

18 November 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 27 NOVEMBER 2019

QUORUM: Three Panel members.

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

OR

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

AGENDA

WLPP-1911.A Apologies

WLPP-1911.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1911.1 PAGE 4

105 Hewlett Street, Bronte – Demolition of existing dwelling and construction of a part three and part four-storey dwelling house including swimming pool (DA-265/2019)

Report dated 15 November 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-1911.2 PAGE 67

Unit 5, 62 Fletcher Street Bondi – Alterations and additions to Unit 5 (DA-281/2019)

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

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

WLPP-1911.3 PAGE 104

10 Hardy Street, North Bondi – Section 4.55 (2) modification to approved dual occupancy, including internal alterations involving the conversion of the approved double garage into a habitable space, internal reconfiguration at ground and first floor levels and construction a carport within the front setback of each dwelling (DA-45/2019/A)

Report dated 15 November 2019 from the Development and Building Unit.

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

WLPP-1911.4 PAGE 125

6-8 Diamond Bay Road, Vaucluse – Demolition of dwellings and construction of a new four storey residential flat building for ten units with basement car parking and strata subdivision (DA-218/2019)

Report dated 16 November 2019 from the Development and Building Unit.

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

WLPP-1911.5 PAGE 209

671-679 Old South Head Rose, Vaucluse – Demolition of existing dwellings; consolidation of lots; construction of a new four storey residential flat building comprising 16 units and basement car park; and Strata subdivision. (DA-355/2018)

Report dated 14 November 2019 from the Development and Building Unit.

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

WLPP-1911.6 PAGE 298

7-11 Bondi Road, Bondi Junction – Demolition of the existing structures on the site and the construction of a new nine storey residential flat building (Infill Affordable Housing) (DA-435/2018)

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

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





Report to the Waverley Local Planning Panel

Application number	DA-265/2019		
Site address	105 Hewlett Street, Bronte		
Proposal	Demolition of existing dwelling and construction of a part three and part four- storey dwelling house including swimming pool		
Date of lodgement	16/08/2019		
Owner	Mr T G and Mrs B J Williams		
Applicant	Mr T G Williams		
Submissions	No submissions		
Cost of works	\$1 200 000		
Issues	 FSR and height DCP compliance 		
Recommendation	That the application be granted a DEFERRED COMMENCEMENT CONSENT		
	Cita Mara		

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 15 October 2019.

The site is identified as Lot 1 in DP541458, known as 105 Hewlett Street, Bronte. The site is generally regular in shape with a northern front boundary to Hewlett Street measuring 12.19m in length, an eastern side boundary of 19.375m, a southern rear boundary of 10.165m and a west side boundary of 25.315m. The site has a total area of 232.2m² and is relatively steep with a significant fall from the front boundary to the rear boundary of 8.04m. Along Hewlett Street, the subject site has a cross-fall (west to east) of 1.67m.

The site is occupied by a part three, part four-storey dwelling house with off-street car parking within an integrated garage accessed from Hewlett Street. The height of the existing pitched roof dwelling is to RL37.78.

The subject site is adjoined to the east by a part two, part three-storey dwelling known as 107 Hewlett Street. To the west of the subject site is a part three, part four-storey brick dwelling with pitched roof. To the rear, at 8 Bronte Marine Drive, is a three-storey dwelling.

The locality is characterised by predominantly residential dwellings of varying architectural styles and heights. This side of Hewlett Street is characterised by dwellings that present as one to two storeys to Hewlett Street and four storeys at the rear. To the south of the site and within walking distance is Bronte Park and Beach.



Figure 1: Site viewed from Hewlett Street



Figure 2: Subject site viewed from the rear



Figure 1: View toward the rear of the site



Figure 4: Site viewed from aerial photo provided by the applicant

1.2 Relevant History

DA-377/2017 for the demolition of the existing dwelling and construction of a part three and part four-storey dwelling including swimming pool was granted deferred commencement consent by the Waverley Local Planning Panel (WLPP) on 28 March 2018 subject to the following deferred commencement conditions being satisfied within 12 months:

1. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The long section drawings shall:

- 1. Be drawn at a scale of 1:25
- 2. Include reduced levels (RL's) of the Hewlett Street carriageway, the kerb and gutter, footpath and paving within the property and the garage floor.
- 3. Include existing and design levels.
- 4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- 5. Show the amount of runoff waters being drained from Council's footpath area onto the site being minimised. In this regard, a significant portion of the driveway on Council's footpath area will need to be drained away from the property.
- 6. Include a separate and sufficiently detailed drawing showing the extent of excavation required in the Council's footpath area to provide access for the B85 design vehicle.

2. SWEPT WHEEL PATH DRAWINGS

Swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting the garage from Hewlett Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

- 1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- 2. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.
- 3. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

The deferred commencement conditions were not satisfied by the specified date and as such the consent lapsed. The subject application is a new development application for the same development with further detail provided in regards to the above deferred commencement matters.

1.3 Proposal

The application seeks consent for the demolition of the existing dwelling and the construction of a new part three, part four-storey detached dwelling and elevated swimming pool at the rear.

The proposed dwelling will provide four-bedrooms over three levels (lower ground, ground and second floors) and living areas at the first floor level. A swimming pool is proposed at the rear first floor level contained within a rear deck, elevated above the rear yard. Large rear terraces are proposed at the first and second floor levels.

The proposal includes an integrated double garage accessed via a driveway from Hewlett Street. The driveway involves changes to the public domain including changes in levels and retaining walls within the road reserve.

The dwelling is to be constructed of white precast concrete and louvred windows. The overall height of the dwelling is to RL36.000.



Figure 5: Photomontage of proposed dwelling viewed from Bronte Road

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 partially located within the Coastal Environment Area (Clause 13) and a Coastal Use Area (Clause 14) according to the SEPP.

The proposal does not restrict public access to the coastal zone and will protect and preserve the natural environment and the amenity and scenic quality of the coastal zone.

Geotechnical advice has been provided and relevant conditions are included within the Recommendation. Overshadowing of adjoining properties, impacts upon views from public places and the impact of the development upon environmental heritage has been considered as detailed elsewhere in this report and are considered reasonable. Wind funnelling is unlikely to increase significantly beyond that potentially already occurring given that the proposal largely follows the existing street wall on Hewlett Street.

The site is not designated as being subject to Aboriginal Heritage.

It is considered that the proposal is consistent with the matters for consideration contained in the SEPP and can be supported in this regard.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment		
Part 1 Preliminary	Part 1 Preliminary			
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.		
Part 2 Permitted or prohibited de	evelopment			
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the zone. The proposal is consistent with the zone objectives.		
Part 4 Principal development star	 ndards			
4.3 Height of buildings ◆ 8.5m	No	The proposal has a height of 12.04m exceeding the development standard by 3.54m or 41.7%.		
 4.4 Floor space ratio and 4.4A Exceptions to floor space ratio 0.85:1 (197m²) 	No	The proposal has an FSR of 0.91:1 (212m²) exceeding the development standard by 15m² or 7.6%.		
4.6 Exceptions to development standards	See discussion	The application is accompanied by written requests pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.		
Part 5 Miscellaneous provisions				
5.10 Heritage conservation	Yes	The site is not heritage listed; however, adjoins the Hewlett Street Landscape Conservation Area (C47). The proposal is unlikely to affect the significance of the conservation area. Conditions are included which require two new street trees in front of the site contributing to the landscape conservation area.		
Part 6 Additional local provisions				
6.1 Acid sulfate soils	Yes	The site is identified as class 5 acid sulfate soils. Standard conditions will be imposed.		
6.2 Earthworks	Yes	The proposal includes only minor earthworks as the new dwelling essentially follows the slope of the land. A Geotechnical Report has been provided which is referenced in the conditions of consent and all standard conditions are included in Appendix B.		

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 (Height)

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 12.04m, exceeding the standard by 3.54m equating to a 41.7% 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.

Applicant's 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) Despite the non-compliance, the proposal is consistent with the desired low-density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls. The proposal achieves the objectives of the height standard.
 - (ii) The height non-compliance is not likely to have an unreasonable impact on the neighbouring properties due to the location at the rear.
 - (iii) When viewed from the street, the proposal maintains the height, bulk and scale of nearby residential dwellings. A part two and three storey residential dwelling is consistent with the character of the streetscape.
 - (iv) The proposal maintains the pre-existing building pattern of buildings having three to four storeys at the rear due to the sloping topography. The design of the building has ensured that the dwelling contribute positively to the streetscape. The built form remains consistent with surrounding dwellings, maintaining a compatible height, bulk and scale. The development is a contemporary design, of high architectural quality, and responds to the emerging development pattern and desired future character of the locality.
 - (v) The non-compliance with the development standard will not be inconsistent with any planning objectives for the locality. The proposal is permissible within the R2 Zone and is consistent with the relevant zone objective.
 - (vi) As the height non-compliance is a result of the existing ground level and the sloping topography of the site, strict compliance with the height standard would require this portion of the building to be removed, resulting in an impractical design outcome for the

rear of the building. Additionally, for the most part, the area of non-compliance is within the existing envelope. The proposal has been carefully designed to accommodate for the sloping topography and has ensured that the dwelling presents as a compliant height at the street frontage. Therefore, it is considered unreasonable to adhere to strict compliance for this part of the building.

- (vii) The development provides the subject site with a dwelling of high-quality architectural design that will provide occupants with well-designed internal and external spaces in a desirable locality. The non-compliance with the height will not thwart the proposals ability to meet the relevant zone objectives. Rather, it is considered that adhering to strict compliance would reduce the proposal from maximising the potential of the site and thus reduce the amenity of the dwelling.
- (viii) Strict compliance would not take into consideration the circumstances of the case, being the significant slope in topography towards the rear and thus the numerical non-compliance.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) Council was previously satisfied with the proposed building height.
 - (ii) The development will be in the public interest as it is consistent with the relevant objectives of the particular standard, notwithstanding the non- compliance with the standard. The proposal will exceed the maximum building height development standard at the rear of the first-floor balcony and second floor level and will not be readily discernible to adjoining properties.
 - (iii) The proposal will contribute to the low-density residential zone, and the desired future character of the locality.
 - (iv) The proposal is appropriate for the locality and strict compliance would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and the objectives of the Environmental Planning and Assessment Act 1979.
 - (v) The proposed development is otherwise consistent with the objectives of the maximum building height development standard.
 - (vi) The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality.

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.

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

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.

<u>Is the development in the public interest?</u>

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 objective of the height of building development standard is 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; and 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.

Due to the steep sloping nature of the site, the proposal results in a non-compliance with the height control at the second floor level which incorporates the main bedroom and adjacent terrace and also a non-compliance at the swimming pool level and associated terrace and balustrading. The variation to the control is 3.54m.

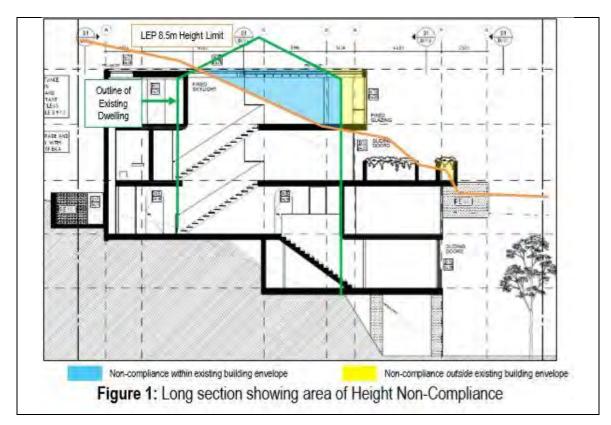


Figure 6: Extent of height con-compliance as submitted by the applicant

The site is built upon a steep hill and slopes approximately 8m from the front to the rear. This steep slope partly causes the proposed variation to the height control at the rear of the dwelling. The non-compliant built form is not visible from the street, with the dwelling mass stepping down to the rear of the site and articulated with terracing.

The site is surrounded by buildings that are two to four-storeys with Hewlett Street and nearby Miramar Avenue containing similar sized dwellings to the proposal. The proposed dwelling is below the pitch of the existing dwelling on site although it does extend further to the rear with a resulting non-compliance also at the location of the pool deck at the rear. It is considered, however, that the proposal will not appear of a height, bulk or scale that is inconsistent with surrounding development, particularly when seen in context of the adjoining dwelling to the east at 107 Hewlett Street (approved on 22 May 2001). The proposal will result in an increase in overshadowing to the adjoining properties to the east, west and south as a result of the orientation of the allotments, however, it is considered that the shadow impacts are not unreasonable in the circumstances of the case (refer further discussion below under Section 2.1.5 of this report).

Impacts upon views from adjoining properties are not considered unreasonable (discussed in detail in Section 2.1.5 of this report).

Conclusion

For the reasons provided above, the requested variation to the height development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley Local Environmental Plan 2012. The proposed development would be in the public interest as it is consistent with the objectives of height development standard and the R2 zone.

Clause 4.6 Exceptions to Development Standards (FSR)

The application seeks to vary the floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.85:1. The proposed development has an FSR of 0.91:1, exceeding the development standard by 15m² or 7.6%.

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 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) Despite the non-compliance, the proposal is consistent with the desired low-density character of the area. The proposal provides a bulk and scale that is generally consistent with that envisaged by Council's controls.
 - (ii) The proposal is lower than the existing building on site, complies with most controls of the DCP and respects the bulk and scale of adjoining development. The skilful design demonstrates a compliant building that does not reduce the amenity of the neighbouring developments.
 - (iii) The proposal demonstrates a skilful design that adequately responds to the site constraints to provide a bulk and scale that is compatible with surrounding development. The proposal will continue the residential use on site and will be consistent with the emerging contemporary character of the area, as envisaged by Council's controls. If the existing building was not to be developed, it would be inconsistent with the existing context and desired future character of the area.
 - (iv) Compliance with the standard would require a reduction in FSR which would not necessarily lead to a better outcome for the site. The building achieves the objectives of the R2 zone and DCP controls with no additional impacts on adjoining development.
 - (v) Strict compliance with the maximum FSR requirement is unreasonable in the context of the adjacent approvals and will prevent the orderly and economic use and development of the subject land.
 - (vi) The proposal would be contextually appropriate with the current and future desired built form and density.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) Strict compliance with the development standard would not result in a better outcome for development. It would unnecessarily complicate orderly and economic development of the land in accordance with the intentions of the zoning and the objectives of the Environmental Planning and Assessment Act 1979.
- (ii) The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality.

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.

<u>Is the development in the public interest?</u>

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 relevant objectives of the FSR development standard under Waverley LEP 2012 is to provide an appropriate correlation between maximum building heights and density controls; to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality, 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 results in a non-compliance of approximately 15m² above the development standard. The proposed height and FSR are considered appropriate within the locality providing a building which fits within the context of surrounding building forms and residential uses and is consistent with the desired future character of the locality.

The proposed breach of the FSR control is considered to be minor with no unreasonable impacts. The proposed built form is of a high architectural aesthetic which is consistent with the emerging character of the area.

Consideration should also be given to the view and shadow impact analysis provided elsewhere in this report, which demonstrates that there will not be unreasonable impacts on views from neighbouring properties or solar access as a result of the proposal.

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 Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R2 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 and 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.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains a rainwater tank, solar panels and a condition will be imposed to ensure that solid fuel heating is not used. 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	The landscaping plan has been reviewed and is considered acceptable, maintaining an appropriate amount of existing vegetation and is cohesive with the site and streetscape. New landscaping is proposed in the front setback in the form of a new olive tree and at the rear with two new frangipani trees and shrubs which are expected to enhance the scenic quality of the dwelling. Landscaping to the planters on the rear terraces/balconies is also included, softening the bulk of the structure when viewed from the rear, Bronte Beach/Park and the Pacific Ocean. The land is not located within, nor does it adjoin land, identified in the Biodiversity Maps or Habitat corridors.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
8. Transport	Yes	The car parking proposed complements the design of the building and streetscape, is behind the front building line, does not reduce the number of on-street spaces or exceed the maximum rate of parking permitted in the parking zone. It is proposed to provide two car spaces within an integrated garage. The proposal was referred to Council's Traffic Engineer who has raised concerns regarding the gradient of the proposed new driveway and the potential flow of stormwater into the property (refer to Part 3-Referrals for detailed discussion).
9. Heritage	Yes	Refer to Table 1.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
12. Design Excellence	Yes	The proposal is considered to the design quality of Waverley sand provides for variety in architectural design.

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

Development Control	Compliance	Comment
2.0 General Objectives		
 Appropriate scale Does not detract from amenity of other dwellings or view corridors ESD has been considered High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling houseMaximum wall height of 7.5m	No	The proposal achieves a wall height of 7.04m at the front and 12.04m at the rear. The noncompliances are primarily as a result of the steep, sloping nature of the site towards the rear. The extent of the breach beyond the existing building envelope is not considered to result in unreasonable impacts on the adjoining properties (see further discussion in Section 2.1.4 regarding height).
2.2 Setbacks		
 2.2.1 Front and rear building lines Predominant front building line Predominant rear building line at each floor level 	Yes	Refer to detailed discussion following this table.
2.2.2 Side setbacksMinimum of 1.5m	No	Setback of 1.5m to western side boundary and 700mm minimum at the eastern side boundary. Refer to detailed discussion following this table.
2.3 Streetscape and visual imp	pact	
 New development to be compatible with streetscape context Significant landscaping to be maintained. 	Yes	Refer to detailed discussion following this table.
2.4 Fences		
 Front: Maximum height of 1.2m Solid section no more than 0.6m high Side and Rear: Maximum height of 1.8m 	Yes	No front fencing proposed. Side and rear fencing does not exceed 1800mm high.
2.5 Visual and acoustic privac	у	
Windows to habitable rooms are not to directly	No	Refer to detailed discussion following this table.

Davidanment Central	Compliance	Commont
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. External stairs are not acceptable. Maximum size of balconies: 10m² in area 1.5m deep Roof tops to be nontrafficable unless predominant in the	Compliance	Comment
immediate vicinity		
2.6 Solar access		
 Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes Yes	The living areas and private open space areas face south and east given the orientation of the allotments. Reasonable solar access is maintained given the existing orientation of the rear yard and terraces. Given the steep sloping nature of the sites, overshadowing of adjoining properties is not considered to be unreasonable (see further discussion below).
2.7 Views		
 Views from the public domain are to be maintained Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	Refer to detailed discussion following this table.
2.8 Car parking		
2.8.2 Design ApproachParking only allowed where site conditions permit	Yes	The car parking proposed complements the design of the building and streetscape, is behind the front building line, does not reduce the number of on street spaces or exceed the

Development Control	Compliance	Comment
 Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking 		maximum rate of parking permitted in the parking zone.
2.8.2 Parking ratesMaximum rates:2 spaces for 3 or more bedrooms	Yes	The proposal provides a double garage.
2.8.3 LocationBehind front building line for new dwellings	Yes	The proposed garage is integrated into the design of the dwelling aligning with the front building line.
 2.8.4 Design Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences 	Yes	The car parking proposed complements the design of the building and streetscape, is behind the front building line, does not reduce the number of on street spaces or exceed the maximum rate of parking permitted in the parking zone.
2.8.5 Dimensions • 5.4m x 2.4m per vehicle	Yes	The garage has dimensions of 5.8m length by 5.4m width (2 spaces).
 2.8.6 Driveways Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The proposed driveway access is to be sited central to the site. Council's Traffic Engineers reviewed the proposal and have concerns regarding the driveway gradient and stormwater (see discussion below).
2.9 Landscaping and open spa	ice	
 Overall open space: 40% of site area Overall landscaped area: 15% of site area 	Yes Yes	Open space: 82% Landscaped area: 40m² or 17%
 Minimum area of 25m² for private open space 	Yes	The site contains in excess of 25m ² of private open space.
 Front open space: 50% of front building setback Front landscaped area: 50% of front open space 	No	It is proposed to site the garage within the property frontage due to the topography of the site. This is characteristic of the locality which is considered acceptable.
Outdoor clothes drying area to be provided	Yes	Outdoor clothes drying is capable of being provided on site.

Development Control	Compliance	Comment	
2.10 Swimming pools and spa pools			
 Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	The proposed swimming pool is located at the rear of the site, elevated at first floor level towards the eastern side of the dwelling. Refer to detailed discussion following this table.	

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

Front Building Line, Streetscape and Rear Building Line

The pattern of development in the immediate locality is predominantly single detached dwellings on irregular allotments with staggered rear boundaries (refer to Figure 7 below).



Figure 7: Subject site showing relationship of building line to adjoining properties

Front Building Line and Streetscape

The proposed new dwelling is to be sited on the front boundary at first floor level, with the garage set in and below street level. The entry to the dwelling is located to the west of the garage. The dwelling then steps down into the site with the main orientation to the south and south-east. This is generally consistent with the character of other dwellings along this section of Hewlett Street. Both adjoining dwellings to the east and west have garages at the frontage. The design of the garage, as it presents to Hewlett Street, is domestic in scale and is sited below street level so as not to dominate the Hewlett Street frontage.



Figure 8: Photomontage of front elevation to Hewlett Street

The location of the proposed new residence will not have a detrimental impact upon the existing streetscape. The proposed new dwelling is contemporary in design and is considered to provide a high architectural aesthetic in this streetscape.

Rear Building Line

The proposed dwelling is to have varied stepped rear setbacks to all levels and is to be articulated with terraces, materiality and planter boxes.

Waverley DCP 2012 states that 'new buildings and extensions to existing buildings are to extend no further than the front and rear predominant building lines'. The sites along this section of Hewlett Street present an irregular boundary alignment in this subdivision pattern with varied alignment of building structures. The applicant has conducted their own analysis of the predominant rear building line as shown below in Figure 9.

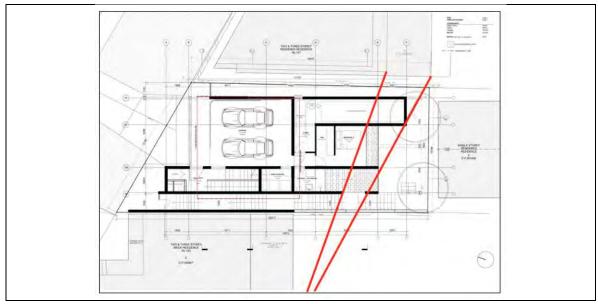


Figure 9: Rear Building line analysis as submitted by the applicant

The subject site is constrained by depth and topography. The design of the subject dwelling has provided an appropriate transition between the adjoining property to the east at 107 Hewlett Street, which extends further south from the subject site, and that to the west at 103 Hewlett Street. The building has been designed to provide a rear setback that is between the rear alignment of either building, depending on the level of the building.

Given that the rear building setbacks of the development will not manifest in adverse amenity impacts on surrounding properties, the proposed rear building setback is deemed acceptable.

Side setbacks

The proposed dwelling is to be setback a minimum of 700mm from the eastern side boundary and 1.5m from the western side boundary.

The breach at the eastern side of the development has regard to the adjoining property to the east at 107 Hewlett Street whose high wall is sited 900mm from the shared side boundary. The site boundary is slightly angled along the eastern side and as such, the side setback at the front is 1100mm decreasing to 700mm at the rear. The resulting non-compliant setback does not result in any unreasonable impacts on the amenity of the adjoining property to the east, and given the greater setback at the street frontage, does not present inappropriately within the street. The variation to the setback control is considered reasonable.

Visual and Acoustic Privacy

The proposal includes windows and large balconies and terraces to the rear of the dwelling at all levels orientated to the south in order to achieve views to Bronte Beach and Park and the coast beyond. Due to the slope of the site, there is a mutual degree of overlooking between sites in exchange for significant views in this part of Bronte. The existing dwellings along this southern section of Hewlett Street with their large terraces and windows, already overlook the rear private open space areas of the adjoining dwellings to the rear that have their frontages to Bronte Marine Drive. The design of the terraces have been carefully considered with the provision of planter boxes to address overlooking. It is considered to be an appropriate response for the site.

Swimming pool

Access to the proposed swimming pool is located at first floor level with the main pool structure located at garage level (entry). The proposed pool will be located at the rear of the dwelling and a minimum of 700mm from the eastern side boundary. The pool cantilevers over the floor below and extends to within 1.9m of the rear southern boundary. It is elevated above the adjoining property to the south by 9m (ground level to pool deck level).

The dwelling to the south (rear) of the site at No.8 Bronte Marine Drive extends to within 900mm of its common boundary with the subject site. Limited glazing is existing on the northern elevation of the dwelling at No.8 Bronte Marine Drive. The location of the pool to the rear of the site satisfies the DCP control. Given that that the pool would overlook the roof of the property to the rear, the privacy impacts upon adjoining properties is not considered unreasonable. It is also noted that the adjoining property at No. 107 Hewlett Street has an elevated pool at the same level and as such, the elevated pool is not out of character with the emerging pattern of development within the area.

Solar access

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

The shadow cast over the adjoining dwelling house to the east of the site at 107 Hewlett Street shows the majority of the additional shadow impact falling within the shadow of the existing dwelling and neighbouring dwellings. At 3pm, a minor portion of the rear yard of No.107 Hewlett Street will be overshadowed. The shadow cast over the adjoining dwelling house to the west of the site at 103 Hewlett Street shows the additional shadow impact falling predominantly within the shadow of the existing dwelling with additional shadow falling on the eastern elevation at 9am up to 12pm and beyond whilst disappearing by 3pm. This shadow impact is considered to be reasonable given the orientation of the allotments.

The shadow cast over the adjoining dwelling house to the south of the site at 8 Bronte Marine Drive shows the additional shadow impact falling on the roof of the existing dwelling and neighbouring dwellings. The shadow diagrams in elevation form have modelled the extent of overshadowing caused by the proposed development which demonstrate an increase in shadow to the existing north elevation window of this dwelling at 12pm. This increase in shadow is not considered to be unreasonable given the orientation of the allotments. The diagrams illustrate that there is no additional shadow impact on the properties at 7 Bronte Marine Drive and 9 Bronte Marine Drive.

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

Views

The objectives and strategies for public and private domain views and view sharing of the DCP generally seek to reduce impacts on existing views and vistas from the private and public domain. The proposal has also been assessed against the Land and Environment Court's Tenacity principle for view sharing.

During the assessment of the original application (expired as the deferred commencement conditions were not satisfied), an inspection was carried out from the neighbouring property at 103 Hewlett Street. A view loss assessment was undertaken and the impacted views are summarised and illustrated in Figures 10 to 13 below.



Figure 10: View across subject site from 103 Hewlett Street - upper floor level main living room



Figure 11: View across subject site from 103 Hewlett Street - top floor level balcony



Figure 12: View towards subject site from 103 Hewlett Street - upper floor level dining area



Figure 13: View towards subject site from 103 Hewlett Street - lower floor level balcony

Council's view sharing objectives under Waverley DCP 2012 require that views are shared, providing equitable access to views from dwellings. This objective provides a general guide when assessing potential view loss, further expanded by guiding principles of the Land and Environment Court as follows. The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four step assessment in regards to view sharing:

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposal is non-compliant with the Waverley LEP 2012 height and FSR development standards in addition to the Waverley DCP 2012 flat roof height standard and side setback. The new dwelling is to be constructed with a stepped form integrated into the site with increased rear setbacks at upper floors. The construction of a flat roof does extend the envelope across the site which results in view loss to sky and ocean from No.103 Hewlett Street. It is noted, however, that No.103 Hewlett Street benefits from extensive views towards Bronte Beach and Park and south towards the coastline (see Figures 14 and 15 below). There will be no loss of land and sea interface as a result of the proposed development.



Figure 14: View from main living room looking south



Figure 15: View from kitchen area looking south towards Bronte Beach

The applicant has submitted their own 'Visual Analysis', prepared by Richard Lamb and Associates dated 12 February 2018 (full copies available on file). Photomontages from 103 Hewlett Street were submitted as part of this report as shown in Figures 16 and 17 below:

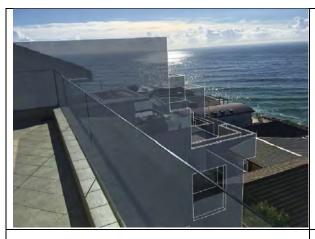


Figure 16: Photomontage of affected view from upper level balcony looking east from 103 Hewlett Street



Figure 17: Photomontage of affected view from dining area looking east from 103 Hewlett Street

The view impact assessment stated and concluded as follows:

- In my opinion, notwithstanding there is a degree of view loss that is caused by non-compliance with the development standard for height of buildings and therefore more bulk of the proposed dwelling is visible than if it was fully complied, the degree of view loss is reasonable. There is no significant loss of water views, iconic views, whole views, land-water interfaces or individual significant items, such as Bronte Beach, parkland, headland, former tramway, heritage items or other local landmarks. In that regard, it is my opinion that the current massing and overall height of the proposal is acceptable, as it does not have unnecessary and unreasonable impacts on view sharing.
- The proposed development would cause moderate view loss from 103 Hewlett Street, if the photomontages are considered in isolation (ie, as though there was no other view available from the same viewing locations).
- It is likely that there are in fact panoramic views, that would be largely unaffected, from the same locations analysed. The overall impacts are considered to be minor, on that ground.
- A carefully considered application of the planning principle in Tenacity shows that the proposal does comply with view sharing principles, notwithstanding non-compliance with the development standard for height of buildings in the LEP.

It is considered that the loss of view is not unreasonable in the circumstances of the case. Accordingly, the proposed development and corresponding view sharing arrangements are considered reasonable and are an appropriate response to the view loss controls in the Waverley DCP 2012 and NSW Land and Environment Court Tenacity view loss planning principle. Therefore, the view loss impacts on 103 Hewlett Street are considered reasonable and supported given the merits of the application.

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 Driveways and Parking

The application has been reviewed by Council's Traffic and Development Engineer who has advised as follows:

The plans for the above development have been examined and the application is recommended for approval subject to a deferred commencement.

The deferred commencement is recommended for the following reasons:

- The architectural plans do not provide sufficient levels information/detail between the proposed garage floor and the Hewlett Street roadway to determine if vehicular access is possible without a vehicle scraping.
- The architectural plans do not provide any information as to the extent to which the Council's footpath area may need to be excavated to provide vehicular access.
 - The existing driveway rises in level from the road to the property boundary. The architectural plans indicate the proposed driveway may be dropping in level from the kerb line on Hewlett Street.
- The proposed driveway if installed as per that shown in concept on the architectural drawings will be draining a significant quantity of runoff waters from Council's land onto the site. Runoff waters should not be directed from Council's land on to private property for a variety of reasons.

Conditions are included in Appendix A and B.

3.2 Stormwater

The submitted stormwater plans were considered satisfactory. Appropriate conditions are included in Appendix B.

3.3 Tree Management

The following comments were provided by Council's Tree Management Officer:

Situated on the above property were several species of trees, it was noted that the trees possess no outstanding attributes worthy of retention (due to poor health, poor structure and under 5 metres) and their **removal is supported.**

To ensure maximum street tree canopy and continuity of the streetscape the applicant is to plant **Two (2) Hibiscus tiliaceus rubra** trees on the nature strip, each side of the driveway in Hewlett Street.

The recommended conditions are included in Appendix B.

4. SUMMARY

The application seeks consent for the demolition of the existing dwelling house and construction of a part three, part four-storey dwelling with integrated garage and elevated swimming pool at the rear.

DA-377/2017 for the demolition of the existing dwelling and construction of a part three and part four-storey dwelling including swimming pool was granted deferred commencement consent by the Waverley Local Planning Panel on 28 March 2018, subject to the satisfaction of deferred commencement conditions within 12 months. The deferred commencement conditions were not satisfied by the specified date and as such the consent lapsed. The subject application is a new development application for generally the same development.

The proposal is permissible with consent in the R2 low density residential zone. The proposal provides for a contemporary dwelling that is compatible with the streetscape.

The application seeks to vary the height and FSR development standards of the LEP. The proposed non-compliances are considered to be acceptable with no unreasonable impacts on the amenity of surrounding properties and the locality.

The application was notified and no submissions were received.

The application is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 13 November 2019 and the DBU determined:

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

DBU members: M Reid, B McNamara, B Magistrale

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:

Kylie Lucas Bridget McNamara

Senior Development Assessment Planner Manager, Development Assessment

(North/South)

Date: 13/11/2019 Date: 15/11/19

Reason for referral:

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

APPENDIX A – DEFERRED COMMENCEMENT CONDITIONS

That the Council grant deferred commencement consent 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:

1. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Hewlett Street carriageway, the kerb and gutter, footpath and paving within the property and the garage floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show the amount of runoff waters being drained from Council's footpath area onto the site being minimised. In this regard, a significant portion of the driveway on Council's footpath area will need to be drained away from the property.
- (f) Include a separate and sufficiently detailed drawing showing the extent of excavation required in the Council's footpath area to provide access for the B85 design vehicle.
- (g) Include engineering details of the retaining wall proposed on Council land.

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.

APPENDIX B – CONDITIONS OF CONSENT

Upon satisfying the consent authority as to the matters in Appendix A, the following conditions will apply.

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following architectural plans prepared by Juicy Design as follows;

Drawing No.	Dated	Stamp Date Received
D100 Garden Level	15/03/2019	16/08/2019
D101 Lower Level	15/03/2019	16/08/2019
D102 Garage Level	15/03/2019	16/08/2019
D103 First Floor	15/03/2019	16/08/2019
D104 Second Floor	15/03/2019	16/08/2019
D200 Front Elevation	15/03/2019	16/08/2019
D201 Cross Section	15/03/2019	16/08/2019
D202 Rear Elevation	15/03/2019	16/08/2019
D203 Cross Section	15/03/2019	16/08/2019
D204 Cross Section	15/03/2019	16/08/2019
D205 West Elevation	15/03/2019	16/08/2019
D206 Cross Section	15/03/2019	16/08/2019
D207 Cross Section	15/03/2019	16/08/2019
D208 East Elevation	15/03/2019	16/08/2019
D209 Cross Section	15/03/2019	16/08/2019
D107 Landscaping	15/03/2019	16/08/2019

- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;
- (c) The stormwater plans prepared by ISTRUCT Consulting Engineers Pty Ltd, Project No. 190317, DWG No. D01 (Rev C), dated 1 October 2019 and received by Council on 01/10/2019;
- (d) BASIX Certificate;

Except where amended by the following conditions of consent

NOTE – Plan references above are likely to change following satisfaction of the deferred commencement matter. As this occurs, condition 1 will be updated to reflect the new documentation.

2. ADDITIONAL DA FEE REQUIRED

Council considers the estimated cost of the proposed building work to be \$2,500,000 in lieu of \$1,200,000 as indicated on the development application form. In this regard, an additional development application fee of \$1,852 is to be paid, prior to the issue of any Construction Certificate.

3. APPROVED USE -DWELLING HOUSE

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

4. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

5. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

6. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

9. 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.

10. LONG SERVICE LEVY

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

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

11. STREET TREES

To ensure maximum street tree canopy and continuity of the streetscape the applicant is to plant **Two (2) Hibiscus tiliaceus rubra** trees on the nature strip, each side of the driveway in Hewlett Street.

The following conditions will apply:

- (a) Two (2) Hibiscus tiliaceus rubra trees are planted on the nature strip, each side of the driveway in Hewlett Street. The trees are to be planted prior to the issue of an occupation certificate.
- (b) The trees are to be a Hibiscus tiliaceus rubra of minimum container size of 75 litres and grown to AS-2303:2018 Tree Stock for Landscape use.
- (c) The tree must be planted by a qualified horticulturist experienced in planting trees.
- (d) A bond of \$2000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the newly planted Hibiscus tiliaceus rubra trees on the nature strip, each side of the driveway in Hewlett Street.
- (e) The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition that the two Hibiscus tiliaceus rubra trees are maintained in good condition as determined by Council's Tree Officer. If the tree requires replacing within the bond period, the tree must be replaced within one month of notification from Council and not at the end of the bond period.

12. 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.

13. 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.

14. 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.

15. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,

- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

16. 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.

17. 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.

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. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

 Note:
 - (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

20. NEW VEHICLE CROSSING

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

21. DRIVEWAY PAVING

The paving on Council land shall be plain concrete rather than the cobblestones shown on the driveway plans.

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. 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).

28. 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;

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard 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.

30. 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.

31. 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.

32. 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.

33. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition or 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.

34. 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.

35. MANAGEMENT OF ACIDIC SOIL

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

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

36. 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.

37. ALL BUILDING MATERIALS STORED ON SITE

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

38. CONSTRUCTION HOURS

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

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

39. 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.

40. 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.

41. NATIONAL CONSTRUCTION CODE (NCC)

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

42. 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.

43. CERTIFICATE OF SURVEY – LEVELS

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

44. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

45. 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.

46. DILAPIDATION REPORTS

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

These properties must include any properties identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

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

47. WORK OUTSIDE PROPERTY BOUNDARY

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

48. 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.

49. 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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or

damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

50. 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.

51. CONSTRUCTION OF SWIMMING POOLS

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 RL 30.472;
- (f) 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.

52. NO WORKS BEYOND BOUNDARIES

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

53. 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

54. 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.

55. STORMWATER MANAGEMENT

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.

Under the current design, the capacity of both the duty and standby pumps to be 9 L/s.

56. 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.

57. 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.

58. LIGHTING

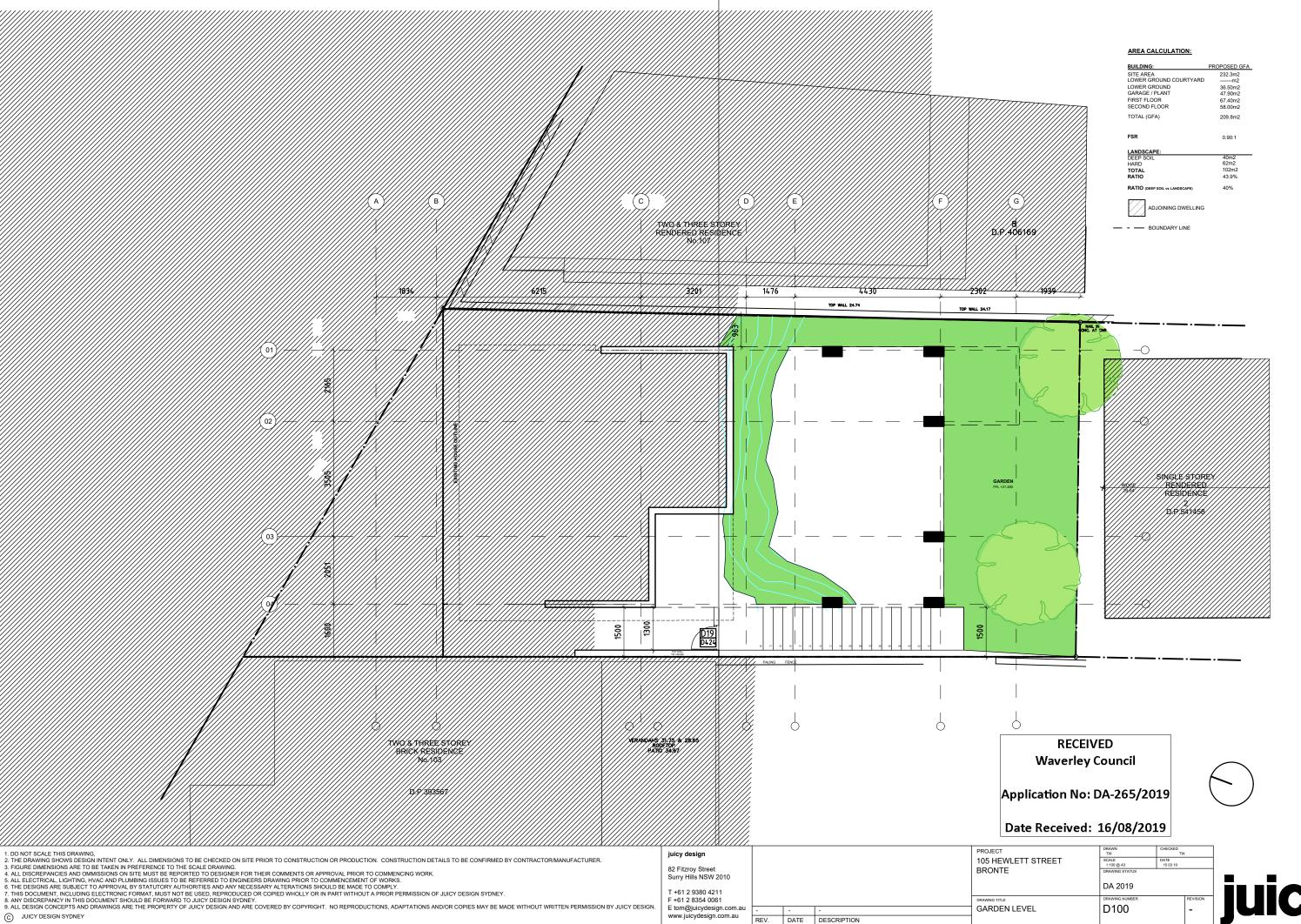
Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control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

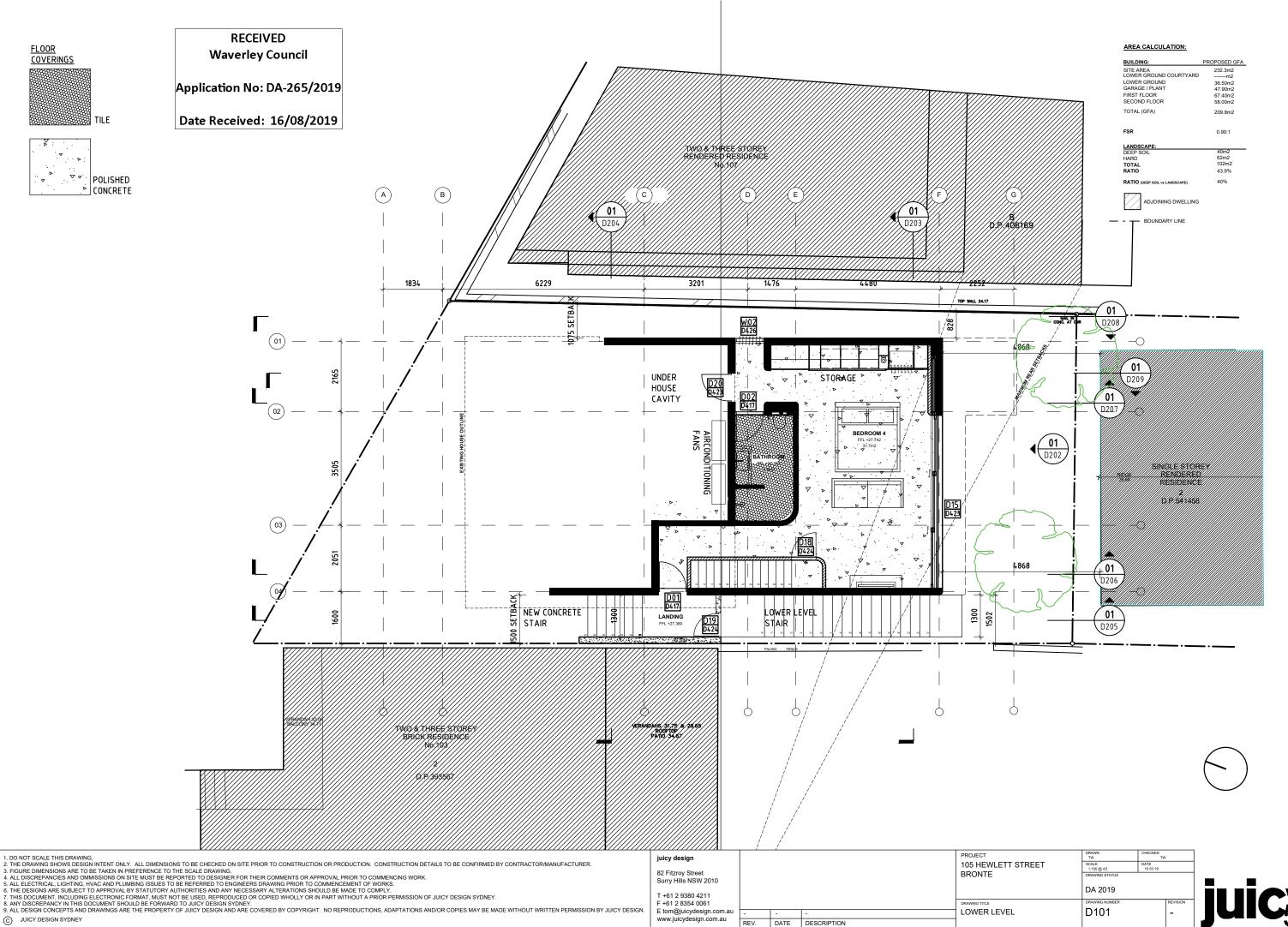
59. STREET NUMBER/S

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

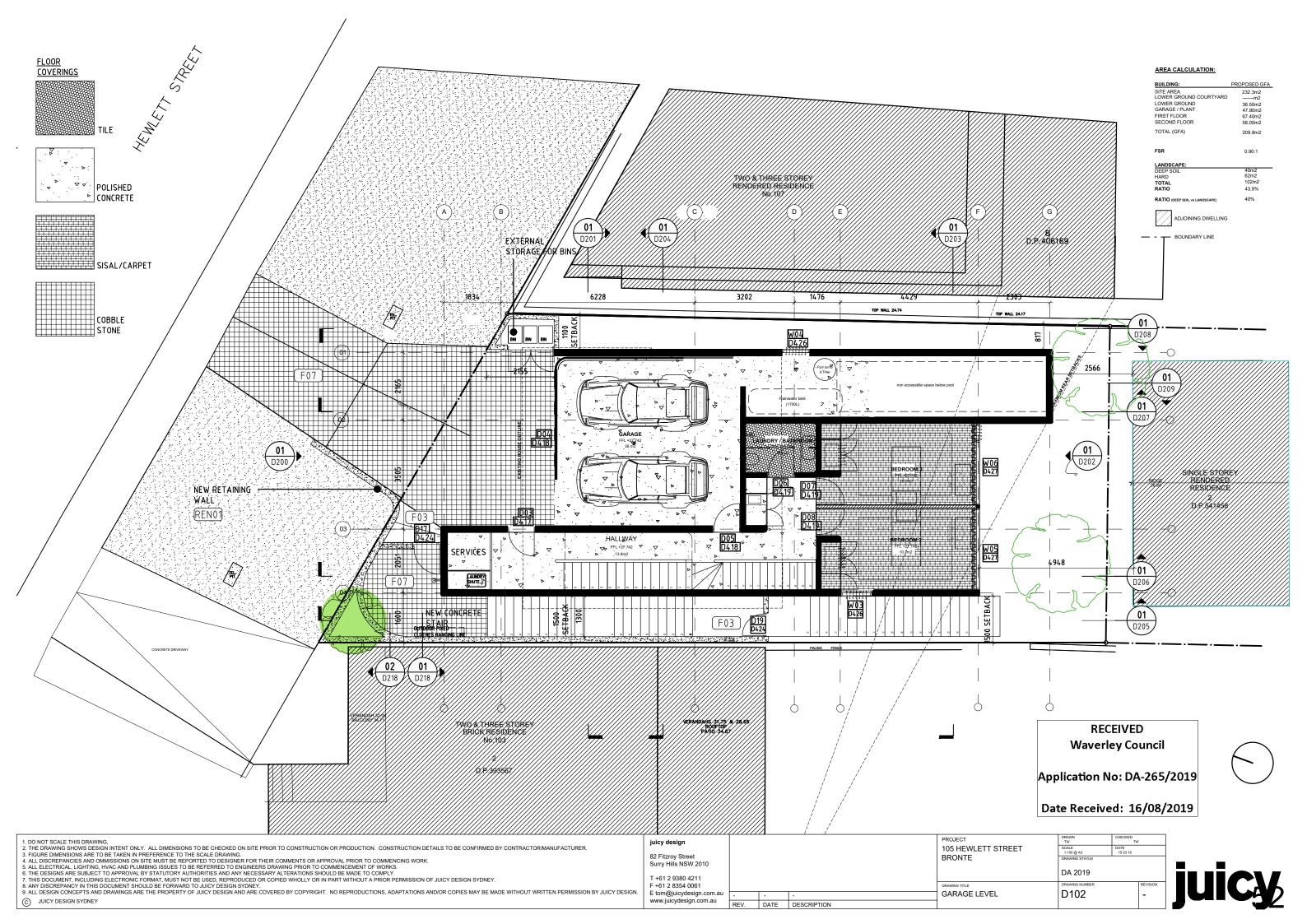
60. PUBLIC DOMAIN WORKS COMPLETED

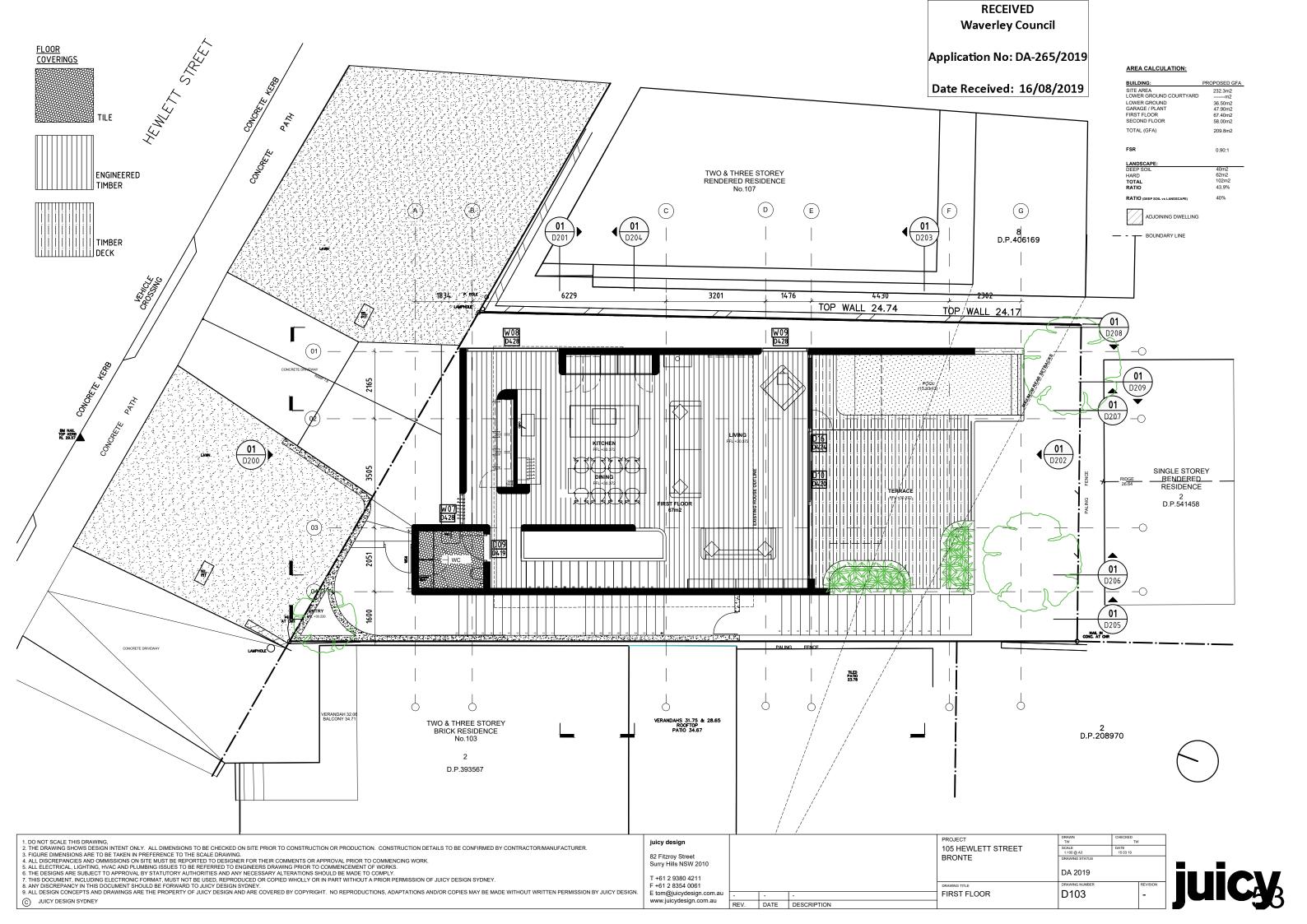
All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

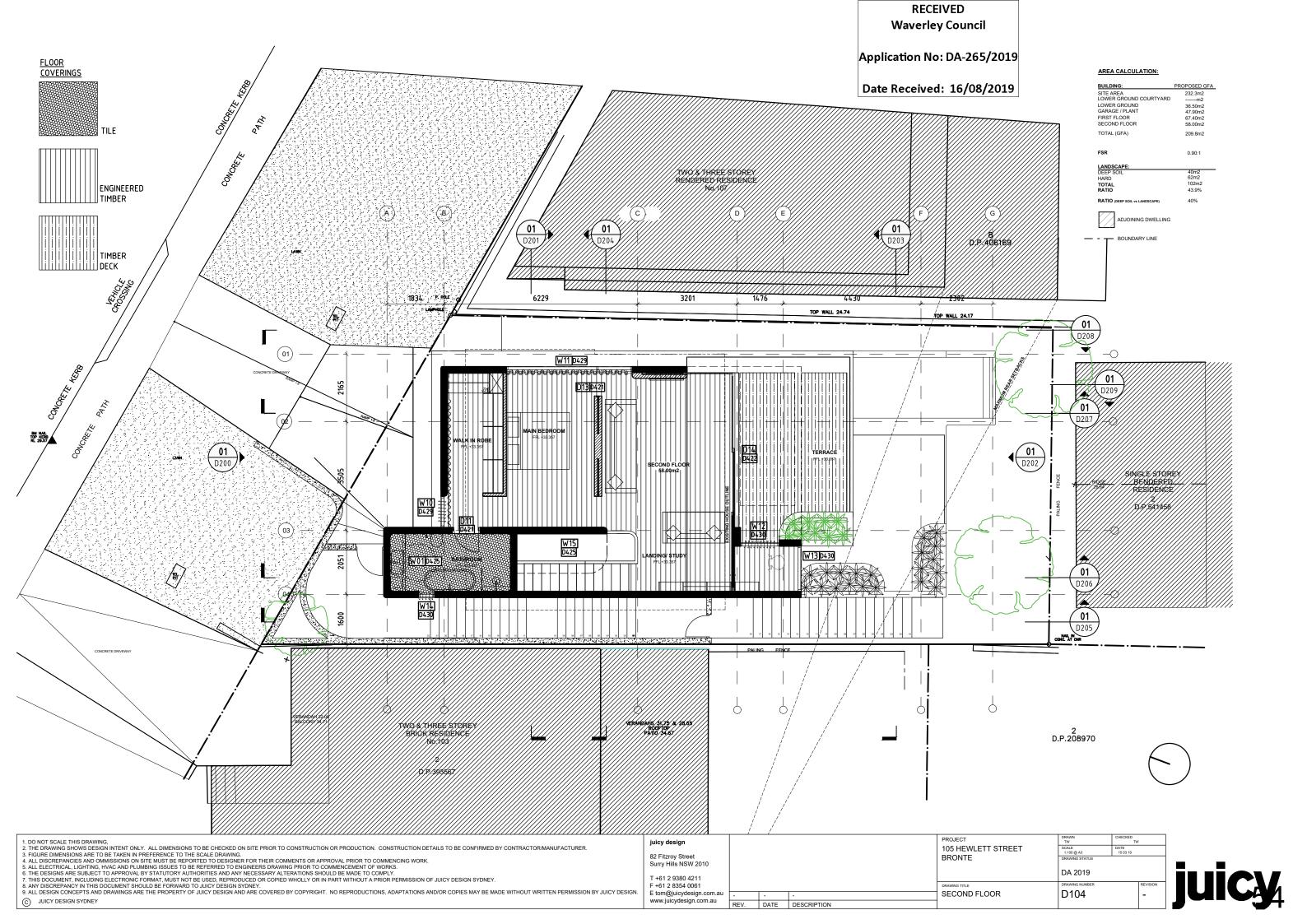


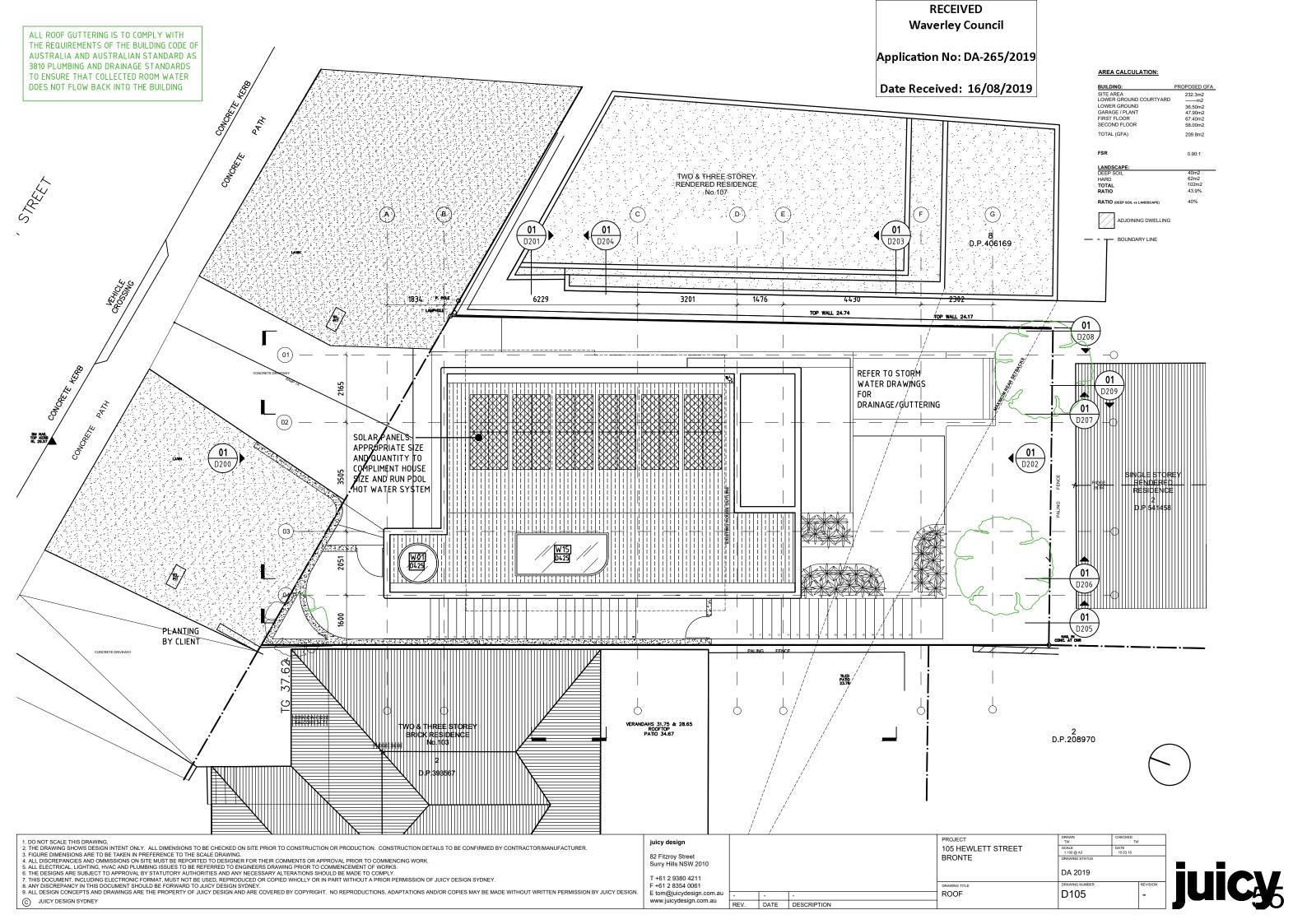


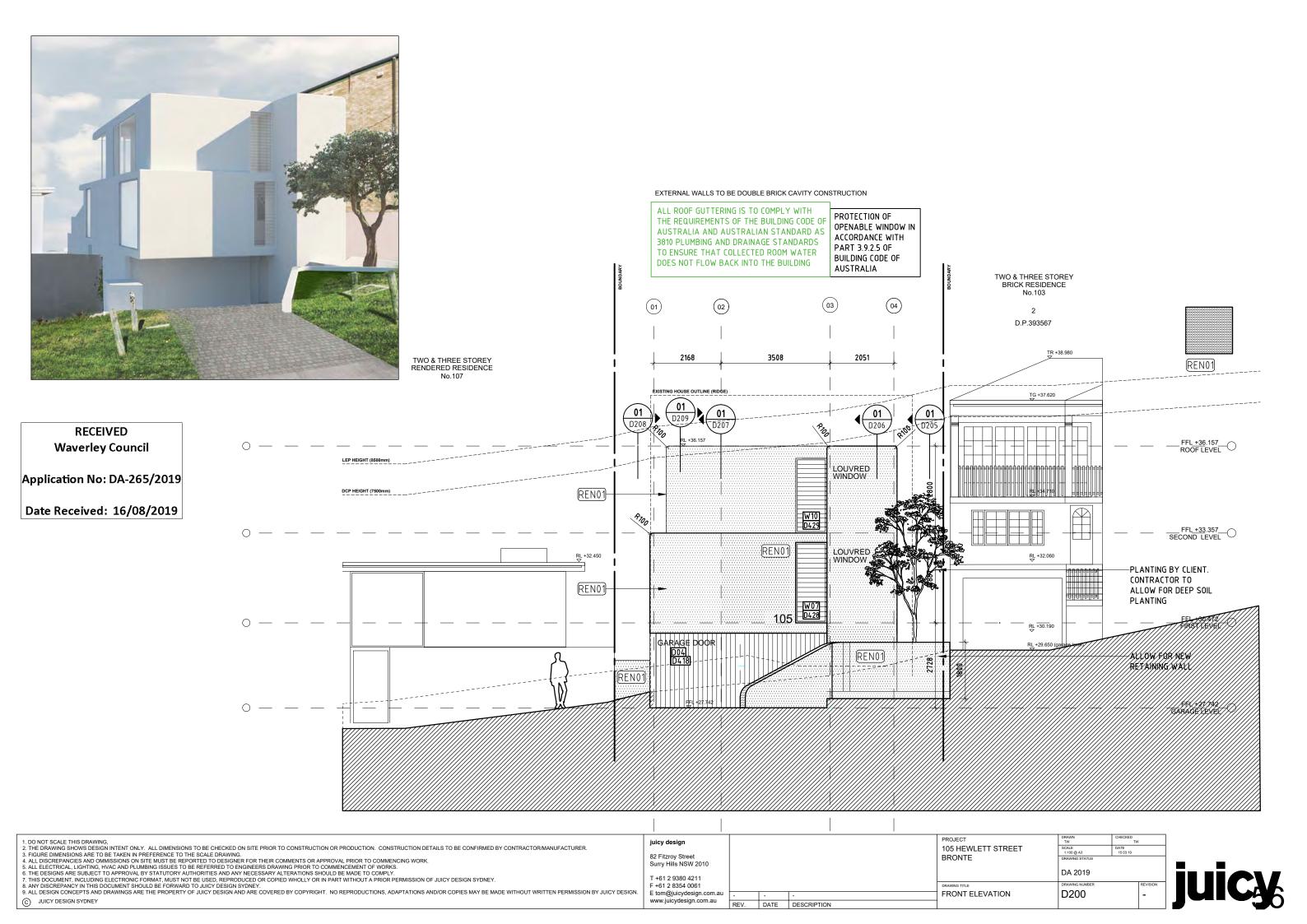
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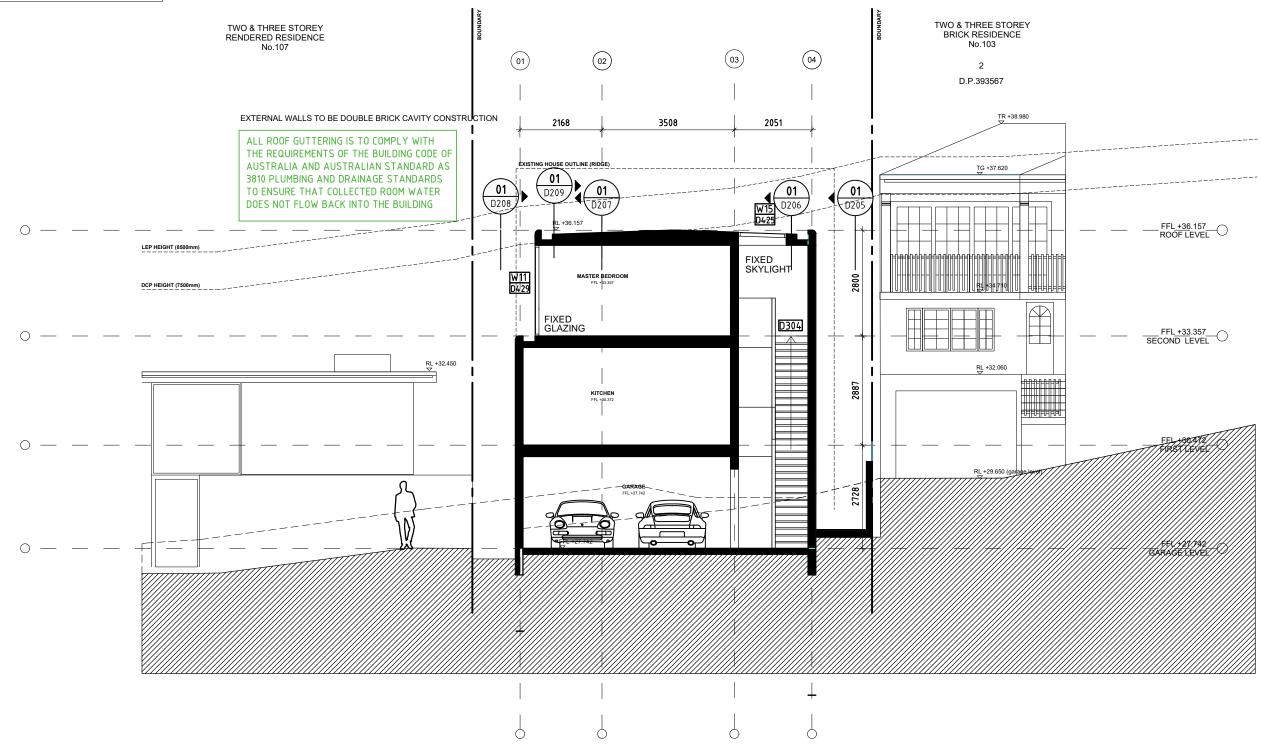




RECEIVED Waverley Council

Application No: DA-265/2019

Date Received: 16/08/2019

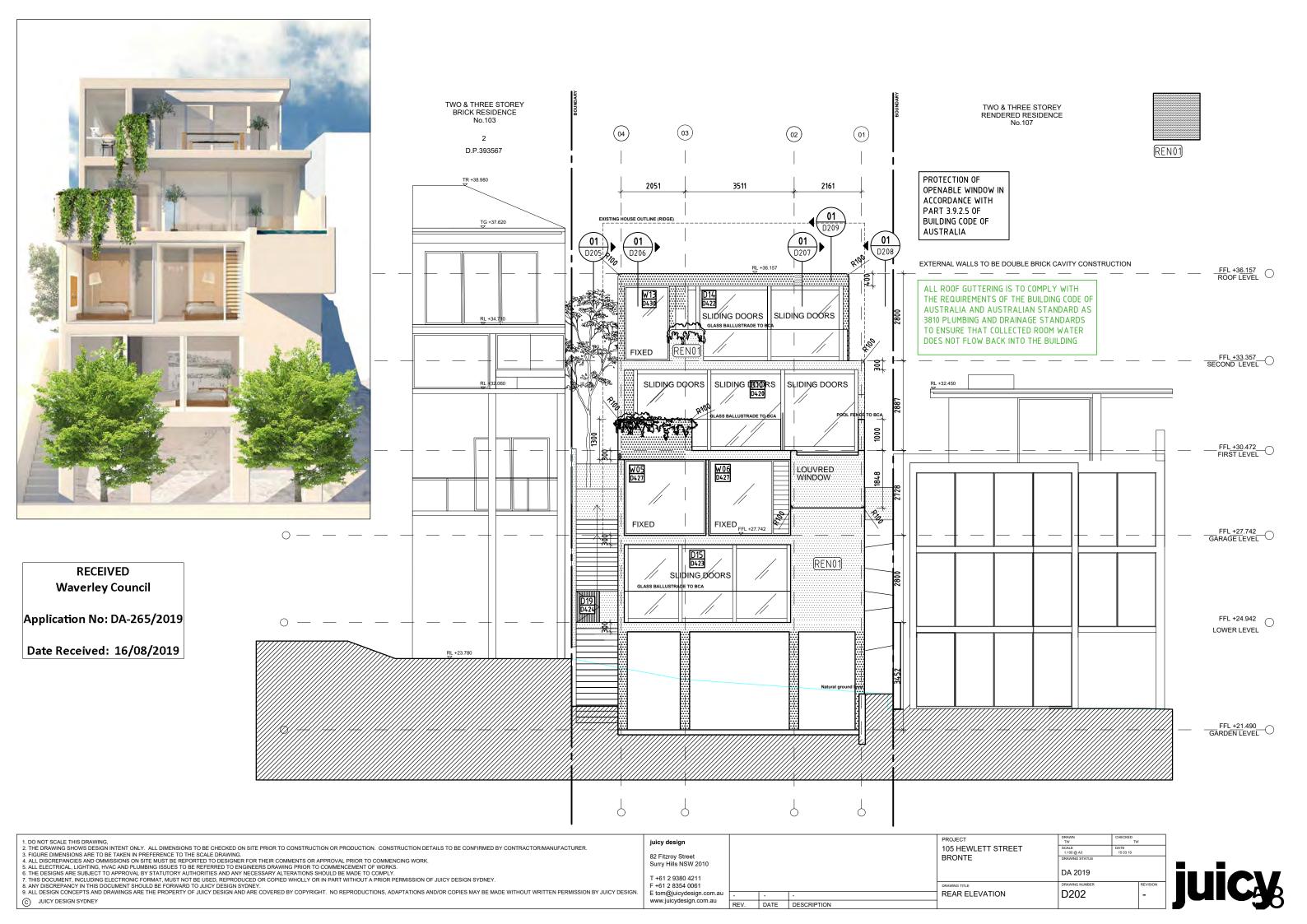


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4. ALL DISCREPANCIES AND OMMISSIONS ON SITE MUST BE REPORTED TO DESIGNER FOR THEIR COMMENTS OR APPROVAL PRIOR TO COMMENCING WORK.
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RECEIVED Waverley Council Application No: DA-265/2019 TWO & THREE STOREY TWO & THREE STOREY BRICK RESIDENCE No.103 03 (04) 02 01 Date Received: 16/08/2019 2 D.P.393567 REN01 PROTECTION OF TR +38.980 2051 3511 2161 OPENABLE WINDOW IN ACCORDANCE WITH PART 3.9.2.5 OF BUILDING CODE OF TG +37.620 AUSTRALIA 01 D208 D206 EXTERNAL WALLS TO BE DOUBLE BRICK CAVITY CONSTRUCTION RL +36.157 FFL +36.157 ROOF LEVEL ALL ROOF GUTTERING IS TO COMPLY WITH W13 0430 D14 D422 THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARD AS SLIDING DOORS SLIDING DOORS FIXED 3810 PLUMBING AND DRAINAGE STANDARDS TO ENSURE THAT COLLECTED ROOM WATER DOES NOT FLOW BACK INTO THE BUILDING R100 FFL +33.357____ SECOND LEVEL D10 D420 SLÍDING DOORS SLIĎÍNG DOORS SLIDING DOORS FFL +30.472____O D403 D404 FFL +27.742 GARAGE LEVEL D19 D424 _ FFL_+24.942___ LOWER LEVEL RL +23.780 FFL +21.490 GARDEN LEVEL

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4. ALL DISCREPANCIES AND OMMISSIONS ON SITE MUST BE REPORTED TO DESIGNER FOR THEIR COMMENTS OR APPROVAL PRIOR TO COMMENCING WORK.

5. ALL ELECTRICAL, LIGHTING, HVAC AND PLUMBING ISSUES TO BE REFERRED TO ENGINEERS DRAWING PRIOR TO COMMENCEMENT OF WORKS.

6. THE DESIGNS ARE SUBJECT TO APPROVAL BY STATUTORY AUTHORITIES AND ANY NECESSARY ALTERATIONS SHOULD BE MADE TO COMPLY.

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PROJECT juicy design 105 HEWLETT STREET 82 Fitzroy Street Surry Hills NSW 2010 BRONTE DA 2019 F +61 2 8354 0061 E tom@juicydesign.com.au CROSS SECTION D203 www.juicydesign.com.au DATE DESCRIPTION



Waverley Council Application No: DA-265/2019 TWO & THREE STOREY TWO & THREE STOREY RENDERED RESIDENCE BRICK RESIDENCE PROTECTION OF Date Received: 16/08/2019 OPENABLE WINDOW IN (01) ACCORDANCE WITH (REN01) PART 3.9.2.5 OF EXTERNAL WALLS TO BE DOUBLE BRICK CAVITY CONSTRUCTION D.P.393567 BUILDING CODE OF ALL ROOF GUTTERING IS TO COMPLY WITH AUSTRALIA THE REQUIREMENTS OF THE BUILDING CODE OF TR +38.980 2051 3511 2161 AUSTRALIA AND AUSTRALIAN STANDARD AS 3810 PLUMBING AND DRAINAGE STANDARDS TO ENSURE THAT COLLECTED ROOM WATER **(01)** DOES NOT FLOW BACK INTO THE BUILDING ໌01ີ 01 D205 D206 D207 W15 D425 \bigcirc SKYLIGH^{*} W10 D429 FFL +33.357____ SECOND LEVEL USE NON SLIP RESISTANCE WALKING SURFACE ON STAIRWAY TREADS AND LANDING. SLIP RESISTANT **HEWLETT STREET** LOUNGE / DINING W07 D428 CLASSIFICATION NOT LESS THAN LISTED IN TABLE 3.9.1.2 FFL +30.472____ \circ STAIR AND BALLUSTRADE AND HANDRAIL TO COMPLY WITH PART 3.9.1 AND 3.9.2 OF BCA FFL +27.742 GARAGE LEVEL _ FFL_+24.942____ 0 MESSAZINE LEVELL FFL +21.490 LOWER GROUND LEVEL

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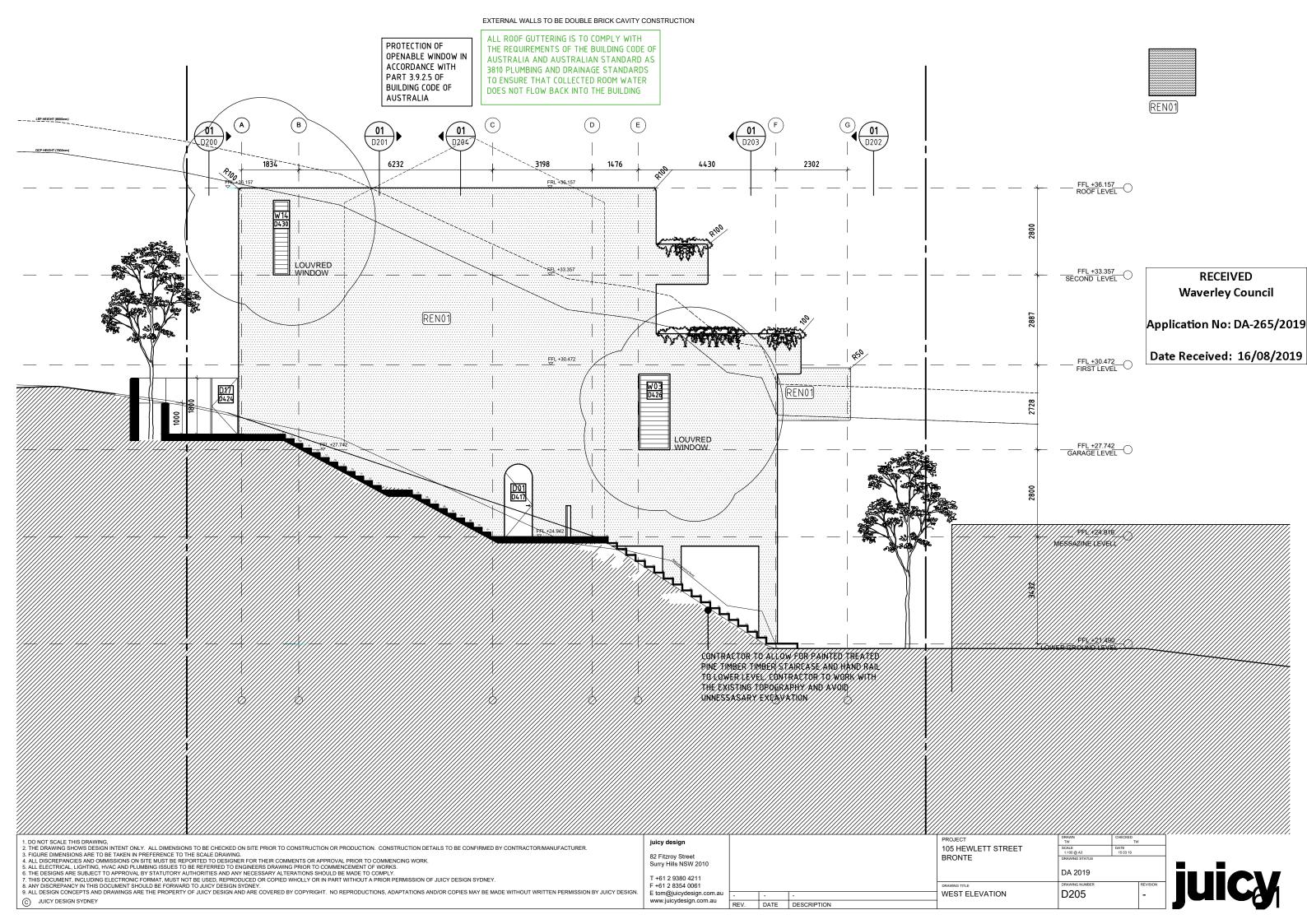
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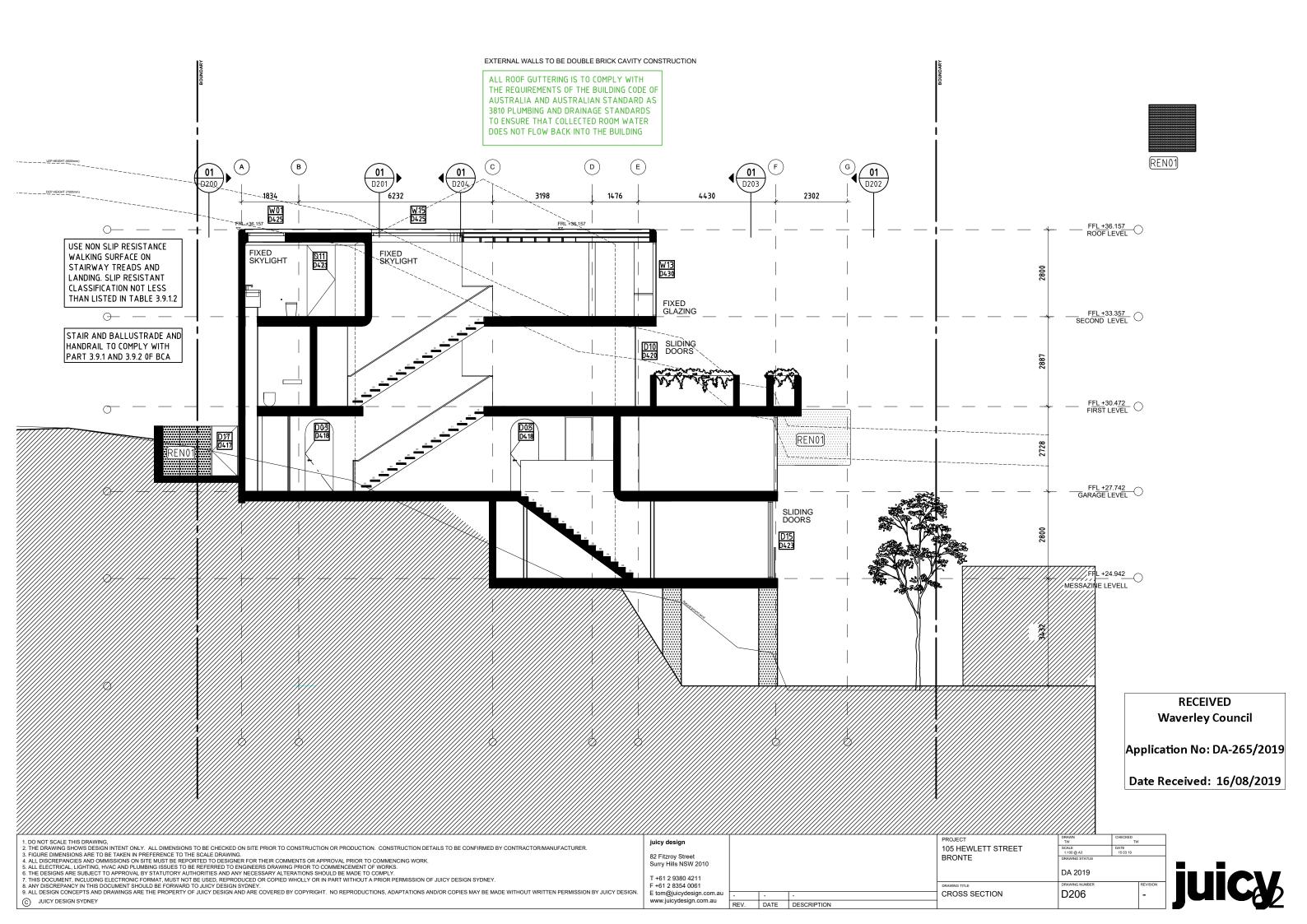
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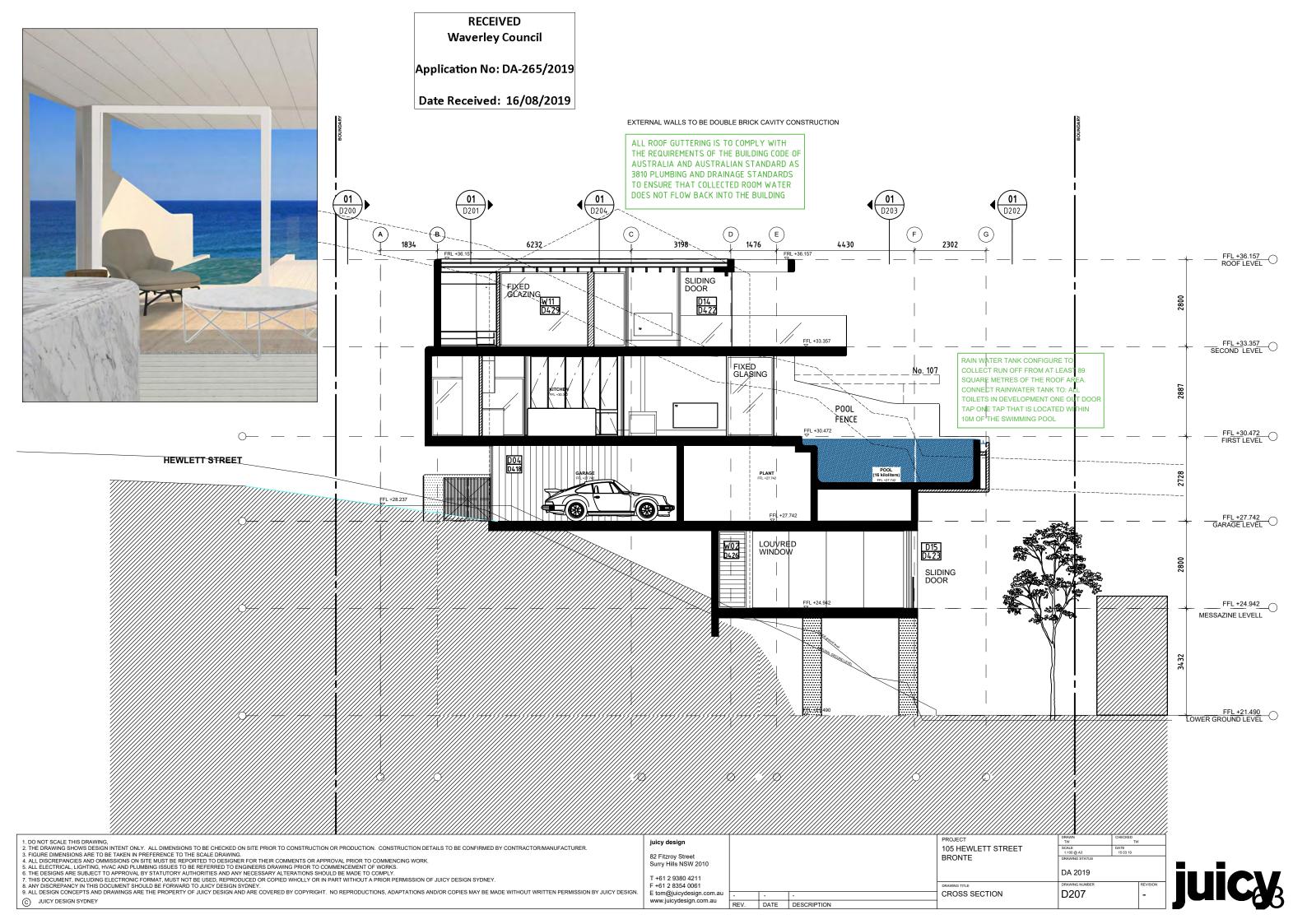
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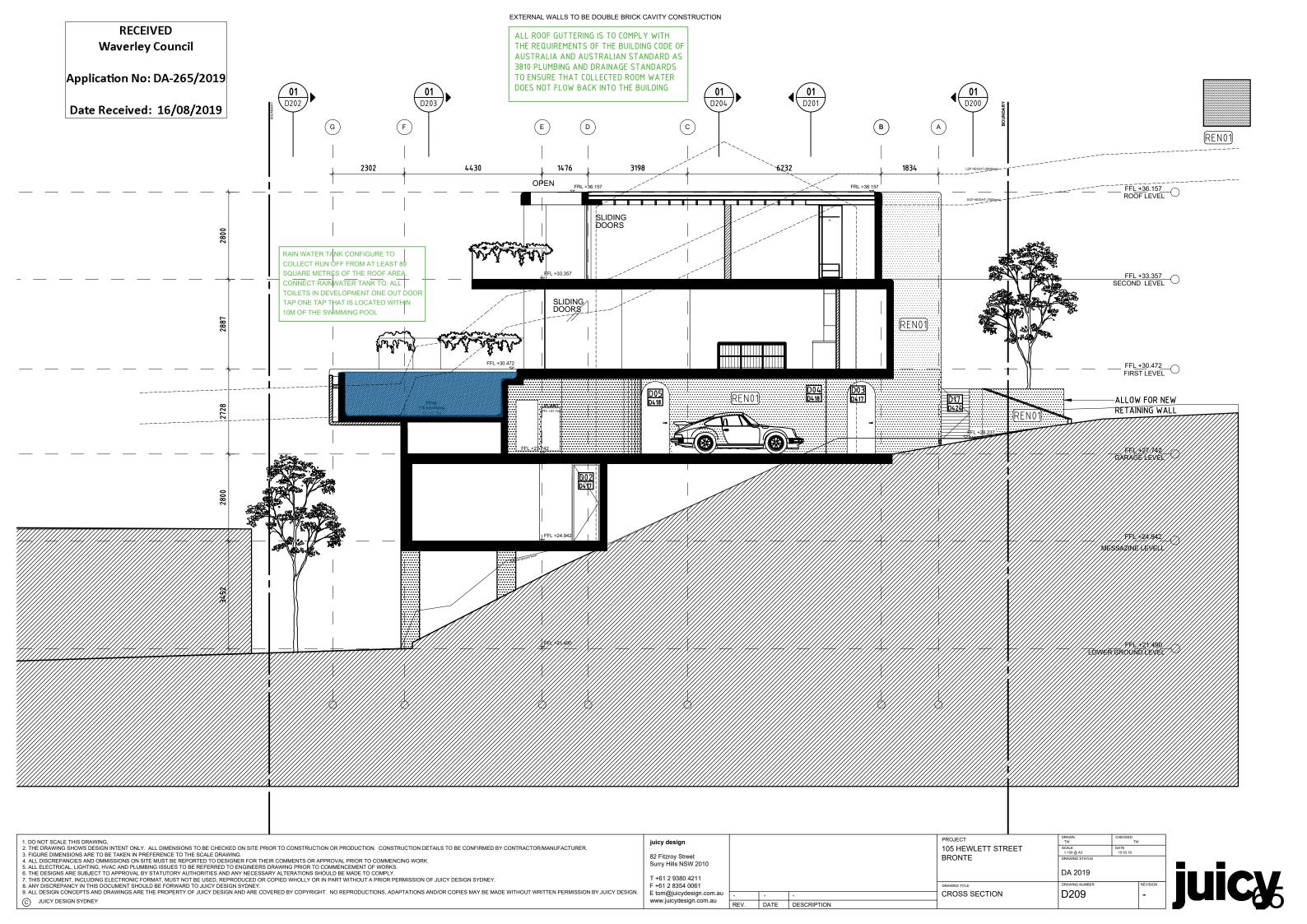


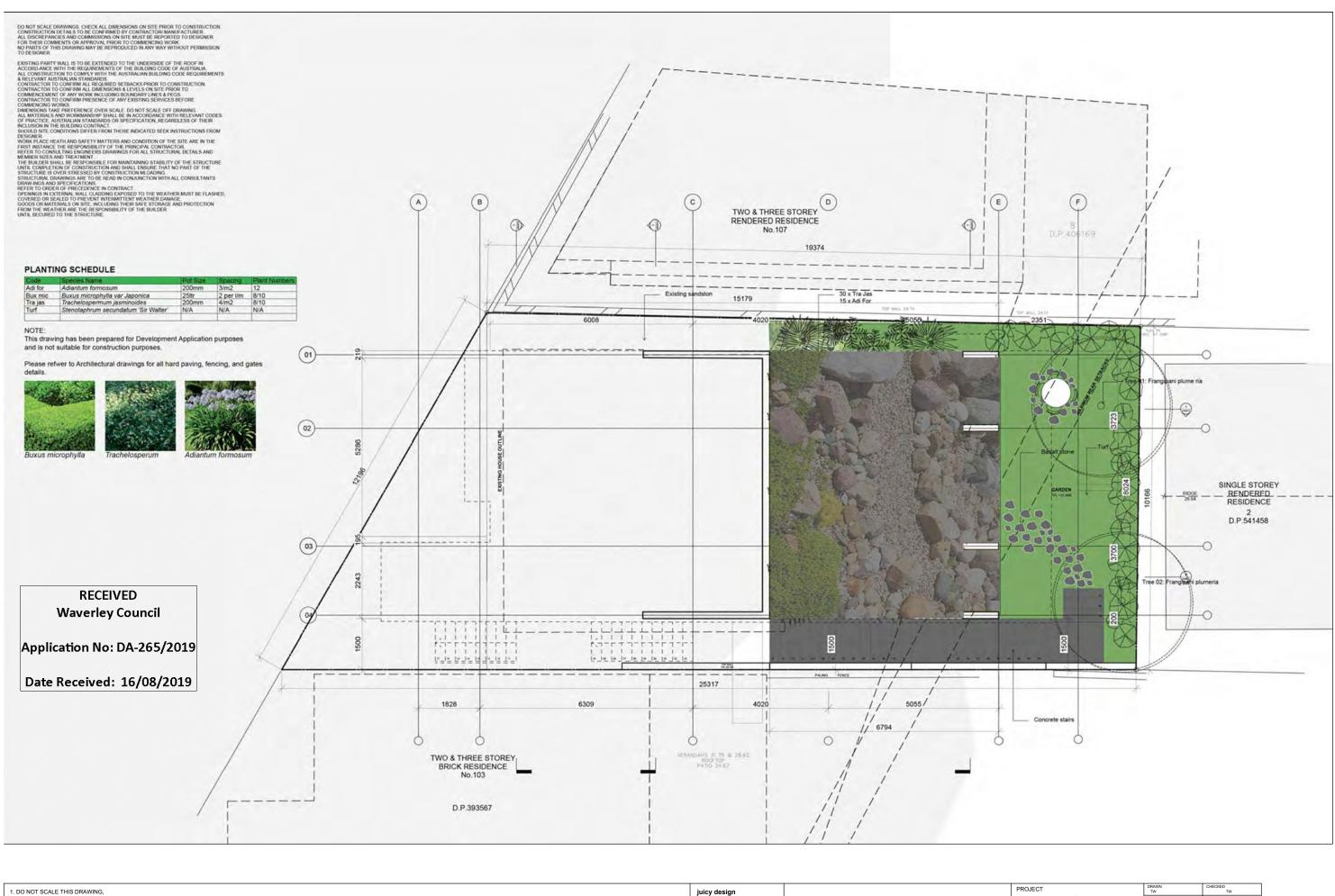






EXTERNAL WALLS TO BE DOUBLE BRICK CAVITY CONSTRUCTION **RECEIVED** ALL ROOF GUTTERING IS TO COMPLY WITH PROTECTION OF **Waverley Council** THE REQUIREMENTS OF THE BUILDING CODE OF OPENABLE WINDOW IN ACCORDANCE WITH AUSTRALIA AND AUSTRALIAN STANDARD AS 3810 PLUMBING AND DRAINAGE STANDARDS PART 3.9.2.5 OF 01 D204 TO ENSURE THAT COLLECTED ROOM WATER Application No: DA-265/2019 BUILDING CODE OF 01 DOES NOT FLOW BACK INTO THE BUILDING AUSTRALIA D203 (REN01) Date Received: 16/08/2019 (G (c) 2302 4430 3198 6232 1834 FRL +36.15 FFL +36.157 ROOF LEVEL LOUVRED W12 WINDOW D430 SLIDING W11 D429 F1XED GLAZING DOOR D308 :(REN01) FFL +33.357 SECOND LEVEL W 0 9 D 4 2 8 W 08 D428 P00L FENCE FIXED FIXED GLAZING FFL +30.472 FIRST LEVEL W 0 4 D426 LOUVRED: WINDOW: D03 -ALLOW FOR NEW RETAINING WALL REN01 LOUVRED WINDOW W02 [\7\7_#2\4\8\42\] 1. DO NOT SCALE THIS DRAWING,
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82 Fitzroy Street Surry Hills NSW 2010

PROJECT 105 HEWLETT STREET **BRONTE** DA 2019 LANDSCAPING D107 DATE DESCRIPTION







Report to the Waverley Local Planning Panel

Application number	DA-281/2019	
Site address	Unit 5, 62 Fletcher Street Bondi NSW 2026	
Proposal	Alterations and additions to Unit 5	
Date of lodgement	29 August 2019	
Owner	Mr P Sidorko	
	Ms N Swift	
Applicant	McGregor Westlake Architecture	
Submissions	Nil	
Cost of works	\$127,000	
Issues	FSR	
Recommendation	That the application be APPROVED subject to conditions	



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 17 October 2019.

