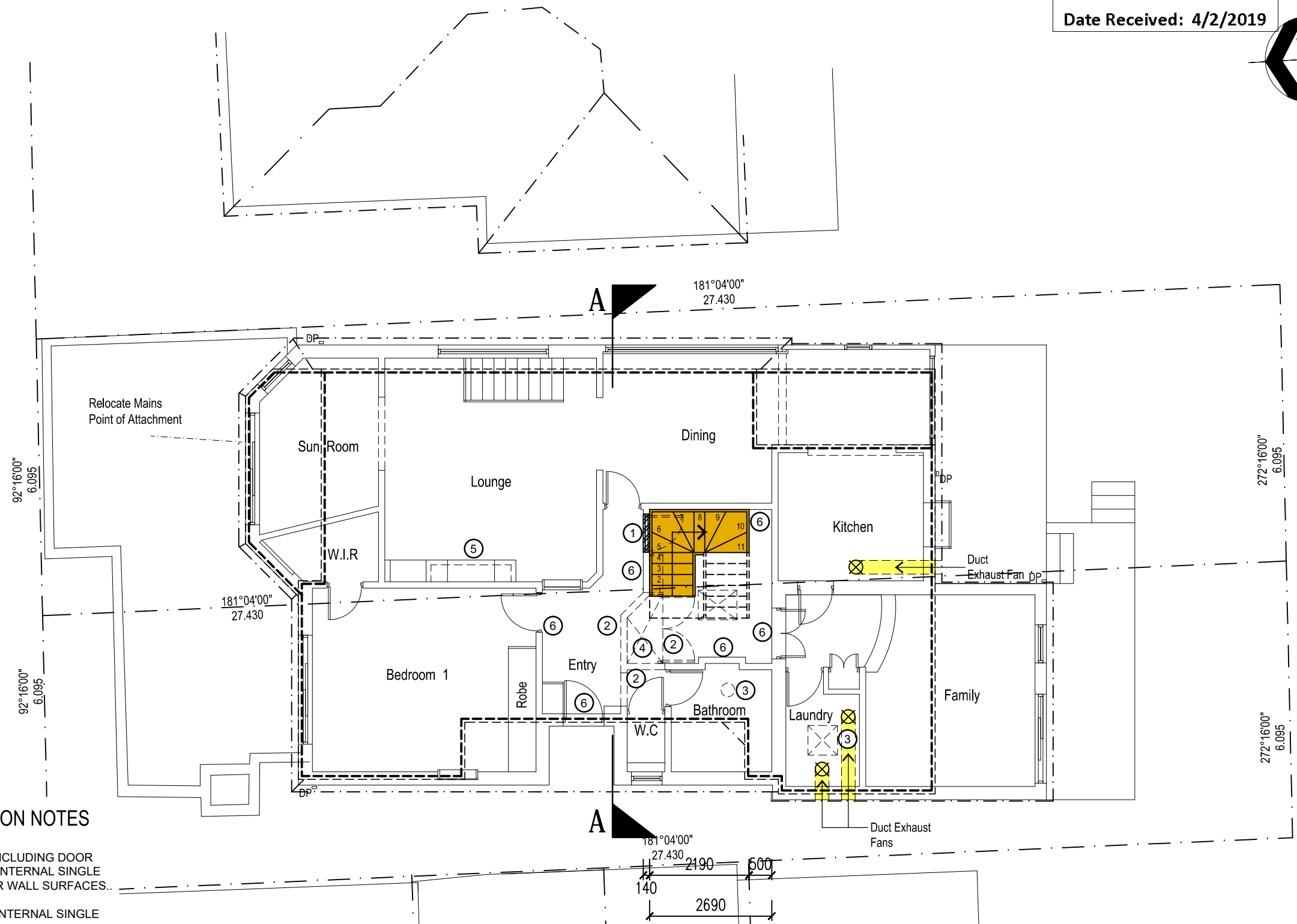
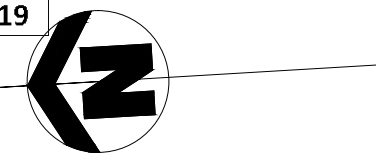


Area Calculations:  
Site Area -- 334.2 m2)  
Existing Ground Floor Area -- 137.5 m2  
  
