6 December 2023

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

12.00PM **WEDNESDAY, 13 December 2023**

QUORUM: Three Panel members

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

AGENDA

WLPP-2311
Apologies

WLPP-2311.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2311.1 **PAGE 4**
90 Ramsgate Avenue BONDI BEACH NSW 2026 - Demolition and construction of a new 4 storey residential flat building containing 6 units with integrated basement parking. **(DA-168/2023)**

Report dated 4 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.2 **PAGE 94**
146 Blair Street NORTH BONDI NSW 2030 - Construction of a louvre enclosure for air conditioning and waste bins. **(DA-268/2023)**

Report dated 1 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.3 **PAGE 119**
67 Knowles Avenue NORTH BONDI NSW 2026 Alterations and additions to semi-detached dwelling including new first floor addition. **(DA-258/2023)**

Report dated 1 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.4 **PAGE 186**
28 Francis Street BONDI BEACH NSW 2026 - Alterations and additions to existing residential flat building. **(DA-279/2023)**

Report dated 1 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.5 **PAGE 261**

88 Francis Street BONDI BEACH NSW 2026 - Alterations and additions to existing residential flat building, including a rooftop addition to create a double storey apartment, additional basement parking, and car stacker. **(DA-217/2023)**

Report dated 4 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.6 **PAGE 356**

483 Old South Head Road ROSE BAY NSW 2029 – Demolition of buildings and ancillary structures and construction of a new three-storey commercial building. **(DA-101/2023)**

Report dated 4 December 2023 from the Managers of Development Assessment (MoDA).

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

WLPP-2311.7 **PAGE 439**

26-32 Hall Street BONDI BEACH NSW 2026 - Modification of approved construction of a four storey shop top housing development to increase number of ground floor retail tenancies to five commercial tenancies, increase number of apartments from 15 to 16 and change unit mix, reconfiguration of basement carparking and storage, amendment to building setbacks and facades including new balconies on the south elevation. **(DA-552/2021/A)**

Report dated 4 December 2023 from the Managers of Development Assessment (MoDA).

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

Report to the Waverley Local Planning Panel

Application number	DA-168/2023
Site address	90 Ramsgate Avenue, BONDI BEACH
Proposal	Demolition and construction of a new 4 storey residential flat building containing 6 units with integrated basement parking
Date of lodgement	29 June 2023
Owner	Proprietors of Strata Plan 4303
Applicant	HSN Acquisitions Pty Ltd
Submissions	10 submissions received
Cost of works	$4,620,000
Principal Issues	• Excavation • Apartment size and layout • External wall height • Views
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.
SITE MAP	

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for the demolition and construction of a new four storey residential flat building containing six units with integrated basement parking at the site known as 90 Ramsgate Avenue, BONDI BEACH.

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

- Excavation
- Apartment size and layout
- External wall height
- Views

The assessment finds these issues acceptable as the overall building envelope will not result in adverse amenity impacts to the surrounding properties and will not sit out of context within the streetscape.

A total number of 10 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 25 September 2023.

The site is identified as SP4303, known as 90 Ramsgate Avenue, BONDI BEACH.

The site is rectangular in shape with a frontage to Ramsgate Avenue measuring 12.19m. The site has an area of 477.4m2 and falls from the northern rear boundary towards the front boundary by approximately 2m.

The site is occupied by a two storey residential flat building containing four x two-bedroom units with two on each floor. The site currently does not have vehicle access. The rear of the site is dedicated to common open space and contains four trees.

The site is adjoined by a two storey residential flat building to the west. The property to the east of the subject site is currently under construction for an attached dual-occupancy with basement parking.

The locality is characterised by predominantly medium density residential development, including residential flat buildings.

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

Figure 1: Subject site viewed from Ramsgate Avenue showing the empty lot to the east (92 Ramsgate Avenue)

Figure 2: Subject site viewed from Ramsgate Avenue looking north

Figure 3: Eastern elevation of subject site, as viewed from Ramsgate Avenue

Figure 4: Neighbouring property to the west (No. 88) as viewed from Ramsgate Avenue.

1.3. Relevant Development History

A search of Council's records revealed that DA-81/2003 for alterations and additions including a balcony extension, was approved for the subject site on 25 March 2003.

The following recent development history to the neighbouring property to the east (No. **92 Ramsgate Avenue**) is as follows:

- **DA-381/2019:** Demolition of an existing dwelling and ancillary structures and construction of a part three, part four (attic) storey residential flat building with basement parking, swimming pool and associated landscaping.
- **DA-385/2021:** Alterations and change of use from approved Residential Flat Building to an attached dual occupancy development.

The approved dual occupancy is currently under construction.

1.4. Proposal

The development application seeks consent for a new residential flat building, specifically the following:

- Demolition of all structures on site.
- Construction of a basement level to include parking for eight cars, two motorbike parking spaces, storage, waste and services. The vehicle parking includes one visitor space, one accessible space, and three car stackers for six residential parking spaces.
- Ground floor to include one x two-bedroom (adaptable) unit (G01) and one x one bedroom unit (G02). The rear is proposed to be landscaped and utilised for a private open space for G02. A crossover is proposed on the eastern boundary to a car lift to enter the basement parking from Ramsgate Avenue.
- First floor to include one x two-bedroom (adaptable) unit (101) and one x one-bedroom unit (102), both with balconies for private open space.
- Second floor to include one x three-bedroom unit (201) and one x two-bedroom unit (202), both with balconies for private open space.
- Third floor to include one bedroom servicing each unit on the second floor. Both bedrooms propose a balcony. Services are proposed on the rooftop including A/C units and a plant room.

A total of six units are proposed on site.

Figure 5: 3D render of proposed works as viewed from Ramsgate Avenue

1.5. Background

The development application was lodged on 29 June 2023 and a Stop the Clock letter was issued on 6 July 2023 for the following reasons:

1. **SEPP 65:** The documentation regarding a response to SEPP 65 was incorrect. An updated document was requested.
2. **Floor Space Ratio (FSR):** The proposed FSR did not comply with the maximum allowed under the development standard and a reduction was requested.
3. **Shadow Diagrams:** Updated shadow diagrams were requested to accurately show the potential impact to surrounding properties.
4. **Excavation:** A reduction in the excavation was requested to be explored.
5. **Setbacks:** An increase to the front setback was requested.
6. **Tree Protection:** a Root Mapping Report was requested by Council's Tree management officer.
7. **Traffic and Transport:** Concerns were raised by Council's Traffic engineer.

Amended documentation was submitted on 14 August 2023. A deferral letter was then issued on 28 September 2023 for the following reasons:

1. **Bulk and Scale:** The overall bulk and scale of the building did not align with the streetscape character, or the controls within the Waverley Development Control Plan 2022 (Waverley DCP 2022).
2. **Internal Amenity:** Internal amenity concerns relating to the reduce internal footprint.
3. **Pedestrian Access and Entry:** Concerns were raised relating to the fire safety stairs accessing the basement level.
4. **North Bondi Special Character Area:** The development did not comply with the relevant controls within the Waverley DCP 2022 relating to the North Bondi Character area.
5. **Waverley Design Excellence Advisory Panel (DEAP):** Comments made by DEAP were forwarded for review and action.

Amended plans were submitted on 2 November 2023 and form the basis of this assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Design Quality of Residential Apartment Design)

The application was referred to the DEAP on 13 September 2023. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	The materiality and built form is consistent with new development in this area and subject to commentary has the potential to promote higher quality living outcomes.	Agreed. The proposed material and built form as viewed from Ramsgate Avenue will complement the existing character and promote a higher quality design to the streetscape.
2. Built form and Scale	The proposal is consistent with local setbacks and heights requirements. The proposal is consistent with the permissible GFA.	Agreed. The development is consistent with recent development in the street and matches the bulk and scale of the recently approved building at No. 92 Ramsgate Avenue. The building proposes an articulated 3 storey mass and a recessive upper level that minimizes the perceived bulk and scale at street level.
3. Density	The proposal is limited to 6x dwellings and although it does not include communal open space it does allow for increased private open space which, when coupled with local community amenity, is considered sufficient to meet open space amenity needs.	The proposed six units are considered an appropriate density in the R3 zone and the wider locality, as the site is close to infrastructure, public transport, access to jobs, and the environment.
4. Sustainability	• Apartments are well provided with external wall creating good natural light and cross ventilation. • EV charging points have been provided for two of the seven car	Agreed. All units are provided with good natural lighting and ventilation throughout.

Principle	Panel's Comment	Planning Comment
	spaces. The panel recommends that cabling is provided to the other five carspaces to allow the addition of future EV charging points. • Ceiling fans should be provided to livings areas and bedrooms. • The use of gas for water heating, space heating and cooktops should be avoided.	Two spaces will have EV charging points and all spaces will be 'EV-ready', meaning there will be cabling provision available to facilitate future connection to EV charging. This is acceptable. An advisory note is recommended for ceiling fans in all habitable rooms and for all heaters and cooktops to avoid using gas.
5. Landscape	• Deep soil provision has been made at the rear of the site. • Additional landscape has been shown on all levels and will contribute to the building appearance and relationship between buildings. • Consideration should be given to providing more deep soil at the front of the building where the basement could be reduced by limiting aisle or reducing fire escape corridor.	The deep soil and landscaping proposed on site is considered sufficient and acceptable. The lack of deep soil landscaping within the front setback is considered acceptable, due to the proposed planter boxes providing suitable landscaping to the street. This is consistent in the streetscape.
6. Amenity	• Communal space has not been provided. • Living spaces are not compliant with the ADG. All internal spaces must be addressed to demonstrate compliance or clear and balanced usability where compliance is not achievable. • Bicycle parking is provided at ground where accessible from the street. This will not provide secure storage for bicycles and should not be provided in place of secure storage. • The location where cars arrive to go down the car lift may impact the neighbouring apartment. There is a bedroom window in front of where cars arrive and despite the slight difference in levels it would help to have a taller planter to help block car lights and noise. It would also be better to have a planter on the edge of the terrace space that the car lift is beside.	Amended plans have been submitted to provide better internal amenity to all units. All units now comply with the ADG requirements (discussed in further detail below). Bicycle parking is located on the ground level and will not replace suitable secure storage space in the basement level. The bicycle parking is acceptable in this location. Amended details have been provided demonstrating that the level of the car lift is significantly lower than the south facing window of the main bedroom min Unit G01. The detailed plan provides adequate information to ensure the car lift will have minimal impact on the main bedroom.

Principle	Panel's Comment	Planning Comment
7. Safety	Entries are clearly defined.	Agree. The entry to the building is clearly defined on the street and is supported.
8. Housing Diversity and Social Interaction	The proposal is limited to six dwellings with a mix of unit types.	The development meets this principle.
9. Aesthetics	The materials proposed to prominent built elements is of high quality and supported by the Panel. Integrated landscape is supported and to be retained.	The proposal has been designed to a high quality of architecture and detailing. The design from the streetscape will complement and enhance Ramsgate Avenue and is supported.

Apartment Design Guide

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

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

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

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3A Site analysis		
	Yes	The amended proposal has considered the site, local and wider context.
3B Orientation		
	Yes	The proposed building has been orientated and designed to relate to the shape of the site, location of neighbouring buildings and public domain.
3C Public domain interface		
	Yes	The proposed residential flat building provides a successful interface with the public domain.

Design Criteria	Compliance	Comment
3D Communal and public open space		
• *Communal open space has a minimum area equal to 25% of the site*	No	The proposal does not include any form of communal open space but provides common circulation areas, entries, and lobbies. Additionally, each unit provides for more than the minimum required private open space areas. The extent of private open space on site is acceptable.
3F Visual privacy		
• *Min separation distances from buildings to side and rear boundaries:* • *Up to 12m (4 storey) – 6m habitable & 3m non-habitable* • *Increased separation of 3m where adjoins a lower density zone*	No Acceptable on merit	Refer to detailed discussion following this table.
4A Solar and daylight access		
• *Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter* • *A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.*	Yes	• 83% of units receive at least 2 hours mid-winter. • All units are dual aspect and as such all receive some direct sunlight mid-winter. The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.
4B Natural ventilation		
• *All habitable rooms are naturally ventilated* • *Number of units with natural cross ventilation is maximised:* – *At least 60% of units naturally ventilated*	Yes	All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects and two of the units are double level units. In this regard, 100% of the units can be naturally cross ventilated.
4C Ceiling heights		
• *Habitable rooms – 2.7m* • *Non-habitable rooms – 2.4m* • *2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area*	Yes	The floor to ceilings heights are proposed at 2.8m on all levels, which complies with the control.

Design Criteria	Compliance	Comment
• *Attics – 1.8m at edge of room with a 30^0 min ceiling slope*		
4D Apartment size and layout		
The following minimum internal areas apply: • *1 Bed = 50 m^2* • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add 5m^2 for each additional bathroom (above 1)* • *Add 12m^2 for each additional bedroom* *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room*	No Acceptable on merit	Windows are provided to each habitable room. Bedrooms generally meet the minimum requirements in terms of dimensions and area. Kitchens are separate to the circulation spaces. The proposal is consistent with the objectives of this part of the ADG. Whilst Unit's G01, 101 and 201 do not comply with the minimum internal area sizes by 1-2m^2, the internal amenity of each unit is not impacted by the non-compliance. It is further noted that each outdoor private open space exceeds the minimum size requirements, which contribute to the overall amenity of the units. Therefore, the minor non-compliance is acceptable in this instance.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • *1-bed – 8m^2 & 2m depth* • *2-bed - 10m^2 & 2m depth* • *3+bed - 12m^2 & 2.4m depth* • *Ground level, min 15m^2 & 3m depth*	Yes	All of the units are provided with a balcony or courtyard facing north and south and accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth. The design of the balconies and courtyards are integrated into, and contribute to, the architectural form and detail of the building. The finishes of the balconies are consistent with the contemporary palette of materials in the building overall. Solid side walls are provided to enhance privacy.
4F Common circulation and spaces		
• *Max of 8 units accessed off a circulation core on a single level*	Yes	The development proposes two units per level.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • *1-bed – 6m^3* • *2-bed – 8m^3* • *3+bed – 10m^3*	Yes	The proposal provides separate storage within each unit and a storage cages in the basement. The storage provided meets the requirements and objectives of the ADG. A condition is recommended to ensure compliance in this respect.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

Separation Distance

The ADG requires separation distances between windows and balconies to side and rear boundaries of 6m for habitable rooms and 3m for non-habitable rooms.

The proposed building provides a non-compliant side building separation of 1.5m from both side boundaries, with the top-level providing separations distances of 2.5m (to the western side boundary) and 3.4m (to the eastern side boundary). Due to the narrow width of the site, strict compliance of 6m would not allow any building to be constructed on site. Therefore, in this instance C2.3 *Setbacks* controls of the Waverley DCP 2022 are applied, as they are more relevant to the site context and surrounds.

Part C2.3 of the Waverley DCP 2022 requires minimum side boundary setback of 1.5m to allow suitable building separation for medium density buildings. The proposed development complies with this control and will sit comfortably within the streetscape context. All other development within the streetscape has similar side boundary setbacks and the proposed built form will match the streetscape rhythm. Therefore, the proposed setbacks on this site are acceptable and will be discussed further below.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R3 Medium Density Residential Zone*	Yes	The proposal is defined as a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	Yes	The development proposes an overall height of 12.5m at its highest point, with an RL of 24.30.
4.4 Floor space ratio and Site Area: 477.4m^2 • *0.9:1 or 429.66m^2*	Yes	The development proposes an FSR of 0.9:1 or 429m^2, which complies with the development standard.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not within a heritage conservation area; however, it borders the 'Bondi Beach Conservation Area – General' and identified in

Provision	Compliance	Comment
		the LEP as 'C2' and as having local heritage significance. The design of the building will sit in context with the upcoming style and character of Ramsgate Avenue and fit well within the context of the street. This will not impact on the heritage conservation character across the street.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as having Class 5 acid sulfate soils. The excavation proposed will not disturb acid sulfate soils. The proposal complies with this clause of Waverley LEP 2012.
6.2 Earthworks	Yes	The proposal involves excavation works to accommodate the basement level of the proposed development. A geotechnical report was submitted with the application that assesses impacts of the proposed excavation and recommends relevant measures during site works to prevent and minimise disturbance to neighbouring properties, particularly given excavation is up to the side boundaries, and the public domain.

2.1.3. Waverley DCP 2022

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 4: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Conditions of consent are recommended regarding ongoing waste on site that have been recommended by Council's waste officer. The waste and recycling storage area on site is appropriate and convenient for occupiers.
2. Ecologically Sustainable Development		An advisory note has been recommended stating that gas should not be used for cooktops, ovens and heating and that the development is to

Development Control	Compliance	Comment
• *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	provide ceiling or wall mounted fans in all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The landscape plan has been reviewed and is considered acceptable. The development proposes to remove five trees, including one street tree. The trees to be removed include a Norfolk Island Pine, Norkfolk Island Hibiscus, Hawthorn, Bangalow Palm and a Mock Orange tree. It is proposed to replace these trees with new planting in both the rear of the site and on the street. Large planter boxes are proposed on all levels, which soften the built form from the streetscape and surrounding development. The landscape plan has been assessed by Council's Tree management officer who has raised no issues with the design.
6. Accessibility and Adaptability	Yes	The proposed development includes a lift providing level access to all floor levels (including basement). The pedestrian footpath is levelled between the entry gate at the street frontage to the ground floor level lobby of the development. The proposed development is required to comply with relevant accessibility specifications under the BCA, which is a prescribed condition of consent under the Act.
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** *Minimum parking rate:* • *1* *Maximum parking rate:* • *8* **7.2.5 Motorcycle Parking** *Minimum: 3*	Yes	The basement car park is integrated within the building footprint and envelope of the proposed development and will not be conspicuous from surrounding properties and the public domain. The proposed use of a car lift removes the visual entrance to the basement and provides for more of the façade to be dedicated to landscaping. This reduces the view of the basement completely from the building. The proposed development provides for: • Eight off-street car parking spaces, which does not exceed the maximum spaces specified for the development based on number and mix of apartments included • One visitor car parking, which is acceptable as the development comprises six units.

Development Control	Compliance	Comment
7.2.6 Bicycle Parking *Resident: 6* *Visitor: 1* **7.3 Loading Facilities** **7.4 Pedestrian/Bicycle Circulation and Safety** **7.7 Car Share** **7.8 Electric Vehicle Charging Points**		• Six bicycle parking spaces. Whilst this does not provide the minimum number of bicycle spaces, it is acknowledged that the storage areas proposed in the basement level will accommodate the possibility of 12 bicycle spaces, which complies with the control. • Two dedicated motorcycle parking spaces, however three are required. This is acceptable given sufficient bicycle parking and car parking spaces have been provided (including secondary car parking spaces for some units that accommodate motorcycles). The proposed development clearly demarcates pedestrian and vehicular access and passageways within the site with no conflicts. Two parking spaces are EV ready, and the remaining spaces have the possibility for future charging points if required/needed.
8. Heritage	Yes	The street façade of the proposed development fits in with the existing and future character of the street and will not impact on the heritage character of the opposite side of Ramsgate Avenue.
9. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP. The varying heights of the front street wall with its return along the south-western side of the driveway eliminates a 'blind corner' and opportunities for concealment. Controlled access is provided by way of a pedestrian entry gate. The basement car park has a garage door to ensure its safety and security.
11. Design Excellence	Yes	The applicant has provided a context plan which demonstrates that the proposal has an acceptable design given the surrounding context of the area and is a suitable response to the site and streetscape.
13. Excavation Maximum allowed: 477.4m^2	No Acceptable on merit	The proposed excavation does not add to the scale of the building or result in the loss of naturally occurring sandstone. The proposal does not fully comply with the controls under this part of the DCP, proposing a total excavated volume of 1,770m^3. In support of this non-compliance, it is noted that the controls would allow for only the area highlighted in green below.

Development Control	Compliance	Comment
		 This would not offer reasonable parking, garbage storage, storage areas or access arrangements, all of which would then be externalised at the expense of the streetscape or building amenity. The proposed excavation is supported by a geotechnical report which recommends practices during excavation works to be undertaken in order to minimise and eliminate damage to improvements on adjoining properties. Further to this, standard conditions of consent relating to excavation are recommended to further safeguard excavation works.
15. Public Domain	Yes	The proposed development will have an acceptable impact on the surrounding public domain.

Table 55: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
• *Minimum frontage: 15m – R3 zone*	No Acceptable on merit	The site has a street frontage of 12.19m, which falls short of the minimum frontage control for redevelopment of the site. Despite the shortfall, the site is deemed suitable for its proposed redevelopment given the development complies with principal built form development standards and controls, such as building height, FSR and setbacks. This non-compliance is therefore inconsequential.
2.2 Height		
• *Maximum external wall height: R3/12.5m – 9.5m*	No Acceptable on merit	The development has an external wall height of 9.55m at its highest point, located on the southern side of the building, which does not comply with the control. This minor variation is caused by maintaining an architectural element (parapet) with a consistent height across the development and does not manifest in any impacts on neighbouring properties, nor will it be discernibly above the

Development Control	Compliance	Comment
		wall height limit to a casual observer at only 166mm. Therefore, the non-compliance is considered minor and supported in this instance.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The development has been designed to fit comfortably between the two buildings on either side of the subject site. the design of the front façade steps back to align better with the buildings that is currently under construction at 92 Ramsgate Avenue. The front setback fits well in the streetscape and complies with the control.
2.3.2 Side and rear setbacks • *Minimum side setback: 1.5m* • *Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback* • *Deep soil along side boundary min 2m wide*	Yes	As mentioned above, the ADG provides controls regarding side and rear setbacks. However, due to the context of the site, it is more appropriate to use this part of the DCP to provide a better built form in the streetscape. The side and rear setbacks comply with this section of the DCP and is considered suitable in the streetscape rhythm. The majority of side setback areas do not contain deep soil zones. Nonetheless, landscaping is provided within all the south-eastern side setback and the majority of the north-western side setback areas of the development, which will soften the appearance of the development when viewed from neighbouring properties. Further, the development overall provides for sufficient landscaped area and deep soil on the site in the rear.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes	The proposed development has been amended to better respond to the streetscape elements and comprise sympathetic materials and finishes. The development will make a positive contribution to the streetscape.
2.6 Attic and roof design		
• *Allow a variety of roof forms in response to the scale and character of the building and streetscape*	Yes	The roof design contributes to the architectural design of the building as a modern element that is recessive behind the main building form. The change in materiality, colour and setbacks makes this addition appear lightweight above the masonry building below.

Development Control	Compliance	Comment
		The roof design carefully integrates plant and equipment areas so that they are not visible from the public domain or adjoining properties
2.7 Fences and walls		
Front fence: • *Maximum height 1.2m* • *Maximum 2/3 solid* • *Maximum height of 1.8m and solid when secondary wall set within property if required for traffic noise* *Side fence:* • *Maximum height: 1.8m* *Rear fence:* • *Maximum height: 1.8m*	Yes	The masonry fence on the boundary is 800mm in height. This steps up to a maximum height of 1.45m where it is required at that height to integrate the fire hydrant booster value, which would otherwise be exposed to the street. There are no other fences on the street boundary. The car lift gate (1.7m high) and pedestrian entry gate (1.8m high) have an open slatted design and are set back from the street edge by 2.3m and 3.5mm respectively. At this height these will match the height of the side boundary fence on both sides. All side boundary fences are proposed at a height of 1.8m, which complies with the control.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry* • *Separate to vehicular entry* • *Legible, safe, well-lit*	Yes	The entry is legible, level with the street, secure via a recessed gate section, allows mailbox delivery from the public domain without entering the building, and will be well lit. A separate gate has been provided for the fire stairs leading to the basement to limit the public from accessing the basement.
2.9 Landscaping		
• *Comply with part B3-Landscaping and Biodiversity* • *Minimum of 30% of site area landscaped: 143.2m^2* • *50% of the above is to be deep soil: 71.6m^2*	Yes	31.2% of the site is proposed to be landscaped, which is mainly located in the rear of the site. 50% of the landscaped area is dedicated to deep soil.
2.10 Communal open space		
	No Acceptable on merit	In lieu of communal space, all of the proposed units will be provided with private open space areas in the form of a courtyard patio, a patio and rear garden area, and balconies, all of which include a nominated area for clothes drying. All private open space areas have greater than required terrace sizes. The site is in close proximity to many public open spaces and the generous proportions offered to

Development Control	Compliance	Comment
		the units for private open space offsets the need for communal open space on the site.
2.12 Vehicular access and parking		
• *Car parking to be integrated into the design of the development* • *Max 1 x 2 way vehicle access point* • *Provided from secondary street or lane* • *Pedestrian safety considered* • *Basement parking should not contravene deep soil zone controls*	Yes	One single width crossover is proposed on site for access to the basement car parking. The design of the car lift will limit the view of any parking on site. The pedestrian access point to and from the site is on the opposite side of the site frontage, and therefore, sufficient distance of separation between vehicular and pedestrian access will ensure pedestrian safety. The size of the basement car park does not preclude the development providing sufficient deep soil planting.
2.13 Solar access and overshadowing		
• Minimum of three hours of sunlight to a minimum of 70% of units on 21 June. • New development should maintain at least 2 hrs of sunlight to solar collectors on adjoining properties in mid winter. • Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June.	Yes	83% of the apartments, specifically their private open areas and living areas will receive at least three hours of sunlight during mid-winter. The 3D shadow diagrams provided with the application demonstrate that the development will not overshadow the western neighbouring property between 9am and 3pm mid-winter. Whilst the development does overshadow the western side wall of the neighbouring property at 92 Ramsgate Avenue, the west facing windows are not habitable areas, with the exception of the kitchen window at the rear. The kitchen window is a secondary window, with the primary access to light and ventilation facing north. The properties located on the opposite side of Ramsgate Avenue will maintain a minimum 3 hours of sunlight between 9am and 3pm mid-winter. Therefore, the development complies with the control relating to solar access.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface*	Yes	A view impact analysis has been provided with the application and is discussed below this table.

Development Control	Compliance	Comment
• *Views from public spaces to be maintained*		
2.15 Visual privacy and security		
• *Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened* • *Privacy be considered in relation to context density, separation use and design* • *Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development*	Yes	The majority of the apartments are orientated toward Ramsgate Avenue and to the rear boundary. The centralised main entry from Ramsgate Avenue is clearly indicated. The building provides sufficient separation from the rear boundary and the residential flat building beyond to ensure that privacy impacts from the rear balconies are not unreasonable. The same is true for those balconies at the front orientated toward Ramsgate Avenue as there is also sufficient separation distances from the properties opposite the site. The balconies will not have capacity to overlook into the internal private open spaces of units on site. The balconies at the rear proposed to wrap around the building to the eastern boundary. This area is a small width that will not be utilised as the primary open space area. Furthermore, the neighbouring windows and balconies maintain privacy screens that will already limit any overlooking between the properties.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	The internal planning and layout of the apartments are mirrored on each floor level such that that bedrooms and living areas are located away from services or noisy areas.
2.21 Building services		
• *Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures* • *Plant rooms away from entry communal and private open spaces and bedrooms.* • *Services on roof not to be seen from street or impact public or private views and*	Yes	The proposed fire hydrant area has been designed to fit in with the visual appearance of the front façade and the overall design of the building. The plant and services area are located on the third floor and have been designed as a hidden element in the building. The mailboxes are integrated into the new pedestrian entry and immediately adjacent to the entry gate. The lift overrun is neatly concealed and occupies a small portion of the roof area.

Development Control	Compliance	Comment
be min 2m from the building edge.		

Table 66: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.2 North Bondi		
Desired Future Character Objectives • Maintain streetscape rhythm in building frontages • Improve amenity on site and adjoining sites • Minor alterations in the roof space	Yes	The site is within the 'North Bondi Special Character Area'. The proposed development has a contemporary architectural style and its form attempts to complement the new development in the street. In this regard, the development maintains adequate streetscape rhythm. Further, the development will improve residential amenity afforded to the site without detracting from existing amenity of adjacent buildings.
Controls	Yes	The proposed development performs satisfactorily against most of the controls in this section of the DCP. It provides for a contemporary response to the streetscape and area and therefore is not strictly consistent with control (e) that encourages buildings to comprise a pitched roof with terracotta titles. Nonetheless, the proposed development incorporates key elements of the area and its materiality and colour of external finishes are consistent with the prevailing character of the area.

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

View impact

The NSW Land and Environment Court has articulated general principles with regard to views (see *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*). This case states:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, a four-step assessment should be used:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

2. *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

3. *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Objections were received from two properties in relation to view loss – Units 9 and 10 at 55-57 Brighton Boulevard, NORTH BONDI. The units are located to the north of the subject site and border the rear boundary. A site visit was undertaken by the assessing officer on 13 November 2023 and photographs were taken showing the existing view. The applicant provided a View Impact Analysis on 16 November 2023 including renders of the proposed view. The renders also show the approved building currently under construction at No. 92 Ramsgate Avenue for full transparency. The existing photographs and renders are shown in the figures below.

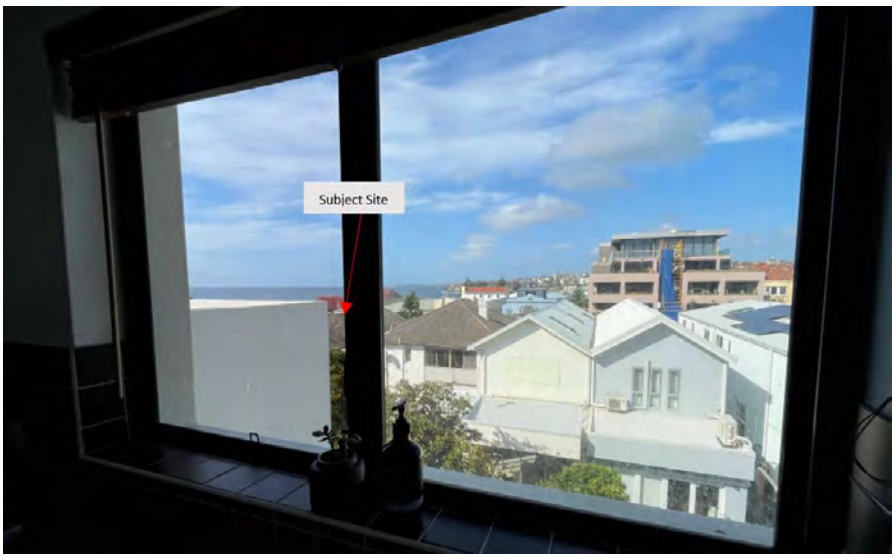

Figure 6: Existing view from the kitchen of Unit 9, 55-57 Brighton Boulevard, looking south over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

Figure 7: Proposed view from the kitchen of Unit 9, 55-57 Brighton Boulevard, looking south over the buildings along Ramsgate Avenue and Campbell Parade (standing position)

Figure 8: Existing view from the rooftop terrace of Unit 9, 55-57 Brighton Boulevard, looking south over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

Figure 9: Proposed view from the rooftop terrace of Unit 9, 55-57 Brighton Boulevard, looking south over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

Figure 10: Existing view from the living room of Unit 9, 55-57 Brighton Boulevard with the impact outlined in red, looking south-west over the buildings along Campbell Parade (standing position).

Figure 11: Existing view from the living room of Unit 10, 55-57 Brighton Boulevard with the impact outlined in red, looking south-west over the buildings along Campbell Parade (standing position).

Figure 12: Existing view from the kitchen of Unit 10, 55-57 Brighton Boulevard, looking south-west over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

Figure 13: Proposed view from the kitchen of Unit 10, 55-57 Brighton Boulevard, looking south-west over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

Figure 14: Existing view from the rooftop of Unit 10, 55-57 Brighton Boulevard, looking south-west over the buildings along Ramsgate Avenue and Campbell Parade (standing position)

Figure 15: Proposed view from the rooftop of Unit 10, 55-57 Brighton Boulevard, looking south-west over the buildings along Ramsgate Avenue and Campbell Parade (standing position).

As shown in **Figures 6-15** above, photographs have been taken from the living room, kitchen, and rooftop terrace of both units. The applicant has provided 3D renders of the proposed building from the perspective of the living room and rooftop. Council's assessing officer has provided the visual impact from the living room of both units. The view from all locations include water views of the Pacific Ocean and the headlands of the south side of Bondi, headlands and Clovelly, and the Malabar headlands. Additional views are obtained of Bondi Icebergs and some beach views of Bondi Beach. All photographs have been taken from a standing position looking south and south-west over the subject site. The existing views are partially obscured by the existing dwellings located on Ramsgate Avenue and Campbell Parade.

As shown in **Figures 6-10** the proposed building will obscure some views of the ocean looking south over the subject site from Unit 9. The headlands, beach and Bondi Icebergs will all remain unaffected. Under the *Tenacity* principle, the views are considered to be a moderate value view. As the views are currently obtained over multiple properties it is considered more difficult to retain then direct views that are unobscured. **Figures 11-15** show that the proposed development will obscure some water views and the view of the headlands in the distance from Unit 10. Whilst the view of the headlands will be obscured from the living area and kitchen, it will still be available from the rooftop. The view of the headlands is considered to be of high value.

The fourth principle of *Tenacity* is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one

that breaches them. However, with a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. As mentioned earlier in the report, the development complies with the overall FSR and height of buildings development standard. The building has been designed with a smaller fourth level as a means of reducing the visual impact from the properties at the rear and to provide the majority of the bulk on the lower levels. It is considered that this is a skilful design that maintains a large portion of the views including ocean views, views of the beach and views of Icebergs. A more skilful design would not change the impact of views from the surrounding properties and it would be unreasonable to restrict development (of a compliant nature) on the subject site to maintain these views. Therefore, the proposed works are considered acceptable in this regard.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 14 days between 22 August to 15 September 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, as the building envelope was reduced in size, mainly relating to the reduce footprint of the third level.

A total of 10 unique submissions were received from the following properties:

Table 7: Number of and where submissions were received from.

Count	Property Address
1.	3/55-57 Brighton Boulevard, Bondi Beach
2.	9 & 10/55-57 Brighton Boulevard, Bondi Beach (combined submission)
3.	238 Campbell Parade, Bondi Beach
4.	10/236 Campbell Parade, Bondi Beach
5.	4/238 Campbell Parade, Bondi Beach
6.	11/238 Campbell Parade, Bondi Beach
7.	12/238 Campbell Parade, Bondi Beach
8.	7/238 Campbell Parade, Bondi Beach
9.	*No address provided* x 2

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

- Non-compliant external wall height
- Privacy impacts to the buildings to the rear on Brighton Boulevard and opposite Ramsgate Avenue
- Non-compliant extent of excavation
- View impacts from the rear property at 55-57 Brighton Boulevard
- Increased traffic to the street

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

Issue: The architectural plans that were originally submitted with the application were not notified.

Response: The originally submitted architectural plans submitted on 29 June 2023 were superseded by a more recent set of plans (submitted on 14 August 2023), which were notified. As the superseded plans did not form the basis of the assessment, they are not required to be notified.

Issue: Whilst the FSR technically complies, the large void areas create additional and unnecessary bulk to the scale of the building.

Response: Agreed. This was raised as an issue in the preliminary assessment of the application and amended plans were submitted to remove all unnecessary void areas. The overall bulk of the top level in particular has been reduced to an acceptable scale.

Issue: The open breezeway through the middle of the site should be included as FSR, as it adds to the overall bulk.

Response: The open breezeway is not considered to be calculable GFA in accordance with the definitions specified in the Waverley LEP 2012.

Issue: The neighbouring property proposed a compliant FSR development and subsequently submitted a S4.55 modification application to increase the floor space. This is a possibility for the subject site in the future.

Response: Council can only assess the application as it is currently proposed. All future applications will be assessed separately and based on merit.

Issue: Building height has been shown incorrectly.

Response: The overall height of the building has been checked against the survey plan provided with the application. Council agrees that the height is correct.

Issue: Unreasonable rear setback.

Response: The development proposes a rear setback of more than 8m which is more than the minimum required under the controls.

Issue: The recent development on the neighbouring property at 92 Ramsgate Avenue is incorrectly shown on the plans.

Response: The approved architectural plans for 92 Ramsgate Avenue have been assessed based on Council records and not the architectural plans for the subject site.

Issue: The site results in site isolation.

Response: The surrounding context maintains a residential flat building to the south-east of the site and a dual occupancy to the north-west. Further to either side are semi-detached dwellings and single detached dwellings capable of being amalgamated with each other, or reconstructed to a range of different dwelling types, including residential flat buildings. Therefore, there is no concern relating to site isolation in the immediate area.

Issue: Construction noise.

Response: Conditions are recommended to limit construction to reasonable times throughout the week to limit impacts to surrounding properties.

Issue: The development should be restricted to 3 storeys.

Response: There is no limit of the number of storeys allowed on this site. Notwithstanding, the development complies with the overall height of buildings standard and is considered acceptable.

Issue: Loss of street parking during construction.

Response: A Construction Traffic Management Plan is recommended to ensure minimal impacts to traffic and parking during construction.

Issue: The development should incorporate housing affordability.

Response: The development is not required to provide affordable housing on site.

Issue: Lack of green space to the street.

Response: landscaping is proposed within the front setback and a street tree is proposed to be planted on the council reserve. This is considered acceptable.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's Traffic engineer has reviewed the proposal and made the following comments:

Clause 7.8 (f) of Council's DCP Part B requires that "all mixed use, commercial and residential flat building development with on-site car parking should provide at least 1 dedicated space and charging point to be used for electric bicycles and mobility scooters". This has not been provided.

The provision of motorcycle parking spaces has a shortfall of 1 space. Given that the site has limited space and they can't fit another additional motorbike parking, 2 motorbike parking acceptable.

The headroom clearance on the entry and within the basement carpark shall be a minimum of 2.2 metres. The headroom clearance within the accessible parking spaces and adjacent shared zones shall be a minimum of 2.5 metres.

The type, model number and details of the proposed car stackers are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to issue of the Construction Certificate.

The level of the driveway at the property boundary is to be set so that rainfall runoff from the street/verge/footpath does not flow into the property. The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath. This has been recommended.

Recommended conditions have been included in Appendix A. Additionally, the requirement for a car waiting bay was also raised with Council's Traffic Engineer, in light of the single access point to the site, and existing traffic system of Ramsgate Avenue (one way, single lane through traffic). Given the small nature of the proposal being for just 8 vehicles, it was considered traffic movements are not sufficient to warrant a separate car waiting bay in this instance.

3.2. Public Domain

Council's public domain officer has reviewed the proposal and made the following comments:

From a Public Domain perspective there are no objections to the approval of this application subject to conditions.

Recommended conditions have been included in Appendix A.

3.3. Tree Management

Council's Tree management officer has reviewed the proposal and made the following comments:

A total of seven trees were assessed that were a mix of Australian native and exotic species. Trees 6 and 7 are both located within the neighbouring residence and are documented for preservation. These will be retained with the implementation of tree protection is recommended. The recommendations in the Arborist report are to be followed and a further street tree planted.

Recommended conditions have been included in Appendix A.

3.4. Land Information/GIS

Standard conditions were recommended by the GIS officer regarding property numbering. This has been included in the recommended conditions at Appendix A.

3.5. Stormwater

Council's Stormwater engineer has reviewed the proposal and made the following comments:

- *For adequate drainage purposes, the finished floor level (FFL) of the habitable areas must be at least 150 mm above the adjacent ground level. It is also highly recommended that all outdoor living/alfresco/terrace areas be at least 150 mm above the adjacent ground level (where a habitable area is adjacent to an outdoor living/alfresco/terrace area, the differential in FFLs must be 150 mm).*
- *For adequate drainage purposes, the finished floor level (FFL) of the driveway crest to the basement must be at least 150 mm above the top of kerb level.*
- *The permissible site discharge (PSD) is incorrect. They have overcalculated as they have only calculated for the increase in impervious area from existing.*
- *The OSD system is undersized. This is based upon the incorrectly calculated PSD.*

The subject site is not located in a flood affected area and is outside the 1% AEP flood extents. Furthermore, the requirement to increase the finished floor level to be at last 150mm above the adjacent ground level would result in an increase in the overall heigh, resulting in a non-compliance with the development standard and additional impacts to neighbouring properties. Therefore, it would be a worse planning outcome to enforce an increase in the finished floor level.

All other comments have been included in recommended conditions in Appendix A.

3.6. Waste Management

Council's Waste management officer has reviewed the proposal and made the following comments:

Applicant will need to amend the plans to include a 6m^2 storage area for bulky waste and storage are for Garden Organic bin(s) if required.

The plans have been amended to include the above provisions. Additionally, a condition is recommended ensuring the appropriate bins are provided.

3.7. Urban Design

Council's Urban design officer has reviewed the proposal and made the following comments:

The proposed development is accepted. It complies with most controls with exception of a 37.4 sqm breach in FSR. However there are no significant impacts arising from this non-compliance. In terms of design, it responds to the character of the area and it is considered that will be a suitable addition to the street.

The plans have been amended to comply with the maximum FSR allowed on site.

4. CONCLUSION

The development application seeks consent for the demolition and construction of a new 4 storey residential flat building containing six units with integrated basement parking at the site known as 90 Ramsgate Avenue, BONDI BEACH.

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

- Excavation
- Apartment size and layout

- External wall height
- Views

The assessment finds these issues acceptable as the overall building envelope will not result in amenity impacts to the surrounding properties and will not sit out of context within the streetscape.

A total number of 10 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

Managers of Development Assessment (MoDA) Review

The application was reviewed by MoDA at the meeting on 14 November 2023 and concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, J Somerville, B Magistrale, E Finnegan, and Jo Zancanaro*

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 by:**	**Application reviewed and agreed by:**
Katie Johnstone	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 23 November 2023	**Date:** 30 November 2023	**Date:** 4 December 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel

Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td>1.</td><td>APPROVED PLANS AND DOCUMENTATION
The development must be in accordance with:

(a) Architectural Plans prepared by PBD Architects of Project No. 2227, Issue 2 including the following:

<table>
<tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr>
<tr><td>DA 003 Issue 2</td><td>Site and Analysis Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 004 Issue 1</td><td>Demolition Plan</td><td>13/03/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 101 Issue 3</td><td>Basement Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 102 Issue 3</td><td>Ground Floor Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 103 Issue 3</td><td>Level 1 Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 104 Issue 3</td><td>Level 2 Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 105 Issue 3</td><td>Level 3 Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 106 Issue 3</td><td>Roof Plan</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 201 Issue 3</td><td>North Elevation</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 202 Issue 3</td><td>South Elevation</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 203 Issue 3</td><td>East Elevation</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 204 Issue 3</td><td>West Elevation</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 301 Issue 3</td><td>Section A</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 302 Issue 3</td><td>Section B</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 303 Issue 1</td><td>Section C – Car Lift</td><td>31/10/2023</td><td>02/11/2023</td></tr>
<tr><td>DA 520 Issue 1</td><td>Excavation Plan</td><td>11/08/2023</td><td>02/11/2023</td></tr>
</table>

(b) BASIX Certificate

(c) Arborist Report prepared by Geroge Palmer Botanics Pty Ltd reference 2023/0056, dated July 2023 and received by Council on 14 August 2023

(d) Geotechnical Report prepared by AssetGeoEnviro reference 7098-G1 dated 21 February 2023 and received by Council on 28 June 2023

(e) Schedule of external finishes and colours received by Council on 28 June 2023

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 28 June 2023

Except where amended by the following conditions of consent.</td></tr>
</table>

	Condition **r**eason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2.	**GENERAL MODIFICATIONS**
	The application is approved subject to the following plan amendments; (a) The landscape plan must be modified to reflect the architectural plans approved in Condition 1(a) of this consent.
	Condition reason: To ensure the landscape plan is accurate.
	(b) The plans are to be updated to include all BASIX commitments.
	Condition reason: To ensure the approved plans are consistent with the BASIX Certificate.
	(c) Plans and elevations are to updated to show all opening (windows/doors) operations.
	Condition reason: To ensure the approved plans accurately depict openings.
	(d) Privacy screens are to be provided on the: (i) Western elevation of front balconies to Level 1 and Level 2 apartments. (ii) Western elevation of rear balconies to Level 1 and 2 apartments. (iii) Eastern elevation of rear balconies to Level 1 and 2 apartments. The privacy screens are to be designed to mitigate overlooking to adjoining properties and are to be of a lightweight material (such as timber, fixed louvres or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level.
	Condition reason: To mitigate privacy impacts to adjoining properties.
	The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.
3.	**MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)**
	The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.
	Condition reason: To ensure the approved deign remains unchanged.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

	(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
6.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$92,400.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

	Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
8.	**TREE BOND**
	A bond of $ 1,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the one *tucker*(tuckeroo) tree on the naturestrip. 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 12 months from the issue of the Occupation Certificate subject to the satisfaction of Council
	Condition reason: To ensure any potential damage to trees can be remedied.
9.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES (STORMWATER)**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
10.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES (PUBLIC DOMAIN)**
	The applicant is to pay Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with the Council's Schedule of Fees and Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.
	Condition reason: To ensure Council assessment fees are paid.
11.	**VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**
	The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.* In accordance with the Environmental Planning and Assessment Regulation 2021, the Principal Certifying Authority must not issue a construction certificate unless it has

	received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.
	Condition reason: To maintain the architectural integrity of the approved development.
12.	**BASEMENT STORAGE**
	The basement level is to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2022.
	Condition reason: To ensure adequate basement storage is provided.
13.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
14.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
15.	**DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

	Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
16.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
17.	**TELECOMMUNICATIONS IN NEW RESIDENTIAL FLAT BUILDING DEVELOPMENTS**
	Evidence is to be provided to the Principal Certifier that arrangements have been made for; (a) The installation of fibre-ready facilities to all individual lots and/or premises to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.
	Condition reason: To ensure appropriate telecommunication services are provided.
18.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To minimise disruption to local traffic.
19.	**VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**
	A vehicle priority system (traffic lights or mirrors) or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure the safety of pedestrians.
20.	**CAR STACKER**

	The type, model number and details of the proposed car stackers are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to issue of the Construction Certificate.
	Condition reason: To ensure the car stacker is appropriate.
21.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by ITM Design, Job No. 22-192, DWG No. H-D-00, H-DA-01, H-DA-03, Rev A dated 3/03/2023, and H-DA-02 Rev B dated 13/03/2023 are considered concept only. The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions: a) Provide the pit invert and the pipe invert of the sediment control stormwater pit installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump is to be provided at the outlet point. b) The pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. c) A grated trench drain will be provided across the (garage entrance/driveway/street boundary) within private property. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate is no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain will be connected to an approved drainage system. d) Provide calculations of the roof guttering system for the 5% AEP storm event and minimum number of downpipes required. e) Overflow is directed to southern boundary of site. Overland flow to be directed to OSD tank, else gutter required to be sized for 1% AEP storm event. f) For adequate drainage purposes, the finished floor level (FFL) of the habitable areas are to be at least 150 mm above the adjacent ground level. g) For adequate drainage purposes, the crest of the driveway is to be at least 150 mm above the top of kerb level. h) Permissible site discharge (PSD) incorrectly calculated. PSD calculation is for 20% AEP predeveloped levels (5-minute storm with fraction imperviousness

	0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly. i) Storage and associated orifice diameter provided are insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly. j) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure must be a cast in-situ concrete based. k) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate is to be placed over OSD outlet pipe and orifice plate. l) The architectural drawings must include the major stormwater assets (e.g., OSD tank, rainwater tank, pump and associated wet well, etc.). m) Provide the roof area connected into the rainwater tank, as per the BASIX requirements. n) Where a rainwater reuse system is proposed in a basement, it must be designed to adequately withstand all service loads and provide adequate service life (minimum 50 years). o) The rainwater tank will not be directly connected to the OSD tank with a weir separation/combined with the OSD storage. The rainwater tank system must be re-designed to collect roof water only. p) Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design. q) The underground basement is to have a minimum 1500 mm offset from the property side boundaries. r) All electrical fittings and supply of the pump out system are located to have at least 300 mm freeboard above the maximum water level and/or any overland flow path. s) The MUSIC modelling shows the driveway connecting into the Filter Chamber. Redesign is required to achieve this, else update the MUSIC modelling showing the driveway bypassing. t) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.

	u) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. v) The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. w) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated. x) Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. y) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	Condition reason: To ensure the proper management of stormwater runoff.
22.	**PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS**
	The garage/underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway. Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.
	Condition reason: To ensure appropriate stormwater runoff.
23.	**BASIX**
	All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
24.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for

	recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
25.	**WASTE STORAGE AREAS**
	The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development; **Residential** • 3 x 240L Mobile Garbage Bins (MGBs) for general waste • 3 x 240L MGBs for container recycling collected fortnightly • 3 x 240L MGBs for paper recycling collected fortnightly • 2 x 240L MGBs for garden organics collected fortnightly should this type of waste be generated at the development. • A minimum of $6m^2$ for on-site storage of bulky waste awaiting collection. • All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2022* to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure the appropriate space for storage of waste on site.
26.	**GREEN ROOF AND LANDSCAPING DETAILS**
	The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the *Waverley Development Control Plan 2022* including; (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1). (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species. (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. A qualified landscape architect must review the design and verify that it complies with the above requirements.
	Condition reason: To ensure the longevity of the green roof and planting.
27.	**DILAPIDATION REPORT**
	A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is be made available to affected property owners. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.

	Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
28.	**GEOTECHNICAL SITE ASSESSMENT**
	A detailed Geotechnical Assessment and Site Investigation Report carried out by a qualified Geotechnical Engineer shall be undertaken in accordance with the recommendations of the 'Preliminary Geotechnical Assessment', which was prepared by AssetGeoEnviro (ref. 7098-G1, dated 21 February 2023). A copy of the report must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of a construction certificate. The report should address how the excavation works can be carried out without damage or adverse impacts on adjoining properties.
	Condition reason: To ensure the excavation is appropriately managed.
29.	**PUBLIC DOMAIN IMPROVEMENTS**
	The public domain is to be upgraded along Ramsgate Avenue frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. • Pedestrian footpath • Vehicular crossing • Road pavement • Kerb and gutter Landscaping
	Condition reason: To ensure the public domain works are completed.
30.	**PUBLIC INFRASTRUCTURE WORKS**
	Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council. Full design engineering drawings prepared by a suitably qualified and experienced engineering professional must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:

	a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in the Ramsgate Avenue frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council. b) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing the Ramsgate Avenue frontage to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. c) Replenish and returf the existing Council verge for the full frontage of the development. d) Note that if any service lids are in poor condition that they must be replaced at no cost to Council. All the associated cost shall be borne by the applicant. e) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works. Note: Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).
	Condition reason: To ensure the works to the public domain are constructed accordingly.

BEFORE BUILDING WORK COMMENCES

	Condition
31.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
32.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

33.	**TREE PROTECTION**

a) Precautions shall be taken when working near trees to ensure their retention, including the following:

i. Do not store harmful or bulk materials or spoil under or near trees;
ii. Prevent damage to bark and root system;
iii. Do not use mechanical methods to excavate within root zones;
iv. Do not add or remove topsoil from under the drip line;
v. Do not compact ground under the drip line;
vi. Do not mix or dispose of liquids within the drip line of the tree; and
vii. All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

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

c) Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

d) The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap.

e) The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk.

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

g) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.

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

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

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

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

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

	m) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed. If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
	Condition reason: To protect and retain trees.
34.	**ARBORIST REPORT**
	Recommendations in Amended Arboricultural Impact Assessment Report prepared by George Palmer, BOTANICS P/L. Date July 2023, APPENDIX A - PROTECTION OF TREES ON DEVELOPMENT SITES must be applied and followed.
	Condition reason: To protect trees during the carrying out of site work.
35.	**GEOTECHNICAL RISK MANAGEMENT**
	The following geotechnical risk management measures must be complied with: (a) The Applicant must comply with the approved Geotechnical Assessment and Site Investigation Report. (b) A qualified Geotechnical Engineer and/or Structural Engineer must be engaged to review the full detailed design including the temporary and permanent excavation, shoring support systems, structural compatibility, and construction methodology. The proposed methods for bulk excavation must be approved by the Principal Certifying Authority and submitted to Council's Infrastructure Services Team for records. (c) Any proposed excavations shall be undertaken with minimal vibration methods, with a PPV below 5mm/s (Maximum Peak Particle Velocity). This review shall be approved by the Principle Certifying Authority and submitted to Council's Infrastructure Services Team for records. (d) A qualified supervising engineer is to be appointed to supervise the bulk excavation stages. The Applicant is to prepare a proposed schedule of critical stages of inspection that the appointed, supervising engineer must inspect during excavation (Schedule). Prior to the issue of a Construction Certificate, the proposed Schedule must be approved by the Principal Certifying Authority and submitted to Council's Infrastructure Services Team for records. (e) The supervising engineer must inspect the site during the critical stages of inspection that are outlined in the Schedule approved pursuant to (d). The supervising engineer must provide inspection certificates, recording the inspection of the critical stages, to the Principal Certifying Authority and Waverley Council. (f) Inspections must be made by a qualified geotechnical professional/engineer during unsupported vertical excavation of bedrock. All work associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. It must be

	properly guarded and protected to prevent them from being dangerous to life or property.
	Condition reason: To ensure the excavation is undertaken appropriately.
36.	**PUBLIC UTILITIES AND SERVICE ALTERATIONS**
	Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g., Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.
	Condition reason: To ensure the public domain works are completed.
37.	**GROUND ANCHORS**
	Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8886.
	Condition reason: To ensure the works to the excavation works are conducted appropriately.

DURING BUILDING WORK

	Condition
38.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
39.	**DE-WATERING OF UNDERGROUND STRUCTURES (FOR TEMPORARY DEWATERING ONLY**
	It is a normal practice with the construction for underground structures, that de-watering may be required. The application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for the temporary dewatering**.** A copy of the aforementioned approval must be submitted to Council. Note: Permanent dewatering is not allowed. If a licence is required, then the Development Application becomes Integrated Development and Council's Development Assessment Planner must be consulted.
	Condition reason: To ensure the proper management of stormwater runoff.
40.	**DISPOSAL OF SEEPAGE AND STORMWATER**
	Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
	Condition reason: To ensure the proper management of stormwater runoff.
41.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.

42.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
43.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
44.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
45.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
46.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

	Condition reason: To ensure buildings are sited and positioned in the approved location.
47.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
48.	**NEW VEHICLE CROSSING**
	A new vehicle crossing is to be provided to access the proposed car lift. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council. Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
49.	**VEHICULAR ACCESS - FINISHED LEVEL TO FOOTPATH**
	The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.
	Condition reason: To ensure an appropriate vehicle crossing is constructed.
50.	**CAR PARKING**
	A total of 8 car vehicle parking spaces are to be provided within the development, allocated in the following manner: (a) 6 residential parking spaces (b) 1accessible residential parking spaces (c) 1 residential visitor parking spaces (d) At least 10% of all the car parking spaces are to be allocated as accessible parking spaces and be shared amongst the residential, visitor and commercial spaces where applicable. Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities. Car parking spaces are to be allocated with the rates specified in the DCP. All car spaces are to be appropriately signposted and marked. The residential and retail car parking spaces shall not be independent lots, but rather part lots attached to units or retail commercial floorspace.
	Condition reason: To ensure the amount of car parking on site is reflective of the approval.

51.	**BICYCLE PARKING**
	A total of 7 bicycle parking spaces are to be provided within the development, allocated in the following manner: (a) 6 residential bicycle spaces (b) 1 visitor bicycle spaces The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking. The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.
	Condition reason: To ensure the amount of bicycle parking is reflective of the approval.
52.	**MOTORBIKE PARKING**
	A minimum total of **2** Motorbike Parking spaces are to be provided within the development. Minimum dimension of motorbike parking spaces are to be 1.2 metres in width and 5.2 metres in length.
	Condition reason: To ensure motorbike parking is provided.
53.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the car park shall be a minimum of 2.2 metres. The headroom clearance within the accessible parking spaces and adjacent shared areas shall be a minimum of 2.5 metres.
	Condition reason: To ensure safety of vehicles.
54.	**ELECTRIC VEHICLE CHARGING POINTS**
	All resident car spaces must be 'EV Ready' and provided a dedicated circuit with a minimum current of 16A and cable storage for each parking space with power demand management system to enable all circuits to be used simultaneously. Electrical circuit have capacity to deliver a minimum 15 kWh between 11pm-7am. At least one of the resident car spaces is to have a charger installed. The visitor car space requires an EV charger with a 3-phase - 32A connection as a minimum. Electrical circuit have capacity to deliver a minimum 15 kWh between 9am-5pm.

	Condition reason: To provide EV charging spaces.
55.	**NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**
	Prior to commencement of the public domain works notice shall be submitted to Councils Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.
	Condition reason: To ensure the public domain works are undertaken appropriately.
56.	**PUBLIC DOMAIN ENGINEERING INSPECTIONS**
	To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Infrastructure Engineer for any road pavement, kerb and gutter, footpath paving and landscaping hold points. All applicable engineering inspection fees in accordance with Council's Management Plan are to be fully paid prior to the issue of the Construction Certificate for the works. A minimum 48 hours' notice will be required when booking for the site inspections.
	Condition reason: To ensure the public domain works are undertaken appropriately.
57.	**TREE REMOVAL AND REPLANTING**
	a) Situated on the naturestrip at the front of the property at Ramsgate Avenue is one (1) *Lagunaria patersonia* (Norfolk Island Hibiscus). Removal is supported. b) The applicant may remove one (1) ***Lagunaria patersonia*** **(Norfolk Island Hibiscus)** at their expense. c) To ensure maximum street tree canopy and continuity of the streetscape one (1) ***new street tree is to be planted on the naturestrip.*** The tree to be planted on the naturestrip in the **centre of the property** is to be an ***Cupaniopsis anarcardioides*** (tuckeroo) and must be a minimum pot size of 75 litres when planted. The tree must be planted by a horticulturist (Min qualification AQF Level 3). The tree must be planted prior to any Occupation Certificate.
	Condition reason: To ensure tree proper tree removal.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
58.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
59.	**CERTIFICATION OF BASIX COMMITMENTS**
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
60.	**CERTIFICATION OF APPROVED DESIGN**
	In accordance with the Environmental Planning and Assessment Regulations 2021, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.
	Condition reason: To maintain the architectural integrity of the approved development.
61.	**CERTIFICATION OF LANDSCAPING**
	At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.
	Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.
62.	**CERTIFICATION OF CONSTRUCTED STORMWATER DRAINAGE SYSTEM**
	Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and

	good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
63.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works. b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
64.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT SYSTEM AND RAINWATER TANK**
	Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" must be created for the On-Site Stormwater Detention (OSD) system, pump out system and rainwater tank, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system, pump out system and rainwater tank are/is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system, pump out system and rainwater tank without consent from Council. The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, pump out and rainwater tank, including its relationship to the building footprint. Electronic colour photographs of the OSD system, pump out and rainwater tank must accompany the application for the Positive Covenant and Restriction on the Use of Land.

	The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs will be borne by the applicant.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
65.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY**
	Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" must be created for the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Water Management Manual 2021. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with NSW Land Registry Services prior to the Final Occupation Certificate.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
66.	**PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM**
	The registered proprietor will be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of the pump out system prior to the issue of Occupation Certificate. Council will not be liable for any claims for damages arising from the failure of the pump out system. Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
67.	**PARKING PERMITS**
	Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.
	Condition reason: To ensure parking permits are not issued.
68.	**STREET NUMBERS**
	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.
	Condition reason: To ensure the property address is clearly identified.
69.	**ALLOCATION OF STREET NUMBER**
	a) The redevelopment of the property has led to the following allocation of primary and sub-premises (unit/room) numbering:

	i. No. 90 - primary address site number ii. Ramsgate Avenue primary address location. b) The following sub addressing principles will apply: i. Nos. G01, G02, for the sub-addresses within the building correlating with Nos. on the Ground-floor plans for the building, ii. Nos. 101,102 for the sub-addresses within the building correlating with Nos. on the First-floor plans for the building, iii. Nos. 201,202 for the sub-addresses within the building correlating with Nos. on the Second-floor plans for the building. c) The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site. d) The address number for a sub-address site shall not consist of the primary address number on its own. e) 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. f) The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate g) Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.
	Condition reason: To ensure the property address is clearly identified.
70.	**FLOOR SPACE RATIO**
	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 429m^2. (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved floor space ratio.
71.	**BUILDING HEIGHT**
	(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets: i. Ridge/parapet height: RL24.3 Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved height.
72.	**PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**

	A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant. (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) The role and responsibility of managing composting facilities (if provided). (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed. (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible. (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. (i) At no times shall bins be stored on the public domain (e.g. footpaths).
	Condition reason: To ensure appropriate waste management occurs on site.
73.	**SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**
	Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council-approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
	Condition reason: To ensure the public domain works are undertaken appropriately.
74.	**WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN**
	To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to the issue of any Occupation Certificate. The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from the approved plans.
	Condition reason: To ensure the public domain works are undertaken appropriately.
75.	**CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**
	Prior to the issue of any Occupation Certificate, a final Compliance Certificate shall be obtained from Executive Manager, Infrastructure Services (or delegate) confirming that all works in the road reserve including all public domain infrastructure and

	restorations have been completed and constructed to Council's satisfaction, as required under the consent. A final inspection is required to be carried out by Council's Infrastructure Engineer. Notes • The issue of a final Compliance Certificate from the Council's Infrastructure Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees. • The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent. • To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.
	Condition reason: To ensure the public domain works are undertaken appropriately.
76.	**WAVERLEY DIGITAL MODEL**
	An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling
	Condition reason: To ensure tan accurate digital model is provided.

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**SYDNEY WATER REQUIREMENTS**
	You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact

	with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**SITE RECTIFICATION WORKS**
	The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to: (a) Require certain works to be carried out, including but not limited to: i. Make the building/site safe and of an appearance acceptable to Council; ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. iv. Council may call on any bank guarantee to cover the cost thereof.

	(b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.
9.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
11.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
12.	**ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**
	<u>Indoor air quality:</u> Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. <u>Ventilation:</u> Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. <u>Domestic hot water:</u> Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation
13.	**WASTE MANAGEMENT PLAN REVIEW**
	After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
14.	**ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**
	Council will need to be provided with an OSD, pump system and Stormwater Quality Improvement Devices maintenance activities. At a minimum, the pump system and the detention facility must be: • Kept clean and free from silt, rubbish and debris. • Be maintained so that it functions in a safe and efficient manner. • Not be altered without prior consent in writing of the Council.

15.	**RAINWATER HARVESTING AND REUSE**
	The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
16.	**ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM**
	The stormwater treatment system must be maintained in accordance with the manufacturer's or designer's specification for the life of the development. Council will need to be provided with a Maintenance Schedule that supports the routine maintenance activities.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

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Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS

90 RAMSGATE AVE, BONDI NSW

DA SUBMISSION

DRAWING LIST

DRAWING NO.	DRAWING TITLE	Current Revision
DA 001	PROJECT SUMMARY	3
DA 002	CONTEXT PLAN	1
DA 003	SITE & ANALYSIS PLAN	2
DA 004	DEMOLITION PLAN	1
DA 101	BASEMENT PLAN	3
DA 102	GROUND FLOOR PLAN	3
DA 103	LEVEL 1 PLAN	3
DA 104	LEVEL 2 PLAN	3
DA 105	LEVEL 3 PLAN	3
DA 106	ROOF PLAN	3
DA 201	NORTH ELEVATION	3
DA 202	SOUTH ELEVATION	3
DA 203	EAST ELEVATION	3
DA 204	WEST ELEVATION	3
DA 301	SECTION A	3
DA 302	SECTION B	3
DA 303	SECTION C - CAR LIFT	1
DA 401	PHOTOMONTAGE	1
DA 402	EXTERNAL MATERIAL FINISHES	1
DA 501	GFA DIAGRAM	3
DA 502	LANDSCAPE CALCULATION	2
DA 503	STORAGE DIAGRAM	3
DA 504	HEIGHT PLANE DIAGRAM	3
DA 506	SITE AND CONTEXT SOLAR STUDY	3
DA 507	SHADOW DIAGRAM 21 JUNE - 9AM	2
DA 508	SHADOW DIAGRAM 21 JUNE - 12PM	2
DA 509	SHADOW DIAGRAM 21 JUNE - 3PM	2
DA 520	EXCAVATION PLAN	1
DA 550	NO 92 ELEVATIONAL SHADOW STUDY - SHEET 1	2
DA 551	NO 92 ELEVATIONAL SHADOW STUDY - SHEET 2	2
DA 552	NO 92 ELEVATIONAL SHADOW STUDY - SHEET 3	2
DA 553	NO 92 ELEVATIONAL SHADOW STUDY - SHEET 4	2
DA 601	WASTE MANAGEMENT PLAN	3

Grand total: 33

DA 000

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
3	31/10/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

SCALE:
@ A1 sheet

COVER PAGE

ISSUE: 3

PROJECT NO: 2227

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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

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AMENDED PLANS

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Application No: DA-168/2023

Date Received: 02/11/2023

PROJECT INFORMATION

90 Ramsgate Avenue, Bondi Beach

Site Area	477.4 m²
Height Control	12.5 m
Allowable FSR	0.9
Target FSR	1.0
Zoning	R3 - Medium Density Residential
Controls	Waverly DCP 2022

UNIT MIX

Level	1 Bed	2 Bed	3 Bed	Total
Ground Floor	1	1	0	2
Level 1	1	1	0	2
Level 2/3	0	1	1	2
Total	**2**	**3**	**1**	**6**
	33%	**50%**	**17%**	**100%**

GFA

Level	Area
Ground Floor	129.76 m²
Level 1	129.76 m²
Level 2	126.48 m²
Level 3	43.07 m²
Total	**429.07 m²**
Proposed FSR	**0.9**

APARTMENT SUMMARY

Level	Unit No.	Unit Type	Area	P.O.S	Solar	Cross Ventilation	Adaptable	Liveable
Ground Floor	G01	2 Bed	73.00 m²	14.00 m²	1 hr	Yes	Yes	Yes
	G02	1 Bed	57.00 m²	50.00 m²	3 hr	Yes	No	Yes
Level 1	101	2 Bed	73.00 m²	16.00 m²	2 hr	Yes	Yes	Yes
	102	1 Bed	57.00 m²	19.00 m²	3 hr	Yes	No	Yes
Level 2/3	201	3 Bed	94.00 m²	27.60 m²	3 hr	Yes	No	Yes
	202	2 Bed	76.00 m²	23.00 m²	3 hr	Yes	No	Yes

LANDSCAPING REQUIREMENTS

	DCP Req	Required	Proposed
Landscaping	30% of the site area is to be provided as landscaped area	143.2 m²	149.0 m²
			31.2%
Deep Soil	50% of the landscaped area must be deep soil zone	71.6 m²	71.6 m²
			15.0%

OTHER REQUIREMENTS

	ADG Req	Required	Proposed
Solar Access	70% of apartments receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter	4.2	5
			83.33%
Cross Ventilation	At least 60% of apartments are naturally cross ventilated	3.6	5
			83.33%

STORAGE REQUIREMENTS

Level	Unit No.	Type	Required (m3)	Unit Storage (m3)	Basement Storage (m3)	Total Storage (m3)	ADG Compliance
Ground Floor	G01	2 Bed	8	5.1	5	10.1	Yes
	G02	1 Bed	6	4	5	9	Yes
Level 1	101	2 Bed	8	5.1	5	10.1	Yes
	102	1 Bed	6	4	5	9	Yes
Level 2	201	3 Bed	10	5	5	10	Yes
	202	2 Bed	8	4.3	5	9.3	Yes

DA 001

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
3	31/10/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

SCALE:
@ A1 sheet

PROJECT SUMMARY

ISSUE: 3

PROJECT NO: 2227

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AMENDED PLANS

DA 002

PROJECT: RESIDENTIAL FLAT BUILDING 90 RAMSGATE AVE, BONDI CLIENT: HSN PROPERTY GROUP	REVISIONS: ISSUE / DATE / DESCRIPTION 1 / 13 03 2023 / DA SUBMISSION	GENERAL NOTES
SCALE: @ A1 sheet	CONTEXT PLAN ISSUE: 1 PROJECT NO: 2227	pbd architects ABN 36 147 035 550 P - 02 9698 8140 E - info@pbdarchitects.com.au W - www.pbdarchitects.com.au Level 2, 52 Albion Street, Surry Hills NSW 2010 Nominated Architect: Paul Buljevic NSW 7768

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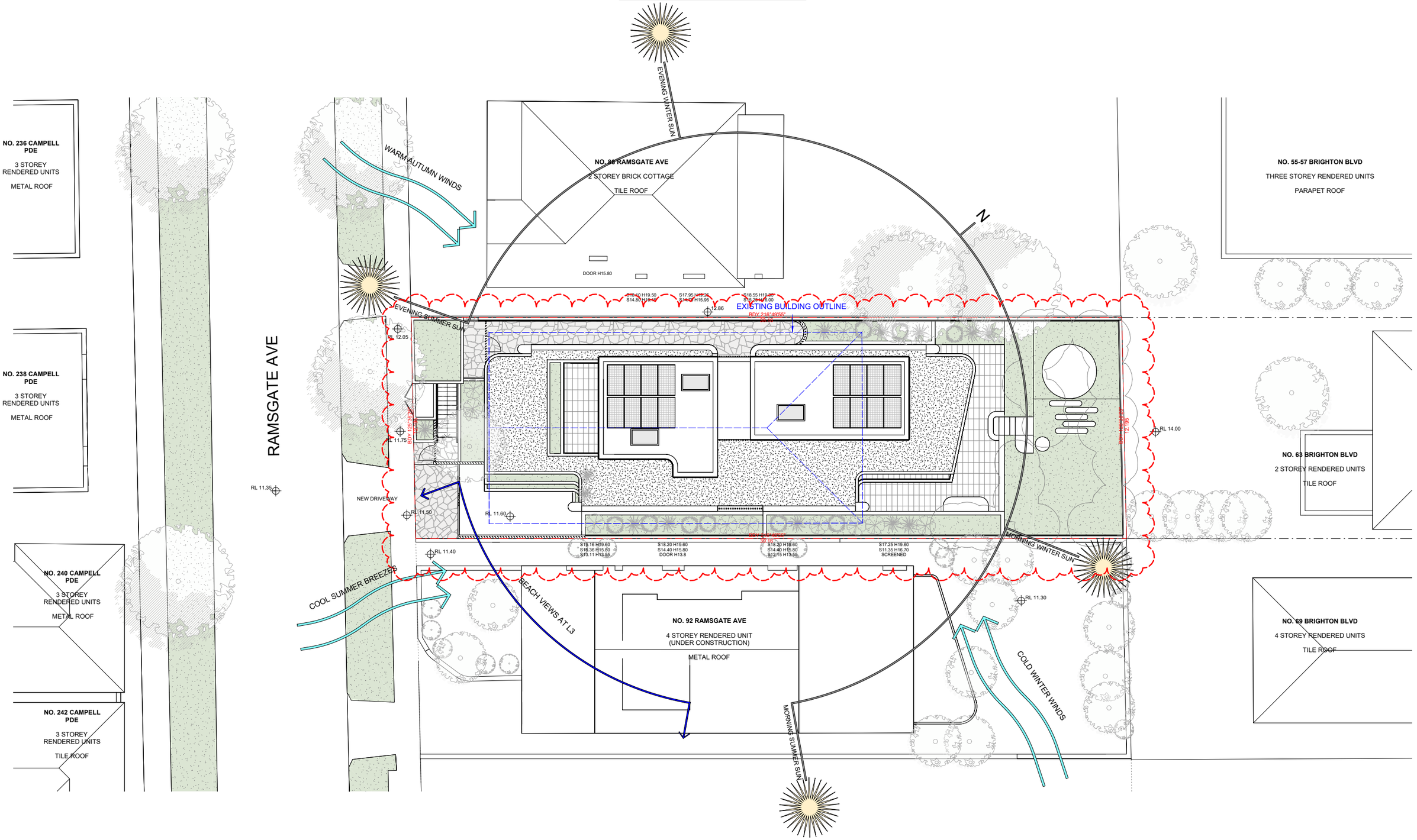

DA 003

SITE & ANALYSIS PLAN

ISSUE: 2

PROJECT NO: 2227

SCALE:
As indicated @ A1 sheet
0 1 2 4 8 m

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
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GENERAL NOTES

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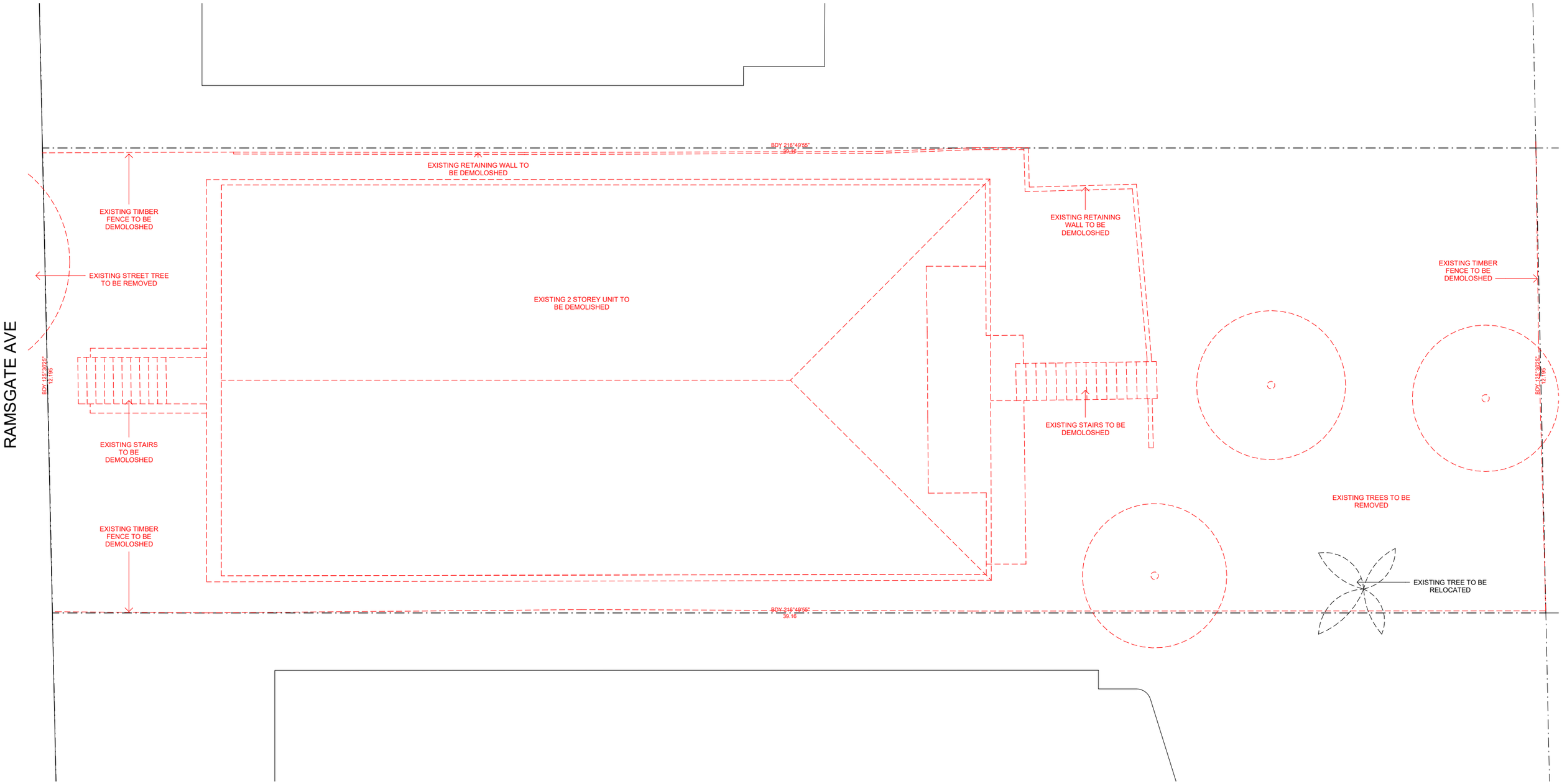

DA 004

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION

GENERAL NOTES

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0 0.5 1 2 4 m

DEMOLITION PLAN

ISSUE: 1

PROJECT NO: 2227

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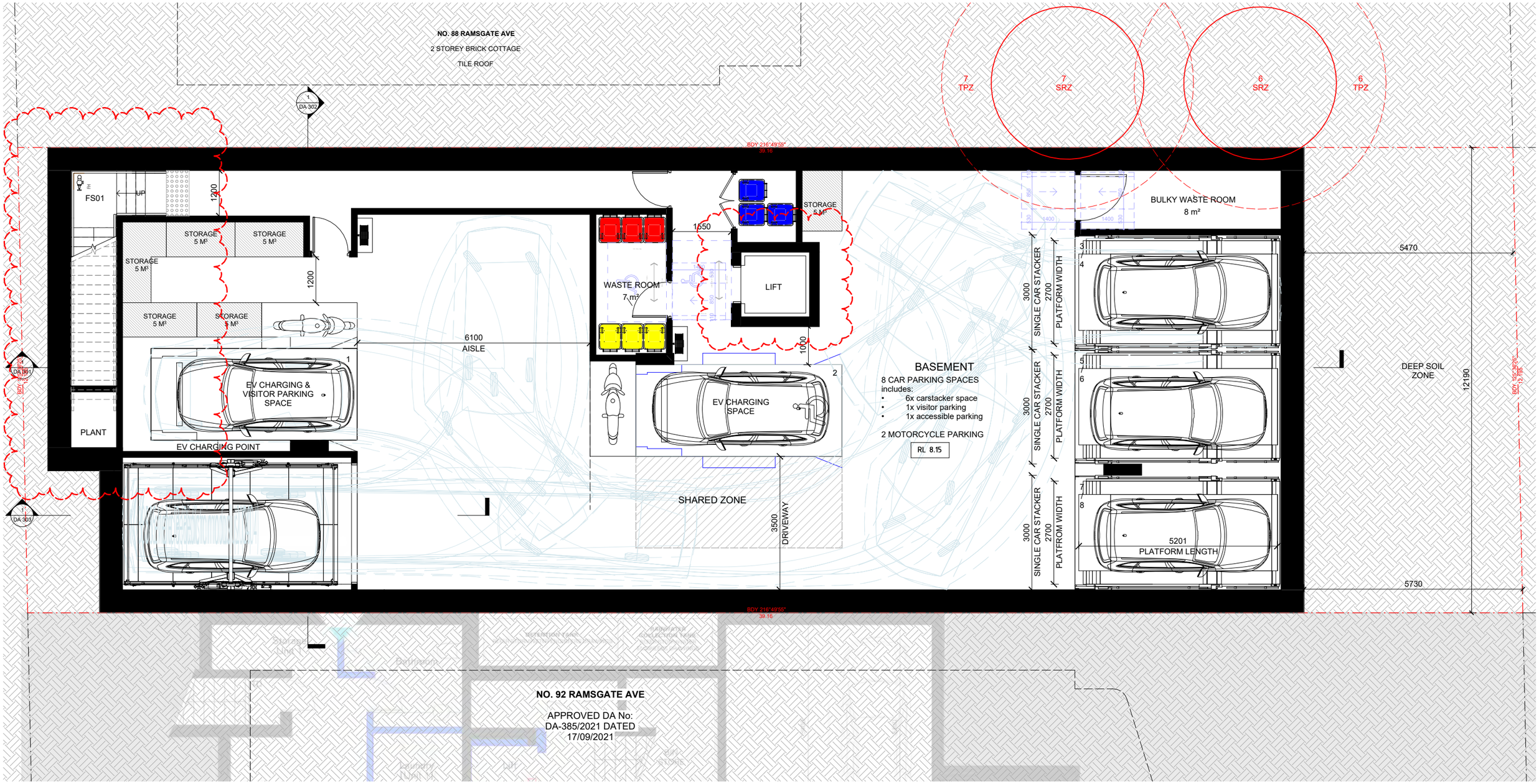
AMENDED PLANS



DA 101

PROJECT:	REVISIONS:		
RESIDENTIAL FLAT BUILDING	ISSUE	DATE	DESCRIPTION
90 RAMSGATE AVE, BONDI	1	13 03 2023	DA SUBMISSION
	2	11/08/2023	RESPONSE TO COUNCIL RFI
CLIENT:	3	31/10/2023	RESPONSE TO COUNCIL RFI
HSN PROPERTY GROUP			

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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

BASEMENT PLAN

ISSUE: 3

PROJECT NO: 2227

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Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS

RAMSGATE AVE

NO. 88 RAMSGATE AVE
2 STOREY BRICK COTTAGE
TILE ROOF

NO. 92 RAMSGATE AVE

APPROVED DA No:
DA-385/2021 DATED
17/09/2021

NOTES:
*OPENINGS THAT ARE LESS THAN 3 METERS FROM THE SIDE OR REAR BOUNDARIES MUST BE PROTECTED IN ACCORDANCE WITH C3.2 AND C3.4 OR TO BE SHIELDED IN ACCORDANCE WITH CLAUSE 2.1 OF SPECIFICATION C1.1.

