



DATE 7 December 2022

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

12.00PM WEDNESDAY, 14 DECEMBER 2022

QUORUM: Three Panel members.

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

AGENDA

WLPP-2212.A

Apologies

WLPP-2212.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2212.1

PAGE 4

150 Hastings Parade, NORTH BONDI NSW 2026 - Alterations and additions to a dwelling house (DA-384/2022)

Report dated 30 November 2022 from the Development and Building Unit.

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

WLPP-2212.2

PAGE 34

1 Marne Street, VAUCLUSE NSW 2024 - Alterations and additions to existing residential flat building including conversion of two apartments to one x two storey apartment and new roof level terraces to the rear. (DA-350/2022)

Report dated 21 November 2022 from the Development and Building Unit.

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

WLPP-2212.3

PAGE 101

35 Bennett Street, BONDI NSW 2026 - Alterations and additions to existing residential flat building including conversion of ground floor storeroom to a studio unit, balcony extensions and roof additions to Units 8, 9 and 10. (DA-354/2022)

Report dated 28 November 2022 from the Development and Building Unit.

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

WLPP-2212.4**PAGE 149**

4 Wolaroi Crescent, TAMARAMA NSW 2026 – Alterations and additions to the existing dwelling including additional floor space and vehicle turntable. (DA-359/2022).

Reported dated 28 November 2022 from the Development and Building Unit.

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

WLPP-2212.5**PAGE 179**

BONDI ICEBERGS, 1 Notts Avenue, BONDI BEACH NSW 2026 – Modifications to Bondi Icebergs to Alter internal layout, and reduce approved extension on the Notts Avenue frontage. (DA-440/2220/A).

Report dated 29 November 21022 from the Development and Building Unit.

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

WLPP-2212.6**PAGE 228**

17-21 Curlewis Street, BONDI BEACH NSW 2026 – Demolition of existing buildings and construction of a 3 storey commercial building with basement services and parking. (DA-214/2022)

Report dated 29 November 2022 from the Development and Building Unit.

Council Recommendation: That the application be granted Deferred Commencement Consent for the reasons contained in the report.

WLPP-2212.7**PAGE 315**

26-32 Hall Street, BONDI BEACH NSW 2026 – Demolition of buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement and 15 residential units above. ~~(DA-23/2021)~~ (DA-552/2021).

Report dated 29 November 2022 from the Development and Building Unit.

Council Recommendation: That the application be granted Deferred Commencement Consent for the reasons contained in the report.



Report to the Waverley Local Planning Panel

Application number	DA-384/2022
Site address	150 Hastings Parade, NORTH BONDI
Proposal	Alterations and additions to a dwelling house
Date of lodgement	07 September 2022
Owner	Mr T D Gupta
Applicant	Mr T D Gupta
Submissions	Nil
Cost of works	\$48,400.00
Principal Issues	Floor Space Ratio (FSR)
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to a dwelling house at the site known as 150 Hastings Parade, North Bondi.

The principal issue arising from the assessment of the application is as follows:

- Floor Space Ratio (FSR) non-compliance.

The assessment finds this issue acceptable as the applicant's clause 4.6 written request is well-founded to vary the FSR development standard.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 12 October 2022.

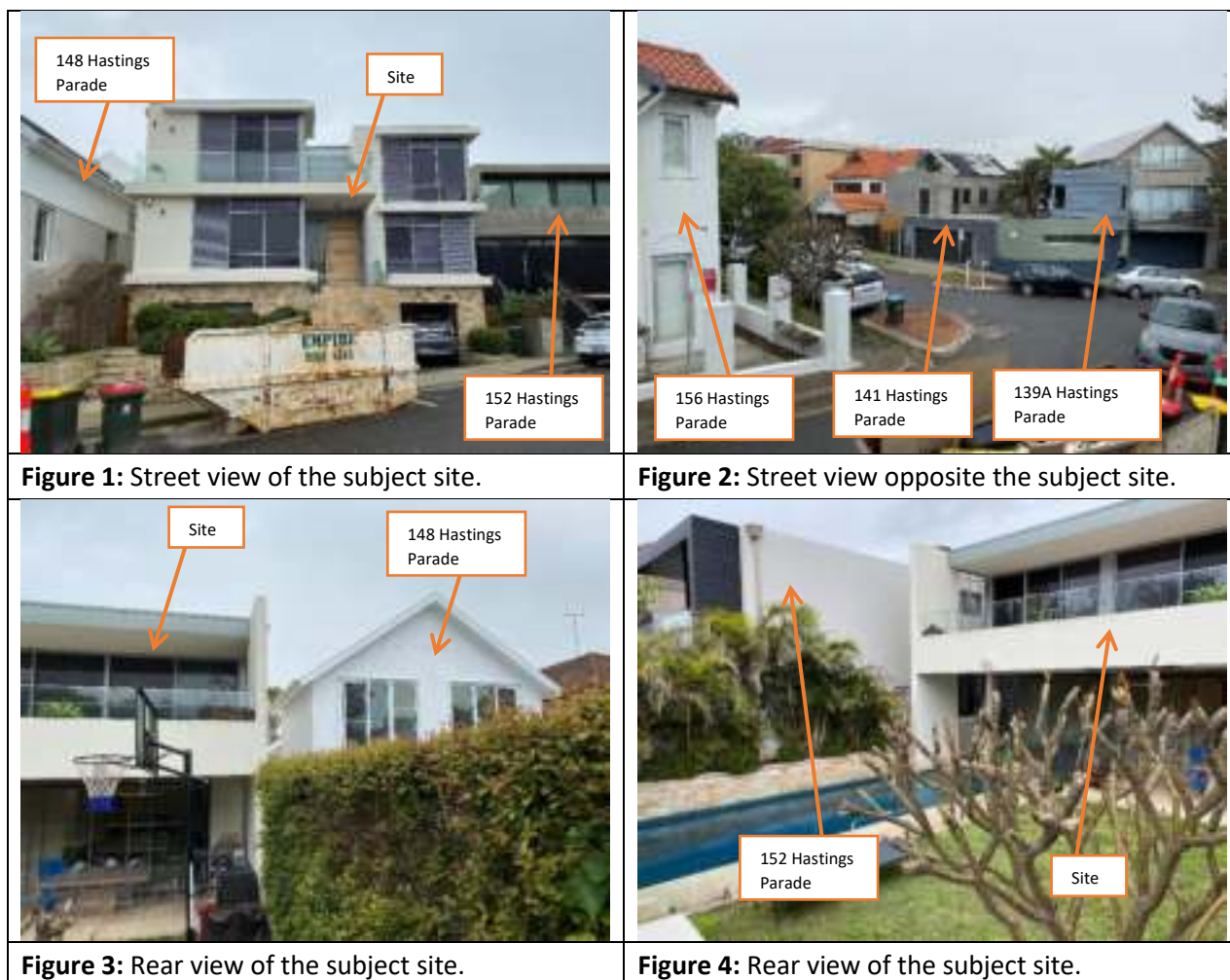
The site is identified as Lot A in DP 14019, known as 150 Hastings Parade, North Bondi.

The site is irregular in shape with a frontage to Hastings Parade, measuring 15.14 m. It has an area of 430.1 m² and it falls from the northeast (rear boundary) towards the southwest (street frontage) by approximately 2.92 m.

The site is occupied by a double storey dwelling house with vehicular access provided from Hastings Parade.

The site is adjoined by detached dwellings on either side, a manor house and detached dwellings across Hastings Parade. To the rear of the site is the Bondi Golf Course. The locality is characterised by a variety of low or medium residential development.

Figures 1 to 4 are photos of the site and its context.



1.3. Relevant Development History

A search of the Council's records revealed the following recent and relevant development history of the site:

- **DA-303/2012;** Approved 02 November 2012
 - Demolition of existing house and construction of new two storey dwelling with basement garage.

1.4. Proposal

The development application seeks consent for alterations and additions to a dwelling house, specifically the following:

- Enclose the first floor rear balcony to create a winter garden; and
- Retractable awning.

1.5. Background

The development application was lodged on 07 September 2022.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 01 March 2022 and have been considered acceptable in the assessment of this development application:

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 medium density residential Zone	Yes	The proposal is defined as alterations and additions to a dwelling house, which is permitted with consent in the R3 Medium Density Residential Zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 9.5m	Yes	The proposed enclosure of the first floor balcony sits below the existing parapet at RL 34.650, maintaining the overall building height of 9.4m above the existing ground level.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.6:1	No	The proposal floor area of 322.01m ² or an FSR of 0.75:1 and does not comply.

Provision	Compliance	Comment
<ul style="list-style-type: none"> ○ Clause 4.4A 0.63:1 		
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the Floor Space Ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.63. The proposed development has an FSR of 0.75, exceeding the standard by 50.23m², equating to an 18.5 % variation.

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

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

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

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

The applicant seeks to justify the contravention of the 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) *Alterations and additions are minor in nature and contained within the existing building envelope.*
 - (ii) *Minimal environmental impact on the natural and built environment.*
 - (iii) *Will not adversely impact on the amenity of surrounding development.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *No change to the external bulk and scale.*
 - (ii) *The proposal is contained within the existing side walls and footprint.*
 - (iii) *No adverse impact arising from the proposal.*

(iv) The proposal adds 22.35m² to the existing dwelling, equating to a variation increase of 7.46%.

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

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

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

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

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

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

The applicant specifically relies upon justification (a); outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

Council accepts proposal is consistent with the desired medium density residential character of the area. Given that the proposal is sited towards the northern (rear) portion of the building and is wholly within the existing bulk and scale, potential impacts are minimal. As outlined above addresses clause 4.6(3)(a) of Waverley LEP 2012.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. It is noted the existing development currently exceeds the allowable FSR by 27.88m² or 11%. The proposal includes no change to the external bulk and scale of the development, with minimal to no adverse impacts on the environmental amenity of adjoining developments and properties.

Is the development in the public interest?

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

The objectives of the Floor Space Ratio (FSR) development standard are as follows:

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

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

(c) to ensure that buildings are compatible with the bulk and scale of the 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 the locality.

The objectives of the R3 medium density residential zone are as follows:

• 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.

• To maximise public transport patronage and encourage walking and cycling.

The proposed development meets the relevant objectives of the FSR development standard (which are shown in bold italics above) as the proposed development maintains the existing building height, density controls and the bulk and scale of the desired future character of the locality while not impacting the amenity of neighbouring properties.

The proposal meets the relevant zone objectives by improving the amenity of its residents, without increasing the building's visual bulk and minimising impacts on neighbouring dwellings.

Conclusion

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

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory, a Site Waste and Recycling Plan was submitted.
2. Ecologically Sustainable Development	No	Satisfactory. Works under \$50,000.00 BASIX certificate not required.
12. Design Excellence	Yes	Satisfactory. The proposal will result in a more integrated and well-designed building.

Table 3: Waverley DCP 2012 – Part C1 – Special Character Areas

Development Control	Compliance	Comment
1.3 Ben Buckler		
Desired Future Character Objectives		
• Maintain Landscape Character	Yes	The proposed rear balcony enclosure will have no impact on the site's landscaping aspects. It will not increase the visual bulk of the building from the streetscape.
• Maintain rhythm of buildings to the street	Yes	
• Allow ocean glimpses through side setbacks	N/A	The enclosure occurs within the existing balcony blade walls and maintains the parapet height across the new roof extension.
• Respect character and architectural elements	Yes	
• View Sharing	N/A	

Table 4: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
2.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.

Development Control	Compliance	Comment
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none"> Maximum wall height of 7.5m 	Yes	The proposal utilises a skillion roof with a very shallow pitch, less than 10 degrees from a horizontal base. The external wall height maintains the parapet height of RL34.65 and is approximately 6.6m above the existing ground line.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes Yes	No changes are proposed for the front and the rear ground floor building line. The first floor building line will extend 2.1m northwards, 2.7m beyond No 148 Hastings Parade and 5.7m behind No 152 Hastings Parade. The proposal is satisfactory.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m (for height up to 8.5m) 	Yes	The proposal maintains the existing side setback for both the ground and first floors. The proposed enclosure is located between the existing balcony's blade wall.
2.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Replacement windows to complement the style and proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes N/A N/A N/A	The proposed alteration and addition will have no impact on the streetscape.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Habitable windows are not to directly face habitable windows 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: <i>10m² in area</i> <i>1.5m deep</i> 	Yes N/A Yes	The proposed windows along the side boundary maintain the existing external vertical screening, maintaining adequate privacy and would not result in unreasonable privacy impacts upon the adjoining semi-detached dwelling. No external staircase proposed. The proposal reduces the first floor balcony to a depth of 1.1m and an area of 13.7m ² . This is

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof tops to be non-trafficable unless predominant in the immediate vicinity 	N/A	deemed acceptable as it is a reduction to an existing balcony. Not applicable.
2.6 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June 	Yes	A minimum of 3 hours of sunlight is expected for the living areas and principal open space.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June. 	Yes	The proposal is not expected to reduce solar access to either open space or windows of the adjacent windows to less than 3 hours.
<ul style="list-style-type: none"> Avoid unreasonably overshadowing of solar collectors (including habitable windows). 	Yes	
2.7 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained 	Yes	No impacts on views have been identified, and no submissions have been received that raise an issue with view loss. As such, the proposal is not expected to result in impacts on any known views enjoyed by surrounding properties.
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 		

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days from 22 September 2022, review of notification documents showed two residences were not notified and these were subsequently notified from 12 October 2022

for 14 days in accordance with the *Waverley Community Development Participation and Consultation Plan*.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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

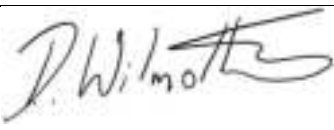

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 29 November 2022 and the DBU determined:

- (a) The application is acceptable and should be approved, subject to the conditions in Appendix A.
DBU members: *M Reid, A Rossi, B McNamara, E Finnegan 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:
	
Damien Wilmotte	Ben Magistrale
Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 30/11/2022	Date: 2 December 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Giles Tribe of Project No: 22007 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA00 Rev A	Cover page	31/08/2022	07/09/2022
DA01 Rev A	Site plan	31/08/2022	07/09/2022
DA02 Rev A	Site analysis plan	31/08/2022	07/09/2022
DA03 Rev A	Area summary	31/08/2022	07/09/2022
DA04 Rev A	Existing ground floor plan	31/08/2022	07/09/2022
DA05 Rev A	Existing/proposed first floor plan	31/08/2022	07/09/2022
DA06 Rev A	Elevations	31/08/2022	07/09/2022
DA07 Rev A	Elevations	31/08/2022	07/09/2022
DA08 Rev A	Section	31/08/2022	07/09/2022
DA09 Rev A	Wall section	31/08/2022	07/09/2022

- (b) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

Except where amended by the following conditions of consent.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

3. 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 applicable requirements of Part 6, before any work commences.

CONTRIBUTIONS, FEES & BONDS

4. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$2,290.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

5. LONG SERVICE LEVY

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

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

CONSTRUCTION & SITE MATTERS

6. HOARDING

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

7. EROSION & SEDIMENT CONTROL

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

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

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

8. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

9. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

WASTE

10. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

11. DILAPIDATION REPORT

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

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

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

12. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

13. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

14. CONTROL OF DUST ON CONSTRUCTION SITES

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be

suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.

CONSTRUCTION MATTERS

15. CONSTRUCTION HOURS

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

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

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

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

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

17. CONSTRUCTION INSPECTIONS

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

18. CERTIFICATE OF SURVEY - LEVELS

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

19. WORK OUTSIDE PROPERTY BOUNDARY

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

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

20. FINAL OCCUPATION CERTIFICATE

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

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

21. CERTIFICATION OF STORMWATER SYSTEM

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

ADVISORY MATTERS

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

AD1 POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2 SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3 DIAL BEFORE YOU DIG

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

AD4 TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD5 ALTERATIONS AND ADDITIONS ONLY

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

AD6 BONDI - ROSE BAY SAND BODY

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

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

AD7 TREE REMOVAL/PRESERVATION

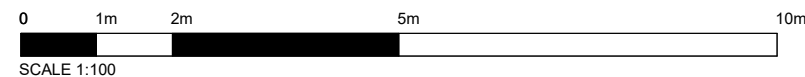
Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.

ALTERATIONS & ADDITIONS TO
150 HASTINGS PARADE
NORTH BONDI

Sheet List		
Sheet Number	Sheet Name	Current Revision
DA00	COVER PAGE	A
DA01	SITE PLAN	A
DA02	SITE ANALYSIS PLAN	A
DA03	AREA SUMMARY	A
DA04	EXISTING GROUND FLOOR PLAN	A
DA05	EXISTING / PROPOSED FIRST FLOOR PLAN	A
DA06	ELEVATIONS	A
DA07	ELEVATIONS	A
DA08	SECTION	A
DA09	WALL SECTION	A



Application No: DA-384/2022
Date Received: 07/09/2022



Nominated Architects:



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A	31/08/2022	ISSUED FOR DA
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Status:

DA

Job Ref: Scale: 1 : 100 @
Date: 31/08/2022
22007 Drawn: MB, EC

Drawing:
SITE PLAN

Drawing No: **DA01** Rev **A**

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Application No: DA-384/2022

Date Received: 07/09/2022

148 HASTINGS PARADE
(UNDER CONSTRUCTION)

150 HASTINGS PARADE

SITE AREA: 430.1 m²

152 HASTINGS PARADE

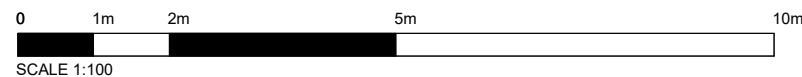
DIRECT VIEWS FROM GOLF
COURSE TO INDOOR,
OUTDOOR LIVING AREAS
AND BEDROOM

NORTH EASTERLY
WINDS

SOUTHERLY WINDS

1 SITE ANALYSIS PLAN DA

DA02 1 : 100



Level 1, 1 Chandos Street
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Giles Tribe Pty Ltd
P 61 2 9264 5005
E gta@gilestribe.com.au
ABN 50 001259 507

Nominated Architects:

Mark G Broadley [5823] Stuart D Hill [6459]



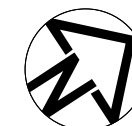
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Project:

ALTERATIONS & ADDITIONS

LOT A DP 14019

150 HASTINGS PARADE, NORTH BONDI



Status:

DA

Job Ref:

22007

Scale: 1 : 100 @

Date: 31/08/2022
Drawn: MB, EC

SITE ANALYSIS PLAN

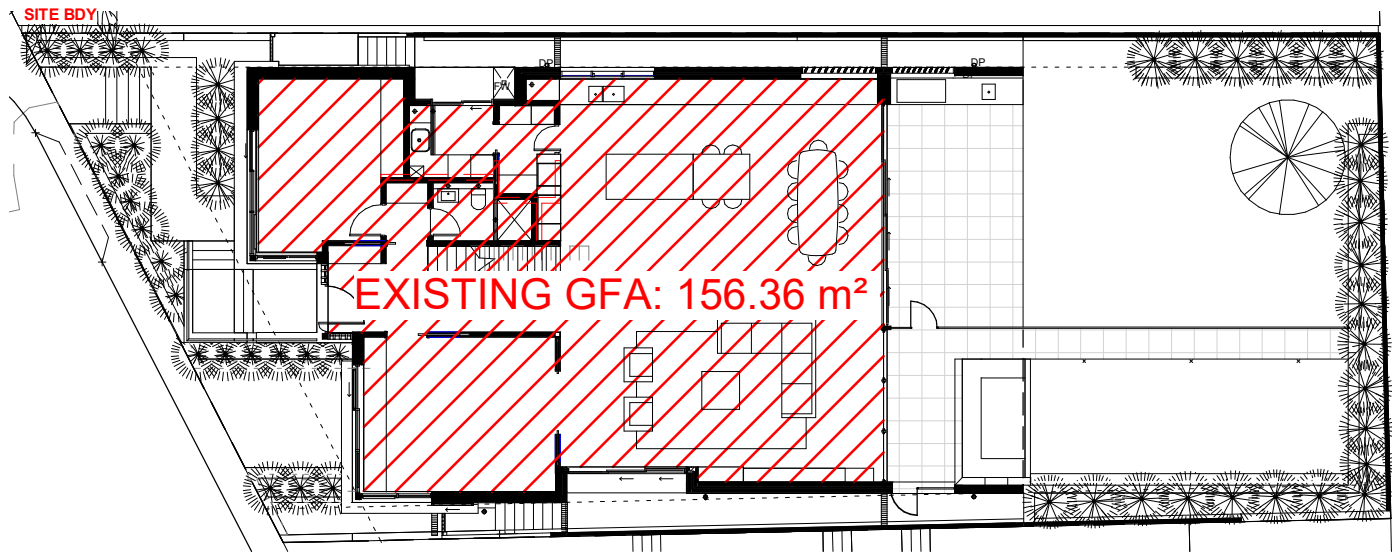
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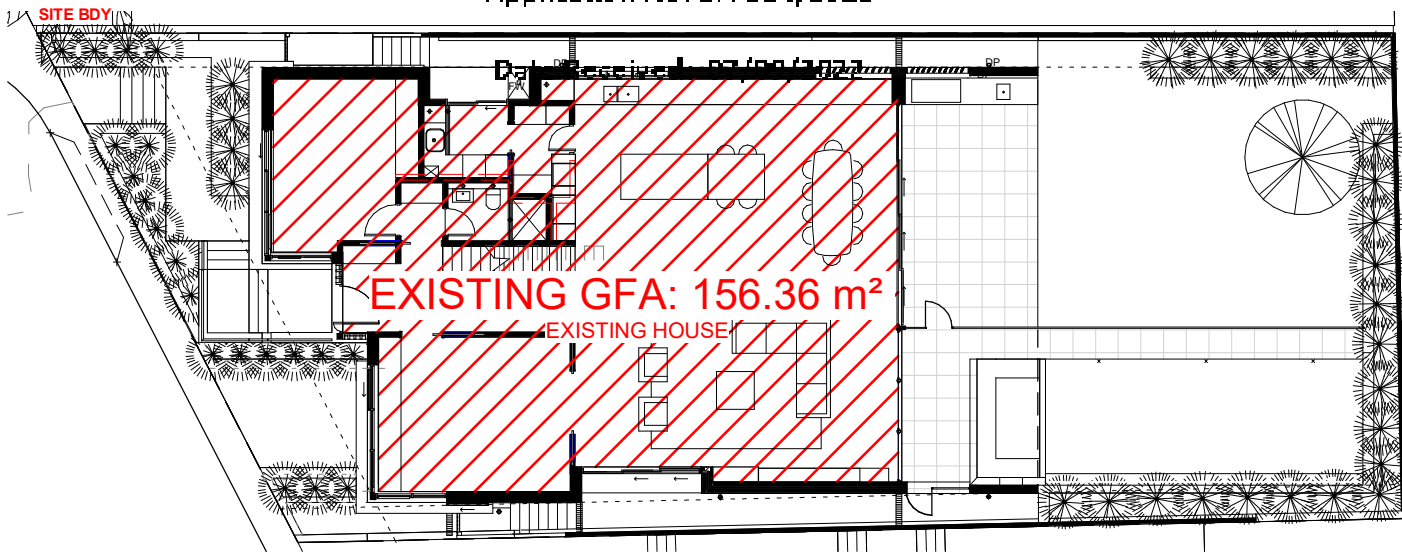
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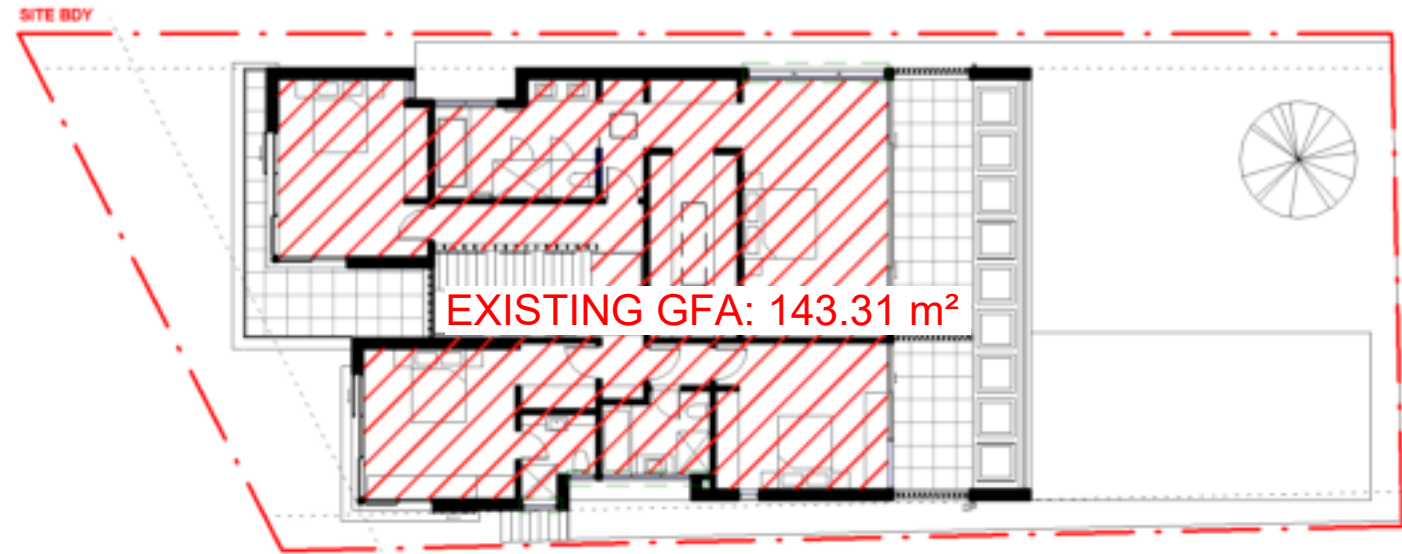
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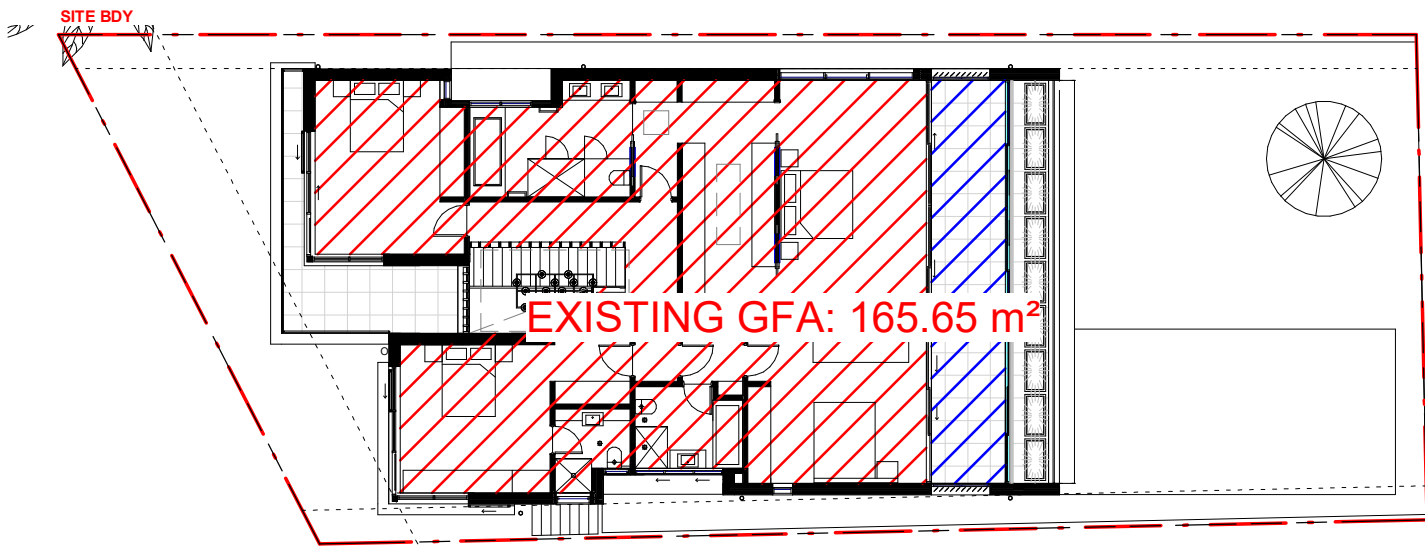
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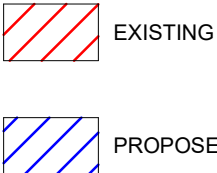
GROUND FLOOR - PROPOSED GFA
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FIRST FLOOR - EXISTING GFA
1 : 200



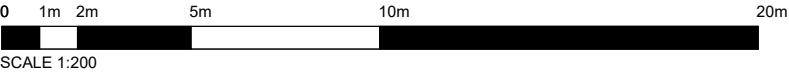
FIRST FLOOR - PROPOSED GFA
1 : 200



EXISTING GROSS FLOOR AREA

PROPOSED GROSS FLOOR AREA

	AREA		AREA
GROUND FLOOR	156.36 m ²	GROUND FLOOR	156.36 m ²
FIRST FLOOR	143.31 m ²	FIRST FLOOR	165.65 m ²
		ADDITIONAL GFA (FIRST FLOOR ONLY):	22.34 m ²



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ABN 50 001259 507

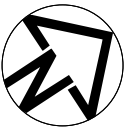


Nominated Architects:

Mark G Broadley [5823] Stuart D Hill [6459]

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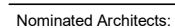
Project:
ALTERATIONS & ADDITIONS
LOT A DP 14019
150 HASTINGS PARADE, NORTH BONDI

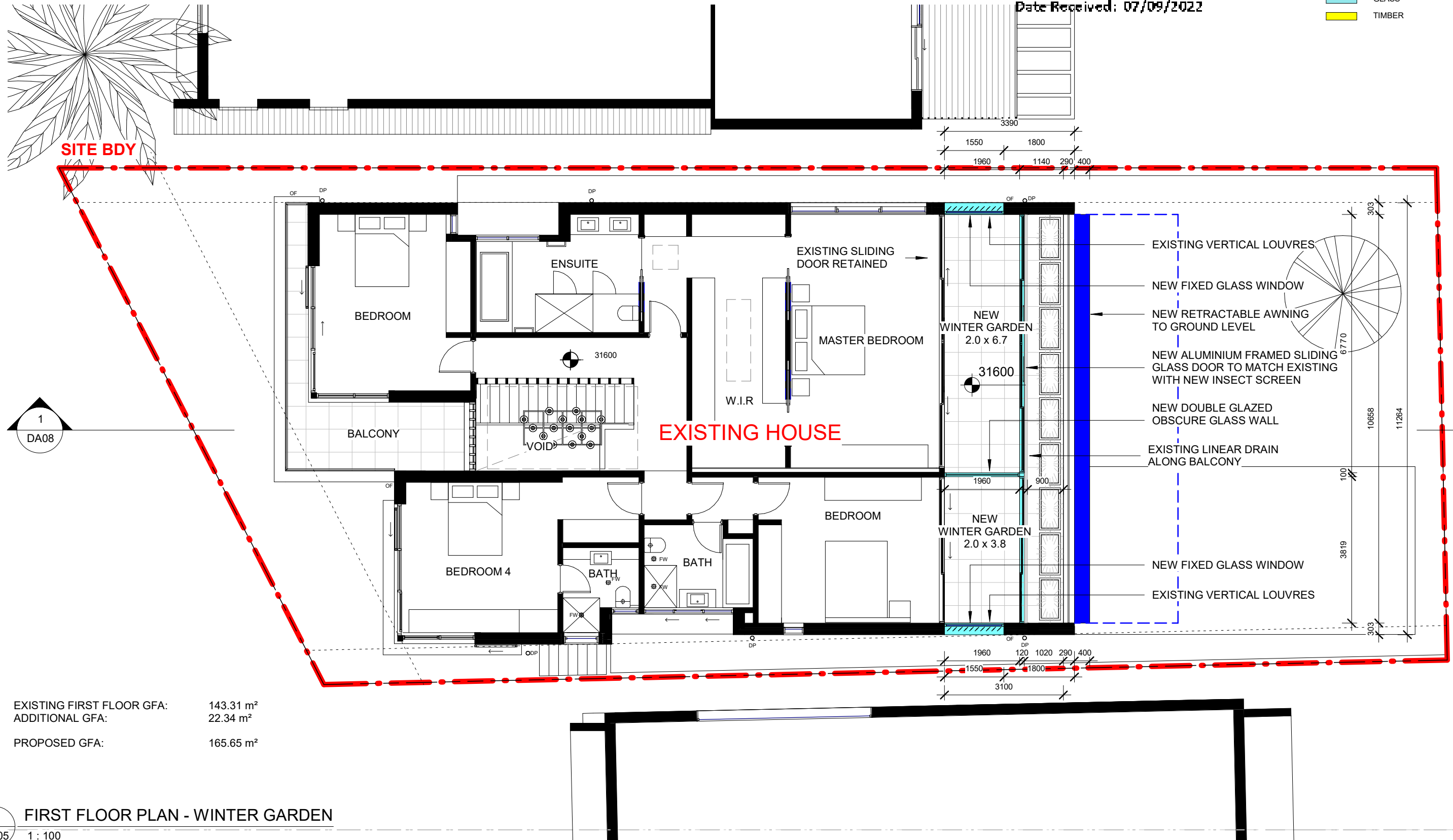


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Job Ref:
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Scale: 1 : 200 @
Date: 31/08/2022
Drawn: MB, EC

AREA SUMMARY

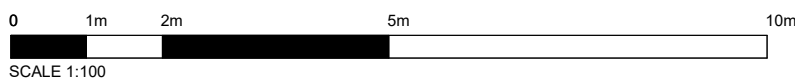
Drawing No: **DA03**
Rev: **A**





EXISTING FIRST FLOOR GFA: 143.31 m²
ADDITIONAL GFA: 22.34 m²
PROPOSED GFA: 165.65 m²

1 FIRST FLOOR PLAN - WINTER GARDEN
DA05 1 : 100



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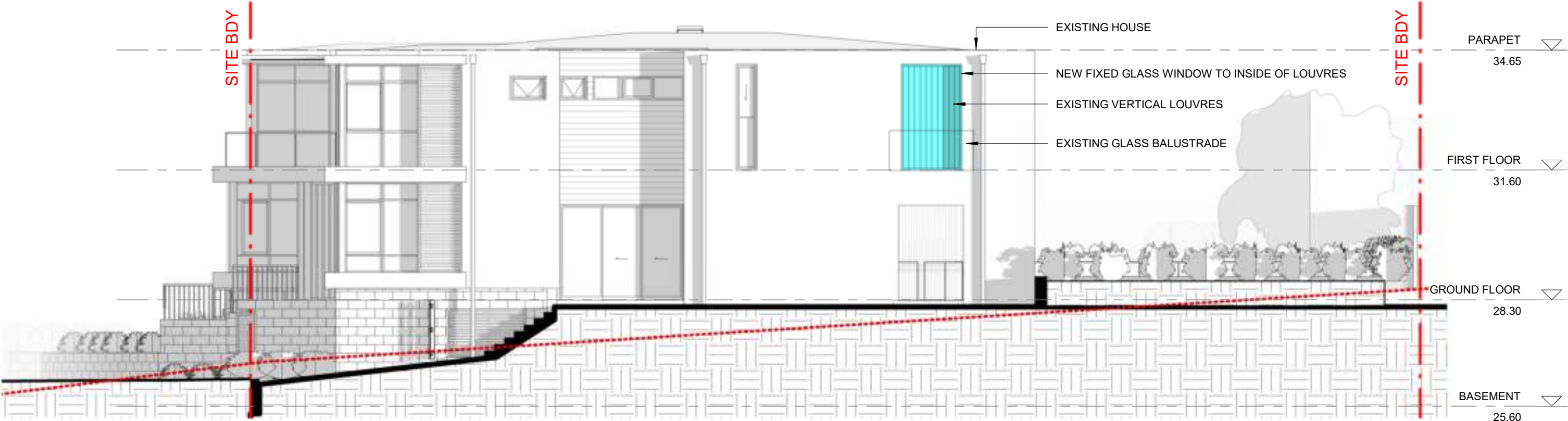
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LOT A DP 14019
150 HASTINGS PARADE, NORTH BONDI

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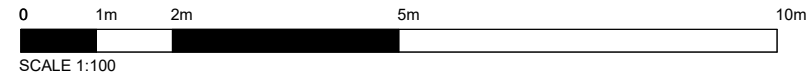


Status:
DA EXISTING / PROPOSED FIRST FLOOR PLAN
Job Ref: **22007** Scale: 1 : 100 @
Date: 31/08/2022
Drawn: MB, EC
Drawing No: **DA05** Rev: **A**

COLOUR CODE	
	EXISTING WALL
	METAL
	GLASS
	TIMBER



1 SOUTH EAST ELEVATION
DA06 1 : 100



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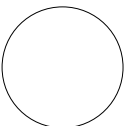
Mark G Broadley [5823] Stuart D Hill [6459]



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Project:
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LOT A DP 14019
150 HASTINGS PARADE, NORTH BONDI

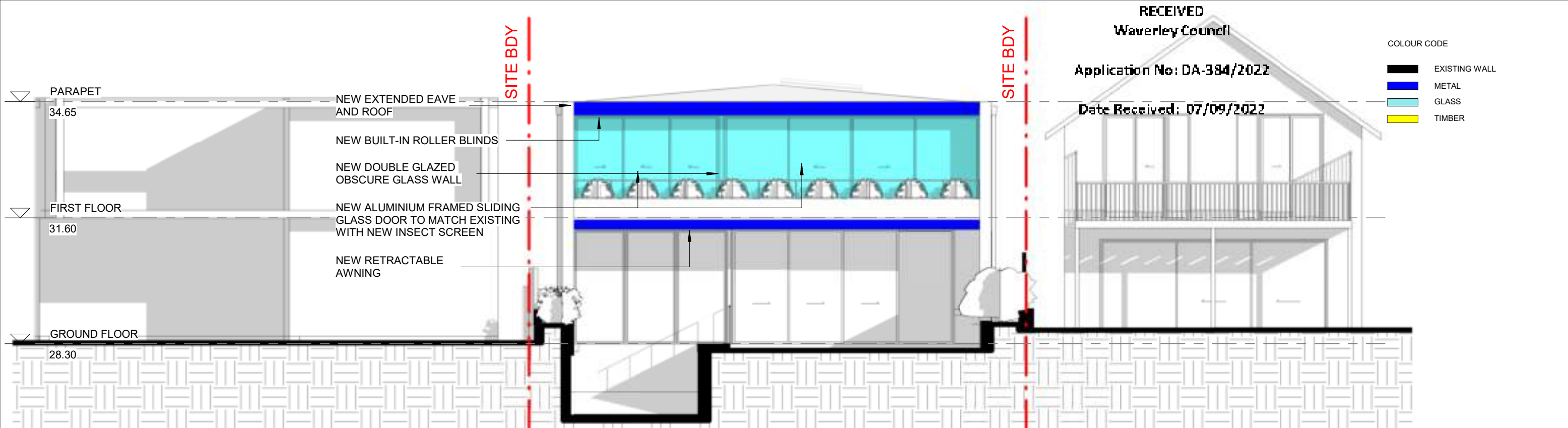
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Status:
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Job Ref: **22007**
Scale: 1 : 100 @
Date: 31/08/2022
Drawn: MB, EC

Drawing:
ELEVATIONS
Drawing No: **DA06**
Rev: **A**

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1 NORTH EAST ELEVATION
DA07 1 : 100



2 NORTH WEST ELEVATION
DA07 1 : 100



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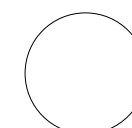
Nominated Architects:

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LOT A DP 14019
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Job Ref:
22007
Scale: 1 : 100 @
Date: 31/08/2022
Drawn: MB, EC

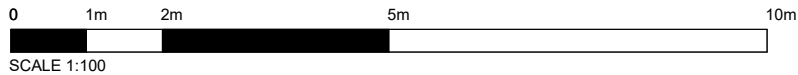
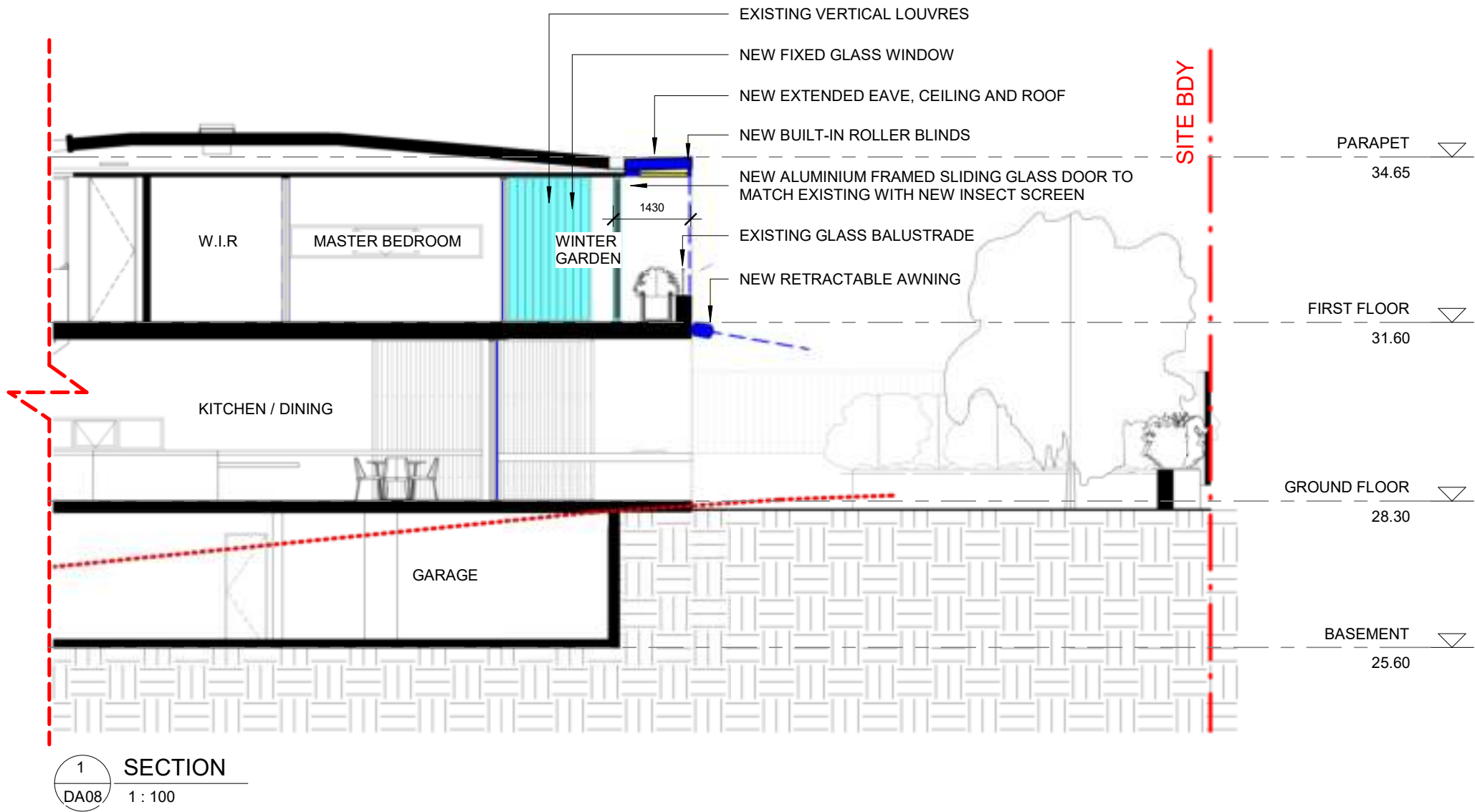
Drawing:
ELEVATIONS

Drawing No: **DA07**
Rev: **A**

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COLOUR CODE

	EXISTING WALL
	METAL
	GLASS
	TIMBER



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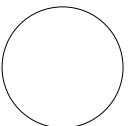
Nominated Architects:

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Job Ref:
22007
Scale: 1 : 100 @
Date: 31/08/2022
Drawn: MB, EC

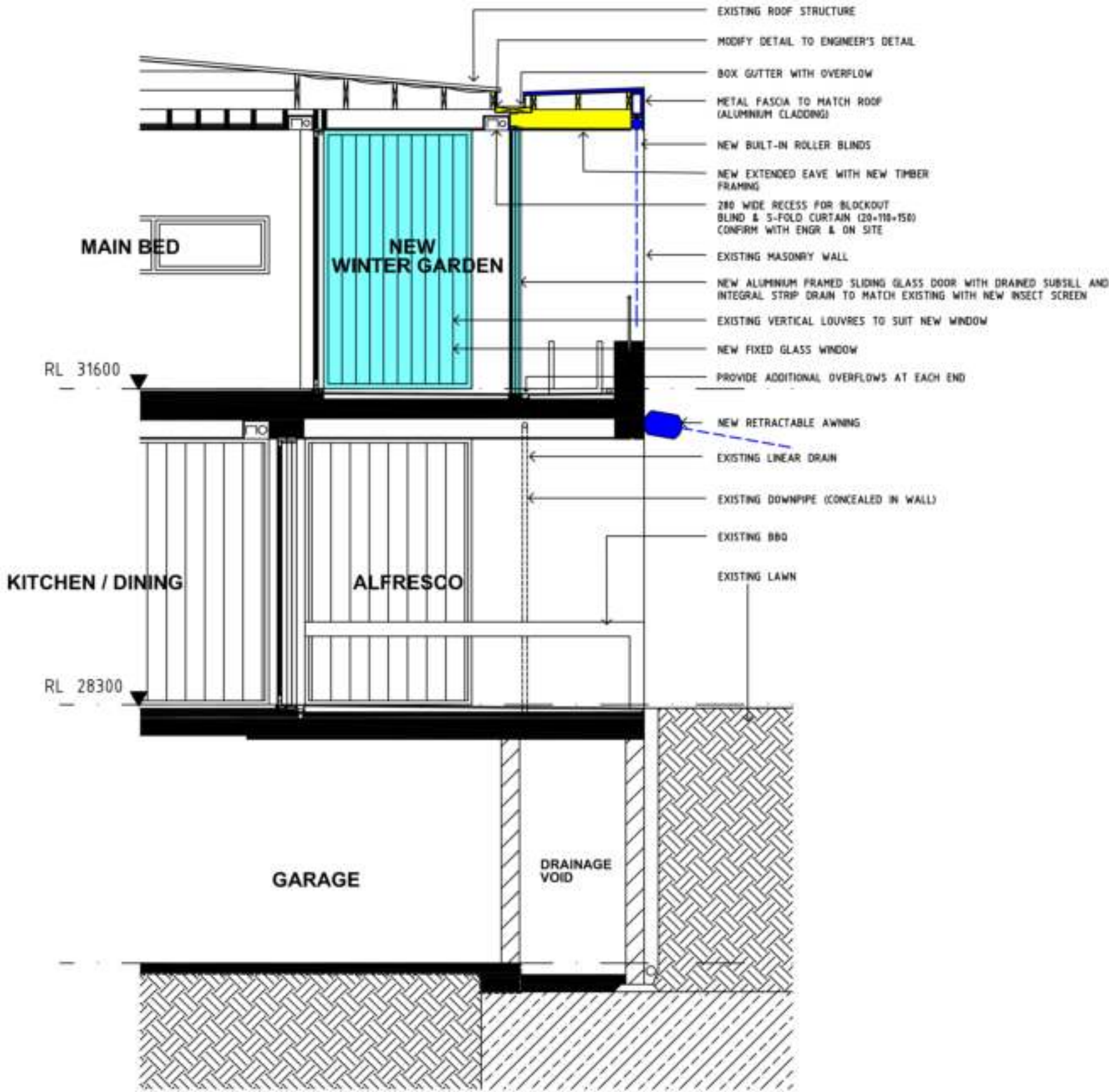
Drawing:
SECTION
Drawing No:
DA08
Rev
A

Application No: DA-384/2022

Date Received: 07/09/2022

COLOUR CODE

- EXISTING WALL
- METAL
- GLASS
- TIMBER



MATERIALS & FINISHES



RETRACTABLE AWNING / ROLLER BLINDS:
MARKILUX -
41650 SUNBOW



SLIDING DOORS / WINDOW FRAMES:
POWDER COATED ALUMINIUM
DULUX -
PRECIOUS SILVER KINETIC PEARL SATIN

WALL SECTION

1:50

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ABN 50 001259 507



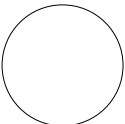
Nominated Architects:

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Status:
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Job Ref:
22007
Scale: 1 : 100 @
Date: 31/08/2022
Drawn: MB, EC

Drawing:
WALL SECTION
Drawing No:
DA09
Rev
A



Other Residential Development

Report to the Waverley Local Planning Panel

Application number	DA-350/2022
Site address	1 Marne Street, Vaucluse
Proposal	Alterations and additions to existing residential flat building including conversion of two apartments to one x two storey apartment and new roof level terraces to the rear.
Date of lodgement	22 August 2022
Owner	Mr Harrisberg, Ms Harman, Mr Randall and Ms Forer
Applicant	Durack Architects Pty Ltd
Submissions	Four (4) submissions
Cost of works	\$480,128
Principal Issues	<ul style="list-style-type: none"> • Existing use rights • FSR • Roof terraces • Visual privacy
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing residential flat building including amalgamation of two apartments to create one x two storey apartment, partial infill of first floor balconies on the eastern elevation, two new roof terraces to the rear and new residential entry and boundary fencing at the site known as 1 Marne Street, Vaucluse.

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

- Existing use rights
- Floor Space Ratio (FSR) non-compliance;
- Size of roof terraces; and
- Visual privacy.

The assessment finds these issues acceptable, having regard to the site benefiting from existing use rights and the proposal has adequately demonstrated consistency with the objectives of the FSR development standard and the zone by maintaining a built form that is compatible with the existing residential flat building and surrounding developments within the streetscape, does not exceed the building height development standard and preserves the environmental amenity of neighbouring properties.

The proposed new roof terraces are considered acceptable, subject to conditions to minimise direct overlooking to adjoining properties by installing fixed planter boxes along the southern side of the terrace adjacent to the southern side boundary.

A total number of four (4) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 8 September 2022.

The site is identified as SP 30361, known as 1 Marne Street, Vaucluse.

The site is located on the eastern side of Marne Street, is irregular in shape with a frontage to Marne Street, measuring 10.975m with a splay at the north-western corner returning to the northern side boundary fronting Tower Street Reserve and a splayed rear (eastern) boundary adjacent to the clifftop

edge measuring 15.02m. The northern side boundary measures 44.625m and the southern side boundary measures 42.29m. The site has an area of 629.52m² and is generally flat.

The site is occupied by a two storey residential flat building comprising six apartments. The site does not have vehicular access or on site car parking.

The site is adjoined by a single storey detached dwelling to the south at 3 Marne Street and Tower Street Reserve to the north. Further to the north of the site, on the opposite side of Tower Street Reserve is a pair of single storey semi-detached dwellings at Nos. 7 and 11 Marne Street. Existing developments immediately to the west of the site comprises a mix of two and three storey residential flat buildings with ground level garages with access from Marne Street. The locality is predominantly low density residential in character and comprises a mix of single and two storey detached and semi-detached dwellings and residential flat buildings.

Figures 1 to 10 are photos of the site and its context.



Figure 1: View of site looking east from Marne Street



Figure 2: View of existing building looking south from Tower Street Reserve



Figure 3: View of existing developments further to the north of the site, looking east from Marne Street



Figure 4: Existing development to the south of the site at 3 Marne Street, looking east from Marne Street



Figure 5: Residential flat buildings to the west of site, on the opposite side of Marne Street



Figure 6: One and two storey semi-detached dwellings to the north-west of site, looking west from Marne Street



Figure 7: View of rear of existing building and northern boundary fence adjacent to Tower Street Reserve



Figure 8: View of the ocean and coastline from the rear open space of site, looking east



Figure 9: East facing openings to the rear of 3 Marne Street, looking from the southern side boundary of the site



Figure 10: View from the southern side boundary across the rear yard of 3 Marne Street towards the coastline

1.3. Relevant Development History

A search of Council's records revealed the following recent and relevant development history of the site:

- DA-249/2014 for construction of new front and rear balconies to the existing residential flat building was approved on 9 October 2014;
- DA-249/2014 was subsequently modified by Amendment Nos. A and B as follows:
 - Amendment No. A for internal modification to Unit 2 was approved on 8 April 2016; and
 - Amendment No. B for deletion of first floor balcony on the western elevation, alterations to openings on the eastern and western elevations and deletion of condition 2(a) requiring privacy screening along the southern elevation of balconies was approved on 3 June 2021, subject to retention of condition 2(a) as originally approved to maintain privacy and amenity for the adjoining property at No. 3 Marne Street.
- DA-228/2016 for strata subdivision of the existing residential flat building including the construction of new balconies approved under DA-249/2014 was refused on 31 August 2016 as the works for the approved balconies had not been completed and the subject application is inconsistent with the development consent; and
- DA-484/2021 for amendment of strata plan for the existing residential flat building was approved on 16 May 2022.

Pre-DA advice (PD-31/2021) was sought for alterations and additions to the existing residential flat building including a part additional storey to the existing two storey building, conversion of two apartments (Units 2 and 6) into two storey apartments and amalgamation of two apartments into one apartment (Units 2 and 5). The proposal sought an upper floor addition to the building while reducing the total number of apartments from 6 to 5 apartments, increase building height to 9.39m resulting in a 10.4% variation to the height of buildings development standard and a FSR of 0.77:1, equating to 54% variation to the FSR development standard.

On 21 February 2022 Council issued a Pre-DA letter raising issues as follows:

- Variations to both the FSR and height of buildings development standards are not supported as the additional storey will likely fail to demonstrate compliance with the objective of the development standards to preserve the environmental amenity of surrounding properties and public spaces, and will be incompatible with the desired future character of the locality.
- The proposed additions are incompatible with the Interwar architecture of the existing residential flat building, results in an excessive building envelope and does not satisfy the objectives and design provisions under the Waverley DCP 2012.
- The proposal must satisfy relevant fire safety requirements under the BCA.

The submitted proposal has incorporated Council's comments into the design and does not include an additional floor level that contributes to excessive built form and scale, or will adversely impact on the amenity of adjoining properties as discussed in this report.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing two storey residential flat building including internal reconfiguration of apartments to amalgamate two units into one x two storey apartment, partial infill of rear balconies to increase apartment sizes on the first floor, and construction of two new roof terraces, specifically the following:

Ground Floor

- Partial demolition of internal walls and external walls and window/door openings of apartments for reconfiguration of apartment layouts;
- New entry with awning above to Unit 2 on the northern elevation;
- Replace existing window and doors on eastern elevation with glazed bi fold doors for Unit 2 and stacked glazed doors for Unit 3; and
- Construction of new blade walls to balconies on the north and south elevations.

First Floor

- Partial demolition of internal walls and external walls and window/door openings of apartments for reconfiguration of apartment layouts;
- Amalgamation of Unit 5 with Unit 2 directly below for a 2 bedroom apartment with living areas on the ground floor and new internal stairs to two bedrooms, a walk in robe, new bathroom and storage areas on the first floor. The amalgamated apartment is to be known as Unit 2;
- Roof hatch and scissor stairs from Units 2 and 6 to access roof terrace above; and
- Partial infill of balconies on the eastern elevation with new bi fold doors to remaining balcony.

Roof Level

- Partial demolition of rear portion of existing roof for construction of two roof terraces accessed from Units 2 and 6 below; and
- New glass balustrades to the terraces on the north, east and south elevations with a tapered privacy screen following the form of the existing roof between the terraces.

External Works

- Removal of northern side boundary fence adjacent to Tower Street Reserve and replace with 1.5m high timber fence and new pedestrian gate to the northern side setback;
- Replace existing gas meter enclosure and BBQ at the north-eastern corner of the site with new gas metre enclosure with bench seating above; and
- New 1.5m high glass balustrade within rear setback to provide separate open spaces for Units 2 and 3.

The DA also seeks consent for changes to the Strata subdivision of the building and site to reflect the proposed reconfiguration of units as described above.

1.5. Background

The development application was lodged on 22 August 2022 and deferred on 11 November 2022 for the following reasons:

1. Additional information is to be prepared by a suitably qualified consultant demonstrating that required fire upgrade works in accordance with the provisions of the BCA are capable of being achieved and determine if the whole building is required to be upgraded.

On 11 November 2022, the applicant provided additional information including a Final Occupation Certificate issued on 11 May 2022 demonstrating all required works under Development Consent DA-249/2014 had been complete including fire safety upgrade works. Council's Fire Safety Officer has reviewed the information and is satisfied that no further information is required and has recommended relevant BCA conditions which have been included in the recommendation.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 applies to the subject site as it is wholly located within the Coastal Environment Area (i.e. defined by clause 2.10) and a Coastal Use Area (i.e. defined by clause 2.11).

Clause 2.10 of the SEPP 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 matters for consideration outlined in **Table 1** of this report.

Table 1: Clause 13 of SEPP (Coastal Management) 2018 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	The proposal does not include earthworks that will impact on the stability of the land or ground water.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal will not have any impact on the coastal environment and natural processes as the proposal is contained within the existing building footprint. See discussion in section 2.1.4 below.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	N/A	The site is not located near a coastal lake.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal will not have any additional impact on existing vegetation, fauna or habitats along the escarpment or immediately surrounding space.
(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,	Yes	The proposal is wholly contained within the boundaries of the subject site which does not comprise public access along the escarpment. The proposal does not have any impact on existing access to surrounding public open spaces or access to the foreshore.

Matter for Consideration	Compliance	Comment
(f) Aboriginal cultural heritage, practices and places,	N/A	There are no identified items of Aboriginal heritage in the immediate vicinity of the site.
(g) the use of the surf zone.	N/A	The site is not in the vicinity of a surf zone.

Clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 2** of this report.

Table 2: Clause 14 of SEPP (Coastal Management) 2018 Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The proposal is wholly contained within the boundaries of the subject site which does not comprise public access along the escarpment. The proposal does not have any impact on existing access to surrounding public open spaces or access to the foreshore.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The proposal does not result in any additional overshadowing or view loss surrounding public spaces to the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposal which is predominantly contained within the existing building footprint and envelope, will not have any undesirable visual or amenity impacts on the coastline.
(iv) Aboriginal cultural heritage, practices and places,	N/A	There are no identified items of Aboriginal heritage in the immediate vicinity of the site.
(v) cultural and built environment heritage, and	N/A	The site does not contain any items of heritage significance. The escarpment immediately adjacent to the eastern (rear) boundary is identified as a landscape conservation area (C37) under Schedule 5 of the Waverley LEP 2012. The existing site does not contain any significant landscaping adjacent to the eastern boundary and the proposal seeks to retain the existing glazed balustrade along the rear

Matter for Consideration	Compliance	Comment
		boundary resulting in minimal change to the interface with the escarpment.
(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	The proposal does not result in any adverse impacts regarding the matters for consideration in (a) above. As such, the proposal is considered appropriately designed and responds to the characteristics of the site and surrounding environment.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	N/A	As discussed in (i) above.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	N/A	As discussed in (i) above.
(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposed bulk and scale of the development is predominantly contained within the existing building envelope and will not result in any adverse built form or amenity impacts on the surrounding coastal environment.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table	No – Existing Use Rights	The proposal is defined as residential flat building, which is prohibited in the R2 zone.

Provision	Compliance	Comment
<ul style="list-style-type: none"> R2 Low Density Residential Zone 		The applicant has adequately demonstrated existing use rights for the residential flat building and is acceptable as discussed in the report below.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	<p>The existing residential flat building has a building height of 8.5m and complies with the height of buildings development standard.</p> <p>The proposed rear additions including the privacy screens and balustrades to the roof terraces do not exceed the height of the existing roof form and does not exceed the maximum building height development standard.</p>
4.4 Floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	<p>The existing residential flat building has a FSR of 0.67:1 (GFA 427.7m²), equating to a 36% variation to the FSR development standard.</p> <p>The proposal seeks an additional 10.7m² of gross floor area resulting in a total GFA of 438.4m² and FSR of 0.7:1, equating to a 39% variation to the FSR development standard.</p> <p>The proposal seeks a net increase of 10.7m² with a net increase in FSR of 0.02:1 (3%).</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR 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	<p>The site is not a heritage item and is not located in a conservation area, however it is immediately adjoined to the Coastal Sandstone Escarpment Landscape Heritage Conservation Area (C37) under Schedule 5 of the Waverley LEP 2012.</p> <p>The proposal maintains an appropriate rear setback and built form that will not impact on the appearance or significance of the escarpment when viewed from surrounding properties and the public domain and is acceptable.</p>
Part 6 Additional local provisions		
6.4 Terrestrial biodiversity	No – acceptable	No landscape plan has been submitted demonstrating compliance with biodiversity

Provision	Compliance	Comment
	subject to conditions	requirements with the planting of at least 50% native/indigenous species within the site. A condition has been recommended requiring the preparation and submission of a landscape plan to satisfy the requirements of the Waverley DCP 2012 for the approval of Council prior to the issue of a Construction Certificate.

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

Existing Use Rights

The development application relies on the 'existing use rights' provisions under Division 4.11 of the Act and Part 5 of the *Environmental Planning and Assessment Regulation 2021* (the Regulations) as the residential flat building is prohibited in the R2 Low Density Residential zone under Waverley Local Environmental Plan 2012.

The Regulations allows an existing use to be enlarged, expanded, intensified, altered or extended subject to development consent. Section 4.67 of the Act, concerning regulations respecting existing use, states the following:

- (1) *The regulations may make provision for or with respect to existing use and, in particular, for or with respect to—*
 - (a) *the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an existing use, and*
 - (b) *the change of an existing use to another use, and*
 - (c) *the enlargement or expansion or intensification of an existing use.*
 - (d) *(Repealed)*
- (2) *The provisions (in this section referred to as the incorporated provisions) of any regulations in force for the purposes of subsection (1) are taken to be incorporated in every environmental planning instrument.*
- (3) *An environmental planning instrument may, in accordance with this Act, contain provisions extending, expanding or supplementing the incorporated provisions, but any provisions (other than incorporated provisions) in such an instrument that, but for this subsection, would derogate or have the effect of derogating from the incorporated provisions have no force or effect while the incorporated provisions remain in force.*
- (4) *Any right or authority granted by the incorporated provisions or any provisions of an environmental planning instrument extending, expanding or supplementing the incorporated provisions do not apply to or in respect of an*

existing use which commenced pursuant to a consent of the Minister under section 4.33 to a development application for consent to carry out prohibited development.

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

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

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

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

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

Given the outcome of Saffioti 2018, the assessment of existing use rights should be considered against both the development standards of the LEP and the controls of the DCP as detailed within this report. The applicant has submitted a written request under clause 4.6 of the LEP to contravene the FSR development standard, which is considered in the report below.

In terms of other matters relating to existing use rights, the existing use is not considered to be abandoned as it has not ceased to be used for a continuous period of 12 months (or 3 years between 25 March 2020 and 25 March 2022). With respect to the Regulations, the existing residential flat building:

- involves only minor alterations and additions;
- does not involve the rebuilding of the premises; and
- does not involve a significant intensification of the premises.

The applicant has adequately demonstrated that the proposal satisfies the four planning principles as follows:

Table 4: Existing Use Rights Planning Principles Compliance Table

Planning Principle	Compliance	Comment
<p>Principle 1: How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?</p> <p>While planning controls, such as height, floor space ratio and setbacks do not apply to sites with existing use rights; they have relevance to the assessment of applications on such sites. This is because the controls apply to surrounding sites and indicate the kind of development that can be expected if and when surrounding sites are redeveloped. The relationship of new development to its existing and likely future context is a matter to be considered in all planning assessment.</p>	Yes	<p>The proposed external alterations and additions are predominantly contained to the rear of the existing residential flat building and do not alter the appearance of the existing residential flat building from the Marne Street or surrounding public domain. The proposal is consistent with permissible bulk and scale for surrounding developments as it does not seek to alter the existing building height (which complies with the maximum building height development standard), is within the permissible external wall height and maintains contextually appropriate setback that respond to existing developments and setbacks to the escarpment.</p>
<p><i>Principle 2: What is the relevance of the building in which the existing takes place?</i></p> <p>Where the change of use is proposed within an existing building, the bulk and scale of that building are likely to be deemed acceptable, even if the building is out of scale with its surroundings, because it already exists. However, where the existing building is proposed for demolition, while its bulk is clearly an important consideration, there is no automatic entitlement to another building of the same floor space ratio, height or parking provision.</p>	Yes	<p>No change of use is proposed. The existing use of the residential flat building will be retained.</p> <p>The proposed alterations and additions are contained to the rear and within the existing building footprint and presents an appropriate built form that does not detract from the character of the locality. The proposal will have no impact on the streetscape or views from surrounding properties or the public domain.</p>
<p><i>Principle 3: What are the impacts on adjoining land?</i></p> <p>The impact on adjoining land should be assessed as it is assessed for all development. It is true that where, for</p>	Yes	<p>The proposal will not result in unreasonable additional overshadowing of adjoining private and public open spaces. In particular, the additional overshadowing to the rear private open</p>

example, a development control plan requires three hours of sunlight to be maintained in adjoining rear yards, the numerical control does not apply. However, the overshadowing impact on adjoining rear yards should be reasonable.		space at 3 Marne Street between 9am and 12noon on 21 June does not impact on existing solar access to the principal useable areas of the rear yard and will not adversely impact on the amenity of adjoining occupants. The proposal does not result in any additional overshadowing impacts on habitable room windows at 3 Marne Street.
<p><i>Principle 4: What is the internal amenity?</i></p> <p>Internal amenity must be assessed as it is assessed for all development. Again, numerical requirements for sunlight access or private open space do not apply, but these and other aspects must be judged acceptable as a matter of good planning and design. None of the legal principles discussed above suggests that development on sites with existing use rights may have lower amenity than development generally.</p>	Yes	<p>The proposed alterations to the ground and first floor levels will enhance privacy for the adjoining properties to the south as some existing windows will be removed and the partial infill of the first floor rear reduces the size of the rear balconies and replaces glazed screening with a solid wall.</p> <p>To reduce any direct overlooking from the proposed roof terrace of Unit 6 to adjoining properties to the south, a condition requiring the installation of fixed planter boxes along the length of the southern side of the terrace and planting of native small shrub or climber plant species to mitigate loss of visual privacy for adjoining properties has been included in the recommendation.</p>

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.5:1. The existing residential flat building has a FSR of 0.67:1, exceeding the standard by 112.94m² equating to a 36% variation.

The proposed development has an overall FSR of 0.69:1, exceeding the standard by 123.64m² equating to a 38% variation. The proposal seeks an additional 10.7m² of gross floor area (net increase of 3%) resulting from internal alterations and partial infill of the first floor balconies on the eastern elevation.

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

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

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

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

The applicant seeks to justify the contravention of the 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 proposal relies on existing use rights as the existing residential flat building is not a permissible use under the R2 Low Density Residential zone. As such the maximum permitted FSR development standard is not applicable to the proposed development.*
 - (ii) *The proposal is considered consistent with the objectives of the FSR development standard as the built form and scale is consistent with surrounding developments which comprises residential flat buildings that consist of FSR that exceed the FSR development standard as follows:*
 - *2 Marne Street – 1.52:1*
 - *6 Marne Street – 0.95:1*
 - *8 Marne Street – 0.99:1*
 - *10 Marne Street – 1.61:1*

Having regard to the bulk and scale of existing surrounding residential flat buildings and the existing development, the proposed FSR and built form are consistent with the objective of the FSR development to provide an appropriate correlation between density and height controls as the additional FSR is contained within the existing building footprint with no changes to existing side and rear setbacks, and does not exceed the building height development standard.

- (iii) *The proposal does not result in any significant or unreasonable amenity impacts on surrounding dwellings with it maintains three hours of direct sunlight to the majority of the private open space at 3 Marne Street, natural ventilation, and visual and acoustic privacy.*
- (iv) *The proposal will not have any impacts on existing views from adjoining properties which are primarily to the east.*
- (v) *The proposal is consistent with the objectives of the R2 Low Density Residential Zone as it maintains the existing residential use and contributes to well-designed housing options to meet the needs of the community.*

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *Strict compliance with the FSR development standard would undermine the objective to promote the orderly and economic use and development of land under Section 1.3(g) of the Environmental Planning and Assessment Act 1979.*
 - (ii) *Compliance with the maximum FSR development standard for permissible developments within the R2 Low Density Residential zone is not applicable to the existing residential flat building. The existing built form and proposed alterations and additions, which are contained within the existing building footprint, is compatible with the bulk and scale of surrounding residential flat buildings in the streetscape and the future desired character of the locality.*
 - (iii) *The extent of the variation to the FSR development standard is contained within a compliant building envelope and is compliant with the building height development standard, side setbacks and provides greater areas of open space and landscaping than the minimum requirements under the Waverley DCP.*
 - (iv) *The proposal does not result in any significant overshadowing at 3 Marne Street where three hours of sunlight to private open space in mid-winter is maintained and there will be no additional overshadowing impacts to habitable windows.*
 - (v) *View sharing is maintained as the proposal has no additional impacts on easterly views of the ocean from adjoining properties.*

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

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

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

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

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

- (a) *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
- (b) *to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;*
- (c) *to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;*

- (d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and*
- (e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

The applicant has adequately demonstrated that the proposal satisfies the relevant objectives of the FSR development standard, particularly that given the built form of the existing residential flat building, the extent of the additional floor space is contained within the existing building envelope and is consistent with the maximum building height development standard and maintains appropriate side and rear setbacks. The proposed alterations and additions are contained to the rear of the site and do not contribute to unreasonable bulk and scale or detracts from the architectural character of the existing residential flat building when viewed from the street or adjacent public open space.

The additional floor space which is contained within the existing building envelope on the ground and first floor levels does not result in any unreasonable additional overshadowing impacts, loss of privacy or view impacts, subject to design amendment to the southern roof terrace as discussed in this report, and satisfies the objectives of the development standard for preserving environmental amenity of neighbouring properties and the amenity of the locality.

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

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

In particular, the maximum FSR development standard is not applicable to the proposal as the existing residential flat building benefits from existing use rights and the proposed additional floor space and external alterations and additions are contained within the existing building envelope and presents a built form that is consistent with the bulk and scale of surrounding developments and is compliant with built form, landscaping, private open space and view sharing controls under the Waverley DCP 2012.

The proposal will not result in adverse amenity impacts on surrounding developments and is acceptable in this circumstance.

Is the development in the public interest?

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

The objectives of relevant FSR development standard 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 existing character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

The proposal is contained within the existing building envelope and does not result in excessive building bulk or scale when viewed from the street or surrounding public spaces. The retention of the use of the residential flat building is consistent with the existing character of the streetscape and locality and is acceptable in this instance as it does not result in any unreasonable amenity impacts on surrounding properties.

The objectives of the R2 Low Density Residential zone are as follows:

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

The existing residential flat building is prohibited within the R2 Low Density Residential zone therefore the proposal relies on existing use rights. The proposal is not inconsistent with the objectives of the zone as the retention of the residential flat building contributes to the supply of housing within the locality and is consistent with surrounding developments.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of FSR development standard and the R2 Low Density Residential zone.

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

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

Table 5: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	No (acceptable on merit)	No Landscape plan has been submitted demonstrating compliance with the landscape and biodiversity requirements of the DCP. However, given that the proposal does not affect site coverage and existing landscaped area of the site, a landscape plan is not required.
4. Coastal Risk Management	Yes	<p>The site is located within the Geotechnical Hazard zone. A Geotechnical Report has not been submitted with the application and was not requested at the time of assessment given the scope of the works proposed does not extend beyond the existing building footprint or envelope and does not include earthworks.</p> <p>To ensure that the proposed works will not have any detrimental impacts on the stability of the cliff and surrounding properties, a condition requiring the geotechnical engineers report to be prepared and submitted prior to the commencement of works has been included in the recommendation.</p>
5. Vegetation Preservation	Yes	No trees are proposed to be removed.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport Zone 2 Minimum parking rate: <ul style="list-style-type: none"> Nil Maximum parking rate: <ul style="list-style-type: none"> 1 bedroom x 1.0 (nil) 2 bedrooms x 1.2 (6) 3 bedrooms or more x 1.5 (nil) Visitor parking: <ul style="list-style-type: none"> 1 car space 	Yes	<p>The site currently has no on site car, motorcycle or bicycle parking spaces. No change is proposed.</p> <p>As the proposed development seeks to reduce the total number of existing apartments from 6 units to 5 units, no change to car parking provisions is unlikely to have adverse impacts on demand for on street parking spaces in surrounding streets and is acceptable in this circumstance.</p>

Development Control	Compliance	Comment
Motorcycle parking: <ul style="list-style-type: none"> Resident: Nil Visitor: Nil Bicycle parking: <ul style="list-style-type: none"> Resident: Nil Visitor: Nil 		
9. Heritage	Yes	<p>The site is not a heritage item or located within a conservation area. The site does not immediately adjoin heritage items but has a rear boundary adjacent to the Coastal Sandstone Escarpment Landscape Conservation Area (No. C37) under Schedule 5 of the Waverley LEP 2012.</p> <p>The proposal seeks to retain the existing glass balustrade adjacent to the rear (eastern) boundary which will have no additional impact on the appearance of the escarpment. The proposed gas meter with bench seat enclosure at the north-eastern corner of the site and new 1.5m timber fence along the northern side boundary have minimal visual impacts on the escarpment and no adverse impacts on the heritage significance of the landscape conservation area as it is consistent with the form of boundary fences to surrounding properties to the north and south of the site that also have a rear boundary adjacent to the escarpment.</p>
10. Safety	Yes	Satisfactory.
12. Design Excellence	Yes	Satisfactory.
13. Subdivision	N/A	The provisions for subdivision under the DCP are not applicable to Strata subdivision.
16. Public Domain	Yes	Satisfactory.

Table 6: Waverley DCP 2012 – Part C3 Other Residential Development Compliance Table

Development Control	Compliance	Comment
3.1 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: <ul style="list-style-type: none"> Nil for R2 Low Density Residential zone 	Acceptable on merit	The site is located in a R2 Low Density Residential zone and there are no specific minimum frontage requirements for a residential flat building with a R2 zone. As the residential flat building is existing and the built form as viewed from Marne Street remains as existing, the proposal is acceptable on merit.

3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height: <ul style="list-style-type: none"> Nil for R2 Low Density Residential zone 	Acceptable on merit	<p>As the site is located in a R2 zone, there are no specific external wall height controls applicable for the residential flat building.</p> <p>The proposed rear additions do not exceed the existing wall height of the existing residential flat building and does not result in excessive building bulk when viewed from the adjacent public reserve or surrounding properties.</p>
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	No change is proposed to the existing front building line.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5m (upto 12.5m in building height) Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	<p>Partially complies – acceptable on merit</p> <p>Yes</p> <p>Yes</p>	<p>No change is proposed to the existing north and south side setbacks measuring 2.2m and 2.3m, respectively with the exception of a new entry with awning above to Unit 2 which is setback 1.2m from the northern side boundary. The new entry is constructed of lightweight materials and is set back approximately 28.6m and will not detract from the existing appearance of the building from the street or public domain.</p> <p>The proposal has a rear building line ranging between 7.9m at the north-east corner and 4.6m at the south-east corner of the ground floor rear balconies. The varying rear building setback is due to the splay of the eastern boundary which follows the alignment of the escarpment. Surrounding properties do not have a predominant rear building setback.</p> <p>No change is proposed to the ground floor rear setback. Whilst the proposal seeks to infill part of the first floor eastern balconies, it does not extend beyond the existing roof over the first floor balcony and as such, has minimal impact on the visual bulk of the building and is acceptable.</p> <p>A landscaped area with a width of 2.2m comprising deep soil long part of the northern side boundary will be maintained and achieves compliance with the requirement for deep soil (minimum 2m wide) along a side boundary.</p>
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Façade to be articulated 	<p>No – as existing</p> <p>Yes</p>	<p>The existing residential flat building has a building length of 31m. No change is proposed.</p> <p>No change is proposed to the western elevation fronting Marne Street. The proposed articulation to the rear of the building on the north and south</p>

<ul style="list-style-type: none"> Maximum unit depth: 18m 	Yes	<p>side elevations will complement the existing character of the residential flat building.</p> <p>The proposed maximum depth of apartments is 15.7m and is compliant with the maximum 18m apartment depth control.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes Removal of original architectural features not supported. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No change is proposed to the façade fronting Marne Street. Alterations to the northern elevation, visible from Tower Street Reserve, is contained to the rear of the site and does not dominant the existing appearance of the residential flat building.</p>
3.7 Fences and walls		
<p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	<p>The proposal seeks to replace part of the northern side boundary fence adjoining Tower Street Reserve with a 1.5m high timber fence. The fence does not exceed the maximum fence height of 1.8m and will provide adequate privacy for occupants without compromising views from the site or the public domain.</p>
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No change is proposed to existing pedestrian entries to the residential flat building on the northern and southern elevations. The entries are accessible with legible pathways and lighting.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity Minimum of 30% of site area landscaped: 188.86m² 50% of the above is to be deep soil: 94.43m² 	<p>No (acceptable on merit)</p> <p>Yes</p> <p>Yes</p>	<p>No landscape plan demonstrating compliance with Part B3 of the Waverley DCP 2012 has been submitted. As discussed earlier, the absence of a landscape plan is acceptable as the proposal does not seek to change the site coverage and landscaped area.</p> <p>No change is proposed to existing landscaped and deep soil areas. The site currently has 242.5m² of landscaped area and 214.13m² of deep soil which exceeds the minimum requirements under the DCP.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	As existing	<p>No change is proposed to provision of communal open space on the site. The site is immediately adjoined to Tower Street Reserve to the north which provides accessible and suitable open space for passive recreation.</p>

3.11 Private Open Space		
3.11.1 – Courtyards <ul style="list-style-type: none"> Private Courtyards – min 25m² area and 3m width and depth Planting to be provided Private open space not to be provided at the front, unless a buffer it provided Max gradient 1 in 10 	<p>Yes</p> <p>No As existing</p> <p>Yes</p>	<p>The proposal retains the existing open space at the rear of the site which will be directly accessed from the ground floor apartments (Units 2 and 3). The principal useable areas of the courtyards measure approximately 45.4m² (Unit 2) and 31.8m² (Unit 3) which exceed the minimum required dimensions and area under the DCP.</p> <p>No change is proposed to existing private open space to Unit 1 fronting Marne Street.</p>
3.11.2 – Balconies/decks <ul style="list-style-type: none"> Balcony additions to match the character of the building Should not dominate the façade No wrap around balconies Located to maximise solar access and privacy 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Existing ground floor terraces and first floor balconies on the eastern elevation are being retained, subject to reduction in area and depth of the first floor balconies. The balconies are orientated to the east towards views of the ocean and does not have any additional privacy impacts on adjoining properties as privacy screens on the southern elevation are retained.</p>
3.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June New development should maintain at least two hours of sunlight to solar collectors on adjoining properties in mid winter. Direct sunlight to north facing windows of habitable rooms and all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>The numerical requirements for solar access to subject apartments and adjoining properties are not applicable to this proposal as the site benefits from existing use rights, as discussed in the report above.</p> <p>The proposal will not result in any detrimental loss of solar access to private open space or habitable room windows of adjoining properties and will not result in any unreasonable amenity impacts.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> 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. 	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>The proposal which is contained within the existing building envelope with lightweight balustrades at the roof level, does not have any additional impacts on views from adjoining properties or the public domain.</p> <p>The site does not currently contain planting along the northern side boundary adjacent to Tower Street Reserve.</p>

3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Roof tops are to be non-trafficable, unless there is a predominance of roof terraces in the immediate vicinity of the site. 	As existing	No change is proposed to the orientation of the existing residential flat building or the orientation of existing apartments within the building.
	Yes- subject to condition	The retention of privacy screening to the first floor balcony on the southern elevation and recommended planter boxes along the southern side of the proposed roof terrace will minimise direct overlooking of adjoining properties to the south of the site.
	Yes	Having regard to the significance of the views of the ocean and coastline, the degree of existing mutual overlooking from the rear of the site and adjoining properties does not result in adverse amenity impacts and is acceptable within the context of the locality.
	As existing	The proposal does not result in any additional overlooking or loss of privacy to ground floor open space within the site.
	No – acceptable on merit	The proposed roof terraces are contained within the existing roof space of residential flat building and orientated towards easterly views of the ocean. The roof terraces will not dominant the existing built form or have unreasonable privacy impacts on adjoining properties subject to installation of planter boxes to minimise overlooking of properties to the south.
3.16 Dwelling size and layout		
<ul style="list-style-type: none"> Max width of dwelling over 15m deep is min 4m All habitable rooms to have a window Provide a range of dwelling types and sizes Min sizes 2 bedroom = 80m² Flexible design Accessible and Adaptable 	Yes	Units 2 and 6 have depths measuring 15.7m and 15.5m, respectively and have a width of 4.3m which will maintain satisfactory internal amenity.
	Yes	All habitable rooms within all apartments have access to an external window.
	Yes	The proposal seeks to increase the size of Unit 2 to 118.7m ² which exceeds the minimum apartment size under the DCP.
	No – acceptable on merit	The size of Units 3 and 6 will measure 62.22m ² and 70.07m ² , respectively. Whilst the proposed apartment sizes are less than the minimum requirement under the DCP, it presents an increase compared to the existing apartment sizes and will enhance the amenity for occupants.
	Yes	
	Yes	

		The proposed internal reconfiguration of the apartments will provide flexible furniture layouts to meet the needs of occupants and is acceptable.
3.17 Ceiling Heights		
<ul style="list-style-type: none"> Min 2.7m floor to ceiling height residential floors 	Yes	No change is proposed to the existing floor to ceiling height of 2.7m.
3.18 Storage		
<p>In addition to kitchen cupboards and bedroom wardrobes, min storage required is:</p> <ul style="list-style-type: none"> 2 bed = 8m³ <p>Bulky storage for each dwelling</p>	<p>Yes</p> <p>No</p>	<p>The proposed architectural plans show the storage to be provided for Unit 2 but no storage areas have been indicated for Units 3 and 6, in accordance with the requirement under the DCP. A condition requiring minimum storage provisions within each apartment to be shown on architectural plans has been included in the recommendation.</p> <p>The existing residential flat building does not contain separate bulk storage for each apartment. No change is proposed. Given the retention of the existing building footprint and envelope, no additional storage facilities within the development it is considered acceptable in this circumstance.</p>
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The internal layout of apartments adequately separates bedrooms from living areas to minimise noise impacts for occupants.
3.20 Natural Ventilation		
<ul style="list-style-type: none"> All dwellings to be naturally cross-ventilated Building to be orientated to maximise breezes Ceiling fans are to be provided in all habitable rooms. 	<p>Yes</p> <p>Yes</p> <p>Not shown</p>	<p>No change is proposed to the orientation of the existing building. Access to existing natural breezes will be retained.</p> <p>All apartments are naturally cross ventilated.</p> <p>Existing apartments do not contain ceiling fans and no ceiling fans have been shown on the plans. The floor to ceiling height of the apartments can accommodate installation of ceiling fans in the future to meet the needs of occupants.</p>
3.21 Building services		
<ul style="list-style-type: none"> 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	No change is proposed to the location of mailboxes, garbage storage area and building services. A new bench seat to enclose the existing gas meter at the north-eastern corner of the site will have no additional impact and is acceptable.

<ul style="list-style-type: none"> Outdoor Communal clothes drying area to be provided 	Yes	The existing outdoor clothes line and laundry tub adjacent to the southern side boundary will be retained.
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The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

Roof Terraces

The proposed roof terraces are located within the existing roof of the residential flat building, with lightweight glazed balustrades and privacy screen between Units 2 and 6 matching the existing hipped roof form. The proposed roof terraces will not be visually prominent and will not detract from the architectural character of the existing building when viewed from the public domain or adjoining properties.

As the roof terraces are located at the rear of the building and is orientated to optimise views of the ocean to the east, the roof terraces are considered acceptable subject to design amendments to minimise privacy impacts on adjoining properties. In particular, the proposed roof terraces measure 19.4m² (Unit 2) and 15.9m² (Unit 6) which exceeds the maximum permitted area of 15m² for roof terraces under section 3.15 control (i)(iii) in Part C3 of the Waverley DCP 2012 and is required to be reduced in size to achieve compliance with the DCP.

The roof terrace for Unit 6 is setback approximately 2.5m from the southern side boundary, however given the elevated position the roof terrace, there will be direct sightlines to the private open space of adjoining properties to the south. Whilst some degree of mutual overlooking is considered acceptable given the benefit of ocean views to the east, it is recommended that fixed planter boxes with a minimum width of 600mm be installed along the southern side of the roof terrace to prevent occupants from standing at the balustrade to minimise direct overlooking of the rear yard and window openings at 3 Marne Street. It is also recommended that the planter box be planted with species with a minimum mature height of 1m to obscure direct views from the roof terrace to properties to the south. Conditions requiring the reduction of size of the roof terraces, installation of planter boxes and landscape planting to minimise privacy impacts have been included in the recommendation.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 24 August and 12 September 2022, in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of four (4) unique submissions were received from the following properties:

- 3 Marne Street, Vacluse
- 5 Marne Street, Vacluse
- 7 Jensen Avenue, Vacluse (two submissions received).

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Exceedance in FSR is an overdevelopment of the site
- Streetscape impacts
- Privacy impacts on surrounding properties

All other issues raised in the submissions are summarised and discussed below.

Issue: Building works will impact the stability of the cliff and affect adjoining properties and public open space.

Response: The proposal works are contained within the existing building footprint and does not include any excavation or works that are considered to impact the structural stability of the escarpment or adjoining properties. The proposal has been considered against the relevant matters for consideration under the SEPP (Resilience and Hazards) 2021 and is acceptable.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

The proposal was reviewed by Council's Stormwater Engineer who raised no objection to the proposal subject to conditions included in the recommendation.

3.2. Tree Management

The proposal was reviewed by Council's Tree Management Officer who raised no objection to the proposal as the development will not impact existing trees at the front of the site or within the Tower

Street Reserve. Council's Tree Management Officer has recommended tree protection conditions which have been included in the recommendation.

3.3. Biodiversity

The proposal was reviewed by Council's Biodiversity Officer who recommended suitable landscaping of the site would contribute to the biodiversity habitat corridor in which the site is located. However, as the proposal does not seek to change the landscaped areas of the site, there is a limited nexus to require a landscape plan based on the scope and nature of this proposal. Nonetheless, an advice note is recommended to advise the applicant that the site is within a biodiversity corridor and to encourage the provision of local native plants for the site during the life of the development.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing residential flat building including amalgamation of two apartments to create one x two storey apartment, partial infill of first floor balconies on the eastern elevation, two new roof terraces to the rear and new residential entry and boundary fencing at the site known as 1 Marne Street, Vacluse.

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

- Existing use rights
- FSR;
- Size of roof terraces; and
- Visual privacy.

The assessment finds these issues acceptable, having regard to the site benefiting from existing use rights and the proposal has adequately demonstrated consistency with the objectives of the FSR development standard and the zone by maintaining a built form that is compatible with the existing residential flat building and surrounding developments within the streetscape, does not exceed the building height development standard and preserves the environmental amenity of neighbouring properties.

The proposed new roof terraces are considered acceptable, subject to conditions to minimise direct overlooking to adjoining properties by installing fixed planter boxes along the southern side of the terrace adjacent to the southern side boundary.

A total number of four (4) submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions have been received. There is no declared conflict of interest relating to this application.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 1 November 2022 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara 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:
	
Peggy Wong	Ben Magistrale
Senior Development Assessment Planner	Manager, Development Assessment (Area 2) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 21 November 2022	Date: 2 December 2022

Reason for WLPP referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Durack Architects of Project No: 144 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA04, Rev B	Ground Floor – Demo	15.08.2022	19.08.2022
DA05, Rev B	First Floor – Demo	15.08.2022	19.08.2022
DA05, Rev B	Roof Plan - Demo	15.08.2022	19.08.2022
DA06, Rev B	Ground Floor - Proposed	15.08.2022	19.08.2022
DA07, Rev B	First Floor - Proposed	15.08.2022	19.08.2022
DA08, Rev B	Roof Plan - Proposed	15.08.2022	19.08.2022
DA10, Rev B	Elevation North	15.08.2022	19.08.2022
DA11, Rev B	Elevation East	15.08.2022	19.08.2022
DA12, Rev B	Elevation South	15.08.2022	19.08.2022
DA13, Rev B	Elevation West	15.08.2022	19.08.2022
DA14, Rev B	Section A	15.08.2022	19.08.2022
DA15, Rev B	Section C	15.08.2022	19.08.2022
DA16, Rev B	Section B	15.08.2022	19.08.2022

(b) BASIX Certificate

(c) Schedule of external finishes and colours, Drawing No. DA20, Revision B, prepared by Durack Architects dated 15 August 2022 and received by Council on 19 August 2022

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The useable area of the roof terraces must not exceed 15m² in area.
- (b) Fixed planter boxes with a minimum width of 600mm are to be installed along the entire length of the southern side of the roof terrace of Unit 6. Plant species to be planted within the planter boxes must have a minimum mature height of 1m to minimise direct overlooking from the roof terrace to adjoining properties to the south of the site.
- (c) Storage with a minimum of 8m³ is to be provided within each apartment, excluding wardrobes and kitchen cupboards.

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

3. STRATA SUBDIVISION

This consent includes approval for 5 lot Strata subdivision of the building proposed in the development.

A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the *Strata Schemes Development Act 2015*.
No exclusive use of common property shall occur without the prior consent of Council.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

5. 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.

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

- (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
- (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$11,550** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

9. TREE BOND

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the *Banksia integrifolia* (Coastal Banksia) tree in the reserve next to the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

10. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

CONSTRUCTION & SITE MATTERS

11. HOARDING

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

12. EROSION & SEDIMENT CONTROL

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

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

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

13. ENGINEERING DETAILS

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

14. ENGINEERING CERTIFICATE OF ADEQUACY

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

15. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report and risk assessment, regarding the stability of the subject site especially in relation to the stability of the cliff face and stating that damage should not occur to any adjoining land and/or

building(s) as a result of the proposed development, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

16. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

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

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

17. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

TRAFFIC MANAGEMENT

18. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER & FLOODING

19. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

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

- (a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required.
- (b) Any new downpipes are to be located wholly within the property's boundary.
- (c) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- (d) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval
- 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 Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

ENERGY EFFICIENCY & SUSTAINABILITY

20. BASIX

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

WASTE

21. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

22. CONSTRUCTION SIGNS

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

23. DILAPIDATION REPORT

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

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

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

DEMOLITION

24. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

25. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

26. CONSTRUCTION HOURS

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

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

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

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

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

28. CONSTRUCTION INSPECTIONS

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

29. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

30. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

31. TREE PROTECTION

The existing *Banksia integrifolia* (Coastal Banksia) tree in the reserve next to the property is to be protected for the duration of the construction works.

The existing *Metrosideros excelsa* (NZ Christmas Bush) and the *Lagunaria patersonii* (Norfolk Island Hibiscus) tree in the front of the property are to be protected for the duration of the construction works.

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.

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

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

32. FINAL OCCUPATION CERTIFICATE

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

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

33. SUBDIVISION CERTIFICATE

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

34. CERTIFICATION OF BASIX COMMITMENTS

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

35. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in

accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

36. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

37. ALLOCATION OF STREET NUMBER

The redevelopment or subdivision of the property requires the allocation of street numbers as follows:

- No. 1 - primary address site number;
- Marne Street primary address location.

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

The following sub-addressing will apply:

- Nos. 1 and 4 for the residential sub-address sites within the building correlating with Nos.1 and 4 are unchanged on the floor plans for the building.
- Nos. 2 and 3 for the residential sub-address sites within the building correlating with the units located on the ground floor plans for the building.
- No. 6 for the residential sub-address sites within the building correlating with the units located on the first-floor plans for the building.

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

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

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 site 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 for a Change of street number and/or location to be lodged with Council.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or

impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

AD4. TREE REMOVAL/PRESERVATION

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

AD5. FUTURE LANDSCAPE WORKS IN A HABITAT CORRIDOR

As the site is within a known habitat corridor, future landscaping works at the site should comprise plant species that are indigenous or local native plants, listed in Annexure B2-1 of the Waverley Development Control Plan 2012.

ALTERATIONS & ADDITIONS TO EXISTING APARTMENT BUILDING
INCLUDING AMALGAMATION OF TWO APARTMENTS AND NEW ROOF TERRACES
1 MARNE ST, VAUCLUSE

Application No: DA-350/2022

Date Received: 19/08/2022



CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 - FIRE RESISTING CONSTRUCTION
SPEC. C1.10 - FIRE HAZARD PROPERTIES
SPEC. C.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 - SPEARATION OF EQUIPMENT
CLAUSE C2.13 - ELECTRICITY SUPPLY SYSYEM
CLAUSE C.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)

CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS
CLAUSE C3.15 - OPENING FOR SERVICE INSTALLATIONS
CLAUSE D1.10 - DISCHARGE FROM EXITS
CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D2.13 - GOINGS AND RISERS
CLAUSE D2.14 - LANDINGS
CLAUSE D2.15 - THRESHOLDS
CLAUSE D2.16 - BALUSTRADES

CLAUSE D2.17 - HANDRAILS
CLAUSE D2.21 - OPERATION OF LATCH
CLAUSE D2.23 - SIGNS ON DOORS
CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D3.6 - IDENT. OF ACCESSIBLE FACIL/SERV/FEATURES
CLAUSE D3.8 - TACTILE INDICATORS
CLAUSE F1.7 - WATERPROOFING OF WET AREAS

CLAUSE F1.9/F1.10 - DAMP PROOFING
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
CLAUSE F5.7 - SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
ENERGY EFFICIENCY GLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECH/ELEC/HYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR
MECH/ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE
C3.15 & AS1530 4-2005
SOUND TRANSMISSION: TO COMPLY WITH PART5 OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

DA 01 COVER PAGE
DA 02 SITE ANALYSIS
DA 03 SITE PHOTOS
DA 04 GROUND FLOOR - DEMOLITION
DA 05 FIRST FLOOR - DEMOLITION
DA 06 ROOF PLAN - DEMOLITION
DA 07 GROUND FLOOR - PROPOSED
DA 08 FIRST FLOOR - PROPOSED
DA 09 ROOF PLAN - PROPOSED
DA 10 ELEVATION - NORTH

DA 11 ELEVATION EAST
DA 12 ELEVATIN SOUTH
DA 13 ELEVATION WEST
DA 14 SECTION A
DA 15 SECTION B
DA 16 SECTION C
DA 17 COMPLIANCE SUMMARY
DA 18 GFA CALCULATIONS
DA 19 GFA INDIVIDUAL UNIT CALCULATIONS
DA 20 EXTERNAL FINISHES

DA 21 SHADOW DIAGRAMS - 9AM 21ST JUNE
DA 22 SHADOW DIAGRAMS - 12PM 21ST JUNE
DA 23 SHADOW DIAGRAMS - 3PM 21ST JUNE
DA 24 BASIX REQUIREMENTS

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

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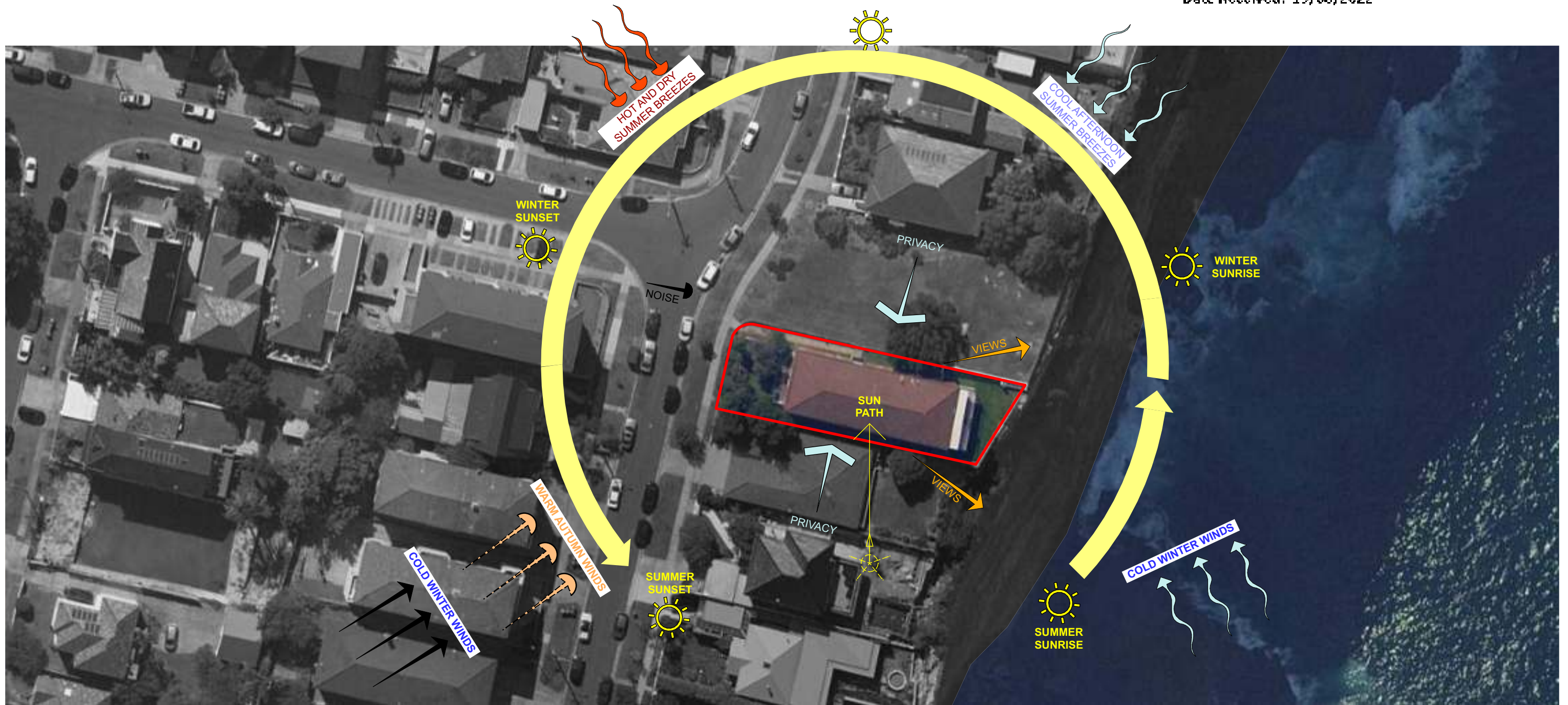
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	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

GB	GLASS BALUSTRADE	E FFL	EXISTING FLOOR LEVEL
EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:1.84@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
COVER PAGE	DA01 B



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

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PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: @A3 DATE: 15/8/22
DRAWING: SITE ANALYSIS	DRAWING NO: DA02 REV: B

Application No: DA-350/2022

Date Received: 19/08/2022



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

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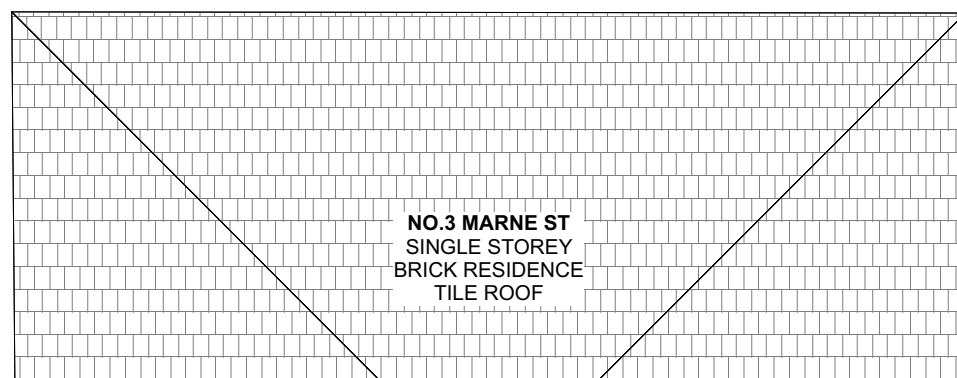
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PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: @A3 DATE: 15/8/22
DRAWING:	DRAWING NO: DA03 REV: B
SITE PHOTOS	



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

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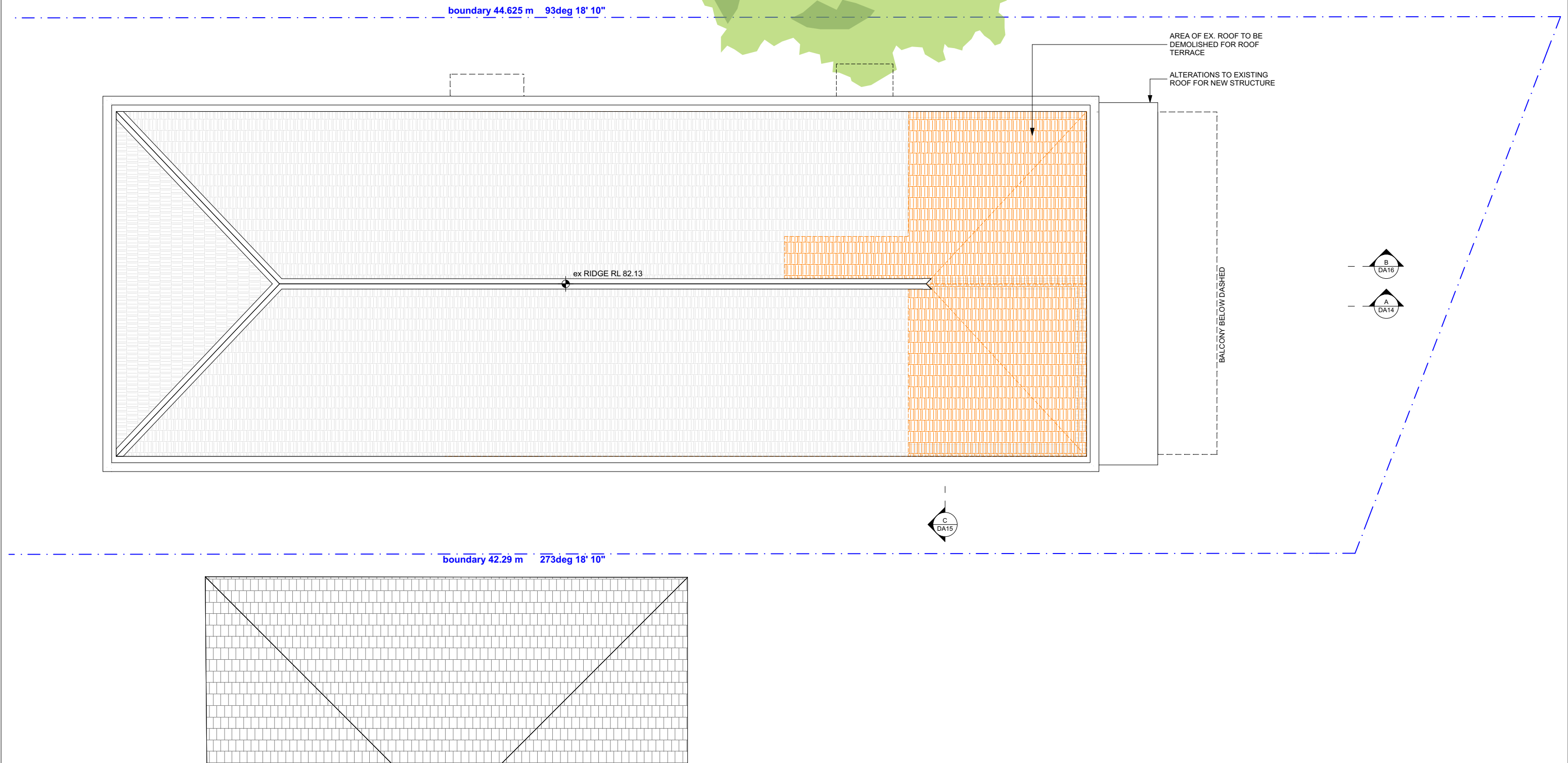


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Reg No (QLD 9813)

PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING: FIRST FLOOR - DEMO	DRAWING NO: DA05 REV: B

Application No: DA-350/2022

Date Received: 19/08/2022



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

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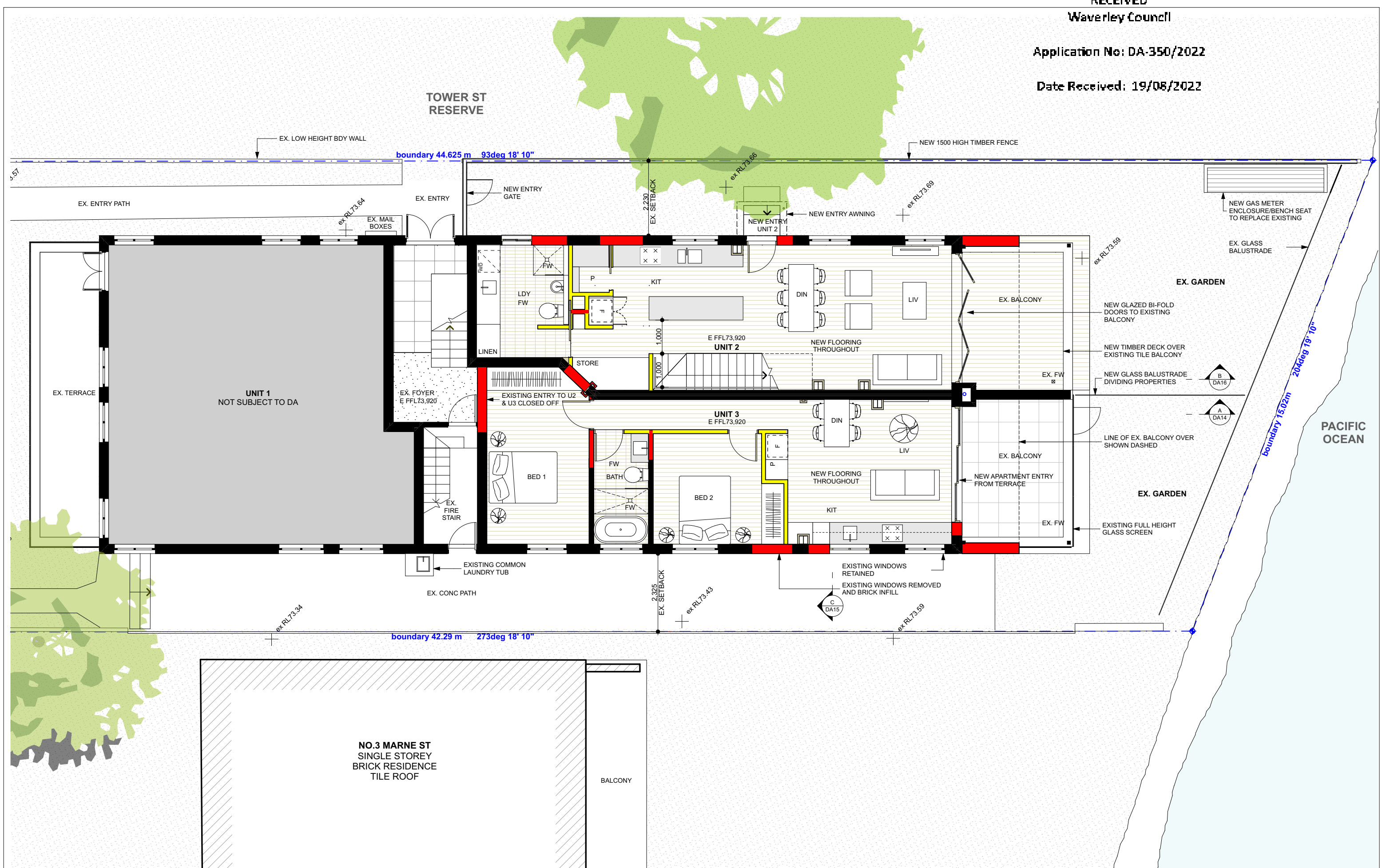
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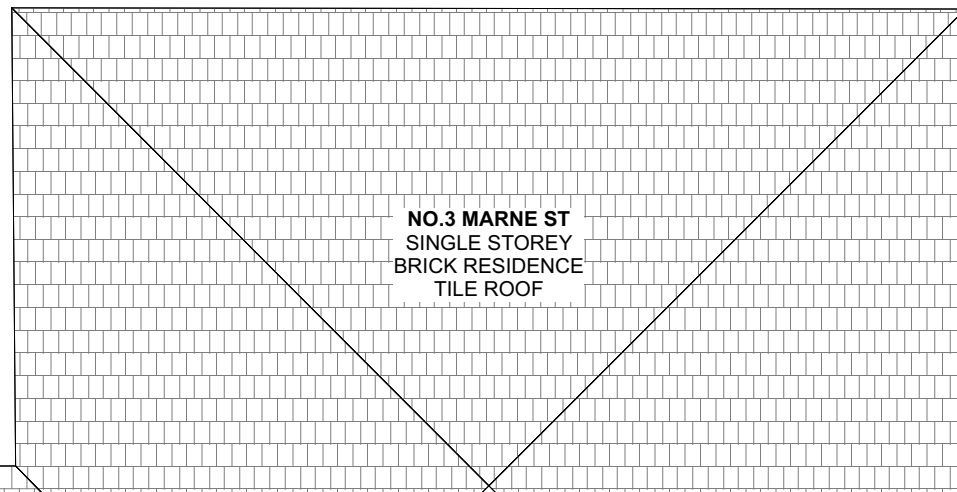
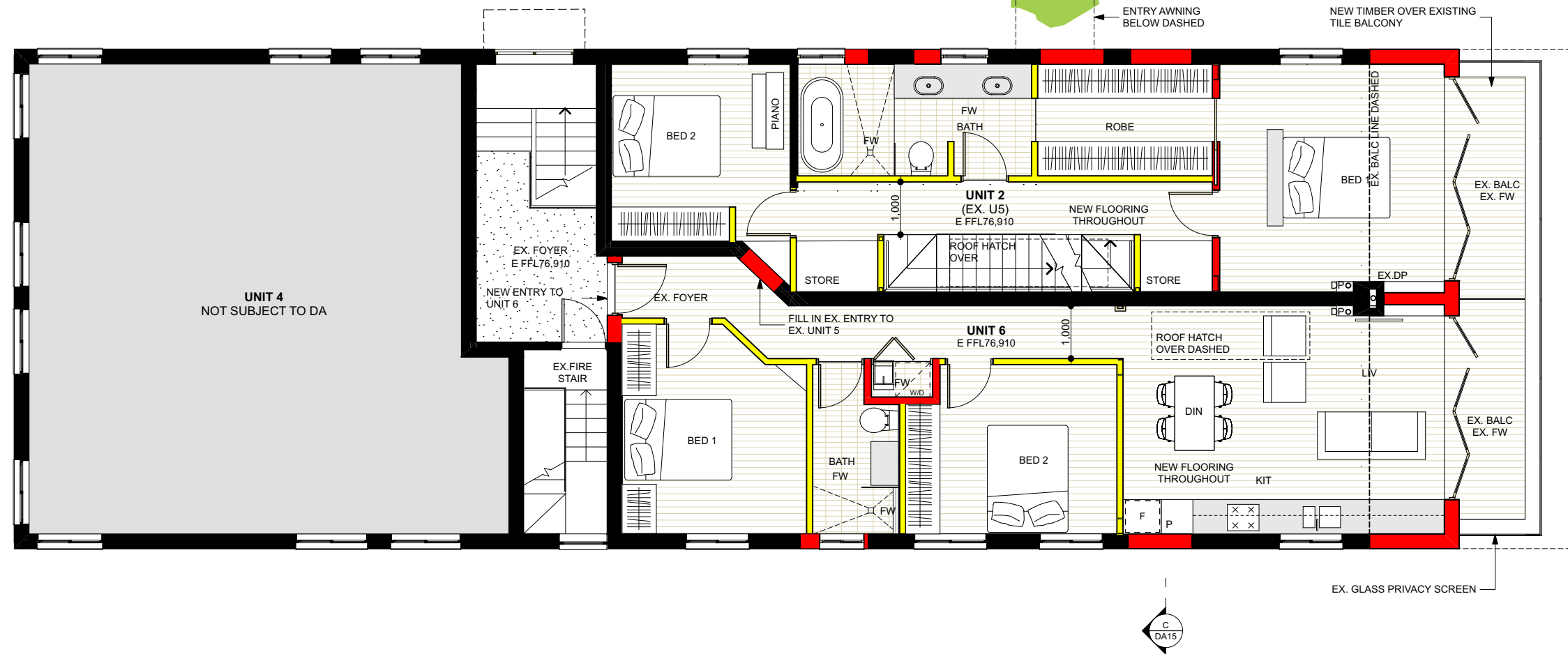
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PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
ROOF PLAN - DEMO	DA05 B



REV 1 - 21.07.22 - DA SUBMISSION REV B - 15.08.22 - DA SUBMISSION	KEY <div><div>TO BE DEMOLISHED</div><div>NEW TIMBER WORK</div><div>NEW MASONRY</div><div>NEW GLAZING</div><div>EXISTING AREAS</div><div>PROPOSED AREAS</div></div>	ABBREVIATIONS GB GLASS BALUSTRADE EBW EXISTING FACE BRICK EX EXISTING EXH EXHAUST RP RENDER & PAINT FW FLOOR WASTE E FFL EXISTING FLOOR LEVEL EX. FW EXISTING FLOOR WASTE	 DURACK ARCHITECTS m : +61 0402 425 369 w : www.durackarchitects.com Shop 1/118 Macpherson St, Brisbane NSW 2034 Durack Architects Pty Ltd Reg No (NSW 9586) ABN : 53610343023 Reg No (QLD 9813)	PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
				PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING: GROUND FLOOR - PROPOSED		DRAWING NO: DA06 REV: B			



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

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PROJECT:
MARNE STREET
PROJECT ADDRESS:
**1 MARNE ST VAUCLUSE SYDNEY
NSW 2030**

DRAWING:
**FIRST FLOOR -
PROPOSED**

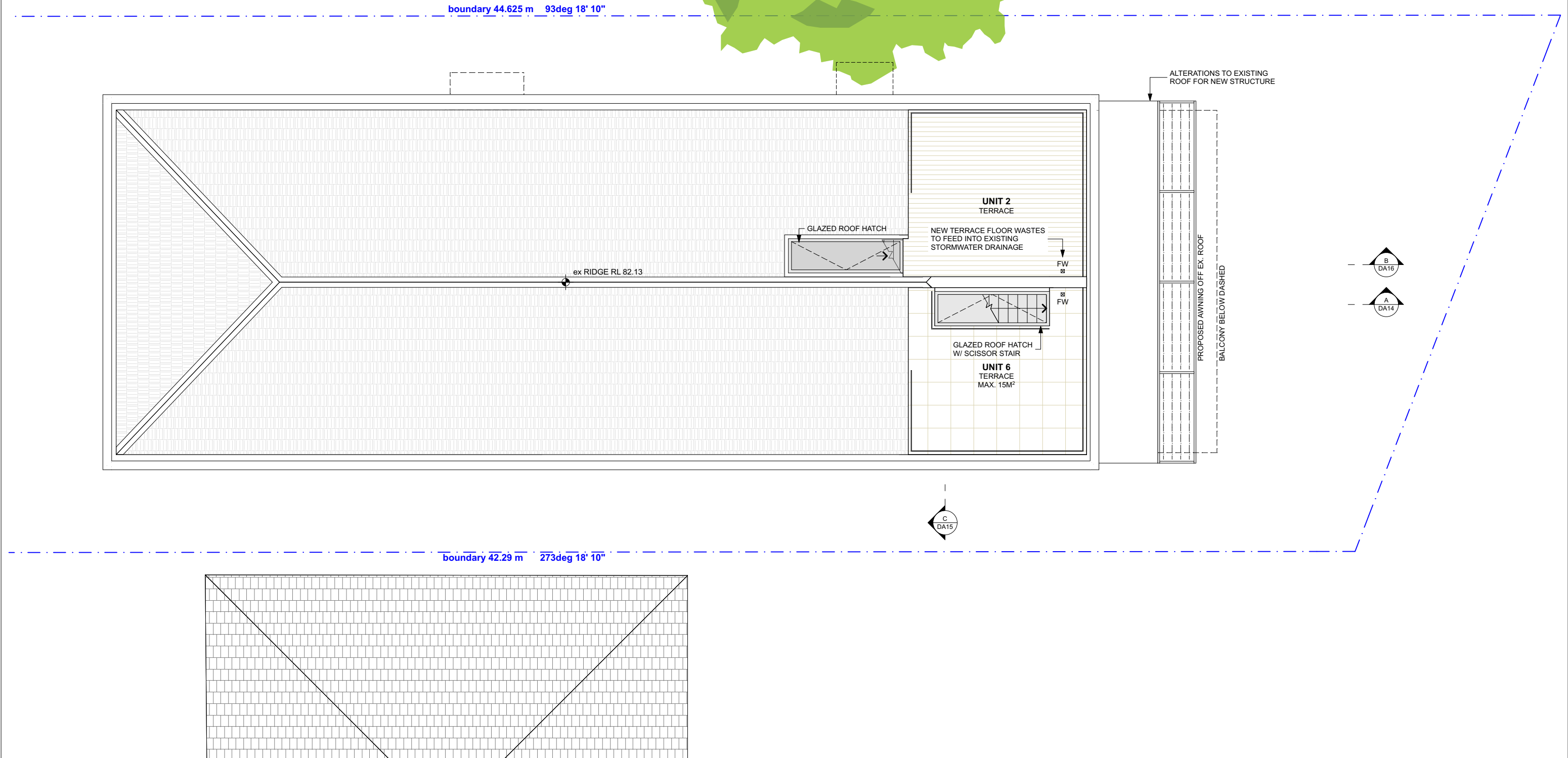
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SCALE: **1:100@A3**
DATE: **15/8/22**

DRAWING NO: **DA07**
REV: **B**

Application No: DA-350/2022

Date Received: 19/08/2022



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

FILE: 144_1 Marne St Vacluse Design Rev 2.pln

KEY

TO BE DEMOLISHED
NEW TIMBER WORK
NEW MASONRY

NEW GLAZING
EXISTING AREAS
PROPOSED AREAS

ABBREVIATIONS

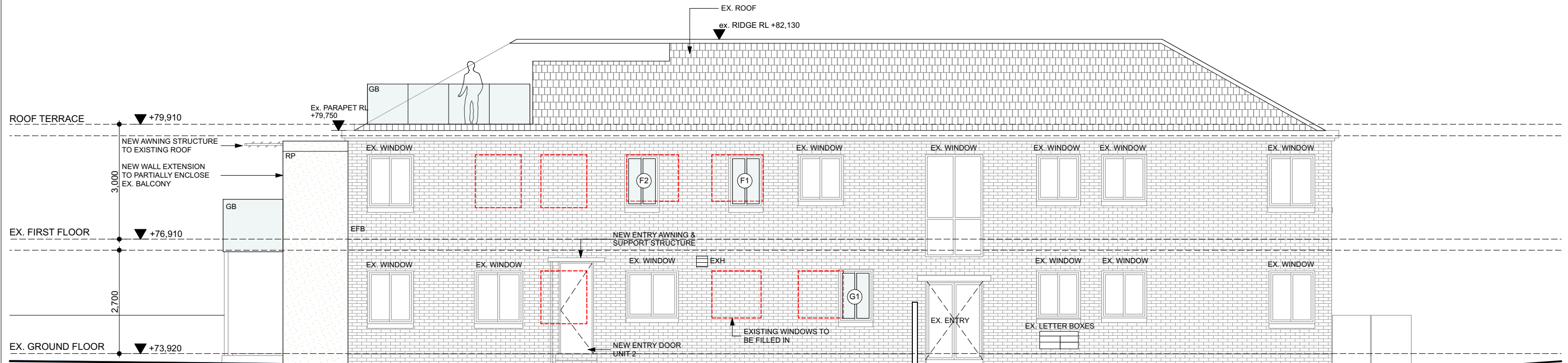
GB GLASS BALUSTRADE
EBW EXISTING FACE BRICK
EX EXISTING
EXH EXHAUST
RP RENDER & PAINT
FW FLOOR WASTE
E FFL EXISTING FLOOR LEVEL
EX. FW EXISTING FLOOR WASTE



PROJECT:
MARNE STREET
PROJECT ADDRESS:
1 MARNE ST VAUCLUSE SYDNEY
NSW 2030
DRAWING:
ROOF PLAN -
PROPOSED

PROJECT NO: 144
DRAWN BY: LD
SCALE: 1:100@A3
DATE: 15/8/22
DRAWING NO: DA08
REV: B

1 MARNE ST



NORTH ELEVATION 1:100

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

	TO BE DEMOLISHED		NEW GLAZING
	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

GB	GLASS BALUSTRADE	E FFL	EXISTING FLOOR LEVEL
EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT:
MARNE STREET
PROJECT ADDRESS:
1 MARNE ST VAUCLUSE SYDNEY
NSW 2030

DRAWING:
ELEVATION NORTH

PROJECT NO: 144
DRAWN BY: LD

SCALE: 1:100@A3
DATE: 15/8/22

DRAWING NO: REV:

DA10 B

3 MARNE ST

1 MARNE ST



REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

- TO BE DEMOLISHED
- NEW TIMBER WORK
- NEW MASONRY

- NEW GLAZING
- EXISTING AREAS
- PROPOSED AREAS

ABBREVIATIONS

- GB GLASS BALUSTRADE
- EBW EXISTING FACE BRICK
- EX EXISTING
- EXH EXHAUST
- RP RENDER & PAINT
- FW FLOOR WASTE
- E FFL EXISTING FLOOR LEVEL
- EX. FW EXISTING FLOOR WASTE



PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
ELEVATION EAST	DA11 B

ex. RIDGE RL+82,130

Page 88 of 432

TOWER ST
RESERVE

1 MARNE ST

3 MARNE ST



WEST ELEVATION 1:100

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

- TO BE DEMOLISHED
- NEW TIMBER WORK
- NEW MASONRY

- NEW GLAZING
- EXISTING AREAS
- PROPOSED AREAS

ABBREVIATIONS

- GB GLASS BALUSTRADE
- EBW EXISTING FACE BRICK
- EX EXISTING
- EXH EXHAUST
- RP RENDER & PAINT
- FW FLOOR WASTE
- E FFL EXISTING FLOOR LEVEL
- EX. FW EXISTING FLOOR WASTE



PROJECT:
MARNE STREET
PROJECT ADDRESS:
1 MARNE ST VAUCLUSE SYDNEY
NSW 2030
DRAWING:

ELEVATION WEST

PROJECT NO: 144
DRAWN BY: LD

SCALE: 1:100@A3
DATE: 15/8/22

DRAWING NO: REV:

DA13 B



SECTION A 1:100

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

	TO BE DEMOLISHED		NEW GLAZING
	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

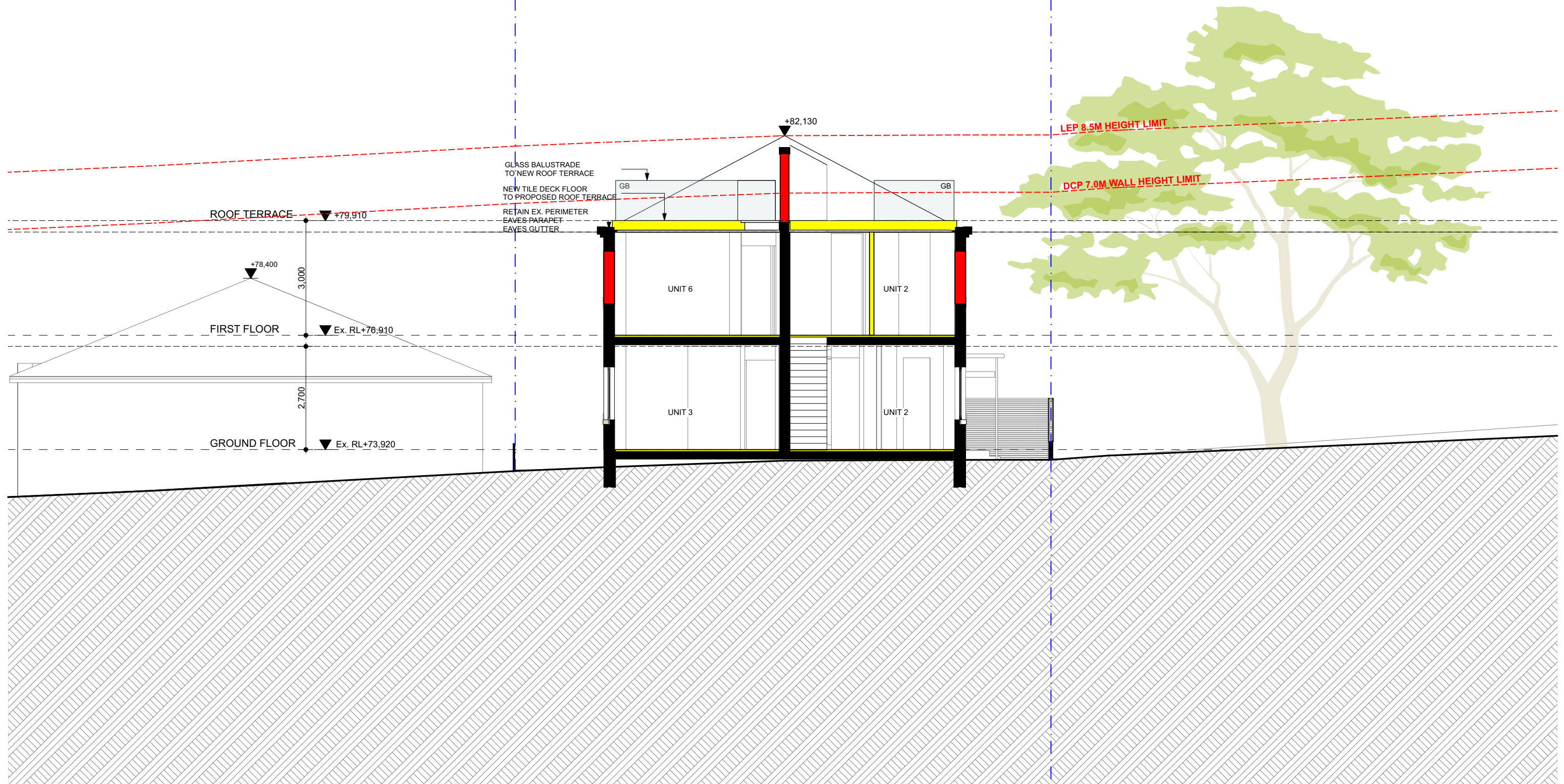
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EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
SECTION A	DA14 B

3 MARNE ST

1 MARNE ST



SECTION C 1:100

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

	TO BE DEMOLISHED		NEW GLAZING
	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

GB	GLASS BALUSTRADE	E FFL	EXISTING FLOOR LEVEL
EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
SECTION C	DA15 B



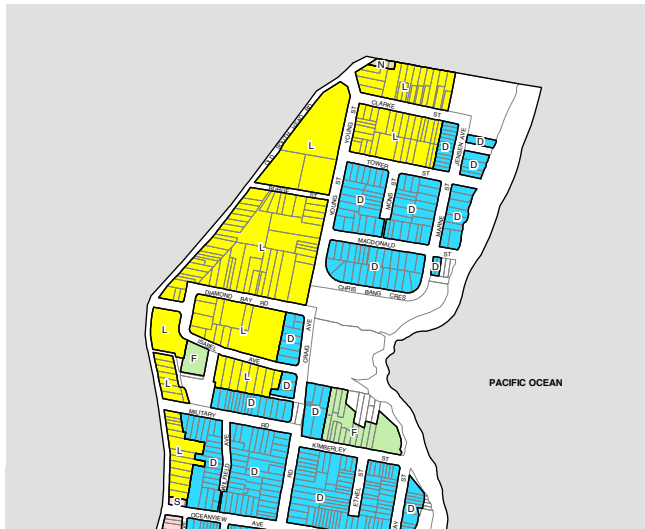
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PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING:	DRAWING NO: REV:
SECTION B	DA16 B

Application No: DA-350/2022

Date Received: 19/08/2022

Maximum Floor Space Ratio (n:1)

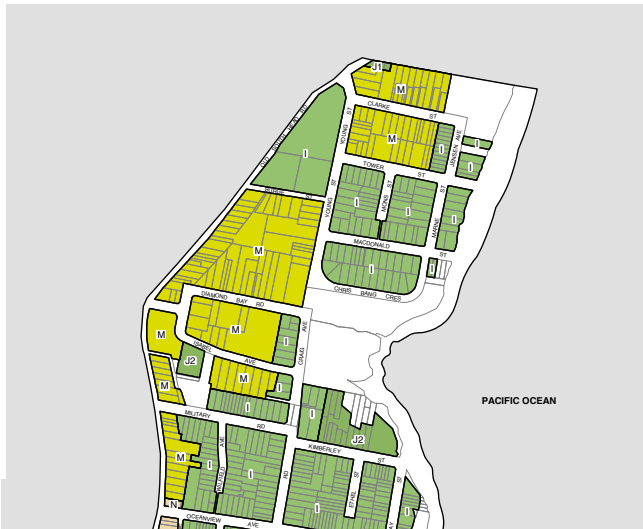
D	0.50
F	0.60
I	0.75
L	0.90
N	1.00
S	1.50
T	2.00
V	3.00
W	3.75
X	4.00
Z1	5.00
Z2	5.50
AA	6.00
AB	7.00
AC	8.00



FLOOR SPACE RATION - 0.5:1

Maximum Building Height (m)

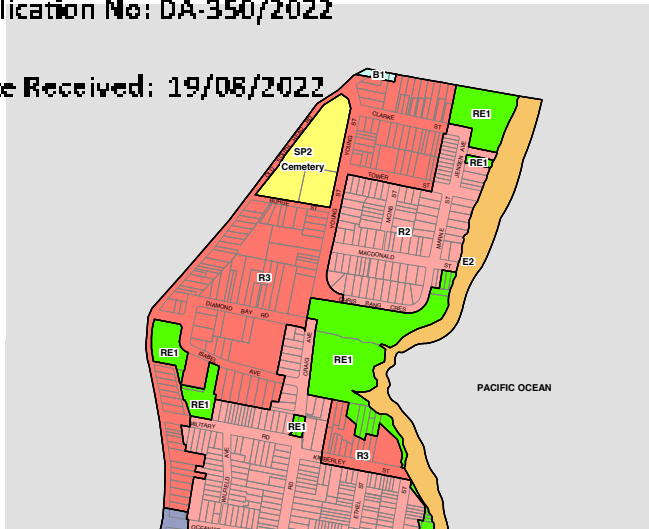
I	8.5
J1	9
J2	9.5
K	10
M	12.5
N	13
O1	15
O2	16
Q	20
S	24
T	28
U	32
V1	35
V2	38
W	40
AA	60



HEIGHT OF BUILDINGS MAP - MAX BUILDING HEIGHT 9.5M

Zone

B1	Neighbourhood Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Conservation
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure



LAND ZONING MAP - R2 LOW DENSITY RESIDENTIAL

LOCAL GOVERNMENT AREA	WAVERLEY COUNCIL
LEP	WAVERLEY LEP 2012
DCP	WAVERLEY DCP 2012
TITLE DESCRIPTION	1 MARNE ST VAUCLUSE SP 30361
SITE AREA	629.52m ²
ZONING	R2 Low Density Residential
HERITAGE LISTING	N/A
ACID SULFATE SOILS	5
FLOOD ZONE	N/A

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes— (a) the area of a staircase, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic; but excludes— (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement— (i) storage, and (ii) vehicle access, loading area, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the council authority (including access to that car parking), and (h) any space used for the loading or unloading of goods (including access to it), and (i) screens and balustrade with outer walls less than 1.8 metres high, and (j) voids above a floor at the level of a canopy or storey above.
--

COUNCIL CONTROL	DCP / LEP CONTROL	PROPOSED	PROPOSED COMPLIANCE
FLOOR SPACE RATIO (LEP - Maximum)	0.5 : 1	0.69:1m ² (PROPOSED) 438.4m ² (PROPOSED)	NO
GROSS FLOOR AREA (LEP Definition)	314.75m ²	427.7m ² (EXISTING) 0.67:1 (EXISTING)	
HEIGHT OF BUILDING (LEP - Maximum)	8.5m	8.5m	YES
PRIVATE OPEN SPACE (DCP - Minimum)	For 75% of units Courtyards Min.25m ² Min width 3x3m	EXISTING	YES
LANDSCAPED AREA (DCP - Minimum)	(30% site area) (based on R3)	EXISTING 242.5m ²	YES
LANDSCAPED AREA - DEEP SOIL (DCP - Minimum)	94.4m ² (50% L'scape area)	EXISTING 214.13m ²	YES
FRONT OF BUILDING OPEN SPACE (DCP - Minimum)	(50% between front building and street)	EXISTING	EXISTING
FRONT OF BUILDING LANDSCAPED SPACE (DCP - Minimum)	(50% between front building and street)	EXISTING	EXISTING
WALL HEIGHT (DCP - Maximum)	7m - Pitch roof 7.5m - Flat roof	EXISTING	EXISTING
SETBACK - FRONT	Predominant building line		EXISTING
SETBACK – SIDE (NORTH) (DCP - Minimum)	1.5m (Height up to 12.5m)	2.5m	EXISTING
SETBACK – SIDE (SOUTH) (DCP - Minimum)		2.5m	EXISTING
SETBACK – REAR (DCP - Minimum)	Predominant building line	7m	EXISTING
EXCAVATION (DCP)	900/15mm setback,	N/A	N/A
CAR PARKING - LOCATION (DCP - Minimum)	N/A	EXISTING	EXISTING
CAR PARKING - SPACES (DCP - Minimum)	2 Cars (2 per dwelling with 3 beds or more)	EXISTING	EXISTING

GFA CALCULATIONS

EXISTING GROUND FLOOR	214.92m ²
EXISTING FIRST FLOOR	212.78m ²

TOTAL EXISTING	427.7m ²
----------------	---------------------

PROPOSED GROUND FLOOR	214.92m ²
PROPOSED FIRST FLOOR	223.48m ²

TOTAL PROPOSED	438.4m ²
----------------	---------------------

PERMISSABLE GFA	314.75m ²
-----------------	----------------------

KEY

	TO BE DEMOLISHED		NEW GLAZING
	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

GB	GLASS BALUSTRADE	E FFL	EXISTING FLOOR LEVEL
EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT:
MARNE STREET
PROJECT ADDRESS:
1 MARNE ST VAUCLUSE SYDNEY
NSW 2030

DRAWING:
COMPLIANCE
SUMMARY

PROJECT NO: 144
DRAWN BY: LD

SCALE: @A3
DATE: 15/8/22

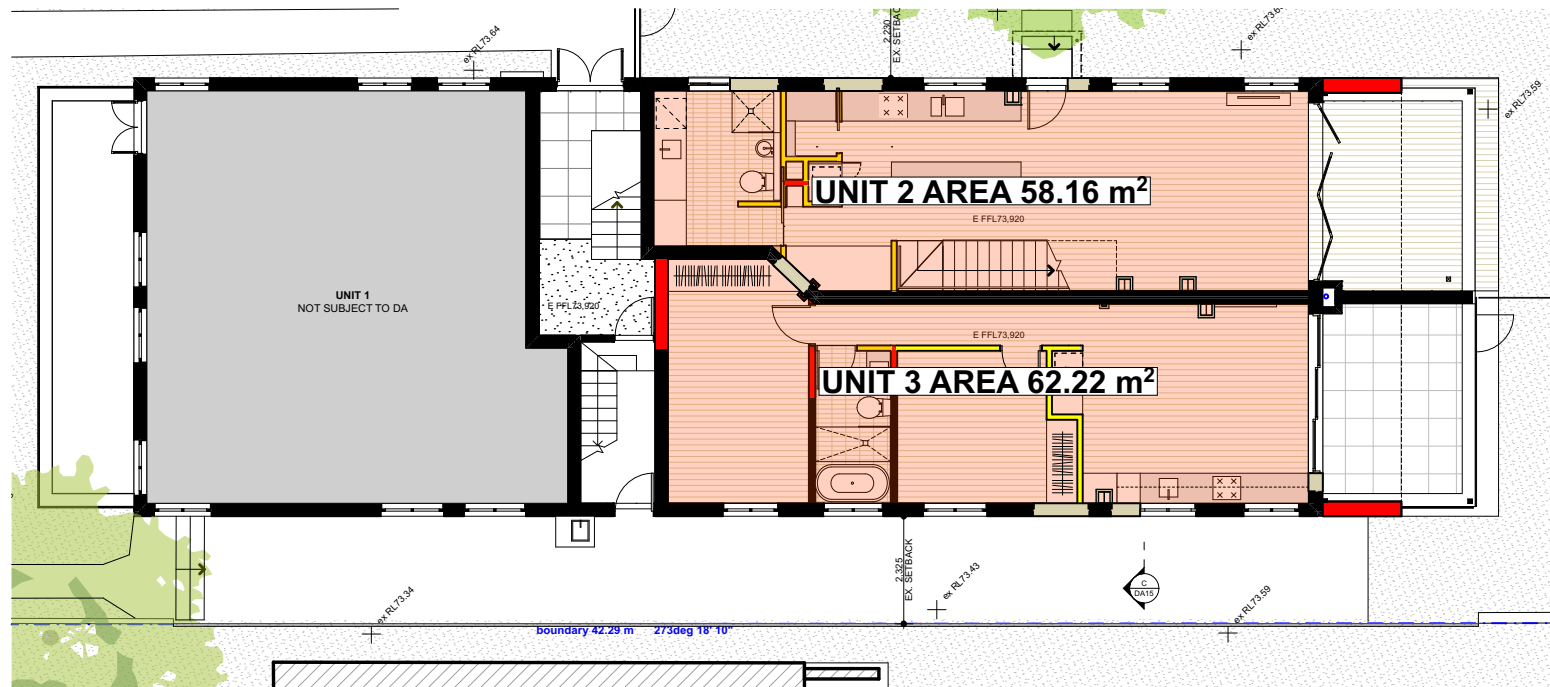
DRAWING NO: REV:

DA17 B

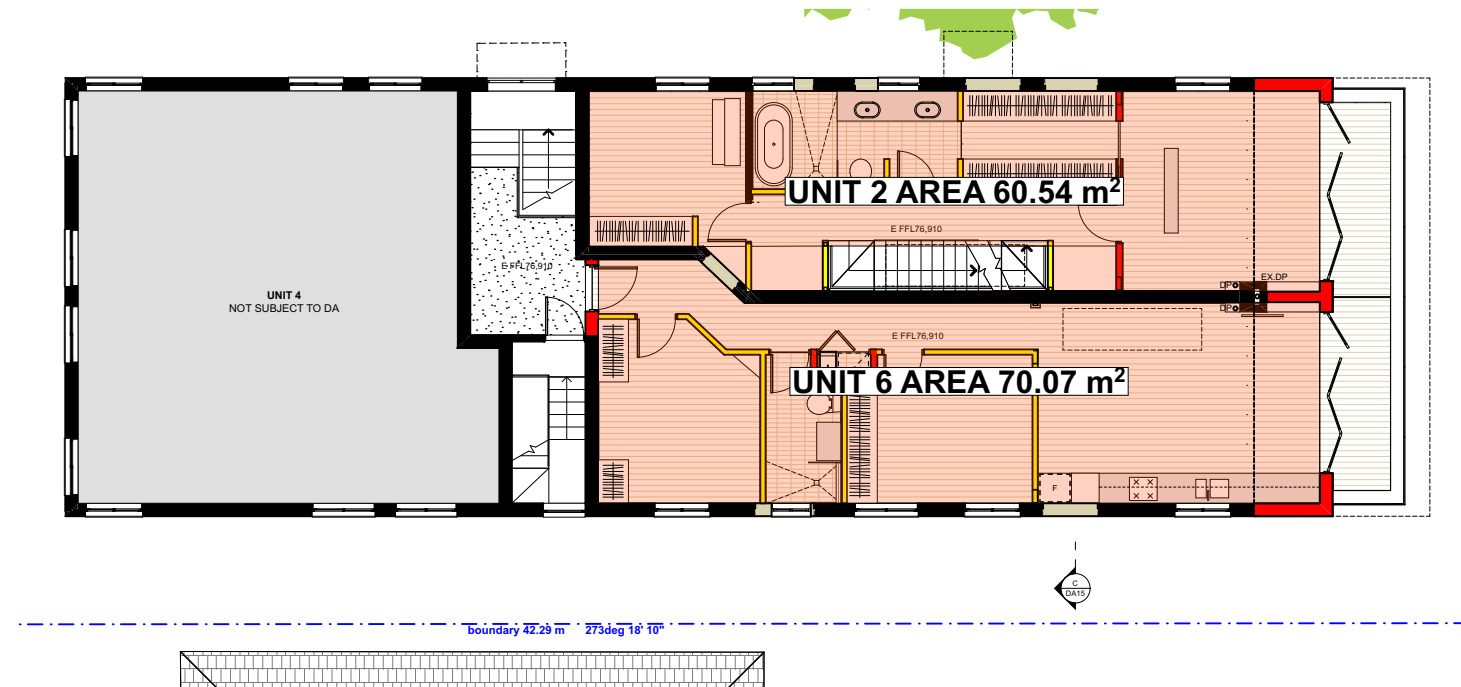
Page 94 of 432

Application No: DA-350/2022

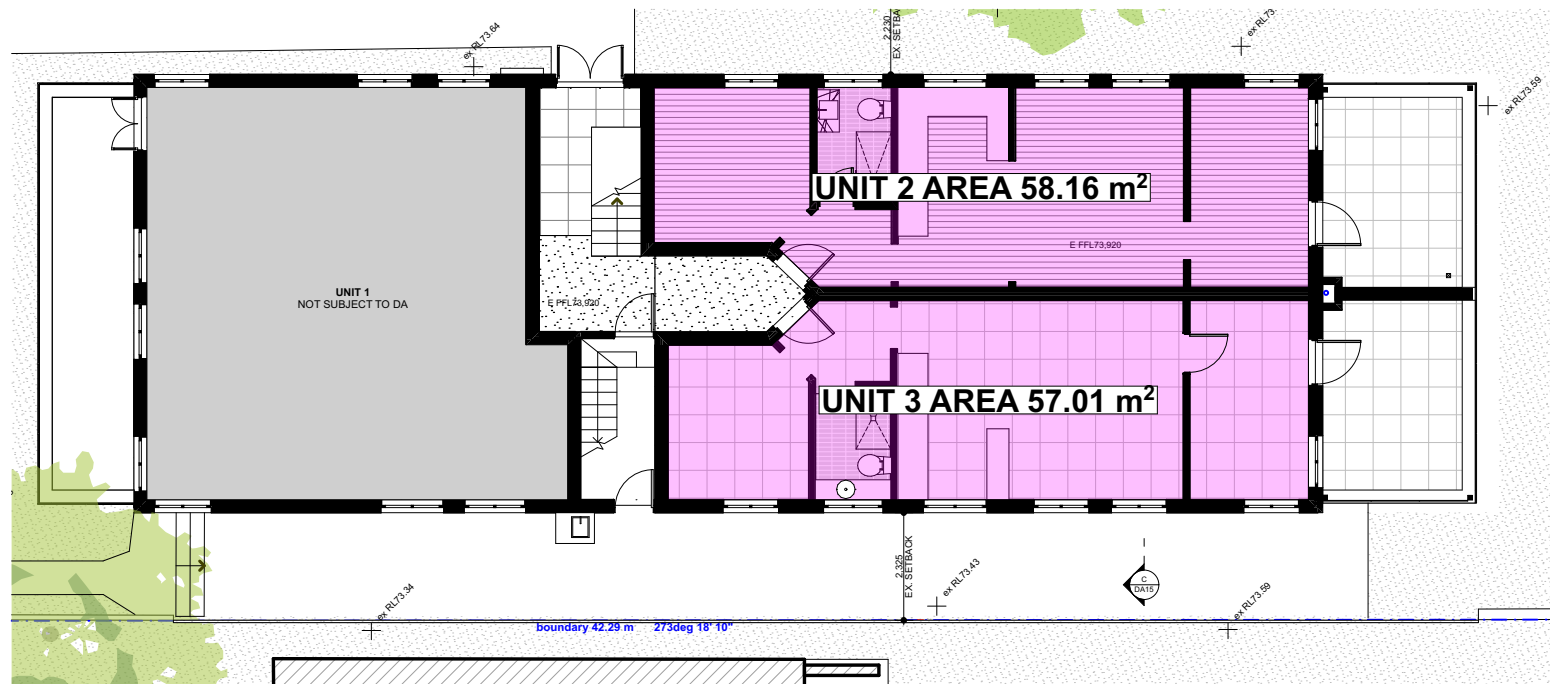
Date Received: 19/08/2022



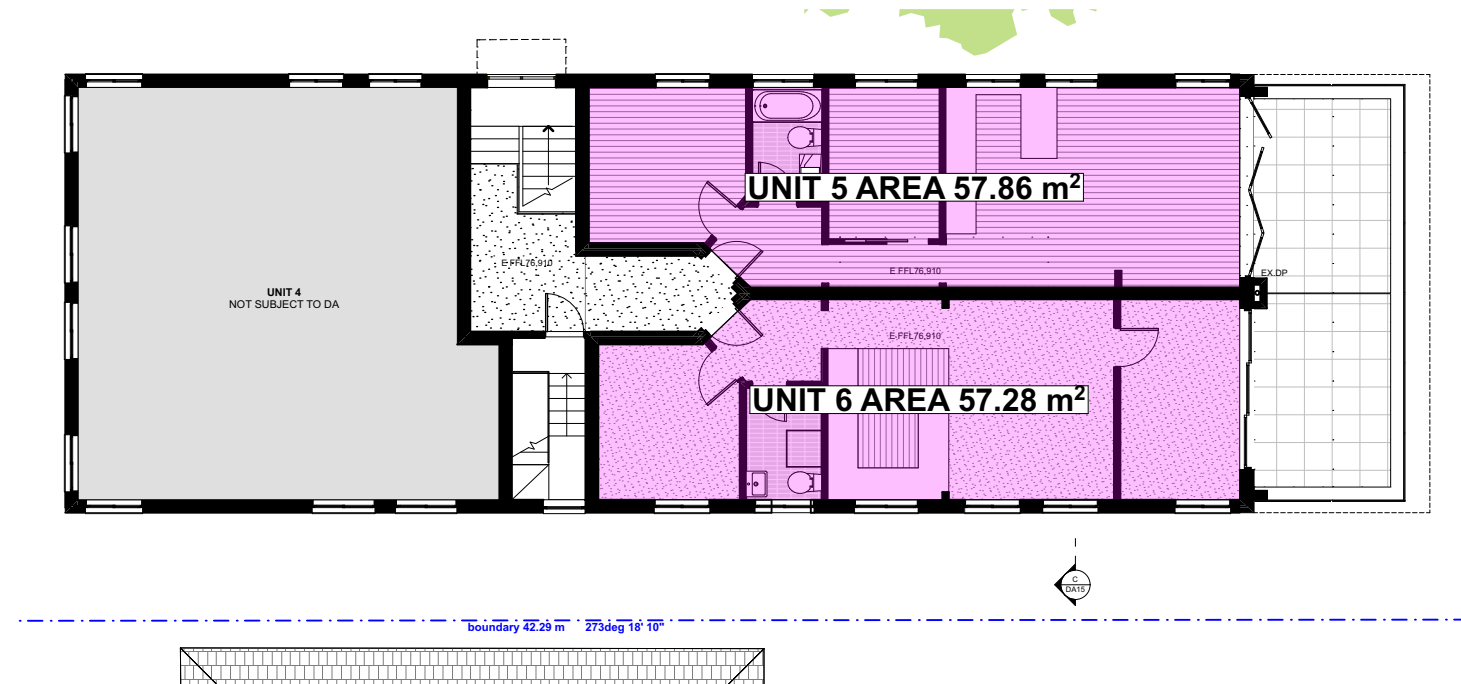
GROUND FLOOR GFA - INDIVIDUAL UNITS **PROPOSED**



FIRST FLOOR GFA - INDIVIDUAL UNITS **PROPOSED**



GROUND FLOOR GFA - INDIVIDUAL UNITS **EXISTING**



FIRST FLOOR GFA - INDIVIDUAL UNITS **EXISTING**

REV 1 - 21.07.22 - DA SUBMISSION
REV B - 15.08.22 - DA SUBMISSION

KEY

	TO BE DEMOLISHED		NEW GLAZING
	NEW TIMBER WORK		EXISTING AREAS
	NEW MASONRY		PROPOSED AREAS

ABBREVIATIONS

GB	GLASS BALUSTRADE	E FFL	EXISTING FLOOR LEVEL
EBW	EXISTING FACE BRICK	EX. FW	EXISTING FLOOR WASTE
EX	EXISTING		
EXH	EXHAUST		
RP	RENDER & PAINT		
FW	FLOOR WASTE		



PROJECT:
MARNE STREET
PROJECT ADDRESS:
**1 MARNE ST VAUCLUSE SYDNEY
NSW 2030**

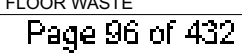
DRAWING:
**GROSS FLOOR UNIT
AREA CALCULATIONS**

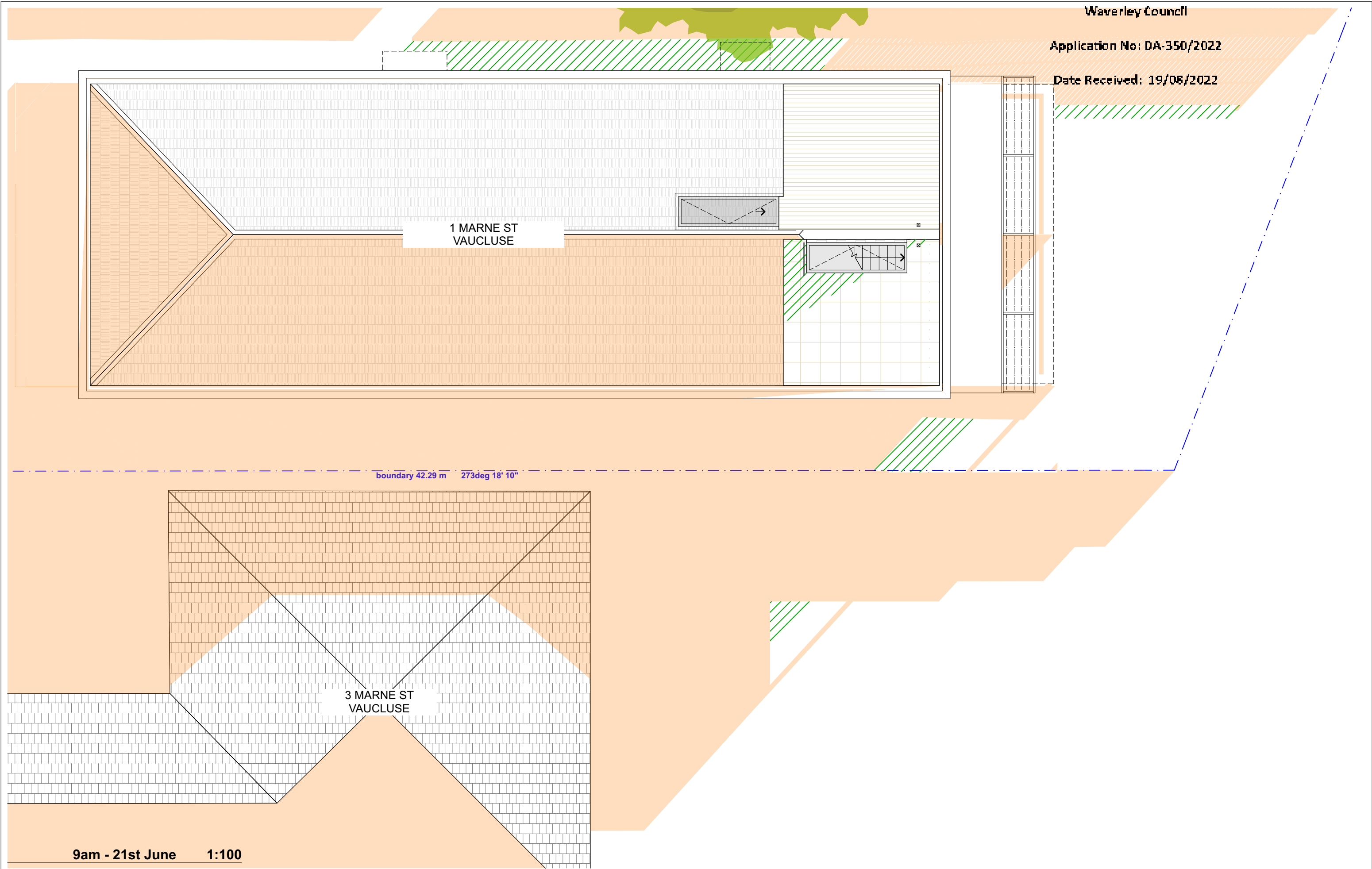
PROJECT NO: **144**
DRAWN BY: **LD**

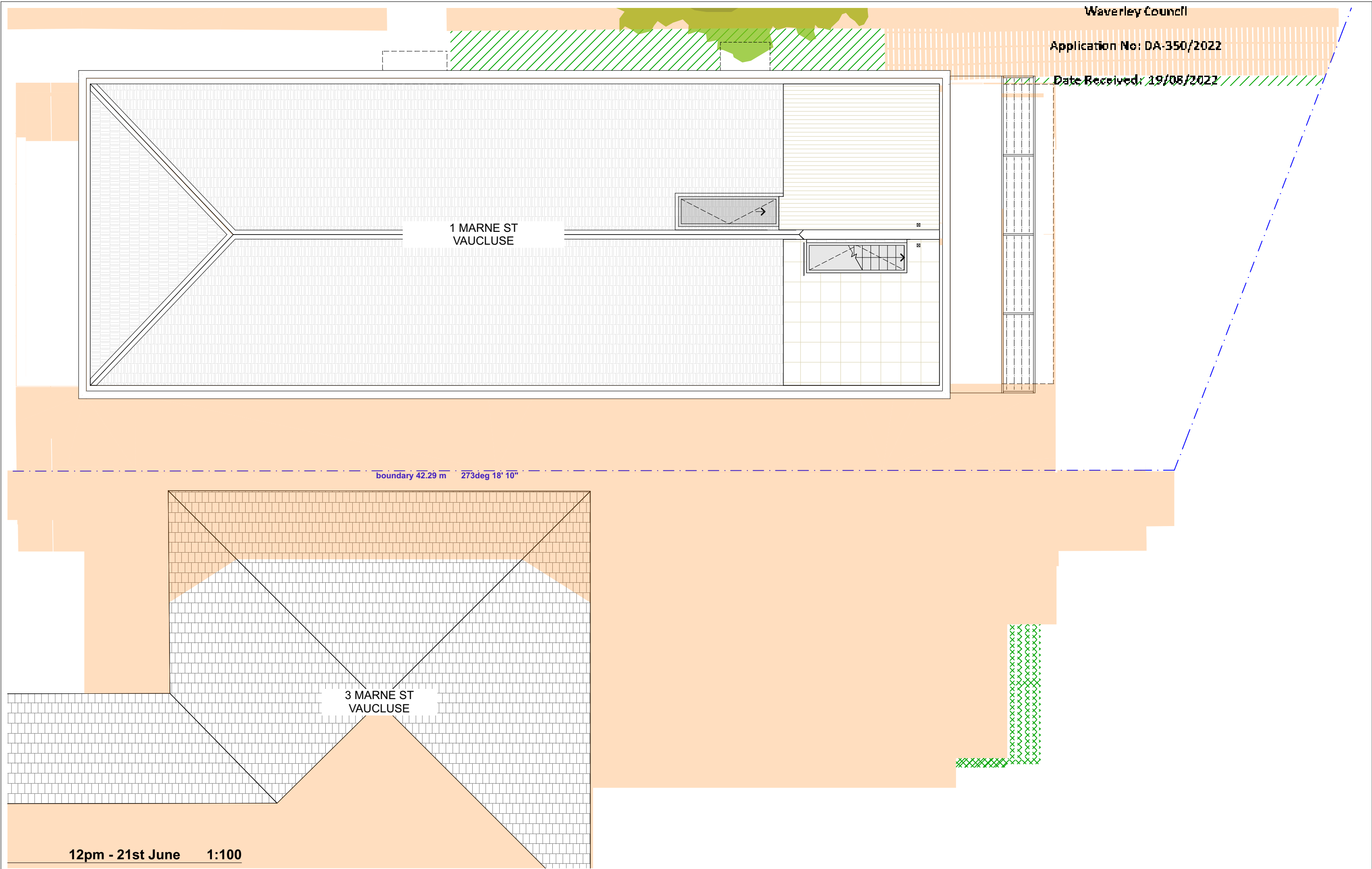
SCALE:
DATE: **15/8/22**

DRAWING NO: **REV:**

DA19 B







REV 1 - 03.11.2021 - PRE-DA SUBMISSION

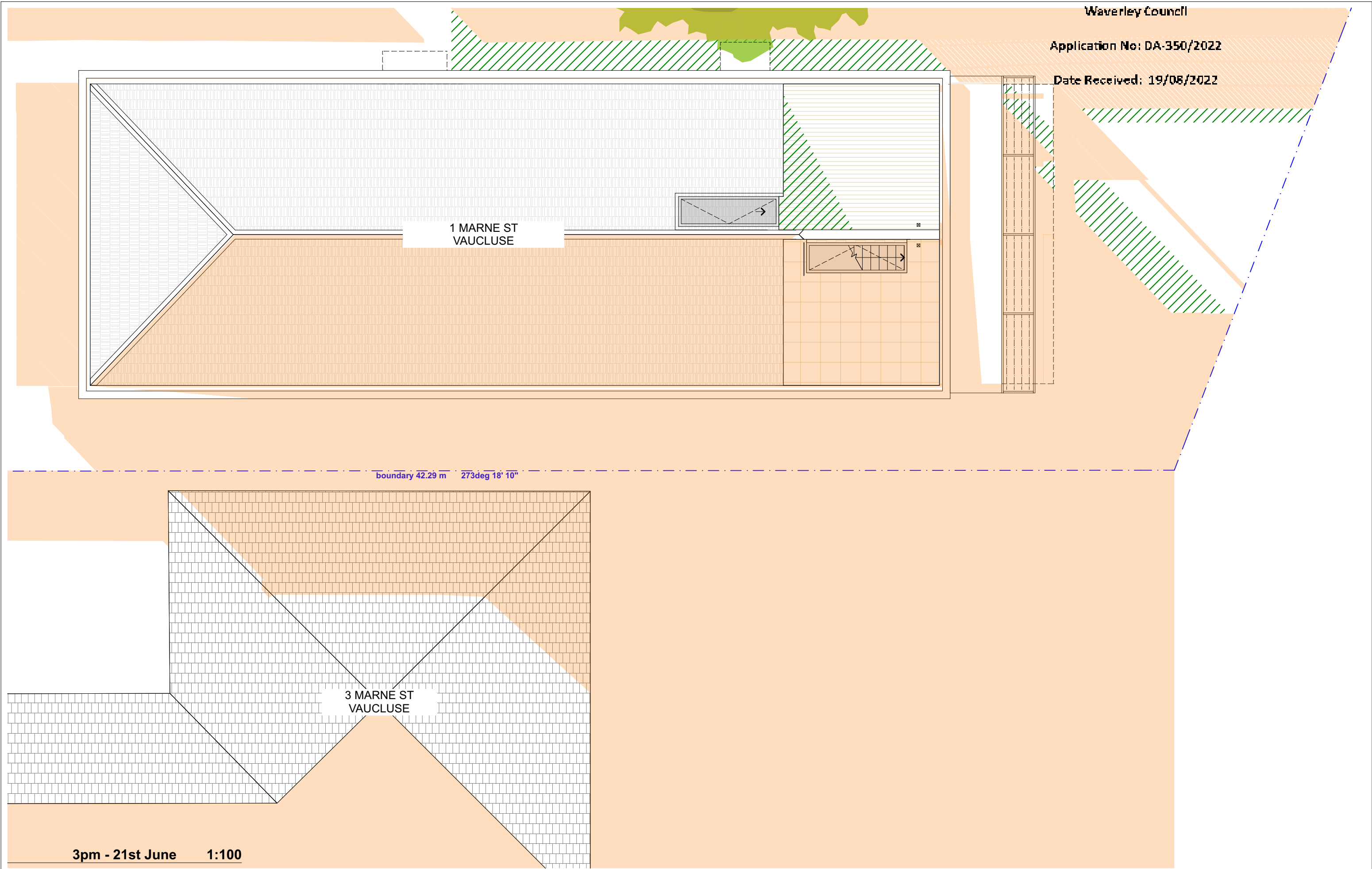
KEY

- EXISTING SHADOWS
- PROPOSED ADDITIONAL SHADOW

FILE: 144_1 Marne St Vacluse Design Rev 2.pln



PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
DRAWING: SHADOWS DIAGRAMS - 12PM 21ST JUNE	DRAWING NO: DA22 REV:



REV 1 - 03.11.2021 - PRE-DA SUBMISSION	KEY <div><div>EXISTING SHADOWS</div><div>PROPOSED ADDITIONAL SHADOW</div></div>	 <div><div>DURACK ARCHITECTS</div><div>m : +61 0402 425 369 w : www.durackarchitects.com</div><div>Shop 1/118 Macpherson St, Brompton NSW 2024 Durack Architects Pty Ltd Reg No (NSW 9589) ABN : 53610343023 Reg No (QLD 9813)</div></div>	PROJECT: MARNE STREET	PROJECT NO: 144 DRAWN BY: LD
			PROJECT ADDRESS: 1 MARNE ST VAUCLUSE SYDNEY NSW 2030	SCALE: 1:100@A3 DATE: 15/8/22
			DRAWING: SHADOWS DIAGRAMS - 3PM 21ST JUNE	DRAWING NO: REV:
				DA23

Alterations and Additions

Certificate number: A460240

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

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
floor above existing dwelling or building.	nil		
external wall: cavity brick	nil		
flat ceiling, flat roof: concrete/plasterboard internal	ceiling: R2.50 (up), roof: none	light (solar absorbance < 0.475)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check		
Windows and glazed doors					
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓		
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓		
Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.	✓	✓	✓		
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓		
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.	✓	✓	✓		
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.	✓	✓	✓		
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.	✓	✓	✓		
Windows and glazed doors glazing requirements					
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type
G1	N	1.24	10 7.4	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
G2	E	8	0 0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
F1	N	1.24	10 6	none	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
F2	N	1.24	10 5.6	none	standard aluminium, single pyrolytic low-e,

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type			
			Height (m)	Distance (m)					
						(U-value: 5.7, SHGC: 0.47)			
F3	E	9	0	0	awning (fixed) >=900 mm	improved aluminium, clear/air gap/clear, (U-value: 4.12, SHGC: 0.66)			
Skylights									
The applicant must install the skylights in accordance with the specifications listed in the table below.									
The following requirements must also be satisfied in relation to each skylight:									
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.									
Skylights glazing requirements									
Skylight number	Area of glass inc. frame (m2)	Shading device			Frame and glass type				
S1	2.69	no shading			timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)				

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

Alterations and Additions

Certificate number: A460230

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

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

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

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓			
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.	✓	✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.		✓	✓			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing height (m)	Distance (m)	Shading device	Frame and glass type
G4	S	1.6	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
G3	E	7.97	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

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

Alterations and Additions

Certificate number: A460236

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

Secretary
Date of issue: Thursday, 14, July 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.



Application No. 02350/2022

Date Received: 19/08/2022

Project address
Project name
Street address
Local Government Area
Lot number
Section number
Project type
Dwelling type
Type of alteration and addition

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: www.durackarchitects.com
ABN (if applicable): 53610343023

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Lighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
Fixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		✓	✓
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		✓	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		✓	

BASIX Certificate number: A460236

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Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Insulation requirements			
The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications	
external wall: cavity brick	nil		
flat ceiling, flat roof: concrete/plasterboard internal	ceiling: R2.50 (up), roof: none	light (solar absorbance < 0.475)	

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check			
Windows and glazed doors						
The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓			
The following requirements must also be satisfied in relation to each window and glazed door:		✓	✓			
Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.	✓	✓	✓			
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.	✓	✓	✓			
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.		✓	✓			
Pergolas with fixed battens must have battens parallel to the window or glazed door above which they are situated, unless the pergola also shades a perpendicular window. The spacing between battens must not be more than 50 mm.	✓	✓	✓			
Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m ²)	Overshadowing Height (m) Distance (m)	Shading device	Frame and glass type	
F4	E	8	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
F5	S	1	0	0	none	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
Skylights						
The applicant must install the skylights in accordance with the specifications listed in the table below.	✓	✓	✓			
The following requirements must also be satisfied in relation to each skylight:		✓	✓			
Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in		✓	✓			

Glazing requirements	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
the table below.			
Skylights glazing requirements			
Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	2.7	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

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

KEY

- TO BE DEMOLISHED
- NEW TIMBER WORK
- NEW MASONRY

- NEW GLAZING
- EXISTING AREAS
- PROPOSED AREAS

ABBREVIATIONS

- GB GLASS BALUSTRADE
- EBW EXISTING FACE BRICK
- EX EXISTING
- EXH EXHAUST
- RP RENDER & PAINT
- FW FLOOR WASTE
- E FFL EXISTING FLOOR LEVEL
- EX. FW EXISTING FLOOR WASTE



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PROJECT:
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NSW 2030
DRAWING:

PROJECT NO: 144
DRAWN BY: LD
SCALE: @A3
DATE: 15/8/22
DRAWING NO: REV:

BASIX COMMITMENTS

DA24 B



Report to the Waverley Local Planning Panel

Application number	DA-354/2022
Site address	35 Bennett Street, Bondi
Proposal	Alterations and additions to existing residential flat building including conversion of ground floor storeroom to a studio unit, balcony extensions and roof additions to Units 8, 9 and 10
Date of lodgement	25/08/2022
Owner	Sydpro Investment 3 Pty Ltd
Applicant	Group Architects
Submissions	No submissions
Cost of works	\$499,510
Principal Issues	<ul style="list-style-type: none"> • Non-compliance with height of buildings development standard • Non-compliance with floor space ratio development standard • Solar access and visual privacy impacts on neighbours • Poor residential amenity for future occupants
Recommendation	That the application be REFUSED for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing residential flat building including conversion of ground floor storeroom to a studio unit, balcony extensions and roof additions to Units 8, 9 and 10 at the site known as 35 Bennett Street, Bondi.

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

- Non-compliance with height of buildings development standard
- Non-compliance with floor space ratio development standard
- Solar access and visual privacy impacts on neighbours
- Poor residential amenity for future occupants

The assessment finds these issues unacceptable.

No submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on Wednesday 16 November 2022.

The site is identified as Lot 58 in DP 561 and Lot 1 in DP 510149, known as 35 Bennett Street, Bondi.

The site is rectangular in shape with a frontage to Bennett Street, and a total area of 766.9m². The western (rear) and the north-western (side) parts of the site are approximately 1.5m higher than the eastern and southern parts.

The site is occupied by a 4-storey residential flat building with vehicle access from Bennett Street.

The ground floor level consists of 4 individual garage parking spaces, 4 undercroft garage parking spaces, 1 uncovered parking space, a waste room, a storage room and a laundry room.

The upper floors contain 10 units, consisting of:

- 2 one-bedroom units
- 6 two-bedroom units
- 2 three-bedroom units

Pedestrian access to the upper levels is via a passageway along the northern boundary.

The site is adjoined by residential flat buildings to either side, and semi-detached dwellings to the rear. The locality is characterised by a variety of low and medium density residential development.

Figures 1 to 8 are photos of the site and its context.