Existing Gross Floor Area. -- 137.5 m2  
Existing Floor Space Ratio (FSR) -- 0.42 : 1

GROUND FLOOR PLAN - EXISTING  
Scale - 1:100

**Aaddbuild**  
Master Builders Pty. Ltd

SHEET NO	FOR:	JOB NO
3	Ms. Jessica PRATS	1780/4.2
	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	



GROUND FLOOR DEMOLITION NOTES

- 1 REMOVE EXISTING HINGED DOOR INCLUDING DOOR JAMBS AND BLOCK UP OPENING IN INTERNAL SINGLE BRICK WALL AS SHOWN AND REPAIR WALL SURFACES..
- 2 DEMOLISH AND REMOVE EXISTING INTERNAL SINGLE BRICK WALLS AND WARDROBE. MAKE GOOD FLOOR WITH ONE PIECE OF TIMBER FLOORING LAID IN THE SAME DIRECTION OF THE WALL BEING DEMOLISHED. REPAIR WALL AND CEILING SURFACES.
- 3 REMOVE EXISTING SKYLIGHT AND SKYTUBE AND BLOCK UP EXITING OPENING TO CEILING.
- 4 FRAME EXISTING OPENING (MANHOLE) AND BLOCK UP OPENING TO CEILING.
- 5 DEMOLISH CHIMNEY AND SEAL OFF FLUE.
- 6 REMOVE EXISTING CORNICE IN ENTRY AND STAIR ROOM AND REPLACE WITH NEW 250mm DECORATIVE CORNICE.

Area Calculations:  
Proposed Ground Floor Area. -- 137.5 m2

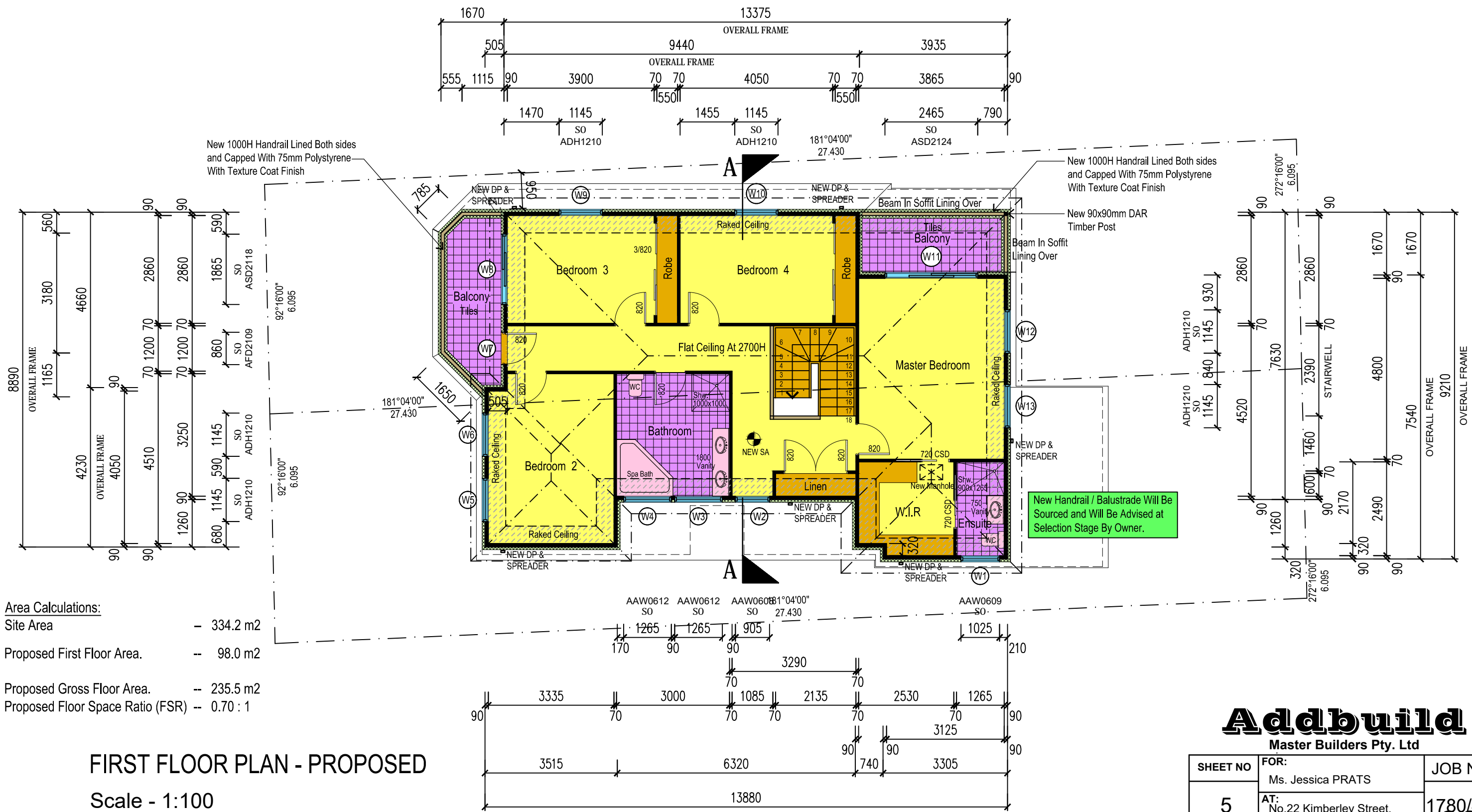
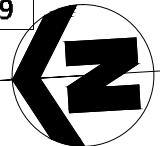
GROUND FLOOR PLAN - DEMOLITION  
Scale - 1:100