DA 102

PROJECT:	RESIDENTIAL FLAT BUILDING
	90 RAMSGATE AVE, BONDI
CLIENT:	HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

GROUND FLOOR PLAN

ISSUE: 3

PROJECT NO: 2227

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Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS

RAMSGATE AVE

NO. 88 RAMSGATE AVE
2 STOREY BRICK COTTAGE
TILE ROOF

H19.50 S18.10 H16.15 S14.80 | H19.25 S17.95 H15.95 S14.70 | H19.30 S18.55 H16.00 S15.25

1 DA 302

BDY 216°49'55" 39.16

1500 SETBACK

6000 MIN. DCP SETBACK

7000 PREDOMINANT REAR BUILDING LINE

BDY 125°38'25" 12.195

1 DA 301

3920

BALCONY 16m²

DINING 3.4 X 3.0

KITCHEN 2.3 X 3.0

BED 2 3.6 X 3.0

HYD

COMMS / ELEC

LOBBY

1800

101 (ADAPTABLE) 73m²

RL 15.20

2500

LIFT

CP EX

BTH 1.8 X 3.0

KITCHEN 2.3 X 3.7

DINING 3.0 X 2.7

102 57m²

BALCONY 19m²

LIVING 3.8 X 3.0

LIVING 3.6 X 3.0

CLOTHES DRYING

CLOTHES DRYING

BTH 2.6 X 2.0

UP

1000

1000

1000

MAIN BED 3.4 X 3.0

ENS 2.6 X 1.6

BED 1 3.3 X 3.1

1 DA 303

3002 NON-HAB TO NON-HAB

BDY 216°49'55" 39.16

1500 SETBACK

H19.60 S19.16 H15.80 S15.36 H13.55 S13.11

H19.60 S18.20 H15.80 S14.40

H19.60 S18.20 H15.80 S14.40 H13.55 S12.15

H19.60 S17.25 H16.70 S11.35

WINDOWS AS ABOVE

SCREENED

NO. 92 RAMSGATE AVE

APPROVED DA No:
DA-385/2021 DATED
17/09/2021

Mech

Lift

Robe 3.8x2.3

Ensuite 3.7x2.2

NOTES:
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PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

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0 0.5 1 2 4 m

DA 103

LEVEL 1 PLAN

ISSUE: 3

PROJECT NO: 2227

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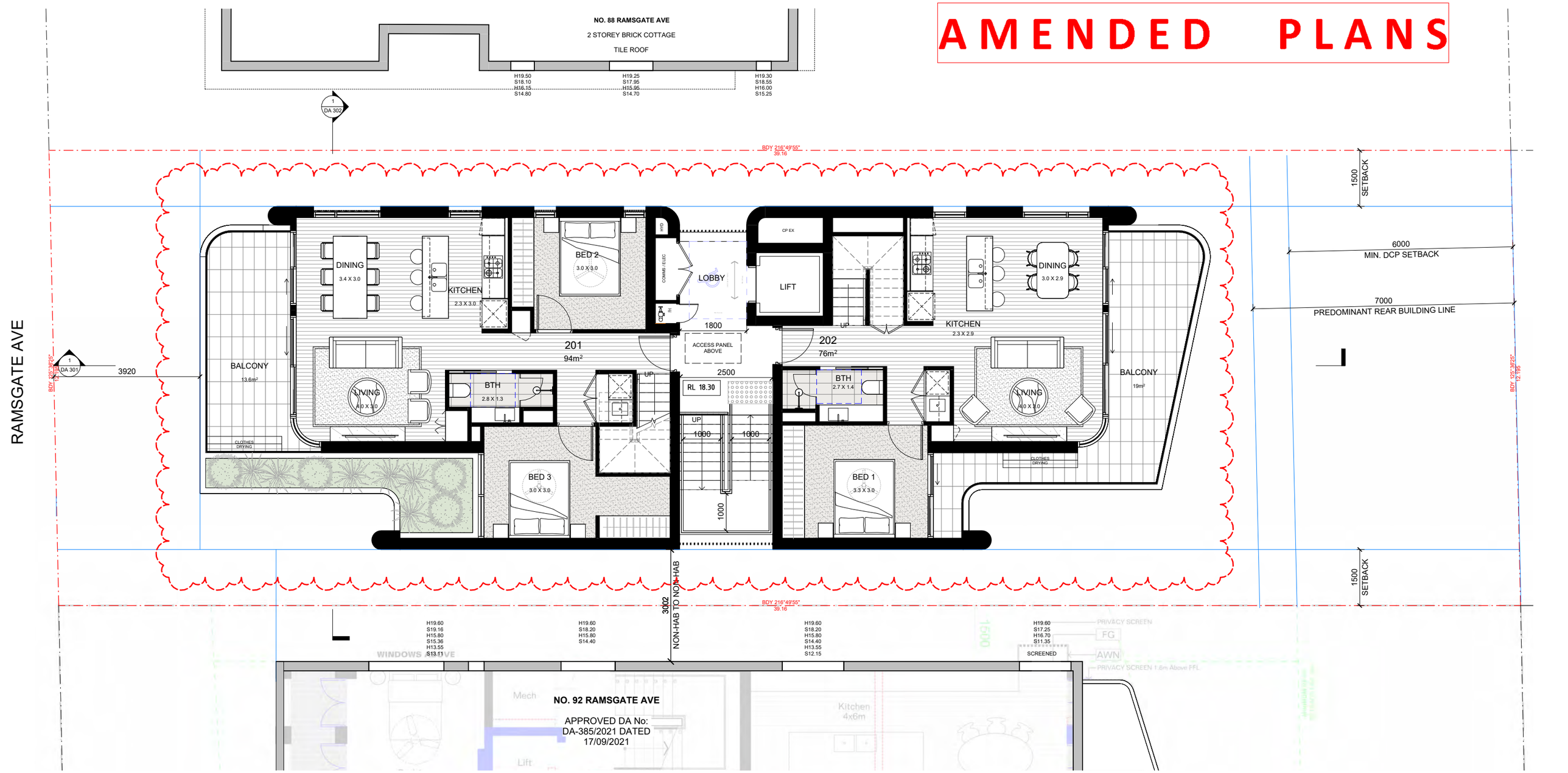
AMENDED PLANS



NOTES:
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DA 104

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

LEVEL 2 PLAN

ISSUE: 3

PROJECT NO: 2227

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Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS

NO. 88 RAMSGATE AVE
2 STOREY BRICK COTTAGE
TILE ROOF

1 DA 302

BDY 216°49'55" 39.16

SKYLIGHT ABOVE

1500 SETBACK

6000 MIN. DCP SETBACK

7000 PREDOMINANT REAR BUILDING LINE

RAMSGATE AVE

1 DA 301

3920

BDY 125°38'25" 12.195

BALCONY 14 M²

MAIN BED 3.3 X 3.4

BTH 3.3 X 1.6

UP

STACKED AC UNITS X 6

PLANT RL 21.40

ACCESS PANEL

LIFT OVERRUN

MAIN BED 3.3 X 3.3

BTH 2.8 X 1.7

BALCONY 4 M²

SKYLIGHT ABOVE

SKYLIGHT ABOVE

NON-TRAFFICABLE ROOF

6765

NON-HAB TO NON-HAB

BDY 216°49'55" 39.16

1500 SETBACK

NO. 92 RAMSGATE AVE

APPROVED DA No:
DA-385/2021 DATED
17/09/2021

AWNINGS BELOW

DORMER WINDOW

SKYLIGHT ABOVE

3339

FALL

1600

18095

9795

RL 20.35

Lift

NOTES:
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DA 105

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
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SCALE:
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0 0.5 1 2 4 m

LEVEL 3 PLAN

ISSUE: 3

PROJECT NO: 2227

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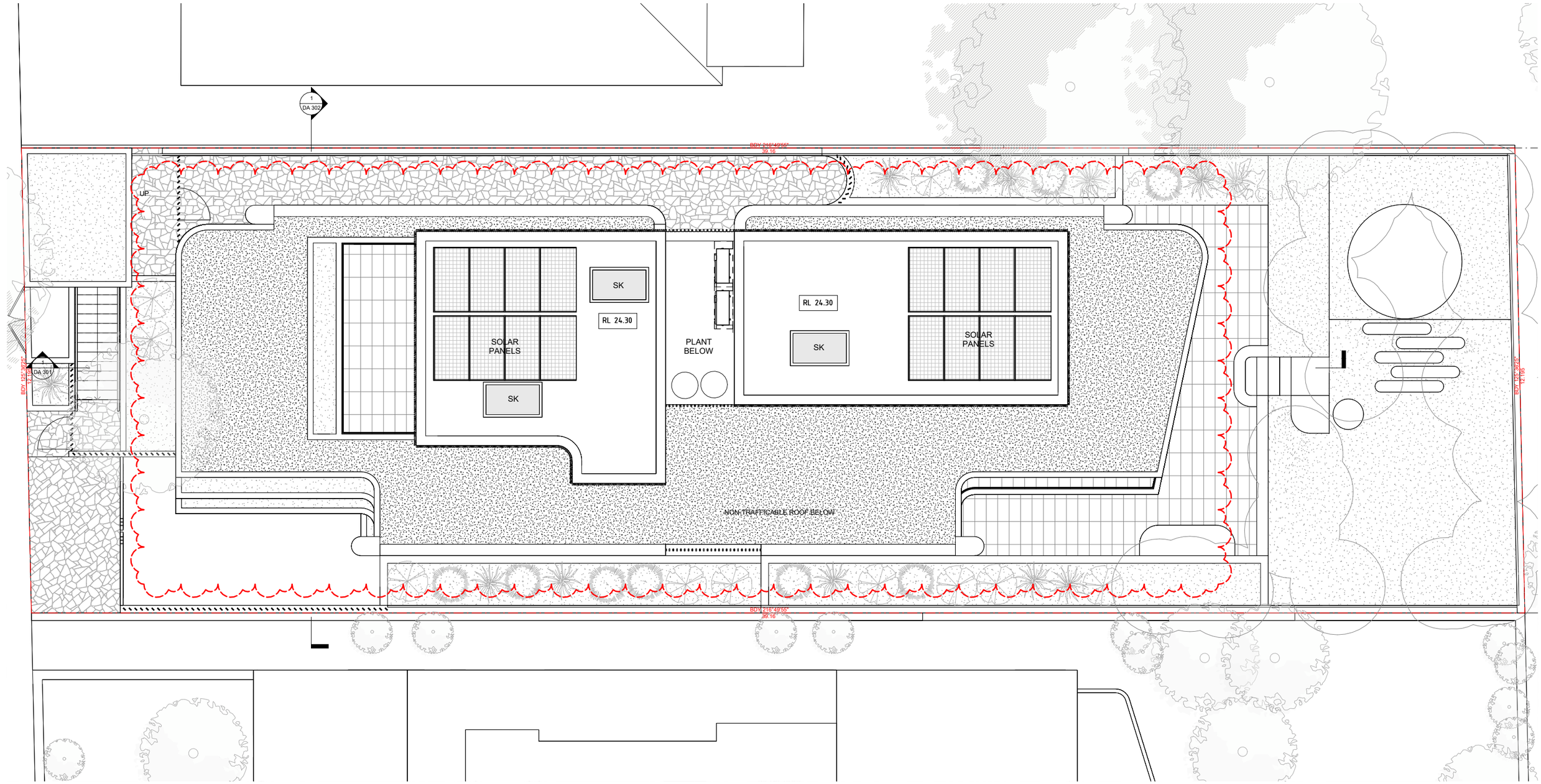
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS



DA 106

PROJECT:	REVISIONS:		
RESIDENTIAL FLAT BUILDING	ISSUE	DATE	DESCRIPTION
90 RAMSGATE AVE, BONDI	1	13 03 2023	DA SUBMISSION
	2	11/08/2023	RESPONSE TO COUNCIL RFI
	3	31/10/2023	RESPONSE TO COUNCIL RFI
CLIENT:			
HSN PROPERTY GROUP			

GENERAL NOTES

- ALL WORKS TO COMPLY WITH BUILDING CODE OF AUSTRALIA, REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES/ LOCAL GOVERNMENT & RELEVANT AUSTRALIAN BUILDING STANDARDS
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SCALE:
1 : 50 @ A1 sheet

0 0.5 1 2 4 m

ROOF PLAN

ISSUE: 3

PROJECT NO: 2227

pbd architects

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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

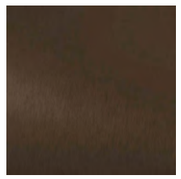
31/10/2023 2:38:48 PM

AMENDED PLANS

MT01 TIMBER LOOK ALUMINIUM

WALL PANELS, BATTENS

SCULPTFORM SPOTTED GUM OR SIMILAR



MT02 POWDERCOATED ALUMINIUM

GLAZING FRAME, BALUSTRADE RAIL, FENCE, MAILBOX

UNIVERSAL ANODISERS SATIN DARK BRONZE OR SIMILAR

ST01 STONE CLADDING

EXTERNAL CLADDING, MAILBOX

LIGHT GREY LIMESTONE, GRANITE OR SIMILAR

CO01 OFF-FORM CONCRETE FINISH

PLANTERS

RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
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DA 201

NORTH ELEVATION

SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

ISSUE: 3

PROJECT NO: 2227

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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

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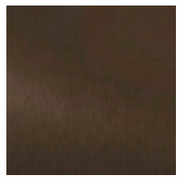
AMENDED PLANS

MT01 TIMBER LOOK ALUMINIUM

WALL PANELS, BATTENS

SCULPTFORM SPOTTED GUM OR SIMILAR



MT02 POWDERCOATED ALUMINIUM

GLAZING FRAME, BALUSTRADE RAIL, FENCE, MAILBOX

UNIVERSAL ANODISERS SATIN DARK BRONZE OR SIMILAR

ST01 STONE CLADDING

EXTERNAL CLADDING, MAILBOX

LIGHT GREY LIMESTONE, GRANITE OR SIMILAR

CO01 OFF-FORM CONCRETE FINISH

PLANTERS

RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

DA 202

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
3	31/10/2023	RESPONSE TO COUNCIL RFI

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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

SOUTH ELEVATION

ISSUE: 3

PROJECT NO: 2227

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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

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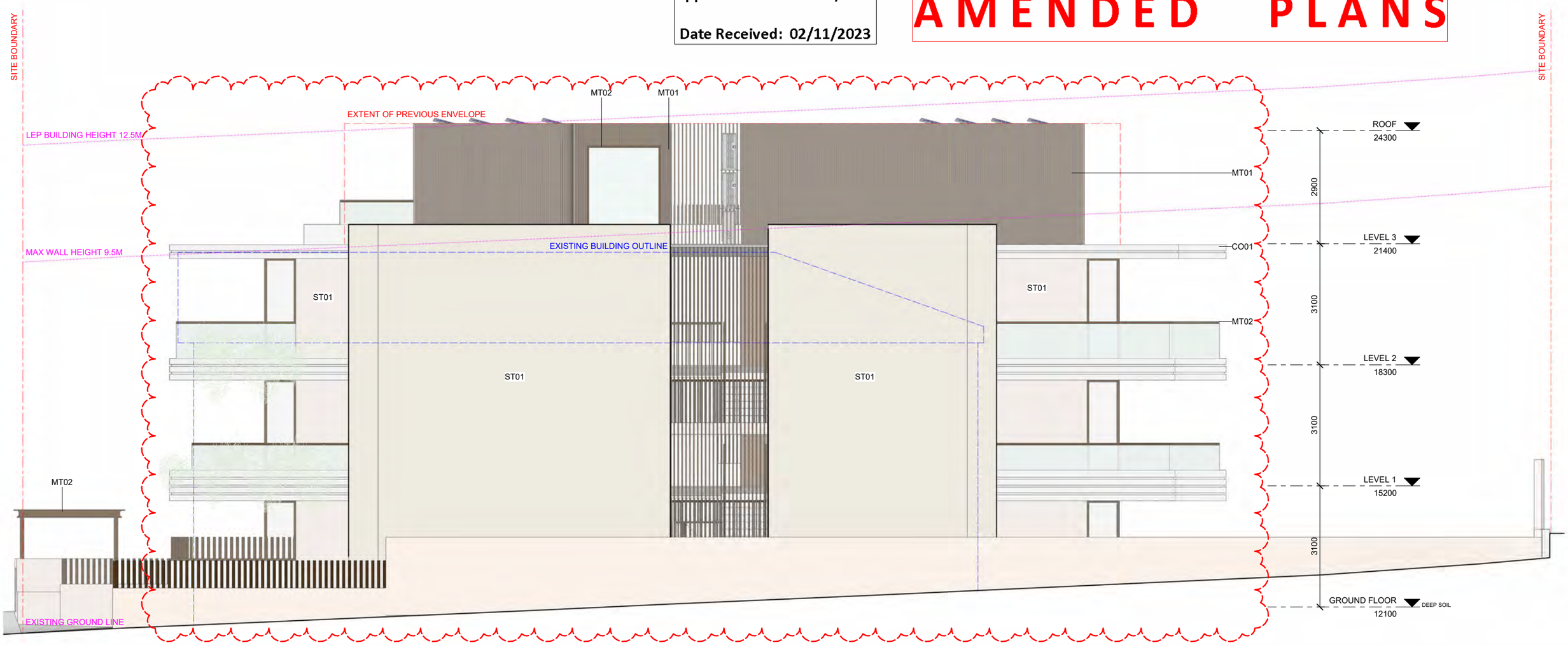
Application No: DA-168/2023

Date Received: 02/11/2023

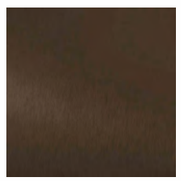
AMENDED PLANS



MT01 TIMBER LOOK ALUMINIUM

WALL PANELS, BATTENS

SCULPTFORM SPOTTED GUM OR SIMILAR



MT02 POWDERCOATED ALUMINIUM

GLAZING FRAME, BALUSTRADE RAIL, FENCE, MAILBOX

UNIVERSAL ANODISERS SATIN DARK BRONZE OR SIMILAR

ST01 STONE CLADDING

EXTERNAL CLADDING, MAILBOX

LIGHT GREY LIMESTONE, GRANITE OR SIMILAR

CO01 OFF-FORM CONCRETE FINISH

PLANTERS

DA 203

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
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SCALE:
1 : 50 @ A1 sheet

0 0.5 1 2 4 m

EAST ELEVATION

ISSUE: 3

PROJECT NO: 2227

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Nominated Architect: Paul Buljevic NSW 7768

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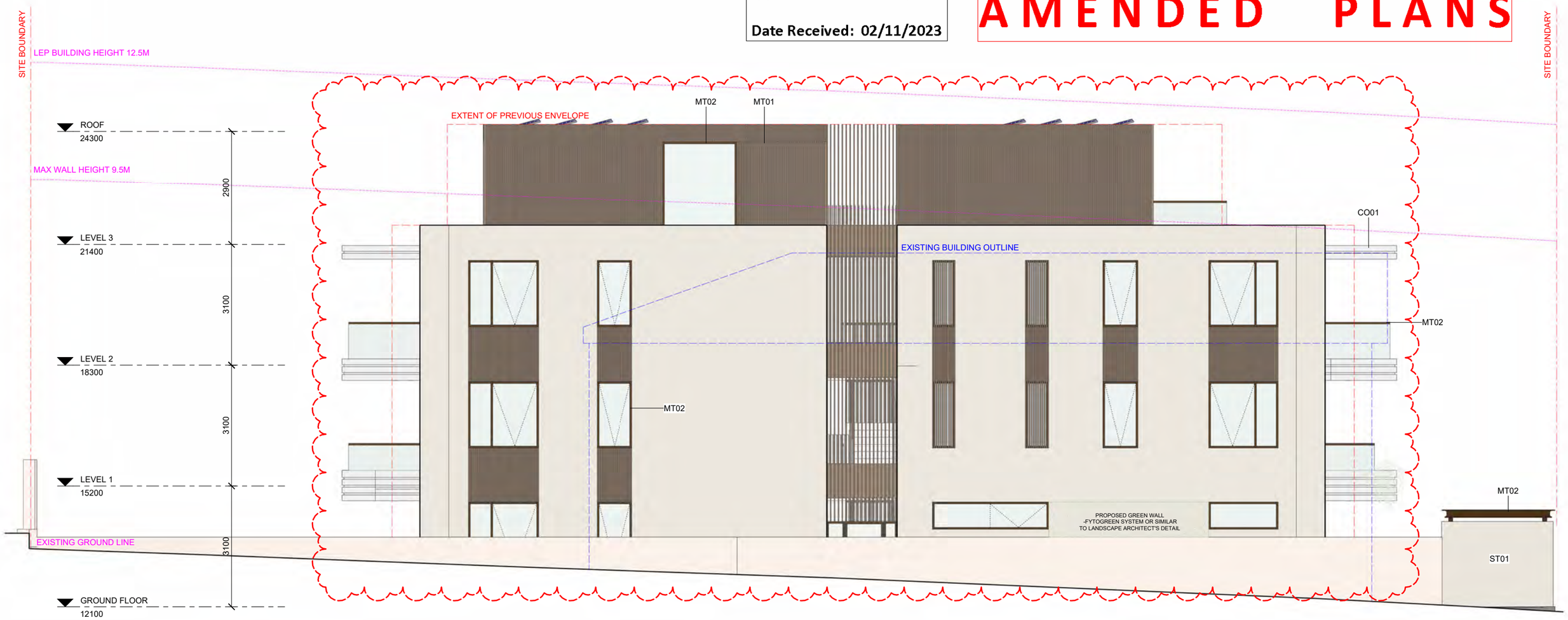
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

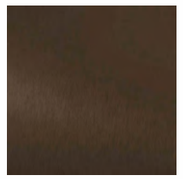
AMENDED PLANS



MT01 TIMBER LOOK ALUMINIUM

WALL PANELS, BATTENS

SCULPTFORM SPOTTED GUM OR SIMILAR



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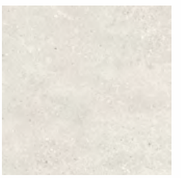
UNIVERSAL ANODISERS SATIN DARK BRONZE OR SIMILAR



ST01 STONE CLADDING

EXTERNAL CLADDING, MAILBOX

LIGHT GREY LIMESTONE, GRANITE OR SIMILAR

CO01 OFF-FORM CONCRETE FINISH

PLANTERS

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

DA 204

WEST ELEVATION

ISSUE: 3

PROJECT NO: 2227

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Nominated Architect: Paul Buljevic NSW 7768

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Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

AMENDED PLANS

DA 301

SECTION A

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
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0 0.5 1 2 4 m

ISSUE: 3

PROJECT NO: 2227

pbd architects
ABN 36 147 035 550
P - 02 9698 8140
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W - www.pbdarchitects.com.au
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

31/10/2023 2:39:03 PM

AMENDED PLANS

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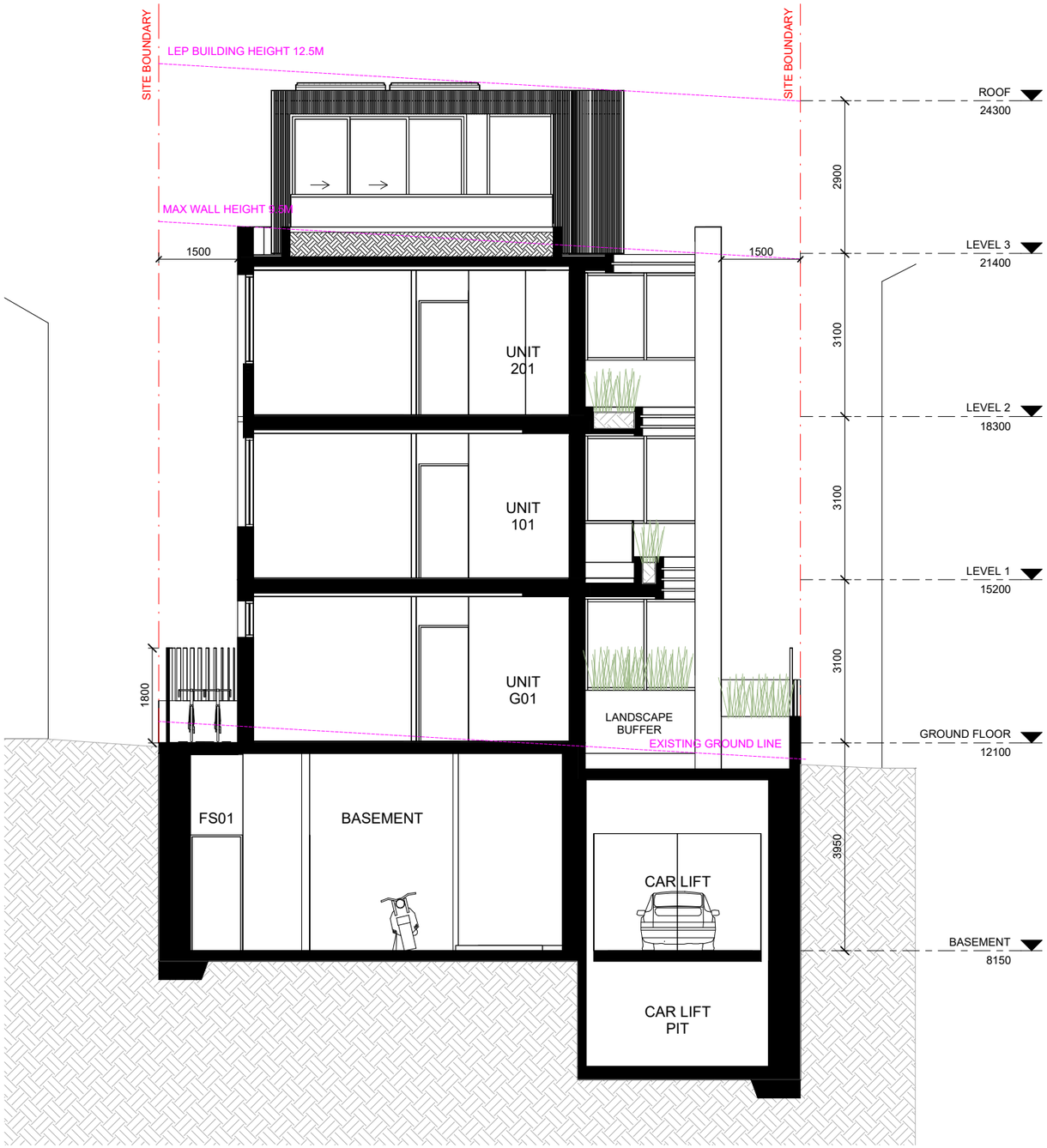
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023



DA 302

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
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3	31/10/2023	RESPONSE TO COUNCIL RFI

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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

SECTION B

ISSUE: 3

PROJECT NO: 2227

pbd architects
ABN 36 147 035 550
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E - info@pbdarchitects.com.au
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

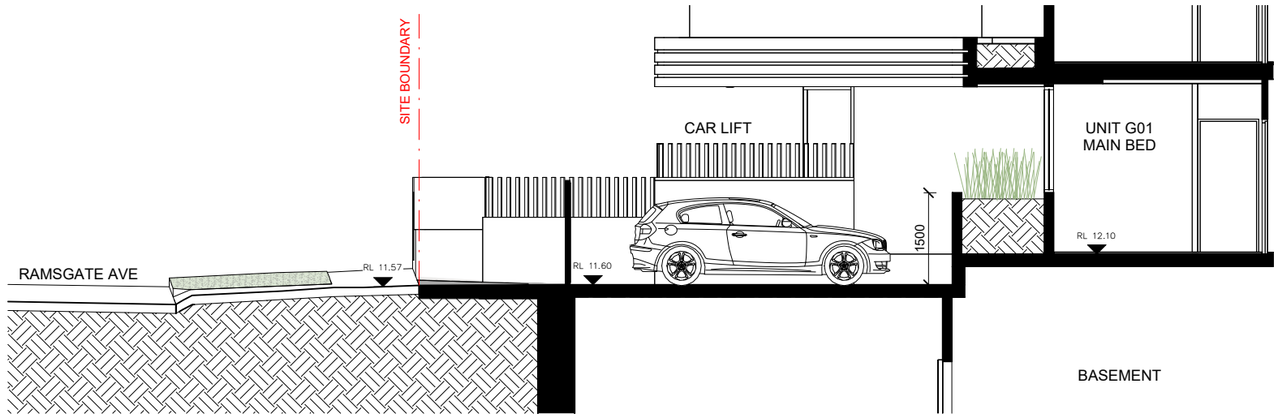
31/10/2023 2:39:04 PM

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023



DA 303

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	31/10/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

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SCALE:
1 : 50 @ A1 sheet
0 0.5 1 2 4 m

SECTION C - CAR LIFT

ISSUE: 1

PROJECT NO: 2227

pbd architects
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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

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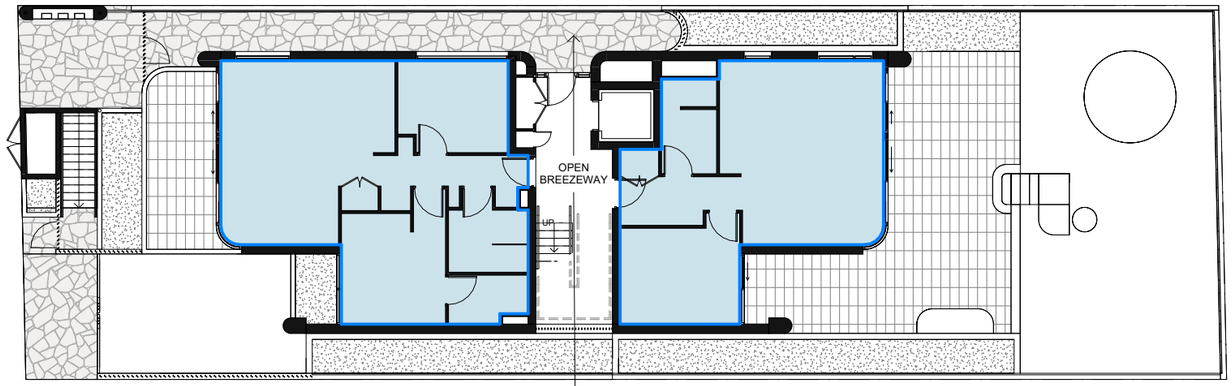
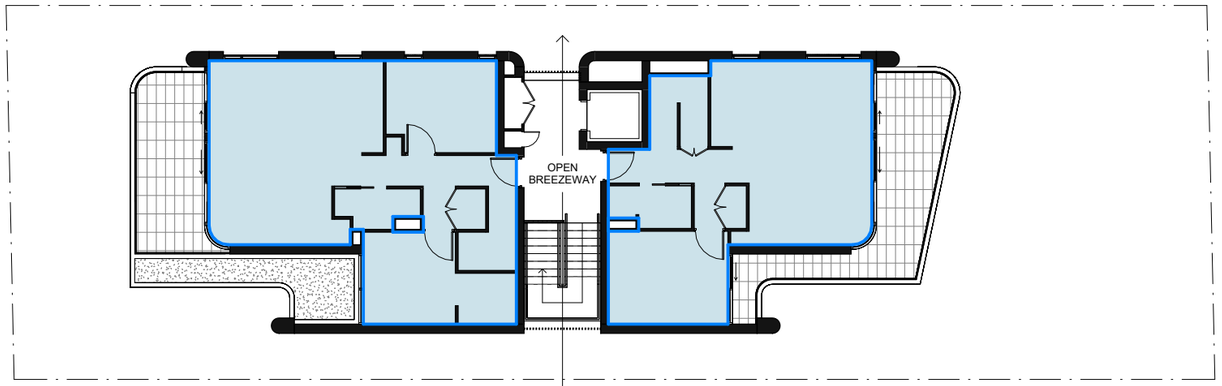
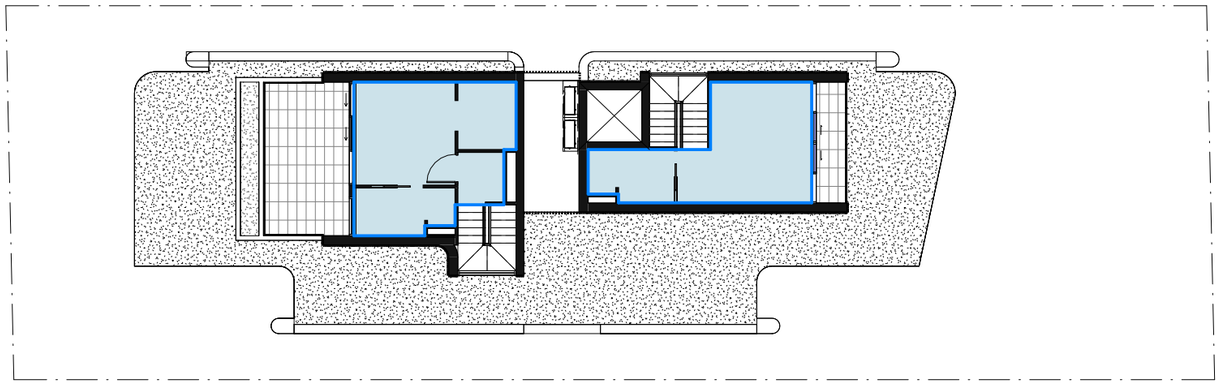
AMENDED PLANS



1 GROUND FLOOR / LEVEL 1
1 : 100



2 LEVEL 2
1 : 100



3 LEVEL 3
1 : 100

Area Schedule (GFA)

Level	Area
GROUND FLOOR	129.76 m²
LEVEL 1	129.76 m²
LEVEL 2	126.48 m²
LEVEL 3	43.07 m²
	429.07 m²

CONTROL

SITE AREA: 477.4 m²
ALLOWABLE FSR: 0.90:1
ALLOWABLE GFA: 429.66 m²

PROPOSED

FSR: 0.90:1
GFA: 429.07 m²

RECEIVED
Waverley Council

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PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

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GENERAL NOTES

LEGEND

GFA

SCALE:
1 : 100 @ A1 sheet
0 1 2 4 8 m

DA 501

GFA DIAGRAM

ISSUE: 3

PROJECT NO: 2227

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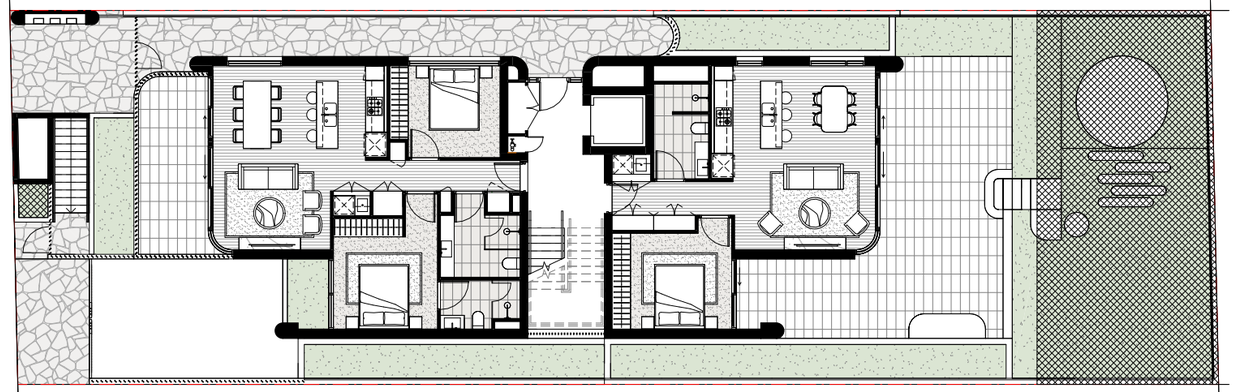
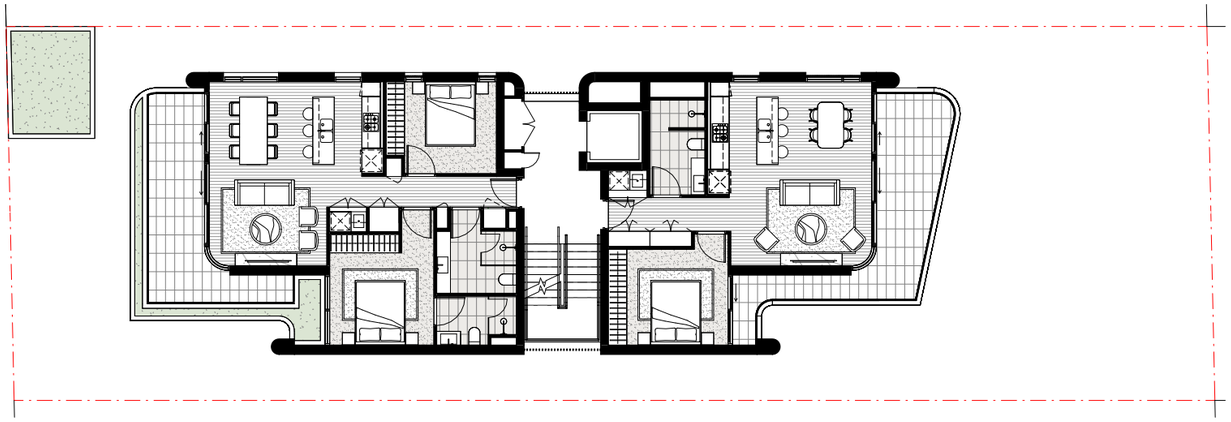
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

31/10/2023 2:39:08 PM

AMENDED PLANS



1 LANDSCAPE - GROUND FLOOR
1 : 100



4 LANDSCAPE - LEVEL 1
1 : 100

RECEIVED
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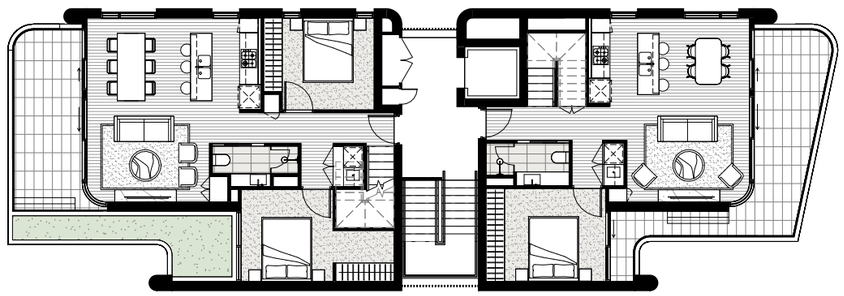
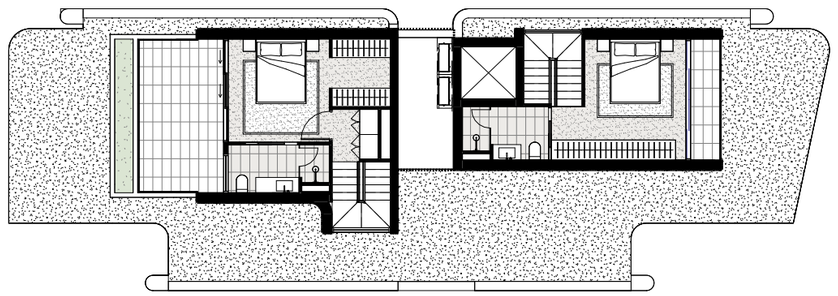
Application No: DA-168/2023

Date Received: 02/11/2023



2 LANDSCAPE - LEVEL 2
1 : 100



3 LANDSCAPE - LEVEL 3
1 : 100

LANDSCAPING REQUIREMENTS		
DCP Req	Required	Proposed
30% of site area	143.2 m²	149 m²
	30%	31.2%

DEEP SOIL REQUIREMENTS		
DCP Req	Required	Proposed
50% of landscaped area	71.6 m²	71.6 m²
	15%	15%

DA 502

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	31/10/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

LEGEND
- LANDSCAPED AREA
- DEEP SOIL

SCALE:
1 : 100 @ A1 sheet
0 1 2 4 8 m

LANDSCAPE CALCULATION

ISSUE: 2

PROJECT NO: 2227

pbd architects
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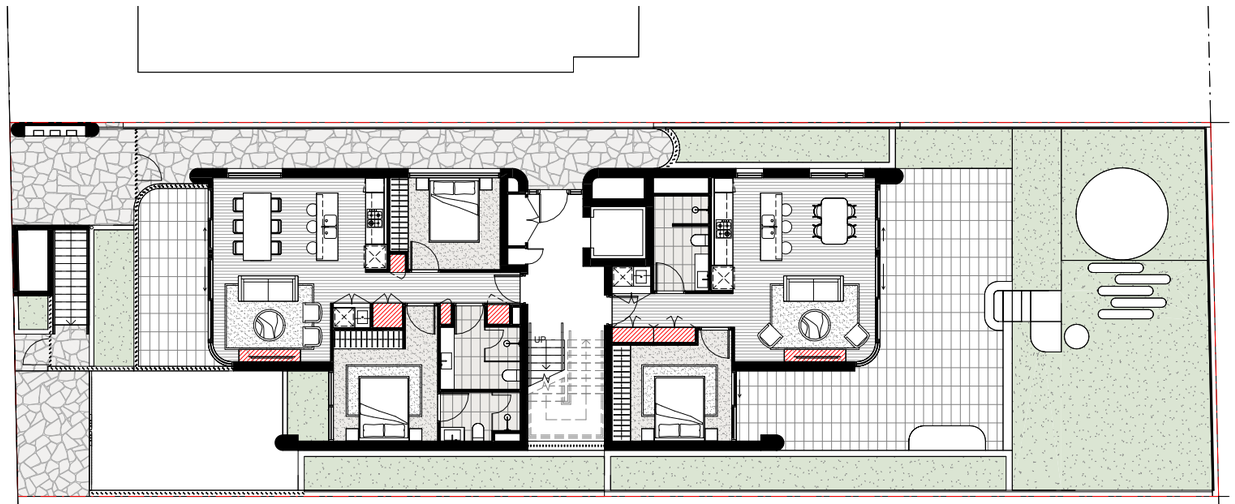
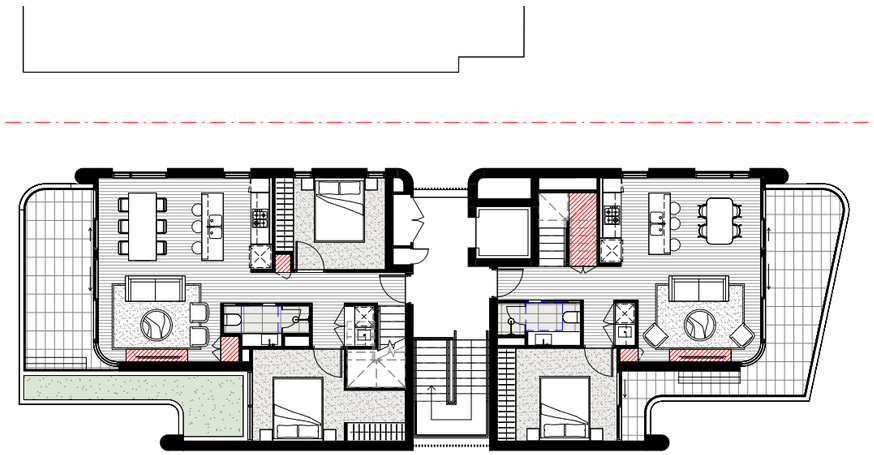
Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

31/10/2023 2:39:09 PM

AMENDED PLANS



1 STORAGE - GROUND FLOOR / LEVEL 1
1 : 100



3 STORAGE - LEVEL 2
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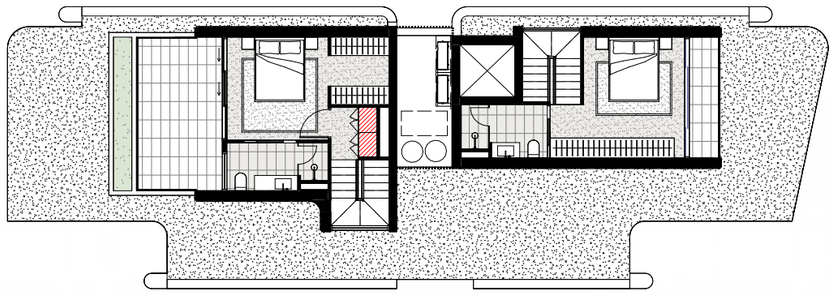
RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023



2 STORAGE - LEVEL 3
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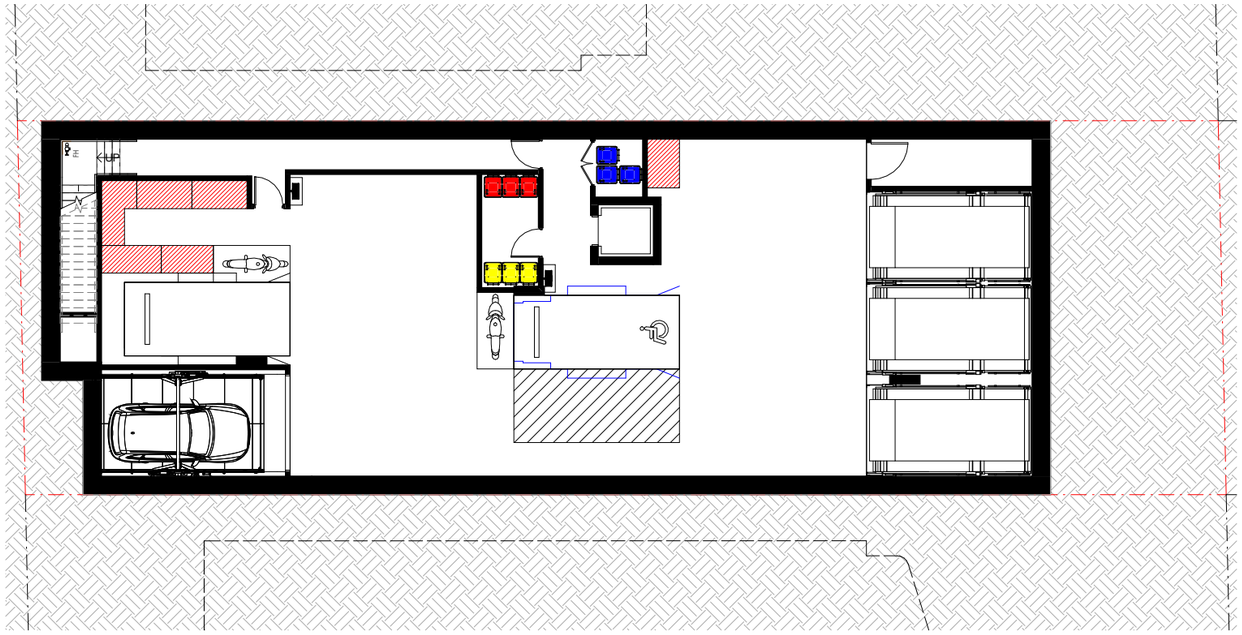

4 STORAGE BASEMENT
1 : 100

DA 503

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	13 03 2023	DA SUBMISSION
2	11/08/2023	RESPONSE TO COUNCIL RFI
3	31/10/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

LEGEND
STORAGE

SCALE:
1 : 100 @ A1 sheet
0 1 2 4 8 m

STORAGE DIAGRAM

ISSUE: 3

PROJECT NO: 2227

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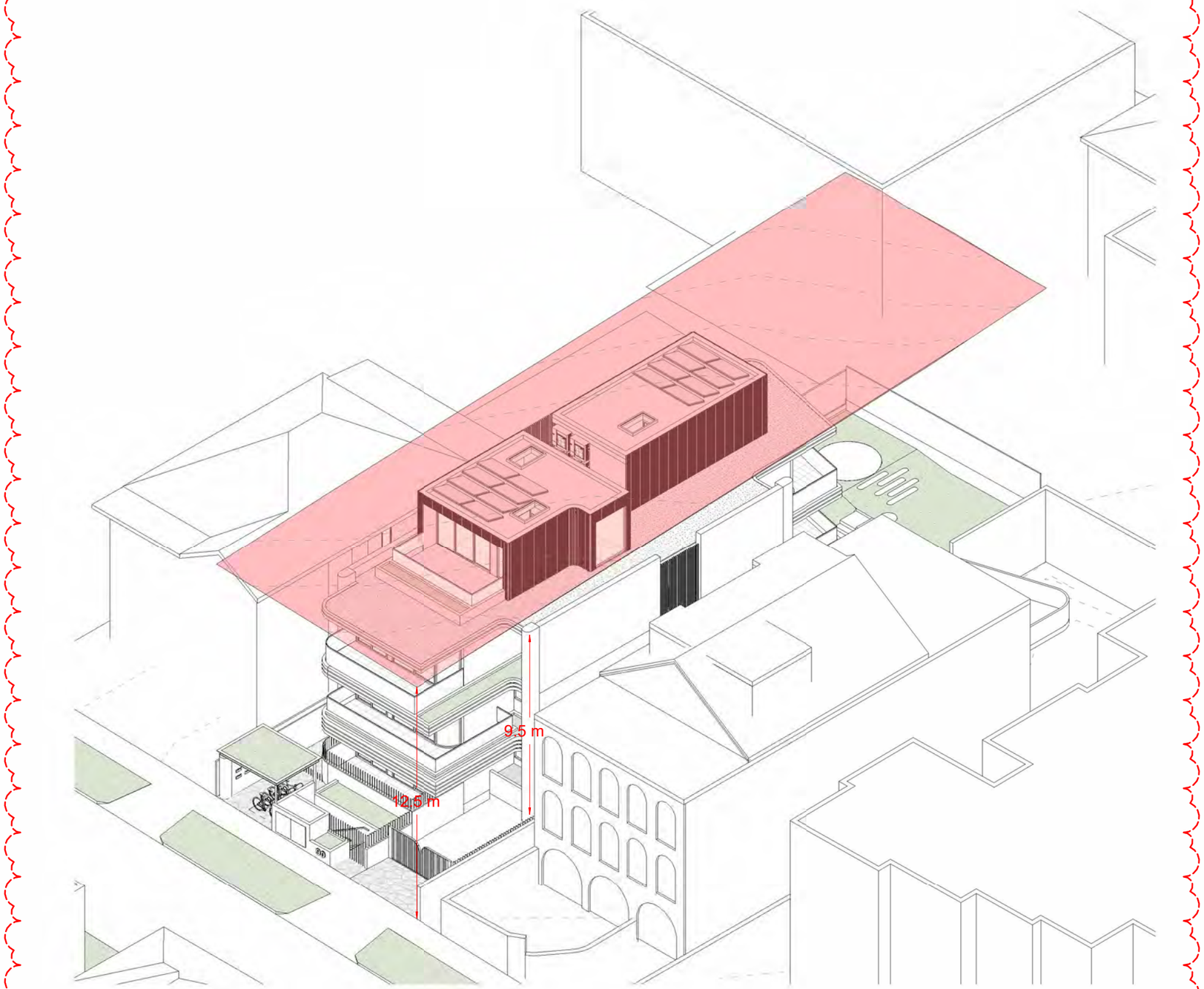
Nominated Architect: Paul Buljevic NSW 7768

31/10/2023 2:51:01 PM

AMENDED PLANS



RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023

DA 504

PROJECT: RESIDENTIAL FLAT BUILDING 90 RAMSGATE AVE, BONDI CLIENT: HSN PROPERTY GROUP	REVISIONS: ISSUE / DATE / DESCRIPTION 1 / 13 03 2023 / DA SUBMISSION 2 / 11/08/2023 / RESPONSE TO COUNCIL RFI 3 / 31/10/2023 / RESPONSE TO COUNCIL RFI	GENERAL NOTES SCALE: @ A1 sheet

HEIGHT PLANE DIAGRAM

ISSUE: 3

PROJECT NO: 2227

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Level 2, 52 Albion Street, Surry Hills NSW 2010
Nominated Architect: Paul Buljevic NSW 7768

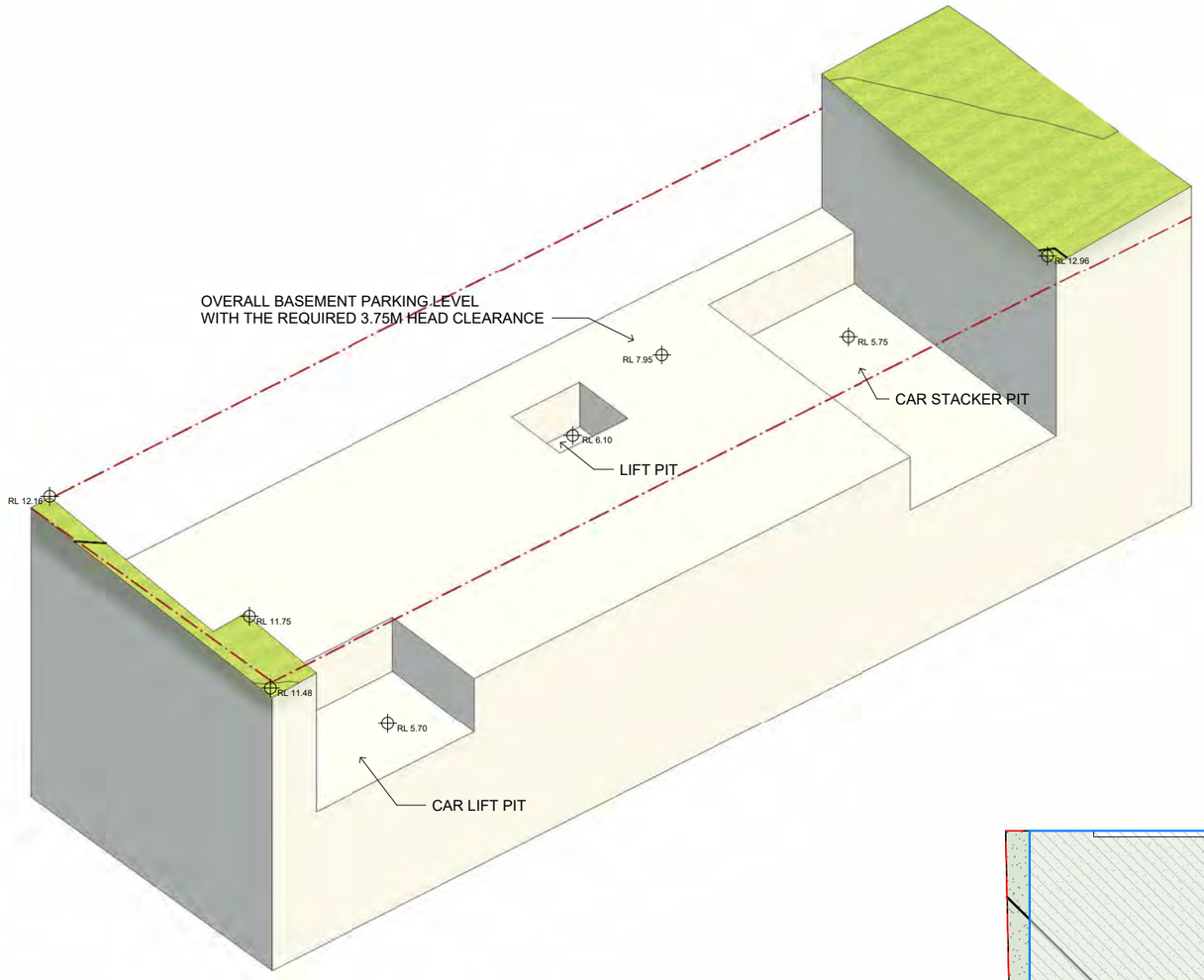
31/10/2023 2:27:21 PM

AMENDED PLANS

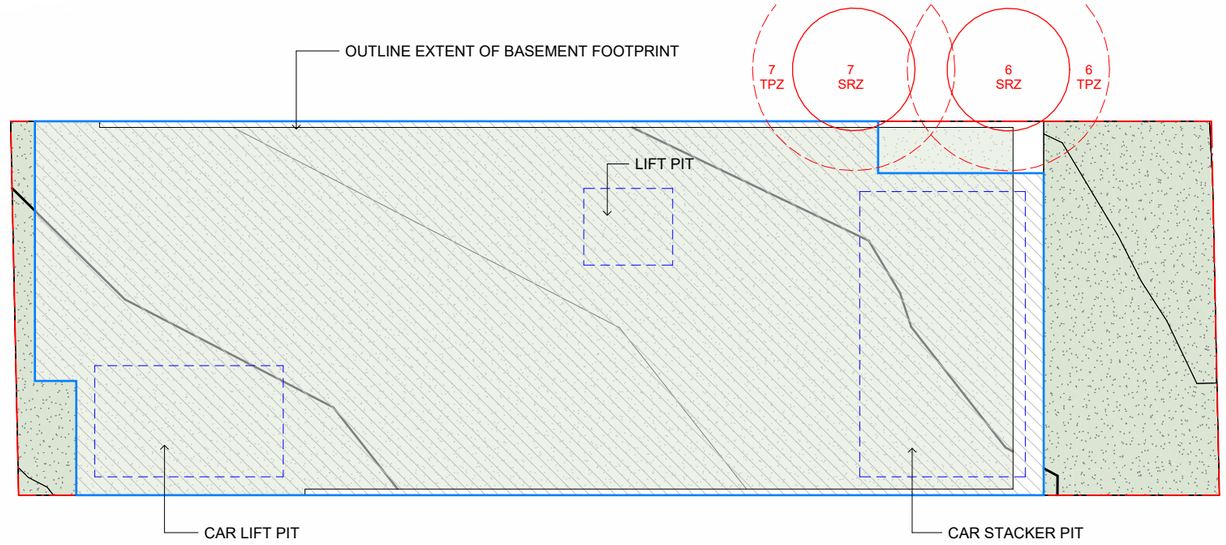
RECEIVED
Waverley Council

Application No: DA-168/2023

Date Received: 02/11/2023



1 Excavation 3d View



2 Excavation Plan View
1 : 100

DA 520

PROJECT:
RESIDENTIAL FLAT BUILDING
90 RAMSGATE AVE, BONDI

CLIENT:
HSN PROPERTY GROUP

REVISIONS:

ISSUE	DATE	DESCRIPTION
1	11/08/2023	RESPONSE TO COUNCIL RFI

GENERAL NOTES

SCALE:
1 : 100 @ A1 sheet

EXCAVATION PLAN

ISSUE: 1

PROJECT NO: 2227

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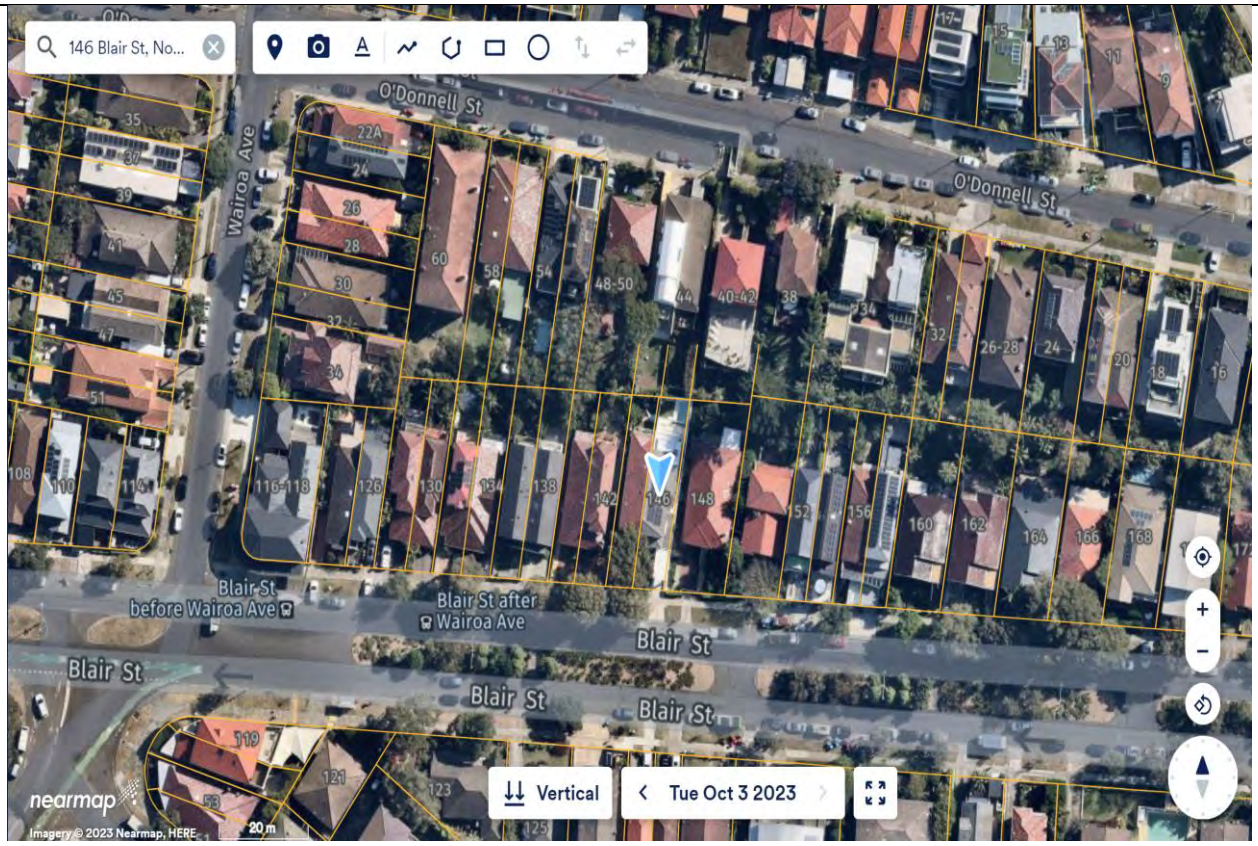
Nominated Architect: Paul Buljevic NSW 7768

31/10/2023 2:39:30 PM

Report to the Waverley Local Planning Panel

Application number	DA-268/2023
Site address	146 Blair Street NORTH BONDI
Proposal	Construction of a louvre enclosure for air conditioning and waste bins
Date of lodgement	26/09/23
Owner	Chris Crammond
Applicant	Outside Living Pty Ltd - Karen Staunton-Ross
Submissions	Eighteen (18) submission received
Cost of works	$3,500
Principal Issues	• Neighbour and community submissions
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



Source - Nearmap

1. PREAMBLE

1.1. Executive Summary

The application seeks development consent for the construction of a new enclosure for waste bins and the installation of an air conditioning unit at the site known as 146 Blair Street, North Bondi.

The principal issues arising from the assessment of the application are neighbour and community submissions.

The assessment finds these issues acceptable as the amended plans have appropriately positioned the proposed enclosure, which houses the mobile garbage bins and installation of an air conditioning condenser unit, within the front yard area of the subject site which is considered not to result in any adverse amenity impact for the subject and adjoining sites or the streetscape.

A total number of eighteen (18) submissions were received, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. No Councillor submission was received.

The application has been assessed against the relevant matters for consideration under section 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 23 November 2023.

The site is identified as Lot B in DP 440779, known as 146 Blair Street, NORTH BONDI. The site is rectangular in shape with a northern rear boundary measuring 7.08m, eastern side boundary measuring 36.575m, southern street frontage measuring 7.09m and western side boundary measuring 28.98m. The site has an area of 259.7m² and falls from the rear towards the street by approximately 2.5m.

The site is occupied by a two storey semi-detached dwelling with vehicular access provided from Blair Street to a carport located at the front south-east corner of the site.

The subject site is adjoined to the west by its adjoining semi-detached dwellings and to the east by a dwelling house. The Locality is characterised by a variety of residential developments including semi-detached, detached dwelling houses and residential flat buildings.

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

Figure 1: 144 Blair St – Adjoining semi-detached dwelling to the west of the subject site.

Figure 2: Subject site – 146 Blair St.

Figure 3: Blair St streetscape to the west of the subject site. Uncovered mobile garbage bins are visibly stored within the front yard area.

Figure 4: Blair St streetscape to the west of the subject site with an example of a mobile garbage bin enclosure located behind a front boundary fence.

1.3. Relevant Development History

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

- DA-512/2021 - Construction of a swimming pool, landscaping, and boundary fencing. Approved 22 Feb 2022;
- DA-512/2021/A - Modification to boundary fencing and swimming pool. Approved 30 August 2022; and
- DA-512/2021/B – Modification to construct a new enclosure for waste bins and air conditioning unit was withdrawn by the applicant on 16 August 2023. The applicant was advised that the S4.55 application was not substantially the same as the approved development.

- BC-6/2023 – Unauthorised building works – Installation of air condition unit. Refused 1 September 2023 for the following reasons;
    - The proposal did not meet the relevant development Standards in SEPP (Exempt and Complying Development Codes) 2008;
    - A development application is required for the proposed works.

  The air conditioning unit has since been removed.

1.4. Proposal

The development application seeks consent for the construction of a new enclosure for waste bins and the installation air conditioning unit, specifically the following:

- Construction of an enclosure for the purposes of housing mobile garbage bins and an air conditioning condenser unit within the front yard area. The enclosure will have dimensions of 1.5m(h) x 3.0m(w) x 0.9m(d) and sited abutting the front elevation of the semi-detached dwelling located on the subject site and 230mm from the common boundary; and
- Installation of an air conditioning condenser unit located within the proposed enclosure.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal meets the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Med Density Residential	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling and is permitted with consent and is consistent with the R3 zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 9.5m	Yes	The proposed enclosure has a building height of 1.5m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	N/A	

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. A condition of consent will be imposed regarding ongoing waste on site. Waste and recycling receptacles are stored within the boundary of the site and screened from the public by the proposed enclosure. Waste and recycling storage bins are conveniently located for users of the site.
11. Design Excellence	Yes	Satisfactory. The proposed enclosure comprises an aluminium louvered door enclosure sited within the front yard area. No front fencing exists upon the site and the proposed enclosure is located adjacent the front elevation of the existing dwelling.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)*	Yes	The proposed structure does not breach the existing and predominant building line.
1.2.2 Side setbacks • *Minimum of 0.9m for ground floor and first floors.)* • *Minimum 1.5m for second floor, noting that where a brand new three storey structure is proposed, all floors must be setback by 1.5m.* • *Third floor assessed on merit.*	No (acceptable on merit)	The site comprises a two storey semi-detached dwelling sited up to the common western boundary, with the adjoining premises at 144 Blair Street. This is common building practice with semi-detached dwelling. The enclosure is sited 230mm from the common western boundary. The dividing fence, within the front yard area between 144 and 146 Blair Street is sited wholly within the subject site.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Significant landscaping to be maintained.*	Yes	The siting of the enclosure is considered satisfactory and is not considered to unreasonably impact the streetscape or the adjoining semi-detached dwelling with respect to amenity. The remainder of the front yard area, except for the existing open carport and pedestrian pathway, is landscaped.
1.6 Solar access		
• *Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site* • *Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.* • *Avoid unreasonably overshadowing of solar*	Yes	No additional overshadowing is imposed upon the subject or adjoining sites from the proposed enclosure.

Development Control	Compliance	Comment
collectors (including habitable windows).		
1.7 Views		
• *Views from the public domain are to be maintained* • *Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.*	Yes	No views are impacted by the proposal.
1.16 Secondary dwellings and ancillary buildings		
1.16.2 - Ancillary buildings • *Floor area not to exceed 10% of site area* • *Maximum wall height when on a property boundary of 2.1m* • *Maximum overall height of 2.4m*	Yes	The proposed enclosure has an area of 2.7m² and an overall height of 1.5m, whilst being sited 230mm from the western side boundary within the front yard area of the subject site. The proposal is compliant.

Table 4: Waverley DCP 2022 – Part E4 – Special Character Areas

Development Control	Compliance	Comment
4.2 North Bondi		
Desired Future Character Objectives • Maintain streetscape rhythm in building frontages • Improve amenity on site and adjoining sites	Yes	• The proposal maintains the established streetscape rhythm; frontage and separation between buildings. • The proposal provides an improved amenity for the occupants of the site. Environmental amenity impacts upon adjacent buildings are as reasonably expected for an envisaged height compliant development. • The amenity is improved as the proposed enclosure stores the mobile garbage bins and air conditioning condenser screened from the subject and adjoining sites and the public domain.
Controls (g) The established patters of materiality and colour where there are existing rows of consistency	Yes	• The proposal is compatible in materiality with the existing dwelling and character of this section of Blair Street.

along a street are to be maintained.		

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 28 September and 17 October 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*.

A total of 18 unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Count	Property Address
1.	North Bondi Precinct Committee
2.	142 Blair St, NORTH BONDI
3.	144 Blair St, NORTH BONDI
4.	5/112 Warners Ave, BONDI
5.	26 Oakley Rd, NORTH BONDI
6.	406/72 Henrietta St, WAVERLEY
7.	11 Ashton St, QUEENS PARK
8.	606/131 Bronte Rd, QUEENS PARK
9.	102/85 Macleay St, POTTS POINT
10.	15 Cook St, TEMPE
11.	1/67 Bangalow St, ETTALONG BEACH
12.	Identified submitter however unidentified address
13.	Identified submitter however unidentified address
14.	15 Hawthorn Rd, Northcote, VICTORIA
15.	71 Rene St, Preston, VICTORIA
16.	17 Somerset St, Avondale Heights, VICTORIA
17.	17 Somerset St, Avondale Heights, VICTORIA
18.	7 Boultbee Place, Rokeby, TASMANIA

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

- Siting of enclosure within the front yard area

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

Issue: Amenity – Visual, acoustic and health (odour & noise nuisances)

Response: Disagree. The proposal complies with the general controls of the WDCP2022 for low density development with the waste and recycling receptacles proposed will be stored within the boundary of the site and screened from the public.
Amenity of the subject and adjoining premises, as well as the streetscape, are maintained with the proposal's waste and recycling storage area being visually and physically integrated into the design of the existing development. The waste and recycling enclosure is designed and located to avoid adverse impacts on the amenity of adjoining sites including noise, odour and visual impacts.

A condition shall be imposed requiring the air conditioning to be operated within relevant noise control regulations set out in the NSW statutes and regulations.

Issue: Non-compliance with SEPP (Exempt and Complying Development)2008

Response: The subject development application has been submitted as a result of the inability of the proposal to comply with SEPP (Exempt and Complying Development)2008.

Issue: Unauthorised installation of air conditioning condenser unit

Response: The unauthorised installation of the air conditioning condenser has been remedied with its removal following refusal of Building Information Certificate Application, known as BIC-6/2023, on 1 September 2023, which sought to circumvent Council taking action against these unauthorised works. The subject DA is also seeking consent to install an air conditioning condenser within an enclosure.

2.5. Public Interest

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

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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

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.

Managers of Development Assessment (MoDA) Review

The application was reviewed by MoDA at the meeting on 21 November 2023 and MoDA concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Paul Yachmennikov	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 24/11/2023	**Date:** 29 November 2023	**Date:** 1 December 2023

Reason for WLPP referral:

2. Contentious development (10 or more objections)

OFFICE USE ONLY

Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td rowspan="2">1.</td><td>APPROVED PLANS AND DOCUMENTATION
The development must be in accordance with:

(a) Architectural Plans prepared by Outside Living of Project/Job No: 23-14 including the following:

<table>
<tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr>
<tr><td>DWG No 1</td><td>Site Analysis</td><td>11-08-2023</td><td>26-09-2023</td></tr>
<tr><td>DWG No 2</td><td>Site Plan</td><td>11-08-2023</td><td>26-09-2023</td></tr>
<tr><td>DWG No 3</td><td>Street Elevation</td><td>11-08-2023</td><td>26-09-2023</td></tr>
<tr><td>DWG No 4</td><td>West elevation</td><td>11-08-2023</td><td>26-09-2023</td></tr>
</table>

(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by council 26/09/2023.

Except where amended by the following conditions of consent.</td></tr>
<tr><td>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</td></tr>
<tr><td rowspan="3">2.</td><td>USE OF AIR CONDITIONING</td></tr>
<tr><td>The use of the air conditioning unit must comply with all noise control requirements specified under current and relevant NSW statutes and regulations.</td></tr>
<tr><td>Condition reason: To ensure that the air conditioning unit does not emit unreasonable noise impacts upon neighbouring properties.</td></tr>
</table>

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$1,395** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
5.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

	The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

BEFORE BUILDING WORK COMMENCES

	Condition
6.	**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.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
7.	**TREE PROTECTION**
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
8.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 "Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
9.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
10.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
11.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
12.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
13.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
14.	**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.
	Condition reason: To ensure the property address is clearly identified.

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or

	assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
5.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
6.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
7.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
8.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
9.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
10.	**SUITABLY QUALIFIED ACOUSTIC CONSULTANT**
	In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

RECEIVED
Waverley Council

Application No: DA-268/2023

Date Received: 26/09/2023

DATUM : A.H.D.

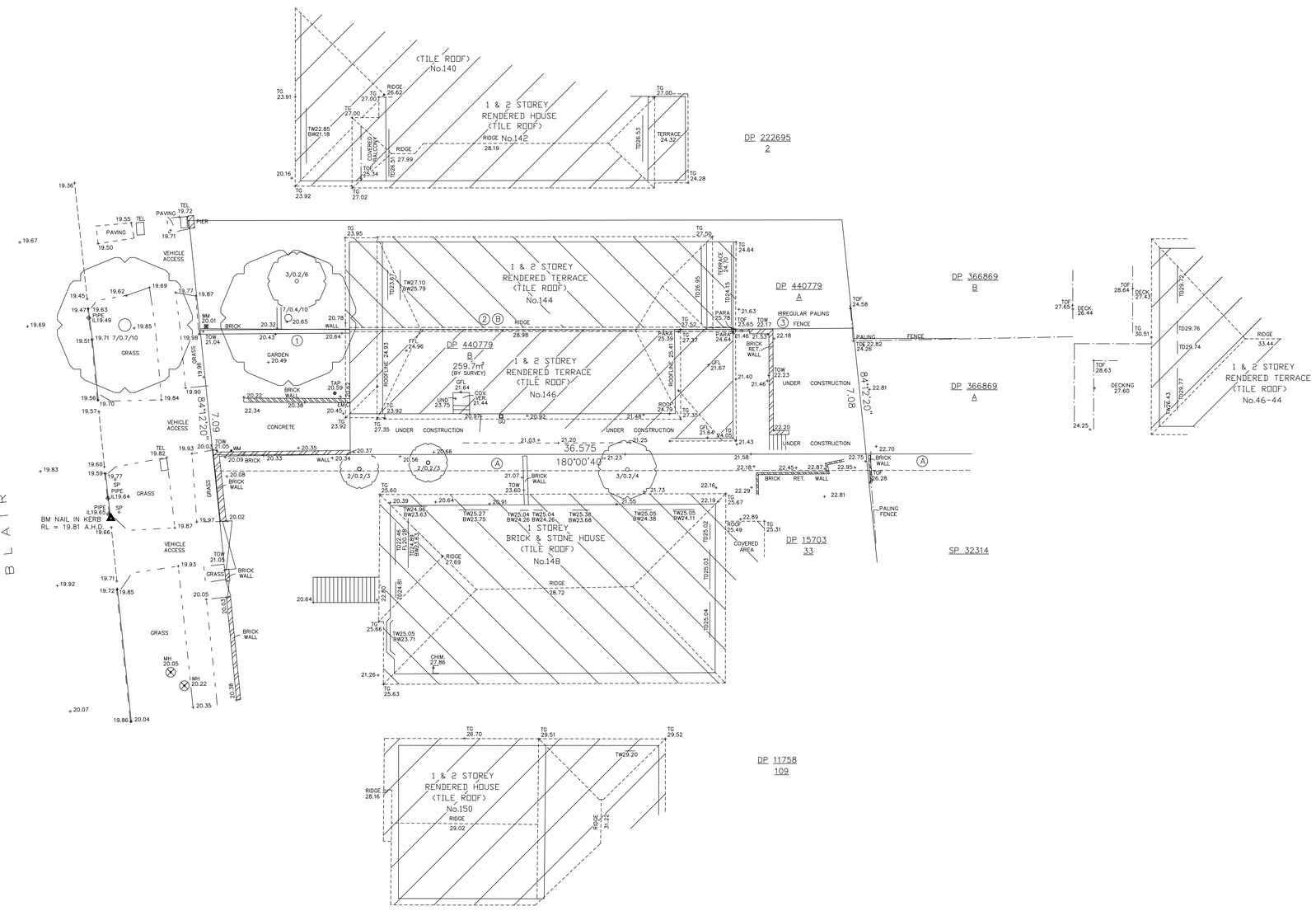
0 1 2 3 4 5 10

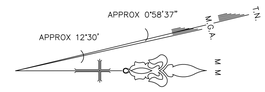
(A) EASMENT TO DRAIN WATER 0.915 WIDE BY DP440779.
(B) CENTRE OF 0.23 BRICK PARTY BY DP440779.

CAUTION

OUR SURVEY REVEALS DISCREPANCIES BETWEEN BOUNDARY DIMENSIONS NOTED ON THE TITLE PLAN AND THOSE AVAILABLE BY SURVEY. THEREFORE WE RECOMMEND THAT A SURVEY FOR REDEFINITION PURPOSES BE PREPARED, LODGED AND REGISTERED AT THE DEPARTMENT OF LANDS TO CONFIRM THE TRUE BOUNDARY DIMENSIONS AND AREA.

LINE	BEARING	DISTANCE
1	359°37'—BY TITLE 0°24'10"—BY SURVEY	8.38—BY TITLE 8.38—BY SURVEY
2	0°01'—BY TITLE	21.385—BY TITLE
3	0°35'—BY TITLE 359°36'55"—BY SURVEY	6.81—BY TITLE





LEGEND

	Building	BALC	Balcony Height
	Walls	BOL	Bollard
	Kerb Bottom	BS	Bus Stop
	Concrete edge	BW	Bottom of Window
	Kerb top	CHIM.	Chimney Height
	Barrier	DP	Down Pipe
	Hedge	EC	Electric
	Fence	FL	Floor Level
	Overhead Powerline	GU	Gully
	Manholes	GFL	Ground Floor Level
1	Survey Station & Name	GM	Gas Meter
	Bench Mark	GV	Gas Valve
SAP	Sapling	HT	Height
	Tree, 12/0.5/10 (Spread/Trunk/Height)	IC	Inspection Cover
	Area Of Undergrowth	LB	Letter Box
	Gate	MH	Manhole
IC	Inspection chamber	PARA	Parapet Height
CL	Cover level	PP	Power Pole
IL	Invert level	SFL	Second Floor Level
Inv Ø0.25	Pipe invert (diameter)	SIL	Sill Height
—GU	Gully	SP	Sign Post
—KO	Back Gully	SV	Stop Valve
MH	Manhole	SVP	Sewer Vent Pipe
		TD	Top of Door
		TDW	Top of Door/Window
		TEL	Telstra
		TG	Top of Gutter
		TL	Traffic Light
		TW	Top of Window
		TOF	Top of Fence
		TOW	Top of Wall
		UND	Underside Height
		WM	Water Meter
		WL	Washing Line
		WHT	Wire Height

NOTES:

1. ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
2. THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DA PURPOSES ONLY.
3. IF THERE IS ANY POINT OR FEATURE i.e.(FLOOR LEVEL, WALL POSITION, ROOF OR RIDGE HEIGHT ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US SO IT'S ACCURACY CAN BE CONFIRMED PRIOR TO THE COMPLETION OF DESIGN PLANS OF COMMENCEMENT OF CONSTRUCTION.
4. SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY. IF USED FOR DESIGN CONFIRMATION OF ACCURACY SHOULD BE CONFIRMED.
5. FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
6. SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR ERECTION OF FENCES.
7. TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY, THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
8. STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
9. THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED, ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
10. SERVICES SHOWN ARE INDICATIVE ONLY, OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATORS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
11. SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
12. A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
13. ORIGIN OF LEVELS IS TAKEN BY GPS TO A.H.D
14. BEARINGS ARE ON MAGNETIC MERIDIAN.
15. THE TITLE NOTES THAT THE LAND IS AFFECTED BY A COVENANT BY TRANSFER NUMBER C249366

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DIAL 1100 BEFORE YOU DIG

Hill & Blume
CONSULTING SURVEYORS
ACN 000 721 004

Hill & Blume Pty Ltd
102 Crown Street
Woolloomooloo
NSW 2011
Tel (02) 9332 4888
Fax (02) 9331 6422
surveyors@hillandblume.com.au

PROJECT

SHOWING SELECTED LEVELS & BOUNDARY IDENTIFICATION & DETAIL OVER LOT B IN DP 440779 BEING 146 BLAIR STREET, NORTH BONDI.

LGA: WAVERLEY	REGISTERED SURVEYOR: PAUL CECHELLERO
ID NUMBER: 757	SIGNATURE: P Cechellero
CLIENT NAME: NATHAN DOGGETT	
SCALE: 1:100	DRAWN/PAPER SIZE: JL/A0
DRAWING No.: 63995001A	

DATE	ISSUE	AMMENDMENTS
28/05/19	'A'	FIRST ISSUE
28/06/22	'A'	SECOND ISSUE

RECEIVED
Waverley Council

Application No: DA-268/2023

Date Received: 26/09/2023

(A) EASEMENT TO DRAIN WATER 0.915 WIDE BY DP440779.
(B) CENTRE OF 0.23 BRICK PARTY BY DP440779.

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3	0°35'-BY TITLE 359°36'55"-BY SURVEY	6.81-BY TITLE

CAUTION

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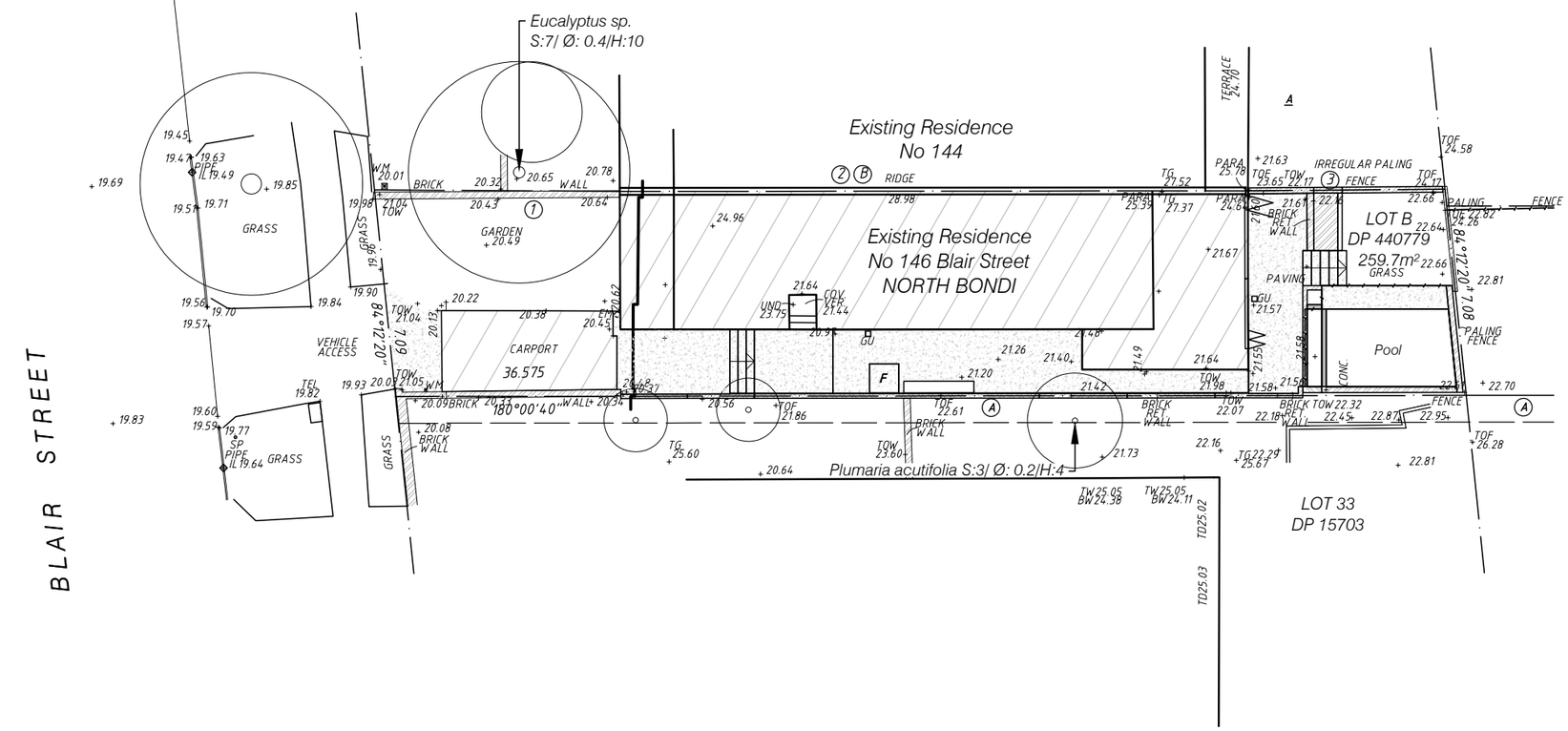
LEGEND
- BOUNDARY
- EXISTING BUILDING/STRUCTURE
- EXISTING PAVING
- EXISTING RETAINING WALL/WALL
- EXISTING TREE



Site information based on survey by Hill and Blume Consulting Surveyors ISSUE A dated 28/06/2022
REFER TO SURVEY FOR FULL SITE DETAILS

SCALE 1:200 @A3

0 2 4 6 8 10 20

DRAWN BY
Unit 20
12 Phillip Mall
West Pymble 2073
Phone 9440 5451 Facsimile 9402 6499
ABN 97 077 163 663
Fellow of Australian Institute of Landscape Designers and Managers

NOTES TO THE PLAN
THIS PLAN IS TO BE READ AS PART OF A COMPLETE SET OF DRAWINGS RELATING TO THE PROPOSED DEVELOPMENT
THIS PLAN RELATES TO A SPECIFIC DEVELOPMENT INFORMATION RELATING TO THE DEVELOPMENT NEEDS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION
ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED

CLIENT
STANTON-CRAMMOND RESIDENCE
SITE
146 BLAIR STREET
NORTH BONDI

DRAWING
SITE ANALYSIS
PROJECT
PROPOSED ENCLOSURES - Air conditioning, Waste and recycling units

Date of Issue
A 11-08-2023

JOB No 23-14
ISSUE A
DWG No 1

RECEIVED
Waverley Council

Application No: DA-268/2023

Date Received: 26/09/2023

Ⓐ EASEMENT TO DRAIN WATER 0.915 WIDE BY DP440779.
Ⓑ CENTRE OF 0.23 BRICK PARTY BY DP440779.

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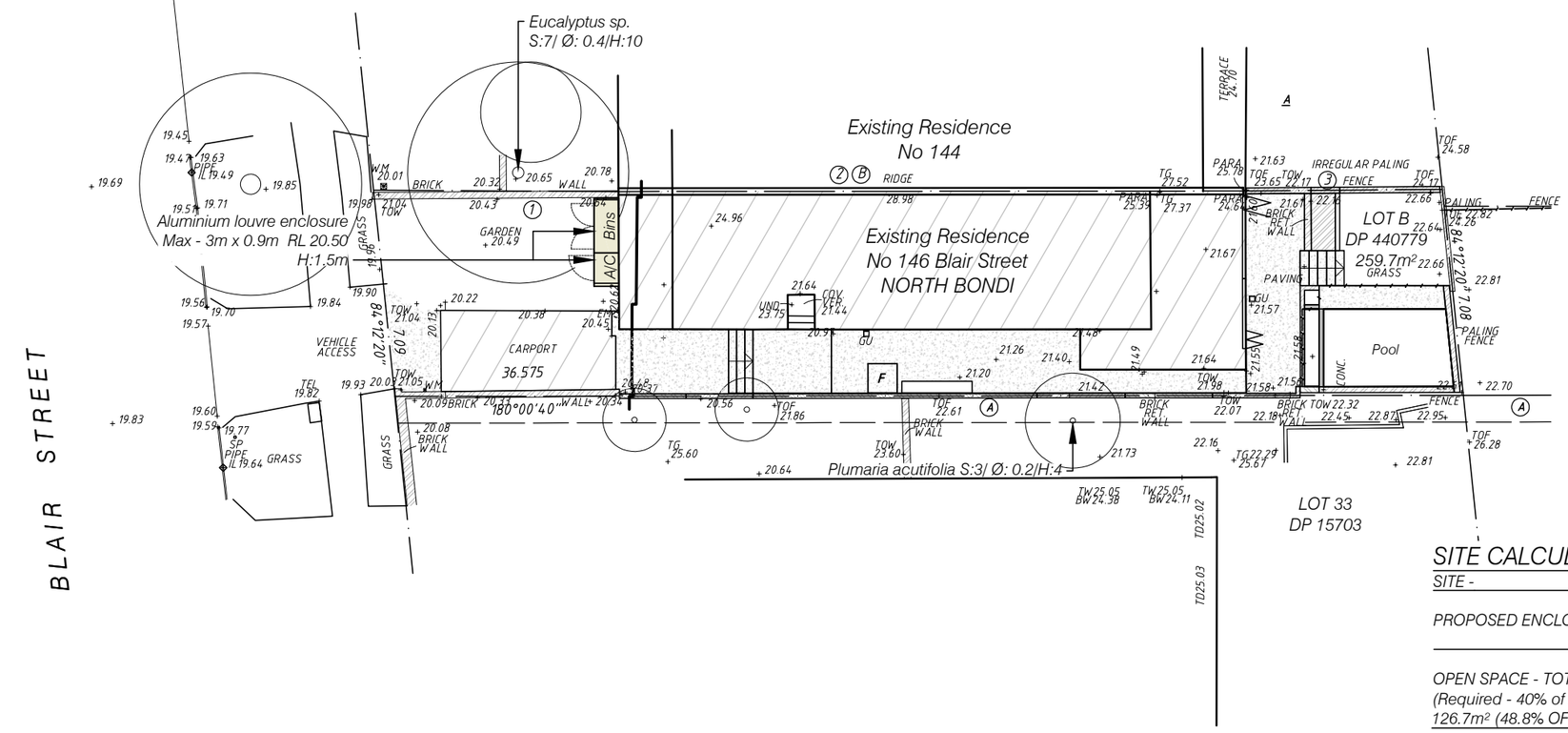
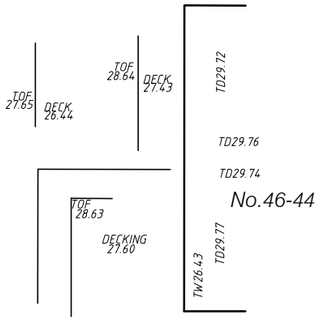
LEGEND
- BOUNDARY
- PAVING
- PROPOSED STRUCTURE
- RETAINING WALL/WALL





SITE CALCULATIONS

SITE - 259.7m²

PROPOSED ENCLOSURE - 2.7m²

OPEN SPACE - TOTAL
(Required - 40% of site = 103.9m²)
126.7m² (48.8% OF SITE)

LANDSCAPED AREA - TOTAL
(Required - 20% of site = 51.9m²)
Proposed - 43.5m² (16.8% OF SITE)

DEEP SOIL AREA
Required - 50% of Landscaped Area
Min dimension 2m x 2m
Proposed - 42.3m² (97.2% of Landscaped Area)

AREA IN FRONT OF BUILDING LINE
56.4m² no change

OPEN SPACE IN FRONT OF BUILDING LINE
30.4m² (53.9%)

SOFT LANDSCAPED AREA IN FRONT OF BUILDING LINE
30.4m² (53.9%)

IDENTIFY & MARK THE LOCATION OF ALL ABOVE & BELOW GROUND SERVICES PRIOR TO COMMENCING ANY WORK. TAKE ALL REQUIRED PRECAUTIONS TO PREVENT DAMAGE TO SERVICES

NOTES

1. All dimensions to be verified prior to commencement by the builder. Any discrepancies are to be resolved with the designer.
2. All structural work to engineer's detail.
3. Levels shown are indicative (unless provided by a registered surveyor)
4. All services are to be located and verified prior to commencement of building work.
5. Materials and workmanship to comply with the provisions of the National Construction Code, relevant Australian Standards and the requirements of the Local Government Authority.
6. The structure is to be maintained in a stable condition during construction.

SCALE 1:200 @A3

0 2 4 6 8 10 20

DRAWN BY
Unit 20
12 Phillip Mall
West Pymble 2073
outside LIVING
Phone 9440 5451 Facsimile 9402 6499
ABN 97 077 163 663
Fellow of Australian Institute of Landscape Designers and Managers

NOTES TO THE PLAN
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ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED

CLIENT
STANTON-CRAMMOND RESIDENCE
SITE
146 BLAIR STREET
NORTH BONDI

DRAWING
SITE PLAN
PROJECT
PROPOSED ENCLOSURES - Air conditioning, Waste and recycling units

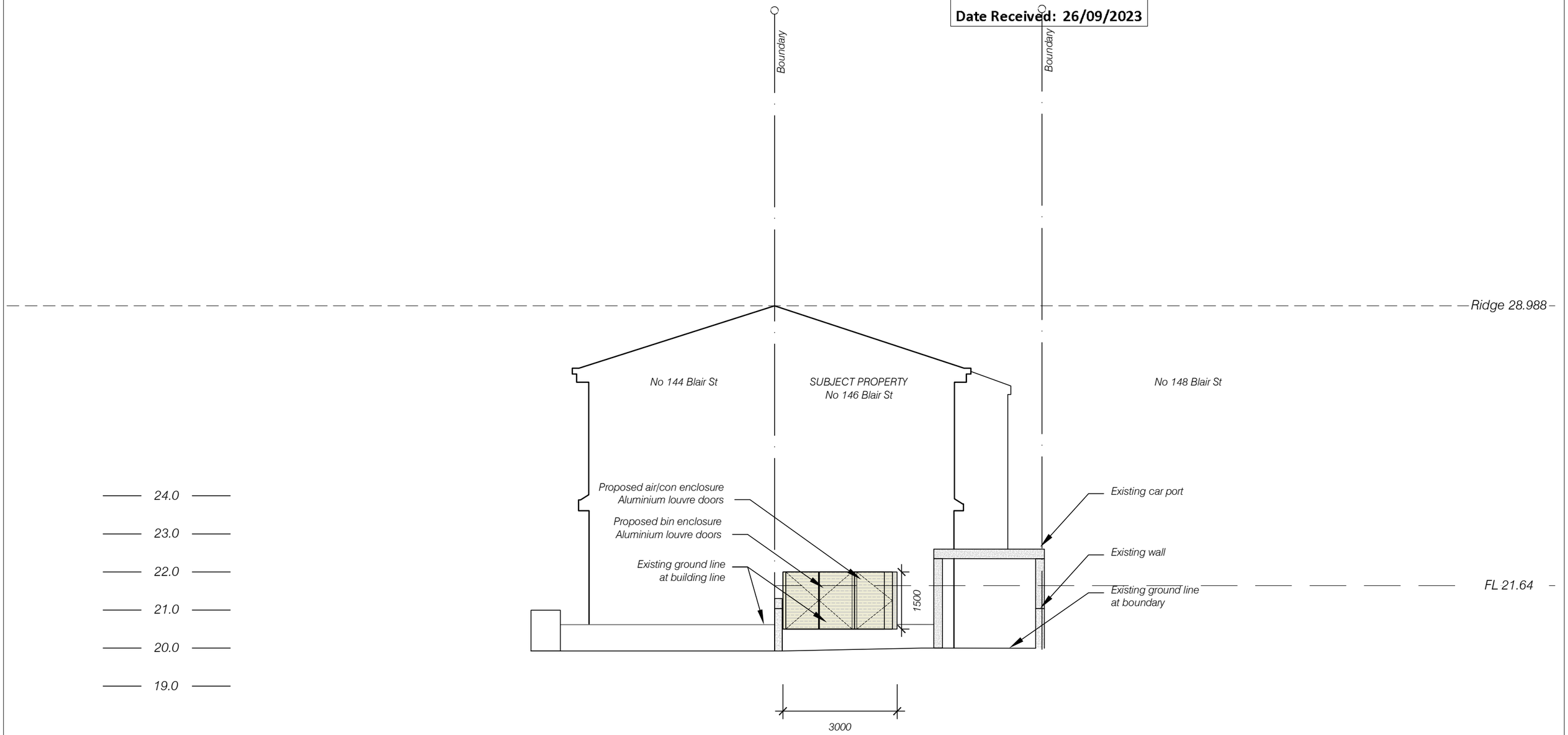
Date of Issue
A 11-08-2023

JOB No 23-14
ISSUE A
DWG No 2

RECEIVED
Waverley Council

Application No: DA-268/2023

Date Received: 26/09/2023



SCALE 1:100 @A3

0 1 2 3 4 5 10

DRAWN BY
Unit 20
12 Phillip Mall
West Pymble 2073

outside LIVING

Phone 9440 5451 Facsimile 9402 6499
ABN 97 077 163 663
Fellow of Australian Institute of Landscape Designers and Managers

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ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED

CLIENT
STANTON-CRAMMOND RESIDENCE

SITE
146 BLAIR STREET
NORTH BONDI

DRAWING
STREET ELEVATION

PROJECT
PROPOSED ENCLOSURES - Air conditioning, Waste and recycling units

Date of Issue
A 11-08-2023

JOB No 23-14

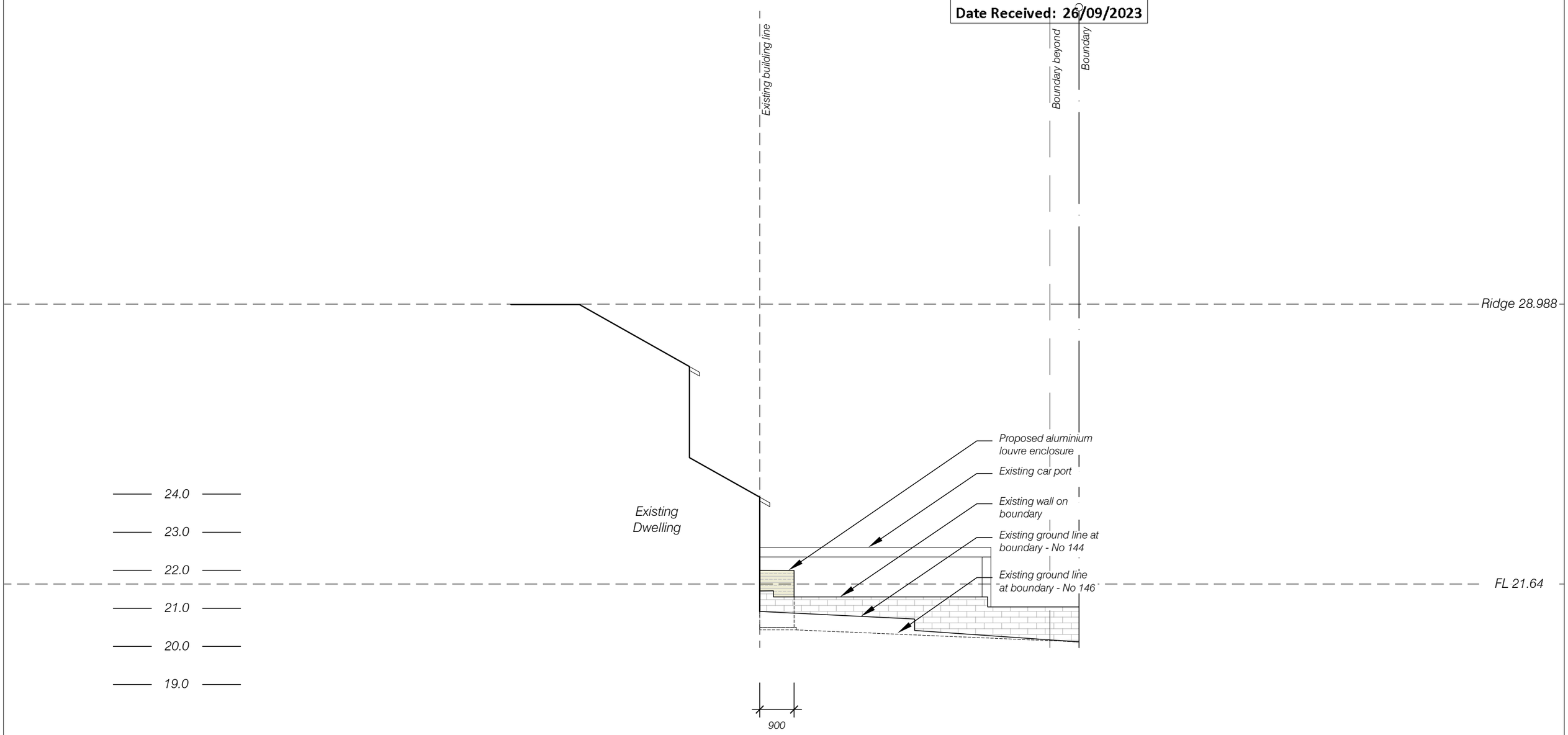
ISSUE A

DWG No 3

RECEIVED
Waverley Council

Application No: DA-268/2023

Date Received: 26/09/2023



SCALE 1:100 @A3

0 1 2 3 4 5 10

DRAWN BY
Unit 20
12 Phillip Mall
West Pymble 2073

Phone 9440 5451 Facsimile 9402 6499
ABN 97 077 163 663
Fellow of Australian Institute of Landscape Designers and Managers

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CLIENT
STANTON-CRAMMOND RESIDENCE
SITE
146 BLAIR STREET
NORTH BONDI

DRAWING
WEST ELEVATION
PROJECT
PROPOSED ENCLOSURES - Air conditioning, Waste and recycling units

Date of Issue
A 11-08-2023

JOB No 23-14
ISSUE A
DWG No 4

Report to the Waverley Local Planning Panel

Application number	DA-258/2023
Site address	67 Knowles Avenue, NORTH BONDI NSW 2026
Proposal	Alterations and additions to semi-detached dwelling including new first floor addition.
Date of lodgement	13/09/2023
Owner	Mr J.D. Rudman
Applicant	Cape Cod Australia Pty Ltd.
Submissions	14 unique submissions
Cost of works	$751,247.00
Principal Issues	• Overshadowing impacts • Visual and privacy impacts • Rear balcony projection at the proposed first floor
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.
SITE MAP	

1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to dwelling including new first floor addition at the site known as 67 Knowles Avenue, NORTH BONDI.

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

- Overshadowing impacts
- Visual privacy impacts
- Rear balcony projection at the proposed first floor.

The assessment finds these issues acceptable.

A total number of 14 submissions were received, and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. As the application has received over 10 unique submissions, the DA is being referred to the Waverley Local Planning Panel for determination.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 11/10/2023.

The site is identified as Lot 732 in DP 519045, known as 67 Knowles Avenue, NORTH BONDI.

The site is rectangular in shape with a single frontage to Knowles Avenue, measuring 6.02m. It has an area of 196m^2 and is generally flat.

The site is occupied by a one storey Inter-War style semi-detached dwelling with vehicular access provided from Knowles Avenue. The site is adjoined by residential development consisting of single and double storeyed semi-detached dwellings on either side. The locality is characterised by a variety of low and medium density residential development.

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

Figure 1: View of the site from Knowles Avenue.

Figure 2: View of the existing dwelling from the rear courtyard.

Figure 3: Existing rear fence and partially visible first floor rear balcony of the dwelling at 44 Gould Street.

Figure 4: Existing first floor addition at 105 O'Donnell Street as visible from the site's rear courtyard.

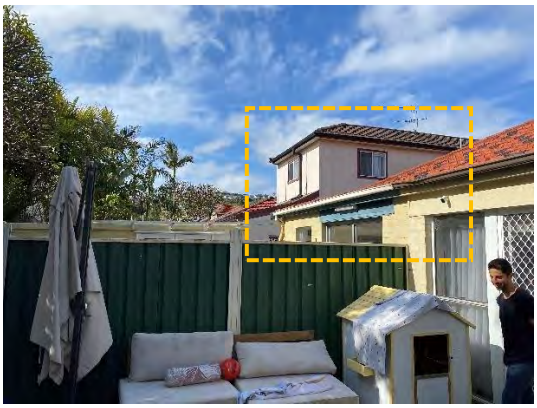

Figure 5: Existing first floor addition at 63 Knowles Avenue as visible from the site's rear courtyard.

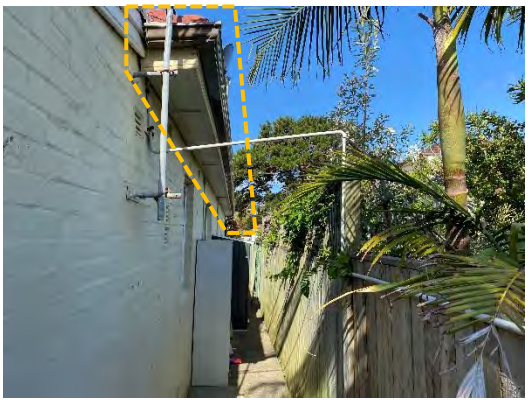

Figure 6: Existing roof overhang projection in side setback of the site.

Figure 7: Existing first floor addition at 99 O'Donnell Street as visible from the site's side setback.	**Figure 8:** Existing first floor addition at 99 O'Donnell Street as visible from within the interior of the existing dwelling on site.
Figure 9: Existing first floor balcony projections within vicinity of the site.	**Figure 10:** Existing first floor addition at 46 Gould Street as visible from O'Donnell Street.

1.3. Relevant Development History

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

- BA-87/1994 - Construct Alterations & Additions Including a Carport – Approved on 29/03/1994.

1.4. Proposal

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

- Internal alterations to the ground floor layout to create an open floor plan including the addition of a new bathroom and a new staircase.
- Replacement and modification of existing fenestrations.
- Addition of a new first floor comprising three bedrooms, two bathrooms and a lobby. A balcony projection is proposed for the primary bedroom.

1.5. Background

The development application was lodged on 13/09/2023 and deferred on 18/10/2023 for the following reasons:

1. **Amended shadow diagrams.**
   The applicant was asked to amend the shadow diagrams to reflect all visible elevational elements of the neighbouring dwellings that are likely to be impacted by the shadows projected by the proposed first floor.