Figure 1: Site viewed from Bennett Street, looking west



Figure 2: Site viewed from Bennett Street, looking south-west



Figure 3: Site viewed from Bennett Street, looking north-west



Figure 4: Northern access passageway, looking west



Figure 5: Waste storage room, looking south-west



Figure 6: Undercroft parking area, looking north



1.3. Relevant Development History

A search of Council's records does not reveal any relevant development history of the site.

1.4. Proposal

The development application seeks consent for alteration and additions to the existing residential flat building, consisting of:

- Conversion of ground floor laundry room to a new studio unit;
- Roof additions to units 8, 9 and 10 consisting of one additional "attic" room to each unit;
- Creation of two private courtyards for existing ground floor units 1 and 2, including new access doors and fences;
- Increase in size of front balconies at upper floor levels;
- Replacement of garage doors;
- New vehicle access gate to undercroft parking area;
- New pedestrian access gate to side passageway;
- Storage cages within undercroft parking area; and
- Demolition of existing planter within front setback, and planting of new tree.

1.5. Background

The development application was lodged on 25 August 2022.

On 2 November 2022, Council informed the applicant of the intention to recommend refusal of the application to the Local Planning Panel. The applicant was provided with the opportunity to withdraw the application.

In response, the applicant provided draft plans on 22 November 2022. On 23 November 2022, Council informed the applicant that fundamental issues with the application remained, and amended plans would not be accepted.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 12 October 2022. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<i>The submitted drawings provide insufficient information to enable a detailed consideration of contextual issues.</i>	<p>The proposed development exceeds the height of buildings and floor space ratio development standards under WLEP, contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.</p> <p>The proposed roof additions do not successfully respond to the character existing building, nor to the character of neighbouring development.</p>

Principle	Panel's Comment	Planning Comment
2. Built form and Scale	<i>The relationship with neighbouring buildings has not been depicted on the proposed drawings.</i>	The proposal is excessively high and bulky, and does not relate to adjacent development.
3. Density	<i>The use of the attic spaces is not identified, and should be clarified.</i>	The proposal represents an overdevelopment of the site, and subsequently results in amenity impacts for neighbours and provides poor amenity for future occupants.
4. Sustainability	<i>No proposal does not include any Environmental Sustainable Design initiatives.</i>	The proposal meets the minimum requirements of the relevant controls.
5. Landscape	<i>A landscape plan by a qualified landscape architect showing trees to be retained, removed, and proposed has not been provided.</i> <i>New canopy trees and planting should be considered.</i>	The applicant has provided insufficient information to enable a full assessment of landscaping and tree issues.
6. Amenity	<i>The proposed studio lacks amenity. The doors and windows of the unit open directly onto the main resident access pathway, the unit has insufficient floor-to-ceiling heights, and is in close proximity to the bin store.</i> <i>The attic additions will overlook neighbouring buildings.</i> <i>Building upgrades including the provision of a lift should be provided.</i>	The proposal results in unacceptable solar access and visual privacy impacts for neighbours The proposal provides very poor amenity for future occupants of the studio unit, and also provides poor amenity for future users of the roof additions.
7. Safety	<i>The proposal should include an analysis of vehicle movements, and should consider potential vehicle conflicts with the proposed planter.</i>	The proposal does not raise any significant safety issues.
8. Housing Diversity and Social Interaction	<i>Details of the design of the rear garden has not been provided.</i> <i>The provision of spaces to support greater social interaction should be considered.</i>	The proposed reduction in communal open space discourages social interaction.
9. Aesthetics	<i>The drawings are not sufficient in detail to make a considered opinion.</i>	The proposed roof additions do not successfully relate to the existing roof form, and appear incongruous.

Apartment Design Guide

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

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 2** of this report.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 25m (5-8 storeys) – 6m habitable & 3m non-habitable 	No	The proposed roof additions are set back 4.75m from the northern side boundary and 5.35m from the southern side boundary.
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter 	No	There is no solar access to the proposed studio apartment.
<ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes	In total, 5 units (the proposed new studio, and existing units 2, 4, 7, and 10 do not receive a minimum of 2 hours direct sunlight to living rooms. There is no solar access to the proposed studio apartment, however the building taken as a whole complies.
4B Natural ventilation		
<ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	Satisfactory.
<ul style="list-style-type: none"> Natural ventilation to single aspect apartments is achieved with the following design solution 	No	The proposed studio unit is single aspect and does not have any additional ventilation provisions. The only operable windows face the main pedestrian access point to the building, and are in close proximity to the bin storage area. The only way to achieve privacy will be by closing the windows, resulting in no access to natural ventilation.
4C Ceiling heights		

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Habitable rooms – 2.7m 	No	The proposed studio has a ceiling height of 2.4m, therefore does not comply with the control.
<ul style="list-style-type: none"> 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area 	No	The proposed additional storey has floor to ceiling heights between 1.8m and 2.4m, therefore does not comply with the control.
<ul style="list-style-type: none"> Attics – 1.8m at edge of room with a 30° min ceiling slope 	No	The proposed addition storey is not within the existing roof form, and does not constitute an “attic”, but rather, presents as part level additions atop the building.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 12m² for each additional bedroom 	No	Proposed studio is 27m ² , below the 35m ² minimum.
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth Ground level, min 15m² & 3m depth 	No	The proposed studio unit does not have a private open space.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	Satisfactory.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> Studio – 4m² 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	No	The proposed studio unit is under-sized, and sufficient storage space has not been demonstrated.

Part 3 *Retention of existing affordable rental housing* applies to the proposal, and the proposed upgrade works are likely to result in a loss of affordable housing. If the application were to be approved, then affordable housing contributions would be sought.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal is contrary to the aims of the plan regarding enhancing amenity.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is defined as alterations and additions to 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 buildings <ul style="list-style-type: none"> 12.5m 	No	The proposal has a maximum height of 14m, exceeding the development standard by 12%.
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> 0.9:1 690.21m² of gross floor area (GFA) 	No	<p>The site currently has an FSR of 0.89:1.</p> <p>The proposal has an FSR of 1:04:1 and a GFA of 800.2m².</p> <p>The proposal exceeds the development standard by 15.9%, or by 109.99m².</p>
4.6 Exceptions to development standards	No - see discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 for an exception to the height of buildings and floor space ratio development standards.</p> <p>A detailed discussion of the written request is presented below this table.</p>

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 an exception from compliance with the height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum height of buildings of 12.5m. The proposed development has a height of 14m. The proposal exceeds the development standard by 1.5m, or by 12%.

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

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

It is noted that the written request does not accurately identify the extent of the exceedance, and incorrectly measures the proposed height as 13.48m.

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:
 - (i) Objective (a) 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".

The applicant states that:

- *The proposed non-compliance is minor;*
- *The proposed roof dormers are no higher than the existing roof;*
- *The proposed roof form is more interesting than the existing roof form;*
- *The proposal provides for better accommodation for residents of the building;*
- *The works do not have a significant impact on the building's overall bulk and scale, and character in the streetscape;*
- *The non-compliance is an extension of an existing non-compliance, and not a new non-compliance;*
- *The proposed building height is reasonable in the context of the site, as there are existing higher buildings in the vicinity; and*
- *The proposal work has no significant effect on environmental amenity of neighbouring properties, public spaces or views.*

- (ii) Objective (b) and (c) relate to Bondi Junction, and are not relevant.

- (iii) Objective (d) is “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 applicant states that:

- *The proposal is consistent with the objectives of the R3 zone, noting the medium density housing purpose of the zone; and*
- *The proposal is not inconsistent with a reasonable building height in this locality and in no way adversely affects the desired future character of the locality, noting the diverse nature of the locality.*

- (b) The applicant states that are sufficient environmental planning grounds to justify contravening the standard as follows:

- (i) *The proposal is consistent with and satisfies the objectives of the height of building control, the objectives of the zone and the circumstances of the site;*
- (ii) *The works are minor and largely within the envelope of the existing building;*
- (iii) *There are negligible physical impacts;*
- (iv) *There are demonstrable social benefits;*
- (v) *The proposal makes the building more consistent with residential unit housing policy such as SEPP 65; and*
- (vi) *“The proposal provided for better accommodation on the site within appreciable environmental impacts”.*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012

However, the applicant has not demonstrated that the objectives (a) and (d) of the development standard are achieved.

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" is not achieved. The environmental amenity of units within the adjacent residential flat building at 37 Bennett Street are reduced by the proposal, due to the decrease of solar access to north-facing windows and balconies, as demonstrated by the applicant's solar access diagrams. The applicant has also not demonstrated that the proposal will maintain an acceptable level of visual privacy. The proposed reduction in solar access and the potential visual privacy impacts cannot be considered to *preserve* amenity for neighbours.

Objective (d), being "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", is not achieved.

Contrary to the applicant's assertion, the proposed roof additions will extend above the existing ridge level. The roof additions toward the front of the site will visually dominate the roof form when viewed along Bennett Street from the north or south. The roof additions will present as an additional storey sitting on top of the existing roof form, and will be incongruous with the bulk and scale of any existing roof form in the area. The proposal will result in a building which is one-storey higher than adjacent buildings, and higher than any buildings recently constructed in the area. The proposal is therefore incompatible with the height, bulk and scale of the desired future character of the locality.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

As set out above, the proposed building form results in amenity impacts, is of a poor design, is excessively high and bulky, and is incompatible with the character of the locality.

Is the development in the public interest?

The proposed development will not be in the public interest as it is inconsistent with both the objectives of the particular development standard as set out above, and with the objectives of the R3 Medium Density Residential Zone.

Specifically, the zone objective of “to provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood” is not achieved, as the proposed building form results in amenity impacts, is of a poor design, is excessively high and bulky, and is incompatible with the character of the locality.

Conclusion

For the reasons provided above the requested variation to the height of buildings is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of height of buildings development standard and the R3 Medium Density Residential zone.

In addition, the applicant's written request cannot be supported as it does not accurately identify the extent of the non-compliance with the development standard.

Clause 4.6 Exceptions to Development Standards - Floor space ratio

The application seeks to vary the FSR development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR of 0.9:1, or 690.21m² of gross floor area (GFA). The proposed development has an FSR of 1.04:1, and a GFA of 800.2m², exceeding the standard by 109.99m² or 15.9%.

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

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

It is noted that the applicant has incorrectly excluded areas of the roof additions from the FSR calculations, and states the proposal has an FSR of 1:1 in their documentation.

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 FSR development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard as follows:

- (i) Objective (a) is not relevant as it relates to Bondi Junction.
- (ii) Objective (b) is “to provide an appropriate correlation between maximum building heights and density controls”.

The applicant states that:

- *“The proposed additions to the existing residential flat building largely involve the use of attic void and basement storage areas that are designated floor space”;*
- *The existing maximum height of the building remains the same; and*
- *There is no change to the building’s maximum building height because of the additional floor space, as additional floor space is within the envelope of the existing building or below the existing building’s maximum building height.*

- (iii) Objective (c) is “to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality”

The applicant states that:

- *The additions are for a housing purpose and consistent with the pattern of development in this locality where there are a variety high-rise and medium density forms; and*
- *The proposed addition will not look out-of-place and is compatible with the bulk and scale of the desired future character of the locality.*

- (iv) Objective (d) is “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 applicant states that:

- *The site and neighbouring sites have very good environmental amenity;*
- *The proposal does not affect the overall amenity of this location; and*
- *The additional floors space is partly in basement and existing attic areas that have no impact on the perceived scale of the building where that building bulk is visible it is for a minor roof addition only and consistent with the neighbouring pattern of development.*

- (b) The applicant states that there are sufficient environmental planning grounds to justify contravening the standard:

- (i) There are sufficient environmental planning grounds to justify contravening the floor space control because the proposal is consistent with and satisfies the objectives of the FSR standard, the objectives of the zone (discussed below) and the circumstances of the site;

- (ii) The additional floor space is generally within the envelop of the existing building, or in minor roof additions which are consistent with the maximum height of the existing building;
- (iii) There is negligible physical impact;
- (iv) 90% of the new floor space is within the existing building envelope;
- (v) The additional floor space performs a desirable housing function by expanding the size of units and providing a studio unit; and
- (vi) The proposal allows or more rational family accommodation.

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012

However, the applicant has not demonstrated that the objectives (b), (c) and (d) are achieved.

Objective (b), *“to provide an appropriate correlation between maximum building heights and density controls”* is not achieved. The applicant’s statement that the proposal does not result in an increase in the existing height of the building is factually incorrect, as the proposed roof additions are 330mm higher than the existing ridge. The proposed exceedance of the floor space ratio development standard therefore results in a proposed exceedance of the height of buildings development standard in order to accommodate the additional GFA at fourth floor level. The proposed GFA therefore does not correlate with the maximum building height development standard for the site.

Objective (c), *“to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality”* is not achieved.

The proposed roof additions will extend above the existing ridge level, and the roof additions toward the front of the site will visually dominate the roof form when viewed along Bennett Street from the north or south. The roof additions will present as an additional storey sitting on top of the existing roof form, and will be incongruous with the bulk and scale of any existing roof form in the area. The proposal will result in a building which is one-storey higher than adjacent buildings, and higher than any buildings recently constructed in the area. The proposal is therefore incompatible with the height, bulk and scale of the desired future character of the locality.

Objective (d), *“to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality”* is not achieved. The environmental amenity of units within the adjacent residential flat building at 37 Bennett Street are reduced by the proposal, due to the decrease of solar access to north-facing windows and balconies, as demonstrated by the applicant’s solar access diagrams. The applicant has also not demonstrated that the proposal will maintain an acceptable level of visual privacy. The proposed reduction in solar access and the potential visual privacy impacts cannot be considered to *preserve* amenity for neighbours.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

As set out above, the proposed building form results in amenity impacts, is of a poor design, is excessively high and bulky, and is incompatible with the character of the locality. The proposed ground floor studio unit also provides very poor levels of residential amenity to occupants.

Is the development in the public interest?

The proposed development will not be in the public interest as it is inconsistent with both the objectives of the particular development standard as set out above, and with the objectives of the R3 Medium Density Residential Zone.

Specifically, the zone objective of “to provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood” is not achieved, as the proposed building form results in amenity impacts, is of a poor design, is excessively high and bulky, and is incompatible with the character of the locality.

The zone objective of “to provide for the housing needs of the community within a medium density residential environment” is also not achieved, as the proposed studio unit provides very poor residential amenity which does not meet the needs of the community.

Conclusion

For the reasons provided above, the requested variation to the FSR is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of FSR and the R3 Medium Density Residential zone.

In addition, the applicant's written request cannot be supported as it does not accurately identify the extent of the non-compliance with the development standard.

2.1.3. Draft Waverley Local Environmental Plan 2022 (Draft Waverley LEP 2022)

It is acknowledged that the Draft Waverley Local Environmental Plan 2022 is on exhibition from 12 November 2021 to 23 January 2022, however at the time of this assessment, there are no relevant matters for consideration.

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

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

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

Development Control	Compliance	Comment
1. Waste	No	The applicant's Site Waste and Recycling Management Plan has not demonstrated that the waste storage provides sufficient capacity for the proposal.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	No	The applicant has not provided a full schedule of proposed planting including numbers of plants, and has not provided any information regarding planting within the rear setback.
5. Vegetation Preservation	No	The applicant's documentation is unclear regarding the proposed removal of trees. The landscape uses red dashed lines to denote the existing tree. Red dashed lines are typically

Development Control	Compliance	Comment
		used to denote removal or demolition of existing site features, however the architectural drawings and the statement of environment effects indicates the retention of trees. An arboricultural report has not been provided. Tree removal is not supported, and the applicant's documentation does not sufficiently demonstrate the retention of trees.
6. Stormwater	Yes	Satisfactory.
7. Accessibility and Adaptability	No	The applicant has not provided any documentation demonstrating compliance with the National Construction Code.
8. Transport Zone 2 Maximum parking rate: <ul style="list-style-type: none"> 11 spaces Minimum visitor parking: <ul style="list-style-type: none"> 2 spaces Minimum accessible spaces: <ul style="list-style-type: none"> 1 space Motorcycle parking: <ul style="list-style-type: none"> 3 spaces Bicycle parking: <ul style="list-style-type: none"> Resident: 10 Visitor: 1 	Yes No No No No	Satisfactory. 9 parking spaces are provided. No visitor spaces are provided. No accessible spaces are provided. No motorcycle parking is provided. No bicycle parking is provided.
10. Safety	Yes	Satisfactory.
12. Design Excellence <ul style="list-style-type: none"> A high standard of architectural design, materials and detailing appropriate to the building type and location is required Development must consider streetscape constraints, the relationship to existing and proposed development, building bulk, and overshadowing impacts. 	No	The proposal is not of a high standard of design, has a poor relationship with existing development, and results in unacceptable amenity impacts. See the below the DCP compliance table below for further discussion.
16. Public Domain	Yes	Satisfactory.

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

Development Control	Compliance	Comment
3.2 Height		
<ul style="list-style-type: none"> Maximum external wall height 	N/A	The proposed additions are set back from the edges of the existing roof, and does not affect the external wall height of the building.
3.3 Setback		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal is set back from the existing front building alignment.
3.3.2- Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 1.5-2.5m 	Yes	Satisfactory. A minimum side setback of 4.75m is proposed.
<ul style="list-style-type: none"> Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback 	Yes	Satisfactory. A minimum rear setback of 11m is proposed.
<ul style="list-style-type: none"> Deep soil along side boundary min 2m wide 	N/A	The proposal does not affect deep soil along the boundaries.
3.4 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum unit depth: 18m 	Yes	Satisfactory.
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Removal of original architectural features not supported. 	No	<p>The proposed roof additions will extend above the existing ridge level, and will visually dominate the roof form when viewed along Bennett Street from the north or south. The roof additions will present as an additional storey sitting on top of the existing roof form, and will be incongruous with the bulk and scale of any existing roof form in the area. The proposal will result in a building which is one-storey higher than adjacent buildings.</p> <p>For the reasons set out above, the proposal does not successfully respond to the streetscape.</p>
<ul style="list-style-type: none"> Sympathetic external finishes 	No	Insufficient information regarding materials has been provided, including regarding the materials for the roof addition.
3.6 Attic and roof design		
<ul style="list-style-type: none"> Roof design should contribute to the architectural design of the development 	No	The roof additions detract from the existing roof form, and are incongruous with the existing character of the area.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Roof design should respond to the streetscape character of the area. Attic must be wholly within the pitched roof form Dormers to be set down 300mm from main ridge, and be secondary to the primary roof structure 		The roof additions are above the existing ridge, and are not within the existing roof form, and are not secondary to the primary roof structure. The proposed roof additions is therefore not categorised as an “attic”, and does not comply with the built-form requirements of the controls
3.7 Fences and walls		
<i>Front fence:</i> <ul style="list-style-type: none"> Maximum height 1.2m <i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m <i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	Satisfactory.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level and respond to pattern within the street Accessible entry 	No	<p>Entry to the building is currently not at street level, and is not accessible.</p> <p>The applicant has not provided any analysis regarding the feasibility of upgrading the current access route.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 230m² 	Yes	297m ² of landscaped area is proposed.
<ul style="list-style-type: none"> 50% of the above is to be deep soil: 150m² 	Yes	195m ² of deep soil area is proposed.
3.10 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 115m² 	No	The proposal reduces the communal open space at the site to 47m ² . The remainder of the existing communal open space is relocated to ground floor units as private open space.
<ul style="list-style-type: none"> Minimum dimensions: 6m x 6m 	No	The proposed communal open space has a minimum dimension of 5m.
<ul style="list-style-type: none"> Minimum of 30% of communal area must receive three hours of sunlight 	Yes	Satisfactory.
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the 	Acceptable on merit	The proposal retains the existing vehicle access arrangements and parking location, and provides a separate entry to the site for pedestrians.

Development Control	Compliance	Comment
design of the development <ul style="list-style-type: none"> • Pedestrian safety considered 		
3.14 Views and view sharing		
<ul style="list-style-type: none"> • Minimise view loss through design • Views from public spaces to be maintained. 	Yes	The proposal does not have any known view-impacts.
3.15 Visual privacy and security		
<ul style="list-style-type: none"> • Above ground open space must not overlook rooms and private landscaped areas of adjoining properties • Privacy be considered in relation to context density, separation use and design. 	Yes	Satisfactory.
<ul style="list-style-type: none"> • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	No	The proposed design does not address overlooking issues between the upper floor balconies on the northern elevation and the proposed courtyard open space for unit 1.
3.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	No	The proposed studio unit located adjacent to the main access passageway to all the other units, bin storage and car parking. The unit will be affected by unreasonable levels of noise and vibrations.
3.21 Building services		
<ul style="list-style-type: none"> • Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures) • Outdoor Communal clothes drying area to be provided 	No	Satisfactory.
	Yes	Satisfactory.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Locate ancillary structures such as plant rooms away from entry communal and private open spaces and bedrooms. 	No	The waste storage room is located unacceptably close to the proposed studio unit's windows.

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

Residential amenity of proposed studio unit

The proposed studio unit is not supported as it provides very poor residential amenity for future occupants. The unit does not comply with the ADG minimum unit size or ceiling height standards, does not receive any solar access, does not have cross-ventilation, is located adjacent to parking spaces and the waste storage area, and the only light and ventilation provided is via windows which open directly onto the pedestrian access passageway for the main building entry and for the nearby waste storage room.

Design of proposed roof additions

The proposed roof additions are not supported due to fundamental issues regarding design and residential amenity.

The additions extend above the existing ridge level, exceed the Waverley LEP 2012 height of buildings and floor space ratio (FSR) development standards, and do not comply with the Waverley DCP 2012 controls relating to roof addition. The additions toward the front of the site will visually dominate the roof form when viewed along Bennett Street from the north or south, and will present as an additional storey sitting on top of the existing roof form. Their appearance will be entirely incongruous with the existing roof form in the area, and will be out-of-character with the local streetscape.

The roof additions have unacceptable amenity impacts on neighbouring residents, and result in poor amenity for future occupants. The additions reduce solar access to windows and balconies at 37 Bennett Street, and overlook those same windows and balconies. These amenity impacts are unacceptable in the context of the proposed exceedances of the height and FSR development standards, and the proposed non-compliance with ADG setback controls. The internal amenity of the proposed "attic" spaces is poor, as parts of the rooms have ceiling heights of only 1.8m.

2.2. Other Impacts of the Development

The proposal is considered to have a detrimental effect relating to environmental and social impacts on the locality, and is recommended for refusal.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

No submissions were received.

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic and Development

Council's traffic and development officers did not object to the proposal on the basis that no changes are proposed to parking arrangements.

3.2. Stormwater

Council's stormwater engineer's did not object to the proposal.

3.3. Tree Management

Council's tree management officer provided comments under the assumption that the trees at the rear of the site would be retained, and did not object to the proposal on that basis.

3.4. Environmental Health

Council's environmental health officers did not support the proposal as the Site Waste and Recycling Management Plan has not demonstrated that the waste storage provides sufficient capacity.

3.5. Strategic Planning

Council's strategic planners requested additional historical rental information to enable an assessment of financial contributions to offset the loss of affordable housing, however the applicant was unable to provide the information.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing residential flat building including conversion of ground floor storeroom to a studio unit, balcony extensions and roof additions to Units 8, 9 and 10 at the site known as 35 Bennett Street, Bondi.

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

- Non-compliance with height of buildings development standard
- Non-compliance with floor space ratio development standard
- Solar access and visual privacy impacts on neighbours
- Poor residential amenity for future occupants

The assessment finds these issues unacceptable.

No submissions were received.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 15 November 2022 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
David Knight	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 28 November 2022	Date: 29 November 2022

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.3 Height of Buildings*

The application exceeds the maximum allowable height of 12.5m and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of WLEP.

Details: The proposed height is not considered compatible with the height, bulk and scale of the desired future character of the locality contrary to clause 4.3 (1) (d) of WLEP and does not preserve the environmental amenity of neighbouring properties.

- b. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.9:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP.

Details: The proposal is considered an overdevelopment of the site and the proposed development is not compatible with the bulk and scale of the desired future character of the locality and does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under subclauses 4.4 (1) (c) and (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following environmental planning instruments:

- a. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* as the application fails to satisfy the following design quality principles specified by Schedule 1 of SEPP 65:

- i. *Principle 1 – Context and neighbourhood* as the proposed development exceeds the height of buildings and floor space ratio development standards under WLEP, and is contrary to the existing and desired urban form and built form qualities of the surrounding neighbourhood.
 - ii. *Principle 2 - Built form and scale* as the proposed building bulk and height is excessive, and as the proposed built form does is generally inappropriate for the site.
 - iii. *Principle 3 – Density* as the density of the proposed development is greater than what can be suitably and reasonably achieved based on the site's area and dimensions, and results in unacceptable amenity impacts on neighbouring sites.
 - iv. *Principle 5 – Landscape* as insufficient information regarding landscaping is provided
 - v. *Principle 6 – Amenity* as the proposed development does not afford acceptable residential amenity for neighbours in terms of solar access and visual and acoustic

privacy, and does not provide acceptable residential amenity for future occupants of the subject site.

- vi. *Principle 8 – Housing Diversity and Social Interaction* as the proposal does not provide sufficient communal open space and does not provide opportunities for social interaction.
 - vii. *Principle 9 – Aesthetics* as the proposal does not achieve a built form with good proportions, does not respect the character of the existing building, and does not respond to the existing or future desirable local context.
- b. *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)* subclauses 30(2)(a) and (b), as adequate regard has not been given to the SEPP 65 design quality principles nor with the following objectives specified in the Apartment Design Guide (ADG) for relevant design criteria:
- i. *Objective 3F Visual Privacy*, specifically objective 3-F1 design criteria (1), as the proposal provides insufficient separation distances from the side boundaries of the site.
 - ii. *Objective 4A Solar and daylight access*, specifically objective 4A-1 design criteria (1), as the existing and proposed units have insufficient solar access.
 - iii. *Objective 4B Natural ventilation*, specifically the design guidance of objective 4B-2, as the proposed studio unit does not achieve sufficient natural ventilation.
 - iv. *Objective 4C Ceiling height*, specifically objective 4C-1 design criteria (1), as the proposal provides insufficient ceiling heights.
 - v. *Objective 4D Apartment size and layout*, specifically objective 4D design criteria (1), as the proposed studio unit has an area of less than 35m².
 - vi. *Objective 4E Private open space and balconies*, specifically objective 4E-1 design criteria (1) and (2), as the proposed studio unit has no private open space.
 - vii. *Objective 4G Storage*, specifically objective 4G design criteria 4G-1, as the applicant has not demonstrated the provision of sufficient storage space.
- c. *State Environment Planning Policy (Housing) 2021* in that insufficient information has been provided to properly assess the application with respect to Part 3, *Retention of existing affordable rental housing*.
- d. WLEP as the application is contrary to the following provisions:
- i. *Clause 1.2 Aims of Plan*, specifically the aims expressed under clause 1.2(2)(m), as the proposal does not maintain amenity for neighbours.

3. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan (WDCP) 2012, in respect to the following provisions:

Part B1 Waste

- a. Section 1.2 *Ongoing management* objective (a), (d) and (f), controls 1.4.1.1 (b) and 1.4.1.2 (a), as the applicant has not demonstrated the provision of sufficient waste storage areas.

Part B3 Landscaping and Biodiversity

- a. Section 3.1 objectives (a) and (b), and controls 3.1.1 (a), (b), (c), (h), and (i), as insufficient information has been provided to demonstrate the adequate provision of planting, and to demonstrate the retention of existing trees.

Part B5 Vegetation Preservation

- b. Section 5.2 objectives (a) and control (a), as insufficient information has been provided to demonstrate the retention of existing trees.

Part 7.1 Accessibility

- c. Section 7.1 objectives (a), (b), and (d) and control (a), (b) and (d) as insufficient information has been provided to demonstrate relevant accessibility standards are met, and as no accessible parking is provided.

Part B12 Design Excellence

- d. Section 12.1 objective (a) and controls (a) and (e)(iii), (iv), (v), and (viii), as the proposal does not contribute to the architectural design quality of Waverley, does not achieve a high standard of architectural design appropriate to the building type and location, and does not sufficiently consider streetscape constraints, the relationship with neighbouring sites in terms of setbacks and amenity, the bulk and massing of buildings, and overshadowing.

Part B8 Transport

- e. Section 8.2.2 *Car parking provision rates* objective (b) and control (h) as the proposal does not provide accessible parking spaces or motorcycle parking spaces.
- f. Section 8.2.6 *Bicycle parking* objective (b) and (c), and control (a), as no bicycle parking is provided.

Part C3 Other Residential Development

- g. Section 3.5 *Building design and streetscape* objectives (a), (b), (c), (d), and (e), and controls (a), (b), and (c) as the proposal does not respond to the existing streetscape character, and is not compatible with the existing building.
- h. Section 3.6 *Attic and roof design* objectives (a), (b) and (c), and controls (a), (b), (d), (e), and (i) as the proposed additional storey is not contained within a pitched roof form, is above the height of the existing ridge, and does not contribute to the architectural design of the development.
- i. Section 3.8 *Pedestrian access and entry* objective (a), and controls (b) and (c), as an accessible path of travel from the street to ground floor dwellings is not provided and the provision of lifts has not been considered.
- j. Section 3.10 *Communal space* objectives (a), (b) and (d), and controls (a) and (c) as insufficient communal open space is provided.

- k. Section 3.15 *Visual privacy and security* objective (a) and controls (d) and (f) as the proposed above ground open spaces overlook adjoining properties and as it has not been demonstrated that windows and balconies of upper level dwellings overlook no more than 50% of lower level private open spaces.
 - l. Section 3.19 *Acoustic privacy* objective (a) and control (b) as the proposed studio unit is located adjacent to noisy uses.
 - m. Section 3.21 *Building services* control (e), as the waste storage room is located unacceptably close to the proposed studio unit's windows.
4. The application does not satisfy section 4.15 (1)(a)(iv) of the Act with respect to the *Environmental Planning and Assessment Regulation 2021* (the Regulations), as insufficient documentation has been provided to properly assess the application with respect to clause 24 of the Regulations, including but not limited to:
- a. The Statement of Environmental Effects is insufficient, as it does not adequately document the environmental impacts of the development concerning solar access and overlooking impacts.
 - b. The Statement of Environmental Effects is insufficient, as it does not provide drawings of the proposed development in the context of surrounding development,.
 - c. The Statement of Environmental Effects is insufficient, as it does not accurately depict compliance with building height standard as marked on plans, sections and elevations.
 - d. The Statement of Environmental Effects is insufficient, as it does not provide accurate drawings of the proposed landscape area.
5. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable amenity and streetscape impacts upon the locality and surrounding built environment.
6. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

DRAWING SCHEDULE

000	COVER SHEET
100	SITE PLAN-SITE ANALYSIS
101	GROUND FLOOR PLAN
102	FIRST FLOOR PLAN
103	SECOND FLOOR PLAN
104	THIRD FLOOR PLAN
105	ATTIC FLOOR PLAN
106	ROOF PLAN
200	EAST ELEVATION
201	WEST ELEVATION
202	NORTH ELEVATION
203	SOUTH ELEVATION
300	SECTIONS 1
301	SECTIONS 2
302	SECTIONS 3
300	SECTIONS 1
400	FSR AREA CALCULATION
401	LANDSCAPE CALCULATION
402	LANDSCAPE CONCEPT PLAN
403	STORMWATER MANAGEMENT PLAN
500	SHADOWS
501	FINISHES SCHEDULE

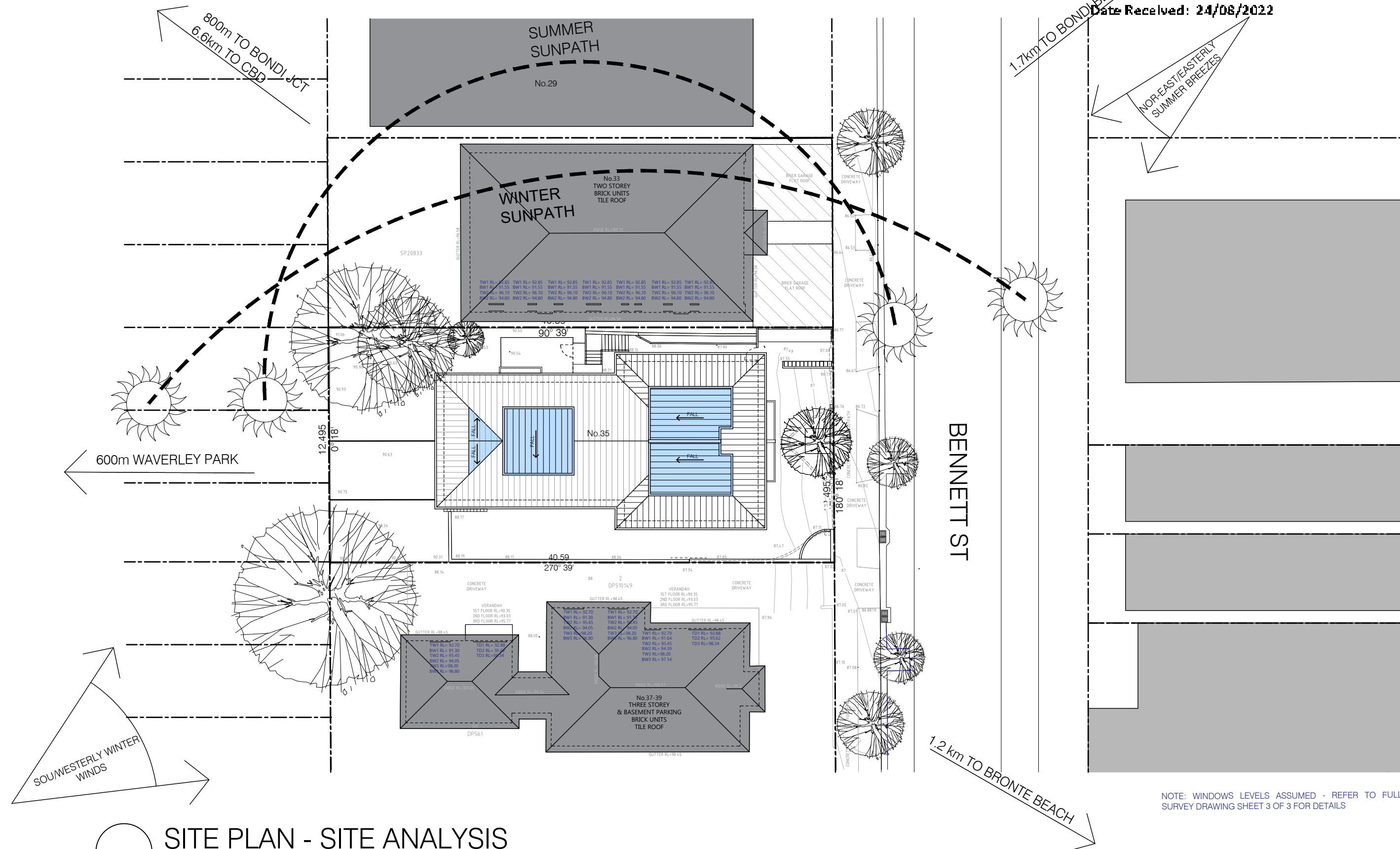


Issue	Amendment	Date	NOTES		GROUP ARCHITECTS Nominated Architect Julian Brenchley 6246 Group Architects Pty Limited ABN 82 600 366 069 Suite 3.09/55 Miller Street Pyrmont nsw 2009 T: +612 9660 1055 E: info@grouparchitects.com.au	project	35 BENNETT ST, BONDI	
P	PRELIMINARY	APR 2022	ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.			drawing	date: APR 2022	
01	DEVELOPMENT APPLICATION	APR 2022	ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING. IF IN DOUBT, ASK!				COVER SHEET	scale: 1:300@A3
							DWG No.: GA 2022-003-001	issue: DA


RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022



NOTE: WINDOWS LEVELS ASSUMED - REFER TO FULL
SURVEY DRAWING SHEET 3 OF 3 FOR DETAILS

 SITE PLAN - SITE ANALYSIS
1:300@A3

Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS
TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.

ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING. IF IN DOUBT, ASK!



GROUP ARCHITECTS

Nominated Architect Julian Brenchley 6246
Group Architects Pty Limited ABN 82 600 366 069
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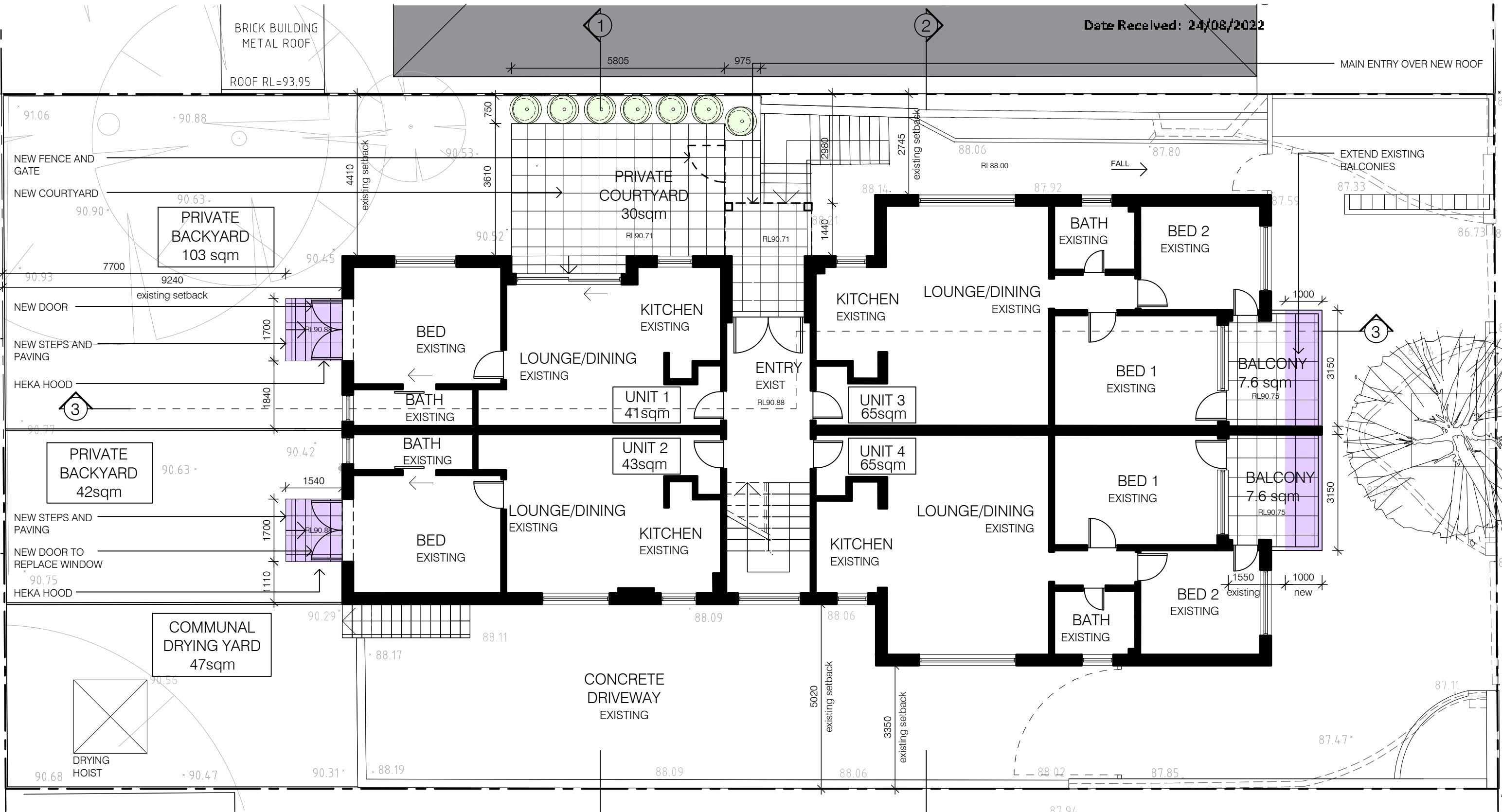
project	
35 BENNETT ST, BONDI	
drawing	date: APR 2022
SITE PLAN-SITE ANALYSIS	scale: 1:300@A3
DWG No : GA 2022-003-100	issue: DA

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022



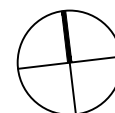
FIRST FLOOR PLAN
1:100@A3

Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

NOTES
ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.

ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING. IF IN DOUBT, ASK!

LEGEND:	
	EXISTING WALLS
	DEMOLISHED WALLS
	NEW WALLS



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project	35 BENNETT ST, BONDI
drawing	date: APR 2022
FIRST FLOOR PLAN	scale: 1:100@A3
DWG No.: GA 2022-003-102	issue: DA

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

BRICK BUILDING
METAL ROOF
ROOF RL=93.95



The following assumptions have been used in the thermal and BASIX assessment. Should the following not be complied with a reassessment may be required.
Please refer to individual H Star certificate No 0007824360-01 for all insulation and glazing details. Below is a summary.

Window	Glass	Frame	U value	SHGC	Detail
Default	Single clear	Aluminium	6.70	0.70	To all Studio glazing

Window and skylight U and SHGC values, if specified, are according to NRC 100. Unless specified otherwise, alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above. Windows have been assessed as complying with AS2047.

External walls	Insulation	Colour - solar abs.	Detail
Cavity brick	50mm cellular loose fill	Light SA <0.475	To all Studio External walls including walls to Undercroft and Garages

Internal	Insulation	Detail
Plasterboard	Nil	To all internal walls.

Floors	Construction	Insulation	Covering	Detail
150mm concrete	Nil	Default	To Ground and Level 1	

Ceilings	Insulation	Detail
Plasterboard	Nil	

Roof	Insulation	Colour - solar abs.	Detail
Nil			

Lighting
Downlights with ceiling penetration have been included at default rate of 4/10m². All downlights included as being LED sealed to allow insulation to be applied to fitting.

Exhaust/ceiling fans
Exhaust fans have been included to kitchen and bathroom and have been included as being sealed.

Water requirements
4 (>6.0L/min but <7.5L/min) rated showerheads, 4 star rated toilets and 4 star rated bathroom taps and 4 stars rated kitchen taps. A 2.5 star water efficiency rated clothes washer has been included.

Hot Water System
6 Stars Gas Instantaneous hot water system.

Insulation AS/NZS 4859.2
The effects of thermal bridging on insulation to be taken into account in accordance with AS/NZS 4859.2

Studio Window dimensions
9 (Living) - 1300 H x 1700 W
Bath - 1300 H x 850 W

SECOND FLOOR PLAN 1:100@A3

Issue		Amendment	Date	NOTES ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING. IF IN DOUBT, ASK!	LEGEND: EXISTING WALLS DEMOLISHED WALLS NEW WALLS		GROUP ARCHITECTS Nominated Architect Julian Brenchley 6246 Group Architects Pty Limited ABN 82 600 366 069 Suite 3.09/55 Miller Street Pyrmont nsw 2009 T: +612 9660 1055 E: info@grouparchitects.com.au	project	
P		PRELIMINARY	APR 2022					35 BENNETT ST, BONDI	
01		DEVELOPMENT APPLICATION	APR 2022					drawing	date: APR 2022
								SECOND FLOOR PLAN	scale: 1:100@A3
								DWG No.: GA 2022-003-103	issue: DA

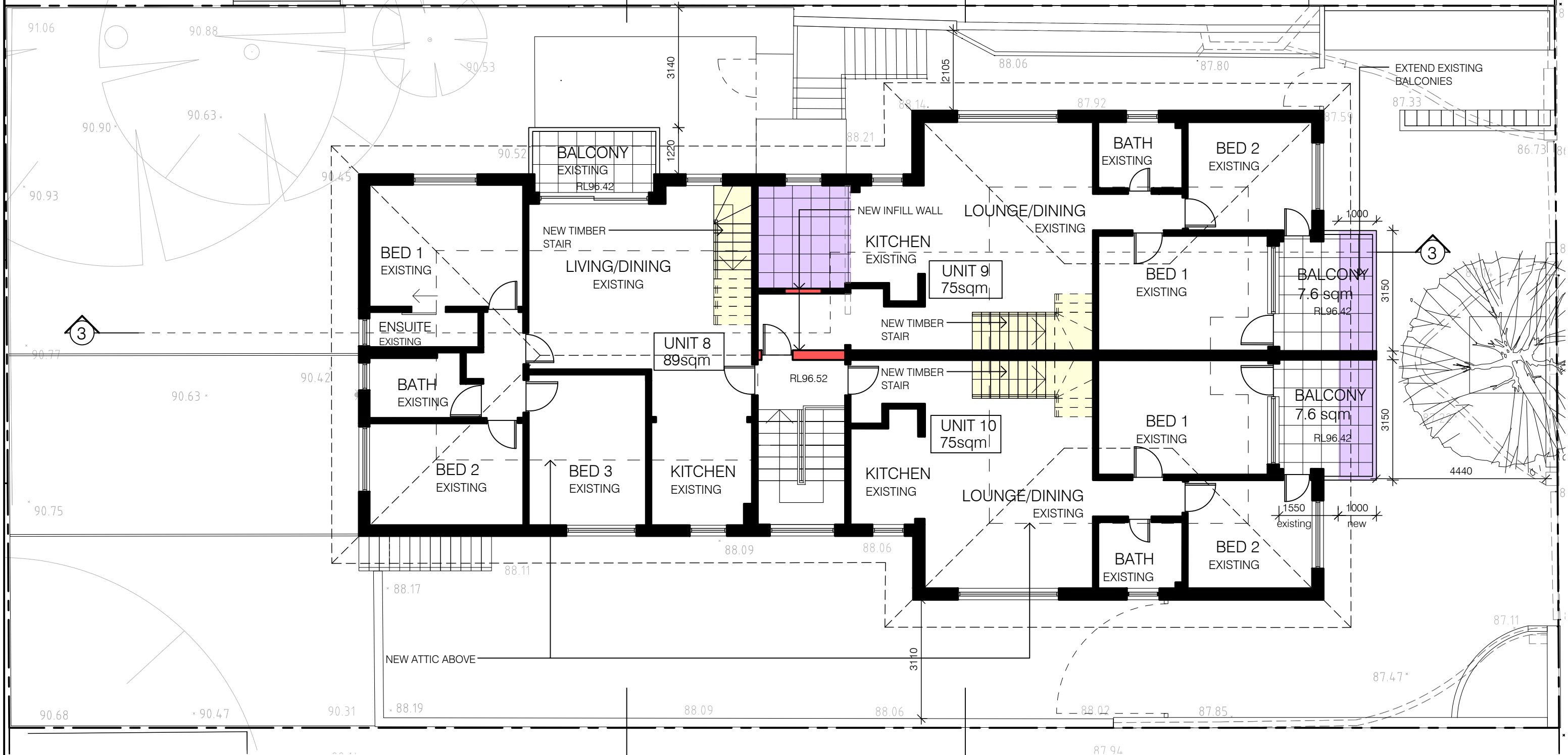
DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

BRICK BUILDING
METAL ROOF
ROOF RL=93.95

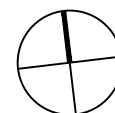


THIRD FLOOR PLAN
1:100@A3

Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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LEGEND:
 EXISTING WALLS
 DEMOLISHED WALLS
 NEW WALLS



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project	35 BENNETT ST, BONDI
drawing	THIRD FLOOR PLAN
date:	APR 2022
scale:	1:100@A3
DWG No.:	GA 2022-003-104
issue:	DA

DEVELOPMENT APPLICATION

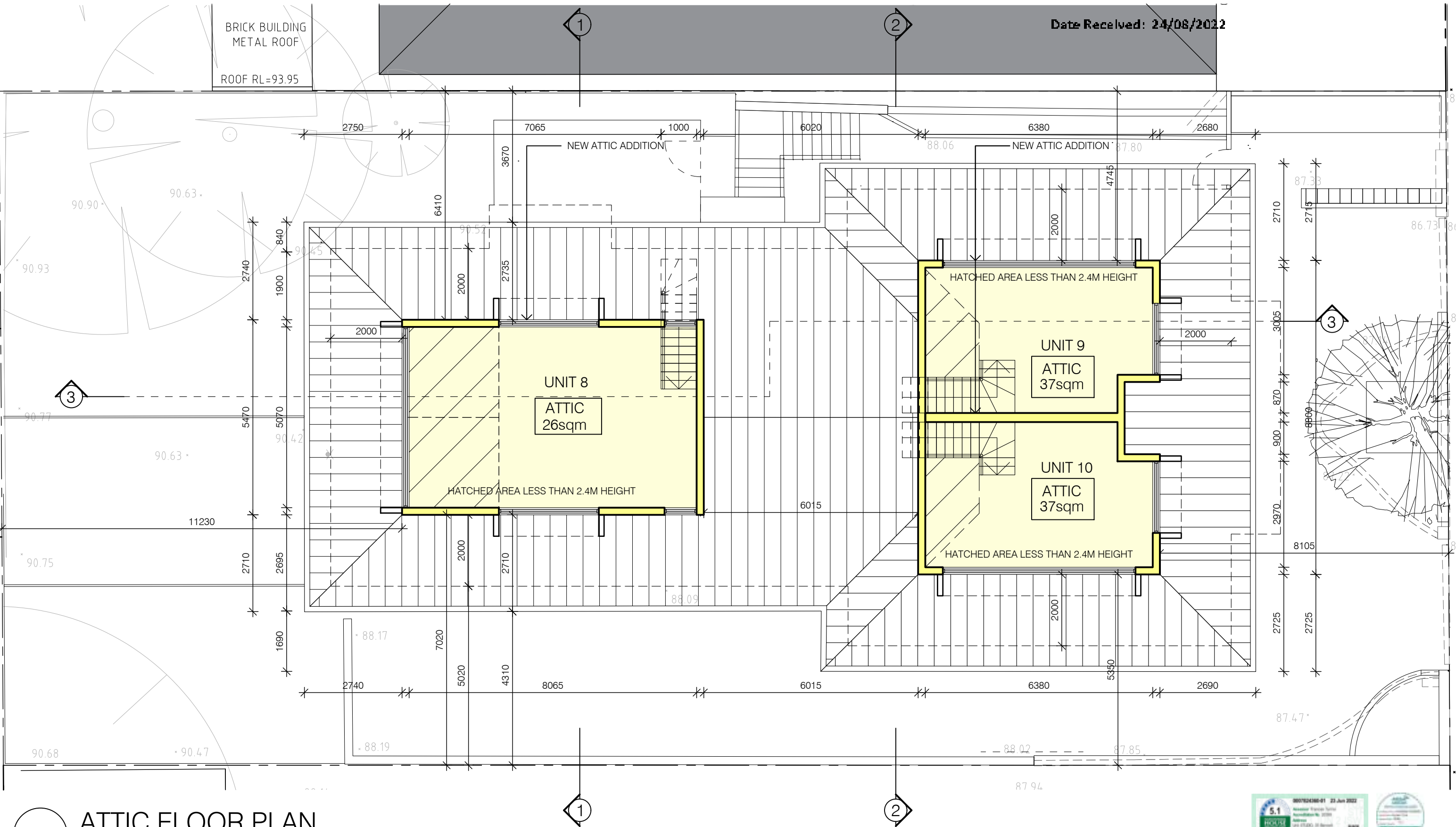
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Application No: DA-354/2022

Date Received: 24/08/2022

BRICK BUILDING
METAL ROOF

ROOF RL=93.95



ATTIC FLOOR PLAN
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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LEGEND:

- EXISTING WALLS
- DEMOLISHED WALLS
- NEW WALLS

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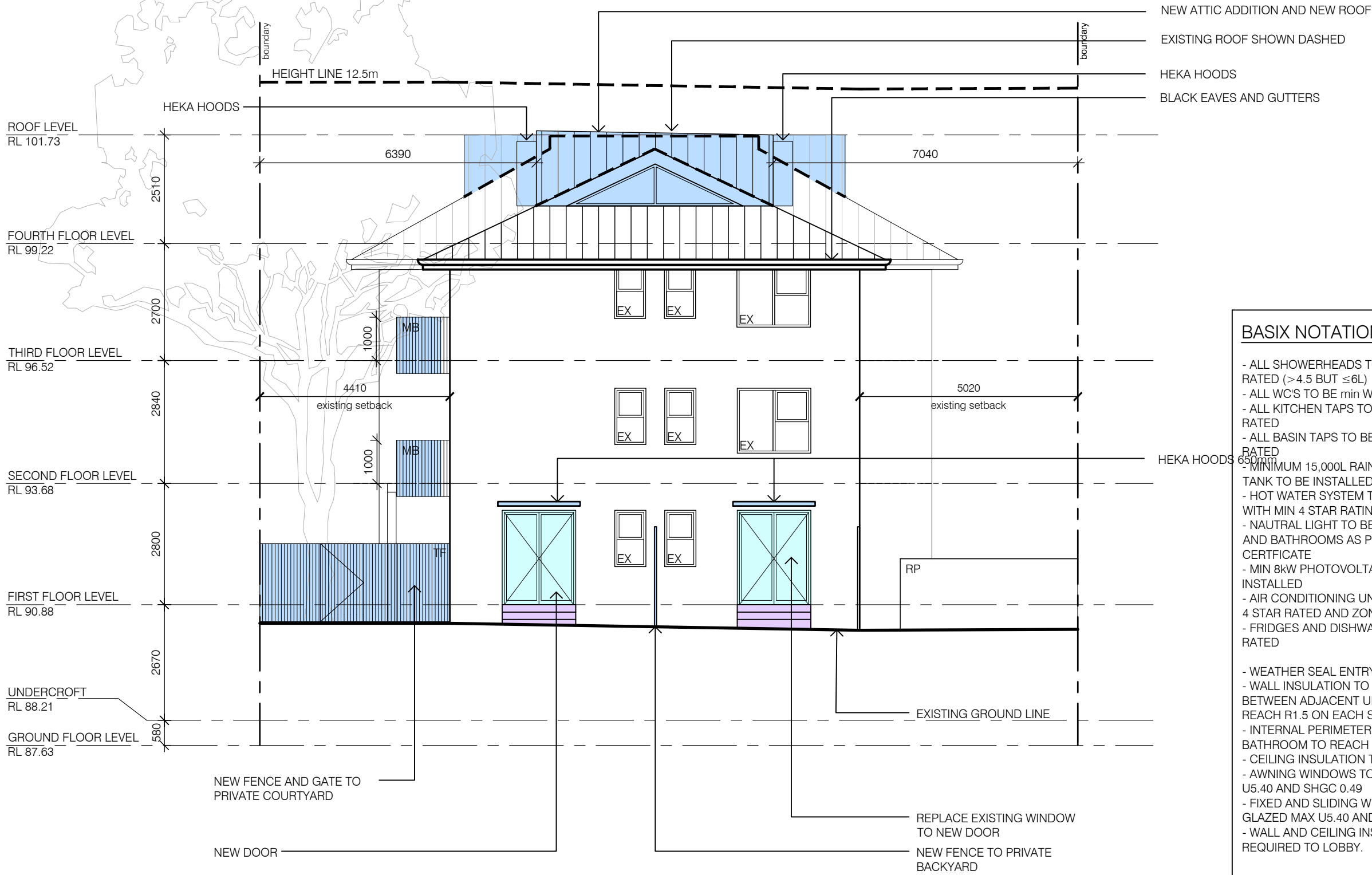
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drawing	ATTIC FLOOR PLAN
date:	APR 2022
scale:	1:100@A3
DWG No.:	GA 2022-003-105
issue:	DA

DEVELOPMENT APPLICATION

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Application No: DA-354/2022

Date Received: 24/08/2022



BASIX NOTATION:

- ALL SHOWERHEADS TO BE min 4 STAR WELS RATED (>4.5 BUT ≤6L)
- ALL WC'S TO BE min WELS 4 STAR RATED
- ALL KITCHEN TAPS TO BE min WELS 4 STAR RATED
- ALL BASIN TAPS TO BE min 4 STAR WELS STAR RATED
- MINIMUM 15,000L RAINWATER/STORMWATER TANK TO BE INSTALLED ON SITE
- HOT WATER SYSTEM TO GAS INSTANTANEOUS WITH MIN 4 STAR RATING
- NAUTRAL LIGHT TO BE PROVIDED TO KITCHENS AND BATHROOMS AS PER THE BASIX CERTIFICATE
- MIN 8kW PHOTOVOLTAIC SYSTEM TO BE INSTALLED
- AIR CONDITIONING UNITS ARE TO BE 1 PHASE 4 STAR RATED AND ZONED
- FRIDGES AND DISHWASHERS TO BE 3 STAR RATED
- WEATHER SEAL ENTRY DOOR
- WALL INSULATION TO INTERNAL WALLS BETWEEN ADJACENT UNITS AND LOBBY TO REACH R1.5 ON EACH SIDE (TOTAL R3.0)
- INTERNAL PERIMETER WALL INSULATION TO BATHROOM TO REACH R2.5
- CEILING INSULATION TO REACH R4.0+SARKING
- AWNING WINDOWS TO BE SINGLE GLAZED MAX U5.40 AND SHGC 0.49
- FIXED AND SLIDING WINDOWS TO BE DOUBLE GLAZED MAX U5.40 AND SHGC 0.58
- WALL AND CEILING INSULATION NOT REQUIRED TO LOBBY.

WEST ELEVATION
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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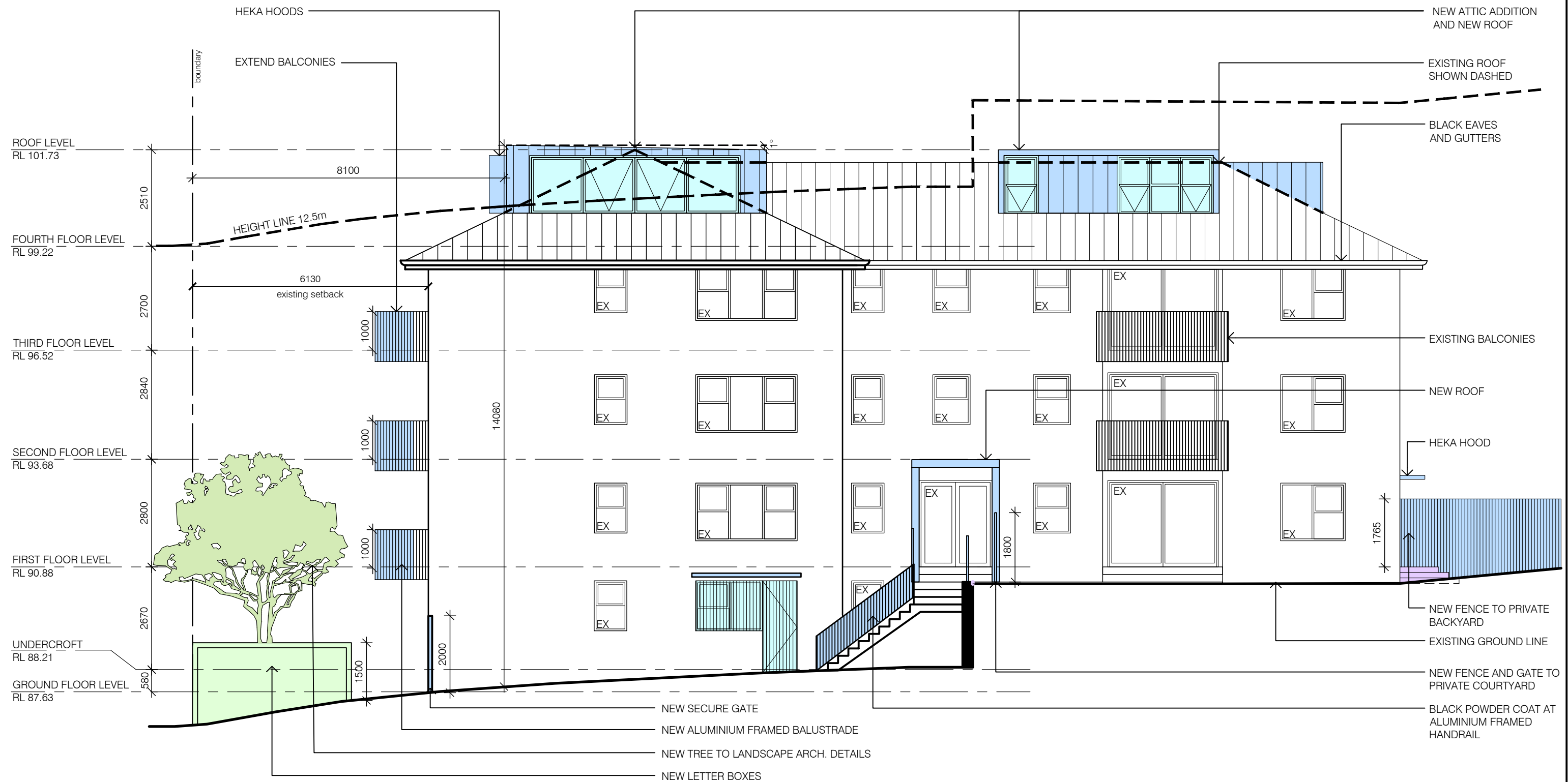
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drawing	WEST ELEVATION
DWG No.: GA 2022-003-201	date: APR 2022 scale: 1:100@A3 issue: DA

DEVELOPMENT APPLICATION

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Application No: DA-354/2022

Date Received: 24/08/2022



 **NORTH ELEVATION**
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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project	35 BENNETT ST, BONDI
drawing	date: APR 2022
NORTH ELEVATION	scale: 1:100@A3
DWG No.: GA 2022-003-202	issue: DA

DEVELOPMENT APPLICATION

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Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

EXISTING ROOF
SHOWN DASHED

NEW ATTIC ADDITION
AND NEW ROOF

HEKA HOODS

BLACK EAVES AND GUTTERS

HEIGHT LINE 12.5m

ROOF LEVEL
RL 101.73

FOURTH FLOOR LEVEL
RL 99.22

THIRD FLOOR LEVEL
RL 96.52

HEKA HOOD

SECOND FLOOR LEVEL
RL 93.68

FIRST FLOOR LEVEL
RL 90.88

UNDERCROFT
RL 88.21

GROUND FLOOR LEVEL
RL 87.63

NEW FENCE AND GATE TO
PRIVATE COURTYARD

BLACK POWDER COAT AT ALUMINIUM
FRAMED HANDRAIL

EXTENDED BALCONIES

6130
existing setback

1M HIGH BALUSTRADE TO
COMPLY WITH NCC PART 3.9.2

NEW SECURE VEHICLE GATE

EXISTING GROUND LINE

NEW LETTER BOXES

NEW TREE TO LANDSCAPE
ARCH. DETAILS

 **SOUTH ELEVATION**
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

NOTES

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project	35 BENNETT ST, BONDI
drawing	SOUTH ELEVATION
DWG No.: GA 2022-003-203	date: APR 2022 scale: 1:100@A3 issue: DA

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

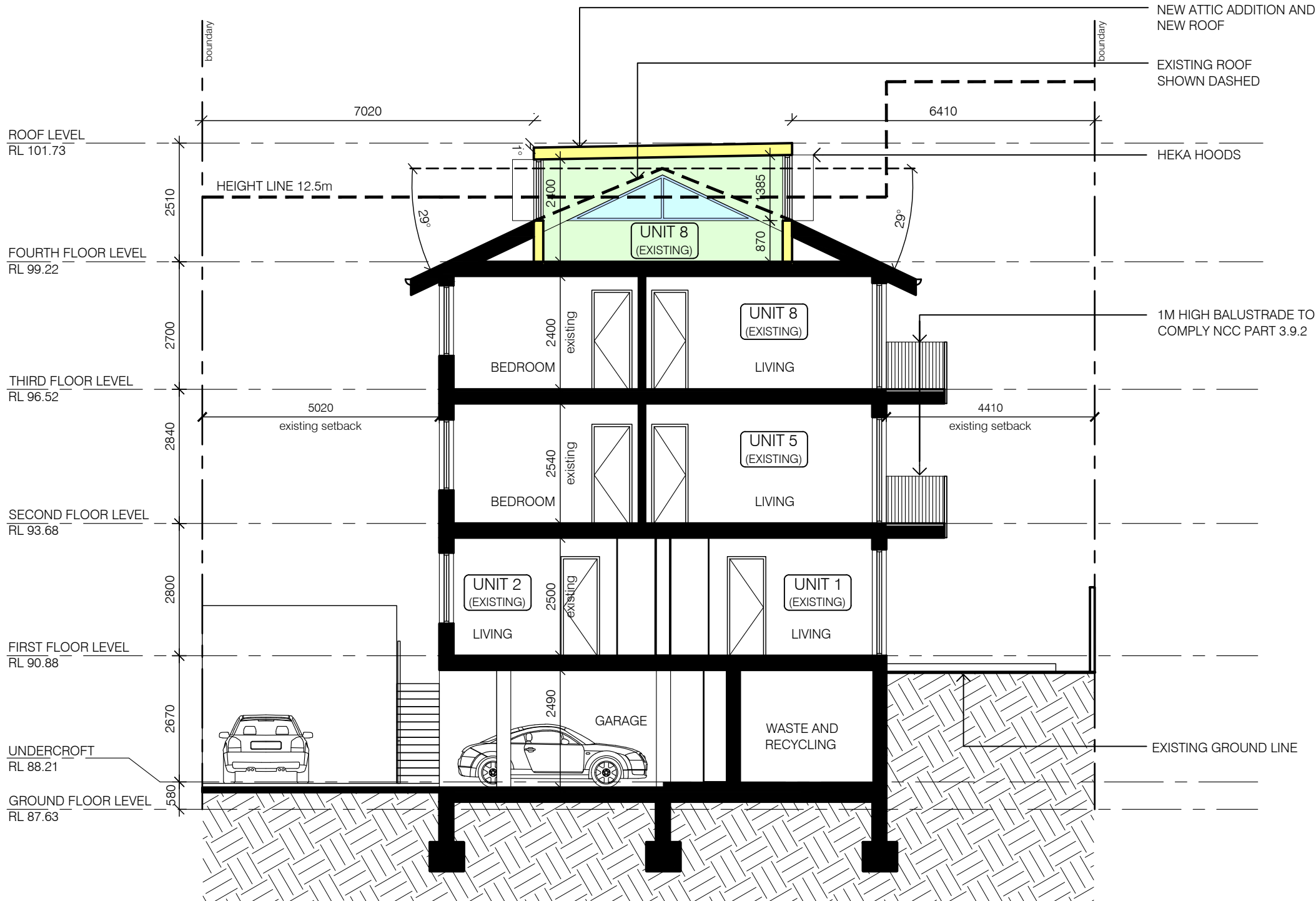
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Please refer to Individual H Star certificate No 0007824360-01 for all insulation and glazing details. Below is a summary.

Window	Glass	Frame	U value	SHGC	Detail					
Default	Single clear	Aluminium	6.70	0.70	To all Studio glazing					
Window and skylight U and SHGC values, if specified, are according to NFRC 100. Unless specified otherwise, alternate products or specifications may be used if their U value is lower, and the SHGC value is less than 10% higher or lower, than the U and SHGC values of the product specified above. Windows have been assessed as complying with AS2047.										
External walls	Insulation	Colour - solar abs.	Detail							
Cavity brick	50mm cellular loose fill	Light SA <0.475	To all Studio External walls including walls to Undercroft and Garages							
Internal	Insulation	Detail								
Plasterboard	Nil	To all internal walls								
Floors	Construction	Insulation	Covering	Detail						
150mm concrete	Nil	Default	To Ground and Level 1							
Ceilings	Insulation	Detail								
Plasterboard	Nil									
Roof	Insulation	Colour - solar abs.	Detail							
Nil										
Lighting	Downlights with ceiling penetration have been included at default rate of 4/10m². All downlights included as being LED sealed to allow insulation to be abutted to fitting.									
Exhaust/ ceiling fans	Exhaust fans have been included to kitchen and bathroom and have been included as being sealed.									
Water requirements	4 x (6.0L/min but <7.5L/min) rated showerheads, 4 star rated toilets and 4 star rated bathroom taps and 4 stars rated kitchen taps. A 2.5 star water efficiency rated clothes washer has been included.									
Hot Water System	6 Stars Gas Instantaneous hot water system.									
Insulation AS/NZS 4859.2	The effects of thermal bridging on insulation to be taken into account in accordance with AS/NZS 4859.2									

Studio Window dimensions
Living – 1300 H x 1700 W
Bath – 1300 H x 850 W

SECTION 1
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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project	
35 BENNETT ST, BONDI	
drawing	date: APR 2022
SOUTH ELEVATION	scale: 1:100@A3
DWG No.: GA 2022-003-300	issue: DA



DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022

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Window	Glass	Frame	U value	SHG C	Detail
Default	Single clear	Aluminium	6.70	0.70	To all Studio glazing
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External walls	Insulation	Colour - solar abs.	Detail		
Cavity brick	50mm cellular loose fill R1.25	Light SA <0.475	To all Studio External walls including walls to Undercroft and Garages		
Internal	Insulation	Detail			
Plasterboard	Nil	To all internal walls			
Floors	Construction	Insulation	Covering	Detail	
150mm concrete	Nil	Default	To Ground and Level 1		
Ceilings	Insulation	Colour	Detail		
Plasterboard	Nil				
Roof	Insulation	Colour - solar abs.	Detail		
Nil					
Lighting	Downlights with ceiling penetration have been included at default rate of 4/10m ² . All downlights included as being LED sealed to allow insulation to be abutted to fitting.				
Exhaust/ceiling fans	Exhaust fans have been included to kitchen and bathroom and have been included as being sealed.				
Water requirements	4 (>6.0L/min but =<7.5L/min) rated showerheads, 4 star rated toilets and 4 star rated bathroom taps and 4 stars rated kitchen taps. A 2.5 star water efficiency rated clothes washer has been included				
Hot Water System	5 Stars Gas Instantaneous hot water system.				
Insulation AS/NZS 4859.2	The effects of thermal bridging on insulation to be taken into account in accordance with AS/NZS 4859.2				

Studio Window dimensions

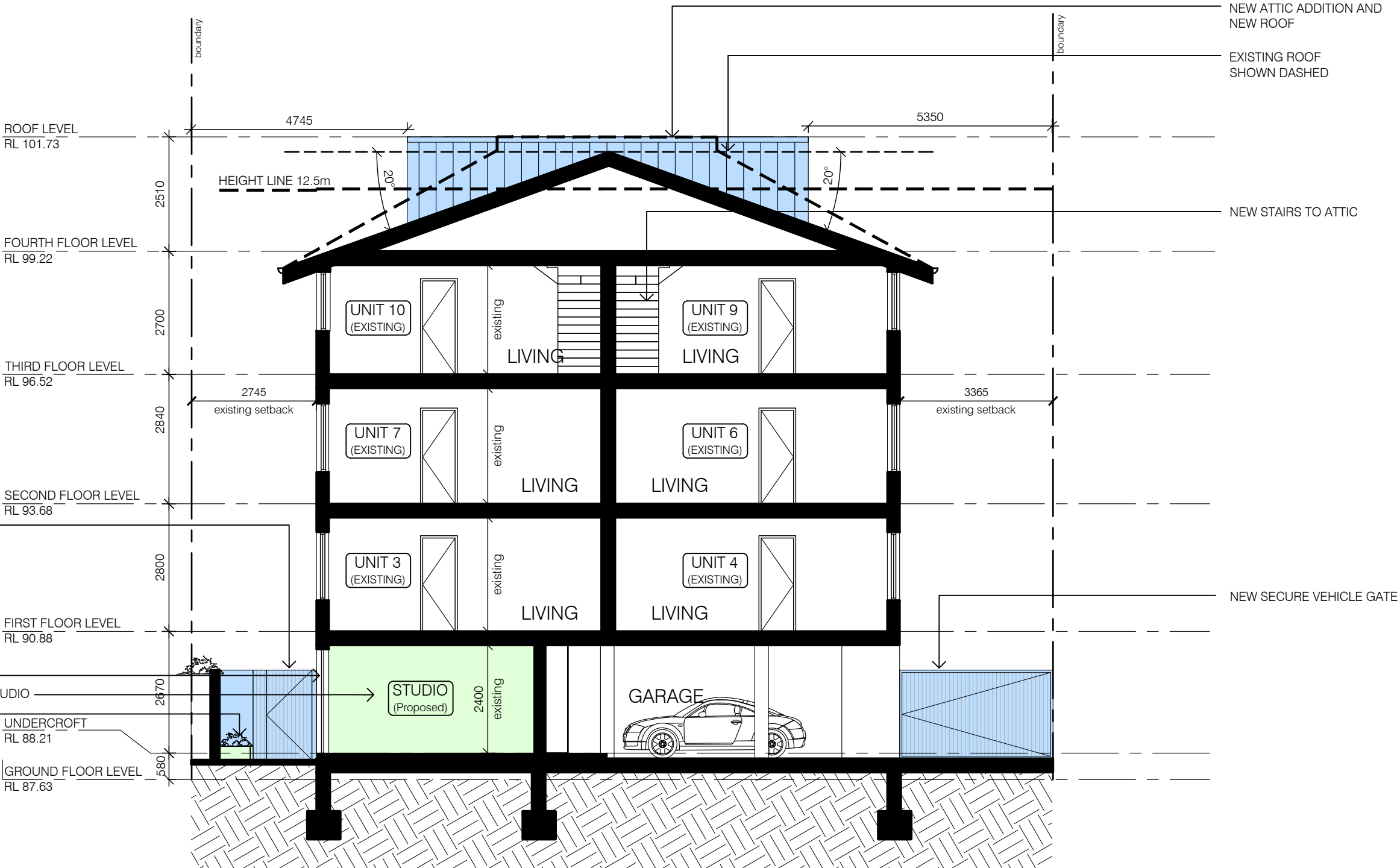
Living – 1300 H x 1700 W
Bath – 1300 H x 850 W

NEW SECURE GATE

NEW WINDOW AND DOOR
CONVERT UNCOVERED SPACE TO A STUDIO
NEW GARDEN

UNDERCROFT
RL 88.21

GROUND FLOOR LEVEL
RL 87.63



SECTION 2
1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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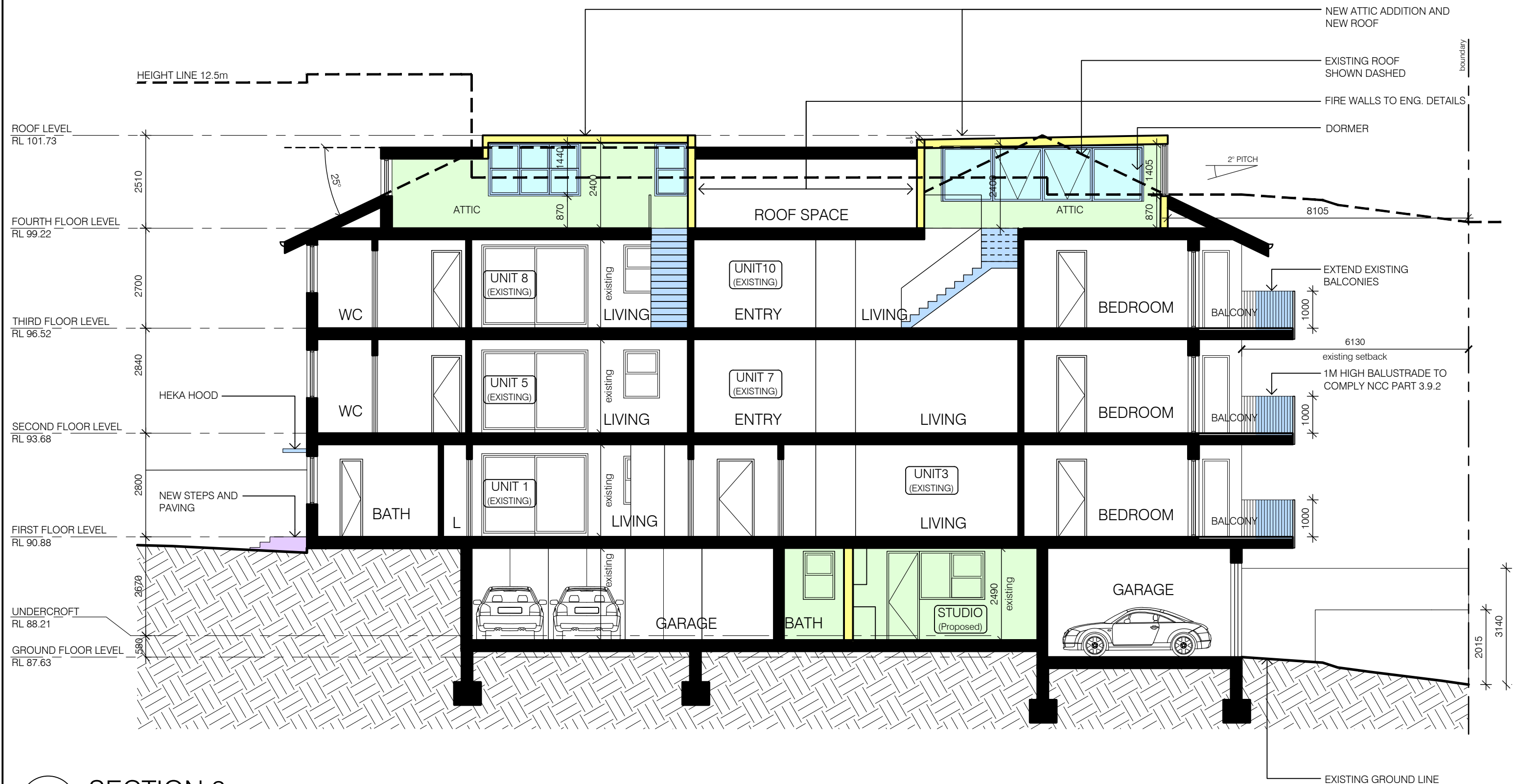
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35 BENNETT ST, BONDI	
drawing	date: APR 2022
SOUTH ELEVATION	scale: 1:100@A3
DWG No.: GA 2022-003-301	issue: DA

DEVELOPMENT APPLICATION

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Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022



SECTION 3 1:100@A3



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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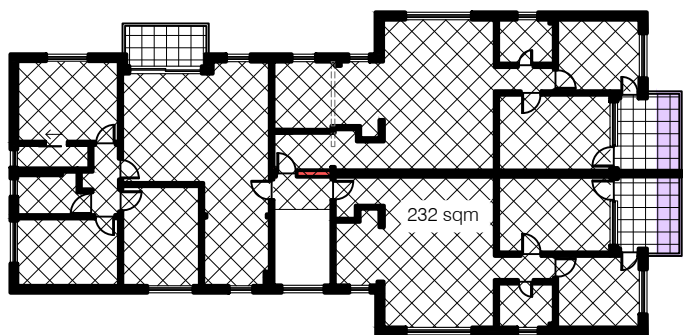
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drawing	date: APR 2022
SOUTH ELEVATION	scale: 1:100@A3
DWG No.: GA 2022-003-302	issue: DA

DEVELOPMENT APPLICATION

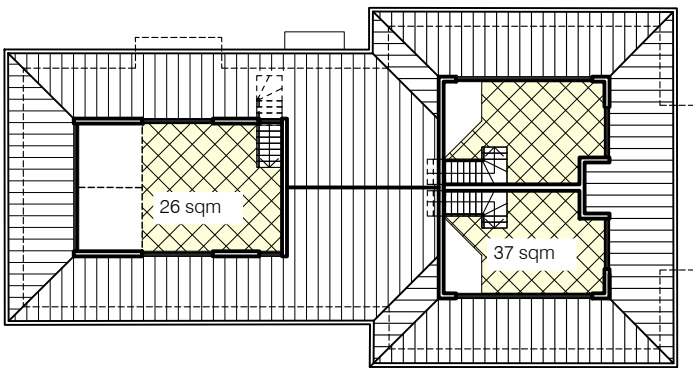
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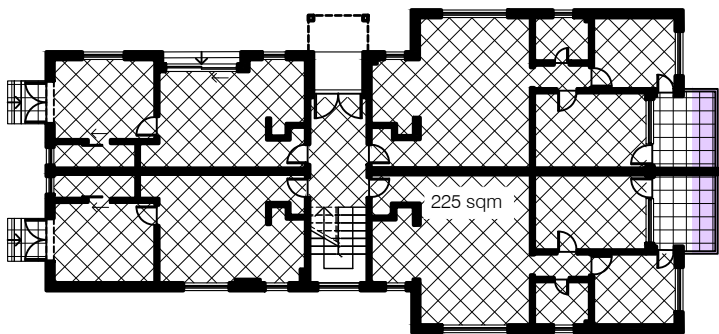
Date Received: 24/08/2022



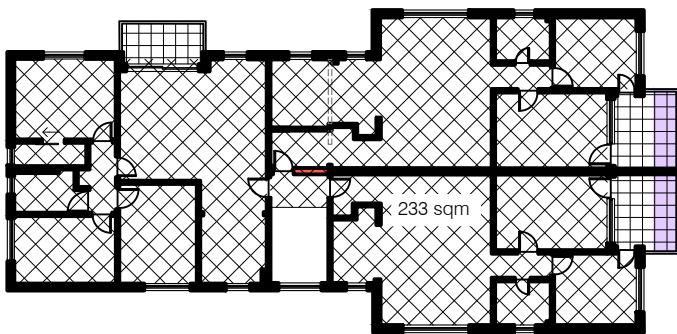
SECOND FLOOR PLAN
NTS



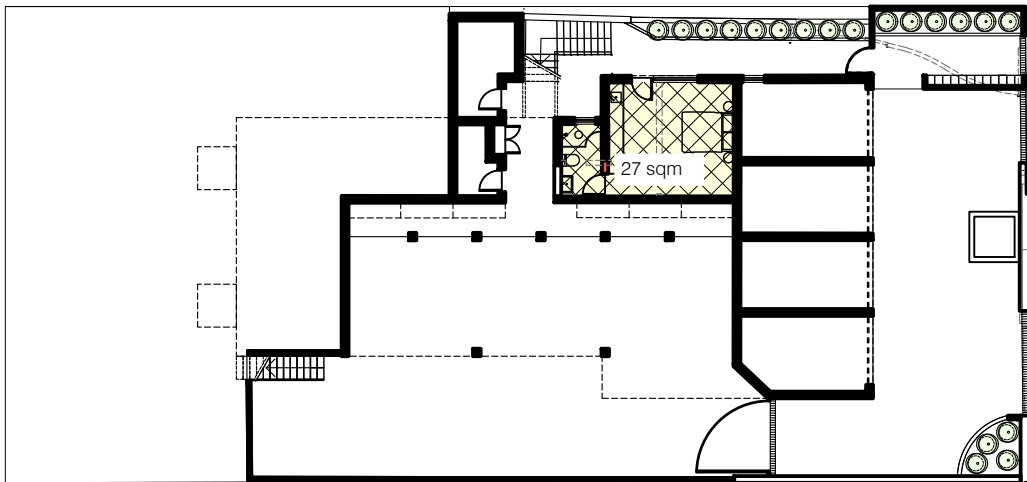
ATTIC FLOOR PLAN
NTS



FIRST FLOOR PLAN
NTS



THIRD FLOOR PLAN
NTS



GROUND FLOOR PLAN
NTS

FSR AREA CALCULATIONS
NTS

AREA SCHEDULE:

SITE AREA:	766.9 sqm
EXISTING FIRST :	225 sqm
EXISTING SECOND :	232 sqm
EXISTING THIRD :	233 sqm
TOTAL EXISTING :	690 sqm
EXISTING FSR:	0.89:1
PROPOSED GROUND FLOOR:	27 sqm
PROPOSED ATTIC GFA:	63 sqm
TOTAL PROPOSED GFA:	780 sqm
PROPOSED FSR:	1:0:1

LEGEND:

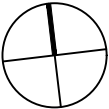
- EXISTING GFA
- PROPOSED GFA

Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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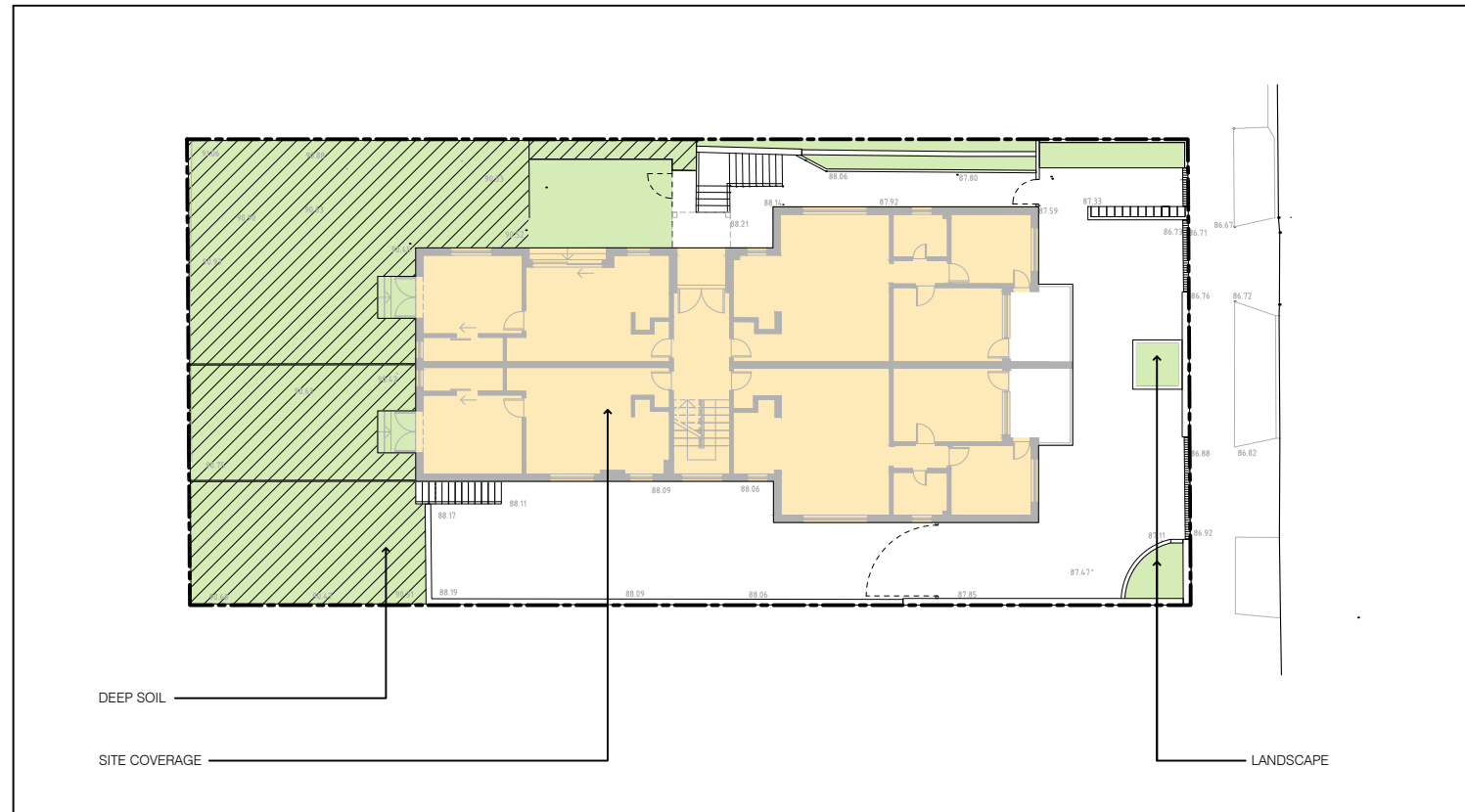
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drawing	FSR AREA CALCULATIONS
DWG No.:	GA 2022-003-400
date:	APR 2022
scale:	1:300@A3
issue:	DA

DEVELOPMENT APPLICATION

RECEIVED
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AREA SCHEDULE:

SITE AREA:	766.9 sqm
SITE COVERAGE:	268,1 sqm
LANDSCAPE AREA:	297 sqm
DEEP SOIL:	195 sqm
% LANDSCAPED AREA:	38 % of site area
% DEEP SOIL AREA:	65% of landscape area

LEGEND:

	SITE COVERAGE
	LANDSCAPE
	DEEP SOIL

LANDSCAPE CALCULATIONS NTS



Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

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	LANDSCAPE
	DEEP SOIL
	SITE COVERAGE



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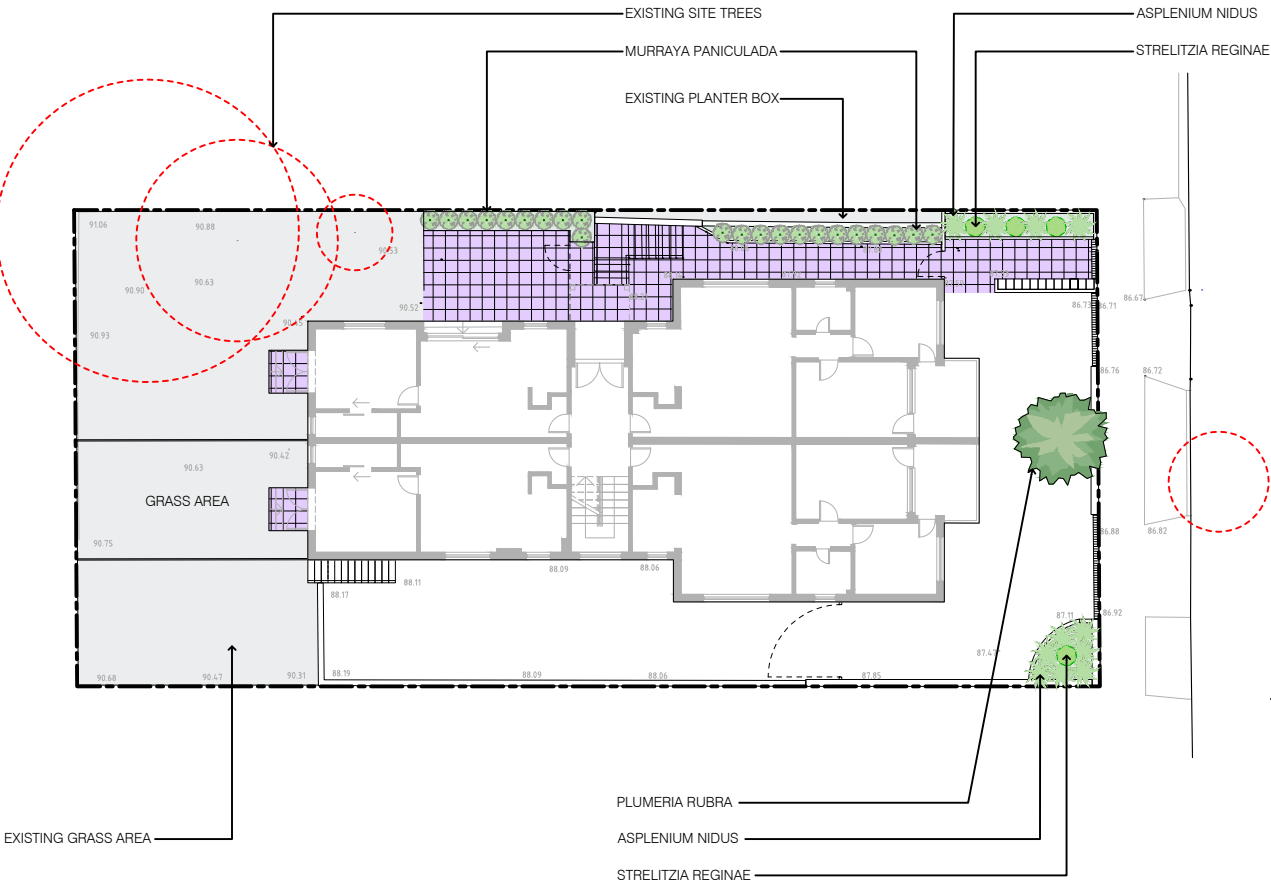
project	35 BENNETT ST, BONDI
drawing	LANDSCAPE CALCULATIONS
date:	APR 2022
scale:	1:300@A3
DWG No.:	GA 2022-003-401
issue:	DA

DEVELOPMENT APPLICATION

RECEIVED
Waverley Council

Application No: DA-354/2022

Date Received: 24/08/2022



LANDSCAPE SPECIFICATION

SITE ESTABLISHMENT
All rubbish, debris, fallen branches shall be cleared from landscaped areas and disposed of using skip bins onsite or by transporting to the local waste management facility. Any unused bricks, concrete blocks or timber should be either re-used onsite where possible or recycled at the local waste management facility.

TREE PROTECTION
Trees to be retained shall be protected during site works and tree protection barriers installed according to tree protection details. no excavation or change in soil level should take place around the base of such trees. Any arborist report must be adhered to and tree protection zones maintained where applicable.

WEED ERADICATION
Areas to be landscaped are to be sprayed with glyphosate at the recommended rate at least 1 week prior to any landscape works taking place in order to allow weeds to die off. Care is to be taken to protect remaining vegetation from the herbicide application and should only be undertaken in still weather. All weeds are then to be disposed of appropriately at the local waste management facility.

GARDEN BED PREPARATION
Ensure all garden beds have been excavated to 250mm below finished levels. Rip the subgrade a further 100mm in depth. Install premium garden soil or mix natural top soil with imported soil to a depth of 250mm. Install 75mm depth of leaf litter mulch from an landscape supplies or equivalent.

LAWN AREA PREPARATION
Excavate lawn areas to a depth of 100mm below required finished levels. Do not excavate within tree protection zones where applicable or within 1500mm of the trunk of any existing trees to be retained. Ensure that all surface water is directed toward any drainage pits, kerbs and away from any buildings. Subgrade is to be ripped to a depth of 150mm and a 50mm deep layer of turf underlay installed on top. Lawns should have an even grade so that no ponding or pooling occurs. 'Sir launcher' fertiliser or equivalent should be spread over lawn areas prior to laying turf. Lay 'sir walter buffalo' turf rolls closely butted ensuring no gaps between are present. Roll and water thoroughly after laying.

PANTING
Plants are to be healthy, free of pest/diseases and true to type & species. Refer to landscape plan for location and spacing. All plants should be placed in a hole dug twice the size of the pot. Gently tease the roots of any pot bound plants. The base of the trunk should be installed level with the surface of the ground and dish created around the base of each plant to aid with water retention. Water thoroughly after planting.

STAKING
All trees and top heavy screening shrubs should be staked with 2 x 25mm x 25mm long timber stakes per plant. Length of stakes is dependent on the height and stability of the tree/shrub. Stakes should be firmly positioned. Hessian tape is to be placed around the tree and stakes allowing some movement in order to allow the trunk to develop strength overtime.

GARDEN EDGING
Use either 'haven' brick edging or similar laid on a 50mm thick bed of mortar, or treated timber edging secured with inground timber stakes. All gardens are to have edging installed and be installed as per plan.

RETAINING WALLS
Refer to manufacturers instructions for construction of retaining walls. Details on this plan are a guide only.

COMPETITION
Site is to be cleared of any surplus materials and debris prior to practical completion. Work is to be completed to the satisfaction of councils guidelines and any DA conditions.

MAINTENANCE GENERAL NOTES

SECTION C: LANDSCAPE MAINTENANCE SPECIFICATION 1.0 SCOPE

1.1 PERIOD
The 52 week Planting Establishment Period commences at the date of registration of the repective plan. The contractor is to also allow for maintenance from the date of Practical Completion to the start date of the 52 week Planting Establishment Period. The allowance shall be for a weekly rate which will then be implemented until the formal maintenance period commences.

1.2 PROGRAM
Furnish a proposed planting maintenance program with the tender.

1.3 MAINTENANCE LOGBOOK
Contractor to keep a maintenance record of works carried out on a monthly basis. Log should include but not limited to: - Activities carried out during each attendance; - Irregularities encountered and actions taken; NB: Maintenance payments will be evaluated on submission of monthly logbooks.

1.4 RECURRENT WORKS
Throughout the Planting Establishment Period, continue to carry out recurrent works of a maintenance nature including, but not limited to, watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, staking and tying, replanting, cultivating, pruning and keeping the site neat and tidy. All rubbish related to landscape works shall be removed by the landscape contractor before it is allowed to accumulate.

1.5 PLANTING
Commence recurrent planting maintenance works at the completion of planting. Ensure the stock arriving on site is protected and maintained for healthy growth.

1.6 REPLACEMENTS
Continue to replace failed, damaged or stolen plants for the extent of the Planting Establishment Period.

1.7 MULCHED SURFACES
Maintain the surface in a clean and tidy condition and reinstate the mulch as necessary.

1.8 GRASSED AREAS
Commence grass maintenance works at the completion of turfing, and continue to carry out grass maintenance throughout the contract and Planting Establishment Period, maintaining healthy weed free growth.

1.9 STAKES AND TIES
Adjust or replace as required. Remove those not required at the end of the Planting Establishment Period.

1.10 WATERING/ IRRIGATION
An irrigation system is to be installed to all mass planted beds and new tree planting, connected to a pump and the rainwater tank / OSD tank. Install one tap near the front boundary (Wurrook Circuit) and one tap on the rear (eastern) boundary. This system shall be installed and maintained for the duration of the maintenance period (52 weeks) and in perpetuity of the development. All irrigation works shall be performed by a licensed irrigation contractor. Materials to be used are to be submitted to the site superintendent for approval. The contractor shall provide design drawings and material specifications/samples prior to commencing work. All works are to be conducted to all current and relevant Australian Standards. The contractor is to be completely responsible for the coordination of the installation of the irrigation system with other services throughout the site. Recommended flow rates: The system shall be set up on a trial basis and them adjusted to suit the local requirements and conditions. Once the system is satisfactorily adjusted the contractor shall make fortnightly visits within the establishment period to ensure satisfactory performance of the system and to adjust the watering periods as required. A minimum even coverage of 25mm of water per week is recommended.

2.0 REPORTS

2.1 LANDSCAPE MAINTENANCE REPORT
'Landscape Maintenance Reports' shall be submitted to the Principle Certifying Authority by the contractor verifying that satisfactory maintenance of the landscape works has been undertaken and that any necessary rectification measures have been carried out to a high professional standard.

INDICATIVE PLANT LIST :

BOTANICAL NAME	COMMON NAME	MATURE HEIGHT x SPREAD
TREES		
MURRAYA PANICULATA	ORANGE JESSAMINE	3m x 1.5m
SHRUB		
PLUMERIA RUBRA	FRANGIPANI	8m x 5m
STRAP LEAF PLANTS		
ASPLENIUM NIDUS	BIRDS NEST FERN	1.5 x 1.5m
STRELITZIA REGINAE	BIRD OF PARADISE	1.5 x 2m



MURRAYA PANICULADA "ORANGE JESSAMINE"



PLUMERIA RUBRA "FRANGIPANI"



ASPLENIUM NIDUS "BIRDS NEST FERN"



STRELITZIA REGINAE "BIRD OF PARADISE"

LANDSCAPE CONCEPT PLAN
NTS

Issue	Amendment	Date
P	PRELIMINARY	APR 2022
01	DEVELOPMENT APPLICATION	APR 2022

NOTES
ALL DIMENSIONS TO BE VERIFIED ON SITE. DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.

ANY DISCREPANCIES TO BE REFERRED TO ARCHITECT BEFORE PROCEEDING. IF IN DOUBT, ASK!

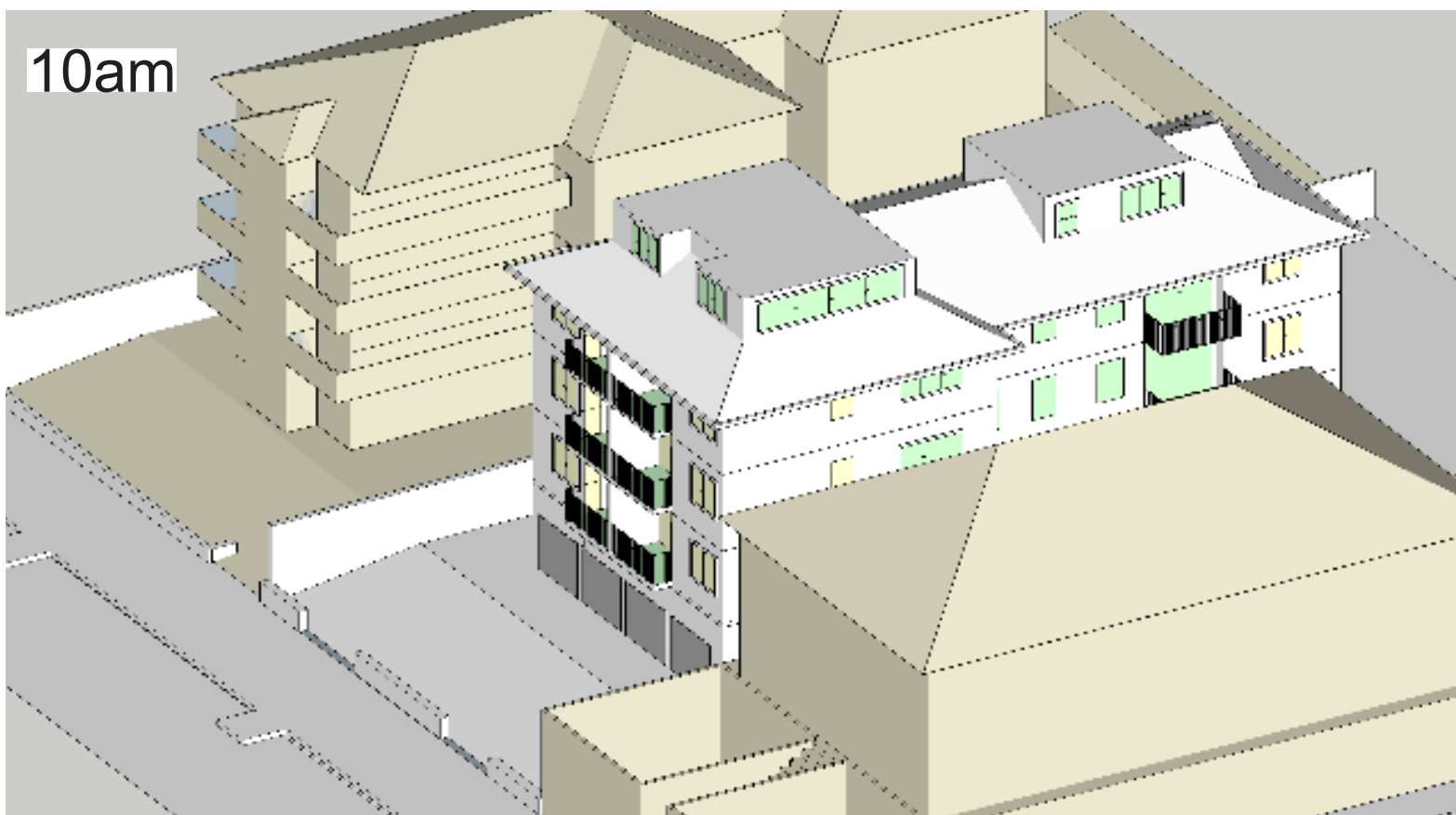
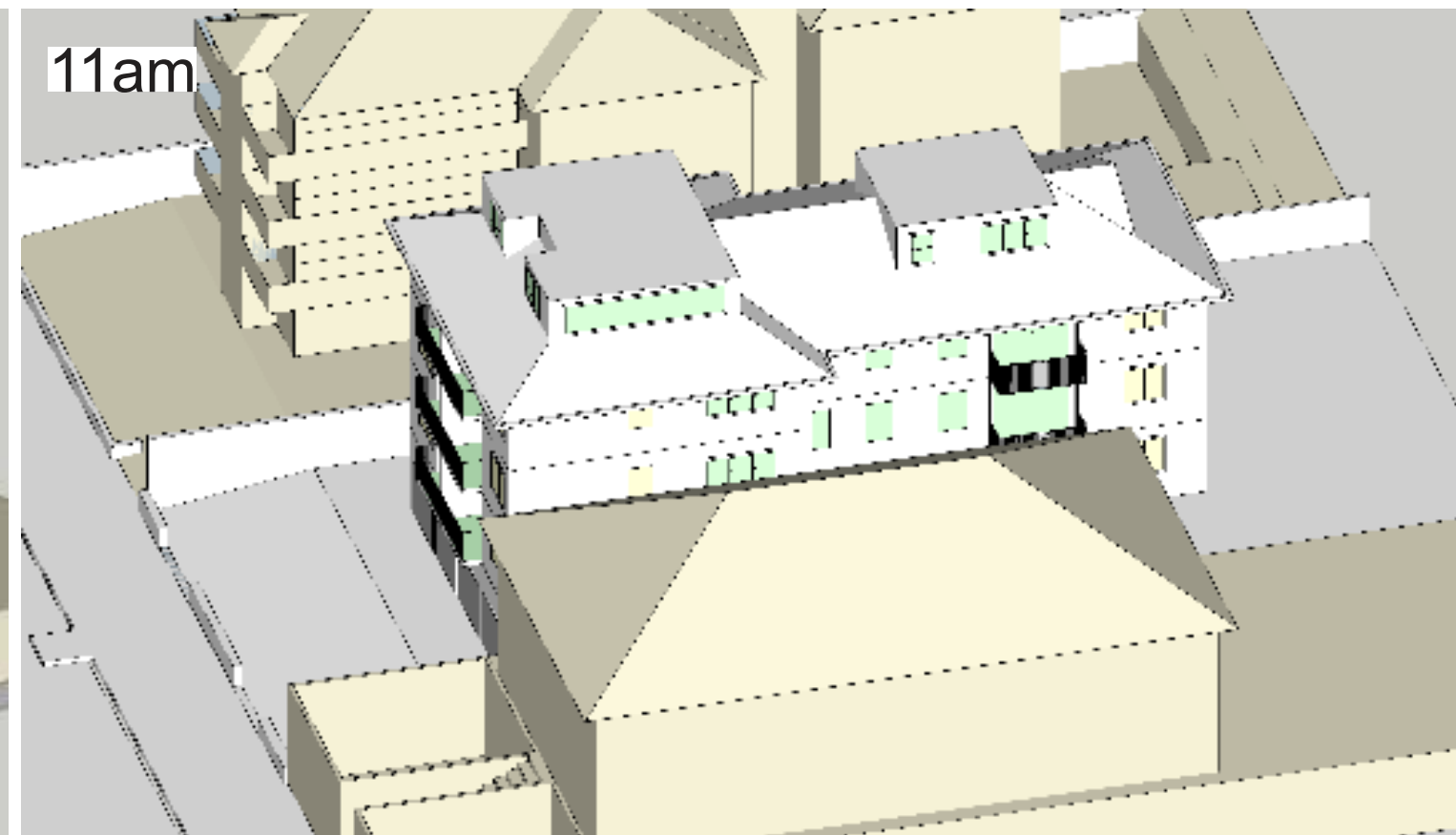


GROUP ARCHITECTS

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project	35 BENNETT ST, BONDI
drawing	LANDSCAPE CONCEPT PLAN
DWG No.: GA 2022-003-402	date: APR 2022 scale: 1:300@A3 issue: DA





SUN EYE VIEW - RESIDENTIAL SOLAR ACCESS

- DIRECT SUNLIGHT TO LIVING AREAS AND PRIVATE OPEN SPACES
- DIRECT SUNLIGHT TO ALL OTHER AREAS

DA-354/2022

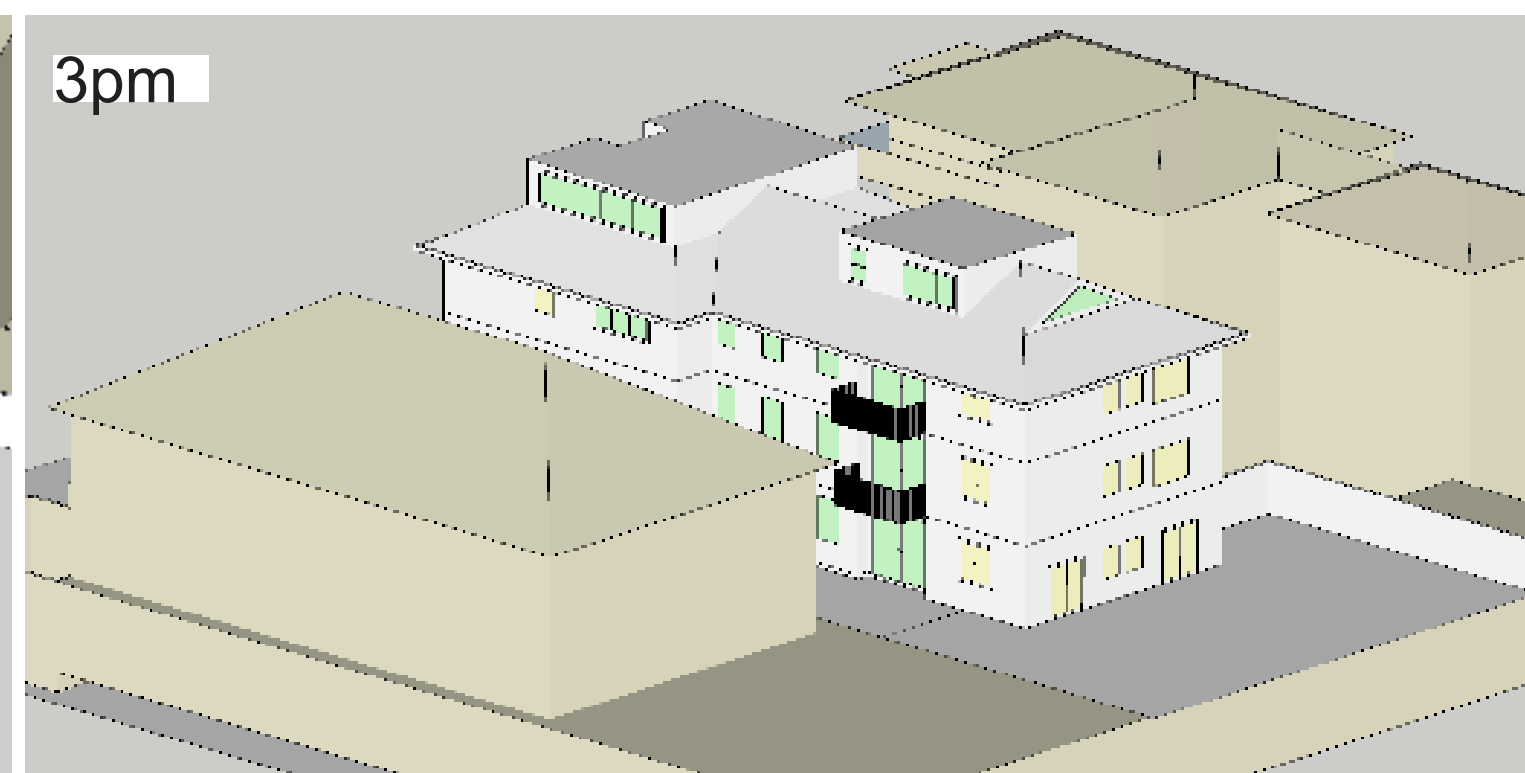
35 BENNETT ST, BONDI
NSW

DA-Issue DA

September 2022



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Private Practice
Not for Profit
Group of Companies
100% owned and controlled by the Group
T: 02 9550 1000 F: 02 9550 1001



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RECEIVED
Waverley Council
Application No: DA-354/2022
Date Received: 13-09-2022

DA-354/2022

35 BENNETT ST, BONDI
NSW

DA-Issue DA

September 2022



GROUP ARCHITECTS
10/11-12/13-14/15-16/17-18/19-20/21-22/23-24/25-26/27-28/29-30/31-32/33-34/35-36/37-38/39-40/41-42/43-44/45-46/47-48/49-50/51-52/53-54/55-56/57-58/59-60/61-62/63-64/65-66/67-68/69-70/71-72/73-74/75-76/77-78/79-80/81-82/83-84/85-86/87-88/89-90/91-92/93-94/95-96/97-98/99-100/101-102/103-104/105-106/107-108/109-110/111-112/113-114/115-116/117-118/119-120/121-122/123-124/125-126/127-128/129-130/131-132/133-134/135-136/137-138/139-140/141-142/143-144/145-146/147-148/149-150/151-152/153-154/155-156/157-158/159-160/161-162/163-164/165-166/167-168/169-170/171-172/173-174/175-176/177-178/179-180/181-182/183-184/185-186/187-188/189-190/191-192/193-194/195-196/197-198/199-200/201-202/203-204/205-206/207-208/209-210/211-212/213-214/215-216/217-218/219-220/221-222/223-224/225-226/227-228/229-230/231-232/233-234/235-236/237-238/239-240/241-242/243-244/245-246/247-248/249-250/251-252/253-254/255-256/257-258/259-260/261-262/263-264/265-266/267-268/269-270/271-272/273-274/275-276/277-278/279-280/281-282/283-284/285-286/287-288/289-290/291-292/293-294/295-296/297-298/299-300/301-302/303-304/305-306/307-308/309-310/311-312/313-314/315-316/317-318/319-320/321-322/323-324/325-326/327-328/329-330/331-332/333-334/335-336/337-338/339-340/341-342/343-344/345-346/347-348/349-350/351-352/353-354/355-356/357-358/359-360/361-362/363-364/365-366/367-368/369-370/371-372/373-374/375-376/377-378/379-380/381-382/383-384/385-386/387-388/389-390/391-392/393-394/395-396/397-398/399-400/401-402/403-404/405-406/407-408/409-410/411-412/413-414/415-416/417-418/419-420/421-422/423-424/425-426/427-428/429-430/431-432/433-434/435-436/437-438/439-440/441-442/443-444/445-446/447-448/449-450/451-452/453-454/455-456/457-458/459-460/461-462/463-464/465-466/467-468/469-470/471-472/473-474/475-476/477-478/479-480/481-482/483-484/485-486/487-488/489-490/491-492/493-494/495-496/497-498/499-500/501-502/503-504/505-506/507-508/509-510/511-512/513-514/515-516/517-518/519-520/521-522/523-524/525-526/527-528/529-530/531-532/533-534/535-536/537-538/539-540/541-542/543-544/545-546/547-548/549-550/551-552/553-554/555-556/557-558/559-560/561-562/563-564/565-566/567-568/569-570/571-572/573-574/575-576/577-578/579-580/581-582/583-584/585-586/587-588/589-590/591-592/593-594/595-596/597-598/599-600/601-602/603-604/605-606/607-608/609-610/611-612/613-614/615-616/617-618/619-620/621-622/623-624/625-626/627-628/629-630/631-632/633-634/635-636/637-638/639-640/641-642/643-644/645-646/647-648/649-650/651-652/653-654/655-656/657-658/659-660/661-662/663-664/665-666/667-668/669-670/671-672/673-674/675-676/677-678/679-680/681-682/683-684/685-686/687-688/689-690/691-692/693-694/695-696/697-698/699-700/701-702/703-704/705-706/707-708/709-710/711-712/713-714/715-716/717-718/719-720/721-722/723-724/725-726/727-728/729-730/731-732/733-734/735-736/737-738/739-740/741-742/743-744/745-746/747-748/749-750/751-752/753-754/755-756/757-758/759-760/761-762/763-764/765-766/767-768/769-770/771-772/773-774/775-776/777-778/779-780/781-782/783-784/785-786/787-788/789-790/791-792/793-794/795-796/797-798/799-800/801-802/803-804/805-806/807-808/809-810/811-812/813-814/815-816/817-818/819-820/821-822/823-824/825-826/827-828/829-830/831-832/833-834/835-836/837-838/839-840/841-842/843-844/845-846/847-848/849-850/851-852/853-854/855-856/857-858/859-860/861-862/863-864/865-866/867-868/869-870/871-872/873-874/875-876/877-878/879-880/881-882/883-884/885-886/887-888/889-890/891-892/893-894/895-896/897-898/899-900/901-902/903-904/905-906/907-908/909-910/911-912/913-914/915-916/917-918/919-920/921-922/923-924/925-926/927-928/929-930/931-932/933-934/935-936/937-938/939-940/941-942/943-944/945-946/947-948/949-950/951-952/953-954/955-956/957-958/959-960/961-962/963-964/965-966/967-968/969-970/971-972/973-974/975-976/977-978/979-980/981-982/983-984/985-986/987-988/989-990/991-992/993-994/995-996/997-998/999-1000/1001-1002/1003-1004/1005-1006/1007-1008/1009-1010/1011-1012/1013-1014/1015-1016/1017-1018/1019-1020/1021-1022/1023-1024/1025-1026/1027-1028/1029-1030/1031-1032/1033-1034/1035-1036/1037-1038/1039-1040/1041-1042/1043-1044/1045-1046/1047-1048/1049-1050/1051-1052/1053-1054/1055-1056/1057-1058/1059-1060/1061-1062/1063-1064/1065-1066/1067-1068/1069-1070/1071-1072/1073-1074/1075-1076/1077-1078/1079-1080/1081-1082/1083-1084/1085-1086/1087-1088/1089-1090/1091-1092/1093-1094/1095-1096/1097-1098/1099-1100/1101-1102/1103-1104/1105-1106/1107-1108/1109-1110/1111-1112/1113-1114/1115-1116/1117-1118/1119-1120/1121-1122/1123-1124/1125-1126/1127-1128/1129-1130/1131-1132/1133-1134/1135-1136/1137-1138/1139-1140/1141-1142/1143-1144/1145-1146/1147-1148/1149-1150/1151-1152/1153-1154/1155-1156/1157-1158/1159-1160/1161-1162/1163-1164/1165-1166/1167-1168/1169-1170/1171-1172/1173-1174/1175-1176/1177-1178/1179-1180/1181-1182/1183-1184/1185-1186/1187-1188/1189-1190/1191-1192/1193-1194/1195-1196/1197-1198/1199-1200/1201-1202/1203-1204/1205-1206/1207-1208/1209-1210/1211-1212/1213-1214/1215-1216/1217-1218/1219-1220/1221-1222/1223-1224/1225-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Report to the Waverley Local Planning Panel

Application number	DA-359/2022
Site address	4 Wolaroi Crescent, Tamarama
Proposal	Alterations and additions to the existing dwelling including additional floor space and vehicle turntable
Date of lodgement	26 August 2022
Owner	Mr R Pillion
Applicant	Mr R Pillion
Submissions	Nil
Cost of works	\$649,000
Principal Issues	<ul style="list-style-type: none"> • Non-compliant floor space ratio • Front building line • Visual bulk and scale
Recommendation	That the application be REFUSED for the reasons contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling at the site known as 4 Wolaroi Crescent, Tamarama.

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

- Non-compliant floor space ratio
- Front building line
- Visual bulk and scale

The assessment finds these issues unacceptable.

No submissions were received during notification of the application.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 21 November 2022.

The site is identified as Lot 13 in DP 15860, known as 4 Wolaroi Crescent, Tamarama. The site is rectangular in shape with an east (front) boundary measuring 11.89m, north (side) boundary measuring 31.26m, west (rear) boundary measuring 11.89m and south (side) boundary measuring 31.26m. The site has an area of 371.60m² and the site falls from the west towards the east by approximately 10m.

The site is occupied by a part three, part four storey detached dwelling of rendered masonry construction with a flat roof. The property has a double garage with vehicular access provided from Wolaroi Crescent.

The subject site is adjoined by a part three, part four storey detached dwelling to the north at No. 6 Wolaroi Crescent and part three, part four storey dwelling to the south at No. 2 Wolaroi Crescent. The locality is characterised predominantly by a variety of residential developments that are similar in bulk, scale, size and height.

The property enjoys extensive views of Tamarama Beach and the Pacific Ocean to the east. The site is not heritage listed and is not located within a heritage conservation area. The property is adjacent to Tamarama Park (across the street), which is listed as a Landscape Conservation Area under Waverley Local Environmental Plan 2012 (WLEP).

Figures 1 to 4 are photos of the site and its context.

	
<p>Figure 1: The subject site viewed from the Wolaroi Crescent frontage</p>	<p>Figure 2: Streetscape view looking north-west towards the subject site with No.6 Wolaroi Crescent in the distance</p>
	
<p>Figure 3: Streetscape view looking north-west towards the subject site with No.2 Wolaroi Crescent in the foreground</p>	<p>Figure 4: Streetscape view looking south-west towards the subject site with No.2 Wolaroi Crescent in the distance</p>

1.3. Relevant Development History

A search of Council's records revealed the following recent and relevant development history of the site:

- **DA-829/2003** - Demolition of existing dwelling and erection of a part three, part four storey dwelling including basement garage was approved on 12 July 2004.
- **DA-829/2003/A** - Modification to internal layout, remove southern deck on first floor and window changes was approved on 9 March 2011.
- **DA-829/2003/B** - Modification to correct plan reference number in condition 1 of consent was approved on 26 July 2011.

- **DA-114/2015** – Alterations and additions to the dwelling house on the second floor north, south and west elevations was approved on 24 November 2015.
- **DA-829/2003/C** - Modifications to the approved dwelling including additional floor space at ground floor and second floor levels and internal modifications was approved in part by the Waverley Local Planning Panel (WLPP) on 1 March 2021. The modification application also sought an extension of the Ground Floor Level across the full frontage of the dwelling however, this was only approved in part by the WLPP (see **Figure 7** below) (also discussed in further detail below under Section 2.1.2).

1.4. Proposal

The development application seeks consent for alterations and additions to the dwelling-house, specifically including the following:

- Addition of a vehicle turntable within the existing garage.
- Reduce the opening of the garage door to allow for a separate pedestrian entry.
- Internal changes to the ground floor level to reduce the number of bedrooms from three small bedrooms to two larger guestrooms with ensuites.
- Façade improvements including new front terrace, covered and planted entry, updated timber feature panelling and new planting.
- Remedial works to doors and openings/terraces to solve water ingress issues.
- Extension of the floor area at the ground floor level to accommodate a larger bedroom (with robe) and larger lounge room.
- Fill in the void over the lower ground/garage below to increase the area of the ground floor terrace.

The application proposes to increase the overall gross floor area (GFA) by 27.4m².

1.5. Background

The development application was lodged on 26 August 2022 and deferred on 12 September 2022 for the following reasons:

1. Incorrect calculation of floor space ratio requiring updated plans and Clause 4.6 submission
2. Additional details required on the proposed front building line and solar access

The additional information was submitted on 19 September 2022. The development application was notified from 22 September 2022 until 6 October 2022. No submissions were received.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP (Resilience and Hazards) 2021 (*Coastal Management and Site contamination*)

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed modifications are not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposed use is defined as a ' <i>dwelling house</i> ' which is permissible with consent in the R2 zone
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">• 8.5m	No change	12.7m
4.4 Floor space ratio (FSR) and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">• 0.7:1• Site area 371.6m²• 260m² of GFA	No	The proposal will increase the GFA on site by 27.4m ² to an FSR of 0.94:1 (350.8m ²) exceeding the development standard by 90.8m ² or 34.9% (note: the applicant's GFA calculations are incorrect in that they exclude two voids above a stair instead of one as per the definition under Waverley LEP 2012).

Provision	Compliance	Comment
		The existing building has an FSR of 0.87:1 (323.4m ²) exceeding the development standard by 63.4m ² or 24.4%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

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

Clause 4.6 Exceptions to Development Standards - Floor Space Ratio

The application seeks to vary the floor space ratio (FSR) development standard in clause 4.4 under Waverley LEP 2012.

The site is subject to a maximum FSR development standard of 0.7:1 or 260m². The proposed development has a FSR of 0.94:1, exceeding the standard by 90.8m² equating to a 34.9% variation.

It is noted that under the previous modification application DA-829/2003/C, an FSR of 0.94:1 was approved, which included a change of use of a store room to a laundry room located to the rear of the gym at basement floor level and included as GFA. This room has not been shown on the submitted Lower Ground Floor plan but does exist as shown in the photo below at **Figure 6**. It is unclear as to why this room has been excluded from the plans and to its intended use. If it is still being used as a store room, it is excluded from the GFA calculations.

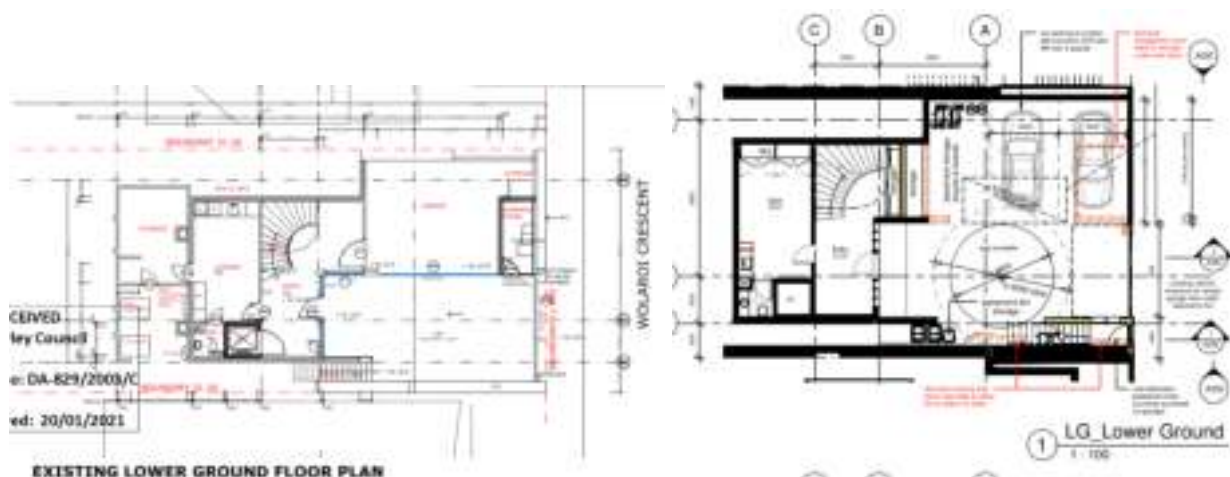


Figure 5: Plans showing the existing Lower Ground Floor Plan as submitted under DA-829/2003/C (left) in comparison to the existing Lower Ground Floor Plan submitted under this current DA (right).



Figure 6: Photo of rear Lower Ground Floor level store room excluded from the submitted drawings (source: Council Assessment officer as part of the assessment of DA-829/2003/C)

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

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

A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration. Note: the applicant's GFA calculations are incorrect in that they fail to include an additional void above a stair as per the definition under Waverley LEP 2012

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - *The proposal does not seek to amend the existing building height of the dwelling. The additional FSR is contained within the existing height of the building and on this basis the proposal satisfies the objective.*
 - *The existing built form is not radically altered by the proposal. It maintains the general bulk and scale of the existing building and maintains the residential character when viewed from the street and adjoining properties.*

- *The proposed design is in character with the bulk, scale and density of the surrounding dwellings, being, large scale, multi-storey modern dwellings. The street is characterised by 3-4 storey dwellings, with small side setbacks and basement garages with layered balconies.*
- *The alterations to the front balconies is in keeping with the architectural language and horizontality of the base, middle, top (layered and stepped) elevations prevalent in the street and the surrounding area.*
- *The additional FSR at ground level reads as recessive from the street, stepped back behind the dominant forward base element, being the stone garage wall and door.*
- *The amenity impact of the proposal has been considered with regard to solar access and residential amenity.*
- *Sun diagrams have been prepared that show no impact to neighbouring properties from the proposed alterations and in particular the additional FSR. The privacy of neighbouring dwellings remains as per existing with the proposal.*
- *The minor additional area and alteration works proposed will not increase the demand placed on services within the area nor will not increase traffic flows or on street parking within the surrounding road network. The proposed variation in FSR will not result in increased noise pollution, traffic or parking constraints.*
- *In summary, the form and scale of the dwelling will continue to be consistent with the existing and desired future character of the streetscape and the local area more broadly.*

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

- *The proposal is permissible within the R2 Low Density Residential Zone, satisfies the relevant objective by contributing to the housing needs of the community. The works comply with LEP height development standards and are generally compliant with building envelope under the DCP.*
- *The proposal is contextually appropriate with surrounding development and the desired future character of the locality. The variation to the FSR does not result in non-compliance with other controls and does not affect neighbouring amenity.*
- *As discussed, the proposed variation is largely attributed to the ground floor level, which are located back from the tall front (base) wall and less visible (recessive) from the street.*
- *The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality.*

- *For these reasons, there is sufficient environmental planning grounds to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).*

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and has referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

The applicant relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012.

Council disagrees with the contention that the objectives of the FSR development standard are achieved. The building as approved in 2004 was considered to be an acceptable development with regards to the FSR at the time (0.9:1) with further additional floor space (10m²) added under DA-114/2015.

Under the previous modification application DA-829/2003/C, an FSR of 0.94:1 was approved, which included a change of use of a store room to a laundry room located to the rear of the gym at Lower Ground Floor Level and included as GFA. This area is not visible so did not contribute to the overall visual bulk and scale of the building. Consequently, as part of the assessment of that modification application, the WLPP determined that extending the floor space at the Ground Floor Level will result in an unacceptable outcome in regards to the excessive FSR exceedance, resulting in unreasonable visual bulk and scale impacts. Under that modification application, conditions were imposed to enable the extension of the floor space at the Ground Floor Level out towards the glass line to the front of Bedroom 1 but required the deletion of the proposal for any additional floor space at this level. This additional floor space equated to 5m² only with the works yet to be undertaken (see **Figure 7** below).

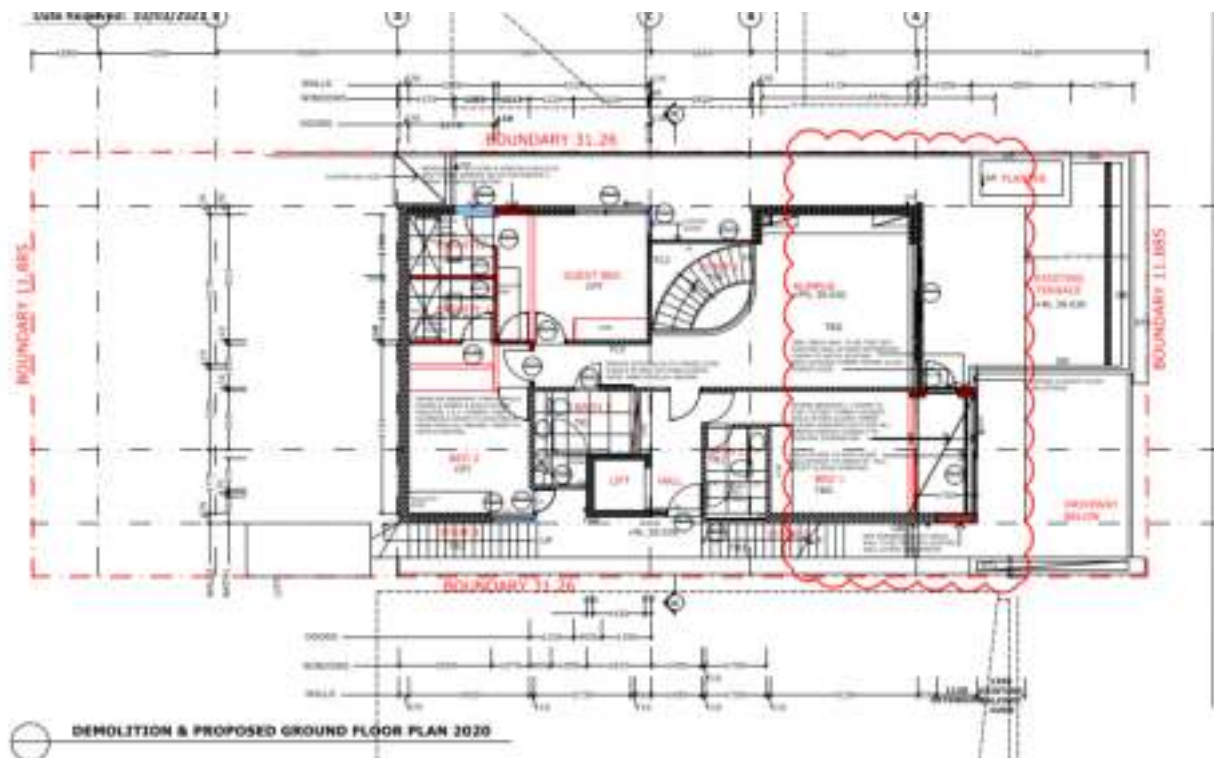


Figure 7: Approved Ground Floor Plan under DA-829/2003/C approved by the WLPP on 1 March 2021

This current development application seeks a further development 'creep' with the additional floor space proposed to extend the front building line at Ground Floor Level to have a setback of 3.285m from the front property boundary, and a small infill of floor space at the southern side of the building near the lift. With the addition of 27.4m² of GFA to the building envelope, the scale of the proposed building will change as a result of the increase in FSR particularly with the extension of the front building line at Ground Floor Level (see **Figure 8** below). The proposed FSR results in a substantial exceedance of the development standard which is visible in its streetscape context which is considered unacceptable. Further 'creeping' of the envelope under this current application is considered to be unacceptable resulting in unreasonable impacts on the streetscape and the desired future character of the locality contrary to objective (c) of the FSR development standard.

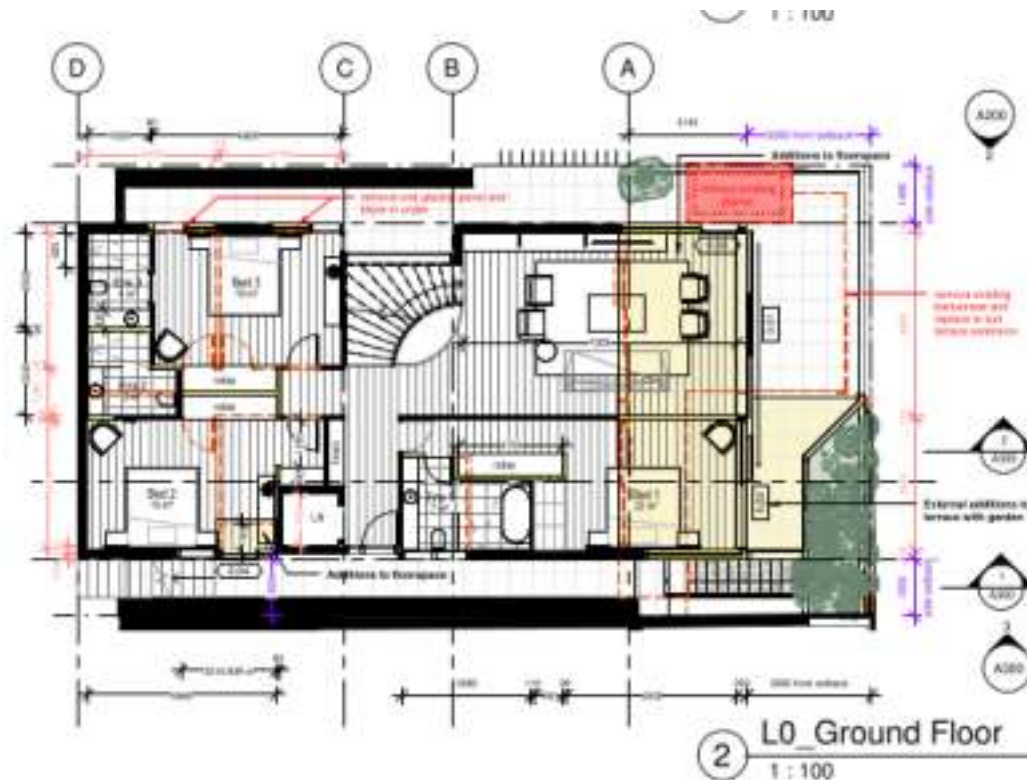


Figure 8: Proposed Ground Floor Plan

Whilst the applicant states that *‘the proposed design is in character with the bulk, scale and density of the surrounding dwellings, being, large scale, multi-storey modern dwellings, with the street characterised by 3-4 storey dwellings, with small side setbacks and basement garages with layered balconies’*, the applicant’s Clause 4.6 written request has failed to justify the exceedance is unreasonable and unnecessary with limited information provided on the context of approvals granted on neighbouring properties to ascertain whether the development standard has been abandoned in the area. The Clause 4.6 submission and GFA calculations are also incorrect in that they fail to include two sets of stairs as required by the definition of the Waverley LEP 2012 which allows the exclusion of a void over a stair.

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard.

The extent of the variation, being 34.9% over the development standard demonstrates that the building bulk and scale of the development is excessive. Further creeping of the envelope under this current application is considered to be unacceptable resulting in unreasonable impacts on the streetscape and the desired future character of the locality. The variation of the development standard is not in the public interest and the variation is inconsistent with the desired future character of the locality.

Is the development in the public interest?

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

The objectives of the FSR development standard are as follows:

Clause 4.4 Floor space ratio

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

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk and scale of the 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 the locality.*

The non-compliance with the FSR development standard, together with the non-compliance with the front building line demonstrates that the proposal is an overdevelopment for the site. It is noted that there will be a minor increase in overshadowing to the neighbouring property to the south at No.2 Wolaroi Crescent which is in contravention of objective (d) of the floor space ratio development standard where the overall scale of the development is not preserving the environmental amenity of the neighbouring properties or the surrounding locality.

The objectives of the R2 Low Density Residential zone are as follows:

Clause 2.1 – Land Use Zone – R2 Low Density Residential

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

Whilst it is acknowledged that the proposed development does provide for the housing needs of the community by retaining the site for low density residential purposes, the overall planning outcome for the site to achieve this objective is unacceptable and cannot be supported.

Conclusion

For the reasons provided above the requested variation to the FSR development standard is not supported as the applicant's written request has not adequately addressed the matters required to be addressed by clause 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the FSR development standard and the R2 Low Density Residential zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory
2. Ecologically Sustainable Development	Yes	Satisfactory
3. Landscaping and Biodiversity	Yes	Satisfactory
6. Stormwater	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
10. Safety	Yes	Satisfactory
12. Design Excellence	No	Unsatisfactory. The proposed development does not achieve design excellence as it does not appropriately consider the site context.

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

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none">• Appropriate scale• High design standard	No	The proposal contravenes the general objectives of this part of the DCP.
2.1 Height		
Flat roof dwelling house <ul style="list-style-type: none">• Maximum wall height of 7.5m	No	No change is proposed to the existing non-compliant wall height.
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none">• Predominant front building line• Predominant rear building line at each floor level	No No change	See further discussion below this table.

2.7 Views		
<ul style="list-style-type: none"> 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. 	<p>Yes</p> <p>Yes</p>	
2.8 Car parking		
<p>2.8.1 Design Approach</p> <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape 	<p>Yes</p> <p>Yes</p>	<p>It is proposed to reduce the width of the garage door and install a separate pedestrian entry door, which is considered to be satisfactory.</p> <p>A new vehicle turntable is proposed to be installed within the existing garage area to enable the exiting of vehicles in a forward direction which is also considered to be satisfactory.</p>
<p>2.8.2 Parking rates</p> <p>> 3 bedroom dwelling – Maximum 2 car spaces</p>	<p>Yes</p>	<p>The original plans showed the provision of 3 car spaces, however, this has since been amended to provide for 2 car spaces only.</p>
<p>2.8.3 Location</p> <ul style="list-style-type: none"> Existing development to be in accordance with the hierarchy of preferred car parking locations 	<p>As existing</p>	
<p>2.8.4 Design</p> <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling No part of the façade is to be demolished to accommodate car parking 	<p>As existing</p> <p>Yes</p>	<p>It is proposed to reduce the width of the garage door and install a separate pedestrian entry door, which is considered to be satisfactory.</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	<p>Partial</p>	<p>The submitted plans indicate that the car spaces measure 2.4m x 5.36m, however, there is sufficient space within the garage to accommodate the dimensions required.</p>
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) Crossings not permitted where 2 on street spaces are lost 	<p>Yes</p>	<p>It is proposed to reduce the width of the garage door and install a separate pedestrian entry door, which is considered to be satisfactory. No changes are proposed to the existing driveway.</p>

2.9 Landscaping and open space		
• Overall open space: 40% of site area	Yes	45%
• Overall landscaped area: 15% of site area	No	11.6%. The applications seeks a reduction in soft landscaping with the removal of planter boxes from the terrace areas.
• Minimum area of 25m ² for private open space	Yes	>25m ²
• Front open space: 50% of front building setback area	Yes	The proposal includes changes to the existing front terrace area, however, the front setback is still being utilised as open space.
• Front landscaped area: 50% of front open space provided	No	

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

The applicant is seeking to extend the front building line at Ground Floor Level eastward by 3.145m which results in an amended front setback to this level of 3.285m. It is also proposed to enlarge the terrace above to have a setback of 2.685m from the eastern front boundary.



Figure 9: Context analysis of front building line at Ground Floor Level as submitted by the applicant. Dotted line shows the extent of the front building line proposed in context of the ground floor level of neighbouring properties. Note: the applicant using the extent of the privacy screen on the neighbouring property to the south to justify the front building line proposed.

The character of the surrounding area is changing from bungalow style houses on large allotments to larger and modern homes over three and four storeys. This is evident in dwellings recently completed in the immediate locality including both neighbouring dwellings at Nos. 2 and 6 Wolaroi Crescent. The existing dwelling on site as approved in 2004 was considered to be an acceptable development with regards to the FSR at the time (0.9:1) with further additional floor space (10m²) added under DA-114/2015. As previously noted, approval was granted to extend the front building line of Bedroom 1 eastward by approximately 1.35m only under DA-829/2003/C approved on 1 March 2021. These works have not been undertaken. The WLPP did not support the full extent of the GFA sought at the Ground Floor Level under that previous modification application.

The applicant argues in their submission that the *proposal meets the objectives of the setback controls, to ensure that the bulk and appearance of the proposed development is appropriate to the streetscape*, however, Council disagrees with this contention. The applicant's submission provides a context analysis of the front building line in relation to the neighbouring properties at Nos. 2 and 6 Wolaroi Crescent. The proposed GFA at Ground Floor Level is to be located closer to the front boundary than the adjoining property to the south at No.2 Wolaroi Crescent. The applicant utilises the furthest most point of this property at Ground Floor Level being the alignment of the privacy screens to justify the front setback proposed at this level when in fact the Ground Floor Level of No.2 Wolaroi Crescent maintains a much greater front setback of approximately 6m (see **Figure 9** above).

The application also seeks an extension of the First Floor Level balcony by 600mm to the east and 550mm to the north and south which is noted as being for 'weather protection'. A context analysis of this extension has not been provided to ascertain the relationship of the extended First Floor level balcony in the context of the building line of the adjoining properties, however, it would appear that the proposed new balcony alignment would protrude beyond the front building line of the neighbouring properties at the upper floor levels. This balcony extension will also result in a non-compliance with the required 1.2m side setback control of Waverley DCP 2012.

Further 'development creep' of the building under this current application is considered to be unacceptable resulting in unreasonable impacts on the streetscape and the desired future character of the locality, which is not supported.

2.2. Other Impacts of the Development

The proposal is considered to have significant detrimental effect relating to environmental, social or economic impacts on the locality.

2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.4. Any Submissions

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

No submissions were received.

2.5. Public Interest

The proposal is considered to have a detrimental effect on the public interest and is not supported.

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

The development application was referred to Council's Traffic Engineer who raised no objections subject to conditions.

3.2. Stormwater

The development application was referred to Council's Stormwater Engineer who raised no objections subject to conditions.

3.3. Tree Management

The development application was referred to Council's Tree Management officer who raised no objection subject to conditions.

4. CONCLUSION

The development application seeks consent for alterations and additions to the existing dwelling at the site known as 4 Wolaroi Crescent, Tamarama.

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

- Non-compliant floor space ratio
- Front building line
- Visual bulk and scale

The assessment finds these issues unacceptable resulting in unreasonable streetscape and visual bulk and scale impacts.

No submissions were received during notification of the application.

The application has been assessed against the relevant matters for consideration under section 4.15(1) of the Act. It is recommended for refusal.

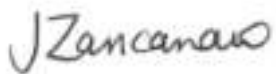

Development and Building Unit (DBU) Decision:

The application was reviewed by the DBU at the meeting on 22 November 2022 and the DBU determined that the application is not acceptable and should be refused for the reasons in Appendix A.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A.

Report prepared by:	Application reviewed and agreed on behalf of the Development and Building Unit by:
	
Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment (Area 1) (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 28 November 2022	Date: 29 November 2022

Reason for WLPP referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The application does not satisfy section 4.15 (1)(a)(i) of the Act as it is contrary to the following provisions of *Waverley Local Environmental Plan (WLEP) 2012*:

- a. *Clause 4.4 Floor Space Ratio*

The application exceeds the maximum allowable Floor Space Ratio (FSR) of 0.7:1 and the applicant's written request under clause 4.6 of WLEP has failed to adequately address the required matters under subclauses 4.6 (3)(a) and (b) of Waverley LEP

Details: The proposal is considered an overdevelopment of the site and the proposed development does not preserve the environmental amenity of neighbouring properties and the surrounding locality as required under clause 4.4 (1) (d) of WLEP.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to *Waverley Development Control Plan (WDGP) 2012*, in respect to the following provisions:

Part B12 Design Excellence

- a. *Section 12.1 Design*, specifically objectives (a) and (d) control (e), and *Section 12.2 Context Analysis* specifically objectives (a), (b), (c) and (d) as the proposal has failed to consider the suitability of the land for development given the relationship of the development to other development (existing or proposed) on the same site or on neighbouring sites in terms of setbacks. The development does not demonstrate an understanding of an appropriate response to the specific conditions of the site nor ensure that the opportunities and constraints of a site are fully considered and incorporated into the design proposal.

Part C2 Low Density Residential Development

- b. *Section 2.2 Setbacks*, specifically objectives (a), (b), (c) and (f) and controls (a), (d) as the proposed development has a front setback that is inconsistent with the predominant lines of the streetscape and fails to comply with the minimum side setback.
3. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development is excessive in terms of its building massing, bulk and scale relative to the site area and dimensions, and consequently results in unacceptable impacts upon the locality and surrounding built environment.

4. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable to accommodate the proposed development.
5. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it is not compatible with the existing and desired future character of the locality and the broader Waverley local government area.

DA Sheet List				
Sheet Number	Sheet Name	Current Revision	Current Revision Date	Current Revision Description
A100	Site Plan & Site Analysis Plan	C	22.11.2022	Setback Dims Added as per RFI
A101	Floorplans	C	22.11.2022	Setback Dims Added as per RFI
A102	Proposed Ground Floor - Setback Information	C	22.11.2022	Setback Dims Added as per RFI
A103	FSR Calculations	B	19.09.2022	AMENDED DA ISSUE
A110	Roof/Water Mgmt Site Plan	B	19.09.2022	AMENDED DA ISSUE
A111	Landscape Plan & Soil & Water Management Plan	A	20.07.2022	DEVELOPMENT APPLICATION
A200	Elevations	C	22.11.2022	Setback Dims Added as per RFI
A300	Elevation & Sections	C	22.11.2022	Setback Dims Added as per RFI
A400	Shadow Diagrams	B	19.09.2022	AMENDED DA ISSUE
A401	Shadow Diagrams	B	19.09.2022	AMENDED DA ISSUE



The site plan illustrates the layout of three properties along Wolaroi Crescent. Property No. 2, a 3-storey rendered house with a metal roof, is located at the bottom. Property No. 4, a 3 & 4-storey rendered house with a metal roof, is in the center, featuring a paved terrace area, a stair roof, and a garden. Property No. 6, a 3 & 4-storey tiled house with a slate roof, is at the top, showing winter and summer solstice sun paths. The plan also indicates hot summer western afternoon sun, south winter winds, and temperate north-east sea breezes. Various outdoor spaces like gardens, terraces, and a pool are shown, along with footpaths and vehicle crossings.

12 D.P. 15860

17 D.P. 15860

14 D.P. 15860

No. 6
3 & 4 Storey
Tiled House
Slate Roof

No. 4
3 & 4 Storey
Rendered House
Metal Roof

No. 2
3 Storey
Rendered House
Metal Roof

WINTER SOLSTICE SUN PATH
SUMMER SOLSTICE SUN PATH

HOT SUMMER WESTERN AFTERNOON SUN

SOUTH WINTER WINDS

TEMPERATE NORTH-EAST SEA BREEZE

WOLAROI CRESCENT

FOOTPATH

VEHICLE CROSSING

VIEW A
VIEW B
VIEW C
VIEW D
VIEW E
VIEW F

GARDEN
EXISTING POOL
PAVED TERRACE AREA
STAIR ROOF
FIRST FLOOR TERRACE
GROUND FLOOR TERRACE
SECOND FLOOR TERRACE
VIEW TO TERRACE/RAMP

1 : 100

12
D.P. 15860

17
D.P. 15860

14
D.P. 15860

No. 6
3 & 4 Storey
Tiled House
Slate Roof

No. 4
3 & 4 Storey
Rendered House
Metal Roof

13
D.P. 15860
371.6m²

No. 2
3 Storey
Rendered House
Metal Roof

BOUNDARY

GARDEN

EXISTING POOL

PAVED TERRACE AREA

NO CHANGES TO EXISTING REAR TERRACE

STAIR ROOF

FIRST FLOOR TERRACE

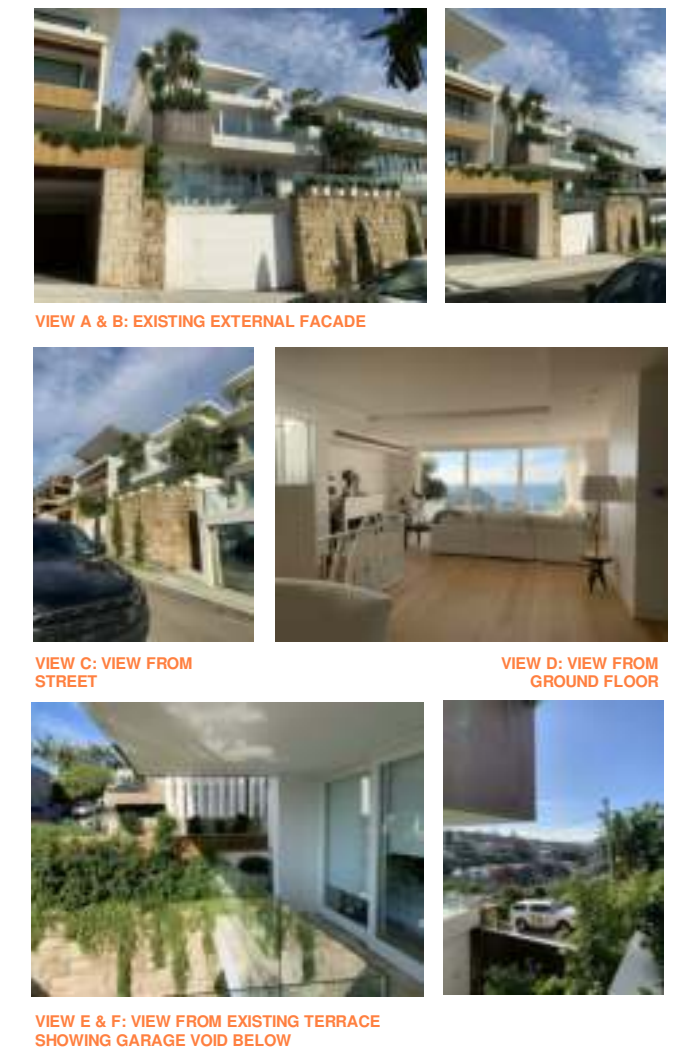
SECOND FLOOR TERRACE

GROUND FLOOR TERRACE

Remove existing due to drainage

Remove existing timber cladding and replace with feature cladding & glass balustrades

900 1495 1420 945 2685 5810 3285 48760 42150 39020 900 1500 950 1500



Revisions		
No.	Description	Date
A	DEVELOPMENT APPLICATION	20.07.2022
B	AMENDED DA ISSUE	19.09.2022
C	Setback Dims Added as per RFI	22.11.2022

1. The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light emitting diode (LED) lamps.
2. The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.
3. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a 3 star water rating.
4. The applicant ensure new or altered taps have a flow rate no greater than 9 litres per minute or a 3 star water rating.
5. All new external concrete floors are to have construction Rvalue of R0.6
6. All new external brick veneer walls are to have construction Rvalue of R1.16 (or R1.70 including construction)
7. All new internal walls shared with garage; plasterboard are to have construction Rvalue of R0.36
8. All windows/doors are to be standard aluminium; single clear/single pyrolytic low-e glass with U-value and SHGC values as per BASIX certificate. All glazed windows and doors are to comply with overshadowing, shading device, frame and glass type specified in Basic certificate.