**Aadbuild**  
Master Builders Pty. Ltd

SHEET NO	FOR: Ms. Jessica PRATS	JOB NO
4	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	1780/4.2 398

WINDOW & DOOR SCHEDULE													
WINDOW NO.	W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	W13
CODE	AAW 0609 / 1	AAW 0608 / 1	AAW 0612 / 1	AAW 0612 / 1	ADH 1210 / 1	ADH 1210 / 1	ADF 2109	ASD 2118	ADH 1210 / 1	ADH 1210 / 1	ASD 2124	ADH 1210 / 1	ADH 1210 / 1
STUD OPENING	665 x 1025	665 x 905	665 x 1265	665 x 1265	1265 x 1145	1265 x 1145	2140 x 860	2140 x 1865	1265 x 1145	1265 x 1145	2140 x 2465	1265 x 1145	1265 x 1145
FRAME SIZE	600 x 970	600 x 850	600 x 1210	600 x 1210	1200 x 1090	1200 x 1090	2100 x 820	2100 x 1810	1200 x 1090	1200 x 1090	2100 x 2410	1200 x 1090	1200 x 1090
REVEALS	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm	100 mm
RESTRICTED OPENING	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	NO	YES	YES
BASIX					Pyrolytic low-e	Pyrolytic low-e	Pyrolytic low-e	Pyrolytic low-e	Pyrolytic low-e	Pyrolytic low-e			
NOTES													

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Area Calculations:  
Site Area -- 334.2 m2  
Proposed First Floor Area. -- 98.0 m2  
Proposed Gross Floor Area. -- 235.5 m2  
Proposed Floor Space Ratio (FSR) -- 0.70 : 1