   Planner Comment:
   The amended shadow diagrams provided by the applicant provide plan and elevational shadow diagrams that demonstrate all overshadowing impacts of the proposed first floor upon the rear courtyards and habitable living spaces and fenestrations of the dwellings adjoining along O'Donnell Street.

2. **Amendments to the proposed first floor**
   The applicant was asked to amend the following elements of the proposed first floor:
   (a) Windows on the southern elevation to reduce privacy and visual impacts.
   (b) Provision of privacy screens on the northern and southern sides of the proposed rear balcony for the master bedroom.
   (c) Amendment of the building line of the front setback of the proposed first floor to be moved behind the ridge capping of the principal ridge and slope lines. The existing ridge lines including ridge caping to be maintained and protected to avoid an undesirable visual outcome and avoid the presence of stormwater drainage and down pipes on the front façade.

   Planner Comment:
   The applicant has satisfactorily amended the architectural plans to reflect the requested amendments.

3. **Amendment to the schedule of materials and finishes**
   The applicant was asked to amend the schedule of materials and finishes to include proposed material and colour for roofing.

   Planner Comment:
   The applicant has satisfactorily amended the schedule of materials and finishes to reflect the requested amendments.

The amended plans received on 15/11/2023 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

The following SEPPs apply from the 1st October 2023 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, which is permitted with consent in the R2 zone. The proposal is consistent with the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposed first floor addition results in a maximum building height between 7.6m and 7.9m.
4.4A Exceptions to floor space ratio • 0.89:1 (GFA: 174.32m^2)	Yes	The application proposes an FSR of 0.80:1 with a GFA of 156.85m^2 which complies with the FSR development standard.
Part 6 Additional local provisions		
6.15 Stormwater management	Yes	Council's Stormwater Engineer has reviewed the proposal and raised no objection, subject

Provision	Compliance	Comment
		to conditions that have been included in the recommendation.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • Garbage bins are to be stored in an appropriate location.	Yes	Satisfactory.
2. Ecologically Sustainable Development • Ceiling or wall mounted fans Gas cooktops, gas ovens or gas internal space heating systems are not permitted in any residential development. Instead, electric systems should be installed and clearly marked on DA plans.	N/A	The Council encourages applicants to apply principles and processes that contribute to ecologically sustainable development (ESD) in Waverley to improve the quality of life, health, and wellbeing of residents. It is recommended that the applicant include ceiling or wall mounted fans as well as replace gas cooktops/ovens with induction cooktops to objectives of ecologically sustainable development. This recommendation will be implemented by advisory notes.
5.Water Management	Yes	Satisfactory. The Council's Stormwater Design Engineers have no objections to the proposal subject to the satisfaction of imposed conditions. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport	Yes	Satisfactory. The proposal retains the existing carport. The application proposes to re-clad the gable of the carport roof with a hardwood frieze to match the form of the new first floor.
11. Design Excellence	Yes	Satisfactory. The proposal will result in a satisfactorily integrated and designed addition with similar attributes to other developments within the streetscape.

Table 33: Waverley DCP 2022 – Part C1 Low Density Residential Development Compliance Table

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Pitched roof dwelling house. • Maximum external wall height of 7m	Yes	The proposed first floor addition results in a maximum external wall height of 6.6m.
1.2 Setbacks		
1.2.1 Front and rear building lines • Predominant front building line	Yes	The proposal retains the existing front building line on the ground floor. The proposed first floor is set back by 5.3m from the ground floor building line and is acceptable.
• Predominant rear building line at each floor level	No (acceptable on merit)	The proposal retains the existing rear building line on the ground floor. The proposed first floor generally aligns with the rear ground floor building line with the exception of the proposed projected balcony. The setback has been assessed based on compliance with principal development standards and existing first floor rear setbacks of dwellings within the site context. The proposed rear setback is acceptable for the purpose of this assessment.
1.2.2 Side setbacks • Minimum of 0.9m for ground floor and first floors.	Yes	The proposal retains the 1.2m setback on ground floor. The proposed first floor has a 0.9m side setback and is acceptable.
1.3 Streetscape and visual impact		
• New development to be compatible with streetscape context	Yes	The proposal is compatible with the streetscape context.
• Replacement windows to complement the style and proportions of existing dwelling	Yes	The proposed new and replacement windows complement the style and proportions of the existing dwelling.
• Significant landscaping to be maintained.	Yes	The proposal retains and maintains existing landscaping.
1.4 Fences		
<u>Front:</u> • Maximum height of 1.2m • Solid section no more than 0.6m in height	N/A	The proposal retains and maintains the existing fences on site.

Development Control	Compliance	Comment
<u>Side and Rear:</u> • Maximum height of 1.8m		
1.5 Visual and acoustic privacy		
• Habitable windows are not to directly face habitable windows or open space of neighbouring dwellings unless direct views are screened, or other appropriate measures are incorporated into the design	Yes	The applicant was asked to amend the bedroom windows on the southern elevation of the proposed first floor to reduce overlooking and impacts to the visual privacy of the neighbouring properties. The amended design of the first-floor addition provides a satisfactory level of visual and acoustic privacy. Any residual impact is an expected and deemed to be reasonable outcome for a first-floor addition and is acceptable as the proposed bedrooms on the first floor are considered to be spaces of low use in comparison to the living spaces on the ground floor. Additionally, the proposed glazed doors on southern elevation of the ground floor are considered to have minimal visual impact as the retained 1.8m high side fence or privacy screen at the lot boundary provides visual separation.
• Maximum size of balconies: 10m^2 in area 1.5m deep	Yes	The proposed balcony at the first floor on the western elevation has an area of 2.3m^2 and dimensions measuring 2.3m in length and 1m in width. The balcony will comprise 1.8m high privacy screens on the sides to mitigate any overlooking into the neighbouring properties. The balcony will only be accessible through the primary bedroom and is considered to have low usage with minimal overlooking impact. The size and design of the balcony complies with the WDCP controls and aligns with similar balconies within the site context. Therefore, any visual and acoustic impacts of the balcony are deemed reasonable.
1.6 Solar access		
• Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site • Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.	No (acceptable on merit)	The proposed first floor addition result in increased shadowing impact over the rear courtyard and parts of the living areas on the ground floor of the existing dwellings between 99 to 107 O'Donnell Street, North Bondi. The increased shadowing impact due to the proposal is an expected impact caused by a dwelling located in an east-west orientation. The proposal complies with the principal development standards of Waverley LEP 2012 and does not contravene any other relevant development

Development Control	Compliance	Comment
• Avoid unreasonably overshadowing of solar collectors (including habitable windows).		control that moderates shadowing impacts. The overshadowing impact of the proposal upon neighbouring properties is therefore expected and acceptable.
1.13 Semi-detached dwellings and terrace style development		
1.13.1 Built form • Additions to match the style of the original semi-detached dwelling	Yes	The proposed additions match the style of the original semi-detached dwelling.
• Existing roof form maintained forward of principal ridgeline	Yes	The proposed first floor has an appropriate setback that maintains the existing roof form forward of the principal ridge line.
• Front verandahs to be maintained	Yes	The proposal retains and maintains the front verandah as an existing carport.
1.13.2 First floor additions to semi-detached dwellings • First floor addition to be setback from the principal street frontage and maintain the existing front roof slope	Yes	Satisfied. The proposed first floor has an appropriate setback to maintain the existing roof form forward of the principal ridge line.
• Additions to be located a minimum of 1m behind the front main gable	Yes	Satisfied.
• Limit the rise of the interface with adjoining semi-detached dwelling to 600mm	No (acceptable on merit)	The rise of the interface of the proposed first floor with the adjoining semi-detached dwelling is 700mm. Since the overall height of the proposal complies with the principal development standard as well as the height controls in the WDCP 2022, the 100mm variation for this control is acceptable. The variation is not considered to contribute to any significant change in overshadowing impact.
• First floor additions should match the style of the additions on the adjoining semi (if relevant)	Yes	Satisfied. The proposed first floor additions complements the existing adjoining semi-detached dwelling.
1.13.3 Material finishes and detail for semi-detached dwellings	Yes	Satisfactory. The proposed finishes and details are modern and minimal in aesthetics and

Development Control	Compliance	Comment
• Finishes and detailing are to be cohesive with the existing dwelling • New windows to have a similar proportion to the existing • Upper wall finishes to reflect the style and character of the original building	Yes Yes	complement the existing dwelling and the surrounding streetscape. Satisfactory. The amended ground floor windows and proposed first floor windows have acceptable proportions and are consistent with windows of other existing dwellings within site context. Satisfactory. The proposed upper wall finishes are able to reflect the style and character of the original dwelling.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for at least 14 days between 15/09/2023 and 03/10/2023 in accordance with the *Waverley Community Engagement Strategy 2023*.

Following the receipt of amended plans and additional information, the application was not notified since the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified for the following reasons:

(a) The proposed windows were amended to reduce visual privacy impact.
(b) Privacy screens have been added to the proposed rear balcony on the first floor to reduce visual privacy impact.
(c) The building line of the front setback of the proposed first floor has been moved behind the ridge capping of the principal ridge and slope lines to maintain the principal roof ridge.

A total of 14 unique submissions were received from the following properties:

Table 4: Number of and where submissions were received from.

Property Address	No. of unique submissions

101 O'Donnell Street, North Bondi	2
103 O'Donnell Street, North Bondi	5
105 O'Donnell St, North Bondi	6
44 Gould Street North Bondi	1
TOTAL	14

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

- Overshadowing impacts of the proposed first floor.
- Non-compliance of the proposed rear building setback for the first floor with WDCP 2022.
- Non-compliance of the proposed rear balcony projection at the first floor with WDCP 2022.
- Excessive bulk.
- Visual privacy impact/overlooking.
- Insufficient schedule of materials.

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

Issue: Insufficient landscape and open space
Response: No amendments are proposed to the existing landscape and open space. Any existing non-compliance with landscape and open space is acceptable for the purpose of this assessment.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Stormwater

The application was referred to Council's Stormwater Design and Flooding engineers and they have raised no objection to the proposal and have provided conditions of approval included in Appendix A.

3.2. Tree Management

The application was referred to Council's Tree Management Officer and they have raised no objection to the proposal provided that following trees identified on the nature strip outside the site are retained and protected.

- Tristaniopsis laurina (Water Gum)
- Pinus radiata (Monterey Pine)

Additional conditions of approval are included in Appendix A.

4. CONCLUSION

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

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.

Managers of Development Assessment (MoDA) Review

The application was reviewed by the MoDA at the meeting on 17/10/2023 and the MoDA concurred with the Assessment Planner's recommendation.

MoDA members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Kalyani Bhishikar	Ben Magistrale	Angela Rossi
Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 21/11/2023	**Date:** 29 November 2023	**Date:** 1 December 2023

Reason for WLPP referral:

1. Contentious development (10 or more objections)

OFFICE USE ONLY

Clause 4.6 register entry required	No
Determining Authority	Local Planning Panel
Affordable Rental Housing Units?	No
Secondary Dwelling	No
Boarding House	No
Group Home	Yes
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No

Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td>1.</td><td>APPROVED PLANS AND DOCUMENTATION
The development must be in accordance with:

(a) Architectural Plans prepared by Cape Cod of Project No: 8224 including the following:

<table>
<tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr>
<tr><td>Sheet 2 Issue E</td><td>Site Plan</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 3 Issue E</td><td>Ground Floor Demolition Plan</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 4 Issue E</td><td>Proposed Ground Floor Plan</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 5 Issue E</td><td>Proposed First Floor Plan</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 6 Issue E</td><td>Proposed Roof Plan</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 8 Issue E</td><td>East and South Elevation</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 9 Issue E</td><td>West and North Elevation</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 10 Issue E</td><td>Section AA and Section BB</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 11 Issue E</td><td>BASIX commitments</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 12 Issue E</td><td>General Specifications</td><td>07/11/2023</td><td>15/11/2023</td></tr>
<tr><td>Sheet 13 Issue E</td><td>Window, door, and skylight schedule</td><td>07/11/2023</td><td>15/11/2023</td></tr>
</table>

(b) Landscape Plan and documentation prepared by Cape Cod, received by Council on 13/09/2023.
(c) BASIX and NatHERs Certificate/s
(d) Stormwater Details and documentation prepared by Kneebone and Beretta Consulting Pty Ltd dated 21/06/2023 and received by Council on 13/09/2023.
(e) Schedule of external finishes and colours received by Council on 15/11/2023.
(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 13/09/2023.

Except where amended by the following conditions of consent.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</td></tr>
</table>

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
2.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
3.	**HOME BUILDING ACT**
	The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act 1989*. In this regard a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicable requirements of Part 6, before any work commences.
	Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the *Home and Building Act 1989*.
4.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000:

	(i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
5.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$26,260.00** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on

	Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
6.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
7.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
8.	**TREE BOND**
	(i) A bond of $10,000 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 one (1) Tristaniopsis laurina (Water Gum) and one (1) Pinus radiata (Monterey Pine). (ii) 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.
	Condition reason: To protect and retain trees.
9.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.

	Condition reason: To ensure safety to the general public.
10.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
11.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
12.	**ENGINEERING CERTIFICATE OF ADEQUACY**
	A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
13.	**EXISTING PARTY WALL IS TO BE EXTENDED**
	The existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. All work to the separating wall must be contained within the boundaries of the subject site only, unless agreement between neighbours for work affecting both sides of a separating wall, including written consent of all owners of all properties upon which work will take place has been obtained.
	Condition reason: To meet the requirements of the National Construction Code.
14.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

	The submitted stormwater management plan prepared by Kneebone & Beretta Consulting, Job Number -, Drawing Number 93127-D1, REVA, dated 24/08/2023 are considered concept only. The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions: (a) A sediment control stormwater pit is to be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump is to be provided at the outlet point. (b) A Basic Erosion and Sediment Control Plan is to be submitted. (c) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. (d) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission. (e) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission. (f) Evidence from a suitably qualified and practicing Engineer that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.
	Condition reason: To ensure the proper management of stormwater runoff.
15.	**BASIX**
	All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX and/or NatHERS requirements are met.
16.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and

	construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
17.	**DILAPIDATION REPORT**
	A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is be made available to affected property owners. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

BEFORE BUILDING WORK COMMENCES

	Condition
18.	**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.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
19.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
20.	**TREE PROTECTION**

	Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter. Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period. (i) TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the table above. (ii) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. (iii) If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing. (iv) If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed. (iii) If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
	Condition reason: To protect and retain trees.
21.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near trees to ensure their retention, including the following:

	(a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites.
	Condition reason: To protect trees during the carrying out of site work.

DURING BUILDING WORK

	Condition
22.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
23.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
24.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
25.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

	Condition reason: To ensure buildings are sited and positioned in the approved location.
26.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
27.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
28.	**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.
	Condition reason: To ensure the structural stability of the adjoining semi-detached dwelling's roof.
29.	**TREATMENT OF BOUNDARY WALLS**
	The wall/s approved on the northern boundary with the neighbouring property are to be finished to the same standard as the remaining building and not left unfinished to ensure a consistent visual appearance.
	Condition reason: To ensure a consistent visual appearance of the addition from the northern neighbouring property.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
30.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
31.	**CERTIFICATION OF BASIX COMMITMENTS**
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
32.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order, and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**SYDNEY WATER REQUIREMENTS**
	You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact

	with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
9.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

	Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
11.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
12.	**ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**
	Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation
13.	**WAVERLEY LGA FLOOD STUDY 2021**
	The property is on land identified as flood affected under the Council endorsed Waverley LGA Flood Study 2021. The registered proprietor's attention is drawn to the likelihood that the development may be inundated by flood waters during a Probably Maximum Flood (PMF) Annual Exceedance Probability (AEP) storm event. As flood events can cause significant damage to property and pose risk to life, it is advised that the following measures are undertaken: (a) All new building material must be flood resistant or flood compatible to a height of 1% AEP flood level + 300 mm freeboard. (b) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 1% AEP flood level + 300 mm freeboard. (c) A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to and including the 1% AEP flood level + 300 mm freeboard. (d) A storage area is to be provided at or above the 1% AEP flood level + 300 mm freeboard for the storage of goods that can be damaged or mobilised by flooding, or goods that have potential to cause pollution during flooding. (e) Any proposed fencing must be built using flood compatible material. In addition, it is recommended that before occupation or prior to the issue of any Occupation Certificate, a site flood emergency response plan is prepared, and any

	required flood warning system are installed and fully tested. If a plan is created, a copy of this plan must be submitted to the Private Certifier and to Waverley Council. Certification from a suitably qualified engineer to the effect that the plan has been prepared and where required, the flood warning system have been installed and tested, is recommended to be included with the Occupation Certificate. The site flood emergency response warning systems and plan are recommended to be regularly maintained, reviewed and/or updated and be in good working order at all times.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-258/2023

Date Received: 15/11/2023

FRONT VIEW

WORKING PLANS SHEET LIST

SHEET NO.	SHEET TITLE
1	TITLE
2	SITE PLAN
3	GROUND FLOOR DEMOLITION PLAN
4	PROPOSED GROUND FLOOR PLAN
5	PROPOSED FIRST FLOOR PLAN
6	PROPOSED ROOF PLAN
7	GROSS FLOOR AREA PLAN
8	ELEVATIONS
9	ELEVATIONS
10	SECTIONS
11	BASIX COMMITMENTS
12	GENERAL SPECIFICATIONS
13	GLAZING SPECIFICATIONS

VERSION

#	DESCRIPTION		DATE
A	TECHNICAL	EM	27.03.23
B	TO CLIENT	JC	03.04.23
C	POV 104782,104786, 104790-104792, 104794-104798, 104803-104806, 104892, 104959 & 104961	SE	17.07.23
D	BASIX ADDED & TO COUNCIL	SE	25.08.23
E	COUNCIL AMENDMENTS	AT	07.11.23

SPECIAL NOTES

GENERAL SPECIAL NOTES

THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE WRITTEN PROPOSAL:

- CONNECT/INSTALL FORTY FIVE (45) DOWNLIGHTS. TWO (2) PENDANTS, THREE (3) CEILING SWEEP FANS AND TWO (2) 3 IN 1 FAN/LIGHT/HEATER AS SUPPLIED BY OWNER.

SMOKE DETECTORS

(S)	GROUND FLOOR	EXISTING TO BE CONFIRMED BY ELECTRICIAN ON SITE TO DETERMINE NCC COMPLIANCE.NEW SMOKE DETECTOR TO BE SUPPLIED & INSTALLED BY CAPECOD TO COMPLY WITH NCC STANDARD IF REQUIRED	1
(S)	FIRST FLOOR	SUPPLIED & INSTALLED BY CAPE COD TO COMPLY WITH NCC STANDARD	1

WORKS BY OWNER

- DISCONNECT OR RECONNECT POA IF REQUIRED.
- SUPPLY FORTY FIVE (45) DOWNLIGHTS. TWO (2) PENDANTS, THREE (3) CEILING SWEEP FANS AND TWO (2) 3 IN 1 FAN/LIGHT/HEATER.
- SUPPLY TWO (2) SHADING DEVICES OVER WINDOWS 8, 9, 10 & 12
- SUPPLY & INSTALL DRYER VENT/ FAN TO LAUNDRY
- RE-TILING OF GROUND FLOOR ROOF AND CARPORT INCLUDING GUTTERING AND DOWNPIPES

PROPOSED ADDITION FOR:

MR J & MRS M RUDMAN
67 KNOWLES AVENUE
NORTH BONDI NSW 2026

JOB NUMBER: 8224

COUNCIL: WAVERLY

PROJECT DESIGNER: BARBARA SZYMANSKI

Cape Cod AUSTRALIA

A.B.N. 54 OOO 605 407

P O BOX 2002
NORTH PARRAMATTA 1750
PHONE: (02) 9849 4444
BUILDERS LICENCE NO. 5519

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SITE PLAN

AMENDED PLANS

PROPERTY INFORMATION		
PROPERTY NO.	LOT NO.	DP NO.
67	732	519045

SITE AREA INFORMATION	
BY SURVEY (m2)	BY TITLE (m2)
196.00	196.00

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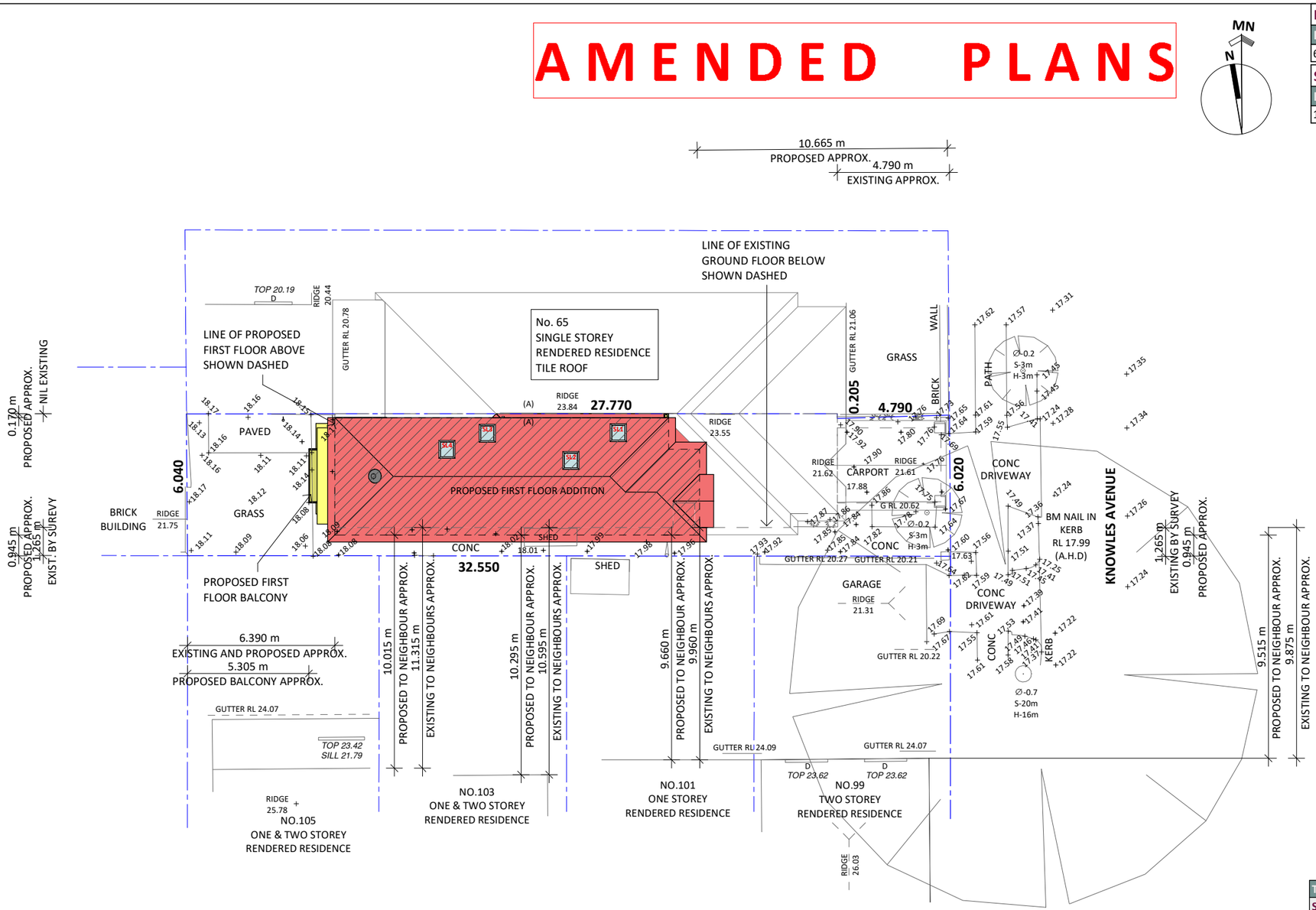

SITE PLAN 1 : 200

TOTAL FLOOR AREA		
SITE AREA	AREA	FSR
196	156.70 m²	0.80
INCLUDED AREAS		
LEVEL		AREA
GROUND FLOOR		90.05 m²
FIRST FLOOR		66.66 m²
TOTAL		156.70 m²
EXCLUDED AREA		
NAME		AREA
STAIR VOID		3.44 m²

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REVIT VERSION V016

Cape Cod AUSTRALIA

GROUND FLOOR DEMOLITION PLAN

RECEIVED
Waverley Council

Application No: DA-258/2023

Date Received: 15/11/2023

AMENDED PLANS

MN
N

No. 65
SINGLE STOREY
RENDERED RESIDENCE
TILE ROOF

NIL EXISTING

STRIP EXISTING SKIRTINGS, CORNICES AND CEILING LININGS.

NOTE: DEMOLITION OF WALL NIBS A, B, C, D SUBJECT TO ENGINEER.

OWNER REMOVE/RELOCATE SECURITY CAMERA.

REMOVE SKYLIGHT AND MAKE GOOD.

REMOVE EXISTING DOOR, WINDOWS AND SILLS AND INSTALL NEW SLIDING DOOR (EXISTING STRUCTURAL HEAD TO REMAIN).

PROVIDE PHYSICAL BARRIER AGAINST POA

POA ELECTRICAL

STEP DN

DEMOLISH, NIBS, WALLS & BULKHEADS SHOWN DASHED.

REMOVE ROOF VENT.

REMOVE HEATER LIGHT.

DEMOLISH WALLS SHOWN DASHED.

REMOVE EXISTING DOOR AND WINDOWS AND ALTER OPENING TO SUIT NEW DOOR.

DEMOLISH EXISTING SKILLION ROOF & RAKED CEILING.

REMOVE RANGEHOOD.

REMOVE EXHAUST FAN.

REMOVE MANHOLE. DISCUSS POSSIBLE NEW POSITION ON SITE.

STRIP EXISTING GABLE CLADDING TO SUIT NEW FINISHES.

POA TELEPHONE

REPLACE DP

STRIP EXISTING BATH AND DISCONNECT SERVICES.

OWNER TERMINATE/RELOCATE TV ANTENA.

TERMINATE VENT PIPE.

REMOVE WINDOWS AND ALTER OPENING TO SUIT NEW WINDOW.

1.265 m EXISTING BY SURVEY

6.390 m EXISTING APPROX.

4.790 m EXISTING APPROX.

OWNER TERMINATE/RELOCATE SAT DISH.

STRIP EXISTING KITCHEN AND LAUNDRY, AND DISCONNECT SERVICES.

REMOVE WINDOWS AND ALTER OPENINGS TO SUIT NEW WINDOWS.

REMOVE WINDOW AND ALTER OPENING TO SUIT NEW WINDOW.

REMOVE EXISTING WINDOW AND ALTER OPENING TO SUIT NEW WINDOW

DEMOLISHED EXISTING ROOF AREA AFFECTED BY FIRST FLOOR ADDITION.

LIVING

DINING

KITCHEN

BED

BATH

BED

SUNROOM

A

B

NO.105
ONE & TWO STOREY
RENDERED RESIDENCE
(UNDER CONSTRUCTION)

NO.103
ONE & TWO STOREY
RENDERED RESIDENCE

NO.101
ONE STOREY
RENDERED RESIDENCE

NO.99
TWO STOREY
RENDERED RESIDENCE

AREA (m²)	
NAME	AREA
GROUND FLOOR	90.05 m²

GROUND FLOOR DEMOLITION PLAN 1 : 100

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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REVIT VERSION V016

Cape Cod AUSTRALIA

PROPOSED GROUND FLOOR

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-258/2023

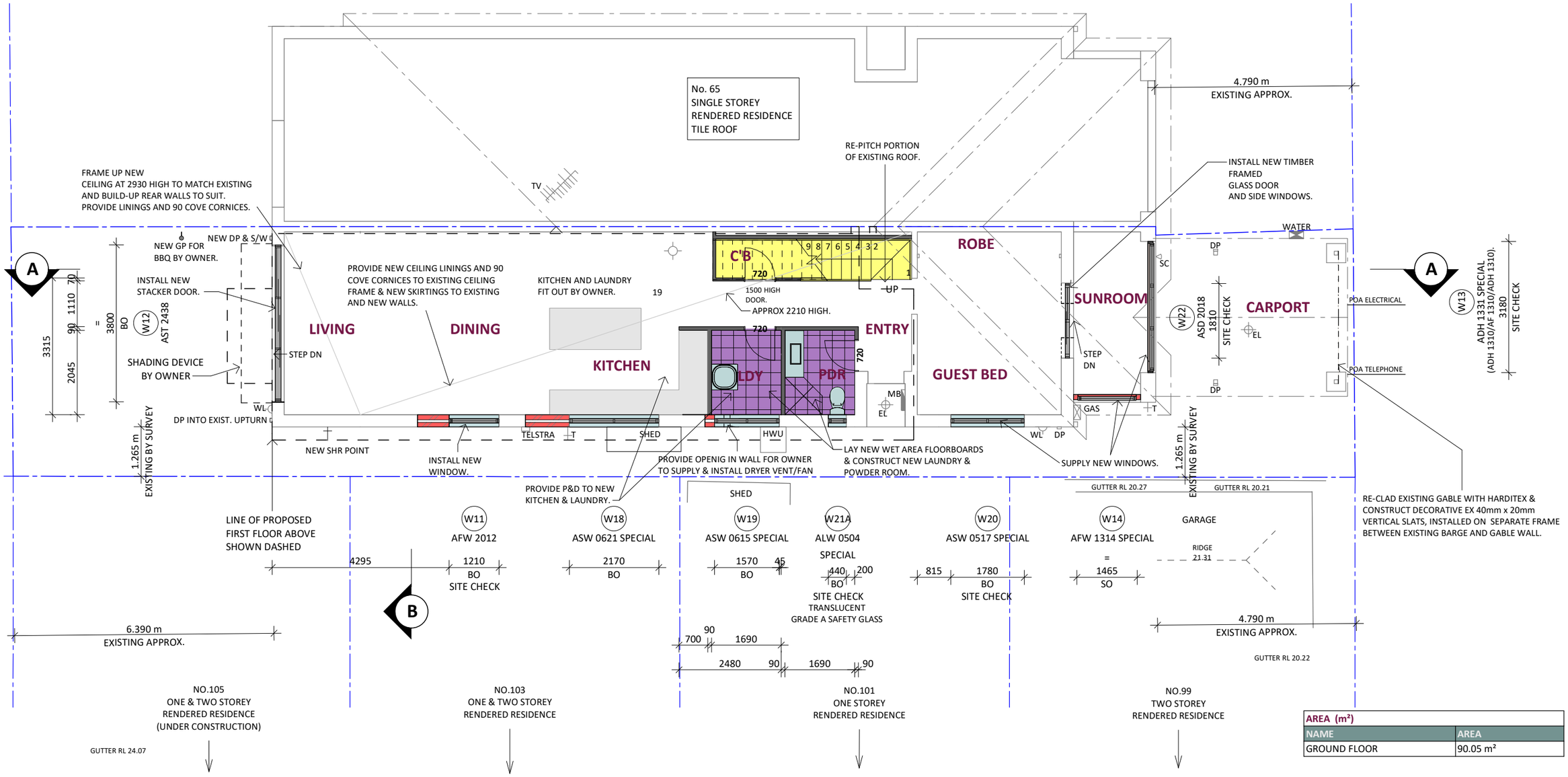
Date Received: 15/11/2023

MN
N

SERVICES LEGEND	
	DESCRIPTION
S	SMOKE DETECTOR - NEW
TB	TELSTRA BOX
TV	TV ANTENNA
WL	WALL LIGHT
WATER	WATER METER

SERVICES LEGEND	
	DESCRIPTION
GP	GAS POINT
HWU	HOT WATER UNIT - SQUARE
MB	METERBOX
SC	SECURITY CAMERA
	SMOKE DETECTOR - EXISTING

SERVICES LEGEND	
	DESCRIPTION
DP	DOWNPIPE & STORMWATER - METAL QUAD
DP	DOWNPIPE - METAL QUAD
DP	DOWNPIPE INTO EXISTING U/TURN - METAL QUAD
EL	EAVE LIGHT
T	GARDEN TAP
GAS	GAS METER



AREA (m²)	
NAME	AREA
GROUND FLOOR	90.05 m²

PROPOSED GROUND FLOOR PLAN 1 : 100

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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REVIT VERSION V016

Cape Cod AUSTRALIA

PROPOSED FIRST FLOOR

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Waverley Council

Application No: DA-258/2023

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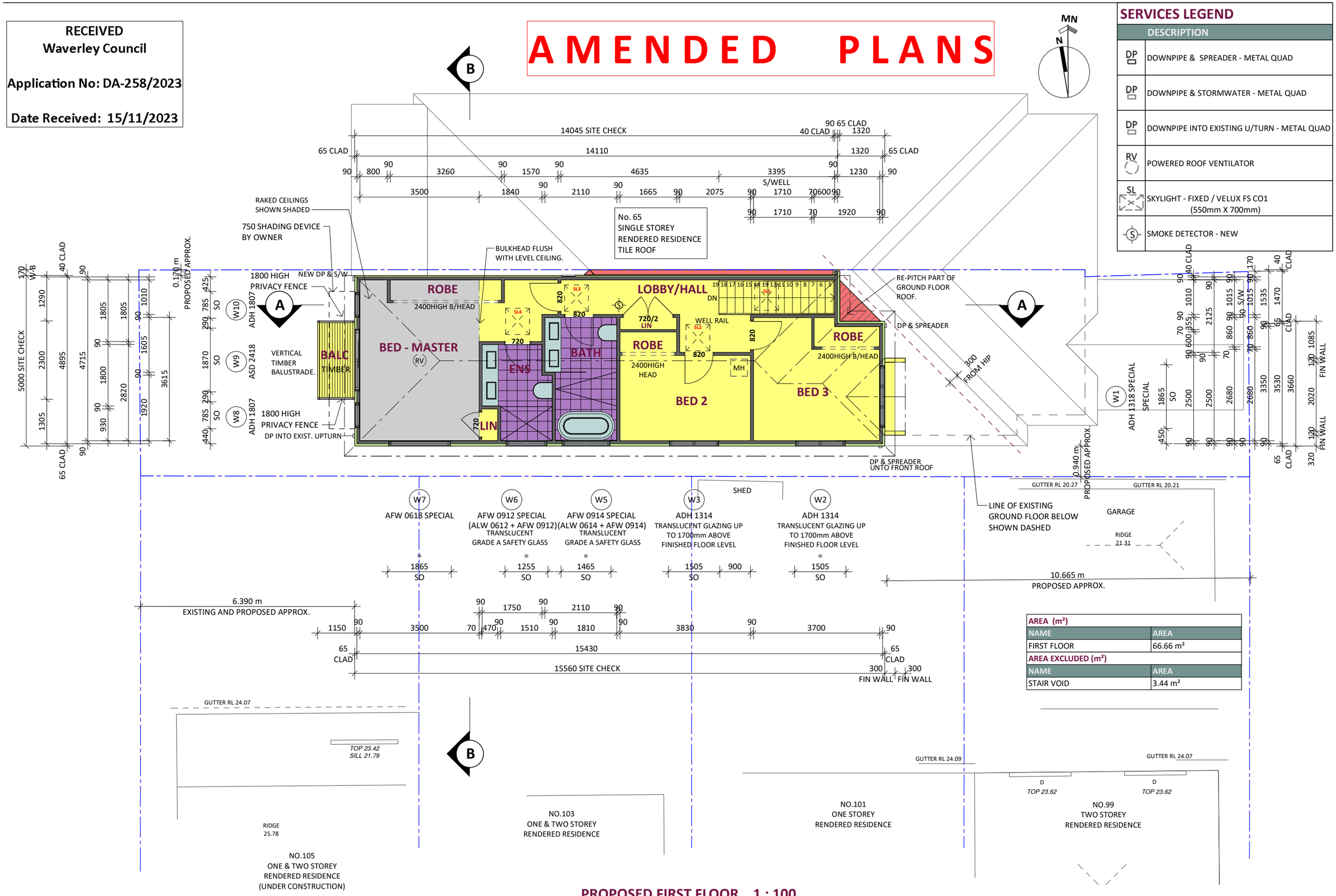
AMENDED PLANS

SERVICES LEGEND	
DESCRIPTION	
DP	DOWNPIPE & SPREADER - METAL QUAD
DP	DOWNPIPE & STORMWATER - METAL QUAD
DP	DOWNPIPE INTO EXISTING U/TURN - METAL QUAD
RV	POWERED ROOF VENTILATOR
SL	SKYLIGHT - FIXED / VELUX FS CO1 (550mm X 700mm)
S	SMOKE DETECTOR - NEW



AREA (m²)	
NAME	AREA
FIRST FLOOR	66.66 m²
AREA EXCLUDED (m²)	
NAME	AREA
STAIR VOID	3.44 m²

PROPOSED FIRST FLOOR 1 : 100

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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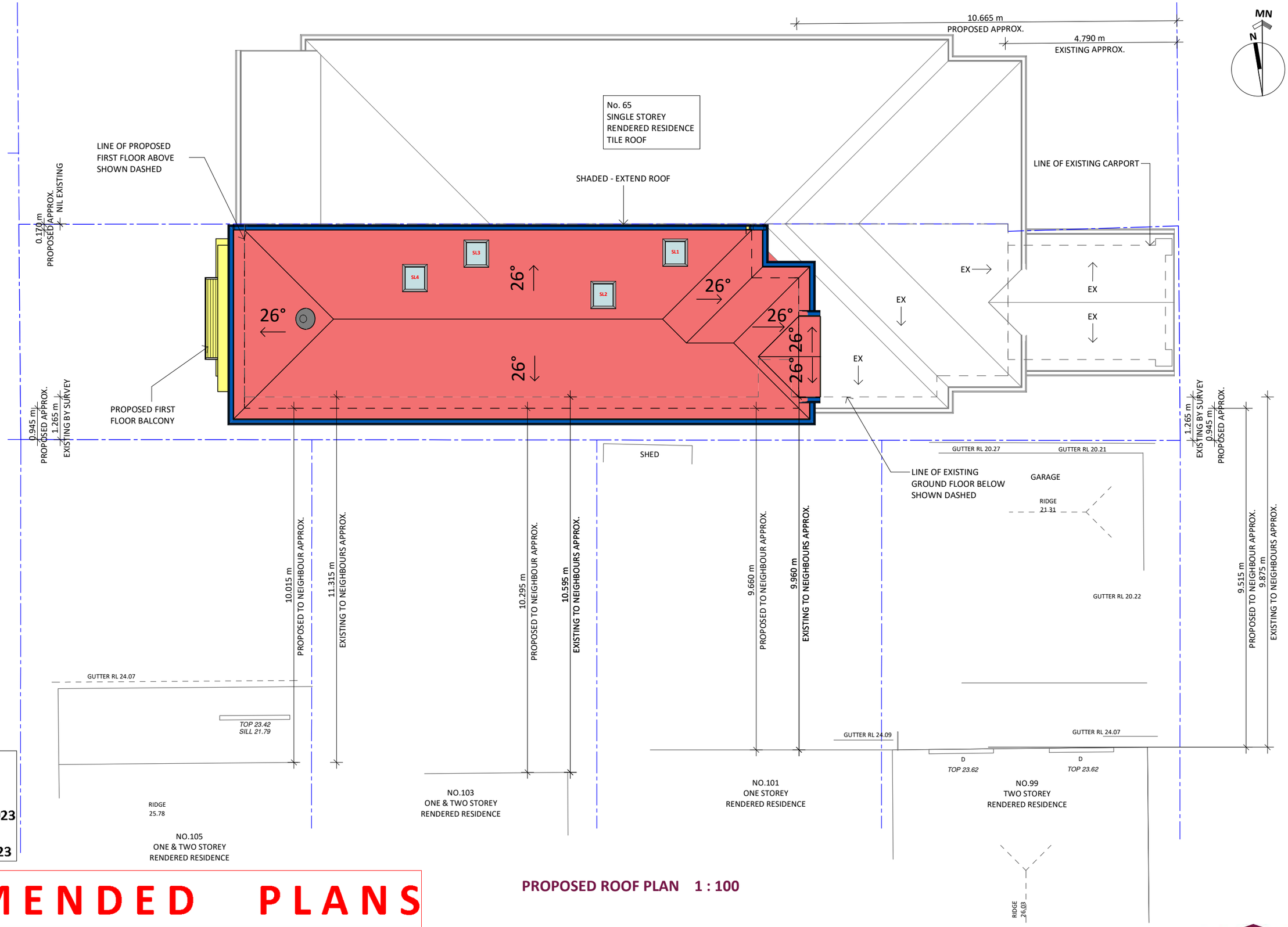
PROPOSED ROOF PLAN



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PROPOSED ROOF PLAN 1 : 100

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GROSS FLOOR AREA PLAN

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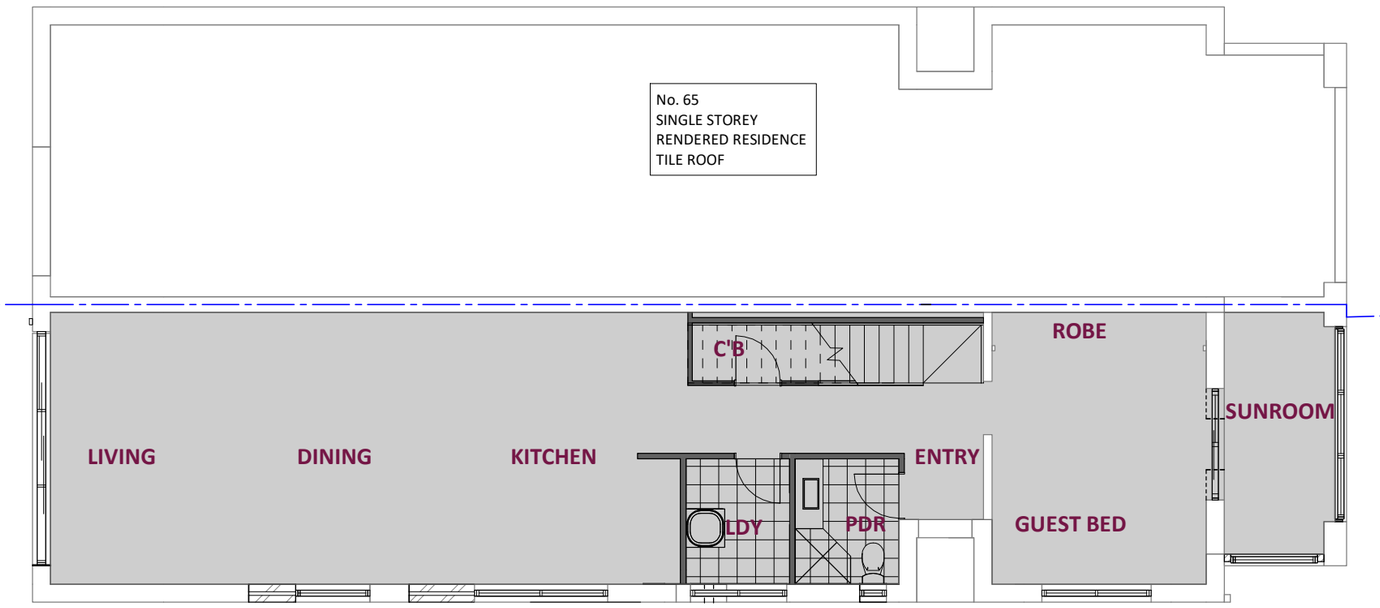
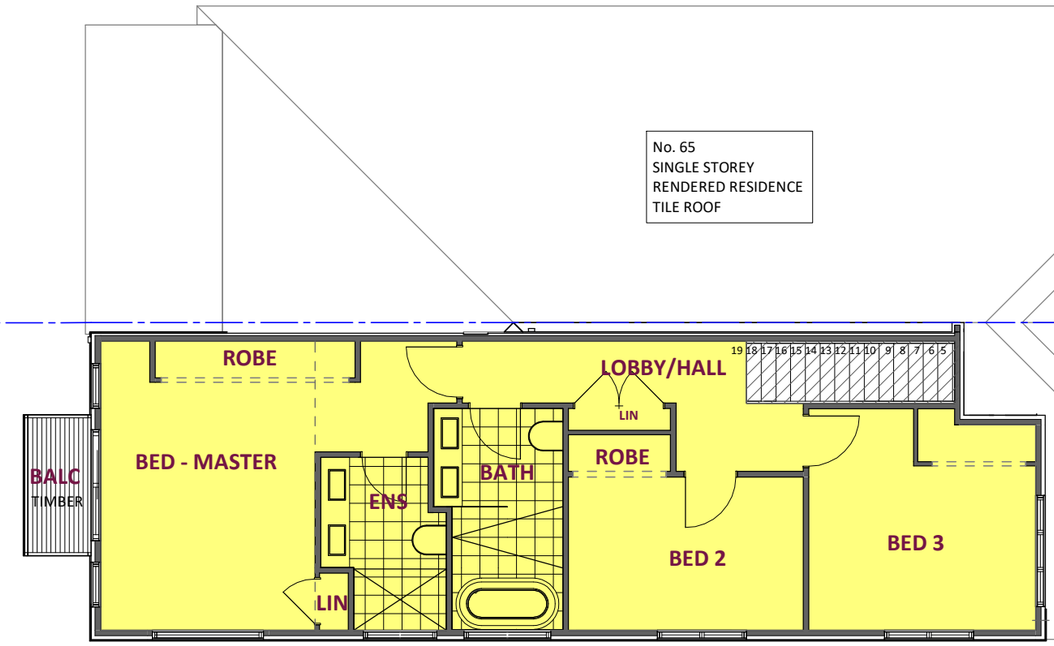


PROPOSED GROUND FLOOR PLAN 1 : 100



PROPOSED FIRST FLOOR 1 : 100

MN
N

PROPERTY INFORMATION		
PROPERTY NO.	LOT NO.	DP NO.
67	732	519045

SITE AREA INFORMATION	
BY SURVEY (m2)	BY TITLE (m2)
196.00	196.00

LEGEND

DESCRIPTION	
	EXISTING FLOOR AREA
	PROPOSED FLOOR AREA
	EXCLUDED FLOOR AREA

TOTAL FLOOR AREA		
SITE AREA	AREA	FSR
196	156.70 m²	0.80
INCLUDED AREAS		
LEVEL		AREA
GROUND FLOOR		90.05 m²
FIRST FLOOR		66.66 m²
TOTAL		156.70 m²

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ELEVATIONS

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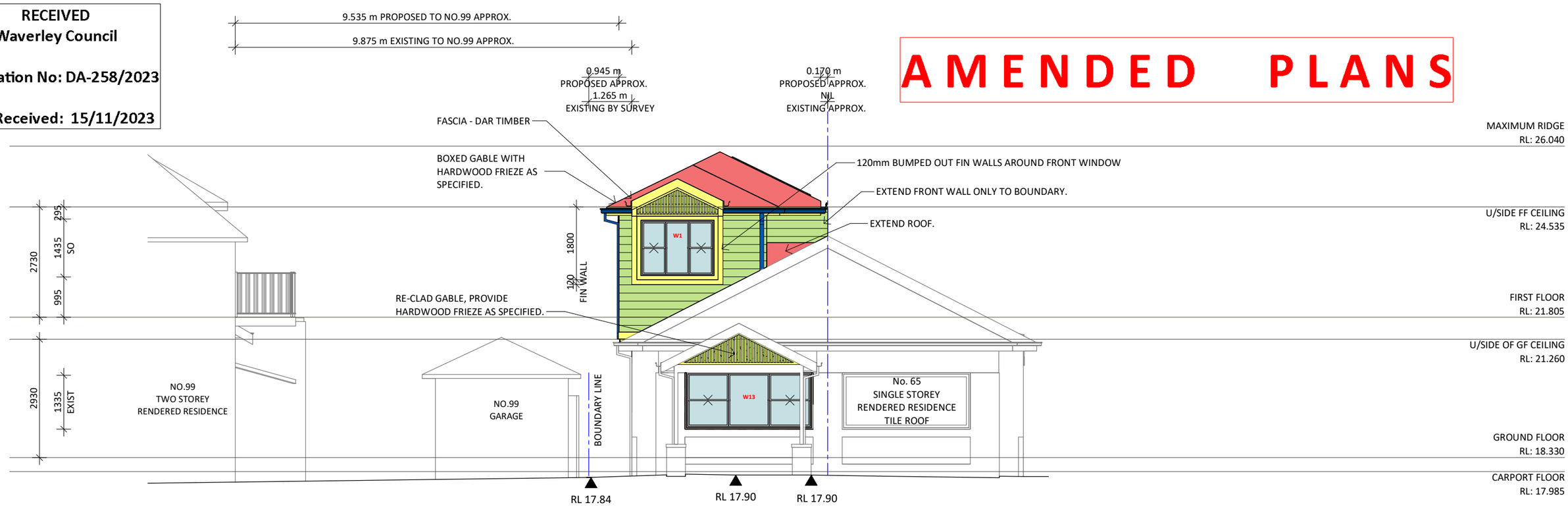

EAST ELEVATION 1 : 100

SOUTH ELEVATION 1 : 100

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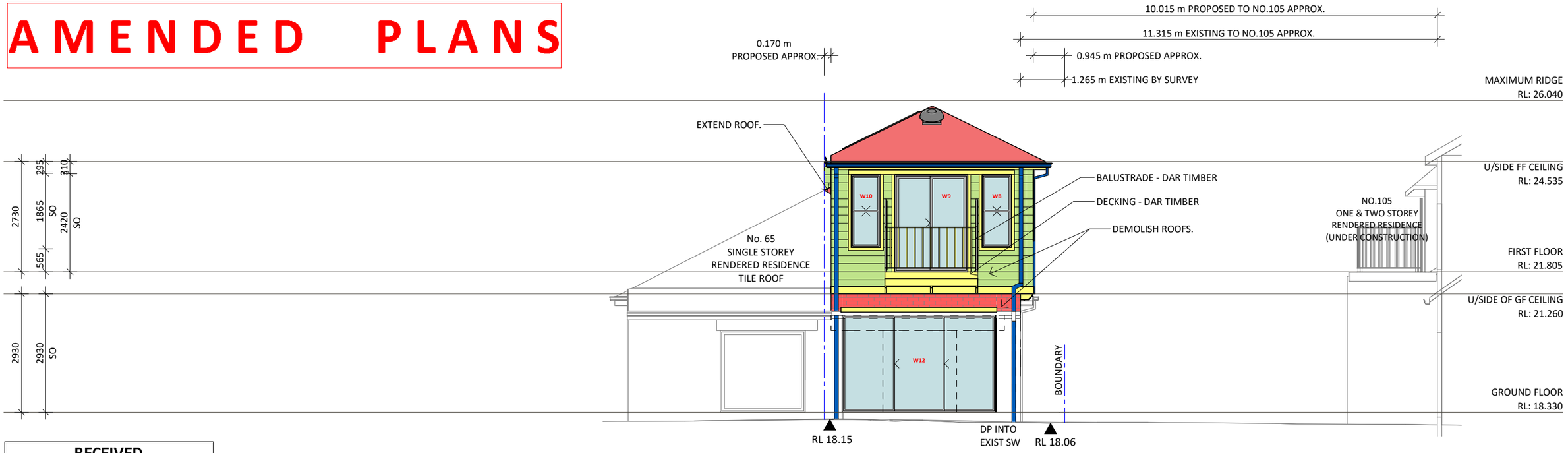
AMENDED PLANS



WEST ELEVATION 1 : 100

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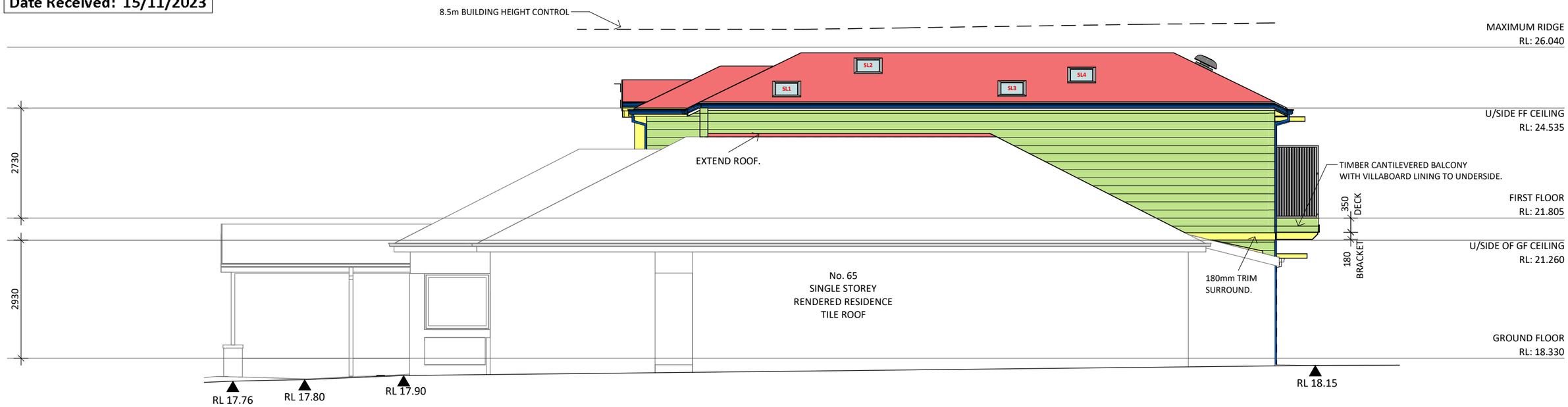

NORTH ELEVATION 1 : 100

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SECTIONS

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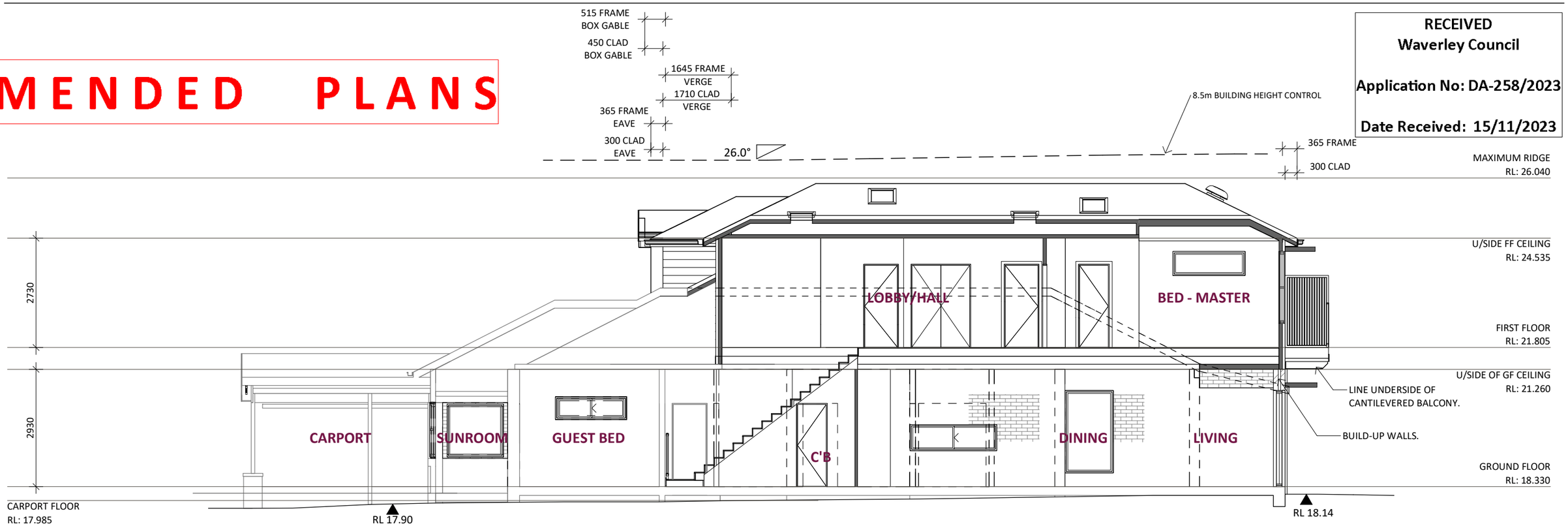
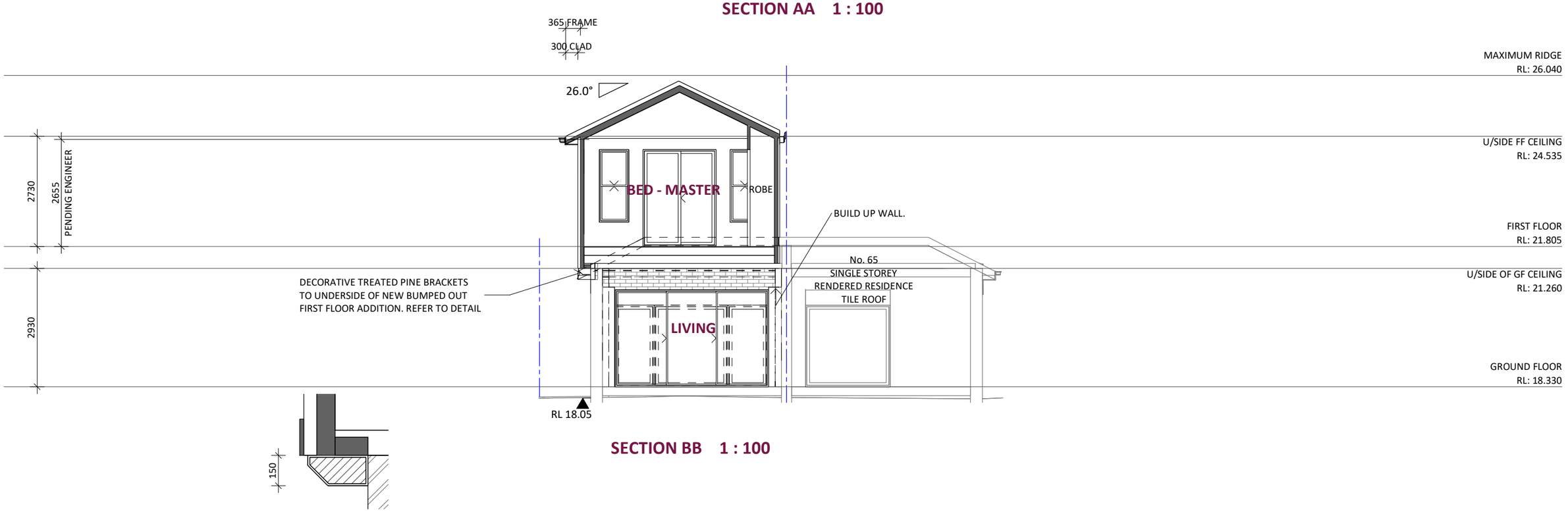


SECTION AA 1 : 100



SECTION BB 1 : 100

DECORATIVE BRACKET DETAIL 1 : 20

PROPOSED ADDITION FOR:

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BASIX COMMITMENTS

COUNCIL	BASIX NUMBER
WAVERLY	A501447_03

AMENDED PLANS

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Application No: DA-258/2023

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LIGHTING AND SYSTEMS

FIXTURES AND SYSTEMS	
LIGHTING	MIN 40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT OR LIGHT-EMITTING-DIODE (LED) LAMPS
WET AREAS (NEW OR ALTERED	**SHOWER HEADS:** 3 STAR RATED **TOILETS:** 3 STAR RATED **TAPS:** 3 STAR RATED

INSULATION

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)	
flat ceiling, pitched roof	ceiling: R2.50 (up), roof: foil/sarking	dark (solar absorptance > 0.70)
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	dark (solar absorptance > 0.70)

GLAZING AND SHADING DEVICES

Window/door number	Orientation	Area of glass including frame (m2)	Overshadowing height (m)	Overshadowing distance (m)	Shading device	Frame and glass type
W1	E	2.48	0	0	projection/ height above sill ratio >=0.36	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)
W2	S	1.99	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W3	S	1.99	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W5	S	2.18	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W6	S	1.86	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type
S1	0.39	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S2	0.39	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S3	0.39	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)
S4	0.39	no shading	timber, low-E internal/argon fill/clear external, (or U-value: 2.5, SHGC: 0.456)

GLAZING AND SHADING DEVICES

W7	S	1.09	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W8	W	1.31	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W9	W	4.34	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W10	W	1.31	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W11	S	2.49	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W12	W	9.12	0	0	eave/ verandah/ pergola/balcony >=750 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W13	E	4.25	0	0	eave/ verandah/ pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W14	S	1.87	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W18	S	1.41	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W19	S	1.02	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W20	S	1.01	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)
W21	S	0.46	0	0	eave/ verandah/ pergola/balcony >=450 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)

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GENERAL SPECIFICATIONS

ROOF SYSTEMS

ROOF COVERING MATERIAL	ROOF SARKING	ROOF INSULATION	BARGE MATERIAL	FASCIA MATERIAL	GUTTER & DP MATERIAL	GUTTER PROFILE	EAVE LINING	CEILING LINING
PROVIDE ALL NEW CONCRETE ROOF TILES "HORIZON" PROFILE TO PROPOSED FIRST FLOOR ADDITION	NON PERMEABLE FOIL SARKING	R3.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR ADDITION CEILING AREA (165mm)	DAR TIMBER	DAR TIMBER	PREFINISHED ALUMINIUM	OGEE	4.5mm FIBRE CEMENT SHEET	10mm PLASTERBOARD. 6.0mm FIBRE CEMENT SHEET TO WET AREAS..

FLOOR SYSTEMS

FLOOR STRUCTURE	FLOORING OVER	FLOOR FINISH
FLOOR JOISTS TO STRUCTURAL DETAILS	19MM STRUCTURAL PARTICLEBOARD. 19MM STRUCTURAL WET AREA PARTICLEBOARD TO WET AREAS.	BY OWNER. SELECTED TILES TO WET AREAS.
FLOOR JOISTS TO STRUCTURAL DETAILS	15MM STRUCTURAL PLYWOOD	TREATED PINE DECKING

HOT WATER UNIT

	DESCRIPTION	CONNECTION
HWU	HOT WATER UNIT - SQUARE	CONNECT TO EXISTING MP GAS UNIT

EXTERNAL WALL SYSTEMS

WALL DESCRIPTION	WALL STRUCTURE	INSULATION	INTERNAL LINING	GABLE FINISH
HOROZONTAL PLANK CLAD WALL	ex 180mm JAMES HARDIE SCYON LINEA WEATHERBOARD, AND HARDIES BOUNDARY WALL SYSTEM TO NORTH ELEVATION (PARTY WALL ELEVATION).	R2.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR EXTERNAL WALL FRAME (90mm) + 12mm POLYSTYRENE INSULATION BLANKET	10mm GYPSUM PLASTERBOARD. 6mm WET AREA BOARD TO WET AREAS	HARDITEX SHEETING WITH ex 40mm X 20mm HARDWOOD VERTICAL SLATS ON A SEPARATE FRAME BETWEEN BARGE AND GABLE WALL

INTERIOR WALLS

WALLS STRUCTURE	WIDTH	WALL INSULATION	WALL INTERNAL LINING
70 x 35 STUDS @ 450 CENTRES	70 mm		10mm GYPSUM PLASTERBOARD
90 x 35 STUDS @ 450 CENTRES	90 mm	R2.0 FIBREGLASS INSULATION BATTS TO FIRST FLOOR EXTERNAL WALL FRAME (90mm)	10mm GYPSUM PLASTERBOARD. 6mm WET AREA BOARD TO WET AREAS

STAIRS

STAIR TYPE	DESCRIPTION	WIDTH	NO. OF RISERS	RISER HEIGHT	TREAD DEPTH
CLOSED TIMBER	MAPLE STRINGERS, FIBREBOARD TREADS AND PINE RISERS.	1000 mm OVERALL STRINGER	19	183 mm	240 mm

INTERNAL DOORS

DOOR DESCRIPTION	DOOR TYPE	FINISH TYPE/MODEL
INTERNAL DOOR - SINGLE HINGED: 720	HOLLOW CORE	CORINTHIAN "FLUSH"
INTERNAL DOOR - SINGLE HINGED: 820	HOLLOW CORE	CORINTHIAN "FLUSH"
EXTERNAL DOOR - DOUBLE HINGED: 2x720	HOLLOW CORE	CORINTHIAN "FLUSH"

FIXINGS

CORNICES	SKIRTINGS	WINDOW ARCHITRAVES (INTERNAL)	WINDOW ARCHITRAVES (EXTERNAL)
90mm COVE	EX 150mm x 25mm SQUARE	EX 100mm x 25mm SQUARE	EX 100mm x 25mm SQUARE

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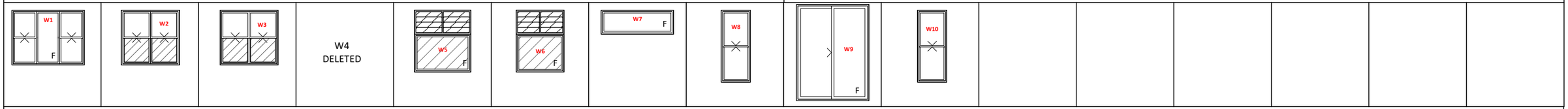
WINDOW, DOOR & SKYLIGHT SCHEDULE

BASIX CERTIFICATE NUMBER: A501447_03 WIND LOAD: W28N TERRAIN: 3

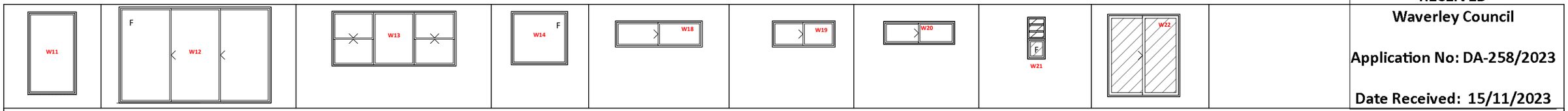
STANDARD NOTES:
- WINDOWS & DOORS ARE DRAWN AS VIEWED FROM OUTSIDE. IMAGE IS NOT TO SCALE.
- ALL WINDOWS COME WITH "KEYED ALIKE" LOCKS
- SOME WINDOW OPENINGS MAY BE RESTRICTED TO COMPLY WITH THE NCC 3.9.2.6 (REFER WINDOW SCHEDULE SPECIAL NOTES)

ALUMINIUM STEGBAR WINDOWS: **EX-STOCK COLOURS:** PEARL WHITE GLOSS, APO GREY GLOSS, STONE BEIGE, WOODLAND GREY, CUSTOM BLACK, ANODISED 20UM CLEAR, NOTRE DAME, SURFMIST. **DESIGNER'S COLOURS AVAILABLE:** POTTERY SATIN, DEEP OCEAN MATT, WHITE BIRCH GLOSS, HAMERSLEY BROWN SATIN, PRIMROSE GLOSS



GLAZED WINDOW & DOOR: FIRST FLOOR

#	ROOM	ELEVATION	WINDOW INFORMATION									INSECT SCREEN INFORMATION			SPECIAL NOTES
			MANUFACT.	CODE	FRAME MATERIAL	FRAME COLOUR	REVEAL SIZE	TYPE	CONFIG	WINDOW GLAZING ALUMINIUM	RESTRICTOR (NCC REQUIRED)	FRAME MATERIAL	FRAME COLOUR	MESH MATERIAL	
W1	BED 3	EAST	STEGBAR	ADH 1318 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XFX	6.38 LAMINATED CLEAR LOW E	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W2	BED 3	SOUTH	STEGBAR	ADH 1314	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XX	6.38 LAMINATED CLEAR	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT GLAZING UP TO 1700mm ABOVE FINISHED FLOOR LEVEL
W3	BED 2	SOUTH	STEGBAR	ADH 1314	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XX	6.38 LAMINATED CLEAR	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT GLAZING UP TO 1700mm ABOVE FINISHED FLOOR LEVEL
W5	BATH	SOUTH	STEGBAR	AFW 0914 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	LOUVRE	XF	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT, GRADE A SAFETY GLASS
W6	ENS	SOUTH	STEGBAR	AFW 0912 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	LOUVRE FIXED	XF	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	TRANSLUCENT, GRADE A SAFETY GLASS
W7	BED - MASTER	SOUTH	STEGBAR	AFW 0618 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	FIXED FIXED	F	6.38 LAMINATED CLEAR		NA	NA	NA	
W8	BED - MASTER	WEST	STEGBAR	ADH 1807	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	X	6.38 LAMINATED CLEAR	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W9	BED - MASTER	WEST	STEGBAR	ASD 2418	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	SLIDING DOOR	XF	6.38 LAMINATED CLEAR		ALUMINIUM	PEARL WHITE	FIBREGLASS	
W10	BED - MASTER	WEST	STEGBAR	ADH 1807	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	X	6.38 LAMINATED CLEAR	RESTRICT BOTTOM SASH OPENING TO 125mm TO COMPLY WITH NCC	ALUMINIUM	PEARL WHITE	FIBREGLASS	



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GLAZED WINDOW & DOOR: GROUND FLOOR

#	ROOM	ELEVATION	WINDOW INFORMATION								INSECT SCREEN INFORMATION			SPECIAL NOTES
			MANUFACT.	CODE	FRAME MATERIAL	FRAME COLOUR	REVEAL SIZE	TYPE	CONFIG	WINDOW GLAZING ALUMINIUM	FRAME MATERIAL	FRAME COLOUR	MESH MATERIAL	
W11	DINING	SOUTH	STEGBAR	AFW 2012	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	FIXED	F	6.38 LAMINATED CLEAR	NA	NA	NA	
W12	LIVING	WEST	STEGBAR	AST 2438	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	STACKING	FXX	6.38 LAMINATED CLEAR	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W13	SUNROOM	EAST	STEGBAR	ADH 1331 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	DOUBLE HUNG	XFX	6.38 LAMINATED CLEAR	ALUMINIUM	PEARL WHITE	FIBREGLASS	SIDE SASHES TO BE THE WIDTH OF ADH 1308. MIDDLE SASH TO BE THE WIDTH OF AF 1315
W14	SUNROOM	SOUTH	STEGBAR	AFW 1314 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	130mm	FIXED	F	6.38 LAMINATED CLEAR	NA	NA	NA	
W18	KITCHEN	SOUTH	STEGBAR	ASW 0621 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	SLIDING	XF	6.38 LAMINATED CLEAR	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W19	LDY	SOUTH	STEGBAR	ASW 0615 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	SLIDING	XF	6.38 LAMINATED CLEAR	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W20	GUEST BED	SOUTH	STEGBAR	ASW 0517 SPECIAL	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	SLIDING	XF	6.38 LAMINATED CLEAR	ALUMINIUM	PEARL WHITE	FIBREGLASS	
W21	PDR	SOUTH	STEGBAR	AFW 0504	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	FIXED	F	6.38 LAMINATED CLEAR	NA	NA	NA	
W22	GUEST BED	INTERNAL	STEGBAR	ASD 2018	PREFINISHED ALUMINIUM	PEARL WHITE	170mm	SLIDING DOOR	XF	6.38 LAMINATED CLEAR	NA	NA	NA	TRANSLUCENT

SKYLIGHTS

CODE	TYPE	MANUFACT. CODE	WIDTH	HEIGHT	GLAZING
SL1	C01 550 X 700	FS (FIXED)	550	700	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)
SL2	C01 550 X 700	FS (FIXED)	550	700	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)
SL3	C01 550 X 700	FS (FIXED)	550	700	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)
SL4	C01 550 X 700	FS (FIXED)	550	700	SKYLIGHT TIMBER, INTERNAL/ ARGON FILL/ CLEAR EXTERNAL, (U-VALUE: 2.5, SHGC: 0.456)

AMENDED PLANS

PROPOSED ADDITION FOR:
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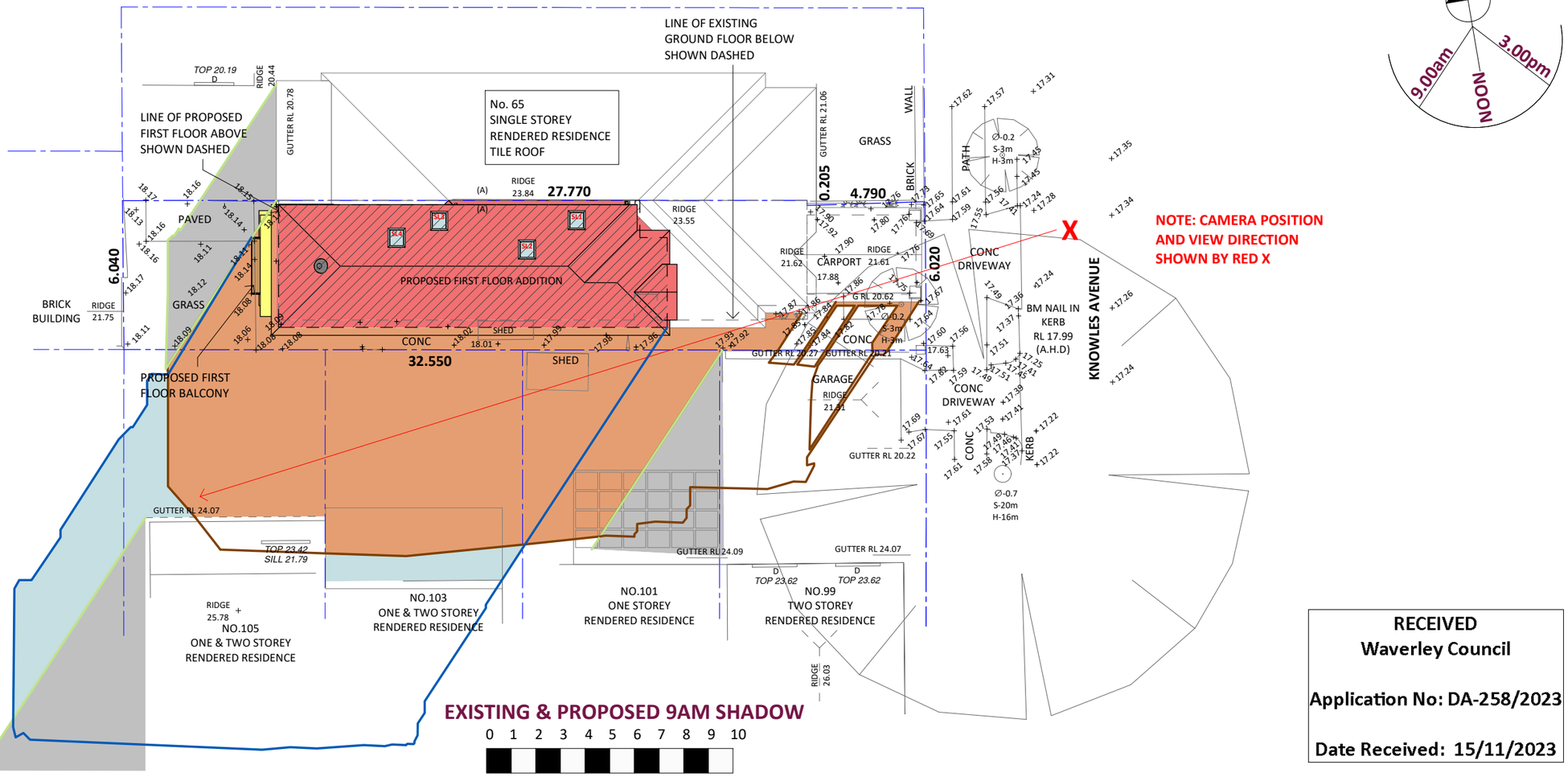
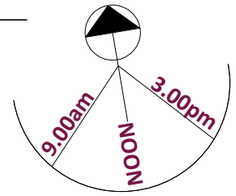
MID WINTER SHADOW DIAGRAM

ON: JUNE 21ST AT 9:00AM
ALTITUDE: 18 DEG
BEARING: 43 DEG





EXISTING & PROPOSED 9AM SHADOW

0 1 2 3 4 5 6 7 8 9 10

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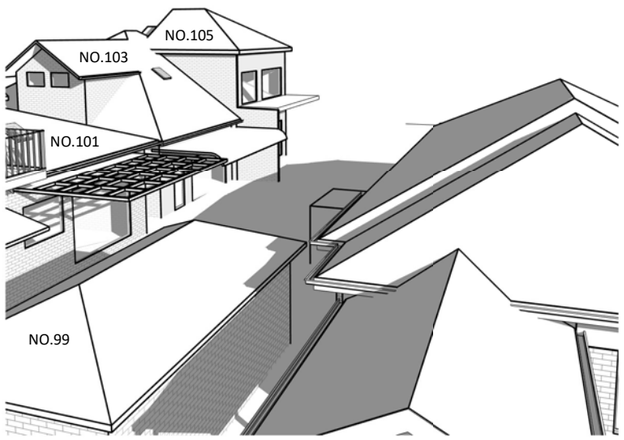
Waverley Council

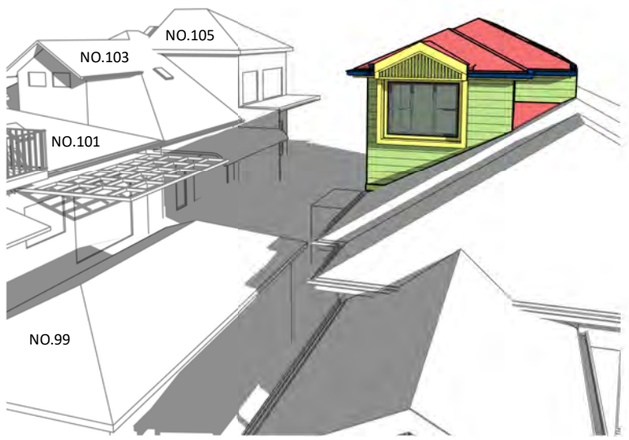
Application No: DA-258/2023

Date Received: 15/11/2023

AMENDED PLANS



9AM EXISTING SHADOWS



9AM PROPOSED SHADOWS

LEGEND

DESCRIPTION	
	EXISTING SHADOWS
	PROPOSED SHADOWS
	NEIGHBOURING SHADOWS

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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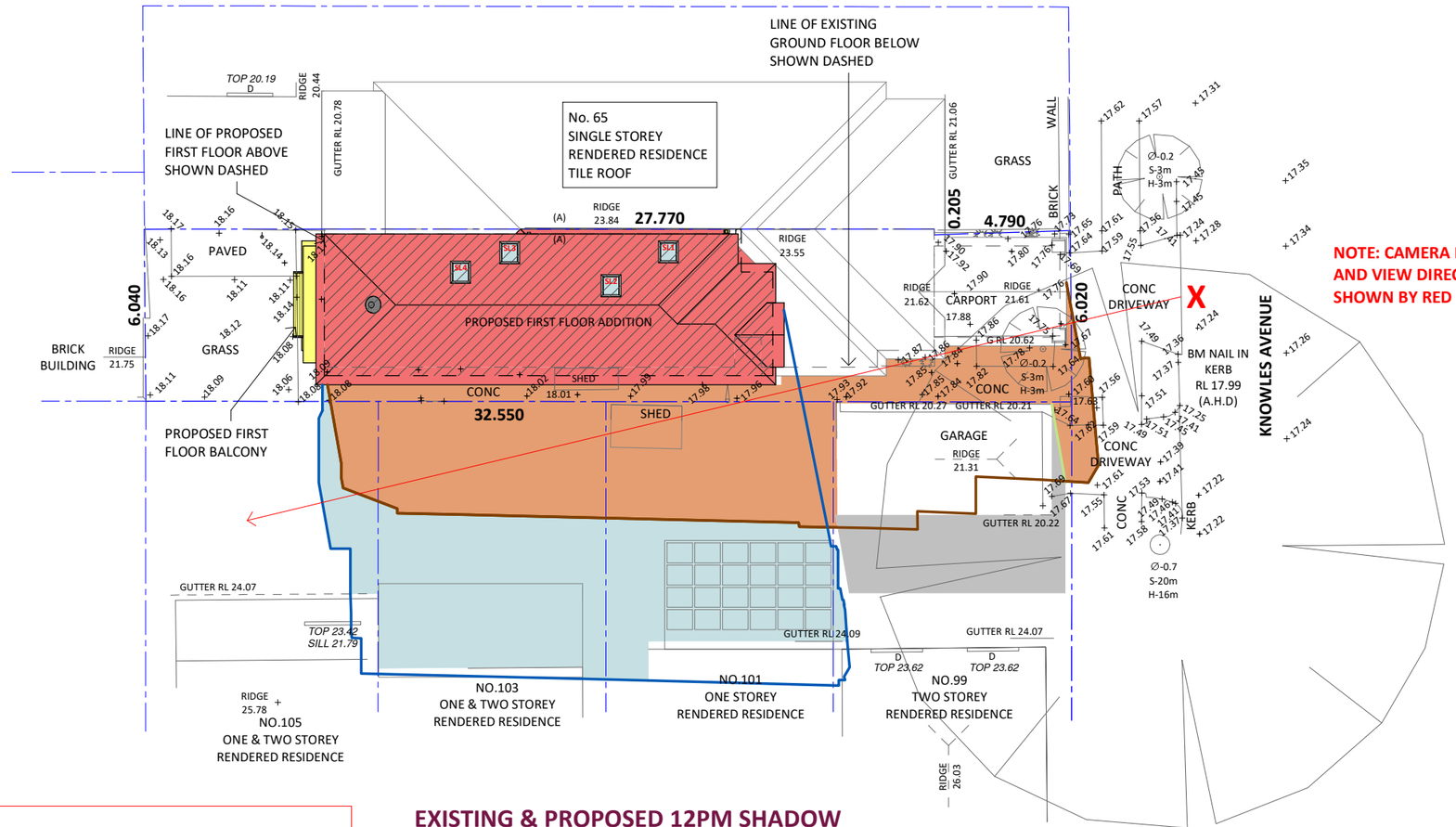
REVIT VERSION V016

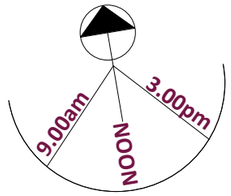
Cape Cod AUSTRALIA

MID WINTER SHADOW DIAGRAM

ON: JUNE 21ST AT 12:00PM
ALTITUDE: 32 DEG
BEARING: 00 DEG



NOTE: CAMERA POSITION AND VIEW DIRECTION SHOWN BY RED X



RECEIVED
Waverley Council

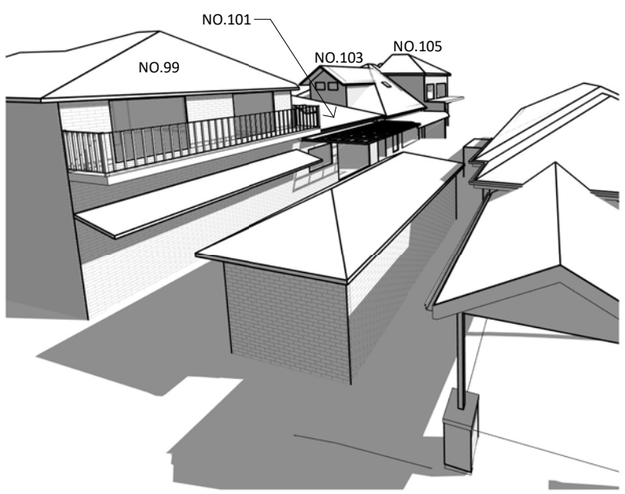
Application No: DA-258/2023

Date Received: 15/11/2023

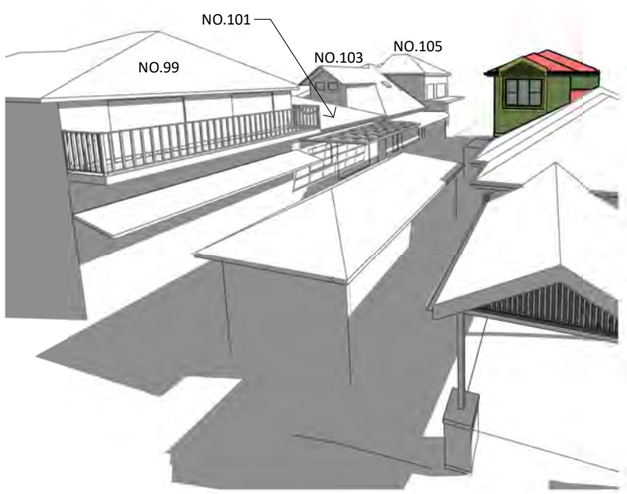
AMENDED PLANS

EXISTING & PROPOSED 12PM SHADOW

0 1 2 3 4 5 6 7 8 9 10



12PM EXISTING SHADOWS



12PM PROPOSED SHADOWS

LEGEND	
DESCRIPTION	
	EXISTING SHADOWS
	PROPOSED SHADOWS
	NEIGHBOURING SHADOWS

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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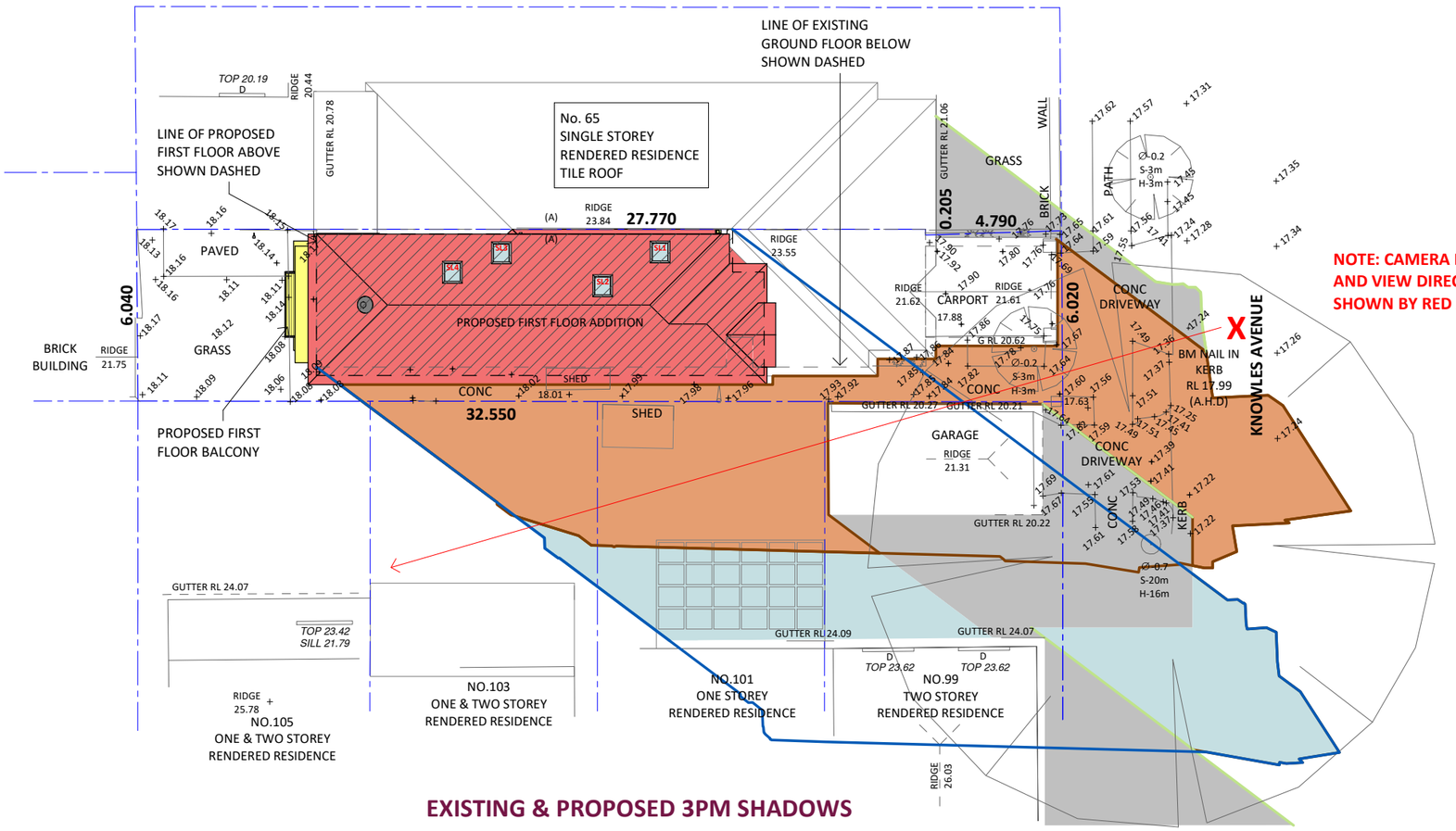
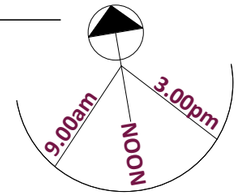
REVIT VERSION V016

Cape Cod AUSTRALIA

MID WINTER SHADOW DIAGRAM

ON: JUNE 21ST AT 3:00PM
ALTITUDE: 18 DEG
BEARING: 43 DEG



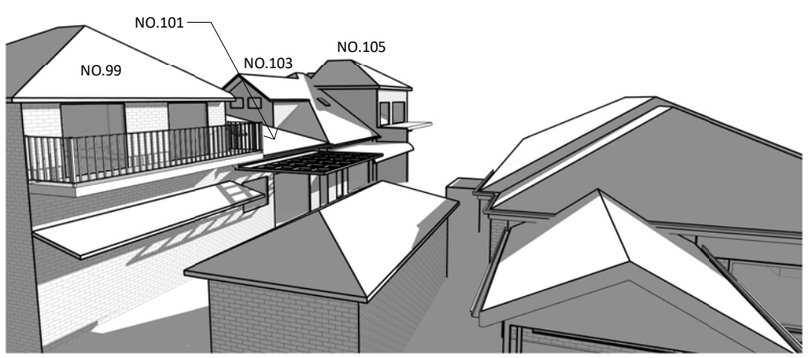


RECEIVED
Waverley Council
Application No: DA-258/2023
Date Received: 15/11/2023

EXISTING & PROPOSED 3PM SHADOWS

0 1 2 3 4 5 6 7 8 9 10

AMENDED PLANS



3PM EXISTING SHADOWS

3PM PROPOSED SHADOWS

LEGEND	
DESCRIPTION	
	EXISTING SHADOWS
	PROPOSED SHADOWS
	NEIGHBOURING SHADOWS

PROPOSED ADDITION FOR:
8224 MR J & MRS M RUDMAN. 67 KNOWLES AVENUE, NORTH BONDI NSW 2026

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REVIT VERSION V016

Cape Cod AUSTRALIA

AMENDED

RECEIVED
Waverley Council

Application No: DA-258/2023

Date Received: 15/11/2023

Cape Cod
AUSTRALIA

EXTERNAL FINISHES & COLOUR SCHEDULE

PROPOSED DEVELOPMENT:

AT:

67 Knowles Avenue

NORTH BONDI NSW 2026

FOR:

Mr J & Mrs M Rudman

BUILDER:

Cape Cod Australia Pty Ltd
PO Box 2002
North Parramatta NSW 1750

Telephone: 9849 4444
Facsimile: 9683 2868
Web: www.capecod.com.au

Builders Licence: 5519

ROOF:

Concrete Roof Tiles

COLOUR: MONIER - SALT SPRAY (HORIZON)

SOFFIT LINING:

4.5mm thick flat Fibre Cement sheeting

COLOUR: VIVID WHITE - DULUX

GABLE CLADDING:

Fibre Cement Base Sheet with Hardwood Vertical Slats on a separate Frame Between Barge and Gable Wall

COLOUR: SOFT FEATHERS - HAYMES

GABLE BATTENS:

DAR Timber

COLOUR: VIVID WHITE - DULUX

WALL CLADDING:

Fibre Cement Weatherboard

COLOUR: SOFT FEATHERS - HAYMES

WINDOW FRAMES:

Prefinished Aluminium

COLOUR: PEARL WHITE - STEGBAR

INSECT SCREEN:

Prefinished Aluminium

COLOUR: PEARL WHITE - STEGBAR

GUTTERS:

Prefinished Aluminium

COLOUR: WHITE - ACE

DOWNPIPES:

PVC

COLOUR: SOFT FEATHERS - HAYMES

FASCIA:

DAR Timber

COLOUR: VIVID WHITE - DULUX

BARGE BOARD:

DAR Timber

COLOUR: SOFT FEATHERS - HAYMES

BALUSTRADE:

Timber

COLOUR: SOFT FEATHERS - HAYMES

BRACKETS:

DAR Timber

COLOUR: SOFT FEATHERS - HAYMES

TRIM:

Fibre Cement

COLOUR: SOFT FEATHERS - HAYMES

BUMP OUT WALL

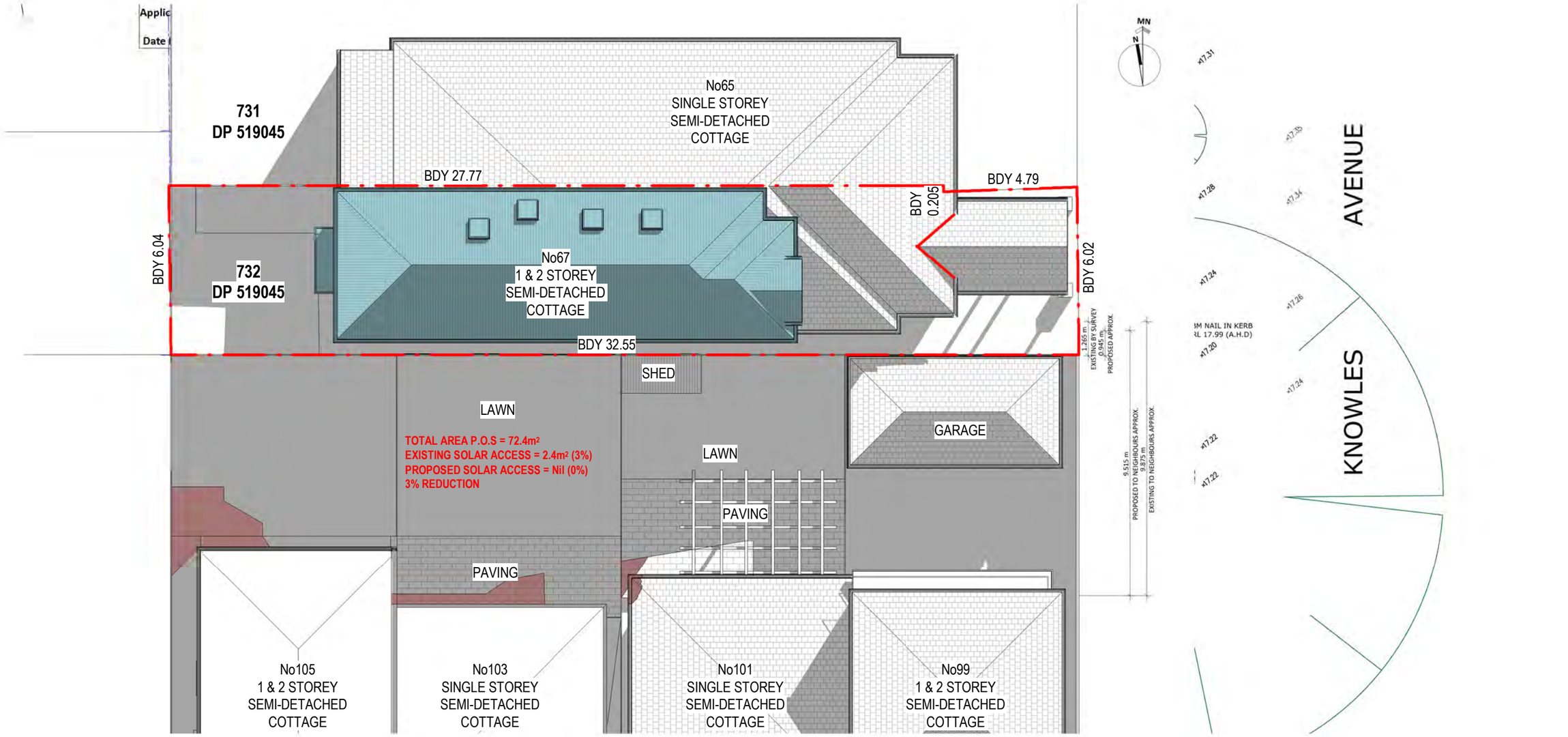
Timber

COLOUR: SOFT FEATHERS - HAYMES

BALCONY:

Timber

COLOUR: SOFT FEATHERS - HAYMES



1 Shadowig June 21st 9.00am

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES PROPOSED ADDITIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

Shadowing June 21st 9.00am

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A100

9/10/2023 3:56:03 PM

Applic

Date

731
DP 519045

No65
SINGLE STOREY
SEMI-DETACHED
COTTAGE

BDY 27.77

BDY 4.79

BDY 0.205

BDY 6.04

BDY 6.02

732
DP 519045

No67
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

BDY 32.55

1.265 m EXISTING BY SURVEY
0.945 m PROPOSED APPROX.