The site is identified as Lot 5, SP21260, known as Unit 5, 62 Fletcher Street, Bondi. It is located on the northern side of Fletcher Street between Sandridge Street and Marks Park. The unit is within a residential flat building, which is located at the eastern end of the road before it turns to the south and becomes Marks Lane. The site has an area of 469.52m² and falls from the southern street frontage to the rear northern boundary, following the natural topography of the site.

The existing building is a part two part three storey residential flat building containing 6 units, with a rear boundary abutting the Coastal Walk along South Bondi.

The subject site is adjoined by a dual occupancy to the east and single dwelling to the west. The locality is characterised by a variety of residential development, including one to three storey dwellings and residential flat buildings.



Figure 1: Subject site frontage.



Figure 2: View of eastern elevation and proposed location of subfloor (shown in red circle).

1.2 Relevant History

A search of Council's Development and Building records revealed the following development applications associated with the site:

- BA-540/1998 construct storage space at premises approved 12/01/1999.
- DA-436/2003 replace existing roof deck balustrade approved 11/08/2003.

No other relevant development history for the site was identified.

Subject application

Additional information was requested from the applicant via email on 30 October 2019 as the original application did not include Reduced Levels for the existing ground level or new subfloor level. Amended plans were received on 31 October 2019 and are considered satisfactory. The amended plans will form the basis of the following assessment.

1.3 Proposal

The application proposes alterations and additions to Unit 5 of the residential flat building to provide internal access to an existing sub-floor area below the unit and alterations and additions within the subfloor to create a second bedroom and bathroom.

Further details include:

On the existing ground floor of the unit:

- Removal of built-in robe in bedroom
- Removal of disused corner fireplace in living area
- Internal wall removal between the living and kitchen area to provide an open plan living/dining/kitchen area, inclusive of a new kitchen fit-out
- Nib wall removal and new internal stairs that turn below a sculpted kitchen bench to provide access to a new lower floor
- No new windows are proposed at this level

New subfloor area:

- Construction of a new floor and internal walls that are subterranean to the existing building, and contained wholly within the existing building sub-floor area
- Provision of a cavity drain at the 'rear' of the unit beyond the rear wall
- A new bedroom and bathroom
- Three new highlight windows are proposed on the eastern elevation matching the location of the windows on the floors above.

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 it does not fit any of the following criteria:

- Erection of a new building
- Substantial redevelopment or refurbishment of an existing building
- Conversion of an existing building to a residential flat building.

2.1.4 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:

Ma	tters for consideration	Compliance	
(a)	the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	The proposal is not expected to cause any changes to the natural environment.	
(b)	coastal environmental values and natural coastal processes,	The proposal is not expected to cause any changes to the natural environmental values and processes.	
(c)	the water quality of the marine estate (within the meaning of the Marine Estate	The water quality will not be affected by the proposal.	

Ma	tters for consideration	Compliance
	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,	The proposal is not expected to impact on marine vegetation and habitats as the works will be completed entirely within the site.
(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,	No public access ways will be affected by the proposal.
(f)	Aboriginal cultural heritage, practices and places,	N/A
(g)	the use of the surf zone.	There will be no impact to 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:

Matters for consideration	Compliance	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	No public access ways will be affected by the proposal.	
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The dwelling is orientated south to north with the public foreshore located to the north of the site. The proposed alterations will be within the existing building envelope, therefore, not expected result in any additional overshadowing impacts to the public space. Views will be retained through the existing side setbacks of the building and no further wind funnelling is expected.	
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity from the coastal use area is not affected.	
(iv) Aboriginal cultural heritage, practices and places,	N/A	
(v) cultural and built environment heritage, and	N/A	

(b) has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration (i) the development is designed, sited and will		Compliance The proposal is not expected to result in any	
referred to in paragraph (a), or			

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

The proposal will not impact on the surrounding coastal area or built environment and the scale and appearance of the development remains the same as the existing building.

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

The proposed development is not likely to increase the risk of coastal hazards on that land or surrounding land.

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 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited de	velopment	
Land Use Table R3 Zone	Yes	The proposal is defined as alterations to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development star	ndards	
4.3 Height of buildings • 9.5m	NA	There are no changes proposed to the existing building height.
 4.4 Floor space ratio 0.6:1 (281.7m²) Site area: 469.52m² 	No	The existing FSR of 0.89:1 (420m²) results in an exceedance of 138.3m² or 49%. The proposed FSR of 0.96:1 (449.6m²) results in an exceedance of 167.9m² or 59.6%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal is not expected to disturb, expose or drain acid sulfate soils.
6.2 Earthworks	Yes	The proposal includes earthworks in the form of additional excavation within the building envelope to construct an additional subfloor level. The earthworks will not have a detrimental impact on adjoining properties and will not be discernible from the street, public domain or adjoining properties.

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 floor space ratio (FSR) development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.6:1. The proposed development has an FSR of 0.96:1, exceeding the standard by 167.9m² equating to a 59.6% 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 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 building already exceeds the maximum building height given the topography of the site and does not meet the side setback controls. These attributes are unchanged by the proposal as it is proposed to improve the utilisation of an existing sub floor area within the building only. This creates a calculable increase in the gross floor area of the building but does not affect in any way the correlation between the height and density controls.
 - (ii) The desired future character of the locality is dictated by the LEP and DCP controls, which anticipate a medium density residential building of 3 storeys, to 9.5m, with an FSR of 0.6:1. The building currently exceeds both development standards and also would not comply with the current side setback controls in the DCP. Notwithstanding this, the building currently sits neatly amongst its neighbours that are of a similar or larger scale.
 - Given the additions are entirely within the existing footprint of the building, the building will retain its bulk, scale and streetscape character. The limited scope of work proposed does not provide an opportunity to better meet the 'desired future' character of the locality (ie, compliant setbacks or height) however the additions' compatibility with the character offer an alternative means of achieving the objective such that strict compliance with the standard would be unnecessary. There would also be no purpose served in mandating compliance in this case as the existing building already exceeds the control and satisfies the objectives in an identical way that arises from the proposal.
 - (iii) The additions preserve the same level of environmental amenity to the neighbouring properties as currently exists. There are no new impacts in relation to privacy, noise, overshadowing, views, parking demand, visual bulk or the like. The new windows at the lowest level of the building provide the only indication that additions have taken place and they are well-proportioned and appropriately located to such that there are no impacts on the building opposite.

- b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The FSR breach itself does not cause any view loss or solar access impacts, does not introduce privacy impacts and does not have any impact on the streetscape or the character of the locality.
 - (ii) The elevated nature of the building above the existing ground level and the stepping of the site allows for utilisation of the existing sub floor area for additional amenity to the unit above.
 - (iii) The alterations to the building are limited to the introduction of new windows at the lowest level where they are imperceptible from the street. They will break up an expansive of wall on the eastern elevation that has a 4m high unarticulated section before the main lobby.
 - (iv) The additions provide for increased amenity and accommodation to a unit that currently has an awkward layout and a compressed 1 bedroom format. The new layout will allow for a generous second bedroom and second bathroom.
 - (v) The proposal is consistent with the objectives of the FSR development 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 the following justification as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

a) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is 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 existing building exceeds the maximum floor space ratio by 49% and the proposal results in an additional gross floor area of 29.6m² that is contained entirely within the existing building envelope, does not change the height of the building, and will not be visible from Fletcher Street. In addition, the proposal will not result in any adverse impacts to the streetscape or amenity of adjoining properties.

<u>Is the development in the public interest?</u>

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;

Zone R3 Medium Density Residential

Objectives of the R3 zone:

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

The proposal converts a one bedroom unit into a two bedroom unit which is considered an improvement to the existing use of the unit and improves the housing needs of the community without causing any adverse impacts to the streetscape or amenity of adjoining properties.

Floor space ratio

The objectives of this clause that are relevant to this development are as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and 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 proposed alterations and additions will be within the existing building envelope and will not change the height or appearance of the building. The bulk and scale of the residential flat building is compatible with the existing and emerging character of Fletcher Street and is not expected to result in adverse impacts to the environmental amenity of adjoining properties or 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 cl 4.6 of the Waverley Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR standard and the R3 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 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.	
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development.	
3. Biodiversity	NA	The site is located within the biodiversity corridor, however, the alterations will be contained within the existing building envelope and no changes are proposed to the landscaped area. Therefore, this section is not applicable.	
6. Stormwater	NA	Standard conditions relating to stormwater will be imposed in the consent.	
14. Excavation	Yes	The proposed excavation does not add to the visual bulk of the building or result in the loss of naturally occurring sandstone.	

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
3.1 Site, scale and frontage		
(a) To ensure lot size and dimension are able to accommodate the appropriate building envelope, landscaping and service requirements.	Yes	The proposed alterations and additions will not alter the appearance of the building when viewed from the front. The existing side, front and rear setbacks will be maintained.
3.2 Height		
Maximum external wall height: 7m	N/A	The proposal does not change the overall external wall height of the building.
3.3 Setbacks		
3.3.1 - Street setbacks	NA	No changes proposed to the street setback.

Development Control	Compliance	Comment		
• Consistent street		Commence		
setback				
3.3.2- Side and rear setbacks	No (acceptable)	The existing side and rear setbacks will be maintained for the new subfloor level which does not result in unreasonable impacts to the amenity of adjoining properties.		
3.4 Length and depth of build	dings			
 Maximum building length: 24m Façade to be articulated Maximum unit depth: 18m 	Yes	The proposed alterations will be contained within the existing building envelope.		
3.5 Building design and stree	tscape			
 Respond to streetscape Sympathetic external finishes Removal of original architectural features 	Yes	There are no changes proposed to the front façade or roof features of the building. The proposed window openings on the eastern side elevation will be the same style as the existing windows.		
not supported. 3.13 Solar access and oversha	doudes	existing windows.		
 Minimum of three hours 	Yes	The proposed alterations and additions to Unit		
of sunlight to a minimum of 70% of units on 21 June.	res	5 will improve overall solar access into the living area.		
Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June.	NA	Overshadowing to adjoining properties will remain the same.		
3.14 Views and view sharing				
 Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public 	NA	The proposal does not alter the existing building envelope, therefore, views and view sharing remain the same as the existing.		
spaces to be maintained.	40.0			
 Privacy be considered in relation to context density, separation use and design. Prevent overlooking of more than 50% of private open space of lower level 	Yes	The proposed window openings on the eastern elevation are domestic in scale, do not directly align with adjoining property windows and will service a bedroom, storage room and bathroom which are not considered high usage rooms to compromise the privacy of neighbouring properties.		

Development Control	Compliance	Comment	
dwellings in same			
development			
3.16 Dwelling size and layout			
 All habitable rooms are to have a window for daylight and natural ventilation. Provide a range of dwelling types and sizes Min sizes Studio = 35m² 1 bedroom = 50m² 	Yes Yes	A window opening is provided to all new rooms. The size of these window openings provides the necessary natural ventilation and light to these new rooms. The size and location are considered satisfactory in terms of affording these rooms sufficient internal privacy given these windows open up to the side passageway and are close to the stair within the passageway.	
2 bedroom = 80m ² 3 bedroom = 100m ² • Flexible design	Yes Yes	The proposal results in a two bedroom unit without altering the bulk and scale of the building which is considered an improvement to the existing design to provide additional housing in a medium density zone.	
		The proposed two bedroom unit is over 80m ² . The proposal provides internal stair access between floors and is positioned in a convenient location for both occupants.	
3.17 Ceiling Heights			
 Min 2.7m floor to ceiling height residential floor NCC 2012 – min 2.4m floor to ceiling height 	No (acceptable)	The proposed subfloor will have a floor to ceiling height of 2.6m, which is considered acceptable in this circumstance given the constraints of the site. Window openings will be provided to all rooms.	
3.18 Storage			
In addition to kitchen cupboards and bedroom wardrobes, min storage required is: • 2 bed = 8m ³	Yes	The proposal provides over 8m ³ of storage space.	
3.19 Acoustic privacy			
 Internal amenity by locating noisy areas away from quiet areas 	Yes	The new subfloor is located below an existing unit and is not expected to result in adverse noise impacts.	
3.20 Natural Ventilation			
 All dwellings to be naturally cross-ventilated Ceiling fans are to be 	Yes	The proposal contains window openings on both floor levels providing adequate cross ventilation.	
provided in all habitable rooms.	No (acceptable)	The existing building does not provide ceiling fans in rooms. In this regard, it would be unreasonable to expect a single unit to provide ceiling fans.	

Development Control	Compliance	Comment
3.22 Interwar Flat Buildings		
3.22.1 – General		
 Retain the character of the building Preserve the integrity of the building and retain original building fabric and decorative elements & parapets Minimise alterations and additions and be secondary to existing building Differentiate between old and new additions Minimise visibility of new 	Yes	The proposal maintains the original Interwar Style building architecture The new subfloor has been sympathetically designed into the existing dwelling incorporating the same window style and finishes as the existing building. The new subfloor will not be visible when standing on Fletcher Street.
works from the public domain.		

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. I

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 Fire Safety – Compliance

An internal referral was sought from Council's Fire Safety Officer who does not object to the proposal subject to compliance with the NCC 2012. Conditions relating to fire safety upgrade works will be imposed in the consent.

4. SUMMARY

The application seeks consent for alterations and additions to Unit 5 of an existing residential flat building, including conversion of a new subfloor level at the front of the building to habitable space for an additional bedroom and bathroom to Unit 5. The proposal is defined as a residential flat building which is permissible with consent in the R3 Medium Residential Zone.

The application seeks to vary the floor space ratio development standard which is considered acceptable in this case as the alterations and additions will not be visible when standing at the front of the site, will be contained within the existing building envelope and will not result in detrimental impacts to the environmental amenity of surrounding properties.

The application was reviewed by Council's Fire Safety Officer and recommended conditions are included in the consent.

The development proposal was notified for 14 days and no submissions were received.

Accordingly, the application has been assessed against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 05/11/2019 and the DBU determined:

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

DBU members: M Reid, B Magistrale, B McNamara and B Matlawski.

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:

Bianca Fyvie Ben Magistrale

Development Assessment Planner Acting Manager, Development Assessment

(Central)

Date: 6 November 2019 **Date:** 11 November 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) The following Architectural Plans:

Drawing no	Revision	Prepared by	Dated	Received by Council
A003 - Area	Α	McGregor	20/08/2019	29/08/2019
Schedule		Westlake		
		Architecture		
A004 – Site Plan	Α	McGregor	20/08/2019	29/08/2019
		Westlake		
		Architectural		
A006 – Plan	В	McGregor	30/10/2019	31/10/2019
Ground &		Westlake		
Sublevel		Architectural		
A007 – Sections	В	McGregor	30/10/2019	31/10/2019
& Elevation		Westlake		
		Architectural		

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

Except where amended by the following conditions of consent.

2. 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.

3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

4. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$3485.20 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.

<u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% 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 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.

8. 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.

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with 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.

10. EROSION, SEDIMENT AND POLLUTION CONTROL

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

11. ENGINEERING DETAILS

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

12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

13. 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*.

14. BUILDING CODE OF AUSTRALIA – PROTECTION OF EXTERNAL OPENING

The proposed new openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia. Details of compliance with the above requirements are to be included in the Construction Certificate plans.

15. CEILING HEIGHTS

(a) Unit 5 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 alternative building solution in accordance with Part AO of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

16. FIRE SAFETY UPGRADING WORKS

- (a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, **Unit 5 of the building** must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Unit 5 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; and
 - (ii) Smoke hazard management Part E2.
- (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 AO 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.

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. 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.

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 fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (a) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and

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

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 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.

24. 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.

25. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

26. SOIL AND WATER MANAGEMENT PLAN

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

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 BELOW FOOTINGS

If an excavation associated with the erection/alteration 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.

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) sediment control measures prior to the commencement of building work; and
- (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. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

37. NEW WORK TO MATCH EXISTING

The external finish of the proposed **subfloor** is to have a uniform appearance to match the external finish of 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. 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.

40. 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.

41. ASBESTOS REMOVAL

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

42. FIRE SAFETY UPGRADE

Fire safety upgrading works shall be undertaken in accordance with condition 18 of this consent. In this regard, the occupation certificate shall not be released by the Principal Certifying Authority until all fire safety upgrading works are completed and a statement submitted to Council prior to the release of an occupation certificate, certifying that the works have been undertaken in accordance with condition 18 of this consent.

43. FINAL OCCUPATION CERTIFICATE

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

44. 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*.

ABBREVIATIONS

COS Confirm On Site
EX Existing
EQ Equal
FFL Finished Floor L

FFL Finished Floor Level
FRL Finished Roof Level
NOM Nominal Dimension
REM Remainder Dimension

REV Mirror Reverse
RL Relative Level from survey

TBA To Be Advised
TBC To Be Confirmed
TYP Typical

UNO Unless Notes Otherwise

GENERAL NOTES:

- 1. The Builder is responsible for the accurate setout of the works.
- It is the responsibility of those working on site to verify location, dimensions and profile of existing elements prior to commencing work.
- Take particular care with existing retained elements and the neighbouring properties located on the boundary wall, protect as required.
- It is the responsibility of those working on site to locate all services on site prior to commencing work.
- Undertake a Dial Before You Dig (DBYD) search prior to any work. Undertake all work/excavation in accordance with DBYD and utilities providers requirements
- Confirm boundary positions prior to commencing work with a boundary setout undertaken by a registered Surveyor.
- Refer to the Survey for all relative levels, contours, easements and boundaries.
- All work shall comply with the Building Code of Australia, the rules and requirements of Sydney Water and Standards Australia codes and specifications.
- The drainage system is to be constructed in accordance with Council's
 'Stormwater and Drainage Connection Information' document dated July 2006.
- 10. Use figured dimensions only. Do not scale.
- 11. If a discrepancy exists notify the owner or architect immediately.
- Demolition to occur in accordance with AS2601, Workcover requirements and Safework Australia requirements.
- 13. The Builder is responsible for site safety and occupation health & safety.

RECEIVED Waverley Council

Application No: DA-281/2019

Date Received: 29/8/2019

BASIX REQUIREMENTS

Refer to certificate number: A354018

Lighting

- new or altered fixtures minimum 40% to be fluorescent, compact fluorescent or LED Fixtures
- new or altered showerheads flow rate no greater than 9 litres per minute, or 3 star
- new or altered toilets flow rate no greater than 4 litres per average flush, or 3 star
- new or altered taps flow rate no greater than 9 litres per minute, or 3 star
- * refer to Finishes Schedule and Specification for insulation requirements, notes below are minimum BASIX requirements only
- concrete slab on ground floor.

Windows and glazed doors

All windows timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

W.01 no shading deviceW.02 no shading deviceW.03 no shading device

LOCATION PLAN



source: https://maps.six.nsw.gov.au

DEVELOPMENT APPLICATION

DRAWING LIST

A001/-	Drawing list, location plan, BASIX	1:5000
	• , , ,	
A002 / -	Survey	1:200
A003 / -	Area schedule	1:100
A004 / -	Site plan	1:100
A005 / -	Existing	1:100
A006 / -	Plans	1:100
A007 / -	Sections/Elevation	1:100
A008 / -	FSR Plan	1:200



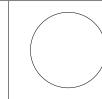
McGregor Westlake Architecture

ABN 74 090 136 066 © Copyright Level 5 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia T 612 9211 8151 F 612 9281 3171 studio@mwarchitects.com.au SSUE DATE REVISION

A 20/8/19 Issued for Council

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australia Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.



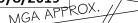
PROJECT	5/62 Fletcher Street					
CLIENT	Nicole Swift and Pe	DWG#				
DWG	Drawing list, location	on plan, BASIX		AUU		
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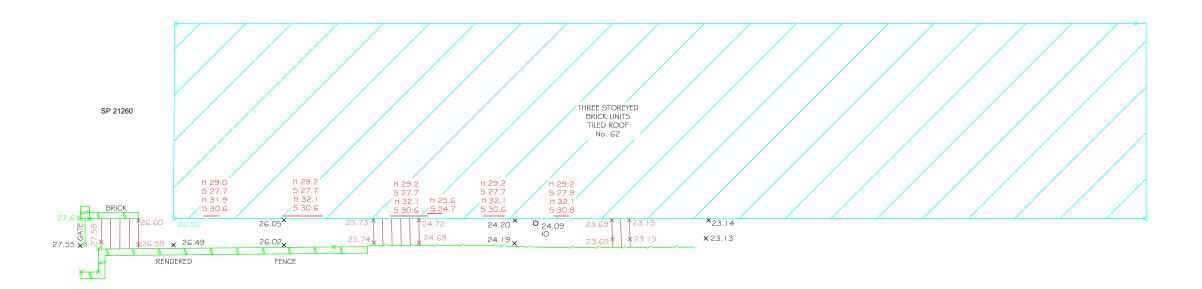
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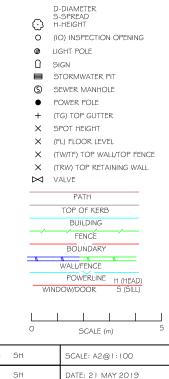
RECEIVED Waverley Council

Application No: DA-281/2019

Date Received: 29/8/2019







LEGEND

RECEIVED
Waverley Council

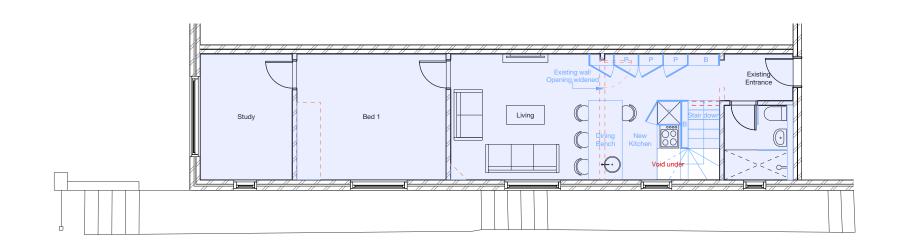
Application No: DA-281/2019

Date Received: 29/8/2019

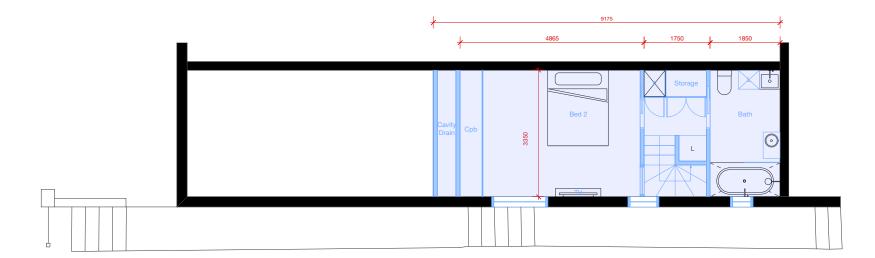
5/62 Fletcher Street

Level	Internal Area (sq m)
Ground Floor Plan	51.4
Sublevel Floor Plan	30.7

Proposed GFA 82.1 sq m



Ground Floor Plan



Sublevel Floor Plan
1:100



McGregor Westlake Architecture

ABN 74 090 136 066 © Copyright
Level 5 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia
T 612 9211 8151 F 612 9281 3171 studio@mwarchitects.com.au
www.mwarchitects.com.au

ISSUE	DATE	REVISION	Co
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			Dir

Comply with relevant Authorities requirements, the Building Code of Australia and all relevant Australian Standards when executing works described in this drawing

Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
Do not scale.
If discrepancy exists notify architect.
If in doubt ask.

5/62	PROJECT	
Nico	CLIENT	
Area	DWG	
.3	SCALE @ A	
4.4		

PROJECT	5/62 Fletcher	Street			PROJECT # 180822
CLIENT	Nicole Swift a	and Peter Sido	rko		DWG#
DWG	Area Schedul	е			AUUC
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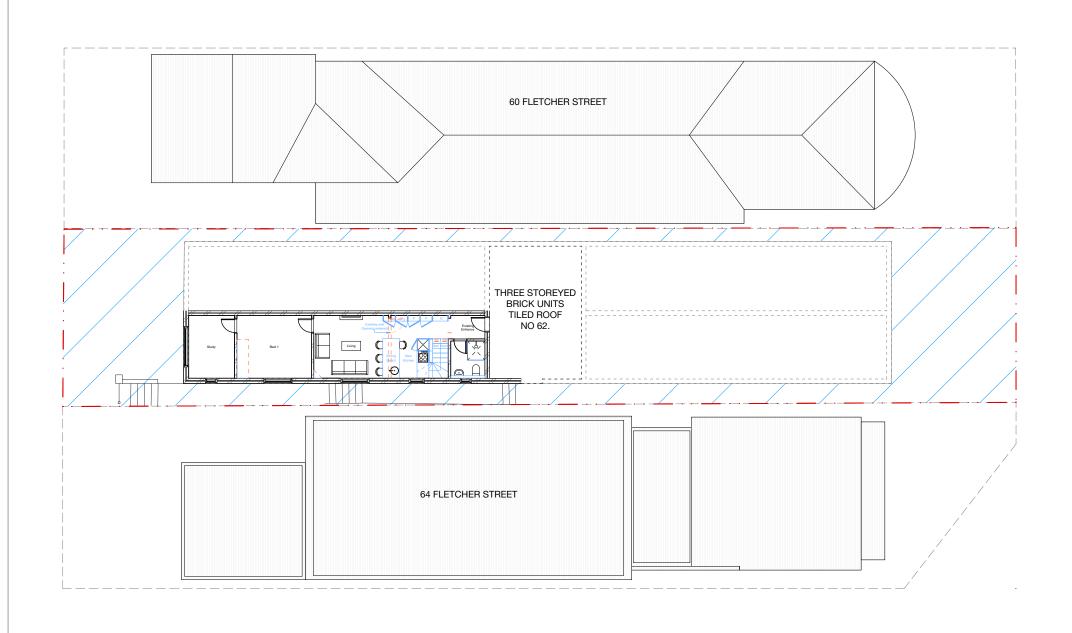
98

RECEIVED Waverley Council

Application No: DA-281/2019

Date Received: 29/8/2019

FLETCHER STREET



BONDI BEACH ---->

Site Plan 1:200

Building envelope and site boundary indicitave



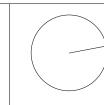
McGregor Westlake **Architecture**

ABN 74 090 136 066 Level 5 68-72 Wentworth Avenue Surry Hills NSW 2010 Australia T 612 9211 8151 F 612 9281 3171 studio@mwarchitects.com.au

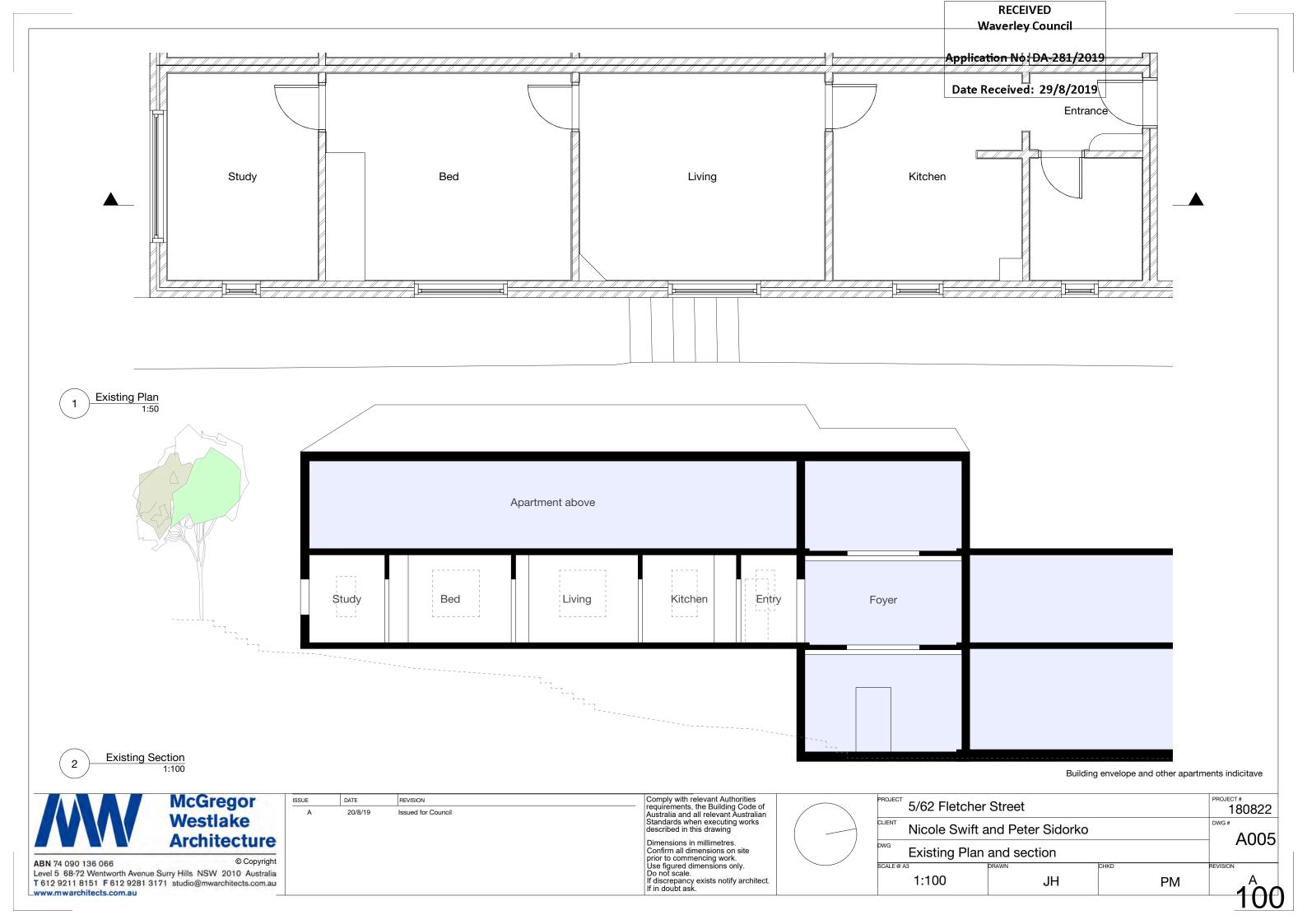
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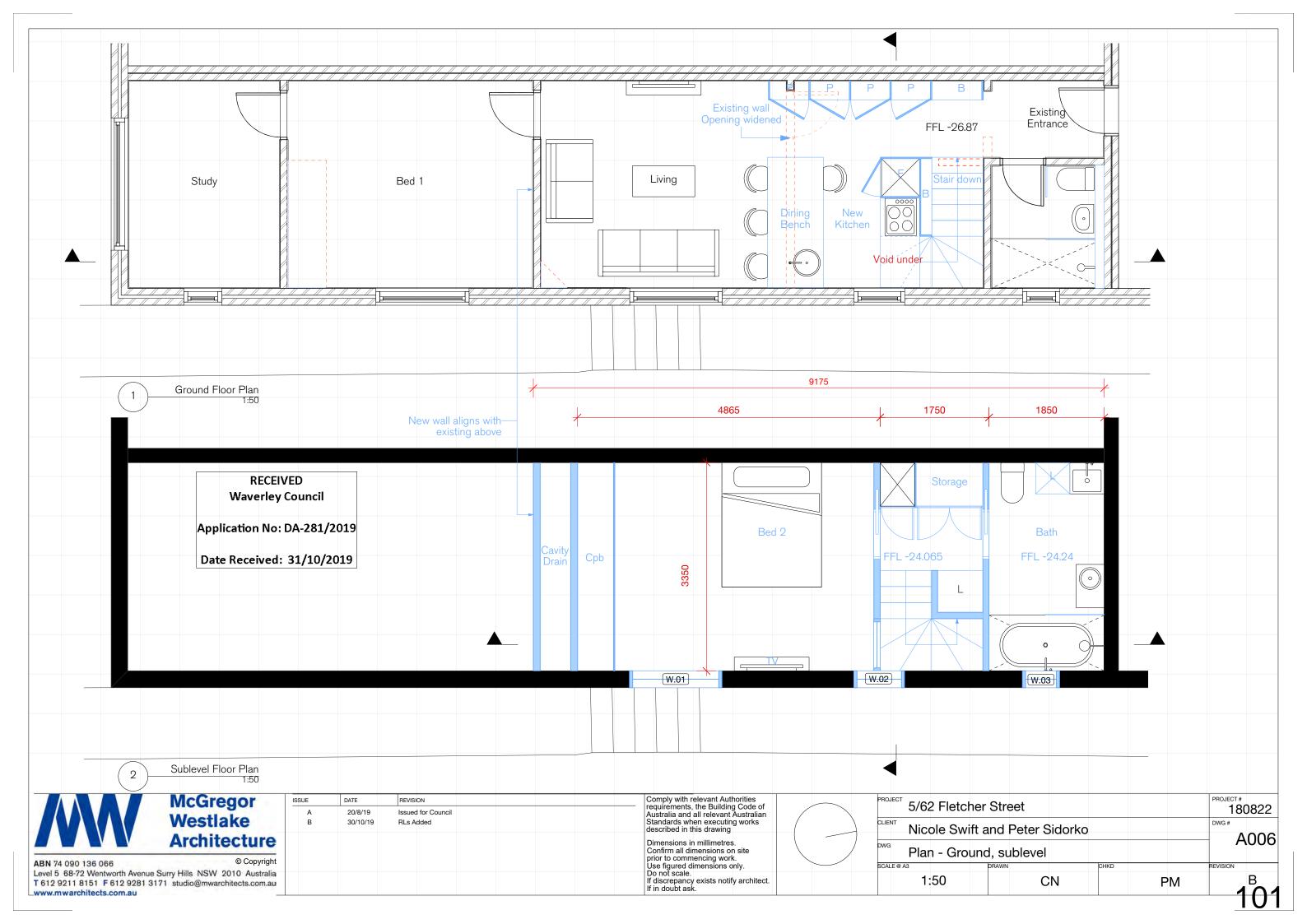
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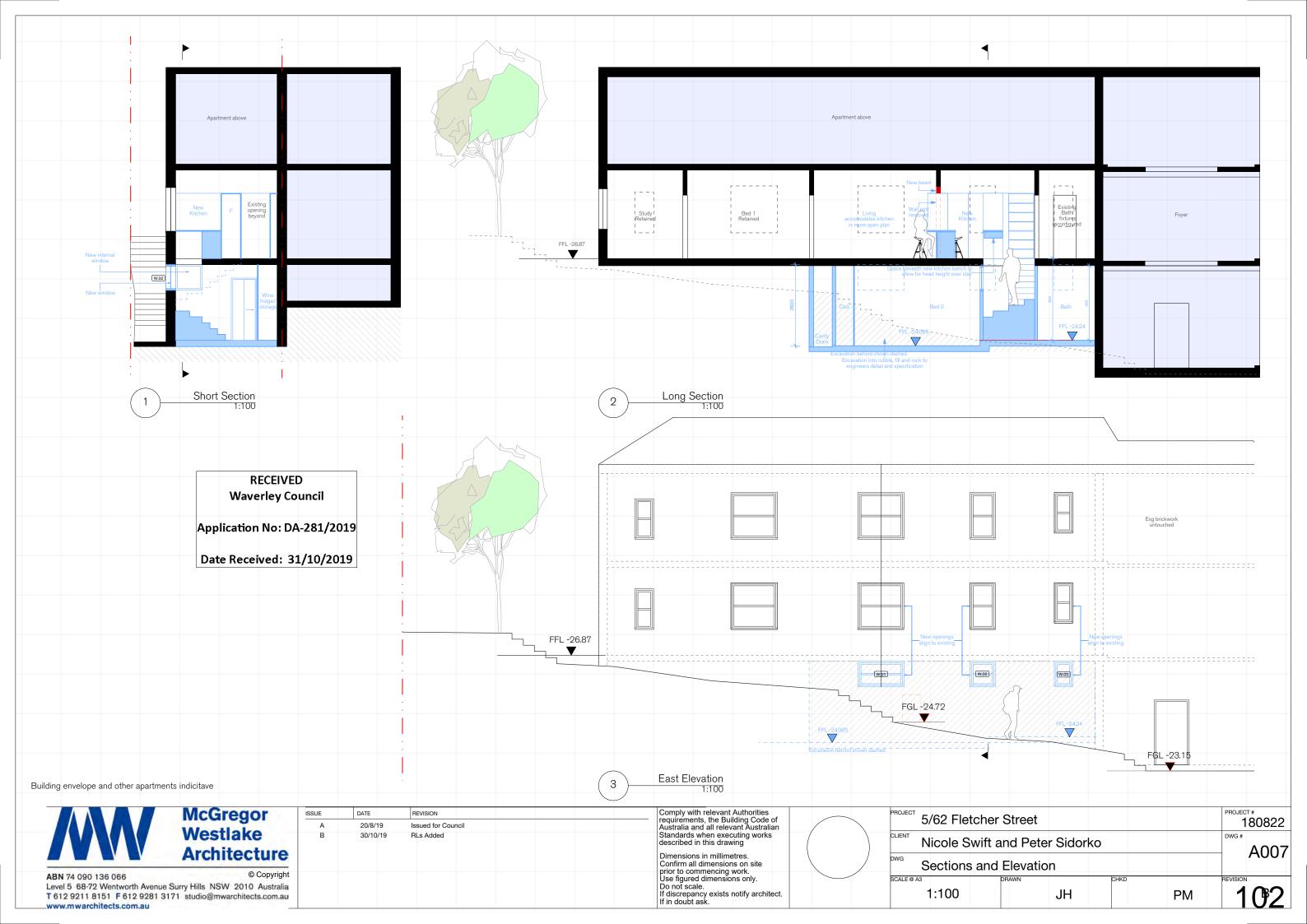
Dimensions in millimetres.
Confirm all dimensions on site prior to commencing work.
Use figured dimensions only.
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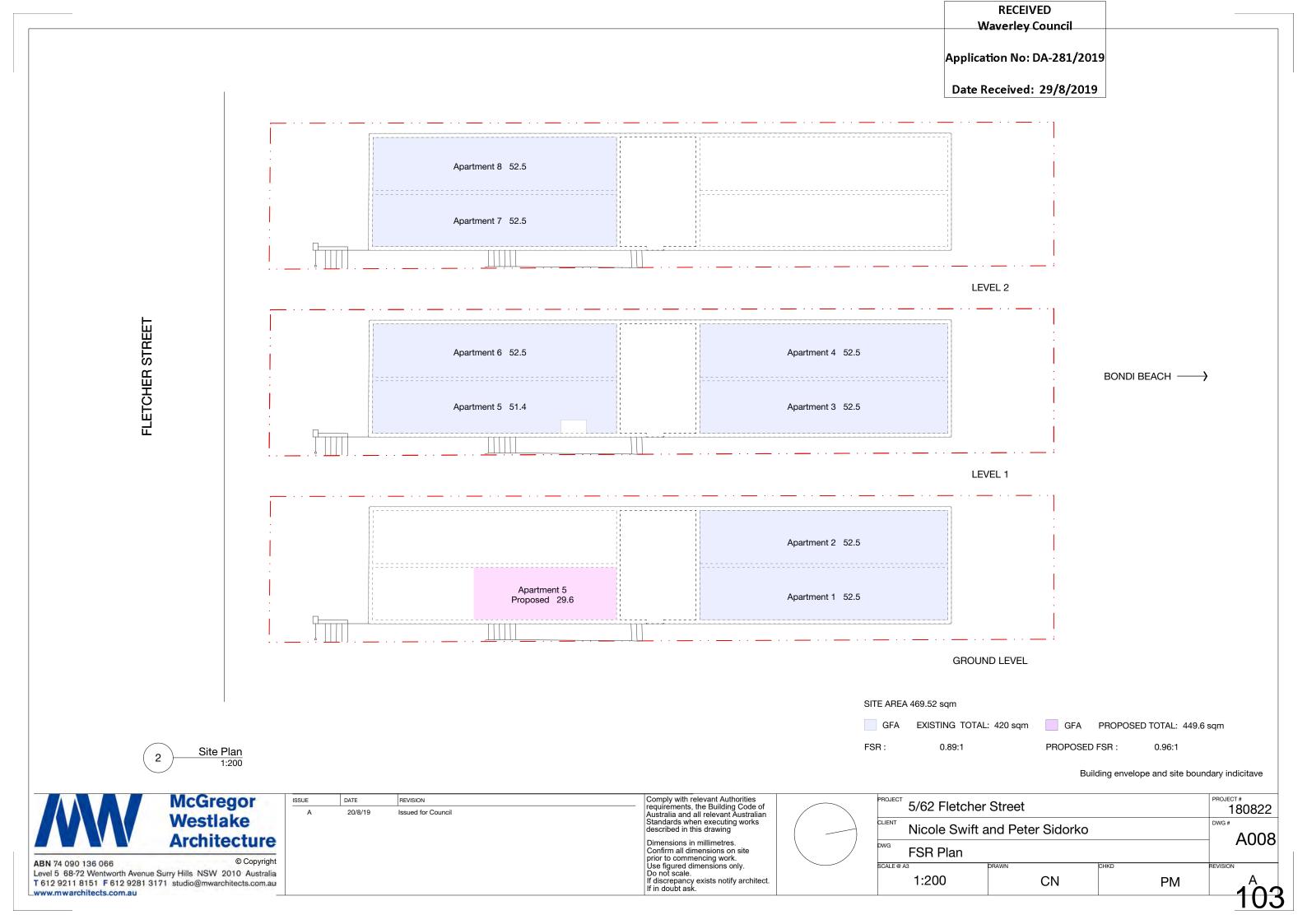


5/62 Fletcher Street			PROJECT# 180822	
CLIENT	Nicole Swift and Peter Sidorko			DWG# A004
DWG	Site Plan			A004
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Report to the Waverley Local Planning Panel

Application number	DA-45/2019/A		
Site address	10 Hardy Street, North Bondi		
Proposal	Section 4.55 (2) modification to approved dual occupancy, including internal alterations involving the conversion of the approved double garage into a habitable space, internal reconfiguration at ground and first floor levels and construction a carport within the front setback of each dwelling.		
Approved development	Construction of a new dual-occupancy with associated swimming pools, integrated double garage, landscaping and strata subdivision		
Date of lodgement	5 August 2019		
Owner	Mr P Ritchie		
Applicant	Mr P Ritchie		
Submissions	Nil		
Cost of works	\$974,109, as per original DA		
Issues	Location of carports within front setback and increase in FSR. That the application be REFUSED		
Recommendation			
	8 9 11 11 13 15 17 19/21/23/25/27773 00		

1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 4 October 2019.

The property comprises a regular shaped lot, being lot 5 DP 8538 and known as 10 Hardy Street, North Bondi. The site has a frontage of 12.575m to the western side of Hardy Street and has an area of 459.5m². The approved dual occupancy under the original DA is currently under construction.

Adjoining the site to the north is a two-storey dwelling house and a single storey dwelling house to the south.

The area is characterised by dwelling houses, semi-detached dwellings, dual occupancies and residential flat buildings.



Figure 1: Site viewed from Hardy Street

1.2 Details of Approved Development

The original development application (DA-321/2017) was granted development consent on 25 June 2019, on behalf of the DBU, subject to conditions as outlined in the Notice of Determination. The original development application proposed the construction of a new dual-occupancy with an integrated double garage associated swimming pools, landscaping and strata subdivision.

The approved consent is substantially reduced from the originally lodged DA, which exceeded the FSR control 0.6:1, with 0.72:1 originally proposed, a 20.4% variation. The applicant was sent a deferral letter requesting compliance with the FSR control. Amended plans were received and these plans, which were approved provided a 9% exceedance at 0.65:1.

1.3 Proposal

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

- New carport located within front setback.
- Conversion of approved garage to study.
- Internal re-configuration of laundry/WC and kitchen ground floor.
- Internal re-configuration of bathroom first floor.
- Adjustment of windows to suit the proposed internal reconfigurations (noted that this is not clouded on plans).
- New corner glazing to entry door on ground floor.
- Modify Condition 57 to correct typing error. The condition should read No. 10A to be allocated
 for the south allotment and 10B for the north allotment to reflect the correct street number
 pattern which runs from south to north.

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 Section 4.55 Considerations

Section 4.55 (2) applications - the modification(s) if approved are substantially the same development as the original consent. Council has consulted any relevant Minister or Authority and notified the application and considered submissions as discussed further in the report

2.2 Planning Instruments and Development Control Plans

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

2.2.1 SEPP (Building Sustainability Index - BASIX) 2004

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.

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 Waverley Local Environmental Plan 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment	
Part 1 Preliminary			
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.	
Part 2 Permitted or prohibited de	evelopment		
2.6 Subdivision – consent requirements	Yes	Strata subdivision approved under original DA.	
Land Use Table		The proposal is defined as a dual occupancy,	
R2 – Low Density Zone	Yes	which is permitted with consent in the R2 zone.	
Part 4 Principal development star	ndards		
4.3 Height of buildings		The proposal is less than the maximum height	
• 8.5m	Unchanged	requirement, being 7.37m. Unchanged as per original DA.	
4.4 Floor space ratio and		The applicant has stated that the	
 4.4A Exceptions to floor space ratio 0.6:1 (275.7m²) based on a site area of 	No	modifications result in an FSR of 0.73:1 (338.9m ²), which exceeds the standard by 63.2m ² or 22.9%.	
		Assessing officers' approximate calculations:	
459.6m ^{2.}		Ground floor – 196m²	
		First floor – 162m²	
		Total GFA = 358m ² , which equates to an FSR of 0.77:1. This results in a 82.3m ² or 30% variation to the standard.	
4.6 Exceptions to development standards	Not required	Clause 4.6 not required for a modification application.	

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

Clause 4.4 Floor space ratio

The proposed modifications result in an increase in FSR. The original application was approved with an FSR of 0.65:1, which equated to a FSR variation of 9%. The proposed modification seeks to increase the FSR to 0.77:1, which equates to a 30% variation to the standard. The additional GFA is attributed to conversion of the approved garages to habitable space.

The proposed conversion of the approved garages to habitable space and subsequent location of carports within the front setback will result in an adverse impact on the streetscape character. While it is noted, that with the exception of the carports, the general bulk is not changing, there is a significant FSR increase of 30%, which is not acceptable and would create an undesirable precedence in the area and is not compatible with the desired future character of the locality.

As previously noted, the applicant was requested with the original DA to comply with the FSR standard; this should not be further exceeded. For this reason, the proposed increase in GFA resulting from the conversion of the approved garages to habitable spaces, is not supported.

2.2.4 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	Unchanged	A Site Waste & Recycling Management plan was submitted with the original application to address waste disposal during construction.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design and a condition has been imposed on the original consent to ensure that solid fuel heating is not used. An updated BASIX certificate has been lodged.
5. Tree preservation	Unchanged	Council's Tree Management Officer has agreed to the removal and replacement planting under the original application and forms a condition of the original consent.
6. Stormwater	Unchanged	A condition of consent relating to stormwater management has been imposed on the original consent
8. Transport	No	The proposed carport results in an unsatisfactory streetscape impact and is discussed further below.
12. Design Excellence	No	The proposed modification does not contribute to design quality in Waverley and is not considered to be a good urban design outcome.

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

The proposal is defined as a "Dual Occupancy" in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
Appropriate scale	No	The proposal does not comply with the general
Does not detract from amenity of other dwellings or view corridors		objectives for low density residential development, as the modifications, in particular the proposed carports, are not consistent with the character or with the desired future character of the area.
ESD has been considered		

Development Control	Compliance	Comment
 Alterations & additions are sympathetic in bulk & scale to the character of the area 		
High design standard		
2.1 Height		
Flat roof dwelling house	Unchanged	The dwelling is built in places up to the 7.5m
Maximum wall height of 7.5m		limit.
2.2 Setbacks		
2.2.1 Front and rear building lines		
Predominant front building line	No	The carports are not consistent with the predominant front building alignment (Refer to Figure 2 below).
		It is acknowledged that there are a few anomalies within the street, all approved prior to the current controls:
		- No. 6 Hardy Street (DA-483/2009), which is a dual occupancy with car spaces to the front;
		- No. 12 Hardy Street has a double garage on to the street;
		- No. 11 Clyde Street, across Hardy Street has a number of single garages onto the street.
		These are not good examples of development which should not be replicated.
		The applicant has mentioned two examples of recently approved carports forward of the building line, being 16 Owen Street (DA-327/2018/A) and 5 Nancy Street (DA-385/2018), however, these applications are outside of the visual catchment of the subject site and do not form the character of the surrounding area.
Predominant rear building line at each floor level	Unchanged	The rear building line remains unchanged.



Figure 2: Aerial image of subject site (highlighted in yellow) and the surrounding area. The red line indicates the predominant front building line.

2.2.2 Side setbacksMinimum of 0.9m2.3 Streetscape and visual improvements		The proposed carport complies with the minimum setback. The remainder of the building otherwise remains unchanged.
New development to be compatible with streetscape context	No	Proposed modifications, resulting in the carports being located forward of the predominant building line, are not consistent with the streetscape context.
2.4 Fences		
 Front: Maximum height of 1.2m Solid section no more than 0.6m high 	No	Amended front fence/mail box does not exceed 1.2m in height.
2.5 Visual and acoustic privace	у	
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	Yes	The amended windows do not result in additional adverse privacy impacts.

De	velopment Control	Compliance	Comment
	are incorporated into the design.		
2.6	Solar access		
•	Minimum of three hours of sunlight to living areas and principal open space areas on 21 June	Yes	The proposed amendments will not result in additional shadow impacts to living rooms and private open space of the subject site or adjoining properties.
•	Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June		
	Car parking		
2.8	.2 Design Approach		
•	Designed to complement the building and streetscape	No	The proposal does not comply with this section of the DCP, as the proposed carports are located forward of predominant building line and do not
•	Car parking structures to be behind the front building line		compliment the associated buildings or streetscape.
2.9	Landscaping and open spa	ce	
•	Overall open space: 40% of site area	No	38% (176.06m²) provided
•	Overall landscaped area: 15% of site area (70m²)	Yes	20% (90m²) provided
•	Minimum area of 25m ² for private open space	Unchanged	
•	Front open space: 50% of front building setback area.	No	45%
•	Front landscaped area: 50% of front open space provided	No	31% The carports will reduce the area of landscaping
•	Outdoor clothes drying area to be provided	Unchanged	
2.1	0 Swimming pools and spa	pools	
•	Located in the rear of property	Unchanged	Pools located in rear yards as per the original consent.
•	Pool decks on side boundaries must consider visual privacy		

2.3 Other Impacts of the Development

The proposal will have a significant detrimental effect relating to environmental, social and economic impacts on the locality and is not supported.

2.4 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development due to adverse impacts on the streetscape and the increase in FSR within the area.

2.5 Any Submissions

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

No submissions were received.

2.6 Public Interest

The proposal is not in the public interest, as such is not supported.

3. REFERRALS

3.1 Driveways – Creating Waverley

Council's Manger – Traffic and Development has not raised an objection to the proposal and provided conditions of consent should the application be supported.

4. SUMMARY

This application seeks modifications to the approved dual occupancy including internal alterations involving the conversion of the approved garages into a habitable space and construction of a carport within the front setback of each dwelling. The application has been compared to the essential nature of the development as originally approved and is *substantially the same development*, pursuant to Section 4.55(2) of the EP&A Act.

The proposal results in a substantial increase in FSR prescribed in Waverley LEP 2012 by 30% above the standard. As clause 4.6 is not applicable to the proposed modification, a clause 4.6 request to vary a development standard is not required to be submitted. However, the proposed increase in FSR is not supported due to adverse impacts on the streetscape and would result in an undesirable precedence and is not compatible with the desired future character of the locality.

The proposal does not comply with a wide range of controls contained within the Waverley DCP 2012, including, but not limited to, front setback controls (Section 2.2), Car Parking (Section 2.8) and Landscaping and Open Space (Section 2.9). The non-compliances stated in this report, result in a development that is not appropriate for the site, resulting in an adverse impact on the streetscape character. In this regard the proposal in the current form is not supported.

DBU Decision

The application and assessment report have been reviewed by the DBU at the meeting on 5 November 2019 and the DBU determined:

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

DBU members: M Reid, B Magistrale, B McNamara, B Matlawski

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application is **REFUSED** by the Development and Building Unit for the reasons contained in Appendix A:

Report prepared by: Application determined by:

Lauren Saunders Bridget McNamara

Senior Development Assessment Planner Manager, Development Assessment

(North/South)

(Reviewed and agreed on behalf of the

Development and Building Unit)

Date: 6/11/2019 Date: 15/11/2019

Reason for referral:

1 Contentious development

APPENDIX A – REASONS FOR REFUSAL

- 1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g), as the proposal does not promote good design and amenity in the built environment.
- 2. The proposal is in breach of section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in particular the following provisions:
 - a. WLEP 2012 Clause 4.4(1)(b) to (d) and (2) as the proposal exceeds the maximum floor space ratio development standard.
- 3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B8 Transport, as the proposal will result in an adverse impact on the character and amenity of the streetscape and does not result in a high standard of urban design.
 - b. Part B12 Design Excellence, as the proposal does not contribute to design quality in Waverley and is not suitable within the streetscape.
 - c. Part C2 Low Density Residential Development.
 - i. Section 2.0 General Objectives, specifically objectives (a), (b), (d) and (e), as the proposed works are not sympathetic in bulk, scale and character with the desired future character of the area.
 - Section 2.2.1 Front and rear building lines, specifically objectives (b) and (d) and controls (a) and (b) as the proposal extends beyond the predominant front building line.
 - iii. Section 2.3 Streetscape and Visual Impact, specifically control (a), as the proposal is not visually compatible with its streetscape context.
 - iv. Section 2.8 Car Parking, specifically Objectives (a), (b) and (d) as the proposal does not achieve a high standard of urban design and retain the visual quality of the streetscape.
 - v. Section 2.8.1 Design Approach, specifically controls (a)-(c), as the proposed carports do not complement the streetscape.
 - vi. Section 2.8.3, specifically control (b) as the location of the proposed carports are not consistent with the hierarchy of preferred car parking locations.
 - vii. Section 2.8.4 Design, specifically controls (a) and (b) as the proposal carports do not complement the style, massing and detail of the dual occupancy to which they relate.

- viii. Section 2.9 Landscaping and Private Open Space, specifically objective (a) and control (f), as inadequate landscaping is provided within the front setback, which will reduce the amenity and visual setting of the site.
- 4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will result in an unacceptable impact on the streetscape.
- 5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the proposal is not suitable for the site as the carports will result in an adverse impact on the streetscape character.
- 6. The proposal is not considered to be in the public interest for the reasons outlined above and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

RECEIVED Application No: DA-45/2019/A Date Fecelved: 05/08/2019

10A & 10B HARDY STREET NORTH BONDI

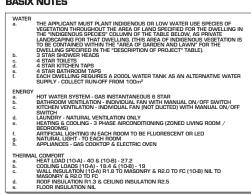
S4.55 MODIFICATION OF DEVELOPMENT CONSENT

DEMOLISH EXISTING DWELLING AND CONSTRUCT A NEW DUAL OCCUPANCY

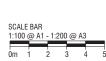
JULY 2019

A0000	COVER SHEET	1
A0010	SITE PLAN / SITE ANALYSIS	1
A1000	DEMOLITION PLAN & WASTE MANAGEMENT	1
A2000	PROPOSED GROUND FLOOR	2
A2001	PROPOSED LEVEL 1	2
A2002	PROPOSED ROOF PLAN	2
A3000	PROPOSED EAST & WEST ELEVATIONS	2
A3001	PROPOSED NORTH & SOUTH ELEVATIONS	2
A4000	PROPOSED SECTIONS	2
A4100	LONGDITUDINAL DRIVEWAY SECTION	1
A9000	3D VIEWS	2
A9001	VISUALISATION	1
A9101	WINDOW & GLAZED DOOR SCHEDULE	1
A9110	SHADOW STUDY	1
A9120	PROJECT ANALYSIS & AREAS	2

BASIX NOTES



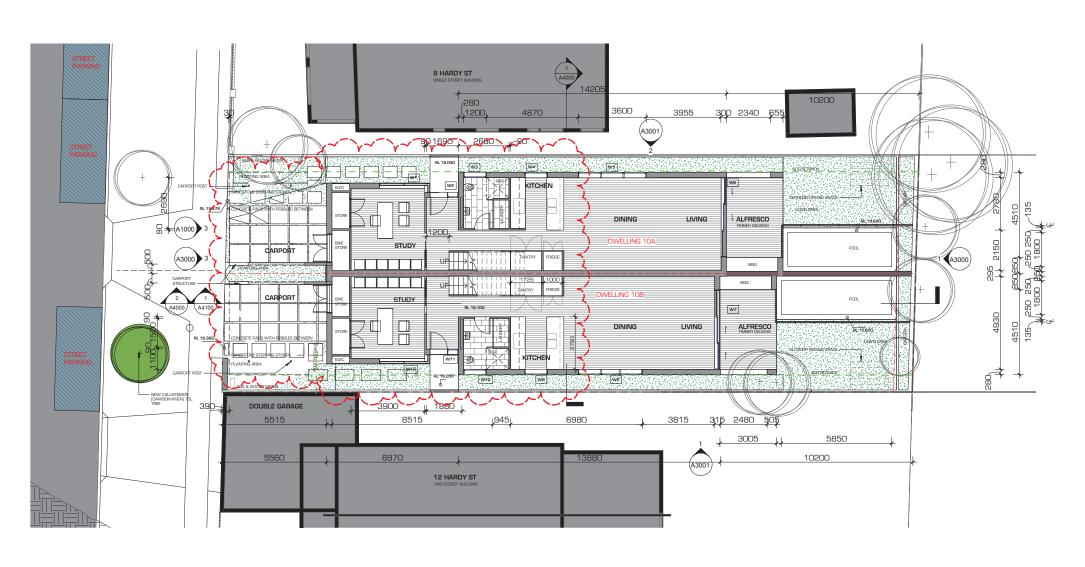
PREPARED BY CHRISTOPHER BOMBARDIERE NSW REGISTRATION NO 8123





S4.55 MODIFICATION

Drawn By: Checked: Project No: RS CB 3326 NEW DUAL OCCUPANCY 10 HARDY STREET, NORTH BONDI COVER SHEET P. RITCHIE Date: 08/02/19 A0000



- **S4.55 MODIFICATIONS**a. ADDITION OF CARPORT
- CONVERSION OF GARAGE TO STUDY ADDITION OF BICYCLE STORAGE
- ADDITION OF STORAGE CHANGES TO LAUNDRY / WC
- RE-ORIENTATION OF KITCHEN
- NORTH SCALE BAR 1:100 @ A1 - 1:200 @ A3

P. RITCHIE NEW DUAL OCCUPANCY Q L I U U 10 HARDY STREET, NORTH BONDI

PROPOSED GROUND FLOOR

Drawn By: Checked: CB RS A2000 08/02/19 As indicated

CONDITION 22 & 56 NOTE:
ALL FINISHES ARE COMPLIMENTARY TO THE STREETSCAPE AND THERE ARE NO HIGHLY REFLECTIVE MATERIALS PROPOSED. CONTRACTOR IS TO PROVICE SAMPLES PRIOR TO ORDERING.

BASIX NOTES

RECEIVED **Waverley Council** Application No: DA-45/2019/A Date Received: 05/08/2019

SANDSTONE CLADDING

PAINT FINISH ON RENDER & FC SHEETING

TIMBER

BATTEN CLADDING

POWDER-COATED TO MATCH

STANDARD METAL ELEMENTS

CORRUGATED COLOUR: METAL ROOF WINDSPRAY

DESCRIPTION

SPLIT FACE RANDOM STACKED PATTERN

COLOUR: TRANQUIL RETREAT

SN4G1

COLOUR: WESTERN MYALL

SPOTTED GUM NATURAL SEALER

COLOUR: MONUMENT

COLOUR: SHALE GREY

SCHEDULE OF COLOURS & MATERIALS

CODE ITEM

ST

P1

P2

Р3

TI

M1

M3

LOCATION

FEATURE

WALL ELEMENTS

FEATURE

ACCESNTS TO WALLS

WALL CLADDING

ROOF

WINDOW

FRAMES & LOUVRES

FASCIAS

AND GUTTERS

THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE DWELLING IN THE "INDIGENOUS SPECIES" COLLIMIN OF THE TABLE BELOW, AS PRIVATE LANDSCAPING FOR THAT DWELLING, ITHIS AREA OF INDIGENOUS VEGETATION IS TO BE CONTRIBUE OWTHIN THE "AREA OF GROPEN AND LAWN FOR THE DESCRIPTION OF PROJECT" TABLE).

STAR SHOWER HEADS
4 STAR SHOWER HEADS
4 STAR KITCHEN TAPS
4 STAR KITCHEN TAPS
4 STAR KITCHEN TAPS
4 STAR BATTHOOM TAPS
EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY - COLLECT FROM TOOM?

IMAGE

SUPLLIER

GOSFORD QUARRIES

DULUX

DULUX

DULUX

COLORBOND

COLORBOND

COLORBOND

LAUNDRY - NATURAL VENTILATION ONLY HEATING & COOLING - 3 PHASE AIRCONDITIONING (ZONED LIVING ROOM

BEDROOMS)
ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED
NATURAL LIGHT - TO EACH ROOM
APPLIANCES - GAS COOKTOP & ELECTRIC OVEN

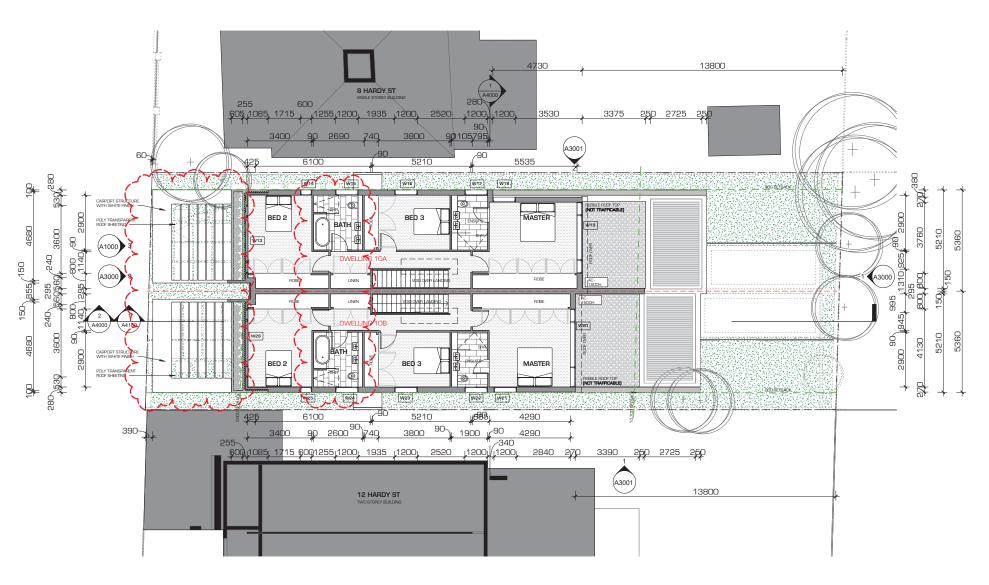
THERMAL COMFORT

a. HEAT LOAD (10-A) - 40 & (10-B) - 27.2
b. COLLING LOADS (10-A) - 18.4 & (10-B) - 19
c. WALL INSULATION (10-A) R1.8 TO MASONRY & R2.0 TO FC (10-B) NIL TO MASONRY & R2.0 TO FC

d. RODE INSULATION R1.3 & CELLING INSULATION R2.5
e. FLOOR INSULATION R1.3 & CELLING INSULATION R2.5

NOTES:
READ DRAWINGS INCONJUCTION WITH SPECIFICATION
SEE A7000 SERIES FOR RINISHES AND SCHEDULES
DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATIO



- **S4.55 MODIFICATIONS**a. ADDITION OF CARPORT
- CONVERSION OF GARAGE TO STUDY ADDITION OF BICYCLE STORAGE
- CHANGES TO LAUNDRY / WC
- RE-ORIENTATION OF KITCHEN
- NORTH SCALE BAR 1:100 @ A1 - 1:200 @ A3



Drawn By: Checked: CB RS

DESCRIPTION SUPLLIER IMAGE SPLIT FACE RANDOM STACKED PATTERN DULUX DULUX DULUX SPOTTED GUM NATURAL SEALER CORRUGATED COLOUR: METAL ROOF WINDSPRAY COLORBOND

CONDITION 22 & 56 NOTE:
ALL FINISHES ARE COMPLIMENTARY TO THE STREETSCAPE AND THERE ARE NO HIGHLY REFLECTIVE MATERIALS PROPOSED. CONTRACTOR IS TO PROVICE SAMPLES PRIOR TO ORDERING.

RECEIVED **Waverley Council** Application No: DA-45/2019/A Date Received: 05/08/2019

SANDSTONE CLADDING

PAINT FINISH ON RENDER & FC SHEETING

TIMBER

BATTEN CLADDING

POWDER-COATED TO MATCH

STANDARD METAL ELEMENTS

COLOUR: TRANQUIL RETREAT

SN4G1

COLOUR: WESTERN

MYALL

SCHEDULE OF COLOURS & MATERIALS

CODE ITEM

ST

P1

P2

P3

TI

M1

M3

LOCATION

FEATURE

WALL ELEMENTS

FEATURE

ACCESNTS TO WALLS

WALL CLADDING

ROOF

WINDOW

FRAMES & LOUVRES

FASCIAS

AND GUTTERS

BASIX NOTES

COLOUR: MONUMENT

COLOUR:

SHALE GREY

THE APPLICANT MUST PLANT INDIGENOUS OR LOW WATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE DWELLING IN THE "INDIGENOUS SPECIES" COLLIMIN OF THE TABLE BELOW, AS PRIVATE LANDSCAPING FOR THAT DWELLING, ITHIS AREA OF INDIGENOUS VEGETATION IS TO BE CONTRIBUE OWTHIN THE "AREA OF GROPEN AND LAWN FOR THE DESCRIPTION OF PROJECT" TABLE).

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4 STAR BATTHOOM TAPS
EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY - COLLECT FROM TOOM?

COLORBOND

COLORBOND

BEDROOMS)
ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED
NATURAL LIGHT - TO EACH ROOM
APPLIANCES - GAS COOKTOP & ELECTRIC OVEN

THERMAL COMFORT

a. HEAT LOAD (10-A) - 40 & (10-B) - 27.2

b. COLUMB LOADS (10-A) - 18.4 & (10-B) - 19

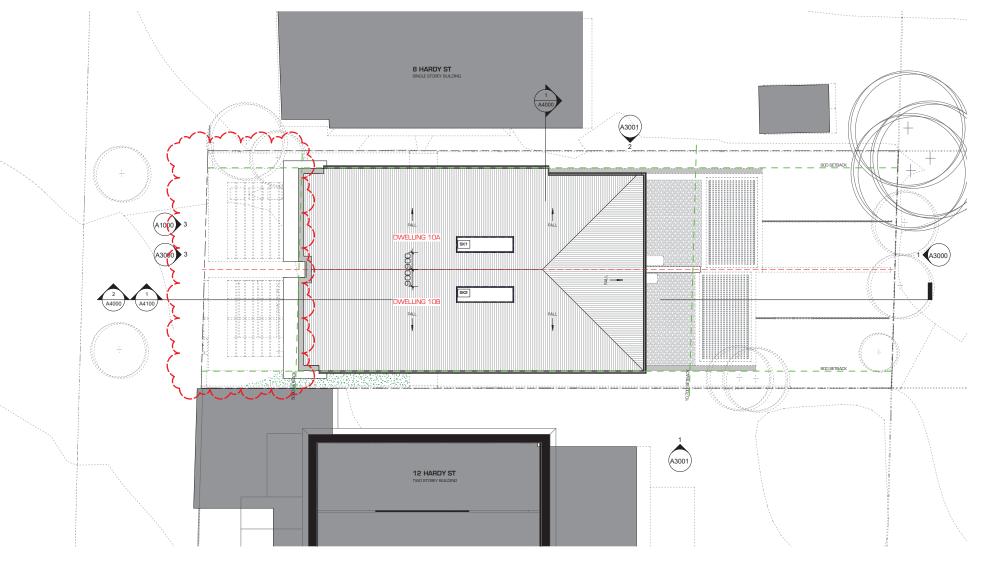
c. WALL INSULATION (10-A) R1.8 TO MASONRY & R2.0 TO FC (10-B) NIL TO MASONRY & R2.0 TO FC (10-B) NIL TO ROOF INSULATION R1.3 & CEILING INSULATION R2.5

e. FLOOR INSULATION R1.3 & CEILING INSULATION R2.5

NOTES:
READ DRAWINGS INCONJUCTION WITH SPECIFICATION
SEE A7000 SERIES FOR RINISHES AND SCHEDULES
DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATION

PROPOSED LEVEL 1 A2001 08/02/19 As indicated



- a. ADDITION OF CARPORT
 b. CONVERSION OF GARAGE TO STUDY
 c. ADDITION OF BICYCLE STORAGE
 d. ADDITION OF STORAGE
 e. CHANGES TO LAUNDRY / WC
 f. RE-ORIENTATION OF KITCHEN

SCALE BAR 1:100 @ A1 - 1:200 @ A3 0m 1 2 3 4 5m

NEW DUAL OCCUPANCY P. RITCHIE 10 HARDY STREET, NORTH BONDI

RECEIVED Waverley Council

Application No: DA-45/2019/A

Date Received: 05/08/2019

SCHEDULE	OF COL	OURS & MATI	ERIALS		
LOCATION	CODE	ITEM	DESCRIPTION	SUPLLIER	IMAGE
FEATURE WALL ELEMENTS	ST	SANDSTONE CLADDING	SPLIT FACE FANDOM STACKED PATTERN	GOSFORD GUARRIES	
FEATURE ELEMENTS, SOFFITS	P1	PAINTED FINISH	COLOUR: LEXICON	DULUX	
MAIN WALL COLOUR	P2	PAINT FINISH ON RENDER & FC SHEETING	COLOUR: TRANGUIL RETREAT SN4G1	DULUX	
FEATURE ACCESNTS TO WALLS	P3	PAINTED FINISH ON SYCON FC PANELS	COLOUR: WESTERN MYALL	DULUX	
WALL CLADDING	TI	TIMBER BATTEN CLADDING	SPOTTED GUM NATURAL SEALER		
ROOF	M1	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
WINDOW FRAMES & LOUVRES	M2	POWDER- COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
FASCIAS AND GUTTERS	M3	STANDARD METAL ELEMENTS	COLOUR: SHALE GREY	COLORBOND	

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3 STAR FIGHT HEADS
4 STAR KITCHEN TAPS
4 STAR KITCHEN TAPS
4 STAR RITHOOM TAPS
EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY—COLLECT FUNDER FROM TOOM? BEDROOMS)
ARTIFICIAL LIGHTING IN EACH ROOM TO BE FLUORESCENT OR LED
NATURAL LIGHT - TO EACH ROOM
APPLIANCES - GAS COOKTOP & ELECTRIC OVEN THERMAL COMFORT

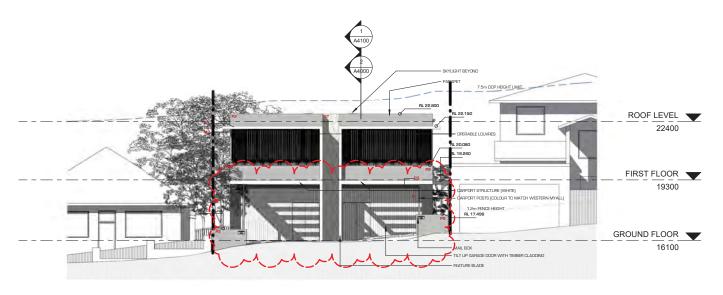
a. HEAT LOAD (10-A) - 40 & (10-B) - 27.2
b. COLLING LOADS (10-A) - 18.4 & (10-B) - 19
c. WALL INSULATION (10-A) R1.8 TO MASONRY & R2.0 TO FC (10-B) NIL TO MASONRY & R2.0 TO FC

d. ROOF INSULATION R1.3 & CEILING INSULATION R2.5
e. FLOOR INSULATION R1.3 & CEILING INSULATION R2.5

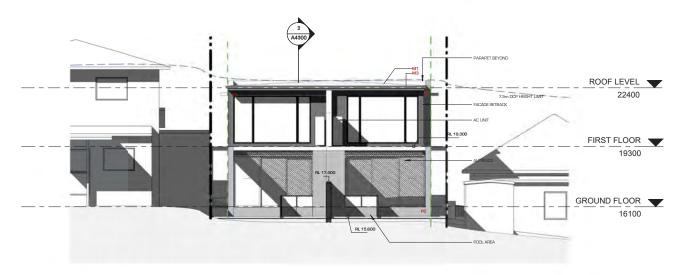
NOTES:
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DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATION





PROPOSED EAST ELEVATION
1:100



PROPOSED WEST ELEVATION

1:100

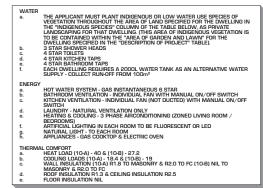
RECEIVED Waverley Council Application No: DA-45/2019/A

Date Fecelved: 05/08/2019

LOCATION	CODE	ITEM	DESCRIPTION	SUPLLIER	IMAGE
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FEATURE ELEMENTS, SOFFITS	P1	PAINTED FINISH	COLOUR: LEXICON	DULUX	
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WALL CLADDING	TI	TIMBER BATTEN CLADDING	SPOTTED GUM NATURAL SEALER		
ROOF	M1	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND	
WINDOW FRAMES & LOUVRES	M2	POWDER- COATED TO MATCH	COLOUR: MONUMENT	COLORBOND	
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BASIX NOTES

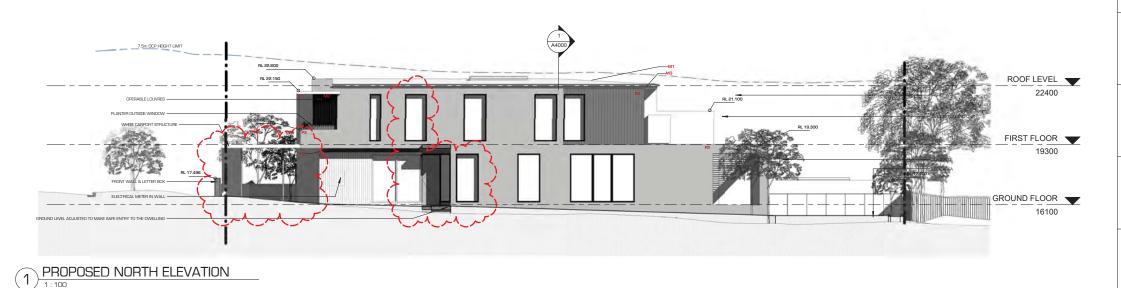


NOTES:
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DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATION

As indicated







PROPOSED SOUTH ELEVATION

1:100

RECEIVED Waverley Council Application No: DA-45/2019/A Date Feceived: 05/08/2019

SCHEDULE OF COLOURS & MATERIALS							
LOCATION	CODE	ITEM	DESCRIPTION	SUPLLIER	IMAGE		
FEATURE WALL ELEMENTS	ST	SANDSTONE CLADDING	SPLIT FACE RANDOM STACKED PATTERN	GOSFORD GUARRIES			
FEATURE ELEMENTS, SOFFITS	P1	PAINTED FINISH	COLOUR: LEXICON	DULUX			
MAIN WALL COLOUR	P2	PAINT FINISH ON RENDER & FC SHEETING	COLOUR: TRANGUIL RETREAT SN4G1	DULUX			
FEATURE ACCESNTS TO WALLS	P3	PAINTED FINISH ON SYCON FC PANELS	COLOUR: WESTERN MYALL	DULUX			
WALL CLADDING	TI	TIMBER BATTEN CLADDING	SPOTTED GUM NATURAL SEALER				
ROOF	M1	CORRUGATED METAL ROOF	COLOUR: WINDSPRAY	COLORBOND			
WINDOW FRAMES & LOUVRES	M2	POWDER- COATED TO MATCH	COLOUR: MONUMENT	COLORBOND			
FASCIAS AND GUTTERS	M3	STANDARD METAL ELEMENTS	COLOUR: SHALE GREY	COLORBOND			
CONDITION 22	C EC NOT	E.					

CONDITION 22 & 56 NOTE:
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BASIX NOTES



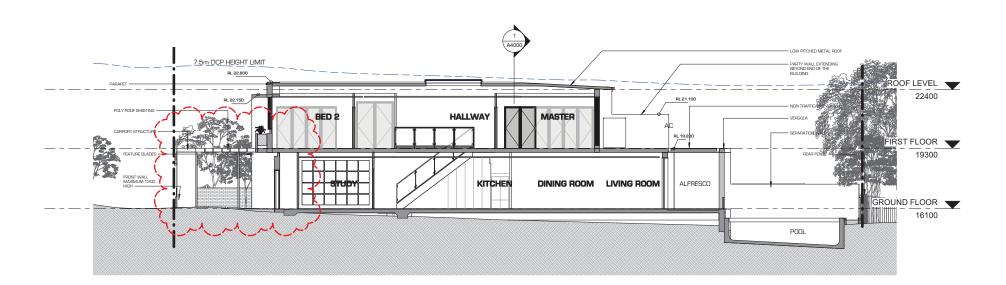
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П	Contractor:	P. RITCHIE	NEW DUAL OCCUPANCY	THOI COLD NOTTH & COOTH	Drawn By: Checked: CB	Project No: 3326
U			10 HARDY STREET, NORTH	ELEVATIONS	Date:	Sheet No:

SCALE BAR 1:100 @ A1 - 1:200 @ A3 0m 1 2 3 4 5m L S G N 08/02/19 A3001 BONDI As indicated





2 LONG SECTION

SCALE BAR 1:100 @ A1 - 1:200 @ A3 0m 1 2 3 4 5m

NEW DUAL OCCUPANCY P. RITCHIE L I Q U 10 HARDY STREET, NORTH BONDI

RECEIVED Waverley Council

Application No: DA-45/2019/A Date Received: 05/08/2019

LOCATION	CODE	ITEM	DESCRIPTION	SUPLLIER	IMAGE
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3 STAR TOLEH HEADS
4 STAR KITCHEN TAPS
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EACH DWELLING REQUIRES A 2000L WATER TANK AS AN ALTERNATIVE WATER SUPPLY—COLLECT RUNGET FROM TOOM: BEDROOMS)
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APPLIANCES - GAS COOKTOP & ELECTRIC OVEN THERMAL COMFORT

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DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATIO

Drawn By: Checked: Project No: RS CB 3326 PROPOSED SECTIONS A4000 08/02/19 As indicated

3 SOUTH EAST - HARDY ST

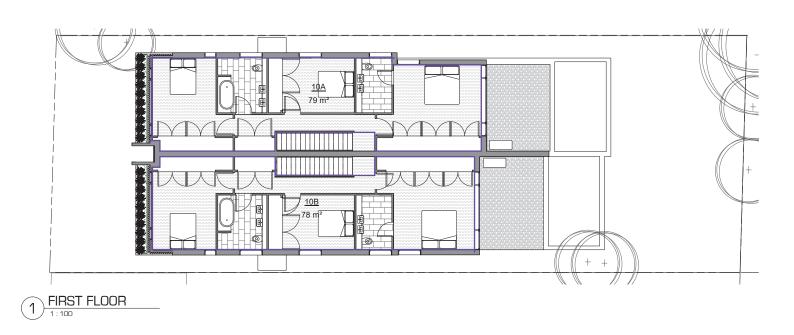
NORTH EAST - HARDY ST

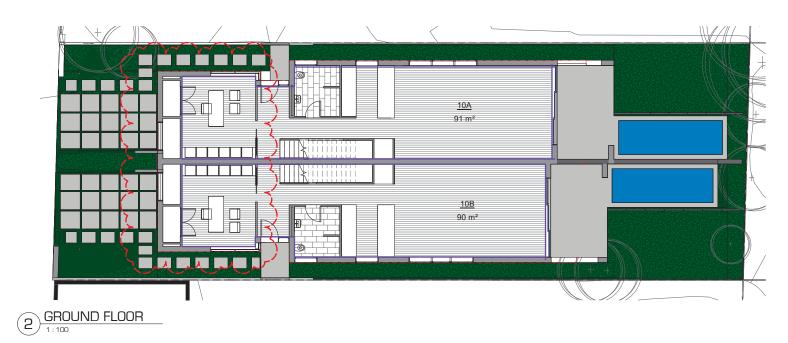
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DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATIO

RECEIVED Waverley Council Application No: DA-45/2019/A Date Fecelved: 05/08/2019

SCALE BAR 1:100 @ A1 - 1:200 @ A3 0m 1 2 3 4 5m P. RITCHIE Drawn By: Checked: Project No: CB RS 3326 NEW DUAL OCCUPANCY 10 HARDY STREET, NORTH BONDI 3D VIEWS Date: 08/02/19 A9000





RECEIVED Waverley Council

Application No: DA-45/2019/A

Date Received: 05/08/2019

FSR			
SITE AREA		4	459.6m²
ALLOWABL	FSR		0.6:1
Area Sc	hedule	1	
Name	Level	Area	FSR
10A	FIRST FLOOR	79.0 m ²	0.172
10A	GROUND FLOOR	91.4 m²	0.199
10B	FIRST FLOOR	78.4 m²	0.171
10B	GROUND FLOOR	90.2 m ²	0.196
		338.9 m²	0.737 :1

LANDSCAPE & OPEN SPACE

SITE AREA	459.6m ²
TOTAL PROPOSED OPEN SPACE REGUIRED (40%)	233.2m² (50.7%)
OPEN SPACE FORWARD OF THE BUILDING LINE REGUIRED (50%)	65.4m ² (100%)
TOTAL LANDSCAPE AREA REQUIRED (15% OF SITE AREA)	135.4m² (29.5%)
LANDSCAPE AREA FORWARD OF THE BUILDING LINE REQUIRED (50% OF OPEN SPACE)	33.1m ² (50.6%)
PRIVATE OPEN SPACE PER DWELLING REGUIRED (25m²)	DA - 34.3m² DB - 34.3m²

NOTES:
READ DRAWINGS INCONJUCTION WITH SPECIFICATION
SEE A7000 SERIES FOR FINISHES AND SCHEDULES
DOCUMENTATION FOR TENDER NOT FOR CONSTRUCTION

S4.55 MODIFICATION

SCALE BAR 1:100 @ A1 - 1:200 @ A3 0m 1 2 3 4 5m Drawn By: Checked: Project No: RS CB 3326 NEW DUAL OCCUPANCY 10 HARDY STREET, NORTH BONDI PROJECT ANALYSIS & AREAS P. RITCHIE Date: 08/02/19 A9120 As indicated





Report to the Waverley Local Planning Panel

Application number	DA-218/2019
Site address	6-8 Diamond Bay Road, VAUCLUSE
Proposal	Demolition of dwellings and construction of a new four storey residential flat building for ten units with basement car parking and strata subdivision
Date of lodgement	8 July 2019
Owner	Mr J Schulz, Mrs S Schulz, 8 Diamond Rd Vaucluse Pty Ltd
Applicant	CSA Architects Pty Ltd
Submissions	Original: Ten including one submission on behalf of four properties Amended: Four
Cost of works	\$4,080,781
Issues	Building Separation
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 15 August 2019.