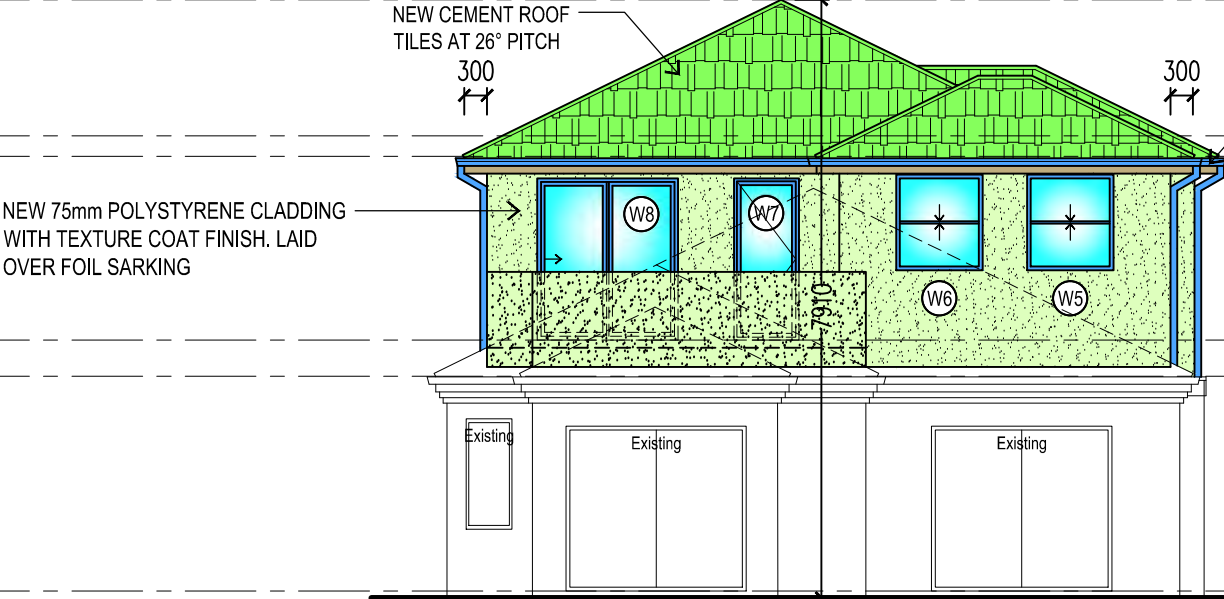
FIRST FLOOR PLAN - PROPOSED  
Scale - 1:100

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SHEET NO	FOR:	JOB NO
5	Ms. Jessica PRATS AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	1780/4.2 399

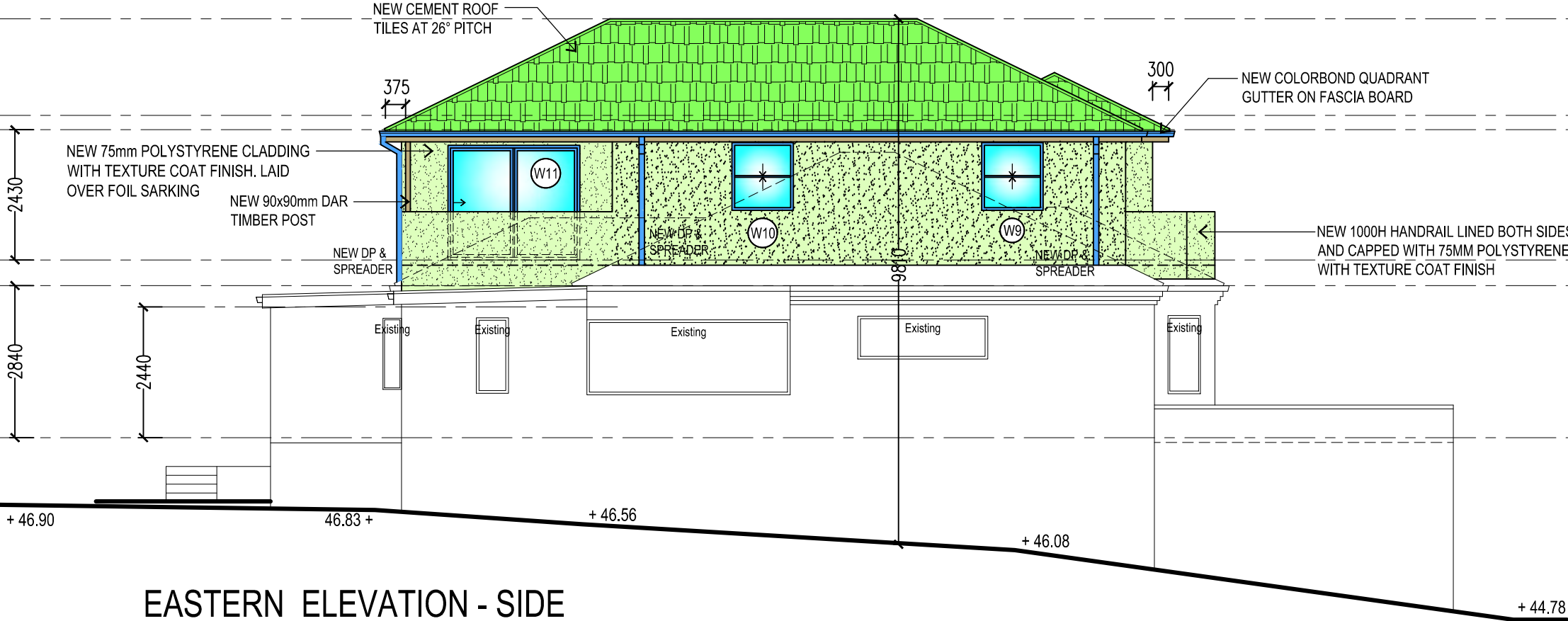
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RL 56.00 Proposed Ridge Line  
  