Alterations & Additions

**This Drawing must not be used for Construction
unless signed as 'Approved For Construction'**

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<p>4 Wolaroi Crescent Tamarama, NSW 2026</p>	<p>Project #:</p> <p>2022_88</p>
	<p>Project Stage:</p> <p>DA</p>

Sheet: **Site Plan & Site Analysis Plan**

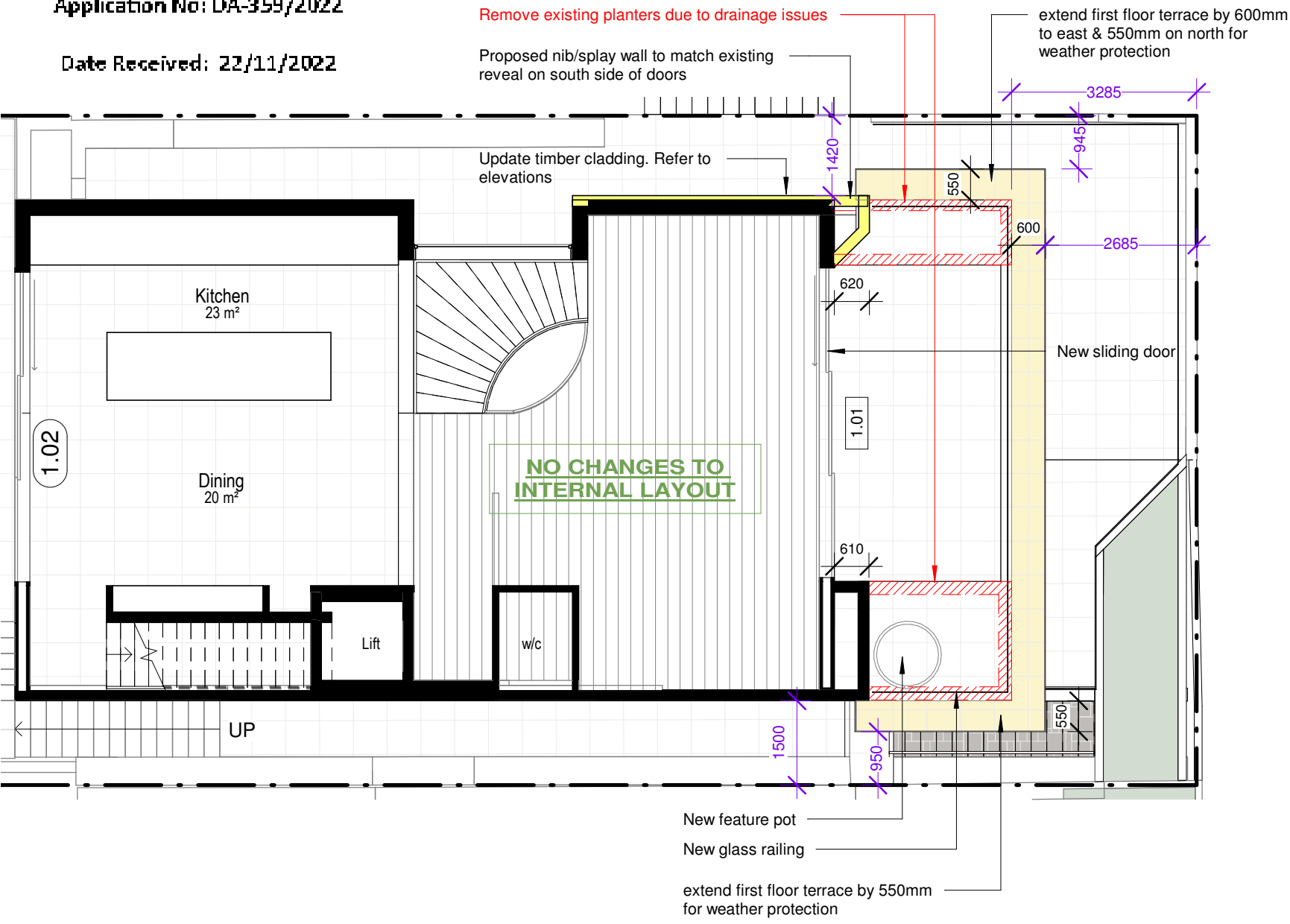
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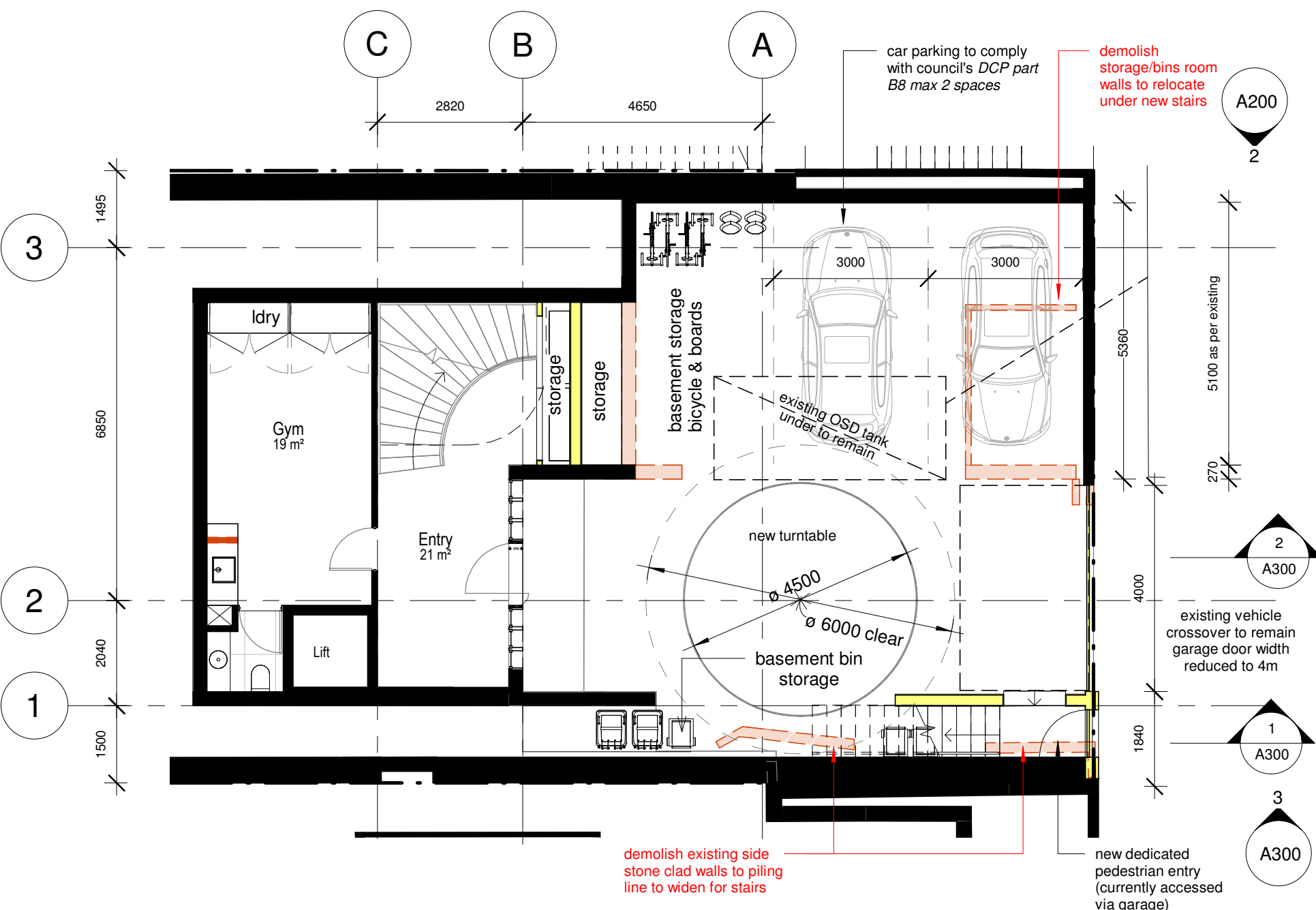
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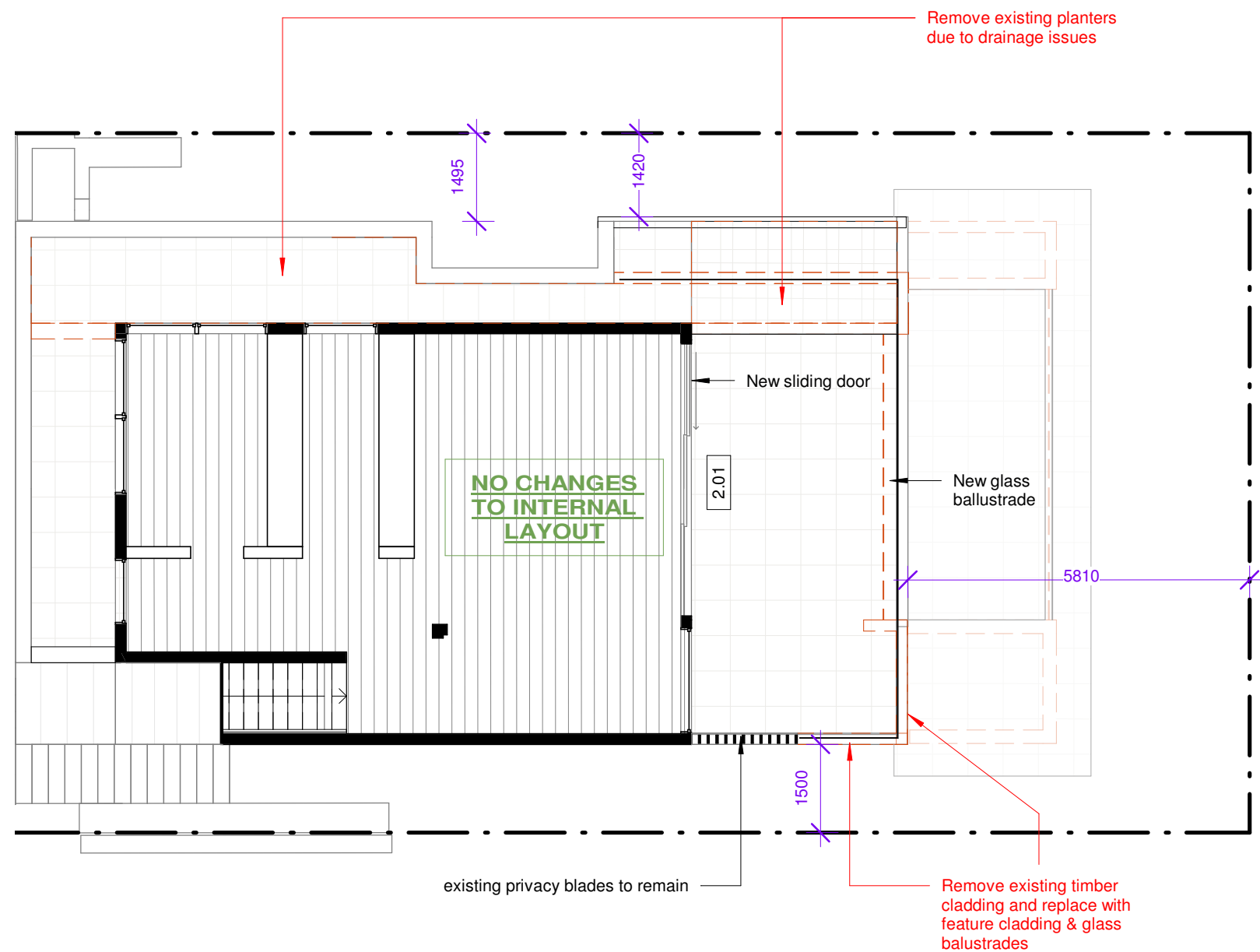
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A100	C



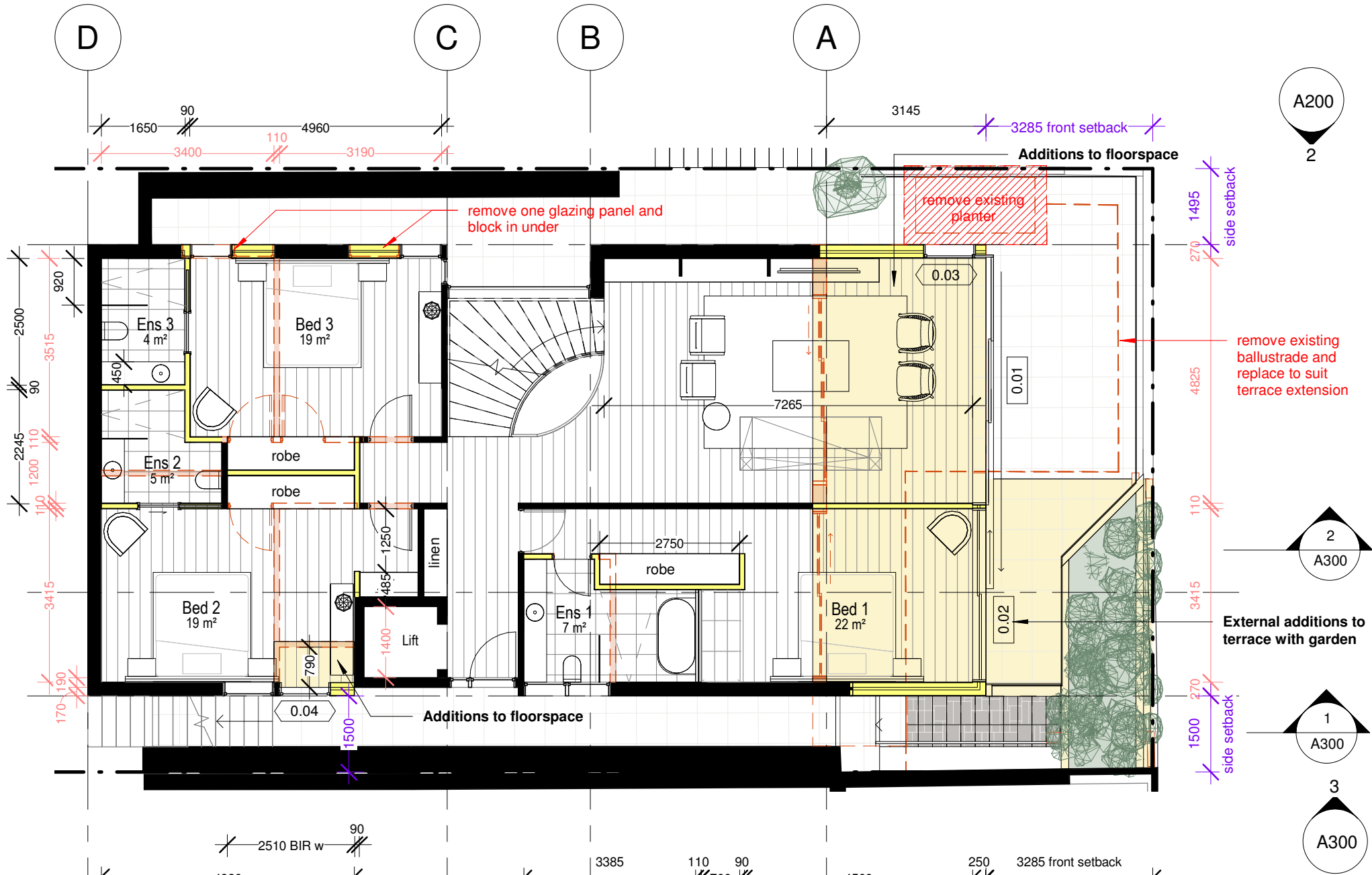
3 L1_First Floor
1 : 100



1 LG_Lower Ground
1 : 100



4 L2_Second Floor
1 : 100



2 L0_Ground Floor
1 : 100

Revisions		
No.	Description	Date
A	DEVELOPMENT APPLICATION	20.07.2022
B	AMENDED DA ISSUE	19.09.2022
C	Setback Dims Added as per RFI	22.11.2022

Alterations & Additions

PILLION

Alterations & Additions

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4 Wolaroi Crescent
Tamarama, NSW 2026

Project #:
2022_88

Project Stage:
DA

Sheet:
Floorplans

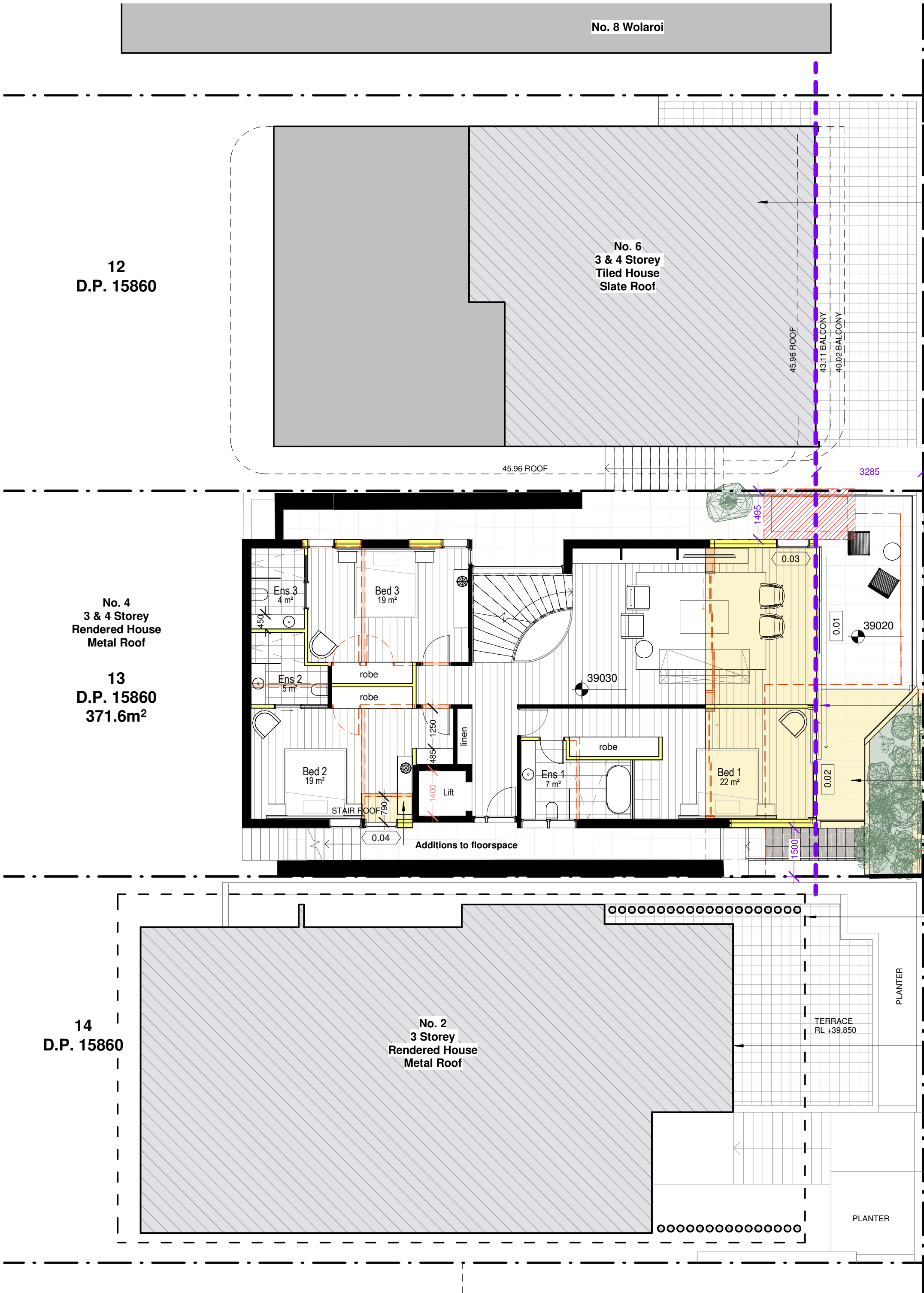
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Checked By: MM
Approved By: -

Scale @ A2 1 : 100

Drawing #
A101
Rev
C



1 L0_Ground Floor - Setback
1 : 100



Image 1: No.8 & No.6 Front Building Line Setbacks



Image 2: From Left, No.2, No.4 & No.6 Wolaroi Crescent



Image 3: No. 5 Thompson Street & No.2 Wolaroi Crescent

Outline of No.6
Ground Floor Level approx. RL +37.080
Information taken from: DA-81/2019
Date Received by Council: 14/03/2019

predominant
front building line

External additions to
terrace with garden

Line of balconies, above,
roof and columns

Outline of No.2
Ground Floor Level approx. RL +39.850
Information taken from: DA-136/2011/D
Date Received by Council: 03/02/2021

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Application No: DA-359/2022

Date Received: 22/11/2022

Revisions		
No.	Description	Date
B	AMENDED DA ISSUE	19.09.2022
C	Setback Dims Added as per RFI	22.11.2022

GFA Calculations

Site Area		= 371.6m ²
Exist.	L.G. Lower Ground	= 50.8m ²
	L0_Ground Floor	= 101.7m ²
	L1_First Floor	= 104m ²
	L2_Second Floor	= 58.9m ²
	TOTAL	= 315.4m ²
	FSR	= 0.85:1 (0.7:1 control)
Proposed	L.G. Lower Ground	= 50.5m ² (reduced)
	L0_Ground Floor	= 129.4m ²
	L1_First Floor	= 104m ² (no change)
	L2_Second Floor	= 58.9m ² (no change)
	TOTAL	= 342.8m ²
	FSR	= 0.92:1 (0.7:1 control)
Excluded	L.G. Lower Ground	= 30m ² * car parking to meet council reqs. (including access to that car parking)
Excluded	L.G. Lower Ground	= 66m ² * basement storage, vehicular access, garbage storage
	Alterations & Additions	

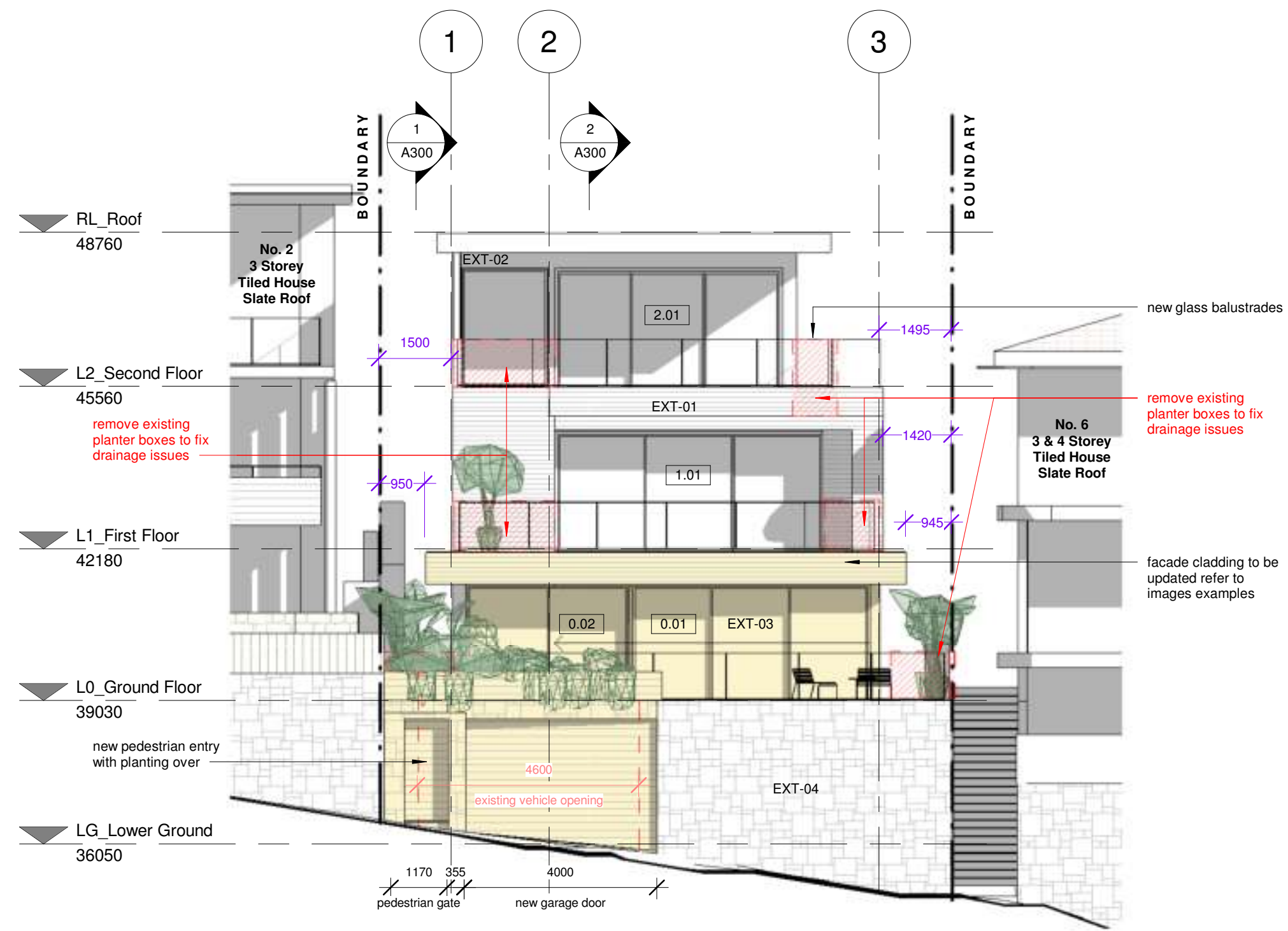
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	Project Stage:	DA

Sheet:	Proposed Ground Floor - Setback Information
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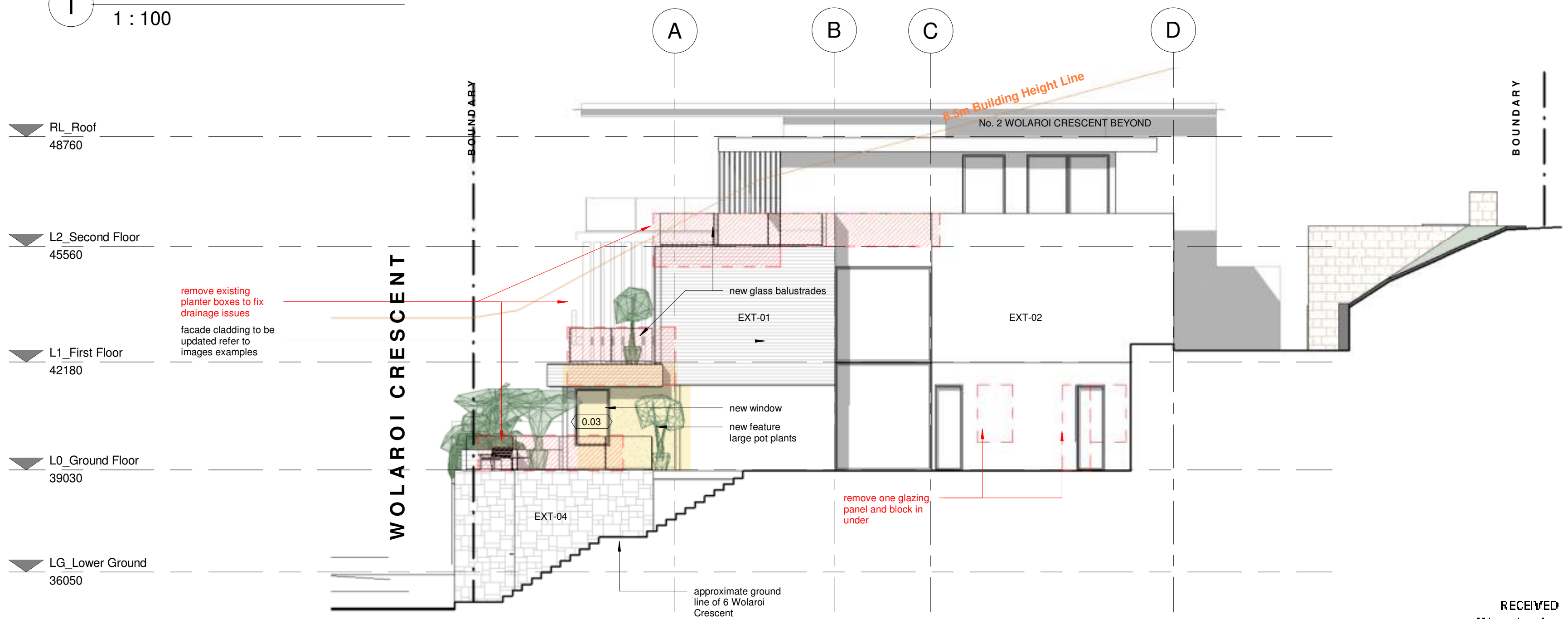
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Drawing #	Rev
A102	C



External Finishes Schedule		
EXT-01	External horizontal cladding, allow for either aluminium extrusion type or a composite wood product - INNOWOOD. - Lily White Colour or similar	
EXT-02	White rendered masonry wall - as per existing	
EXT-03	External sliding doors - Anodised Aluminium - painted white, or equiv. Note: Glazing as per Basix min reqs	
EXT-04	Sandstone clad masonry wall, Rockface, colour: to match existing	

Revisions		
No.	Description	Date
A	DEVELOPMENT APPLICATION	20.07.2022
B	AMENDED DA ISSUE	19.09.2022
C	Setback Dims Added as per RFI	22.11.2022

1 East Elevation - Street
1 : 100



2 North Elevation
1 : 100

Alterations & Additions

PILLION

Alterations & Additions

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4 Wolaroi Crescent
Tamarama, NSW 2026

Project #:
2022_88

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DA

Sheet:

Elevations

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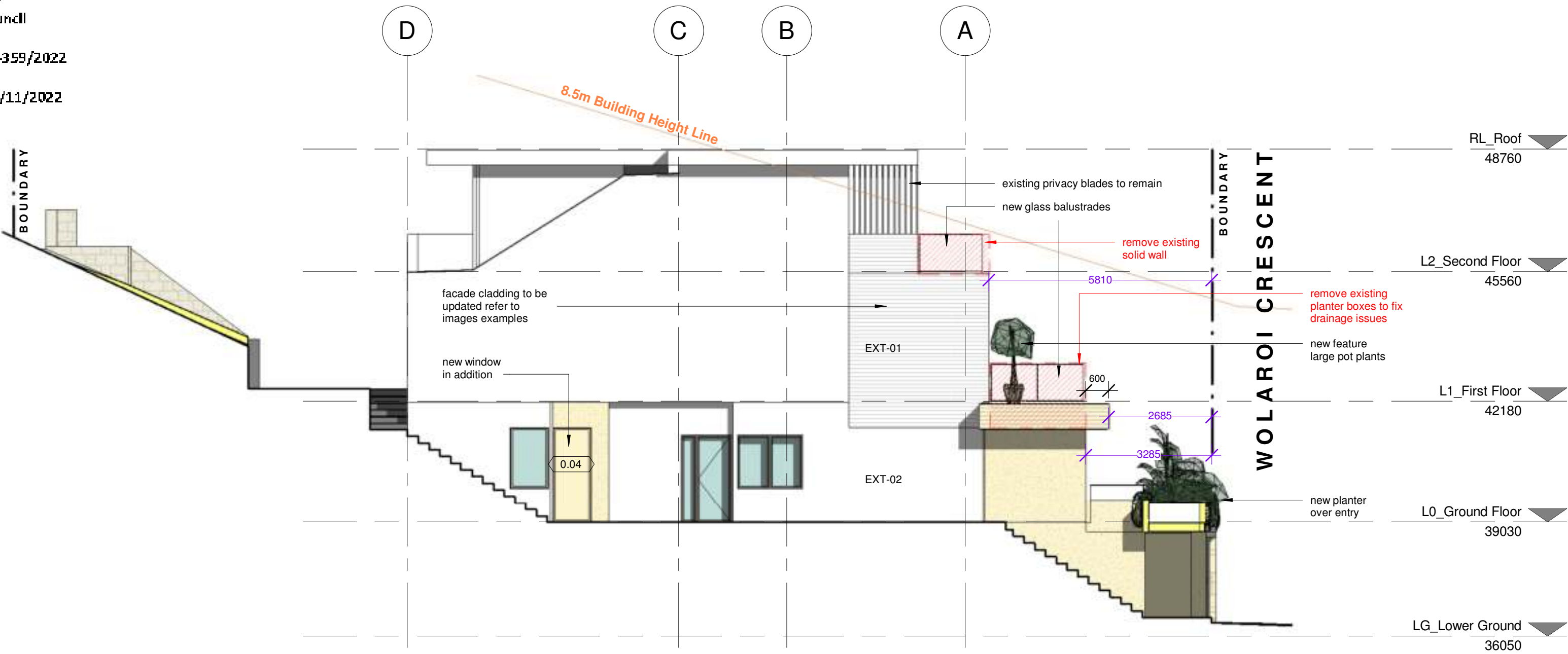
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Drawing #
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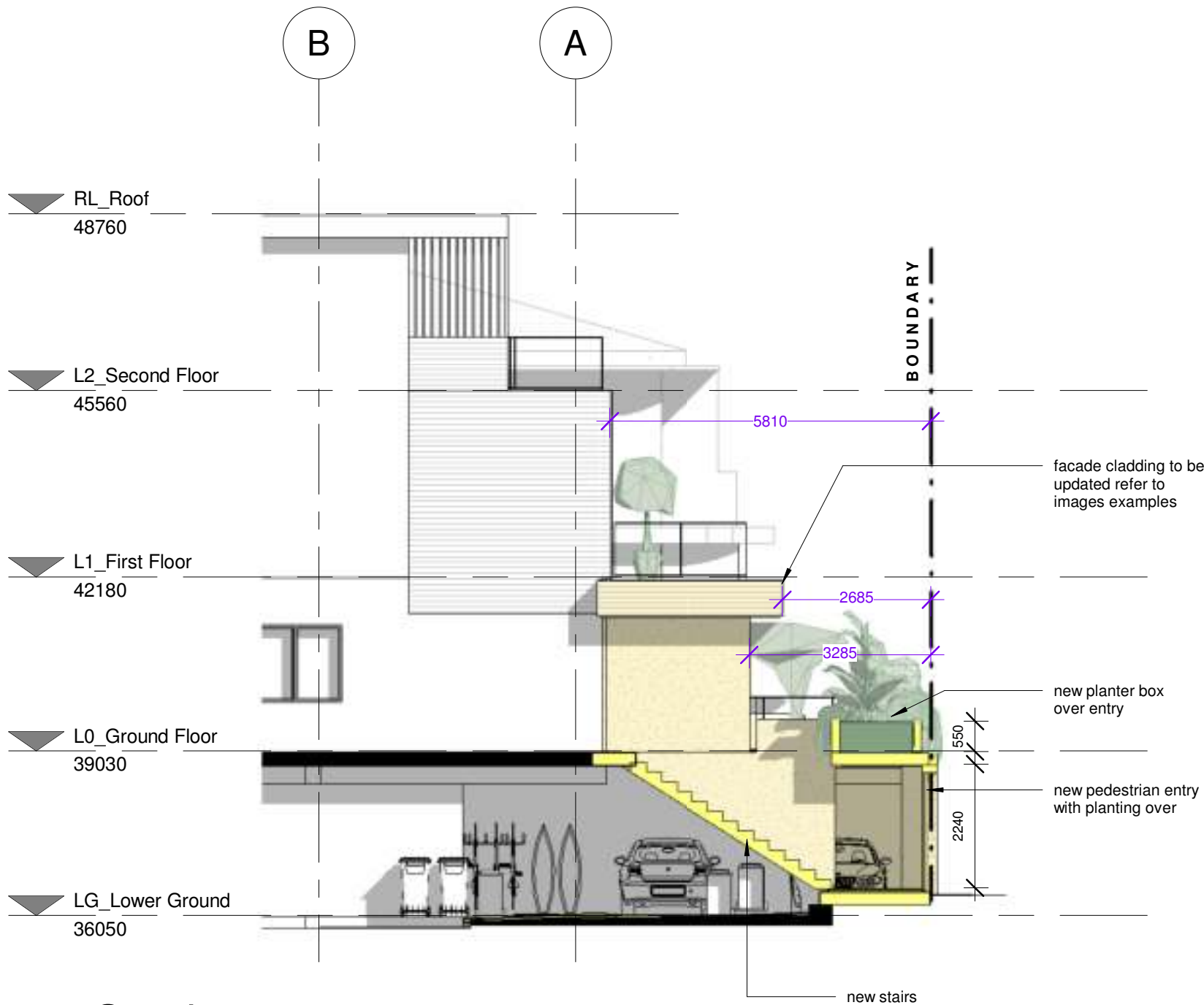
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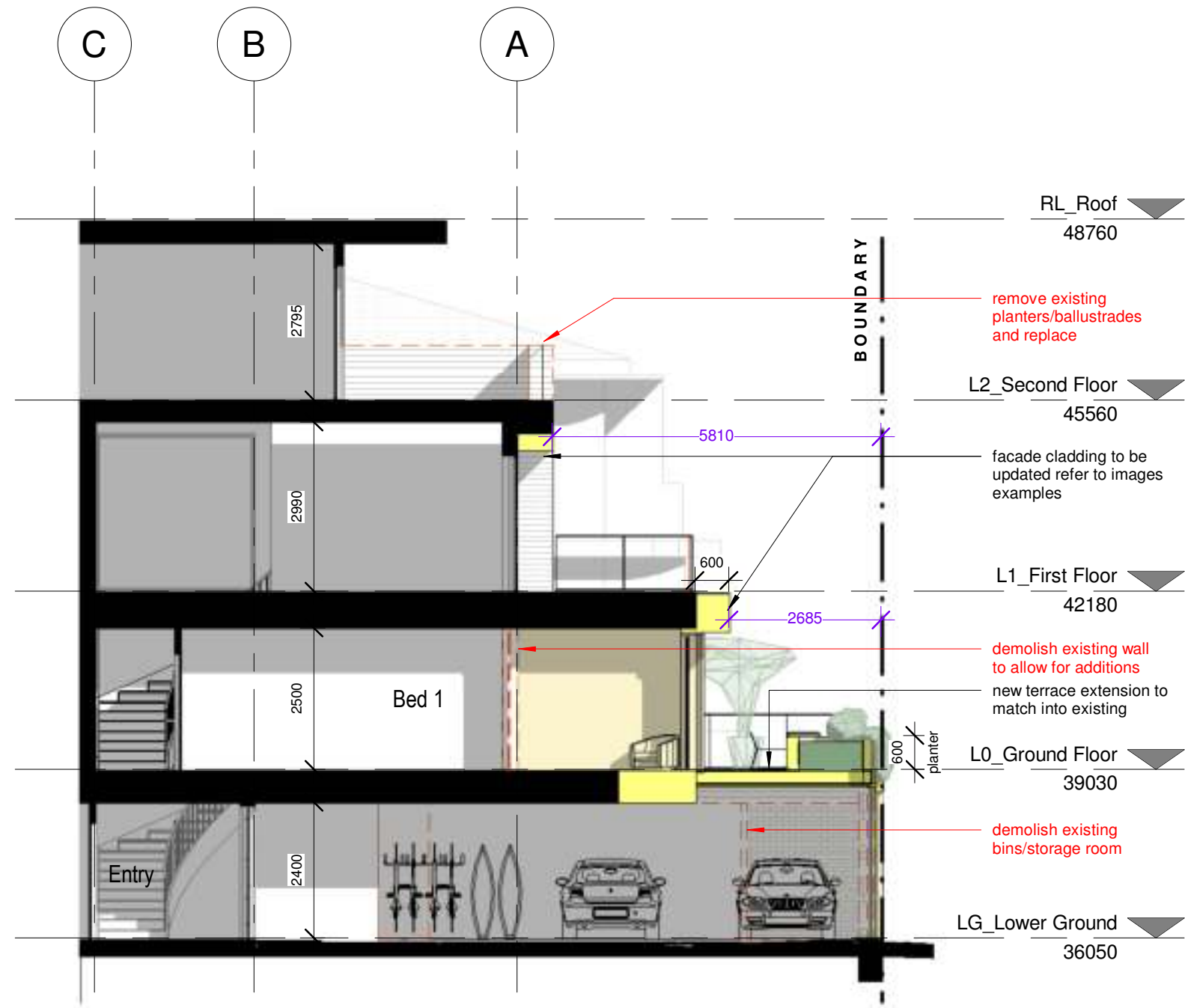
Page 173 of 432



3 South Elevation
1 : 100



1 Section 01
1 : 100

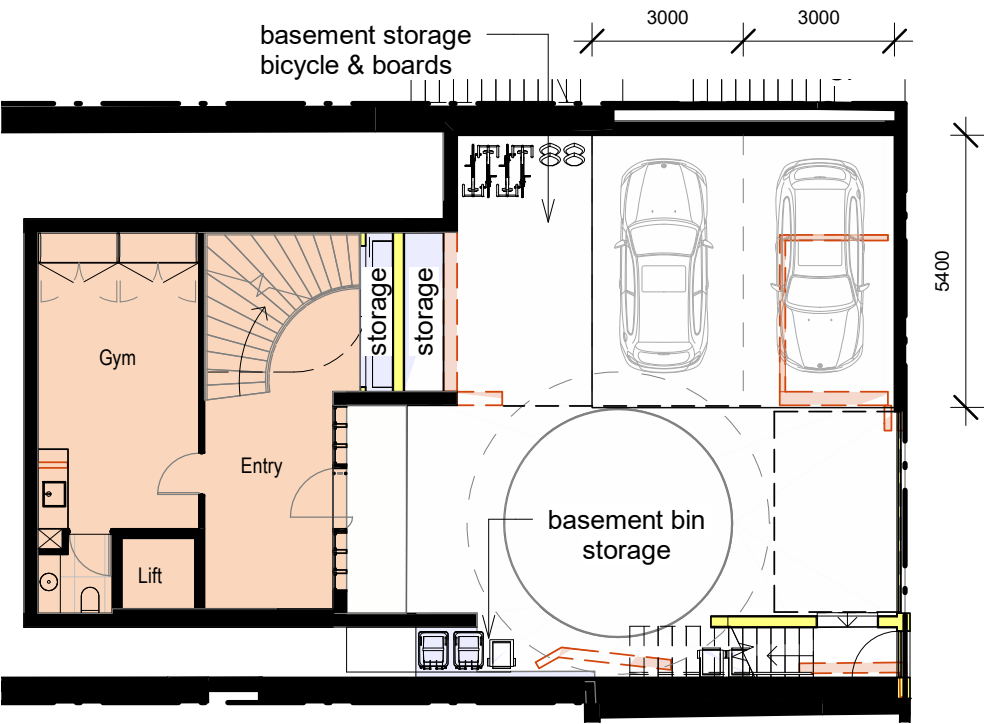


2 Section 02
1 : 100

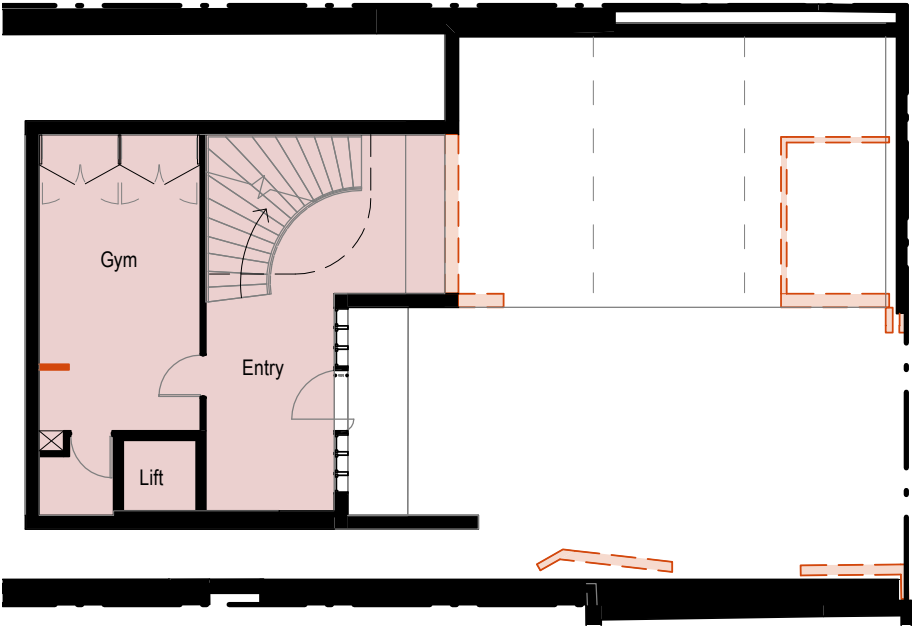
Revisions		
No.	Description	Date
A	DEVELOPMENT APPLICATION	20.07.2022
B	AMENDED DA ISSUE	19.09.2022
C	Setback Dims Added as per RFI	22.11.2022

Alterations & Additions

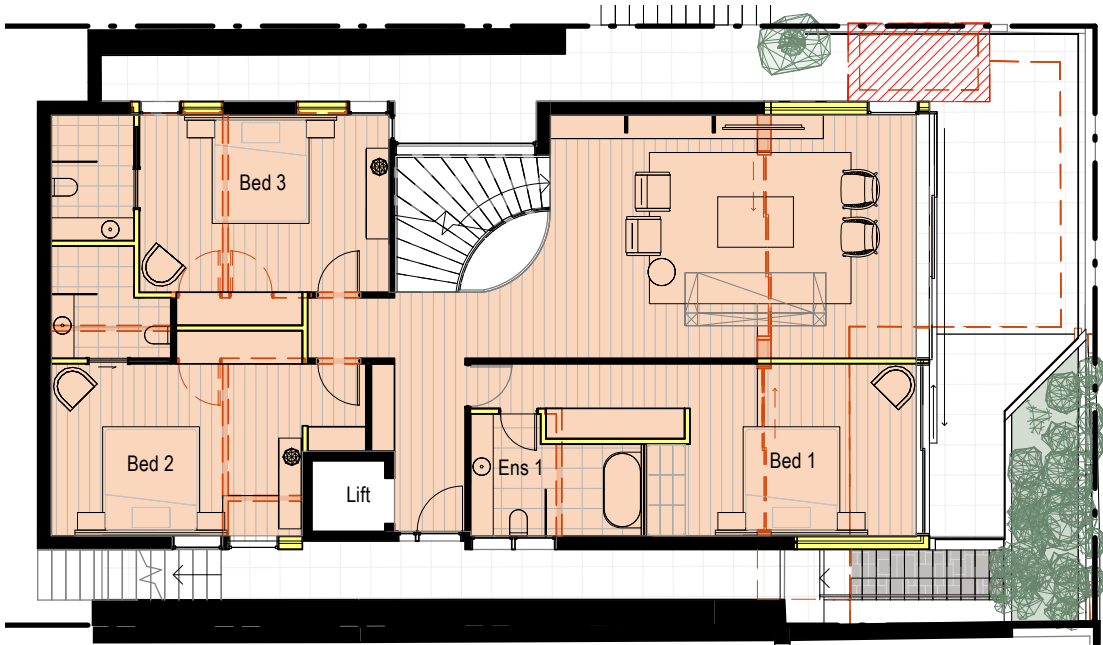
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	Project Stage: DA
Sheet: Elevation & Sections	
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Approved By: -	
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Drawing # A300	Rev C



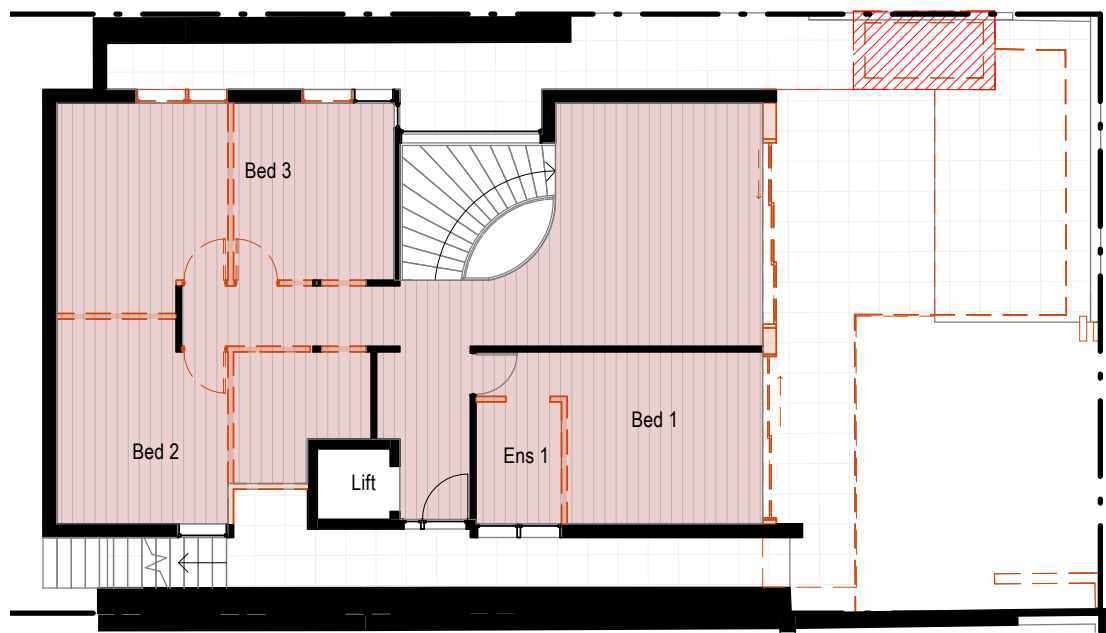
5 FSR Proposed - LG_Lower Ground
1 : 150



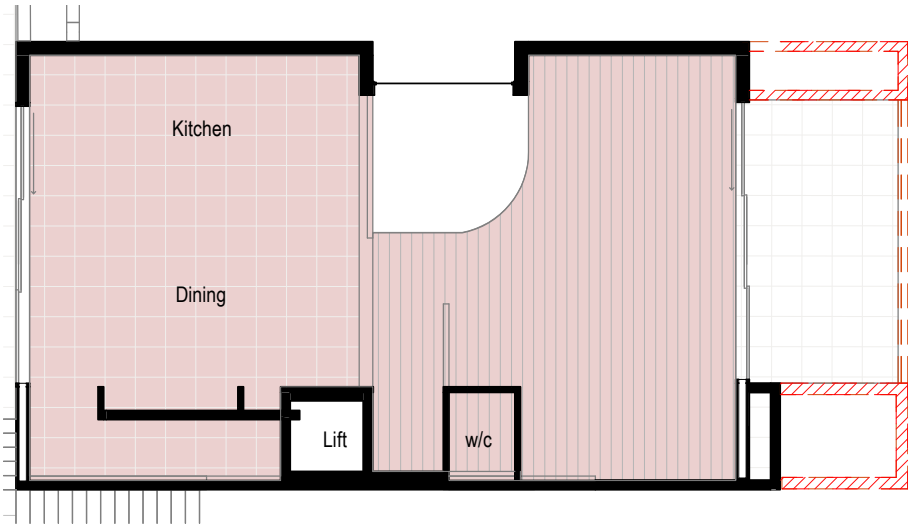
1 FSR Existing - LG_Lower Ground
1 : 150



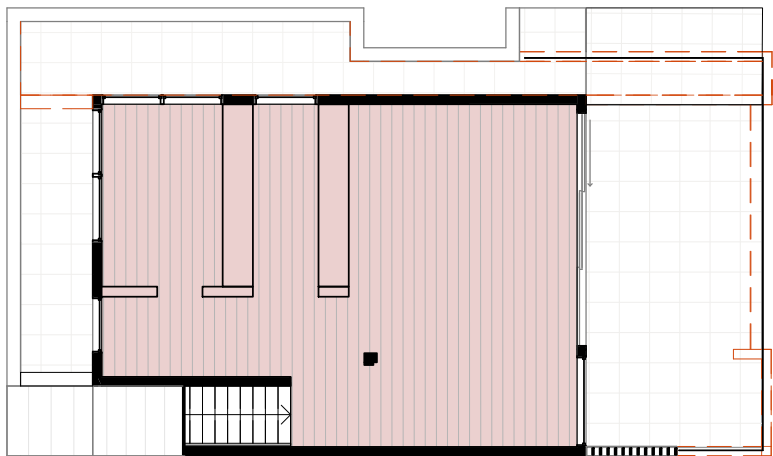
6 FSR Proposed - L0_Ground Floor
1 : 150



2 FSR Existing - L0_Ground Floor
1 : 150

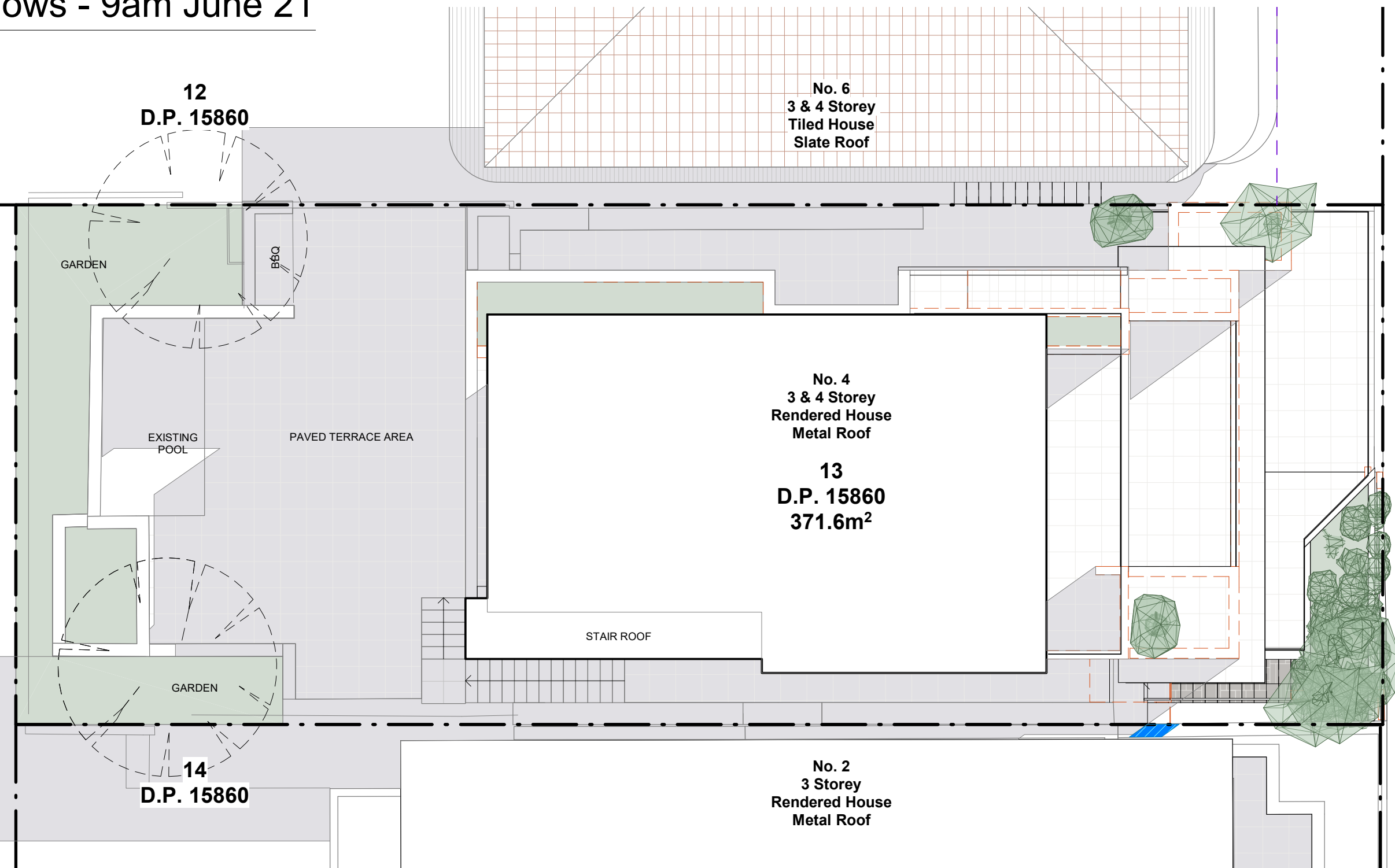


3 FSR Existing - L1_First Floor
1 : 150 NOTE: NO CHANGES TO GFA ON FIRST & SECOND FLOOR



4 FSR Existing - L2_Second Floor
1 : 150

Revisions		
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B	AMENDED DA ISSUE	19.09.2022



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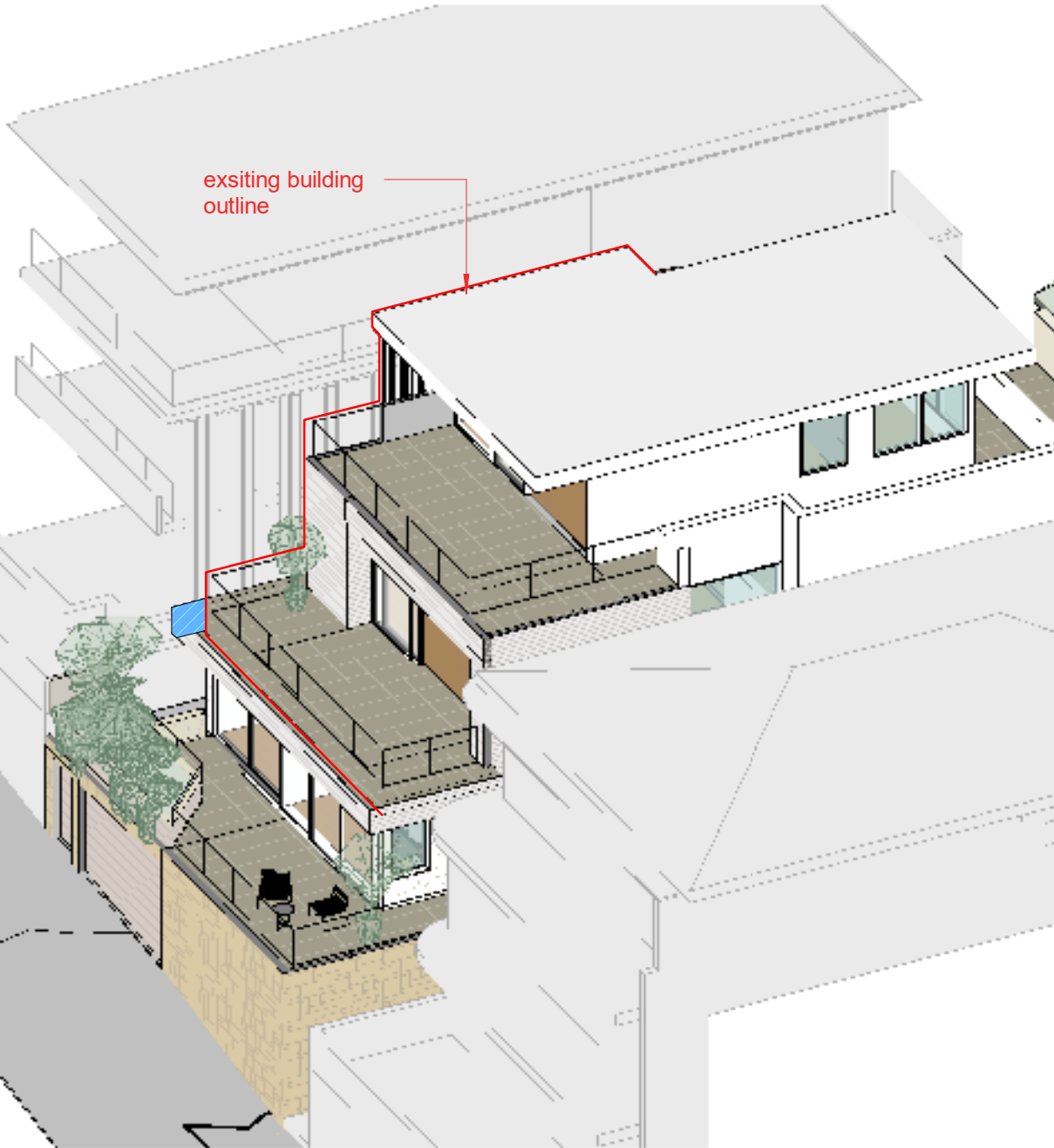
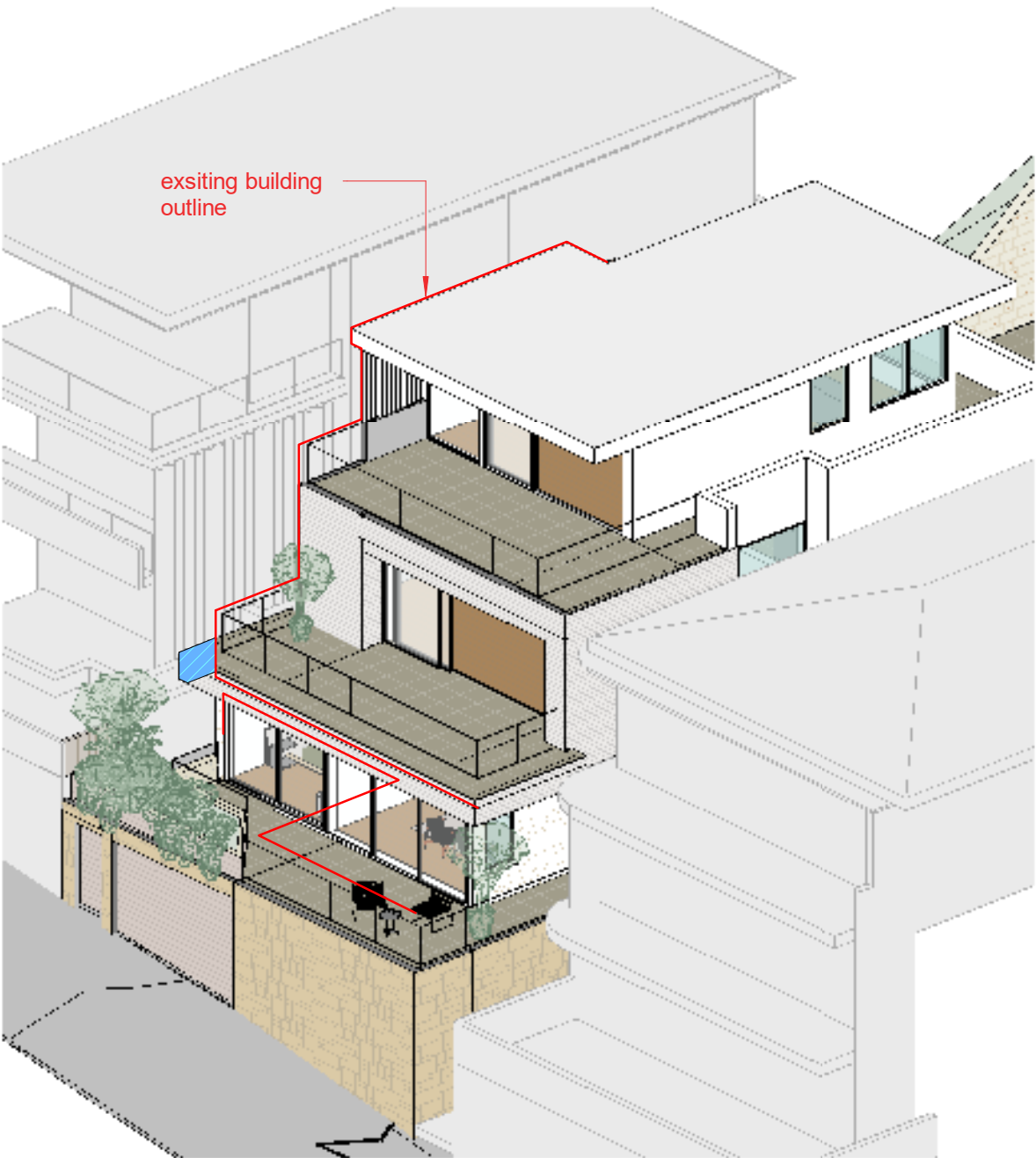
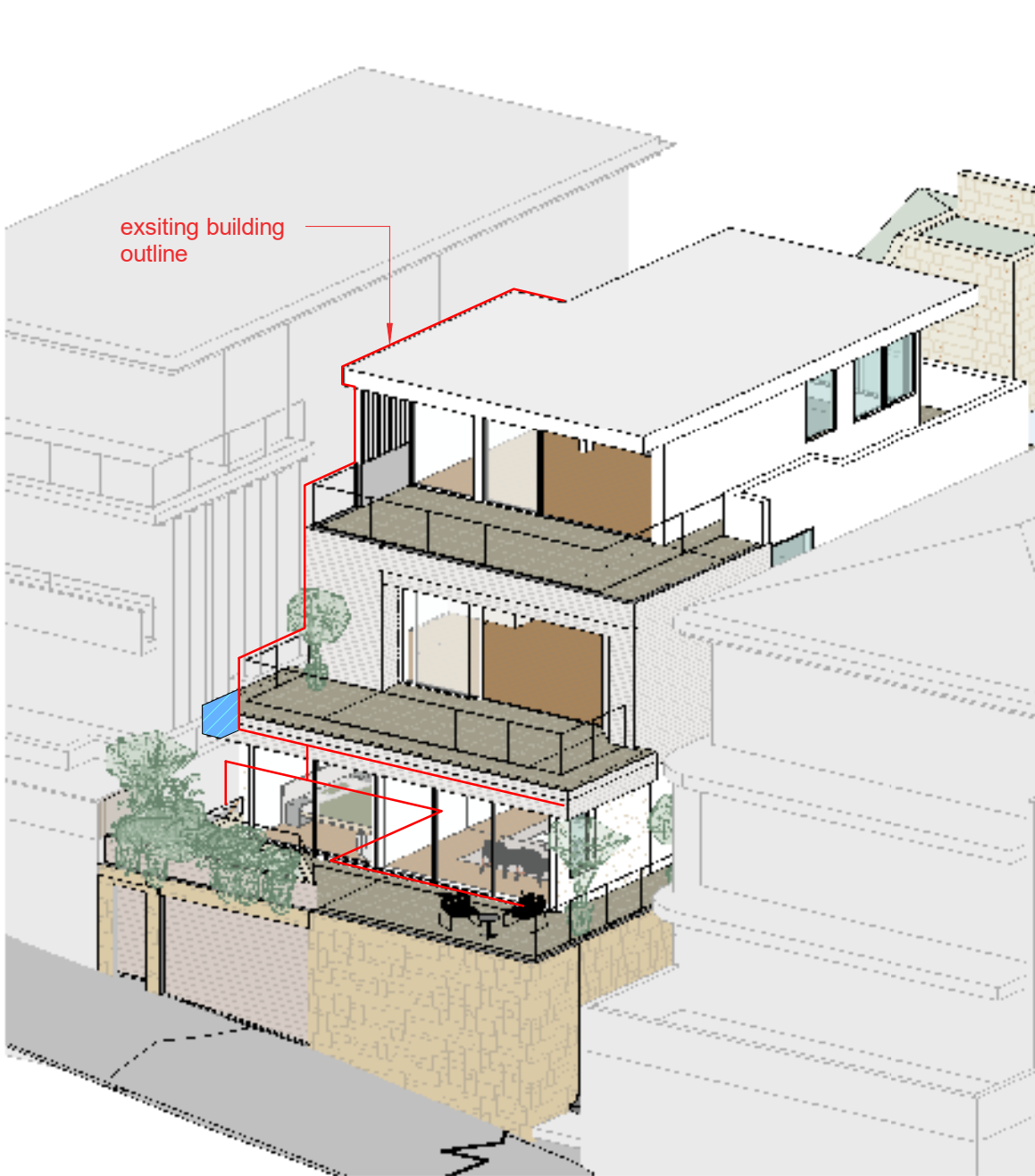
Architecture & Design
NSW Nom. Architect
M Mariani 9367

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Revisions		
No.	Description	Date
A	DEVELOPMENT APPLICATION	20.07.2022
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- Existing Shadows
- Proposed Additional Shadow



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4 Wolaroi Crescent
Tamarama, NSW 2026

Project #:
2022_88

Project Stage:
DA

Sheet:
Shadow Diagrams

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19/09/2022 11:19:41 AM

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Drawing #
A400

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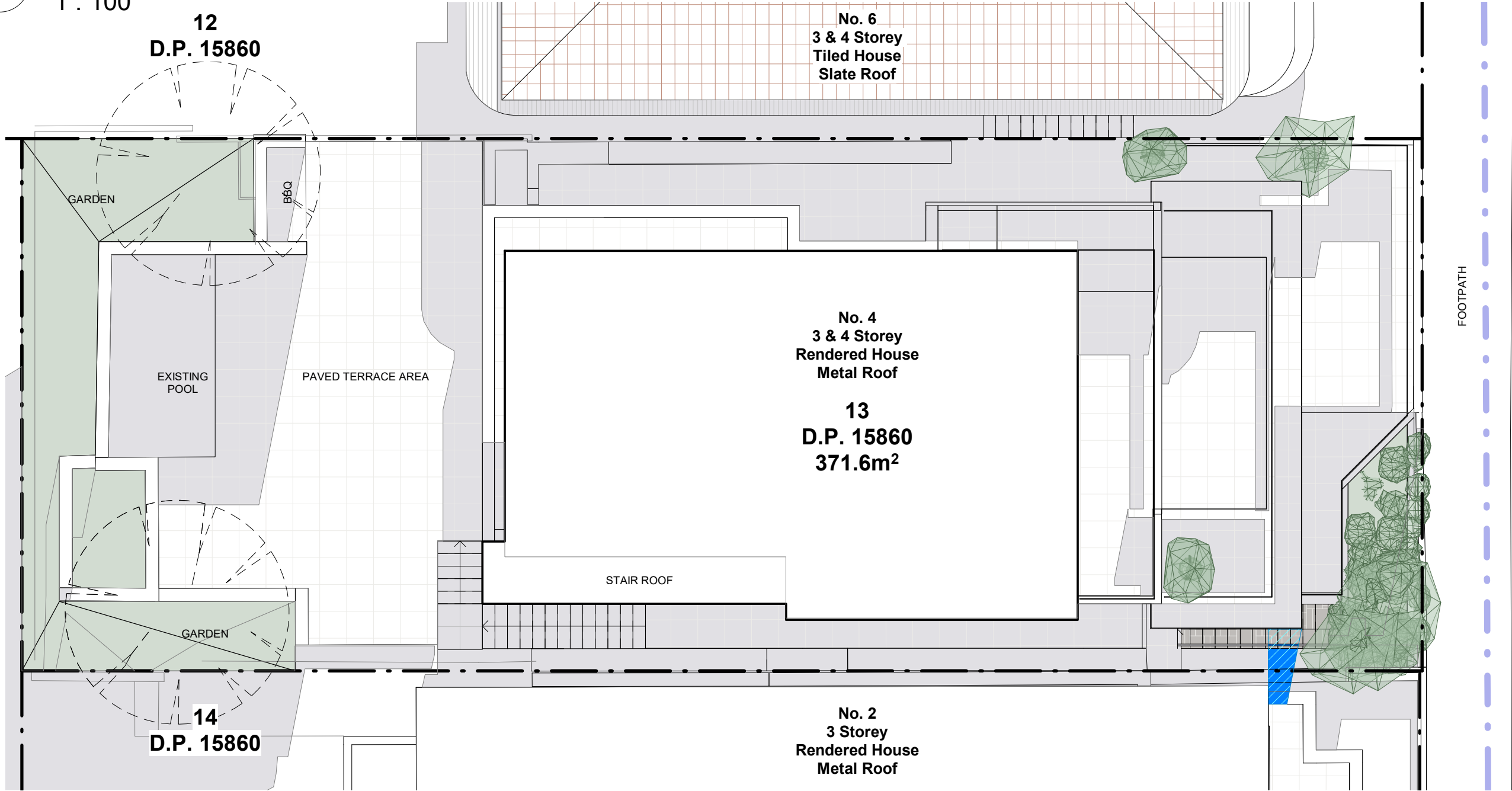
2 Sunview Diagram 9am 21 June Winter

3 Sunview Diagram 10am 21 June Winter

4 Sunview Diagram 11am 21 June Winter

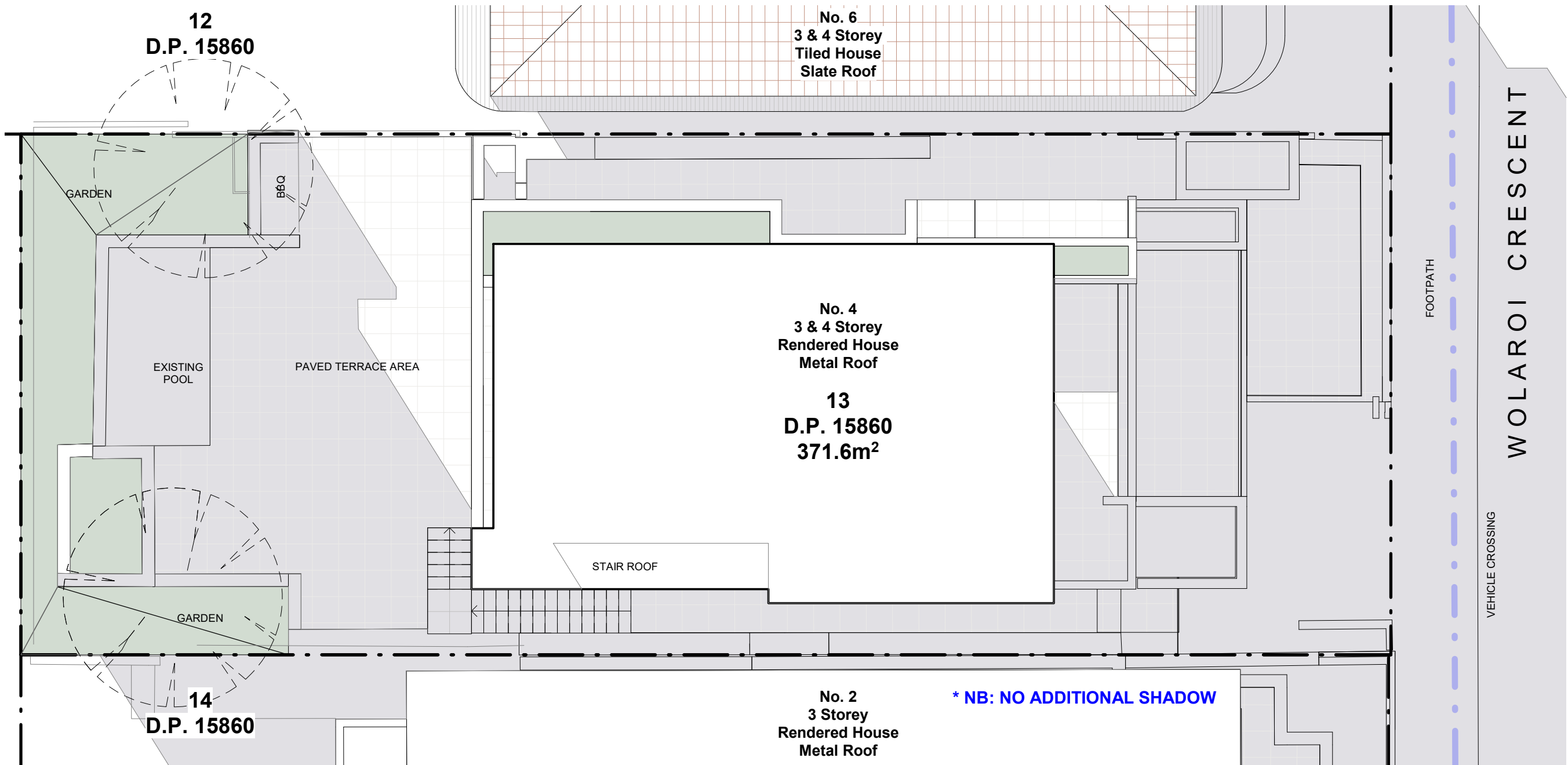
1 Shadows - 12pm June 21

1 : 100



2 Shadows - 3pm June 21

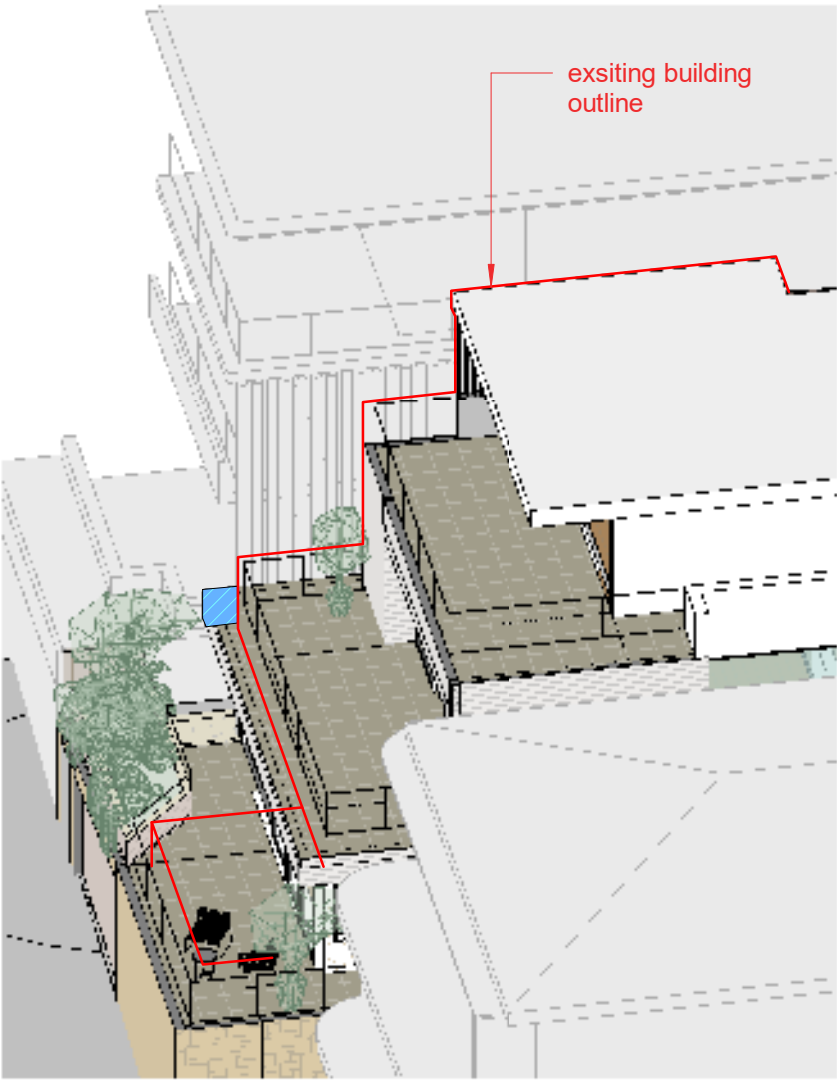
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Date Received: 19/09/2022



Sunview Diagram 12pm 21 June Winter

Revisions		
No.	Description	Date
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B	AMENDED DA ISSUE	19.09.2022

	Existing Shadows
	Proposed Additional Shadow

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Alterations & Additions	
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4 Wolaroi Crescent Tamarama, NSW 2026	Project #: 2022_88
	Project Stage: DA
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Drawn By: MM/TJ	Checked By: MM
Approved By: -	
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Drawing # A401	Rev B



Report to the Waverley Local Planning Panel

Application number	DA-440/2020/A
Site address	BONDI ICEBERGS, 1 Notts Avenue, BONDI BEACH
Proposal	Modifications to Bondi Icebergs to alter internal layout, and reduce approved extensions on the Notts Avenue frontage
Description of Approved Development	Alterations and additions to Level 4 Icebergs Dining Room and Bar, including internal reconfiguration, new roofed area, signage and works to the entrance and parking areas. The proposal also includes an extension of trading hours of the outdoor terrace to 10pm.
Date of lodgement	12/09/2022
Owner	Bondi Baths (R 100245) Reserve Trust
Applicant	Mr P Kambos
Submissions	13 submissions
Principal Issues	<ul style="list-style-type: none"> • Roof plant • Solid fuel cooking
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, DA-440/2020, which was for alterations and additions to Level 4 Icebergs Dining Room and Bar, including internal reconfiguration, new roofed area, signage and works to the entrance and parking areas at 1 Notts Avenue, Bondi Beach. In summary, the proposed modifications are to alter the internal layout, and reduce approved extensions on the Notts Avenue frontage.

The modifications now sought have been substantially reduced since the application was first submitted. The initially proposed works included a proliferation of plant and exhausts over the roof area, including additional plant needed to have charcoal style cooking at the premises. Council was in receipt of numerous objections and complaints that the works had been undertaken without the required consents. Council's Compliance Officers are currently investigating illegal works and works undertaken without a Construction Certificate in association with the original consent. The illegal works are being considered under a separate Building Information Certificate and the exhausts will be subject to another separate application.

The remaining modifications for which consent is now sought are minor works that essentially reduce the extent of the building on the Notts Avenue frontage and will not result in unacceptable impacts to surrounding properties, the streetscape or the conservation area in which the site is located.

A total of 13 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. Essentially, the objections related to works that have now been removed from this modification application.

The application has been assessed against the relevant matters for consideration under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

1.2. Site and Surrounding Locality

A site visit was carried out on 8 November 2022.

The site is identified as Lot 1556 DP 822245, known as 1 Notts Avenue, Bondi Beach (Icebergs Bondi). The site is irregular in shape with a northern frontage to Bondi Beach and the Pacific Ocean and southern frontage to Notts Avenue. The site is occupied by Icebergs Bondi with the existing building consisting of several levels with a variety of uses including a club, restaurant, bar, and sporting facilities.

Figures 1 to 3 are photos of the site and its context.



Figure 1: The southern extent of the Icebergs viewed from raised footpath on Notts Avenue



Figure 2: The southern side of the Icebergs viewed from raised footpath on Notts Avenue



Figure 3: Site viewed from Notts Avenue looking north (note existing plant in this section of the roof)

1.3. Details of Approved Development

The original development application, DA-440/2020, for alterations and additions to Icebergs Dining Room and Bar (upper/street level) including internal reconfiguration, new roofed area, signage and works to the entrance and parking areas, was approved on 23 June 2021 by the Waverley Local Planning Panel (WLPP).

The following conditions are copied from the development consent as they have direct relevance to this modification application.

7. NO BARBECUE OR CHARCOAL TYPE COOKING

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

32. REFRIGERATION UNITS & MECHANICAL PLANT

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

There have been numerous applications and consents for this site over the years; however, of particular relevance to the current modification is development consent, **DA-601/2014** for a new kitchen exhaust system located on the roof at the Icebergs dining room and bar. This application was granted deferred commencement consent on 23 March 2015. The deferred commencement conditions were satisfied on 30 November 2016 activating the consent (and the 5-year consent period). Under legislation introduced during COVID-19 to provide extensions to inactivated consents for another two years, this consent remains active until 30 November 2023. The applicant has advised that the plant and exhausts on the roof will be pursued as a modification to this consent, if necessary.

1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

- Deletion of the approved louvres in the roof over the new dining area and relocation of the approved skylights.
- Deletion of the approved sliding gate to the parking area and associated reduction in extent of proposed façade screen. The parking spaces will remain open to the street as existing.
- Reduction in extent of approved façade screen to Notts Avenue from ramp to garbage room.
- Deletion of various extensions on the Notts Avenue elevation.
- Reduction of screen extent over glass windows to Icebergs Club.

1.5. Background

The modification application was lodged on 8 September 2022 and a request for further information (stop the clock) was issued on 27 September 2022 to provide an odour/air quality assessment report prepared by a suitably qualified consultant. The Odour Assessment Report was provided to Council on 12 October 2022.

After preliminary assessment of the application, the Applicant was advised that the application would be refused if not withdrawn. The initially proposed works included a proliferation of plant and exhausts over the roof area, including additional plant needed to have charcoal style cooking at the premises. Council was in receipt of numerous objections and complaints that the works had been undertaken without the required consents. Council's Compliance Officers are currently investigating illegal works and works undertaken without a Construction Certificate in association with the original consent.

Recent legal advice to Council is that retrospective works can no longer be approved via a modification application. In order to progress the current modification application, the applicant has removed all reference to plant on the roof and any works that have already been carried out as part of this application. These matters will be pursued separately under the consent relating to plant on the roof, DA-601/2014 (detailed in Section 1.3 of this report), and via a Building Information Certificate (BIC).

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified and 13 submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021 applies from 1 March 2022 and has been considered acceptable in the assessment of this development application.

Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development remains unchanged and continues to be permitted development in the RE1 *Public Recreation* zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, remain unchanged except as discussed below. All other relevant provisions of Waverley LEP 2012 remain compliant.

Floor Space Ratio (FSR)

The LEP does not specify a FSR development standard for the subject site.

The approved development increased the FSR by 124m² through the enclosure of the terrace area and various extensions to the building on the Notts Avenue frontage.

The modification seeks to remove the extensions along the Notts Avenue frontage resulting in a reduction in floor space on the site. The proposal will continue to present to Notts Avenue with an appropriate bulk and scale, appearing as a single storey building at the street front. The reduction in floor space will not harm the character of the building or impact upon the amenity of surrounding properties.

Heritage conservation

The subject site is located in, and is contributory to, the Bondi Bay Heritage area, a listed item on the National Heritage Register. The building is also immediately adjacent and rising above Bondi Beach Ocean Baths, which is an item of local Heritage Significance in Waverley LEP 2012. The proposed modifications are minor and will not impact upon the heritage significance of the site or conservation area.

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

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2012. Only the following parts and sections of Waverley DCP 2012 that apply to the proposed modifications are outlined in the table below and detailed discussion below these tables.

Table 1: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	N/A	No change to approved.
2. Ecologically Sustainable Development	N/A	No change to approved.
4. Coastal Risk Management	Yes	The proposed works are minor and do not require further consideration or information in this regard.
7. Accessibility and Adaptability	N/A	No change to approved.
8. Transport	N/A	No change to approved.
9. Heritage	Yes	Refer to previous discussion.
10. Safety	N/A	No change to approved.
12. Design Excellence	Yes	Satisfactory.

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

Table 2: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	The modifications are minimal and predominantly involve reductions in works that were previously approved. The modifications will continue to upgrade the visual appearance of the existing building to better align with the more contemporary style of the area.
1.2.3 General Amenity	Yes	The plant on the roof has been removed from the current modification application. The remaining modifications are minor and will not impact upon surrounding properties or the general amenity of the area.
1.2.4 Noise	N/A	No additional impacts as part of the modifications proposed.

Part E2 of the DCP relate to the Bondi Beachfront Area. Technically the subject site is not located within the Bondi Beachfront Area as defined by the DCP. Notwithstanding, Notts Avenue forms the boundary of the Bondi Beachfront Area and the Icebergs presents to this frontage. As such an assessment against Part E2 of the DCP is provided in **Table 3** below.

Table 3: Waverley DCP 2012 –E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.1 Public Domain Interface	Yes	<p>The modifications include the deletion of approved extensions along the Notts Avenue frontage. The original consent contains screening/cladding along the Notts Avenue façade which will be retained for the majority of this frontage as part of the modifications.</p> <p>The entry to the restaurant and the Icebergs Club remain clearly defined. The reduction in floor space will not impact upon the public domain and is considered appropriate.</p>
2.1.3 Built Form	Yes	<p>The proposal results in a reduction in the built form along Notts Avenue.</p> <p>The modifications continue to provide additions that are complementary to the existing built form and enhance the visual presentation of the building, when viewed from Notts Avenue, the coastal walk and the ocean/beach.</p>

Development Control	Compliance	Comment
2.1.4 Roofs	Yes	<p>The proposal has removed the plant from the roof which was previously part of this modification. A separate application will be lodged regarding this matter and condition 32, referenced above, is to remain on the consent to ensure this.</p> <p>The modification to the roof over the terrace includes the removal of the louvres and relocation of skylights. This is considered acceptable particularly as the removal of the openable louvred roof improves noise impacts upon adjoining residential properties.</p>
2.1.5 Views	Yes	The modifications are unlikely to impact upon public or private views surrounding the site as only minor works are proposed. The modifications at roof level are negligible in regard to view impact.
2.1.6 Heritage conservation	Yes	Refer to previous discussion regarding heritage conservation.
2.2 Character Areas – Notts Ave		
Area A or 2.1.1 – Notts Avenue	Yes	<p>The use of the site, overall height, and setbacks are proposed to remain as existing and will not change as part of this modification application.</p> <p>The modifications to the Notts Avenue façade continue to remove blank, flat and unarticulated walls and provide a visually appealing design to Notts Avenue. The modifications will continue to improve the visual appearance of the building and improve the streetscape character.</p>

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 21 September and 5 October 2022 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The plant on the roof has been removed from this application.
- The charcoal cooking and associated plant on the roof has been removed.
- All illegal works have been removed from this application.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

A total of 13 unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	12/12A-14 Wilga Street, Bondi
2.	23/2 Notts Avenue, Bondi Beach
3.	3/10 Notts Avenue, Bondi Beach (3 submissions)
4.	17/1A Edward Street, Bondi Beach
5.	16 Notts Avenue, Bondi Beach (2 submissions)
6.	1/16 Notts Avenue, Bondi Beach
7.	5/6 Notts Avenue, Bondi Beach
8.	7/6 Notts Avenue, Bondi Beach
9.	1/8-10 Notts Avenue, Bondi Beach
10.	2/8-10 Notts Avenue, Bondi Beach

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

Issue: The application should be renotified.

Response: The application was notified correctly in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Issue: Impacts on air quality, pollution etc from the charcoal cooking.

Response: The request to delete condition 7 and allow solid fuel cooking has been removed from this application.

Issue: Plant location including view and streetscape impacts; the plant was not shown on the architectural plans; no view impact assessment of the plant; noise from the plant; visual impact from the plant on the roof.

Response: The modification application has been amended to remove the plant from the roof and is now limited to minor works.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Heritage conservation

At the time of writing of this report, no comments had been received. However, it is noted that the amended proposal is for minor modification works to the previously approved structure and plant is no longer proposed on the roof. Comments are therefore no longer required.

3.2. Waste and recycling

At the time of writing of this report, no comments had been received. However, it is noted that the amended proposal is for minor modification works to the previously approved structure and comments are therefore no longer required.

3.3. Environmental Health

Environmental Health reviewed the Odour Assessment Report and advised that the proposal is acceptable subject to conditions in the event of approval. Given that the solid fuel cooking has been removed from the proposal, the recommended additional conditions have not been included in Appendix A.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 29 November 2022 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 and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

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 (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 29 November 2022	Date: 30 November 2022

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to: 1. Contentious development (10 or more objections)

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Lazzarini Pickering Architetti of Project No. 311, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-003 Rev. A	Demolition Plan	05/11/2020	18/12/2020
DA-100 Rev. A	Proposed Floor Plan	05/11/2020	18/12/2020
DA-101 Rev. A	Proposed Roof Plan	05/11/2020	18/12/2020
DA-110 Rev. A	Proposed Floor Plan – Part 1	05/11/2020	18/12/2020
DA-111 Rev. A	Proposed Floor Plan – Part 2	05/11/2020	18/12/2020
DA-200 Rev. A	Elevations	05/11/2020	18/12/2020
DA-300 Rev. A	Sections	05/11/2020	18/12/2020
DA-700 Rev. A	Signage Details	05/11/2020	18/12/2020
DA-701 Rev. A	Materials and Finishes	05/11/2020	18/12/2020

- (i) As amended by the following plans prepared by APS Design for DA-440/2020/A:*

Plan Number and Revision	Plan description	Plan Date	Date received by Council
BC_03 Rev. 1	Demolition Plan	22/11/2022	30/11/2022
S455_06 Rev. 1	Floor Plan - Proposed	23/11/2022	30/11/2022
S455_08 Rev. 1	Roof Plan - Proposed	23/11/2022	30/11/2022
S455_09 Rev. 1	External Elevations	23/11/2022	30/11/2022

(AMENDED DA-440/2020/A)

- (b) A Council approved Plan of Management;
- (c) Acoustic Report prepared by Renzo Tonin & Associates Reference TL082-01F02 Revision 1, dated 6 November 2020 and received by Council on 18 December 2020.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) All acoustic mitigation measures and recommendations contained in the Acoustic Report are to be reflected in the architectural plans. ~~The operable louvres to the roof are to be reduced in length to sit in line with the bar located in the outdoor terrace, as is recommended in the approved Acoustic Report referenced in Condition 1 above.~~ **(AMENDED DA-2020/A)**
- (b) The structures (doors and seating) are to be amended to maintain a clearance of 2.5m for the public accessway along the southern side of the terrace.
- (c) The public through site link is to be clearly notated on the plans.

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

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Lazzarini Pickering Architetti of Project No. 311, including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA-300 Rev. A	Sections	05/11/2020	18/12/2020
DA-700 Rev. A	Signage Details	05/11/2020	18/12/2020
DA-701 Rev. A	Materials and Finishes	05/11/2020	18/12/2020

- (i) As amended by the following plans prepared by APS Design for DA-440/2020/A:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
BC_03 Rev. 1	Demolition Plan	22/11/2022	30/11/2022
S455_06 Rev. 1	Floor Plan - Proposed	23/11/2022	30/11/2022
S455_08 Rev. 1	Roof Plan - Proposed	23/11/2022	30/11/2022
S455_09 Rev. 1	External Elevations	23/11/2022	30/11/2022

(AMENDED DA-440/2020/A)

- (b) A Council approved Plan of Management;
- (c) Acoustic Report prepared by Renzo Tonin & Associates Reference TL082-01F02 Revision 1, dated 6 November 2020 and received by Council on 18 December 2020.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) All acoustic mitigation measures and recommendations contained in the Acoustic Report are to be reflected in the architectural plans. *(AMENDED DA-2020/A)*
- (b) The structures (doors and seating) are to be amended to maintain a clearance of 2.5m for the public accessway along the southern side of the terrace.

- (c) The public through site link is to be clearly notated on the plans.

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

3. PUBLIC THROUGH-SITE LINK WITHIN THE DEVELOPMENT

- (a) The through site link along the southern portion of the upper most level (street level) of building is to be maintained, providing public access to both the viewing platform (south eastern corner) and the stairway for the coastal walk.
- (b) The through site link shall be accessible to the public at all times.
- (c) Signage identifying the purpose of the link shall be provided in a prominent position adjacent to each entry (south western boundary along upgraded façade so as to be visible from Notts Avenue, and also at the base of stairs). Signage shall be a minimum of 150mm in height (on a contrasting background) and read as follows:

Public access to viewing platform and coastal walk

- (d) The through site link shall be free of any structures and kept clean (management responsibility).
- (e) A clearance width of 2.5m shall be maintained as a public accessway for the through site link for the entire length (extending from western property boundary to eastern point of the terrace)
- (f) Closed Circuit Television (CCTV) in link shall be provided to the public areas of the through site link to assist with Crime Prevention.
- (g) Adequate lighting shall be provided to the public areas of the through site link, and each entry/exit to assist with Crime Prevention.

4. PLAN OF MANAGEMENT - LICENCED PREMISES

An amended Plan of Management (PoM) (or amended Plan of Management) is to be submitted and is to include details of all operational and management procedures of the premises, including;

- (a) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities);
- (b) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements);
- (c) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol);

- (d) Details of deliveries to the premises;
- (e) Details to satisfy conditions relating to the smoking area and Community Liaison Committee; and
- (f) Any other such operational matters to ensure compliance with relevant regulatory requirements.
- (g) Signed and dated by the Licensee of the premises.

The PoM shall be submitted to and approved by Council's Manager, Development Assessment (or delegate) prior to the issue of any Occupation Certificate. Once the PoM has been approved by Council, a copy is to be provided to the Licensing Police of the Local Area Command prior to the commencement of operations.

5. RELIANCE ON DEVELOPMENT CONSENTS DA-395/1998 AND DA-268/2002, AS AMENDED

This development consent operates in conjunction with development consents DA-395/1998 and DA-268/2002 (as amended). For clarity this development consent does not authorise the use of the outdoor terrace area without the restaurant operating, that being the subject of development consent DA-395/1998 and DA-268/2002 (as amended). Where there are any discrepancies between this consent and development consents DA-395/1998 (as amended) and/or DA-268/2002 (as amended), this development consent (DA-440/2020) and the conditions contained here within shall apply.

6. WORK OUTSIDE PROPERTY BOUNDARY

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

7. NO BARBECUE OR CHARCOAL TYPE COOKING

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & 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.

CONTRIBUTIONS, FEES & BONDS

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:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

10. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **\$26,400** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

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 the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

CONSTRUCTION MATTERS

12. HOARDING

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

13. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan shall be prepared in accordance with Waverley Council's Water Management Technical Manual be installed and maintained until construction activities have been completed and the site is fully stabilised. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

15. ENGINEERING DETAILS

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

16. SANITARY FACILITIES TO BE PROVIDED IN ACCORDANCE WITH BCA

- a) The subject tenancy must be provided with sanitary facilities (i.e. location, number and type of facility) in accordance with the requirements of Part F2 of the Building Code of Australia. *NB. Should common facilities be used to achieve compliance, it will be necessary to determine what other tenancies share that facility in calculating population numbers.*
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

17. BCA & FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clauses 93 and 94 of the Environmental Planning and Assessment Regulation 2000, the subject tenancy must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) Provision for escape – Part D1;
 - (ii) Construction of exits – Part D2; and
 - (iii) Access for people with a disability - Part D3.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

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

STORMWATER & FLOODING

18. STORMWATER MANAGEMENT

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

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

- (a) Detail the location of the existing stormwater drainage system including all pipes, inspection openings, surface drains, pits and their discharge location as well as any new stormwater drainage system.
- (b) Specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgrade if required.
- (c) All roof water and surface water is to be connected to an operable drainage system.
- (d) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- If any new stormwater connections to Notts Avenue are required, these will be separate Road/Footpath Opening Permits.

- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday).

19. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

WASTE

20. SITE WASTE AND RECYCLING MANAGEMENT PLAN

An updated *Site Waste and Recycling Management Plan (SWRMP) - Part 1* is to be re-submitted as a typed up version rather than hand-written. The SWRMP is to be submitted and approved by the **Executive Manager, Sustainable Waste**.

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

21. WASTE STORAGE AREAS

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

(a) Minimum bin requirements

- **Commercial – Restaurant (food and drink)**
 - 5 x 660L MGB for general waste (collected 7 times per week)
 - 2 x 660L MGB for comingled recycling (collected 7 times per week)
 - Number of bins and frequency of collection must be monitored and adjusted to meet waste generation needs, particular in peak season (summer)

(b) Extra space is required to store glass crushing machine, bulky cardboard, packaging related to deliveries and reusable products such as milk/bread carts, kegs, etc

(c) 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.

- (d) Space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap.
- (e) The proposal must have a system for the convenient transportation of waste and recyclables to the storage area and the point of collection (i.e. doorways must be 1.5 m wide to allow passage of 660L bins).

22. LANDSCAPE PLAN

A landscape plan is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, detailing the plantings approved along the façade of Notts Avenue. A minimum of 90% of the proposed plantings are to be indigenous or local native plants listed in Annexure B2 – 1 of the DCP.

Adequate drainage and irrigation are required to be shown on plan and installed, to ensure the green cascading plantings are able to be maintained.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

23. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

24. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

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

25. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

CONSTRUCTION MATTERS

26. CONSTRUCTION HOURS

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

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

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

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

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

28. FOOD PREMISES

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

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

29. CONSTRUCTION INSPECTIONS

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

30. CERTIFICATE OF SURVEY - LEVELS

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

31. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

32. REFRIGERATION UNITS & MECHANICAL PLANT

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

33. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

34. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

35. 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 footpath.

D. PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

CERTIFICATION AND LICENCES

36. ACOUSTIC REPORT

The recommendations made in acoustic report (ref no TL082-01F02) prepared by Renzo Tonin & Associates and dated 20 November 2020 shall be implemented in full.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that the recommendations made in the above report have been complied with and Council's noise criteria and the requirements of the Protection of the Environment Operations Act 1997 have been complied with prior to the issue of an Occupation Certificate.

37. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) have been satisfied.

38. CERTIFICATION OF ALL MECHANICAL PLANT

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

39. FINAL OCCUPATION CERTIFICATE

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

40. CERTIFICATION OF STORMWATER DRAINAGE SYSTEM

New components: Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Hydraulics Engineer, that the stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice.

Retained components: Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that the existing stormwater drainage system is unblocked, in good working order and to be repair/replaced in accordance with Council's Water Management Technical Manual and Development Control Plan.

MANAGEMENT PLANS

41. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

Prior to the issue of an Occupation Certificate, a Waste Management Plan must be submitted and approved by Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant.

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council.

- (d) The role and responsibility of managing composting facilities (if provided).
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, and kegs.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, requirements for glass crushing, cleaning of storage areas must be outlined in contracts with the building manager, cleaners, and tenants.
- (h) Waste and recycling bins and bales must be collected directly from the Garbage Room and returned immediately after emptying.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
- (j) At no times shall bins or other products (e.g. kegs and pallets) be stored on the public domain (e.g. footpaths).
- (k) 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.

OTHER MATTERS

42. FOOD PREMISES

The premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.

E. OPERATIONAL MATTERS

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

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

- (a) The operation and management of the premises shall be in accordance with the approved Plan of Management (PoM) at all times.
- (b) The approved PoM shall be sent to the Licensing Police of the Local Area Command prior to the issue of an occupation certificate.
- (c) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this PoM, any such amendments shall be made in consultation with the Local Area Command and shall require the written approval of Council. The updated PoM is to be provided to Council and the Police.

- (d) An independent review of the Plan of Management may be undertaken by the Council or the Licensing Police of the Local Area Command upon providing the applicant with written notice.
- (e) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated. No changes shall be made to the plan without the prior written approval of the Council.

44. COMMUNITY LIASION

A Management representative of the premises is to attend any Precinct meetings of the relevant Local Precinct Committee when invited in writing by the convenor of the relevant committee. Any such notice is to be given at least 7 days prior to the committee meeting.

The Plan of Management is to be amended to reflect this condition.

45. HOURS OF OPERATION WITH TWO YEAR TRIAL FOR EXTENDED HOURS

(a) Hours of Operation

Internal Area (restaurant area): The hours of operation for the indoor area of the premises is restricted to (as per development consent LD-395/1998):

Monday to Saturday: 7:30am to 12.00am midnight

Sunday: 7:30am to 10pm

External (Outdoor terrace) Area: The hours of operation for the external (outdoor terrace) area of the premises is restricted to:

Monday to Sunday: 7.30am to 8.00pm;

- (b) Irrespective of sub clause (a), the set-up and clean-up for the premises may occur for one hour before and one hour after the approved hours of operation. During this time, the premises shall not trade nor be open to the public.

(c) Trial Period

Irrespective of sub clause (a), the hours of operation for the outdoor terrace area of the premises may operate for a two year trial period as follows:

Monday to Sunday: 8.00pm to 10.00pm

The trial period starts from the date of the issue of any Occupation Certificate in respect of the outdoor terrace area and ceases on the anniversary of that date. A further development application or Section 4.55 application may be lodged before the expiration date for Council's consideration for the continuation of the use.

Council's consideration of this further application will take into account the following:

- i. Compliance of the premises in terms of security and its general management;
- ii. Number and nature of substantiated complaints regarding the operation of the premises;
- iii. Compliance with conditions of consent; and
- iv. Any other matters considered relevant to the environmental evaluation of the premises.

46. MAXIMUM PATRON CAPACITY

- (a) The approved patron capacity for the premises is limited to:

Total of 250 patrons:

(including Outdoor southern terrace: maximum of 60 patrons at any one time)

- (b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.
- (c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.
- (d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

47. SIGNAGE TO BE DISPLAYED

- (a) Signs (in lettering not less than 150mm in height on a contrasting background) is to be erected in a prominent position near the principle entry to the premises. The signage shall state:

Approved hours of operation – Internal area

Monday to Saturday: 7:30am to 12.00am midnight

Sunday: 7:30am to 10pm

Approved hours of operation – External (outdoor terrace) area

Monday to Sunday: 8.00am to 10.00pm

Approved patron capacity

Total of 250 patrons

(Outdoor southern terrace: maximum of 60 patrons at any one time).

- (b) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state:

Upon leaving please respect local residents by minimising noise

- (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the sale / supply or consumption of liquor on the outdoor terrace area.

48. LIQUOR SALE / SUPPLY / CONSUMPTION

- (a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority.
- (b) The primary use of the premises must be that of a restaurant with the provision of genuine meals, prepared upon the premises, to patrons seated at comfortable dining positions.
- (c) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas.
- (d) No patron shall be permitted to take glasses or open containers of liquor off the premises.
- (e) The outdoor terrace licensed area shall be bordered by glass partition or other physical boundary (eg bollards) at all times that liquor is sold / supplied /consumed on the premises.

49. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the premises shall at all times be carried out within the site during the hours of 7.00am to 6.00pm.

The Plan of Management is to include the requirements of this condition.

50. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

51. AMENITY

The management of the premises:

- (a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the

amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

- (c) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided
- (d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

52. LIGHTING

- (a) Any lighting on the premises 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 premises to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

53. SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES (LICENSED VENUES)

The Management must maintain a closed-circuit television (CCTV) system on the premises.

The CCTV system must comply with the following requirements:

- (a) It must operate continuously from opening time until one hour after closing;
- (b) It must record in digital format at a minimum of six frames per second;
- (c) Any recorded image must specify the time and date of the image;
- (d) The system's cameras must cover:
 - i. all entry and exit points of the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.

- (e) CCTV recordings must be retained for at least 30 days.

NOISE CONTROL

54. NO ENTERTAINMENT EXTERNAL TO THE PREMISES

No sound reproduction device nor any form of entertainment is to be operated external to the premises, including in the outdoor terrace area.

Speakers must not be installed and music must not be played to the public domain. Speakers located within the premises, including the restaurant must not be placed so as to direct the playing of music towards the outdoor areas / public domain.

55. NO SPRUIKERS

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council.

56. 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.

57. LIQUOR LICENSE PREMISES - NOISE EMISSIONS

- (a) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and midnight at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between midnight and 7:00am at the boundary of any affected residence.
- (c) The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.

- (d) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.

NOTE: Where this condition is inconsistent with the requirements imposed by the governing Liquor Authority, the more stringent conditions shall prevail.

'affected residence' includes a lot in the strata scheme or any other strata scheme, premises for short-term accommodation and hospitals.

'boundary' includes any window or elevated window of an affected residence.

The 'LA10' may be taken as the average maximum A-weighted Fast Response sound level emitted from the premises.

The 'LA90' shall be measured in the absence of any noise from the premises (including mechanical plant noise).

When measuring noise levels inside a habitable room of an affected residence pursuant to sub-clause (c.) above, noise levels shall be measured with external windows and doors of the affected residence closed. Any air-conditioning or mechanical ventilation systems servicing the affected residence shall not be operating during the measurement other than that required to satisfy the ventilation provisions of the Building Code of Australia (NCC).

Terms in this clause shall have the same meaning as in the Noise Guide for Local Government and the Industrial Noise Policy published by the NSW Environment Protection Authority.

(Reason: To ensure the amenity of surrounding land uses)

58. NOISE FROM SPEAKERS

All speakers shall:

- (a) be placed on anti-vibration mountings;
- (b) be completely independent of the building structure, and
- (c) be positioned so noise does not emanate in the direction of residential premises.

59. 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.

60. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

61. NOISE COMPLAINTS

If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

- (a) The identification of sensitive noise receivers potentially impacted by the proposal;
- (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements);
- (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;
- (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation;

- (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.

62. NOISE LIMITER

All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management of their nominee.

63. AIR EMISSIONS

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

64. AMUSEMENT MACHINES & THE LIKE

The installation of jukeboxes, pinball machines, pool tables or similar amusement machines will not be permitted without the written consent of Council.

WASTE

65. WASTE MANAGEMENT PLAN REVIEW

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

66. LITTER CHECKS (FOOD & DRINK PREMISES)

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

67. GLASS SORTING, CRUSHING OR COLLECTION

No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

This condition is imposed to protect the amenities of neighbouring residents.

68. NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.

69. WASTE FOR PREMISES

Bin Storage Area

- (a) The waste and recycling storage area needs to be undercover.
- (b) The waste and recycling storage areas must be bunded to the sewer and be equipped with a supply of hot and cold water mixed through a centralised mixing valve with a hose cock.
- (c) The waste and recycling storage areas must be able to accommodate all bins, with all bins simultaneously accessible.

Amenity

All garbage and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin.

Management

- (a) All waste and recycling must be collected from the loading bay inside the development.
- (b) The applicant must enter into a commercial waste collection contract.
- (c) Waste collection for the retail precinct of the development shall occur daily.
- (d) Collection frequency may need to be increased in peak summer periods.

70. WASTE STORAGE FOR PREMISES

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to and approved by Council's Waste Officer, that includes all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises relating to this consent.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

71. GLASS CRUSHER

If the premises has a glass crusher then all glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.

72. DISPLAY OF WASTE MANAGEMENT PLAN FOR PREMISES

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or

adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

73. RECYCLING OF WASTE PAPER FOR PREMISES

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

SIGNAGE

74. NO FLASHING SIGNS TO PREMISES

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

75. LOCATION OF SIGNS

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

76. ERECTION OF SIGNS TO PREMISES

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

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

77. NO SIGNS OR GOODS ON PUBLIC AREA

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.

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

AD2. SYDNEY WATER REQUIREMENTS

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

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

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

AD3. BONDI - ROSE BAY SAND BODY

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

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

AD4. LIQUOR LICENSING ACCORD

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

AD5. SIGNS/GOODS IN THE PUBLIC WAY

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

AD6. WORK OUTSIDE PROPERTY BOUNDARY

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

AD7. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of the external doors at the Oxford Street and Spring Street entry points of the premises is prohibited.

Should increased security be desired, then consideration should be given to applying shatter-resistant film or using laminated glass.

AD8. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

SECTION 4.55
DOCUMENTATION PACKAGE

AMENDED

RECEIVED

10/A
22

WORKS AND SERVICES NOTES - ALL TRADES

- 1. TENDERS SHOULD ONLY BE SUBMITTED BY CONTRACTORS BEARING RELEVANT REGISTRATION (BSA LICENCE OR SIMILAR).
- 2. THE SETOUT SHOWN IS PROVIDED AS AN INDICATION ONLY, AND ANY ADDITIONAL WORKS THAT WOULD BE REQUIRED BY THE AUSTRALIAN STANDARDS SHOULD BE ALLOWED FOR AND ITEMISED IN TENDER SUBMISSIONS.
- 3. FOLLOWING SITE COMPLETION, AN INSTALLATION CERTIFICATE WILL BE REQUIRED BEFORE THE PROJECT IS CONSIDERED COMPLETE AND PAYMENT MADE.
- 4. SERVICES DESIGN IS GENERALLY TO BE BY THE CONTRACTED INSTALLER AS A DESIGN AND CONSTRUCT WITH THE NECESSARY FORM 15 BEING SUPPLIED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND FORM 16 SUPPLIED AT THE COMPLETION OF WORKS.
- 5. SUCCESSFUL SERVICES TENDERERS WILL BE REQUIRED TO CONFIRM THAT THE SETOUT COMPLIES WITH THE RELEVANT AUSTRALIAN STANDARDS AND PROVIDE A DESIGN CERTIFICATE ATTESTING TO THE DESIGN (ANY UPDATES TO THE DESIGN WILL BE DOCUMENTED BY EVEREST PROJECTS AS A COURTESY TO TENDERERS).

BUILDING ACT COMPLIANCE & GENERAL NOTES

Class 6 –A shop or other building for sale of goods by retail or the supply of services direct to the public.
The building layout and construction requirements for a class 6 premises are dealt with in the NCC in Volume 1

- 1. THIS PLAN IS TO BE ISSUED WITH ALL OTHER RELEVANT DOCUMENTATION, FOR INFORMATION PURPOSES TO ALL SUBCONTRACTORS.
- 2. ALL WORKS ARE TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. ALL ALLOWANCES MUST BE MADE TO FACILITATE COMPLIANCE TO ALL RELEVANT BUILDING CODES.
- 3. PROVISION OF RECORD DOCUMENTATION IS A CONDITION OF FINAL PAYMENT, AS WELL AS COMPLETED FORMS (FORM 15 - DESIGN, FORM 16 - INSTALLATION, ETC).
- 4. SUB-CONTRACTORS MUST ADHERE TO THE REQUIREMENTS OF THE WORKPLACE HEALTH AND SAFETY ACT, AND BUILDING FITOUT GUIDE WHEN WORKING ON SITE.
- 5. THE FITOUT WILL ON COMPLETION COMPLY WITH THE FOLLOWING LIST OF CLAUSES OF THE NCC:

- Section B Structural Provisions
- Section C1.10 Fire hazard properties - Materials spec : need to be added
- Section D Access and Egress
- Section E4 Visibility in an emergency, exit signs and warning systems : needs to be added
- Section F Health and Amenities
- Section J Energy Efficiency :

6. THE FITOUT WILL ON COMPLETION COMPLY WITH THE FOLLOWING LIST OF AUSTRALIAN STANDARDS:
- AS1428.1 Design for access and mobility
 - AS 4674-2004: Design, Construction & Fit-out of Food Premises
 - AS/NZS 1680.1:2006 Interior and workplace lighting – General principles and recommendations
 - AS 4586-2013 Slip resistance classification of new pedestrian surface materials
 - AS1288-2006-Glass in buildings
 - AS 4654.1 + 2-2012 Waterproofing membranes for external above-ground use, Part 2: Design and installation

6. IT WILL BE THE RESPONSIBILITY OF EACH TRADE TO ORGANISE THE ISOLATION AND RECOMMISSIONING OF THE FIRE SERVICES WHENEVER NECESSARY FOR THEM TO COMPLETE THEIR WORKS.
7. IT WILL BE THE RESPONSIBILITY OF EACH TRADE TO MAKE PROVISION FOR PENETRATIONS, CHASING, PATCHING, FLASHING AND MAKING GOOD WORKS ASSOCIATED WITH THE BUILDING STRUCTURE. CONTRACTOR IS RESPONSIBLE TO ENSURE THEY, AND ALL SUBCONTRACTORS RECEIVE AND ABIDE BY RULES, REGULATIONS AND GUIDELINES INCLUDING ON-SITE PROCEDURES AND REQUIREMENTS AS OUTLINED BY THE BUILDING OWNER.
8. CONTRACTOR TO ENSURE FITOUT COMPLIES WITH AS1428.2 DESIGN FOR ACCESS AND MOBILITY.
9. CONTRACTOR TO ENSURE FITOUT COMPLIES WITH SECTION E PART 1.6 OF THE BUILDING CODE OF AUSTRALIA AND THAT PORTABLE FIRE EXTINGUISHERS ARE SELECTED, LOCATED AND DISTRIBUTED IN ACCORDANCE WITH SECTIONS 1, 2, 3 & 4 OF AS24444 "PORTABLE FIRE EXTINGUISHERS AND FIRE BLANKETS".
10. ACCORDINGLY, IT IS SPECIFIED THAT THE PROPOSED WORKS WILL COMPLY WITH THE ABOVE MEASURES.

ACOUSTICS:

1. ALL PERFORMANCE PARAMETERS, REQUIREMENTS, ENGINEERING ASSUMPTIONS AND RECOMMENDATIONS CONTAINED IN THE ACOUSTIC REPORT (REF. TL379-01F03, DA ACOUSTIC ASSESSMENT (R2), PREPARED BY RENZO TONIN & ASSOCIATES, DATED 2 APRIL 20, COUNCIL REF. 2020/156087) AND SUBSEQUENT ACOUSTIC ASSESSMENT MUST BE IMPLEMENTED AS PART OF THE DETAILED DESIGN ASSESSMENT AND IMPLEMENTED INTO THE DESIGN DRAWINGS PRIOR TO THE COMMENCEMENT OF THE USE OF THE PREMISES IN ACCORDANCE WITH THE REQUIREMENTS BELOW AND TO THE SATISFACTION OF THE CERTIFYING AUTHORITY.

FOOD CODE:

1. AS4674-2004 DESIGN, CONSTRUCTION AND FITOUT OF FOOD PREMISES
AS1668.11 MECHANICAL VENTILATION FOR ALL FOOD PREPARATION AND FOOD STORAGE AREAS, INCLUDING LIQUOR AREAS
STANDARD 3.2.3 OF THE AUSTRALIAN AND NEW ZEALAND FOOD STANDARDS CODE

PARTITION NOTES

- 1. ALL VISIBLE METAL WORK, INCLUDING DOOR FRAMING EXTRUSIONS, GLAZING CHANNELS & SKIRTING ARE TO B ANODISED ALUMINUM OF A PARTITION FRAMING SUITE SYSTEM TO BE APPROVED BY APS
- 2. MECHANICAL FIXINGS ARE NOT PERMITTED TO THE EXISTING BUILDING WINDOW MULLIONS OR SILLS IN ACCORDANCE WITH THE BUILDING OWNERS REQUIREMENTS. REFER BUILDING TENANCY FITOUT GUIDE.
- 3. WHERE NEW WORK ABUTS EXISTING CORE WALLS OR COLUMNS, SET TO WITH ALUMINUM WALL STARTER. USE SUITABLE SEALANT WITH WALL STARTERS TO MAINTAIN SOUND RATING.
- 4. GENERALLY, ALL NEW PARTITIONS ARE TO BE CONSTRUCTED ON TOP OF CARPET. SECURE 150UM POLYURETHANE PLASTIC FLOOR PROTECTION TO ENTIRE TENANCY AREA PRIOR TO COMMENCING ANY BUILDING WORKS.
- 5. PARTITION CONTRACTOR TO SUPPLY AND INSTALL ALL NECESSARY FITTINGS AND STAINLESS STEEL FITTINGS (EXCLUDING BASINS), TO THE TENANCY, AS NOTED ON FURNITURE PLAN.
- 6. PARTITION CONTRACTOR TO REFER TO FURNITURE / JOINERY PLANS AND INSTALL ADDITIONAL SUPPORT TO PARTITIONS WHICH WILL TAKE WALL MOUNTED JOINERY AND FITTINGS.
- 7. PARTITION CONTRACTOR IS TO REMOVE EXISTING SKIRTING FROM TENANCY. ALLOW TO SUPPLY AND INSTALL NEW ALUMINUM SKIRTING FOLLOWING INSTALLATION OF THE FLOOR FINISHES
- 8. PARTITION CONTRACTOR TO ALLOW FOR PROFESSIONAL SITE CLEAN AT COMPLETION OF PROJECT WORKS, AS WELL AS PROGRESSIVE CLEANING THROUGHOUT THE PROJECT.
- 9. PARTITION SETOUT IS TO BE INSPECTED AND APPROVED BY APS REPRESENTATIVE.

FLOOR AND WALL VINYL FINISHES NOTES

- 1. CHANGE OF FINISH: MAINTAIN FINISHED FLOOR LEVEL ACROSS ALL CHANGES OF FLOOR FINISH INCLUDING CARPET & VINYL. RAMP AS REQUIRED. WHERE FLOOR WASTES ARE INDICATED ON ENGINEERING DOCUMENTATION RAMP FLOOR ACCORDINGLY.
- 2. WHERE CARPET MEETS OTHER FLOOR FINISHES, INSTALL ALUMINUM ANGLE TO APPROVAL OF EP.
- 3. SUITABLY PREPARE SUBSTRATES TO ACHIEVE THE FINISH SPECIFIED INCLUDING THE REMOVAL OF DELETERIOUS AND LOOSE MATERIAL, AND UNDERTAKE ALL NECESSARY CLEANING & LEVELING AS REQUIRED TO MAINTAIN FINISHED FLOOR LEVEL ACROSS ALL CHANGES OF FLOOR FINISHES.
- 4. UPON COMPLETION OF ALL FLOORING, LAY PROTECTIVE PLASTIC / PLY COVERING TO THE APPROVAL OF EP. BY FLOOR FINISHES CONTRACTOR.
- 5. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE ALL FLOOR FINISHES ARE INSTALLED TO COMPLY WITH THE BCA (SLIP CO-EFFICIENT FACTOR) AND AUSTRALIAN STANDARDS. CONTRACTOR TO PROVIDE ALL RELEVANT CERTIFICATION FOR SIGN OFF BEFORE COMMENCEMENT.
- 6. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE ALL FLOOR FINISHES SUPPLIED ARE INSTALLED TO MANUFACTURES STANDARDS. SIGN OFF FROM SUPPLIER REQUIRED. MAINTANCE MANUAL SUPPLIED AND SIGNED OFF BY CLIENT CLEANER BEFORE CONSTRUCTION.
- 7. CONSULTANT TO ADVISE ON EXTENT OF REQUIRED ARDIT USED TO FILL THE EXISTING FLOOR TO ENSURE LEVEL THRESH HOLDS.
- 8. PROVIDE SAMPLE FOR DESIGNER/CLIENT SIGN OFF BEFORE FULL EXTENT OF ALL MATERIALS ARE LAYERED.
- 9. BUILDER TO ADVISE ON FLOOR VARIATIONS BASED ON SITE SURVEY DETERMINING LEVELS.
- 10. SHOP DWG'S REQUIRED FOR INSTALL SETOUT AND DESIGNER CLIENT SIGN OFF.
- 11.THE REQUIREMENTS FOR ALL FLOORS ARE UNIFORMITY OF LEVEL, COLOUR, TEXTURE AND GRADE.
- 12. PROVIDE CLEANING MANUAL, WARRANTIES, FIRE CERT. BEFORE CONSTRUCTION COMMENCES.

CEILING NOTES

- 1. FIT RONDO P50 TO CEILING / WALL & CEILING / COLUMN JUNCTIONS.
- 2. ITEMIZE CEILING COSTS (PAINTING UNDERCOAT, PAINTING TOPCOAT, SHEETING, PLASTERING, GRID, CEILING TILES, ETC.)
- 3. PARTITION CONTRACTOR IS RESPONSIBLE FOR MAKE GOOD AND MAINTENANCE OF THE CEILING, PLASTER AND REPAINT IF REQUIRED.
- 4. IT IS THE RESPONSIBILITY OF THE PARTITION CONTRACTOR FOR THE HANDLING OF ALL ACCESS HATCHES AND CEILING TILES. THIS INCLUDES THE REMOVAL AND REINSTATEMENT OF HATCHES AS REQUESTED BY OTHER SERVICES CONTRACTOR, AND THE REPAINTING OF HATCHES AND SURROUNDS AT THE COMPLETION OF THE PROJECT.
- 5. CONTRACTOR TO INDEPENDENTLY INSPECT SITE TO CONFIRM COMPLETE SCOPE OF WORKS.
- 6. CONTRACTOR TO REFER TO FURNITURE PLAN AND INSTALL ADDITIONAL SUPPORT WITHIN CEILING IN LOCATIONS WHERE SUSPENDED FITTINGS WILL BE INSTALLED.

INSULATION NOTES

- 1. INSULATION WORKS ARE THE RESPONSIBILITY OF THE PARTITION CONTRACTOR.
- 2. OVER CEILING INSULATION IS TO BE INSTALLED FOLLOWING THE SERVICES WORKS, AND IS TO EVENLY COVER THE CEILING. INSULATION IS TO BE RESETTLED FOLLOWING ANY ADDITIONAL SERVICES WORKS, AND SHOULD NOT BE LAID OVER ANY HEAT SOURCES

LIGHTING NOTES

- 1. FITTINGS ARE A MIX OF NEW AND EXISTING. INSPECT SITE TO CONFIRM IF EXISTING LIGHTS CAN BE REUSED
- 2. ALL WORK CARRIED OUT SHALL COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS.
- 3. MIXED CIRCUITS OF LIGHT AND POWER WILL NOT BE PERMITTED.
- 4. DESIGN IS GENERALLY TO BE BY THE CONTRACTED INSTALLER, WITH APS CONSULTED SHOULD ANY SPECIFIED LIGHTS REQUIRE SUBSTITUTION. CONTRACTED INSTALLER IS TO CONFIRM NEW FITTINGS COMPLY WITH PART J OF THE BCA - ENERGY EFFICIENCY, AND IS TO PROVIDE COMPLIANCE STATEMENT UPON COMPLETION.
- 5. ALLOW TO ZONE ALL LIGHTS ACCORDING TO USE (EACH ROOM / CORRIDORS ETC), PROVIDING LOCAL SWITCHING TO ALL ROOMS, AND WIRE TO A SINGLE CENTRAL SWITCH CONTROL CENTER IN THE RECEPTION AREA (OFF OVRIDE).
- 6. SUPPLY AND INSTALL ALL SUSPENSIONS, FIXINGS (NON-CORROSIVE), ETC NECESSARY FOR THE INSTALLATION OF LIGHT FITTINGS.
- 7. THOROUGHLY CLEAN ALL LIGHT FITTINGS, LAMPS, DIFFUSERS, REFLECTORS ETC, JUST PRIOR TO PRACTICAL COMPLETION. RELAMP ALL EXISTING FITTINGS (COOL WHITE) AND GENERALLY MAKE GOOD OF EXISTING AS NECESSARY (NEW DIFFUSERS AS REQUIRED, PLUS 5 SPARE FOR FUTURE MAINTENANCE).
- 8. INSPECT, TEST & REPORT ON THE CONDITION OF EXISTING EMERGENCY & EXIT LIGHTS.

AIR CONDITIONING NOTES

- 1. PLANT AND FITTINGS ARE A COMBINATION OF NEW AND EXISTING. FULL SCOPE OF WORKS ON SITE. ALLOW TO CLEAN AND SERVICE COMPONENTS BEING RETAINED.
- 2. WORKS ARE TO ADAPT BASE BUILDING AC TO SUIT THE TENANCY INCLUDING THE SUPPLY AND INSTALLATION OF A NEW AC PACKAGE AS REQUIRED. *BASE BUILDING AC IS TO BE USED IN THE NEW SETOUT. ANY REQUIREMENTS ARE TO BE MET BY THE INSTALLATION OF A SUPPLEMENTAL PACKAGE.
- 3. ALL WORK CARRIED OUT SHALL COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS.
- 4. DESIGN IS GENERALLY TO BE BY THE CONTRACTED INSTALLER. INCLUDE VENTING / EXTRACTION FANS TO THE COMMS ROOMS AND EXISTING AMMENITIES.
- 5. THOROUGHLY CLEAN ALL FILTERS, RETURN AIR GRILLES AND OUTLETS PRIOR TO PRACTICAL COMPLETION. GENERALLY MAKE GOOD OF NECESSARY.
- 6. REBALANCE, INSPECT, TEST AND REPORT ON THE CONDITION OF CONDITIONING SYTEM (REAR AMENITIES AND COMMS).

FIRE SERVICE NOTES

- 1. FITTINGS ARE A COMBINATION OF NEW AND EXISTING. FITTINGS SHOWN ARE SHOWN IN THEIR PROPOSED FINAL LOCATIONS. CONFIRM EXISTING LOCATIONS AND NUMBER OF FITTINGS ON SITE.
- 2. WORKS ARE GENERALLY TO SUPPLY AND INSTALL FIRE SERVICES (INCLUDING BUT NOT LIMITED TO PORTABLE EXTINGUISHERS, SMOKE DETECTORS (ALARMS AND WALL MOUNTED EMERGENCY PLANS) TO SUIT THE TENANCY SETOUT. DESIGN IS GENERALLY TO BE BY THE CONTRACTED INSTALLER.
- 3. ALL WORK CARRIED OUT SHALL COMPLY WITH THE RELEVANT AUSTRALIAN STANDARDS, AND BCA INCLUDING BUT NOT LIMITED TO:
DETECTION AND ALARM SYSTEM IS TO BE IN ACCORDANCE WITH SPECIFICATION E2.2A AND MUST BE PROVIDED WITH -
A) AN AUTOMATIC SMOKE DETECTION AND ALARM SYSTEM COMPLYING WITH SPECIFICATION E2.2A; AND
B) AUTOMATIC SHUTDOWN OF ANY AIR-HANDLING SYSTEM WHICH DOES NOT FORM PART OF A ZONE SMOKE CONTROL SYSTEM (OTHER THAN INDIVIDUAL ROOM UNITS WITH A CAPACITY NOT MORE THAN 1000 US, SYSTEMS SERVING CRITICAL TREATMENT AREAS AND MISCELLANEOUS EXHAUST AIR SYSTEMS INSTALLED IN ACCORDANCE WITH SECTIONS 5 AND 11 OF AS/NZS 1668.1) ON THE ACTIVATION OF
(i) SMOKE DETECTORS INSTALLED IN ACCORDANCE WITH (A); AND
(ii) ANY OTHER INSTALLED FIRE DETECTION AND ALARM SYSTEM INCLUDING A SPRINKLER SYSTEM COMPLYING WITH SPECIFICATION E1.5; AND
4. NOTE THAT THIS FACILITY Caters TO A MAXIMUM OF 3X TREATMENT BEDS (SHORT VISIT BED PATIENTS) AND NO OVERNIGHT CARE OR CARE REQUIRING ANAESTHESIA WILL BE UNDERTAKEN AT THIS FACILITY (NON-SURGICAL RAPID CARE SERVICES PROVIDED ONLY), AS THERE ARE LESS THAN 6 BED PATIENTS ON SITE, A CLAUSE 3 OR 4 SMOKE ALARM / SMOKE DETECTION SYSTEM MAY BE INSTALLED. A CLAUSE 3 SMOKE DETECTION FACILITY IS TO BE INSTALLED - SMOKE ALARMS MUST BE INSTALLED IN EVERY ROOM, PUBLIC CORRIDOR AND OTHER INTERNAL PUBLIC SPACES AND-
(i) BE LOCATED IN ACCORDANCE WITH THE REQUIREMENTS FOR SMOKE DETECTORS IN AS 1670.1 AND INTERCONNECTED TO PROVIDE A COMMON ALARM, AND
(ii) HAVE MANUAL CALL POINTS INTALLED IN EVACUATION ROUTES SO THAT NO POINT ON A FLOOR IS MORE THAN 30M FROM A MANUAL CALL POINT".
5. NEW FITTINGS ARE TO MATCH EXISTING WHERE POSSIBLE.

ICEBERGS DINING ROOM AND BAR_ 1 NOTTS AVE, BONDI BEACH

AMENDED

Application No: DA-440/2020/A

Date Received: 30/11/2022

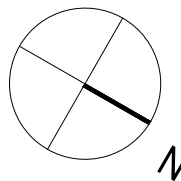


Revision History			
Issue Date	Status	Issued By	Checked by
23.11.22	Issued for SECTION 4.55	DF	PK

Legend	
	EXISTING

Builder/Contractor shall verify job dimensions before any job commences.
Figured dimensions take precedence over drawings and job dimensions.
All shop drawings shall be submitted to the Architect/Consultant, and manufacture shall not commence prior to return of inspected shop drawings by the Architect/Consultant.

North Point



Drawing Name
Icebergs Dining Room And Bar
1 Notts Avenue
Bondi NSW 2026
Drawing Title
3D Visual- Exterior

Drawn By	Date
	09/06/2022
Drawing Scale	Drawing Status
NTS	Issue Section 4.55
Layout ID	Revision
S455_02	1



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Application No: DA-440/2020/A
Date Received: 30/11/2022



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Revision History			
Issue Date	Status	Issued By	Checked by
23.11.22	Issued for SECTION 4.55	DF	PK

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Icebergs Dining Room And Bar
1 Notts Avenue
Bondi NSW 2026
Drawing Title
3D Visual- Exterior

Drawn By	Date
	09/06/2022
Drawing Scale	Drawing Status
NTS	Issue Section 4.55
Layout ID	Revision
S455_03	1



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Revision History			
Issue Date	Status	Issued By	Checked by
23.11.22	Issued for SECTION 4.55	DF	PK

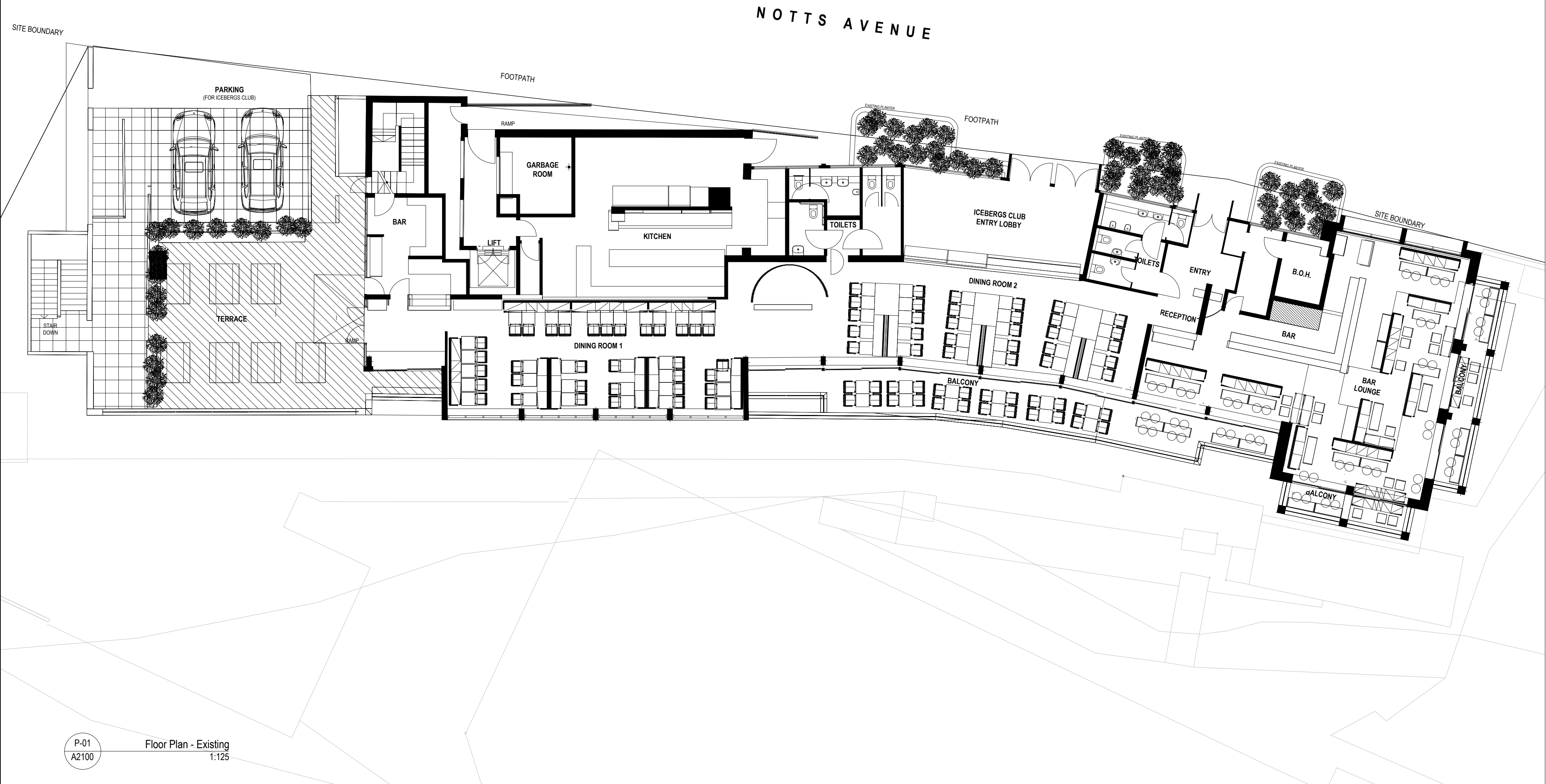
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North Point

Drawing Name	
Icebergs Dining Room And Bar	
1 Notts Avenue	
Bondi NSW 2026	
Drawing Title	
3D Visual- Exterior	

Drawn By	Date
	09/06/2022
Drawing Scale	Drawing Status
NTS	Issue Section 4.55
Layout ID	Revision
S455_04	1



P-01
A2100
Floor Plan - Existing
1:125

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Revision History		Issued By	Checked by
Issue Date	Status		
16.05.22	Issued for Approval	DF	PK
26.05.22	Issued for Construction Cert	DF	PK
09.06.22	Issued for Construction	DF	PK

Legend
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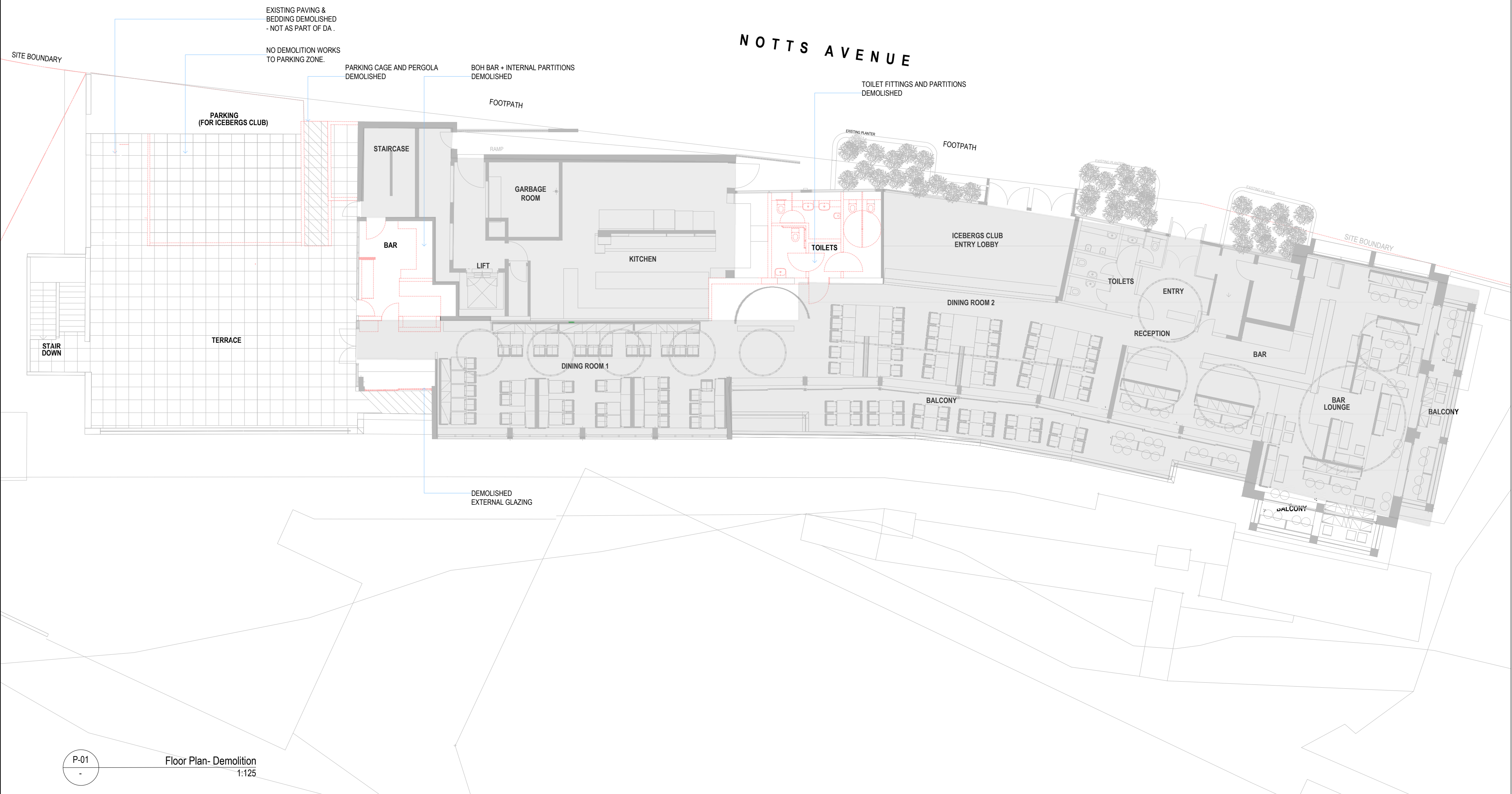
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North Point

Drawing Name Icebergs Dining Room And Bar	Drawn By DF	Drawn Date 16/05/2022
1 Notts Avenue Bondi NSW 2026	Drawing Scale 1:125@A2	Drawing Status Issue for Construction
Drawing Title Floor Plan - Existing	Layout ID A2100	Revision 3

AMENDED

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Application No: DA-440/2020/A
Date Received: 30/11/2022



P-01
-
Floor Plan- Demolition
1:125

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Revision History			
Issue Date	Status	Issued By	Checked by
22.11.22	Issued for Approval	DF	PK

Legend

DEMOLISHED WORKS AS EXECUTED

NOT PART OF DEVELOPMENT APPLICATION

Builder/Contractor shall verify job dimensions before any job commences.
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North Point

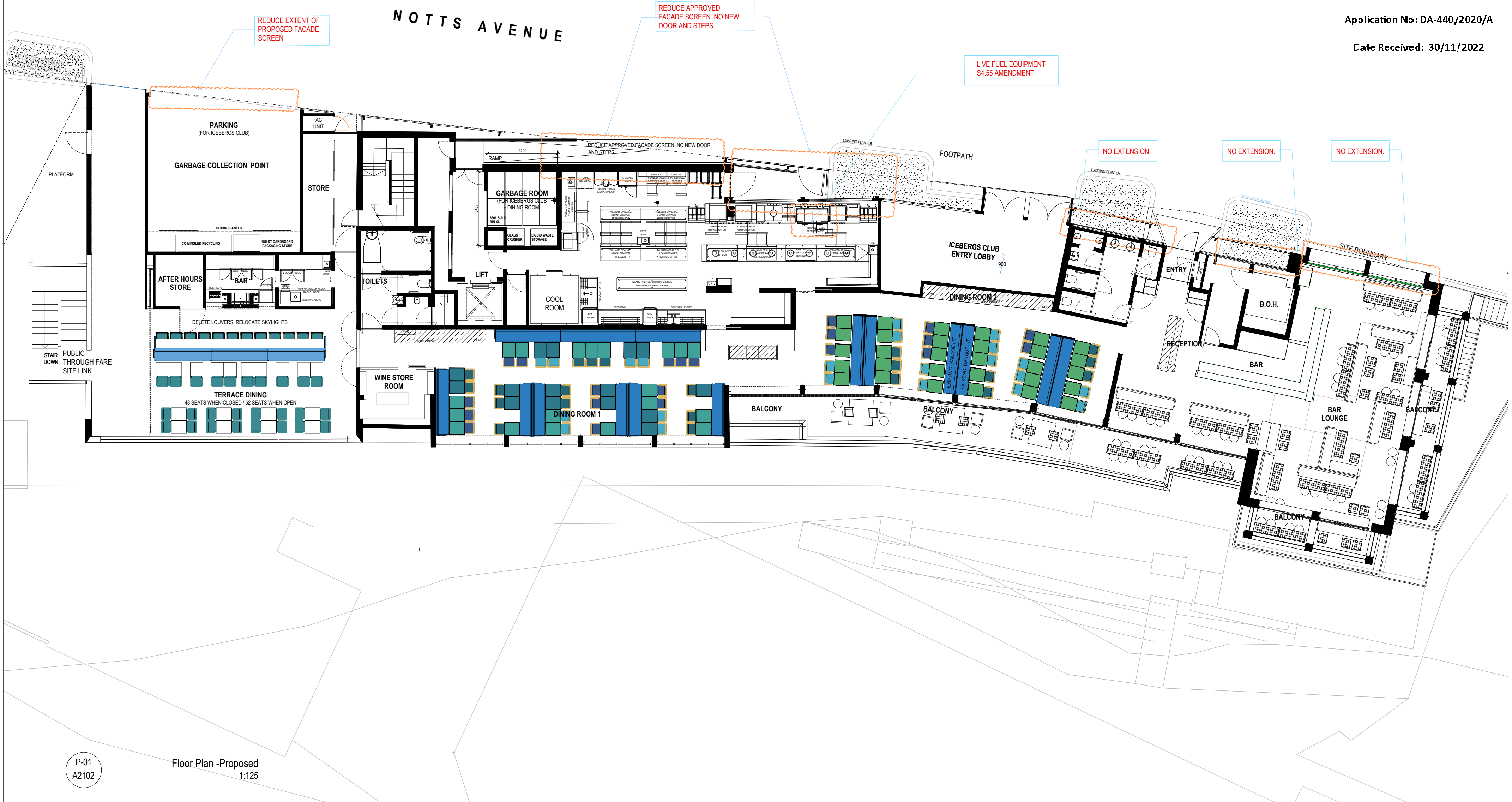
Drawing Name	Icebergs Dining Room And Bar	Drawn By	DF	Drawn Date	22/11/2022
1 Notts Avenue		Drawing Scale	1:125@A2	Drawing Status	WORKS AS EXECUTED
Bondi NSW 2026		Layout ID	BC_03	Revision	1
Drawing Title	Executed Works -Demolition Plan				

THIS DRAWING TO BE READ IN CONJUNCTION WITH PARTITION DETAIL DRAWINGS.
ALL DIMENSIONS TO BE CONFIRMED ON SITE
WHERE JUNCTIONS OCCUR AT CORNERS OF EXISTING BUILDING WORKS, PARTITIONS TO BE SET OUT TO ALIGN WITH FINISHED FACES UNLESS NOTED OTHERWISE
ALL TRADES, INCLUDING INSTALLATION AND SUPPLY ITEMS, TO CONFORM TO AUSTRALIAN STANDARDS, BCA AND SPECIFICATIONS
CONTRACTOR TO CO-ORDINATE AND INSTALL TIMBER WALL STUD AND NOGGING REINFORCEMENT AS APPROPRIATE FOR ALL FIXED JOINERY
ALL GLAZING TO HAVE GRAPHIC GLAZING FILM. REFER TO G.01.G.02 FOR FURTHER DETAIL
REFER TO DOOR SCHEDULE + DD.01 FOR ALL DOOR SIZES AND SPECIFICATIONS.

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Application No: DA-440/2020/A

Date Received: 30/11/2022



P-01
A2102

Floor Plan -Proposed
1:125

APS
DESIGN

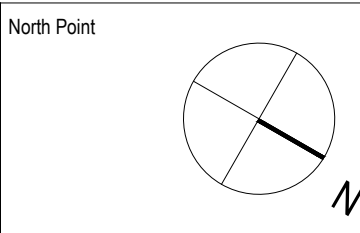
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Revision History			
Issue Date	Status	Issued By	Checked by
23.11.22	Issued for SECTION 4.55	DF	PK

Legend	
	EXISTING WALLS
	SECTION 455 AMENDMENT- APPROVED WORKS NOT TO BE IMPLEMENTED

Builder/Contractor shall verify job dimensions before any job commences.
Figured dimensions take precedence over drawings and job dimensions.
All shop drawings shall be submitted to the Architect/Consultant, and manufacture shall not commence prior to return of inspected shop drawings by the Architect/Consultant.



Drawing Name
Icebergs Dining Room And Bar
1 Notts Avenue
Bondi NSW 2026
Drawing Title
Floor Plan -Proposed

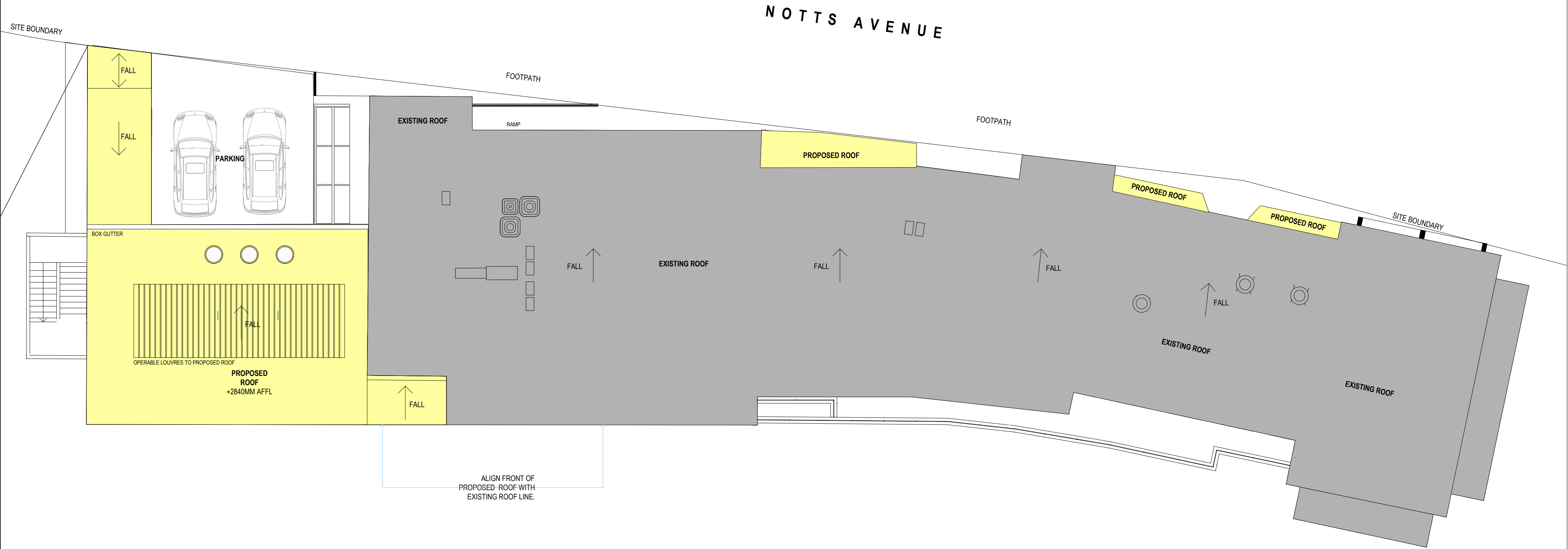
Drawn By DF	Date 4/11/2022
Drawing Scale 1:125@A2	Drawing Status Issue Section 4.55
Layout ID S455_06	Revision 1

AMENDED

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Application No: DA-440/2020/A

Date Received: 30/11/2022



P-01
A2106

Roof Plan -DA Approved
1:125

APS
DESIGN

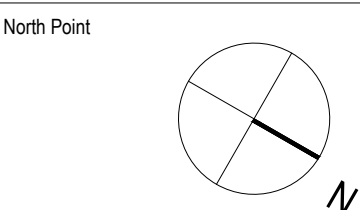
ALLIANCE PROJECT SERVICES
DESIGN + CONSTRUCT + MANAGE

[LPA]

Revision History			
Issue Date	Status	Issued By	Checked by
23.11.22	Issued for SECTION 4.55	DF	PK

Legend	
	DA APPROVED NEW ROOF
	EXISTING ROOF

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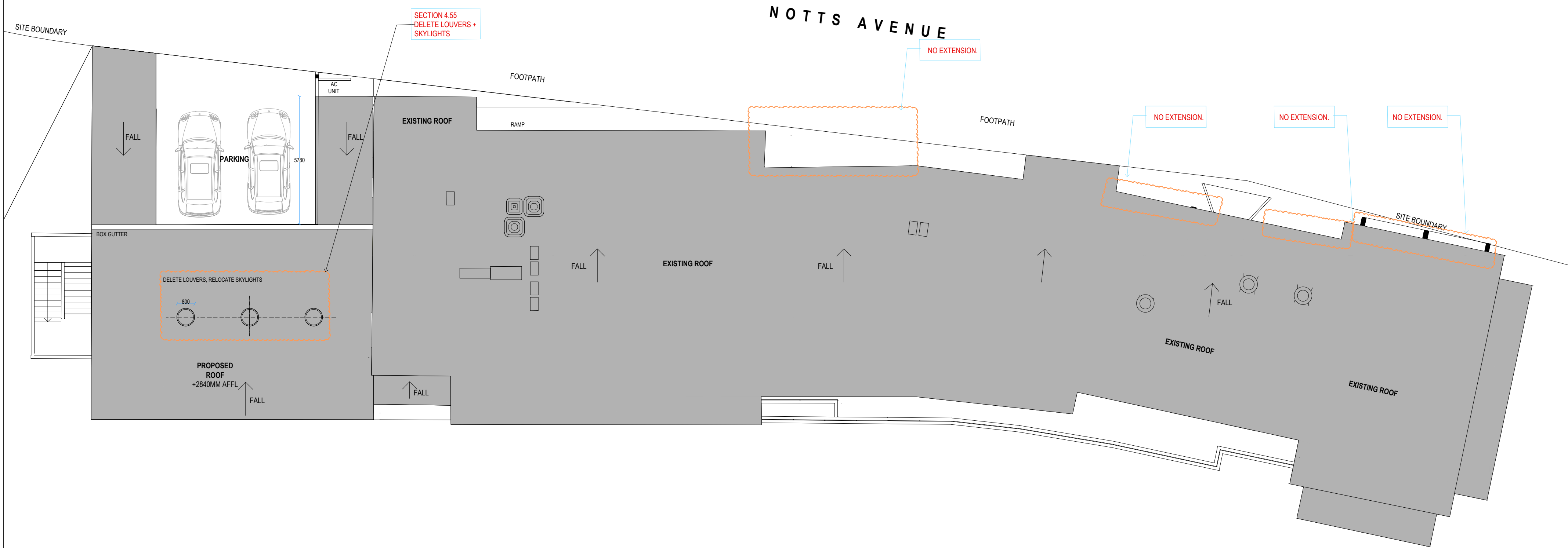


Drawing Name
Icebergs Dining Room And Bar
1 Notts Avenue
Bondi NSW 2026
Drawing Title
Roof Plan -DA Approved

Drawn By DF	Drawn Date 16/05/2022
Drawing Scale 1:125@A2	Drawing Status Issue Section 4.55
Layout ID S455_07	Revision 1

AMENDED

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Application No: DA-440/2020/A
Date Received: 30/11/2022



P-01
A2104
Roof Plan - Amended Proposed
1:125

APS
DESIGN

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Revision History		Issued By	Checked by
Issue Date	Status		
23.11.22	Issued for SECTION 4.55	DF	PK

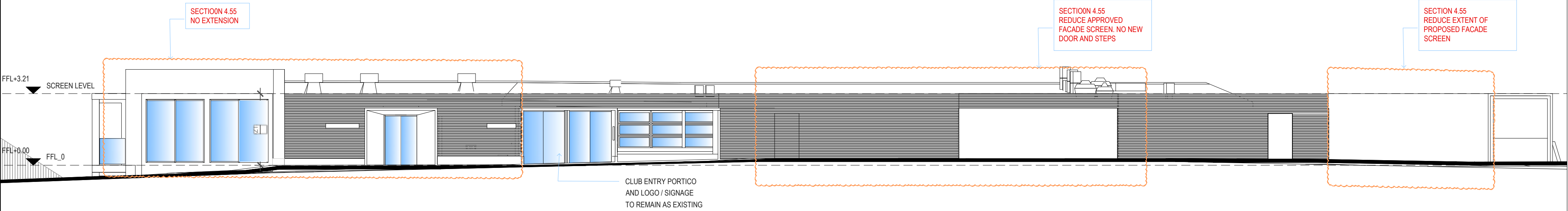
Legend

- EXISTING ROOF
- SECTION 455 AMENDMENT- APPROVED WORKS NOT TO BE IMPLEMENTED

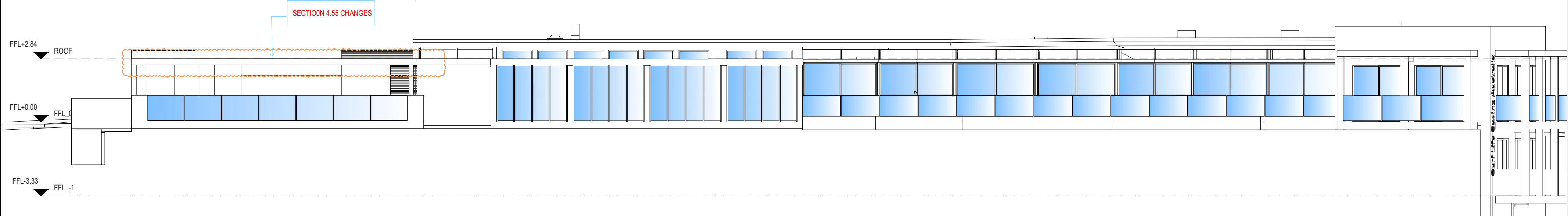
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North Point

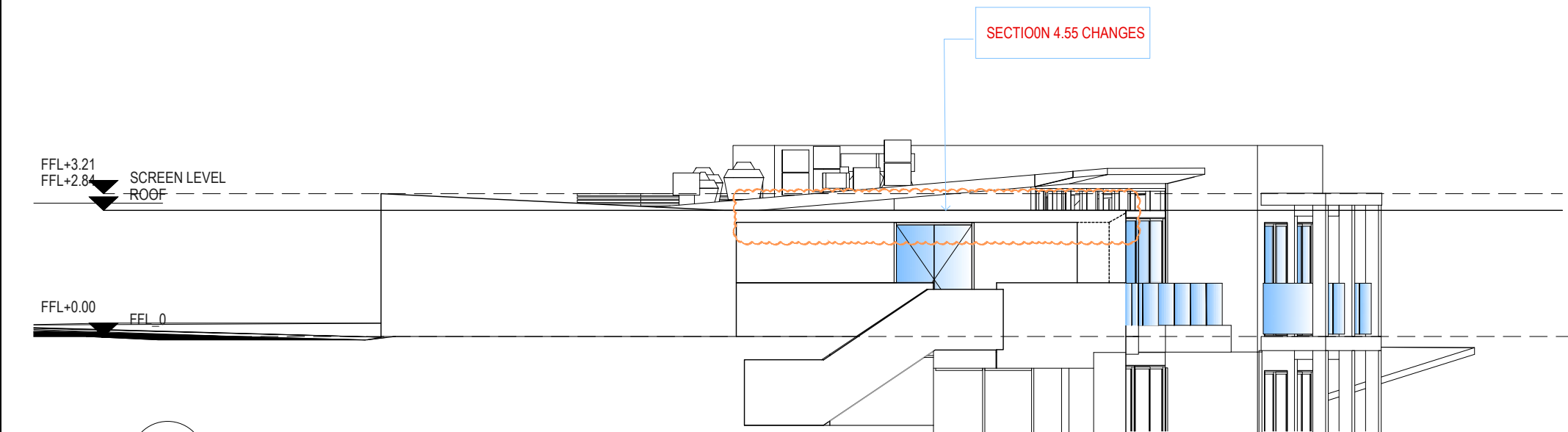
Drawing Name	Icebergs Dining Room And Bar	Drawn By	DF	Drawn Date	16/05/2022
1 Notts Avenue	Bondi NSW 2026	Drawing Scale	1:125@A2	Drawing Status	Issue Section 4.55
Drawing Title	Roof Plan -Proposed	Layout ID	S455_08	Revision	1



03 West Sectional elevation - Notts Ave
1:125



02 East Sectional elevation - Ocean Side
1:125



01 South Sectional elevation - Terrace
1:125

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Waverley Council
Application No: DA-440/2020/A
Date Received: 30/11/2022

APS
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Revision History		Issued By	Checked by
Issue Date	Status		
23.11.22	Issued for SECTION 4.55	DF	PK

Legend
[Solid Black Box] EXISTING
[Dashed Orange Box] SECTION 455 AMENDMENT

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North Point

Drawing Name Icebergs Dining Room And Bar 1 Notts Avenue Bondi NSW 2026	Drawn By DF Drawing Scale 1:125@A2 Layout ID S455_09	Drawn Date 17/10/2022 Drawing Status Issue Section 4.55 Revision 1
External Elevations		



Report to the Waverley Local Planning Panel

Application number	DA-214/2022
Site address	17-21 Curlewis Street, Bondi Beach
Proposal	Demolition of existing buildings and construction of a 3 storey commercial building with basement services and parking
Date of lodgement	2 June 2022
Owner	Mr C De Marco Blank Super Pty Limited
Applicant	Blank Super Pty Limited
Submissions	20 submissions
Cost of works	\$3,221,556
Principal Issues	<ul style="list-style-type: none"> • Building form • Solar access impacts • Visual privacy impacts • Solar access impacts
Recommendation	That the application be granted DEFERRED COMMENCEMENT CONSENT subject to conditions.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of existing buildings and construction of a 3 storey commercial building with basement services and parking at the site known as 17-21 Curlewis Street, North Bondi.

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

- Building form
- Solar access impacts
- Visual privacy impacts
- Solar access impacts

The assessment finds these issues acceptable subject to deferred commencement conditions of consent.

A total number of 20 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 12 September 2022.

The site comprises of three lots, identified as:

- Lot 1 in DP 504556, known as 17 Curlewis Street. This lot contains a two-storey semi-detached building with commercial at lower ground floor level (street level) and residential above, and has an area of 225.3m².
- Lot 2 in DP 504556, known as 19 Curlewis Street. This lot contains a single-storey semi-detached dwelling which has partially collapsed, and has an area of 224.2m².
- Lot 1 in DP 307122, known as 21 Curlewis Street. This lot is currently empty and partially excavated, has an area of 117.5m², and is half the length of the other lots which form the site. The previous use of the lot was a commercial single storey premises.

The site is as a whole, has an irregular 'L' shape, with a total area of 567m², and a north-eastern frontage to Curlewis Street measuring 20.42m. The site does not have a secondary street frontage and does not have vehicle access.

Levels on the site fall from the rear (south-west) to the front (north-east) by approximately 5m.

The site is located within the Old South Head Road Neighbourhood Centre, and the locality is characterised by a mix of residential and commercial development.

23 Curlewis Street, adjacent to the site to the south-east, is a mixed-use three-storey building with commercial and residential uses at street-level and residential units above. The building is not set back from the boundary with the subject site.

15 and 13 Curlewis Street, adjacent to the site to the north-east, are part two and part three-storey semi-detached dwellings with integrated garages at lower ground floor level (street level) and residential accommodation at the upper two levels. Number 15 is set back approximately 900mm from the boundary with the subject site. The boundary between number 15 and the subject site runs through the middle of a passageway.

11 and 9 Curlewis Street, to the north-west of number 13, are two storey buildings with commercial at street level. Number 11 has residential accommodation above. Both buildings have no side setbacks. 180 Wellington Street, to the south of the site, is a two-storey residential flat building. 2 Simpson Street, to the south-west of the site, is a two-storey residential flat building

Figures 1 to 7 are photos of the site and its context.



Figure 1: Site viewed from Curlewis Street, looking south-west



Figure 2: Site viewed Curlewis Street, looking north-west



Figure 3: Semi-detached dwellings at 13 and 15 Curlewis Street (left of photo) and commercial buildings at 9A and 11A Curlewis Street (right of photo), looking west



Figure 4: Passageway between 17 Curlewis Street (left) and 15 Curlewis Street (right).



Figure 5: 21 Curlewis Street, viewed from rear yard of 180 Wellington Street, looking north



Figure 6: 17 Curlewis Street, viewed from rear yard of 15 Curlewis Street, looking east



Figure 7: 21 Curlewis Street, viewed from rear yard of 2A Simpson Street, looking north-east



Figure 8: Rear of 25 Curlewis Street, viewed from Wellington Street, looking north-west. Photo from Google Streetview



Figure 9: Waverley Local Environment Plan 2012 (Waverley LEP 2012) zoning map of site and surrounding area. Light blue area (subject site) is B4 Mixed Use, and red area is R3 Medium Density Residential.



Figure 10: Waverley Development Control Plan 2012 (Waverley DCP 2012) neighbourhood centre map. Light blue area (subject site) is neighbourhood centre.

1.3. Relevant Development History

A search of Council's records revealed the following recent and relevant development history of the site, all for 21 Curlew Street.

DA-320/2018

The application sought consent for demolition of an existing single storey commercial building and construction of a four-storey commercial building for use as retail (ground floor) and co-working office space (levels 1-3) at 21 Curlew Street.

The application was refused by the Waverley Local Planning Panel (WLPP) on 28 August 2019 as the proposal breached the Waverley LEP 2012 floor space ratio (FSR) development standard by 54.3%, was inconsistent with the objectives of the development standard including failure to preserve environmental amenity by way of solar access to neighbouring sites, and the non-compliance with development standard contributed to the proposal's divergence from the desired future character objectives of the Old South Head Road – Blair Street Intersection Neighbourhood Centre.

DA-320/2018/1

The Section 8.3 application sought a review of the refusal of DA-320/2018 at 21 Curlew Street.

The review application included amendments to the proposal including reconfiguring the rear of the building, increases to the setbacks from the side boundaries at the rear, incorporation of planter boxes with landscape and acoustic screening for the air-conditioning units to replace the trafficable above ground level terraces, and incorporation a deep soil zone (2m in width) along the rear setback.

The amendments resulted in a reduction in the gross floor area (GFA), however the application still breached FSR development standard by 50.3%.

The development and building unit (DBU) recommended deferred commencement consent be granted, subject to a condition being imposed to delete the third floor and increase the rear setback on levels 1 to 3 to be in line with the rear wall of the proposed lift. This was to ensure the additional overshadowing impacts were removed to preserve environmental amenity.

The deferred commencement condition reduced the breach of the FSR development standard to 4.19%.

WLPP granted Deferred Commencement Consent on 11 December 2019. The deferred commencement consent was activated on 5 June 2020.

DA-320/2018/A

The modification application proposed to reduce the rear setbacks of the building at all levels.

The proposed modifications increased the breach of the FSR development standard to 17.7%.

The modification application was approved on 10 July 2020 under delegated powers. The modifications were supported, as they did not result in any streetscape or amenity impacts.

1.4. Proposal

The development application seeks consent for demolition of existing buildings at 17 and 19 Curlewis Street, and construction of a commercial office building at 17 to 21 Curlewis Street.

The proposal is three-storeys within the lot at 21 Curlewis Street, and four storeys within the lots at 17 and 19 Curlewis Street. The proposal forms one building over the three lots.

Demolition:

- Demolition of 17 and 19 Curlewis Street, and of north-west side passageway.

Tree removal:

- The following trees are proposed to be removed. The numbering refers to the numbering in the applicant's arborist report:
 - T1, T2, T5, T6, T7 & T10 5m *Syzygium paniculatum* (Brush Cherry)
 - T3, T4, T8 & T9 5m *Viburnum sp.* (Viburnum)
 - T 11, 5m *Nerium oleander* (Oleander)
 - T 12, 7m *Hymenosporum flavum* (Native Frangipani)

Ground floor:

- Excavation to level the site, to align with the street level;
- Ground floor commercial tenancy;
- External building entry corridor;
- Lobby, lift, bin room, and service room;

- Cycling end-of-trip facilities consisting of 14 cycle parking spaces, lockers, and two bathroom / showers;
- Car parking for five vehicles, including one accessible space;
- Motorbike parking for one motorbike; and
- 2.03m excavation setback from the rear boundary at 17 and 19 Curlewis Street

First floor level:

- Commercial office tenancies;
- Front balcony;
- 3.13m setback from the rear boundary at 17 and 19 Curlewis Street, forming a courtyard; and
- 1.56m setback from the rear boundary at 21 Curlewis Street

Second floor level:

- Commercial office tenancies;
- Front balcony;
- 9.13m setback from the rear boundary at 17 and 19 Curlewis Street;
- Rear balcony and green roof area at 17 and 19 Curlewis Street; and
- 1.56m setback from the rear boundary at 21 Curlewis Street

Third floor level:

- Commercial office tenancies at 17 and 19 Curlewis Street;
- 5m setback from the front boundary at 17 and 19 Curlewis Street;
- Terrace and green roof within the front setback, and on the roof of 21 Curlewis Street;
- 13.13m setback from the rear boundary at 17 and 19 Curlewis Street; and
- Rear balcony and green roof area at 17 and 19 Curlewis Street, set back 3.128m from the rear boundary.

Roof:

- Photovoltaic panels;
- Condenser units; and
- Lift overrun.

The indicative desk layout shows a desk seating capacity of 128 people.

1.5. Background

The development application was lodged on 2 June 2022.

A 'stop the clock' letter was sent to the applicant on 24 June 2022 regarding land contamination issues, requesting either:

- An amended Preliminary Site Investigation (PSI) peer reviewed by a NSW EPA-accredited site auditor with accompanying letter from the auditor stating that the remediation action plan (RAP) is practical and will result in the site being made suitable for the intended use; or

- A Site Audit Statement (SAS) prepared by a NSW EPA accredited site auditor clearly stating that the site is/or will be suitable for the intended use.

An amended PSI was received on 4 July 2022. The amended documentation did not fully address either of the two points above.

The application was deferred on 11 October 2022. The following amendments and additional information were requested:

- A reduction in the bulk and scale of the proposal, and an increase in setbacks, to reduce amenity and streetscape impacts.
- An increase in street activation.
- An increase to the size and improvement in the useability and flexibility of the ground floor commercial space.
- An increase in bicycle parking and end-of-trip facilities.
- Removal of parking and vehicle access.
- Deletion of the proposed basement.
- An amended geotechnical report to address concerns regarding neighbouring land and structural stability.
- An arborist report.
- An amended acoustic report to address impacts of the proposed balconies/terraces.
- Amended stormwater plans.
- Amended documentation regarding land contamination, as previously requested on 24 June 2022.

Amended plans and documentation were received between 18 October and 25 November 2022.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The application is considered to comply with the following SEPPs:

- SEPP (Industry and Employment) 2021
- SEPP (Biodiversity and Conservation) 2021

SEPP (Industry and Employment) 2021 (Advertising and signage- chapter 3)

Signage details have not been provided with the development application. An advisory note is included at **Appendix A** stating that a separate application will be required for signage aside from signage that is exempt development.

The application can comply with the following SEPP subject to deferred commencement conditions of consent as set out below:

- SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021

The applicant's Detailed Site Investigation (DSI) does not satisfy the requirements of Chapter 4 clause 4.6 of the SEPP, as it does not contain sufficient information to conclude whether the land is contaminated.

Deferred commencement conditions of consent are therefore included and as recommended by Council's Health unit at **Appendix A** of this report, requiring confirmation that the site is suitable, or will be made suitable, for the intended use.

2.1.2. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as commercial premises, consisting of office and retail premises, which are permitted with consent in the B4 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 13m	Yes	The proposal has a maximum height of 12.6m.
4.4 Floor space ratio 1.5:1	Yes	A GFA of 850.6m ² is proposed, resulting in a compliant FSR of 1.5:1.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is classified as class 5 acid sulfate soil. The proposal does not propose any works requiring the preparation of an acid sulfate soils management plan.

Provision	Compliance	Comment
6.2 Earthworks	Yes	Satisfactory. See further discussion below.

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

Earthworks

Waverley LEP 2012 clause 6.2 *Earthworks* requires the consent authority to consider the likely impacts of excavation including impacts on the structural integrity of adjoining properties, and to consider appropriate measures to avoid, minimise or mitigate impacts.

Concerns have been raised by adjoining property owners regarding the impact of the proposed excavation, in the context of land instability at 180 Wellington Street and building collapse at 19 Curlewis Street(subject site) adjacent to past excavation at 21 Curlewis Street.

The extent of proposed excavation has substantially decreased during the course of the assessment. The application was lodged with excavation to a depth of approximately RL 10.5. The amended proposal reduces excavation by 3m to a depth of approximately RL 13.6. The proposed excavation equates to a depth of 5.3m below existing ground level at the highest existing point of the site.

The applicant has provided a geotechnical report detailing the site conditions and recommended excavation and construction methods to ensure the stability of neighbouring land and structures. The report acknowledges the land stability and building collapse issues suffered at adjacent sites and recommends mitigation measures to avoid similar future incidents. The report also recommends:

- a full geotechnical investigation of the site;
- footing investigations of adjacent buildings; and
- dilapidation surveys of adjacent buildings.

The above recommendations should be carried out prior to construction taking place, and therefore a condition of consent requiring the above documentation to be submitted to the principal certifying authority is included in **Appendix A** of this assessment report below.

In addition to the above, conditions of consent are also included in **Appendix A** requiring a detailed geotechnical report to be prepared following the full geotechnical investigation of the site. The report must be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The report must directly address how the structural stability of neighbouring properties including 15 Curlewis Street will be maintained, and how those properties will be protected from damage.

The recommendations detailed in the geotechnical report must be prepared prior to issuance of a construction certificate, and must be included in the construction certificate plans and specifications. The recommendations must be complied with during excavation and construction, and all excavation is to be managed by a practising structural engineer. Any subsequent amendments to the methods of excavation and construction must be approved by a suitably qualified and practising engineer and by the principal certifying authority.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory subject to standard conditions of consent.
2. Ecologically Sustainable Development	Yes	The proposal is acceptable subject to the provision of a report demonstrating how the project will deliver greenhouse gas emissions 30% less than a reference building, prior to the issuance of any construction certificate.
3. Landscaping and Biodiversity	Yes	Satisfactory subject to conditions of consent requiring adequate soil depths and appropriate soil mixes and species.
5. Vegetation Preservation	Yes	The proposed tree removal is supported subject to conditions of consent requiring replacement planting of three trees within the rear deep soil area, and regarding protection of neighbouring trees.
6. Stormwater	Yes	Satisfactory subject to conditions of consent. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport 8.1 Streetscape <ul style="list-style-type: none"> Car parking and vehicular access must not dominate the streetscape. Entry gates and should be an open design to allow for improved security by way of street surveillance 8.2.1 Vehicle access <ul style="list-style-type: none"> Entry to underground parking should not be adjacent to doors or windows of 	Yes Subject to condition of consent Yes	The proposed car parking is located at the rear of the site behind an active street frontage. The entry to the car park is the width of a single vehicle. Full details of the entry gate have not been provided. A condition of consent is recommended at Appendix A requiring the gate to be of an open design. The proposed vehicle access is at street level, away from upper ground floor doors and windows at 15 Curlewis Street. The proposal includes five car parking spaces, including one accessible space. The proposal includes one motorcycle parking space. 14 bicycle parking spaces are provided.

Development Control	Compliance	Comment
<p>residential development</p> <p>8.2.2 Car parking provision rates</p> <p>Maximum parking rate:</p> <ul style="list-style-type: none"> Business and office premises: 9 <p>Motorcycle spaces:</p> <ul style="list-style-type: none"> 1 space per 3 car parking spaces. <p>8.2.6 Bicycle parking</p> <ul style="list-style-type: none"> Minimum of 4 Class 2 bike enclosures 1 personal locker per bike space 2 shower / change cubicles for 11 to 20 bike spaces <p>8.5 Green travel plans</p> <ul style="list-style-type: none"> A green travel plan with targets for reduction of car trips must be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Subject to conditions Yes</p> <p>Yes</p>	<p>The proposal includes a locker room. A condition of consent requiring 14 lockers to be provided is recommended at Appendix A.</p> <p>Two shower / change cubicles are provided.</p> <p>A green travel plan has been provided, with a 5% cycling target in line with Waverley Council's estimates. Bicycle parking in excess of the target is to cater for over 10% of employees and is provided.</p> <p>The green travel plan is generally compliant; however, a condition of consent is recommended at Appendix A, requiring amendments to include details of how sustainable modes will be encouraged and how the outcomes of the green travel plan will be monitored.</p>
10. Safety	Subject to conditions of consent	<p>The ground level external entry corridor is not secured and forms a recessed area which has the potential for concealment.</p> <p>A condition of consent is recommended at Appendix A requiring an access gate to the corridor to ensure safety and security.</p>
12. Design Excellence	Yes	The proposal activates the street, has acceptable amenity impacts on neighbours in the context of the location and zoning, and is generally of a high quality design, subject to satisfaction of conditions of consent detailed throughout this report.
<p>14. Excavation</p> <ul style="list-style-type: none"> Excavation should not add to the visual bulk of the building Excavation should be minimised where possible Excavation not permitted within 900mm of side 	Acceptable on merit	<p>The proposed ground floor level, including the commercial tenancy, back of house facilities and car parking, requires excavation due to the slope of the site from front to rear.</p> <p>The excavation will enable a positive planning outcome by activating the street and by locating car parking at the rear of the site behind active uses.</p> <p>The excavated area reduces the overall bulk of the building by locating GFA below existing</p>

Table 3: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages <ul style="list-style-type: none"> Windows designed to provide active street frontage and to promote casual surveillance. 	Yes	Satisfactory. See DCP compliance table section B16 above for further discussion.
1.2.2 Awnings <ul style="list-style-type: none"> Premises are to provide a continuous awning 	Subject to conditions of consent.	See DCP compliance table section B16 above for further discussion.
1.2.3 General Amenity <ul style="list-style-type: none"> The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary. Development shall incorporate plant rooms and any associated services required for the use of the premises into the building envelope. All new development shall be designed to include an internal ventilation shaft 	<p>Acceptable</p> <p>Yes</p> <p>Yes</p>	Satisfactory. See under the heading <i>Amenity</i> below the DCP compliance table, and section D1.2.4 within the DCP compliance table, for further discussion.
1.2.4 Noise <ul style="list-style-type: none"> The design of the premises shall insulate adjoining properties from noise and vibration An acoustic report is required 	Subject to conditions of consent	<p>The premises have generally been designed to enclose noise-generating uses within the building, with the exception of open spaces, vehicle access and air conditioning units on the roof.</p> <p>The applicant has provided an acoustic report detailing the anticipated impacts of the proposal and outlining mitigation measures.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Air conditioning units must be located in a plant room or an acoustic enclosure 		<p>The acoustic report considers noise generated from use of the open spaces and vehicle movements.</p> <p>The acoustic report is based on the following assumptions:</p> <ul style="list-style-type: none"> Hours of operation will be daytime between 7am and 6pm. Up to 8 people will use each of the rear open spaces at any given time. Up to 20 people will use each of the front balconies at any given time. Up to 25 people will use the top-level open space at any given time. 60% of users of the open spaces to be speaking with 'normal' vocal effort and 40% with 'raised' vocal effort. 5 vehicles using the driveway within a 15 minute period. <p>The report assesses the proposal as compliant with NSW Environment Protection Authority (EPA) Noise Policy for Industry (NPfI) subject to:</p> <ul style="list-style-type: none"> The restricted use of outdoor areas to the hours of 7am to 6pm No music within outdoor areas Rear balustrades to be constructed with no gaps to a height of 1.2m The use of sound-absorbing materials <p>The above recommendations are included within conditions of consent at Appendix A.</p> <p>The report also concludes that further assessment must be undertaken regarding plant equipment once the design of the plan is finalised. A condition of consent is recommended at Appendix A requiring this and requiring air conditioning units to be enclosed in an acoustic enclosure.</p> <p>A condition of consent is also recommended at Appendix A stating that the outdoor spaces are for use associated with the approved office space only, and that no amplified or live music is permitted unless approved as part of a future development application. This is required to ensure the outdoor areas cannot be used for more impactful uses under exempt or complying development pathway without obtaining further consent from Council.</p>

Development Control	Compliance	Comment
		significant car movements, and as existing vehicle access exists on neighbouring sites.
<p>3.2.2 Public domain interface</p> <ul style="list-style-type: none"> Buildings are to be located to the front street alignment, with the exception of recommended upper level setbacks, nominated in the controls for each of the individual centres. There are to be no solid facades along the primary street frontage at ground level. Vehicular entries into buildings are not permitted along the primary commercial street frontage of site 	<p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p>	<p>See DCP section E3.2.1 above.</p>
<p>3.2.3 Built form</p> <ul style="list-style-type: none"> Development is to be consistent with height, floor to ceiling heights and setbacks, outlined for 3-storey neighbourhood centres in DCP Annex E3-2: <ul style="list-style-type: none"> 3 storey height 2.7m minimum floor-to-ceiling height Built to front boundary 3m ground floor rear setback, and 6m upper floor rear setback, measured from rear boundary Ground floor retail depth must allow for adequate display and sales area as well as essential back-of-house storage and loading facilities. In total 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Acceptable on merit</p> <p>Yes</p>	<p>The proposal is three storeys when measured from existing ground level. See the heading <i>Built Form</i> below the DCP compliance table for further discussion.</p> <p>The majority of the building complies with the rear setback controls, with the exception of the proposed built form at 21 Curlewis Street.</p> <p>The part of the building located at 17 and 19 Curlewis Street has a 3.1m rear setback at rear ground level, 9.1m setback at the level above, and 13.1m setback at the top-floor level. The setbacks are greater than those required by the controls.</p> <p>The part of the building located at 21 Curlewis Street has a 1.6m rear setback at all levels, which does not comply with the controls.</p> <p>The non-compliance with the setback controls at 21 Curlewis Street is acceptable in the circumstances of the proposal due to the constrained 16m depth of the site, due to the proposal aligning with the rear setbacks of 25 Curlewis Street, and due to the setbacks in excess of the minimum requirements being provided at the remainder of the site.</p>

Development Control	Compliance	Comment
<p>this must be a minimum of 8 - 10m in depth.</p> <ul style="list-style-type: none"> The preferred building depth for floors above ground level is 10-14m. The maximum building depth for floors above ground level, glazing line to glazing line is 18m. Sites adjoining residential uses are to provide a minimum 2m deep soil setback from the rear boundary 	<p>Acceptable on merit</p> <p>Yes</p>	<p>It is also noted that the proposed rear setbacks at 21 Curlewis Street align with the existing approved consent at the site.</p> <p>The amenity impact of the setbacks and building form is acceptable on balance, and further discussion regarding amenity is found under the heading <i>Amenity</i> below the DCP compliance table.</p> <p>The proposal does not include any retail use. However, the proposed ground floor area has a depth of 12m including back-of-house areas, which allows for future flexibility of uses.</p> <p>The proposal has a maximum depth of 19m from glazing-to-glazing line above ground floor level. The minor non-compliance is acceptable on merit, as that part of the development has greater setbacks than required by the DCP setback controls, as acceptable levels of amenity are retained for neighbours, and as the proposed office use has good amenity for future occupants.</p> <p>A 2m deep soil setback is provided to the rear.</p>
<p>3.2.4 Building facade articulation</p> <ul style="list-style-type: none"> New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms. 	<p>Acceptable on merit</p>	<p>The proposal respects the proportions of the adjacent building at 25 Curlewis Street in terms of building height and number of storeys when viewed from the street.</p> <p>The proposal is significantly larger than the existing buildings at 13 and 15 Curlewis Street but is acceptable on merit due to the planning controls for the site. See the heading <i>Built Form</i> below the DCP compliance table for further discussion.</p>
<p>3.2.6 Building services and site facilities</p> <ul style="list-style-type: none"> Garbage and recycling storage and collection areas, and the structures in which they are contained, are not to be visible from the public domain. The rear of buildings, at ground level, where they back directly on to residential properties 	<p>Yes</p> <p>Acceptable subject to conditions</p>	<p>Satisfactory.</p> <p>The proposal contains rear open spaces. The open spaces do not feature any building services, which are instead located at street (basement) level. The open spaces will have acceptable amenity impacts subject to the imposition of conditions relating to use and hours. See DCP table section D1.2.4 above for further discussion.</p>

Development Control	Compliance	Comment
or uses, are to be designed to be effectively 'sealed' at the rear, in order that noise and odour transmission from the rear of these premises does not occur in any form that detracts from the amenity of the adjoining residential properties		

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

Built form

The proposed built form is considered appropriate, considering the existing context of the site and the future character of the area anticipated by the Waverley LEP 2012 development standards and the Waverley DCP 2012 controls. Further discussion regarding amenity impacts is discussed below under the heading *Amenity*.

The proposal complies with the Waverley LEP 2012 FSR and height of buildings development standards as set out in the Waverley LEP 2012 compliance table above, with Waverley DCP 2012 section 3.2.3 built form and Annexure E3-2 controls for buildings within 3 storey neighbourhood centres as set out below.

Height

The proposal presents as a four-storey building on the proposed street elevation. However, the proposal is characterised as a three-storey building for the purposes of assessment against the planning controls due to the existing ground level, for most of the site, being significantly higher than street level, and is considered appropriate.

The proposal presents as a three-storey building when viewed from Curlewis Street directly opposite the site, and when viewed from Curlewis Street from the south-east, due to the proposed 5m top-floor setback from the front boundary and due to the presence of the existing three-storey building at 23 Curlewis Street. The façade-height of the building at number 23 aligns with the façade-height of the proposal.

