



15 October 2019

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

12.00 PM WEDNESDAY, 23 OCTOBER 2019

QUORUM: Three Panel members.

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

OR

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

AGENDA

WLPP-1910.A

Apologies

WLPP-1910.DI

Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1910.AR

Annual Returns Disclosing Interests of Panel Members

The NSW Government's Code of Conduct for Local Planning Panel Members requires the annual returns of panel members disclosing interests to be tabled at the first meeting of the panel after the last day the returns are required to be lodged.

The following table lists the panel members who have lodged their annual return:

Position title	Name	Date received
Chairperson	Hon Paul Stein	04/08/2019
Alternate Chair	Hon Angus Talbot	29/08/2019
Alternate Chair	Annelise Tuor	07/08/2019
Professional Expert	Michael Harrison	Not received
Professional Expert	Gabrielle Morrish	12/09/2019
Professional Expert	Jan Murrell	30/09/2019
Professional Expert	Ian Stapleton	29/07/2019
Professional Expert	Peter Brennan	11/09/2019
Professional Expert	Graham Brown	01/08/2019
Professional Expert	Jocelyn Jackson	05/08/2019
Professional Expert	Richard Thorp	01/02/2019
Community Representative	Allyson Small	12/08/2019
Community Representative	Sandra Robinson	26/09/2019
Community Representative	Penny Mora	06/08/2019

Recommendation: That the Panel receives and notes the annual returns of panel members disclosing interests.

WLPP-1910.1**PAGE 5**

54/107 Macpherson Street, Bronte – Construction of two aluminium louvred pergolas and associated landscaping to the existing roof terrace of unit 54 at level 9 (DA-270/2019)

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

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

WLPP-1910.2**PAGE 32**

St Clare's College, 41–51 Carrington Road, Waverley – Demolition of the existing convent, landscaping and change of use to educational establishment (DA-112/2019)

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

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

WLPP-1910.3**PAGE 63**

12 Ewell Street, Bondi – Section 8.3 review of application, specifically seeking review (and deletion) of condition 2 relating to car parking in the front setback (DA-100/2019)

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

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

WLPP-1910.4**PAGE 104**

12 Forest Knoll Avenue, Bond Beach – Alterations and additions to existing dwelling house including internal reconfiguration, first floor addition and extension to rear (DA-229/2019)

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

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

WLPP-1910.5**PAGE 150**

Promenade adjacent to North Bondi Surf Life Saving Club, Campbell Parade, Bondi Beach – Enlargement of storage area under promenade and creation of two additional doors within the sea wall (DA-83/2019)

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

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

WLPP-1910.6

PAGE 193

3 Lancaster Road, Dover Heights – Demolition of dwelling and construction of an attached dual occupancy with basement garage, new swimming pool, associated landscaping and strata subdivision (DA-35/2019)

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

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

WLPP-1910.7

PAGE 239

87–99 Oxford Street and 16–22 Spring Street, Bondi Junction – Modification to wording of consent conditions 9, 10 and 111 (DA-498/2017/C)

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

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

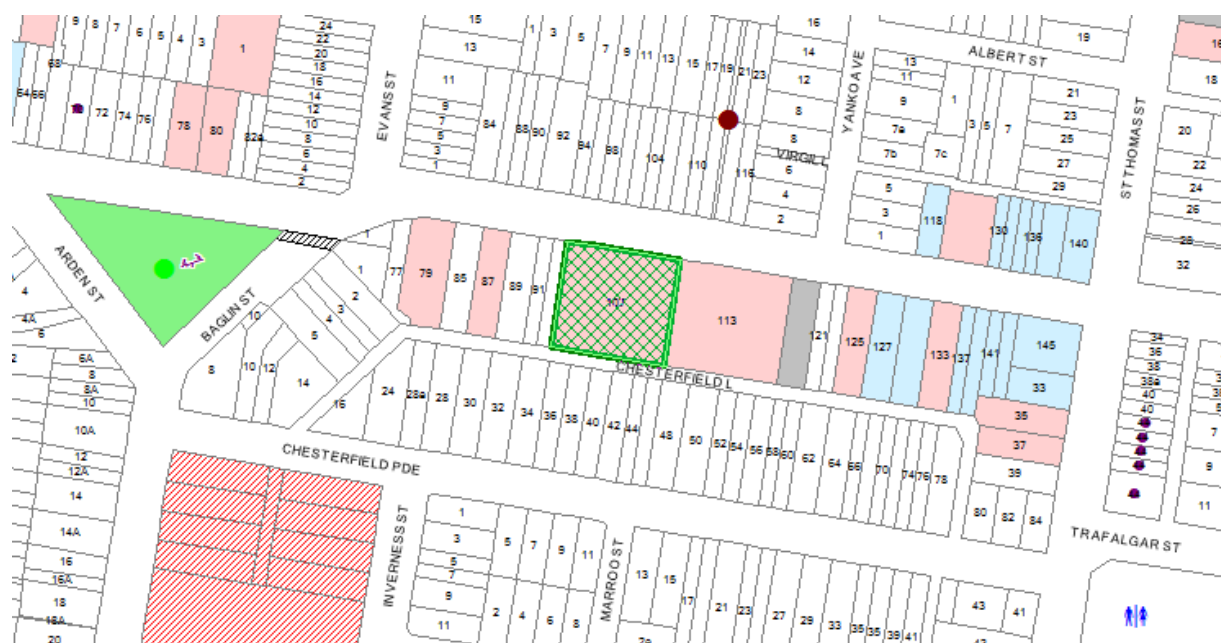


High Density Residential Development

Report to the Waverley Local Planning Panel

Application number	DA-270/2019
Site address	Unit 54, 107 Macpherson Street, Bronte
Proposal	Construction of two aluminium louvred pergolas and associated landscaping to the existing roof terrace of unit 54 at level 9.
Date of lodgement	22 August 2019
Owner	Mr A P Gill
Applicant	Garden Life Pty Ltd
Submissions	Seven
Cost of works	\$44,000
Issues	Height, bulk and scale, streetscape and visual impacts
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 9 October 2019.

The site is identified as Lot 54 in SP 57072, known as Unit 54, 107 MacPherson Street, BRONTE. It is located on the southern side of MacPherson Street between Baglin Street and St Thomas Street.

The residential flat building contains 55 units. The application solely relates to Unit 54 of the building which has an existing roof terrace located on the top floor (level 9).

Surrounding development comprises a mixture of one and two storey dwellings and to the immediate east of the site is 113 Macpherson Street, a four storey mixed use building, which is nearing completion. There is a nearby commercial village centre to the east comprising small shops. The site does not contain any heritage items and is not located within a heritage conservation area.



Figure 1: Subject site frontage to MacPherson Street. Subject roof top is highlighted.

1.2 Relevant History

A search of Council's records revealed the following development history of the subject unit:

- **DA-198/2019** A development application for internal alterations to unit 54 as well as the installation of a new window and external door was approved on 17 July 2019, subject to standard conditions.

1.3 Proposal

The proposal involves the construction of two aluminium louvred pergolas and associated landscaping to the existing roof terrace of Unit 54 at level 9. This units' roof terrace is located on the north-western side of the building.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The works are located on the rooftop only.

2.1.2 SEPP 65 Design Quality of Residential Apartment Development

The application involves minor external alterations to Unit 54 of the existing residential flat building that does not warrant an assessment under the provisions of SEPP 65.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of the plan.
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 a permissible form of development within the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 13m 	No	Proposed Height: 28.73m Proposed variation: 15.73m (121%)

Provision	Compliance	Comment
		Refer to discussion below.
4.4 Floor space ratio <ul style="list-style-type: none"> 1:1 	Yes	The proposal does not alter the existing gross floor area of the residential flat building.
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 maximum building height development standard. This is discussed below.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum building height control of 13m. The existing building has a maximum height of 34.38m that exceeds the maximum building height standard by 164% or 21.38m. The proposed works would be sited at a height of 15.73m above the control at 28.73m, therefore in breach of the maximum building height standard by 121% or 15.73m.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - i. The proposal achieves objective (a) of the building height development standard on the following basis:
 - *The building preserves the environmental amenity of neighbouring properties, public spaces and the sharing of views despite the variation to the height limit, as the area of height breach is so significantly above the height of surrounding buildings and the surrounding public domain that there are no discernible environmental impacts.*
 - *The proposed pergola does not increase the overall height of the existing building.*

- *The framing is only 250mm high and painted matte black to assist with reducing its visual presence. The size and materiality of the pergola fits well with the stepped shape of the building and reduces the apparent bulk and scale of the plant overrun.*
 - *The proposal has no negative impact on any views.*
- ii. The proposal achieves objective (d) of the building height development standard on the following basis:
- *The existing building is more than 34m in height and 9 storeys high (or 12 storeys from the rear lane). It is impractical, unrealistic and unfathomable to expect this site will ever have a building that is consistent with the desired future character of the locality. It is currently a jarring building that has a complete disregard to the desired future character anticipated by the LEP and DCP controls.*
 - *The proposed pergola and variation to the height control instead seeks to positively complement the visual character and of the existing building and contribute to softening its appearance from the street by virtue of dense landscaping and a 'greening' of the rooftop. The variation to the height control does not increase the bulk and scale of the building, but rather will make it appear less jarring in its context. This proposal therefore offers an alternative means of satisfying this objective and is consistent with the objective, as must be demonstrated to vary the standard.*
 - *The height breach does not impact in any way on the building's contribution to the physical definition of the street network as the structure is not discernibly visible from any nearby public space. The pergola can only be viewed from extreme angles upward and from greater distances outward, such that it does not have any relationship with the definition of the street network.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- i. *The unique nature of the existing height of the building being 165% over the height control and its inconsistency with desired future character dictates that there are opportunities for structures above the height plane so long as they do not have an unreasonable impact.*
 - ii. *The pergola's contribution to the perceived bulk and scale of the building is such that it will soften the jarring aesthetic of the plant overrun structure.*
 - iii. *The additional landscaping is proposed as a component of this development application so that the pergola structure can be assessed in tandem with the planting, providing certainty that the landscaping is an integral part of the holistic approach to the project.*
 - iv. *The height breach is at such a great elevation above the street that it can only be viewed at extreme angles that separate its visual relationship to the 'streetscape'. Where it is viewed in the wider context, the pergola sits in the foreground of an existing structure.*
 - v. *The proposal is consistent with the objectives of the height development standard and the objectives of the zone.*
 - vi. *A similar proposal was recently supported by Waverley Council's planning department and subsequently approved by the Waverley Local Planning Panel at their meeting in July 2019, at 80 Ebley Street Bondi Junction (DA-157/2019).*

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

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

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

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

The applicant has referenced the following justification as set out in *Wehbe v Pittwater Council (2007) 156 LGERA 446*:

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

However, it is considered that the applicant has not provided adequate reasoning that compliance with the standard is unreasonable or unnecessary in the circumstances of the case as detailed below:

- In response to point (i) of Clause 4.6(3)(a) above, the proposed pergola does not reduce the apparent bulk and scale of the lift overrun rather, it adds further bulk to the upper levels of the building and further accentuates the height of the development.
- In response to point (ii) of Clause 4.6(3)(a) above, it is acknowledged that the existing building is already inconsistent with the desired future character of the area however, this is not considered to be adequate reasoning to justify further contravention of the development standard for an additional structure above the height limit that will result in adverse visual bulk impacts from the surrounding area. The proposal would add significant visual bulk to the existing open terrace fronting MacPherson Street that would be visible from multiple angles from various positions within the locality and the surrounding area as demonstrated below. Furthermore, vegetation is not a permanent structure and cannot be relied upon in the circumstances.

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

The applicant has not provided adequate reasoning that there are sufficient environmental planning grounds to justify contravening the development standard as discussed in detail below:

- In response to point (i) of Clause 4.6(3)(b) above, it is acknowledged that the existing building is in gross breach of Council's maximum building height development standard and is already inconsistent with the desired future character of the area; however, this is not considered to be adequate reasoning to justify further contravention of the development standard for an additional structure above the height limit that will result in adverse visual bulk impacts.
- In response to point (ii) of Clause 4.6(3)(b) above, the existing built form narrows towards the top of the building in response to the top floor units and lift overrun. The proposal would add significant visual bulk to the existing open terrace fronting MacPherson Street that would be visible from multiple angles from various positions within the locality and the wider area. This extends the bulk of the top floor of the building towards the north and south, that otherwise is currently open and

is therefore adding additional adverse visual impact to the existing jarring aesthetic of the plant overrun structure.

- In response to point (iii) of Clause 4.6(3)(b) above, no objection is raised to the proposed planting however, the pergola is a permanent, fixed structure that is not considered to be suitable in the site context.
- In response to point (iv) of Clause 4.6(3)(b) above, it is considered that the proposal would be highly visible from the MacPherson Street and Arden Street streetscape as well as from other surrounding and distant streets, including Clovelly Road, a distance of 1km away (see **Figures 2 - 12** below). MacPherson Street and Arden Street are also considered to be main thoroughfares, leading from Bondi Junction, Queens Park, Clovelly and beyond to Bronte Beach and the cliff face. The proposal also adds additional visual bulk to the existing structure that is in breach of Council's maximum building height development standard.

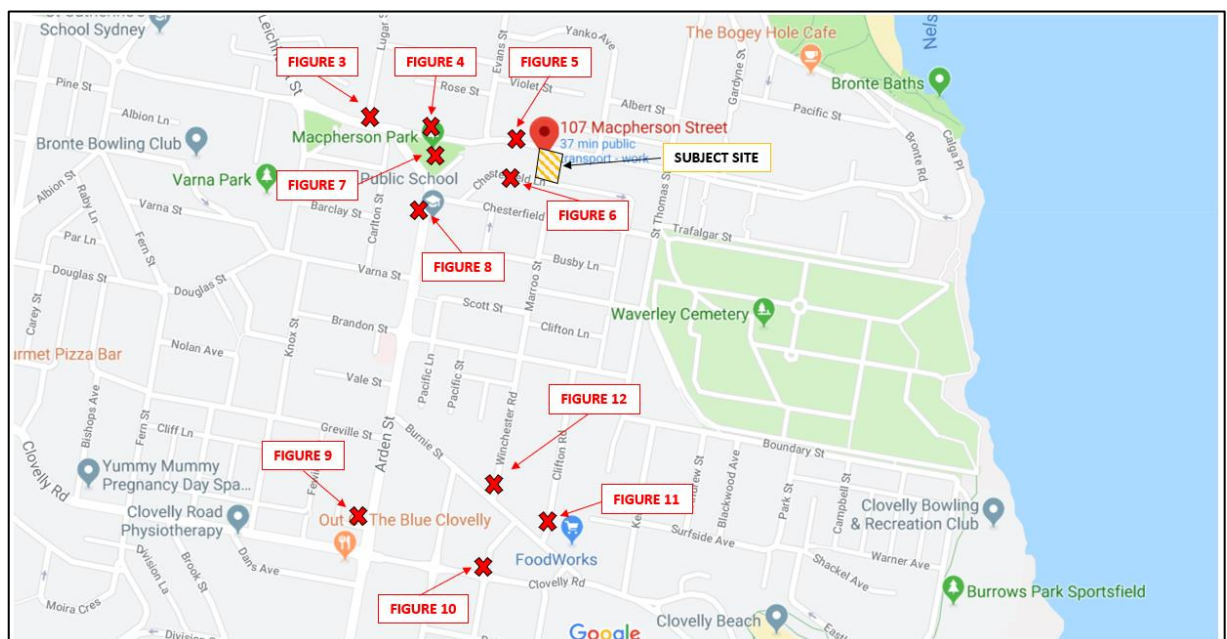


Figure 2: Site context demonstrating the location of where the following photos have been taken from.



Figure 3: View of the subject site from MacPherson Street opposite Arden Street.

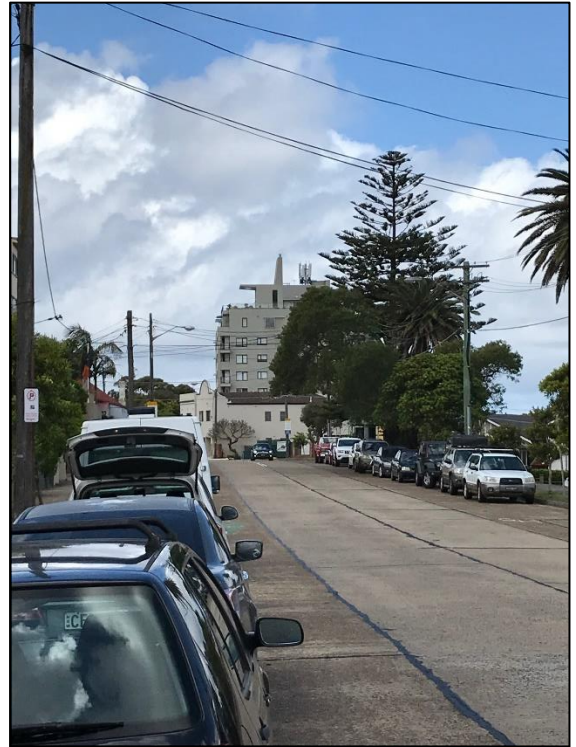


Figure 4: View of the subject site from Macpherson Street across from MacPherson Park.



Figure 5: View of the subject site from MacPherson Street.



Figure 6: View of the subject site from Chesterfield Lane.



Figure 7: View of the subject site from MacPherson Park.



Figure 8: View of the subject site from the top of Arden Street.



Figure 9: View of the subject site from the corner of Arden Street and Arden Lane.



Figure 10: View of the subject site from the corner of Clovelly Road and Flood Street.



Figure 11: View of the subject site from the corner of Clifton Road and Burnie Street.



Figure 12: View of the subject site from Winchester Road and Burnie Street.

- In response to point (v) of Clause 4.6(3)(b) above, it is considered that the proposal is inconsistent with the objectives of the development standard. In particular, the proposal is inconsistent with objectives (a) and (d) as the proposal would add further visual bulk to the building that is not compatible with the desired future character of the area. The proposal does not positively complement the street network. Furthermore, the proposal is not consistent with the zone objectives, as the proposal is considered to be unsuitable in the context of the medium density residential environment.
- In response to point (vi) of Clause 4.6(3)(b) above, Development Application DA-157/2019 was for the installation of a vergola awning to an existing balcony at unit 1407 located at 80 Ebley Street, BONDI JUNCTION. It is not suitable to compare the subject application with this DA approved by WLPP on 26 July 2019 for the following reasons:
 - 80 Ebley Street is located in the commercial centre of the Waverley LGA and is zoned B4: Mixed Use, whereas the subject site is located in the R3: Medium Density Residential Zone of Bronte. Given that the comparison property is located within the Bondi Junction centre, there are numerous residential flat buildings and mixed-use developments of a comparative scale located in close proximity, whereas there are no other residential flat buildings of a comparative scale located in close proximity to the subject site.
 - 80 Ebley Street has a maximum building height limit of 32m, whereas the subject site has a maximum building height limit of 13m. The approved vergola at 80 Ebley Street breached Council's maximum building height limit of 32m by 46.25%, whereas the proposed breach of the height limit on the subject site is 121%.

- The approved vergola at 80 Ebley Street was determined to not have significant environmental impact to neighbouring properties and the public spaces below, whereas the subject application is considered to result in adverse bulk and scale impacts upon the streetscape and has the potential to generate unreasonable amenity impacts upon neighbouring properties.

Therefore, approved DA-157/2019 at 80 Ebley Street is not relevant to the subject application.

Is the development in the public interest?

The proposed development will not be in the public interest because it is inconsistent with both the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out as discussed in detail above.

Conclusion

For the reasons provided above the requested variation to the maximum building height development standard is not supported, while the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley Local Environmental Plan 2012, the proposed development is not in the public interest because it is inconsistent with the objectives of Council's maximum building height control and the R3: Medium Density Residential Zone.

2.1.4 Waverley Development Control Plan 2012 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	The application proposes landscaping at the roof top of the subject unit that is to be contained within planter boxes. The site is located within a habitat corridor; however, the proposal would not adversely impact upon any existing vegetation in the area. No objection is raised to the proposed planting on the roof top area; however, the proposal is not supported for reasons the reasons discussed.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory and it is noted that OSD is not required.
12. Design Excellence	No	The proposal does not exhibit design excellence and will not contribute to the overall urban design quality of Waverley.

Table 3: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table

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

Development Control	Compliance	Comment
4.2 Height		
<ul style="list-style-type: none"> Refer to the LEP 	No	This matter is discussed above and does not meet the objectives of the DCP control.
4.4 Streetscape		
<ul style="list-style-type: none"> Buildings to be articulated to respond to the streetscape. 	No	Refer to comments below.
2.5 Building Design and Streetscape		
<ul style="list-style-type: none"> Building design is to respond to the existing streetscape character of the area. Alterations and additions should demonstrate architectural compatibility with the existing building. The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building. 	No	Refer to comments below.
4.9 Landscaping		
<ul style="list-style-type: none"> Comply with part B3- Landscaping and Biodiversity 	Yes	The proposal does not alter the existing soft landscaped area on the site.
4.10- 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. 	Yes	The subject building is situated at a greater height than existing development in the immediate vicinity of the site. Therefore, view loss is not anticipated to result from the proposed development.
4.11 Visual privacy and security		
<ul style="list-style-type: none"> Above ground open space must not overlook rooms and private landscaped areas of 	Yes	The terrace of the subject unit is existing and the proposal would not alter any existing visual or acoustic privacy impacts generated from the use of this terrace. The maintenance of visual and

Development Control	Compliance	Comment
adjoining properties or be screened <ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development Privacy be considered in relation to context density, separation use and design. 		acoustic privacy is not considered to be a reason for refusal in the circumstances of the case.
4.12 Acoustic privacy		
	Yes	Refer to comments above.

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

Building Design and Streetscape

The proposal results in adverse bulk and scale impacts and is non-compliant with the relevant controls contained within section 4.5 of Waverley DCP 2012. In particular, the proposal is not compliant with objectives (a), (b), (d) and (f) and controls (a) and (b), as the proposal does not respond to the streetscape or existing building character.

It is acknowledged that the existing building does not reflect the desired future character of the area; however, this is not adequate justification that would enable other non-desirable building elements to be permissible on the site. Furthermore, given that the subject building is highly uncharacteristic within the locality, the building is highly visible from multiple locations, including, but not limited to the Macpherson Street, Arden Street, Clovelly Road and Chesterfield Lane streetscapes, the proposal is not acceptable.

In the circumstances of this case, the proposal adds significant bulk and scale to the upper level of the building that is above the maximum building height development standard for the locality. Additionally, the existing building has a stepped built form to the upper levels and lift overrun, and the proposal would expand the narrowing built form at the rooftop level therefore, resulting in additional bulk when viewed from multiple locations in the locality and wider area. Therefore, the original character of the building is not retained with the proposal.

Furthermore, the proposal would set an undesirable development precedence, whereby it is likely that the adjoining unit would propose development similar to the subject application, therefore, resulting in further bulk to the rooftop terrace area that is currently open.

The proposal adds further bulk to the existing non-compliant building that does not promote a desired streetscape character. The proposal is incompatible with the existing building and character of the surrounding area, adds significant visual bulk to the building and is not supported.

2.6 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have a significant detrimental impact on the locality.

2.7 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.8 Any Submissions

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

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

Table 4: Summary of property addresses that lodged a submission

Property
30 Chesterfield Parade, BRONTE
32 Chesterfield Parade, BRONTE
34 Chesterfield Parade, BRONTE
38 Chesterfield Parade, BRONTE
40 Chesterfield Parade, BRONTE
12 Violet Street, BRONTE

Issue: Solar access to Chesterfield Parade.

Response: No solar access diagrams have been submitted with the application or addressed in the Statement of Environmental Effects. Nevertheless, it is considered that adequate information is present to determine if the proposal would have any additional adverse overshadowing impacts. It is not considered that there would be any adverse overshadowing impacts from the proposed structures to dwellings on Chesterfield Parade. Furthermore, any shadows cast from the structures is likely to fall within the shadows of the existing building. Therefore, the lack of information regarding solar access is not considered to be a reason for refusal. Notwithstanding, the application is recommended for refusal.

Issue: Visual Bulk, scale and streetscape impacts.

Response: Refer to discussions throughout this report.

Issue: Acoustic and visual privacy impacts.

Response: Refer to comments in Table 3.

Issue: Undesirable development precedence for pergolas to be installed on the eastern side of the building.

Response: Agreed, refer to discussions throughout this report. The application is recommended for refusal.

Issue: Landscaping cannot be relied upon for screening.

Response: It is acknowledged that landscaping cannot be relied upon as it is not a permanent structure. Refer to discussions throughout this report for further comments. The application is recommended for refusal.

2.9 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The application seeks consent for the construction of two aluminium louvred pergolas and associated landscaping to the existing roof terrace of unit 54 at level 9. The issues with the proposal are summarised below:

- The proposal seeks to breach Council's maximum building height development standard and the Clause 4.6 is not considered to contain adequate reasoning to justify a variation to the standard.
- The proposal results in adverse visual bulk and scale impacts to the streetscape and surrounds, including the wider area.
- The proposal does not maintain the character of the existing building.
- The proposal would set an undesirable development precedence.

The application was notified and received seven submissions, raising concerns regarding bulk and scale, privacy and overshadowing. It is considered that adequate information has been provided to make an assessment on solar access impacts. Furthermore, the proposal would not alter the existing levels of visual and acoustic privacy that is maintained for surrounding properties. Nevertheless, given the issues summarised above, the application is not supported and is recommended for refusal.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 8 October 2019 and the DBU determined:

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

DBU members: M Reid, A Rossi & B McNamara.

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:**

Judith Elijah
Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 9 October 2019

Date: 10 October 2019

Reason for referral:

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

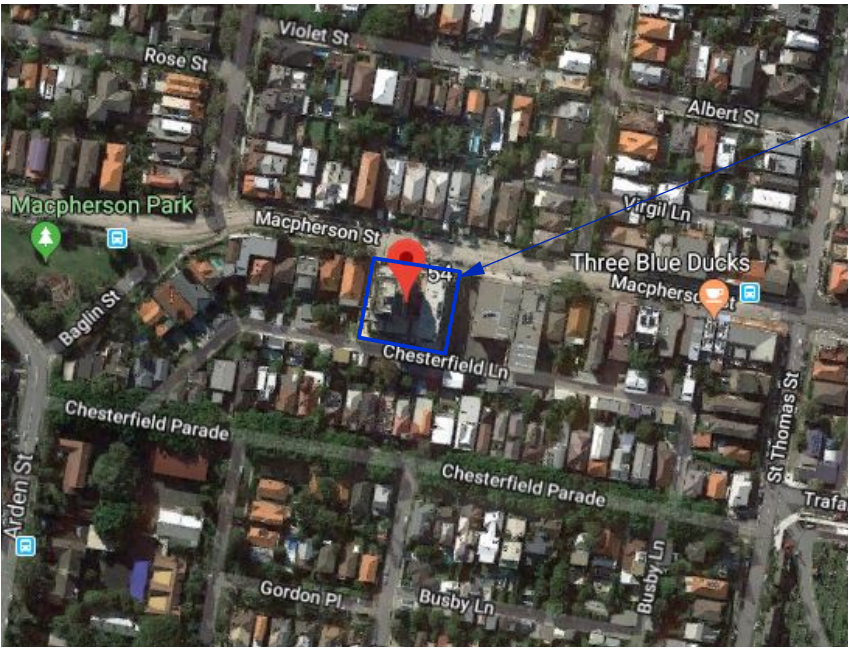
APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design on amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
 - a. Clause 4.3(1)(a) and (d) and (2) as the proposal will further exceed the maximum building height and be incompatible with the character of the locality.
 - b. Clause 4.6(4)(a)(i) and (ii) as the proposal would be inconsistent with the objectives of the maximum building height development standard and the objectives of R3: Medium Density Residential zone.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B12 – Design Excellence
 - i. Clause 12.1 Design, specifically objective (a) and controls (a) and (e) as the proposal does not contribute to design quality of Waverley.
 - ii. Clause 12.2 Context Analysis, as the proposal does not provide an appropriate response to the conditions of the site and surrounds.
 - b. Part C4 – High Density Residential Development;
 - i. Clause 4.1 Site, Scale and Frontage, specifically objective (c) as the proposal does not maintain an appropriate built form to the streetscape.
 - ii. Clause 4.2 Height, specifically objective (a) and control (a) as the proposal is sited above the maximum building height limit prescribed by WLEP 2012 and results in unacceptable impacts upon the desired future character of the street and local area.
 - iii. Clause 4.5 Building Design & Streetscape, specifically objectives (a), (b), (d) and (f) and controls (a) and (b) as the proposal adds significant bulk to the building and therefore does not retain the existing streetscape character or the character of the building.
4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and

scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.

5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
6. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



SUBJECT PROPERTY
LOT 54 / 107 MACPHERSON STREET, BRONTE
SP57072

2 LOCALITY MAP
NTS Google Maps

AREA CALCULATIONS

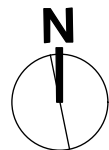
LOT AREA	412 SQM
GROSS FLOOR AREA EXISTING	146 SQM
PROPOSED	UNCHANGED
FLOOR SPACE RATIO EXISTING	0.40 :1
PROPOSED	UNCHANGED

PROJECT	54/107 Macpherson St, BRONTE		
CLIENT	TONY GILL		
DWG	SITE PLAN		
PROJECT	18-036	DATE	12.08.19
DWG	DA 2-1	REV	I
SCALE	NTS @ A3		
DRAWN	RC	CHECKED	RU

GENERAL NOTES:
- Concept plans are not intended for construction
- Figure dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

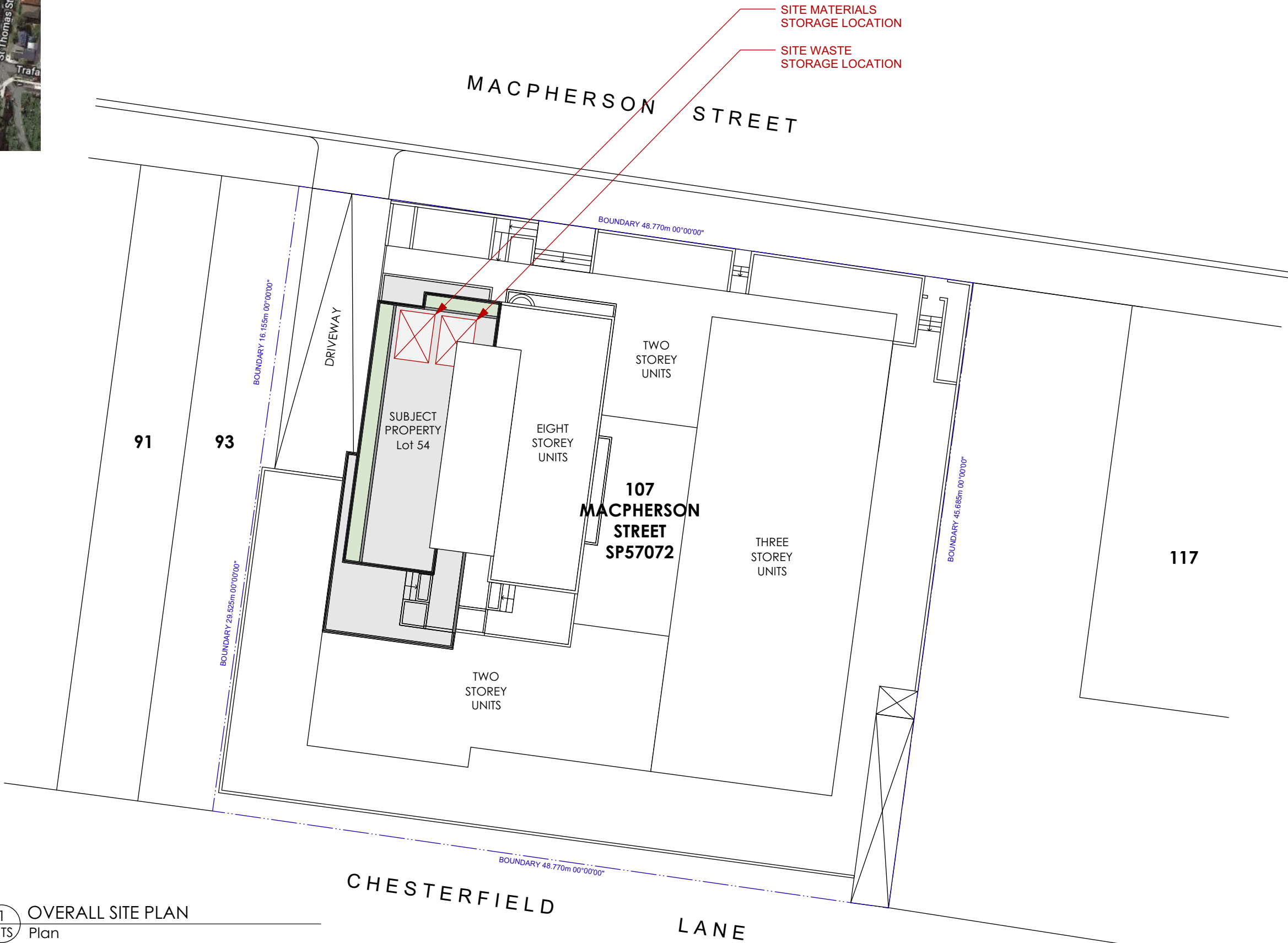
Copyright of Garden Life

GARDEN LIFE



158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au

1 OVERALL SITE PLAN
NTS Plan



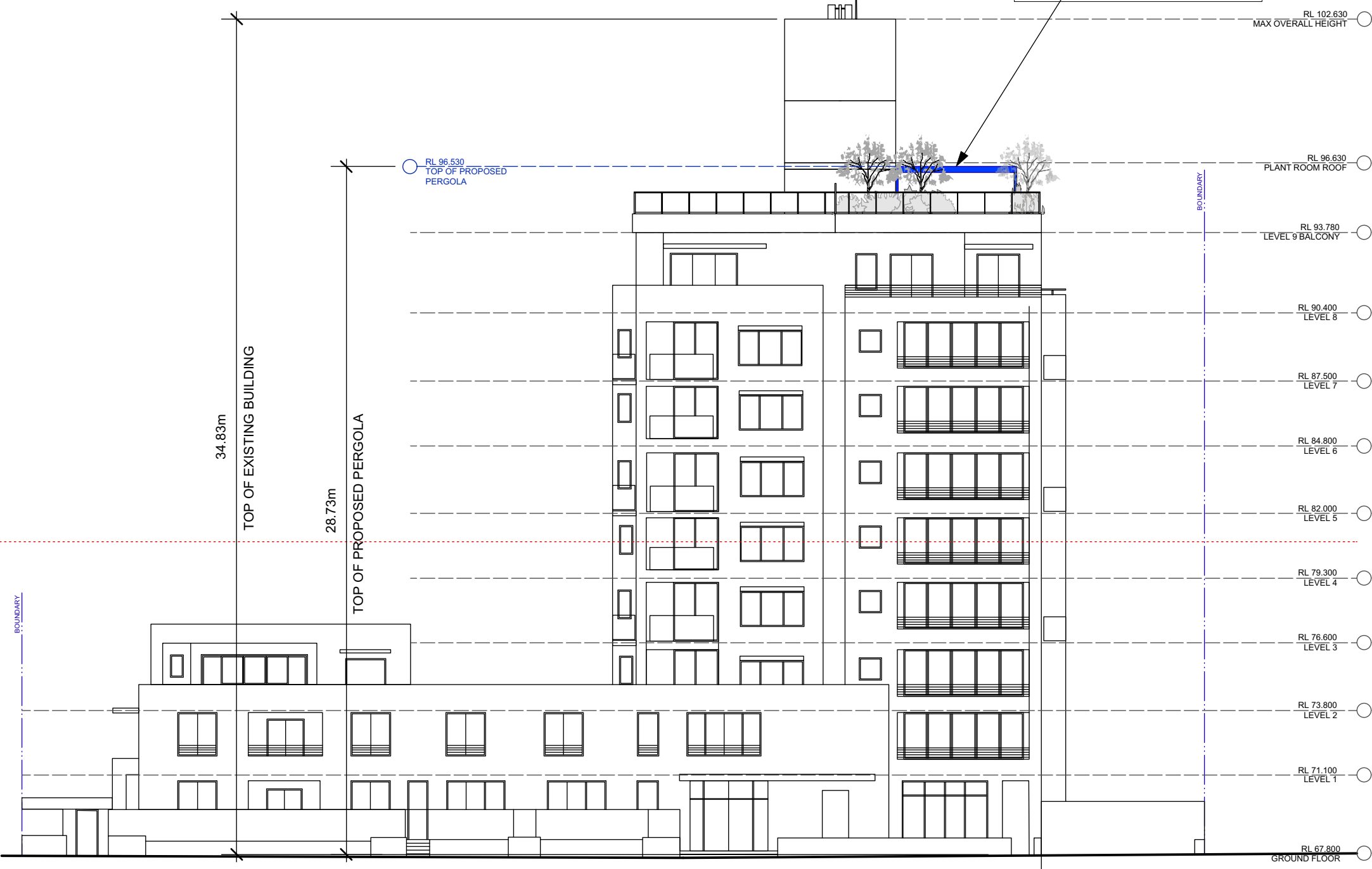
SCHEDULE OF MATERIALS

<div></div> PERGOLA	POWDERCOATED ALUMINUM - MATTE BLACK
---------------------	-------------------------------------

RECEIVED
Waverley Council

Application No: DA 2-2
PROPOSED POWDERCOAT ALUMINIUM
- TO ENGINEER'S FUTURE DETAIL
Date Received: 22/8/2019

MAX BUILDING HEIGHT 13m WLEP Zone R3



NORTHERN ELEVATION
ELEVATION

PROJECT

54/107 Macpherson St, BRONTE

CLIENT

TONY GILL

DWG

NORTHERN ELEVATION

PROJECT

18-036

DATE

12.08.19

SCALE

1:200 @ A3

DWG

DA 2-2

REV

I

DRAWN

RC

CHECKED

RU

GENERAL NOTES:
- Concept plans are not intended for construction
- Figured dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

GARDEN LIFE

158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au

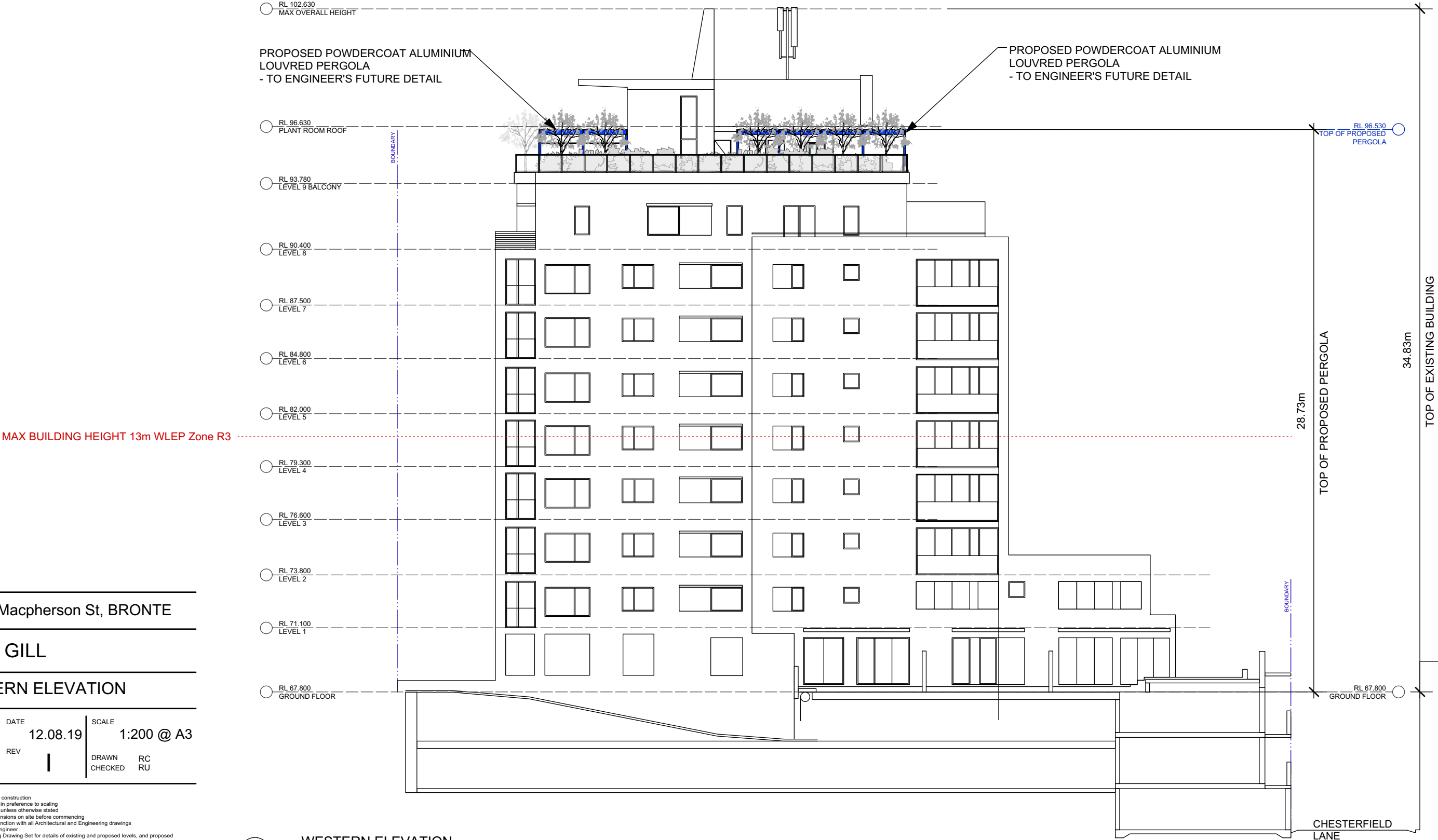
SCHEDULE OF MATERIALS

<div></div> PERGOLA	POWDERCOATED ALUMINUM - MATTE BLACK
---------------------	-------------------------------------

RECEIVED
Waverley Council

Application No: DA-270/2019

Date Received: 22/8/2019



WESTERN ELEVATION
ELEVATION

PROJECT	54/107 Macpherson St, BRONTE				
CLIENT	TONY GILL				
DWG	WESTERN ELEVATION				
PROJECT	18-036	DATE	12.08.19	SCALE	1:200 @ A3
DWG	DA 2-3	REV	I	DRAWN CHECKED	RC RU

GENERAL NOTES:

- Concept plans are not intended for construction
- Figured dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

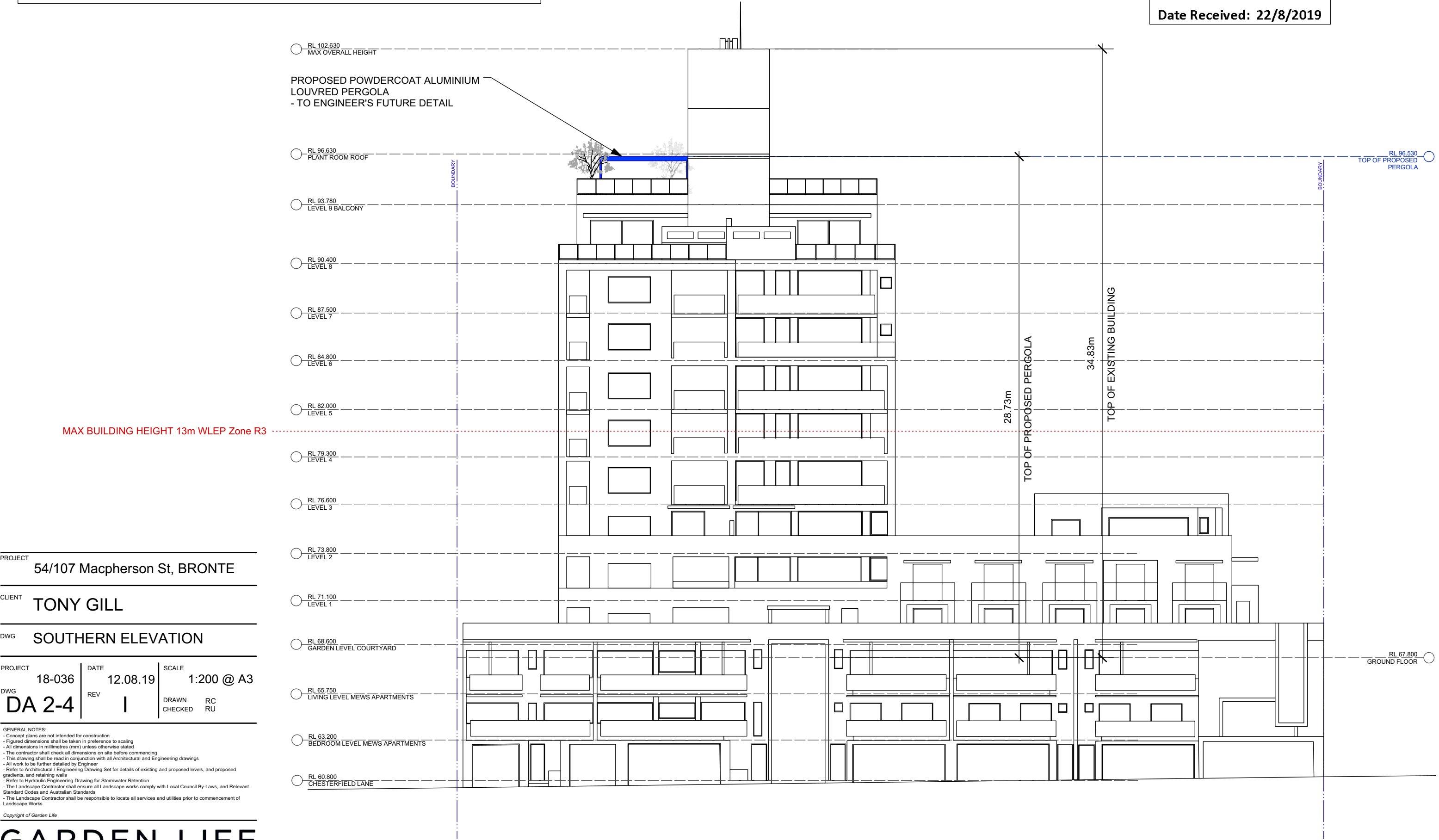
SCHEDULE OF MATERIALS

<div></div> PERGOLA	POWDERCOATED ALUMINUM - MATTE BLACK
---------------------	-------------------------------------

RECEIVED
Waverley Council

Application No: DA-270/2019

Date Received: 22/8/2019



PROJECT

54/107 Macpherson St, BRONTE

CLIENT

TONY GILL

DWG

SOUTHERN ELEVATION

PROJECT

18-036

DATE

12.08.19

SCALE

1:200 @ A3

DWG

DA 2-4

REV

I

DRAWN

RC

CHECKED

RU

GENERAL NOTES:

- Concept plans are not intended for construction
- Figure dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

GARDEN LIFE

158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au

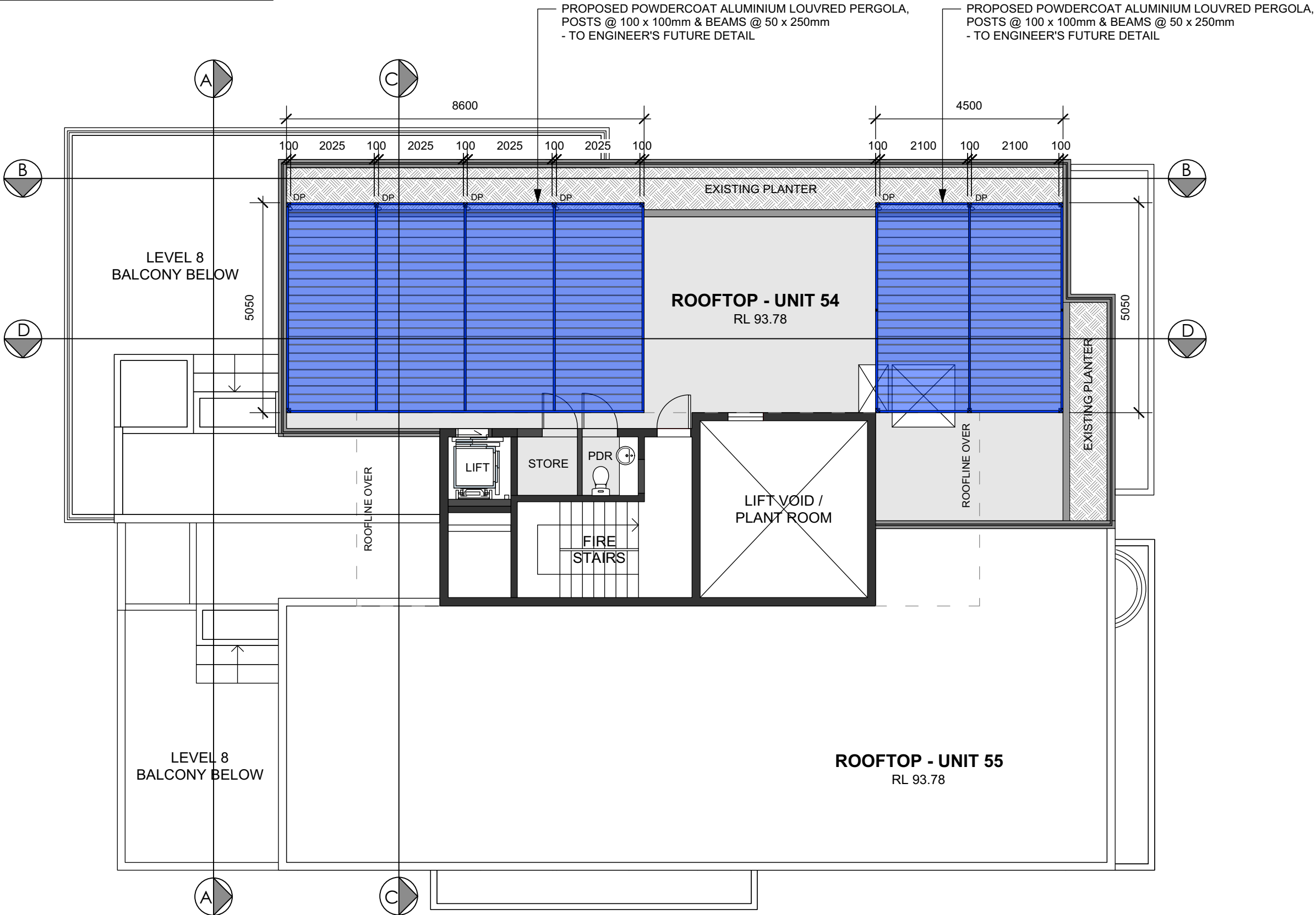
SCHEDULE OF MATERIALS

<div></div>	PERGOLA	POWDERCOATED ALUMINUM - MATTE BLACK
-------------	---------	-------------------------------------

RECEIVED
Waverley Council

Application No: DA-270/2019

Date Received: 22/8/2019



PROJECT

54/107 Macpherson St, BRONTE

CLIENT

TONY GILL

DWG

ROOFTOP - PROPOSED WORKS

PROJECT

18-036

DATE

12.08.19

SCALE

1:100 @ A3

DWG

DA 2-5

REV

I

DRAWN

RC

CHECKED

RU

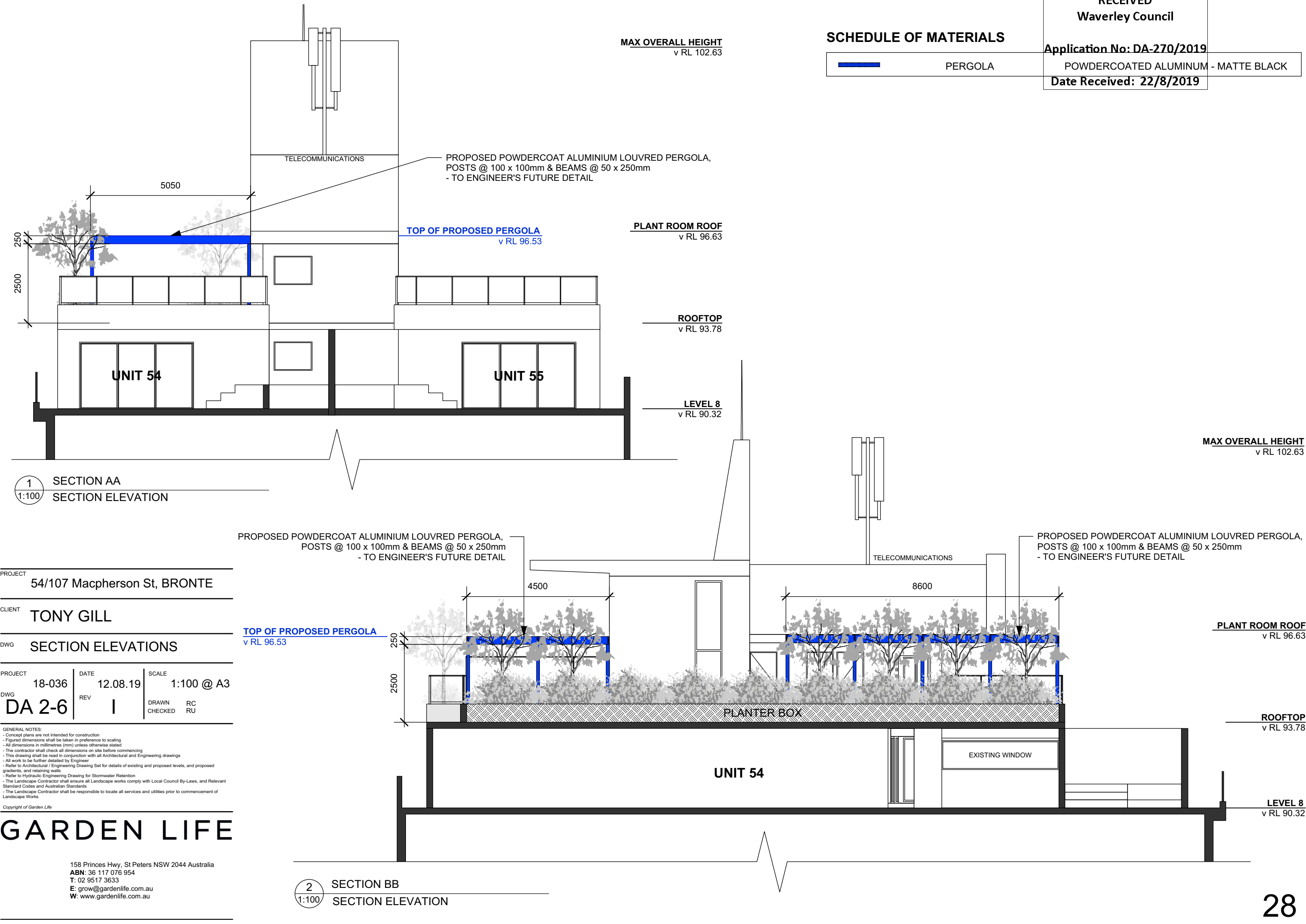
GENERAL NOTES:

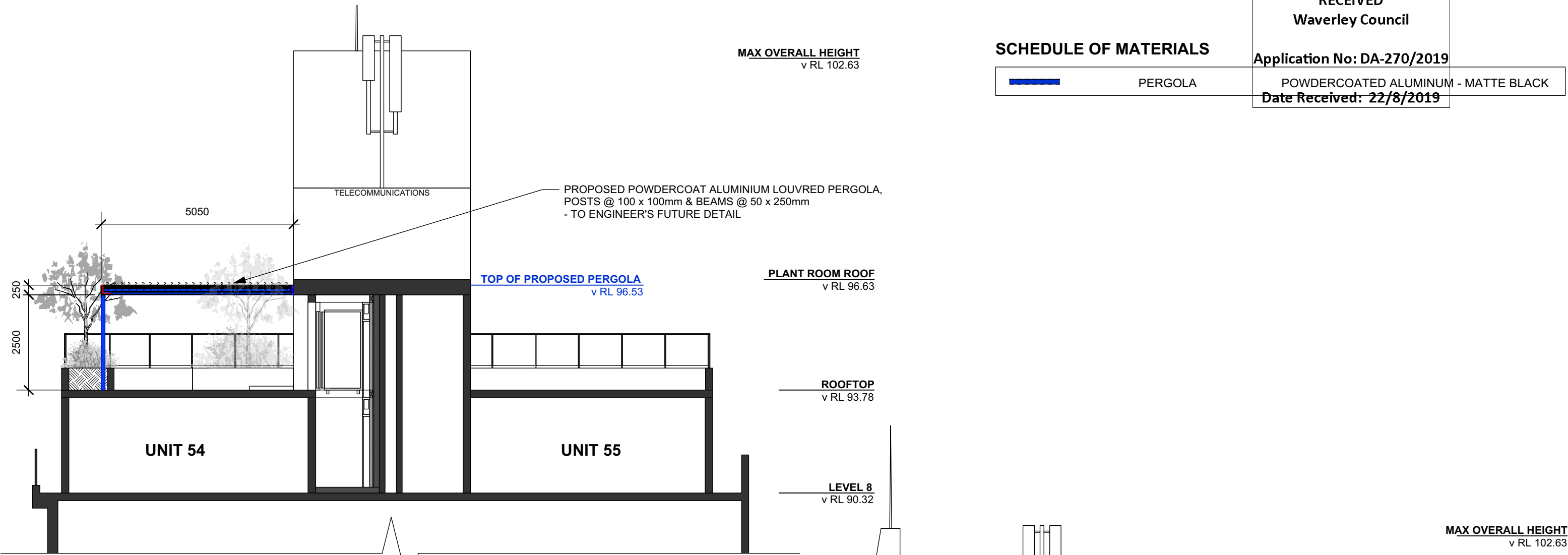
- Concept plans are not intended for construction
- Figure dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

GARDEN LIFE

158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au





SCHEDULE OF MATERIALS

	PERGOLA
POWDERCOATED ALUMINUM - MATTE BLACK	

Application No: DA-270/2019

Date Received: 22/8/2019

1 SECTION CC
1:100 SECTION ELEVATION

PROJECT 54/107 Macpherson St, BRONTE			
CLIENT TONY GILL			
DWG SECTION ELEVATIONS			
PROJECT 18-036	DATE 12.08.19	SCALE 1:100 @ A3	
DWG DA 2-7	REV I	DRAWN CHECKED	RC RU

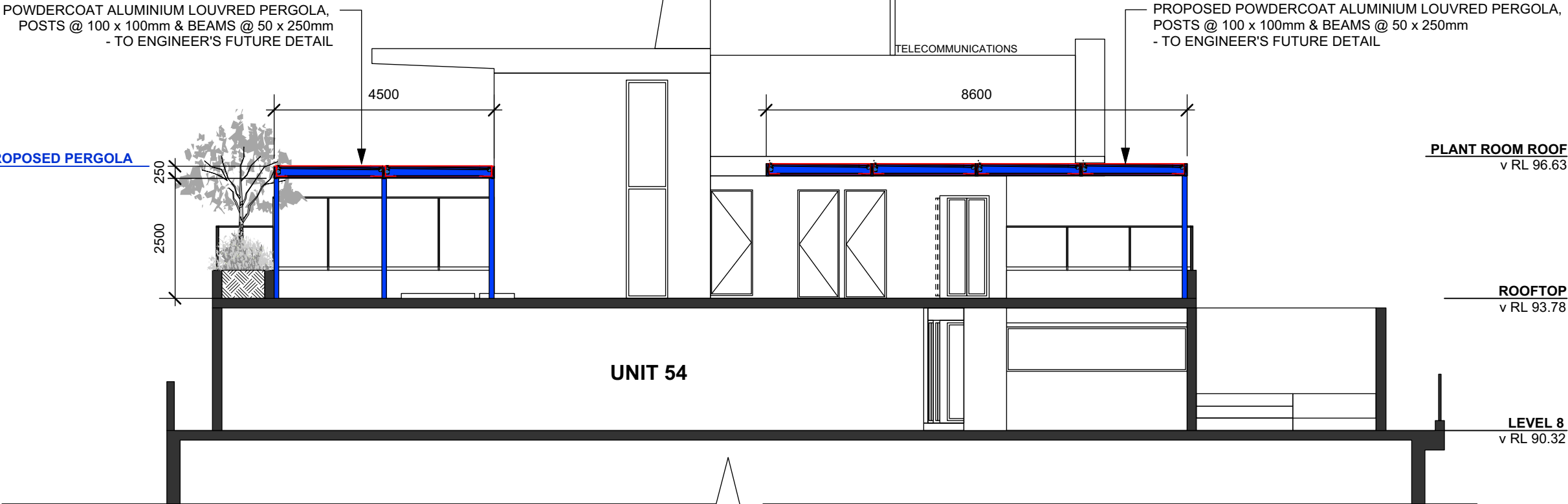
GENERAL NOTES:
- Concept plans are not intended for construction
- Figure dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

GARDEN LIFE

158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au

2 SECTION DD
1:100 SECTION ELEVATION





PROJECT
54/107 Macpherson St, BRONTE

CLIENT
TONY GILL

DWG
3D PROPOSAL IMAGES

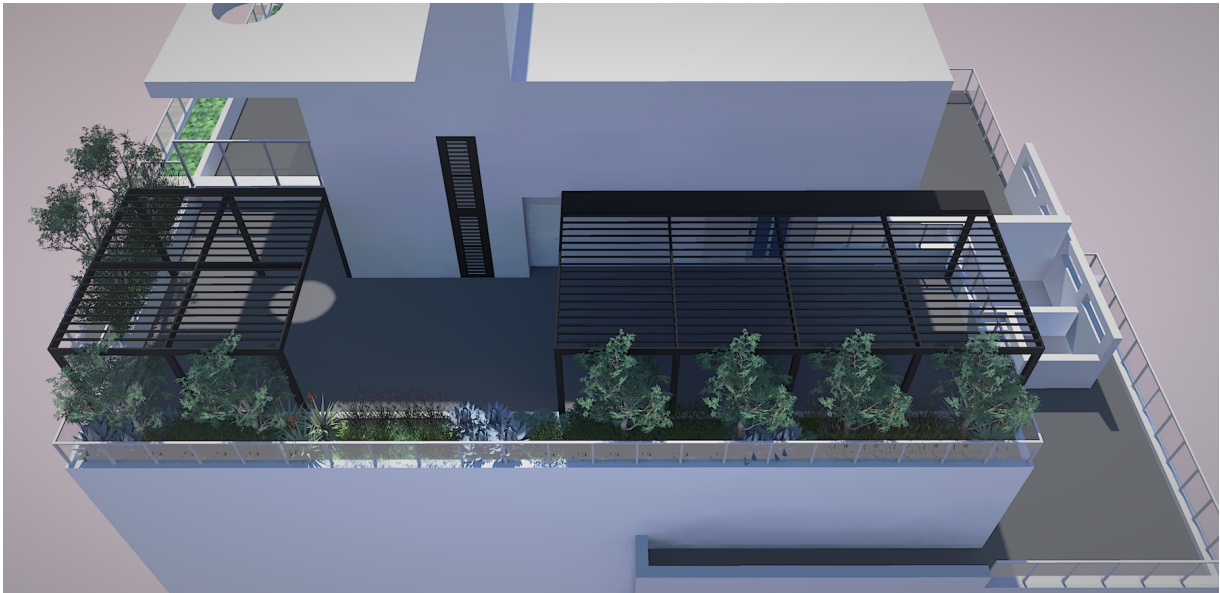
PROJECT	18-036	DATE	12.08.19	SCALE	NTS @ A3
DWG	DA 2-9	REV	I	DRAWN	RC
				CHECKED	RU

GENERAL NOTES:
- Concept plans are not intended for construction
- Figured dimensions shall be taken in preference to scaling
- All dimensions in millimetres (mm) unless otherwise stated
- The contractor shall check all dimensions on site before commencing
- This drawing shall be read in conjunction with all Architectural and Engineering drawings
- All work to be further detailed by Engineer
- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls
- Refer to Hydraulic Engineering Drawing for Stormwater Retention
- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards
- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

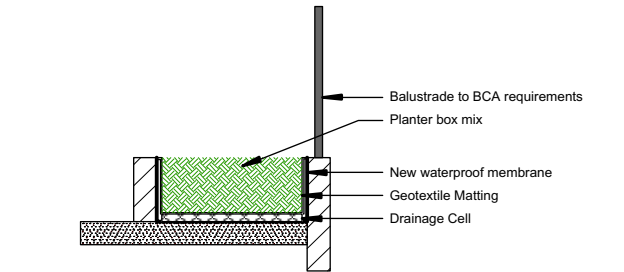
GARDEN LIFE

158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au

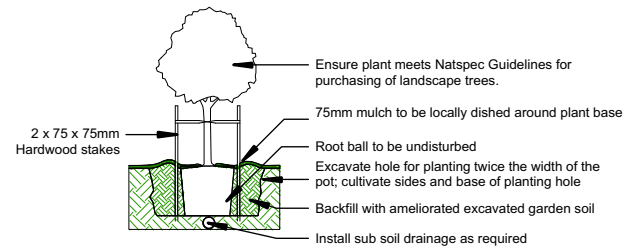


PLANT SCHEDULE

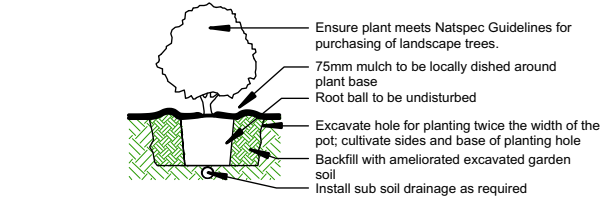
BOTANICAL NAME	COMMON NAME	NO.	POT SIZE	PLANTED	MATURE
Aloe 'Outback Orange'	Aloe hybrid	12	300mm	0.6m	0.8m
Banksia integrifolia	Coast Banksia	8	25ltr	shown	2m
Kalanchoe tomentosa	Panda Plant	20	200mm	0.4m	0.5m
Lomandra 'Tanika'	Narrow Mat Rush	38	140mm	0.5m	0.5m
Rhaphiolepis 'Oriental Pearl'	Dwarf Indian Hawthorn	14	400mm	0.8m	1m
Senecio serpens	Blue Chalk Sticks	30	140mm	0.3m	0.4m



1 Planter Box Detail
NTS Detail



2 Tree Planting Detail
NTS 25L - 75L Pot Size



3 Planting Detail
NTS Tube, 150mm, 200mm Pot Size

PROJECT

54/107 Macpherson St, BRONTE

CLIENT

TONY GILL

DWG

ROOFTOP - LANDSCAPE PLAN

PROJECT

18-036

DATE

12.08.19

SCALE

1:100 @ A3

DWG

DA 2-8

REV

I

DRAWN

CHECKED

RC

RU

GENERAL NOTES:

- Concept plans are not intended for construction

- Figured dimensions shall be taken in preference to scaling

- All dimensions in millimetres (mm) unless otherwise stated

- The contractor shall check all dimensions on site before commencing

- This drawing shall be read in conjunction with all Architectural and Engineering drawings

- All work to be further detailed by Engineer

- Refer to Architectural / Engineering Drawing Set for details of existing and proposed levels, and proposed gradients, and retaining walls

- Refer to Hydraulic Engineering Drawing for Stormwater Retention

- The Landscape Contractor shall ensure all Landscape works comply with Local Council By-Laws, and Relevant Standard Codes and Australian Standards

- The Landscape Contractor shall be responsible to locate all services and utilities prior to commencement of Landscape Works

Copyright of Garden Life

GARDEN LIFE

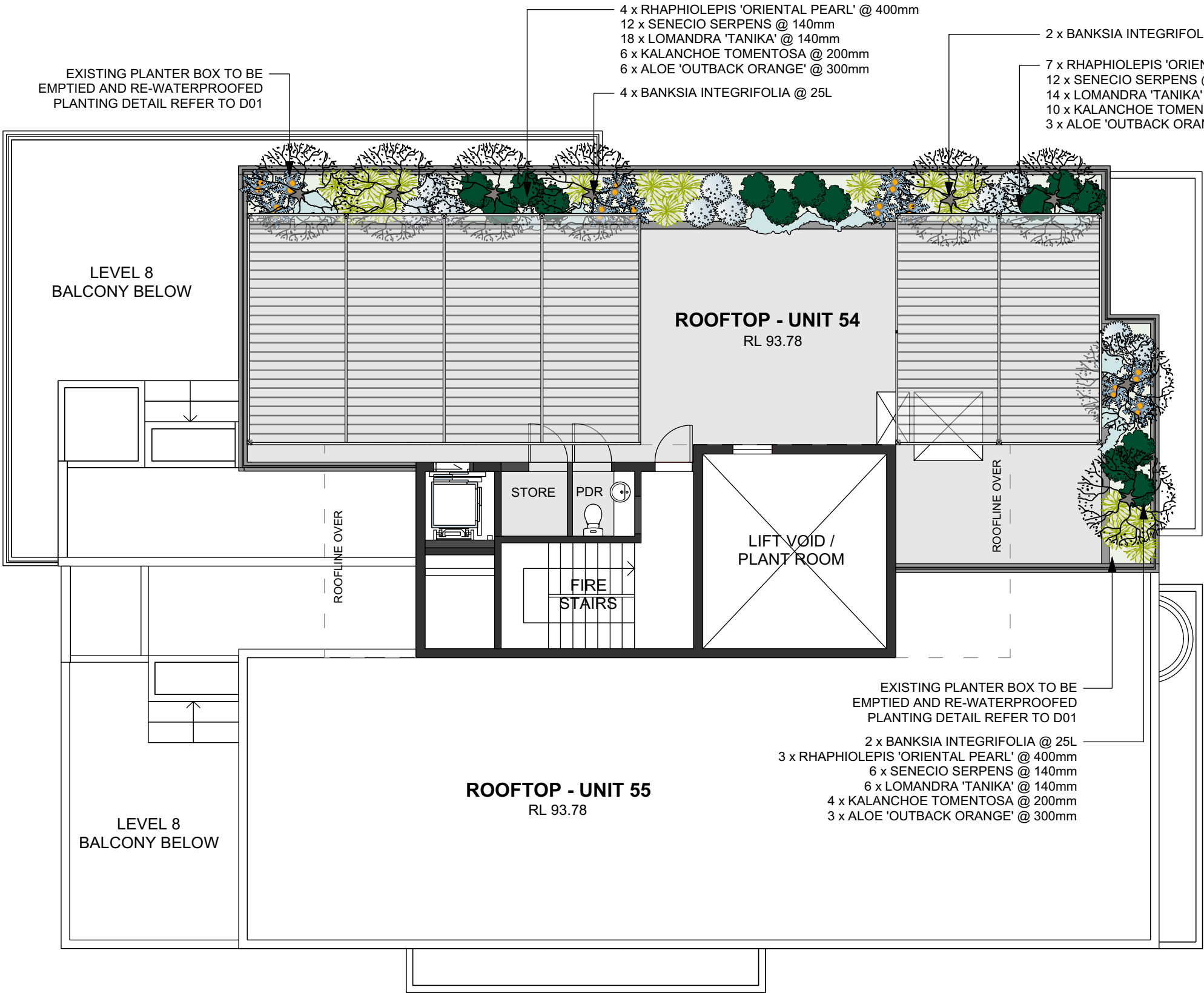
158 Princes Hwy, St Peters NSW 2044 Australia
ABN: 36 117 076 954
T: 02 9517 3633
E: grow@gardenlife.com.au
W: www.gardenlife.com.au



RECEIVED
Waverley Council

Application No: DA-270/2019

Date Received: 22/8/2019

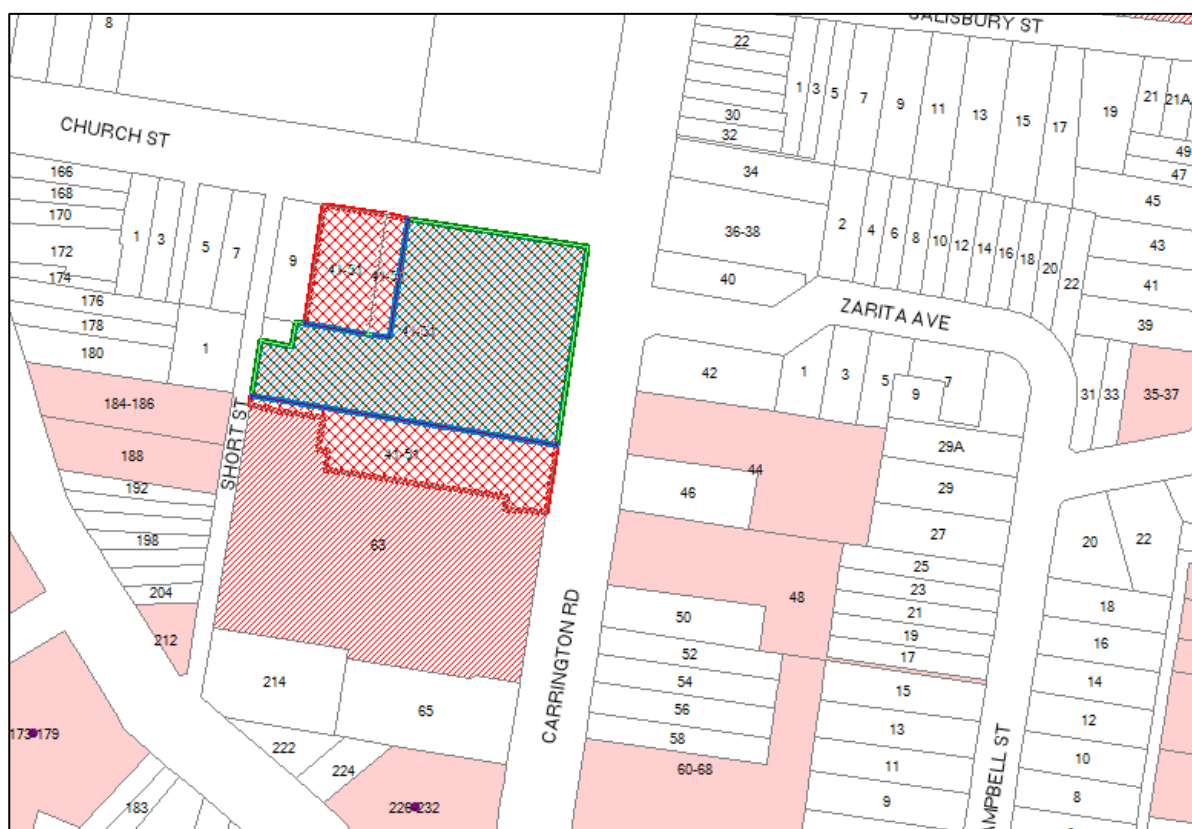




Report to the Waverley Local Planning Panel

Application number	DA-112/2019
Site address	St Clare's College, 41-51 Carrington Road, Waverley
Proposal	Demolition of the existing convent, landscaping and change of use to educational establishment.
Date of lodgement	10 April 2019
Owner	The Trustees of the Roman Catholic Church
Applicant	Brewster Hjorth Architects
Submissions	One
Cost of works	\$385,000
Issues	Nil
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 2 October 2019.