LAWN

SHED

TOTAL AREA P.O.S = 72.4m²
EXISTING SOLAR ACCESS = 25.9m² (36%)
PROPOSED SOLAR ACCESS = Nil (0%)
36% REDUCTION

GARAGE

LAWN

PAVING

PAVING

9.515 m PROPOSED TO NEIGHBOURS APPROX.
9.875 m EXISTING TO NEIGHBOURS APPROX.

MN
N

KNOWLES AVENUE

M NAIL IN KERB
L 17.99 (A H.D)

No105
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

1
DP 596231

No103
SINGLE STOREY
SEMI-DETACHED
COTTAGE

2
DP 596231

No101
SINGLE STOREY
SEMI-DETACHED
COTTAGE

A
DP 106379

No99
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

B
DP 106379

1 Shadowig June 21st 10.00am

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW

DENOTES PROPOSED ADDITIONS

DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

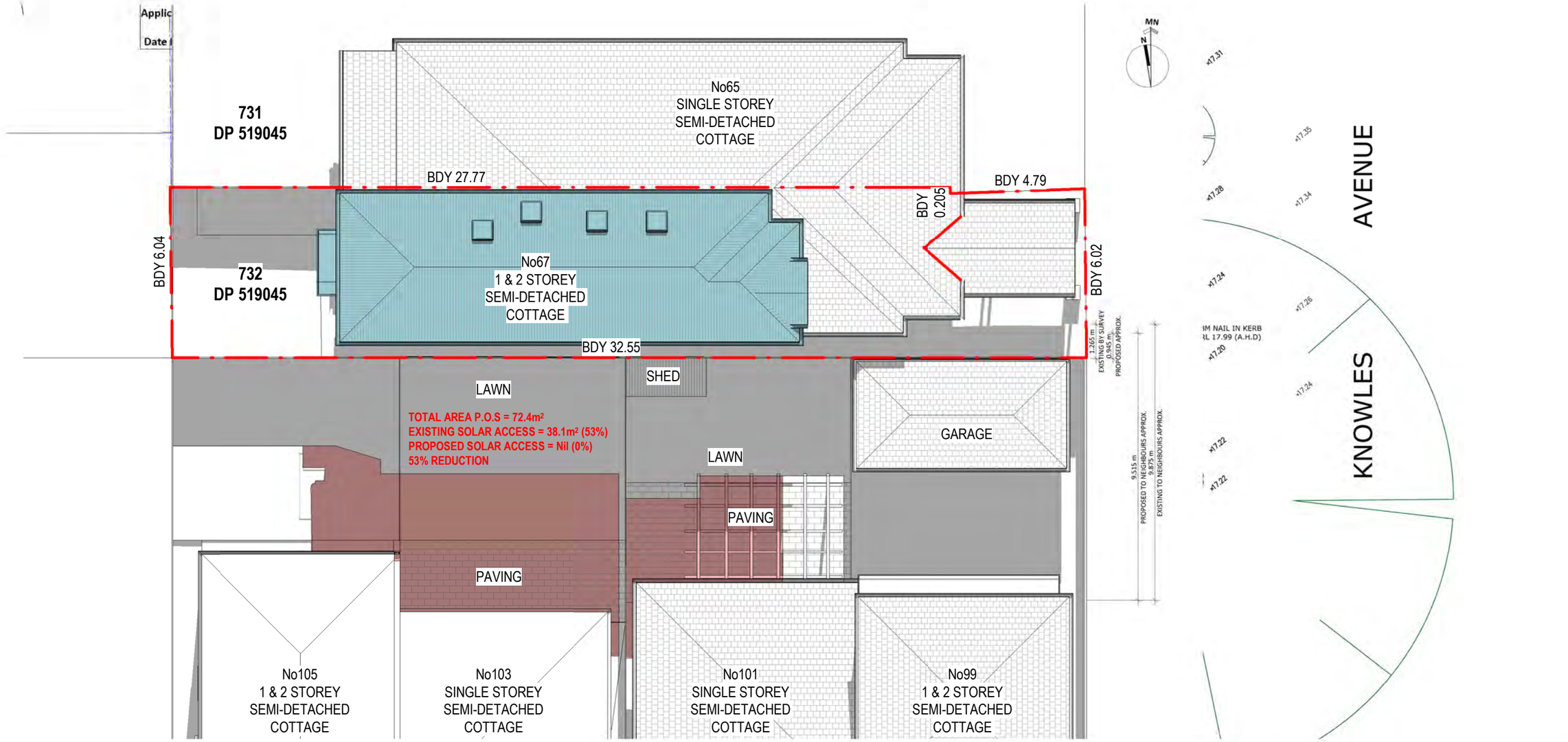
CLIENT: FLORIAN WEGERER

Shadowing June 21st 10.00am

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A101

9/10/2023 3:56:04 PM



1 Shadowig June 21st 11.00am

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23 & SITE INSPECTION

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES PROPOSED ADDITIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI OVER ADJOINING No.103 O'DONNELL ST, NTH BONDI

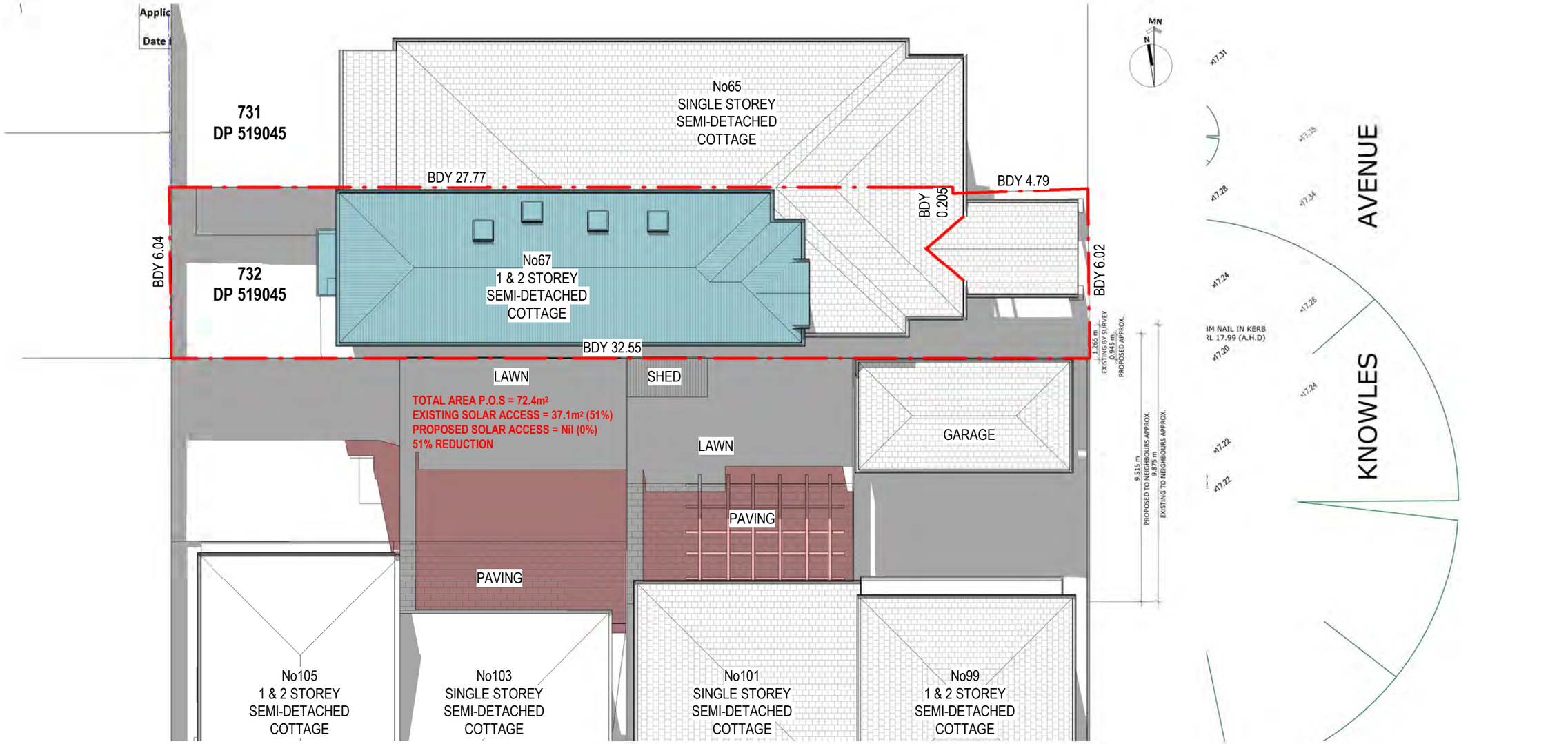
CLIENT: FLORIAN WEGERER

Shadowing June 21st 11.00am

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A102

9/10/2023 3:56:05 PM



1 Shadowig June 21st 12.00pm

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES PROPOSED ADDITIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

Shadowing June 21st 12.00pm

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A103

9/10/2023 3:56:06 PM

Applic

Date

731
DP 519045

No65
SINGLE STOREY
SEMI-DETACHED
COTTAGE

BDY 27.77

BDY 4.79

BDY 0.205

BDY 6.04

BDY 6.02

732
DP 519045

No67
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

BDY 32.55

LAWN

SHED

TOTAL AREA P.O.S = 72.4m²
EXISTING SOLAR ACCESS = 34.9m² (48%)
PROPOSED SOLAR ACCESS = 3.2m² (4%)
44% REDUCTION

GARAGE

LAWN

PAVING

PAVING

1.265 m
EXISTING BY SURVEY
0.945 m
PROPOSED APPROX.

9.515 m
PROPOSED TO NEIGHBOURS APPROX.
9.875 m
EXISTING TO NEIGHBOURS APPROX.

MN

N

×17.31

×17.35

×17.28

×17.34

×17.24

×17.26

IM NAIL IN KERB
RL 17.99 (A.H.D)

×17.20

×17.24

×17.22

×17.22

AVENUE

KNOWLES

No105
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

1
DP 596231

No103
SINGLE STOREY
SEMI-DETACHED
COTTAGE

2
DP 596231

No101
SINGLE STOREY
SEMI-DETACHED
COTTAGE

A
DP 106379

No99
1 & 2 STOREY
SEMI-DETACHED
COTTAGE

B
DP 106379

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW

DENOTES PROPOSED ADDITIONS

DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

1 **Shadowig June 21st 1.00pm**

1 : 150

Cad Draft P/L

SHADOW ANALYSIS CONSULTANTS

ABN 27 083 288 153

SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040

PH: 9555 8545

info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

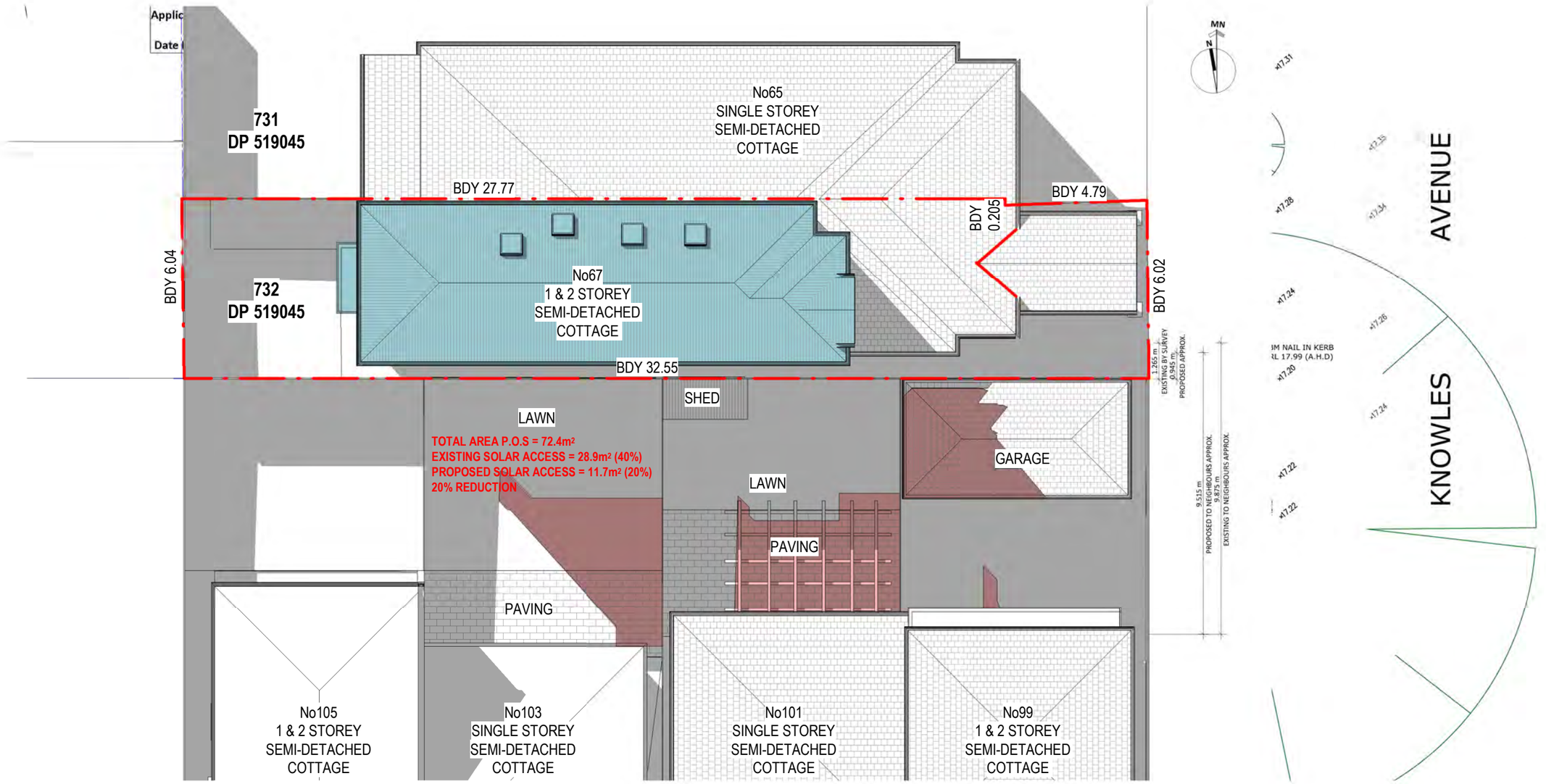
SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI OVER ADJOINING No.103 O'DONNELL ST, NTH BONDI

CLIENT: FLORIAN WEGERER

Shadowing June 21st 1.00pm

Project number	23-122	A104	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	As indicated

9/10/2023 3:56:07 PM



1 Shadowig June 21st 2.00pm

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES PROPOSED ADDITIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
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LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

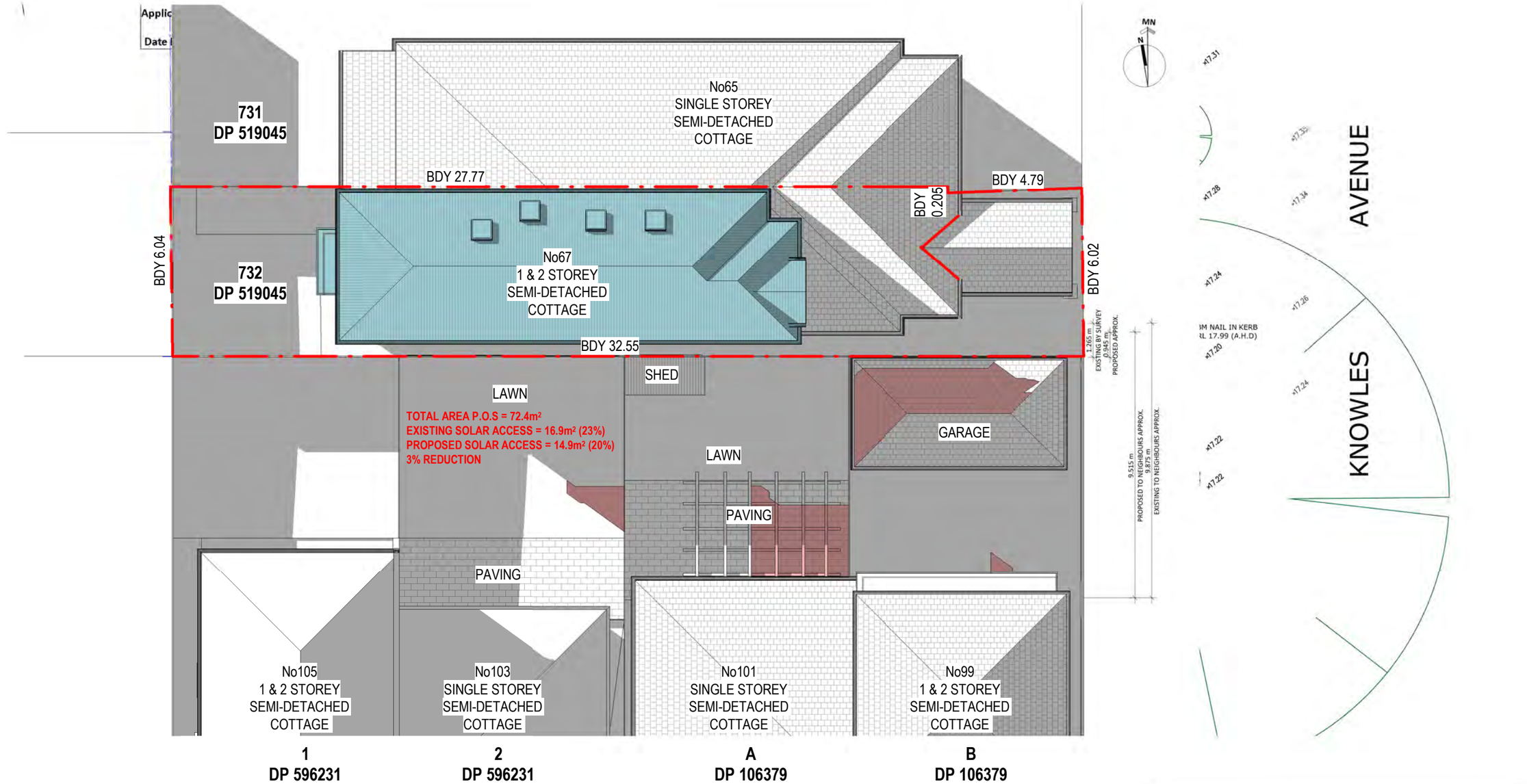
CLIENT: FLORIAN WEGERER

Shadowing June 21st 2.00pm

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A105

9/10/2023 3:56:08 PM



1 Shadowig June 21st 3.00pm

1 : 150

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES PROPOSED ADDITIONS
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW

Cad Draft P/L
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LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI OVER ADJOINING No.103 O'DONNELL ST, NTH BONDI

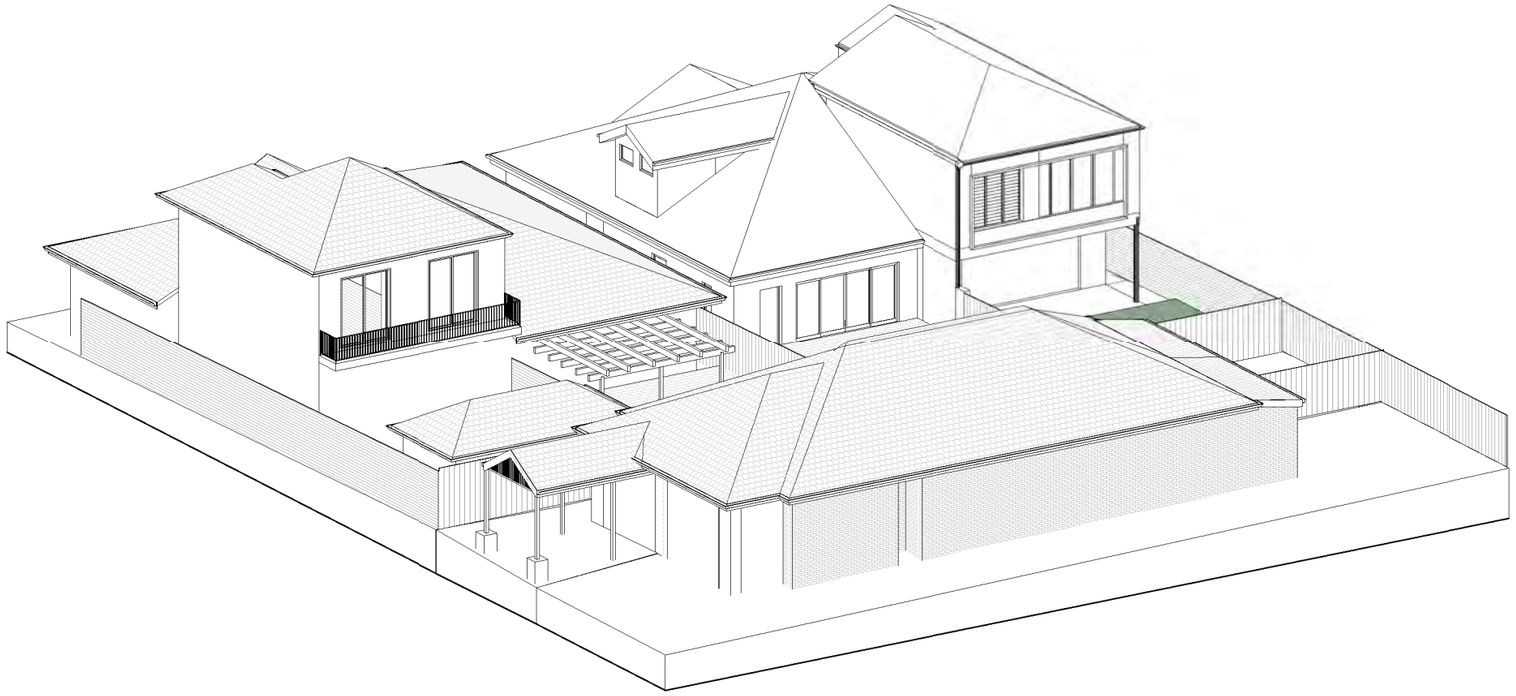
CLIENT: FLORIAN WEGERER

Shadowing June 21st 3.00pm

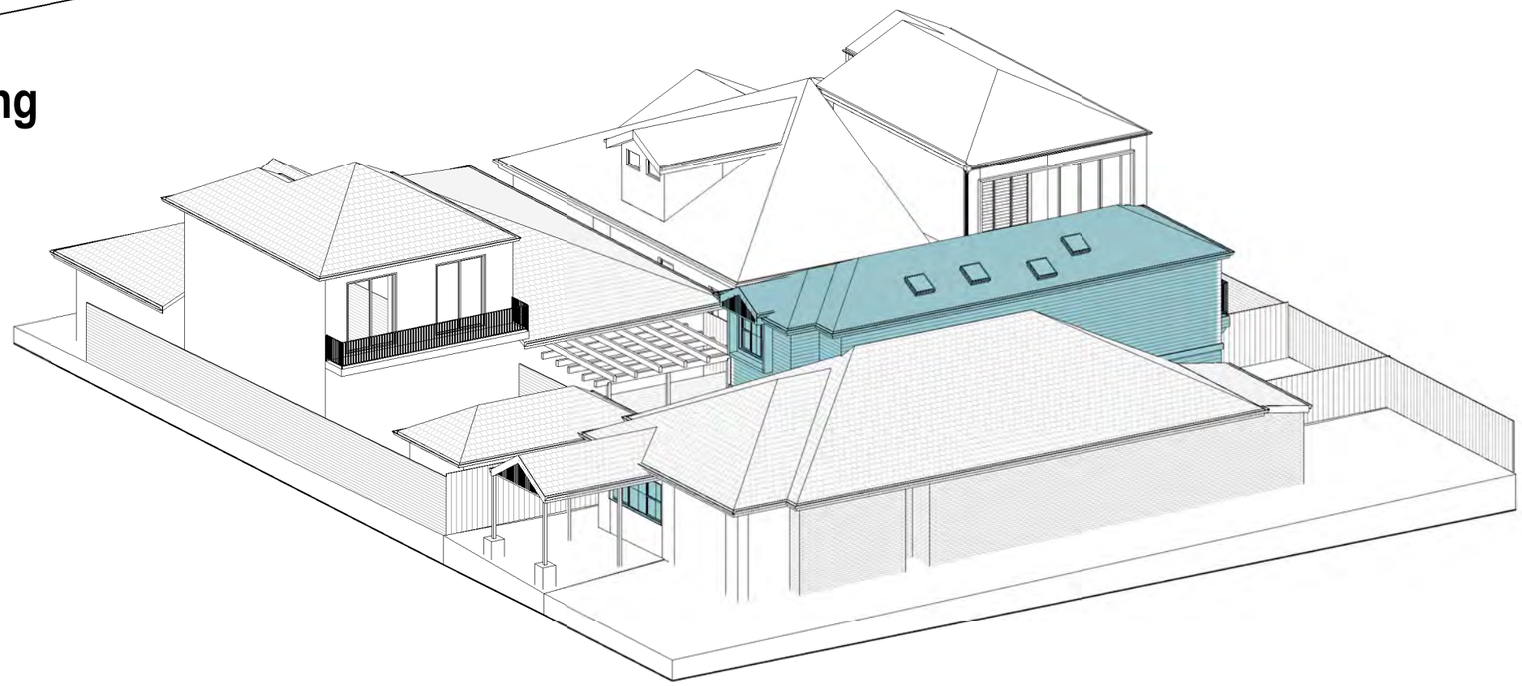
Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	As indicated

A106

9/10/2023 3:56:10 PM



1 **3D Sun View June 21st 9.00am Existing**



2 **3D Sun View June 21st 9.00am Proposed**

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI OVER ADJOINING No.103 O'DONNELL ST, NTH BONDI

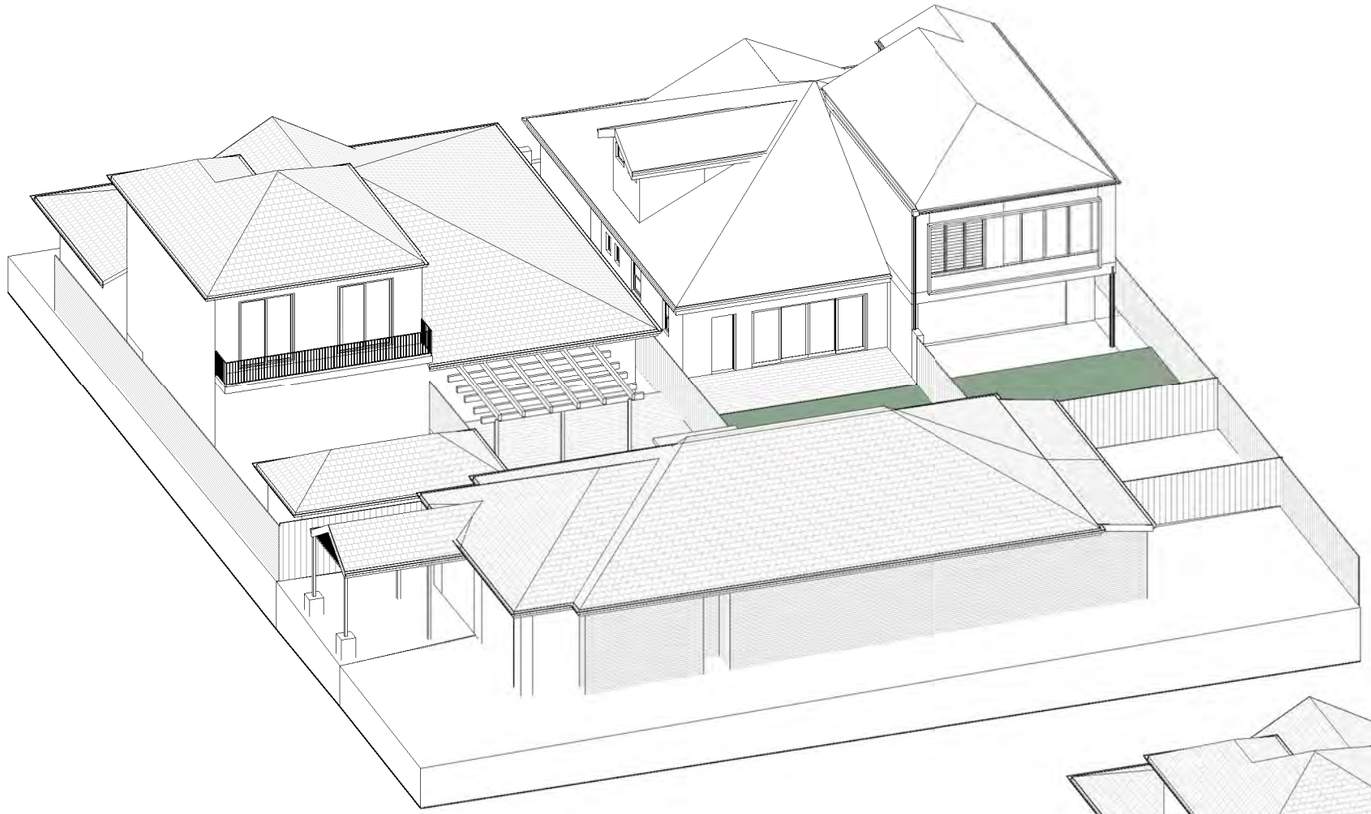
CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 9.00am

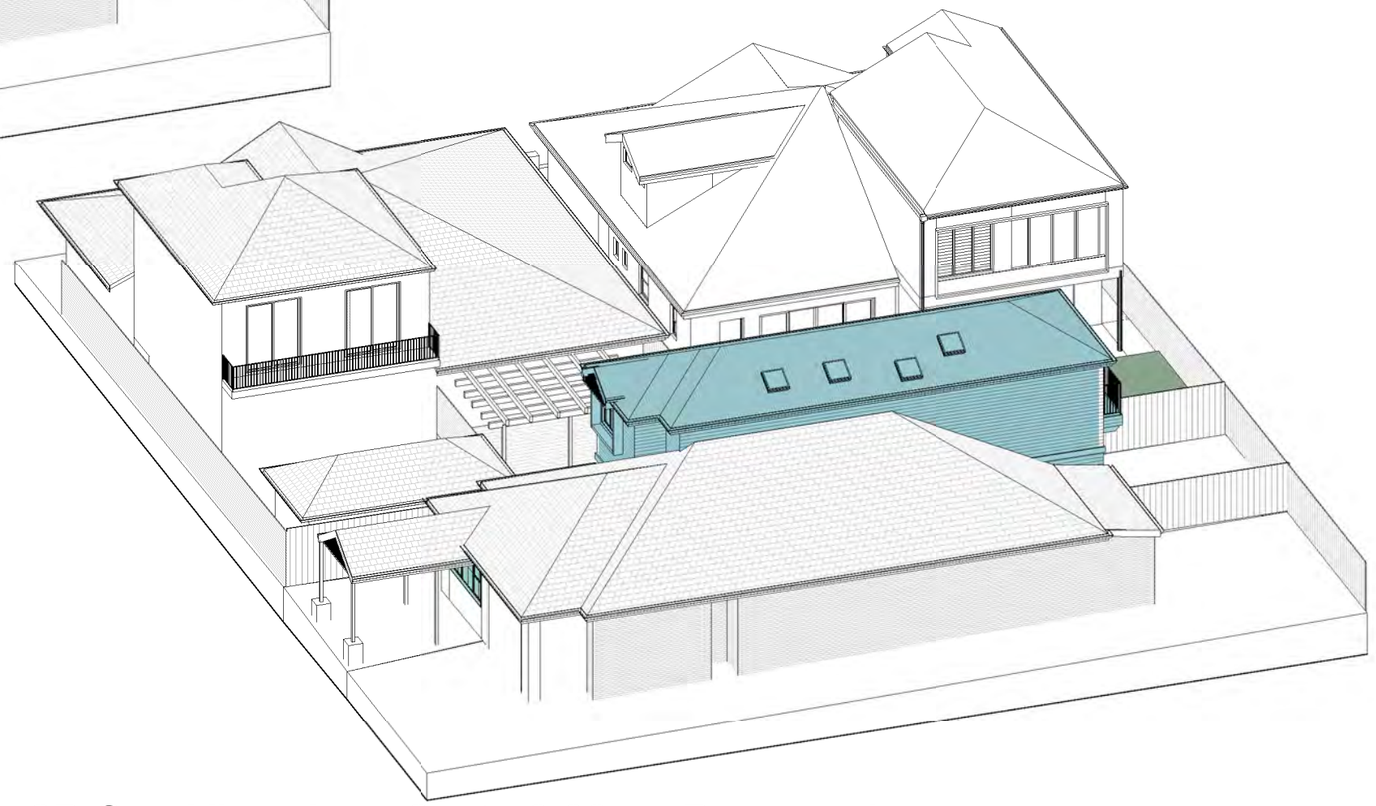
Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	1 : 250

A107

9/10/2023 3:56:10 PM



1 **3D Sun View June 21st 10.00am Existing**



2 **3D Sun View June 21st 10.00am Proposed**

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

Cad Draft P/L
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ABN 27 083 288 153
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LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 10.00am

Project number	23-122	A108	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	1 : 250

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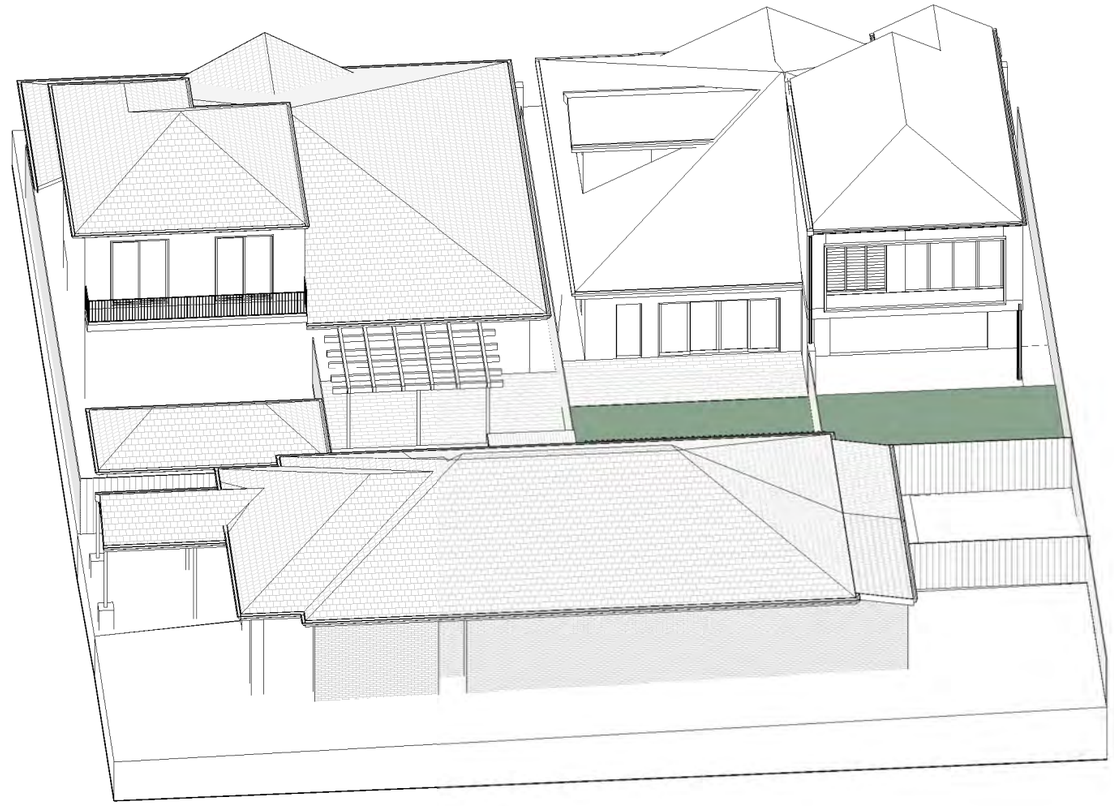

1 3D Sun View June 21st 11.00am Existing

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM COUNCIL
LODGEMENT DOCUMENTS DA 258 / 2023
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA"
REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION

2 3D Sun View June 21st 11.00am Proposed

Cad Draft P/L
SHADOW ANALYSIS CONSULTANTS
ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW 2040
PH: 9555 8545
info@caddraftnsw.com.au

No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 11.00am

Project number	23-122	**A109**	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	1 : 250

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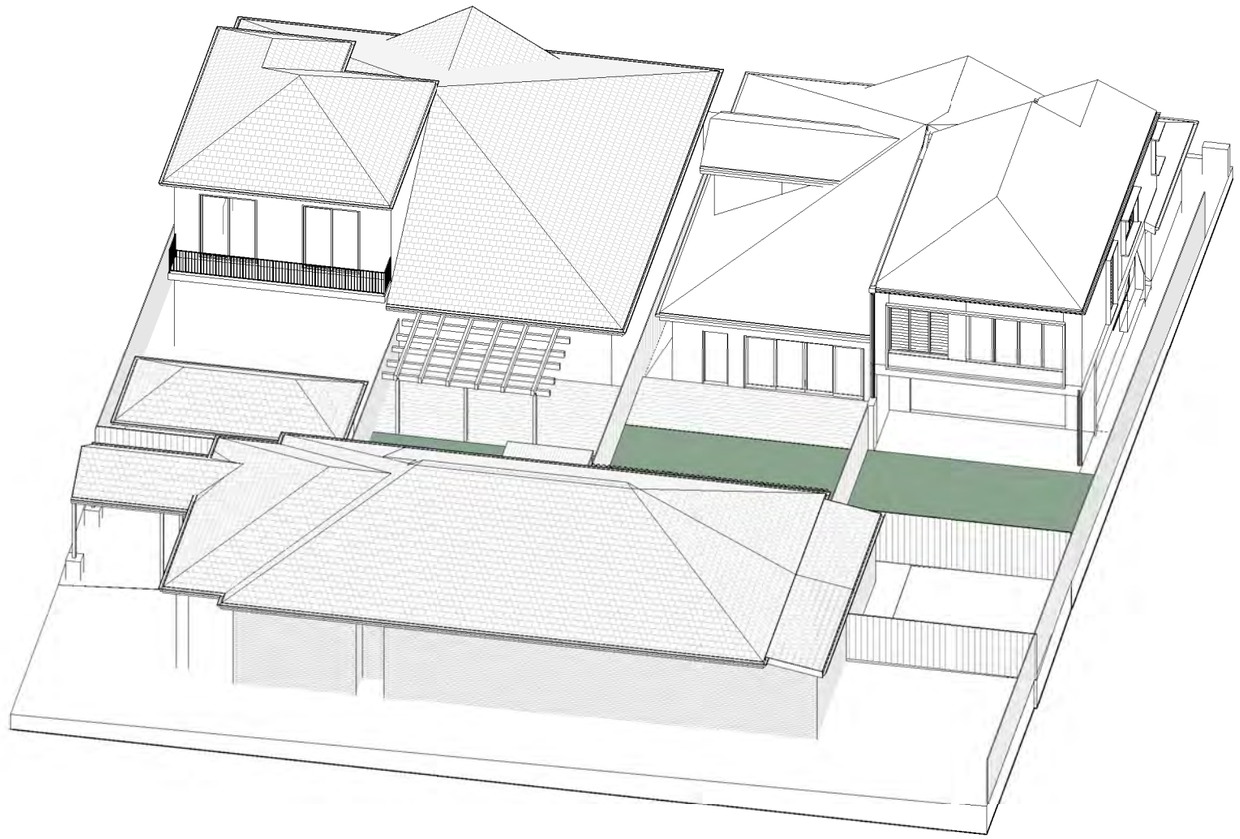

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NOTE:
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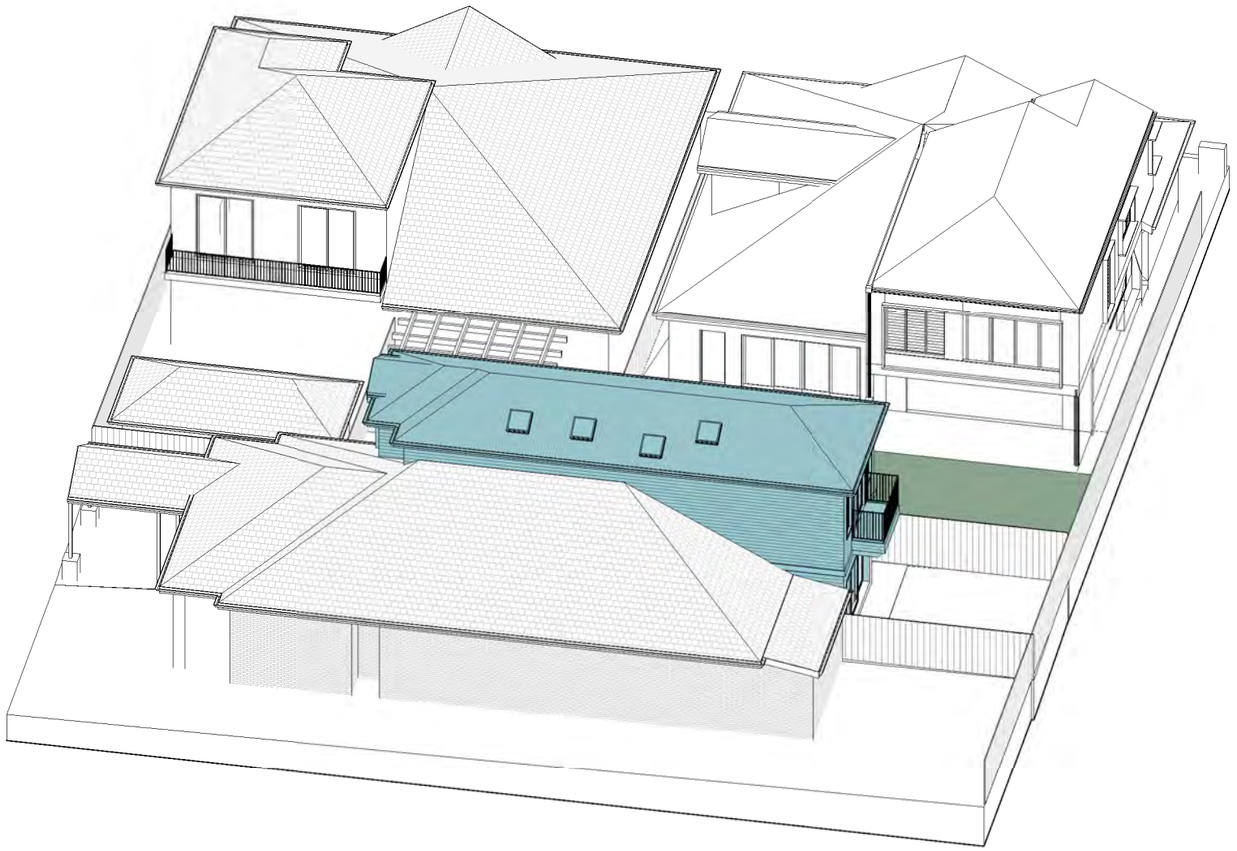

2 3D Sun View June 21st 12.00pm Proposed

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DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 12.00pm

Project number	23-122	A110	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	1 : 250

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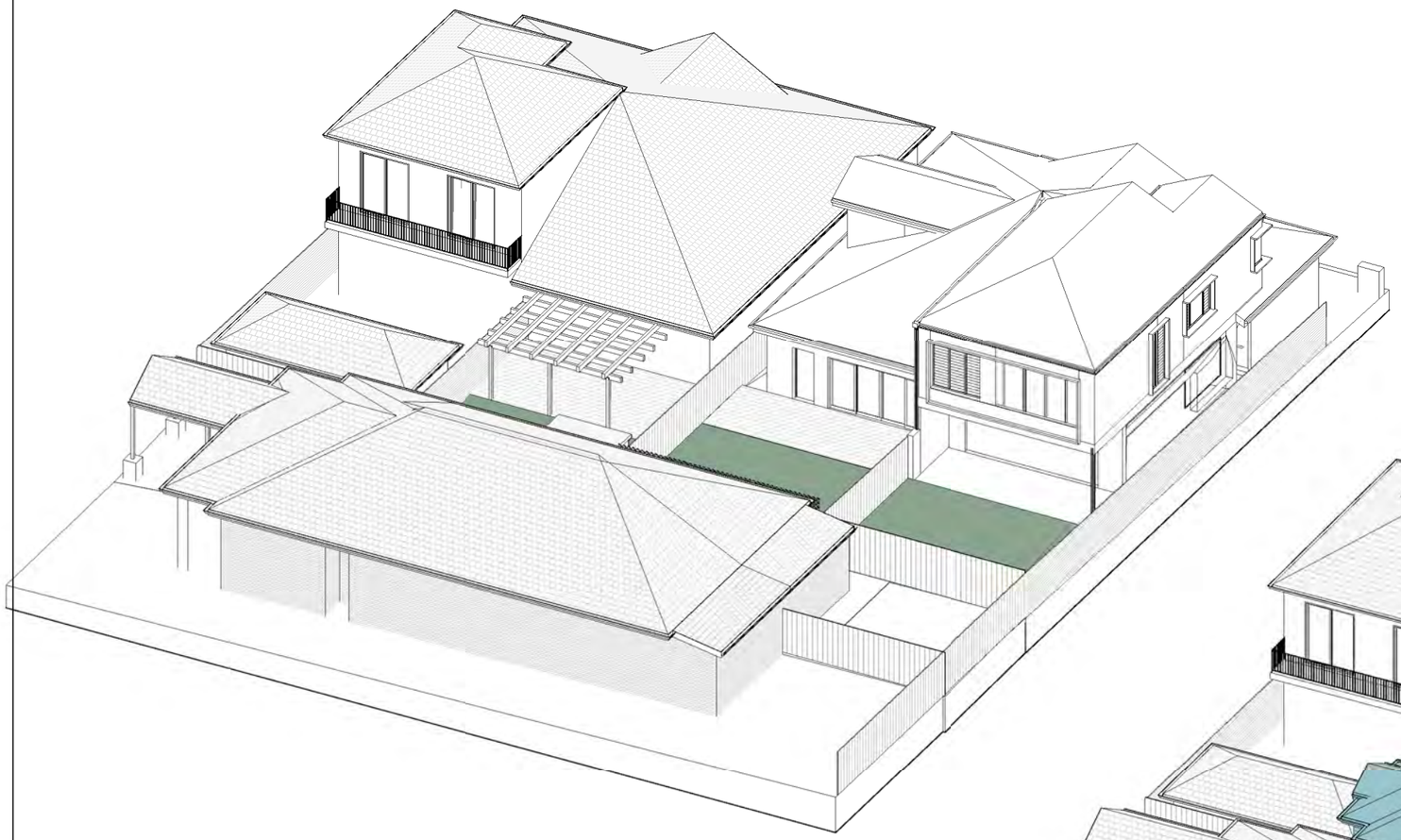

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NOTE:
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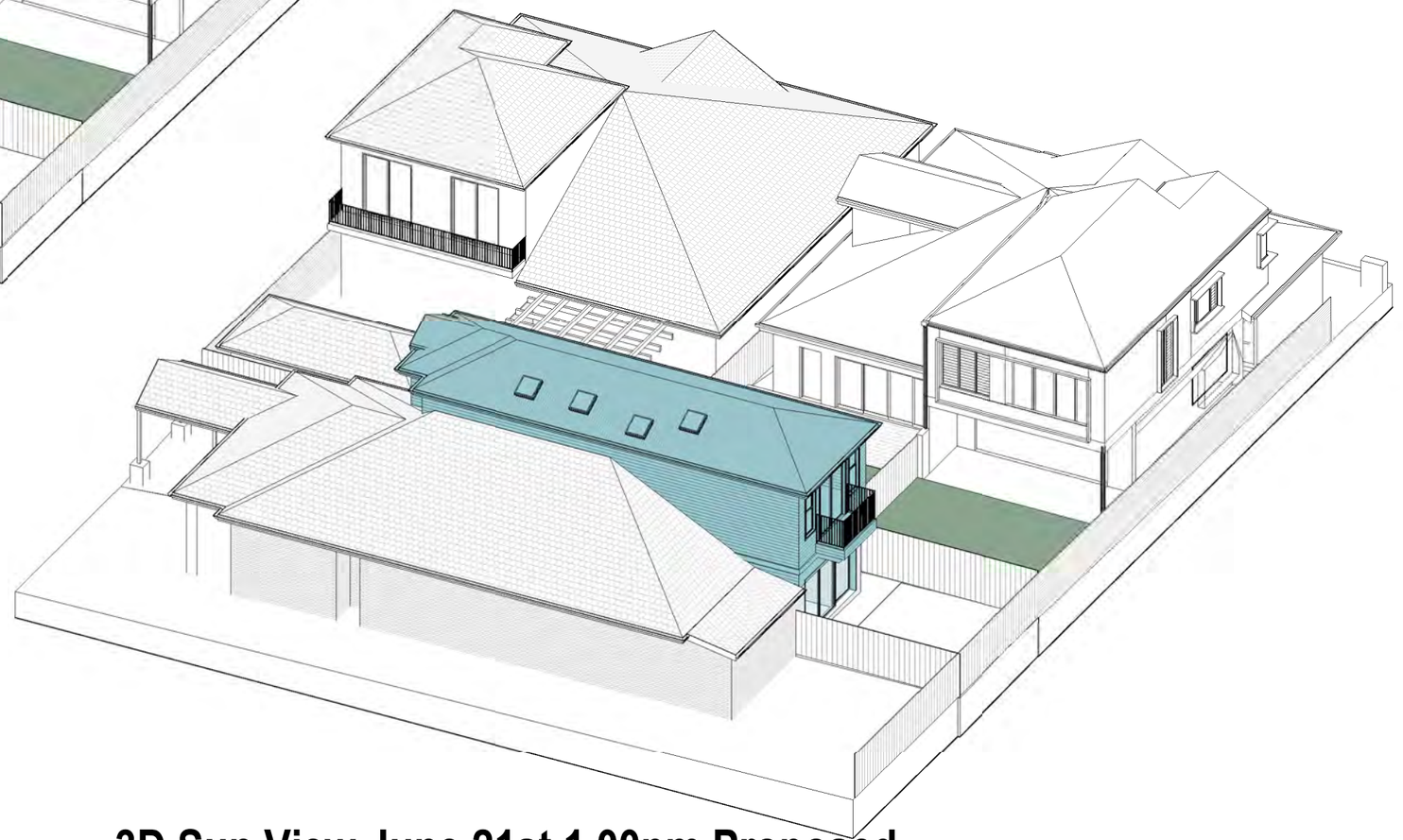
ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
& SITE INSPECTION



2 3D Sun View June 21st 1.00pm Proposed

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No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 1.00pm

Project number	23-122	A111	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	1 : 250

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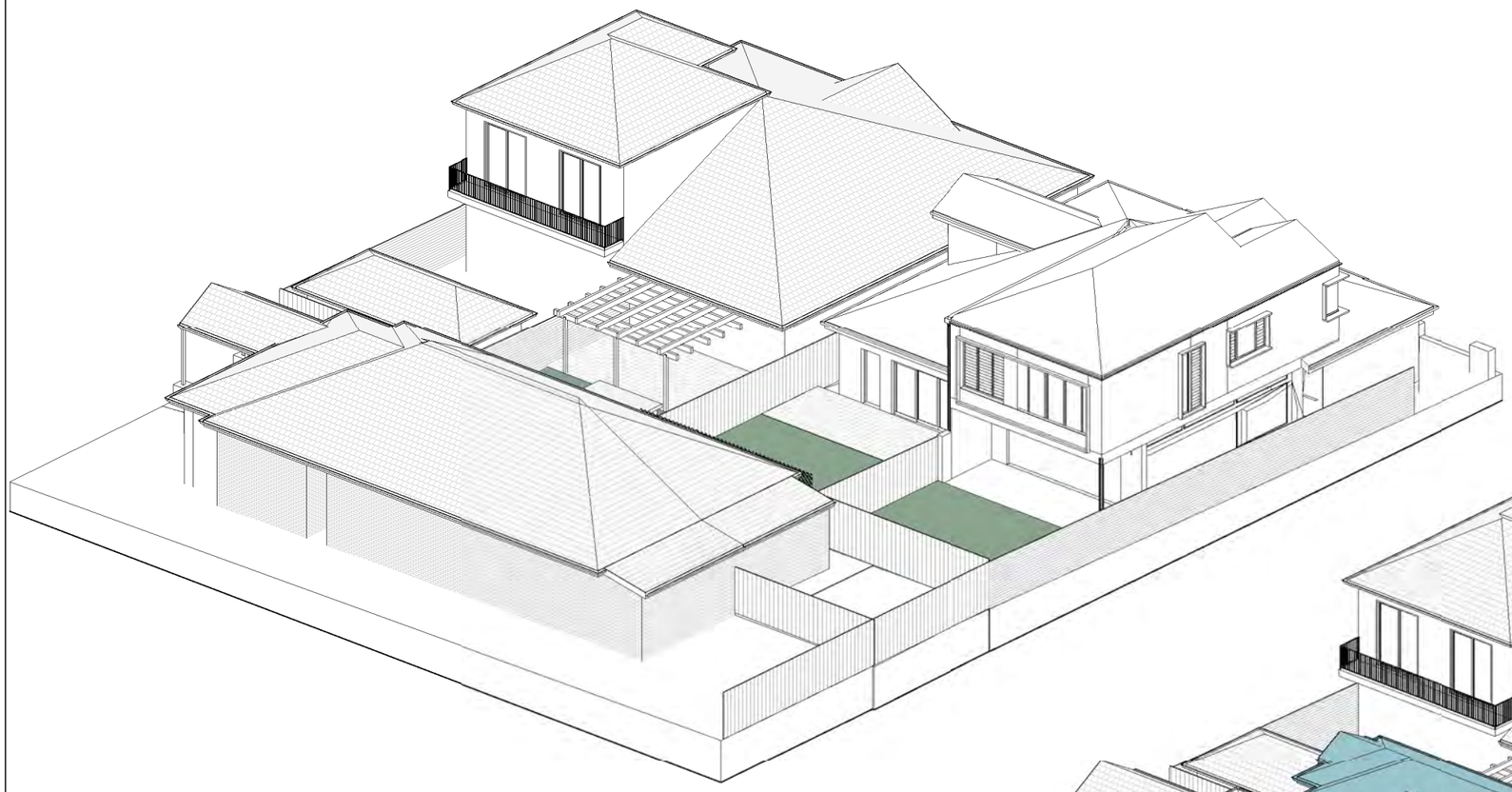

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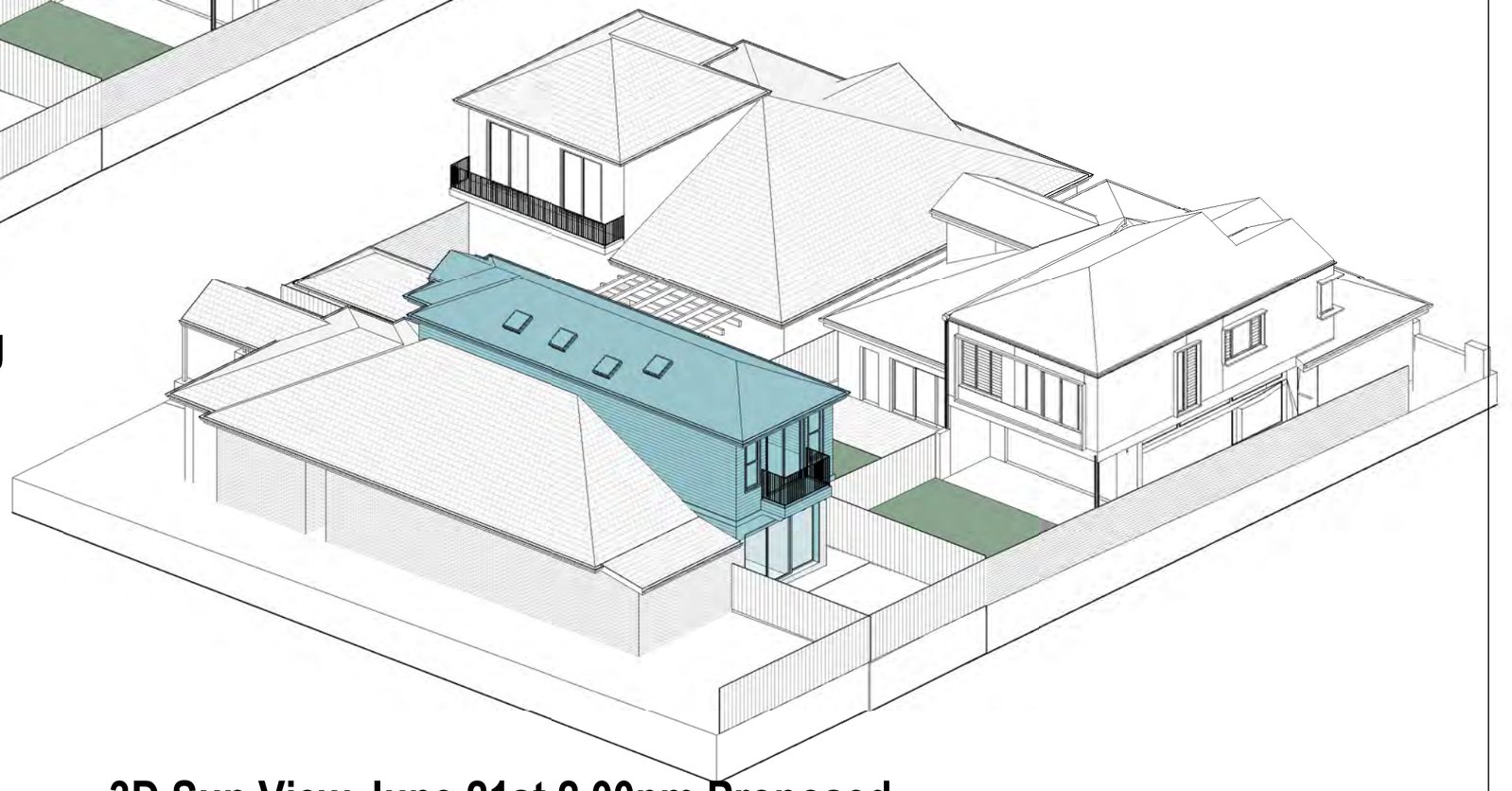

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NOTE:
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ARCHITECTURAL PLANS PREPARED BY "CAPE COD AUSTRALIA" REV.D 25-8-23 & SURVEY BY "GEBERN SURVEYS" 3/3/23
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No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 2.00pm

Project number	23-122
Date	9-10-23
Drawn by	AB
Checked by	JD
Scale	1 : 250

A112

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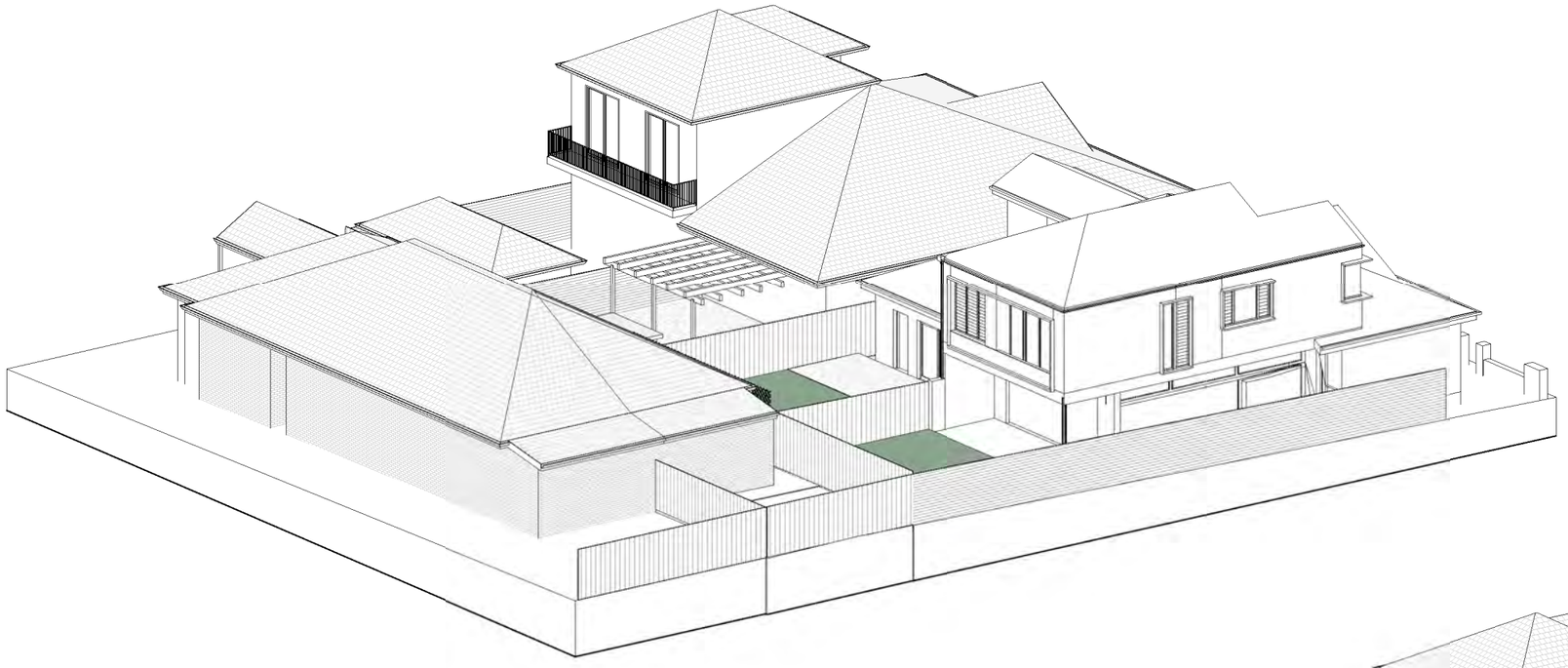

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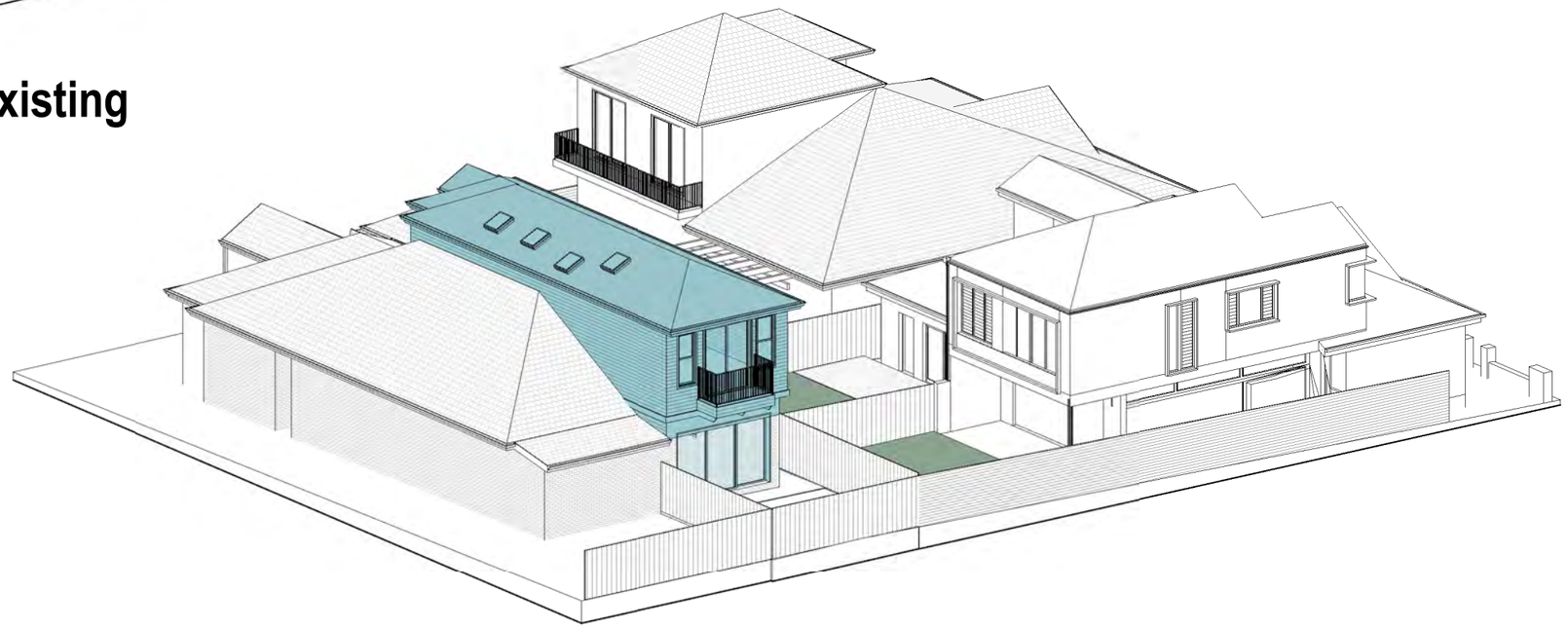

2 **3D Sun View June 21st 3.00pm Proposed**

NOTE:
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No.	Description	Date
	CLIENT REVIEW	

SHADOW DIAGRAMS
DA 258 / 2023 No.67 KNOWLES AVE. NTH BONDI
OVER ADJOINING No.103 O'DONNELL ST,
NTH BONDI

CLIENT: FLORIAN WEGERER

3D Sun Views June 21st 3.00pm

Project number	23-122	**A113**	
Date	9-10-23		
Drawn by	AB		
Checked by	JD	Scale	1 : 250

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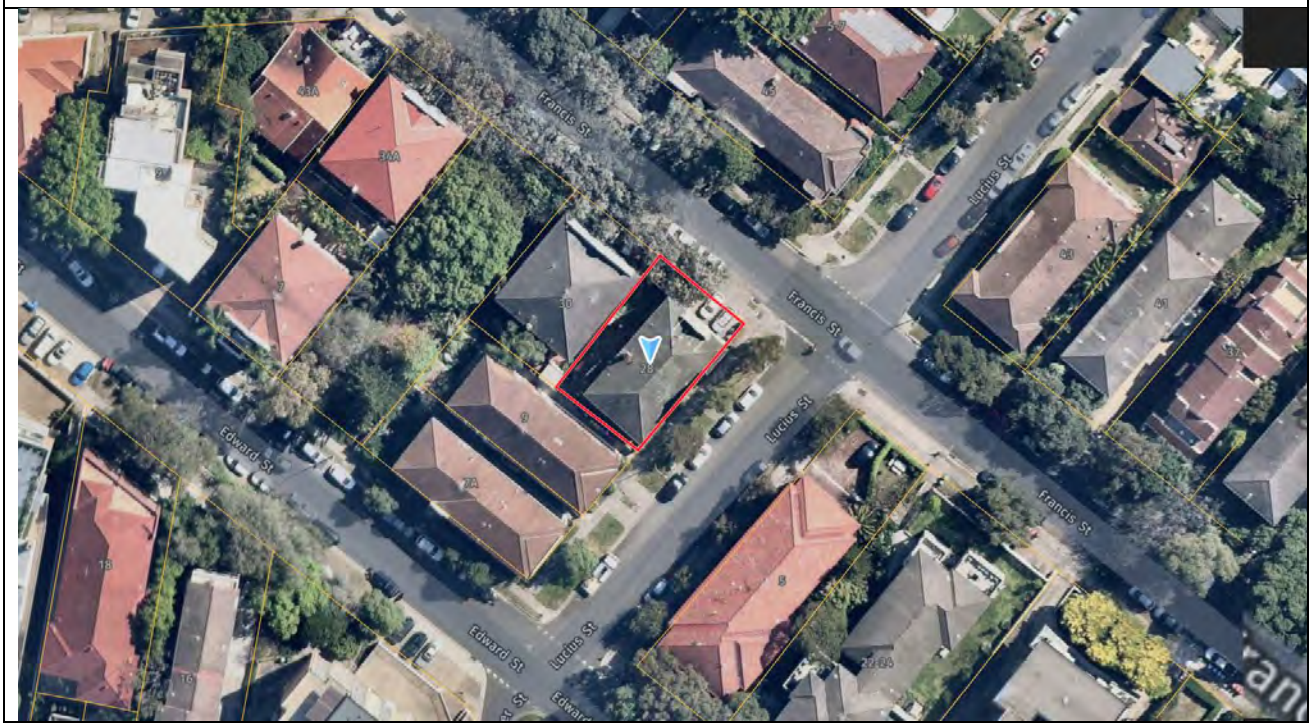
Report to the Waverley Local Planning Panel

Application number	DA-279/2023
Site address	28 Francis Street, BONDI BEACH
Proposal	Alterations and additions to existing residential flat building
Date of lodgement	6 October 2023
Owner	Proprietors of Strata Plan 14457
Applicant	Serpentine Investments Pty Ltd
Submissions	Nil
Cost of works	$3,420,516
Principal Issues	• Floor Space Ratio (FSR) • Overall building height • Landscaping
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for Alterations and additions to an existing residential flat building at the site known as 28 Francis Street, BONDI BEACH.

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

- FSR
- Overall building height
- Landscaping

The assessment finds the above issues acceptable due to the additional floor space being wholly internal within the existing building envelope and no change to the overall building height. As a result, no amenity impacts will occur on surrounding properties or the subject site. With regard to landscaping, the proposal has been designed to increase the amount of landscaping on site and is therefore an improvement to the existing conditions, subject to a condition that all landscaping is kept within the property boundary.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 17 October 2023.

The site is identified as SP 14457, known as 28 Francis Street, BONDI BEACH.

The site is rectangular in shape and is located on the corner of Francis Street and Lucius Street. The site has a northern frontage to Francis Street measuring 15.985m and an eastern frontage to Lucius Street measuring 24.605m. The site has an area of 387.9m^2 and falls from the south-eastern rear boundary towards the front boundary (Francis Street) by approximately 2.8m.

The site is occupied by a three storey cement rendered residential flat building. Vehicle access is provided from Francis Street. There are two pedestrian entrances to the property, one from each street, however the main pedestrian entrance is from Lucius Street.

The building is listed as an item of heritage significance in Waverley Local Environment Plan 2012 (Waverley LEP 2012) Schedule 5 and is related to similar buildings in the immediate curtilage. The building retains the form, internal and external detailing and finishes of the original design. The building is an Inter-War Spanish Mission Style residential flat building. It was constructed in approximately the 1930's and was constructed of rendered and painted masonry detailed in a fan pattern and has a hipped roof clad in tiles on the east and south sides by central parapets with cartouche motifs and garlands. The front south elevation addresses Lucius Street and has a central portico with a clay tile roof supported by 'barley twist' masonry columns. The main entry door behind the portico is timber-framed and has

leadlight glazed panels. Windows to this elevation are typically set in arched openings and comprise metal-framed louvres or fixed glass.

The site is adjoined by three storey residential flat buildings to the south and west. The locality is characterised by a variety of low and medium density residential development.

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

Figure 1: Subject site viewed from Francis Street looking south-west

Figure 2: Subject site viewed from Lucius Street looking north-west

Figure 3: Corner of subject site viewed from the corner of Francis St and Lucius St looking west

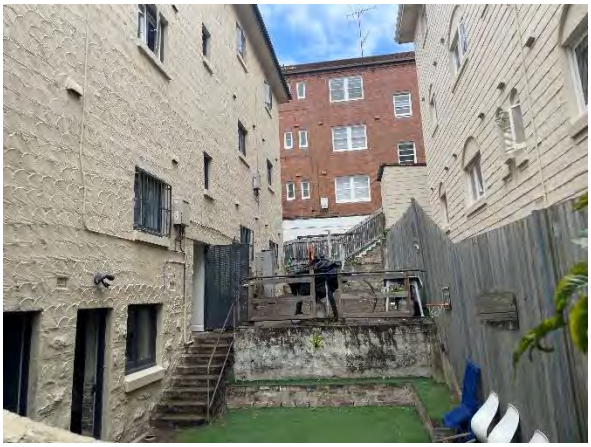


Figure 4: rear courtyard of the subject site, looking south

1.3. Relevant Development History

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

- **PD-23/2019:** alterations and additions to the existing residential flat building including the construction of a new attic level and new garage and maintenance works. Advice was provided on 8 October 2019.

1.4. Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically the following:

- Demolition of the internal common staircase within the rear of the building. The internal staircase in the front of the building will remain.
- Internal demolition of the bathrooms in every unit.
- Refurbishment of the existing common courtyard in the rear to provide two seating areas and a BBQ area and new clothes drying space along the south-western boundary. Landscaping is proposed in the courtyard by two arched plater boxes.
- Internal reconfiguration of all units to increase the kitchen areas and reconstruct the bathrooms.
- External windows on the south-eastern elevation fronting Lucius Street are proposed to be replaced with timber frames.
- New mailboxes located on Lucius Street at the pedestrian entrance.
- The roof tiles are to be replaced with tiles of similar material and colour to match the existing onsite.
- Solar panels are proposed along the western edge of the roof.
- Landscaping is proposed along the public domain fronting Francis Street.

1.5. Background

The development application was lodged on 6 October 2023 and deferred on 14 November 2023 for the following reasons:

1. A Clause 4.6 written request was required for the works proposed above the overall building height limit, relating to the replacement of roof tiles and the solar panels on the western edge.
2. The elevation plans required modification to show the solar panels that are proposed on the roof, as they were only shown on the roof plan.

The amended plans and documents received on 24 November 2023 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

2.1.2. Waverley LEP 2012

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R3 Medium Density Residential Zone*	Yes	The proposal is defined as alterations and additions to a residential flat building, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *12.5m*	No	The proposed works to the roof include the replacement of roof tiles and addition of solar panels. The works will have a maximum building height of 14.9m, which does not comply with the development standard.
4.4 Floor space ratio and Site Area: 387.9m^2 • *0.9:1 or 349.11m^2*	No	The development proposes an FSR of 1.27:1 or 491m^2, which does not comply with the development standard. The existing FSR on site is 1.2:1 or 467m^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 overall height of buildings and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The development is identified as Heritage Item No. I104. The majority of the proposed works will not be visible from the streetscape and are acceptable. The works to the façade will complement the character of the heritage item and fit in with the surrounding streetscape. Council's heritage architect has reviewed the design and is supportive of the proposed works, subject to conditions. This is discussed in further detail in Section 3 of this report.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal includes minimal disturbance to the natural ground surface. Therefore acid sulphate soils is not considered to be a significant issue.

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 (FSR)

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

The site is subject to a maximum FSR development standard of 0.9:1. The proposed development has an FSR of 1.27:1, exceeding the standard by 141.9m^2 equating to a 41% variation. It should be noted that the existing FSR on site is 1.2:1 or 467m^2. The proposed works include the extension of each unit's kitchen into the internal staircase that currently exists. All proposed additional floor space is internal to the existing building. The proposed works will result in an increase to the existing FSR by 24m^2, with a total non-compliance of 120.9m^2.

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

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

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

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

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

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

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

(i) *The proposal would achieve better outcomes:*

- *For the development: The contravention would permit improved space standards for each apartment in particular a more functional kitchen, and improved internal amenity.*
- *From the development: The contravention would result in the associated upgrading of the heritage item and improved residential amenity.*

(ii) *The contravention would not alter the height or density (in respect of bedrooms or occupants of the existing development nor its external envelope.*

(iii) *Given that the existing building is listed as a heritage item, the desired future character for the locality is the preservation of the existing bulk and scale on the site. The contravention would not alter the existing bulk and scale and is thus consistent with the desired future character.*

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

(i) *It would improve the residential amenity of existing apartments.*

(ii) *It would assist in the upgrading and re-use of existing building stock.*

(iii) *It would allow the conservation of a heritage item.*

(iv) *It would be associated with an increase of landscaped area.*

(v) *The contravention would not alter the environmental amenity of surrounding properties or the locality.*

(vi) *The contravention would better enable the existing building to provide for the housing needs of its occupants due to improved internal space standards and a more functional kitchen area.*

(vii) *Given that the existing building is listed as a heritage item, the desired future character for the locality is the preservation of the existing bulk and scale on the site. The contravention would not alter the existing bulk and scale and is thus consistent with the desired future character.*

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

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

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

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

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

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

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

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justifications (a) and (b) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The proposed additional floor space is wholly internal within the existing built form. The overall building envelope will not change from what currently exists on site. Therefore, there will be no additional amenity impacts to the subject site and surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As the overall building envelope is not proposed to change, there will be no additional environmental impacts to the subject site or surrounding properties.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

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

(c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

The proposal has adequately demonstrated that the extent of the works that seeks variation to the FSR development standard is appropriate for the site as it does not result in any additional bulk or scale to the existing building. Notwithstanding the variation to the development standard, the proposal satisfies the objective to preserve the environmental amenity impacts to surrounding properties and is acceptable.

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R3 Medium Density Residential zone are achieved as the use of the existing residential flat building is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of the dwelling and contribute to the amenity of its occupants.

Conclusion

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

Clause 4.6 Exceptions to Development Standards

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

The site is subject to a maximum height of buildings development standard of 12.5m. The proposed works to the existing roof, including the construction of solar panels and replacement of roof tiles, has an overall building height of 14.9m which exceeds the standard by 2.4m equating to a 19.2% variation.

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

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

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

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

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

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

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

(i) *Given that the external envelope of the building would not change, there would be no impact upon surrounding amenity.*

(ii) *The contravention would better enable the existing building to provide for the housing needs of its occupants due to a well maintained building and renewable energy supply.*

(iii) *The contravention is associated with upgrades to the site which would incrementally increase the amount of landscaping and vegetated areas on the site which would reduce its contribution to the urban heat island effect.*

(iv) *Compliance with the development standard is unreasonable given that the contravention already exists; would not alter the external envelope of the building; and would have no adverse impacts upon the locality.*

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

(i) *It would result in the associated upgrading and preservation of the heritage item.*

(ii) *It would result in improvements to the streetscape.*

(iii) *The contravention would result in reduced reliance on fossil fuels and reduced greenhouse gas emissions associated with the development.*

(iv) *The contravention would improve residential amenity.*

(v) *Given that the external envelope of the building would not change, there would be no impact upon existing solar access.*

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

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

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

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

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

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

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

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justifications (a) and (b) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The development proposes to remove and replace the existing tiles on the roof with the same material and colour of the original and provide solar panels to the north-western side of the roof. The overall height of the building is not proposed to change from what currently exists on site. Therefore, there will be no additional amenity impacts to the subject site and surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. As the overall height of the building is not proposed to change, there will be no additional environmental impacts to the subject site or surrounding properties.

Is the development in the public interest?

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

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

(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views…….

(c) to maintain satisfactory solar access to existing buildings and public areas,

(d) to establish building heights that are consistent with the desired future character of the locality.

The proposal has demonstrated that notwithstanding the variation to the height of buildings development standard, the amenity of adjoining properties is preserved as there are no additional impacts on view loss, solar access or privacy. The proposed height matches the existing on site and therefore is compatible in bulk and scale to surrounding development within the streetscape.

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To increase or preserve residential dwelling density.*
- *To encourage the supply of housing, including affordable housing, that meets the needs of the population, particularly housing for older people and people with disability.*
- *To provide development that is compatible with the desired future character and amenity of the surrounding neighbourhood.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R3 Medium Density Residential zone are achieved as the use of the existing residential flat building is maintained and is consistent with the medium density residential character of the locality. The proposed alterations and additions will enhance the functionality of the dwelling and contribute to the amenity of its occupants.

Conclusion

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

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 2: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. No changes are proposed to the existing bin storage area on site.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	An advisory note has been recommended stating that gas should not be used for cooktops, ovens and heating.
5.Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport	N/A	No change is proposed to the existing parking on site.
8. Heritage	Yes	The development will maintain the heritage character of the surrounding area. Please refer to Section 3 of this report for comments regarding heritage.
11. Design Excellence	Yes	The proposed materials and colours will match the existing built form and complement the heritage item on site.

Table 32: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.1 Site, scale and frontage		
• *Minimum frontage: 15m – R3 zone*	N/A	No change is proposed to the lot size of building envelope on site.
2.2 Height		
• *Maximum external wall height: R3/12.5m – 9.5m*	N/A	No change is proposed to the external wall height of the existing building.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	N/A	The development does not propose any changes to the existing front, side or rear setbacks on site.
2.3.2 Side and rear setbacks	N/A	
2.5 Building design and streetscape		
• *Respond to streetscape*	Yes	The proposed external works to the streetscape include the refurbishment of existing windows

Development Control	Compliance	Comment
• *Sympathetic external finishes* • *Corner sites to address both streets as primary frontages* • *Removal of original architectural features not supported*		and new mailboxes along Lucius Street. These works will complement the heritage item and fit into the streetscape character of both streetscapes.
2.7 Fences and walls		
	N/A	No changes are proposed to the front, side or rear fences.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry* • *Separate to vehicular entry* • *Legible, safe, well-lit*	Yes	No changes are proposed to the pedestrian access and entry. The new mailboxes are appropriately located and will provide clear and easy access for pedestrians and the public.
2.9 Landscaping		
• *Comply with part B3-Landscaping and Biodiversity* • *Minimum of 30% of site area landscaped: 116.37m^2* • *50% of the above is to be deep soil: 58.2m^2*	Acceptable on merit	Whilst the development does not provide a minimum of 30% of the site to be landscaped, an increase in landscaped area from 2.1m^2 to 15.8m^2 is proposed. This is an improvement from existing and is considered acceptable in this instance. The plans indicate that landscaping is proposed on the public domain along Francis Street fronting the pedestrian entrance. No works are to occur outside of the property boundary. A condition is therefore recommended to amend the landscape plan to remove the plantings on the public domain.
2.10 Communal open space		
	N/A	No changes are proposed to the size of the existing communal open space on site.
2.13 Solar access and overshadowing		
• *New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter* • *Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to*	Yes	As the building envelopment is not proposed to change, there will be no additional overshadowing that occurs on site.

Development Control	Compliance	Comment
less than 3 hours of sunlight on 21 June		
2.14 Views and view sharing		
	Yes	No views will be impacted by the proposal as there is no change to the building envelope.
2.15 Visual privacy and security		
• *Dwellings to be orientated to the street with entrances and street numbering visible* • *Privacy be considered in relation to context density, separation use and design*	Yes	All existing windows are proposed to remain in the same location and therefore no privacy concerns are raised from the development.
2.16 Dwelling size and layout		
• *Max habitable room depth for single aspect dwelling is 8m from a window* • *Max with of dwelling over 15m deep is min 4m* • *All habitable rooms to have a window* • *Provide a range of dwelling types and sizes* • *Min sizes* *2 bedroom = 80m^2* • *Accessible and Adaptable*	Acceptable on merit	Whilst the units do not strictly comply with this control, it is noted that each unit is proposed to increase in size and will improve the internal amenity throughout the building.

2.2. Other Impacts of the Development

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

2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4. Any Submissions

The application was notified for 21 days between 11 October and 3 November 2023 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

No submissions were received.

2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Heritage

Council's Heritage architect has reviewed the proposed and made the following comments:

The overall works are consistent with current practice in fire upgrades the works having limited impact on the internal layout of the building.

Elements identified in the proposed conservation works include extensive use of the expression 'to be retained where possible'. Previous experience with such open-ended descriptions indicates the need for periodic site meetings between the applicant's nominated Heritage Architect and Councils Heritage Officer to clarify and agree on the extent and form of fabric being removed and retained.

While the conservation/restoration approach is supported, this needs to be qualified by establishment of working procedures achieving an acceptable level of fabric retention.

Similarly, the selection of external colour finishes requires further clarification including investigation of original paint colours prior to finalisation of the external colour schedule.

Conditions have been recommended and included in Appendix A.

3.2. Stormwater

Council's Stormwater engineer has reviewed the proposal and has no objections, subject to standard conditions which have been included in Appendix A.

3.3. Tree Management

Council's Tree management officer has reviewed the proposal and has no objections, subject to standard conditions to protect the two street trees in the vicinity. Conditions have been included in Appendix A to ensure they are protected during construction.

3.4. Fire Safety

Council's Fire safety officer has reviewed the proposed and made the following comments.

A BCA Assessment Report prepared by Benjamin Long of BCA Logic Pty Ltd dated 06th September 2023 Ref: 117599 has been submitted with the DA for the existing building. It should be noted that the BCA Compliance Report submitted with the DA only provides a BCA Compliance assessment of the proposed works and not of the fire safety upgrading of the existing building. BCA Report does exclude existing building work and application of Section 64 of the EPA Regulation 2021 to the subject building. Therefore, should the application be approved, following conditions.

Recommended conditions have been included in Appendix A.

4. CONCLUSION

The development application seeks consent for Alterations and additions to existing residential flat building at the site known as 28 Francis Street, BONDI BEACH.

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

- FSR
- Overall building height
- Landscaping

The assessment finds the above issue acceptable due to the additional floor space being wholly internal within the existing building envelope and no change is proposed to the existing building height. As a result, no adverse amenity impacts will occur on surrounding properties or the subject site. With regard to landscaping, the proposal has been designed to increase the amount of landscaping on site and is therefore an improvement to the existing, subject to a condition that all landscaping is kept within the property boundary.

No submissions were received.

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

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.

Managers of Development Assessment (MoDA) Review

The application was reviewed by the MoDA at the meeting on 7 November 2023 and concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, E Finnegan, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Katie Johnstone	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 14 November 2023	**Date:** 29 November 2023	**Date:** 1 December 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

<table>
<tr><td>Clause 4.6 register entry required</td><td>41% variation to FSR (Clause 4.4)<table>
<tr><td>X</td><td>Pre-existing non-compliance</td></tr>
<tr><td>X</td><td>No change to overall building height</td></tr>
<tr><td>X</td><td>No change to overall building envelope</td></tr>
<tr><td></td><td>Variation limited to the [lift/plant/parapet/attic] only</td></tr>
<tr><td>X</td><td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td></tr>
<tr><td>X</td><td>Sufficient environmental planning grounds</td></tr>
<tr><td>X</td><td>Consistent with the objectives of the standard</td></tr>
</table></td></tr>
<tr><td>Determining Authority
(Concurrence Authority for Clause 4.6 variation)</td><td>Local Planning Panel</td></tr>
<tr><td>Affordable Rental Housing Units?
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Secondary Dwelling
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Boarding House
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Group Home
*This is a planning portal reporting requirement</td><td>No</td></tr>
<tr><td>Trial Period database entry required</td><td>No</td></tr>
<tr><td>VPA submitted – follow up actions required</td><td>No</td></tr>
<tr><td>Refer to compliance for investigation</td><td>No</td></tr>
<tr><td>Commercial/liquor operational conditions</td><td>No</td></tr>
<tr><td>Other (please specify):</td><td>No</td></tr>
</table>

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APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)© of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Sam Crawford Architects of Project No. 23.02 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
100 Rev. A	Site Plan	28/08/2023	04/10/2023
101 Rev. A	Site Analysis	28/08/2023	04/10/2023
120 Rev. A	LGF Demolition Plan	28/08/2023	04/10/2023
121 Rev. A	GF Demolition Plan	28/08/2023	04/10/2023
122 Rev. A	1F Demolition Plan	28/08/2023	04/10/2023
123 Rev. A	2F Demolition Plan	28/08/2023	04/10/2023
140 Rev. A	Proposed LGF Plan	28/08/2023	04/10/2023
141 Rev. A	Proposed GF Plan	28/08/2023	04/10/2023
142 Rev. A	Proposed 1F Plan	28/08/2023	04/10/2023
143 Rev. A	Proposed 2F Plan	28/08/2023	04/10/2023
144 Rev. A	Proposed Roof Plan	28/08/2023	04/10/2023
200 Rev. C	South Elevation	22/11/2023	24/11/2023
201 Rev. C	North Elevation	22/11/2023	24/11/2023
202 Rev. C	West Elevation	22/11/2023	24/11/2023
203 Rev. C	East Elevation	22/11/2023	24/11/2023
300 Rev. A	Section 01	28/08/2023	04/10/2023
301 Rev. B	Section 02	23/11/2023	24/11/2023
700 Rev. A	Materials and Finishes	28/08/2023	04/10/2023
701 Rev. A	Balustrade Concept Sketch	28/08/2023	04/10/2023

(b) Landscape Plan No. 940 Rev. A prepared by Sam Crawford Architects of Project No. 23.02, dated 28/08/2023 and received by Council on 4 October 2023

(c) BASIX Certificates

(d) BCA Assessment Report prepared by Jensen Hughes reference No. 117599-BCA-r4, dated 6 September 2023 and received by Council on 4 October 2023

(e) Schedule of Conservation Works prepared by Weir Phillips reference No. J6235 dated September 2023 and received by Council on 4 October 2023

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 4 October 2023

	Except where amended by the following conditions of consent.
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2.	**GENERAL MODIFICATIONS**
	The application is approved subject to the following plan amendments; (a) The landscape plan is to be modified to delete all proposed landscaping located outside of the property boundary. Such works do not form part of this development consent. The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.
	Condition reason: to ensure all works are located wholly within the property boundary.
3.	**MONITORING OF CONSERVATION WORKS**
	The extent and detail of conservation and restoration works is to be monitored by agreed site inspection/s between the applicant's Heritage Architect and Councils Heritage Officer. Prior to the issue of a Construction Certificate, the level of involvement and monitoring shall be agreed upon by the project Heritage Architect and Council's Heritage Officer. Any deviation from the proposed conservation works and associated detailing is to be subject to approval by Councils Heritage Officer.
	Condition reason: To ensure the conservation/restoration works complement the heritage character of the item.
4.	**SELECTION OF COLOUR FINISHES**
	Prior to the issue of any Construction Certificate, colour finishes are to be finalised following investigation of original paint finishes to the building and are to be approved by Councils Heritage Officer.
	Condition reason: To ensure appropriate colours are used on site.
5.	**ENCLOSURE OF FIRE STAIR WINDOW OPENINGS.**
	Enclosure of existing fire stair window openings are to be solid recessed panels matching existing external paint colour with a flat surface distinct from the patterned render of the existing external walls.
	Condition reason: Enclosure needs to identify previous openings.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
6.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
7.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

	(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
8.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$68,410.32** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
9.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

	Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
10.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
11.	**TREE BOND**
	A bond of $10,000 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 following four (4) street trees: • One (1) ***Casuarina equisetifolia*** (Horsetail Casuarina). • Two (2) ***Melaleuca quinquenervia*** (Broad-leaved Paperbark) and • one (1) ***Callistemon viminalis*** (Weeping Bottle Brush). 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
	Condition reason: To ensure tree protection measures are in place.
12.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
13.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request.