RL 54.20 Proposed Ceiling Line  
RL 53.93 Proposed Pitching Line  
  
RL 51.50 Proposed Floor Line  
RL 51.02 Existing Ceiling Line  
  
RL 48.18 Existing Floor Line



NORTHERN ELEVATION - FRONT  
Scale - 1:100

RL 56.00 Proposed Ridge Line  
  
RL 54.20 Proposed Ceiling Line  
RL 53.93 Proposed Pitching Line  
  
RL 51.50 Proposed Floor Line  
RL 51.02 Existing Ceiling Line  
  
RL 48.18 Existing Floor Line



EASTERN ELEVATION - SIDE  
Scale - 1:100

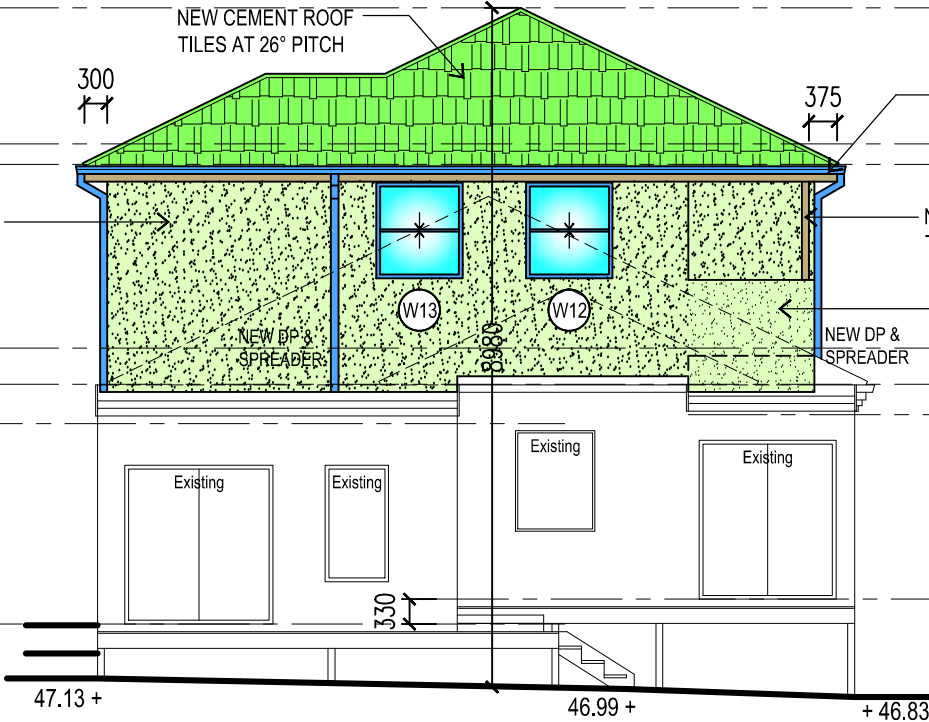
**Aaddbuild**  
Master Builders Pty. Ltd

SHEET NO	FOR:	JOB NO
6	Ms. Jessica PRATS	1780/4.2
	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	

RL 56.00 Proposed Ridge Line

RL 50.50 Existing Ceiling Line

RL 47.85 Existing Floor Line



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RL 54.20 Proposed Ceiling Line