The site is identified as Lots A and B in DP 80515, known as 41-51 Carrington Road, WAVERLEY. The site is bound by Carrington Road to the east, Church Street to the north and Short Street to the west. Immediately adjoining the site to the south is St Charles' Catholic Primary School (53-63 Carrington Rd, Waverley). The site is irregular in shape and has a total area of 3,460m².

The site is occupied by St Clare's College, Chapel and Convent. The subject development application relates to the north-east corner of the site, which currently contains a two storey with under croft Post War Building known as "St Clare's Convent".

The entire site is listed as a local Heritage Item under Waverley Local Environment Plan 2012 Schedule 5, 1468 *Early twentieth century, ecclesiastical style building*, St Clare's Convent.

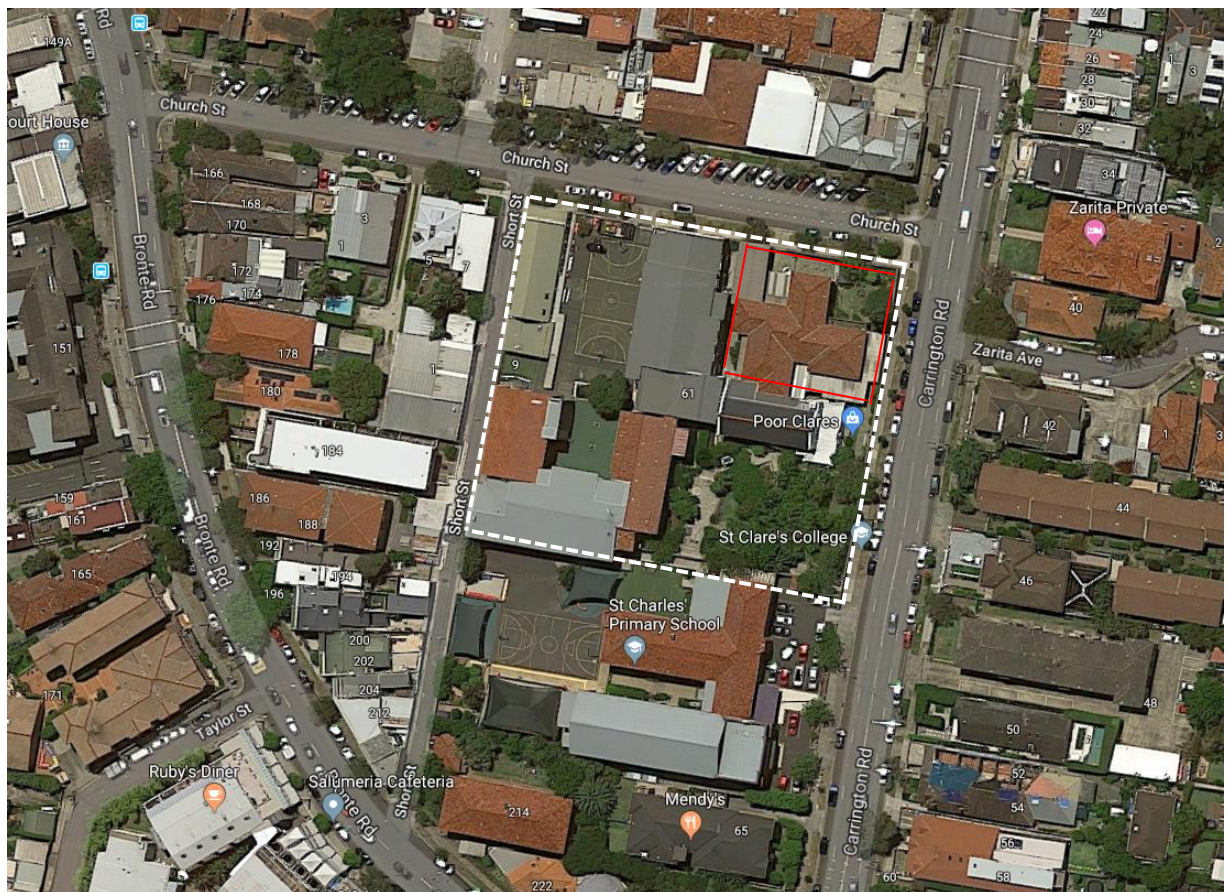


Figure 1: Subject site highlighted, with the convent building identified in north-eastern corner.



Figure 2: Convent building viewed from Carrington Road



Figure 3: Convent building viewed from Church Street



Figure 4: Existing convent building, proposed to be demolished

1.2 Relevant History

DA-522/2009 approved 10 February 2010, granted consent to a two storey learning facility on the west of the site (facing Short Street) and alterations and additions.

1.3 Proposal

The application seeks consent for the following:

- Demolition of the existing Convent building, footings and in ground services;
- Remediation and levelling of the site;
- Repair works to the north façade of the existing St Clare’s Chapel;
- Relocate existing water tank;
- Removal of one tree; and
- New turf in location of existing Convent building to match adjacent grades.

The turfed area in the location of the existing Convent will be used as recreation area associated with St Clare’s College. Therefore, the development application seeks a change of use from a *place of public worship* to an *educational establishment*. The following operational details are proposed:

- Hours of operation (consistent with St Clare’s College existing hours of operation, generally being 8.00am to 5.00pm Monday to Friday);
- Occasional weekend use between 7.00am and 10.00pm up to 10 times per year;
- Occasional evening use finishing at 10pm up to 12 times per year; and

- No change to student or teacher capacity.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP 55 Remediation of Land

The applicant has provided a Preliminary Site Investigation to satisfy the requirements of SEPP 55. This is discussed in further detail in the referrals section and is considered satisfactory subject to recommended conditions of consent.

2.1.2 SEPP (Educational Establishments and Child Care Facilities) 2017

Part 4 of SEPP (Educational Establishments and Child Care Facilities) 2017 relates to Schools. Clause 36(1) permits development for specific purposes to be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing school. Clause 36(1)(e) permits demolition of structures or buildings (unless it is a State heritage item or local heritage item) without consent. Given the building proposed for demolition is located on a site which contains a heritage item, development consent is required.

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the Aims of the Plan.
Part 2 Permitted or prohibited development		
Land Use Table SP2 – Infrastructure (Educational Establishment/Place of Public Worship) Zone	Yes	The proposal is defined as educational establishment, which is permitted with consent in the SP2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 12.5m 	Yes	The existing Convent building to be demolished has a maximum height of 9.98m.

Provision	Compliance	Comment
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	Yes	The demolition of the Convent building will result in a total GFA of 2,840m ² equating to a FSR of 0.82:1, which complies.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	See discussion below.

Heritage

The site is listed as a local Heritage Item under Waverley LEP 2012 Schedule 5, 1468 *Early twentieth century, ecclesiastical style building*, St Clare's Convent. The subject building is in the north-east corner of the site (i.e. closer to the corner of Carrington Road and Church Street). It is a Post-War [1954-64] two storey red brick and terra cotta tile convent building. The site is enclosed by an earlier sandstone wall to both street frontages and abuts an earlier Chapel erected in 1917.

The application was referred to Council's Heritage Advisor who advised that the building is not considered of notable aesthetic value in its own right. The building is adjacent to an item of Local heritage significance and is in the context of other items of Local and State significance.

Council's Heritage Advisor notes that the applicant's heritage report provides a comprehensive background to the development of the site from the 1880s, including the continuous line of educational and religious use of the site.

The proposed demolition of the Convent Building will have some impact upon the historical interrelationship of all buildings on the extended site. However, the removal of the Convent Building will enable improved sight lines to the former Chapel and to the earlier buildings to the west. It is recommended that the interrelationship between the buildings on the site, and the continuous line of educational and religious use of the site should form part of the basis for an interpretive device provided at the site and is recommended as a condition of consent.

Council's Heritage Advisor recommended the following conditions, which have been included:

- Detailed photographic archival record is to be undertaken using the guidelines of the NSW Heritage Office with a minimum of two copies provided to Council and one to the school prior to commencement of any works at the site.
- A watching brief is to be prepared for monitoring of any archaeological evidence of previous construction on the site encountered during demolition and landscaping of the site.
- The nature of landscaping on the site is to be provided with specific attention to cohesion of planting, soil drainage, paving, lighting and other site treatment with the surrounding retained buildings and stone wall. A detailed landscape plan is to be submitted prior to commencement of works.
- A Heritage Interpretation Plan is to be submitted for approval by Council prior to commencement of works.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. The existing waste management on site is considered suitable for the ongoing use.
3. Landscaping and Biodiversity	Yes	While the landscaping plan is generally considered acceptable, it is to be updated to reflect the heritage value of the site.
5. Tree preservation	Yes	The application proposes the removal of one Umbrella Tree, which is not identified on Council's Tree protection list. The application was referred to Council's Tree Management officer who advised that there is one Conifer (Pine Tree) that is required to be retained. A condition has been imposed to this regard. The Tree Management Officer advised that all other vegetation on site showed no significance, and therefore their removal is supported. There are four street trees on Carrington Road (Sydney Red Gum), and four street trees on Church Street (Callistemon spp) which are to be retained and protected. A condition requiring a Tree Bond for the street trees is recommended to be imposed.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
9. Heritage	Yes	The heritage implications of the proposed development have been discussed in the Waverley LEP 2012 section above. The development complies with the relevant Clauses of Part B9.
14. Excavation	Yes	The proposal does not specifically include excavation, however includes removal of the existing footings and in ground services. The proposal complies with Part B14.

3. Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

3.1 Suitability of the Site for the Development

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

3.2 Any Submissions

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

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

Table 3: Summary of property address that lodged a submission

Property
139 Clovelly Road, Randwick

Issue: *While the building was built in 1964, it still has historical significance.*

Response: The proposed demolition is not considered to have any adverse heritage impacts, and the demolition of the existing building has been discussed in other areas of this report.

3.3 Public Interest

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

4 REFERRALS

4.1 Heritage

The comments from Council's Heritage Advisor are provided and discussed in the Waverley LEP 2012 section above. The recommended conditions have been included in Appendix A.

4.2 Tree Management

The comments from Council's Tree Management officer have been discussed in the Waverley DCP 2012 table above. The recommended conditions have been included in Appendix A.

4.3 Environmental Health

The application was referred to Council's Environmental Health team. A Preliminary Site Investigation report has been prepared by SESL Australia dated March 2019 (ref no J001567), which makes the recommendations that the site can be made suitable for the proposed development subject to the following conditions:

1. Preparation of a Detailed Site Investigation (DSI) report, including sampling and analysis of the suspected fill materials, validation and clearance that site surface soil is free from contaminants including asbestos, and an assessment of soil vapour as an indicator of groundwater contamination. SESL recommends that the intrusive investigation is conducted

following the demolition of the convent to allow access to soils underneath the current building footprint.

2. Hazardous Materials Survey of the building to be completed prior to demolition. Should asbestos or other hazardous materials be suspected, a clearance certificate of the site should be issued following demolition to ensure site soils are not impacted.
3. Depending on the outcome of the DSI, the preparation of a Remedial Action Plan (RAP), if required for the site.

It is recommended that in addition to the findings above, should the DSI confirm the presence of contaminants requiring a RAP, then a Site Audit Statement prepared by an accredited NSW EPA auditor clearly stating that the site is suitable for the intended use must be submitted to Council prior to the issue of an Occupation Certificate.

4.4 Traffic

The recommended condition relating to construction vehicle management plan has been included.

4.5 Stormwater – Creating Waverley

The submitted stormwater management plan is satisfactory and recommended for approval.

5 SUMMARY

The application seeks consent for demolition of the existing Convent building in the north-eastern corner of St Clare's College. The proposal includes remediation works, minor alterations to the existing Chapel building façade and landscaping where the existing convent building stands for use as part of the school. The site is listed as a local heritage item under WLEP 2012. The proposal is not considered to have an adverse impact on the heritage significance of the site, subject to appropriate conditions.

One submission was received. The application is recommended for approval.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 24 September 2019 and the DBU determined:

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

DBU members: *M Reid, B McNamara, B Matlawski, E Finnegan*

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:**

Emma Finnegan
Senior Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 04/10/2019

Date: 11/10/2019

Reason for referral:

- 1 Sensitive development: Demolition of a heritage item

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans, tables and documentation prepared by Brewster Hjorth Architects, as follows:

Drawing number	Drawing title	Dated	Date received by Council
DA00 Rev A	DA Cover Sheet	21/3/2019	10/4/2019
DA01 Rev A	Site plan and analysis	30/11/2018	10/4/2019
DA04 Rev A	Existing and proposed demolition site plan level 1	21/2/2019	10/4/2019
DA05 Rev A	Existing and proposed demolition floor plan level 1	21/2/2019	10/4/2019
DA06 Rev A	Existing and proposed demolition level 1 floor plan	08/11/2018	10/4/2019
DA07 Rev A	Proposed new works / landscape plan convent Level 1 floor plan	21/3/2019	10/4/2019
DA10 Rev A	Proposed demolition and new works convent elevation	7/11/2018	10/4/2019

- (b) Stormwater Details and documentation prepared by Warrne Smith & Partners Pty Ltd, Job No. 6379000, DWG No. C1.01, C1.02, C2.01, C2.02, C6.01 & C6.02 (Issue 2), dated January 2019, and received by Council on 10 April 2019;
- (c) Heritage Impact Statement prepared by John Oultram Heritage & Design dated February 2019, and received by Council on 10 April 2019;
- (d) Structural Design Certificate prepared by Lewis Dunning Consulting Structural Engineers dated 12 March 2019 and received by Council on 10 April 2019;
- (e) Preliminary Site Investigation prepared by SESL Australia Ref: J001567 dated March 2019, and received by Council on 10 April 2019
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. SANDSTONE WALL

The existing sandstone wall to Carrington Road and Church Street shall be retained and protected throughout works.

3. LANDSCAPING

- (a) A detailed landscaping plan is to be submitted to and approved by Council prior to issue of Construction Certificate. The landscape plan is to provide specific attention to cohesion of planting, soil drainage, paving, lighting and other site treatment with the surrounding retained buildings and sandstone wall.
- (b) The approved landscape plan is to be implemented prior to any Occupation Certificate being issued.

4. HERITAGE INTERPRETATION PLAN

- (a) A Heritage Interpretation Plan is to be submitted to and approved by Council's Heritage Advisor prior to issue of the Construction Certificate.
- (b) The approved Heritage Interpretation Plan is to be installed prior to any Occupation Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

6. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$8,405** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

7. LONG SERVICE LEVY

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

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

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

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

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

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

9. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

10. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.

- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
 - any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - the type(s) of material on which pedestrians will be required to walk;
 - the width of the pathway on the route;
 - the location and type of proposed hoardings;
 - the location of existing street lighting.

11. ARCHIVAL RECORDING OF EXISTING BUILDINGS

A detailed photographic archival record shall be prepared of the existing building for deposit in Waverley Council's Archive (2 copies to be submitted) prior to the commencement of any demolition work and issue of the construction certificate. This record must be carried out using the guidelines of the NSW Heritage Office prior to the removal of any significant building fabric or furnishings from the site. The record shall comprise photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of 'perspective correction', comprising:

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and

- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

12. PRIOR TO SITE WORKS

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

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

13. TOILET FACILITIES

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

14. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

15. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.

- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

16. 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
- (f) 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.

17. DEMOLITION & SITE PREPARATION

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

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

18. DEMOLITION REQUIREMENTS

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

19. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

20. SOIL AND WATER MANAGEMENT PLAN

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment

Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

21. FOOTPATH PROTECTION

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

22. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

23. STOCKPILES

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

24. SEDIMENT REMOVAL FROM VEHICLE WHEELS

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

25. ALL BUILDING MATERIALS STORED ON SITE

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

26. CONSTRUCTION HOURS

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

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

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

27. BUILDING CODE OF AUSTRALIA

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

28. TREE PRESERVATION

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

29. STREET TREES

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

30. 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.

31. TREE PRESERVATION BOND

A bond of \$5,000 for each *Angophora costata* (Sydney Red Gum) and a bond of \$1,000 for each *Callistemon* spp a total of **\$24,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street trees at 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

32. SITE CONTAMINATION

Should the Detailed Site Investigation report (as part of the recommendations in the Preliminary Site Investigation) confirm the presence of contaminants requiring a Remedial Action Plan, then a Site Audit Statement prepared by an accredited NSW EPA auditor clearly stating that the site is able to be made suitable for the intended use must be submitted to Council prior to the issue of an Occupation Certificate.

33. FINAL OCCUPATION CERTIFICATE

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

ST CLARE'S COLLEGE DEVELOPMENT APPLICATION

DEMOLITION OF CONVENT BUILDING & CHANGE OF USE

RECEIVED
Waverley Council
Application No: DA-112/2019
Date Received: 10/4/2019



LOCALITY PLAN

CONVENT OF ST CLARE 41-51
CARRINGTON ROAD, WAVERLEY, NSW, 2024



STREET VIEW OF CONVENT ALONG CHURCH STREET



VIEW OF THE COURTYARD TO THE
EXISTING CONVENT



STREET VIEW ALONG CARRINGTON ROAD
EXISTING CONVENT OF ST. CLARE PROPOSED FOR DEMOLITION



VIEW OF THE WESTERN FACADE OF THE
EXISTING CONVENT

DRAWING LIST

DA00	DA COVER SHEET	
DA01	SITE PLAN & ANALYSIS	1:500
DA02	EXISTING SITE PLAN L1	1:200
DA03	EXISTING SITE PLAN L2	1:200
DA04	DEMOLITION SITE PLAN L1	1:200
DA05	DEMOLITION CONVENT L1	1:100
DA06	DEMOLITION CONVENT L2	1:100
DA07	PROPOSED NEW WORKS / LANDSCAPE PLAN L1	1:100
DA10	EXISTING / DEMOLITION CONVENT ELEVATION	1:100
DA20	WASTE MANAGEMENT PLAN	1:500



1:500 @ A1 + 1:1000 @ A3



DA00
DA Cover Sheet

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

sydney catholic schools

21/3/19 Revision A

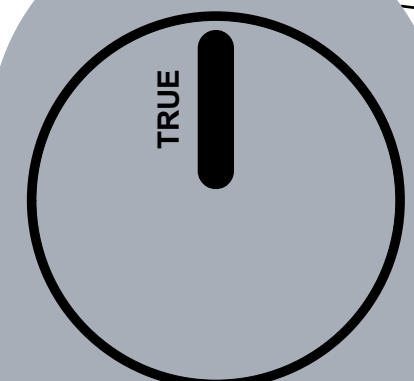


brewster
hjorth
architects

21821-10 A000 Site plan.vwx



RECEIVED
Waverley Council
Application No: DA-112/2019
Date Received: 10/4/2019



1:500 @ A1 + 1:1000 @ A3

DA01 Site Plan and Analysis

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

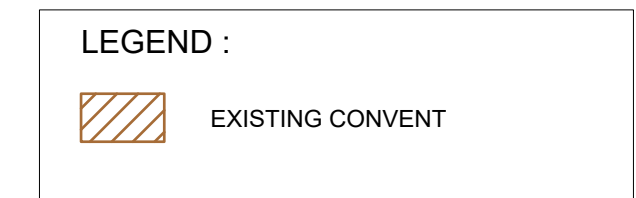
sydney catholic schools

30.11.8 Revision A



brewster
hjorth
architects

21621-10 4000 Site plan.vwx

brewster
hjorth
architects ©



LEGEND :
EXISTING CONVENT



1:200 @ A1 + 1:400 @ A3

1 5 10

DA03

Existing Site Plan
Level 2

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

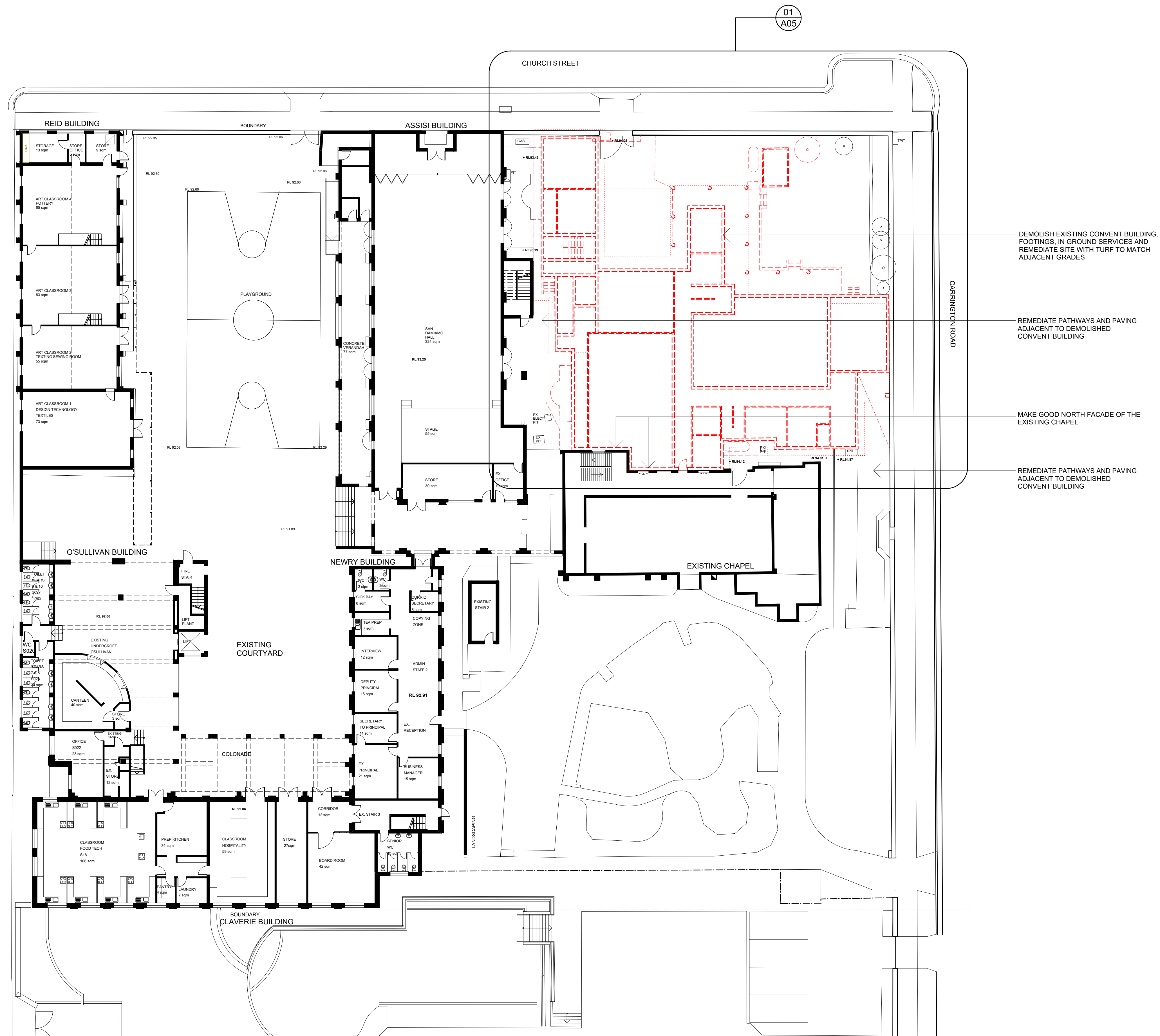
sydney catholic schools

21/2/19 Revision A



brewster
hjorth
architects

21/02/19-10.DC A100 Plans St Clares.vwx



- DEMOLISH EXISTING CONVENT BUILDING, FOOTINGS, IN GROUND SERVICES AND REMEDIATE SITE WITH TURF TO MATCH ADJACENT GRADES
- REMEDiate PATHWAYS AND PAVING ADJACENT TO DEMOLISHED CONVENT BUILDING
- MAKE GOOD NORTH FACADE OF THE EXISTING CHAPEL
- REMEDiate PATHWAYS AND PAVING ADJACENT TO DEMOLISHED CONVENT BUILDING

- DENOTES WALLS/ELEMENTS TO BE DEMOLISHED
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE DEMOLISHED

DA04

Existing & Proposed
Demolition Site Plan
Level 1

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

sydney catholic schools

21/2/19

Revision A



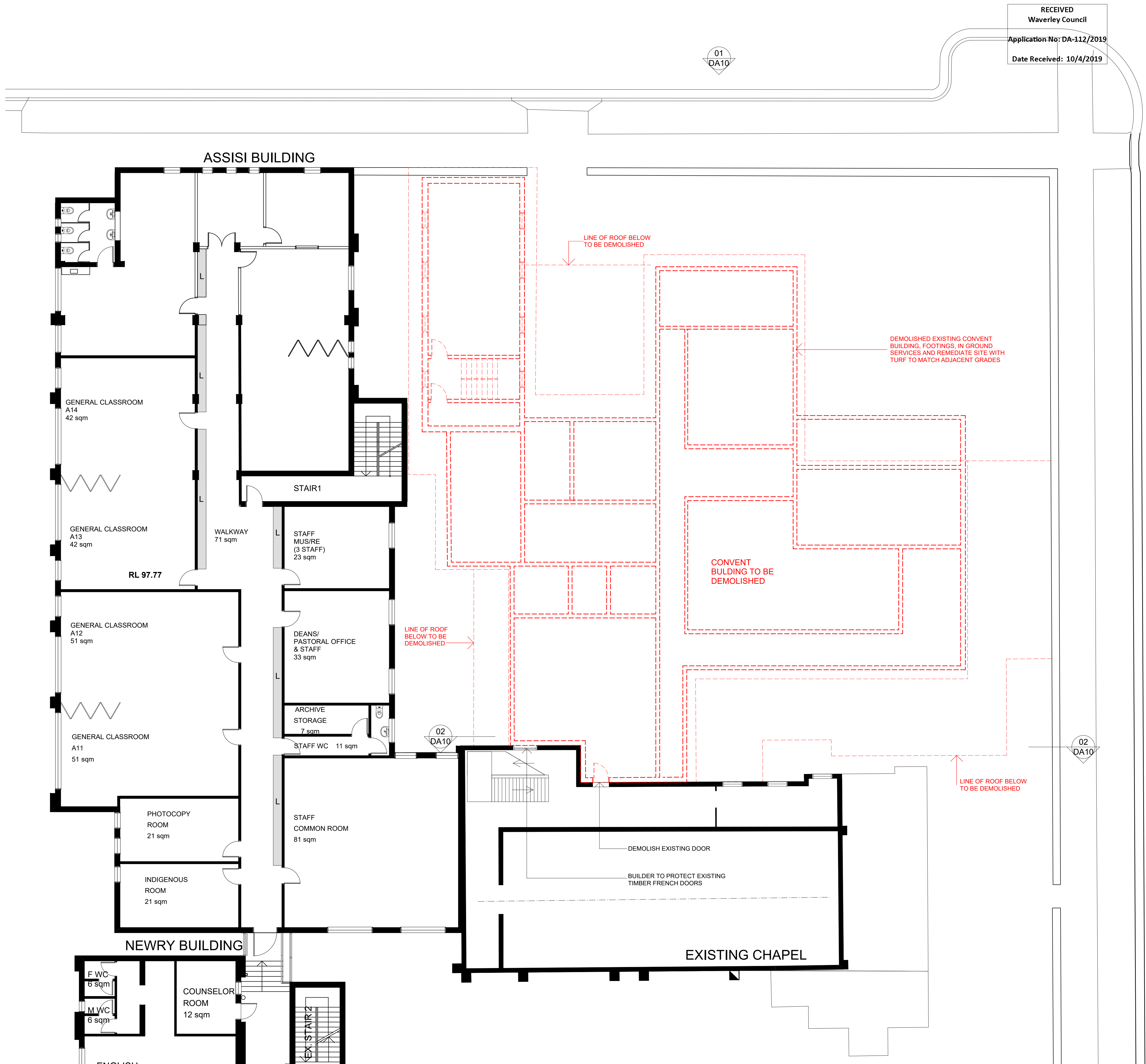
brewster
hjorth
architects

21/02/19-10.DC A100 Plans St Clare's.vwx



1 2.5 5

E1021-10:DC A1001 rails 30 C10ares.vwx



1:100 @ A1 + 1:200 @ A3

1 2.5 5

DA06

Existing & Proposed
Convent Demolition
Level 2 Floor Plan

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

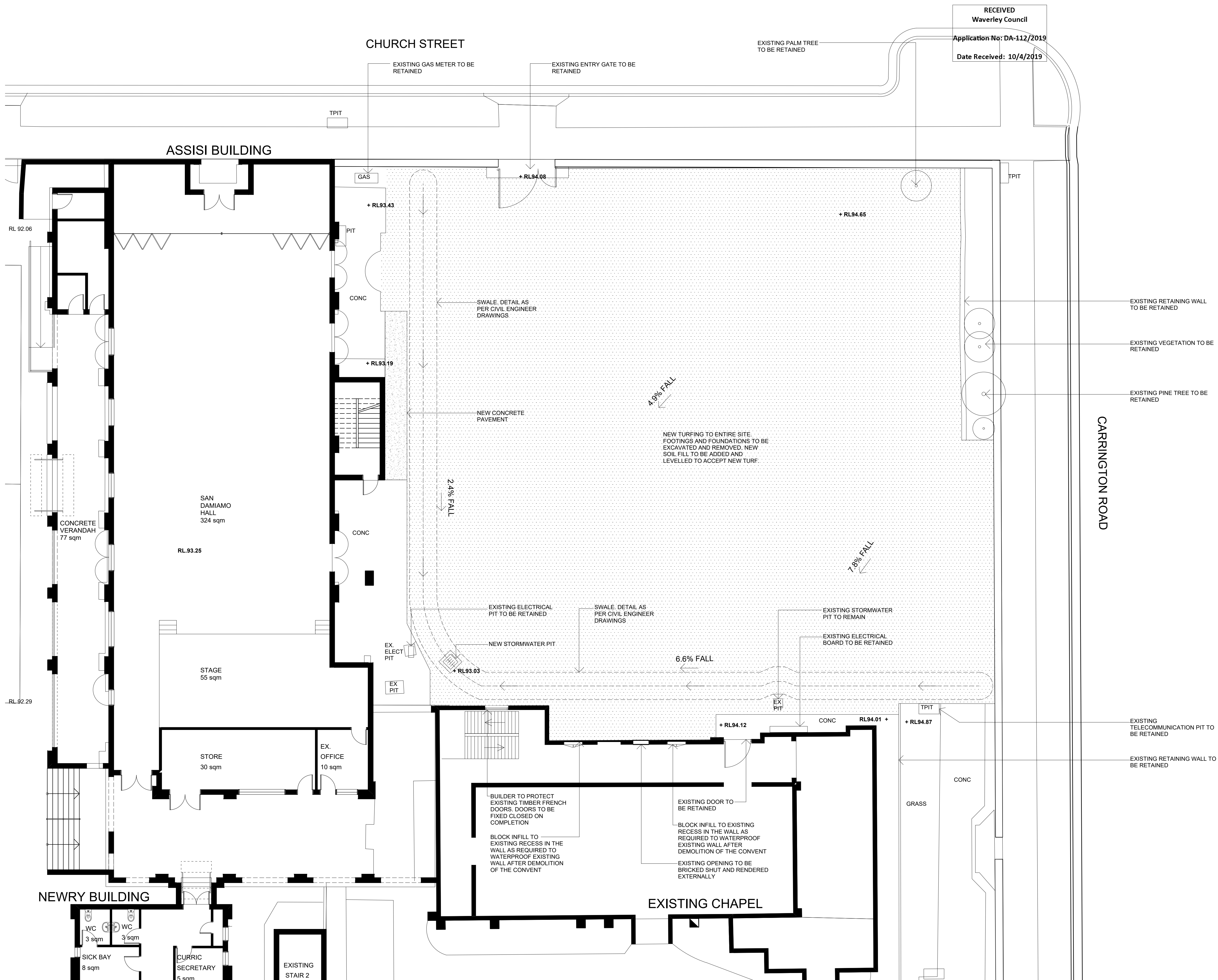
sydney catholic schools

08/11/18 Revision A



brewster
hjorth
architects

2/1821-10.DC A100 Plans St Clares.vwx



1:100 @ A1 + 1:200 @ A3

1 2.5 5

DA07

Proposed New Works / Landscape Plan Convent Level 1 Floor Plan

ST CLARE'S DEMOLITION OF CONVENT AND CHANGE OF USE

carrington road waverley

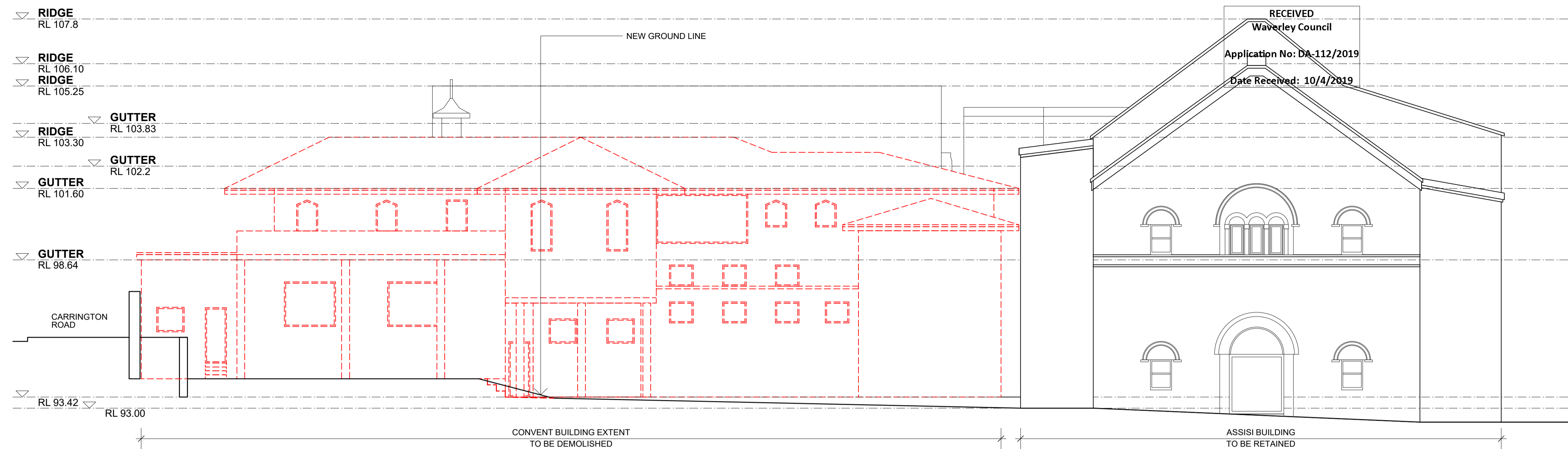
sydney catholic schools

21/3/19 Revision A

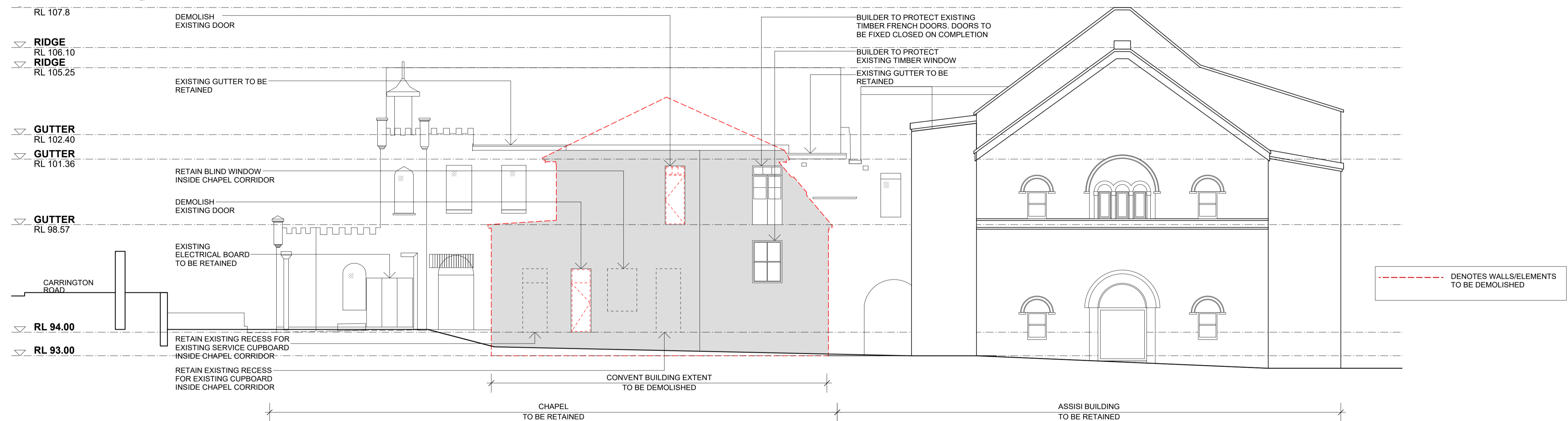


brewster
hjorth
architects

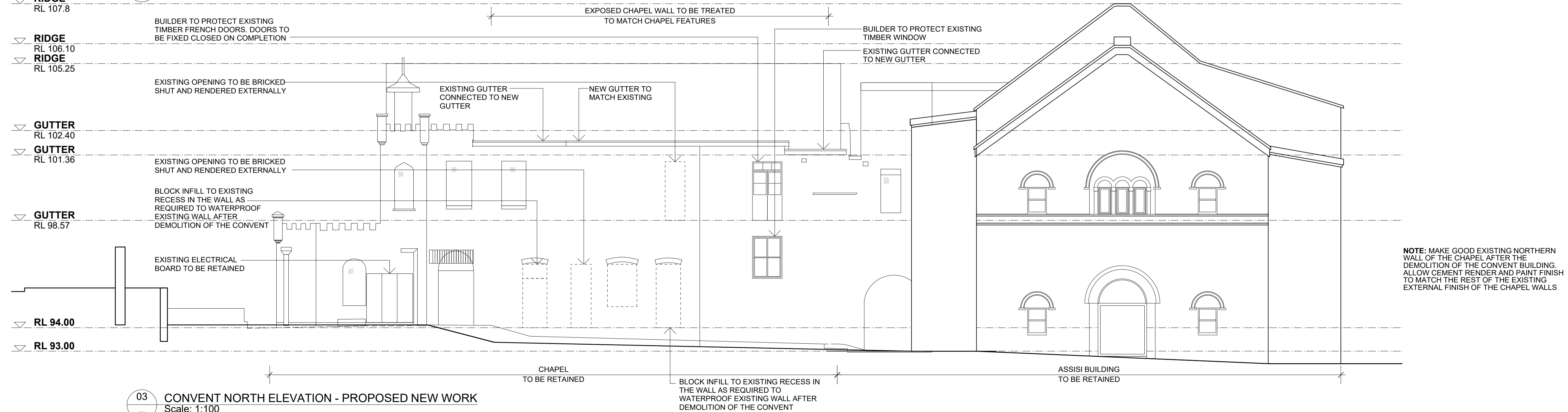
21/02/10-DC A100 Plans St Clares.wvx



01 CONVENT NORTH ELEVATION - PROPOSED DEMOLITION
Scale: 1:100



02 CONVENT NORTH ELEVATION - PROPOSED DEMOLITION
Scale: 1:100



03 CONVENT NORTH ELEVATION - PROPOSED NEW WORK
Scale: 1:100



1:100 @ A1 + 1:200 @ A3

1 2.5 5

DA10

Proposed
Demolition & New
Works Convent
Elevations

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

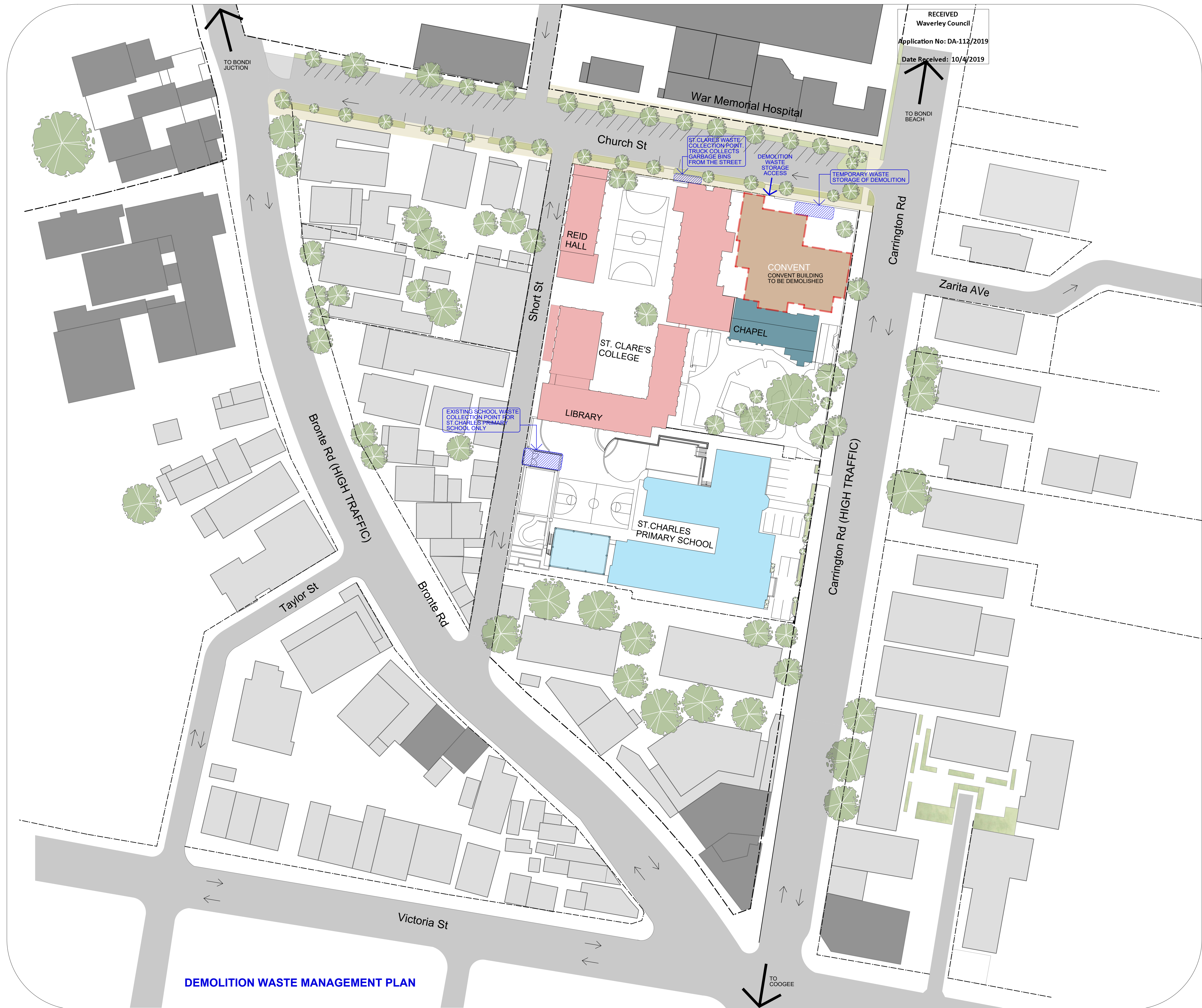
sydney catholic schools

07/11/18 Revision A

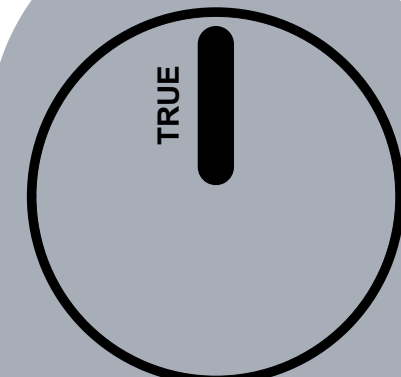


brewster
hjorth
architects

2/1621-10.DC A200 Elevation Convent.wvx



DEMOLITION WASTE MANAGEMENT PLAN



1:500 @ A1 + 1:1000 @ A3

DA20 Waste Management Plan

ST CLARE'S
DEMOLITION OF
CONVENT AND
CHANGE OF USE

carrington road waverley

sydney catholic schools

21/2/19 Revision A



brewster
hjorth
architects

21621-10 4000 Site plan.vwx



Report to the Waverley Local Planning Panel

Application number	DA-100/2019
Site address	12 Ewell St, Bondi
Proposal	Section 8.3 review of application, specifically seeking review (and deletion) of condition 2 relating to carparking in the front setback
Approved development	Alterations and additions to a semi-detached dwelling including a first floor addition
Date of lodgement of Review	2 September 2019
Owner	Mr M J Mayoh and Mrs N J Mayoh
Applicant	Solutions Zane
Submissions	One
Cost of works	Same as original DA
Issues	Removal of front verandah, cut-out to front façade and lack of streetscape precedence.
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot B in DP 441263, known as 12 Ewell Street, BONDJ. The site is rectangular in shape with a north rear boundary measuring 6.645m, east side boundary measuring 42.67m, south front boundary measuring 6.61m and a west side boundary measuring 39.63m. The site has an area of 279.7m² and falls from the southwest towards the northeast by approximately 0.46m.

The site is occupied by a single storey semi-detached dwelling with no on-site parking provided.

The subject site is adjoined by a semi-detached dwelling (attached to the subject site) to the west and an attached dwelling (not attached to subject site), identified as 10 Ewell Street to the east. The locality is characterised by a variety of residential developments including semi-detached and attached dwellings.

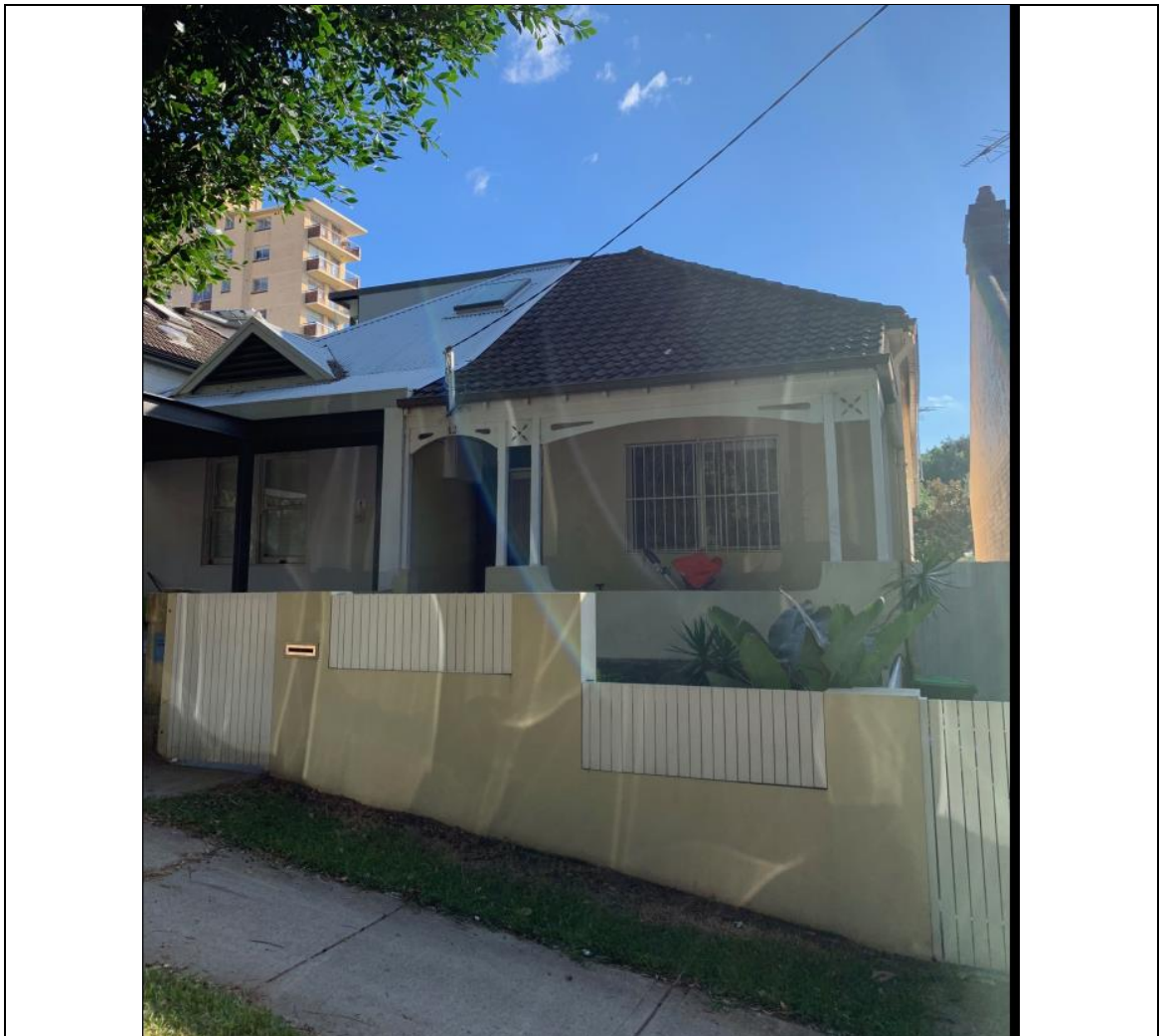


Figure 1: Site viewed from Ewell Street



Figure 2: Site viewed from Ewell Street of the pair of Semi-detached dwellings (subject site on right)

1.2 Relevant History

Original application

The original application, DA-100/2019 sought alterations and additions to a semi-detached dwelling including internal reconfiguration, first floor addition and a hardstand carspace at the front. The application was approved by the Development Building Unit on 4 July 2019 subject to conditions. Notably, condition 2 of the consent, to which this application seeks to review did not support carparking at the front and reads as follows:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) *No approval is granted or implied for the provision of parking on-site. In this regard, the hardstand carspace, driveway, crossover, removal of front wall and changes to the front fence are not approved and shall be deleted from the plan. The front façade at ground level and front setback shall remain as existing.*

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

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.

- **10 Ewell Street – adjoining semi-detached dwelling**

The adjoining dwelling in this pair of semi-detached dwellings exhibits a single carport in the front setback of the property. Perusal of Council records indicates this carspace and associated carport structure was approved under building application, BR-76/325 on 13 August 1976. This approval ultimately allowed for a vehicle length of 4.267m (4.521m from front boundary to front building line). On 07 October 2015, a new replacement carport structure within the existing location was approved under development application DA-221/2015. As the structure was replacing a dilapidated structure (no change to vehicle crossing or parking arrangement), the application was supported.

1.3 Proposal

The subject application seeks to review Council's decision relating to the provision of parking in the front setback. In this regard, the application seeks to delete condition 2 of development consent DA-100/2019.

The review has amended the overall design from that originally proposed under DA-100/2019 by seeking a single carspace with carport structure (to match the adjoining semi detached dwelling at No 10) in lieu of a single hardstand carspace as was originally proposed (and subsequently deleted via condition 2).

The parking space will have a length of 5.4m and a width of 2.663m. Having regard to the limited clearance between dwelling and front boundary, the proposal seeks to partially demolish the front verandah and front wall to provide the clearance length of 5.4m (as per Council minimum length standards).

The original application (DA-100/2019) proposed the construction of a hardstand parking space that would measure 2.844m x 5.065m. The original proposal also sought the partial removal of the front verandah and a cut-out to the front portion of the dwelling.

No changes are proposed to any other elements of the dwelling (beyond the front section affected by the carparking area).

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).

The application has been submitted as a s8.3 Review application of previous decision. The original application for alterations and additions to the semi detached dwelling was approved, subject to the imposition of condition 2 relating to the car space at the front of the site.

While technically, there is scope to review the entire original application, the applicant seeks only to review condition 2 relating to the car space at the front of the site.

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate is not required for this application.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The overall proposal meets the aims of the WLEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a carport to accompany an existing semi-detached dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The carport will have an overall height of 3.55m.

2.1.4 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
8. Transport		
8.1 Streetscape	No	Carparking at the front of a site is not characteristic of Ewell Street, as also acknowledged by the applicant on page 14 of their Statement of Environmental Effects. The only other example evident in the visual catchment is the adjoining semi-detached dwelling is at 10 Ewell Street, BONDI. However, this parking space was approved under BR-325/1976 in 1976 with a length of 4.521m and therefore should not be used to argue precedence.
8.2 On-site parking	N/A	The subject site is located in parking zone 2.
8.2.1 Vehicle Access	Yes	One vehicle cross over is proposed. The vehicle cross over will be less than 2.7m over the footpath.
8.2.2 Car Parking Provision Rates	No Yes	The carport is located in front of the building line as it is the only feasible location. One parking space is proposed which is permitted with consent.

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

The proposal is defined as a “carport addition to a semi-detached dwelling” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> Appropriate scale Does not detract from amenity of other dwellings or view corridors ESD has been considered Alterations & additions are sympathetic in bulk & scale to the character of the area High design standard 	No	<p>The carport does not meet the general objectives of the WDCP 2012. The proposal is not sympathetic to the character and desired future character of the area.</p> <p>It is noted the original development (DA-100/2019) did meet the general objectives however this focused mainly on the first floor addition.</p>
2.2 Setbacks		
2.2.1 Front and rear building lines	No	The carport will be built to the front boundary forward of the predominant building alignment.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 		
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The carport will be setback more than 0.9m from the eastern and western side boundaries.
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 & proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	No	<p>Although the development has been designed to match the existing carport at 10 Ewell Street, Bondi, it is not reflective of the streetscape, as there is no other examples of a hardstand parking space or carport in the locality with the exception of No 10.</p> <p>Additionally, the proposed carspace and carport will result in the partial removal of the front verandah, removing a architectural characteristic that is prominent in the streetscape.</p>
2.8 Car parking		
2.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	No	<p>The carport is located forward of the building line as it is the only feasible location and is similar to the carport at neighbouring 10 Ewell Street, BONDI.</p> <p>However, the parking does not meet the precedents of the streetscape as there are no other examples of hardstand parking spaces in Ewell Street (with the exception of No 10 that dates back to 1976, being prior to current controls).</p>
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	1 off-street parking space is proposed in the form of a hardstand with carport structure. This meets the parking rates specified in the WDCP 2012.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with 	No	The hardstand parking space is located forward of the front building line due to being the only frontage to a roadway and only feasible place on the site.

Development Control	Compliance	Comment
the hierarchy of preferred car parking locations		The distance between the front building line and the front boundary is less than 5.4m. To be compliant in length to meet Council's minimum length of 5.4m, the proposal requires the partial demolition of verandah and front wall of dwelling encompassing a cut-out to the front façade. Additionally, there is no significant precedence of this type of parking, besides the adjoining semi-detached dwelling.
2.8.4 Design <ul style="list-style-type: none"> • Complement the style, massing and detail of the dwelling • Secondary in area & appearance to the design of the residences • No part of the façade is to be demolished to accommodate car parking • Gates to have an open design 	No	The carport is designed to match the neighbouring carport, however fails to enhance the streetscape presentation. Rather, the parking elements dominate the dwellings presentation to the street, considered to be to its detriment.
2.8.5 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The minimum dimensions are met through the removal of the front verandah and associated cut-out. This is due to less than 5.4m clearance being available between the existing front wall of the dwelling and the front boundary.
2.8.6 Driveways <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 	Yes	One driveway cross over is proposed. The cross over will be less than 3m at the gutter (excluding splay).
2.9 Landscaping and open space		
• Overall open space: 40% of site area	Yes	56%
• Overall landscaped area: 15% of site area	Yes	28.1%
• Minimum area of 25m ² for private open space	N/A	Not altering
• Front open space: 50% of front building setback area	Yes	100%
	No	32.72%

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 		
2.13 Semi-detached dwellings and terrace style development		
2.13.1 - Built form <ul style="list-style-type: none"> Additions to match the style of the original semi-detached dwelling Existing roof form maintained forward of principle ridgeline Use of roof as an attic permitted provided Front verandahs to be maintained. 	Yes	<p>The proposal respects the design of the adjoining semi-detached dwelling.</p> <p>However, the proposed hardstand will remove the front verandah and will result in a cut-out to the wall of the front facade. This would have a detrimental impact to the subject site and would remove key characteristics from the dwelling.</p>
2.13.3 - Material finishes and detail for semi-detached dwellings <ul style="list-style-type: none"> Finishes and detailing are to be cohesive with the existing dwelling Historic features of the roofscape are to be incorporated into the addition Dorms roof forms are to match the style of the original dwelling New windows to have a similar proportion to the existing Upper wall finishes to reflect the style & character of the original building. 	Yes	<p>Materials are deemed appropriate, if the application were supportable.</p>

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

Streetscape and carparking

A street survey of this side of Ewell Street was conducted. It found the only example of parking forward of the building line was the carspace and associated carport of the adjoining semi-detached dwelling at 10 Ewell Street, approved in 1976. This carspace at that time was supported with a length of only 4.267m (or 4.521m from front boundary to front building line). This is well undersized the current standards that require a minimum length of 5.4m and results in a vehicle when parked at No 10 overhanging the boundary onto Council land. This is an undesirable outcome and should not be reason to support a further example of an undesirable outcome. Notwithstanding this, the applicant

does propose to provide a length closer to 5.4m (the plans dimension 5.4m, but when scaled, the actual clearance is more akin to 5.3m) but in order to achieve this clearance, it relies on partial demolition of the front verandah and front façade of the dwellings, to specifically accommodate the car space, which is not ideal.

Furthermore, as discussed in the original application for a hardstand car space, the proposal is contrary to various provisions of Part B of the DCP. The amended proposal now seeking a car space with carport above remains contrary to these same provisions, as discussed below:

Part B, Section B8, Clause 8.1 (b)

Off street parking is not characteristic of the streetscape that is Ewell Street. There is a lack of off-street parking on Ewell Street, especially in the form of a parking forward of the building line. The proposed car space and carport would create an undesirable precedent for off-street parking in Ewell Street.

Part B, Section B8, Clause 8.2.2 (b)

The proposed carparking would not complement the design of the building or streetscape. The proposed car space and carport would result in the removal of an existing front verandah and the removal to a portion of a front wall. This removal would still result in the car space not being compliant with the 5.4m length control for a car space (if based on scaling of the plans).

Part C, Section C2, Clause 2.3 (a), Clause 2.8.1 (b) and Clause 2.8.2 (b) (i)

The proposed car space and associated carport would not complement the design of the building or streetscape. The proposal would result in the removal of an existing front verandah and the removal to a portion of a front wall due to the hardstand resulting in a detrimental impact to the front facade of the dwelling as it would remove key characteristics of the dwelling as viewed from Ewell St. This removal would still result in the car space not being compliant with the 5.4m length control for a car space.

Part C, Section C2, Clause 2.8.3 (d) (vi)

There is not a predominance of car parking in the streetscape. Although 10 Ewell St does have a car space and carport in front of the dwelling, it is grossly undersized and should not be the basis for further undesirable outcomes.

Part C, Section C2, Clause 2.8.4 (c)

The car space will result in the street façade of the dwelling, including the verandah to be removed or demolished in order to accommodate car parking.

Part C, Section C2, Clause 2.8.5 (a)

The car space will have dimensions of 2.4m x 5.3 (or 5.4m if using dimensions shown on plan), this does not meet the required length of 5.4m.

Part C, Section C2, Clause 2.9 (g)

The car space would result in less than 50% of open space to the front of the site.

Part C, Section C2, Clause 2.13.1 (e)

The proposed car space and carport will result in the removal of the existing verandah.

Having regard to the character of Ewell Street, which does not exhibit a predominance of parking forward of the building line with the exception of no 10, the proposal is considered unsuitable and not supported. In this regard, it is recommended that condition 2 of the consent remain.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

One (1) submission was received. The issues raised in the submissions are summarised and discussed below.

Table 3: Summary of property addresses that lodged a submission

Property
18 Ewell Street, Bondi

Issue: Loss of on-street parking

Response: The crossover widths are compliant with the WDCP 2012.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, and the application is therefore recommended for refusal.

3. REFERRALS

3.1 Driveways – Creating Waverley

The Development Application was referred to Council Traffic Engineer who did not object to the proposal subject to conditions of consent.

4. SUMMARY

The application seeks a s8.3 Review of previous decision DA-100/2019 seeking the review of condition 2 (that is, to delete condition 2) relating to car parking at the front of the site.

The original application sought alterations and additions to a semi detached dwelling including the provision of a hardstand car space at the front of the site. Development consent was granted subject to the imposition of condition 2 seeking the car parking component be deleted.

While this application has addressed some issues, the overriding proposal of parking at the front of the site, the partial demolition of verandah and front façade and the fact that off-street parking is

not the predominant character of Ewell Street results in this application not being supported. Having regard to the manner in which this application has been submitted (s8.3 Review in lieu of a s4.55 modification application), the recommendation is to retain condition 2 on the consent.

The application received one (1) submission which was addressed within the report.

The application is not supported and condition 2 is recommended to be reiterated.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 09/10/2019 and the DBU determined:

- (a) The application is not acceptable and condition 2 shall remain on the consent. To refuse the application would be to refuse the entire scope of works (ie first floor addition).

DBU members: M Reid, A Rossi, B Matlawski

B McNamara declared a less than significant, non pecuniary interest and was not present during deliberations on this application.

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:



Joseph Somerville
Development Assessment Planner

Date: 10/10/2019

Reason for referral:

Section 8.3 review of determination

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 10/10/2019

APPENDIX A –

Recommendation: That condition 2 remain on the consent for the following reasons:

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is not supported for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design on amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B8 – Transport
 - i.* Specifically objective (d) as the proposed parking will adversely impact upon the character of the streetscape.
 - ii.* Clause 8.1 Streetscape, specifically control (b), as off street parking is not characteristic of the streetscape that is Ewell Street. There is a lack of off-street parking on Ewell Street, especially in the form of a carparking in the front setback, and the proposed carparking and associated carport would create an undesirable precedent of off-street parking in Ewell Street. With the proposal resulting in the removal of the front verandah and a cut-out in order to meet the minimum length, a negative precedence in the street would occur.
 - iii.* Clause 8.2.2, specifically control (b), the proposal would not complement the design of the building or streetscape. The proposed car space and carport would result in the removal of an existing front verandah and the removal to a portion of a front wall to provide sufficient clearance to meet the required dimensions.
 - b. Part C2 – Low Density Residential Development
 - i.* Clause 2.0, specifically objective (d) as the proposed car space and carport is not sympathetic in terms of the desired future character of the area.
 - ii.* Clause 2.3 specifically control (a), Clause 2.8 specifically objective (d) and Clause 2.8.1 specifically control (b) as the proposed car space and carport would not complement the design of the building or streetscape. The proposal would result in the removal of an existing front verandah and the removal to a portion of a front wall due to the hardstand, resulting in a detrimental impact to the front facade of the dwelling as it would remove key characteristics of the dwelling as viewed from Ewell Street.
 - iii.* Clause 2.8.3, specifically control (d)(vi), as there is not a predominance of parking within the front setback evident in the streetscape. A precedence of

parking at the front of dwellings that remove key features of the front façade should be avoided.

- iv.* Clause 2.8.4, specifically control (c), as the proposal will result in the façade of the dwelling, including the verandah to be removed or demolished in order to accommodate car parking.
 - v.* Clause 2.9, specifically control (g), as the proposal would result in less than 50% of open space to the front of the site.
 - vi.* Clause 2.13.1, specifically control (e), the proposal will result in the removal of the existing verandah.
- 3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
- 4. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is would result in the removal of key architectural features of the front facade and is therefore considered unsuitable for the site.
- 5. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plan Nos 280-18, MAY 190522 and 280-18, prepared by Plan Ahead Designs, dated 21/05/19 and 22/05/19, and received by Council on date 22/05/19;
- (b) BASIX and NatHERs Certificate;
- (c) Schedule of external finishes and colours received by Council on 22/05/19; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012;

except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (b) No approval is granted or implied for the provision of parking on-site. In this regard, the hardstand carspace, carport structure, support posts, driveway, crossover, removal of front wall and changes to the front fence are not approved and shall be deleted from the plan. The front façade at ground level and front setback shall remain as existing.

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

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. FRONT AND REAR SETBACKS

The front and rear setbacks of the ground floor and first floor of the approved works are not to extend further than the front and rear setback of the adjoining semi-detached dwelling at 10 Ewell Street, Bondi.

In addition, due to discrepancy between the survey plan and floor plan, the first floor front setback is not to extend further than the existing ridgeline.

4. ALTERATIONS AND ADDITIONS ONLY

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

5. APPROVED USE -DWELLING HOUSE

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

6. TREE PRESERVATION

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

8. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

9. TREE PRESERVATION BOND

A bond of \$1000 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 *Ficus microcarpa* var *hilli* (hills weeping fig) tree at the front of the property on the nature strip of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

10. SECURITY DEPOSIT

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

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

11. LONG SERVICE LEVY

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

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

12. HOARDING REQUIRED

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

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

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

13. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

14. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

15. ENGINEERING DETAILS

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

16. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

17. EXISTING PARTY WALL IS TO BE EXTENDED

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

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

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

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

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

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

18. DILAPIDATION REPORTS

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

Please note the following:

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

19. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

20. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approved by Council's Executive Manager, Creating Waverley (or delegate) prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc. A completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is also required.

21. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

22. INSTALATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located behind the front building line and if visible suitably screened
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday;
or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (e) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (f) Have sufficient manual or automated controls so it is used only when required;
- (g) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (h) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (i) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

23. SOLID FUEL HEATING

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

24. TREE PRUNING ON ADJOINING PROPERTIES

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

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

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

25. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

27. PRIOR TO SITE WORKS

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

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

28. HOME BUILDING ACT

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

29. CONSTRUCTION SIGNS

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

30. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

31. COMPLIANCE WITH SAFE WORK NSW

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

32. 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).

33. DEMOLITION & SITE PREPARATION

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

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

34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

35. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

36. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

38. TEMPORARY DIVERSION OF ROOF WATERS

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

39. NATIONAL CONSTRUCTION CODE (NCC)

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

40. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

41. CERTIFICATE OF SURVEY – LEVELS

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

42. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

43. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF

Adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and
- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

44. PARTY WALL

The existing party wall is to be extended to the underside of the roof in accordance with the requirements of the Building Code of Australia.

45. TREATMENT OF BOUNDARY WALLS

The wall/s approved on the western boundary with the neighbouring property are to be finished to the same high standard as the remaining building and not left unfinished to ensure a pleasing aesthetic to adjoining buildings.

46. SERVICE PIPES

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

47. STREET TREES TO BE RETAINED

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction.

48. 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.

49. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

50. FINAL OCCUPATION CERTIFICATE

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

51. STORMWATER MANAGEMENT

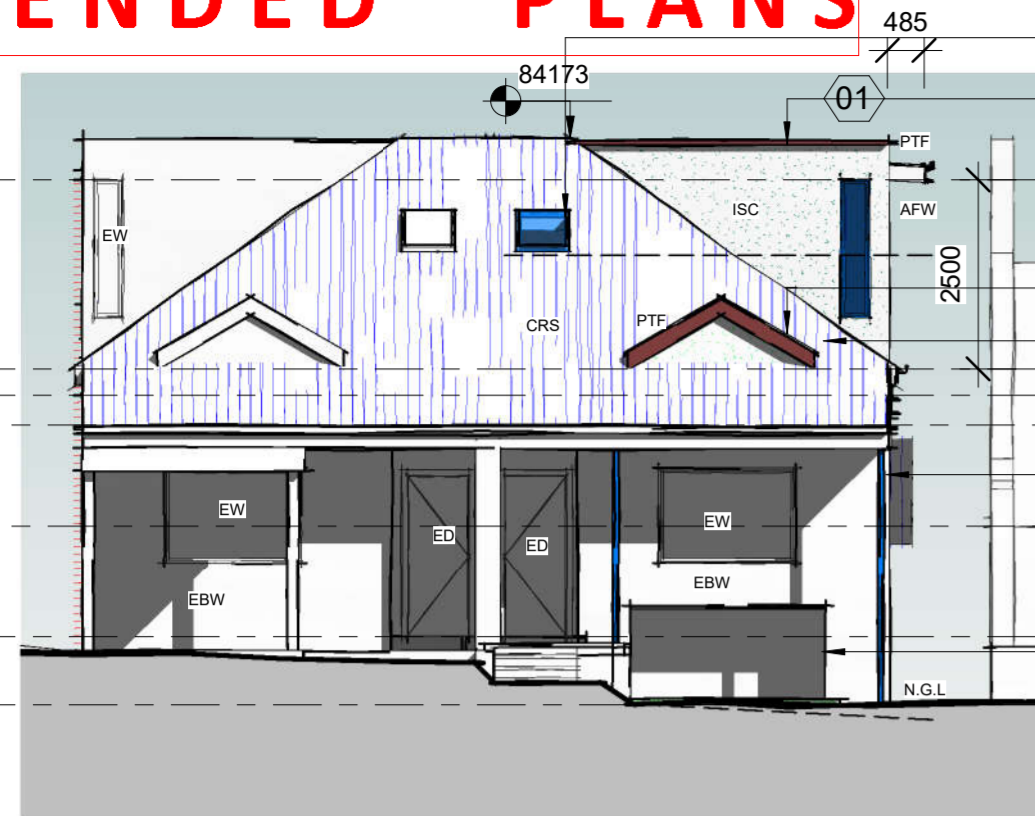
Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

52. LIGHTING

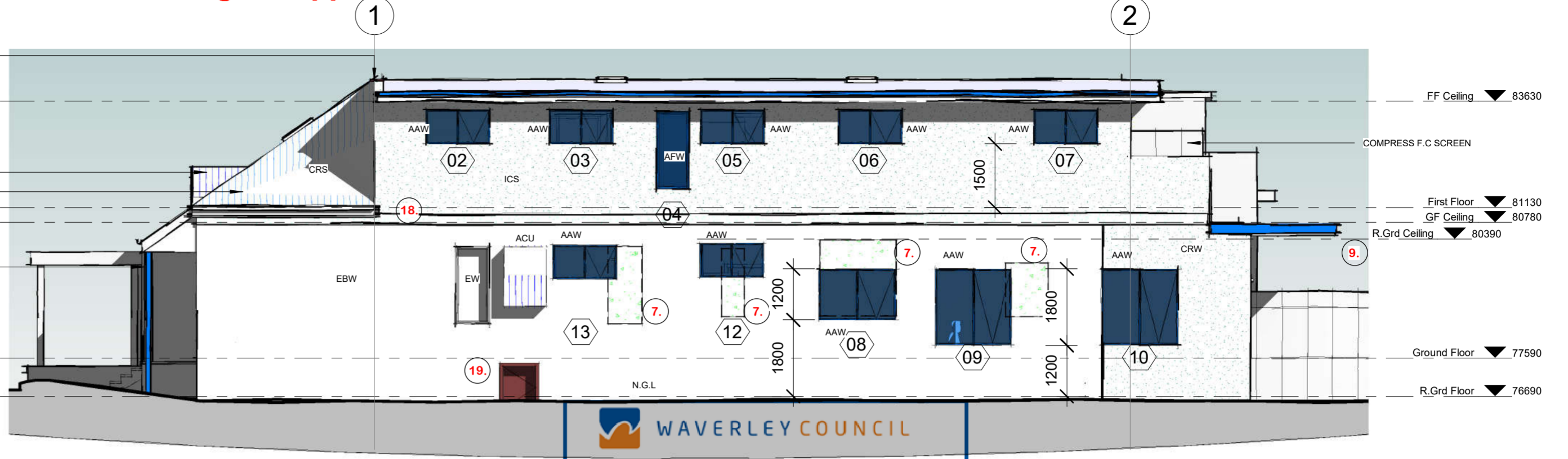
Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control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

53. 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.