The site is identified as Lots A and B in DP 322846, known as 6-8 Diamond Bay Road, VAUCLUSE. It is located on the northern side of Diamond Bay Road. The site has a primary street frontage to Diamond Bay Road and is surrounded by properties on all other sides.

The site is triangular in shape with an area of 923.22m². The front (southern) boundary to the street measures 33.53m, the rear (northern) boundary that adjoins properties fronting Old South Head Road measures 64.47m and the side (eastern) boundary adjoining 10 Diamond Bay Road is 55.065m. There is a slight fall from the rear towards to the front of the site.

The site is occupied by two x two-storey detached dwellings with vehicular access provided from Diamond Bay Road. The site is adjoined by a four-storey residential flat building to the east. To the rear of the site are the rear of the dwellings that front Old South Head Road which, are a mix of detached dwellings and residential flat buildings.

Numerous trees are located on the site and the site is partially mapped as being within a habitat corridor.





Figures 1 & 2: Subject site frontage to Diamond Bay Road demonstrating existing dwellings present.

1.2 Relevant History

A search of Council's records reveals the following development history for the subject site.

• DA-563/2017

A Development Application at 8 Diamond Bay Road was lodged, seeking demolition of the existing dwelling and construction of a four-storey residential flat building comprising seven apartments with basement parking.

The application was referred to the Design Excellence Panel (DEP) on 19 February 2018 and it was considered that that there was a need for the Applicant to examine and address the issues raised to achieve a development that better reflects both ADG criteria and design excellence before the project returned to the Panel.

It is noted that several referral departments including Tree Management, required the submission of additional information and amendments to the plans.

The application was withdrawn on 11 September 2018.

The history of the subject application is provided below:

• 20 August 2019 The application was referred to the DEP and the issues identified are addressed in this report.

• 10 September 2019 The application was deferred to enable the Applicant to address the issues raised by the DEP as well as other planning matters as follows:

- 1. Building Separation & Setbacks
- 2. Bulk & Scale
 - a) Public Domain
 - b) Stairwell
 - c) Fence Heights
- 3. Communal Open Space
- 4. Visual Privacy
- 5. Solar Access
- 6. Amenity & Sustainability
- 7. Car Parking
 - a) Visitor Car Parking
 - b) Bicycle Parking
 - c) Motorcycle Parking
 - d) Accessible Parking
- 8. Driveway Design
- 9. Storage
- 10. Tree Protection & Retention
- 11. Fire Safety
- 12. Short & Long Section Plans
- 19 September 2019 The Applicant submitted draft plans and feedback was provided during a meeting held with the applicant on 26 September 2019.
- **14 October 2019** The Applicant submitted amended plans addressing the concerns raised in Council's deferral letter.
- 17 October 2019 The amended plans were renotified for a period of fourteen (14) days.

1.3 Proposal

The application, as amended, seeks consent for the demolition of dwellings and construction of a new four storey residential flat building for ten units with basement car parking and strata subdivision. A total of ten residential units are proposed. Specifically, the proposal includes the following:

Basement Level

- A total of 13 car parking spaces including two tandem spaces, two visitor spaces, two accessible spaces and a shared zone.
- A total of four motorcycle spaces.
- A total of ten bicycle spaces.
- Secure storage for each proposed unit.
- Waste bin storage area, bulky storage area and plant room.
- Wall mounted air conditioning units.

Ground, First & Second Floor Levels

• Three x two-bedroom units (nine in total) on each level around a partially open corridor

Third Floor Level

• One x three-bedroom unit with direct lift access.

Roof Level

• Installation of photovoltaic system.

External Works

- Removal of eight trees and retention of tree T2 (Lemon Scented Gum).
- Communal open space at the rear and landscaping throughout the site.
- Entry stairs from Diamond Bay Road to the subject site.



Figure 3: Photomontage of proposed development.

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 and NatHERs 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 and NatHERs 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 original application was referred to the Waverley SEPP 65 Design Excellence Panel on 19 August 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	This is a triangular site on the northern side of Diamond Bay Road. The surrounding area has a mix of detached and attached dwellings, and RFBs up to four storeys with ground floors dominated by multiple individual garages. The western boundary of the site adjoins five neighbouring properties that are a mix of dwellings and RFBs. The top floor of 731 OSH Road achieves views over the subject site. The eastern neighbour is one very long four storey RFB with multiple windows overlooking the subject site.	

Principle	Panel's Comment	Planning Comment
	Generally, the scale of the proposal would not be out of character with the surrounding dwellings.	
2. Built form & Scale	The proposed building is highly articulated with three units per floor, separated by deep indents in the façade on the west and south, and one penthouse unit on the top floor, which is set back further from the southern street boundary to retain view lines of the neighbour at 731 OSH Road.	
	 The Panel has the following concerns: The impact of the floor levels, terrace levels and retaining walls are not clear on the drawings. A series of cross sections should be prepared for review and clearly describe the relationship with ground lines and the neighbouring properties. 	The applicant has provided a series of short and long section plans with the amended application to adequately demonstrate the interface of the proposed terrace and retaining walls.
	The driveway entry structures and retaining walls need to remain entirely within the site. The Panel does not support the construction of any structures in the public domain.	The amended application has deleted works previously proposed within the public domain. Conditions are recommended to remove part of the pedestrian staircase provided within the public domain.
	Building separation does not meet ADG requirements in some areas. The applicant needs to discuss the approach of varying setbacks with Council.	Refer to discussion regarding building separation further in this report.
	Garden areas for the sole use of individual ground floor units are shown on the strata plans. No communal open space is provided. This does not meet ADG requirements and should be addressed.	The amended application has provided communal open space at the rear of the site, as well as incorporated communal features such as seating benches in common areas of the building.
	The egress stair has no separation of ascending and descending flights – this should be checked with a certifier. It would be preferable if the stair could be	The amended application has revised the access stairway design and has provided both ascending and descending stairs. The top three floors are now able to exit at ground level.

Principle	Panel's Comment	Planning Comment
	changed so that the top three floors can exit at ground level. This would then enable an open stair with natural light and eliminate the need for the blank and bulky core that projects to the east.	The bulky core has now been articulated with fixed screens to the outside of windows to the stairwell to minimise bulk of this structure to the east.
	2 hours of winter sun access needs to be achieved to 7 of the 10 units.	The amended application provides 2 hours of solar access to 8 of the 10 proposed units.
	Overlooking from the penthouse unit down to the bedrooms of the lower units, and from the balconies of Units 4 and 7 down to the living areas of Units 2 and 5 needs to be avoided.	Overlooking between units has been avoided with the amended application as splayed corners/windows have been introduced into the design. Furthermore, the living room windows of Units 2 and 5 to the west have been amended and reconfigured to avoid overlooking from the balconies of Units 4 and 7.
	The concrete basement walls that extend above natural ground and the concrete walls around Unit 1 are too dominant and should be reconsidered. Further, the landscape plan does not suitably address these elements.	The amended application has deleted the concrete basement walls previously extending from the basement and have further articulated the concrete walls present with fencing and landscaping. Furthermore, the amended application has reduced the concrete walls around Unit 1 by incorporating an open fencing design and additional landscaping to soften
	The heights and impacts of fences should be reviewed.	the built form. The amended application has provided fencing plans that are considered to be acceptable. Furthermore, fencing along the front boundary has been reduced and additional landscaping has been provided.
3. Density	The proposed density seems satisfactory; however, it needs to be demonstrated that winter sun access can be achieved to nine units and that the site levels and floor levels are well resolved with no negative impacts on neighbours.	Satisfied. Refer to comments above.
4. Sustainability	The Panel notes that a rainwater tank has been included, ceiling fans	

Principle	Panel's Comment	Planning Comment
	provided to all bedrooms, common circulation areas have natural light and ventilation and the units have good natural light. The proposal has a well-considered ratio of external wall area to internal space; however, the ventilation and winter sun opportunities are yet to be optimised. The Panel recommends that the following issues be addressed:	
	Provide sun shading and weather protection to windows and openings appropriate to orientation. West and southwest glazing in particular should be well shaded.	The amended application includes section diagrams of appropriate sun shading and weather protection mechanisms that are to be implemented in the design of the building and are considered to be satisfactory.
	Provide more opportunities for operable windows.	The sill height of windows have been reviewed with the amended application and has incorporated more operable windows into the design, with particular reference to the living rooms to the southern elevation of the building.
	There does not appear to be any provision for individual air-conditioning units. Is there ducted air-conditioning? No air-con provision is supported by the Panel, however the window operation and sun shading requirements will need to be improved.	Appropriate weather protection measures have been provided with amended plans and it is noted that air conditioning motors are to be installed in the basement.
	Provide natural light and ventilation to the stair.	The stairwell has been amended to provide windows that will allow for natural light and ventilation.
	Provide better weather protection to large south-facing terrace doors for the penthouse.	Appropriate shading mechanisms have been provided with the amended plans that would allow shadow to be cast on more than 50% of the terrace doors of the penthouse as shown on the southern elevation plan.
	Check if basement ventilation requirements can be met through natural ventilation.	It is advised that ventilation can be achieved in the basement.
		The amended plans have added photovoltaics to the roof.

Principle	Panel's Comment	Planning Comment
	 Provide photovoltaics on the roof where possible. Battery storage is preferable. Large scale sections should be provided to demonstrate proposed details including weather protection, sun shading, balustrades and the like. 	Additional sections have been provided to demonstrate weather protection measures and balustrades (Drawing No. 12).
5. Landscape	An arborist report has been provided; however, there does not appear to be any cross-reference plan to identify the existing trees numbered in the report. The Panel would be interested in the retention of the two large trees that are close to the western boundary as they appear on the survey, and on Google Earth to be substantial. Their retention would be important to maintain privacy and provide amenity on a site that is overlooked by many neighbours. The LEP requirement is that existing natural features including trees should be retained and incorporated as landscape features on the site in order to maintain the natural character of the landscape. All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland. The arborist's report should be updated to establish the characteristics and significance of the two trees and how they could be retained given the limitations that the extent of the basement imposes on their root zone. More sections are required for review so that there is an understanding of	The amended proposal has reconfigured the basement level to retain tree T2 on the site. A letter has also been provided by the arborist with the submission of amended plans, stating that the retention of tree labelled T3 on the site may be retained, subject to root mapping. The proposed landscaping on the site is considered to be adequate and the application has been reviewed by Council's Tree Management Officer who supports the removal of tree T3. Therefore, the retention of tree T2 is considered to satisfy the concerns raised by the DEP and would present an acceptable outcome for the site.
	the garden levels, retaining walls and fences and any impacts they may have on neighbours. Some communal area should be	Communal open space has now been
	provided.	provided at the rear of the site.

Principle	Panel's Comment	Planning Comment
6. Amenity	As noted above in this report the amenity issues that need further consideration include:	Satisfied. Refer to previous comments and discussed further below.
	Setbacks in relation to visual and acoustic privacy	
	Access to winter sun	
	Retention of trees	
	Cross ventilation, sun shading and weather protection	
	Window heights – excessive reliance on high sill heights and fixed glass	
	Public amenity – remove proposed structures from the public domain and provide a footpath	
	 Access to garden areas and provision of quality common open space. 	
7. Safety	The proposal to place retaining walls in the public reserve to gain ramp access to the basement is not supported by the Panel.	Satisfied. Refer to previous comments.
	Fire egress compliance and fire separation for openings need to be demonstrated.	
8. Housing	The housing diversity is satisfactory.	The amended plans have incorporated
Diversity and Social Interaction	The provision for social interaction is limited. Some area near the entry with seating could be provided.	communal seating near the entry of the building.
9. Aesthetics	There are a number of design issues that need to be addressed before the presentation of the building can be finalised; however, at present the building seems overly defensive to the street. The Panel would like to see further development of the aesthetics. Large scale wall sections should be provided to demonstrate appropriate	Additional sections have been provided and further detailing has been added to the building with particular reference to the circulation core. Fencing is also proposed to be more of an open design and the amended proposal is considered to have an acceptable presentation to Diamond Bay Road.
	weather protection to walls to avoid staining and weathering. The detailed section on Drawing B-12 does not	

Principle	Panel's Comment	Planning Comment
	appear to have appropriate water- proofing or construction technique.	

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

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

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

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in the table below.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment	
3D Communal and Public Open Space			
 Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) 	Merit Assessment	Refer to discussion below.	
3E Deep Soil Zones			
Deep soil zones are to meet the following minimum requirements: 650m²-1,500m², minimum dimension 3m and deep soil zone 7% of site area.	Yes	The site would require a minimum of 64.63m ² of deep soil landscaping. The amended application provides a total of 316.35m ² (34.2%) of deep soil landscaping.	

Design Criteria	Compliance	Comment
3F Visual privacy		
 Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m nonhabitable Increased separation of 3m where adjoins a lower density zone 	Merit Assessment	Refer to discussion below.
4A Solar and daylight access		
 Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	The amended application ensures that 8/10 units (80%) receive 2 hours of solar access during mid-winter. Furthermore, the amended application has ensured that Unit 5 receives direct solar access, so it is only Unit 2 that receives no direct solar access in mid-winter (10%). Therefore, the proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.
4B Natural ventilation		
 All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: At least 60% of units naturally ventilated 	Yes	All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects. In this regard, 100% of the units can be naturally cross ventilated. As previously mentioned, the amended proposal has incorporated more operable windows into the design, with particular reference to the living rooms to the southern elevation of the building. The proposal also utilises full height openable doors to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
 Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all units comply with the minimum requirement and will provide a high level of internal amenity.
4D Apartment size and layout		
The following minimum internal areas apply: • Studio = 35 m ² • 1 Bed = 50 m ²	Merit Assessment	Units 1-9 are all two bedroom two bathroom units that require a minimum area of 75m ² . Units 1, 2, 4, 5, 7 and 8 are compliant with this control; however, Units 3, 6 and 9 propose an area of 70.09m ² each that is non-compliant.

Design Criteria	Compliance	Comment
 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom 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. 		This non-compliance is considered to be acceptable on merit, given that the non-compliance is minor, the proposed size of these units do not compromise their internal amenity and are provided with a large balcony space that is oriented to the north. Additionally, Unit 10 is a three bedroom three bathroom apartment that requires a minimum area of 100m², with 127.31m² has been provided that is compliant. Therefore, the proposed unit sizes and layouts are considered to be acceptable on merit, as a generally high standard of amenity is provided. Furthermore, the proposal achieves compliance with the minimum glazed area to each habitable room; all bedrooms meet the minimum requirements in terms of dimensions and area; all kitchens are separate to the circulation spaces and all robes are a minimum of 1.5m. Therefore, the proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balo	onies	with the objectives of this part of the ABG.
All apartments provide primary balcony as follows: 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas and meets the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Fixed privacy screens are provided to enhance privacy between units of the subject development as well as maintain privacy to surrounding properties (refer to discussion regarding visual privacy for further comments).
4F Common circulation and spa	ices	
 Max of 8 units accessed off a circulation core on a single level 	Yes	The proposal includes three units off the circulation core on the ground floor level, level 1 and level 2 and one unit off the circulation core on level 3.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided:	Merit Assessment	Refer to discussion below.

Design Criteria	Compliance	Comment
 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Recommended Condition	

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

Building Separation & Visual Privacy

Part 3F requires buildings up to four storeys to have minimum separation distances to the side and rear boundary of 6 metres from habitable rooms and balconies and 3 metres from non-habitable rooms; however, the proposal does not numerically comply with these criteria. Despite this, the proposal is considered to meet the objectives of the design criteria in that visual privacy, acoustic privacy, natural ventilation and solar access is achieved to surrounding properties. This is discussed in detail as follows:

Northern (Rear) Boundary

The northern rear boundary adjoins the rear boundaries of the following properties fronting Old South Head Road:

Table 2.1: Existing Setback of Adjoining Development Fronting Old South Head Road				
Address	Existing Development	Existing Setback to Southern Boundary		
729A Old South Head Road	Single dwelling house and double brick garage at rear	0.8m-3.4m (garage only)		
731 Old South Head Road	Three storey residential flat building	3.8m-6.7m		
733 Old South Head Road	Two storey dwelling house	3m-5.9m		
735A Old South Head Road Part one, part two storey dwelling house		3.6m-7.8m		
737 Old South Head Road	Single dwelling house	14m		

The proposal provides a minimum setback of 3m from the external wall of the building to the northern boundary on the site that is non-compliant. Despite this, the proposal is considered to reasonably maintain adequate visual and acoustic privacy, solar access and views from the properties identified above fronting Old South Head Road.

• 731 Old South Head Road

With respect to part 3F Visual Privacy and 4H Acoustic Privacy of the ADG, the development would maintain a minimum distance of 6.8m between the habitable rooms of the subject site and the existing residential flat building at 731 Old South Head Road. A maximum distance of 10.55m is achieved to the south-eastern corner of this building due to the proposed articulation of the building. Furthermore, an indentation is provided between the living room and bedroom 2 of Units 1, 4 and 7 that would provide additional separation of a distance upto 8m between the windows on the adjoining property and these habitable rooms within the development. It is also noted that no balconies are provided at this location of the subject development.

Furthermore, the proposed window to the living room of Units 4 and 7 have a 0.6m sill height, is fitted with externally operable privacy screens and is only openable at 1m from the finished floor level. Similarly, the window to Bedroom 2 of Units 4 and 7 has a 1m sill height, restricted opening and is fitted with operable privacy screens. This is considered to be satisfactory, given that bedrooms are considered to be a passive living space within dwellings. Furthermore, it is also noted that this existing building may have the capacity to be redeveloped in the future, at which additional separation distances can be provided. Therefore, it is considered that adequate measures are proposed to maintain a reasonable level of visual privacy to this adjoining property.

The third floor of the development has also been designed so as to not extend in the alignment of the existing building at 731 Old South Head Road, therefore providing visual relief from additional building separation as well as preserving views from Unit 6/731 Old South Head Road to the ocean. It is also noted that the south-western balcony of Unit 10 is sited approximately 6.5m form the subject site boundary and maintains a separation distance of approximately 12.5m to the external wall of this existing development. It is not considered suitable to install a privacy screen on this part of the balcony of Unit 10 as this would add additional bulk that is likely to impact upon views present from Unit 6/731 Old South Head Road.

• 733 Old South Head Road

The development would maintain a minimum distance of 6.54m to the external wall of the existing two (2) storey dwelling house at 733 Old South Head Road. The building has been designed and articulated to maintain visual and acoustic privacy for the residents of this adjoining property whereby Bedroom 2 of Units 6 and 9 and Bedroom 3 of Unit 10 would have a window with a 1.7m sill height. Furthermore, the dining room window of Units 6 and 9 is proposed on an angle so that the windows do not directly align with any windows on this adjoining property. This is similar to the proposed ensuite window of Unit 10 that is noted to be a non-habitable room within the development. No additional overshadowing or view impacts are anticipated and it is considered that this site may be redeveloped in the future to provide higher density accommodation that would provide additional setbacks to the shared boundary.

• 735A Old South Head Road

The proposal would maintain a minimum distance of 7.3m between the external wall of the dwelling house on 735A Old South Head Road. This is considered to be acceptable, with respect to Unit 3 proposed on the ground floor level, due to the sloping topography of the site, the provision of landscaping and a high boundary fence. With respect to Units 6 and 9, the proposed balcony off the main living spaces would maintain a distance of 6.9m to the external wall of the dwelling. This is acceptable due to the provision of a fixed privacy screen on this northern elevation. Furthermore, the proposed balconies are not considered to be excessive in size that would generate adverse noise impacts. Similarly, the proposed balcony off Bedroom 1 of Unit 10 would not result in adverse overlooking into the private open space area of this property, given that the balcony is located off a passive living space of the dwelling, is adequately fitted with a fixed privacy screen and is not excessive in size. The south western balcony of Unit 10 is unlikely to cause adverse overlooking of 733A Old South Head Road.

• 729A & 737 Old South Head Road

The existing development at 729A and 737 Old South Head Road are unlikely to be adversely impacted by the proposed development with regards to building separation distances.

It is also noted that the proposed development would not result in additional adverse overshadowing impacts due to the orientation of the site and subdivision pattern. The site is also proposed to be adequately landscaped to maintain reasonable amenity for the adjoining properties. Furthermore, it is considered that all properties along this northern rear boundary have the capacity to be redeveloped in the future for higher density living, of which additional building separation could be provided.

Eastern (Side) Boundary

The eastern side boundary of the subject site adjoins a three storey residential flat building at 10 Diamond Bay Road. This adjoining building has an existing minimum side setback of 2.8m and it is noted that multiple windows are present along the western elevation.



Figure 4: Adjoining development at 10 Diamond Bay Road as viewed from the subject site.

The proposal provides for a minimum side setback of approximately 3.7m to the boundary from the bedrooms of Units 2 and 3 on the ground floor level while their private open space/courtyards are sited 1.5m from the side boundary. The proposal is considered to maintain visual and acoustic privacy for the adjoining residential flat building, given that adequate sill heights are proposed on the windows and the windows are oriented away to prevent direct overlooking. It is also noted that Bedroom 1 of Units 2 and 3 are also fitted with a privacy screen and the window opening is restricted, and the bathroom (non-habitable space) is fitted with obscured glazing. This layout and privacy screening measures is replicated for Units 5, 6, 8 and 9 above. Furthermore, it is noted that the courtyards of the ground floor units are considered to be appropriately screened from the adjoining development, given the proposed landscaping along the eastern side boundary with plantings such as mature Weeping Lillies (*Waterhousia floribunda*) that would have a mature height oh upto 10m.

It is also noted that the balconies of Units 5, 6, 8 and 9 are to be sited a minimum distance of 3m from the boundary and are to be fitted with fixed privacy screening that is satisfactory.

Furthermore, a greater setback to the side boundary has been provided for Unit 10 (approximately 4.5m) that is considered to be acceptable with regards to minimising overlooking of the adjoining residential flat building. Increased sill heights, privacy screening and obscured glazing is also used on windows to maintain privacy.

A 3m side setback to the boundary from the circulation core/stairwell (non-habitable space) is also proposed that is considered to be adequately articulated to minimise bulk and scale impacts to the adjoining residential flat building. The stairwell would also be fitted with a fixed privacy screen to minimise overlooking.

In addition, a review of the solar access diagrams submitted reveal some additional overshadowing impacts to the bedrooms of units within the adjoining residential flat building during mid-winter. As a result of the proposal, the following solar impacts are noted:

- o Additional overshadowing of Unit 1, located the front of the ground floor level, to both bedrooms occurs at 2pm and 3pm.
- Additional overshadowing of Unit 2, located towards the front of the ground floor, to bedroom 1 occurs from 2pm and to both bedrooms at 3pm.
- Additional overshadowing of Unit 5 located at the front of the first floor level, to both bedrooms occurs from 2pm.
- Additional overshadowing of Unit 6, located towards the front of the first floor level, to bedroom 1 occurs from 2pm and to both bedrooms at 3pm.
- o Additional overshadowing of Unit 9, located at the front of the second floor level, to both bedrooms occurs at 3pm.
- Additional overshadowing of Unit 10, located towards the front of the second floor level, to both bedrooms occurs at 3pm.

Therefore, it is considered that some additional solar access impacts to the adjoining residential flat building result from the proposal however, the units along the western elevation of the building would still receive a minimum of 2 hours solar access to the bedrooms. Therefore, the proposal is considered to be satisfactory.

Conclusion

Given the above, it is considered that strict compliance with the numerical building separation requirement is unreasonable, due to the shape, topography and orientation of the site. The proposal does not result in adverse impacts with respect to visual and acoustic privacy, solar access and views and is acceptable on merit.

Communal Open Space

The ADG requires communal open space to be provided on the site that is equivalent to 25% the site area. This would require 230.8m² of communal open space to be provided for the development however, the amended proposal only provides 124.03m² of communal open space at the rear of the site. Despite this non-compliance, the proposal is considered to be acceptable with regards to the provision of communal open space for the following reasons:

- The communal open space area is at the northern rear corner of the site and would therefore receive substantial solar access.
- Additional communal open space is provided from the northern exit of the building on the ground floor level to a timber walkway that is adequately landscaped, leading to the primary communal open space area at the rear.
- Due to the irregular shape of the site, it is considered that there are no other locations that the primary communal open space can be provided that would also retain the amenity of surrounding properties as it is not considered to be suitable to provide rooftop communal open space areas.
- The communal open space is co-located with deep soil areas and is well-integrated with the design of the building.
- The communal open space is readily and easily accessible by all occupants of the subject site.
- Communal seating areas (benches) are provided at the front of the building.
- The proposed units are provided with large balconies with desirable aspects that is considered to provide a high standard of amenity for residents of the subject site.
- The communal open space area would be visible from the rear units of the development but would still maintain adequate visual privacy for the occupants of the subject units.
- Passive open space is provided throughout the site.

Furthermore, with regards to Part 4H Acoustic Privacy of the ADG, the communal open space area is considered to be adequately designed and landscaping has been incorporated to maintain adequate visual and acoustic privacy for properties adjoining the northern rear boundary and the eastern side boundary. Adverse noise impacts are not anticipated to be generated from the trafficable timber walkway from the dwelling to the communal open space area, given the provision of a high fence and substantial landscaping. In response to a concern raised during the notification period, it is not considered to be suitable to require the timber walkway to be made of brick or concrete materials to reduce noise impacts from its use, as this is considered to be unnecessary and may impact upon the retention of tree T2 on the site.

Therefore, the proposed communal open space is considered to be adequate and would continue to provide residents with a high standard of general amenity and is therefore acceptable in the site circumstances. The proposed communal open space area addresses the objectives of this section of the ADG.

Storage

In addition to the kitchens, bathrooms and bedrooms, the proposal provides separate storage within each apartment and a storage cage allocated to each parking space as follows:

Table 2.2: Summary of Storage Provided					
Unit No.	Basement Storage (m³)	Unit Storage (m³)	Total Storage (m³)	Complies	
1	6	1.2	7.2	×	
2	6	1.5	7.5	×	
3	6	1.5	7.5	×	
4	6	1.2	7.2	×	
5	4	1.5	5.5	×	
6	4	1.5	5.5	×	
7	10	1.2	11.2	✓	

8	4	1.5	5.5	×
9	4	1.5	5.5	×
10	7	2.7	9.7	×

Given the above, the following is noted:

- Only Unit 7 meets the numerical storage requirement of the ADG however, 50% of the storage area is not located within the unit itself.
- Units 1-4 and 10 propose a minor non-compliance to the numerical control however, however, 50% of the storage area is not located within the units themselves.
- Units 5, 6, 8 and 9 do not comply with the numerical control and once again 50% of the storage area is not located within the units themselves.

Despite the above, the proposal is considered to be generally acceptable with regards to storage, given that the kitchen, bathroom and bedroom storage areas are large and the development would provide the occupants with a high level of internal amenity. Nevertheless, a condition is recommended to be imposed to ensure compliance with the minimum storage requirements as per the ADG.

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 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment			
Part 1 Preliminary	Part 1 Preliminary				
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.			
Part 2 Permitted or prohibited de	velopment				
2.6 Subdivision – consent requirements	Yes	The application seeks strata subdivision of the ten units proposed under this application.			
Land Use Table R3 Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3: Medium Density Residential zone.			
Part 4 Principal development standards					
4.3 Height of buildings12.5m	Yes	The proposal complies with the maximum building height limit applicable to the site.			
4.4 Floor space ratio		Proposed GFA: 829.46m ²			
• 0.9:1		Proposed FSR: 0.898:1			
• SA: 923.22m ²	Yes	The GFA calculation diagram submitted with the application has been checked and is considered to be accurate in calculating FSR for the subject site, with particular reference to the proposed open corridors, which are excluded from GFA.			

Provision	Compliance	Comment		
Part 6 Additional local provisions				
6.2 Earthworks	Yes	The proposal satisfies the provisions of Clause 6.2 as the earthworks are not considered to have a detrimental impact on environmental functions and processes, neighbouring uses or features of the surrounding land. All standard conditions of consent regarding earthworks and dilapidation reports for neighbouring buildings are recommended to be imposed. Accordingly, the proposed earthworks on the site are considered to address the relevant provisions of this clause.		

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

Development Control	Compliance	Comment	
1. Waste 1.4.1.1 Storage		A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of	
 Bin storage area to be provided with rates in B1-2 		consent will be imposed regarding ongoing waste on site.	
1.4.1.2 – Residential		The waste and recycling storage area is located in an area convenient for users of the site.	
Bulky waste storage area		Council's Waste and Recycling Officer has reviewed the proposal and the waste	
To be provided and bulky problem waste area with rates.	Yes	management plan submitted with the proposa and raised no objections subject to th imposition of conditions relating to the size of waste storage areas, number of bins and ongoin	
 > 3 storeys convenient waste transport system (ie. Chute) 		management of waste.	
• 1.4.2 – Access and Collection			
• 1.4.3 – Amenity			
• 1.4.4- Management			
Ecologically sustainable Development	Recommended Condition	A condition of consent will be imposed which requires an energy assessment report to be submitted prior to the issue of a CC which specifically outlines how the detailed design of the building will achieve the 30% reduction.	

Development Control	Compliance	Comment	
3. Landscaping and Biodiversity	Recommended Condition	The site is located in Habitat Corridor and the application was referred to Council's Biodiversity Officer. Conditions are recommended for the landscape plan to be amended to provide more local native species.	
5. Tree preservation	The amended application would result in the removal of eight (8) trees and their removal is supported by Council's Tree Management Officer. It is also noted that design amendments to the basement have been made to retain tree T2 on the site that is a suitable outcome for the site.		
6. Stormwater	Recommended Conditions	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.	
7. Accessibility and adaptability	Yes Conditions of consent are recommended to ensure that the proposed works comply with access standards.		
8. Transport		The amended proposal provides parking facilities in the basement as follows:	
Zone 2			
Car Parking		 13 residential car parking spaces including: 	
Residential: max 12.3 (12) spaces		o 2 accessible spaces; and	
Visitor: 2 spaces		o 2 visitor spaces.	
Accessible: 10% (1.5 (2)		4 motorcycle spaces	
spaces)		10 bicycle spaces	
<u>Motorcycle</u>		The controls specify a maximum of 14 car parking	
4.3 (4) required	Recommended Conditions	spaces.	
<u>Bicycle</u>		The site is in close proximity to Old South Head Road that runs frequent public transport services	
10 residential		to Bondi Junction. Furthermore, New South Head	
1 visitor		Road is short walking distance from the subject site that provides public transport services	
Loading Facilities Not required		directly into the Sydney CBD. Transport services are also available to Watson's Bay where ferry services are readily accessible to the Sydney CBD and Manly.	
		A condition is recommended for an additional bicycle space to be provided for visitors at ground level.	

Development Control	Compliance	Comment	
	The proposed car parking is generally complia and it is considered that the proposal is unlike to generate adverse traffic impacts that would unreasonable for the R3: Medium Densi Residential Zone, subject to recommendations.		
10. Safety	Yes	The amended proposal is considered to provide a safe environment for future residents and visitors.	
11. Design Excellence	Yes	The applicant has 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.	
13. Subdivision	Recommended Conditions	I imposed regarding the strata subdivision of the	
14. Excavation	Yes	The basement has been amended to provide a 900mm setback to the northern boundary and is acceptable. The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone.	
16. Public Domain	Recommended Conditions	The amended proposal has a minor encroachment into the public domain of the pedestrian stars as shown on the ground floor plan. Conditions are recommended that this be deleted from the plans.	

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	
4.1 Site, scale and frontage			
Minimum frontage:	.,	The front (southern) boundary to the street	
15m – R3 zone	Yes	measures 33.53m.	
4.2 Height			
Refer to the LEP	Yes This matter is discussed above and meets the objectives of the DCP control.		
4.3 – Excavation			
Fill shall not be used to	Yes	The proposed basement has been amended to	
raise the ground level.	. 33	retain a minimum 900mm setback to the rear	

Development Control	Compliance	Comment
 Not within a 1.5m setback from side boundaries and only within the building footprint except where access to a basement car park is required. Basement car parking is to be located fully below natural ground level or max 1.2m above ground Excavation should not add to the visual bulk and scale of the building. Existing natural features including trees and sandstone walls should be retained OSD to be within the excavated area. 		(northern) boundary that is acceptable as previously discussed throughout this report.
4.4 Streetscape		
Setbacks to be consistent with building line along the street	Yes	The proposed front setback of the building is consistent with the front setback of existing development on Diamond Bay Road.
Maintain existing trees	Yes	The proposal has been amended to retain an additional tree along the northern (rear) setback of the site that is considered to be acceptable.
Front setback to provide deep soil landscaping	Yes	Deep soil landscaping is retained at the front of the site.
• Sympathetic external finishes	Yes	The proposed materials would not adversely impact upon the character of development in the locality.
Max building length to the street is 24m.	Yes	The building has a maximum continuous length of approximately 23m to the street that is compliant.
Buildings to be articulated to respond to the streetscape.	Yes	The design of the building is well articulated to suit the context of the site, given its triangular shape. The proposal does not present as overly bulky to the streetscape and is therefore considered to be a suitable form of development for the subject site and surrounds.
4.5 Building Design and Stree	tscape	
Building design is to respond to the existing	Yes	The development is of a scale that is compatible with the streetscape context and promotes development that is of a quality architectural design. The development is a suitable addition to

Development Control	Compliance	Comment
 streetscape character of the area. The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building. 		the streetscape and would not adversely impact upon the Diamond Bay Road streetscape.
4.6 Fences and walls		
 Front fence to be provided where it is characteristic of the street 	N/A	A front fence has not been provided.
 Front fences must have a max proportion of two thirds solid to one third open design. 	Yes	The proposed fencing for the entry and private open space of the ground floor units at the front has been amended to provide a more open design that is considered to suitably present to the Diamond Bay Road streetscape.
Sloping sites, the height is averaged so that fences step down the street.	Yes	Fencing appropriately responds to the topography of the site and surrounds.
Rear and side fences behind the building line must not exceed 1.8m in height and taper down from the front building line.	Merit Assessment	The top of the proposed timber fencing is generally sited 1.8m above existing natural ground level along the west and east boundaries of the site. The fencing on the western boundary extends above 1.8m for a portion of the site due to the proposed walkway/ramp to the communal open space area at the rear. However, due to the topography of the site, the additional height of this fence would not impact how it is viewed from the adjoining properties at 733 and 735A Old South Head Road. The additional fence height would maintain visual and acoustic privacy and will be softened by proposed planting. Therefore, the proposed rear boundary fence is acceptable in the site context.
Fences are to respond to the architectural character of the street in terms of materials used, predominant height, vertical/horizontal rhythm and predominant setback.	Yes	The proposed fencing is of an appropriate design.

Development Control	Compliance	Comment
 Fences are to clearly delineate between public, communal and private areas. 	Yes	Adequate fencing is provided throughout the design of the development to distinguish between the private open space of units on the ground floor level at the front of the site, as well as fencing proposed between Unit 3 and the communal open space at the rear.
Sightlines between pedestrians and vehicles exiting the site are not to be obscured and gates do not open over the public roadway or footpath or into parks.	Yes	This is considered to be satisfactory.
Design of fences should generally relate to the period and architectural style of building and help to integrate development into the existing streetscape.	Yes	The proposed fence design for the ground floor units is suitable for the design of the building and has an acceptable streetscape presentation.
4.7 Vehicular access and park	ing	
 Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered 	Yes	The proposal has provided adequate vehicular access and located on-site parking within basement levels. The vehicular access point is appropriately designed and located to ensure pedestrian safety.
4.8 Pedestrian access and ent	ry	
 Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	The proposal provides a high quality, accessible and safe pedestrian access to all people who live in and visit the development. The development represents a positive contribution to the streetscape and will contribute to the accessibility of the public domain by enabling a footpath to be created on this part of Diamond Bay Road.
4.9 Landscaping		
 Comply with part B3- Landscaping and Biodiversity 	Recommended Conditions	Refer to previous comments.
Minimum of 30% of site area landscaped: 276.97m²	Yes	346.15m ² (37.4%) provided.

Development Control	Compliance	Comment	
• 50% of the above is to be deep soil: 173.08m ²	Yes	316.35m² (91.4%) provided.	
4.10- Views and view sharing			
 Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the public/private interface. Views from public spaces to be maintained. 	Yes	The proposal is considered to suitably accommodate the sharing of views and view loss has been minimised through the design of the development. It is noted that the applicant has provided a view loss assessment with respect to the maintenance of ocean views from 6/731 Old South Head Road and that a submission was received regarding view loss impacts from supposed privacy screening on the front balcony of Unit 10 with the notification of the original plans. No screens are proposed on the balcony of Unit 10 and only a glazed balustrade is to be provided to ensure views are retained. Furthermore, no concerns regarding view loss were raised with the renotification of the amended plans. The proposal complies with Council's building height and FSR development standards for the site and bulk has been minimised with the siting of Unit 10 away from the residential units at No. 731 Old South Head Road. Therefore, the proposal is considered to reasonably provide for view sharing.	
4.11 Visual privacy and securi	ty		
Dwellings to be orientated to the street with entrances and street numbering visible	Yes	The proposed residential flat building is suitably oriented and standard conditions are recommended with regards to street numbering.	
Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened	Yes	The proposal has been appropriately designed to minimise overlooking of adjoining properties from the open spaces areas on the site.	
Prevent overlooking of more than 50% of private open space of lower level dwellings in same development	Yes	The application has been amended to incorporate splayed windows and additional privacy measures to prevent overlooking of units within the same development.	
Privacy be considered in relation to context	Yes	Refer to discussion above.	

Development Control	Compliance	Comment	
density, separation use and design.			
3.19 Acoustic privacy			
 Sound proofing through acoustic glazing Internal amenity by locating noisy areas away from quiet areas 	Yes	As discussed throughout this report, the proposal provides adequate measures to maintain acoustic amenity for residents of the subject development as well as residents of surrounding properties.	
3.21 Building services			
Outdoor Communal clothes drying area to be provided	Recommended Condition	Outdoor clothes drying facilities have not been indicated on the plans. Conditions are recommended to be imposed for outdoor clothes drying.	
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	Yes	Building services are well integrated with the design of the building and its presentation to Diamond Bay Road.	
Plant rooms away from entry communal and private open spaces and bedrooms.	Yes	Complies.	
Building Services setback from walls, edges and front entrances	Yes	Complies.	
Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge	Recommended Condition	A condition is recommended to be imposed for the photovoltaic cells on the roof to be setback a minimum of 2m from the building edge to minimise visual impacts to surrounding properties.	

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

Original Plans

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development.* Ten submissions were received including one group submission on behalf of four properties.

Amended Plans

The amended plans were notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Four submissions were received from a previous objectors however, two of those objectors had previously lodged an objection as part of a group submission.

The issues raised in the submissions received against both the original and amended plans are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
729 Old South Head Road, VAUCLUSE
6/731 Old South Head Road, VAUCLUSE (group submission)
733 Old South Head Road, VAUCLUSE (group submission)
733A Old South Head Road, VAUCLUSE (individual and group submission)
735A Old South Head Road, VAUCLUSE (individual and group submission)
1/10 Diamond Bay Road, VAUCLUSE
2/10 Diamond Bay Road, VAUCLUSE
7/10 Diamond Bay Road, VAUCLUSE
8/10 Diamond Bay Road, VAUCLUSE
9/10 Diamond Bay Road, VAUCLUSE
10/10 Diamond Bay Road, VAUCLUSE
11/10 Diamond Bay Road, VAUCLUSE
No address

Issue: Building Separation Distances

Response: The application has been amended for the eastern elevation of the development to be further articulated to minimise bulk and scale impacts upon the adjoining property at 10 Diamond Bay Road and is considered to be acceptable. The proposed building separation distances would not result in adverse visual and acoustic privacy impacts or adverse additional overshadowing. *Refer to comments though out this report for further details.*

Issue: Bulk & Scale and Streetscape Impacts

Response: The amended proposal is considered to appropriately respond to the site context and would not adversely impact upon the character of the locality. Visual bulk has been minimise with the amended design. The proposal is considered to be a suitable addition to the streetscape and is acceptable.

Issue: Visual Privacy

Response: The proposal is considered to adequately maintain reasonable levels of visual privacy to surrounding properties. Refer to comments throughout report for further details.

Issue: Noise

Response: The proposal is considered to adequately maintain reasonable levels of acoustic privacy to surrounding properties. *Refer to comments throughout report for further details.*

Issue: Communal Open Space

Response: The originally proposed private open space area for Unit 3 has been amended to be a communal open space area that is accessible by all units within the proposed development. The size and location of the communal open space area at the rear is considered to be satisfactory with regards to maintaining visual and acoustic privacy impacts to the adjoining properties due to the presence of a high fence and landscaping. Conditions are recommended to be imposed with regards to any lighting installed on the premises with respect to AS 4282 Control of the obtrusive effects of outdoor lighting so as to not cause nuisance. Refer to comments throughout this report for further details.

Issue: Solar Access

Response: Additional overshadowing to the bedrooms of 10 Diamond Bay Road is noted; however, the proposal ensures that a minimum of 2 hours solar access is still received by the bedrooms of these units on the western elevation of the building. Refer to comments throughout this report for further details. Refer to comments throughout this report for further details.

Issue: Tree removal and landscaping

Response: The proposal has been amended to retain tree T2 along the northern rear boundary of the site and is considered to be acceptable. The landscape plan submitted is considered to be generally satisfactory, subject to conditions requiring an amended landscape plan be provided that contains more native species. Refer to comments throughout this report for further details.

Issue: Car Parking, Traffic & Congestion

Response: Council's requirements specify a maximum car parking rate under the relevant controls and the proposal is considered to be satisfactory. *Refer to comments above for further details.*

Issue: View Loss

Response: The proposal is satisfactory with regards to view loss and it is added that there are no existing views present from the windows on the western elevation of 10 Diamond Bay Road. *Refer to comments throughout this report for further details.*

Issue: Impacts from construction and Excavation

Response: Satisfactory. Appropriate conditions are recommended to be imposed with regards to construction and excavation works, dilapidation and noise. The application has been amended for excavation of the basement level to be sited a minimum distance of 900mm from the rear boundary that is acceptable. *Refer to comments throughout this report for further details*.

Issue: Variety of housing types not provided

Response: The proposal provides for nine x 2 bedroom units and one x 3 bedroom unit that is considered to provide a suitable housing mix.

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 Tree Management Officer – Clean & Attractive Waverley

Council's Tree Management Officer reviewed the amended proposal and additional information provided by the Applicant's Arborist and the proposed tree removal is supported. Conditions are recommended to be imposed.

3.2 Biodiversity – Environmental Sustainability

Council's Biodiversity Reviewed the proposal and the following comments are noted:

In total, less than 19% of the plants listed are local natives.

A number of species listed as native in the planting schedule are not locally indigenous. Only two of the species listed - Cupaniopsis anacardioides and Hibbertia scandens - are listed in Annexure B2-1 of the DCP, although I would also accept Tristaniopsis laurina as a local native especially if more numbers of this plant were included and the numbers of Cupaniopsis anacardioides were reduced.

It is also disappointing that there are no shrubs planned for this development.

Given the above, it is recommended that a condition be imposed for the submission and approval of an amended landscape plan, prior to the issue of a Construction Certificate to the satisfaction of Council's Biodiversity Officer to include more natives.

3.3 Traffic & Development – Creating Waverley

The amended proposal is supported by Council's Traffic Development Engineer and conditions are recommended to be imposed. It is noted that the pedestrian access stairs that are partially present within the public domain are to be deleted from the plans. An additional bicycle space for visitors is also to be provided.

3.4 Public Domain - Assets

Council's Public Domain Officer supported the amended proposal, subject to recommended conditions.

3.5 Waste & Recycling – Environmental Sustainability

Council's Waste Management Officer has reviewed the amended proposal and conditions are recommended to be imposed.

4. SUMMARY

The application proposes demolition of dwellings and construction of a new four storey residential flat building with basement car parking and strata subdivision. A total of ten units are proposed. Notification of the original proposal attracted a total of ten submissions. Following comments received by the Design Excellence Panel, the application was amended to respond to the issues raised. Generally, the amended design removed works previously proposed within the public domain, provided additional landscaping and tree retention, modified the basement, added communal open space to the site design and provided further articulation to the building to minimise bulk and scale impacts. The amended proposal was renotified and a total of four submissions were received.

The building is non-compliant with building separation distances as required by the ADG; however, the proposal is satisfactory as it is considered that there would be no adverse impacts with regards to the maintenance of visual and acoustic privacy, overshadowing and views. Furthermore, the irregular nature of the site, being its triangular shape, warrant building separation distances to be considered on merit. Additionally, it is noted that the building complies with the maximum building height and FSR development standards on the site.

Therefore, the proposal is considered to appropriately respond to the characteristics of the site and surrounds and is a suitable form of development on the site that would allow future residents to be provided with a high level of amenity. The proposal is recommended to be approved, subject to recommended conditions.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on 5 November 2019 and the DBU determined:

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

DBU members: M Reid, B McNamara, B Matlawski, B Magistrale

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:

Judith Elijah Bridget McNamara

Development Assessment Planner Manager, Development Assessment

(North/South)

Date: 15 November 2019 Date: 16 November 2019

Reason for referral:

- 1 Contentious development (10 or more objections)
- 2 Sensitive development:
 - (a) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by CSA Architects and received by Council on 14 October 2019:

Drawing	Plan description	Date
Number/ rev		
6-8DB-03 C	Site Plan	14 October 2019
6-8DB-04 C	Basement Plan	14 October 2019
6-8DB-05 C	Ground Floor Plan	14 October 2019
6-8DB-06 C	First Floor Plan	14 October 2019
6-8DB-07 C	Second Floor Plan	14 October 2019
6-8DB-08 C	Third Floor Plan	14 October 2019
6-8DB-09 C	Roof Plan	14 October 2019
6-8DB-10 C	Elevations	14 October 2019
6-8DB-11 C	Fence Elevations	14 October 2019
6-8DB-12 C	Sections_1	14 October 2019
6-8DB-13 C	Sections_2	14 October 2019

- (b) BASIX and NatHERs Certificate;
- (c) Arborist Letter prepared by Colin Curtis Complete Arborcare, Revision C, dated 1 October 2019 and received by Council on 14 October 2019 and Arboricultural Impact Assessment prepared by Complete Arborcare, dated 3 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. AMENDED LANDSCAPE PLAN

Prior to the issue of a Construction Certificate, an amended landscape plan is to be submitted and approved by **Council's Biodiversity Officer** with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP. Shrubs are also to be incorporated within the development.

The landscape plan is show the location of all trees on the land in relation to the proposed development, including trees to be removed. All trees and shrubs identified for retention (T2) and within 7.5m of the building work are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site.

All trees to be protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above.

3. STEPS WITHIN PUBLIC DOMAIN

The steps shown on the ground floor plan as part of the pedestrian landing within Council's road reserve are not approved and are to be deleted from the plans. All works on Council land are to be carried out with the approval of and in accordance with the requirements of Council.

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

4. ROOF SERVICES

The plans are to be amended to ensure that the services on roof are sited a minimum of 2m from the building edge so as to not be seen from street or impact public or private views.

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

5. STORMWATER DETAILS

The Stormwater Management Plans do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual and are to be amended in accordance with the following:

Two different values of OSD volume have been shown on "OSD checklist as set out in page 22 of Waverley Council's Water Management Technical Manual" and in Drawing No. H-DA-00.
 Only one set of design data for OSD storage volume, orifice is to be provided for assessment.

The amended stormwater details shall be submitted to **Council** for approval prior to issue of Construction Certificate under the Environmental Planning and Assessment Act 1979.

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

6. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

7. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

In accordance with 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.

8. USE OF COMMON PROPERTY

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

9. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 0.898:1 calculated in accordance with Waverley Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 829.46sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Waverley Local Environment Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

10. HEIGHT

- i. The height of the building must not exceed RL 75.75 (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

11. 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.

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

12. FLOOR TO CEILING HEIGHTS

The construction certificate drawings must demonstrate 2.7m floor to ceiling heights for all habitable rooms in the residential components of the development.

13. RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to building approved for residential use:

(a) The building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like.

- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all residential lots in the strata plan in the same terms as outlined in (a) above.

14. PARKING

- i. Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
 - (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
 - (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.
 - (d) Visitor car parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors. All spaces must be clearly marked 'VISITOR' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

15. 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.

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

17. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$180,000 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

18. 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.

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

19. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on the full frontage of Diamond Bay Road of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Creating Waverley prior to the issue of the Construction Certificate.

- o New Pedestrian footpath
- o Road pavement
- o Kerb & gutter
- o Stormwater infrastructure located on the Council Domain
- Landscape and plantings

20. PUBLIC INFRASTRUCTURE WORKS

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

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the **Executive Manager, Creating Waverley** prior to the issue of the Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Councils Public Domain Engineer:

- a) The full renewal and reconstruction of asphalt pavement for half road width traversing the development frontage. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Implement a new footpath to transverse the development frontage in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The footpath shall be designed to unite with the existing footpath on Diamond Bay Road. The proposed footpath material, profile to be advised by Council.
- c) Replace all kerb and gutter traversing the Diamond Bay Road frontage. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage. Any redundant driveway laybacks must be removed and resinated as kerb and gutter.
- d) Prior to the issue of any Occupation Certificate, a minimum of two street trees shall be planted in the nature strip along the street frontage of the site. The trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The tree species and planting location to be approved by Council. The chosen tree species and location shall not interfere with wheel swept path or obstruct the proposed vehicular crossing.

- e) All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer.
- f) The reconstruction of the proposed vehicular crossing on the frontage of the development site to match the levels of the adjacent footpath. The design must match the existing levels of kerb and gutter on Diamond Bay Road and include transition works to the existing driveways within the property.
- g) Any existing or proposed utility pillars on the Diamond Bay Road frontage to be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- h) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- i) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
- Council reserve the right to ask for any additional work required on areas damaged by the construction of the building.

21. BICYCLE PARKING

A total of 11 bicycle parking spaces are to be provided and allocated in the following manner:

- (a) 10 spaces for residential bicycles; and
- (b) 1 space for a visitor's bicycle.

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

Visitor bicycle parking is to be provided in an accessible, on-grade location, near the entrance to the development and signposted accordingly.

The location and design of all bicycle parking facilities 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.

22. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the **Executive Manager, Creating Waverley** prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Diamond Bay Road carriageway, the kerb and gutter, footpath, paving within the property and the basement garage floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show all paving on Council's land being sloped/ drained towards the roadway.

23. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

24. 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.

25. 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.

26. 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.

27. ADAPTABLE HOUSING

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least one unit in the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

28. BASEMENT STORAGE

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

- (a) 2 bedroom unit 8m³ of storage.
- (b) 3+ bedroom unit 10m³ of storage.

This is to be shown on plans to be submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

29. SERVICE AUTHORITIES

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

30. 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.

31. 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.

32. 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.

33. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

34. 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.

35. 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.

36. 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.

37. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

38. 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.

39. UNDERGROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owners consent (from affected properties) for such works.

Please note, a fee will be approved applied for each anchor approved to extend into a road reserve.

40. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

41. 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*.

42. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Not be adjacent to neighbouring bedroom windows.
- (b) Not reduce the structural integrity of the building.
- (c) 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.
- (d) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (e) Not be located on the roof of the development without the separate consent of Council.

43. 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.

44. 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.

45. TREE PRUNING ON ADJOINING PROPERTIES

Prior to the issue of a Construction Certificate, 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**.

46. ENERGY ASSESSMENT REPORT

In accordance with Part B of the Waverley Development Control Plan 2012 (Amendment 6), any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. NCC, Section J compliant only).

An updated 'Energy Assessment Report' with the updated specific design, material and equipment efficiencies will need to match that of the Mechanical/Electrical and architectural documentation and must be provided to the satisfaction of Council's Co-ordinator, Sustainable Precinct prior to the issue of the relevant construction certificate. Further design and verification of energy and GHG emissions performance should be provided to verify the performance of the building to be delivered.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Modification Application.

47. 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

48. 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.

49. 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.

50. 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.

51. 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.

52. COMPLIANCE WITH SAFE WORK NSW

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

53. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

54. 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;

55. 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.

56. 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.

57. 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.

58. 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.

59. EXCAVATION BELOW FOOTINGS

If an excavation associated with the erection or demolition or 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.

60. 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.

61. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management;

- a) To minimize the amount of construction waste that is sent to landfill
- b) To minimise waste generated during demolition and construction.
- c) To increase efficiency of development and encourage sustainable practices.
- d) To maximise the re-use of clean excavated material, concrete, bricks and timber.
- e) To ensure the safe removal and disposal of hazardous building materials.

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

- (a) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (b) Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - a. Landfill waste;
 - b. Recyclable waste;
 - c. Materials to be re-used on-site; and / or
 - d. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).
- (c) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation.
- (d) All sandstone must be re-used on site or reclaimed through an appropriate contractor.
- (e) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.
- (f) Materials that cannot be reused or recycled must be:
- (g) Disposed of at a State Government approved facility and specified in the SWRMP; and
- (h) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
- (i) Records are to be retained on-site demonstrating lawful disposal of waste.
- (j) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.
- (k) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.
- (I) All materials are to be stored in way that:
 - a. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - b. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

62. 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.

63. 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.

64. 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.

65. NATIONAL CONSTRUCTION CODE (NCC)

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

66. 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 Planing and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certification.

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

The specified **MANDATORY** inspections are:

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

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

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

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

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

67. CERTIFICATE OF SURVEY – LEVELS

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

68. 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.

69. SERVICE PIPES

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

70. TREES TO BE REMOVED

The following trees are permitted to be removed as a part of this development application;

Tree No.	Species	Location	Action
T 1	Phoenix carnariensis (Canary Island Date Palm)	On-site	Remove as per Arborist report
Т3	Melaleuca quinquenervia (Paper Bark)	On-site	Remove as per Arborist report
T 4	Phoenix carnariensis (Canary Island Date Palm)	On-site	Remove as per Arborist report
T 5	Melaleuca quinquenervia (Paper Bark)	On-site	Remove as per Arborist report
Т9	Acmena Smithii (Lilly Pilly)	On-site	Remove as per Arborist report
T 10	Acmena Smithii (Lilly Pilly)	On-site	Remove as per Arborist report
T 11	Melaleuca quinquenervia (Paper Bark)	On-site	Remove as per Arborist report
T 13	Pinus pinea (Stone Pine)	On-site	Remove as per Arborist report

No other trees other than those specified above are permitted to be removed as a part of this development application.

71. LANDSCAPE CONSULTANT

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

72. 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.

73. 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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

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.

74. NEW VEHICLE CROSSING

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

75. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

76. VEHICLE ACCESS

All vehicles entering and exiting the basement garage shall do so in a forward direction at all times.

77. 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.

78. NO WORKS BEYOND BOUNDARIES

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

79. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

80. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council,

the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

81. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

82. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

83. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

84. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

85. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's engineer for the following hold points:

Kerb, Gutter & Footpath Paving

- After completion of formwork and prior to casting of concrete
- After full completion and restoration

Road Pavement

- Subgrade trim & compacted
- o Binder course spread & consolidated
- o After Wearing course laid and full completion

Landscape

After full completion and restoration

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

86. OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue an 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.

87. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

In respect to the allocation of car 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 allotments or, in the case of visitor spaces, 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. No individual unit is to have more than 2 parking spaces.

88. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

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

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

89. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

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

90. 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.

91. OUTDOOR CLOTHES DRYING FACILIITES

Prior to occupation or use of the development, the Principal Certifying Authority must ensure that outdoor clothes drying facilities are provided.

92. SYDNEY WATER

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

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

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

93. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a minimum bin storage of;
 - Residential apartment block (9 x 2 bedroom units; 1 x 3 bedroom unit)
 - o 5x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
 - 5x 240L MGB for container recycling with a fortnightly collection
 - o 5x 240L MGB for paper and cardboard recycling with a fortnightly collection
 - o 1x 240L MGB for garden organics should this be generated at the property
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (a) 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.

- (b) Provide a minimum of 4 m² floor space for the storage of bulky unwanted household items such as old furniture awaiting Council collection and 1 m² floor space for the storage problem wastes.
- (c) Composting facilities must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (d) 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.
- (e) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (f) All waste and recycling must be presented with lids closed to reduce littering, storm water pollution, odour and vermin. Waste and recycling not presented in the correct manner will note be collected.
- (g) All waste and recycling bins must be put out for collection no earlier than the night before collection and brought in the same day as the collection service.
- (c) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (d) 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.
- (e) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided.
- (f) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.

94. TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

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

Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

95. 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.

96. 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.

97. 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 plant room at the rear) and lift motors comply with the terms of approval in relation to noise.

98. STREET NUMBER/S

- a) The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.
- b) The address number for a sub-address site shall not consist of the primary address number on its own.
- c) 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.
- d) The premises numbers for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries located near the entry points and clearly visible from Diamond Bay road. The premises numbers are to be positioned on the site prior to the issue of the Occupation Certificate.
- e) Any variation to the above premises numbering requires a 'change to street address' application to be lodged with Council.

99. PARKING PERMITS

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

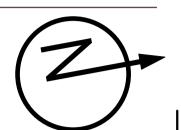


Layout No:	Layout Name	Rev	Description
6-8DB-01	COVER PAGE	С	Council requested design changes
6-8DB-02	STREET SETBACK	С	Council requested design changes
6-8DB-03	SITE PLAN	С	Council requested design changes
6-8DB-04	BASEMENT PLAN	С	Council requested design changes
6-8DB-05	GROUND FLOOR PLAN	С	Council requested design changes
6-8DB-06	FIRST FLOOR PLAN	С	Council requested design changes
6-8DB-07	SECOND FLOOR PLAN	С	Council requested design changes
6-8DB-08	THIRD FLOOR PLAN	С	Council requested design changes
6-8DB-09	ROOF PLAN	С	Council requested design changes
6-8DB-10	ELEVATIONS	С	Council requested design changes
6-8DB-11	FENCE ELEVATIONS	С	Council requested design changes
6-8DB-12	SECTIONS_1	С	Council requested design changes
6-8DB-13	SECTIONS_2	С	Council requested design changes
6-8DB-14	HEIGHT PLANE	С	Council requested design changes
6-8DB-15	3D Views	С	Council requested design changes
6-8DB-16	COMMUNAL OPEN SPACE	С	Council requested design changes
6-8DB-17	AREA CALCULATIONS_1	С	Council requested design changes
6-8DB-18	AREA CALCULATIONS_2	С	Council requested design changes
6-8DB-19	SHADOWS_1	С	Council requested design changes
6-8DB-20	SHADOWS_2	С	Council requested design changes
6-8DB-21	WINDOW SCHEDULE	С	Council requested design changes
6-8DB-22	VIEWS FROM THE SUN	С	Council requested design changes
6-8DB-23	SOLAR ACCESS - UNIT 5	С	Council requested design changes
6-8DB-24	SOLAR ACCESS - COMMUNAL OPEN SPACE	С	Council requested design changes
6-8DB-25	SOLAR ACCESS - No. 10_1	С	Council requested design changes
6-8DB-26	SOLAR ACCESS - No. 10_2	С	Council requested design changes



Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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a.c.n. 087 234 053



RECEIVED

Waverley Council

Application No: DA-218/2019

Date Received: 14/10/2019

Rev	Description	Da
Α	DA Issue	12/06
В	DA Issue - amendments	18/09
С	DA Issue - amendments	14/10

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Client

6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING
6-8 DIAMOND BAY ROAD VAUCLUSE
Status

DEVELOPMENT APPLICATION

Drawing Title:

COVER PAGE

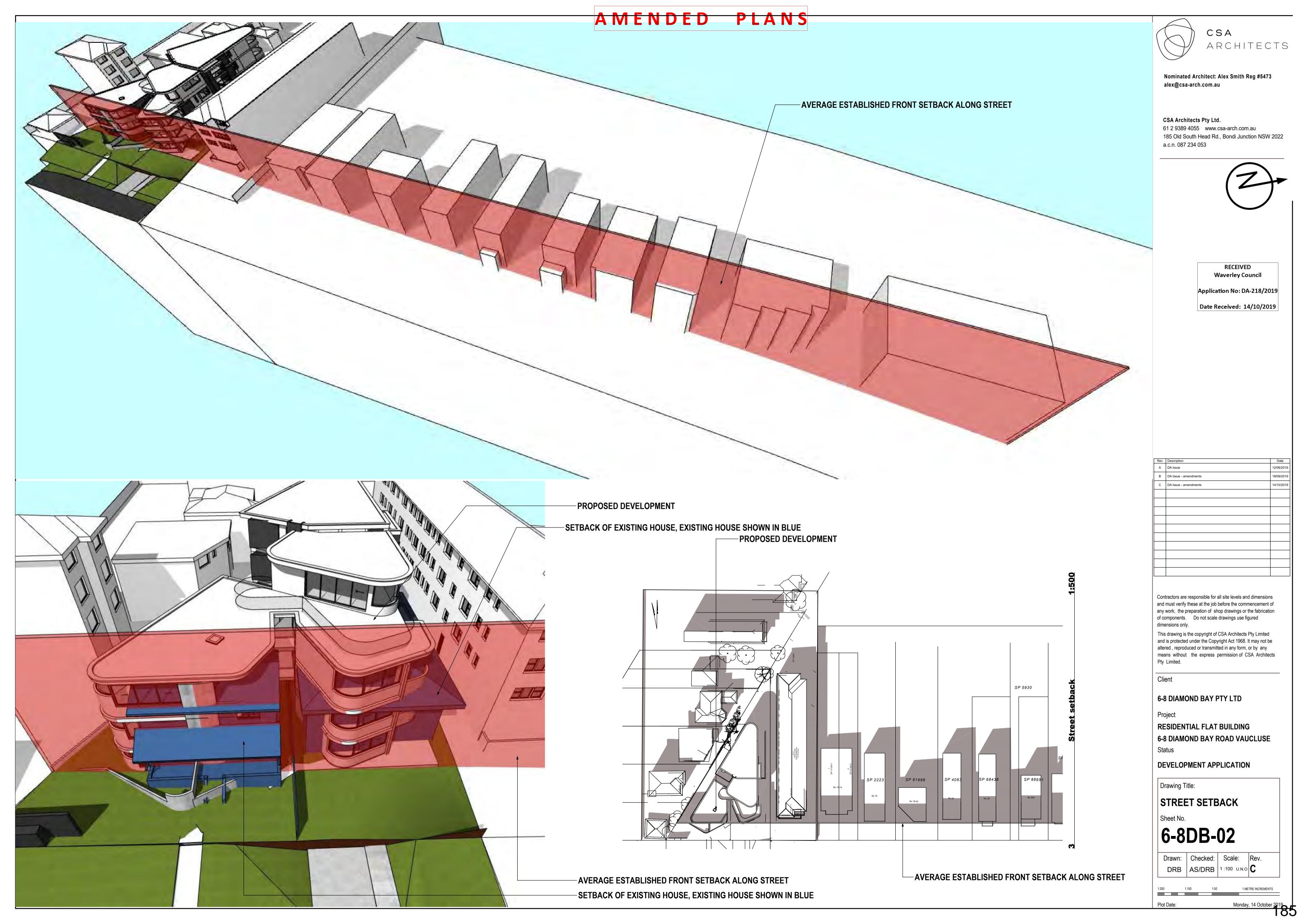
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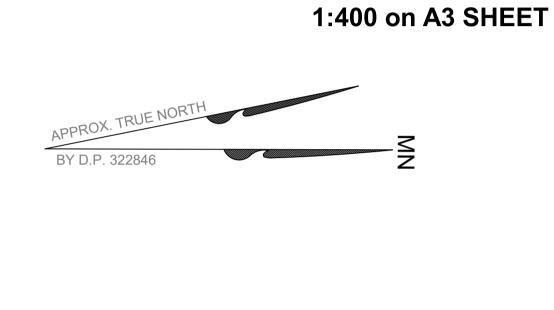
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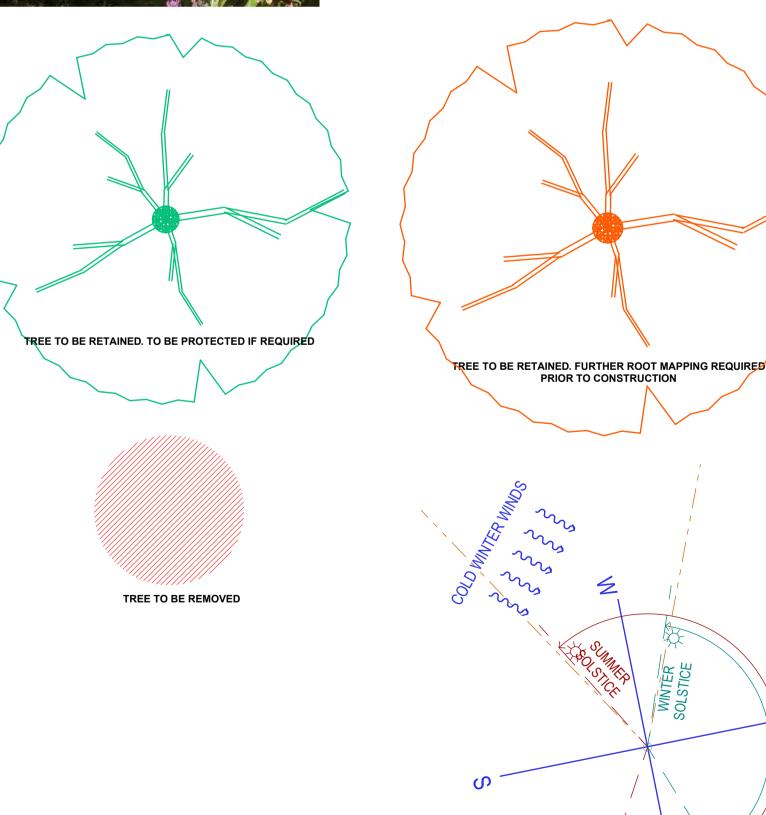








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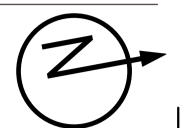


AMENDED PLANS



Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING

6-8 DIAMOND BAY ROAD VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SITE PLAN

Sheet No.

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6-8DB-03

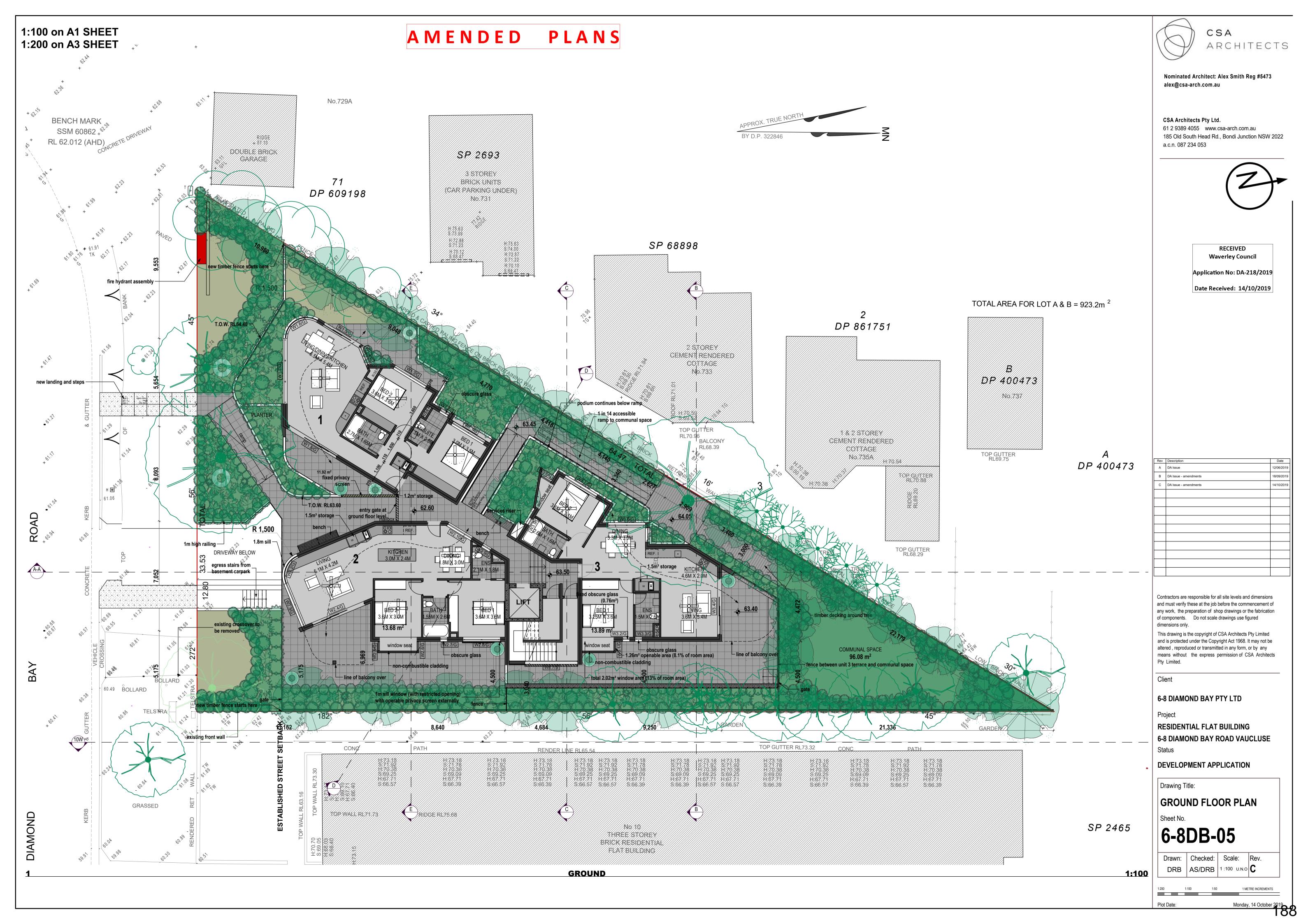
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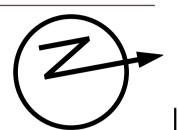
AMENDED PLANS

No.729A





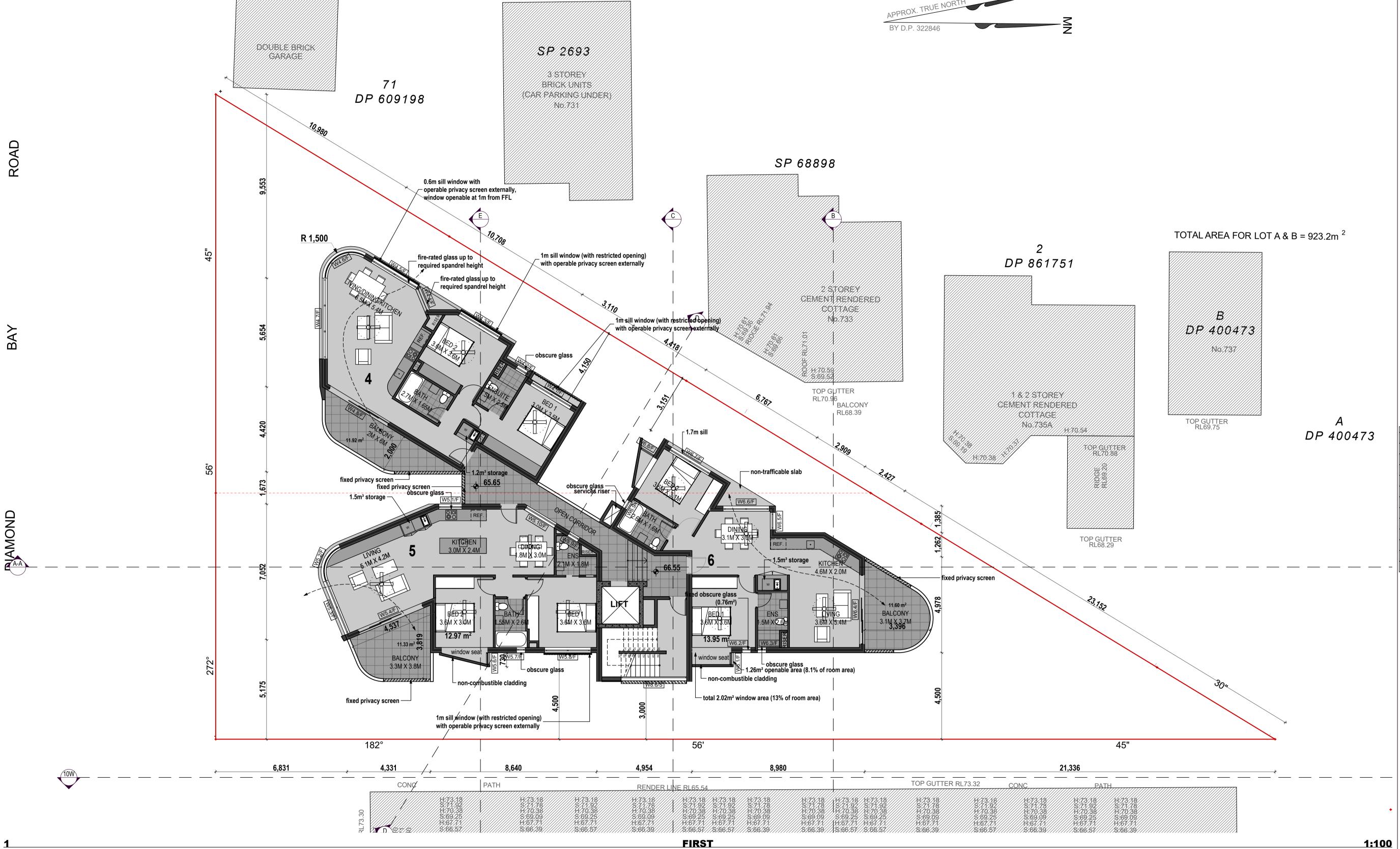
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RECEIVED **Waverley Council**

Application No: DA-218/2019

Date Received: 14/10/2019



B DA Issue - amendments DA Issue - amendments

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Client

6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

DEVELOPMENT APPLICATION

Drawing Title:

FIRST FLOOR PLAN

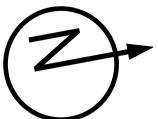
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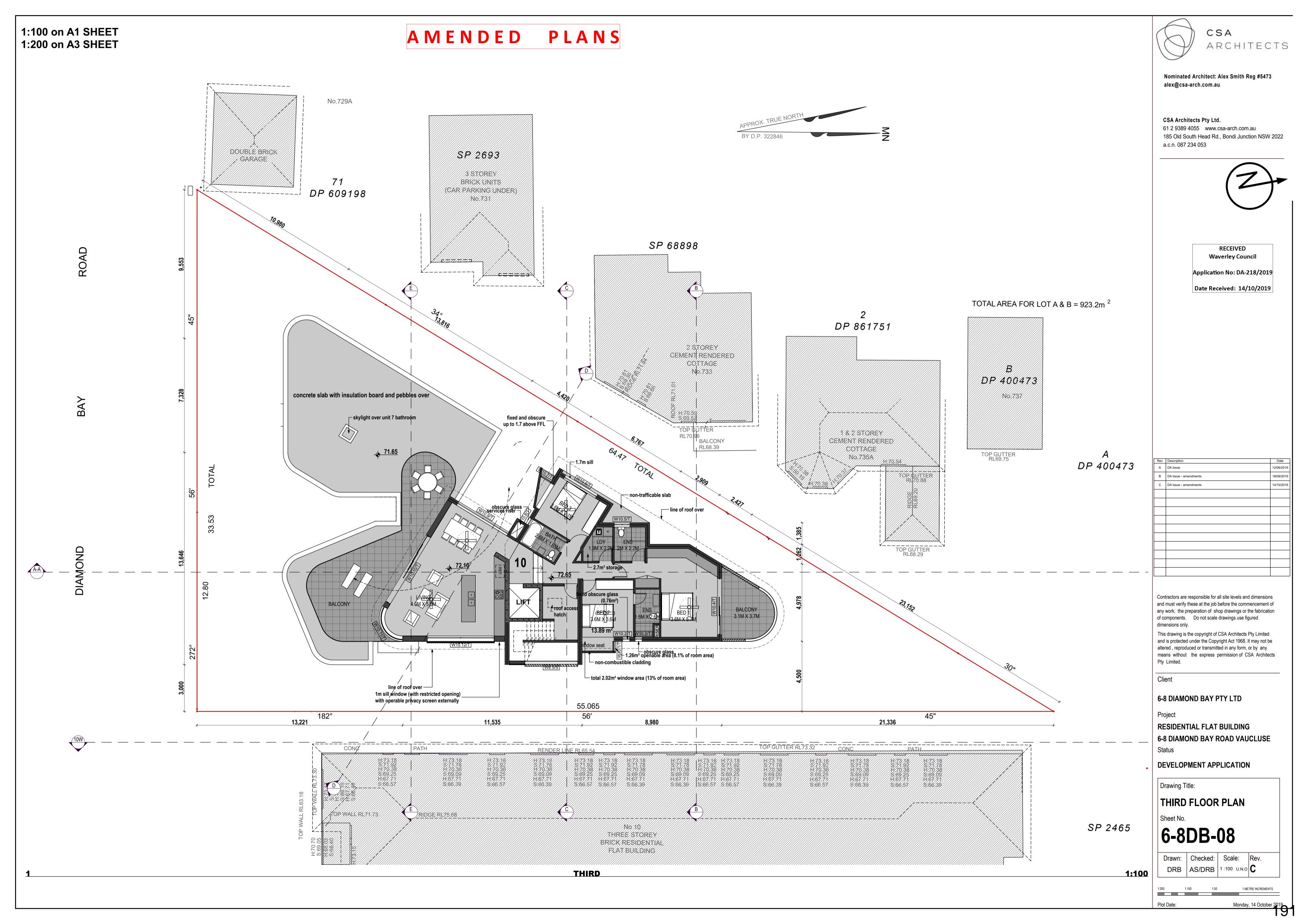
1:100 on A1 SHEET AMENDED PLANS CSA 1:200 on A3 SHEET ARCHITECTS Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au No.729A CSA Architects Pty Ltd. 61 2 9389 4055 www.csa-arch.com.au 185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053 DOUBLE BRICK GARAGE SP 2693 3 STOREY 71 BRICK UNITS (CAR PARKING UNDER) DP 609198 Mo.731 SP 68898 RECEIVED **Waverley Council** 0.6m sill window with - operable privacy screen externally, Application No: DA-218/2019 window openable at 1m from FFL <u>//&/4/4/4/4/4/4/</u>// Date Received: 14/10/2019 R 1,500 TOTAL AREA FOR LOT A & B = 923.2m² fire-rated glass up to required spandrel height 1m sill window (with restricted opening) DP 861751 with operable privacy screen externally _fire-rated glass up to 2 STOREY CEMENT RENDERED COTTAGE 1m sill window (with restricted open Mo.733/ with operable privacy screen external DP 400473 No.737/ TOP GUTTER RL70.96 BALCONY RL68.39 1 & 2 STOREY CEMENT RENDERED COTTAGE TOP GUTTER RL69.75 No.735A DP 400473 B DA Issue - amendments DA Issue - amendments fixed privacy screen — obscure glass fixed privacy screenline of floor over ----TOP GUTTER RL68.29 DIAMOND ixed privacy screen Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of BALCONY any work, the preparation of shop drawings or the fabrication 3.6M X 3.6I 3.1M X 3.7M of components. Do not scale drawings use figured dimensions only. This drawing is the copyright of CSA Architects Pty Limited and is protected under the Copyright Act 1968. It may not be altered, reproduced or transmitted in any form, or by any 3.3M X 3.8M └─ obscure glass - 1.26m² openable area (8.1% of room area) means without the express permission of CSA Architects Pty Limited. — total 2.02m² window area (13% of room area) Client fixed privacy screen — 1m sill window (with restricted opening) 6-8 DIAMOND BAY PTY LTD with operable privacy screen externally 55.065 182° Project 45" 21,336 4,331 8,640 RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE TOP GUTTER RL73.32 PATH CONC RENDER LINE RL65.54 Status H:73 18 S:71 92 H:70 38 S:69 25 H:67 71 S:66 57 H:73 18 S:71 78 H:70 38 S:69 09 H:67 71 S:66 39 DEVELOPMENT APPLICATION Drawing Title: SECOND FLOOR PLAN XOP/WALLELTY,73// RIDGE RL75,68/ Sheet No. SP 2465 No 10 6-8DB-07 THREE STOREY BRICK RESIDENTIAL FLAT BUILDING

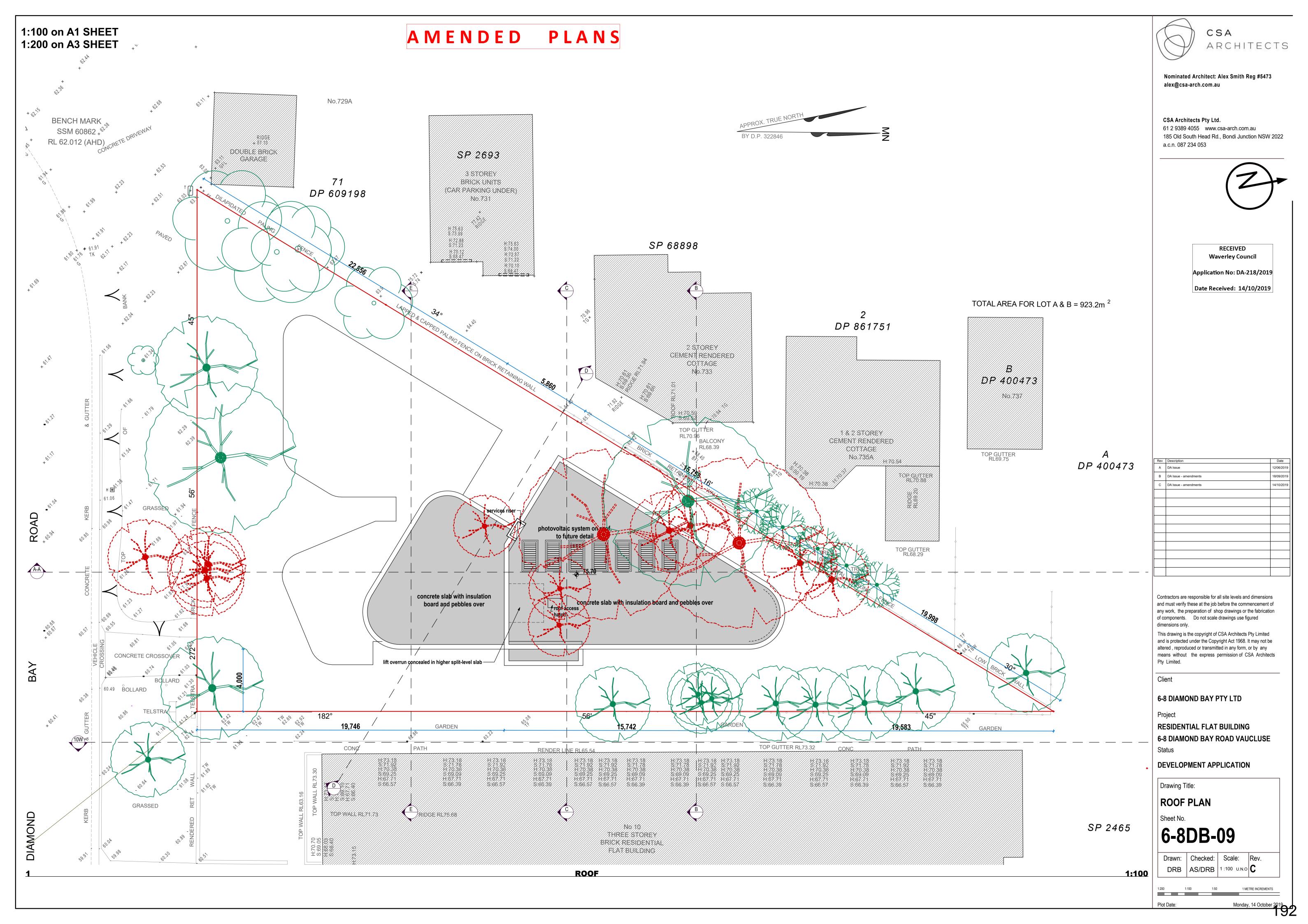
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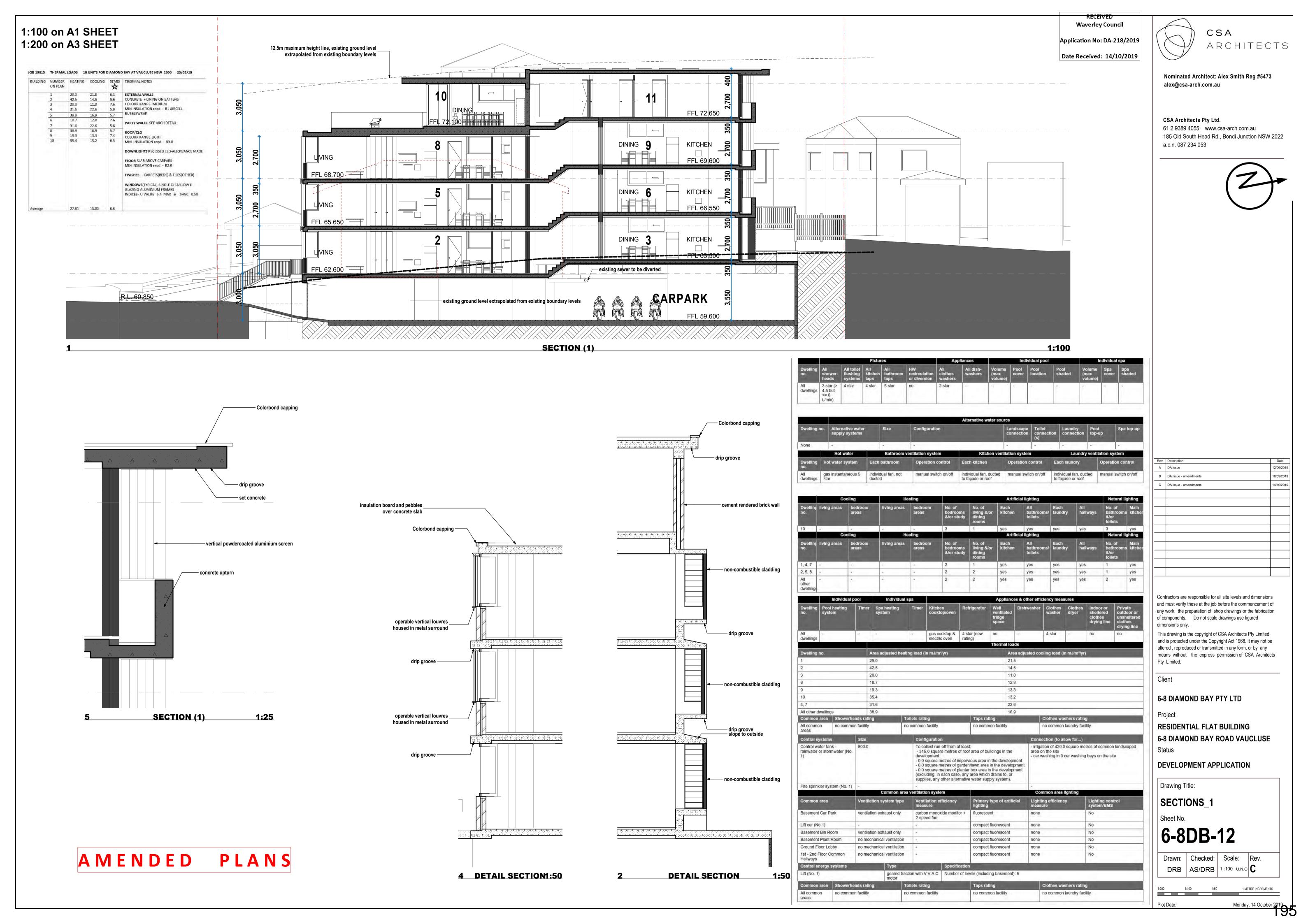


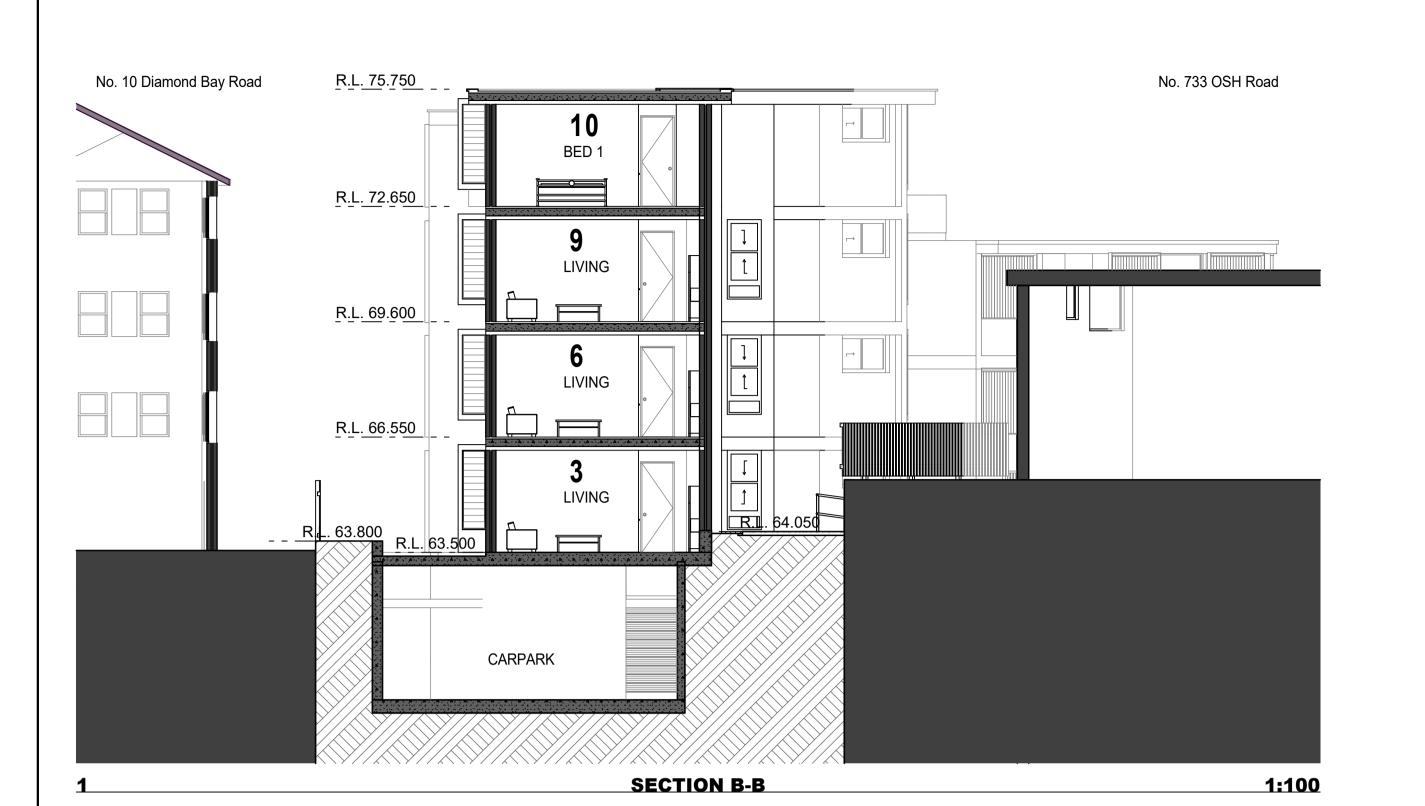






ARCHITECTS





DINING

SECTION D-D

R.L. 64.050

--- access ramp

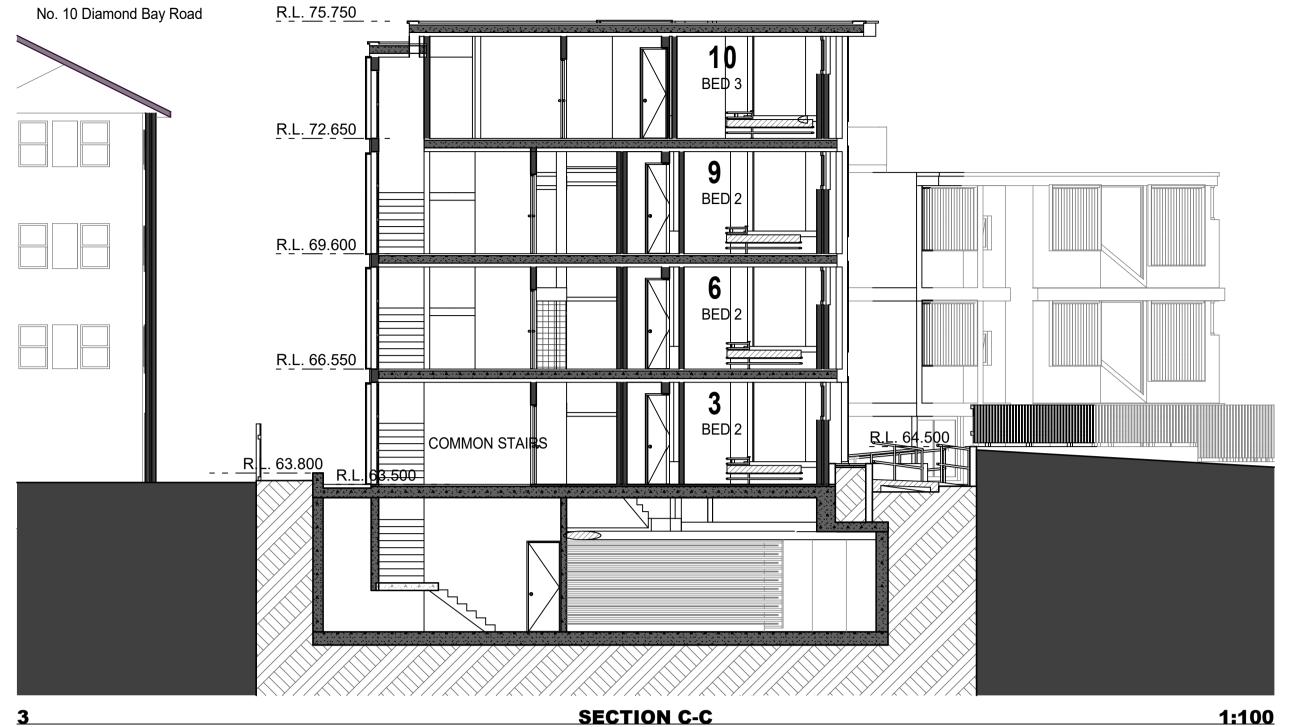
R.L. 64.500

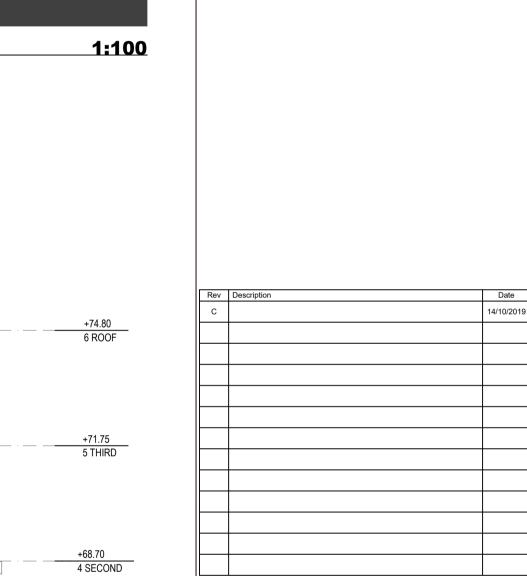
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No. 10 Diamond Bay Road

R.L. 75.200

R.L. 72.100





Waverley Council

Application No: DA-218/2019

Date Received: 14/10/2019

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ARCHITECTS

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Client

6-8 DIAMOND BAY PTY LTD

Project

1:100

RESIDENTIAL FLAT BUILDING
6-8 DIAMOND BAY ROAD VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SECTIONS_2

Sheet No.