RL 53.93 Proposed Pitching Line

RL 51.50 Proposed Floor Line

RL 51.02 Existing Ceiling Line

RL 48.18 Existing Floor Line

SOUTHERN ELEVATION - REAR  
Scale - 1:100

RL 56.00 Proposed Ridge Line

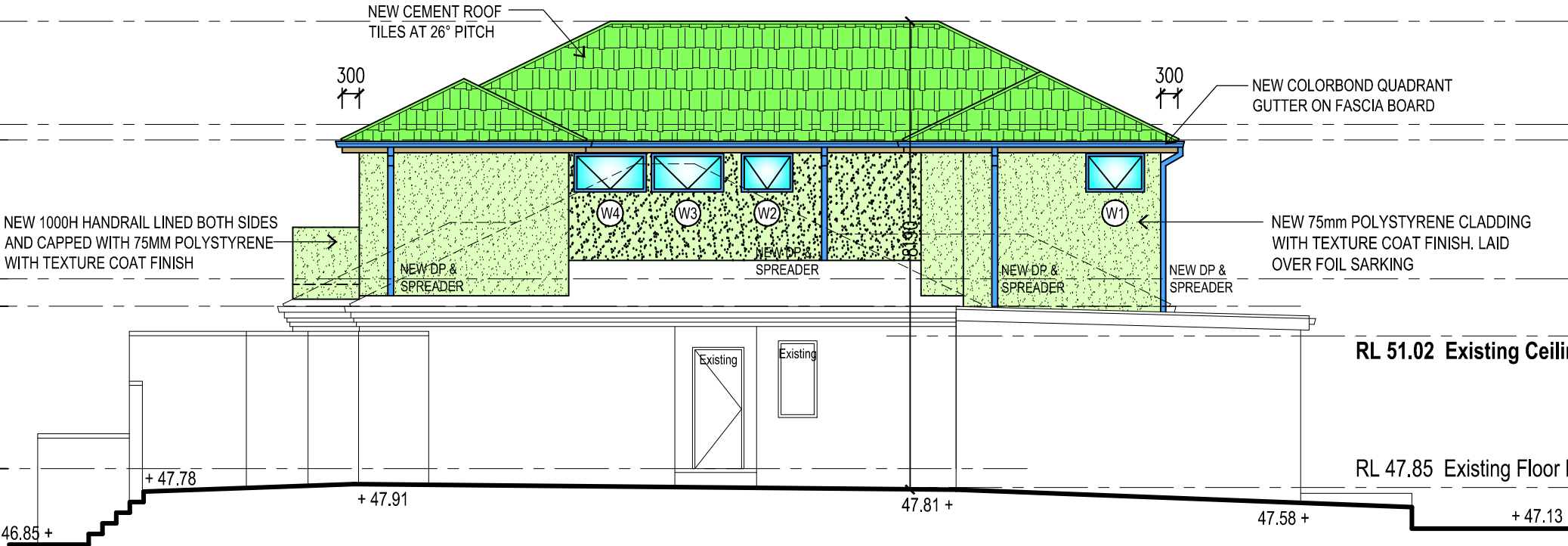
RL 54.20 Proposed Ceiling Line

RL 53.93 Proposed Pitching Line

RL 51.50 Proposed Floor Line

RL 51.02 Existing Ceiling Line

RL 48.18 Existing Floor Line



WESTERN ELEVATION - SIDE  
Scale - 1:100

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SHEET NO	FOR:	JOB NO
7	Ms. Jessica PRATS	1780/4.2
	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	401



RL 56.00 Proposed Ridge Line

RL 54.20 Proposed Ceiling Line

RL 53.93 Proposed Pitching Line

RL 51.50 Proposed Floor Line

RL 51.02 Existing Ceiling Line

RL 48.18 Existing Floor Line

2700  
2430  
2840

New 75mm Polystyrene Cladding  
With Texture Coat Finish, Laid Over  
Foil Sarking

New Timber Roof Trusses at 600 CRS  
Installed to Manufacturers Specification

375  
To Frame

Plasterboard Lining to  
New Walls & Ceiling

1620

Block Up  
Opening

Proposed Timber Stairs to Comply with  
Part 3.9.1 of the B.C.A Refer to  
Specification

New Cement Roof  
Tiles At 26° Pitch

300

New Colorbond Quadrant  
Gutter On Fascia Board

New Timber Flooring Frame  
to Engineering Design

NEW DP &  
SPREADER

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SECTION A.A  
Scale - 1:100

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SHEET NO	FOR:	JOB NO
8	Ms. Jessica PRATS	1780/4.2
	AT: No.22 Kimberley Street, VAUCLUSE, NSW, 2030	