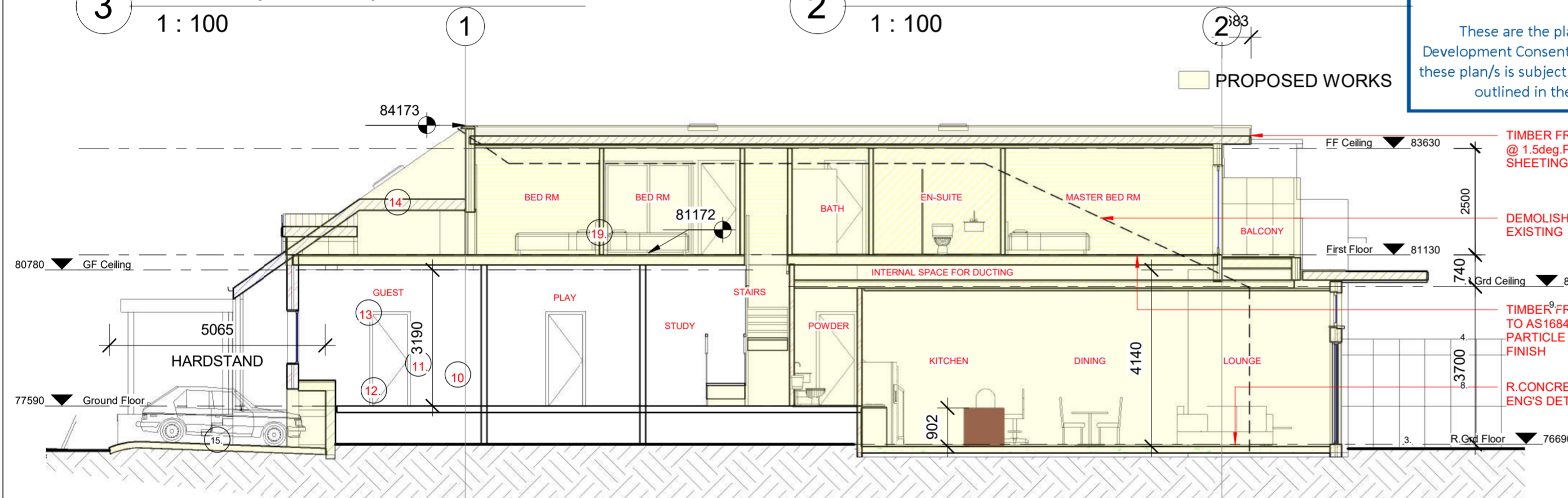
3 South (Street) Elevation
1 : 100



2 East Elevation
1 : 100

APPROVED
DEVELOPMENT CONSENT
Application No: DA-100/2019
Date of Consent: 04/07/2019

These are the plan/s referred to in the above Development Consent. Approval of the works shown on these plan/s is subject to compliance with the conditions outlined in the Notice of Determination.



4 Section F-R
1 : 100



1 North.Elevation
1 : 100



- Demolish all walls shown broken red lines.
- Remove existing rear floor
- Reinforced concrete slab on ground to engineers' details
- Cavity brick wall construction with cement render and paint finish
- Provide plumbing and drainage to new shower room /laundry
- Provide plumbing and drainage to new kitchen area. Cupboard to future design
- Remove window , demolish portion of opening and install new aluminium awning , make good surrounding surfaces
- New aluminium frame bi-fold glazed doors with aluminium frame louvered windows over
- Construct 2m metal awning above rear terrace. To be supported by steep posts on pad footings
- Demolish portion of wall to create recessed area to permit 5m hardstand length
- Box in internal wall to create internal shelf within front room
- Demolish portion of elevated veranda to permit car access
- Replace existing supports with new metal post, similar to adjoining semi-detached dwelling
- Create new dormer to mirror in appearance of adjoining semi-detached dwelling, and reclad existing roof with matching metal cladding of adjoining dwelling
- Construct new reinforced concrete slab on ground with appropriate slope and drainage for car parking
- Construct new reinforced concrete crossover to council specifications
- Additional velux window front roof face to mirror neighbouring semi-detached dwelling
- Selected plinth joining external faces for ground and upper floor walls
- Install new timber access door with lock to under floor storage

LEGEND

N.G.L	NATURAL GROUND LINE
ED	EXISTING DOOR
EW	EXISTING WINDOW
CRS	'CUSTOM ORB' ROOF SHEETING
KRS	KLIPOK ROOF SHEETING
CWT	CERAMIC WALL TILES ON HARDIES BASE SHEET.
SBW	SELECTED BRICKWORK
ICS	INSULCLAD CLADDING SYSTEM WITH PAINT FINISH
ACU	AIR CONDITIONING UNIT
PTF	DRESSED TIMBER FASCIA
PQG	POWDER QUADRANT GUTTER
AAW	ALUMINIUM AWNING WINDOW
AFW	ALUMINIUM FIXED WINDOW
AGD	GLAZED ALUMINIUM FRAME BI-FOLD DOORS

RECEIVED
Waverley Council

Application No: DA-100/2019

Date Received: 22/05/2019

Proposed Additions & Alterations at No.12 Ewell St Bondi



MOB:0414 387 500
www.planahead.com.au
PO BOX 464 BONDI JCT 1355

NOTES:
IT IS THE RESPONSIBILITY OF THE OWNERS TO MAKE THEMSELVES THOROUGHLY FAMILIAR WITH ALL DETAILS SHOWN ON THIS PLAN. ALL WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE INDICATED. TIMBER SIZES DO NOT ALLOW FOR MILLING OR SHRINKAGE.
*THESE DIMENSIONS DEPEND ENTIRELY UPON EXISTING MEASUREMENTS AND MUST BE CHECKED ON SITE BEFORE SET OUT. CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING THE WORK SHOWN ON THIS DRAWING. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL BUILDING CODE AND ALL GOVERNING AUTHORITIES CONCERNED.

SCALE: on A2 sheet 1 : 100
DATE 20/05/19
DRAWN ROC
DWG No. 280-18
REV 21/05/19

AMENDED PLANS

DA-100/2019: Original application

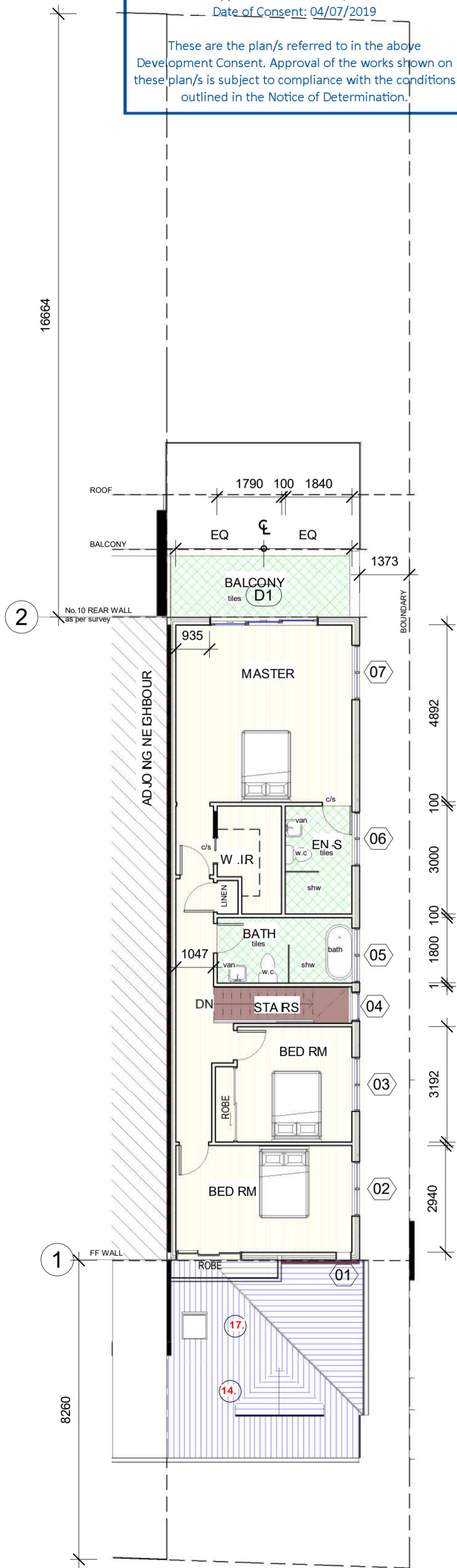


WAVERLEY COUNCIL

APPROVED
DEVELOPMENT CONSENT
Application No: DA-100/2019
Date of Consent: 04/07/2019

These are the plan/s referred to in the above Development Consent. Approval of the works shown on these plan/s is subject to compliance with the conditions outlined in the Notice of Determination.

RECEIVED
Waverley Council
Application No: DA-100/2019
Date Received: 22/05/2019



First Floor

1 : 100



Ground Floor

1 : 100

SPECIFICATION SCHEDULE

MIN.200 X 50mm @450mm CENTRE
MIN.100 X 38mm @450mm CENTRE
75 X 50mm @450mm CENTRE
MIN.100 X 50mm CEILING JOISTS @450mm CENTRE
ROOF TRUSSES @600mm CENTRE TO MANUFACTURERS SPECIFICATION.

FLOOR JOISTS
EXTERNAL STUDS
INTERNAL STUDS
ROOF

*NOTE THE USE OF RENEWABLE TIMBERS WHERE POSSIBLE, PREFERABLY OREGAN AND RADIATA PINE

EXTERNAL CLADDING	CAVITY BRICK WALL CONSTRUCTION, CEMENT RENDER AND PAINT FINISH. BRICK VENEER WALL. TIMBER FRAME WALL WITH INSUL CLADDING. TEXTURED PAINT FINISH
WINDOWS	ALUMINIUM FRAME FIXED, SLIDING AND AWNING WINDOWS.
EXTERNAL DOORS	ALUMINIUM FRAME, BI-FOLD GLAZED
INTERNAL DOORS	SOLID CORE PANELLED HINGED TIMBER.
ROOF	'KLIPOK' ROOF SHEETING OVER BLANKET INSULATION
GUTTER	PREPAINTED ZINC. QUADRANT.
EAVES	VILLABOARD LINED RAKED EAVES.
FACIA BARGE	DRESSED TIMBER.
INTERNAL LININGS	13MM GYPSUM PLASTERBOARD.
FLOORING	REINFORCED CONCRETE SLAB TO ENGINEERS DETAILS. SELECT FLOOR FINISH.
BATHROOM/ W.C./SHOWER/ FLOORING	APPROVED WATERPROOF MEMBRANE WITH SELECTED TILE FINISH.
INSULATION	R 1.5 BATTS TO EXTERNAL WALLS R 2.5 BATTS TO UPPER AREA.
INTERNAL FIXINGS	225 X 19MM SKIRTING BOARDS TO MATCH EXISTING. 130 X 19MM ARCHITRAVES TO MATCH EXISTING.
INSULATION	R 3.0 IN ROOFS R 1.5 IN EXTERNAL WALLS
TAPS & SHW. ROSES TOILETS	AAA RATED WATER EFFICIENT PLUMBING FIXTURES DUAL FLUSH
ELECTRICAL	36 LIGHT POINTS 26 GPO 2 TWO WAY SWITCH.
INTERNAL PAINT	BY BUILDER
EXTERNAL PAINT	BY BUILDER
STAIRCASE	ENCLOSED TIMBER STAIR CASE LINED UNDER

Proposed Additions & Alterations at No.12 Ewell St Bondi



PH: (02) 9314 0044;
MOB: 0414 387 500
www.planahead.com.au
PO BOX 464,
BONDI JCT. 1355

NOTES:
IT IS THE RESPONSIBILITY OF THE OWNERS TO MAKE THEMSELVES THOROUGHLY FAMILIAR WITH ALL DETAILS SHOWN ON THIS PLAN. ALL WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE INDICATED. TIMBER SIZES DO NOT ALLOW FOR MILLING OR SHRINKAGE.
*THESE DIMENSIONS DEPEND ENTIRELY UPON EXISTING MEASUREMENTS AND MUST BE CHECKED ON SITE BEFORE SET OUT. CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING THE WORK SHOWN ON THIS DRAWING. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL BUILDING CODE AND ALL GOVERNING AUTHORITIES CONCERNED.

SCALE : 1:100 DATE : 22-05-19 DRAWN : ROC DWG No. MAY 190522

RENOVATION NOTES

- Demolish all walls shown broken red lines.
- Remove existing rear floor
- Reinforced concrete slab on ground to engineers' details
- Cavity brick wall construction with cement render and paint finish
- Provide plumbing and drainage to new shower room /laundry
- Provide plumbing and drainage to new kitchen area. Cupboard to future design
- Remove window, demolish portion of opening and install new aluminium awning, make good surrounding surfaces
- New aluminium frame bi-fold glazed doors with aluminium frame louvered windows over
- Construct 2m metal awning above rear terrace. To be supported by steep posts on pad footings
- Demolish portion of wall to create recessed area to permit 5m hardstand length
- Box in internal wall to create internal shelf within front room
- Demolish portion of elevated veranda to permit car access
- Replace existing supports with new metal post, similar to adjoining semi-detached dwelling
- Create new dormer to mirror in appearance of adjoining semi-detached dwelling, and reclad existing roof with matching metal cladding of adjoining dwelling
- Construct new reinforced concrete slab on ground with appropriate slope and drainage for car parking
- Construct new reinforced concrete crossover to council specifications
- Additional velux window front roof face to mirror neighbouring semi-detached dwelling
- Selected plinth joining external faces for ground and upper floor walls
- Install new timber access door with lock to under floor storage

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-100/2019
Date Received: 22/05/2019

WAVERLEY COUNCIL
APPROVED
DEVELOPMENT CONSENT
Application No: DA-100/2019
Date of Consent: 04/07/2019
These are the plan/s referred to in the above
Development Consent. Approval of the works shown on
these plan/s is subject to compliance with the conditions
outlined in the Notice of Determination.



SITE ANALYSIS

SITE AREA	279.7	M²
FLOOR AREA	EXISTING	ADDITIONAL(PROPOSED) M²
GROUND FLOOR	105 M²	17 M²
FIRST FLOOR	0M²	80 M²
TOTAL FLOOR AREA		202M²
FLOOR SPACE RATIO		0.72 : 1
LANDSCAPED AREA		67 M²
DEEP SOIL		

BASIX REQUIREMENTS

- Hot water**
The applicant must install the following hot water system in the development: gas instantaneous
- Fixtures**
The applicant must ensure new or altered showerheads, toilets or taps have a 3 star water rating
- Insulation requirements**
external wall: brick veneer or framed R1.16 (or R1.70 including construction)
flat ceiling, flat roof: framed ceiling: R1.08 (up), roof: foil backed blanket(100 mm)
- Windows and glazed doors**
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.
Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.
- Glazing requirements**
improved aluminium, single pyrolytic low-e,(U-value: 4.48, SHGC: 0.46)
- Skylights**
timber, double clear/air fill, (or U-value: 6.21, SHGC: 0.808)

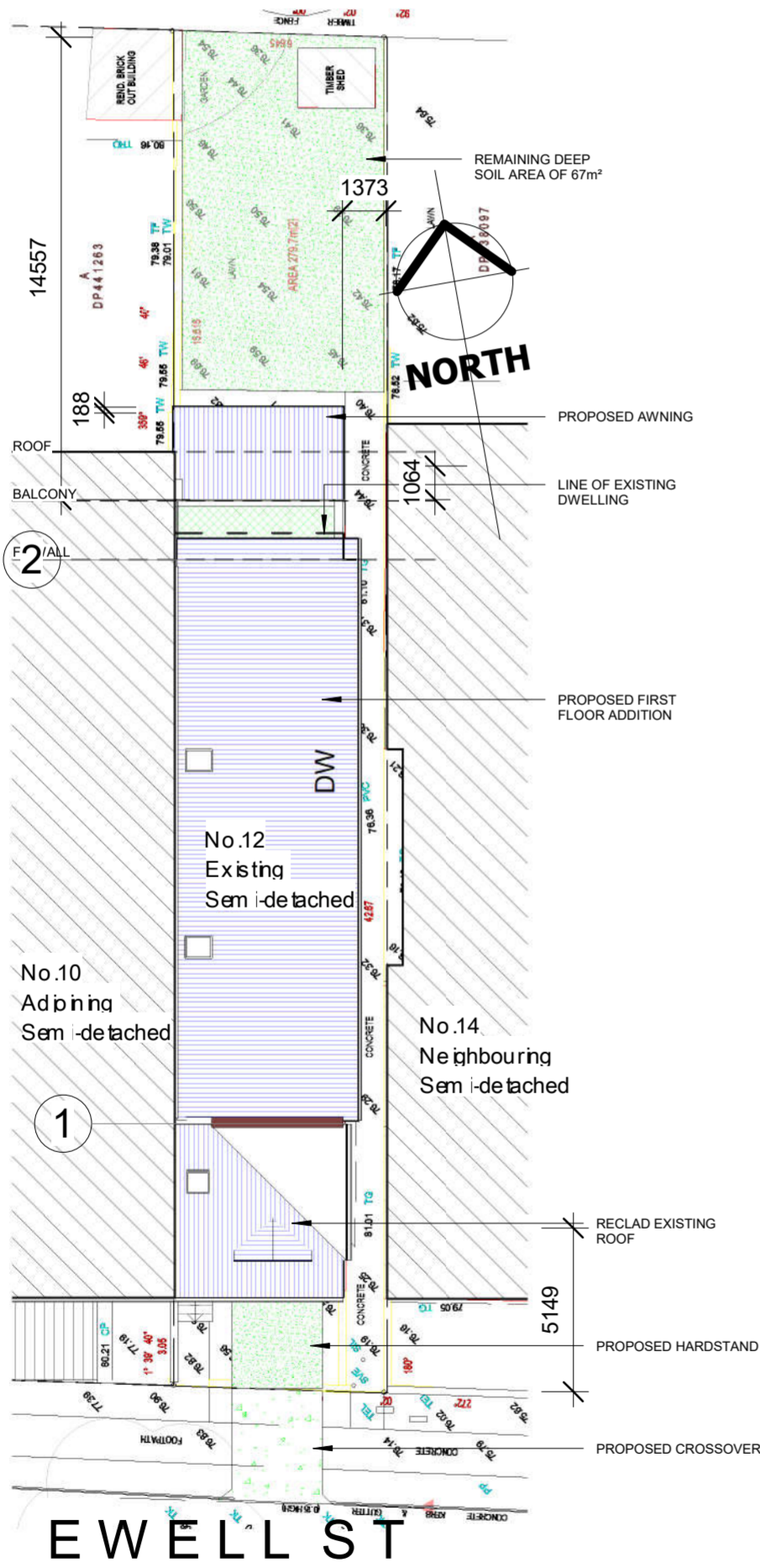
Proposed Additions & Alterations at No.12 Ewell St Bondi



MOB:0414 387 500
www.planahead.com.au
PO BOX 464 BONDI JCT 1355

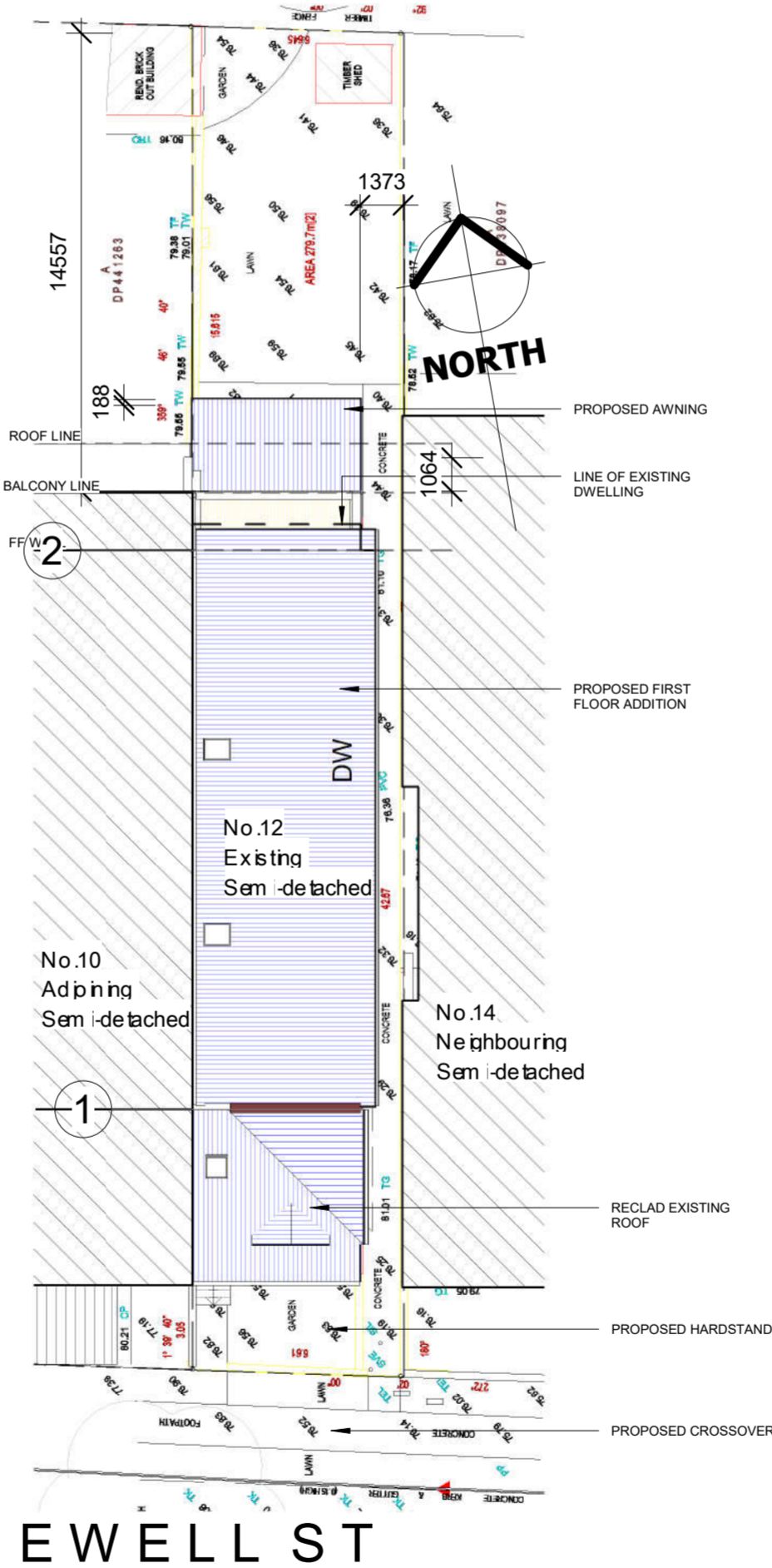
NOTES:
IT IS THE RESPONSIBILITY OF THE OWNERS TO MAKE THEMSELVES THOROUGHLY FAMILIAR WITH ALL DETAILS SHOWN ON THIS PLAN. ALL WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE INDICATED. TIMBER SIZES DO NOT ALLOW FOR MILLING OR SHRINKAGE.
*THESE DIMENSIONS DEPEND ENTIRELY UPON EXISTING MEASUREMENTS AND MUST BE CHECKED ON SITE BEFORE SET OUT. CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING THE WORK SHOWN ON THIS DRAWING. ALL WORK IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL BUILDING CODE AND ALL GOVERNING AUTHORITIES CONCERNED.

SCALE: on A2 sheet 1 : 200 DATE 05/20/19 DRAWN Author DWG No. 280-18 REV 21/05/19



Concept Landscape Plan

1 : 200



Site

1 : 200



1

3D View Front 1

1 : 1

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

3D View No.12- Cars

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A100

Scale



1

3D View Front

1:1

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

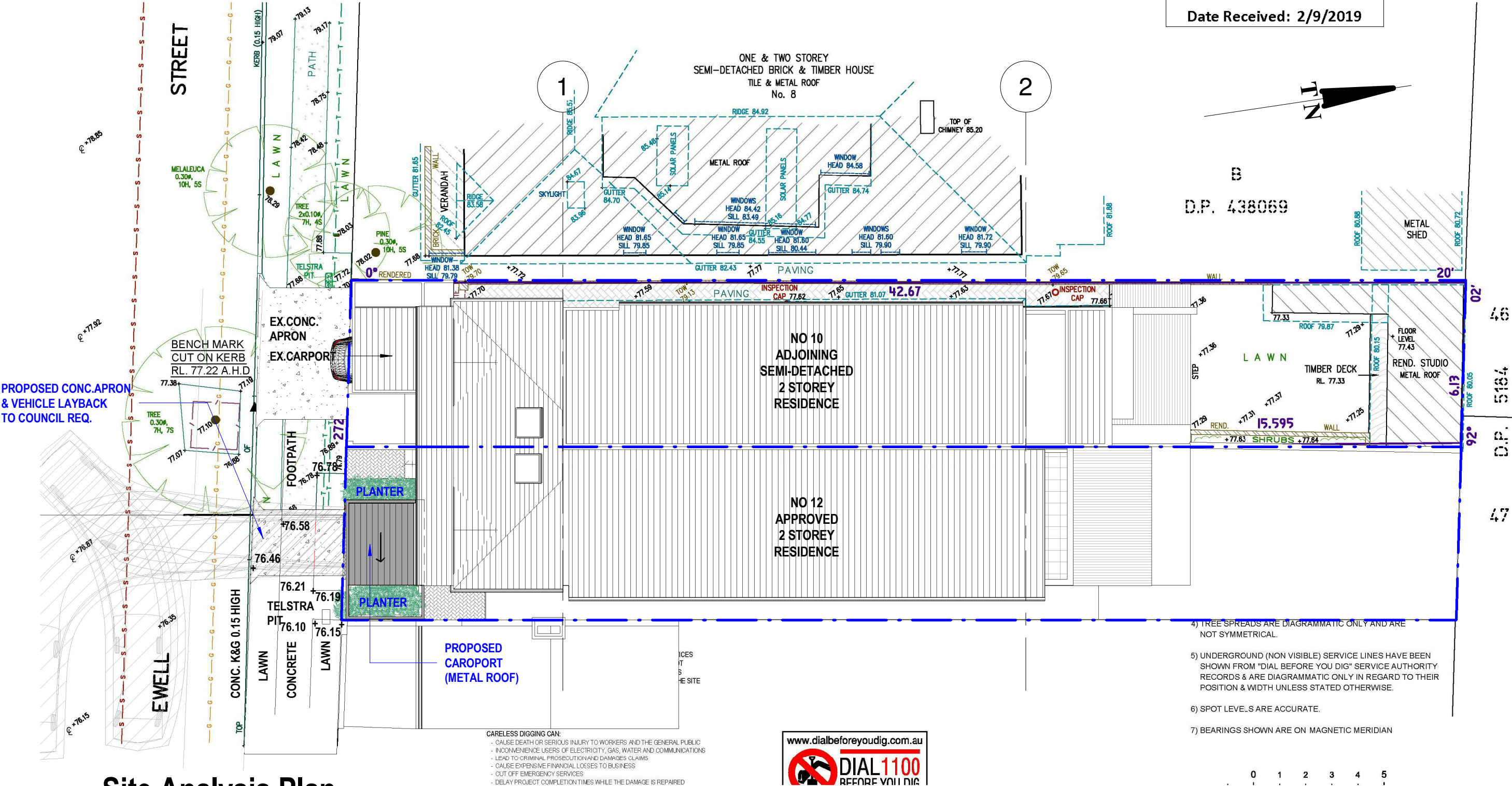
PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

3D View No.12

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A101	
Scale	



- 4) TREE SPREADS ARE DIAGRAMMATIC ONLY AND ARE NOT SYMMETRICAL.
- 5) UNDERGROUND (NON VISIBLE) SERVICE LINES HAVE BEEN SHOWN FROM "DIAL BEFORE YOU DIG" SERVICE AUTHORITY RECORDS & ARE DIAGRAMMATIC ONLY IN REGARD TO THEIR POSITION & WIDTH UNLESS STATED OTHERWISE.
- 6) SPOT LEVELS ARE ACCURATE.
- 7) BEARINGS SHOWN ARE ON MAGNETIC MERIDIAN

1

Site Analysis Plan

1 : 150

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

Site Analysis Plan

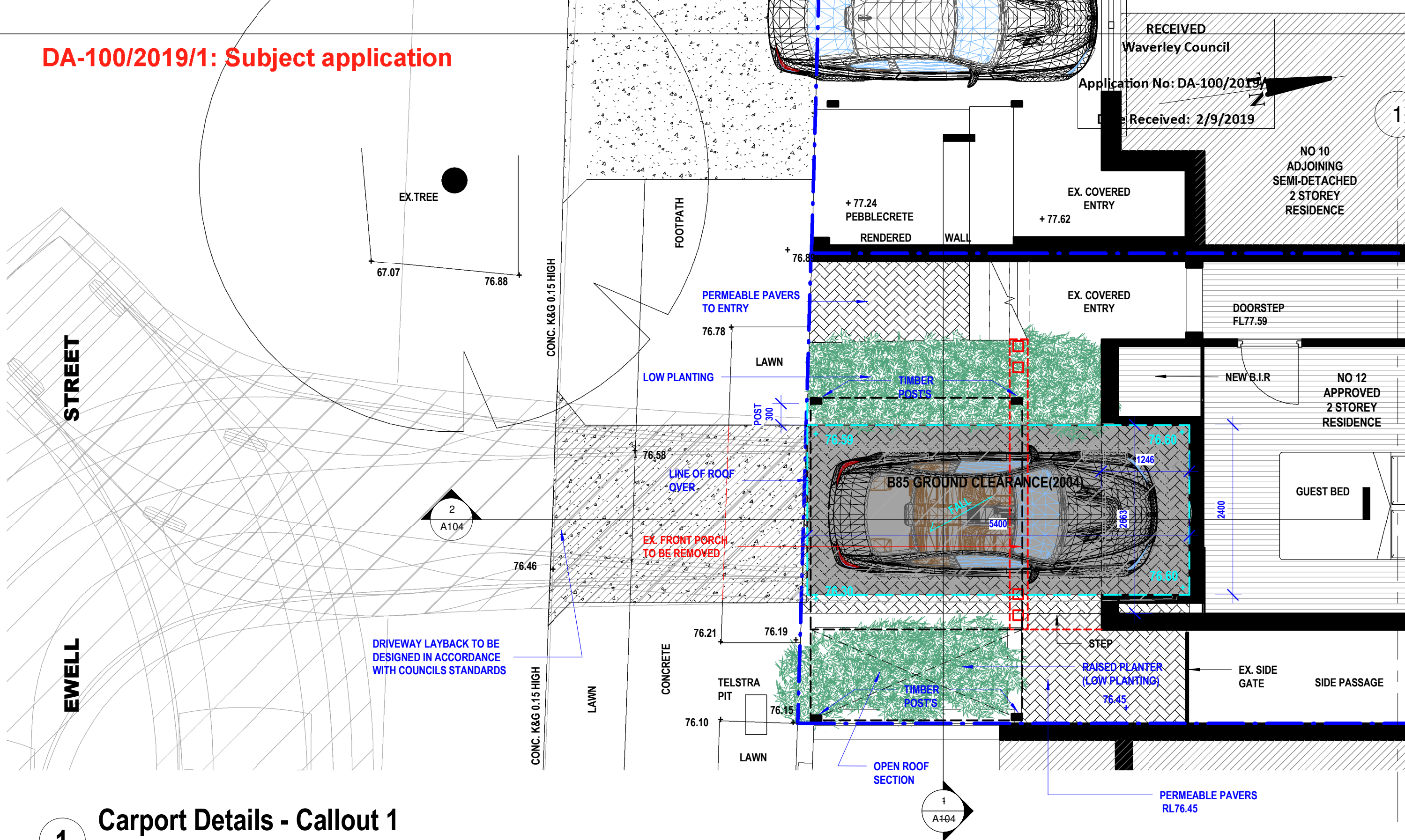
Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A103

Scale

1

DA-100/2019/1: Subject application



1 Carport Details - Callout 1
1 : 50

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

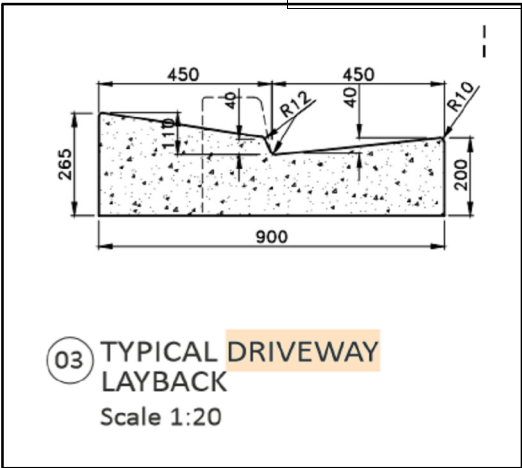
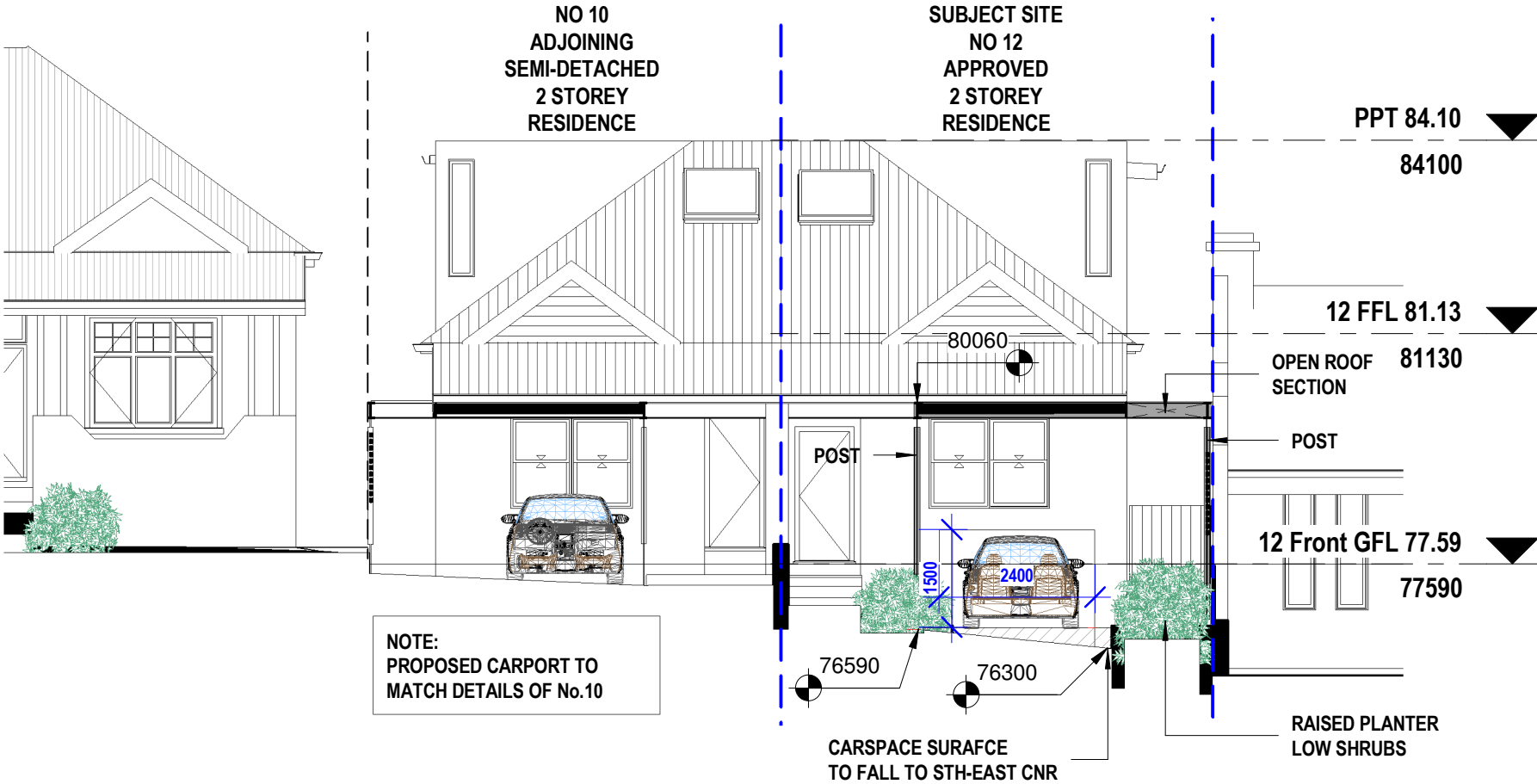
Detailed Carport Plan

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

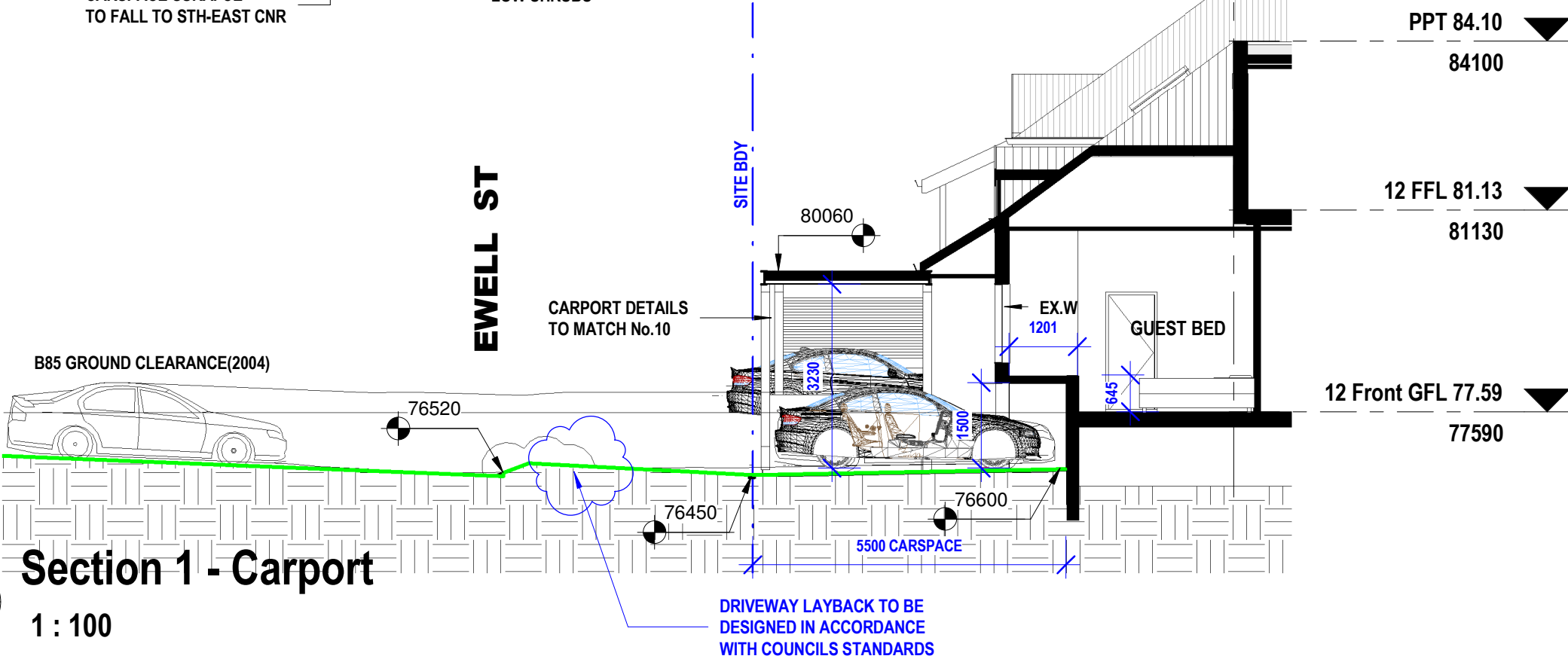
A102

Scale

RECEIVED
Waverley Council
Application No: DA-100/2019/1
Date Received: 2/9/2019



1 Section 3 - Carport
1 : 100



2 Section 1 - Carport
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
1	Revision 1	Date 1

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

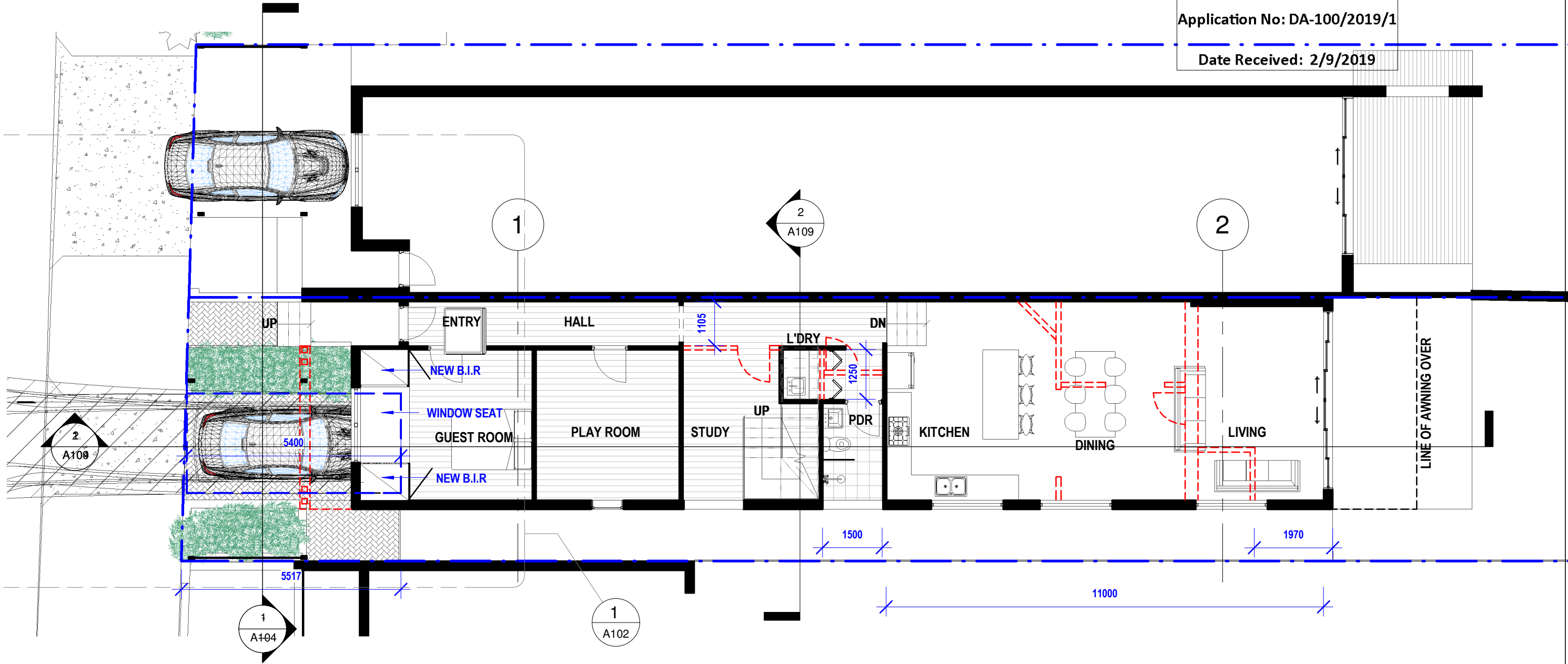
Carport Sections

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A104

Scale 1 : 100

STREET
EWELL



1 12 Front GFL 77.59
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

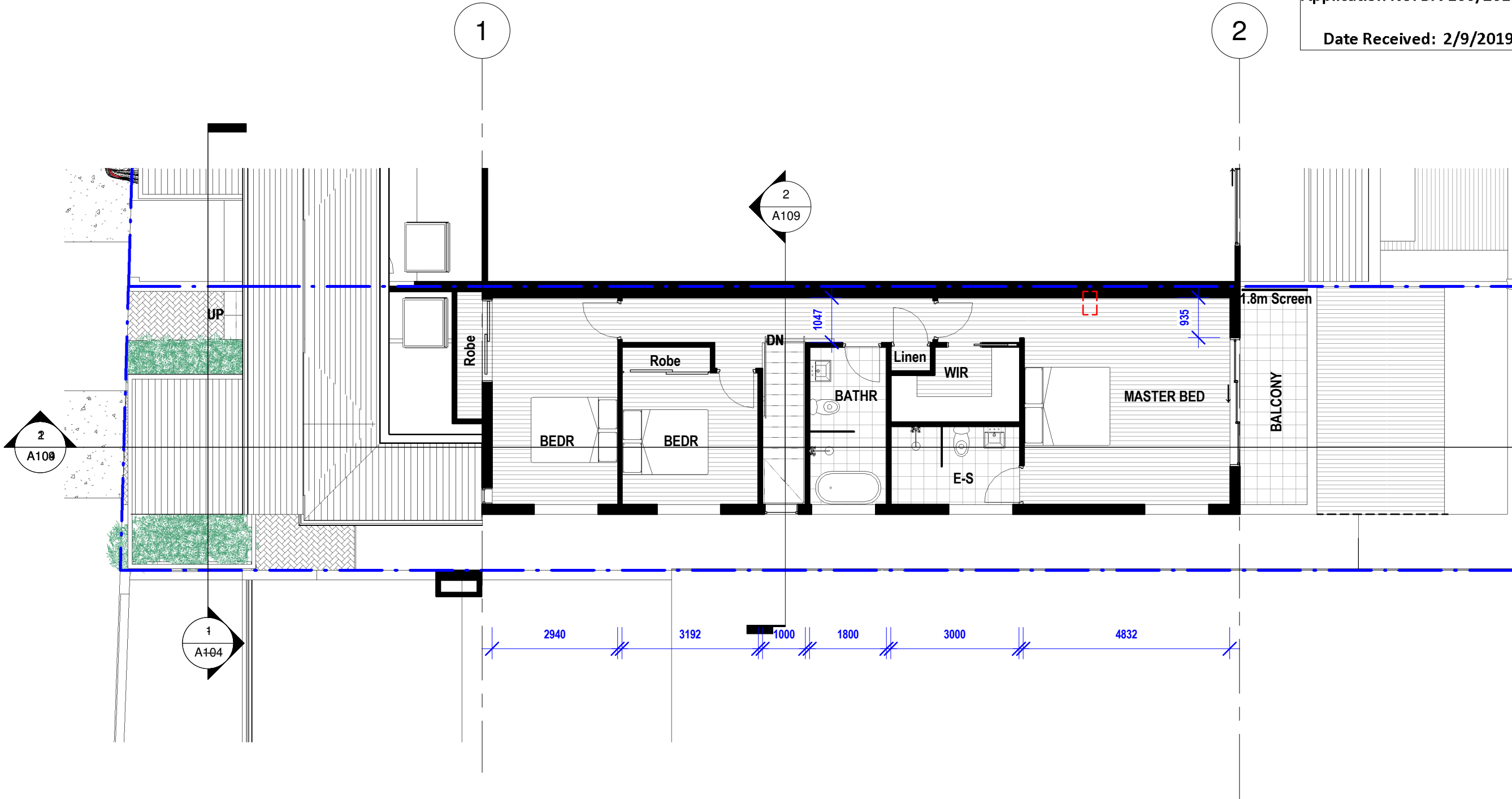
Ground Floor Plan

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A105

Scale

1 : 100



1 12 FFL 81.13
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

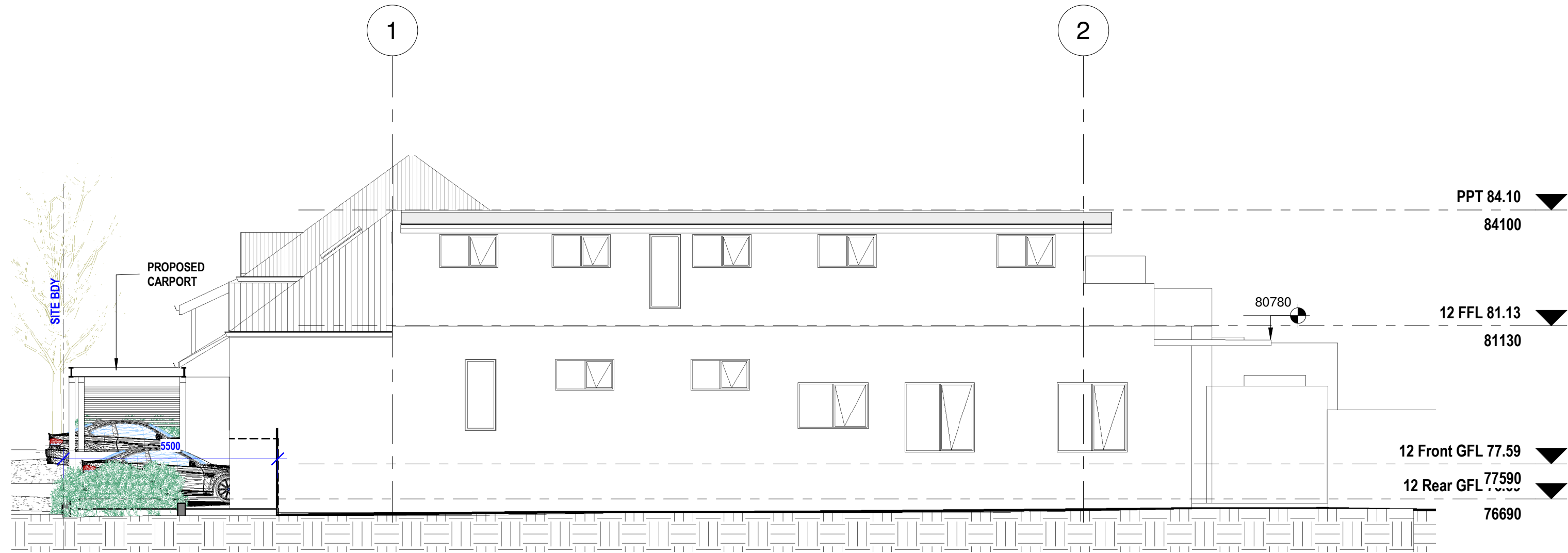
No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

First Floor Plan

Project number	19-64	A106
Date	27-8-19	
Drawn by	KP	
Checked by	JD	
Scale		1:100



1 East Elevation
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

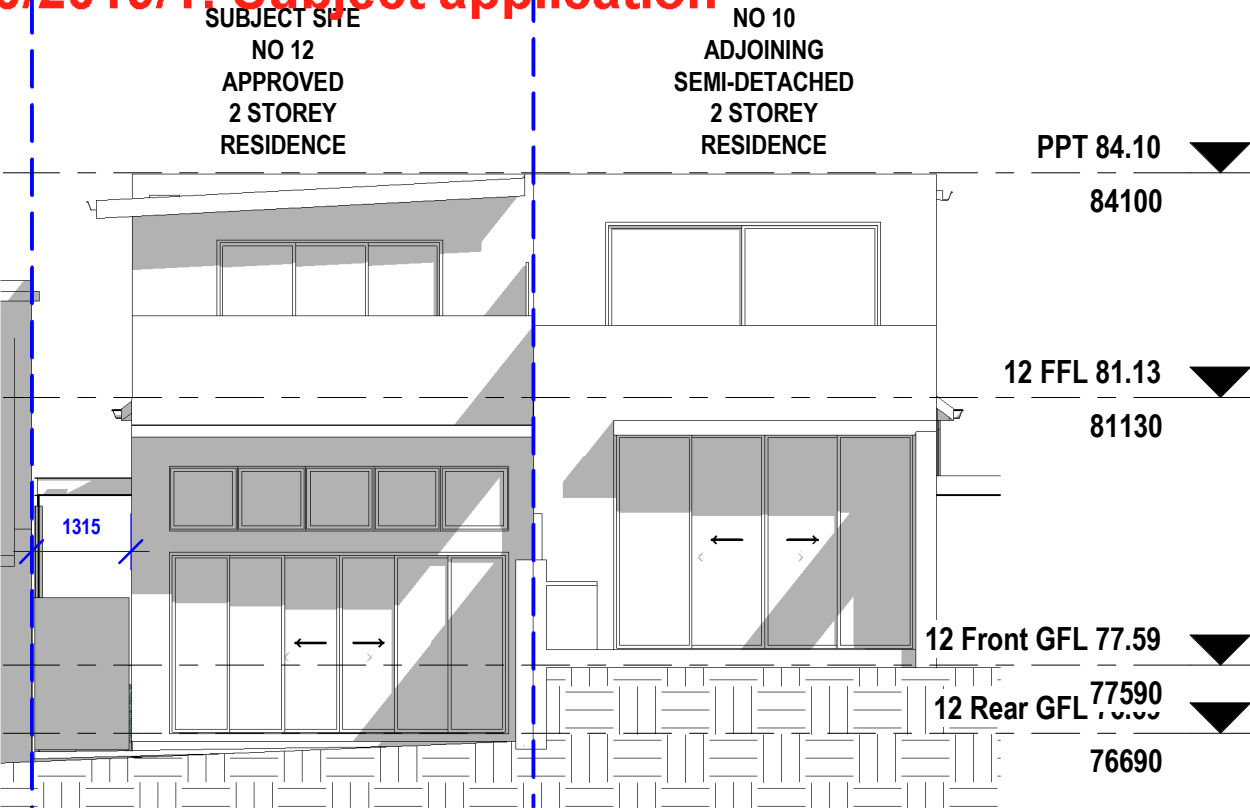
PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

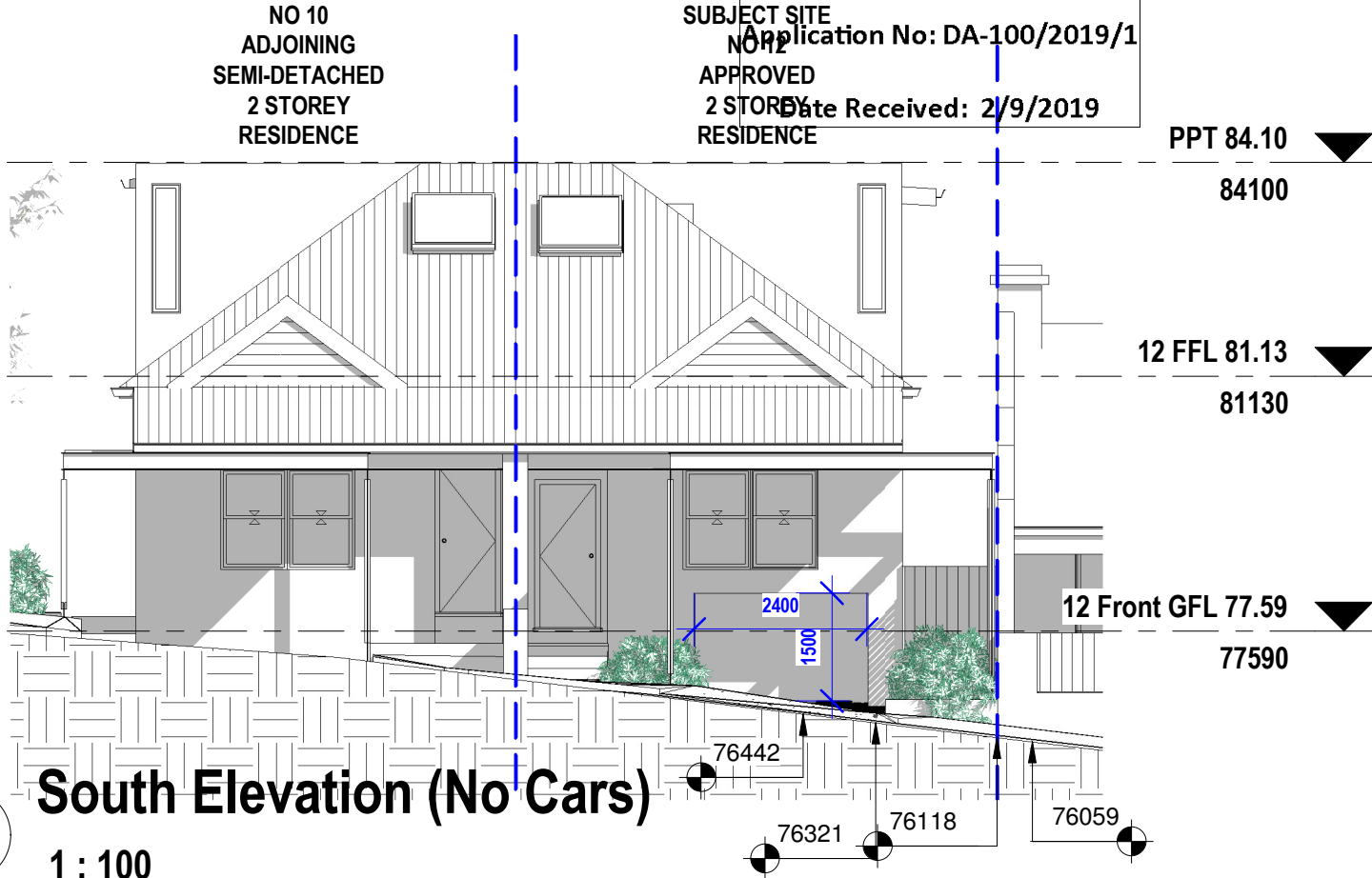
Elevations

Project number	19-64	A107
Date	27-8-19	
Drawn by	KP	
Checked by	JD	
Scale		1 : 100

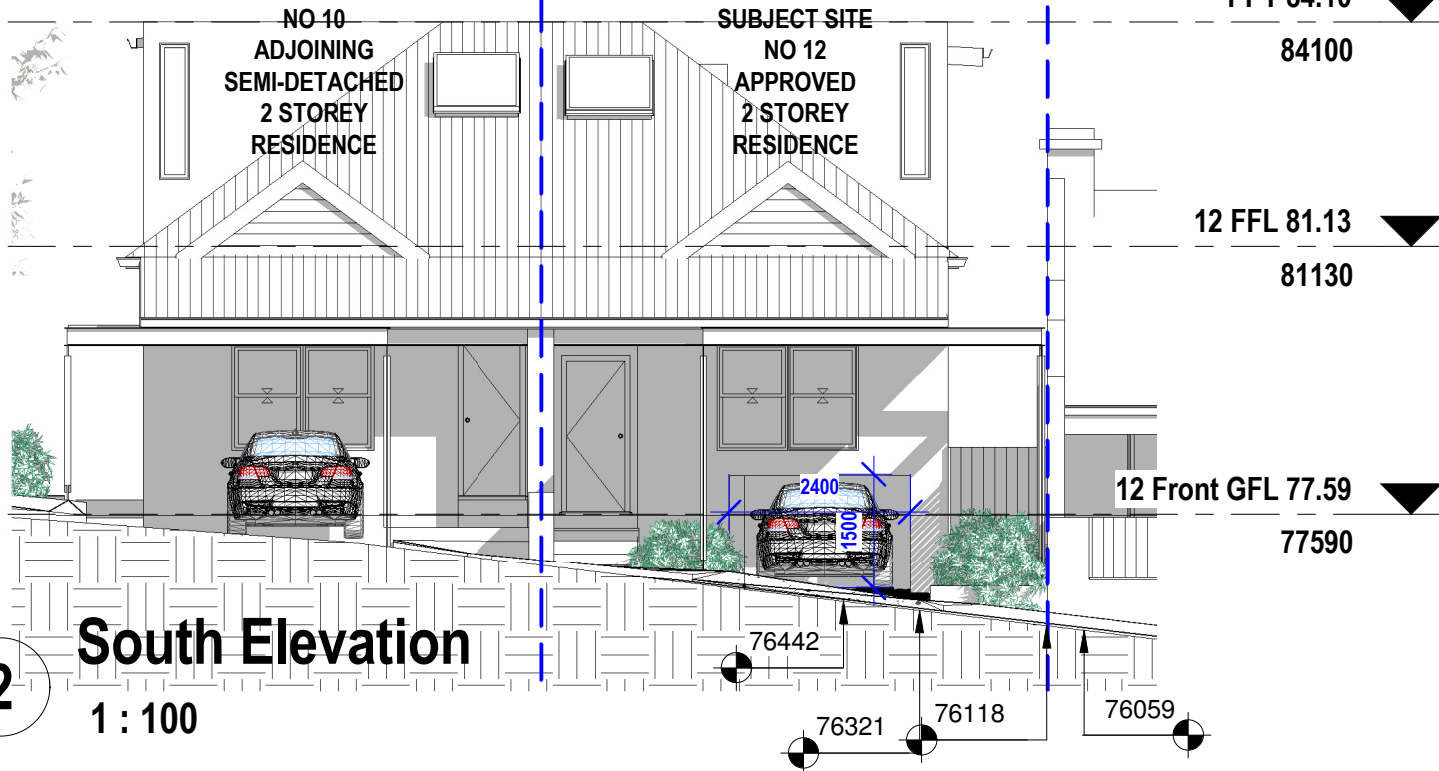
DA-100/2019/1: Subject application



1 North Elevation
1 : 100



3 South Elevation (No Cars)
1 : 100



2 South Elevation
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

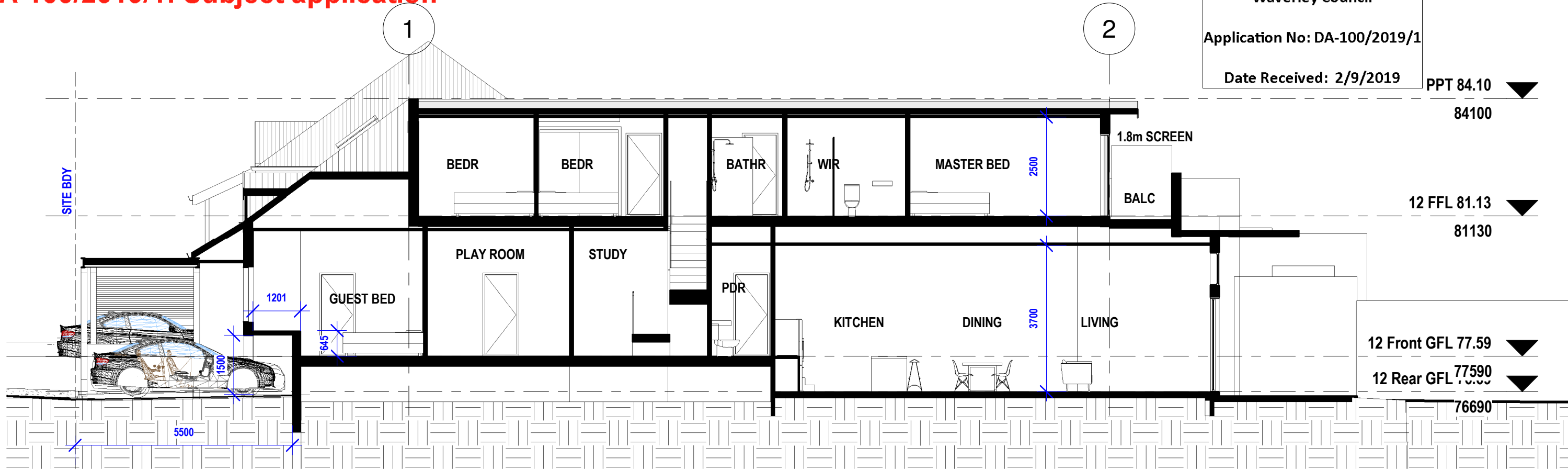
Elevations

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

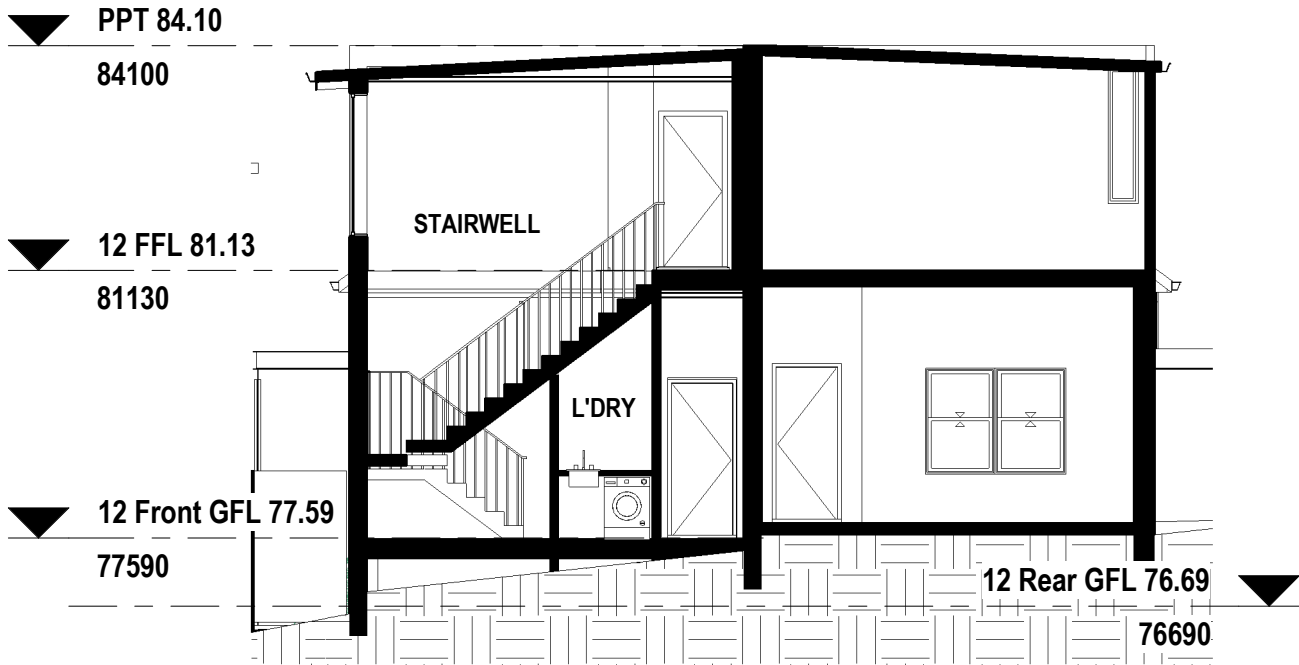
A108

Scale

RECEIVED
Waverley Council
Application No: DA-100/2019/1
Date Received: 2/9/2019



1 Section 1
1 : 100



2 Section 2
1 : 100

Cad Draft P/L

ABN 27 083 288 153
SUITE 4, 670 DARLING STREET,
ROZELLE, NSW
P.O BOX 446 GLADESVILLE 2111

PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date

PROPOSED CARPORT
No.12 EWELL STREET, BONDI
LOT A DP 441263

CLIENT: C/- SOLUTIONS ZANE

Sections

Project number	19-64
Date	27-8-19
Drawn by	KP
Checked by	JD

A109

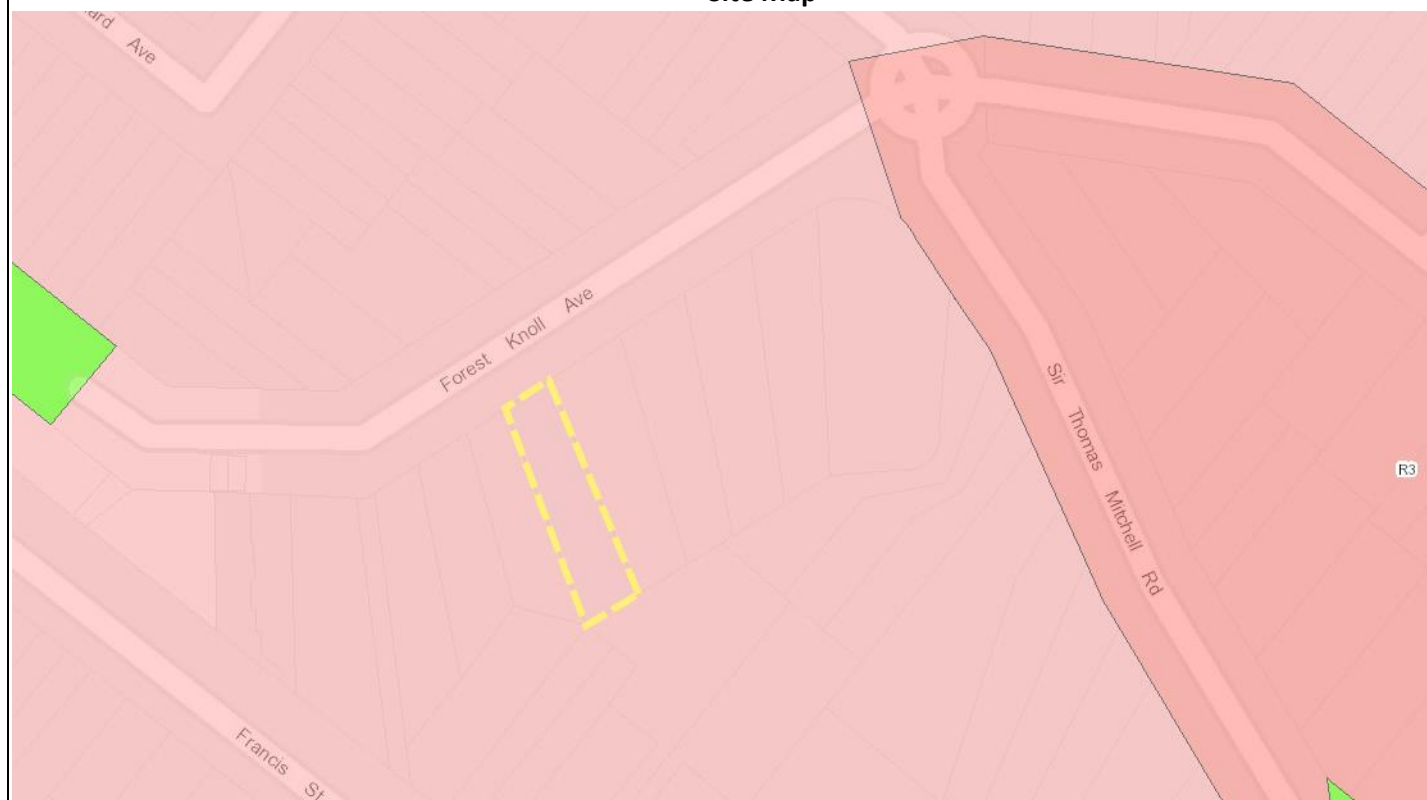
Scale



Report to the Waverley Local Planning Panel

Application number	DA-229/2019
Site address	12 Forest Knoll Ave, Bond Beach
Proposal	Alterations and additions to existing dwelling house including internal reconfiguration, first floor addition and extension to rear
Date of lodgement	17 July 2019
Owner	Dr P M Stewart
Applicant	Jon Johannsen
Submissions	Nil
Cost of works	\$1,192,451
Issues	Exceedance of maximum building height standard, exceedance of wall height control.
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 27 August 2018.

The site is identified as Lot 4 in DP 314208, known as 12 Forest Knoll Ave, Bondi. The site is rectangular in shape with a frontage width of 9.9m. The site has an area of 512.9m² and is slopes steeply up from the front boundary towards the rear by approximately 10.8m.

The site is occupied by a two-storey dwelling house with vehicular access provided from the street to a double garage with terrace over. The lower ground floor is occupied by an existing secondary dwelling.

The locality predominately features two-storey dwelling houses, but some residential flat buildings are present, including on the adjoining site to the west.



Figure 1: Site viewed from the street (purple double garage to frontage)



Figure 2: Rear of the dwelling looking west.

1.2 Relevant History

L-101/2000 Change of use to bed & breakfast for existing single dwelling

Approved – 04/07/2000 – Confirmed existing layout of lower ground floor as a secondary dwelling.

1.3 Proposal

The applicant proposes alterations and additions to the existing dwelling house that include a first floor addition with Dutch-gable roof form and front and rear balconies with associated privacy screens.

Post-lodgement, the assessing officer identified significant deficiencies with the submitted plans including a lack of dimensions and RLs and landscape and open space calculations. Additional information was also sought in the form of justification of proposed front and rear setbacks, a streetscape context elevation and a clause 4.6 exemption request for an exceedance of the building height development standard of the Waverley LEP 2012.

Further, an issue with the proposed bulk of the rear balcony was raised, in that pergola structures to the balcony added unnecessary and incompatible built bulk beyond the rear wall line.

All requested information (requested 28 August 2019) was supplied by the applicant (on 5 September 2019) and the pergola to the rear balcony removed.

Re-notification of the amended plans was not required as the built form or style of the proposal was within scope of that originally notified. The proposal is assessed having regard to the amendments received on 5 September 2019.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP (Affordable Rental Housing) 2009

No change to secondary dwelling.