6-8DB-13

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Monday, 14 October 2019

AMENDED PLANS

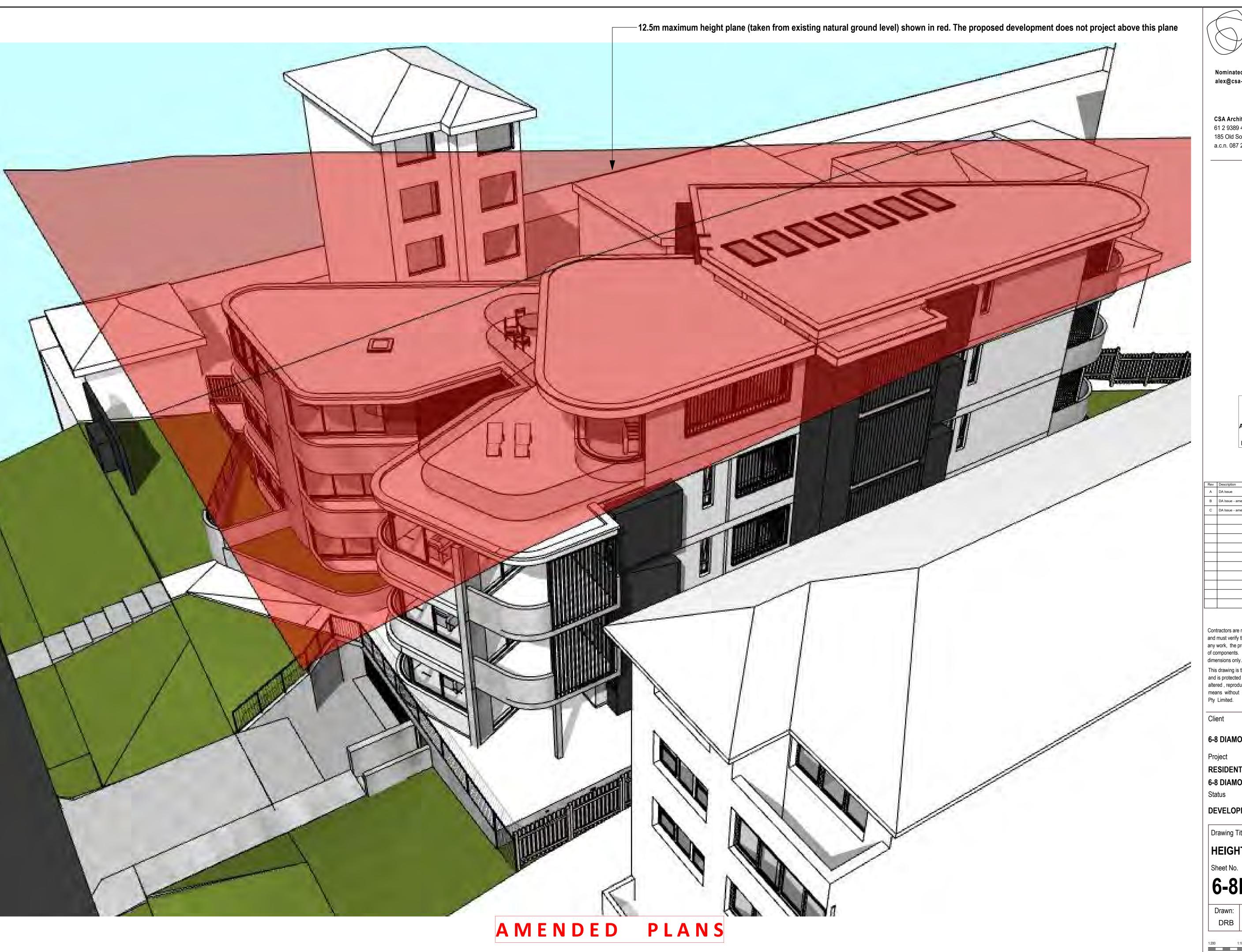
No. 10 Diamond Bay Road

R.L. 75.200

R.L. 72.100

BED 2

SECTION E-E





Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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RECEIVED **Waverley Council**

Application No: DA-218/2019 Date Received: 14/10/2019

Rev	Description	Date
Α	DA Issue	12/06/20
В	DA Issue - amendments	18/09/20
С	DA Issue - amendments	14/10/20

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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

DEVELOPMENT APPLICATION

Drawing Title:

HEIGHT PLANE

6-8DB-14

Drawn: Checked: Scale: Rev.

Waverley Council

Application No: DA-218/2019

Date Received: 14/10/2019

ARCHITECTS

Nominated Architect: Alex Smith Reg #5473

alex@csa-arch.com.au

CSA

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185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053





View 2





View 4

View 1





View 6

Drawing Title: 3D Views Sheet No.

1:180.70

6-8DB-15

B DA Issue - amendments DA Issue - amendments

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6-8 DIAMOND BAY PTY LTD

RESIDENTIAL FLAT BUILDING

DEVELOPMENT APPLICATION

6-8 DIAMOND BAY ROAD VAUCLUSE

Project

Drawn: Checked: Scale: Rev. DRB AS/DRB 1:100 U.N.O C

AMENDED PLANS

View 5







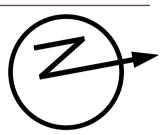
LOOKING TOWARDS ACCESS TO COMMUNAL OUTDOR GARDEN FROM UNIT 1



CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE Status

DEVELOPMENT APPLICATION

Drawing Title:

COMMUNAL OPEN SPACE

Sheet No.

6-8DB-16

Drawn: Checked: Scale: Rev.

DRB AS/DRB 1:100 U.N.O C

AMENDED PLANS

COMMUNAL OUTDOOR GARDEN

AMENDED PLANS :100 9 A A1 SHEET W10.2/T W10.3/T W10.7/T W10.8/T W10.12/T W9.8/S W9.9/S W10.1/T W10.4/T W10.5/T W10.6/T W10.9/T W10.10/T RECEIVED 1.200 pm A3 SHEETS Element ID Louvre window Window 22 Window 22 Window 22 Sliding door Multi-panels Window 22 Window 22 Louvre window Window 22 Window 22 ouvre window | Window 22 Window 22 Window 22 Vindow Name **Waverley Council** 1,700 1,700 1,700 2,400 2,400 450 1,000 2,400 450 2,422 1,700 1,000 1,000 1,700 1,000 1,500 Application No: DA-218/2019 <u>/indow sill height</u> 2,700 2,700 2,700 2,100 2,400 2,100 2,700 2,700 2,700 2,700 2,100 2,700 2,700 2,700 2,700 2,400 Nindow head height Nominated Architect: Alex Smith Reg #5473 Date Received: 14/10/2019 alex@csa-arch.com.au ← - \rightarrow CSA Architects Pty Ltd. 3D Front View 61 2 9389 4055 www.csa-arch.com.au 185 Old South Head Rd., Bondi Junction NSW 2022 a.c.n. 087 234 053 ------2D Plan Preview -W8.1/S W8.4/S W8.5/S W8.5/S W8.5/S W8.6/S W8.6/S W8.7/S W8.7/S W8.8/S W8.9/S W8.10/S W9.1/S W9.2/S W9.3/S W9.4/S W9.5/S W8.3/S Element ID Window 22 | Window 22 | Sliding door Multi-panels | Window 22 Window 22 Curved Window 22 Louvre window Vertical Multi-Sash .. Vertical Multi-Sash . Louvre window Vertical Multi-Sash ... Vertical Multi-Sash Window 22 Window 22 Window 22 Louvre window Sliding door Multi-panels Window 22 Sliding door Multi-panels Window 22 /indow Name 1,600 1,000 indow sill height lindow head height 2,700 2,700 2,700 2,700 2,100 1,800 2,700 2,100 2,700 2,700 2,700 2,200 2,700 2,100 2,700 2,700 2,700 2,700 1 3D Front View ----2D Plan Preview W6.5/F Element ID Window 22 | Window 22 | Sliding door Multi-panels | Window 22 Window 22 Panel window angled Curved Window 22 3-Sash Sliding Window 22 Window 22 indow Name Window 22 Window 22 Window 22 1.700 1,700 2.700 2,400 2,400 lindow sill height 2,700 2,200 2,800 2.100 2,700 2,700 2,700 2,700 2,700 2,700 2,100 2.400 2,700 2,700 2,700 2.700 2,700 Nindow head height A DA Issue 3D Front View B DA Issue - amendments DA Issue - amendments ---2D Plan Preview ----- -W3.4/G W3.9/G W5.4/F W5.6/F W3.8/G Element ID Window 22 Curved Window 22 3-Sash Sliding Window 22 Sliding door Multi-panels Window 22 Panel window angled 1,700 2,480 Window 22 Curved Window 22 Window 22 Sliding door Multi-panels Window 22 Sliding door Multi-panels Vindow Name Window 22 Window 22 Louvre window Window 22 Window 22 Window 22 Louvre window 3,600 2,400 1,700 1,240 3,600 2,400 3,600 2,970 2,400 Width 1,600 1,800 1,000 /indow sill height 2,700 2,700 2,700 2,700 2,700 2,100 2,200 1.900 2,700 2,700 2,700 2,700 2,700 2,700 1.600 2,700 2,700 2,100 Nindow head height Contractors are responsible for all site levels and dimensions and must verify these at the job before the commencement of any work, the preparation of shop drawings or the fabrication of components. Do not scale drawings use figured dimensions only. This drawing is the copyright of CSA Architects Pty Limited and is protected under the Copyright Act 1968. It may not be 3D Front View altered, reproduced or transmitted in any form, or by any means without the express permission of CSA Architects Pty Limited. Client 6-8 DIAMOND BAY PTY LTD 2D Plan Preview ----.____ **Project** RESIDENTIAL FLAT BUILDING W1.1/G W1.2/G W1.5/G W1.6/G W1.7/G W2.2/G W2.4/G W2.5/G W2.6/G W2.7/G W2.8/G W2.9/G W2.10/G W3.1/G W3.2/G W3.3/G Element ID 6-8 DIAMOND BAY ROAD VAUCLUSE Window 22 | Window 22 Window 22 Panel window angled Sliding door Multi-panels | Curved Window 22 | 3-Sash Sliding Window 22 | Sliding door Multi-panels | Curved Window 22 Window 22 Sliding door Multi-panels Window 22 Window 22 Window 22 Window 22 | Window 22 Vindow Name Louvre window Louvre window Window 22 Louvre window 1,700 450 1,000 1,700 450 1,000 Status 2,400 4,200 2,400 1,600 1,000 1,000 1,000 1,800 1,000 1,000 400 1,000 1,000 1,600 indow sill height 2,700 1,900 2,700 2,700 2,700 2,700 2,700 2,700 2,100 2,100 2,700 2,700 2,700 2,700 2,700 DEVELOPMENT APPLICATION 2,700 2,700 2,700 2,200 2,100 Vindow head height Drawing Title: WINDOW SCHEDULE 3D Front View Sheet No. 6-8DB-21 Drawn: | Checked: | Scale: | Rev. DRB | AS/DRB | 1:100 U.N.O | C -2D Plan Preview Monday, 14 October 2019 Plot Date:

AMENDED PLANS

1:200

1:200

No. 10

No. 10

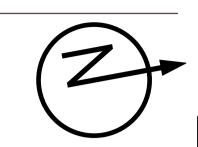
June 0900 Proposed

June 0900 Existing





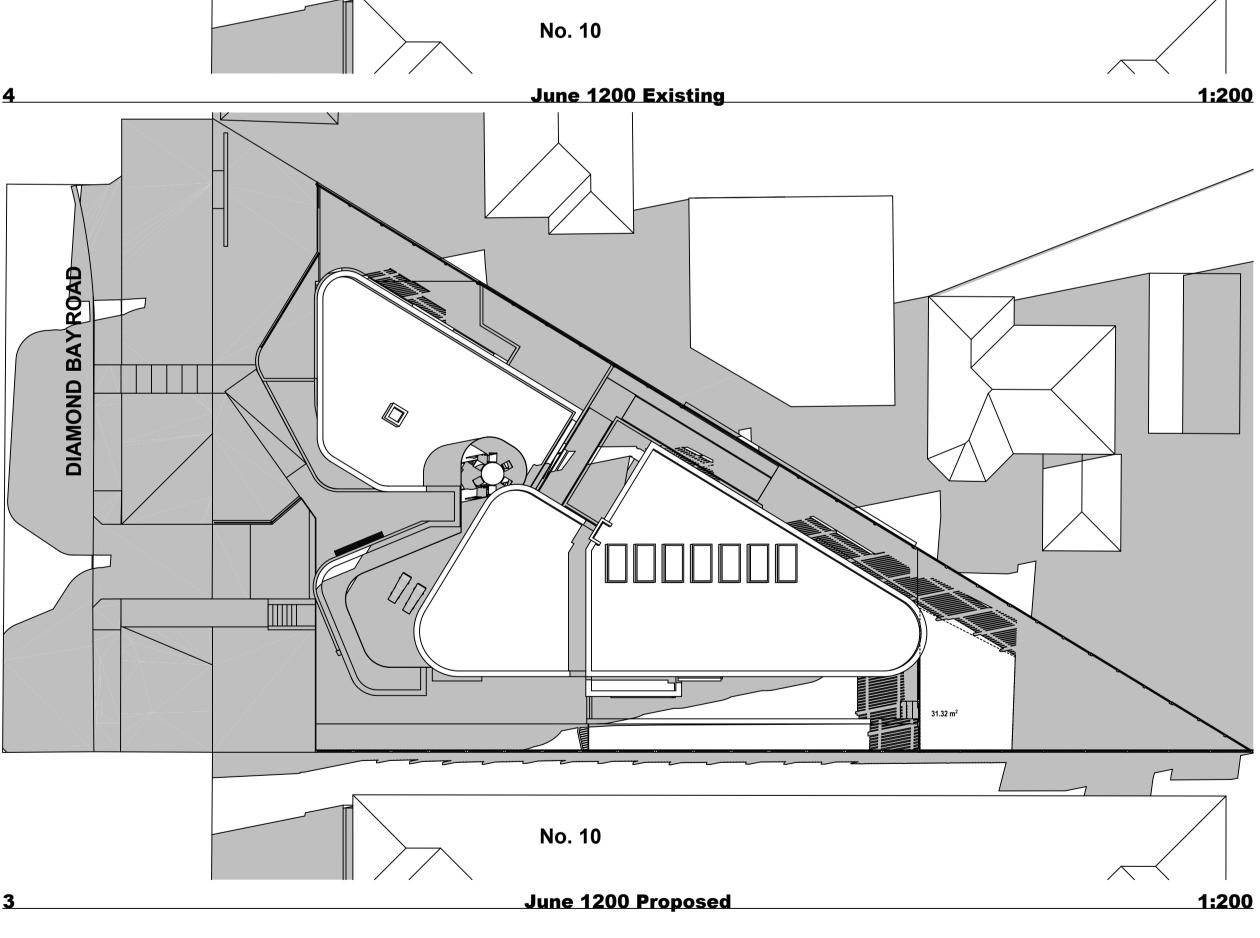
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Application No: DA-218/2019

Date Received: 14/10/2019



	Rev Description A DA Issue B DA Issue - amendments C DA Issue - amendments
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Rev	Description	Date
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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

DEVELOPMENT APPLICATION

Drawing Title:

SHADOWS_1

Sheet No.

6-8DB-19

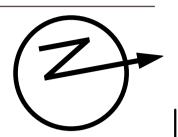
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AMENDED PLANS



Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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Project

RESIDENTIAL FLAT BUILDING
6-8 DIAMOND BAY ROAD VAUCLUSE
Status

DEVELOPMENT APPLICATION

Drawing Title:

SHADOWS_2

Sheet No.

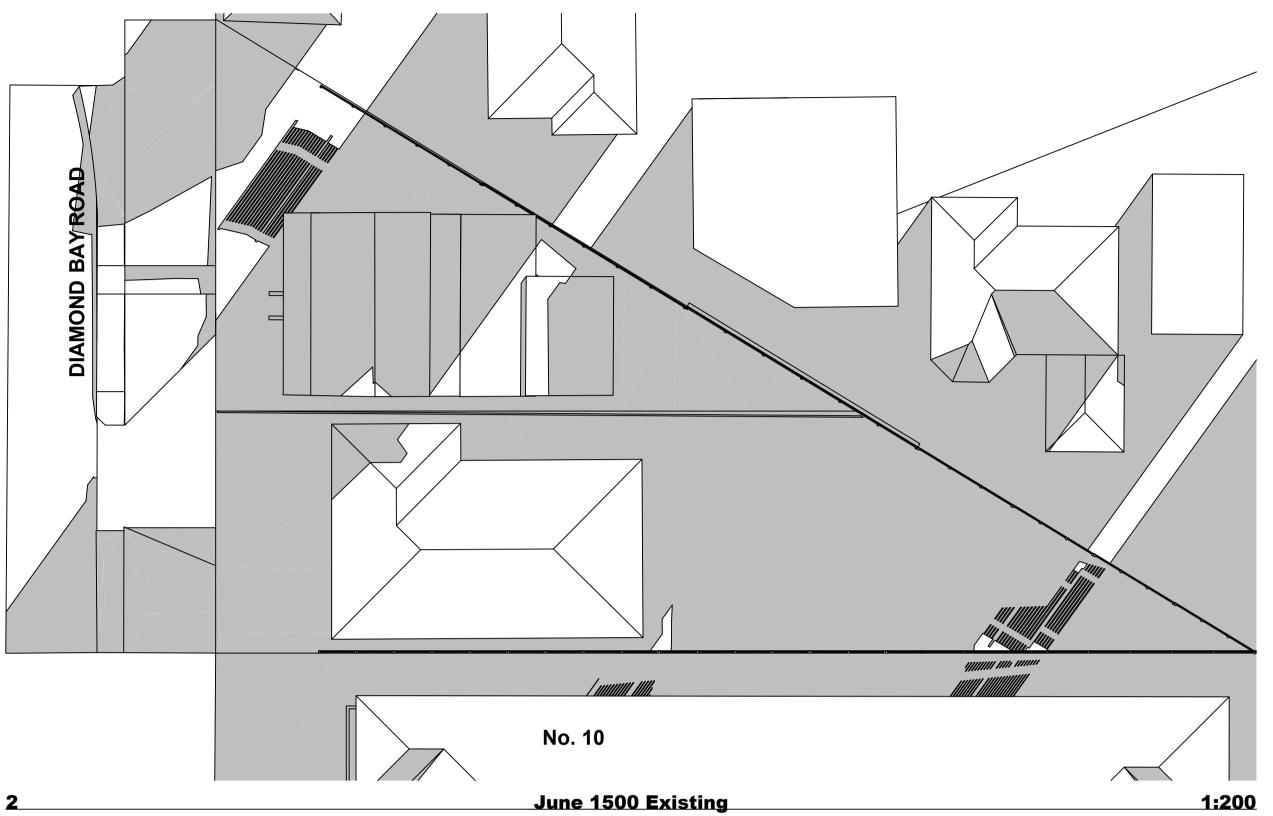
6-8DB-20

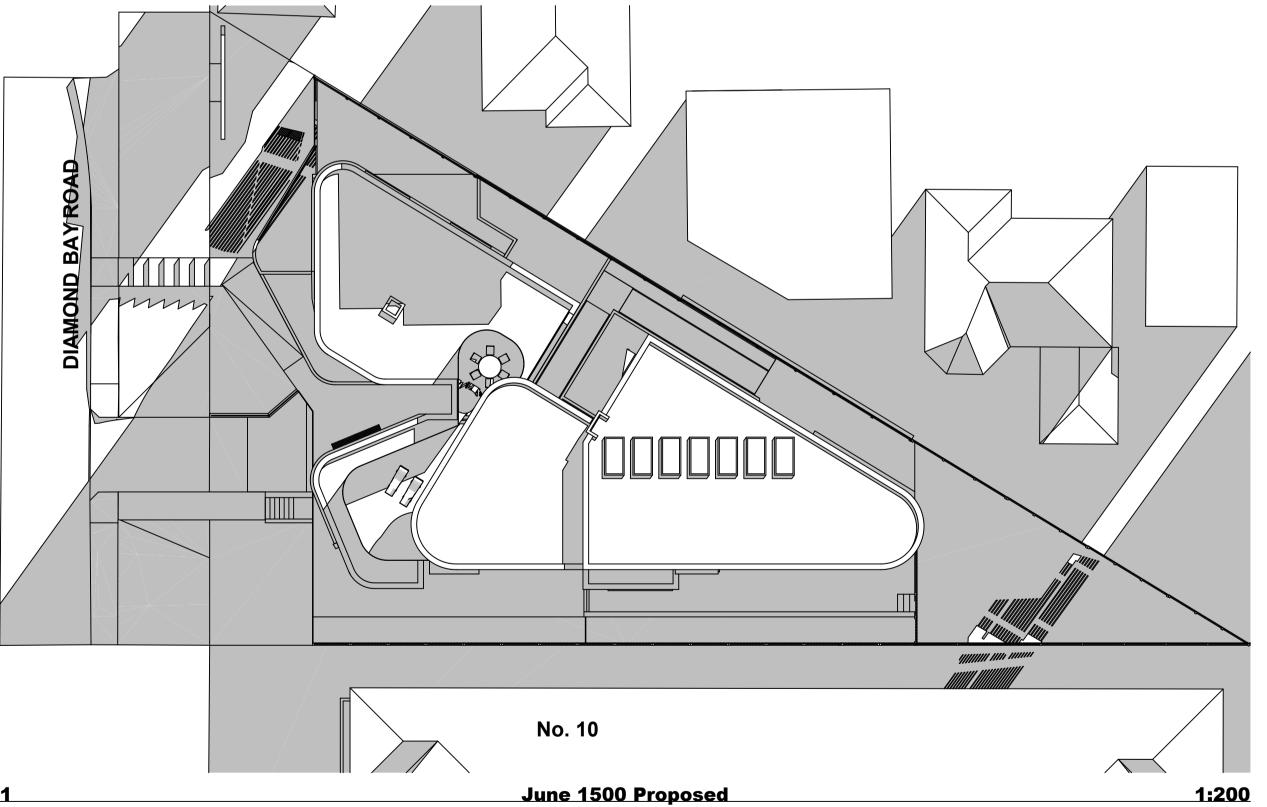
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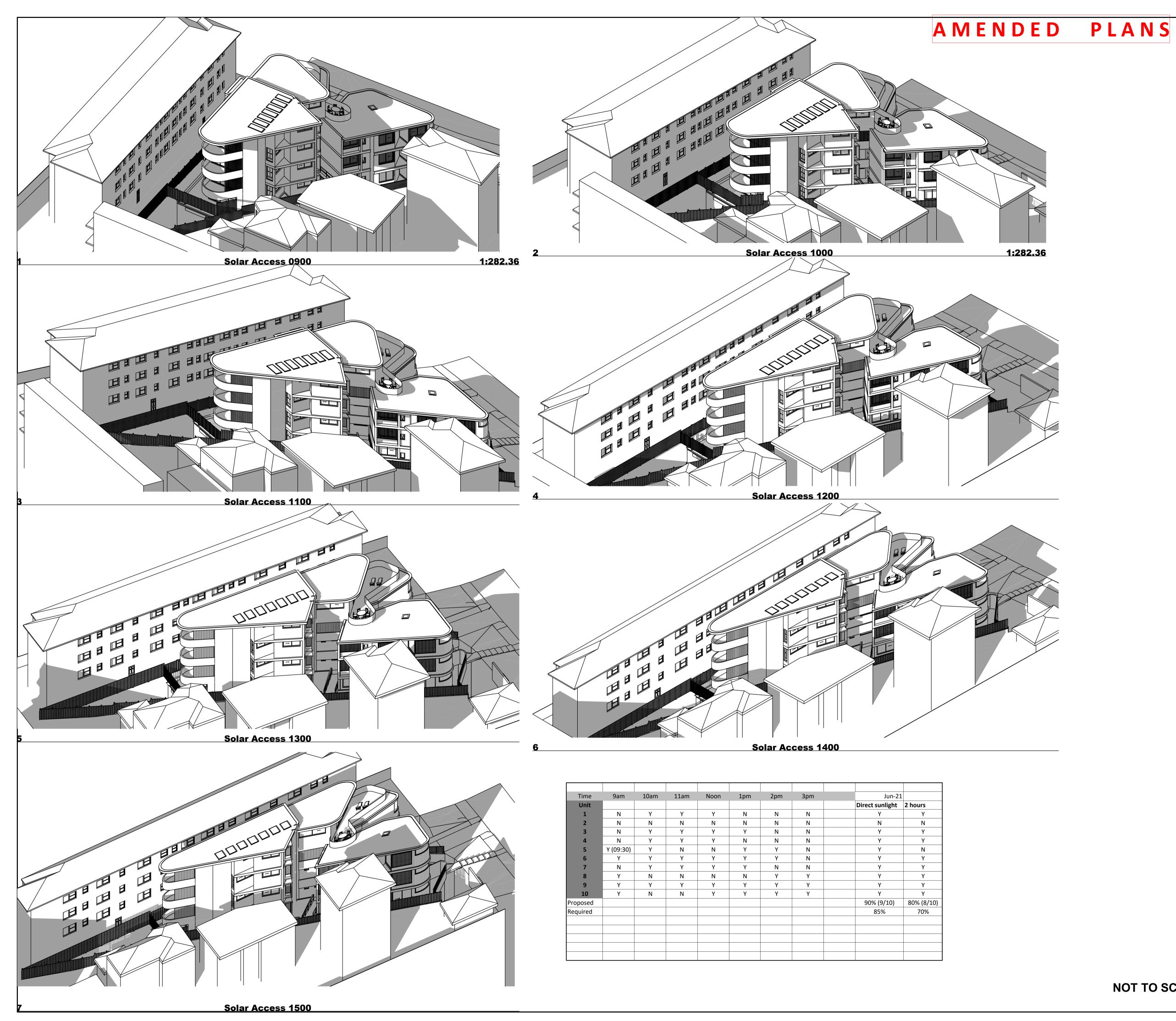
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Plot Date: Mono



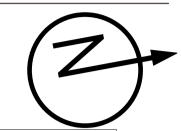






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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

VIEWS FROM THE SUN

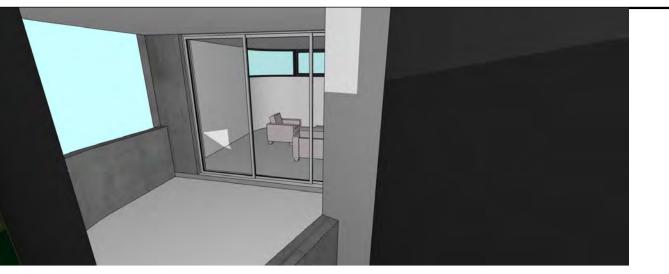
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Plot Date:



Unit 5_0920



Unit 5_0930



Unit 5_0935



Unit 5_0940



Unit 5_0945



Unit 5 0950

Unit 5_1000



Unit 5_1530

Unit 5_1545

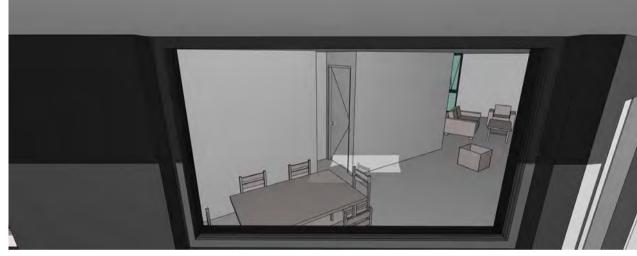
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Unit 5_1400



10 Unit 5_1415

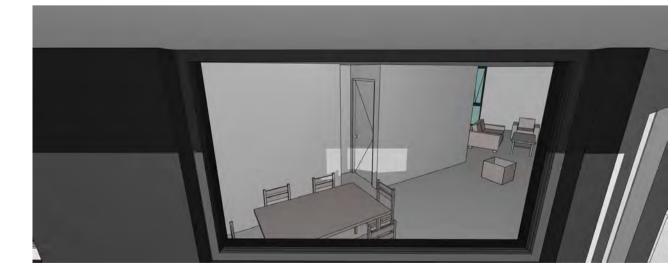


1 Unit 5_1430



2 Unit 5_1445

<u>14</u>



13 Unit 5_1500

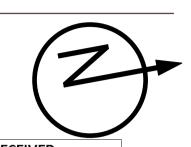
Unit 5_1515

AMENDED PLANS



Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING
6-8 DIAMOND BAY ROAD VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

SOLAR ACCESS - UNIT 5

Sheet No.

Plot Date:

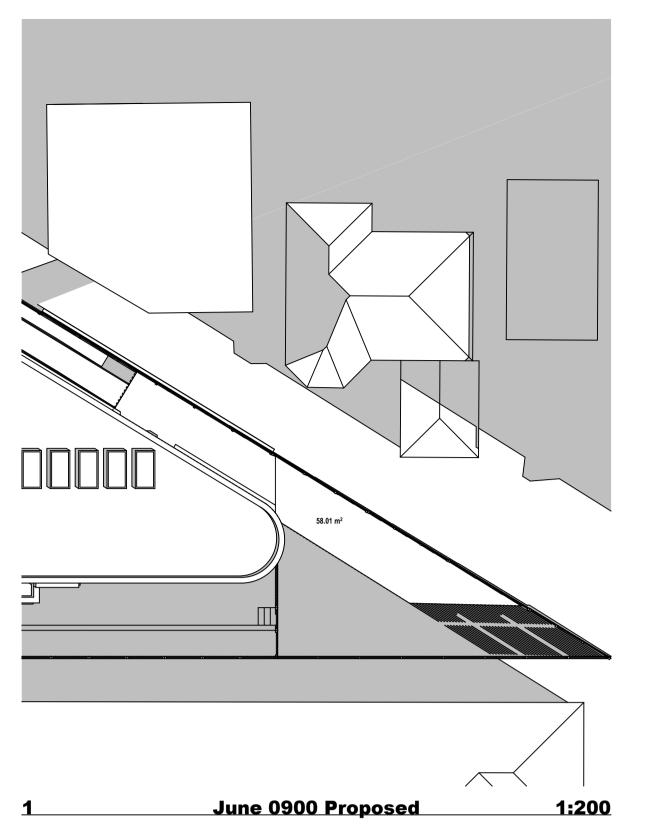
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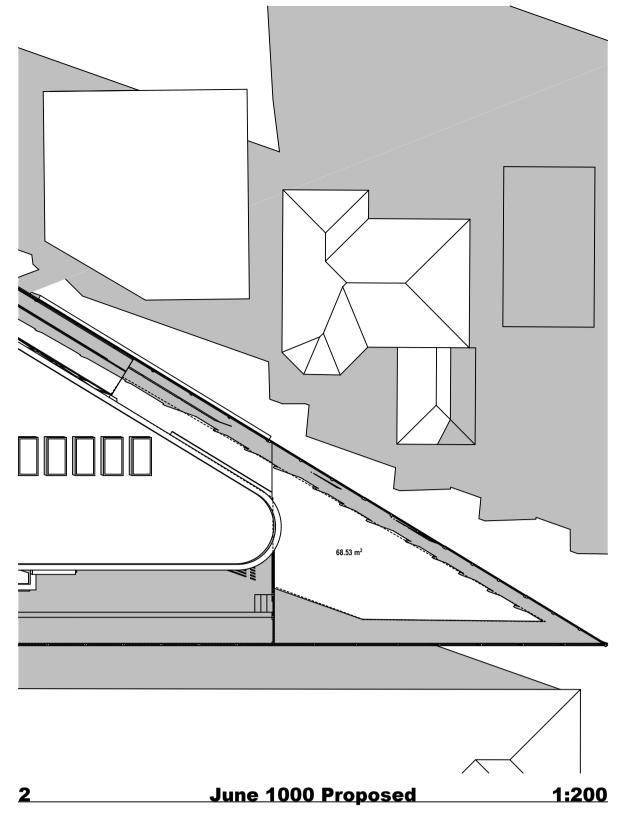
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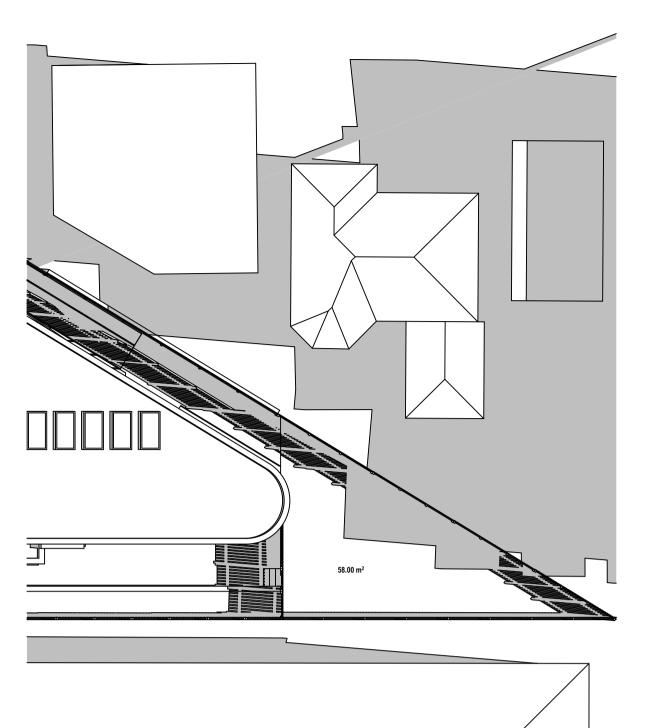
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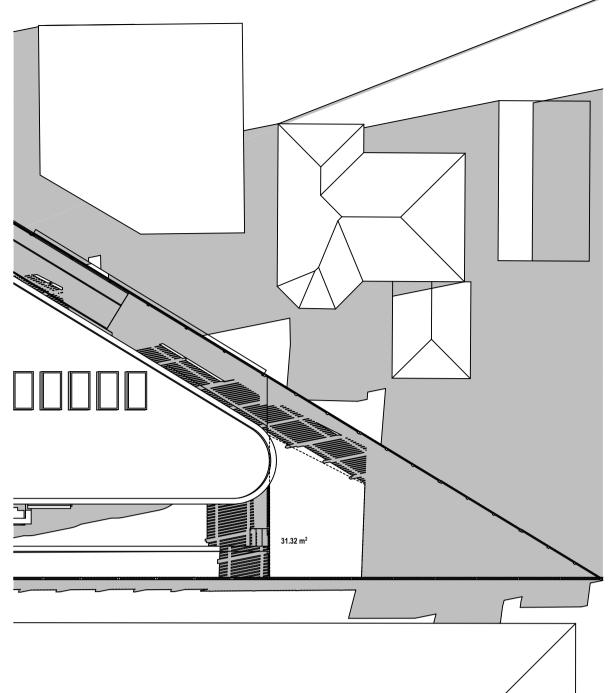






June 1100 Proposed

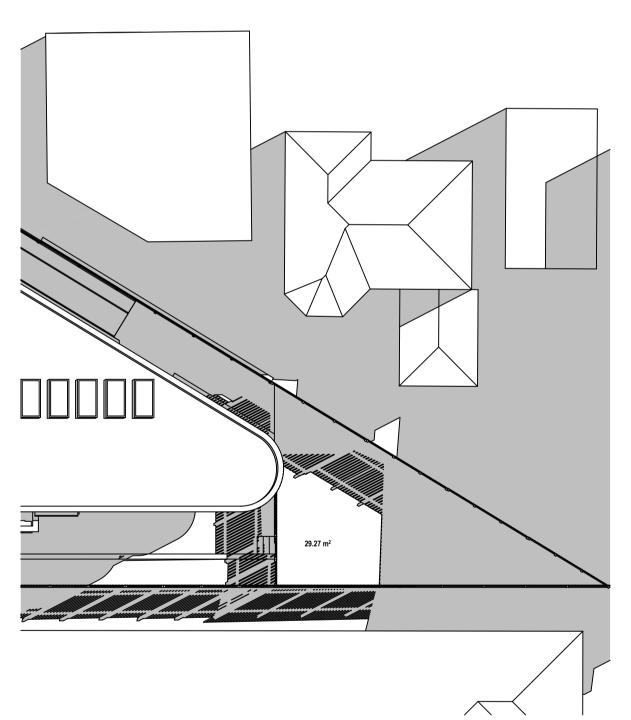
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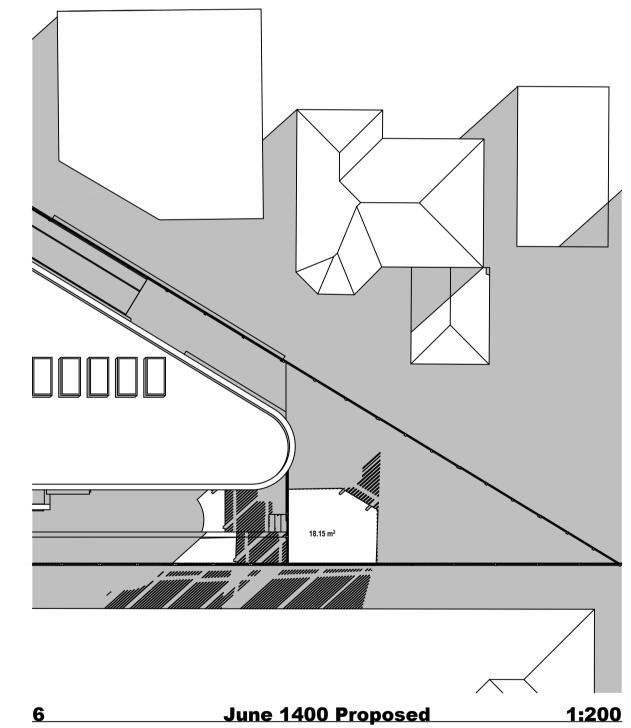
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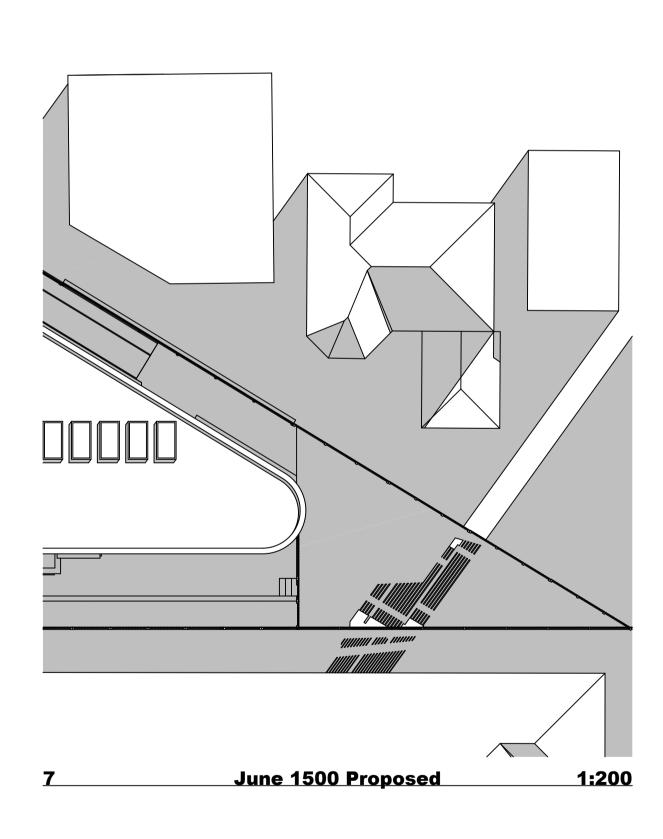
AMENDED PLANS



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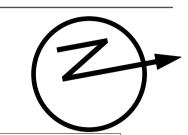


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Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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RECEIVED **Waverley Council** Application No: DA-218/2019

Date Received: 14/10/2019

Rev	Description	Date
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Client

6-8 DIAMOND BAY PTY LTD

Project

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

Status

DEVELOPMENT APPLICATION

Drawing Title:

Plot Date:

SOLAR ACCESS - COMMUNAL

Sheet No.

6-8DB-24

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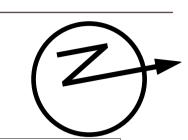
AMENDED PLANS





Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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RECEIVED Waverley Council

Application No: DA-218/2019

Date Received: 14/10/2019

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Rev	Description	Date
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Client

6-8 DIAMOND BAY PTY LTD

Proje

RESIDENTIAL FLAT BUILDING
6-8 DIAMOND BAY ROAD VAUCLUSE

DEVELOPMENT APPLICATION

Drawing Title:

SOLAR ACCESS - No. 10_1

| | Sheet N

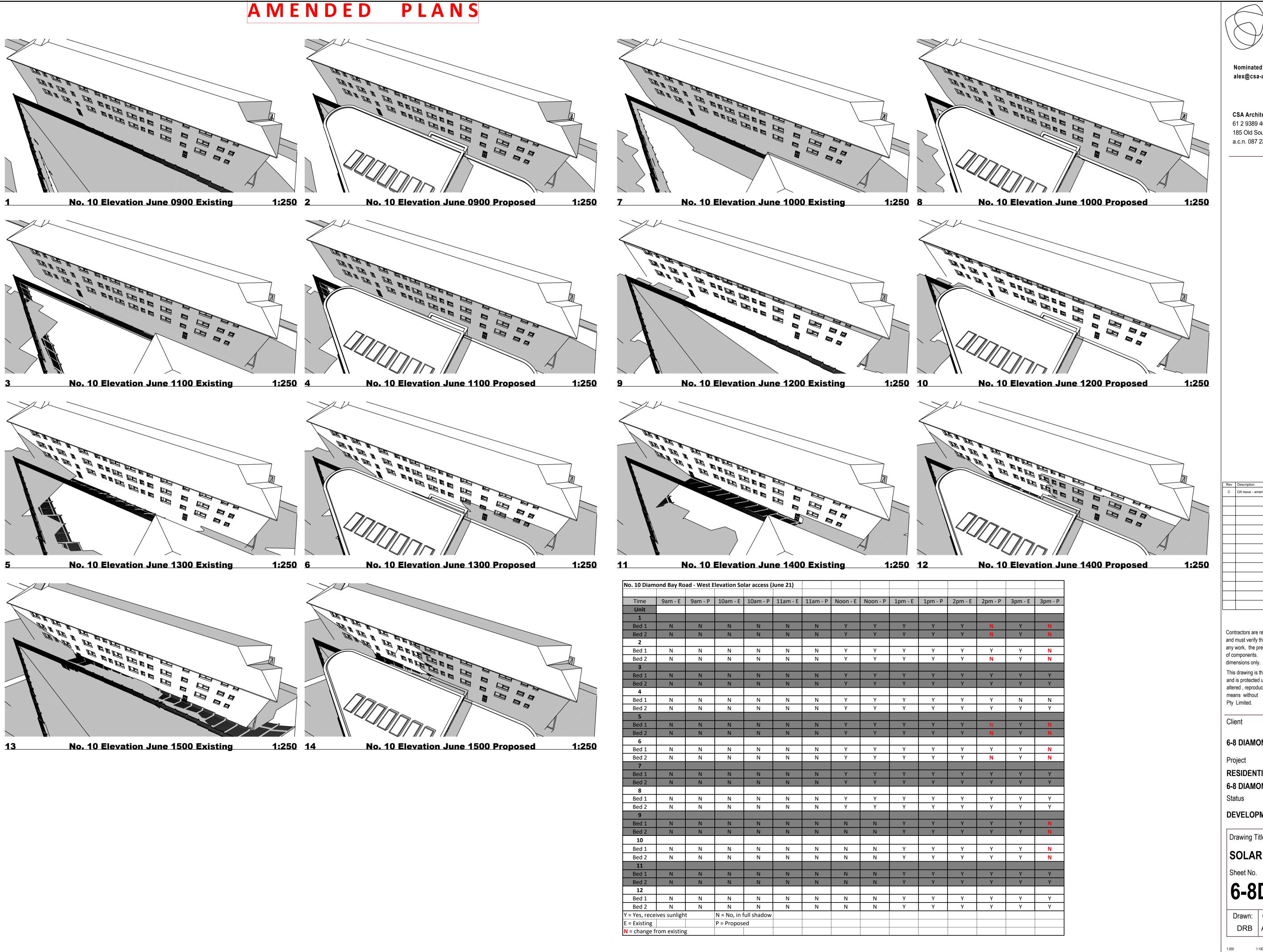
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Date: Monday 14 Octob

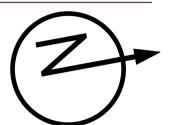
14 October 2019



CSA ARCHITECTS

Nominated Architect: Alex Smith Reg #5473 alex@csa-arch.com.au

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6-8 DIAMOND BAY PTY LTD

RESIDENTIAL FLAT BUILDING 6-8 DIAMOND BAY ROAD VAUCLUSE

DEVELOPMENT APPLICATION

Drawing Title:

SOLAR ACCESS - No. 10_2

Sheet No.

6-8DB-26

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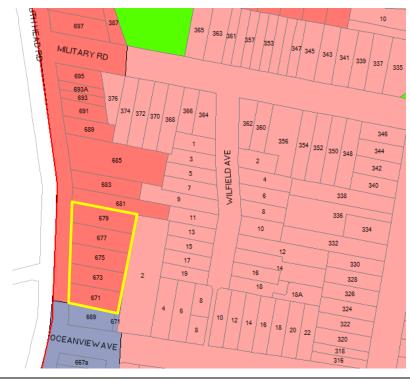




Report to the Waverley Local Planning Panel

Application number	DA-355/2018
Site address	671-679 Old South Head Rose VAUCLUSE
Proposal	Demolition of existing dwellings; consolidation of lots; construction of a new four storey residential flat building comprising 16 units and basement car park; and Strata subdivision.
Date of lodgement	4/10/2018
Owner	Ms D M R Santamaria, Ms E L Santamaria, Mr R B Lepar, Mrs W P Lepar, Ms N E Labi, Mr L S Adelman, Mrs S M Adelman, Mrs M Bartolo
Applicant	Applicant - MHN Design Union
Submissions	14 submissions received regarding the original proposal (including one petition of 17 signatures). Two submissions were received regarding the amended proposal.
Cost of works	\$21,285,000
Issues	Non-compliant Floor Space Ratio and building height, building length, setbacks, and apartment depth
Recommendation	That the application be APPROVED





1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 1 April 2019.

The site is identified as Lot 2 in DP10314, Lot 1 in DP169310, Lot 4 in DP192614, Lot 1 in DP168877 and Lot 1 in DP16794 and known as 671-679 Old South Head Road, VAUCLUSE. It is located on the eastern side of Old South Road, to the north of Oceanview Avenue.

The five allotments cover a rectangular parcel of land, with a western frontage to Old South Head Road of 67.73 metres, northern boundary of 43.87 metres, an eastern rear boundary of 67 metres and a southern boundary of 34.9 metres, equating to a combined site area of 2,638.6m².

The site is occupied by combination of single and two-storey dwelling houses. The dwellings located at No. 673 – 679 Old South Head Road each have a vehicular access provided from Old South Head Road. No. 671 Old South Head Road has vehicular access off Oceanview Avenue from Lot B in DP 324744 (also known as 671 Old South Head Road). It is noted that Lot B in DP 324744 is not included as part of the subject site, despite being under the same ownership as Lot 2 in DP 10314.

The subject site is adjoined by a two-storey detached dwelling to the north, a four-storey residential flat building to the east and two storey shop top housing to the south. The locality is characterised by a variety of residential developments, including detached dwelling houses, residential flat buildings and commercial uses.



Figure 1: Aerial image of subject site (outlined in red)



Figure 2: Subject site frontage – 671 & 673 Old South Head Road, Vaucluse



Figure 3: Subject site frontage – 675 & 677 Old South Head Road, Vaucluse



Figure 4: Subject site frontage – 677 & 679 Old South Head Road, Vaucluse

1.2 Site History

- Council has no record of previous development applications 671, 673 and 679 Old South Head Road.
- 675 Old South Head Road BA-296/1997 Approved dual occupancy.
- 677 Old South Head Road: -
 - BA-211/1996 Approved alterations and additions
 - BA-211/1996 Approved alterations and additions
 - DA-360/2006 Approved alterations and additions including new swimming pool.

1.3 Proposal

The amended proposal seeks consent for the demolition of the existing buildings on the site, consolidation of lots, and the construction of a four-storey residential flat building for 16 units, with basement parking and strata subdivision. Vehicular access is from Old South Head Road. Specifically, the proposal involves the following:

Basement level

- 32 resident car parking spaces;
- two visitor car parking spaces;
- six motorbike spaces;
- 16 storage units;
- Four lifts to the upper floors; and

• Waste, bulky storage and plant.

Ground Floor

- Vehicular access from Old South Head Road;
- Four individual entrance points from Old South Head Road, with three bicycle spaces at each entrance;
- Landscaping; and
- Eight x two level three-bedroom units with ground floor private open space to front and rear. Unit 1 and Unit 8 will also utilise the grassed areas within the northern and southern side setbacks as private open space, noting that these areas will be accessible only from the respective Units.

First Floor

Upper level of ground floor units with balconies to front and rear.

Second Floor

- Three x single level three-bedroom units and two x two-level three-bedroom units;
- Balconies to front and rear.
- Access to Unit 13 has not been shown on the plans. A condition of consent will be imposed to ensure plans are amended to include a front door.

Third Floor

- Three x single level three-bedroom units and the upper level of two of the two-level three-bedroom units;
- Balconies to front and rear.



Figure 5: Photomontage of the proposal

The application was deferred on 15 May 2019 to provide the applicant with an opportunity to address concerns relating to numerous non-compliances and provide additional information as summarised below:

Provide direct street access to ground level courtyard apartments;

- The location of mail boxes to be shown on the architectural plans;
- Comply with the 6m separation distance of ADG in order to maintain a reasonable level of privacy for neighbouring units at No. 2 Oceanview Street;
- Amend plan to provide building entries which better align with the front of the building, instead of the recessed building entries;
- Provide 'sun eye' diagrams to demonstrate compliance with the Apartment Design Guide (ADG).
- Delete internal media rooms which has no windows;
- Amend location of the garbage room for accessibility and safety;
- Clarification and reduction of Gross Floor Area (GFA) to comply Floor Space Ratio (FSR) development standard;
- Amend northern elevation to comply with maximum external wall height of 9.5m;
- Laundry to be provided within each unit; and
- Acoustic report to be provided to address clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007.
- The following was also raised as a response from the Design Excellence Panel (DEP):
 - The built form is overly bulky, due to the oversized balconies to the bedrooms facing the street, which the Panel believes will cause negative impacts (depth and bulk of the building), and that there are other solutions that should be investigated.
 - The lobbies are extremely deep and will need artificial lighting at all times.
 - The interior of the townhouse type units is deep and will need artificial lighting throughout the day. The large balconies above add to this issue.
 - Level 2 and Level 3 units have large areas of circulation space that is internalised. Level 3 could be alleviated with skylights; however, L2 will need artificial light through the day.
 - The impact of the retaining walls and the driveway may be able to be softened with some landscape techniques.
 - The internal planning should be reviewed so that the WC is not directly visible from the dining room in the townhouses.

Amended plans and all outstanding related information were received on 4 October 2019. These form the subject of the assessment within this report.

Exclusion of pan-handle from subject site (Lot B in DP 324744)

The application originally submitted to Council, also included Lot B in DP324744 (Lot B), which forms the pan handle of 671 Old South Head Road and fronts Oceanview Avenue. Lot 2 in DP10314 and Lot B are under the same ownership and Lot B is currently utilised as parking for the dwelling at 671 Old South Head Road.

As shown in **Figure 6** below, the subject site is located within the R3 zone and Lot B is located within the B4 zone. During the assessment of the proposal, the applicant was advised that Lot B in DP324744 cannot form part of the subject site as Council cannot grant consent to a residential flat building where residential accommodation is prohibited. This site no longer forms part of the site area.

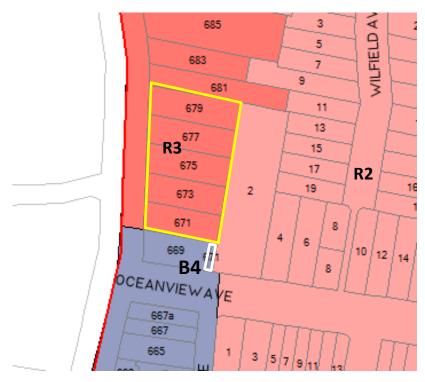


Figure 6: Zoning map - subject site highlighted in yellow, with 'pan handle' highlighted in white.

Subsequently the applicant has amended the 'Clause 4.6 Exception to Development Standards – Floor Space Ratio' to exclude Lot B in DP324744 from the overall site area in the calculation of FSR for the proposed development. The applicant has also provided a statement to say that Lot B DP 324744 will be excluded from the proposed site consolidation, noting that the built form is not affected as this portion of the site was proposed to include deep soil only.

When having regard to the above, the assessment herein is based on the consolidation of 671-679 Old South Head Road only and does not include Lot B in DP 324744.

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 application was referred to the Waverley Design Excellence Panel on 10 December 2018. The Panel provided comment on the proposed development, as originally submitted (including 'pan handle'), with regard to the nine design quality principles under SEPP 65. A planning response to each of the Panel's comment are set out in **Table 1** below:

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

Principle

Principle 1: Context and Neighbourhood

The 2,679.6m² subject site is located in an area with a mix of individual residential dwellings and apartments. Dwellings are generally 2-3 storeys in height, while residential flat buildings vary between 3-4 storeys. There are also a number of commercial buildings facing Old South Head Road, which is the main arterial road between Vaucluse and Bondi Junction.

Immediately south of the subject site, is an existing two-storey shop-top housing development at the corner of Old South Head Road and Oceanview Avenue. To the north of the subject site there is a range of housing and residential apartments while to the east a four-storey apartment complex extends along the 68m boundary.

Principle 2: Built Form and Scale

- The exceedance of the FSR control has negative impacts in length, bulk, amenity and environmental performance.
- The lobbies are extremely deep and will need artificial lighting at all times.
- The lobbies on the second floor have an enclosed stair to L3 is this necessary?
- The ground floor units could have direct access from their terraces to the front gate.
- The interior of the townhouse type units is deep and will need artificial lighting throughout the day. The large balconies above add to this issue.
- Some habitable spaces do not have windows.
- L2 and L3 apartments have large areas of circulation space that is very internalized. L3 could be alleviated with skylights however L2 will need artificial light through the day.

Planning comment: The amended plans have addressed a number of the matters raised above in the following manner:

- Balconies along front and rear reduced in depth to increase setback from street and adjoining properties, results in reduced visual bulk.
- Brick element of blade walls reduced in height at the front and rear elevations, together with change in material to upper storey to provide visual relief.

- Natural light access is improved by reducing balcony depth along to front and rear elevations. Furthermore, media rooms from Units 2, 3, 4, 5, 6 & 7 have been deleted (which did not meet natural ventilation requirements under the ADG).
- On level 3, natural light access is improved by introducing skylights over circulation areas in units 14,15 & 16.

The amended plans are considered to satisfactorily address the matters raised by the DEP with regard to built form and scale.

Principle 3: Density

The Panel considered that the built form / density should be reviewed to provide for an enhanced transition between the existing shop top housing to the south and the single storey residential development to the north. This would also help to ensure that the development was more closely aligned with the permissible FSR.

Planning comment:

Amended plans have resulted in a minor reduction in GFA (detailed later in this report) and subsequently FSR. An assessment against the FSR of the proposal is provided under Section 2.1.7 of this report and is considered acceptable.

Principle 4: Sustainability

- The dual aspect apartments could provide for a high level of amenity given that apartments will be readily capable of cross-ventilation and some 80% meet the requisite winter solar access criteria. However as noted in this report, the apartments are overly deep and internalized, requiring further resolution.
- Low maintenance materials and finishes are proposed together with water efficient fittings and appliances.
- Parking, storage and service areas are accessed via security gates and lighting and intercom
 points provided to the carpark entrance and basement area, secure bicycle lockers and
 storage are provided at ground floor.
- Windows are shaded with hoods and angled wall blades to the western façade to provide a
 measure of solar shading and privacy. While the large balconies provide solar protection to
 the east and west façades the Panel questioned, given the depths of many of the balconies,
 whether solar access to living rooms could be effectively achieved.
- Ceiling fans should be provided in habitable rooms and clearly shown on the plans.
- The potential for daylighting, natural ventilation and winter sunlight through clerestory skylights should be investigated.

Planning comment: The amended plans address the comments raised above in the following manner:

- As mentioned above under Principle 4, plans have been amended to improve solar access/daylight throughout the day.
- Ceiling fans are not shown on plans; however, there is no requirement to do so, noting that the proposal is required to achieve compliance with BASIX commitments relating to thermal comfort.

The amended plans are considered to satisfactorily address the matters raised by the DEP with regard to sustainability.

Principle 5: Landscape

- The proposal makes provision for substantial perimeter deep soil areas (in excess of the 7% ADG requirement) which are privatised.
- Planter boxes are included on all rear balconies and existing trees are to be replaced with appropriate species. There is no provision for communal open space
- Deep soil areas are very good. Large trees to the eastern boundary would help with privacy issues.
- The entries are long and hard paved. Soft landscaping to be provided.

Planning comment:

The amended plans are considered to satisfactorily address the matters raised by the DEP with regard to landscaping.

Principle 6: Amenity

- All apartments are dual aspect and provide for natural cross-ventilation.
- 81% of apartments receive the minimum 2 hours winter solar access to living rooms while apartments, balconies, private open space and storage exceed minimum ADG requirements.
- The terrace house-like apartments and large single storey dual-aspect apartments could contribute to a development with a high level of amenity if reduced in depth and all habitable rooms had windows.
- Apart from the northern and southern apartments, the Panel was concerned that the internal stairs and voids in the balance of the two-storey apartments would receive limited natural light.
- The Panel considered that it was important to examine the introduction of an appropriate light source to provide light to the internal stairs.
- The proposal generally complies with Living Housing Guideline's silver level. Provision of two adaptable units is provided.
- The serrated panels to Old South Head Rd will help to diminish traffic noise from Old South Head Rd.
- The Panel questioned whether the angular deep balconies to the Old South Head Rd façade would limit solar access to all living areas and as a consequence whether the solar access requirements of the ADG could be effectively met.
- The internal planning should be reviewed so that the WC is not directly visible from the dining room in the townhouses.

Planning comment:

- As previously discussed, the Panel's concerns relating to unit depth have been addressed by reducing balcony depth at the front and rear.
- The media rooms in Units 2, 3, 4, 5, 6 & 7, which did not have windows, have been deleted.
- The internal stairs within the two-storey apartments (Units 2-7) will likely receive some natural light from the adjacent voids, as such is less of a concern given these are not habitable spaces.
- The applicant has stated that the powder room is not directly visible from the dining room as the central stair provides a visual barrier. This is considered acceptable.

The amended plans are considered to satisfactorily address the matters raised by the DEP with regard to amenity.

Principle 7: Safety

The Panel supported the four pedestrian entry points to the building from Old South Head Rd which are provided with security gates and lighting. The building design provides for ready passive surveillance of the surrounding public domain from living areas and balconies

The Panel noted the lack of any communal open space and the proposal that substantial private open space had been provided in lieu.

Planning comment: Agreed. The generous private open space areas that each unit has is an appropriate substitute for the lack of a designated communal open space area.

The proposal is satisfactory with regard to safety.

Principle 8: Housing Diversity and Social Interaction

While all apartments are three-bedroom there is a mix of two-storey terrace style and single-storey units. The largest apartments with large external private spaces are on the ground floor and designed to cater for families. The apartments vary in terms of levels, area and aspect.

Planning comment: Agreed. The proposal is satisfactory with regard to housing diversity.

Principle 9: Aesthetics

The proposed use of brick and concrete responds to the existing context with a contemporary aesthetic. The innovative use of a variety of natural materials expresses the various building elements and the stepped form provides for a highly articulated façade aspect to the west. Deep overhangs support privacy and provide a clear edge to the street elevation while the sculptural blade walls of the western façade provide visual diversity.

Planning comment: Agreed. The proposal is satisfactory with regard to aesthetics.

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. 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
3C Public Domain Interface		
 Terraces, balconies and courtyard apartments should have direct street entry, where appropriate. 	Yes	Direct pedestrian entry is provided from Old South Head Road to ground floor apartments.
 Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided. 	Yes	The architectural plans indicate that mailboxes will be provided perpendicular to the street alignment (to each common entry).
3D Communal Open Space		
Communal open space has a minimum area equal to 25% of the site	Acceptable on merit	The development does not provide communal open space; however, is considered acceptable given each unit will be provided with ample private open space.
		It is noted that Unit 1 and Unit 8 will also utilise the grassed areas within the northern and southern side setbacks as private open space, noting that these areas will be accessible only from the respective units.
3E Deep Soil		
• Deep soil is required for 7% of the site.	Yes	Approximately 21% (580m²) of the subject site is designated as deep soil.
• Min. dimension is 6m where a site exceeds 1,500m ²	Yes	At least 14% (380m²) deep soil provided has a minimum dimension of 6m.
3F Visual privacy		
 Min separation distances from buildings to side and rear boundaries: Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	Acceptable on merit	The ADG prescribes a 6m separation distance between windows and balconies. The proposal has sought to minimise windows and balconies on side elevations, thus the 4.5m side setback prescribed by the DCP (where there are no windows or balconies) has been applied to a significant portion of the building. The exception to the above, is the proposed angled windows adjacent to the stair/void space on Level 1 and the open courtyards on Level 2. In this instance, the 6m separation under the ADG would technically apply to this portion of the building.

Design Criteria	Compliance	Comment
 Increased separation of 3m where site adjoins a lower density zone 	Acceptable on merit	Units 9 and 13 provide side-facing courtyards on Level 2 with a non-compliant 4.5m setback. These balconies will largely be obscured from neighbouring properties by a blade wall. The blade wall will mitigate visual and acoustic privacy impacts from neighbouring properties and is therefore acceptable on merit. The windows on the side elevations on Level 1 (Units 1 and 8) will largely be obscured, from adjoining properties, by the angular blade walls. Accordingly, privacy impacts will be negligible. The east-facing rear balconies, propose a setback of 6m, thus comply with the minimum separation distances prescribed by the ADG. The subject site adjoins R2 zoned land to the rear (east), which contains a residential flat building (under existing use rights). In this instance the minimum 6m setback proposed is considered appropriate, as the subject site is not adjoining low density residential development.
4A Solar and daylight access		,
 Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm midwinter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	 81% of units receive at least 2 hours solar access mid-winter. All units are dual aspect and as such, all receive some direct sunlight mid-winter. The proposal is consistent with the remaining objectives of this part of the ADG, ensuring that daylight access is satisfactory and incorporates shading in the warmer months.
4B Natural ventilation		
 All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: At least 60% of units naturally ventilated 	Yes	 All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects, as such 100% of the units can be naturally cross ventilated. The proposal uses a combination of full height openable doors, skylights and voids to achieve appropriate cross ventilation within the building.
4C Ceiling heights	.,	
Habitable rooms – 2.7m	Yes	Compliant floor to ceiling heights are provided. The submitted architectural plans show habitable spaces have a floor to floor height of 3.1m.

Design Criteria	Compliance	Comment
 Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area. 		Non-habitable spaces have a floor to ceiling height of 2.4m. Large voids and double height spaces are provided on the two-storey units increasing internal amenity. Two-storey units achieve a floor to floor height of 3.1m for ground and first floor.
4D Apartment size and layout		
The following minimum internal areas apply: • 3 Bed = 90 m² • Add 5m² for each additional bathroom (above 1) Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Yes	All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable. The proposal achieves compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. All kitchens are separate to the circulation spaces. All robes have a minimum length of 1.5m. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balco	nies	
All apartments provide primary balcony as follows: • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas, which meets the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards is generally integrated into, and contributes to, the architectural form and detail of the building. The balconies provide articulation at the front and rear elevations, thus providing some visual relief to the overall mass of the building. The finishes of the balconies are consistent with the contemporary palette of materials of the building. Furthermore, planter boxes have been incorporated to Levels 1, 2 and 3, which soften the rear elevation when viewed from the adjoining residential flat building at No. 2 Oceanview Street. Solid side walls are provided to enhance privacy between units at ground level.
4F Common circulation and space		
 Max of 8 units accessed off a circulation core on a single level 	Yes	A maximum of two units will be accessed from a circulation core on each level.

Design Criteria	Compliance	Comment
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • 3+bed – 10m ³	Yes	The proposal provides separate storage within each unit and a storage cage within the basement. The storage provided meets the requirements and objectives of the ADG.

2.1.4 SEPP (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 44 and 45 - Development likely to affect an electricity transmission or distribution network

The development is in the vicinity of electricity power lines and may require a substation as a result of increased demand for electricity arising from the development.

In accordance with SEPP clauses 44 and 45 the application was notified. No objection was raised.

Clause 101 - Development with frontage to classified road

The site has frontage to Old South Head Road, which is a classified road. In accordance with SEPP clause 101, the application was notified to Roads and Maritime Services (RMS)

RMS provided referral comments and raise no objection subject to the recommended conditions. The application is satisfactory with regard to clause 101, as the proposed residential flat building will not adversely impact upon the safety, efficiency and on-going operation of Old South Head Road. The applicant has also demonstrated that the proposal will incorporate adequate measures to ameliorate traffic noise.

Clause 102 - Impact of road noise on non-road development

The subject site is located on a part of Old South Head Road that has an average daily traffic volume of more than 40,000 vehicles.

An Acoustic Report has been submitted as part of the application and addresses the relevant RMS guidelines. Conditions are recommended that require the incorporation of measures to ameliorate the impacts of traffic noise and so that the development can achieve the stated internal noise criteria.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

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

Provision	Compliance	Comment
Part 2 Permitted or prohibited de	velopment	
2.6 Subdivision – consent requirements	N/A	This clause does not apply to strata subdivision.
Land Use Table - R3 Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development star	ndards	
4.3 Height of buildings12.5m	No	Whilst the majority of the proposed building complies with the 12.5m height of buildings development standard, the lift overrun (on the northern end of the building) will result in a height of 13m above existing ground level.
4.4 Floor space ratio ■ 0.9:1	No	1.023:1, which equates to a 13.7% or 325.43m ² variation.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and Height of Building development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation to accommodate basement parking over one level. A Geotechnical Site Investigation report was submitted with the application, providing recommendations and methodology to alleviate impacts upon surrounding properties. Furthermore, all standard conditions in relation to excavation are included and as such the excavation proposed is considered acceptable.

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

Height of Buildings

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

The site is subject to a maximum 12.5m maximum building height control. The proposed development has a maximum building height of 13m, exceeding the standard by 0.5m or a 4% variation.

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 height of buildings development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case by demonstrating that the objectives of the height of buildings standard are met: -
 - (i) Objective (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.
 - Applicant's response From our assessment, the lift overrun will not result in any discernible additional impacts on the environmental amenity of neighbouring properties or public spaces. The additional height is not likely to be visible and is unlikely to cause any discernible additional overshadowing. Likewise, as there do not appear to be any significant views in the immediate location, the additional height is not expected to cause view loss. The proposal remains below the RL height limit of the neighbouring residential flat at No. 2 Oceanview Avenue, which is likely to obscure any potential views across the site.
 - (ii) Objective (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.
 - Applicant's response The negligible non-compliance will not readily contribute to the bulk and scale of the development. The proposal is consistent with height and scale of surrounding developments and contributes to the desired medium density character. The lift overrun allows multiple access cores to service the building. Each of these have a separate pedestrian access point at ground level. This breaks up the built form into four formal blocks, which contribute to the rhythm and physical definition of the street.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The minor additional height does not add to the visual bulk of the building and would not be discernible as non-compliant height.
 - (ii) The height of the building remains below the RL limit of the neighbouring residential flat building at No. 2 Oceanview Avenue.
 - (iii) The proposal is a restrained development which will sit comfortably on the site and in the context. The contemporary design will contribute to the evolving streetscape.

- (iv) The contravention also improves the amenity for future occupants and their guests. The lift provides accessibility in accordance with the Disability Discrimination Act 1992.
- (v) The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality.

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 height of buildings standard. The proposal is consistent with the relevant objectives of the standard in that it adequately preserves the environmental amenity of neighbouring properties and is compatible with the height, bulk and scale of the desired future character of the locality.

<u>Is the development in the public interest?</u>

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard, as outlined in detail above.

Conclusion

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

Floor Space Ratio

The application seeks to vary the FSR development standard in Clause 4.4.

The site is subject to a maximum FSR control of 0.9:1. The proposed development has an FSR of 1:1.023, which equates to a 13.7% or 325.43m² variation.

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 by demonstrating that the objectives of the FSR standard are met: -
 - (i) Objective (b) to provide an appropriate correlation between maximum building heights and density controls.
 - **Applicant's response** This zone also allows for three to four storey building forms, provided the proposal does not exceed the maximum LEP height, amongst other controls. In this case, the proposal is compliant with the LEP height, other than a negligible encroachment by the lift overrun. As a function of the consolidated approach to the development of the site, it is our opinion that the proposed density is appropriate.
 - (ii) Objective (c) to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality.

Applicant's response - There a number of developments that appear to have large footprints and FSRs that exceed the standard under the LEP. The eastern side of Old South Head Road is characterised by three and four storey residential flat buildings, some with ground level car parking. This includes the large adjoining residential flat building at No. 2 Oceanview Avenue. The western (Woollahra Local Government Area) side of Old South Head Road is characterised by dwelling houses and neighbourhood shops which reflect the lower density controls that apply. This area has been earmarked for renewal. This has seen

a Council initiated planning proposal at Nos. 42-58 Old South Head Road to provide a FSR of 1:1.

(iii) Objective (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.

Applicant's response - the proposal has been designed to minimise adverse impacts on the amenity of neighbouring properties. Numerous design measures have been implemented in order to protect the privacy of adjoining development. This includes orientating units towards the front and rear boundaries, and employing fin walls restricting sightlines to neighbouring properties. The design follows a similar floor plan throughout, reducing the GFA, and therefore the number of units, is not likely to result in significant amenity improvements. Any impacts are a result of a generally compliant design which has sought to minimise impacts within an established medium density zone.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The relevant zone objective which is to provide for the housing needs of the community within a medium density residential environment. The proposal replaces ageing existing dwellings incongruous with the desired character. This achieves the orderly and economic development of the land in accordance with the objective of the Environmental Planning and Assessment (EP&A) Act 1979.
 - (ii) Despite the non-compliance with FSR, the proposal generally fits within this compliant "envelope". This indicates that the proposal is an appropriate scale and response to the subject site, and the locality.
 - (iii) The proposed FSR is unlikely to result in significant adverse amenity impacts in terms of privacy or overshadowing. The proposal has been designed to minimise amenity impacts within the established medium density area.

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. The proposal is consistent with the relevant objectives of the standard in that it provides an appropriate correlation between maximum building heights and density controls, is compatible with the desired future of the locality, and adequately preserves the environmental amenity of neighbouring properties.

Is the development in the public interest?

The proposed development will be in the public interest because it is consistent with the objectives of the FSR development standard and the R3 zone, as outlined in detail above.

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 cl 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 the FSR development standard.

Voluntary Planning Agreement

The applicant has offered to enter into a planning agreement with Council for additional GFA in accordance with the Waverley Planning Agreement Policy 2014 (the Policy). The Policy aims to provide a public benefit that is in the public interest to offset impacts arising from a development contravening a development standard when those impacts are found to be reasonable and non-adverse.

The Policy caps the additional GFA to enable a developer to enter into a planning agreement to a maximum of 15%. The subject proposal seeks to vary the FSR development standard by 13.7%, which is consistent with the applied cap of 15%.

The fundamental principle of the Policy is that any benefit that arises from an agreement to vary these development standards is shared between developer and the community and must be acceptable on environmental impact grounds. Having regard to the Policy, the reasonableness of impacts associated with the additional floor space has been weighted against the likely public interest (i.e. public domain improvements in the area) and it has been concluded that the impacts in this case would be acceptable. This relates to the merits of this case only - the reasonableness of these impacts (extra FSR) would have a lesser weight in the absence of a clear public benefit.

The proposal is not against the public interest as it complies with the limitations set in the Policy and offers a monetary contribution which is consistent with benchmark rates. If approval is granted, it is recommended that the Draft Planning Agreement be accepted by the Waverley Local Planning Panel.

Despite the numerical non-compliances with the height of buildings and FSR development standards, the non-compliances are considered reasonable in this instance as the proposed development does not present as excessive in building bulk and scale, and the amenity of surrounding residential properties will not be compromised as a result (as discussed throughout this report).

A condition of consent is recommended to require the applicant to enter into a planning agreement for the additional GFA of the proposed development, as a development contribution that is anticipated to go towards the Bondi Junction Complete Streets Program and the Waverley Affordable Housing Program in accordance with the *Waverley Council Planning Agreement Policy 2014*.

Council will not enter a planning agreement unless it is satisfied that the proposed development is acceptable on planning grounds having regard to the general heads of consideration set out in Section 4.15 of the Act. Development that is unacceptable on planning grounds will not be given consent because of benefits offered by a developer. It is noted that any exceptions to relevant development standards will be assessed in accordance with the provisions set out in cl.4.6 of Waverley LEP 2012.

The proposal is acceptable on planning grounds when having regard to the above heads of consideration set out in Section 4.15 of the Act, as detailed within this report. Furthermore, the proposed development is in the public interest because it is consistent with the objectives of the FSR development standard and the R3 zone.

2.1.6 Waverley Development Control Plan 2012 – Amendment No. 5

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal provides sufficient area for storage of bins as well as bulky good storage, which is easily accessible for residents. Council's Sustainable Waste Officer has recommended additional conditions of consent to ensure compliance with Council's requirements.
Energy and water conservation	Yes	A BASIX certificate has been submitted with the development application.

Development Control	Compliance	Comment
5. Tree preservation	Yes	Council's Tree Officer has adopted the recommendations provided within the Arboricultural Impact Assessment Report submitted with the development application. The existing street trees adjacent to the subject site are to be retained as per the submitted Tree Management Plan. Conditions will be applied to ensure the retention and protection of the street trees.
6. Stormwater	No – to be conditioned	Council's stormwater engineer has advised that the submitted stormwater plans are not satisfactory and do not comply with the Waverley DCP 2012 in reference to Waverley Council's Water Management Technical Manual. A condition of consent is recommended to ensure revised plans are submitted to Council prior to the issue of the Construction Certificate.
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	The proposed residential flat building comprises 16 units, as such two adaptable units are required to be provided. The architectural plans show that two adaptable units are provided, which will comply with the relevant Australian Standards.

Development Control	Compliance	Comment
8. Transport	Acceptable on merit	The development proposes 16 x three-bedroom units, which requires 32 resident car parking spaces (based on the requirement of two resident spaces for each three-bedroom unit). 32 resident parking spaces are provided (including two accessible spaces). Accordingly, the proposal is consistent with the minimum requirements prescribed by the DCP.
		Three visitor spaces are required (based on the rate of 1 space per 5 units). Two visitor spaces are proposed within the basement, resulting in a deficiency of one visitor car parking space. The shortfall has been addressed in the submitted Traffic and Car Parking Assessment Report and is acceptable.
		The DCP states that 18 bicycle spaces are required for this scale of the proposed development. 12 designated bicycle parking spaces are provided at ground level and the allocated storage cages in the basement are large enough for bicycle storage. As such bicycle parking allocation is acceptable on merit.
		Six motorcycle spaces are proposed which complies with the DCP requirement of three motorcycle spaces for every 15 car spaces.

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

Development Control	Compliance	Comment	
2.2 Site, scale and frontage			
Minimum frontage: 15m	Yes	67.3m site frontage is proposed.	
2.3 Height			
Maximum external wall height: 9.5m	Acceptable on merit	External wall height exceeds 9.5m at the northern and southern elevations.	
		Northern elevation proposes a wall height of approximately 13m and the southern elevation proposes a maximum wall height of approximately 10m.	
		Refer to detailed discussion below compliance table.	
2.4 Excavation			
No fill to raise levels	Yes	No fill is proposed to raise the levels of the building.	

Development Control	Compliance	Comment
Minimum setback of 1.5m from side boundaries	Acceptable on merit	Basement encroaches into the prescribed 1.5m setback. The submitted geotechnical report has concluded that impact on adjoining properties is negligible. Standard conditions of consent will be imposed regarding excavation.
Under building footprint except main access ramp	Merit assessment	The extent of excavation will encroach beyond the proposed building footprint; however, is considered acceptable.
 Basements no more than 1.2m out of the ground 	Yes	Basement does not protrude more than 1.2m above existing ground level.
 Geotechnical report required when > 3m in depth or 25% slope 	Yes	Geotechnical report has been submitted with the development application.
2.5 Setbacks		
2.5.1 Street setbacks		Front setback is consistent with the established
Consistent street setback	Yes	setbacks within the street and is adequately stepped to match the angled front boundary.
2.5.2 Side and rear setbacks		
Minimum side setback:4.5m	Acceptable on merit	The proposal largely complies with the prescribed 4.5m setback. Minor encroachments are proposed at the first, second and third levels. This encroachment makes up only a small portion of the side elevations and will largely be indiscernible from neighbouring properties – Refer to detailed discussion below compliance table.
 Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	The proposed building complies with the ADG prescribed 6m separation.
Deep soil alongside boundary min 2m wide.	Acceptable on merit	Due to the extent of excavation within 2 metres on the northern and southern side boundaries, the proposal does not comply with this control. The proposal otherwise provides sufficient deep soil areas in accordance with the ADG and the Design Excellence Panel were satisfied with the proposed landscaping arrangement.
2.6 Length and depth of build	ings	
Maximum building length: 24m	Acceptable on merit	Length of building is approximately 58m.
Maximum unit depth (including balconies): 18m	Acceptable on merit	Depth of units exceed 18m. Average apartment depth is approximately 21m.

Development Control	Compliance	Comment
Development control	Compliance	Refer to detailed discussion below compliance table.
2.8 Building design and street	scape	
 Respond to streetscape Sympathetic external finishes 	Yes	The proposal responds postively to the diverse streetscape character of Old South Head Road. The façade has been well articulated to break up the overall massing of the building. The blade walls and variation in materials, as well as the balconies, soften the overall appearance of the building.
2.10 Fences and walls		
 Maximum height 1.2m Maximum 2/3 solid Maximum height of 1.8m and solid when secondary wall set within 	Yes	Front fence height ranges between approximately 1.4m – 2m. The solid elements of the fence generally do not exceed 1m. The proposed height of the fencing is appropriate given the frontage to Old South Head Road. Planters will be provided within the property
property if required for traffic noise		boundary to soften the appearance of the fence.
2.11 Vehicular access and parl	king	
 Integrated into the design 	Yes	Entry to basement parking is appropriately integrated into the overall design and will not detract from the dwelling.
 Secondary to pedestrian entrance 	Yes	Separate pedestrian entries are proposed.
 Maximum of one x 2-way driveway 	Yes	One two-way driveway is proposed.
From rear or side where possible	N/A	Access from side or rear not possible.
Pedestrian safety	Yes	Pedestrian safety is not compromised.
2.12 Pedestrian access and en		Deduction and the second of
Entry at street level	Yes	Pedestrian entry is located at street level.
Accessible entry	Yes	Accessible path of travel is provided from Old South Head Road to the front door of all units.
• Legible, safe, well-lit	Yes	Each building entry is easily identifiable from the street.
2.13 Landscaping		
 Minimum of 30% of site area landscaped: 806.4m² 	Yes	30% of the site area is proposed to be landscaped.

De	evelopment Control	Compliance	Comment	
•	50% of the above is to be deep soil: 403.2m ²	Yes	71% (579.8m²) of the landscaped area will be deep soil.	
2.:	14 Communal open space			
•	Minimum 15% communal (R3 zone): 401m ²	Acceptable on merit	The development does not provide communal open space; however, is considered acceptable	
•	Minimum dimensions: 6m x 6m		given each unit will be provided with ample private open space.	
•	Minimum of 30% of communal area must receive three hours of sunlight			
2.:	16 Solar access and overshad	dowing		
•	Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice	Refer to Table 2 (ADG)	The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies.	
•	Adjoining properties to retain minimum of three hours of sunlight during winter solstice	minimum of three proposal will result in a ne adjoining residential prope		
			The adjoining property at No. 681 Old South Head Road will not be impacted at all due to its favourable orientation to the north of the subject site.	
			The residential flat building at No. 2 Oceanview Street will experience some additional overshadowing at 3pm; however, will not be impacted by the proposed development throughout most of the day.	
			According to the submitted elevation shadows, the property at No. 669 Old South Head Road is currently shadowed throughout the day. As demonstrated by the elevational shadow diagrams, the proposal will not result in any additional impact to north facing windows, as they are currently overshadowed by the existing buildings within the subject site. Any additional shadows fall over the roof of 669 Old South Head Road only.	
			Furthermore, it is noted that the shadow impacts are difficult to avoid, given the site is located to the south of the proposed development.	

Development Control	Compliance	Comment	
		The additional shadow impacts to adjoining residential properties is minimal and is therefore acceptable on merit.	
2.17 Views and view sharing			
Minimise view loss	Yes	There are no known public domain views that would be adversely affected by the proposal.	
2.18 Visual privacy and securit	ty		
Minimise overlooking of adjoining properties	Refer to Table 2 (ADG)	As discussed above in Table 2 – 3F Visual Privacy (ADG).	
2.22 Acoustic privacy			
 Internal amenity by locating noisy areas away from quiet areas 	Yes	Bedrooms are appropriately separated from living areas in all Units.	
2.24 Building services			
Must have a minimum of 2m setback from the building edge	Yes	Building services are proposed to be located within the basement. The fire hydrant booster is located a minimum of 2m from the building edge.	