	The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
14.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
15.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To minimise disruption to local traffic.
16.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by Demlakian, Job No. 223031, Drawing Nos. SW01 to SW07 and SE01 to SE03, Revision P1, dated 19/05/2023 is considered concept only. a) The stormwater management plan must specify any components of the existing system to be retained and certified during construction to be in good condition and of adequate capacity to convey additional runoff and be replaced or upgraded if required. b) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location shall be provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event must be provided. c) Demonstrate in the stormwater management plans how the sub-soil drainage is being captured and discharged to Council's stormwater drainage systems.

	d) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. e) A sediment control stormwater pit is to be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump is to be provided at the outlet point. f) Any proposed pipeline within the footpath verge must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). g) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge. h) Seepage water must not be directly or indirectly discharged to Council's street gutter. i) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant. Notes: • The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission. • The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. • Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated. • Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council. • Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday. The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	Condition reason: To ensure the proper management of stormwater runoff.
17.	**BASIX**
	All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.

	Condition reason: To ensure BASIX requirements are met.
18.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
19.	**HERITAGE DEED OF AGREEMENT**
	Prior to issue of a construction certificate a Heritage Deed of Agreement is to registered on title to ensure completion of all proposed works prior to issue of an Occupation Certificate. All associated legal costs are to wholly borne by the applicant / owner.
	Condition reason: To ensure completion of all conservation works identified as to be carried out by the applicant.

BEFORE BUILDING WORK COMMENCES

	Condition
20.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
21.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
22.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	Precautions shall be taken when working near trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones;

	(d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter. **Trunk protection** as per AS 4970 – 2009, Section 4.5.3 is to be installed. i. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. ii. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. iii. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. iv. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period. Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. v. TPZ – A 1.8m chain link wire fence or the like shall be erected around the above trees to be retained to protect them from damage during construction. Fencing is not to be removed until all building work has been completed. Fencing to be installed to the dimensions outlined in the arborist report. vi. If any trees on neighbouring properties require pruning, then permission must be gained from the owner of the tree(s) and an application to Prune or Remove Trees on Private Property is then to be presented to Council for processing. vii. If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed. If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
	Condition reason: To protect trees during the carrying out of site work.
23.	**CERTIFICATE OF ADEQUACY**
	The existing building which will not be affected from the building works will need to achieve the required FRL and structural adequacy along with the proposed new works. A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate
	Condition reason: To ensure buildings are constructed in accordance with the Australian Standard.

DURING BUILDING WORK

	Condition
24.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
25.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday. Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
26.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
27.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

	Condition reason: To ensure buildings are sited and positioned in the approved location.
28.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
29.	**BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the current NCC Building Code of Australia.
	Condition reason: To ensure buildings are constructed in accordance with the Australian Standard.
30.	**ESSENTIAL SERVICES**
	Details of the currently implemented and proposed essential fire safety measures shall be submitted with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule. At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: (a) has been assessed by a properly qualified person; and (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.
	Condition reason: To ensure buildings are constructed in accordance with the Australian Standard.
31.	**FIRE SAFETY UPGRADING WORKS**
	a) Fire safety upgrading works are to be undertaken in accordance with all recommendations, to be provided by BCA Assessment Report prepared by Benjamin Long of BCA Logic Pty Ltd dated 06th September 2023 Ref: 117599 and the following additional requirements: (i) All sole-occupancy units, public corridors and internal common areas must be separated by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia. The floors and top floor ceiling of the existing building are to be fire upgraded to achieve a Fire Resistance Level in accordance with the provisions of Section C of the NCC Building Code of Australia for a building of Type A Fire Resisting Construction or a performance based alternative solution prepared by an accredited C10 Fire Engineer. Contractor's certification of compliance with the above requirements must be provided at completion of the works.

(ii) The balustrades and handrails to all stairways, landings and balconies are to be upgraded to comply with the requirements of clauses D2.16 & D2.17 of the NCC Building Code of Australia, being not less than 865mm above the nosing of the stair treads and balustrades shall be not less than 1000mm above any landing or floor level. Openings within balustrades are not to exceed 125mm (sphere). Contractor's certification of compliance with the above requirements must be provided at completion of the works.

(iii) Provide a non-combustible enclosure (i.e. a metal cabinet) or alternatively, material not less fire protective with seals to prevent the passage of smoke to any electricity meters, communication boards and switchboards. Contractor's certification of compliance with the above requirements must be provided at completion of the works.

(iv) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following;

a) A visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
b) An insulation resistance test was undertaken pursuant to Clause 8.3.6 of AS 3000-2007 and was found to be satisfactory;
c) Circuit protection devices used have been examined and found to be satisfactory pursuant to Clause 2.4 of AS 3000-2007.

(v) Seal all penetrations between walls and floors of the building in accordance with the requirements of C3.15 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.

(vi) Provide protection of openable windows in accordance with Clause D2.24 of the NCC Building Code of Australia. Contractor's certification of compliance with the above requirements must be provided at completion of the works.

(vii) Written verification being provided that the completed building will not have a total floor area of greater than 500m2. Otherwise the building must be provided with Fire Hydrants and Hose Reels in accordance with Section E of the NCC Building Code of Australia unless certification of compliant street fire hydrant protection is provided.

(viii) Upon completion of all fire safety upgrading works, and prior to issue of an Occupation Certificate, a Final Fire Safety Certificate must be submitted to the accredited PCA and Council, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: -

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

	b) Prior to the commencement of the required fire safety upgrade works a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required fire safety upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate. c) If compliance with the deemed-to-satisfy provisions of the NCC BCA and the matters listed in condition (a) above cannot be achieved, a performance based alternative solution in accordance with Part A2 of the NCC BCA must be prepared by a suitably qualified and accredited fire engineer and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the NCC BCA are to be satisfied.
	Condition reason: To ensure buildings are constructed in accordance with the Australian Standard.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
32.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
33.	**CERTIFICATION OF BASIX COMMITMENTS**
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
34.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**SYDNEY WATER REQUIREMENTS**
	You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact

	with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
9.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

10.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
11.	**ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**
	Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

RECEIVED
Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023

DEVELOPMENT APPLICATION DRAWINGS FOR

28 Francis Street, Bondi Beach NSW 2026

FOR Serpentine Investments

01 **LOCATION PLAN - N.T.S**

DRAWING LIST

DRAWINGS		
000	COVER PAGE	N.TS
001	BASIX COMMITMENTS	
SITE PLANS		
100	SITE PLAN	1:200
101	SITE ANALYSIS	1:200
EXISTING PLANS		
110	EXISTING LGF PLAN	1:100
111	EXISTING GF PLAN	1:100
112	EXISTING 1F PLAN	1:100
113	EXISTING 2F PLAN	1:100
114	EXISTING ROOF PLAN	1:100
DEMOLITION PLANS		
120	LGF DEMOLITION PLAN	1:100
121	GF DEMOLITION PLAN	1:100
122	1F DEMOLITION PLAN	1:100
123	2F DEMOLITION PLAN	1:100
PROPOSED PLANS		
140	PROPOSED LGF PLAN	1:100
141	PROPOSED GF PLAN	1:100
142	PROPOSED 1F PLAN	1:100
143	PROPOSED 2F PLAN	1:100
144	PROPOSED ROOF PLAN	1:100
ELEVATIONS		
200	SOUTH ELEVATION	1:100
201	NORTH ELEVATION	1:100
202	WEST ELEVATION	1:100
203	EAST ELEVATION	1:100
SECTIONS		
300	SECTION 01	1:100
301	SECTION 02	1:100
MATERIALS & FINISHES		
700	MATERIALS & FINISHES	N.T.S
701	BALUSTRADE - CONCEPT SKETCH	
DIAGRAMS & CALCULATIONS		
910	AREA DIAGRAMS - GFA	1:200
911	AREA DIAGRAMS - LANDSCAPE	1:200
920	EX SHADOW DIA. 9am 21. JUN	1:100
921	PROP SHADOW DIA. 9am 21 JUN	1:100
922	EX SHADOW DIA. 12pm 21 JUN	1:100
923	PROP SHADOW DIA. 12pm 21. JUN	1:100
924	EX SHADOW DIA. 3pm 21 JUN	1:100
925	PROP SHADOW DIA. 3pm 21. JUN	1:100
930	SWRMP	1:100
940	LANDSCAPE CONCEPT PLAN	VARIES
950	STRATA PLAN DIAGRAM	1:200

FOR DEVELOPMENT APPLICATION ONLY: NOT FOR CONSTRUCTION

DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
Issued for DA	A	SC	28/08/2023
Updated for DA	B	SC	25/09/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
N.T.S.	23.02	AA	000	B

DRAWING TITLE
COVER PAGE

Printed: 1:48 PM, 25/09/2023

RECEIVED
Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023

PROPOSED WORKS TO COMPLY WITH REQUIREMENTS AS PER BASIX CERTIFICATES: A501421 (FLAT 1), A503419 (FLAT 2), A503422 (FLAT 3), A503423 (FLAT 4), A503424 (FLAT 5), A 503426 (FLAT 6)

LIGHTING
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.

FIXTURES
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

INSULATION REQUIREMENTS (as applicable, all possible conditions listed)

The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m2, b) insulation specified is not required for parts of altered construction where insulation already exists.

Construction	Additional insulation required (R-value)	Other specifications
floor above existing dwelling or building.	nil	
concrete slab on ground floor.	nil	
suspended floor with enclosed subfloor: framed	(R0.7). R0.60 (down) (or R1.30 including construction)	
external wall: other/undecided	R1.70 (including construction)	

WINDOWS AND GLAZED DOORS

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:

Each window or glazed door with standard aluminium or timber frames and single clear or toned glass may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.

FLAT 1

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

FLAT 2

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

FLAT 3

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

FLAT 4

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	1.5	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

FLAT 5

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

FLAT 6

Window / door no.	Orientation	Area of glass inc. frame (m2)	Overshadowing		Shading device	Frame and glass type
			Height (m)	Distance (m)		
W1	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W2	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)
W3	SE	2	0	0	none	timber or uPVC, single clear, (or U-value: 5.71, SHGC: 0.66)

Printed: 1:48 PM, 25/09/2023

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DESCRIPTION	REV	APP'D	DATE
Updated for DA	A	SC	25/09/2023

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ACN 165 409 567 Nominated Architect Sam Crawford 6498

CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

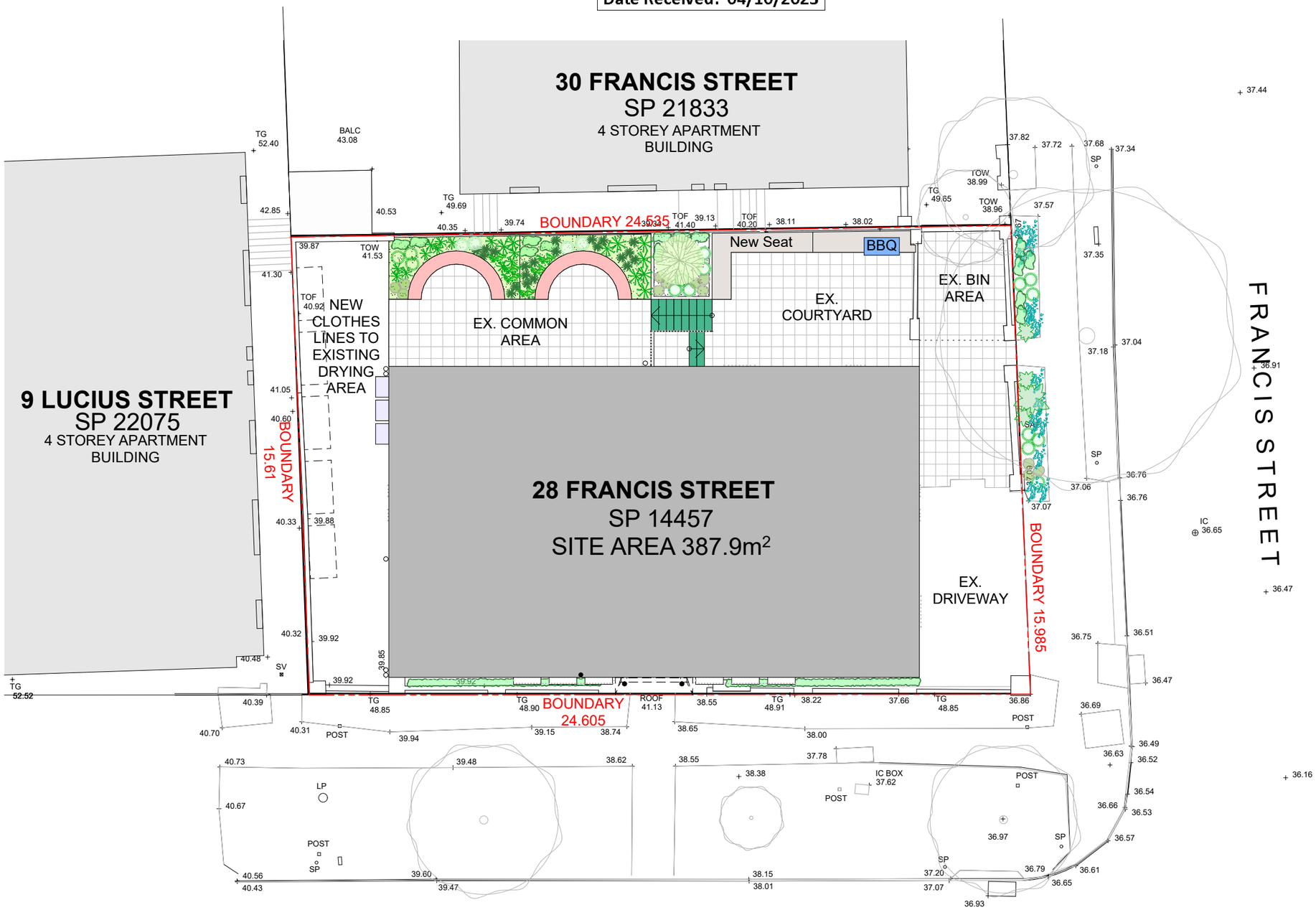
SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
N.T.S.	23.02	AA	001	A

DRAWING TITLE
BASIX COMMITMENTS

RECEIVED
Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023



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DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
Issued for DA	A	SC	28/08/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:150	23.02	AA	100	**A**

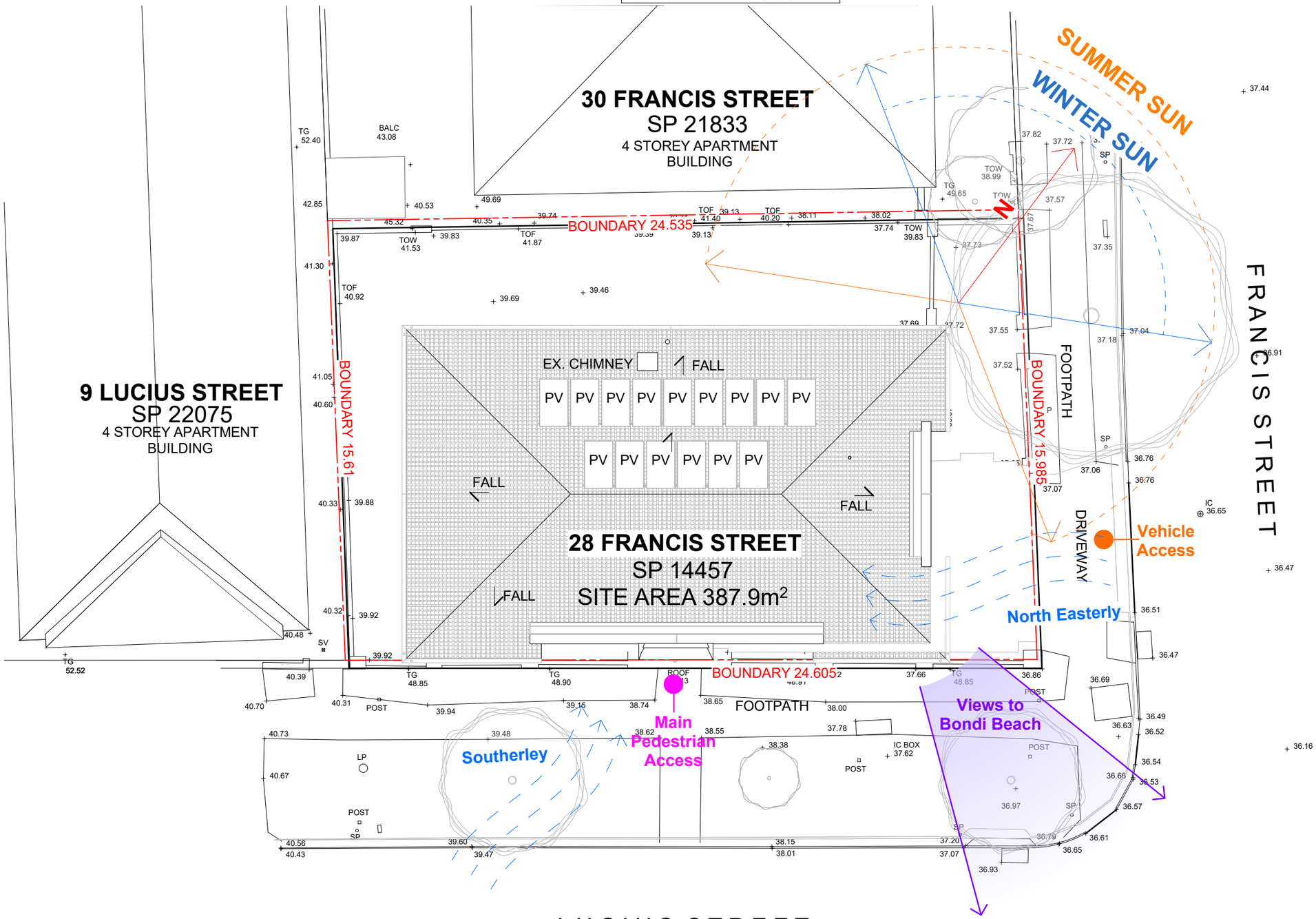
DRAWING TITLE
SITE PLAN

Printed: 2:34 PM, 7/09/2023

RECEIVED
Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023



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Issued for DA	A	SC	28/08/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:150	23.02	AA	101	**A**

DRAWING TITLE
SITE ANALYSIS

Printed: 2:34 PM, 7/09/2023

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Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET

FRANCIS STREET

LUCIUS STREET

01 201

01 A300

01 200

01 A300

02 A301

02 A301

01 203

SUBFLOOR

SUBFLOOR

SUBFLOOR

STAIR

EXISTING LAUNDRY
RL +37,520

EXISTING STORE
RL +37,520

EXISTING COMMON AREA

EXISTING BIN AREA

EXISTING GARAGE
RL +37,220

EXISTING GARAGE
RL +37,220

EXISTING CONCRETE DRIVEWAY

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DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
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CLIENT
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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	110	**A**

DRAWING TITLE
EXISTING LGF PLAN

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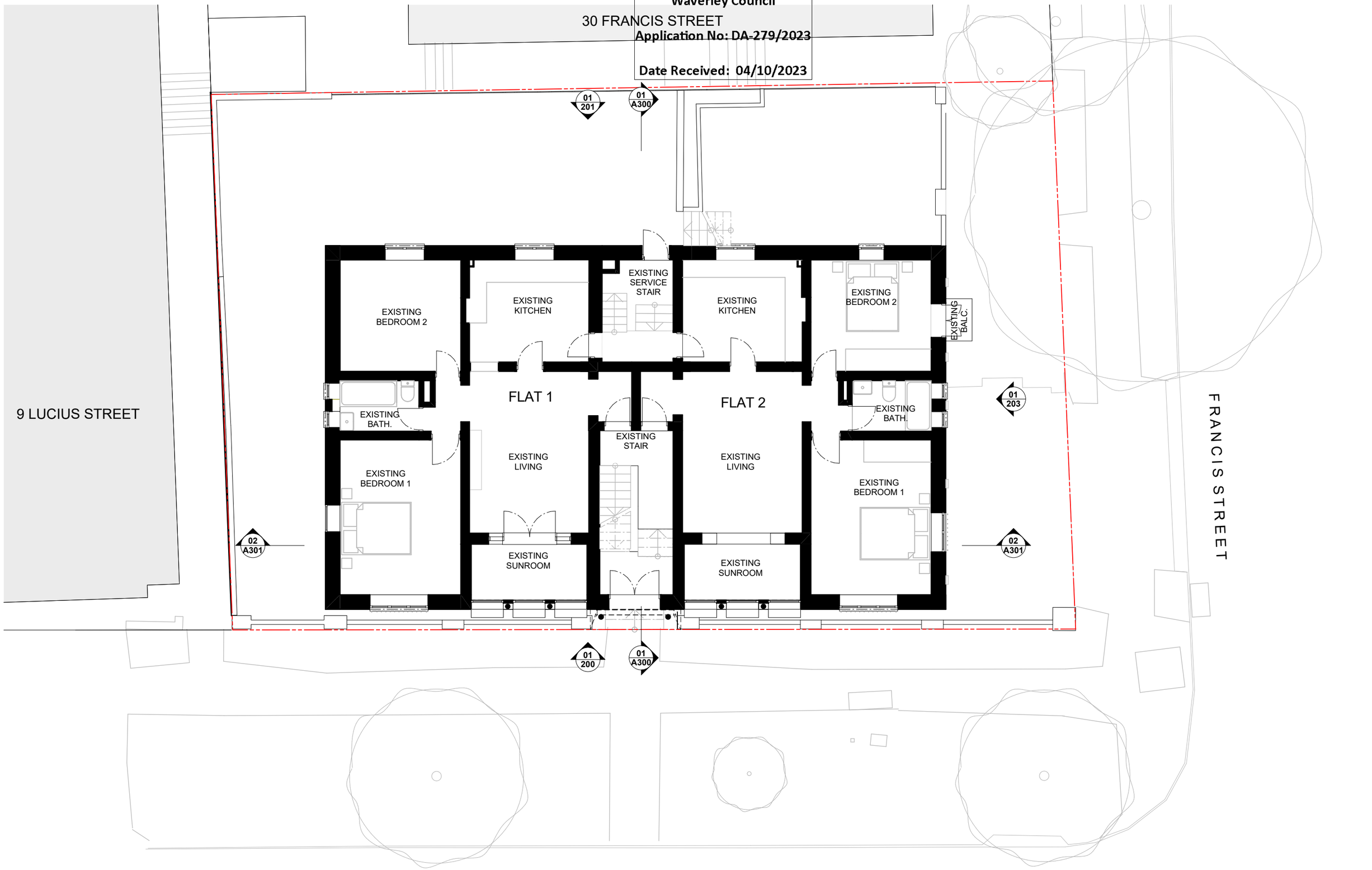
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023



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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	111	**A**

DRAWING TITLE
EXISTING GF PLAN

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Waverley Council
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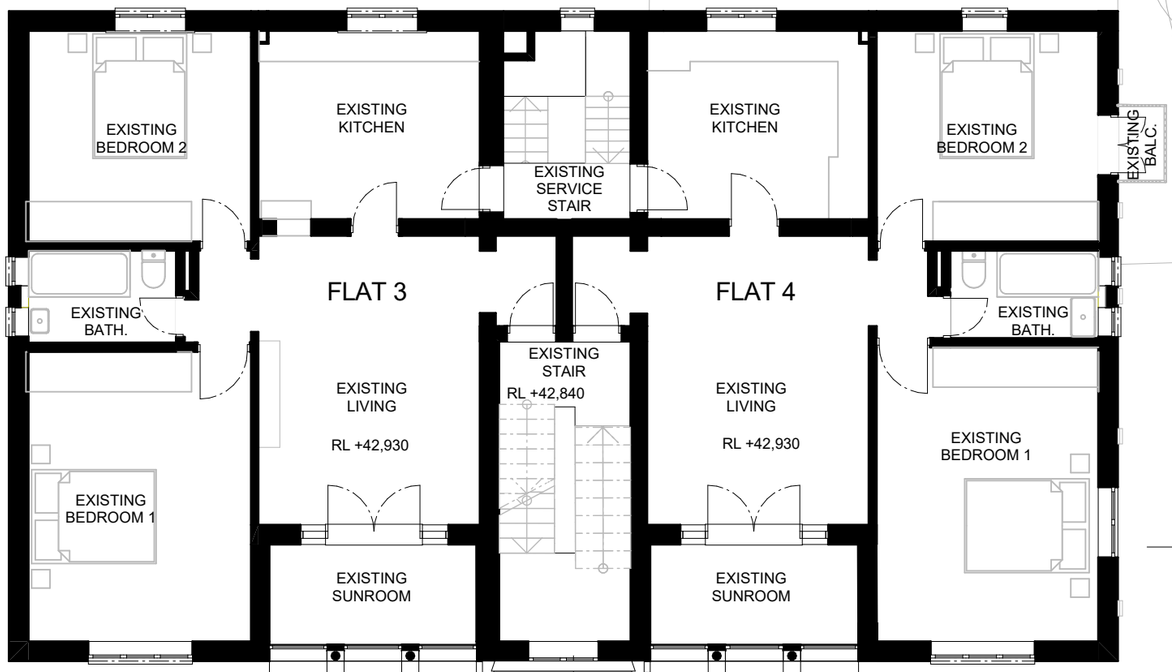
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET

FRANCIS STREET

LUCIUS STREET



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CLIENT
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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	112	**A**

DRAWING TITLE
EXISTING 1F PLAN

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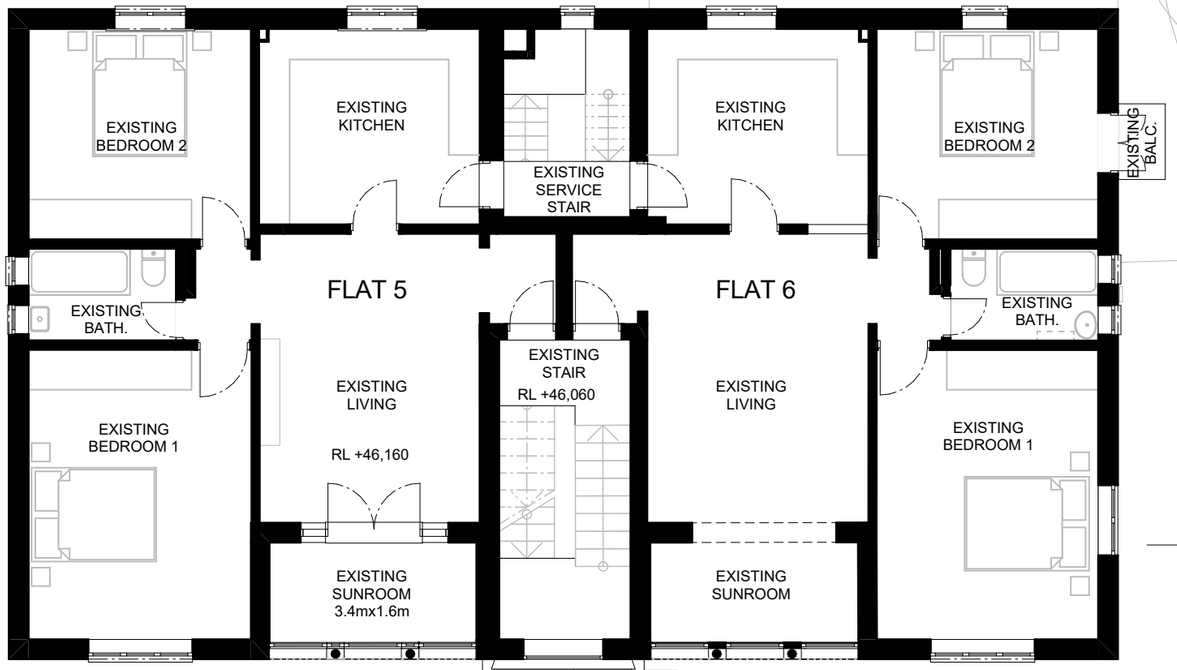
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET

FRANCIS STREET

LUCIUS STREET



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CLIENT
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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	113	**A**

DRAWING TITLE
EXISTING 2F PLAN

Printed: 2:34 PM, 7/09/2023

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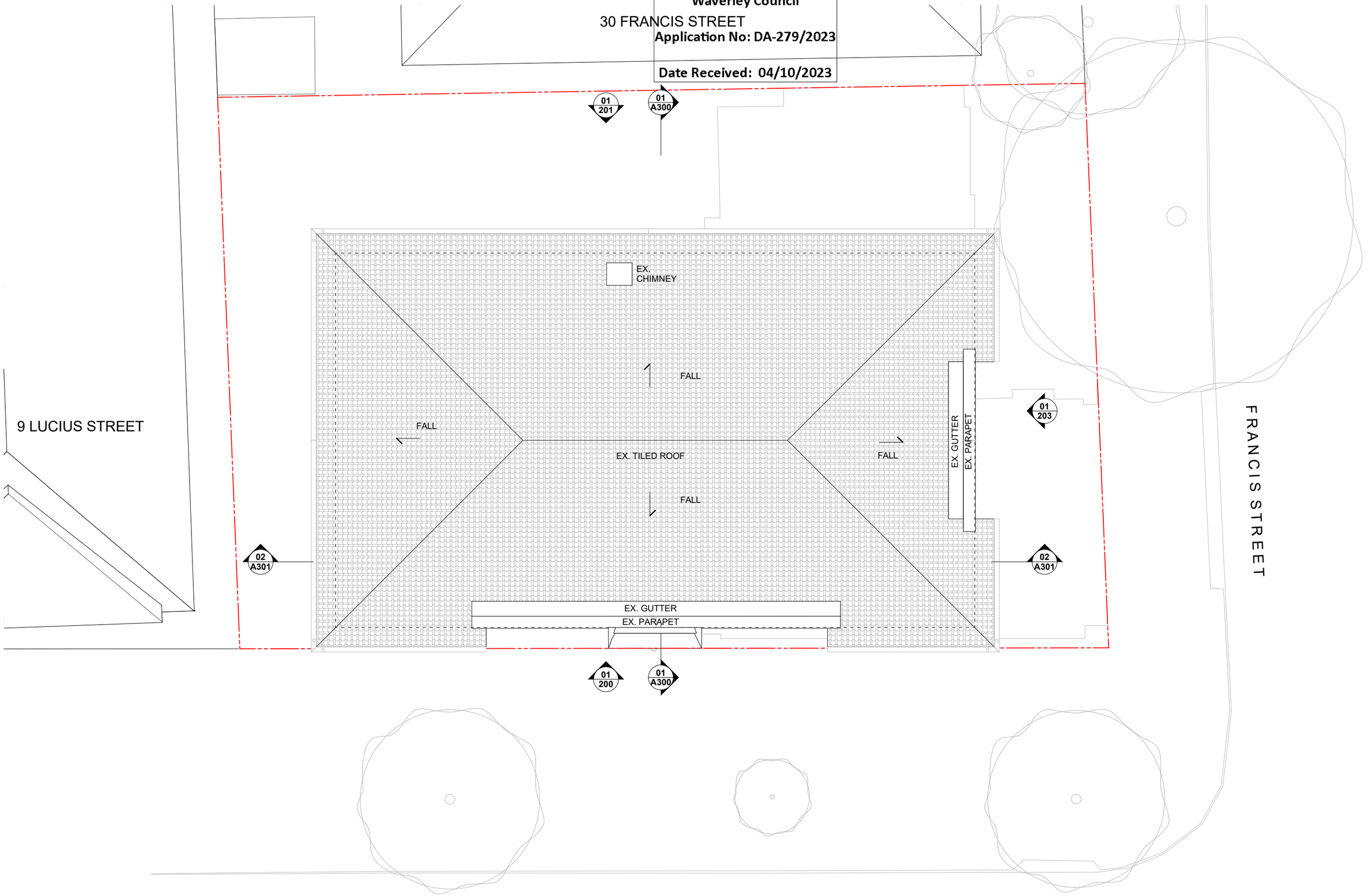
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	114	**A**

DRAWING TITLE
EXISTING ROOF PLAN

Printed: 2:34 PM, 7/09/2023

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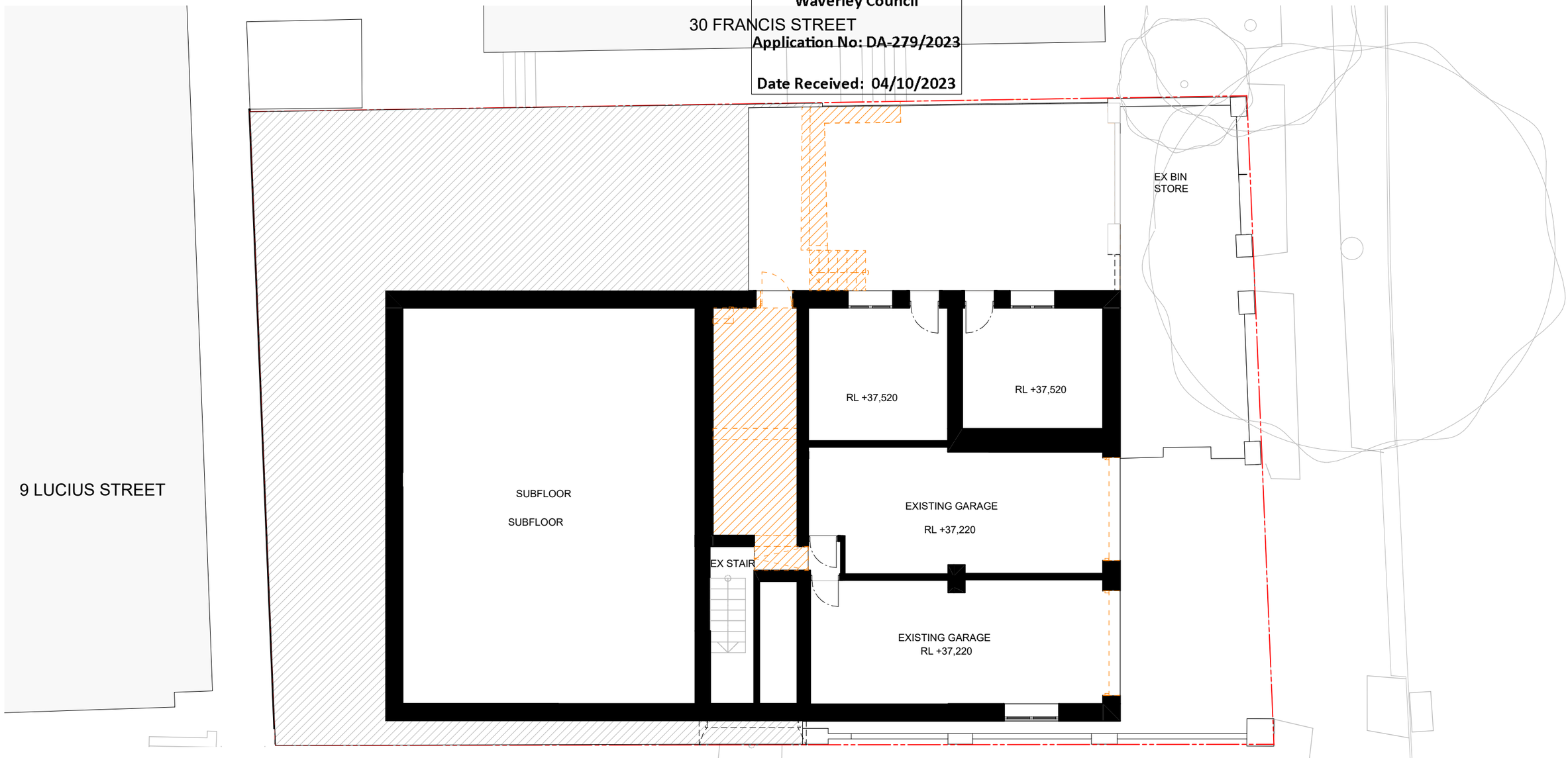
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



FRANCIS STREET

GENERAL DEMOLITION NOTES

1. Demolition plans to be read in conjunction with 'Protection of Heritage Fabric' methodology statement contained within Schedule of Conservation Works prepared by Weir Phillips.
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5. Existing floor/ceiling to be upgraded to comply with NCC fire separation requirements, refer BCA report prepared by Jensen Hughes
6. All works to be undertaken in accordance with Conservation Schedule of Works prepared by Weir Phillips

GENERAL LEGEND

- EXISTING WALLS
- DEMOLISH
- REMOVE AND RETAIN FOR REUSE
- MAINTENENCE AND/OR UPGRADE WORKS

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Draft for DA	P2	SC	6/07/2023
Updated Draft for DA	P3	SC	24/07/2023
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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	120	**A**

DRAWING TITLE
LGF DEMOLITION PLAN

Printed: 2:34 PM, 7/09/2023

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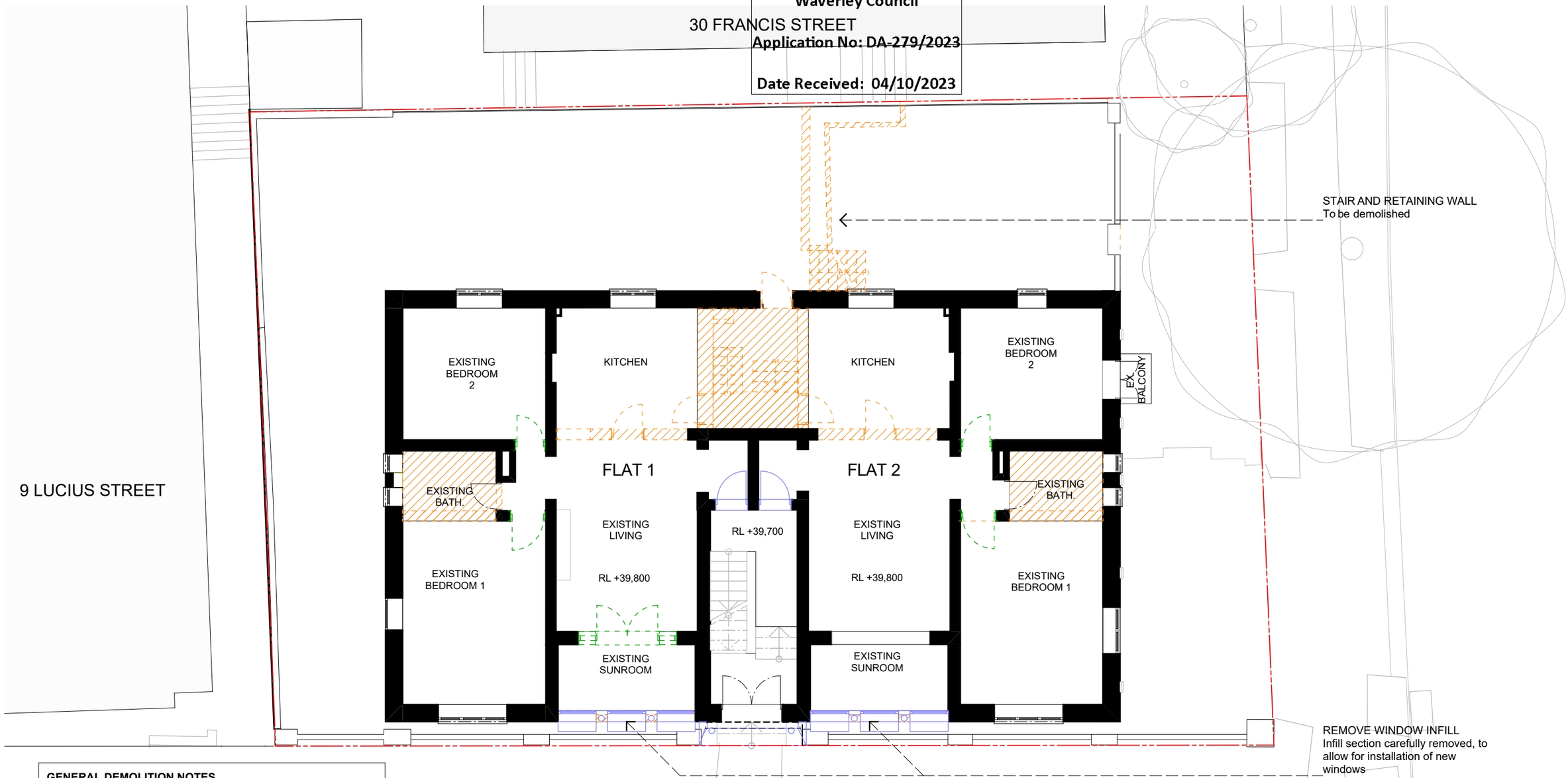
Application No: DA-279/2023
Date Received: 04/10/2023



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GENERAL LEGEND

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- DEMOLISH
- REMOVE AND RETAIN FOR REUSE
- MAINTENENCE AND/OR UPGRADE WORKS

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	121	**A**

DRAWING TITLE
GF DEMOLITION PLAN

Printed: 2:34 PM, 7/09/2023

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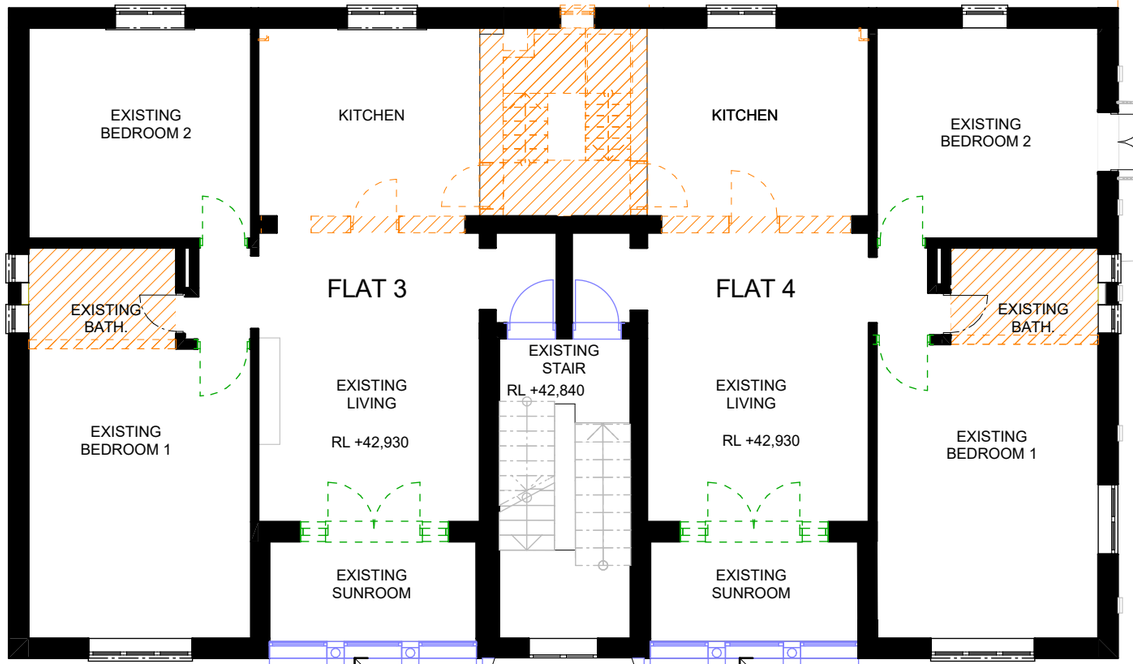
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



REMOVE WINDOW INFILL
Infill section carefully removed, to allow for installation of new windows

FRANCIS STREET

GENERAL DEMOLITION NOTES

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GENERAL LEGEND

- EXISTING WALLS
- DEMOLISH
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NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	122	**A**

DRAWING TITLE
1F DEMOLITION PLAN

Printed: 2:34 PM, 7/09/2023

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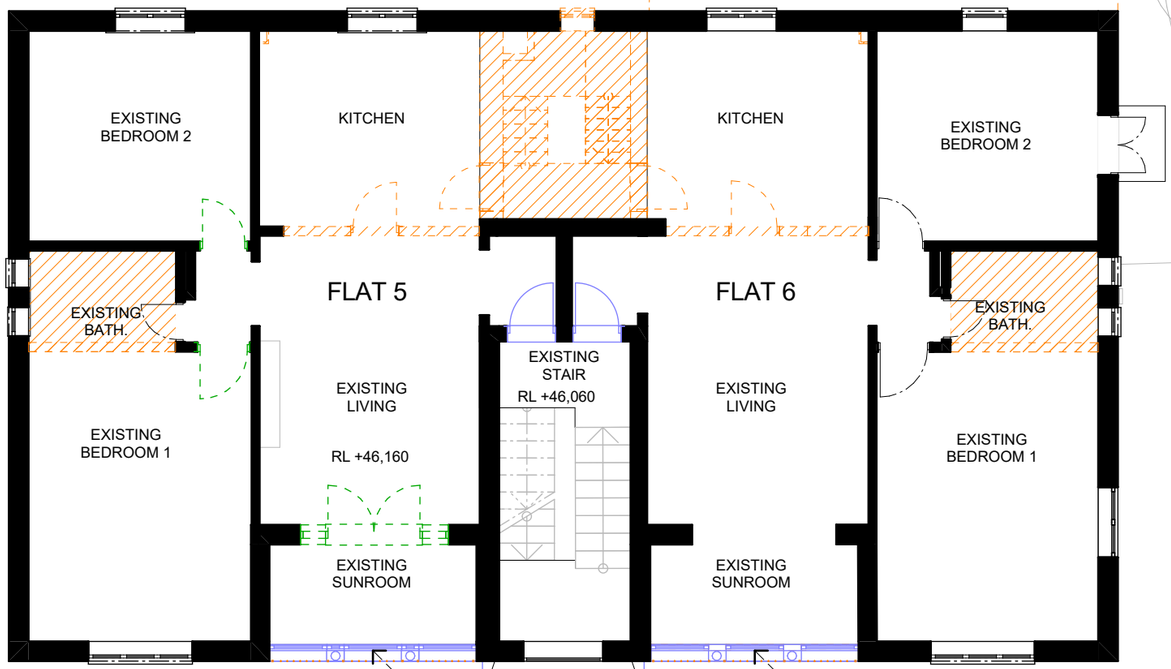
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



REMOVE WINDOW INFILL
Infill section carefully removed, to allow for installation of new windows

FRANCIS STREET

GENERAL DEMOLITION NOTES

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ACN 165 409 567 Nominated Architect Sam Crawford 6498

CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

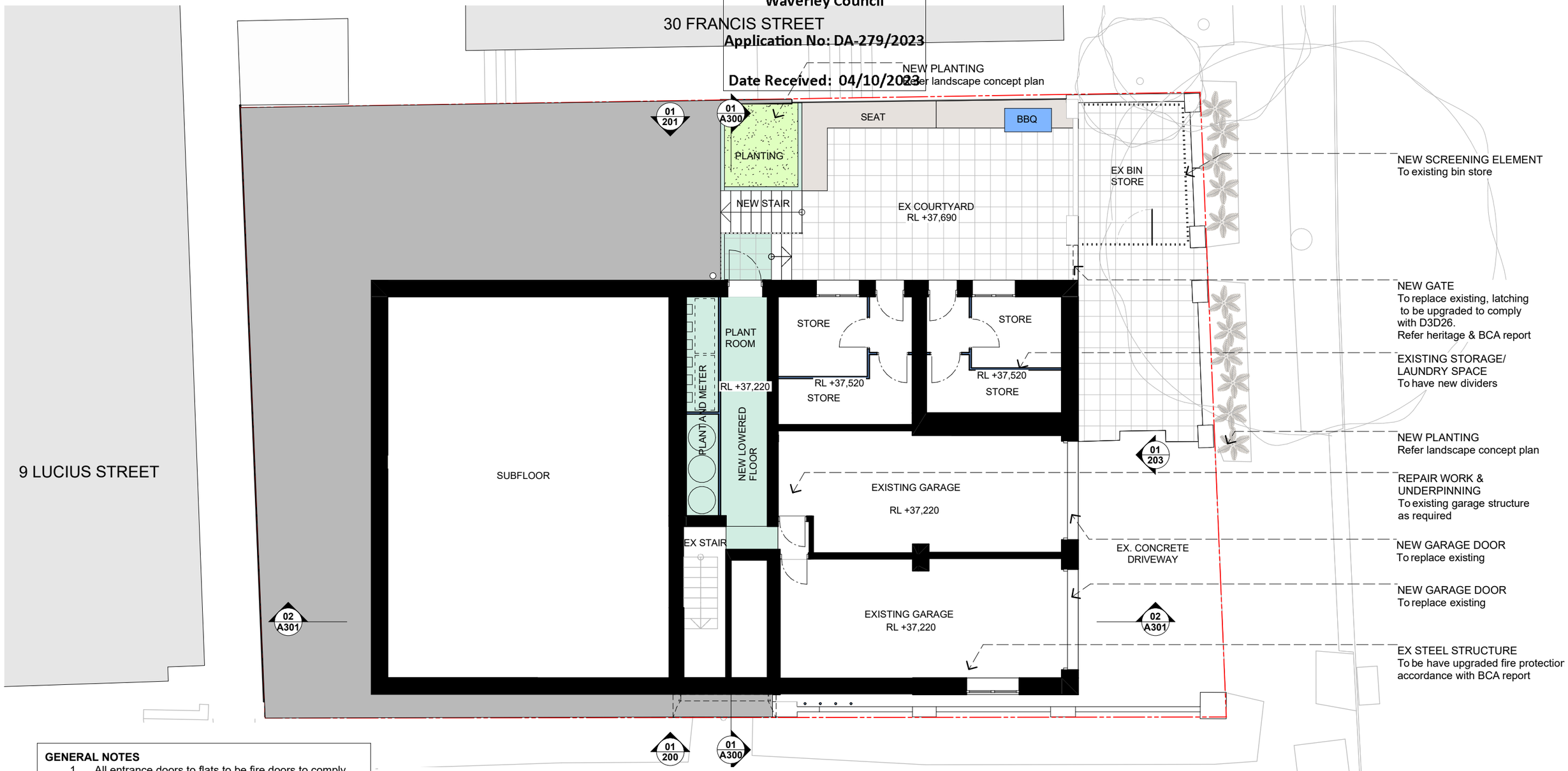
NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	123	**A**

DRAWING TITLE
2F DEMOLITION PLAN

Printed: 2:34 PM, 7/09/2023

RECEIVED
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023



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GENERAL LEGEND

	EXISTING WALLS		PROPOSED GLAZING, TO BASIX SPECIFICATION
	PROPOSED TIMBER STRUCTURE		JOINERY ITEM
	PROPOSED METAL STRUCTURE		PROPOSED INTERNAL TILES
	PROPOSED CONCRETE STRUCTURE	PV	PHOTOVOLTAIC PANEL
	PROPOSED MASONRY STRUCTURE	DP	DOWNPIPE, TO BE READ IN CONJUNCTION WITH HYDRAULIC ENGINEERS DOCUMENTS

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DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
Updated Draft for DA	P3	SC	24/07/2023
Issued for DA	A	SC	28/08/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

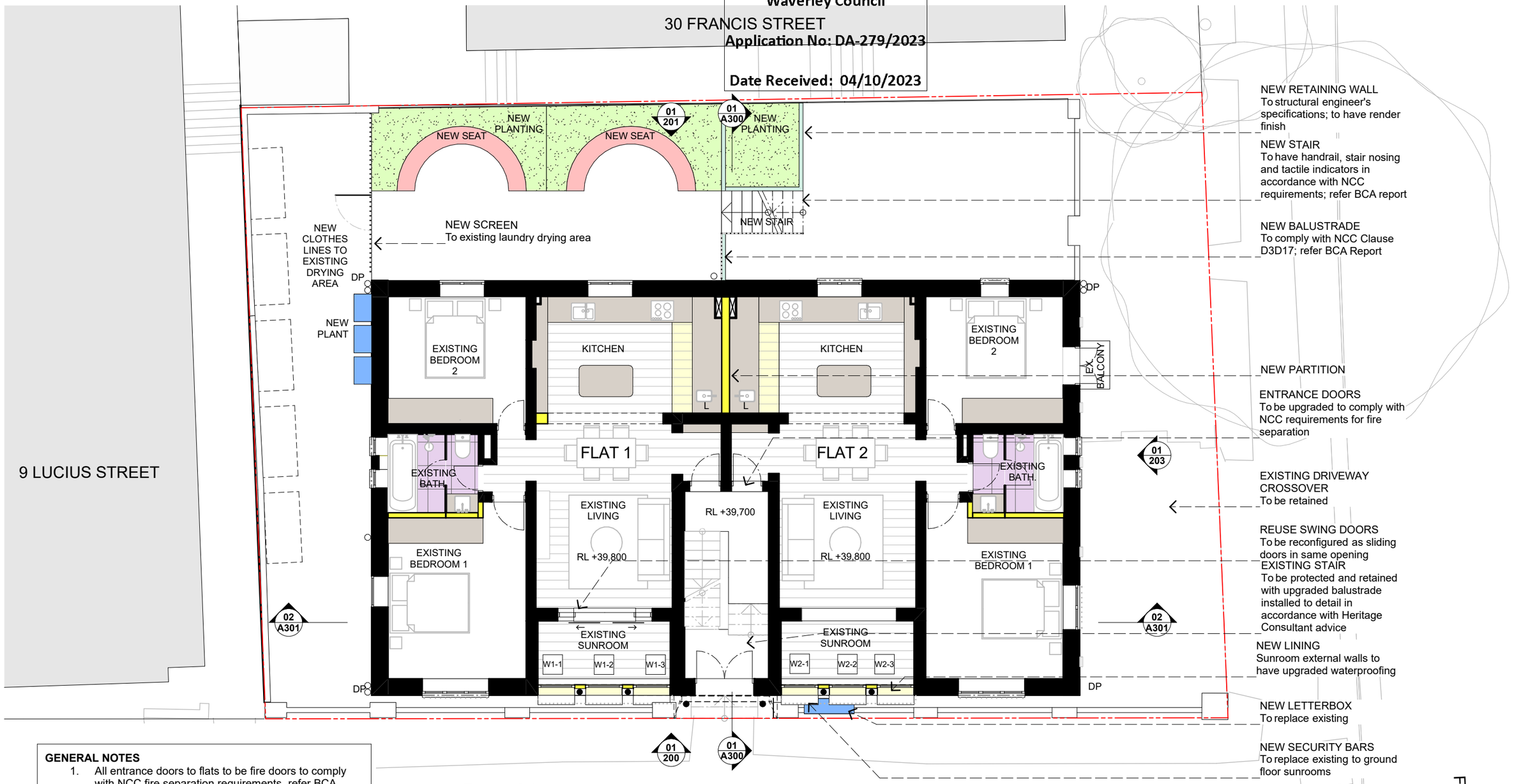
NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	140	A

DRAWING TITLE
PROPOSED LGF PLAN

Printed: 2:34 PM, 7/09/2023

RECEIVED
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023



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FRANCIS STREET

FOR DEVELOPMENT APPLICATION ONLY: NOT FOR CONSTRUCTION

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Issued for DA	A	SC	28/08/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	141	A

DRAWING TITLE
PROPOSED GF PLAN

Printed: 2:34 PM, 7/09/2023

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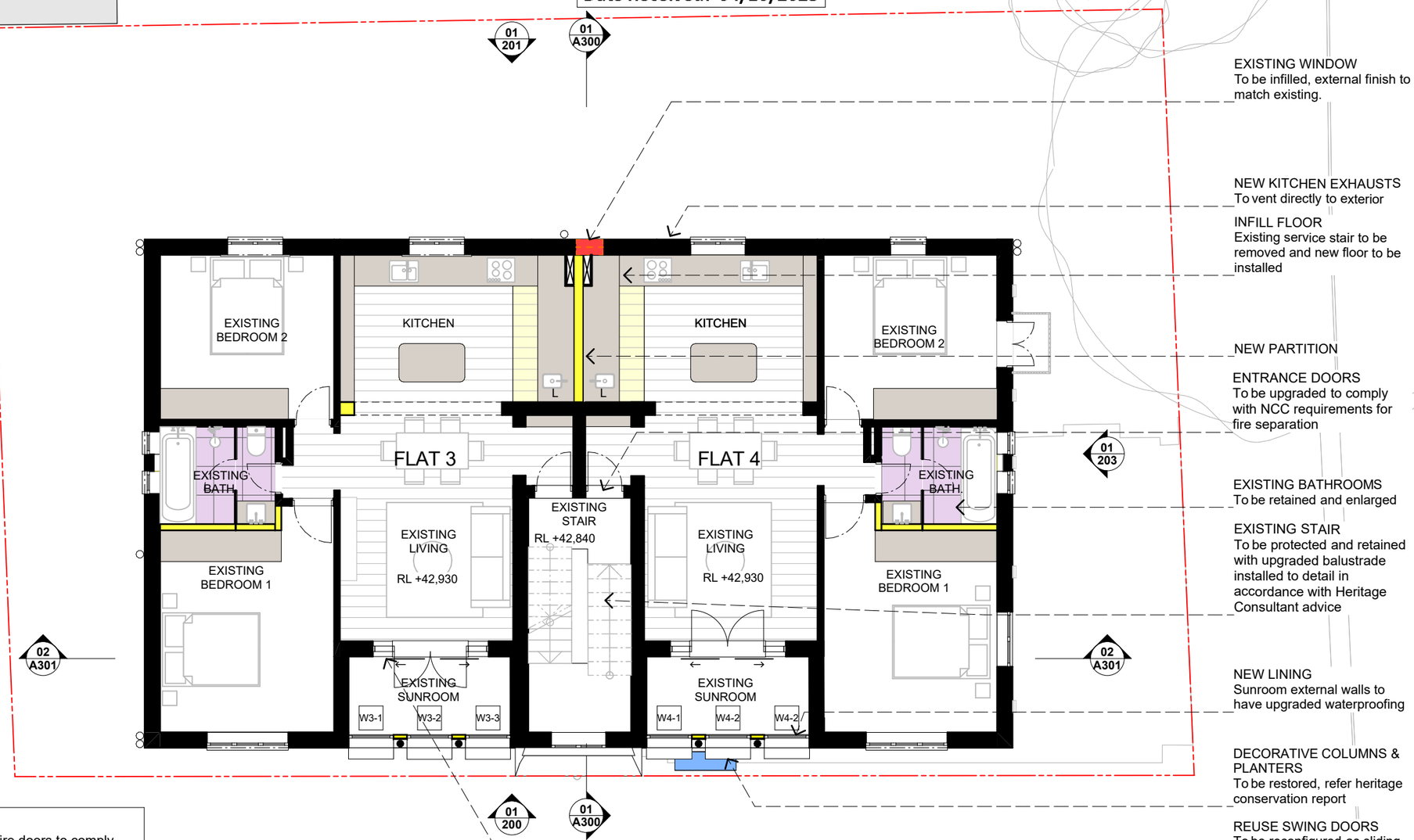
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



EXISTING WINDOW
To be infilled, external finish to match existing.

NEW KITCHEN EXHAUSTS
To vent directly to exterior

INFILL FLOOR
Existing service stair to be removed and new floor to be installed

NEW PARTITION

ENTRANCE DOORS
To be upgraded to comply with NCC requirements for fire separation

EXISTING BATHROOMS
To be retained and enlarged

EXISTING STAIR
To be protected and retained with upgraded balustrade installed to detail in accordance with Heritage Consultant advice

NEW LINING
Sunroom external walls to have upgraded waterproofing

DECORATIVE COLUMNS & PLANTERS
To be restored, refer heritage conservation report

REUSE SWING DOORS
To be reconfigured as sliding doors in same opening

GENERAL NOTES

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	142	A

DRAWING TITLE
PROPOSED 1F PLAN

Printed: 2:34 PM, 7/09/2023

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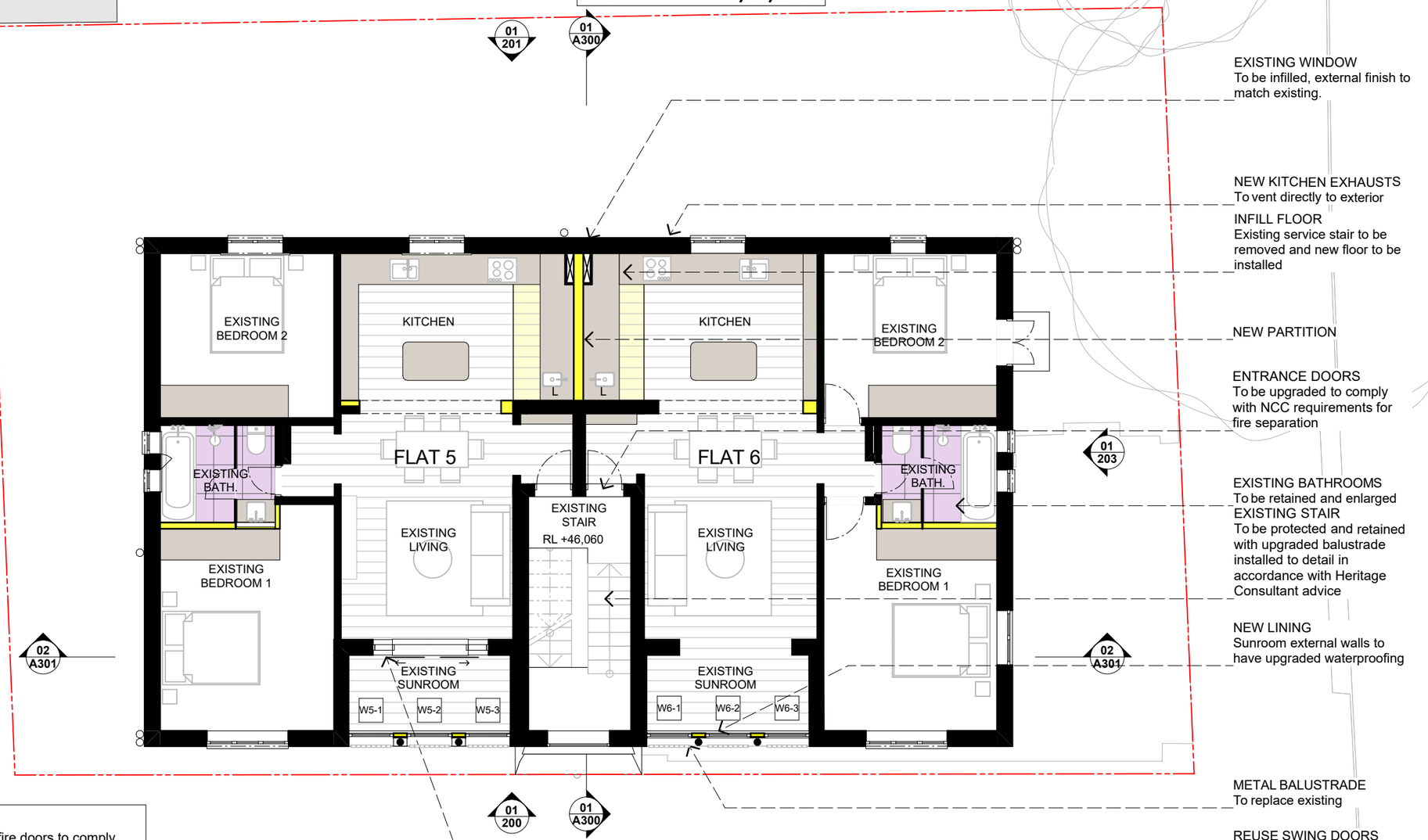
Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

30 FRANCIS STREET

9 LUCIUS STREET



EXISTING WINDOW
To be infilled, external finish to match existing.

NEW KITCHEN EXHAUSTS
To vent directly to exterior

INFILL FLOOR
Existing service stair to be removed and new floor to be installed

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To be upgraded to comply with NCC requirements for fire separation

EXISTING BATHROOMS
To be retained and enlarged

EXISTING STAIR
To be protected and retained with upgraded balustrade installed to detail in accordance with Heritage Consultant advice

NEW LINING
Sunroom external walls to have upgraded waterproofing

METAL BALUSTRADE
To replace existing

REUSE SWING DOORS
To be reconfigured as sliding doors in same opening

FRANCIS STREET

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	143	**A**

DRAWING TITLE
PROPOSED 2F PLAN

Printed: 2:34 PM, 7/09/2023

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Waverley Council
Application No: DA-279/2023
Date Received: 04/10/2023

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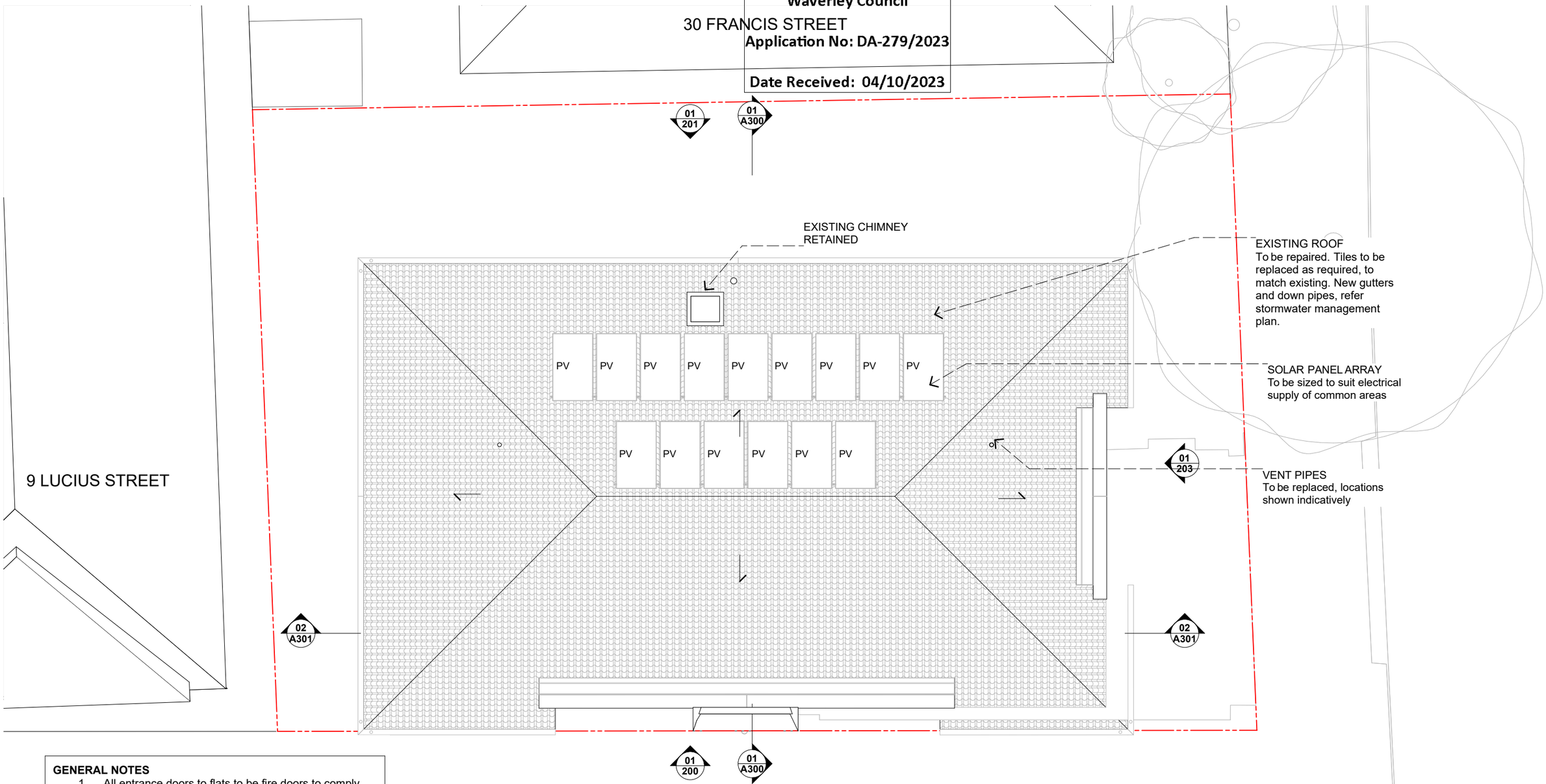

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LUCIUS STREET

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	144	**A**

DRAWING TITLE
PROPOSED ROOF PLAN

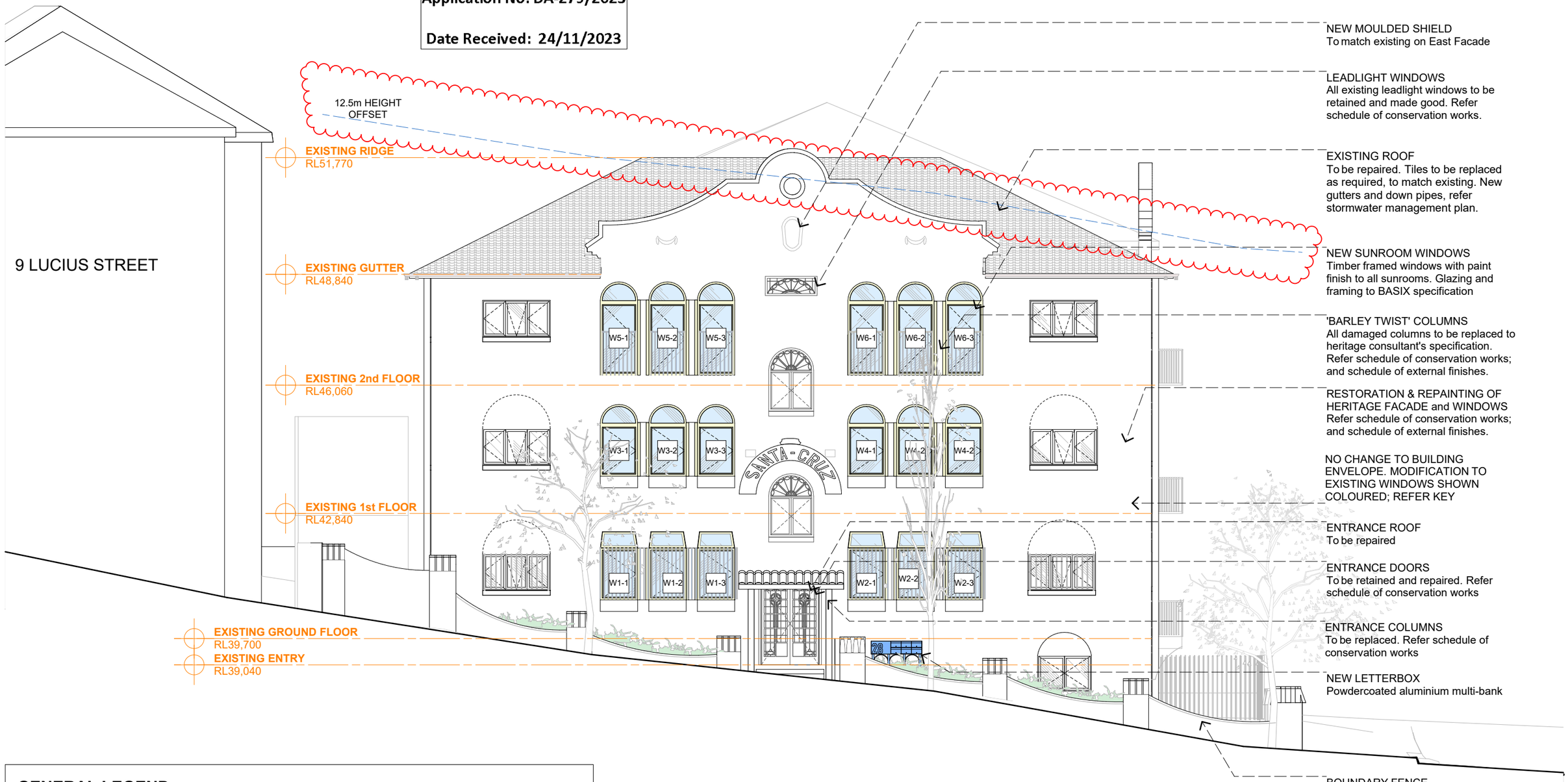
Printed: 2:34 PM, 7/09/2023

RECEIVED
Waverley Council

Application No: DA-279/2023

Date Received: 24/11/2023

AMENDED PLANS



GENERAL LEGEND

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Updated for DA	C	SC	22/11/2023

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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	200	C

DRAWING TITLE
SOUTH ELEVATION

Printed: 4:02 PM, 22/11/2023

AMENDED PLANS

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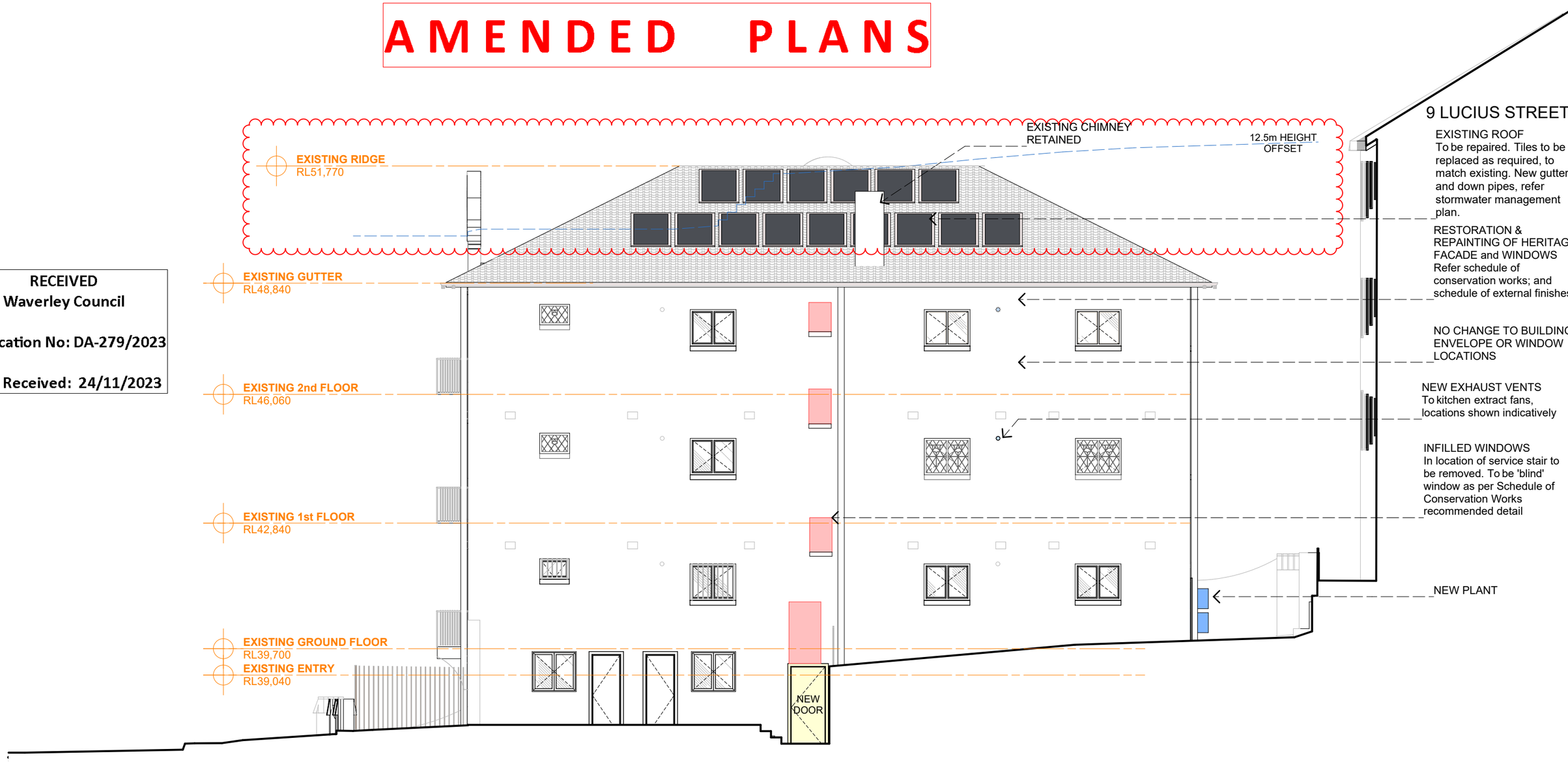
Waverley Council

Application No: DA-279/2023

Date Received: 24/11/2023



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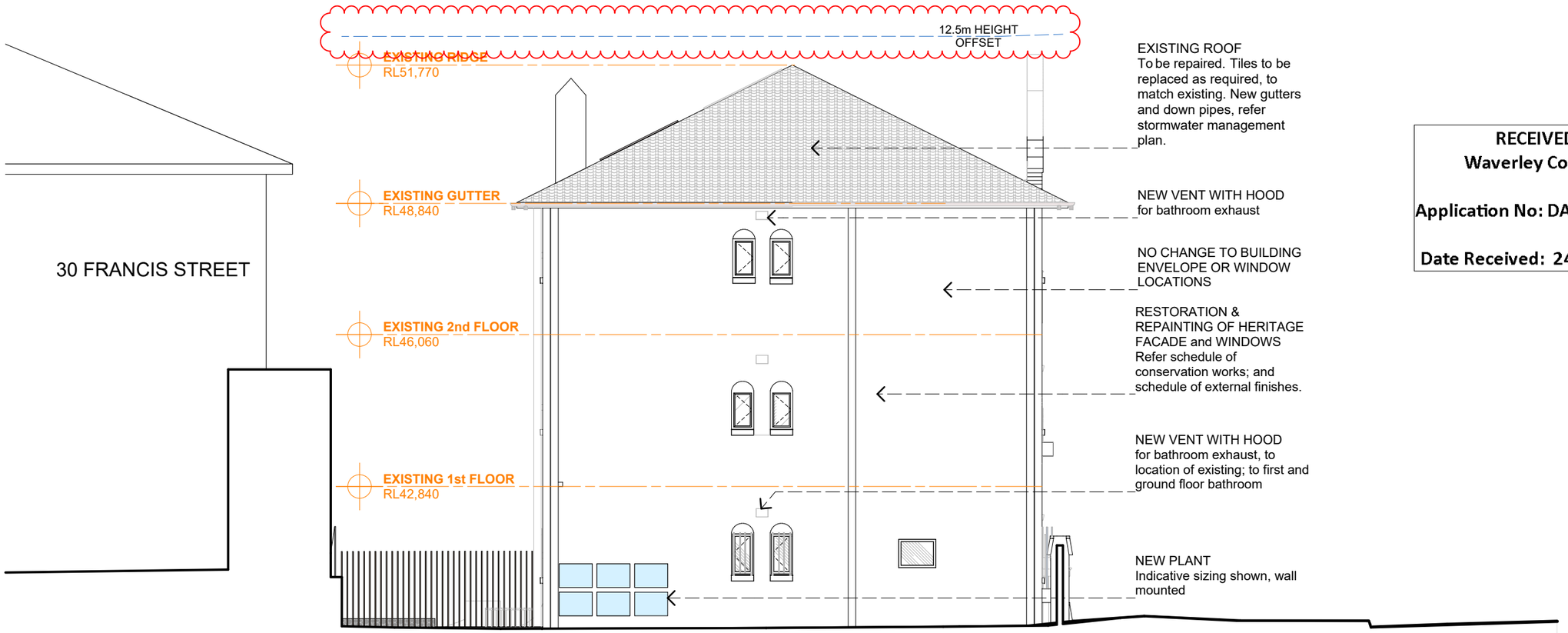
NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	201	C

DRAWING TITLE
NORTH ELEVATION

Printed: 4:02 PM, 22/11/2023

AMENDED PLANS



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NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	202	C

DRAWING TITLE
WEST ELEVATION

Printed: 4:02 PM, 22/11/2023

AMENDED PLANS

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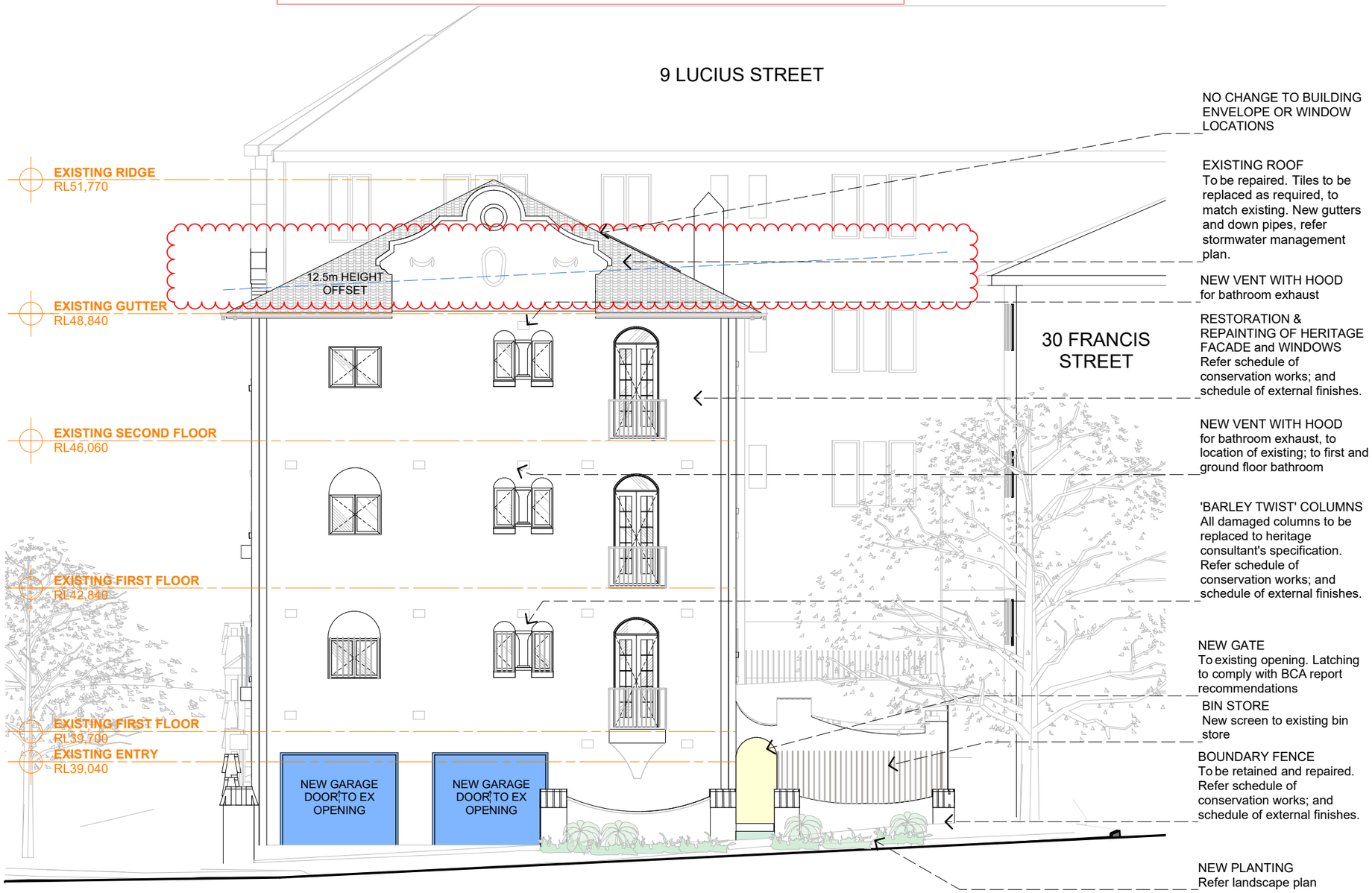
Application No: DA-279/2023

Date Received: 24/11/2023



GENERAL LEGEND

	EXISTING WALLS		PROPOSED GLAZING, TO BASIX SPECIFICATION
	PROPOSED TIMBER STRUCTURE		JOINERY ITEM
	PROPOSED METAL STRUCTURE		PROPOSED INTERNAL TILES
	PROPOSED CONCRETE STRUCTURE	PV	PHOTOVOLTAIC PANEL
	PROPOSED MASONRY STRUCTURE	DP	DOWNPIPE, TO BE READ IN CONJUNCTION WITH HYDRAULIC ENGINEERS DOCUMENTS

PROPOSED WORKS TO COMPLY WITH REQUIREMENTS AS PER BASIX CERTIFICATES: A501421 (FLAT 1), A503419 (FLAT 2), A503422 (FLAT 3), A503423 (FLAT 4), A503424 (FLAT 5), A 503426 (FLAT 6)

FOR DEVELOPMENT APPLICATION ONLY: NOT FOR CONSTRUCTION

DESCRIPTION	REV	APP'D	DATE
Issued for DA	A	SC	28/08/2023
Updated for DA	B	SC	25/09/2023
Updated for DA	C	SC	22/11/2023

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ACN 165 409 567 Nominated Architect Sam Crawford 6498

CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	203	C

DRAWING TITLE
EAST ELEVATION

Printed: 4:02 PM, 22/11/2023

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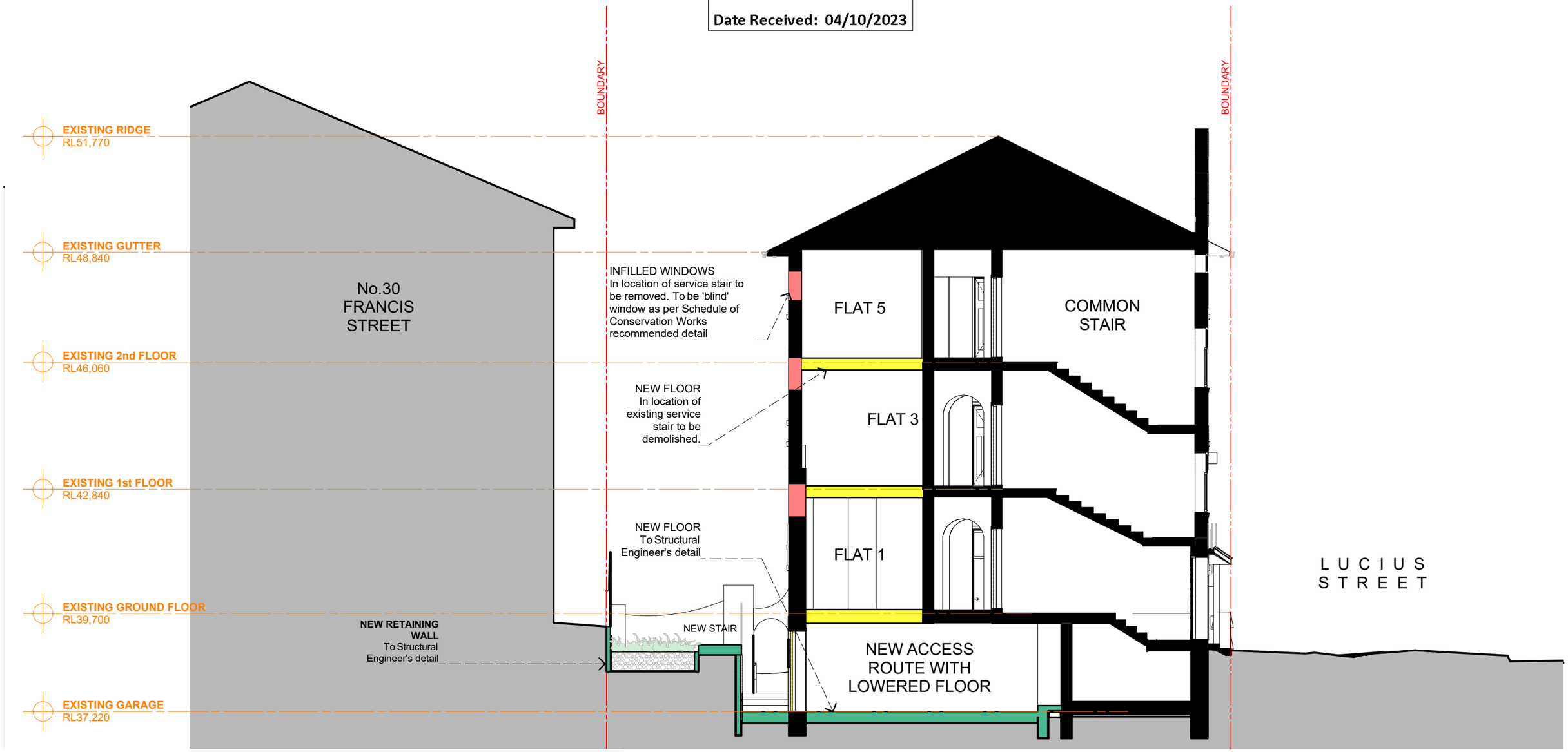
Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023



GENERAL LEGEND

	EXISTING WALLS		PROPOSED GLAZING, TO BASIX SPECIFICATION
	PROPOSED TIMBER STRUCTURE		JOINERY ITEM
	PROPOSED METAL STRUCTURE		PROPOSED INTERNAL TILES
	PROPOSED CONCRETE STRUCTURE	PV	PHOTOVOLTAIC PANEL
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DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
Updated Draft for DA	P3	SC	24/07/2023
Issued for DA	A	SC	28/08/2023

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CLIENT
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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	300	A

DRAWING TITLE
SECTION 01

Printed: 2:35 PM, 7/09/2023

AMENDED PLANS

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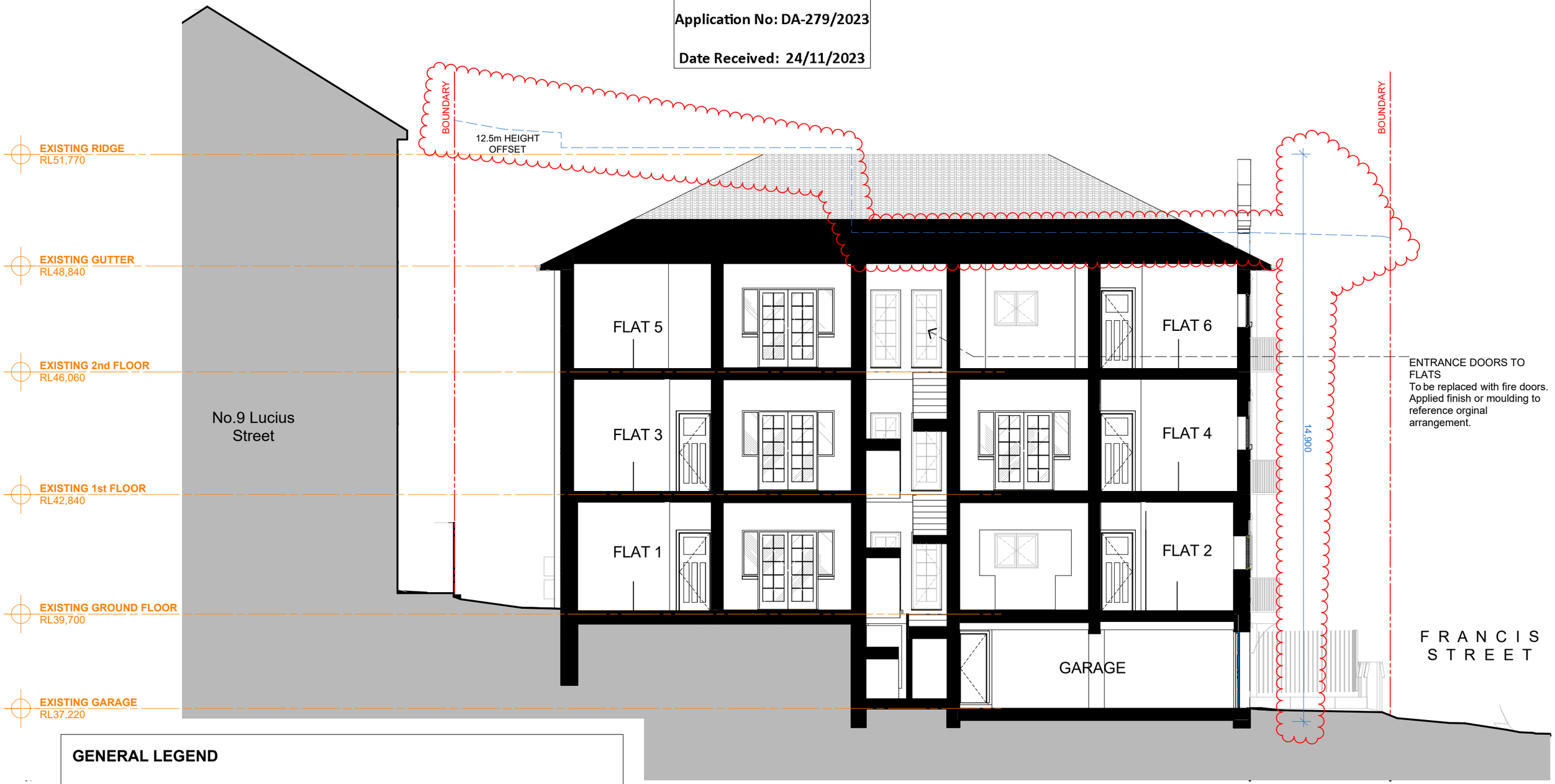
Waverley Council

Application No: DA-279/2023

Date Received: 24/11/2023



GENERAL LEGEND

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	PROPOSED METAL STRUCTURE		PROPOSED INTERNAL TILES
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DESCRIPTION	REV	APP'D	DATE
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PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	301	**B**

DRAWING TITLE
SECTION 02

Printed: 4:19 PM, 23/11/2023

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Waverley Council

Application No: DA-279/2023

Date Received: 04/10/2023

DETAILS & TRIM
PAINT - 'FLANNEL FLOWER', BAUWERK PAINT; OR SIMILAR APPROVED.

MAIN BUILDING
PAINT - 'SPICE TEMPLE', PORTERS PAINT; OR SIMILAR APPROVED.