2.1.4 SEPP (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

- i. as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012; and/or
 - as 'Biodiversity Habitat Corridor' in WDCP2012.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Compatible with character of context.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none">8.5m	No	Proposed = 11.1m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none">0.54:1	Yes	Proposed = 0.48:1
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.1 Relevant consent authority	N/A	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A	N/A
5.5 Development within the Coastal Zone	N/A	N/A

Provision	Compliance	Comment
5.6 Architectural roof features	N/A	N/A
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	Class 5 soils. No significant excavations proposed. Standard condition imposed.
6.2 Earthworks	Yes	No significant excavations proposed, and landforms generally preserved.

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height development standard of 8.5m. The proposed development has a height of 11.1m, exceeding the standard by 2.6m equating to a 30.6% variation.

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

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

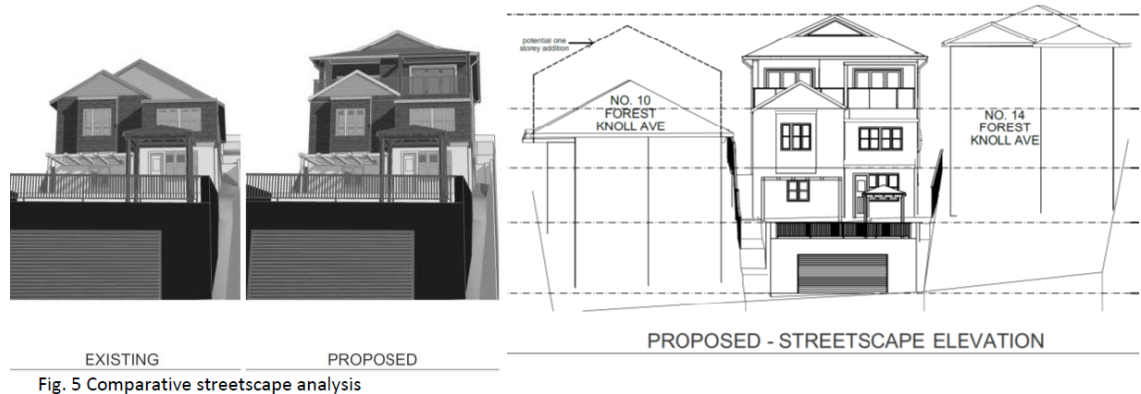
A copy of the applicant's written request has been provided to the Waverley Local Planning Panel for consideration.

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

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

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

1. The proposal demonstrates design excellence and includes architectural elements which ensure the bulk and scale of the building is not excessive, whilst improving outlook, sustainable design and surveillance;
2. The proposal does not visually dominate the streetscape and is consistent with nearby residential developments and the desired future character of the area (refer Fig. 5 – comparative analysis).
3. The existing house at No. 12 is set further back from the street than No.10, so the visual impact of the proposed addition shown in Fig. 5 will actually be further reduced.



- The proposal demonstrates design excellence and includes architectural elements which ensure the bulk and scale of the building is not excessive, whilst promoting view sharing and surveillance;
 - The proposal does not visually dominate the streetscape and is consistent with nearby residential developments and the desired future character of the area (refer to Fig. 5 above);
 - The development will not contribute to significant view loss, privacy issues or overshadowing for residents located in adjacent properties; and
 - The design provides good visual and acoustic privacy in relation to neighbouring properties through balcony screen separation and orientation.
 - The development will not contribute to significant view loss, privacy issues or overshadowing for residents located in adjacent properties; and
 - The design provides good visual and acoustic privacy between units through balcony and courtyard separation and orientation.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- As shown in the information above, based on Cl. 4.6 Exceptions to Development Standards there is adequate planning rationale provided to justify the variation, including:
- The proposal provides additional accommodation for the owners to provide for visits by their extended family including grandchildren;
 - The architectural design and building configuration represent best practice enhancement of the site, enhancing both the environmental quality of the house and amenity of landscaped open space areas;
 - The proposal is considered appropriate given the site's challenging topographic features and limitations;
 - The proposal is complementary to nearby buildings and the desired future character of the area; and
 - The proposed development meets the objectives of Clause 4.3 for the reasons stated above.

Is the Development and the Proposed Variation in the Public Interest?

The proposed development will provide benefits to the owners and their family and has been designed to have minimal impact on adjoining properties and the public domain. It is therefore maintained that the variation has no negative impacts of public interest.

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

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

- a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

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

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

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

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

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the development standard. In particular, the non-compliance is largely due to the slope of the site, an existing lowered ground level for the lower-ground floor level secondary dwelling and a desire to have a consistent and compatible roof form; it does not result from poor design. The proposed height and built form are consistent with the existing and desired future character and the height will be a step down in height from the building to the west, in line with the slope of the street (see applicant's fig. 5 above). The proposed height preserves the amenity of neighbouring development and does not contribute to a loss of privacy for neighbours or a solar access non-compliance. The highest part of the building is set well back from side boundaries and will not be prominently visible from development on either side. The sites to the rear are elevated significantly above the rear of the subject site and the proposed non-compliance will not impede view corridors for these or other sites.

Is the development in the public interest?

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

The relevant objectives of the standard seek to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views, and to ensure that buildings are compatible with the height, bulk and scale of the

desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.

The proposal is consistent with the objectives of the development standard. In particular, the non-compliance results due to the slope of the site, an existing lowered ground level for the lower-ground floor level secondary dwelling and a desire to have a consistent and compatible roof form; it does not result from poor design. The proposed height and built form are consistent with the existing and desired future character and the height will be a step down in height from the building to the west, in line with the slope of the street (see applicant's fig. 5 above). The proposed height preserves the amenity of neighbouring development and will not contribute to privacy, shadowing or dominance impacts.

The relevant objectives of the R2 Low Density Residential zone seek to establish to provide for the housing needs of the community within a low-density residential environment. The proposed is consistent with the objectives of the zone in that the proposal remains a low density development of comparable scale to the existing and desired future residential character. The height will be a step down in height from the building to the west, in line with the slope of the street. The proposed height preserves the amenity of neighbouring development and will not contribute to privacy, shadowing or dominance impacts.

Conclusion

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

2.1.6 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	Condition of consent will be imposed regarding ongoing waste on site. The waste and recycling storage area is located in an area convenient for users of the site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains a rainwater tank, solar panels and a condition will be imposed to ensure that solid fuel heating is not used. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.

Development Control	Compliance	Comment
3. Landscaping and Biodiversity	Yes	<p>The landscaping plan has been reviewed and is considered acceptable, maintaining as much existing vegetation as possible and is cohesive with the site and streetscape.</p> <p>The site does not contain remnant vegetation which are listed as threatened in the Environment Protection and Biodiversity Conservation Act 1999, and in the NSW Biodiversity Conservation Act 2016.</p>
4. Coastal risk management	N/A	N/A
5. Tree preservation	Yes	Trees and removals considered by tree management officer with no issues raised. Standard conditions relating to tree protection recommended.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
7. Accessibility and adaptability	Yes	Generally unchanged.
8. Transport	Yes	Unchanged.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
11. Design Excellence	Yes	Achieved – design compatible with existing building and the character of the context.
14. Excavation	Yes	The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone.

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

The proposal is defined as a “Dwelling House” in the LEP.

Development Control	Compliance	Comment
2.0 General Objectives		
<ul style="list-style-type: none"> • Appropriate scale • Does not detract from amenity of other dwellings or view corridors • ESD has been considered • Alterations & additions are sympathetic in bulk & scale to the character of the area • High design standard 	Yes	The proposal does not contravene the general objectives of this part of the DCP. It is of comparable massing and scale to neighbouring buildings.

Development Control	Compliance	Comment
2.1 Height		
Pitched Roof dwelling house <ul style="list-style-type: none"> Maximum external wall height of 7m 	No	Proposed max. = 7.96m
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	Front and rear setbacks are consistent with neighbouring. Rear setback represents a transition between sites to either side.
2.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	Proposed east = Min. 935mm Proposed west = Min. 900mm (measured to wall line, new upper floor).
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 & proportions of existing dwelling Significant landscaping to be maintained. Porticos only permitted where a character of the streetscape 	Yes	Design and scale compatible with existing dwelling and neighbouring dwellings. Frontage landscaping and open space retained.
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof tops to be non-trafficable unless 	Condition for compliance.	New side facing windows are either frosted, have 1.6m sill heights or are screened by existing side boundary fencing. Timber privacy screens proposed for western side of front and rear balconies – condition for lower height (1.6m) to minimise bulk. Also condition for privacy screens to eastern side of front and rear balconies are recommended for imposition.

Development Control	Compliance	Comment
predominant in the immediate vicinity		
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 Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	Site's north-south orientation and positioning of neighbouring development allow for preservations of min. 3hrs direct sunlight on 21 June.
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. 	Yes	No view corridors have been identified as being impeded. Dwellings to the rear significantly higher.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	Yes	<p>Proposed open space = 77%</p> <p>Proposed landscaped area = 25.6%</p> <p>Front yard unchanged</p> <p>Room for clothes drying within the rear.</p>
2.16 Secondary dwellings and ancillary buildings		
<p>2.16.1 - Secondary dwellings</p> <ul style="list-style-type: none"> Comply with Clause 5.4(9) of the LEP. Read as a secondary structure If not to a laneway be max 3m in height 	N/A	No change to lower ground floor secondary dwelling.

The proposal involves a wall height up to 7.96m. The Waverley DCP 2012 sets maximum wall heights at 7m for the proposal.

The proposed non-compliance is not inconsistent with the relevant objectives of the Waverley DCP 2012 and will result in no significant adverse impacts in terms of streetscape character or residential amenity. The non-compliance results, in-part, from the site's step slope down from the rear to front boundaries and not from poor design or excessive floor to ceiling heights. The majority of the length of the walls will comply with the control and the non-compliant portions will comply with the side setback control of the Waverley DCP 2012. The wall heights do not contribute to a loss of privacy for neighbouring sites and the proposal will comply with the solar access requirements for neighbouring development. The wall heights, when viewed from the street, will be consistent with the wall heights of existing development to the west and will be comparable, should an additional level be added to the site to the east in the future.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 Tree Management

A site inspection was carried out on 25 July 2019

Impacts on Existing Trees and Vegetation:

- Situated on the above property were several species of trees, it was noted that the trees will not be impacted by the alterations and additions to the dwelling house.

- Situated in the rear of the property was one *Elaeocarpus reticulatus* (blueberry ash) tree, it was noted that the tree possesses no outstanding attributes worthy of retention (due to poor health, poor structure) and its removal is supported.

Recommendation

- Landscape plan prepared by Paul Scrivener Landscape Architecture, issue; D. Date: 27/06/2019 is satisfactory and should be used as the approved landscape plan.

3.2 Stormwater – Creating Waverley

The stormwater plans prepared by Partridge Hydraulic Services, Job No. 2019H0042, DWG No. SWDA 1.2 (Revision P3), dated May 2019 have been checked and considered **satisfactory** with respect to stormwater details.

4. SUMMARY

The application is for alterations and a first floor addition to a single dwelling house. A clause 4.6 variation is sought due to a non-compliance (30.6%) with the building height standard in clause 4.3 of the Waverley LEP 2012. The proposal also exceeds the maximum wall height control of the Waverley DCP 2012. The proposal is considered suitable due to the built form's compatibility with the existing and desired future character, and the exceedances generally occurring due to the site's slope and the need to measure ground level from the existing lower ground floor level, and not due to poor design.

There were no general submissions or councillor submissions received. No conflict of interest was declared.

The proposal is considered to be consistent with the relevant assessment criteria and will result in no significant adverse impacts, subject to conditions. Therefore, it is recommended that the clause 4.6 variation be granted and that the application be **approved**.

DBU Recommendation

The application and assessment report was reviewed by the DBU at the meeting on 8 October 2019 and the DBU determined:

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

DBU members: M Reid, A Rossi, B McNamara

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:



Jonathan Blackmore
Development Assessment Planner

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



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

Date: 2 October 2019

Date: 9 October 2019

Reason for referral:

- 1 Conflict of interest – Applicant is a member of Council’s Design Excellence Panel.
- 3 Departure from the building height development standard in an EPI by more than 10% (30.6% exceedance).

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Architectural Plan DA07 to DA09 and DA11 to DA14 Rev. B, prepared by Architects Johannsen + Associates, dated 3 September 2019, and received by Council on date 5 September 2019;
- (b) Landscape Plans sheets 1 to 4 Issue D, prepared by Paul Scrivener Landscape Architecture, dated 27 June 2019;
- (c) BASIX certificate;
- (d) Stormwater Details and documentation prepared by Partridge Hydraulic Services, Job No. 2019H0042, DWG No. SWDA 1.2 (Revision P3), dated May 2019; and
- (e) Schedule of external finishes and colours received by Council on 5 September 2019.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

- (a) Privacy screens are to be provided on the side elevations of the first floor rear and front balconies and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be 1.6m high when measured from the finished floor level of the balconies.

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

3. ALTERATIONS AND ADDITIONS ONLY

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

4. BONDI - ROSE BAY SAND BODY

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

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

5. TREE PRESERVATION

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

6. APPROVED USE -DWELLING HOUSE

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

8. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$26,650 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

10. LONG SERVICE LEVY

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

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.

11. HOARDING REQUIRED

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

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

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

12. EROSION & SEDIMENT CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

14. ENGINEERING DETAILS

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

15. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

16. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2012 - Part B prior to the issue of a Construction Certificate.

17. BASIX

The undertakings provided in the BASIX Certificate documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

18. SOLID FUEL HEATING

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

19. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Be located behind the front building line and if visible suitably screened
- (b) Not be adjacent to neighbouring bedroom windows.
- (c) Not reduce the structural integrity of the building.
- (d) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
- (e) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- (f) (ii) before 7.00am and after 10.00pm on any other day.
- (g) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (h) Have sufficient manual or automated controls so it is used only when required;
- (i) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (j) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (k) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

20. TREE PRUNING ON ADJOINING PROPERTIES

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

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

21. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

22. PRIOR TO SITE WORKS

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

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

23. HOME BUILDING ACT

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

24. CONSTRUCTION SIGNS

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

25. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

26. COMPLIANCE WITH SAFE WORK NSW

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

27. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

28. DEMOLITION & SITE PREPARATION

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

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

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

30. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

31. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

32. EXCAVATION AND BACKFILLING

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

33. EXCAVATION BELOW FOOTINGS

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

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

34. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

36. TEMPORARY DIVERSION OF ROOF WATERS

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

37. NATIONAL CONSTRUCTION CODE (NCC)

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

38. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSE including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) shoring of excavation works, retaining walls, piers, piling or underpinning works;

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

39. CERTIFICATE OF SURVEY – LEVELS

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

40. SERVICE PIPES

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

41. TREES PERMITTED TO BE REMOVED

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

<u>Tree Species & approx. height</u>	<u>Location</u>	<u>To be replaced with</u>
Elaeocarpus reticulatus (Blueberry Ash)	Rear of site	N/A

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

42. 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.

43. WORK OUTSIDE PROPERTY BOUNDARY

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

44. NO WORKS BEYOND BOUNDARIES

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

45. FINAL OCCUPATION CERTIFICATE

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

46. STORMWATER MANAGEMENT

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

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

47. LIGHTING

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

48. STREET NUMBER/S

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

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019



PHOTOGRAPH



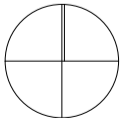
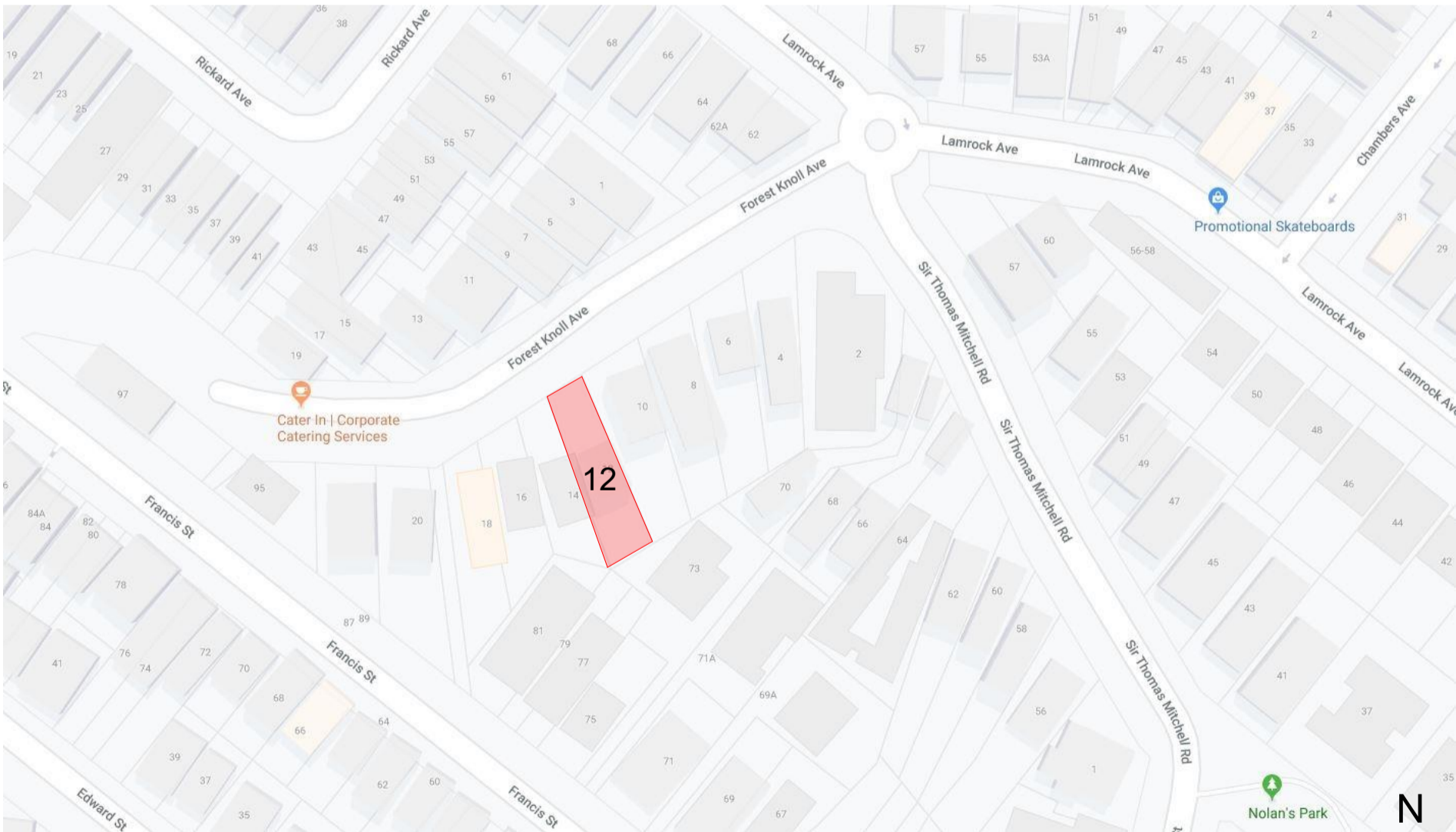
EXISTING



PROPOSED

Alterations + Additions

12 Forest Knoll Ave Bondi, NSW



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
COVER

SCALE:
NOT TO SCALE

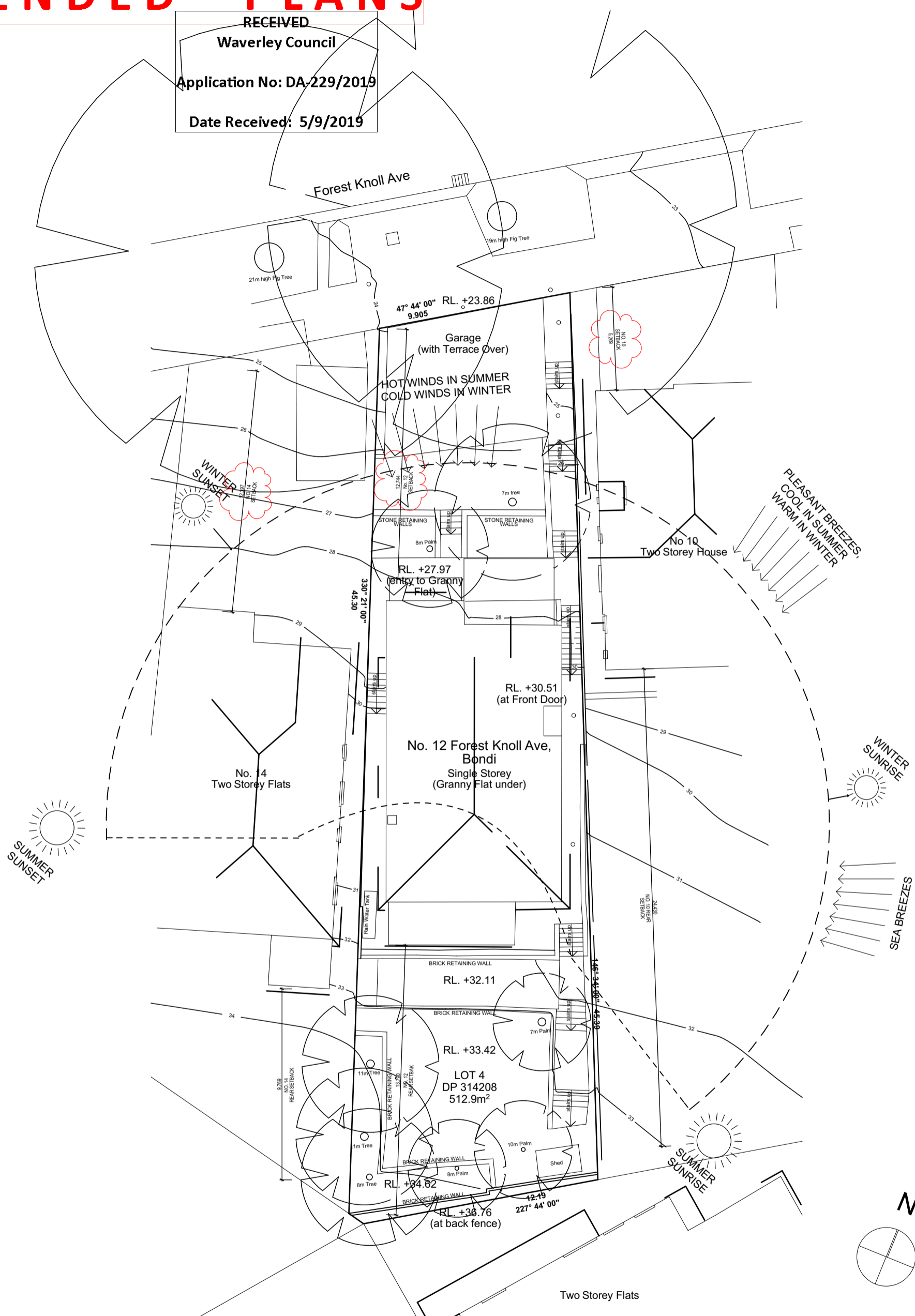
PROJECT NAME:
12 Forest Knoll Ave
Bondi, NSW

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA01
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019



SITE ANALYSIS

1:200



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION SITE ANALYSIS

SCALE:
1:200 @ A3

PROJECT NAME :

**12 Forest Knoll Ave
Bondi, NSW**

CLIENT :
Vanessa White and Peter Stewart

DRAWING NUMBER:

DA02

REVISION:

B

REV:	DATE:	DESCRIPTION:
A	20.06.2019	DEVELOPMENT APPLICATION
B	03.09.2019	DEVELOPMENT APPLICATION

DRAWN BY:
AS

CHECKED BY:
J.J.

PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14

S-02

S-02

Fall 30°

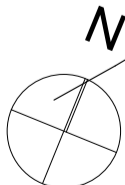
Fall 30°

Glass Roof

11.995
REAR
SETBACK

2.254

EXISTING ROOF PLAN
1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
EXISTING ROOF PLAN

SCALE:
1:100 @ A3

PROJECT NAME:
12 Forest Knoll Ave
Bondi, NSW

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA03
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

REVISION:
B

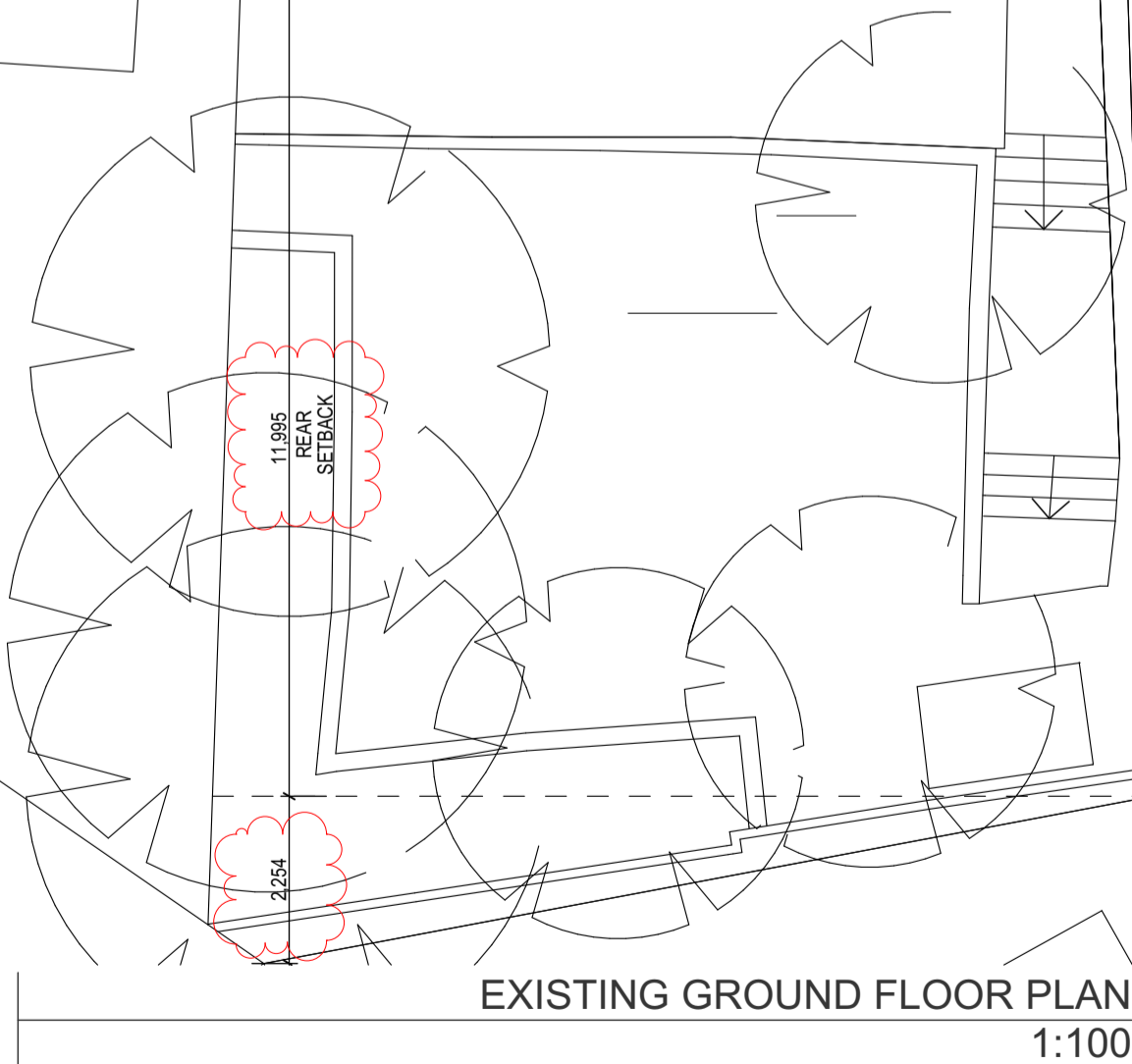
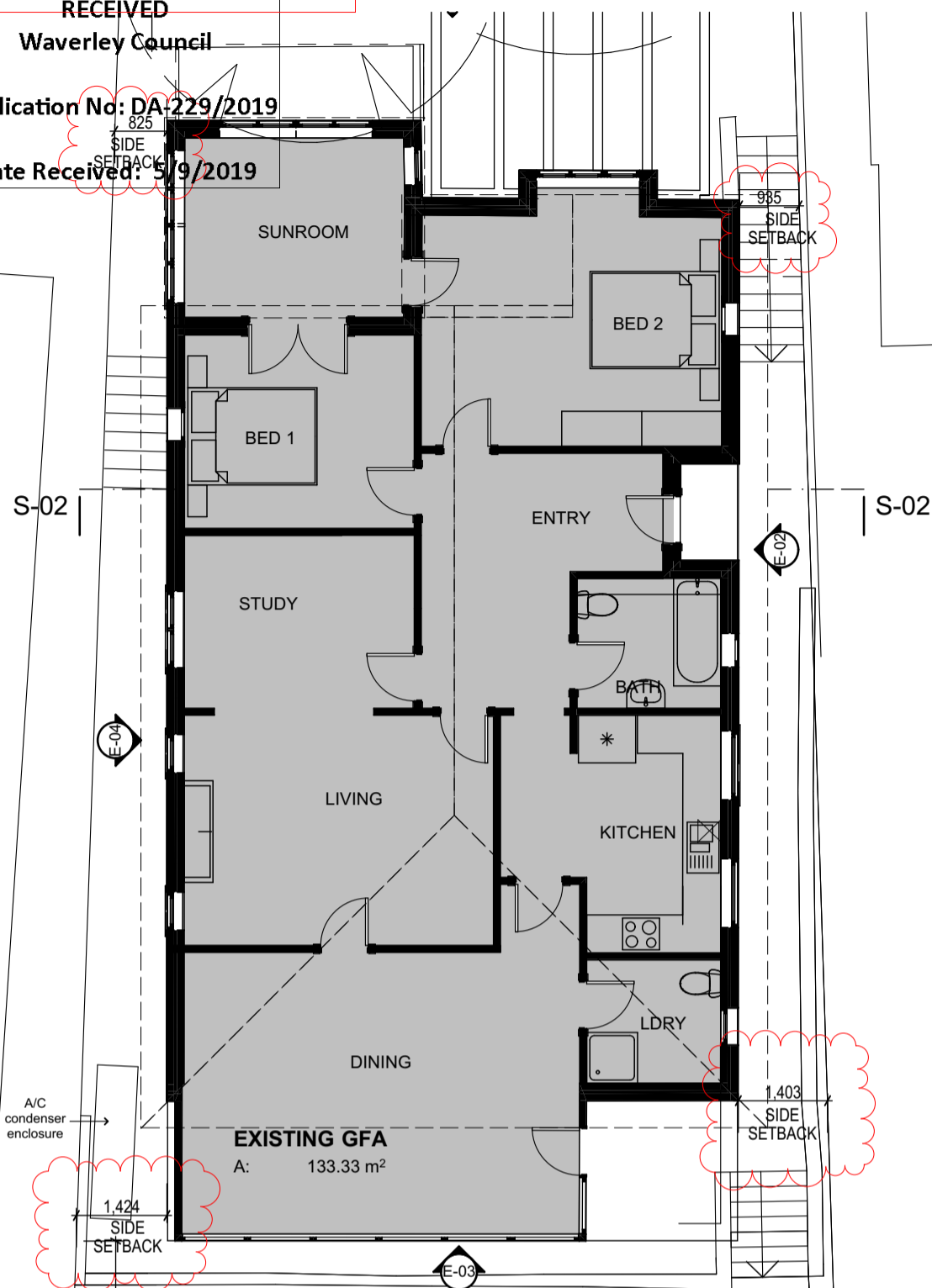
DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION EXISTING GROUND FLOOR PLAN

SCALE:
1:100 @ A3

PROJECT NAME:
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA04

REVISION:
B

REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

FOREST KNOLL AVE

GARAGE

GARAGE

TWO STOREY
No. 10

12.760
FRONT SETBACK
TO HOUSE

825
SIDE
SETBACK

GRANNY FLAT

EXISTING GFA
A: 30.89 m²

985
SIDE
SETBACK

S-02

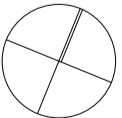
1.027

S-02

E-02

LOWER GROUND FLOOR
1:100

N



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
**EXISTING LOWER GROUND
FLOOR PLAN**

SCALE:
1:100 @ A3

PROJECT NAME :
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT :
Vanessa White and Peter Stewart

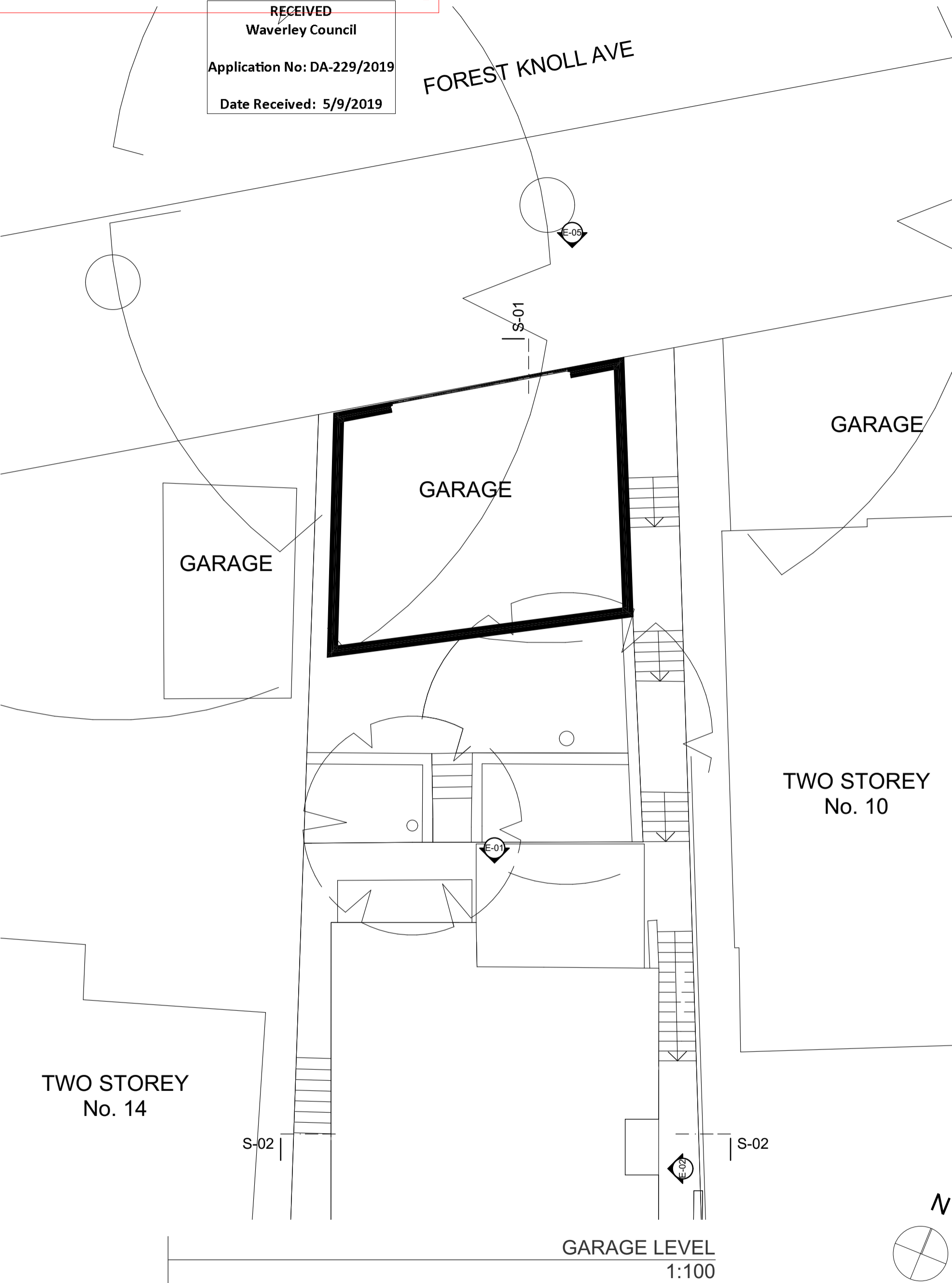
DRAWING NUMBER:
DA05
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

FOREST KNOLL AVE



GARAGE LEVEL
1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
**EXISTING GARAGE LEVEL
PLAN**

SCALE:
1:100 @ A3

PROJECT NAME:
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA06

REVISION:
B

REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS

CHECKED BY:
JJ

PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14

S-02

S-02

E-04

E-02

FALL 25°

FALL 25°

FALL 25°

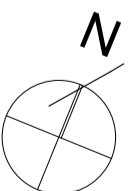
E-03

11.895
REAR
SETBACK

2.254

PROPOSED - ROOF PLAN

1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
PROPOSED ROOF PLAN

SCALE:
1:100 @ A3

PROJECT NAME:

**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA07

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DESCRIPTION:

DRAWN BY:

AS

CHECKED BY:

JJ

PROJECT NUMBER:

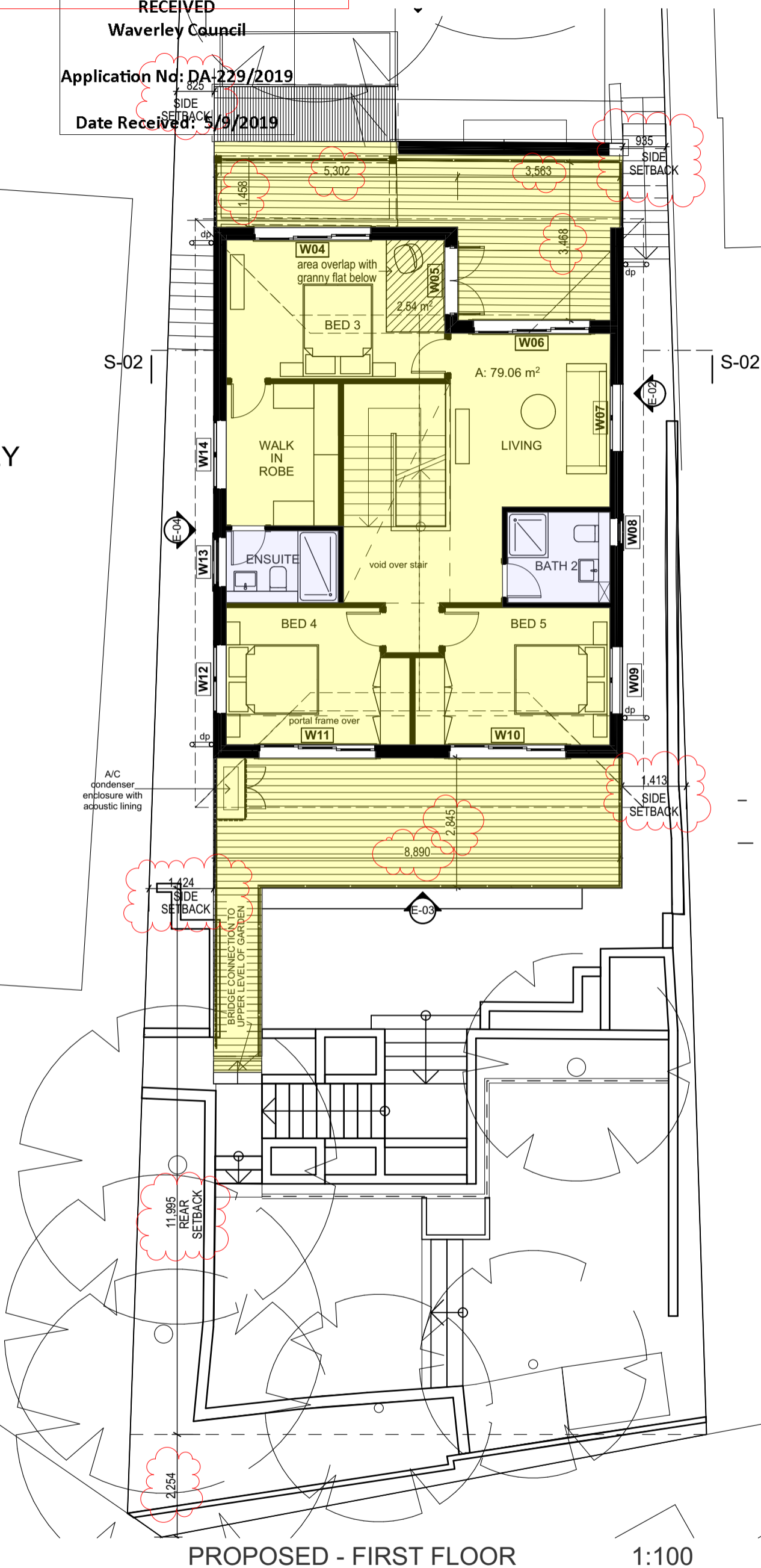
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PROPOSED FIRST FLOOR PLAN

SCALE:
1:100 @ A3

PROJECT NAME:
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA08

REVISION:
B

REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS

CHECKED BY:
JJ

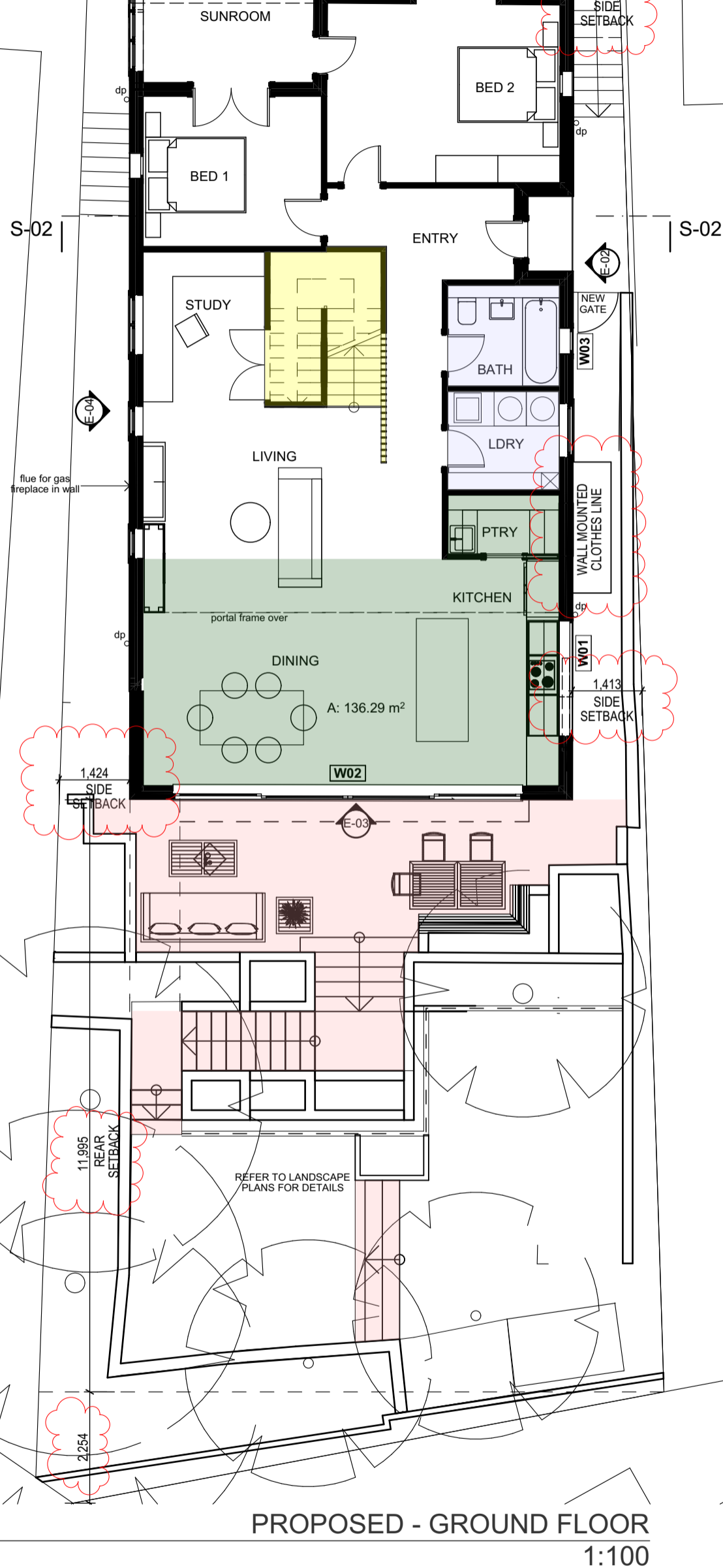
PROJECT NUMBER:
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PROPOSED GROUND FLOOR PLAN

SCALE:
1:100 @ A3

PROJECT NAME:

12 Forest Knoll Ave
Bondi, NSW

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA09

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

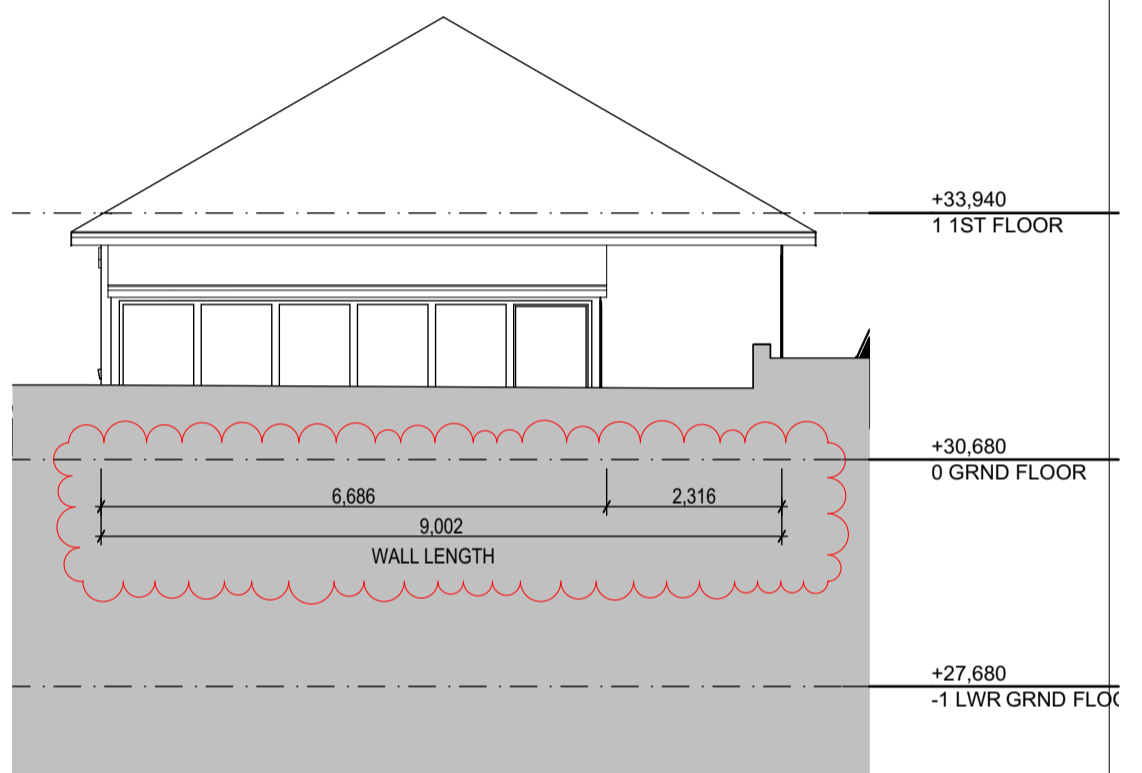
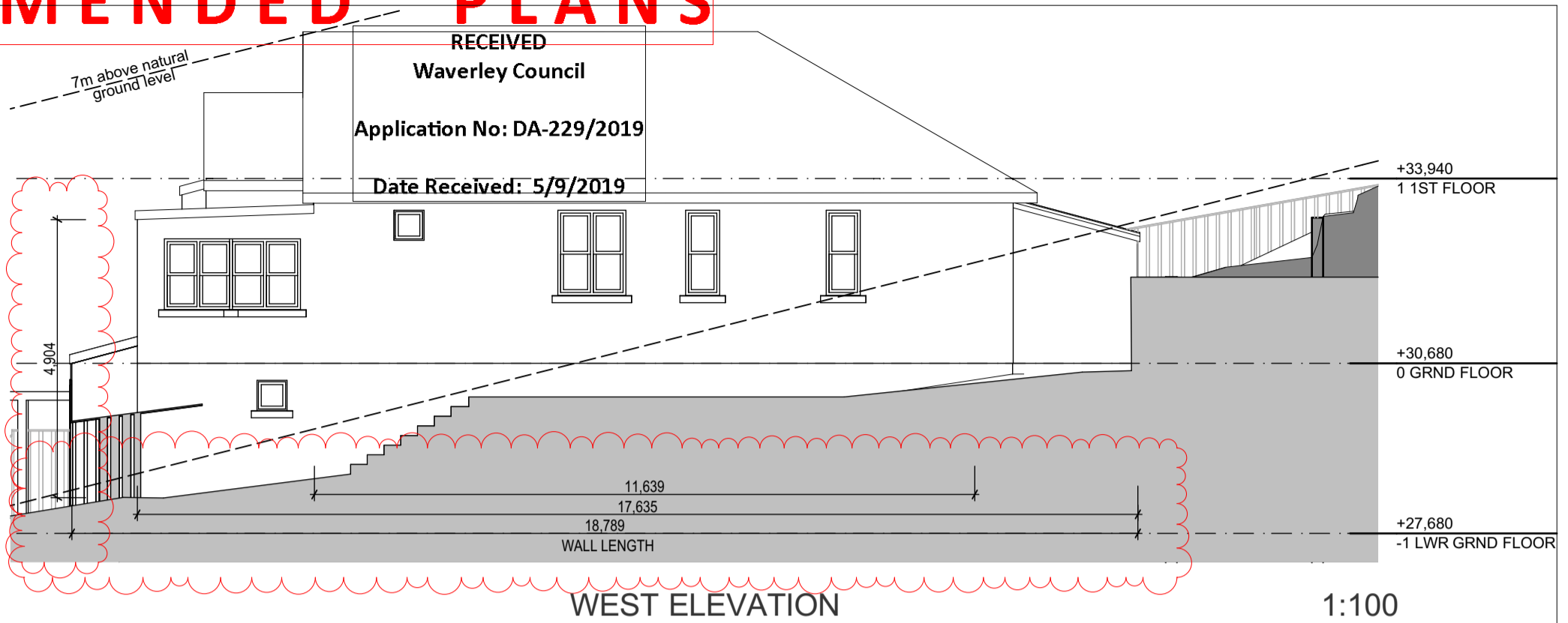
CHECKED BY:

JJ

PROJECT NUMBER:

1732

AMENDED PLANS



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION EXISTING ELEVATIONS

SCALE:
1:100 @ A3

PROJECT NAME:

12 Forest Knoll Ave
Bondi, NSW

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA10

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

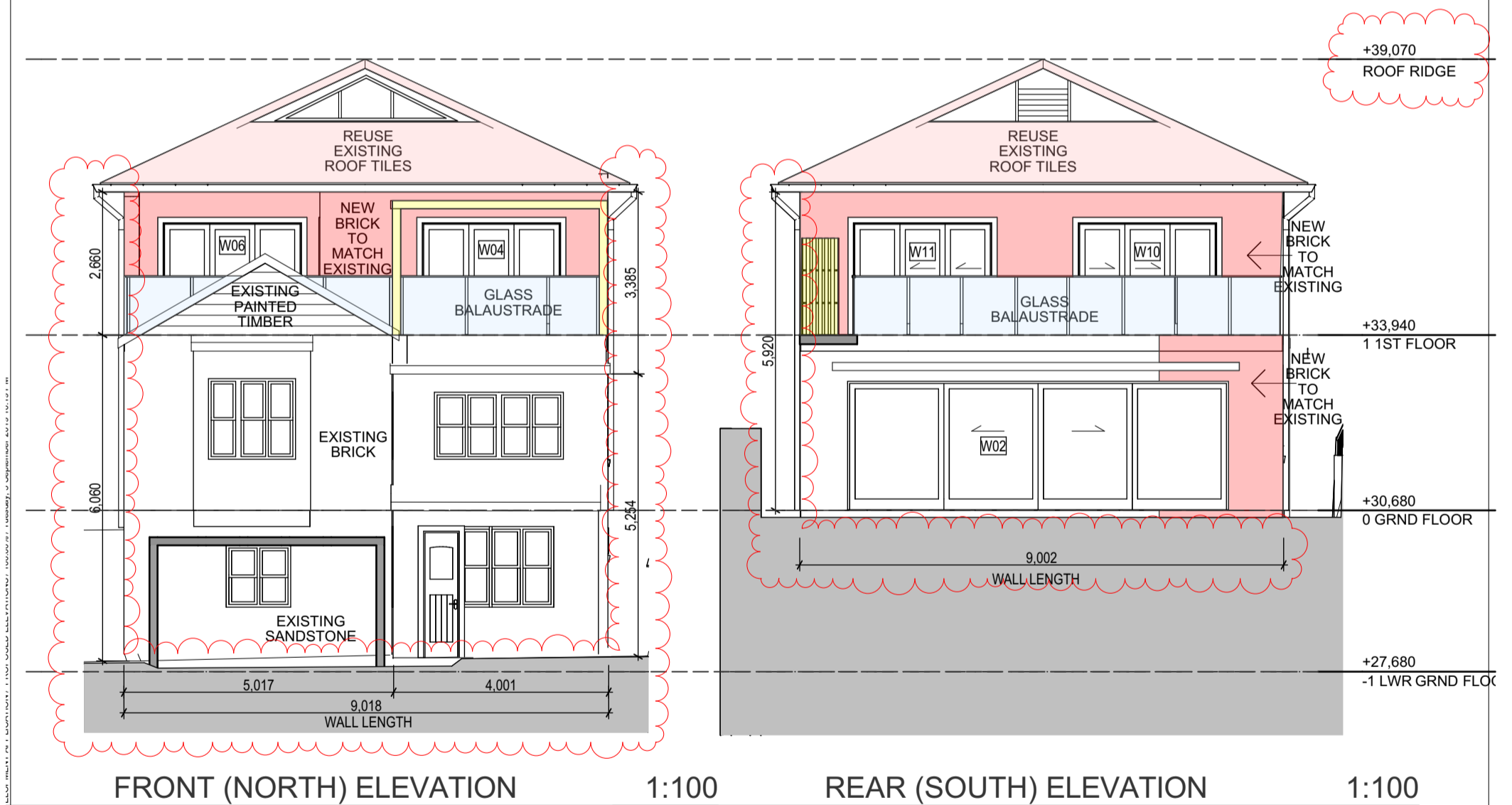
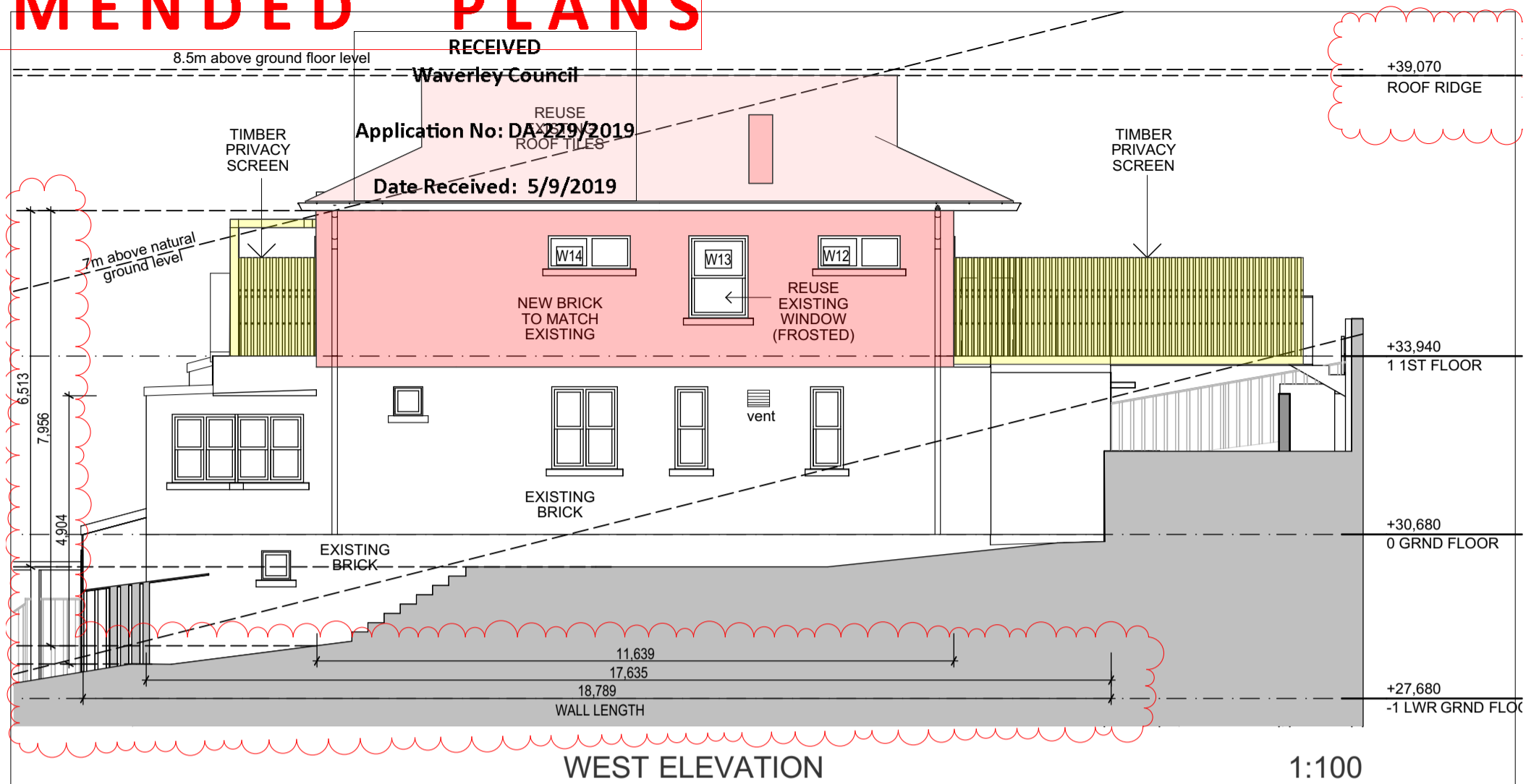
CHECKED BY:

JJ

PROJECT NUMBER:

1732

AMENDED PLANS



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PROPOSED ELEVATIONS

SCALE:
1:100 @ A3

PROJECT NAME:

**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA11

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

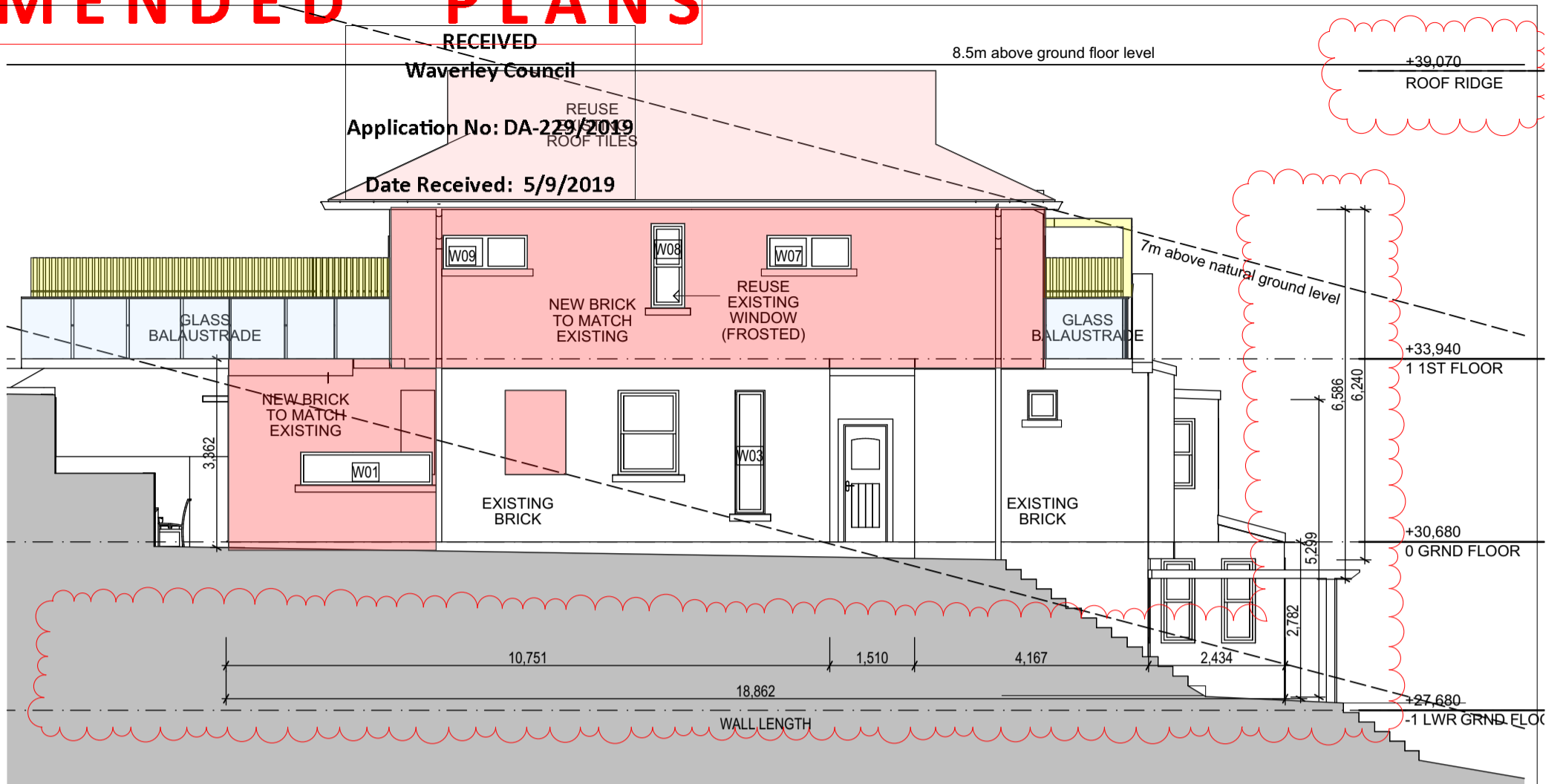
CHECKED BY:

JJ

PROJECT NUMBER:

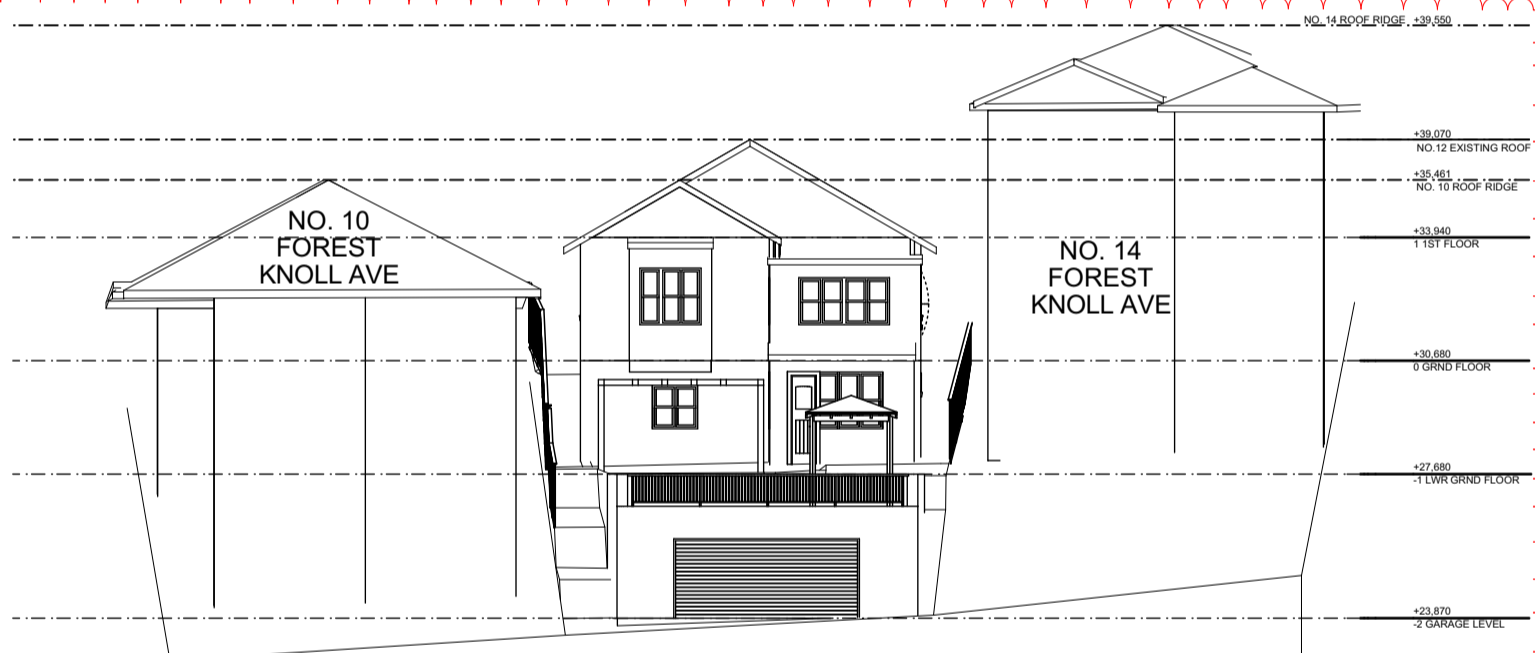
1732

AMENDED PLANS



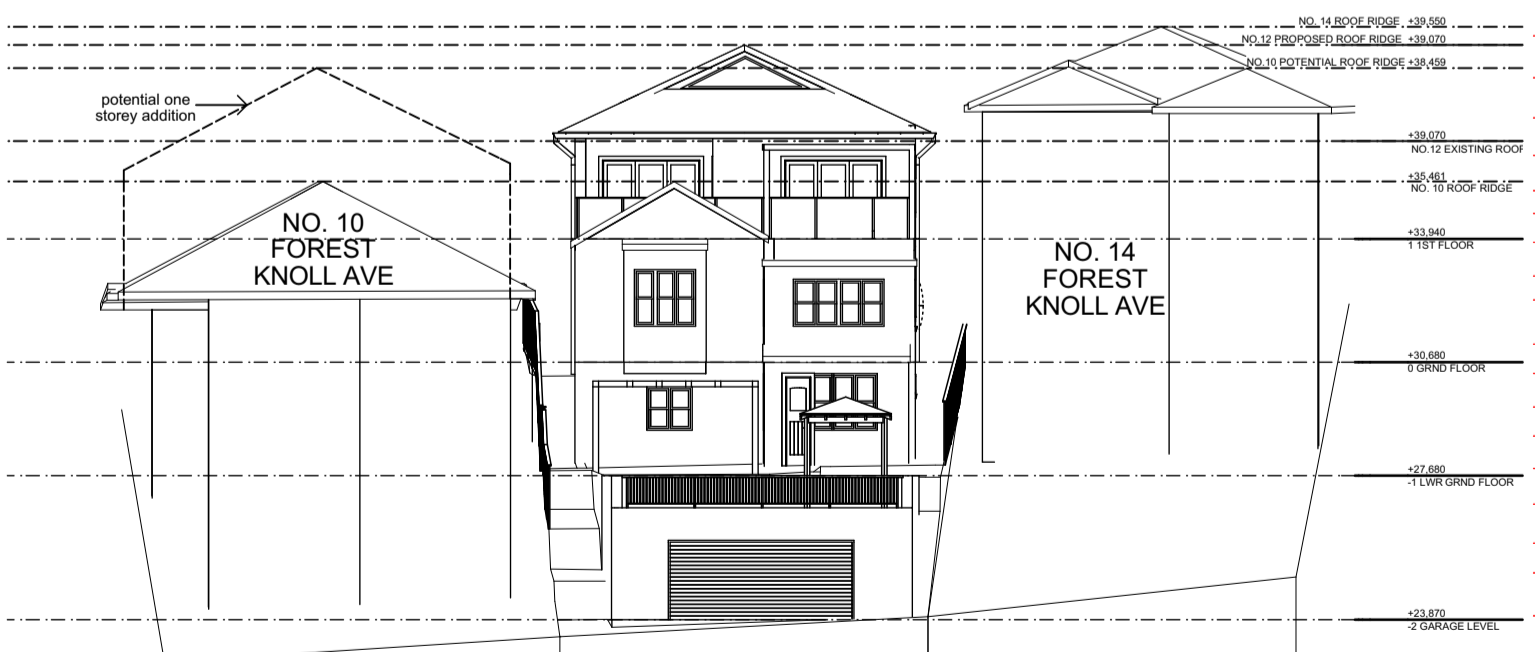
EAST ELEVATION

1:100



EXISTING - STREETSCAPE ELEVATION

1:200



PROPOSED - STREETSCAPE ELEVATION

1:200



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PROPOSED ELEVATIONS

SCALE:
1:100 @ A3

PROJECT NAME:

12 Forest Knoll Ave
Bondi, NSW

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA12

REVISION:

B

REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

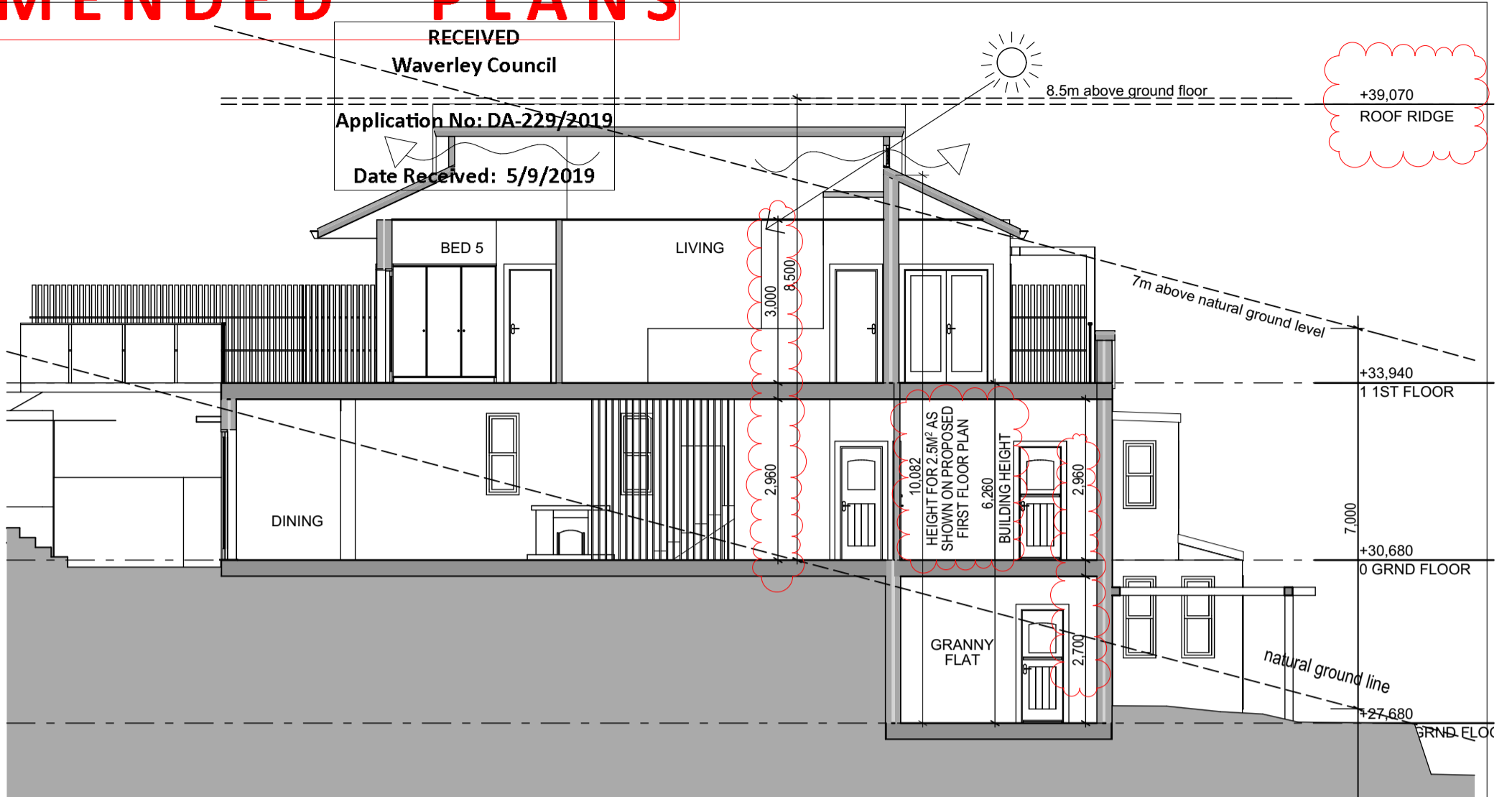
CHECKED BY:

JJ

PROJECT NUMBER:

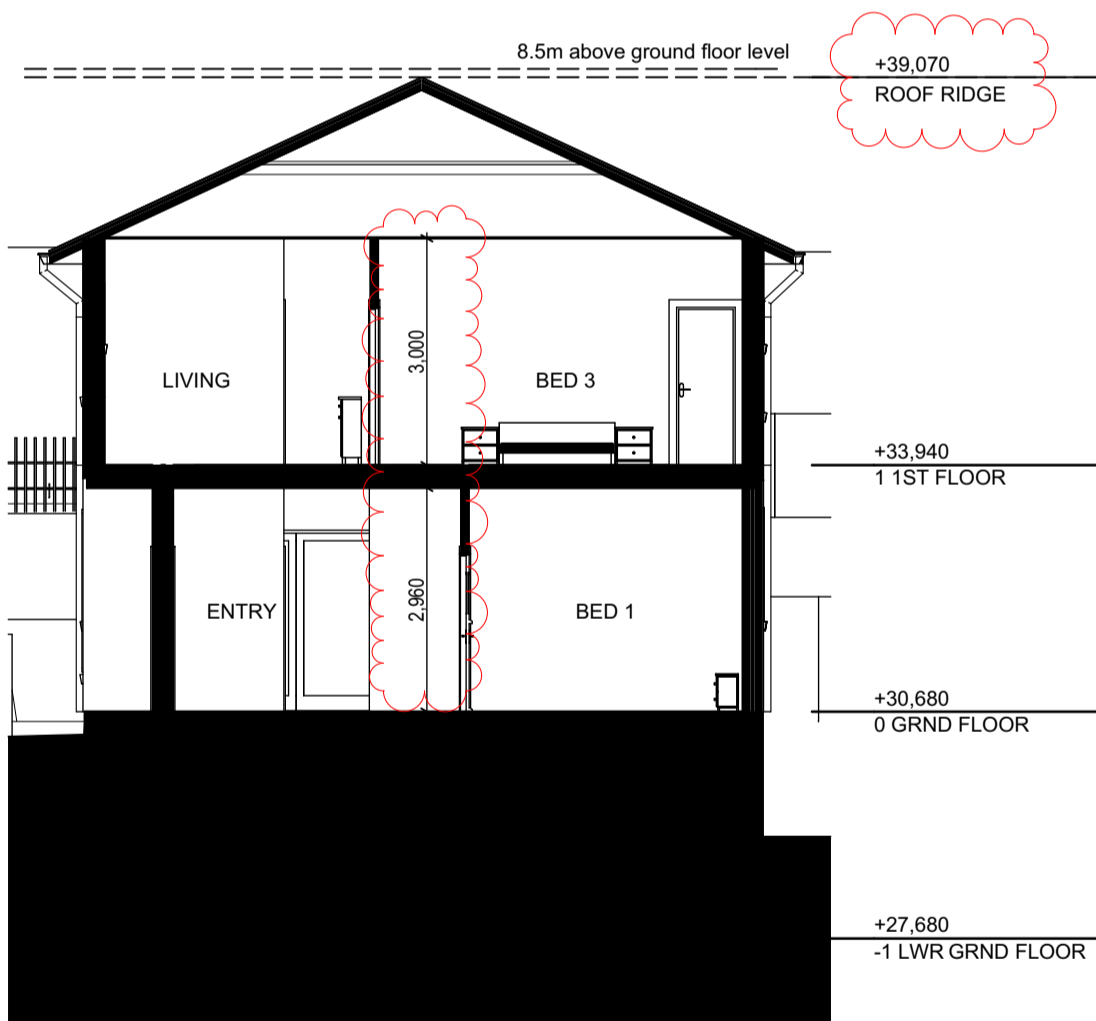
1732

AMENDED PLANS



SECTION 01

1:100



SECTION 02

1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PROPOSED SECTIONS

SCALE:
1:100 @ A3

PROJECT NAME:

**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA13

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

CHECKED BY:

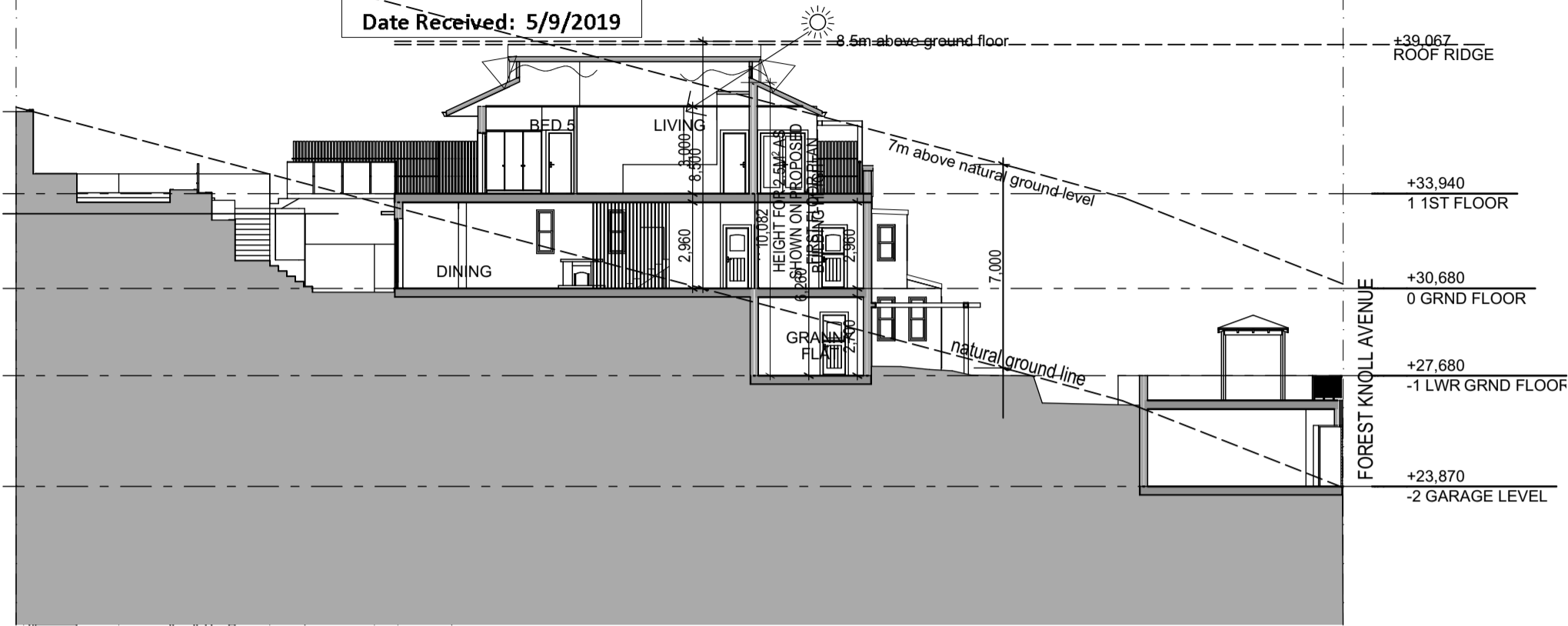
JJ

PROJECT NUMBER:

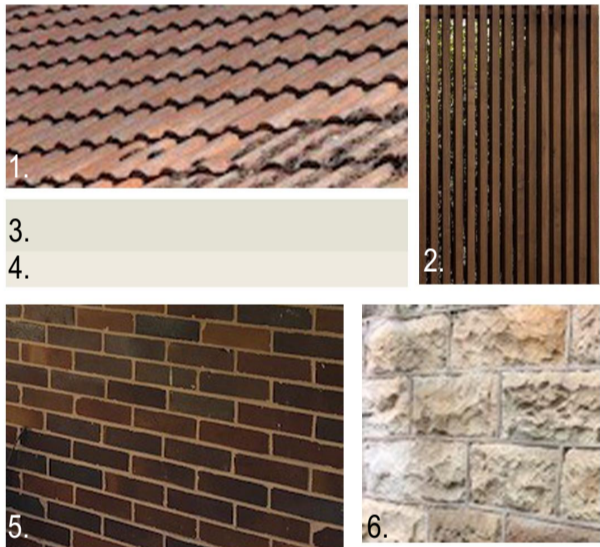
1732

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019



SECTION 1 - PLANNING CONTROLS 1:200



- PROPOSED FINISHES**
1. REUSE EXISTING ROOF TILES
 2. TIMBER PRIVACY SCREENS
 3. SURFMIST GUTTERS AND DOWNPIPES
 4. 'OFF WHITE' FASCIA, TIMBER PAINTED WINDOW FRAMES AND GABLES
 5. NEW BRICKS TO MATCH EXISTING
 6. EXISTING SANDSTONE TO LOWER LEVEL

FSR CALCULATION

SITE AREA = 512.9sqm
EXISTING BASEMENT FLOOR AREA = 30.89sqm
EXISTING GROUND FLOOR AREA = 133.33sqm
TOTAL EXISTING GFA = 164.22sqm
EXISTING FSR = 0.32:1
EXISTING BASEMENT FLOOR AREA = 30.89sqm
PROPOSED GROUND FLOOR AREA = 136.29sqm
PROPOSED FIRST FLOOR AREA = 79.06
TOTAL PROPOSED GFA = 246.24sqm
PROPOSED FSR = 0.48:1

LANDSCAPE CALCULATION

CONTROL	DCP REQUIREMENT	PROPOSED	COMPLIES
minimum of 40% of the total site area is to be provided as open space. - 205.16sqm	205.16sqm	Front Landscape - 40.68m ² Front Hard - 107.76m ² Rear Landscape - 90.64m ² Rear Hard - 111.25m ² 1st Floor Hard - 44.13m ² TOTAL = 394.46m²	YES
minimum of 15% of the total site area is to be provided as landscaped area. - 76.935	76.94sqm	Front Landscape - 40.68m ² Rear Landscape - 90.64m ² TOTAL = 131.32sqm	YES
Each dwelling is to have a minimum of 25m ² of private open space capable of being used for recreation			YES
minimum of 50% of the area between the front of the primary building and the street alignment is to be open space	77.25sqm	148.44sqm	YES
minimum of 50% of the open space provided at the front of the site is to be landscaped area.	74.22sqm	Front Landscape - 40.68m ² (Existing conditions)	NO
Each dwelling is to have an outdoor clothes drying area to allow clothes to be dried naturally.			YES



FSR CALCULATION 1:500



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION PLANNING CONTROLS + FINISHES

SCALE:
1:200 & 1:500 @ A3

PROJECT NAME:
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA14
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

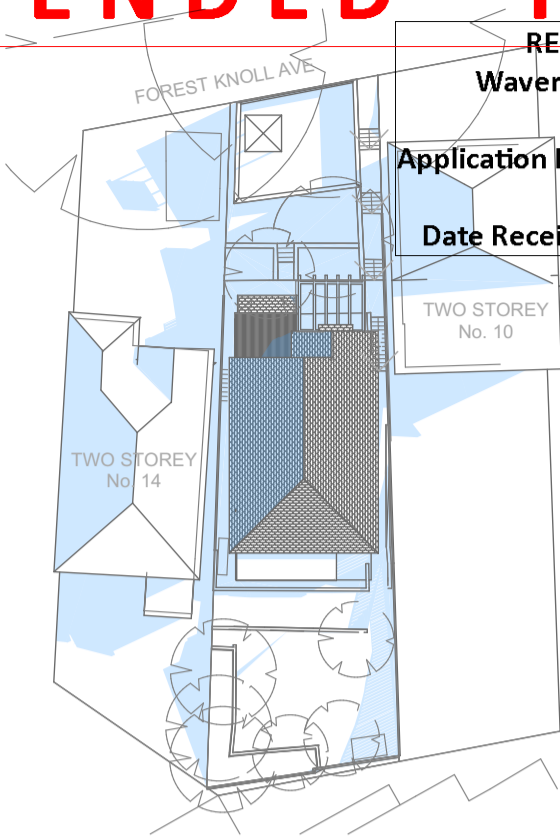
AMENDED PLANS

RECEIVED

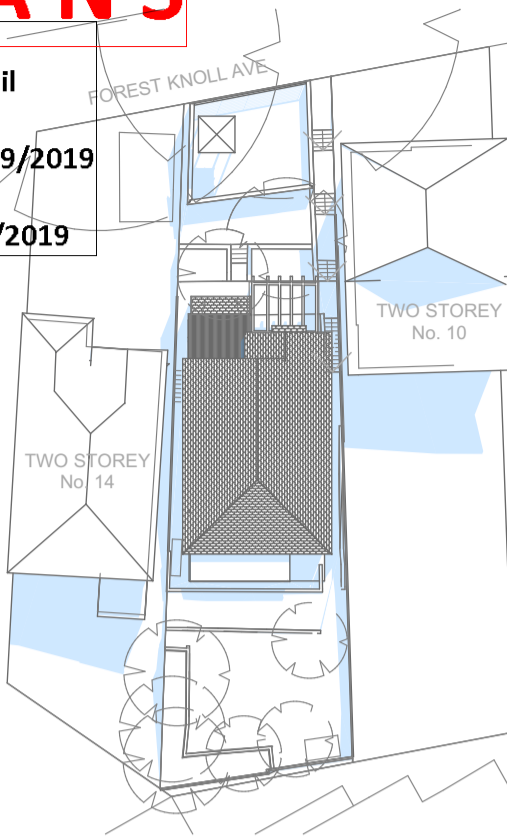
Waverley Council

Application No: DA-229/2019

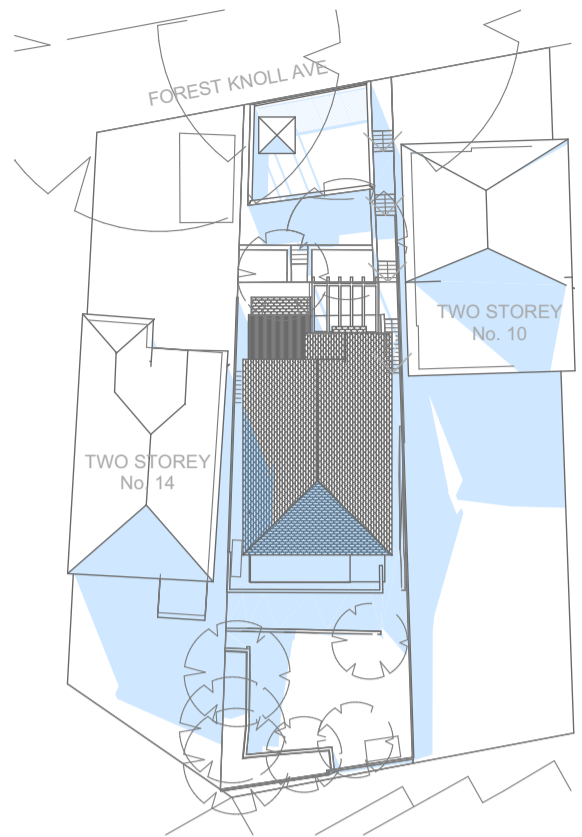
Date Received: 5/9/2019



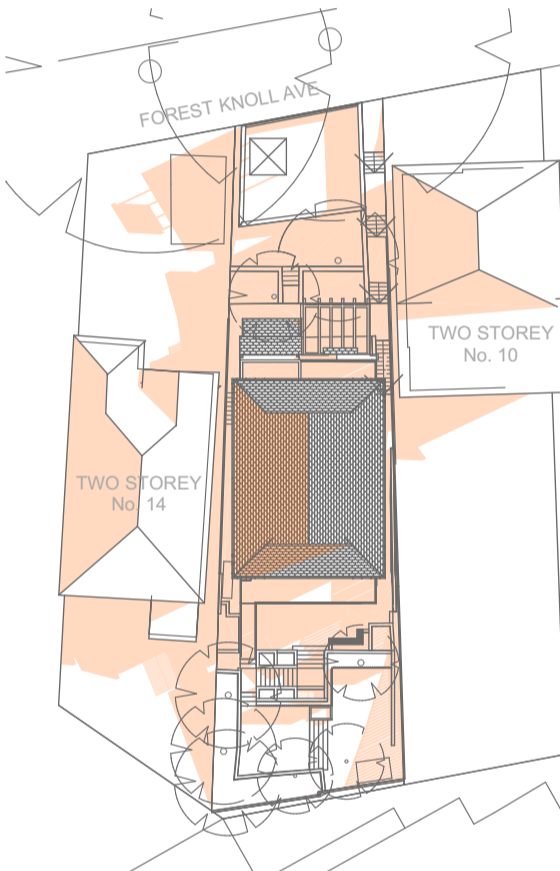
June 21 9am Existing



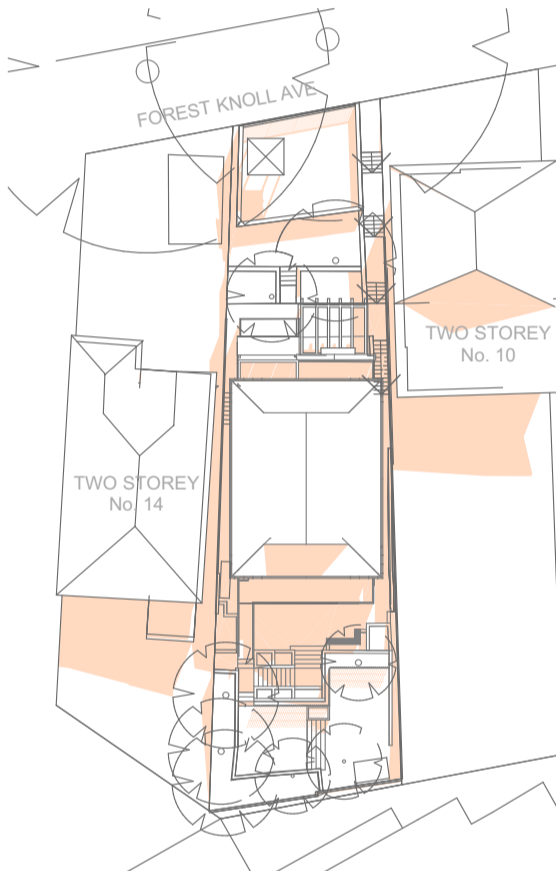
June 21 12noon Existing



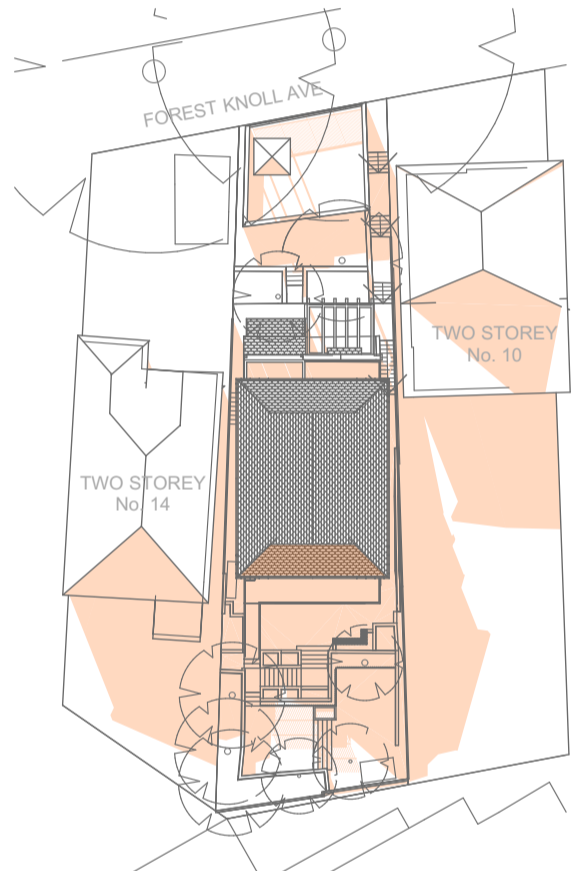
June 21 3pm Existing



June 21 9am Proposed



June 21 12noon Proposed



June 21 3pm Proposed



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION SUN STUDY

SCALE:
1:500 @ A3

PROJECT NAME:

**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:

Vanessa White and Peter Stewart

DRAWING NUMBER:

DA15

REVISION:

B

REV: DATE:

A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:

AS

CHECKED BY:

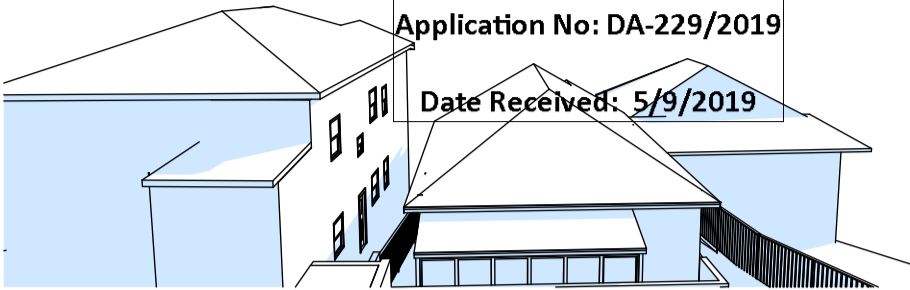
JJ

PROJECT NUMBER:

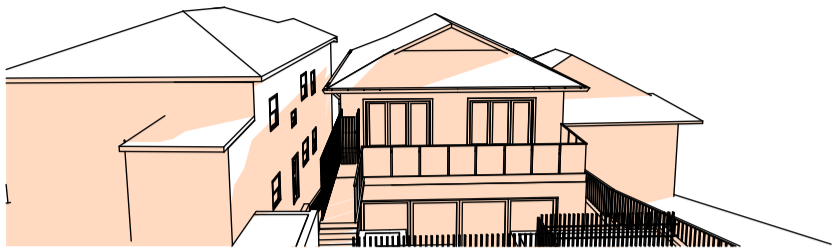
1732

AMENDED PLANS

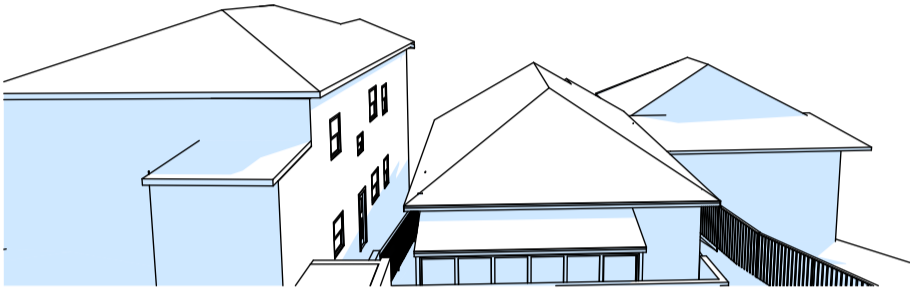
RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019



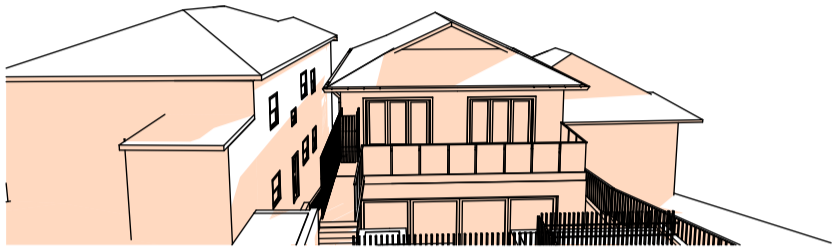
Neighbours - June 21 10am Existing



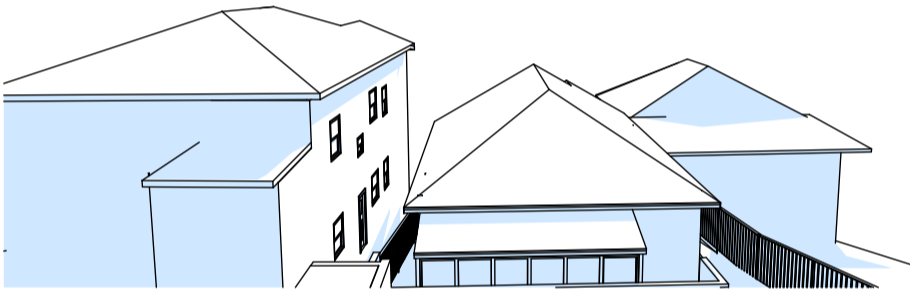
Neighbours - June 21 10am Proposed



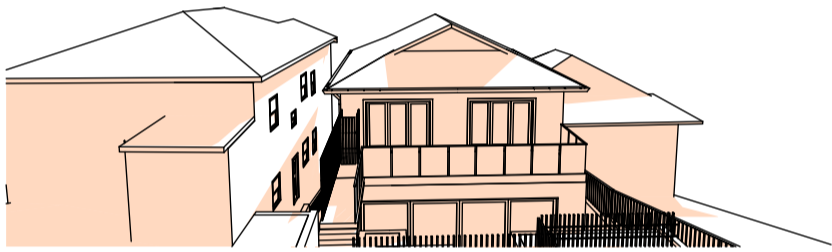
Neighbours - June 21 11am Existing



Neighbours - June 21 11am Proposed



Neighbours - June 21 12noon Existing



Neighbours - June 21 12noon Proposed

Architects Johannsen + Associates Pty Ltd is a company registered in Australia. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from Architects Johannsen + Associates Pty Ltd.

aja
Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
SUN STUDY

SCALE:
1:500 @ A3

PROJECT NAME :
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT :
Vanessa White and Peter Stewart

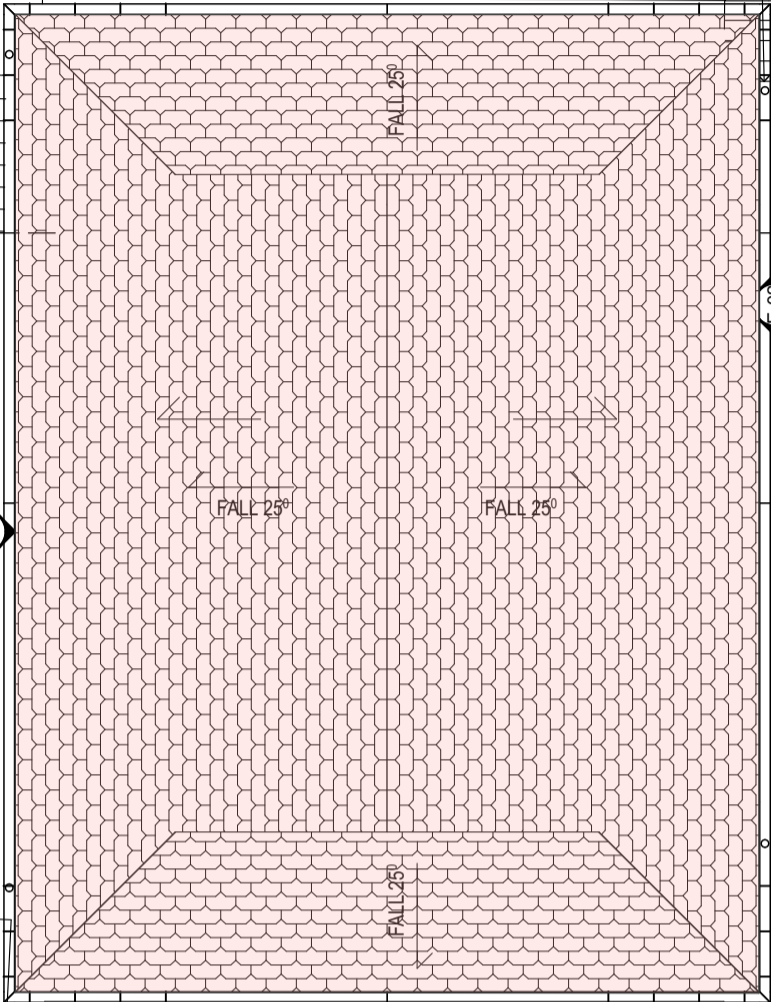
DRAWING NUMBER: **DA16**
REVISION: **B**
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14



BASIX REQUIREMENTS:

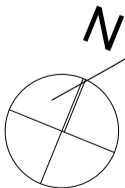
Insulation:
Ceiling - R1.45 (up)
Roof - Foil Backed Blanket (55mm)

Roof - Medium Solar Absorptance 0.475-0.70

Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Height (m)	Distance (m)	Shading device	Frame and glass type
W1	E	2.4	4	2	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	E	2.2	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W4	N	6.4	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W6	N	6.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W7	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W8	E	1.2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W9	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W10	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W11	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W12	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W13	W	2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W14	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W2	S	10.6	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

PROPOSED - ROOF PLAN

1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
**PROPOSED ROOF PLAN -
BASIX**

SCALE:
1:100 @ A3

PROJECT NAME :
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT :
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA17
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14

S-02

S-02

A/C
condenser
enclosure with
acoustic lining

BASIX REQUIREMENTS:

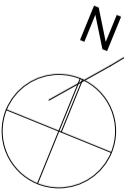
Insulation:
Ceiling - R1.45 (up)
Roof - Foil Backed Blanket (55mm)

Roof - Medium Solar Absorptance 0.475-0.70

Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing Height (m)	Shading device Distance (m)	Shading device	Frame and glass type
W1	E	2.4	4	2	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	E	2.2	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W4	N	6.4	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W6	N	6.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W7	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W8	E	1.2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W9	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W10	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W11	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W12	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W13	W	2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W14	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W2	S	10.6	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

PROPOSED - FIRST FLOOR

1:100



Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
PROPOSED FIRST FLOOR
PLAN - BASIX

SCALE:
1:100 @ A3

PROJECT NAME :
12 Forest Knoll Ave
Bondi, NSW

CLIENT :
Vanessa White and Peter Stewart

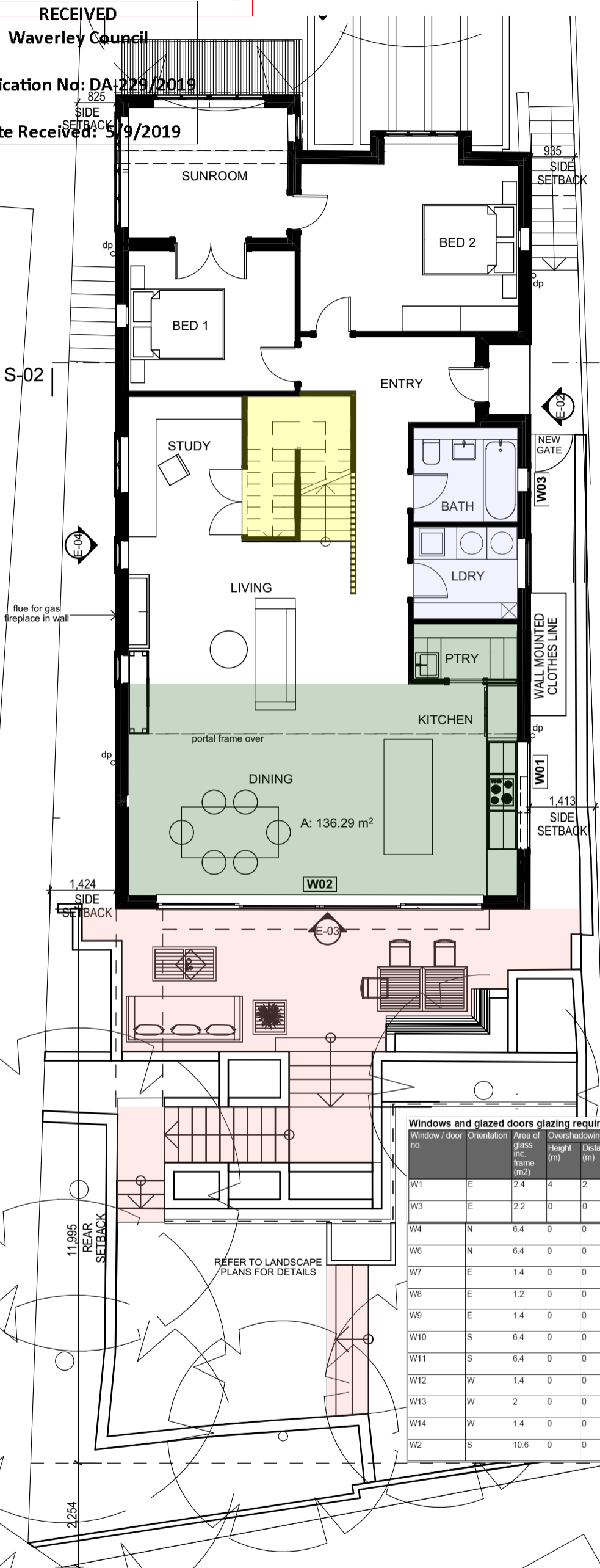
DRAWING NUMBER:
DA18
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732

RECEIVED
Waverley Council
Application No: DA-229/2019
Date Received: 5/9/2019

TWO STOREY
No. 10

TWO STOREY
No. 14



BASIX REQUIREMENTS:

Insulation:
Ceiling - R1.45 (up)
Roof - Foil Backed Blanket (55mm)
Roof - Medium Solar Absorptance 0.475-0.70

Windows and glazed doors glazing requirements						
Window / door no.	Orientation	Area of glass inc. frame (m²)	Height (m)	Overshadowing Distance (m)	Shading device	Frame and glass type
W1	E	2.4	4	2	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	E	2.2	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W4	N	6.4	0	0	eave/verandah/pergola/balcony >=900 mm	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W6	N	6.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W7	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W8	E	1.2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W9	E	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W10	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W11	S	6.4	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W12	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W13	W	2	0	0	eave/verandah/pergola/balcony >=450 mm	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)
W14	W	1.4	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W2	S	10.6	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

PROPOSED - GROUND FLOOR
1:100

aja Architects Johannsen + Associates
29 Karilla Ave, Lane Cove NSW 2066
T+61 2 9360 9833 F+61 2 9360 9101
mail@aja.com.au - www.aja.com.au

DEVELOPMENT APPLICATION
**PROPOSED GROUND
FLOOR PLAN - BASIX**

SCALE:
1:100 @ A3

PROJECT NAME:
**12 Forest Knoll Ave
Bondi, NSW**

CLIENT:
Vanessa White and Peter Stewart

DRAWING NUMBER:
DA19
REVISION:
B
REV: DATE: DESCRIPTION:
A 20.06.2019 DEVELOPMENT APPLICATION
B 03.09.2019 DEVELOPMENT APPLICATION

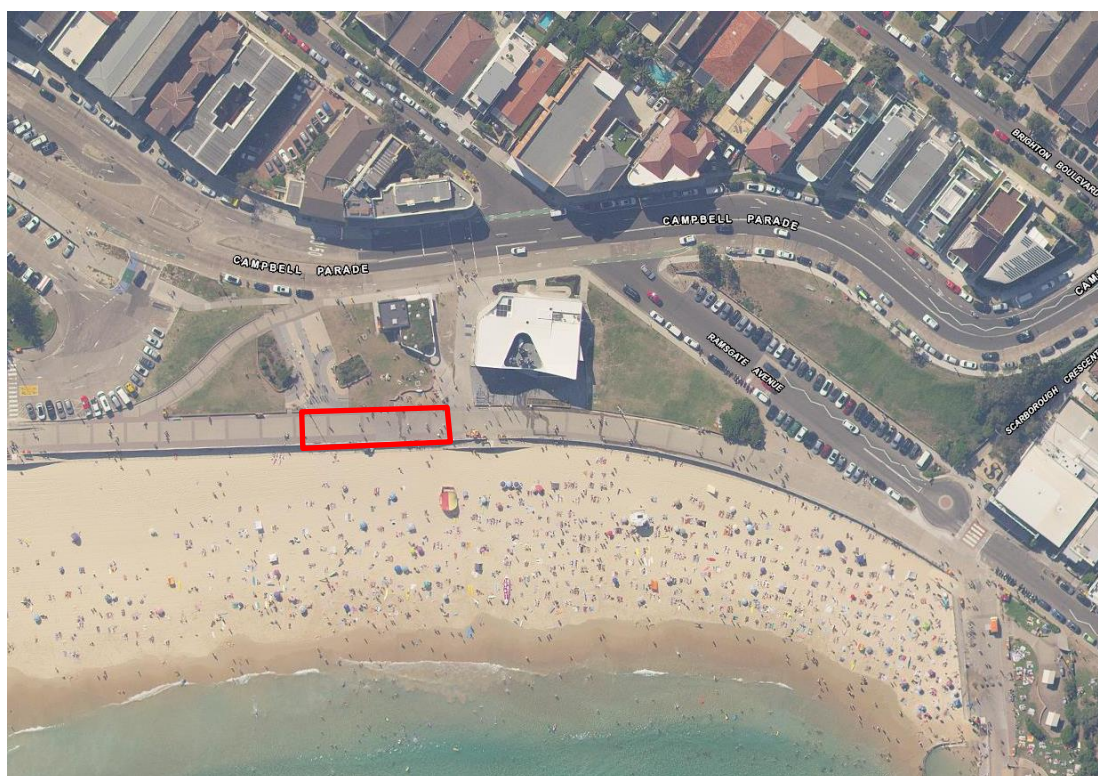
DRAWN BY:
AS
CHECKED BY:
JJ
PROJECT NUMBER:
1732



Report to the Waverley Local Planning Panel

Application number	DA-83/2019
Site address	Promenade adjacent to North Bondi Surf Life Saving Club, Campbell Parade, Bondi Beach
Proposal	Enlargement of storage area under promenade and creation of two additional doors within the sea wall.
Date of lodgement	15 March 2019
Owner	Crown Land (under the maintenance of Waverley Council)
Applicant	Waverley Council
Submissions	Nil
Cost of works	\$2,009,000
Issues	Heritage, visual appearance
Recommendation	That the application be APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 14 June 2019.

The subject site comprises numerous unidentified Crown land parcels, namely the beach (1001199788), Bondi Park (500048), the North Bondi Surf Life Saving Club (North Bondi S.L.S.C.) and its driveway (100113585) and a portion of Council-owned land identified as DP 911546.

The area of the proposal is a relatively small section of these parcels, being approximately 400m² of the total site area of approximately 25 acres.

The area subject to the application site is located near to the North Bondi S.L.S.C. house at the eastern end of Bondi Beach. The part of the site subject to the proposal immediately adjoins the existing storage area beneath the promenade and sea wall adjacent to an existing set of ramps which lead down to the beach.

The subject site is adjoined by Bondi Park to the north which contains an outdoor gym, lawns, shower facilities and the like. The park and promenade separate Bondi Beach from Campbell Parade which runs along the beachfront area. The locality is characterised by a variety of development set back from the beach and park, on Campbell Parade, including shop-top housing above cafes and restaurants and historic walk-up flat buildings.

The area forms part of the Bondi Beach Cultural Landscape, a listed item of state heritage significance; and is also located within the Bondi Beach and Park Landscape Conservation Area, a listed heritage conservation area of local significance.

Images of the site and surrounds are shown in **Figures 1 to 6** below.

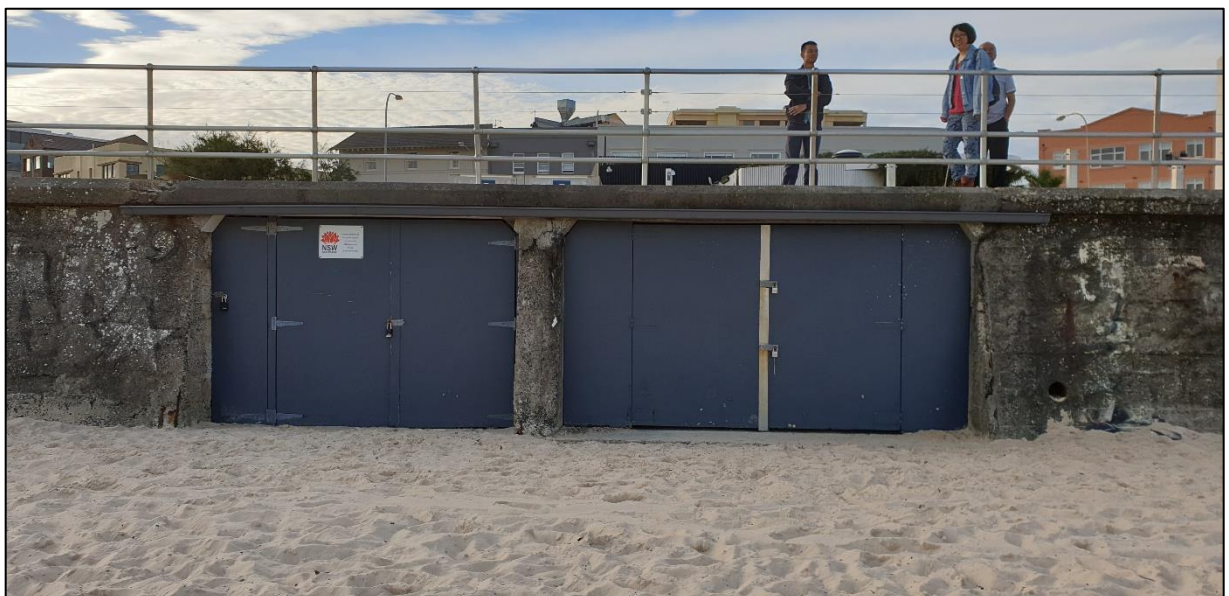


Figure 1: Existing storage entrances within the sea wall, fronting Bondi Beach.



Figure 2: Looking east along the sea wall towards the existing entrance point and ramps.



Figure 3: Looking west along the sea wall.



Figure 4: View of promenade looking east along approximate area of proposed storage beneath.



Figure 5: North Bondi S.L.S.C. Clubhouse.



Figure 6: Overview of site, North Bondi S.L.S.C. Clubhouse and Bondi Beach, looking west.

1.2 Relevant History

North Bondi Surf Life Saving Club

- **DA-263/2009** Development Application - Demolition of North Bondi S.L.S.C. & construction of a new three storey surf club building including basement storage area.
Approved 27/01/2010
- **DA-263/2009/A** Modification of Club reducing height, internal and window changes.
Approved 03/09/2010

- **DA-263/2009/C** Modifications to approved surf life saving club including changes to roof shape, relocated windows, doors, amended entry and stairs, balustrades, relocated service roof and solar panels.
Approved 09/07/2012
- **DA-274/2012** Erect temporary fence with signage around construction site in heritage conservation area.
Approved 11/10/2012
- **DA-263/2009/D** Plan of Management for Function Venue.
Approved 07/11/2013

1.3 Proposal

The development proposes enlargement of the existing storage area beneath the promenade and the creation of two additional openings within the sea wall, fronting Bondi Beach.

The total width of the resulting storage area beneath the promenade will be 37.150m. The total internal depth will be 7.135m, the internal height will be 2.35m.

The new openings in the sea wall will measure approximately 4m wide x 2.3m high. They will comprise aluminium roller shutters for a width of 3.055m and an entrance doorway of 0.945m in width. The development is 'Integrated Development' by virtue of being a state heritage listed item. As such, the Heritage Council of NSW is required to provide approval before Council can determine the application. The Heritage Council have provided their General Terms of Approval and imposed a condition that only one of the proposed doorways can be retained, in order mitigate visual impact. As such, a condition will be imposed to remove one of the proposed doorways, as per the Heritage Council's requirement.

Sections of the existing promenade above will be reconstructed from matching materials and design to ensure structural stability of both the storage space and the promenade itself is improved. This will require relocation of the existing drinking fountain.

The storage space will be used exclusively by the North Bondi S.L.S.C. for the storage of training and rescue / boat equipment. The space is required due to the increase in Club members following general growth, allowing female membership and more children attending the Nipper training courses. In addition, more lifesaving and preventative action is required on the beach namely due to increases in overseas tourists who often have limited experience of the dangers of rip tides and strong currents regularly experienced at Bondi Beach.

The space will allow storage of two jet ski trailers, two inflatable rescue boat (IRB) trailers, two all-terrain vehicles, additional rescue board and surf ski racks and more storage for life vests and miscellaneous equipment.

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).

Environmental Protection and Biodiversity Conservation (EPBC) Act 1999

The site directly adjoins Bondi Bay, which is listed as a place of national significance on the National Heritage List under the EPBC Act 1999.

Approval under the EPBC Act is required for any action occurring within, or outside, a National Heritage place that has, will have, or is likely to have a significant impact on the National Heritage values of the National Heritage place. An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- *one or more of the National Heritage values to be lost,*
- *one or more of the National Heritage values to be degraded or damaged, or*
- *one or more of the National Heritage values to be notably altered, modified, obscured or diminished.*

Bondi Beach is significant in the course of Australia's cultural history as the site of the foundation of Australia's first recognised surf lifesaving club in 1907. From Bondi the surf lifesaving movement spread initially through NSW, subsequently to the rest of Australia, and then to the world. Additionally, Bondi Beach is significant because of its special associations for Australians, having a central place in the development of beach culture in Australia.

The proposal will not have a significant impact upon the National Heritage values of cultural history of the item (i.e. the Surf Life Saving movement or the association as the central place in the development of beach culture). The proposed works seek to upgrade the existing structure for continued future use. The works are minor in nature and will not discernibly affect the primary presentation of the sea wall or Promenade from the Bondi Park area and surrounding public domain areas. For these reasons, the proposed is not expected to result in adverse impact upon the cultural heritage of Bondi Beach, and as such, referral to the Federal Minister for the Environment is not considered necessary.

Heritage Act 1977

The Bondi Pavilion, tunnels and sea wall are located within the area of Bondi Beach covered under the 'Bondi Beach Cultural Landscape' listing on the State Heritage Register under the *Heritage Act 1977* (Listing No. 01786). Therefore, the *Heritage Act 1977* applies to the tunnels and promenade, and consent for any proposed work within the area would generally require the concurrence from the NSW Office of Environmental and Heritage (OEH) as the approval body administering the *Heritage Act 1977*.

The application is deemed as 'integrated development', requiring the approval of the OEH. Subsequently, the OEH have advised that the development is considered acceptable subject to General Terms of Approval, which have been included in the conditions of consent below.

One of these conditions requires that the number of additional openings in the wall is reduced to one only. This is to 'mitigate visual impact on setting and beach front presentation and physical impact on significant fabric'.

Crown Lands Act 1989

The site is located on Crown Land and as such the *Crown Lands Act 1989* must be considered as part of the assessment of this application. The proposal satisfies the objectives of this Act given that it provides for the improvement and continued use of the Bondi Park, tunnels and promenade for recreation, tourism and ancillary benefits for the public.

The application is acceptable under the *Crown Lands Act 1989* and consistent with the Bondi Park and Pavilion Plan of Management and draft Conservation Management Plan.

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP 55 Remediation of Land

There is no known history of contamination applicable to the site. The subject site has historically been used for sea wall, promenade and recreational beach activities. Accordingly, site land contamination is considered unlikely and no further investigation is necessary.

2.1.2 SEPP (Coastal Management) 2018

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

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The below table outlines the requirements under the SEPP and provides a response with regards to the proposal.

Table 1: SEPP (Coastal Management) 2018 – Development Consideration

SEPP Coastal Management – Development Considerations			
Clause/Control	Requirement	Proposal	Complies
13 Development on land within the coastal environment area	(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following: (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	There will be no adverse effects on the biophysical, hydrological (surface and groundwater) or ecological environment given that the proposed development is for the enlargement of an existing storage area beneath a concrete promenade. The promenade is impermeable to the processes outlined above, as such, there will	Yes

SEPP Coastal Management – Development Considerations			
	<p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p> <p>(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,</p> <p>(f) Aboriginal cultural heritage, practices and places,</p> <p>(g) the use of the surf zone.</p>	<p>be no change to the existing situation.</p> <p>The enlargement of an existing storage area within the sea wall will not adversely impact upon the coastal environmental values or natural coastal processes.</p> <p>There will be no adverse impacts on the water quality of the marine estate as it relates only to the creation of a void within an existing coastal structure. The site is not on any of the coastal lakes identified in Schedule 1.</p> <p>There is no identified marine vegetation, native vegetation or fauna which could be impacted by this proposal. There are no undeveloped headlands or rock platforms in the immediate vicinity.</p> <p>The promenade will be maintained and its structural integrity improved. Ramped access to the beach will be unaffected by the proposal.</p> <p>A heritage impact statement is submitted with the application. It states that the proposed excavation works are unlikely to have any impact on potential archaeology of Aboriginal or European significance.</p> <p>The development will not impact upon the surf zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p>		

SEPP Coastal Management – Development Considerations			
	<p>(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact</p>	<p>The development has been designed and sited to avoid adverse impact, as outlined above.</p> <p>As above.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
14 Development on land within the coastal use area	<p>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:</p> <p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</p> <p>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</p>	<p>The development will have no adverse impact on safe access to such locations.</p> <p>The development will be within an existing sea wall structure with the only external manifestation being additional entrances. As such, there will be no overshadowing, wind funnelling or loss of views.</p> <p>The development will be within an existing sea wall and promenade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

SEPP Coastal Management – Development Considerations			
	(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	There will be no adverse impact on visual amenity or scenic qualities of the coast as it will be wholly integrated into an existing man made feature. There are no coastal headlands in the immediate vicinity that will be affected by the development.	
	(iv) Aboriginal cultural heritage, practices and places,	A heritage impact statement is submitted with the application. It states that the proposed excavation works are unlikely to have any impact on potential archaeology of Aboriginal or European significance.	Yes
	(v) cultural and built environment heritage, and	The development is within a Conservation Area. However, it is wholly contained within an existing man made historic sea wall. The Heritage Council of NSW has reviewed the proposal and has issued their General Terms of Approval, indicating they have no concerns with its impact on the cultural and built environment heritage.	Yes
	(b) is satisfied that:	The development has been designed and sited to avoid adverse impact, as outlined above.	Yes
	(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	As above.	Yes
	(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	As above.	Yes

SEPP Coastal Management – Development Considerations			
	<p>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</p> <p>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.</p>	The proposed development is consistent with all relevant controls in the Waverley LEP and DCP. It is proposed within an existing sea wall and therefore will have no impact in terms of bulk, scale and size.	Yes
15 Development in coastal zone generally—development not to increase risk of coastal hazards	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The development is within a sea wall and unlikely to cause an increased risk of coastal hazards on the site, or to surrounding land.	Yes

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	<p>The development is consistent with the aims of the plan in that it will:</p> <ul style="list-style-type: none"> • promote and co-ordinate a range of I, tourism, cultural and community uses associated with beach use and surf lifesaving to service the local and wider community, • protect, maintain and accommodate a range of open space uses, recreational opportunities, community facilities and services available to the community, • conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table RE1 – Public Recreation Zone	Yes	The proposal can be defined as the enlargement of an existing ancillary community facility area. It is permitted within the zone.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes, on merit.	<i>See comments below.</i>
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is affected by Class 4 Acid Sulfate Soils. Given that limited excavation other than removal of backfill material is proposed, and the development seeks to enlarge an existing storage space within a raised sea wall there are unlikely to be any impacts resulting from the Class 4 Acid Sulfate Soil.
6.2 Earthworks	Yes	<i>See comments below.</i>
6.3 Flood planning	Yes	<p>The site is not identified as being a flood planning area, but is within an area identified for coastal inundation. The sea wall is a coastal defence structure designed to reduce the impact of very high tides or strong waves.</p> <p>The additional storage space within the structure is not habitable space and therefore does not require any flood mitigation. Nor will it affect the sea walls ability to function as a coastal defence barrier (given that openings and storage space already exist within it).</p>
6.4 Terrestrial biodiversity	Yes	<p>The site is within an identified habitat corridor.</p> <p>However, this is likely to relate to its proximity to Bondi Park. The site itself is wholly beneath the concrete promenade and behind the sea wall.</p> <p>The development itself, being within this concrete structure, is not antipathetic to the continued protection and maintenance of the habitat corridor.</p> <p>Council's Biodiversity Officer raises no concerns with the proposal.</p>

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

Clause 5.10 – Heritage

The area forms part of the Bondi Beach Cultural Landscape, a listed item of state heritage significance. It is also located within the Bondi Beach and Park Landscape Conservation Area, a listed heritage conservation area of local significance.

A Heritage Impact Statement (HIS) is submitted with the application.

This HIS advises that works to the sea wall will be minor, with the creation of two new openings and the joining of the two existing openings. The two new openings will measure approximately 4 metres wide by 2.3 metres high. It is intended to align one side of each of these new openings with the existing internal engaged piers to retain as much of the original structure as possible.

In the area of the proposed eastern opening, there is significant concrete cancer and spalling is evident at the base of the wall, above the sand line. The two proposed openings will be of consistent appearance with the other such openings in the wall for the under-promenade storage associated with Bondi Surf Bathers Life Saving Club (further south-west along beach promenade).

The openings will require some material of exceptional significance to be removed. To mitigate this impact, the openings have been restrained to the minimum dimensions to enable their safe use. The proposal also provides the opportunity to undertake necessary shoring to the interior of the sea wall, which will help with the longevity of the heritage fabric.

The promenade has also undergone numerous interventions through its life. These have included works associated with those described above, in addition to resurfacing, levelling, changes to drainage, installation of several generations of street furniture, replacement of balustrades and the removal and patching of areas of significant paving of the promenade. One such area is over the existing storage space, where the concrete has clearly been removed then reinstated. The brick paving of the surface has no intrinsic heritage value. The pavers themselves will be removed, stored and then reinstated on completion of the works. The removal of the concrete beneath to enable access for the excavation of the proposed storage area will entail the removal of some material of exceptional significance.

The promenade concrete also has concrete cancer, with cracking, sagging and spalling evident. The sagging has led to the surface being uneven in places, presenting a hazard to users. It is considered very unlikely that the areas of significant pavement over the proposed storage would be able to withstand the excavation if left in situ during the works. The extent of pavement removed will be minimised to the area strictly necessary to carry out the works, noting that this includes a 66m² of recent paving area which is visually intrusive as it has not been finished in the same manner as the remainder of the promenade. The reinstated pavement proposed will address this anomaly and will be structurally sound and level.

The Heritage Council for NSW has reviewed the development and provided their General Terms of Approval. This includes reducing the number of proposed additional openings to one, which is included as a condition of consent. It is noted that the application was referred to Council's Heritage Architect however, no response was provided prior to finalisation of this report.

Clause 6.2 – Earthworks

The proposed construction works will take place entirely within the volume behind the sea wall and under the promenade.

Approximately 750m³ of backfill material within and behind the wall will be removed to create the additional storage space.

Details of the original material used to backfill the sea wall and promenade were not recorded at the time, although it is believed that the dunes behind the line of the wall were levelled in order to create Bondi Park and that the area was also used for land fill.

It is therefore likely that the sub-soil material will largely comprise sand from the local area.

Given that backfill is being removed from within a concrete structure there are unlikely to be any adverse impacts on the drainage patterns, soil stability in the locality, or harm on the natural processes of the coastal area (as these will not take place through or within the sea wall).

2.1.4 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<p>A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Conditions of consent will be imposed regarding ongoing waste on site.</p> <p>As the proposal is for enlargement of an existing storage area which is ancillary to the North Bondi S.L.S.C. it is not anticipated that there will be excessive waste generation once the development is in operation.</p> <p>It is considered that any potential waste generated can be handled by the club via its existing waste handling mechanisms.</p>
2. Ecologically sustainable Development	Yes	Given the scale of the development, and its location beneath an existing promenade, within the sea wall, it is not considered antipathetic to the objectives of Part B2.
3. Landscaping and Biodiversity	Yes	The site is located in Habitat Corridor. The application was referred to Council's Biodiversity Officer and no concerns have been raised.

Development Control	Compliance	Comment
4. Coastal risk management	Yes	<p>The site is within the Coastal Inundation Area, it proposes modest alterations within the existing sea wall.</p> <p>The proposed measures will improve its structural integrity as part of the sea wall is suffering from concrete cancer.</p> <p>Given the minor intervention within the sea wall to an existing storage area there is not considered to be any adverse impacts on the defence mechanisms within the Coastal Inundation Area.</p>
7. Accessibility and adaptability	Yes	The proposal will improve the structural integrity of the promenade and its surface by removing small scale imperfections. This will improve the accessibility of the promenade itself.
9. Heritage	Yes	The proposed development is within a Heritage Conservation Area and is a Heritage item and follows the guidance of this part of the DCP. The Heritage Council of NSW has provided their General Terms of Approval which are incorporated into the conditions of consent.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.
14. Excavation	Yes	The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone. Existing backfill which is part of the manmade sea wall and promenade is to be removed. However, it does not constitute the removal of natural material nor will natural processes be adversely impacted by the development.
16. Public Domain 16.1 Improving the public domain	Yes	<p>The development will be contained wholly within the existing sea wall and beneath the existing promenade. The only external manifestation will be the creation of two entrance points within the wall.</p> <p>The promenade will be maintained in full and the surface will be reinstated to match the existing concrete with brick paving borders and banding, including the area where this has recently been removed and patched.</p> <p>It is proposed to remove an existing drinking fountain adjacent to the promenade. To ensure this amenity is maintained for users of the beach, a condition will be imposed to require its reinstatement at the same location, or within 10m</p>

Development Control	Compliance	Comment
		of its current position prior to operation of the proposed storage area

2.1.5 Waverley DCP 2012 –E2 Bondi Beachfront Area Compliance Table

The site is not within any of the character areas identified as the Bondi Beachfront Area within Figure 38 of this part of the DCP.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

No submissions were received.

2.5 Public Interest

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

3. REFERRALS

3.1 NSW Crown Lands

The application was referred to NSW Crowns Lands, however no response was provided.

3.2 Heritage Council of NSW

The development is integrated development by virtue of being a listed item of State heritage significance.

The development is considered acceptable subject to General Terms of Approval, which have been included in the conditions of consent below.

One of these conditions requires that the number of additional openings in the wall is reduced to one only. This is to 'mitigate visual impact on setting and beach front presentation and physical impact on significant fabric'.

3.3 Shaping Waverley - Heritage

The application was referred to Council's Heritage Architect however, no comments were provided.

3.4 Waverley Futures – Traffic & Development

Acceptable, subject to conditions of consent which have been included.

3.5 Creating Waverley – Public Domain

Acceptable, subject to conditions of consent which have been included.

3.6 Creating Waverley – Facilities and Council's GIS Officer

The application was discussed with Council's Executive Manager, Facilities along with Council's GIS Officer (Property and Information) in relation to the lease arrangements and boundary of the area affected by this proposal. Presently, the "site" being located in Bondi Beach and Parklands does not have a unique identified Crown land parcel number (that is, no folio number, lot number or DP number), making it challenging to identify the actual boundary of the affected portion of the 'site', that is the subject of this proposal. This is a broader issue with all other buildings and uses also in the parklands which Council officers are working through and addressing area by area.

Accordingly, it is recommended that to address any future lease arrangement, as well as the identification of the boundary of this affected area, a condition shall be imposed that the applicant liaise with these officers of Council to address these issues. A condition to this effect is recommended.

4. SUMMARY

The proposal seeks consent for the enlargement of an existing storage area contained wholly within the existing sea wall and beneath the existing promenade. The proposed enlarged storage area will provide additional space for exclusive use by the North Bondi S.L.S.C.

The club has seen an increase in members and provides lifesaving training. In addition, it provides a vital lifesaving service users of the beach. There have been significant increases in visitors to Bondi Beach in recent years and a corresponding increase in the need for both preventative measures (warning beach goers of the dangers of currents and rip tides on the beach) and rescues of those in immediate life threatening situations.

The additional space will provide for storage of the necessary equipment including jet skis, inflatable rescue boats, rescue boards and other such equipment. The location of the storage space also allows for direct and immediate access to the beach where this equipment can be deployed quickly and easily in emergency situations where reducing the time taken to reach those in need is of vital importance.

The development is contained wholly within the sea wall structure and beneath the existing promenade. The development will improve the structural integrity of the sea wall and promenade by upgrading sections which are currently suffering from concrete cancer. In addition, it will reinstate existing parts of the promenade footpath with the same or matching features and will upgrade areas which have been poorly repaired over time with appropriate detailing to ensure a seamless match. Uneven sections will also be replaced and levelled out due to the wider structural upgrading.

The proposal has been reviewed by the Heritage Council of NSW and Council's internal heritage officer. No concerns are raised subject to General Terms of Approval/Conditions of consent. The Heritage Council of NSW recommends that only 1 opening is approved to mitigate the visual impact on the setting and beach front presentation, and physical impact on significant fabric.

As the development is integrated development and Council cannot approve the development without the Heritage Council of NSW General Terms of Approval this, along with other recommendations, have been incorporated as conditions of consent.

The proposal complies with Council's development standards under Waverley LEP 2012 and is consistent with DCP 2012 (Amendment 6) controls. There are no significant adverse impacts on the visual amenity of Bondi Beach or the wider heritage conservation area, nor are there any adverse impacts on residential amenity.

No public submissions have been received. No Councillor submissions were received. Having regard to the conflict of interest (Waverley Council is the applicant and oversees the ownership and maintenance of the land), the application was referred to an independent planning firm to assess, with the matter being referred subsequently to the Waverley Local Planning Panel for determination.

The application has been assessed under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered acceptable for the reasons discussed in this report.

The proposal is considered to represent an economic and orderly development that is substantially compliant with the objectives of the LEP and DCP and is supported subject to the imposition of conditions of consent.

5. RECOMMENDATION TO THE 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:



Fergus Freeney
Consultant Planner
Planning Ingenuity
Date: 4 October 2019

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



Angela Rossi
Manager, Development Assessment (Central)

Date: 10 October 2019

Reason for referral:

- 1 Conflict of interest – Waverley Council is the applicant.

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Amended architectural plans prepared by JPA&D of Project No 1930 as listed below:

Drawing Number	Rev	Plan Description	Date	Date Received by Council
EX001	1	Existing Plan	02/08/2019	05/08/2019
WD001	1	Location and Site Plan	02/08/2019	05/08/2019
WD002	1	Site Analysis Plan	02/08/2019	05/08/2019
WD100	2	Proposed Set Out Plan	02/08/2019	05/08/2019
WD200	1	Sections and Elevations	02/08/2019	05/08/2019
WD901	1	Photomontage 1	02/08/2019	05/08/2019
WD902	1	Photomontage 2	02/08/2019	05/08/2019
WD101	1	Proposed Equipment Plan	14/08/2019	15/08/2019

(b) Amended Heritage Impact Statement by JPA&D dated 28 July 2019 and received by Council on 5 August 2019,

(c) External Finished Schedule Ref SCH-901, Issue 1 of Project No 1930 prepared by JPA&D received by Council on 5 August 2019.

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

Except where amended by the following conditions of consent.

2. HERITAGE COUNCIL OF NEW SOUTH WALES - GENERAL TERMS OF APPROVAL

(a) Design

Only one new door opening is approved. Drawings shall be amended and submitted with Section 60 application for approval by Heritage Council Delegate.

Reason: To mitigate visual impact on setting and beach front presentation and physical impact on significant fabric.

(b) Use

The additional space is approved provided it is only used for storage of surf life saving related equipment and roller doors are opened only when accessing equipment and remain shut at all other times.

Reason: To mitigate visual impact on setting and beach front presentation and prevent potential future uses that are detrimental to the significance of the place.

(c) Site Protection

Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

(d) Unexpected Historical Archaeological Relics

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

(e) Aboriginal Objects

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Office of Environment and Heritage has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

(f) Compliance

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

(g) Section 60 Application

An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

3. PUBLIC DOMAIN

The public domain is to be maintained on the beach promenade for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM). Any amendments to the existing public domain shall be agreed by the Executive Manager, Creating Waverley during construction and prior to the issue of the Occupation Certificate.

The applicant will be required to replace any damaged footpath, trees, street furniture, pavement, landscaping, lighting and railings. All associated costs to be borne by the applicant.

4. PUBLIC AREAS AND RESTORATION WORKS

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

5. BONDI - ROSE BAY SAND BODY

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

6. USE OF COUNCIL/CROWN LAND

This consent accepts the enlargement of the storage area under the promenade for the exclusive use of the North Bondi Surf Life Saving Club as nominated on the approved plans forming part of this development consent, provided that the owner/applicant liaise with Council's Executive Manager, Facilities to:

- (a) get written consent either in the form of a lease arrangement or alternative agreement for the nominated area, and
- (b) provide a suitable mechanism for this affected parcel of land to be independently identified (for example; register a survey accurate plan, or as a limited folio parcel).

Details shall be submitted for the approval of the Executive Manager, Building (or delegate) prior to the issue of an Occupation Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

8. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

9. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$26,650** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

10. LONG SERVICE LEVY

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

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.

11. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

12. EROSION, SEDIMENT AND POLLUTION CONTROL

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and exiting the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and

Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

13. HOARDING

To ensure the site is contained during construction, a hoarding may be required for the approved works. If required, the hoarding shall be designed and constructed in accordance with the requirements of **Safe Work NSW**.

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

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

14. ENGINEERING DETAILS

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

15. GROUND ANCHORS

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

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

16. GEOTECHNICAL ENGINEERS REPORT

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

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

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

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

17. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

18. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

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

20. STORMWATER MANAGEMENT

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

21. PRIOR TO SITE WORKS

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

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

22. CONSTRUCTION SIGNS

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

23. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

24. COMPLIANCE WITH SAFE WORK NSW

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

25. 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).

26. DEMOLITION & SITE PREPARATION

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

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

27. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

28. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

29. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or modification application.

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

30. EXCAVATION AND BACKFILLING

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

31. EXCAVATION BELOW FOOTINGS

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

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

32. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

33. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on

Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

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

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

35. ALL BUILDING MATERIALS STORED ON SITE

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

36. NATIONAL CONSTRUCTION CODE (NCC)

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

37. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and

- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

38. CERTIFICATE OF SURVEY – LEVELS

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

39. POTENTIAL DEWATERING OF THE SITE

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

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

40. PUBLIC UTILITIES AND SERVICE ALTERATIONS

Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council's Executive Manager, Creating Waverley, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

41. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

42. REINSTATEMENT OF DRINKING FOUNTAIN

Prior to occupation or use of the development a drinking fountain to replace the existing fountain, adjacent to the outdoor gym, is to be reinstated to its current location, or within 10m of this location.

43. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the storage area 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 survey plan shall detail the location of the storage area in the context of the surrounding parklands site.

The Certificate is to be submitted prior to the issue of an Occupation Certificate.

44. OCCUPATION CERTIFICATE

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

45. 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 public domain 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.

46. STORMWATER

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

47. LIGHTING

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

(b) All external lighting fixtures should be vandal resistant.

(c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.

(d) Lighting should be free of obstructions, such as tree branches, pipes, etc.

(e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

- (f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.