The existing ground levels are significantly higher than Curlewis Street at the rear yards of 180 Wellington Street to the south-east of the site, and at 2 Simpson Street to the south-west of the site. This results in the proposal presenting as, and having the same amenity impacts as, a three-storey building from 180 Wellington Street, and as a two-and-a-half storey building from 2 Simpson Street.

For the reasons above, the proposal complies with the Waverley DCP 2012 building form controls at section E3.2.3 and at Annexure E3-2 of the DCP and is considered appropriate for the site which is located within a neighbourhood centre and within the B4 Mixed Use zone.

It is noted that the building will present as four-storeys when approached from the north-west, along Curlewis Street, where the side-profile of the building will be viewed across the property at 15 Curlewis Street. This is due to the properties at 15 and 17 Curlewis Street being two-storey semi-detached dwellings. It is acknowledged that the proposal will appear large in comparison with the adjacent semi-detached pair. However, the sites at number 15 and 17 are significantly under-developed compared to the scale of development anticipated by the floor space ratio and height of buildings development standards at those sites. In these circumstances it is considered that the area is under transition, and the significant variance in building height, bulk and form is appropriate in this context.

Setbacks

The proposal complies with the Waverley DCP section E3.2.3 and at Annexure E3-2 front and rear setback controls for the site, as set out in the DCP compliance table above, with the exception of the rear part of the building at 21 Curlewis Street.

There are no minimum side setback controls for the site. The proposed nil side setbacks are appropriate for the site due to its location in a neighbourhood centre in the B4 Mixed Use zone and due to the presence of existing buildings with nil side setbacks. The commercial and residential buildings at numbers 9, 11 and 25 have nil side setbacks, and the semi-detached dwellings at numbers 13 and 15 have 900mm side setbacks.

Solar access

Amended plans received during the assessment include increased setbacks from the rear boundary and reduced solar access impacts compared to the proposal as originally lodged. The resulting solar access impacts on neighbouring residents are on balance acceptable.

The Waverley LEP 2012 and The Waverley DCP 2012 do not contain any specific provisions regarding solar access impacts of commercial buildings constructed in neighbourhood centres. Instead, the LEP and DCP contain built form controls relating to height, FSR and setbacks with the objectives of managing amenity impacts. The proposal complies with the LEP and DCP controls as set out in the in the compliance tables and discussion section above, with the exception of the non-compliant rear setback at 21 Curlewis Street. The partial non-compliance with the rear setback controls is generally acceptable as set out in the DCP compliance table above, and is acceptable specifically regarding solar access as set out below.

Solar access impacts of developments are generally assessed at mid-winter, as this represents the 'worse- case scenario' for overshadowing. The proposal has solar access impacts at mid-winter for the semi-detached dwelling at 15 Curlewis Street, and for the residential flat buildings at 2 Simpson Street, 180 Wellington Street and 25 Curlewis Street.

The impact on the private open space of 15 Curlewis Street is minor and is acceptable. The impact is limited to 9am only, and results in a small loss of solar access to the private open space and the full loss of solar access to south-eastern side windows at that time. The impacts are caused by parts of the building which comply with the built form controls, and solar access is retained to the private open space throughout the remainder of the day.

The impact on the communal open space of 2 Simpson Street is limited to 9am and 10am and is acceptable. The proposed overshadowing is caused by parts of the building which have a greater setback from the rear boundary than is required by the DCP, and therefore the impacts are significantly reduced compared to the permitted building envelope at the site. The property will retain significant solar access through the remainder of the day.

The impact on the communal open space and windows of 180 Wellington Street is significant but is acceptable on balance. Solar access to the communal open space and ground floor windows will be significantly impacted throughout the day, with only small areas of solar access being retained toward the southern corner. The majority of the impact is caused by the parts of the building which have a greater setback from the rear boundary than is required by the DCP. The impacts are smaller than those that would be caused by a building built to the maximum LEP and DCP permitted building envelope at the site, and in these circumstances the impacts are acceptable on balance.

The impact on the 25 Curlewis Street is minor and is acceptable. The impact is on the rear communal open space between 1pm and 3pm. It is noted that parts of the rear communal open space are approved to be used as private open space for the existing units at the site, and that that development is currently under way. The impact is very minor due to the presence of the existing projecting rear wing at number 25.

Visual privacy

The proposal maintains a reasonable level of visual privacy for residential properties adjoining a neighbourhood centre, subject to recommended conditions of consent.

Views from the rear upper floor windows towards the open space at 180 Wellington Street are obscured by the proposed louvre screening. A condition of consent is recommended at **Appendix A** requiring the screening to be fixed and angled at 45 degrees to ensure there is no overlooking.

The proposed outdoor spaces generally retain privacy for neighbours due to the changes in levels between the outdoor spaces and neighbouring outdoor spaces and windows, and due to the proposed setbacks from the edge of the building. The exception is the rear balcony at level 2, which results in unacceptable overlooking of the rear communal open space of 2 Simpson Street and of the rear communal open space and rear windows of 180 Wellington Street, due to it being located approximately one storey above those communal open spaces. A condition of consent is therefore recommended at **Appendix A** requiring the accessible areas of the level 2 balcony to be set back a minimum of 3 metres from the building edge in all directions to minimise direct overlooking and to increase separation distances.

Outlook and daylight

The proposal results in a significant reduction in daylight and a removal of outlook from the southern side windows of 15 Curlewis Street. The impact on amenity is substantial. However, the impact is acceptable on balance in a B4 mixed use neighbourhood centre. The part of the proposed building that causes the impact complies with all Waverley LEP and DCP 2012 controls relating to building form, and the sites at number 15 and 17 are significantly under-developed compared to the scale of development permitted by development standards and DCP controls at those sites.

In these circumstances it is considered that the area is under transition, and the substantial impacts on daylight and outlook is acceptable on balance.

Surrender of consent

A condition of consent is included in **Appendix A** requiring the surrender of the existing development consent at 21 Curlewis Street to avoid conflict between the two consents.

2.2. Other Impacts of the Development

The proposal is considered to have no acceptable environmental, social and economic impacts on the locality, subject to appropriate conditions being imposed.

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 9 and 30 June 2022 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not notified as the amended proposal reduced the proposed building form and results in reduced environmental impacts on neighbouring sites.

A total of 20 unique submissions were received from the following properties:

Table 5: Number of and where submissions were received from.

Count	Property Address
1.	180 Wellington Street (owners corporation)
2.	1 / 180 Wellington Street
3.	3 / 180 Wellington Street
4.	4 / 180 Wellington Street (4 submissions)
5.	5 / 180 Wellington Street
6.	7 / 180 Wellington Street
7.	8 / 180 Wellington Street
8.	Wellington Street (no address provided)
9.	15 Curlewis Street
10.	23 Curlewis Street
11.	1 / 2 Simpson Street
12.	2 / 2 Simpson Street
13.	4 Simpson Street
14.	25 Middleton Avenue
15.	No address provided
16.	No address provided
17.	No address provided

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Compliance with FSR development standard.
- Solar access to 180 Wellington Street, 23 Curlewis Street, 2 Simpson Street, 4 Simpson Street, and 15 Curlewis Street.
- Appropriateness of building bulk, height, number of stories, use and relationship with the character of the area.
- Privacy impacts from open spaces and balconies for residents of 180 Wellington Street, 2 Simpson Street and 15 Curlewis Street.
- Excavation impacts on 180 Wellington Street and 15 Curlewis Street.
- End of trip facilities for cyclists should be provided.
- Noise impacts from open spaces, balconies, plant equipment and air conditioning units.
- Site contamination issues.

All other issues raised in the submissions are summarised and discussed below.

Issue: The proposal breaches setback controls by building to property boundaries.

Response: The planning controls do not require any side setbacks for commercial buildings within neighbourhood centres. Further discussion regarding building form and setbacks is found in the body of this report above.

Issue: The proposal will have negative traffic impacts, there is insufficient parking, and there will be strain on on-street parking in the area.

Response: The proposal has five parking spaces and will not result in a significant number of vehicle movements to and from the site. The provisions of the Waverley DCP 2012 discourage the use of private transport, and therefore maximum parking standards are applied to developments. The proposal includes bicycle parking in excess of the requirements of the Waverley DCP 2012, in order to minimise car travel.

Issue: Previous excavation on site resulted in land stability issues and building collapse. The developer cannot be trusted.

Response: The reputation or past actions of a developer cannot be used as the basis for determining an application. Further discussion regarding excavation and mitigation measures is found in the body of this report above.

Issue: There will be construction impacts in terms of traffic, noise and dust.

Response: Conditions of consent are recommended at **Appendix A** of this report to manage construction impacts.

Issue: The proposal will affect the existing sewer line running under the site.

Response: The developer will be responsible for realigning sewers as necessary during the course of the construction.

Issue: The proposal may affect groundwater.

Response: The extent of excavation has been significantly reduced to avoid impacting on groundwater.

Issue: Waverley Council previously agreed to prohibit excavation to a depth of more than 3m via the Waverley LEP and DCP.

Response: The Waverley LEP and DCP do not include provisions limiting excavation depth to 3m.

Issue: The proposed cost of works is too low.

Response: The cost of works has been assessed by a quantity surveyor and a condition is recommended regarding a further report to be undertaken.

Issue: The application documentation raises the potential for live music, liquor licenses, etc at the site.

Response: The applicant has not completed the “non-residential development” form, which includes questions regarding live music, liquor licenses, etc. During the course of the assessment, the applicant has removed the proposed ground level food and drink premises, and the only remaining commercial use proposed is office accommodation. Further discussion regarding noise and amenity impacts is found in the body of this report above.

Issue: There may be changes to proposed uses once the development is built.

Response: Future changes of use will be controlled by the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Codes generally prevent changes of use to high-impact uses unless further development consent is obtained.

Further discussion regarding noise and amenity impacts is found in the body of this report above.

A condition of consent is also recommended at **Appendix A** stating that the outdoor spaces are for use associated with the approved office space only.

Issue: Construction and maintenance will require access to 15 Curlewis Street.

Response: Issues of access is a private matter between landowners.

Issue: Access along the side passageway of 15 Curlewis Street will be compromised.

Response: The proposal will be built to the boundary, and the existing approximately 900mm setback at 15 Curlewis Street will be retained.

Issue: There will be odour and health impacts due to people smoking in the proposed open spaces.

Response: Smoking cannot be controlled on private premises.

Issue: Issues are raised regarding the operation of the proposed café.

Response: The proposal has been amended, and a café is no longer proposed.

Issue: Exhaust venting from bathrooms.

Response: The proposal will need to demonstrate compliance with the National Construction Code in order to obtain a construction certificate.

Issue: Will there be openings on the west wall?

Response: There are no proposed openings on the western wall.

Issue: Will existing on street parking be affected?

Response: Yes, the proposed vehicle access will necessitate the removal of on-street parking. The loss has been minimised by the provision of a single-car width vehicle access point and onsite parking.

Issue: The area is flood-prone.

Response: The site is not identified as flood-prone land in the Waverley LEP 2012.

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Urban Design

Council's Urban Designer provided comments regarding the proposal as originally lodged by the applicant. The comments informed Council's deferral letter to the applicant.

The amended plans were reviewed, and comments were provided that an awning should be provided. See the body of this report for further discussion.

3.2. Traffic and Development

Council's Traffic and development officer supported the proposal subject to standard conditions of consent regarding construction management and vehicle access. The conditions are included at **Appendix A**.

3.3. Waste Management

Council's Waste management officer supported the proposal subject to standard conditions of consent regarding waste management. The conditions are included at **Appendix A**.

3.4. Environmental Health

Deferred commencement conditions of consent are recommended, requiring confirmation that the site is suitable for the intended use. Conditions of consent regarding health, safety and noise are also recommended. The conditions are included at **Appendix A**.

3.5. Stormwater

Council's Stormwater engineer supported the proposal subject to conditions of consent requiring amended stormwater plans which must include a larger on-site detention orifice and collection of stormwater from the rear of the site. The conditions are included at **Appendix A**.

3.6. Public Domain

Council's public domain officer supported the application subject to conditions of consent requiring public domain upgrades in accordance with the Public Domain Technical Manual. The conditions are included at **Appendix A**.

3.7. Sustainable Development

Council's sustainable development officer supported the application subject to conditions requiring an Energy Assessment Report. The condition is included at **Appendix A**.

3.8. Green Travel Plans

Council's sustainable transport officer supported the application subject to an increase in bicycle parking spaces to 14, and subject to an amended Green Travel Plan which includes how the plan will be managed and monitored,

The proposal has since been amended to include 14 bicycle parking spaces, and the requirement for an amended Green Travel Plan is included in the conditions of consent at **Appendix A**.

3.9. Geographical Information Systems

Council's GIS analyst supported the application subject conditions of consent regarding street numbering. The conditions are included at **Appendix A**.

3.10. Design Excellence Advisory Panel

The Waverley Design Excellence Advisory Panel provided advice on the original plans, including the following comments regarding the proposal as originally lodged:

- The proposed street activation is inadequate and must be improved.
- The proposal adopts a strong architectural form and articulation; however, as it is located in a changing and emerging location, which includes a range of building types and materiality, consideration should be given to an architecture that responds to the existing neighbourhood character whilst introducing the new architectural language.
- The street frontage responds to the scale of the neighbouring building at 23 Curlewis St, with the additional fourth floor set back appropriately.
- The addition of End of Trip facilities are recommended at ground level to encourage the use of Bicycles, and current bike racks may prove a management issue in the common foyer.
- The proposal is well designed; however, as noted above, could be improved by consideration of a more contextual response or overlay. This could be articulation, materiality or other.

The Panel's comments have been considered, and informed Council's deferral letter to the applicant.

The amended proposal is considered by the assessing planning officer to address the Panel's primary concerns regarding the original proposal.

3.11. Tree Management

Council's Tree management officer supported the proposed removal of trees subject to conditions of consent requiring replacement planting of three trees at the site and regarding protection of neighbouring trees. The conditions are included at **Appendix A**.

4. CONCLUSION

The development application seeks consent for demolition of existing buildings and construction of a 3 storey commercial building with basement services and parking at the site known as 17-21 Curlewis Street, North Bondi.

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

- Building form
- Solar access impacts
- Visual privacy impacts
- Solar access impacts

The assessment finds these issues acceptable subject to deferred commencement conditions of consent.

A total number of 20 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 18 October 2022 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara, B Magistrale, and Tim Sneesby*

8. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be GRANTED DEFERRED COMMENCEMENT CONSENT 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:
	
David Knight	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 29 November 2022	Date: 4 December 2022

Reason for WLP referral:

1. Contentious development (10 or more objections)

APPENDIX A – DEFERRED COMMENCEMENT

The consent authority must be satisfied as to the following matters before the consent can operate.

DEFERRED COMMENCEMENT

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:

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.

1. Clause 7, State Environmental Planning Policy 55 – Remediation of Land ('SEPP 55')

The submitted report [Detailed Site Investigation Report by Douglas Partner (file name: 212973.02.R.001.Rev0) dated 11 November 2022] to address the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 does not conclude that the site can be made suitable of the proposed use. The following is therefore required:

- a. An amended Detailed Site Investigation (DSI) prepared by a suitably qualified person who is experienced in contaminated land issues, with a statement that the recommendations made in the DSI will result in the site being made suitable for the intended use.

or

- b. A Site Audit Statement prepared by a suitably qualified person who is experienced in contaminated land issues clearly stating that the site is/or will be suitable for the intended use.

Note: Notwithstanding the above, a Site Audit Statement prepared by suitably qualified person who is experienced in contaminated land issues clearly stating the site is suitable for the proposed use must be submitted prior to commencement of work. This information is required prior to activation of any development consent being granted.

These conditions must be satisfied within 1 year of the date of this consent.

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 PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bang Architecture including the following:

Plan Number	Revision	Plan Name	Plan Date	Date received by Council
DA103	B	Demolition plan	03/11/2022	25/11/2022
DA200	C	Ground	25/11/2022	25/11/2022
DA201	C	Level 1	25/11/2022	25/11/2022
DA202	C	Level 2	25/11/2022	25/11/2022
DA203	C	Level 3	25/11/2022	25/11/2022
DA210	C	Roof	25/11/2022	25/11/2022
DA300	C	North	25/11/2022	25/11/2022
DA301	C	East	25/11/2022	25/11/2022
DA302	C	South	25/11/2022	25/11/2022
DA303	C	West	25/11/2022	25/11/2022
DA310	C	A-A	25/11/2022	25/11/2022
DA311	C	B-B	25/11/2022	25/11/2022
DA312	C	C-C	25/11/2022	25/11/2022
DA313	C	D-D Driveway	25/11/2022	25/11/2022

(b) BASIX and NatHERs Certificate/s

(c) Stormwater Details and documentation prepared by Glen Haig & Partners dated 11/11/2022, and received by Council on 16/11/2022

(d) National Construction Code Access Report and documentation prepared by Design Confidence dated 25/05/2022, and received by Council on 01/06/2022

(e) Arborist Report prepared by L&Co dated 16/11/2022, and received by Council on 17/11/2022/

(f) Schedule of external finishes and colours received by Council on 16/11/2022

(g) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 17/11/2022

(h) The Acoustical Assessment prepared by Koikas Acoustics dated 24/11/2022, and received by Council on 25/11/2022

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The trafficable area of the level 2 rear balcony must be set back a minimum of 3 metres from the edge of the level 2 building form (to the rear and the sides) to maintain amenity for neighbouring sites. The non-trafficable areas must be covered by landscaped planters.
- (b) An awning must be provided over the footpath, attached to the approved building between street level and first floor level. The awning must be set back 1.2m from the kerb to accommodate future street tree planting.
- (c) An access gate at the entrance to the pedestrian entry passageway must be provided to ensure security for the premises, and to ensure there is no recessed concealed area adjacent to the street.

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

3. LANDSCAPE PLAN

The application is approved subject to the following amendments to the landscape plan;

- (a) The landscape plan is to be amended to show all trees on site and trees on neighbouring properties that will be impacted on by the proposed.
- (b) The landscape plan is to be amended to show at least 3 trees that must be a local native of 45 litre pot size and grow to a minimum height of five metres at maturity.

The amendment above is to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.

4. PUBLIC DOMAIN IMPROVEMENTS

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

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

6. SURRENDER OF DEVELOPMENT CONSENT

Development consent DA-320/2018, as modified by modification A, is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021. The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes effect when Council receives the notice.

7. GREEN ROOF LANDSCAPING DETAILS

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

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

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

CONTRIBUTIONS, FEES & BONDS

8. SECTION 7.12 CONTRIBUTION

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

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

- (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
- (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

9. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$64,431.12 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

- 10. LONG SERVICE LEVY** long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

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

PLAN DETAILS

11. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

CONSTRUCTION MATTERS

12. HOARDING

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

13. EROSION & SEDIMENT CONTROL

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

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

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

14. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

- (a) A detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.
- (b) The report must satisfy the recommendations of the Report on Desktop Study R.001.Rev3 prepared by Douglas Partners dated 18 November 2022, including:
 - A full geotechnical investigation of the site; and
 - Footing investigations of adjacent buildings.
- (c) The report must directly address how the structural stability of neighbouring properties including 15 Curlewis Street will be maintained, and how those properties will be protected from damage.
- (d) Must be submitted to approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.
- (e) 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.

15. ENGINEERING DETAILS

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

TRAFFIC MANAGEMENT

16. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER, FLOODING AND PUBLIC DOMAIN

17. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted Water Management Plan prepared by Glen Haigh & Partners, Drawing No. H000, H101-H105, dated 11/11/2022 is considered concept only.

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

- a) An existing sewer owned by Sydney Water is located underneath the proposed building. Any works on or adjacent to Sydney Water assets require Sydney Water approval.
- b) Orifice incorrectly sized. Redesign to match OSD storage provided.
- c) Connection to Council's below ground drainage system (road reserve) has insufficient information. Requires pipe cut flush with internal wall of pit and pipe to enter pit perpendicular to pit wall.
- d) Non-return valve required at outlet pipe at connection point within Council's stormwater line.
- e) Prior to Construction Certification, long-section and detail (e.g., location of existing service crossings and clearances, existing surface levels, and invert of existing pipe and invert of outlet pipe) required for connection into Council's below ground drainage network.
- f) Pit deeper than 0.9m required to be 0.9m x 0.9m
- g) Unacceptable that stormwater at rear of property not collected with no overland flow path. Redesign accordingly.
- h) OSD tank has insufficient gratings cover (minimum 30% of area required). Redesign accordingly.
- i) Prior to construction certification, maintenance plan for Water Sensitive Urban Design (WSUD) assets to be provided.

- j) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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 Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

18. PUBLIC INFRASTRUCTURE WORKS

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

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

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

- a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Curlewis Street frontage in accordance with the current DCP and PDTM. 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.
- b) Street Planting and Landscaping: The street planting and landscaping upgrade as per PDTM along the full development site frontage.
- c) 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.

- d) 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.

Notes

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

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

19. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

20. ENERGY EFFICIENCY

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

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

21. GREEN TRAVEL PLAN

An amended Green Travel Plan is required, which must include the:

- Requirement for secure bicycle parking for 14 bicycles, including cargo bikes and electric bikes
- Requirement for power access to all bicycle parking in design
- Requirement to provide end of trip facilities in addition to bike parking, including lockers, showers.
- Requirement to include further activities, encouragement to increase the use of sustainable and active transport journeys to work.
- Requirement to Identify how the management and monitoring of the Green Travel Plan post opening could be enforced

The report is to be submitted and be to the satisfaction of Council's Strategic Transport Manager (or delegate) prior to the issue of a Construction Certificate for any works above ground level.

WASTE

22. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

23. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum requirements.

- **Commercial** (850 m² for office use)
 - 1 x 660L Mobile Garbage Bins (MGBs) for general waste.
 - 1 x 660L MGBs for co-mingled recycling.
 - 1 x 660L MGBs for cardboard.
 - The frequency of collection must be monitored by the café staff and adjusted accordingly, particularly during summer.
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

NOISE

24. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

25. NOISE – ACOUSTIC REPORT

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

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

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

26. NOISE – ACOUSTIC TREATMENTS ON CONSTRUCTION PLANS

The Construction Certificate plans must include the following noise mitigation measures, taken from the Acoustical Assessment prepared by Koikas Acoustics dated 24/11/2022, and received by Council on 25/11/2022:

- All balustrades attached to the rear outdoor areas (excluding the top rooftop level at 21 Curlewis Street) are to be no less than 1.2m high. This height can include any height provided by planter boxes, and are to be constructed with no gaps between the panels, post and balcony floors.
- The boundary walls at rear ground floor level are to be of a solid construction (timber or Colorbond fencing is not recommended). The boundary walls are to have absorptive panels installed on its face.
- The underside of concrete soffits in outdoor areas fronting Curlewis Street are to be lined with absorptive panels.

27. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

28. DILAPIDATION REPORT

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

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

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

29. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

30. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS

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

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

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

- (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) Confirm that no asbestos products are present on the subject land, or

- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561);
- (d) Describe the method of demolition;
- (e) Describe the precautions to be employed to minimise any dust nuisance; and
- (f) Describe the disposal methods for hazardous materials.

31. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

32. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

33. EXCAVATION AND BACKFILLING

- (a) All excavations and backfilling are to be managed by a practising structural engineer.
- (b) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.
- (c) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.
- (d) All work associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

34. REMEDIAL ACTION PLAN

Pending the advice contained in satisfying the Deferred Commencement matters, the site is to be remediated in accordance with the RAP (if required), that has been prepared by suitably qualified person who is experienced in contaminated land issues. Prior to the execution of works associated

with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

NOTE: Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Environmental Guidelines "Assessment, Classification and Management of Non-Liquid Wastes". 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 transporter, 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 DECC.

35. SITE CONTAMINATION - REMEDIATION WORKS

- (a) Remediation and validation works shall be carried out in accordance with a specially prepared Remediation Report prepared by a suitably qualified person suitably qualified person who is experienced in contaminated land issues,
- (b) Any variation to the Remedial Action Plan shall be approved by the suitably qualified person who is experienced in contaminated land issues in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (c) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.

36. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works (where remediation is required) on-site:

- (a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.
- (b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.
- (c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.
- (d) A covenant being registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

- (e) A covenant being registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA).

37. SITE CONTAMINATION - VALIDATION REPORT

After completion of the remedial works (where remediation is required), a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:

- (a) Description and documentation of all works performed;
- (b) Results of validation testing and monitoring;
- (c) Validation results of any fill imported on to the site;
- (d) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
- (e) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

38. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

CONSTRUCTION MATTERS

39. CONSTRUCTION HOURS

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

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

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

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

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

41. CONSTRUCTION INSPECTIONS

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

42. CERTIFICATE OF SURVEY - LEVELS

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

43. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

44. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

45. 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.
- 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 neighboring 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.

46. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed;

Tree number	Tree Species & approx height	Location
T 1	Syzygium paniculatum (Brush Cherry)	On site
T 2	Syzygium paniculatum (Brush Cherry)	On site
T 3	Viburnum sp. (Viburnum)	On site
T 4	Viburnum sp. (Viburnum)	On site
T 5	Syzygium paniculatum (Brush Cherry)	On site
T 6	Syzygium paniculatum (Brush Cherry)	On site
T 7	Syzygium paniculatum (Brush Cherry)	On site
T 8	Viburnum sp. (Viburnum)	On site
T 9	Viburnum sp. (Viburnum)	On site
T 10	Syzygium paniculatum (Brush Cherry)	On site
T 11	Nerium oleander (Oleander)	On site
T 12	Hymenosporum flavum (Native Frangipani)	On site

At least three replacement trees that must be a local native of 45 litre pot size and grow to a minimum height of five metres at maturity must be planted prior to the issuance of any Occupation Certificate.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

47. 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.

The crossing is to be 3.0 metres wide at the property boundary and 3.0 metres wide plus 0.45 metre splays at the street.

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

48. VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH

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

49. CAR PARKING

A maximum of 5 car parking spaces are to be provided within the development, allocated in the following manner:

- (a) 4 standard commercial parking spaces; and
- (b) 1 accessible commercial parking space

All car spaces are to be appropriately marked.

50. BICYCLE PARKING

A minimum of 14 bicycle parking spaces are to be provided within the development.

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

51. CONVEX MIRRORS

Convex mirrors are to be placed inside the site at the vehicular access ramp for drivers when exiting the site to view pedestrians approaching from either direction along the adjacent roadway/footpath.

The purpose of the convex mirrors is NOT for drivers to identify moving vehicles on the public road as this distorts the location and speed of vehicles on the roadway, therefore the location of the mirrors is to be such that it provides sight to pedestrians as the priority.

Details are to be shown on the plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

52. ELECTRIC VEHICLE CHARGING POINTS

One x 'Level 2' AC fast electric vehicle charging point is to be installed within the car parking area.

53. HEADROOM CLEARANCE

The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.

54. PRE-CONSTRUCTION DILAPIDATION REPORT

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

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

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

55. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Council's Public Infrastructure 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.

56. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

NOISE – MECHANICAL PLANT

57. REFRIGERATION UNITS & MECHANICAL PLANT

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

PRVIACY SCREENING

58. PRIVACY SCREENING

Fixed privacy screening at minimum angle of 45 degrees, angled away from neighbouring residential development, must be provided to the rear windows at 21 Curlewis Street.

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

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

CERTIFICATION AND LICENCES

59. FINAL OCCUPATION CERTIFICATE

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

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

60. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

61. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM

- a. A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, rainwater harvesting facility and other drainage-related infrastructure. An original or a color copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans shall be marked-up in red ink and shall include levels and locations for the drainage structures and works.

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

62. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD

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

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

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

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

63. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

64. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

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

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

65. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council’s satisfaction a final inspection of the completed works is required from Council’s Infrastructure Engineer. The

Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.

66. CERTIFICATION OF ALL MECHANICAL PLANT

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

67. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

MANAGEMENT PLANS

68. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
- (j) At no times shall bins be stored on the public domain (e.g. footpaths).

OTHER MATTERS

69. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 17 - primary address site number
- Curlewis Street - primary address location.

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

- Shop G01 for the ground floor commercial sub-address site within the building,
- 101-102 for the commercial sub-address sites within the building correlating with Nos. 1.1 -1.2 on the floor plans for the building.
- 201-202 for the commercial sub-address sites within the building correlating with Nos. 2.1 -2.2 on the floor plans for the building
- 301-302 for the commercial sub-address sites within the building correlating with Nos. 3.1- 3.2 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.

Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG etc

Commercial premises will be identified with an address identifier ie Shop G01, Shop 101.

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 for a Change of street number and/or location to be lodged with Council.

70. ACOUSTIC ASSESSMENT RECOMMENDATIONS

The various sections of the acoustic assessment conducted by Koikas Acoustics Pty Ltd reference number 5358R20220427kn17-21CurlewisStreetBondi_DAV3.docx dated 25 November 2022 are to be implemented, these include:

- Section 4.2 EPA Noise Policy for Industry
- Section 5.4 Recommendations for Building use assessment
- Section 6 Mechanical Plant noise impacts

A certificate of compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council certifying that all the recommendations made in the above assessment/report have been satisfied and Councils noise criteria has been met prior to the issue of an occupation certificate.

71. OUTDOOR AREA SIGNAGE

Signs are to be installed in the outdoor area with the following information:

- The outdoor area must only be used between 7am and 6pm; and
- Users are reminded to manage their noise levels as there are residential premises nearby.
- No music is to be played within, or directed toward, the outdoor areas.
- The maximum capacity of the outdoor areas, being:
 - 8 people for each of the rear outdoor areas at first, second and third floor level
 - 20 people for the front open spaces at first and second floor level
 - 25 people for the rooftop open space at third floor level

E. OPERATIONAL MATTERS

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

72. MANAGEMENT OF OUTDOOR AREA

The outdoor area must be managed and operated as follows:

Signs are to be installed in the outdoor area with the following information:

- The outdoor area must only be used between 7am and 6pm; and
- No music is to be played within, or directed toward, the outdoor areas.
- The maximum capacity of the outdoor area are:
 - 8 people for each of the rear outdoor areas at first, second and third floor level
 - 20 people for the front open spaces at first and second floor level
 - 25 people for the rooftop open space at third floor level
- The outdoor areas must not be used for any purpose other than ancillary to office use, unless prior approval is granted by Council.

73. COPIES OF CONSENTS AND MANAGEMENT PLANS

A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.

AMENITY & SAFETY

74. NOISE EMISSIONS

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

75. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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.

76. AIR EMISSIONS

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

77. WASTE MANAGEMENT PLAN REVIEW

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

78. RAINWATER HARVESTING AND REUSE

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

79. CONTROL OF LEGIONNAIRES DISEASE

All cooling towers, warm water systems and other regulated systems must be installed, operated and maintained in accordance with AS/NZS 3666 2011, the Public Health Act 2010, Public Health Regulation 2012 and NSW Health Code of Practice for the Control of Legionnaires Disease.

The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the Public Health Act, 2010 and Regulation. Registration forms are available from Council.

PARKING AND ACCESS

80. VEHICLE ACCESS

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

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

F. ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4. EXCAVATION TO BE LIMITED

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

AD5. BONDI - ROSE BAY SAND BODY

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

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

AD6. SEPARATE APPLICATIONS FOR USAGE OTHER THAN FOR OFFICE USE

Specific development applications are to be lodged for the approval of Council in connection with the usage of any retail or commercial areas within the development other than for office use.

AD7. SEPARATE APPLICATION FOR SIGNAGE

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

AD8. TREE REMOVAL/PRESERVATION

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

AD9. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD10. SIGNS/GOODS IN THE PUBLIC WAY

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

AD11. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD12. NO COOKING ON SITE

This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and *Australian Standard 1668 – The use of ventilation and air conditioning in buildings*.

AD13. SITE RECTIFICATION WORKS

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

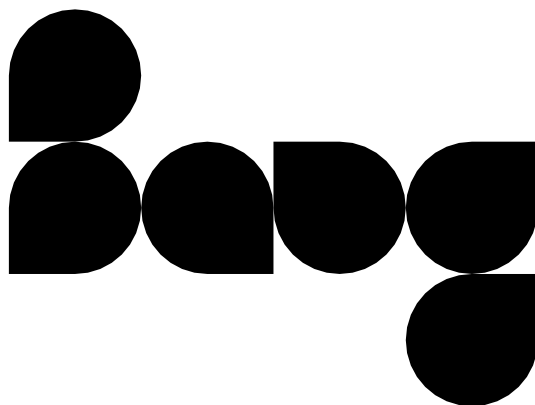
If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

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

17-21 CURLEWIS 00009

17-21, Curlewis Street
Bondi NSW 2026 Australia
Development Application (not for construction)

DA0 Project information			Project Partners
DA000	B	Title page	Refer to consultant documentation when directed
DA001	B	Project summary	Town planner - The Planning Studio
DA1 Site information	DA100	Location plan	Access consultant - Design Confidence
	DA101	Site analysis	BCA consultant - Design Confidence
	DA102	Survey plan	Acoustic engineer - Koikas Acoustics
	DA103	Demolition plan	Arborist - Laurence & Co Consultancy
	DA104	Streetscape Analysis I	Basix & NatHERS - David Gradwell
	DA105	Streetscape Analysis II	Fire safety - Design Confidence
DA20 Floor plans	DA106	Streetscape Analysis III	Geotechnical engineer - Douglas Partners
	DA200	Ground	Contamination engineer - Douglas Partners
	DA201	Level 1	Heritage architect - N/A
	DA202	Level 2	Land surveyor - Eric Scerri
	DA203	Level 3	Landscape architect - TWILA
	DA210	Roof	Quantity surveyor - Berco
DA30 Elevations	DA300	North	Electrical engineer - N/A
	DA301	East	Mechanical engineer - N/A
	DA302	South	Hydraulic engineer - Glenn Haig
	DA303	West	Structural engineer - N/A
DA31 Sections	DA310	A-A	Stormwater & Flood engineer - Glenn Haig
	DA311	B-B	Traffic engineer - Traffic
	DA312	C-C	Waste consultant - Elephants Foot
	DA313	D-D Driveway	
DA32 Visualisations	DA320	Perspective I	
	DA321	Perspective II	
	DA322	Perspective III	
DA33 Materiality	DA330	External Finishes schedule	
DA40 Solar analysis	DA400	900 AM June 22	
	DA401	1000 AM June 22	
	DA402	1100 AM June 22	
	DA403	1200 PM June 22	
	DA404	100 PM June 22	
	DA405	200 PM June 22	
DA5 Compliance diagrams	DA406	300 PM June 22	
	DA500	Gross floor area	
DA8 Notification plans	DA501	Height plane	
	DA800	Site plan	
	DA801	Elevations	





Site Information

Address:
17-21, Curlewis Street
Bondi NSW 2026 Australia

Lots:

Site Area:
567.1 m²

Floor space ratio:
FSR 1.5 : 1

Allowable Gross Floor Area
850.6 m²

Height limit:
13 Metre

Zoning:
B4 Mixed Use

Local Government Area:
Waverley Council



Gross Floor Area

Sydney Local Environmental Plan 2012

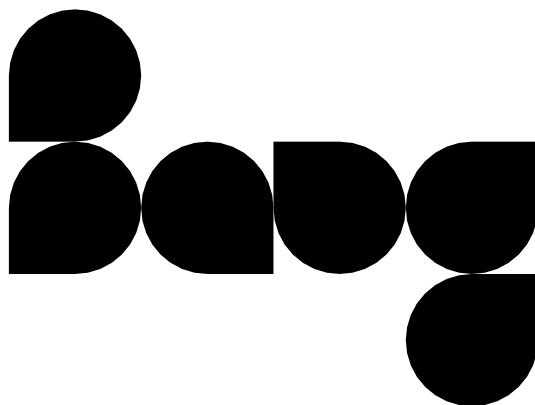
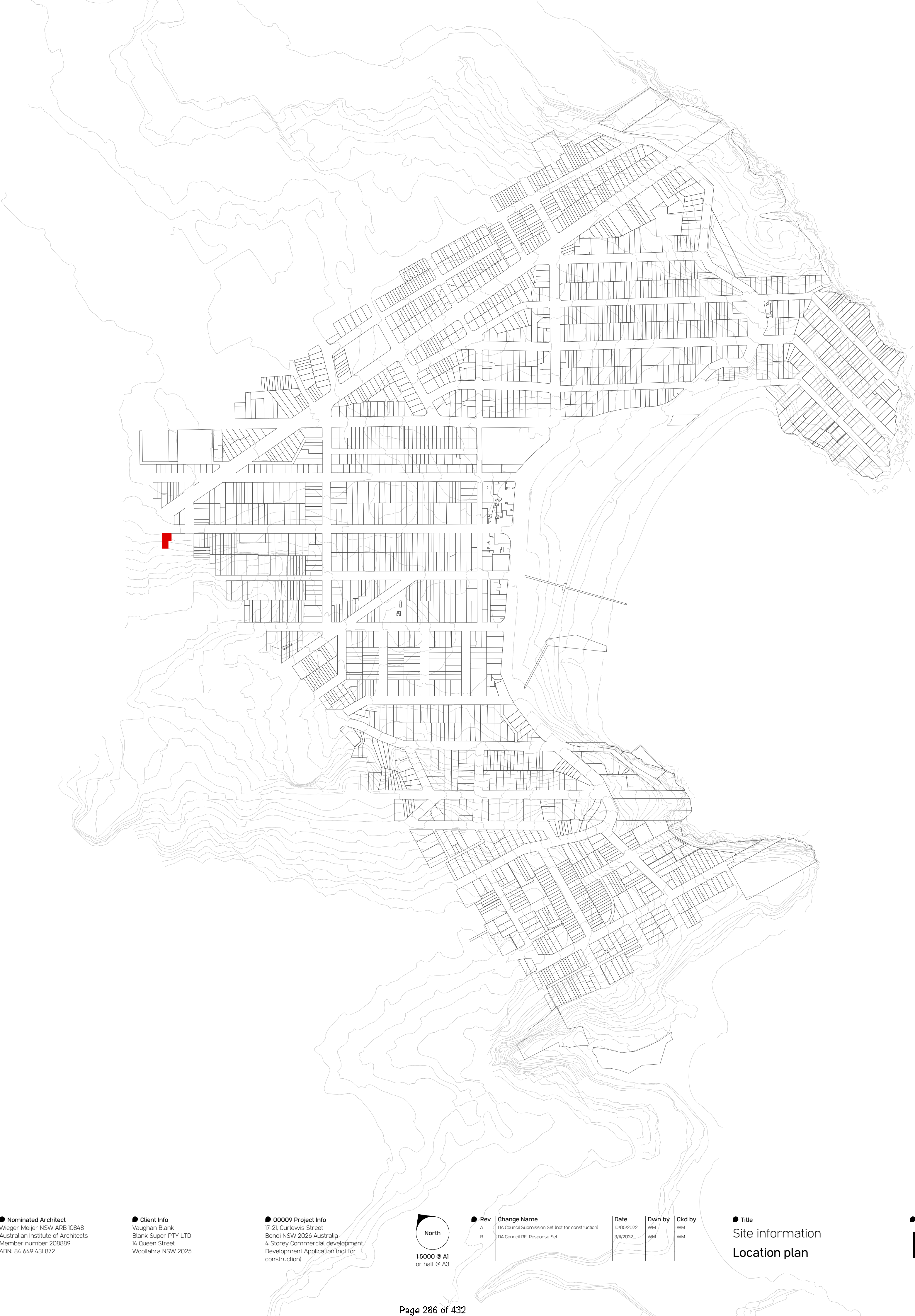
gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

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

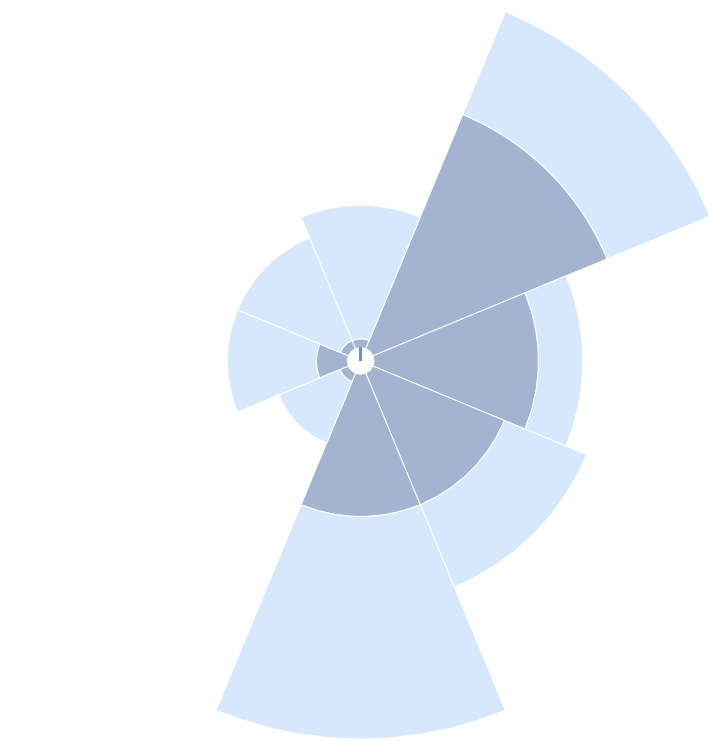
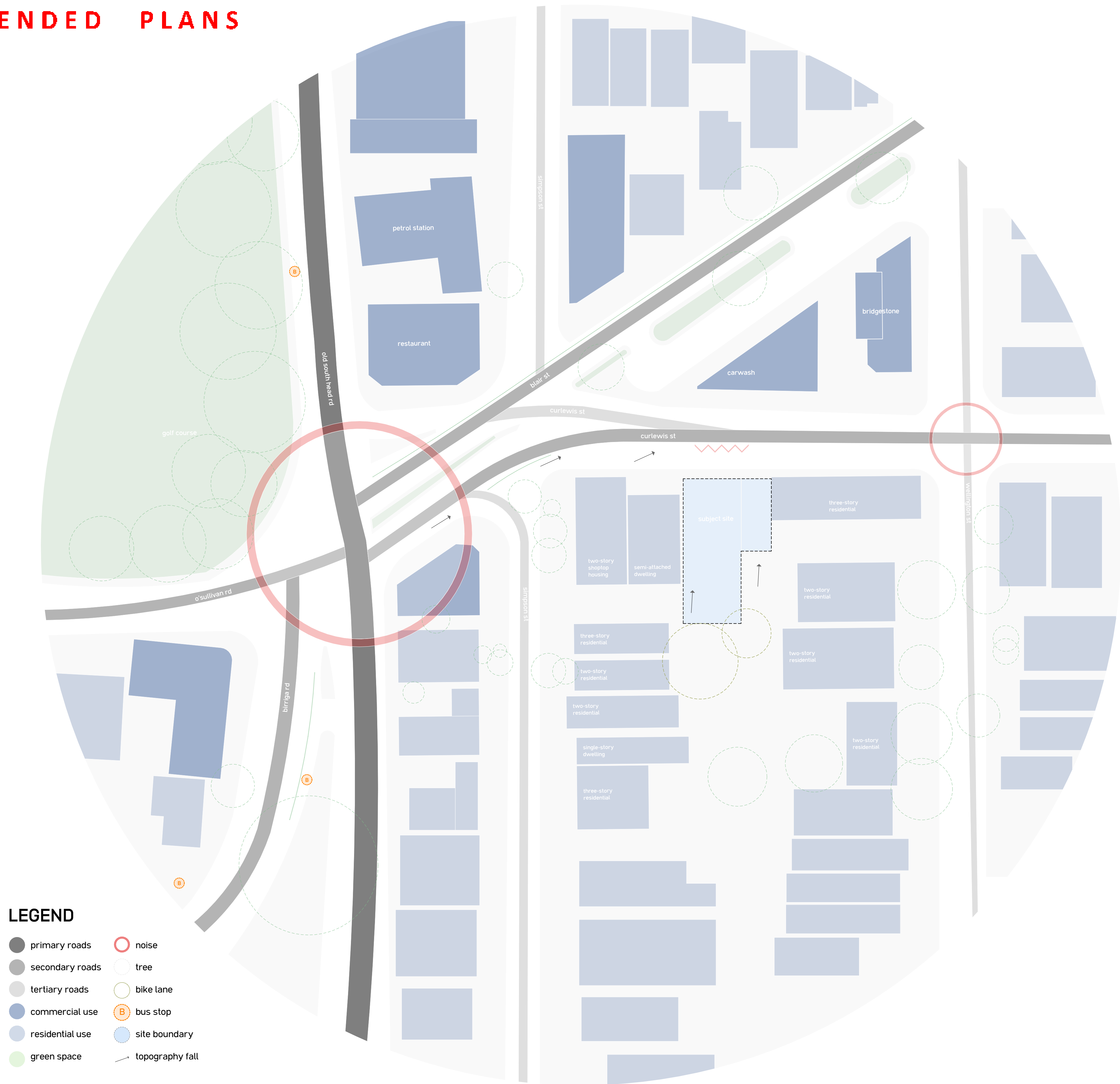


Height Limit

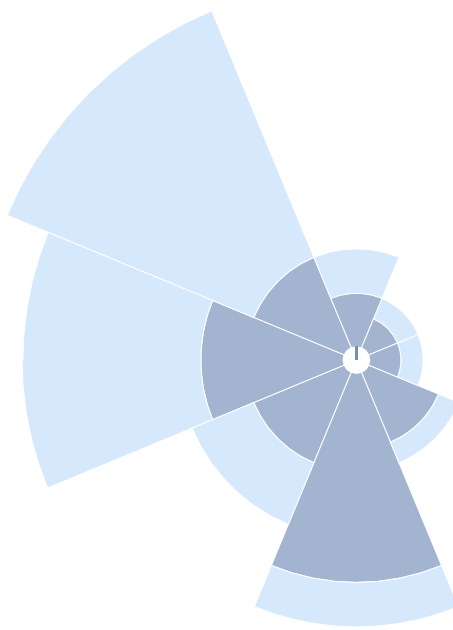




AMENDED PLANS

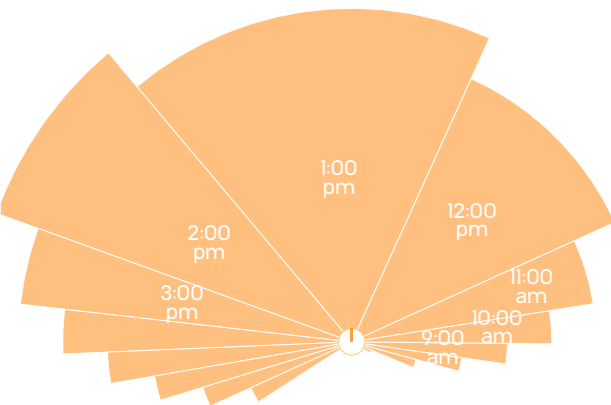


Summer Wind
prevailing wind: north easterly + southerly

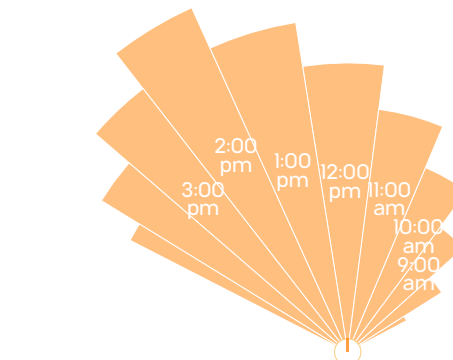


Winter Wind
prevailing wind: north westerly + southerly

morning wind
afternoon wind



Summer Sun



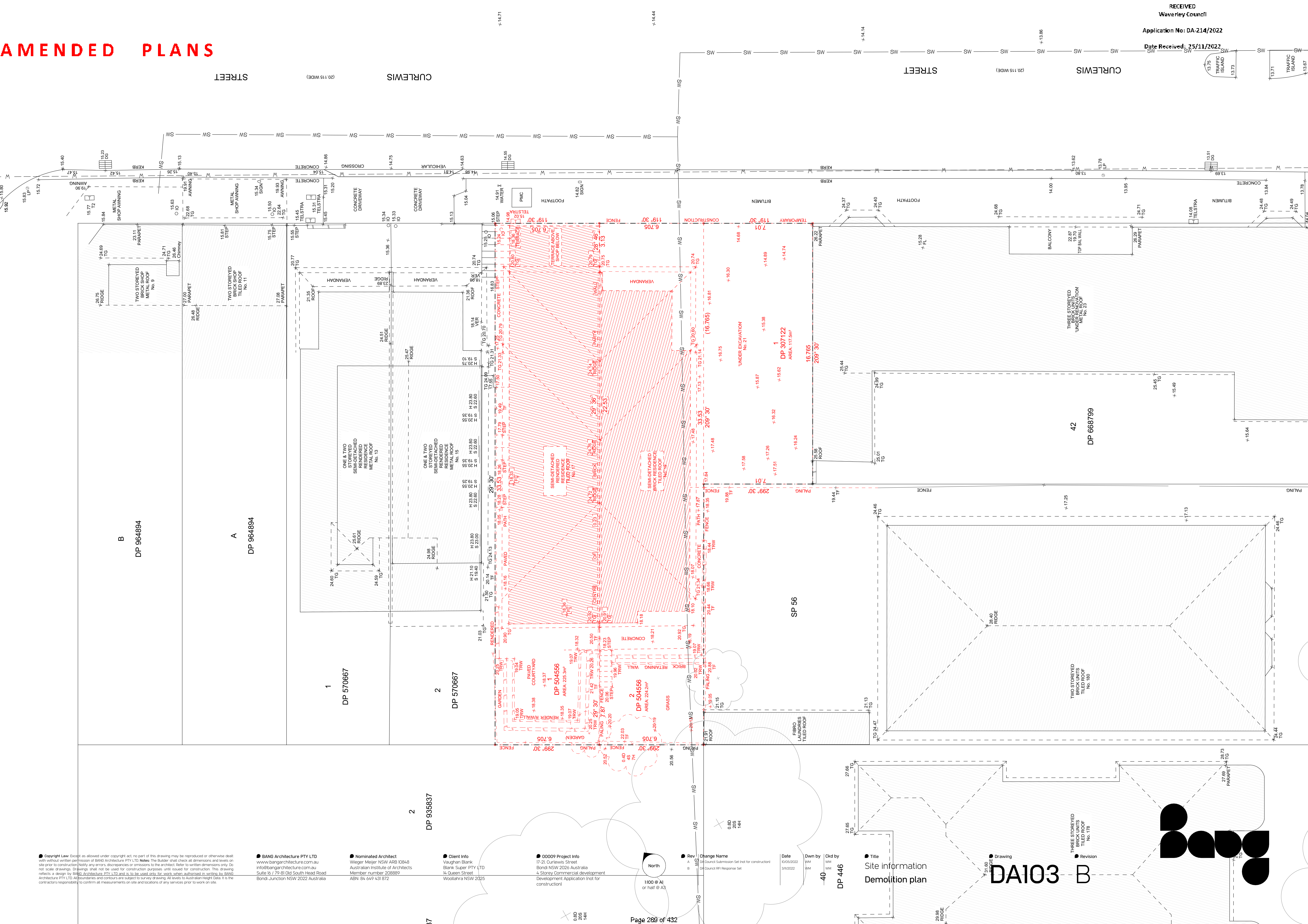
Winter Sun

stronger sun
lighter sun

LEGEND

- primary roads
- secondary roads
- tertiary roads
- commercial use
- residential use
- green space
- noise
- tree
- bike lane
- bus stop
- site boundary
- topography fall





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Australian Institute of Architects
Member number 208889
ABN: 84 649 431 872

● Client Info
Vaughan Blank
Blank Super PTY LTD
14 Queen Street
Woolahra NSW 2025

● 00009 Project Info
13/21 Curlewes Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

● Rev
A
B

Change Name
Council Submission Set (not for construction)
Council RFI Response Set

Date
10/05/2022
3/10/2022

Down by
40

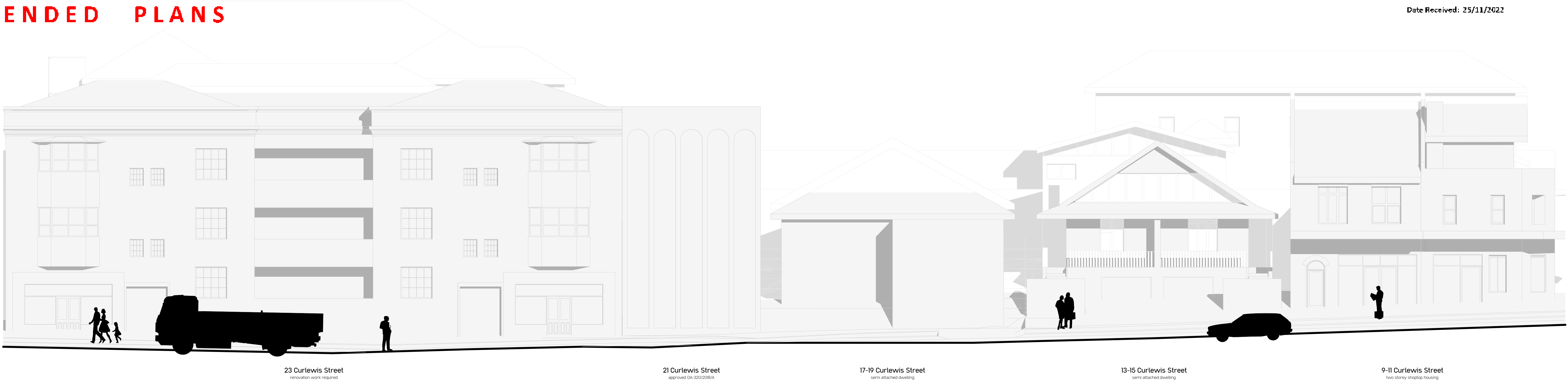
Ckd by
DA46

● Title
Site information
Demolition plan

● Drawing
DA103 B

● Revision

AMENDED PLANS



Existing Streetscape



Potential Future Streetscape

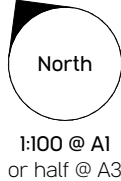
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17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



● Rev
A
B

Change Name
DA Council Submission Set (not for construction)
DA Council RFI Response Set

Date
10/05/2022
3/10/2022

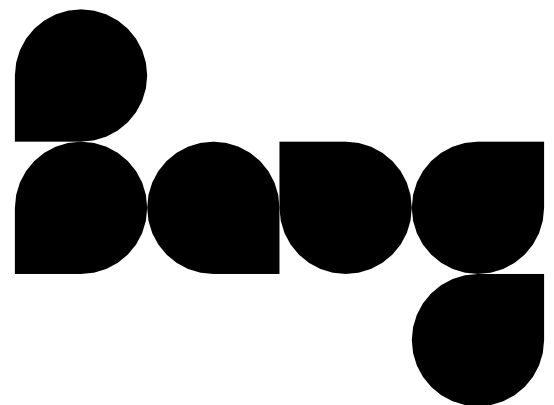
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WM
WM

Ckd by
WM
WM

● Title
Site information
Streetscape Analysis I

● Drawing
DA104

● Revision
B



Existing Streetscape

Potential Future Streetscape

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Woolahra NSW 2025

● 00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1:100 @ A1
or half @ A3

Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council RFI Response Set

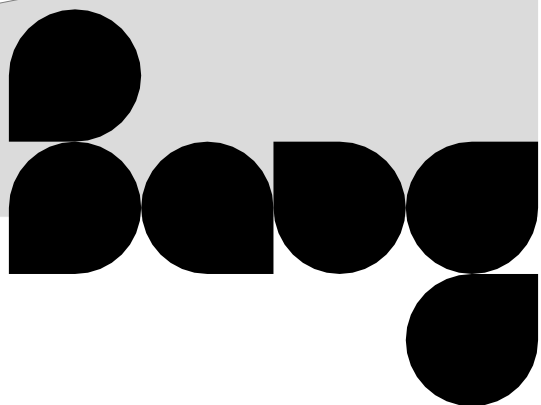
Date
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3/10/2022

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WM
WM

● Title
Site information
Streetscape Analysis II

Drawing	Revision
DA105	B





Existing Streetscape



Potential Future Streetscape

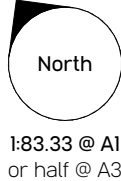
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● Rev
A
B

Change Name
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DA Council RFI Response Set

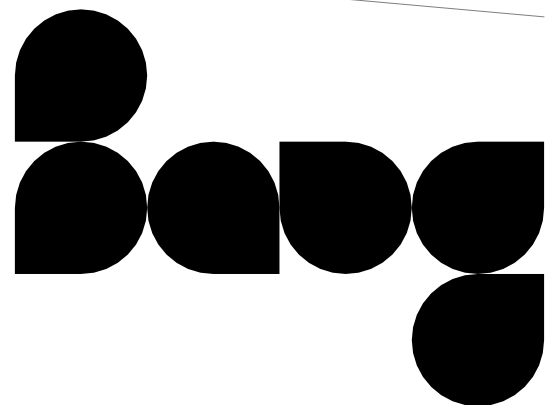
Date
10/05/2022
3/10/2022

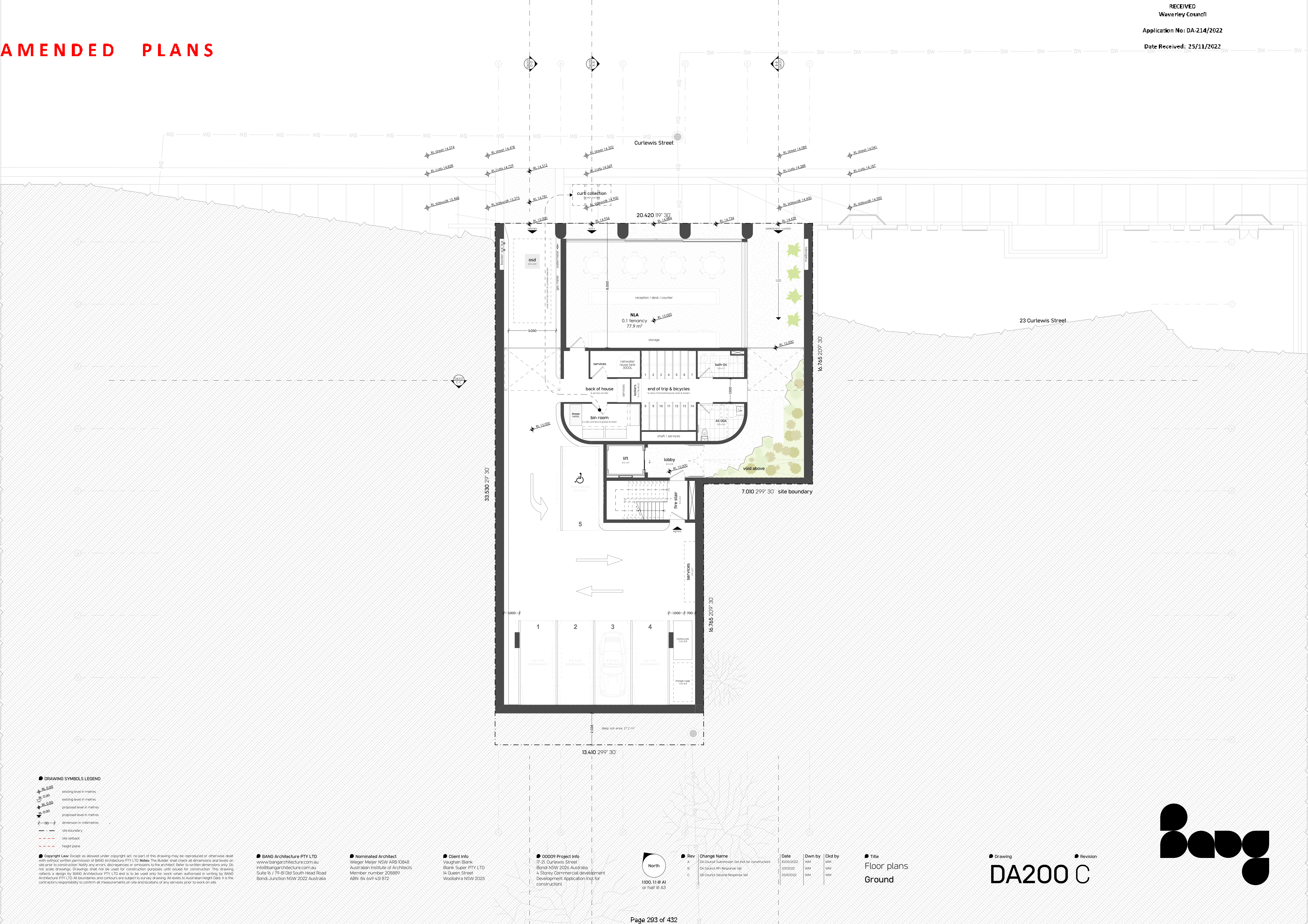
Dwn by
WM
WM

Ckd by
WM
WM

● Title
Site information
Streetscape Analysis III

● Drawing
DA106
● Revision
B





DRAWING SYMBOLS LEGEND

- RL 0.00 existing level in metres
- EL 0.00 existing level in metres
- PL 0.00 proposed level in metres
- SL 0.00 proposed level in metres
- 1000 dimension in millimetres
- site boundary
- - - site setback
- - - height plane

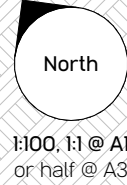
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Client Info
Vaughan Blank
Blank Super PTY LTD
14 Queen Street
Woolahra NSW 2025

00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council Second Response Set
C	DA Council Second Response Set

Date
30/09/2022
30/09/2022
20/10/2022

Dwn by
WMM
WMM
WMM

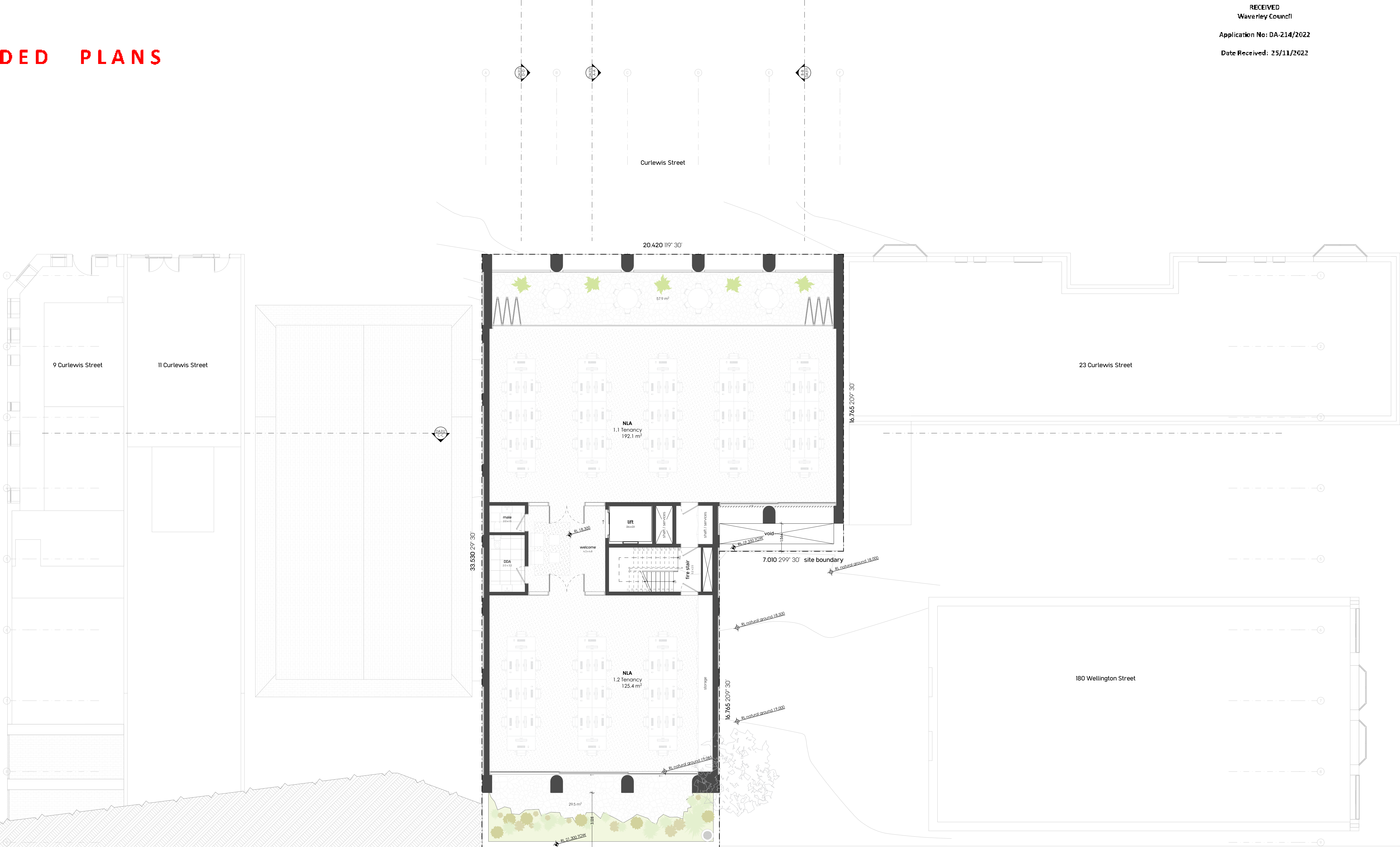
Ckd by
WMM
WMM
WMM

Title
Floor plans
Ground

Drawing
DA200 C

Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

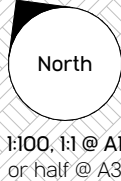
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00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



Rev
A
B
C

Change Name
DA Council Submission Set (not for construction)
DA Council 2nd Response Set
DA Council Second Response Set

Date
30/09/2022
30/09/2022
20/10/2022

Drawn by
WMM
WMM
WMM

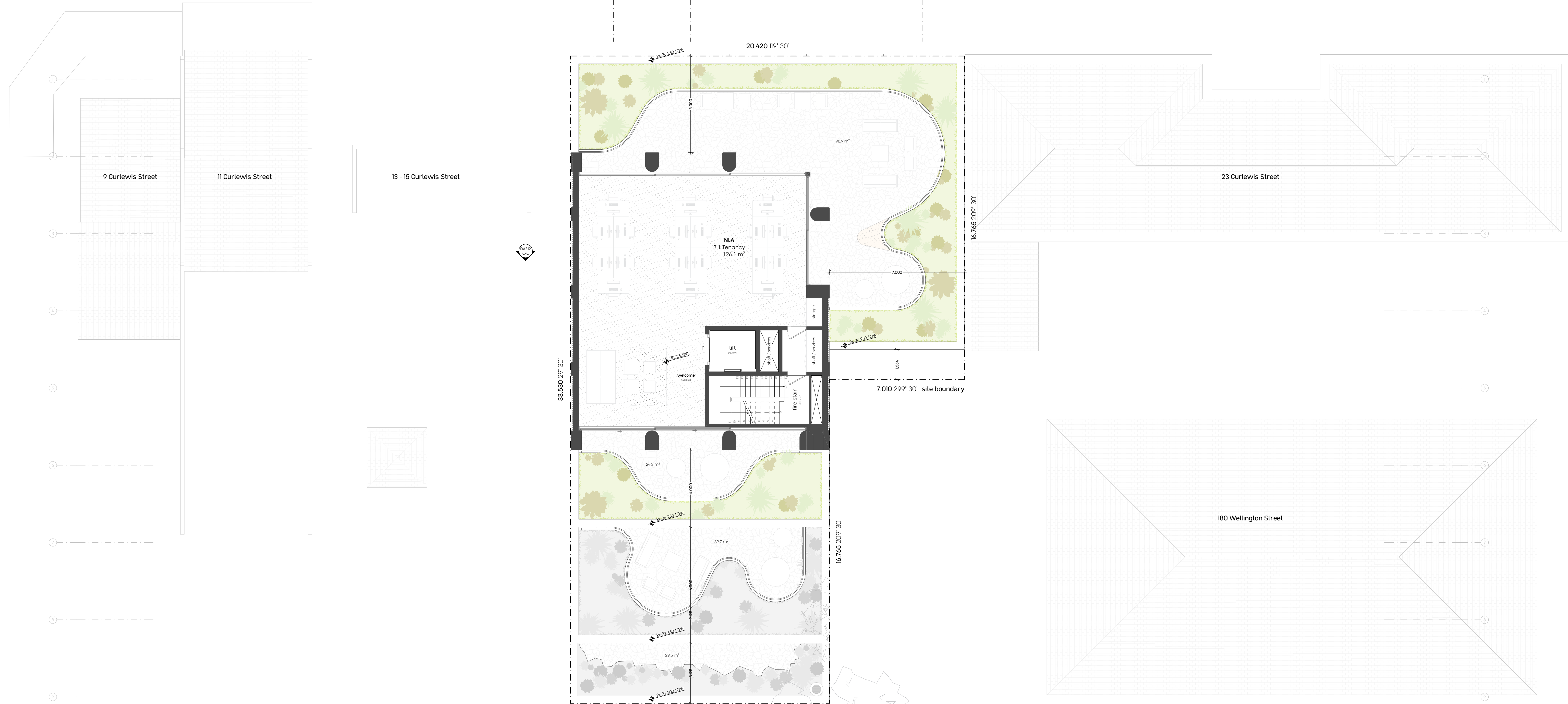
Ckd by
WMM
WMM
WMM

Title
Floor plans
Level 1

Drawing
DA201
Revision
C







- DRAWING SYMBOLS LEGEND
- BL 0.00 existing level in metres
 - PL 0.00 existing level in metres
 - BL 0.00 proposed level in metres
 - PL 0.00 proposed level in metres
 - dimension in millimetres
 - site boundary
 - site setback
 - height plane

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Woolahra NSW 2025

● 00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1:100. 1:1 @ A1
or half @ A3

Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council 1st Response Set
C	DA Council Second Response Set

Date
30/09/2022
30/10/2022
25/11/2022

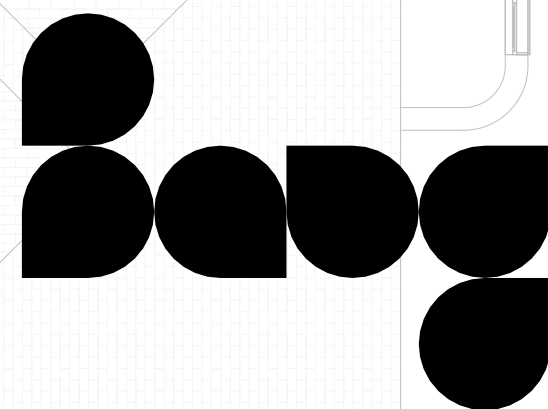
Drawn by
WM

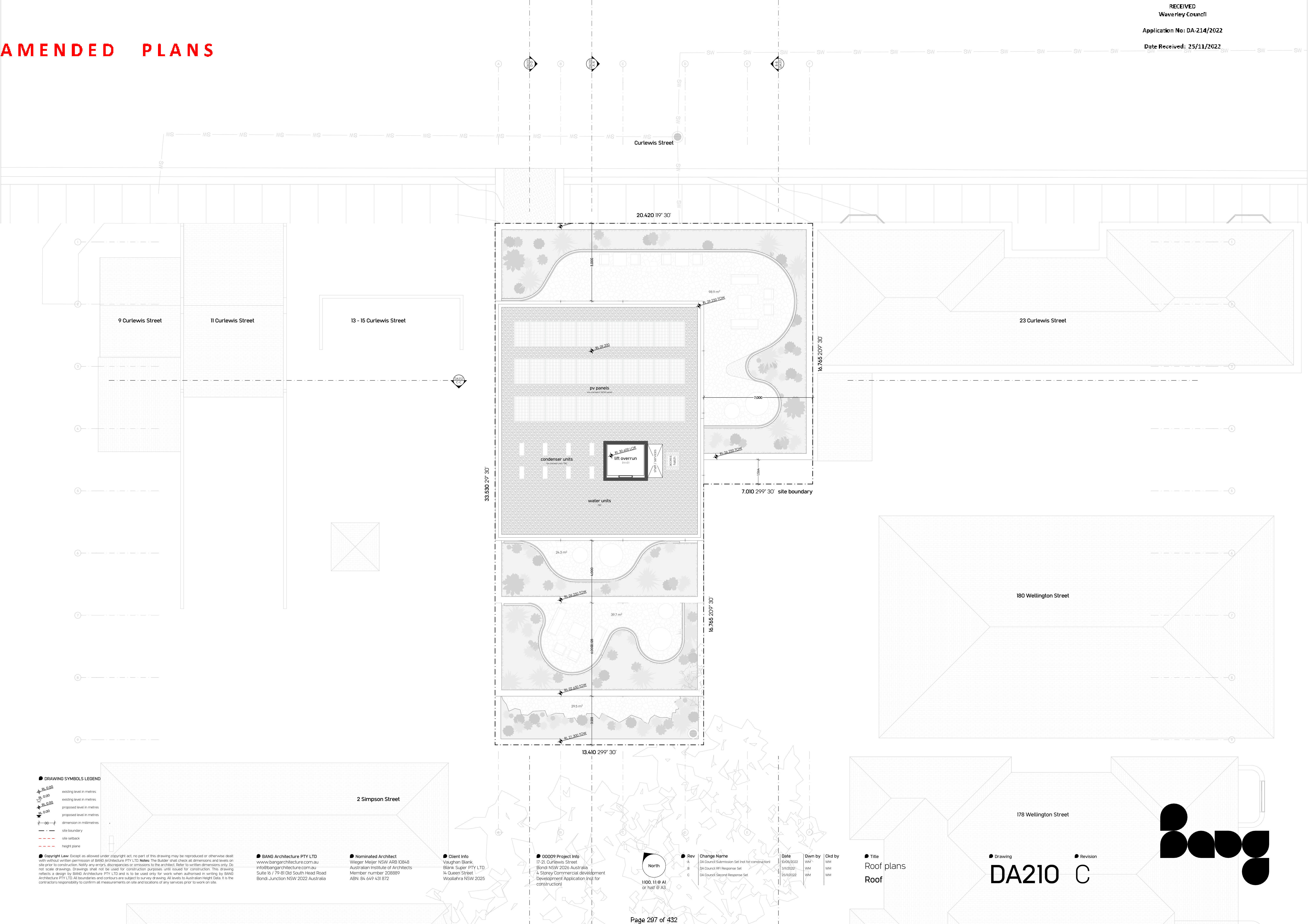
Ckd by
WM

● Title
Floor plans
Level 3

● Drawing
DA203 C

● Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

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Blank Super PTY LTD
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Woolahra NSW 2025

00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1100.11 @ A1
or hall @ A3

Rev
A
B
C

Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council 2nd Response Set

Date
30/09/2022
31/10/2022
25/11/2022

Drawn by
WM
WM
WM

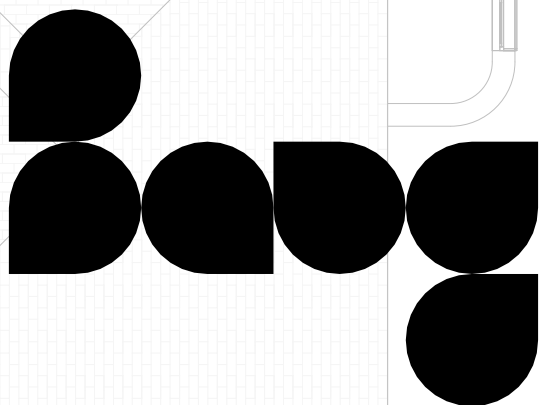
Ckd by
WM
WM
WM

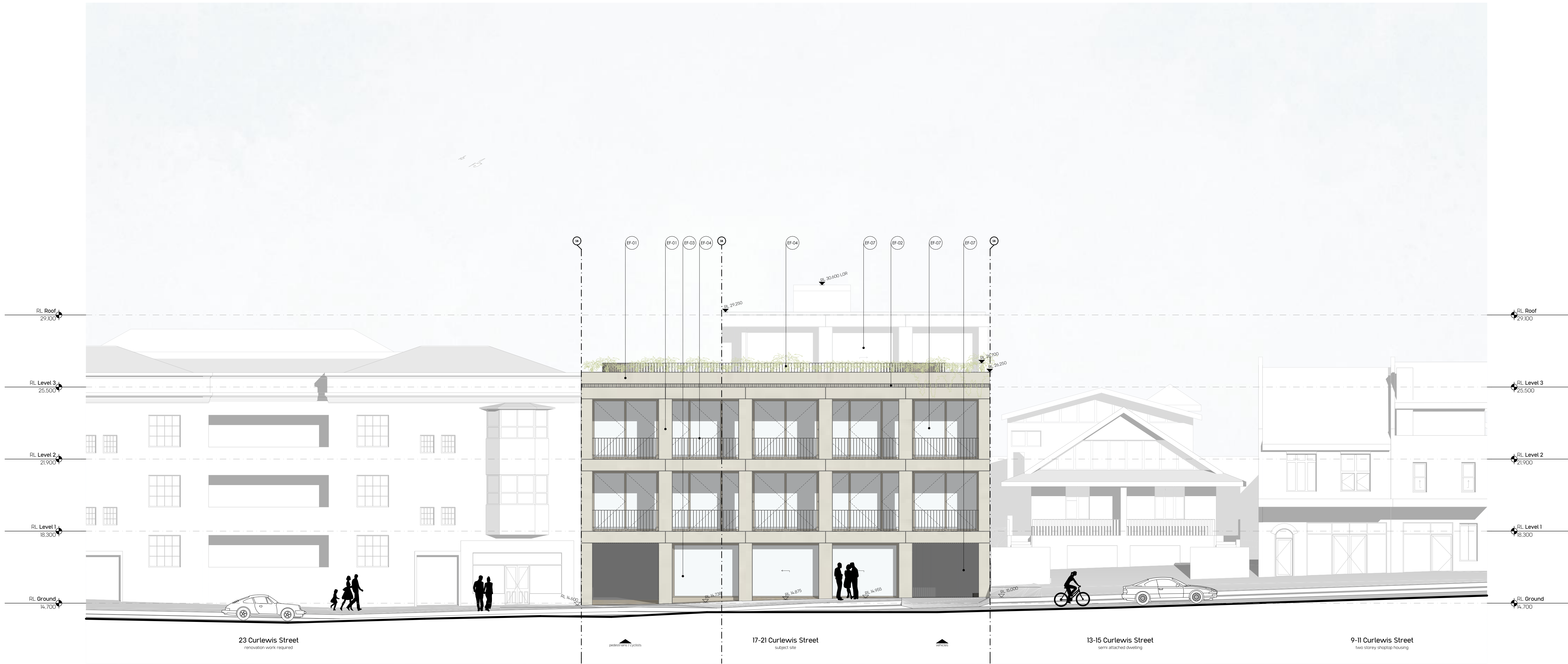
Title
Roof plans
Roof

Drawing

DA210 C

Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

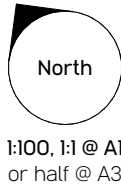
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Woolahra NSW 2025

00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



1100, 11 @ A1
or 1100 @ A3

Rev

Change Name
A DA Council Submission Set (not for construction)
B DA Council 1st Response Set
C DA Council Second Response Set

Date
10/05/2022
3/10/2022
25/10/2022

Dwn by
WM
WM
WM

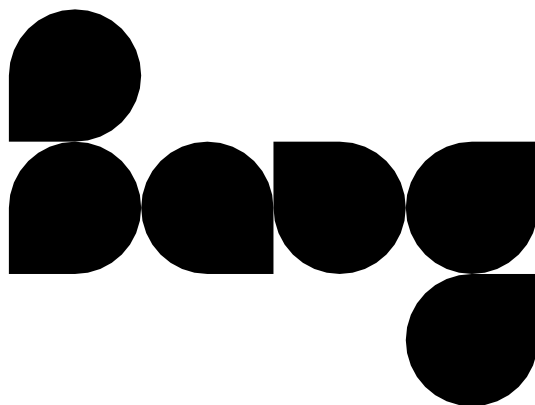
Ckd by
WM
WM
WM

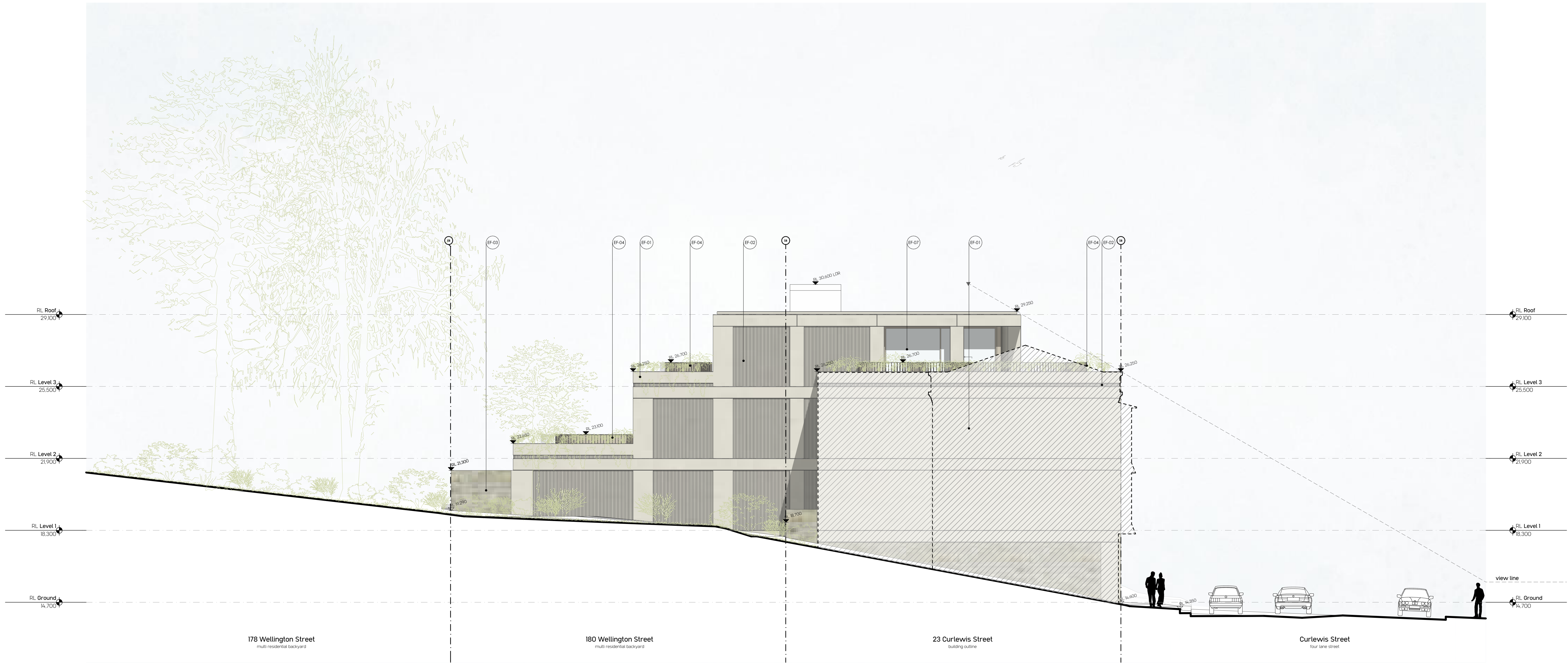
Title
Elevations
North

Drawing

DA300 C

Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

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00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1:100. 1:1 @ A1
or half @ A3

Rev
A
B
C

Change Name
DA Council Submission Set (not for construction)
DA Council 99th Response Set
DA Council Second Response Set

Date
10/09/2022
3/10/2022
25/10/2022

Dwn by
WM
WM
WM

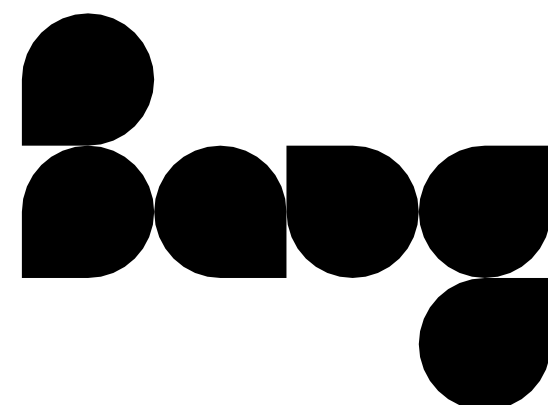
Ckd by
WM
WM
WM

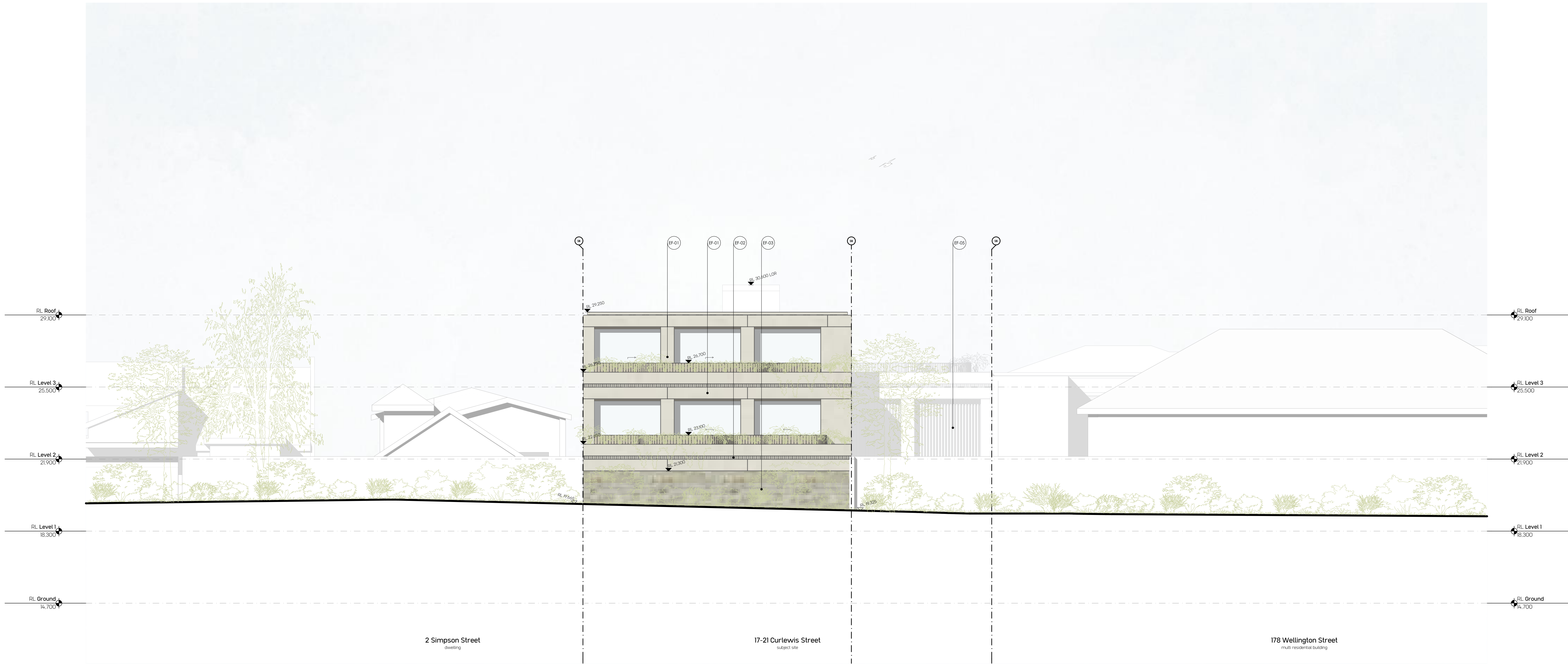
Title
Elevations
East

Drawing

DA301 C

Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

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Woolahra NSW 2025

00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



Rev
A
B
C

Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council Second Response Set

Date
10/09/2022
3/10/2022
25/10/2022

Dwn by
WM
WM
WM

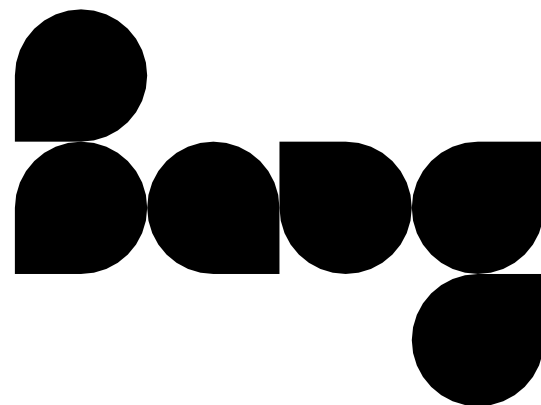
Ckd by
WM
WM
WM

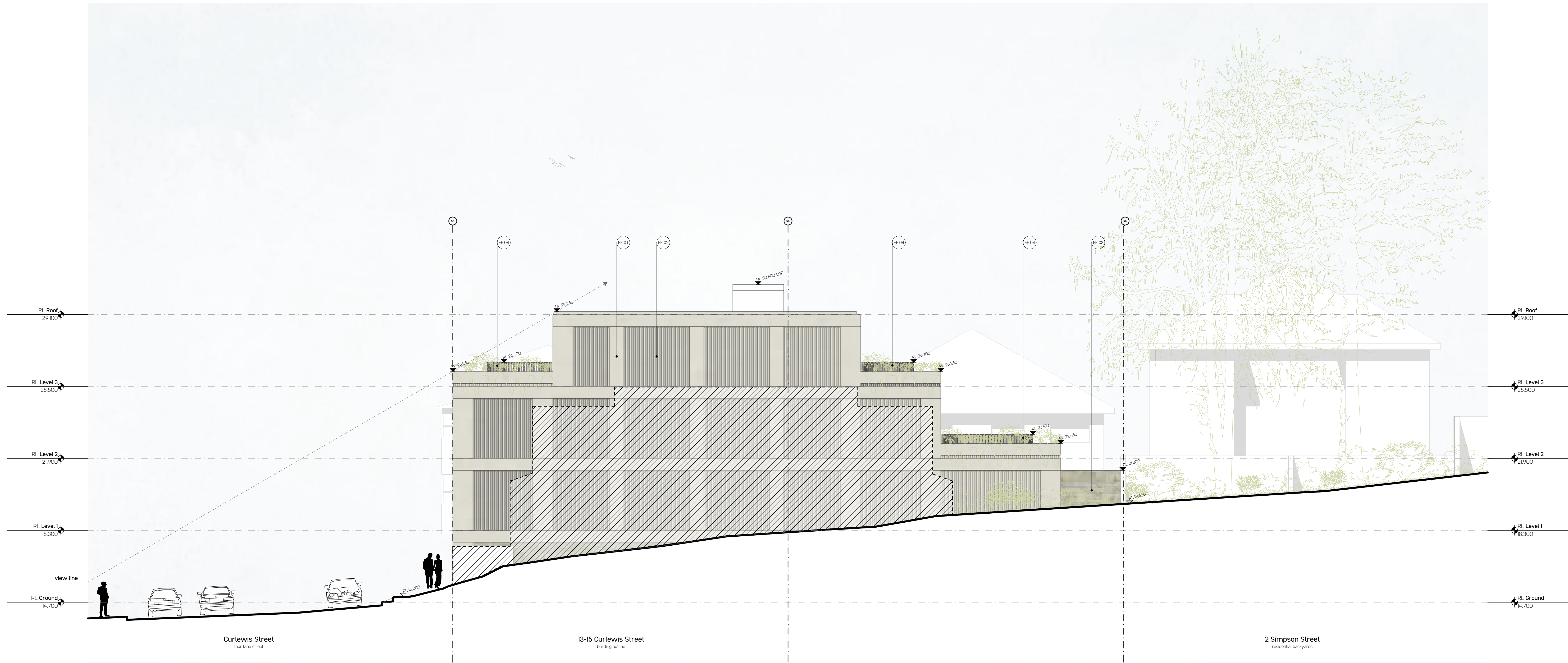
Title
Elevations
South

Drawing

DA302 C

Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

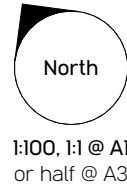
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Woolahra NSW 2025

00009 Project Info
17-21, Curlewies Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



1:100. 1:1 @ A1
or half @ A3

Rev
A
B
C

Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council Second Response Set

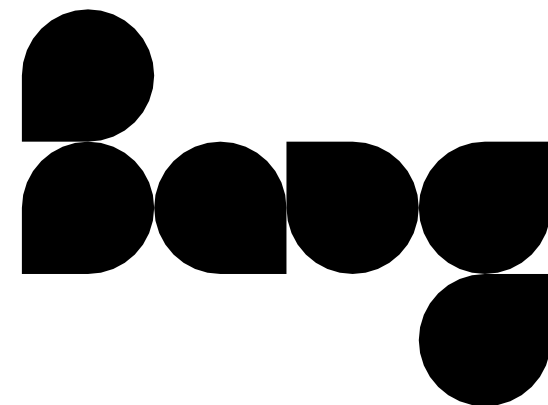
Date
10/09/2022
3/10/2022
25/10/2022

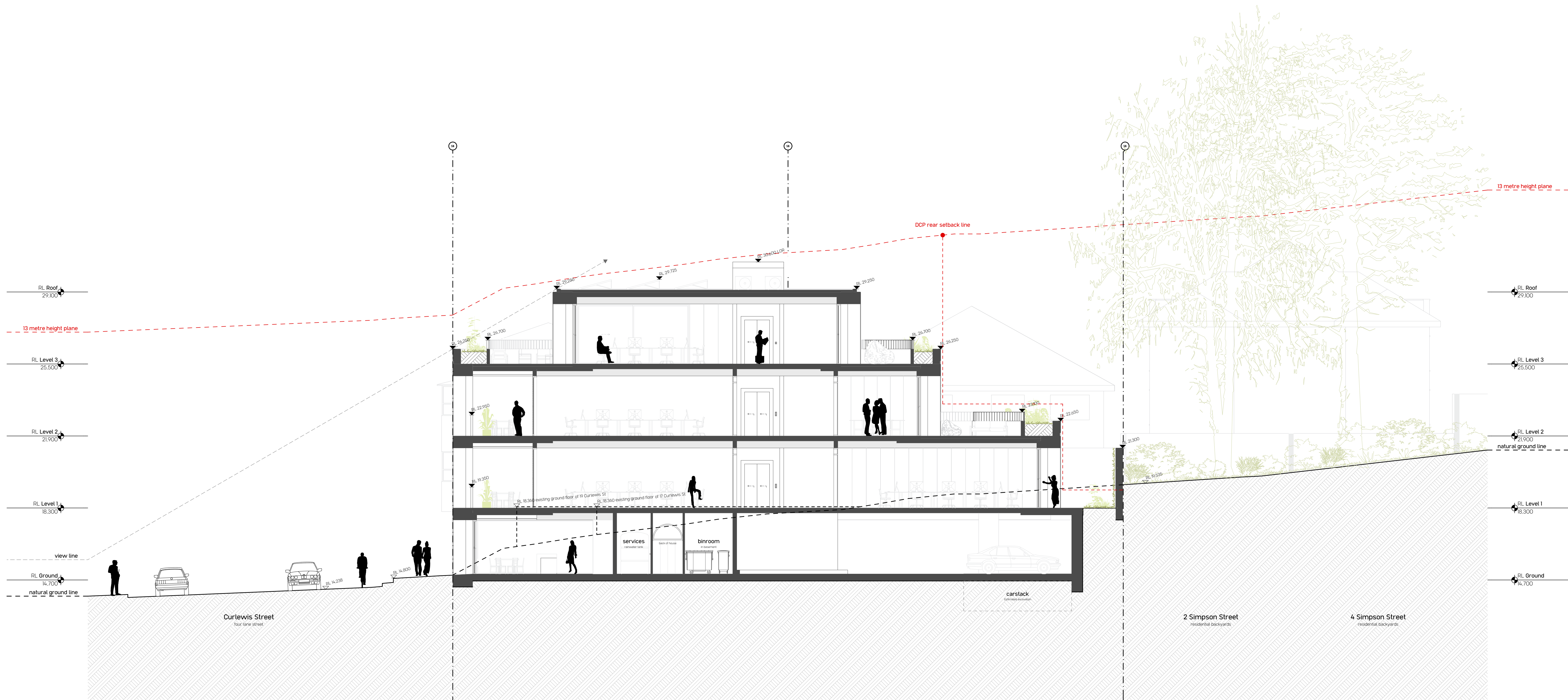
Dwn by
WM
WM
WM

Ckd by
WM
WM
WM

Title
Elevations
West

Drawing
DA303 C
Revision





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

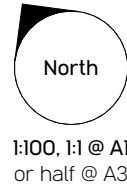
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14 Queen Street
Woolahra NSW 2025

00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

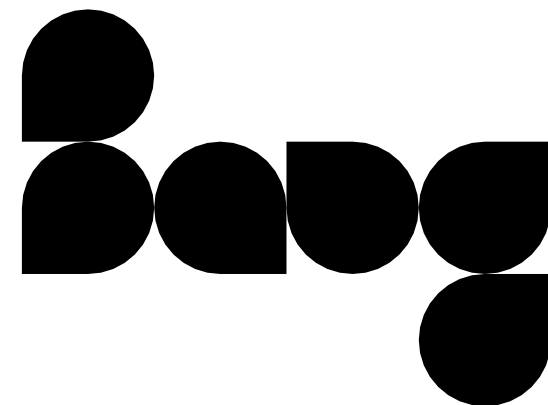


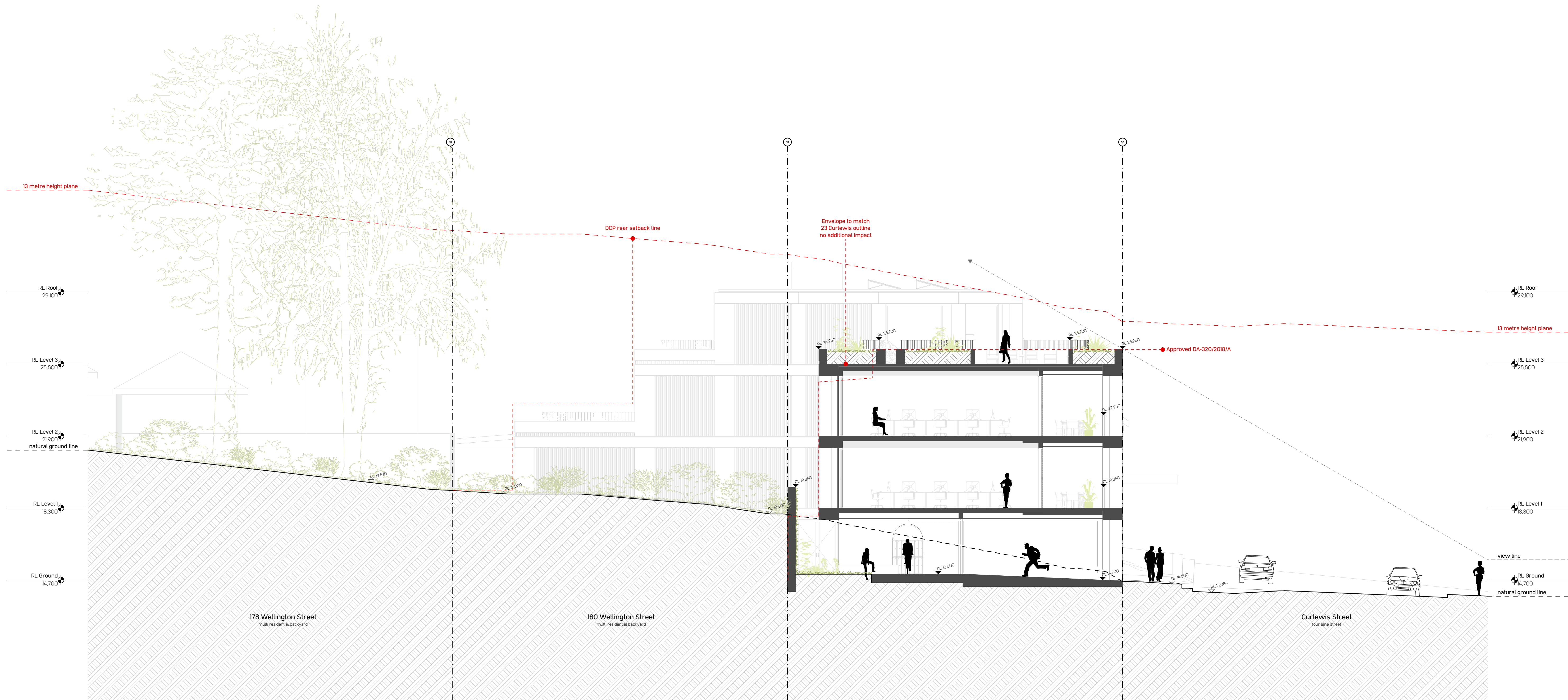
1100.11 @ A1
or hall @ A3

Rev	Change Name	Date	Dwn by	Ckd by
A	DA Council Submission Set (not for construction)	10/09/2022	WM	WM
B	DA Council 1st Response Set	3/10/2022	WM	WM
C	DA Council Second Response Set	25/10/2022	WM	WM

Title
Sections
A-A

Drawing
DA310
Revision
C





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

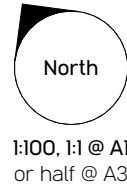
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Blank Super PTY LTD
14 Queen Street
Woolahra NSW 2025

00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



1100.11 @ A1
or half @ A3

Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council 99th Response Set
C	DA Council Second Response Set

Date
10/09/2022
3/10/2022
25/10/2022

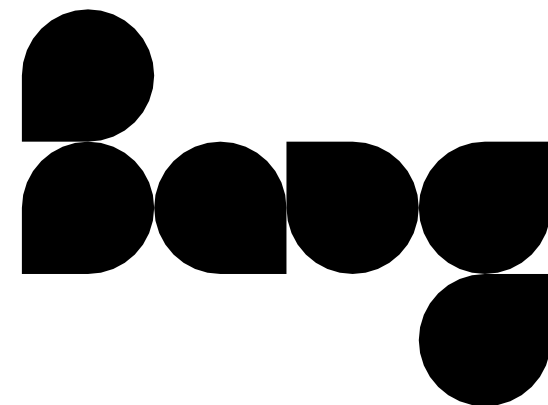
Dwn by
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WM
WM

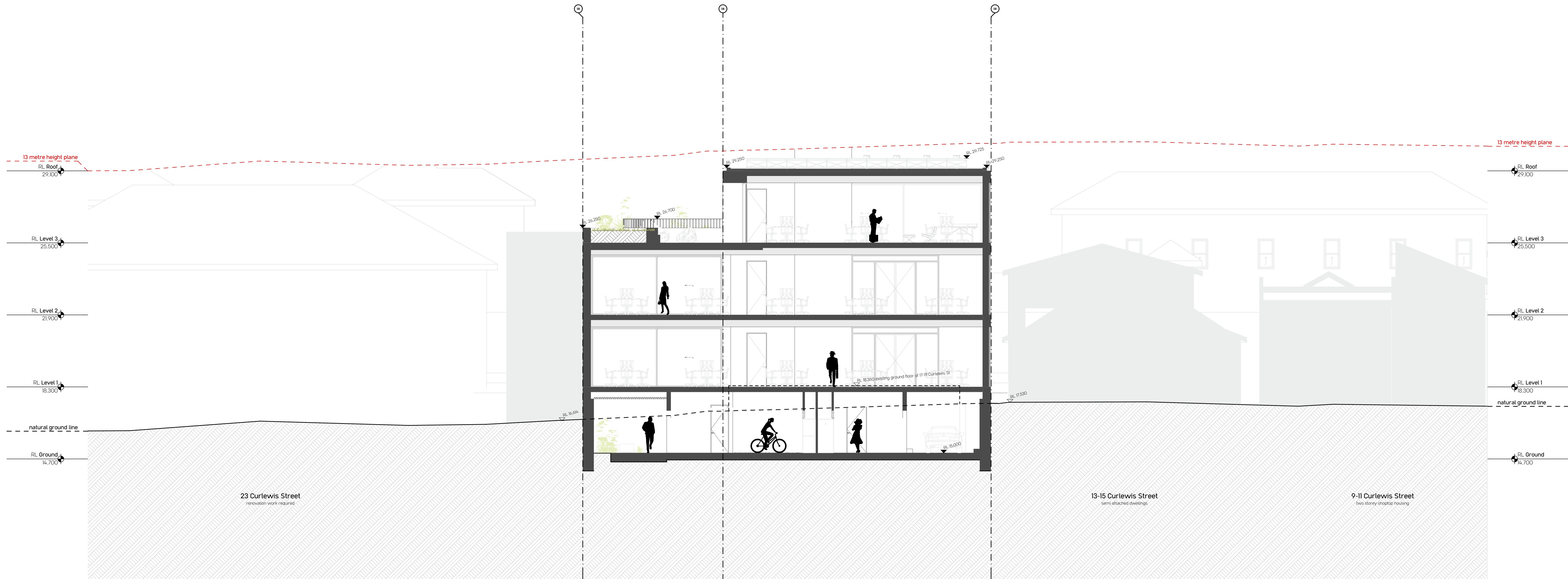
Ckd by
WM
WM
WM

Title
Sections
B-B

Drawing
DA311

Revision
C





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

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Blank Super PTY LTD
14 Queen Street
Woolahra NSW 2025

00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1:100. 1:1 @ A1
or half @ A3

Rev

Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council 1st Response Set
C	DA Council Second Response Set

Date

10/09/2022
30/02/2022
25/10/2022

Dwn by

WM
WM
WM

Ckd by

WM
WM
WM

Title

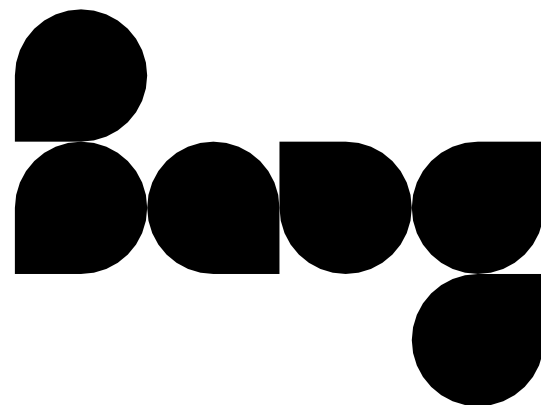
Sections
C-C

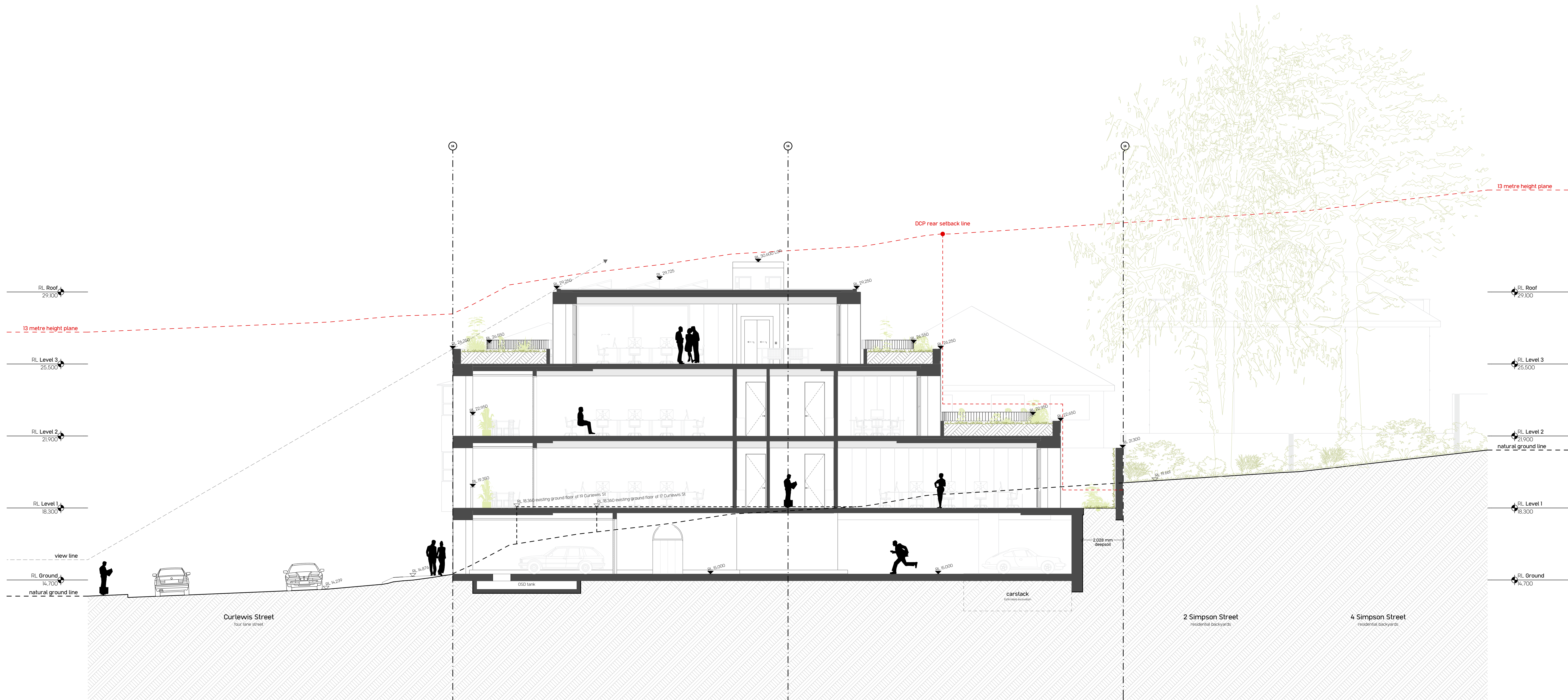
Drawing

DA312

Revision

C





DRAWING SYMBOLS LEGEND

- existing level in metres
- existing level in metres
- proposed level in metres
- proposed level in metres
- dimension in millimetres
- site boundary
- site setback
- height plane

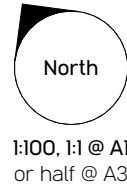
Copyright Law: Except as allowed under copyright act, no part of this drawing may be reproduced or otherwise dealt with without written permission of BANG Architecture PTY LTD. Notes: The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or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

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Blank Super PTY LTD
Australian Institute of Architects
Member number 208889
ABN: 84 649 431 872

Client Info
Vaughan Blank
Blank Super PTY LTD
14 Queen Street
Woolahra NSW 2025

00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)



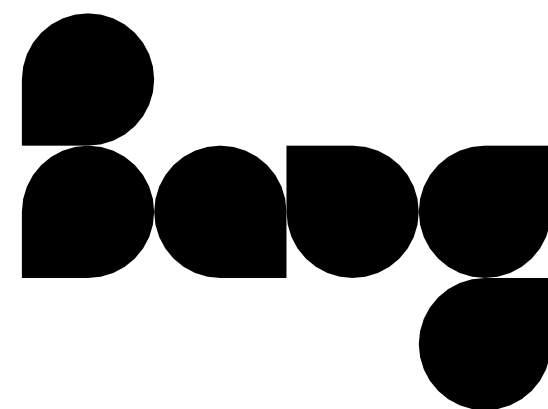
100.11 @ A1
or hall @ A3

Rev	Change Name	Date	Dwn by	Ckd by
A	DA Council Submission Set (not for construction)	10/09/2022	WM	WM
B	DA Council 1st Response Set	3/10/2022	WM	WM
C	DA Council Second Response Set	25/10/2022	WM	WM

Date	Dwn by	Ckd by
10/09/2022	WM	WM
3/10/2022	WM	WM
25/10/2022	WM	WM

Title
Sections
D-D Driveway

Drawing
DA313
Revision
C



FSR 1.5 : 1
Allowable GFA: 850.6 m²
fully compliant

DA500

Gross Floor Area

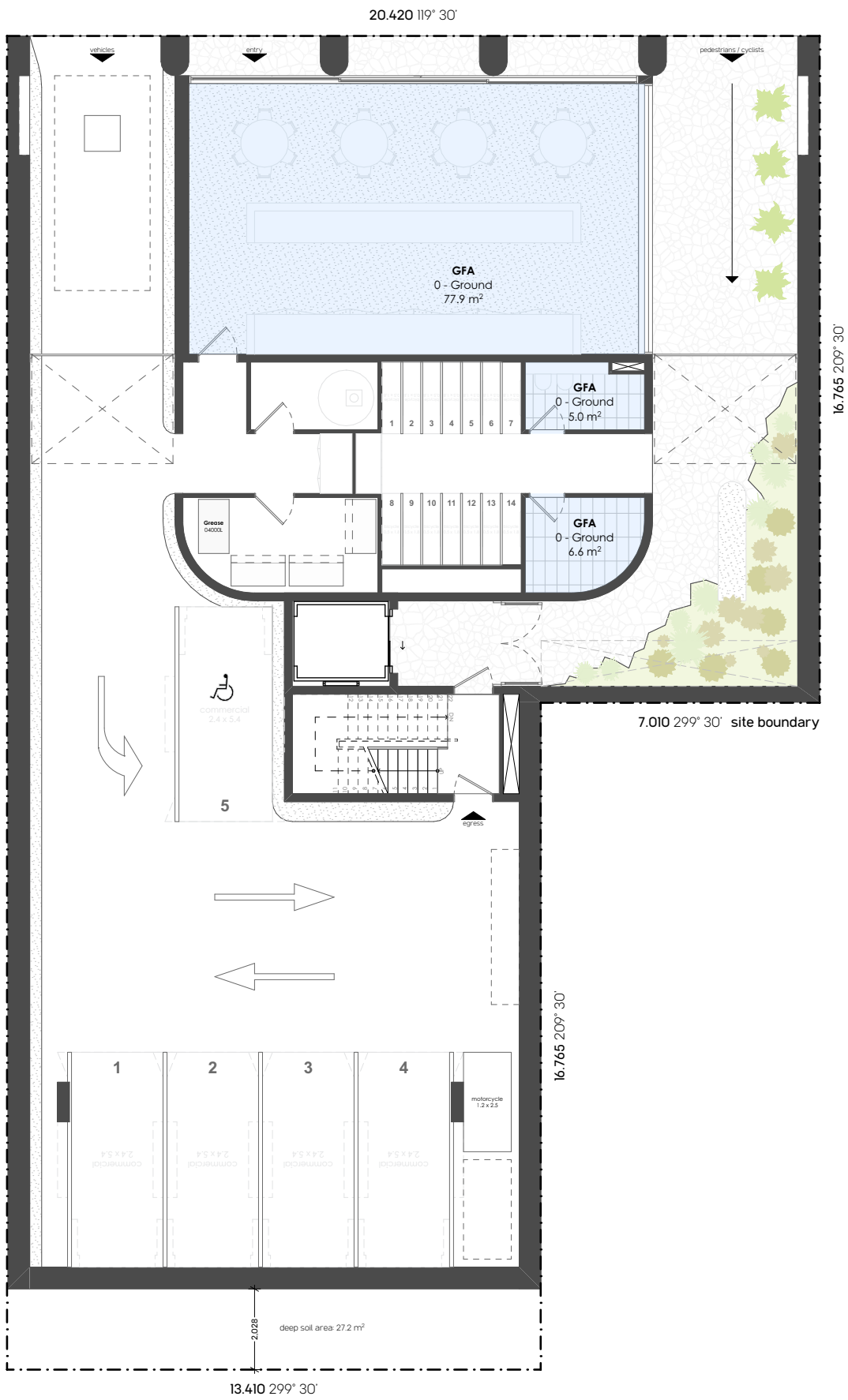
Sydney Local Environmental Plan 2012

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

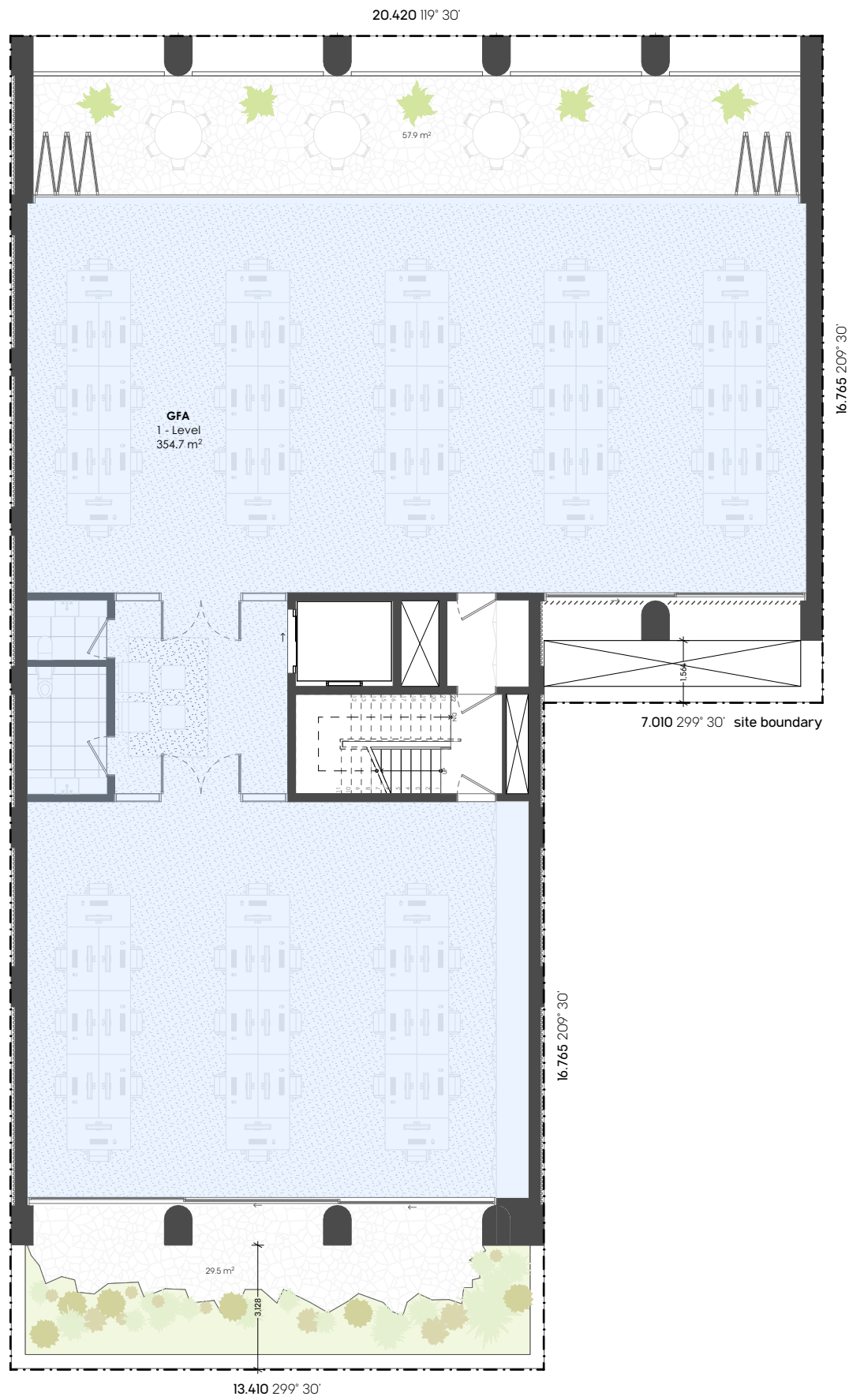
- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
- (f) storage, and
- (g) vehicular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

Proposed Gross floor area

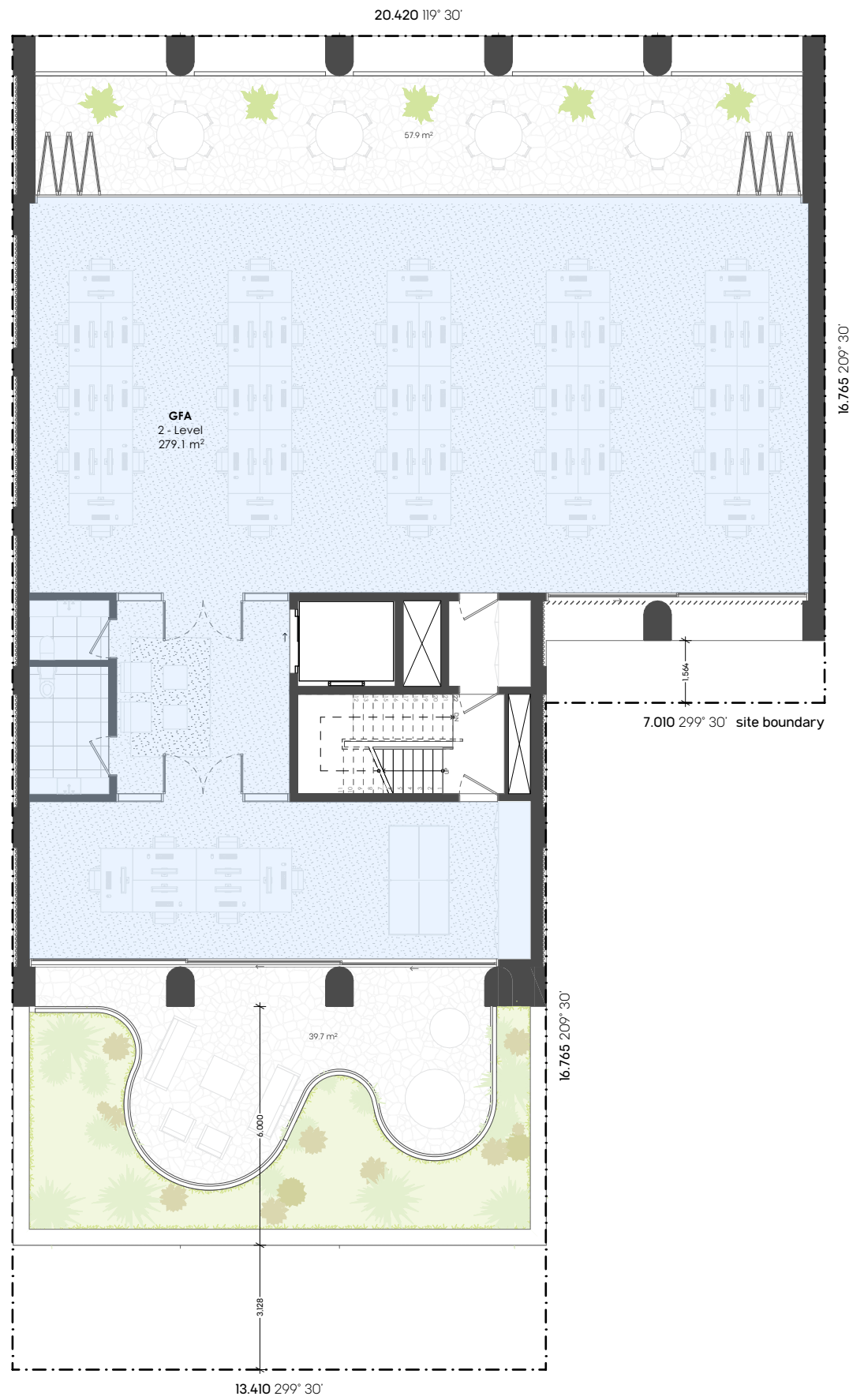
Storey	Area
3 - Level	127.3
2 - Level	279.1
1 - Level	354.7
0 - Ground	89.5
	850.6 m ²



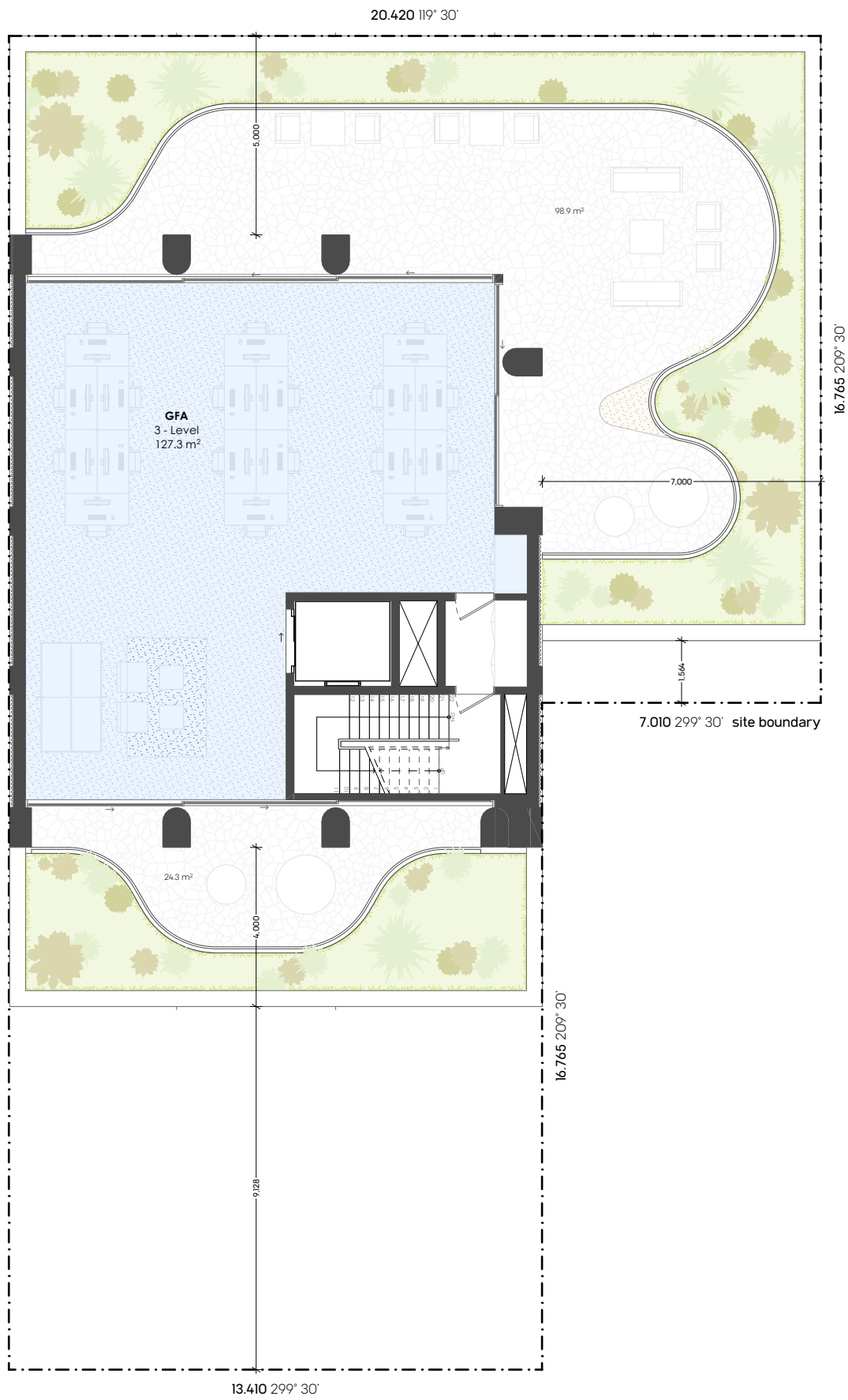
Ground



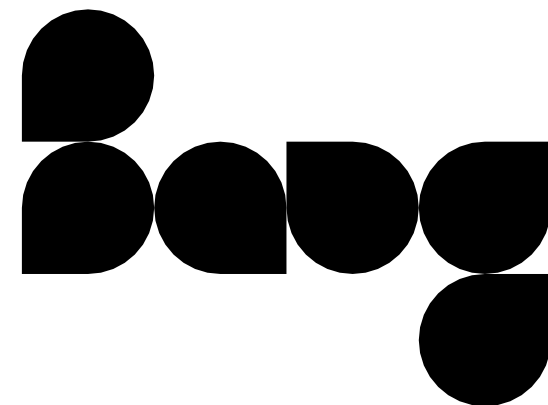
Level 1



Level 2



Level 3



AMENDED PLANS

RECEIVED
Waverley Council

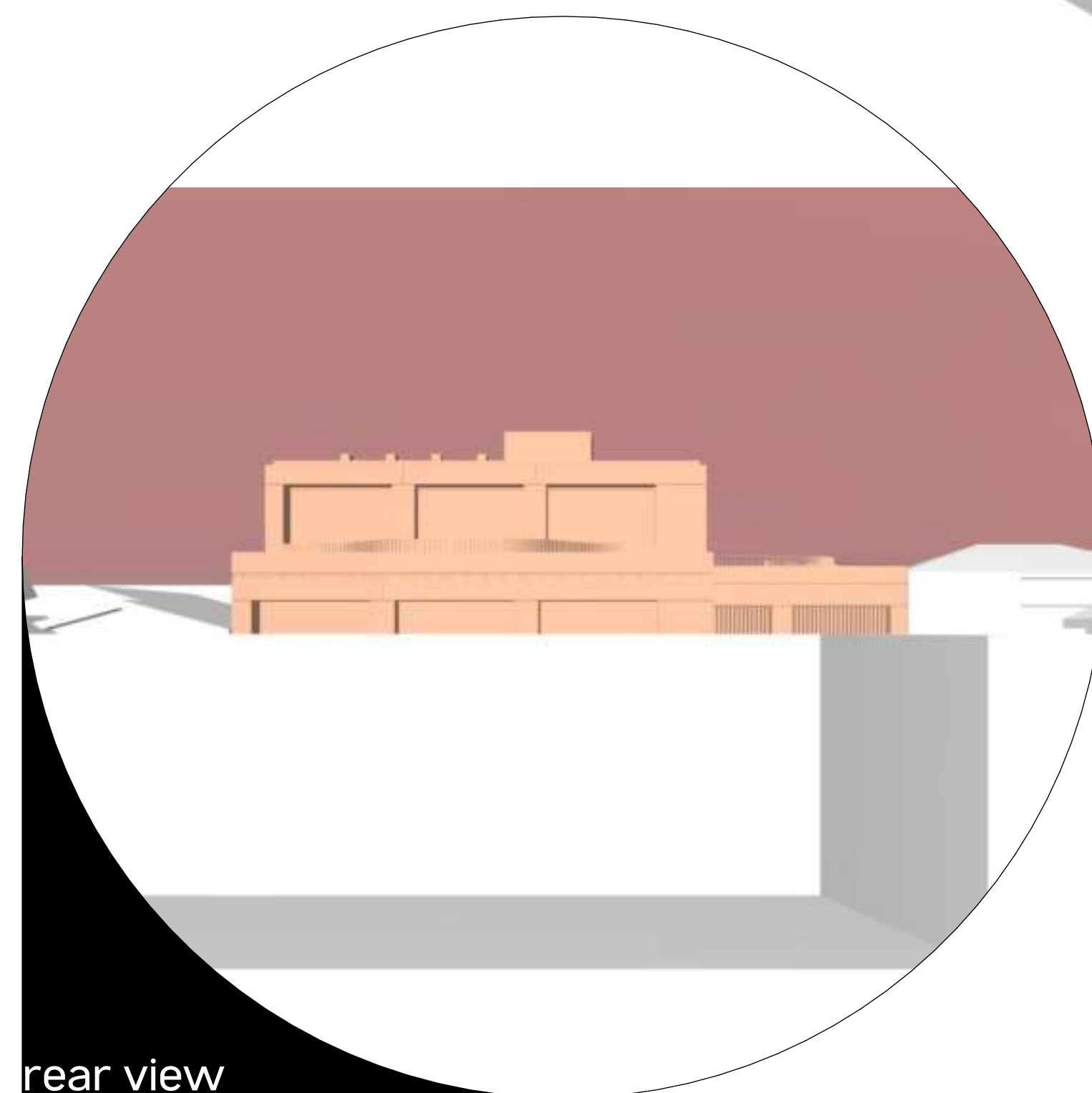
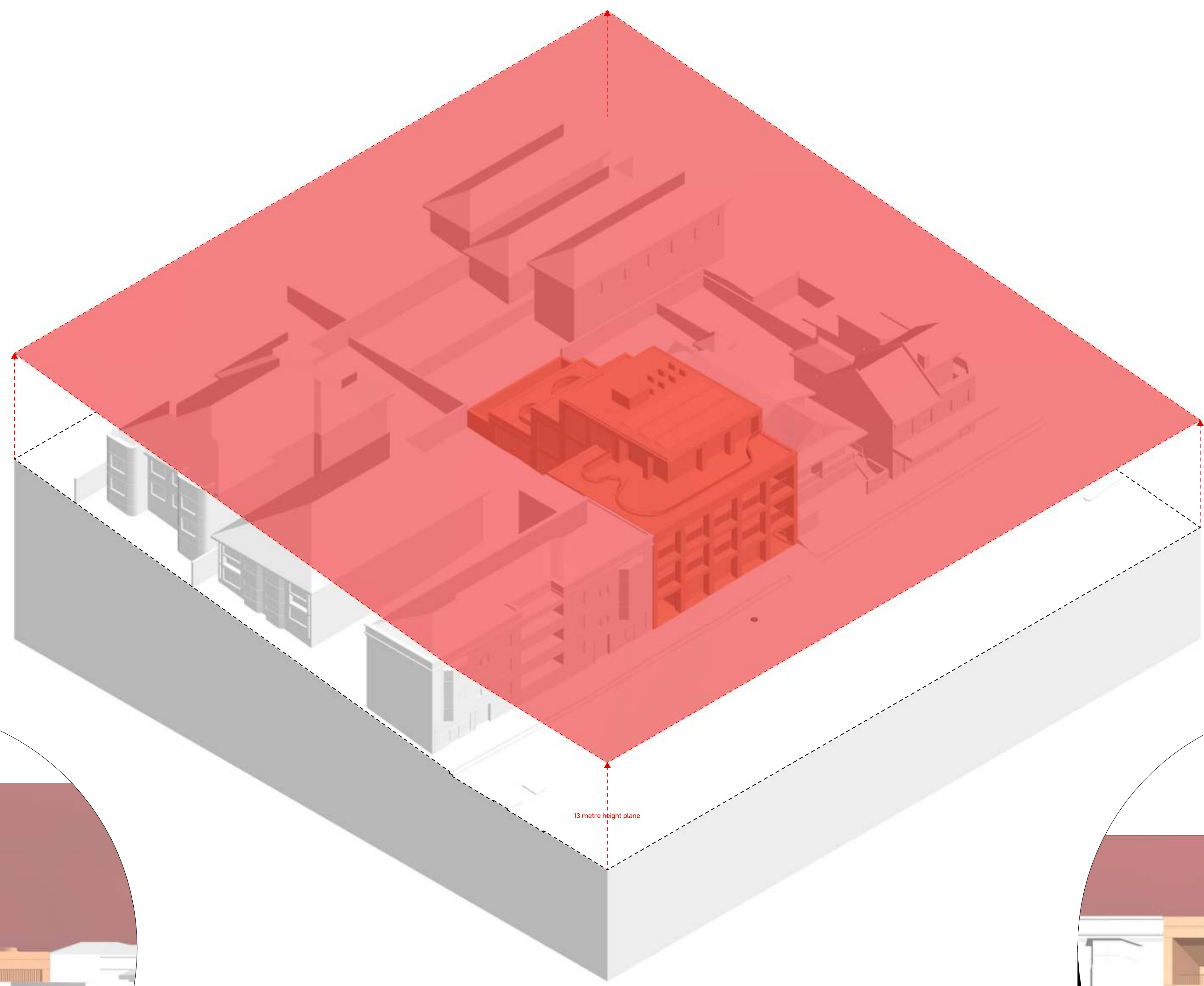
Application No: DA-214/2022

Date Received: 25/11/2022

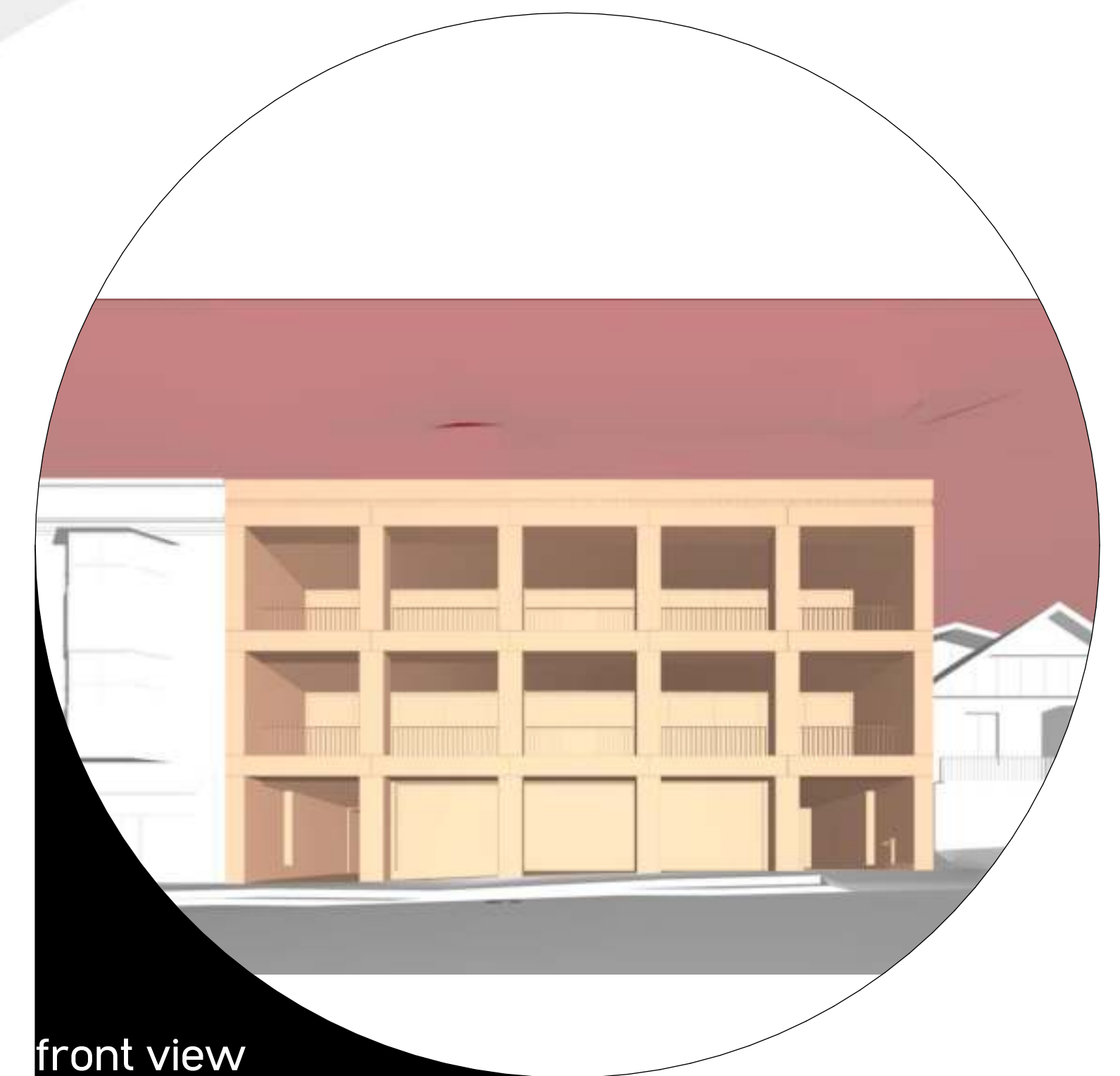
13 Metre
fully compliant

DA501

Height Limit



rear view



front view

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17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1285.71, 1333.33, 1250.11 @ A1
or half @ A3

Rev	Change Name
A	DA Council Submission Set (not for construction)
B	DA Council RFI Response Set

Date
10/05/2022
3/10/2022

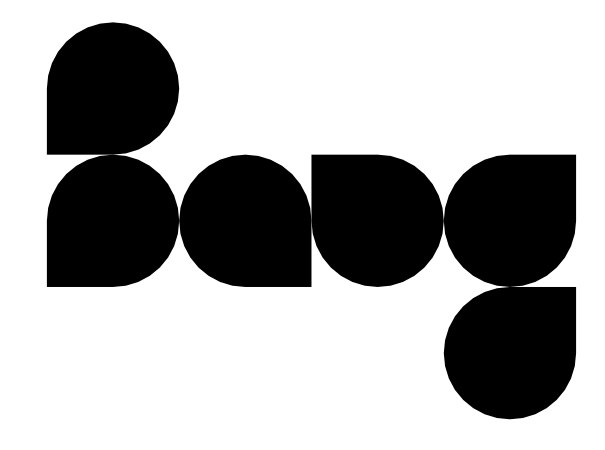
Dwn by
WM
WM

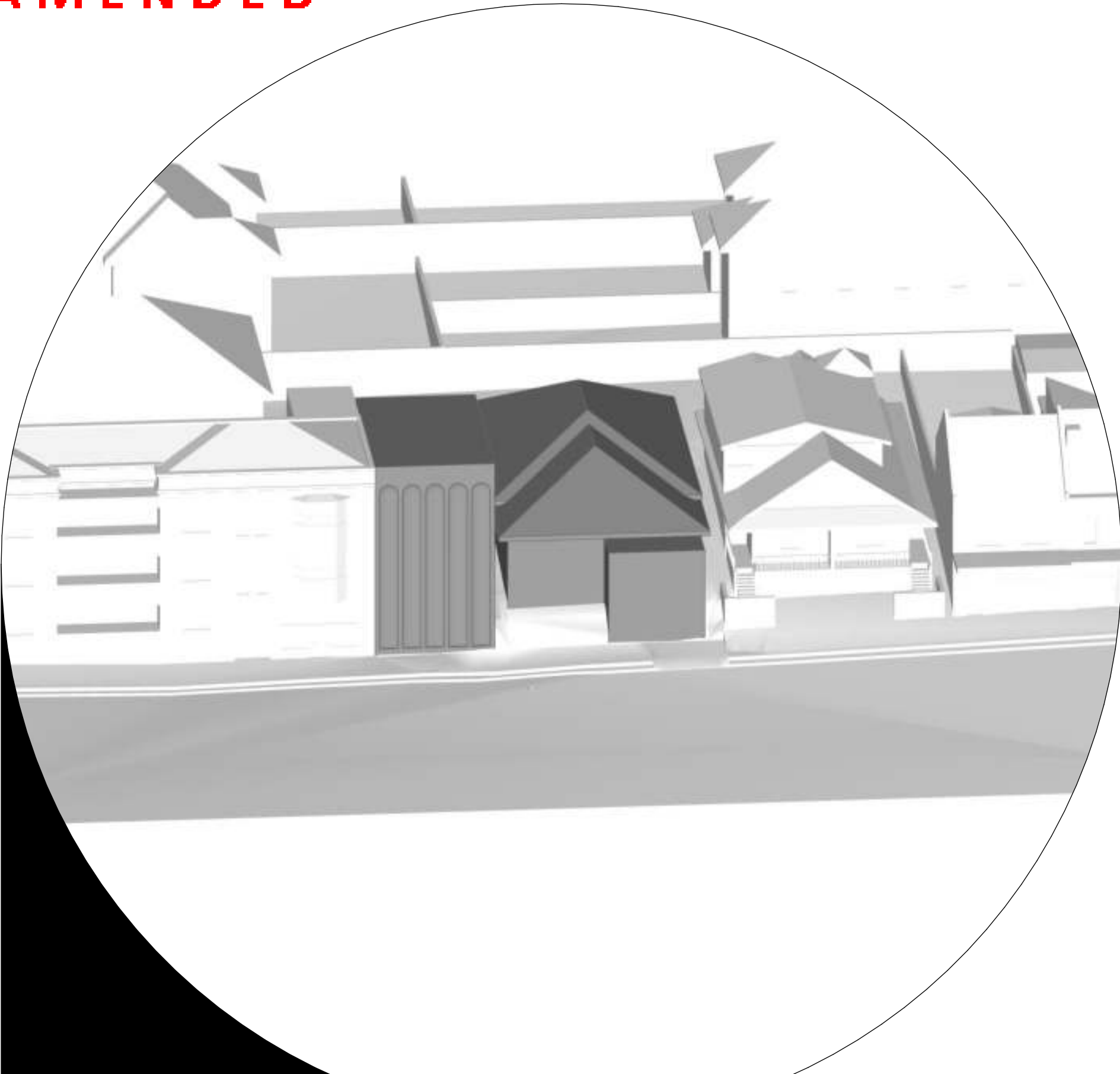
Ckd by
WM
WM

● Title
Compliance diagrams
Height plane

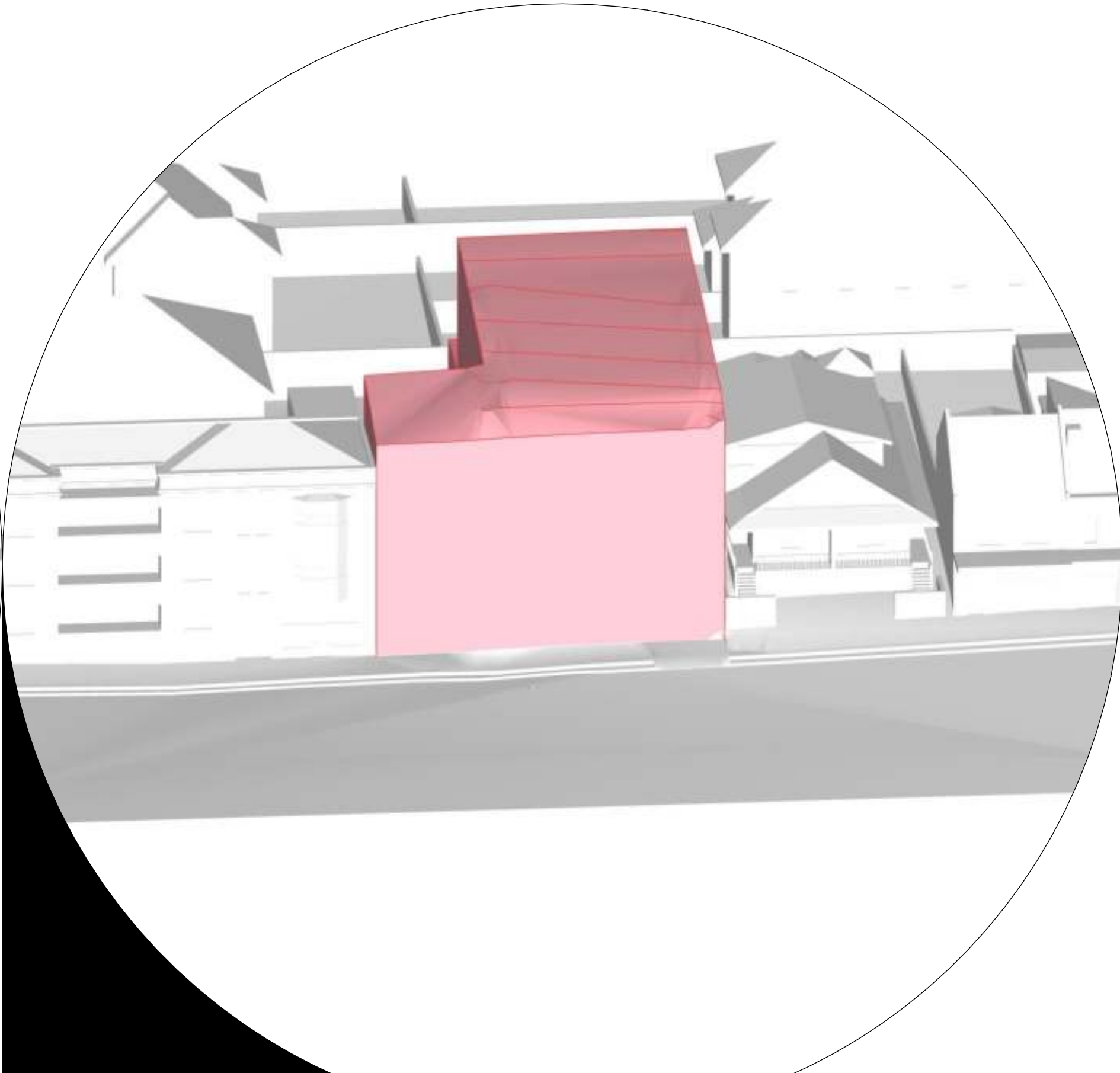
● Drawing
DA501

● Revision
B

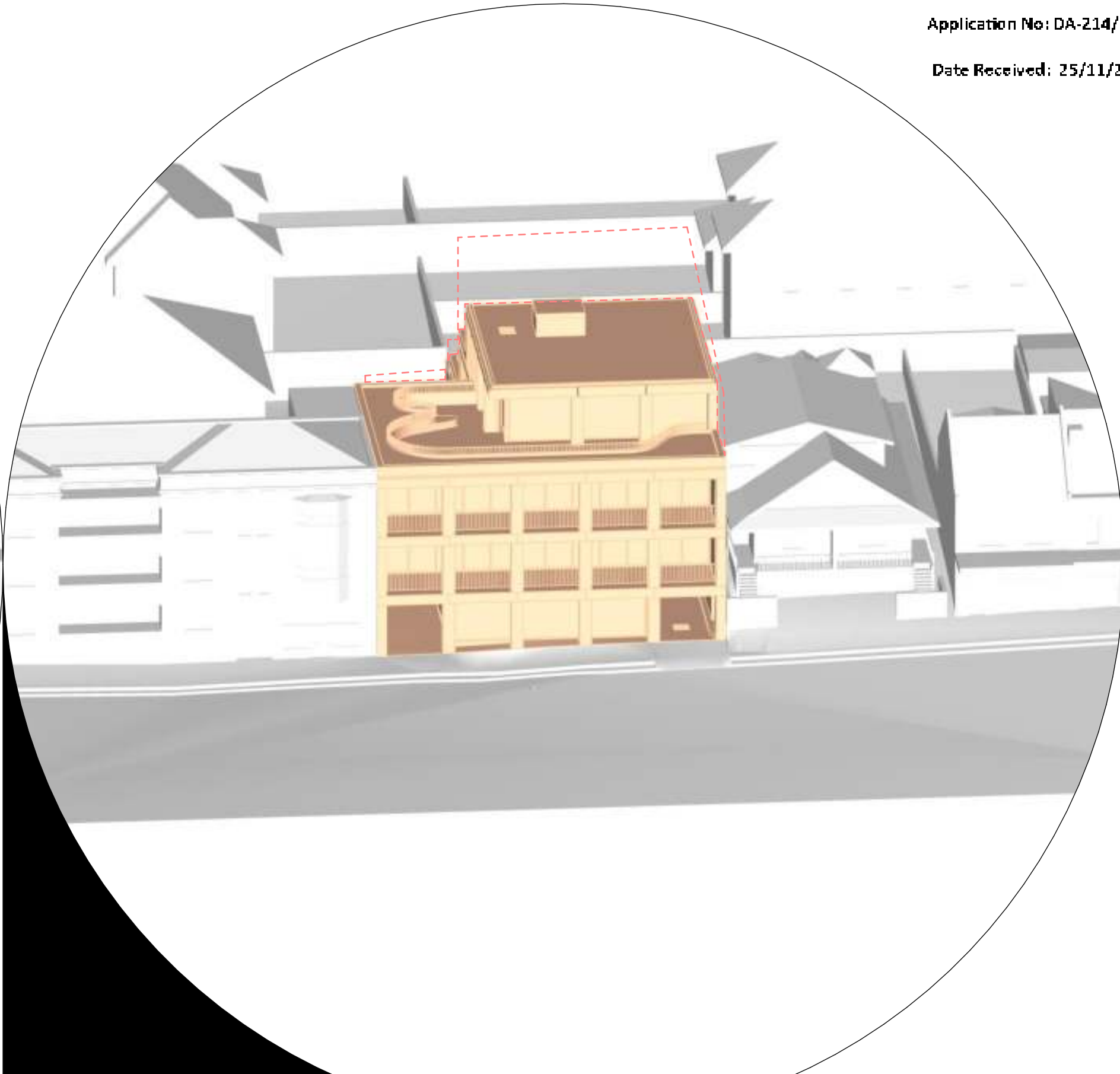




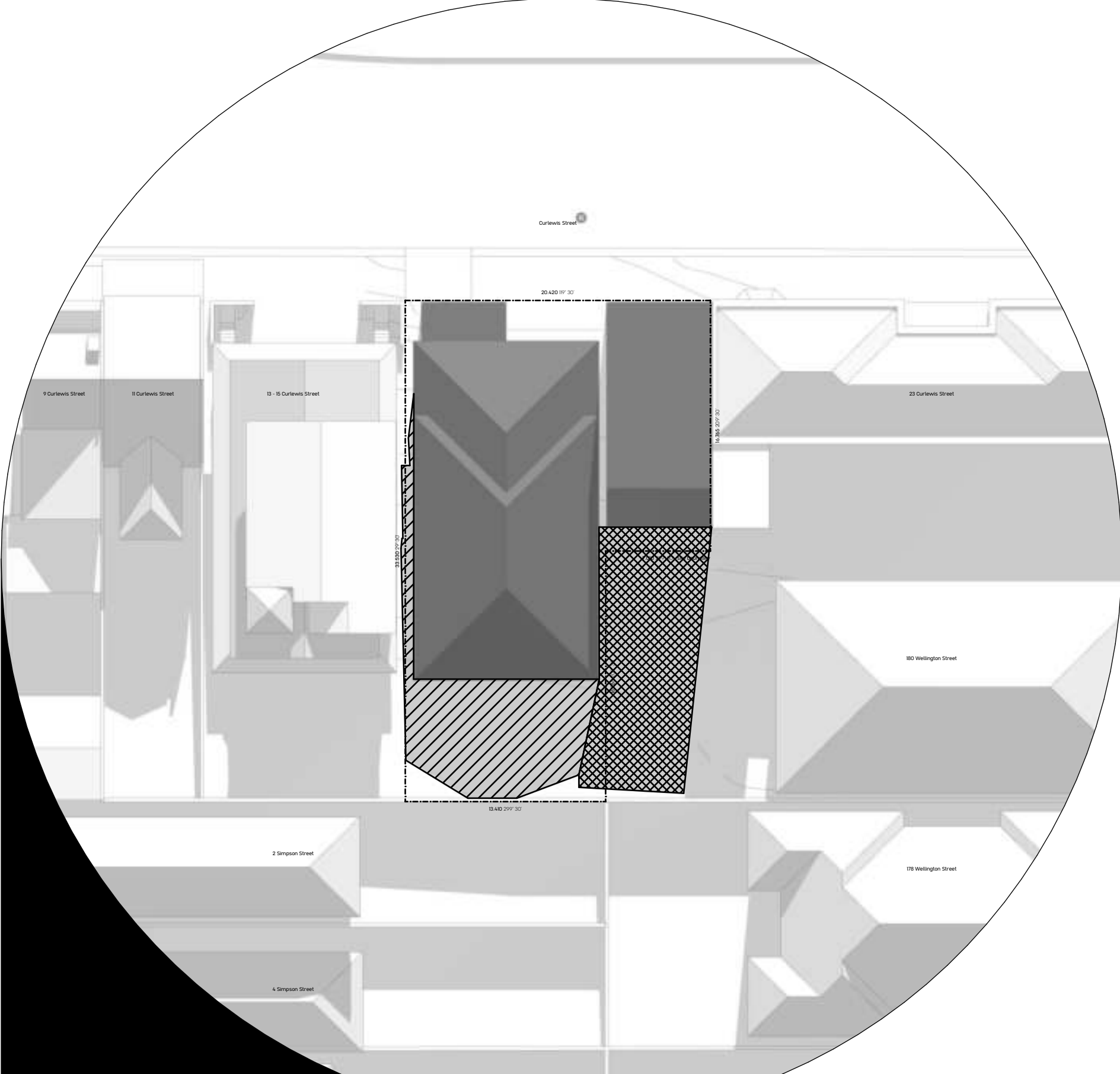
Existing & Approved



DCP+LEP (sun eye)

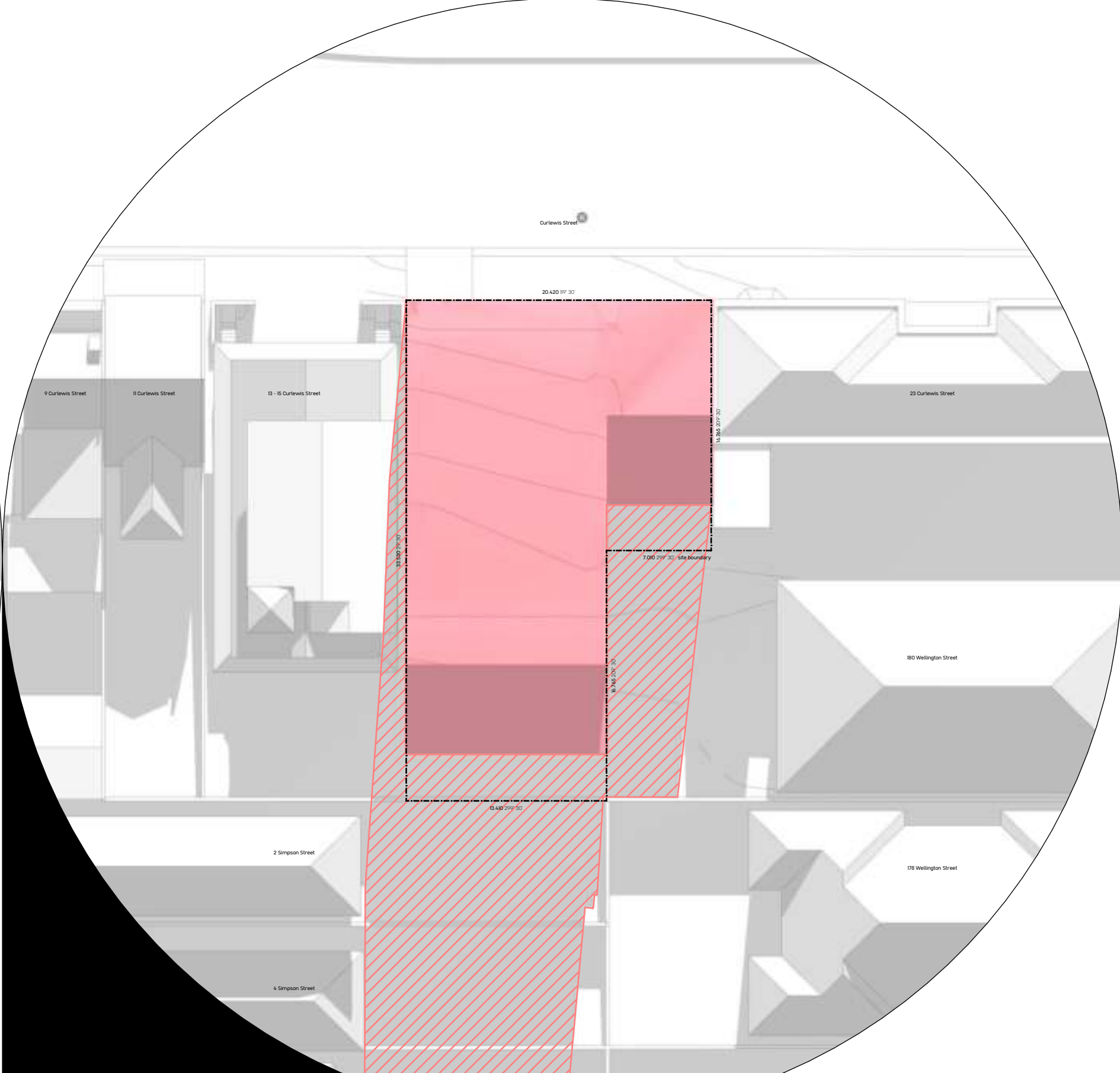


Proposed (sun eye)



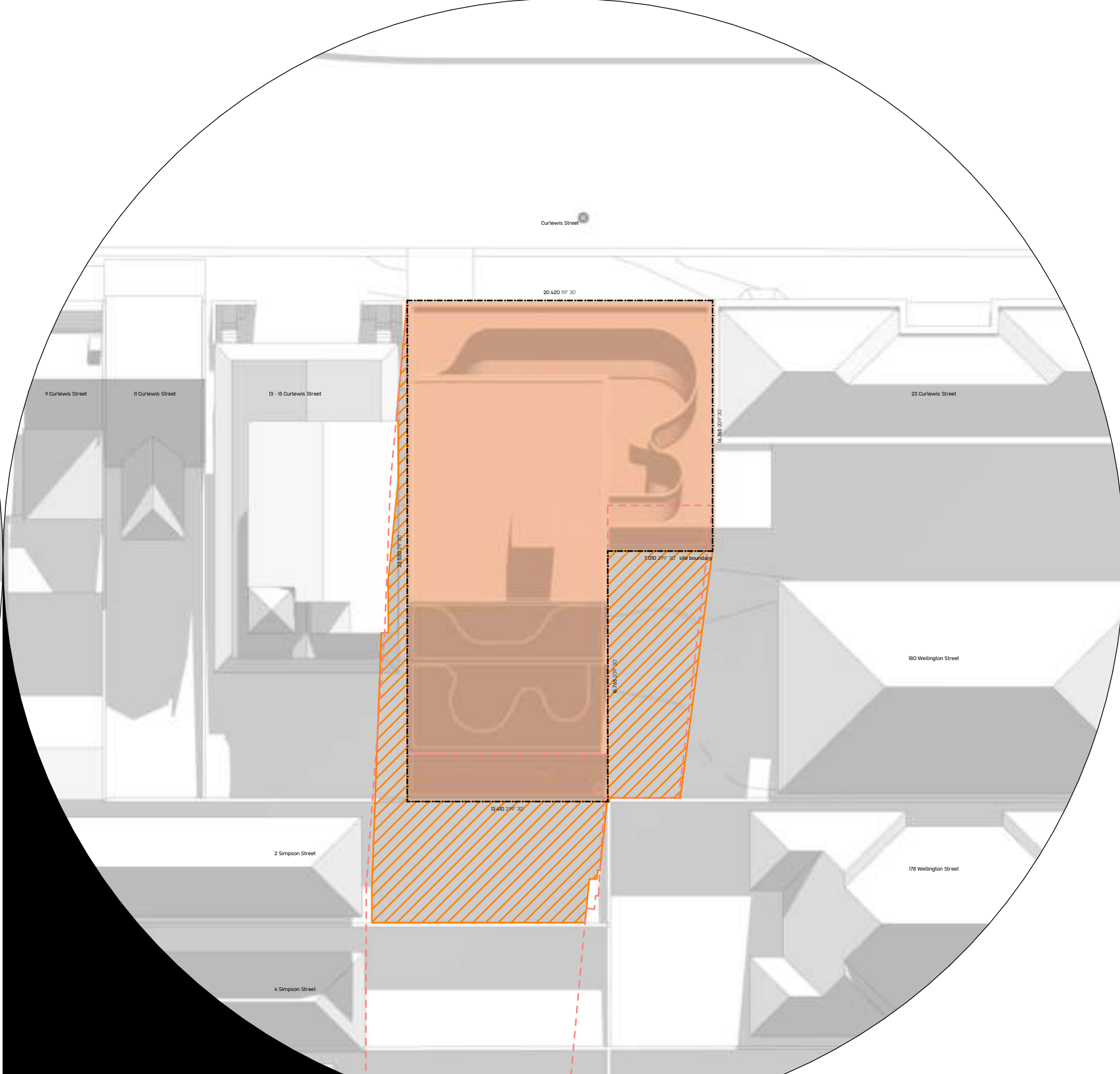
Existing & Approved

- shadow impact of existing buildings on site
- ▨ shadow impact of approved DA of 21 Curlew Street
- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- ▨ outline of DCP compliant envelope = reduced shadow impact by proposed

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Development Application (not for construction)

North
1300, 1200, 1500, 11 @ A1
or half @ A3

● Rev
A
B
C
Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council Second Response Set

Date
10/05/2022
31/05/2022
25/11/2022

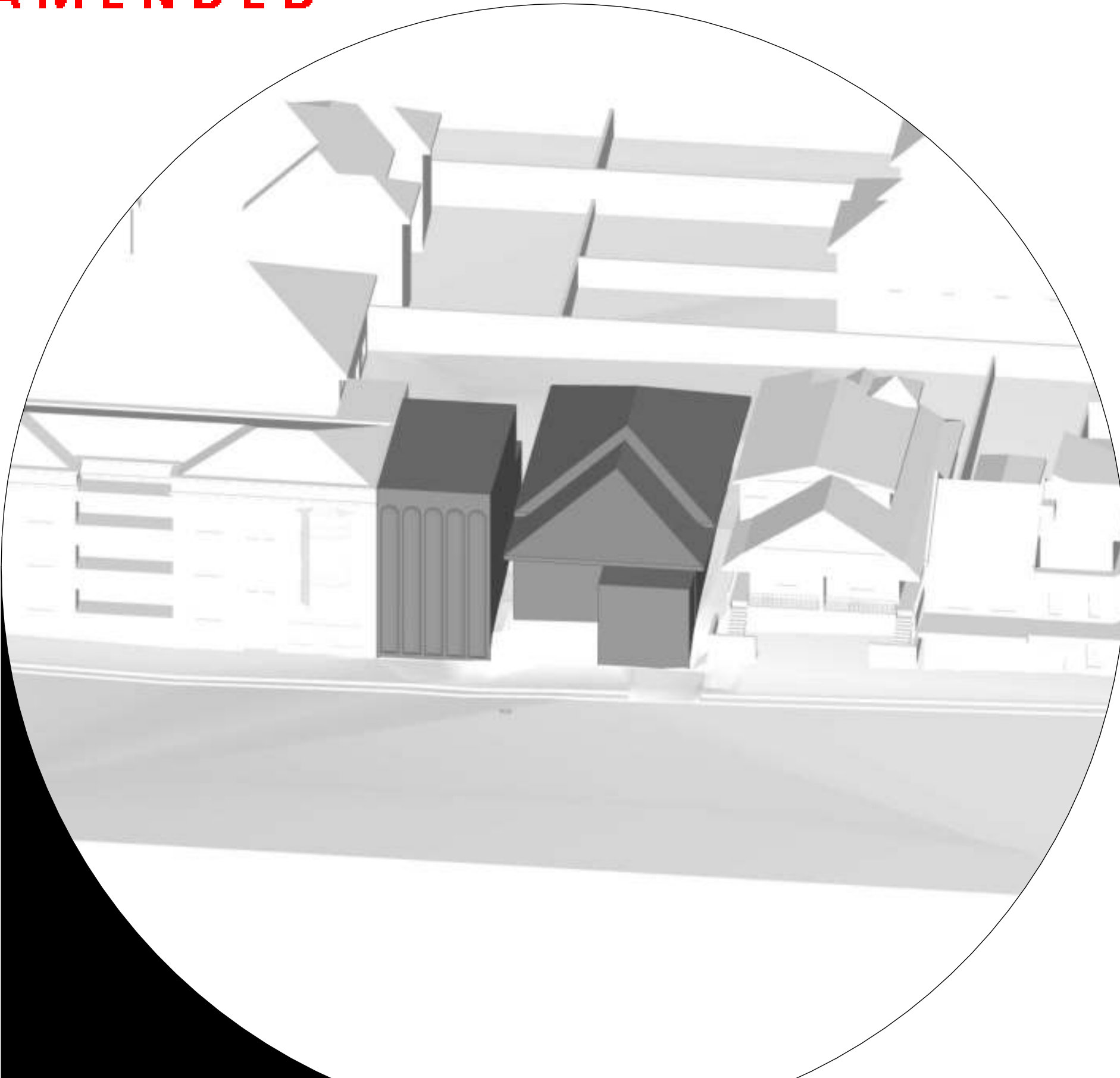
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WM
WM
WM