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

Wall Height

Section 2.3 in Part C2 of the Waverley DCP 2012 (No. 5) prescribes a maximum wall height of 9.5m, whereas the prescribed building height under the Waverley LEP 2012 is 12.5m. The proposed development exceeds this numerical requirement at the side northern and southern elevations (as highlighted in red on **Figure 7** below).

The DCP prescribes that where it is proposed to build beyond the maximum wall height, the onus is upon the applicant to justify that the proposed wall height is appropriate. Matters that must be addressed in justifying the wall height include, but are not limited to:

- i) Compliance with Floor Space Ratio development standard;
- ii) Compliance with side setback controls;
- iii) Visual aspect of the bulk and scale, as viewed from the private open space and living areas of adjoining properties;
- iv) Amenity of adjacent properties with regard to sunlight, visual and acoustic privacy and views; and
- v) A high design quality is achieved.

The applicant has provided the following response in the submitted Statement of Environmental Effects: -

i) The proposal does not comply with the FSR control, however this is considered reasonable in this instance as the design will be highly articulated and accompanied by a VPA.

- ii) The proposal complies with the side setback controls, other than minor fin encroachments. This, along with privacy screens and skewed orientation, maximises privacy for neighbouring properties. Enforcing strict compliance with the wall height control will not make a significant difference to the amenity of surrounding dwellings.
- iii) The proposal will provide a significant visual benefit compared to the existing. All elevations will be highly articulated which will break up the built form as viewed from neighbouring properties. Fin walls, balconies and compliant landscaping will further soften the bulk and reduce the perceived scale.
- iv) The proposal will maintain a high level of amenity for adjacent properties with regard to sunlight, privacy and views and complies with the DCP provisions. The non-compliance with the wall height is not likely to have a significant impact in these areas.
- v) The proposal is a high quality design by a leading architectural firm. The design effectively responds to the site constraints to provide a benchmark development which has the potential to stimulate further development in the area in accordance with Council's desired future character.

Overall, the applicant's response is satisfactory. Any non-compliances, as mentioned above, have been discussed and justified throughout this report and are considered reasonable on merit. There are no significant impacts to neighbouring properties resulting from this non-compliance, noting that the proposal largely maintains compliance with the building height development (with the exception of the lift overrun).

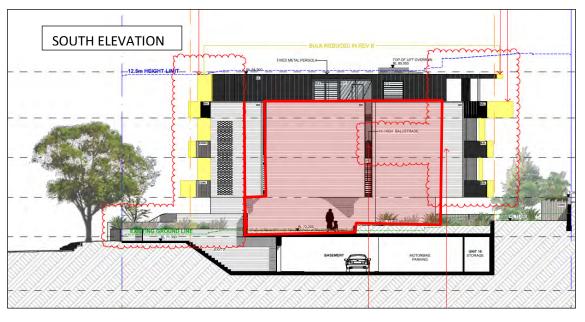


Figure 7: South elevation non-compliance with wall height.



Figure 8: North elevation non-compliance with wall height.

Side Setbacks

Section 2.5 in Part C2 of the Waverley DCP 2012 prescribes that development in R3 zones, with a building height greater than 9.5m, are to provide a minimum side setback of 4.5m for the entire building.

As discussed in Table 2 of this report (3F Visual Privacy), the ADG prescribes a 6m separation distance between windows and balconies from side boundaries. The proposal has sought to minimise windows and balconies on side elevations, thus the 4.5m side setback prescribed by the DCP has been applied to a significant portion of the building (where there are no windows are balconies).

The proposal encroaches into the prescribed 4.5m setback from the side northern and southern property boundaries at Levels 1, 2 and 3. Although this portion of the building, which does not comply with the prescribed setback, has also been assessed under the ADG (due to the presence of windows and balconies in some locations), it is considered pertinent to provide a justification under the DCP. **Figure 9** below highlights the portion of the building which proposes a minor encroachment into the prescribed 4.5m side setback from the northern property boundary at Level 1 (and is repeated at same location at the second and third levels and at the southern elevation of the proposal).

As demonstrated by **Figure 9** below this encroachment makes up only a small portion of the side elevations and will largely be indiscernible from neighbouring properties, noting that these elements also provide articulation to the side elevations.

The minor encroachments comply with the objectives of the side setback controls, as visual and acoustic privacy of neighbouring properties will not be significantly impacted upon as a result. Additional shadow impacts to neighbouring properties will be negligible as a result of the encroachment.

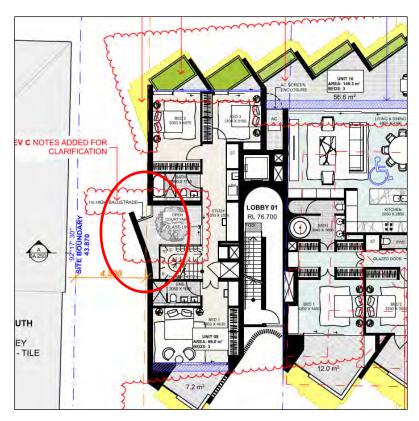


Figure 9: North elevation non-compliance with DCP side setback (outlined in red).

Length and depth of buildings

Section 2.6 in Part C2 of the Waverley DCP 2012 prescribes that the maximum length of a building along the street is 24m. The proposed building length is 59m, exceeding this control by 35m. Despite this significant non-compliance the proposal is deemed acceptable a for the following reasons: -

- The façade of the building is well articulated.
- The blade walls and variation in materials, as well as the balconies, provide depth and definition to the front façade.
- The building comprises four separate pedestrian entries, which provide a sense of identity for each "wing" of the building.
- The ground floor apartments each have their own separate pedestrian access from Old South Head Road, which provides for a 'town house' appearance at street level.

When having regard to the above points, the proposed residential flat building, despite its length, will result in a built form which positively contributes to the streetscape, as demonstrated by the below photomontage submitted by the applicant.



Figure 10: Photomontage – Old South Head Road elevation.

Section 2.6 of the DCP also prescribes a maximum apartment depth of 18m inclusive of balconies. The depth of the proposed units generally ranges between 19m-21m, noting that the angled balconies provide for a variation to building depth for each unit. The proposal is consistent with the relevant objective, which seeks for development to provide a high standard of amenity for occupants of the dwellings as outlined below: -

- The proposal achieves compliant solar access to living areas as prescribed by the ADG.
- The internal spaces of the apartments which do not have windows or skylights, comprise of hallways and vertical circulation spaces and do not contain habitable spaces.
- The apartment layouts are well planned, allowing solar access and outlook to the living areas and other habitable rooms.
- Visual and acoustic privacy is provided to all rooms. Angled balconies with part solid balustrades and double glazing provide visual and acoustic privacy to bedrooms which face Old South Head Road.

Overall the non-compliant apartment depth is relatively minor and is acceptable on merit.

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 advertised 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.* Upon the receipt of amended plans, the application was re-notified for a further 14 days.

14 submissions were received during the initial notification (including one petition with 17 signatures). Two submissions were received during the notification of amended plans. The issues raised in the submissions are summarised and discussed below.

Table 6: Summary of property addresses that lodged a submission

Property		
Unit 1/2 Oceanview Avenue VAUCLUSE		
Unit 8/2 Oceanview Avenue VAUCLUSE		
Unit 13/2 Oceanview Avenue VAUCLUSE		
Unit 20/2 Oceanview Avenue VAUCLUSE		
Unit 4/4 Oceanview Avenue VAUCLUSE		
683 Old South Head Road VAUCLUSE		
669 Old South Head Road VAUCLUSE		
40 Old South Head Road VAUCLUSE		
29 Captain Pipers Road VAUCLUSE		
8 Craig Avenue VAUCLUSE		
20 Clarke Street VAUCLUSE		
2 Oceanview Street - petition signed by Units 1-9, 11-14, 16-18, 20, 22 & 24.		
Keep Sydney Beautiful Community Group		
No address provided		

Issue:

Non-compliant Building height
Non-compliant FSR
Bulk and scale
Building length
Traffic impacts
Impact on street trees
Excessive excavation

Response: These issues have been discussed in detail throughout this report.

Issue: Streetscape character

Response: As discussed in Section 2.1.6 of this report, the proposal responds positively to the diverse streetscape character of Old South Head Road. The façade has been well articulated to break up the overall massing of the building. The blade walls and variation in materials, as well as the balconies, soften the overall appearance of the building.

Issue: Traffic Impacts

Response: As discussed within Section 2.1.6 of this report, the development proposes 16 x three-bedroom units, which requires 32 resident car parking spaces (based on the requirement of two resident spaces for each three-bedroom unit). 32 resident parking spaces are provided (including two

accessible spaces). Accordingly, the proposal is consistent with the minimum requirements prescribed by the DCP.

Three visitor spaces are required (based on the rate of 1 space per 5 units). Two visitor spaces are proposed within the basement, resulting in a deficiency of one visitor car parking space. The shortfall has been addressed in the submitted Traffic and Car Parking Assessment Report and is acceptable.

Issue: Overshadowing

Response: As discussed within Section 2.1.6 of this report, the proposal will result in a negligible impact to the adjoining residential properties to the north and east of the subject site. The residential flat building at No. 2 Oceanview Street will experience some additional overshadowing at 3pm; however, will not be impacted by the proposed development throughout most of the day as demonstrated by the accompanying shadow diagrams.

According to the submitted elevation shadows, the property at No. 669 Old South Head Road is currently shadowed throughout the day. As demonstrated by the elevational shadow diagrams, the proposal will not result in any additional impact to north facing windows, as they are currently overshadowed by the existing buildings within the subject site. Any additional shadows fall over the roof of 669 Old South Head Road only. Overall shadow impacts are acceptable on merit.

Issue: Privacy

Response: This matter is discussed in detail within Section 2.1.3 and Section 2.1.5 of this report. The application results in some minor encroachments into the prescribed separation distances under the ADG as well as the DCP; however the impacts to surrounding residential properties are considered acceptable as previously discussed.

Issue: Adverse impact on local infrastructure

Response: Conditions of consent have been imposed to ensure local infrastructure is maintained and provided.

Issue: Adverse impacts due to construction works, eg, inconvenience, noise, dust etc

Response: Impacts arising from construction are not a matter for consideration and cannot be a reason for refusal of a development. Appropriate conditions, including requirements for dilapidation reports and a Construction Vehicle and Pedestrian Management Plan and conditions regarding excavation, are recommended.

Issue: Negative impact on property values

Response: Property values are not a planning consideration, having regard to the heads of consideration under the EP&A Act.

Issue: Lack of schools in the area to cater for new development

Response: Location of schools and availability for enrolment is not a consideration when having regard to the heads of consideration under the EP&A Act.

Issue: Land zoning should be R2

Response: The proposal has been considered under the current zoning, which is R3 Medium Density Residential.

Issue: Modification application may be lodged to add another level.

Response: The potential for an applicant to lodge an application to modify a consent is not a consideration when having regard to the heads of consideration under the EP&A Act.

2.5 Public Interest

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

3. REFERRALS

3.1 Roads and Maritime Services (RMS)

The application was referred to the RMS as a new vehicular access to Old South Head Road is proposed, and therefore concurrence of the RMS is required in accordance with Section 138 of the *Roads Act 1993*. The RMS have provided a written response and have no objections to the proposed development subject to the imposition of conditions.

3.2 Design Excellence Panel

The application was referred to the Design Excellence Panel. Comments were received with regard to the Design Quality Design Principles outlined in SEPP 65. This is discussed in Section 2.1.3 of this report.

3.3 Ausgrid

The application was referred to Ausgrid as the proposed development is to be carried out within 5m of an exposed overhead electricity power line. Pursuant to Clause 45 of the Infrastructure SEPP, the development application has been referred to Ausgrid for comment about potential safety risks. Ausgird have not provided any comments within the specified time frame. It is therefore assumed that there are no objections to the proposed development.

3.4 Strategic Planning – Urban Planning Policy and Strategy

The application was referred to Council's Strategic Planning team as the applicant has presented an offer to enter into a VPA. The terms of the VPA have been agreed upon, which will form a condition of consent.

3.5 Tree Management – Open Spaces

Internal referral comments have been sought from Council's Tree Management Officer; who has no objection to the tree removal in accordance with the submitted Arboricultural Impact Assessment Report. A condition of consent will be imposed accordingly.

3.6 Public Domain - Creating Waverley

Internal referral comments have been sought from Council's Public Domain Team. Conditions of consent were recommended.

3.7 Environmental Health – Compliance

Internal referral comments have been sought from Council's Senior Environmental Health Officer regarding the submitted Acoustic Report, who agrees with the recommendations for noise mitigation outlined in the Acoustic Report. A condition of consent is recommended.

3.8 Sustainable Waste – Sustainable Waverley

Conditions were provided from Council's Sustainable Waster Officer, which are recommended.

3.9 Urban Design – Shaping Waverley

The application was referred Council's Urban Design Team who initially raised concerns relating to FSR building separation and bulk and scale. It is noted that these issues have been overcome in the amended plans, which are the subject of this report. As discussed in Section 2.1.5 of this report, the variation to FSR is supported.

3.10 Driveways – Creating Waverley

Internal referral comments have been sought from Council's Traffic and Development team; who have no objections to the proposal subject to the imposition of conditions of consent.

3.11 Stormwater – Creating Waverley

Internal referral comments have been sought from Council's Design team; who deemed the stormwater details provided to be unsatisfactory. Additional conditions are recommended and will form part of the approval.

3.12 GIS and ePlanning – Waverley Digital

Internal referral comments have been sought from Council's GIS officer; who has no objection to the proposed development subject to the imposition of a condition of consent relating to street numbering.

4. SUMMARY

The proposal seeks consent for the demolition of five existing dwellings; construction of a new residential flat building comprising 16 units, basement car park; and Strata subdivision.

The proposed development has a building height of 13m exceeding the height of building standard by 0.5m or 4%. The requested variation to the height of buildings development standard is attributed to the lift overrun. The building is otherwise within the prescribed building height. Despite this non-compliance, the proposal is in the public interest because it is consistent with the objectives for development within the zone in which the development is proposed to be carried out.

The application proposes an FSR of 1:1.023, exceeding the standard by 325.43m² or 13.7%. The applicant has offered to enter into a planning agreement with Council for additional GFA in accordance with the Waverley Planning Agreement Policy 2014 (the Policy). The Policy aims to provide a public benefit that is in the public interest to offset impacts arising from a development contravening a development standard when those impacts are found to be reasonable and non-adverse. The proposal is not against the public interest as it complies with the limitations set in the Policy and offers a

monetary contribution which is consistent with benchmark rates. If approval is granted, it is recommended that the Draft Planning Agreement be accepted by the Waverley Local Planning Panel.

As detailed in this report, the proposal is generally consistent with the Design Quality Principles of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, as well as the objectives, design criteria and design guidance set out in Parts 3 and 4 of the ADG.

The proposal is largely complaint with the relevant objectives and controls outlined in the Waverley Development Control Plan 2012 (no. 5). Despite the non-compliances relating to building length and wall height, the proposal responds positively to the diverse streetscape character of Old South Head Road.

The application is recommended for approval, subject to conditions as outlined in Appendix A.

The original and amended proposals were notified and submissions from 14 individual properties were received, including a petition.

DBU Decision

The application and assessment report was reviewed by the DBU on 24 September 2019 and the DBU determined:

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

DBU members: M Reid, A Rossi, B McNamara, E Finnegan

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report prepared by: Application reviewed and agreed on behalf of

the Development and Building Unit by:

Lauren Saunders Bridget McNamara

Senior Development Assessment Planner Manager, Development Assessment (North)

Date: 7/11/2019 Date: 14/11/2019

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:
 - (a) SEPP 65 development
 - (b) Planning Agreements

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by MHND UNION as follows:

Drawing	Plan description	Date
Number/ rev		
DA 1003 Rev. B	Site & Roof Plan	31/05/2019
DA 2000 Rev. B	Basement Plan	31/05/2019
DA 2001 Rev. C	Ground Floor Plan	16/09/2019
DA 2002 Rev. D	First Floor Plan	16/09/2019
DA 2003 Rev. D	Second Floor Plan	16/09/2019
DA 2004 Rev. D	Third Floor Plan	12/11/2019
DA 2005 Rev. C	Roof Plan	04/09/2019
DA 2400 Rev. D	Elevation North	12/11/2019
DA 2401 Rev. D	Elevation South	12/11/2019
DA 2402 Rev. D	Elevation East	12/11/2019
DA 2403 Rev. C	Elevation West	12/11/2019
DA 2500 Rev. C	Section A	12/11/2019
DA 2501 Rev. C	Section B	12/11/2019
DA 7000 Rev. B	External Finishes	31/05/2019

- (b) BASIX Certificate;
- (c) Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural, dated 20 June 2018 and received by Council on 4 October 2018;
- (d) Acoustic Report prepared by Koikas Acoustics, dated 9 August 2019 and received by Council on 12 August 2018.

Except where amended by the following conditions of consent. Note: References in this consent that refer to Council means 'Waverley Council' not the Principal Certifying Authority.

2. PLANNING AGREEMENT

- (a) The owner/ applicant to:
 - Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in development application DA-355/2018; and
 - (ii) Pay a monetary contribution amount of \$976,290 prior to the issue of any Occupation certificate for the Development

- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the owner of the land the subject of the Development, the applicant and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development
 - (ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - i. In a form acceptable to Council and from an institution acceptable to Council
 - ii. Irrevocable
 - iii. Unconditional
 - iv. With no end date
- (c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

3. MATERIALS

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications approved under Condition 1 (a) above.

4. LANDSCAPE PLAN

- (a) A landscape plan that is in accordance with the approved architectural plans referred to in Condition 1(a) of this consent, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Executive Manager (or delegate) prior to the issue of a Construction Certificate for all above ground building works. The plan must include:
 - (i) Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, furniture, lighting and other features;
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components;
 - (iii) Details of earthworks and soil depths including mounding, retaining walls, planter boxes and freestanding pots. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers. Noting minimum soil depths exclude drainage and mulch layers;

- (iv) Details of the soil media/substrate type and depth;
- (v) Location, numbers, type and supply of plant species, with reference to Australian Standards;
- (vi) Details of planting procedure and maintenance, including a landscape specification;
- (vii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifier. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to any Occupation Certificate being issued.

5. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

6. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

In accordance with 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.

7. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio must not exceed 1.023:1 calculated in accordance with Waverley Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area is 2,700.17sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Waverley Local Environment Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

8. USE OF COMMON PROPERTY

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

9. 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.

Approval is not granted for the installation of individual air conditioning units to the facade or balconies of the building.

10. FLOOR TO CEILING HEIGHTS

The construction certificate drawings must demonstrate 2.7m floor to ceiling heights for all habitable rooms in the residential components of the development.

11. RESTRICTION ON RESIDENTIAL DEVELOPMENT

The following restriction applies to building approved for residential use:

- (a) The building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from residential accommodation. The covenant is to be registered on title prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) Any strata subdivision of the site is to include a Restriction on the Use of Land pursuant to Section 88B of the Conveyancing Act 1919, burdening all residential lots in the strata plan in the same terms as outlined in (a) above.

12. UNIVERSAL HOUSING DESIGN

Two units within the development are to incorporate the Liveable Housing Design Guideline's silver level universal design features. Details are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

13. BASEMENT STORAGE

The basement level is to provide storage areas, allocated to each unit in the development as indicated on the approved plans. Each individual residential unit is to be allocated at least one storage area.

14. REFLECTIVITY

The Principal Certifier must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20% prior to issue of the Construction Certificate.

15. PARKING

- (a) Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- (b) A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- (c) Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.
- (d) Visitor car parking spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the Owners Corporation for use by building visitors. All spaces must be clearly marked 'VISITOR' prior to the issue of an Occupation Certificate. All signs must be maintained in good order at all times.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

16. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

17. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$420,000.00 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.

18. 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.

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

19. 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.

20. PUBLIC DOMAIN IMPROVEMENTS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense and are not a component of any Planning Agreement.

The public domain is to be upgraded on both Old South Head Road and Oceanview Avenue street frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services during construction and prior to the issue of the Occupation Certificate.

- o Pedestrian footpath
- o Vehicular Crossings
- o Road pavement
- Kerb & gutter
- o Stormwater infrastructure located on the Council kerb
- o Street furniture
- Street lighting
- o Landscape and street tree plantings

The Public Domain Plan shall be submitted to, and approved by, the Executive Manager, Creating Waverley prior to the issue of the relevant Construction Certificate.

21. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

22. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

23. PUBLIC INFRASTRUCTURE WORKS

The following public domain works, required by virtue of the scale of the development, are to be provided at the applicant's expense and are not a component of any Planning Agreement.

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

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

The applicant must submit plans and specifications for the following infrastructure works to Councils Public Domain Engineer:

(a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing both Old South Head Road and Oceanview Avenue frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.

All redundant driveway laybacks must be removed and resinated as kerb and gutter along both street frontages.

The existing paved footpath traversing the Old South Head Road frontage to be upgraded to comply with the local village centre precinct masterplan, in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath material, profile and street furniture details traversing the frontage to be advised by Council.

(b) Street Trees: The applicant shall protect and retain the 2 x Banksia integrifolia's (Coastal Banksia) (T1, T9), and Callistemon viminalis (Weeping Bottlebrush) (T15) street trees on Old South Head Road.

A minimum of three additional street trees shall be planted along the Old South Head Road street frontage of the site prior to the issue of any Occupation Certificate.

All new trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The chosen tree species and location shall not interfere with the local pedestrian and/or traffic activities.

All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer prior to commencement of public domain works.

- (c) Grass Verge: Replenish and returf the existing Council verge for the full frontage of the development. Turf must be established and maintained to the satisfaction of the Council officer prior to completion of public domain handover. The width of the grass verge to be advised by Council at the time of engineering plan approval.
- (d) Street Lights: Make provision for new street lights serviced by metered underground power. The consultant shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire to service the development frontages. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

All existing light columns traversing the development frontage shall be removed, and the associated overhead power/utility lines shall be routed underground.

Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Assets and Planning Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

- (e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- (f) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- (g) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- The Applicant is advised to consider the finished levels of the public domain, including new
 or existing footpaths and pavement prior to setting the floor levels for the proposed
 development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
- Council reserve the right to ask for any additional work required on areas damaged by the construction of the building.
- Council's contact for public domain: E-mail: <u>assets@waverley.nsw.gov.au</u>
 or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday)

24. TREE BOND

A bond of \$3,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the three newly planted trees on Old Soad Road. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 24 months on condition that the three trees are maintained in good condition as determined by Council's Tree Officer. In the event that the trees are not in good condition if the trees are not in good condition because of vandalism, poisoning or other harm to the trees caused by third parties. If the trees require replacing within the bond period, the trees must be replaced within one month of notification from Council and not at the end of the bond period.

25. 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.

26. HOARDING

To ensure the site is contained during construction, a hoarding may be required for the approved works. If required, the hoarding shall 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.

27. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

28. 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.

29. 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.

30. 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.

31. 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.

32. CAR PARKING DESIGN

The design, layout, signage, line marking, lighting and physical controls of all off street car parking facilities must comply with the Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Offstreet car parking and Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

33. ALLOCATION OF ACCESSIBLE CAR PARKING SPACES

For residential development, accessible car parking spaces for people with mobility impairment are only to be allocated as visitor car parking or to adaptable units. Where allocated to adaptable units, the unit(s) and car spaces must be assigned to the unit in any future strata subdivision of the building.

34. INTERCOM FOR VISITORS

Where a boom gate or barrier control is in place, the visitor spaces must be accessible to visitors by the location of an intercom at the car park entry and at least 4m clear of the property boundary, wired to all units. The intercom must comply with Australian Standard AS 1428.2-1992: Design for access and mobility - Enhance and additional requirements - Building and facilities Sections 22 and 23.

35. PARKING ON COMMON PROPERTY AREAS

No part of the common property, apart from the visitor vehicle spaces which are to be used only by visitors to the building and service vehicle spaces which are to be used only by service vehicles, is to be used for the parking or storage of vehicles or boats. The strata subdivision of the building is to include an appropriate documentary restriction pursuant to Section 88B of the Conveyancing Act 1919, so burdening common property, with the Council being the authority to release, vary or modify the restriction.

36. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

37. ROADS AND MARITIME SERVICES CONDITIONS

- (a) All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Old South Head Road boundary.
- (b) All redundant driveways on the Old South Head Road boundary shall be removed and replaced with kerb and gutter to Roads and Maritime requirements. The design and construction of the kerb and gutter on Old South Head Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works at developerworks.sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from

(c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. This documentation and any enquires should be directed to Suppiah. Thillai@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Phone: 8849 2114 or Email: Suppiah.Thillai@rms.nsw.gov.au.

- (e) All vehicles shall enter and exit in a forward direction.
- (f) All works and signposting (including any utility adjustment/relocation works) shall be at no cost to Roads and Maritime).
- (g) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Old South Head Road.
- (h) A Road Occupancy Licence should be obtained from the Transport Management Centre for any works that may impact on traffic flows on Old South Head Road during construction activities.
- (i) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS2890.6-2009.
- (j) Vegetation and proposed landscaping/fencing must not hinder driver sightlines to/from the driveway to road users on Old South Head Road.
- (k) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to

AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

38. RELOCATION OF PARKING / STREET SIGNS

- (a) Where necessary, the applicant shall meet the cost of the relocation/installation of any traffic, meters or parking control signs.
- (b) Any street signs to be removed as a result of the works shall be relocated at the applicant's expense in accordance with Council's requirements.

39. 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 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 not 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
 - ii. Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians

- iii. The type(s) of material on which pedestrians will be required to walk
- iv. The width of the pathway on the route
- v. The location and type of proposed hoardings
- vi. The location of existing street lighting

40. LONG SECTIONS OF DRIVEWAY

Long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the Old South Head Road carriageway, the kerb and gutter, footpath and paving within the property and the basement car park floor.
- (c) Include existing and design levels.
- (d) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
- (e) Show all paving on Council's land being sloped/ drained towards the roadway.

41. NEW VEHICLE CROSSING

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

42. RESIDENT AND VISITOR PARKING SPACES

All resident and visitor car parking spaces shall be clearly delineated and numbered.

43. BICYCLE PARKING

A to minimum of 12 bicycle parking spaces are to be provided. The residential bicycle spaces are to be provided by way of suitable bicycle racks at ground level.

The bicycle parking facilities are to be constructed prior to the issue of any Occupation Certificate.

(b) NEW FOOTPATH AND TURF

The footpath across the entire Old South Head Road frontage of the site shall be demolished and new standard width footpath and turf shall be installed at the applicant's expense. Detailed Civil Engineering plans shall be prepared by a suitably qualified and experienced engineering professional and submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The detailed engineering drawings shall include but not limited to the following:

- a) Display the RLs at each access point into the building.
- b) Include cross-sections demonstrating a maximum 2% grade in the footpath falling towards the road at all points across the Old South Head Road frontage of the site.
- c) Include long sections of both edges of the footpath showing the existing and proposed RLs.
- d) Show details of any transitions required beyond the boundaries of the site frontage.

44. 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.

45. 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.

46. STORMWATER MANAGEMENT

The following documentation shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

- a) A Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details (e.g. dimensions, cross & long sections, top water level, details of orifice plate) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual.
- b) A stormwater design is required for Stormwater Drainage located within the Road Reserve as shown on plans prepared by SCOTT COLLIS CONSULTING PTY LTD HYDRAULIC AND FIRE, Job No. 18127, drawing Drawing No. D04. The design must include; hydraulic grade line analysis, existing surface levels, gradient, class and pipe diameter of proposed pipes including invert and obvert levels, cut/fil, location and levels of proposed kerb inlet pits, long section plots must be to scale. Underground services are to be identified with respective RL to AHD and plotted on the design long section. The stormwater design plan and long section plots must include chainages. Cross section drawings of proposed kerb inlet pits are required. Please refer to the attached samples below.

47. 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.

48. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

49. BASIX

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

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

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

50. ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia. If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

51. SUBSTATION

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Ausgrid, prior to a Construction Certificate being issued or the commencement of the use, whichever is earlier.

52. ACOUSTIC REPORT

A further detailed Acoustic Report shall be submitted prior to the issue of the Construction Certificate either verifying the above insulation and glazing systems, as per the approved Acoustic Report, will be installed or addressing any amendments to the building design and confirming the acoustic criteria will be met.

53. WASTE AND RECYCLING STORAGE AND COLLECTION

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

Residential (weekly collection of general waste and fortnightly collection of recycling)

- 8 x 240L Mobile Garbage Bins (MGBs) for general waste
- 8 x 240L MGBs for container recycling
- 8 x 240L MGBs for paper recycling
- 1 x 240L MGBs for excess waste & recycling or garden organic waste should this be generated on the property.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (d) A minimum of 5 m² 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) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (f) Composting facilities must meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan.
- (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) 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 presented with lids closed to reduce littering, storm water pollution, odour and vermin. Waste and recycling not presented in the correct manner will note be collected.
- (k) All waste and recycling bins must be put out for collection no earlier than the night before collection and brought in the same day as the collection service.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

54. 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.

55. 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.

56. 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.

57. 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.

58. 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

59. 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 and www.workcover.nsw.gov.au.
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

60. 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.

61. 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.

62. 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).

63. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.

- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

64. COMPLIANCE WITH SAFE WORK NSW

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

65. SOIL AND WATER MANAGEMENT PLAN

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

66. 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.

67. 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.

68. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

69. 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.

70. EXCAVATION TO BE LIMITED

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

71. 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.

72. 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.

73. 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.

74. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

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

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

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

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

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

76. CERTIFICATE OF SURVEY - LEVELS

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

77. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

78. 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.

79. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

80. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works, notice shall be submitted to Council's Public Domain Engineer. This Notice shall include the name of the Contractor who will be responsible for the construction works, and the contact details of the managing site supervisor/engineer.

Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.

81. PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMIAN

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council's Public Domain Engineer. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- o Road pavement
- o Kerb and gutter
- o Footpath
- o Drainage pits and lintels
- o Traffic signs
- Adjacent property facades and awnings
- o Any other relevant infrastructure.

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

82. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

83. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

84. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's engineer for the following hold points:

Kerb and Gutter & Footpath Paving

- o After preparation of subgrade
- After completion of formwork and prior to casting of concrete
- o After full completion and restoration

Road Pavement

- Subgrade trim and compacted
- Sub-base spread and compacted
- Base course spread and compacted
- o Intermediate course spread and compacted
- Binder course spread and consolidated
- o Wearing course laid

<u>Landscape</u>

o After full completion and restoration

Street Lighting

o After full completion

All applicable engineering inspections fee in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the final inspection.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

85. TREE PROTECTION

The following trees are to be retained and protected at all times throughout construction:

Tree No.	Species	Location	Action
T 1	Banksia integrifolia	Street tree	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan. – Road Reserve Specimen
Т6	Eucalyptus cinerea	Neighbor's tree 2 Oceanview Ave	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan. – Neighbouring Property Specimen
Т7	Howea forsteriana	On-site	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan.
Т9	Banksia integrifolia	Street tree	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan. – Road Reserve Specimen
T 15	Callistemon viminalis	Street tree	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan. – Road Reserve Specimen
T 19	Archontophoenix cunninghamiana	On-site	Retain and protect within a Tree Protection Zone (TPZ)
T 20	Archontophoenix cunninghamiana	On-site	Retain and protect within a Tree Protection Zone (TPZ)
T 21	Archontophoenix cunninghamiana	On-site	Retain and protect within a Tree Protection Zone (TPZ)

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.

Soil levels are not to be changed around any trees.

To prevent compaction within the root zone, excavation undertaken within the specified radius of the trunks of the following trees must be hand dug. Beyond this radius, mechanical excavation is permitted, when root pruning by hand along the perimeter line of such works is completed. Any hand excavation must be carried out in the presence of experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

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.

86. ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act, 1977.
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW 114 Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974.
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

87. 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.

88. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with Section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

89. SYDNEY WATER

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

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

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

90. 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.

91. STORMWATER

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

92. 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:-

- 2. has been assessed by a properly qualified person; and
- 3. 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.

93. 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.

94. 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.

95. ALLOCATION OF STREET NUMBER

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

- No. 673 primary address site number
- Old South Head Road 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 Old South Head Road.

The following sub-addressing will apply:

 Nos. 1-16 for the sub-addresses within the building correlating with Nos. 1-16 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

96. PARKING PERMITS

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

97. NOISE ATTENUATION CERTIFICATE

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

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

98. 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.

99. USE OF ROOF

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

100. 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.

101. 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.

102. WORK-AS-EXECUTED PLAN

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

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

103. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

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

104. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

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

105. NOISE - MECHANICAL PLANT

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

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

106. NOISE EMISSIONS

The use of the premises shall not give rise to:

(a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;

(b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

107. MECHANICAL PLANT

All refrigeration motors/units and other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any plant and equipment associated with the use of the building.

108. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Not be adjacent to neighbouring bedroom windows.
- (b) Not reduce the structural integrity of the building.
- (c) 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.
- (d) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (e) Not be located on the roof of the development without the separate consent of Council.

109. 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.

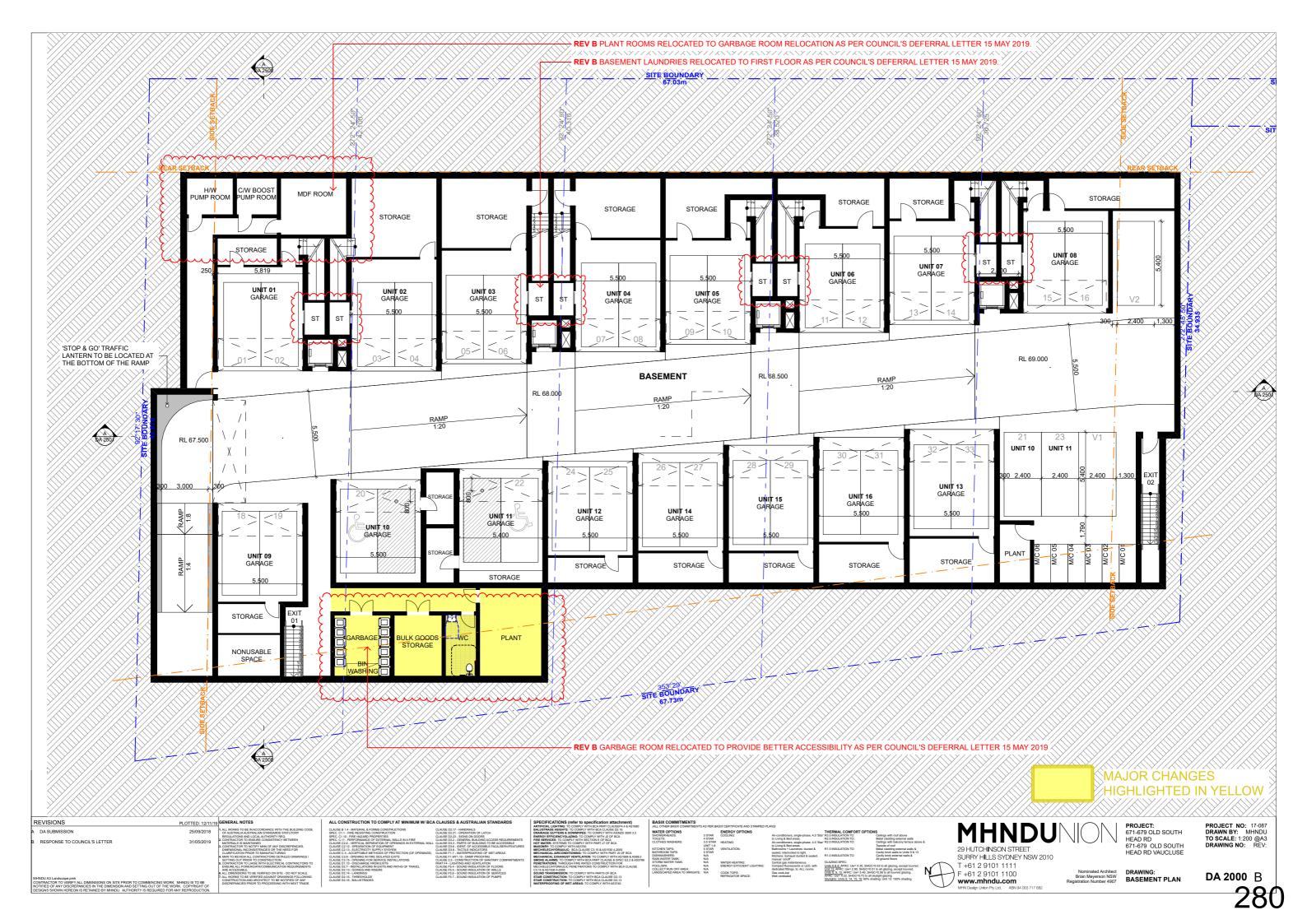
110. DOMESTIC HEATERS/ FIREPLACES

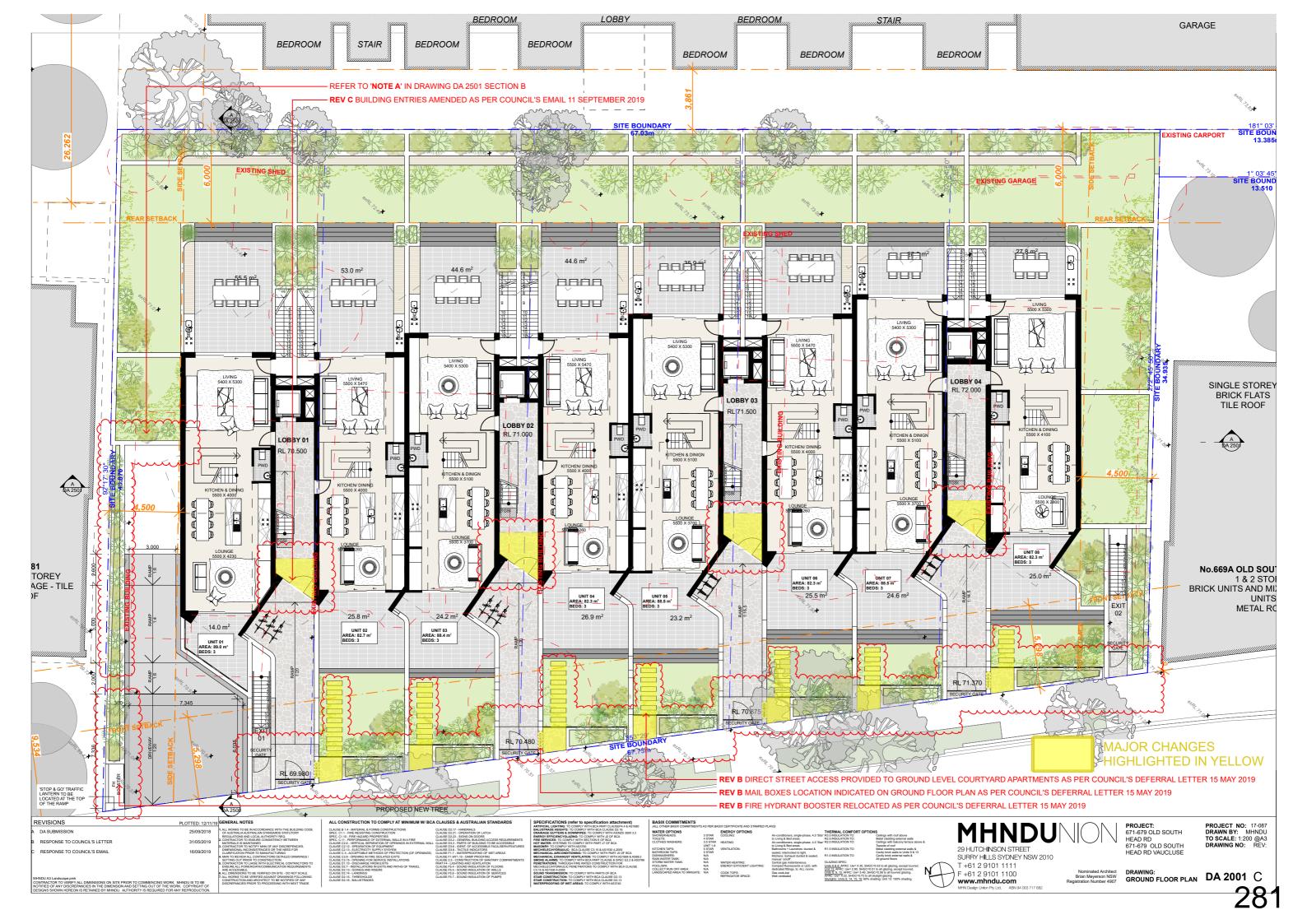
The provision of solid fuel heating/cooking appliances (including wood, coal or other solid fuels) is prohibited. In this regard, use of liquid fuels or gaseous fuels such as gas may be used.

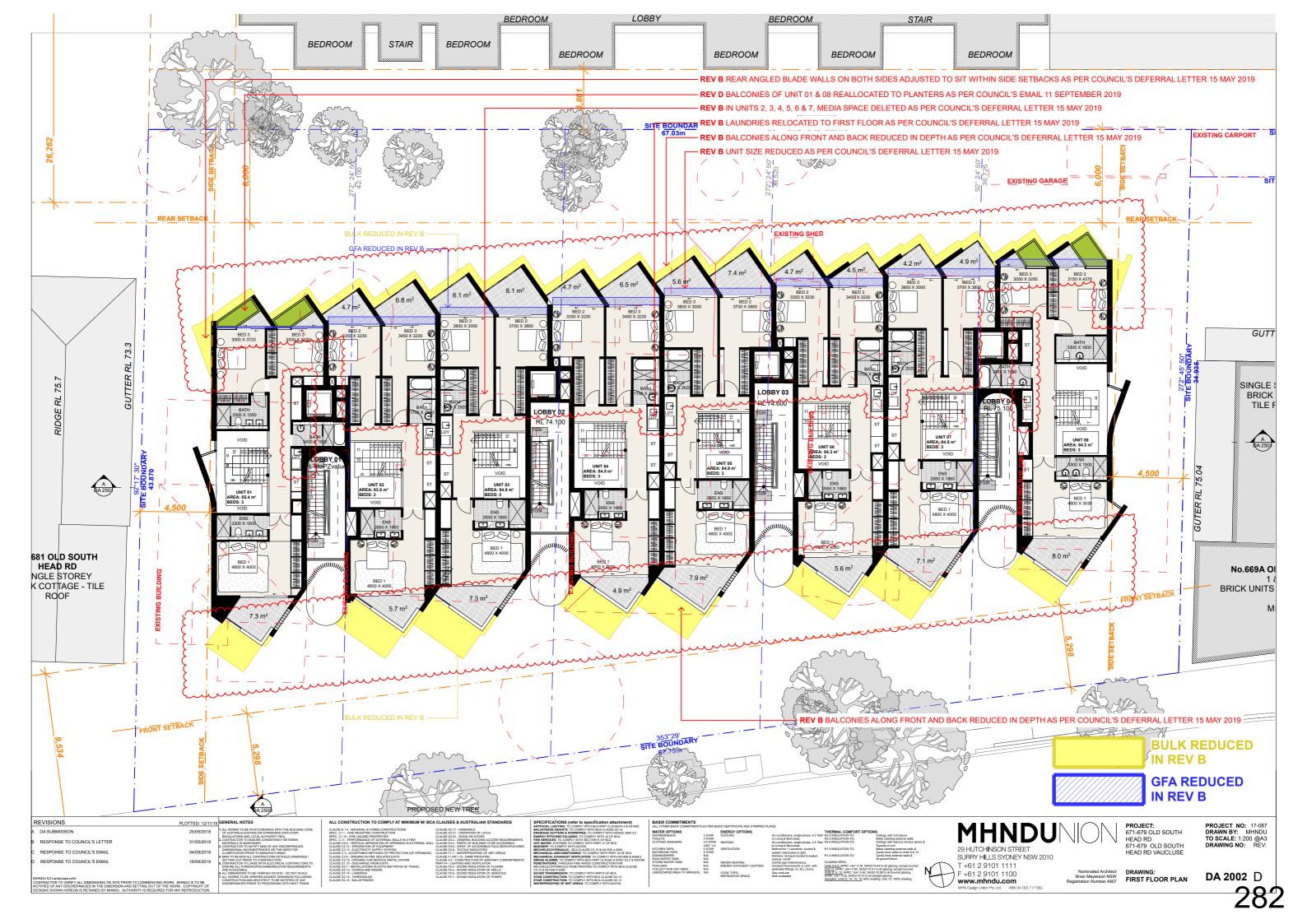
111. STRATA SUBDIVISION

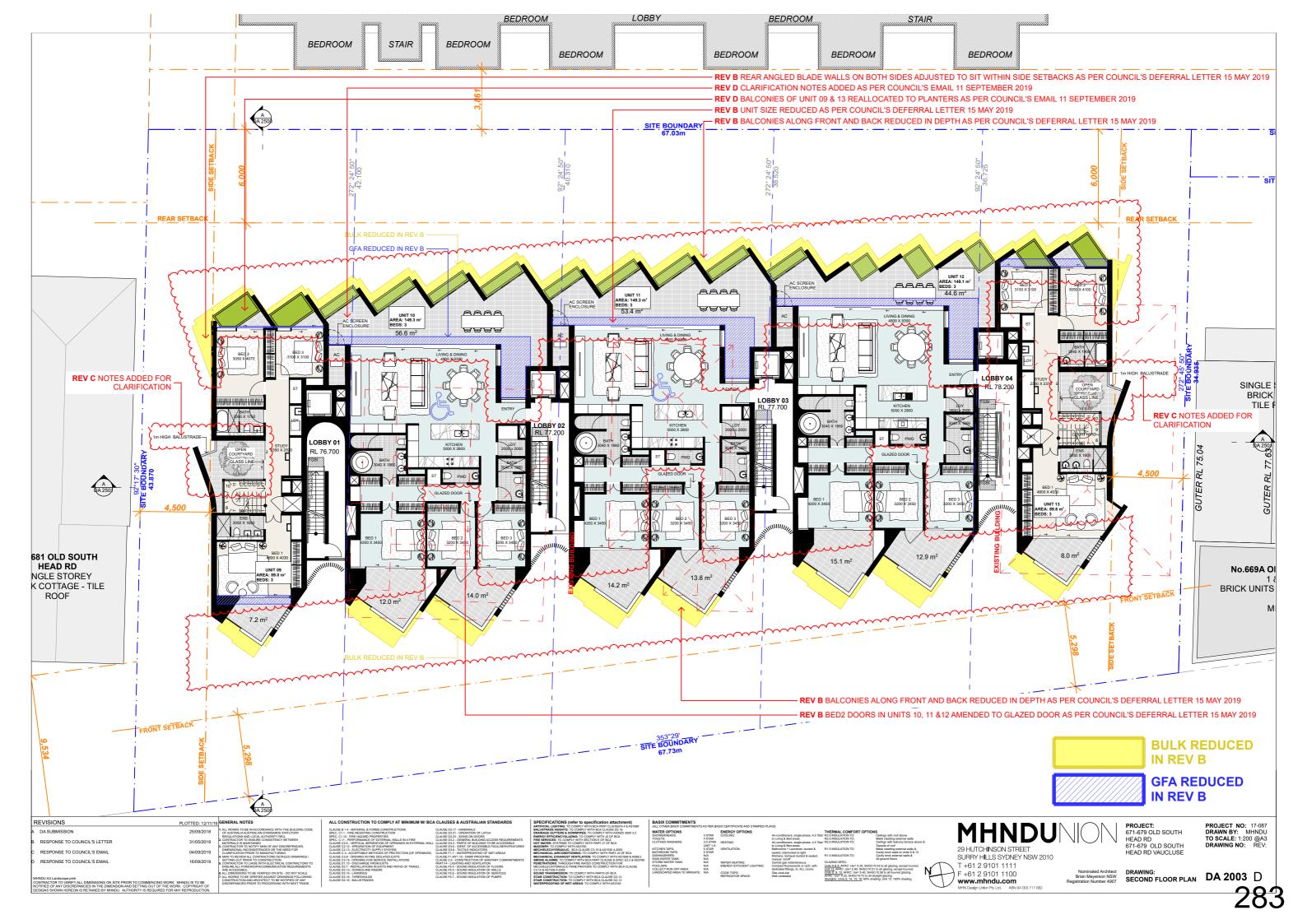
This consent includes approval for strata subdivision of the development.

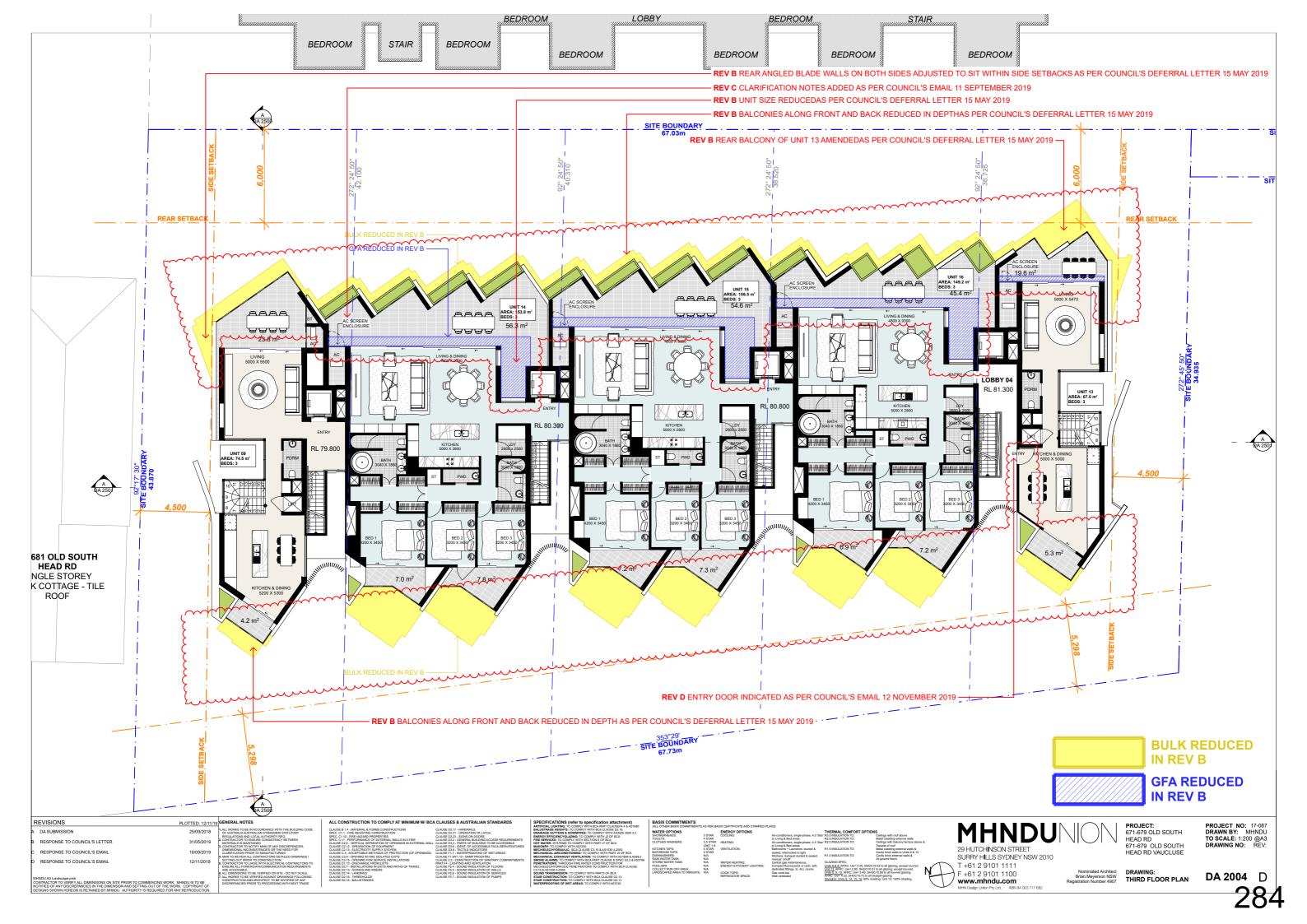
In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Parts allotments are to be generally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

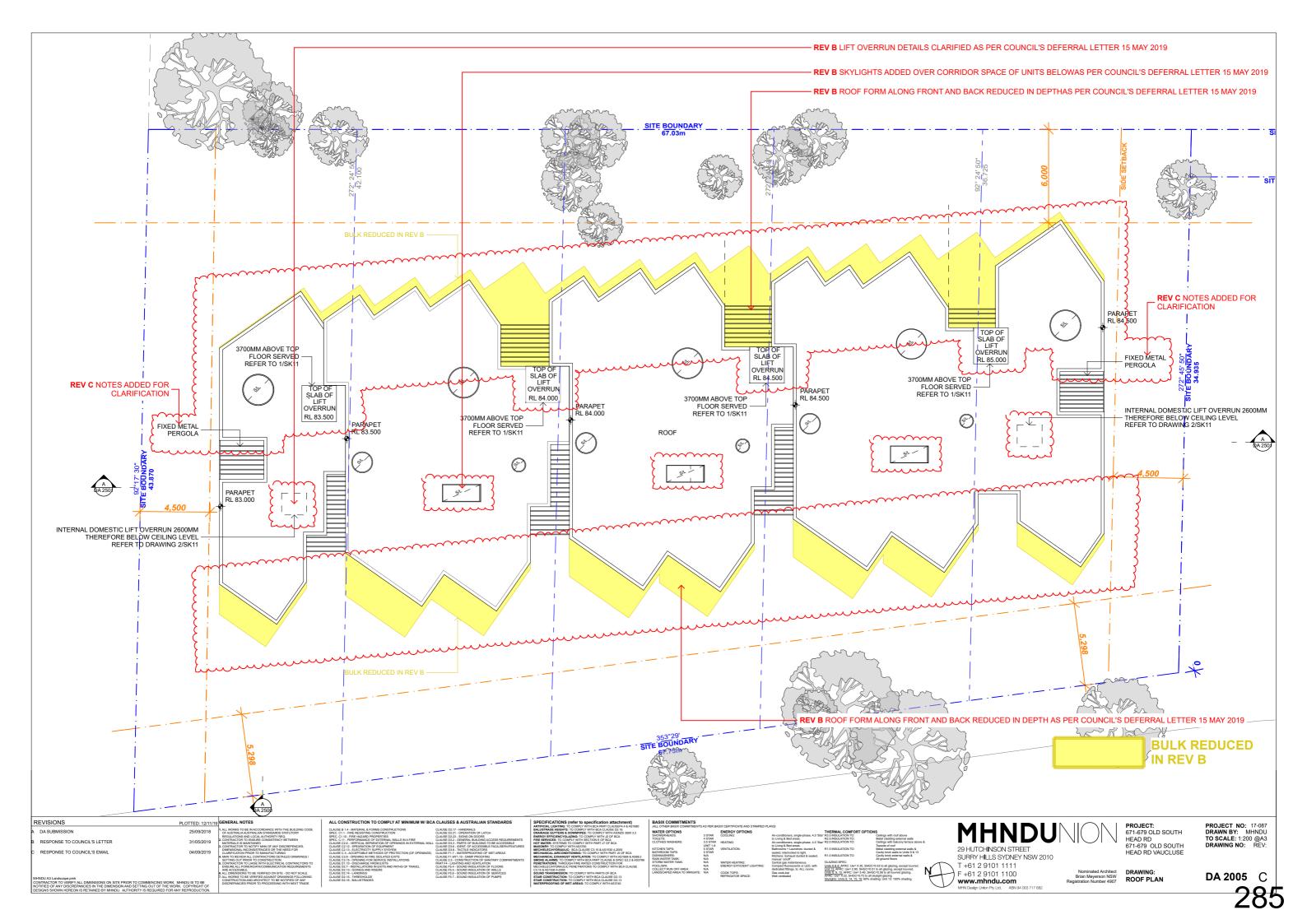


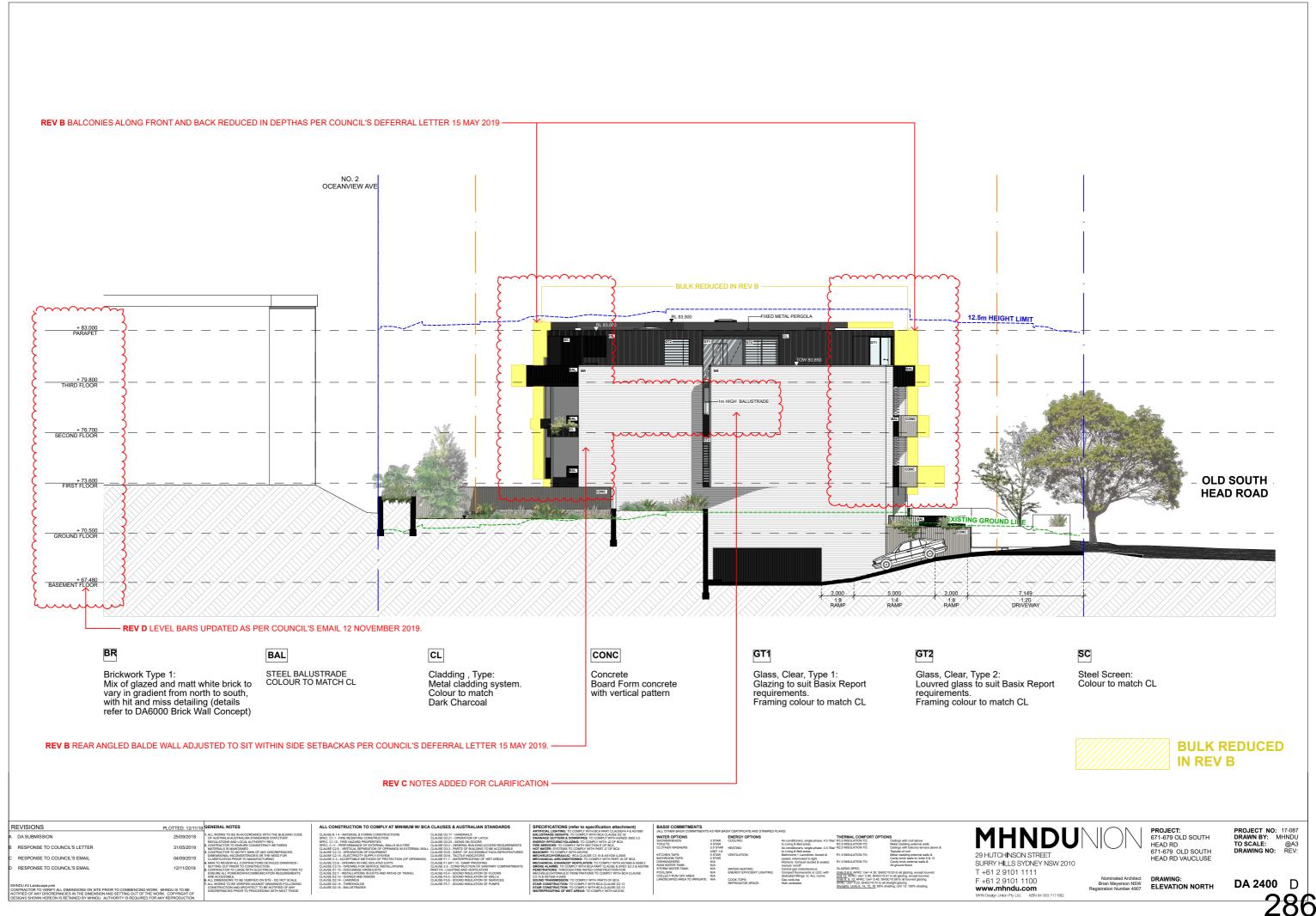


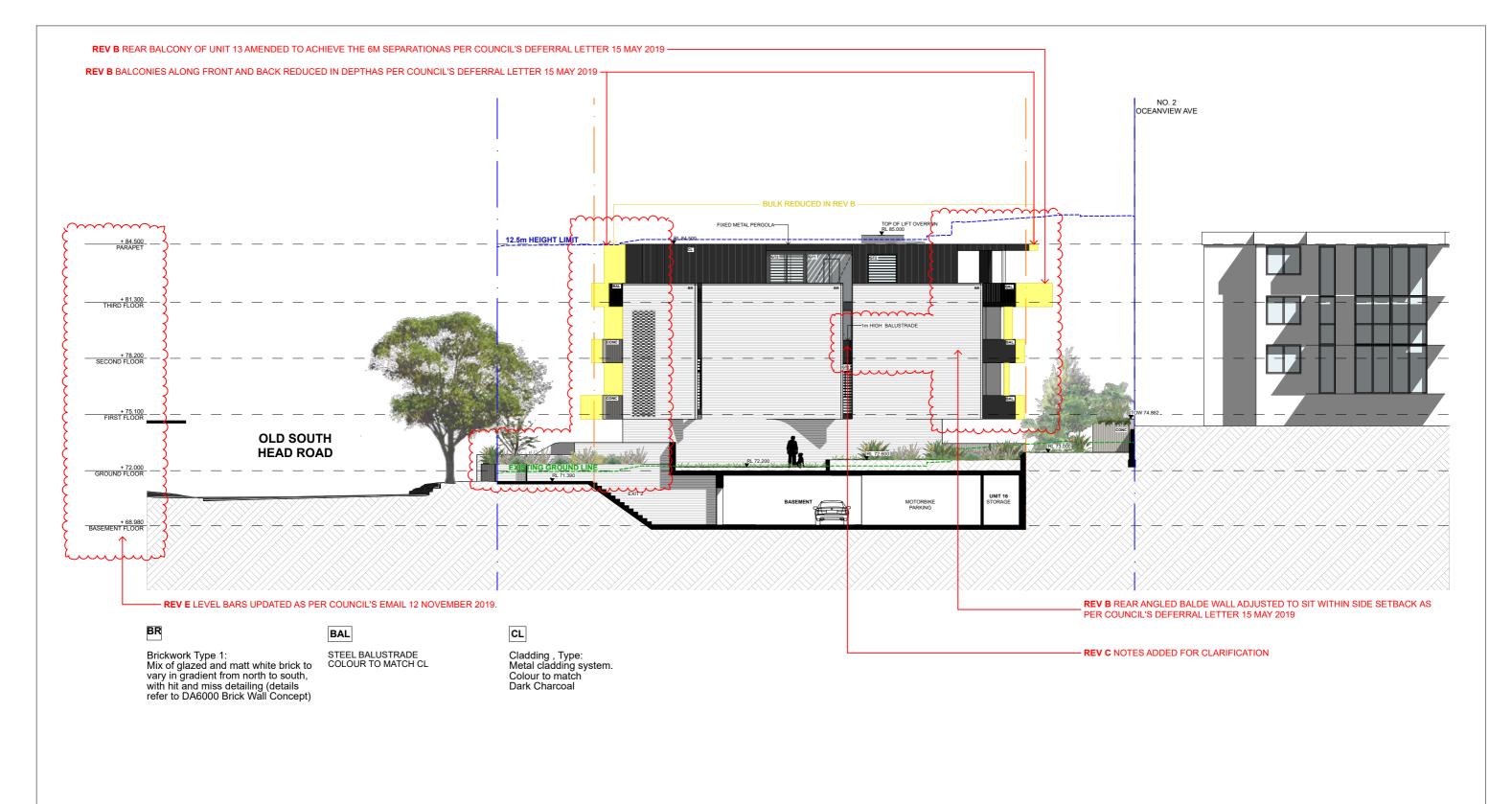












CONC

Concrete Board Form concrete with vertical pattern GT1

Glass, Clear, Type 1: Glazing to suit Basix Report requirements. Framing colour to match CL GT2

Glass, Clear, Type 2: Louvred glass to suit Basix Report requirements. Framing colour to match CL



ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CAUSE SI 14- MATERIAL & FORMS CONSTRUCTIONS

CAUSE CLT 14- MERCHAN E FORMS CONSTRUCTIONS

CLT 14- MERCHAN E FORMS CONSTRUCTION

CAUSE CLT 2- MERCHAN E FORMS CONSTRUCTION

CAUSE C

SPECIFICATIONS (refer to specification attachment)
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BERROY SPECIFICATION: 01 COUNTY WITH ARTICL SCH 32

BERROY SPECIFICATION: 01 COUNTY WITH ARTICL SCH 32

HOT MATTER: SYSTEMS: 10 COUNTY WITH ARTICL SCH 32

HOT MATTER: SYSTEMS: 10 COUNTY WITH SHRT 37 OF SCH ARTICL
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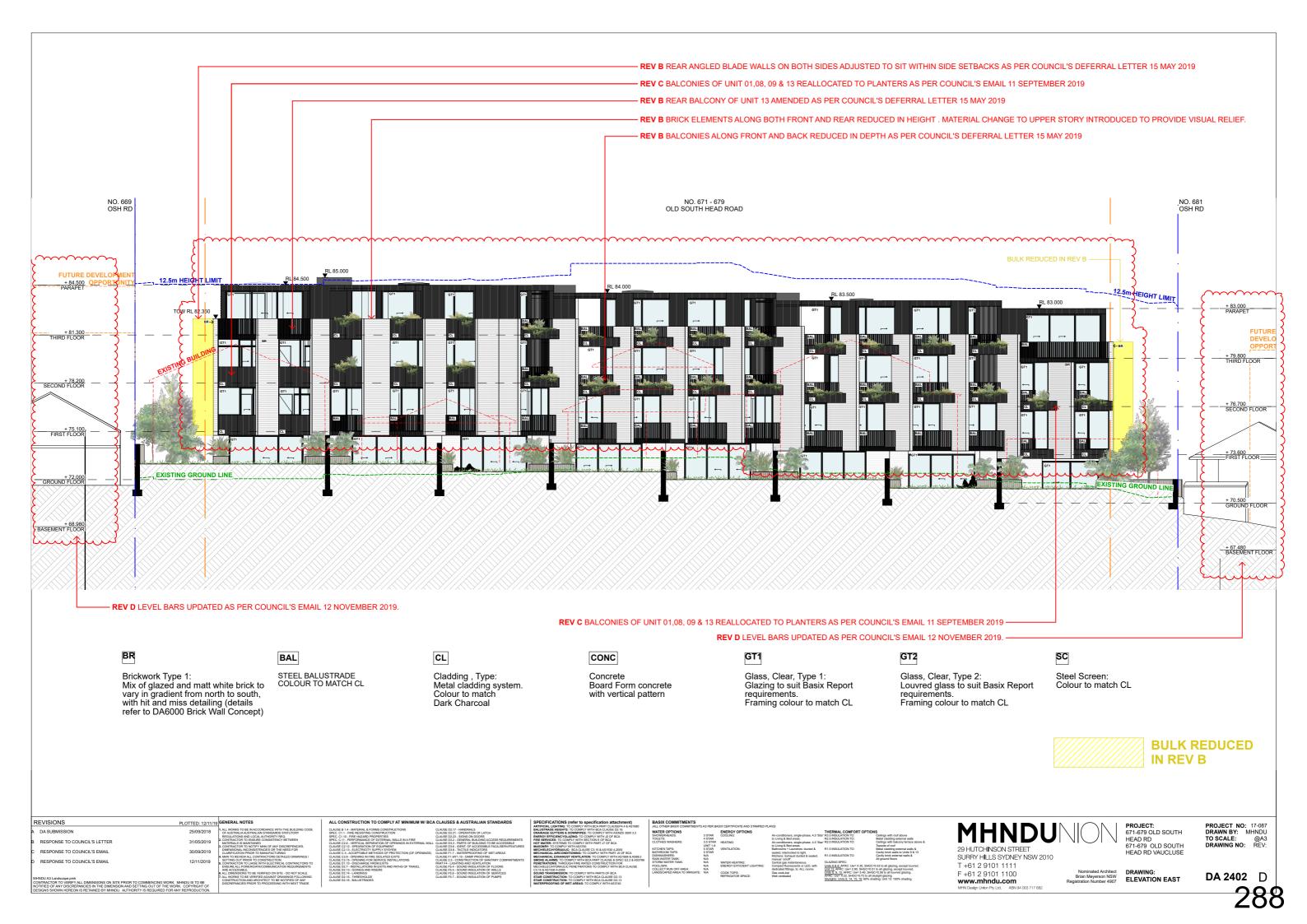
29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com PROJECT:
671-679 OLD SOUTH
HEAD RD
671-679 OLD SOUTH
HEAD RD VAUCLUSE

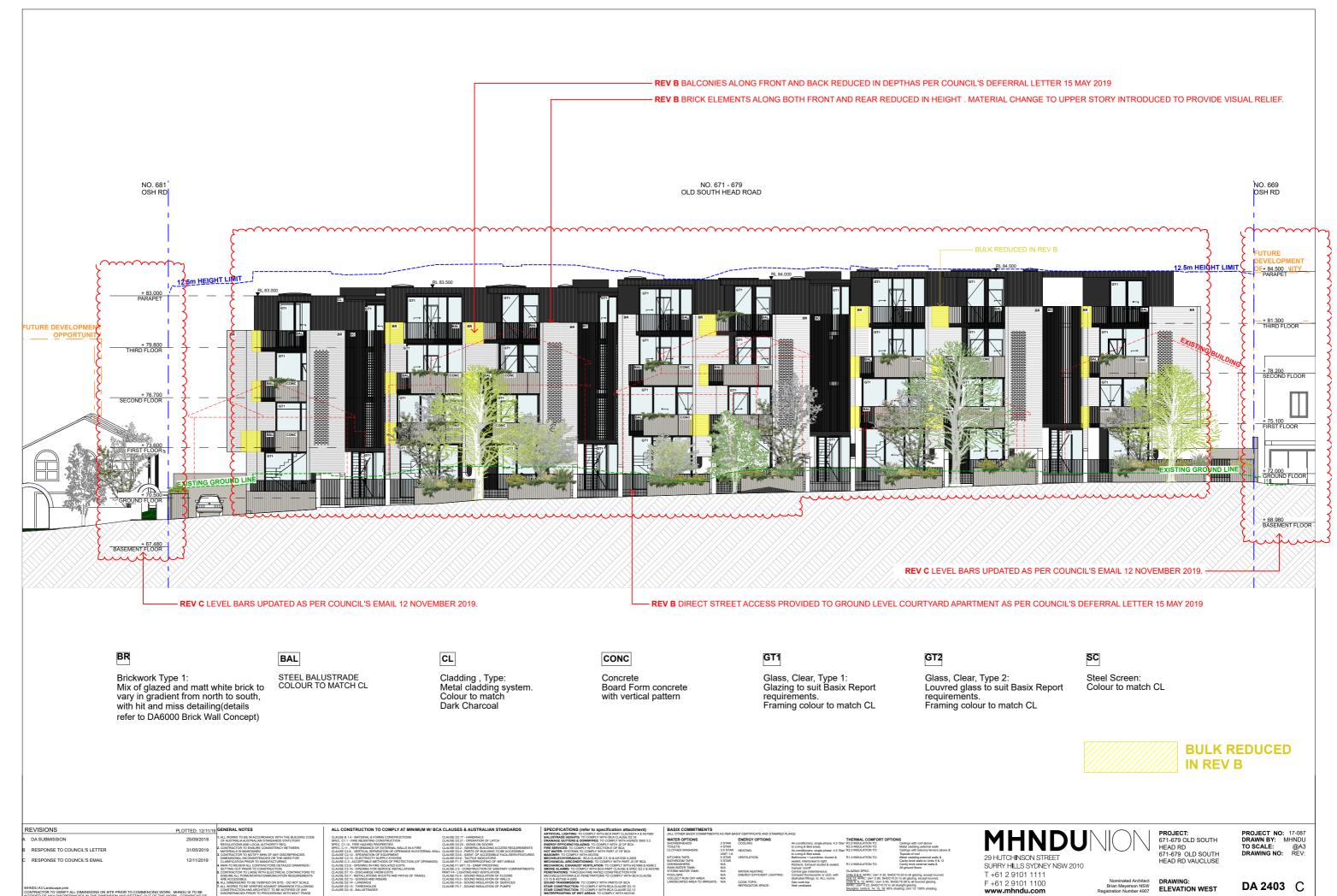
PROJECT NO: 17-087 DRAWN BY: MHNDU TO SCALE: @A3 DRAWING NO: REV:

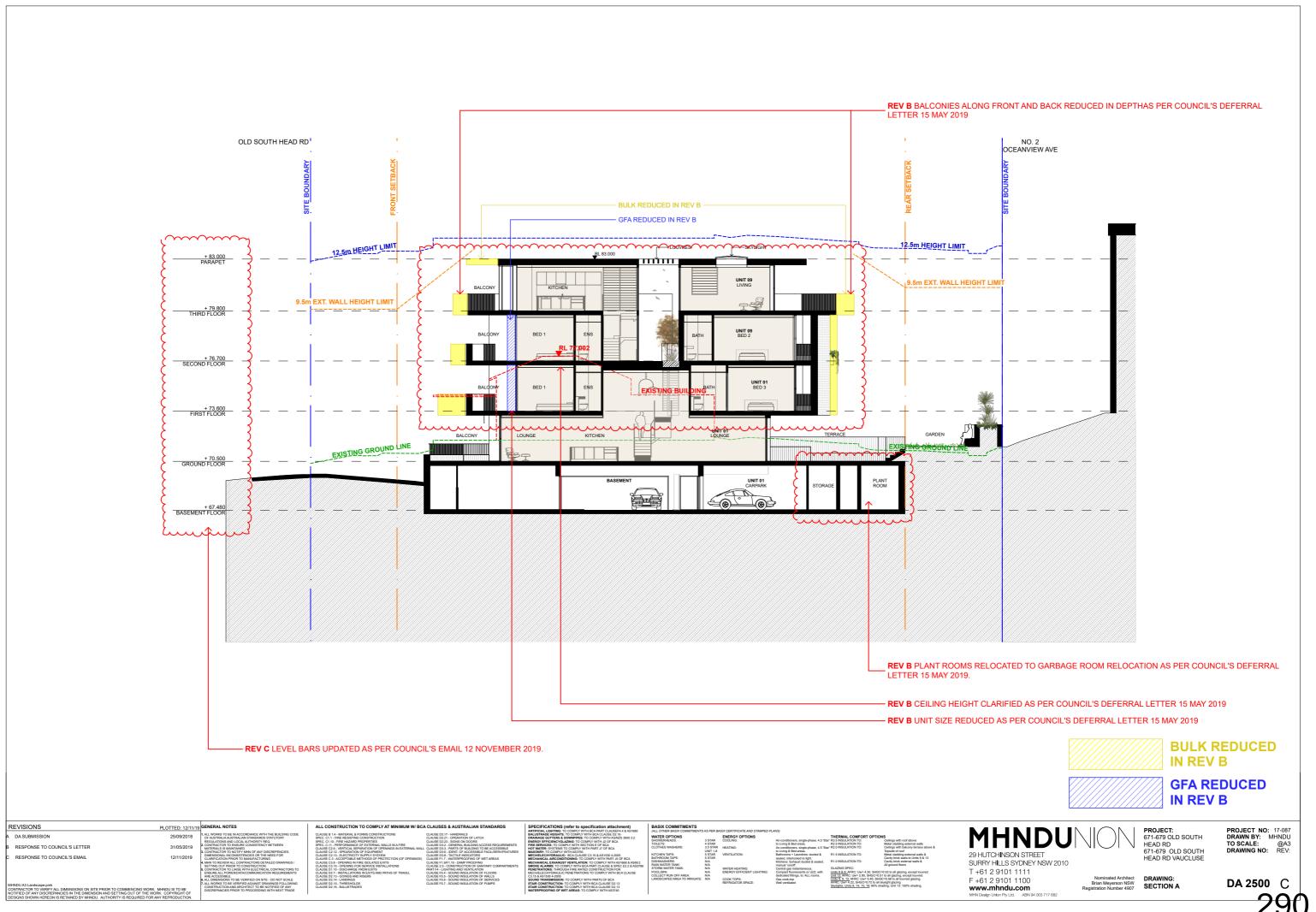
Nominated Architect
Brian Meyerson NSW
Registration Number 4907

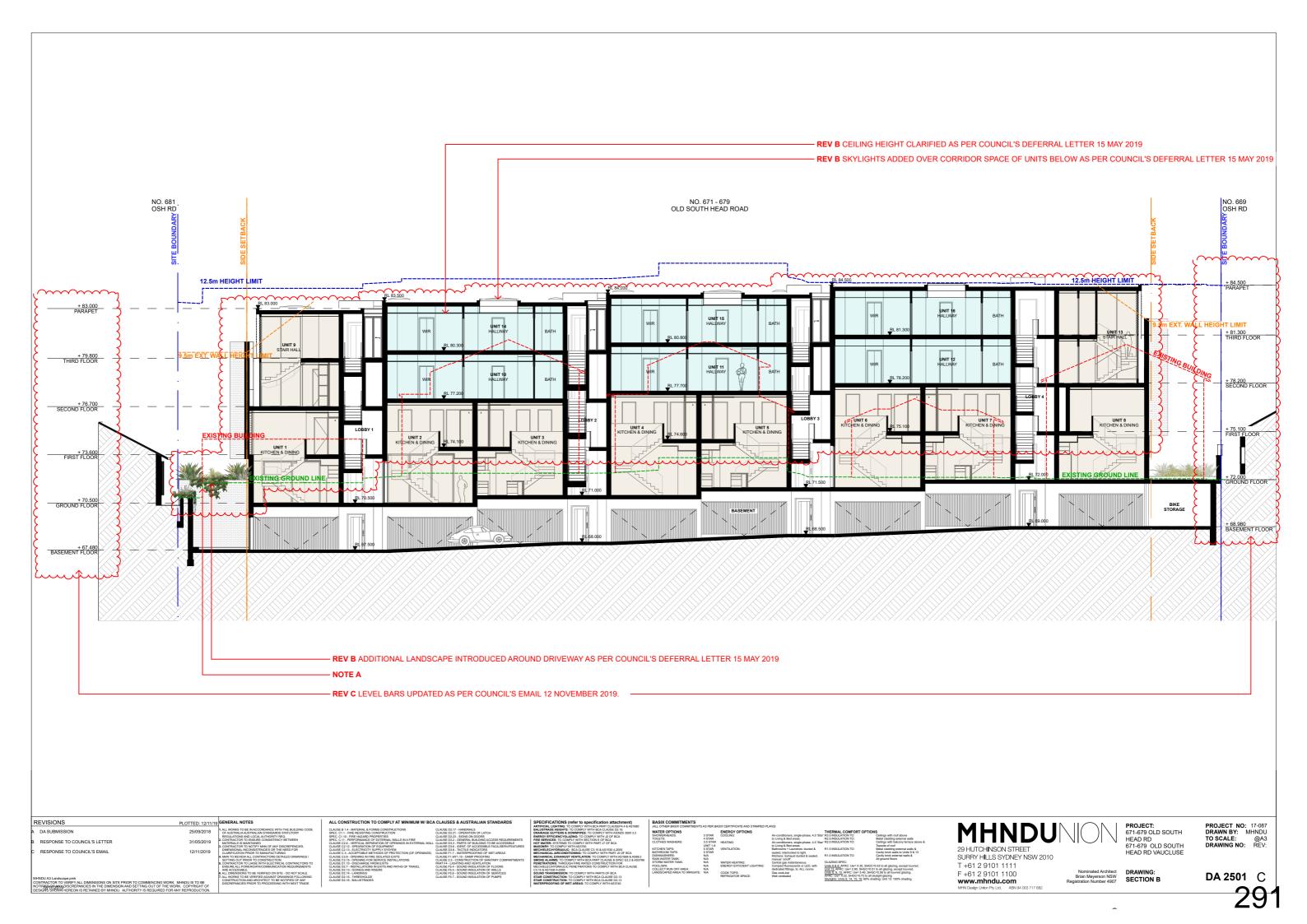
Registration Number 4907

DA 2401 E

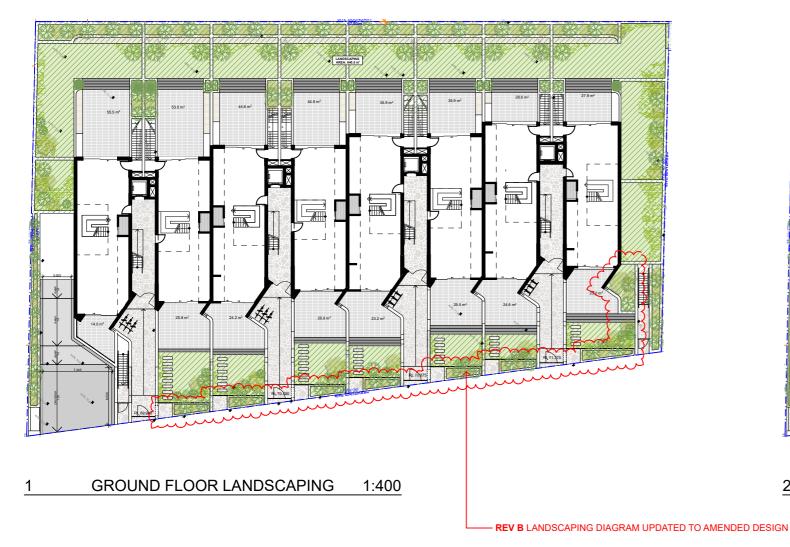


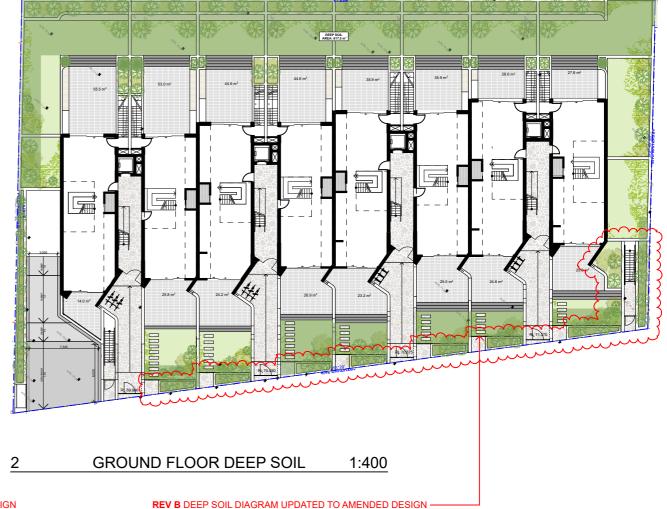






LANDSCAPE AREA CALCULATION





LANDSCAPE OPEN SPACE (R3 CONTROL)

SITE AREA LANDSCAPING DEEP SOIL DA SUBMITTED 2679.6m² 806.4m² 579.8m²

2679.6m² 840.5m² 617.0m²

DA REV C

REQUIRED

30% OF SA(804m²) YES 50% OF LA(403.2m²) YES

REV C AREA CALCULATION UPDATED TO AMENDED DESIGN

COMPLIES

R	EVISIONS	GENERAL NOTES	
	DA SUBMISSION	25/09/2018	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY REGULATIONS AND LOCAL AUTORITY REQ
3	RESPONSE TO COUNCIL'S LETTER	31/05/2019	2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
5	RESPONSE TO COUNCIL'S EMAIL	16/09/2019	3. CONTRACTOR TO NOTIFY MINI OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
)	RESPONSE TO COUNCIL'S EMAIL	12/11/2010	MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS TO ENSURE ALL POWERIDATACOMMUNICATION REQUIREMENTS
	INDU A3 Landscape.pmk INTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK.	MHNDU IS TO BE	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/ BC	A CLAUSES & AUSTRALIAN STANDARDS
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ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680	0
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FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA	Ċ
MASONRY: TO COMPLY WITH AS3700	
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MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS 1668 & AS68.2	0
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SIX COMMITMENTS OTHER BASIX COMMITMENTS	SAS PER BA	SIX CERTIFICATE AND STAMPED PL	ANS)		
ER OPTIONS WERHEADS:	3 STAR	ENERGY OPTIONS COOLING:	Air-conditioners, single-phase, 4.5 'Star'		Ceilings with roof above
ETS: THES WASHERS:	4 STAR 3.5 STAR	HEATING:	to Living & Bed areas. Air-conditioners, single-phase, 4.5 'Star	R2.5 INSULATION TO: R2.0 INSULATION TO:	Metal cladding external walls Ceilings with balcony terrace
HEN TAPS:	UNIT 1-8 5 STAR	VENTILATION:	to Living & Bed areas. Bathrooms + Laundries: ducted &	R1.5 INSULATION TO:	Topside of roof Metal cladding external walls
ROOM TAPS: WASHERS:	5 STAR N/A		sealed, interlocked to light. Kitchens: Exhaust ducted & sealed.	R1.0 INSULATION TO:	Cavity brick walls to Units 9 : Cavity brick external walls &
WATER TANK: RM WATER TANK:	N/A N/A	WATER HEATING:	manual 'onioff'. Central gas instantaneous.	GLAZING SPEC:	All ground floors
L/SPA: .ECT RUN OFF AREA:	N/A N/A	ENERGY EFFICIENT LIGHTING:	Compact fluorescents or LED, with dedicated fittings, to: ALL rooms.	Units 8 & 9: AFRC: Uw= 4.30, SHGC= Unit 13: AFRC: Uw= 2.90, SHGC=0.51	to all glazing, except louvred
ISCAPED AREA TO IRRIGATE:	NA	COOK TOPS: REFRIGATOR SPACE:	Gas cook-top Well ventilated	Units 8, 9, 13: AFRC: Uw= 5.40, SHGC AFRC: Uw= 4.22, SHGC=0.72 to all sk Skylights: Units 9, 14, 15, 16: 60% sha	ylight glazing
ISCAPED AREA TO IRRIGATE:	NA			AFRC: Uw= 4.22, SHGC=0.72 to all sk	ylight glazing

	MHNDUNION
	29 HUTCHINSON STREET
_	SURRY HILLS SYDNEY NSW 2010

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PROJECT: 671-679 OLD SOUTH HEAD RD 671-679 OLD SOUTH HEAD RD VAUCLUSE

PROJECT NO: 17-087 DRAWN BY: MHNDU TO SCALE: @A3 DRAWING NO: REV:

DRAWING: LANDSCAPE AREA CALCULATION **DA 9003** D

AMENDED PLANS

Application No: DA-355/2018

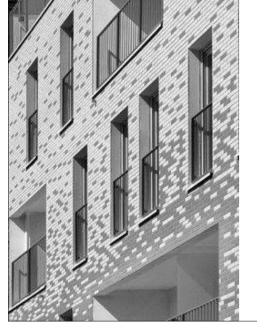
RECEIVED

Waverley Council

Date Received: 04/10/2019

REV B ELEVATION AMENDED AS PER COUNCIL'S DEFERRAL LETTER 15 MAY 2019.