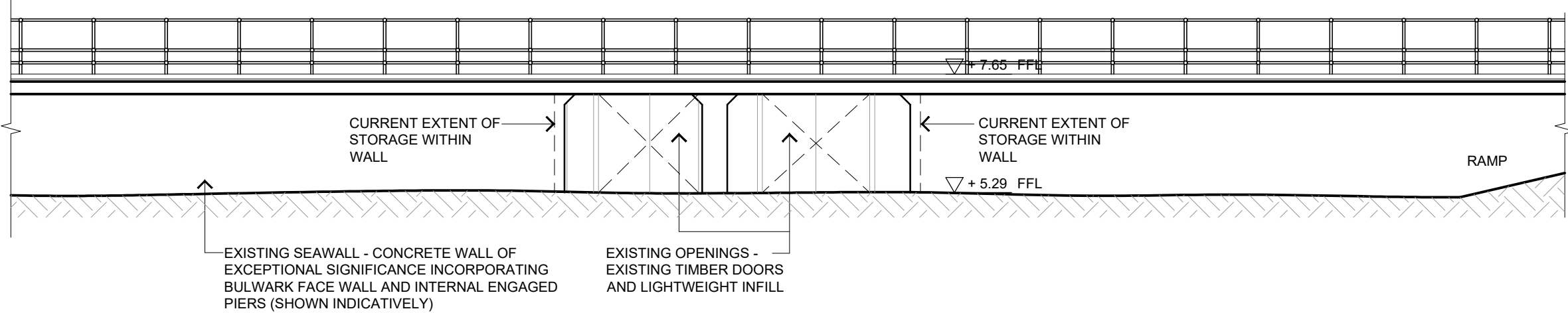
AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-83/2019
Date Received: 05/08/2019

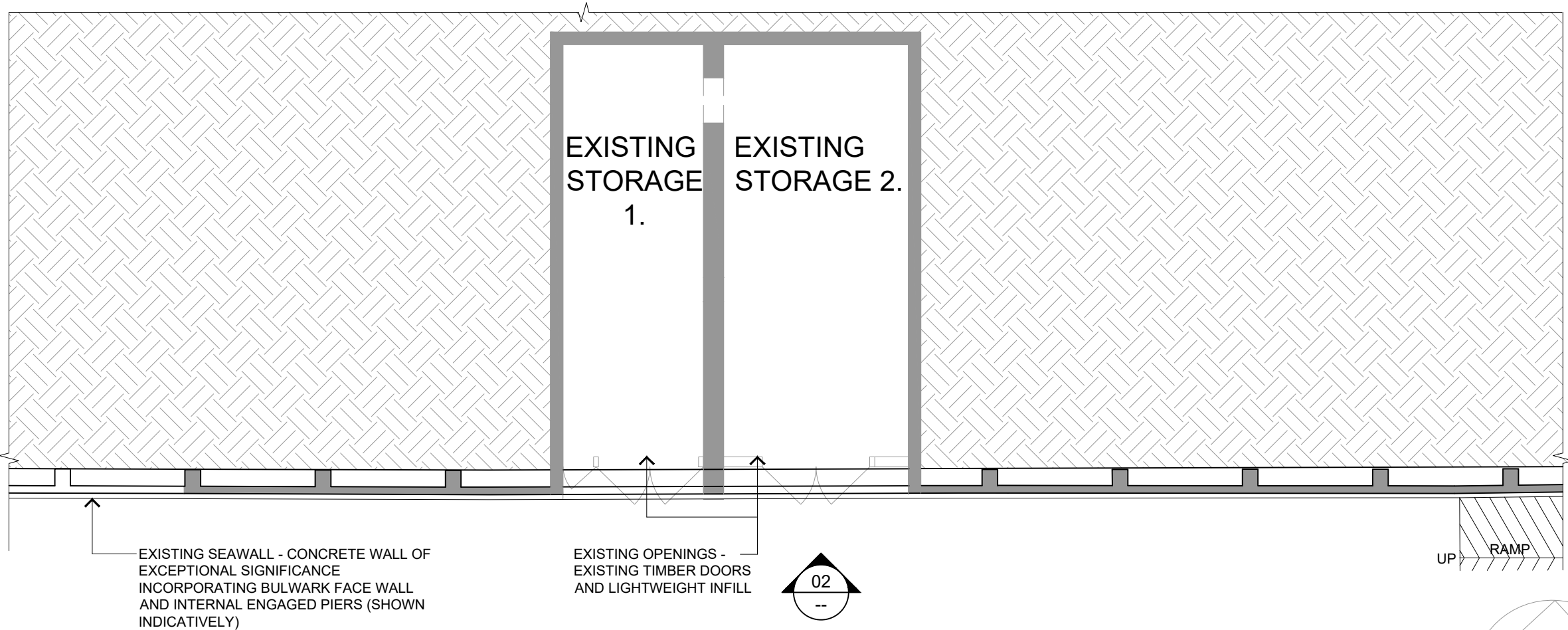
Nominated Architect Jennifer Preston | Registration number 6596
JPA D Australia Pty Ltd

DOCUMENT TRANSMITTAL		PROJECT ID		1930	
PROJECT		ISSUE			
NORTH BONDI SURF LIFE SAVING CLUB		DAY		25 02	
CAMPBELL PARADE		MONTH		07 08	
BONDI BEACH NSW 2026		YEAR		19 19	
DRAWING DESCRIPTION		SHEET NO		AMENDMENTS	
EXISTING PLAN AND ELEVATION		EX001		1	
LOCATION AND SITE PLAN		WD001		1	
SITE ANAYLSIS PLAN		WD002		1	
PROPOSED SET OUT PLAN		WD100		1 2	
SECTIONS AND ELEVATIONS		WD200		1	
PHOTOMONTAGE 1		WD901		1	
PHOTOMONTAGE 2		WD902		1	
SPECIFICATION & SCHEDULES					
STATEMENT OF HERITAGE IMPACT				1	
STRATEMENT OF ENVIRONMENTAL EFFECTS				1	
HERITAGE SCOPE OF WORKS				1	
FINISHES SCHEDULE				1	
DISTRIBUTION: (copies)					
CLIENT - DU CROS DESIGN [MARK DU CROS]		1 1			
PROJ MGR - [COMPANY] [NAME]					
AUTHORITY - [COMPANY] [NAME]					
CONSULTANT - [COMPANY] [NAME]					
DISPATCH:					
C-Courier / E-Email / F-Fax / H-Hand / M- Mail		E E			
PURPOSE:					
P-Preliminary / Q-Pricing / X-Information / A-Client Approval / DA-Development App. / CC-Construction Cert. / T-Tender / C-Construction / S.96-Section 96 App. / CON-Contract		A DA			
ISSUED BY:					
[Staff Name]		JP ES			

AMENDED PLANS



02 ELEVATION - EXISTING
SCALE: 1:100



01 PLAN - EXISTING
SCALE: 1:100

GENERAL NOTES		
All building work to comply with relevant Australian Standards. No dimensions to be scaled or scanned from drawing. All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times. Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.		
COPYRIGHT		
JP&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JP&D Australia Pty Ltd.		
REVISION	DATE	DESCRIPTION
1	02/08/19	FOR CLIENT REVIEW
INITIALS		ES

RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019



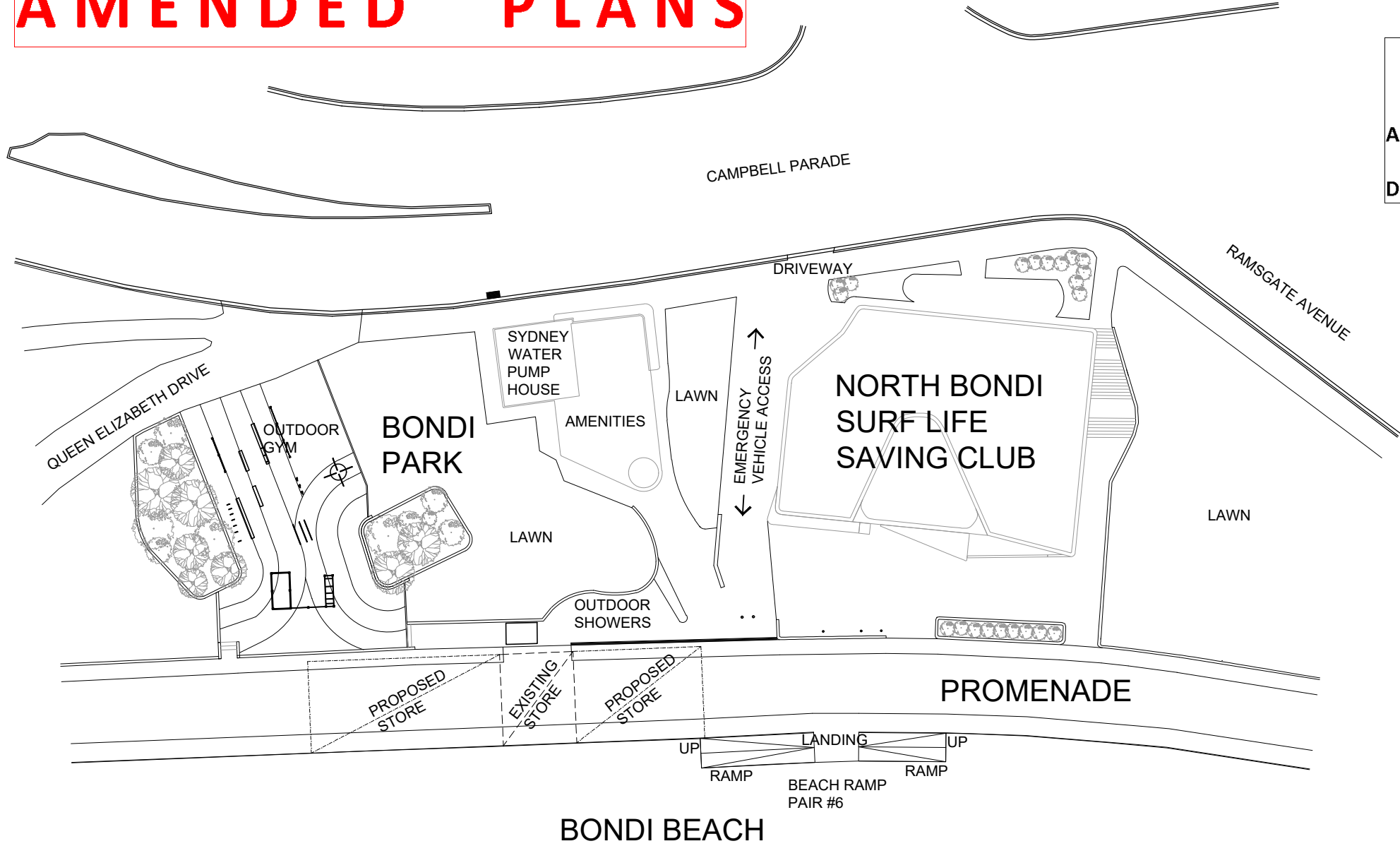
SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU

JPA&D
ARCHITECTURE INTERIORS HERITAGE

Jennifer Preston | Nominated Architect
Registration Number 6596

CLIENT		
DU CROS DESIGN		
PROJECT TITLE		
PROPOSED ADDITIONAL STORAGE NORTH BONDI SURF LIFE SAVING CLUB		
PROJECT ADDRESS		
CAMPBELL PARADE BONDI BEACH NSW 2026		
DRAWING TITLE		
EXISTING PLAN		
SCALE	SHEET SIZE	
1:100	A3	
DESIGNED	DRAWN	CHECKED
--	MB	ES
JOB No.	DRAWING No.	REVISION
1930	EX001	184

AMENDED PLANS



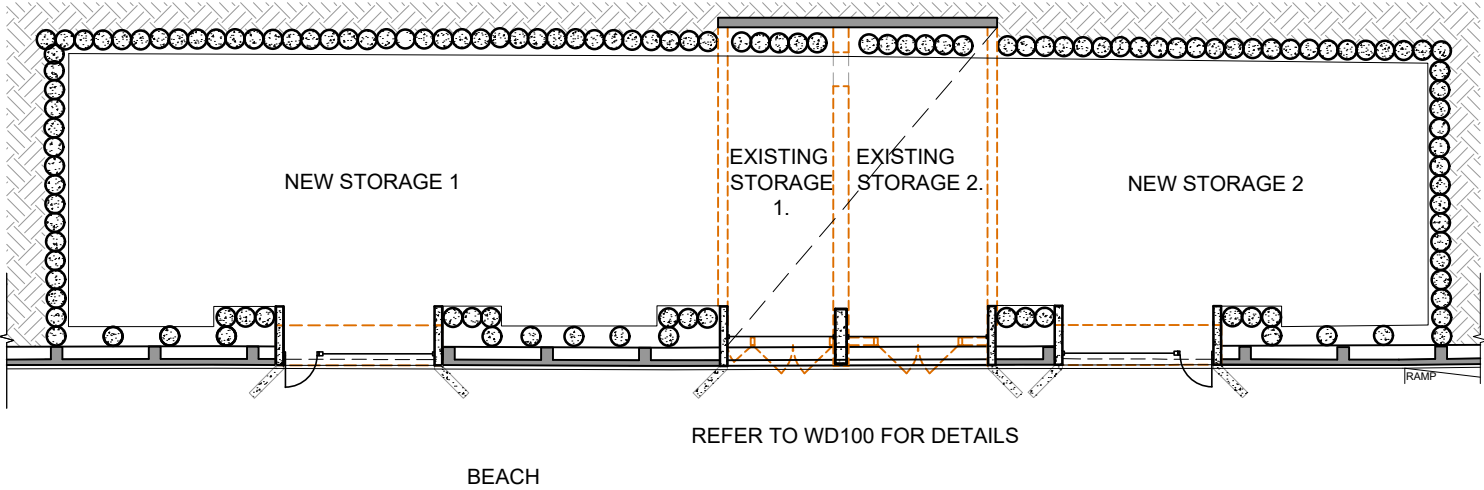
RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019

GENERAL NOTES		
All building work to comply with relevant Australian Standards. No dimensions to be scaled or scanned from drawing. All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times. Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.		
COPYRIGHT		
JP&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JP&D Australia Pty Ltd.		
REVISION	DATE	DESCRIPTION
1	02/08/19	FOR CLIENT APPROVAL
		INITIALS
		ES

01 PLAN
- LOCATION PLAN
1:500



02 PLAN
- SITE PLAN
1:200

DEVELOPMENT
APPLICATION
ISSUE



SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU

Jennifer Preston | Nominated Architect
Registration Number 6596

ARCHITECTURE INTERIORS HERITAGE

CLIENT
DU CROS DESIGN

PROJECT TITLE
PROPOSED ADDITIONAL
STORAGE NORTH BONDI SURF
LIFE SAVING CLUB

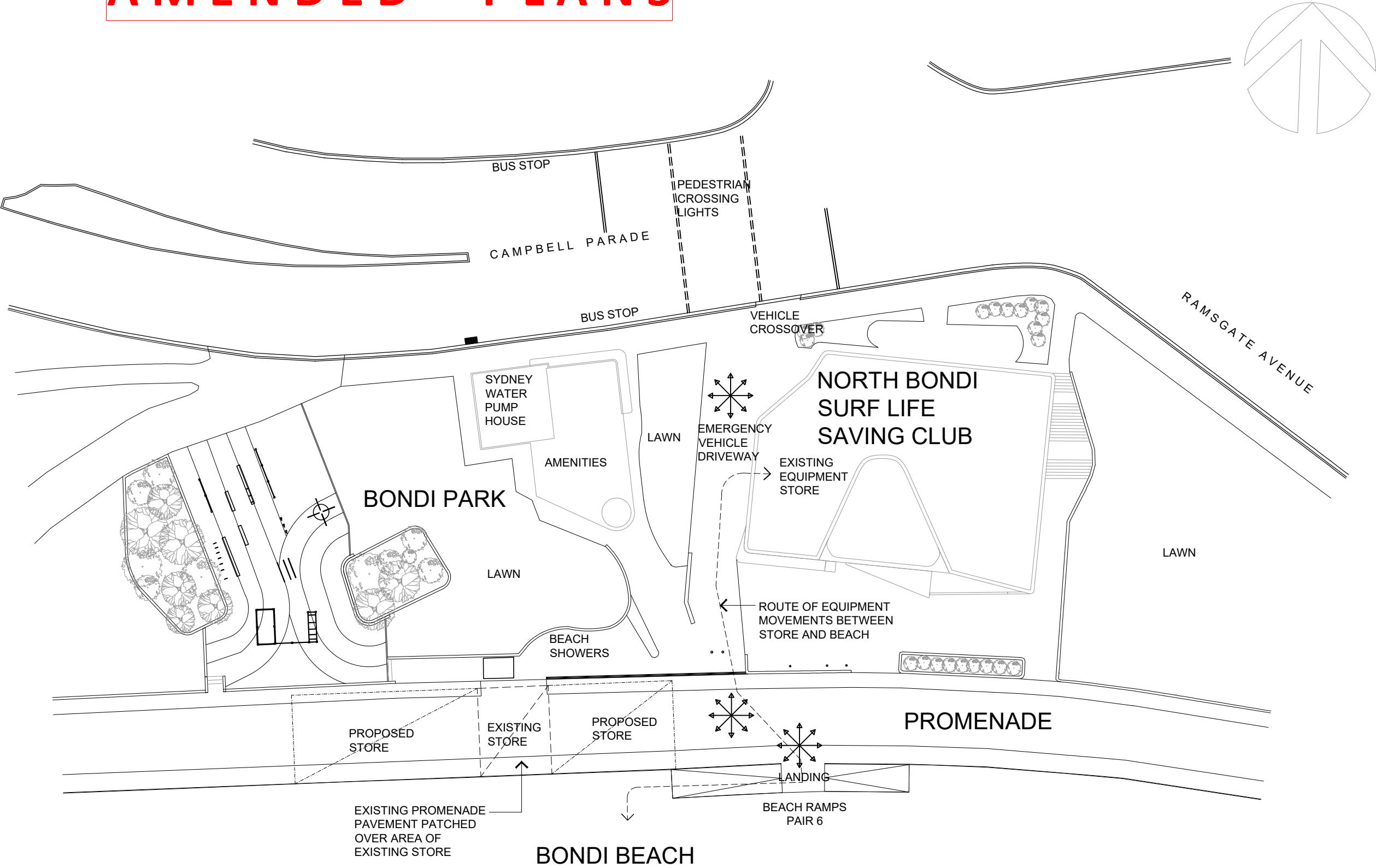
PROJECT ADDRESS
CAMPBELL PARADE
BONDI BEACH
NSW 2026

DRAWING TITLE
LOCATION AND SITE PLAN

SCALE	SHEET SIZE	
VARIES	A3	
DESIGNED	DRAWN	CHECKED
-	MB	ES
JOB No.	DRAWING No.	REVISION

1930 WD001 185

AMENDED PLANS



GENERAL NOTES		
All building work to comply with relevant Australian Standards. No dimensions to be scaled or scanned from drawing. All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times. Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.		
COPYRIGHT		
JP&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JP&D Australia Pty Ltd.		
REVISION	DATE	DESCRIPTION
1	02/08/19	FOR CLIENT APPROVAL
		INITIALS
		ES

RECEIVED

Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019

DEVELOPMENT APPLICATION ISSUE

SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU

Jennifer Preston | Nominated Architect
Registration Number 6596

ARCHITECTURE INTERIORS HERITAGE

CLIENT
DU CROS DESIGN

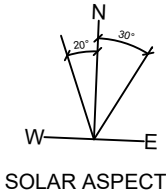
PROJECT TITLE
PROPOSED ADDITIONAL STORAGE NORTH BONDİ SURF LIFE SAVING CLUB

PROJECT ADDRESS
CAMPBELL PARADE BONDİ BEACH NSW 2026

DRAWING TITLE
SITE ANALYSIS PLAN

SCALE	SHEET SIZE	
N.T.S.	A3	
DESIGNED	DRAWN	CHECKED
-	MB	ES
JOB No.	DRAWING No.	REVISION

01 SITE ANALYSIS PLAN
SCALE: N.T.S.



SOLAR ASPECT



WIND CONDITIONS



CLASH BETWEEN PEDESTRIANS / OTHER VEHICLES AND EXISTING ROUTE FOR MOVING EQUIPMENT.

AMENDED PLANS

RECEIVED
Waverley Council

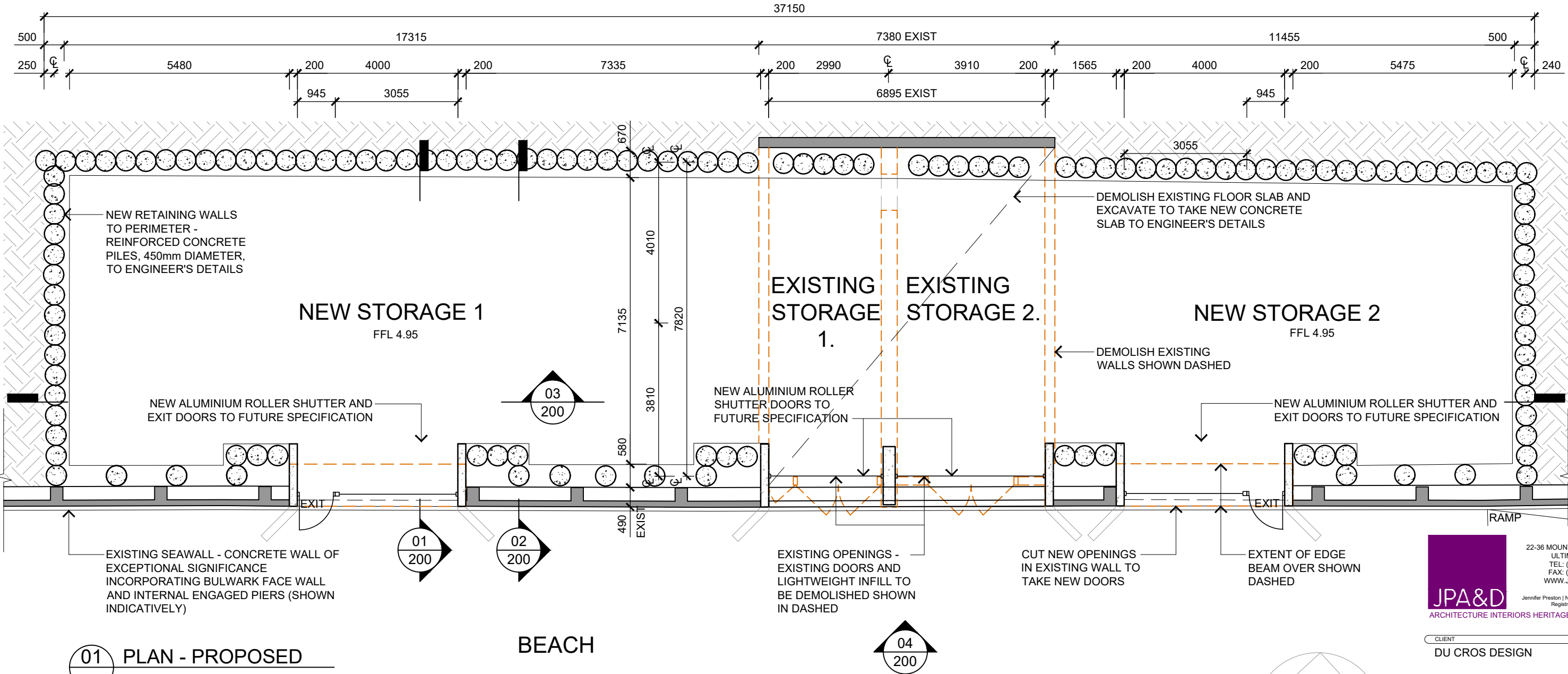
Application No: DA-83/2019

Date Received: 05/08/2019

GENERAL NOTES
All building work to comply with relevant Australian Standards.
No dimensions to be scaled or scanned from drawing.
All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times.
Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.

COPYRIGHT
JP&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JP&D Australia Pty Ltd.

REVISION	DATE	DESCRIPTION	INITIALS
1	25/07/19	FOR CLIENT REVIEW	ES
2	02/08/19	FOR CLIENT APPROVAL	ES



01 PLAN - PROPOSED
1:100

SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU
JPA&D
ARCHITECTURE INTERIORS HERITAGE
Jennifer Preston | Nominated Architect
Registration Number 6596

CLIENT
DU CROS DESIGN

PROJECT TITLE
PROPOSED ADDITIONAL
STORAGE NORTH BONDI SURF
LIFE SAVING CLUB

PROJECT ADDRESS
CAMPBELL PARADE
BONDI BEACH
NSW 2026

DRAWING TITLE
PROPOSED SET OUT PLAN

SCALE SHEET SIZE
1:100 A3

DESIGNED DRAWN CHECKED
MDC MB ES

JOB No. DRAWING No. REVISION

1930 WD100 2187

AMENDED PLANS

RECEIVED
Waverley Council

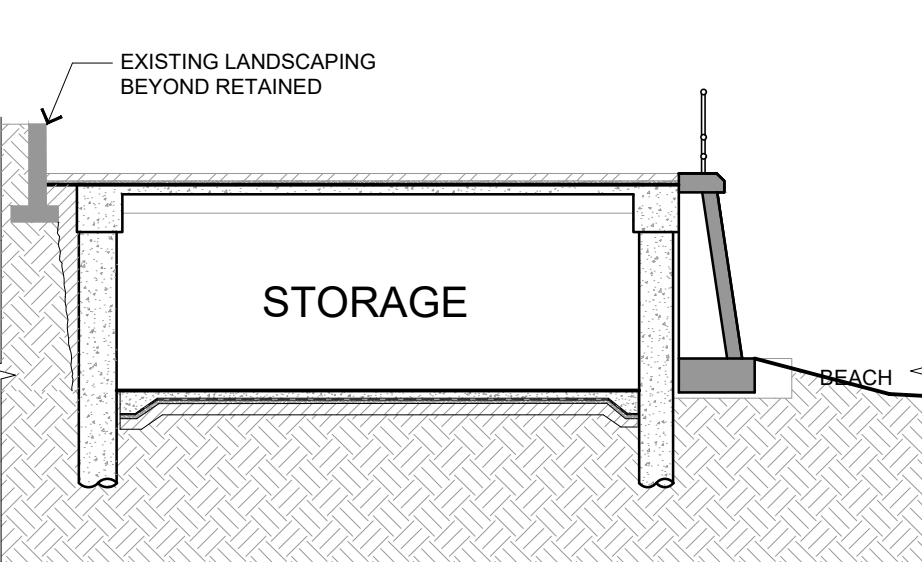
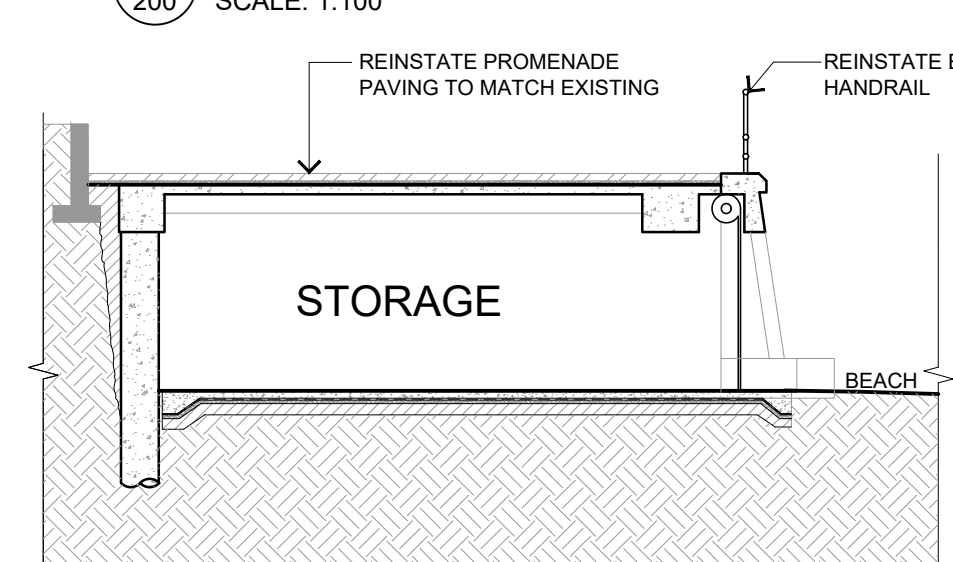
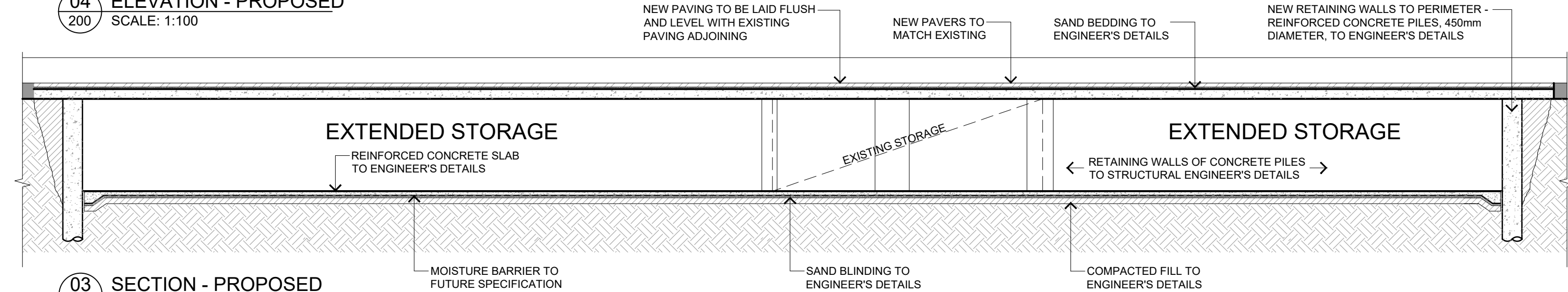
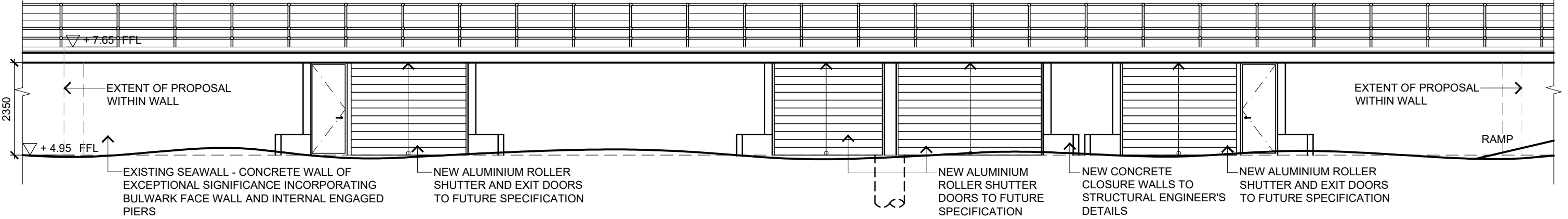
Application No: DA-83/2019

Date Received: 05/08/2019

GENERAL NOTES
All building work to comply with relevant Australian Standards.
No dimensions to be scaled or scanned from drawing.
All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times.
Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.

COPYRIGHT
JPA&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JPA&D Australia Pty Ltd.

REVISION	DATE	DESCRIPTION	INITIALS
1	02/08/19	FOR CLIENT APPROVAL	ES



DEVELOPMENT
APPLICATION
ISSUE

SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU
JPA&D
ARCHITECTURE INTERIORS HERITAGE
Jennifer Preston | Nominated Architect
Registration Number 6596

CLIENT
DU CROS DESIGN

PROJECT TITLE
PROPOSED ADDITIONAL
STORAGE NORTH BONDI SURF
LIFE SAVING CLUB

PROJECT ADDRESS
CAMPBELL PARADE
BONDI BEACH
NSW 2026

DRAWING TITLE
SECTIONS AND ELEVATIONS

SCALE		SHEET SIZE	
1:100		A3	
DESIGNED	DRAWN	CHECKED	
-	MB	ES	
JOB No.	DRAWING No.	REVISION	

1930 WD200 188

01 SECTION - PROPOSED
SCALE: 1:100

02 SECTION - PROPOSED
SCALE: 1:100

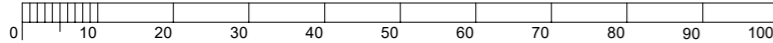
USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
CHECK ALL DIMENSIONS ON SITE.
200MM
300MM ON ORIGINAL

AMENDED PLANS



01 PHOTOMONTAGE 1
901 PROPOSED STORAGE BEHIND SEA WALL
VIEW FROM BEACH

A3



USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
CHECK ALL DIMENSIONS ON SITE.

200MM

300MM ON ORIGINAL

GENERAL NOTES

All building work to comply with relevant Australian Standards. No dimensions to be scaled or scanned from drawing. All dimensions to be checked on site prior to manufacture and construction. Figure dimensions to be used at all times. Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site prior to protection from damage during the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.

COPYRIGHT

JPA&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JPA&D Australia Pty Ltd.

REVISION	DATE	DESCRIPTION	INITIALS
1	02/08/2019	FOR CLIENT APPROVAL	ES

RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019



CLIENT

DU CROS DESIGN

PROJECT TITLE

PROPOSED ADDITIONAL
STORAGE NORTH BONDI SURF
LIFE SAVING CLUB

PROJECT ADDRESS

CAMPBELL PARADE
BONDI BEACH
NSW 2026

DRAWING TITLE

PHOTOMONTAGE 1
VIEW FROM BEACH

SCALE	SHEET SIZE
-------	------------

NTS	A3
-----	----

DESIGNED	DRAWN	CHECKED
----------	-------	---------

ES MT ES

JOB No.	DRAWING No.	REVISION
---------	-------------	----------

1930	WD901	1
------	-------	---

1930 WLD901 1 1

189

AMENDED PLANS



GENERAL NOTES

All building work to comply with relevant Australian Standards.
No dimensions to be scaled or scanned from drawing.
All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times.
Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.

COPYRIGHT

JPA&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JPA&D Australia Pty Ltd.

REVISION	DATE	DESCRIPTION	INITIALS
1	02/08/2019	FOR CLIENT APPROVAL	ES

RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019



SUITE C2.09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU

Jennifer Preston | Nominated Architect
Registration Number 6596

ARCHITECTURE INTERIORS HERITAGE

CLIENT

DU CROS DESIGN

PROJECT TITLE

PROPOSED ADDITIONAL
STORAGE NORTH BONDI SURF
LIFE SAVING CLUB

PROJECT ADDRESS

CAMPBELL PARADE
BONDI BEACH
NSW 2026

DRAWING TITLE

PHOTOMONTAGE 2
VIEW FROM RAMP 6

SCALE

SHEET SIZE

NTS

A3

DESIGNED

DRAWN

CHECK

JOB No. _____

DRAWING No.

REVISI

1930 WD902 1 190

01

PHOTOMONTAGE 2

902

PROPOSED STORAGE BEHIND SEA WALL
VIEW FROM RAMP 6

A3

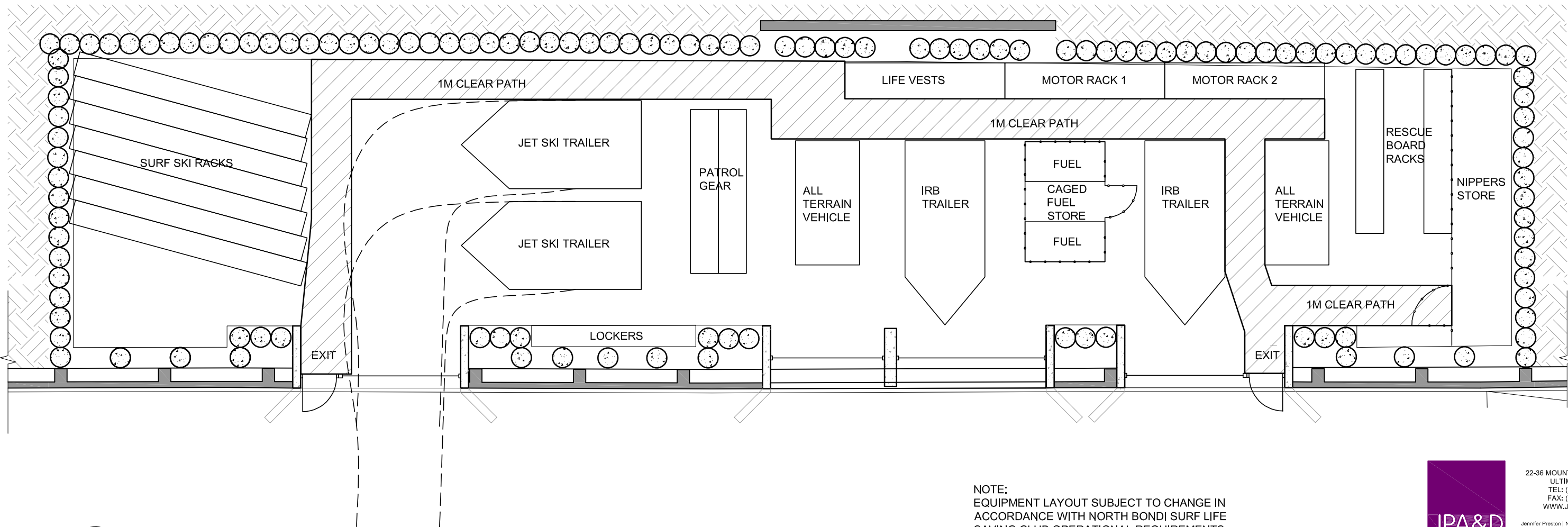
USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
CHECK ALL DIMENSIONS ON SITE.

200MM

300MM ON ORIGINAL

190

GENERAL NOTES		
All building work to comply with relevant Australian Standards. No dimensions to be scaled or scanned from drawing. All dimensions to be checked on site prior to manufacture and construction. Figured dimensions to be used at all times. Contractor is responsible for correct setting out with particular reference to boundaries, building lines, etc. Contractor to verify all levels, heights and dimensions on site and to protect these from damage throughout the duration of works. Contractor is to locate and identify existing services on the site and to protect these from damage throughout the duration of the works. Any errors, discrepancies or omissions to be reported to architect immediately. Any queries arising from the above must be reported and clarified before works commence.		
COPYRIGHT		
JPA&D Australia Pty Ltd is the proprietor of all rights including copyright in this material. No reproductions are permitted without written consent. The client accepts the responsibility of material's content and statement. The elements shown on this drawing are prototypical design only. They may not be utilised, altered, the specification changed, or implemented in part, or in whole, in any structure without notification and written approval being issued by JPA&D Australia Pty Ltd.		
REVISION	DATE	DESCRIPTION
1	14/08/19	ADDITIONAL INFO FOR D.A.
		INITIALS
		ES



NOTE:
EQUIPMENT LAYOUT SUBJECT TO CHANGE IN
ACCORDANCE WITH NORTH BONDI SURF LIFE
SAVING CLUB OPERATIONAL REQUIREMENTS

01 PLAN - PROPOSED
- EQUIPMENT LAYOUT
1:100

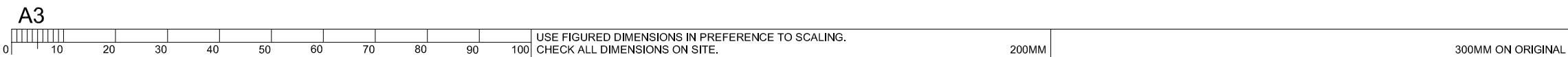


JPA&D
ARCHITECTURE INTERIORS HERITAGE

SUITE C2,09
22-36 MOUNTAIN STREET
ULTIMO NSW 2007
TEL: (02) 9211 2212
FAX: (02) 9211 6616
WWW.JPAD.COM.AU

Jennifer Preston | Nominated Architect
Registration Number 6596

CLIENT		
DU CROS DESIGN		
PROJECT TITLE		
PROPOSED ADDITIONAL STORAGE NORTH BONDI SURF LIFE SAVING CLUB		
PROJECT ADDRESS		
CAMPBELL PARADE BONDI BEACH NSW 2026		
DRAWING TITLE		
PROPOSED EQUIPMENT PLAN		
SCALE	SHEET SIZE	
1:100	A3	
DESIGNED	DRAWN	CHECKED
MDC	ES	ES
JOB No.	DRAWING No.	REVISION
1930	WD101	1



RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 15/08/2019

DEVELOPMENT
APPLICATION
ISSUE

AMENDED



ARCHITECTURE
INTERIORS
HERITAGE

RECEIVED
Waverley Council

Application No: DA-83/2019

Date Received: 05/08/2019

Suite C2.09
22-36 Mountain Street
Ultimo NSW 2007

TEL: (02) 9211 2212
FAX: (02) 9211 6616
www.jpand.com.au

PROJECT NUMBER: 1930




Proposed Additional Storage at North Bondi S.L.S.C.

In Bondi Park, Off Campbell Parade near Ramsgate Avenue, Bondi Beach

Issue: 1

External Finishes Schedule

SCH-901

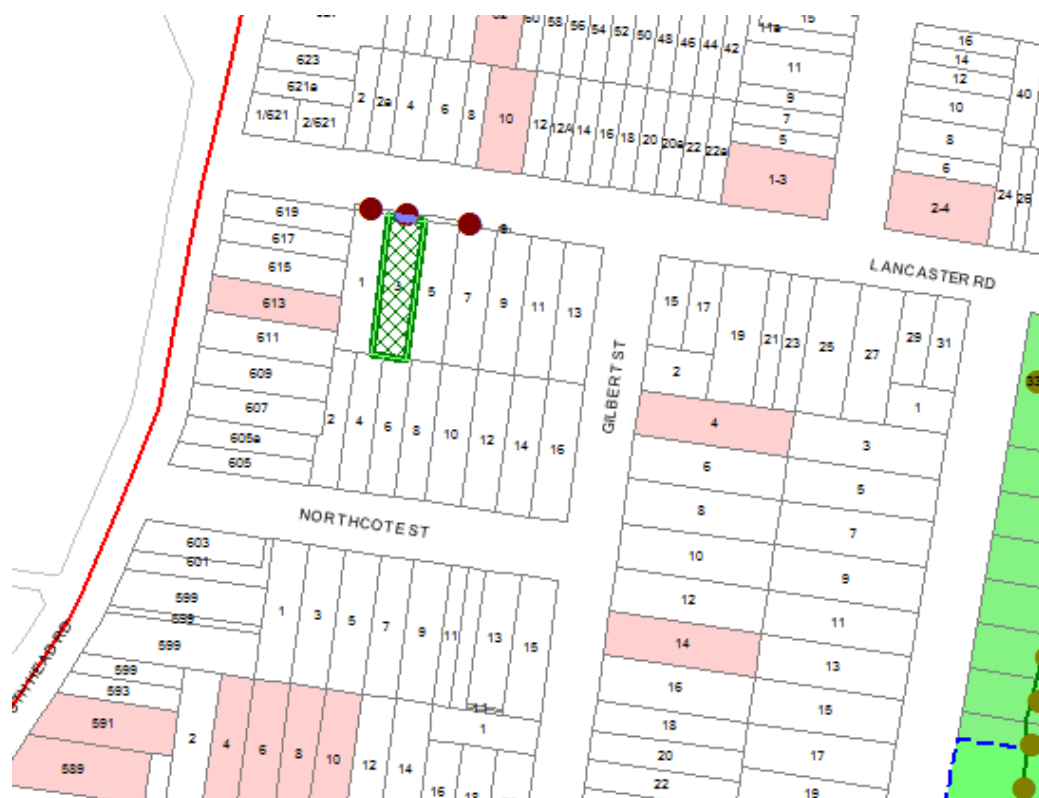
code	description	location	rev
CONCRETE			
C01	Reinforced concrete Cast in situ To Structural Engineer's specifications	Blade columns Closure walls	A
			
DOORS			
F01	Aluminium roller shutter doors Range: Series 3 Finish: Natural satin aluminium Contact: Maverick Roller Products	All new roller shutter doors	A
			
F02	Aluminium framed and clad doors Finish: Natural satin aluminium To match existing at BSBLSC	New exit doors	A
			



Waverley Local Planning Panel

Application number	DA-35/2019
Site address	3 Lancaster Road, Dover Heights
Proposal	Demolition of dwelling and construction of an attached dual occupancy with basement garage, new swimming pool, associated landscaping and strata subdivision
Date of lodgement	12 February 2019
Owner	Notram One Pty Limited
Applicant	Mhn Design Union
Submissions	Seven
Cost of works	\$2,484,631
Issues	FSR, setbacks, bulk and scale, streetscape
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 17 April 2019.

The site is identified as Lot 20 in DP 4185, known as 3 Lancaster Road, Dover Heights. The site is rectangular in shape with a northern front and southern rear boundary measuring 12.19m and eastern and western side boundaries measuring 47.245m. The site has an area of 575.4m² and falls from the east towards the west by approximately 1m.

The site is occupied by part one part two-storey detached dwelling with vehicular access provided from Lancaster Road and a garage located at the front of the site.

The subject site is adjoined by two-storey dwellings on either side. The locality is characterised by one and two-storey detached dwellings and residential flat buildings.



Figure 1: Site viewed from Lancaster Road.



Figure 2: Subject site viewed from rear.



Figure 3: View of adjoining properties to the east of the subject site.

1.2 Relevant History

A search of Council's Building and Development records revealed no previous applications associated with the site.

1.3 Proposal

The application seeks consent to demolish an existing detached dwelling and to construct an attached two-storey dual occupancy with basement single car garage for each with separate driveways, strata-subdivision and associated landscaping works.

Each dwelling will contain the following:

Basement

- Single garage with separate driveway
- Plant and storage area
- Stair access and lift to ground floor

Ground floor level

- Open plan living, dining, kitchen opening in to deck
- Bathroom
- Rumpus room
- Swimming pool in rear yard
- Fire pit

First floor level

- Four bedrooms
- Three bathrooms

The subject application was deferred on 6 June 2019 to allow the applicant the opportunity to address the following non-compliances identified with the proposal:

- Floor space ratio (FSR) development standard
- First floor rear building line
- Car parking swept wheel paths
- Stormwater
- Fire pits

The applicant provided sketches in July 2019 and a formal response to the deferral letter on 24 September 2019 that were reviewed and not considered satisfactory in addressing the FSR non-compliance. The amended proposal reduced the first floor rear building line, however, still resulted in a variation of 28% to the FSR development standard, which was not considered acceptable. The application proposes to construct a new dual occupancy, therefore the new development should comply with the development standards of the Waverley Local Environment Plan 2012 and objectives and controls of the Waverley Development Control Plan 2012. In this regard, the amended plans were not accepted by Council and the original proposal forms the basis of the assessment.



Figure 4: Photomontage of the proposed dual occupancy (source: MHNDU)

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017

The application proposes to remove and replace a tree located within the site as it is causing damage to a retaining wall shared with the adjoining property. Councils Tree Management Officer supports the removal and replacement of the specified tree and recommends conditions be imposed in the consent to protect various trees within the site and adjoining property.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the plan.
Part 2 Permitted or prohibited development		
2.7 Demolition	Yes	Demolition is permissible with consent.
Land Use Table R2 - Low Density Residential	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal results in a maximum height of 8.5m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Total site area: 575.4m² Max FSR 0.5 or GFA of 287.7m² 	No	The proposed dual occupancy results in a total FSR of 0.69:1 or gross floor area of 398.2m ² and a variation of 38% to the development standard. Note: the applicants FSR calculations did not include the floor space for two sets of stairs, therefore an additional 10.2m ² has been included in the total gross floor area. It is Council policy that two sets of stairs are included as floor space in a three-storey dwelling. The applicant stated that the FSR is 0.67:1 or 388m ² .
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed demolition will require excavation and filling, however, is not expected to have a detrimental impact on the environmental functions and processes or neighbouring uses of the surrounding land.

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 FSR development standard in Clause 4.4. The site is subject to a maximum FSR control of 0.5:1. The proposed development has a FSR of 0.69:1, exceeding the standard by 110.5m² equating to a 38% variation.

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

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

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

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

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

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) *Despite the variation, the proposal comprises a considered design that is compatible with the character of the adjoining and surrounding properties and does not cause any significant impact to the amenity of the site or surrounding area.*
 - (ii) *The broad application of the FSR provision does not recognise the response to the built form sought in the area.*
 - (iii) *The site is situated near Old South Head Road where these properties are zoned R4 and are allowed a higher FSR of 0.9:1.*
 - (iv) *The 22sqm portion of land between the site and the road is already being utilised by the existing dwelling with the garage, fencing and pedestrian access. This portion is also proposed to be built upon with fencing, pedestrian access and the crossover associated with the dual occupancy. When incorporating this area into the site area, this calculates to a total site area of 597.4sqm instead of 575.4sqm. Subsequently, the FSR would be less at 0.65:1 instead of 0.67:1.*
 - (v) *As demonstrated above, surrounding dual occupancies approved with FSR variations indicate the standard is unreasonable and unnecessary.*
 - (vi) *The broad FSR application does not exclude the possibility of high quality built form that is compatible with the surrounding streetscape and does not impact upon the amenity of surrounding properties. Despite the variation to the FSR, the proposal is able to achieve these outcomes.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:

- (i) *The proposed variation does not cause any significant impacts to the amenity of the adjoining properties in relation to privacy and shadowing.*
- (ii) *The proposal does not impact upon the amenity of the public domain.*
- (iii) *The proposal maintains the low density residential character.*
- (iv) *The proposed height, bulk and scale are consistent with the desired future character of the area.*
- (v) *The proposal complies with the minimum requirement for landscaped area and private open space.*
- (vi) *The proposal retains all trees in adjoining sites and street trees. It also includes a landscape plan with proposed plantings throughout the site and integrated with the building through the provision of planter boxes at the front. These elements contribute to the natural streetscape elements.*

Note: the applicant has not referred to the current objectives of Clause 4.4 Floor space ratio in the LEP, the applicant has stated ‘existing future character’ and not ‘desired future character’.

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

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

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

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

It is considered that the applicant has not adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. The written request claims that the proposed dual occupancy “retains the low-density scale of the area” and “does not cause any significant impact to the amenity of the site or surrounding area” which in Councils opinion is incorrect. The proposal is 38% over the maximum allowable FSR which directly impacts the low-density scale of the immediate area and is likely to result in negative cumulative effects to the density of Lancaster Road.

The applicant provided 11 examples of other approved dual occupancy developments in the locality, however, only one property (7 Lancaster Road) is considered relevant to this application as it is located on Lancaster Road whereas the remaining 10 properties are not located within the immediate catchment.

The written request claims that 7 Lancaster Road was approved with a non-compliant FSR of 0.57:1 (max allowable FSR of 0.5:1), however, this was approved by Council in 2008 prior to the current controls and the development consent has expired without any of the works being completed. Notwithstanding the above, a development application for the same property 7 Lancaster Road was recently refused on 25 September 2019 by WLPP due to a number of non-compliances to Council controls, one being that the proposal exceeded the maximum FSR development standard.

Table 2 below, has been prepared demonstrating Council's approval history of properties within the immediate catchment of 3 Lancaster Road, as well as a recent dual occupancy approval on the northern side of Lancaster Road. It is evident that the density of Lancaster Road has been preserved and the development standard has not been abandoned.

Table 2: Council approval history of the immediate catchment to 3 Lancaster Rd.

Property	Dwelling type	DA	Proposal	Max allowable FSR	Council approved FSR
1 Lancaster Rd	Detached dwelling	DA-442/2010 Approved 7/12/2010	Alterations and additions incl. first floor addition	0.5:1	0.53:1 or 6% variation Approved by Council
5 Lancaster Rd	Detached dwelling	DA-752/2003 Approved 2004	Alterations and additions incl. internal reconfiguration	0.54:1	0.53:1
7 Lancaster Rd	Detached dwelling	DA-242/2018/1 Refused 2019	Alterations and additions incl. first floor addition	0.5:1	0.56:1 or 13% variation Refused by WLLP
9 Lancaster Ave	Detached dwelling	DA-719/2007 Approved 13/06/2008	Alterations and additions	0.5:1	0.45:1
11 Lancaster Ave	Detached dwelling	DA-506/2001 Approved	First floor addition	0.52:1	0.52:1
13 Lancaster Ave	Detached dwelling	DA-415/2004/A Approved 2005	Alterations and additions incl. minor extension, new deck and access stairs	Compliant	Compliant
12 Lancaster Ave	Dual Occupancy	DA-415/2010 Approved 2010	New dual occupancy	0.78:1	0.77:1

Furthermore, the applicant claims there will be no significant impacts to the amenity of adjoining properties. However, the shadow diagrams included in the application, demonstrate significant additional overshadowing impacts to the private open space of properties at 1 and 5 Lancaster Road. An extract of the shadow diagrams at 9.00am and 3.00pm have been provided below. The proposal does not comply with the FSR development standard OR rear building line control resulting in unnecessary bulk towards the rear of the site. In this regard, any adverse impacts to the amenity of adjoining properties is not considered acceptable.

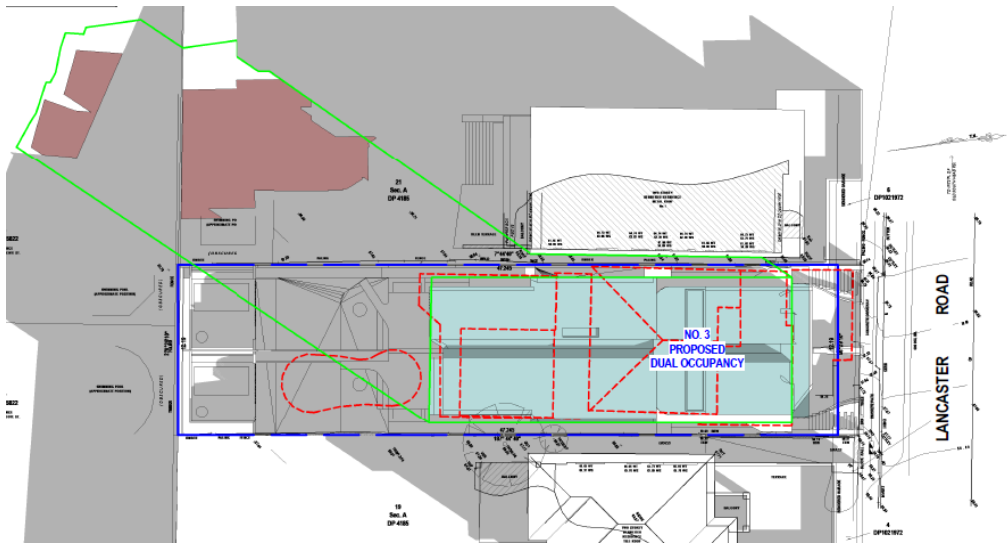


Figure 5: Proposed shadowing at 9am 21 June

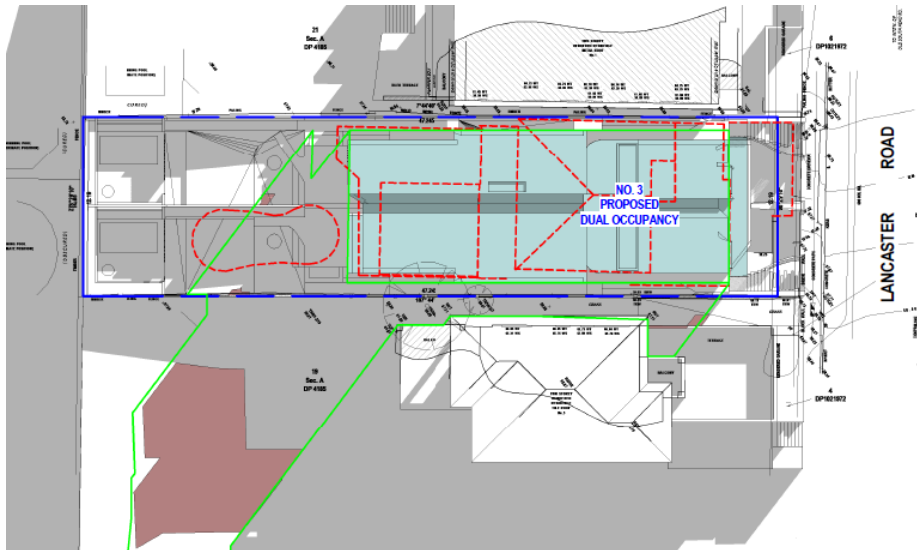


Figure 6: Proposed shadowing at 3pm on 21 June

- DENOTES AREA OF EXISTING AND SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED NEW DEVELOPMENT
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES OUTLINE OF CONTROL ENVELOPE AND SHADOW

In conclusion, the non-compliance to the FSR development standard does not meet Waverley LEP 2012 Clause 4.4 Objective (1)(c) which seeks to ensure that buildings are compatible with the bulk, scale and desired future character of the area. The proposed dual occupancy development is bulky in the context of the site and is not compatible with adjoining development. The proposal does not demonstrate the **desired future character** of the area.

In addition, the written request has not referenced one or more of the following justifications as set out in *Wehbe v Pittwater Council* (2007) 156 LGERA 446:

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

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

The applicant has not adequately addressed that there are sufficient environmental planning grounds to justify contravening the standard as the non-compliant floor space is likely to result in negative cumulative effects to floor space, dual occupancy development, bulk and scale, and the amenity of adjoining properties. The FSR development standard is in place to strategically manage densities and this site is located within a low density residential zone where the majority of properties do not exceed the FSR development standard. It is Council's view that approval of this proposal would set an undesirable precedent for the immediate locality. The increase in FSR of one site may result in a cumulative effect across the low density residential zone and therefore result in adverse impacts to overall density and built form of the area.

Is the development in the public interest?

The proposed development is not in the public interest because it is inconsistent with the objectives of the particular standard and the zone. In particular, the proposed development does not preserve the environmental amenity of 1 and 5 Lancaster Road.

Conclusion

For the reasons provided above, the requested variation to the FSR development standard is not supported, as the applicant's written request has not adequately addressed the matters required to be addressed by cl 4.6(3) of the Waverley LEP 2012. In addition, the proposed development is not in the public interest because it is inconsistent with the objectives of the R2 Low Density Residential Zone and FSR development standard.

2.1.5 Waverley Development Control Plan 2012 (Amendment 6)

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction.
2. Ecologically sustainable Development	No	The application proposes external fire pits in the rear of the property which is contrary to control 2.3(a).
3. Landscaping and Biodiversity	Yes	The landscaping plan has been reviewed and is considered acceptable.
5. Tree preservation	Yes	One tree located within the property boundary is proposed to be removed and this is supported by Council's Tree Management Officer subject to replacement planting.
6. Stormwater	No	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. The application is recommended for refusal, therefore the non-compliance to stormwater design does not require any further action.
8. Transport	No	The proposed garage has a satisfactory streetscape impact; however, two cross overs are proposed for one site which is against car parking objectives and controls to preserve on-street car parking and minimise potential conflict between vehicles and pedestrians.
12. Design Excellence	No	The propose not contribute to design quality in Waverley and is not considered good urban design due to the adverse amenity impacts and does not demonstrate an appropriate response to the site and surround.
16. Public Domain	No	The proposal was referred to Council's Public Domain Engineer who does not support the proposed landscape structures on Council land. All proposed development must be within the property boundary due to public liability reasons.

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

205

Development Control	Compliance	Comment
2.4 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p>	<p>The height of the proposed front fence is approximately 1.2m.</p> <p>The height of the proposed side fencing is approximately 1.8m.</p>
2.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. Where an elevated courtyard, balcony, terrace or deck is visually prominent from, or in close proximity to, a neighbouring dwelling, permanent screening, landscaping and vegetation is to be used in combination to minimise any impacts to an acceptable level. Where an elevated deck or balcony is proposed it should have a maximum area of 10m² and a maximum depth of 1.5m. Where a larger area is proposed then greater consideration must be given to compliance with setback controls and privacy permanent screening. 	<p>No</p> <p>No</p> <p>No</p>	<p>The proposed large window openings on the first floor level facing the rear and east and west of the property do not provide privacy screening and may result in overlooking impacts to adjoining properties.</p> <p>Privacy screening can be provided on the window openings, therefore, this issue is not considered a reason for refusal.</p> <p>The application proposes two large elevated decks that are raised approximately 1m above the existing ground level, will be 20m² per deck, and do not comprise of any privacy screening. The raised deck areas are likely to compromise the privacy of adjoining properties, and therefore are not supported in the current design.</p> <p>The proposed elevated decks are over 20m² with an approximate depth of 5m. The proposal does not comply with setback controls and no effort has been made to mitigate visual and acoustic privacy impacts to adjoining properties.</p>

Development Control	Compliance	Comment
2.6 Solar access		
(a) Minimum of three hours of sunlight to living areas and principal open space areas on 21 June	Partial	The proposed building comprises east and north facing window openings that will capture direct sunlight. The dwellings do not receive minimum of three hours direct sunlight to 50% of the private open space in mid-winter
(b) Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June	No	The shadow diagrams supporting the application indicate additional overshadowing to the rear private open space of adjoining properties 1, 5 and 7 Lancaster Road. Generally, this would not be considered a refusal reason for a compliant development. However, the proposal results in a significant variation to the FSR development standard and rear setback control which is likely to contribute to the additional overshadowing. In this regard, the overshadowing is considered unacceptable.
(c) Despite controls (a) & (b) above, where a variation to floor space ratio, maximum building height, maximum wall height or setbacks controls causes a reduction in direct sunlight to adjoining properties, any reduction may be considered unacceptable.	No	
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.	Yes	See discussion below.
2.8 Car parking		
2.8.2 Design Approach <ul style="list-style-type: none">Parking only allowed where site conditions permitDesigned to complement the building and streetscape	Partial	Two driveways are proposed, which is detrimental to the streetscape and pedestrian safety. It is noted that garages accessed from the front of the site are characteristic of Lancaster Road.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Car parking structures to be behind the front building line 		
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	The proposal provides a car space for each dwelling that comprise four bedrooms in each dwelling.
2.8.3 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Existing development to be in accordance with the hierarchy of preferred car parking locations 	No (acceptable)	The application proposes two car spaces forward of the front building line; this is compatible with the predominant form of car parking along Lancaster Road. This is not considered a reason for refusal.
2.8.4 Design <ul style="list-style-type: none"> Complement the style, massing and detail of the dwelling Secondary in area & appearance to the design of the residences No part of the façade is to be demolished to accommodate car parking 	Partial	The proposed car parking complements the style of the new dwelling. However, two driveways are proposed, which is not acceptable.
2.8.5 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The dimension of each garage is approximately 4.6 x 6m.
2.8.6 Driveways <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 	No	The proposal provides two driveways for an attached dual occupancy which is unnecessary for this type of development. To minimise the reduction of on-street car parking and maintain pedestrian safety, one drive way is considered appropriate for the proposal.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	Yes	<ul style="list-style-type: none"> The proposal provides over 40% of overall open space.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>No (acceptable)</p> <p>No (acceptable)</p> <p>Yes</p>	<ul style="list-style-type: none"> The proposal provides over 15% of landscaped area. The proposal provides over 25m² of private open space. A garage will be located at the front setback which is consistent with surrounding development. The proposal has incorporated some landscaping in the front setback, which is considered acceptable. The site provides sufficient space for a clothes drying area.
2.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy 	Yes	The proposed swimming pools are located in the rear yard and are setback from the rear and side boundaries.
2.15 Dual Occupancy Development		
<ul style="list-style-type: none"> Min 450m² attached dwellings Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling 	<p>Yes</p> <p>Yes</p>	<p>The site is approximately 575.4m².</p> <p>The proposed building appears as a single dwelling.</p>

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

Views

The application received one submission from 5 Lancaster Road in relation to view loss as a result of the proposed development. 5 Lancaster Road is located on the eastern side of the subject site which comprises a two-storey dwelling with first floor balconies and bedroom windows facing west.

An assessment of the view loss caused by the proposed development has been undertaken in accordance with the four steps applied in the NSW Land and Environment Court planning principle on view sharing arising from the case of *Tenancy Consulting vs. Warringah* [2004] LEC 140.

1. *Identify the views to be affected.*

First floor front bedroom



Image 1: Existing view from first floor front bedroom (standing) (photo taken by Council's Assessment Officer)

Summary:

The view includes a glimpse of the city obscured by buildings and vegetation.

First floor rear bedroom



Image 2: Existing view from first floor rear bedroom (standing) (photo taken by Council's Assessment Officer)

Summary:

The view includes a glimpse of the city obscured by buildings and vegetation.

Window adjacent to hallway – first floor level



Image 3: Existing view from first floor hallway (standing) (photo taken by Council's Assessment Officer)

Summary:

The view includes a glimpse of the city obscured by buildings and vegetation.

Window adjacent to stair – first floor level



Image 4: Existing view from hallway (standing) (photo taken by Council's Assessment Officer)

Summary:

The view includes a glimpse of the city obscured by buildings and vegetation.

2. Consider from what part of the property the views are obtained.

As demonstrated in the images above, the views are available at a standing position from the first floor balcony, front and rear bedrooms and hallway. The views are obtained through a side boundary over the subject site. The partial views of the city appear to sit above the property of 1 Lancaster Road.

The view sharing planning principle states: "...the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries" and "the expectation to retain side views and sitting views is often unrealistic".

3. Assess the extent of the impact.

The view sharing planning principle states "*it is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating*". The view is retained through a side boundary that is largely obscured by the natural and built environment. Notwithstanding the above, the proposed building will result in a flat roof height of RL 65,500 and the existing flat roof height of 1 Lancaster Road is RL 65,390 (refer to figure 6 below). Therefore, in this instance it is reasonable to consider the view loss impact as negligible.



Figure 7: Extract from Roof Plan prepared by applicant.

4. Assess the reasonableness of the proposal that is causing the impact.

The proposed development seeks a variation to the FSR development standard which has been discussed and considered earlier in this report and is not supported. However, the non-compliance to the FSR standard is not considered relevant to this view loss matter as the proposal is not expected to result in any view loss impacts.

In conclusion, the view loss impact is considered negligible.

2.7 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have a significant detrimental effect relating to environmental and social impacts on the locality. Therefore, the application is recommended for refusal.

2.8 Suitability of the Site for the Development

The site is not considered suitable for the proposed development.

2.9 Any Submissions

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

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

Table 5: Summary of property addresses that lodged a submission

Property
1 Lancaster Rd
4 Lancaster Rd
5 Lancaster Rd
7 Lancaster Rd
11 Lancaster Rd
4 Northcote St
6 Northcote St

Issue: Car parking

Response: The submissions raise concern regarding on-street parking and request the proposal be amended to provide a double garage for each dwelling. The single garages comply with car parking controls and are considered acceptable for the proposed development. However, the application is recommended for refusal due to non-compliances in relation to FSR, rear building line, overshadowing and encroachment on the public domain.

Issue: FSR, bulk and scale, rear setback, overshadowing

Response: Agreed. The application is recommended for refusal.

Issue: Retaining wall, tree removal and swimming pool

Response: The submission raises concern regarding the stability of the rear retaining wall, tree removal and proximity of the swimming pool to the rear boundary. The proposal provides a 0.9m setback between the swimming pool and rear boundary which is considered acceptable. The proposed tree removal is supported by Councils Tree Management Officer, subject to replacement planting. At this stage of the development it cannot be assumed that any damage would occur to the retaining wall. Notwithstanding this, the application is recommended for refusal.

Issue: View loss

Response: The submission claims that the proposed development will impact on city views enjoyed from western facing windows and balconies of 5 Lancaster Road. After further investigation, the view impact is considered negligible. The view loss matter has been discussed above.

Issue: Height

Response: The submission claims the proposed height is excessive and does not correspond with the existing character of the street. The proposed height complies with the maximum height standard and the proposed flat roof dwelling is similar to other dual occupancy and flat roof development within Lancaster Road.

2.10 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest. Therefore, the application is recommended for refusal.

3. REFERRALS

3.1 Stormwater – Creating Waverley

An internal referral was sought from Council's Stormwater Engineer who is not satisfied the stormwater details meet the requirements of the Waverley DCP 2012. The proposal is recommended for refusal, therefore, no further action is required on this matter.

3.2 Driveways – Creating Waverley

An internal referral was sought from Council's Traffic Engineer who did not object to the proposal subject to conditions. However, the proposal is recommended for refusal for other non-compliances to the LEP and DCP.

3.3 Tree Management – Clean and Attractive Waverley

An internal referral was sought from Council's Tree Management Officer who did not object to the proposal subject to conditions. However, the proposal is recommended for refusal for other non-compliances to the LEP and DCP.

3.4 GIS – Waverley Digital

An internal referral was sought from Council's GIS Officer who allocated new primary addresses, however, these are not required as the application is recommended for refusal.

3.5 Public Domain – Infrastructure Services

An internal referral was sought from Council's Public Domain Engineer, who does not support the proposed permanent structures on Council land. The proposed work in Council land is subject to all conditions applicable in *The Roads Act 1993* which would forecast Council to be responsible for the public liability. Therefore, Council will not accept the erection of the proposed masonry and gate structures within Council land.

4. SUMMARY

The application seeks consent to demolish an existing detached dwelling and to construct an attached dual occupancy with associated car parking, swimming pool and landscaping works. The proposal is defined as a new dwelling house which is permissible with consent in the R2 low density residential zone.

The proposal results in a significant number of non-compliances with the LEP and DCP. The main issues are as follows:

- The proposal results in a non-compliant FSR of 0.69:1 and a variation of 38% to the FSR development standard and is not contribute to the desired future character of the area.
- The proposed first floor rear building line is not consistent with adjoining properties which is likely to result in adverse impacts to the amenity of surrounding development.
- The proposal comprises two driveways instead of one, which reduces on-street car parking and does not minimise the risk of conflict between vehicles and pedestrians.

- The proposed elevated decks in the rear yard will be raised approximately 1m above existing ground level, are over 20m² and contain no privacy screening.
- The proposal results in unacceptable overshadowing to adjoining properties and does not provide adequate solar access for the proposed dwellings.

The proposal was notified for 14 days and received submissions in relation to FSR, bulk and scale, height, overshadowing, privacy, car parking, view loss, tree removal and swimming pool location. The submission matters were discussed and addressed within the report.

Accordingly, the application has been assessed against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, and the recommendation is to refuse the application.

DBU Decision

The application and assessment report was reviewed by the DBU at the meeting on *1 October 2019* and the DBU determined:

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

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

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:**

Bianca Fyvie
Development Assessment Planner

Bridget McNamara
**Manager, Development Assessment
(North/South)**

Date: 4/10/19

Date: 11 October 2019

Reason for referral:

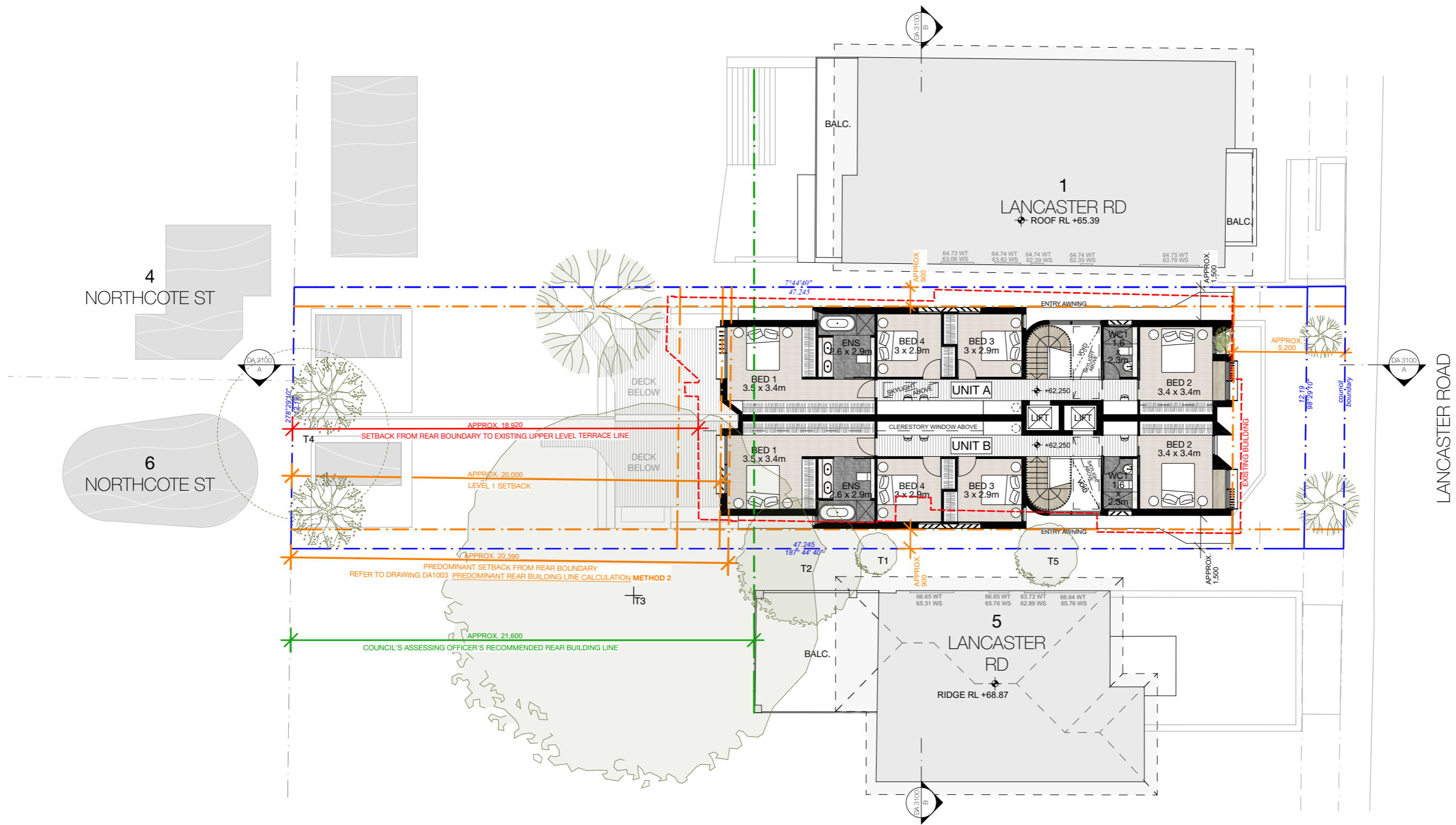
1. Departure from any development standard in an EPI by more than 10%

APPENDIX A – REASONS FOR REFUSAL

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy the objectives of the Environmental Planning and Assessment Act 1979, as stipulated in section 1.3 (g) as the proposal does not promote good design and amenity in the built environment.
2. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan 2012, in particular, the following provisions:
 - a. Clause 4.4(1)(b) to (d) and (2) as the proposal will exceed the maximum FSR permitted for the site and will result in unacceptable bulk and scale and the Clause 4.6 variation written request is not supported.
 - b. Clause 4.6(4)(a)(i) and (ii) as the proposal is inconsistent with the objectives of the FSR development standard and of the R2 low density residential zone and is not compatible with the desired future character of the locality.
3. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B2 – Ecologically Sustainable Development
 - i. Clause 2.3 Renewable Energy and Energy Efficiency, specifically objective (a) and control (a) as the use of solid fuel heating is not permitted in the site.
 - b. Part B8 - Transport
 - i. Clause 8.2.1 Vehicle Access, specifically objectives (a), (c) (f), and control (a), as the application proposes two vehicle crossings for one site, which does not preserve on-street car parking and increases potential conflict between vehicles and pedestrians.
 - c. Part B12 – Design Excellence
 - i. Clause 12.1 Design, specifically objective (a) and controls (a), (b) and (e) as the proposal does not contribute to design quality of Waverley.
 - ii. Clause 12.2 Context Analysis, as the proposal does not provide an appropriate response to the conditions of the site and surrounds.
 - d. Part B16 – Public Domain
 - i. Clause 16.7 Minor Encroachments, control (a) as the proposed encroachment on Council land is not considered minor and is not supported by Council for public liability reasons. All proposed development must be within the property boundary.

- e. Part C2 – Low Density Residential
- i. Clause 2.0 General Objectives, specifically objectives (a) and (d) as the proposal exceeds the maximum allowable floor space ratio for the allotment size which sets an undesirable precedent for the street. The proposal is not sympathetic in bulk and scale with the desired future character of the area.
 - ii. Clause 2.2.1 Front and Rear Building Lines, specifically objectives (d) (f) and controls (a), (b), (d) as the proposed rear building line extends further than the rear building line of adjoining properties and the first floor level is not set back from the rear building line of the ground floor level. This adds unnecessary bulk to the rear of the site and results in negative impacts to the amenity of adjoining properties. In addition, the proposal does not comply with the floor space ratio development standard.
 - iii. Clause 2.5 Visual and Acoustic Privacy, specifically objectives (a), (c) and controls (d) and (e) as the two large elevated decks at the rear of the site do not comply with visual and acoustic privacy controls. The proposed decks are raised 1m above existing ground level, are over 20m² with an approximate depth of 5m and no effort has been made to mitigate visual and acoustic privacy impacts to adjoining properties.
 - iv. Clause 2.6 Solar Access, specifically objectives (b) and (d) and controls (a) and (c) as the proposal does not comply with the floor space ratio development standard or setback controls resulting in unacceptable bulk impacts towards the rear of the site. Any shadows cast onto the private open space of adjoining properties as a result of the first floor level is not considered acceptable. The proposed development does not receive sufficient solar access in mid-winter to the private open space.
 - v. Clause 2.8.6 Car Parking, specifically control (b) as the proposal provides two vehicle crossings for one site, which reduces on-street car parking.
4. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and would adversely impact upon the amenity of the locality and surrounding built environment.
 5. The proposal is contrary to 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
 6. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.