Ckd by
WM
WM
WM

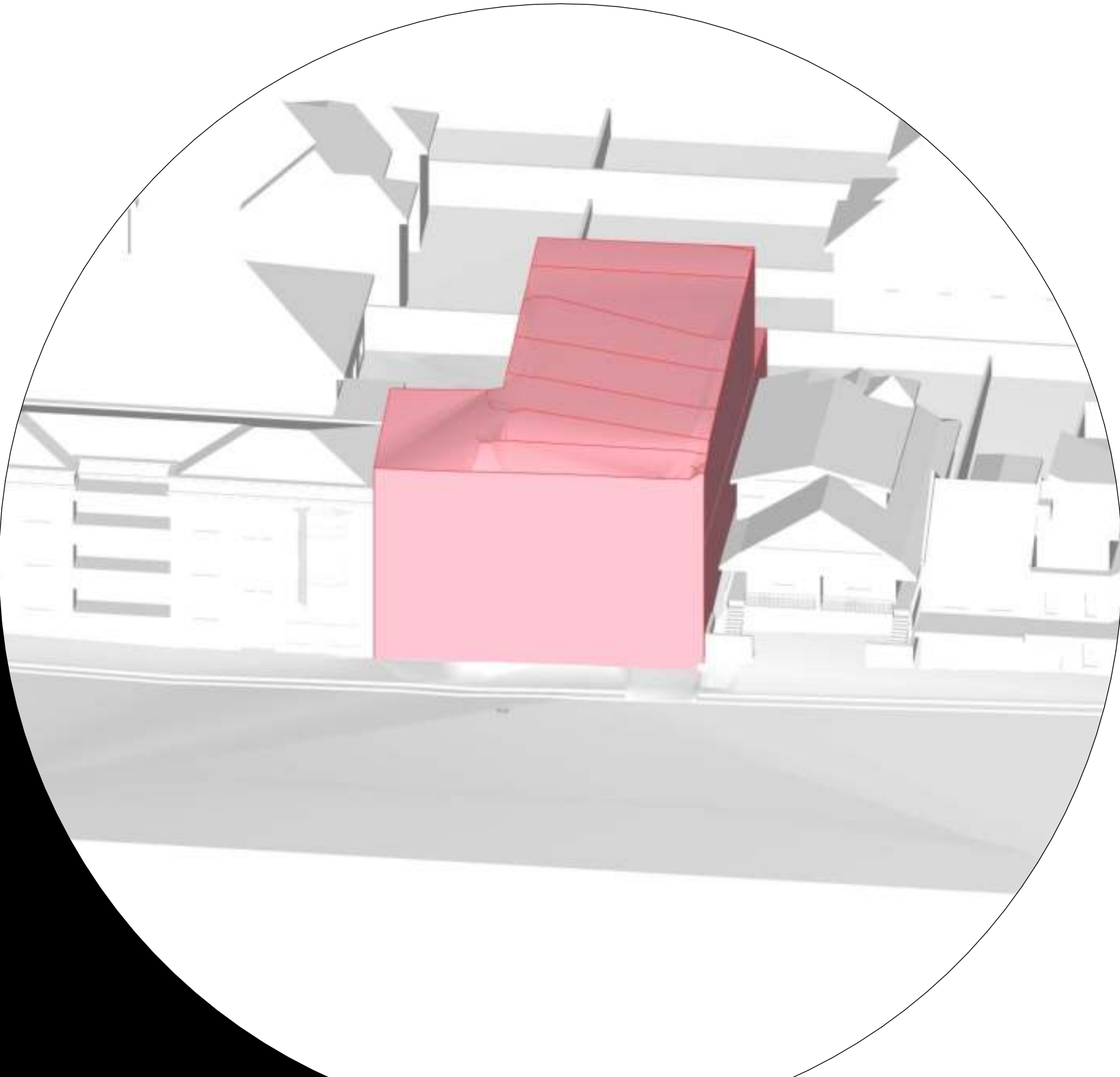
● Title
Solar analysis
900 AM June 22

● Drawing
DA400 C
● Revision

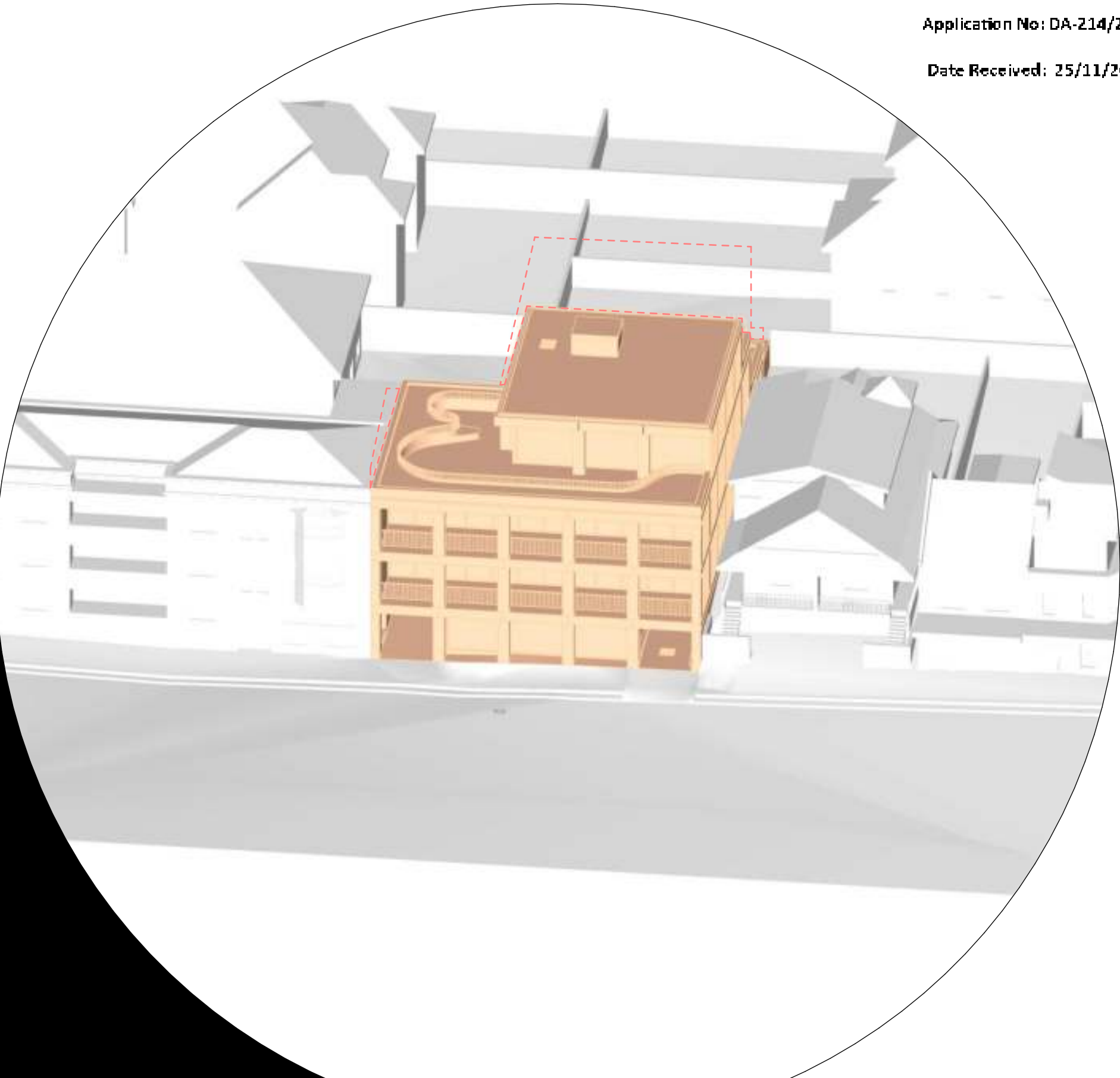




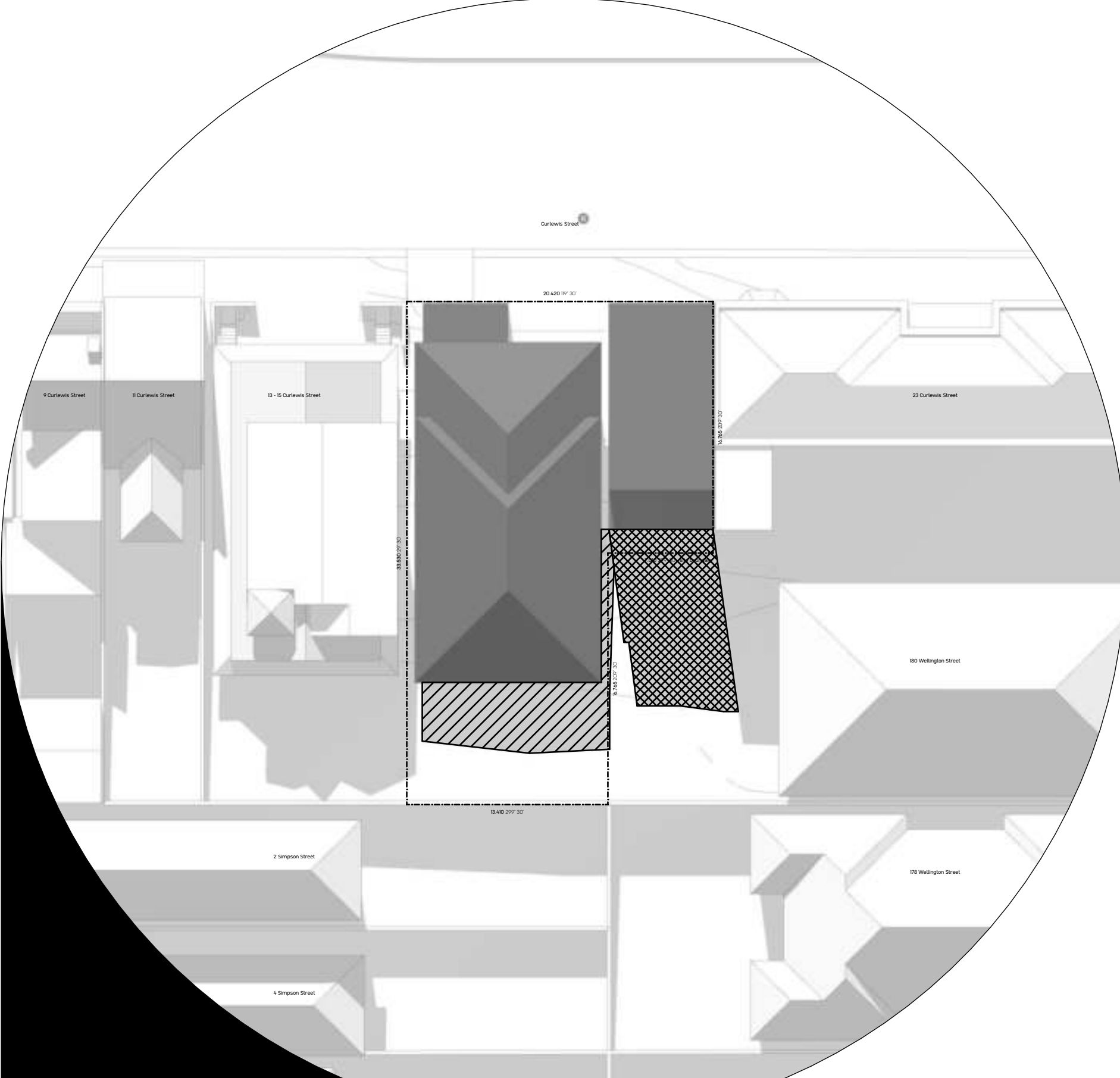
Existing & Approved



DCP+LEP (sun eye)

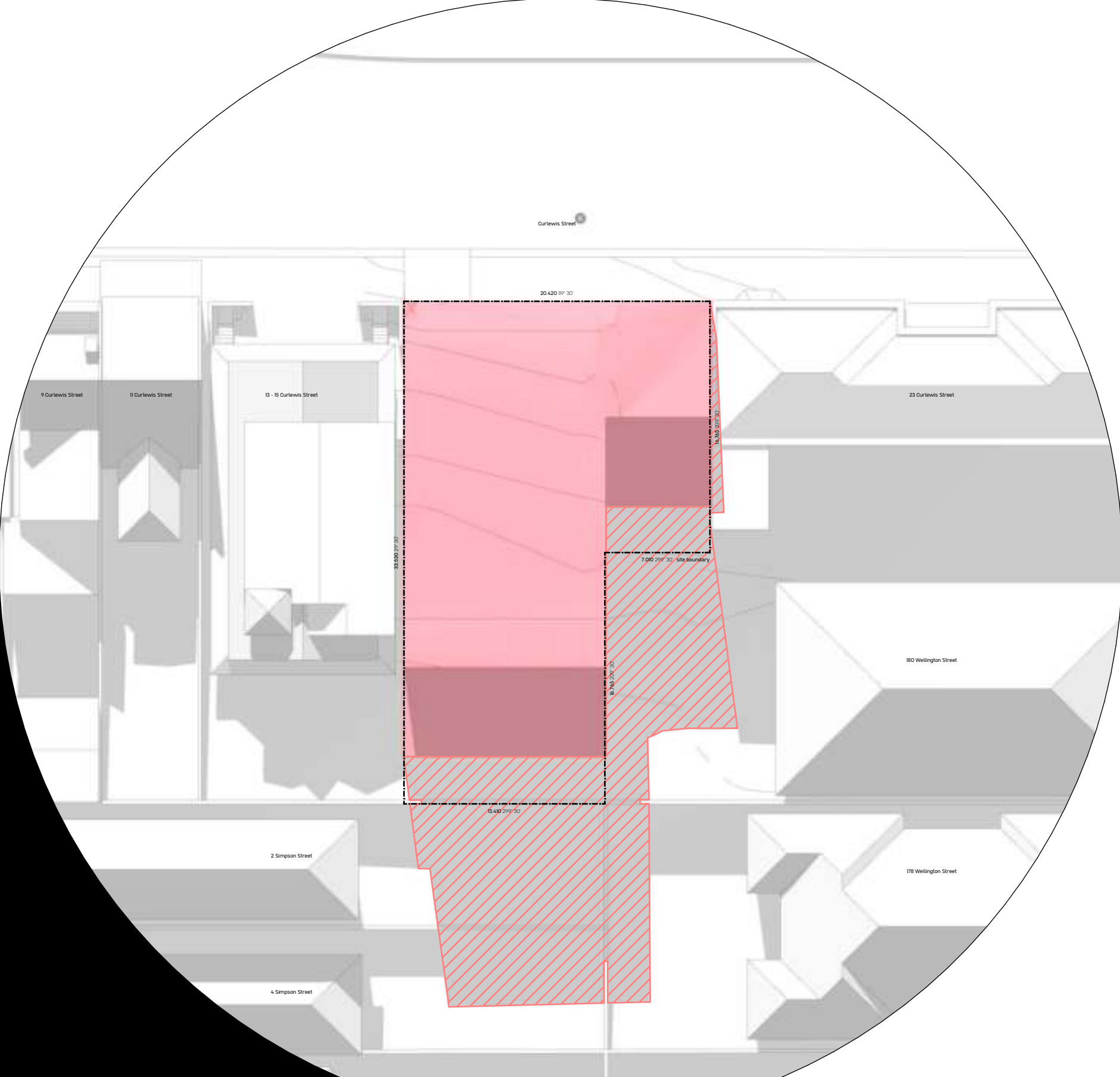


Proposed (sun eye)



Existing & Approved

- shadow impact of existing buildings on site
- ▨ shadow impact of approved DA of 21 Curlewis Street
- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- ▨ outline of DCP compliant envelope = reduced shadow impact by proposed

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14 Queen Street
Woolahra NSW 2025

● 00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1300, 1200, 1500, 11 @ A1
or half @ A3

● Rev
A DA Council Submission Set (not for construction)
B DA Council 1st Response Set
C DA Council Second Response Set

Date
10/09/2022
30/09/2022
25/10/2022

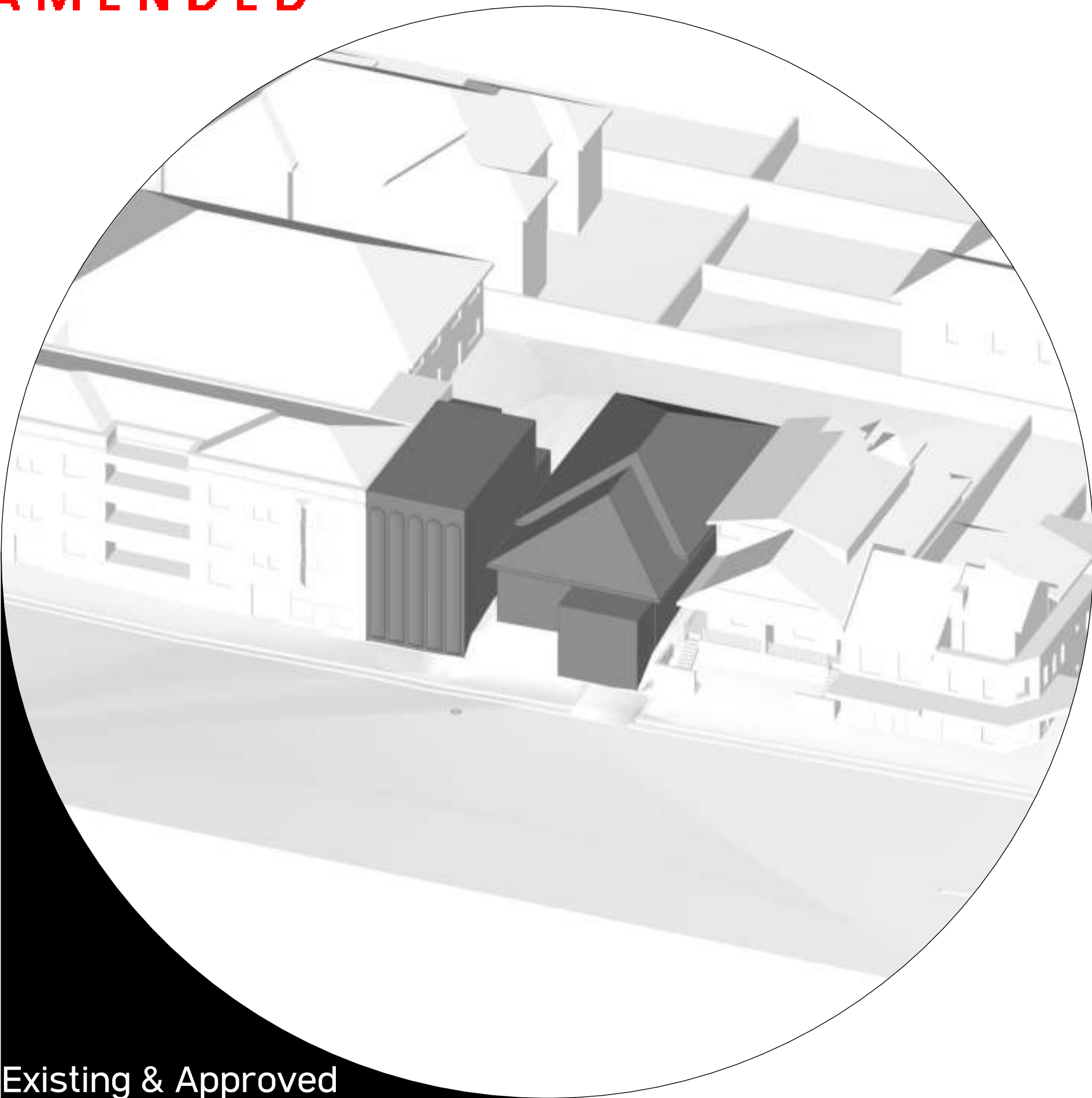
Dwn by
WM
WM
WM

Ckd by
WM
WM
WM

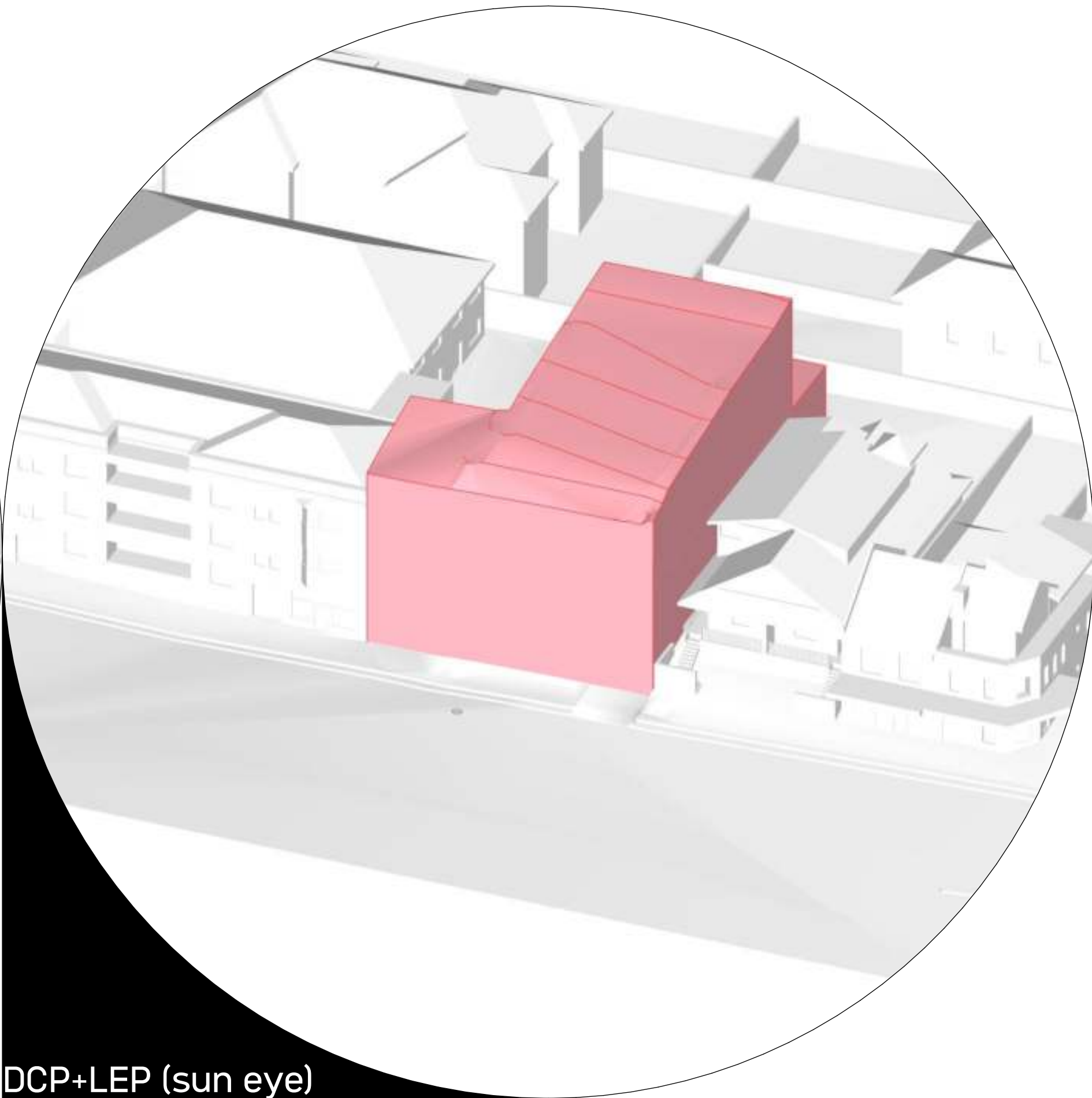
● Title
Solar analysis
1000 AM June 22

● Drawing
DA401
● Revision
C

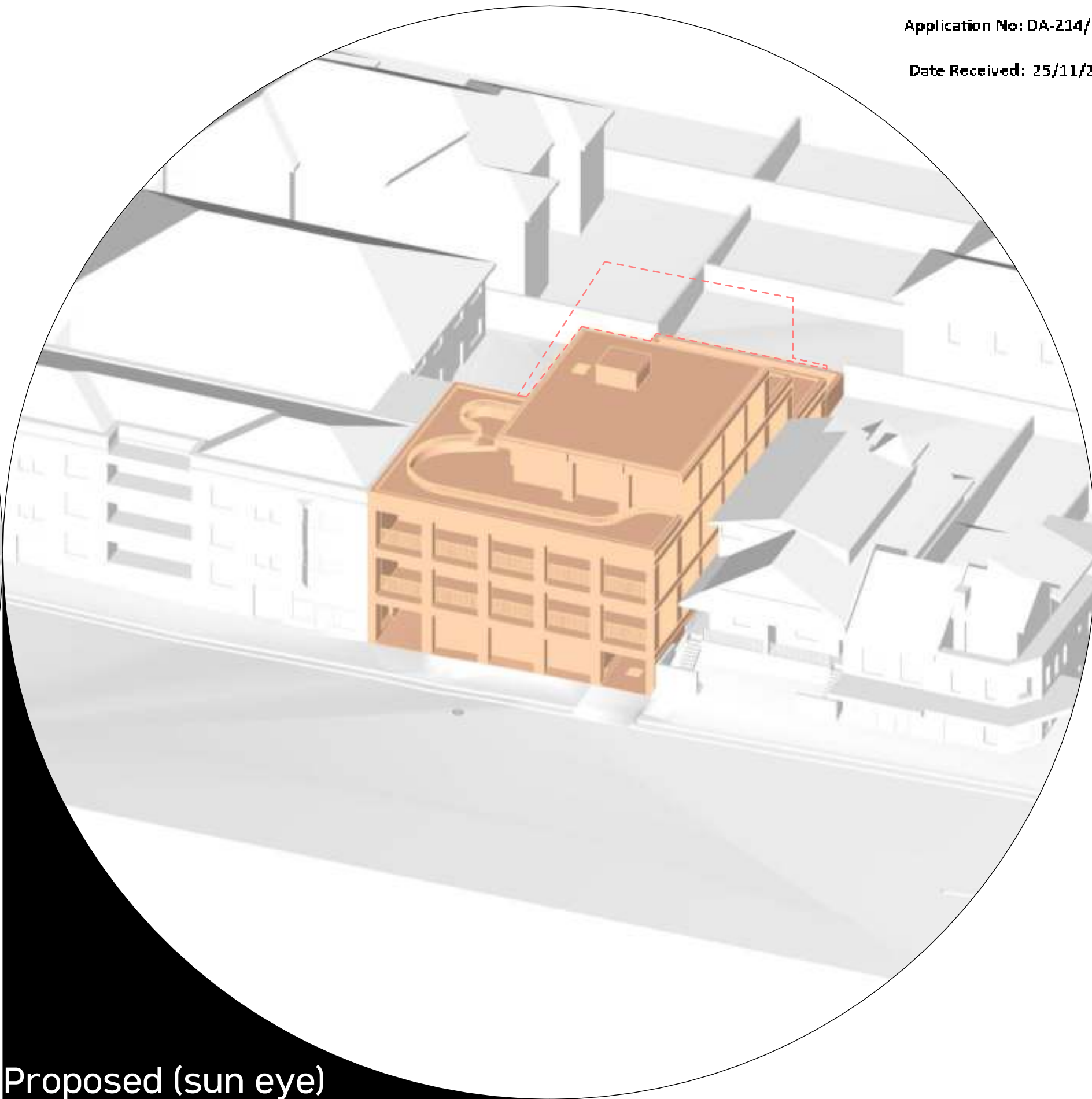




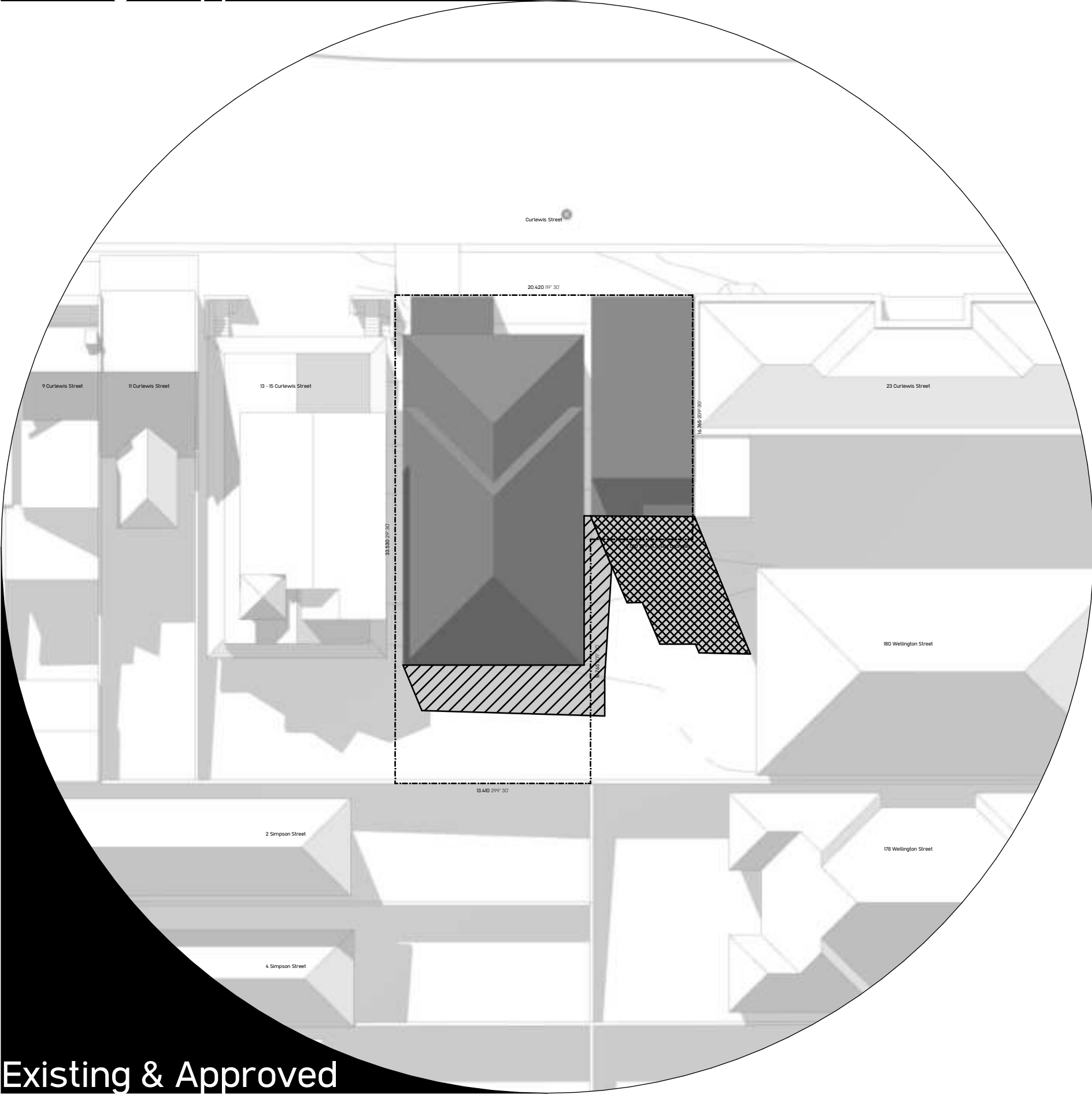
Existing & Approved



DCP+LEP (sun eye)

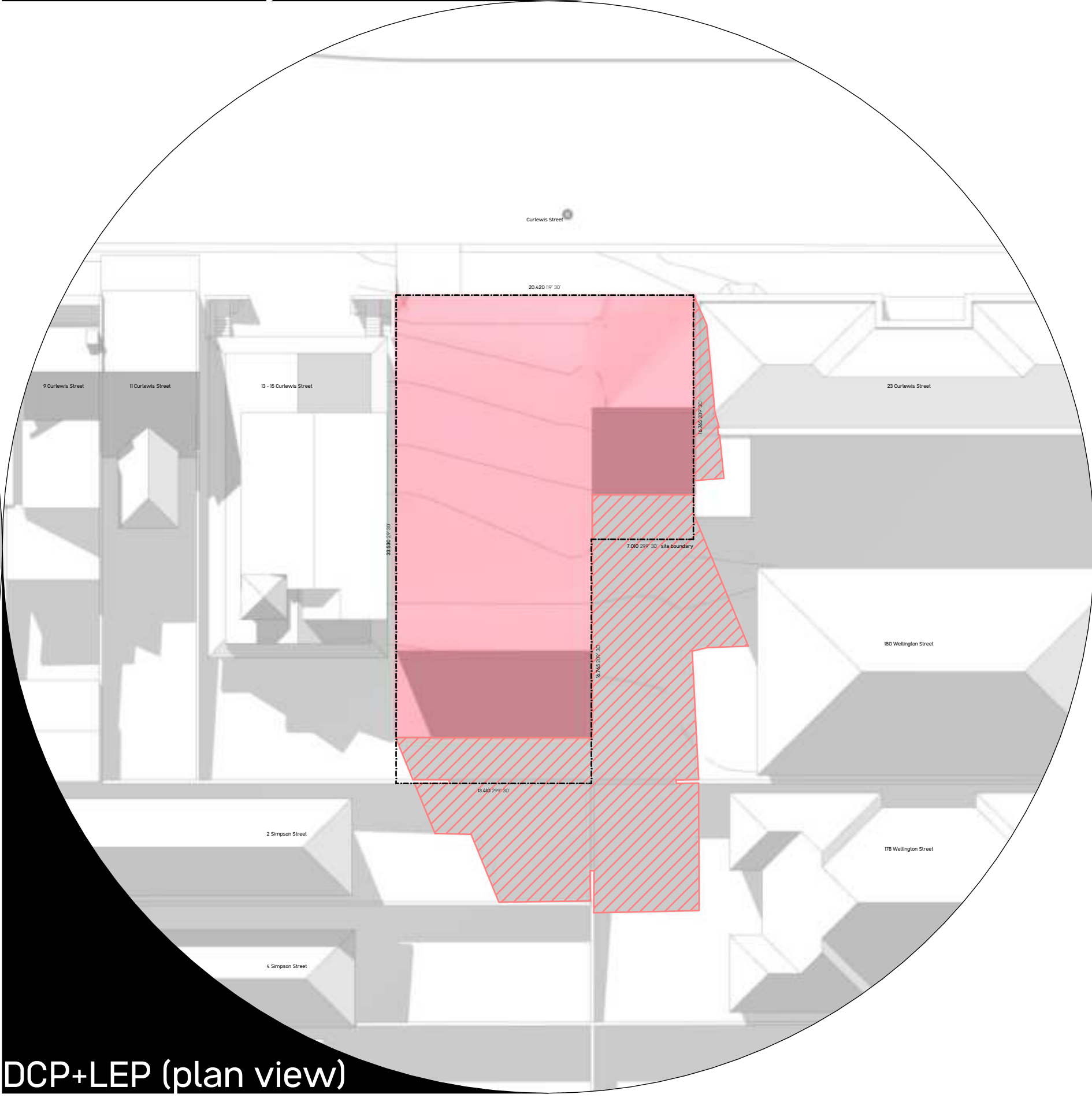


Proposed (sun eye)



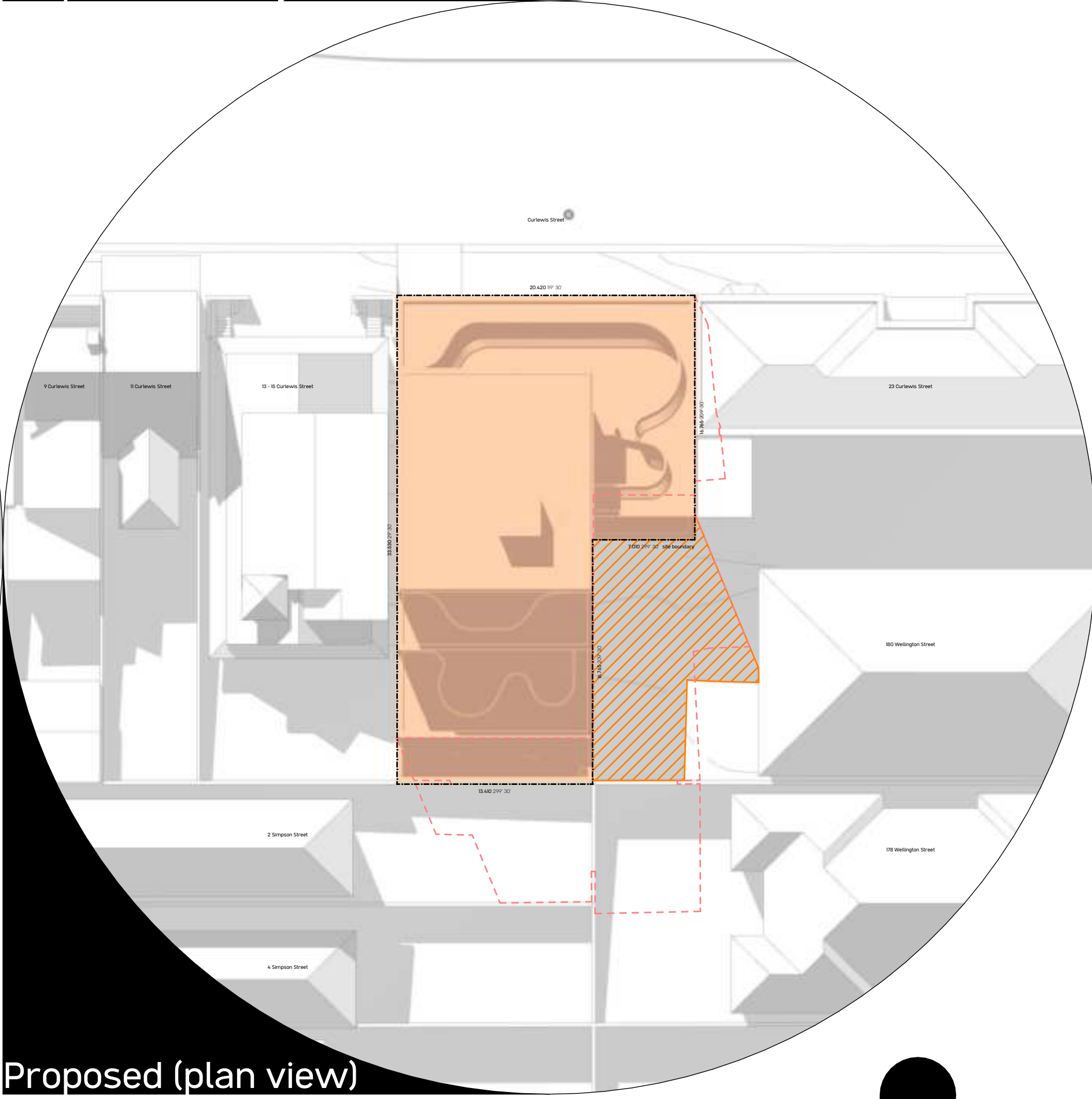
Existing & Approved

- shadow impact of existing buildings on site
- ▨ shadow impact of approved DA of 21 Curlewis Street
- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- ▨ outline of DCP compliant envelope = reduced shadow impact by proposed

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14 Queen Street
Woolahra NSW 2025

● 00009 Project Info
17-21 Curlewis Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

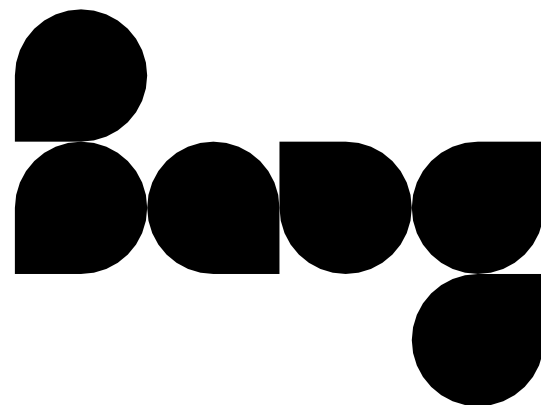
North
1300, 1200, 1500, 11 @ A1
or half @ A3

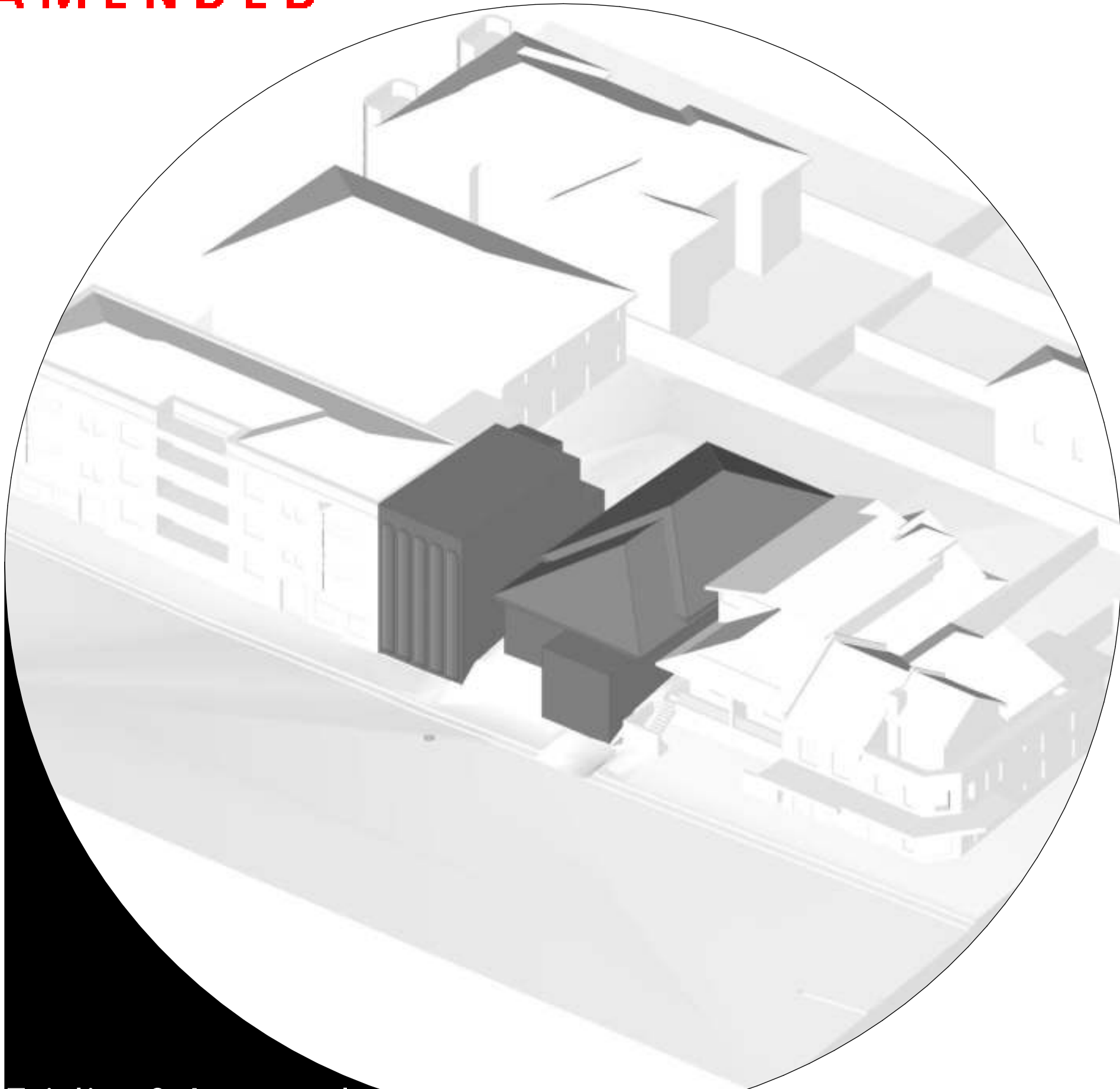
● Rev
A
B
C
Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council Second Response Set

Date
10/05/2022
30/05/2022
25/10/2022
Dwn by
WM
WM
WM
Ckd by
WM
WM
WM

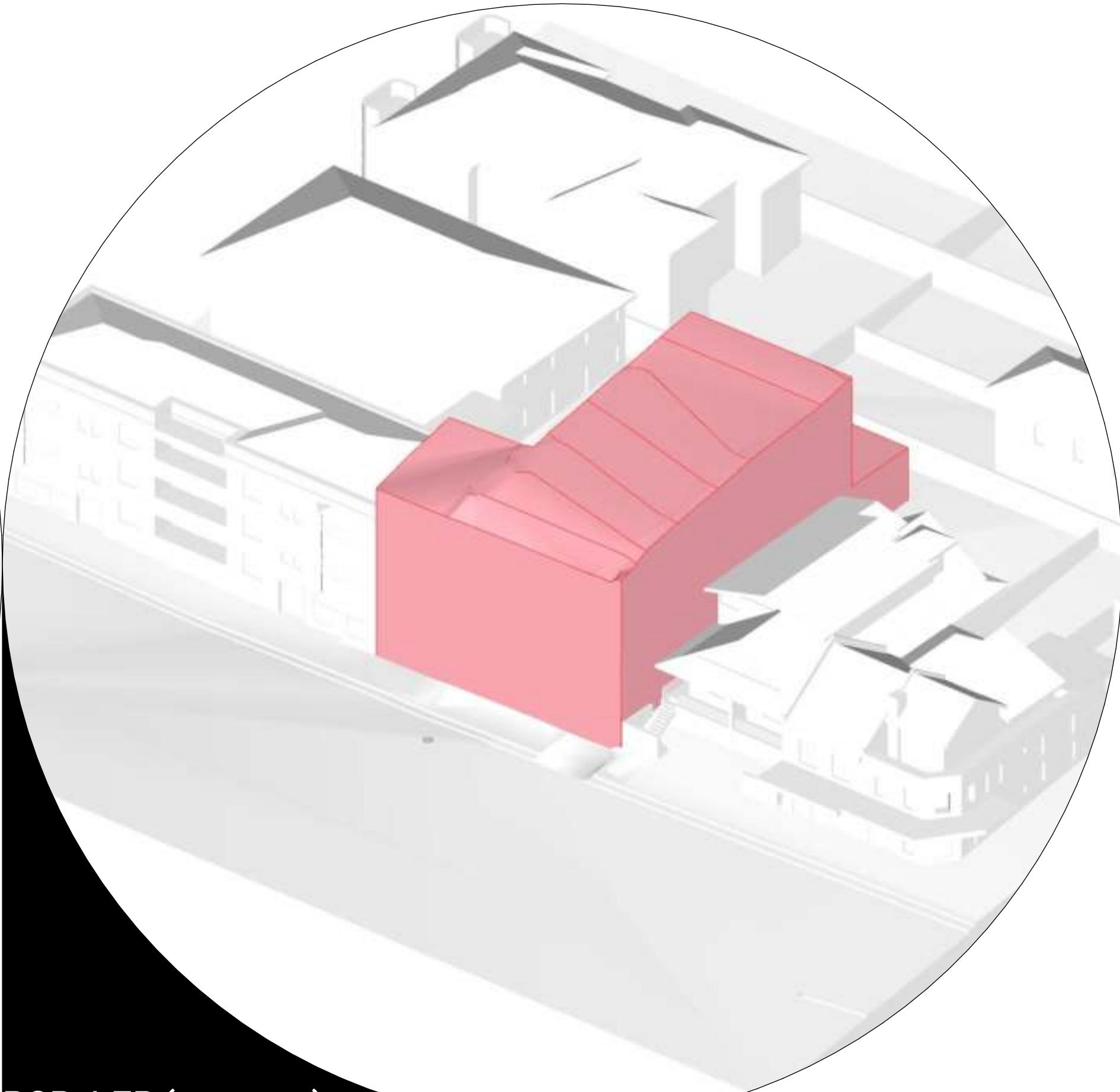
● Title
Solar analysis
1100 AM June 22

● Drawing
DA402 C
● Revision

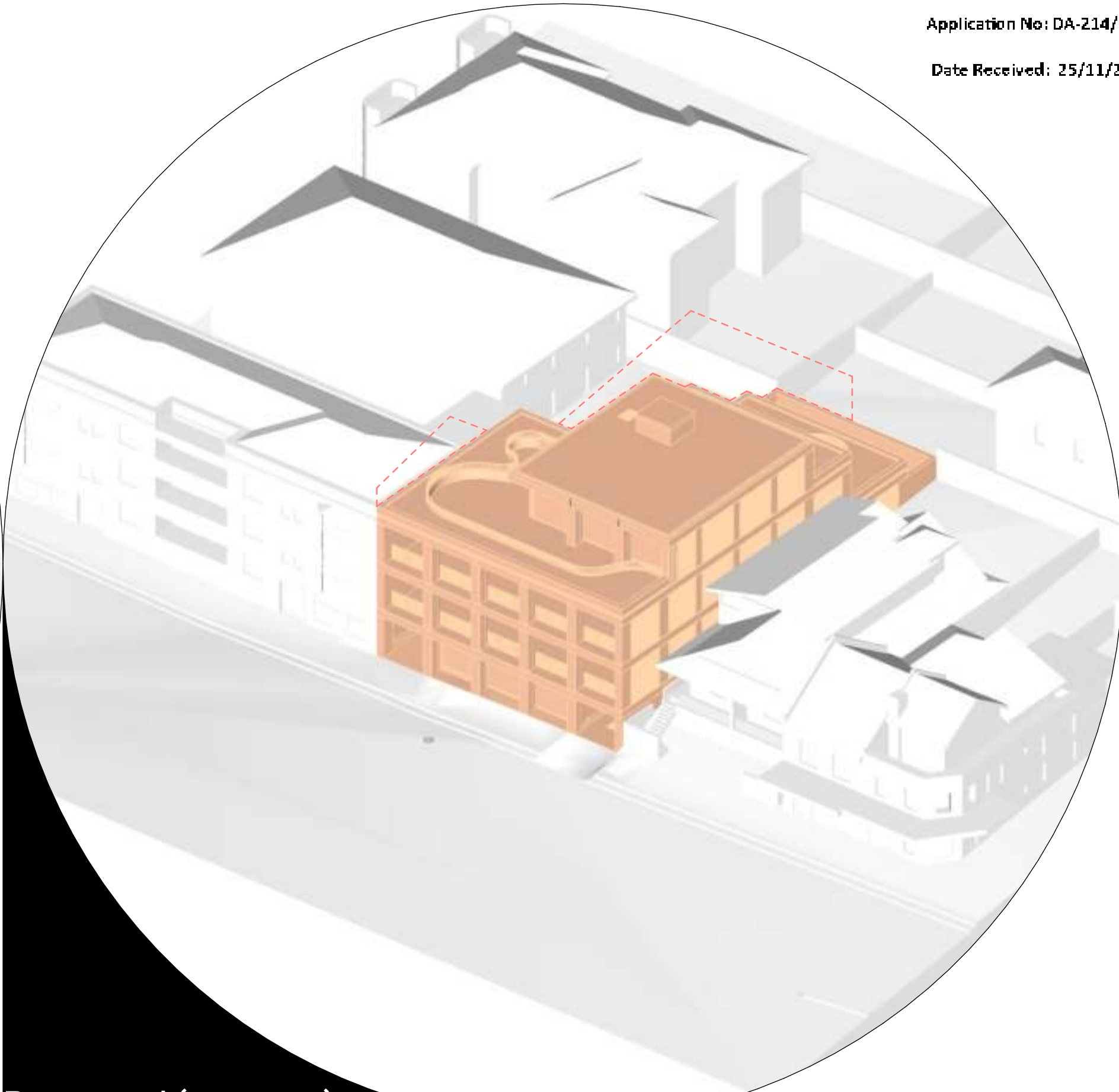




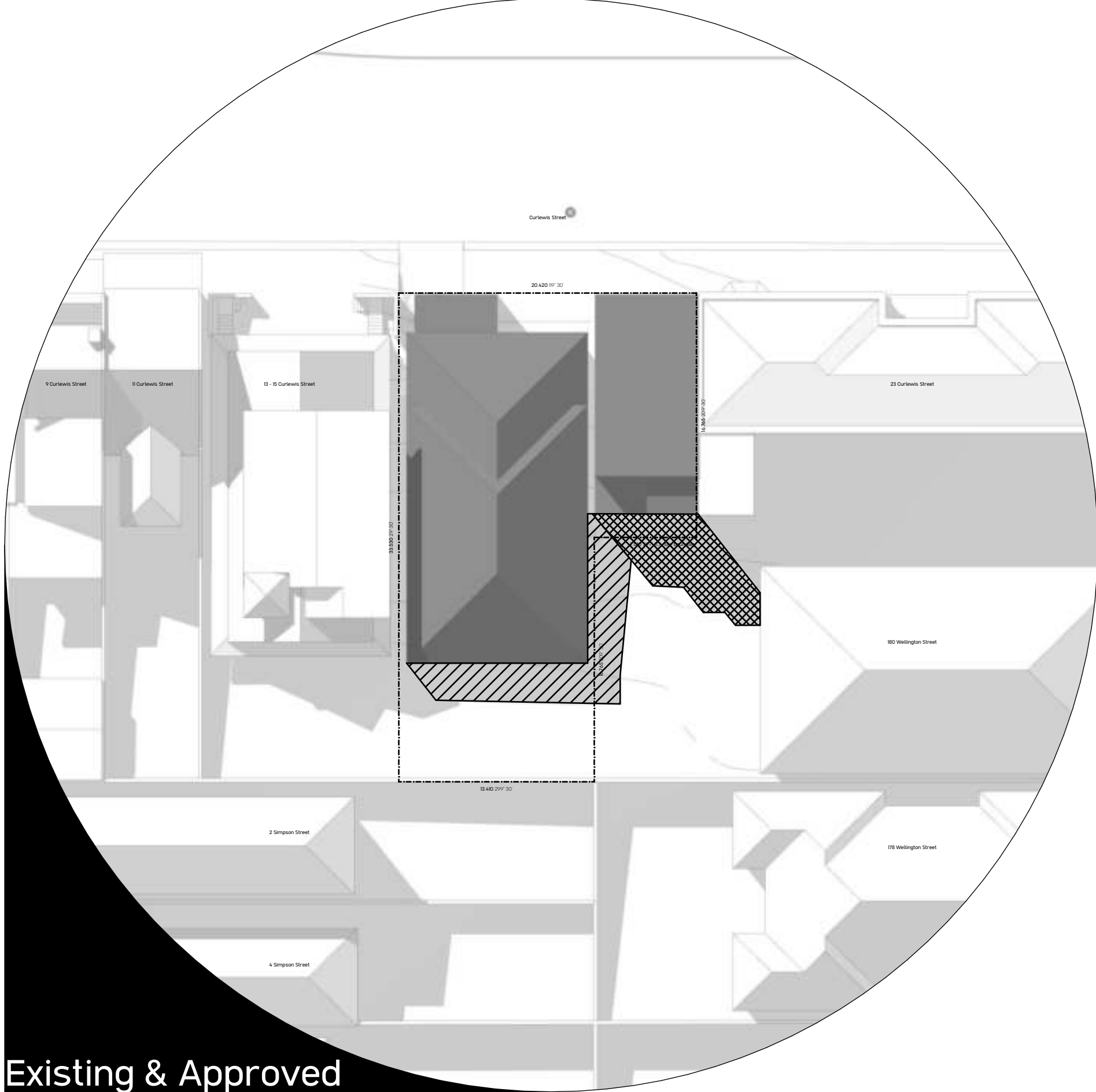
Existing & Approved



DCP+LEP (sun eye)

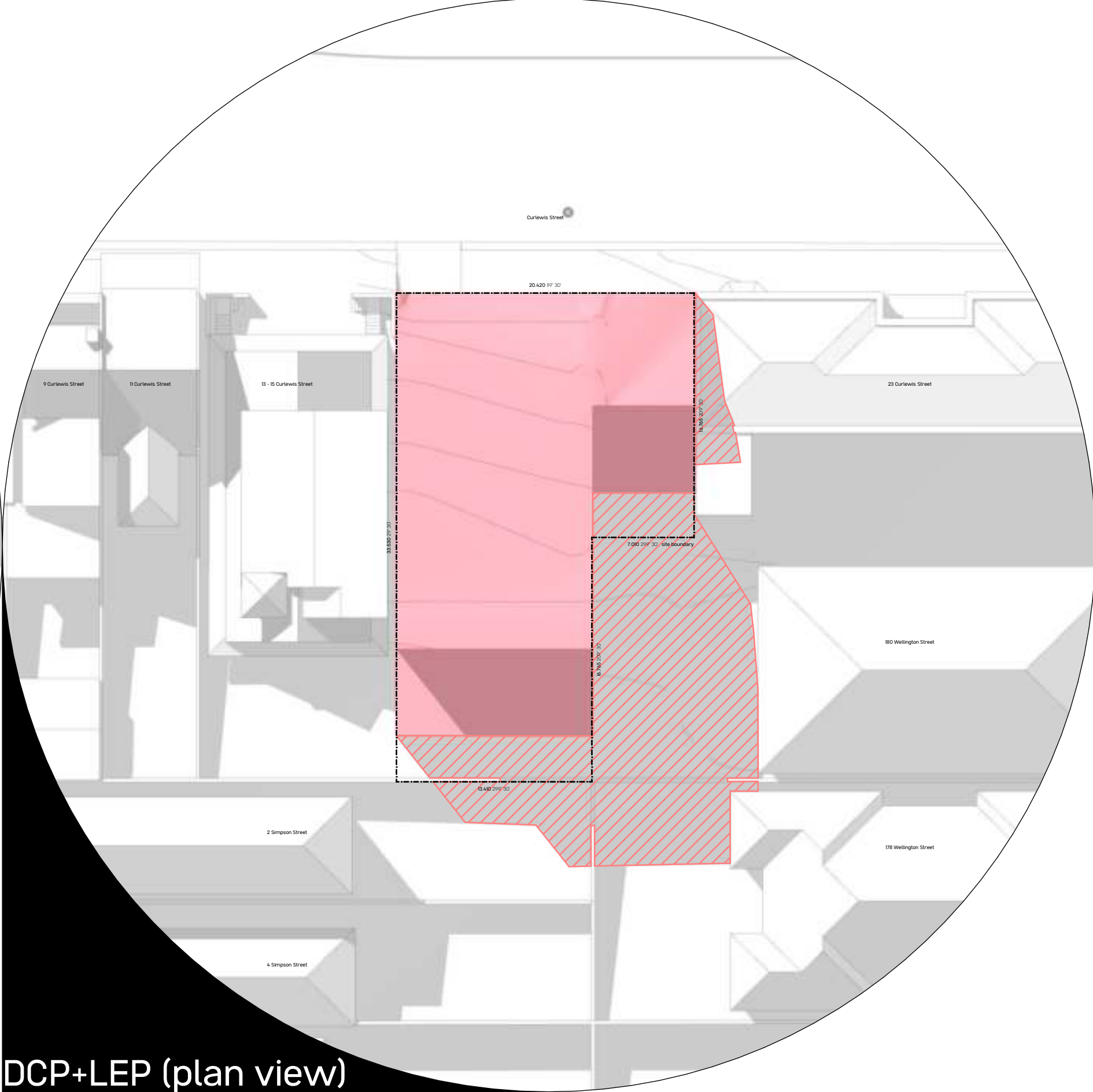


Proposed (sun eye)



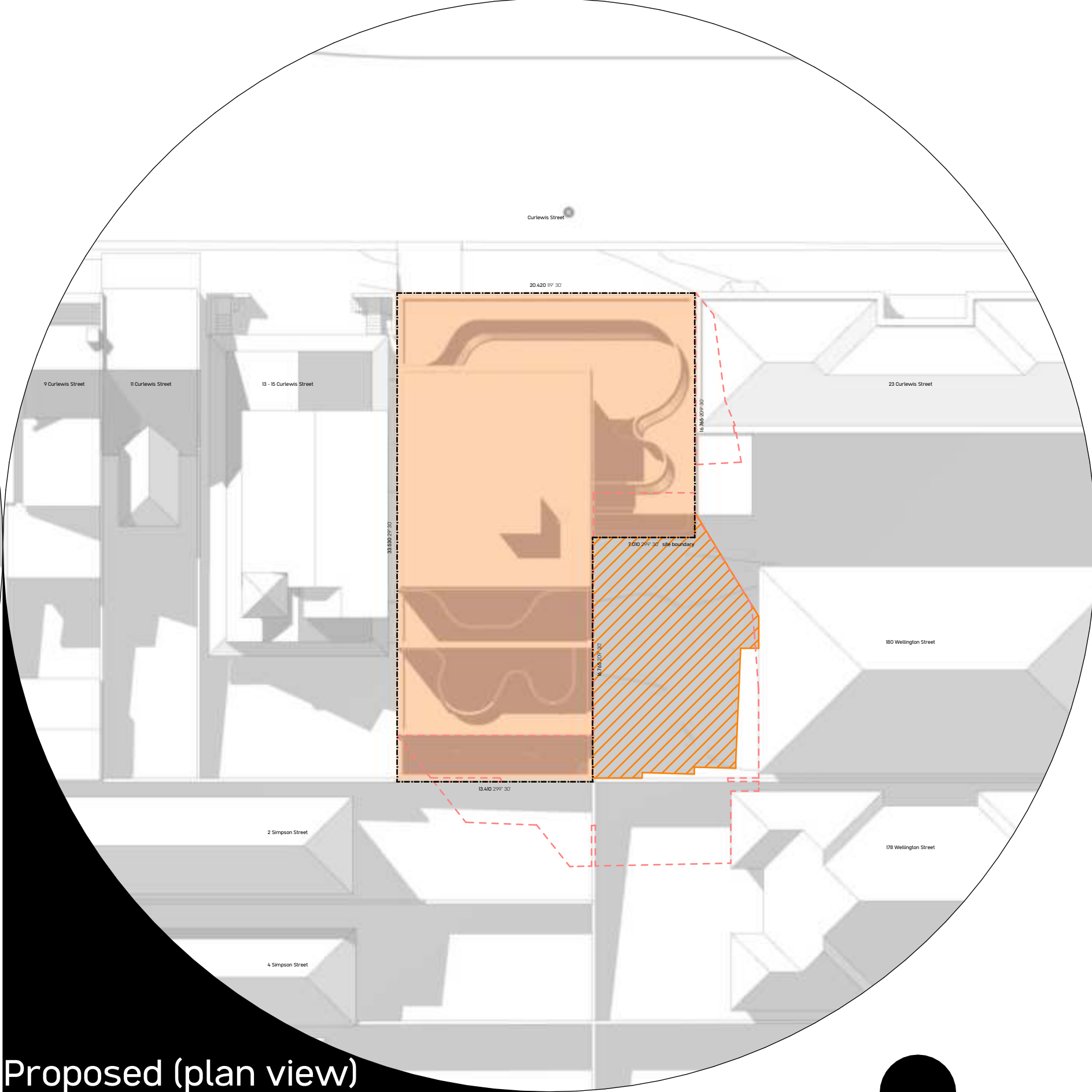
Existing & Approved

- shadow impact of existing buildings on site
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- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- ▨ outline of DCP compliant envelope = reduced shadow impact by proposed

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● 00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1300, 1200, 1500, 11 @ A1
or half @ A3

● Rev
A Change Name
B DA Council Submission Set (not for construction)
C DA Council Second Response Set

Date
10/05/2022
30/05/2022
25/11/2022

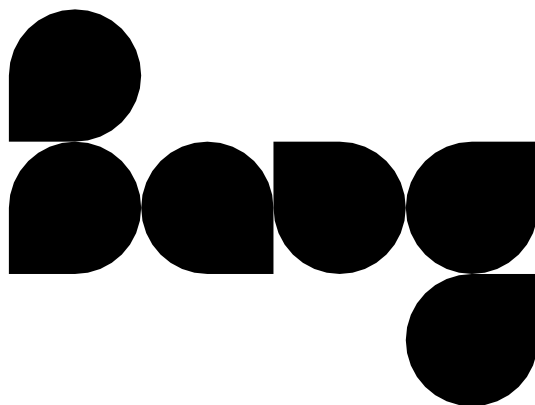
Dwn by
WM
WM
WM

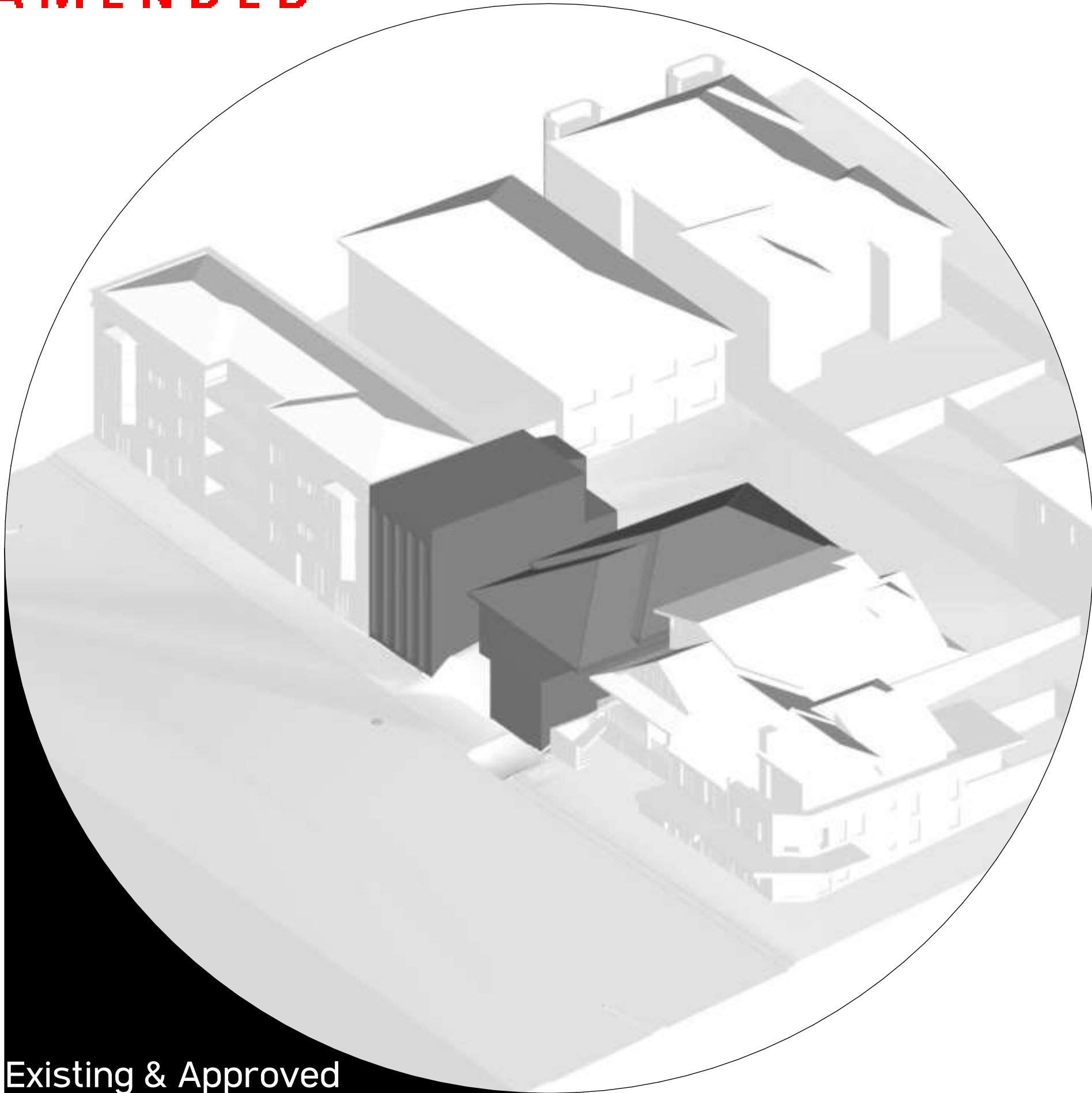
Ckd by
WM
WM
WM

● Title
Solar analysis
1200 PM June 22

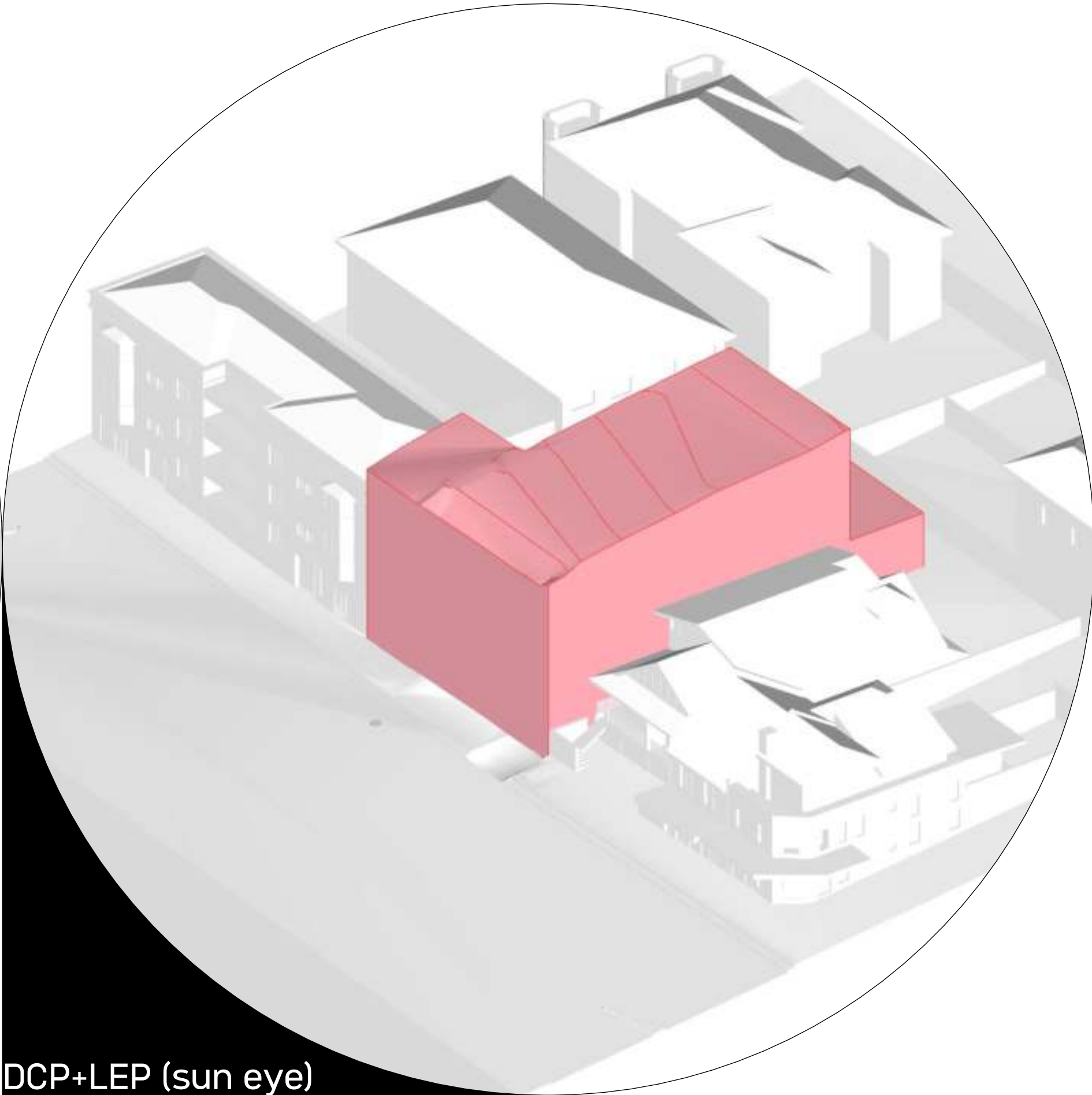
● Drawing
DA403 C

● Revision

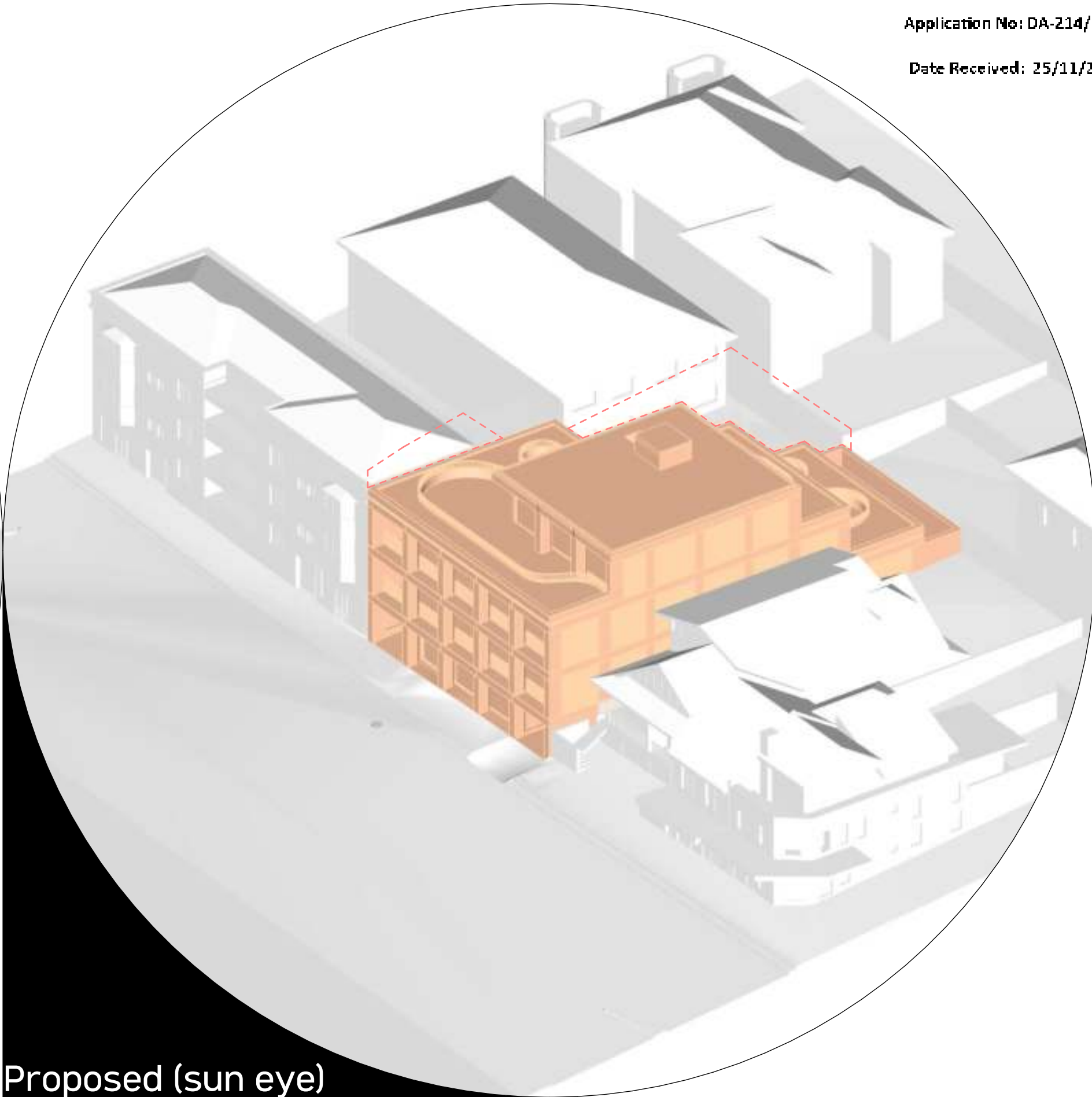




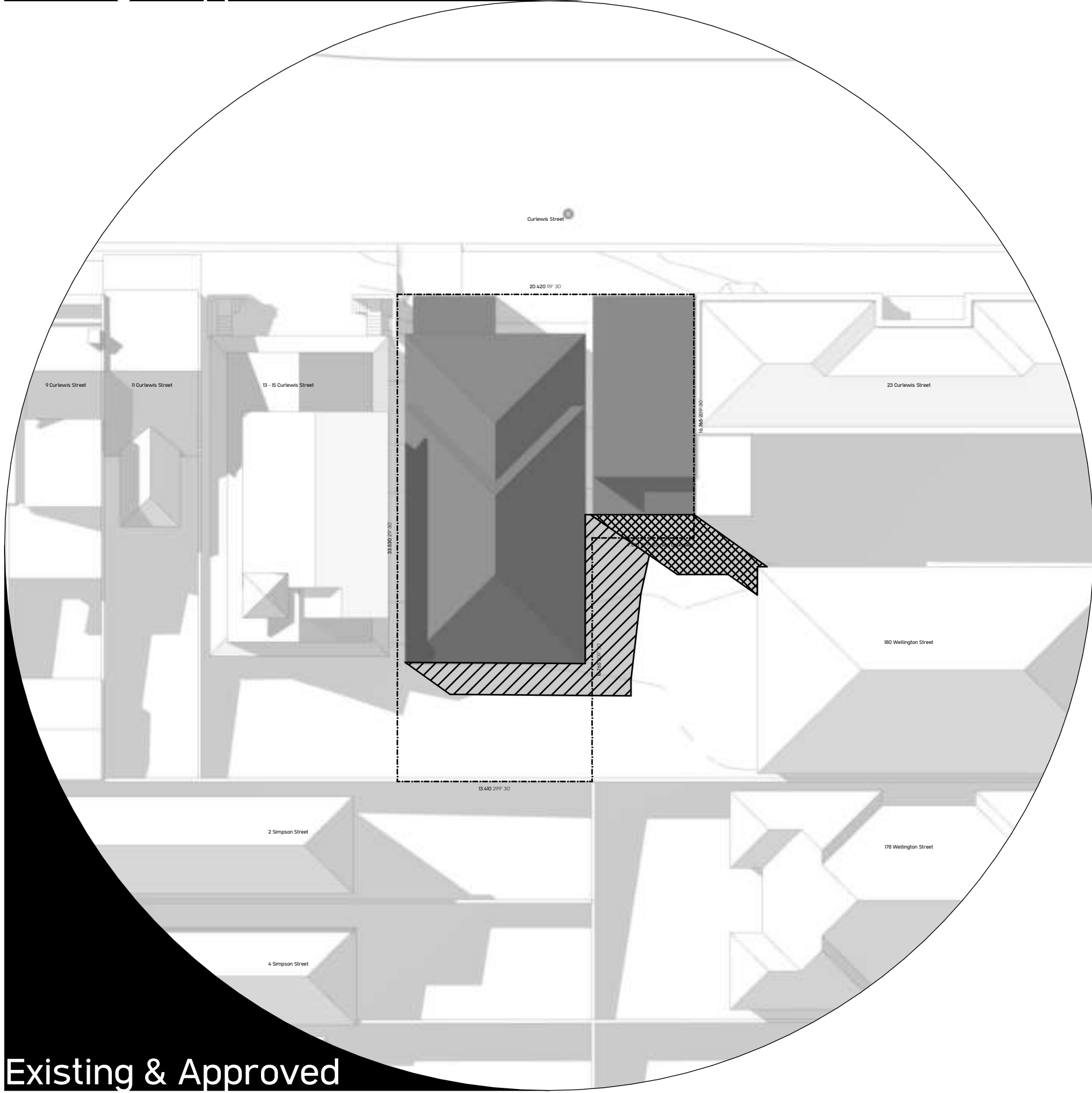
Existing & Approved



DCP+LEP (sun eye)

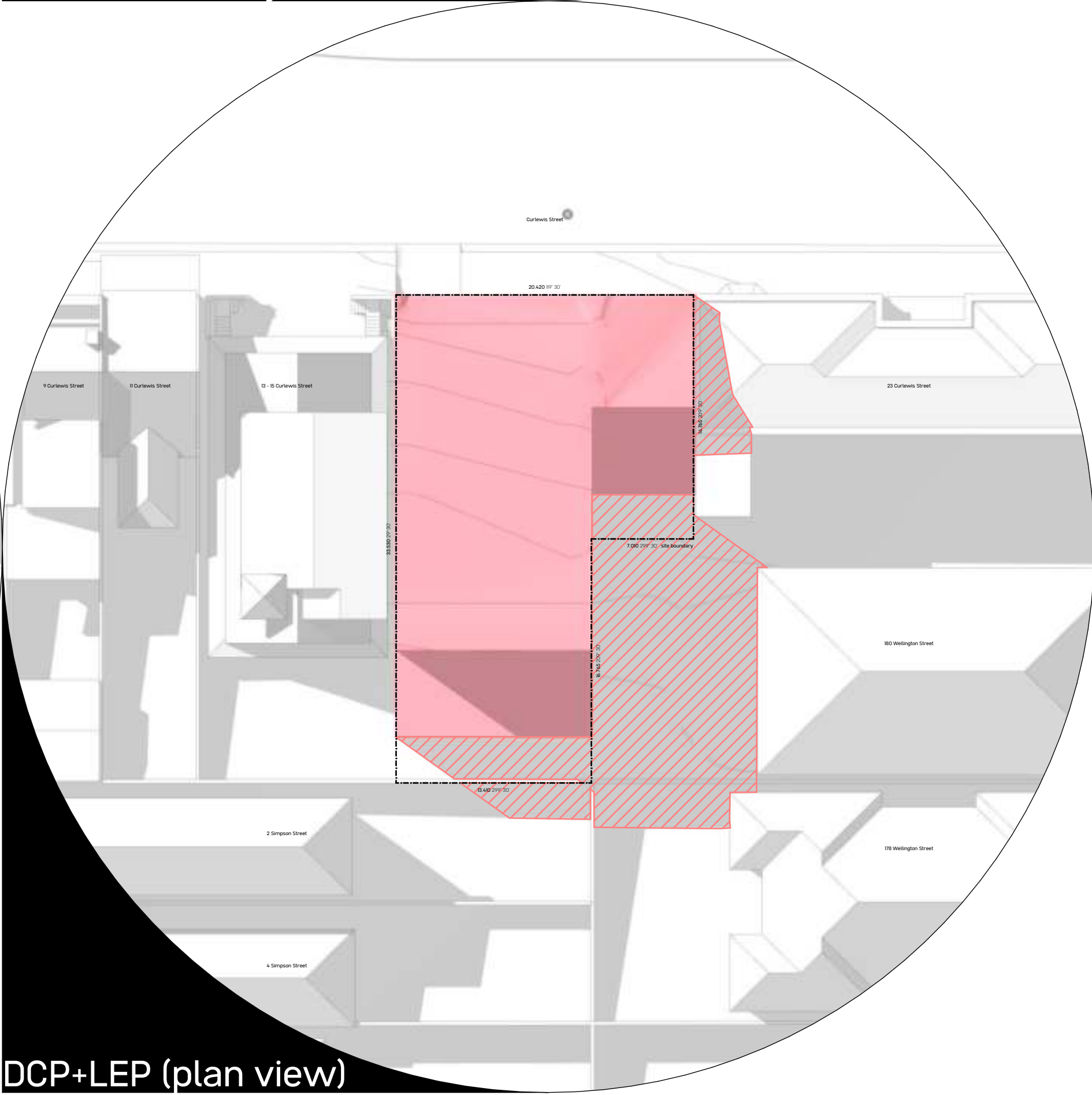


Proposed (sun eye)



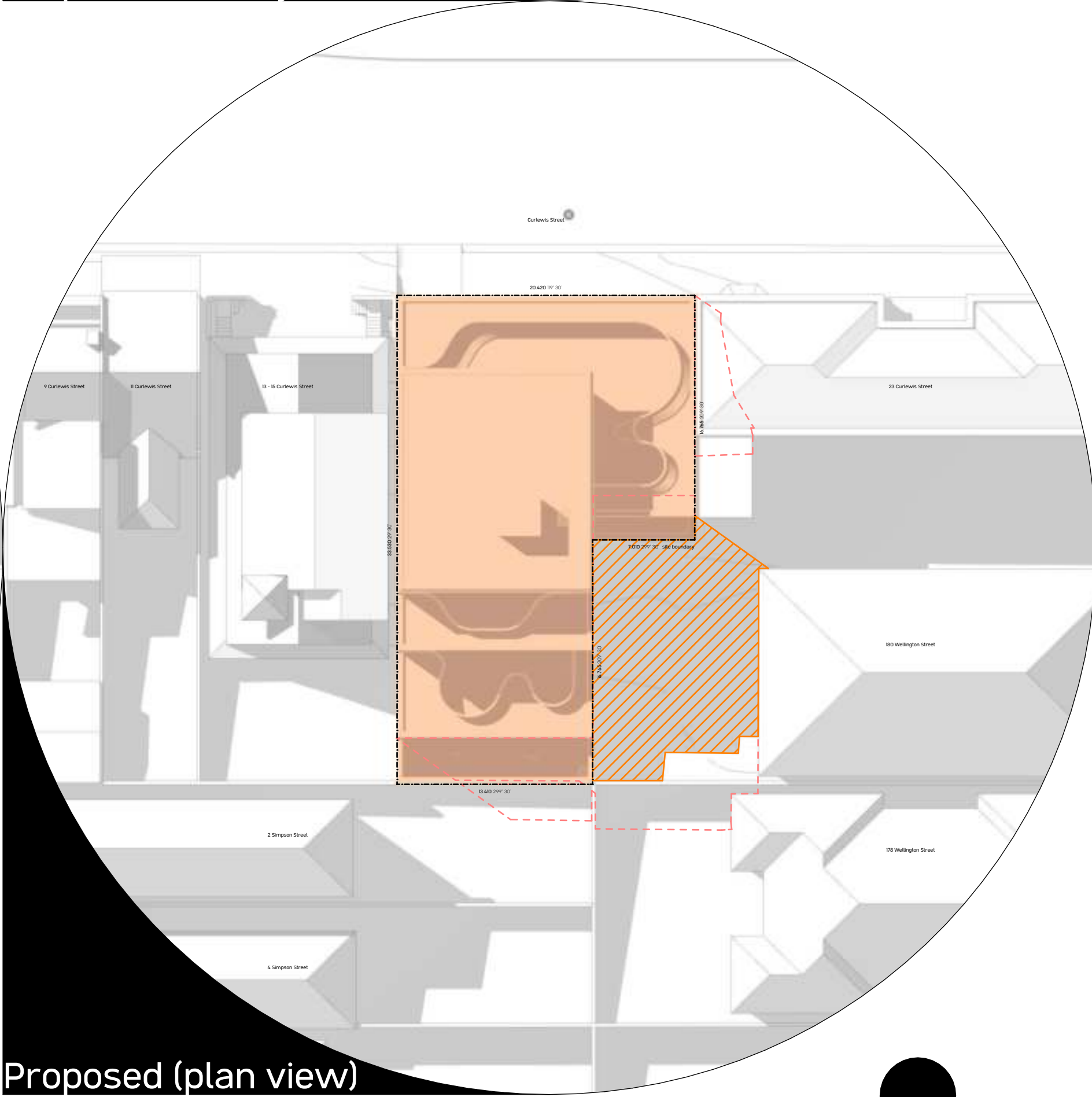
Existing & Approved

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- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- outline of DCP compliant envelope = reduced shadow impact by proposed

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1300, 1200, 1500, 11 @ A1
or half @ A3

Rev
A DA Council Submission Set (not for construction)
B DA Council 9th Response Set
C DA Council Second Response Set

Date
10/05/2022
30/05/2022
25/11/2022

Dwn by
WM
WM
WM

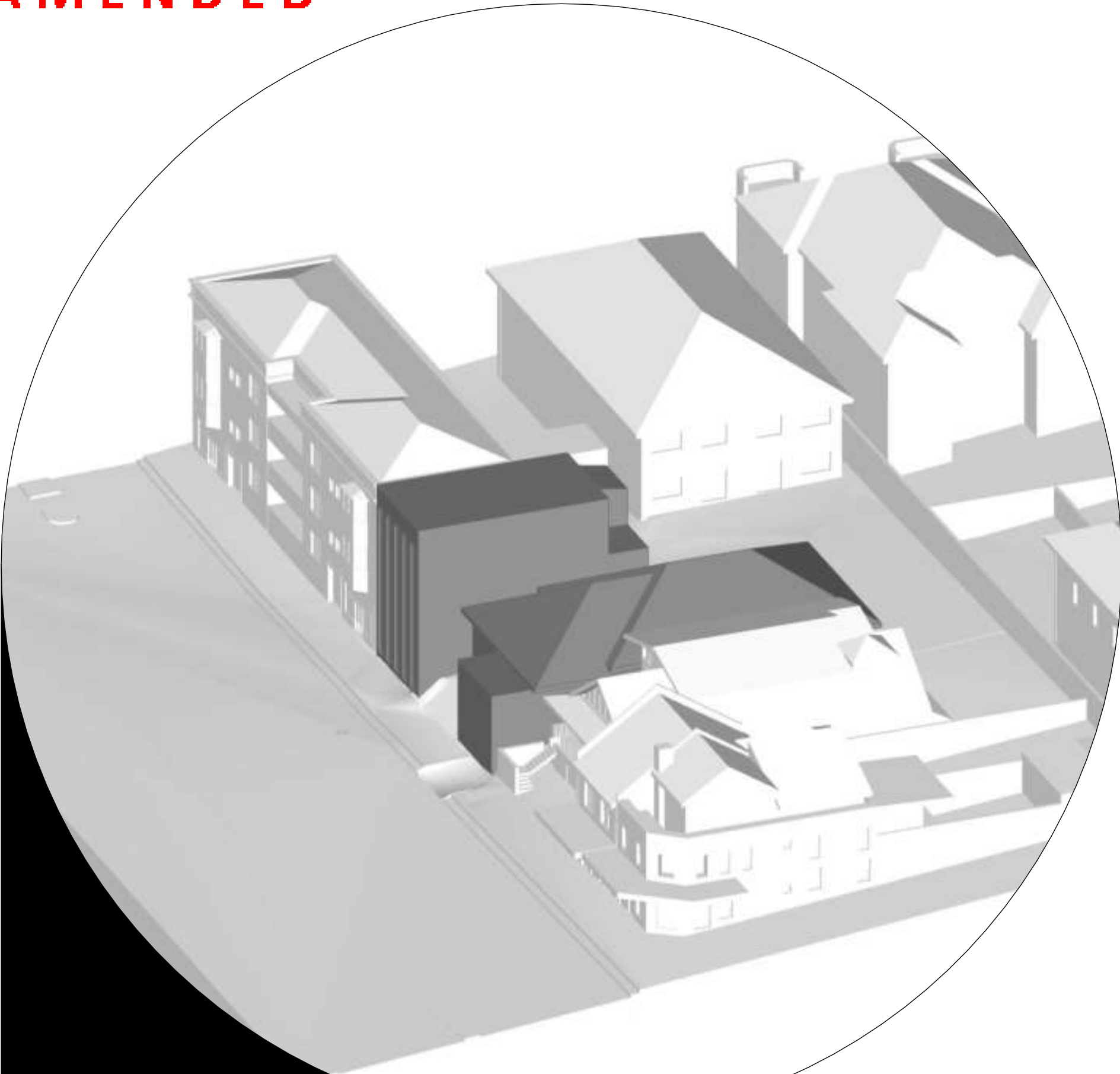
Ckd by
WM
WM
WM

Title
Solar analysis
100 PM June 22

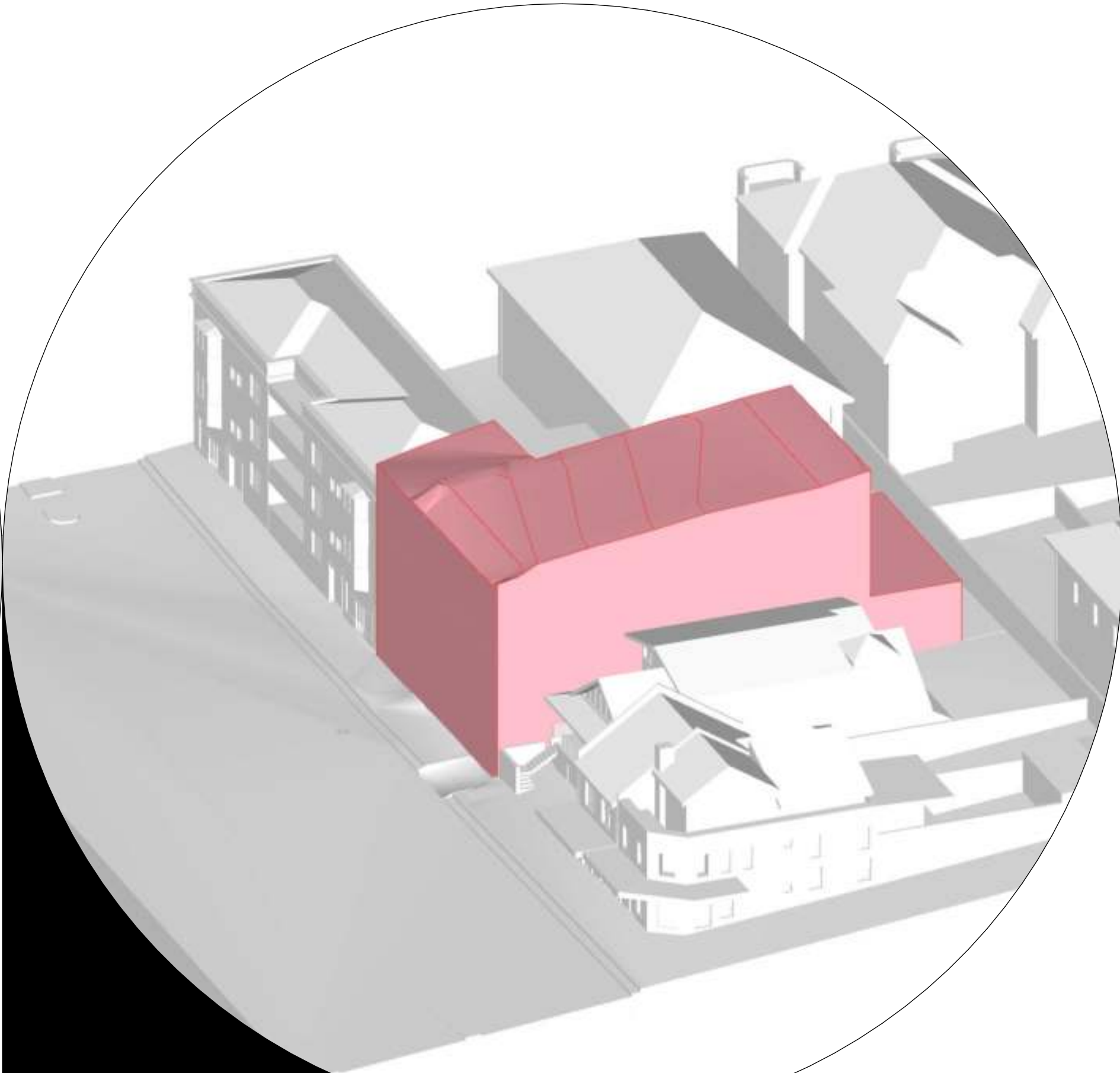
Drawing
DA404 C

Revision

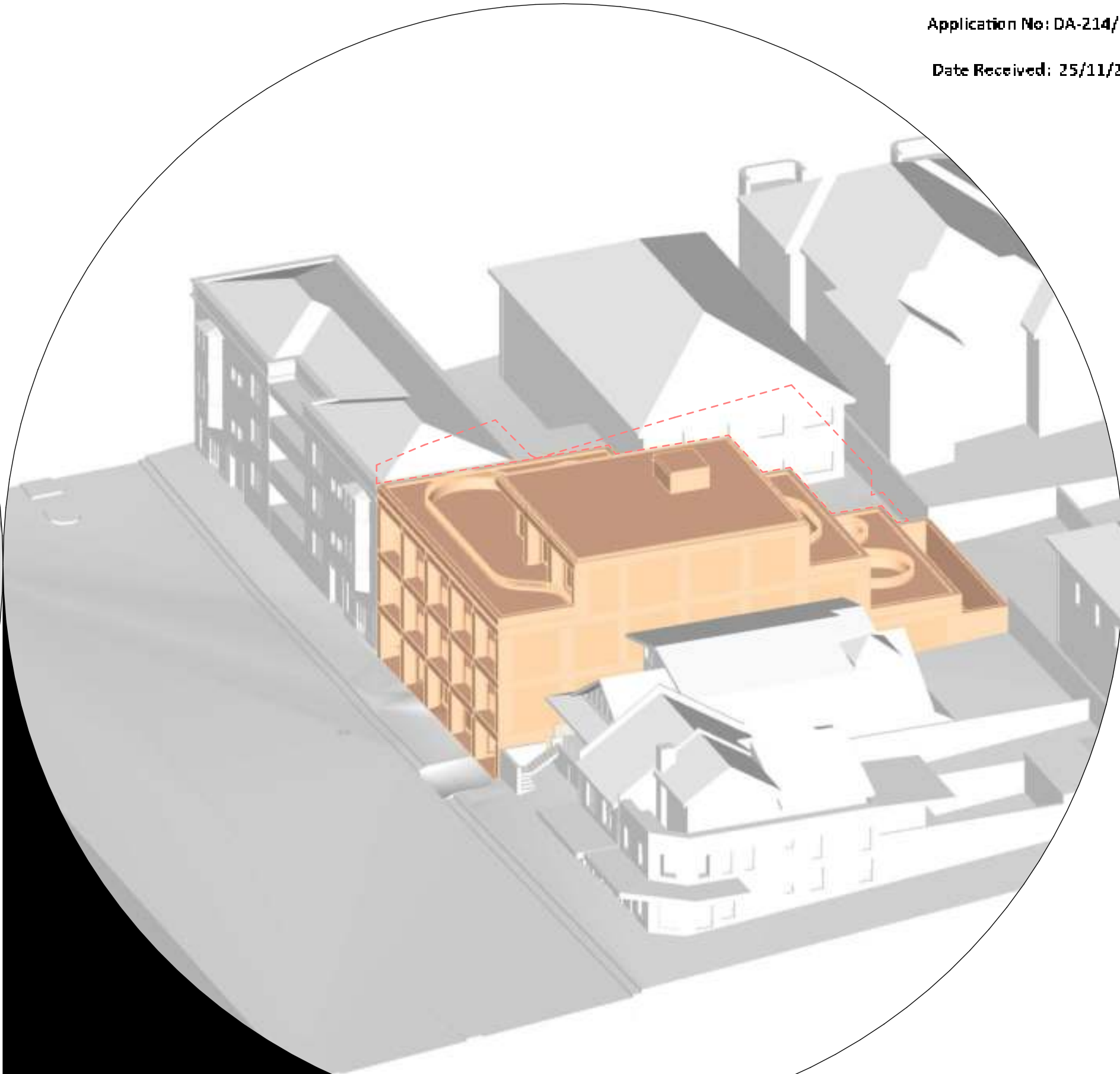




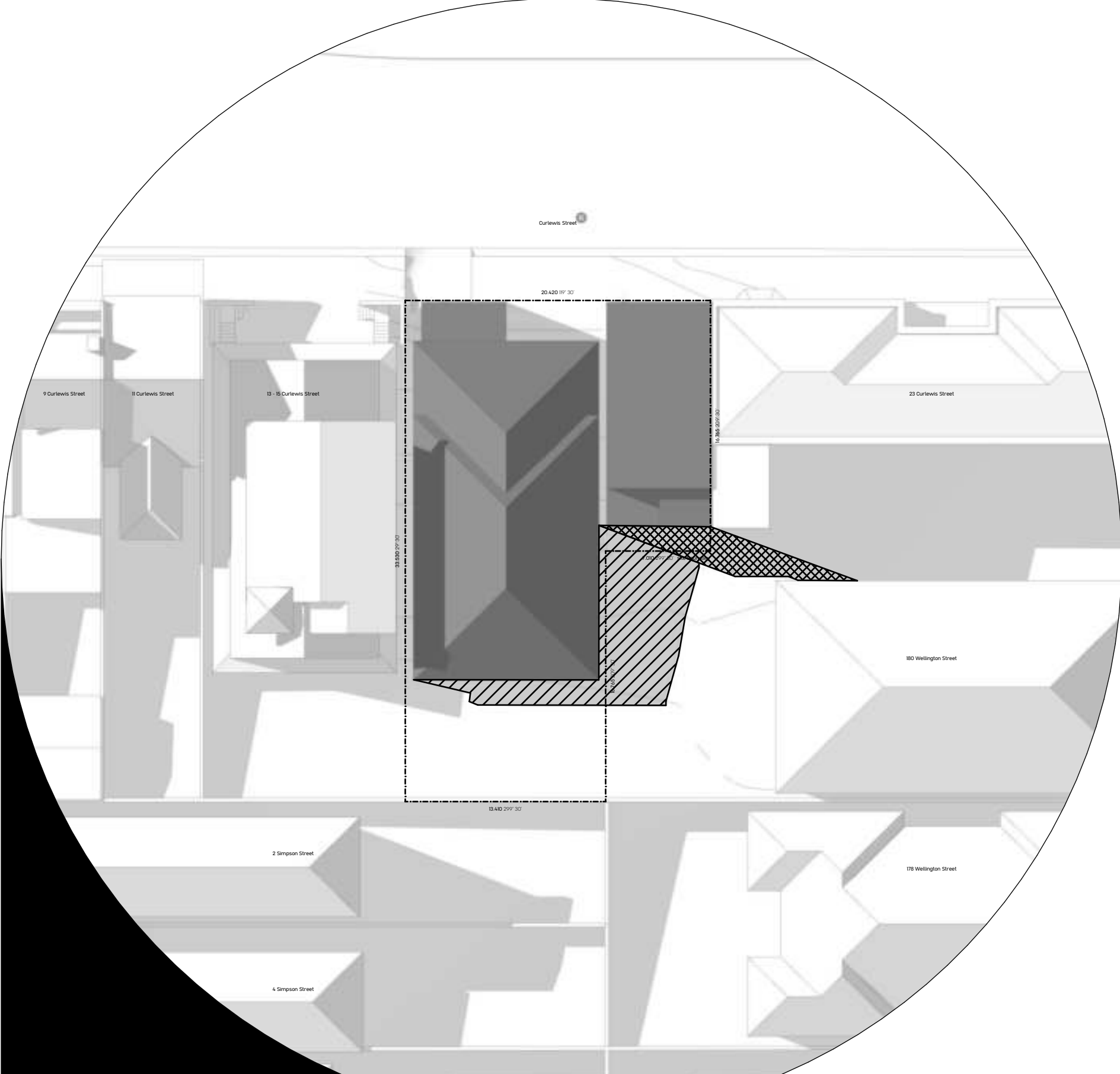
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DCP+LEP (sun eye)

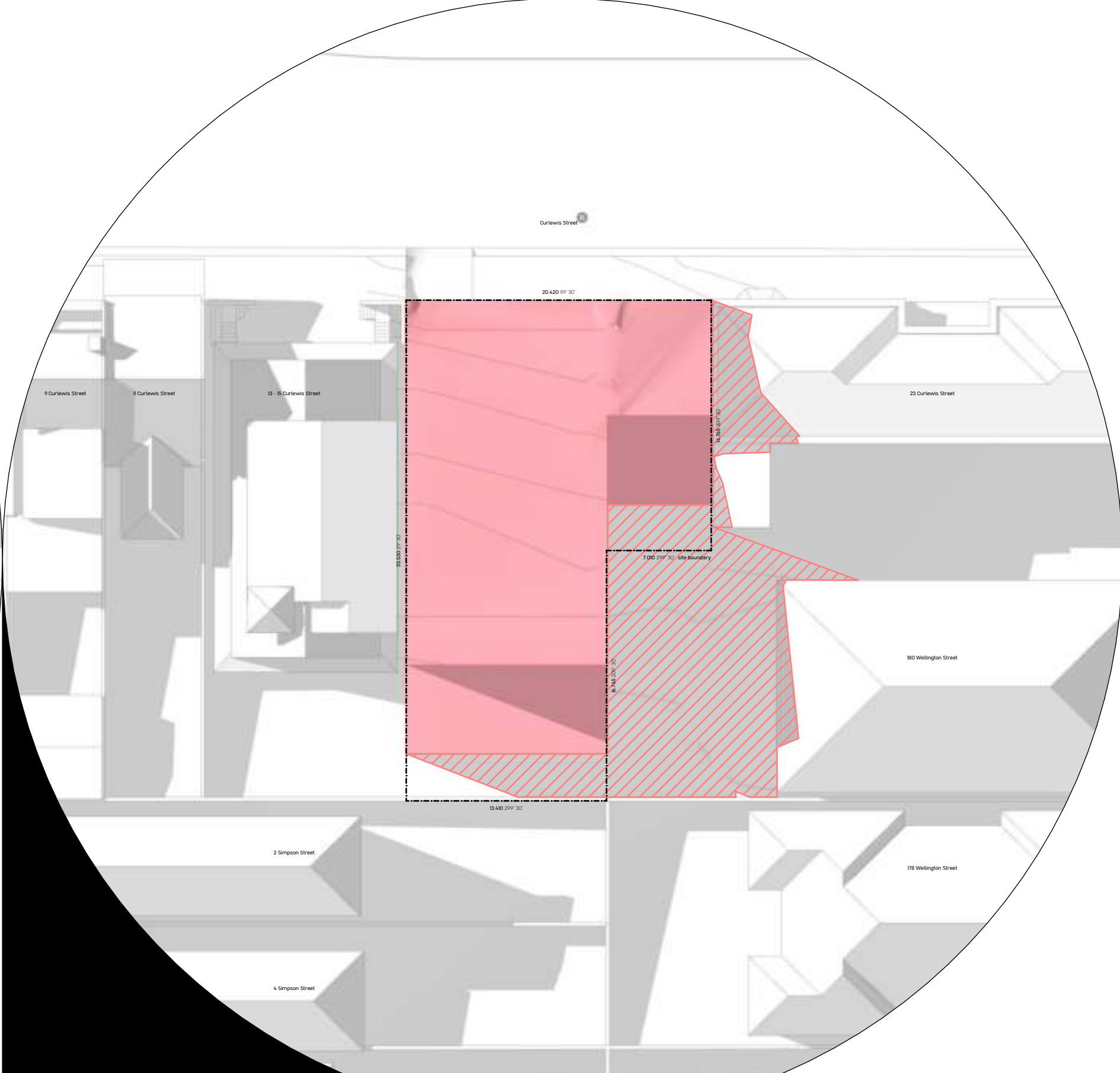


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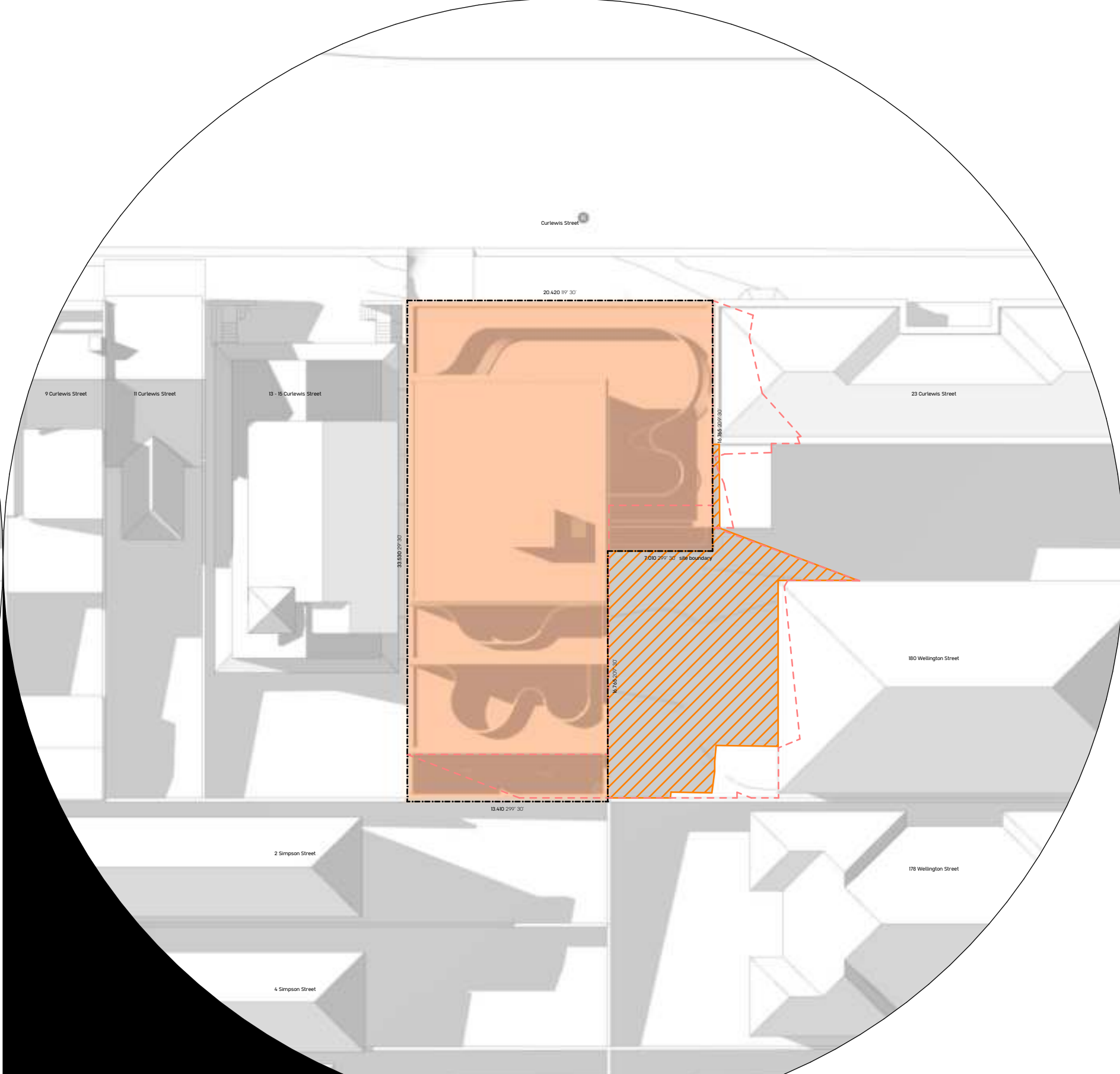
Existing & Approved

- shadow impact of existing buildings on site
- shadow impact of approved DA of 21 Curlew Street
- shadow impact of surrounding developments, including fences



DCP+LEP (plan view)

- shadow impact of DCP+LEP compliant envelope



Proposed (plan view)

- shadow impact of proposed
- outline of DCP compliant envelope = reduced shadow impact by proposed

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● Client Info
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14 Queen Street
Woolahra NSW 2025

● 00009 Project Info
17-21 Curlew Street
Bondi NSW 2026 Australia
4 Storey Commercial development
Development Application (not for construction)

North
1300, 1200, 1500, 11 @ A1
or half @ A3

● Rev
A
B
C
Change Name
DA Council Submission Set (not for construction)
DA Council 1st Response Set
DA Council Second Response Set

Date
10/05/2022
30/05/2022
25/11/2022

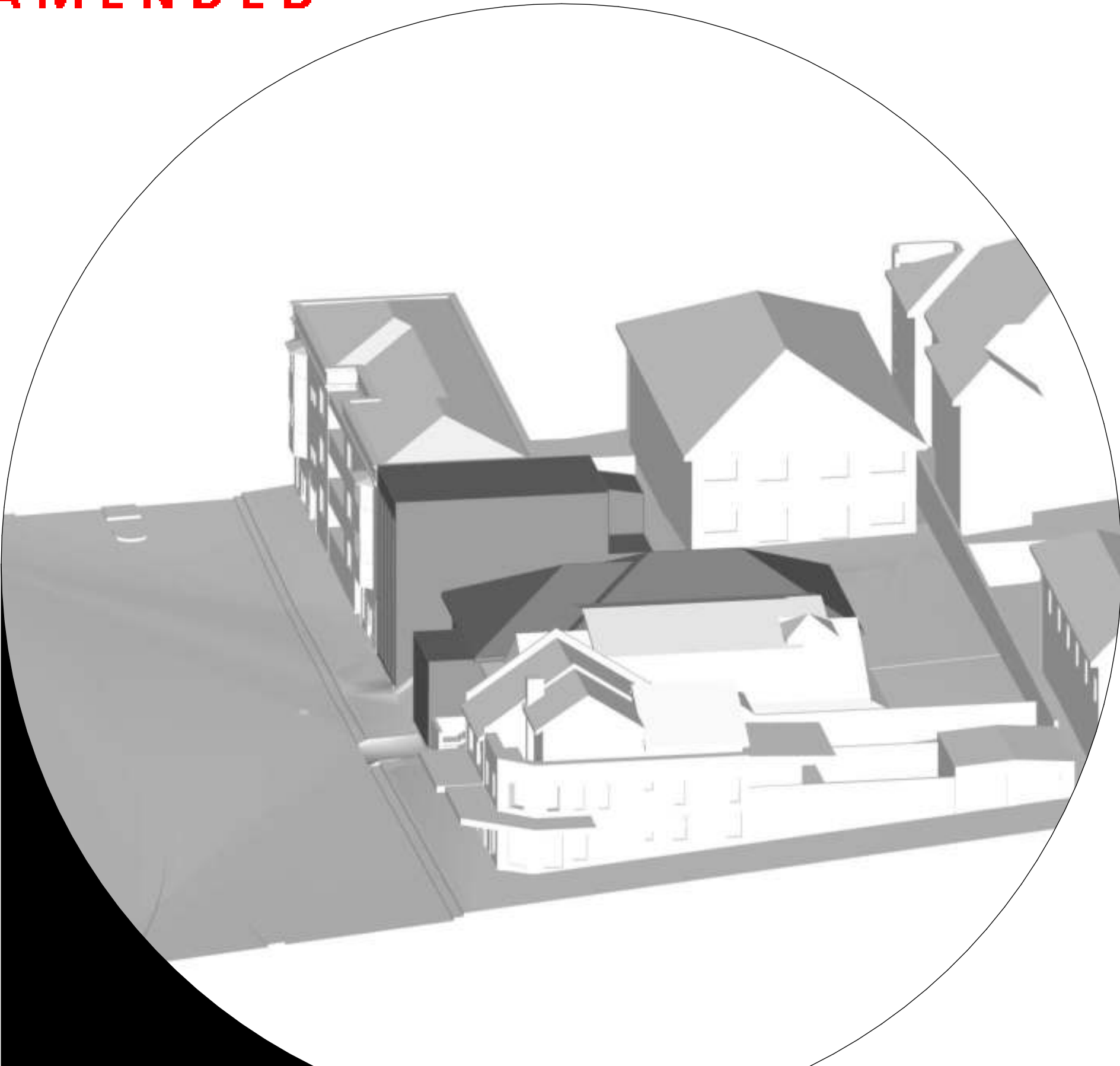
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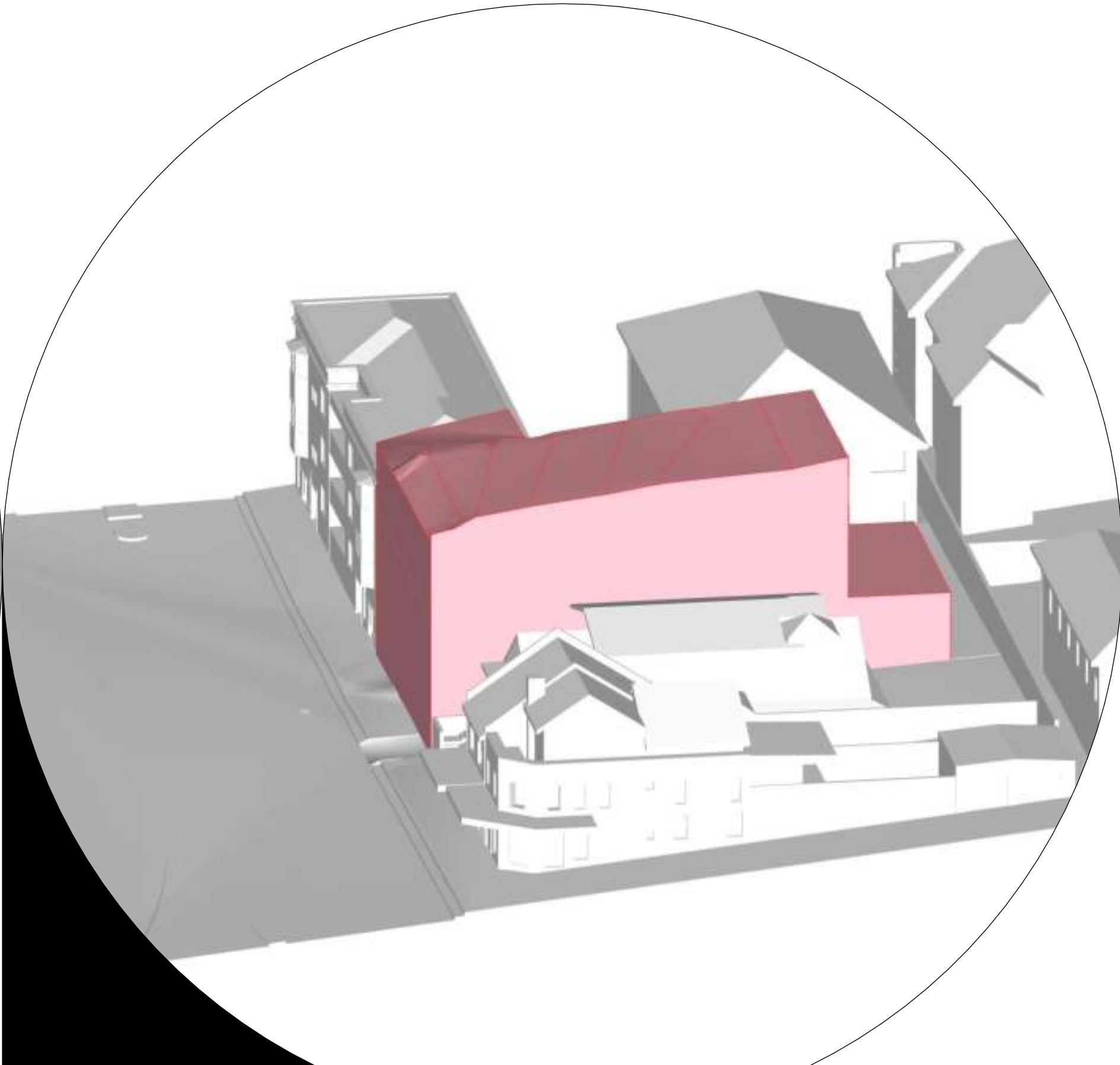
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Solar analysis
200 PM June 22

● Drawing
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● Revision

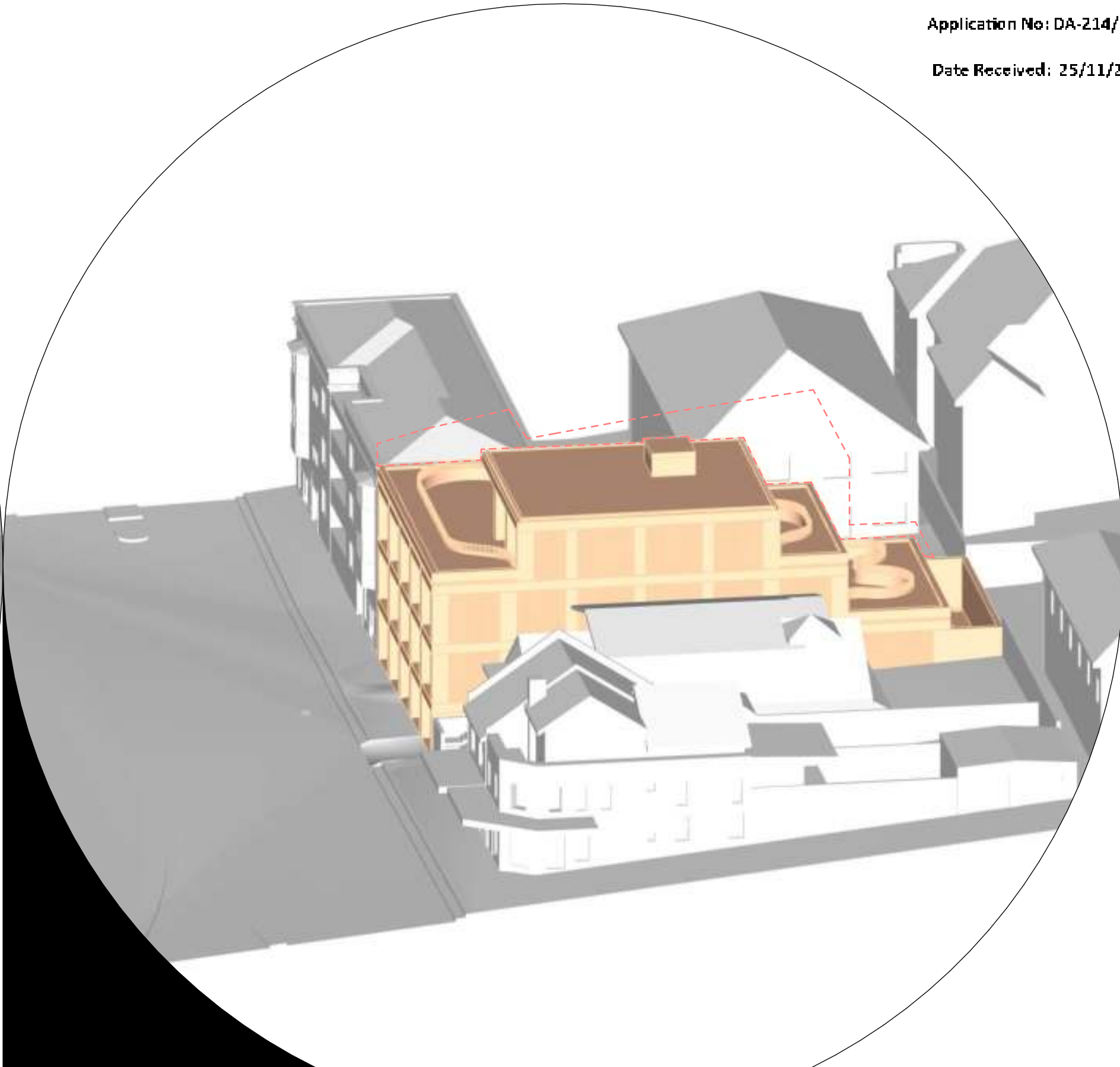




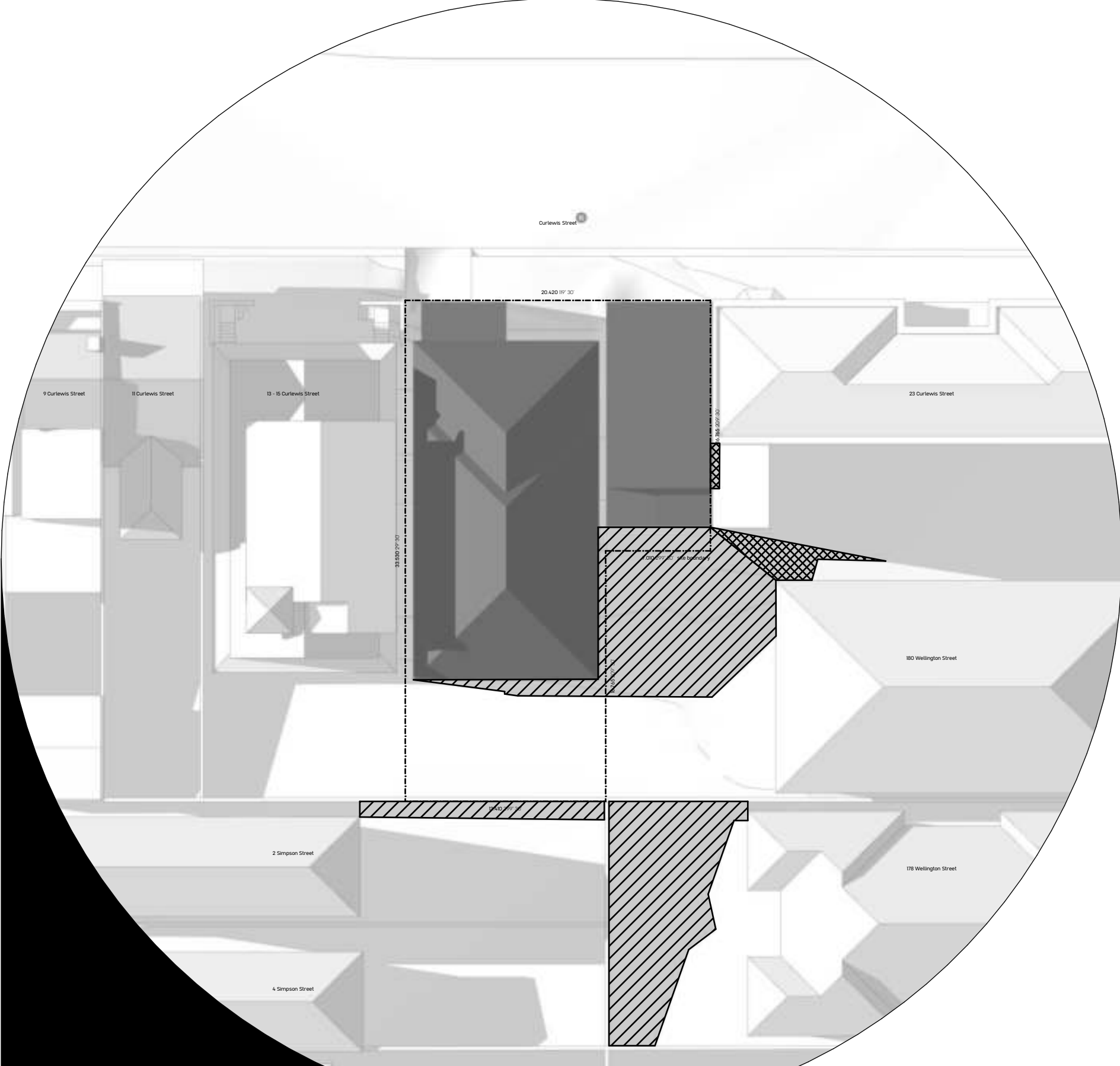
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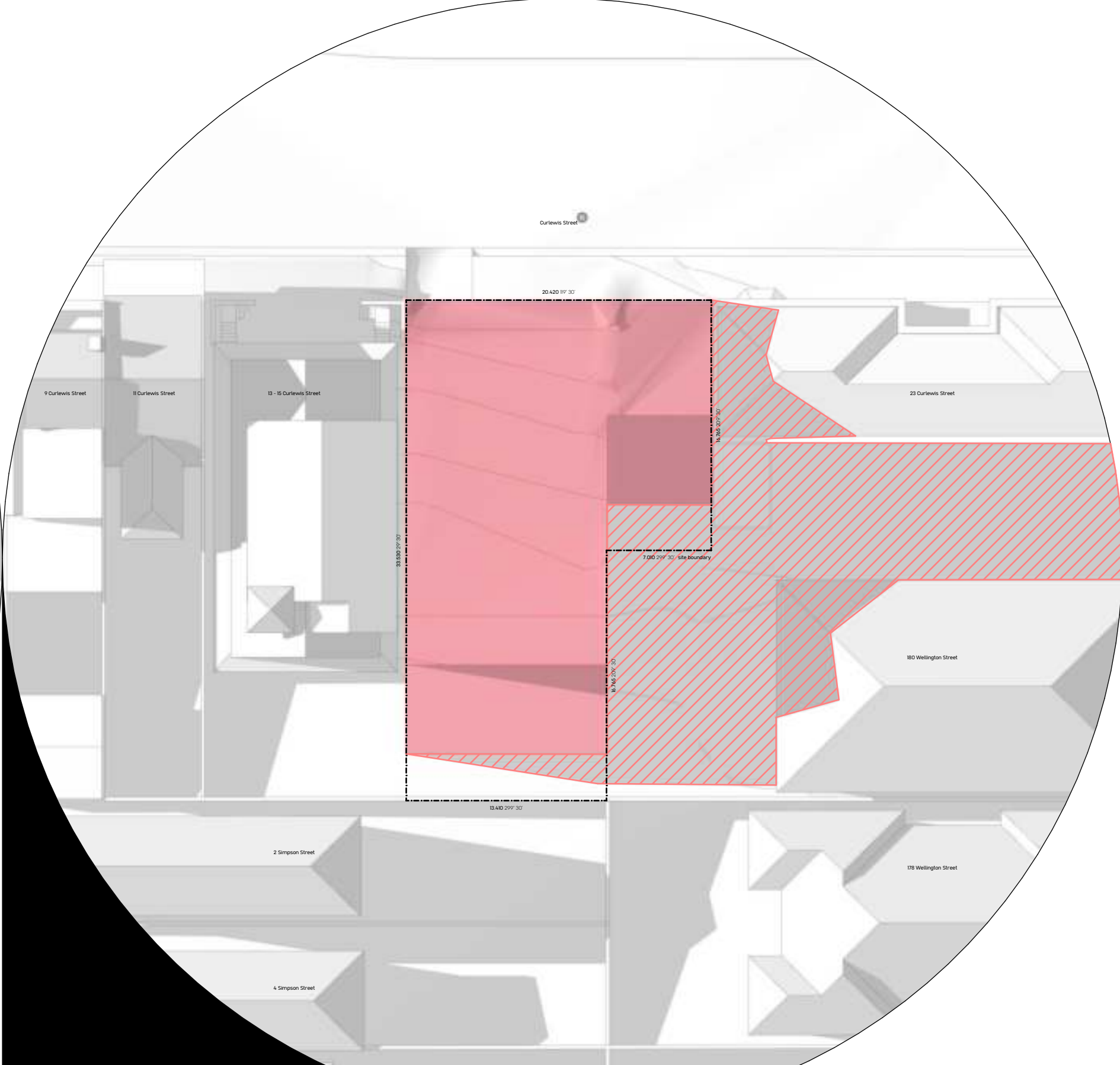


Proposed (sun eye)



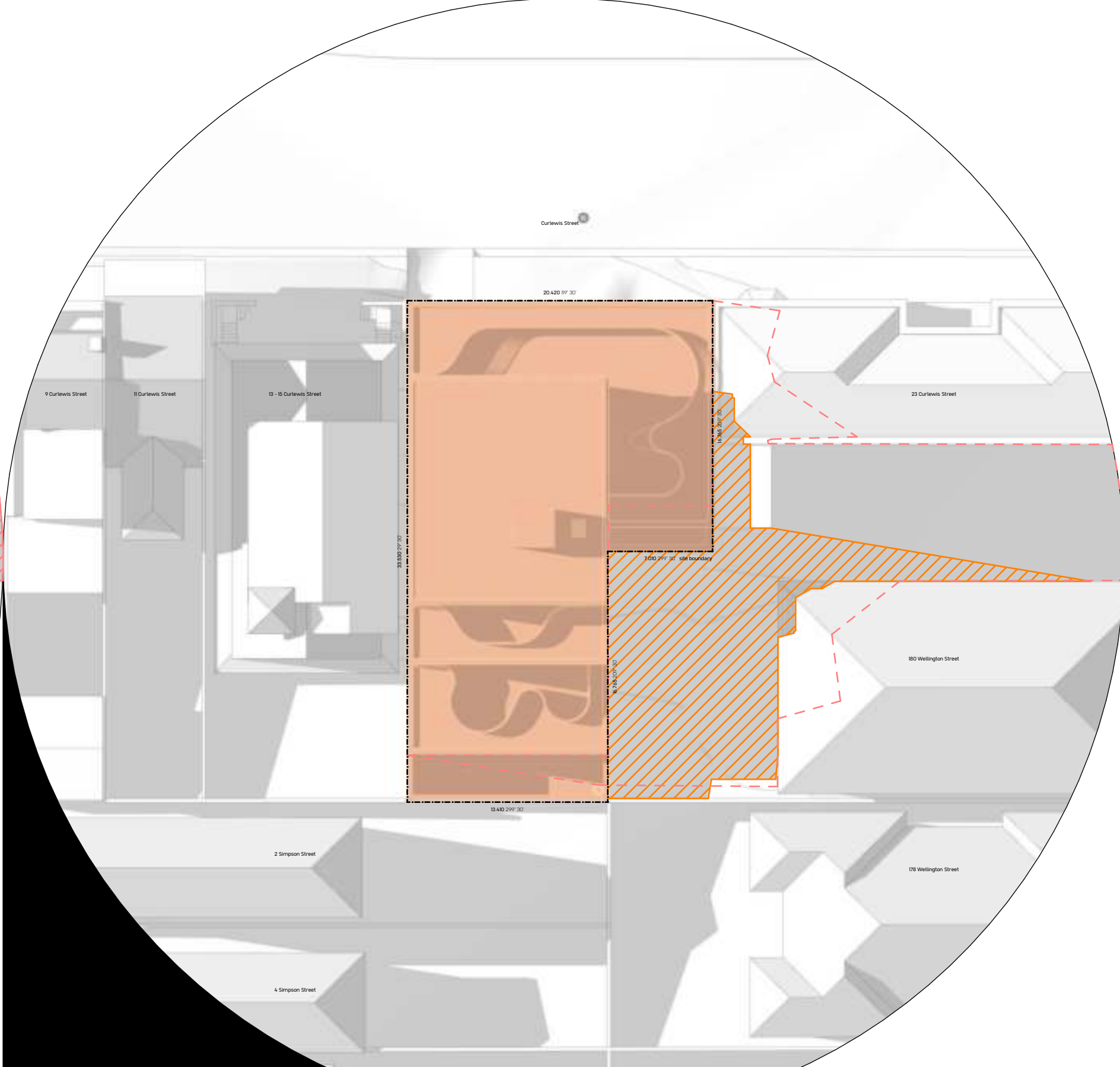
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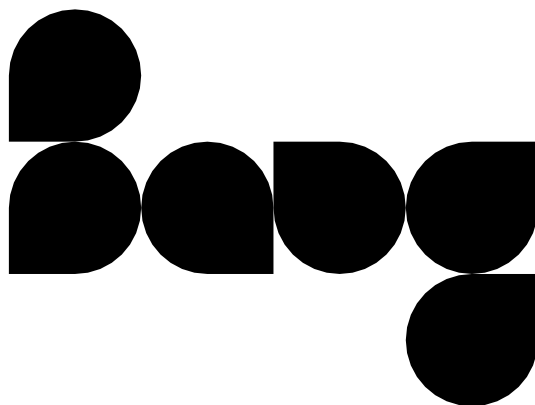
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WM
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WM

● Title
Solar analysis
300 PM June 22

● Drawing
DA406 C
● Revision





Report to the Waverley Local Planning Panel

Application number	DA-552/2021
Site address	26-32 Hall Street, Bondi Beach
Proposal	Demolition of buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement and 15 residential units above.
Date of lodgement	15 December 2021
Owner	STM123 No. 26 Pty Limited
Applicant	Bang Architecture
Submissions	Total of 108 submissions received Original: 92 received comprising 82 unique submissions Amended: 16 received comprising 7 unique submissions
Cost of works	\$9,421,579
Principal Issues	<ul style="list-style-type: none"> • Building height • Side and rear setbacks • Excavation to side boundaries • Vehicular access and on site loading bay • Remediation of land
Recommendation	That the application be a DEFERRED COMMENCEMENT CONSENT in accordance with the conditions contained in the report.

SITE MAP



1. PREAMBLE

Executive Summary

The development application seeks consent for demolition of existing structures and construction of a four storey shop-top housing development comprising of three ground floor commercial tenancies, 15 apartments and two basement car parking levels at the site known as 26-32 Hall Street, Bondi Beach.

11.

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

- Building height
- Side and rear setbacks
- Excavation to side boundaries
- Vehicular access and on site loading bay
- Remediation of land

In regards to the issues above, the assessment finds the proposed variation to the height of buildings development standard acceptable. The applicant has amended the proposal to delete the originally proposed roof top communal open space. In addition, the submitted Clause 4.6 written request seeking variation to the height of buildings development standard has adequately demonstrated that compliance with the standard is unreasonable and unnecessary, as the extent of the variation is contained predominantly in the middle of the roof comprising the lift overrun, parts of the solar panels, plant area and associated screening. It does not contribute to floor space and satisfies the objectives of the development standard as the building complements the desired future character of the Hall Street Town Centre and will preserve the environmental amenity of neighbouring properties.

The proposed excavation to the side boundaries is considered contextually appropriate having regard site constraints and the pattern of development of surrounding properties, and will not have adverse environmental impacts subject to conditions relating to carrying out of excavation works.

The proposed built form is considered acceptable, except for the rear building setback at Levels 2 and 3 as it does not provide an appropriate transition between the scale of development fronting Hall Street and the lower density residential developments to the south on Consett Avenue. Deferred commencement conditions have been recommended to require an increase in the rear building setback to contain the development within the permitted building envelope under Part E of the Waverley Development Control Plan 2012 to minimise built form and amenity impacts on surrounding properties.

A total number of 108 submissions (89 unique submissions) were received as a result of the original notification and renotification of amended plans. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation. One Councillor submission was received from a Councillor and two submissions were received from the federal members of Vacluse and Wentworth.

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

Site and Surrounding Locality

A site visit was carried out on 7 February 2022.

The site comprises of Lot 27 in DP 5953, Lot 1 in DP 315776, and Lot 28 in DP 5953 and is known as 26-28 and 30-32 Hall Street, Bondi Beach.

12.

The site is located on the southern side of Hall Street and is within the street block bounded by Jacques Avenue to the east and Consett Avenue to the west. The site is rectangular in shape with a primary frontage (north) to Hall Street and a rear (south) boundary measuring 26.2m, and east and west side boundaries measuring 36.6m. The site has an area of 958.6m² and has a fall of less than 1m from west to east and from south to north.

The site is occupied by a two storey commercial building at 26-28 Hall Street with vehicular access along the eastern side boundary to at grade car parking spaces at the rear, and a part three part four storey shop top housing development at 30-32 Hall Street with vehicular access along the eastern boundary adjoining 26-28 Hall Street.

The site is adjoined by 20 Hall Street to the east comprising the heritage listed Australia Post Office building which is currently under construction for a four storey shop-top housing development with basement car parking. Immediately to the west of the site at 34-38 Hall Street is single storey building and a three storey mixed use development. Further to the west, at the intersection of Hall Street and Consett Avenue (40 Hall Street) is a four storey shop-top housing development.

The northern side of Hall Street is characterised by shop-top housing and mixed use buildings ranging between one and three storeys in height. To the north-west of the site at 43-45 Hall Street construction is currently being carried out for a part four and part five storey mixed use development.

The southern (rear) boundary of the site adjoins a single storey heritage listed dwelling at 15 Consett Avenue. On the boundary between the site and 15 Consett Avenue is a *Quercus illex* (Mediterranean Holm Oak).

The site is located within the Hall Street Town Centre and the locality is characterised by a variety of shop-top housing and mixed use developments ranging between one and four storeys in height. Hall Street is undergoing transition with construction of new mixed use buildings contributing to the local village character.

Figures 1 to 7 are photos of the site and its context.



Figure 1: View of site looking south from the opposite side of Hall Street



Figure 2: View from rear of 26-28 Hall Street looking north



Figure 3: Looking north from the rear of 30-32 Hall Street



Figure 4: View of rear of 30-32 Hall St & existing Mediterranean Holm Oak on the southern boundary



Figure 5: View of 20 Hall Street (former Australia Post building), under construction, looking south on Hall Street



Figure 6: View of adjoining development to the west, looking south on Hall Street



Figure 7: Existing development opposite the site on the northern side of Hall Street

Relevant Development History

13.

A search of Council's records revealed the following recent and relevant development history of the site:

26 Hall Street

- DA-368/2005 for demolition of the existing building and construction of a new mixed use building with car parking and strata subdivision was granted a deferred commencement consent on 25 July 2006. The applicant lodged an appeal against the conditions of the deferred commencement consent with the Land and Environment Court (LEC) and the appeal was upheld on 16 October 2006.
- The ground floor tenancy has been subject of the following development approvals:
 - DA-191/2015 for alterations to the façade of the building for signage associated with the commercial tenancy occupied by Westpac Bank was approved on 29 July 2015;
 - Complying Development Certificate (No. 176/15) for internal alterations and fitout associated with Westpac Bank was approved by Building Certificates Australia Pty Ltd on 21 August 2015; and
 - DA-283/2021 for installation of temporary business/building identification signs for the ground floor tenancy was approved 26 August 2021.

30-32 Hall Street

- A Complying Development (198/2014), Certificate No. 140381, was issued by Private Certifiers Australia on 10 November 2014 for the fit out of the ground floor tenancy and new entry door, façade works and signage.

History of relevant development on adjoining developments include the following:

20 Hall Street (to the east of the site)

- The site is occupied by the Bondi Beach Post Office, a heritage item (Item No. I113) under Schedule 5 of the Waverley Local Environmental Plan 2012 (Waverley LEP 2012). A development application (DA-475/2017) for partial demolition of the existing building and construction of a four storey mixed use building containing two basement levels for carparking, ground level retail and residential apartments above was refused by the Waverley Local Planning Panel (WLPP) on 28 November 2018.
- On 17 December 2018, the applicant lodged an appeal against the refusal with the LEC.
- Following submission of amended plans to satisfactorily address the contentions raised, the LEC upheld the appeal on 20 December 2019. In particular, the amended plans reduced the height of the building with variation to the development standard comprising part of the roof, lift overrun, mechanical ducts and services in the middle of the roof, and amendments to the articulation of the building reflect the original roof form of the Post Office building.
- DA-475/2017 was subsequently modified by modifications A to D inclusive, for alterations to internal layout of apartments, external alterations to balconies and skylights, and relocation of air conditioning units and skylights.
- The approved development is currently under construction.

34-38 Hall Street (to the west of the site)

- DA-271/2022 for demolition of existing buildings, amalgamation of two lots and construction of a four storey shop-top housing building comprising ground floor retail tenancies, residential apartments above, and two levels of basement car parking accessed from Consett Avenue was lodged with Council on 6 July 2022.
- On 21 September 2022, the applicant lodged an appeal against the deemed refusal with the LEC. In summary, the principal issues that have been raised as contentions relating to the proposal are as follows:
 - Excessive building height – the proposal has a building height of 15.1m exceeding the 13m height of buildings developments standard by 2.1m or 16%.
 - Inconsistent built form as required under Part E3 of the Waverley DCP 2012 for the Hall Street Town Centre and design principles under the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development, particularly the rear building envelope and building depth which contributes to bulk and scale, and is inconsistent with the desired future character of the locality.
 - The Clause 4.6 written request seeking variation to the height of buildings development standard is unsatisfactory as it has not adequately demonstrated that compliance with the development standard is unreasonable or unnecessary and that there are sufficient environmental grounds to contravene the development standard. In particular, the proposal has additional overshadowing and privacy impacts and will not preserve the

environmental amenity of surrounding properties, and is inconsistent with the desired future built form and streetscape for the locality.

- Impact on the significance of the adjoining heritage item at 15 Consett Avenue.
 - Blank façade and vehicular access on Consett Avenue will impact the character and amenity of the streetscape.
 - Internal layout of the development does not achieve good amenity for future occupants or satisfactory servicing of the site.
- The proposal has not been determined by the LECT at the time of preparing this report.



Figure 8: Photomontage of proposed development at 34-38 Hall Street, Bondi Beach (DA-271/2022)

14.

Proposal

The development application seeks consent for demolition of existing structures and construction of a four storey shop-top housing development comprising three commercial/retail tenancies, 15 apartments and two levels of basement car parking for 30 car spaces, specifically the following:

Basement 1

- Six x retail car spaces including one accessible space, seven x residential car spaces including one x accessible car space;
- One x loading bay;
- 19 x bicycle parking spaces and two x motorcycle parking spaces;
- Storage cages for residential apartments;
- Residential garbage storage room and chute;
- Bulk waste storage (5.5m²);
- Commercial waste storage room;
- Lift and fire stairs; and
- 3000L rainwater tank.

Basement 2

- 15 x residential car spaces including 2 x accessible car spaces;
- One x loading bay;
- Eight x motorcycle parking spaces
- Storage cages for residential apartments;
- Lift and fire stairs; and
- Plant areas including car park exhaust, fire pump, water booster and great arrestor.

Ground Floor

- Three x commercial/retail tenancies including two tenancies fronting Hall Street;
- Separate residential entry to apartments above between the vehicle access and commercial/retail tenancies;
- Awnings above the vehicle entry, residential entry and retail shopfronts;
- Residential lift lobby;
- Accessible toilet amenities adjacent to residential lobby, fire stairs and plant/service areas;
- OSD tank above driveway ramp to basement car parking;
- Communal open space comprising outdoor shower, storage facilities for future occupants and landscaped area;
- Fire booster adjacent to western side boundary;
- Removal of existing fence along western side boundary and construction of new masonry boundary wall with timber batten screen finish to a height of RL19.1; and
- Demolition of existing garage on the southern boundary, construction of new masonry wall along the southern boundary to match height of garage.

Level 1

- Three x 1 bedroom apartments, one x 2 bedroom apartment and two x 3 bedroom apartments;
- Lift, fire stairs, service cupboards and garbage chute and recycling bins in lobby; and
- Planter boxes between balconies on the northern elevation fronting Hall Street, adjacent to balconies on the western elevation, and adjacent to east and west facing window openings to the lobby.

Level 2

- Three x 1 bedroom apartments, one x 2 bedroom apartments and two x 3 bedroom apartments;
- Lift, fire stairs, service cupboards and garbage chute and recycling bins in lobby; and
- Planter boxes between balconies on the northern elevation fronting Hall Street, adjacent to balconies on the western elevation, and adjacent to east and west facing window openings to the lobby.

Level 3

- Three x 3 bedroom apartments;
- Lift, fire stairs, service cupboards and garbage chute and recycling bins in lobby; and

- Planter boxes between balconies on the northern elevation fronting Hall Street, adjacent to balconies on the western elevation, and adjacent to east and west facing window openings to the lobby.

Roof

- Solar panels adjacent to the east, south and western sides of the roof;
- Access hatch for maintenance of air conditioner units, hot water units, mechanical ventilation; and
- Lift overrun.

Background

The development application was lodged on 15 December 2021 and deferred on 23 March 2022 for the following reasons:

15.

- The four storey building with a communal roof terrace exceeds the height of buildings development standard and is excessive in bulk and scale. The development is out of character with the built form character of the Hall Street Local Village Centre and does not respond appropriately to the adjacent low density residential developments to the south. It is recommended that the communal roof terrace be deleted with access to the roof restricted for maintenance purposes only.
- Air conditioning units and plant on the roof level should be centrally located and appropriately screened with acoustic enclosures to minimise visual and acoustic impacts on surrounding properties.
- Proposed rear and side setbacks are inconsistent with setback controls under the Apartment Design Guide (ADG) which requires a minimum rear setback of 9m and 6m side setbacks for habitable windows and balconies.
- Proposed building depths exceed the maximum 18m glazing line to glazing line control under the ADG and Part E3 of the Waverley Development Control Plan (DCP) 2012 and contributes to building bulk.
- The location of some south facing balconies on Levels 1, 2 and 3 will result in loss of visual acoustic privacy for future occupants and should be deleted.
- The bulk and scale of the proposal detract from the heritage significance, setting and amenity of 15 Consett Avenue and is not supported.
- Reconfiguration of residential entry and commercial tenancies to minimise conflict between the difference uses, improve security and amenity for future occupants. The width of shopfronts to Hall Street is required to better respond to the existing rhythm of shopfront in the streetscape.
- A continuous awning should be integrated into the façade fronting Hall Street to provide weather protection along the footpath and enhance pedestrian amenity.
- Insufficient information has been submitted to demonstrate that the proposal is capable of retaining the existing tree on the southern boundary. Additional information is required to

enable a proper assessment of the impact of the proposal on the existing tree including a detailed survey of the boundaries and location of the tree trunk and canopy, an Arboricultural Root Mapping Report, Arboricultural Pruning Report and an Arboricultural Impact Assessment Report including Tree Protection Zone and Structural Root Zone calculations (including space required for scaffolding during demolition and construction phases of development).

- An amended landscape plan incorporating the amendments recommended above and showing the retention of the existing tree on the southern boundary.
- Reconfiguration of the basement and car parking spaces to provide adequate setbacks and deep soil landscaping to address built form issues above and provide one x loading bay for a small rigid vehicle, nine x motorcycle parking spaces and adequate clearance heights for access ramps.
- Amendments are required to the residential and commercial waste bin sizes and storage to enable kerbside collection for residential waste and unencumbered access to commercial waste storage. Bulky waste storage room with a minimum area of 5m² is required to be provided within the development. Subsequently, the Site Waste and Recycling Management Plan is required to be amended to satisfy Council's waste provisions.
- Insufficient information has been submitted to enable a proper assessment of stormwater management for the development. An amended Stormwater Management Plan demonstrating an adequately designed On Site Detention System is to be submitted for consideration.
- Additional sustainable design initiatives including ceiling fans in habitable rooms, PV cells on the roof, a green roof and greater roof overhang to front balconies on Level 3 for weather protection are recommended by the Waverley Design Excellence Advisory Panel.
- Contextual details of surrounding properties are to be included in the architectural plans.
- A Preliminary Site Investigation Report (PSI) as referenced in the Statement of Environmental Effects is to be submitted for review.

On 22 July 2022, amended plans and additional information to address the matters raised in Council's deferral letter were submitted. A summary of the amendments to the proposal including the following:

- Retention of the Mediterranean Holm Oak tree at the southern boundary. Detailed survey plans and revised Arborist report identifying the location of the tree and canopy and methodologies to retain the tree has been prepared and submitted.
- Amendment to the building to provide a 6m western side setback, 3.01m east side setback, rear setbacks of 3.2m at ground floor, 4.57m at Levels 1 and 2, and 6.12m on Level 3.
- The communal roof terrace has been deleted and the height of the building has been reduced however, the lift overrun and plant at the roof level exceeds the maximum height development standard by 1.36m and 1.94m, respectively.
- Separation of the ground floor retail tenancy into 3 separate tenancies. Two tenancies front Hall Street with three shopfront bays and openings measuring between 3m and 5.9m in width.
- Provision of a continuous awning and security gate at ground level.

- Deletion of east facing balconies on Level 1 and south facing balconies to Units 101, 104, 201, 204, 301 & 302.

In February 2022, a Notice of Motion (CM/8.6/22.02) submitted by Councillors Betts and Goltsman requested Council investigate adding the Mediterranean Holm Oak located on the boundary of the subject site and 15 Consett Avenue to Council's Significant Tree Register. Council commissioned a report prepared by TreeIQ to determine if the tree satisfies the criteria required for listing under the register.

The report concluded that the tree met the criteria for history value but did not meet the criteria for cultural/social or commemorative, botanic/scientific, ecological or visual/aesthetic significance. As the tree did not meet at least two of the listed criteria, it was not recommended for listing in the Significant Tree Register.

At the November 2022 Finance, Operations and Community Services Committee meeting, a motion was passed that the TreeIQ report be reported to the December Finance, Operations and Community Services Committee meeting.

On 27 September 2022, Council advised the applicant that the PSI Report prepared by EI Australia and dated 19 July 2022 did not conclude the site can be made suitable for the proposed and has failed to satisfy the provisions under SEPP (Resilience and Hazards) 2021. Council's Environmental Health Officer requested the preparation of Stage 2 Detailed Site Investigation (DSI) and peer reviewed by a NSW EPA Accredited Site Auditor with a letter/Interim Advice from the Accredited Site Auditor stating that the Remediation Action Plan (RAP) is practical & will result in the site being made suitable for the intended use, or the preparation of a Site Audit Statement (SAS) by a NSW EPA Accredited Site Auditor clearly stating that the site is/or will be suitable for the intended use.

On 28 October 2022, a DSI report prepared by EI Australia was submitted to Council for consideration. Council's Environmental Health team reviewed the report and is satisfied that the requirements under SEPP (Resilience and Hazards) 2021 can be achieved, subject to conditions discussed in this report.

The amended plans are the subject of the assessment in this report.

2. ASSESSMENT

2.1.

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).

Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Building Sustainability Index – BASIX) 2004
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP 65 (Design Quality of Residential Apartment Design)

The original application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 9 February 2022. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	<p><i>The proposal does not achieve this principle in the following ways</i></p> <ul style="list-style-type: none"> • <i>The Panel noted that the building massing and fit into the Hall Street context was well nuanced and would add to the existing character of the streetscape and emerging vision for the street and precinct.</i> • <i>The Panel noted that the terraced / crenellated configuration of the buildings Hall Street elevation and plan was successful in creating a respectful streetscape and fitted well with the setback of the current Australia Post redevelopment to the east of the site. In consideration of matters relating to the existing tree in the south-west corner of the site and the Australia Post site to the east, the Panel recommends that further review of the context be undertaken to resolve issues as detailed below.</i> • <i>Given the immediacy of residential uses to the south the Panel recommends the rear of the ground floor be considered for commercial space that is not related to food and/or beverage.</i> 	<p>The proposal, as amended, improves the compatibility of the development with surrounding residential uses as the reconfiguration of ground floor commercial/retail tenancies and deletion of potential outdoor seating and terrace areas adjacent to the rear (southern) boundary.</p> <p>The rear setback of Levels 2 and 3 exceed the built form controls for four storey buildings in the Hall Street Town Centre and will have adverse impacts on the adjoining single storey dwelling at 15 Conssett Avenue. Design amendments requiring the rear setback of Levels 2 and 3 to be contained within the built form controls under Part E3 of the Waverley DCP 2012 have been recommended as deferred commencement conditions.</p>

Principle	Panel's Comment	Planning Comment
2. Built form and Scale	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <p><i>As above there needs to be further resolution of how the built form at the rear can be modified to enable retention of the significant tree, and to manage ADG setback non-compliances along the east boundary interface with the Australia Post site.</i></p> <ul style="list-style-type: none"> <i>The proposed communal roof terrace is not considered appropriate and should be deleted. The Panel preference would be inclusion of ground level common open space to be integrated around a reconfigured south-east corner.</i> <i>The Panel supports the coordinated articulation of the basement entry portal into the Hall Street elevation.</i> <i>The Panel supports the clear separation of the ground floor entries for the ground floor commercial and residential lobby entry. The Panel suggests that the ground floor commercial tenancy be designed so that the space can be multiple tenancies, and consideration of how the rear area will minimize possible amenity impacts with neighbours to the south.</i> 	<p>The proposal, as amended, has reduced the bulk and scale of the development by the deletion of the communal roof terrace and subsequent reduction in building height. The proposed reconfiguration of the ground floor commercial/retail space from one tenancy to three separate tenancies which is more consistent with the rhythm of retail and commercial uses within Hall Street and is acceptable.</p>
3. Density	<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>The proposed density is supported by the Panel subject to reconfiguration of the built form as noted above.</i> 	<p>The proposal is compliant with the FSR development standard.</p>
4. Sustainability	<p><i>The proposal does achieve this principle in the following ways:</i></p> <p><i>The Panel recommends;</i></p> <p><i>Ceiling fans need to be indicated on the drawings in all bedrooms and living areas</i></p>	<p>No ceiling fans have been proposed and a condition is recommended requiring this.</p> <p>Solar panels have been incorporated into the design of the building and are proposed on the east, south and western portions of the roof.</p>

Principle	Panel's Comment	Planning Comment
	<ul style="list-style-type: none"> <i>P/V cells on the roof and location of communal battery cells if plausible or Consider a non-accessible green roof on level 4 that would replace the proposed community open space (not supported by the Panel, see below) with endemic coastal species and P/V cells</i> <i>Rainwater capture and re-use throughout the building, water storage will need to be in a coordinated manner</i> <i>At Level 3 the roof overhang to front balconies should be extended to provide greater sun and weather protection to these units</i> 	<p>A 3,000L rainwater tank is proposed to for rainwater re-use and is located within the basement.</p> <p>No change has been proposed to the roof overhang to north facing balconies on Level 3.</p>
5. Landscape	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>The Panel were disappointed that the proponent's Arborist report was incorrect by not nominating the correct tree #3 in the rear garden. The Council informed the Panel that the tree #3 is a Quercus ilex Holm / Holly Oak and although not recognised by Council as a tree to be protected the Panel would expect this significant tree to be retained with appropriate pruning.</i> <i>The retention of this significant tree will require a reconfirmation of the extent of the basement and rear building extent. This redesign will need to be informed by detailed root and canopy extent by a new consulting Arborist. The Panel suggests that the proponent's Arborist is suitably qualified to carried out this analysis and mapping and the consultant is acceptable to Council's tree officer.</i> <i>The consulting Landscape Architect based on the proposed retention of the Holm Oak will need to rework their design based</i> 	<p>A revised Arborist Report and landscape plan have been submitted to accurately identify the species of the existing tree on the southern boundary adjoining 15 Consett Avenue and demonstrating that the proposed design is capable of retaining the existing tree.</p> <p>The amended landscape plan has incorporated screen planting that has a mature height of 4m along the southern boundary and a mix of evergreen plants with mature heights between 1.5m and 2.5m at the south-western corner of the site.</p> <p>Council's Tree Management Officer has reviewed the amended Arborist Report and landscape plans and is satisfied that the existing Holm Oak tree on the southern boundary is able to be retained and protected, subject to conditions that have been included in the recommendation.</p>

Principle	Panel's Comment	Planning Comment
	<p>around the retained tree and reconfigured rear building.</p> <ul style="list-style-type: none"> • The Panel encourages a greater extent of deep soil volume with the redesign of the rear back communal area of the site (refer notes in Principle #6 Amenity). They also encourage more appropriate evergreen native canopy trees in this rear area. • The Panel noted the Southern site boundary has an existing sewer easement, this inground sewer pipe/asset will need to be coordinated with the relevant consultants in the protection of the Holm Oak and future structures and planting in this zone. 	
6. Amenity	<p>The proposal does not achieve this principle in the following ways:</p> <ul style="list-style-type: none"> • The Panel does not support the proposed level 4 roof terrace outdoor community open space due to potential noise and amenity issues in this location. • The Panel suggests that an appropriate sized and designed residential community open space be located in within the ground level of future redesigned rear of the building based on the retention of the existing Oak tree. The design should leverage off the potential amenity that a tree of this stature would provide to residents. • The Panel suggest that with the proposed redesign of the rear of the building associated with the retention of the Holm Oak will create a larger zone for a reconfigured community open space or use by residents as noted above. • The Panel recommends that the proponent review this important access and communal zone and consider. provision for beach 	<p>The originally proposed communal roof terrace has been deleted to reduce building bulk and minimise amenity impacts on surrounding properties.</p> <p>The proposal has reconfigured the ground floor communal area at the south-western corner of the site adjacent to the Holm Oak tree to optimise communal facilities (including an outdoor shower and surfboard/watercraft storage) for future occupants and is acceptable.</p>

Principle	Panel's Comment	Planning Comment
	<i>related storage for surf boards/craft and appropriate outdoor showers (not unlike a classic beach house sequence from street to front door).</i>	
7. Safety	<p><i>The proposal does not achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>• Due to potential CPTED issues associated with the long outdoor accessway to the residential and commercial lobby entries, it is recommended that the Proponent review this corridor and include a security gate near the street</i> <i>• Provision also needs to be made for separation of foyer access and fire egress between the commercial and residential uses to avoid potential conflicts</i> 	<p>The proposal, as amended, includes a security gate to the residential entry and will enhance security for future occupants.</p> <p>The proposed reconfiguration of the ground floor includes the deletion of fire egress from the commercial tenancy into the residential fire stairs, minimising potential conflict between the different uses and is acceptable.</p>
8. Housing Diversity and Social Interaction	<i>As noted above there needs to be resolution of the communal open space configuration to benefit residents while allowing complementary amenity for the commercial tenancy.</i>	The proposal, as amended, has adequately addressed this issue. See discussion above.
9. Aesthetics	<p><i>The proposal does achieve this principle in the following ways:</i></p> <ul style="list-style-type: none"> <i>• The stepped façade and articulation of the street-front elevation is considered well managed, and provides a suitable transition in form and façade treatment.</i> 	The ground floor awning fronting Hall Street has been amended from four separate awnings to two continuous awnings adjacent to the property boundary. The awnings have a depth of between 2.45m at the residential entry to 3.3m at Tenancy 2 and will provide adequate weather protection. The proposed stepping of the awnings is integrated into the architecture of the development and provides visual interest.

Apartment Design Guide (ADG)

Clause 6A of SEPP 65 requires that development control plans (DCPs) 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 DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the provisions within the ADG is provided in **Table 2** of this report.

Table 2: ADG

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> Min separation distances from buildings to side and rear boundaries: <ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable Increased separation of 3m where adjoins a lower density zone 	<p>No – acceptable on merit</p> <p>No</p>	<p>The proposal is setback 3m from the eastern side boundary and 6m from the western side boundary.</p> <p>The proposed eastern setback comprises bedroom windows with externally fixed privacy screens to mitigate direct overlooking between the site and adjoining property. The eastern side setback presents an appropriate built form response to the adjoining development currently under construction at 20 Hall Street and is acceptable.</p> <p>The western side setback is compliant and will enable a better design response to future development of the adjoining site at 34-38 Hall Street.</p> <p>The site adjoins a single storey dwelling to the south (15 Consett Avenue) which is located in a lower density zone (R3 Medium Density Residential). In this instance, a 9m building separation at the rear required by the ADG is not suitable given the size of the site and context of surrounding developments. However, compliance with the rear setback controls under Part E3 of the Waverley DCP 2012 is required for an appropriate transition between Hall Street and adjacent lower density developments. See discussion below this table.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight 	Yes	<p>100% of units receive at least 2 hours mid-winter.</p> <p>The proposal is consistent with the objectives of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>

Design Criteria	Compliance	Comment
<p>between 9am-3pm mid-winter</p> <ul style="list-style-type: none"> A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 		
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<p>All habitable rooms are provided with at least one window for natural ventilation.</p> <p>60% of units can be naturally cross ventilated.</p> <p>The proposal uses a combination of full height openable doors and windows on opposite elevations to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Ground floor commercial – 3.3m, 4m for café or restaurant Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>The ground floor retail tenancy has a floor to ceiling height of 3.2m. The minor variation will not impact on the ability to accommodate various retail or commercial uses at the ground floor and is acceptable.</p> <p>All apartments achieve the minimum 2.7m floor to ceiling height.</p>
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p> <p>Habitable room depths limited to 2.5m x the ceiling height (6.75m)</p> <p>Open plan layout has a maximum depth of 8m from a window.</p>	Yes	<p>All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All main bedrooms have areas exceeding the minimum 10m² and all other bedrooms meet the minimum 9m² and dimensions. All robes are a minimum of 1.5m.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>Open plan living areas do not have depths greater than 8m from a window.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>

Design Criteria	Compliance	Comment
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 1-bed – 8m² & 2m depth • 2-bed - 10m² & 2m depth • 3+bed - 12m² & 2.4m depth 	Yes	<p>100% of the units are provided with a balcony accessed from the main living areas and meet the minimum requirements of the ADG in terms of area and depth.</p> <p>The design of the balconies are integrated into the architectural form and detail of the building. The finishes of the balconies contribute to the contemporary style of the building. The solid balustrades and privacy screens between the balconies will enhance amenity for future occupants.</p>
4F Common circulation and spaces		
<ul style="list-style-type: none"> • Max of 8 units accessed off a circulation core on a single level 	Yes	A maximum of six apartments are provided per floor level.
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> • 1-bed – 6m³ • 2-bed – 8m³ • 3+bed – 10m³ 	Partially Complies	<p>The proposal provides separate storage within each apartment and a storage cage in the basement for additional bulky storage. The total storage area provided for each apartment complies with the minimum storage requirements under the ADG except for the following:</p> <ul style="list-style-type: none"> • Unit Nos. 102 and 202 provide storage areas of 2.6m³ within each apartment which is less than the minimum required 3m³ (50% of total storage area for the apartment). • Unit 303 which has not clearly indicated the storage areas within the apartment to demonstrate compliance. <p>A condition requiring compliance with storage requirements under the ADG has been included in the recommendation.</p>

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

Rear Setback and Visual Privacy

The site adjoins a single storey dwelling to the south (15 Consett Avenue) which is located within a R3 Medium Density Residential zone. As the adjoining property is in a lower density zone than the subject site (B2 Local Centre zone), the ADG requires a total building separation of 9m for habitable rooms and balconies in a four storey building to provide an appropriate transition of bulk and scale, additional landscaping and visual privacy.

In this instance, the required ADG building separation of 9m to the rear boundary is not contextually appropriate having regard to existing and emerging built forms within the Hall Street Town Centre. The proposed ground floor rear setback of 3m comprising of landscaping including retention of the existing Holm Oak tree on the southern boundary and a wall height (measured to the top of the first floor balustrade) of 4.3m is consistent with the building envelope controls under Part E3 of the Waverley DCP 2012 and is acceptable.

The rear setback of Levels 2 and 3 measures 4.57m and 6.12m, respectively, extend beyond the rear setback control under the ADG and Part E3 of the Waverley DCP 2012. Level 2 projects between 0.9m and 3.6m beyond the permitted rear building setback and comprises habitable room windows with full height privacy screens on the southern elevation. The rear setback of Level 3 projects 6.7m beyond the rear setback control under the DCP and comprises habitable rooms, private open space and planter boxes. Whilst the privacy screens will minimise direct overlooking of private open space at the rear of 15 Consett Avenue, the proposed built form of the upper levels at the rear presents an inappropriate transition between the proposed building bulk and the adjoining heritage listed single storey residential dwelling and will adversely impact the setting and amenity of the heritage item (see **Figure 9** below).

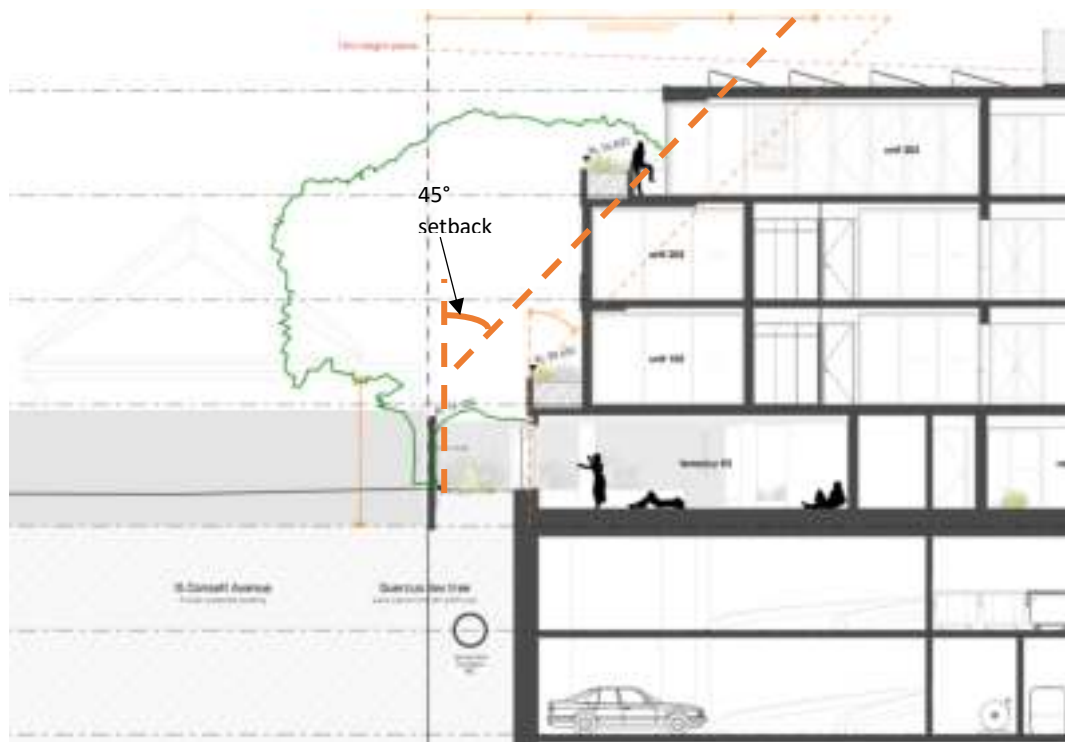


Figure 9: Proposed section plan showing projection of Levels 2 and 3 rear building line beyond the building envelope control in Annexure E3-3 under Part E of the Waverley DCP 2012 (Source: Bang Architecture)

Notwithstanding the floor space ratio (FSR) compliance, the proposed built form is excessive and does not achieve the desired interface between the mixed use character along Hall Street and the adjoining residential uses in Consett Avenue. Given the proposed building depth of Levels 2 and 3 exceeds 18m, it is considered that increasing the rear building setback to achieve compliance with the built form controls under Part E of the Waverley DCP 2012 will maintain sufficient floor space to reconfigure the proposed 3 bedroom apartments (identified as Units 205 and 303) into one x 1 bedroom apartment and one x 2 bedroom apartment, respectively. The recommended design modifications included in the recommendation as deferred commencement conditions will not change the total number of

apartments proposed and will provide a better design outcome that is compatible with the desired future character of the locality whilst minimising built form and amenity impacts on adjoining properties.