SIGNAGE
BLACK & WHITE PAINT - PRECEDENT IMAGE OF PASADENA (7 EDWARD ST, BONDI BEACH) SHOWN

TIMBER WINDOW FRAMES
PAINT - 'SQUID INK', PORTERS PAINT; OR SIMILAR APPROVED.

TILE CAPPING
PAINT - 'FLANNEL FLOWER', BAUWERK PAINT; OR SIMILAR APPROVED.

METAL GARAGE DOORS
COLORBOND IRONSTONE; OR SIMILAR APPROVED.

TIMBER GATE
PAINT - 'FLANNEL FLOWER', BAUWERK PAINT; OR SIMILAR APPROVED.

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DESCRIPTION	REV	APP'D	DATE
Draft for DA	P2	SC	6/07/2023
Updated Draft for DA	P3	SC	24/07/2023
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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	700	**A**

DRAWING TITLE
MATERIALS & FINISHES

Printed: 2:35 PM, 7/09/2023

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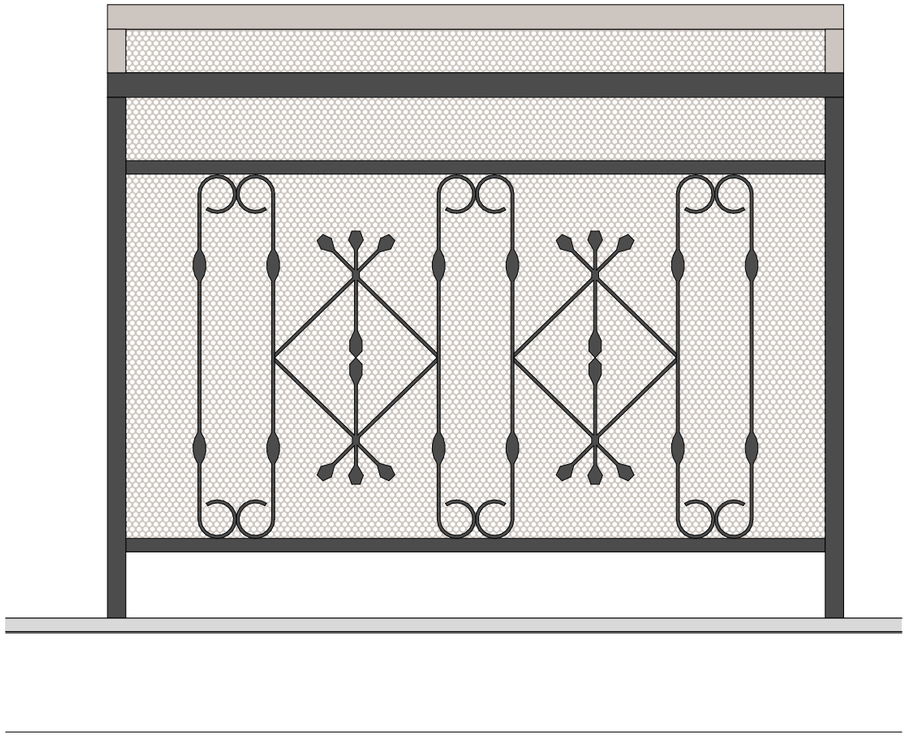
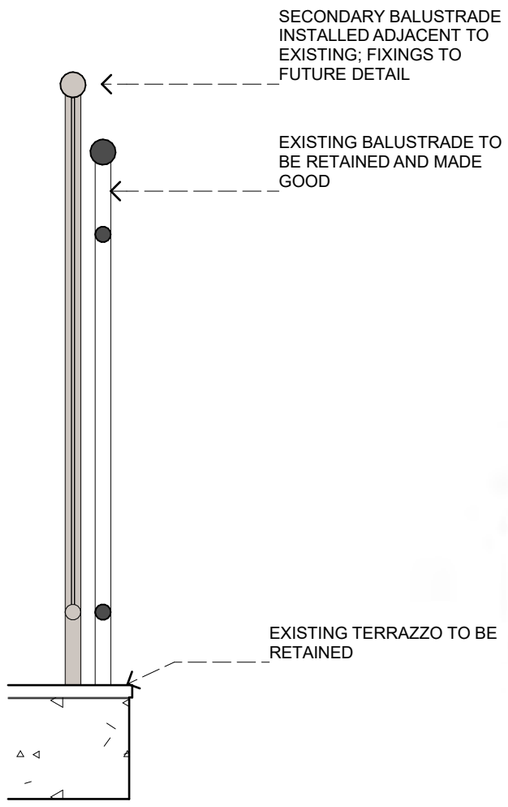
Application No: DA-279/2023

Date Received: 04/10/2023



01 BALUSTRADE CONCEPT SKETCH ELEVATION



02 CONCEPT SKETCH SECTION

03 BALUSTRADE CONCEPT SKETCH 3D

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Issued for DA	A	SC	28/08/2023

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Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
N.T.S.	23.02	AA	701	**A**

DRAWING TITLE
BALUSTRADE - CONCEPT SKETCH

Printed: 2:35 PM, 7/09/2023

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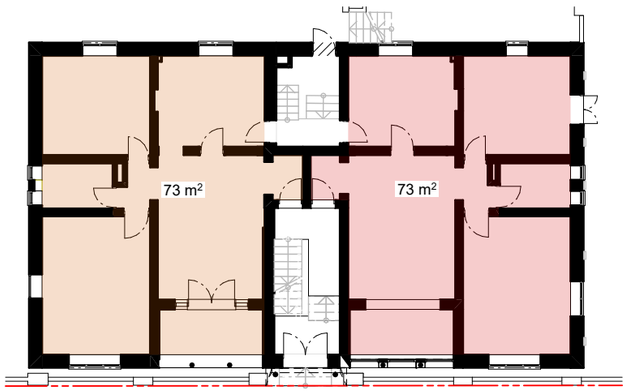
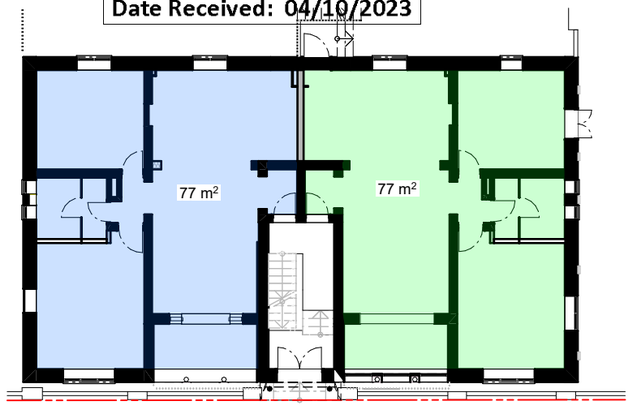
Application No: DA-279/2023

Date Received: 04/10/2023



01 EX GROUND FLOOR GFA
1:200

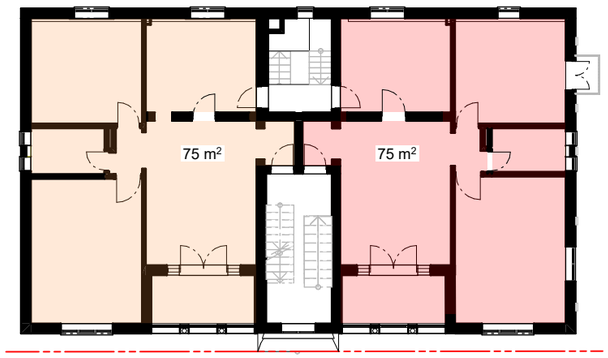


02 PROP GROUND FLOOR GFA
1:200

FLOOR SPACE RATIO:

SITE AREA: 387.9 sq.m

	Existing Building GFA	Proposed Building GFA
Basement Storage	Excluded	Excluded
Flat 1	73sqm	77sqm
Flat 2	73sqm	77sqm
Flat 3	75sqm	79sqm
Flat 4	75sqm	79sqm
Flat 5	75sqm	79sqm
Flat 6	75sqm	79sqm
Basement and Laundry	21sqm	21sqm
CONTROL 0.9:1 =349.1sqm	TOTAL = 467sqm	TOTAL = 491sqm (increase of 24sqm)



03 EX FIRST FLOOR GFA
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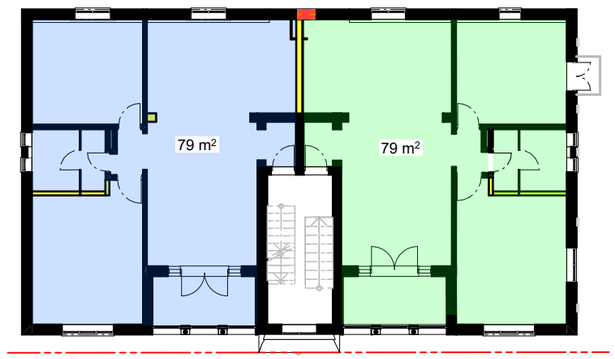

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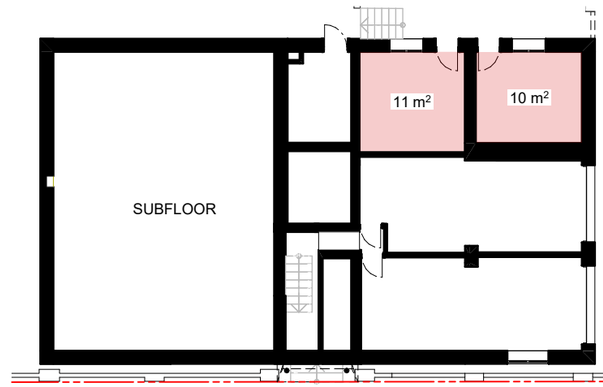

07 EX BASEMENT GFA
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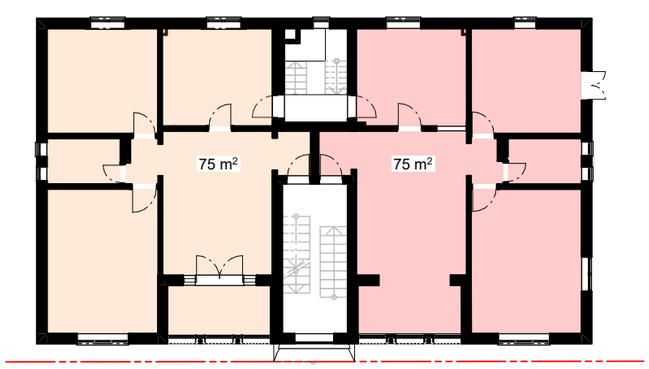

05 EX SECOND FLOOR EX GFA
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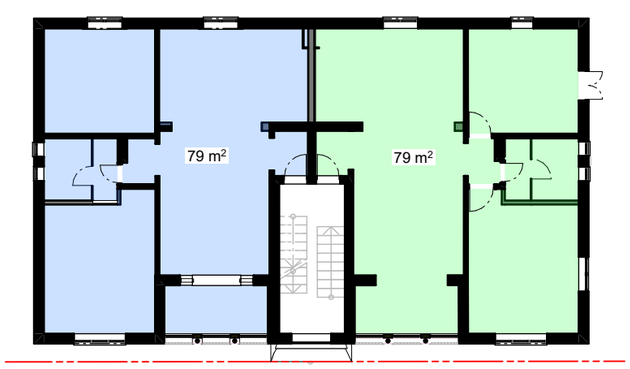

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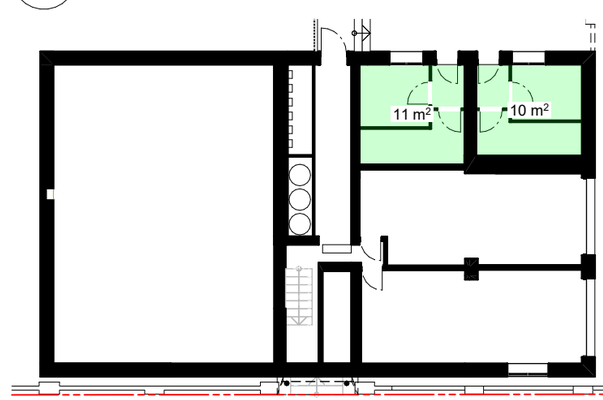

08 PROP BASEMENT GFA
1:200

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Updated Draft for DA	P3	SC	24/07/2023
Issued for DA	A	SC	28/08/2023

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CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:200	23.02	AA	910	A

DRAWING TITLE
AREA DIAGRAMS - GFA

Printed: 2:35 PM, 7/09/2023

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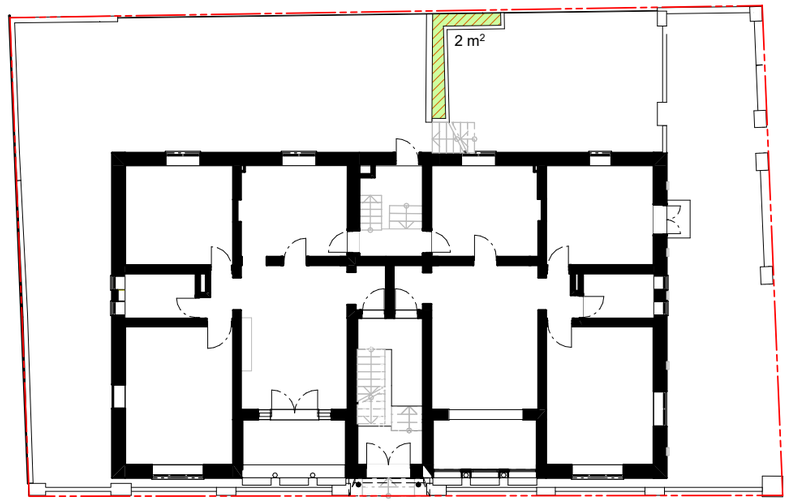
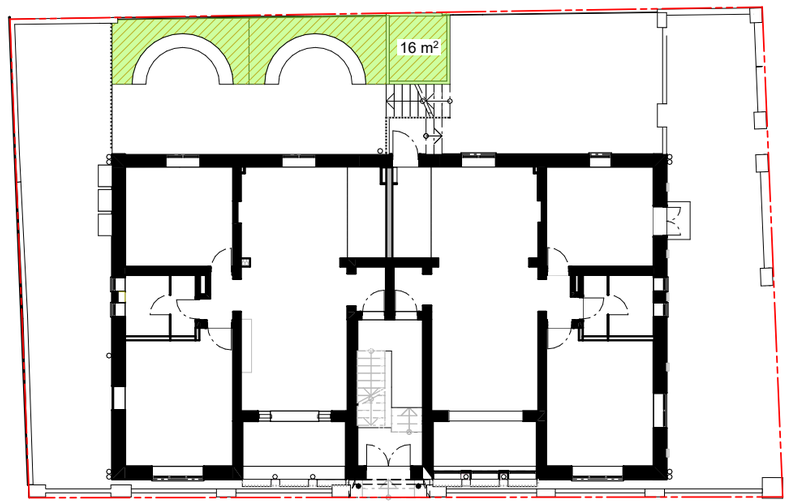
Application No: DA-279/2023

Date Received: 04/10/2023



01 EXISTING GF LANDSCAPE
1:200



02 PROPOSED GF LANDSCAPE
1:200

LANDSCAPED AREA

SITE AREA: 387.9 sq.m

	Existing Building	Proposed Building
CONTROL 30% = 116.4sqm	2.1qm	15.8sqm

DEEP SOIL AREA

SITE AREA: 387.9 sq.m

	Existing Building	Proposed Building
CONTROL 50% of landscaped area	0sqm	NO CHANGE PROPOSED

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SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:200	23.02	AA	911	**A**

DRAWING TITLE
AREA DIAGRAMS - LANDSCAPE

Printed: 2:35 PM, 7/09/2023

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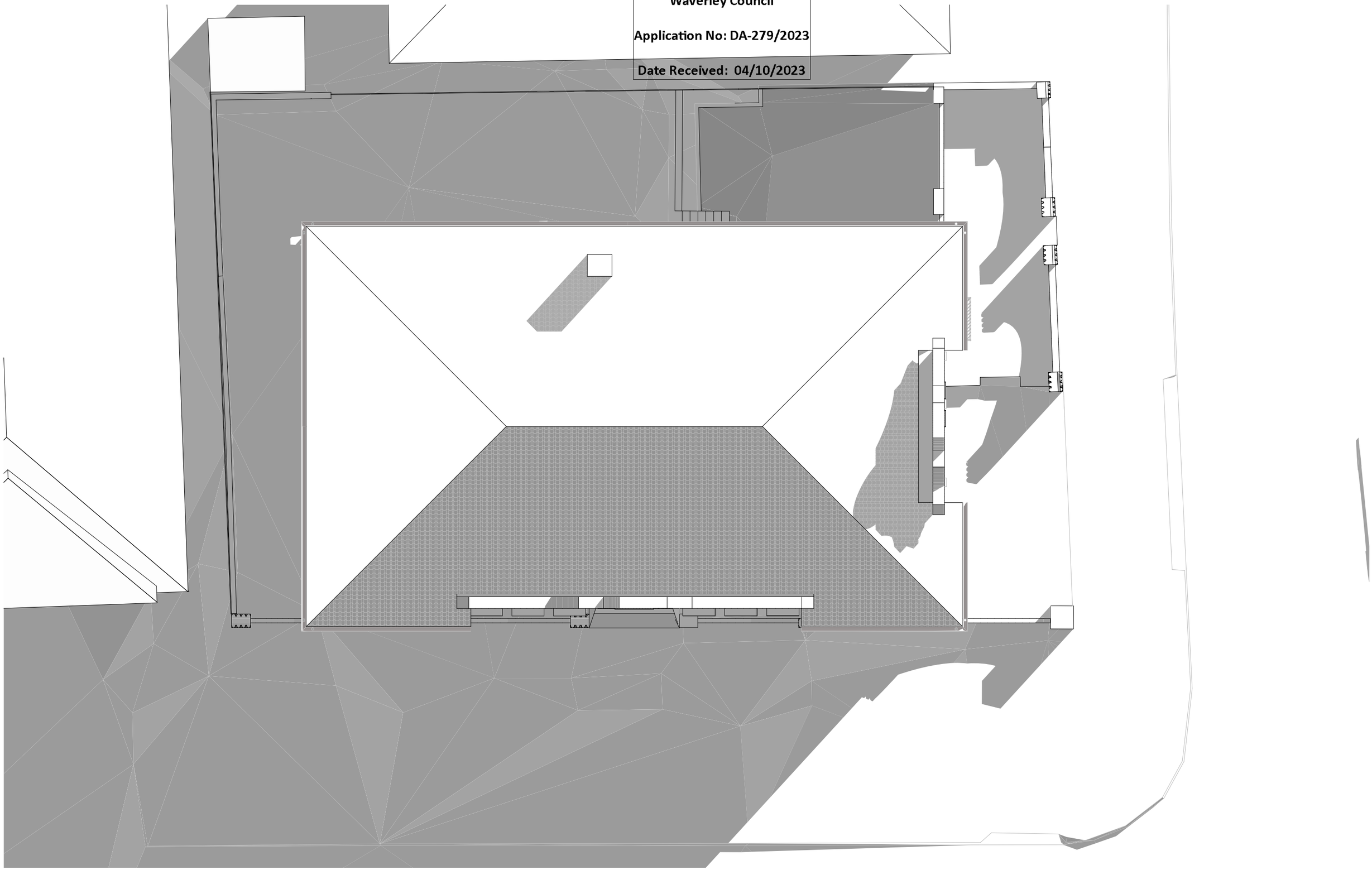

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SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	920	**A**

DRAWING TITLE
EX SHADOW DIA. 9am 21. JUN

Printed: 2:35 PM, 7/09/2023

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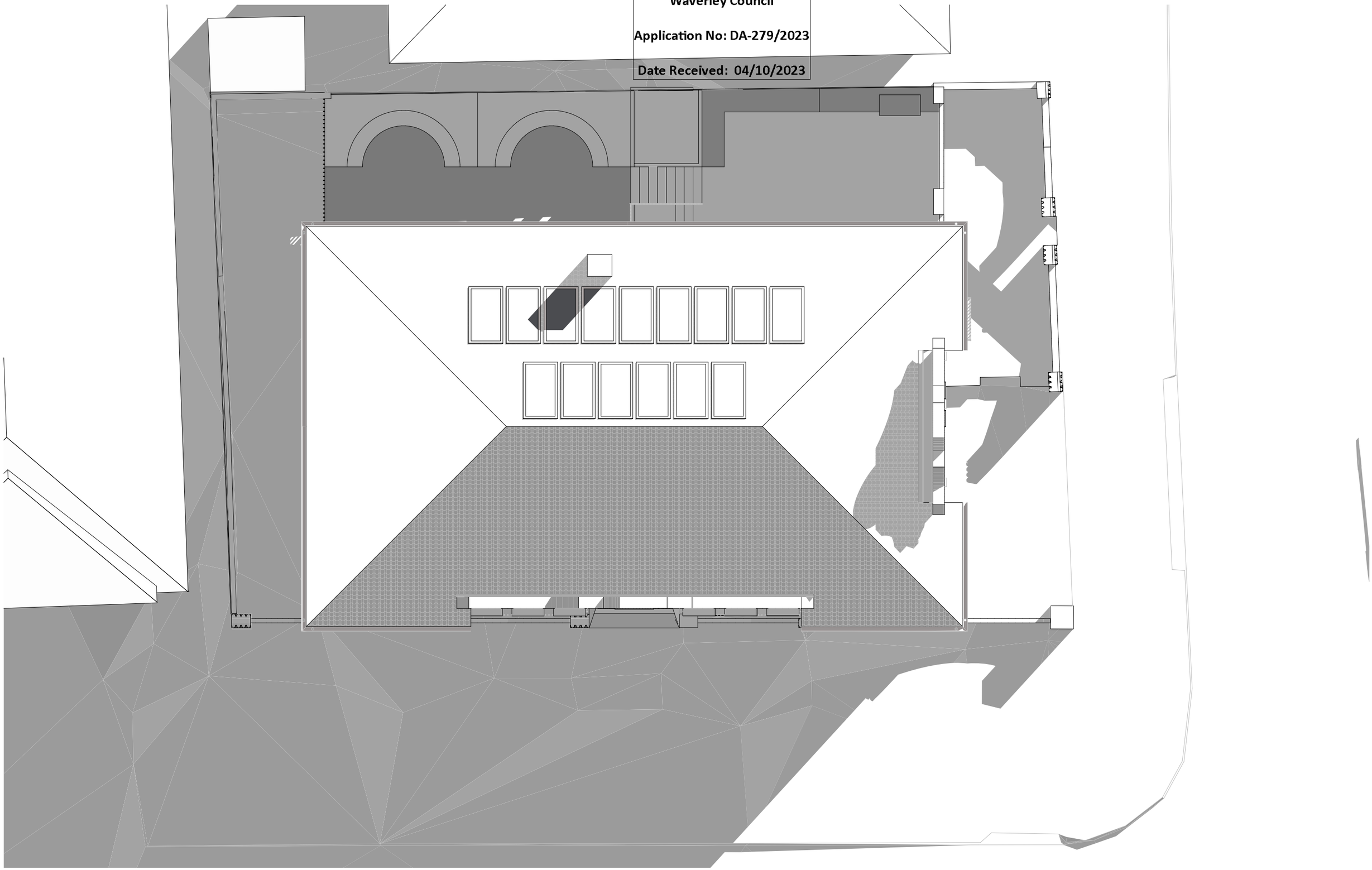

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SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	921	**A**

DRAWING TITLE
PROP SHADOW DIA. 9am 21 JUN

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Application No: DA-279/2023

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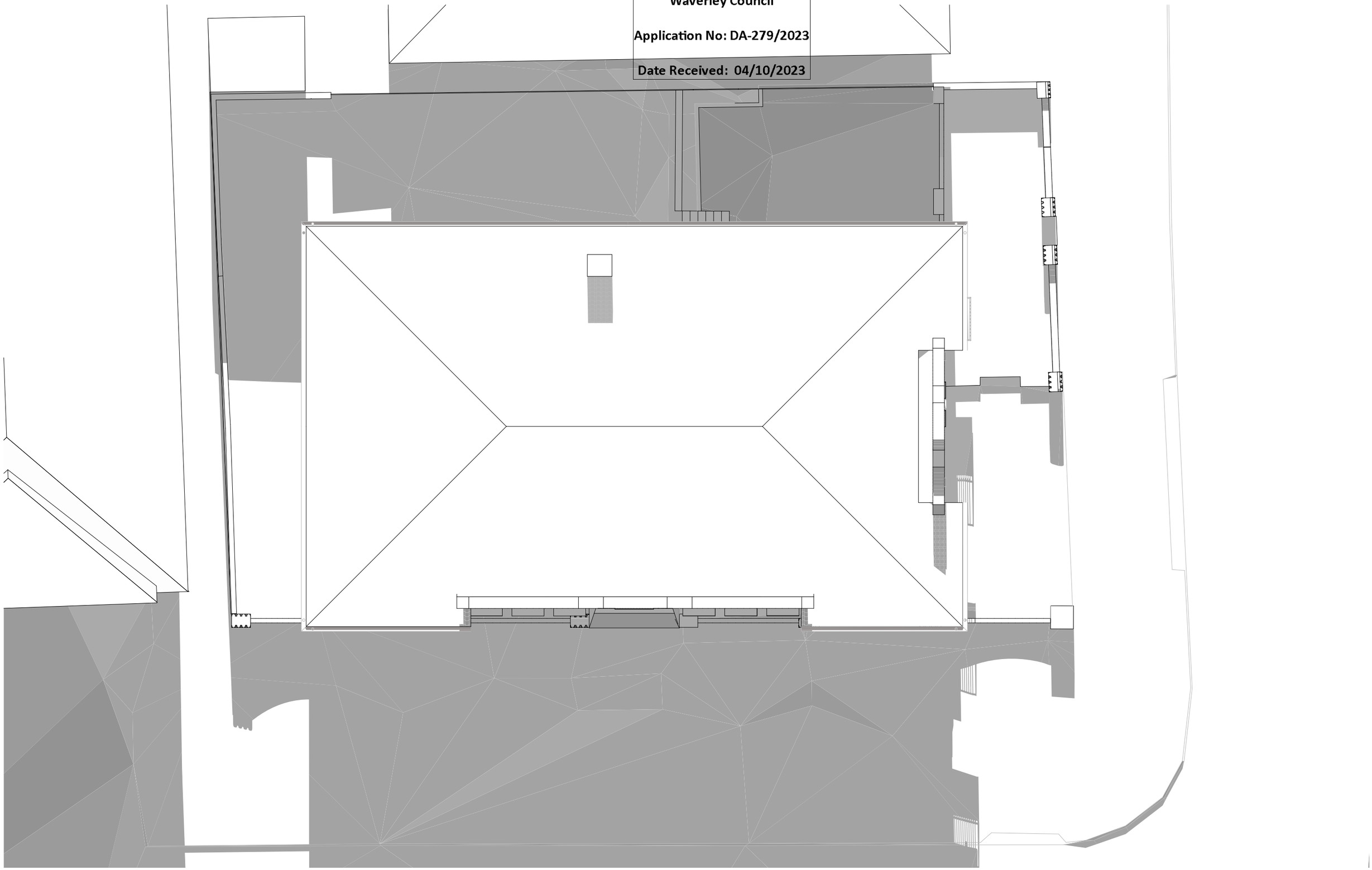

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ACN 165 409 567 Nominated Architect Sam Crawford 6498

CLIENT
Serpentine Investments

PROJECT
Santa Cruz Apartments
28 Francis Street, Bondi Beach NSW 2026

NORTH POINT

SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
1:100	23.02	AA	922	**A**

DRAWING TITLE
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Application No: DA-279/2023

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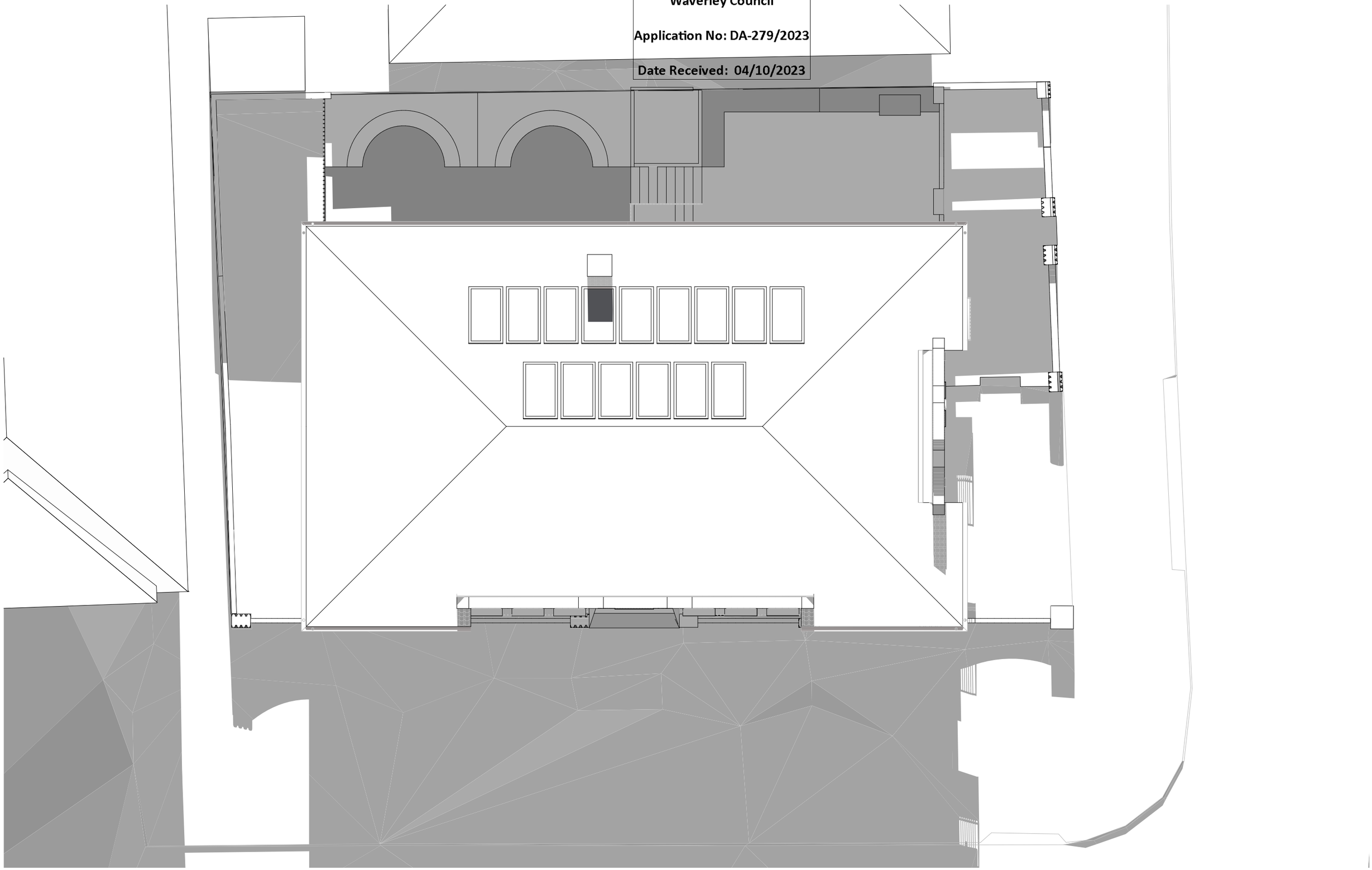

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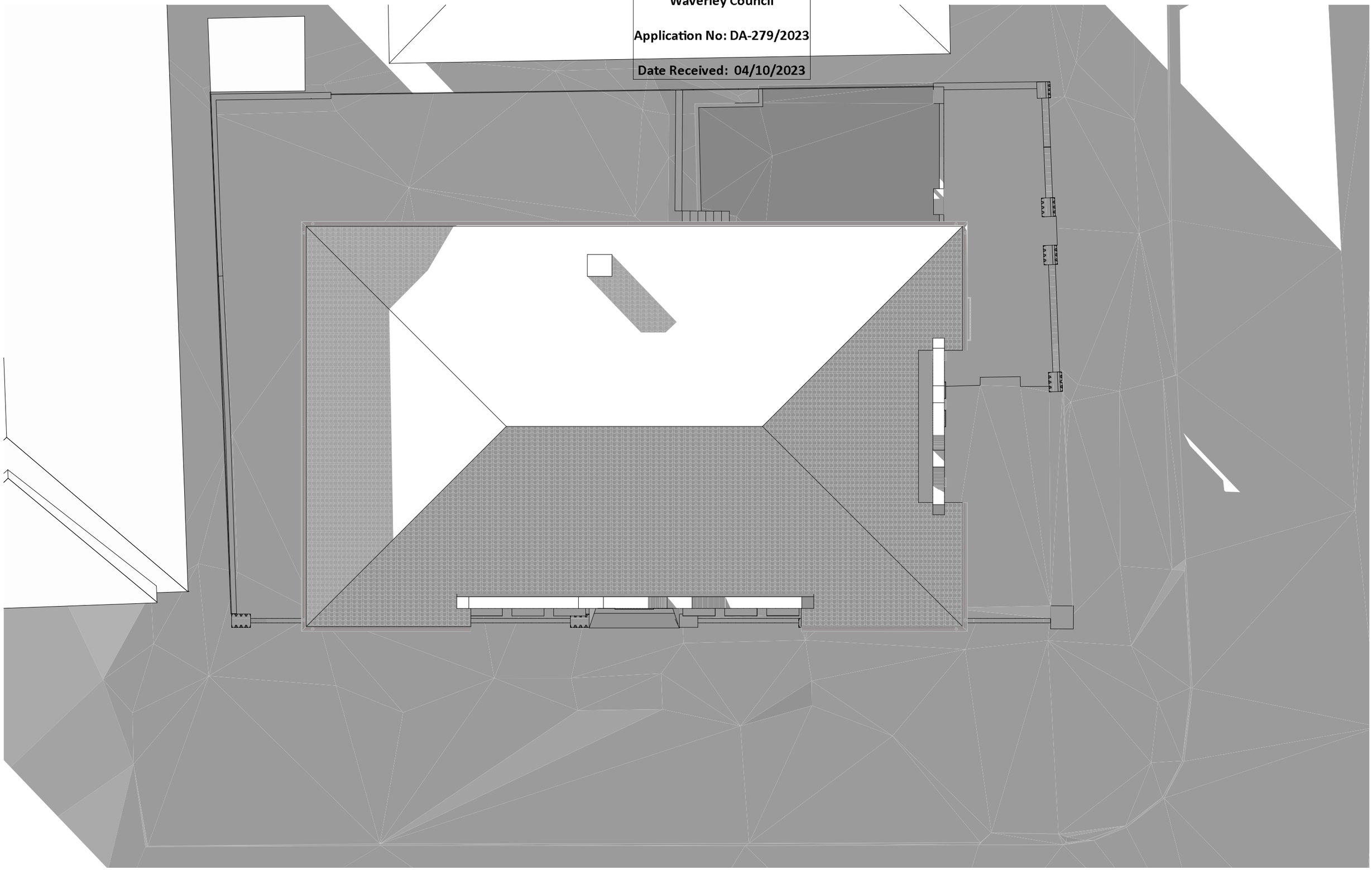

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SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
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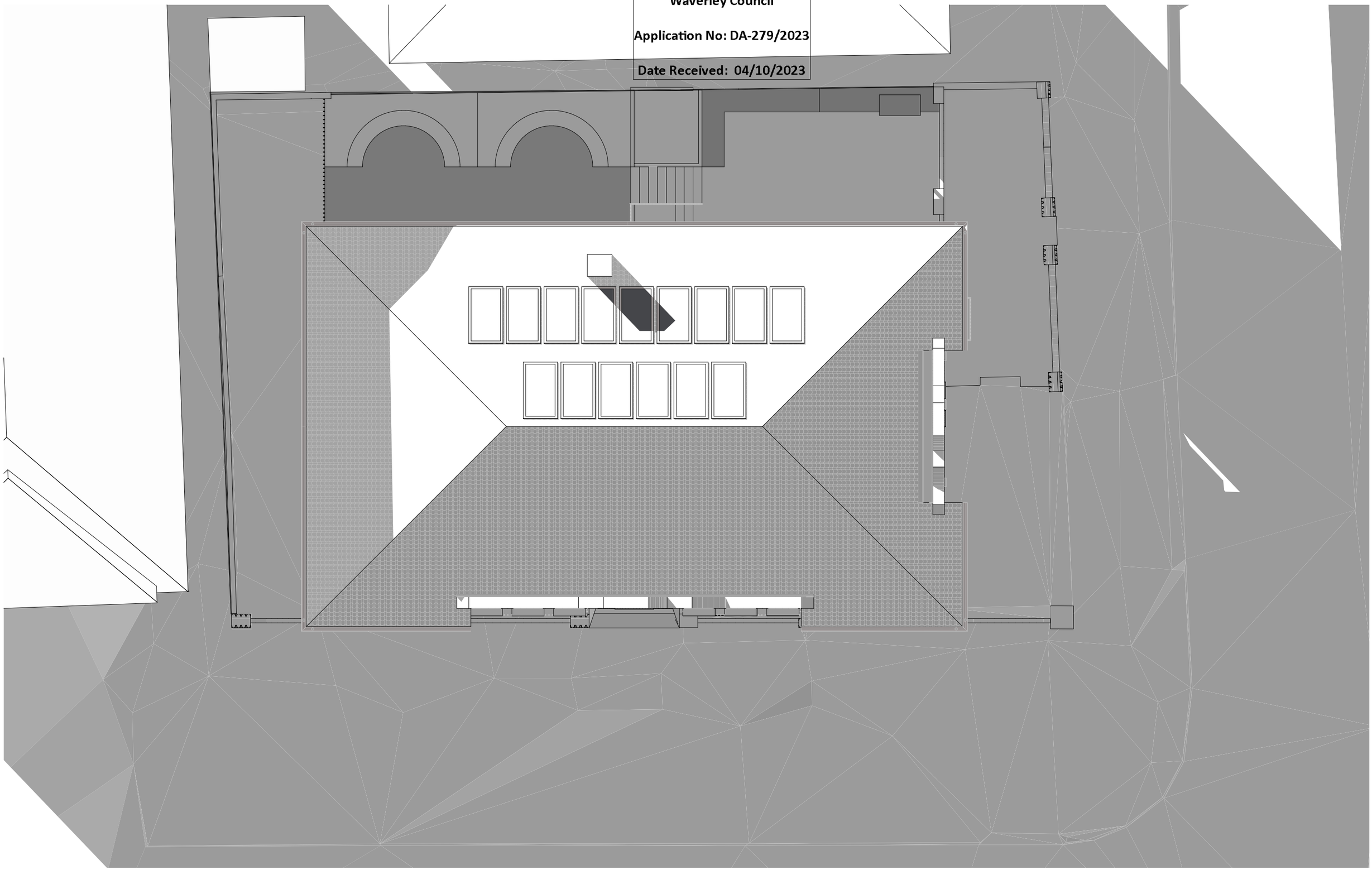

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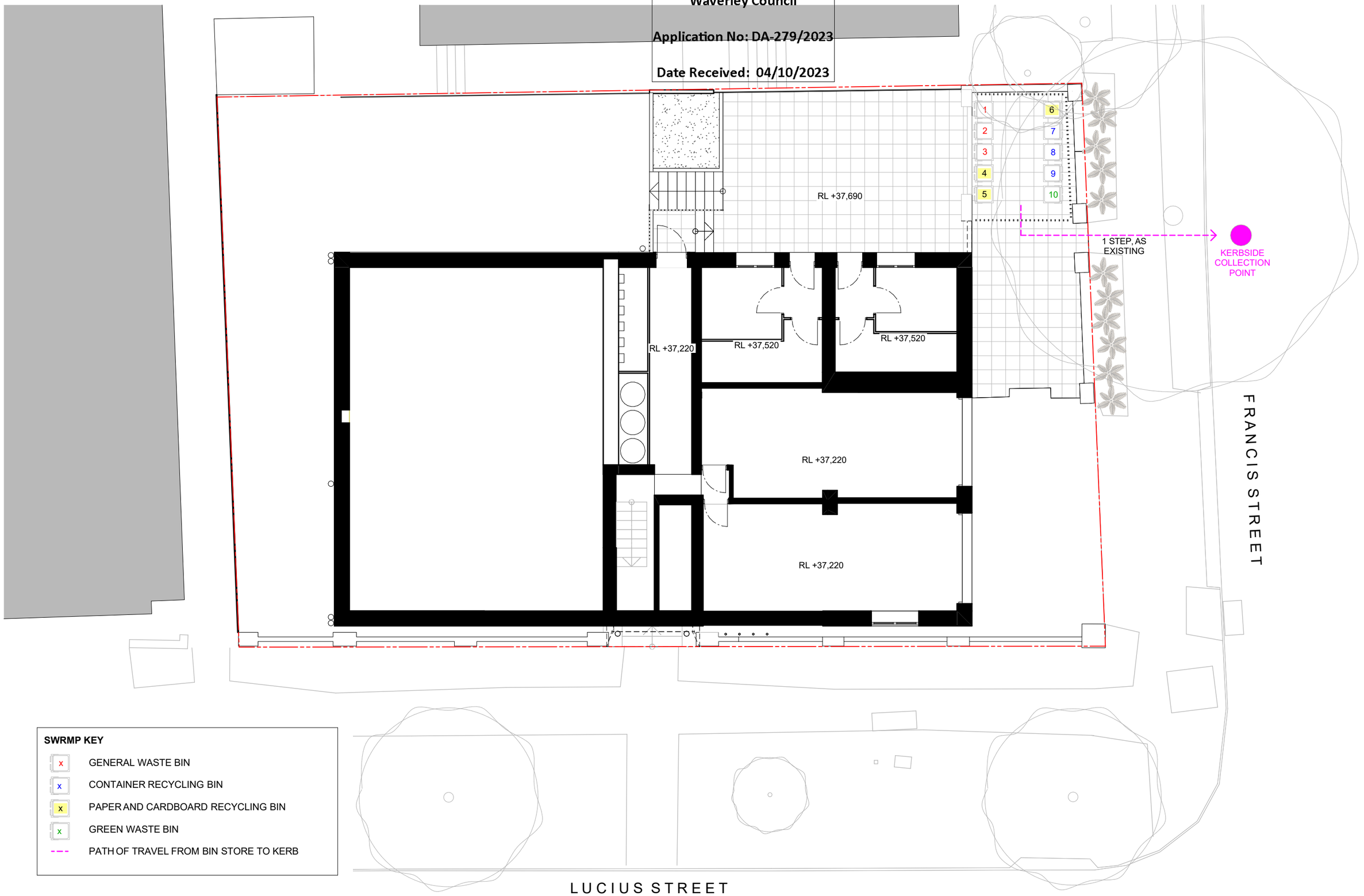

SWRMP KEY

- GENERAL WASTE BIN
- CONTAINER RECYCLING BIN
- PAPER AND CARDBOARD RECYCLING BIN
- GREEN WASTE BIN
- PATH OF TRAVEL FROM BIN STORE TO KERB

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Application No: DA-279/2023

Date Received: 04/10/2023

ROSMARINUS OFFICINALIS PROSTRATUS 'TRAILING ROSEMARY'

HELICHRYSUM PETIOLARE 'LICORICE PLANT'

WESTRINGIA FRUTICOSA 'COASTAL ROSEMARY'

CORREA ALBA - WHITE CORREA

SENECIO SERPENS - ' BLUE CHALKSTICKS'

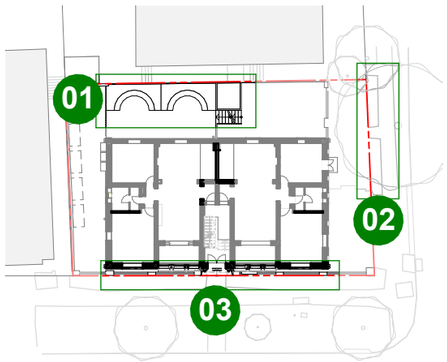
AGAVE ATTENUATA

BANKSIA; SELECTION TBC

DIANELLA GRASS PLANT ' FLAX LILY'

LIRIOPE GRASS PLANT 'LILY TURF'

VIOLA HEDERACEA 'NATIVE VIOLET'



LANDSCAPE KEY PLAN
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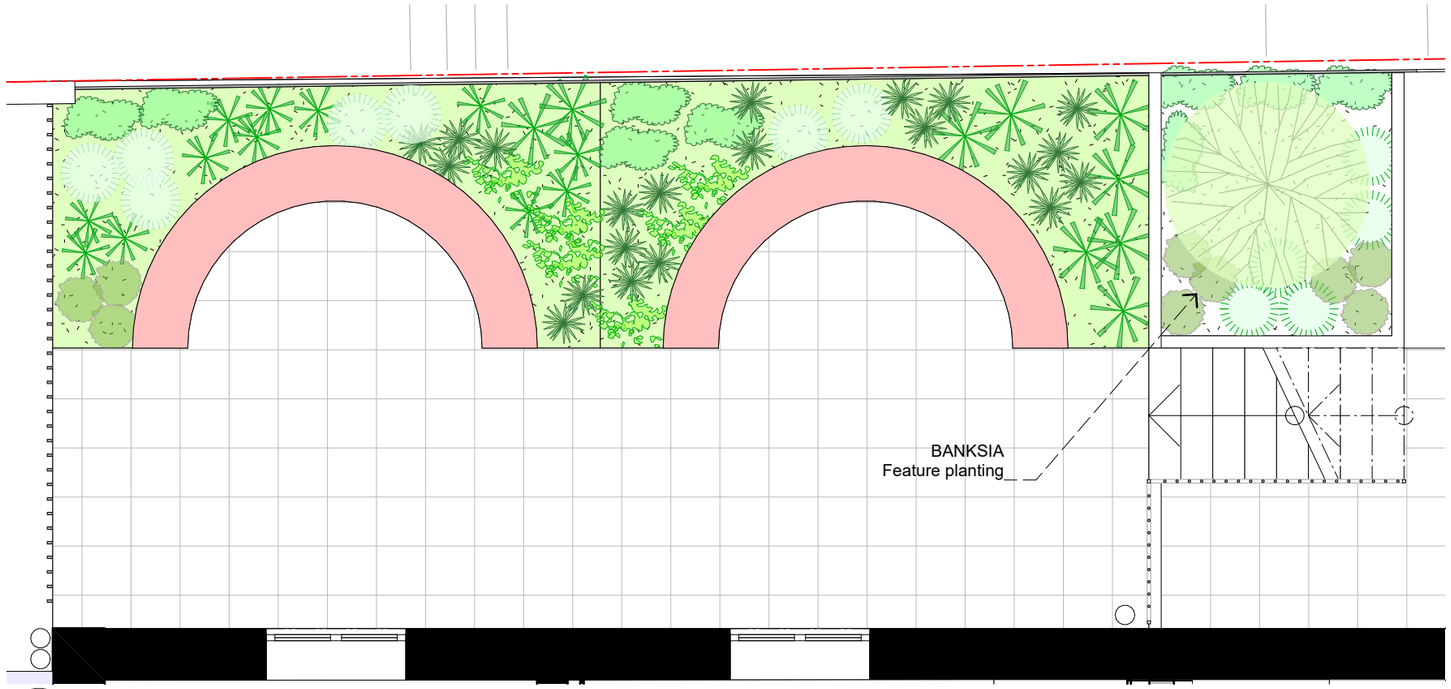

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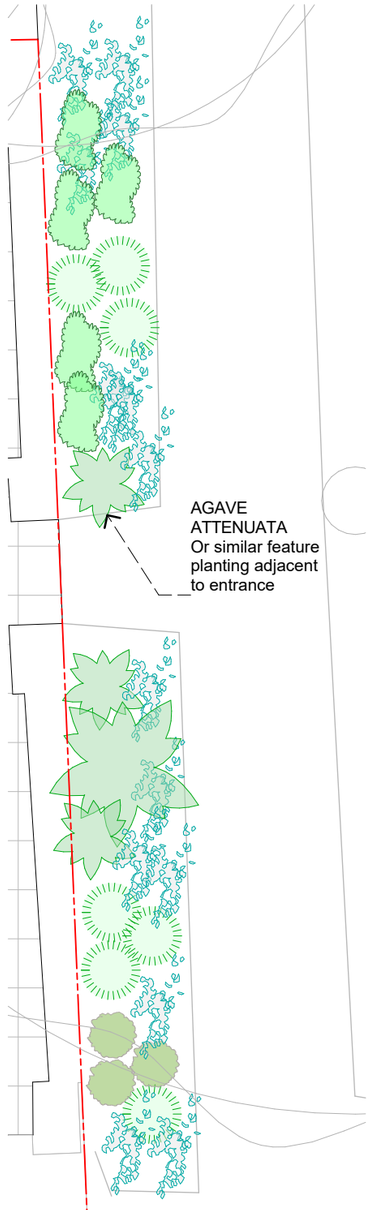

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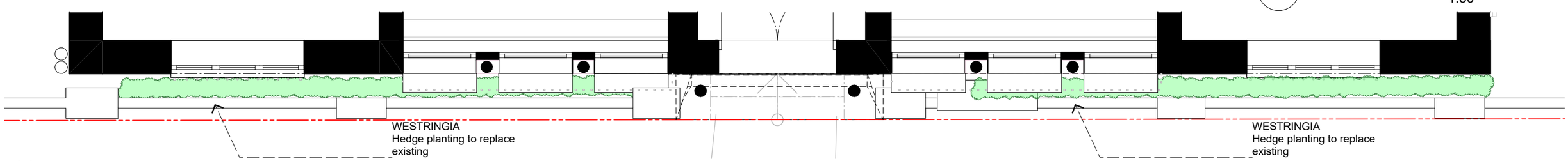

03 LUCIUS STREET
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SCALE @ A3	PROJECT NO.	STAGE	DRAWING NO.	REV
N.T.S.	23.02	AA	940	**A**

DRAWING TITLE
LANDSCAPE CONCEPT PLAN

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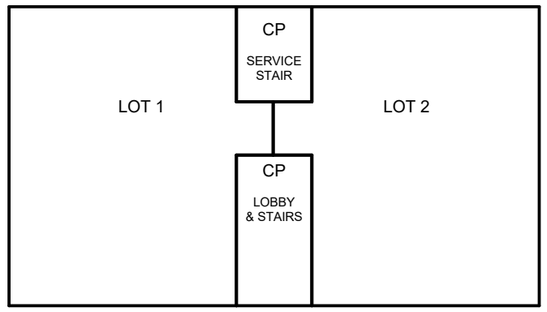
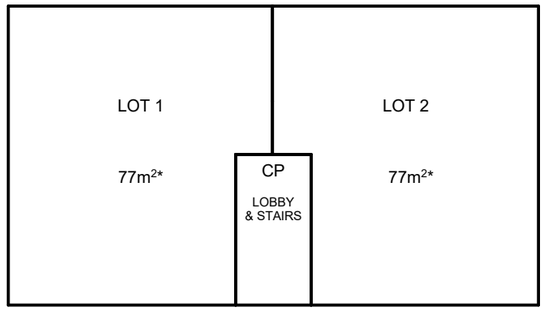


01 **EX GF PLAN STRATA DIAGRAM**
1:200

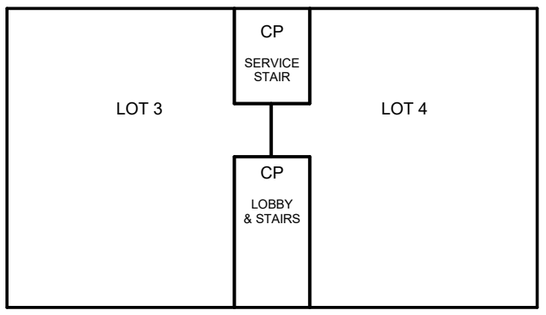


02 **PROP GF STRATA DIAGRAM**
1:200

STRATA PLAN : 14457

Schedule of Unit Entitlement

Lot No	Unit Entitlement
1	9
2	10
3	9
4	10
5	9
6	9
AGGREGATE	65



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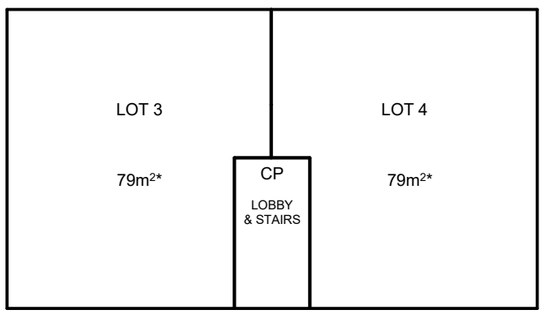

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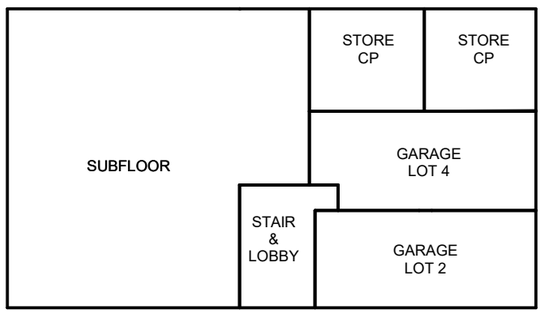

07 **EX BASEMENT PLAN STRATA DIAGRAM**
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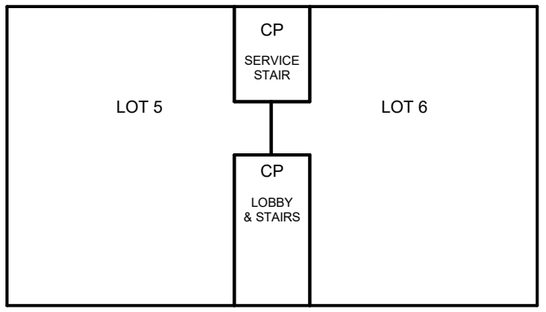

05 **EX SECOND FLOOR PLAN STRATA DIAGRAM**
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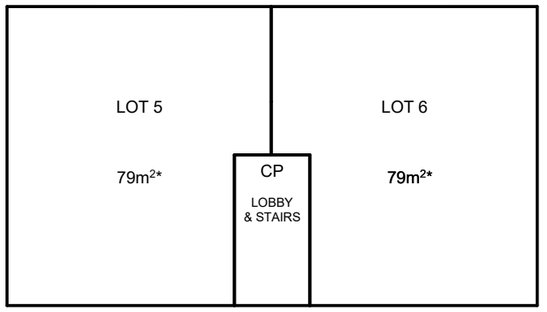

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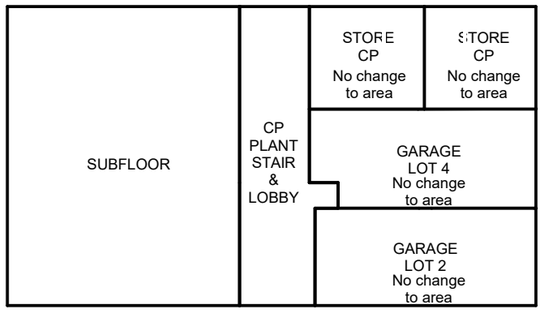

08 **PROP BASEMENT STRATA DIAGRAM**
1:200

NOTE: *STRATA BOUNDARIES AND CALCULATED AREA TO BE CONFIRMED BY REGISTERED SURVEYOR

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NORTH POINT

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1:200	23.02	AA	950	A

DRAWING TITLE
STRATA PLAN DIAGRAM

Printed: 2:35 PM, 7/09/2023

Report to the Waverley Local Planning Panel

Application number	DA-217/2023
Site address	88 Francis Street, BONDI BEACH
Proposal	Alterations and additions to existing residential flat building, including a rooftop addition to create a double storey apartment, additional basement parking, and car stacker
Date of lodgement	16 August 2023
Owner	The Owners of Strata Plan No 89241
Applicant	Mr L E Hersch
Submissions	Two
Cost of works	$2,578,769
Principal Issues	• Floor Space Ratio (FSR) • Overall building height
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report

SITE MAP

1. PREAMBLE

1.1 Executive Summary

The development application seeks consent for alterations and additions to an existing residential flat building, including a rooftop addition to create a double storey apartment with the existing level below, additional basement parking, and car stacker at the site known as 88 Francis Street, BONDI BEACH.

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

- FSR
- Overall building height

The assessment finds these issues acceptable as the development does not result in unreasonable visual bulk or amenity impacts to surrounding properties.

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

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

1.2 Site and Surrounding Locality

A site visit was carried out on 29 August 2023.

The site is identified as SP89241, known as 88 Francis Street, BONDI BEACH.

The site is rectangular in shape with a northern frontage to Francis Street measuring 10.495m. The site has an area of 260.8m^2 and falls from the southern rear boundary towards the front by approximately 2.38m.

The site is occupied by a three storey residential flat building containing four units, two x two-bedroom units and two x three-bedroom units. A common laundry is located on the roof top and accessed via an internal common staircase. There is vehicular access from Francis Street into two single width garages.

The site is adjoined by a residential flat building to the west and a single dwelling to the east. The locality is characterised by a variety of low density residential development.

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

Figure 1: Subject site viewed from Francis Street

Figure 2: Subject site viewed from Francis Street

Figure 3: Roof of existing building viewed from No. 49A Edwards Street

Figure 4: Roof of existing building (outlined in red) and neighbouring building viewed from No. 49A Edwards Street

1.3 Relevant Development History

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

- **DA-652/2007**: Strata title of existing residential flat building into 6 lots, approved on 1 September 2008; and
- **DA-519/2021**: Alterations and additions to existing Residential Flat Building including conversion to a part 3/4 storey building, construction of a new partial upper level and car stackers, refused by Land and Environment Court (LEC) on 3 November 2022. It was concluded by the LEC that the development did not meet the objectives of Clause 4.6, as there was a direct amenity impact on the surrounding properties due to the breach in FSR and height of buildings development standards.

  The subject application seeks similar works to this 2021 DA, however the scope or extent of works has been reduced.

1.4 Proposal

The development application seeks consent for alterations and additions to a residential flat building, specifically the following:

- Alterations and additions to the layout of the existing four units to provide revised floor plans.
- New balconies for Units 1 and 3 located at the front of the building.
- Conversion of the existing communal open space at the ground floor level to private open space for Unit 2.
- Partial demolition and extension of the existing laundry on the rooftop to provide a living space for Unit 4.
- Excavation to provide two basement levels to accommodate four cars including two car stackers, storage and mechanical plant.

Figure 5: Render of proposed development as viewed from Francis Street.

Figure 6: Render of proposed development as viewed from the balconies at No. 49 Edward Street

It is noted that, while the development proposes a similar structure to that proposed in DA-519/2021, the upper level has been reduced in overall size in an attempt to limit amenity impacts to neighbouring properties. A comparison of the first floor addition between both applications is shown below.

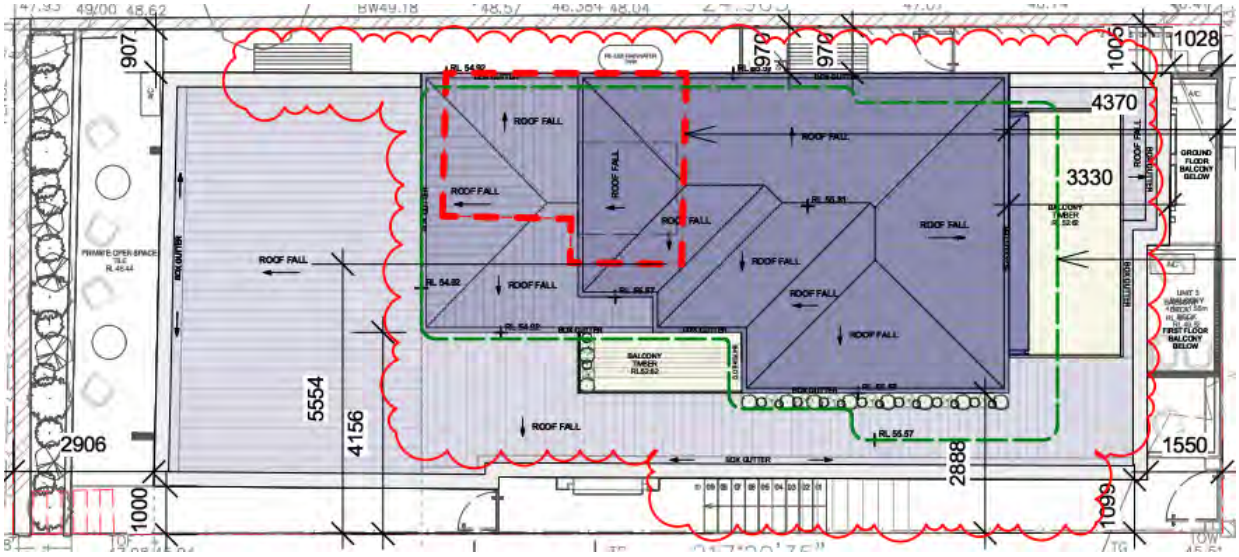

Figure 7: Proposed roof plan of DA-519/2021 (refused by LEC)

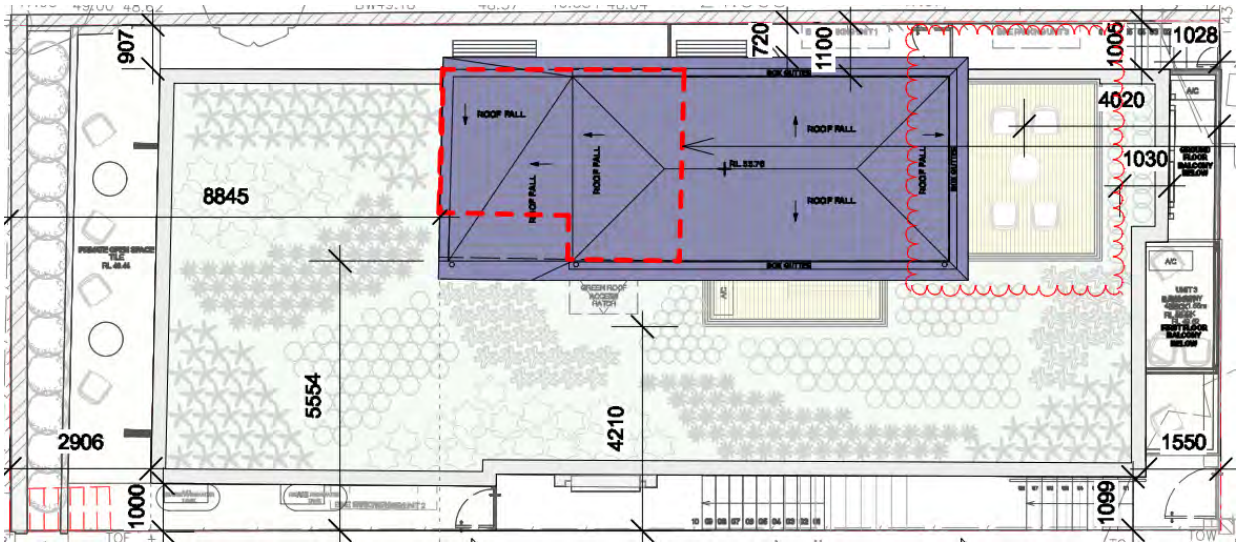

Figure 8: Proposed roof plan of DA-217/2023 (subject application)

Fundamentally, the new proposal is akin to the width of the existing structure (laundries) on the rooftop, which formed a key component of assessing the impact/s in the LEC matter.

1.5 Background

The development application was lodged on 16 August 2023 and a Stop the Clock letter was issued on the same day for the following reason:

1. Overall building height: The architectural plans and subsequent Clause 4.6 written request incorrectly measured the overall building height on site. Updated documents were requested.

The application was then deferred on 30 October 2023 for the following reasons:

1. Visual bulk and scale: The top floor resulted in an unreasonable visual bulk to the street and surrounding properties. A reduction of the top floor was requested.
2. Landscaping: Additional details were requested to satisfy that the green roof was sustainable in this location.
3. Waverley Design Excellence Advisory Panel (DEAP): Comments made by the DEAP were forwarded for review and response.
4. Waste: Council's Waste engineer raised concerns relating to the cleaning of bins on site.

Amended documents were submitted on 21 November 2023 and form the basis of the assessment.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 State Environmental Planning Policies (SEPPs)

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

- State Environmental Planning Policy (Sustainable Buildings) 2022
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

SEPP (Design Quality of Residential Apartment Design)

The original lodged application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 13 October 2023. The DEAP's comment of the proposed development against the nine design quality principles under Schedule 1 of SEPP 65 and a planning response to each comment are set out in **Table 1** of this report. The comments were provided prior to the submission of the current architectural plans that form the basis on this assessment.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	*While the Panel appreciated the attempt to create a more modest roof top addition as an extension for the living area of Unit 4 in the reconfigured building, the visual impacts and character of this new built form were not considered to achieve the expected design excellence.* *It was noted that DA plans and several CGI images were provided that in some views showed the extension in alignment with the existing rooftop laundry but forward and above the height limit. It was the Panel's view that this Level 2 living and dining area should be reduced in size to be less visible from the street and more closely align to the height-plane, as noted below.* *Further CGI views should be provided to indicate the reduced extension, its suitability in the streetscape and any*	The top floor has been reduced in size from the original submission to create an increased front boundary setback. The addition is visible from the street, however, does not dominate the streetscape or the building. The proposed dark materials reduce the visual appearance and fits in with the context of Francis Street.

Principle	Panel's Comment	Planning Comment
	view impacts from neighbouring properties	
2. Built form and Scale	*In order to reduce the visual impacts of the Level 2 living space extension to Unit 4, it was recommended that a more modest layout be considered, more closely aligning to the vertical step in the 8.5m height limit, while keeping to the roof line of the existing laundry being replaced.* *This redesign should enable resolution of the built form that would still create the intended rooftop space with replanning of kitchen, dining and living areas in a more efficient layout, and allow a generous outdoor living terrace to the north.* *The Panel expressed concern that the existing roof structure would not be sufficient to carry the load of rooftop landscaping proposed and understood that the intention would be for replacement of that structure. In that case full structural details and drainage proposed must be provided with necessary documentation to ensure such loads as required can be supported within the height of the existing parapet.*	The architectural plans have been modified to align better with the height plane from original submission. The internal layout has been readjusted to reduce the visual impact of the extension as viewed from Francis Street. A report has been submitted by a suitably qualified engineer confirming that the green landscaped roof can be accommodated on this site. The development now complies with this principle.
3. Density	*The same unit yield is proposed so no issues raised*	No change is proposed to the number of units on site. The development meets the principle.
4. Sustainability	*The inclusion of ceiling fans was noted as a positive strategy, but concern was raised about location and treatment of AC condensers and these must have visual and acoustic screening.* *Inclusion of PV solar panels on the roof is recommended for power to communal spaces and for an EV charging point in the basement parking, subject to an analysis of the potential visual impact arising from this element on the roof.*	An advisory note is recommended for ceiling fans in all habitable rooms and for all heaters and cooktops to avoid using gas. The location of the air condensers on the balconies is not likely to result in amenity to the units on the subject site, or the neighbouring properties.
5. Landscape	*A fully detailed landscape plan must be provided with appropriate species*	A landscape plan has been provided detailing the species selection and

Principle	Panel's Comment	Planning Comment
	selection and maintenance regime for the coastal environment – noting the inclusion of the maintenance hatch above the shared stairwell.	maintenance regime; however, an update plan is required to reflect the amended architectural plans. This is recommended to be conditioned.
6. Amenity	*The improved unit configuration was considered a positive outcome subject to satisfactory resolution of the Unit 4 layout as noted above.* *Any solar or weather protection of window or door openings should be shown on the DA.*	The amended plans submitted on 21 November 2023 meet this principle. The amenity of each unit is proposed to be improved from what currently exists on site, as each unit will maintain its own private open space. Additionally, the reconfiguration of the internal layout of each unit will provide more usable space, improving the internal amenity for occupiers.
7. Safety	*No issues raised.*	The development meets this principle.
8. Housing Diversity and Social Interaction	*No issues raised.*	The development meets this principle.
9. Aesthetics	*Clear indication of the proposed materials and colours should be given in any revised DA, and be sympathetic to the existing character of the building*	The proposal has been designed to a high quality of architecture and detailing. The development of the upper floor level has been designed as a recessive element from the streetscape that fits in with the character of the existing building. The proposed balconies located along the street façade will align with the design and character of the existing building and fit well within the surrounding streetscape. The works will complement and enhance Francis Street and is supported.

Apartment Design Guide

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

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

(h) storage.

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

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
• *Min separation distances from buildings to side and rear boundaries:* • *Up to 12m (4 storey) – 6m habitable & 3m non-habitable* • *Increased separation of 3m where adjoins a lower density zone*	Acceptable on merit	No changes are proposed to the side and rear setbacks of the existing building. The third floor maintains the existing side setback to the western side of 0.9m, which is considered acceptable in this location, as it proposes to follow the existing external wall of the laundry and will not result in amenity impacts including overshadowing and overlooking. The third floor proposes a rear setback of 8.9m and a western side setback of 5.7m. The third floor addition is situated an appropriate distance from the surrounding properties and will not impact on their amenity. For this reason, the setbacks are acceptable.
4A Solar and daylight access		
• *Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter* • *A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.*	Yes	Whilst the internal layout of each unit will be amended, the overall location of each will remain unchanged, with the exception of the extension to Unit 4. As the existing external building on the first two floors is proposed to remain unchanged, no changes will occur to the solar access for units 1-3. The third floor addition will receive more than 2 hours of direct sunlight in mid-winter to unit 4, which complies with the control.
4B Natural ventilation		
• *All habitable rooms are naturally ventilated* • *Number of units with natural cross ventilation is maximised:* – *At least 60% of units naturally ventilated*	Yes	All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects. In this regard, 100% of the units can be naturally cross ventilated. The proposal uses a combination of full height openable doors and slot windows to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
• *Habitable rooms – 2.7m* • *Non-habitable rooms – 2.4m*	Yes	The development proposes ceiling heights ranging from 2.7m to 2.83m, which complies with the minimum requirement.

Design Criteria	Compliance	Comment
• *2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area* • *Attics – 1.8m at edge of room with a 30^0 min ceiling slope*		
4D Apartment size and layout		
The following minimum internal areas apply: • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add $5m^2$ for each additional bathroom (above 1)* *Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room*	Yes	Unit's 1 and 3 are proposing the reduce the number of bedrooms from three to two, which will improve the internal amenity of each unit and comply with this control. Unit 2 is proposed to maintain two bedrooms as is existing on site. Whilst the unit does not strictly comply with the minimum internal area, it is noted that the reconfiguration of the layout has been designed as a more open style living and kitchen area, which will significantly improve the internal amenity from what currently exists. Unit 4 proposes a total area of 104.7m^2, which is more than the minimum requirement. Units 1, 3 and 4 are compliant with minimum bedroom sizes following the reconfiguration of internal space. Unit 2 does not meet the minimum requirement as existing walls are to be retained between the bedroom and living areas. This is considered acceptable as the bedroom already exists on site and the remaining internal area of the unit will be an improvement in relation to internal amenity. All kitchens are separate to the circulation spaces. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • *2-bed - 10m^2 & 2m depth* • *3+bed - 12m^2 & 2.4m depth*	Acceptable on merit	Whilst the private open space areas do not strictly comply with the minimum area and depth requirements under this control, it is noted that none of the existing units currently have private open space. The development will improve the amenity by providing each unit with its own private open space and is therefore supported.
4F Common circulation and spaces		
• *Max of 8 units accessed off a circulation core on a single level*	Yes	Complies. Two units are located on each level.
4G Storage		

Design Criteria	Compliance	Comment
In addition to kitchens, bathrooms and bedrooms, the following is provided: • *2-bed – 8m^3* • *3+bed – 10m^3*	Yes	The proposal provides separate storage within each apartment. The storage provided meets the requirements and objectives of the ADG.

2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The development is consistent with the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	No	The proposal is defined as a residential flat building, which is prohibited in the R2 zone. The existing building was constructed prior to the Waverley LEP 2012 prohibiting the use within the zone and as such is considered to be an *Existing Use* under Division 4.11 of the Environmental Planning & Assessment Act 1979. Refer to the following section of this table for detailed discussion.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The development proposes a maximum building height of 11.605m, which does not comply with the development standard. It is noted that the existing building on site currently has a height of 9.4m.
4.4 Floor space ratio and Site area: 260.8m^2 • *0.5:1 or 130.3m^2*	No	The development proposes an FSR of 1.28:1 or 335.9m^2, which does not comply with the development standard. The existing building has an FSR of 1.17:1 or 305.8m^2. it is noted that the existing FSR on site is 1.17:1 or 305.8m^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 FSR and height of buildings development standards. A detailed discussion of the variation to the development standards is presented below this table.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	Whilst the site is not heritage listed or located in a heritage conservation area, it is located adjacent to the Francis Street Landscape Conservation Area. The proposed works to the streetscape include the addition of balconies along the front façade. The balconies have been designed to match the existing character and style of the interwar building and will not impact on the heritage character of the street. The works to the rooftop will have minimal visibility to the streetscape and will not impact on the heritage landscaping to Francis Street.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	A geotechnical report has been provided with the application which recommends measures be undertaken to ensure the structural stability of the proposed works. This is recommended as a condition of consent in Appendix A.

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

Land Use and Existing Use Rights

The existing development on the site is defined as a 'residential flat building' under the Waverley LEP 2012. The proposed works are for the intensification of the existing use as a 'residential flat building', which is a sub section of residential accommodation. A residential flat building is prohibited in the *'R2' Low Density Residential Zone* pursuant to the land use table under the Waverley LEP 2012.

The site has been continued to be used as a residential flat building prior to and after the effect of the Waverley LEP 2012. Documentation provided by the applicant demonstrates that the building was approved in 1936 pursuant to the *Local Government Act 1919* and constructed shortly after. Council records show that DA-652/2007 was approved in 2008 for the strata subdivision of the existing residential flat building. Therefore, the residential flat building is considered to be existing and benefits from existing use rights.

Clause 41 of the Environmental Planning and Assessment Regulations 2000 (the Regs) sets out certain development works allowed with respect to an existing use, and is outlined below:

(1) An existing use may, subject to this Division:
- *(a) be enlarged, expanded or intensified, or*
- *(b) be altered or extended, or*
- *(c) be rebuilt, or*
- *(d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or*
- *(e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or*

(f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act).

Clause 42 of the EP&A Regulations relates to a proposal to enlarge, expand or intensify an existing use and provides:

(1) Development consent is required for any enlargement, expansion or intensification of an existing use.

(2) The enlargement, expansion or intensification—

must be for the existing use and for no other use, and

(a) must be carried out only on the land on which the existing use was carried out immediately before the relevant date.

Clause 43 of the EP&A Regulations relates to a proposal to alter or extend a building or work used for an existing use and is outlined below:

(1) Development consent is required for any alteration or extension of a building or work used for an existing use.

(2) The alteration or extension—

(a) must be for the existing use of the building or work and for no other use, and

(b) must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.

The DA proposes to utilise Clause 41(1)(a) and (b) by intensifying the existing use as a residential flat building, including internal alterations and the extension of a third floor. With respect to the building on site, the proposal does not constitute a change of use because the whole of the premises, would be regarded as a single "unit" of land for the purposes of the existing use in accordance with clauses 42(2)(b) and 43(2)(b) of the EP&A Regulations. The development therefore satisfies the satisfies Clauses 41(1)(a) and (b), 42 and 43 of the EP&A Regulations.

Clause 4.6 Exceptions to Development Standards (FSR)

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

The site is subject to a maximum FSR development standard of 0.5:1. The proposed development has an FSR of 1.28:1, exceeding the standard by 205.6m^2 equating to a 153.45% variation. The existing FSR on site is 1.17:1 or 305.8m^2 and the proposed works will result in an increase of FSR by 30.22m^2.

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

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

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

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

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

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

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

(i) *The existing building exceeds the applicable standard by 134%. The further variation proposed by the adaptation of the existing fire stairs to habitable floor area (2.72m^2) and the relatively small addition to the upper level (22m^2) is an overall increase of 24.72m^2 which amounts to a 14% variation to the existing non-compliance which results in an overall variation of 153% from the standard.*

(ii) *While the variation appears to be a significant department from the standard it related to an existing interwar residential flat building which has existing use rights and as such it should be acknowledged that numerically the control cannot be met due to the existing built form. importantly the changes proposed to the existing building to facilitate significant improvements to the quality of apartments does not contribute to any material impact on the amenity or the environmental amenity of surrounding properties.*

(iii) *the additional GFA at roof level is located behind the parapet. The new floor area extends towards Francis Street away from the rear boundary and southern neighbours., the materials and design will ensure the scale of the roof top addition will not be readily apparent or out of character within the locality. The additional GFA will enhance the amenity for the occupants of Unit 4 through the provision of a new penthouse level, while creating a more modern aesthetically pleasing built form and green roof space that will enhance the appearance of the building from the neighbouring sites.*

(iv) *The proposed building envelope has been carefully considered and is supported by the context of other neighbouring and nearby developments. In this instance, No. 90 Francis Street is a large dwelling over multiple levels with an accessible roof top space that adjoins the subject site to the southwestern boundary. The neighbouring building appears to exceed the height and built form on the subject site and consequently it can be assumed that the Council reached a level of satisfaction that the variation was warranted. The smaller roof addition, now proposed, will provide additional FST that will be compatible with the locality, sit below that of the neighbouring roof structure therefore appearing of a similar bulk and scale and will not have an adverse impact on the amenity of adjoining properties.*

(v) *The addition of the green roof will improve the outlook for neighbouring apartments and dwellings, particularly to the south that look over the subject site, adding to the outlook currently enjoyed by the occupants, as well as assisting in reducing the urban heat island effect by providing heat absorption to the remaining underdevelopment roof area.*

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

(i) *The rooftop addition replaces the existing laundry structure with a well designed, materially superior form. the new roof top addition is generously setback from the properties to the rear and done not contain openings that directly overlook neighbouring windows or private open spaces.*

(ii) *The extent of the non-compliance creates no unreasonable additional overshadowing to adjoining properties and complies with the solar access requirements for private open space and north facing windows under WDCP 2022.*

(iii) *The FSR breach will not adversely compromise the use and enjoyment of neighbouring properties to the south in terms of privacy or daylight access. The neighbours to the rear will maintain a consistent outlook compared to the existing outlook as the addition is not wider than the laundry it replaces.*

(iv) *The increase in height and floor area will not diminish the new or outlook for the properties to the rear as it represents a small height and FSR increase compared to the existing non-compliance laundry and utilises space within the existing building following adaptation of the existing fire stairs.*

(v) *In terms of privacy, the proposed addition floor area has been positioned to the Francis Street frontage ensuring that there is no addition built form towards the Edward Street properties. A small accessible area is provided to a clothes drying balcony, and while visible from the southern neighbours, will not be used for entertainment, is more than 14m from the rear boundary which exceeds the separation requirements under the ADG and will be provided with vegetation to soften and screen the small addition.*

(vi) *In relation to solar access, the modified roof top addition projects no closer to the southern neighbours than the existing laundry it replaces and due to its modest height will not contribute to any additional shadow for the dwelling along Edward Street. The amended design seeks to focus the new built form towards Francis Street where the impact is negligible for the properties to the rear and northwest boundary. There is very minor increase in overshadowing to the side walls (no windows) and roof of the existing dwelling at No. 86 Francis Street which will not impact on their amenity retaining solar access to living area an private open space.*

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

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

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

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

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

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

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

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The additional external area only equates to 22.5m^2 of floor space and is located on the top level. Whilst the upper floor level is proposed to extend further forward than what currently exists on site, the extension has been designed to be akin to the width of existing structures (though protrude further forward) to complement the existing building's character and will have minimal visibility from the streetscape. The extension maintains the width of the existing laundry on site and extends towards the street as a means to locate the addition area away from neighbouring properties and private open spaces along Edward Street and maintains district views for properties to the rear. The additional front setback will mean that the top floor has minimal visibility and is seen as a recessive element where it can be seen from Francis Street.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The addition has been designed to sit forward of the existing laundry and maintain the existing width of the top level. This design minimises amenity impacts to the surrounding neighbouring properties, in particular any view impacts from the balconies along Edward Street. The addition will not result in unreasonable privacy impacts or overshadowing to surrounding properties and will not result in an overly bulk scale when viewed from Edward Street. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing and desired character of the area, the proposed development will enable better utilisation of the units on the subject site, without causing any significant or unreasonable impacts on surrounding sites and the public domain in terms of visual privacy, solar access and view impacts.

Is the development in the public interest?

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

The relevant objectives of the FSR development standard are as follows:

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

(c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,

(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.

The proposal has adequately demonstrated that the extent of the new addition that seeks variation to the FSR development standard is appropriate for the site as it does not result in an unreasonable bulk or scale when compared to the surrounding development. The proposal has a built form that is compatible in its context and has minimal visibility to the streetscape. Notwithstanding the variation to the development standard, the proposal satisfies the objective to preserve the environmental amenity impacts to surrounding properties and is acceptable.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R2 Low Density Residential zone are achieved as the use of the existing building and number of units is maintained on site. The proposed alterations and additions will enhance the functionality of the units and contribute to the amenity of occupants.

Conclusion

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

Clause 4.6 Exceptions to Development Standards (Height of buildings)

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

The site is subject to a maximum height of buildings development standard of 8.5m. The proposed development has an overall building height of 11.78m, exceeding the standard by 3.28m equating to a 38.5% variation. The existing building has an overall height of 9.4m, equating to a 0.9m variation or 10.59% non-compliance with the development standard. The development proposes to increase the non-compliance by an additional 2.38m.

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

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

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

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

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

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

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

(i) *While the proposed development will continue to exceed the height limit it will remain entirely compatible with the scale of surrounding properties on Francis Street and surrounds. The height non-compliance will not adversely compromise the use and enjoyment of neighbouring properties to the south in terms of privacy or daylight access. As illustrated in the existing and proposed montages the neighbours to the rear will also maintain their existing outlook as the addition is not wider than the laundry it replaces. The increase in height will not diminish any view or outlook for the properties to the rear as it represents a small height increase compared to the existing non-compliant laundry, as measured from the extrapolated topography.*

(ii) *The extent of the height variation relates to the replacement roof top structure, which itself breaches the height standard. Although the new structure will be slightly bigger than the structure it replaces, it is also aesthetically a far better outcome. A roof top structure is not an unusual feature in the area and is consistent with roof top structures found on neighbouring buildings including the dwelling to the northwestern boundary at No. 90 Francis Street. The redesigned roof element is architecturally superior and is coupled with a green roof significantly improving the outlook for neighbouring apartments along Edward Street as well as reducing urban heat island effects.*

(iii) *It is evident through revision of the architectural design that the Commissioner's concerns relating to environmental amenity of the previous proposal have been resolved through scaling down of the built form, including significant improvements to the material palette and inclusion of a green roof which will ultimately contribute to an improved outlook for the southern neighbours.*

(iv) *Due to the small footprint of the roof level addition and the setback from Francis Street, the proposed development will appear as a height compliant development when viewed from most locations in Francis Street. It is only by virtue of the steep topography which falls towards the street frontage, and the existing excavated floor level, that the proposed development exceeds the height limit.*

(v) *The proposed variation is centrally located on the roof top and achieves a generous setback to the rear boundary being 8.845m from the apartments and dwelling facing Edward Street. While the previous proposal sought to develop almost across the full width of the roof, the current proposal is significantly reduced in size. Confining new floor space forward of the existing laundry building maintains the existing outlook and amenity for the properties to the rear. The proposed development will appear as a generally compliant development when viewed from Francis Street as the addition is setback behind the parapet. That is, the proposed development will appear to have a height of 8.5m when viewed from Francis Street. Only glimpses of the roof top addition will be visible from the public domain.*

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

(i) *While the replacement roof top structure is longer than the laundry it replaces, it is not wider and will be no higher than the roof structure at No. 90 Francis Street and is therefore entirely compatible with other structures nearby when viewed from the properties to the rear along Edward Street. The new design ensures the outlook for the properties to the rear is not compromised by the replacement roof structure in terms of privacy, outlook and overshadowing.*

(ii) *The extent of the non-compliance creates no significant additional overshadowing to adjoining properties to the rear and complies with the solar access requirements for private open space and north facing windows under WDCP 2022. The shadow studies indicate that most of the additional overshadowing from the roof top addition falls over the proposed green roof on the subject site with very minor additional overshadowing falling on the roof and small section of the northwest facing wall of No. 86 Francis Street between 2-3pm. The extent of*

overshadowing caused by the non-compliant element would be insignificant and is only marginally more than the existing shadow impacts.

(iii) *The height non-compliance does not result in any unreasonable privacy impacts. The area of the height non-compliance relates to the roof and a portion of the upper level wall. All new habitable room windows to the side elevations do not contribute to any loss of privacy, as they are relatively minor in size and appropriately located. The principal balcony is to the street and there are no windows proposed to the rear elevation. The variation to the building height in itself does not contribute to any loss of privacy. Therefore, the extent of the variation will have no greater impact on the privacy of adjoining properties when compared to the existing or complying elements of the building.*

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

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

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

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

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

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

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

(b) to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;

(c) to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;

(d) to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; and

(e) *to establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.*

The applicant specifically relies upon justification (a) outlined above to address clause 4.6(3)(a) of Waverley LEP 2012. The non-compliance is a result of the natural slope of the land and the existing garages which are excavated under the units above. As shown in **Figure 9** below, the section highlighted in yellow accounts for the 3.28m height breach. The majority of the third floor only proposes a breach of 600mm (highlighted in blue below). The reconstruction of the top floor will increase the height from the existing by only 300mm.

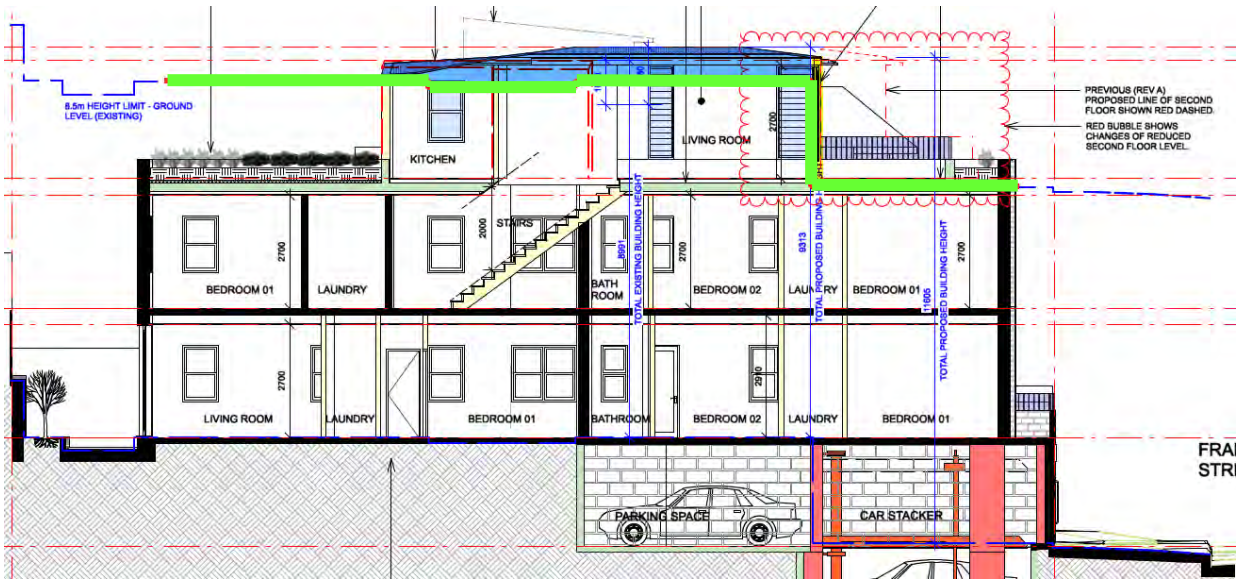

Figure 9: Section plan of proposed works showing the maximum height line in green.

The proposed extension has been designed to match the width of the existing laundry on the third level and will not be viewed as overly bulky or out of character from the units at the rear. From the streetscape, the extension will have minimal visibility due to the increased setback to the front and will sit as a recessive element. The extension will have no additional amenity impacts to the subject site or surrounding properties.

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

The applicant has adequately addressed that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal is of appropriate scale with regard to the specific circumstances of the site and has been designed to limit amenity impacts to surrounding properties, in relation to visual bulk and view impacts. Aside from presenting a suitable appearance to surrounding areas that is compatible with the existing character of the area, the proposed development will enable better utilisation of Unit 4, without causing any significant or unreasonable impacts on surrounding sites and the public domain, in terms of visual privacy, solar access and views.

Is the development in the public interest?

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

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

(a) to ensure building heights preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views

(c) to maintain satisfactory solar access to existing buildings and public areas,

(d) to establish building heights that are consistent with the desired future character of the locality.

The proposal has demonstrated that notwithstanding the variation to the height of buildings development standard, the amenity of adjoining properties is preserved as there are no additional impacts on view loss, solar access or privacy. The proposed height is compatible in bulk and scale to surrounding developments within the area.

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

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure dwelling character, landscape character, neighbourhood character, streetscapes and amenity are maintained or enhanced over time.*
- *To encourage the supply of housing that meets the needs of the population, particularly housing for older people and people with disability.*
- *To promote development that incorporates planning and design measures that reduce the urban heat island effect.*
- *To improve the urban tree canopy by providing high levels of deep soil planting and additional landscaping.*

The proposal has adequately demonstrated that the objectives of the R2 Low Density Residential zone are achieved as the use of the existing building and number of units is maintained on site. The proposed alterations and additions will enhance the functionality of Unit 4 and contribute to the amenity of occupants.

Conclusion

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

2.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 4: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	Satisfactory. The waste officer has reviewed the documentation and is satisfied that the development complies with this control.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*	Yes	Satisfactory. An advisory note has been recommended stating that gas should not be used for all cooktops, ovens and heating and to provide ceiling or wall mounted fans in all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	No changes are proposed to the existing landscaping on site. A rooftop garden is proposed on the roof and appropriate conditions are recommended to maintain this in the future and to match the amended architectural plans.
5.Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport **7.2.2 Parking Rates** *Minimum parking rate:* • *0* *Maximum parking rate:* • *5* **7.2.6 Bicycle Parking** *Resident: 4* *Visitor: 0*	Yes	The off-street parking is acceptable. The development proposes to utilise the existing garage and driveway on site and therefore no changes will occur to the streetscape character from Francis Street. The development provides four off-street parking spaces which complies with the control. Four bicycle spaces are provided, which complies with the control.
8. Heritage	Yes	As mentioned above, the subject site is located adjacent to the landscape heritage conservation area of Francis Street. The proposed works will have no impact on the heritage character of the streetscape and is supported.
9. Safety	Yes	Satisfactory.

Development Control	Compliance	Comment
13. Excavation	Yes	Satisfactory. The total extent of excavation proposed on site will be approximately 165m^2, which complies with the control. A geotechnical report has been provided, which recommends measures be put in place to ensure the structural stability of the existing building and surrounding buildings. It is recommended that this report be included in the conditions to ensure the appropriate measures are undertaken to ensure safety.
16. Inter War Building • *Retain and maintain original building fabric and decorative elements such as parapets.* • *Encourage the retention and maintenance of original decorative materials and finishes including fencing and light fixtures* • *Maintain and retain original face brickwork and stonework.* • *Preserve the building's contribution to, and relationship with, the streetscape.* • *Alterations and additions are to be complementary and secondary to the existing building design*	Yes	The proposed alterations and additions have been designed to complement the original fabric of the building and maintain the existing inter war character from the street. The extension to the third floor is recessive in design and will have minimal visibility to the streetscape. The additional balconies located on the front façade have been designed to match the existing character of the building and will not be viewed as a later addition. The overall design of the works is compatible with this control.

Table 55: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.2 Height		
• *Maximum external wall height:*	Acceptable on merit	As the property is located in an R2 zone, this control is not applicable to the subject site. Notwithstanding, an assessment will be made on merit. The development proposes to match the western wall height of the existing laundry on the third floor and extend further to the street. Due to the natural slope of the land, this results in the external wall height sitting 9.8m above the existing ground level. The proposed external wall height will not result in amenity impacts to

Development Control	Compliance	Comment
		neighbouring properties with regard to overshadowing, overlooking or visual bulk. As the wall height is already existing on site and is a direct result of the natural slope of the land towards the front of the property, the proposed height is considered acceptable.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes* • *Corner sites to address both streets as primary frontages* • *Removal of original architectural features not supported*	Yes	The proposed changes to the streetscape façade of the existing building include the introduction of balconies for the units facing Francis Street. The balconies have been designed to match the character of the existing building and will fit in with the streetscape context. The third floor extension will have minimal visibility from the street and will be designed as a contemporary addition to the existing building. This will complement the inter war building. All original fabric and character of the existing building is proposed to remain, with the works to complement the inter war era of the residential flat building.
2.7 Fences and walls		
	N/A	No changes are proposed to the existing front, rear and side fences.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry* • *Separate to vehicular entry* • *Legible, safe, well-lit*	N/A	No changes are proposed to the existing pedestrian entry on site.
2.9 Landscaping		
• *Comply with part B3-Landscaping and Biodiversity*	Yes	A landscape plan has been submitted showing the proposed landscaping on site, which is limited to the roof top. The information provided has sufficiently demonstrated that the green roof can be accommodated on this site. A condition is recommended to amend the plan to align with the modified architectural plans.
2.12 Vehicular access and parking		
• *Car parking to be integrated into the design of the development*	Yes	The car parking on site is proposed to utilise the existing garage and crossover on site. The garage door openings will remain and lead to the car stackers behind.