EXTERNAL FINISHES









BR

Brickwork Type 1: Mix of glazed and matt white brick to vary in gradient from north to south, with hit and miss detailing (details refer to DA6000 Brick Wall Concept)

SC

Steel Screen: Colour to match CL CL

Cladding , Type: Metal cladding system. Colour to match

CONC

Concrete Board Form concrete with vertical pattern

BAL STEEL BALUSTRADE COLOUR TO MATCH CL

REVISIONS		
A	DA SUBMISSION	
В	RESPONSE TO COUNCIL'S LETTE	
MH	INDU A3 Landscape.pmk INTRACTOR TO VERIFY ALL DIMENSIONS O	

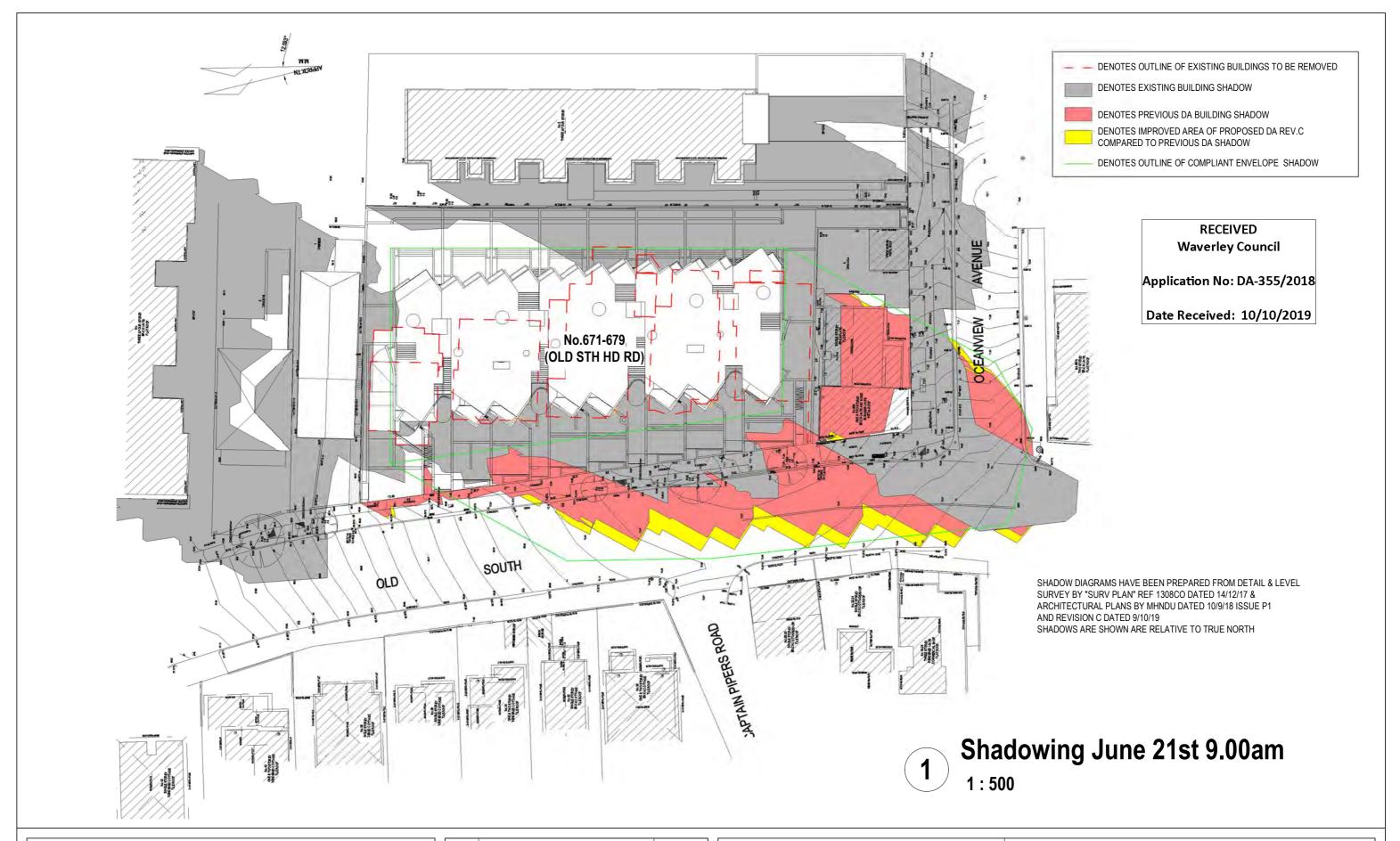
PLOTTED: 9/9/19

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PROJECT: 671-679 OLD SOUTH HEAD RD 671-679 OLD SOUTH HEAD RD VAUCLUSE

PROJECT NO: 17-087 DRAWN BY: MHNDU TO SCALE: @A3 DRAWING NO: REV:

Nominated Architect Brian Meyerson NSW Registration Number 4907 EXTERNAL FINISHES DA 7000 B



Cad Draft P/L ABN 27 083 288 153

SUITE 4, 670 DARLING STREET, ROZELLE, NSW P.O BOX 446 GLADESVILLE 2111 **SHADOW ANALYSIS CONSULTANTS**

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date

SHADOW DIAGRAMS No. 671-679 OLD SOUTH HEAD ROAD **VAUCLUSE**

CLIENT: OSHR AT VAUCLUSE HOLDINGS PTY LTD

Shadowing June 21st 9.00am

Project number	2863-18		
Date	10-10-19	A10)1
Drawn by	JD		
Checked by	JD	Scale	1:50



Cad Draft P/L ABN 27 083 288 153

SUITE 4, 670 DARLING STREET, ROZELLE, NSW P.O BOX 446 GLADESVILLE 2111 SHADOW ANALYSIS CONSULTANTS

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No.	Description	Date

SHADOW DIAGRAMS No. 671-679 OLD SOUTH HEAD ROAD **VAUCLUSE**

CLIENT: OSHR AT VAUCLUSE HOLDINGS PTY LTD

Project number	2863-18			
Date	10-10-19		A102	
Drawn by	JD			
Checked by	JD	Scale		1.5
				7



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CLIENT: OSHR AT VAUCLUSE HOLDINGS PTY LTD

Project number	2863-18		
Date	10-10-19	A1	03
Drawn by	JD		
Checked by	JD	Scale	1:50

NORTHERN ELEVATION NORTHERN ELEVATION **NORTHERN ELEVATION** No699 OLD STH HD RD No699 OLD STH HD RD No699 OLD STH HD RD EXISTING SHADOW **IMPROVED RECEIVED Waverley Council** Application No: DA-355/2018 Shadowing Jurne 24 st: 3.00pm **Shadowing June 21st 12.00pm Shadowing June 21st 9.00pm** 3 1:200 1:200 1:200



SHADOW DIAGRAMS HAVE BEEN PREPARED FROM DETAIL & LEVEL SURVEY BY "SURV PLAN" REF 1308CO DATED 14/12/17 & ARCHITECTURAL PLANS BY MHNDU DATED 10/9/18 ISSUE P1 AND REVISION C DATED 9/10/19 SHADOWS ARE SHOWN ARE RELATIVE TO TRUE NORTH

DENOTES EXISTING BUILDING SHADOW

DENOTES PREVIOUS DA BUILDING SHADOW

DENOTES IMPROVED AREA OF PROPOSED DA REV.C
COMPARED TO PREVIOUS DA SHADOW

DENOTES OUTLINE OF COMPLIANT ENVELOPE SHADOW

Shadowing June 21st 3.00pm

1:200

Cad Draft P/L

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No.	Description	Date

SHADOW DIAGRAMS
No. 671-679 OLD SOUTH HEAD ROAD
VAUCLUSE

CLIENT: OSHR AT VAUCLUSE HOLDINGS PTY LTD

Elevational	shadows	June	21st
Licvational	SHAUOWS	Julic	Z 131

Project number	2863-18		
Date	10-10-19		A104
Drawn by	JD		
Checked by	JD	Scale	As indicated

10/10/2019 09:37:21





Report to the Waverley Local Planning Panel

Application number	DA-435/2018
Site address	7-11 Bondi Road, Bondi Junction
Proposal	Demolition of the existing structures on the site and the construction of a new nine storey residential flat building (Infill Affordable Housing)
Date of lodgement	23 November 2019
Owner	Proprietors of Strata Plan 55017
Applicant	MHN Design Union
Submissions	Original scheme: Eighteen submissions Amended scheme: Sixteen submissions
Cost of works	\$15 456 649.13
Issues	Separation distances and Height
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 29 May 2019.

The site is identified as 7-11 Bondi Road, Bondi Junction and is comprised of three lots: SP55017, known as 7 Bondi Road; Lot 4 in DP 667810, known as 9 Bondi Road; and Lot 1 in DP 310001, known as 11 Bondi Road. It is located on the southwestern side of Bondi Road on the corner with Waverley Crescent and opposite Fingleton Reserve.

The combined site (the site) is irregular in shape with a front boundary of 11.3m to Waverley Crescent to the north, a front boundary of 28.13m to Bondi Road to the northeast, a western side boundary of 40.385m, a south-eastern side boundary of 38.18m and rear south-western boundary of 20.475m. The site has an area of 1209m² and falls from the rear towards the front by approximately 2.6m.

The site is occupied by the following:

- 7 Bondi Road: A three-storey residential flat building with basement parking. Vehicular access is provided via Waverley Crescent on the western side boundary.
- 9-11 Bondi Road: A single storey pair of semi-detached dwellings with vehicular access provided from Bondi Road to No. 9.

The subject site is adjoined by a single storey dwelling to the west at 21 Waverley Crescent. There is a current appeal to the Land and Environment Court (LEC) on this site for the construction of a nine-storey building (refer to Section 1.2 *Relevant History* of this report).

Adjoining to the site the southeast is 13 and 15 Bondi Road containing a pair of semi-detached dwellings. Further to the southeast are 19 and 21 Bondi Road, containing two and three-storey residential flat buildings. On the corner of Bondi Road and Waverley Street is a recently constructed ten-storey residential building.

To the rear of the site is 42-48 Waverley Street which contains two nine-storey residential flat buildings fronting Waverley Street.

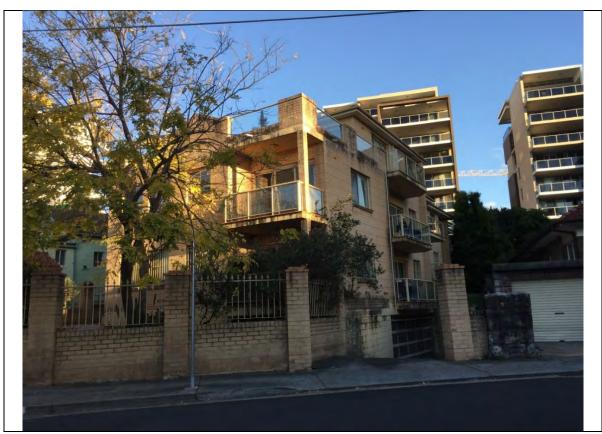


Figure 1: Subject site frontage of No. 7 Bondi Road



Figure 2: Subject site frontage at Nos. 9-11 Bondi Road



Figure 3: Site viewed from above (residential flat building at 42-48 Waverley Street)

1.2 Relevant History

The following development history applies to the subject sites:

• BA-486/1994: Construction of a residential flat building with nine one-bedroom units was approved on 28 October 1994 at 7 Bondi Road.

Pre-DA advice (PD-23/2018) for the construction of a nine-storey residential flat building including two basement levels and incorporating affordable housing was provided in a letter dated 13 August 2018. The letter included advice in relation to calculating the affordable housing bonus, height and FSR, urban design, site isolation in terms of 21 Waverley Crescent (adjoining), visual privacy and building width.

Council is currently in receipt of a development application at 21 Waverley Crescent which adjoins the subject site to the west. **DA-395/2018** for the demolition of the existing dwelling and construction of a nine-storey residential flat building with three levels of basement parking is currently under appeal in the Land and Environment Court (LEC). No. 21 Waverley Crescent has a width of 13-15m and as such proposes limited side boundary setbacks of 3m on each side.

After preliminary assessment of the **subject application**, the application was deferred to address the following issues (summarised):

- Bulk, scale and privacy
- Solar access
- Design excellence

- Waste management
- Landscaping
- Further information

Amended plans and documentation were received on 13 August 2019 and publicly notified to surrounding properties. During assessment of the amended scheme, minor errors and omissions were noted by the Assessment Planner and final corrected plans and documentation were received by Council on 22 October 2019 and form the subject of the assessment within this report.

1.3 Proposal

The proposal seeks consent for the demolition of all structures on the site and construction of a nine-storey residential flat building.

The proposal will provide 41 apartments comprised of:

- 21 x 1-bedroom units,
- 9 x 2-bedroom units, and
- 11 x 3-bedroom units.

The proposal also includes two levels of basement car parking to provide 38 car parking spaces (including four accessible spaces), 12 motorcycle spaces and 44 storage cages.

Apartments on levels 4 to 8 are to be allocated as affordable housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 which constitutes 50% of the gross floor area (GFA) of the proposed development. In total, 18 apartments will be affordable units, comprised of:

- 6 x 1-bedroom,
- 4 x 2-bedroom, and
- 8 x 3-bedroom units.

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

BASIX and NatHERS Certificates have been submitted with the development application.

The BASIX Certificate and NatHERs certificates 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 and NatHERs 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 original proposal was referred to the Waverley Design Excellence Panel (DEP) on 18 February 2019. The Panel's comment to the proposed development with regard to the nine design quality principles under SEPP 65 are set out in **Table 1** below. A planning response is below each principle, where relevant, discussing the amended plans in relation to matters raised by the DEP.

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

Principle 1: Context and Neighbourhood

The locality is currently undergoing change and characterised by a mix of commercial and residential buildings of various heights including single-storey detached dwellings, 9 and 10 storey residential flats and commercial and retail buildings. Westfield Bondi Junction, Waverley Park and Bondi Junction Train Station are within walking distance of the site.

Units in the 9 storey RFB to the south west of the site (No. 42-48 Waverley Street) currently enjoy a northerly aspect and views over the subject site. Any view sharing issues should be discussed with Council.

Planning comment: View sharing is discussed in detail in subsequent sections of this report.

Principle 2: Built Form and Scale

The floor plate configuration is generally for 3 units facing north-east to the street, and two units facing south-west with an open lobby in the middle. Units look into the side setbacks (of 6m) via heavily screened windows or small balconies. The south-west facing balconies have vertical screens to reduce overlooking to the balconies of 42-48 Waverley Street units.

The Panel considers that some changes are necessary to comply with controls and improve the performance of the proposal. Issues needing more design resolution include:

- Setbacks The predominant street setback should be maintained and the balconies should not protrude into the setback. Better tree planting and street interface should be introduced into the setback. The rear setback needs to be increased for the 9th level and side setbacks should be reviewed in relation to the potential development of neighbouring properties. The neighbour to the north-east has a DA currently being assessed by Council and its footprint differs markedly from that indicated on the Applicant's drawing DA1003.
- Bulk and extra wall thickness the expression of the vertical window hoods on the north-west
 and south-east elevations is very austere and adds to the bulk of the building. The openings
 are restricted and some bedrooms rely on very small apertures in the balcony wall for their
 light and ventilation. The Panel would like to see other options investigated to improve light,
 ventilation, aesthetics and privacy.
- The provision of affordable housing increases the allowable FSR. The impact of the additional FSR needs to be treated in a way that does not overstate the extra bulk of the building given the Panel's concerns about the bulk and solidity of the sunshading elements and balconies the proposal does not contribute positively to the surrounding character or the desired future character of the area.
- Unit G.01 and G.02 are well below natural ground level and facing south-west (Section A). These Units are not acceptable and need to be raised or otherwise improved. Similarly, Section B shows that the areas off the lobby are well below the ground level of the neighbouring sites.
- The driveway should be under the building. The proposed position will negatively impact the neighbour and also Unit G.03 which has windows directly onto the driveway
- The street facing units will need some traffic noise mitigation strategies to make the outdoor private space more useful and comfortable. Wind velocity issues should also be checked.
- Garbage cupboards in the corridors issues of odour and fire safety.
- Dimensions for fire egress the stair clearances need to be increased.
- Internal study rooms will need to have windows to comply with ADG requirements
- The external bin corral is in very close proximity to the neighbour's large west facing windows.
- The Fire Hose Booster should be better integrated into the building façade
- The impacts of the area of height exceedance should be discussed with Council. The provision of some common outdoor space as roof terrace on the north-west portion of the building would increase amenity and possibly eliminate the height exceedance.
- Overshadowing of neighbours the shadow diagrams indicate large areas of winter overshadowing to existing apartments and dwellings. This issue should be discussed with Council.
- Overlooking / loss of privacy between street facing balconies.

Planning comment: The amended plans address a number of issues raised above as follows:

- The bulk and scale have been reduced by removing the vertical window hoods and solid screening, increasing the side setbacks to 6.5m and redesigning the building to emphasise a more solid, masonry base graduating to a finer and lighter, metal clad building at the upper levels. The architect has stated that the more solid building across the lower levels is in response to the greater amenity impacts from the busy road, the driveway and neighbouring buildings.
- The windows of all bedrooms have been increased in size to provide better access to light and ventilation.

- The front of the building has been realigned to increase the front setback to be consistent with surrounding development and greater landscaping is provided within this area.
- The height of the rear part of the building has been raised, creating a split-level common lobby which allows units G.01 and G.02 to sit only just below natural ground level (average of approximately 900mm).
- An acoustic report regarding the units at the front has been submitted and is discussed in Section 2.1.4 of this report.
- The front balconies have been redesigned to address privacy between balconies which is discussed in detail in Section 2.1.8 of this report.
- The internalised studies without windows have been removed and all habitable rooms are provided with a window.

The design changes are in response to the comments of the DEP and are considered to appropriately address the issues raised.

In terms of the remaining issues raised by the DEP the following comments apply:

- The driveway is located as far to the west as possible so that it is within Waverley Crescent rather than from Bondi Road. Bondi Road is a major road and the site is within proximity of a busy intersection of this road. To relocate the driveway under the footprint would require vehicles to enter from Bondi Road causing further congestion on this road. The design with the driveway in Waverley Crescent is considered a far more appropriate solution. Additionally, the proposed driveway would adjoin the proposed driveway at the adjoining property, No. 21 Waverley Crescent, and in this regard, is unlikely to impact unreasonably upon residents within the building. In terms of Unit G.03, the windows overlooking the driveway are secondary windows with the main windows being on the front elevation.
- The garbage cupboards on each level are a requirement within DCP 2012 in order to provide storage for a single day of waste on each level. Notwithstanding, the amended plans have replaced the garbage storage with a garbage chute.
- Compliance with the Building Code of Australia (BCA) is required by condition. Any comments in relation to the BCA are not assessed at the DA stage.
- Height and overshadowing are discussed in detail in subsequent sections of this report.

Principle 3: Density

A mix of one, two and three-bedroom units is proposed. A maximum FSR of 2.5:1 (3,022m2), is sought comprising the LEP FSR standard of 2:1 (2,418m2) and an additional FSR of 0.5:1 (604.5m2), in accordance with the SEPP (Affordable Rental Housing) 2009.

The Panel considers that a number of built-form and amenity issues need to be improved before the quantum of floor space could be supported. The building is very bulky and compromised by the heavy wall protrusions. In this regard it is out of character with the residential design and amenity.

Planning comment: The amended plans retain an appropriate mix of units including a mix of one, two and three-bedroom units for the affordable housing units. The amended proposal appropriately addresses the bulk and scale concerns of the DEP as previously discussed.

Principle 4: Sustainability

The design needs to be improved to increase the natural light and ventilation opportunities to a number of habitable rooms including studies.

Traffic issues and methods of reducing noise whilst maintaining good ventilation need to be considered.

Conflicts between ventilation and security such as for the bedrooms in G.01 and G.02 need to be resolved.

Planning comment: As previously discussed, the amended plans provide windows to all habitable rooms. The Acoustic report is discussed under Section 2.1.4 of this report. The redesign of the rear facing units G01 and G02 has resulted in increased security without ramping and pathways adjacent to windows as previously proposed.

Principle 5: Landscape

The architectural and landscape plans are yet to be coordinated. The Panel is unsure which design takes precedence, however it is clear that the requirements for useful communal outdoor space are not being met and therefore need to be revised.

More large trees along the side boundaries should be considered as the building is long and unrelieved and retention of some of the larger existing trees on the south-western boundary may be possible if the natural ground level is retained in the rear setback.

Planning comment: An updated landscape plan was provided to Council which reflects the proposed layout of the amended proposal. The landscaping plan includes planting of shade trees with a mature height of up to 10m on the rear and side boundaries and a communal area along the northern side boundary. The landscaping plan is considered satisfactory.

Principle 6: Amenity

The proposal has some amenity issues that have been noted above and need to be addressed. Issues include:

- Traffic noise
- Light and ventilation to bedrooms
- Size and quality of common open space
- Garbage bins in corridors
- Vertical privacy screens to living room balconies review other options for achieving privacy
- Units well below ground level
- Driveway impacts on adjacent rooms and neighbours
- Overshadowing
- Access compliance

Planning comment: The majority of these issues have been previously discussed in previous sections of this table.

The common open space is located along the western side boundary. The rear setback is retained as landscaped area to retain a buffer between the new building and the residential flat building at the rear. The landscaping within the front setback has been increased to improve the streetscape presentation of the proposal and provide a buffer to Bondi Road.

Principle 7: Safety

Generally there are no safety issues of major concern other than the correct stair egress widths. Passive surveillance of the communal open spaces and streets is satisfactory.

Planning comment: A condition regarding BCA compliance is included in Appendix A.

Principle 8: Housing Diversity and Social Interaction

There is good provision of affordable housing however the common outdoor spaces need to be improved to support good social interaction, access to sun and protection from cold winds.

Planning comment: The communal outdoor space is located on the western side of the building in order to obtain solar access. The proposal provides a consolidated and accessible area of open space with communal amphitheatre, seating and BBQ.

Principle 9: Aesthetics

The proposal will need revisions in relation to setbacks, shadow impacts, ground floor levels, noise issues, etc as raised in this report. These changes will require development of the elevations.

The Panel also encourages the reconsideration of the overly defensive side elevations.

Planning comment: These issues have been previously discussed and it is considered that the amended plans adequately address the previous issues raised by the DEP.

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

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

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in the table below.

Table 2: Apartment Design Guide

sunlight to the principal usable part on winter solstice that receives sufficient solar access. Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. The deep soil is 182m² or 15% of the site. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and	Design Criteria	Compliance	Comment
considered the site, local and wider context. The proposed building has been orientated and designed to relate to the shape of the site, location of neighbouring buildings and public domain. Overshadowing is discussed in detail following this table. The proposed building provides a successful interface with the public domain and will improve the character and quality of the streetscape. Dommunal and public open space Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice Minimum of 50% direct sunlight to the principal usable part on winter solstice Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and	Part 3 Siting the development		
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3C Public domain interface Yes The proposed building provides a successful interface with the public domain and will improve the character and quality of the streetscape. 3D Communal and public open space Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides an accessible communal open space area along the western boundary of the site with shared seating and BBQ facilities that receives sufficient solar access. Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. 3E Deep soil zones Yes The deep soil is 182m² or 15% of the site. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and	3B Orientation	Yes	designed to relate to the shape of the site, location of neighbouring buildings and public domain. Overshadowing is discussed in detail following
interface with the public domain and will improve the character and quality of the streetscape. 3D Communal and public open space Minimum of 25% of site Minimum of 50% direct sunlight to the principal usable part on winter solstice Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides an accessible communal open space area along the western boundary of the site with shared seating and BBQ facilities that receives sufficient solar access. Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. The deep soil is 182m² or 15% of the site. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and			
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 Minimum of 50% direct sunlight to the principal usable part on winter solstice Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. The deep soil is 182m² or 15% of the site. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and 		No	
Additionally, the rear, side and front setbacks will be extensively landscaped. In all, the landscaped area provided on site will be 432m² or 36% of the site. The proposal provides sufficient areas of communal space and landscaping to satisfy the intent of the controls and is considered acceptable. 3E Deep soil zones Yes The deep soil is 182m² or 15% of the site. The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and	Minimum of 50% direct sunlight to the principal usable part on winter		open space area along the western boundary of the site with shared seating and BBQ facilities
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 7% of the site, deep soil zones should be provided 6m min width The rear deep soil zone has a width of only 4m however provides sufficient area for the retention of trees along the rear boundary and 			communal space and landscaping to satisfy the intent of the controls and is considered
zones should be provided • 6m min width however provides sufficient area for the retention of trees along the rear boundary and	3E Deep soil zones	Yes	The deep soil is 182m ² or 15% of the site.
basement footprint for extensive landscaping of	zones should be provided		however provides sufficient area for the retention of trees along the rear boundary and sufficient remaining areas around the basement footprint for extensive landscaping of the site, particularly within the front setback for
3F Visual privacy No Refer to detailed discussion following this table.	3F Visual privacy	No	Refer to detailed discussion following this table.

Design Criteria	Compliance	Comment
Min separation distances from buildings to side and rear boundaries: Up to 12m—6m habitable & 3m non-habitable Up to 25m - 9m habitable & 4.5m non-habitable Over 25m — 12m habitable & 6m non-habitable		
3G Pedestrian access and entries	Yes	All pedestrian access entries are connected to and address the public domain, are easily identifiable and provide a strong connection with the streetscape.
3H Vehicle access	Yes	Vehicular access is provided from Waverley Crescent as per the existing building on the site and is considered the most appropriate point being removed from Bondi Road to reduce queuing, congestion and minimising pedestrian conflicts.
The minimum off-street residential parking spaces as set out in the Guide to Traffic Generating Developments 2002 by the then NSW Roads and Traffic Authority, of the car parking requirement prescribed by the relevant council, whichever is less, are applicable to development within metropolitan regional centres: The rates within the Guide to Traffic Generating Developments 2002 are as follows: O.4 resident spaces per one-bedroom unit O.7 resident spaces per two-bedroom unit 1.2 spaces per three-bedroom unit 1 visitor space per seven units.	Yes	The proposed development falls within the design criteria of Objective 3J-1 as it is located within 800m of a railway station in the Sydney Metropolitan Area. The resident and visitor car parking requirements set out in the <i>Guide to Traffic Generating Developments 2002</i> by the then NSW Roads and Traffic Authority are applicable to the development. The non-affordable units generate a minimum off-street car parking demand of: 15 x 1-bed = 6 spaces 5 x 3-bed = 4 spaces Visitor spaces = 3 spaces A minimum of 17 spaces (including 3 visitor spaces) for the non-affordable housing units is required under the provisions of the <i>Guide to Traffic Generating Developments 2002</i> . However, it is noted that the ADG states that the minimum rates that apply are the lessor of the <i>Guide to Traffic Generating Developments 2002</i> or the parking prescribed by the relevant council, (i.e. the DCP rates). In this case the DCP rates are a minimum of nil (refer to section 2.1.8 of this report).

Design Criteria	Compliance	Comment
Design Criteria	Compliance	Under the ARHSEPP (refer to section 2.1.5 of this report) a minimum of 19 spaces is required for the affordable housing units. In this regard, the total minimum requirement for parking under the ARHSEPP and the ADG is 19 spaces. The proposal provides 38 spaces within two levels of basement parking and therefore meets the minimum quantum of offstreet car parking required for the development. Refer to discussion in Table 4 of this report on the appropriateness of the total quantum of car parking spaces in the development against the car parking rates set out in Waverley Development Control Plan 2012, which provide a lesser minimum amount of car parking than the rates specified by the <i>Guide to Traffic Generating Development 2002</i> . The rates set out in Waverley DCP 2012 as a maximum are considered the 'maximum' car parking rates and are discussed later in this report. The development will promote the use of other modes of transport by providing parking and storage facilities for motorcycles and bicycles.
Part 4 – Designing the building		
 4A Solar and daylight access Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm midwinter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	 34 out of 41 units (83% of all units) receive at least 2 hours mid-winter. The solar access diagrams also indicate that 83% of units will continue to receive 2 hours solar access when considered against the proposed building envelope at the adjoining site at 21 Waverley Crescent (currently under appeal in the LEC). All units receive some direct sunlight midwinter. 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.
All habitable rooms are naturally ventilated	Yes	All habitable rooms are provided with at least one window for natural ventilation.

Design Criteria	Compliance	Comment
Number of units with natural cross ventilation is maximised: At least 60% of units naturally ventilated		83% of the units have dual aspects and can be naturally cross ventilated. 17% (7 units) will have a single aspect and cannot be naturally cross-ventilated. The proposal uses a combination of full height openable doors, narrow windows and skylights to achieve appropriate cross ventilation within the building.
 4C Ceiling heights Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all units comply with the minimum requirement. All units provide 3.1m floor-to-floor which is sufficient to meet the ceiling height requirements.
4D Apartment size and layout The following minimum internal areas apply: • Studio = 35 m² • 1 Bed = 50 m² • 2 Bed = 70 m² • 3 Bed = 90 m² • Add 5m² for each additional bathroom (above 1) • Add 12m² for each additional bedroom Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Yes	All units have internal areas that meet the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable. Windows are provided to each habitable room. A condition requiring compliance with the National Construction Code (NCC) is included in the recommendation. All bedrooms meet the minimum requirements in terms of dimensions and area. Kitchens are separate to the circulation spaces. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balconies All apartments provide primary balcony as follows: 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth. The balconies and courtyards are accessed from the main living area and the majority are orientated to the north. The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building.

Design Criteria	Compliance	Comment
		The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Balconies are angled or screened to prevent direct cross-viewing between balconies to enhance privacy.
 4F Common circulation and spaces Max of 8 units accessed off a circulation core on a single level 	Yes	The proposal provides a split level lobby on each level with 1-2 units accessed from the main lobby and 2-3 units accessed from the split level (maximum of 5 units per level).
4G Storage In addition to kitchens, bathrooms and bedrooms, the following is provided: ■ 1-bed − 6m³ ■ 2-bed − 8m³ ■ 3+bed − 10m³	Yes	The proposal provides separate storage within each apartment and a storage cage allocated to each parking space for the storage of bicycles. The storage provided meets the requirements and objectives of the ADG.
4H Acoustic privacy	Yes	An Acoustic Report was provided with the application and has been discussed under Section 2.1.4 of this report. The amended proposal is accompanied by a thorough site analysis that has considered the constraints of the site, conditions and relationship to surrounding buildings and local context. This analysis has considered individual units exposure to acoustic privacy impacts and each habitable room has been designed to protect the acoustic privacy of future occupants and acoustic privacy of surrounding buildings. The amended proposal has adequately considered and addressed the design guidance requirements in 4H of the ADG.
4J Noise and pollution	Yes	An acoustic assessment has been provided to consider the impacts from Bondi Road and vibration and mechanical plant. Recommendations have been made to minimise impacts from noise which is referenced in the conditions of consent, meeting section 4J of the ADG.

Design Criteria	Compliance	Comment
4K Apartment mix	Yes	The proposal includes one, two and three-bedroom units that that will support a wide variety of household types and sizes. The apartment mix is considered appropriate taking into consideration the sites proximity to public transport options and the high density urban environment. Additionally, the proposal provides affordable housing with an appropriate mix of apartment sizes.
4L Ground floor apartments	Yes	The ground floor apartments have been designed to be orientated toward the street and the rear, with access to private landscaped courtyards.
4M Facades	Yes	The proposed building provides an interesting architectural design with each façade contributing to the visual interest of the building and character of the local area.
4N Roof design	Yes	The roof design has a cohesive relationship with the overall building design and streetscape. The plant on the roof and roof lights are set back from the building edge. The rear portion of the building incorporates a raised skillion roof to increase light to the top floor apartment and to provide visual interest.
40 Landscape design	Yes	The proposed landscaping of the site is diverse with landscaping incorporated on all boundaries. Extensive landscaping is provided along Bondi Road, contributing to the streetscape. Additionally, landscaping and large trees are included on the rear and eastern side boundaries to provide privacy to the subject development and adjoining properties.
		Two new street trees are proposed along Bondi Road with two existing street trees to be retained and protected.
		The proposed landscaping responds to the conditions of the site and is appropriate in this high density area.

Design Criteria	Compliance	Comment
4P Planting on structures	Yes	The landscape plans and concept plans address the objectives and design criteria in 4P of the ADG.
4Q Universal Design	Yes	A condition is recommended to ensure that 20% of the apartments achieve a benchmark of silver level universal design features.
4U Energy efficiency	Yes	Apartments within the building incorporate passive environmental design, meeting the cross-ventilation requirements in the ADG. Natural ventilation is incorporated in all apartments reducing the need for mechanical ventilation and climate control. Notwithstanding, and as discussed in detail in Section 2.1.4 of this report, the apartments need to incorporate a forced ventilation system due to the requirements of the Infrastructure SEPP and proximity to Bondi Road.
4V Water management and conservation	Yes	A BASIX Certificate has been provided with the application which indicates that the proposal will meet the required water target.
4W Waste management	Yes	The application proposes waste collection from within the site from the basement car park accessed via Waverley Crescent. A detailed waste management plan has been provided and conditions regarding waste storage and collection are included in Appendix A.
4X Building maintenance	Yes	The guideline suggests that building design should provide protection from weathering, systems and access for maintenance and materials which reduce ongoing maintenance costs. There is no evidence to suggest that the proposed building could not achieve this through the detailed construction certificate documentation process.

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

Overshadowing

Objective 3B-2 of the ADG is that overshadowing of neighbouring properties is minimised during midwinter. Design guidance to achieve this is provided however the ADG provides no controls in this regard.

The proposal will result in additional overshadowing of surrounding properties, particularly the properties to the south of the site. Shadow diagrams indicate that the overshadowing from the proposed development at mid-winter will move over the windows of the units within 42-48 Waverley Street however, at least 2 hours will be retained for these apartments.

The proposal will result in overshadowing of the adjoining pair of semi-detached dwellings for most of the day. However, it is noted that for this property the rear open space and associated living area windows are orientated toward the south. There are living area and bedroom windows on the western side elevation however the main windows are south facing and would not receive solar access from 9am to 3pm on the winter solstice.

The impact from new developments that are compliant with increased development standards is significantly greater than impacts from sites which are currently underdeveloped, however if the development meets all relevant standards and controls, these impacts are accepted as being generally anticipated by the controls. The purpose of development standards is to stipulate the maximum development potential of a site and provide certainty to the public and facilitate economic and orderly use of land.

The proposal complies with the FSR development standard (including bonus under the ARHSEPP) and generally complies with the height development standard. As discussed in Section 2.1.7 of this report, that part of the building which does not comply with the height does not result in unacceptable additional overshadowing. The proposal complies with all other built form controls of the ADG and DCP with the exception of separation distances.

As discussed below, on merit, the separation distances are considered acceptable. It should also be noted that separation distances are reliant upon the layout of the building, ie, the distance is based on which rooms are opposite the boundary. In this regard, the actual separation distance is not fixed and as there are no setback controls in either the DCP or the ADG, there is no certainty to the setbacks of a proposal and as such the overshadowing impacts will also vary. In this regard, the development standards of height and FSR provide the certainty for surrounding properties and in this case, the proposal largely complies.

For these reasons, it is considered that the overshadowing of the properties to the south is a consequence of the redevelopment of the site to high density development and the impacts are those anticipated by the zoning and development standards. The adjoining southern properties are also zoned for high density development and it is anticipated that these properties will also redevelop in the future with increased setbacks and consideration of the surrounding high density development. As such, the overshadowing impacts are not considered unreasonable.

Visual privacy

The objective of the separation distances of the ADG are to ensure adequate building separation distances are shared equitably between neighbouring sites to achieve reasonable levels of external and internal visual privacy.

The ADG has minimum separation distances from buildings (windows and balconies) to side and rear boundaries:

- Up to 12m–6m habitable and 3m non-habitable
- Up to 25m 9m habitable and 4.5m non-habitable
- Over 25m 12m habitable and 6m non-habitable

According to the ADG requirements, the four lower levels of the building require 6m side setbacks; from levels 5-8, the minimum separation is 9m and at the topmost level, the required separation is 12m. The ADG gives design guidance to meet the requirements, stating that generally one step in the built form as the height increases is desirable.

The proposal provides 6.5m side setbacks to habitable room windows on both side boundaries and 9m to the rear boundary. The proposal does not provide any steps in the built form with the increasing height.

In terms of visual and acoustic privacy, the main windows and balconies of this building are orientated to the front and rear, with the side elevations containing smaller, secondary windows mainly to bedrooms and non-habitable rooms. Additionally, the subject building has been designed to provide screening to bedroom windows and pop out angled windows to the living rooms at the rear to obtain solar access. Generally, bedroom windows are considered low use rooms with fewer privacy impacts given that these are generally used for passive activities, such as sleeping or resting. A much greater privacy impact exists for living area windows and for this development, these are orientated toward the front and the rear where separation distances are greater.

The proposal does not incorporate any privacy screening on the side boundaries of the rear balconies largely due to the deferral matters raised after preliminary assessment relating to the bulk of the screening on the rear elevations, which initially wrapped around the entire balconies. These were considered to provide poor amenity and added to the severity of the original design. There is adequate separation distance from the rear boundary to limit privacy impacts, however the overlooking of the properties to the eastern and western side is more pronounced due to the reduced side boundary setbacks. In this regard, privacy screening on the side boundaries of the rear balconies would be appropriate. In order to ensure that the screening does not add unnecessary bulk to the building, the screening should be lightweight and no higher than 1600mm above the finished floor level of the balcony. This will allow outlook from the balconies whilst inhibiting views down into the adjoining properties. A condition to this effect is included in Appendix A.

This part of Bondi Junction is an area undergoing change and there are a number of recently constructed residential flat buildings within proximity of the site. The recent approvals of residential flat buildings within vicinity of the site have established a strong rhythm where smaller building separations have been deemed appropriate.

In the circumstances of this case, the residential building at the rear of the site is set back from the shared rear boundary varying from 5.5m-8.5m. The sites to the east on Bondi Road are as yet undeveloped with the exception of 50 Waverley Street on the corner with Waverley Street. This building is a recently constructed 10-storey building with very minimal setbacks, 2.4m-3m from the side boundary and approximately 9m from the rear. The site to the west, 21 Waverley Crescent, has also submitted an application for a nine-storey residential flat building which is currently under appeal in the LEC. This development proposes side boundary setbacks of generally 3m and rear setback of 4.5m. There are also numerous new residential flat developments along Waverley Street to the south of the site with 6m side boundary setbacks and 9m rear boundary setbacks. As has been common for many

of these building, screening of habitable windows has been considered an effective solution for the reduced side boundary setbacks.

This application proposes a 6.5m setback from each of the side boundaries and 9m from the rear effectively repeating the pattern of development in the area. The design of this building suitably reflects the closeness of adjoining residential flat development. The building has been designed in a manner which repeats the pattern of development in the vicinity whilst having an acceptable impact on the visual and acoustic privacy of the adjoining properties. The proposal is considered to be in accordance with the objectives of the control and is accepted on merit.

2.1.4 SEPP (Infrastructure) 2007

101 Development with frontage to classified road

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposal has frontage to Bondi Road which is a classified road however vehicular access to the site is provided from Waverley Crescent. The driveway location in Waverley Crescent is considered the most appropriate vehicular entry point ensuring limited queuing on Bondi Road, particularly as the site is located within proximity of the busy intersection of Bondi Road, Waverly Street and Council Street.

The proposal for 41 apartments with 38 parking spaces will not result in unacceptable or unreasonable frequency of vehicles using the classified road, particularly given the zoning of the site for high density residential development.

In accordance with subclause (2)(c) above, an acoustic report has been provided with the application which assesses the noise intrusion from Bondi Road in addition to the noise emissions from the development itself. The Acoustic Report concludes that:

Internal noise levels are predicted to comply with the requirements of the following documentation, subsequent to the incorporation of the facade recommendations outlined within Section 5.2:

- State Environment Planning Policy (Infrastructure) 2007 (SEPP(Infrastructure) (NSW legislation)
- Development Near Rail Corridors and Busy Roads Interim Guideline (Department of Planning, 2008))
- Australian Standard AS 3671 Road Traffic Noise Intrusion Guidelines

The Acoustic Report makes a number of recommendations in relation to the Bondi Road façade in order to achieve this, including:

- All windows and glazed doors should be fitted with full perimeter acoustic compression seals and
 installed in frames that will not lower the acoustic rating. Weather or fin seals are not acceptable.
- The building should be designed so that there is sufficient ventilation to comply with the
 requirements of the Building Code of Australia when windows are closed. This will require forced
 ventilation. This should be designed so any fresh air intake vents are not located on the façade
 facing Bondi Road.

The acoustic report, including the recommendations, is referenced in the conditions of consent in Appendix A.

The proposal is considered to adequate address the provisions of the Infrastructure SEPP and can be supported in this respect.

102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration:
 - (a) residential accommodation,
 - (b) a place of public worship,
 - (c) a hospital,
 - (d) an educational establishment or centre-based child care facility.
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Bondi Road has an average daily traffic volume in excess of 20,000 vehicles and as detailed above, an acoustic report has been provided with the application which assesses the noise intrusion from Bondi Road and provides recommendations in order to achieve the stated noise criteria in 102 (3) above. The acoustic report, including the recommendations, is referenced in the conditions of consent in Appendix A.

In terms of clause 102(2) above, which requires Council to consider any guidelines for the purposes of this clause, *Development Near Rail Corridors and Busy Roads — Interim Guideline (Department of Planning, 2008)* has been considered. The Acoustic Report adequately addresses this guideline in terms of the acoustic treatment of the apartments. In terms of air quality, the northern balconies are expected to experience high mean velocities from high north easterly winds, enabling pollutants to be

dispersed. The majority of units on the Bondi Road elevation will be dual aspect allowing for natural cross ventilation, however only when windows are open which due to the noise from Bondi Road may be an issue. The centre units from levels 1-7 will need to be provided with mechanical ventilation to ensure air quality. A condition regarding air quality is included in Appendix A.

It is considered that the requirements of the Infrastructure SEPP have been appropriately considered and addressed.

2.1.5 SEPP (Affordable Rental Housing) 2009

Part 2 Division 1 - In-fill affordable housing

Part 2 division 1 of SEPP (Affordable Rental Housing) 2009 (the ARHSEPP) relates to development for the purposes of in-fill affordable housing.

The subject site is zoned R4 High Density Residential and residential flat buildings are permissible with development consent. The site does not contain a heritage item or draft heritage item.

The site is located within 800m walking distance of Bondi Junction Railway Station and as such is located within an accessible area.

Accordingly, this Division, and the following clauses, apply to the development application.

Table 3: Clause 13 Floor space ratios

Development Standard	Compliance	Planning Comment
13 - Floor space ratios:		Site = 1209m ²
(1) 20% of GFA to be used for affordable housing;	Yes	Total GFA = 3022m ²
(2) (a) if the existing maximum floor space ratio is 2.5:1 or less:(i) 0.5:1—if the percentage of the gross floor area of	Yes	A minimum of 20% (604.4m²) of the floor space must be affordable. The proposal will provide 50% (1510m²) of floor space as affordable housing and as such qualifies for the bonus.
the development that is used for affordable housing is 50 per cent or higher, or (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50		Additionally, to qualify for the full 0.5:1 bonus FSR under the ARHSEPP, a minimum of 50% of the floor space must be used for affordable housing. The proposal provides 50% of the floor space as affordable housing with part of levels 4-5 and all of levels 6-8 being affordable housing floor space (1510m²) complying with this
per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. Y = AH ÷ 100		requirement.

Clause 14 - Standards that cannot be used to refuse consent

Clause 14 of the SEPP outlines that if the proposal complies with set standards, the application cannot be refused on the grounds of those standards. If the proposal does not comply with the standards of Clause 14, the consent authority reserves the right to refuse the application on those grounds. An assessment of the proposal has been carried out according to these standards as outlined in the table below.

Table 4: Clause 14 – Standards that cannot be used to refuse consent

Development Standard	Compliance	Planning Comment
Site area: At least 450m ²	Yes	The site is 1209m ²
Landscaped area: • 30% of the site	Yes	The proposal provides 36% of the site as landscaped area.
Deep soil zone: 15% of site; Min dimension of 3m; If practicable, at lease 2/3 at rear.	Yes	The proposal provides 15% of the site as deep soil, the majority of which is contained along the rear boundary with a minimum dimension of 3m.
Solar access: • Living rooms and POS of 70% of units receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter	Yes	78% of the affordable housing units receive 3 hours solar access to the principal area of private open space and living area windows being those units located on the Bondi Road (northern) façade of the development.
Parking: • At least 0.5 parking spaces for each dwelling containing 1 bedroom and at least 1 parking space for each dwelling containing 2 bedrooms and at least 1.5 parking spaces for each dwelling containing 3 or more bedrooms.	Yes	The minimum parking under the ARHSEPP is: • 1-bed: 6 x 0.5 = 3 • 2-bed: 4 x 1 = 4 • 3-bed: 8 x 1.5 = 12 A total of 19 spaces is required for the affordable housing units. A condition to this effect is provided in Appendix A.
Dwelling size: 35sqm – studio; 50sqm – 1-bed; 70sqm – 2-bed; 95sqm – 3+ bed.	Yes	The affordable housing units comply with these requirements.
16 – Continued application of SEPP 65	Yes	SEPP 65 applies and is discussed in detail in Tables 1 and 2 of this report.
16A – Character of local area	Yes	Refer to Table 1 of this report for discussion in relation to the comments of the Design Excellence Panel.

Development Standard	Compliance	Planning Comment
		The proposal is considered to appropriately respond to the emerging character of the local area. The amended proposal is consistent with the height, bulk and scale of surrounding recent development with a nine-storey built form being the emerging character of the area given the zoning of the site for high density development.
17 – Must be used for affordable housing for 10 years	Yes	A condition to this effect is included in Appendix A.
18 – Subdivision	N/A	No subdivision is proposed

2.1.6 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Bondi Junction Centre is captured by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the SREP) as it is part of land identified within the edged heavy black borders on the Sydney Harbour Catchment Map referred to in clause 3(1) of the SREP. The SREP is a deemed SEPP, and therefore, the matters for consideration under Division 2 of Part 3 of the SREP apply to the assessment of the application.

Given the site is separated by a substantial distance from the immediate foreshores and waterways of Sydney Harbour, the proposed development has no effect on the following matters set out in clauses 21 to 24 and 26 and 27 of the SREP:

- biodiversity, ecology and environment protection
- public access to, and use of, foreshores and waterways
- maintenance of a working harbour
- interrelationship of waterway and foreshore uses
- maintenance, protection and enhancement of views
- boat storage facilities.

The proposed development will be partially visible from the immediate foreshores and waterways of Sydney Harbour and therefore clause 25 of the SREP are to be taken into consideration in the assessment of the application.

The majority of the proposed development is obscured by residential and commercial towers to the west on Oxford Street. The proposed development will contribute to the tower form of the Bondi Junction skyline providing an appropriate transition in height to the larger buildings on Oxford Street. The proposed development is expected to have a negligible impact on the visual and scenic qualities of Sydney Harbour, including its islands, foreshores and tributaries. The proposed development is considered acceptable with regards to the relevant matters for consideration under the SREP.

2.1.7 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited de	velopment	
Land Use Table R4 High Density Residential Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R4 zone. The proposal is consistent with the objectives of the zone.
Part 4 Principal development star	ndards	
4.3 Height of buildings28m	No	The proposed development provides a height of 28.45m exceeding the development standard by 450mm or 1.6%.
4.4 Floor space ratio2:1	Yes	The proposal provides an FSR of 2.5:1. This has been discussed previously in this report under the provisions of the ARHSEPP which allows a bonus of up to 0.5:1 under the provisions for infill affordable housing.
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.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not within a heritage conservation area or heritage listed. However, the site is located opposite a heritage listed item at 24 Bondi Road. The proposal will not be read within the streetscape of the heritage item being located on the southern side of Bondi Road where high density development to a height of 28m is permitted. There are sufficient separation distances from the proposed new

Provision	Compliance	Comment
		building to the item and overshadowing will not occur. The proposal is consistent with the design of more contemporary development within the street and the emerging character on the southern side of Bondi Road. The proposal is separated from the heritage-listed building by Bondi Road and as such is unlikely to harm the significance of the heritage item.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation of the site to provide a car park. A Preliminary Geotechnical Investigation was provided that provides general geotechnical advice and recommends further testing, dilapidation surveys of adjoining properties and further inspections and vibration monitoring. All standard conditions of consent are recommended in Appendix A including the submission of a thorough Geotechnical Report. The excavation is considered acceptable in this regard.

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 proposal has an overall building height of 28.45m, which exceeds the height of buildings development standard of 28m prescribed under clause 4.3 of Waverley LEP 2012 by 450mm or 1.6%.

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) The proposed height non-compliance (i.e. the lift overrun and a small portion of the building where the land falls away) will be indiscernible from the street and surrounding properties and will have minimal impact on the streetscape presentation.
 - (ii) 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.
 - (iii) The proposal complies with the LEP FSR Development Standard with the bonus as specified in the SEPP (Affordable Rental Housing) 2009 and the ADG separation distance and deep soil requirements. The proposal is therefore not considered to be an overdevelopment of the site.
 - (iv) Only the lift overrun and a small portion of the building (where the land falls away) protrude the height limit. The remainder of the building complies with the height control for the site and will therefore be compatible with the high density residential development envisaged by the zoning and height limit for this area.
 - (v) The scale and appearance of the proposal responds to the existing and future desired streetscape character of the area. The proposed bulk and scale of the residential flat building is compatible with the size and shape of the allotment.
 - (vi) The appearance of the development when viewed from the public domain will be positive. The proposed development provides an articulated building form that minimises perceived bulk and scale impacts when viewed from the surrounds of the site. The colour and finish of the external finishes are sympathetic to the street and will contribute to the overall appearance of the building.
- b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed height breach will meet the objectives of the building height development standard in that it will provide a building height and roof form that is consistent with the topographic landscape and the building height of the area.
 - (ii) The proposal will preserve the environmental amenity of neighbouring properties and public spaces in terms of sharing of views and provision of adequate sunlight access. The proposal will be compatible with the height, bulk and scale of the desired future character of the locality and will positively complement the streetscape.
 - (iii) The proposal will provide a suitable design and of suitable amenity in terms of the built environment and represents the orderly and economic use and development of land, which are identified as objects of the Act (Section 1.3 of the EP&A Act, 1979) and the building envelope and design of the proposal responds appropriately to the unique opportunities and constraints of the site.
 - (iv) The aspect of the development that breaches the height control, i.e. the lift overrun and the north-western corner of the proposal (due to a slight fall in the terrain) can be justified

- as the proposal provides a consistent scale with neighbouring development. This can be described as an environmental planning ground because the quality and form of the immediate built environment of the development site creates unique opportunities and constraints to achieving a good design outcome (Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 1097 at [42]).
- (v) Reduction in the height will not result in improved amenity for adjoining properties. The lack of unreasonable impact on adjoining properties in terms of solar access, privacy, view loss and visual bulk establishes sufficient planning grounds (Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [94(c) and Randwick City Council v Micaul Holdings Pty Ltd at [34]).

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 justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

- a) the objectives of the development standard are achieved notwithstanding non-compliance with the standard;
- b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
- c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
- d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- 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 as the objectives of the standard are achieved despite the non-compliance, in reference to one of the justifications/tests arising from *Wehbe v Pittwater Council* (2007) 156 LGERA 446.

The written request has outlined the minimal consequences of the non-compliance upon the environmental amenity of surrounding properties and the streetscape and sufficiently argued that these consequences are reasonable. The written request has also highlighted that the extent of the non-compliance is minimal and inconsequential and provides a convincing argument that strict compliance would be burdensome on the proposal achieving orderly and economic use of the site to accommodate additional housing stock in the locality. Discussion below justifies how the development achieves the objectives of the development standard and the zone objectives despite the non-compliance with the development standard.

Is the development in the public interest?

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

The proposal is consistent with the relevant objectives of the R4 zoning in that it provides for the housing needs of the community with a variety of housing types within a high density residential environment. The proposed development will provide 50% of the development as affordable housing. There is a significant need for affordable housing within the Waverley Local Government Area and the subject development will provide a generous contribution to the affordable housing stock available. A condition will require that the affordable housing is retained for 10 years consistent with the requirements of the ARHSEPP.

The objectives of the height development standard are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,
- (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 subject site is not contained within the area designated as the Bondi Junction Centre and as such, objectives (b) and (c) do not apply.

(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 majority of the proposed development is contained within the height development standard for the site. The exception to this is a small portion on the north-western (front) corner of the building and the roof plant in some sections.

The height non-compliance is located in an area of the building which will not give rise to unreasonable additional overshadowing or impact upon amenity in terms of privacy. Impacts upon views from surrounding properties is discussed in detail later in this report, however, the area of non-compliance has no greater impact upon views from surrounding properties than the remainder of the building. As discussed later, the view loss from the proposed development is not considered to be unreasonable.

Additionally, the proposed non-compliance will not have unreasonable impacts upon views from the public domain.

As will be discussed under objective (d) below, to require strict compliance with the development standard will not give rise to improved amenity for surrounding properties and will result in a building with a poor presentation to the street.

The proposed development is considered to be consistent with objective (a) of the height development standard.

(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 height non-compliance to the building proper is due to a slight dip in the landform along the north-western side of the site. This results in only a minor non-compliance with the height development standard along the western elevation. To require strict compliance with the height development standard would result in a minor height reduction on the front north-western corner of the building impacting upon the design of the building and the presentation to the street without any discernible reduction in impact upon the amenity of surrounding properties .

The other height non-compliance relates to plant on the roof on the north-western side of the building. Due to the slope of the land from the rear towards the front, the non-compliant plant will continue to be lower than the rear portion of the building. This will ensure that impacts upon the amenity of surrounding buildings due to the height non-compliance are minor as the plant is effectively screened by the rear portion of the building. Additionally, the plant is set back from all edges of the building and will only be obscurely visible, if at all, within the streetscape.

The height non-compliance will not result in a building with increased bulk and scale beyond that envisioned by the controls and the resultant building will be consistent with the desired future character of the locality.

The proposal is considered to be consistent with objective (d) of the height development standard.

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 the height development standard and the R4-High Density Residential zone.

2.1.8 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
 Waste 1.4.1.1 Storage Bin storage area to be provided with rates in B1-2 1.4.1.2 – Residential Bulky waste storage area To be provided and bulky problem waste area with rates. > 3 storeys convenient waste transport system (ie. Chute) 1.4.2 – Access and Collection 1.4.3 – Amenity 1.4.4- Management 	Yes	A Site Waste and Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in the basement in a location convenient for users of the site. The amended plans provide a waste holding area adjacent to the basement driveway to allow garbage trucks to collect from within the site. This is consistent with the requirements of the DCP for onsite collection for a development of this scale. Each level is provided with a garbage chute for transportation of waste to the garbage room in the basement. Council's Waste and Recycling Officer has reviewed the proposal and the waste management plan submitted with the proposal and raised no objections subject to the imposition of conditions relating to the size or waste storage areas, number of bins and ongoing management of waste.
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2. A condition of consent will be imposed which requires an energy assessment report to be submitted prior to the issue of a CC which specifically outlines how the detailed design of the building will achieve the 30% reduction.
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.

Development Control	Compliance	Comment
		The application was referred to Council's Tree
5. Tree preservation	Yes	The application was referred to Council's Tree Management Officer who supported the removal and replacement of several trees on the site, with the exception of a one Phoenix canariensis (Canary Island Date Palm) within the front of the site which was to be retained and protected. The amended landscaping plan includes the relocation of this tree to the deep soil zone along the rear boundary. Conditions regarding the transplanting and relocation are included in
		Appendix A.
6. Stormwater	Yes	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.
7. Accessibility and		The proposal will provide seven adaptable units
 adaptability 20% (ie, 8 apartments) of dwellings must be adaptable 		however only four accessible car spaces within the basement car park. A condition is contained within Appendix A requiring that eight adaptable units and eight accessible car space are provided.
 1 accessible car space per adaptable unit All units must be liveable units 	Yes	The proposal also nominates the nine adaptable units as 'liveable units' although DCP 2012 – Amendment 6 requires that all units are liveable units. Notwithstanding, the ADG, which takes precedence over the DCP, requires that 20% of units (ie, 8) comply with universal housing design. A condition to this effect is included in Appendix A.
		Further conditions of consent are recommended to ensure that the proposed works comply with the BCA.
8. Transport 8.1 – Streetscape 8.2 – On Site Parking	Yes	The proposal provides a two-way driveway from Waverley Crescent providing access to two levels of basement parking.
Zone 1 • Vehicle Access		The vehicular access to the site is limited to one cross over, is satisfactorily located and complies with the minimum required dimensions and other technical requirements.

Development Control	Compliance	Comment
 Car parking Provision Rates Motorcycle Parking Bike Parking 8.4 – Pedestrian/Bicycle Circulation and Safety 8.6 - Traffic and transport Management Plan 8.8 – Electric Vehicle Charging Points 		The parking rate requirement differs between the affordable units and the non-affordable units. As previously discussed in Table 4, the ARSEPP is a higher order control and overrides the provisions of the DCP. In this regard, a minimum of 19 spaces are required for the affordable housing units. In terms of the non-affordable units, 14 residential spaces are the maximum parking allowable (noting that the minimum is nil spaces) under the DCP (minimum is nil). Although the ARHSEPP does not stipulate that the affordable housing units should provide visitor parking spaces, Council's Infrastructure Services Manager has recommended that 6 visitor spaces should be provided as per the requirements of the DCP. The proposal provides 38 spaces within two levels of basement parking, including six visitor car parking spaces. It therefore complies with the requirements outlined above. The allocation of parking to meet all applicable controls is included as a condition of consent in Appendix A. Twelve motorcycle spaces as per the requirement of the DCP are also provided within the basement car park. The proposal also provides 45 bicycle parking spaces. The proposal also provides four electric vehicle charging points. The proposal is consistent with the objectives and controls within this part of the DCP, subject to conditions. Also refer to Section 3 of this report for comments from Council's Infrastructure Services Manager.
9. Heritage	Yes	Refer to Table 5 of this report for commentary on heritage aspects of the development.
10. Safety	Yes	The proposal is consistent with the objectives of this part of the DCP.

Development Control	Compliance	Comment
14. Excavation	Yes	The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone. The amended plans have raised the lower level apartments out of the ground resulting in improved amenity. Appropriate conditions are included in Appendix A regarding the excavation.
16. Public Domain	Yes	Conditions regarding improvements within the public domain are included in Appendix A.

Table 4: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

Development Control	Compliance	Comment
4.1 Site, scale and frontage		
Minimum frontage: 20m – R4 zone	Yes	The proposal includes the amalgamation of 7, 9 and 11 Bondi Road and will result in frontage to Bondi Road of 28.13m with a secondary frontage to Waverley Crescent of 11.13m.
4.2 Height		
Refer to the LEP	Yes	This matter is discussed previously and meets the objectives of the DCP control.
4.3 – Excavation		
Fill shall not be used to raise the ground level.	Yes	There will be limited use of fill on site.
Not within a 1.5m setback from side boundaries and only within the building footprint except where access to a basement car park is required.	No Yes	The proposal includes nil side boundary setback for the basement levels. The basement levels have been designed to retain deep soil areas at the front and rear and provide sufficient parking, storage, manoeuvring and onsite collection of garbage etc without increasing the excavation to a third basement level. This necessitates nil side boundary setbacks for the two basement levels. All standard conditions regarding the excavation are included in Appendix A and as such the excavation is considered acceptable.
 Basement car parking is to be located fully below natural ground level or max 1.2m above ground Excavation should not add to the visual bulk and scale of the building. 	Yes	The basement car park is located below ground except for the driveway entry which extends above in order to enable the collection of waste from within the site and to locate the driveway within Waverley Crescent. The roof over the driveway entry is commensurate in height with a similar structure proposed at 21 Waverley

Development Control	Compliance	Comment
 Existing natural features including trees and sandstone walls should be retained 	Yes	Crescent (under appeal in the LEC) which will adjoin the driveway and covered entry at the subject site. The amended proposal will retain the rear deep soil largely as existing in order to retain some established trees along the rear boundary of the site. Deep soil will also be retained at the front along Bondi Road so that landscaping may also be provided along this frontage.
OSD to be within the excavated area.	Yes	The OSD for the development, although not located within the excavated area, is located under the paved entry at the front of the building and therefore will not result in loss of landscaping.
4.4 Streetscape		
 Setbacks to be consistent with building line along the street Maintain existing trees Front setback to provide deep soil landscaping Sympathetic external finishes Setbacks above street frontage height are to be included where the adjacent buildings includes upper level setbacks Max building length to the street is 24m. Buildings to be articulated to respond to the streetscape. 	Yes Yes Yes N/A Yes Yes	The amended proposal retains the predominant street setback with no balconies protruding within the setback. This has enabled greater landscaping at the front of the site and the retention of deep soil along Bondi Road for tree planting and an improved street interface. The amended external finishes are considered appropriate reducing the bulk and severity of the original proposal by introducing lightweight elements to the all elevations. The tower form of the proposal, and surrounding recent similar development, does not warrant setbacks at the upper levels. Building length along Bondi Road is 21.2m. The amended proposal has introduced greater articulation to the design through the indentation between balconies on the front elevation, the introduction of lightweight and contrasting materials and finishes and the use of colour graduating from light to dark. The first four levels of the proposal present with a more solid appearance through the use of masonry balustrading with the upper levels becoming less bulky through the use of open lightweight materials.

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4.5 Building Design and Street		
 Building design is to respond to the existing streetscape character of the area. The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of 	Yes Yes	The design of the building and materials and finishes have been extensively discussed elsewhere in this report. The design is considered appropriate, responding to the context of the site and the desired future character of the area.
the building.		
4.6 Fences and walls		
 Front fence to be provided where it is characteristic of the street Front fences must have a max proportion of two thirds solid to one third open design. Front fences up to a height of 1.8m and/or of solid material provided it can be shown that the fence acts as an effective noise barrier as a result of adjoining a street with high traffic volume. Fences are to respond to the architectural character of the street in terms of materials used, predominant height, vertical/horizontal rhythm and predominant setback. Sightlines between pedestrians and vehicles exiting the site are not to be obscured and gates do not open over the public roadway or footpath or into parks. 	Yes	The proposal provides a low solid planter along Bondi Road containing landscaping at the street frontage. Open palisade style fencing is then setback from the street frontage to contain the front courtyards of the ground floor units. This will provide an interesting and open front boundary treatment along Bondi Road. There is no fill proposed along the eastern side boundary and as such, a standard 1800mm high fence along the boundary would not result in unreasonably high walls on the adjoining property. A condition requiring that the fencing along this boundary shall be 1800mm from the existing ground on the neighbouring side is included in Appendix A. The same condition is appropriate for the rear boundary also. On the western side, the proposed residential flat building that is currently under appeal in the LEC may result in higher walls along the shared boundary with the subject site. The communal open space is located along this boundary and will be lower than the adjoining proposed open space at No. 21 Waverley Crescent. The treatment along this boundary is considered appropriate. The open driveway will ensure that sightlines are maintained as much as is possible given the proximity to Bondi Road.
4.7 Vehicular access and park	ing	
Car parking to be integrated into the design of the development	Yes	The car parking is integrated into the design of the building being located below ground. The driveway access will be landscaped above to integrate with the communal area beyond.

 Max 1 x 2 way vehicle access point Provided from secondary street or lane Pedestrian safety 	Yes Yes Yes	The proposal provides a single two-way entry from Waverley Crescent. There will be sufficient sightlines available from the driveway in Waverley Crescent.
 considered Basement parking should not contravene deep soil zone controls 	Yes	Deep soil zones are retained at the front and the rear of the site.
4.8 Pedestrian access and ent	rv	
 Entry at street level and respond to pattern within the street Accessible entry Separate to vehicular 	Yes Yes Yes	Entry is provided at the front of the building on street level and directly from Bondi Road. The entry is accessible, legible and separate to the vehicular entry from Waverley Crescent.
entry • Legible, safe, well-lit	Yes	
4.9 Landscaping		
Minimum of 30% of site area landscaped: 363m²	Yes	The landscaped area is 432m ² or 36% of the site.
• 50% of the above is to be deep soil: 182m ²	Yes	The deep soil is 182m ² or 50% of the landscaped area.
4.10- Views and view sharing		
 Minimise view loss through design Landscaping on sites adjacent to a Council park or reserve should be sympathetic to soften the 	Yes Yes	Refer to detailed discussion following this table. Landscaping has been included along the front boundary of the site which will soften the appearance of the development from Fingleton Reserve opposite the site.
 public/private interface. Views from public spaces to be maintained. 	Yes	Significant views from the public domain will not be impacted. Sufficient setbacks are provided to allow views through and around the development.
4.11 Visual privacy and securit	ty	
Dwellings to be orientated to the street with entrances and street numbering visible	Yes	The majority of the apartments are orientated toward Bondi Road. An entrance portico on the Bondi Road elevation clearly indicates the entry to the building.
Above ground open space must not overlook rooms and private landscaped areas of adjoining properties unless screened	Yes	Refer to detailed discussion in Section 2.1.3 of this report. The building provides sufficient separation from the rear boundary and the residential flat building beyond to ensure that privacy impacts from the rear balconies are not unreasonable. The same is true for those balconies at the front orientated toward Bondi Road as there is also sufficient separation

 Prevent overlooking of more than 50% of private open space of lower level dwellings in same 	Yes	distances from the properties opposite. The balconies at the front do not need side screening as they overlook the front setbacks of adjoining properties where privacy levels are low. In addition, these balconies are angled toward the street to minimise incidental overlooking. The amended proposal addresses overlooking within the development itself by orientating the main part of the front balconies away from the adjoining balconies and providing screening.
 development Privacy be considered in relation to context density, separation use and design. 	Yes	Refer to detailed discussion in Section 2.1.3 of this report.
3.19 Acoustic privacy		
 Sound proofing through acoustic glazing Internal amenity by locating noisy areas away from quiet areas 	Yes	Refer to Section 2.1.4 of this report for discussion regarding the acoustic report submitted with this application due to the development being located on Bondi Road. The layout of each floor is generally similar (identical from levels 1-6) and as such similar and/or identical uses are located above and below each other on each level of the building.
3.21 Building services		
 Outdoor Communal clothes drying area to be provided 	Yes	A condition in Appendix A requires the provision of an outdoor clothes drying area.
 Services are to be integrated into the design of buildings 	Yes	All services are integrated into the design of the development. Plant is located within the basement or on the roof, away from communal
 Plant rooms away from entry communal and private open spaces and 	Yes	areas. The plant on the roof is set back from the building
bedrooms.Building services setback from walls, edges and	Yes	edges and will be only obscurely visible from the public domain.
 front entrances Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	Yes	

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

Views and view sharing

The NSW Land and Environment Court has articulated general principles with regard to views (see *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*).

During the notification period, a number of submissions were received regarding impacts upon views from the following properties:

- Apartments within the nine-storey residential flat building to the rear (south) 42-48 Waverley Street; and
- Apartments within the three-storey residential flat building to the east at 21 Bondi Road.

A number of these properties were inspected during the assessment period with a snapshot of the views obtained provided below:



Figure 4: View from apartment on the sixth floor of 42-48 Waverley Street (western building)



Figure 5: View from apartment on the eighth floor (top level) of 42-48 Waverley Street (eastern building)

The above images indicate the views from 42-48 Waverley Street to the rear of the site. No. 42-48 Waverley Street is comprised of two buildings, being the eastern building and the western building. Figure 4 above is taken from the western building at Level 6. This building achieves views over side and rear boundaries of the subject site being partial and distant views of water. It is noted that the current development application being assessed at 21 Waverley Crescent will obscure views from the western building with any development on the subject site removing any remaining view. It is not an unreasonable expectation that views from level 6 of a building will be obscured in an area zoned for high density development to a height of 28m. It is not a reasonable expectation to retain views from the lower levels of a building over an undeveloped site.

The views from the eastern building are represented by Figure 5 which was taken from the top floor level. The water views achieved from standing on the balcony are partial distant views located to the eastern and western side of the central view.

The proposal complies with both the FSR and height development standards except for a small part of the building on the eastern side at the front of the site. The proposal does not comply with the separation distances of the ADG however a view analysis provided by the Architect indicates that the water views on the eastern and western sides of the building will continue to be maintained.

Notwithstanding, it is not a reasonable expectation to retain views over an undeveloped site. The retention of private views at the expense of the reasonable redevelopment of an adjoining site is not a realistic expectation.



Figure 6: View from the rear unit on the second floor (top level) of 21 Bondi Road



Figure 7: View from the front unit on the second floor (top level) of 21 Bondi Road

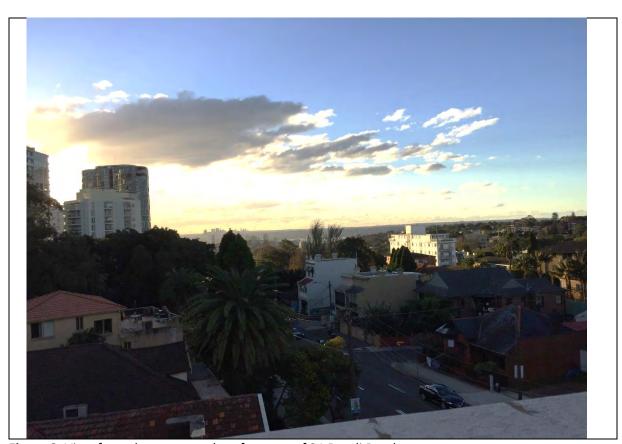


Figure 8: View from the communal roof terrace of 21 Bondi Road

The views to the harbour and City skyline from 21 Bondi Road are across a side boundary. The views from within this building will likely be lost, particularly from the unit at the rear. These views are partial, distant views from a standing position. That part of the proposal that would impact upon views is the front setback of the proposal, which is compliant with the relevant controls of the DCP. In effect, loss of views from this property are an inevitable consequence of the redevelopment of the

site. The zoning allows for a significant building on this site and the view impacts that go with that scale of redevelopment.

It is considered that the loss of views from surrounding properties is a consequence of the redevelopment of the site to high density development and the impacts are those anticipated by the zoning and development standards. Given the above analysis, and the view sharing planning principle, it is considered that the impact of the development upon private significant views is not unreasonable.

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 original 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.* Eighteen (18) submissions were received.

The amended application was notified for 14 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development.* Sixteen (16) submissions were received.

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

Table 5: Summary of property addresses that lodged a submission

Property
13 Bondi Road, Bondi Junction
20 Bondi Road, Bondi Junction
10/21 Bondi Road, Bondi Junction
8/42-48 Waverley Street, Bondi Junction
16/42-48 Waverley Street, Bondi Junction
18/42-48 Waverley Street, Bondi Junction
23/42-48 Waverley Street, Bondi Junction
25/42-48 Waverley Street, Bondi Junction
26/42-48 Waverley Street, Bondi Junction
27/42-48 Waverley Street, Bondi Junction
28/42-48 Waverley Street, Bondi Junction
32/42-48 Waverley Street, Bondi Junction
33/42-48 Waverley Street, Bondi Junction
34/42-48 Waverley Street, Bondi Junction
38/42-48 Waverley Street, Bondi Junction
39/42-48 Waverley Street, Bondi Junction

Issues:

- Height
- FSR
- Increased traffic
- Noise
- Overshadowing
- Loss of trees
- Privacy
- Separation distances
- Not in accordance with the LEP

Response: These issues have been discussed previously in this report.

Issue: Right hand turn out of the driveway should not be allowed to stop traffic impacts.

Response: It is not anticipated that this will cause impacts upon Bondi Road. There may be queuing in Waverley Crescent however this is a small local road and some queuing to gain access to Bondi Road should be reasonably expected. Bondi Road is a main road and as such cars gaining direct access is a desirable outcome rather than circulating local traffic through Bondi Junction to gain access to Bondi Road.

Issue: Reflective noise of traffic

Response: This issue has been discussed in detail previously in this report as it relates to apartments within the subject development. The submission is concerned with increased reflective traffic noise cause by the proposed residential flat building. The proposal is set back from Bondi Road and provides landscaping within the front setback. It is not anticipated that the proposal would increase reflective traffic noise to a degree to warrant refusal of the application.

Issue: Dilapidation reports.

Response: A condition will require that dilapidation reports are carried out on all properties within the zone of influence of the development (as determined by the engineer carrying out the reports).

Issue: Loss of property value

Response: This is not a planning consideration under the Act.

Issue: Loss of vista and outlook.

Response: Loss of significant private views has been discussed previously in this report. The proposal will not result in loss of views from the public domain. The landscaping at the front of the site will contribute to the outlook and vista along Bondi Road linking to Fingleton Reserve.

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 Urban Design

Comments were provided throughout the assessment of the application from Council's Urban Designer in response to both the original plans and the amended plans. The following summary is provided in regards to the amended plans:

Façade materials and finishes:

- The gradation of the concrete elements is a visually engaging representation of the buildings structure. The increasing aperture of the windows compliments this nicely too.
- The gradient of pink to white works well with the colours of the charcoal panelling and the off-form concrete.
- The overall effect results in a building that looks much lighter and slender at the top when compared to the base even though it is the same floor plate across all levels.
- The combination of all the metal and concrete may make it austere for the residents using the balconies. This may be overcome with the selection of timber as the treatment for the balcony floors. The inclusion of outdoor plants and vegetation as shown in the renders will help to do this as well.

Pattern of development:

- In general, the tower approach that is starting to emerge in this area is supported. The major issue is that we have is two DAs that are not responding to each other. My major concern is the large prevalence of vertical sun shading elements that will be installed to deal with these setback issues. I think this a less than satisfactory outcome.
- The eastern side of Penkivil Street is a good point of reference for the emerging pattern of development. Some of the buildings here are too close but they have used non-habitable rooms, significant tree planting or gallery access walkways to work around privacy issues.

Planning comment: The issues raised by the Urban Designer have been discussed in detail previously in this report.

3.2 Waste and Recycling

Conditions were recommended which are included in Appendix A.

3.3 Traffic and Development

The following comments were provided in response to the amended proposal:

The amended plans for the above development have been assessed and it is recommended the application be approved subject to the following:

Parking Rates

	WDCP2012	Proposed
	Requirement	
Resident Spaces	28	38
Visitor Spaces	6	0
Bicycles	41 + 4	44
Motorcycles	11	9

1 br Units	21
2 br Units	9
3 br Units	11

As on street parking demand is very high both day and night in the vicinity of the site, it is considered as a minimum that the visitor parking for both the affordable and "non affordable" units should be provided within the basement in accordance with the rates set in the WDCP. In this regard, it is recommended 8 spaces in total be allocated for visitors.

As previously detailed within the report, the proposal provides for six visitor spaces (as nominated on the plan for the lower basement level of the development, which meets the required six visitor spaces specified under the DCP. Requiring a further two visitor spaces is not deemed reasonable, particularly given that the site is within walking distance to the Bondi Junction Centre that is comprised of commercial and employment activities and is served by high capacity public transport services.

3.4 Public Domain

Council's Public Domain Engineer recommended conditions, which are included in Appendix A.

3.5 Tree Preservation

The following comments were provided by Council's Tree Preservation Officer:

- Situated on the above property were several species of trees, it was noted that the trees possess
 no outstanding attributes worthy of retention (due to poor health, poor structure and under 5
 metres) and their <u>removal is supported</u>.
- Situated in the front of the property is one (1) Phoenix canariensis (Canary Island Date Palm) tree to be retained & protected.
- To have the Palm tree transplanted. A detailed, tree transplant method statement is required.

Conditions were provided which are included in Appendix A, including a condition relating to the transplanting of the existing tree.

3.6 Housing

The following comments were provided by Council's Strategic Planner:

The following application has been referred to Strategic Planning as it uses the provisions of the ARHSEPP 2009 to gain a bonus FSR. The development also proposes to demolish an existing RFB and as such the development must be assessed against the ARHSEPP to determine if there will be a reduction in affordable housing. The development also proposes to demolish an existing semi-detached dwelling on 9-11 Bondi Road.

The development proposes to demolish an existing RFB which has a total of nine – one bedroom units. The development application also proposes to use the bonus FSR incentive within the ARHSEPP by providing 50% of GFA to affordable housing.

The permissible FSR on the site is 2:1. The application is seeking a further 0.5:1 under Clause 13 of Division 1 Infill Development of the ARHSEPP by which 50% of the GFA in the development must be used for affordable housing purposes. This gives the development a max FSR of 2.5:1. This max FSR represents $1,511m^2$ to be used for affordable housing purposes (50% of GFA), this

represents a total of 18 affordable units. The proposed development providing 18 affordable units mitigates the loss of nine potentially affordable units and as such it is not considered that a contribution is required.

The affordable units will be managed by a community housing provider for a period of 10 years. This will be a condition of consent.

3.7 Green Infrastructure

The following recommendations were provided:

In order to comply with the requirements, the applicant must:

- Amend the architectural plans in order for them to detail clearly the BASIX commitments and NatHERS thermal comfort specification block, included detailed of glazing.
- Ensure that architectural plans referenced in the consent have the BASIX and NatHERS commitments marked on them (as opposed to 'clean skin; plans without these notations). The Construction Certificate plans (only one set) are to incorporate the recommendations of the BASIX and NatHERS requirements.

These requirements are included in a recommended condition of consent within Appendix A.

3.8 Stormwater

The submitted stormwater plans were unsatisfactory. A condition is included in Appendix A for the submission of stormwater plans.

3.9 Land Information

Conditions were recommended, which are included in Appendix A.

4. SUMMARY

The proposal seeks consent for the demolition of all structures on the site and construction of a nine-storey residential flat building containing infill affordable housing.

The site is zoned R4 *High Density Residential* and a residential flat building is a permitted use in the zone. Under the provisions of the Affordable Rental Housing SEPP (ARHSEPP), a bonus 0.5:1 FSR is allowable where 50% of the floor space is affordable housing. The proposal provides 50% GFA as affordable housing and qualifies for the bonus. The proposal provides an FSR of 2.5:1 complying with the FSR development standard.

The proposed development will exceed the height development standard slightly at a height of 28.45m varying the development standard by 450mm or 1.6%. The exceedance is concentrated in an area of the site which will not have unreasonable impacts upon the amenity of surrounding properties.

The proposal has been amended from the original scheme reducing the bulk and scale of the proposal. The proposal predominantly complies with the provisions of the ADG, the ARHSEPP, the LEP and the DCP as discussed in detail in this report.

The original and amended proposals were notified to surrounding properties. The amended scheme received 16 submissions. The issues raised have been considered and are discussed in detail in this report.

The applicant has provided a report on the Capital Investment Value (CIV) of the affordable housing aspect of the proposal with the CIV being less than \$5 million. In this regard, the proposal is not regionally significant development and the Waverley Local Planning Panel is the relevant consent authority.

The application is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 5 November 2019 and the DBU determined:

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

DBU members: M Reid, B McNamara, B Matlawski and B Magistrale

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:

Kylie Lucas Ben Magistrale

Senior Development Assessment Planner A/Manager, Development Assessment

(Central)

Date: 5 November 2019 **Date:** 12 November 2019

Reason for referral:

2 Contentious development (10 or more objections)

4 Sensitive development:

(a) SEPP 65 development

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by MHNDUNION Architects as follows:

Drawing	Plan description	Dated	Received by
Number/ rev			Council
DA 1001 Rev. D	Site Analysis Plan	16/10/19	22/10/2019
DA 1003 Rev. D	Site and Roof Plan – Green Travel Plan	16/10/19	22/10/2019
DA 2000 Rev. D	Lower Basement Plan	16/10/19	22/10/2019
DA 2001 Rev. D	Upper Basement Plan	16/10/19	22/10/2019
DA 2002 Rev. D	Ground Floor Plan	16/10/19	22/10/2019
DA 2003 Rev. D	Typical Floor Plan L1-6	16/10/19	22/10/2019
DA 2004 Rev. D	Floor Plan L7	16/10/19	22/10/2019
DA 2005 Rev. D	Floor Plan L8	16/10/19	22/10/2019
DA 2006 Rev. D	Roof Plan	16/10/19	22/10/2019
DA 2400 Rev. D	Elevation North, Streetscape Analysis	16/10/19	22/10/2019
DA 2401 Rev. D	Elevation South	16/10/19	22/10/2019
DA 2402 Rev. D	Elevation East	16/10/19	22/10/2019
DA 2403 Rev. D	Elevation West	16/10/19	22/10/2019
DA 2500 Rev. D	Section A	16/10/19	22/10/2019
DA 2501 Rev. D	Section B	16/10/19	22/10/2019
DA 6000 Rev. D	External Finishes and Materials 1/2	16/10/19	22/10/2019
DA 6005 Rev. D	External Finishes and Materials 2/2	16/10/19	17/10/2019
DA 2503 Rev. D	Boundary Conditions East and West	16/10/19	17/10/2019
DA 2504 Rev. D	Wall Section	16/10/19	17/10/2019

- (b) Landscape Plans unnumbered (sheets 1-4) Issue E and documentation prepared by Arcadia Landscape Architecture, dated Oct 2019, and received by Council on 17/10/2019;
- (c) BASIX and NatHERS Certificates;
- (d) Acoustic Assessment Report prepared by GHD dated August 2019 and received by Council on 13/08/2019;
- (e) Arborist Report prepared by Elke Landscape Architect and consulting Arborist dated 27/10/2016 and received by Council on 23/11/2018;
- (f) Assessment of Traffic and Parking Implications and Green Travel Plan Report Reference 17180 (Rev A) prepared by Transport and Traffic Planning Associates dated November 2018 and received by Council on 23/11/2018;
- (g) Preliminary Geotechnical Investigation Ref 31015Zrpt2 prepared by JK Geotechnics dated 20 September 2018 and received by Council on 23/11/2018;

(h) 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) Privacy screens are to be provided on the side elevations of the rear balconies designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.
- (b) A communal outdoor clothes drying area shall be provided on site.

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

3. FENCING

Fencing along the eastern side boundary and the rear boundary shall comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

4. FORCED MECHANCIAL VENTILATION SYSTEM

The Acoustic Report states that the building should be designed so that there is sufficient ventilation to comply with the requirements of the Building Code of Australia when windows are closed. This will require forced ventilation. This should be designed so any fresh air intake vents are not located on the façade facing Bondi Road.

The forced ventilation system shall be designed to satisfy this requirement including that the vents are not located on the front façade of the building with details to be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

5. MUST BE USED AS AFFORDABLE HOUSING FOR 10 YEARS

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 the occupation certificate:

- a) the dwellings proposed to be used for the purposes of affordable housing will 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 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.

d) The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

Management

The Property is to be managed by a community organisation identified by Council and is to provide accommodation for a household identified to be on low to moderate incomes.

Costs

The cost of preparation and registration of any legal agreement(s) and all other documentation is to be met by the Registered Proprietor.

Occupation Certificate

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.

6. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

7. ARCHITECT TO SUPERVISE DESIGN

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

8. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley Development Control Plan 2012 – Amendment 6, the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 7.12 CONTRIBUTION

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a 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 <u>full</u> cost of the development.

10. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$330 000 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.

11. LONG SERVICE LEVY

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

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

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

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

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

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

13. GROUND ANCHORS

Prior to works commencing on site, a plan, showing the location and type of all ground anchors that will be required to extend beyond any of the existing or proposed boundaries of the site shall be submitted to Council for the approval of the Executive Manager, Creating Waverley. Any ground anchors that are proposed to extend beyond the property boundary into adjoining land, must provide Council with written evidence of owner's consent (from affected properties) for such works.

Please note, a fee will be applied for each anchor approved to extend into a road reserve.

14. 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.

15. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

16. SERVICE AUTHORITIES

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

17. HOARDING

To ensure the site is contained during construction, a hoarding may be required for the approved works. If required, the hoarding shall 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.

18. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

19. ENGINEERING DETAILS

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

20. 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.

21. 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.

22. TREE TRANSPLANT METHOD STATEMENT

The Phoenix *canariensis* (Canary Island Date Palm) tree situated in the front of the property is to be retained and protected.

The landscaping plans indicate that this tree will be transplanted to within the deep soil zone along the rear boundary of the site. In this regard, a detailed tree transplant method statement must be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate outlining the methods of transplantation.

The statement must include:

- (a) site plans;
- (b) timetable of works;
- (c) details of site preparation including minimising damage to adjacent vegetation;
- (d) transplantation method e.g. machinery to be used; excavation techniques; rootball and crown treatments and stabilisation measures;
- (e) storage: on or off site; details of monitoring and tree care;
- (f) program of monitoring: during transplant process; after care and maintenance stages.

The statement must be prepared by an arborist with a minimum qualification of AQF 5 level.

23. STORMWATER MANAGEMENT

- (a) The Plans prepared by NB Consulting Engineers PTY LTD, Job No. 171159, Drawing No. D01 to D07 (Rev A), dated September 2018 are *not satisfactory* with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual, specifically:
 - An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and
 its details (e.g. dimensions, cross & long sections, top water level, details of orifice plate) along
 with completed mandatory checklist as set out in page 22 of Waverley Council's Water
 Management Technical Manual is required.
 - A stormwater design is required for Stormwater Drainage located within the Road Reserve as shown on plans prepared by SCOTT COLLIS CONSULTING PTY LTD HYDRAULIC AND FIRE, Job No. 18127, Drawing No. D04. The design must include; hydraulic grade line analysis, existing surface levels, gradient, class and diameter of pipe proposed including invert and obvert levels, cut/fill, location and levels of proposed kerb inlet pits, long section plots must be to scale. Underground services are to be identified with respective RL to AHD and plotted on the design long section. The stormwater design plan and long section plots must include chainages. Cross section drawings of proposed kerb inlet pits are required. Please refer to the attached samples below.
 - Any seepage water coming out from the property needs to be connected to the Council's Underground Stormwater System.
 - Stormwater disposal system to be connected to the council's below ground drainage system as the site discharge is more than 25 l/s. The connection details are also required as per section 2.2.1 of Waverley Council's Water Management Technical Manual.
- (b) Amended details addressing clause (a) of this condition are to be submitted and approved by Council's Executive Manager, Infrastructure Services (or delegate) demonstrating compliance, prior to the issue of a Construction Certificate.
- (c) 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.

24. 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.

25. ADAPTABLE UNITS AND UNIVERSAL HOUSING DESIGN

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least eight (8) units in the development. Eight (8) units within the development are to incorporate the Liveable Housing Design Guideline's silver level universal design features. Additionally, eight (8) of the car spaces within the basement carpark are to be accessible.

Details are to be submitted to the Principal Certifying Authority prior to the issuing of a Construction Certificate.

26. 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.

27. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of a Construction Certificate, the applicant shall submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Infrastructure Services (or delegate).

The CVPPM shall provide, but not be limited to, details of the following:

- a. The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.
- b. The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - such vehicles cannot adequately and safely gain access to and from the site or
 - access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- 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:
 - Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - It is illegal to:
 - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
 - ii. Barricade/reserve a section of roadway without the prior approval of Council
- 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

28. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

(a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site

works and the operation of plant/machinery particularly during the demolition and excavation phases.

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

29. 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*.

30. ENERGY AUSTRALIA

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

31. SWEPT WHEEL PATH DRAWINGS

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting the basement site from Waverley Crescent shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services (or delegate).

The swept wheel path drawings shall:

- 1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
- 2. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed car park.
- 3. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel paths of vehicles when entering and exiting the site concurrently.

32. VEHICULAR ACCESS CONTROL SYSTEM

An electronically operated vehicular access control system shall be provided on the access ramp in order to minimise the incidence of more than one vehicle being on the ramp at any one time and to give priority to those entering the site. A plan showing the location and details of operation of the access control system is to be submitted to the Certifier for approval prior to issue of a Construction Certificate.

33. ELECTRIC VEHICLE CHARGING POINTS

(a) Level 1 Charging:

All charging point locations are to be identified on the Construction Certificate plans.

All electric charging points are to have clear signage identifying:

- (i) Location
- (ii) Fees and charges, if any; and
- (iii) Whether the bay is for public or private use only.

A dedicated space and charging point for electric bicycles and mobility scooters to be charged shall be provided and signposted.

The installation of appropriate electrical infrastructure and capacity to allow at least 20% of Lot Owners (Eligible Lot Owner) to charge an electric vehicle at any one time in their own car space. Such infrastructure shall:

- (i) Allow for a minimum of 16A single phase charging per Eligible Lot Owner;
- (ii) Be easily accessible for any Lot Owner to run a dedicated circuit to their own car space for the purposes of EV charging;
- (iii) Be monitored by the Owners Corporation or a 3rd party on behalf of the Owners Corporation;
- (iv) Include capacity for a billing system to account for the amount of electricity used; and
- (v) Measure electricity used by using utility grade, NMI registered electricity meters.

(b) Level 2 Charging:

The installation of 'Level 2' AC fast charging EV charging points in the common or visitor parking areas shall:

- (i) Be equipped with 62196-2 Type 2 socket;
- (ii) Provide up to 22kW or 32A three phase charging per port;
- (iii) Be installed on a dedicated circuit;

(iv) Allow for monitoring and individual billing payment through an OCPP compatible software back end.

34. CAR PARKING ALLOCATIONS

A maximum of 38 car vehicle parking spaces shall be provided within the basement car park allocated in the following manner:

- (a) A maximum of 13 residential parking spaces for the non-affordable units;
- (b) A minimum of 19 residential parking spaces for the affordable housing units; and
- (c) A minimum of 6 visitor parking spaces.

Eight (8) of the spaces within the car park shall be accessible.

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

35. BICYCLE PARKING

A total of **45** bicycle parking spaces are to be provided. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent, within any forecourt or within the basement car parking area.

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

36. MOTORCYCLE PARKING

A total of **12** motorcycle parking spaces are to be provided within the basement car parking area. Details are to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

37. BASEMENT STORAGE

The basement level is to provide storage areas, allocated to each unit in the development as indicated on the approved plans. Each individual residential unit is to be allocated at least one storage area.

38. PUBLIC INFRASTRUCTURE WORKS

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

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

The applicant must submit plans and specifications for the following infrastructure works to Councils Public Domain Engineer:

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Waverley Crescent. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing both Bondi Road and Waverley Crescent frontages. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage.
 - Designs shall be submitted to Council showing the proposed and existing cross sections. The proposed footpath material and street furniture details traversing the frontage to be advised by Council at the time of engineering plan approval.
- c) <u>Street Trees:</u> The applicant shall protect and retain the Tristaniopsis laurina (Water Gum) and Callistemon viminalis 'Hannah Ray' (Weeping Bottlebrush) street trees on Bondi Road.

Minimum of two(2) additional street trees shall be planted along the Bondi Road street frontage of the site.

All new trees are to have a minimum pot size of 400 litres and shall be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip. The chosen tree species and location shall not interfere with the local pedestrian and/or traffic activities.

All trees existing and proposed within the Council verge will require the installation of suitable tree pits, surrounds and root barriers as per the Waverley Council Public Domain Technical Manual. All proposed tree species, locations and tree sizes to be approved by Council Officer prior to commencement of public domain works.