SEPP (Resilience and Hazards) 2021

The submitted Detailed Site Investigation Report prepared by EI Australia has concluded that the site can be made suitable for the development, subject to preparation of a RAP addressing the recommendations contained within the report.

Council's Environmental Health team has reviewed the DSI Report and raises no objection to the proposal as the requirements under Chapter 4 of the SEPP are satisfied subject to preparation of a RAP and compliance with remediation conditions to appropriately manage contamination which have been included in the recommendation.

2.1.2. Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <ul style="list-style-type: none"> B4 – Mixed Use Zone 	Yes	The proposal is defined as shop top housing, which is permitted with consent in the B4 Mixed Use zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 13m 	No	<p>The proposal has a maximum building height of 14.36m measured to the top of the roof plant and screening (RL30.70) equating to a variation of 14.9% to the height of buildings development standard.</p> <p>The top of the parapet of the building has a height of 13.29m (variation of 2.2%) at the north-east corner and 12.5m at the north-west corner fronting Hall Street.</p> <p>The lift overrun has a height of 14.36m (RL30.7) equating to a variation of 10.4%.</p>
4.4 Floor space ratio <ul style="list-style-type: none"> 2:1 (1,917.4m²) 	Yes	The proposal has a gross floor area (GFA) of 1,917.4m ² and a FSR of 2:1 which achieves the maximum FSR development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley

Provision	Compliance	Comment
		LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site is not a heritage item and is not located in a conservation area. However, it is immediately adjoining heritage items at No. 20 Hall Street (Item I113), No. 15 Consett Avenue (Item No. I96) to the south, and No. 31 Hall Street (Item I114) to the north-east and No. 45 Hall Street (Item I115) to the north-west.</p> <p>The contemporary style of the proposed building does not detract from the setting, architectural style or significance of the surrounding heritage items and is acceptable, subject to deferred commencement conditions requiring the upper levels to be further setback from the rear boundary.</p>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	<p>The site is located within the Class 5 acid sulfate soil zone under the LEP. Investigations undertaken as part of the PSI Report has identified that the site does not contain acid sulfate soils.</p> <p>The proposal will not have any environmental impacts on the Class 4 acid sulfate soil area located within Queen Elizabeth Drive, approximately 196m to the south-east of the site.</p>
6.2 Earthworks	No	<p>Excavation is proposed to the east and west side boundaries to accommodate two basement levels and comprises vehicular access, circulation space and storage within the 1.5m side setback. The extent of excavation to the side boundaries is contained within the proposed building footprint above which is built to the side boundaries at the ground floor level.</p> <p>The proposed excavation is consistent with other relevant provisions under the DCP as the works will not contribute to visual bulk or have any significant impact on the natural slope or landscaping of the site.</p>

Provision	Compliance	Comment
6.9 Design excellence	Yes	<p>The design excellence provisions are applicable to the proposed development as the site is located within the B2 Local Centre zone.</p> <p>The proposal will contribute to the desired future character of the Hall Street Town Centre and the public domain and will not have any adverse impacts on the amenity of surrounding properties subject to design amendments to increase the rear setback of the upper floor levels as discussed above.</p> <p>The proposal has adequately demonstrated that the site is suitable for the development and achieves design excellence, subject to conditions for a compliant rear building setback.</p>

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 - Building Height

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

The site is subject to a maximum height of building development standard of 13m. The proposed development has a height of 14.94m, exceeding the standard by 1.94m equating to a 14.39% variation and consists of the north-eastern corner of building, lift overrun, screening around the roof plant area and solar panels on the roof.

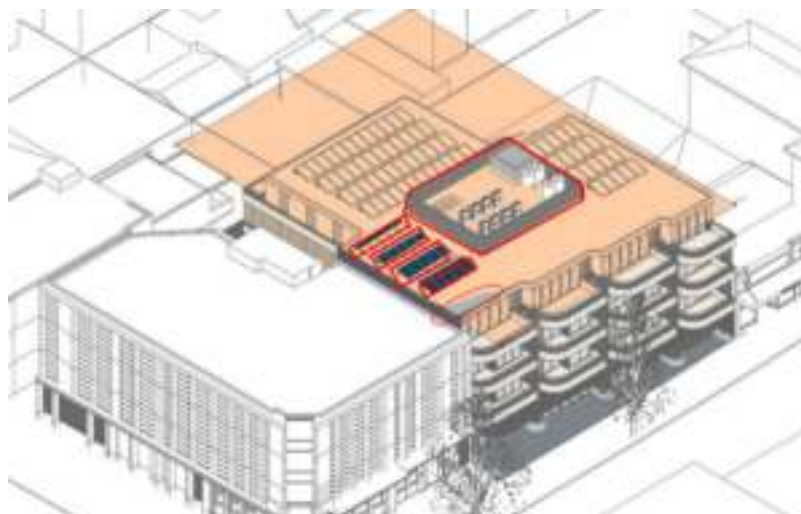


Figure 10: Building height plane (orange) with elements exceeding the height of buildings development standard outlined in red

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *The proposed building is compatible with the scale of surrounding buildings and preserves the amenity of neighbouring properties as required including visual and acoustic privacy, access to sunlight and view sharing.*
 - (ii) *The proposal is compliant with the FSR development standard and no portion of the height variation is attributable to gross floor area.*
 - (iii) *The proposal provides a three to four storeys principal form, with 3 storeys to the street and the 4th setback somewhat to align with the approved development to the east and future building envelopes to the west.*
 - (iv) *There is no shading of neighbouring properties caused by these (building) elements (exceeding the development standard).*
 - (v) The building elements exceeding the development standard is located in the centre of the roof and will not be readily visible from the public domain.
 - (vi) *The building remains compatible with the height, bulk and scale of the desired future character of the locality.*
 - (vii) *Visual privacy is preserved...the areas above the height plane are inaccessible (other than for maintenance) and do not manifest in any opportunities for overlooking of adjoining properties.*
 - (viii) *There are no views available over the site.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The variation to the height of buildings development standard resulting from the lift overrun is required to provide equitable access to the development;
 - (ii) The roof plant and screening provide natural ventilation of the plant equipment which reduces environmental impacts;

- (iii) The variation resulting from the angle of the solar panels facilitates more efficient use of the panels compared to a solar panel that are flush to the flat roof;
- (iv) The lift overrun, plant area and solar panels are sufficiently setback from the edge of the building, will not be visible from the public domain and does not have any adverse impacts on the significance of the adjoining heritage dwelling;
- (v) The variation at the north-eastern corner of the northern (front) elevation responds to the topography of the site and provides good internal amenity for future occupants;
- (vi) The proposed building form and scale complements the existing character of the locality and the design of emerging developments within the streetscape;
- (vii) The variation sought does not result in any additional overshadowing impacts on adjoining properties. Solar access to adjoining properties exceeds the minimum requirements.
- (viii) The proposal promotes good design and amenity in accordance with Object 1 (g) of the Environmental Planning and Assessment Act 1979 and is consistent with the objectives of the height of buildings development standard and the B2 Local Centre zone.



Figure 11: Photomontage of proposed development looking south from Hall Street



Figure 12: Photomontage of proposed development and approved development at 20 Hall Street (currently under construction), looking south-east along Hall Street

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

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

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

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

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

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

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The written request has adequately demonstrated that notwithstanding the variation to the height of buildings development standard, the proposal achieves the relevant objectives of the development standard as the proposed built form complements the scale and form of the transitioning streetscape along Hall Street and is consistent with the desired future character for the Hall Street Town Centre as it does not detract from the amenity of the public domain.

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

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

Is the development in the public interest?

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

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

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

The proposal has demonstrated that notwithstanding the non-compliance, the proposal satisfies the relevant objectives of the height of buildings development standard as the extent of the variation does not contribute to additional building bulk or scale, has no impact on the streetscape or public domain, and preserves the environmental amenity of neighbouring properties as there will be no privacy, overshadowing, or view impacts on adjoining properties.

The objectives of the B2 Local Centre zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To encourage the supply of affordable housing.*
- To provide a range of other uses, including light industries, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.*
- To enable residential development that integrates with, and supports, the primary business function of the zone.*
- To facilitate a high standard of urban design and pedestrian amenity that contributes to achieving a sense of place for the local community.*
- To minimise the impact of development and protect the amenity of residents in the zone and in adjoining and nearby residential zones.*
- To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.*

The proposed shop-top housing development comprising of three ground floor retail/commercial tenancies and residential apartments above is consistent with the objectives of the B2 Local Centre zone

as it will accommodate uses that generate employment opportunities and will meet the housing needs of the local community. The architectural character and built form of the development is considered to be of high design standard that complements the desired future character of the locality and contributes to the amenity of the public domain. The variation sought will have no adverse impact on the amenity of surrounding residential properties and is acceptable.

Conclusion

For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the Waverley LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B2 Local Centre zone.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Satisfactory.
2. Ecologically Sustainable Development	Yes	Satisfactory.
3. Landscaping and Biodiversity	Yes	Satisfactory.
5. Vegetation Preservation	Yes	<p>One tree (Tree No. 2 – <i>Howea forsteriana</i> – Kentia Palm), measuring 6m in height is located in the centre of the subject site and is proposed to be. The submitted Arborist report identifies the tree as having low landscape significance or retention value and is suitable for removal.</p> <p>The proposal seeks to retain one <i>Quercus ilex</i> (Holm Oak) (Tree No. 1) located on the southern (rear) boundary. The tree's trunk is also located within the boundary of 15 Consett Avenue and has a canopy spreading across the subject site, 15 Consett Avenue and 34 Hall Street.</p> <p>There are two (Tree Nos. 3 and 4) <i>Populus deltoides</i> (Cottonwood) street trees located on Hall Street. Retention of Tree No. 3 is proposed and is suitable, subject to tree protection measures during demolition and construction works. Tree No. 4 is in close proximity to the proposed vehicle crossing and the tree's structural stability and viability is likely to be</p>

Development Control	Compliance	Comment
		<p>affected by the proposal. It is proposed that Tree No. 4 be removed and replaced with a new street tree.</p> <p>Council's Tree Management Officer has reviewed the proposal and is satisfied that the retention of Tree Nos. 1 and 3 can be achieved, subject to appropriate tree protection measures identified in the Arborist Report and conditions that have been included in the recommendation.</p> <p>Council's Tree Management Officer raises no objection to the removal of Tree No. 2 and 4, subject to conditions including a new replacement tree planting.</p>
6. Stormwater	Yes	The site is not identified as a flood affected under the Waverley LGA Flood Study 2021. Council's Stormwater Engineer raises no objection, subject to conditions requiring plans and specifications to demonstrate satisfactory overland flow paths from the proposed OSD system.
7. Accessibility and Adaptability	Yes	Satisfactory.
8. Transport Zone 2 – Medium Density Residential Minimum parking rate: <ul style="list-style-type: none"> • Nil Maximum parking rate: <ul style="list-style-type: none"> • 1.0 x 1 bedroom • 1.2 x 2 bedroom • 1.5 x 3 bedroom Total: 19 car spaces Visitor parking: <ul style="list-style-type: none"> • 1 space per 5 units Total: 3 car spaces Motorcycle parking: <ul style="list-style-type: none"> • 1 motorcycle bay per 3 car parking spaces Bicycle parking: <ul style="list-style-type: none"> • Resident: 15 • Visitor: 2 • Retail: 2 	Yes	<p>The proposal provides 30 car spaces comprising of:</p> <ul style="list-style-type: none"> • 19 x residential car spaces • 3 x residential visitor car spaces • 6 x retail car spaces including 1 accessible space • 2 x loading spaces <p>The number of car parking spaces is consistent with the maximum car parking rates under the DCP and is acceptable. Council's assessment officer has calculated that the design modification conditions in the recommendation will not result in any change to permitted car parking rates for the development.</p> <p>The proposal provides 10 motorcycle spaces within the basement level and complies with the motorcycle parking requirement.</p> <p>The proposal provides 19 bicycle parking spaces in Basement 1 including 1 space per apartment, 2 visitor spaces and 2 retail spaces in close proximity to the lift.</p>
9. Heritage	Yes	This has been discussed above.
10. Safety	Yes	Satisfactory.

Development Control	Compliance	Comment
12. Design Excellence	Yes	Satisfactory.
14. Excavation	No	The proposed excavation up to the east and west side boundaries provides vehicular access to the basement levels. A Geotechnical Report has been submitted with the application concluding that the extent of excavation will not have adverse impacts on adjoining properties or ground water flows, subject to conditions relating to excavation works which have been included in the recommendation.
16. Public Domain	Yes	Satisfactory

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

Development Control	Compliance	Comment
3.3 Setbacks		
3.3.1 - Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	<p>The predominant front building line of development in Hall Street comprise of shopfronts built to the street alignment, with the exception of the heritage listed post office which is has a setback and landscaping along the Hall Street and Jacques Avenue frontages.</p> <p>The proposal is not built to the street alignment and seeks to provide a staggered front building line from west to east and provide a transition between development to the west and the heritage item at 20 Hall Street. In this instance, the proposed front building line is considered appropriate and will enhance sightlines to the heritage item along Hall Street.</p>
3.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	<p>The proposed scale and architectural character of the shop-top housing building is consistent with existing surrounding ground floor retail/ commercial shopfronts and residential uses above. The proposed articulation of the northern elevation contributes to visual interest, enhances sightlines along Hall Street towards the Post Office building and will complement the existing and desired future character of the streetscape.</p>

3.7 Fences and walls		
<p><i>Side fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> Maximum height: 1.8m 	<p>No</p> <p>No</p>	<p>The existing metal fence along the western side boundary has a height of 2.2m (RL19.1). The proposal seeks to remove the existing metal fence and construct the building up to the western side boundary for the length of the ground floor building footprint.</p> <p>New masonry walls measuring up to a height of RL 19.1 will be constructed adjacent to the communal open space and landscaping at the rear of the site along the western, southern and eastern boundaries.</p> <p>The proposed western side boundary wall will have a height between 2m and 2.6m when viewed from the subject site and will match the height of the existing fence when viewed from the adjoining property. Therefore, notwithstanding the boundary wall being greater than 1.8m in height, it will not have any additional impacts on the amenity of the adjoining property and is acceptable.</p> <p>The proposed new boundary wall along the southern boundary will have a height of 1.94m when viewed from the subject site but will not have any visual impacts on the 15 Consett Avenue as the height of the proposed wall (RL19.1) will be between 200mm – 500mm below the height of the existing boundary fence at 15 Consett Avenue.</p> <p>Further along the southern boundary, the existing garage where the external wall forms part of the southern boundary fence between the site and 1 Jacques Avenue will be demolished and replaced with the new masonry wall matching the height of the existing garage. Whilst the continuation of the height of the new masonry wall from the western side boundary to the southern boundary adjacent to 15 Consett Avenue and along the length of existing garage will have no additional visual or amenity impacts on adjoining properties, the proposed height of the new wall at the south-eastern corner, projecting 780mm above the existing 2.45m high brick fence (RL18.32) at 1 Jacques Avenue, will result in a boundary wall of 3.23m when viewed from Jaques Avenue and is excessive.</p> <p>To minimise the visual impact of the proposed masonry wall when viewed from 1 Jaques Avenue, a condition restricting the height of the</p>

		new masonry wall along the south-eastern corner of the site to not exceed the height of the existing brick fence at 1 Jacques Avenue has been included in the recommendation.
3.8 Pedestrian access and entry		
<ul style="list-style-type: none"> • Entry at street level and respond to pattern within the street • Accessible entry • Separate to vehicular entry • Legible, safe, well-lit 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal provides direct and accessible pedestrian access to the ground floor tenancies front Hall Street and to the residential entry.</p> <p>Vehicular access to the basement car parking levels is separated from the residential entry by a planter box.</p> <p>All entries to the building are clearly defined and is considered safe for pedestrians.</p>
3.9 Landscaping		
<ul style="list-style-type: none"> • Comply with part B3-Landscaping and Biodiversity • Minimum of 30% of site area landscaped: 290.1m² • 50% of the above is to be deep soil: 145.05m² 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>A landscape plan has been submitted with the application. The proposal seeks to retain the existing Holm Oak tree which contributes to the urban tree canopy and is supported by Council's Tree Management Officer.</p> <p>The proposal seeks to provide deep soil landscaping along the southern boundary to increase vegetation on the site, enhance visual privacy between the site and adjoining properties, and is consistent with the objectives and controls under the DCP.</p> <p>The proposal provides 290.1m² (30%) of landscaping including 90.9m² deep soil (31.3% of landscaped area) along the southern boundary. The total area of landscaping provided satisfies the DCP control, however the amount of deep soil is less than the minimum requirement. The non-compliance is acceptable in this circumstance as the building footprint is consistent with the rear setback controls for the basement and ground floor levels under Part E of the DCP and provides sufficient landscaping along the rear boundary.</p>
3.10 Communal open space		
<ul style="list-style-type: none"> • Minimum dimensions: 6m x 6m • Minimum of 30% of communal area must receive three hours of sunlight • Accessible 	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>There are no specific controls under the DCP that require a minimum percentage of the site in a B2 Local Centre zone to be provided as communal open space.</p> <p>The proposal provides communal facilities adjacent to landscaping at the ground level in the south-western corner of the site, as recommended by the DEAP. The outdoor shower, surfboard storage and landscaped area has a</p>

		<p>principal area measuring 8.4m x 9.3m and is considered appropriate for the site.</p> <p>The availability of useable communal open space at ground level that is not substantially overshadowed by existing developments and the proposed built form is limited due to the orientation of the north-south orientation of the site. As such, the proposal is unable to reasonably provide communal open space that receives three hours of direct sunlight to a minimum 30% of the area.</p>
3.12 Vehicular access and parking		
<ul style="list-style-type: none"> Car parking to be integrated into the design of the development Max 1 x 2 way vehicle access point Pedestrian safety considered Basement parking should not contravene deep soil zone controls 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>One x two way vehicular access from Hall Street to the basement car parking levels is integrated into the design of the building and will not result in adverse impacts on the public domain or pedestrian safety as the site is adequately distanced from the intersections at Consett Avenue and Jacques Avenue.</p> <p>The proposed basement footprint does not provide the required 145.05m² of deep soil area required under Section 3.9 of the DCP; however, the proposal provides a compliant ground floor rear setback and landscaped area in accordance with Part E3 of the DCP and is acceptable.</p>
3.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss through design Views from public spaces to be maintained. 	<p>Yes</p> <p>Yes</p>	<p>There are no significant views from surrounding properties that will be impacted by the proposal.</p> <p>The proposal will not result in any changes to views from public spaces.</p>
3.15 Visual privacy and security		
<ul style="list-style-type: none"> Dwellings to be orientated to the street with entrances and street numbering visible Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened Privacy be considered in relation to context density, separation use and design. Roof tops are to be non-trafficable, unless there is 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The residential entry is located centrally within the Hall Street elevation and street numbering will be clearly legible.</p> <p>Privacy screening is proposed to balconies and window openings to apartments orientated to the rear and side boundaries to minimise direct overlooking of adjoining properties.</p> <p>The design of the east and west elevations appropriately responds to the development at 20 Hall Street which is currently under construction and accommodates appropriate building separation for future development at 34 Hall Street.</p> <p>The proposal will not have any unreasonable privacy impacts on the single storey dwelling to the south (15 Consett Avenue), subject to</p>

a predominance of roof terraces in the immediate vicinity of the site.		<p>required design amendments to comply with the building envelope and rear setback controls under Part E of the DCP as discussed in the report below.</p> <p>The proposed rooftop is non trafficable and provides access via a hatch for maintenance purposes only.</p>
3.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	Yes	The internal layout of apartments have separated living areas from bedrooms, where practical, to minimise any noise impacts for future occupants.
3.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures Outdoor Communal clothes drying area to be provided Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge 	<p>Yes</p> <p>No</p> <p>Yes</p>	<p>Services for the development have been located in the basement and adjacent to the lift and fire stair core on the ground floor to enable effective servicing of the development whilst minimising amenity impacts on future occupants. The location of the fire booster adjacent to the driveway is able to satisfy relevant fire requirements and will not have any visual or amenity impacts on the public domain. Mailboxes are positioned within a secure location between the building entry and residential lift lobby and is acceptable.</p> <p>No outdoor communal clothes drying area is provided within the development. This is considered acceptable as provision of communal open space is constrained within the site and sufficient laundry facilities are provided within each apartment.</p> <p>The proposed plant area, lift overrun and solar panels on the roof are setback from the front and rear elevations and will not be visible from the public domain. The proposed services on the roof will have no additional view loss impacts on surrounding properties.</p>

Table 6: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.7 - Hall Street Town Centre	Yes	The proposed shop top housing development with fine grain ground floor retail/commercial tenancies and residential uses above is consistent with the predominant mixed use character along Hall Street.

Development Control	Compliance	Comment
		<p>The proposed building is not built to the street alignment and has a stepped façade from west to east. The building setback will provide greater width along the footpath for pedestrians and will contribute positively to the amenity of the public domain.</p> <p>The stepping of the façade will also enhance sightlines looking south-east along Hall Street towards the heritage listed Post Office building and is a desirable streetscape outcome.</p> <p>The proposed external materials and finishes comprise of pigmented concrete, metal awnings, aluminium screens which complements the predominant masonry construction of existing developments and emerging construction within the town centre.</p> <p>The proposed vehicular access results in a net reduction of vehicle crossings to Hall Street and will not have adverse impacts on pedestrian safety.</p>
3.2 Generic controls		
3.2.1 Land uses	Yes	<p>The three ground floor tenancies will facilitate a variety of retail or commercial uses to contribute to the mix of uses to service the local community.</p> <p>The residential apartments above the ground floor retail/commercial use are compliant with provisions of the ADG and is of high design quality.</p> <p>The proposed vehicular access from Hall Street is acceptable in this circumstance as the site currently comprises two vehicle crossings and the proposal seeks provide one vehicle crossing, resulting in less impact on pedestrian amenity. The proposed basement car parking levels will meet the car parking demand generated by the development and will not adversely impact on demand for on-street car parking spaces.</p>
3.2.2 Public domain interface	Yes	<p>The design of the ground floor retail/commercial tenancies is consistent with the predominantly fine grain shopfronts in Hall Street. The setback of the shopfronts from the street alignment is acceptable in this instance as the proposed built form will contribute to sightlines along Hall Street to the adjoining heritage item and is considered a good urban design outcome.</p>

Development Control	Compliance	Comment
		The residential entry on Hall Street providing access to the apartments above is clearly distinguished, measuring 2.3m wide and is consistent with the requirement for residential entries to be no greater than 20% (5.24m) of the street frontage.
3.2.3 Built form	Partially complies	The proposed built form is consistent with the bulk and scale of surrounding developments fronting Hall Street, however the rear building line of Levels 2 and 3 extend beyond the built form controls for 4 storey developments without a rear lane and presents excessive building bulk and visual impacts on the adjoining residential dwelling at 15 Consett Avenue. See discussion in Section 2 above.
3.2.4 Building facade articulation	No	The proposed articulation of the façade responds appropriately to the existing and desired future rhythm within the streetscape. In particular, the provision of four vertical bays separated by planters and the stepping of balconies above ground floor level with solid balustrades creating strong horizontal proportions results in a built form that is complementary to surrounding developments.
3.2.5 Buildings of historic character	N/A	The buildings on the site are not identified as items of heritage significance under the Waverley LEP 2012.
3.2.6 Building services and site facilities	Yes	The proposed location of services for the development have been integrated into the design of the building, primarily contained within the basement or on the roof and does not result in any adverse impacts on the amenity of adjoining properties or the views of the building from the public domain.

Other Impacts of the Development

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

Suitability of the Site for the Development

The site is considered suitable for the proposal.

Any Submissions

The application was notified in excess of 21 days being 23 December 2021 to 3 February 2022 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*.

24. Following receipt of amended plans and additional information, the application was re-notified for 14 days between 1 and 15 August 2022.

A total of 108 submissions were received as a result of the original notification and re-notification of amended plans comprising 92 submissions (82 unique submissions) received from the original notification and 16 submissions (seven unique submissions) received from the re-notification of amended plans. Submissions were received from the following properties:

Table 7: Number of and where submissions were received from.

Count	Property Address
1.	5 Consett Avenue, Bondi Beach
2.	11A Consett Avenue, Bondi Beach
3.	1/7-11 Consett Avenue, Bondi Beach
4.	2/7-11 Consett Avenue, Bondi Beach
5.	3/7-11 Consett Avenue, Bondi Beach (2 submissions)
6.	5/11 Consett Avenue, Bondi Beach
7.	6/11 Consett Avenue, Bondi Beach (2 submissions)
8.	12 Consett Avenue, Bondi Beach (2 submissions)
9.	15 Consett Avenue, Bondi Beach (6 submissions)
10.	4/16 Consent Avenue, Bondi Beach
11.	201/20-24 Hall Street, Bondi Beach (3 submissions)
12.	20 Hall Street, Bondi Beach
13.	6 O'Brien Street, Bondi Beach
14.	14 O'Brien Street, Bondi Beach
15.	14-16 O'Brien Street, Bondi Beach
16.	100 O'Brien Street, Bondi Beach
17.	21 Barracluf Avenue, Bondi Beach
18.	5/57 Sir Thomas Mitchell Road, Bondi Beach (2 submissions)
19.	62 Sir Thomas Mitchell Road, Bondi Beach (3 submissions)
20.	24 Lamrock Avenue, Bondi Beach
21.	25 Lamrock Avenue, Bondi Beach
22.	40 Lamrock Avenue, Bondi Beach
23.	42 Lamrock Avenue, Bondi Beach
24.	1/38 Flood Street, Bondi
25.	21 Chambers Avenue, Bondi Beach
26.	1/3 Jaques Avenue, Bondi Beach
27.	164 Campbell Parade, Bondi Beach
28.	3/238 Campbell Parade, Bondi Beach (2 submissions)
29.	1 Beach Road, Bondi Beach
30.	80 Beach Road, Bondi Beach (2 submissions)
31.	18 Nancy Street, North Bondi
32.	2/13 Francis Street, Bondi Beach (2 submissions)

33.	47 Francis Street, Bondi Beach
34.	69 Francis Street, Bondi Beach
35.	70 Francis Street, Bondi Beach
36.	470 Old South Head Road, Rose Bay
37.	201 Old South Head Road, Bondi Junction
38.	22 Wellington Street, Bondi
39.	3 Brighton Boulevard, Bondi Beach
40.	87 Mill Hill Road, Bondi Junction
41.	11 Henry Street, Waverley
42.	13 Ocean Street, North Bondi
43.	240 Bondi Road, Bondi
44.	7/4 Castlefield Street, Bondi
45.	3/11 Castlefield Street, Bondi
46.	12 Ormond Street, Bondi
47.	2/6 Moore Street, Bondi (2 submissions)
48.	35 Onslow Street, Rose Bay
49.	33 Edward Street, Bondi Beach
50.	9 Fern Place, Woollahra
51.	20 Birriga Road, Bellevue Hill (2 submissions)
52.	8 Bonney Street, Sans Souci
53.	100 Neptune Avenue, Bligh Park
54.	21 Warwiba Road, Old Bar (2 submissions)
55.	62 Rainbow Street, Kingsford
56.	94 Karimbla Road, Miranda
57.	44 Diana Street, Wallsend
58.	54 Ocean View Road, Arrawarra Headland (NSW)
59.	134 Kinghorne Street, Goulburn (NSW)
60.	15 Gosford Street, Awabe (NSW)
61.	251 Nichols Road, Scotts Creek (NSW)
62.	105 Evan Street, Mackay (QLD)
63.	119 Hansen St, Moorooka (QLD)
64.	6 Culbin Avenue, Belmont (Victoria)
65.	8 Schouten Street, Warrane (Tasmania)
66.	25 Itala Crescent, Hackham West (SA)

The following issues raised in the submissions have already been discussed and addressed in the body of this report and/or the Recommendation:

- Retention of the Holm Oak tree on the southern boundary
- Demolition of existing buildings impacting on loss of streetscape character and heritage character of the locality
- Excessive building height
- Insufficient rear setbacks
- Insufficient deep soil
- Amenity impacts on surrounding properties
- Noise impacts from operation of plant and equipment
- On site car parking and access from Hall Street will increase traffic congestion, noise and pedestrian safety

- Waste collection on Hall Street will contribute to traffic congestion
- Excavation impacts on surrounding properties and flooding
- Roof top communal open space and amenity impacts on surrounding properties
- Inadequate heritage impact statement
- Loss of street tree and canopy

All other issues raised in the submissions are summarised and discussed below.

Issue: Insufficient public consultation, lack of site notice during notification period.

Response: The proposal was notified in accordance with the requirements in the Waverley Community Participation Plan 2019. Specifically, the application was notified to 32 surrounding property owners and occupiers located in Hall Street, Consett Avenue and Jacques Avenue for 21 days, excluding the extended notification period applied as the notification was within the Christmas and New Year period in December 2021 and January 2022. A site notice was placed on the site at the commencement of the notification period. After members of the community notified Council staff that the site notices had been removed, additional site notices were placed on the site a further two times between 28 December and 7 January 2022.

Upon receipt of amended plans and additional information, Council re-notified the proposal to surrounding properties and persons who had lodged a submission against the original notification. The renotification process was carried out in accordance with the requirements of the Waverley Community Participation Plan 2019.

Issue: Owners consent from 15 Consett Avenue where the Holm Oak tree is located has not been sought.

Response: It is noted that the owners at 15 Consent Avenue object to the proposal and do not give consent for any works to the existing Holm Oak tree located on the southern boundary of the subject site. The proposal, as amended, seeks to retain the existing tree and any required pruning of the tree that is contained within the subject site does not require the consent of the adjoining property, subject to relevant approvals for tree pruning being granted by Council.

Issue: Construction traffic, noise and vibration will impact the amenity of surrounding properties.

Response: Construction phases of a development are considered short term and any impacts on neighbouring properties are not considered to have long term impacts on residential amenity, subject to compliance with standard construction traffic, noise and vibration conditions which have been included in the recommendation.

Issue: Developer has a history of undertaking construction works that cause damage to surrounding properties.

Response: Any damage to adjoining properties as a result of the carrying out of demolition or construction works associated with a development is a private matter to be resolved between the developer and affected property owner/s. As such, the issue raised is not a matter for consideration under Section 4.15 of the Environmental Planning Assessment Act 1979 and is not a consideration in the assessment of the subject application. Suitable conditions of consent are recommended.

Issue: No consent sought from Sydney Water for the potential redirection of sewer lines at the rear of the site.

Response: The applicant has identified that future works may be required to the existing sewer line but specific details have not been submitted for consideration and consent has been granted for any works as part of this application. If any changes are sought in the future, consent must be sought from Sydney Water.

Issue: A joint vehicle access and servicing of the site and adjoining property at 34-38 Hall Street would minimise impact on the Hall Street pedestrian footpath.

Response: The subject proposal is contained wholly within the subject site and does not seek to amalgamate with the adjoining property to the west. Council is required to consider the merits of a development application and cannot impose design requirements beyond the scope of the site or proposed works. The subject site currently comprises two vehicle crossing on Hall Street and the proposal, which seeks to remove the two crossing and construct a new single crossing will reduce impacts on pedestrians and is acceptable.

Issue: Negative impact on property values of surrounding properties.

Response: The value of surrounding properties is not a matter for consideration in the assessment of this development application under Section 4.15 of the Environmental Planning and Assessment Act 1979.

2.5. Public Interest

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

3. REFERRALS

3.1. The following internal and external referral comments were sought:

Environmental Health

3.2. The proposal was referred to Council's Environmental Health Officer who has raised no objection to the proposal subject to recommended conditions including requirements to satisfy provisions in SEPP (Resilience and Hazards) 2021.

Heritage Advisor

The proposal was referred to Council's Heritage Advisor who has raised concerns regarding the scale of the built form particularly at the rear and its impact on the heritage item at 15 Consett Avenue and its relationship with the development currently under construction at 20 Hall Street. Design amendments were recommended by Council's Heritage Advisor to reduce the bulk and scale of the proposal to better respond to the scale of adjoining heritage items and the streetscape character of Hall Street. The amended plans, subject to further reduction in built form at the rear to comply with the controls under Part E of the Waverley DCP 2012, adequately addresses the issues originally raised.

It is noted that the site may contain Aboriginal artifacts and evidence of European activities post 1788 that could be revealed during excavation works. Council's Heritage Advisor has recommended conditions including the preparation of an archaeological assessment of the site prior to any excavation works have been included in the recommendation.

Traffic and Development

3.3.

The proposal was referred to Council's Traffic Engineer who identified non compliances with loading bay, car and motorcycle parking provisions with the originally submitted design. The amended proposal has adequately satisfied the car parking and motorcycle parking requirements and is supported by Council's Traffic Engineer. However, it is noted that the basement car parking levels do not accommodate access or parking for a small rigid vehicle and seeks to provide 2 x B99 car spaces for delivery vehicles to service the site. Council's Traffic Engineer does not consider the use of B99 car spaces adequate and does not support the reliance on loading zones within the street to service the site.

Whilst the requirements for the development to provide access and parking for a small rigid vehicle is ideal to service the proposed mix use of the site, Council's assessment officer has taken into consideration the constraints of the site, particularly the ability to accommodate the required clearance for ramp access for a small rigid vehicle into the basement car park, provide a 4 storey shop top housing development that is consistent with the desired future character of the locality and comply with the height of buildings development standard. In this instance, the required clearance for the vehicle ramp would require a further increase in overall building height which would result in a built form and scale that will not complement the existing and desired future character of the Hall Street Town Centre.

The proposed ground floor tenancies are likely to be occupied by small business operations and will be subject to separate development applications where proposed uses must demonstrate site suitability including adequate servicing. Existing retail and commercial uses in Hall Street utilise on street loading spaces and this is a common practice within the locality. On balance that the proposed development presents a suitable built form and will contribute to the mixed use character of the locality, no provision for a small rigid vehicle is acceptable in this instance.

3.4.

Council's Traffic Engineer has provided conditions relating to traffic management and carparking design which have been included in the recommendation.

Stormwater

3.5.

The proposal was referred to Council's Stormwater Engineer who has raised no objection to the proposal subject to recommended conditions which have been included in the recommendation.

Tree Management

The proposal was referred to Council's Tree Management Officer who originally raised concerns regarding insufficient information submitted to identify the existing trees on the site and demonstrate the impact of the proposal on the trees to be retained.

Council's Tree Management Officer has reviewed the amended Arborist Report, tree survey and landscape plans, and is satisfied that the recommendations provided within the amended Arborist Report is capable of retaining the existing Holm Oak tree on the southern boundary of the site, subject to tree protection conditions that have been included in the recommendation.

Council's Tree Management Officer raises no objection to the proposed removal of two trees associated within the development consisting of one *Populus deltoides* (Cottonwood) street tree (Tree No. 4) and an existing *Howea forsteriana* – (Kentia Palm) identified as Tree No. 2 located at the centre of the site, subject to conditions including replacement tree planting.

Waste Management

3.6. The proposal was referred to Council's Waste Management Officer who recommended that the subject site consider a combined waste storage facility with the adjoining site at 34-38 Hall Street to minimise the presentation of bins on the street for collection. This recommendation cannot be achieved as the proposal is contained wholly within the subject site and Council cannot require works to be undertaken at an adjoining property unless it forms part of the subject application. As such, appropriate waste storage and management for the development must be contained within the subject site.

Council's Waste Management Officer has recommended waste storage and management conditions to ensure effective servicing of the site. These conditions have been included in the recommendation.

Green Travel Plan

3.7. The proposal was referred to Council's Green Travel Plan Officer who recommended conditions requiring reviews of the Green Travel Plan have been included in the recommendation.

4. CONCLUSION

The development application seeks consent for demolition of existing structures and construction of a four storey shop-top housing development comprising of three ground floor commercial tenancies, 15 apartments and two basement car parking levels at the site known as 26-32 Hall Street, Bondi Beach.

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

- Building height
- Side and rear setbacks
- Excavation to side boundaries
- Vehicular access and on site loading bay
- Remediation of land

The assessment finds these issues acceptable, subject to a deferred commencement condition regarding the design of the rear of the building.

A total number of 108 submissions (89 unique submissions) were received as a result of the original notification and renotification of amended plans. The issues raised in the submissions have been considered and addressed in this report and in the Recommendation. One Councillor submission was received from a Councillor and two submissions were received from the federal members of Vacluse and Wentworth.

There are no declared conflicts of interest relating to this application.

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

Development and Building Unit (DBU) Decision:



The application was reviewed by the DBU at the meeting on 27 September 2022 and the DBU determined:

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

DBU members: *M Reid, A Rossi, B McNamara and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be GRANTED DEFERRED COMMENCEMENT CONSENT 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:
	
Peggy Wong	Bridget McNamara
Senior Development Assessment Planner	Manager, Development Assessment (Reviewed and agreed on behalf of the Development and Building Unit)
Date: 29 November 2022	Date: 5 December 2022

Reason for WLPP 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

APPENDIX A – CONDITIONS OF CONSENT

Attachment A

The consent authority must be satisfied as to the following matters before the consent can operate.

DEFERRED COMMENCEMENT

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. The setback of the Level 2 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 8.1m from the southern boundary and demonstrate that the building is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.
2. The setback of the Level 3 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 11.2m from the southern boundary and demonstrate that the building, including any balconies or planter boxes, is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.

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.

These conditions must be satisfied within 1 year of the date of this consent.

Attachment B

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

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plans prepared by Bang Architecture Pty Ltd of Project No: 00007 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA102, Rev B	Demolition Plan	05.07.2022	22.07.2022
DA150, Rev B	Site Plan	05.07.2022	22.07.2022
DA200, Rev B	Ground Floor Plan	05.07.2022	22.07.2022
DA201, Rev B	Level 1 Floor Plan	05.07.2022	22.07.2022
DA202, Rev B	Level 2 Floor Plan	05.07.2022	22.07.2022
DA203, Rev B	Level 3 Floor Plan	05.07.2022	22.07.2022
DA250, Rev B	Roof Plan	05.07.2022	22.07.2022
DA290, Rev B	Basement 1 Floor Plan	05.07.2022	22.07.2022
DA291, Rev B	Basement 2 Floor Plan	05.07.2022	22.07.2022
DA300, Rev B	North East Elevation	05.07.2022	22.07.2022
DA301, Rev B	South East Elevation	05.07.2022	22.07.2022
DA302, Rev B	South West Elevation	05.07.2022	22.07.2022
DA303, Rev B	North West Elevation	05.07.2022	22.07.2022
DA310, Rev B	Section A-A	05.07.2022	22.07.2022
DA311, Rev B	Section B-B	05.07.2022	22.07.2022
DA312, Rev B	Section C-C (driveway)	05.07.2022	22.07.2022
DA313, Rev B	Section D-D	05.07.2022	22.07.2022
DA314, Rev B	Section E-E	05.07.2022	22.07.2022
DA600, Rev B	Selected adaptable units	05.07.2022	22.07.2022
DA610, Rev B	Pre & Post Unit 104 & 204	05.07.2022	22.07.2022
DA611, Rev B	Pre & Post Unit 301	05.07.2022	22.07.2022

- (b) Landscape Plan No. LP01-2521 to LP05-2521 (inclusive), all Revision C and documentation prepared by Tanya Wood Landscape Architecture, dated 15 July 2022 and received by Council on 22 July 2022
- (c) BASIX and NatHERs Certificate/s
- (d) Arborist Report prepared by L&Co and received by Council on 22 July 2022
- (e) Schedule of external finishes and colours, Drawing No. DA330, Revision B, prepared by Bang Architecture Pty Ltd, dated 5 July 2022 and received by Council on 22 July 2022
- (f) The Operational Waste Management Plan (Report No. 3478), Revision C, dated 13 July 2022 and prepared by Elephants Foot Company, and received by Council on 22 July 2022

- (g) Detailed Site Investigation Report prepared by EI Australia (Report No. E25364.E02_Rev0) dated 27 October 2022 and received by Council on 28 October 2022
- (h) Geotechnical Investigation Report prepared by EI Australia (Report No. E25361.G03_Rev1) dated 18 July 2022 and received by Council on 22 July 2022

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. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) The proposed new masonry wall adjacent to the south-eastern boundary adjoining the existing brick boundary wall at 1 Jacques Avenue must not exceed the height of the existing boundary wall measuring at RL18.32 to minimise additional visual bulk and scale impacts when viewed from 1 Jacques Avenue.
- (b) Ceiling fans must be provided in every habitable room.

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

3. ARCHAEOLOGICAL ASSESSMENT

Prior to carrying out of any excavation works, an archaeological assessment is to be undertaken by a suitably qualified consultant and an Archaeological watching brief is to be established to determine and manage any findings of Aboriginal artifacts or European activities post 1788 in accordance with the provisions within the NSW Heritage Act.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

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

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **\$188,431.58** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

PLAN DETAILS

9. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

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

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

10. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

11. BASEMENT STORAGE

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

12. ADAPTABLE HOUSING

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

13. UNIVERSAL HOUSING

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

CONSTRUCTION MATTERS

14. HOARDING

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

15. EROSION & SEDIMENT CONTROL

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

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

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

16. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

17. ENGINEERING DETAILS

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

18. TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING AND MIXED USE DEVELOPMENTS

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

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

TRAFFIC MANAGEMENT

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

STORMWATER & FLOODING

20. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted Water Management Plan prepared by Glenn Haig & Partners, Drawing No. H000, H101, H102, H103, H104, H201, SW001, REV B, dated 19/07/2022 is considered concept only.

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

- (a) Permissible site discharge (PSD) for new development is a 5 minute, 1 in 5-year storm event with fraction imperviousness of 0.1. Please recalculate PSD, orifice and OSD sizing accordingly.
- (b) Kerb & Channel connection preferred. Only one connection type allowed
- (c) If connection to Council's below ground drainage system (road reserve) is only option, provide following:
 - (i) Invert of connecting pipe at or above top third of Council pipeline
 - (ii) Pipe cut flush with internal wall of pit and pipe to enter pit perpendicular to pit wall
 - (iii) Non-return valve installed at outlet pipe at connection point within Council's stormwater line
 - (iv) Detailed survey (footpath, kerb, buildings, walls, stairs, etc)
 - (v) Design alignment and details of proposed pipe material, size, class
 - (vi) Location of all stormwater pits and pit types proposed
 - (vii) Calculations showing proposed system has capacity greater than existing system being replaces
 - (viii) Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP), at Council's discretion
 - (ix) Will not increase or concentrate flooding on any private property (incl. site being developed) or road reserve. Supporting evidence includes details and modelling of any surcharge that will occur at downstream end of proposed drain
 - (x) Long section and detail (e.g. location of existing service crossings & clearances, existing surface levels, and invert of existing pipe and invert of outlet pipe) including hydraulic grade line.

- (d) Please provide calculations of gutter sizing for 1% AEP storm event and min. number of downpipes required.
- (e) Sump pit with depth greater 1.2m to be fitted with step irons.
- (f) Grated pits larger than 600mm x 600mm to have hinged cover
- (g) For pits, please provide following information:
 - (i) Pit dimensions
 - (ii) Typical detail and benching (for both pits and sump pits)
- (h) Grated box drain at property boundary to have minimum base slope 2%.
- (i) Grates galvanised steel grid type. Heavy duty where subjected to vehicular loading.
- (j) As connecting into Council pipe network downstream that is prone to inundation, hydraulic calculations required with appropriate tailwater condition to show adequate capacity.
- (k) Allow provision for overland flow / collection from rear of property.
- (l) 3,000 L rainwater tank required as per BASIX report. Provide detail and show on plans. Connected to minimum 350 sq.m roof area.
- (m) Floor level to be minimum 0.15m above adjacent ground level. Please redesign accordingly.
- (n) OSD design:
 - (i) All flow to be directed through OSD system (bypassing not permissible). Please redesign accordingly.
 - (ii) Sump to be provided within OSD. Depth is maximum of (1.5m x orifice dia below centre of orifice, 0.2m). Weepholes to be provided, founded on compacted granular base.
 - (iii) Provide child proof locking system on below ground OSD.
 - (iv) Provide calculations showing that 1% AEP flow can be adequately conveyed via overflow into Council drainage network.
 - (v) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below-ground OSD tank structure shall be cast in-situ concrete based.
- (o) Pump design:
 - (i) Add note 'Pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8'. Ensure pump meets these requirements.
 - (ii) Provide audible alarm set to activate when water level in storage reaches pre-determined level. Alarm system to comprise of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance of the basement in case of pump failure. Minimum 150mm freeboard from pump out system to all parking spaces and full hydraulic details and pump manufacturers specification to be provided.
 - (iii) Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.
- (p) A non-return valve is to be installed at the outlet pipe at the connection point with Council's stormwater line so that stormwater cannot surcharge back into the property disposal system.
- (q) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building by a Registered Structural Engineer's design.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- 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 Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

21. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

22. BASIX

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

23. ENERGY EFFICIENCY

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

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

24. REFLECTIVITY REPORT

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

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m². A candela is the base unit

- for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.
 - (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

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

WASTE

25. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

26. WASTE STORAGE AREAS

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

- **Residential**
 - 7 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly
 - 7 x 240L MGBs for paper and cardboard recycling collected fortnightly
 - 7 x 240L MGB for container recycling collected fortnightly
 - 1 x 140L MGB for garden organic waste should this be generated on the property
 - 4m² storage space must be allocated for bulky household waste awaiting collection as well as 1m² for additional waste streams, for a total of 5m²
- **Commercial**
 - 3 x 660L MGBs for general waste, collected 3x per week
 - 2 x 660L MGBs for paperboard recycling, collected 2x per week
 - 2 x 660L MGBs for comingled recycling, collected 2x per week
 - Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.
 - Extra space is required for equipment needed to move bins
 - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

LANDSCAPING & TREES

27. GREEN ROOF LANDSCAPING DETAILS

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

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

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

28. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

29. DILAPIDATION REPORT

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

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

Note: 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. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

30. VERMIN AND RAT CONTROL

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

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

31. CONSTRUCTION SIGNS

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

DEMOLITION & EXCAVATION

32. REMEDIAL ACTION PLAN

A Remedial Action Plan is required to be prepared by suitably qualified person who is experienced in contaminated land issues, to address the recommendations in the Detailed Site Investigation Report prepared by EI Australia (Number: E25364.E02_Rev0) and dated 27 October 2022.

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

NOTE: Where the Site Audit Statement is subject to conditions that require on going review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Environmental Guidelines "Assessment, Classification and Management of Non-Liquid Wastes". 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 transporter, 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 DECC.

33. SITE CONTAMINATION - REMEDIATION WORKS

- (a) Remediation and validation works shall be carried out in accordance with a specially prepared Remediation Report prepared by a suitably qualified person and who is experienced in contaminated land issues.
- (b) Any variation to the Remedial Action Plan shall be approved by the suitably qualified person who is experienced in contaminated land issues in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.
- (c) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.

34. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works (where remediation is required) on-site:

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

35. SITE CONTAMINATION - VALIDATION REPORT

- (a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:
- (b) Description and documentation of all works performed;
- (c) Results of validation testing and monitoring;
- (d) Validation results of any fill imported on to the site;

- (e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and
- (f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

36. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

37. HAZARDOUS MATERIALS

A hazardous materials survey is to be carried out by a suitable qualified consultant/ occupational hygienist prior to any demolition works.

Should any hazardous or intractable wastes arising from the above survey be identified on site, it must be handled, removed and disposed of in accordance with the requirements NSW WorkCover Authority and the DECC, and in accordance with the provisions of:

- (a) New South Wales Occupational Health and Safety Act, 2000;
- (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- (d) Protection of the Environment Operations Act 1997 (NSW) and
- (e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

38. 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).

39. SITE HEALTH & SAFETY PLAN

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

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

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

40. HAZARDOUS MATERIALS SURVEY

The "recommendations" as outlined in the Hazardous Materials Survey report prepared by EI Australia Pty Ltd [**Reference No. E253640.E10_Rev 0**] dated 2 November 2021 shall be implemented.

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

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

41. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

42. NOISE MANAGEMENT PLAN - DEMOLITION EXCAVATION & CONSTRUCTION

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

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

43. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

44. 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.

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 excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

45. CONSTRUCTION HOURS

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

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

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

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

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

47. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002*, clause 162A of

the *Environmental Planning and Assessment Regulation 2000* and the requirements of any other applicable legislation or instruments.

48. CERTIFICATE OF SURVEY - LEVELS

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

49. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

50. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

51. 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.

- 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.
- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

52. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed:

Tree No.	Species	Location	Action
T 1	<i>Quercus ilex</i> (Mediterranean Holm Oak)	On boundary of site and 15 Consett Avenue	Retain and protect, no work within the SRZ 54.8m
T 2	<i>Howea forsteriana</i> (Kentia Palm)	On-site	Remove as per Arborist report.
T 3	<i>Populus nigra var italica</i> (Lombardy poplar)	Street tree	Retain and protect
T 4	<i>Populus nigra var italica</i> (Lombardy poplar)	Street tree	Remove and replace

53. STREET TREES TO BE REMOVED

Permission is granted to remove the two (2) ***Populus nigra var italica*** (Lombardy poplar) on the Hall Street nature strip. All work to be undertaken by qualified arborists (AQF Level 5) with full public liability insurance.

- Replacement trees consisting of two (2) ***Banksia integrifolia*** (coast Banksia) are to be provided at a minimum pot size of 400 Litres when planted. The trees are to be planted prior to any Occupation Certificate.
- The trees are to be planted by a horticulturist (Min qualification AQF Level 3).
- A bond of \$ 8,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the two (2) newly planted ***Banksia integrifolia*** (coast

Banksia) and trees on the naturestrip along Hall Street. The bond is to be lodged prior to the issue of any Occupation Certificate.

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

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

54. 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.

55. 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.

56. 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.

57. CAR PARKING

A total of 28 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

- (a) 19 residential parking spaces
- (b) 3 residential visitor parking spaces
- (c) 6 retail parking spaces
- (d) 3 of the spaces to be a disabled space with adjacent shared area in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities
- (e) 2 'Level 2' AC fast electric vehicle charging points to be installed
- (f) 1 electric charging point and parking space for bicycles and motor scooters.

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces are to be appropriately signposted and parked.

58. BICYCLE PARKING

A minimum of 19 bicycle parking spaces are to be provided within the development.

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

The bicycle 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. Signage and line-marking (way finding) is to be provided to guide

visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

59. MOTORCYCLE PARKING

A **minimum** of 9 motorcycle parking spaces are to be provided within the development.

60. PARKING PERMITS

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

61. HEADROOM CLEARANCE

The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.

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

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

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

CERTIFICATION AND LICENCES

62. FINAL OCCUPATION CERTIFICATE

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

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

63. CERTIFICATION OF BASIX COMMITMENTS

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

64. CERTIFICATION OF APPROVED DESIGN

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

65. CERTIFICATION OF BASIX COMMITMENTS

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

66. CERTIFICATION OF LANDSCAPING

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

67. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

68. CERTIFICATION OF ALL MECHANICAL PLANT

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

69. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) as well as the recommendations made in the acoustic report have been satisfied

70. FOOD PREMISES

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

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

71. REFRIGERATION UNITS & MECHANICAL PLANT

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

72. NOISE – ACOUSTIC REPORT

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

Note: Any management measures recommended in the acoustic report shall be incorporated into a

Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

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

https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent

MANAGEMENT PLANS

73. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.

- (h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
- (i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
- (j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
- (k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
- (l) At no times shall bins or other products (e.g. milk/bread crates) be stored on the public domain (e.g. footpaths).
- (m) Details of ongoing waste management strategy are to be documented within the SWRMP.

74. GREEN TRAVEL PLAN

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

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

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

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

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

OTHER MATTERS

75. 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.

76. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

E. OPERATIONAL MATTERS

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

77. AIR EMISSIONS

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

78. NOISE EMISSIONS

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

79. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

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.

80. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

81. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Koikas Acoustics Pty Ltd [Reference No. 5029R20210920mj26-32HallStreetBondi_DAv2.docx] dated 26 October 2021 shall be implemented.

82. VEHICLE ACCESS

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

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

83. ON SITE GARBAGE COLLECTION

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

84. ADJUSTMENTS TO STREET SIGNS

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

85. DELIVERY OF GOODS

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

86. WASTE MANAGEMENT PLAN REVIEW

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

87. LITTER CHECKS (FOOD & DRINK PREMISES)

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

- Please read your conditions carefully.
- Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au or via the NSW Planning Portal (if required).
- Attention the documentation to the relevant officer/position of Council (where known/specified in condition).
- Include DA reference number.
- Include condition number/s seeking to be addressed.

- Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example).
- Information to be submitted in digital format – refer to ‘Electronic lodgement guidelines’ on Council’s website. Failure to adhere to Council’s naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note, in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council’s standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. BONDI - ROSE BAY SAND BODY

This site may be located within the Bondi - Rose Bay Sand Body as identified in Council’s Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be

discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

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

AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD8. SEPARATE APPLICATION FOR SIGNAGE

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

AD9. TREE REMOVAL/PRESERVATION

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

AD10. SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD11. 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. No exclusive use of common property shall occur without the prior consent of Council.

AD12. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD13. SITE RECTIFICATION WORKS

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

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

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

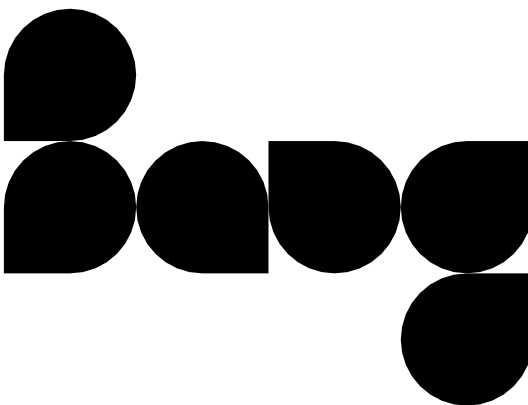
AMENDED PLANS

26-32 HALL

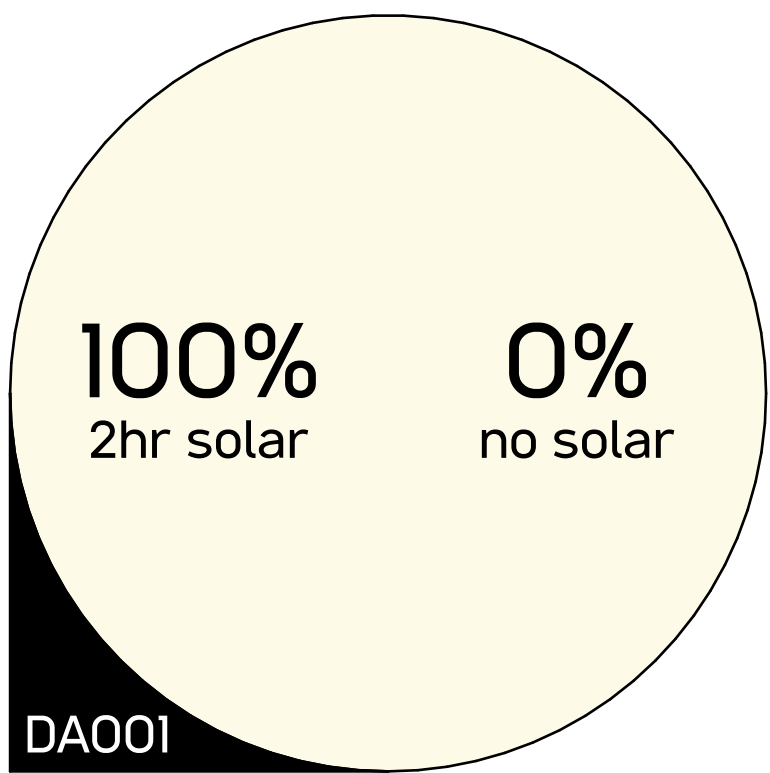
26-32, Hall Street
Bondi NSW 2026 Australia
Development Application

00007

DAO Project information			Project Partners
DA000	B	Title page	Refer to consultant documentation when directed
DA001	B	Project summary	Town planner - LK Planning
DAI Site information			Access consultant - Design Confidence
DAI00	B	Site analysis	BCA consultant - Design Confidence
DAI01	B	Survey plan	Acoustic engineer - Kokas Engineers
DAI02	B	Demolition plan	Arborist - Laurence & Co
DAI03	B	Site location	Basix & Nethers - AGA Consultants
DAI50	B	Site plan	Fire safety - Design Confidence
DA2 Floor plans			Geotechnical engineer - Environmental Investigations
DA200	B	Ground	Contamination engineer - Environmental Investigations
DA201	B	Level 1	Heritage architect - Weir Phillips Heritage Architects
DA202	B	Level 2	Land surveyor - Geostata
DA203	B	Level 3	Landscape architect - TWILA
DA250	B	Roof	Quantity surveyor - Berco Consulting
DA290	B	Basement 1	Electrical engineer - N/A
DA291	B	Basement 2	Mechanical engineer - N/A
DA30 Elevations			Hydraulic engineer - Glenn Haigh and Partners
DA300	B	North East	Structural engineer - Mark Lindsay Consulting
DA301	B	South East	Stormwater & Flood engineer - Glenn Haigh and Partners
DA302	B	South West	Traffic engineer - Traffic
DA303	B	North West	Waste consultant - Elephants Foot
DA31 Sections			
DA310	B	A-A	
DA311	B	B-B	
DA312	B	C-C (driveway)	
DA313	B	D-D	
DA314	B	E-E	
DA3 Elevations & Sections			
DA330	B	Materiality	
DA35 Visualisation			
DA350	B	Perspective I	
DA351	B	Perspective II	
DA352	B	Perspective III	
DA4 Solar analysis			
DA400	B	9 AM June 22	
DA401	B	10 AM June 22	
DA402	B	11 AM June 22	
DA403	B	12 PM June 22	
DA404	B	1 PM June 22	
DA405	B	2 PM June 22	
DA406	B	3 PM June 22	
DA5 Compliance diagrams			
DA500	B	Solar Access	
DA510	B	Cross ventilation	
DA520	B	Landscaped area	
DA530	B	Communal open space	
DA540	B	Deep soil	
DA550	B	Storage calculation	
DA560	B	Unit mix	
DA570	B	Gross floor area	
DA580	B	Height plane	
DA6 Adaptable units			
DA600	B	Selected adaptable units	
DA610	B	Pre & Post Unit 104 & 204	
DA611	B	Pre & Post Unit 301	
DA7 Notification plans			
DA700	B	Site plan	
DA701	B	Elevations	
DA9 Sepp65 Design quality principle			
DA900	B	Design Verification Statement	
DA901	B	Principle 1	
DA902	B	Principle 2	
DA903	B	Principle 3	
DA904	B	Principle 4	
DA905	B	Principle 5	
DA906	B	Principle 6	
DA907	B	Principle 7	
DA908	B	Principle 8	
DA909	B	Principle 9	
DA910	B	ADG compliance summary	



AMENDED PLANS



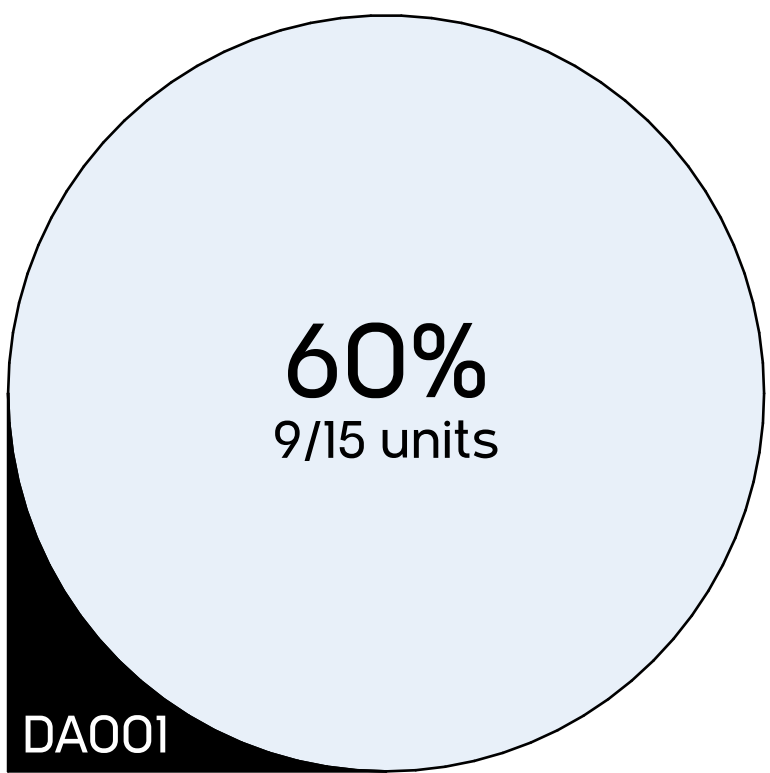
Solar Access

Objective 4A-1
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

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

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

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

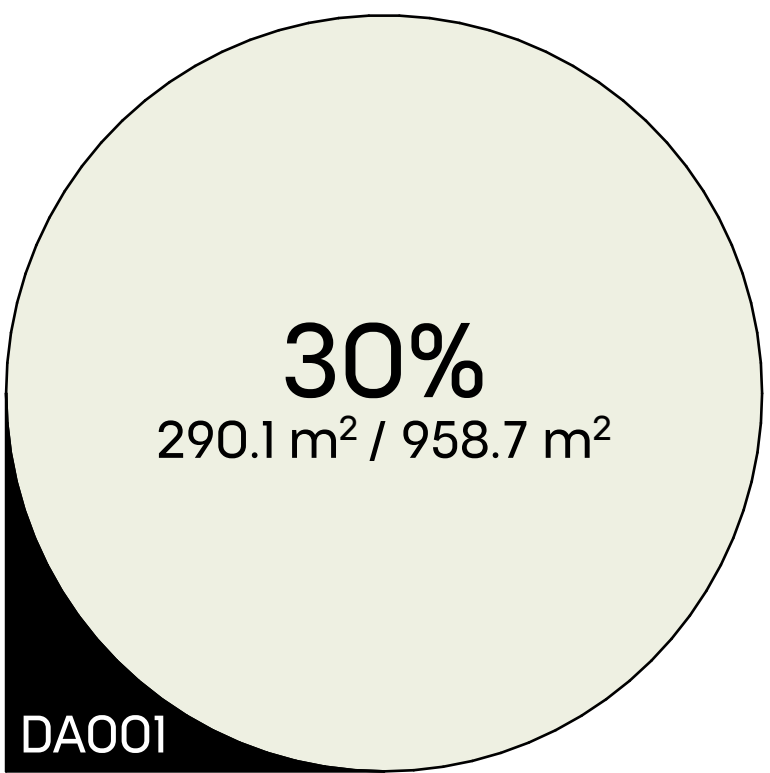


Cross Ventilated units

Apartment Design Guide

Objective 4B-3
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

Design criteria
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.
Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line



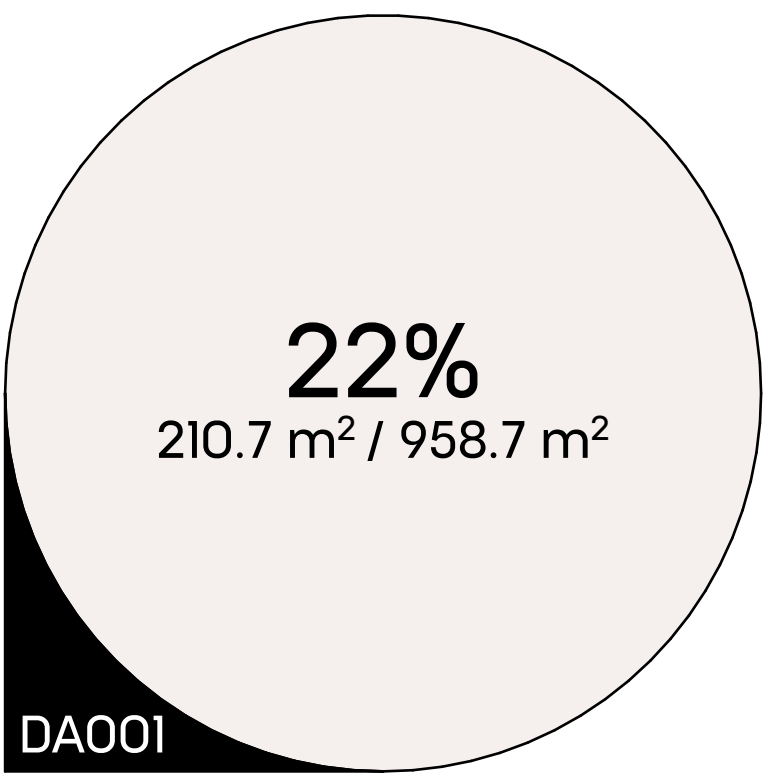
Landscaped area

Waverley Council Development Control Plan 3.9

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

Objectives
(a) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.
(b) To encourage mature and substantial tree planting to improve the amenity of developments.
(c) To allow for landscaping to provide screening between buildings.
(d) To ensure landscaped areas are useable and maintainable spaces that contribute to the existing landscape character of the street.
(e) To minimise the extent of impervious areas and facilitate rainwater infiltration.
(f) To influence the microclimate of open space within the development.

Controls
(a) Development is to comply with the provisions of Part B3 Landscaping and Biodiversity.
(b) 30% of the site area is to be provided as landscaped area.
(c) 50% of the landscaped area must be deep soil zone.
(d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting.
(e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.
(f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.
(g) For developments with podium landscaping, compliance with Section B3 Landscaping and Biodiversity is required.



Communal open space

Apartment Design Guide

Objective 3D-1
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

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

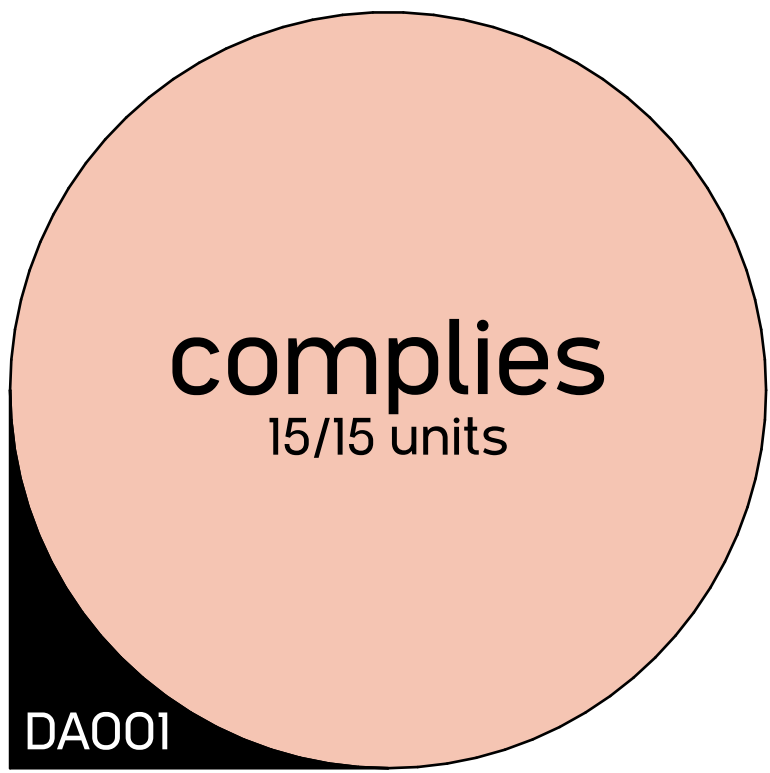
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

Waverley Council Development Control Plan 3.10

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

Controls
(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.
(b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.
(c) Communal open space is to: (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
(ii) Be located so that solar access is maximised.
(iii) Provide a landscape buffer between buildings.
(iv) Be designed to a high quality, and allow for landscaping and seating.
(v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).

(g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.
(h) Communal open space is to be accessible to all dwellings within a development.
(i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.
(j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.



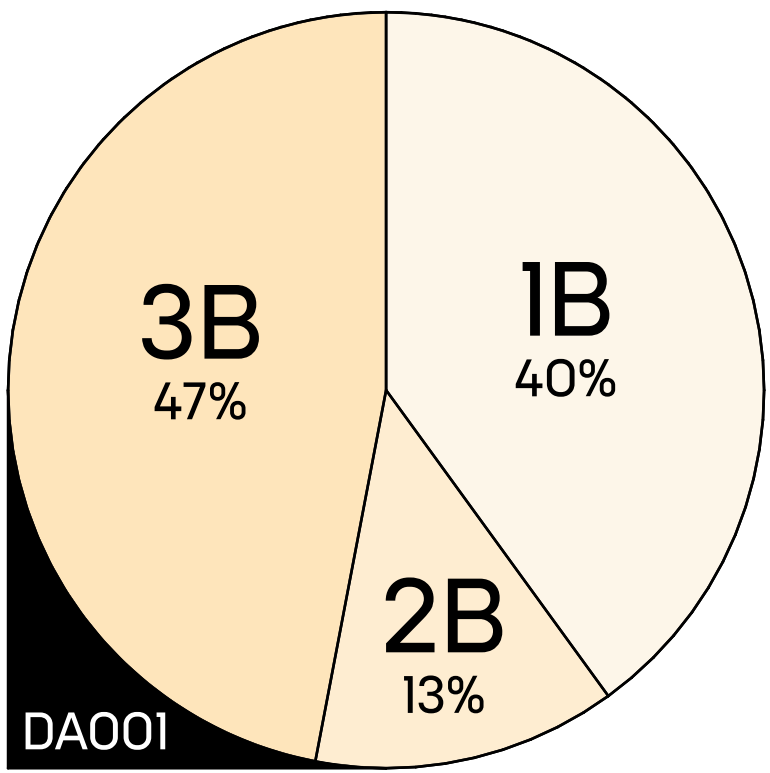
Storage allocation

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

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

Dwelling type	Storage size/volume
Studio apartments	4m ³
1 bedroom apartments	6m ³
2 bedroom apartments	8m ³
3+ bedroom apartments	10m ³

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



Unit mix

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

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

Dwelling type	Storage size/volume
Studio apartments	4m ³
1 bedroom apartments	6m ³
2 bedroom apartments	8m ³
3+ bedroom apartments	10m ³

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

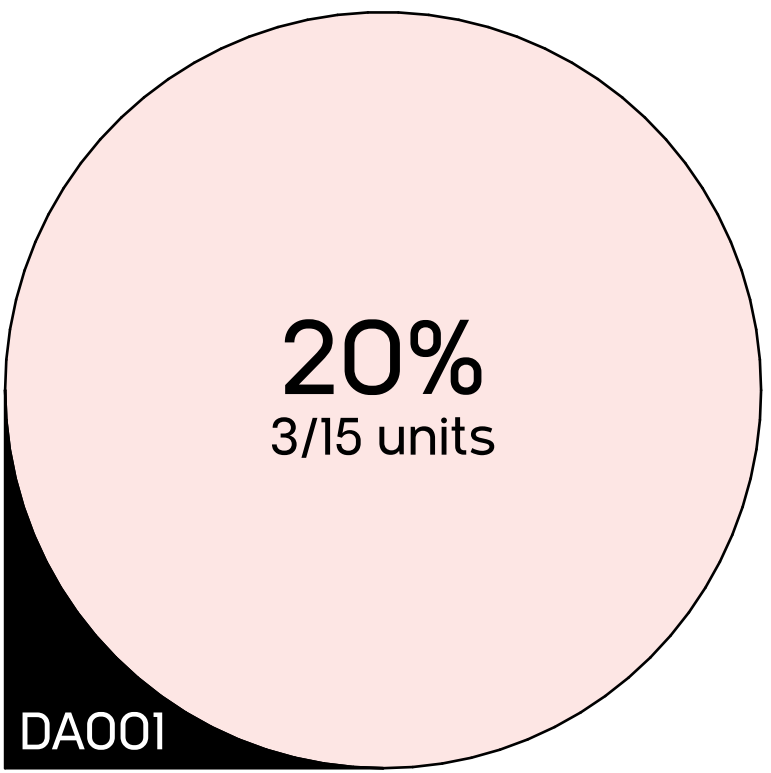


Gross Floor Area

Sydney Local Environmental Plan 2012

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 14 metres above the floor, and includes—

(a) the area of a mezzanine, and
(b) habitable rooms in a basement or an attic, and
(c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
(d) any area for common vertical circulation, such as lifts and stairs, and
(e) any basement—
(f) storage, and
(g) vehicular access, loading areas, garbage and services, and
(h) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
(i) car parking to meet any requirements of the consent authority (including access to that car parking), and
(j) any space used for the loading or unloading of goods (including access to it), and
(k) terraces and balconies with outer walls less than 14 metres high, and
(l) voids above a floor at the level of a storey or storey above.



Adaptable units

Waverley Council Development Control Plan 7.2 Adaptable Dwellings

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

Objectives
(a) To ensure adequate adaptable housing is provided for within new residential development to accommodate occupants' changing needs over time.
(b) To ensure adaptable dwellings are included within residential development in accordance with the relevant Australian Standards.

Controls
(a) Plans identifying adaptable housing are to be submitted in accordance with the Waverley Development Application Guide.
(b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.
(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.
(d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.

NatHERS Specifications

These are the specifications upon which the NatHERS assessment is based. *Details included in these Specifications vary from other drawings or other specifications. These Specifications shall take precedence if any one specification option is selected for a building element that specification must apply to all instances of that element for the project.					
Windows	Glazing	Frame	U-value	SHGC	Detail
Default	Single glazed, low E high solar gain	Aluminium	5.4	0.49	Window types: awning, bi-fold, casement – Cladding generally
Default	Single glazed, low E high solar gain	Aluminium	5.4	0.58	Window types: sliding window door, double hung, fixed – Cladding generally
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning, bi-fold, casement – for unit 303, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window door, double hung, fixed – for unit 303, all glazing
**The glazing type and frame description are indicative only. The U-value and SHGC performance figures must be met to achieve compliance					
Daylights	Glazing	Frame	U-value	SHGC	Detail
None					
External walls	Construction	Added insulation	Detail		
Concrete		R 1.5	As per drawings		
Internal walls	Construction	Added insulation	Detail		
Chimney or brick		None	Walls within units		
Walter + stud		None	Party walls between units		
Walter + stud		R 1.5	Walls separating units from common rooms		
Concrete		R 1.5	Walls separating units from stairwells and lifts		
Floors	Construction	Added insulation	Detail		
Concrete		R 1.5	General		
Concrete		R 1.5	For units 101, 102, 106, 108, floors over open air and non-conditioned areas		
Ceilings	Construction	Added insulation	Detail		
Interiors		See roof and below			
Roof	Construction	Added insulation	Detail		
Concrete		R 1.5	For units 205, 206		
Concrete		R 2.0	For units 301, 302, 303		
Other requirements					
All walls, windows and doors must be sealed to prevent air infiltration.					

26-32 HALL Development Application

Council: Waverley Council
LEP Land Zoning: B4 Mixed Use
LEP Height Control: 13 Metre
Allowable FSR: FSR 2:1 m²
Site area: 958.7 m²

AMENDED PLANS



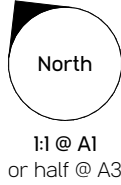
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Australian Institute of Architects
Member number 208889
ABN: 84649431872

● Client Info
Vaughan Blank
STM/23 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

● 00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application



● Rev Change Name
A DA SUBMISSION
B COUNCIL RFI RESPONSE SUBMISSION

Date
22/07/2021
5/07/2022

Dwn by
WM

Ckd by
WM

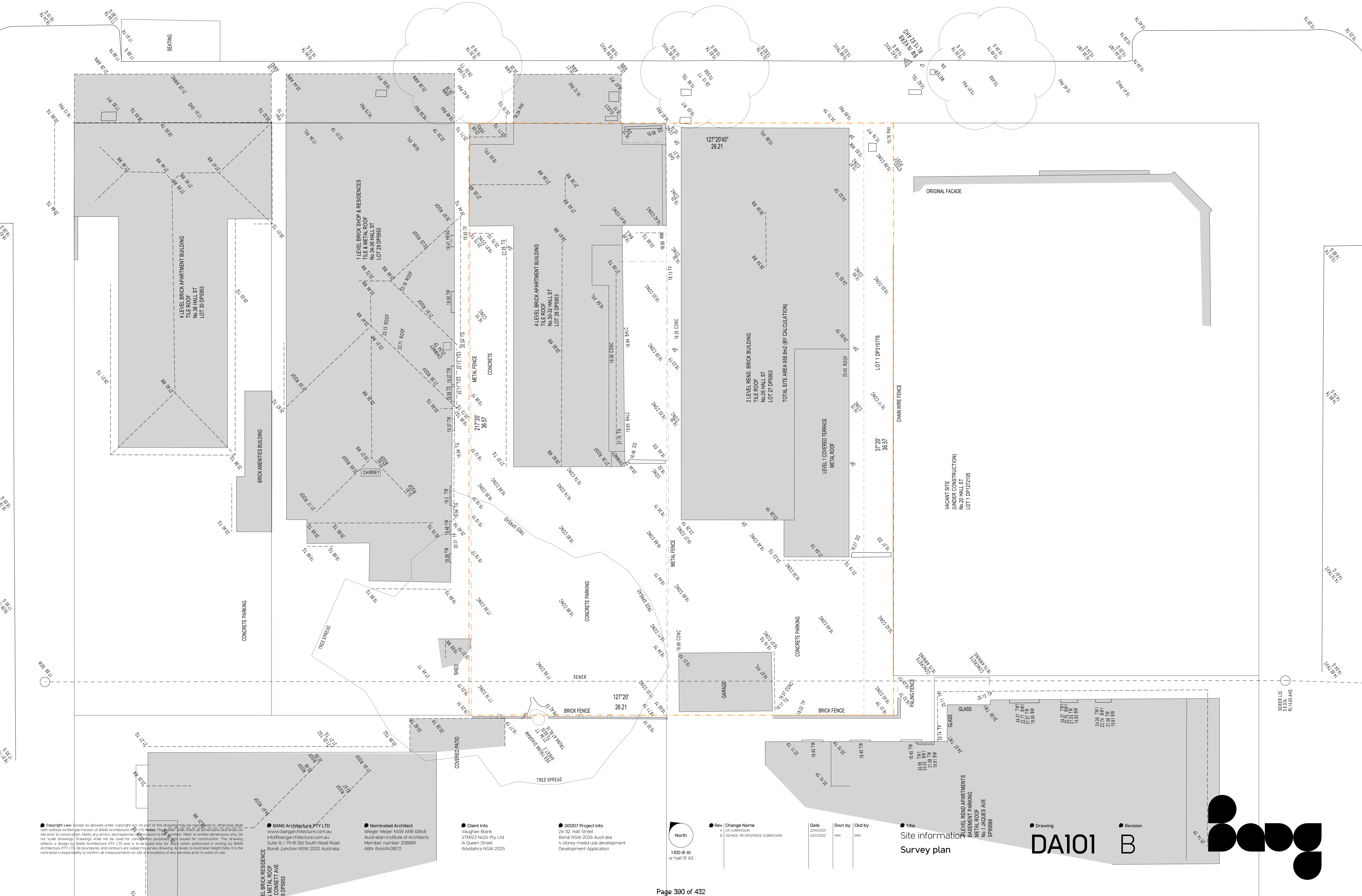
● Title
Site information
Site analysis

● Drawing
DA100
● Revision
B



HALL STREET

AMENDED PLANS



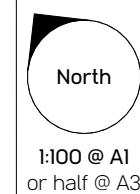
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57/1023 No.26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

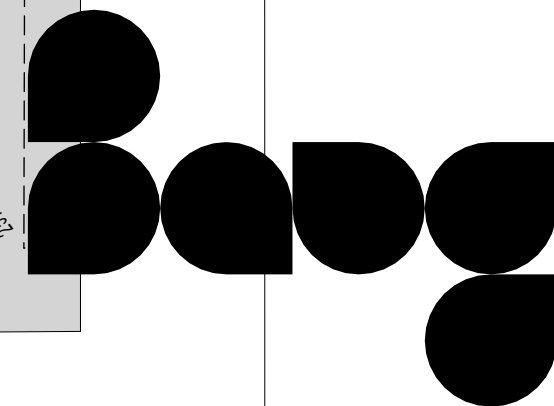


Rev Change Name
A 1000 @ A1
or hall @ A3

Date 22/07/2022
Down by WM
Ckd by WM

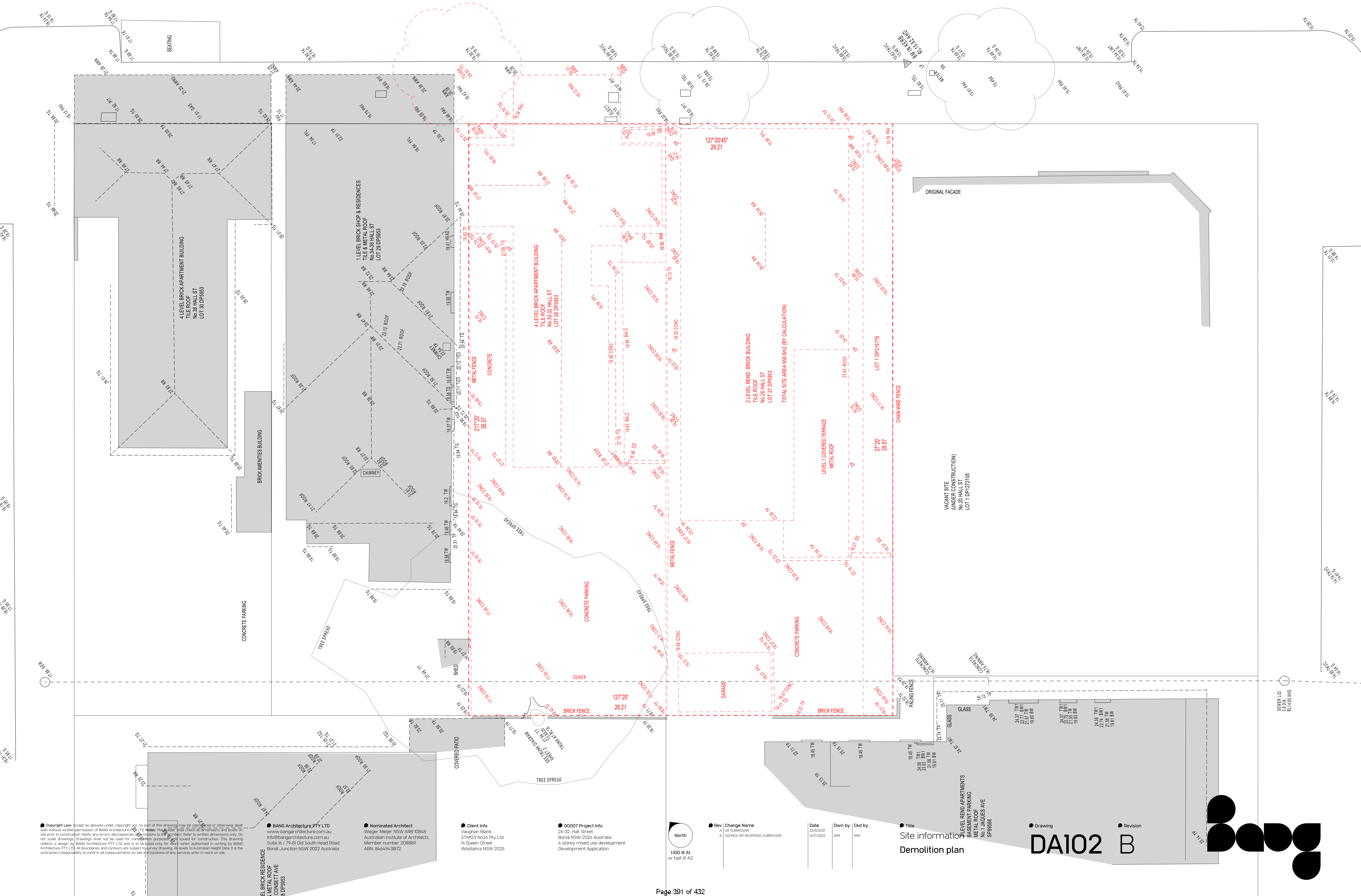
Title
Site information
Survey plan

Drawing
DA101
Revision
B



HALL STREET

AMENDED PLANS



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Client Info
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STW023 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

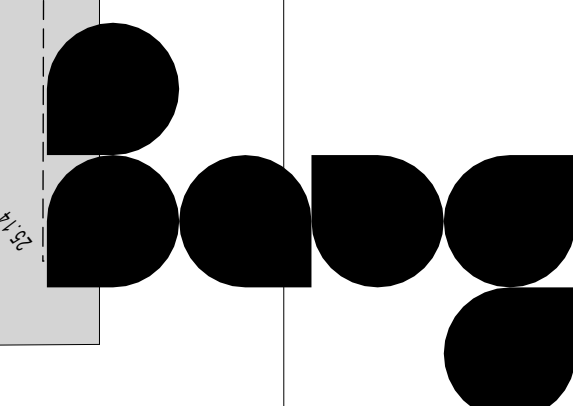
Rev Change Name
A DA SUBMISSION
B COUNCIL RFI RESPONSE SUBMISSION

Date 22/07/2022
Down by WM
Ckd by WM

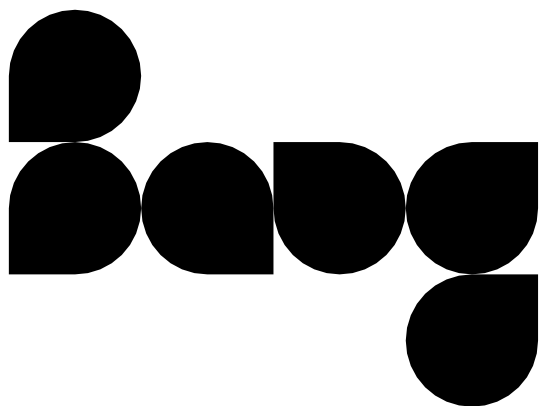
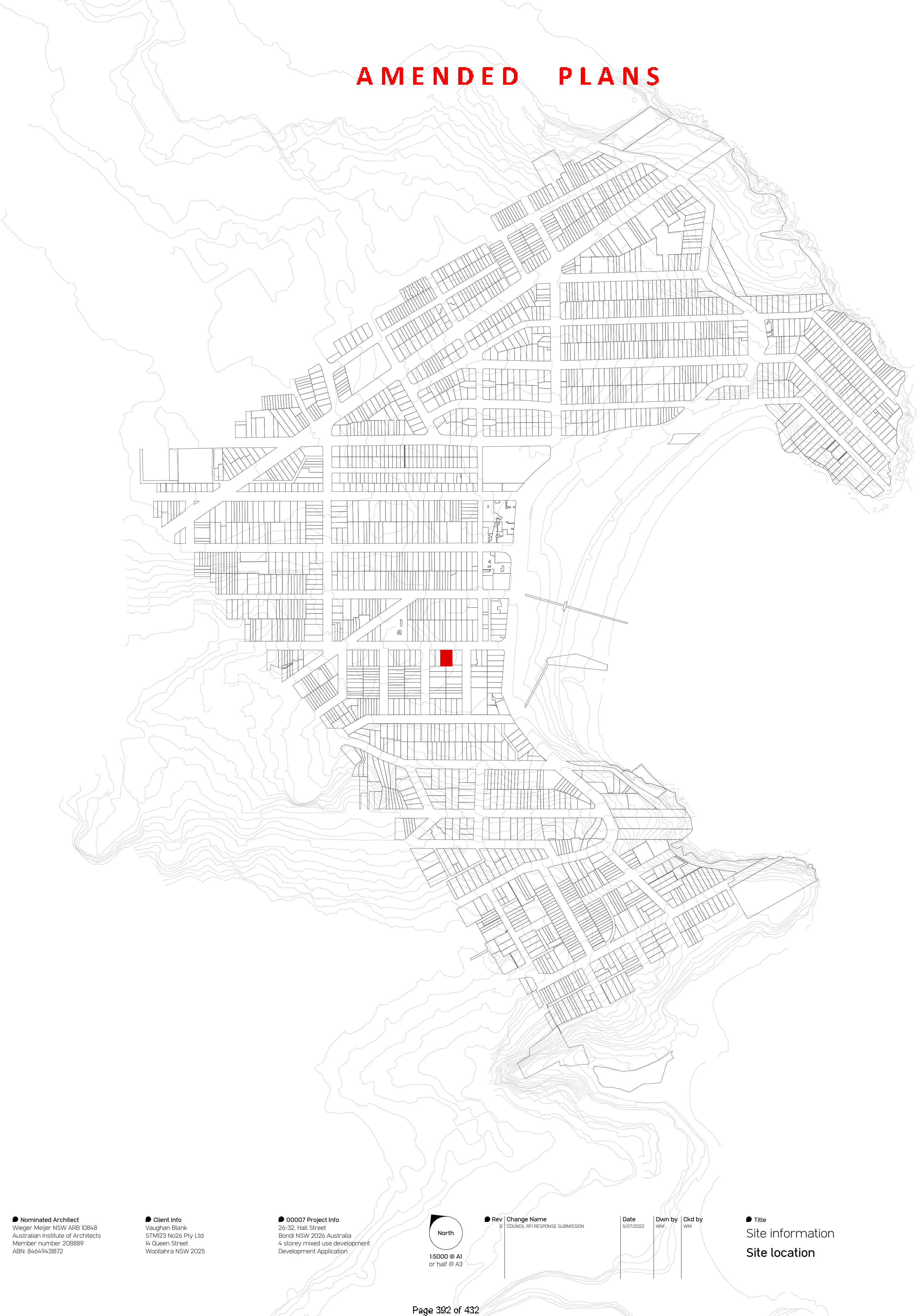
Title
Site information
Demolition plan

Drawing
DA102 B

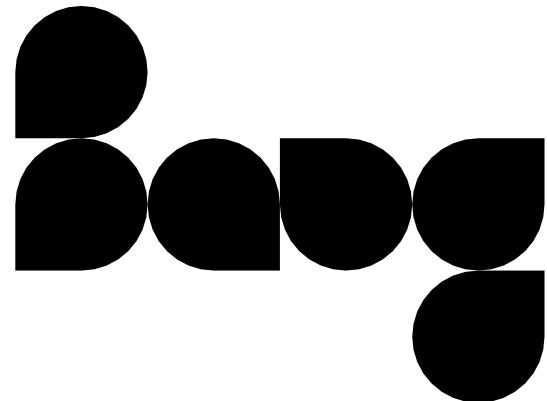
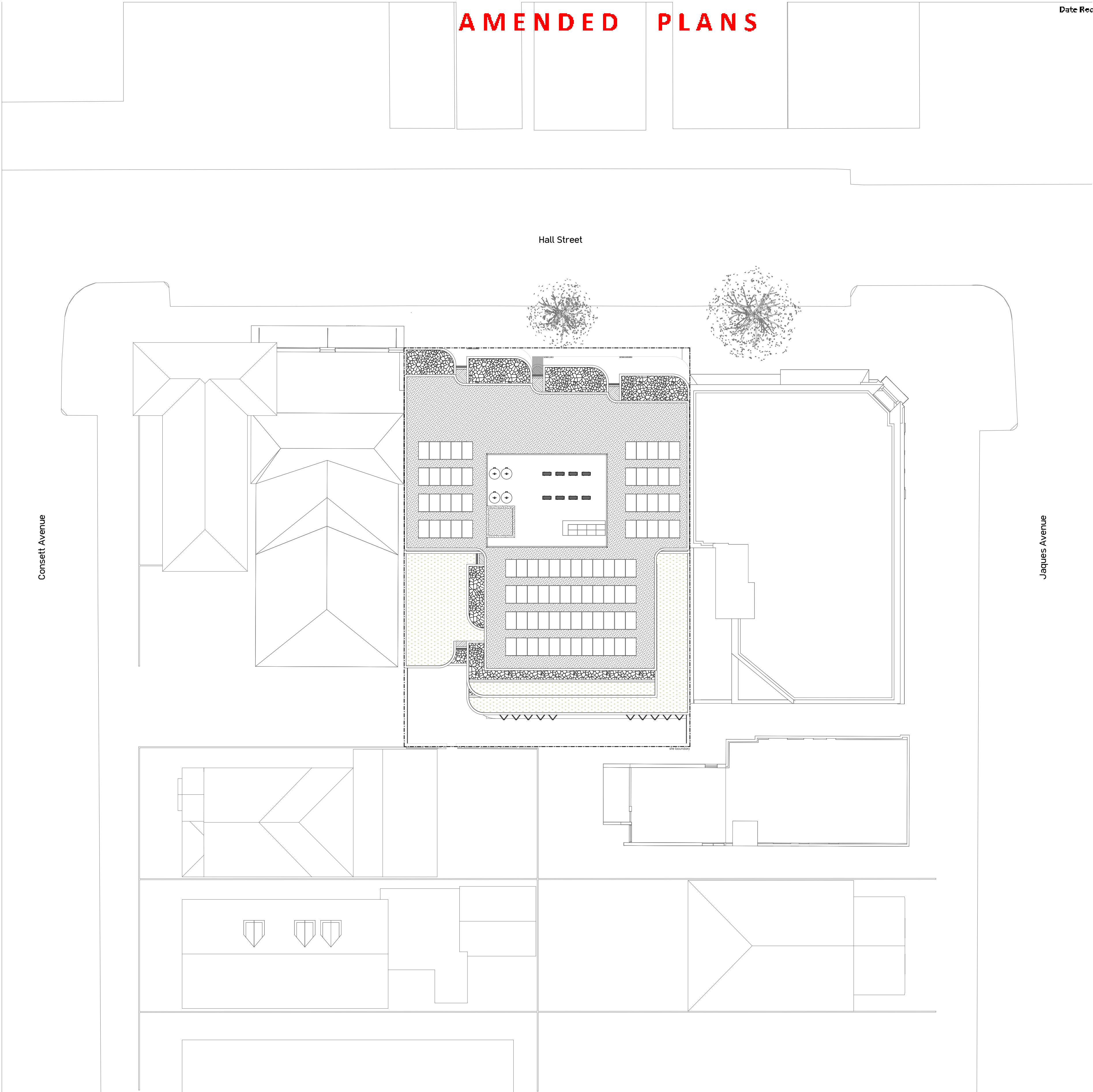
Revision



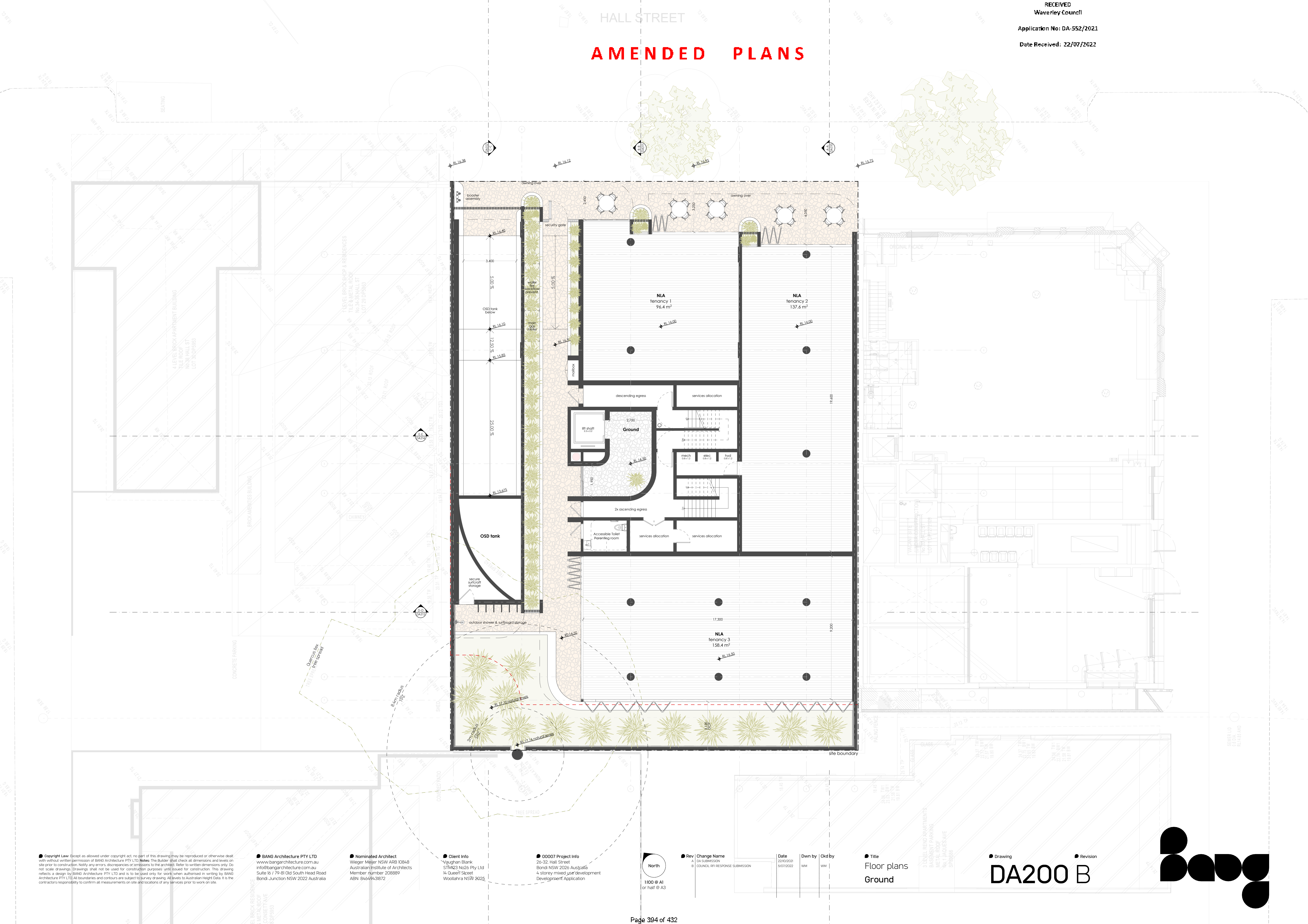
AMENDED PLANS



AMENDED PLANS



AMENDED PLANS



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Client Info
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STW423 No26 Pty Ltd
14 Queen Street
Woolahra NSW 2025

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use/development
Development Application

North
1:100 @ A1
or half @ A3

Rev Change Name
A DA SUBMISSION
B COUNCIL RFI RESPONSE SUBMISSION

Date
22/07/2021
5/07/2022

Dwn by
WM

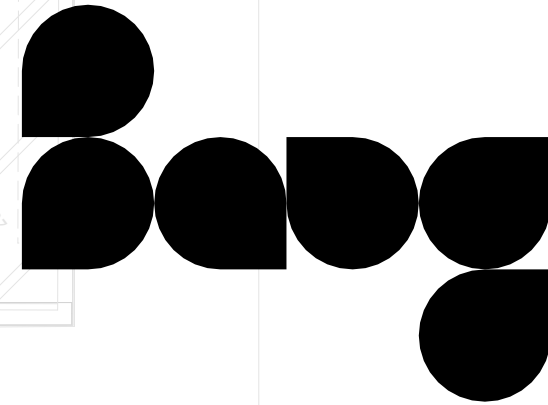
Ckd by
WM

Title
Floor plans
Ground

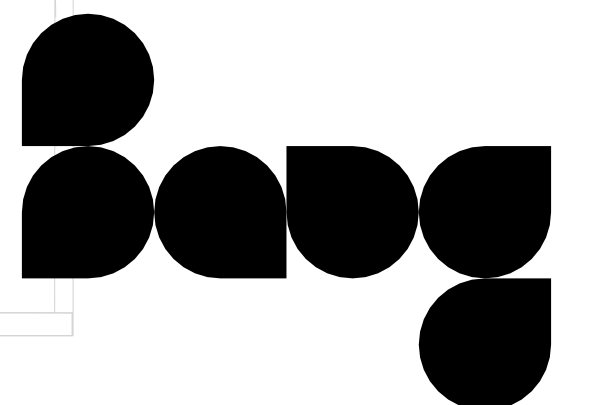
Drawing

DA200 B

Revision



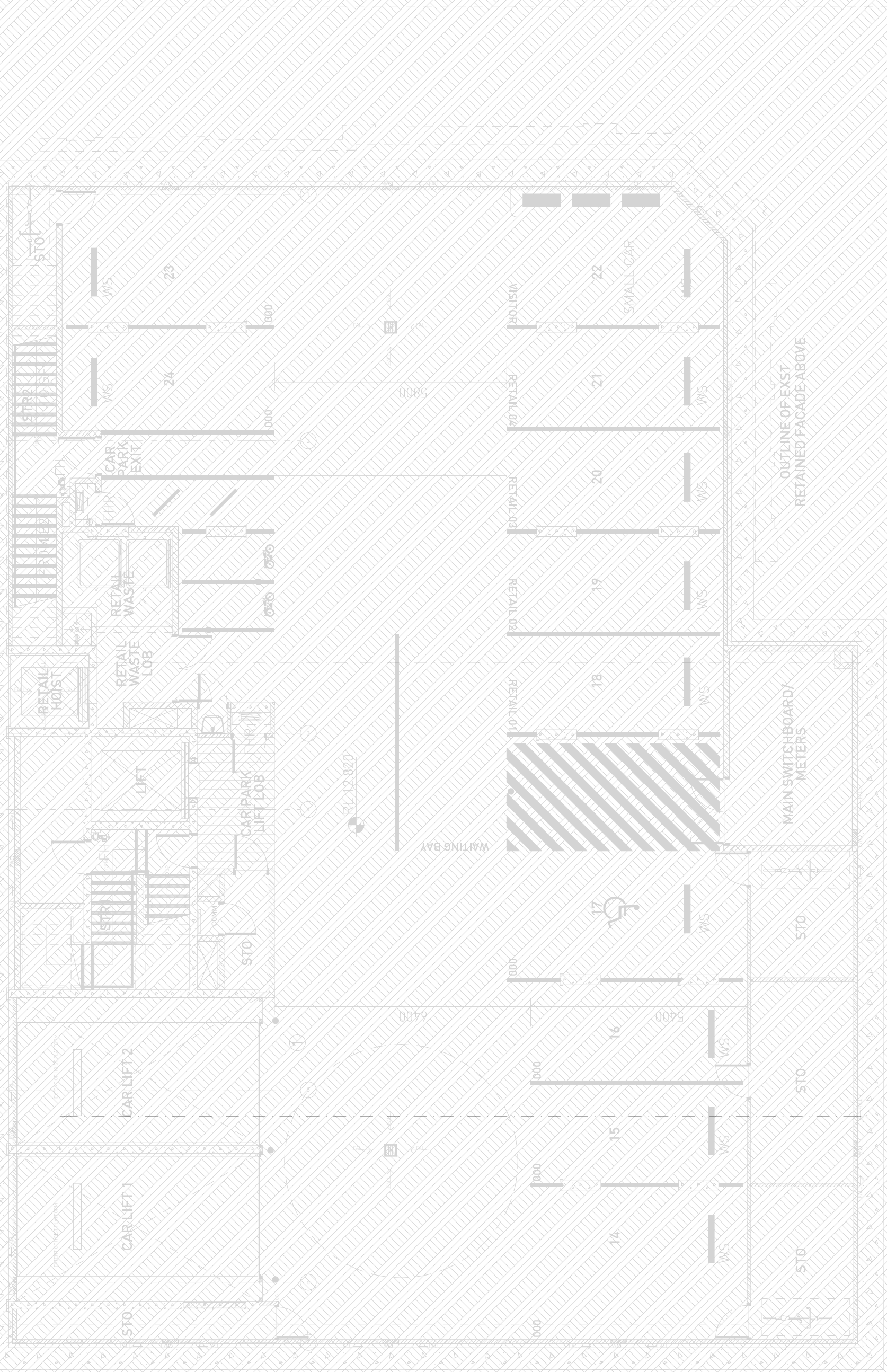
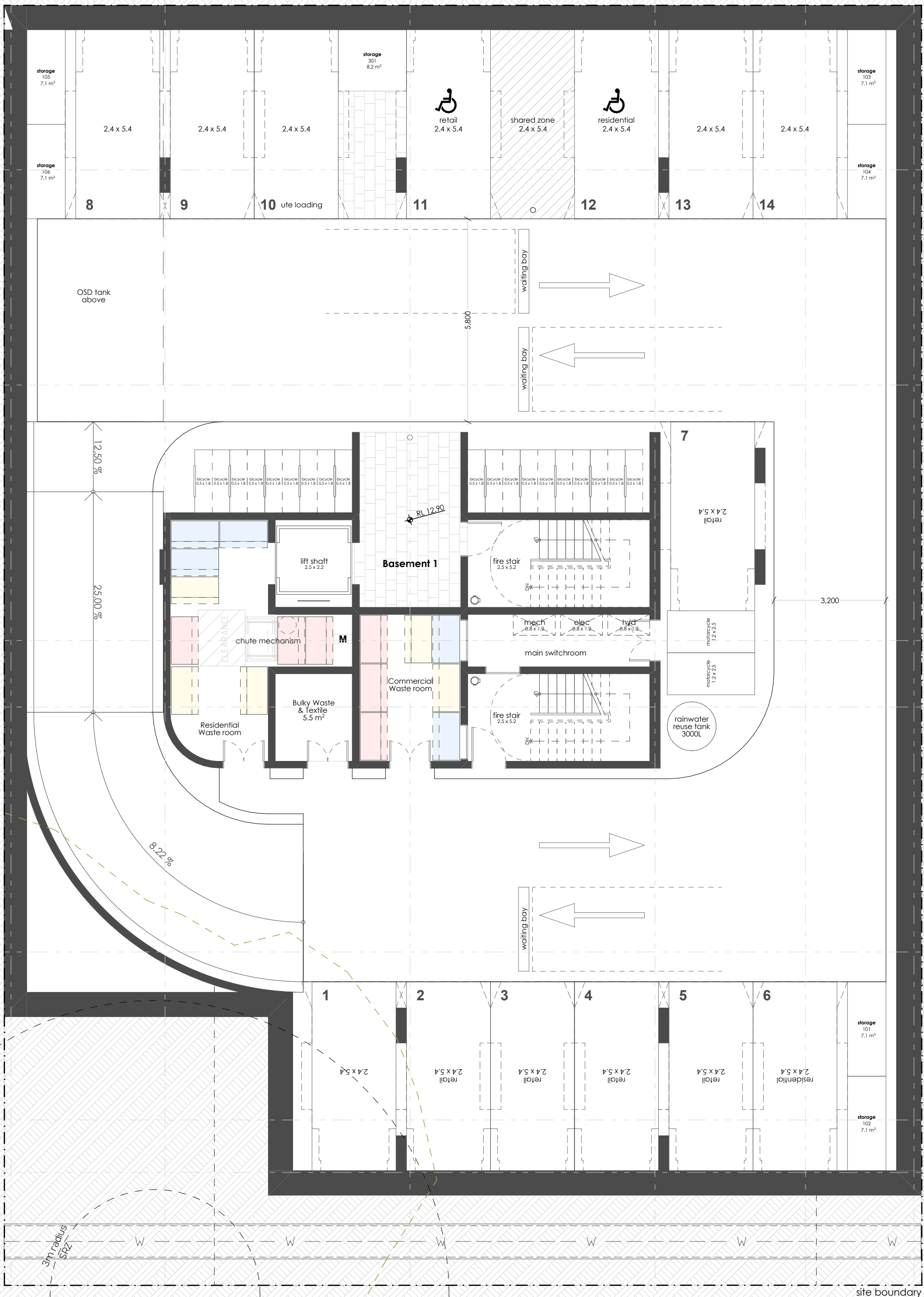
AMENDED PLANS



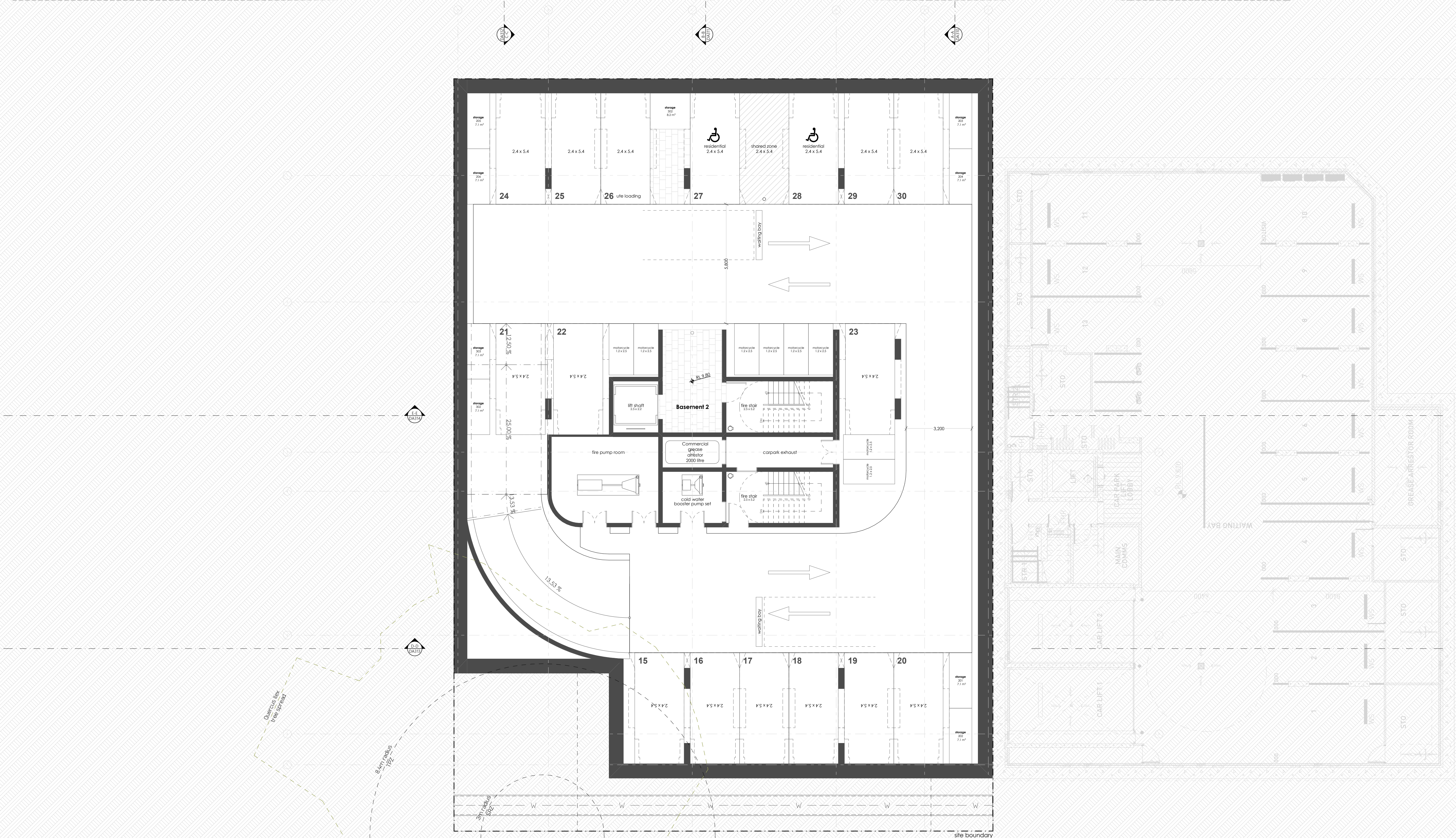


The site plan illustrates the proposed development layout. The building footprint is centrally located, featuring a central courtyard area. The building is divided into several sections, including a main building area and a smaller section labeled 'lift overrun'. The main building area contains 'hotwater units', 'stacked AC condensers' (14 pieces, 1 room), and a 'service zone' (11.9 x 4.2). The lift overrun section is labeled 'lift overrun'. The building is surrounded by a parking area with 30 parking spaces. The site is bounded by a 'site boundary' and a '3m radius 50% permeable' area. The plan also shows 'pv panels' (100 modules, 1000 panel) and 'garbage exhaust' areas. The site is located on a '30/13 non-habitable' lot. The plan includes dimensions for the building and parking areas, as well as a 'lodged da 2021' area. The plan is oriented with North at the top.

AMENDED PLANS



AMENDED PLANS



AMENDED PLANS



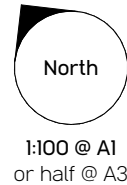
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4 storey mixed use development
Development Application



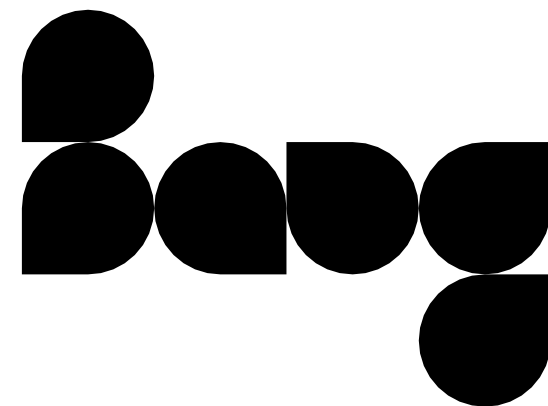
● Rev Change Name
A DA SUBMISSION
B COUNCIL RFI RESPONSE SUBMISSION

Date
22/07/2021
5/07/2022

Dwn by Ckd by
WM WM

● Title
Elevations
North East

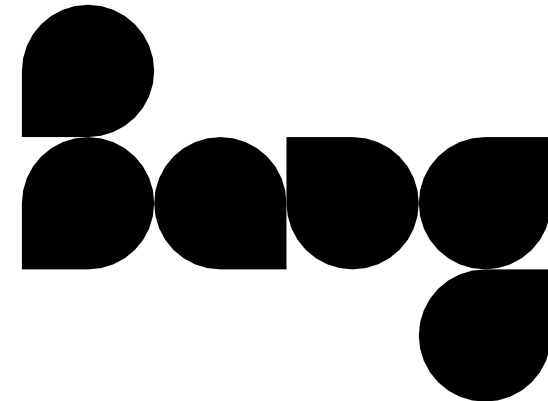
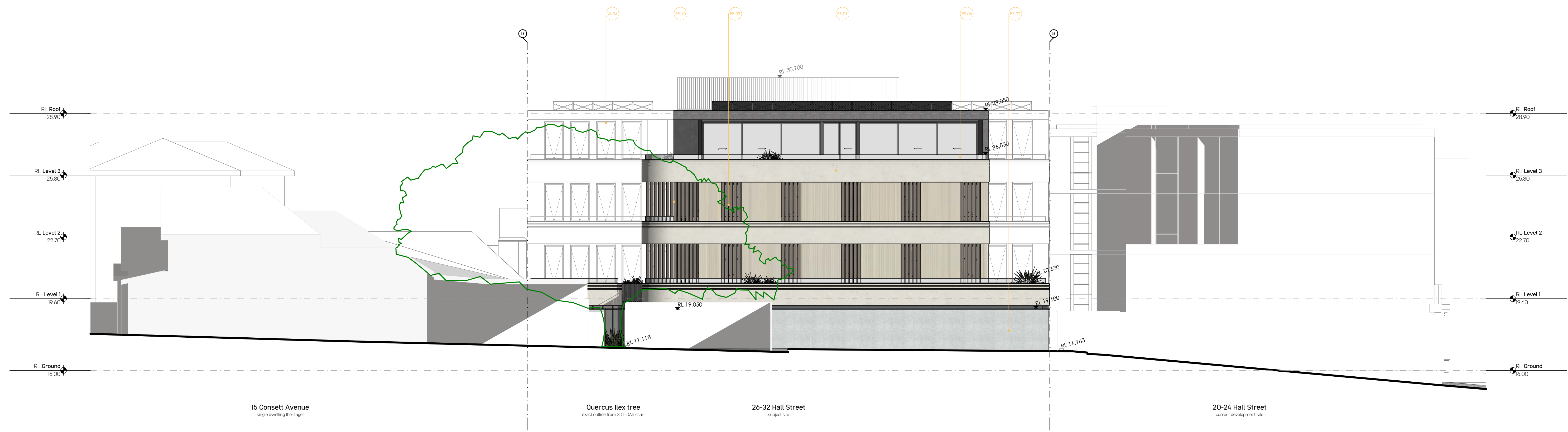
● Drawing
DA300 B
● Revision



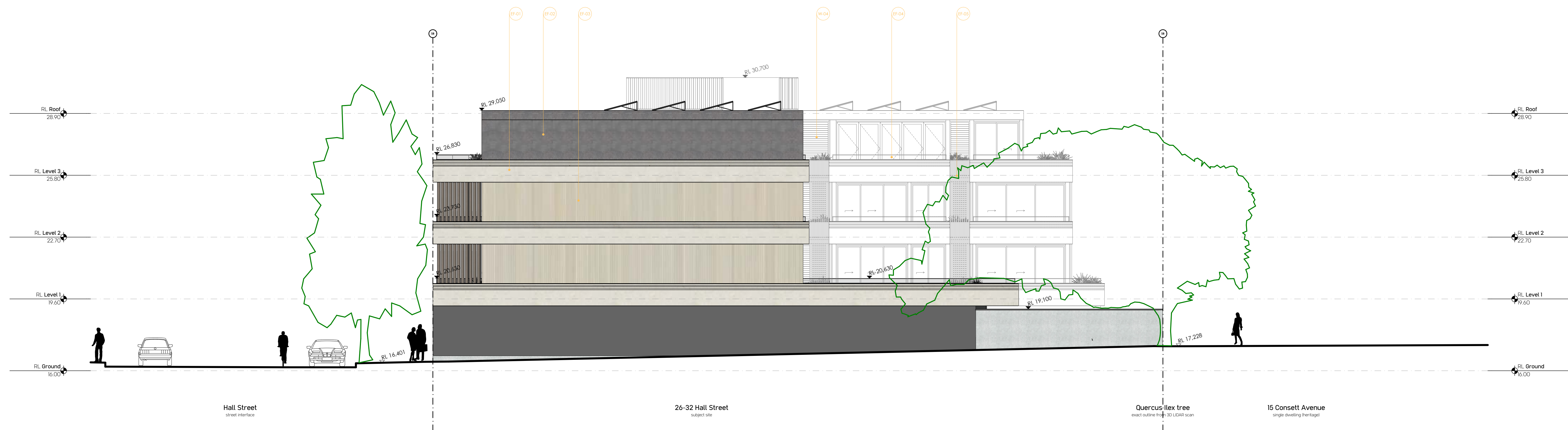
AMENDED PLANS



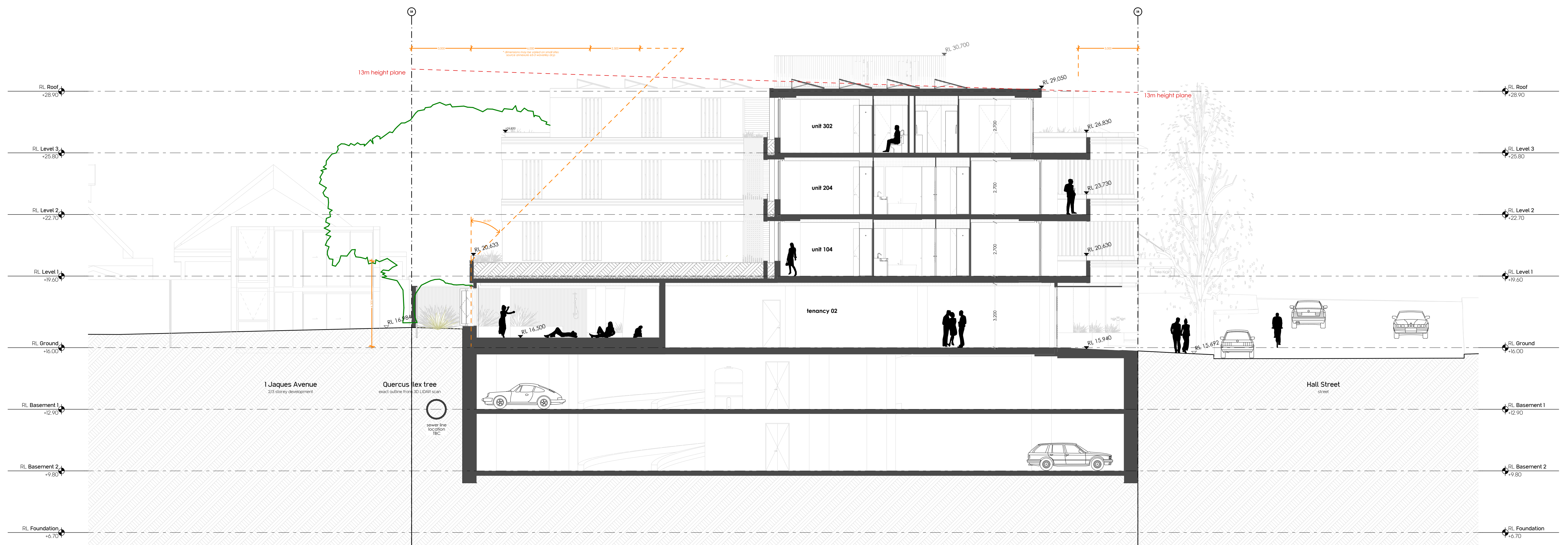
AMENDED PLANS



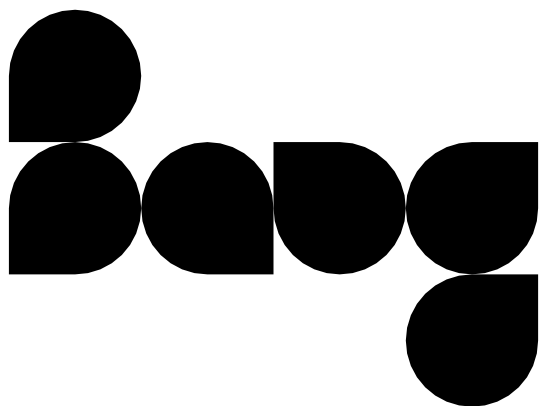
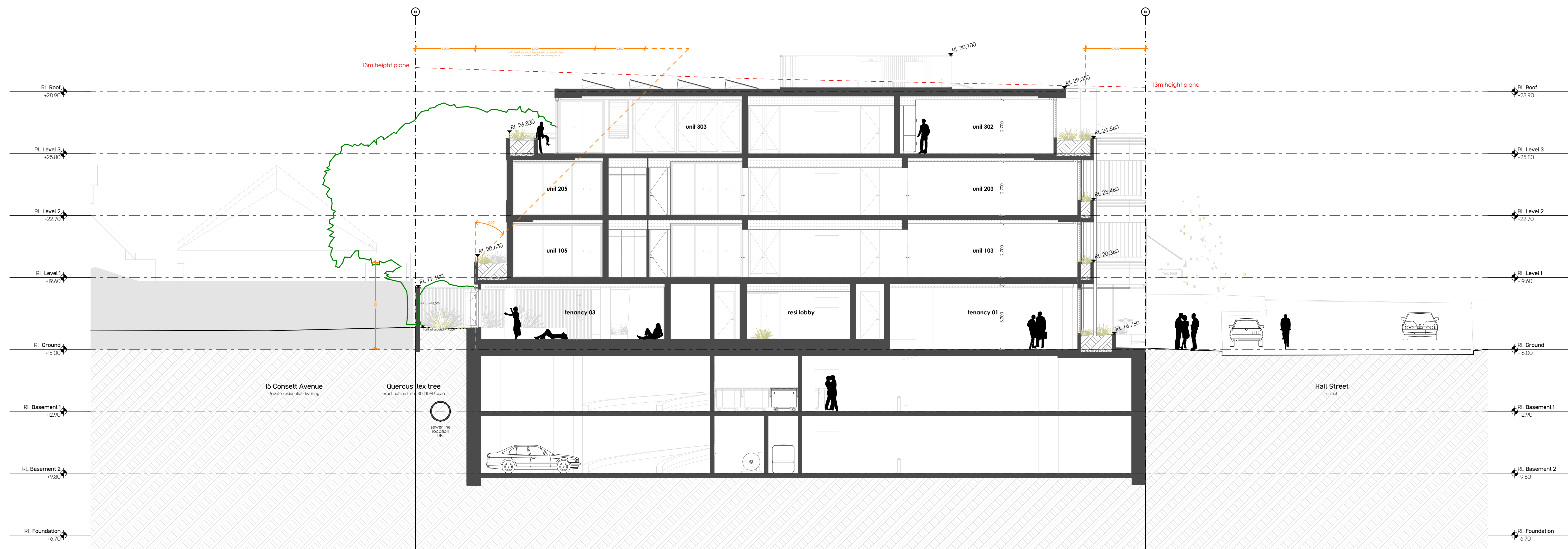
AMENDED PLANS



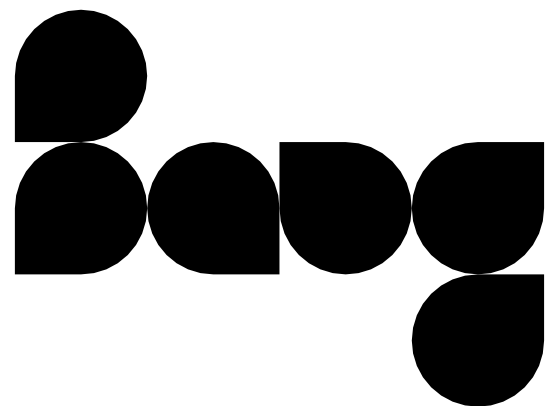
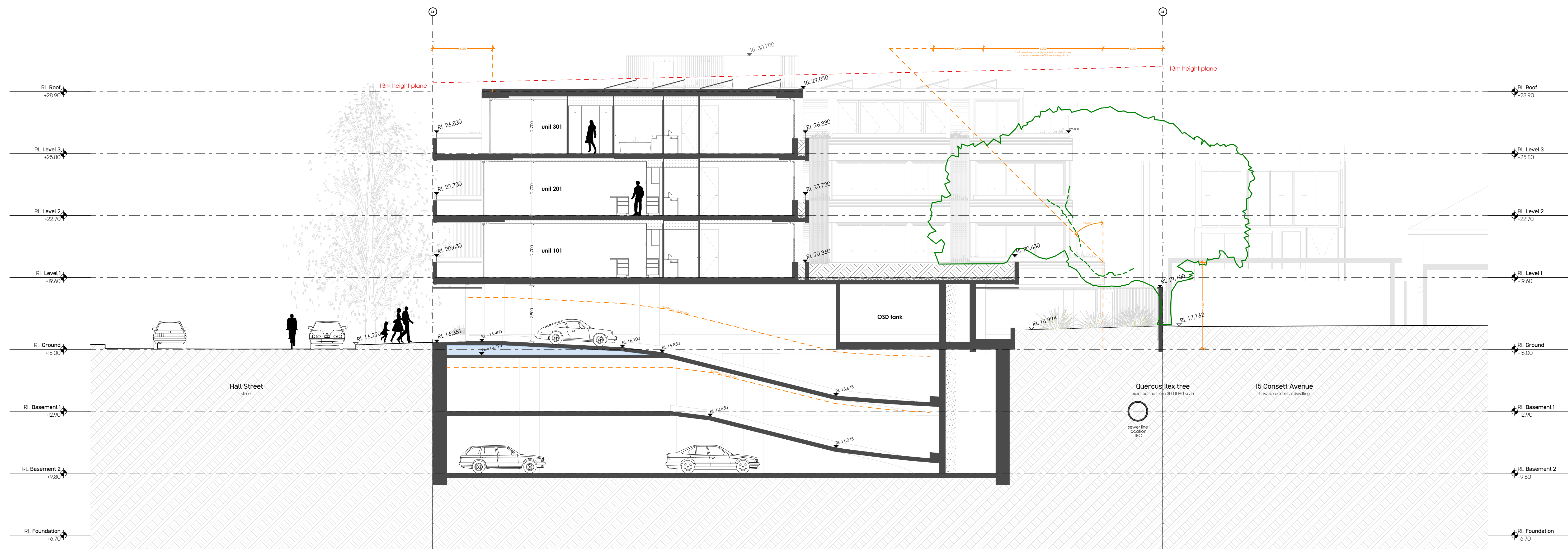
AMENDED PLANS



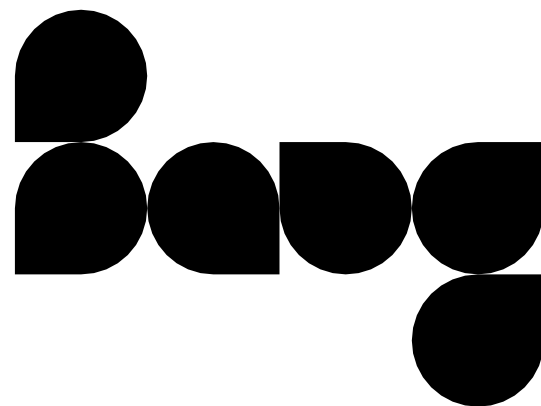
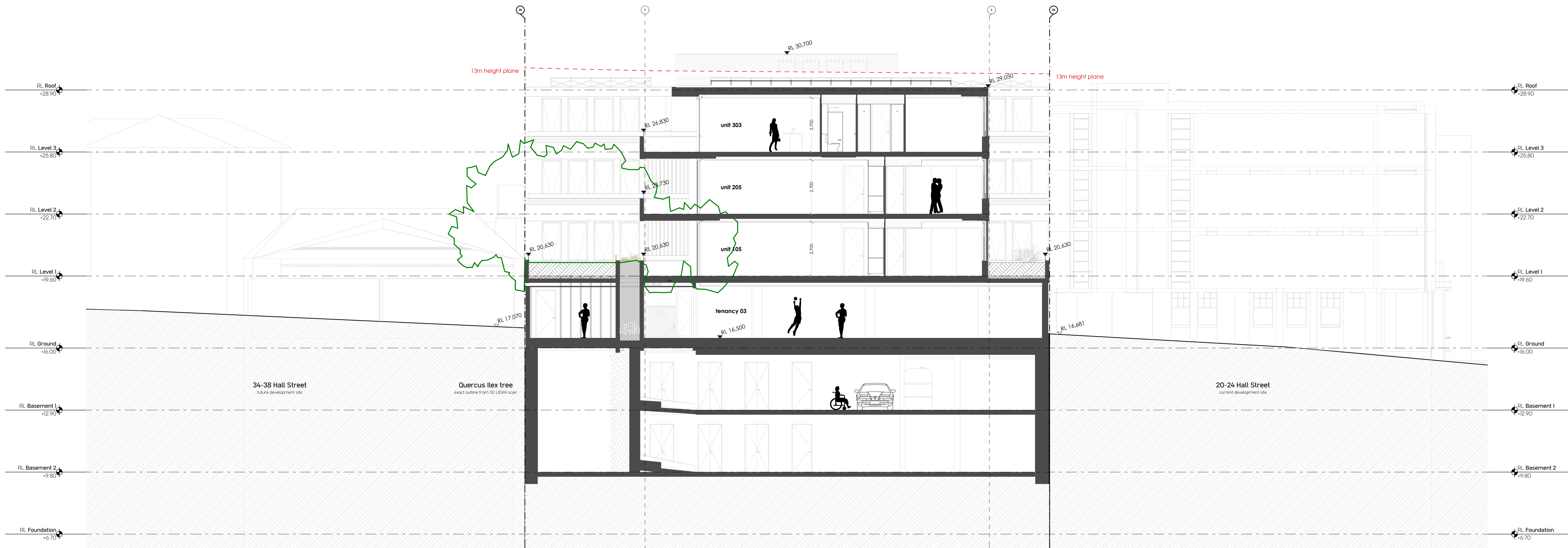
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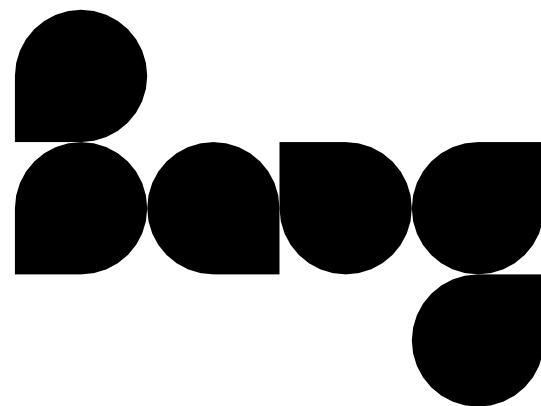
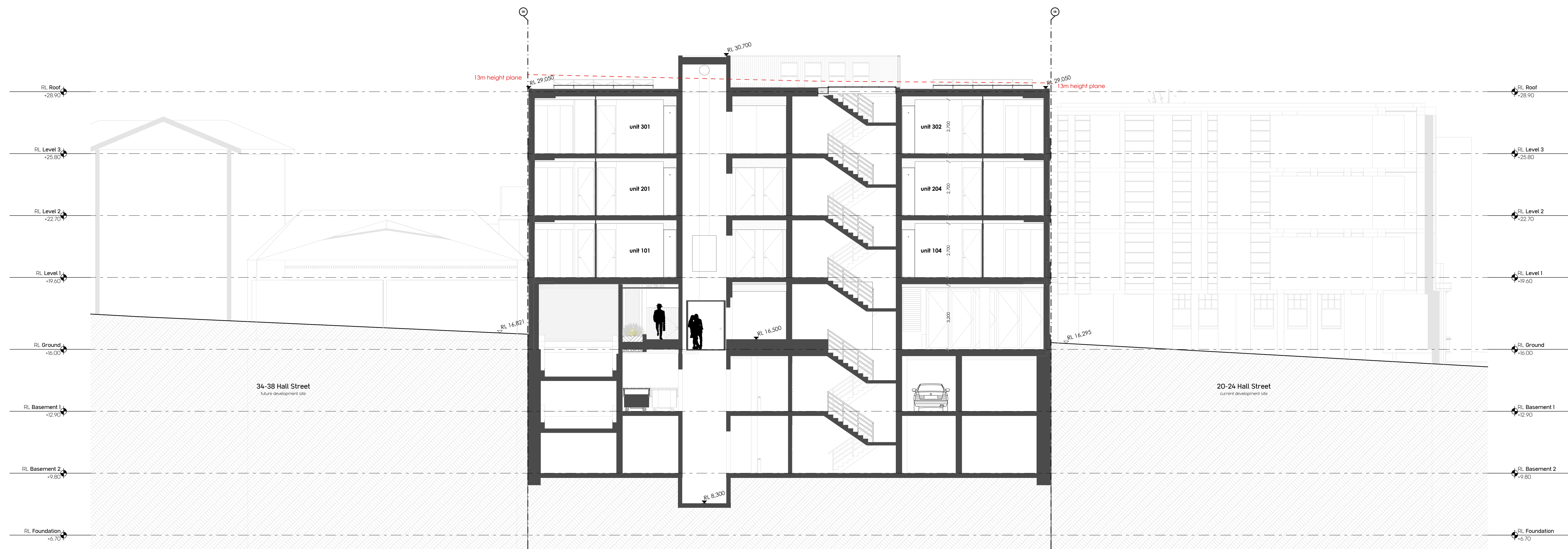
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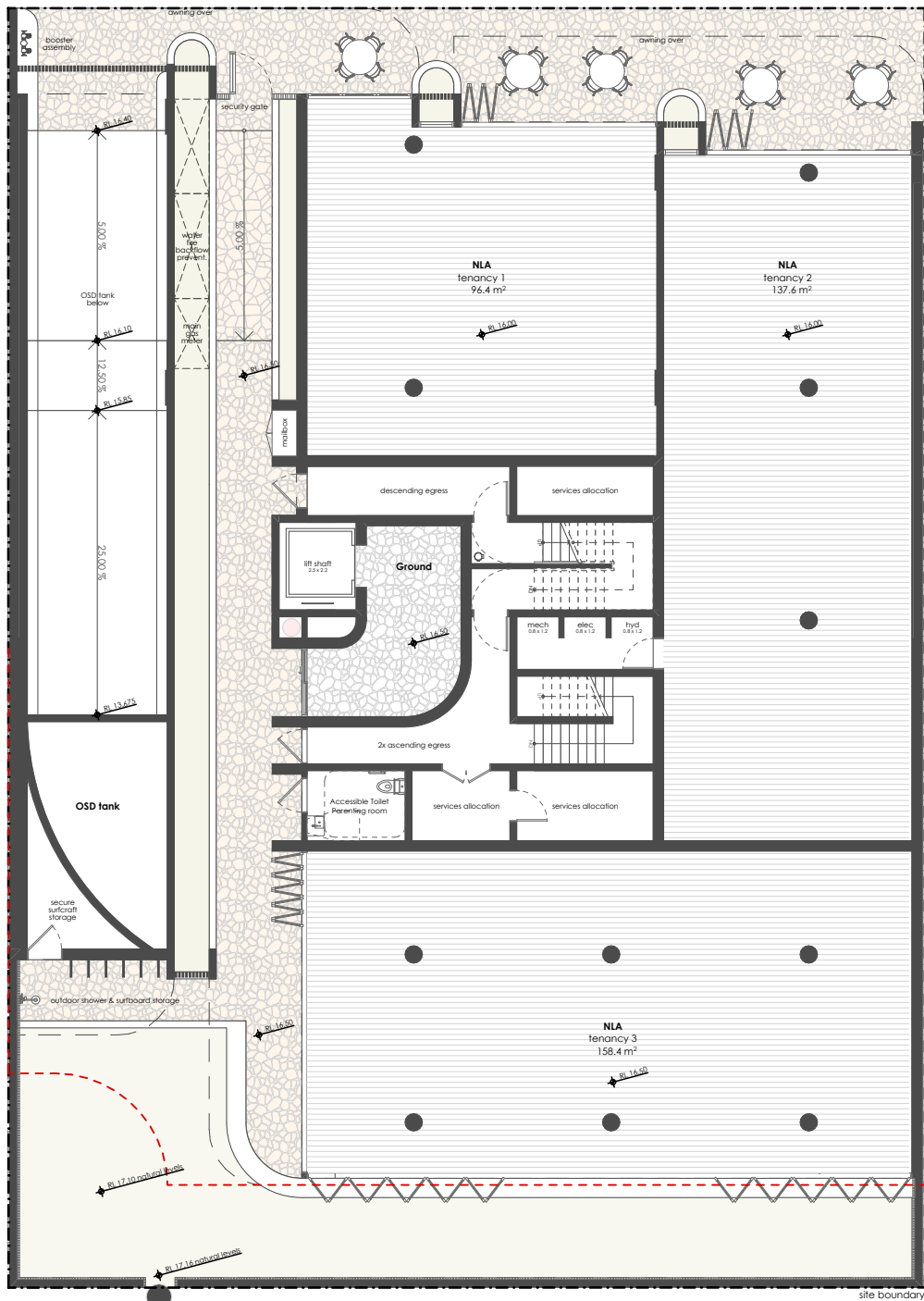
AMENDED PLANS



AMENDED PLANS



AMENDED PLANS



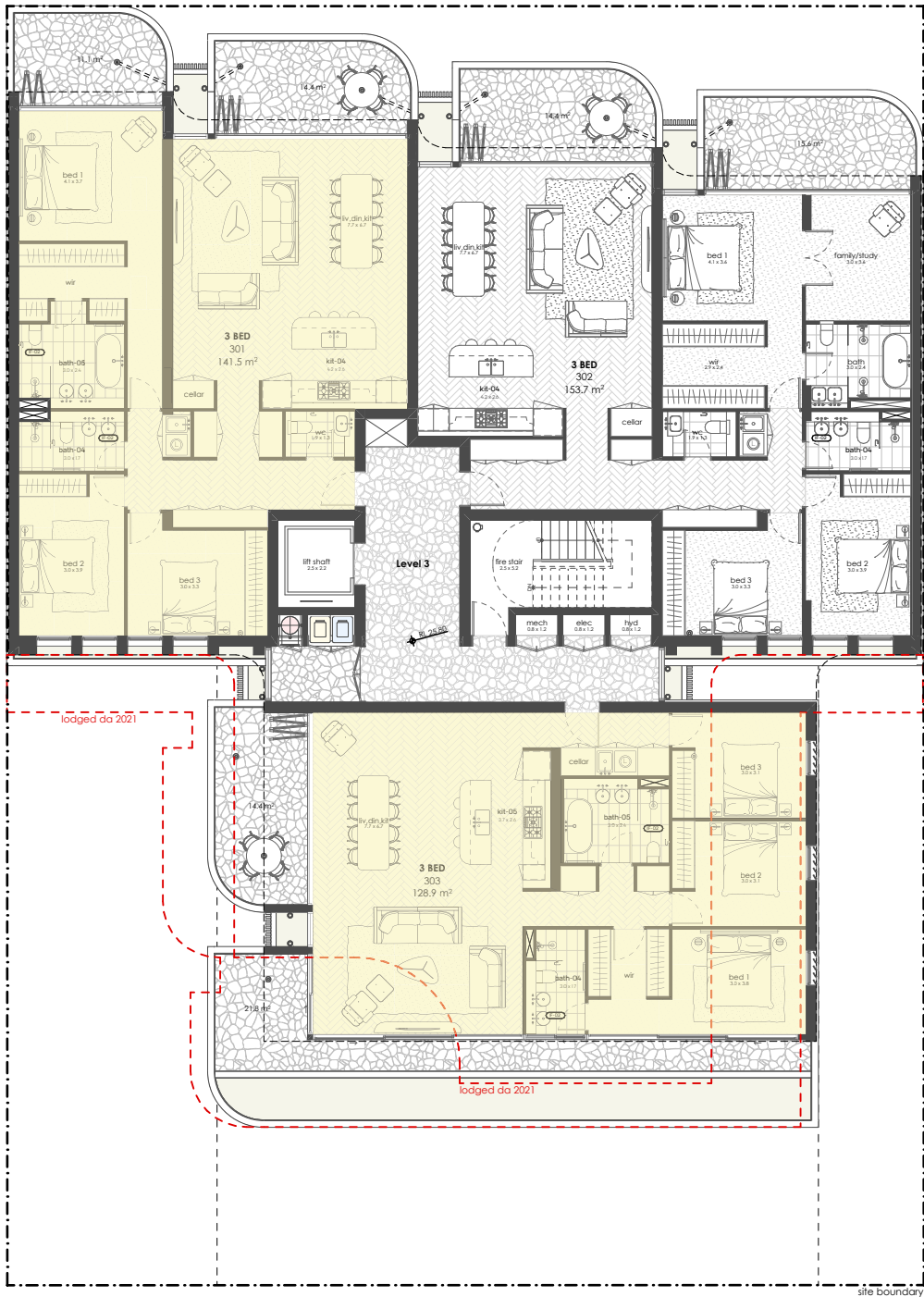
Ground



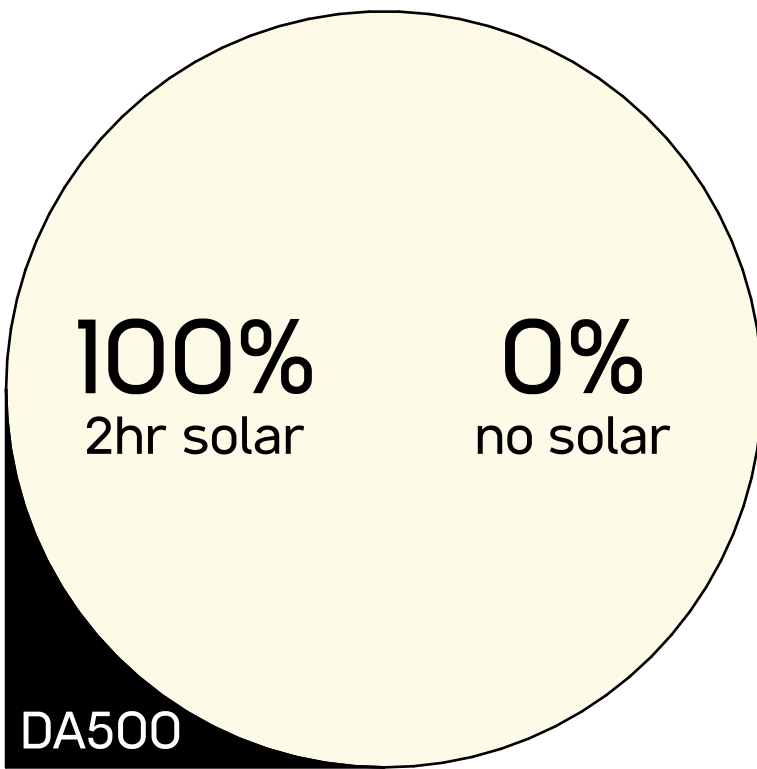
Level 1



Level 2



Level 3



Solar Access

Objective 4A-1
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

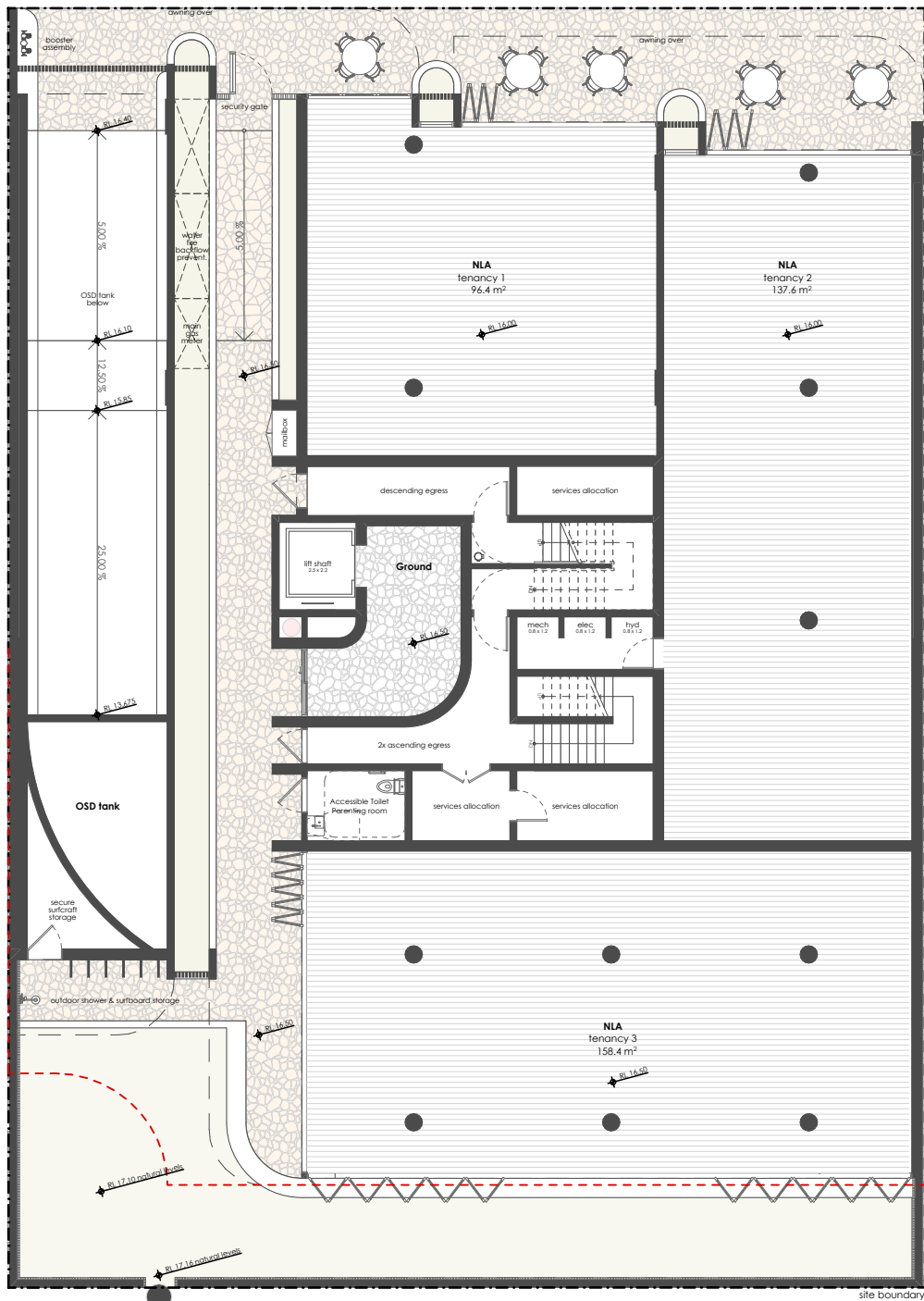
Design criteria
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

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

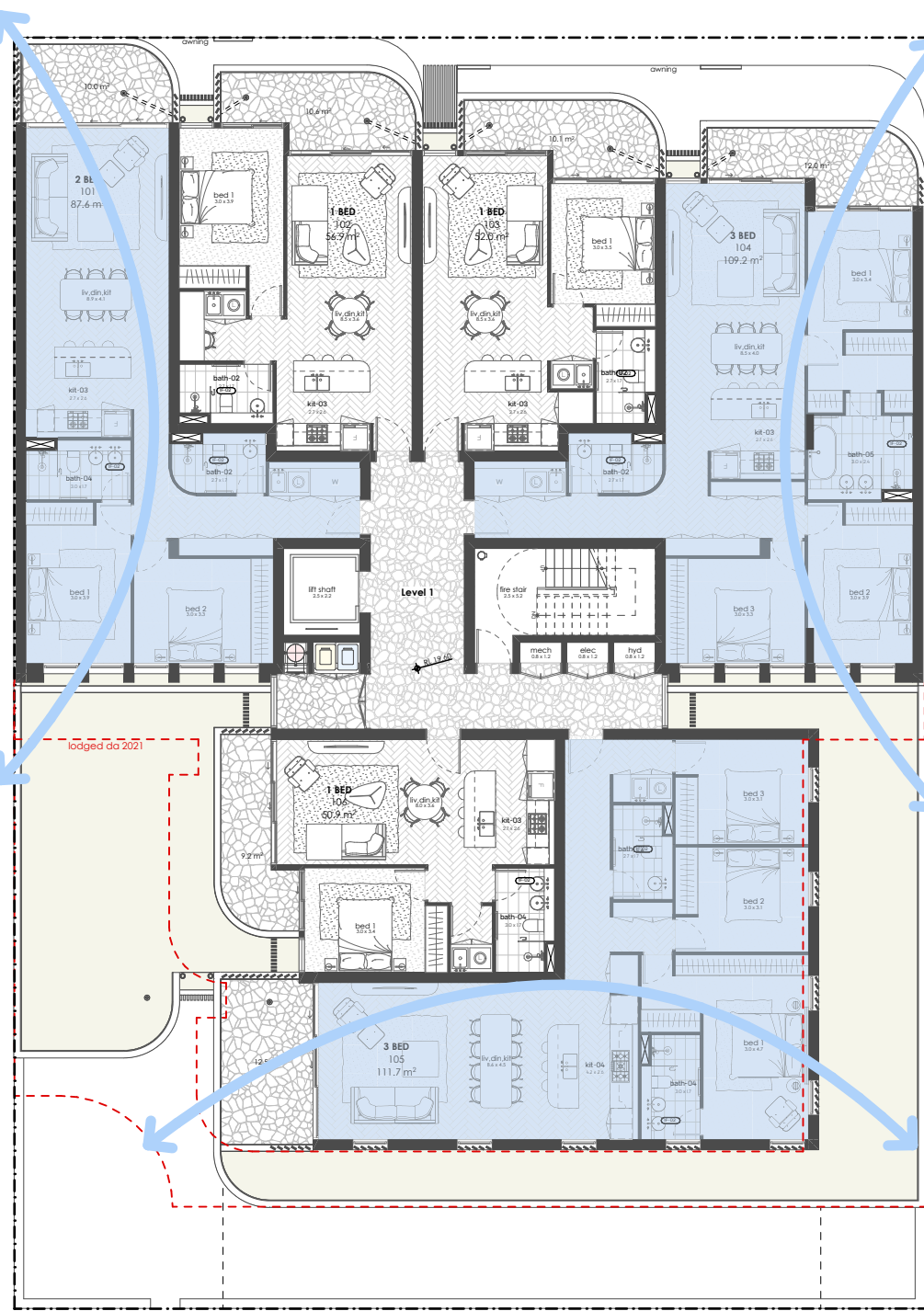
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter



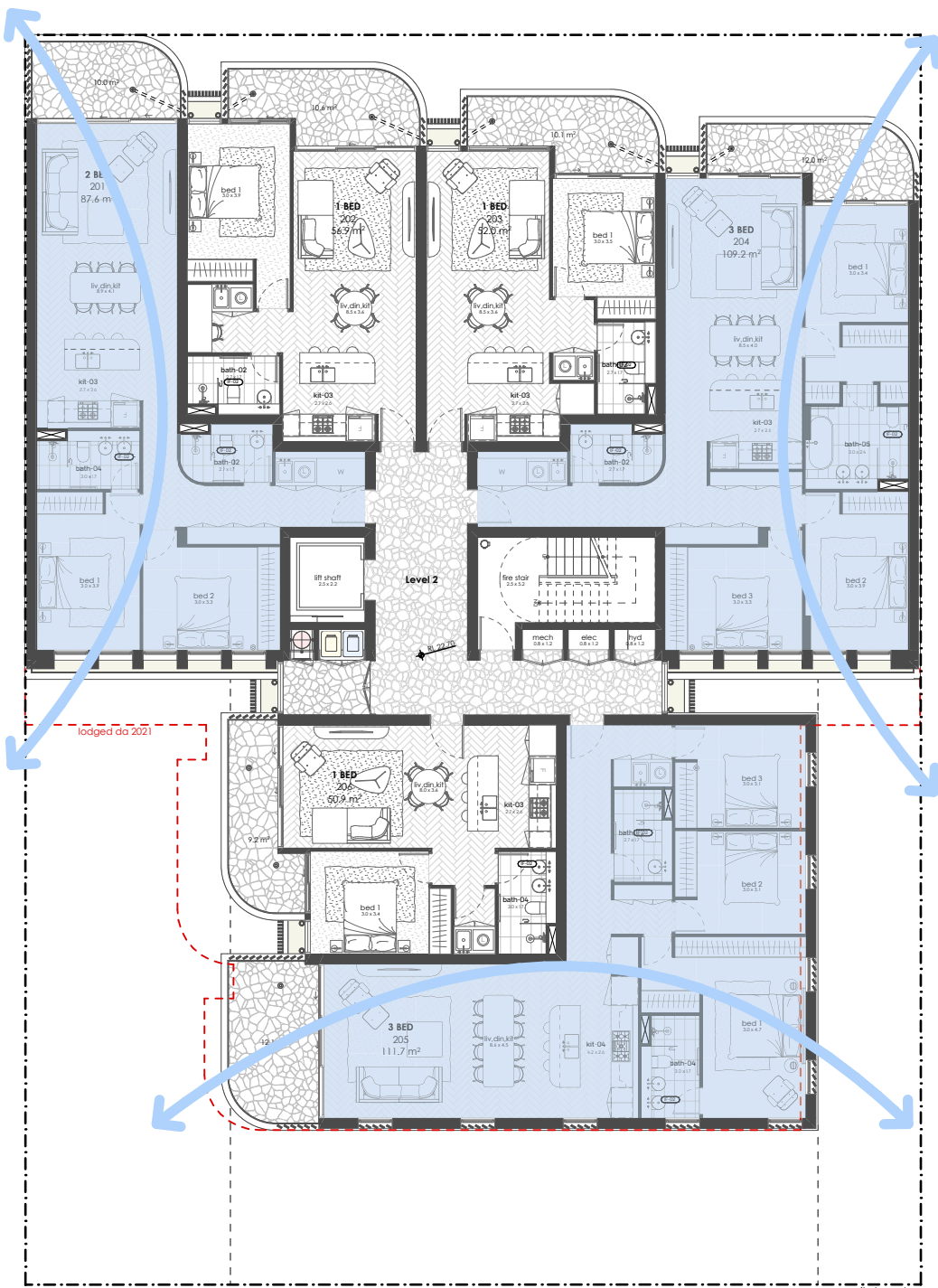
AMENDED PLANS



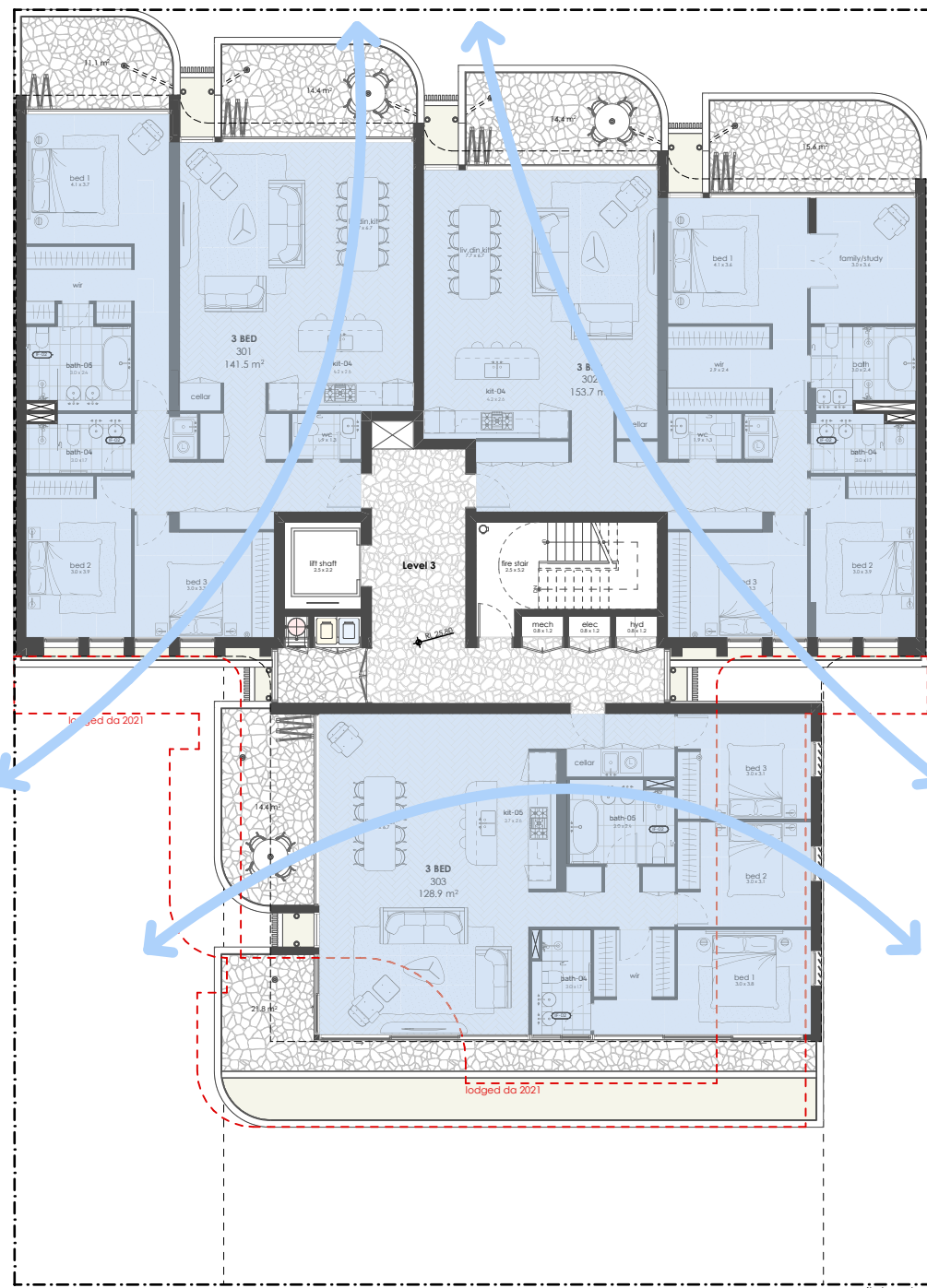
Ground



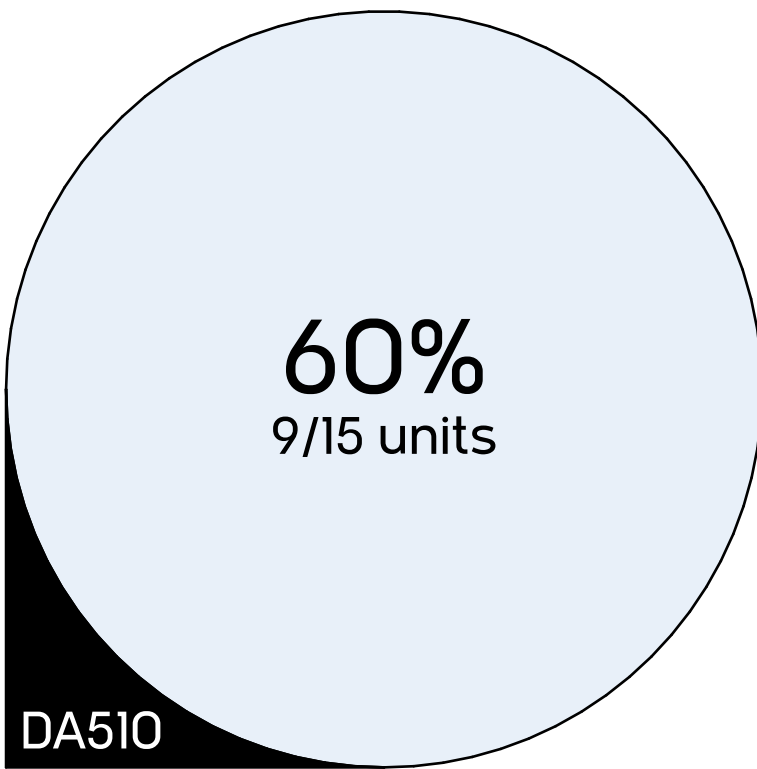
Level 1



Level 2



Level 3



Cross Ventilated units

Apartment Design Guide

Objective 4B-3

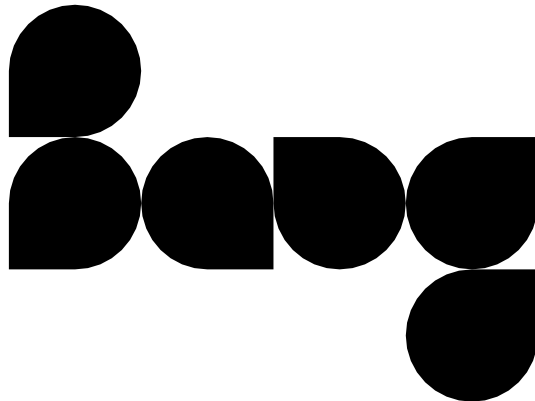
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

Design criteria

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

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

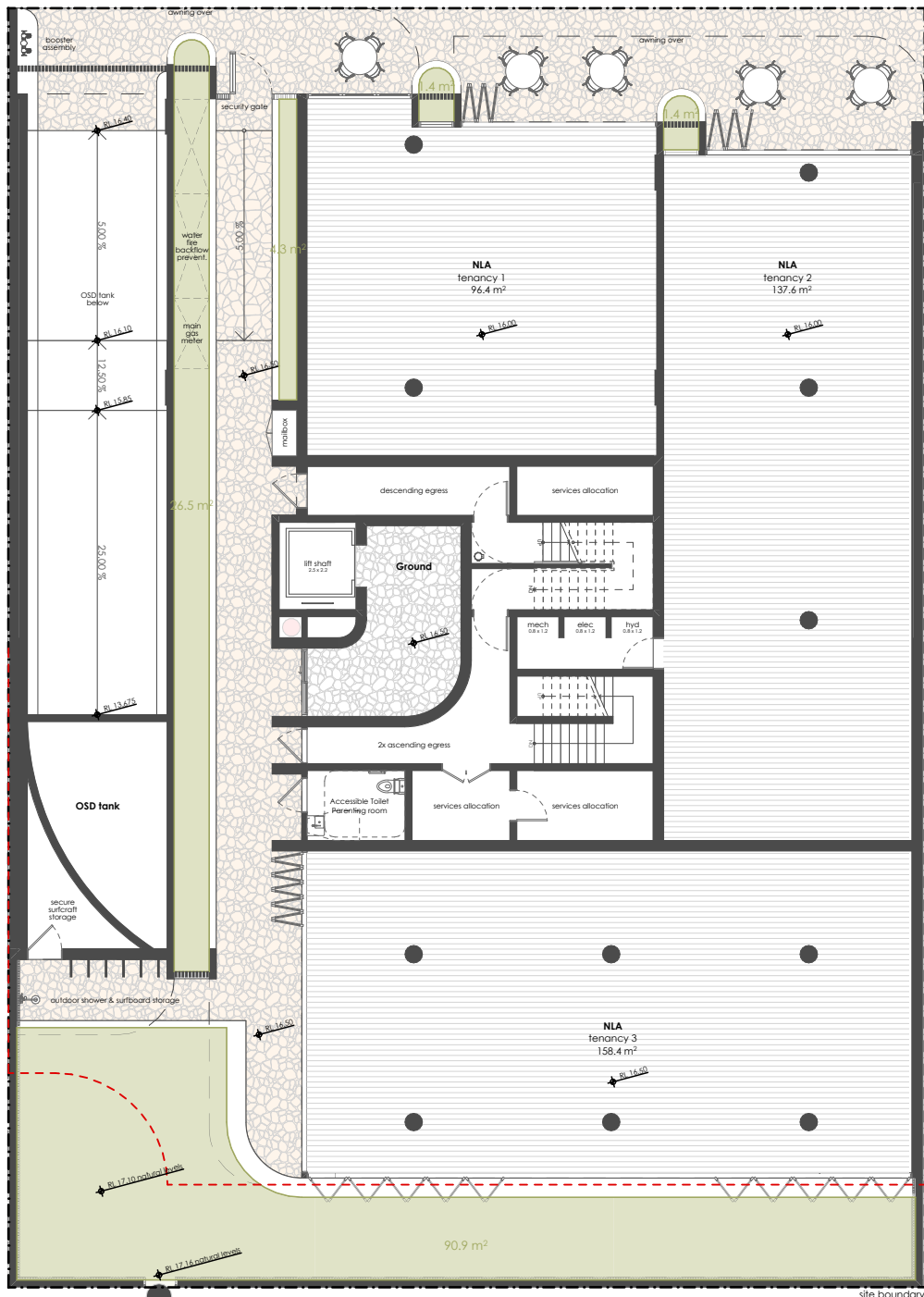
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line



AMENDED PLANS



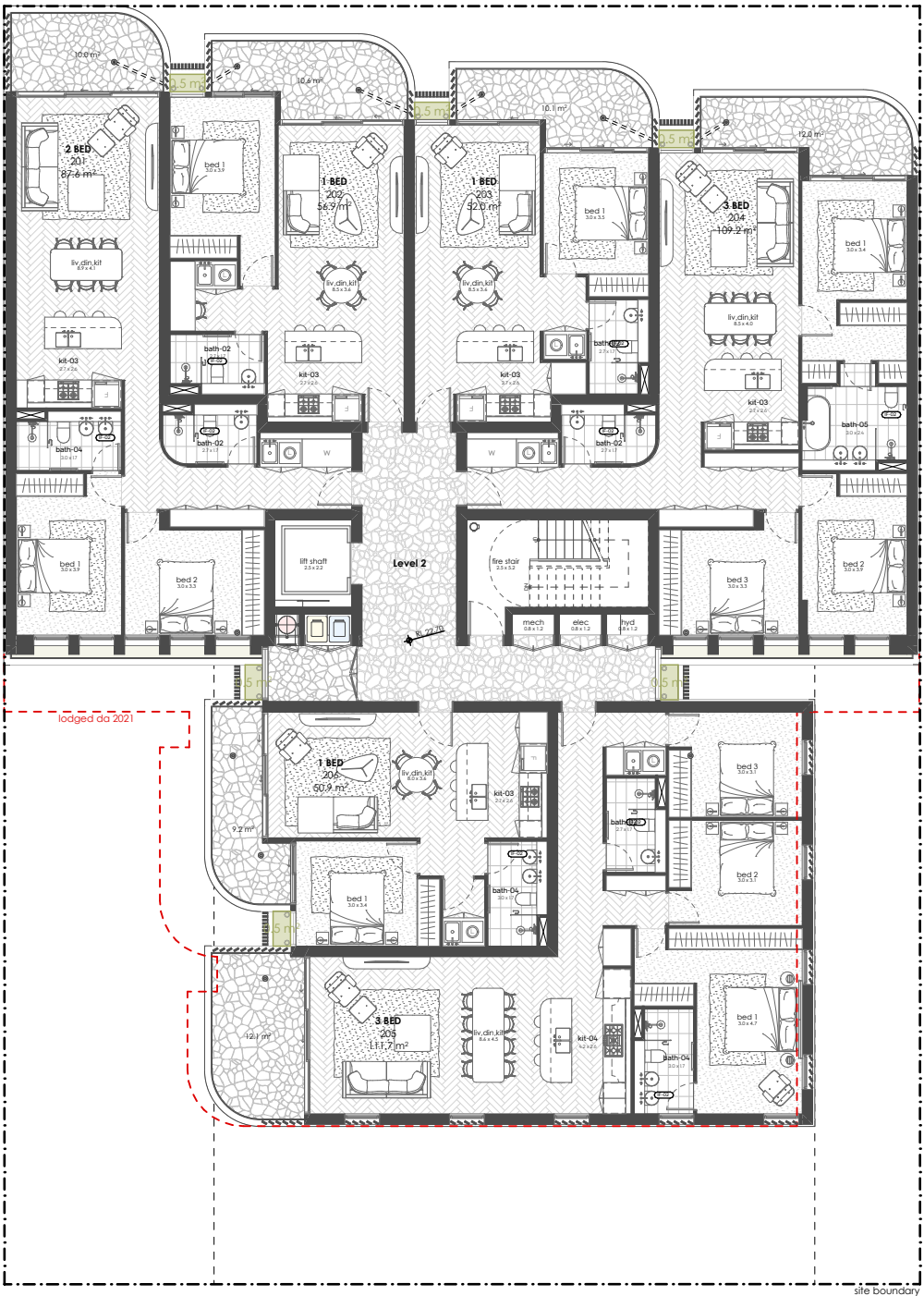
Basement 1



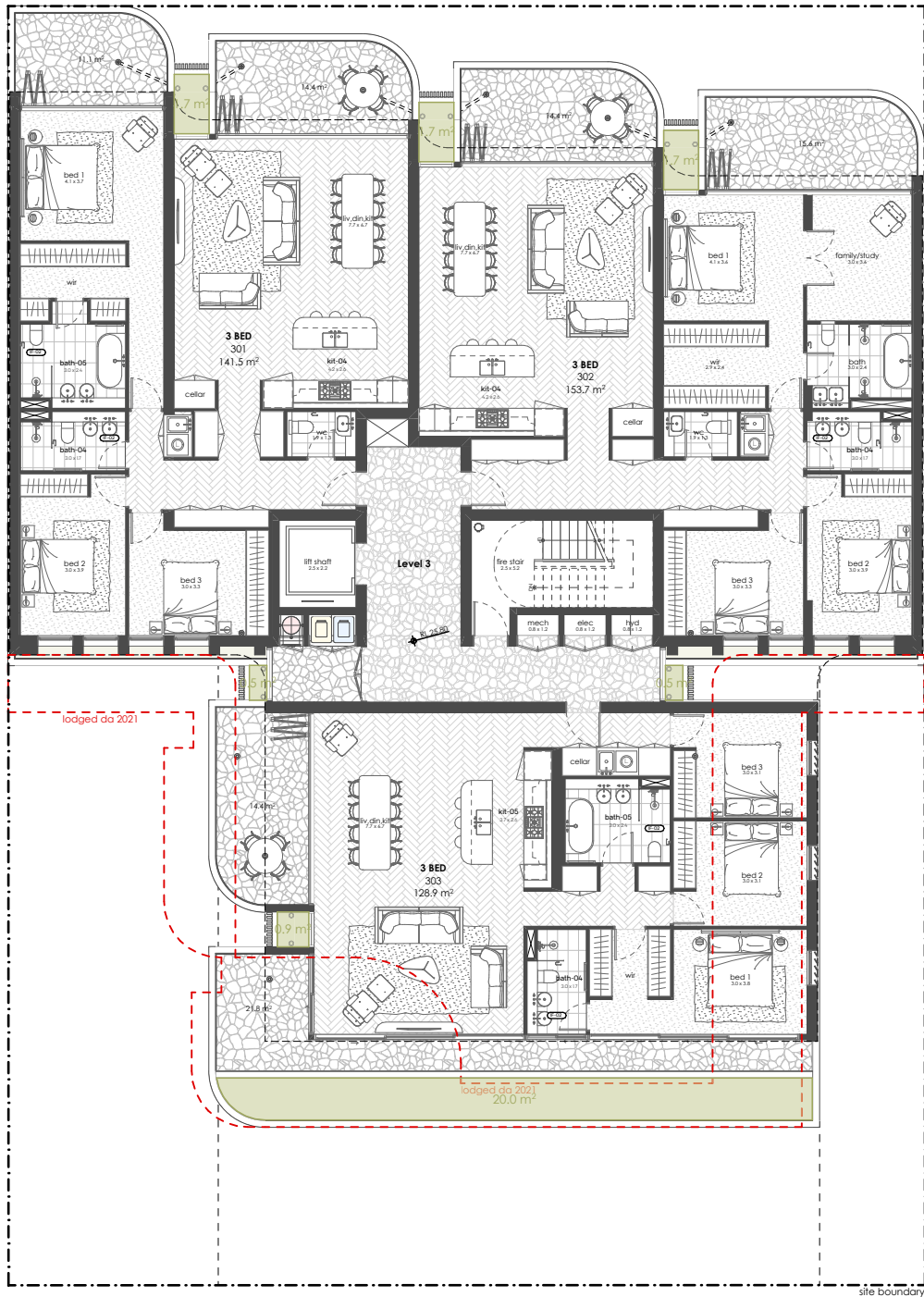
Ground



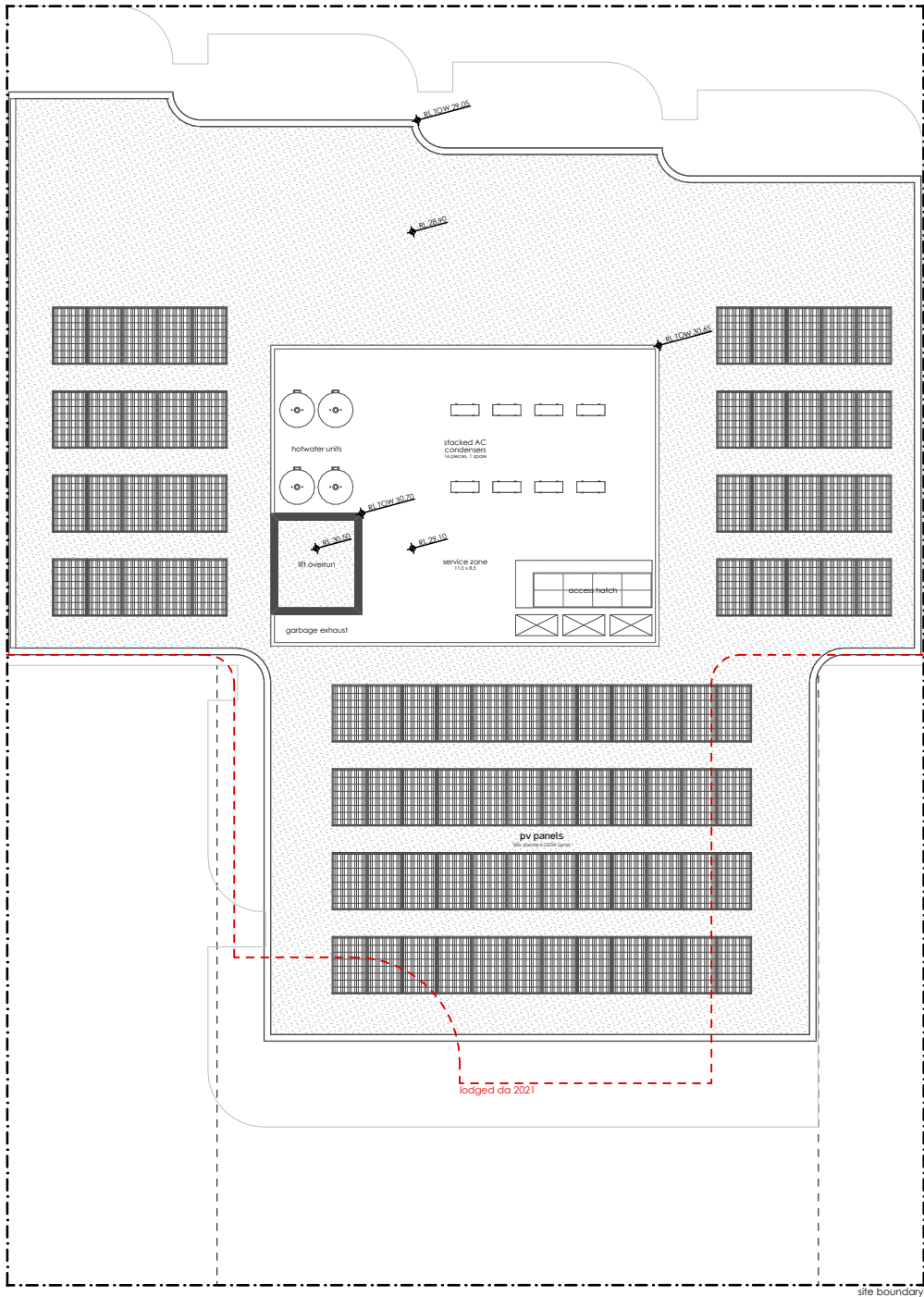
Level 1



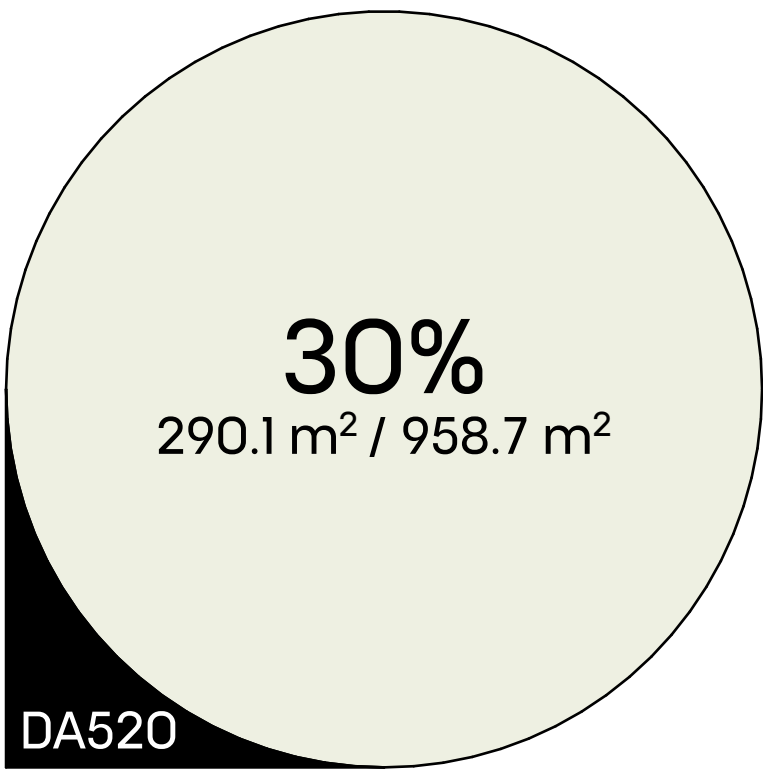
Level 2



Level 3



Roof



Landscaped area

Waverley Council Development Control Plan 3.9

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

Objectives

- (a) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.
- (b) To encourage mature and substantial tree planting to improve the amenity of developments.
- (c) To allow for landscaping to provide screening between buildings.
- (d) To ensure landscaped areas are useable and maintainable spaces that contribute to the existing landscape character of the street.
- (e) To minimise the extent of impervious areas and facilitate rainwater infiltration.
- (f) To influence the microclimate of open space within the development.