Development Control	Compliance	Comment
• *Max 1 x 2 way vehicle access point* • *Provided from secondary street or lane* • *Pedestrian safety considered* • *Basement parking should not contravene deep soil zone controls*		
2.13 Solar access and overshadowing		
• *New development should maintain at least 2 hours of sunlight to solar collectors on adjoining properties in mid winter* • *Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than 3 hours of sunlight on 21 June*	Yes	Shadow diagrams have been submitted with the application demonstrating full compliance with this control. The development will shadow the rooftop of the neighbouring property at No. 86 Francis Street from 2pm. The extension to the top level will not result in additional overshadowing to their private open space or habitable windows.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Landscaping on sites adjacent to a Council Park or reserve should be sympathetic to soften the public/private interface* • *Views from public spaces to be maintained*	Yes	A view impact analysis has been provided with the application demonstrating that the addition on the top floor will not impact on existing views from the properties along Edward Street (rear).
2.15 Visual privacy and security		
• *Dwellings to be orientated to the street with entrances and street numbering visible* • *Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened* • *Privacy be considered in relation to context*	Yes	All proposed windows on the top floor will not directly look into a private open space or habitable window to the surrounding properties. The balconies are located towards the street, which will limit noise into surrounding private open spaces, which is supported.

Development Control	Compliance	Comment
density, separation use and design • *Prevent overlooking of more than 50% of private open space of lower-level dwellings in same development*		
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	All noisy areas will be located away from bedrooms.
2.21 Building services		
• *Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures* • *Plant rooms away from entry communal and private open spaces and bedrooms.*	Yes	The relocation of the bin storage area will improve the visual amenity on site. All other services are proposed to remain unchanged.

2.2 Other Impacts of the Development

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

2.2 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.3 Any Submissions

The application was notified for 14 days between 22 August and 9 September 2023 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not re-notified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified, for the following reasons:

- The extension to the top floor was reduced in size, providing an increased setback to the street.

A total of two unique submissions were received from the following properties:

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	2/97 Francis Street, BONDI BEACH
2.	55 Edward Street, BONDI BEACH

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

- Exceeds the height limit
- Exceeds FSR
- Prohibited use
- Concerns relating to excavation and structural feasibility of the car stacker

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

Issue: Concerns regarding noise during construction.

Response: A condition is recommended to limit construction noise to suitable times of the day.

Issue: Noise impacts from the balcony on the top floor facing Francis Street.

Response: The noise potential from the balcony is limited to the residential use of one unit and is not likely to result in unreasonable noise impacts.

Issue: "*The infrastructure of the street is already strained*".

Response: The development does not propose to increase the number of units on site. The infrastructure of the street is maintained.

Issue: Increased density for a low density area.

Response: The development maintains the same number of units on site.
Issue: The development does not propose to encourage public transport by providing more parking on site.
Response: The development complies with the maximum parking requirements on site.

Issue: loss of affordable housing.

Response: The subject site is not subject to the Housing SEPP.

2.5 Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1 Traffic and Development

Council's Traffic engineer has reviewed the proposal and has raised no objections to the proposal, subject to standard conditions which have been included in Appendix A.

3.2 Stormwater

Council's stormwater engineer has reviewed the proposal and has raised no objections to the proposal, subject to standard conditions which have been included in Appendix A.

3.3 Waste Services

Council's Waste officer has reviewed the proposal and made the following comments.

SWMRP Part 1 states bins can be washed on the hardstand area connected to Council storm water. This is non-compliant. A connection to sewer is required.

The applicant has since submitted additional information to address the above concerns and Council's waste officer has confirmed this is now acceptable.

4. CONCLUSION

The development application seeks consent for alterations and additions to residential flat building, including a rooftop addition to create a penthouse apartment, additional basement parking, and car stacker at the site known as 88 Francis Street, BONDI BEACH.

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

- FSR
- Overall building height

The assessment finds these issues acceptable as the development does not result in unreasonable visual bulk or amenity to surrounding properties.

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

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

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.

Managers of Development Assessment (MoDA) Review

The application was reviewed by the MoDA at the meeting on 14 November 2023 and concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B Magistrale and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Katie Johnstone	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 23 November 2023	**Date:** 30 November 2023	**Date:** 4 December 2023

Reason for WLPP referral:

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

OFFICE USE ONLY

Clause 4.6 register entry required	38.5% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
		No change to overall building height
		No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
		[insert another reason here if required]
Clause 4.6 register entry required	153.45% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance

		No change to overall building height
		No change to overall building envelope
		Variation limited to the [lift/plant/parapet/attic] only
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
	X	Sufficient environmental planning grounds
	X	Consistent with the objectives of the standard
		[insert another reason here if required]
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No	
Secondary Dwelling *This is a planning portal reporting requirement	No	
Boarding House *This is a planning portal reporting requirement	No	
Group Home *This is a planning portal reporting requirement	No	
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Other (please specify):	No	

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td>1.</td><td>APPROVED PLANS AND DOCUMENTATION
The development must be in accordance with:

(a) Architectural Plans prepared by Stirling and Andie of Project No. 02_2020 including the following:

<table>
<tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr>
<tr><td>DA1.01.00 Rev. B</td><td>Finishes Schedule</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.02.01 Rev. B</td><td>Site Analysis Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA.1.02.02 Rev. B</td><td>Site Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.01 Rev. B</td><td>Basement Level Two Floor Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.02 Rev. B</td><td>Basement Level One Floor Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.03 Rev. B</td><td>Ground Floor Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.04 Rev. B</td><td>First Floor Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.05 Rev. B</td><td>Second Floor Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.04.06 Rev. B</td><td>Roof Plan</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.05.01 Rev. B</td><td>North East Elevation</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.05.02 Rev. B</td><td>South East Elevation</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.05.03 Rev. B</td><td>South West Elevation</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.05.04 Rev. B</td><td>North West Elevation</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.06.02 Rev. B</td><td>Proposed Section AA</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.06.03 Rev. B</td><td>Proposed Section BB</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.06.04 Rev. B</td><td>Proposed Section CC</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.06.05 Rev. B</td><td>Proposed Section DD</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.11.00</td><td>Window Schedule – GF</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.11.01</td><td>Window Schedule – FF</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.11.02</td><td>Window Schedule – SF</td><td>09/11/2023</td><td>21/11/2023</td></tr>
<tr><td>DA1.11.03</td><td>Window Schedule – SF2</td><td>09/11/2023</td><td>21/11/2023</td></tr>
</table>

(b) BASIX Certificates

(c) Geotechnical Report prepared by JK Geotechnics reference No. 33851SN2rpt dated 30 April 2021 and received by Council on 16 August 2023</td></tr>
</table>

	(d) Construction Sequencing Certificate prepared by Engineering Studio Civil and Structural reference No. 20800-009-itr dated 15 November 2023 and received by Council on 21 November 2023 (e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 16 August 2023 (f) Landscape Plan and documentation Sheet 1 of 1 titled 'Green Roof Landscape Plan' rev C prepared by Woodside Plants & Design and dated 1 June 2023 Except where amended by the following conditions of consent.
	Condition **r**eason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2.	**GENERAL MODIFICATIONS**
	The application is approved subject to the following plan amendments; a) The landscape plan is to be amended to reflect the architectural plans mentioned in condition 1(a) of this consent.
	Condition reason: To ensure the landscape plan is accurate.
	The amendments are to be approved by the **Principal Certifying Authority** prior to the issue of any Construction Certificate.
3.	**MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)**
	The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.
	Condition reason: To ensure the approved deign remains unchanged.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
4.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
5.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate). - Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy.

	(ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
6.	**TREE BOND**
	A bond of $10,000 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 Two (2) ***Melaleuca quinquenervia*** (Broad-leaved Paperbark) on the nature strip at the front of the property in Francis St. 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
	Condition reason: To ensure any damage to public trees are rectified.
7.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$51,575.38** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works

	associated with this consent (including the required public works) to the person who paid the deposit.
	Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
8.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
9.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
10.	**VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)**
	The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.* In accordance with the Environmental Planning and Assessment Regulation 2021, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.
	Condition reason: To maintain the architectural integrity of the approved development.
11.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the

	requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.
12.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
13.	**DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
14.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
15.	**STRUCTURAL DOCUMENTATION**
	(a) A construction management plan must be submitted to an independent, third party structural engineer and the project geotechnical engineer for approval. The engineers must have relevant experience, have chartered status with the Institute of Engineers Australia and be registered on the National Engineers Register. The construction management plan must incorporate and reflect the intent of the following documents:

	i. Geotechnical Report and documentation prepared by JK Geotechnics Reference No. 33851SN2rpt Rev. 2 dated 22 June 2023, and received by Council on 16 August 2023 Satisfaction of the third party structural engineer and project geotechnical engineer that the construction management plan will provide for the retention of the building and its structural integrity must be demonstrated to the consent authority prior to the issue of the relevant Construction Certificate. (b) The documentation provided by the principal structural engineer as part of the construction certificate should detail the follow: i. Design and documentation of the Strengthening and Stability requirements to ensure the existing building is suitable for the intended alteration and additions, and ii. Provide detailed procedure on the methodology and constructability of the proposed work within the existing / approved building envelope, in particular to the excavation works.
	Condition reason: To ensure structural stability of work on site.
16.	**GROUND ANCHORS**
	Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au on 9083 8886.
	Condition reason: To ensure the public domain is maintained.
17.	**ENGINEER DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure the building will be structurally stable.
18.	**STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS**
	Prior to the issue of a Construction Certificate, a report or certification from a practicing structural engineer must be submitted to the Principal Certifying Authority to explain how the retained building elements, are to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.
	Condition reason: To ensure the building will be structurally stable.
19.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at:

	https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent Condition reason: To minimise disruption to local traffic.
20.	**STORMWATER MANAGEMENT** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The submitted stormwater management plan prepared by Engineering Studio, Job Number 20800, Drawing Number C00.01, REV D, dated 31/07/2023 are considered concept only. The applicant must submit amended plans and specifications to comply with the current Waverley Council Water Management Technical Manual and Development Control Plan (DCP) at the time of engineering plan approval. The submitted plans must be prepared by a suitably qualified and practising Civil Engineer and comply with the following conditions: **DISPOSAL CONNECTION TO COUNCIL'S KERB AND GUTTER** a) Any proposed pipeline within the footpath verge of Francis Street will be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). **ROOF DRAINAGE SYSTEMS** b) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required. **PROPOSED INTERNAL DRAINAGE DESIGN** c) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. d) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes. e) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event. f) A grated trench drain will be provided across the (garage entrance/driveway/street boundary) within private property to prevent stormwater flows from the site crossing the footpath. Unless otherwise sized by a suitably qualified and practising Engineer, the dimensions of the trench grate is no less than 300mm wide by 100mm deep at the shallow end and have a "bottom" slope of 2%. This trench drain will be connected to an approved drainage system. **PROPOSED INTERNAL DRAINAGE DESIGN**

g) Any underground basement will be protected from possible inundation by surface waters from the street.

h) Ensure basement entrance has berm minimum 150mm above existing ground level.

OSD DETAILS

i) Storage and associated orifice diameter provided are insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.

j) The pipe configuration entering and leaving the OSD are to be detailed on the stormwater plans. Current plans are unclear.

k) A sump (with a base level set below that of the main storage) shall be provided at the outlet point. It is set below the level of the main storage to collect debris. Where a discharge point pit is included in the storage, this shall contain a sump set at a minimum of 1.5 times the diameter of the orifice of the outlet below the centreline of the orifice or 200 mm, whichever is more. Sumps shall be provided with weepholes to drain out to the surrounding soil and shall be founded on a compacted granular base.

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l) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.

m) The checklist as set out on pages 68-76 in Council's Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.

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

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

p) Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block must not be replicated.

q) Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

	r) Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	Condition reason: To ensure the proper management of stormwater runoff.
21.	**PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS**
	The garage/underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway. Evidence from a suitably qualified and practicing Engineer who specializes in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.
	Condition reason: To ensure the proper management of stormwater runoff.
22.	**BASIX**
	All requirements of the BASIX Certificate documentation are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX requirements are met.
23.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
24.	**WASTE STORAGE AREAS**
	The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the development; **Residential** o 2 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly o 2 x 240L MGBs for container recycling collected fortnightly o 2 x 240L MGBs for paper recycling collected fortnightly o 1 x 240L MGBs for garden organics recycling collected fortnightly

	All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure the appropriate space for storage of waste on site.
25.	**GREEN ROOF LANDSCAPING DETAILS**
	The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the *Waverley Development Control Plan 2022* including; (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B3 – 1). (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species (c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. A qualified landscape architect must review the design and verify that it complies with the above requirements.
	Condition reason: To ensure the longevity of the green roof.
26.	**ESSENTIAL SERVICES – EXISTING BUILDING**
	Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule. At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule: (a) has been assessed by a properly qualified person; and (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.
	Condition reason: To ensure fire safety measures are implemented.
27.	**FIRE SAFETY UPGRADE WORKS**
	a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Section 64 of the Environmental Planning and Assessment Regulations 2021, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA): (i) Fire resistance and stability – Part C1; (ii) Compartmentation and separation – Part C2; (iii) Protection of openings – Part C3 (iv) Provision for escape – Part D1;

	(v) Construction of exits – Part D2; (vi) Fire fighting equipment – Part E1; (vii) Smoke hazard management – Part E2; (viii) Lift installations – Part E3; (ix) Emergency lighting, exit signs and warning systems – Part E4; (x) Sanitary and other facilities – Part F2; (xi) Room heights – Part F3; (xii) Light and ventilation – Part F4; and (xiii) Sound transmission and insulation - Part F5. b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, a performance solution in accordance with Part A2 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia. c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent. d) Prior to the commencement of the required upgrade works, a Construction Certificate must be issued by an accredited Certifying Authority and an accredited PCA be appointed. The required upgrading works detailed in this condition must be completed prior to the issue of an Occupation Certificate. Note: The provisions of Section 64 of the Environmental Planning and Assessment Regulations 2021 have been considered in the assessment of the proposed development.
	Condition reason: To ensure the building achieves compliance with Fire Safety regulations.
28.	**DILAPIDATION REPORT**
	A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is be made available to affected property owners. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

BEFORE BUILDING WORK COMMENCES

	Condition
	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.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
	30. DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.
	31. TREE PROTECTION
	(a) Precautions shall be taken when working near trees to ensure their retention, including the following: i. Do not store harmful or bulk materials or spoil under or near trees;

	ii. Prevent damage to bark and root system; iii. Do not use mechanical methods to excavate within root zones; iv. Do not add or remove topsoil from under the drip line; v. Do not compact ground under the drip line; vi. Do not mix or dispose of liquids within the drip line of the tree; and vii. All trees marked for retention must have a protective fence/guard placed around a nominated perimeter. (b) Protective fencing. i. Protective fencing must be erected around each tree nominated for preservation before site clearing and establishment and before any materials are brought on site and prior to the commencement of civil and construction works. The protective fencing shall remain in place for the duration of the works and must not be removed or altered without approval on an arborist. AS 4687 specifies applicable fencing requirements. ii. Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Colored plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. Chain link portable panels must be securely fixed top and bottom to avoid separation. iii. No storage of building materials, tools, paint, fuel or contaminants and the like shall be placed within the fenced area. Ropes, ties or signs must not be attached to any part of a tree (s) to be preserved. (c) Trunk Protection. i. Where space does not permit the erection of protective fencing install trunk protection. Trunk protection shall comprise the placement of 1.8m or less lengths of 75 mm x 40 mm hardwood or pine spaced at 125 mm centers around the trunk secured in place by metal strap bindings or 10-gauge fencing wire fixed at 300 mm centres. Prior to placing battens install a soft protective padding to ends of timbers to prevent damage to bark and conducting tissue. ii. Trunk protection must remain in place for the duration of all site work. iii. Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. (d) Warning Signs. i. Advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s) by the placement of suitable warning signs fixed to all tree protection fences and trunk protection throughout the site. Contact telephone numbers shall be clearly shown on all warning signs. ii. If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed. iii. If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
	Condition reason: To protect and retain trees.

DURING BUILDING WORK

	Condition
32.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
33.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
34.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
35.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

	Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
36.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
37.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
38.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
39.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
40.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the parking spaces / stackers is to be a minimum of 2.2 metres.
	Condition reason: To ensure adequate headroom clearance.
41.	**CAR PARKING SPACE DIMENSIONS**
	Minimum dimensions for the car parking spaces are to be 2.4 metres with 0.3 metre clearances against structures when parked.
	Condition reason: To ensure the parking spaces are suitable.

42.	**BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the Building Code of Australia.
	Condition reason: To ensure all building work is appropriately undertaken.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
43.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
44.	**CERTIFICATION OF BASIX COMMITMENTS**
	The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.
	Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.
45.	**CERTIFICATION OF LANDSCAPING**
	At the completion of all works a certificate is to be submitted to the Principal Certifying Authority from a qualified Landscape and/or Arboriculture Consultant certifying that the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. If relevant, the waterproofing on any green roof is to be tested and evidence of the test is to be provided with the certification.
	Condition reason: To ensure the high quality landscape solution is appropriately established and maintained for the life of the development.
46.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to the issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practicing Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
47.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD**
	Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence.

	The property owner/occupant must not modify or remove the OSD system without consent from Council. The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system including its relationship to the building footprint. Electronic colour photographs of the OSD system must accompany the application for the Positive Covenant and Restriction on the Use of Land. The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs will be borne by the applicant.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
48.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, and other drainage-related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council-approved plans must be marked-up in red ink and must include levels and locations for the drainage structures and works. b) A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
49.	**PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**
	A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant. (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

	(c) The role and responsibility of managing composting facilities (if provided). (d) Clear signage identifying the different bin types and storage area for bulky household waste and problem waste must be displayed. (e) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. (g) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible. (h) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. (i) At no times shall bins be stored on the public domain (e.g. footpaths).
	Condition reason: To ensure sufficient waste management on site.
50.	**FLOOR SPACE RATIO**
	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 305.78m^2. (b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved floor space ratio.
51.	**BUILDING HEIGHT**
	(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings and (where relevant) to the top of building parapets: i. Ridge/parapet height of the roof extension: RL 55.76 Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved height.
52.	**STRATA SUBDIVISION**
	The Strata subdivision plans of the building are to be updated to reflect the approved scheme of this development consent.

	A Strata Certificate must be obtained from either Council or a Registered Certifier in accordance with either Section 54(1) or Section 58(1) of the *Strata Schemes Development Act 2015*. The allocated car parking and storage spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential allotments or identified as common property as shown on the approved plans. Part allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2022. No exclusive use of common property shall occur without the prior consent of Council.
	Condition reason: To ensure lot entitlements are accurately updated to reflect the approved development scheme

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**SYDNEY WATER REQUIREMENTS**
	You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact

	with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**ALTERATIONS AND ADDITIONS ONLY**
	This consent is for alterations and additions to the existing building only and should during the course of construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment.
9.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
10.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted.

	Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
11.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
12.	**ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS**
	Indoor air quality: Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met. Ventilation: Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms. Domestic hot water: Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation
13.	**WASTE MANAGEMENT PLAN REVIEW**
	After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
14.	**NO ON SITE GARBAGE COLLECTION**
	The collection of residential waste and recycling is to be undertaken from the curb. No bins are to be stored or left on the street post collection.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

AMENDED PLANS

88 FRANCIS STREET,
BONDI BEACH NSW 2026
SP 89241

PREPARED BY STIRLING AND ANDIE
REVISION B - NOVEMBER 2023

ON BEHALF OF
LARRY HERSCH

LIST OF DRAWINGS:

DA 0.00.00 - COVER SHEET
DA 1.01.00 - FINISHES SCHEDULE

DA 1.02.01 - SITE ANALYSIS PLAN
DA 1.02.02 - SITE PLAN
DA 1.02.03 - SITE CONTEXT 1
DA 1.02.04 - SITE CONTEXT 2

DA 1.03.01 - EXISTING FLOOR PLANS - BS + GF.
DA 1.03.02 - EXISTING FLOOR PLANS - FF + RP.

DA 1.04.01 - BASEMENT LEVEL TWO FLOOR PLAN
DA 1.04.02 - BASEMENT LEVEL ONE FLOOR PLAN
DA 1.04.03 - GROUND FLOOR PLAN
DA 1.04.04 - FIRST FLOOR PLAN
DA 1.04.05 - SECOND FLOOR PLAN
DA 1.04.06 - ROOF PLAN
DA 1.04.07 - FSR DIAGRAM 1
DA 1.04.08 - FSR DIAGRAM 2
DA 1.04.09 - WASTE MANAGEMENT PLAN

DA 1.05.01 - NORTH EAST ELEVATION
DA 1.05.02 - SOUTH EAST ELEVATION
DA 1.05.03 - SOUTH WEST ELEVATION
DA 1.05.04 - NORTH WEST ELEVATION

DA 1.06.01 - EXISTING SECTION AA
DA 1.06.02 - PROPOSED SECTION AA
DA 1.06.03 - PROPOSED SECTION BB
DA 1.06.04 - PROPOSED SECTION CC
DA 1.06.05 - PROPOSED SECTION DD

DA 1.11.00 - WINDOW SCHEDULE - GF
DA 1.11.01 - WINDOW SCHEDULE - FF
DA 1.11.02 - WINDOW SCHEDULE - SF
DA 1.11.03 - WINDOW SCHEDULE - SF2

DA 1.12.00 - CAMERA MATCH
DA 1.12.01 - CAMERA MATCH
DA 1.12.02 - CAMERA MATCH
DA 1.12.03 - CAMERA MATCH

DA 1.12.06 - RENDERS
DA 1.13.00 - RENDERS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

EXISTING RENDER

PROPOSED RENDER

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

Stirling&Andie

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cassie@stirlingandandie.com
0422 412 449

Client
Angel Hersch Francis Street Pty Limited

Project Address
88 FRANCIS STREET,
BONDI BEACH NSW 2026

Stage
DA LODGEMENT

General Notes
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH BUILDING ACT 1993, BUILDING REGULATIONS 2006 AND BCA AND RELEVANT STANDARDS.

ALL MATERIALS & METHODS OF CONSTRUCTION SHALL COMPLY WITH RELEVANT B.A.A CODES, B.C.A AND LOCAL COUNCIL REQUIREMENTS.

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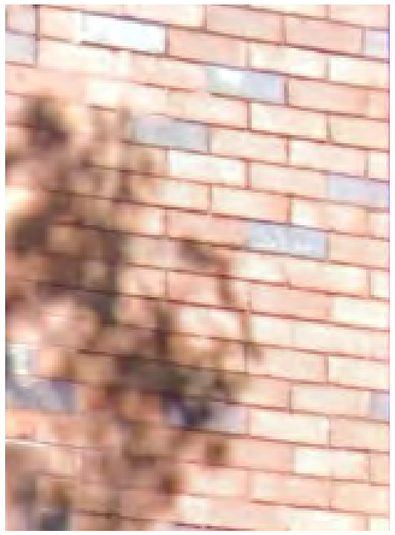
Drawing Name
COVER SHEET

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.00.00.00

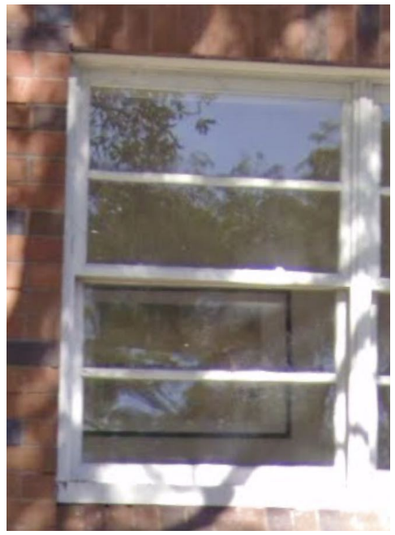
AMENDED PLANS

EXISTING EXTERNAL FINISHES



BRICK

SANDSTONE



WHITE WINDOWS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

PROPOSED ADDITIONAL EXTERNAL FINISHES

TIMBER DECK

PENTHOUSE CLADDING: TIMBER

WHITE PAINT TO WINDOWS, DOORS AND BALUSTRADES TO MATCH EXISTING.

KLIP LOK ROOF (DARK)

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
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Drawing Name

FINISHES SCHEDULE

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.01.00

AMENDED PLANS

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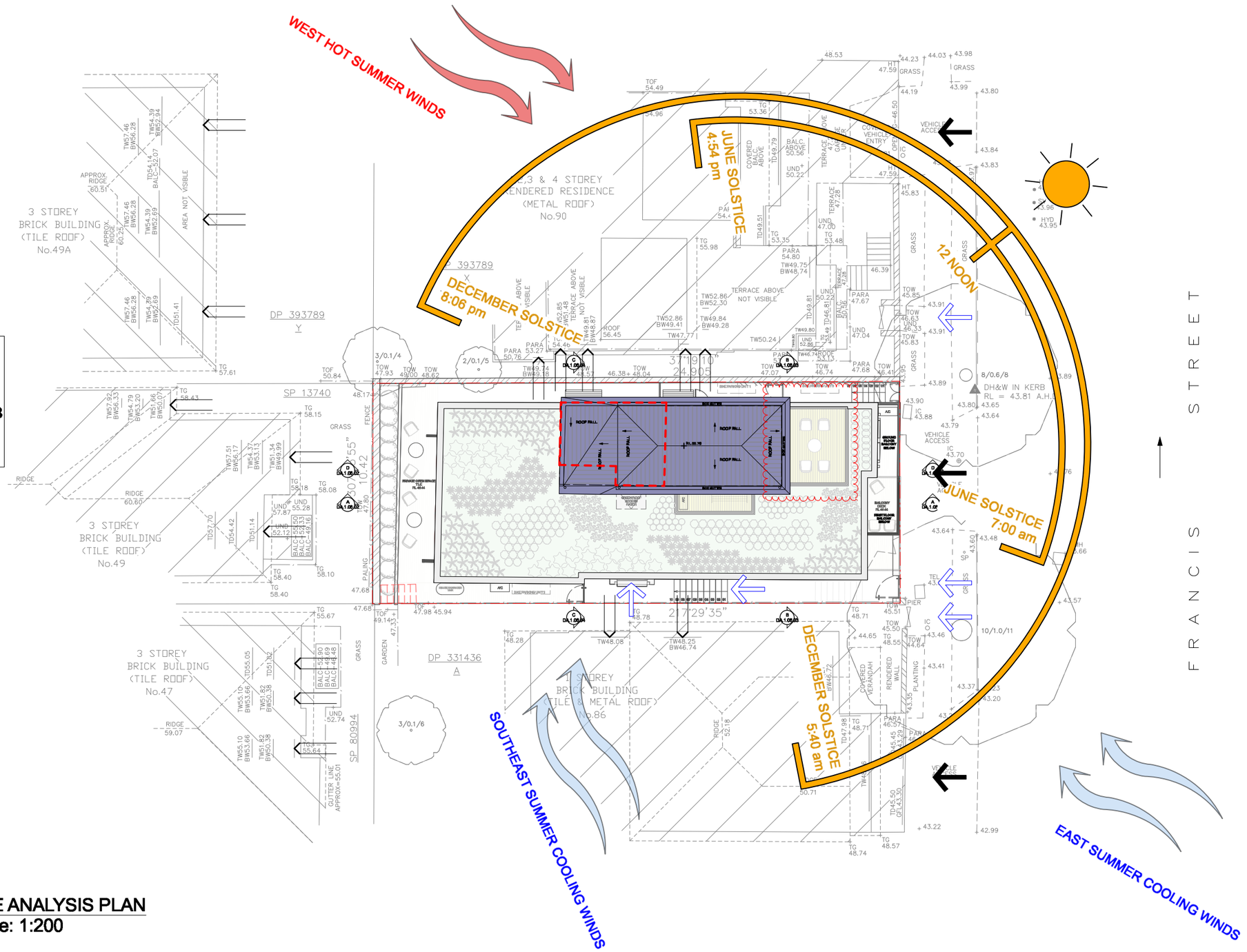

1 SITE ANALYSIS PLAN
Scale: 1:200

MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

KEY:

- DWELLING ENTRY
- VEHICULAR ENTRY
- NEIGHBOURING WINDOWS
- TRAFFIC FLOW
- PREDOMINANT BREEZES
- LOT BOUNDARIES

0 1m 2m 3m 4m 5m
SCALE 1:200 @ A3

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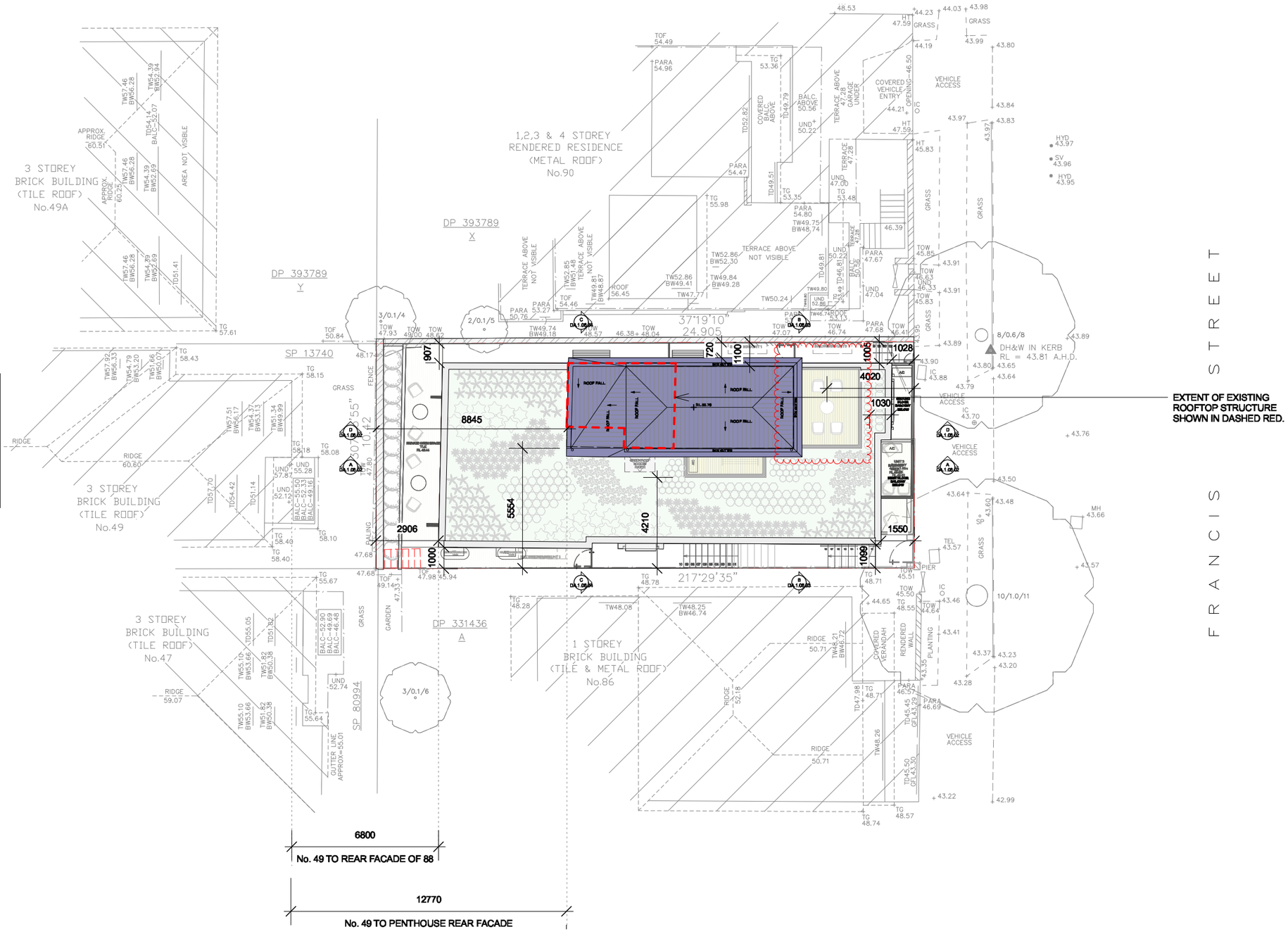
Drawing Name
SITE ANALYSIS PLAN

Date	Scale
JUNE 2023	1:200 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.02.01

AMENDED PLANS



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MATERIAL - LEGEND:

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- FIRE RATED PARTY WALL
- LANDSCAPE

1 **SITE PLAN**
Scale: 1:200

0 1m 2m 3m 4m 5m
SCALE 1:200 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
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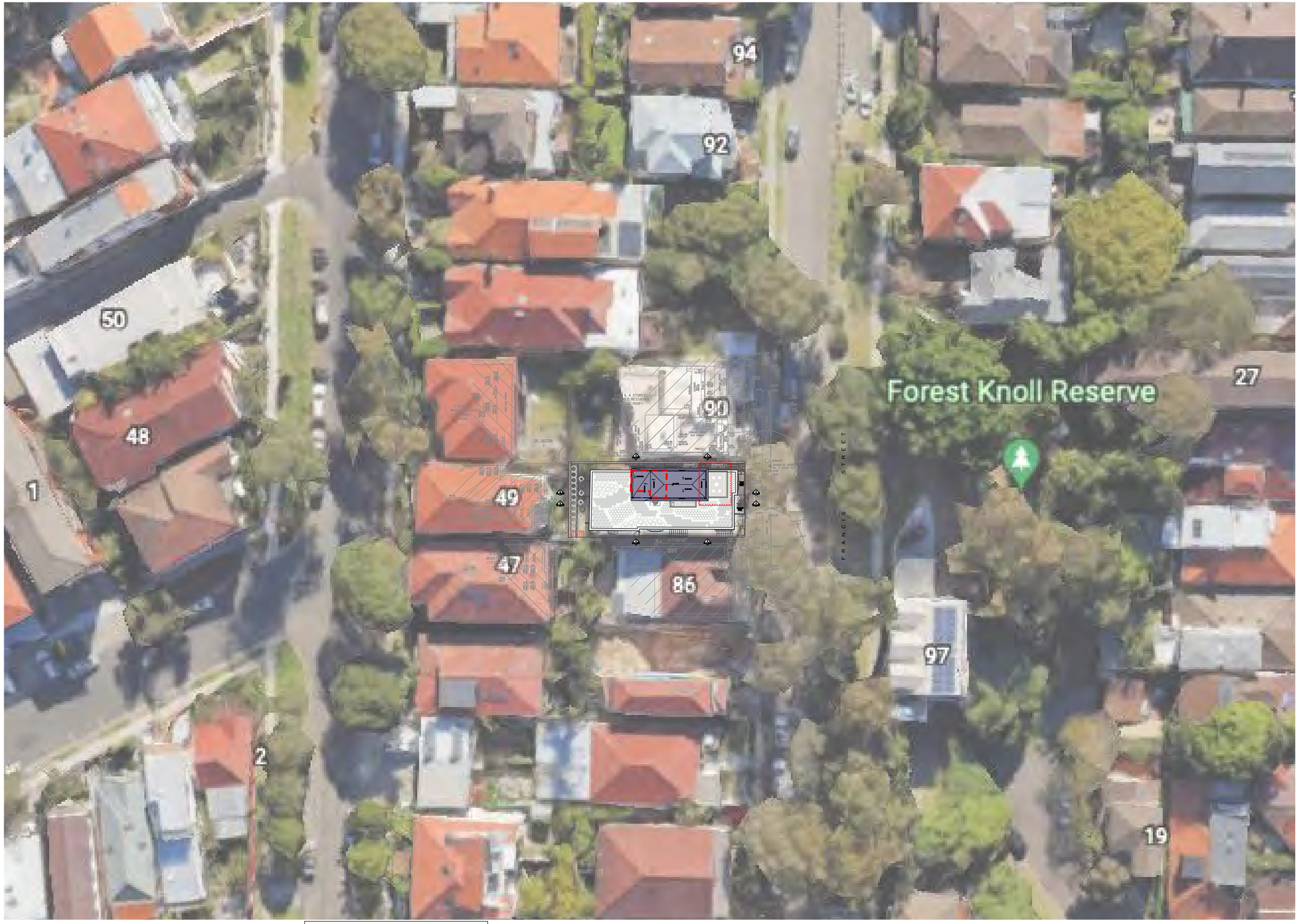
Drawing Name
SITE PLAN

Date	Scale
JUNE 2023	1:200 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.02.02



MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
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- LANDSCAPE

1 SITE CONTEXT PLAN
Scale: 1:500

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88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

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Drawing Name
SITE CONTEXT 1

Date	Scale
JUNE 2023	1:500 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.02.03

SITE CONTEXT (EXISTING) - 3D IMAGES FROM GOOGLE EARTH 3D

AMENDED PLANS

MAP SHOWING APPROXIMATE VIEW POSITIONS FROM GOOGLE EARTH 3D

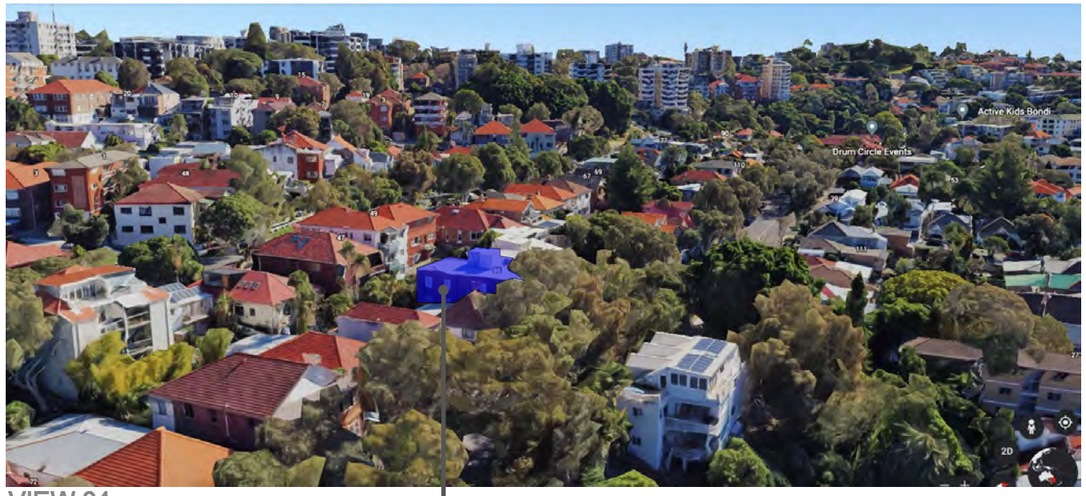
88 FRANCIS STREET SHOWN IN LIGHT BLUE.

VIEW 01

88 FRANCIS STREET SHOWN IN LIGHT BLUE.

VIEW 02

VIEW 03



VIEW 04

88 FRANCIS STREET SHOWN IN LIGHT BLUE.

88 FRANCIS STREET SHOWN IN LIGHT BLUE.

RECEIVED
Waverley Council

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Client

Angel Hersch Francis Street Pty Limited

Project Address

88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage

DA LODGEMENT

General Notes

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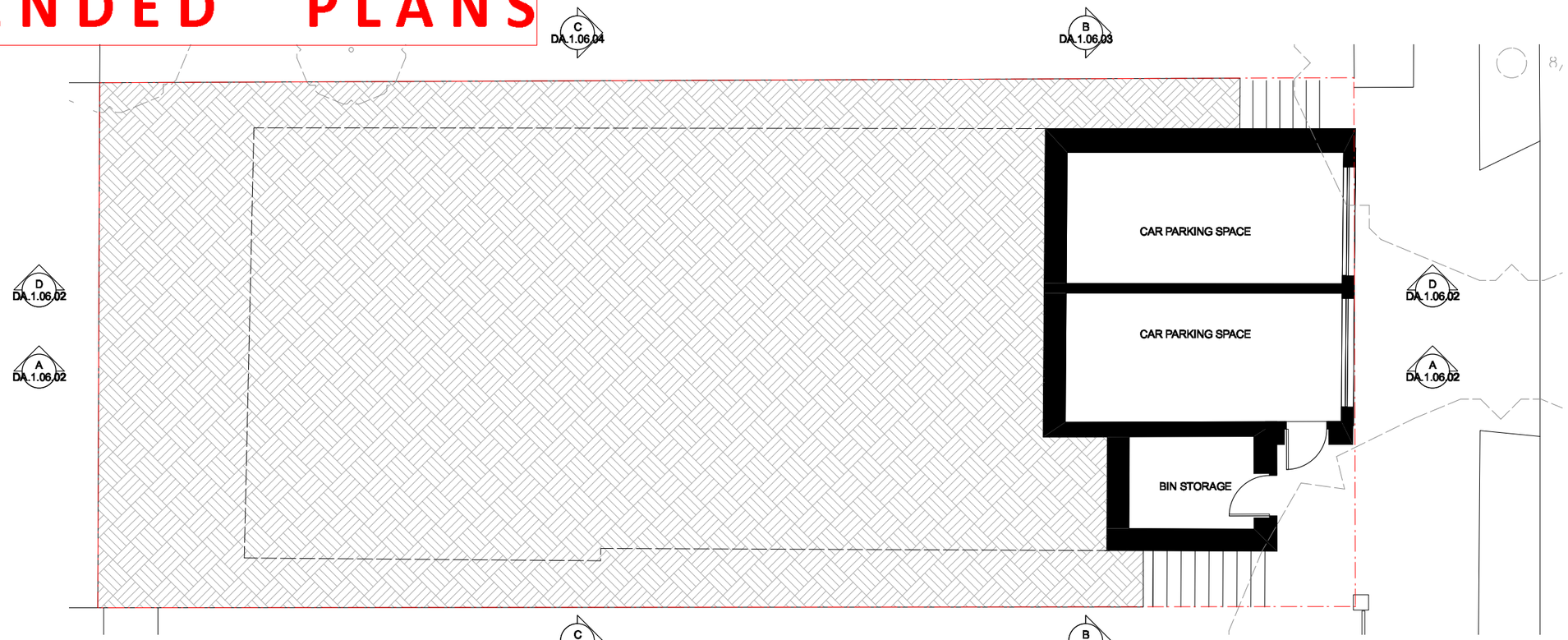
Drawing Name

SITE CONTEXT 2

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.02.04

AMENDED PLANS



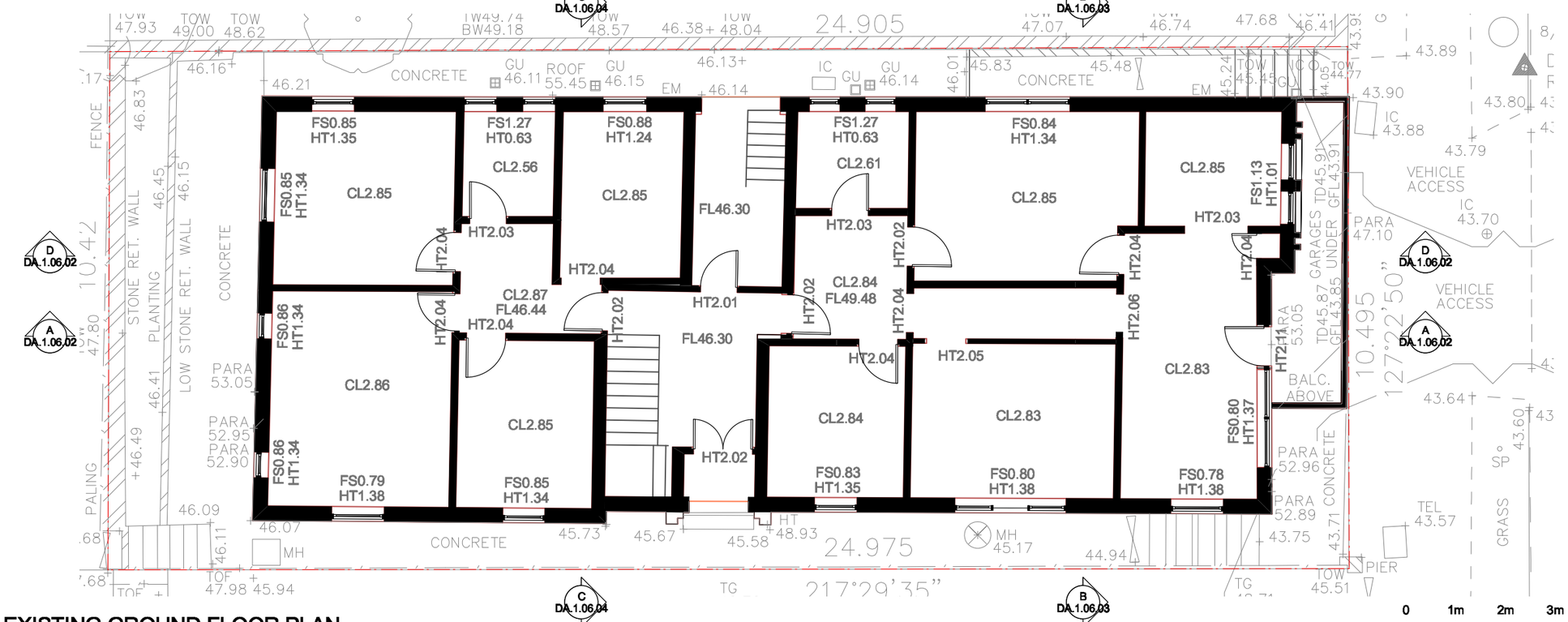
LEGEND:
- EXISTING WALLS
- BOUNDARY

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

1 EXISTING BASEMENT FLOOR PLAN
Scale: 1:100



2 EXISTING GROUND FLOOR PLAN
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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cassie@stirlingandandie.com
0422 412 449

Client:
Angel Hersch Francis Street Pty Limited

Project Address:
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage:
DA LODGEMENT

General Notes:
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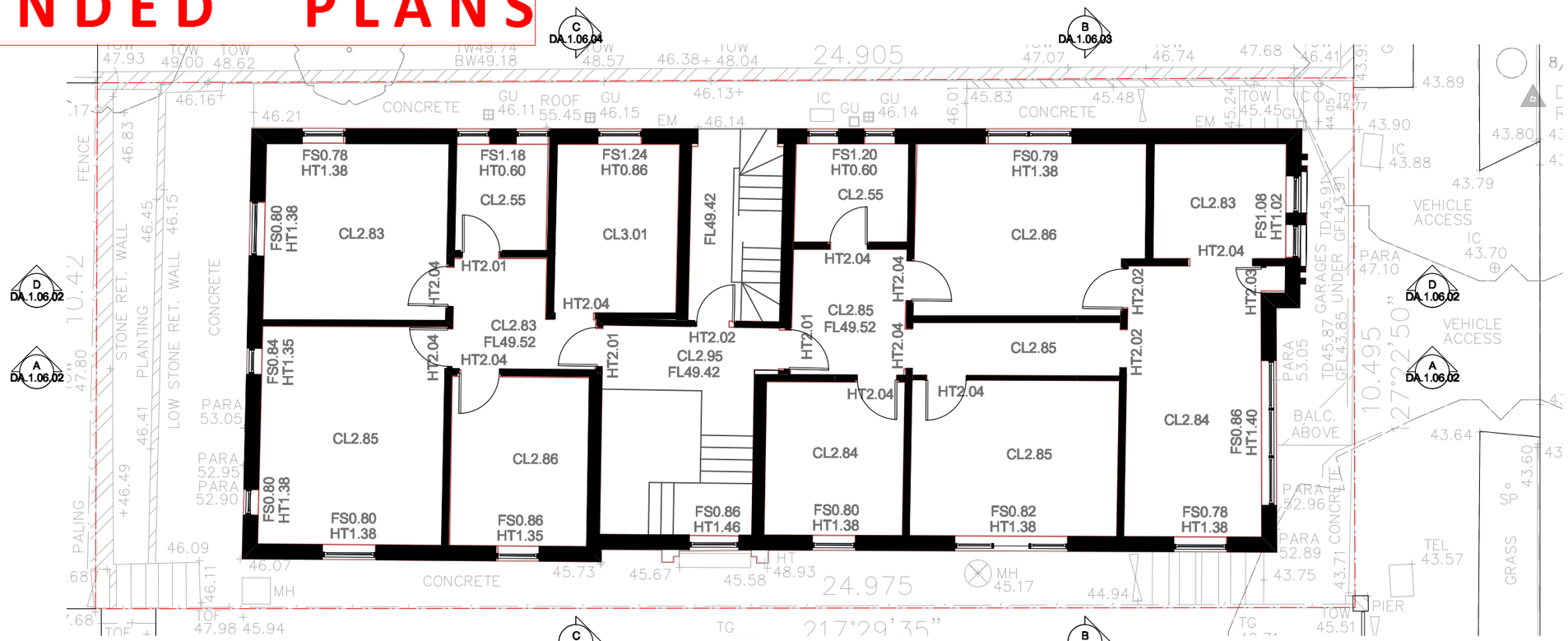
Drawing Name:
EXISTING FLOOR PLANS - BS + GF.

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B

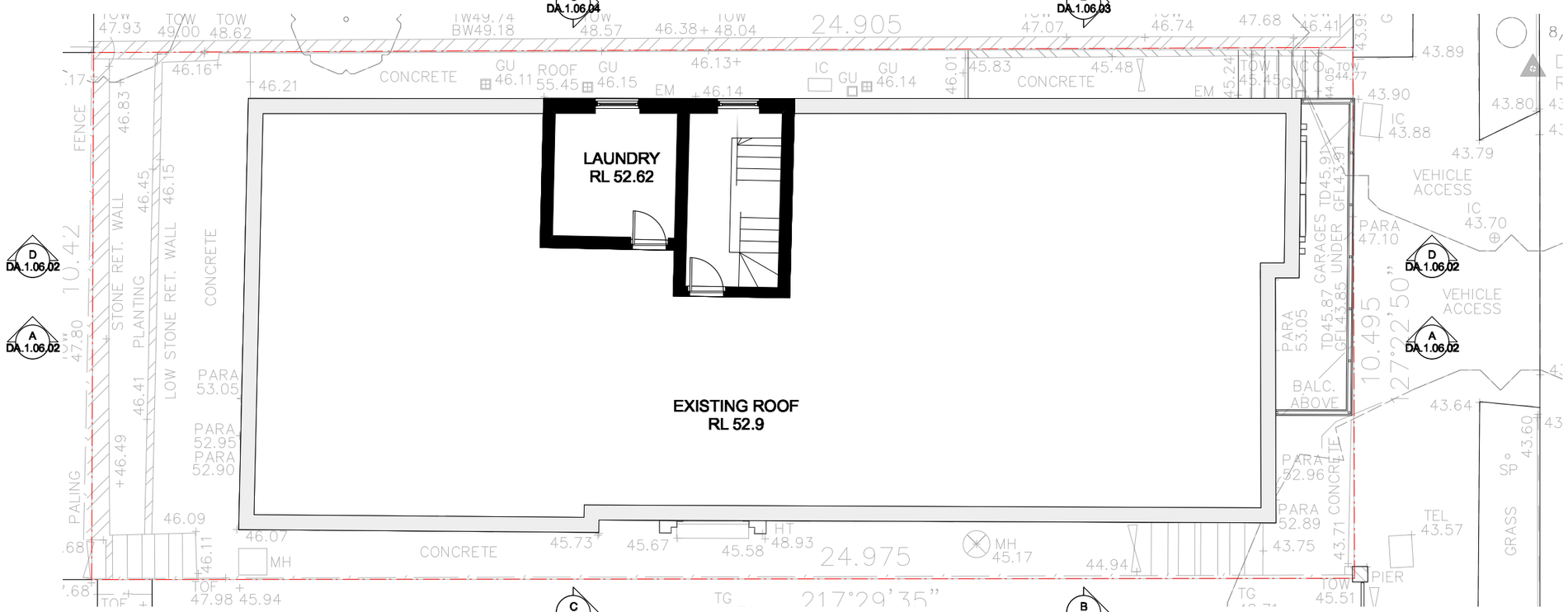
North

Dwg No.
DA.1.03.01

AMENDED PLANS



1 **EXISTING FIRST FLOOR PLAN**
Scale: 1:100



2 **EXISTING ROOF PLAN**
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

LEGEND:
EXISTING WALLS
BOUNDARY

RECEIVED
Waverley Council
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Client:
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Project Address:
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage:
DA LODGEMENT

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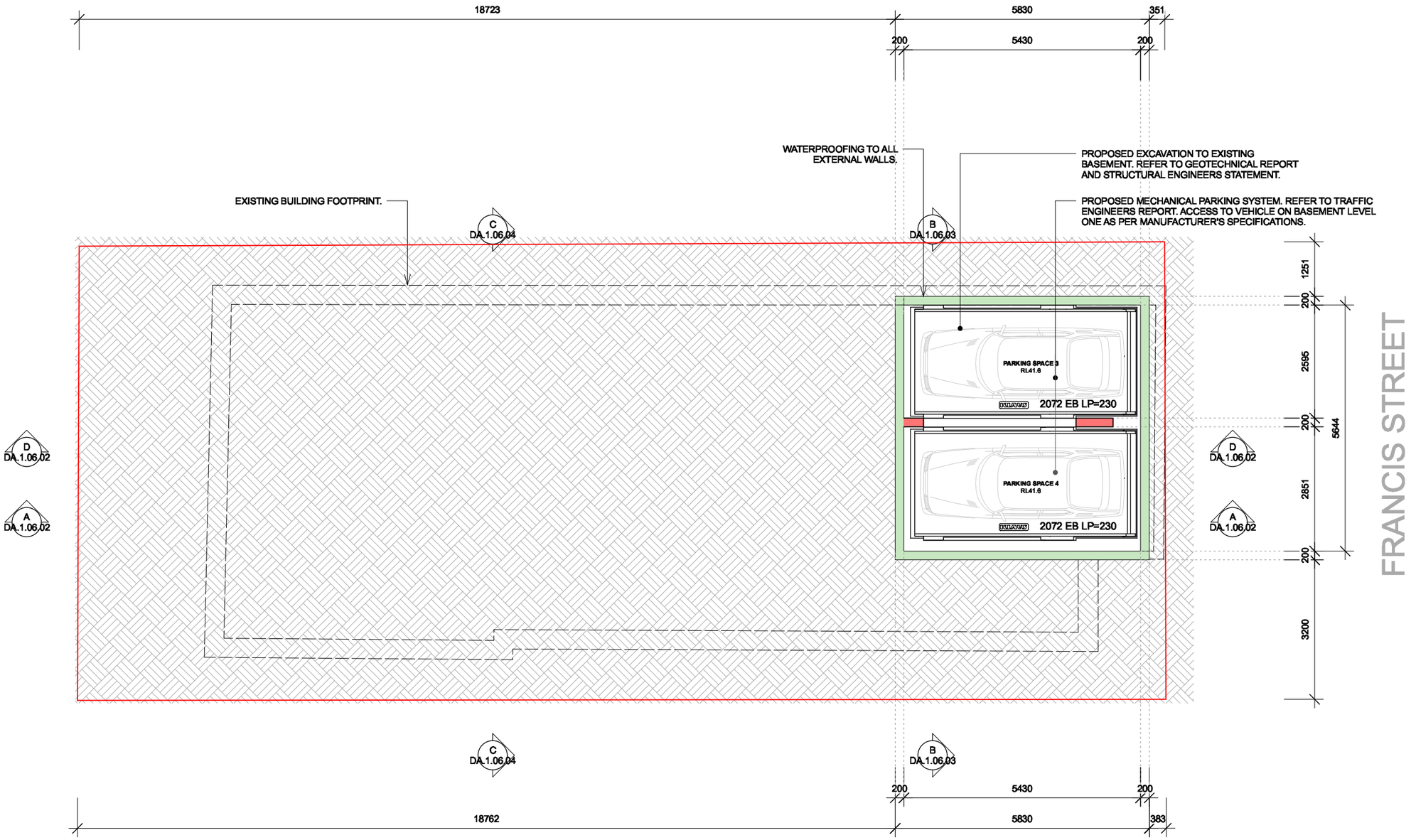
DRAWINGS TO BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL ENGINEERING, CIVIL ENGINEERING, SCHEDULES AND SPECIFICATIONS.

Drawing Name:
EXISTING FLOOR PLANS - FF + RP.

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.03.02

AMENDED PLANS



RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

1 PROPOSED BASEMENT LEVEL TWO FLOOR PLAN
Scale: 1:100

MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

Stirling & Andie
6 ALEXANDER ST,
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cassie@stirlingandandie.com
0422 412 449

Client
Angel Hersch Francis Street Pty Limited

Project Address
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

General Notes
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Drawing Name
BASEMENT LEVEL TWO FLOOR PLAN

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.01

AMENDED PLANS

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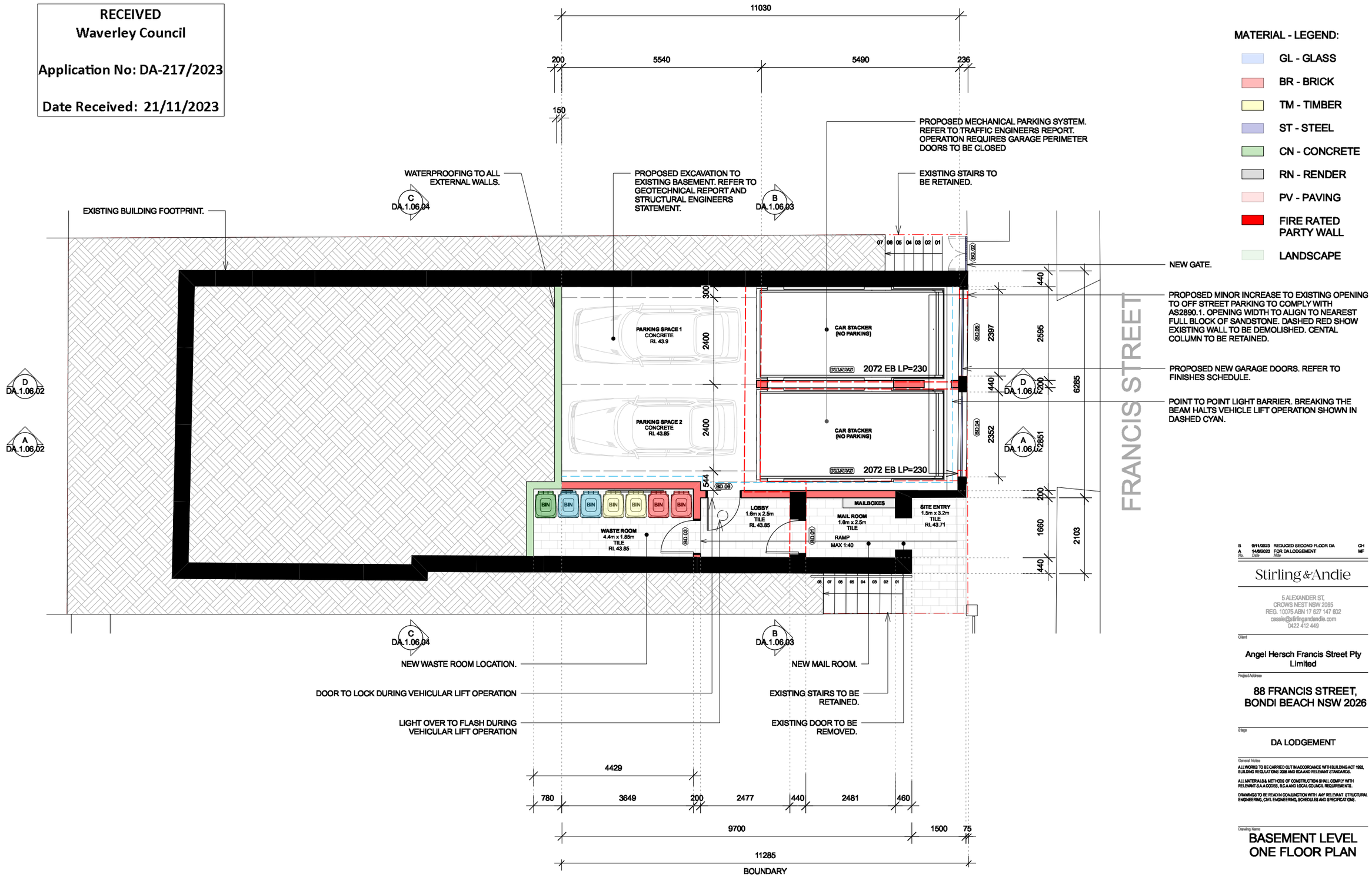
Date Received: 21/11/2023



MATERIAL - LEGEND:

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- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

1 PROPOSED BASEMENT LEVEL ONE FLOOR PLAN
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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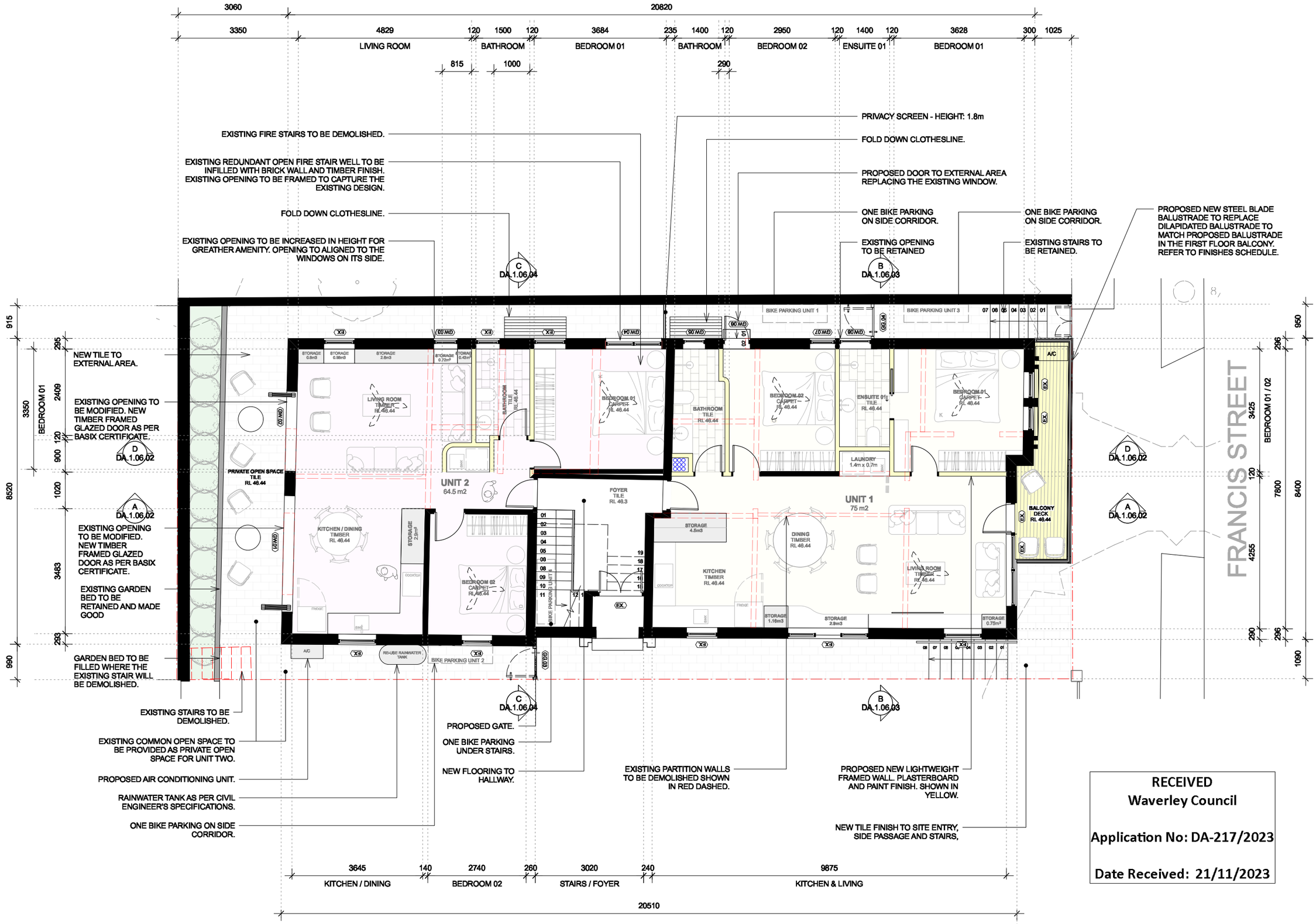
Drawing Name
BASEMENT LEVEL ONE FLOOR PLAN

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.02



1 PROPOSED GROUND FLOOR PLAN
Scale: 1:100

MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

AMENDED PLANS

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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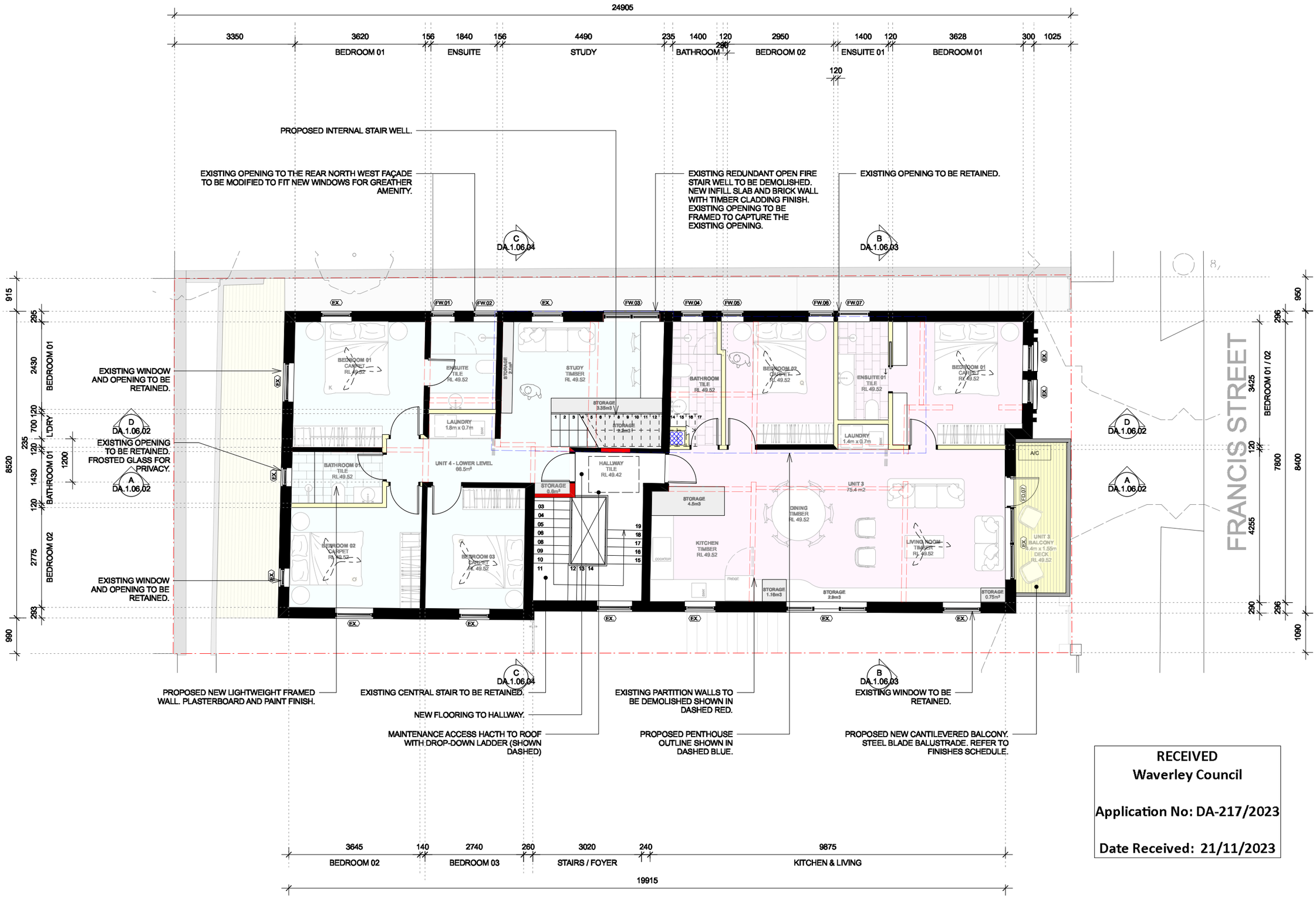
Drawing Name
GROUND FLOOR PLAN

Date: JUNE 2023	Scale: 1:100 @ A3
Job No.: 02_2020	Rev.: B
North	Dwg No.: DA.1.04.03



MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
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- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

1 PROPOSED FIRST FLOOR PLAN
Scale: 1:100

AMENDED PLANS

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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Project Address
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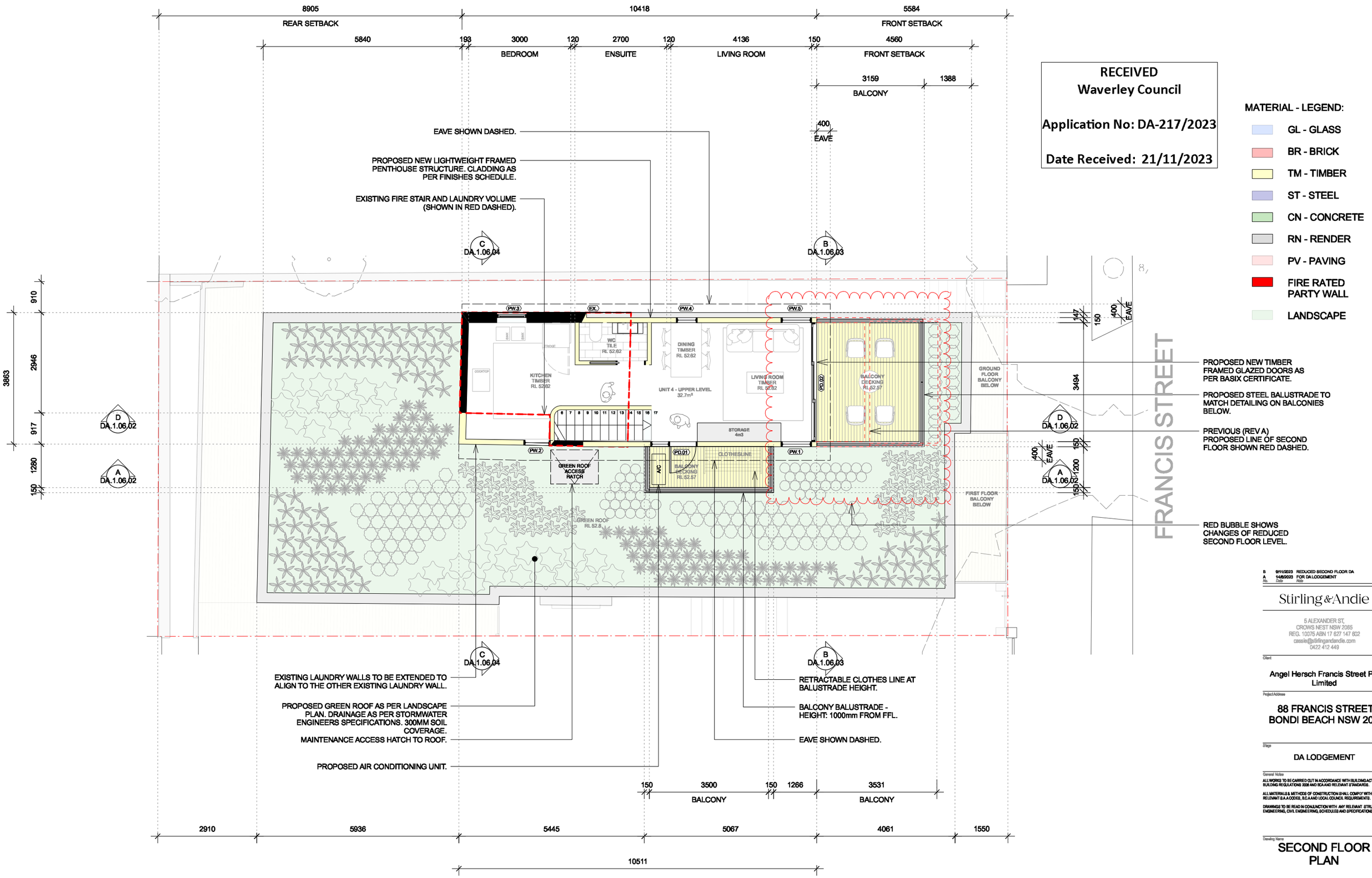
Drawing Name
FIRST FLOOR PLAN

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.04



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Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
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- LANDSCAPE

1 PROPOSED SECOND FLOOR PLAN
Scale: 1:100

AMENDED PLANS

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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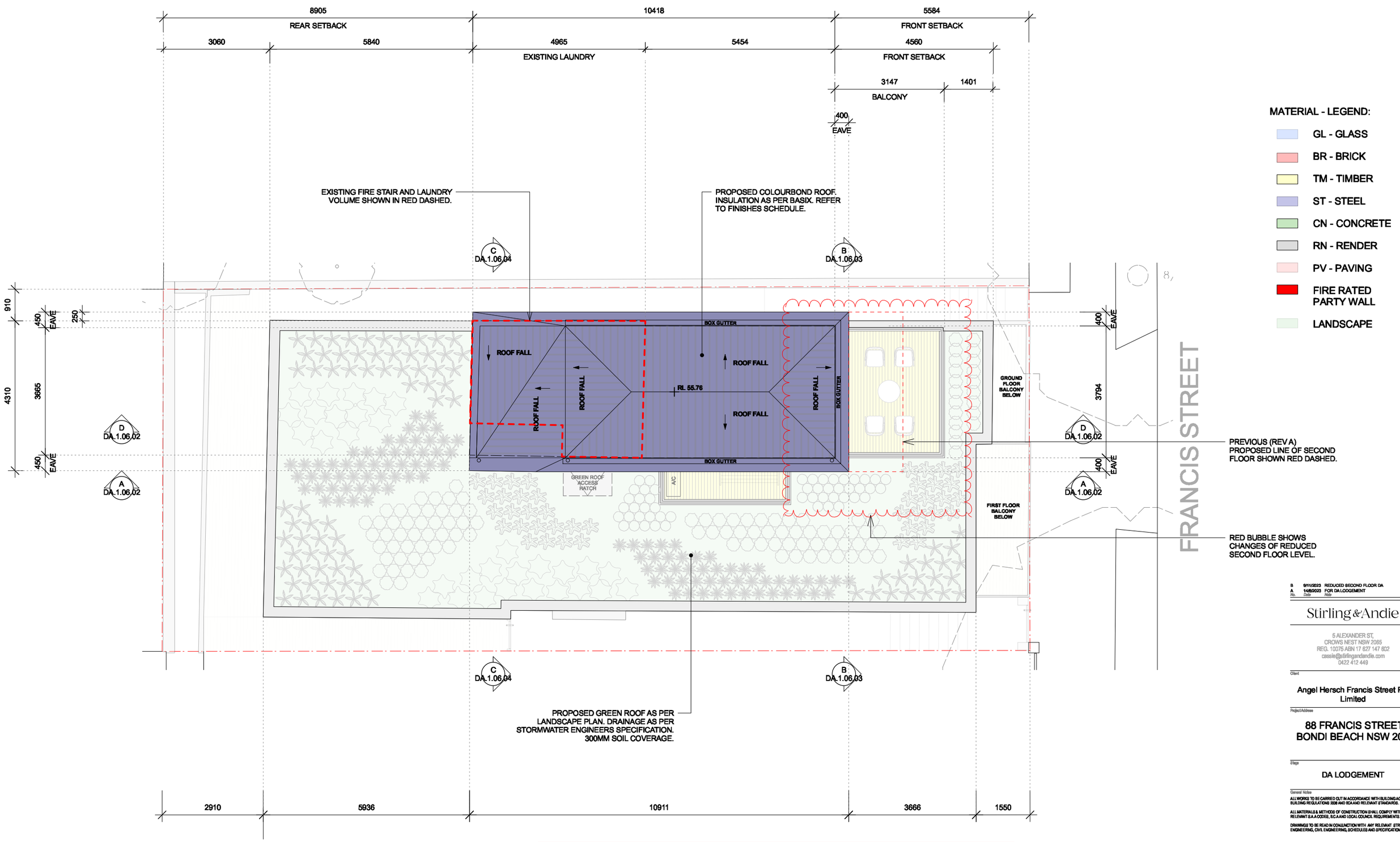
Drawing Name
SECOND FLOOR PLAN

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.05



MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-217/2023
Date Received: 21/12/2023

1 PROPOSED ROOF PLAN
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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Client
Angel Hersch Francis Street Pty Limited

Project Address
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

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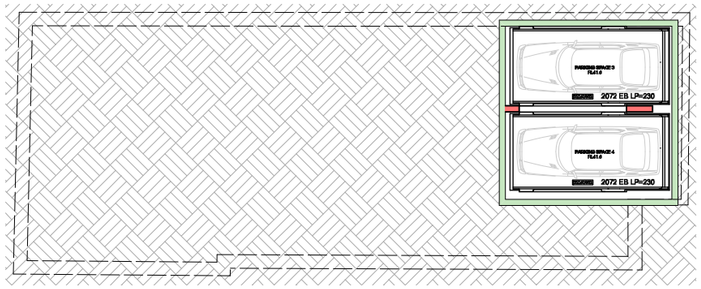
Drawing Name
ROOF PLAN

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.06

EXISTING

PROPOSED

AMENDED PLANS

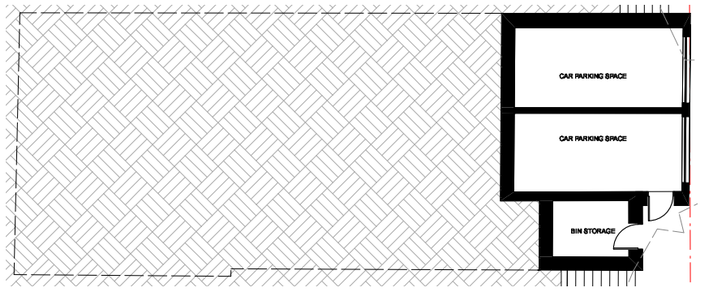


3 PROPOSED BASEMENT LEVEL TWO FLOOR PLAN
Scale: 1:200

FSR: N/A

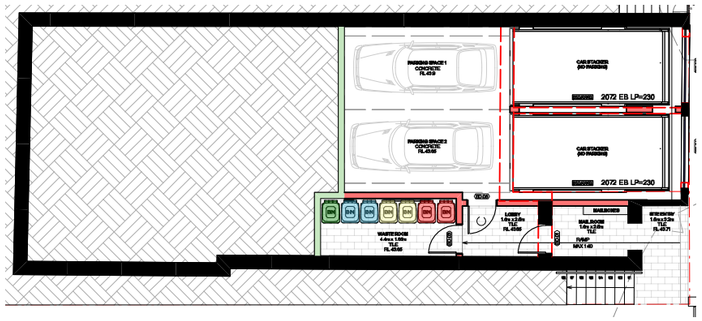
MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE



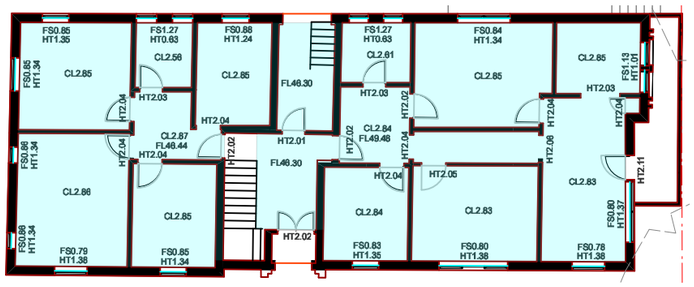
1 EXISTING BASEMENT LEVEL ONE FLOOR PLAN
Scale: 1:200

FSR: N/A



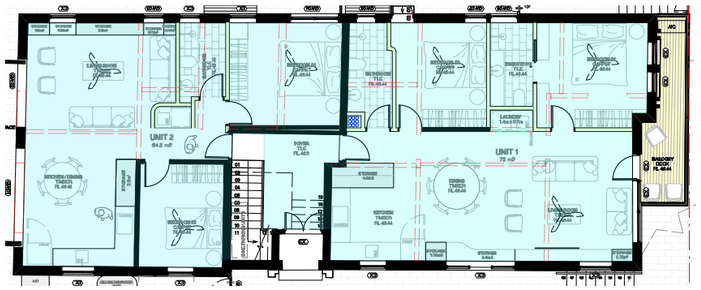
4 PROPOSED BASEMENT LEVEL ONE FLOOR PLAN
Scale: 1:200

FSR: N/A



2 EXISTING GROUND FLOOR PLAN
Scale: 1:200

FSR: 149.97m²



5 PROPOSED GROUND FLOOR PLAN
Scale: 1:200

FSR: 150m²

0 1m 2m 3m 4m 5m
SCALE 1:200 @ A3

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

No.	Date	Note	
B	6/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/9/2023	FOR DA LODGEMENT	MF

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Client
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Project Address
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DA LODGEMENT

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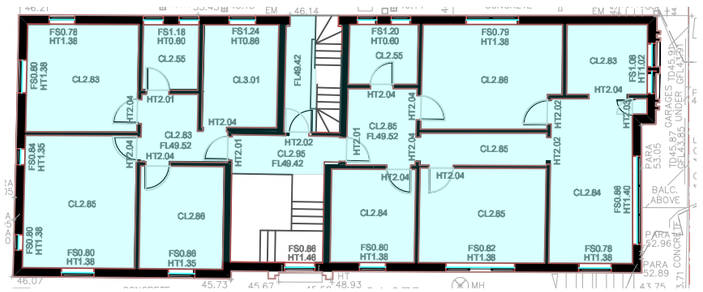
Drawing Name
FSR DIAGRAM 1

Date	Scale
JUNE 2023	1:200 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.07

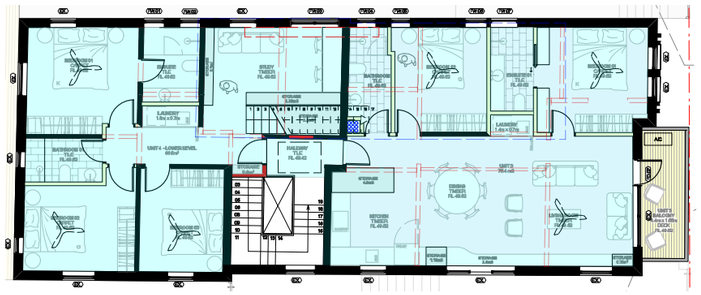
EXISTING



1 EXISTING FIRST FLOOR PLAN
Scale: 1:200

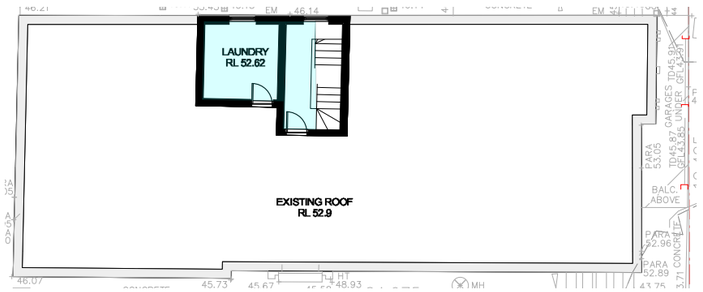
FSR: 145.31m²

PROPOSED



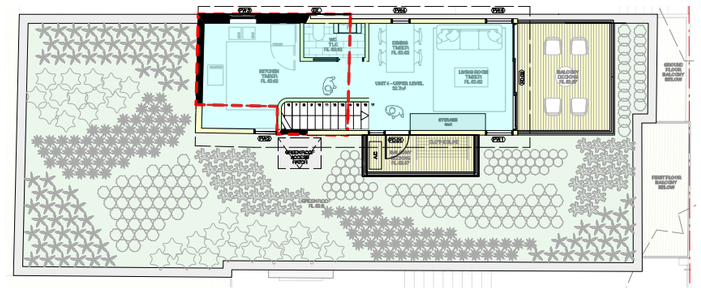
2 PROPOSED FIRST FLOOR PLAN
Scale: 1:200

FSR: 148m²



3 EXSITING ROOF PLAN
Scale: 1:200

FSR: 10.5m²



4 PROPOSED SECOND FLOOR PLAN
Scale: 1:200

FSR: 32.5m²

MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

AMENDED PLANS

GFA KEY:

GFA

GROSS FLOOR AREA

SITE AREA = 260.8m²
FLOOR SPACE RATIO (n:1) = 0.5:1
PERMISSABLE = 130.4m²

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

	EXISTING	PROPOSED
BASEMENT LEVEL TWO	—	—
BASEMENT LEVEL ONE	—	—
GROUND FLOOR	149.97m²	150m²
FIRST FLOOR	145.31m²	148m²
ROOF / SECOND FLOOR	10.5m²	32.5m²
TOTAL GFA	**305.78m²**	**330.5m²**

0 1m 2m 3m 4m 5m
SCALE 1:200 @ A3

No.	Date	Note	
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Project Address
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DA LODGEMENT

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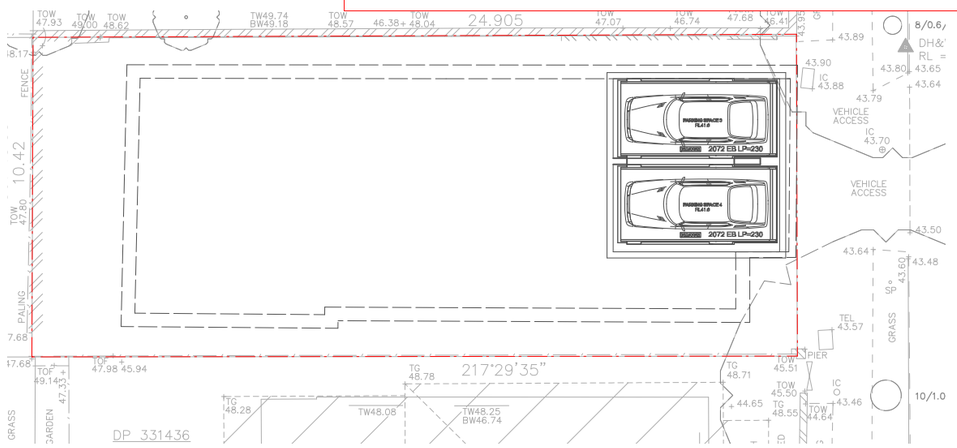
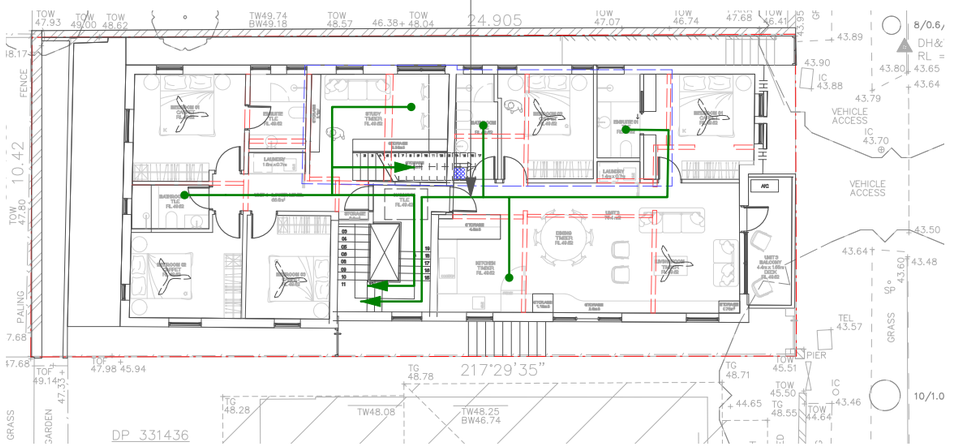
Drawing Name
FSR DIAGRAM 2

Date	Scale
JUNE 2023	1:200 @ A3
Job No. 02_2020	Rev. B
North	Dwg No. DA.1.04.08

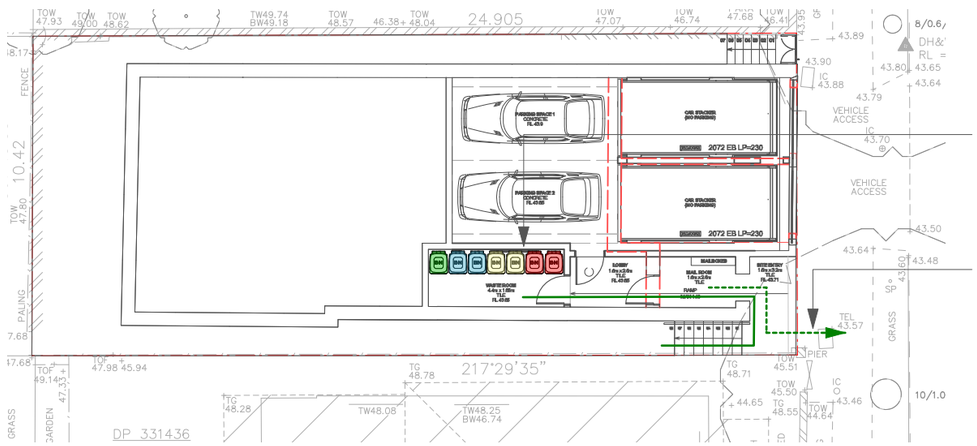
AMENDED PLANS



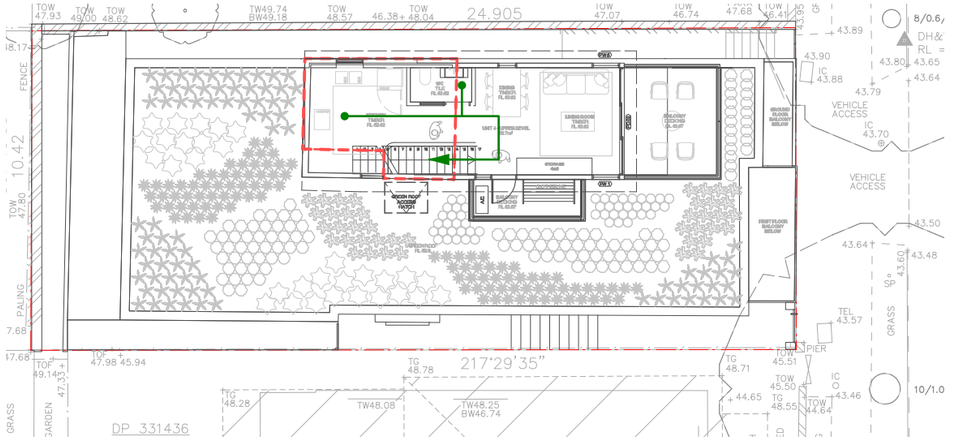
1 **WMP - PROPOSED BASEMENT LEVEL TWO FLOOR PLAN**
Scale: 1:200



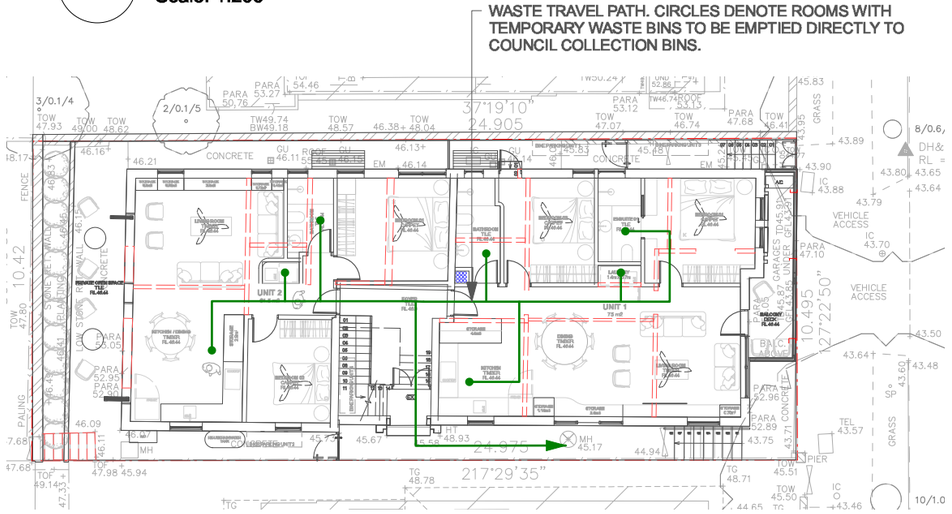
4 **WMP - PROPOSED FIRST FLOOR PLAN**
Scale: 1:200



2 **WMP - PROPOSED BASEMENT LEVEL ONE FLOOR PLAN**
Scale: 1:200



5 **WMP - PROPOSED SECOND FLOOR PLAN**
Scale: 1:200



3 **WMP - PROPOSED GROUND FLOOR PLAN**
Scale: 1:200

LEGEND:

BIN COUNCIL PROVIDED BINS

INTERNAL TEMPORARY WASTE COLLECTION POINTS

WASTE TRAVEL PATHS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

0 1m 2m 3m 4m 5m
SCALE 1:200 @ A3

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Drawing Name
WASTE MANAGEMENT PLAN

Date	Scale
JUNE 2023	1:200 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.04.09

RECEIVED
Waverley Council

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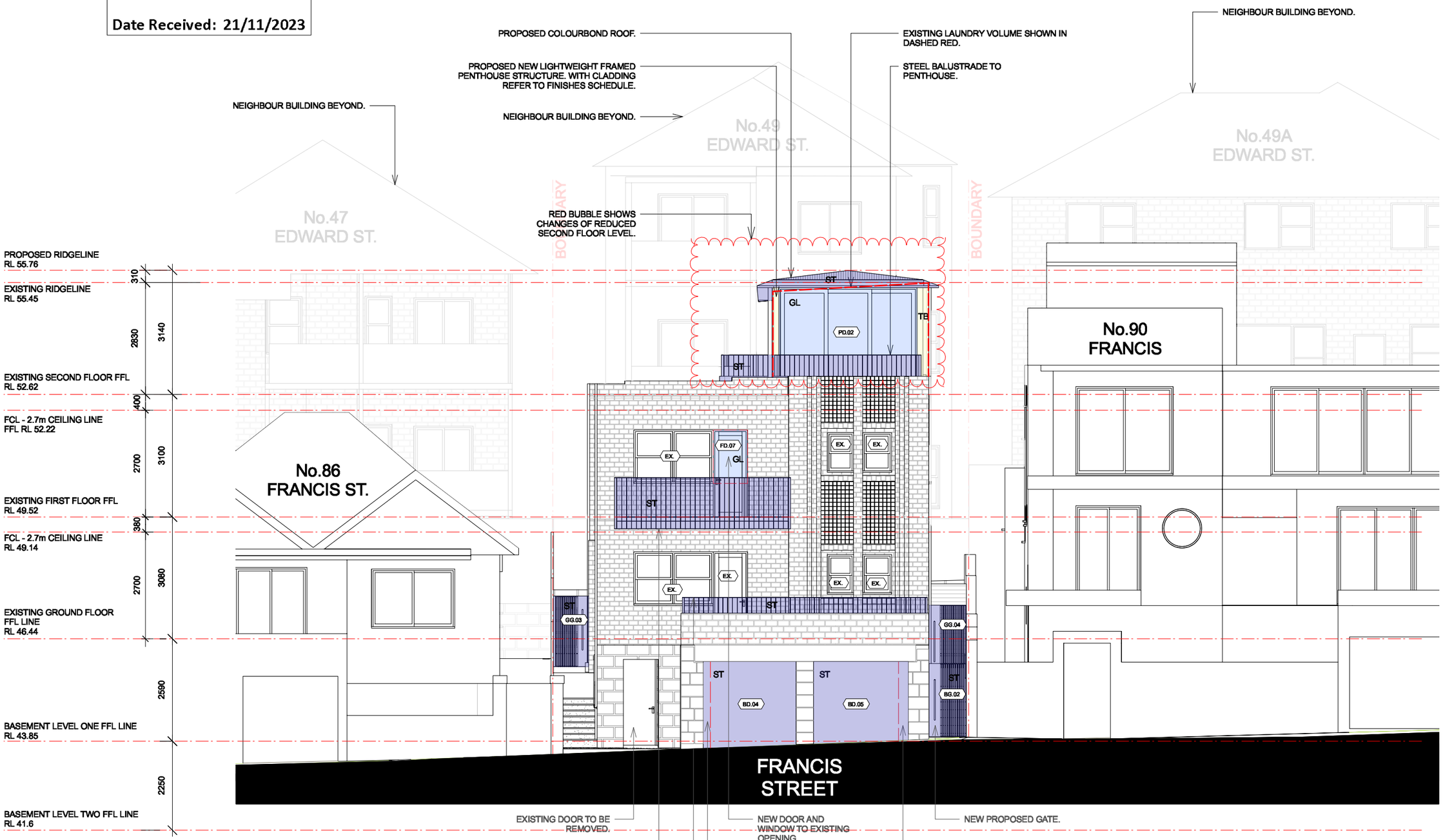
Date Received: 21/11/2023

AMENDED PLANS



MATERIAL - LEGEND:

- GL - GLASS
- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

1 NORTH EAST ELEVATION
Scale: 1:100

0 1m 2m 3m 4m 5m

SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/9/2023	FOR DA LODGEMENT	MF

Stirling&Andie

5 ALEXANDER ST,
CROWS NEST NSW 2065
REG. 10075 ABN 17 627 147 602
cassie@stirlingandandie.com
0422 412 449

Client:
Angel Hersch Francis Street Pty Limited

Project Address:
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage:
DA LODGEMENT

General Notes:
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH BUILDING ACT 1989, BUILDING REGULATIONS 2006 AND BCA AND RELEVANT STANDARDS.