- d) <u>Grass Verge:</u> Replenish and returf the existing Council verge for the full frontage of the development. Turf must be established and maintained to the satisfaction of the Council officer prior to completion of public domain handover. The width of the grass verge to be advised by Council at the time of engineering plan approval.
- e) <u>Street Lights:</u> Make provision for new street lights serviced by metered underground power. The consultant shall liaise with Council in obtaining Councils requirements and specifications for the street columns and components, including the appropriate LED luminaire to service the development frontages. LED luminaire columns shall be supplied and installed to meet pedestrian compliance standards.

New lighting shall be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces. Plans shall be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Councils Public Domain Engineer for approval prior to lodgement of the scheme with Ausgrid for their approval.

All existing light columns shall be removed, and the associated overhead power/utility lines shall be routed underground.

Prior to the issue of any Occupation Certificate, the Applicant shall liaise with Council's Assets and Planning Section regarding the setting up of the electricity account/s in order to energise the newly installed street lighting.

- f) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- g) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.
- h) Communicate the relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission. All the requirements of the relevant Public Authority shall be complied with.

Notes:

- Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.
- Council reserve the right to ask for any additional work required on areas damaged by the construction of the building.
- Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

39. ENERGY ASSESSMENT REPORT

In accordance with Part B of the Waverley Development Control Plan 2012 (Amendment 6), any mixed use development with cost of works of more than \$3 million, must provide an Energy Assessment Report which recommends design solutions to reduce the predicated operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (ie. NCC, Section J compliant only).

An updated 'Energy Assessment Report' with the updated specific design, material and equipment efficiencies will need to match that of the Mechanical/Electrical and architectural documentation and must be provided to the satisfaction of Council's Co-ordinator, Sustainable Precinct prior to the issue of the relevant construction certificate. Further design and verification of energy and GHG emissions performance should be provided to verify the performance of the building to be delivered.

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report. Any modifications required to respond to the approved Energy Assessment Report which are not consistent with the approved plans will require the submission of a Modification Application.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

40. 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.

41. 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.

42. 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.

43. 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.

44. TOILET FACILITIES

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

45. DILAPIDATION REPORTS

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

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

Please note the following:

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

46. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

The applicant must meet the following objectives for sustainable demolition and construction waste management;

- a) To minimise the amount of construction waste that is sent to landfill
- b) To minimise waste generated during demolition and construction.
- c) To increase efficiency of development and encourage sustainable practices.
- d) To maximise the re-use of clean excavated material, concrete, bricks and timber.
- e) To ensure the safe removal and disposal of hazardous building materials.

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

- (a) A construction waste storage area is to be located within the property boundary and is to be identified on the site plans as part of the SWRMP.
- (b) Separate construction waste collection bins or construction waste storage areas are to be provided giving consideration to slope, drainage, vegetation, access and handling requirements and may include:
 - a. Landfill waste;
 - b. Recyclable waste;
 - c. Materials to be re-used on-site; and / or

- d. Excavation materials (refer to Annexure B1-1 for common building materials that can be re-used and recycled).
- (c) Waste that can be recycled or reclaimed is to be identified in the SWRMP, as well as the intended methods for recovery and reclamation.
- (d) All sandstone must be re-used on site or reclaimed through an appropriate contractor.
- (e) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act 1997, in accordance with the provisions of Safe Work NSW, and Council's Asbestos Policy.
- (f) Materials that cannot be reused or recycled must be:
- (g) Disposed of at a State Government approved facility and specified in the SWRMP; and
- (h) Disposed of via a contractor that operates in accordance with the Proximity Principle outlined in State Government Legislation.
- (i) Records are to be retained on-site demonstrating lawful disposal of waste.
- (j) Easy vehicular access to waste and recycling material storage areas must be provided and detailed in the SWRMP.
- (k) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors. Skip bins are to be utilised and located in accordance with Council's building waste and hoardings policy.
- (I) All materials are to be stored in way that:
 - a. Prevents damage from the elements, and reduces odour, health risks and windborne litter; and
 - b. Prevents impacts to the environment under State Government Legislation (including stormwater pollution and runoff).

47. 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.

48. 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.

49. 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).

50. ASBESTOS REMOVAL

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

51. COMPLIANCE WITH SAFE WORK NSW

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

52. POTENTIAL DEWATERING OF THE SITE

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

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

53. SOIL AND WATER MANAGEMENT PLAN

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

54. 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.

55. 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.

56. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

57. CONSTRUCTION HOURS

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

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

58. 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.

59. 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.

60. 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.

61. 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.

62. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

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

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

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

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

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

64. 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.

65. 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.

66. 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 unless separate development consent is sought and granted for any enclosure. 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.

67. 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.

68. NEW VEHICLE CROSSING

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

69. EXISTING VEHICLE CROSSINGS- BONDI ROAD

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

70. NEW FOOTPATH PAVING

The existing concrete footpath paving on both frontages shall be demolished and new full width paved pathway shall be installed along the full frontages at the applicant's expense.

71. FINISHED PAVING LEVELS

Paving within the site shall be finished to match the existing footpath level on both road frontages.

72. VEHICULAR ACCESS - FINISHED LEVEL

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

73. 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.

74. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded on both Bondi Road and Waverley Crescent frontages for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Council's Executive Manager, Infrastructure Services during construction and prior to the issue of the Occupation Certificate.

- Pedestrian footpath
- Vehicular Crossings
- Road pavement
- Kerb & gutter
- Stormwater infrastructure located within the Council kerb and/or footpath
- Street furniture
- Street lighting
- Landscape and street tree plantings.

75. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying the Executive Manager, Infrastructure Services, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

76. PUBLIC AREAS AND RESTORATION WORKS

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council's Executive Manager, Infrastructure Service).

77. WORKS ON PUBLIC ROADS

Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Opening Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

78. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

79. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.

80. PRE-CONSTRUCTION DILAPIDATION REPORT

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

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

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site.

All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

81. NOTIFICATION OF ADJOINING OWNERS & OCCUPIERS

The Applicant shall provide the adjoining owners and occupiers' written notice of the proposed public domain works a minimum two weeks prior to commencement of construction. The notice is to include a contact name and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways shall be minimised; and driveways shall be returned to the operational condition as they were prior to the commencement of works, at no cost to the owners.

82. PUBLIC DOMAIN PRE-CONSTRUCTION MEETING

To ensure all public infrastructure works approved under this consent will be completed to Council's satisfaction and a program of required inspections is established, a preconstruction meeting shall be arranged with Council's engineering inspector/s prior to works commencing on site.

83. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's engineer for the following hold points:

Kerb and Gutter & Footpath Paving

- After formwork installation and prior to casting of all drainage structures e.g pits, lintels and surface grates
- After completion of formwork and prior to casting of concrete
- o After full completion and restoration

Road Pavement

- o Subgrade trim & compacted
- o Binder course spread & consolidated
- o After Wearing course laid and full completion

Landscape

- After completion of plantings
- After completion of formwork and prior to casting of proposed retaining walls or slope stabilisation systems
- After full completion and restoration

Street Lighting

- o After preparation of underground conduit works
- o After completion of luminaire column footings
- o After full completion

All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to issue of Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.

The Principal Certifying Authority shall not issue any Occupation Certificate until Council has conducted a final inspection of the completed works and has issued a final compliance certificate certifying satisfactory completion of the works.

84. STREET TREE PLANTING - RESIDENTIAL ZONES

The proposed street planting to Bondi Road (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;

- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.
- (e) Species, size and spacing to be approved by Council's Strategic Tree Officer.

85. TREE PROTECTION

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

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

86. OCCUPATION CERTIFICATE

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

87. SYDNEY WATER

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

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

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

88. 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.

89. STORMWATER

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

90. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) Provide a minimum of 9m² floor space for the storage of bulky unwanted household items such as old furniture awaiting Council collection.
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) Waste and recycling receptacles must be stored at all times within the boundary of the site and concealed from the public and commercial domains unless otherwise approved by Council under Section 68 of the Local Government Act 1993.

- (d) Any volume reducing equipment must be installed in accordance with the manufacturers design specifications and have a space between the unit and the walls to enable easy access for cleaning and maintenance. Compaction rates must not be set higher than 2:1.
- (e) 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.
- (f) The storage and/or presentation of bins on the kerbside and public land is not permitted at any time.
- (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) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.

91. 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.

92. 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.

93. 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.

94. ALLOCATION OF STREET NUMBER

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

- No. 9 primary address site number
- Bondi Road 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 Bondi Road.

- As the redevelopment has multi-level sub addressing the following sub addressing will apply;
 - All sub premises numbers must be unique,
 - The floor/level number will represent the first number of the sub address and the last two
 digits in the sub address shall be unique on each level,
 - For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level
 3 unit 7 = 307,
 - Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc

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

95. PARKING

- a. Ownership of car park lot spaces within the basement shall be limited to parties owning a lot within the buildings on-site.
- b. A minimum of one car space and a maximum of two car spaces shall be allocated to any residential unit/dwelling to ensure equitable allocation overall.
- c. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

96. PARKING PERMITS

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

97. VEHICLE ACCESS

All vehicles entering and exiting the basement car park shall do so in a forward direction at all times.

98. RESIDENT AND VISITOR PARKING SPACES

All resident and visitor car parking spaces shall be clearly delineated and numbered.

99. NOISE - MECHANICAL PLANT

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

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

100. NOISE ATTENUATION CERTIFICATE

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

(a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with Condition; and

(b) Lodge with Council for public record, the noise attenuation star rating results.

101. 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.

102. 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.

103. 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.

104. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Not be adjacent to neighbouring bedroom windows.
- (b) Not reduce the structural integrity of the building.
- (c) 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.
- (d) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (c).

105. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

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

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

106. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMIAN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and

specifications. The certificate shall include commentary to support any variations from the approved drawings.

107. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes:

- The issue of a Compliance Certificate from the Council officer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

108. TELECOMMUNICATIONS IN NEW DEVELOPMENTS

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Principal Certifier that arrangements have been made for:

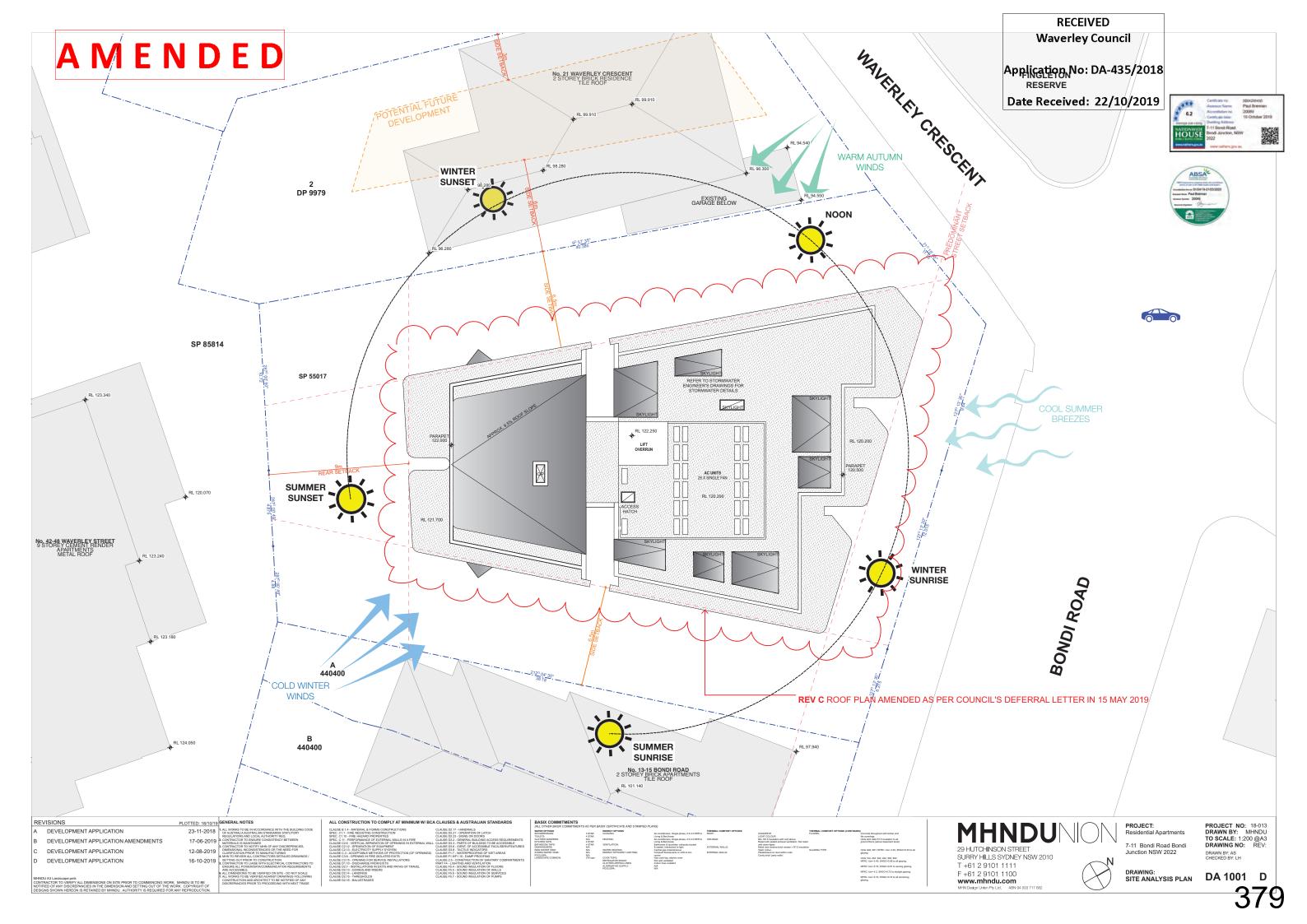
- (a) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they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

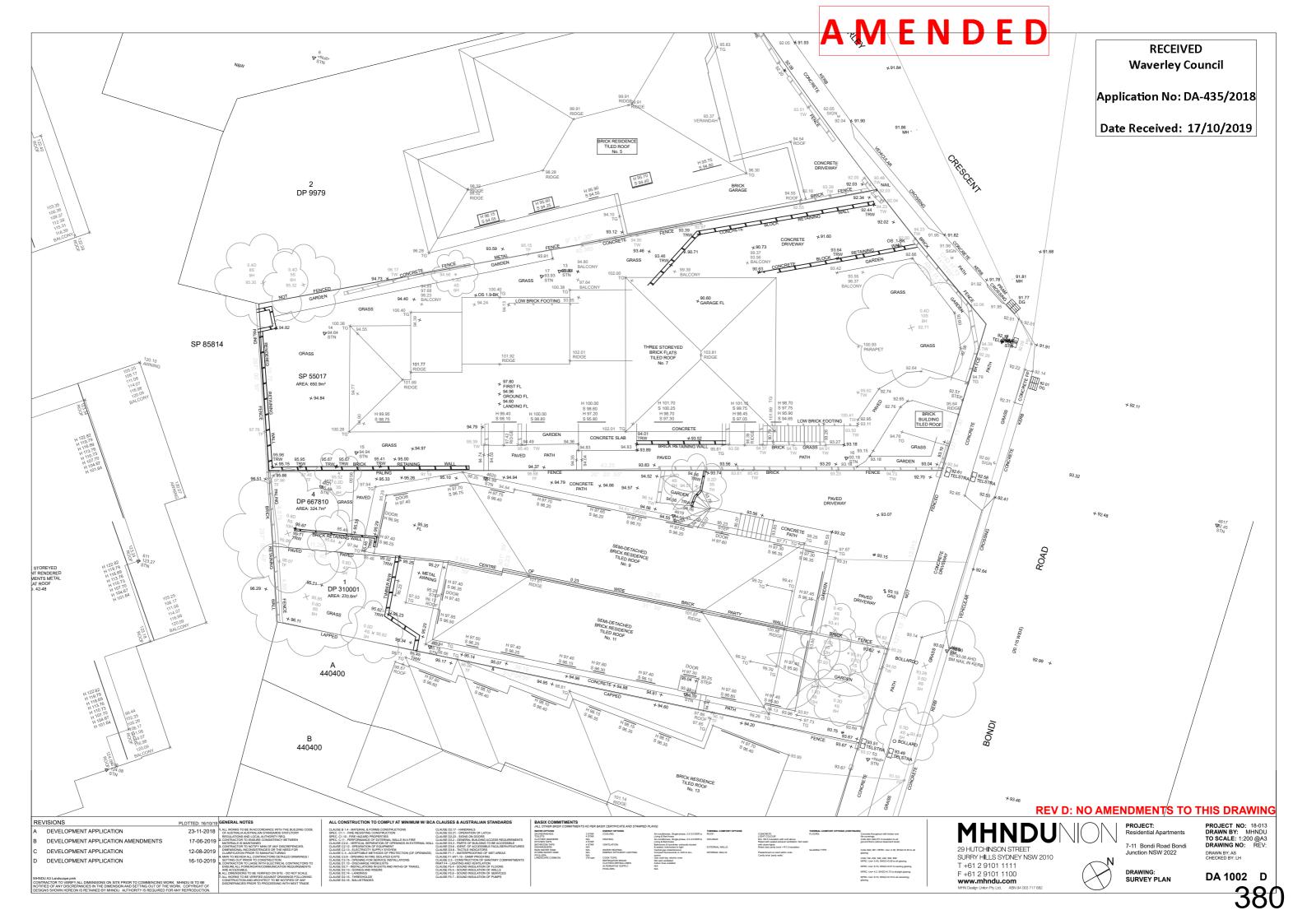
Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.

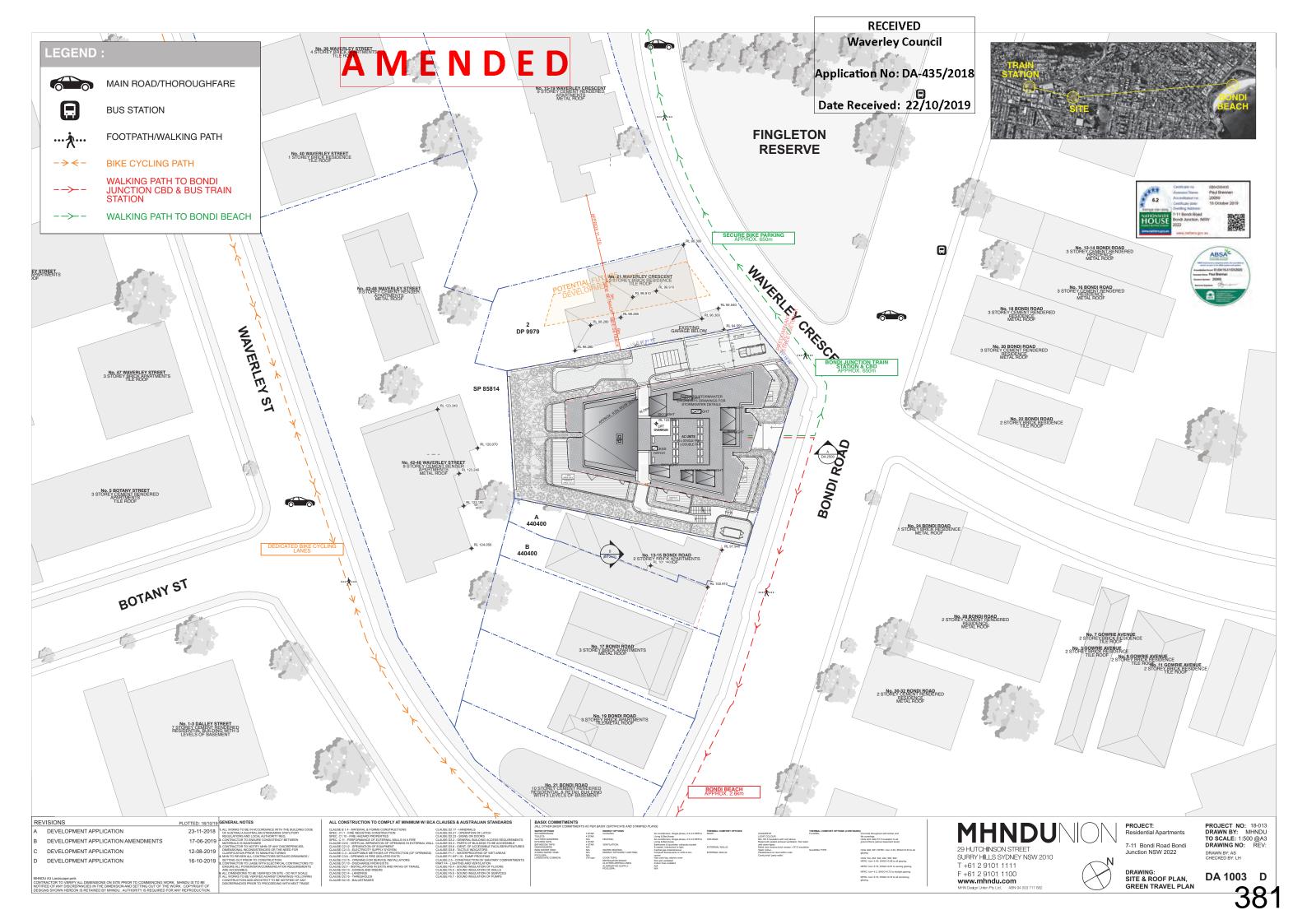
109. STRATA SUBDIVISION

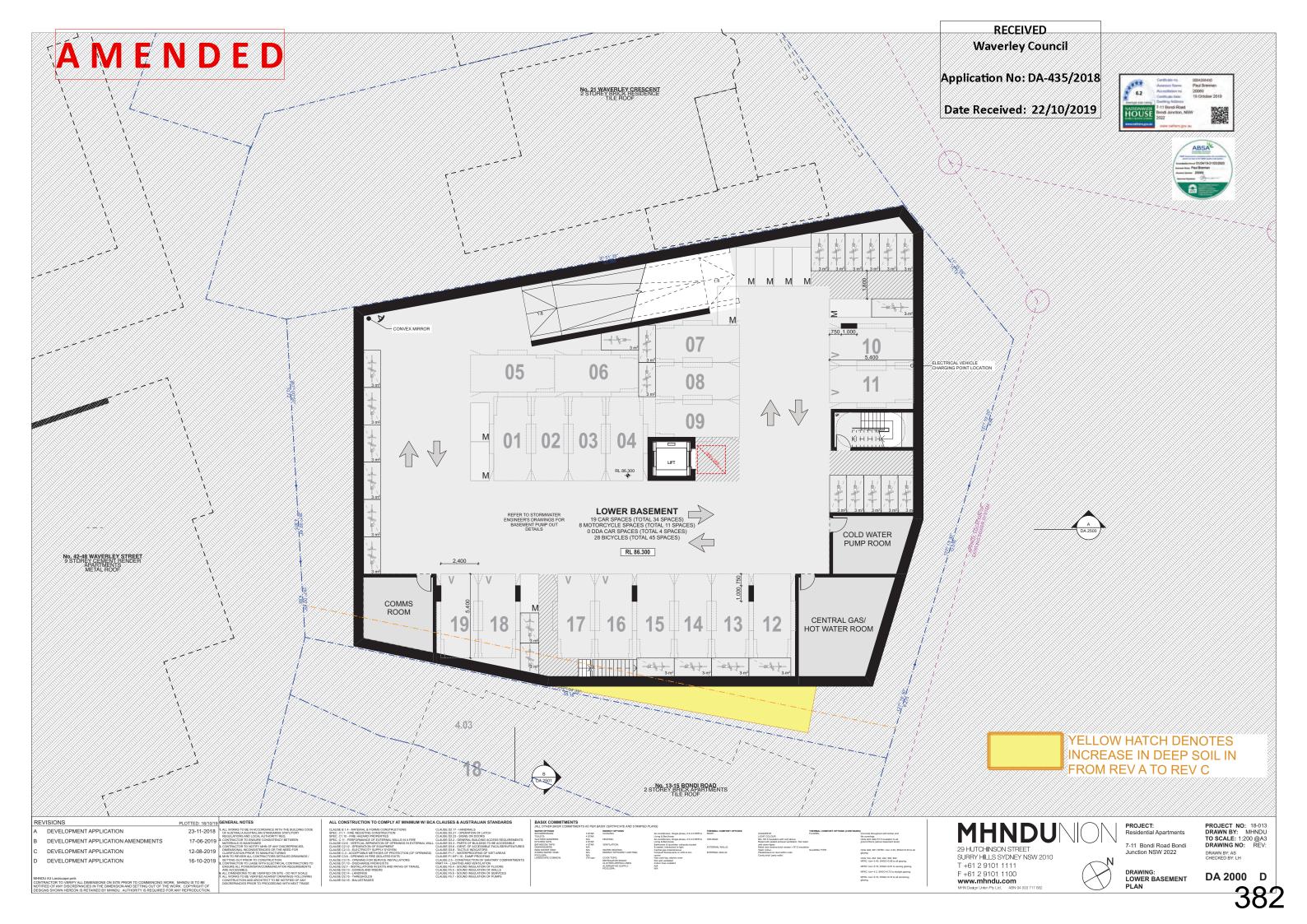
Consent is required for strata subdivision of the development.

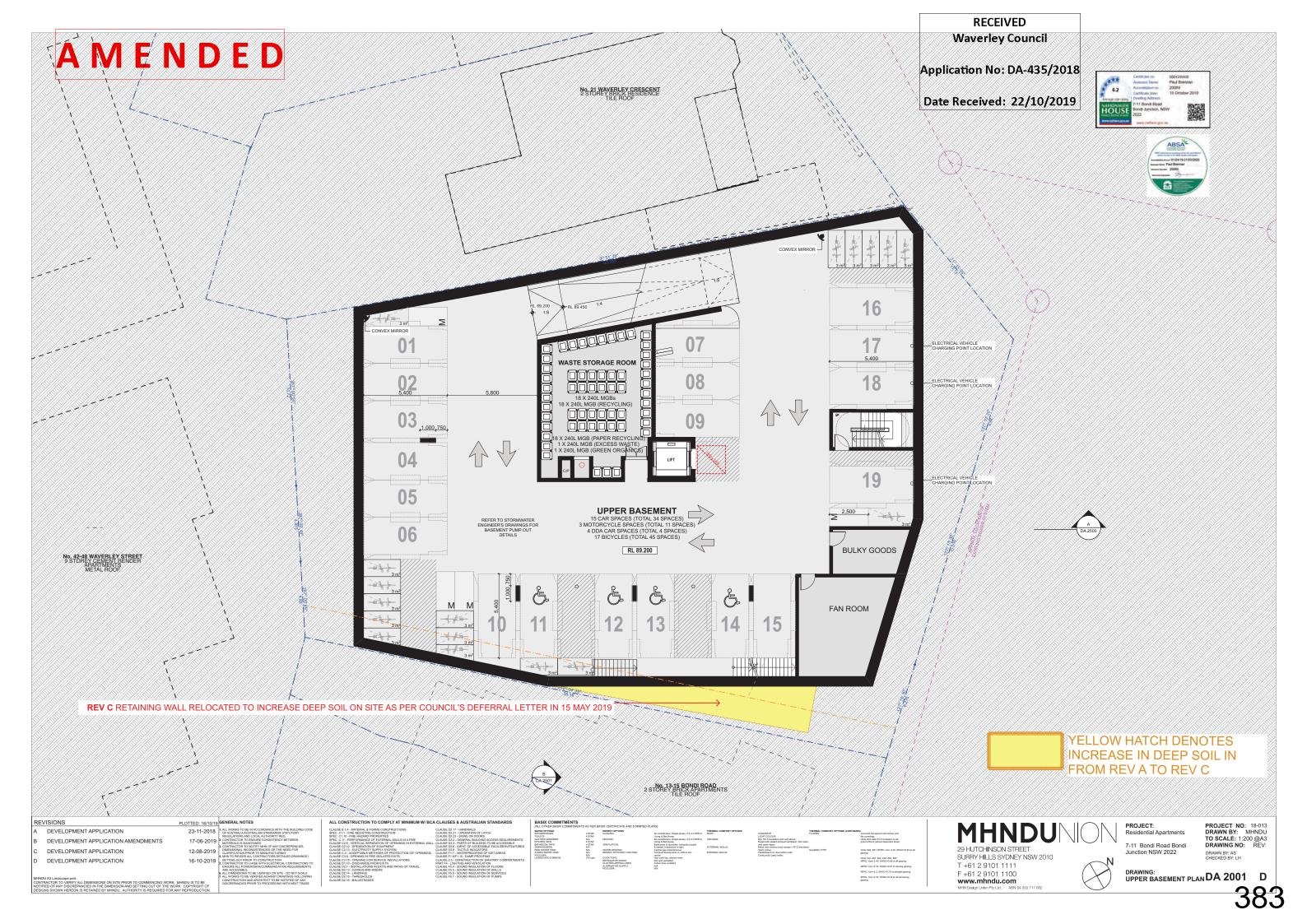
In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated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

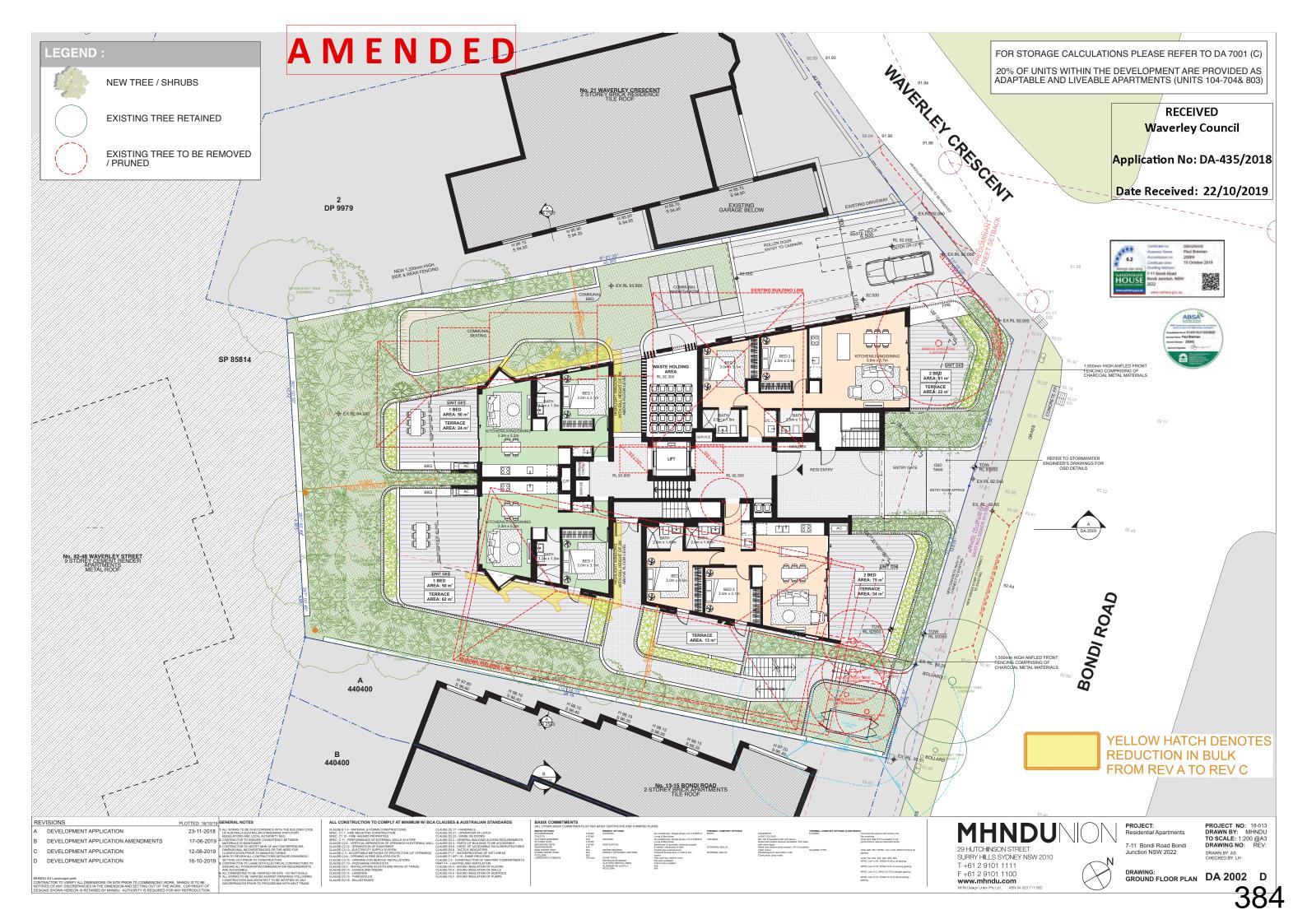


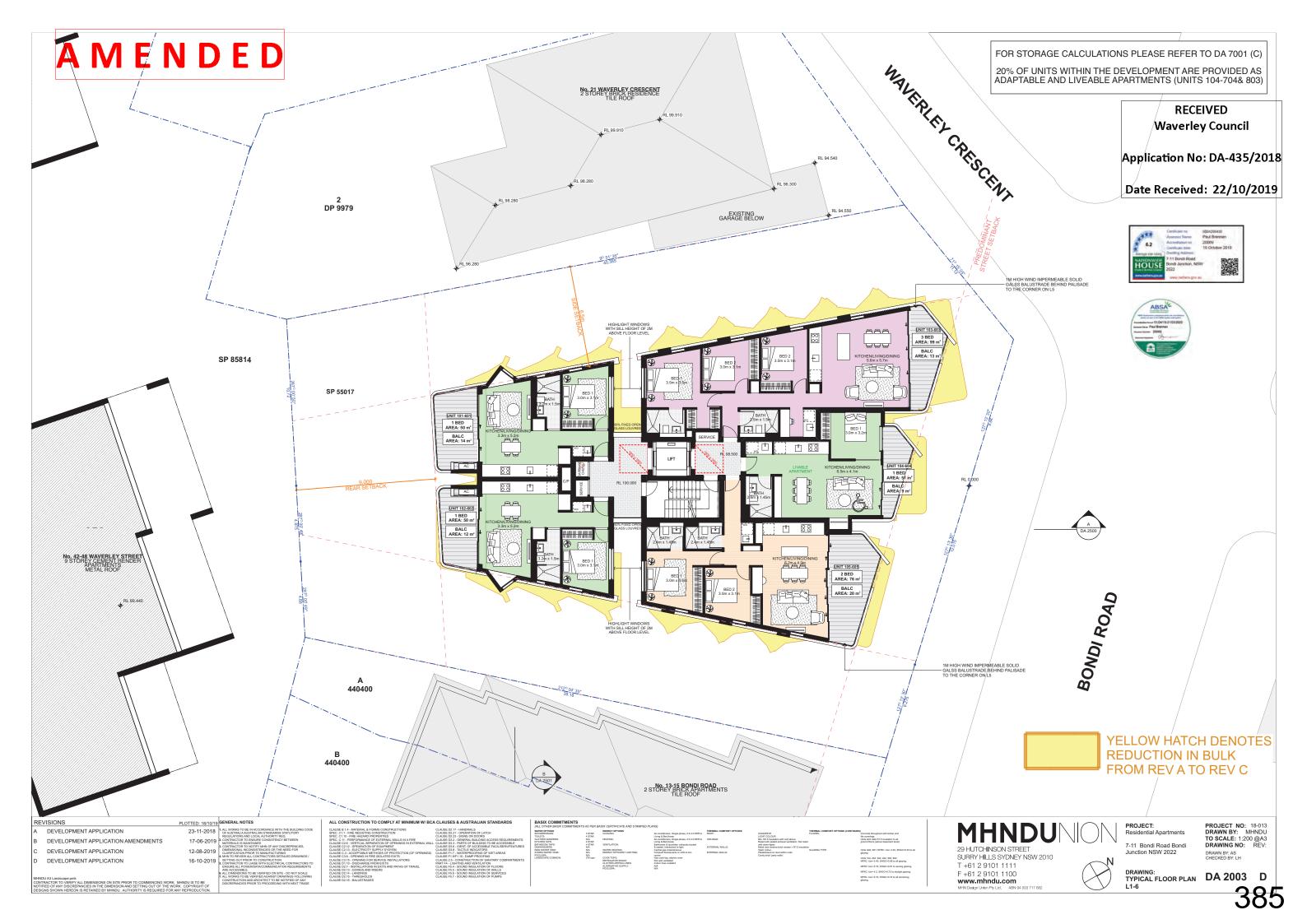


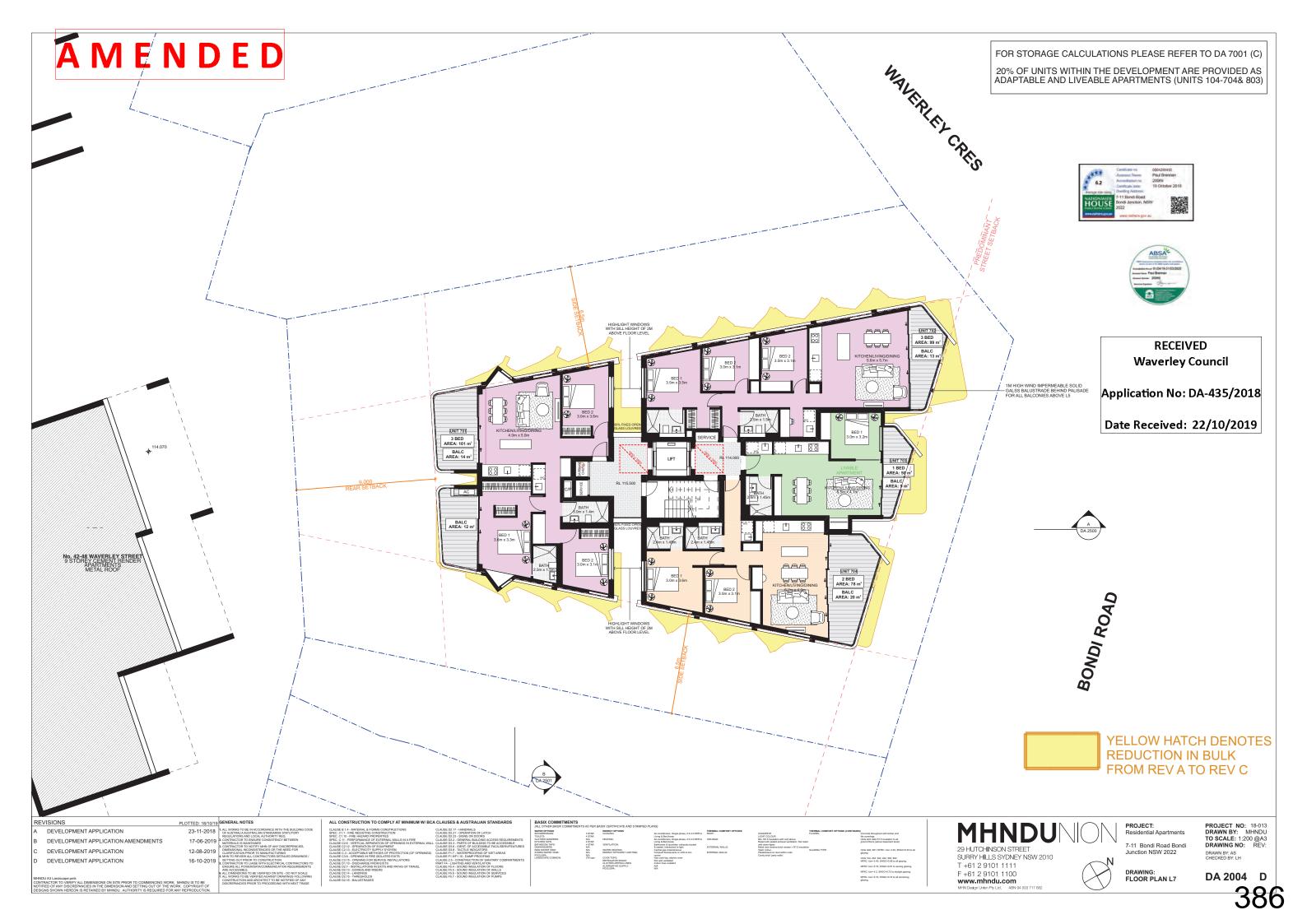


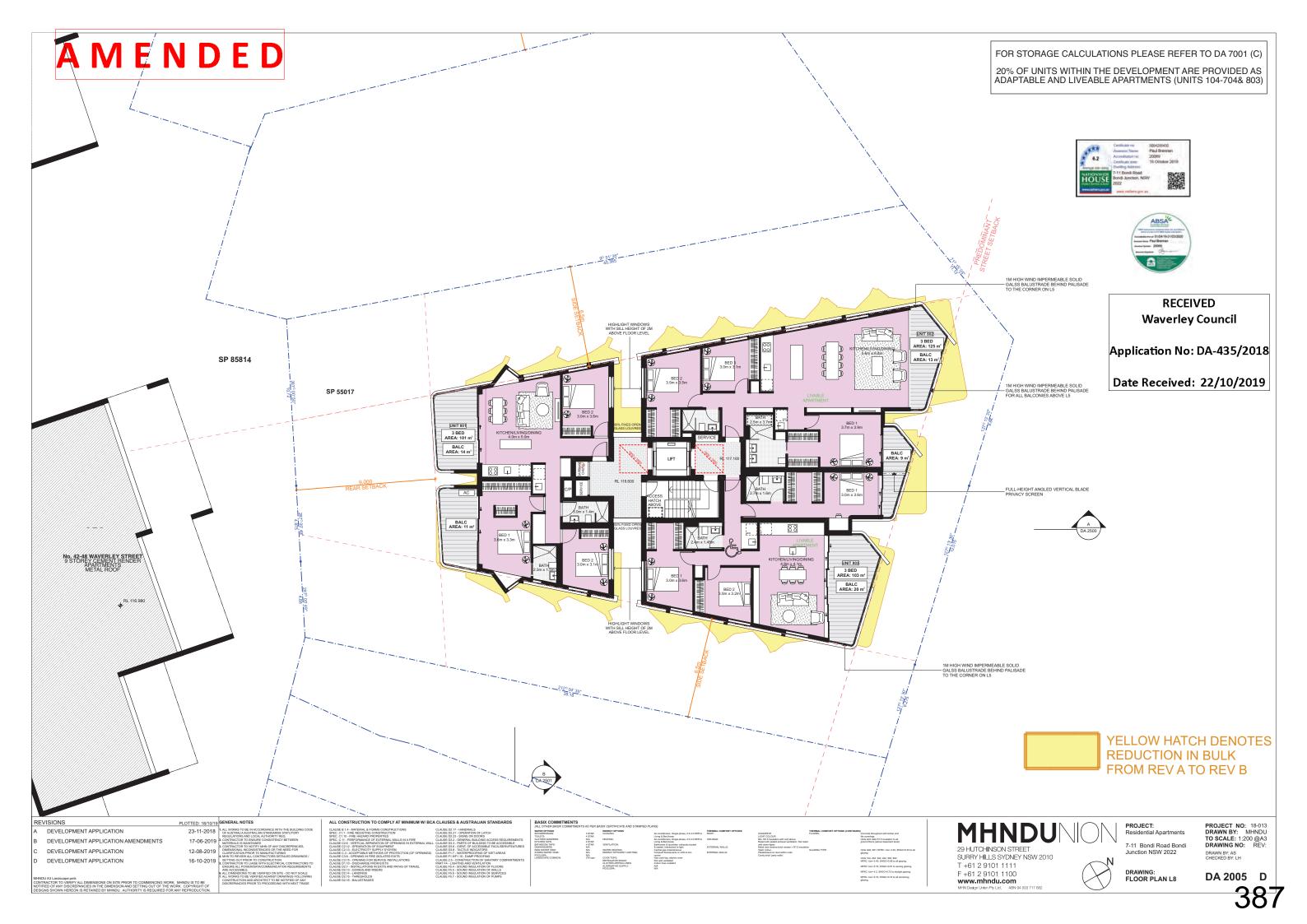


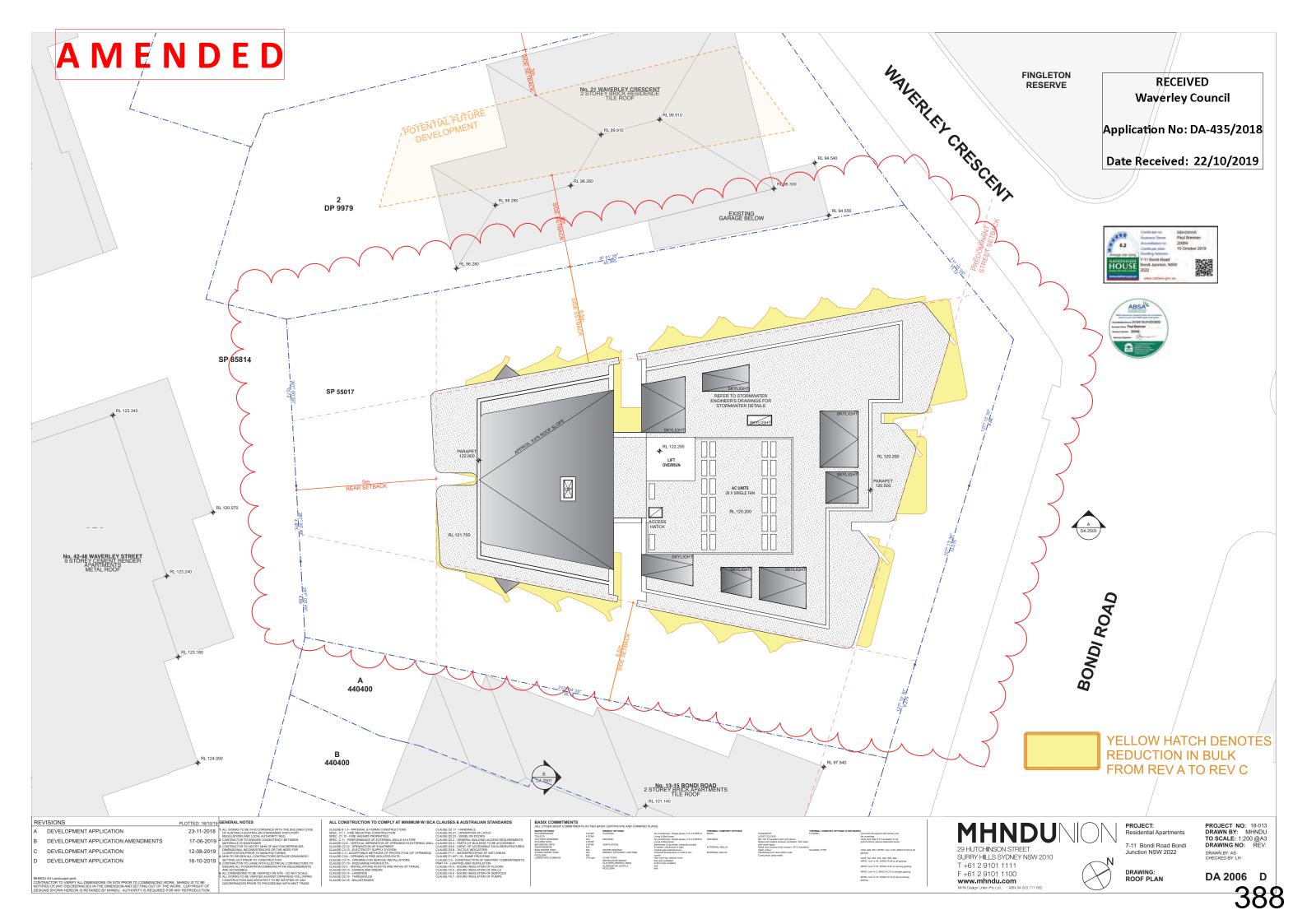


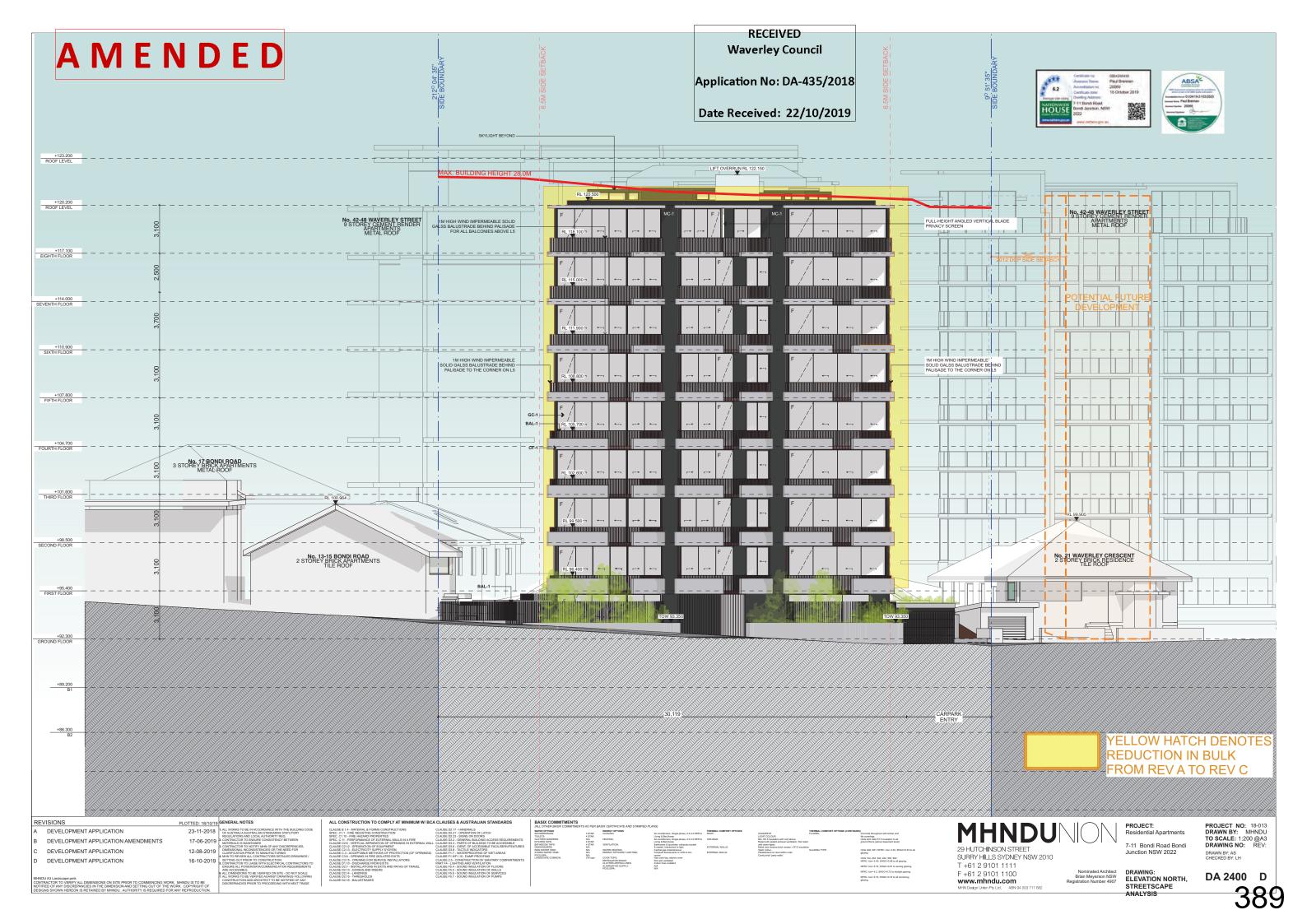


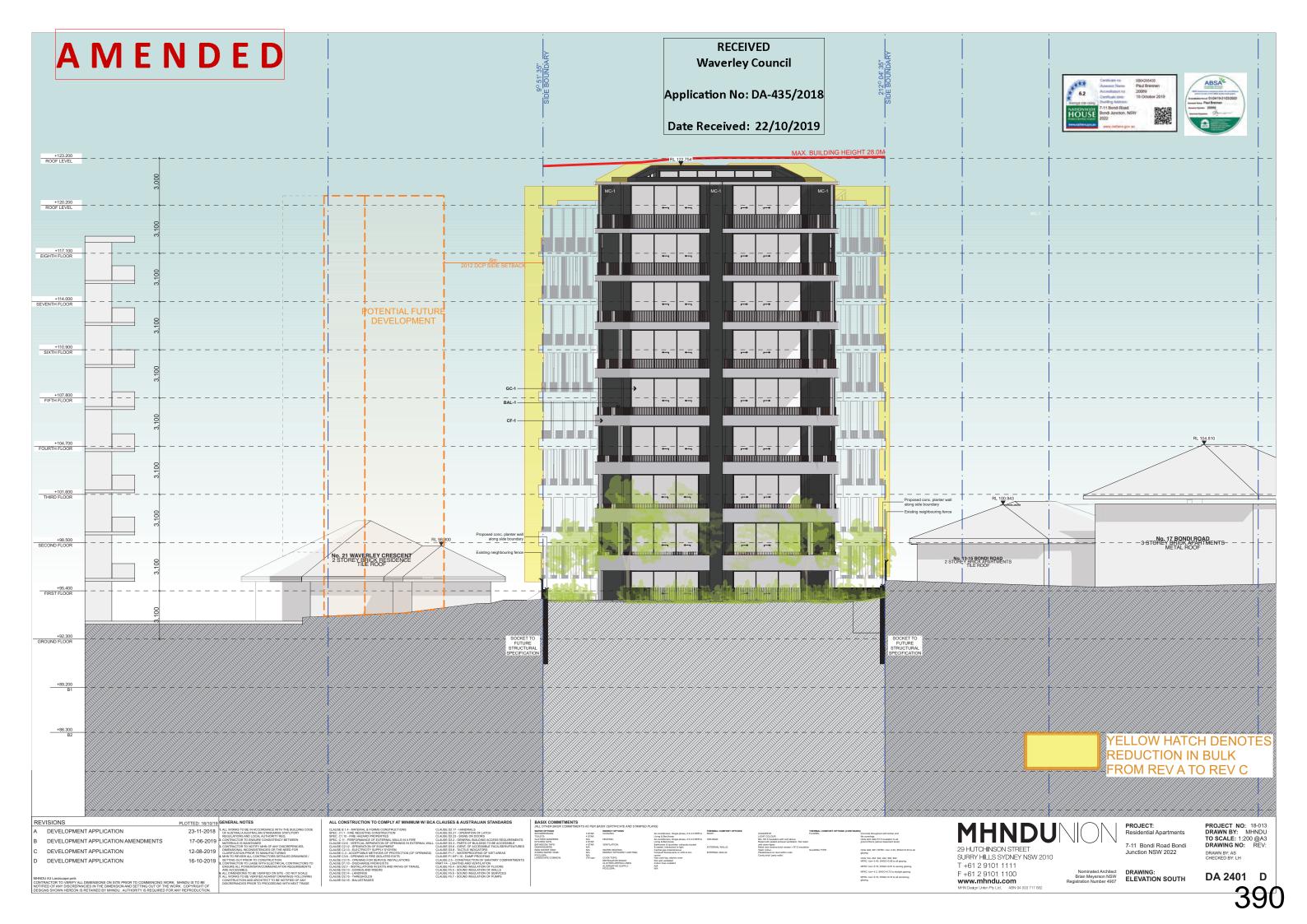


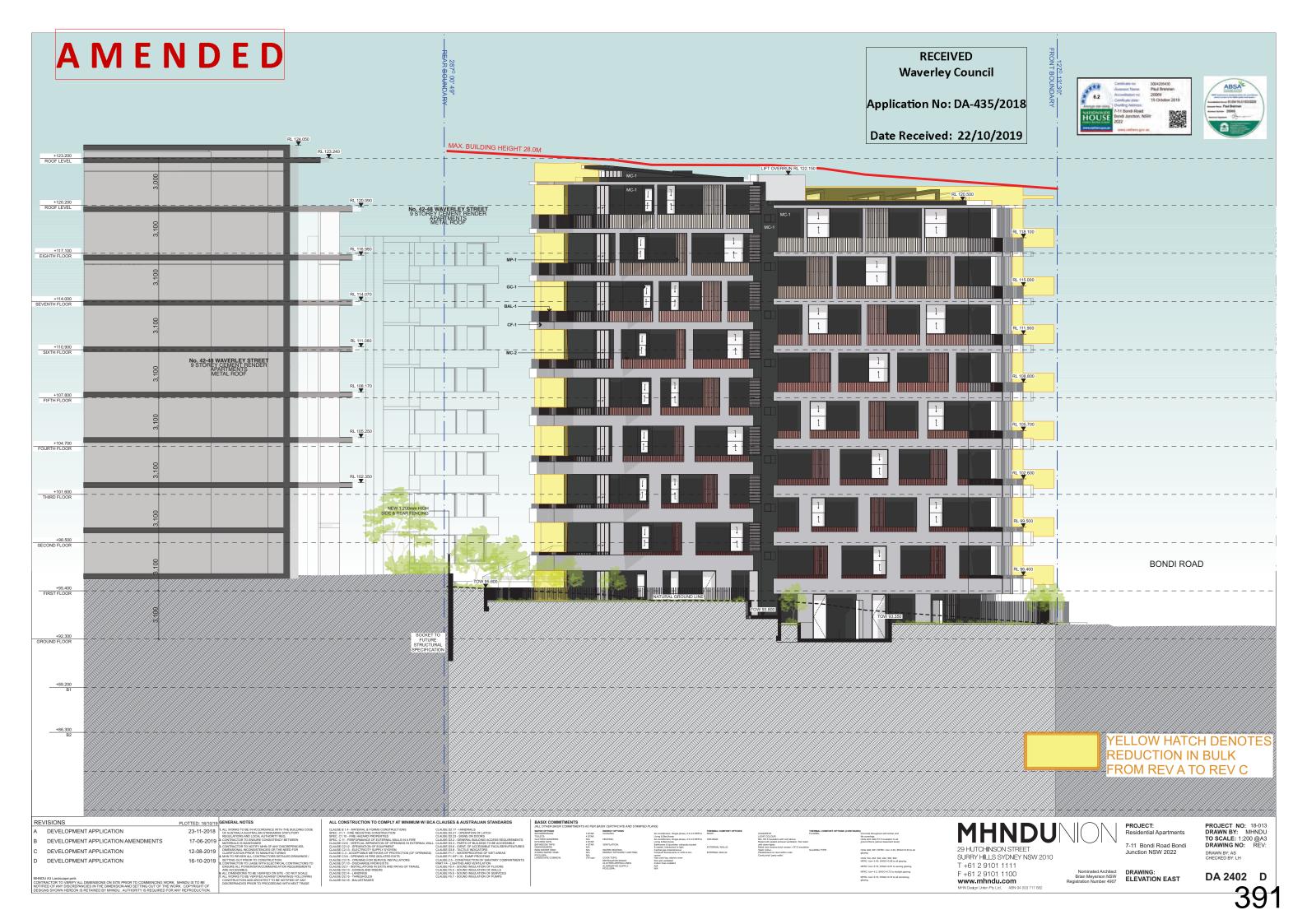


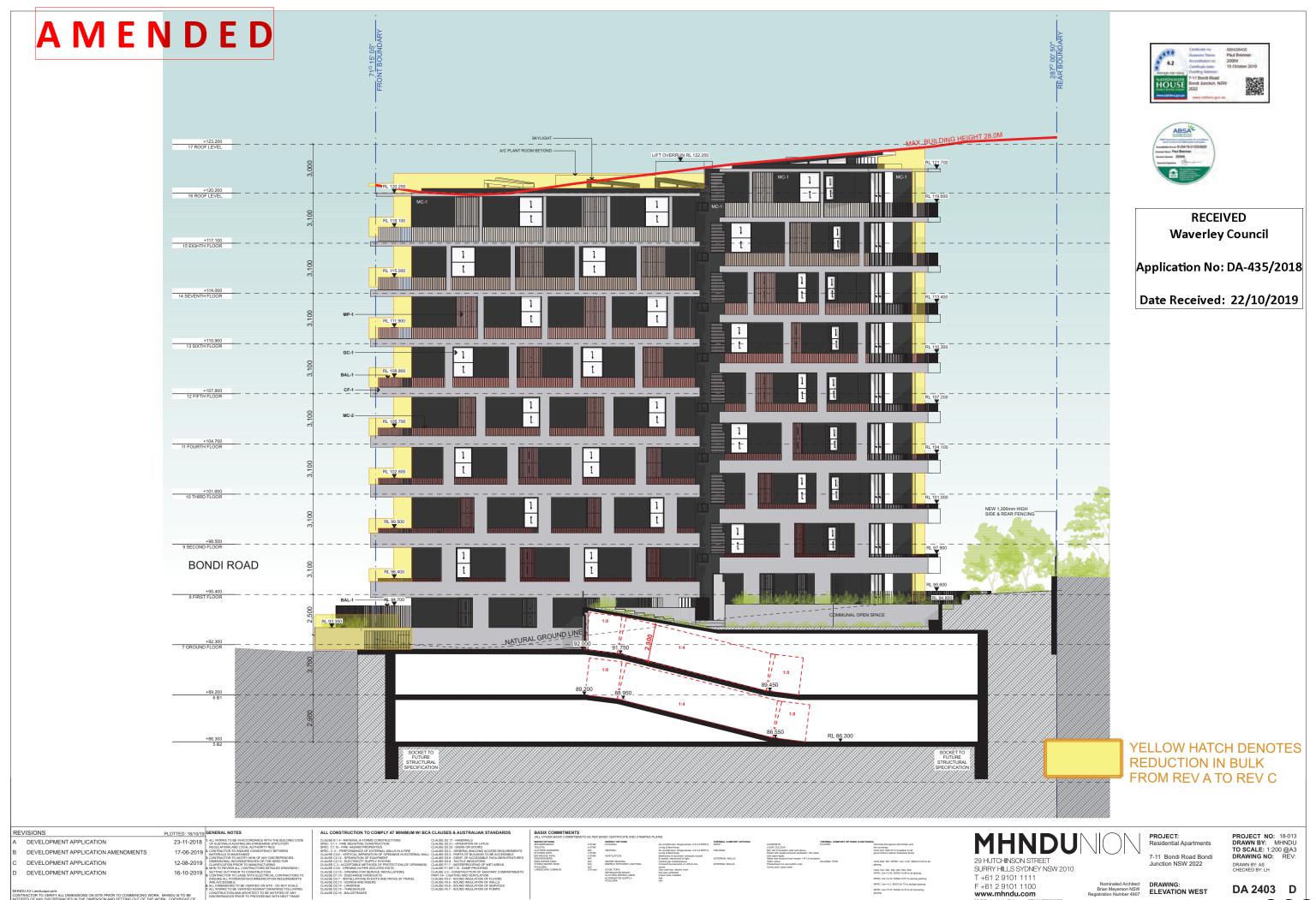


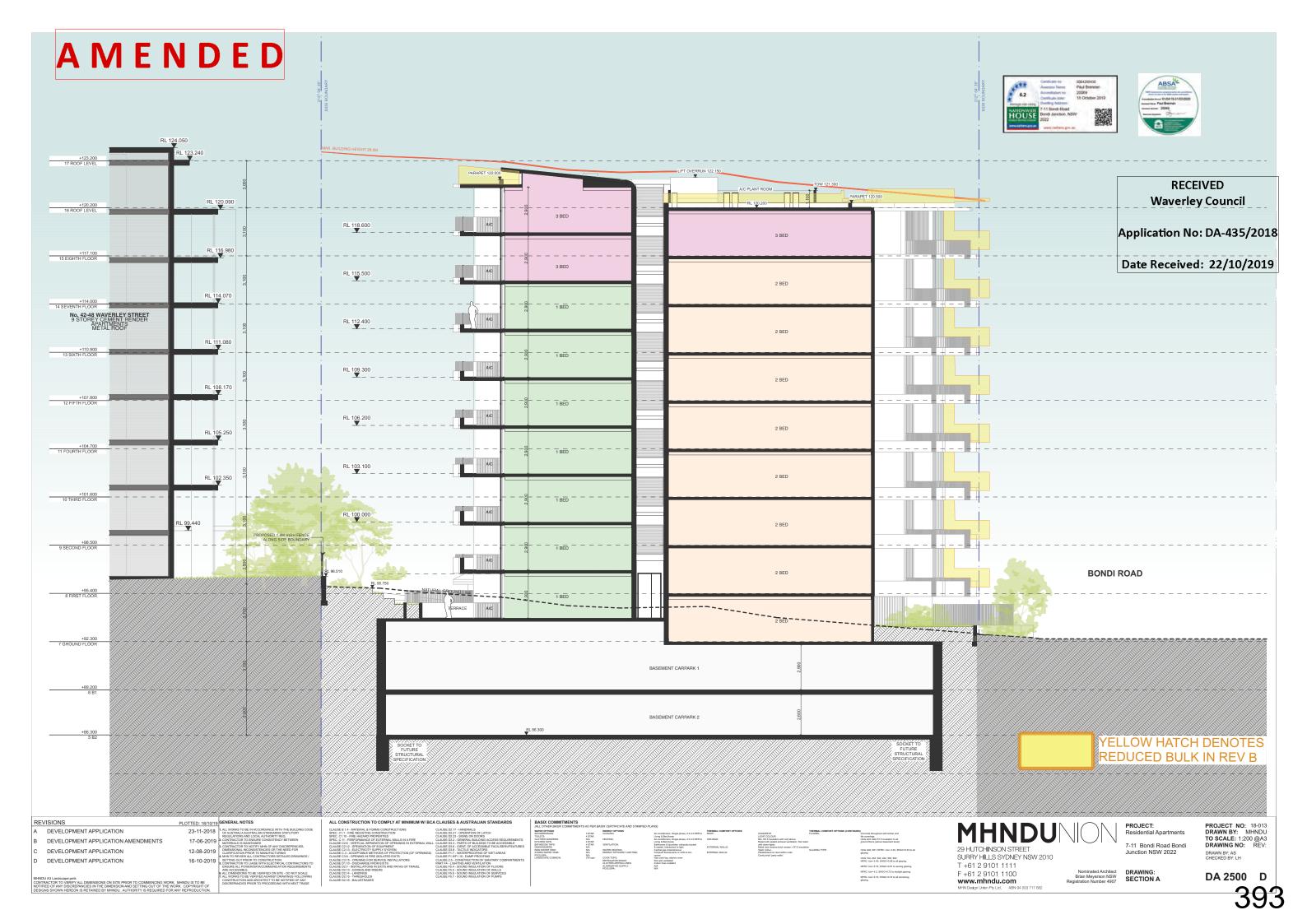


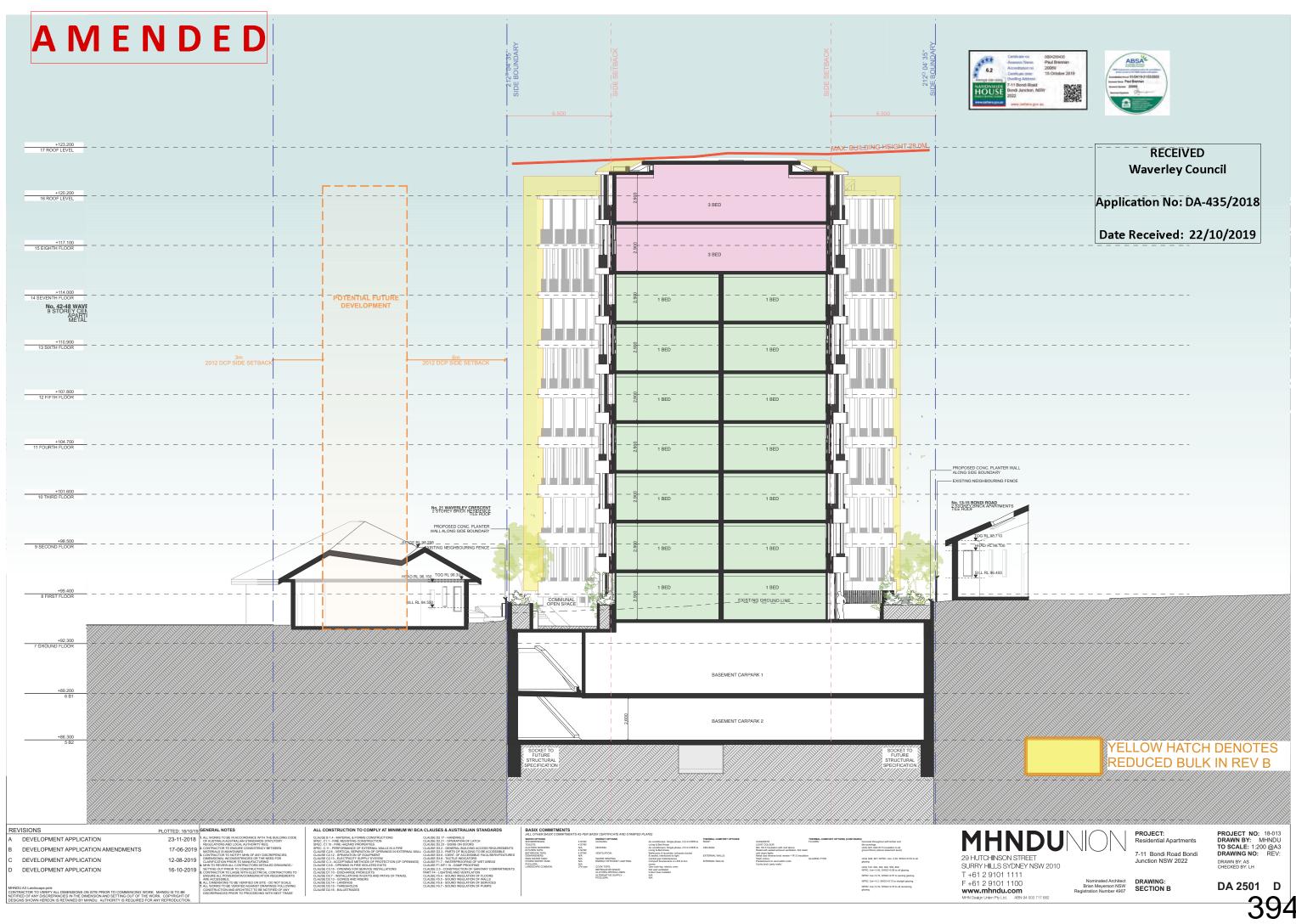










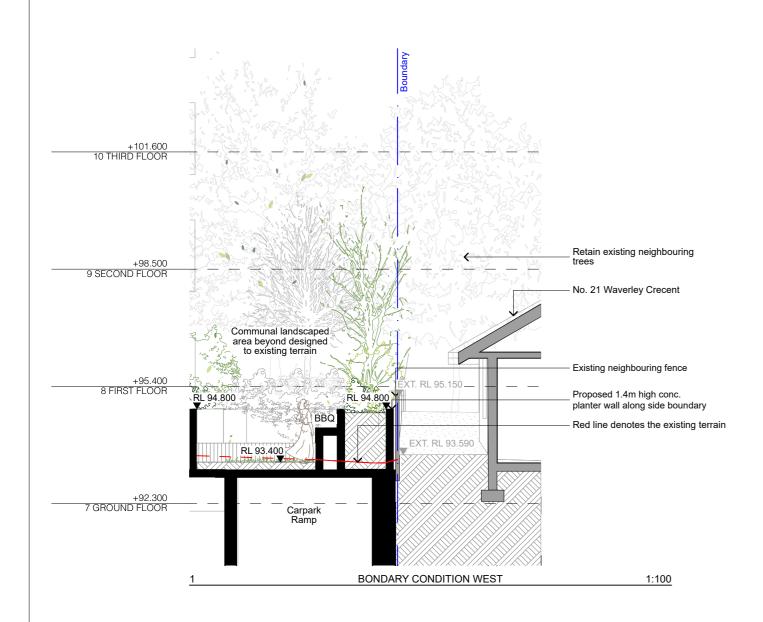


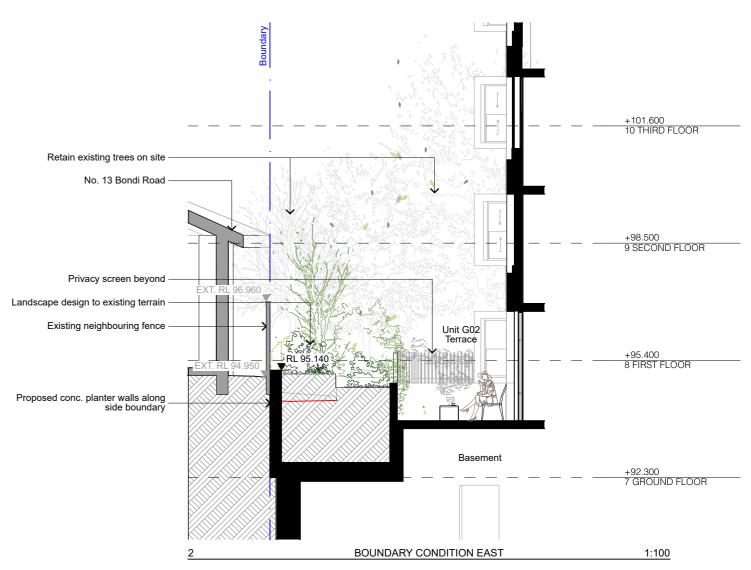
AMENDED

RECEIVED
Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019





REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS PLOTTED: 16/10/19			GENERAL NOTES	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS		
ı	A DEVELOPMENT APPLICATION	23-11-2018	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 - FIRE RESISTING CONSTRUCTION	CLAUSE D2:17 - HANDRAILS CLAUSE D2:21 - OPERATION OF LATCH	ļ
	B DEVELOPMENT APPLICATION AMENDMENTS	17-06-2019	REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED 3. CONTRACTOR TO NOTIFY MIND OF ANY DISCREPENCIES	SPEC. C1.10 - FIRE HAZARD PROPERTIES SPEC. C11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SPEARATION OF FOLIPMENT	CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS L. CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.6 - DEPAT. OF ACCESSIBLE FACILISERVIFEATURES	ł
ı	C DEVELOPMENT APPLICATION	12-08-2019	DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING MINI TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS /	CLAUSE C2.13 - ELECTRICITY SUPPLY SYSYEM CLAUSE C3.4 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS	CLAUSE D3.8 - TACTILE INDICATORS	ऎ
	D DEVELOPMENT APPLICATION	16-10-2019	4. MHM TO NEVIEW 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	CLAUSE C.3.8 - UPENING IN 1-RESULANCE DEXITS CLAUSE C.3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - LANDINGS CLAUSE D2.14 - LANDINGS	CLAUSE F1.MF1.TU - DMAIN PHOLINIS CLAUSE 2.5 - 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	}
	MHNDU A3 Landscape.pmk CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORK NOTHIELD OF ANY DISCREPANCIES IN THE DIMENSION AND SETTING OUT OF THE W		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 D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES	CLAUSE F5.7 - SOUND INSULATION OF PUMPS	ţ

BASIX*COMM*MENTS************************************														
s Es (WATER OPTIONS SHOWERHEADS: TOWNERS COTHES WARDNERS: WATERCOM TAPS: DISHMADHERS: RAN WATER TANK	3 STAR 4 STAR NIA 4 STAR 4 STAR NIA NIA	EMERGY OPTIONS COOLING: HEATING: VENTILATION: WATER HEATING:	Air-conditioners, Single-phase, 2-5-3.0 EER to Living & Bed Areas Air-conditioners, Single-phase, 2-5-3.0 EER to Living & Bed Areas Living & Bed Areas Se select, interfected to light Centhal case instantaneous	THERMAL COMPORT OPTIONS ROOF: CEILINGS: EXTERNAL WALLS:	CONCRETE LIGHT COLDUR Mr. R2.5 insulation with roof above Rated with seaked exhaust verifiation. Not rated with down-lights Metal clad cavity brick + R1.5 insulation	THERMAL COMPORT OPTIONS (CONTINUE) PLOCIES: GLAZING TYPE:	2) Concrete throughout with timber and Sile coverings. Units GD1-GD4 Rt.5 insulation to all ground fibrar (above basement level). Units GD2, 801: NFRC: Use-4.30, SHGC-0.53 to all						
TS	STORM WATER TANK: POOLERS. LANDSCAPE COMMON:	NIA NIA 376 sept	ENERGY EFFICIENT LIGHTING: COCK TOPS: REFRIGATION SPACE: CLOTHES DRYING LINES: ALTERNATIVE SUPPLY: POOLUSPS:	Compact flarescents or LED to ALL moons Gas cook-top, electric oven Not well verificated indoor inse installed NAR NAR	INTERNAL WALLS:	Plantehourd on stad within units. Cavily brick party wasts.* FICATE DATED		glazing Units 100, 202, 302, 402, 502, 602: NFRC: User 5.40, 5HSC-0.55 to all glazing. NFRC: User 5.70, 5HSC-0.57 to senting glazing.						
(NFRC: Uw= 4.2, SHGC=0.72 to skylight glazing. NFRC: Uw= 6.70, SHGC=0.70 to all remaining glazing.													

MHNDUNON STREET
SURRY HILLS SYDNEY NSW 2010

SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com PROJECT:
Residential Apartments

7-11 Bondi Road Bondi
Junction NSW 2022

DRAWING:
BOUNDARY CONDITIONS DA 2503 D
EAST & WEST

AMENDED

RECEIVED
Waverley Council

Application No: DA-435/2018

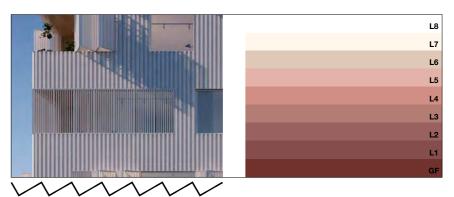
Date Received: 17/10/2019





MC-2

METAL CLADDING DARK CHARCOAL



MC-2

PROFILED CLADDING COLOUR CHANGING GRADIENT FROM RUST RED TO BEIGE

REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS

PLOTTED: 16/10/19

GENERAL NOTES

A RESPOND TO COUNCIL'S EMAIL

08-10-2019

16-10-2019

DEVELOPMENT APPLICATION

16-10-2019

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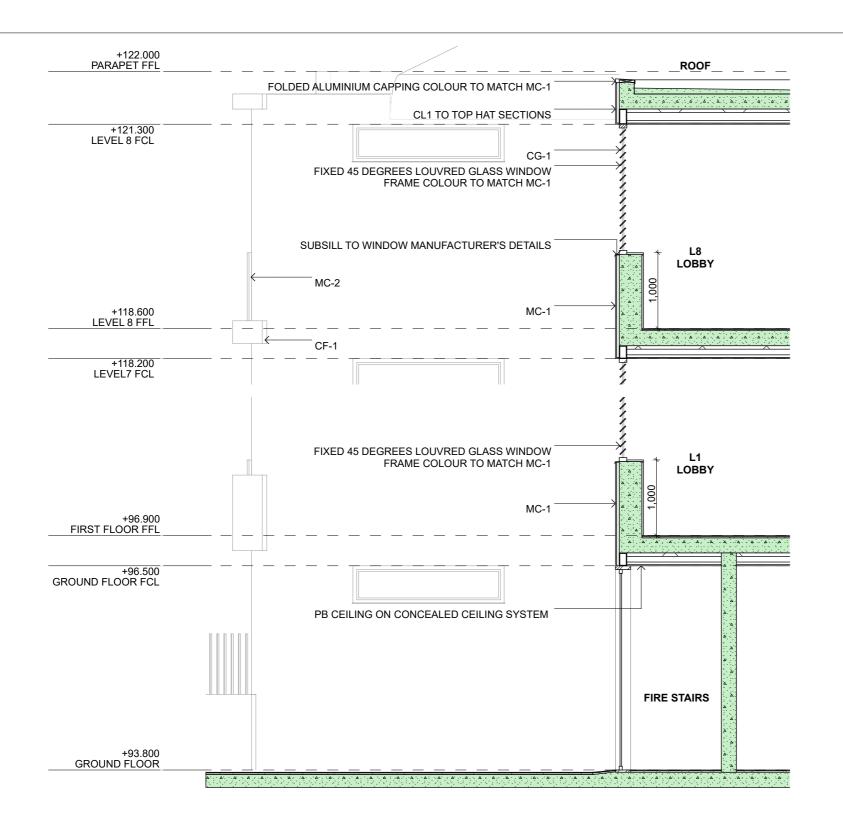
29 HUTCHINSON STREET
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
Registration

7-11 Bondi Road Bondi Junction NSW 2022

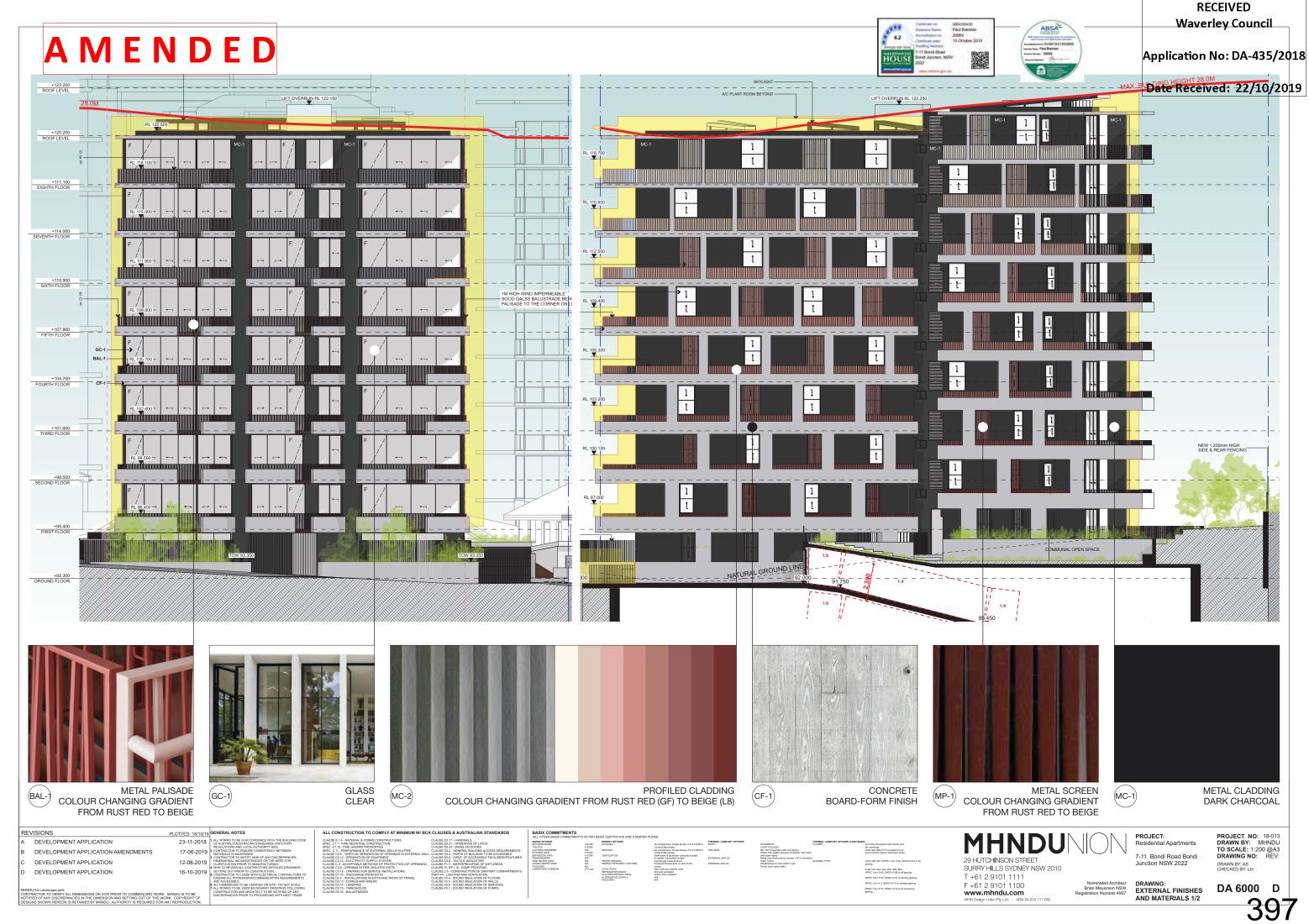
DRAWING: WALL SECTION PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: @A3 DRAWING NO: REV:

DA 2504 D

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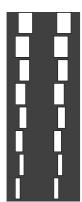




Application No: DA-435/2018

Date Received: 17/10/2019

PRIMARY FACADE SKIN



DESCRIPTION

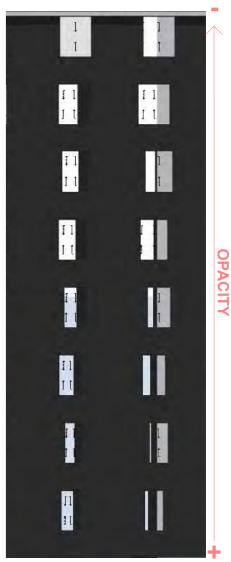
The primary facade material is a charcoal grey, profiled metal cladding panel. This neutral pallette provides a calm, minimal canvas onto which more expressive elements can be layered. The dark colour tone helps to create additional depth to the facade and gives these relatively long facades an overiding sense of lightness.

The window fenestration within these facades is composed in such a way that the extent of glazing increases as you progressively move higher up the building. This is in direct response to the adjacent road and lower height adjoining buildings. Once you move above this immediate context the glazing increase to maximise district, harbour and ocean views.



Aperture - Opacity





REV D: NO AMENDMENTS TO THIS DRAWING

PLOTTED: 16/10/19 GENERAL NOTES REVISIONS DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS 17-06-2019 DEVELOPMENT APPLICATION 12-08-2019 DEVELOPMENT APPLICATION 16-10-2019

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARD

11/08/19

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED

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Units 102, 202, 302, 402, 502, 602: NFRC: Us= 5.40, 5HGC=0.58 to all glazing.

7-11 Bondi Road Bondi

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

Nominated Architect
Brian Meyerson NSW
Registration Number 4907

Registration Number 4907 DA 6001 D



Application No: DA-435/2018

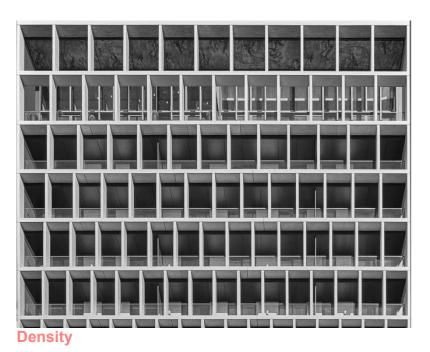
Date Received: 17/10/2019

SECONDARY SKELETAL OVERLAY

DESCRIPTION

The secondary facade material is an off form concrete lattice. This intricate composition, directly contrasts with the dark metal pallete behind, emphasising depth within what would otherwise be a flat elevation. The light colour tone expresses this element and adds a sense of playfulness along these relatively long

The organisation of this concrete lattice framework is composed in such a way that it becomes finer as it moves higher up the building. This increased solidity at the lower levels helps to address privacy issues with adjoining neighbours and buffers traffic noise from the street. the extra "lightness" toward the upper portions of the building help to reduce the visual bulk.







REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION

PLOTTED: 16/10/19 GENERAL NOTES 17-06-2019 12-08-2019 16-10-2019

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARD

11/08/19

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED

Units 102, 202, 302, 402, 502, 602: NFRC: Us= 5.40, 5HGC=0.58 to all glazing.

MHNDU

29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV: 7-11 Bondi Road Bondi

Nominated Architect DRAWING: Brian Meyerson NSW Registration Number 4907 FACADE CONCEPT 2 DA 6003 D



Application No: DA-435/2018

Date Received: 17/10/2019

TERTIARY TONAL VEIL

DESCRIPTION

The tertiary veil to the facade is an articulated, offset configuration of coloured profiled cladding, that graduates to form metal palisade balustrades. This carefully considered composition, is applied in conjunction with the concrete lattice frame. The variation in colour tone can be seen to graduate from darker tones at the lower levels through to lighter hues towards the top of the building. In combination with the concrete lattice, this accentuates a sense of lightness and playfulness within these

The graduated lighter colour tones as you move up the facade is an elevational concept derived from the increased exposure to the sunrise on the distant horizon to the east.



Vertical Louvres - Privacy





REV D: NO AMENDMENTS TO THIS DRAWING

PLOTTED: 16/10/19 GENERAL NOTES REVISIONS DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS 17-06-2019 DEVELOPMENT APPLICATION 12-08-2019 DEVELOPMENT APPLICATION 16-10-2019

11/08/19

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED

MHNDU

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Units 102, 202, 302, 402, 502, 602: NFRC: Uw= 5.40, SHGC=0.58 to all glazing.