Controls

- (a) Development is to comply with the provisions of Part B3 Landscaping and Biodiversity.
- (b) 30% of the site area is to be provided as landscaped area.
- (c) 50% of the landscaped area must be deep soil zone.
- (d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting.
- (e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.
- (f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.
- (g) For developments with podium landscaping, compliance with Section B3 Landscaping and Biodiversity is required.

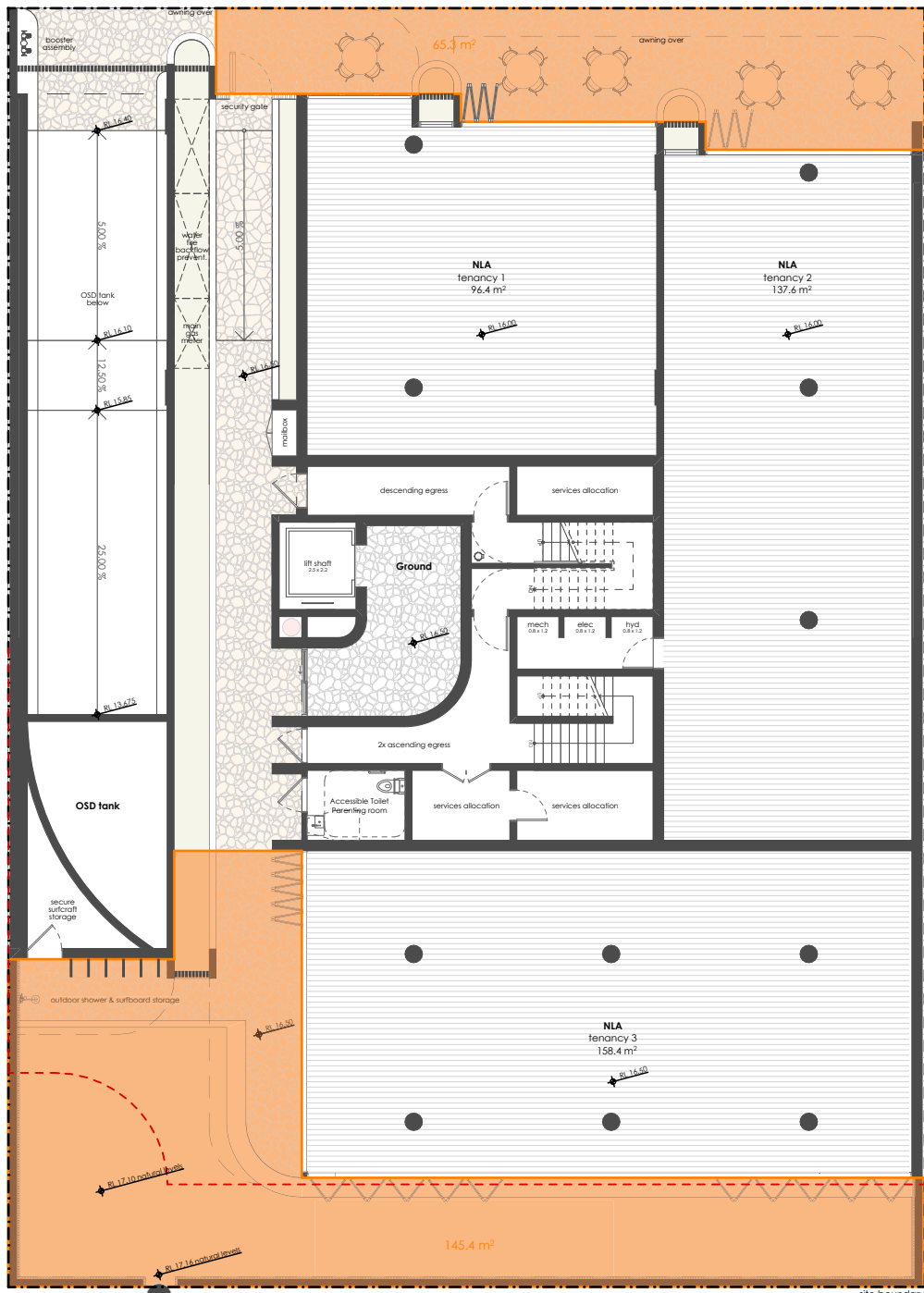
Landscaped Area	
Home Story Name	Area
Ground	124.5
Level 1	135.6
Level 2	3.0
Level 3	27.0
	290.1 m²



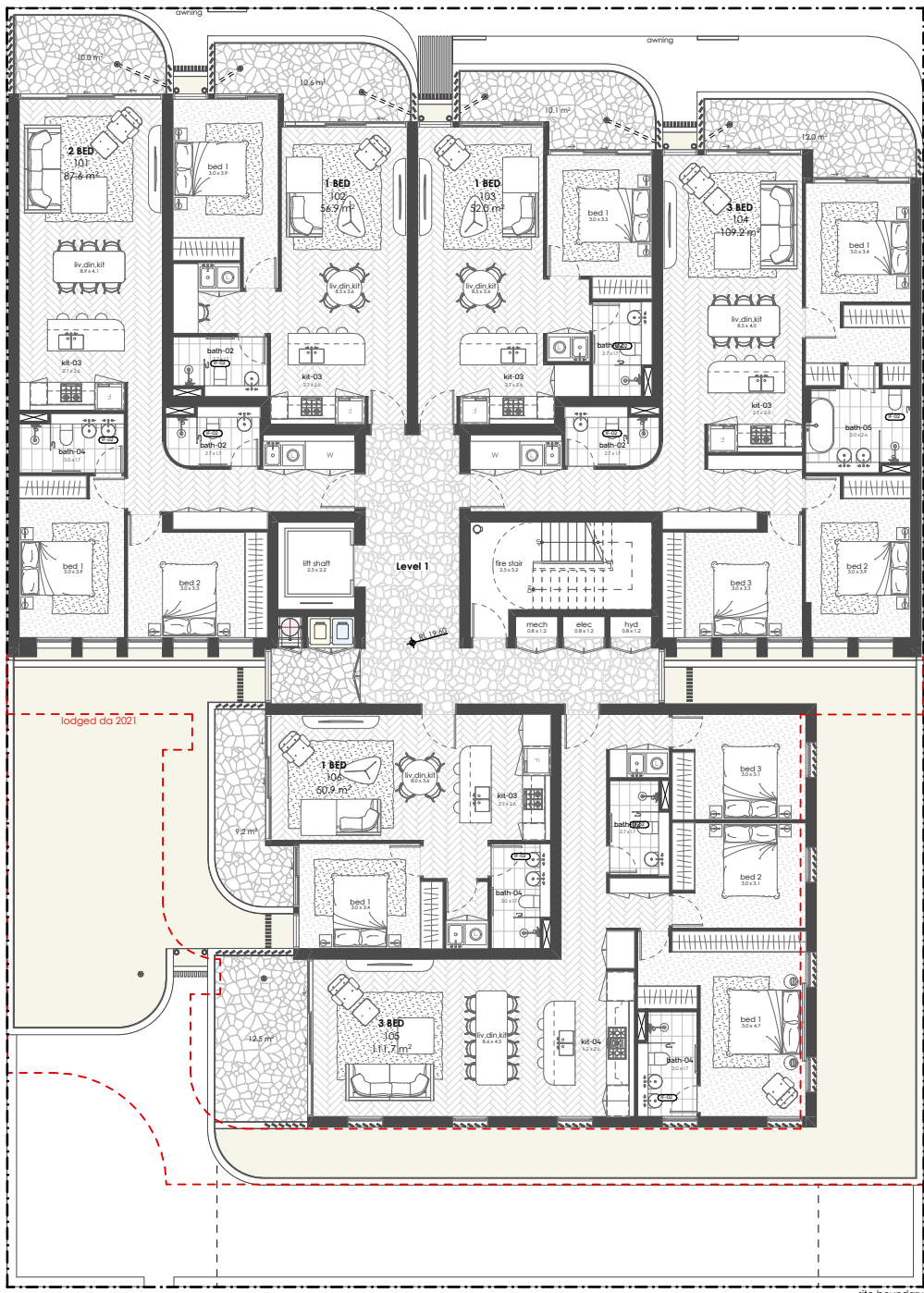
AMENDED PLANS



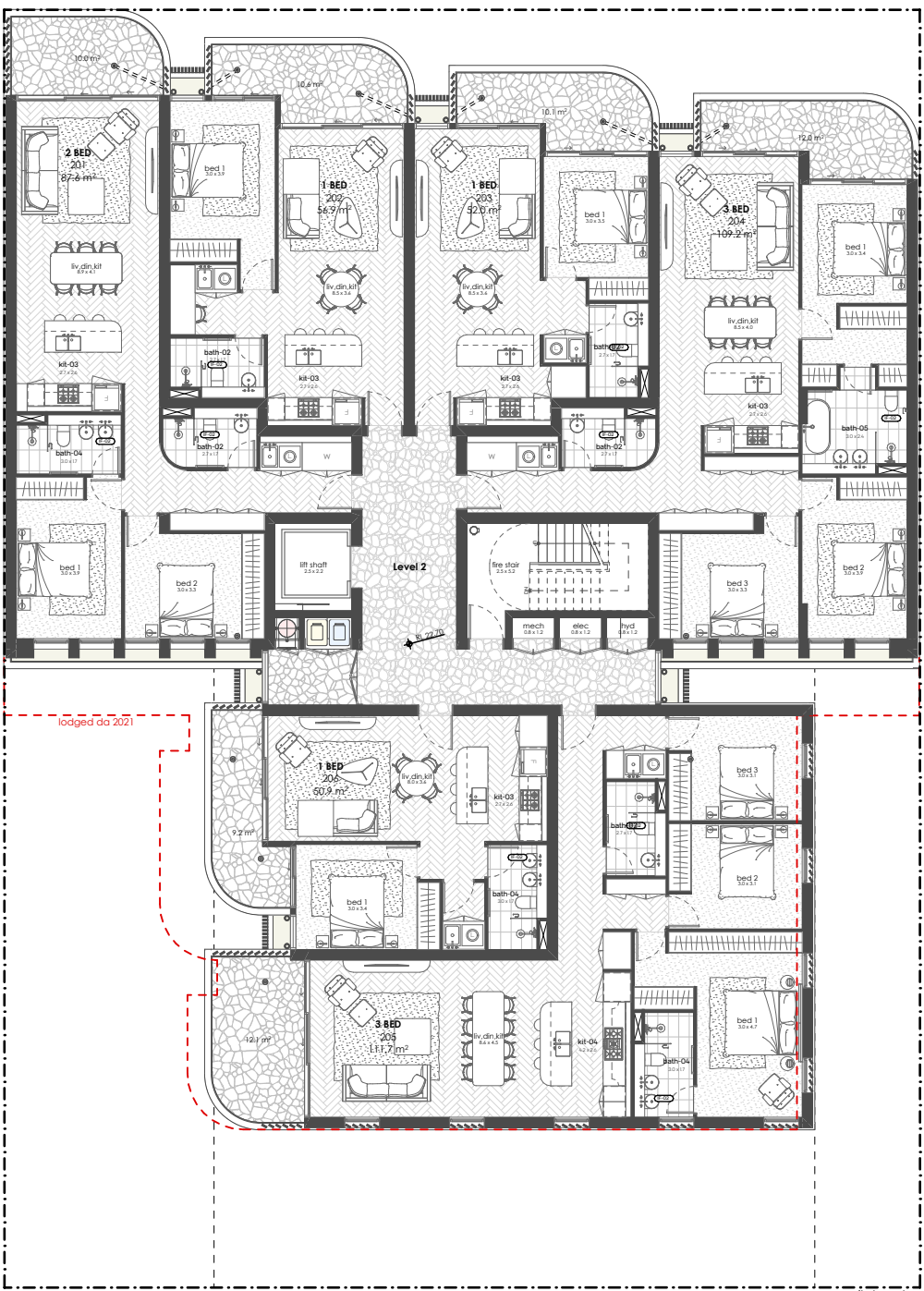
Basement 1



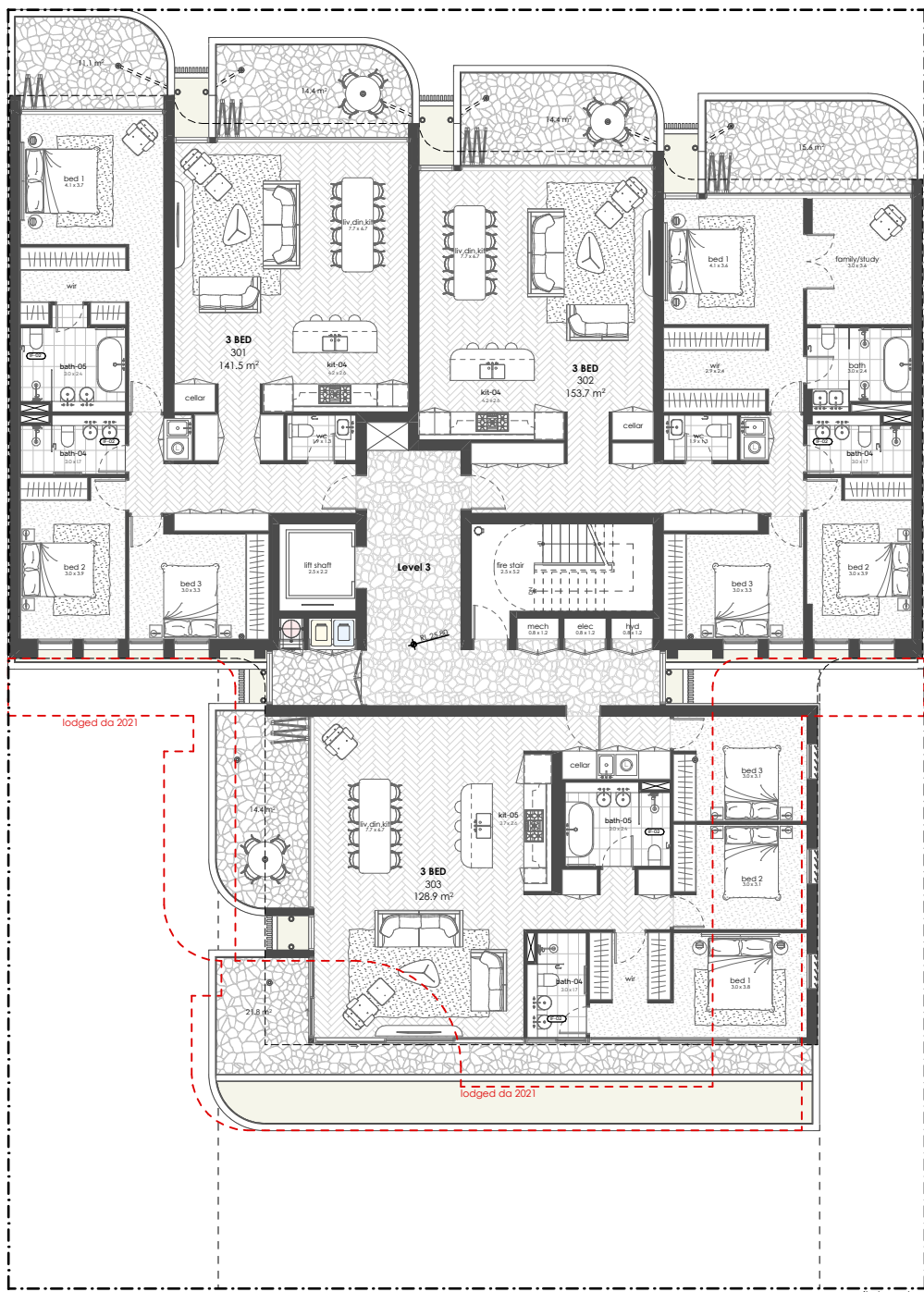
Ground



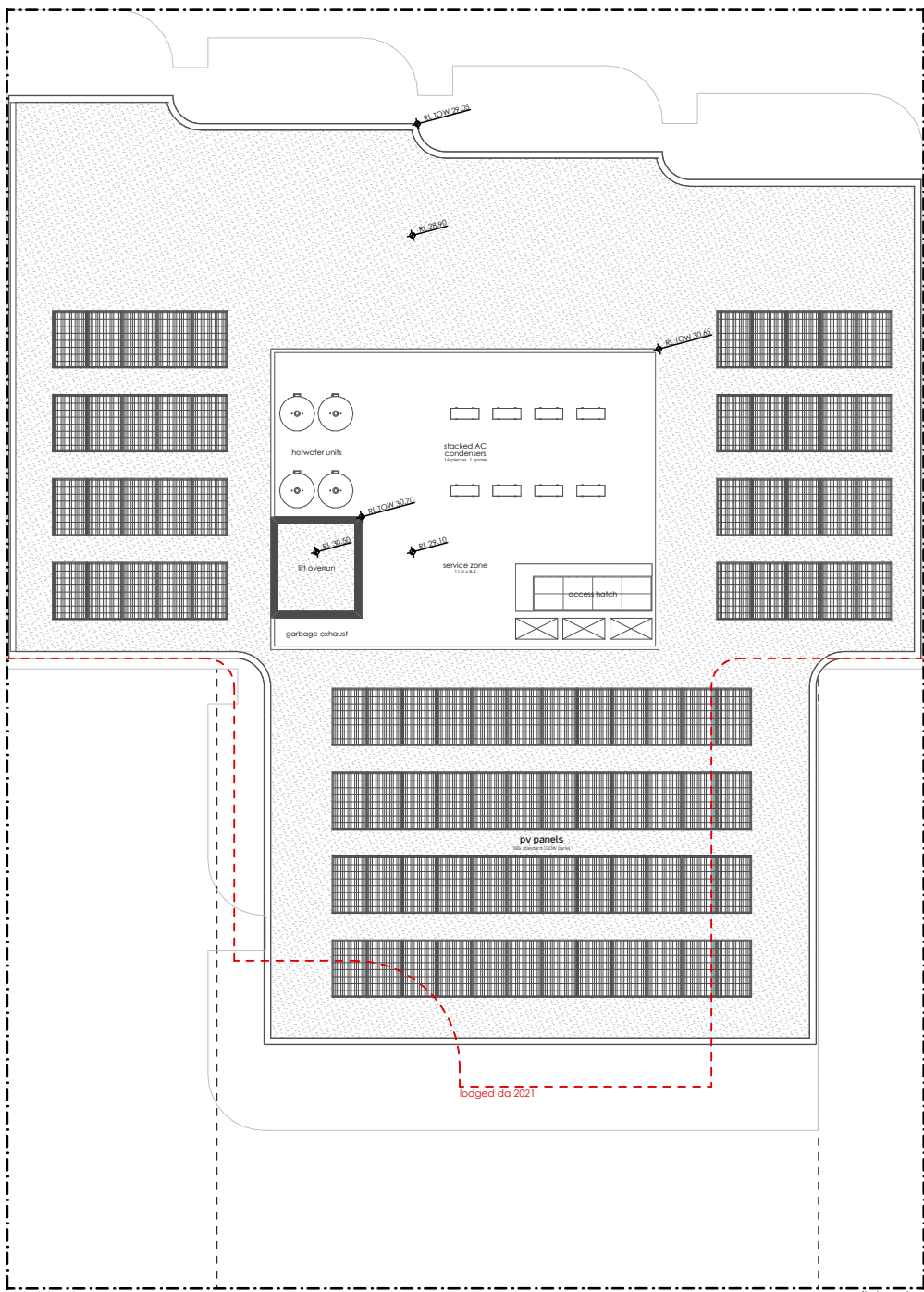
Level 1



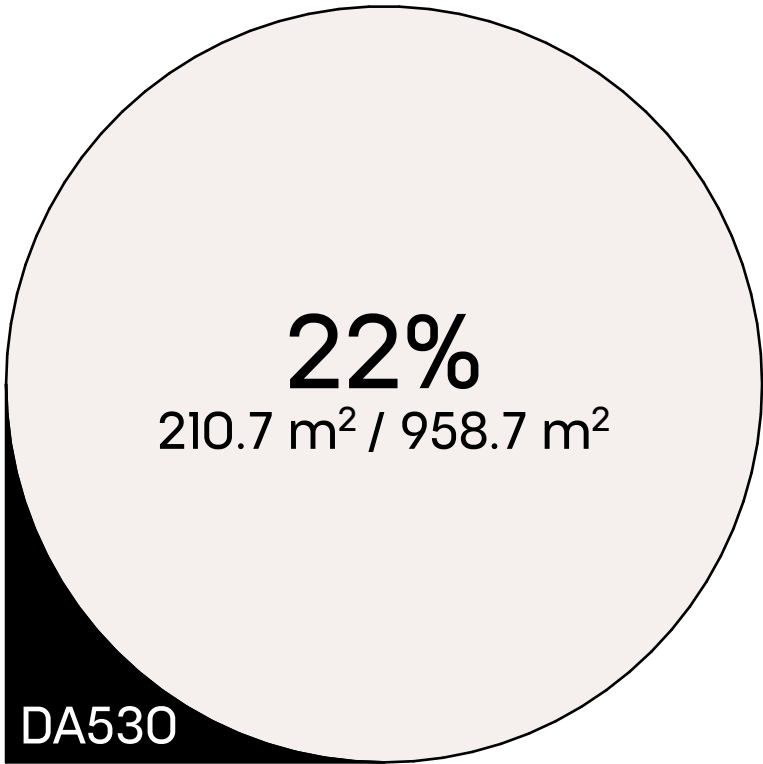
Level 2



Level 3



Roof



Communal open space

Apartment Design Guide

Objective 30-1
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

Design criteria
Communal open space has a minimum area equal to 25% of the site (see figure 30.3)

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

Waverley Council Development Control Plan 3.10

Objectives

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

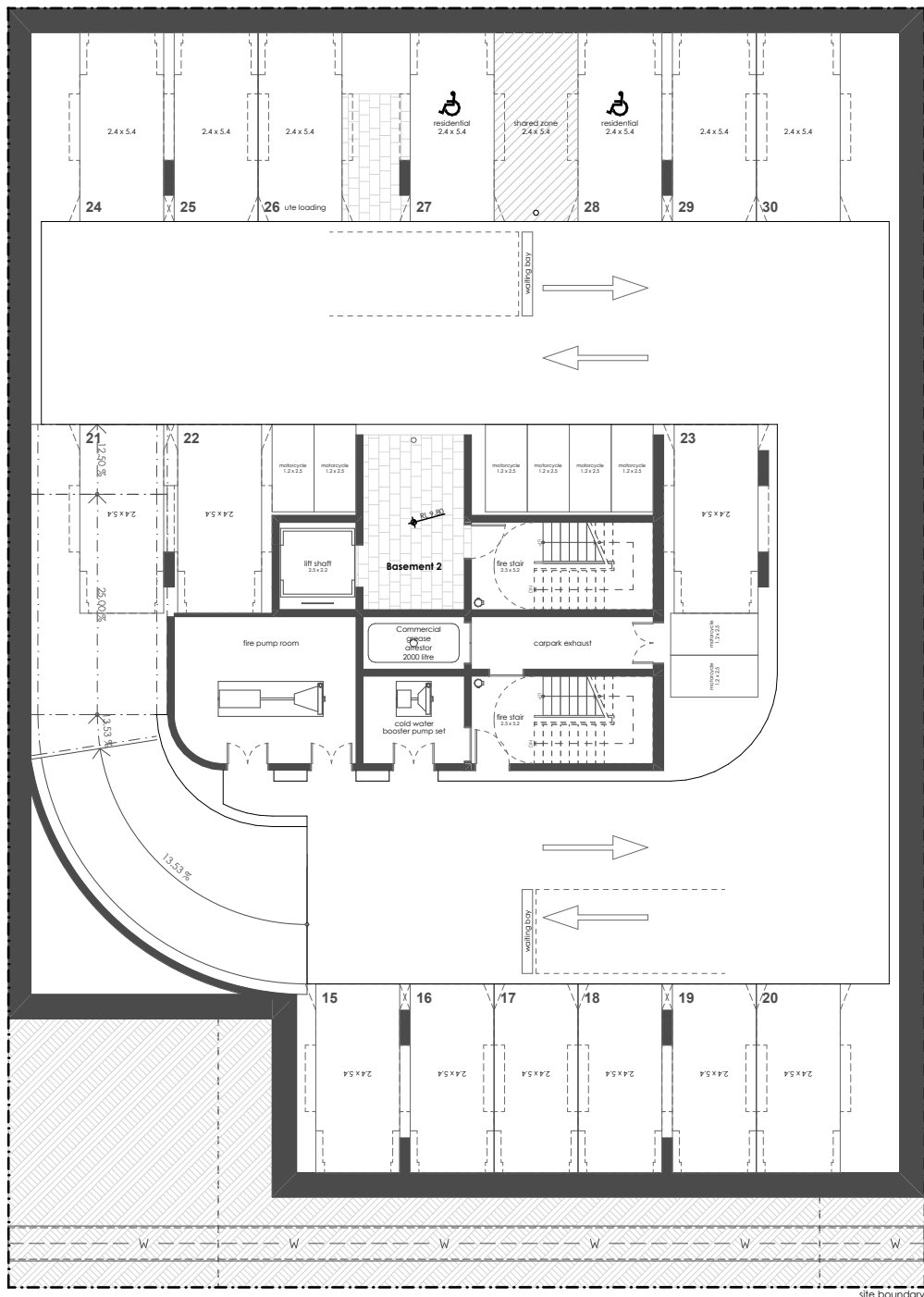
Controls

- (a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.
- (b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.
- (c) Communal open space is to: (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
- (ii) Be located so that solar access is maximised.
- (iii) Provide a landscape buffer between buildings.
- (iv) Be designed to a high quality, and allow for landscaping and seating.
- (v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).
- (g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.
- (h) Communal open space is to be accessible to all dwellings within a development.
- (i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.
- (j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.

Communal Open Space	
Home Story Name	Area
Ground	210.7
	210.7 m ²



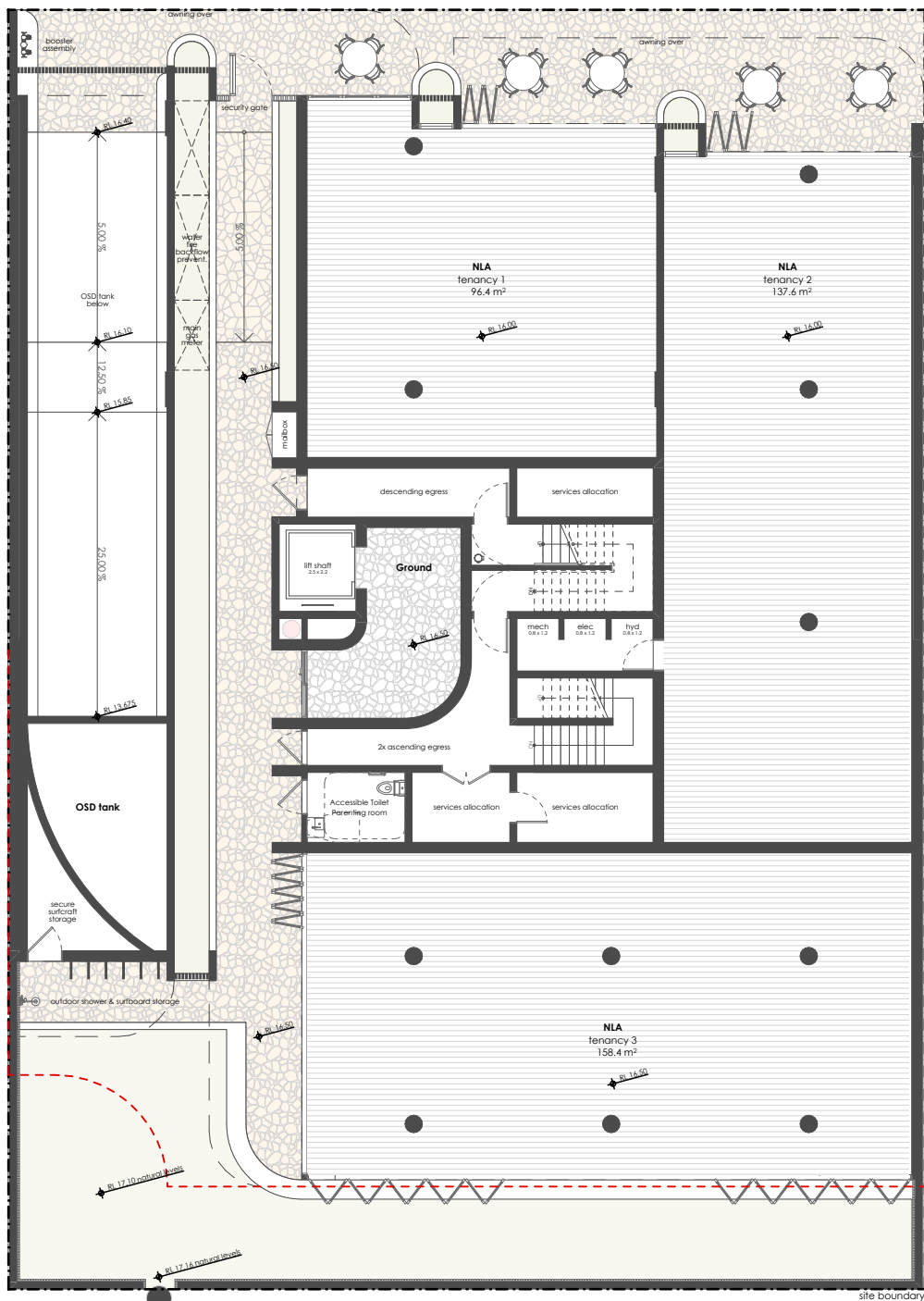
AMENDED PLANS



Basement 2



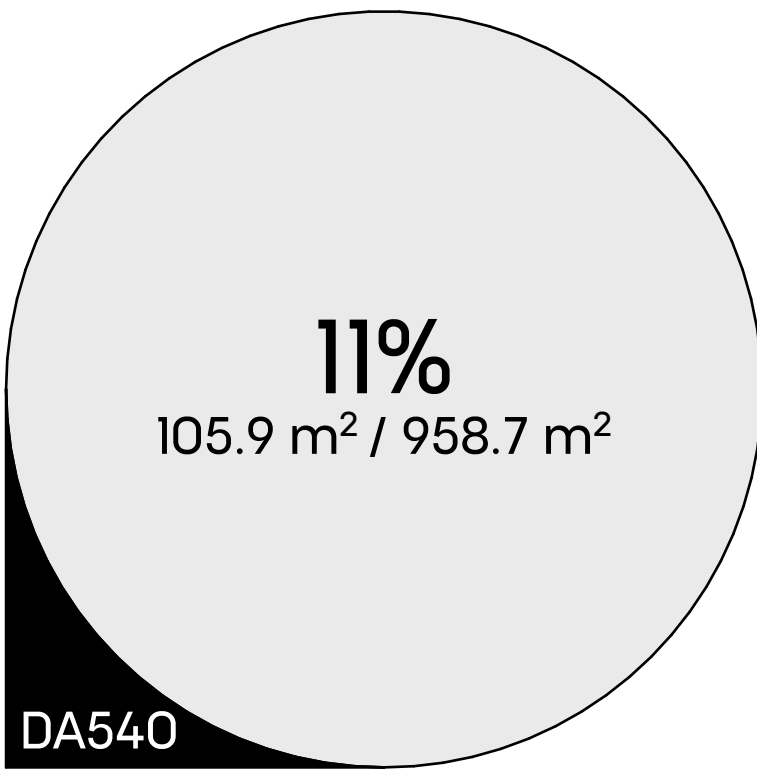
Basement 1



Ground



Level 1



Deep Soil area

Apartment Design Guide

Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

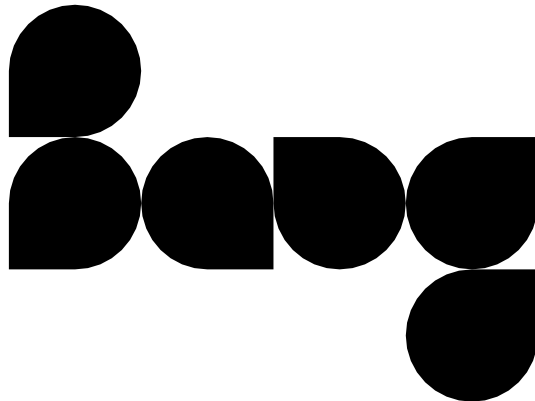
Design criteria

Deep soil zones are to meet the following minimum requirements:

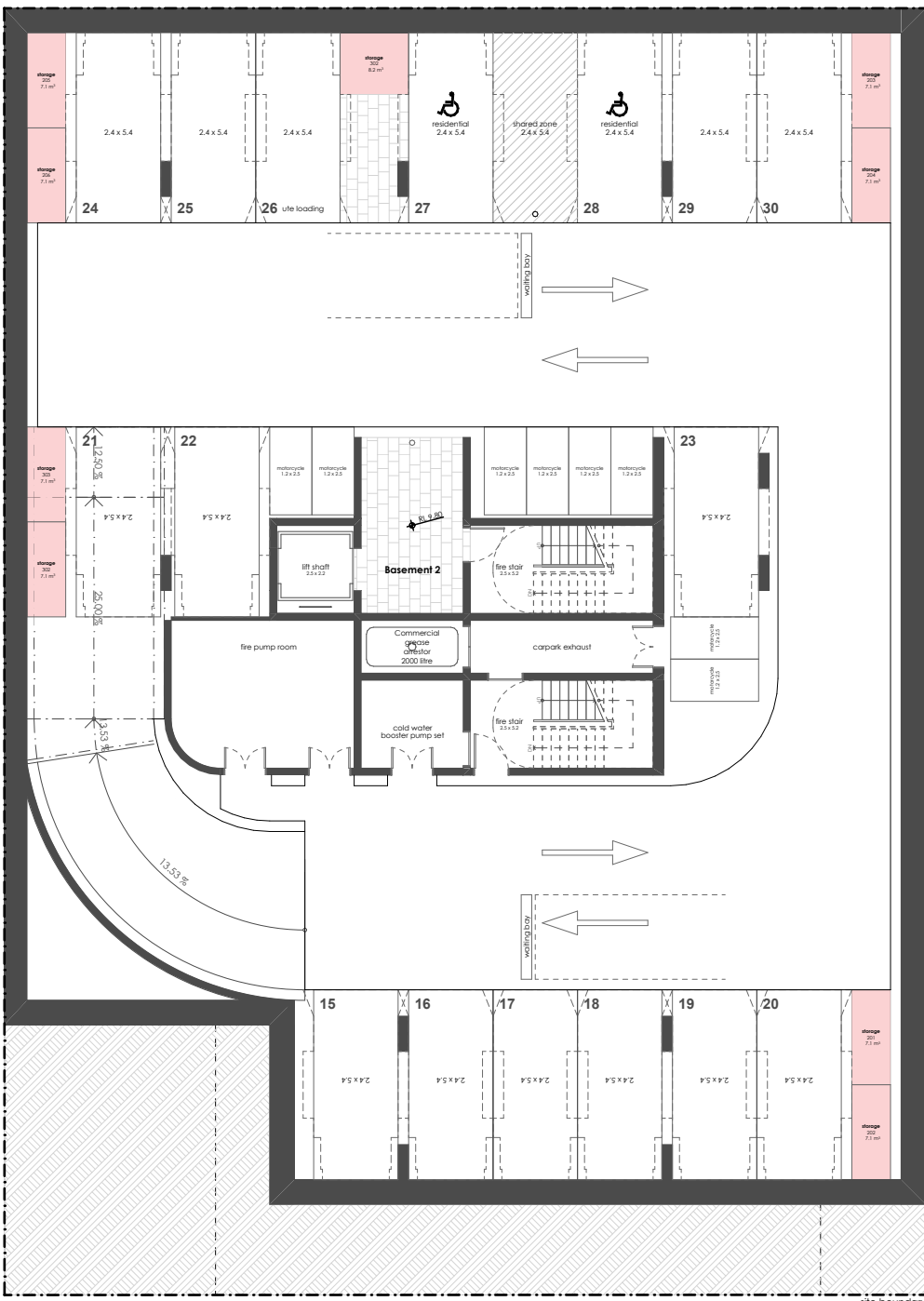
- Site area less than 650m2 Deep soil zone 7%
- Site area 650m2 - 1500m2 3m Minimum dimensions Deep soil zone 7%
- Site area greater than 1500m2 6m Minimum dimensions Deep soil zone 7%

Waverley Council Development Control Plan Amendment no8

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



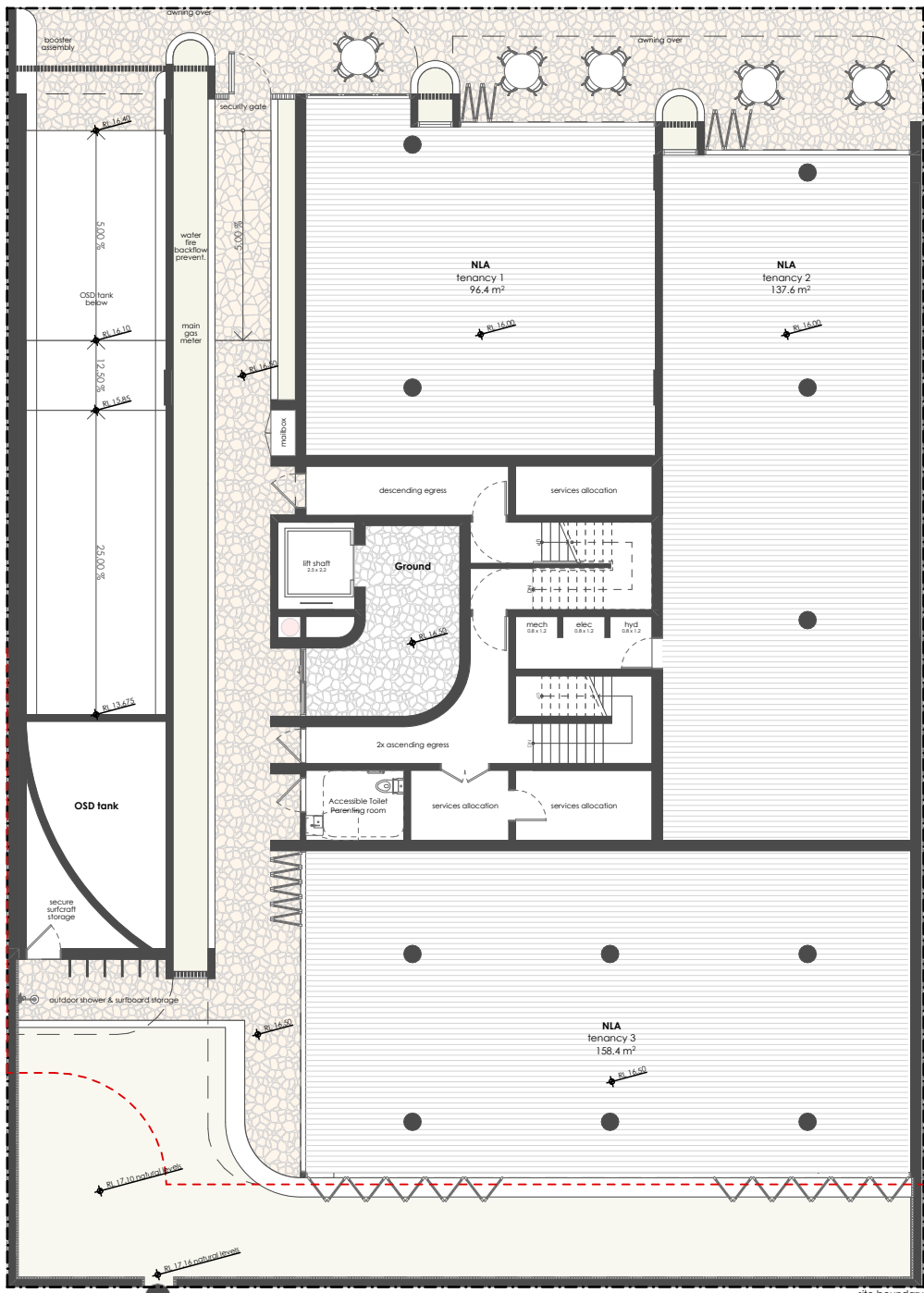
AMENDED PLANS



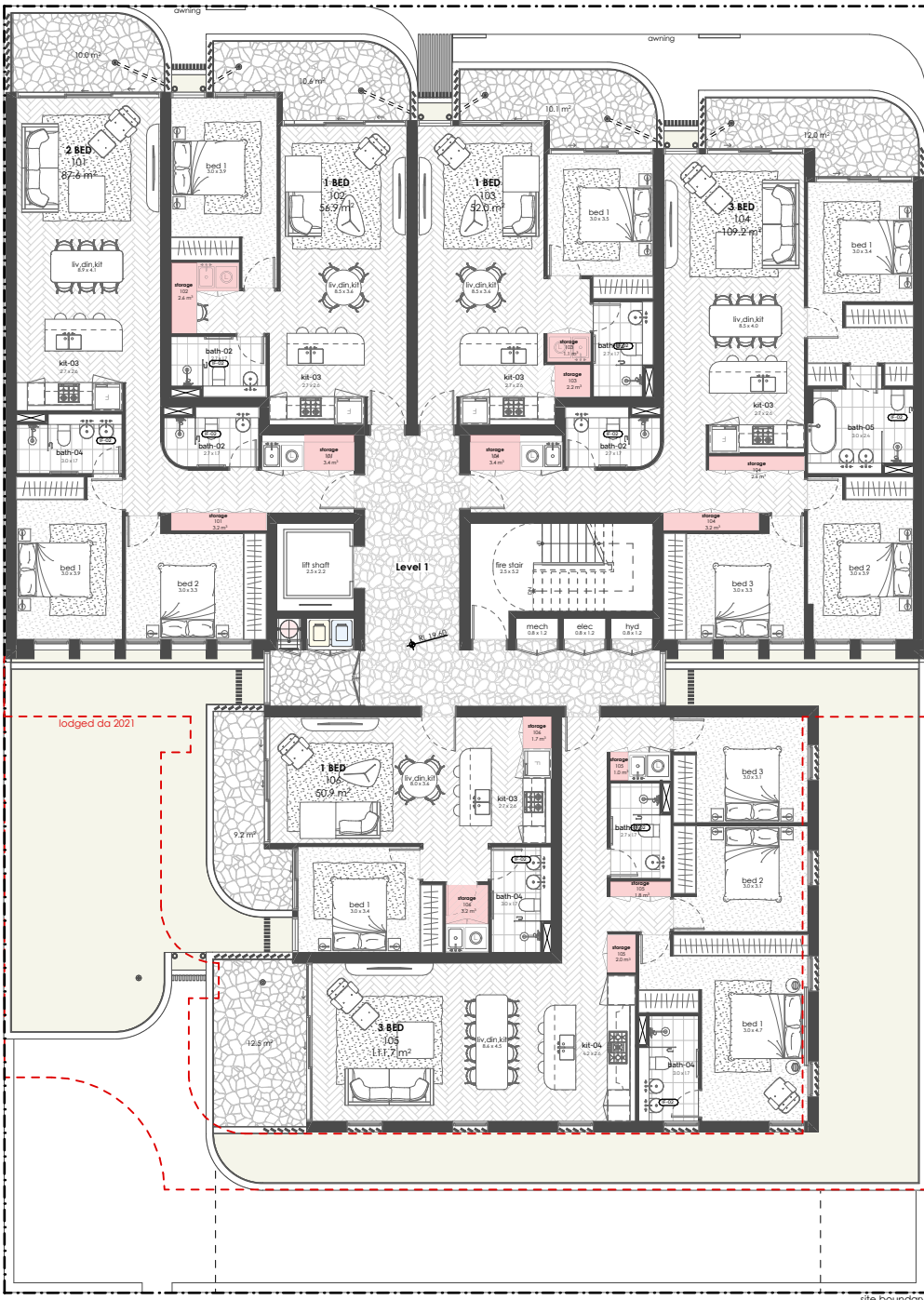
Basement 2



Basement 1



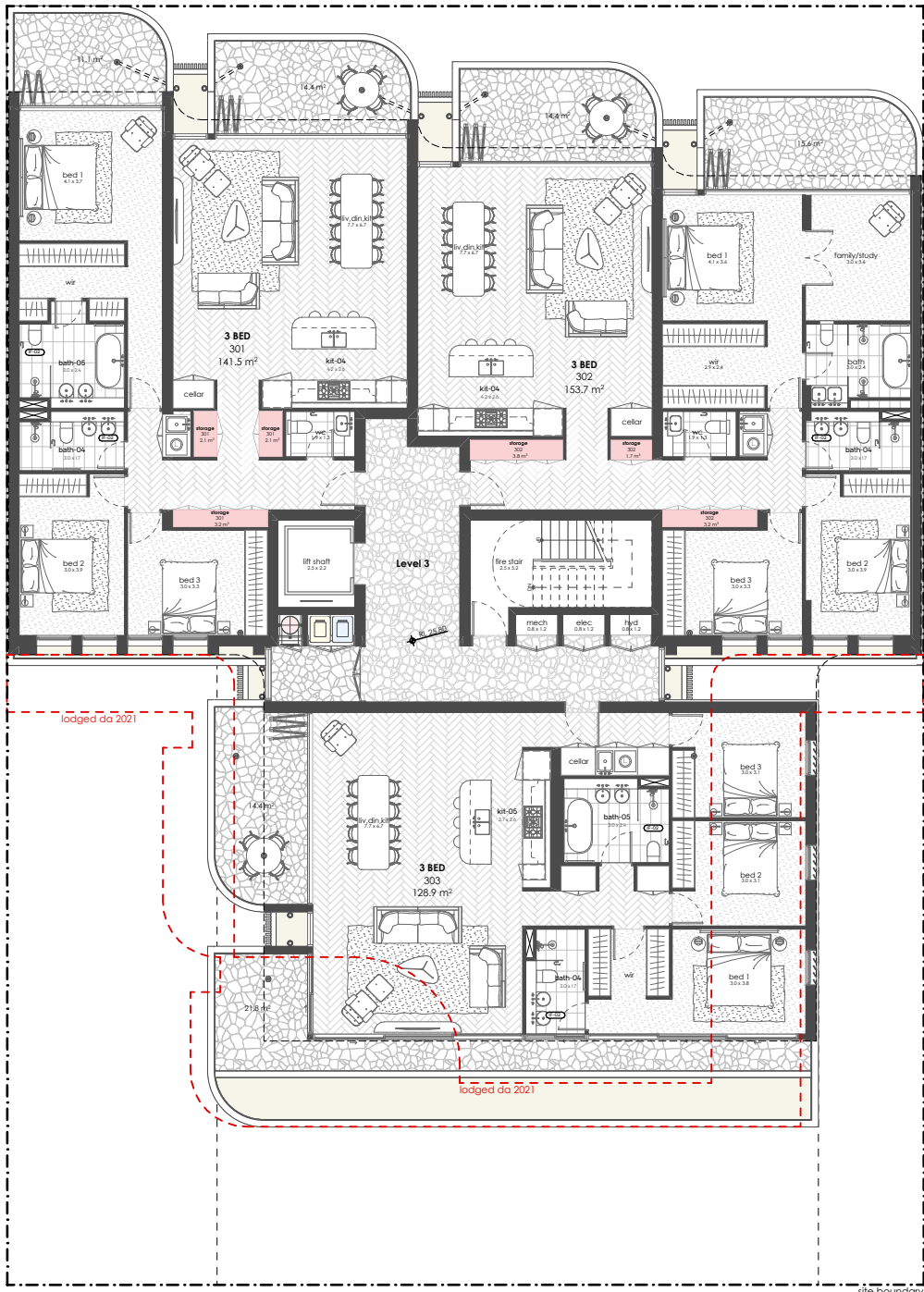
Ground



Level 1



Level 2



Level 3

complies
15/15 units

DA550

Storage allocation

Objective 46-1
Adequate, well designed storage is provided in each apartment

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

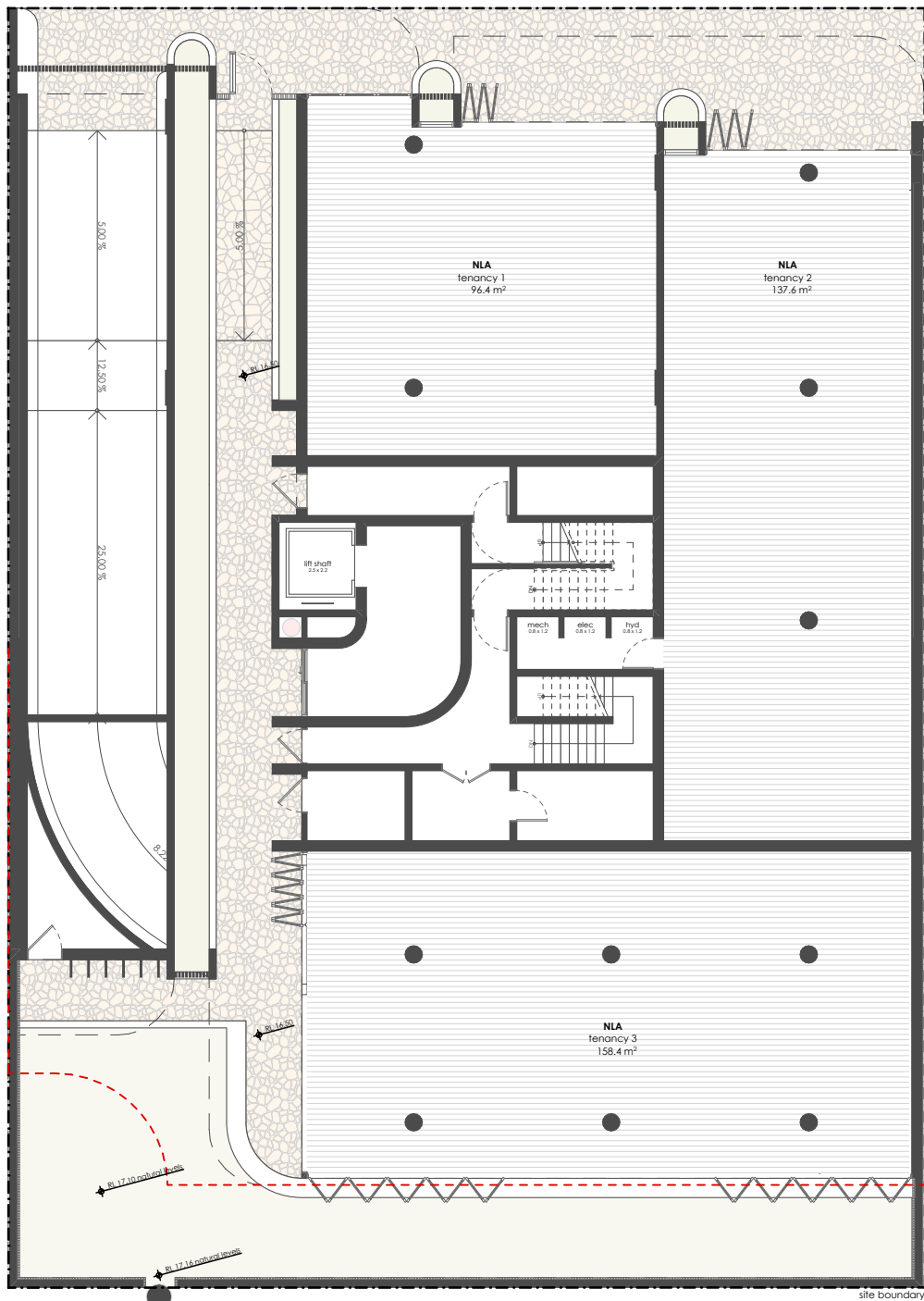
Dwelling type	Storage size volume
Studio apartments	4m3
1 bedroom apartments	6m3
2 bedroom apartments	8m3
3+ bedroom apartments	10m3

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

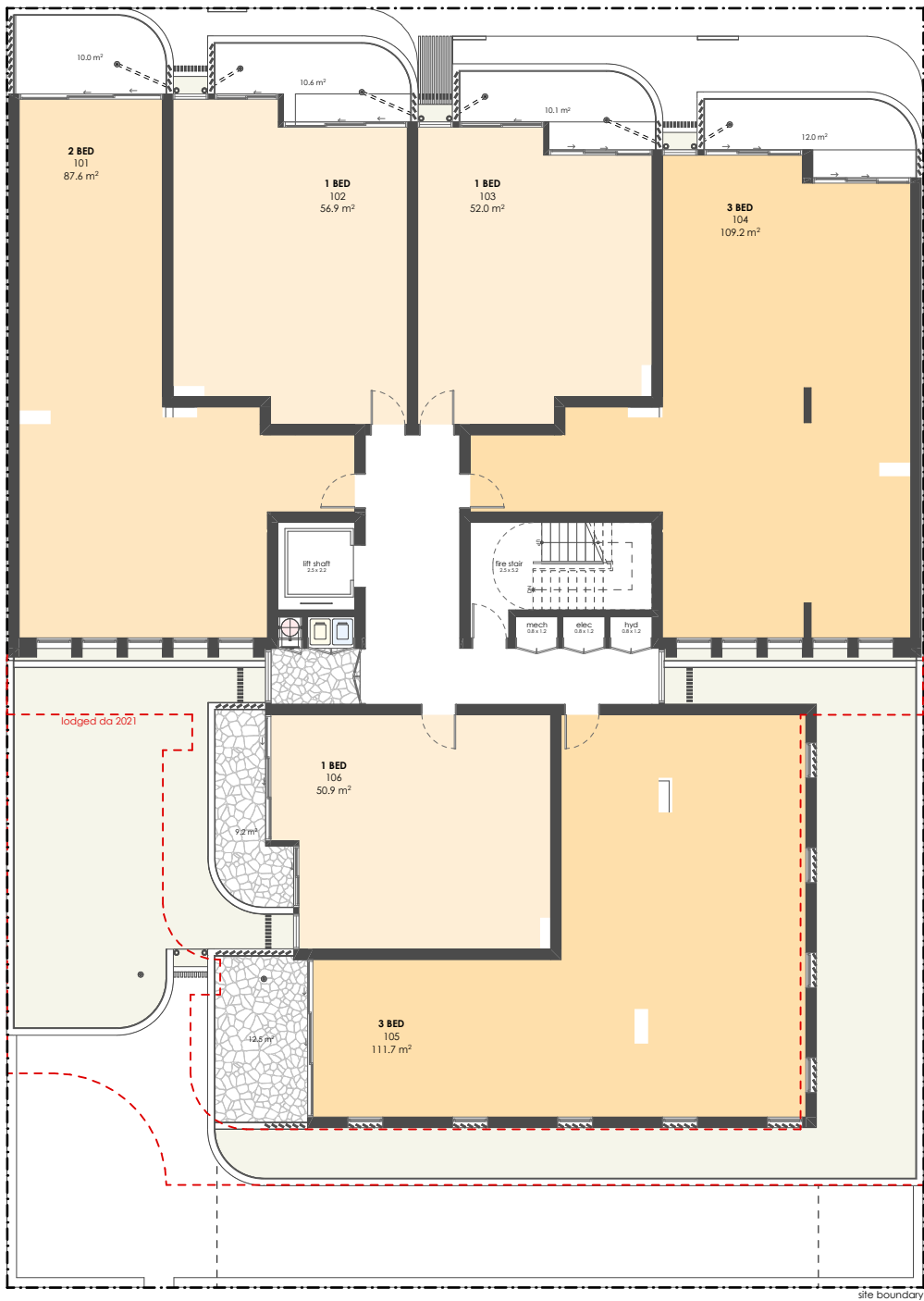
Storage allocation		Inside of unit	Outside of unit
Unit	Type	Volume	Volume
101	2 BED	6.6	7.1
102	1 BED	2.6	7.1
103	1 BED	3.3	7.1
104	3 BED	9.2	7.1
105	3 BED	4.8	7.1
106	1 BED	4.9	7.1
201	2 BED	6.6	7.1
202	1 BED	2.6	7.1
203	1 BED	3.3	7.1
204	3 BED	9.2	7.1
205	3 BED	4.8	7.1
206	1 BED	4.9	7.1
301	3 BED	7.4	8.2
302	3 BED	8.7	15.3
303	3 BED		7.1



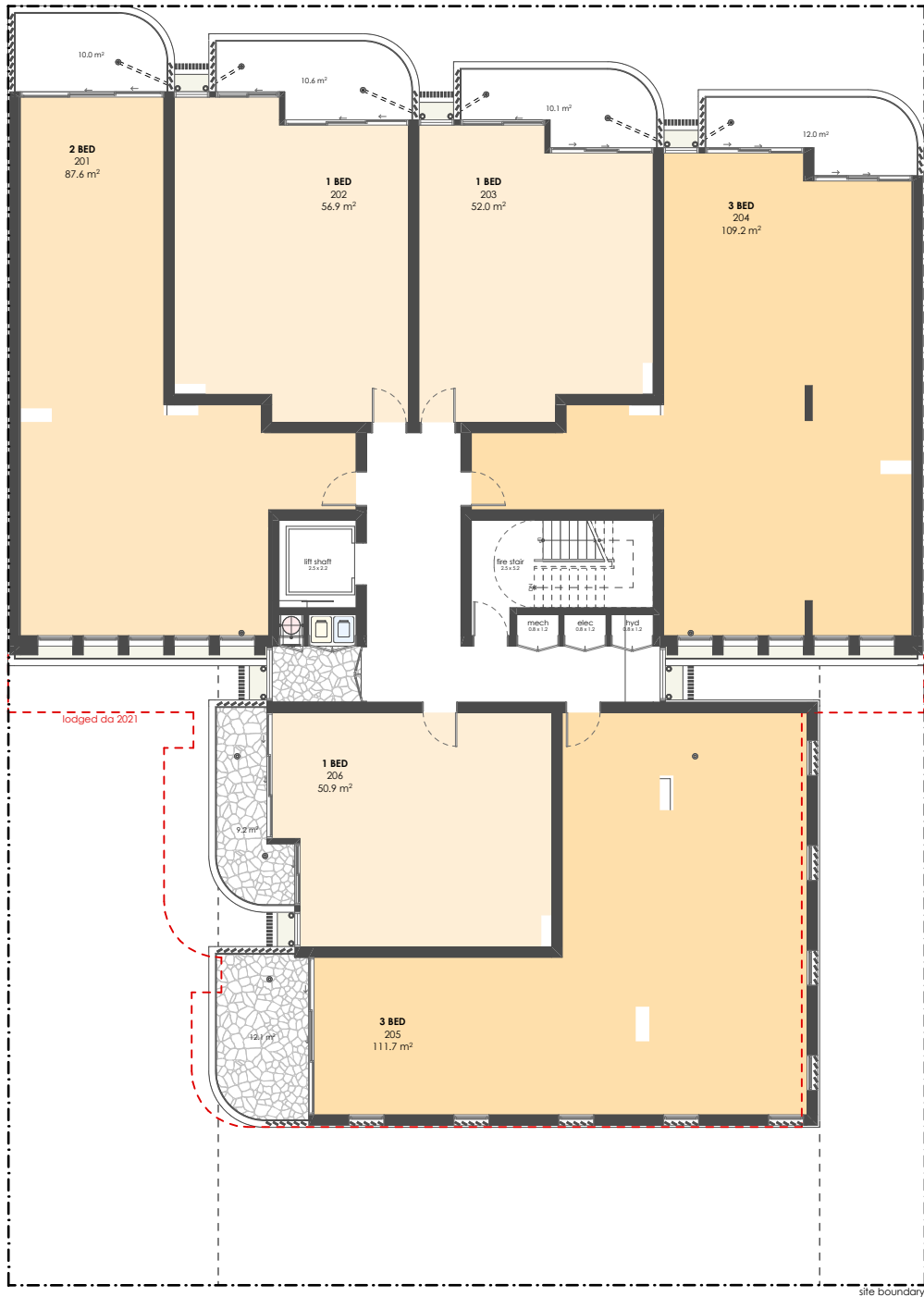
AMENDED PLANS



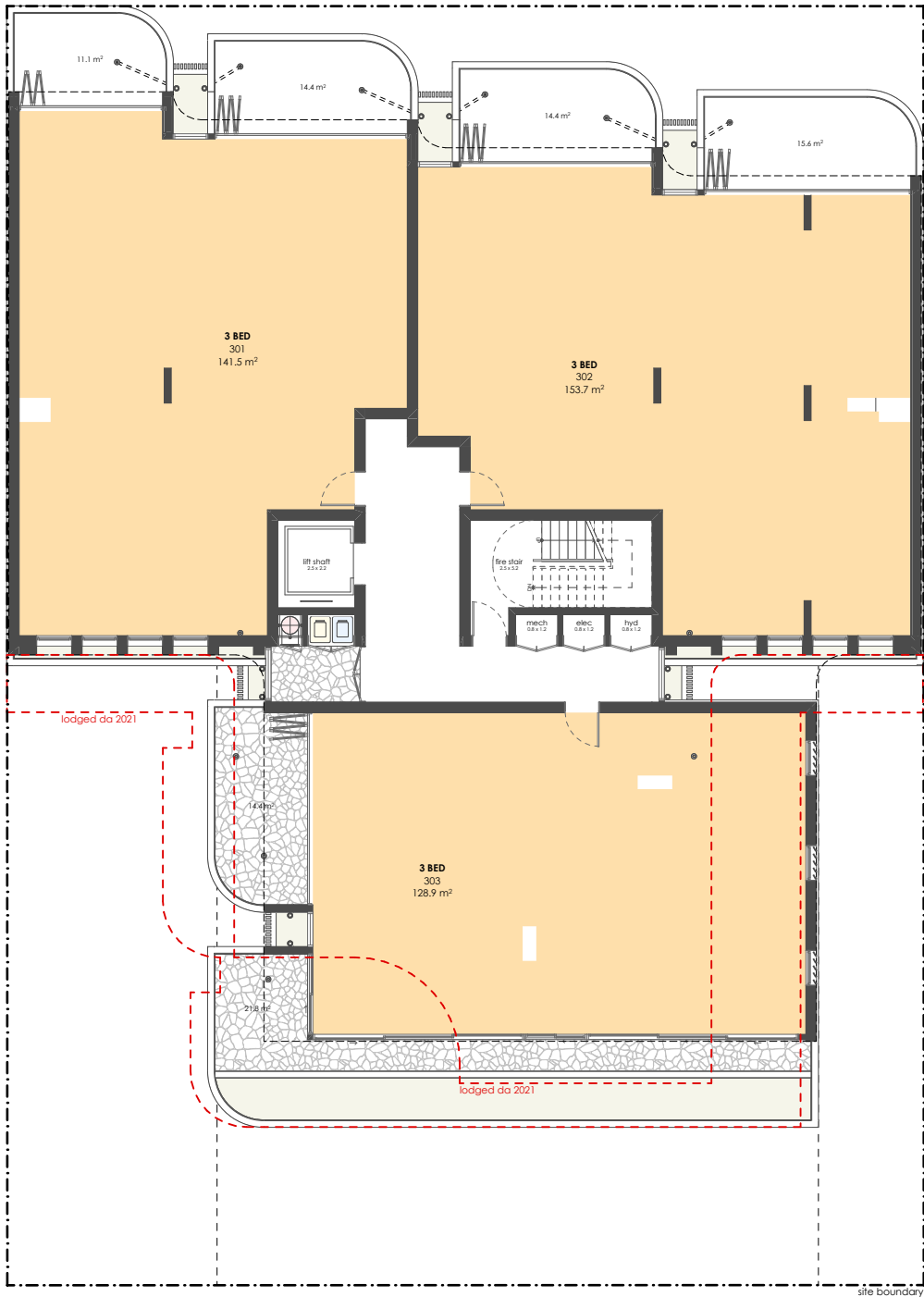
Ground



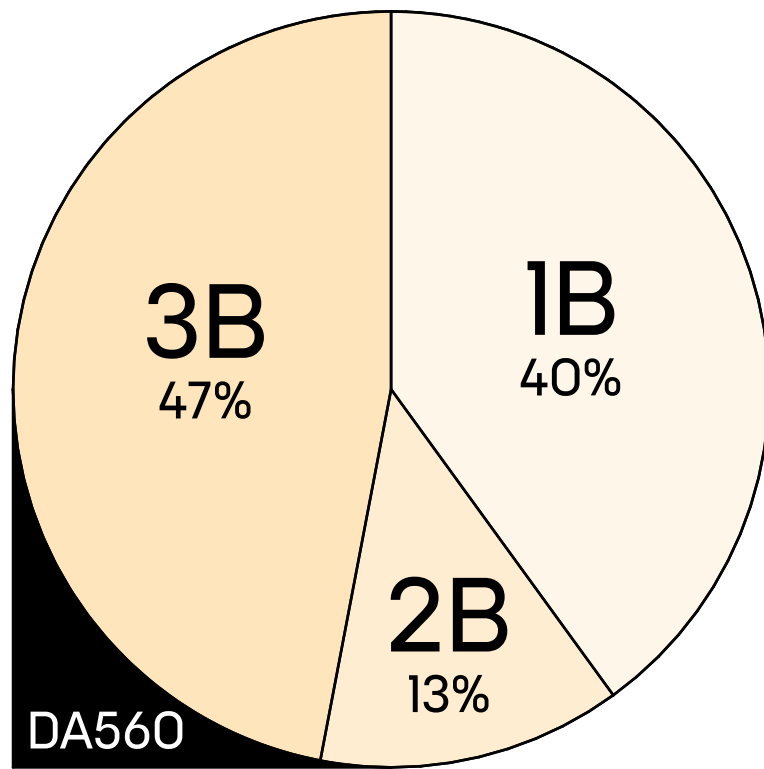
Level 1



Level 2



Level 3



Unit mix

Objective 40-1
Adequate, well designed storage is provided in each apartment.

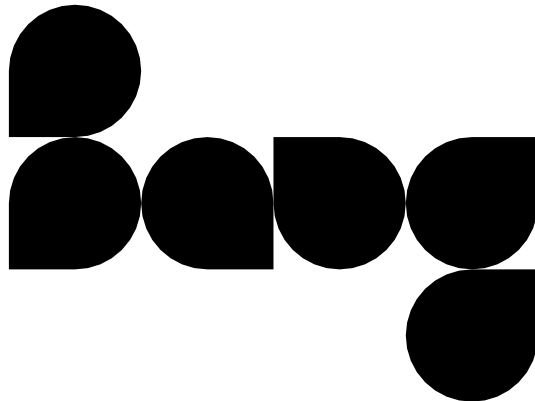
Design criteria
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

Dwelling type	Storage size volume
Studio apartments	4m3
1 bedroom apartments	6m3
2 bedroom apartments	8m3
3+ bedroom apartments	10m3

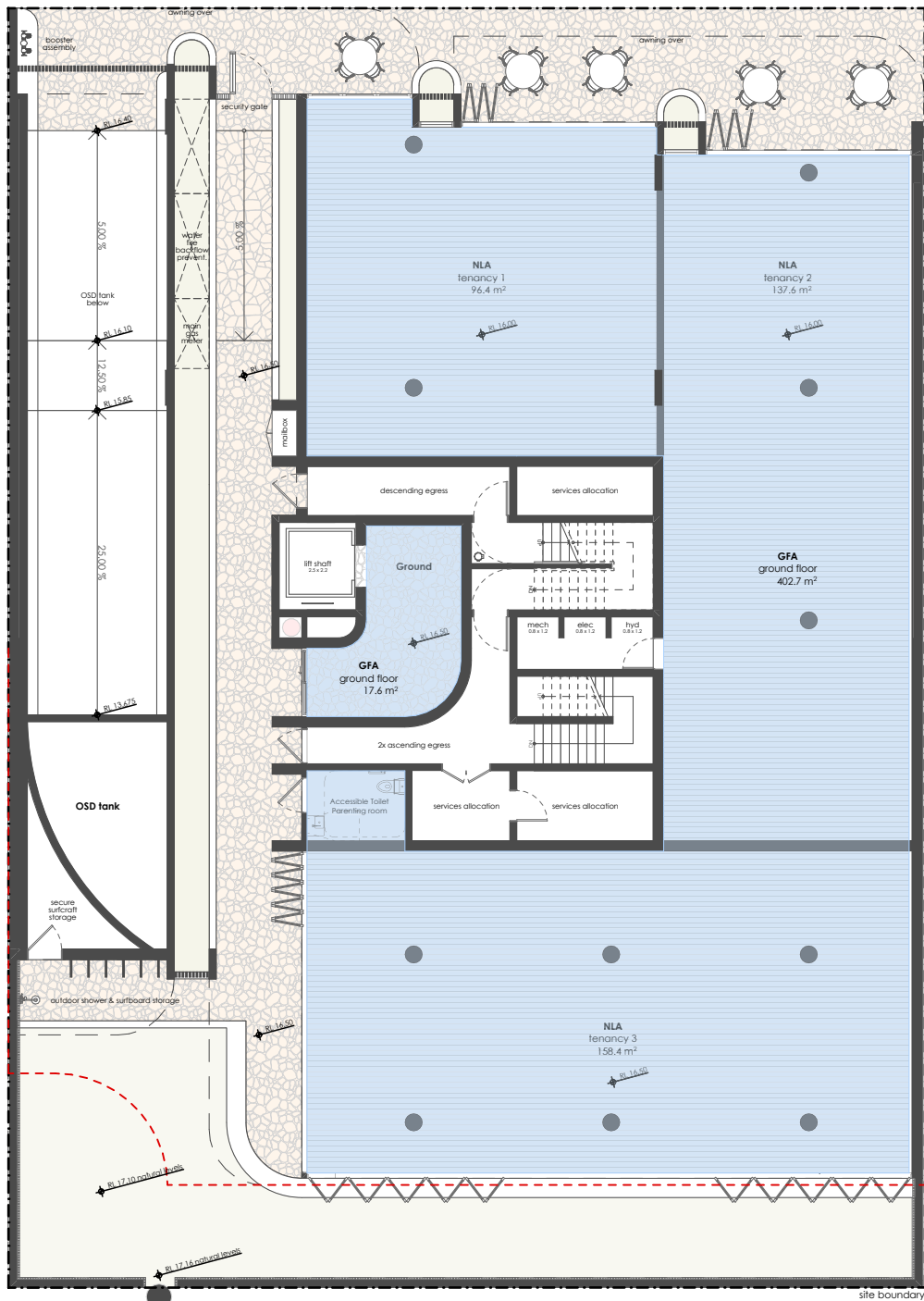
At least 50% of the required storage is to be located within the apartment

Unit Mix	Quantity
Unit type	
1 BED	6
2 BED	2
3 BED	7
	15

Net sellable area		
Unit Number	Unit Type	Measured Area
101	2 BED	87.6
102	1 BED	56.9
103	1 BED	52.0
104	3 BED	109.2
105	3 BED	111.7
106	1 BED	50.9
201	2 BED	87.6
202	1 BED	56.9
203	1 BED	52.0
204	3 BED	109.2
205	3 BED	111.7
206	1 BED	50.9
301	3 BED	141.5
302	3 BED	153.7
303	3 BED	128.9
		1,360.7 m²



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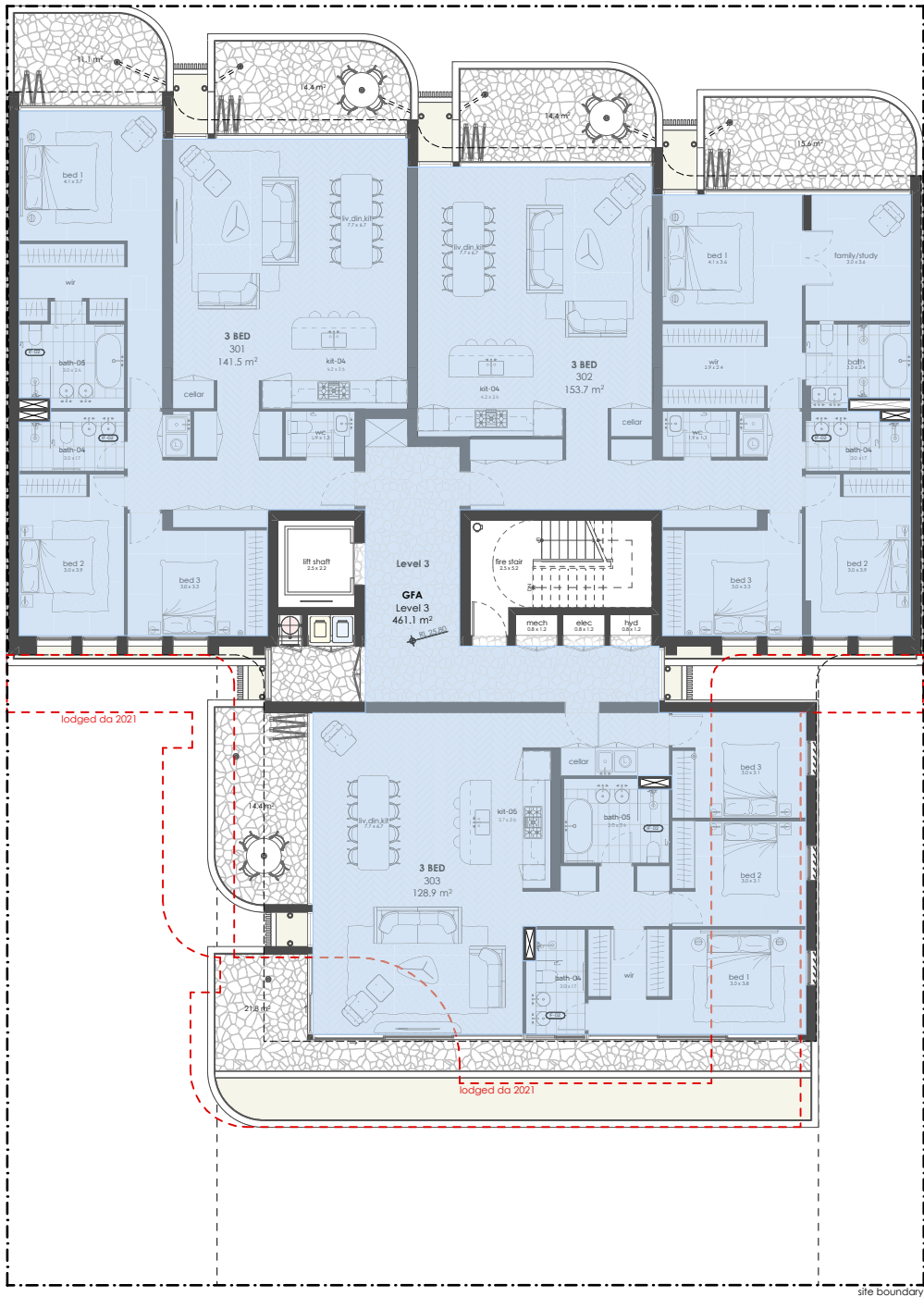
Ground



Level 1



Level 2



Level 3



DA570

Gross Floor Area

Sydney Local Environmental Plan 2012

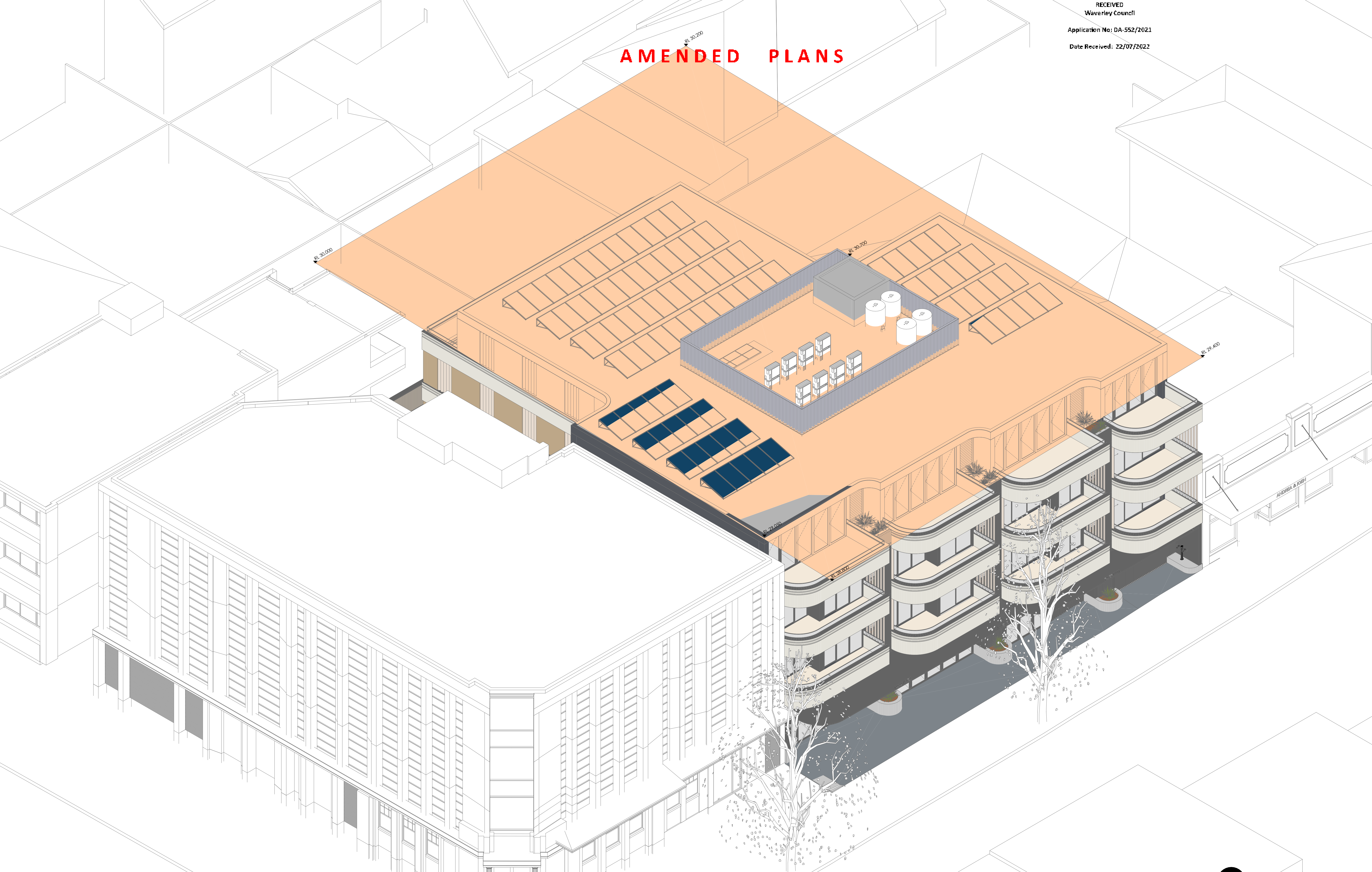
gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

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

GFA Gross floor area	
Storey	Area
Level 3	461.1
Level 2	518.0
Level 1	518.0
ground floor	420.3
	1917.4 m²



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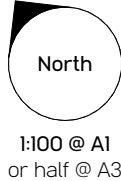
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● Nominated Architect
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Australian Institute of Architects
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ABN: 8464943872

● Client Info
Vaughan Elana
STM29 No26 Pty Ltd
14 Queen Street
Woolahra NSW 2025

● 00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application



● Rev Change Name
A DA SUBMISSION
B COUNCIL REP RESPONSE SUBMISSION

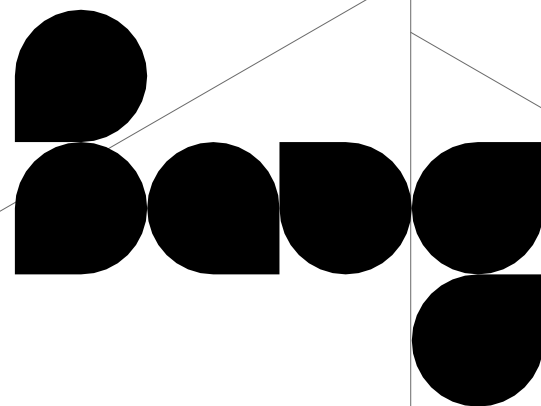
Date
7/10/2021
5/07/2022

Dwn by
WM

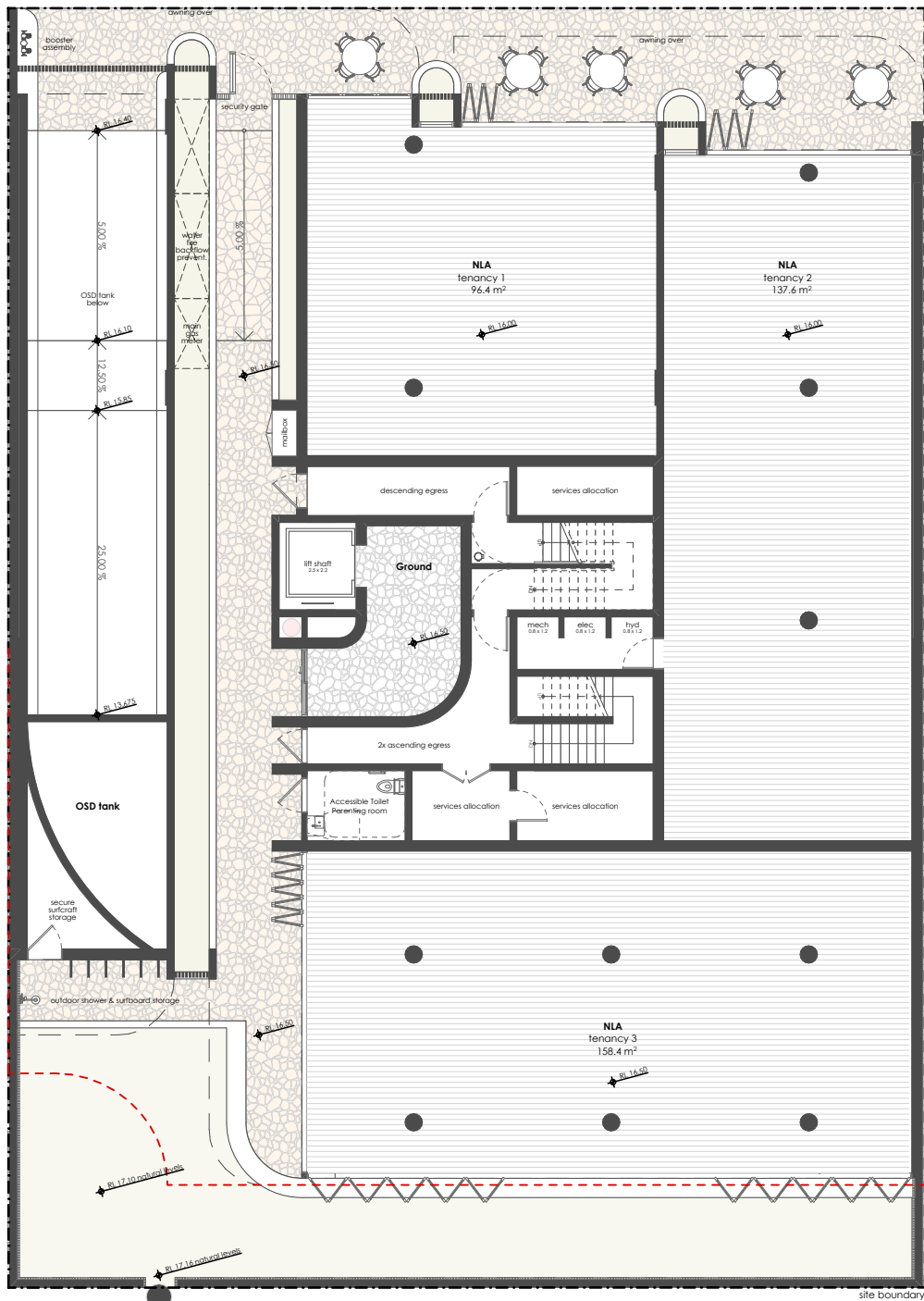
Ckd by
WM

● Title
Compliance diagrams
Height plane

● Drawing
DA580 B
● Revision



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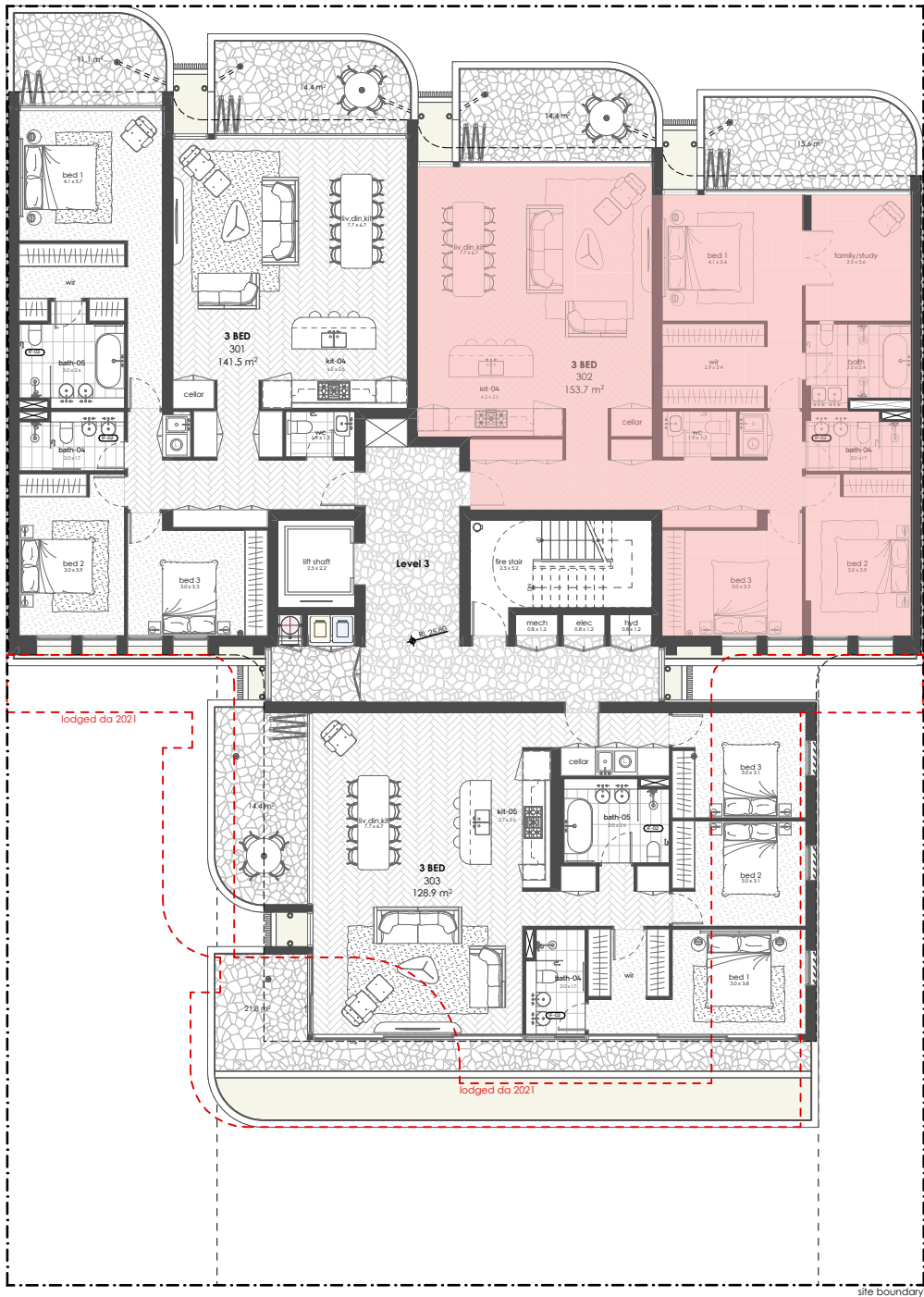
Ground



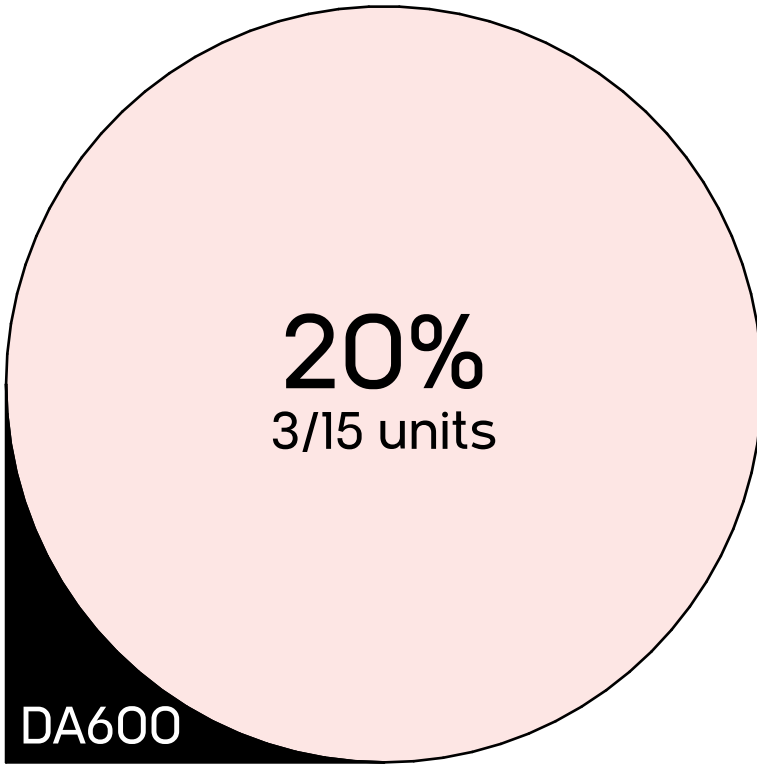
Level 1



Level 2



Level 3



Adaptable units

Waverley Council Development Control Plan 7.2 Adaptable Dwellings

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

Objectives

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

(b) To ensure adaptable dwellings are included within residential development in accordance with the relevant Australian Standards.

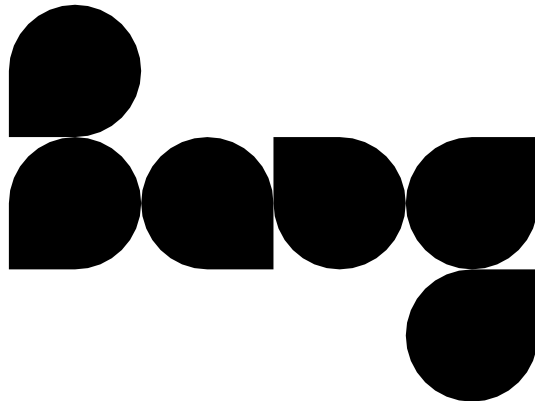
Controls

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

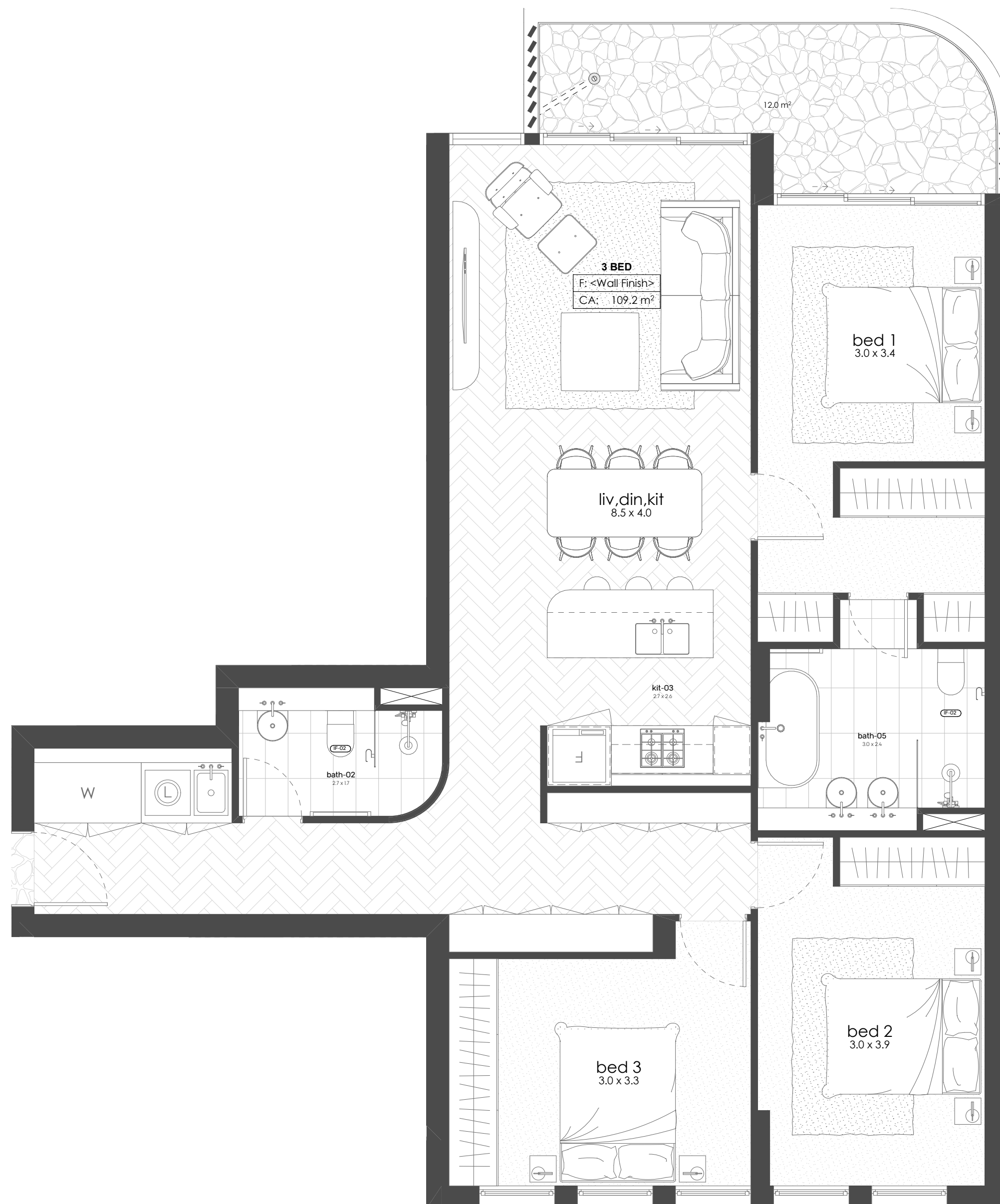
(b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.

(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.

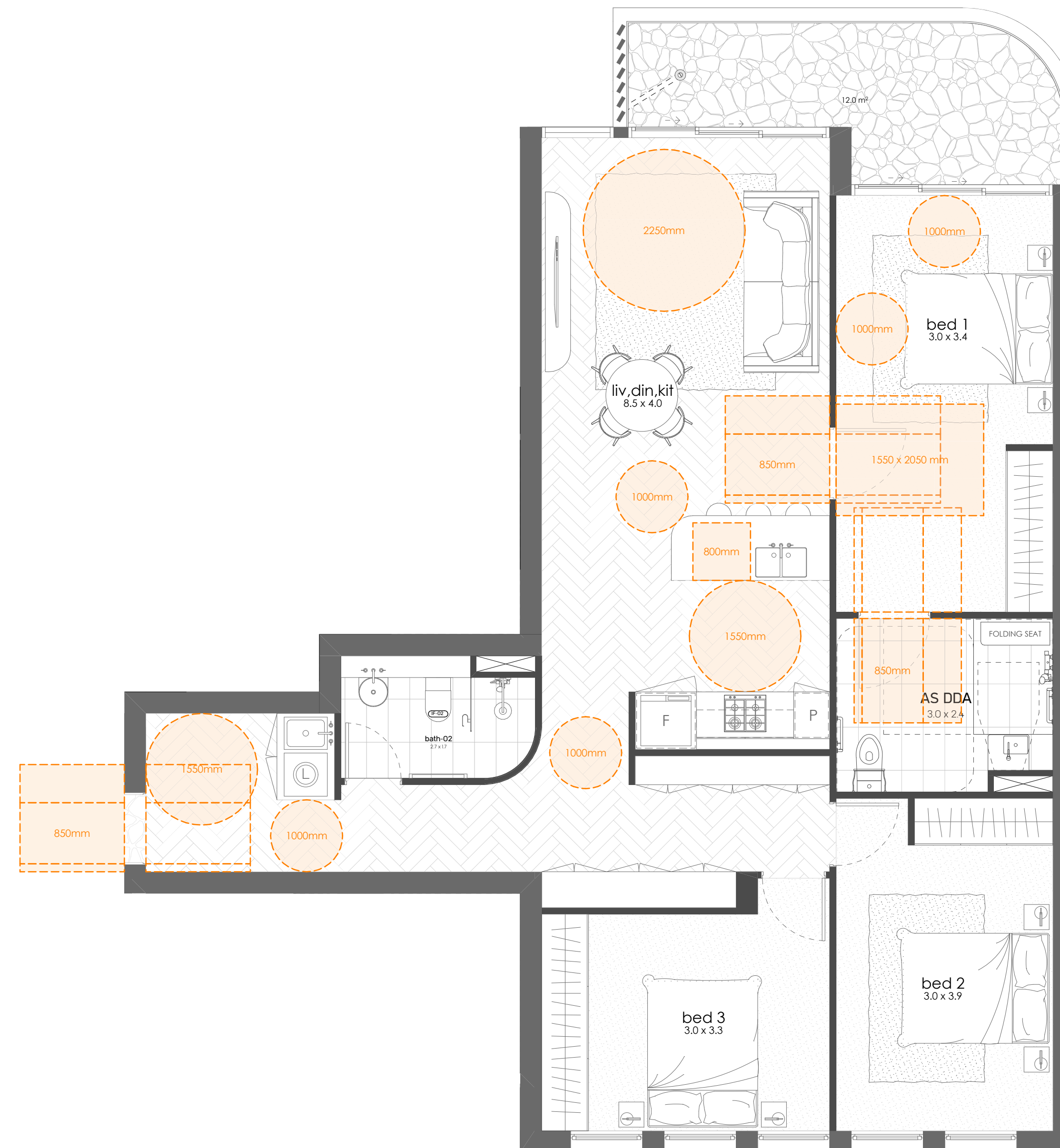
(d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.



AMENDED PLANS



3 BED Type A - PRE adaption

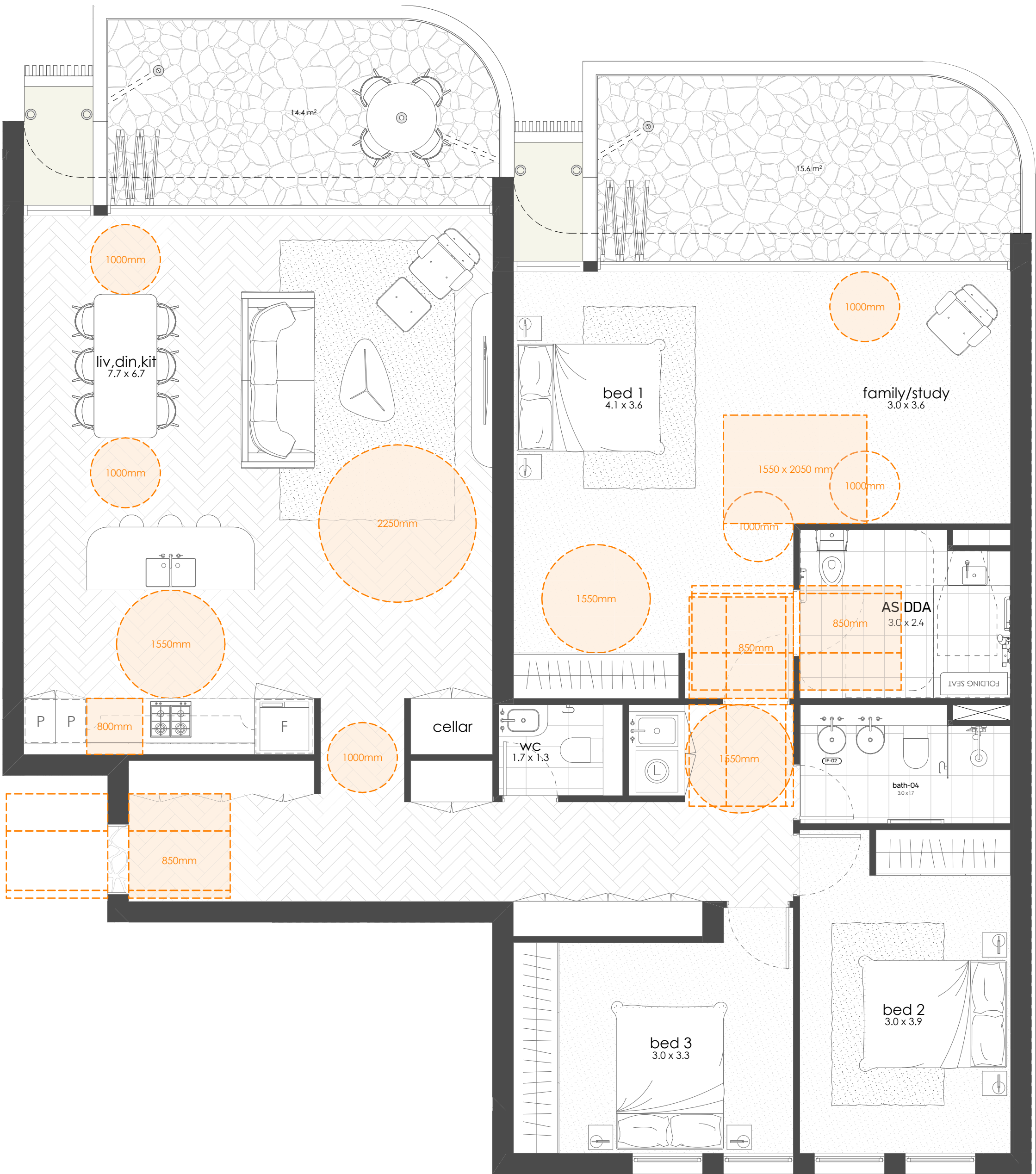


3 BED Type A - POST adaption

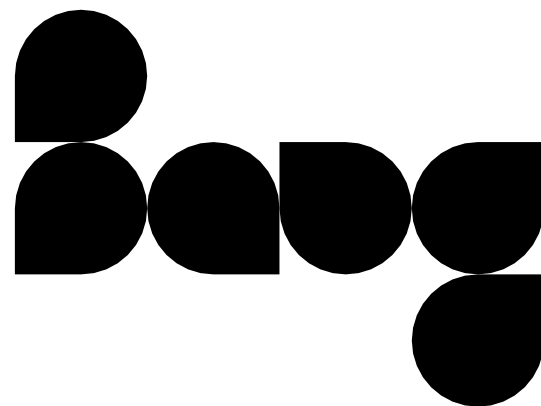
AMENDED PLANS



3 BED Type D - PRE adaption



3 BED Type D - POST adaption



AMENDED PLANS



EF-01

Pigmented Concrete

Material
Colour
Finish
Treatment

concrete
off-white
precast
pigmented



EF-02

Pigmented Concrete

Material
Colour
Finish
Treatment

concrete
anthracite
insitu plank
pigmented



EF-03

Pigmented Concrete

Material
Colour
Finish
Treatment

concrete
off-white
insitu plank
pigmented



EF-04

capped glass balustrade

Material
Colour
Finish
Treatment

glass & aluminium
clear & anthracite
satin
powdercoated



EF-05

palisade battened screen

Material
Colour
Finish
Treatment

aluminium
anthracite
satin
powdercoated



EF-06

palisade battened screen for services

Material
Colour
Finish
Treatment

aluminium
anthracite
satin
powdercoated



EF-07

Light concrete plinth

Material
Colour
Finish
Treatment

concrete
light grey
insitu
polished



EF-08

metal awning

Material
Colour
Finish
Treatment

steel
anthracite
satin
powdercoated



EF-09

extruded signage

Material
Colour
Finish
Treatment

steel
anthracite
satin
powdercoated



EF-10

screens

Material
Colour
Finish
Treatment

aluminium
beige / woodgrain
satin
powdercoated

A detailed architectural rendering of a modern, multi-story residential building. The building features a light-colored facade with prominent, curved balconies on each floor, many of which are adorned with lush green plants and vegetation. Large windows with dark frames are integrated into the design. The ground floor is a mix of brick and large glass panels, housing what appears to be a retail or cafe space with people walking and sitting outside. The scene is set on a sunny day with long shadows, and a large, leafy tree stands on the right side of the street. In the background, other buildings and a clear blue sky are visible. The overall aesthetic is clean, modern, and eco-friendly.

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-552/2021
Date Received: 22/07/2022

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STUDIOS Architecture
Member number 203880
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STUDIOS Architecture
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Bondi Junction NSW 2022

00007 Project Info
200-201 Old South Head Road
Bondi NSW 2022 Australia
4 storey mixed use development
Development Application

Rev	Change Name	Date	Dwn by	Ckd by
A	BA SUBMISSION	22/07/2022	WM	WM
B	OPTIONAL 1st RESPONSE SUBMISSION	11/07/2022	WM	WM

Title
Visualisation:
Perspective I

Drawing
DA350 B

Revision

The logo for BANG Architecture, featuring the word "bang" in a stylized, lowercase font where the letters are interconnected.

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Date Received: 22/07/2022





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Member number 208889
ABN 60 617 101 010

Client Info
Woolahra Block
51/52-53/54-55/56-57/58-59/60-61/62-63/64-65/66-67/68-69/70-71/72-73/74-75/76-77/78-79/80-81/82-83/84-85/86-87/88-89/90-91/92-93/94-95/96-97/98-99/100-101/102-103/104-105/106-107/108-109/110-111/112-113/114-115/116-117/118-119/120-121/122-123/124-125/126-127/128-129/130-131/132-133/134-135/136-137/138-139/140-141/142-143/144-145/146-147/148-149/150-151/152-153/154-155/156-157/158-159/160-161/162-163/164-165/166-167/168-169/170-171/172-173/174-175/176-177/178-179/180-181/182-183/184-185/186-187/188-189/190-191/192-193/194-195/196-197/198-199/200-201/202-203/204-205/206-207/208-209/210-211/212-213/214-215/216-217/218-219/220-221/222-223/224-225/226-227/228-229/230-231/232-233/234-235/236-237/238-239/240-241/242-243/244-245/246-247/248-249/250-251/252-253/254-255/256-257/258-259/260-261/262-263/264-265/266-267/268-269/270-271/272-273/274-275/276-277/278-279/280-281/282-283/284-285/286-287/288-289/290-291/292-293/294-295/296-297/298-299/300-301/302-303/304-305/306-307/308-309/310-311/312-313/314-315/316-317/318-319/320-321/322-323/324-325/326-327/328-329/330-331/332-333/334-335/336-337/338-339/340-341/342-343/344-345/346-347/348-349/350-351/352-353/354-355/356-357/358-359/360-361/362-363/364-365/366-367/368-369/370-371/372-373/374-375/376-377/378-379/380-381/382-383/384-385/386-387/388-389/390-391/392-393/394-395/396-397/398-399/400-401/402-403/404-405/406-407/408-409/410-411/412-413/414-415/416-417/418-419/420-421/422-423/424-425/426-427/428-429/430-431/432-433/434-435/436-437/438-439/440-441/442-443/444-445/446-447/448-449/450-451/452-453/454-455/456-457/458-459/460-461/462-463/464-465/466-467/468-469/470-471/472-473/474-475/476-477/478-479/480-481/482-483/484-485/486-487/488-489/490-491/492-493/494-495/496-497/498-499/500-501/502-503/504-505/506-507/508-509/510-511/512-513/514-515/516-517/518-519/520-521/522-523/524-525/526-527/528-529/530-531/532-533/534-535/536-537/538-539/540-541/542-543/544-545/546-547/548-549/550-551/552-553/554-555/556-557/558-559/560-561/562-563/564-565/566-567/568-569/570-571/572-573/574-575/576-577/578-579/580-581/582-583/584-585/586-587/588-589/590-591/592-593/594-595/596-597/598-599/600-601/602-603/604-605/606-607/608-609/610-611/612-613/614-615/616-617/618-619/620-621/622-623/624-625/626-627/628-629/630-631/632-633/634-635/636-637/638-639/640-641/642-643/644-645/646-647/648-649/650-651/652-653/654-655/656-657/658-659/660-661/662-663/664-665/666-667/668-669/670-671/672-673/674-675/676-677/678-679/680-681/682-683/684-685/686-687/688-689/690-691/692-693/694-695/696-697/698-699/700-701/702-703/704-705/706-707/708-709/710-711/712-713/714-715/716-717/718-719/720-721/722-723/724-725/726-727/728-729/730-731/732-733/734-735/736-737/738-739/740-741/742-743/744-745/746-747/748-749/750-751/752-753/754-755/756-757/758-759/760-761/762-763/764-765/766-767/768-769/770-771/772-773/774-775/776-777/778-779/780-781/782-783/784-785/786-787/788-789/790-791/792-793/794-795/796-797/798-799/800-801/802-803/804-805/806-807/808-809/810-811/812-813/814-815/816-817/818-819/820-821/822-823/824-825/826-827/828-829/830-831/832-833/834-835/836-837/838-839/840-841/842-843/844-845/846-847/848-849/850-851/852-853/854-855/856-857/858-859/860-861/862-863/864-865/866-867/868-869/870-871/872-873/874-875/876-877/878-879/880-881/882-883/884-885/886-887/888-889/890-891/892-893/894-895/896-897/898-899/900-901/902-903/904-905/906-907/908-909/910-911/912-913/914-915/916-917/918-919/920-921/922-923/924-925/926-927/928-929/930-931/932-933/934-935/936-937/938-939/940-941/942-943/944-945/946-947/948-949/950-951/952-953/954-955/956-957/958-959/960-961/962-963/964-965/966-967/968-969/970-971/972-973/974-975/976-977/978-979/980-981/982-983/984-985/986-987/988-989/990-991/992-993/994-995/996-997/998-999/1000-1001/1002-1003/1004-1005/1006-1007/1008-1009/1010-1011/1012-1013/1014-1015/1016-1017/1018-1019/1020-1021/1022-1023/1024-1025/1026-1027/1028-1029/1030-1031/1032-1033/1034-1035/1036-1037/1038-1039/1040-1041/1042-1043/1044-1045/1046-1047/1048-1049/1050-1051/1052-1053/1054-1055/1056-1057/1058-1059/1060-1061/1062-1063/1064-1065/1066-1067/1068-1069/1070-1071/1072-1073/1074-1075/1076-1077/1078-1079/1080-1081/1082-1083/1084-1085/1086-1087/1088-1089/1090-1091/1092-1093/1094-1095/1096-1097/1098-1099/1100-1101/1102-1103/1104-1105/1106-1107/1108-1109/1110-1111/1112-1113/1114-1115/1116-1117/1118-1119/1120-1121/1122-1123/1124-1125/1126-1127/1128-1129/1130-1131/1132-1133/1134-1135/1136-1137/1138-1139/1140-1141/1142-1143/1144-1145/1146-1147/1148-1149/1150-1151/1152-1153/1154-1155/1156-1157/1158-1159/1160-1161/1162-1163/1164-1165/1166-1167/1168-1169/1170-1171/1172-1173/1174-1175/1176-1177/1178-1179/1180-1181/1182-1183/1184-1185/1186-1187/1188-1189/1190-1191/1192-1193/1194-1195/1196-1197/1198-1199/1200-1201/1202-1203/1204-1205/1206-1207/1208-1209/1210-1211/1212-1213/1214-1215/1216-1217/1218-1219/1220-1221/1222-1223/1224-1225/1226-1227/1228-1229/1230-1231/1232-1233/1234-1235/1236-1237/1238-1239/1240-1241/1242-1243/1244-1245/1246-1247/1248-1249/125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● 00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

● Rev	Change Name
A	DA SUBMISSION
B	OPTIONAL RPI RESPONSE SUBMISSION

Date	Dwn by	Ckd by
22/10/2021	WM	WM
14/07/2022		

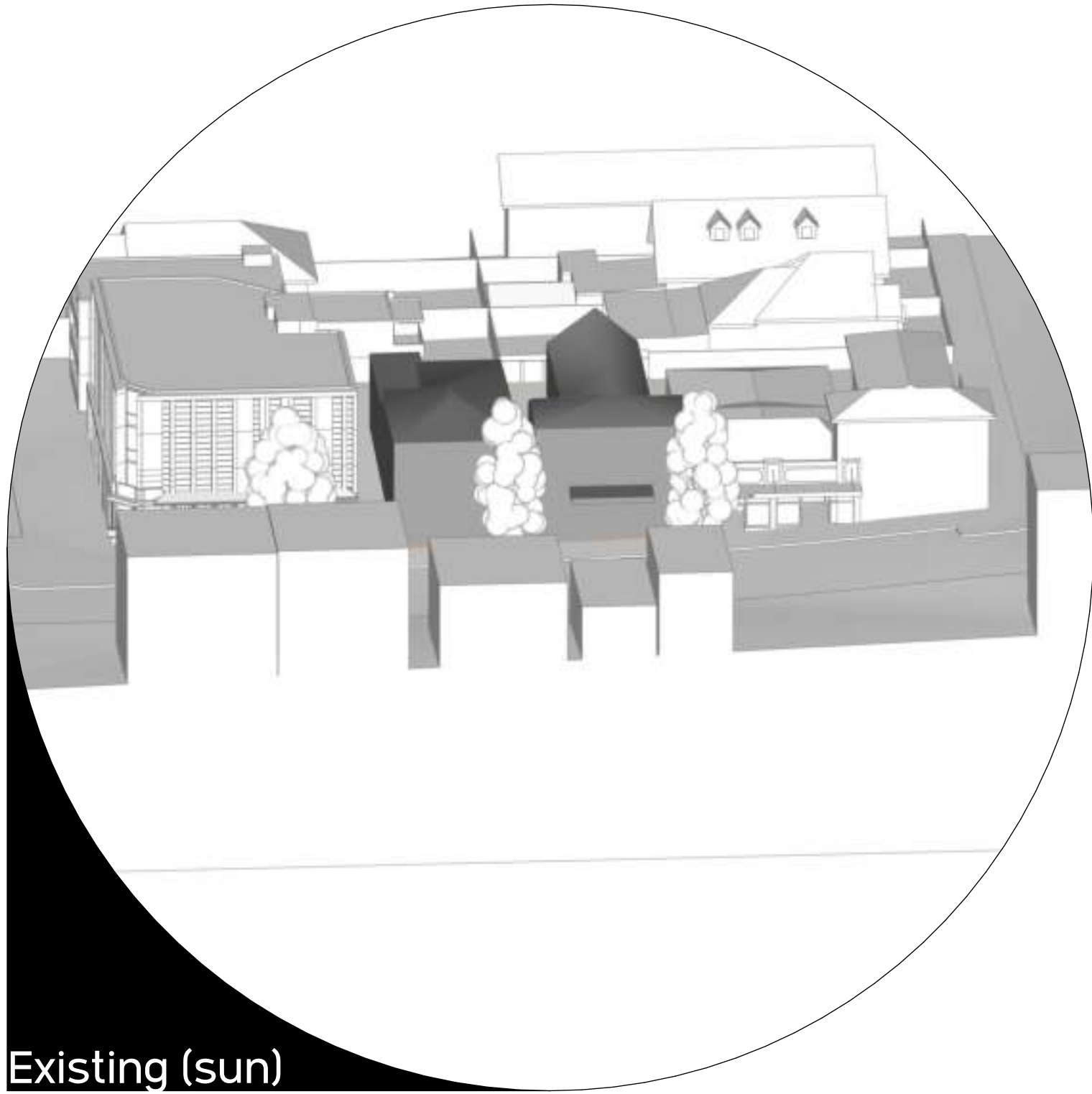
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Visualisation:
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● Drawing
DA352 B

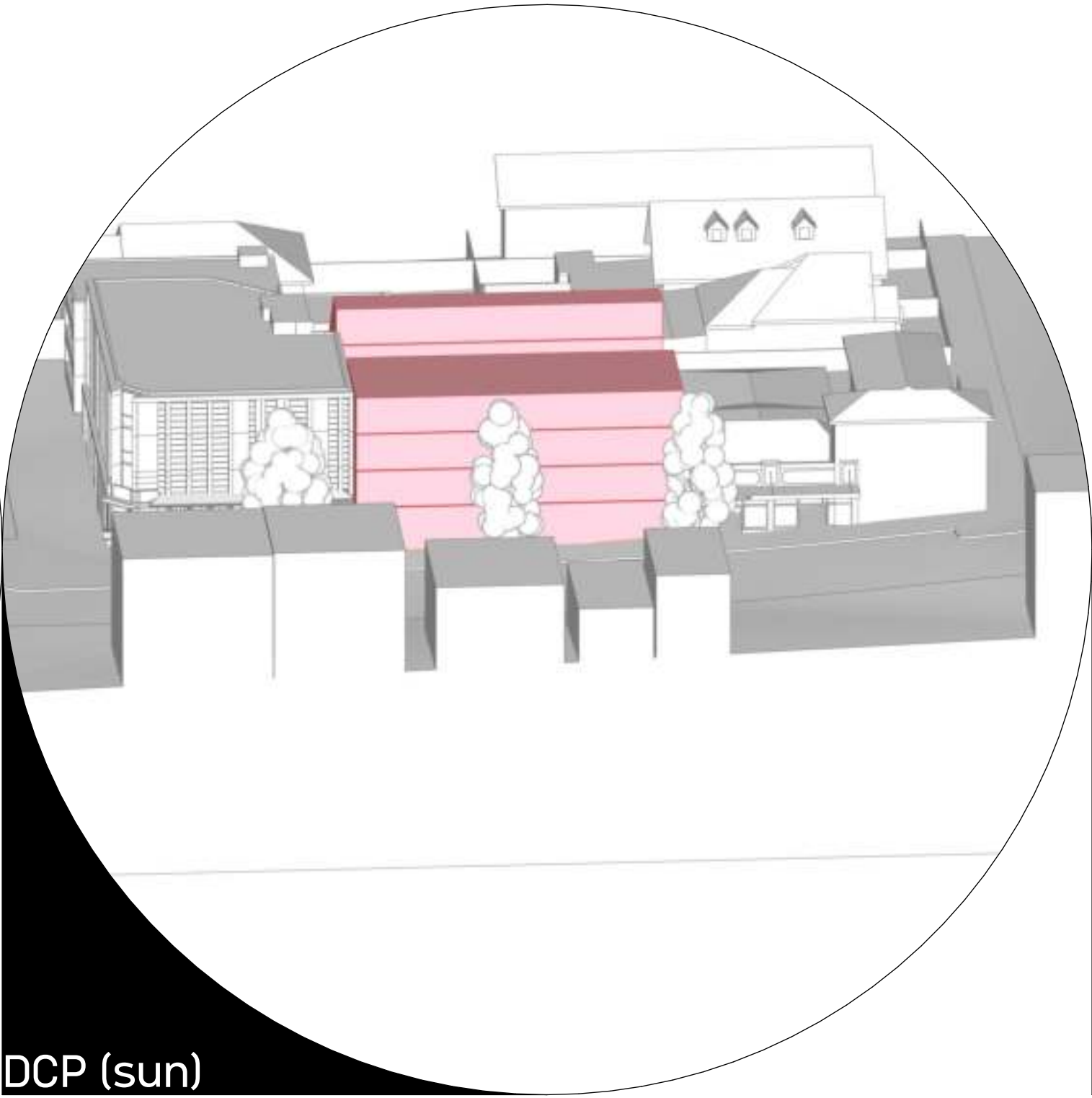
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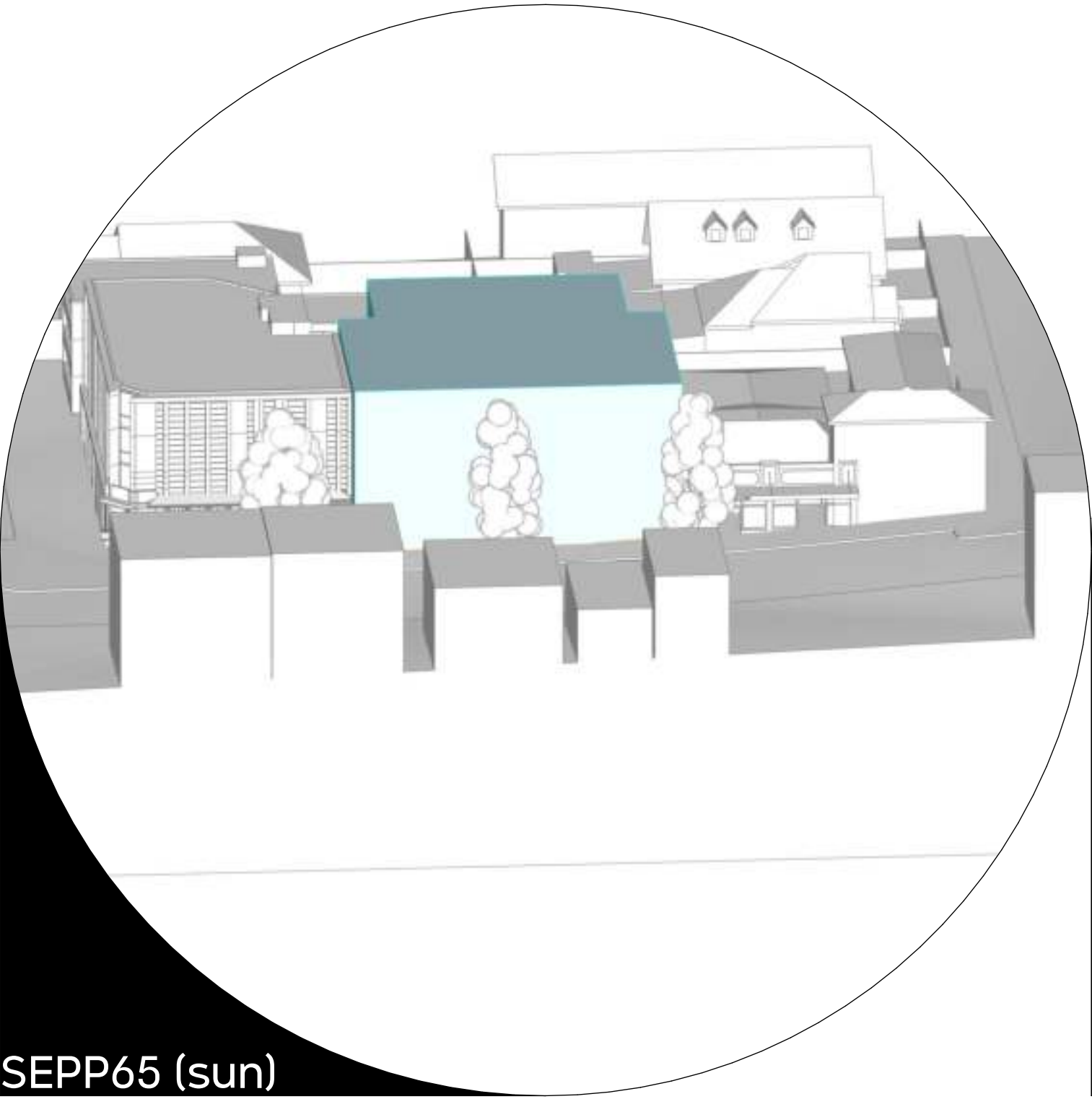
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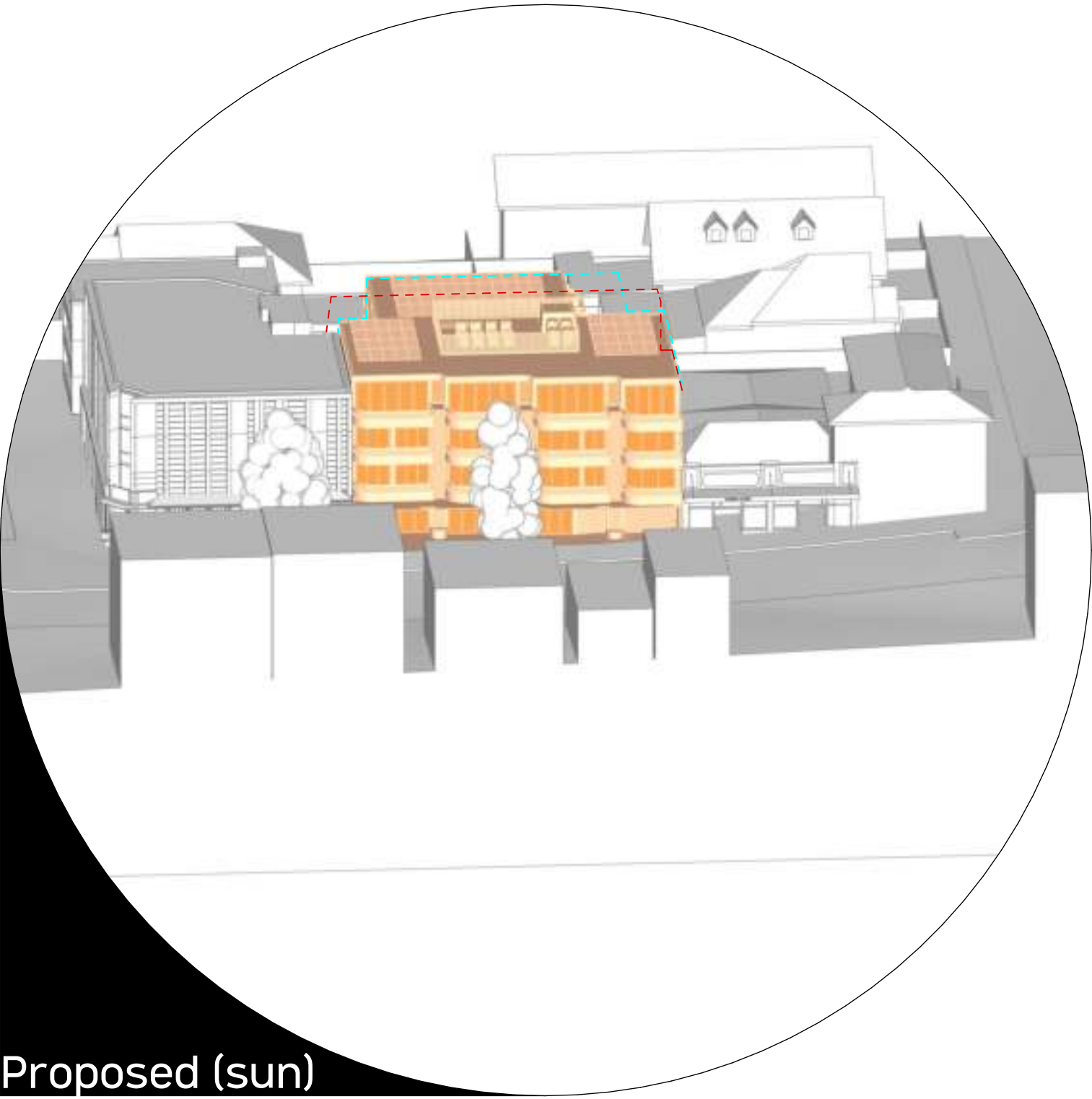
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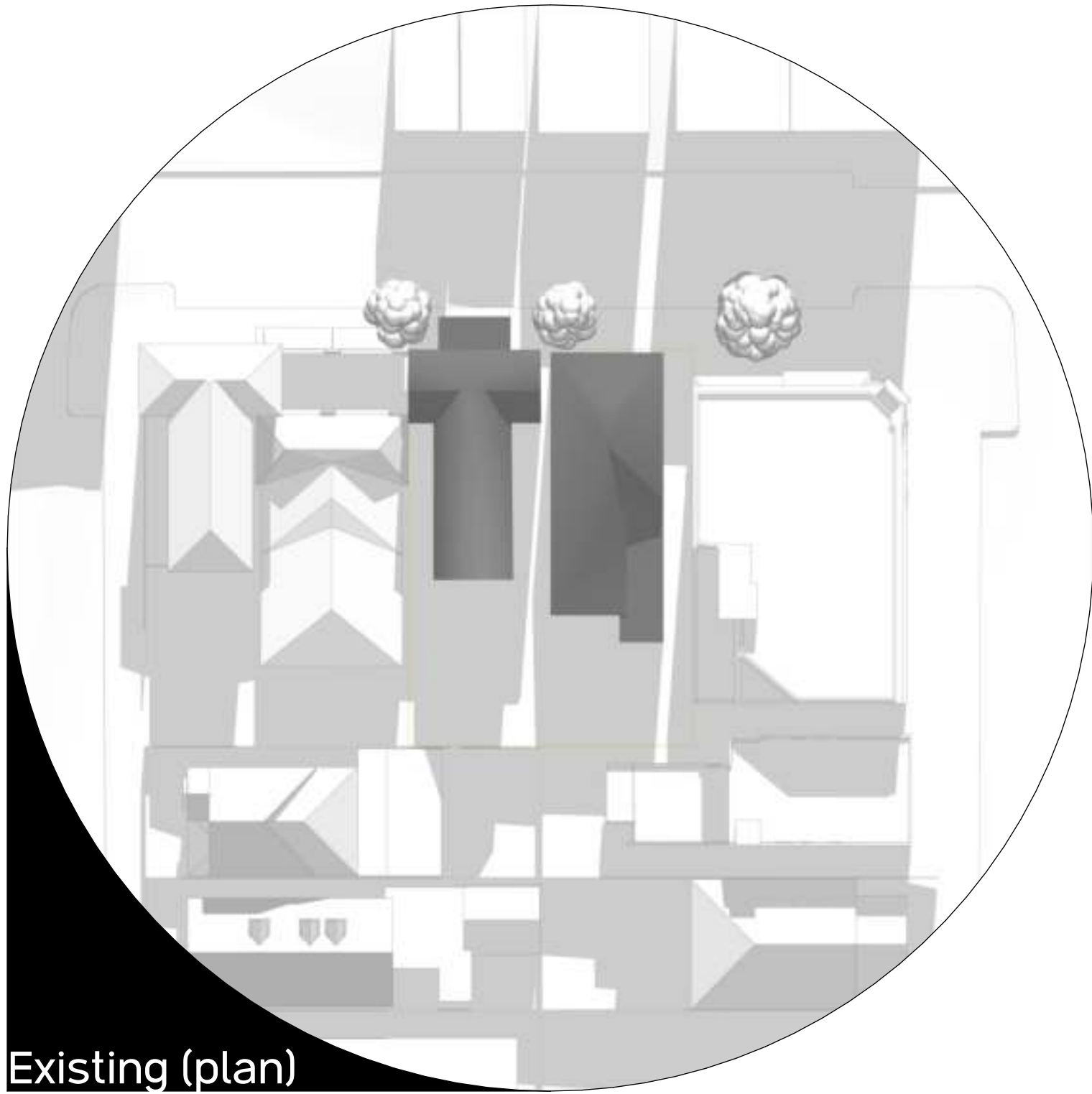
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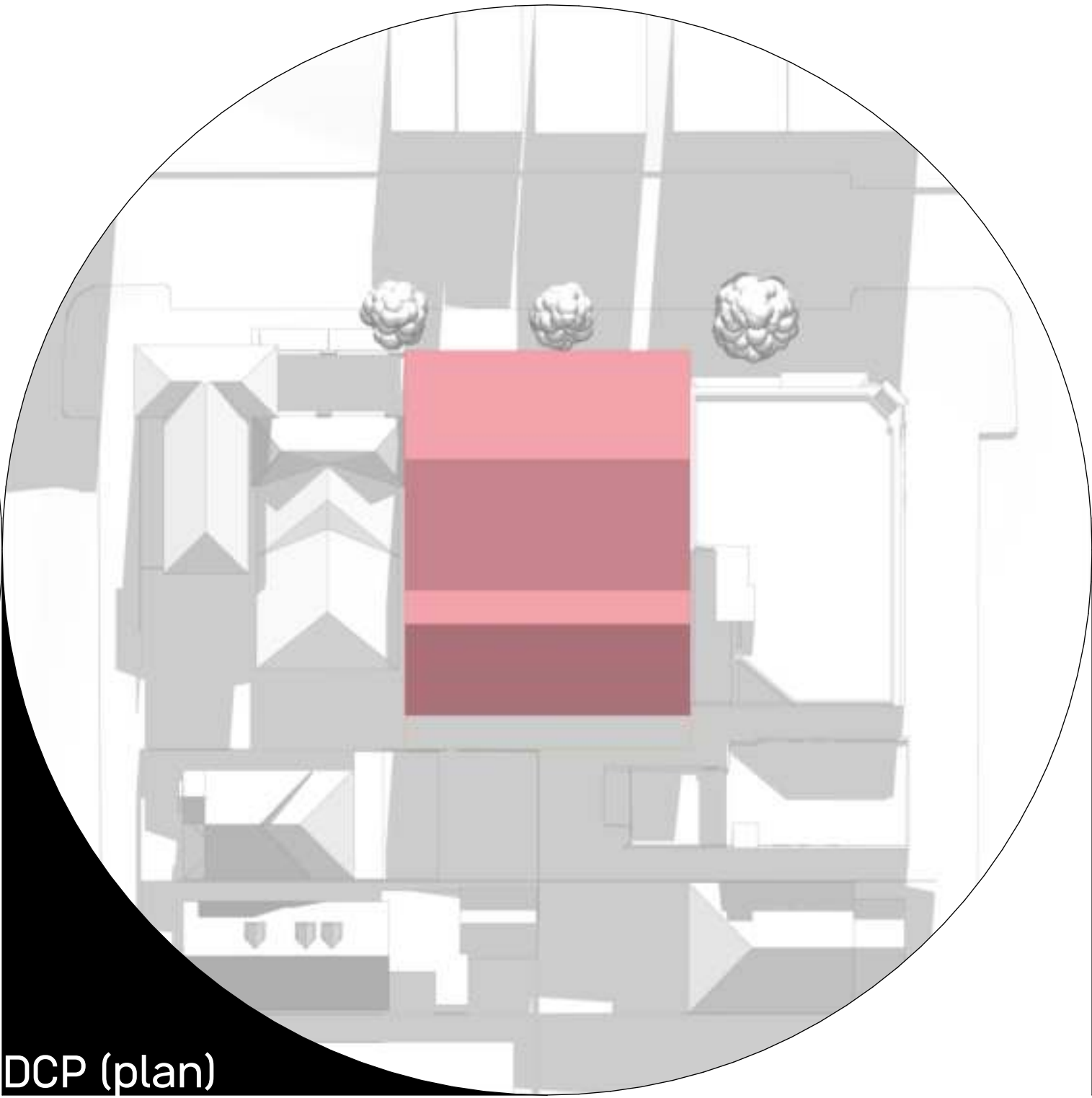
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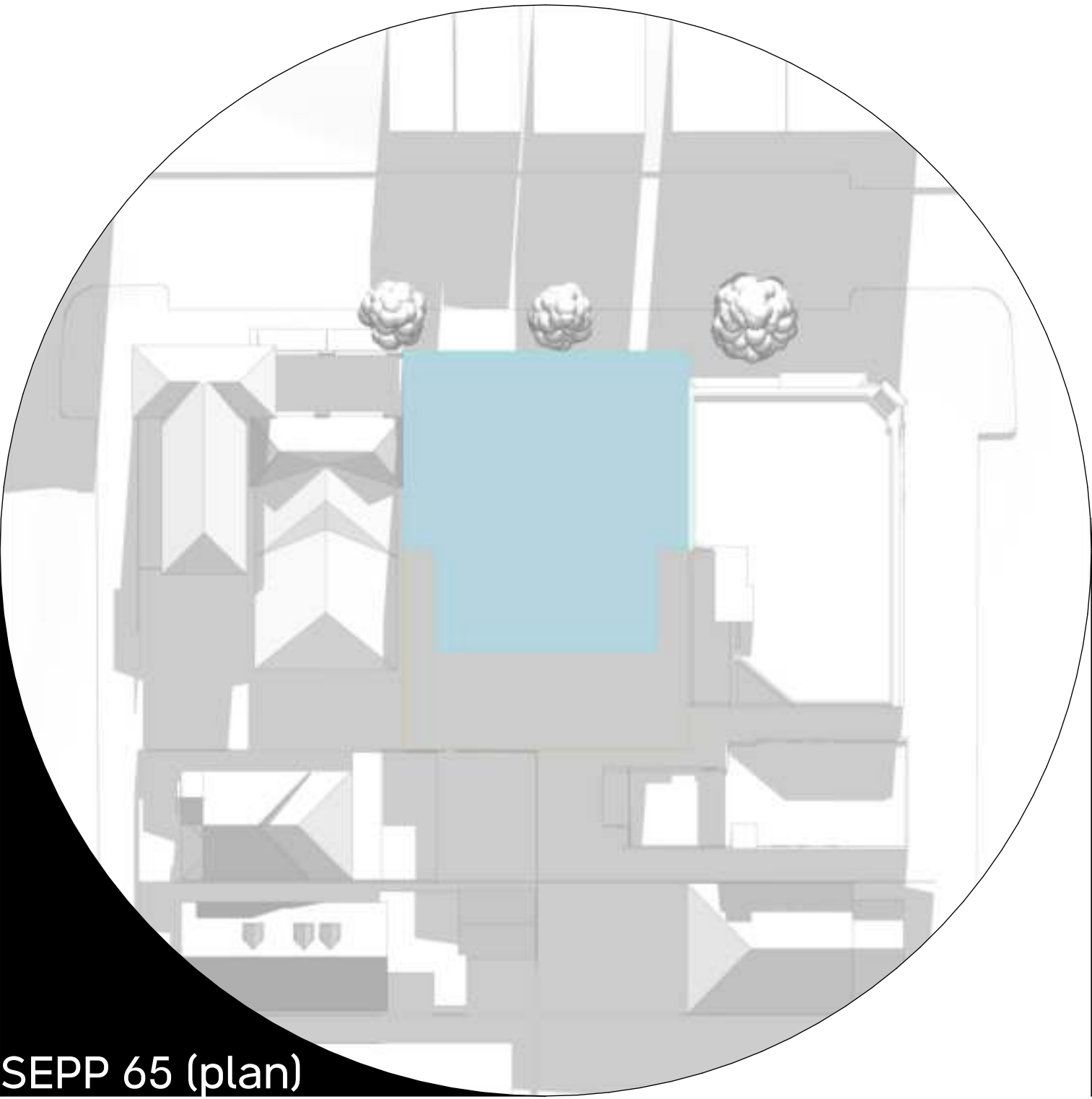
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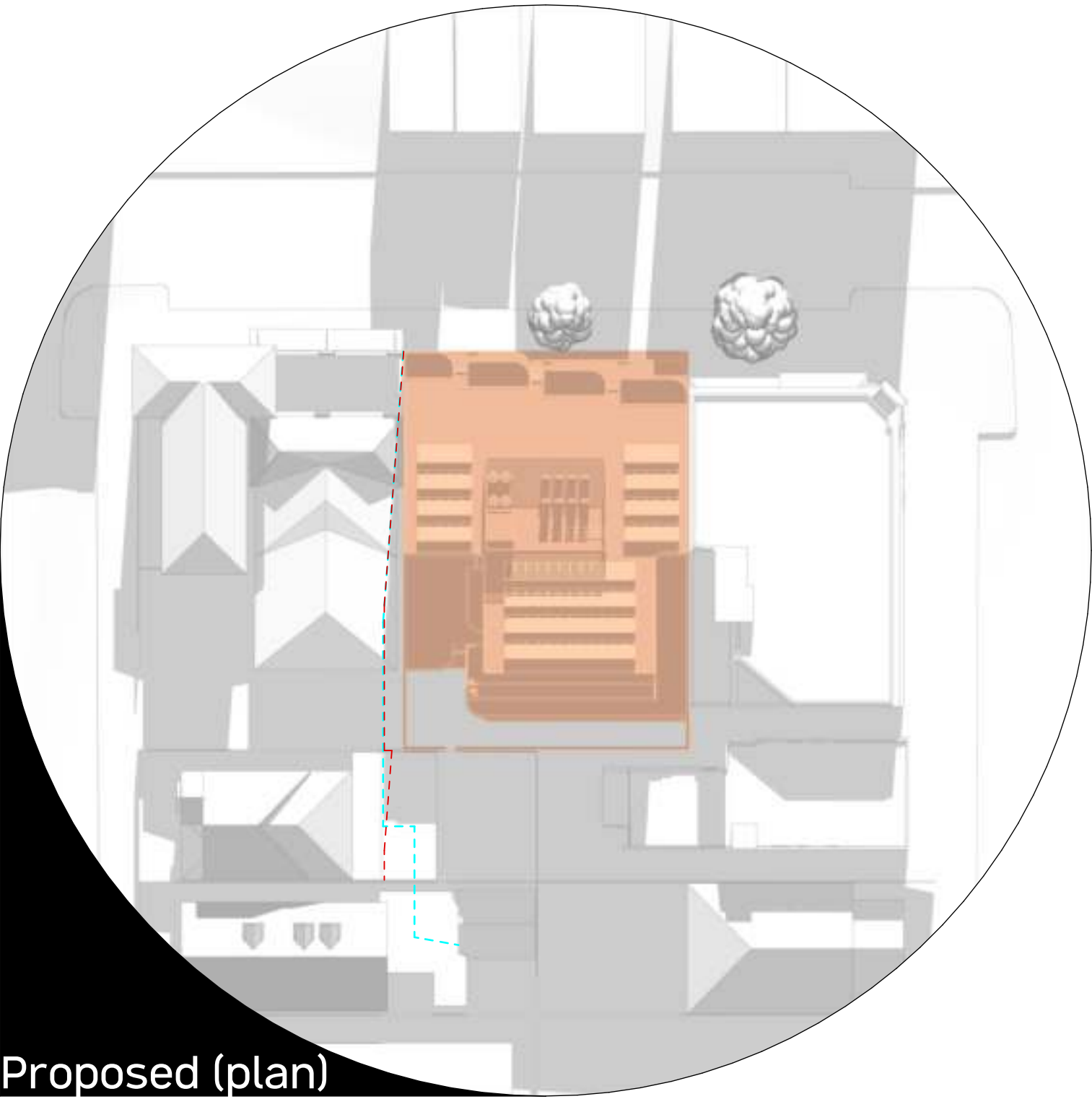
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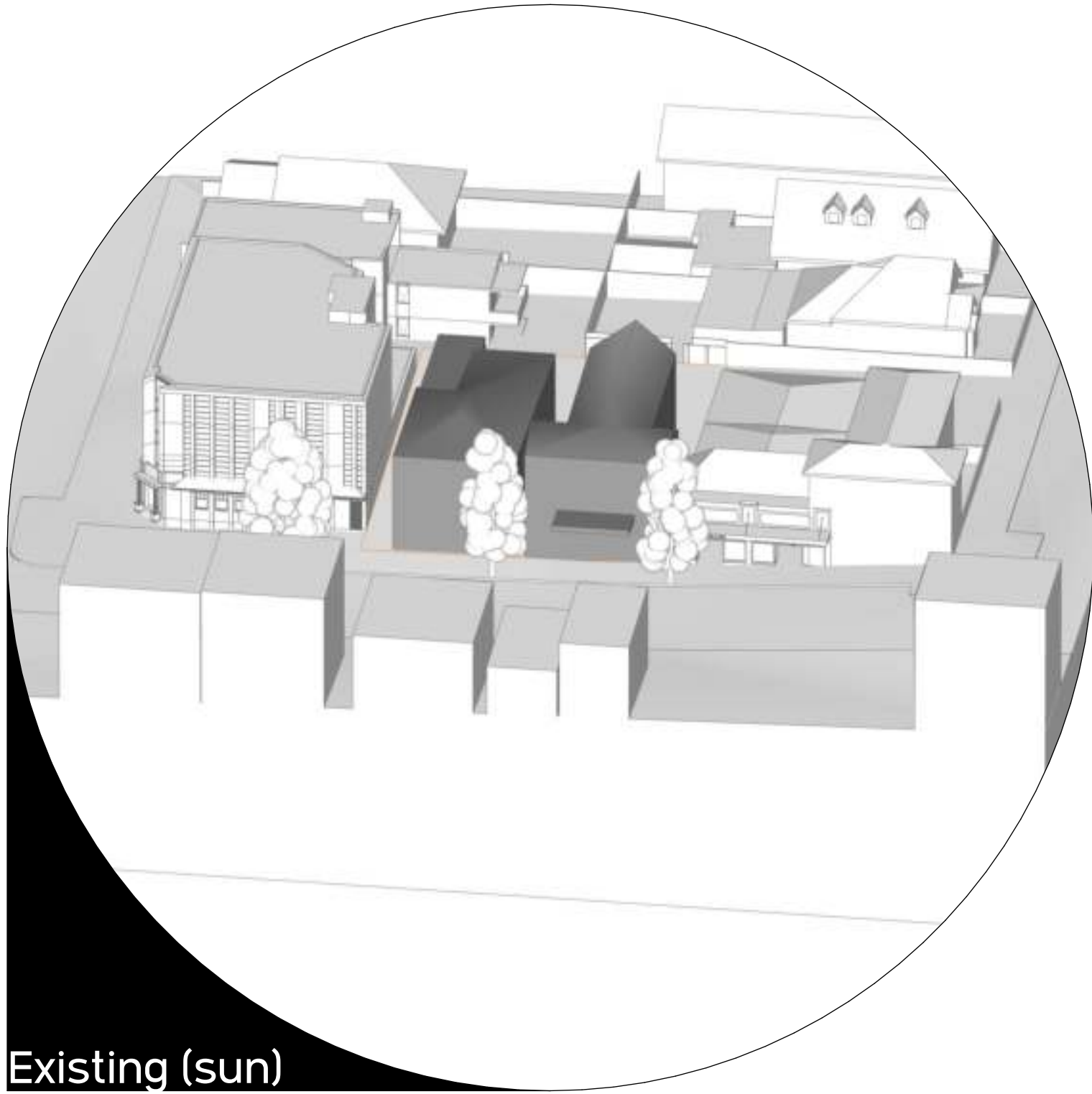


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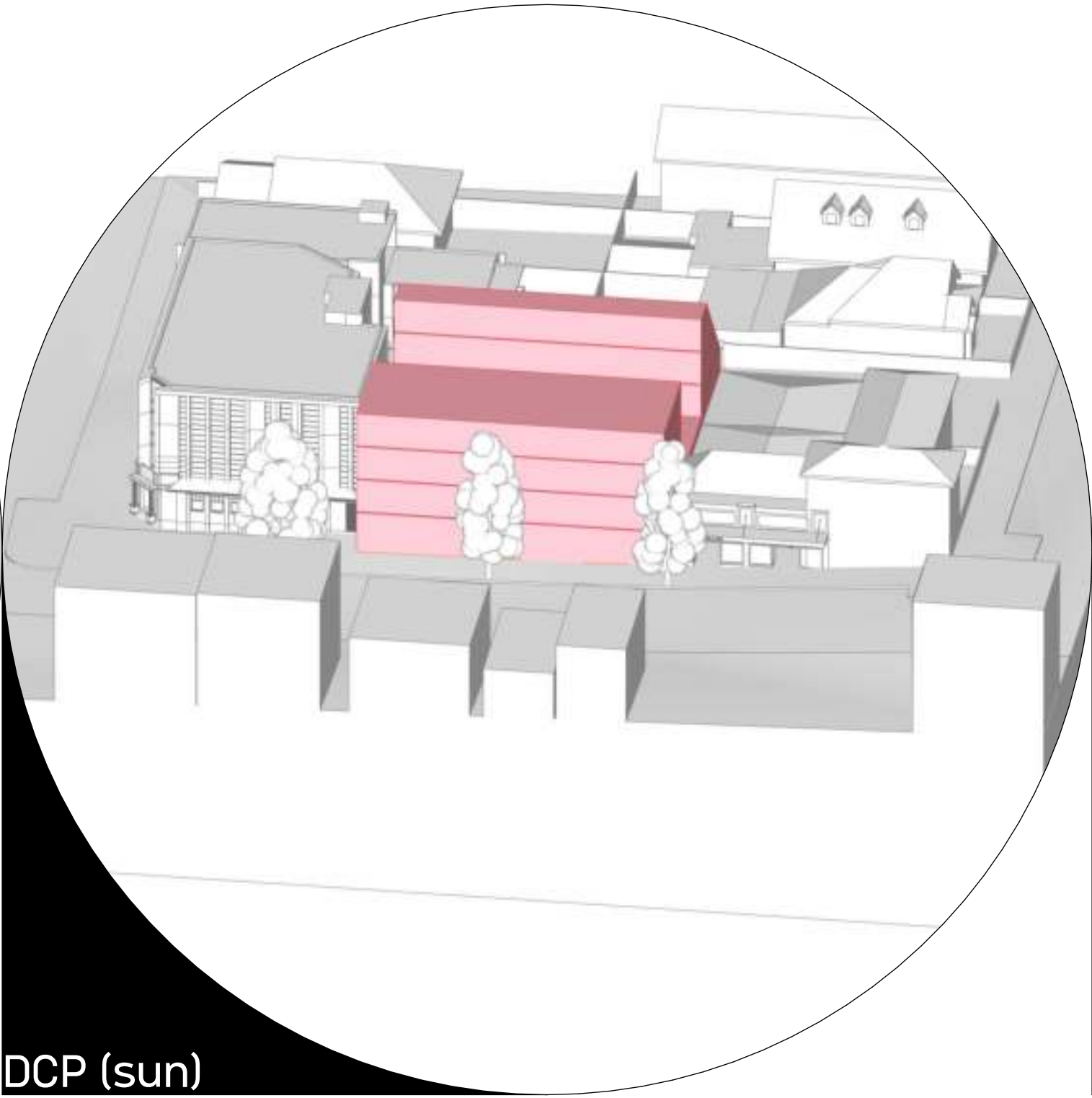


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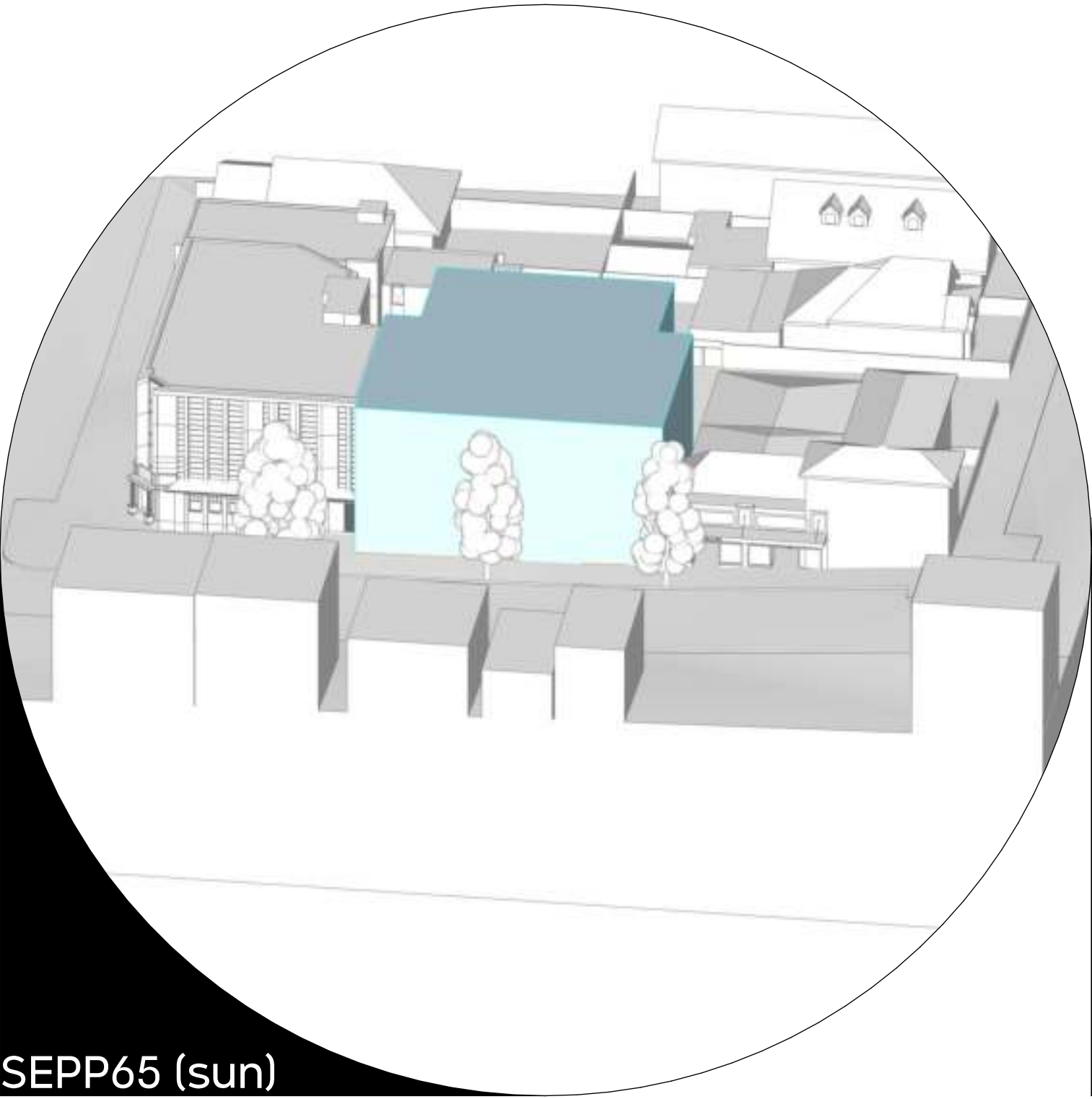
AMENDED PLANS