SKETCH OF PROPOSED LEVEL 1 LAYOUT AND PROPOSED LEVEL 1 REAR SETBACK

3 LANCASTER ROAD, DOVER HEIGHTS NSW 2030



Dwg SK 0001
Rev P01
Date 05/07/2019

PROJECT
DUAL OCCUPANCY AND ASSOCIATED LANDSCAPING WORKS

3 LANCASTER RD, DOVER HEIGHTS
NSW 2030

NO.	DRAWING NAME	REV
DA 0000	COVERPAGE	A
DA 1000	AERIAL CONTEXT	A
DA 1001	STREET ELEVATION	A
DA 1002	SITE ANALYSIS	A
DA 1003	SETBACK ANALYSIS	A
DA 1004	SITE & ROOF PLAN	A
DA 2000	BASEMENT PLAN	A
DA 2001	GROUND FLOOR PLAN	A
DA 2002	LEVEL 1 FLOOR PLAN	A
DA 2003	ROOF PLAN	A
DA 3000	ELEVATION NORTH & SOUTH	A
DA 3001	ELEVATION EAST & WEST	A
DA 3100	SECTION A & B	A
DA 6000	EXTERNAL FINISHES	A
DA 9000	CONTROL DIAGRAMS - LANDSCAPE	A
DA 9001	CONTROL DIAGRAMS - GFA	A
DA 9100	SOLAR ACCESS - JUNE 21st - EXISTING	A
DA 9101	SOLAR ACCESS - JUNE 21st - PROPOSED	A
DA 9200	STREET PARKING ANALYSIS	A
DA 9201	WASTE MGT PLAN	A
DA 9202	NOTIFICATION PLAN	A
DA 9203	PHOTOMONTAGE	A

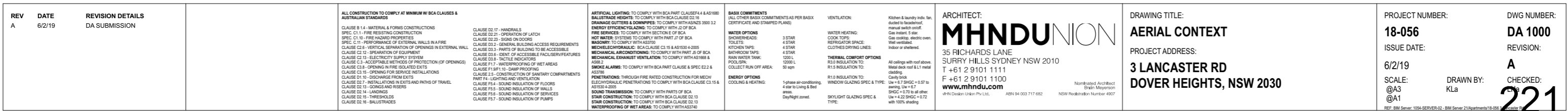


RECEIVED
Waverley Council

Application No: DA-35/2019

Date Received: 12/02/2019

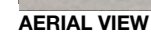
REV A	DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 2.9 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 2.12 - SEPARATION OF EQUIPMENT CLAUSE C 2.13 - ELECTRICITY SUPPLY SYSTEMS CLAUSE C 2.9 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C 15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D 2.13 - GOINGS AND RISERS CLAUSE D 2.14 - LANDINGS CLAUSE D 2.15 - THRESHOLDS CLAUSE D 2.16 - BALUSTRADES	CLAUSE D 2.17 - HANDRAILS CLAUSE D 2.21 - OPERATION OF LATCH CLAUSE D 2.23 - SIGNS ON DOORS CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.8 - IDENT OF ACCESSIBLE FACILITIES/STRUCTURES CLAUSE D 3.8 - TACTILE INDICATORS CLAUSE F 1.7 - WATERPROOFING OF WET AREAS CLAUSE F 1.8/P 1.10 - DAMP PROOFING CLAUSE J 3 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F 4 - LIGHTING AND VENTILATION CLAUSE P 5.4 - SOUND INSULATION OF FLOORS CLAUSE P 5.5 - SOUND INSULATION OF WALLS CLAUSE P 5.6 - SOUND INSULATION OF SERVICES CLAUSE P 5.7 - SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH CLAUSE D 2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 4.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 4 OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART 41 OF BCA MASSORY: TO COMPLY WITH AS3709 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 45 OF BCA MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 45 OF BCA MECHANICAL AIRCONDITIONING VENTILATION: TO COMPLY WITH AS1688 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3706 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS10740	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERHEADS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1200 L, 12000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning: 4 star to Living & Bed areas. Day/Night zoned. SKYLIGHT GLAZING SPEC & TYPE: SKYLIGHT GLAZING SPEC & TYPE: R1.0 INSULATION TO WINDOW GLAZING SPEC & TYPE: R1.5 INSULATION TO: All ceilings with roof above. Metal deck roof & L1 metal cladding. Cavity brick. Uw = 0.7 SHGC = 0.57 to awing. Uw = 0.7 SHGC = 0.70 to all other. Uw = 1.22 SHGC = 0.72 with 100% shading	VENTILATION: WATER HEATING: Showerhead, electric instant, 5 star REFRIGERATOR: Gas, electric, instant, 5 star WATER HEATING: Instant or electric WATER HEATING: Instant
----------	----------------	-----------------------------------	--	---	--	---	---





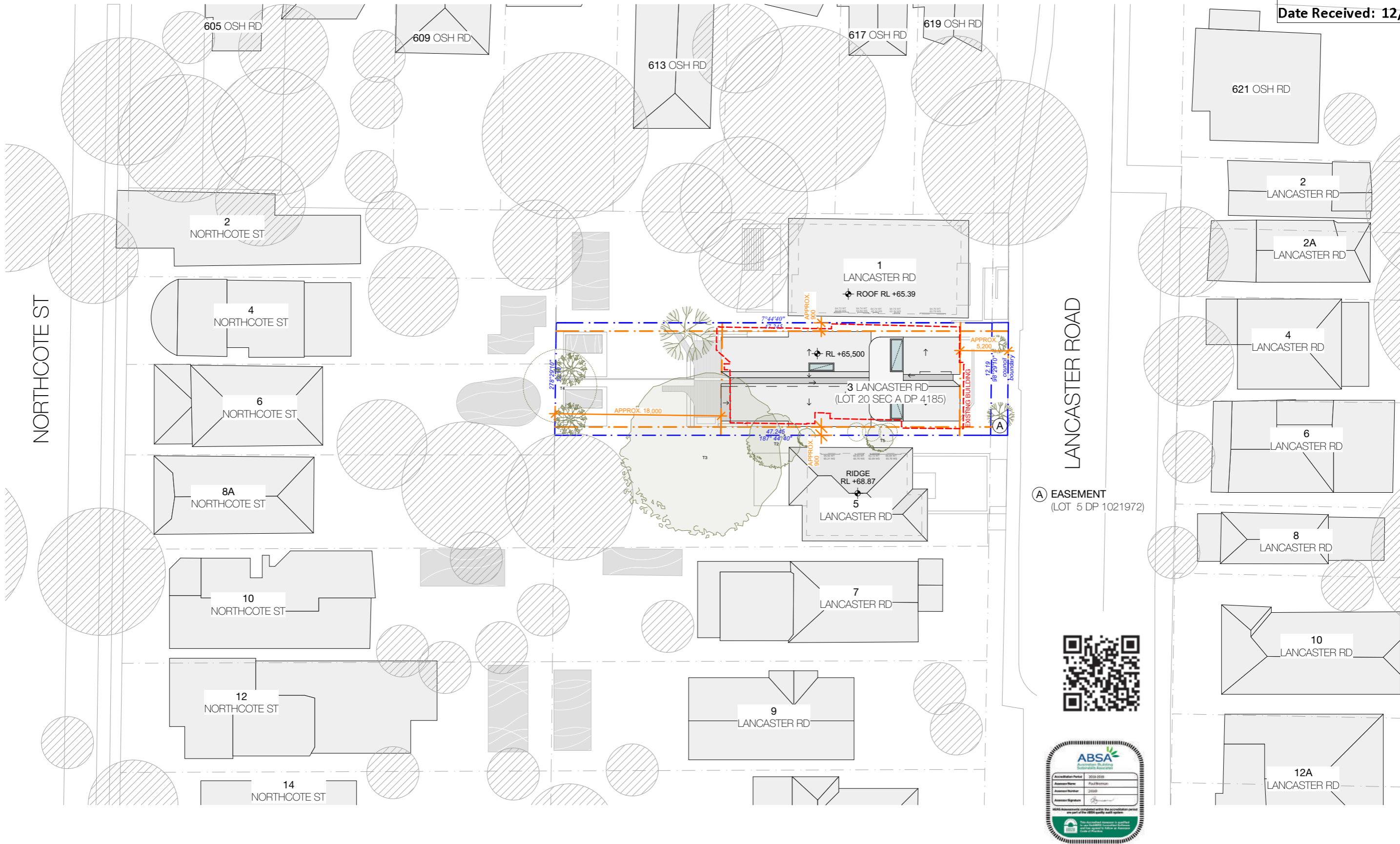
REV	DATE	REVISION DETAILS			ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS	CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C2.9 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM 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 D3.8 - TACTILE INDICATORS CLAUSE D3.17 - WATERPROOFING OF WET AREAS CLAUSE F1.5/F1.10 - DAMP PROOFING CLAUSE F2.3 - 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 CLAUSE F4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE, GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY GLAZING: TO COMPLY WITH 2.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART J1 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/HYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J5 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3700 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS1530.4	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERHEADS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1000 L POOL/SPR: 10000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, 4 star to Living & Bed areas, Day/Night zoned. VENTILATION: Water Heating: COOK TOPS: REFRIGERATOR SPACE: CLOTHES DRYING LINES: THERMAL COMFORT OPTIONS R1.0 INSULATION TO: R1.5 INSULATION TO: Kitchen & laundry indiv. fan, ducted to facade/roof, manual switch control. Gas instant, 5 star. Gas cooking, electric oven. Well ventilated. Indoor or sheltered. All ceilings with roof above. Metal deck roof & L1 metal cladding. Cavity brick. Uw = 6.7 SHGC = 0.57 to awning, Uw = 6.7 SHGC = 0.75 to all other. Uw = 4.22 SHGC = 0.72 with 100% shading	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com v&N Design Union Pty Ltd. ABN 94 003 717 682 Nonqualified Architect Bryan Mayerson NSW Registration Number 4907	DRAWING TITLE: STREET ELEVATION PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030	PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: @A3 @A1	DWG NUMBER: DA 1001 REVISION: A DRAWN BY: KLa CHECKED: KLa 222 REP: BIM Server: 1054-SERVER-02 - BIM Server 210apartments18-056 - 2019-06-02
-----	------	------------------	--	--	---	--	---	---	--	---	--	---	--

[illegible]



— — — PREDOMINANT UPPER BUILDING LINE

224



REV	DATE	REVISION DETAILS					DRAWING TITLE:	PROJECT NUMBER:	DWG NUMBER:
A	6/2/19	DA SUBMISSION					SITE & ROOF PLAN	18-056	DA 1004
							PROJECT ADDRESS:	ISSUE DATE:	REVISION:
							3 LANCASTER RD	6/2/19	A
							DOVER HEIGHTS, NSW 2030	SCALE:	CHECKED:
								1:400@A3	225
								1:200@A1	
								DRAWN BY:	
								KLa	
								REP: BIM Server: 1054-SERVER-02 - BIM Server 210/Apartments/18-056	



REV A	DATE 6/2/19	REVISION DETAILS DA SUBMISSION	<p>ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS</p> <p>SPEC. C1 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C1.1 - FIRE RESISTING CONSTRUCTION SPEC. C1.10 - FIRE HAZARD RISK ASSESSMENT SPEC. C1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE SPEC. C2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL SPEC. C2.12 - SEPARATION OF EQUIPMENT SPEC. C2.13 - ELECTRICITY SUPPLY SYSTEM SPEC. C2.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) SPEC. C2.8 - PENNING IN FIRE ISOLATED EXITS SPEC. C2.15 - OPENING FOR SERVICE INSTALLATIONS SPEC. C2.19 - DISCHARGE FROM EXITS SPEC. C2.27 - INSTALLATION OF SIGNAGE AND PATHS OF TRAVEL SPEC. C2.14 - LANDINGS SPEC. D2.15 - THRESHOLDS SPEC. D2.16 - BALUSTRADES</p> <p>CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.22 - SIGNS ON DOORS CLAUSE D2.31 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D2.33 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D2.6 - IDENTIFICATION OF ACCESSIBLE FACILITIES/EQUIPMENTS CLAUSE D8 - TACTILE INDICATORS CLAUSE D17 - WATERPROOFING OF WET AREAS CLAUSE D18.101 - DAMP PROOFING CLAUSE D18.15 - OPENING FOR SERVICE INSTALLATIONS PART 7A - LIGHTING AND VENTILATION CLAUSE F2.4 - SOUND INSULATION OF WALLS CLAUSE F2.6 - SOUND INSULATION OF FLOORS CLAUSE F2.7 - SOUND INSULATION OF PUMPS</p>	<p>ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART 7A CLAUSE F2.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY/SLABING: TO COMPLY WITH AS/NZS 3500 3.2 FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA 402 WATER SYSTEMS TO COMPLY WITH PART 30 OF BCA MASSORY: TO COMPLY WITH AS3700 METHEOREOLOGICAL: BCA CLAUSE C2.15 & AS1680 4-2005 MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART 30 OF BCA MECHANICAL EXHAUST: TO COMPLY WITH AS/H269 & AS1680 SMOKE ALARMS: TO COMPLY WITH BCA CLAUSE D18.15 & AS1680 WATERPROOFING: TO COMPLY WITH PART 7A CLAUSE F2.4 & AS1680 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH U1 & F2.4 & AS1680 4-2005 ROUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS1680</p>	<p>BASIC COMMENTS ALL OTHER BASIC COMMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS</p> <p>WATER OPTIONS SHOW: 3 STAR TOILETS: 4 STAR KITCHEN SINKS: 4 STAR BATHROOM SINKS: 4 STAR RAIN WATER TANK: 1000L COLLECT RUN OFF AREA: 50 sqm</p> <p>ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning 4 star to Living & Bed areas Day/Night zoning</p>	<p>VENTILATION: Kitchens & laundry only fan ducted to outside/hood. Gas instant 5 star. Electric instant 5 star. Refrigerator space. CLOSING DRYING LINES. Indoor or sheltered.</p> <p>THERMAL COMFORT OPTIONS R10 INSULATION TO: 100mm R15 INSULATION TO: 100mm All ceilings with roof above. Meck deck roof 6.1.1 metal cladding. Cavity brick. R10 INSULATION TO: WINDOW GLAZING SPEC & TYPE SHGC < 0.75 to all glazing. Uw < 4.22 SHGC < 0.72 with 100% shading</p>	<p>ARCHITECT: MHNDUNION 35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndunio.com JWH Design Union Pty Ltd. AEN 94 003 717 682 NSW Registration Number 4907</p>	<p>DRAWING TITLE: BASEMENT PLAN PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030</p>	<p>PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: 1:200@A3 1:100@A1</p>	<p>DWG NUMBER: DA 2000 REVISION: A DRAWN BY: 18-056 CHECKED: 18-056</p>
----------	----------------	-----------------------------------	---	---	---	--	--	---	---	--

[illegible]



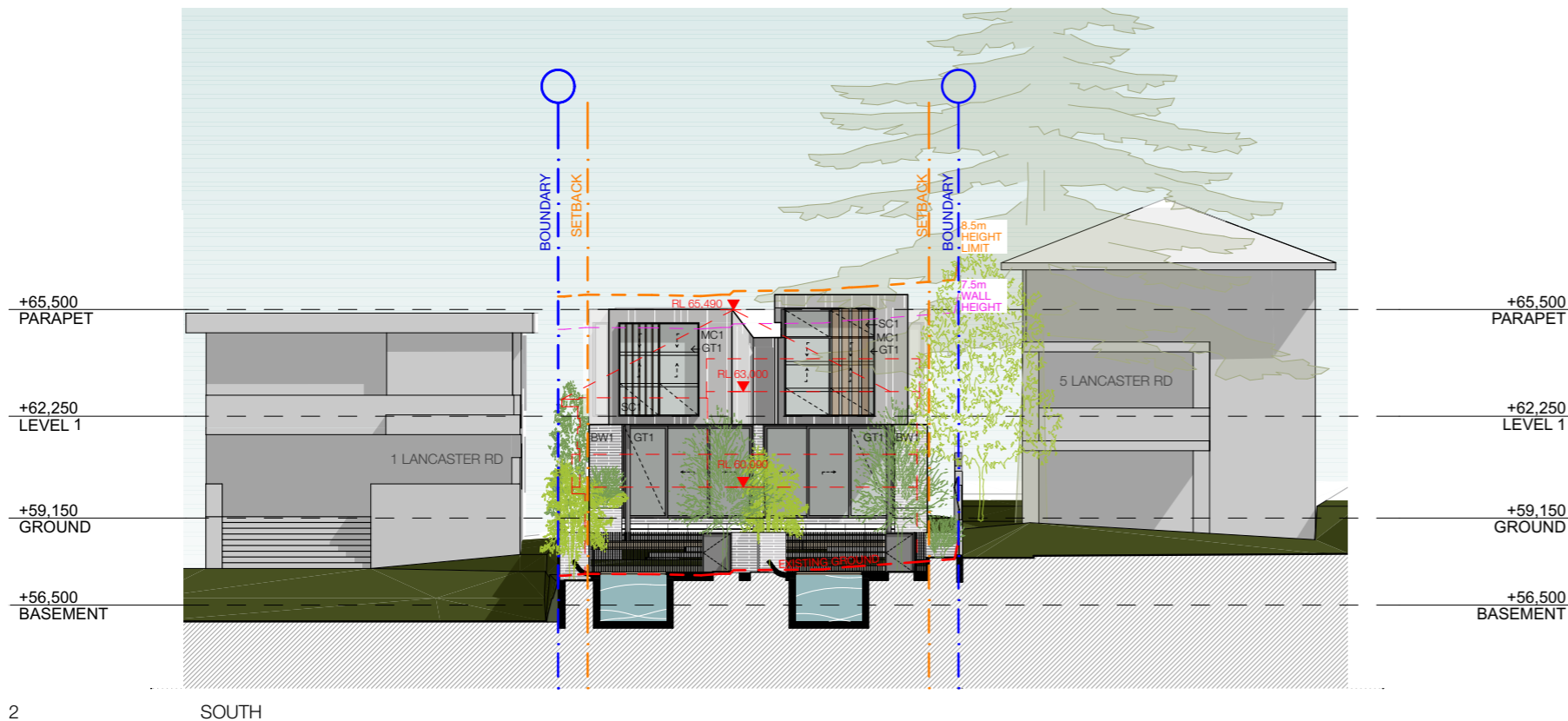
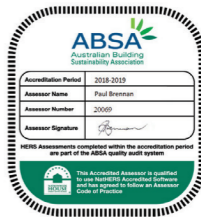
REV	DATE	REVISION DETAILS	ALL CONSTRUCTION TO COMPLY AT MINIMUM W BCA CLAUSES & AUSTRALIAN STANDARDS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F4.4 & AS1680 SUNSHADES/HEDGES: TO COMPLY WITH BCA CLAUSE D2.18 ORGANIC GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH J2 OF BC FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART F OF BCA MASONRY: TO COMPLY WITH AS2700 KITCHEN TAPS: TO COMPLY WITH AS2700 BATHROOMS: TO COMPLY WITH PART G OF BC Mechanical Exhaust Ventilation: TO COMPLY WITH AS1698 & R10 INSULATION TO: A) ALL Ceilings with roof or flat metal B) Metal deck roof & I.I metal C) Roofs D) Carvity E) U-v of SHGC = 0.57 to F) SHGC = 0.57 to G) SHGC = 0.57 to H) SHGC = 0.57 to I) SHGC = 0.57 to J) SHGC = 0.57 to K) SHGC = 0.57 to L) SHGC = 0.57 to M) SHGC = 0.57 to N) SHGC = 0.57 to O) SHGC = 0.57 to P) SHGC = 0.57 to Q) SHGC = 0.57 to R) SHGC = 0.57 to S) SHGC = 0.57 to T) SHGC = 0.57 to U) SHGC = 0.57 to V) SHGC = 0.57 to W) SHGC = 0.57 to X) SHGC = 0.57 to Y) SHGC = 0.57 to Z) SHGC = 0.57 to AA) SHGC = 0.57 to AB) SHGC = 0.57 to AC) SHGC = 0.57 to AD) SHGC = 0.57 to AE) SHGC = 0.57 to AF) SHGC = 0.57 to AG) SHGC = 0.57 to AH) SHGC = 0.57 to AI) SHGC = 0.57 to AJ) SHGC = 0.57 to AK) SHGC = 0.57 to AL) SHGC = 0.57 to AM) SHGC = 0.57 to AN) SHGC = 0.57 to AO) SHGC = 0.57 to AP) SHGC = 0.57 to AQ) SHGC = 0.57 to AR) SHGC = 0.57 to AS) SHGC = 0.57 to AT) SHGC = 0.57 to AU) SHGC = 0.57 to AV) SHGC = 0.57 to AW) SHGC = 0.57 to AX) SHGC = 0.57 to AY) SHGC = 0.57 to AZ) SHGC = 0.57 to BA) SHGC = 0.57 to BB) SHGC = 0.57 to BC) SHGC = 0.57 to BD) SHGC = 0.57 to BE) SHGC = 0.57 to BF) SHGC = 0.57 to BG) SHGC = 0.57 to BH) SHGC = 0.57 to BI) SHGC = 0.57 to BJ) SHGC = 0.57 to BK) SHGC = 0.57 to BL) SHGC = 0.57 to BM) SHGC = 0.57 to BN) SHGC = 0.57 to BO) SHGC = 0.57 to BP) SHGC = 0.57 to BQ) SHGC = 0.57 to BR) SHGC = 0.57 to BS) SHGC = 0.57 to BT) SHGC = 0.57 to BU) SHGC = 0.57 to BV) SHGC = 0.57 to BW) SHGC = 0.57 to BX) SHGC = 0.57 to BY) SHGC = 0.57 to BZ) SHGC = 0.57 to CA) SHGC = 0.57 to CB) SHGC = 0.57 to CC) SHGC = 0.57 to CD) SHGC = 0.57 to CE) SHGC = 0.57 to CF) SHGC = 0.57 to CG) SHGC = 0.57 to CH) SHGC = 0.57 to CI) SHGC = 0.57 to CJ) SHGC = 0.57 to CK) SHGC = 0.57 to CL) SHGC = 0.57 to CM) SHGC = 0.57 to CN) SHGC = 0.57 to CO) SHGC = 0.57 to CP) SHGC = 0.57 to CQ) SHGC = 0.57 to CR) SHGC = 0.57 to CS) SHGC = 0.57 to CT) SHGC = 0.57 to CU) SHGC = 0.57 to CV) SHGC = 0.57 to CW) SHGC = 0.57 to CX) SHGC = 0.57 to CY) SHGC = 0.57 to CZ) SHGC = 0.57 to DA) SHGC = 0.57 to DB) SHGC = 0.57 to DC) SHGC = 0.57 to DD) SHGC = 0.57 to DE) SHGC = 0.57 to DF) SHGC = 0.57 to DG) SHGC = 0.57 to DH) SHGC = 0.57 to DI) SHGC = 0.57 to DJ) SHGC = 0.57 to DK) SHGC = 0.57 to DL) SHGC = 0.57 to DM) SHGC = 0.57 to DN) SHGC = 0.57 to DO) SHGC = 0.57 to DP) SHGC = 0.57 to DQ) SHGC = 0.57 to DR) SHGC = 0.57 to DS) SHGC = 0.57 to DT) SHGC = 0.57 to DU) SHGC = 0.57 to DV) SHGC = 0.57 to DW) SHGC = 0.57 to DX) SHGC = 0.57 to DY) SHGC = 0.57 to DZ) SHGC = 0.57 to EA) SHGC = 0.57 to EB) SHGC = 0.57 to EC) SHGC = 0.57 to ED) SHGC = 0.57 to EE) SHGC = 0.57 to EF) SHGC = 0.57 to EG) SHGC = 0.57 to EH) SHGC = 0.57 to EI) SHGC = 0.57 to EJ) SHGC = 0.57 to EK) SHGC = 0.57 to EL) SHGC = 0.57 to EM) SHGC = 0.57 to EN) SHGC = 0.57 to EO) SHGC = 0.57 to EP) SHGC = 0.57 to EQ) SHGC = 0.57 to ER) SHGC = 0.57 to ES) SHGC = 0.57 to ET) SHGC = 0.57 to EU) SHGC = 0.57 to EV) SHGC = 0.57 to EW) SHGC = 0.57 to EX) SHGC = 0.57 to EY) SHGC = 0.57 to EZ) SHGC = 0.57 to FA) SHGC = 0.57 to FB) SHGC = 0.57 to FC) SHGC = 0.57 to FD) SHGC = 0.57 to FE) SHGC = 0.57 to FF) SHGC = 0.57 to FG) SHGC = 0.57 to FH) SHGC = 0.57 to FI) SHGC = 0.57 to FJ) SHGC = 0.57 to FK) SHGC = 0.57 to FL) SHGC = 0.57 to FM) SHGC = 0.57 to FN) SHGC = 0.57 to FO) SHGC = 0.57 to FP) SHGC = 0.57 to FQ) SHGC = 0.57 to FR) SHGC = 0.57 to FS) SHGC = 0.57 to FT) SHGC = 0.57 to FU) SHGC = 0.57 to FV) SHGC = 0.57 to FW) SHGC = 0.57 to FX) SHGC = 0.57 to FY) SHGC = 0.57 to FZ) SHGC = 0.57 to GA) SHGC = 0.57 to GB) SHGC = 0.57 to GC) SHGC = 0.57 to GD) SHGC = 0.57 to GE) SHGC = 0.57 to GF) SHGC = 0.57 to GG) SHGC = 0.57 to GH) SHGC = 0.57 to GI) SHGC = 0.57 to GJ) SHGC = 0.57 to GK) SHGC = 0.57 to GL) SHGC = 0.57 to GM) SHGC = 0.57 to GN) SHGC = 0.57 to GO) SHGC = 0.57 to GP) SHGC = 0.57 to GQ) SHGC = 0.57 to GR) SHGC = 0.57 to GS) SHGC = 0.57 to GT) SHGC = 0.57 to GU) SHGC = 0.57 to GV) SHGC = 0.57 to GW) SHGC = 0.57 to GX) SHGC = 0.57 to GY) SHGC = 0.57 to GZ) SHGC = 0.57 to HA) SHGC = 0.57 to HB) SHGC = 0.57 to HC) SHGC = 0.57 to HD) SHGC = 0.57 to HE) SHGC = 0.57 to HF) SHGC = 0.57 to HG) SHGC = 0.57 to HH) SHGC = 0.57 to HI) SHGC = 0.57 to HJ) SHGC = 0.57 to HK) SHGC = 0.57 to HL) SHGC = 0.57 to HM) SHGC = 0.57 to HN) SHGC = 0.57 to HO) SHGC = 0.57 to HP) SHGC = 0.57 to HQ) SHGC = 0.57 to HR) SHGC = 0.57 to HS) SHGC = 0.57 to HT) SHGC = 0.57 to HU) SHGC = 0.57 to HV) SHGC = 0.57 to HW) SHGC = 0.57 to HX) SHGC = 0.57 to HY) SHGC = 0.57 to HZ) SHGC = 0.57 to IA) SHGC = 0.57 to IB) SHGC = 0.57 to IC) SHGC = 0.57 to ID) SHGC = 0.57 to IE) SHGC = 0.57 to IF) SHGC = 0.57 to IG) SHGC = 0.57 to IH) SHGC = 0.57 to II) SHGC = 0.57 to IJ) SHGC = 0.57 to IK) SHGC = 0.57 to IL) SHGC = 0.57 to IM) SHGC = 0.57 to IN) SHGC = 0.57 to IO) SHGC = 0.57 to IP) SHGC = 0.57 to IQ) SHGC = 0.57 to IR) SHGC = 0.57 to IS) SHGC = 0.57 to IT) SHGC = 0.57 to IU) SHGC = 0.57 to IV) SHGC = 0.57 to IW) SHGC = 0.57 to IX) SHGC = 0.57 to IY) SHGC = 0.57 to IZ) SHGC = 0.57 to JA) SHGC = 0.57 to JB) SHGC = 0.57 to JC) SHGC = 0.57 to JD) SHGC = 0.57 to JE) SHGC = 0.57 to JF) SHGC = 0.57 to JG) SHGC = 0.57 to JH) SHGC = 0.57 to JI) SHGC = 0.57 to JJ) SHGC = 0.57 to JK) SHGC = 0.57 to JL) SHGC = 0.57 to JM) SHGC = 0.57 to JN) SHGC = 0.57 to JO) SHGC = 0.57 to JP) SHGC = 0.57 to JQ) SHGC = 0.57 to JR) SHGC = 0.57 to JS) SHGC = 0.57 to JT) SHGC = 0.57 to JU) SHGC = 0.57 to JV) SHGC = 0.57 to JW) SHGC = 0.57 to JX) SHGC = 0.57 to JY) SHGC = 0.57 to JZ) SHGC = 0.57 to KA) SHGC = 0.57 to KB) SHGC = 0.57 to KC) SHGC = 0.57 to KD) SHGC =
------------	-------------	-------------------------	---	---

[illegible]



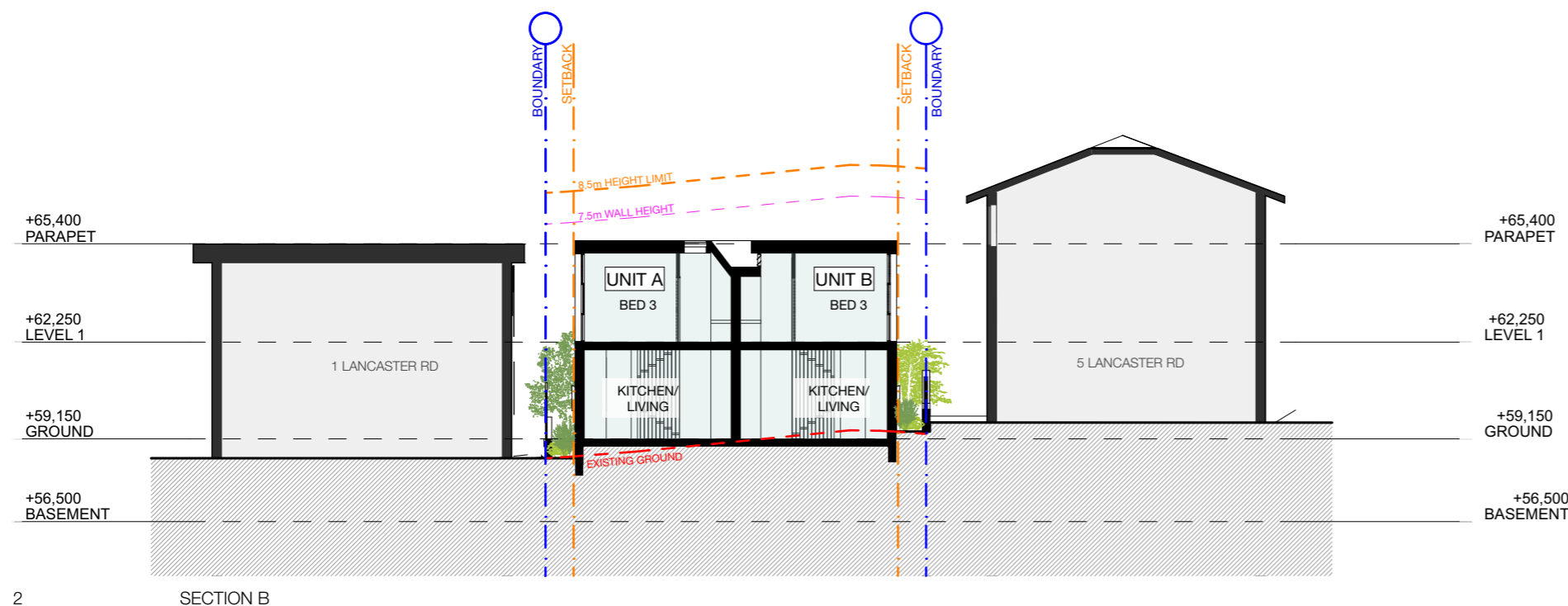
LEGEND:
EXTERNAL MATERIALS & FINISHES

- BW1 Brickwork: **White**
- GT1 Glass, Clear: To suit BASIX requirements. Framing colour to match **MC1**
- GT2 Glass, Translucent: To suit BASIX requirements. Framing colour to match **White**
- MC1 Metal Cladding: Solid Metal cladding system. Colour to match **Dark Grey**
- MC2 Metal Cladding: Solid Metal cladding system. Colour to match **Black**
- SC1 Screen: **Timber**
- TF Timber Fence: Colour to match **Grey**



REV A	DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 2.9 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 2.12 - SEPARATION OF EQUIPMENT CLAUSE C 2.13 - ELECTRICITY SUPPLY SYSTEMS CLAUSE C 2.3 - ACCESSIBLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C 15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D 1.10 - DISCHARGE FROM EXITS CLAUSE D 2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D 2.13 - GOINGS AND RISERS CLAUSE D 2.14 - LANDINGS CLAUSE D 2.15 - THRESHOLDS CLAUSE D 2.16 - BALUSTRADES	CLAUSE D 2.17 - HANDRAILS CLAUSE D 2.21 - OPERATION OF LATCH CLAUSE D 2.23 - SIGNS ON DOORS CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.6 - IDENT OF ACCESSIBLE FACILITIES/FEATURES CLAUSE D 3.7 - WATERPROOFING OF WET AREAS CLAUSE F 1.8 F1.10 - DAMP PROOFING CLAUSE F 2.3 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 - LIGHTING AND VENTILATION CLAUSE F 5.4 - SOUND INSULATION OF FLOORS CLAUSE F 5.5 - SOUND INSULATION OF WALLS CLAUSE F 5.6 - SOUND INSULATION OF SERVICES CLAUSE F 5.7 - SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA/PART CLAUSE 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH 4.2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART 4.1 OF BCA MAJORITY: TO COMPLY WITH AS3750 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 4.5 OF BCA MECHANICAL AIRCONDITIONING: TO COMPLY WITH AS2015 & AS2016 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1687 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTROMECHANICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4.2-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANES) WATER OPTIONS SHOWERS/BATHS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1000 L POOL/SPR: 1000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1-phase air conditioning: 4 star to Living & Bed areas. Day/Night zoned.	VENTILATION: WATER HEATING: COOK TOPS: REFRIGERATOR SPACE: CLOTHES DRYING LINES: All ceilings with roof above. Metal deck roof & L1 metal cladding. Cavity brick. U _{av} = 0.7 SHGC = 0.57 to 0.67 to all other. U _{av} = 0.22 SHGC = 0.72 with 100% shading. R1.0 INSULATION TO: WINDOW GLAZING SPEC & TYPE: R1.5 INSULATION TO: SKYLIGHT GLAZING SPEC & TYPE:	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com vHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Federation Number 4907	DRAWING TITLE: ELEVATION NORTH & SOUTH PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030	PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: 1:200@A3 1:100@A1	DWG NUMBER: DA 3000 REVISION: A DRAWN BY: KLa CHECKED: 230
----------	----------------	-----------------------------------	---	--	--	---	--	---	---	---	---

[illegible]

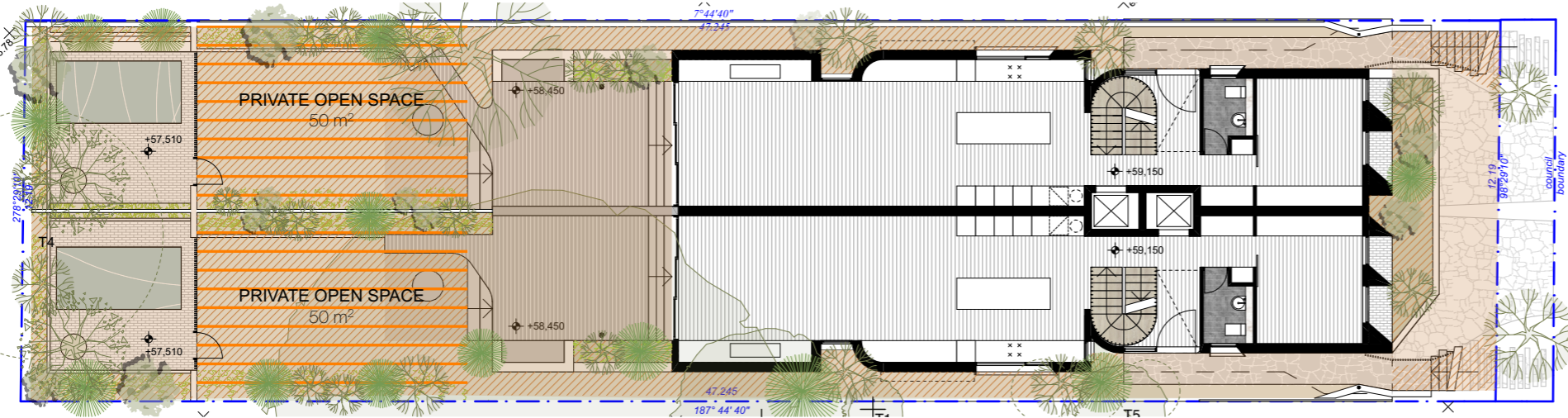


REV A	DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1 - MATERIAL & FORMS CONSTRUCTIONS SPEC. C 1.1 - FIRE RESISTING CONSTRUCTION SPEC. C 1.6 - FIRE HAZARD PROPERTIES SPEC. C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE D 2 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE D 12 - SEPARATION OF EXISTING BUILDING ACCESS REQUIREMENTS CLAUSE D 13 - ELECTRICITY SUPPLY SYSTEM CLAUSE D 13 - ACCEPTABLE METHOD OF PROTECTION (OF OPENINGS) CLAUSE D 13 - OPENING IN FIRE ISOLATED EXITS CLAUSE D 13 - OPENING FIRE SERVICE INSTALLATIONS CLAUSE D 11 - DISCHARGE FROM EXITS CLAUSE D 12 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D 13 - GOING AND ISSUES CLAUSE D 14 - LANDINGS CLAUSE D 15 - THERIDKINS CLAUSE D 16 - BALUSTRADES	CLAUSE D 12 - HANDRAILS CLAUSE D 12 - OPERATION OF LATCH CLAUSE D 12 - SIGNS ON DOORS CLAUSE D 13 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 13 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 13 - IDENTICAL FACILITY SERVICES CLAUSE D 13 - TACTILE INDICATORS CLAUSE F 17 - WATERPROOFING OF WET AREAS CLAUSE F 18 - LAMP PROOFING CLAUSE D 2 - CONSTRUCTION OF STRUCTURAL COMPARTMENTS CLAUSE F 4 - LIGHTING AND VENTILATION CLAUSE F 5 - SOUND INSULATION OF FLOORS CLAUSE D 13 - GOING AND ISSUES CLAUSE F 5 - SOUND INSULATION OF SERVICES CLAUSE F 5 - SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F 4 & AS 1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 16 ORGANIZE GUTTERS & DOWNSPIES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH J2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION 6 OF BCA HOT WATER: SYSTEMS TO COMPLY WITH PART 7 OF BCA 4 STAR TOLUENE KITCHEN TAPS WATER VENTILATION MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 8 OF BCA RANK WATER: NICK POOLING COLD RAIN RUN OFF AREA: 50 mpa SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E 2 & 2 AS 2758 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C 15 & AS 2758 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS 1680	BASIX COMMITMENTS ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS) WATER OPTIMISATION 3 STAR 4 STAR KITCHEN TAPS WATER VENTILATION MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART 8 OF BCA RANK WATER: NICK POOLING COLD RAIN RUN OFF AREA: 50 mpa ENERGY OPTIMISATION COOLING & HEATING: 4 STAR 5 STAR DAYLIGHT SKYLIGHT GLAZING SPEC & TYPE: 1 phase air conditioning 4 star to 5 star AS 2758 Uw = 0.7 SHGC = 0.75 to 0.8 Uw = 0.22 SHGC = 0.75 With 100% shading	VENTILATION: Kitchen & laundry inlet fan, ducted to facade/outlet, manual switch on/off. One inlet fan, 1 star Cooktop, electric oven Gas Clothes drying lines THERMAL COMFORT OPTIMISATION R10 INSULATION TO: R10 INSULATION TO: R10 INSULATION TO: WINDOW GLAZING SPEC & TYPE: 4 STAR 5 STAR DAYLIGHT SKYLIGHT GLAZING SPEC & TYPE: 1 phase air conditioning 4 star to 5 star AS 2758 Uw = 0.7 SHGC = 0.75 to 0.8 Uw = 0.22 SHGC = 0.75 With 100% shading	Kitchen & laundry inlet fan, ducted to facade/outlet, manual switch on/off. One inlet fan, 1 star Cooktop, electric oven Gas Clothes drying lines THERMAL COMFORT OPTIMISATION R10 INSULATION TO: R10 INSULATION TO: R10 INSULATION TO: WINDOW GLAZING SPEC & TYPE: 4 STAR 5 STAR DAYLIGHT SKYLIGHT GLAZING SPEC & TYPE: 1 phase air conditioning 4 star to 5 star AS 2758 Uw = 0.7 SHGC = 0.75 to 0.8 Uw = 0.22 SHGC = 0.75 With 100% shading	ARCHITECT: MHN 35 RICHARDS LANE SURREY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com Nominated Architect 4 star to 5 star AS 2758 Uw = 0.7 SHGC = 0.75 to 0.8 Uw = 0.22 SHGC = 0.75 With 100% shading	DRAWING TITLE: SECTION A & B PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030	PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: 1:200 1:100 1:100	DWG NUMBER: DA 3100 REVISION: A CHECKED: KLA 232
----------	----------------	-----------------------------------	--	--	--	---	--	--	---	---	--	--

LANDSCAPE CALCULATIONS

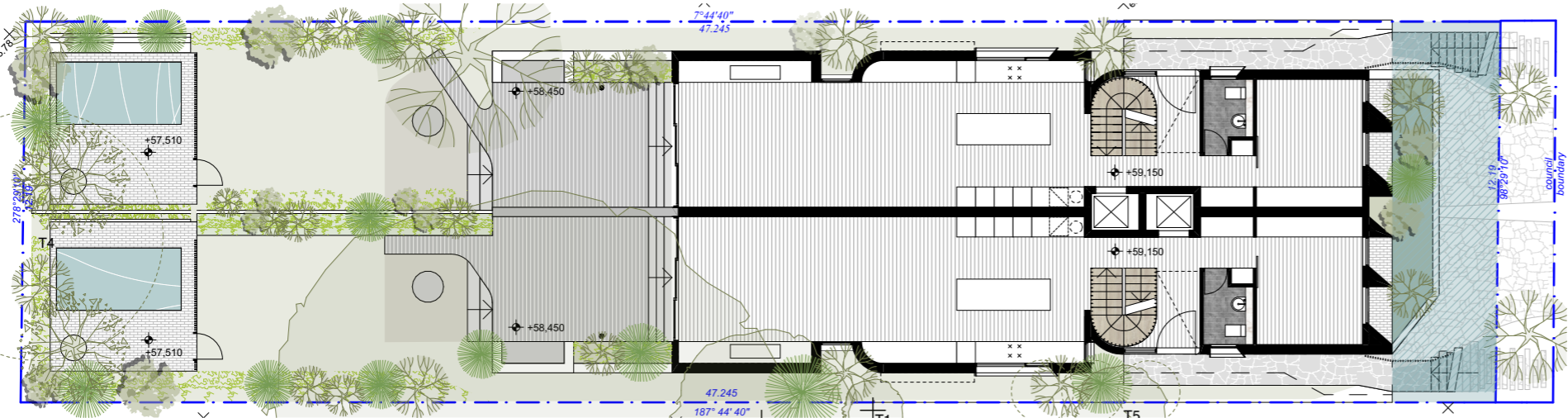
SITE AREA 575.4m²

	CONTROL	PROVIDED	COMPLIANCE
OPEN SPACE 40 % OF SITE AREA	230.16m ²	332m ²	✓
LANDSCAPE AREA 15% OF SITE AREA	86.31m ²	170m ²	✓
CLIENT OWNED LAND ONLY			
FRONT OPEN SPACE 50% OF FRONT AREA (41m ²)	20.5m ²	38m ²	✓
FRONT LANDSCAPE AREA 50% OF FRONT OPEN SPACE	10.25m ²	19m ²	✓



TOTAL OPEN SPACE
332 m²

TOTAL LANDSCAPED AREA
170 m²



FRONT AREA
41 m²

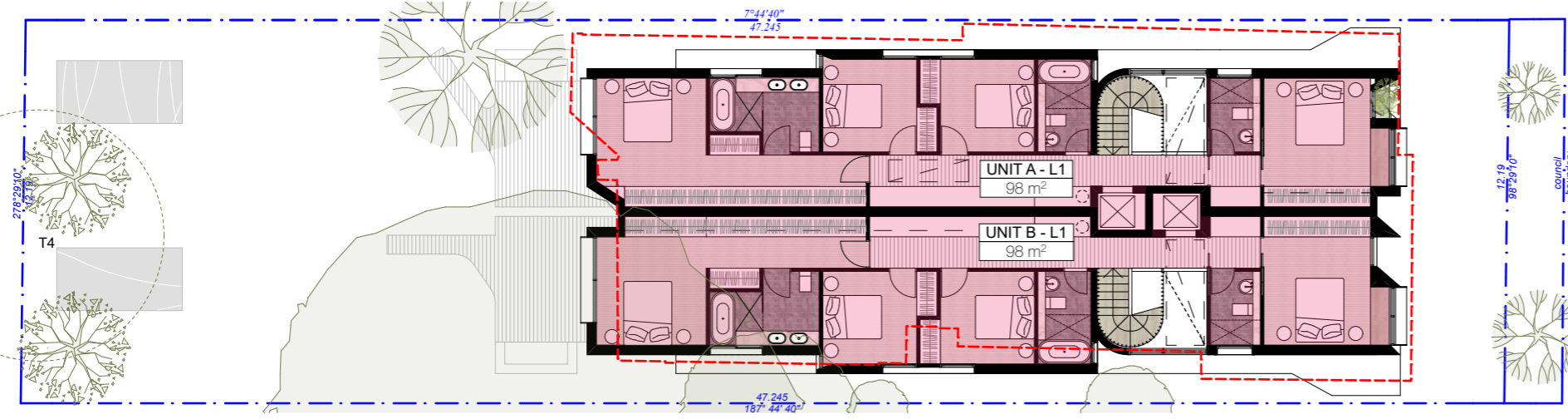
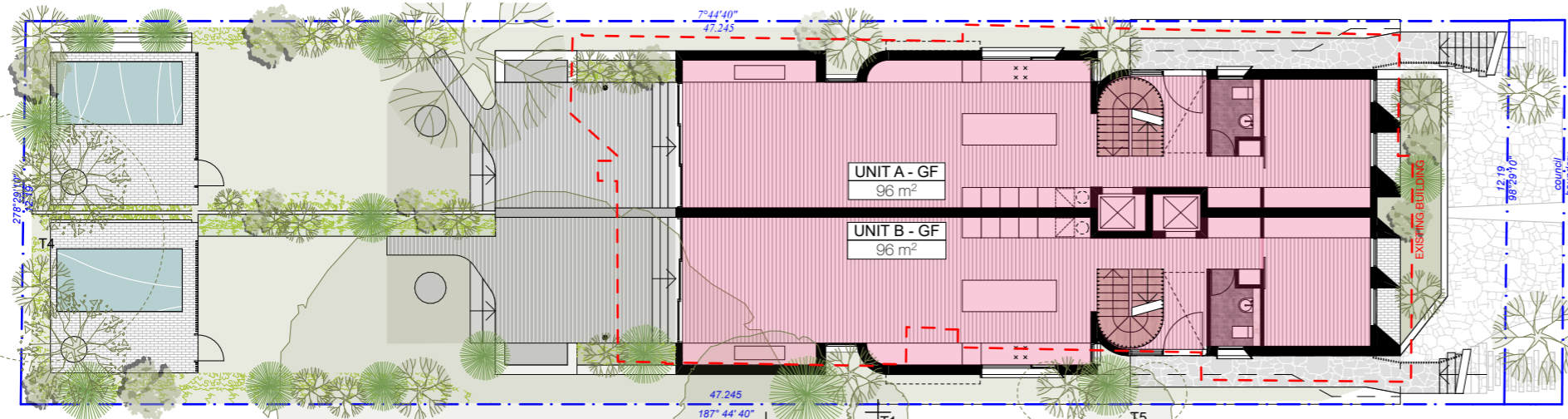
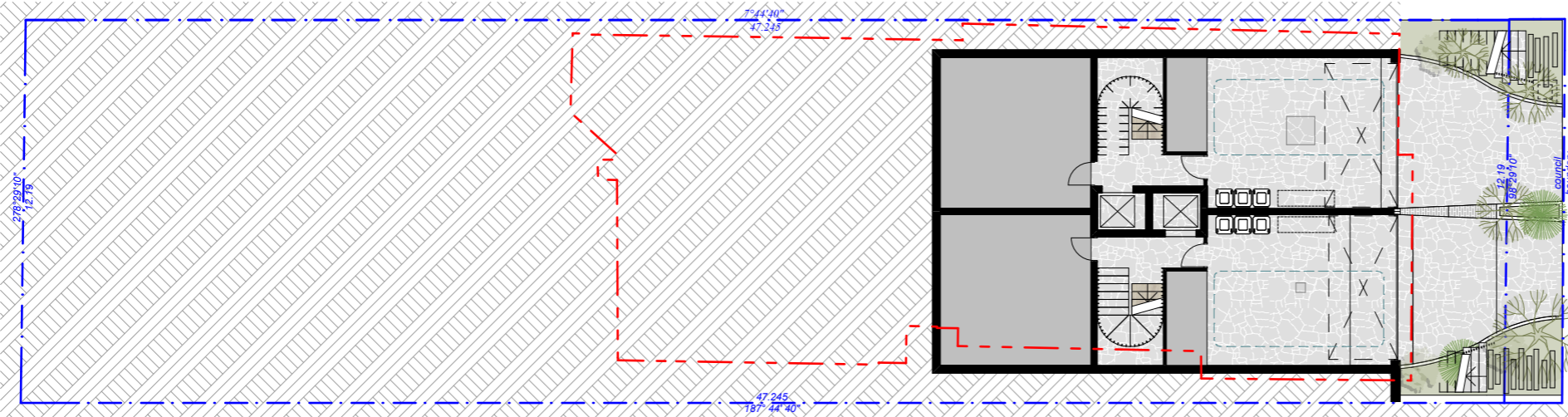
FRONT OPEN SPACE
38 m²

FRONT LANDSCAPED AREA
19 m²



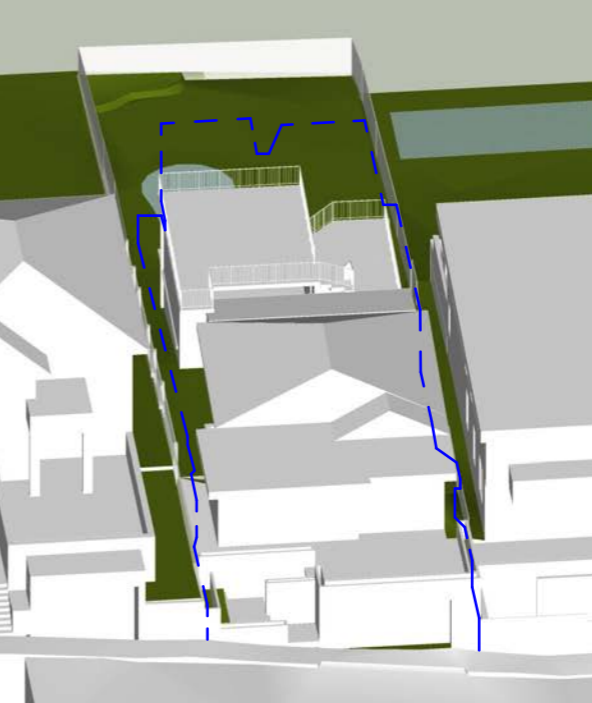
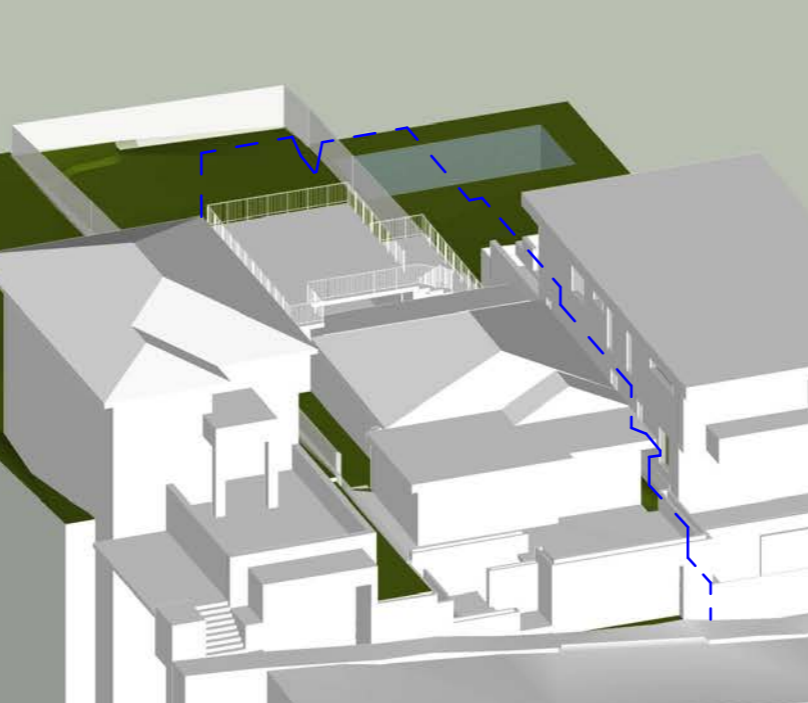
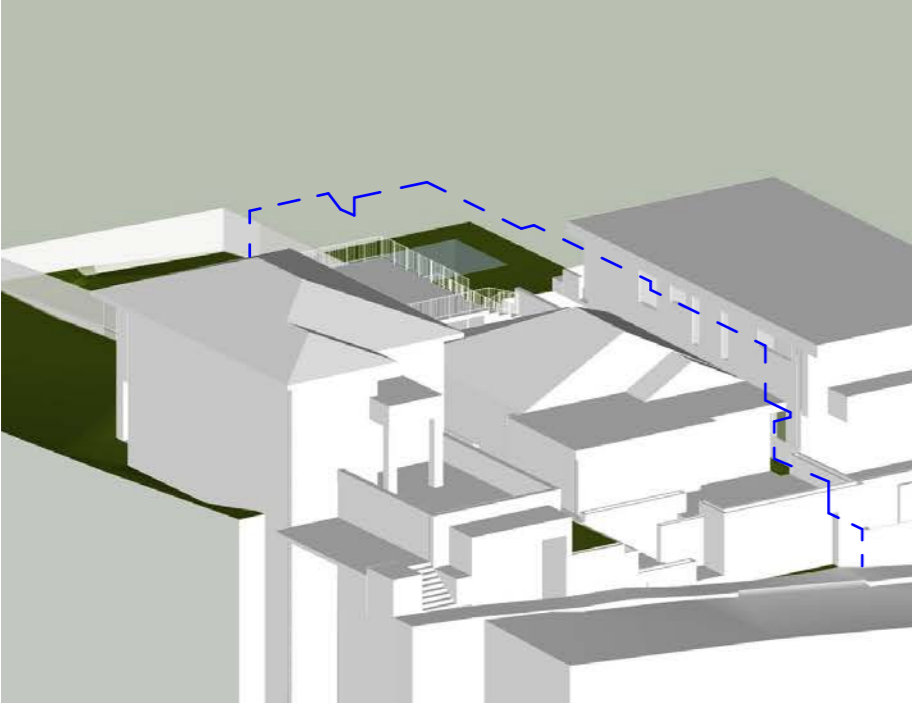
GFA CALCULATIONS

SITE AREA	575.4m ²		
FSR CONTROL	0.5:1		
ALLOWABLE GFA	287.7m ²		
GFA AREA BREAKDOWN			
	UNIT A	UNIT B	SUB-TOTAL
BASEMENT			0 m ²
GROUND FLOOR	96 m ² +	96 m ² =	192 m ²
LEVEL 1	98 m ² +	98 m ² =	196 m ²
TOTAL	194 m ² +	194 m ² =	388 m ²
PROPOSED FSR	0.67:1		



SOLAR ACCESS - JUNE 21 - EXISTING

 OUTLINE OF PROPOSED BUILDING

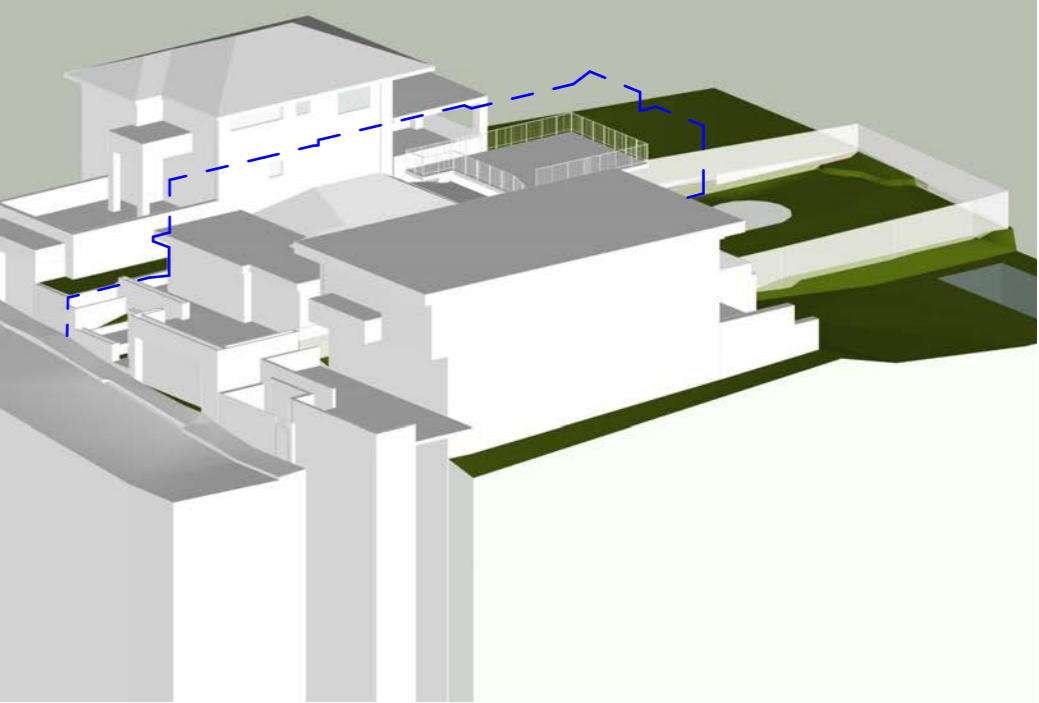
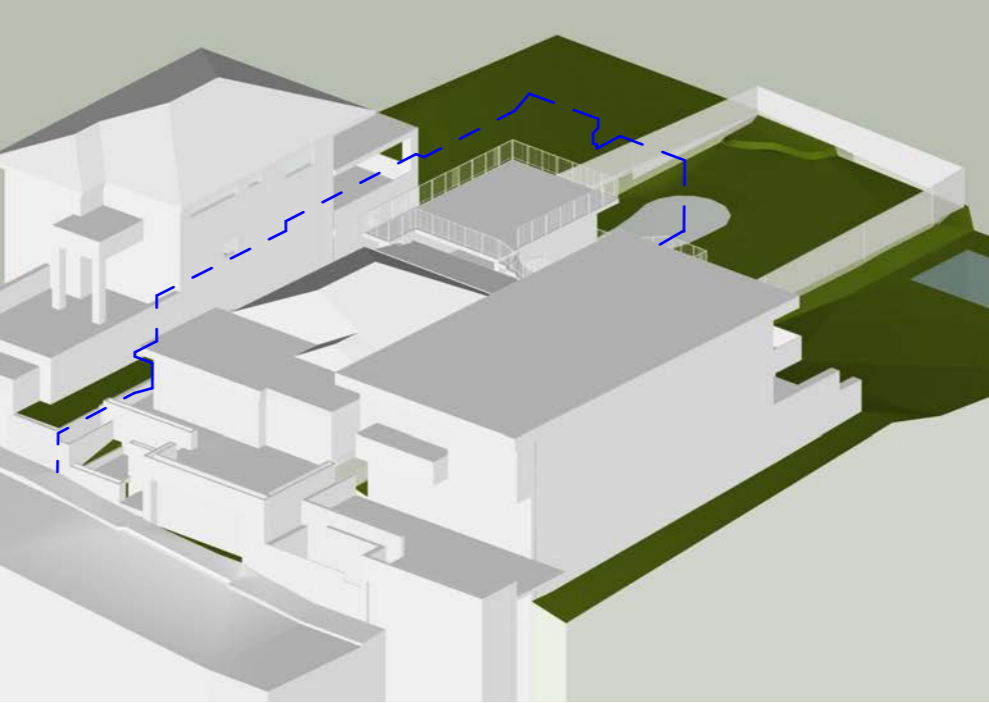
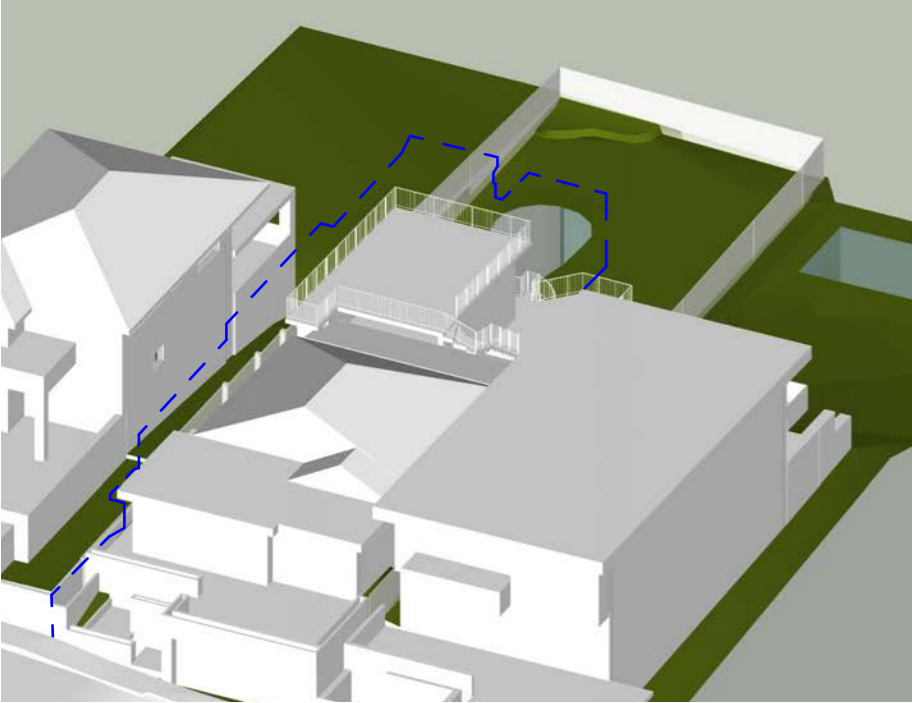


9am

10am

11am

12pm



1pm

2pm

3pm

REV A		DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C3.5 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C2.12 - SEPARATION OF EQUIPMENT CLAUSE C2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C3.9 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C1.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D1.10 - DISCHARGE FROM EXITS CLAUSE D2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D2.13 - GONGS AND RISERS CLAUSE D2.14 - LANDINGS CLAUSE D2.15 - THRESHOLDS CLAUSE D2.16 - BALUSTRADES		CLAUSE D2.17 - HANDRAILS CLAUSE D2.21 - OPERATION OF LATCH CLAUSE D2.23 - SIGNS ON DOORS CLAUSE D3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D3.6 - IDENT OF ACCESSIBLE FACILITIES/FEATURES CLAUSE D1.7 - WATERPROOFING OF WET AREAS CLAUSE F1.5/F1.10 - DAMP PROOFING CLAUSE D3.3 - 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 CLAUSE F4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE, GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH D2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART J1 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL/ELECTRICAL: BCA CLAUSE C3.15 & AS1530 4-2005 MECHANICAL AIR CONDITIONING: TO COMPLY WITH PART J5 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3700 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTRICAL PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3700		BASIX COMMITMENTS (ALL OTHER BASIX COMMITMENTS AS PER BASIX CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERSHEADS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1000 L POOL/SPR: 10000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, 4 star to Living & Bed areas, Daylight zone. VENTILATION: WATER HEATING: R1.0 INSULATION TO WINDOW GLAZING SPEC & TYPE THERMAL COMFORT OPTIONS R1.0 INSULATION TO R1.5 INSULATION TO All ceilings with roof above Metal deck roof & L1 metal cladding Cavity brick Uw = 0.7 SHGC = 0.57 to awning, Uw = 0.7 SHGC = 0.75 to all other Uw = 0.22 SHGC = 0.72 with 100% shading	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com vhn Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907		DRAWING TITLE: SOLAR ACCESS - JUNE 21st - EXISTING PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030	PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: @A3 @A1	DWG NUMBER: DA 9100 REVISION: A DRAWN BY: KLa CHECKED: 235
----------	--	----------------	-----------------------------------	---	--	---	---	--	--	--	--	---	---	---

SOLAR ACCESS - JUNE 21 - PROPOSED

OUTLINE OF EXISTING BUILDING

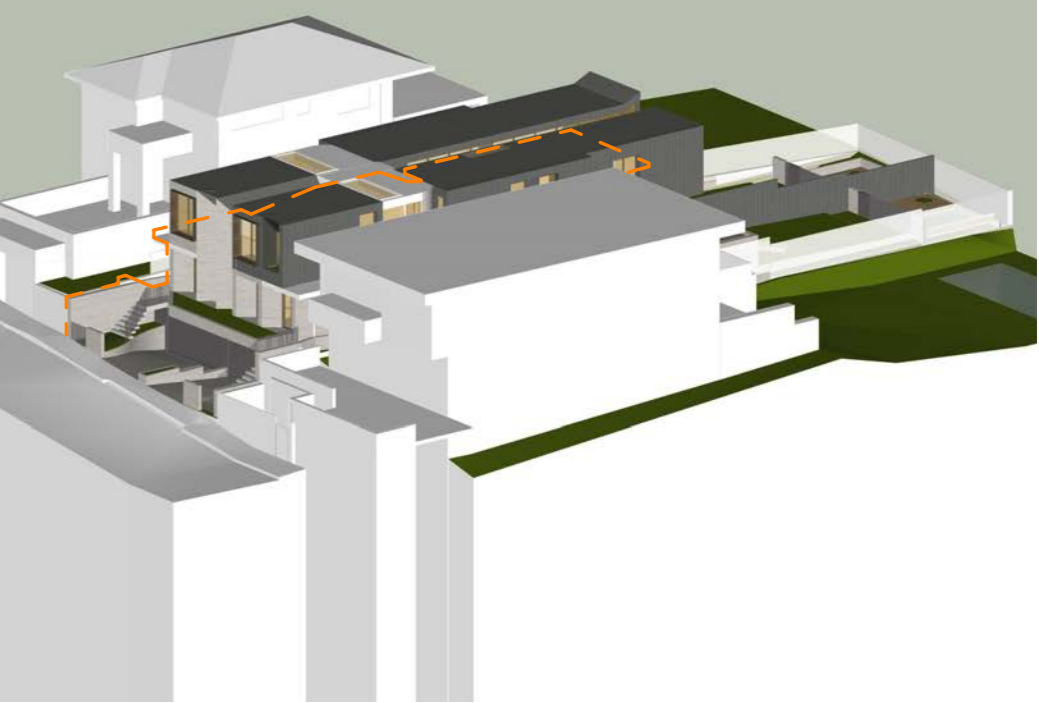


9am

10am

11am

12pm



1pm

2pm

3pm

REV A		DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES CLAUSE C 1.9 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 2.12 - SEPARATION OF EQUIPMENT CLAUSE C 2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C 3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C 3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D 1.10 - DISCHARGE FROM EXITS CLAUSE D 2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D 2.13 - GONGS AND RISERS CLAUSE D 2.14 - LANDINGS CLAUSE D 2.15 - THRESHOLDS CLAUSE D 2.16 - BALUSTRADES		CLAUSE D 2.17 - HANDRAILS CLAUSE D 2.21 - OPERATION OF LATCH CLAUSE D 2.23 - SIGNS ON DOORS CLAUSE D 3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.8 - TACTILE INDICATORS CLAUSE D 3.17 - WATERPROOFING OF WET AREAS CLAUSE F 1.8 F1.10 - DAMP PROOFING CLAUSE F 2.3 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 - LIGHTING AND VENTILATION CLAUSE F 5.4 - SOUND INSULATION OF FLOORS CLAUSE F 5.5 - SOUND INSULATION OF WALLS CLAUSE F 5.6 - SOUND INSULATION OF SERVICES CLAUSE F 5.7 - SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE F4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16 DRAINAGE, GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENT GLAZING: TO COMPLY WITH D2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART D1 OF BCA MASONRY: TO COMPLY WITH AS1370 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART J5 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1688 & AS1687 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS1370 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1330 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS1370		BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS AS PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERSHEADS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1000 L POOL/S: 1000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning, 4 star to Living & Bed areas, Daylight zone. VENTILATION: WATER HEATING: COOK TOPS: REFRIGERATOR SPACE: CLOTHES DRYING LINES: Well ventilated, Indoor or sheltered. THERMAL COMFORT OPTIONS R1.0 INSULATION TO: R1.0 INSULATION TO: R1.5 INSULATION TO: WINDOW GLAZING SPEC & TYPE: TYPE: Kitchen & laundry indiv. fan, ducted to facade/roof, manual switch control. Gas instant, 5 star. Gas cooking, electric oven. Well ventilated. Indoor or sheltered. All ceilings with roof above. Metal deck roof & L1 metal cladding. Cavity brick. U _{av} = 0.7 SHGC = 0.57 to eaving. U _{av} = 0.7 SHGC = 0.75 to all other. U _{av} = 0.22 SHGC = 0.72 with 100% shading.	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com vHN Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907 Nonqualified Architect Bryan Mayerson	DRAWING TITLE: SOLAR ACCESS - JUNE 21st - PROPOSED PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030		PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: @A3 @A1	DWG NUMBER: DA 9101 REVISION: A DRAWN BY: KLa CHECKED: 236
----------	--	----------------	-----------------------------------	--	--	---	--	--	---	--	---	--	---	---

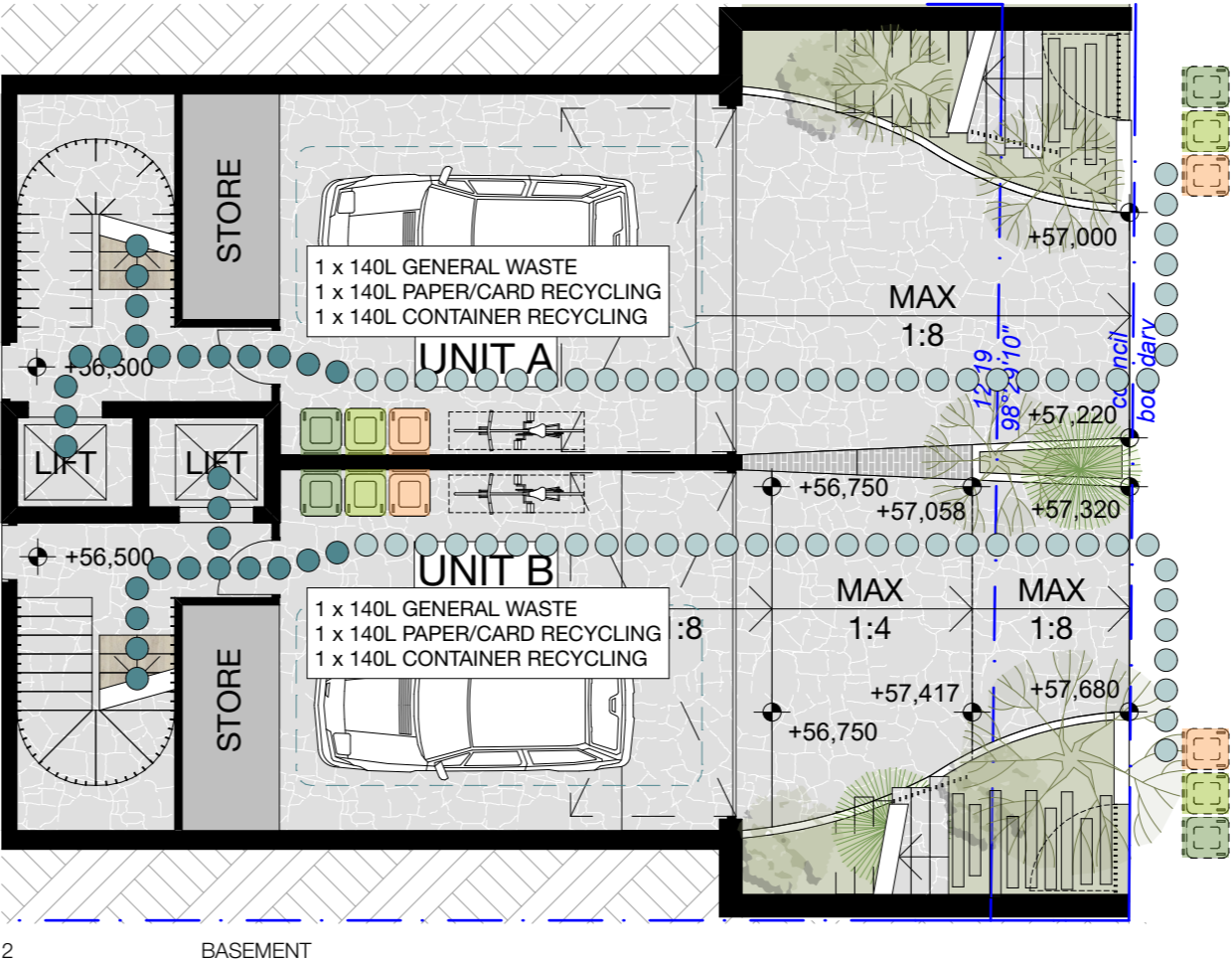
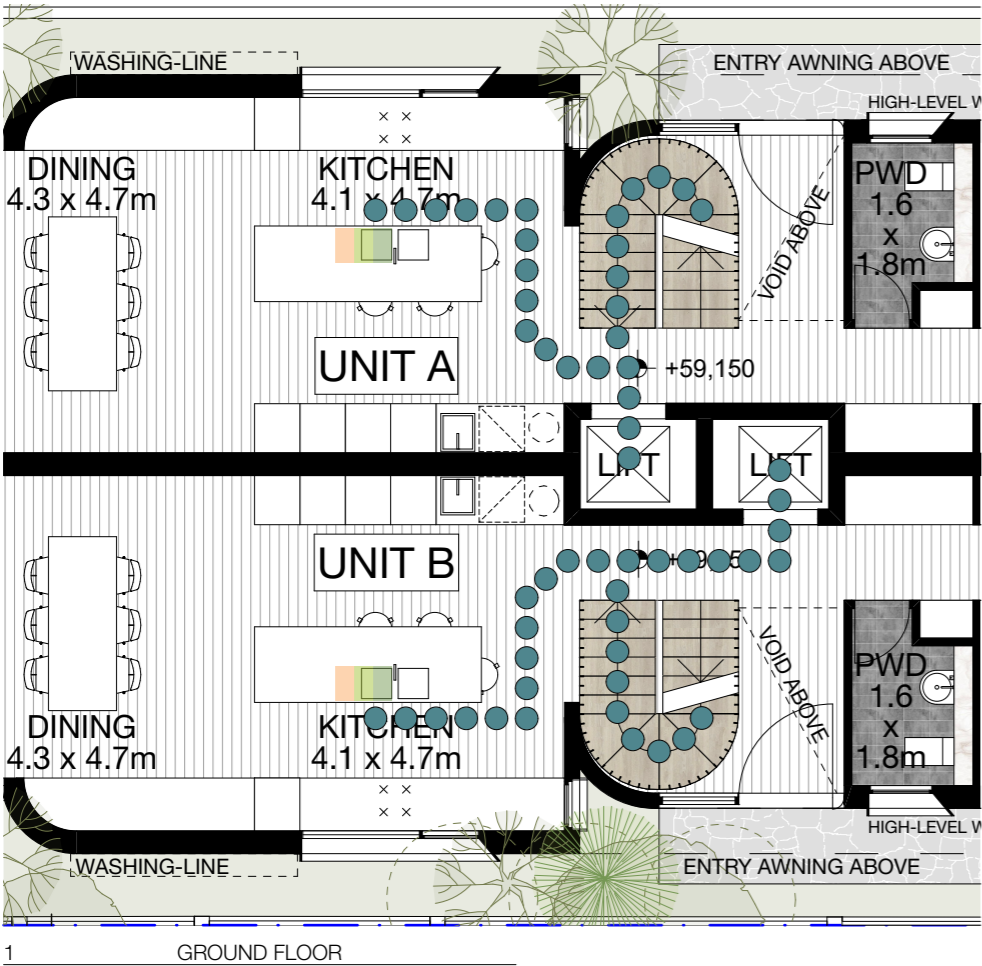
NO ON-STREET PARKING TO BE LOST WITH THE RELOCATION
OF THE VEHICLE ACCESS.