7-11 Bondi Road Bondi

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

REV D: NO AMENDMENTS TO THIS DRAWING

AMENDED

(CL-2)

(MP-1)

(CL-1)

Units 102, 202, 302, 402, 502, 602: NFRC: Us= 5.40, 5HGC=0.58 to all glazing. RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019



METAL PALISADE COLOUR CHANGING GRADIENT FROM RUST RED (GF) TO BEIGE (L8)



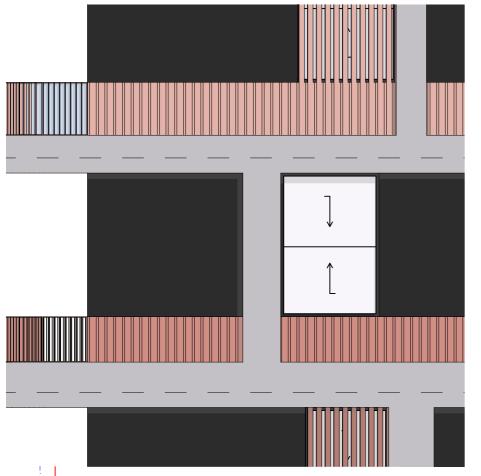
PROFIELD METAL CLADDING
COLOUR CHANGING GRADIENT FROM RUST RED (GF) TO BEIGE (L8)



METAL SCREENS (ABOVE PROFIELD CLADDING)
COLOUR CHANGING GRADIENT FROM RUST RED (GF) TO BEIGE (L8)

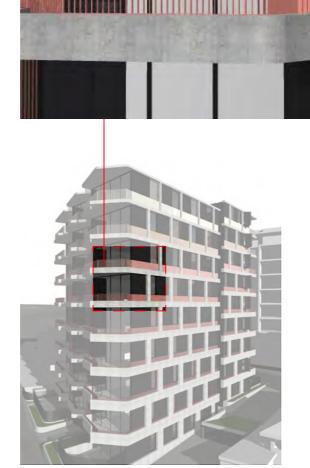


METAL CLADDING COLOUR TO MATCH DARK CHARCOAL





PLOTTED: 16/10/19 GENERAL NOTES



REVISIONS

A RESPOND TO COUNCIL'S EMAIL

DEVELOPMENT APPLICATION

MHNDU A3 Landscape pmk
CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE PRICET TO COMMENCING WORK. MHNDU IS TO BE

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDAR
CLAUSE B 14 - MATERIAL & FORMS CONSTRUCTIONS
SPEC. C11 - FREE RESISTING CONSTRUCTION
CLAUSE D21 - OPERATION OF LATICAL
CLAUSE D21 - OPERATION OF LATICAL
CLAUSE D22 - OPERATION OF LATICAL
CLAUSE D23 - OPERATION OF LATICAL
CLAUSE D24 - OPERATION OF LATICAL
CLAUSE D24 - OPERATION OF LATICAL
CLAUSE D24 - OPERATION OF LATICAL
CLAUSE D25 - OPER

CAUSE D. 1. - MONERAL & FORMS CONSTRUCTIONS

CLAUSE D. 1. - MONERAL & FORMS CONSTRUCTIONS

SPEC. 0.1. - PREVENTAGE OF COTENNAL WALLS IN A FIRE
SPEC. 0.1. - PREVENTAGE OF COTENNAL WALLS IN A FIRE
CAUSE CO.2. - SPEC. 0.1. - PREVENTAGE OF COTENNAL WALLS IN A FIRE
CAUSE CO.2. - SPEC. 0.1. - SPEC. 0.1. - PREVENTAGE OF COLORS IN A FIRE
CAUSE CO.3. - SPEC. 0.1. - SPEC. 0.1.

LAUSES & AUSTRALIAN STANDARDS

AUSE 0221- OPERATION OF LIZOD

AUSE 0222- OPERATION OF SAMPLE OF LIZOD

AUSE 0222- OPERATION

AUSE 0222- OPERATI

BASDICCOMMITMENTS

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BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED
11/08/19

MHNDUNION

29 HUTCHINSON STREET
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www.mhndu.com

PROJECT:
Residential Apa

7-11 Bondi Road Bondi Junction NSW 2022

DRAWING: EXTERNAL FINISHES AND MATERIALS 2/2

PROJECT NO: 18-013
S DRAWN BY: MHNDU
TO SCALE: @A3
DRAWING NO: REV:

DA 6005 D

REV C: NEW DRAWING ADDED

REV D: NO AMENDMENTS TO THIS DRAWING

RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019

REV C STORAGE CALCULATION UPDATED TO AMENDED FLOOR PLANS



AREA DIAGRAMS - STORAGE

6.3

6.3

6.6

7.6

6.3

6.3

6.3

6.3

6.3

9.2

12.6

6.3

6.3

12.1

12.6

10.2

10.2

11.6

11.6

9.4

9.4

10.4

9.9

10.4 15.4 17.7

9.7

10.4

10

10

STORAGE CALCULATIONS

1 bed

1 bed

2 bed

2 bed

1 bed

1 bed

3 bed

1 bed

2 bed

3 bed

3 bed

1 bed

2 bed

3 bed

3 bed

3.9

3.9

5.0

3.9

3.9

5.1

3.6

4.1

6.2

5.1

3.4

4.1

6.2

G01

G02

G03

G04

101-601

102-602 103-603

104-604

105-605

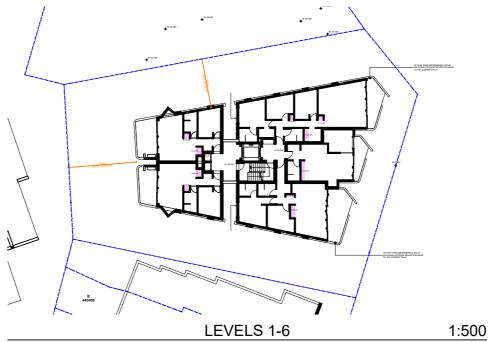
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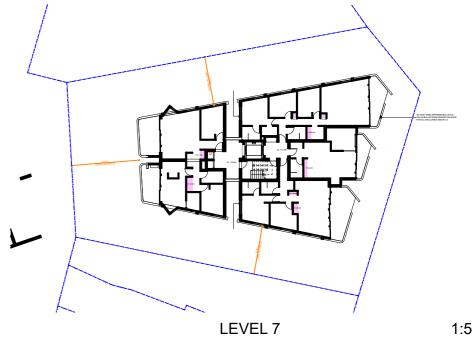
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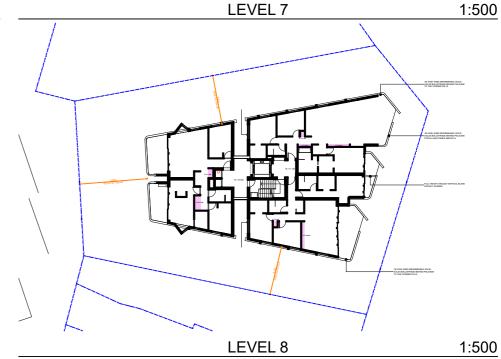
704

801

802







RΕ\	/ISIONS	PLOTTED: 16/10/19	GENERAL NOTES
Α	DEVELOPMENT APPLICATION	23-11-2018	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING COD OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY
В	DEVELOPMENT APPLICATION AMENDMENTS	17-06-2019	REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
С	DEVELOPMENT APPLICATION	12-08-2019	CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
D	DEVELOPMENT APPLICATION	16-10-2019	4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS / SETTING OUT PRIOR TO CONSTRUCTION. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS T ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENTS ARE ACCESSIBLE.
MHND	U A3 Landscape.pmk		ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWING

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA	CLAUSES & AUSTRALIAN STANDARDS	ī
CLASSE B. 1.4. MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1. PRESENTED CONSTRUCTION SPEC. C1.1. PRESENTED CONSTRUCTION SPEC. C1.1. PRESENTED CONSTRUCTION SPEC. C1.1. PRESENTED CONSTRUCTION SPEC. C1.1. PRESENTED SPEC. C1.1. CAUSE C2.4. SPEC. C1.2. SPEC. C1.1. CAUSE C2.4. SPEC. C1.2. SPEC. C1.2. CAUSE C2.4. SPEC. C2. CAUSE C2.4. SPEC.	CLASSE DZ.7 - HANDRALS CLASSE DZ.2 - DEPARTON DE LATCH CLASSE DZ.2 - DEPARTON DE LATCH CLASSE DZ.3 - LOCATE BRICCHORS WET JOSEPH DE LATCH CLASSE DZ.3 - CONSTRUCTION DE SANDRAY COMPARTMENTS CLASSE DZ.3 - CONSTRUCTION DE SANDRAY COMPARTMENTS CLASSE DZ.3 - DEVENTON DE MALTION DE TRANSPORTION CLASSE DZ.3 - SOUND DE MALTION DE TRANSPORT CLASSE DZ.3 - DE MALTION DE TRANSPORT CLASSE DZ.3 - SOUND DE MALTION DE TRANSPORT CLASSE DZ.3 - DE MALTION DE	

IATER OPTIONS		ENERGY OPTIONS		THERMAL COM
HOWERHEADS: DILETS:	3 STAR 4 STAR	COOLING	Air-conditioners, Single-phase, 2.5-3.0 EER to Using & Bed Areas	ROOF:
LOTHES WASHERS: ITCHEN TAPS:	NA 4 STAR	HEATING:	Air-conditioners, Single-phase, 2.5-3.0 EER to Using & Bed Areas	CEILINGS:
ATHROOM TAPS: ISHNASHERS:	4 STAR NA	VENTILATION:	Bathrooms & laundries: exhausts ducted & sealed, interlooked to light	EXTERNAL WAL
AIN WATER TANK: TORM WATER TANK:	NA NA	WATER HEATING: ENERGY EFFICIENT LIGHTING:	Central gas instantaneous Corroad fluorescents or LED to ALL	INTERNAL WALL
COLISPA: ANDSCAPE COMMON:	NIA 376 sept	COOK TOPS: REFINGATOR SPACE: CLOTHES DRYING LINES: ALTERNATIVE SUPPLY: POOLISPA:	sooms Gas cook-lop, electric oven Not well ventilated Indoor lines installed NIA NIA	

5		THERMAL COMFORT OPTIONS (CONTINUED	
	CONCRETE	FLOORS:	Concrete throughout with timber and tile coverings.
	Min. R2.5 Insulation with roof above Rated with sealed exhaust ventilation. Not rated with down-lights Metal clad cavity brick + R1.5 insulation		Units GD1-GD4 R1.5 insulation to all ground floors (above basement level).
	Plasterboard on stud within units. Can'ty brick barrly walls."	GLAZING TYPE:	Units G02, 801: NFRC: Uw= 4.30, SHGC=0.53 to all glazing
	Carry Dick party want.		Units 102, 202, 302, 402, 502, 602: NFRC: Use 5.40, SHGC=0.58 to all glazing.
			NFRC: Uw= 6.70, SHGC=0.57 to awning glazing.
			MERC Use 4.3 EMPCS The state of state

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29 HUTC	HINSON STE	REET	

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PROJECT	:
Residentia	l Apartme
	-

7-11 Bondi Road Bondi Junction NSW 2022

DRAWING: AREA DIAGRAMS -

DA 7001 D

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: 1:500 @A3 DRAWING NO: REV:

AREA DIAGRAMS - GFA

SUMMARY

SITE AREA: FSR CONTROL: 1,209 m² 2:1 ALLOWABLE GFA: 2418 m² AFFORDABLE HOUSING BONUS: 0.5:1

PROPOSED GFA: 3,022 m² PROPOSED FSR:

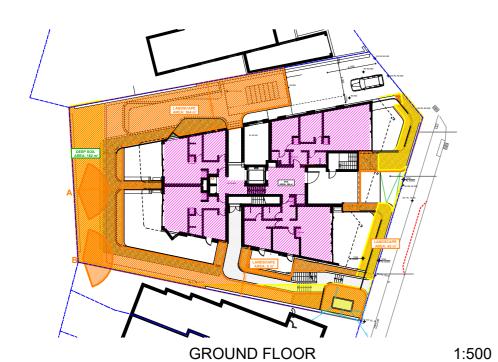
AMENDED REV D: NO AMENDMENTS TO THIS DRAWING

REV C GFA UPDATED TO AMENDED FLOOR PLANS

RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019



GFA CALCULATIONS

GROUND FLOOR

LEVEL 1

LEVEL 2

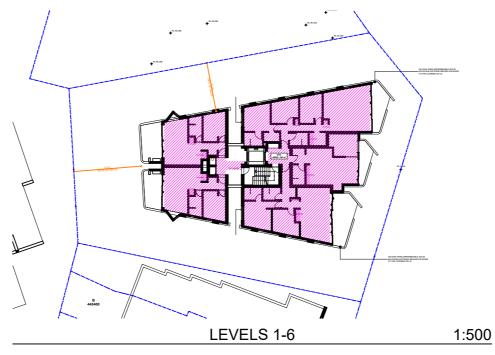
LEVEL 3

LEVEL 4

LEVEL 5 LEVEL 6

LEVEL 7

LEVEL 8



286

342

342

342

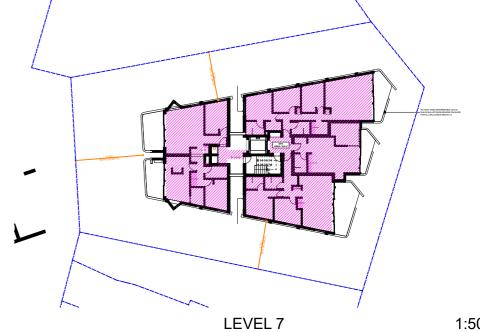
342

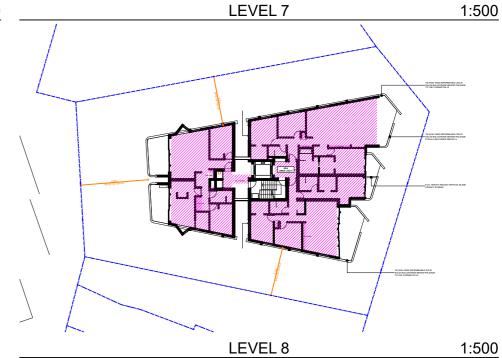
342

342

342

342 3,022 m²





RE\	ISIONS	PLOTTED: 16/10/19	GENERAL NOTES
Α	DEVELOPMENT APPLICATION	23-11-2018	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING CO OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY
В	DEVELOPMENT APPLICATION AMENDMENTS	17-06-2019	REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
С	DEVELOPMENT APPLICATION	12-08-2019	CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
D	DEVELOPMENT APPLICATION	16-10-2019	4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWINGS SETTING OUT PRIOR TO CONSTRUCTION. 5. CONTRACTOR TO LIAISE WITH ELECTRICAL CONTRACTORS ENSURE ALL POWER/DATA/COMMUNICATION REQUIREMENT
			ARE ACCESSIBLE. 6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCALE. 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOWI

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA	CLAUSES & AUSTRALIAN STANDARDS
CAUSE 6.1- MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1- FRE MAJADIO PROPERTES SPEC. SP	CAUSE D77 - HANDRAIS CAUSE D27 - ORDERION OF LATCH CLAUSE D22 - SERVIN ON LOOKS CLAUSE D23 - SERVIN OF BULDING ACCESS REQUIREMENTS CLAUSE D23 - DEVIT OF BULDING TO BE ACCESSIBLE D24 CLAUSE D23 - DEVIT OF ACCESSIBLE LANGE SWIFFATURES CLAUSE D24 - T WAITE PROCOPING OF WET AREAS CLAUSE D24 - CONSTRUCTION OF SWIFFATURES CLAUSE D25 - CONSTRUCTION OF SWIFFATURE
CLAUSE D2.13 - GOINGS AND RISERS CLAUSE D2.14 - LANDINGS	CLAUSE F5.5 - SOUND INSULATION OF WALLS CLAUSE F5.6 - SOUND INSULATION OF SERVICES
CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES	CLAUSE F5.7 - SOUND INSULATION OF PUMPS

		ENERGY OPTIONS		THERMAL COMPORT OFTIONS
SHOWERHEADS: TOLETS:	3 STAR 4 STAR	COOLING	Air-conditioners, Single-phase, 2.5-3.0 EER to Living & Bed Areas	ROOF:
CLOTHES WASHERS: KITCHEN TAPS:	NA 4 STAR	HEATING	Air-conditioners, Single-phase, 2.5-3.0 EER to Using & Bed Areas	CEILINGS
BATHROOM TAPS: DISHMASHERS:	4 STAR NA	VENTILATION:	Bathrooms & laundries: exhausts ducted & sealed, interlocked to light	EXTERNAL WALLS:
RAIN WATER TANK: STORM WATER TANK:	NA NA	WATER HEATING: ENERGY EFFICIENT LIGHTING:	Central gas instantaneous Compact fluorescents or LED to ALL	INTERNAL WALLS:
POOLSPA: LANDSCAPE COMMON:	NA 376 agn	COOK TOPS: REFRIGATOR SPACE: CLOTHES DRYING LINES:	rooms Gas cook-top, electric oven Not well ventilated Indoor lines installed	
		ALTERNATIVE SUPPLY: POOLISPA:	NA NA	

	THERMAL COMPORT OPTIONS (CONTINUED	
CONCRETE LIGHT COLOUR	FLOORS:	Concrete throughout with timber and tile coverings.
Min. R2.5 Insulation with roof above Rated with sealed exhaust vertilation. Not rated with down-lights Metal clad cavity brick + R1.5 insulation		Units G01-G04 R1.5 insulation to all ground floors (above basement level).
Plasterboard on stud within units. Cavity brick banty walls."	GLAZING TYPE:	Units G02, 801: NFRC: Us= 4.30, SHGC=0.53 to all glazing
,,		Units 102, 202, 302, 402, 502, 602: NFRC: Us= 5.40, SHGC=0.58 to all glazing.
		NFRC: Uw= 6.70, SHGC=0.57 to awning glazing.
		MERCHANICA STRUCTURE THE ANGLE ANGLE

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PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: 1:500 @A3 DRAWING NO: REV: 7-11 Bondi Road Bondi Junction NSW 2022

DRAWING: AREA DIAGRAMS - GFA DA 7002 D

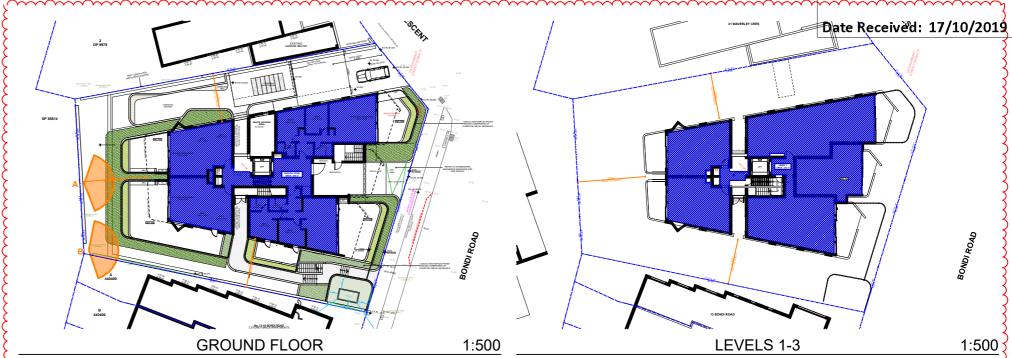
AMENDED

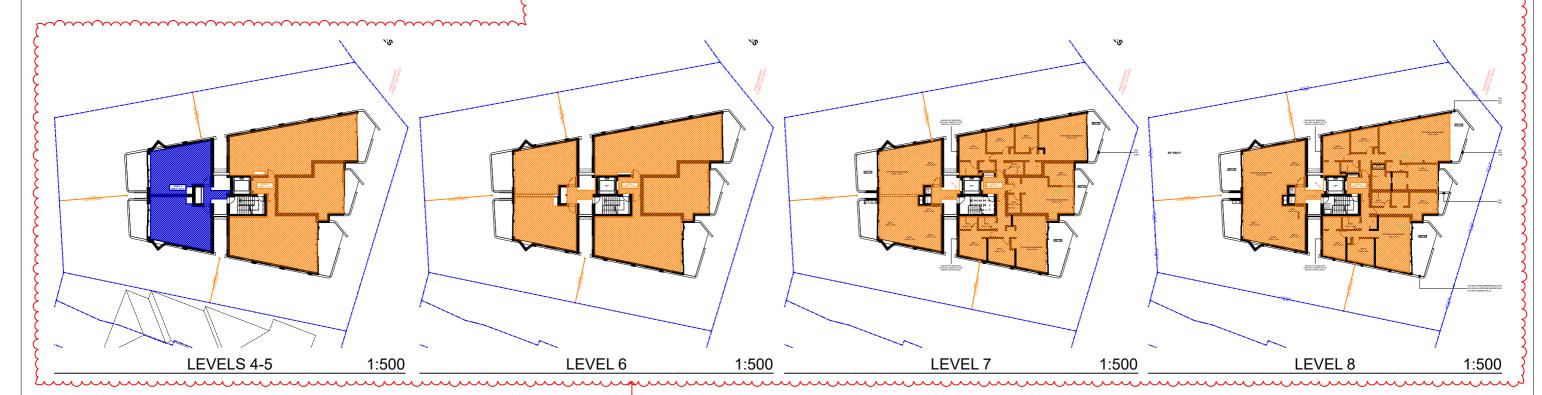
RECEIVED Waverley Council

Application No: DA-435/2018

AFFORDABLE HOUSING DIAGRAMS

ALLOCATION	LEVEL	AREA - (Ģ FA
AH	LEVEL 4	242	\
AH	LEVEL 5	242	\frac{7}{2}
AH	LEVEL 6	342	₹
AH	LEVEL 7	342	\frac{7}{2}
AH	LEVEL 8	\$ 342	
		1,510 m²	50% AFFORDABLE
NON- AFFORDABLE NON-	GROUND LEVEL	286	₹
AFFORDABLE	LEVEL 1	342	\$
NON- AFFORDABLE	LEVEL 2	\$ 342	\frac{1}{2}
NON- AFFORDABLE	LEVEL 3	342	\$
NON- AFFORDABLE	LEVEL 4	\$ 100	
NON- AFFORDABLE	LEVEL 5	100	\$
7.1.1.0.1.07.1022		1,512 m²	50% NON-AFFORDABLE
		3,022 m²	5





REV C AFFORDABLE HOUSING REALLOCATED AS PER COUNCIL'S DEFERRAL LETTER IN 15 MAY 2019

REV D: NO AMENDMENTS TO THIS DRAWING

DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS DEVELOPMENT APPLICATION 12-08-2019 DEVELOPMENT APPLICATION

29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

DRAWING:
AFFORDABLE HOUSING DA 7003 D
DIAGRAMS

AMENDE D REV D: NO AMENDMENTS TO THIS DRAWING **AREA DIAGRAMS - SEPP 65 RECEIVED** SUMMARY LEGEND **Waverley Council** REV C SEPP 65 COMPLIANCE DIAGRAM UPDATED TOTAL APARTMENTS: RECEIVES 2HRS SOLAR ACCESS TO LIVING AREAS & PRIVATE OPEN SPACE SOLAR ACCESS: Application No: DA-435/2018 2HRS TO LIVING & POS 34/41 = **83%** RECEIVES 2HRS SOLAR ACCESS TO CROSS VENT: 34/41 = **83%** LIVING AREAS Date Received: 17/10/2019 ADAPTABLE APARTMENT 8/41 = **20%** CROSS VENTILATED LIVEABLE APARTMENT 8/41 = **20%** ADAPTABLE APARTMENT **REV C** SEPP 65 COMPLIANCE LIVABLE APARTMENT TABLE UPDATED **GROUND FLOOR** 1:500 LEVELS 1-6 1:500 LEVEL 7 1:500 LEVEL 8 1:500 PLOTTED: 16/10/19 GENERAL NOTES

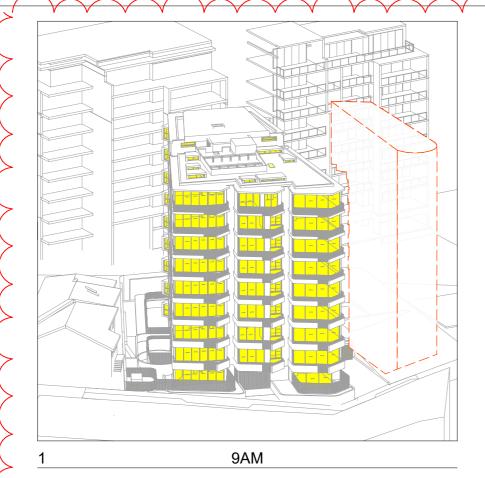
PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV: 7-11 Bondi Road Bondi Junction NSW 2022 29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010 DEVELOPMENT APPLICATION 12-08-2019 Units 102, 202, 302, 402, 502, 602: NFRC: User 5.40, 5HGC=0.58 to all glazing. DEVELOPMENT APPLICATION 16-10-2019 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com DRAWING: AREA DIAGRAMS - SEPP DA 7004 D

REVISIONS

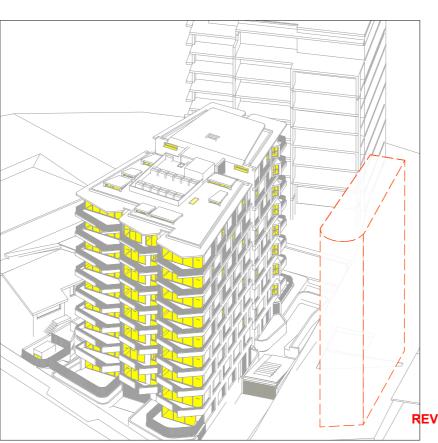
DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS

17-06-2019

AMENDED



10AM



SOLAR COMPLIANCE

TOTAL UNITS

2hrs Solar Access required

GROUND FLOOR: LEVELS 1-6: 4/5 (24/30) LEVEL 7: 4/4 LEVEL 8: 3/3

TOTAL: 34/41

REQUIRED: 70% ACHIEVED: 83%

AFFORDABLE UNITS

3hrs Solar Access required

TOTAL: 17/18

REQUIRED: 70% ACHIEVED: 94%

LEGEND

SOLAR ACCESS

FUTURE NEIGHBOURING ENVELOPE

ADG SOLAR CONTROLS

able rooms, primary windows and private open space

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
- In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter
- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at

RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019

REV C SOLAR ACCESS DIAGRAMS AND CALCULATION UPDATED

REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS

DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS

DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION

PLOTTED: 16/10/19 GENERAL NOTES 17-06-2019 12-08-2019

16-10-2019

11/08/19

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED

Units 102, 202, 302, 402, 502, 602: NFRC: User 5.40, 5HGC=0.58 to all glazing.

29 HUTCHINSON STREET SURRY HILLS SYDNEY NSW 2010

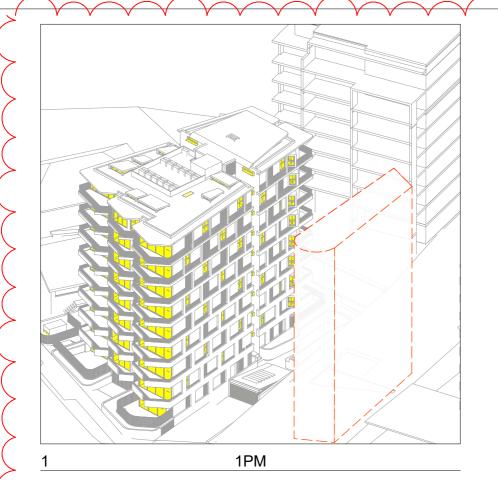
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7-11 Bondi Road Bondi

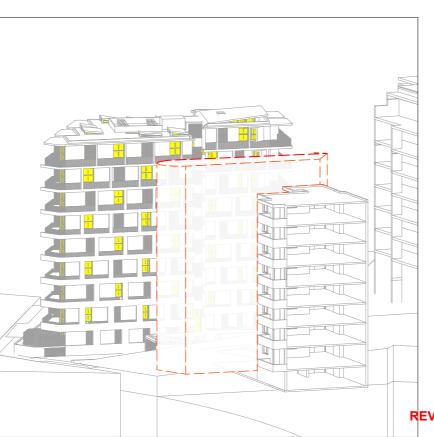
DRAWING: SOLAR ACCESS 1/2 - DA 7100 D

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

AMENDED



2PM



SOLAR COMPLIANCE

TOTAL UNITS

2hrs Solar Access required

GROUND FLOOR: 4/5 (24/30) LEVELS 1-6: LEVEL 7: 4/4 LEVEL 8: 3/3

TOTAL: 34/41

REQUIRED: 70% ACHIEVED: 83%

AFFORDABLE UNITS

3hrs Solar Access required

TOTAL: 17/18

REQUIRED: 70% ACHIEVED: 94%

LEGEND

SOLAR ACCESS

FUTURE NEIGHBOURING ENVELOPE

ADG SOLAR CONTROLS

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
- In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter
- A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at

RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 17/10/2019

REV C SOLAR ACCESS DIAGRAMS AND CALCULATION UPDATED

REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS

DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS

DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION

PLOTTED: 16/10/19 GENERAL NOTES 17-06-2019 12-08-2019 16-10-2019

11/08/19

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED

Units 102, 202, 302, 402, 502, 602: NFRC: User 5.40, 5HGC=0.58 to all glazing.

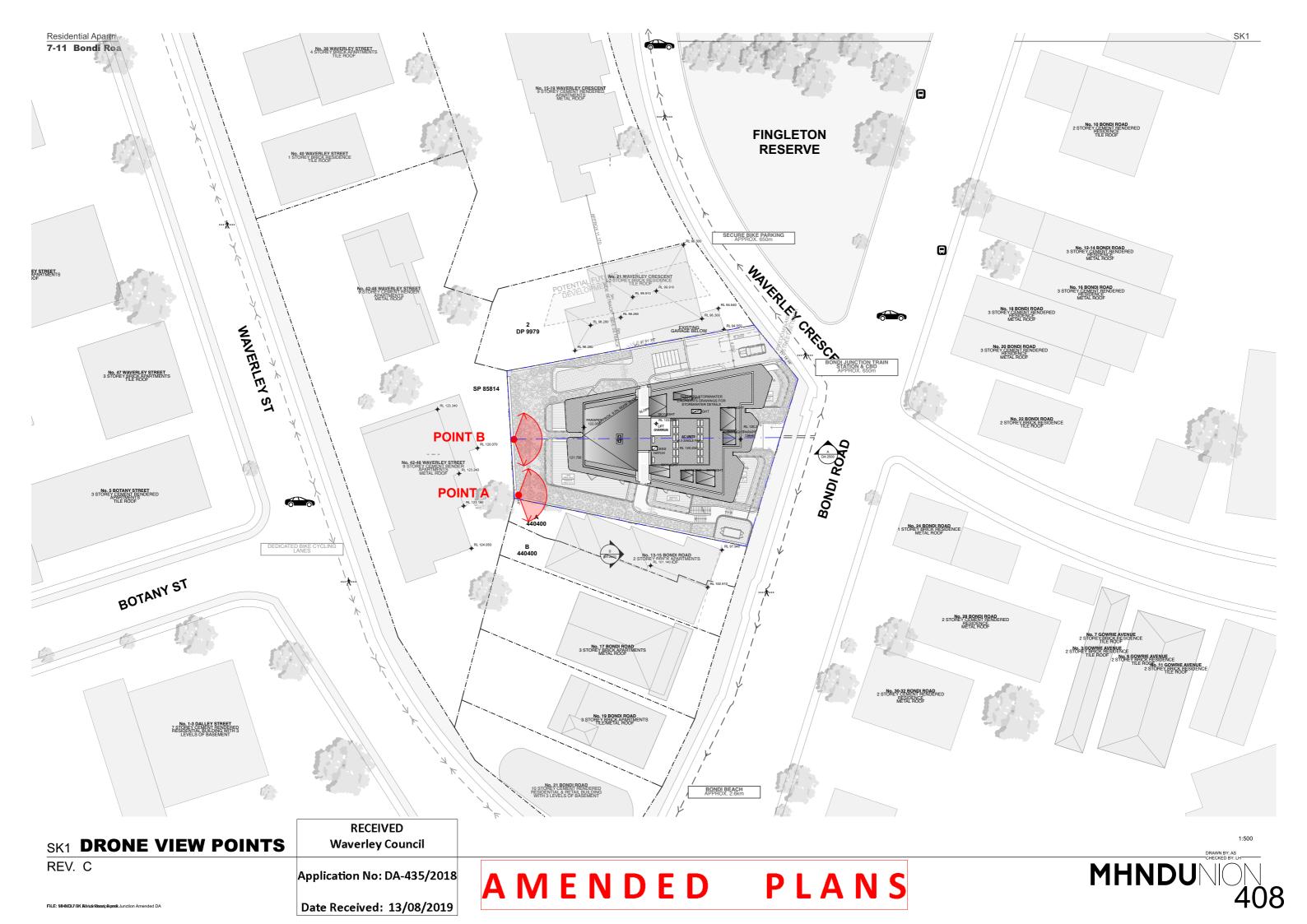
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PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

DRAWING: SOLAR ACCESS 2/2 - DA 7101 D



BONDI ROAD APARTMENTS SK2

9-11 Bondi Road Bondi NSW 2022



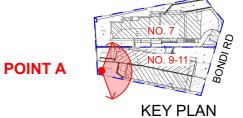
Level 08 - View from Rear Development



Level 07 - View from Rear Development



Level 03 - View from Rear Development



SK2 EXISTING VIEWS (POINT A)

REV. C

RECEIVED Waverley Council

Application No: DA-435/2018

Date Received: 13/08/2019

AMENDED PLANS



BONDI ROAD APARTMENTS SK3

9-11 Bondi Road Bondi NSW 2022



Level 08 - View from Rear Development

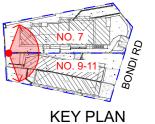


Level 07 - View from Rear Development



Level 03 - View from Rear Development

POINT B



SK3 EXISTING VIEWS (POINT B) REV. C

RECEIVED

Waverley Council

Application No: DA-435/2018

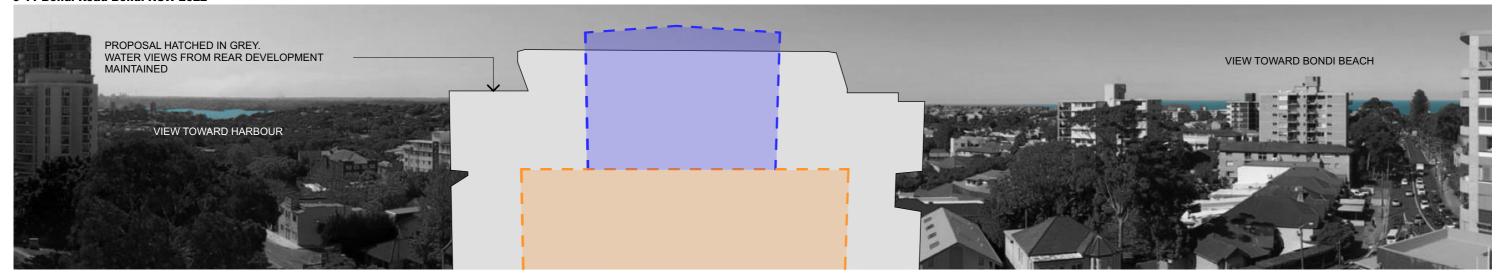
Date Received: 13/08/2019

AMENDED PLANS

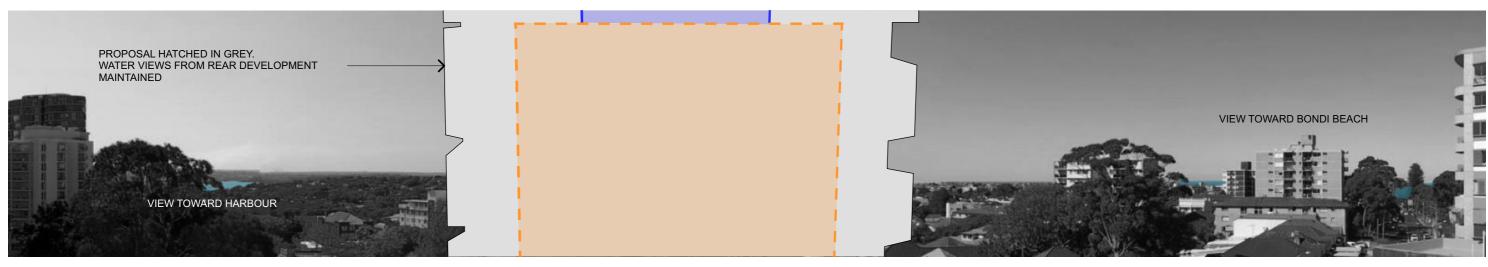


BONDI ROAD APARTMENTS
SK4

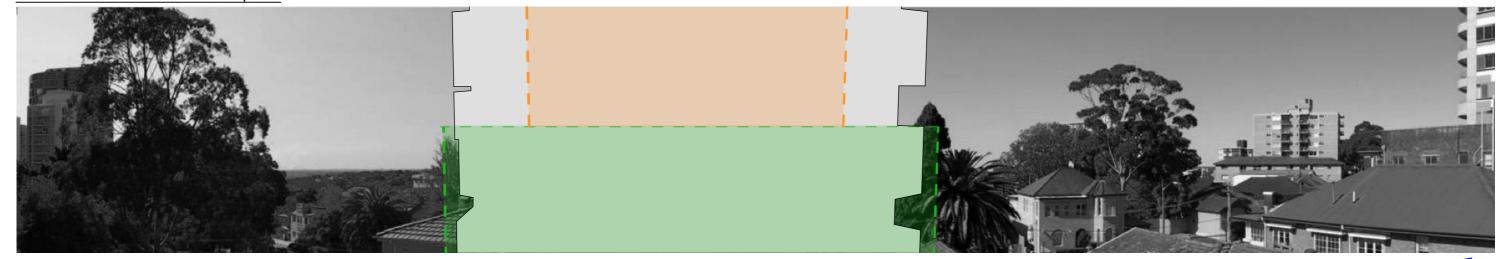
9-11 Bondi Road Bondi NSW 2022



Level 08 - View from Rear Development



Level 07 - View from Rear Development



Level 03 - View from Rear Development

- ADG REQUIRED 12M BUILDING SEPARATION / 6M SIDE SETBACK
- ADG REQUIRED 16M BUILDING SEPARATION / 9M SIDE SETBACK

— ADG REQUIRED 24M BUILDING SEPARATION / 12M SIDE SETBACK

POINT A NO. 9-11



SK4 VIEW LOSS - ANALYSIS (POINT A)

REV. C

Application No: DA-435/2018

RECEIVED

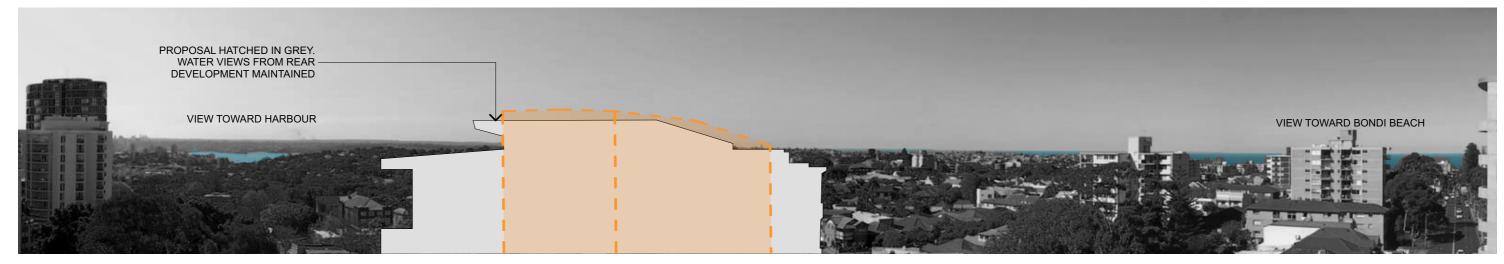
Waverley Council

Date Received: 13/08/2019

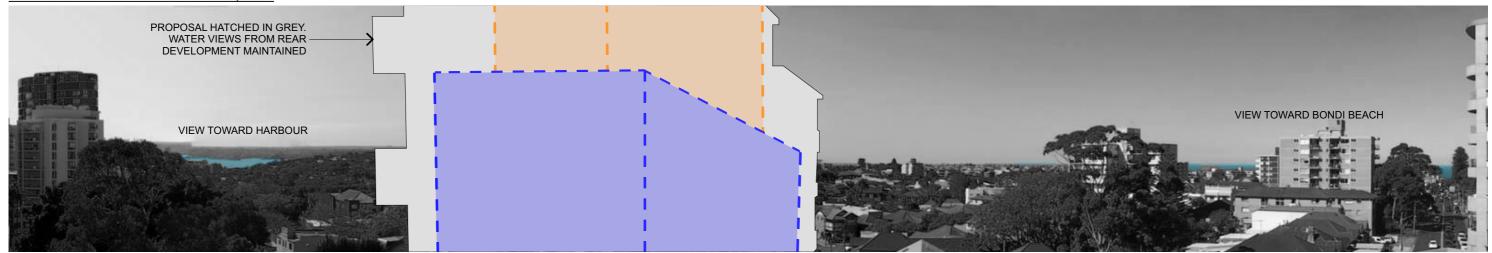
AMENDED PLANS

MHNDUNON 41 BONDI ROAD APARTMENTS SK5

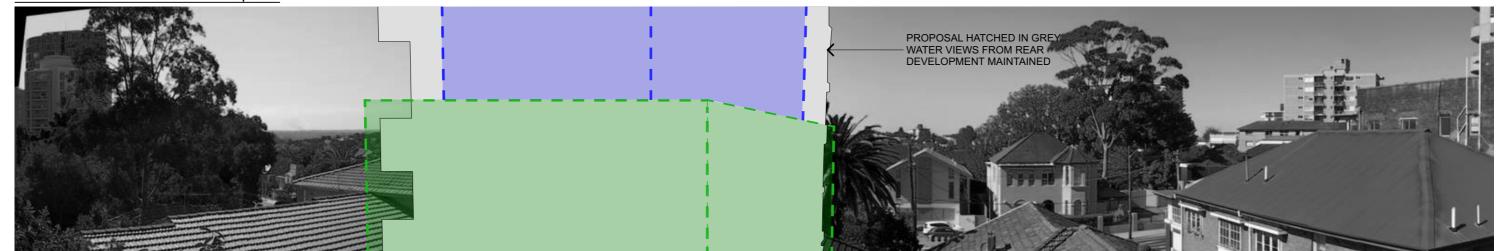
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Level 08 - View from Rear Development



Level 07 - View from Rear Development



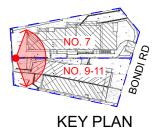
Level 03 - View from Rear Development

- ADG REQUIRED 12M BUILDING SEPARATION / 6M SIDE SETBACK

ADG REQUIRED 16M BUILDING SEPARATION / 9M SIDE SETBACK

ADG REQUIRED 24M BUILDING SEPARATION / 12M SIDE SETBACK

POINT B



SK5 VIEW LOSS - ANALYSIS (POINT B)

REV. C

Application No: DA-435/2018

RECEIVED

Waverley Council

Date Received: 13/08/2019

AMENDED PLANS

MHNDUNION 41



Application No: DA-435/2018

Date Received: 17/10/2019



-BUILDING EXTERIOR REDESIGNED IN RESPONSE TO THE SITE'S CONTEXT, BULK AND SCALE REDUCED -FRONT FACADE REDESIGNED TO ALIGN WITH THE PREDOMINANT STREET SETBACK
-ADDITIONAL LANDSCAPING INTRODUCED TO BUILDING FRONTAGE

-PRIVACY SCREENS INTRODUCED BETWEEN FRONT BALCONIES

REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS PLOT		PLOTTED: 16/10/19	GENERAL NOTES
Α	DEVELOPMENT APPLICATION	23-11-2018	ALL WORKS TO BE IN ACCORDANCE WITH THE BUILDING OF AUSTRALIA AUSTRALIAN STANDARDS STATUTORY
В	DEVELOPMENT APPLICATION AMENDMENTS	17-06-2019	REGULATIONS AND LOCAL AUTHORITY REQ. 2. CONTRACTOR TO ENSURE CONSISTENCY BETWEEN MATERIALS IS MAINTAINED
С	DEVELOPMENT APPLICATION	12-08-2019	 CONTRACTOR TO NOTIFY MHN OF ANY DISCREPENCIES, DIMENSIONAL INCONSISTENCIES OR THE NEED FOR CLARIFICATION PRIOR TO MANUFACTURING
D	DEVELOPMENT APPLICATION	16-10-2019	4. MHN TO REVIEW ALL CONTRACTORS DETAILED DRAWING SETTING OUT PRIOR TO CONSTRUCTION. 5. CONTRACTOR TO LIASE WITH ELECTRICAL CONTRACTOR ENSURE ALL POWER/DATA/COMMUNICATION REQUIREME! ARE ACCESSIBLE.
	NIAN		6. ALL DIMENSIONS TO BE VERIFIED ON SITE - DO NOT SCAL 7. ALL WORKS TO BE VERIFIED AGAINST DRAWINGS FOLLOW

CAUSE D.1. T-MARGRAE OF LATION CAUSE D.1. T-MARGRAE OF LATION SPEC. D.1. SPECIAL SPECI				
	CAMBE 1.1 MINTERS & FORME CONTINUEDOS SPEC. C.1.1- PER ESTINE CONSTRUCTION SPEC. C.1.1- PER ESTINE CONSTRUCTION SPEC. C.1.1- PER ESTINE CONSTRUCTION SPEC. C.1.1- SPEC.	CALVES D.17. HANDONES ALANSE D.21. HANDONES CALVES D.21. SENSE ON COORS CALVES D.21. SENSE ON COORS	SHOWERHEADS: TOLETS: CLOTHES WASHERS: KITCHEN TAPS: BATHROOM TAPS: DISHMASHERS: RAIN WATER TANK: STORM WATER TANK: STORM WATER TANK: POOLEPS:	
		SERVICE SALE - SOURCE RESEARCH OF PURPO	11/08/19	

s ,			SIX CERTIFICATE AND STAMP	ED PLANS)	~~~~	\sim
١ ,	WATER OPTIONS		ENERGY OPTIONS		THERMAL COMFORT OPTIONS	
- (SHOWERHEADS: TOLETS:	3 STAR 4 STAR	COOLING	Air-conditioners, Single-phase, 2.5-3.0 EER to Using & Bed Areas	ROOF:	CONCE
EMENTS	CLOTHES WASHERS: KITCHEN TAPS:	NA 4 STAR	HEATING	Air-conditioners, Single-phase, 2.5-3.0 EER to Living & Bed Areas	CEILINGS	Min. R2 Rated v
EATURES	BATHROOM TAPS: DISHMASHERS:	4 STAR NA	VENTLATION	Bathrooms & laundries: exhausts ducted & sealed, interlocked to light	EXTERNAL WALLS:	with dos Metal d
(RAIN WATER TANK: STORM WATER TANK:	NA NA	WATER HEATING: ENERGY EFFICIENT LIGHTING:	Central gas instantaneous Compact fluorescents or LED to ALL	INTERNAL WALLS:	Planter
	POOLSPA: LANDSCAPE COMMON:	NA 375 som	COOK TOPS	Gas cook-bo, electric oven		Cavity b
RTMENTS	DALLOSECOMICA	20040	REFRIGATOR SPACE: CLOTHES DRYING LINES:	Not well verifiated Indoor lines installed		
- (1		ALTERNATIVE SUPPLY:	NA.		
•	<u> </u>		POOLISPA:	NA.		
- (T RASIX ($CMMO_{C}$	MENTS III	PDATED TO BA	SIX CERTI	FIC.A

	CONCRETE	THERMAL COMFORT OPTIONS (CONTINUED PLOORS:	Concrete throughout with timber and
	LIGHT COLOUR Min. R2.5 Insulation with roof above Rated with sealed exhaust vertilation. Not rated with down-lights Metal clad cavity brick + R1.5 insulation		tile coverings. Units GD1-GD4 R1.5 insulation to all ground floors (above basement level).
	Planterboard on stud within units. Cardy brick barty walls."	GLAZING TYPE:	Units G02, 801: NFRC: Us= 4.30, SHGC=0.53 to all planing
	Carry Dick party Mans.		Units 102, 202, 302, 402, 502, 602: NFRC: User 5.40, SHGC=0.58 to all glazing.
			NFRC: Us= 6.70, SHGC=0.57 to awning glazing.
-1/	CATE DATED		NFRC: Uw= 4.2, SHGC=0.72 to skylight glazing.
- 11	CALE DATED	,	NFRC: Uw= 6.70, SHGC=0.70 to all remaining

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PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

DRAWING: PHOTOMONTAGE 1

DA 7201 D



REV D: NO AMENDMENTS TO THIS DRAWING

REVISIONS DEVELOPMENT APPLICATION DEVELOPMENT APPLICATION AMENDMENTS DEVELOPMENT APPLICATION 12-08-2019 DEVELOPMENT APPLICATION 16-10-2019

BASIX COMMITMENTS UPDATED TO BASIX CERTIFICATE DATED 11/08/19

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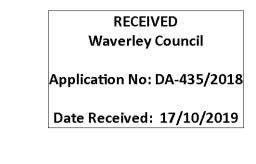
7-11 Bondi Road Bondi Junction NSW 2022

Nominated Architect Brian Meyerson NSW Registration Number 4907 PHOTOMONTAGE 2

PROJECT NO: 18-013 DRAWN BY: MHNDU TO SCALE: NTS @A3 DRAWING NO: REV:

DA 7202 D

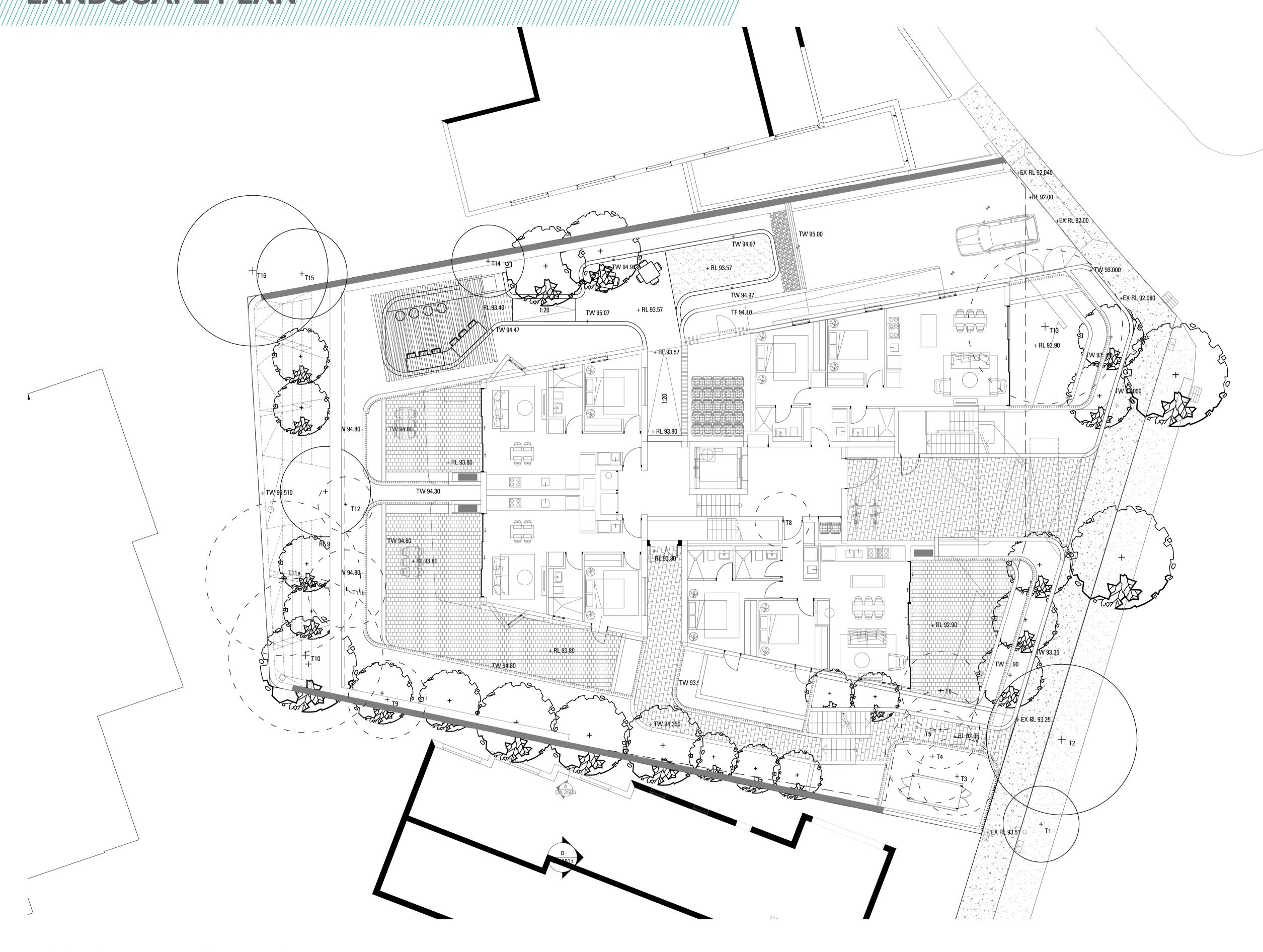
201



EXISTING TREES TO BE REMOVED

PROPOSED FEATURE TREE PLANTING

PROPOSED SHRUB AND ACCENT PLANTING



ARCADIA

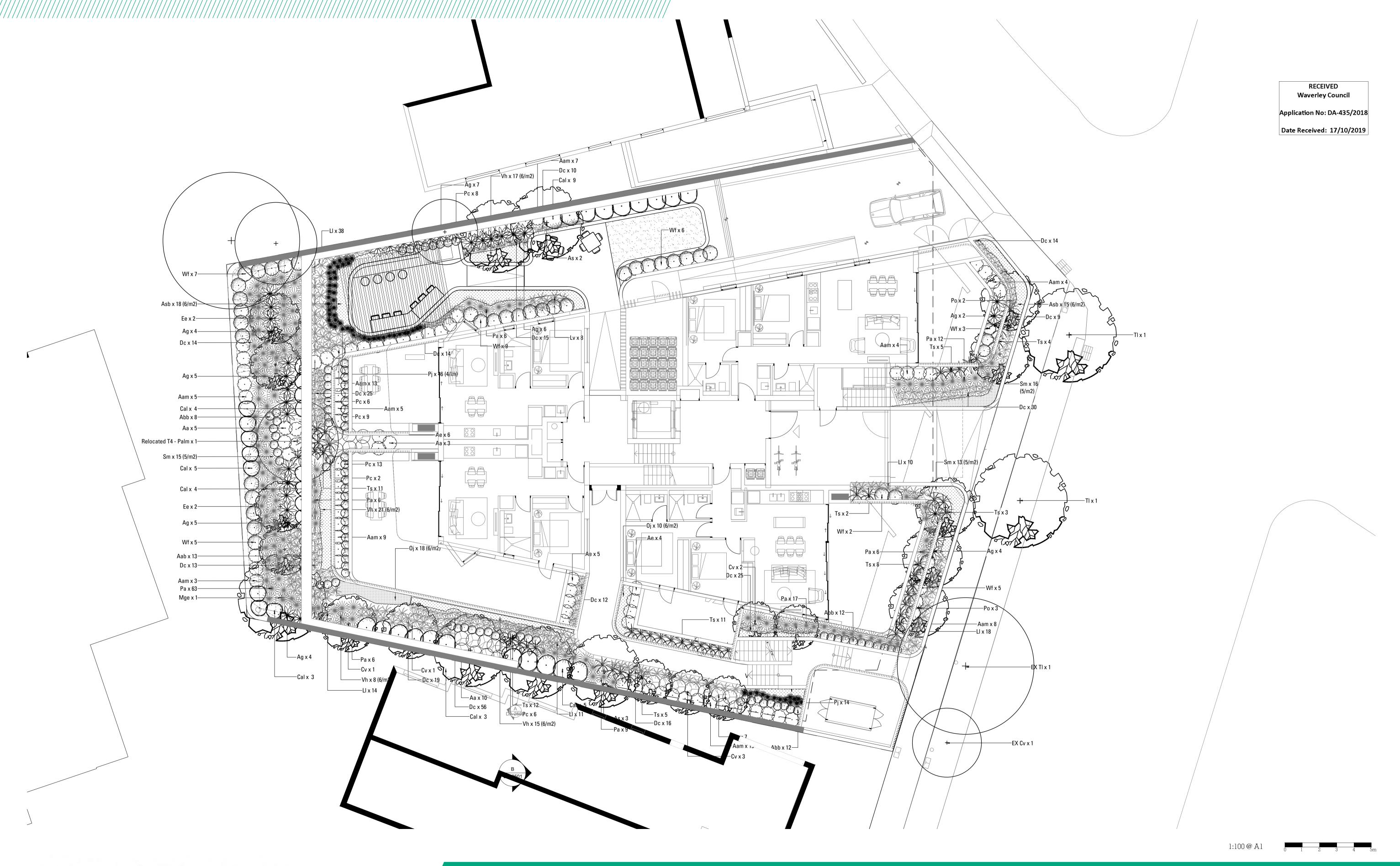
7-10 BONDI RD, BONDI JUNCTION DEVELOPMENT APPLICATION



PREPARED BY Arcadia Landscape Architecture
CLIENT
ARCHITECT MHNDU

e DATE Oct 2019 SCALE 1:100 @ A1 ISSUE E

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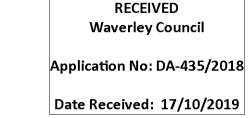
7-10 BONDI RD, BONDI JUNCTION DEVELOPMENT APPLICATION

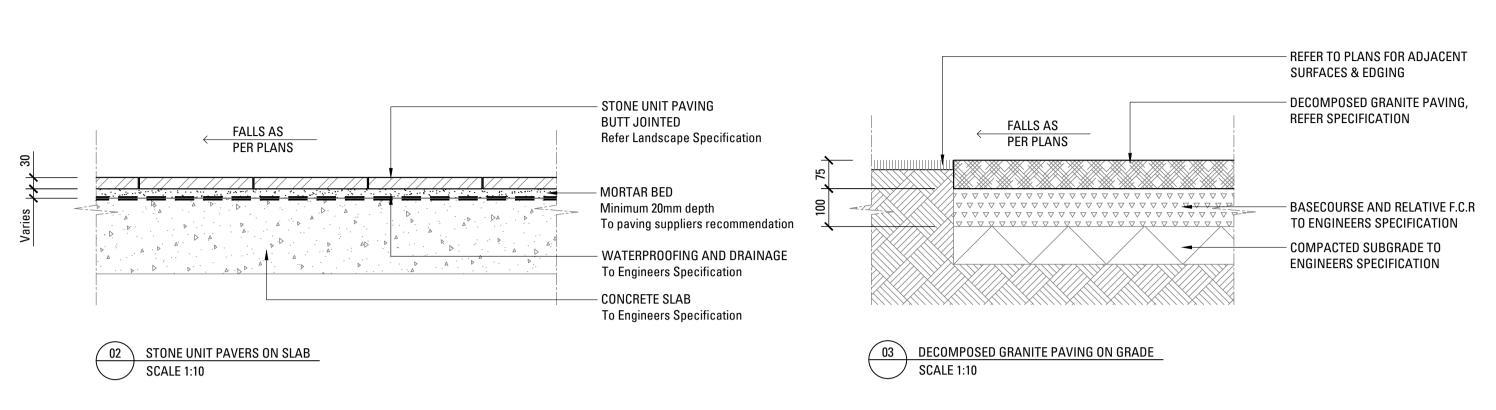


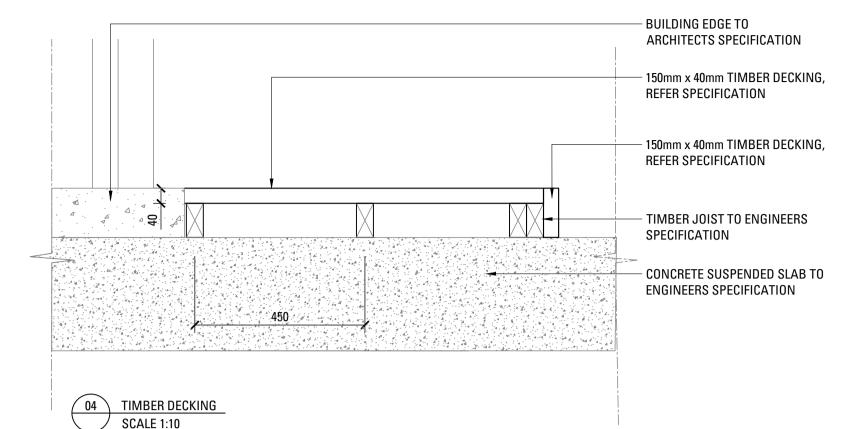
PREPARED BY Arcadia Landscape Architecture
CLIENT
ARCHITECT MHNDU

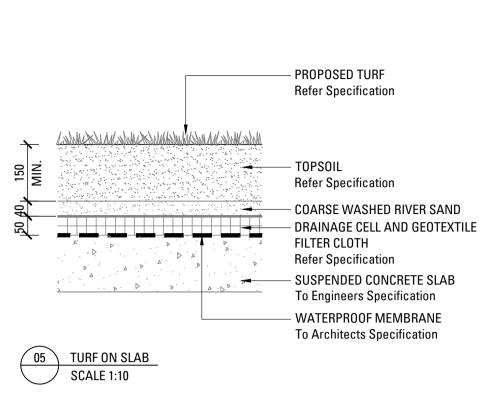
SCALE 1:100 @ A1
ISSUE E

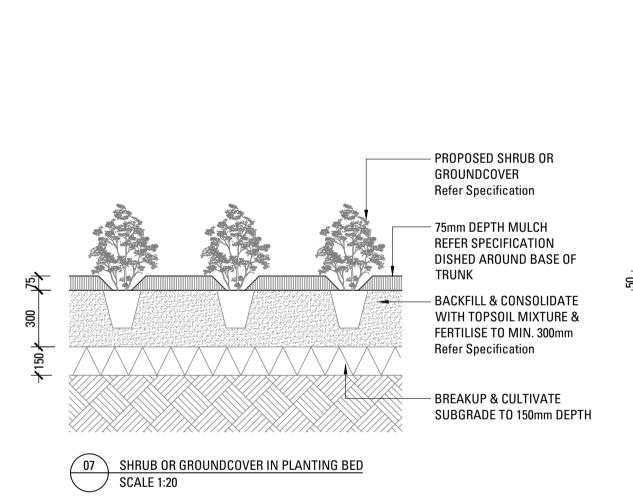
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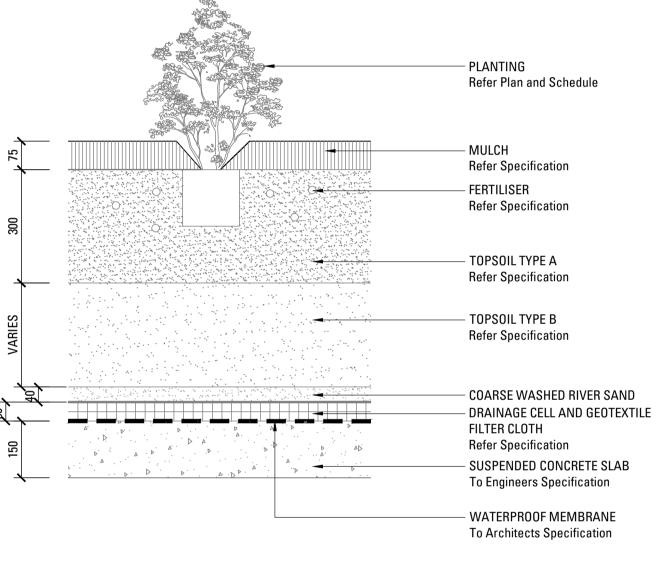


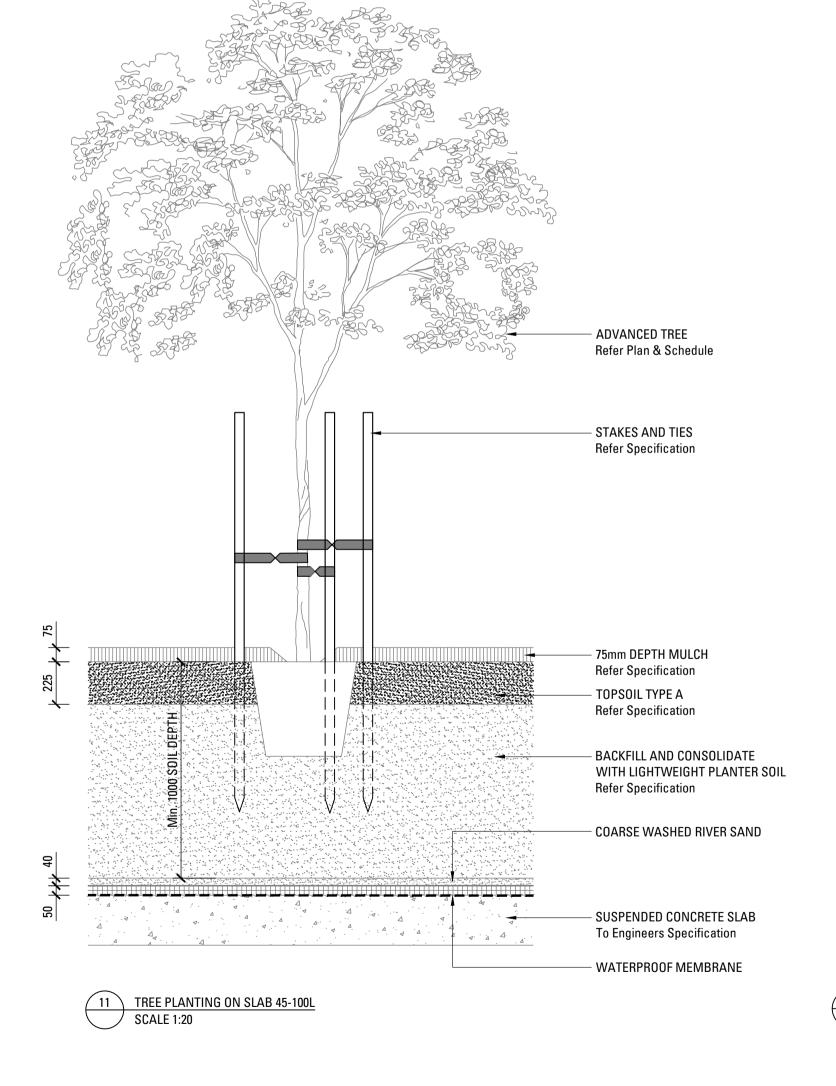


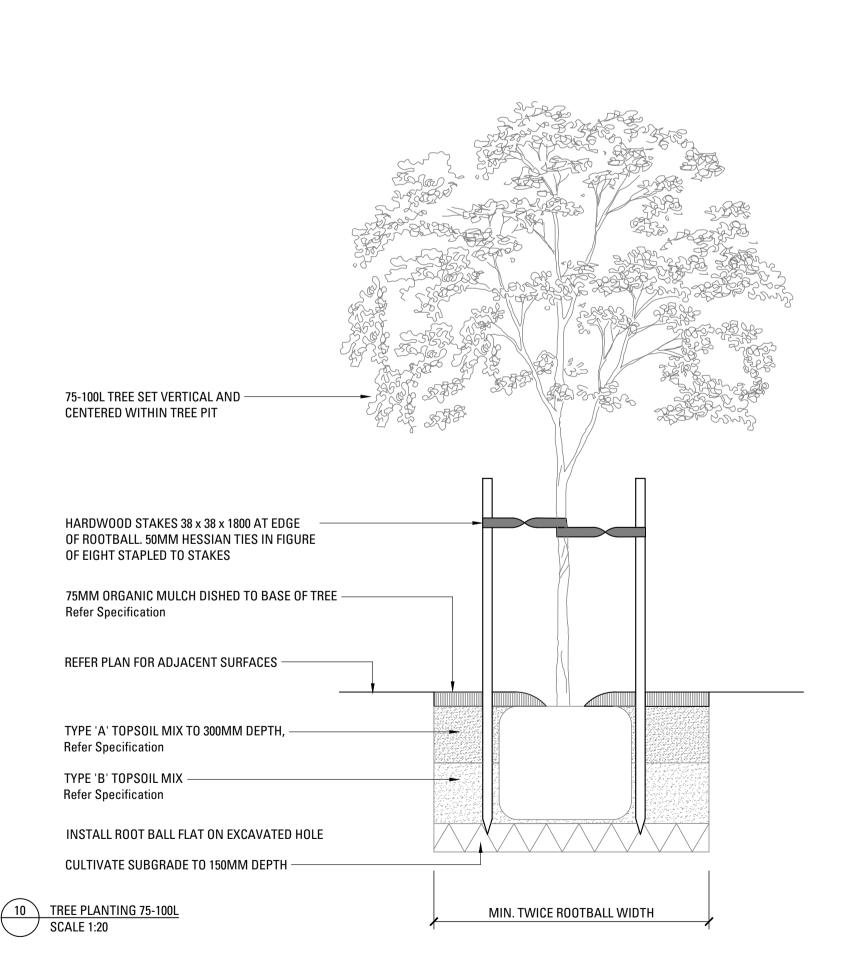


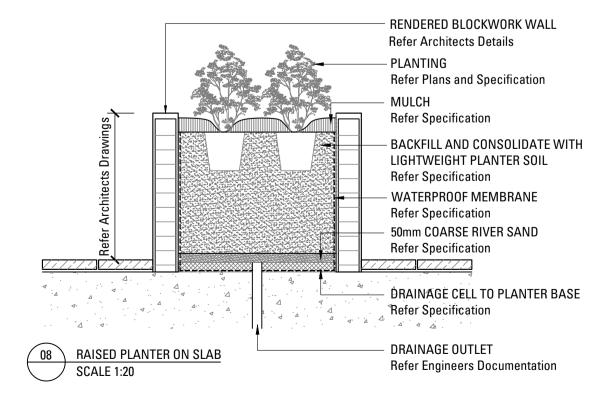


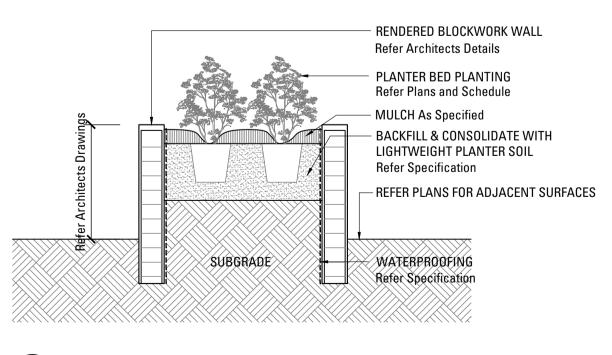


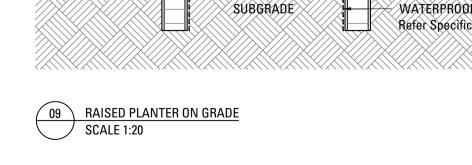












06 150MM-25L SHRUB PLANTING ON SLAB

SCALE 1:10



7-10 BONDI RD, BONDI JUNCTION DEVELOPMENT APPLICATION



PREPARED BY Arcadia Landscape Architecture CLIENT

ARCHITECT MHNDU

DATE Oct 2019 ISSUE

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Ensure compliance with the Building Code of Australia and all relevant Australian Standards and Authorities

Application No: DA-435/2018

Date Received: 17/10/2019

LANDSCAPE SPECIFICATION NOTES

BEFORE LANDSCAPE WORK IS COMMENCED THE LANDSCAPE CONTRACTOR IS TO ESTABLISH THE POSITION OF ALL SERVICE LINES AND ENSURE TREE PLANTING IS CARRIED OUT AT LEAST 3 METRES AWAY FROM THESE SERVICES. SERVICE LIDS, VENTS AND HYDRANTS SHALL BE LEFT EXPOSED AND NOT COVERED BY ANY LANDSCAPE FINISHES (TURFING, PAVING, GARDEN BEDS ETC.) FINISH ADJOINING SURFACES FLUSH WITH PIT LIDS.

ABORIST MANAGEMENT OF TREE PROTECTION

A QUALIFIED AND APPROVED ABORIST IS TO BE CONTRACTED TO UNDERTAKE OR MANAGE THE INSTALLATION OF PROTECTIVE FENCING, AND TO UNDERTAKE SUCH MEASURES AS HE DEEMS APPROPRIATE TO PRESERVE THE SUBJECT TREES TO BE RETAINED. THE ARBORIST IS TO BE RETAINED FOR THE ENTIRE CONTRACT PERIOD TO UNDERTAKE ONGOING MANAGEMENT AND REVIEW OF THE TREES.

DRAINAGE CELL AND FILTER FABRIC

FOR ON-SLAB AREAS INSTALL AN APPROVED 'DRAINAGE CELL' PRODUCT TO COMPREHENSIVELY COVER THE BOTTOM OF ALL PLANTERS. OVER DRAINAGE CELL TO ON-SLAB AREAS, A POLYFELT GEOTEXTILE LINING (AS SUPPLIED BY 'POLYFELT TS' OR APPROVED EQUIVALENT) IS TO BE INSTALLED TO COVER THE BOTTOM OF ALL PLANTERS, TURNED UP 300MM AND TAPED TO THE PLANTER SIDES TO ENSURE SOIL MIX DOES NOT ESCAPE INTO DRAINAGE OUTLETS/HOLES. INSTALL MIN. 50MM COARSE RIVER SAND OVER ALL GEOTEXTILE LINING PRIOR TO INSTALLATION OF SOIL MIX.

PLANTING MIXTURE

SHALL BE HOMOGENOUS BLEND OF SOIL AND ADDITIVES IN THE FOLLOWING PROPORTIONS:

EXISTING SITE SOIL IF SUITABLE OR IMPORTED TOPSOIL 50%

COMPOST 30%

SOIL TESTING OF EXISTING SITE SOIL IS TO BE UNDERTAKEN TO ASSESS SUITABILITY OF USE AS PLANTING TOPSOIL AND COMPLIANCE WITH AUSTRALIAN STANDARDS.

PLACE MULCH TO THE REQUIRED DEPTH, (REFER TO DRAWINGS) CLEAR OF PLANT STEMS, AND RAKE TO AN EVEN SURFACE FINISHING 25MM BELOW ADJOINING LEVELS. ENSURE MULCH IS WATERED IN AND TAMPED DOWN DURING INSTALLATION.

PINE BARK: FROM MATURE TREES, GRADED IN SIZE FROM 15MM TO 30MM, FREE FROM WOOD SLIVERS. DARK BROWN IN COLOUR AND TEXTURE.

SHALL BE WELL ROTTED VEGETATIVE MATERIAL OR ANIMAL MANURE, OR OTHER APPROVED MATERIAL, FREE FROM HARMFUL CHEMICALS, GRASS AND WEED GROWTH AND WITH NEUTRAL PH. PROVIDE A CERTIFICATE OF PROOF OF PH UPON REQUEST.

PLANT MATERIAL

ALL PLANTS SUPPLIED ARE TO CONFORM WITH THOSE SPECIES LISTED IN THE PLANT SCHEDULE ON THE DRAWINGS. GENERALLY PLANTS SHALL BE VIGOROUS, WELL ESTABLISHED, HARDENED OFF, OF GOOD FORM CONSISTENT WITH SPECIES OR VARIETY, NOT SOFT OR FORCED, FREE FROM DISEASE OR INSECT PESTS WITH LARGE HEALTHY ROOT SYSTEMS AND NO EVIDENCE OF HAVING BEEN RESTRICTED OR DAMAGED. TREES SHALL HAVE A LEADING SHOOT, IMMEDIATELY REJECT DRIED OUT. DAMAGED OR UNHEALTHY PLANT MATERIAL BEFORE PLANTING. ALL STOCK IS TO BE CONTAINER GROWN FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO DELIVERY TO SITE

FERTILISER MASS PLANTING AREAS:

FERTILISER SHALL BE 'NUTRICOTE' OR APPROVED EQUIVALENT IN GRANULE FORM INTENDED FOR SLOW RELEASE OF PLANT NUTRIENTS OVER A PERIOD OF APPROXIMATELY NINE MONTHS. THOROUGHLY MIX FERTILISER WITH PLANTING MIXTURE AT THE RECOMMENDED RATE, PRIOR TO INSTALLING PLANTS.

SHALL BE SIR WALTER BUFFALO, SHIRLEYS NO. 17 OR APPROVED EQUAL LAWN FOOD SHALL BE THOROUGHLY MIXED INTO THE TOPSOIL PRIOR TO PLACING TURF.

TREES IN GRASS AND SUPER ADVANCED TREES:

PELLETS SHALL BE IN THE FORM INTENDED TO UNIFORMLY RELEASE PLANT FOOD ELEMENTS FOR A PERIOD OF APPROXIMATELY NINE MONTHS EQUAL TO SHIRLEYS KOKEI PELLETS, ANALYSIS 6.3:1.8:2.9. KOKEI PELLETS SHALL BE PLACED AT THE TIME OF PLANTING TO THE BASE OF THE PLANT, 50MM MINIMUM FROM THE ROOT BALL AT A RATE OF TWO PELLETS PER 300MM OF TOP GROWTH TO A MAXIMUM OF 8 PELLETS PER TREE.

STAKING AND TYING

STAKES SHALL BE STRAIGHT HARDWOOD, FREE FROM KNOTS AND TWISTS, POINTED AT ONE END AND

SIZED ACCORDING TO SIZE

OF PLANTS TO BE STAKED.

- A. 5-15 LITRE SIZE PLANT 1X(1200X25X25MM)
- B. 35-75 LITRE SIZE PLANT 2X(1500X38X38MM) C. 100-GREATER THAN 200LITRE 3X(1800X50X50MM)
- TIES SHALL BE 50MM WIDE HESSIAN WEBBING OR APPROVED EQUIVALENT NAILED OR STAPLED TO STAKE. DRIVE STAKES A MINIMUM ONE THIRD OF THEIR LENGTH, AVOIDING DAMAGE TO THE ROOT SYSTEM, ON THE WINDWARD SIDE OF THE PLANT.

SUPPLY AN AUTOMATIC WATERING SYSTEM USING 'TORO IRRIGATION SYSTEM' OR SIMILAR APPROVED, WITH MICRO-JET SPRINKLER HEADS AND LOW DENSITY, RUBBER MODIFIED POLYPROPYLENE RETICULATION, TO INCLUDE FILTERS, BENDS JUNCTIONS, ENDS AND OTHER ANCILLARY EQUIPMENT. THE LANDSCAPER SHALL NOMINATE HIS SOURCE OF SUPPLY FOR THE WATERING SYSTEM AND OBTAIN APPROVAL FROM THE SUPERINTENDENT BEFORE PLACING ORDERS FOR EQUIPMENT OR SUPPLY.

A SCHEMATIC PLAN OF THE PROPOSED IRRIGATION SYSTEM IS TO BE PREPARED BY THE CONTRACTOR, SHOWING SOLENOIDS, PIPE DIAMETERS, AND ALL NOZZLE AND TRICKLE ATTACHMENT TYPES (INCLUDING SPRAY/HEAD ANGLE), FOR REVIEW BY THE SUPERINTENDENT PRIOR TO INSTALLATION

THE CONTRACTOR IS TO LIASE WITH THE HYDRAULIC ENGINEER AND COUNCIL AS NECESSARY, TO ENSURE THE THE IRRIGATION SYSTEM CONFORMS WITH ALL THE COUNCIL AND WATER BOARD CODES AND REQUIREMENTS.

PROVIDE AN AUTOMATIC CONTROLLER THAT PROVIDES FOR TWO WEEK SCHEDULING AND HOURLY MULTI-CYCLE OPERATION. THE CONTROLLER SHALL MANUAL OVERRIDE. PROGRAMMING SHALL BE UNDERTAKEN BY THE CONTRACTOR WHO SHALL ADVISE ON THE OPERATION OF THE SYSTEM.

PROVISION OF SECURE HOUSING FOR THE AUTOMATIC IRRIGATION CONTROLLER TO BE LOCATED IN ASSOCIATION WITH THE LANDSCAPE CONTRACTOR AND LOCATION CONFIRMED BY THE SUPERINTENDENT. WIRING TO CONNECT REMOTE SOLENOID LOCATIONS IS TO BE PROVIDED. THE CONTROLLER SHALL BE LOCATED IN A DRY PLACE, PROTECTED FROM THE WEATHER, AND ALL CABLE CONNECTIONS SHALL BE MADE WITH WATERPROOF CONNECTORS.

WATER SUPPLY POINTS TO BE SUPPLIED BY BUILDER.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE AND GUARANTEE SATISFACTORY OPERATION OF THE IRRIGATION SYSTEM.

AFTER THE SYSTEM HAS BEEN INSTALLED TO THE SATISFACTION OF THE SUPERINTENDENT, THE INSTALLATION SHALL BE TESTED UNDER KNOWN WORKING CONDITIONS, ACCEPTANCE OF THE INSTALLED PLANT AND EQUIPMENT SHALL BE SUBJECT TO THESE BEING SATISFACTORY.

TREATED PINE TIMBER EDGING

TIMBER EDGE: 100 X 25MM CCA TREATED RADIATA PINE TIMBER STAKES: 50 X 50 X 500MM CCA TREATED RADIATA PINE-SHARPENED AT ONE END. INSTALL IN LOCATIONS SHOWN ON THE DRAWINGS FLUSH TO FINISHED SURFACE LEVELS.

TURF ALL LANDSCAPE AREAS AS SHOWN ON THE LANDSCAPE DRAWINGS. TURF IS TO HAVE AN EVEN THICKNESS OF NOT LESS THAN 25MM. OBTAIN TURF FROM AN APPROVED GROWER. FURNISH A WARRANTY FROM THE GROWER THAT THE TURF IS FREE FROM WEEDS AND OTHER FOREIGN MATTER. DELIVER TURF TO THE SITE WITHIN 24 HOURS OF BEING CUT, AND LAY IT WITHIN 24 HOURS OF BEING DELIVERED.

TO PREPARE GRADED AREAS TO RECEIVE TURF, EXCAVATE THE AREA AND CULTIVATE SO AS TO ALLOW FOR IMPORTING OF 100MM OF TURF UNDERLAY SOIL. REMOVE ALL STONES OVER 50MM Ø AND REMOVE ALL WEEDS AND FOREIGN MATTER. SPREAD SOIL MIX A.B.S TO A DEPTH OF 100MM AND GRADE TO APPROPRIATE LEVELS TO ACHIEVE GENERAL EVEN GRADES TO DRAINAGE OUTLETS INSTALLED BY OTHERS.

LAY THE TURF ALONG THE LAND CONTOURS WITH STAGGERED, CLOSE BUTTED JOINTS, SO THAT THE FINISHED TURF SURFACE IS FLUSH WITH ADJACENT FINISHED SURFACES OF PAVING AND THE LIKE. AS SOON AS PRACTICABLE AFTER LAYING, ROLL THE TURF WITH A ROLLER WEIGHING NOT MORE THAN 90KG PER METRE OF WIDTH FOR SANDY OR LIGHT SOILS.

WATER AS NECESSARY TO KEEP THE SOIL MOIST TO A DEPTH OF 100MM. PROTECT NEWLY TURFED AREAS AGAINST TRAFFIC UNTIL GRASS IS ESTABLISHED. FERTILISE TWO WEEKS AFTER LAYING FERTILISE A.B.S.

'TOP DRESS' THE TURF WHEN IT IS ESTABLISHED TO A DEPTH OF 10MM WITH COARSE WASHED RIVER SAND, RUB THE DRESSING WELL INTO THE JOINTS AND CORRECT ANY UNEVENNESS IN THE TURF SURFACES.

LANDSCAPE MAINTENANCE PROGRAM

MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WATERING, MOWING, FERTILISING, RESEEDING, RETURFING, WEEDING, PEST AND DISEASE CONTROL, STAKING AND TYING, REPLANTING, CULTIVATION, PRUNING, AERATING, RENOVATING, TOP DRESSING, MAINTAINING THE SITE IN A NEAT AND TIDY CONDITION AS FOLLOWS:-

THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE WORKS FOR THE TERM OF THE MAINTENANCE (OR PLANT ESTABLISHMENT) PERIOD TO THE SATISFACTION OF THE COUNCIL. THE LANDSCAPE CONTRACTOR SHALL ATTEND TO THE SITE ON A WEEKLY BASIS. THE MAINTENANCE PERIOD SHALL COMMENCE AT PRACTICAL COMPLETION AND CONTINUE FOR A PERIOD OF TWENTY SIX (26) WEEKS.

GRASS, TREES AND GARDEN AREAS SHALL BE WATERED REGULARLY SO AS TO ENSURE CONTINUOUS HEALTHY GROWTH.

DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL REMOVE RUBBISH THAT MAY OCCUR AND REOCCUR THROUGHOUT THE MAINTENANCE PERIOD. THIS WORK SHALL BE CARRIED OUT REGULARLY SO THAT AT WEEKLY INTERVALS THE AREA MAY BE OBSERVED IN A COMPLETELY CLEAN AND TIDY CONDITION.

REPLACEMENTS

THE LANDSCAPE CONTRACTOR SHALL REPLACE ALL PLANTS THAT ARE MISSING, UNHEALTHY OR DEAD AT THE LANDSCAPE CONTRACTOR'S COST. REPLACEMENTS SHALL BE OF THE SAME SIZE, QUALITY AND SPECIES AS THE PLANT THAT HAS FAILED UNLESS OTHERWISE DIRECTED BY THE LANDSCAPE ARCHITECT. REPLACEMENTS SHALL BE MADE ON A CONTINUING BASIS NOT EXCEEDING TWO (2) WEEKS AFTER THE PLANT HAS DIED OR IS SEEN TO BE MISSING.

THE LANDSCAPE CONTRACTOR SHALL REPLACE OR ADJUST PLANT STAKES, AND TREE GUARDS AS NECESSARY OR AS DIRECTED BY THE LANDSCAPE ARCHITECT. REMOVE STAKES AND TIES AT THE END OF THE MAINTENANCE PERIOD IF SO DIRECTED.

TREES AND SHRUBS SHALL BE PRUNED AS DIRECTED BY THE LANDSCAPE ARCHITECT. PRUNING WILL BE DIRECTED AT THE MAINTENANCE OF THE DENSE FOLIAGE OR MISCELLANEOUS PRUNING AND BENEFICIAL TO THE CONDITION OF THE PLANTS. ANY DAMAGED GROWTH SHALL BE PRUNED. ALL PRUNED MATERIAL SHALL BE REMOVED FROM THE SITE.

MULCHED SURFACES

ALL MULCHED SURFACES SHALL BE MAINTAINED IN A CLEAN AND TIDY CONDITION AND BE REINSTATED IF NECESSARY TO ENSURE THAT A DEPTH OF 75MM IS MAINTAINED. ENSURE MULCH IS KEPT CLEAR OF PLANT STEMS AT ALL TIMES.

PEST AND DISEASED CONTROL

THE LANDSCAPE CONTRACTOR SHALL SPRAY AGAINST INSECT AND FUNGUS INFESTATION WITH ALL SPRAYING TO BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS. REPORT ALL INSTANCES OF PESTS AND DISEASES (IMMEDIATELY THAT THEY ARE DETECTED) TO THE LANDSCAPE ARCHITECT.

THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL GRASS AND TURF AREAS BY WATERING, WEEDING, DRESSING, ROLLING, MOWING, TRIMMING OR OTHER OPERATIONS AS NECESSARY. SEED AND TURF SPECIES SHALL BE THE SAME AS THE ORIGINAL SPECIFIED MIXTURE. GRASS AND TURF AREAS SHALL BE SPRAYED WITH APPROVED SELECTIVE HERBICIDE AGAINST BROAD LEAFED WEEDS AS REQUIRED BY THE LANDSCAPE ARCHITECT AND IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS. GRASS AND TURF AREAS SHALL BE FERTILISED ONCE A YEAR IN AUTUMN WITH "DYNAMIC LIFTER" FOR LAWNS AT A RATE OF 20KG PER 100M2. FERTILISER SHALL BE WATERED IN IMMEDIATELY AFTER APPLICATION. IRREGULARITIES IN THE GRASS AND TURF SHALL BE WATERED IN IMMEDIATELY AFTER APPLICATION. GRASS AND TURF AREAS SHALL BE KEPT MOWN TO MAINTAIN A HEALTHY AND VIGOROUS SWARD. MOWING HEIGHT: 30-50MM.

WEED ERADICATION

ERADICATE WEEDS BY ENVIRONMENTALLY ACCEPTABLE METHODS USING A NON-RESIDUAL GLYPHOSATE HERBICIDE (EG. 'ROUNDUP') IN ANY OF ITS REGISTERED FORMULAE, AT THE RECOMMENDED MAXIMUM RATE. REGULARLY REMOVE BY HAND, WEED GROWTH THAT MAY OCCUR OR RECUR THROUGHOUT GRASSED, PLANTED AND MULCHED AREAS. REMOVE WEED GROWTH FROM AN AREA 750MM DIAMETER AROUND THE BASE OF TREES IN GRASSED AREAS. CONTINUE ERADICATION THROUGHOUT THE COURSE OF THE WORKS AND DURING THE MAINTENANCE PERIOD.

ANY SOIL SUBSIDENCE OR EROSION WHICH MAY OCCUR AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD BY THE LANDSCAPE CONTRACTOR AT NO COST TO THE CLIENT.