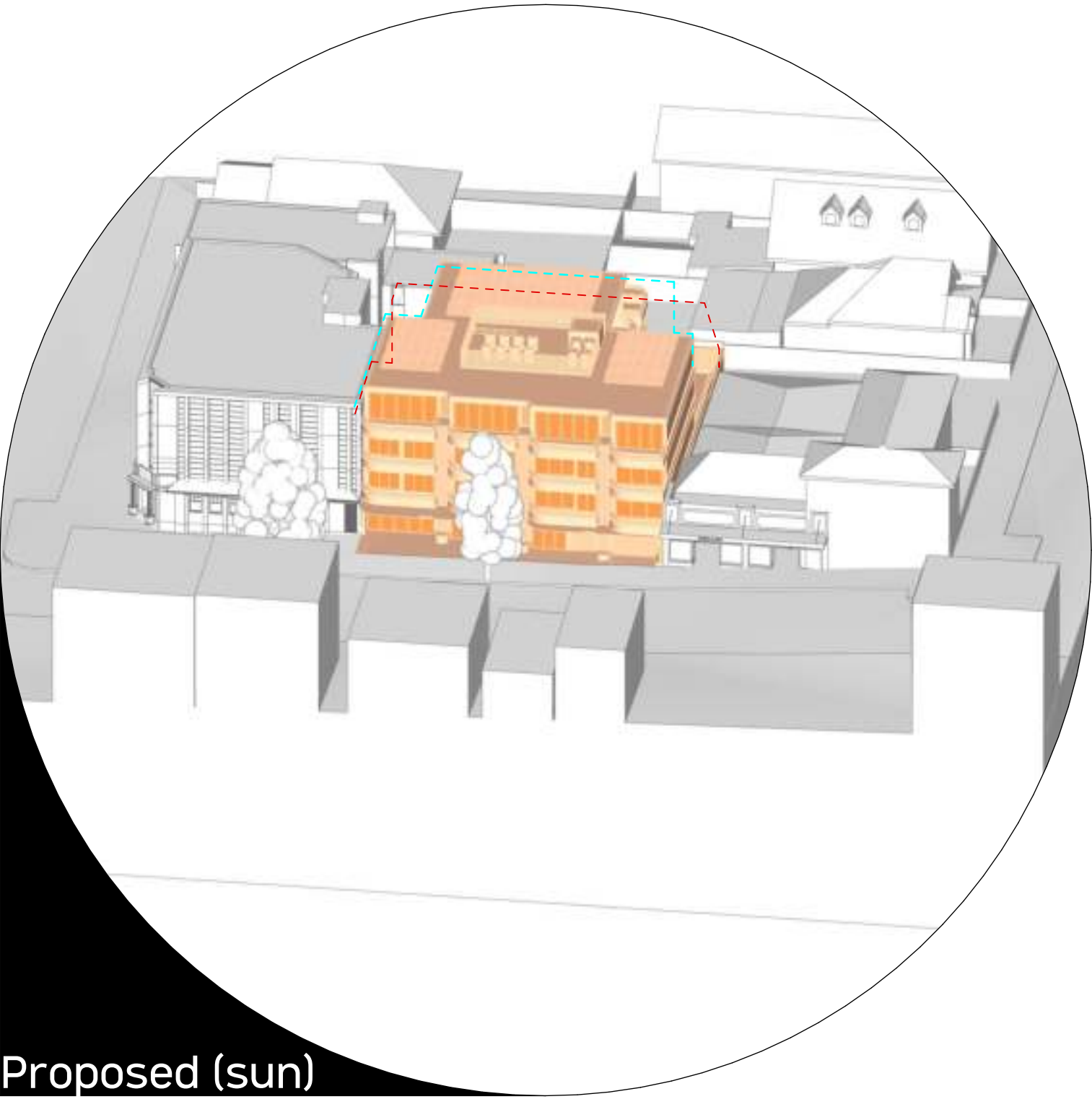
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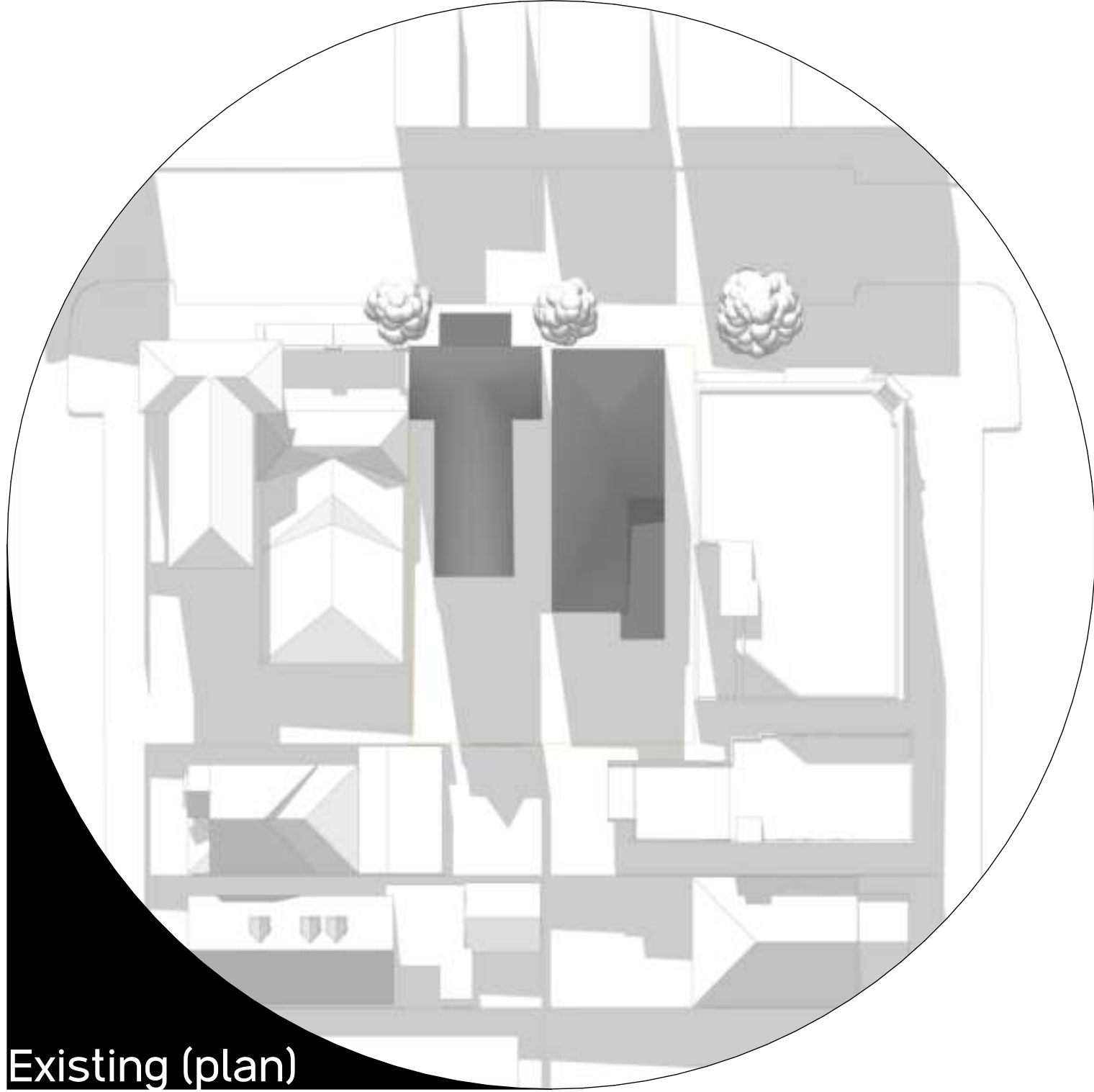
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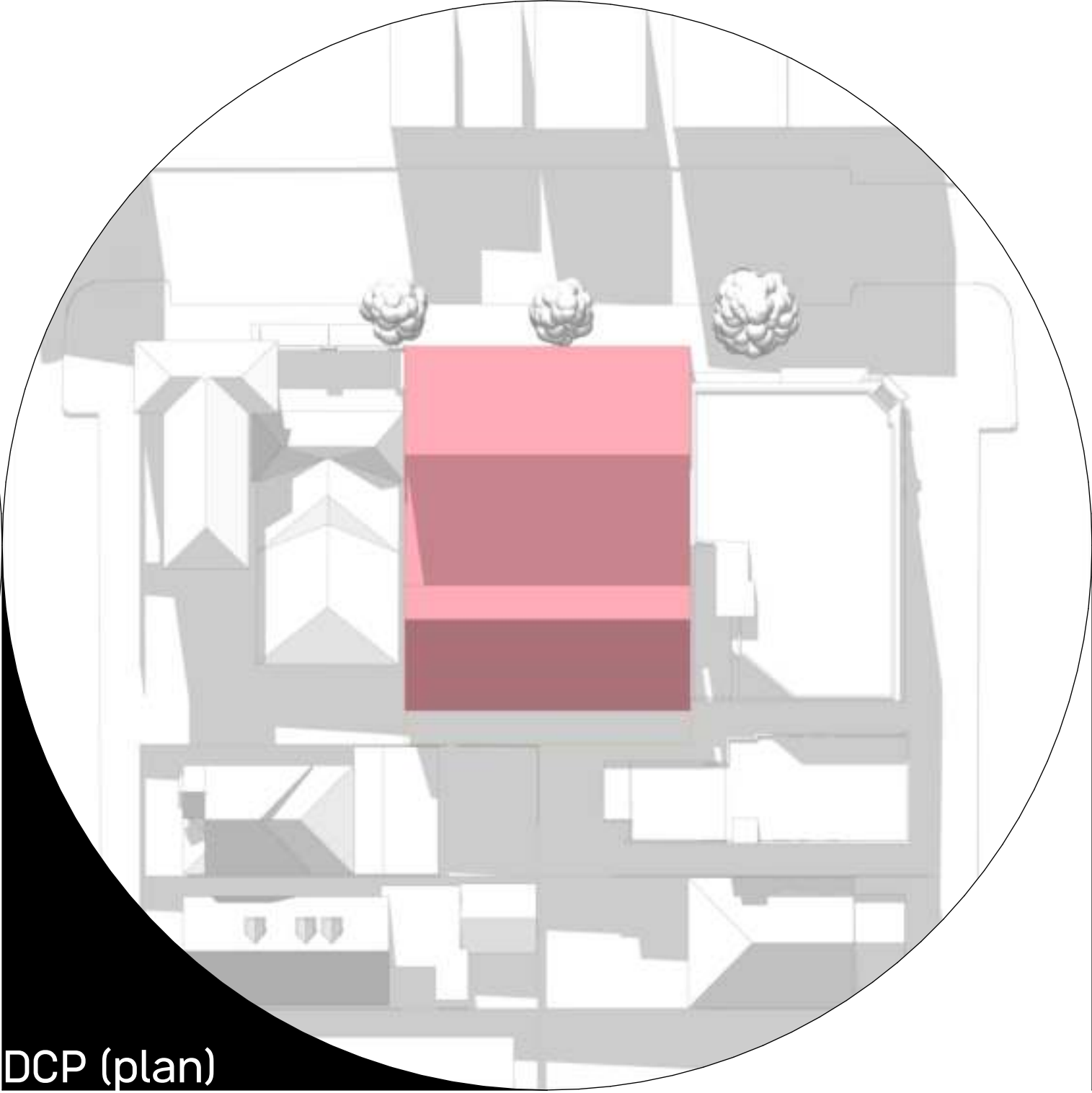
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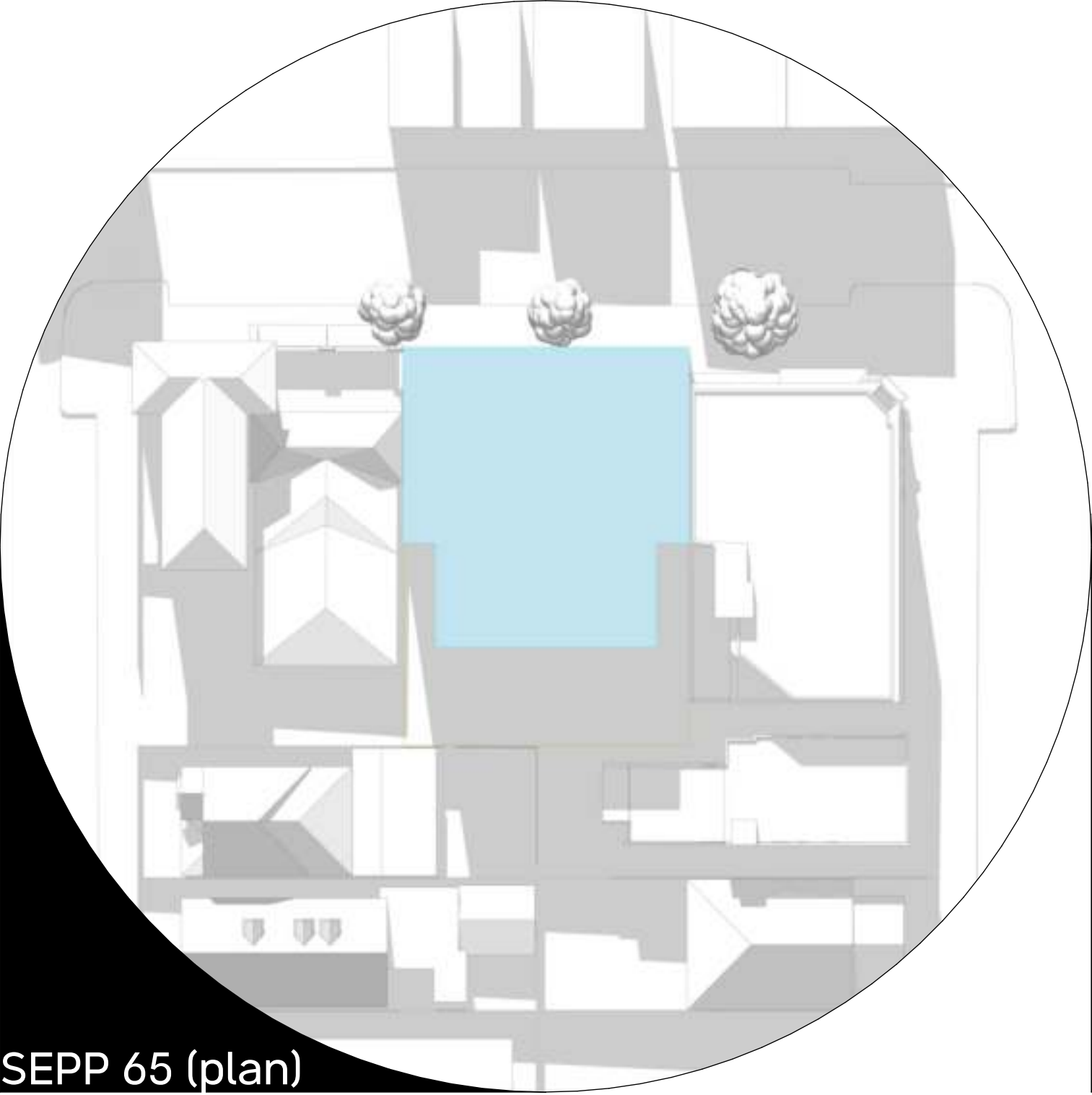
Proposed (sun)



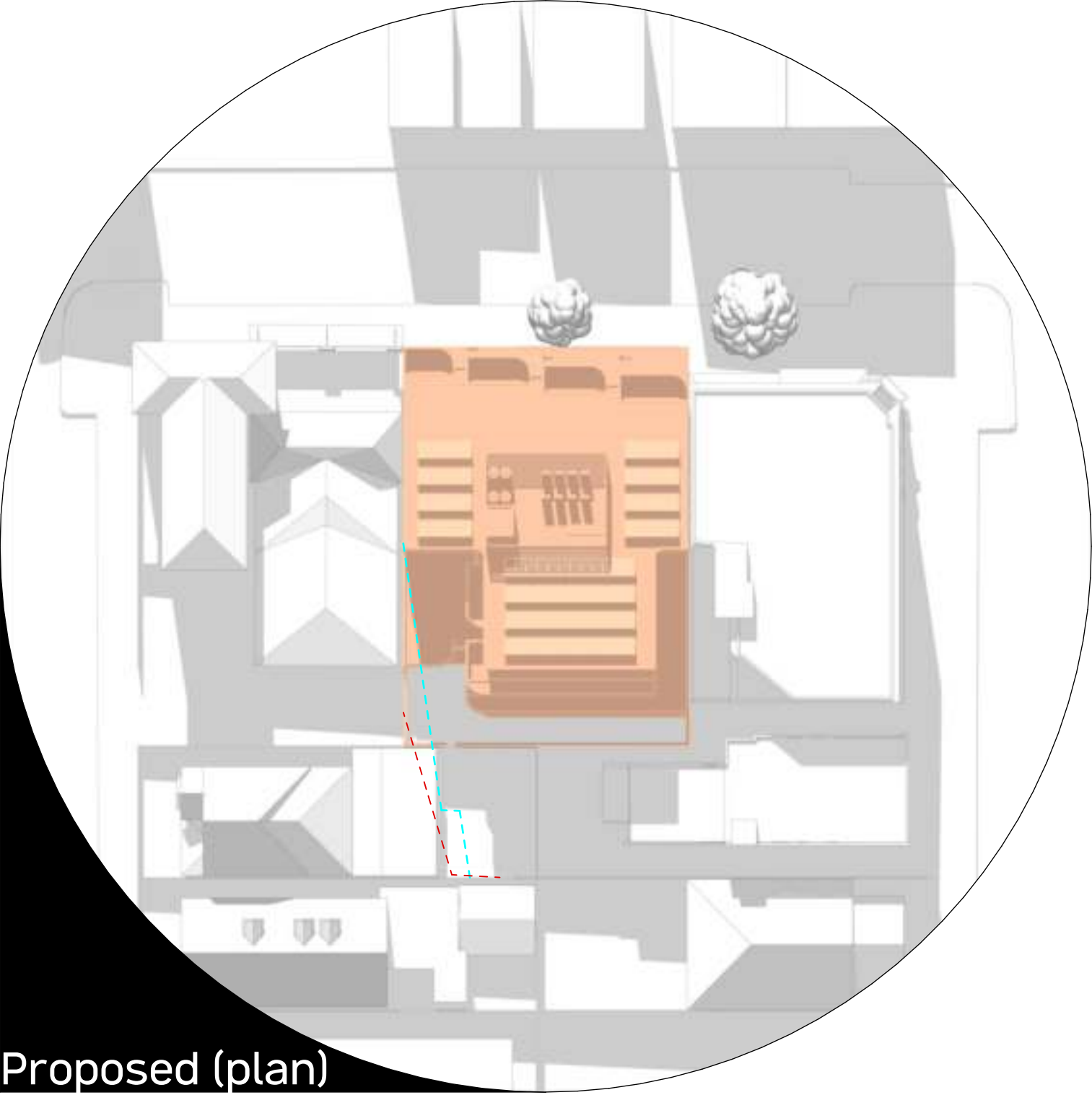
Existing (plan)



DCP (plan)

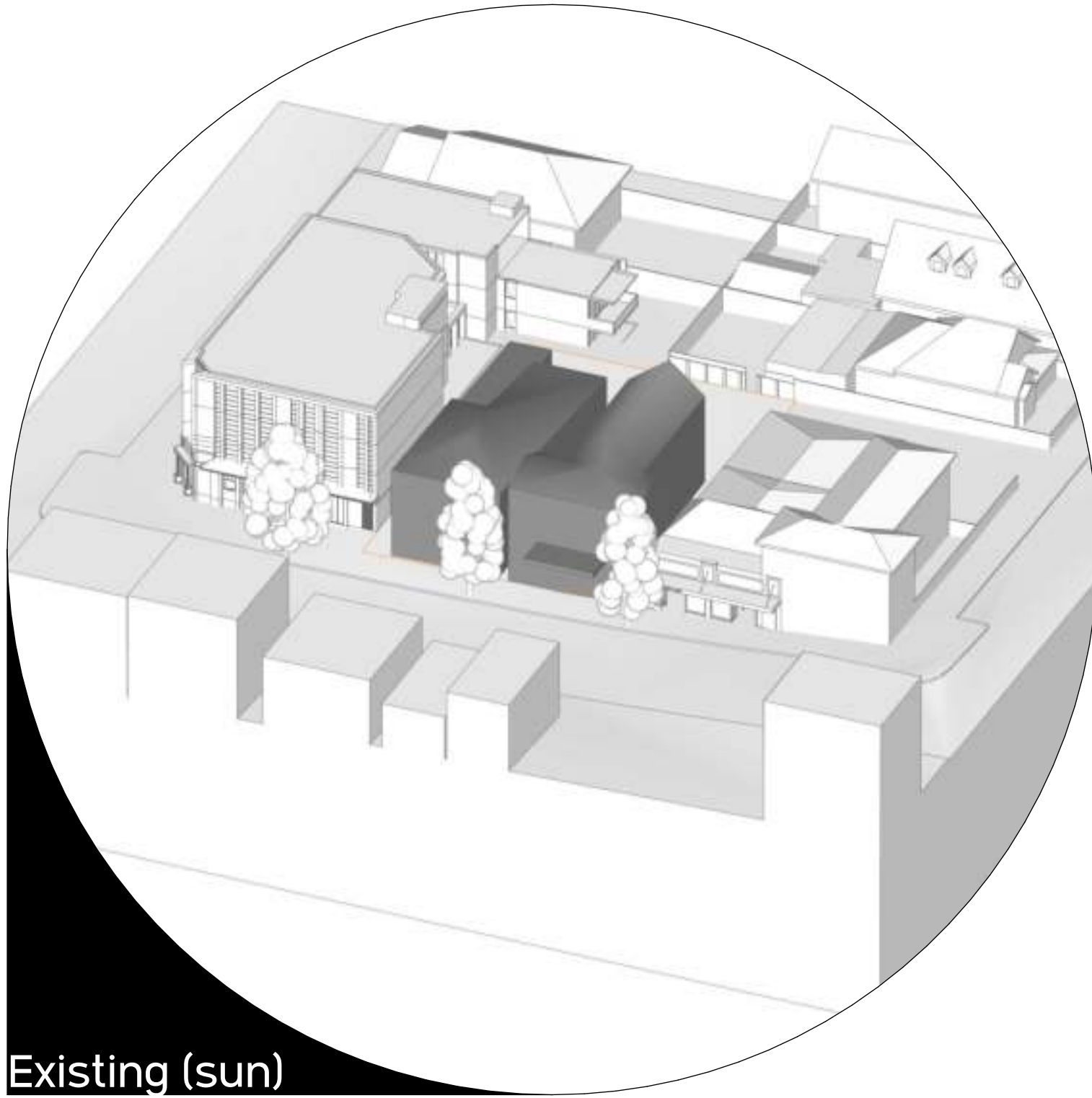


SEPP 65 (plan)

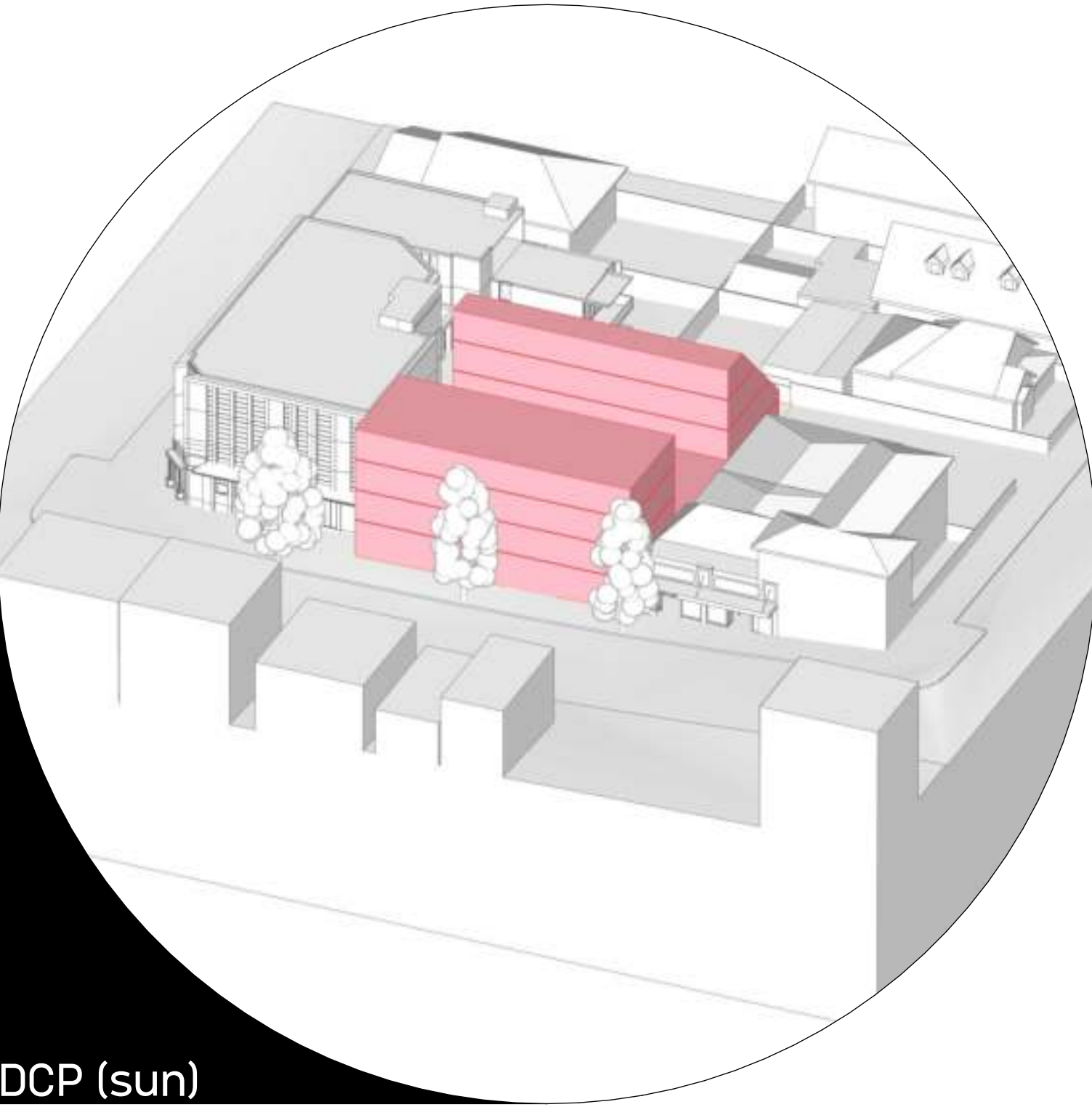


Proposed (plan)

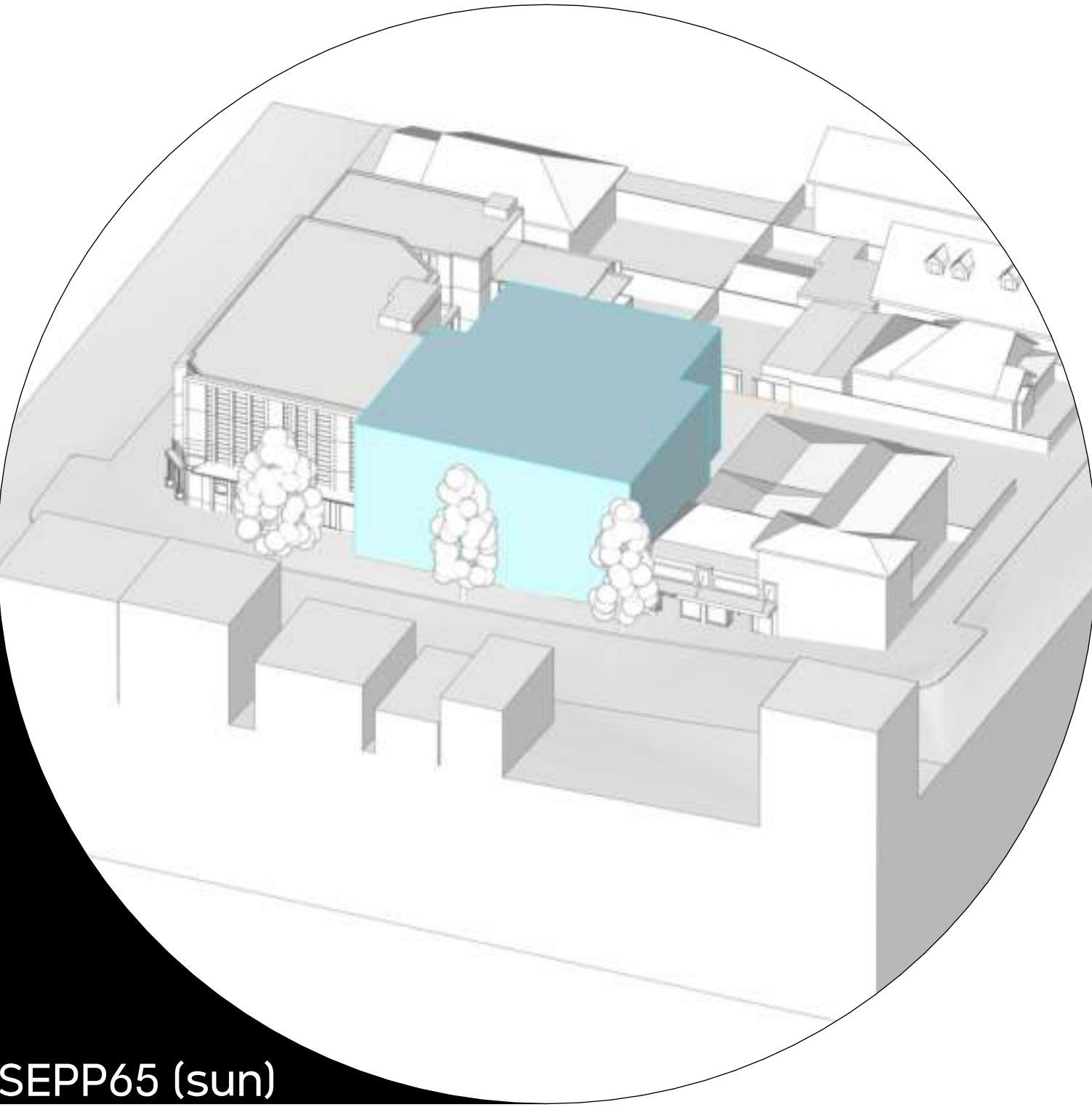
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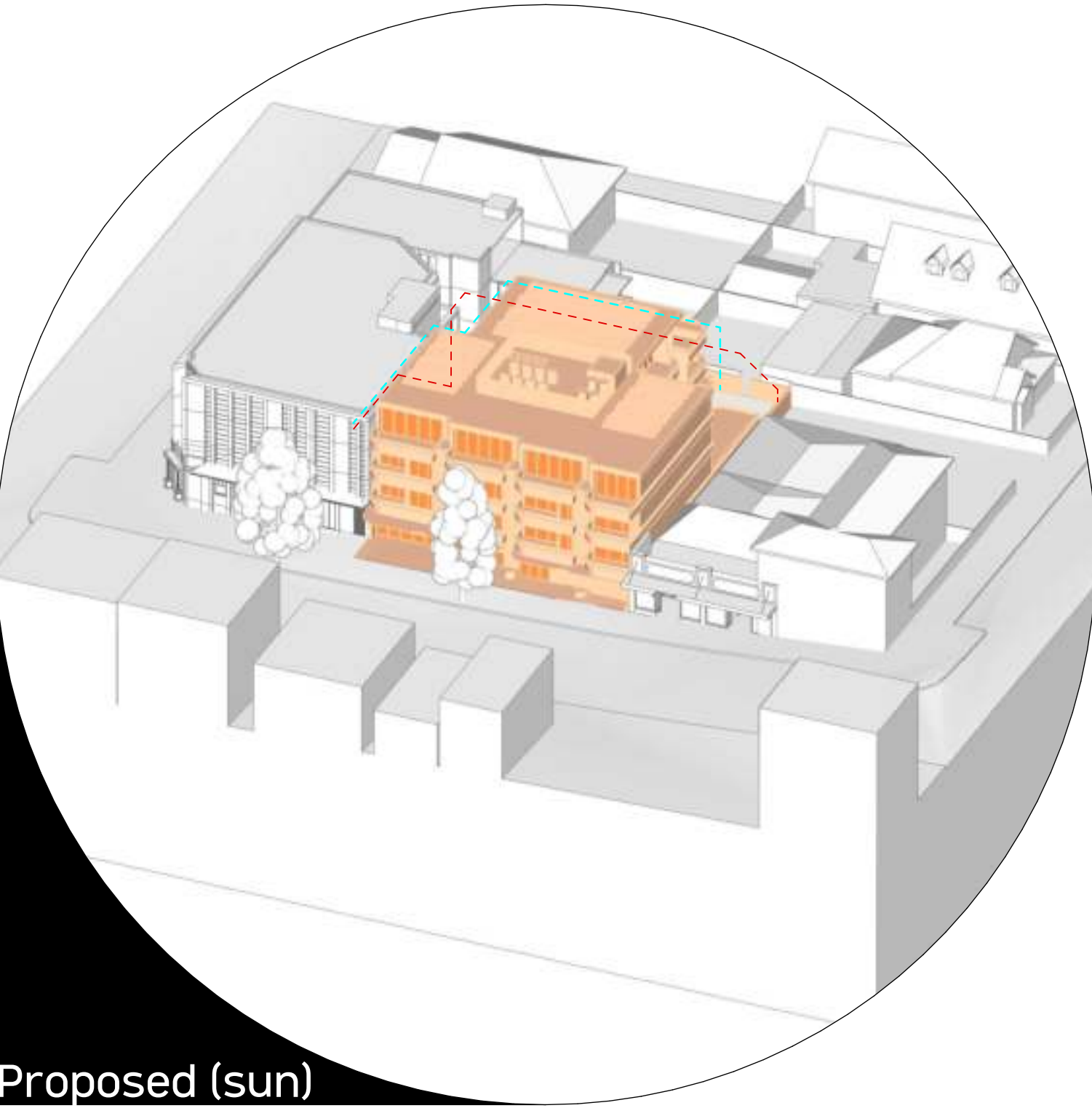
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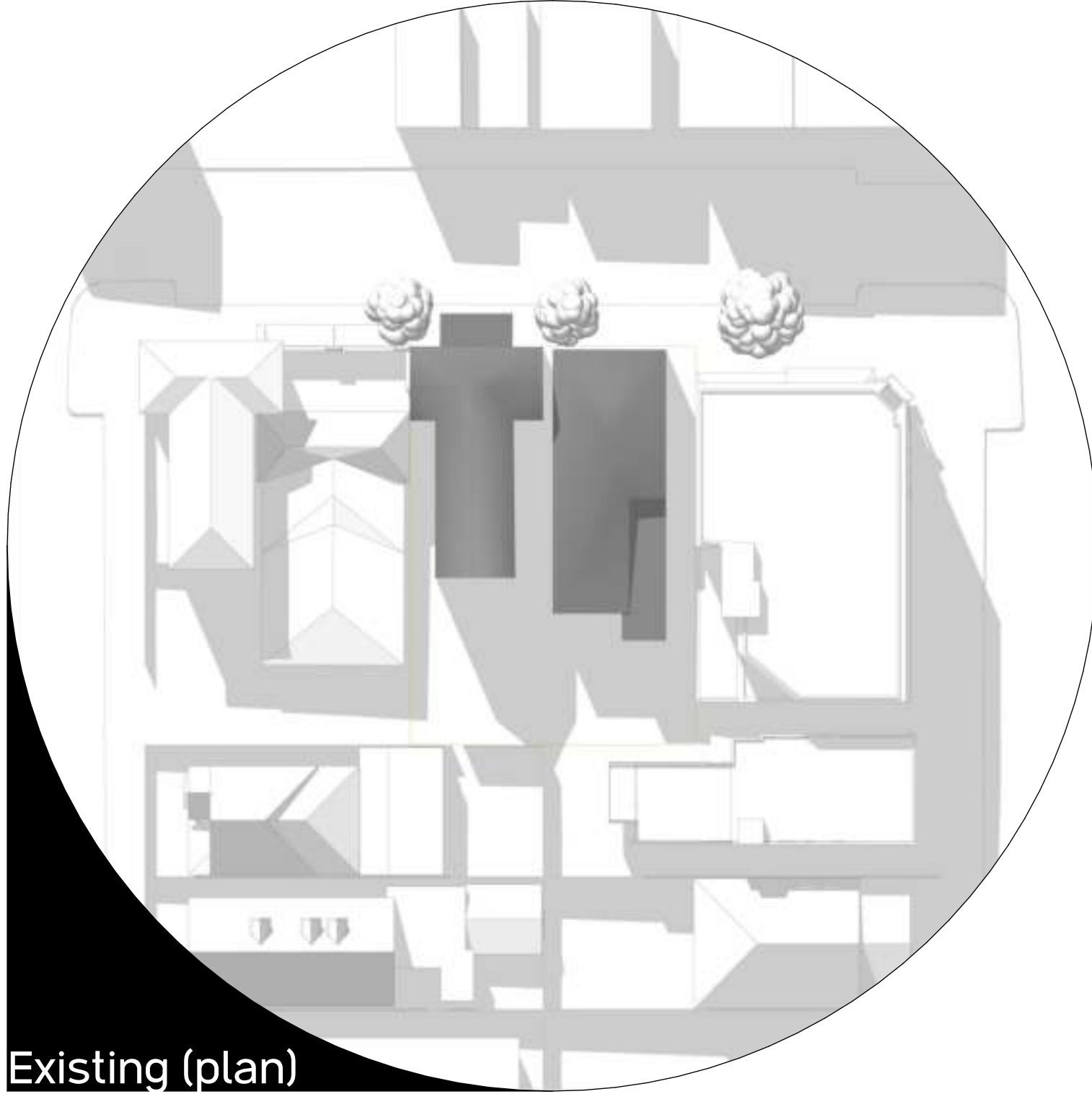
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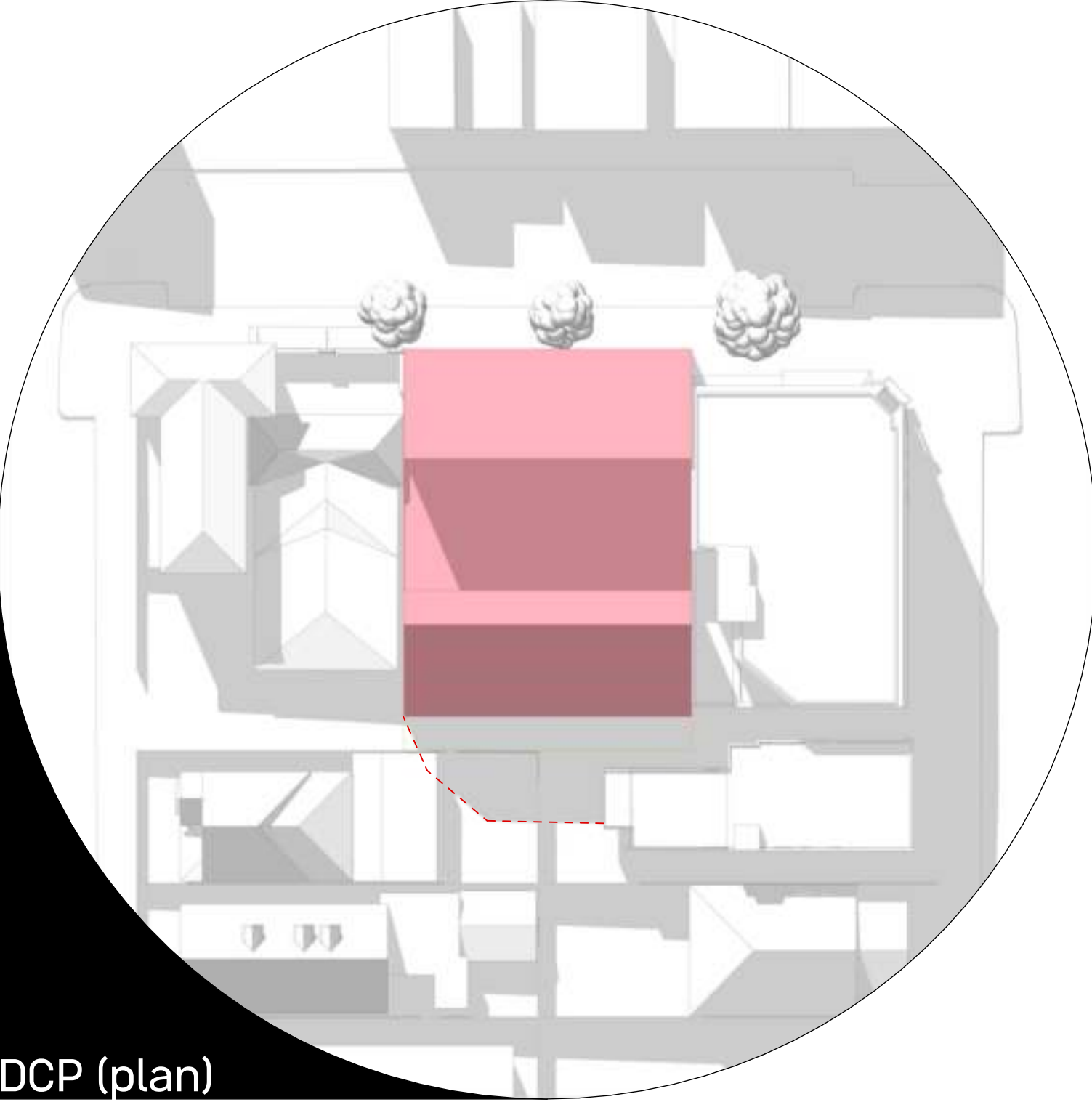
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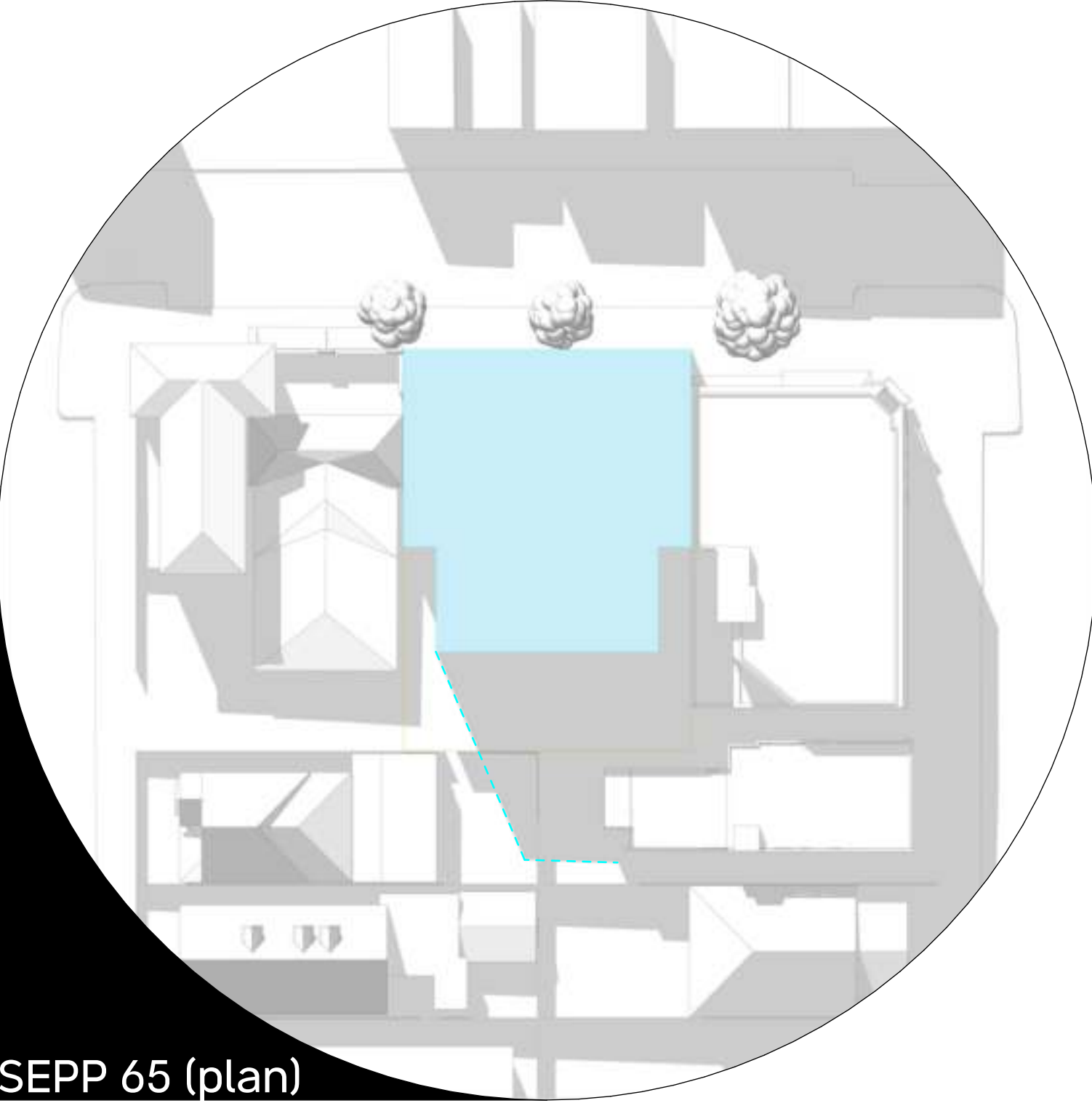
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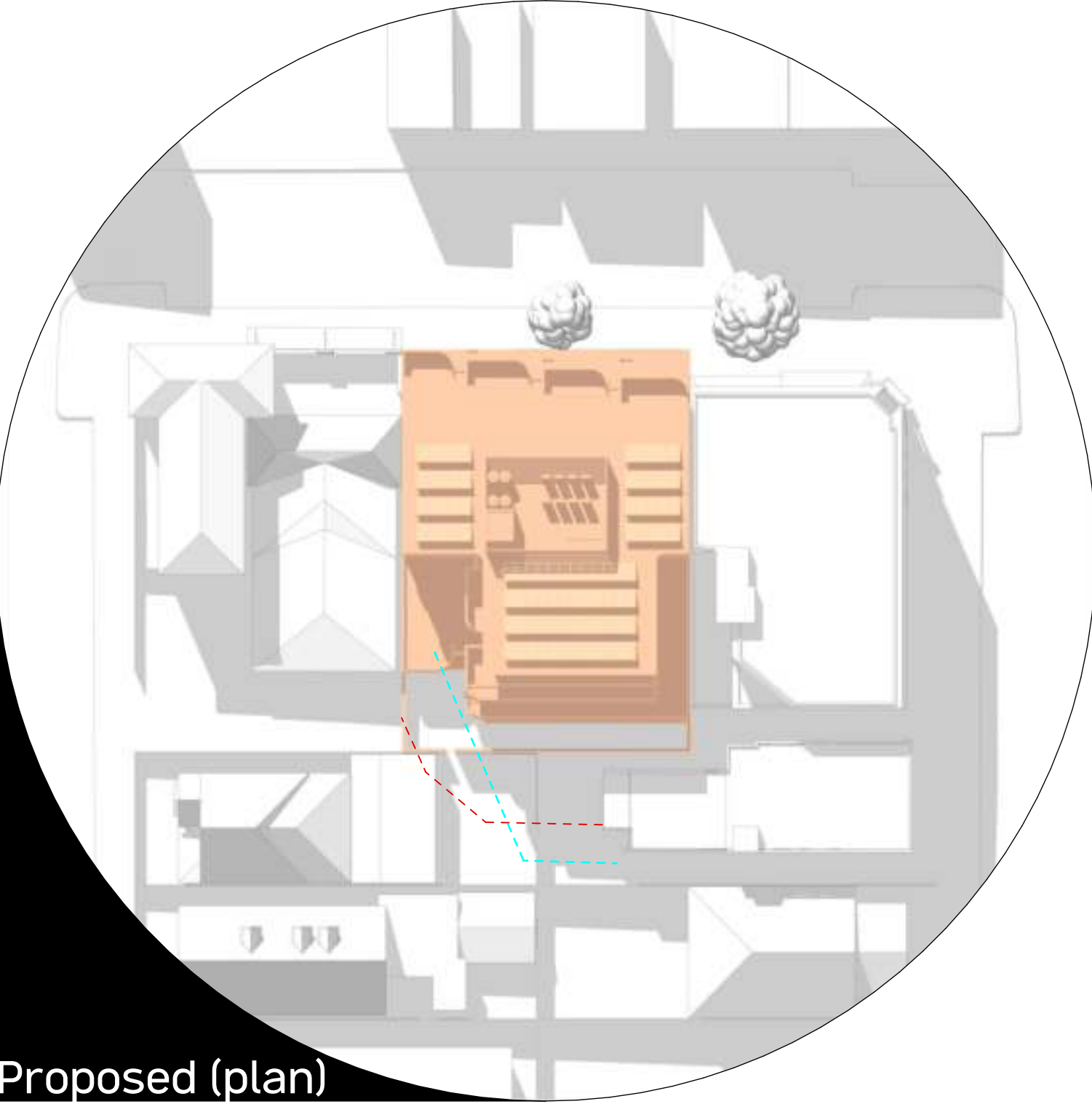
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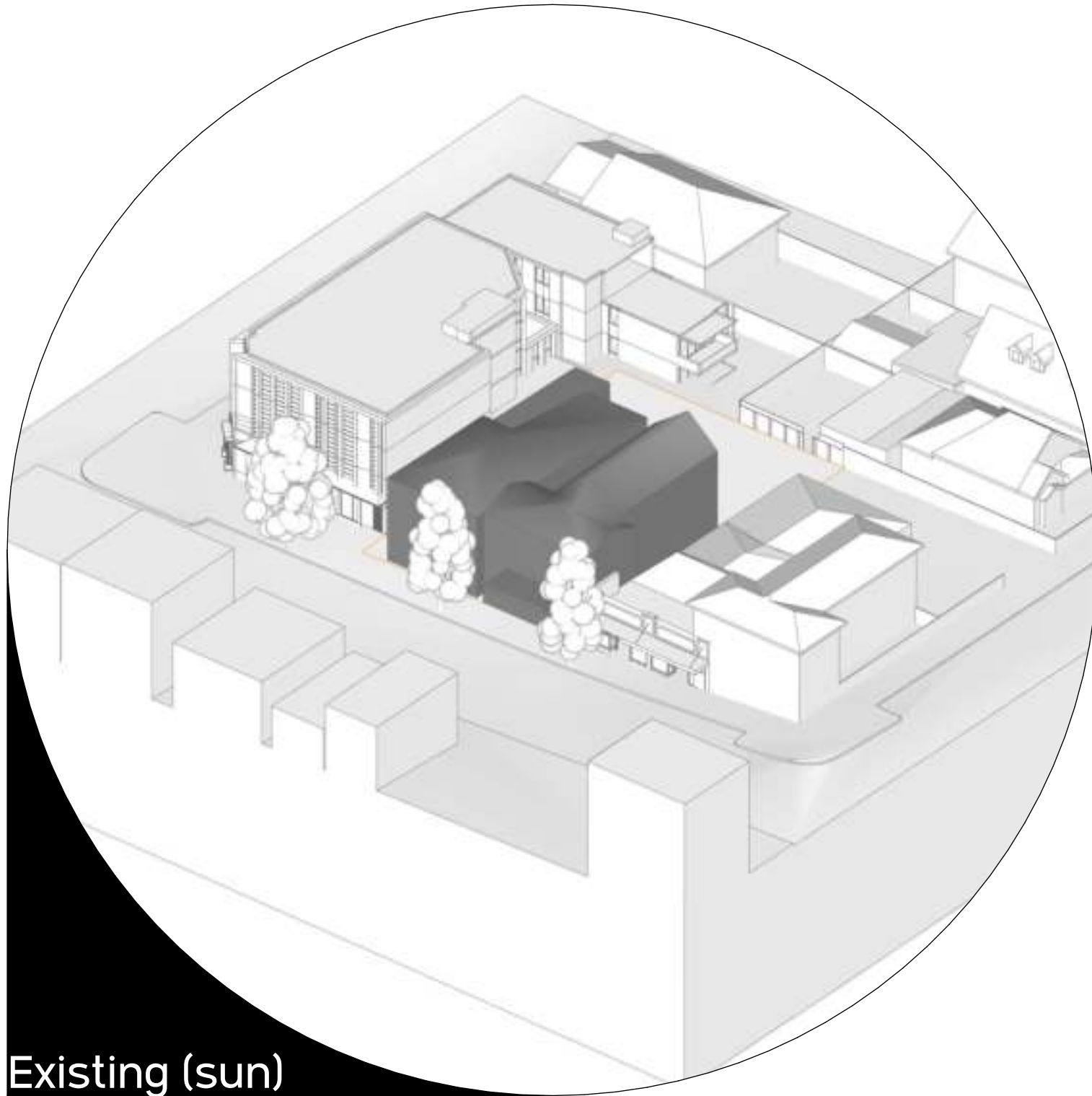


SEPP 65 (plan)

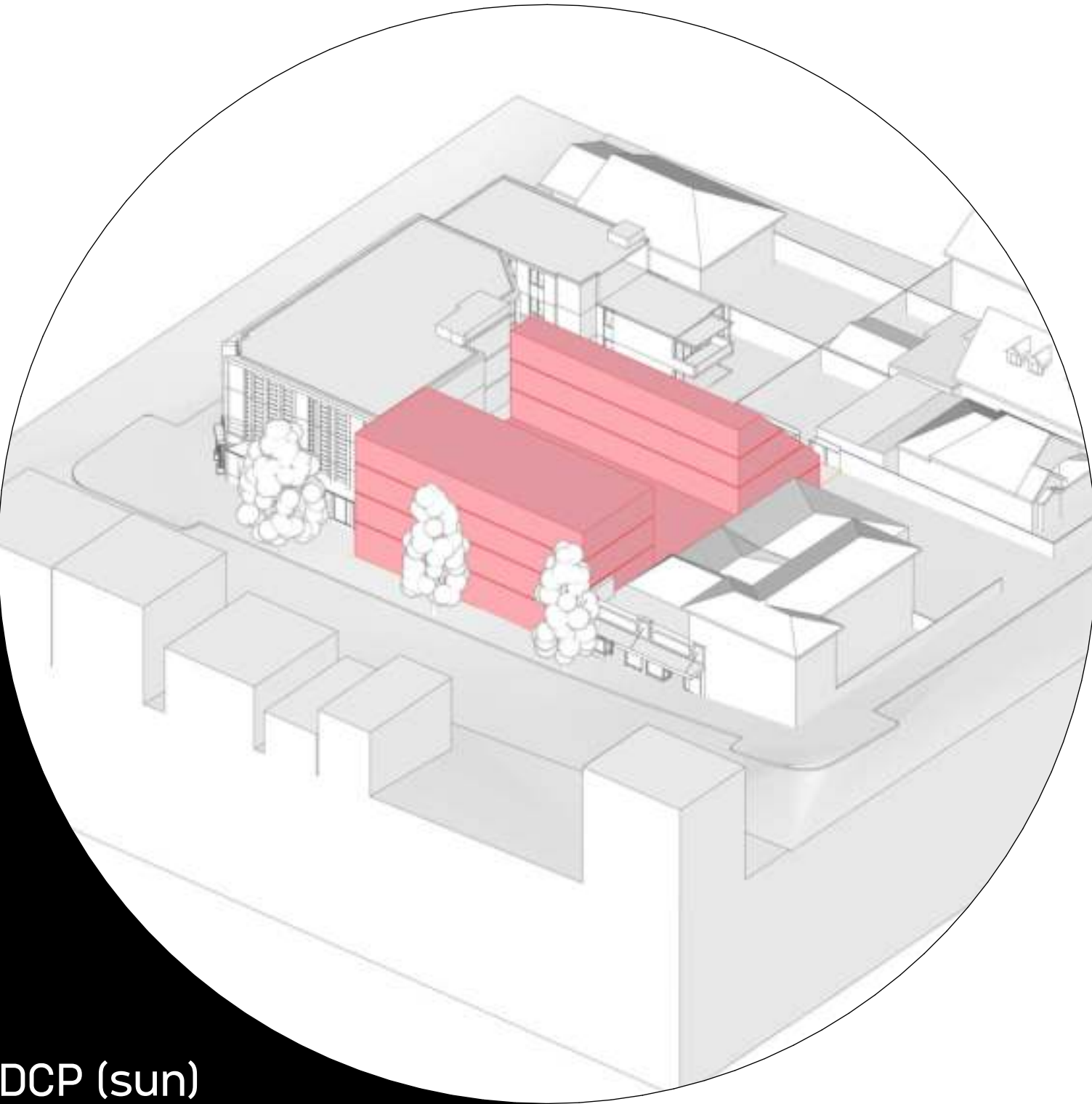


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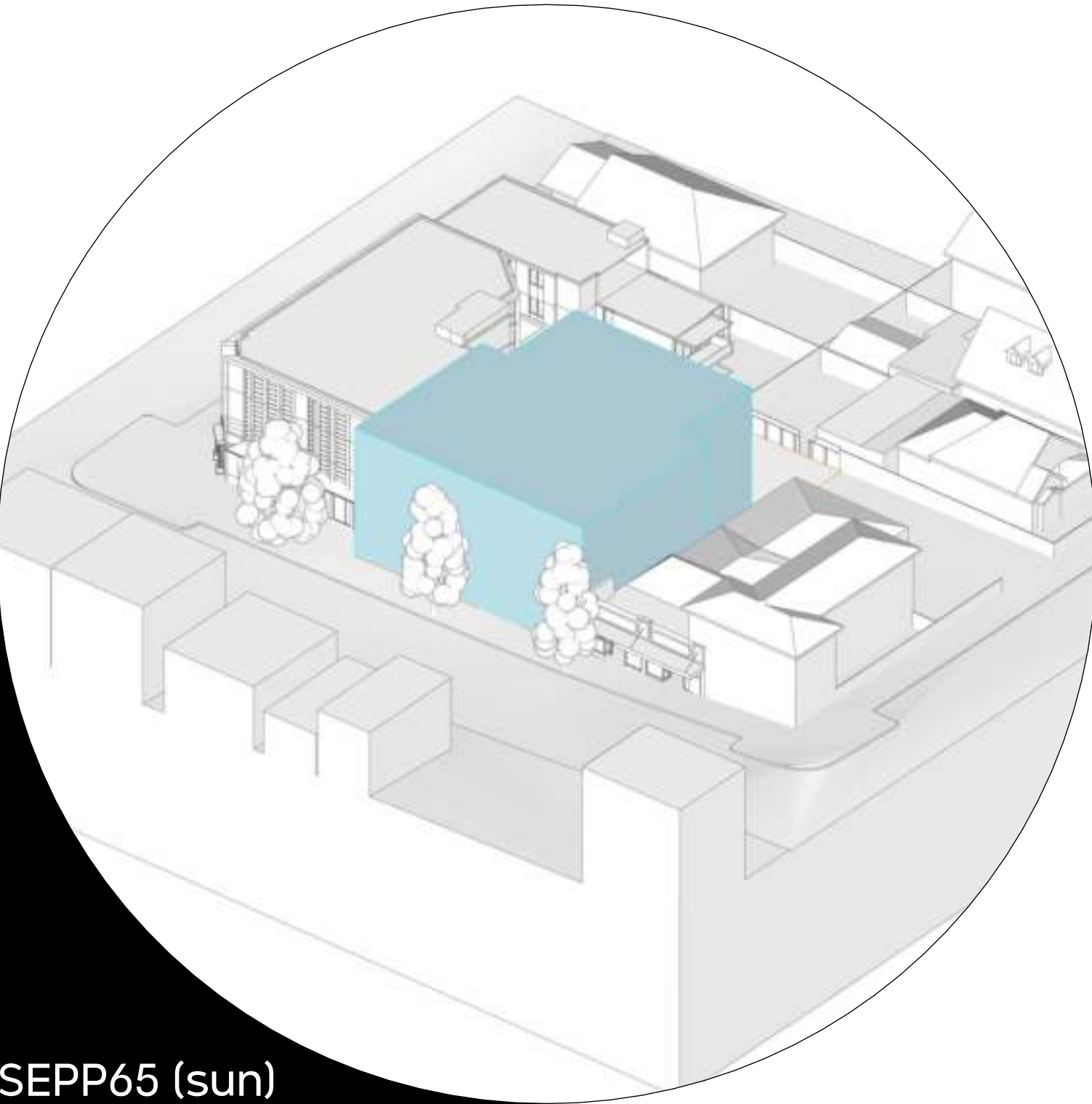
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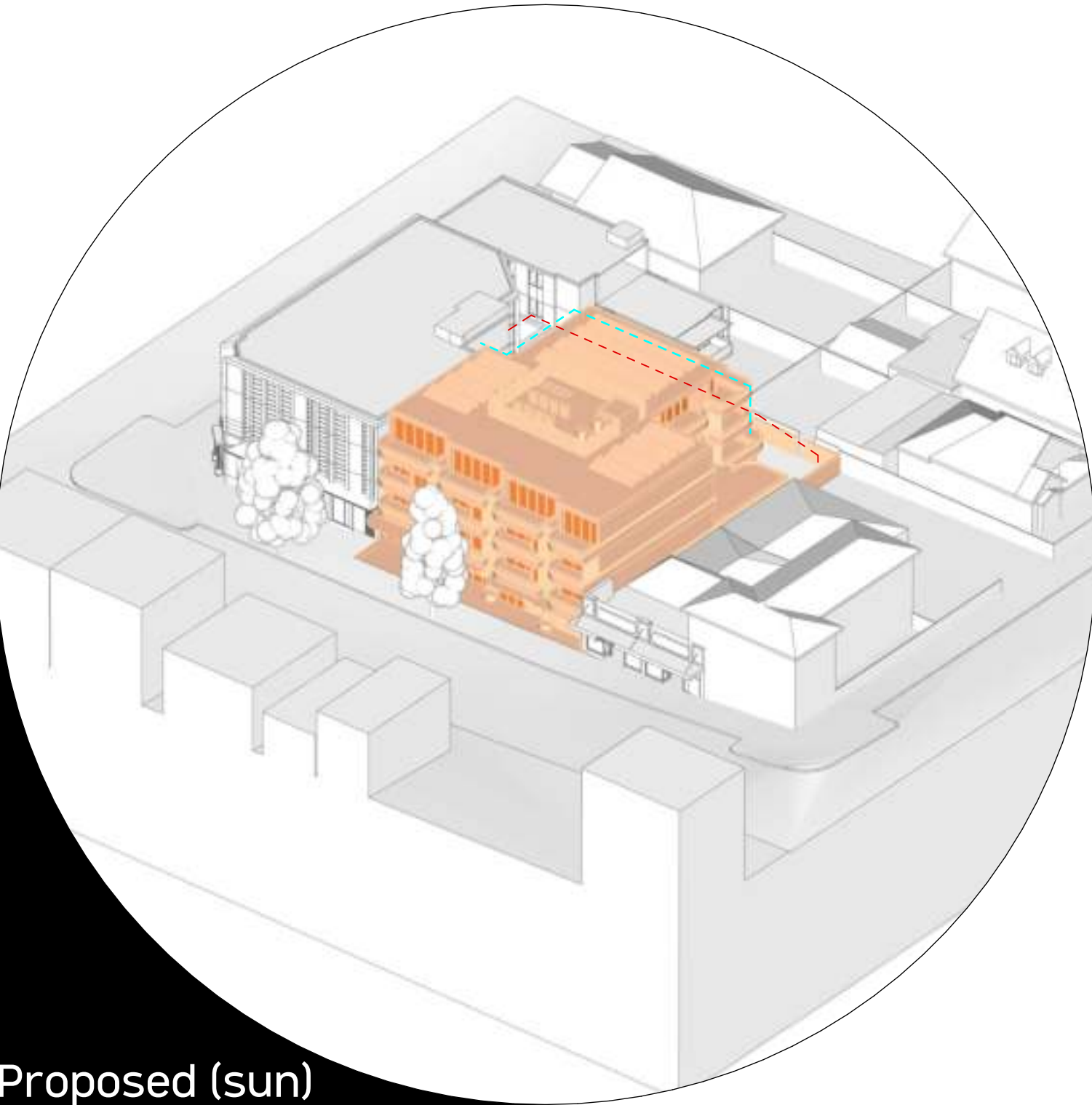
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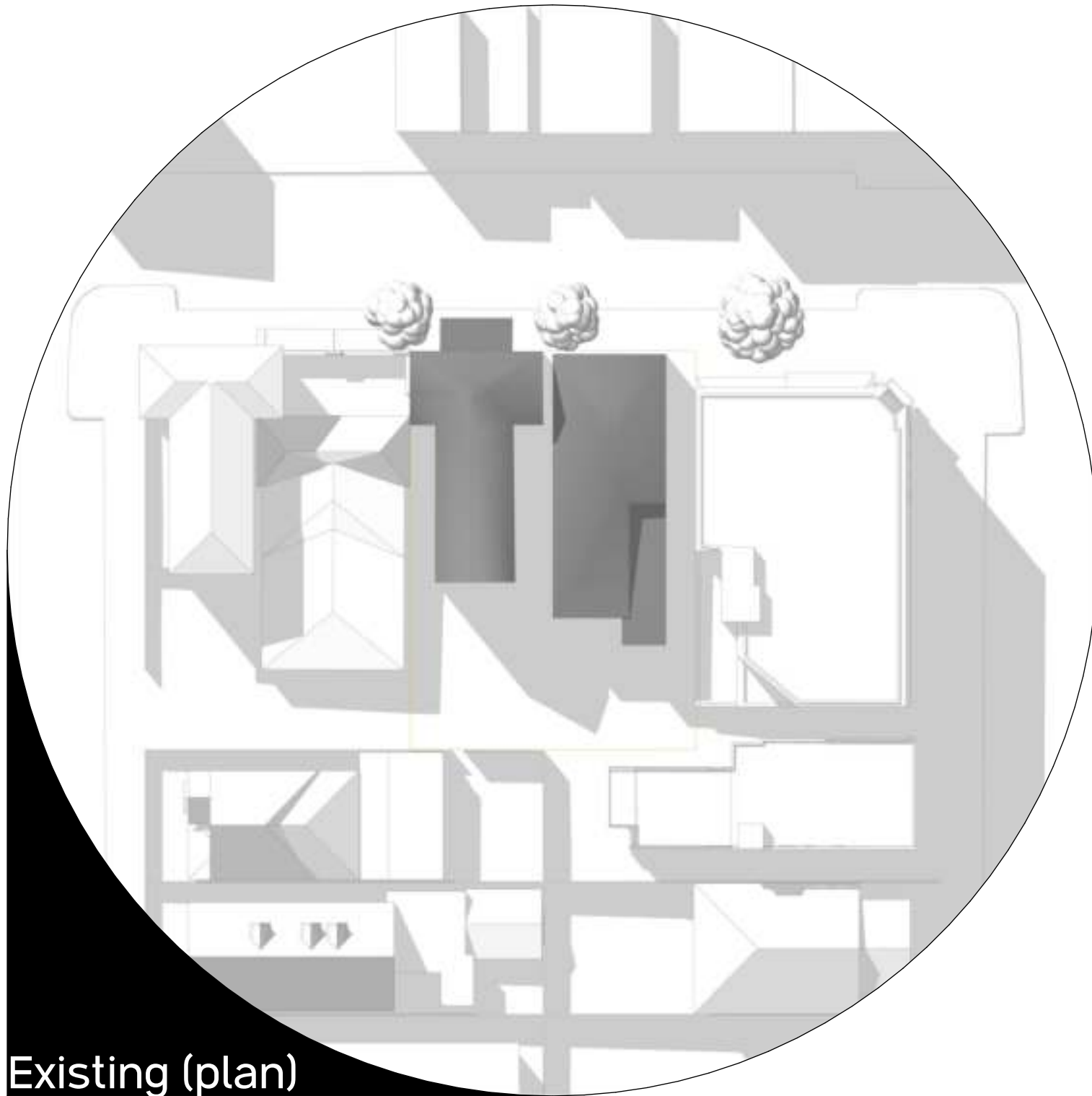
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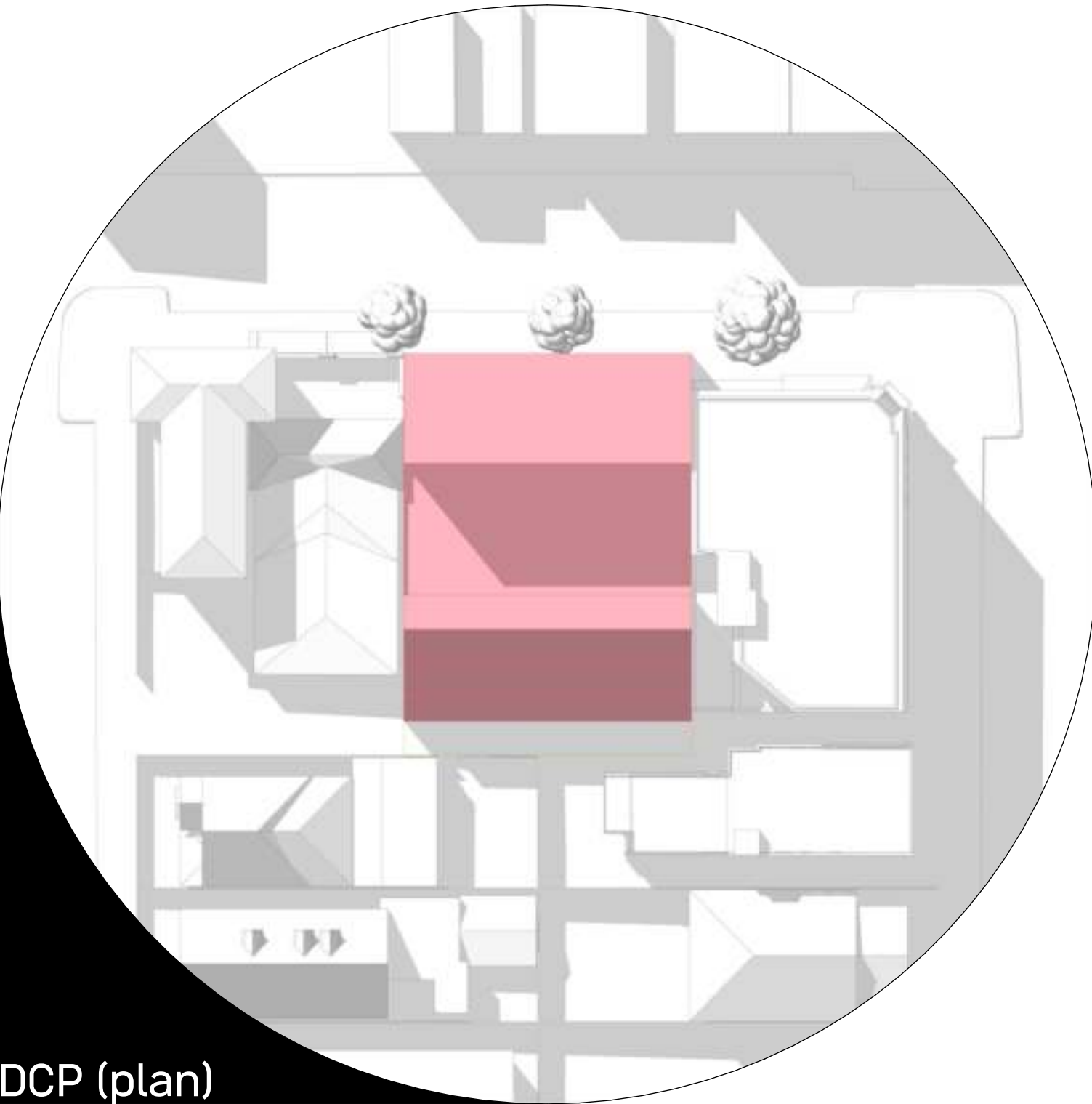
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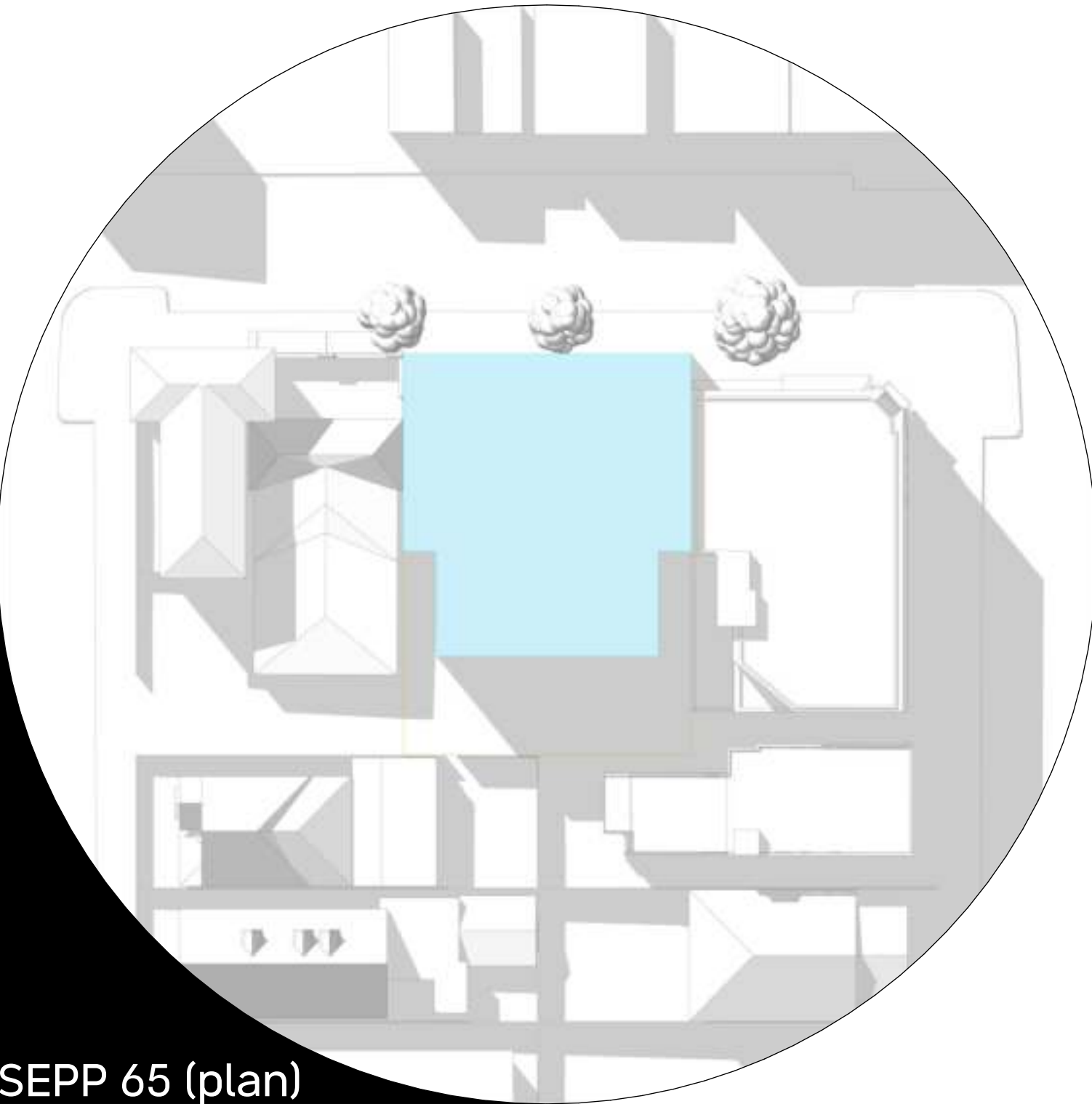
Proposed (sun)



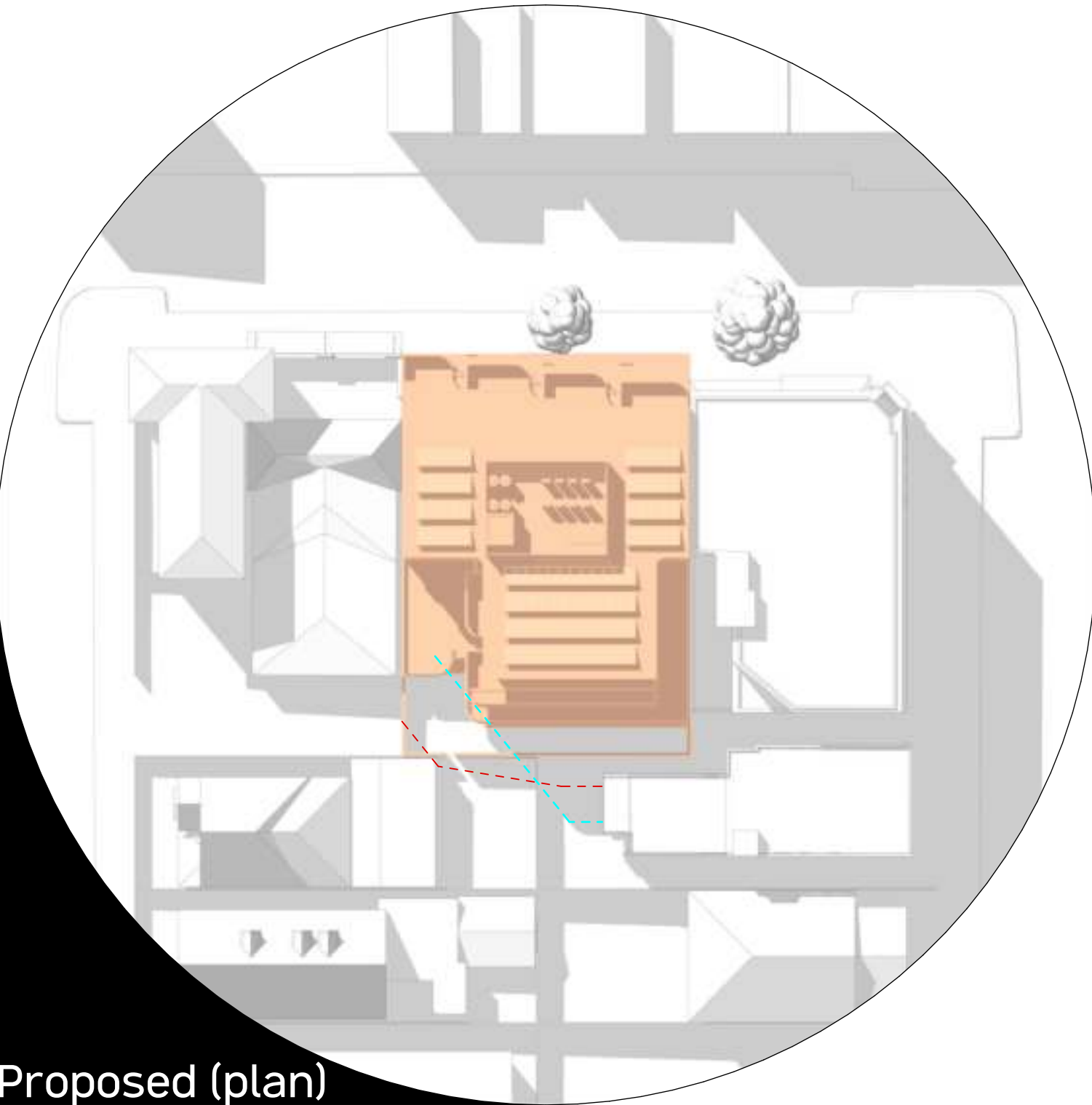
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DCP (plan)



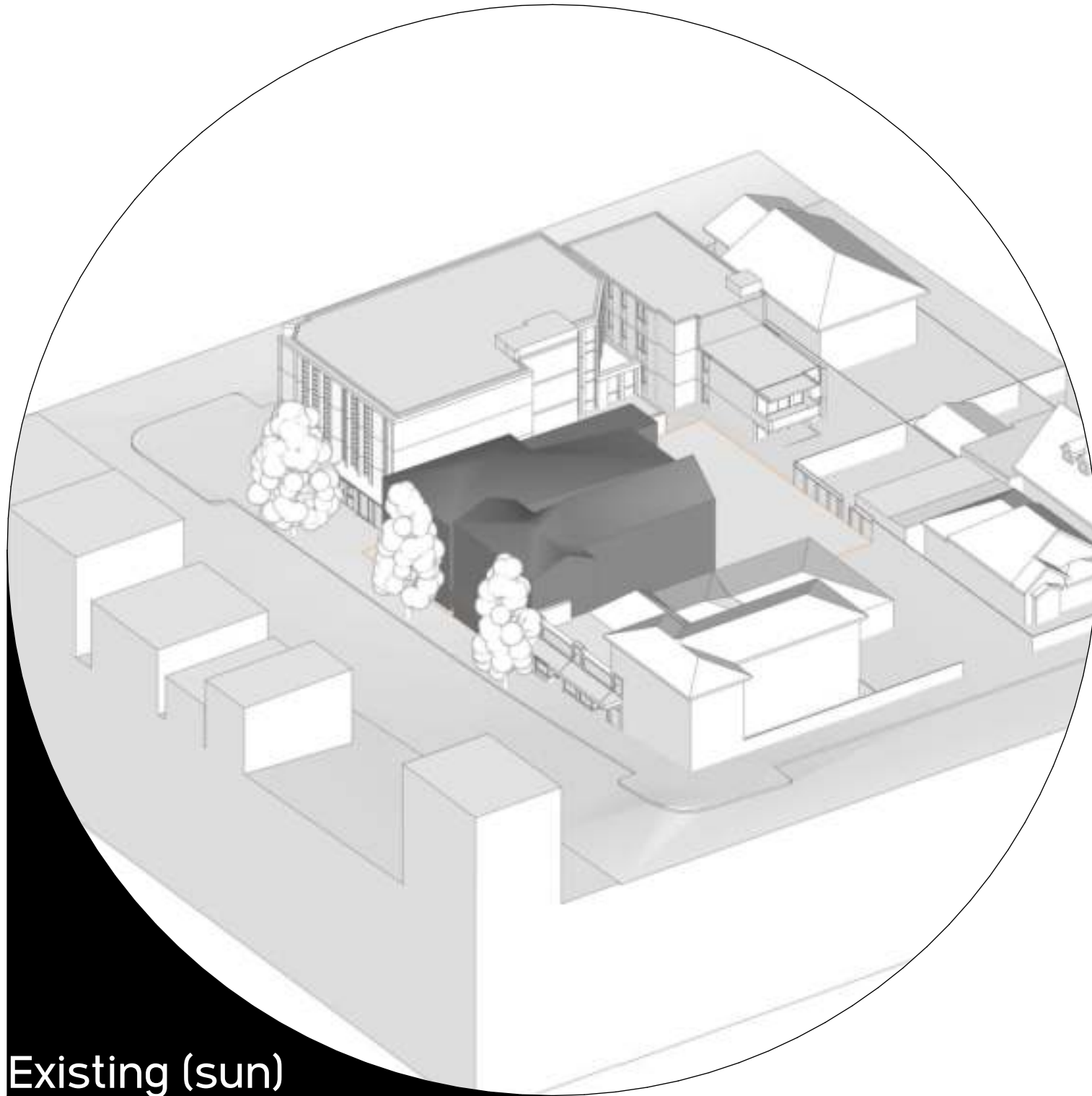
SEPP 65 (plan)



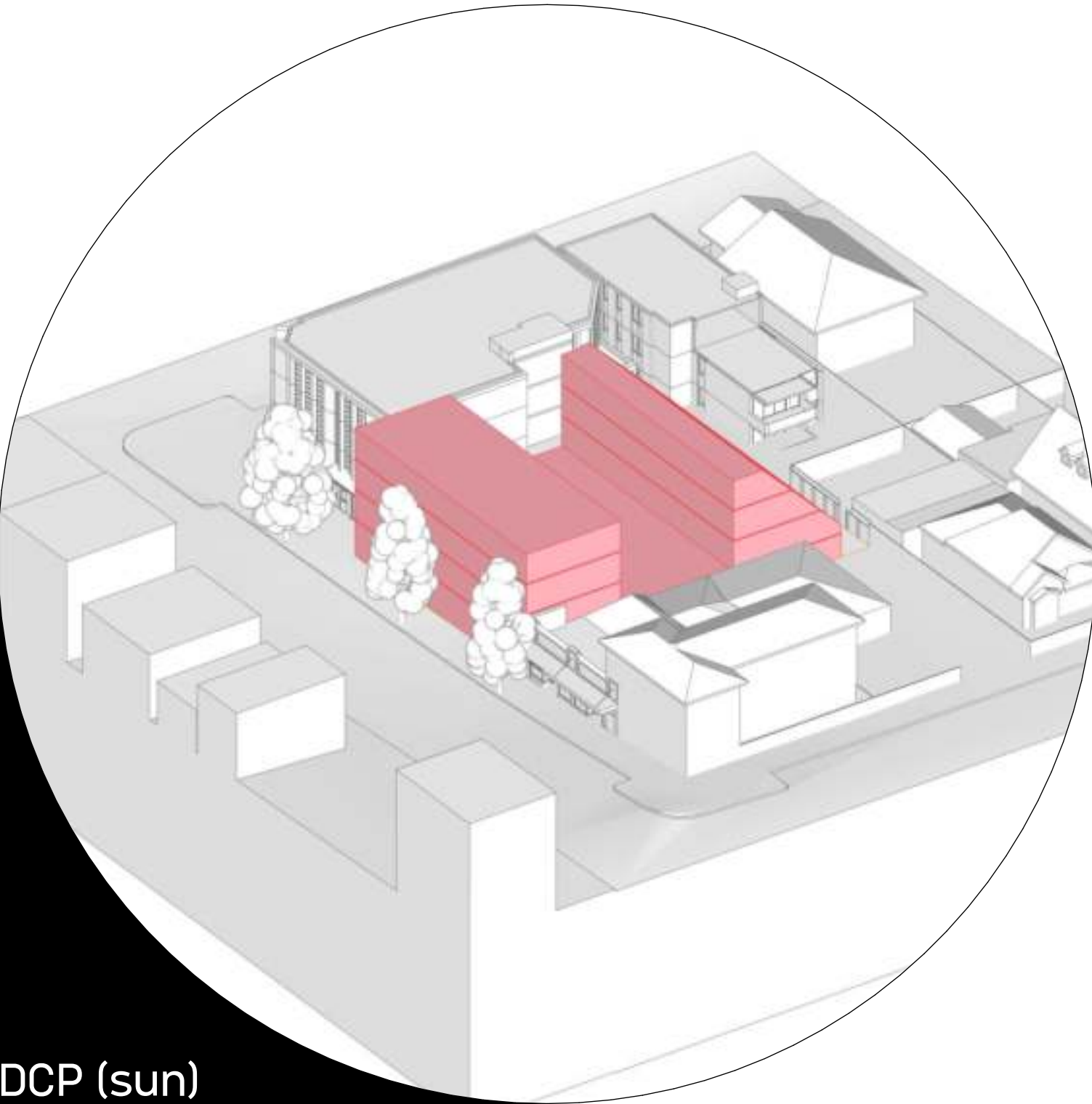
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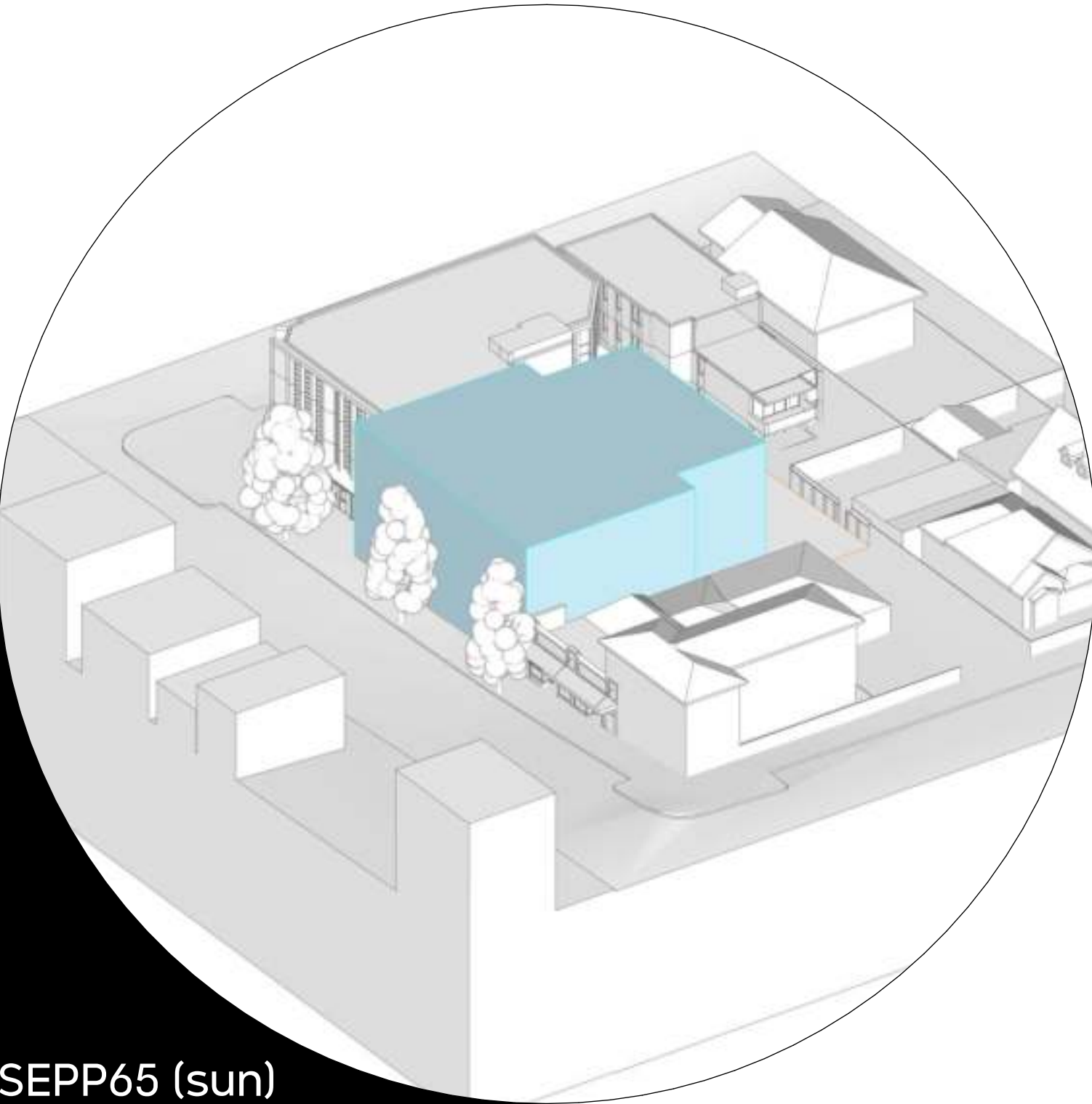
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Waverley Council
Application No: DA-552/2021
Date Received: 22/07/2022



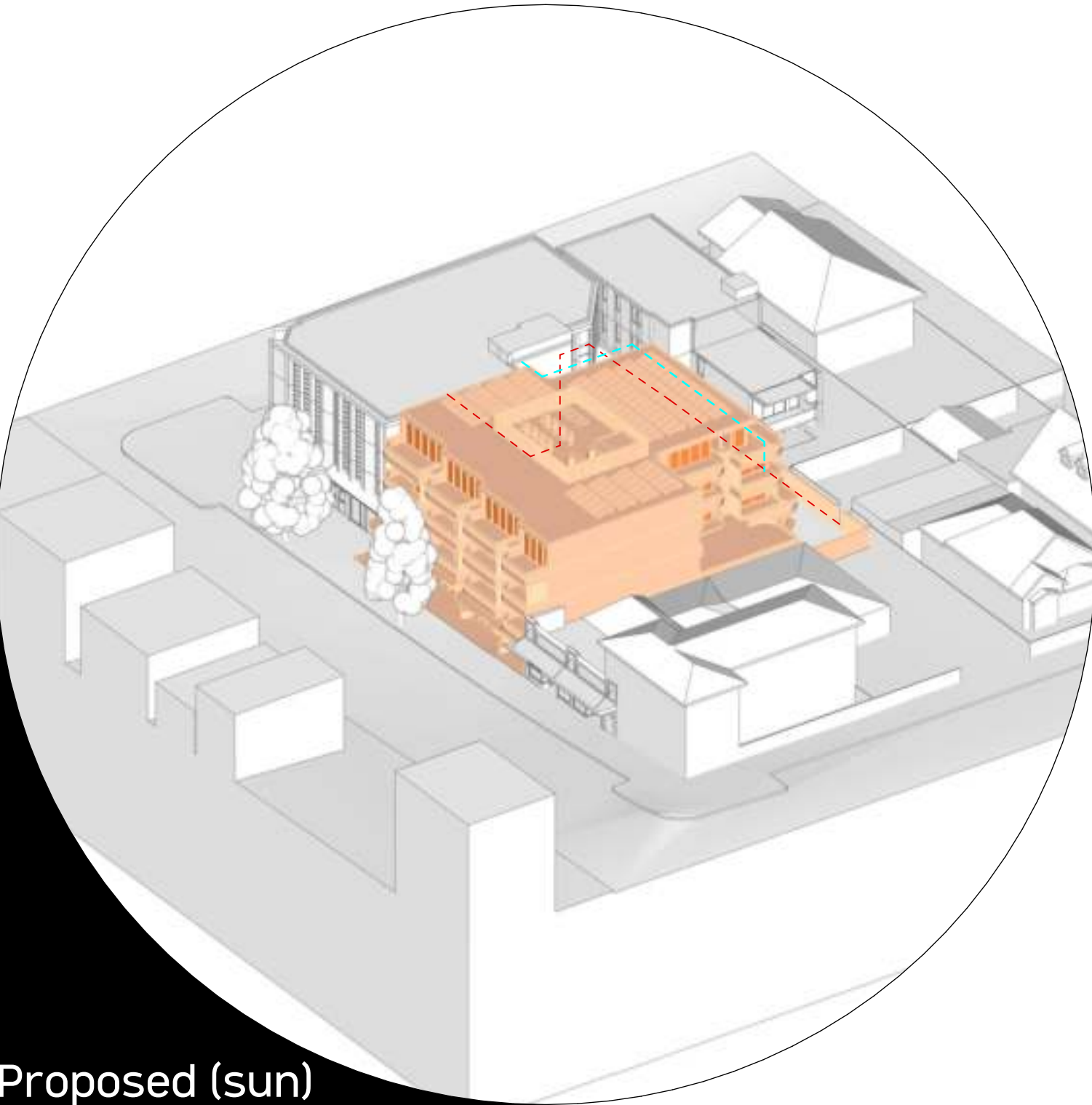
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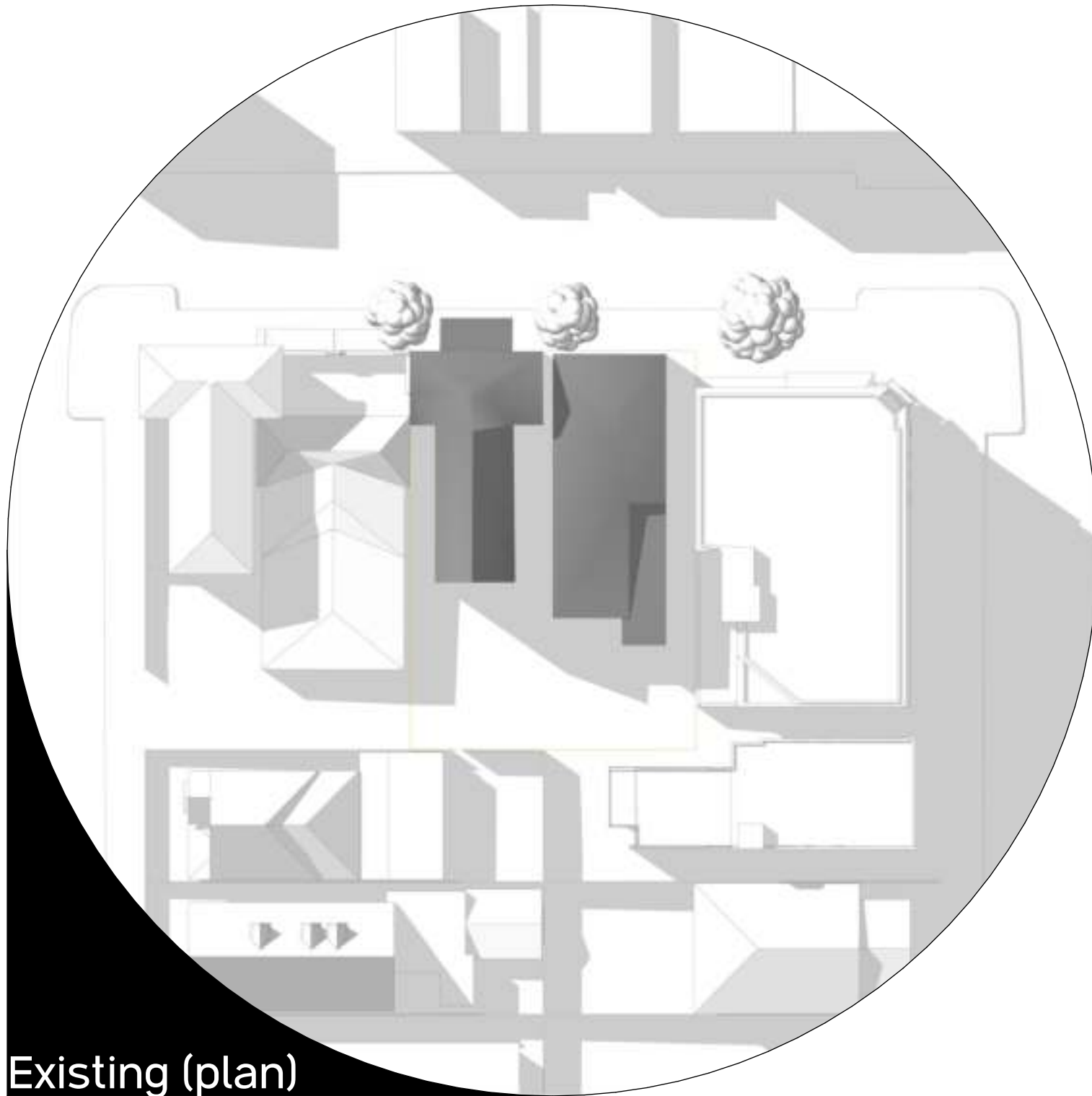
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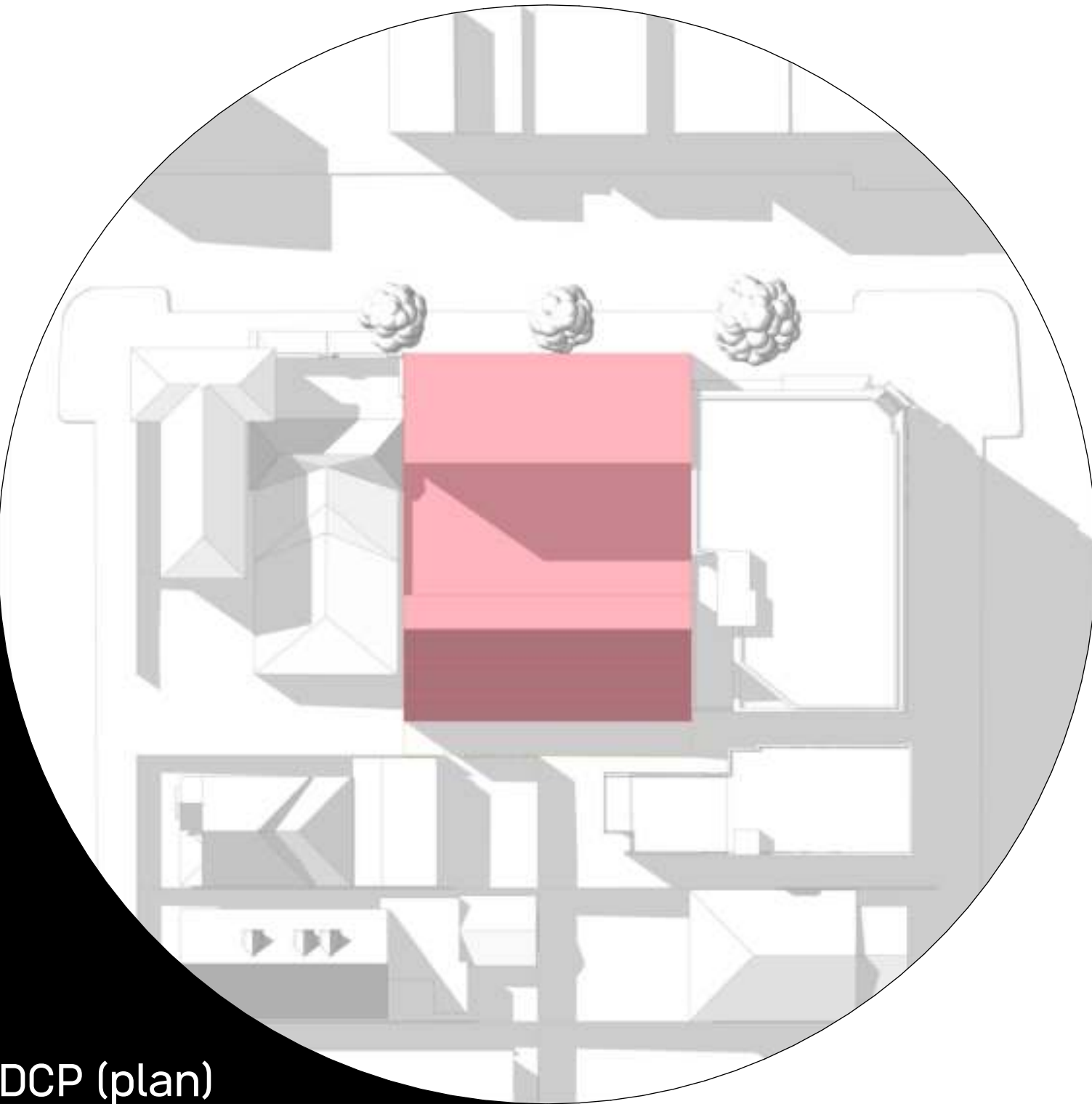
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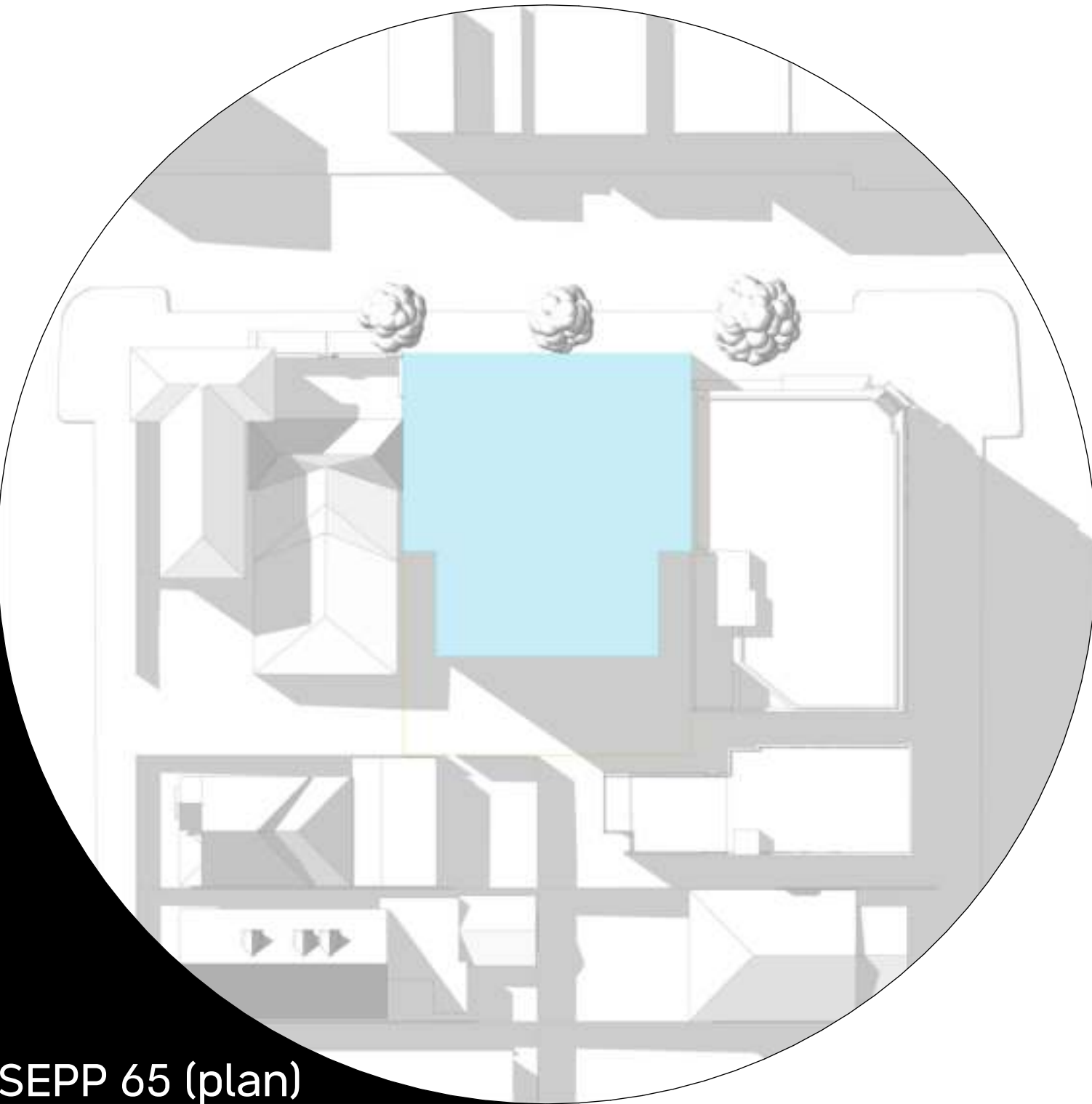
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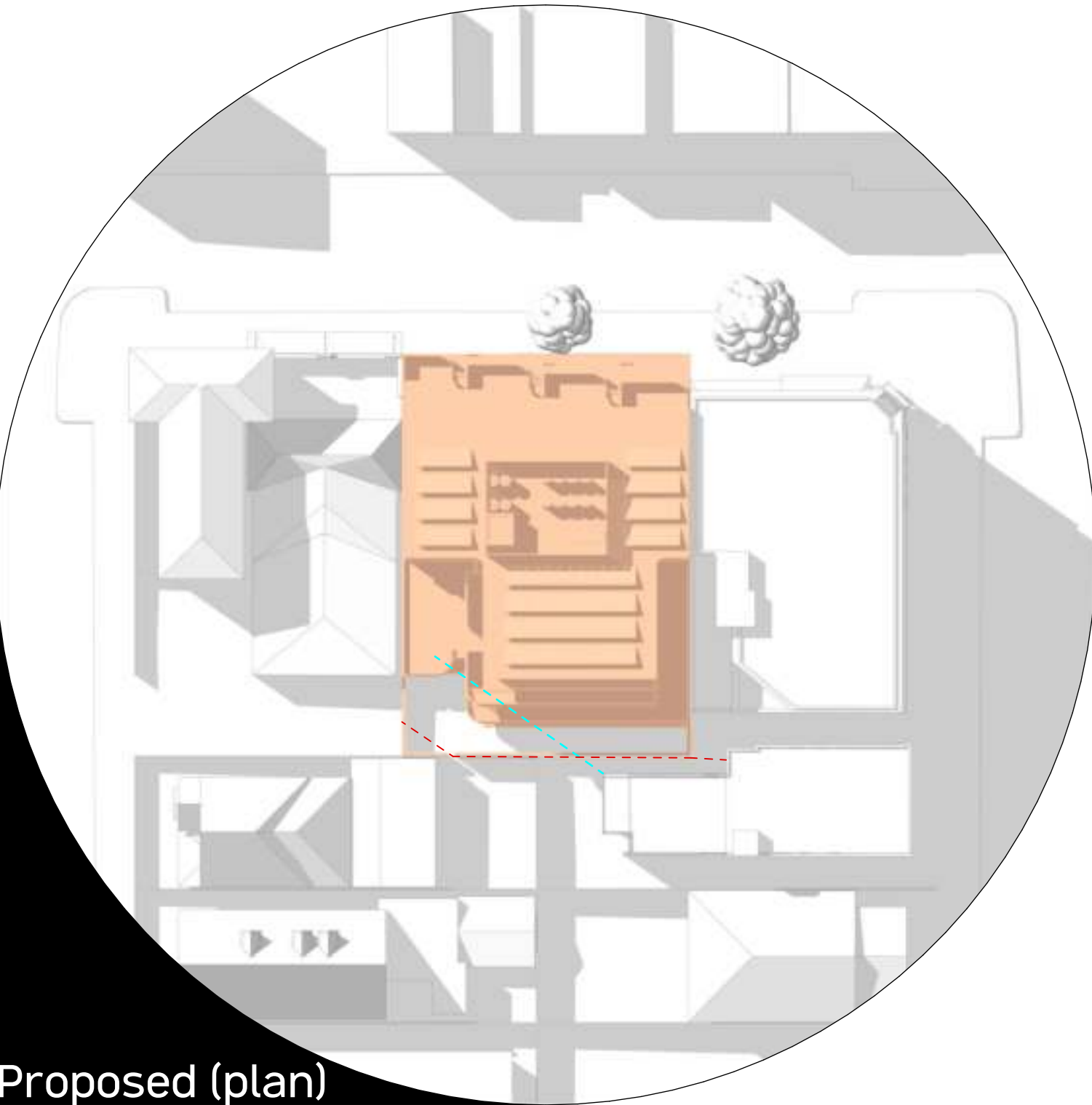
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DCP (plan)



SEPP 65 (plan)



Proposed (plan)

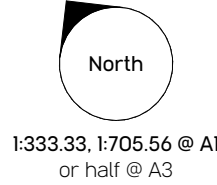
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● Client Info
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STM23 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

● 00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application



● Rev Change Name
A DA SUBMISSION
B COUNCIL RFI RESPONSE SUBMISSION

Date
22/07/2021
5/07/2022

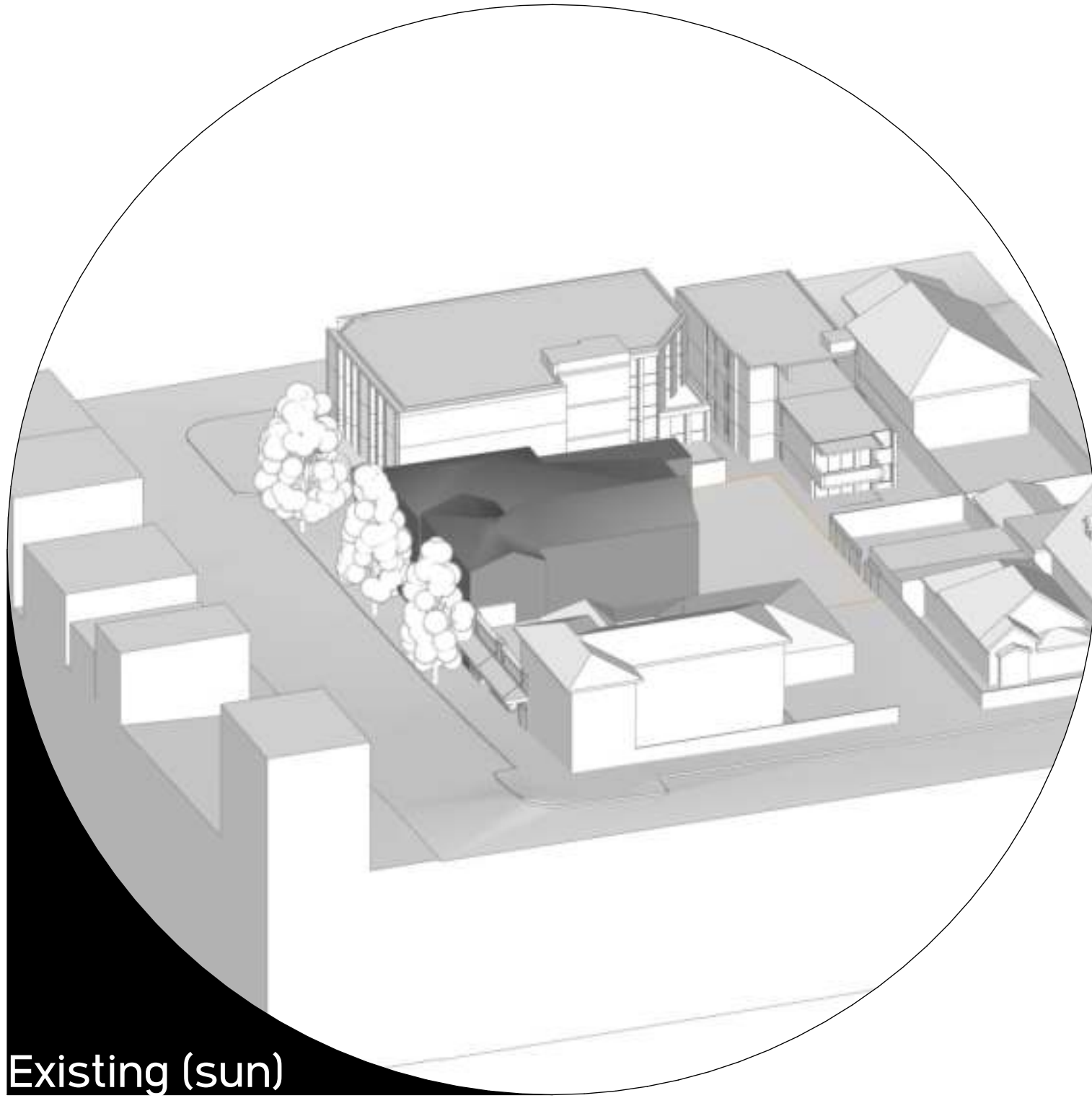
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WM WM

● Title
Solar analysis
1 PM June 22

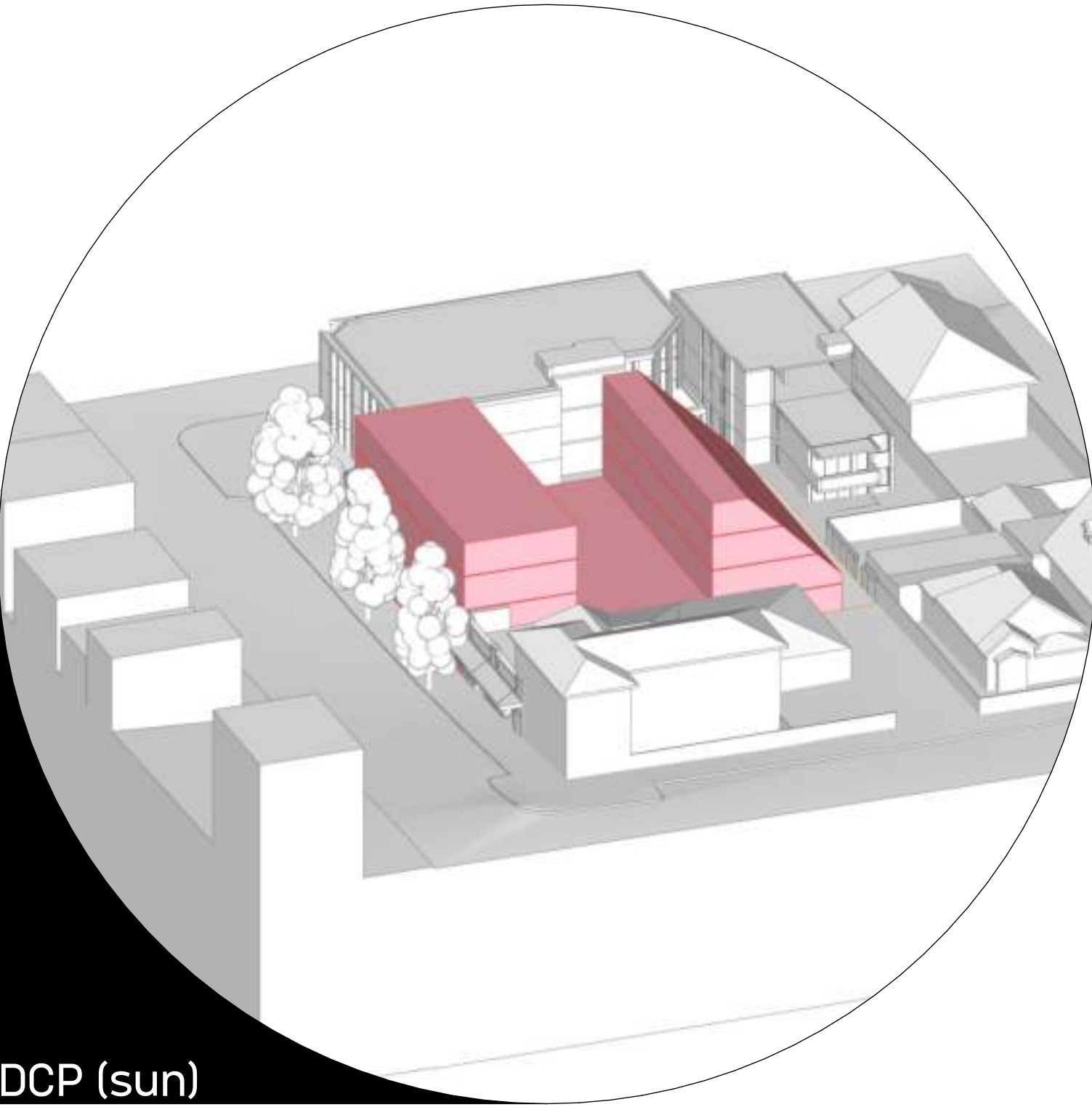
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DA404 B
● Revision



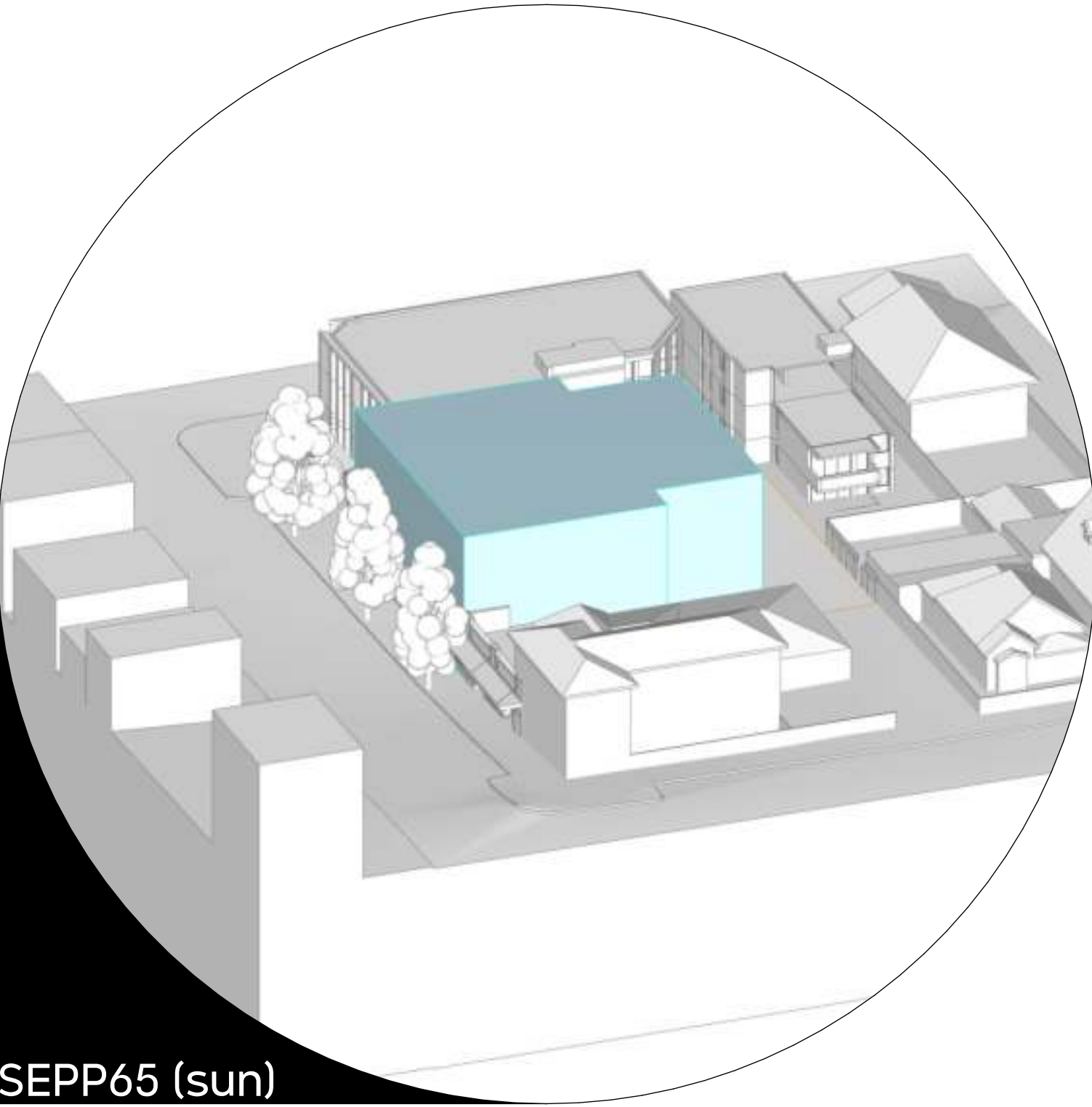
AMENDED PLANS



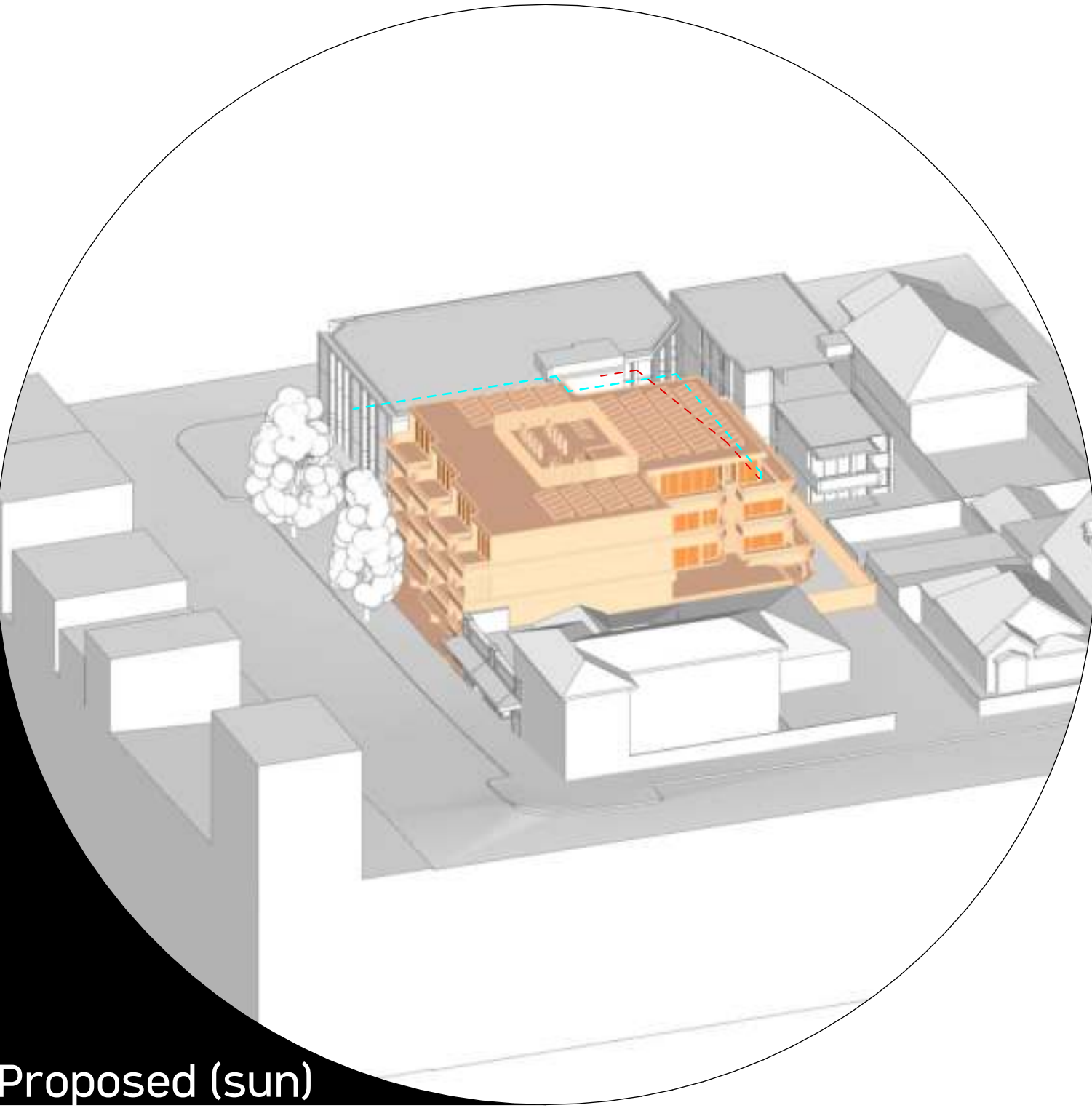
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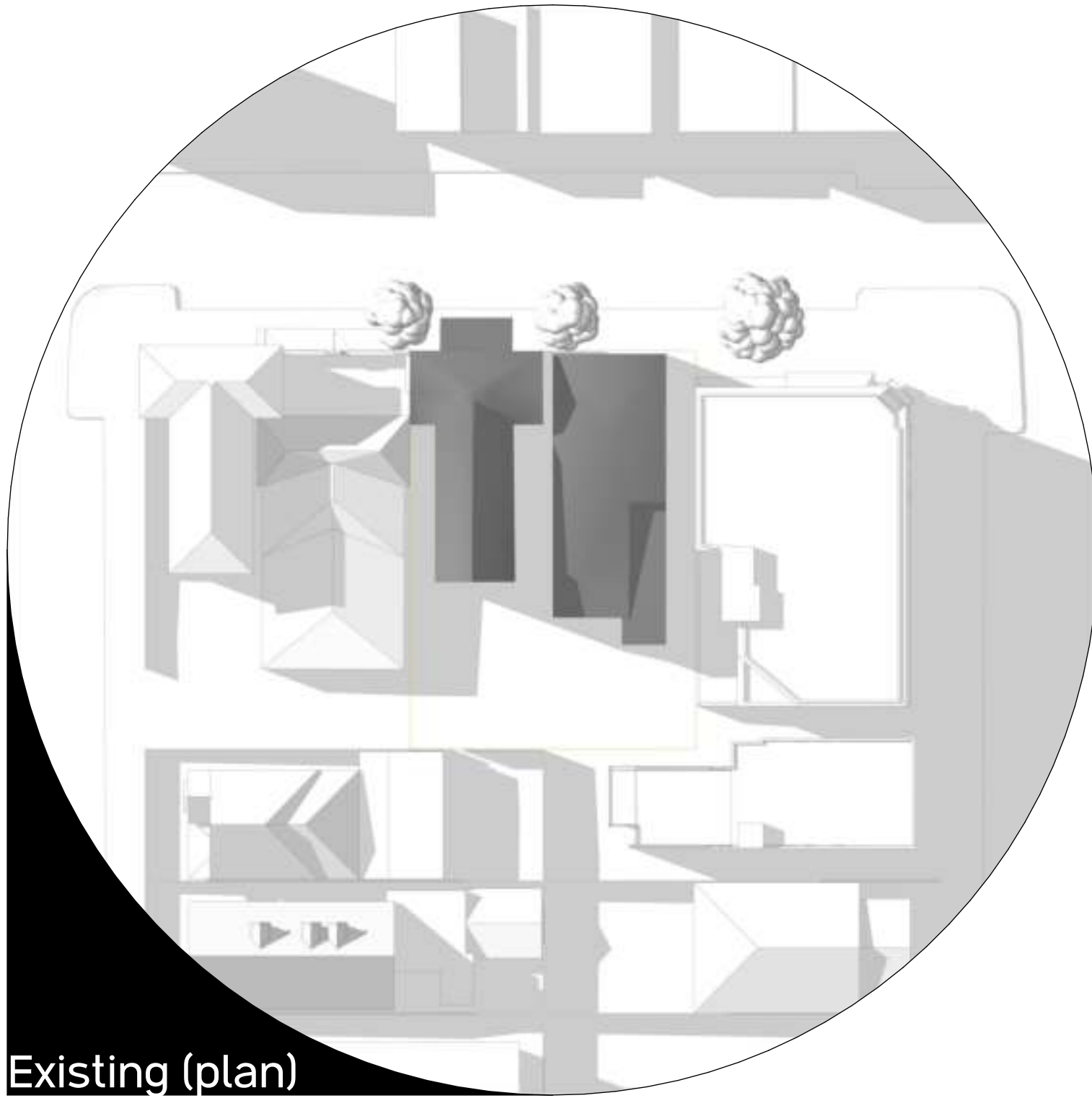
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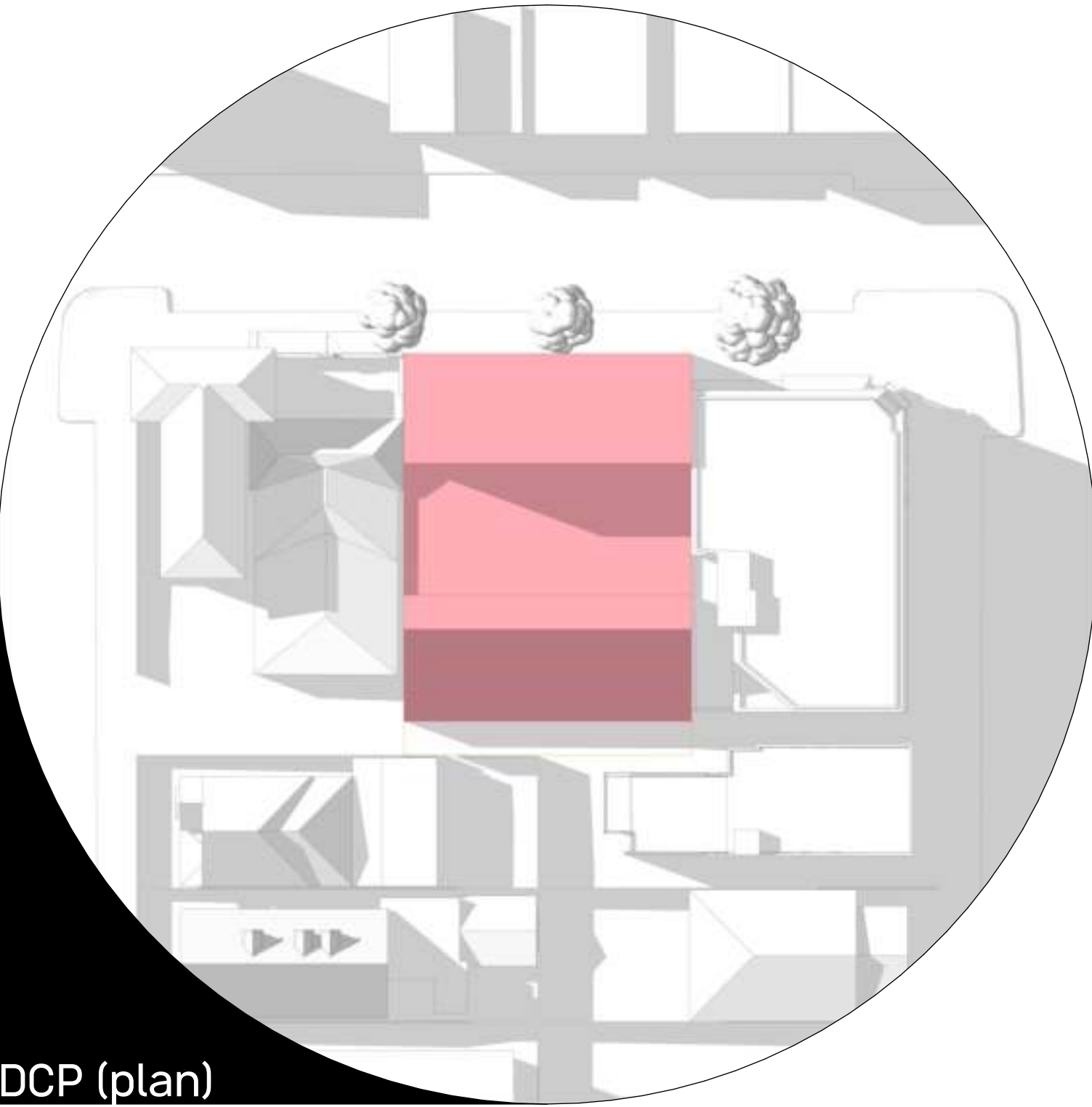
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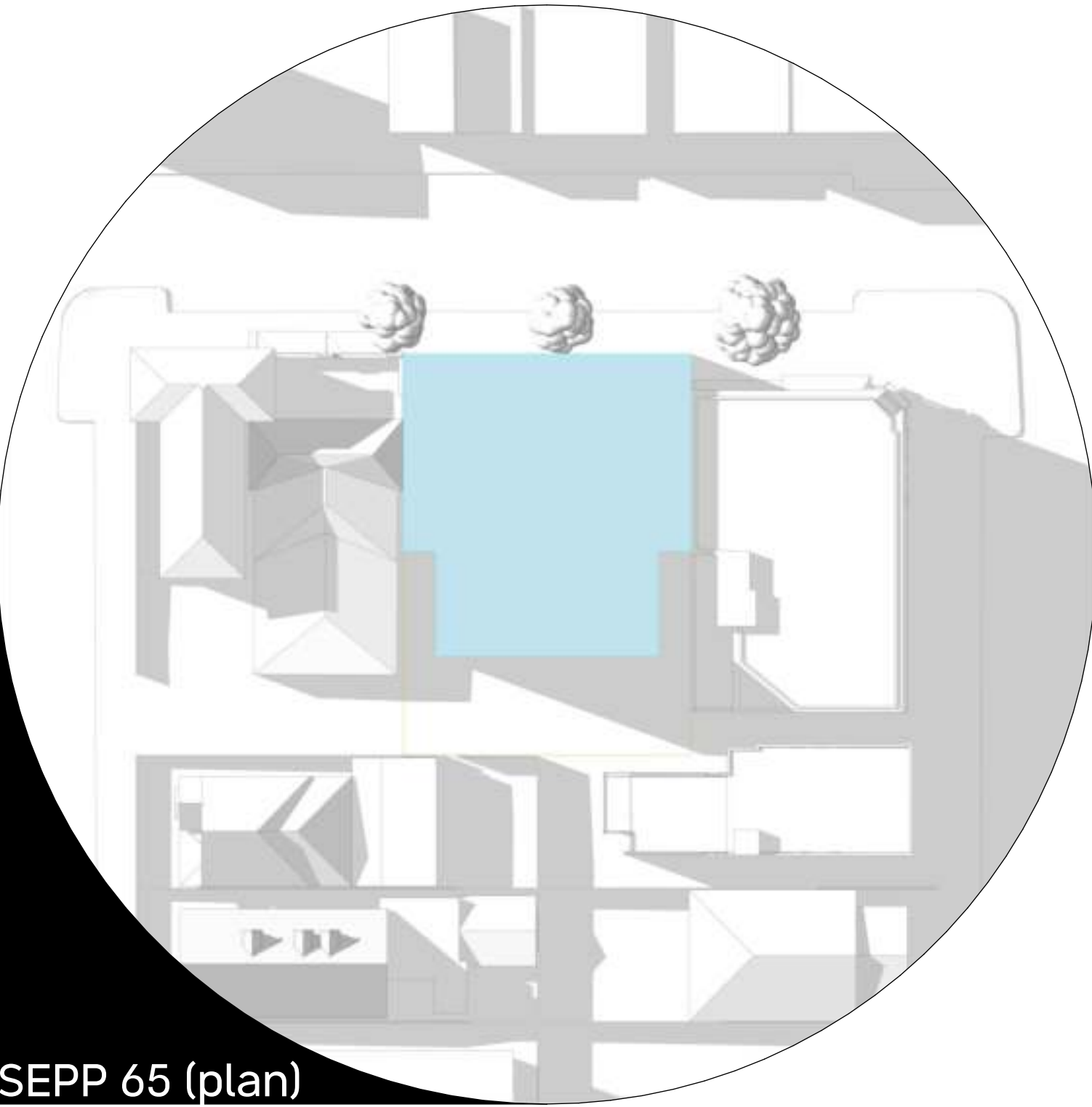
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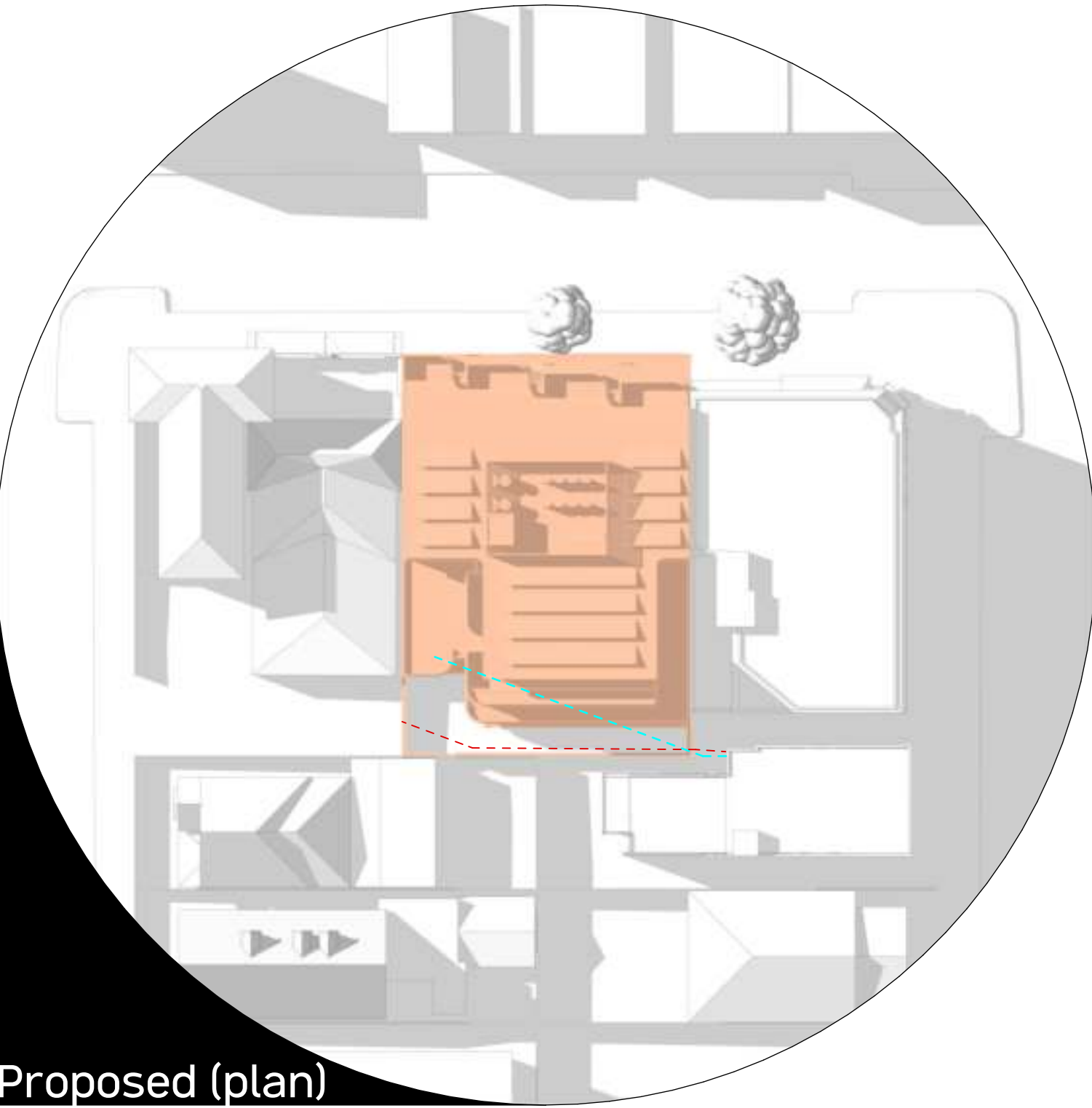
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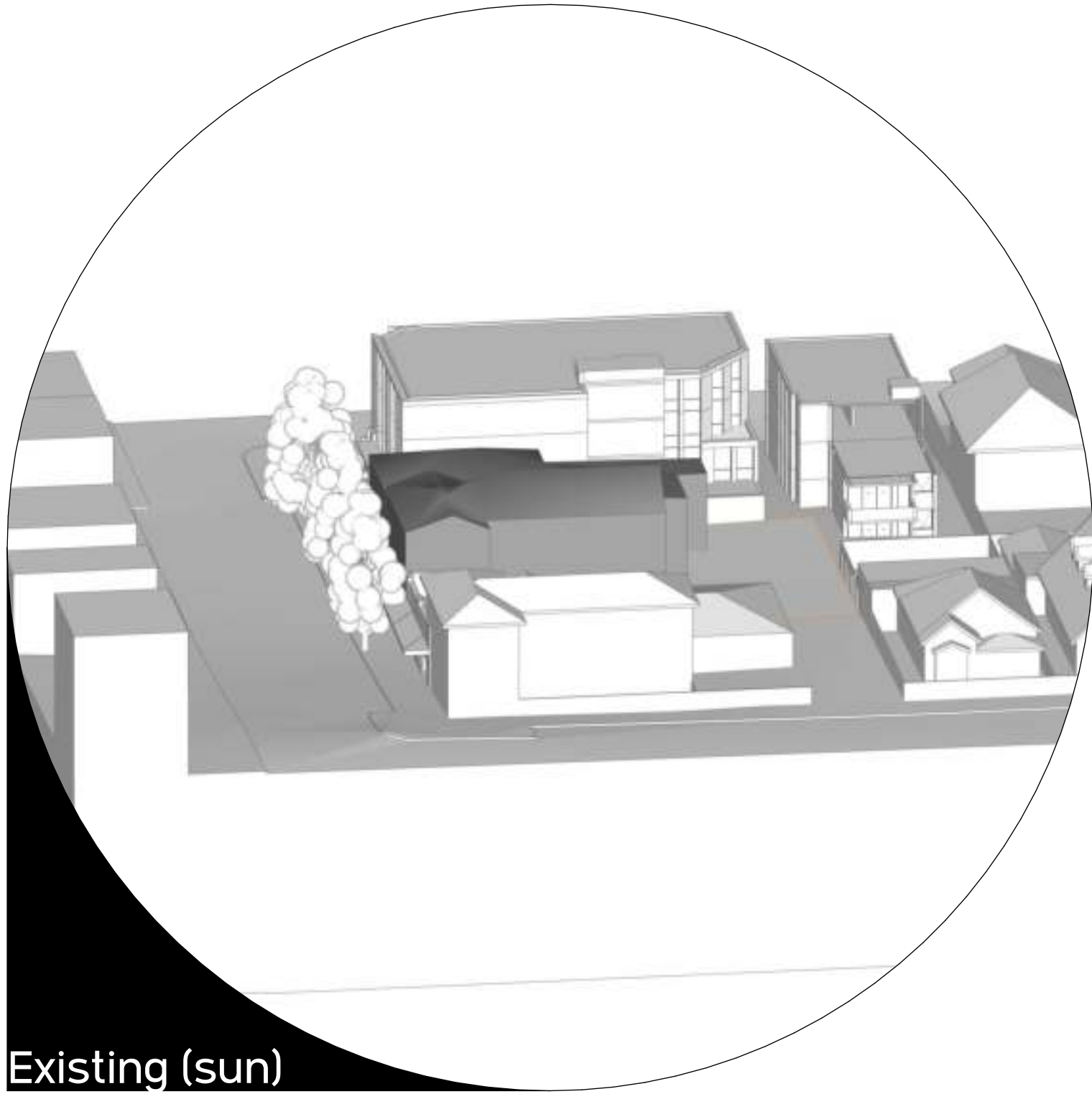


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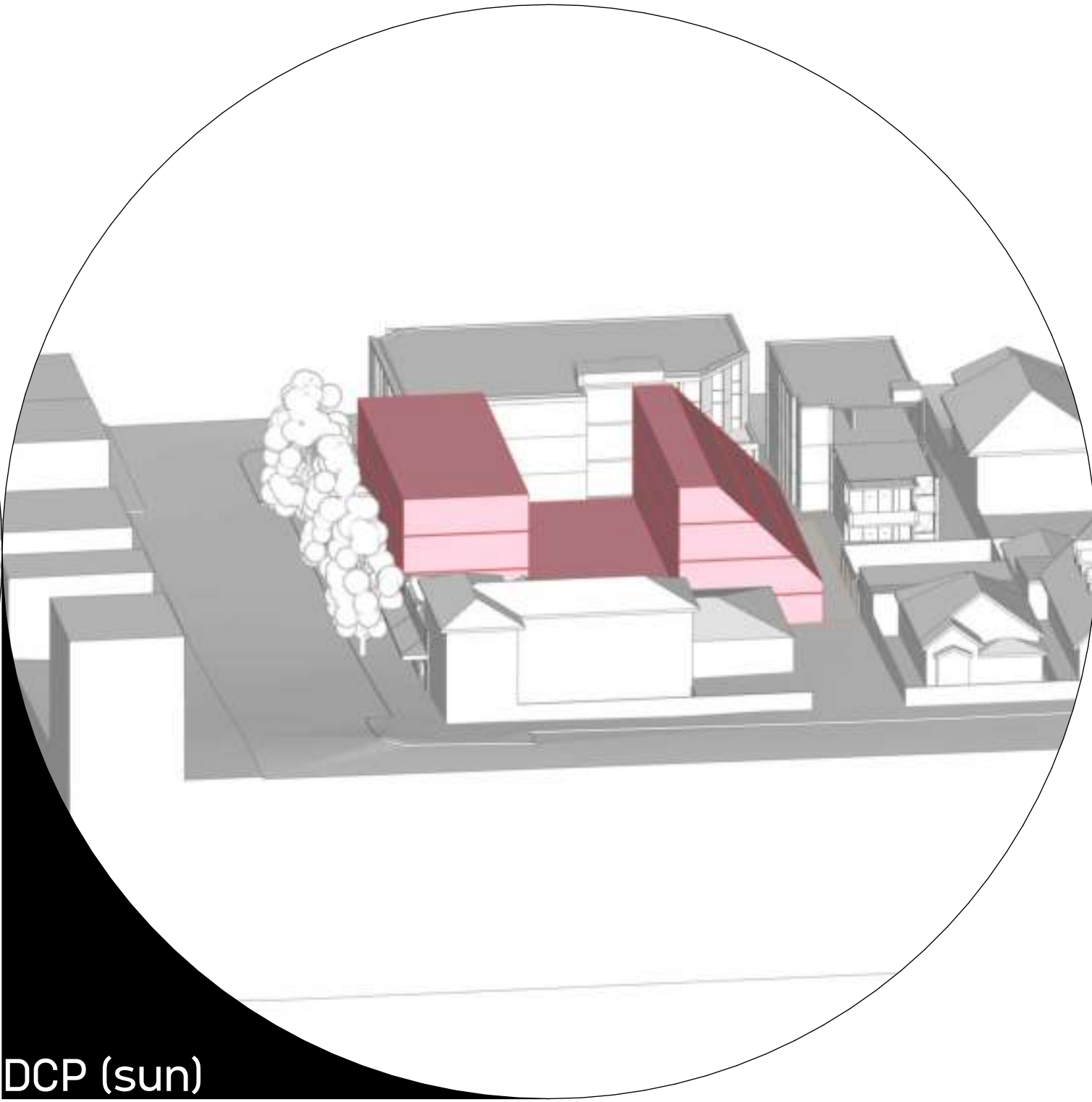


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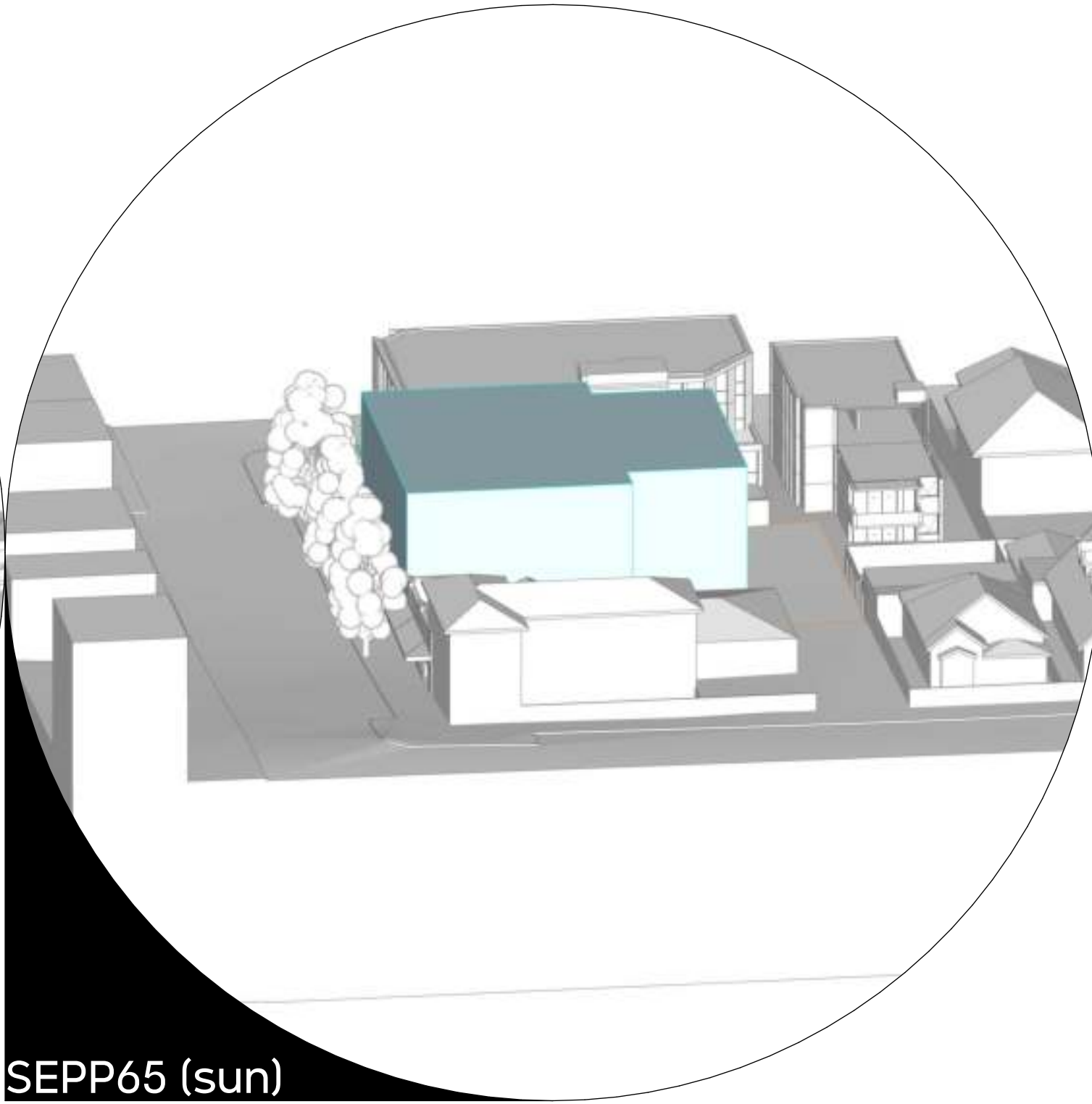
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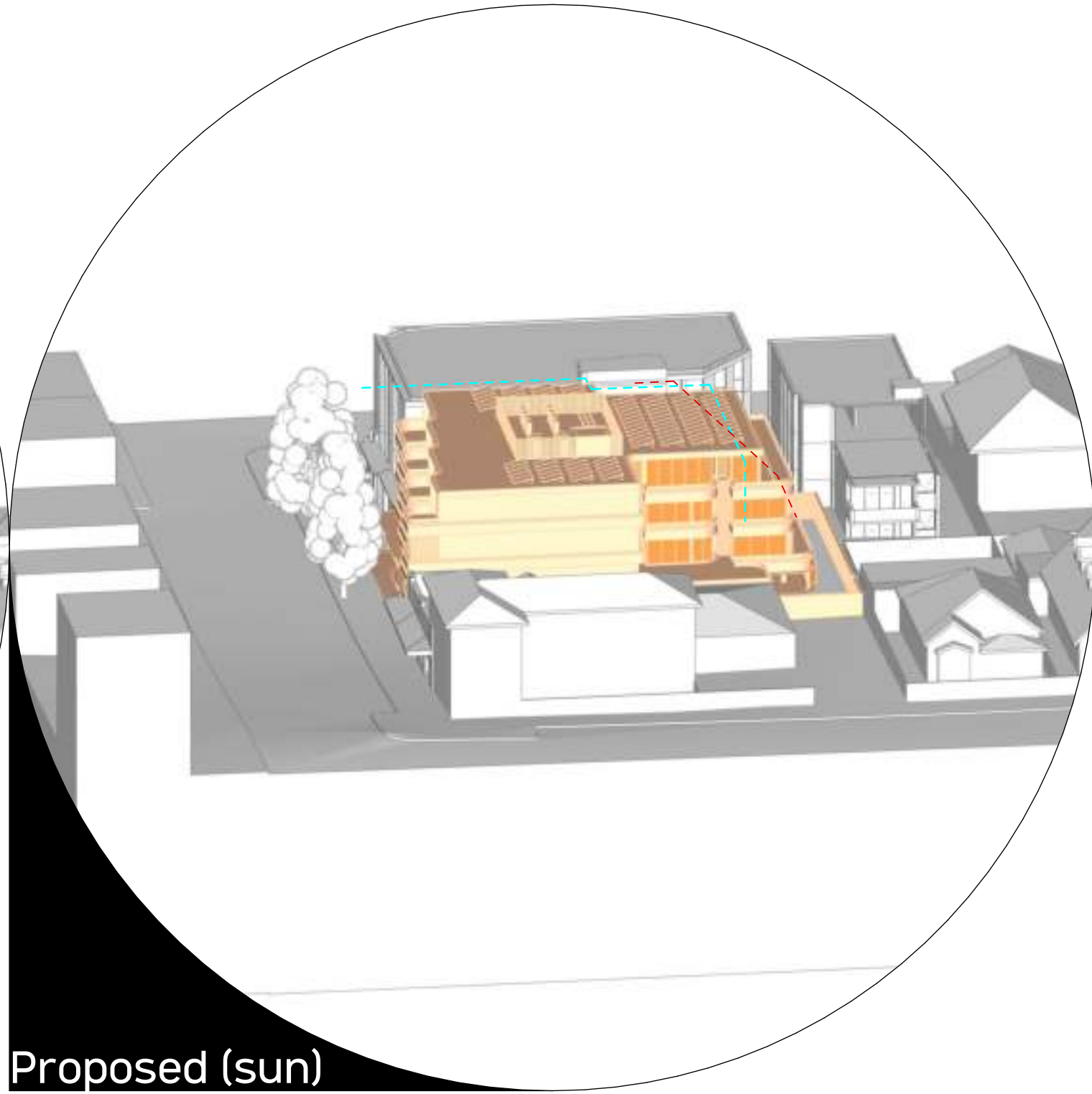
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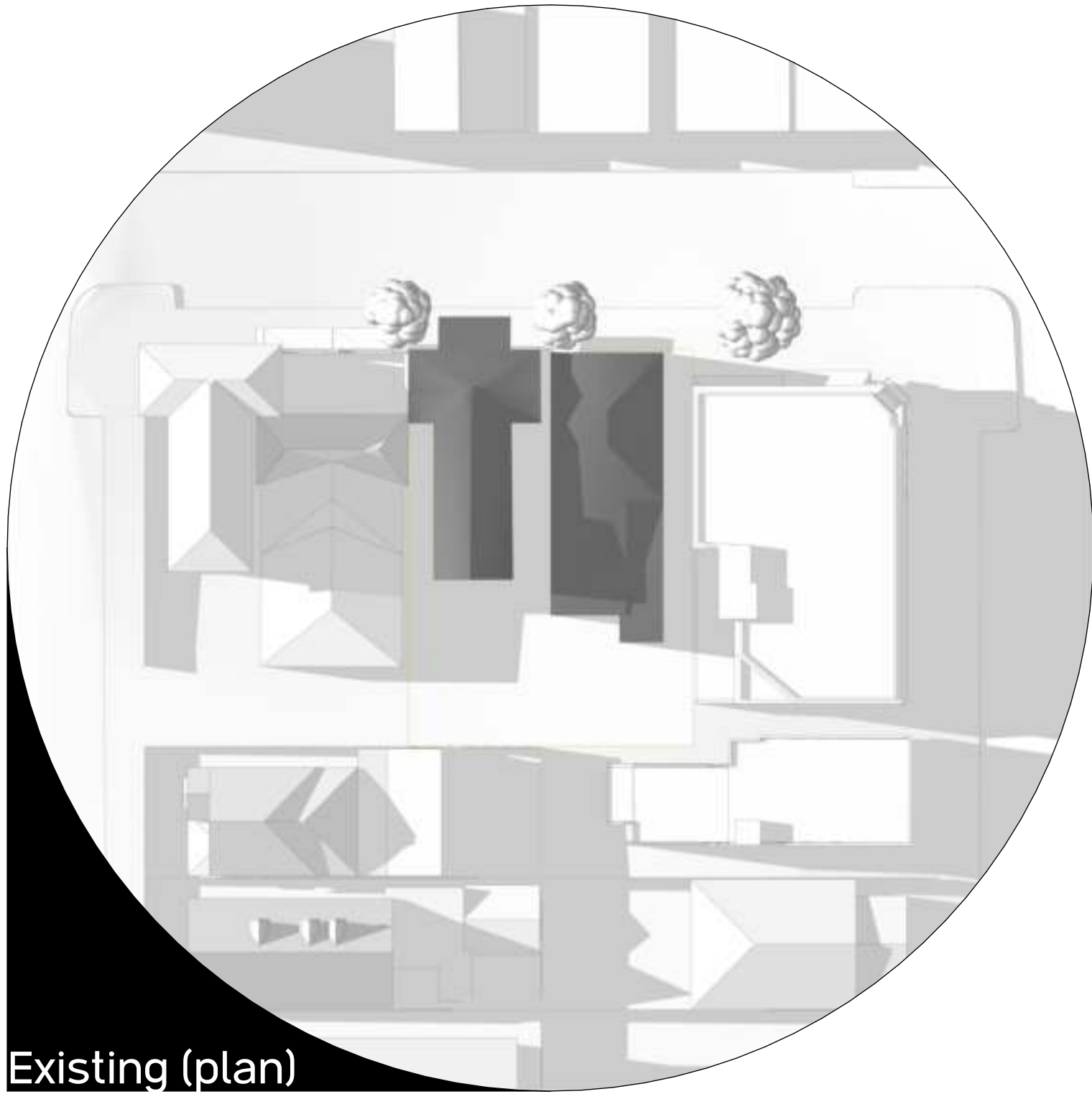
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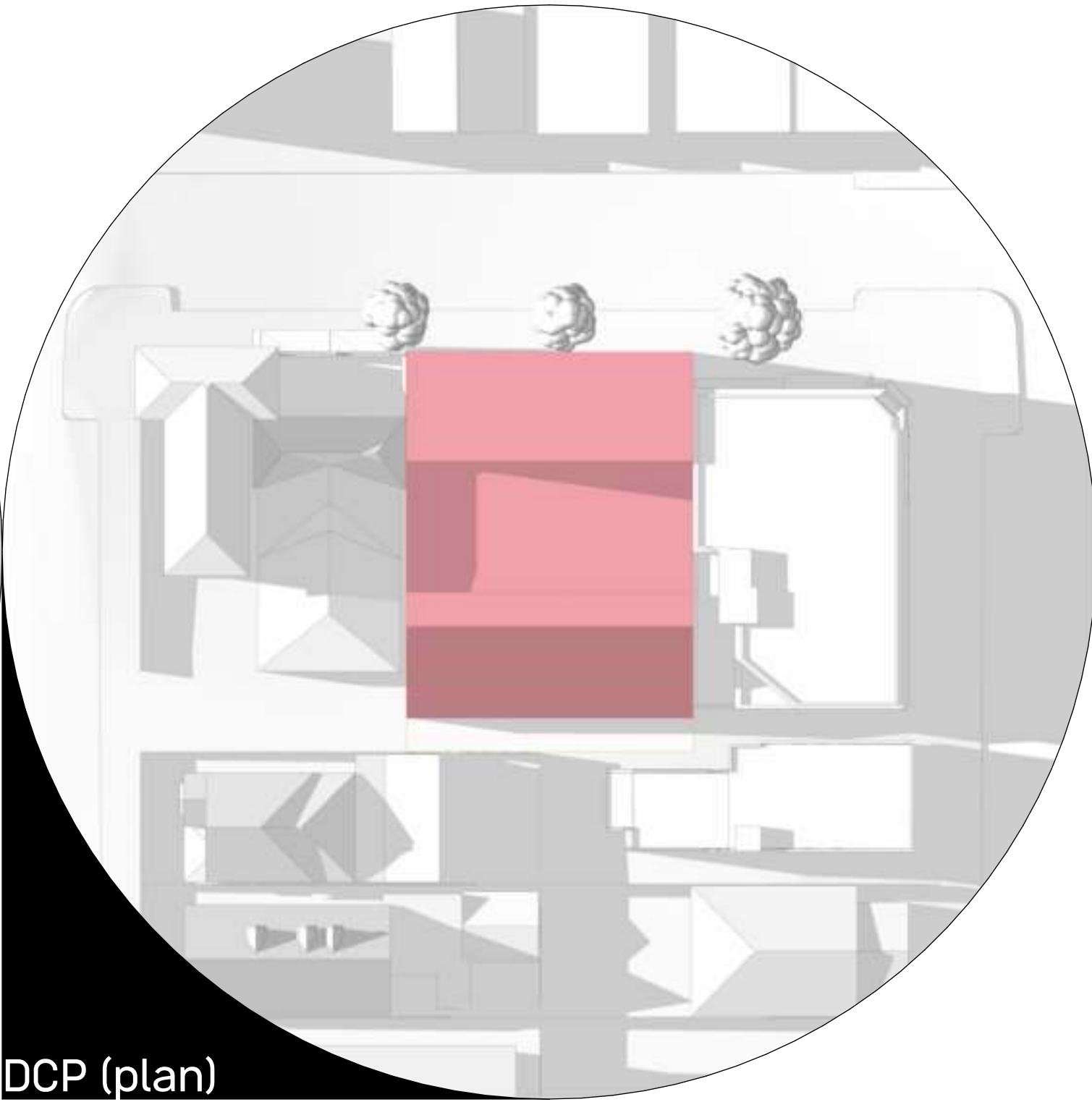
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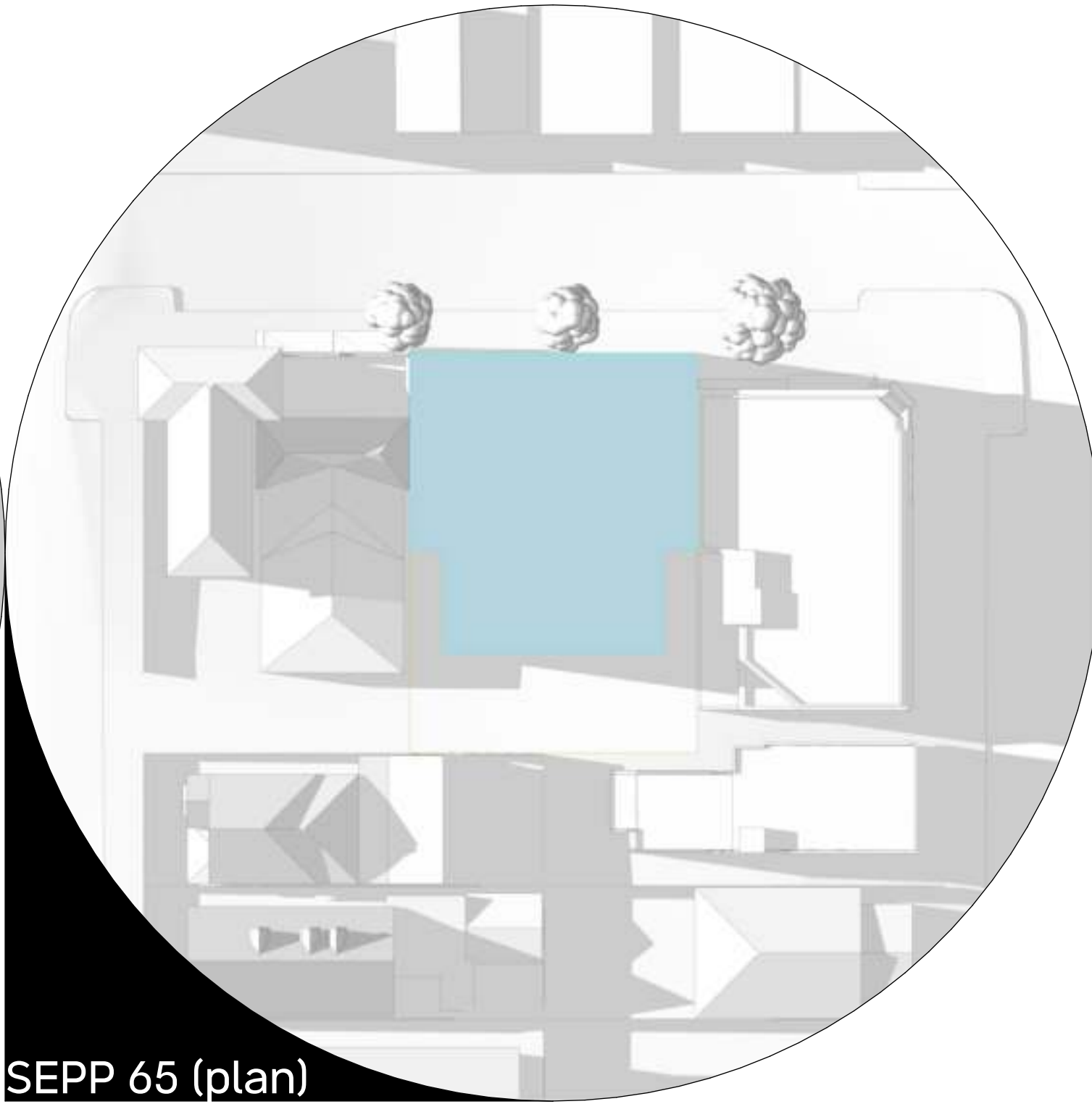
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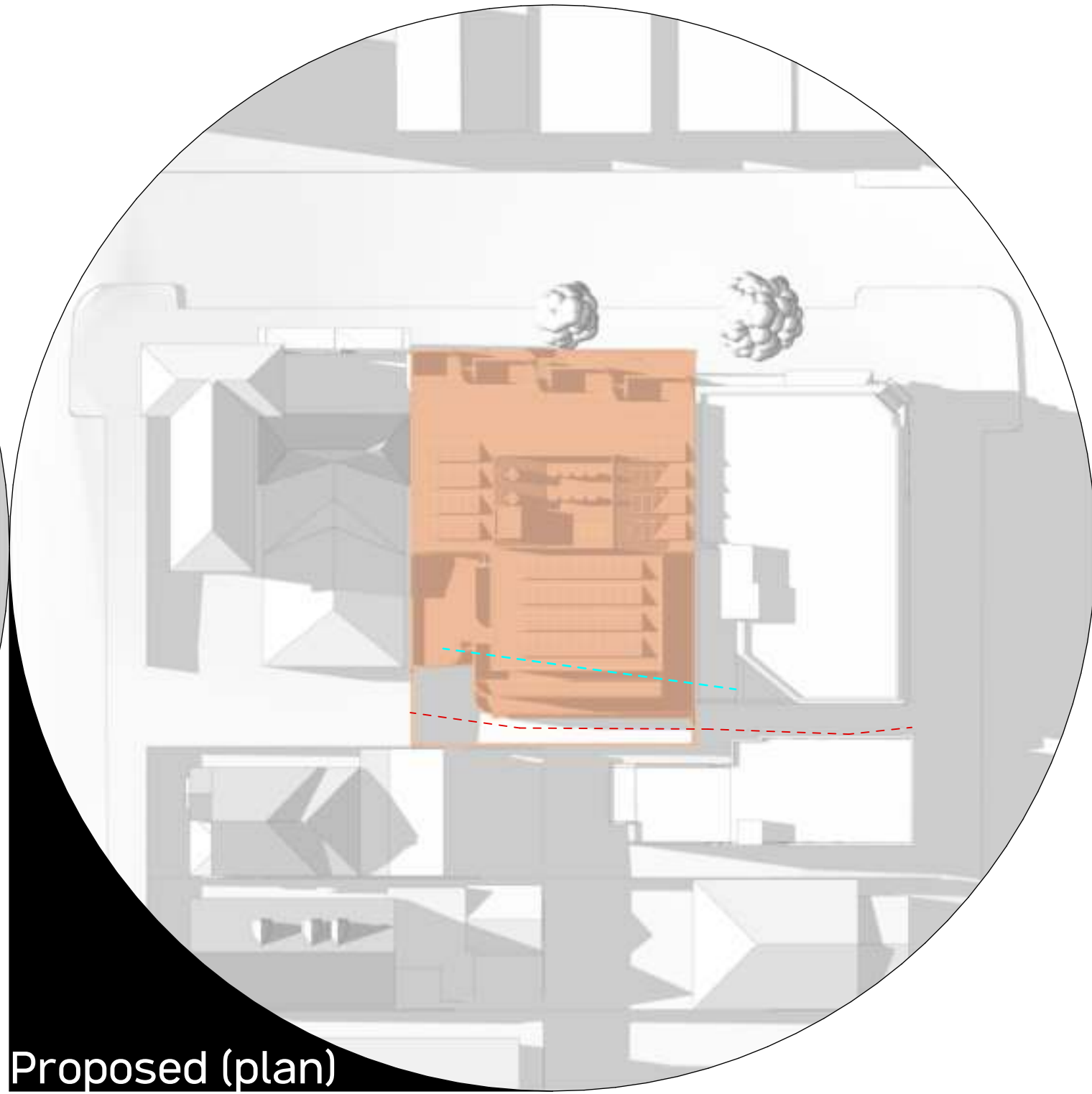
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DCP (plan)



SEPP 65 (plan)



Proposed (plan)