[illegible]

WASTE MANAGEMENT PLAN

- PAPER & CARDBOARD RECYCLING BIN STORAGE
- PAPER & CARDBOARD RECYCLING BIN COLLECTION
- CONTAINER RECYCLING BIN STORAGE
- CONTAINER RECYCLING BIN COLLECTION
- GENERAL WASTE BIN STORAGE
- GENERAL WASTE BIN COLLECTION

- PATH OF TRAVEL FOR RESIDENTS TO WASTE HOLDING AREA
- PATH OF TRAVEL FOR RESIDENT FROM WASTE HOLDING AREA TO KERBSIDE



LANCASTER RD

REV A	DATE 6/2/19	REVISION DETAILS DA SUBMISSION	ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS CLAUSE B 1.4 - MATERIAL & FORMS CONSTRUCTIONS SPEC C 1.1 - FIRE RESISTING CONSTRUCTION SPEC C 1.10 - FIRE HAZARD PROPERTIES SPEC C 1.11 - PERFORMANCE OF EXTERNAL WALLS IN A FIRE CLAUSE C 2.1 - VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL CLAUSE C 2.12 - SEPARATION OF EQUIPMENT CLAUSE C 2.13 - ELECTRICITY SUPPLY SYSTEM CLAUSE C 2.3 - ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS) CLAUSE C 3.8 - OPENING IN FIRE ISOLATED EXITS CLAUSE C 3.15 - OPENING FOR SERVICE INSTALLATIONS CLAUSE D 1.10 - DISCHARGE FROM EXITS CLAUSE D 2.7 - INSTALLATIONS IN EXITS AND PATHS OF TRAVEL CLAUSE D 2.13 - GOINGS AND RISERS CLAUSE D 2.14 - LANDINGS CLAUSE D 2.15 - THRESHOLDS CLAUSE D 2.16 - BALUSTRADES	CLAUSE D 2.17 - HANDRAILS CLAUSE D 2.21 - OPERATION OF LATCH CLAUSE D 2.23 - SIGNS ON DOORS CLAUSE D 3.2 - GENERAL BUILDING ACCESS REQUIREMENTS CLAUSE D 3.3 - PARTS OF BUILDING TO BE ACCESSIBLE CLAUSE D 3.6 - IDENT. OF ACCESSIBLE FACILITIES/SERVICES CLAUSE D 3.8 - TACTILE INDICATORS CLAUSE F 1.7 - WATERPROOFING OF WET AREAS CLAUSE F 1.8/1.10 - DAMP-PROOFING CLAUSE F 1.5 - CONSTRUCTION OF SANITARY COMPARTMENTS PART F 4 - LIGHTING AND VENTILATION CLAUSE F 5.4 - SOUND INSULATION OF FLOORS CLAUSE F 5.5 - SOUND INSULATION OF WALLS CLAUSE F 5.6 - SOUND INSULATION OF SERVICES CLAUSE F 5.7 - SOUND INSULATION OF PUMPS	ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSE 4.4 & AS1680 BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D 2.16 DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2 ENERGY EFFICIENCY GLAZING: TO COMPLY WITH D 2 OF BCA FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA HOT WATER SYSTEMS: TO COMPLY WITH PART 31 OF BCA MASONRY: TO COMPLY WITH AS3700 MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH PART 35 OF BCA MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS1682 SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E 2.2 & AS3700 PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ELECTROHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C 3.15 & AS1530 4-2005 SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D 2.13 WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740	BASIC COMMITMENTS (ALL OTHER BASIC COMMITMENTS ARE PER BASIC CERTIFICATE AND STAMPED PLANS) WATER OPTIONS SHOWERS/BATHS: 3 STAR TOILETS: 4 STAR KITCHEN TAPS: 4 STAR BATHROOM TAPS: 4 STAR RAIN WATER TANK: 1000 L POOL/SPA: 1000 L COLLECT RUN OFF AREA: 50 sqm ENERGY OPTIONS COOLING & HEATING: 1 phase air conditioning: 4 star to Living & Bed areas Daylight zoned.	VENTILATION: WATER HEATING: COOK TOPS: REFRIGERATOR SPACE: CLOTHES DRYING LINES: THERMAL COMFORT OPTIONS R1.0 INSULATION TO: R1.5 INSULATION TO: R1.0 INSULATION TO: WINDOW GLAZING SPEC & TYPE: SKYLIGHT GLAZING SPEC & TYPE:	Kitchen & laundry inlet fan ducted to basement. manual switch used. Gas inlet: 5 mm Gas outlets: electric oven. Well ventilated or sheltered.	ARCHITECT: MHNDUNION 35 RICHARDS LANE SURRY HILLS SYDNEY NSW 2010 T +61 2 9101 1111 F +61 2 9101 1100 www.mhndu.com vhn Design Union Pty Ltd. ABN 94 003 717 682 NSW Registration Number 4907	DRAWING TITLE: WASTE MGT PLAN PROJECT ADDRESS: 3 LANCASTER RD DOVER HEIGHTS, NSW 2030	PROJECT NUMBER: 18-056 ISSUE DATE: 6/2/19 SCALE: 1:100@A3 1:50@A1	DWG NUMBER: DA 9201 REVISION: A DRAWN BY: KLa CHECKED: 238
----------	----------------	-----------------------------------	--	--	--	---	--	--	--	--	--	--



Report to the Waverley Local Planning Panel

Application number	DA-498/2017/C
Site address	87-99 Oxford Street and 16-22 Spring Street, Bondi Junction
Proposal	Modification to wording of consent conditions 9, 10 and 111
Approved development description	Demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels; and associated planning agreement.
Date of lodgement	27 September 2019
Owner	Bondi Land Pty Limited and Proprietors of Strata Plan 31260
Applicant	Lindsay Bennelong Developments Pty Ltd
Submissions	Nil
Cost of Works	Nil
Issues	Car parking exceedance
Recommendation	That the application be in part APPROVED subject to conditions

Site Map



1. PREAMBLE

1.1 Details of Approved Development

The original application, known as DA-498/2017 for demolition of existing structures; construction of a new 14 storey mixed use building comprising residential apartments, retail and commercial premises, and three basement levels; and associated planning agreement, was approved by the Sydney Eastern City Planning Panel on 13 December 2018.

The statistics of the development that are relevant to this subject application are shown in **Table 1** below.

The application was modified by way of a modification application, known as DA-498/2017/A for modification to amend consent conditions 9, 10 relating to contributions and 30 and 31 relating to site contamination, was approved on 20 March 2019.

A separate modification application, known as DA-498/2017/B for modification of the approved development to alter internal layout, changes to windows and various other alterations to the façade, is currently before Council for assessment and has yet to be determined. The modifications to the key statistics of the approved development are outlined in **Table 1** below.

Table 1: Development statistics between approved and proposed modified (under DA-498/2017/B) development schemes

Element	Approved (DA-498/2017)	Proposed (DA-498/2017/B)*	Change
Number of apartments	126 in total with unit mix of: <ul style="list-style-type: none"> 35 x 1 bedroom 67 x 2 bedroom 24 x 3 bedroom 	122 in total with unit mix of: <ul style="list-style-type: none"> 31 x 1 bedroom 63 x 2 bedroom 28 x 3 bedroom 	4 fewer units overall, with change of unit mix: <ul style="list-style-type: none"> 4 fewer one bedroom 4 fewer two bedroom 4 greater three bedroom
Floor space ratio	5.75:1 13,196m ² of GFA	5.75:1 13,196m ² of GFA	Nil
Retail gross floor area	544m ²	555m ²	Net increase of 11m ²
Commercial gross floor area	656m ²	646m ²	Net decrease of 10m ²

Element	Approved (DA-498/2017)	Proposed (DA-498/2017/B)*	Change
Car parking	150 spaces in total: <ul style="list-style-type: none"> • 115 residential spaces (including 15 adaptable spaces) • 18 resident visitor spaces (including one accessible space) • 2 car share spaces • 15 commercial/retail spaces (including one accessible space) 	150 spaces in total: <ul style="list-style-type: none"> • 115 residential spaces (including 12 adaptable spaces) • 18 resident visitor spaces (including one accessible space) • 2 car share spaces • 15 commercial/retail spaces (including one accessible space) 	Nil

* Note, this modification application DA-498/2017/B is under assessment and is yet to be determined.

1.2 Background

Council's *Planning Agreement Policy 2014* allows for in-kind contributions, as well as monetary contributions. The main in-kind contributions that it allows for are affordable housing and commercial floorspace. Commercial floorspace dedication has been encouraged, particularly in Bondi Junction, given that it is important for Council to offset the loss of commercial floorspace, achieve the aims of the following strategic documents: *Bondi Junction Commercial Centre Review*, *Waverley Economic Development Strategy*, *Community Strategic Plan*, *draft Local Strategic Planning Statement* as well as the commercial floorspace focus and jobs targets for Bondi Junction as outlined in the Greater Sydney Commission's *Eastern City District Plan*.

Land and floorspace in the Waverley LGA is very expensive. The provision and dedication of commercial floorspace through the mechanism of the Planning Agreement Policy process provides a significant opportunity to create new dedicated and specialised community spaces for the Bondi Junction precinct and broader community. The provision of a revenue generating asset for Council also provides a sustainable long-term source of revenue towards a public purpose.

Council's Strategic Planning team have negotiated approximately 500sqm of commercial floorspace dedication associated with the current development through the planning agreement process. As part of these negotiations, the Strategic Planning team have sought to forgo the 4 commercial car spaces in the basement carpark (that were initially allocated to these commercial spaces on level 1), and instead seek additional floorspace and/or the fitout of floorspace (in lieu of the car spaces). The floorspace dedication is being used to provide a multi-purpose community centre and commercial floorspace. The commercial floorspace is to be leased to subsidised community tenants or commercial tenants with revenue hypothecated to a public purpose, in particular affordable housing.

In summary, the public benefit associated with the additional floorspace (derived by forgoing the carspaces) is either:

- More community centre floorspace
- More floorspace for community tenants
- More rental revenue for affordable housing

In essence, the floorspace provision with or without car parking does not benefit Council directly i.e. this commercial floorspace, the subject of this application will not be used for the day-to-day Council activities. It must be clear that this is a public benefit promoting the public interest, rather than a floorspace grab by Council. This is an important and subtle distinction.

This is discussed in greater detail below (refer to Strategic Planning team commentary).

1.3 Proposal

The application has been lodged as a section 4.55(1A) application. It follows and is due to 'in-principle' negotiations between the applicant and Council's Strategic Planning department of the terms of a planning agreement for 'works in kind' dedication of part of the commercial floor space of the development to Council. The original development consent included a planning agreement encompassing a monetary contribution, which is sought to be varied to a 'works in kind' offer instead.

The modification application specifically provides for the following three modifications to the development consent:

1. Modify condition 9 of the development consent in relation to payment of section 7.12 contributions to include a separate clause, shown in ***bold italics*** below:

9. SECTION 7.12 CONTRIBUTION

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

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

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

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

provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

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

(d) The cash contribution payable under this condition may be included in the offer to enter into a Planning Agreement with Council under s 7.4 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Development Contributions Plan 2006.

Planning comment:

To maximise the community benefit associated with this floorspace VPA, the negotiations with the developer have been based on including the s7.12 contributions to maximise floorspace and fitout for the multi-purpose community centre. A number of other Council's including City of Sydney, North Sydney and Parramatta Councils have used planning agreements to negotiate commercial floor space for a range of uses including tech start-ups, community arts centre and child care centres. In some instances, s7.12 contributions have been transferred to the VPA. The Strategic Planning team has lead the VPA negotiations with the developer and has worked closely with Council's Community Services and Cultural Services teams to understand their needs, as well as Council's Facilities team.

Accordingly, these modifications incorporate the specific terms of the 'in-principle' negotiated outcome of the Planning Agreement and are supported.

2. Modify condition 10 relating to the substance of the Planning Agreement, with modification to this condition shown in **bold italics** and ~~striktthrough~~ below:

10. PLANNING AGREEMENT

(a) ***In accordance with the offer of the Applicant dated 26 September 2019 ("Offer"), the owner/ applicant to:***

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.
- (ii) ~~Pay a monetary contribution amount of \$5,164,236.85 prior to the issue of any Occupation certificate for the Development~~ ***Dedicate by way of transfer and deliver land which incorporates floor space as identified in approved level 1 plan being commercial tenancies 1, 2, 4, 5, 6 and associated common space on level one totalling 505sqm and fit out in accordance with Council's***

specifications ("Development Contribution"). The land is to be dedicated at no cost to Council and free of any encumbrances:

- *within (fourteen) 14 days of the later of registration of the Strata Plan and delivery of the Occupation Certificate; and*
- *prior to the first settlement of any other lot(s) within the Development.*

(iii) A **The** Planning Agreement ~~will~~ **is to** be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 **and is** between the owner of the land the subject of the Development, **applicant** and Council.

(b) In accordance with the Offer, the Planning Agreement shall make provision in respect to the following **by the owner/applicant**:

~~(i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of Construction Certificate for works above ground level, for the Development~~

~~(ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of Construction Certificate for works above ground level, for the Development which is:~~

- ~~— In a form acceptable to Council and from an institution acceptable to Council~~
- ~~— Irrevocable~~
- ~~— Unconditional~~
- ~~— With no end date~~

(i) **Timely Strata Subdivision of the development.**

(ii) **Consultation with Council in relation to Strata Subdivision and matters affecting the Development Contribution to be delivered.**

(iii) **Timely delivery of the Development Contribution including in accordance with Condition 10(a)(ii).**

(iv) **Attach preliminary floor plans and schedule of finishes and make provision for finalisation of preliminary floor plans and schedule of finishes with the approval of and to the satisfaction of Council.**

(v) **Treatment of the s7.12 contribution.**

(vi) **A Defects Liability Period of no less than 12 months in relation to the land dedicated by way of transfer and fit out.**

(vii) **Registration upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.**

(viii) **Provision of a Bank Guarantee or insurance bond (subject to Council's approval) in the amount of \$5,809,592.41 (being the value of the Development Contribution), prior to the issue of any**

Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017, which is:

- ***In a form acceptable to Council and from an institution acceptable to Council;***
- ***Irrevocable;***
- ***Unconditional; and***
- ***With no end date.***

- (c) ~~The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.~~

The delivery of the Development Contribution to Council is to be made in accordance with condition 10(a)(ii) and is to be applied towards a public purpose in accordance with the Planning Agreement and Council's Planning Agreement Policy 2014.

Planning comment:

Importantly, the provision of commercial floorspace provides a far greater ability to deliver public benefits, and hence promote the public interest, than a one-off cash contribution. The floorspace will be used for a multi-purpose community centre (envisaged to be the tenancy on the south-west of L1) and floorspace to be leased out at a subsidised rate to community service providers or to market rate tenants, with the net revenue to be hypothecated to affordable rental housing.

Accordingly, these modifications incorporate the specific terms of the 'in-principle' negotiated outcome of the Planning Agreement and are supported.

3. Modify condition 111 of the consent relating to allocation of car parking spaces in the basement car park, shown in ***bold italics*** below:

111. MARKING OF CAR SPACES

The following allocation of car parking spaces shall be clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) ~~115~~ ***118*** resident spaces;
- (b) 18 resident visitor spaces;
- (c) ~~5~~ ***2*** commercial spaces;
- (d) 10 retail spaces; and
- (e) 2 car share spaces.

Of which there are 15 adaptable spaces. In total there are 150 spaces. It is noted that the 2 car wash areas are not permanent parking spaces.

Planning comment:

The approved development comprises five commercial tenancies on Level 1 of the development. The development (and as required by condition 111 of the consent) allocates five car parking spaces in the basement carpark to the commercial tenancies (on level 1), and, presumably, each commercial tenancy is allocated one of these car spaces.

The ‘works in kind’ negotiations (between the applicant and Council’s Strategic Planning team) regarding the Planning Agreement seeks to forgo the commercial car parking spaces attached to these tenancies. Instead, the negotiations seek to opt, rather, for a larger / additional and usable commercial floor space and/or fitout in lieu of these car parking spaces.

Accordingly, as Council (in taking ownership of these commercial tenancies on level 1) is seeking to forgo the associated parking, the applicant/owner has instead sought to reallocate these three commercial car spaces to residential car parking. This would increase the overall number of resident spaces from 115 to 118 for the development.

This proposed modification is **not** supported by the Development and Building Unit (Council’s Development Assessment Team) because it would exceed the maximum residential car parking spaces specified in the Waverley Development Control Plan 2012 (Amendment 6), which is the current standard for assessment. It would also exceed the maximum residential car parking spaces specified in the former version, Amendment 5 which was in force at the time when the original development application was assessed and determined against. The resultant effect would ultimately set an undesirable precedent in the Bondi Junction Centre on an issue that readily is faced by developers, specifically in the Bondi Junction precinct, where Council Officers to date have been consistent in their application of the DCP residential parking controls. This matter is specifically addressed in the succeeding sections of this assessment report. It is the principal reason for the referral of this application to the Waverley Local Planning Panel for determination.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

The application is made under section 4.55 (1A) of the Act. The modifications are considered to have minimal environmental impact. The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

2.2 Planning Instruments and Development Control Plans

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

2.2.1 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

There are no relevant matters under the Waverley LEP 2012 to be considered in the assessment of the proposal, other than the definition of gross floor area (GFA) under Waverley LEP 2012, which is as follows:

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.*

Given the proposed modification to increase resident car parking spaces exceeds the maximum allowed under Waverley Development Control Plan 2012 (as identified in section 2.2.2. of this report below), the excess car parking spaces would constitute GFA and be calculated as additional GFA, and would therefore, increase the floor space ratio of the development to greater than 15% non compliance with the development standard, which is the capped exceedance anticipated in Council's *Planning Agreement Policy 2014*.

This aspect is discussed in greater detail below where a comparison of parking rates for the current DCP Amendment 6 versus the former DCP Amendment 5 are provided and the resultant GFA variations.

Notwithstanding the above, the floor space development standard within the Bondi Junction Centre has consistently applied a maximum of 15% exceedance for such development. The proposed modification will increase the non compliance beyond 15% exceedance of the floor space development standard, creating an undesirable precedence. In this regard, the proposed reallocation of the three car parking spaces from commercial to resident is not supported.

2.2.2 Waverley Development Control Plan 2012 - Amendment No 6 (Waverley DCP 2012)

Part B8 of the Waverley DCP 2012 is specifically relevant to this modification application. **Table 2** below outlines the sets of car parking rates in Amendment No. 5 of the DCP (that applied to the assessment and determination of the original development application) and in Amendment No. 6 of the DCP, which is applicable to the assessment of this current modification application.

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

Development Control	Compliance	Comment
Amendment No. 5		
<p>8. Transport</p> <p>Parking Zone 1</p> <p>High density residential flat building</p> <ul style="list-style-type: none"> • 0.6 for one bedroom unit • 0.9 for two bedroom unit • 1.4 for three bedroom unit • 1 visitor space per 5 units 		<p>Residential</p> <p>The residential component of the original approved development (not modified by DA-498/2017/B) generates a demand for the following off-street car parking:</p> <ul style="list-style-type: none"> • 21 spaces for one bedroom apartments (35 x 0.6) • 60.3 spaces for two bedroom apartments (67x 0.9) • 33.6 spaces for three bedroom apartments (24 x 1.4) <p>Therefore, the development requires the following:</p> <ul style="list-style-type: none"> • a total of 114.9 or 115 resident spaces • a total of 25.2 or 25 visitor spaces <p>The approved development provides for 115 resident spaces and 18 resident visitor spaces. The applicant relies on providing 1 visitor space per 7 units in accordance with the RMS Traffic Generating Developments Guide (in lieu of Council's DCP rate of 1 in 5). On balance this is considered acceptable.</p>
	No	<p>The proposed modification to reallocate 3 commercial spaces will result in a total of 118 resident spaces, which exceeds the maximum resident spaces of 115 specified under the DCP (Amendment No. 5). Therefore, the proposal fails to comply with this development control and fails the objectives outlined under section 8.1.1 of Part B8 of the DCP. It is not supported.</p>
<p>Commercial</p> <ul style="list-style-type: none"> • Nil (minimum) • 0.66 per 100m² of GFA (maximum) 	Yes	<p>Commercial</p> <p>The approved development (not modified by DA-498/2017/B) comprises 656m² of commercial GFA and generates a maximum of 4.32 or 4 off-street car parking spaces.</p>
<p>Retail</p> <ul style="list-style-type: none"> • Nil (minimum) • 2 per 100m² of GFA (maximum) 	Yes	<p>Retail</p> <p>The approved development (not modified by DA-498/2017/B) comprises 544m² of retail GFA and generates a maximum of 10.9 or 11 off-street car parking spaces.</p> <p>The approved development provides for a total of 15 car spaces for both retail and commercial</p>

Development Control	Compliance	Comment
		tenancies of the development, which meets the maximum car parking spaces generated by the area of both commercial and retail components of the development. The reduction of 3 commercial spaces would be reasonable given nil commercial parking can be utilised as a minimum, but NOT as a transfer/substitution for resident spaces.
Amendment No. 6		
<p>8. Transport</p> <p>8.2 – On Site Parking</p> <p>Zone 1</p> <p>Car parking Provision Rates</p> <p>High density residential:</p> <ul style="list-style-type: none"> • Minimum: Nil • Maximum: <ul style="list-style-type: none"> ○ 0.4 for one bedroom: ○ 0.7 for two bedroom ○ 1.2 for three bedroom • Visitor 1 space per 7 units <p>Commercial:</p> <ul style="list-style-type: none"> • Minimum: Nil • Maximum: 0.66 per 100m² of GFA (maximum) <p>Retail</p> <ul style="list-style-type: none"> • Minimum: Nil • Maximum: 2 spaces per 100m² of GFA 	No	<p>Residential</p> <p>The residential component of the original approved development (not modified by DA-498/2017/B) generates a demand for the following off-street car parking:</p> <ul style="list-style-type: none"> • 14 spaces for one bedroom apartments (35 x 0.4) • 46.9 spaces for two bedroom apartments (67x 0.7) • 28.8 spaces for three bedroom apartments (24 x 1.2) <p>Therefore, the development requires the following:</p> <ul style="list-style-type: none"> • a total of 89.7 or 90 resident spaces • a total of 18 visitor spaces. <p>The approved development provides for 115 resident spaces and 18 resident visitor spaces. The resident car spaces currently exceed the maximum resident car parking rate under the DCP (Amendment No. 6) by 25 car spaces. This emphasises that a further increase of 3 resident car parking spaces to a total of 118 is unreasonable as it fails to satisfy the objectives in relation to car parking provision rates under section 8.2.2 of Part B8 of the DCP (Amendment No. 6), only recently introduced.</p> <p>Commercial</p> <p>The approved development (not modified by DA-498/2017/B) comprises 656m² of commercial GFA and generates a maximum of 4.32 or 4 off-street car parking spaces.</p> <p>Retail</p> <p>The approved development (not modified by DA-498/2017/B) comprises 544m² of retail GFA and generates a maximum of 10.9 or 11 off-street car parking spaces.</p>

Development Control	Compliance	Comment
		The approved development provides for a total of 15 car spaces for both retail and commercial tenancies of the development, which meets the maximum car parking spaces generated by the area of both commercial and retail components of the development. The reduction of 3 commercial spaces would be reasonable given nil commercial parking can be utilised as a minimum, but NOT as a transfer/substitution for resident spaces.

Parking provisions and GFA

As outlined previously in the report, the original application was assessed against Amendment 5 of the DCP 2012, which allowed for 115 residential car spaces for the development. Amendment 6 of DCP 2012, that is presently in force and applicable to this application alters the control so that the approved development if assessed as new today generates a maximum of 90 residential car spaces. The proposed modification in seeking 3 commercial car parking spaces to be allocated to residential car spaces results in 25 car spaces in excess to the control stipulated in DCP 2012 Amendment 6. Whilst it is acknowledged there is no net increase in parking for the overall development, having regard to the controls in place and the definition of gross floor area, the proposed modification results in a further non compliance exceedance with the floor space development standard. This is shown in the comparison Table 3 below.

Table 3: Comparison of residential parking rates in DCP Amendment 5, which was in force at the time of assessment of the original application versus DCP Amendment 6, which are the current controls in place and applicable for the current application

Comparison of parking rates		
	Amendment 5, DCP (former control)	Amendment 6, DCP (current control)
DCP Residential parking maximum control	115 car spaces	90 car spaces
Proposed 118 residential spaces equates to	3 spaces in excess	25 car spaces in excess
GFA: - original approval was 13196sq.m GFA - site area: 2295sq.m	3 spaces = 40.5sq.m additional GFA	25 spaces = 337.5sq.m additional GFA (or if calculated based on 3 commercial car parking spaces to residential = 40.5sq.m additional GFA)
FSR: (original approval provided a FSR of 5.75:1)	5.77:1	5.89:1 (based on 25 spaces in excess, or 5.77:1 based on 3 spaces being the technical change from original approval)

Based on the above analysis, the proposed modification, results in a FSR for the development of 5.89:1, being 17.8% non compliance with development standard, based on application of the Amendment 6 DCP 2012 control. Alternatively, based on an analysis of solely the 3 additional residential spaces (with a reliance on what has already been approved), this would otherwise equate to a FSR of 5.77:1, being 15.4% non compliance.

On this basis, as previously discussed, the cap of 15% exceedance to the floor space development standard for the Bondi Junction Centre has been consistently applied for such development. The proposed modification will increase the non compliance beyond 15% exceedance of the floor space development standard, creating an undesirable precedence. In this regard, the proposed reallocation of the three car parking spaces from commercial to resident is not supported.

2.3 Any planning agreement (draft or adopted)

Section 4.15(1)(a)(iiia) of the Act specifies that planning agreements that have been entered into or any draft planning agreements that a developer has offered to enter into under section 7.4 of the Act is a matter of consideration in the determination of an application. While the 'in-principle' negotiated outcomes of the Planning Agreement would result in a public benefit, the proposed car parking reallocation is not considered reasonable given:

1. Council is required to assess applications against relevant legislative provisions (e.g. the LEP and DCP) and also to give consideration to any adopted Council Policy, in this case the Planning Agreement Policy 2014 (Amendment No. 2). There is no LEP or DCP policy that provides for the transfer of commercial carparking spaces to residential spaces except where there is spare residential carparking capacity (i.e. a development has not reached the maximum residential car spaces specified under the DCP).
2. In this case, the development is at its maximum residential number of spaces and this change would add to the maximum, which would create an undesirable precedent within the Bondi Junction Centre.
3. The party who would benefit most from this scenario is Council (and community) and whilst it may be argued that a Council benefit is also a public benefit, the Development and Building Unit is not convinced that a reasonable person would view this particular type of situation in this way. In effect, Council's Development Building Unit would be agreeing to something only because it is benefitting Council.

2.4 Other Impacts of the Development and suitability of the site

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality. The site remains suitable for the approved development, as proposed to be modified.

2.5 Any Submissions

This modification application was not notified to the public.

2.6 Public Interest

While the 'in-principle' negotiated outcomes of the Planning Agreement could be considered to be in the public interest, the proposed reallocated car parking spaces from commercial to residential

would undermine the integrity of the DCP to effectively control the volume of off-street car parking in new development, and consequently, would set an undesirable precedent, especially within the Bondi Junction Centre.

3. REFERRALS

3.1 Urban Planning, Strategy and Policy - Strategic Planning

Council's Manager, Strategic Planning advised the following about the car parking matter:

Use of floorspace

Importantly, the provision of commercial floorspace provides a far greater ability to deliver public benefits, and hence promote the public interest, than a one-off cash contribution. The floorspace will be used for a multi-purpose community centre (envisaged to be the tenancy on the south-west of L1) and floorspace to be leased out at a subsidised rate to community service providers or to market rate tenants, with the net revenue to be hypothecated to affordable rental housing.

Discussions with Council's Community Services and Cultural Services teams revealed that there is a high need for accessible and reasonably affordable venues either for long term or once off bookings that offer spaces for meetings; working together; workshops, seminars, or outreach offices/engagement spaces for regional services supporting local community. There is strong support for increased provision of community spaces that could support many different functions across age groups and create a stronger community hub in an area experiencing population growth. The following uses are ideas for the multi-purpose community facility.

Dedicated, flexible and adaptable community space to support council initiatives or independent community projects.

This enhances the already well established and well utilised community hub at the Mill Hill Centre and help Council accommodate additional demand for community services and build local connections for people moving into these new high rise developments. The demographics indicate that the provision of community services / use of community venues needs to facilitate accessible and affordable provision. This strategy may also help Council to relocate some of Council's community tenants away from a number of properties located in prime residential areas, instead to the Bondi Junction Centre e.g. Computer Pals & Family Day Care on Ebley St; Bondi Beach Cottage (Brighton Blvd) perhaps with a facilitated playgroup; Eastern Area Tenants Service/Drug & Alcohol on Newland St, etc. Some of these options were recently included in the child care feasibility study completed by Caring Waverley Department.

Venue hire/office space for a host of different uses

This new commercial space could support youth work experience programs involving industry representatives and mentors; creative industries; pop-ups; short-term collaborative projects or after hours/weekend community use (subsidised or free). The space could be flexible and multi-purpose, allowing for separate business hours and after hours uses.

Adaptive cultural space

There is some potential for this commercial space to be an extension of the highly sought after Waverley Artist Studios program based out of the Waverley Woollahra Art School on Bondi Road, for example a project space for art creation and exhibition. There is potential to collaborate with – and get funding for – a Brand X project which is a not for profit arts organisation run by artists for artists with state government funding. The space could host

broadly undefined art installations involving community input from our diverse communities, but especially youth.

Hypothecation of funding to public purpose

The net rental income could fund in perpetuity a public purpose. This could be revenue towards public works, pop-ups and community activities in Bondi Junction or affordable housing. We have pursued a model of hypothecating funding to affordable rental housing in perpetuity as future public domain works may find another funding source and it could be argued that the ongoing revenue from this VPA is not funding an additional public purpose. Moreover, the need for affordable rental housing in Waverley LGA is critical and the Local Housing Discussion Paper calls for greater funding mechanisms for affordable rental housing.

Waverley is a leader in affordable housing provision. However, given the residential booms of the last 20 years, the traditional model of purchasing older RFBs for affordable rental dwellings is no longer viable. Council cannot compete with developers who are seeking to renew these sites. As a result Council has been exploring alternative and innovative ways of funding affordable rental housing, including subsidising market rate housing. The issue with subsidising rental housing is that without a sustainable recurrent source of funding, the affordable housing fund would be drained.

*If the commercial floorspace is used for market rentals, instead of subsidised community rentals we could use this net revenue to provide affordable rental housing. The dedication of commercial floorspace has allowed us to adopt an innovative approach to delivering affordable housing, based on hypothecating net revenue from the commercial tenancies to subsidising market rate rental properties to make them affordable (in perpetuity). Using this approach we could add **over 20 affordable rental dwellings** to our Affordable Housing portfolio, effectively in perpetuity. Our current approach to Planning Agreements (based on 10% of the monetary contribution going towards affordable housing) would only allow the provision of up to 1 affordable rental dwelling. This is a significant public benefit. Based on this innovative model, by forgoing the car spaces we would be able to gain additional floorspace, increasing net revenue and contributing an additional 2 affordable rental dwellings. Put simply, 4 car spaces = 2 affordable rental dwellings. Details on how the car spaces were valued are outlined below.*

Carparking

As part of the negotiations, there were originally 4 car spaces attached to the floorspace we were negotiating. Forgoing the residential car spaces formed an integral part of the planning agreement negotiations. Comparable market research, expert valuation advice and conversations with local real estate agents revealed that a residential car space in Bondi Junction would be valued at \$110,000 per space. Forgoing these spaces meant that Council had \$440,000 to include as part of our negotiation for more commercial and community floor space. All teams outlined above decided that it was a greater public benefit to achieve more floorspace by forgoing the 4 car spaces. As a result we were able to achieve additional floorspace and/or the fitout of floorspace.

This may result in a non-compliance with the maximum allowed number of residential car spaces and lead to further GFA exceedance, thereby creating an undesirable precedent in Bondi Junction. However, it is important to note that there is no net additional increase to the number of car spaces in the development and this would simply be a transfer from the commercial tenancies to the residential users. Anecdotal evidence indicates that commercial tenants would use the car spaces regularly Monday to Friday, whereas residents of these towers typically commute via public transport, given high levels of accessibility during the week and use their

cars on the weekend. In some instances, residents do not own cars. Therefore, there is an argument that transferring the car spaces to residential will result in a lower traffic impact than the base case.

The context of the broader and significant public benefit of the amended car space allocation needs to be given considerable weight against any adverse impacts associated with the reallocation of car spaces or any erroneous perception of Council as the main beneficiary of the public benefit. This is a unique circumstance given the obvious and immediate public benefits associated with the transfer of car spaces. I don't believe this could be repeated in another development.

This advice was given consideration by the Development and Building Unit (the DBU) in forming their position on this matter, however it was decided by the DBU that the public benefits cannot be a justified reason to vary car parking development controls in the absence of a policy position on this issue.

4. SUMMARY

The modification application seeks to modify relevant conditions of consent following and in response to the 'in-principle' negotiations of a planning agreement associated with the approved mixed-use development at the site known as 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction. All the proposed modifications are supported **except** for reallocating three commercial car spaces to resident car spaces, because:

- There is no mechanism under Council's Planning Agreement Policy to vary car parking development controls,
- the exceedance of resident car parking rates would set an undesirable precedent, and
- the public benefits for Council arising from the negotiated outcomes of the Planning Agreement cannot be a justified reason to vary car parking development controls.

The application is referred to the Waverley Local Planning Panel as it relates to a planning agreement, specifically non-compliance with the provisions of Council's Planning Agreement Policy (as the Policy does not mention varying carparking development controls in relation to the negotiation of planning agreements) and the variance in position between two planning departments of Council.

Should the Recommendation be adopted in **full** by the Waverley Local Planning Panel, then condition 111 of the consent will remain unchanged as per Appendix B of this report.

DBU Decision

The application and assessment report were reviewed by the DBU at the meeting on 9 October 2019 and the DBU determined:

- (a) The application is acceptable and should be approved except for modifying condition 111 in terms of allocation of car spaces, as shown in Appendix A of this report.

DBU members: M Reid, A Rossi and B McNamara.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification 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:**

Ben Magistrale
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 11 October 2019

Date: 14 October 2019

Reason for referral:

- 4 Sensitive development:
 - (f) Planning Agreements

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

9. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

Advisory Note

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

(d) The cash contribution payable under this condition may be included in the offer to enter into a Planning Agreement with Council under s 7.4 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Development Contributions Plan 2006.

(MODIFIED BY DA-498/2017/C)

10. PLANNING AGREEMENT

(a) *In accordance with the offer of the Applicant dated 26 September 2019 ("Offer"), the owner/ applicant to:*

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.
- (ii) ~~Pay a monetary contribution amount of \$5,164,236.85 prior to the issue of any Occupation certificate for the Development~~ ***Dedicate by way of transfer and deliver land which incorporates floor space as identified in approved level 1 plan being commercial tenancies 1, 2, 4, 5, 6 and associated common space on level one totalling 505sqm and fit out in accordance with Council's specifications ("Development Contribution"). The land is to be dedicated at no cost to Council and free of any encumbrances:***
 - ***within (fourteen) 14 days of the later of registration of the Strata Plan and delivery of the Occupation Certificate; and***
 - ***prior to the first settlement of any other lot(s) within the Development.***
- (iii) A ~~The~~ Planning Agreement ~~will~~ ***is to*** be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 ***and is*** between the owner of the land the subject of the Development, ***applicant*** and Council.

(b) In accordance with the Offer, the Planning Agreement shall make provision in respect to the following ***by the owner/applicant***:

- ~~(i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of Construction Certificate for works above ground level, for the Development~~
- ~~(ii) The owner/ applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of Construction Certificate for works above ground level, for the Development which is:~~
 - ~~— In a form acceptable to Council and from an institution acceptable to Council~~
 - ~~— Irrevocable~~
 - ~~— Unconditional~~
 - ~~— With no end date~~
- (i) ***Timely Strata Subdivision of the development.***
- (ii) ***Consultation with Council in relation to Strata Subdivision and matters affecting the Development Contribution to be delivered.***
- (iii) ***Timely delivery of the Development Contribution including in accordance with Condition 10(a)(ii).***

- (iv) *Attach preliminary floor plans and schedule of finishes and make provision for finalisation of preliminary floor plans and schedule of finishes with the approval of and to the satisfaction of Council.*
- (v) *Treatment of the s7.12 contribution.*
- (vi) *A Defects Liability Period of no less than 12 months in relation to the land dedicated by way of transfer and fit out.*
- (vii) *Registration upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.*
- (viii) *Provision of a Bank Guarantee or insurance bond (subject to Council's approval) in the amount of \$5,809,592.41 (being the value of the Development Contribution), prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017, which is:*
 - *In a form acceptable to Council and from an institution acceptable to Council;*
 - *Irrevocable;*
 - *Unconditional; and*
 - *With no end date.*

- (c) ~~The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development, and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.~~

The delivery of the Development Contribution to Council is to be made in accordance with condition 10(a)(ii) and is to be applied towards a public purpose in accordance with the Planning Agreement and Council's Planning Agreement Policy 2014.

(MODIFIED BY DA-498/2017/C)

No change to condition 111, unless the Waverley Local Planning Panel resolves to accept the proposed car parking reallocation, which would result in the following modification of condition 111:

111. MARKING OF CAR SPACES

The following allocation of car parking spaces shall clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (f) ~~115~~ **118** resident spaces;
- (g) 18 resident visitor spaces;
- (h) ~~5~~ **2** commercial spaces;
- (i) 10 retail spaces; and
- (j) 2 car share spaces.

Of which there are 15 adaptable spaces. In total there are 150 spaces. It is noted that the 2 car wash areas are not permanent parking spaces.

(MODIFIED BY DA-498/2017/C)

B. New Conditions

Nil.

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with the following documents:

- (a) The architectural plans prepared by Jackson Clements Burrows Architects and DJRD Architects identified in the table below:

Drawing Number and Description	Revision No.	Date of Drawing	Received by Council Date
DA0.001 Cover Page	L	23 July 2018	25 July 2018
DA1.003 Site Analysis Sheet 2	H	18 June 2018	19 June 2018
DA1.004 Site Analysis Sheet 3	E	18 June 2018	19 June 2018
DA1.101 Basement 4 General Arrangement Plan	O	23 July 2018	25 July 2018
DA1.102 Basement 3 General Arrangement Plan	O	23 July 2018	25 July 2018
DA1.103 Basement 2 General Arrangement Plan	O	23 July 2018	25 July 2018
DA1.104 Basement 1 General Arrangement Plan	O	23 July 2018	25 July 2018
DA1.105 Ground Floor General Arrangement Plan	P	23 July 2018	25 July 2018
DA1.106 Level 1 General Arrangement Plan	O	18 June 2018	25 July 2018
DA1.107 Level 2 General Arrangement Plan	J	23 July 2018	25 July 2018
DA1.108 Level 3 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.109 Level 4 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.110 Level 5 General Arrangement Plan	K	23 July 2018	25 July 2018
DA1.111 Level 6 General Arrangement Plan	J	23 July 2018	25 July 2018
DA1.112 Level 7 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.113 Level 8 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.114 Level 9 General Arrangement Plan	J	23 July 2018	25 July 2018
DA1.115 Level 10 General Arrangement Plan	J	23 July 2018	25 July 2018
DA1.116 Level 11 General Arrangement Plan	J	23 July 2018	25 July 2018
DA1.117 Level 12 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.118 Level 13 General Arrangement Plan	L	23 July 2018	25 July 2018
DA1.119 Roof General Arrangement Plan	K	18 June 2018	19 June 2018
DA2.100 North Elevation	J	23 July 2018	25 July 2018
DA2.101 South Elevation	J	23 July 2018	25 July 2018
DA2.103 East Elevation	J	23 July 2018	25 July 2018

DA2.103 West Elevation	J	23 July 2018	25 July 2018
DA2.501 Section A	M	23 July 2018	25 July 2018
DA2.502 Section B	M	23 July 2018	25 July 2018
DA2.503 Section C	E	23 July 2018	25 July 2018
DA2.803 Façade Detail Sheet 4	B	23 July 2018	25 July 2018
DA8.100 Schedules	N	23 July 2018	25 July 2018
DA8.201 SEPP65_ADG Compliance Sheet 2	F	18 June 2018	19 June 2018
DA8.250 Adaptable Housing	F	18 June 2018	19 June 2018
DA8.300 Apartment Areas	G	23 July 2018	25 July 2018
DA8.400 Signage Strategy	E	18 June 2018	19 June 2018
DA9.600 External Finishes	C	18 June 2018	19 June 2018
DA9.601 External Finishes	C	18 June 2018	19 June 2018

- (b) The Landscape Design Report and included plans, known as Project Reference 2517043, Pages 1 to 13, Revision C, dated June 2018 and prepared Place Design Group and received by Council on 26 June 2018.
- (c) Stormwater Plans, known as Job Number 171102, Drawing No. DAC01 to DAC06 (Revision 3), prepared by NORTHROP, dated 2 May 2018 and received by Council on 19 June 2018;
- (d) The following written documents tabulated below:

Document Description	Date of Document	Author of Document	Received by Council Date
Statement of Environmental Effects, Addendum and Clause 4.6 Written Requests	November 2017 and June 2018	BTG Planning	23 November 2017 and 19 June 2018
BASIX Certificate	13 June 2018	SLR Consulting Pty Ltd	19 June 2018
Design Verification Statement	15 November 2017	DJRD Architects	23 November 2017
Preliminary Geotechnical Investigation Reference: 30538ZRpt	6 November 2017	JK Geotechnics	23 November 2017
Preliminary Stage 2 Environmental Site Assessment Reference: E30538KDrpt2rev	13 November 2017	Environmental Investigations Services	23 November 2017
Site Audit Process Letter	14 November 2017	Ramboll Environ Australia	23 November 2017
Acoustic Assessment (Report Number 610.17457-R01) and addendum	6 November 2017 and 14 June 2018	SLR Consulting Australia Pty Ltd	23 November 2017 and 19 June 2018

Solar Reflectivity Report (Report Number 610.17457-R2) and addendum	7 November 2017 and 13 June 2018	SLR Consulting Australia Pty Ltd	23 November 2017 and 19 June 2018
Environmental Wind Study (Report Number 10.17457-R4) and addendum	7 November 2017 and 13 June 2018	SLR Consulting Australia Pty Ltd	23 November 2017 and 19 June 2018
Waste Management Plan (Revision I)	15 June 2018	Elephants Foot Recycling Solutions	19 June 2018

Except where amended by the following conditions of consent.

2. ARCHITECTURAL DETAILING

Prior to the issue of the relevant construction certificate for works above existing ground level, further details are required to be submitted and reviewed by the Waverley Design Excellence Panel which address the following matters:

- (a) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace.
- (b) Large-scale detailed sections (1:50 scale) illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials.
- (c) Detailed drawings of the ground floor facades to Oxford Street and Spring Street, including shop fronts, entry foyers, awnings, window operation, as well as a refined architectural package identifying all the finishes of the façade inclusive of the service areas demonstrating a cohesive and where possible active presentation to the street.
- (d) The air-conditioning condensers proposed along the eastern edge of the building at the roof top level shall be visible from the public domain and provide an unpleasant edge condition to the building. These areas are to be reduced in height to a maximum of RL122.4 so that they match the height of the perimeter parapet, allowing for a 1.2m high area for the condensers from rooftop level.
- (e) An erroneous notation and dotted area for 'residential condensers' on the eastern side of the building at gridline B on the 'Roof General Arrangement Plan' is to be deleted for clarity, as condensers are not supported in that location.

These details are to be submitted for the review of Council's Design Excellence Panel with a referral fee to be paid at the time of lodgement. Please contact Council's Customer Service Centre for a fee quote prior to submission.

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of the relevant Construction Certificate for works above existing ground level under the *Environmental Planning and Assessment Act 1979*.

3. PAVING TO BUILDING RECESSES AT GROUND FLOOR

Prior to the issue of the relevant construction certificate for works above existing ground level, further details are required to be submitted and reviewed by Council which address the following matters:

- (a) As the ground floor areas of the development are set in from the property boundary, the finished ground condition of these areas external to the face of the building is to present as a continuation of the Council's footpath by matching the paving material, type and size, to Council's satisfaction.

Council's Executive Manager, Building Waverley is to approve the above details prior to the issue of the relevant Construction Certificate for works above existing ground level under the *Environmental Planning and Assessment Act 1979*.

4. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

5. ARCHITECT TO SUPERVISE DESIGN

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

6. SEPARATE APPLICATION FOR USE, SIGNAGE AND FITOUT

The use, fit-out, signage or proposed hours of operation for the retail or commercial/office area have not been proposed in this application, therefore these elements require the separate approval from Council, unless deemed Exempt Development under State Environmental Planning Policy (Exempt and Complying Development) 2008.

7. EXCAVATION TO BE LIMITED

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

8. SIGNAGE

The following shall apply to any future signage for the site;

- (a) The use of flashing lights, flashing illuminated signs and the like is prohibited.
- (b) No advertising signs or notices are to be affixed to the windows of the premises.
- (c) 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.
- (d) Signage is to be erected/supported in a secure manner for safety purposes;

- (e) Signage, must not be installed in a manner which would cause irreversible damage to the building;
and,
- (f) Shall be a minimum of 2.6m above the footpath level and be offset a minimum of 600mm behind the kerb.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

- (d) The cash contribution payable under this condition may be included in the offer to enter into a Planning Agreement with Council under s 7.4 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Development Contributions Plan 2006.

(MODIFIED BY DA-498/2017/C)

10. PLANNING AGREEMENT

- (a) In accordance with the offer of the Applicant dated 26 September 2019 ("Offer"), the owner/ applicant to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.
 - (ii) Dedicate by way of transfer and deliver land which incorporates floor space as identified in approved level 1 plan being commercial tenancies 1, 2, 4, 5, 6 and associated common space on level one totalling 505sqm and fit out in accordance with Council's specifications ("Development Contribution"). The land is to be dedicated at no cost to Council and free of any encumbrances:
 - within (fourteen) 14 days of the later of registration of the Strata Plan and delivery of the Occupation Certificate; and
 - prior to the first settlement of any other lot(s) within the Development.
 - (iii) The Planning Agreement ~~will~~ is to be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 and is between the owner of the land the subject of the Development, applicant and Council.
- (b) In accordance with the Offer, the Planning Agreement shall make provision in respect to the following by the owner/applicant:
- (i) Timely Strata Subdivision of the development.
 - (ii) Consultation with Council in relation to Strata Subdivision and matters affecting the Development Contribution to be delivered.
 - (iii) Timely delivery of the Development Contribution including in accordance with Condition 10(a)(ii).
 - (iv) Attach preliminary floor plans and schedule of finishes and make provision for finalisation of preliminary floor plans and schedule of finishes with the approval of and to the satisfaction of Council.
 - (v) Treatment of the s7.12 contribution.
 - (vi) A Defects Liability Period of no less than 12 months in relation to the land dedicated by way of transfer and fit out.
 - (vii) Registration upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.
 - (viii) Provision of a Bank Guarantee or insurance bond (subject to Council's approval) in the amount of \$5,809,592.41 (being the value of the Development Contribution), prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017, which is:
 - In a form acceptable to Council and from an institution acceptable to Council;
 - Irrevocable;
 - Unconditional; and
 - With no end date.

- (c) The delivery of the Development Contribution to Council is to be made in accordance with condition 10(a)(ii) and is to be applied towards a public purpose in accordance with the Planning Agreement and Council's Planning Agreement Policy 2014.

(MODIFIED BY DA-498/2017/C)

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$200,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

12. DELETED

13. LONG SERVICE LEVY

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

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

14. 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; and
- (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 Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days' Notice in writing of the intention to commence the building works.

The owner/applicant may make application to Council or an Accredited Certifier

15. ESSENTIAL SERVICES - NEW BUILDING

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

- (a) Basis of design;

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

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

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

16. SYDNEY WATER QUICK CHECK

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

17. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

18. MECHANICAL PLANT EQUIPMENT & REFRIGERATION UNITS

All mechanical plant, associated equipment and refrigeration motors/units are to be installed within the building in an acoustically treated plant room.

In this regard, the construction certificate plans are to make adequate provision within the confines of the building for any plant and equipment associated with the use of the building including but not limited to the future use of commercial areas.

19. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities (water, gas, electricity) regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

20. IMPACT ON EXISTING UTILITY INSTALLATIONS

Should proposed or conditioned works located within Council's road reserve be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. AusGrid/Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate.

21. COST OF ADJUSTMENT TO PUBLIC UTILITIES TO BE BORNE BY APPLICANT/DEVELOPER

The arrangements and costs associated with any adjustment to public utility services, including these in the footpath and road areas to suit new development levels shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

22. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

23. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

24. HOARDING REQUIRED

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

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

25. ENGINEERING DETAILS

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

26. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

27. UNDERGROUND ANCHORS

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

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

28. EROSION, SEDIMENT AND POLLUTION CONTROL

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

29. ADEQUACY OF ENERGY ASSESSMENT REPORT

Council's Sustainable Waverley department has deemed the Energy Efficiency Report prepared by SLR, dated 15 November 2017 and received by Council on 23 November 2017 (hereafter known as 'the Report') inadequate in term of sufficiently addressing the requirements of section 2.6 of Part B2 of the Waverley Development Control Plan 2012.

The review of the Report revealed the predicted energy consumption reduction is overestimated and does not meet the desired 30% greenhouse gas emissions reduction.

The Report shall be amended to address the issues raised above to the satisfaction of Council's Executive Manager, Sustainable Waverley prior to the issue of the relevant Construction Certificate in order to demonstrate how the development (including all residential, commercial and retail components) can meet the 30% greenhouse gas emissions reduction target set by Waverley Development Control Plan 2012.

30. SITE CONTAMINATION - REMEDIATION WORKS

- (a) A Remedial Action Plan must be prepared for the proposed development to the satisfaction of the NSW EPA Accredited Site Auditor and Council prior to the commencement of excavation.
- (b) All remediation work shall be carried out in accordance with the approved Remedial Action Plan and any variation to the Remedial Action Plan shall be approved by the Accredited Site Auditor and Council in writing prior to the commencement of the relevant Construction Certificate. The applicant must inform the Principal Certifying Authority (PCA) in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to the commencement of the relevant Construction Certificate.

(MODIFIED BY DA-498/2017/A)

31. SITE AUDIT STATEMENT (ONLY TO BE USED AFTER ADVICE FROM AUDITOR)

A Site Audit Statement (Part A) and report prepared by a NSW Environment Protection Authority (EPA) accredited site auditor is to be submitted to Council certifying that the site is suitable for the intended use prior to the issuing of an occupation certificate. Conditions on the SAS shall form part of the consent. Where the Site Audit Statement is subject to conditions that require ongoing review by the Auditor or Council these conditions should be discussed with Council before the Site Audit Statement is issued.

(MODIFIED BY DA-498/2017/A)

32. VERMIN AND RAT CONTROL

Significant work has gone into reducing vermin and rat populations in the Bondi Junction area, which is a historical problem. One of the main contributing factors is the demolition of premises that have been harbouring vermin. Therefore, it is necessary that a pest control management program be implemented prior to the release of a construction certificate and demolition.

In this regard, a Pest and Vermin Control Management Plan prepared by a suitable qualified person outlining and describing measures to be taken to reduce rats/vermin populations is to be submitted for the approval of Council's Manager, Environmental Health department prior to the issue of the relevant Construction Certificate for the demolition of existing buildings.

33. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

The builder and all subcontractors shall comply with the approved SWRMP at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times

during demolition and construction. Copies of demolition and construction waste docket 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.

34. WASTE AND RECYCLING STORAGE AND COLLECTION

The below matters are to be shown in the Construction Certificate drawings and submitted to the satisfaction of the appointed Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

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

- **Residential**

- 5 x 660L Mobile Garbage Bins (MGBs) for general waste collected twice per week
- 2 x 660L MGBs for container recycling collected twice per week
- 1 x 660L MGB for paper recycling collected twice per week

- **Retail**

- 1 x 660L MGB for general waste collected weekly
- 1 x 660L MGB for paper recycling collected weekly
- Extra space is required for packaging and cardboard, as well as crates and other bulky items

- **Commercial**

- 5 x 660L MGB for general waste collected twice per week
- 3 x 660L MGB for co-mingled recycling collected twice per week
- Extra space is required for packaging and cardboard, as well as milk/bread crates and other bulky items

The number and size of bins and the frequency of collection will need to be revised should the tenants change at any time in the future.

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

(c) The proposal must have a system for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).

(d) MGBs or crates for paper/cardboard and recyclables should be situated in the waste compartment/ areas on each floor to accompany the waste chute system to store a minimum of 1-2 day's volume of paper/cardboard likely to be generated on that floor.

(e) The development must have rooms or caged areas with a minimum floor space of 4m² for storage of discarded residential bulky waste, such as old furniture, awaiting removal.

(f) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.

- (g) Separate 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.
- (h) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (i) Noise and odour generated from the commercial component of the development must not impact on adjoining properties.
- (j) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (k) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (l) All new developments are to provide adequate storage for waste to accommodate future change of uses.
- (m) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (n) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants in a Building Waste Management Plan.
- (o) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (p) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.
- (q) Where vehicles are required to drive into a property to collect all waste and recycling, the site must be designed to allow collection vehicles to enter and exit the property in a forward direction and have adequate vehicle clearance.
- (r) The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.

35. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

Prior to the issue of the relevant Construction Certificate, the applicant shall submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of Council's Executive Manager, Creating Waverley.

The CVPPM shall provide, but not be limited to, details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Council area when accessing and exiting the site.

- (b) The type, size and number of demolition/construction vehicles for each of the separate phases of the development. Trucks with dog trailers and semi-trailers may not be approved for use if it is considered with the information provided that:
 - (i) such vehicles cannot adequately and safely gain access to and from the site or
 - (ii) access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note:
 - (i) Works/Construction zones require the approval of the Waverley Traffic Committee and Council prior to installation.
 - (ii) It is illegal to:
 - i. Park a vehicle exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed to the contrary
 - ii. Barricade/reserve a section of roadway without the prior approval of Council
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - (i) The route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route
 - (ii) Any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians
 - (iii) The type(s) of material on which pedestrians will be required to walk
 - (iv) The width of the pathway on the route
 - (v) The location and type of proposed hoardings
 - (vi) The location of existing street lighting

NOTE: PRIOR TO THE PREPARATION OF THE CVPPM, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (j) above.
- Make contact with the operators of bus and taxi services whose zones may be affected/require temporary relocation as a result of development works
- Be aware that the full length of Oxford Street may not be approved as a route for trucks when travelling to or from the site
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

36. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the relevant Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing

any modification required via conditions of consent). Any significant works (ie any works not able to be considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

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

37. LANDSCAPED SLABS

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

38. ACCESS

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

Access to and within retail and commercial tenancies and associated common areas must comply with the requirements of Part D3 of the BCA and AS 1428.1. Details verifying compliance must be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

39. AWNINGS OVER THE PUBLIC DOMAIN

The Construction Certificate drawings are to demonstrate that the awnings over hanging from public domain/footpath are a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

40. LOCATION OF GREASE TRAP

The grease trap is not to be located in areas where food, equipment or packaging materials are handled or stored in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of food premises". The grease trap room must have a piped connection to the boundary so that it can be emptied. The location of the grease trap is to be considered and included in the construction certificate drawings for the development.

Note: Sydney Water also have requirements for grease arrestors that you need to comply with.

41. NOISE MANAGEMENT PLAN - CONSTRUCTION SITES

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

- (a) Identification of nearby residents and other sensitive locations near to the site;
- (b) Description of hours of work and what work will be undertaken
- (c) Description of what work practices will be applied to minimise noise
- (d) Mitigation measures to control noise from the site, the noise reduction likely and the feasibility and reasonableness of these measures;
- (e) Selection criteria for plant and equipment;
- (f) Community consultation;
- (g) Details of work schedules for all construction phases;
- (h) Selection of traffic routes to minimise residential noise intrusion;
- (i) Schedule of plant and equipment use and maintenance programs;
- (j) Noise monitoring techniques and method of reporting results;
- (k) The methodology to be employed for handling and investigating any complaints should they arise, including documentation and feedback mechanisms;
- (l) Identification of a site contact person to follow up on complaints and site signage erected to advise of persons name and contact details.
- (m) Site induction details for employees and contractors, and;
- (n) A declaration of available technologies and the reason for the selection of the preferred technology from a noise generating perspective should be included.

42. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

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

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
- (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.

- (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

43. PRIOR TO SITE WORKS

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

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

44. 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.

45. 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.

46. EXCAVATION BELOW FOOTINGS

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

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

47. OBSTRUCTION TO PUBLIC AREAS

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

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

48. TOILET FACILITIES

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

49. DILAPIDATION REPORTS

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

Please note the following:

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

50. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
 - (i) Landfill waste;
 - (ii) Recyclable waste;
 - (iii) Materials to be re-used on-site; and / or
 - (iv) Excavation materials.

See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.

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

51. TREE REMOVAL

This development consent authorises the removal of the three *Persea Americana* (Avocado) trees located within part of the site known as 99 Oxford Street, Bondi Junction.

52. USE OF FILL ON SITE

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

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

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

- (b) Sampling and analysis of the fill material should be conducted in accordance with the NSW EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

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

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

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

53. CLASSIFICATION OF WASTE DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste.

54. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

55. DEMOLITION AND SITE PREPARATION

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

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

56. SITE HEALTH & SAFETY PLAN

A Site Health and 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
- (f) 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.

57. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

58. SOIL AND WATER MANAGEMENT PLAN

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

59. POTENTIAL DEWATERING OF THE SITE

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

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

60. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

61. ASBESTOS REMOVAL

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

62. FOOTPATH PROTECTION

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

63. STOCKPILES

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

64. LOCATION OF BUILDING OPERATIONS

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

65. ALL BUILDING MATERIALS STORED ON SITE

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

66. CONSTRUCTION HOURS

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

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

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

67. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

68. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

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

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

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

69. BUILDING CODE OF AUSTRALIA

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

70. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2 building:

- (a) At the commencement of the building work;
- (b) Prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) Prior to covering any stormwater drainage connections; and

- (d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

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

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

71. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the National Construction Code & relevant Australia Standards.
- (b) All proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

72. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by SLR [Reference No.610.17457-R01] dated 6 November 2017 shall be implemented to address noise associated with mechanical plant and equipment.

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 reports have been satisfied and Council's noise criteria has been met prior to the issue of an Occupation Certificate.

73. CERTIFICATE OF SURVEY - LEVELS

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

74. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

75. IN-SINK WASTE DISPOSAL SYSTEMS

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

76. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that is designed to discharge air in a vertical direction above roof level and complies with the requirements of the National Construction Code and Australian Standard 1668 - Part 2, 2012

77. WATER PROOFING

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

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

78. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time without prior development consent. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

79. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

80. SERVICE PIPES

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

81. FIRE SAFETY - EXITS

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

82. FIRE SAFETY MAINTENANCE

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

83. SANITARY FACILITIES - COMMERCIAL DEVELOPMENTS

Adequate provision for sanitary facilities in accordance with Part F of the Building Code of Australia must be made for the future use of commercial tenancies. Where adequate sanitary facilities are not provided, future uses may not be approved.

84. NEW VEHICLE CROSSING – SPRING STREET

The existing vehicle crossing on Spring Street shall be demolished and a new vehicle crossing is to be provided to access the proposed off street parking facilities. A separate application is to be submitted to Council for the vehicle crossing with all work to be carried out with the approval of and in accordance with the requirements of Council.

85. FINISHED LEVEL OF PAVING

Paving at the property boundary on the driveway and at pedestrian/tenancy entry points shall be finished as follows:

- (i) Oxford Street – level with Council’s footpath
- (ii) Spring Street - level with Council’s footpath.

86. CAR SPACE DELINEATION

All resident, resident visitor, retail and commercial car parking spaces shall be clearly marked, delineated and numbered.

87. DISABLED CARPARKING

All disabled car parking space dimensions and head clearances are to be in accordance with Australian Standards AS2890.6:2009 Off-street Parking for People with Disabilities.

88. CONVEX MIRROR

Convex mirrors, to improve the sighting by exiting drivers of pedestrians on the Spring Street footpath shall be installed immediately inside the site on both sides of the driveway.

89. ADJUSTMENTS TO STREET SIGNS

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

90. INTERNAL RAMP - SPEED HUMP AND STOP SIGN

A speed hump and STOP sign to slow exiting vehicles shall be installed inside the site in accordance with relevant Australian Standards.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

91. FINAL OCCUPATION CERTIFICATE

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

92. SYDNEY WATER

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

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

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

93. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

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

94. NOISE ATTENUATION CERTIFICATE

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

- (a) Engage an appropriately qualified and accredited acoustic consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with the earlier condition 'Noise Attenuation in Residential Flat Buildings'; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

95. NOISE – PLANT AND EQUIPMENT

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

96. CERTIFICATION OF MECHANICAL EXHAUST

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

97. STORMWATER

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.

98. STRATA SUBDIVISION

Development consent is required for strata subdivision of the development.

In respect to the allocation of storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with storage requirements of the Apartment Design Guide.

The plans shall identify, allocate and quantify the volume of storage for each apartment in the basement levels of the development so as to demonstrate that each apartment (including internal and external storage) is afforded with the minimum volume of storage required by the Apartment Design Guide, which is as follows:

- (a) One bedroom apartment – 6m³
- (b) Two bedroom apartment – 8m³
- (c) Three bedroom apartment – 10m³.

99. FOOTPATH UPGRADE

The footpaths, kerb and gutter surrounding the site are to be upgraded at the applicant's expense in accordance with Council's *Public Domain Technical Manual* prior to the issue of any Occupation Certificate.

Details of the design of the planting, planter boxes and selection of species is in accordance with Council's *Public Domain Technical Manual* and is to be reviewed by Council's Project Manager, Bondi Junction.

A detailed plan of the works required on Council's road reserve/footpath area are to be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to those works commencing.

If any defects are found in the public domain works completed by the applicant/developer within 12 months from the date of the any occupation certificate, these must be rectified by the applicant/developer to Council's satisfaction.

100. PUBLIC DOMAIN WORKS COMPLETED

All footpath upgrades and public domain works (inclusive of the areas on the property adjacent to the ground floor setback areas) are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

101. RESIDENTIAL CAR PARKING SPACES

The ownership of residential car park lot spaces within the basement shall be limited to parties owning a residential unit within the building and limited to 2 car spaces to any one residential unit.

102. WAVERLEY DIGITAL MODEL

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

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

Notes:

- This model will update previous version/s submitted at Development Application stage.
- Any future modifications (under Section 4.55 of the Environmental Planning and Assessment Act) that affect the external configuration of the building (from the ground level and up), will require the submitted model to be amended.

103. BONDI JUNCTION FSR AND MAPPING MODEL

In order to update Council's live floor space model and mapping system, prior the issue of a Final Occupation Certificate the following information is to be provided to the satisfaction of Council's Shaping Waverley sub-program, reflecting the final constructed building. The information is to be submitted in a table and include the following:

- (i) DP/Lot/Strata Plan,
- (ii) Address,
- (iii) Building footprint (m²)
- (iv) Gross Floor area (m²)
- (v) Total residential floorspace (m²)
- (vi) Total office space (m²)
- (vii) Total retail space (m²)
- (viii) Total no. of levels (m²)
- (ix) No. levels above ground
- (x) No. levels below ground
- (xi) No. of residential levels
- (xii) No. of dwellings

- (xiii) No. of commercial levels
- (xiv) No. of parking spaces
- (xv) Parking location (above or below ground)
- (xvi) Ground floor use (commercial, retail or residential)

This information is required for any development consent within Bondi Junction Centre (as defined in Part E1 of the Waverley DCP 2012) that results in a change in gross floor area.

104. UNDERAWNING LIGHTS

Sufficient lighting shall be installed to the underside of each street awning to adequately illuminate the footpath areas of Oxford Street and Spring Street directly in front of the subject site.

The lights are to be installed prior to the issue of an occupation certificate for the development.

105. LANDSCAPE PLAN

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

106. LANDSCAPE CONSULTANT

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

107. AMALGAMATION OF LOTS

All lots comprising the site, that being 87-99 Oxford Street and 16-22 Spring Street, Bondi Junction, shall be amalgamated into one lot prior to the issue of the final Occupation Certificate.

108. ALLOCATION OF STREET NUMBER

The consolidation of the properties has led to the following allocation of address numbering:

- (a) Oxford Street - primary address location:
 - No. 87 - primary address number
- (b) Spring Street - alternative address location:
 - No: 16 Alternative address number (Residential & Commercial)
 - No: 18 Alternative address number (Retail)
 - No: 20 Alternative address number (Residential)

Premises with multiple street frontages and access points shall display the 'primary address number' on the site boundary of the primary address location and display the 'alternate address number' on the site boundary of the alternate entry point.

The address numbers for the property shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from the each street.

As the redevelopment has multi-level sub-addressing the following sub addressing will apply;

- All sub premises numbers must be unique,
- The floor/level number will represent the first number of the sub address and the last two digits in the sub address shall be unique on each level,
- For clarity, a zero will be interposed in the number of the first nine sub address levels ie Level 3 unit 7 =307,
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Basement + B, B1 Etc
- Commercial premises will be identified with an address identifier ie Shop 101, Office 102

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 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.

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

109. SLIP TESTS OF COMMON AREAS

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

110. TACTILE NUMBER IN LIFT

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

111. MARKING OF CAR SPACES

The following allocation of car parking spaces shall clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (k) 115 resident spaces;
- (l) 18 resident visitor spaces;
- (m) 5 commercial spaces;
- (n) 10 retail spaces; and
- (o) 2 car share spaces.

Of which there are 15 adaptable spaces. In total there are 150 spaces. It is noted that the 2 car wash areas are not permanent parking spaces.

E. OPERATIONAL CONDITIONS DURING OCCUPATION

112. DOMESTIC HEATERS

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

113. DELIVERY OF GOODS

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

114. ROLLER SHUTTERS

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

115. THROUGH SITE LINK

The gates of the through site link are to remain open during the commercial operating hours associated with the retail areas on the ground floor. Outside of these hours the gates may be locked and provided with secure access (e.g. code/swipe access) to the occupants of the building.

116. HOURS OF OPERATION OF COMMUNAL OPEN SPACE OF THE DEVELOPMENT

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

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

117. 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.

118. 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.

119. 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. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

120. AIR-CONDITIONING

At no time are air-conditioning units permitted to be installed on the balconies.

121. VEHICLE ACCESS

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

122. CONTROL OF LEGIONNAIRES DISEASE

- (a) All cooling towers and warm water systems must be 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*.
- (b) 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.

123. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/individual owner/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.

124. FIRE SAFETY MAINTENANCE

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

125. LIGHTING

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

126. 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 Safe Waverley department 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.

26 September 2019

Waverley Council
55 Spring St
Bondi Junction
NSW 2022

Attention: Ben Magistrale

Dear Ben,

DA-498/2017, 87-99 OXFORD ST BONDI JUNCTION | 4.55(1) MINOR AMENDMENTS

This letter accompanies our 4.55(1) Minor Amendments application.

Following numerous discussions and negotiations with Waverley Council around the Voluntary Planning Agreement we tabled as part of our original Development Application, an 'In Principle' agreement has been met which will see us deliver a Works In Kind contribution in lieu of a monetary contribution. The details of the Works In Kind contribution are detailed within the Planning Agreement which has just been finalised and is due to go on exhibition in the coming weeks.

In order for the Planning Agreement to be able to go on exhibition, a number of consent conditions need to be amended to reflect the Works In Kind contribution and the negotiations that have taken place between Waverley Council and Lindsay Bennelong.

We have listed the conditions below and marked the changes in **red**, as well as providing reasoning and supporting documents for the minor amendments.

9. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the relevant Construction Certificate for works above existing ground level, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

(d) The cash contribution payable under this condition may be included in the offer to enter into a Planning Agreement with Council under s 7.4 of the Environmental Planning and Assessment Act 1979 in accordance with Council's Development Contributions Plan 2006.

Advisory Note

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

REASON:

Council and the applicant have agreed to provide Works in Kind in lieu of the monetary Section 7.12 contribution.

10. PLANNING AGREEMENT

(a) In accordance with the offer of the Applicant dated 26 September 2019 ("Offer"), the owner/ applicant to:

(i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.

(ii) Dedicate by way of transfer and deliver land which incorporates floor space as identified in approved plan SK1.400 dated 13 May 2019 being commercial tenancies 1, 2, 4, 5, 6 and associated common space on level one totalling 505sqm and fit out in accordance with Council's specifications ("Development Contribution"). The land is to be dedicated at no cost to Council (no monetary consideration payable in respect of the transfer of the Development Contribution) and free of any encumbrances:

- *within (fourteen) 14 days of the later of registration of the Strata Plan and delivery of the Occupation Certificate; and*
- *prior to the first settlement of any other lot(s) within the Development.*

(iii) The Planning Agreement is to be entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 and is between the owner of the land the subject of the Development, applicant and Council.

(b) In accordance with the Offer, the Planning Agreement shall include provision in respect to the following by the owner/applicant:

- (i) Timely Strata Subdivision of the development.*
- (ii) Consultation with Council in relation to Strata Subdivision and matters affecting the Development Contribution to be delivered.*
- (iii) Timely delivery of the Development Contribution including in accordance with Condition 10(a)(ii).*
- (iv) Attach preliminary floor plans and schedule of finishes and make provision for finalisation of preliminary floor plans and schedule of finishes with the approval of and to the satisfaction of Council.*
- (v) Treatment of the 7.12 contribution.*
- (vi) A Defects Liability Period of no less than 12 months in relation to the land dedicated by way of transfer and fit out.*
- (vii) Registration upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017.*
- (viii) Provision of a Bank Guarantee or insurance bond (subject to Council's approval) in the amount of \$5,809,592.41 (being the value of the Development Contribution), prior to the issue of any Construction Certificate for works above existing ground level, for the development that relates to works contained in DA-498/2017, which is:*
 - In a form acceptable to Council and from an institution acceptable to Council;*
 - Irrevocable;*
 - Unconditional; and*
 - With no end date.*

(c) The delivery of the Development Contribution to Council is to be made in accordance with condition 10(a)(ii) and is to be applied towards a public purpose in accordance with the Planning Agreement and Council's Planning Agreement Policy 2014.

REASON:

Council and the applicant have agreed to provide Works in Kind in lieu of the monetary contribution for the Planning Agreement.

111. MARKING OF CAR SPACES

The following allocation of car parking spaces shall clearly line marked, numbered and signposted prior to the issue of an occupation certificate:

- (a) 118 resident spaces;*
- (b) 18 resident visitor spaces;*
- (c) 2 commercial spaces;*
- (d) 10 retail spaces; and*

(e) 2 car share spaces.

Of which there are 15 adaptable spaces. In total there are 150 spaces. It is noted that the 2 car wash areas are not permanent parking spaces.

REASON:

Council do not wish to take any commercial car spots, as a result these will be redistributed to the residents and one commercial tenant. Given the extremely minor nature of this change, it will not have any traffic implications on the surrounding roads.

If any condition listed above needs further clarification please don't hesitate to contact me on the undersigned.

Yours sincerely,



Theo Triant

Development Manager | Lindsay Bennelong Developments

0405 835 440

theo@bennelong.com