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Drawing Name:
NORTH EAST ELEVATION

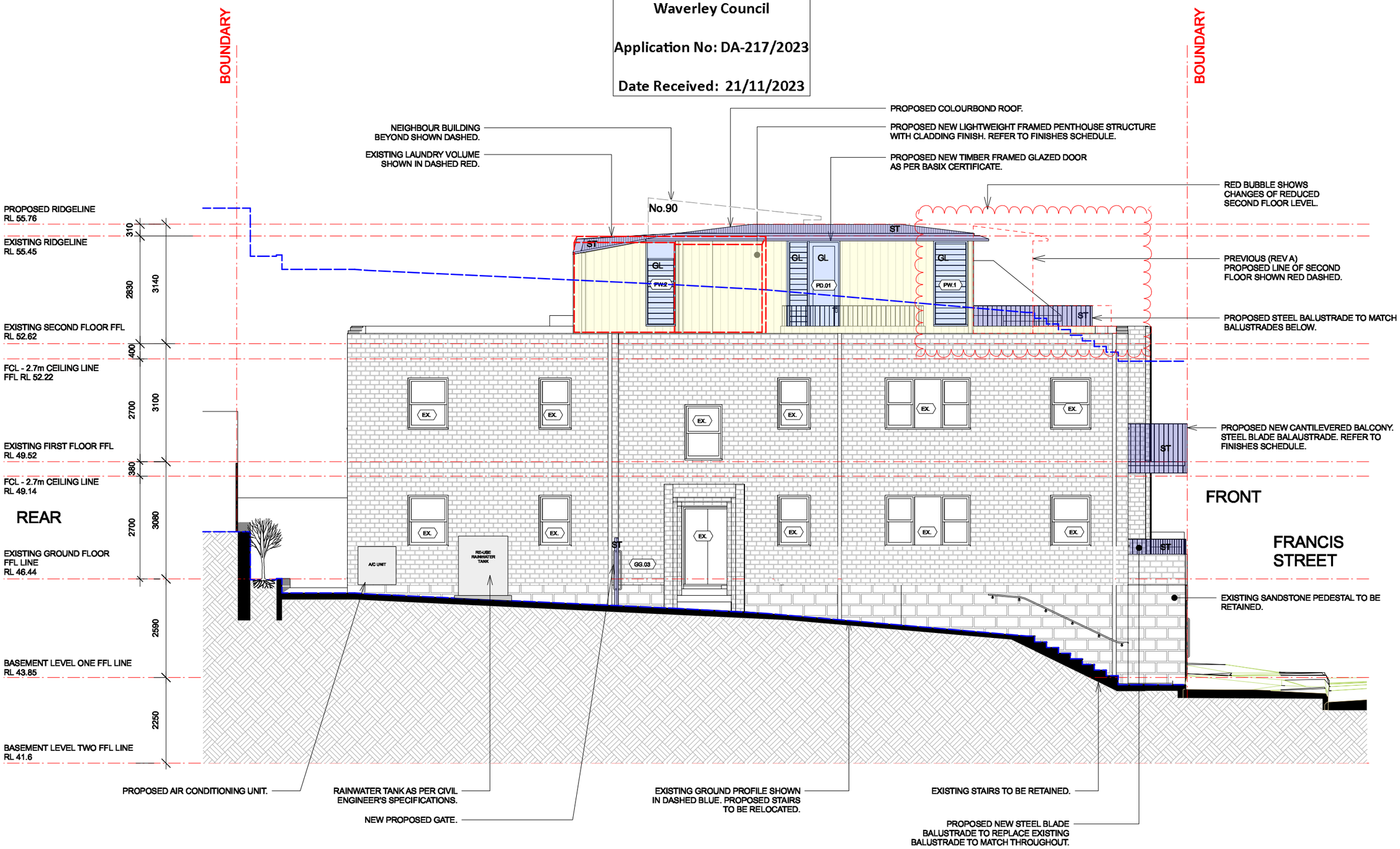
Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.05.01

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023



MATERIAL - LEGEND:

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- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

1 SOUTH EAST ELEVATION
Scale: 1:100

0 1m 2m 3m 4m 5m

SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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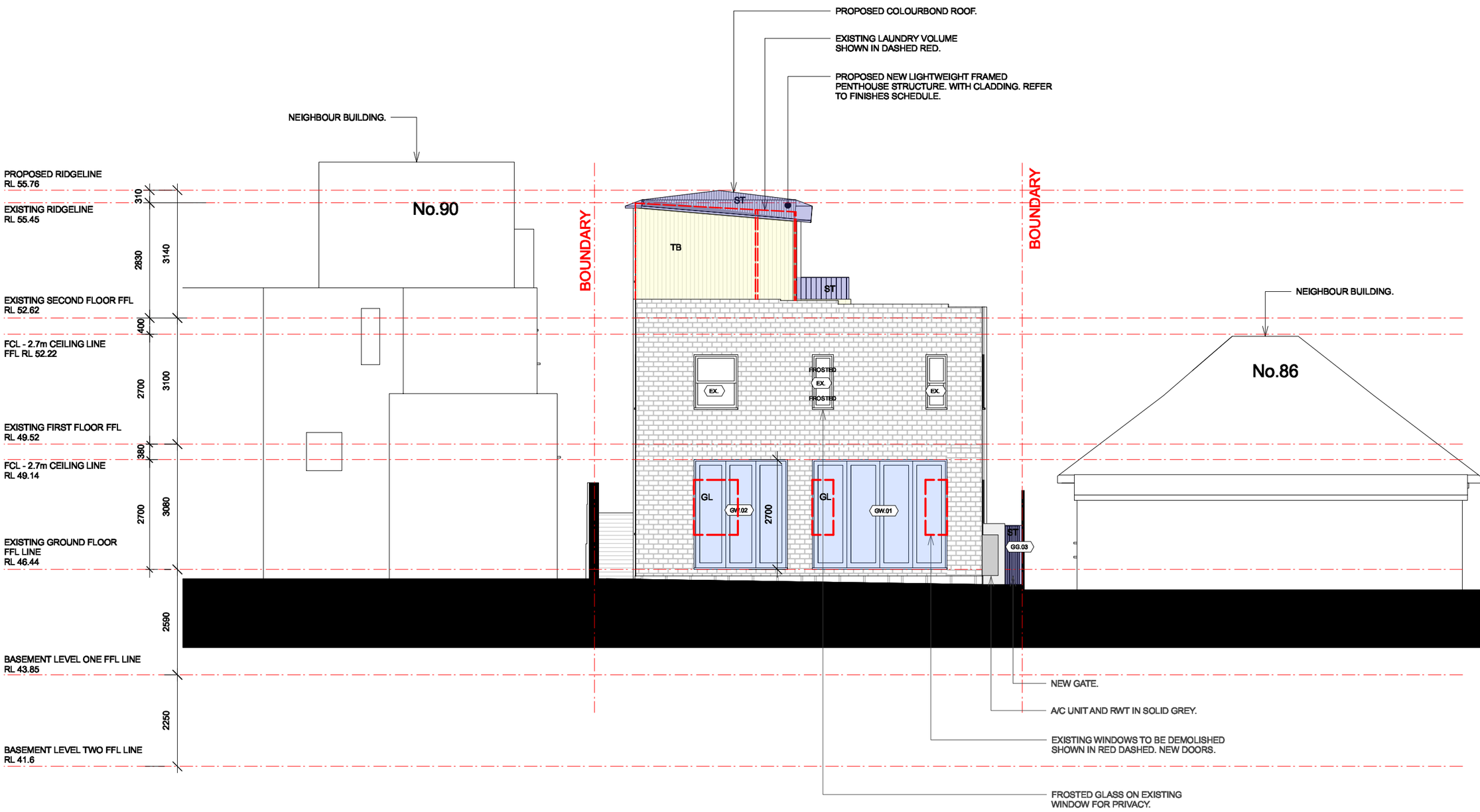
Drawing Name
SOUTH EAST ELEVATION

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.05.02

AMENDED PLANS



MATERIAL - LEGEND:

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- BR - BRICK
- TM - TIMBER
- ST - STEEL
- CN - CONCRETE
- RN - RENDER
- PV - PAVING
- FIRE RATED PARTY WALL
- LANDSCAPE

1 SOUTH WEST ELEVATION
Scale: 1:100

RECEIVED
Waverley Council

Application No: DA-217/2023

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0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
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Drawing Name
SOUTH WEST ELEVATION

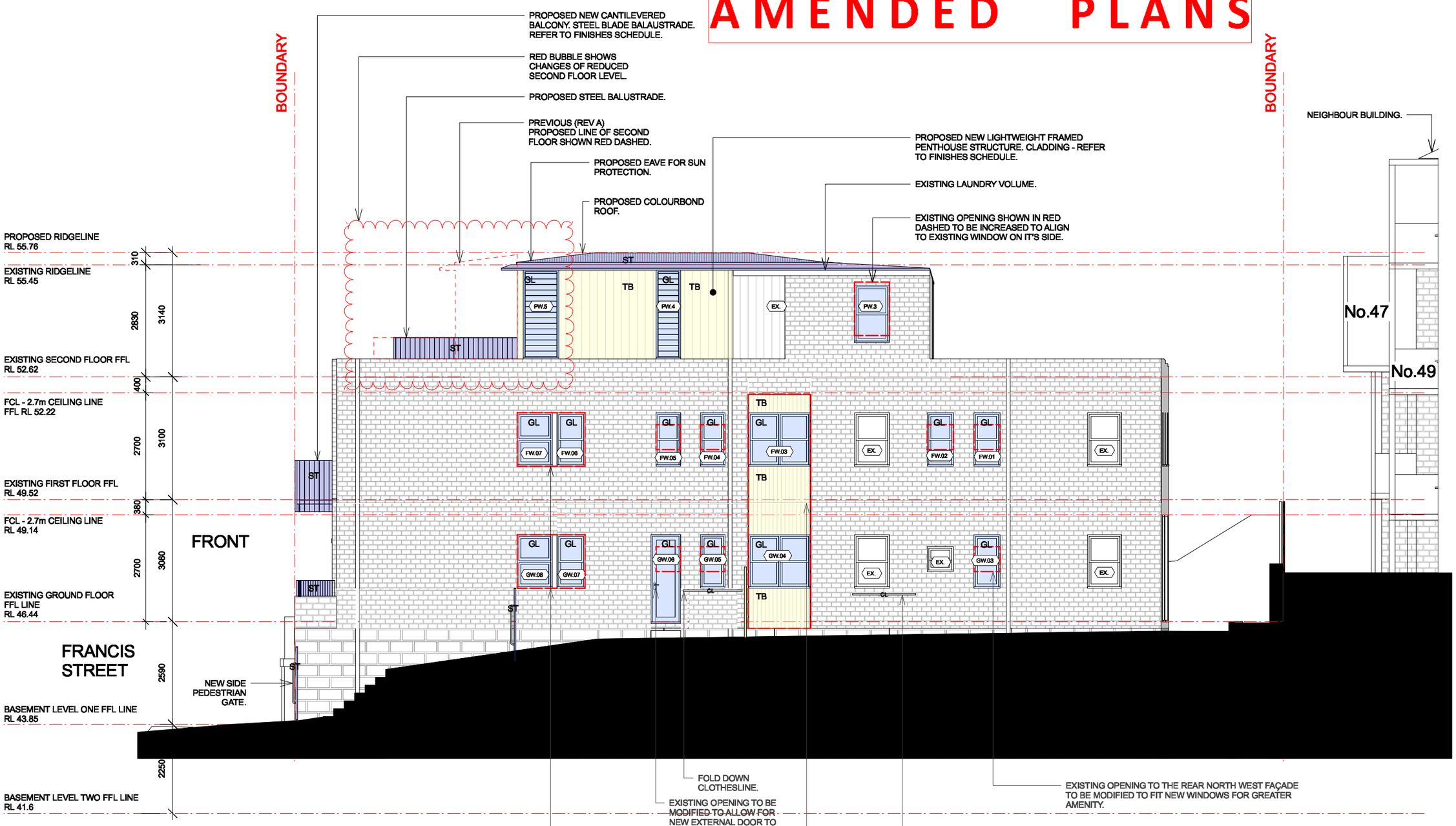
Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.05.03

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

AMENDED PLANS



REAR

MATERIAL - LEGEND:

- GL - GLASS
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1 NORTH WEST ELEVATION
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

No.	Date	Note	
B	9/11/2023	REDUCED SECOND FLOOR DA	CH
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Stirling & Andie

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Stage
DA LODGEMENT

General Notes
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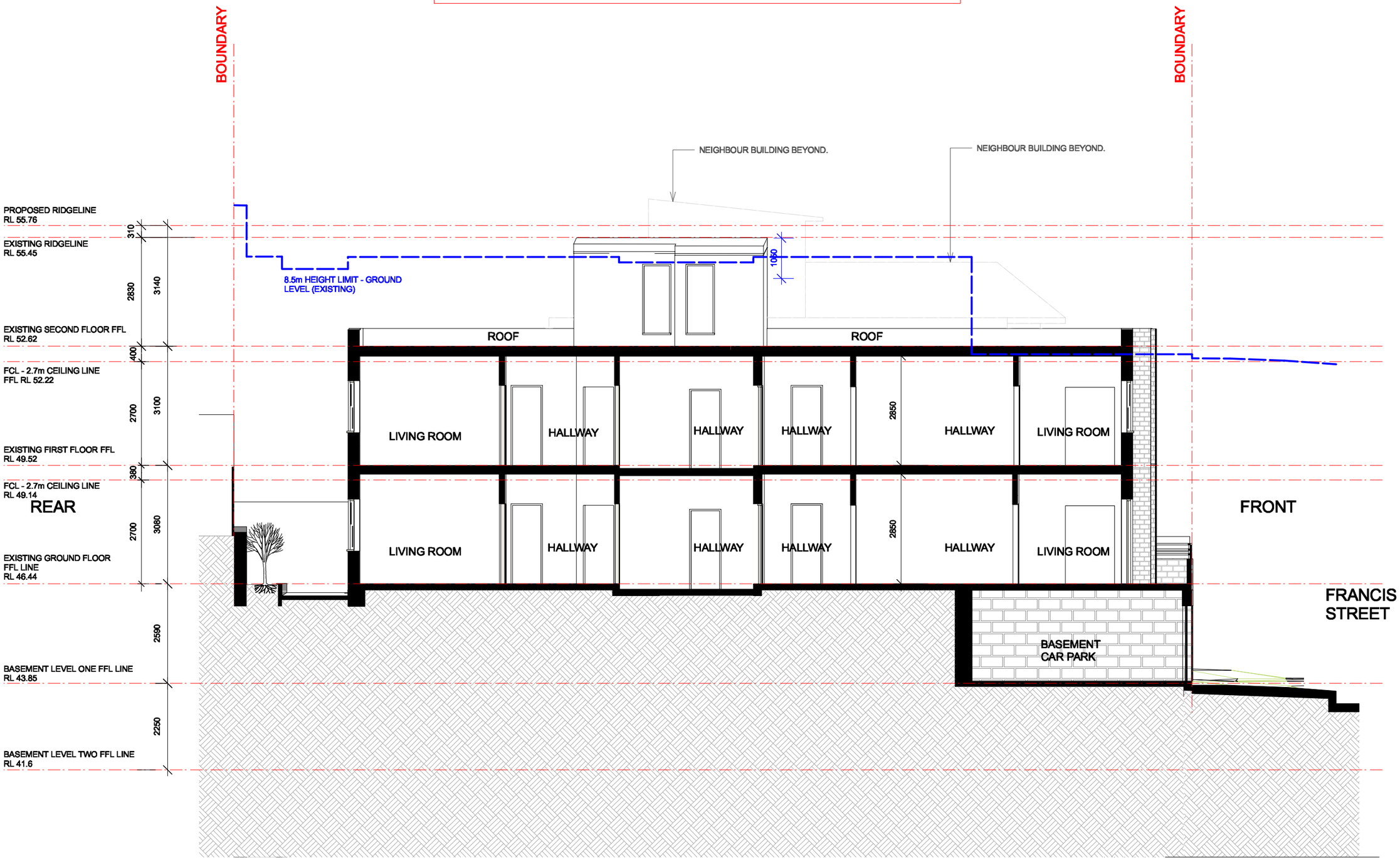
Drawing Name
NORTH WEST ELEVATION

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.05.04

AMENDED PLANS



MATERIAL - LEGEND:

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1 EXISTING SECTION AA
Scale: 1:100

RECEIVED
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Application No: DA-217/2023

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0 1m 2m 3m 4m 5m
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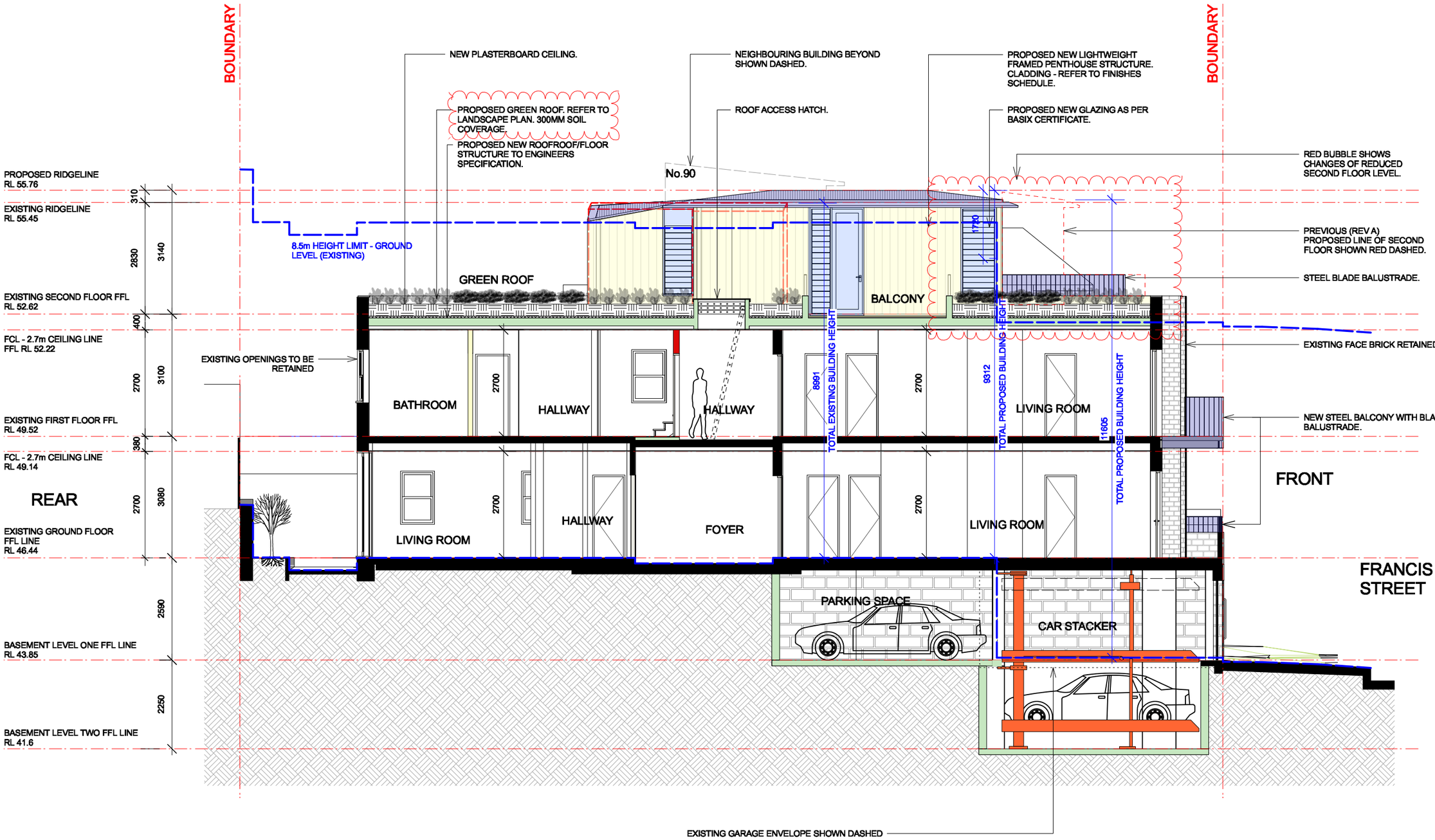
Drawing Name
EXISTING SECTION AA

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.06.01

AMENDED PLANS



MATERIAL - LEGEND:

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- LANDSCAPE

1 PROPOSED SECTION AA
Scale: 1:100

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

0 1m 2m 3m 4m 5m

SCALE 1:100 @ A3

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A	14/6/2023	FOR DA LODGEMENT	MF

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Stage
DA LODGEMENT

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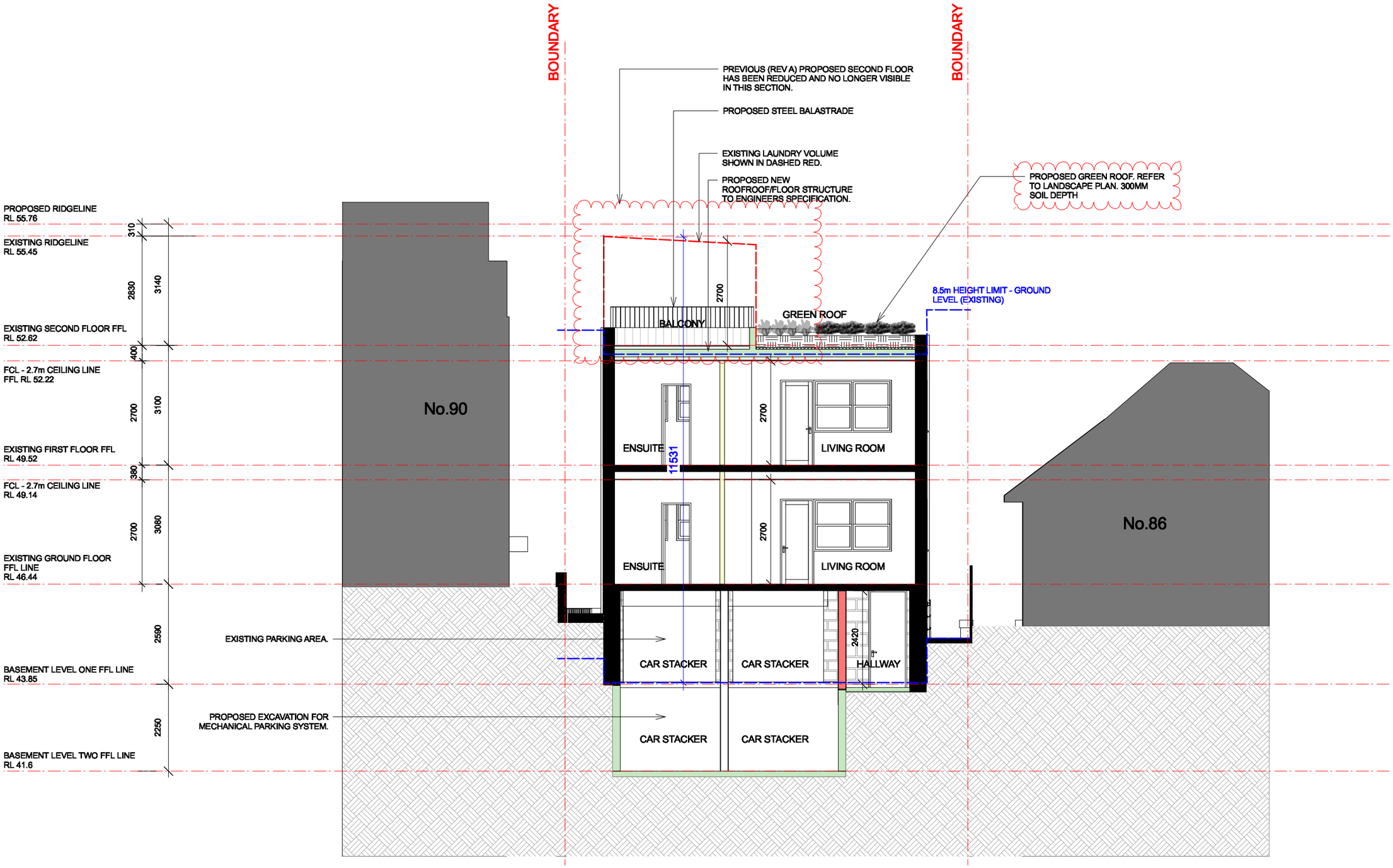
Drawing Name
PROPOSED SECTION AA

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.06.02

AMENDED PLANS



MATERIAL - LEGEND:

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1 PROPOSED SECTION BB
Scale: 1:100

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

0 1m 2m 3m 4m 5m

SCALE 1:100 @ A3

No.	Date	Note	
B	6/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

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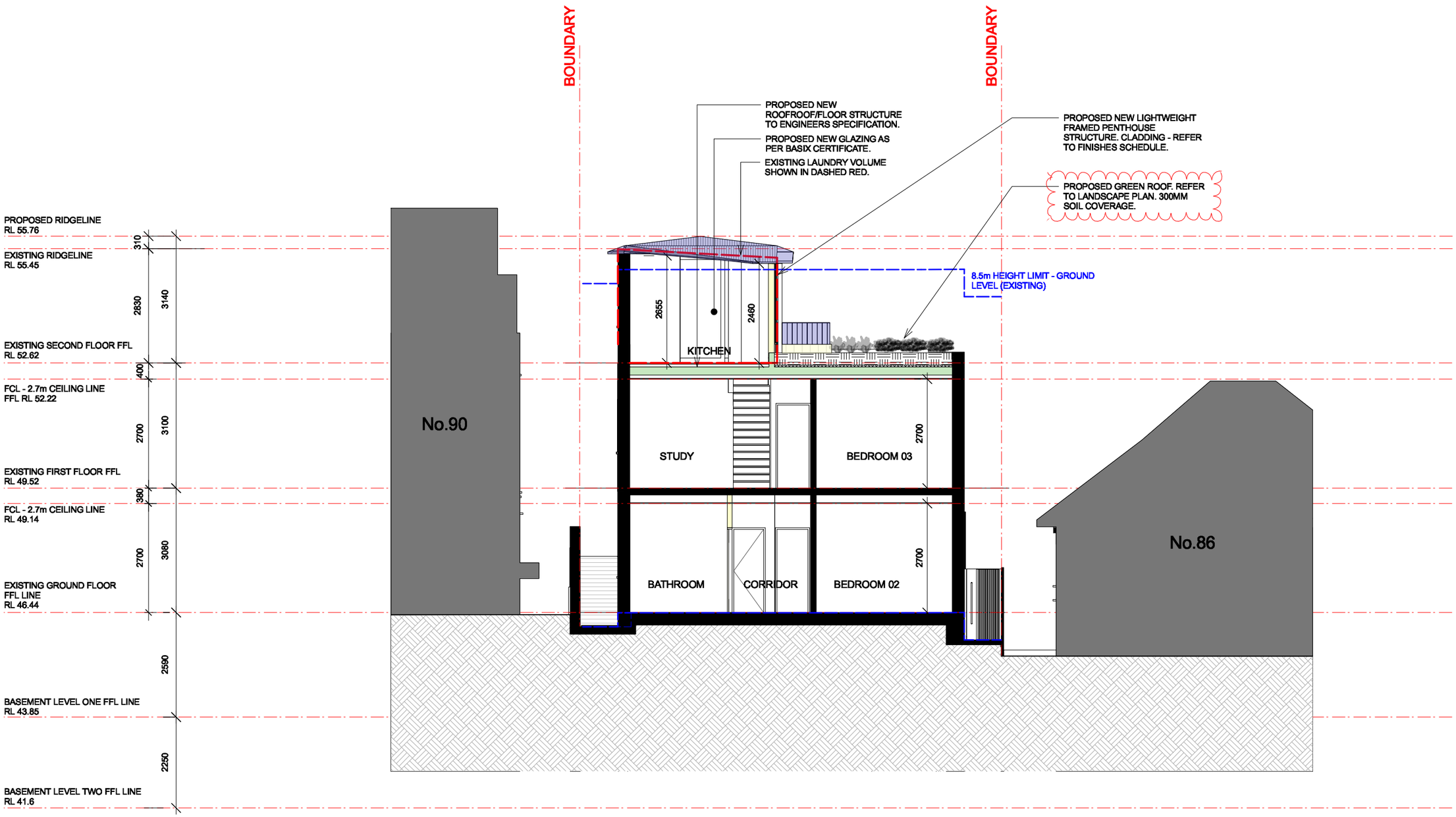
Drawing Name
PROPOSED SECTION BB

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.06.03

AMENDED PLANS



MATERIAL - LEGEND:

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- LANDSCAPE

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

1 PROPOSED SECTION CC
Scale: 1:100

0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

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B	9/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

Stirling&Andie
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Client
Angel Hersch Francis Street Pty Limited

Project Address
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

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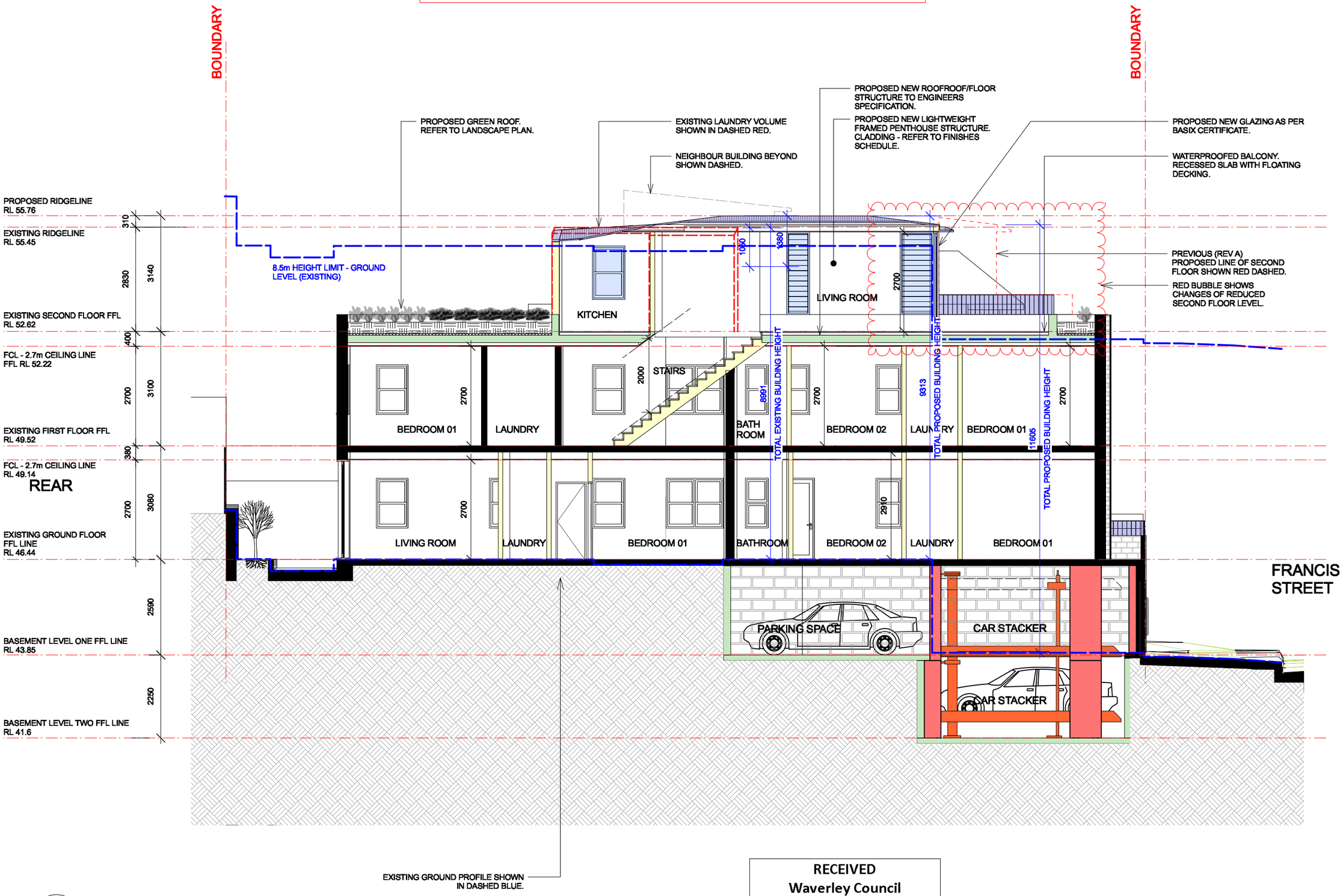
Drawing Name
PROPOSED SECTION CC

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.06.04

AMENDED PLANS



MATERIAL - LEGEND:

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1 PROPOSED SECTION DD
Scale: 1:100

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Waverley Council
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0 1m 2m 3m 4m 5m
SCALE 1:100 @ A3

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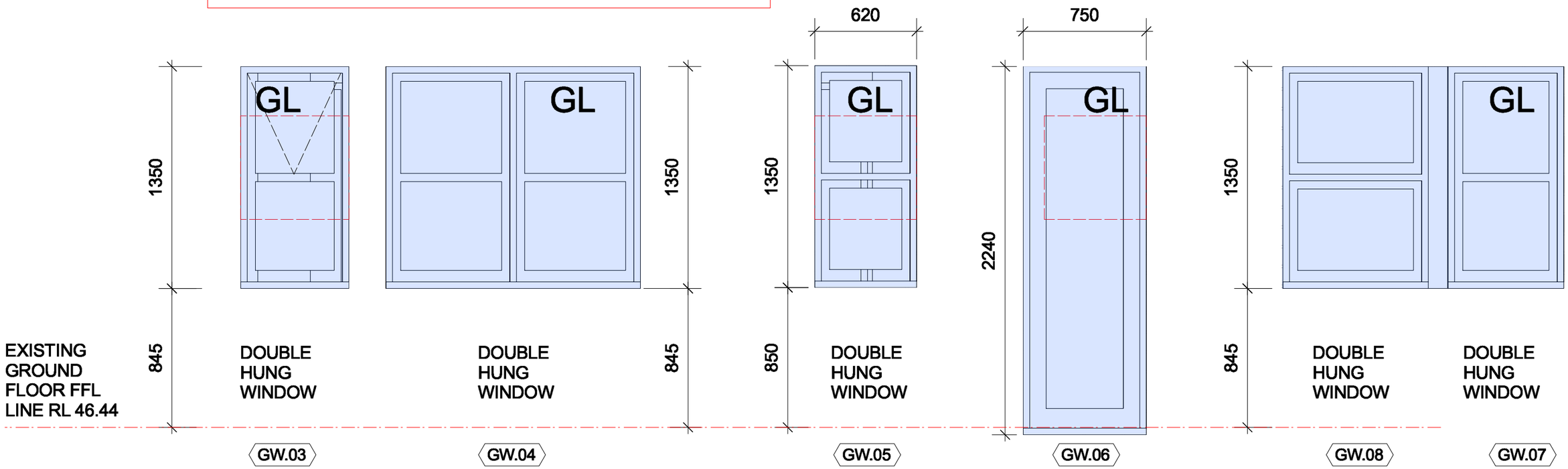
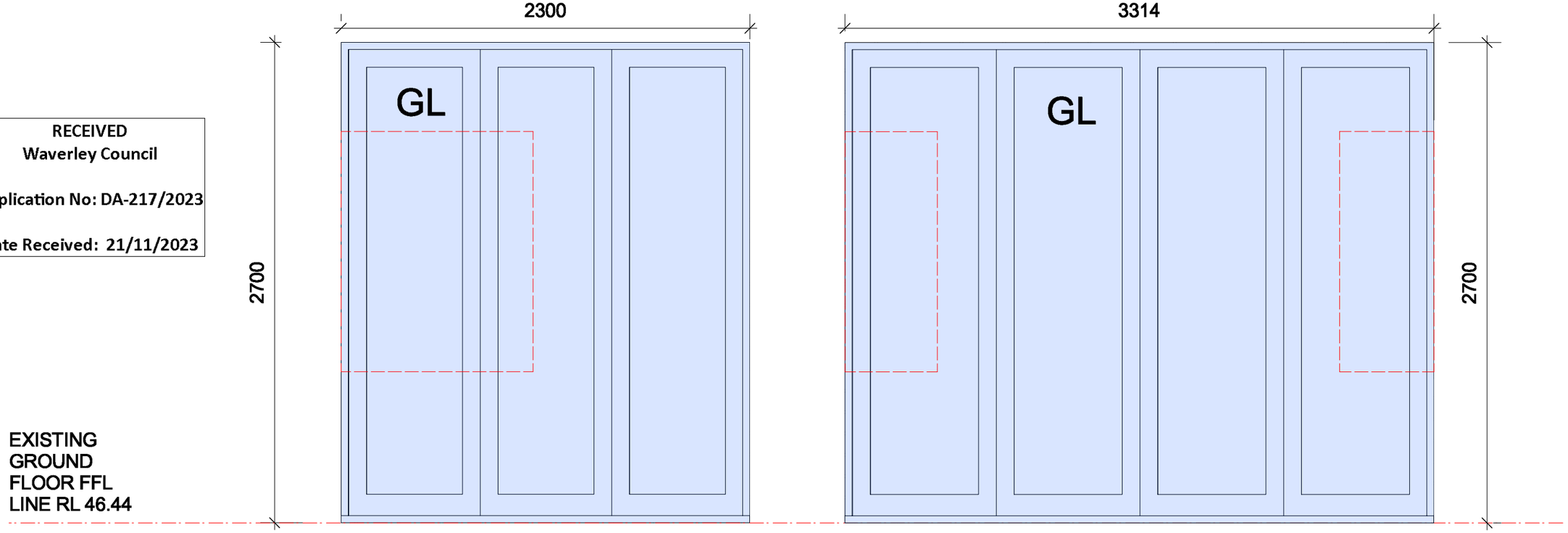
Drawing Name
PROPOSED SECTION DD

Date	Scale
JUNE 2023	1:100 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.06.05

AMENDED PLANS





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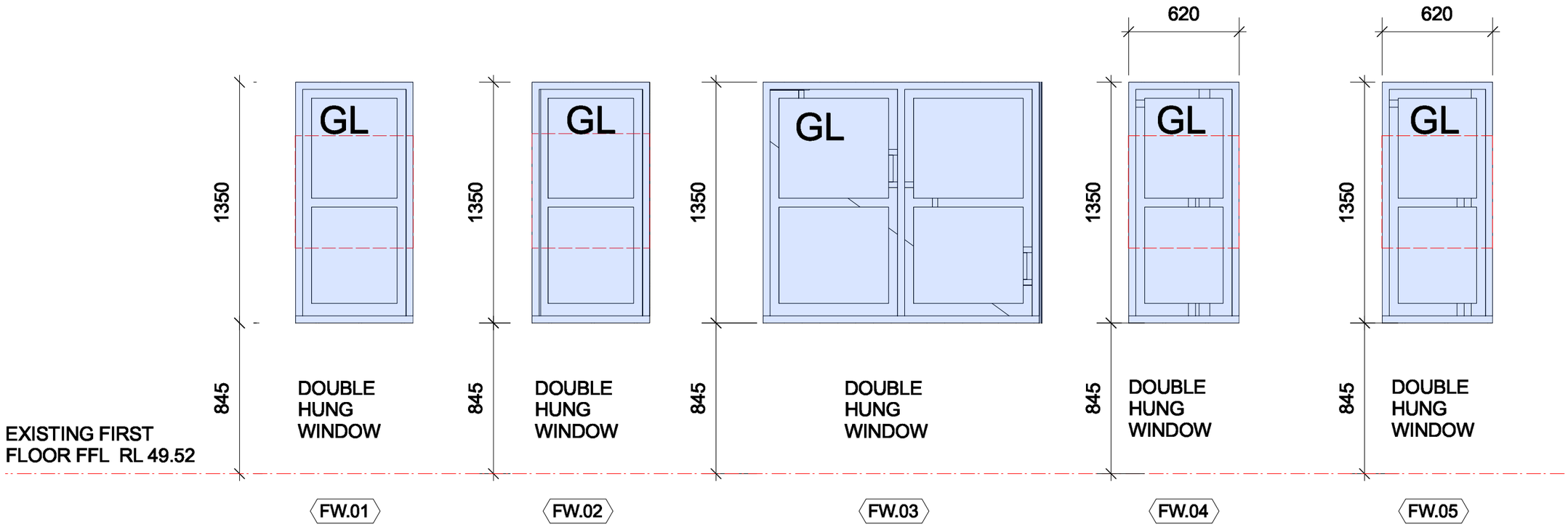
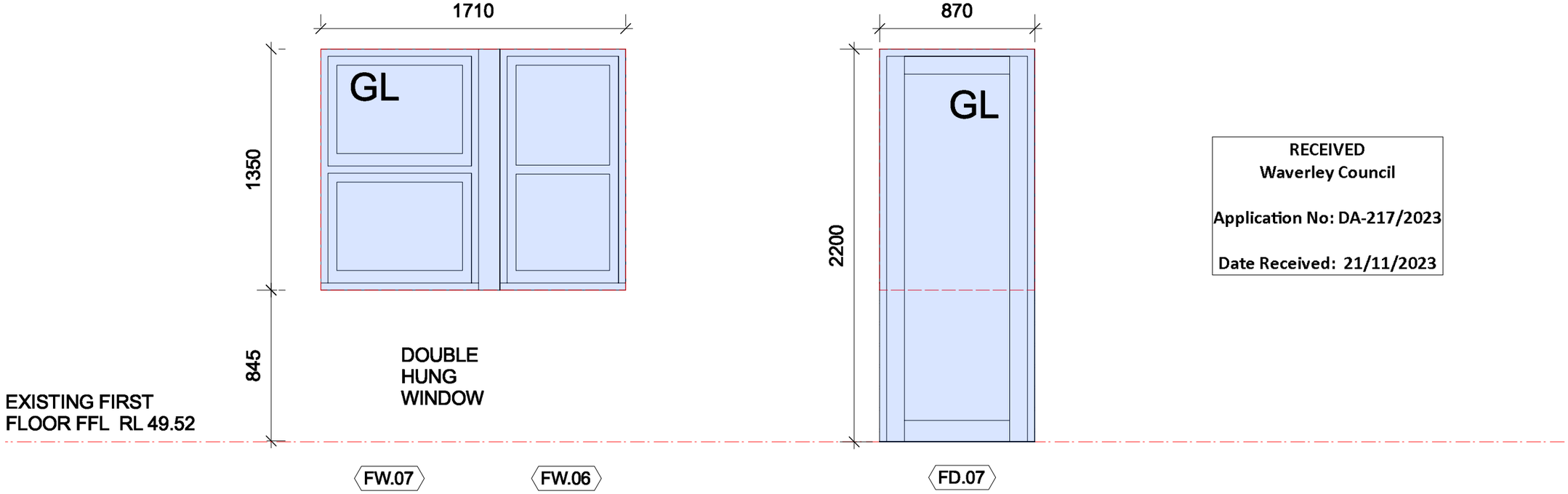
Drawing Name
WINDOW SCHEDULE - GF

Date	Scale
JUNE 2023	1:25 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.11.00

AMENDED PLANS





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0 1m

SCALE 1:25 @ A3

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No.	Date	Note	

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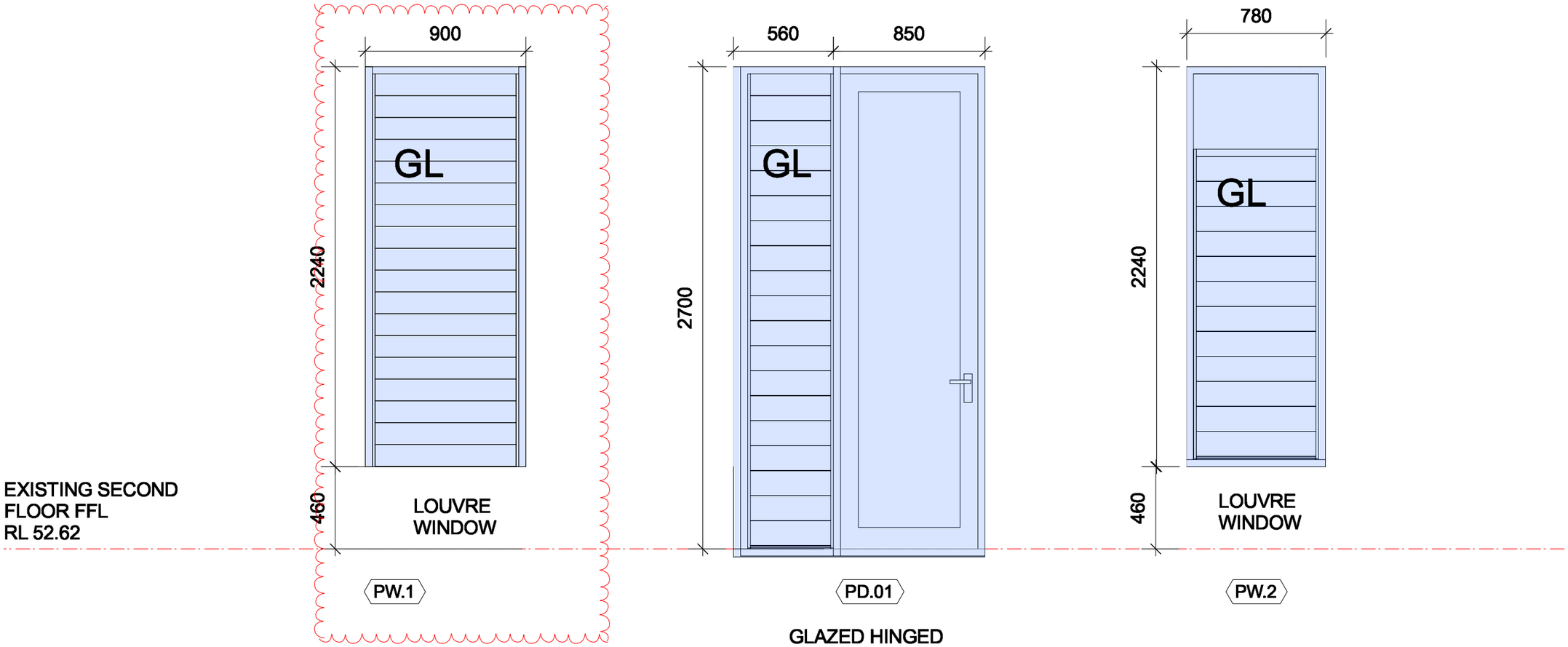
Drawing Name
WINDOW SCHEDULE - FF

Date: JUNE 2023	Scale: 1:25 @ A3
Job No.: 02_2020	Rev.: B
Width	Dwg No.: DA.1.11.01



GLAZED HINGED DOOR

RECEIVED
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AMENDED PLANS

0 1m

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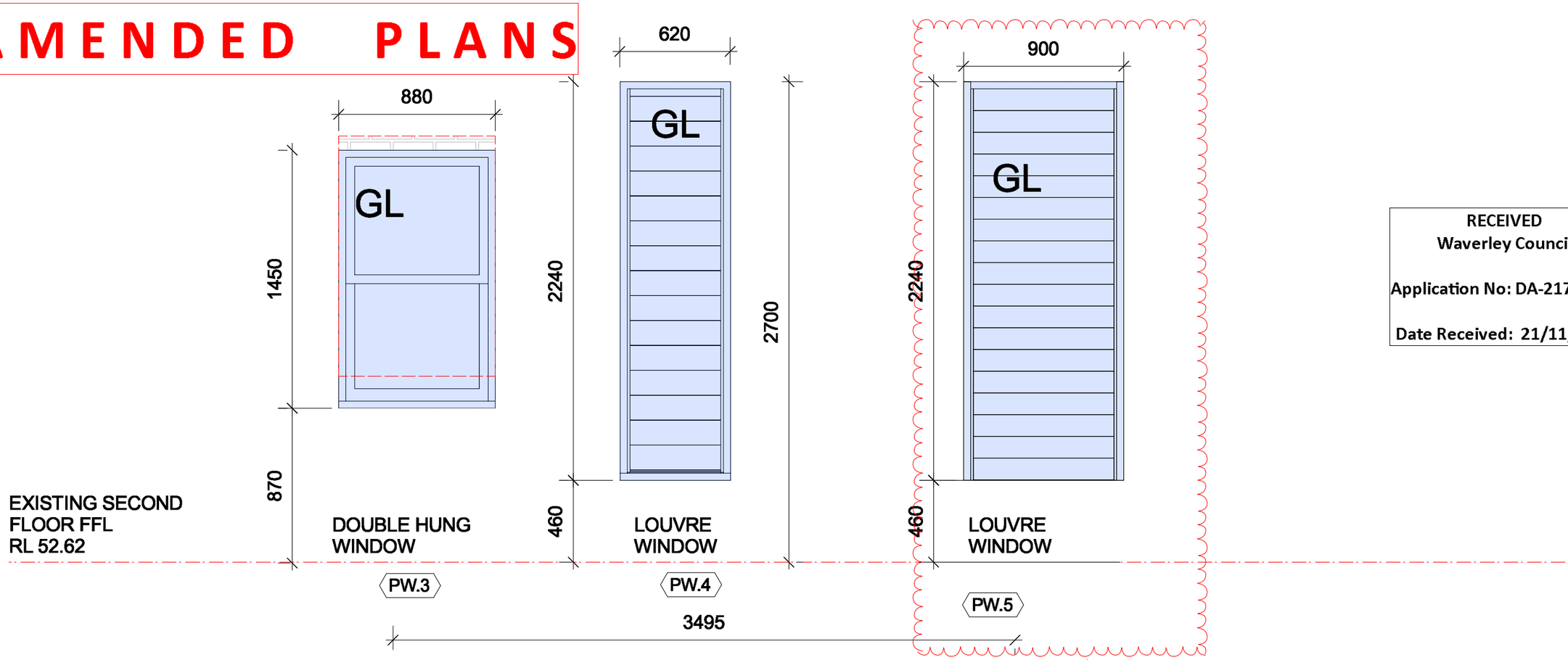
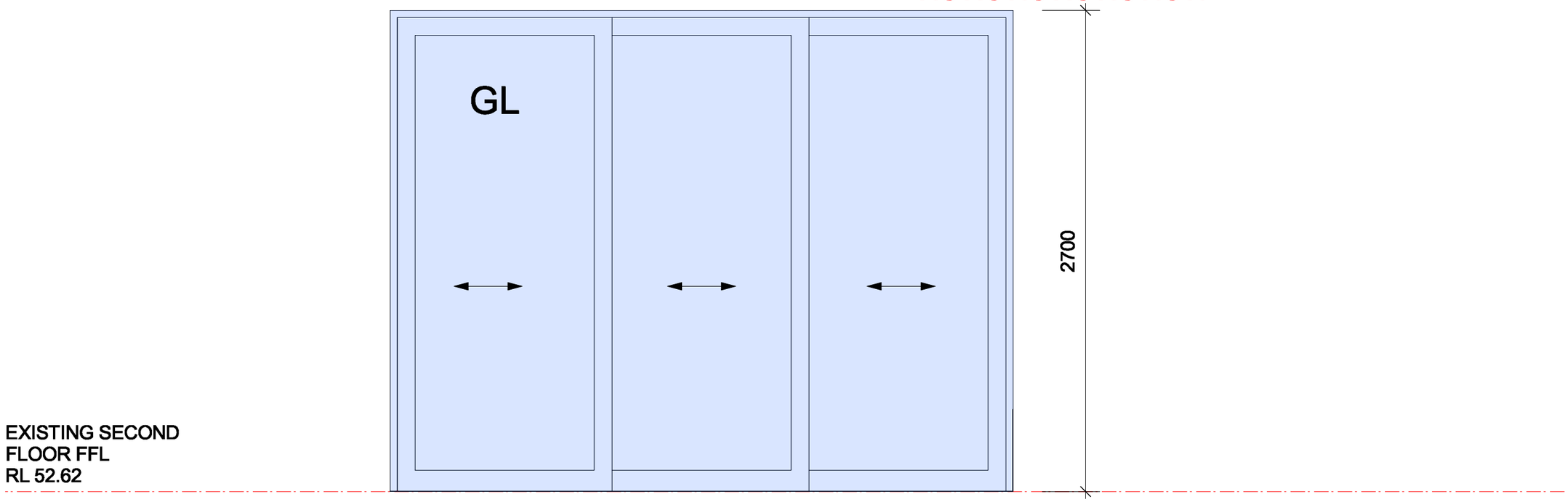
Drawing Name

WINDOW SCHEDULE
- SF

Date	Scale
JUNE 2023	1:25 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.11.02

AMENDED PLANS





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Rev.	Date	Note	
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A	14/6/2023	FOR DA LODGEMENT	MF

Stirling&Andie

5 ALEXANDER ST,
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REG. 10075 ABN 17 627 147 602
cassie@stirlingandandie.com
0422 412 449

Client

Angel Hersch Francis Street Pty Limited

Project Address

88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage

DA LODGEMENT

General Notes

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH BUILDING ACT 1989, BUILDING REGULATIONS 2008 AND BCA AND RELEVANT STANDARDS.

ALL MATERIALS & METHODS OF CONSTRUCTION SHALL COMPLY WITH RELEVANT S.A.A CODES, B.C.A AND LOCAL COUNCIL REQUIREMENTS.

DRAWINGS TO BE READ IN CONJUNCTION WITH ANY RELEVANT STRUCTURAL ENGINEERING, CIVIL ENGINEERING, SCHEDULES AND SPECIFICATIONS.

Drawing Name

WINDOW SCHEDULE - SF2

Date	Scale
JUNE 2023	1:25 @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.11.03

NEIGHBOUR OUTLOOK PHOTOMONTAGE

AMENDED PLANS

CAMERA MATCH:
OPPOSITE FOOTPATH ON FRANCIS STREET

EXISTING

PROPOSED RENDER ON TOP OF EXISTING PHOTO

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

No.	Date	Note	
B	09/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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Drawing Name

CAMERA MATCH

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.12.00

NEIGHBOUR OUTLOOK PHOTOMONTAGE

AMENDED PLANS

CAMERA MATCH:
OPPOSITE FOOTPATH ON FRANCIS STREET

EXISTING

PROPOSED RENDER ON TOP OF EXISTING PHOTO

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Project Address
88 FRANCIS STREET,
BONDI BEACH NSW 2026

Stage
DA LODGEMENT

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Drawing Name
CAMERA MATCH

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.12.01

NEIGHBOUR OUTLOOK PHOTOMONTAGE

CAMERA MATCH:
OPPOSITE FOOTPATH ON FRANCIS STREET

AMENDED PLANS

EXISTING

PROPOSED RENDER ON TOP OF EXISTING PHOTO

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

No.	Date	Note	
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A	14/6/2023	FOR DA LODGEMENT	MF

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Angel Hersch Francis Street Pty Limited

Project Address

88 FRANCIS STREET,
BONDI BEACH NSW 2026

Stage

DA LODGEMENT

General Notes

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Drawing Name

CAMERA MATCH

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.12.02

NEIGHBOUR OUTLOOK PHOTOMONTAGE

AMENDED PLANS

CAMERA MATCH:
OPPOSITE FOOTPATH ON FRANCIS STREET

EXISTING

PROPOSED RENDER ON TOP OF EXISTING PHOTO

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

No.	Date	Note	
B	09/11/2023	REDUCED SECOND LEVEL DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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Angel Hersch Francis Street Pty Limited

Project Address

88 FRANCIS STREET,
BONDI BEACH NSW 2026

Stage

DA LODGEMENT

General Notes

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Drawing Name

CAMERA MATCH

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.12.03

NEIGHBOUR OUTLOOK RENDERS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

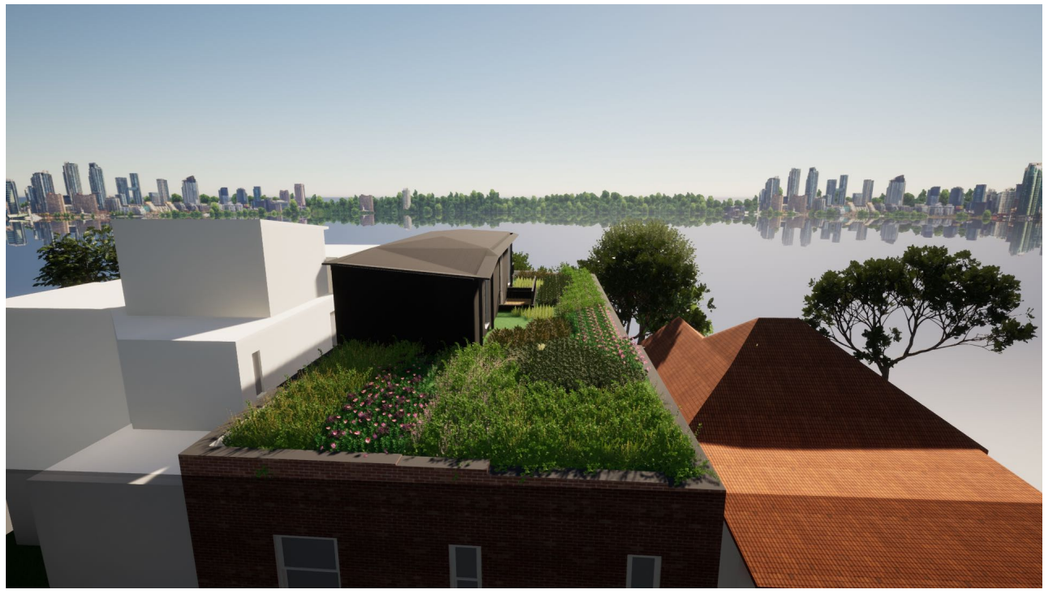
AMENDED PLANS

EXISTING RENDER

VIEW FROM BUILDING No. 49, BALCONY OF LEVEL 3.
BALCONY RL: 55.50
APPROXIMATE EYE (VIEW) LEVEL: 1.8m HIGH HUMAN = RL 57.3

PROPOSED RENDER

VIEW FROM BUILDING No. 49, BALCONY OF LEVEL 3.
BALCONY RL: 55.50
APPROXIMATE EYE (VIEW) LEVEL: 1.8m HIGH HUMAN = RL 57.3

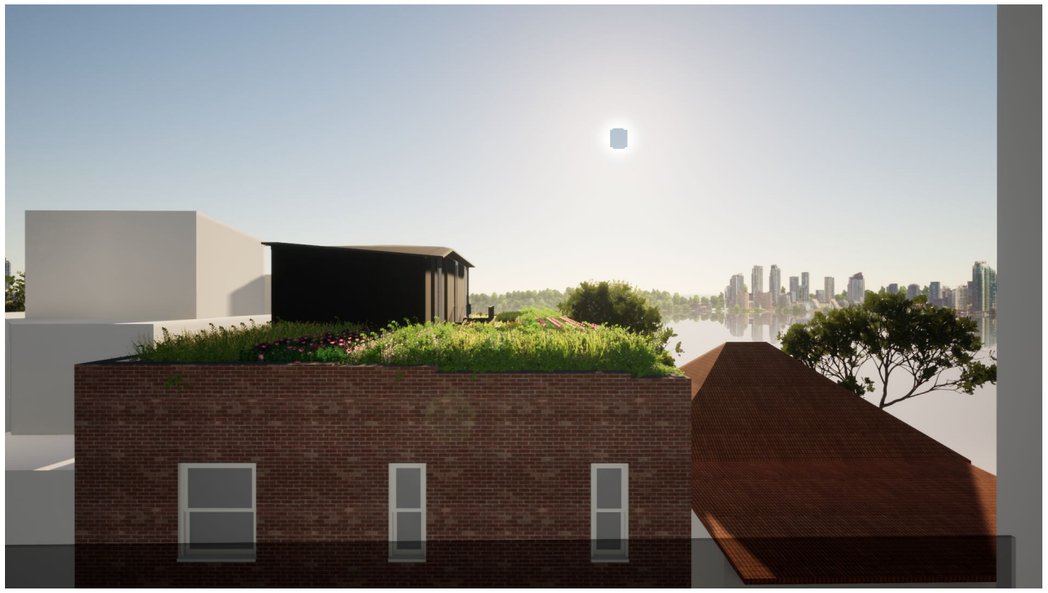


EXISTING RENDER

VIEW FROM BUILDING No. 49, BALCONY OF LEVEL 2.
BALCONY RL: 52.33
APPROXIMATE EYE (VIEW) LEVEL: 1.8m HIGH HUMAN = RL 54.13

PROPOSED RENDER

VIEW FROM BUILDING No. 49, BALCONY OF LEVEL 2.
BALCONY RL: 52.33
APPROXIMATE EYE (VIEW) LEVEL: 1.8m HIGH HUMAN = RL 54.13



No.	Date	Note	
B	09/11/2023	REDUCED SECOND FLOOR DA	CH
A	14/6/2023	FOR DA LODGEMENT	MF

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Client
Angel Hersch Francis Street Pty Limited

Project Address
88 FRANCIS STREET, BONDI BEACH NSW 2026

Stage
DA LODGEMENT

General Notes
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Drawing Name
RENDERS

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.12.06

AMENDED PLANS

PROPOSED RENDERS

RECEIVED
Waverley Council

Application No: DA-217/2023

Date Received: 21/11/2023

No.	Date	Note	
B	09/11/2023	REDUCED SECOND FLOOR DA	CH
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DA LODGEMENT

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RENDERS

Date	Scale
JUNE 2023	N/A @ A3
Job No.	Rev.
02_2020	B
North	Dwg No.
	DA.1.13.00

Report to the Waverley Local Planning Panel

Application number	DA-101/2023
Site address	483 Old South Head Road ROSE BAY
Proposal	Demolition of buildings and ancillary structures and construction of a new three-storey commercial building PAN-320480
Date of lodgement	1 May 2023
Owner	Sydpro Investment 2 P/L
Applicant	Place Studio Au P/L
Submissions	18 submissions
Cost of works	$3,503,122
Principal Issues	• Amenity • Character • Loss of affordable housing
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.
SITE MAP	

1. PREAMBLE

1.1 Executive Summary

The development application seeks consent for the demolition of the existing buildings and ancillary structures on the site and construction of a new three-storey commercial building at 483 Old South Head Road, Rose Bay.

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

- amenity of surrounding properties
- character of the Rose Bay Local Village Centre and design excellence
- loss of existing affordable housing.

The assessment finds these issues acceptable as discussed within this report.

A total number of 18 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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

1.2 Site and Surrounding Locality

A site visit was carried out on 27 June 2023.

The site is identified as Lot 2 in DP 5169 known as 483 Old South Head Road, Rose Bay. It is located on the eastern side of Old South Head Road between Liverpool Street to the north and Onslow Street to the south.

The site is irregular in shape with a frontage to Old South Head Road measuring 15.24m with a depth measuring 40.235m. The site has an area of 583m^2 and is relatively flat.

A two-storey mixed use development, comprising two ground level shops and residential apartments on ground and first floor levels, occupies the site. The site does not have any vehicular access or off-street carparking.

The subject site is within the local village centre of Rose Bay and is adjoined by three and four-storey shop top housing and mixed use developments on either side to the north and south and a four-storey residential flat building to the east (rear) at 1A Liverpool Street. The locality is characterised by a variety of residential and commercial development, including shop top housing and residential flat buildings.

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

Figure 1: Subject site frontage to Old South Head Road.

Figure 2: Streetscape within the Rose Bay South Local Village Centre to the north of the site.

Figure 3: Streetscape within the Rose Bay South Local Village Centre to the south of the site.

Figure 4: Rear elevation of the existing building.

Figure 5: Existing rear yard (residential flat building located at 1A Liverpool Street in the background)

Figure 6: Southern elevation of adjoining mixed use building to the north at No. 485 Old South Head Road.

Figure 7: Southern elevation and rear balconies at No. 485 Old South Head Road to the north of the site as viewed from the rear yard.

Figure 8: Adjoining shop top housing to the south at No. 481 Old South Head Road as viewed from the rear yard.

Figure 9: Existing northern side setback between site and No. 485.

Figure 10: Existing southern side setback between site and No. 481.

1.3 Relevant Development History

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

- **DA-423/2016** for partial demolition, alterations to shops and additions of units, together with new two-storey maisonette style apartments at the rear and above and construction of two townhouses at the eastern end of the property and strata subdivision was withdrawn by the applicant on 2 March 2017.
- **DA-501/2017** for partial demolition of the existing building, alteration and additions together with remodelling of two shops and additions to the apartments at the rear and new units above the shops was approved by the Waverley Local Planning Panel (WLPP) on 25 July 2018.

1.4 Proposal

The development application seeks consent for the demolition of the existing building and structures on the site and construction of a three-storey commercial building containing ten commercial tenancies. The proposed building will provide the following:

Ground floor level:

- a retail shop opening to Old South Head Road;
- a commercial tenancy at the rear with access to the rear yard;
- waste storage with access directly to Old South Head Road;
- entry along the southern boundary of the site to the rear and upper level tenancies with associated booster and mail boxes; and
- sanitary facilities, lift and stair core and circulation corridors.

First and second floor level:

- four commercial tenancies on each level (total of eight);
- rear balconies; and
- sanitary facilities, lift and stair core and circulation corridors.

No parking is provided on site and no operational hours or uses for individual tenancies are sought as part of this application.

1.5 Background

The development application was lodged on 1 May 2023 and additional information (Stop the Clock) was requested on 3 May 2023 as follows:

1. Inadequate shadow diagrams.
2. Inadequate landscape plan.
3. Statement of Environmental Effects to be amended to address changes to the Waverley Local Environmental Plan (Waverley LEP 2012) under reforms to employment zones in NSW.

Amended plans and documentation were received on 16 May 2023 and the application was subsequently notified to surrounding properties.

After preliminary assessment of the application, it was deferred on 19 July 2023 for the following matters to be addressed (summarised):

1. Design excellence including matters relating to street wall height, activation of the street front, the curved awning, streetscape character, solid facades, and location of bin storage.
2. Incorporation of side setbacks at the rear to improve solar access to the building to the south.
3. Address State Environmental Planning Policy (Housing) 2021 (Housing SEPP).
4. Energy Assessment Report.

5. Waste and Recycling.
6. Stormwater Management.

The amended plans received on 19 October 2023. Further information in regards to the streetscape and access to the front planter was provided by way of amended plans received on 27 November 2023 and form the basis of the assessment within this report.

2 ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 State Environmental Planning Policies (SEPPs)

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

- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for SEPP (Housing) 2021 as follows:

SEPP (Housing) 2021

Retention of existing affordable rental housing

Division 1, Chapter 2, Part 3 of SEPP (Housing) 2021 relates to the development as the existing building contains low rental dwellings. This Part of the Housing SEPP 2021 allows Council to consider charging the developer a monetary contribution if a development application is considered to result in a reduction of bedrooms in low rental dwellings. The monetary contribution is calculated using a formula, varies depending on how many bedrooms of low rental dwellings are being lost, and goes towards a NSW State Government affordable housing program.

The existing building contains affordable housing. All five existing units were leased at prices at, or below, the median rental price at least once in the five years prior to the lodgement of the application, and therefore can be considered as low-rental dwellings.

As outlined in Clause 47(3) of the Housing SEPP, sufficient comparable accommodation is deemed to be unavailable to mitigate the impact of the proposal, if for the three months occurring immediately before the development application is lodged, the average vacancy rate in private rental accommodation for Sydney, as published monthly by the Real Estate Institute of New South Wales, is less than 3%.

The Inner Sydney (includes Waverley, Woollahra, Randwick etc.) rental vacancy rate as of October 2022 (most recent report at time of lodgment in October 2022) was 2.3%. Given this rate is less than 3% there is insufficient comparable accommodation to satisfy the demand for affordable rental housing.

As the proposal will contribute to the loss of affordable rental housing within Waverley, it is considered that the extent of the proposed loss can be mitigated through the provision of a monetary contribution of $312,075 formulated in accordance with Clause 48 of the Housing SEPP. A condition to this effect is recommended in Appendix A.

2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table *E1 Local Centre Zone* • *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.* • *To encourage investment in local commercial development that generates employment opportunities and economic growth.* • *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.* • *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.* • *To strengthen the viability of Waverley's existing business centres as places of vitality*	Yes	The proposal is defined as *'commercial premises'*, which is permitted with consent in the E1 zone. The proposal is consistent with the zone objectives as it provides an employment generating commercial building within a local centre. The objectives for the zone specifically seek to give preference to business and retail uses over residential with which this proposal is consistent. The proposal does not provide car parking thereby encouraging public transport use and other modes of travel (ie, walking and cycling). Bicycle parking is provided and a condition will require 'end-of-trip' facilities to encourage this mode of transport. Although the proposal will result in a loss of affordable housing, a monetary contribution of $312,075, formulated in accordance with Clause 48 of the Housing SEPP, is to be provided which will contribute to replacement affordable housing elsewhere. The proposal is consistent with the height and FSR development standards, which set the desired bulk and scale for buildings within the area. As detailed later in this report (refer to

Provision	Compliance	Comment
for investment, employment and cultural activity. • *To maximise public transport patronage and encourage walking and cycling.* • *To encourage the provision of affordable housing.* • *To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.* • *To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.* • *To promote employment growth by giving preference to commercial development over residential development* • *To provide active ground floor uses to create vibrant centres.*		**Table 5**), the proposal is consistent with the desired future character of the neighbourhood. The proposal provides retail at the ground floor level addressing Old South Head Road, activating the street frontage of the building. The proposal is consistent with the objectives of the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *13m*	Yes	The proposal has a maximum height of 12.1m (to the top of the lift overrun) complying with the development standard. The parapet height of the proposed building is 11m which is 2m or 15% below the development standard.
4.4 Floor space ratio • *1.5:1*	Yes	The proposal has an FSR of 1.49:1 complying with the development standard.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The proposal has limited excavation and is unlikely to encounter acid sulfate soils.
6.2 Earthworks	Yes	The proposal provides minimal excavation with no basement proposed. The proposal is unlikely to impact upon surrounding properties in this regard and all standard conditions in regard to building works is included in the consent conditions.
6.5 Active street frontages	Yes	The amended proposal provides an improved active street frontage to Old South Head

Provision	Compliance	Comment
		Road. The LEP states that in this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business or retail premises. The ground floor tenancy addressing Old South Head Road is to be used for retail and provides openable glazed doors across the majority of the front boundary.
6.9 Design excellence	Yes	The site is located within Zone E1 and as such the design excellence clauses of the LEP apply. The original application and amended plans were referred to the Waverley Design Excellence Advisory Panel (DEAP) for an assessment of the design excellence of the proposed development. The full comments of the DEAP are contained below this table.
6.15 Stormwater management	Yes	The proposal was referred to Council's stormwater engineers and further details in regard to stormwater matters were requested. These details were provided with the amended proposal and further reviewed by stormwater engineers. Conditions of consent have been recommended and are included in Appendix A in relation to stormwater matters.
6.16 Development in Zone E1 *The LEP requires that development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—* *(a) the impact of the development on—* *(i) the amenity of surrounding residential areas, and* *(ii) the desired future character of the area.* *(b) whether the development is consistent with the hierarchy of centres.*	Yes	The proposal does not have an unreasonable impact upon the amenity of surrounding properties which is discussed following this table. The amended proposal is consistent with the desired future character of the area as described in **Table 5** which contains a detailed assessment against the controls for the Local Village Centre in which the site is contained. Part E3 of Waverley Development Control Plan 2022 (Waverley DCP 2022) provides a statement regarding the 'hierarchy of centres' as follows: *The zones reflect a hierarchy, where E1 Local Centre is either a cluster of shops (neighbourhood centre), a larger centre or high-street strip of shops, E2 Commercial Centre is a major centre with office buildings and major retail, while MU1 Mixed Use supports a mix of commercial and residential*

Provision	Compliance	Comment
		particularly in strategic centres around a E2 Commercial Centre zone. This site sits within the Rose Bay South centre, which is a Local Centre. Local Centres are "a larger centre or high-street strip of shops". The proposal for a commercial building is consistent with the local centre (discussed further in **Table 5** of this report).

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

Amenity of surrounding residential areas

The objectives of the E1 zone and Clause 6.16 for development within the E1 zone both require consideration of the impact of the development upon the amenity of surrounding residential areas. The relevant amenity impacts that result from the proposal are privacy, overshadowing and views which are discussed in turn below.

Solar access

There are no specific controls relating to the provision of solar access for commercial buildings or the impact of commercial buildings upon the solar access of adjoining buildings within the Waverley DCP 2022. The reasonableness of the overshadowing impact of a development is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation.

The building to the south of the site is a part three and four storey shop top housing building containing retail shops at ground level with three levels of residential apartments above. The apartments within this adjoining building have been designed to orientate living area windows and the principal balconies toward the north (the subject site). This results in the living area windows and balconies facing a side boundary with a minimal setback (refer to **Figure 11** below) and inevitably will result in a high level of overshadowing from any development to the north of the site. This is considered to be a constraint of the adjoining property, No. 481 Old South Head Road, having been designed without consideration of any future development upon the subject site.

Figure 11: Northern elevation of No. 481 Old South Head Road as viewed from the rear yard of the subject site

The development complies with the FSR development standard and is 15% or 2m lower than the maximum height development standard under the LEP which are the key built form controls in relation to bulk and scale. As detailed later in this report, the built form of the proposal is considered appropriate despite that it does not comply with the controls for the Rose Bay South Local Village Centre. The built form anticipated by the DCP, with a reduced rear boundary setback of 3m, would result in a larger degree of overshadowing of surrounding properties by spreading the bulk of the building over the entire site.

The original proposal has been amended, at the request of Council Officers, to improve the solar access to the building to the south by incorporating a side setback from the southern boundary, regardless that there are no side setback requirements for the Local Village Centre or commercial buildings within the DCP. The amended proposal retains full solar access for the apartments to the south at the top floor level and improves solar access to the apartments at the first floor level, however the ground floor level apartments will be fully overshadowed. It is noted that the adjoining building relies upon the subject site being underdeveloped to achieve solar access to the side balconies/windows. Any redevelopment of the adjoining property would be required to contain balconies and the main living area windows on the front and rear to achieve solar access, separation distances and privacy. In this regard, the overshadowing impact is a result of the ill-considered design and orientation of the building at No. 481 Old South Head Road, rather than the proposed development.

Given that the proposal complies with the FSR development standard, is below the height development standard and has been amended to improve solar access to the property to the south, any additional overshadowing impact caused by the proposed development is deemed reasonable and non-adverse and anticipated for any compliant redevelopment of the subject site.

Privacy

The proposal is for a commercial building, which typically has less privacy impacts than other uses given that trading hours are restricted and the use of the building is generally during the daytime (ie, working hours). Additionally, the proposal contains no windows on side elevations. All windows are contained internal to the development, providing the commercial tenancies with glazed walls to allow light from the side setback to penetrate the tenancies. These windows are set back from the southern side boundary with views to the adjoining property largely inhibited by the lift and stairwell core. Any overlooking from these windows and the use of the communal corridors (which are open on the southern side) can be alleviated through the inclusion of privacy screening adjacent to the lift/stairwell core. A condition to this effect is recommended in Appendix A.

The proposed balconies on the rear elevation at the ground and first floor levels have a narrow width with limited opportunities for large gatherings. Given that the use of the building is commercial, these are unlikely to be heavily utilised or result in unreasonable privacy impacts.

Views

During the notification period, submissions were received in relation to loss of views; however, photographs provided indicate that the views would be classified as 'outlook' rather than significant views as described in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* (*Tenacity principles*). There are no controls for loss of outlook and as such, this is not a consideration. As discussed above in relation to overshadowing, the adjoining site cannot rely on the underdevelopment of the subject site to achieve outlook. Although properties may currently enjoy outlook over the underdeveloped site, this cannot reasonably be expected to be maintained upon redevelopment of the site to comply with the development standards.

It is noted that there may be significant views as described in the *Tenacity principles* from properties further to the east toward the City skyline and Sydney Harbour. Given that the proposal complies with the FSR standard and is lower than the height development standard applicable to the site, any view loss experienced over the site would not be considered unreasonable when assessed against the *Tenacity principles*.

Given the above analysis in relation to amenity impacts, it is considered that the proposal will not result in unreasonable or unanticipated amenity impacts upon surrounding properties as a result of the redevelopment of the site.

Design Excellence

The original proposal was referred to the DEAP on 10 May 2023 for comment in relation to design excellence. A number of recommendations were made which were conveyed to the applicant and subsequently incorporated into the amended proposal. The amended proposal was further referred to the DEAP for comment in relation to design excellence on 8 November 2023.

The DEAP's comment of the proposed amended development against the design excellence clauses of the Waverley LEP 2012, and a planning response to each comment, are set out in **Table 2** of this report.

Table 2: Assessment against the design excellence clause of WLEP 2012

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
Panel Comment: • *This is a strong architectural concept for a unique development proposition in this part of Rose Bay, being entirely commercial with some ground floor retail.* • *The new design now responds better to the immediate and broader local village context.* • *The Panel supports the removal of the replacement of the breeze blocks, with solid slim line brick façade, and interesting window shapes.* • *We questioned if it would be better to add at least one other vertical window to the street façade to improve the daylight access and attractiveness of those commercial tenancies. However, it was noted that the windows are only on the straight parts of the façade, and if the office spaces were not open plan, then the number of windows currently shown provides a window to each office/meeting room so should be satisfactory as shown.* • *The street awning has been simplified in response to previous comments, and it will be important that a detailed section of the awning is included as part of the final DA submission.* • *The Panel strongly recommends the addition of a large number of PV Panels on the roof of the building.* **Planning comment:** The proposal is well under the height development standard applicable to this site and as such, a condition will require photovoltaic cells be provided on the roof to ensure the environmental sustainability of the building. A condition also requires a detailed section of the awning. Subject to these conditions, the proposed building is considered to provide a high standard of architectural design, materials and detailing consistent with this clause.
(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,
Panel Comment: • *Consistent with previous panel comments the ground plane now aligns with the neighbouring properties which will ensure a safe and legible pedestrian experience is maintained along Old South Head Road.* • *Consistent with previous comments the bin store along the street frontage has been relocated and this greatly improves the main entrance to the site.* **Planning comment:** The amended proposal provides an active street frontage with the retail shop addressing, and opening to, the street frontage. The proposal is considered to be consistent with this clause.

(c) whether the development detrimentally impacts on view corridors,

Panel Comment:

- *View impacts are less of an issue as compared to visual relationship between the building and the street.*
- *The impact on the apartments to the south of the building has been greatly improved by the removal of the void space in the centre of the building. This has allowed the south façade to be set back, which reduces the solar impact on that neighbour.*

Planning comment: The proposal will not impact unreasonably upon view corridors particularly as the building is consistent with the height and FSR development standards of the LEP. The bulk and scale of the building is consistent with that anticipated by the development standards and any associated impact upon significant views from the public and private domain are considered reasonable. The proposal is considered to be consistent with this clause.

(d) how the development addresses the following matters:

- **(i) the suitability of the land for development,**
- **(ii) existing and proposed uses and use mix,**
- **(iii) heritage issues and streetscape constraints,**
- **(iv) the relationship of the development with other existing or proposed buildings on the same site or in the vicinity of the site in terms of height, bulk, separation, setbacks, modulation, amenity and urban form,**
- **(v) (Repealed),**
- **(vi) street frontage heights,**
- **(vii) environmental impacts such as overshadowing, wind and reflectivity,**
- **(viii) the achievement of the principles of ecologically sustainable development,**
- **(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,**
- **(x) the impact on, and any proposed improvements to, the public domain,**
- **(xi) the quality and integration of landscape design.**

Panel comment:

- *Consistent with previous comments the design now includes gate doors near the street that control after-hours access to the building. A minor issue is the gate being shown opening in a way that would block access to the mailboxes. We suggest the doors and/or the mailboxes be relocated to avoid this problem.*
- *Consistent with previous comments the landscape design has improved, including deep soil landscaping in the back yard and other planters on the street façade and roof. One other minor issue is the control of access to the backyard, which we understand is purely to be used by Tenancy 01. The pathway that continues down from the lift could either be replaced and blocked off by raised landscaping, and/or blocked off by some sort of permeable screen or glass fence.*

Planning comment: The following comments are made in relation to the clauses of matter (d):

(i) A commercial building that provides employment generating uses is considered to be consistent with the zoning and suitable for the site.

(ii) The proposed commercial and retail land uses are appropriate to the zoning and the site, within a local centre.

(iii)	The proposal does not contain a heritage building and is not contained within a heritage conservation area.
(iv)	As will be detailed later in this report, the proposal is consistent with the relevant controls of the Waverley DCP 2022 and provides an appropriate urban form, setbacks and separation from surrounding properties. The proposal will not have unreasonable amenity impacts upon surrounding properties. The proposed building has an appropriate bulk and massing set by the height and FSR development standards. The southern side setback provides appropriate modulation and improves overshadowing impacts to the adjoining building to the south. The front façade will have a curved appearance, providing modulation to the street frontage.
(v)	Repealed.
(vi)	The proposal is three storeys at the street consistent with the character controls contained within DCP 2022 which requires a three storey street wall. Although the proposal incorporates a curved wall above ground level, the design of the curve ensures that the two sides of the building, where it abuts adjoining sites, will be built up to the street frontage.
(vii)	The proposal will not have unreasonable overshadowing impacts (discussed in detail previously in this report), reflectivity or wind effects.
(viii)	A BASIX certificate is not required for commercial development. Notwithstanding, the applicant has provided a commitment to the provision of an Energy Assessment Report which will demonstrate a predicted 30% reduction in greenhouse gas emissions compared to a NCC compliant reference building. Additionally, conditions will require 'end-of-trip' facilities to encourage cycling and photovoltaic cells on the roof. The lack of vehicular parking on site also contributes to environmental sustainability by encouraging other modes of transport such as cycling, walking and public transport patronage.
(ix)	As detailed previously, the proposal provides no parking, encouraging other modes of transport. The service access and maneuverability within the site is considered satisfactory. The amended proposal provides an appropriate transition to the public domain. As detailed in the DEAP comments above, a condition will restrict access to the rear yard, also improving the security within the development.
(x)	The amended proposal integrates landscaping throughout the building including through the retention of the rear yard and the majority of existing trees; landscaping within the side setback; and planters at the upper levels.

Given the analysis contained within **Table 2** above, and consistent with the comments of the DEAP, the proposal is considered to exhibit design excellence.

2.1.3 Waverley DCP 2022

The relevant matters to be considered under the Waverley DCP 2022 for the proposed development are outlined below:

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	The amended proposal provides a bin storage area with entrance to the street for collection and a separate bulky waste room. Refer to Section 3 of this report for referral commentary in regard to waste and recycling.
2. Ecologically Sustainable Development • *PV cells encouraged* • *Electric hot water system encouraged* • *Energy Assessment Report required prior to CC*	Yes	The applicant has provided a commitment to the provision of an Energy Assessment Report which will demonstrate a predicted 30% reduction in greenhouse gas emissions compared to a NCC compliant reference building. As previously discussed, a condition will require PV panels on the roof.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The proposal includes the retention of five established trees within the rear yard and the introduction of three new trees within the southern side setback. The amended proposal integrates landscaping throughout the building including through the retention of the rear yard and most existing trees, landscaping within the side setback and planters at the upper levels.
5.Water Management	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
6. Accessibility and Adaptability	Yes	Satisfactory
7. Transport **7.1 Streetscape** **7.2.6 Bicycle Parking** *Retail: 0* *Commercial: 2* **7.3 Loading Facilities**	 Yes Yes Yes	The proposal provides no vehicular parking which is considered appropriate for this site to enable an active street frontage in this strip of shops. The parking rates allow no parking to be provided and as such, the proposal is consistent with the provisions of the DCP. The proposal provides 534m^2 of commercial floor space and 105m^2 of retail floor space. The DCP requires two bicycle spaces for the development and the proposal is capable of meeting this requirement within the southern side setback of the site with the plans nominating an area for vertical bicycle spaces. The DCP requires one personal locker for each bike parking space and one shower/change cubicle for up to 10 bike parking spaces. These 'end-of-trip' facilities have not been provided and

Development Control	Compliance	Comment
		as such, a condition to this effect is recommended in Appendix A. The DCP requires loading facilities to be provided on-site where the provision of such will not adversely affect the character of the streetscape, pedestrian safety or amenity. The subject site currently provides no vehicular access to the site and could only provide a driveway crossing from Old South Head Road. The provision of such would adversely affect the character of the street by introducing driveways into the local shopping strip and would affect pedestrian safety and amenity. This is an existing situation for the retail shops in this part of Old South Head Road. It is noted that there is an on-street loading zone located to the north near the intersection with Dover Road which services the shops in this area.
8. Heritage	Yes	The site is located within the Bondi Rose Bay Sand Body and as such an advisory note in relation to Aboriginal heritage is included in Appendix A.
9. Safety	Yes	Satisfactory
11. Design Excellence	Yes	Satisfactory
14. Advertising and Signage	N/A	No signage is proposed as part of this application.
15. Public Domain	Yes	The proposed ground floor design and uses ensure the street is activated and enables the direct surveillance of the public domain. The proposal proposes an active frontage with an awning. The application therefore achieves the objective of increasing the useability and amenity of footpaths by protecting pedestrians from rain, strong winds and summer sunlight.

Table 4: Waverley DCP 2022 – Part D1 Commercial and Retail Development Compliance Table

Development Control	Compliance	Comment
1.1 Other Policies, Strategies and Standards		
1.2 Design		
1.2.1 Frontages	Yes	As previously discussed, the proposal provides an active street frontage allowing casual surveillance of the street. The building will display a clear street number.

Development Control	Compliance	Comment
1.2.2 Awnings	Yes	The originally proposed curved awning has been replaced in the amended scheme with a simplified horizontal awning providing continuous weather protection. Conditions will require further detailed drawings as requested by the DEAP.
1.2.3 Lighting	Yes	Details of lighting have not been provided as part of this application. A condition will require that under awning lighting is provided and illumination of the side entry or rear of the premises is sensor controlled.
1.2.3 General Amenity	Yes	The amended proposal has been designed to ensure mitigation of amenity impacts upon surrounding properties and is discussed in detail previously in this report. The service areas are integrated into the design of the building with limited frontage to the street to provide an active frontage. An internal ventilation shaft for potential future food premises is included in the design.
1.2.4 Noise	Yes	An Acoustic Report was provided with the application and reviewed by Council's Health and Compliance Officer who recommended conditions which are included in Appendix A, noting that these conditions largely relate to noise generated by the development.
1.3 Hours of operation		
General base trading hours: (i) *Monday to Saturday: 7.00am to 11.00pm; and* (ii) *Sunday: 7.00am to 10.00pm.* *Extended trading hours on a 1-year trial basis will be considered up to:* (i) *Monday – Sunday: 6.00am to midnight.*	Yes	The individual uses of the commercial tenancies have not been advised and consent is not sought at this stage. Given that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will potentially apply to any uses of the building, when hours are not specified in a consent then the premises must only operate between 7am to 7pm. Any hours beyond this would be subject to separate consent and will be considered at that time when the specific use of the tenancy is known. Notwithstanding, a condition of consent is recommended at Appendix A restricting the use of the outdoor spaces to between 7am and 7pm to retain neighbouring amenity.

Table 5: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.9 Rose Bay South *Desired Future Character Objectives:* *(a) To ensure an integrated approach and consistent treatment to the conservation of buildings of historic character.* *(b) To maintain and improve the continuity of awnings over the footpath.* *(c) To maintain Old South Head Road as the primary streetscape in the village with side streets as secondary frontages.* *(d) To create a cohesive streetscape, comprising well-designed low-rise buildings of varying styles which form a consistent street frontage with small active shopfronts.* *(e) To maintain a clean environment, with waste disposal managed discreetly and efficiently.* *(f) To ensure that the centre provides universal access to all users.* *(g) To ensure new buildings are well designed and responsive to existing built form, with appropriate street frontage heights, upper storey setbacks and active ground floor uses.* *(h) To ensure that building services and basement car parking do not compromise the active*	Yes	The proposal is generally consistent with the desired future character objectives of the Rose Bay South Local Village Centre. Although the proposal includes demolition of the existing building, the building is not heritage listed nor contained within a conservation area. The proposal continues the covered awning along the street frontage. The provision of a commercial premises is consistent with the character of Old South Head Road as the primary streetscape. The proposal provides an active shopfront addressing Old South Head Road consistent with surrounding properties and the desired future character. The waste room is appropriately located and concealed from the street, enabling the optimisation of the street frontage for active uses. The amended proposal provides accessible entry to the retail use from the front with a lift to the upper levels. The surrounding properties are generally three to four-storey mixed use buildings. The proposal provides a three-storey built form consistent with surrounding properties. Given the above analysis, it is considered that the proposal appropriately responds to the desired future character of the area.

Development Control	Compliance	Comment
street frontage and business opportunities that the Old South Head Road high-street offers.		
3.2 Generic controls		
3.2.1 Land Uses	Yes	Although the character controls state that the upper level is to be used for residential only (above first floor level), the proposal is for a commercial building which is a permitted use within the E1 zone. In recent years, the Waverley area has experienced a loss of commercial floor space, largely converted to residential. The provision of a commercial building will provide additional employment generating uses and services to the local area. This is considered appropriate given the zoning of the site which permits commercial buildings. This is also consistent with the LEP provisions in relation to the E1 zone which gives preference to commercial uses over residential, as previously discussed in this report. The land use of the retail tenancy fronting the street is not known at this stage. As previously discussed, SEPP (Exempt and Complying Development Codes) 2008 will apply to any uses of the building. The DCP does not permit vehicular access across the primary street front within a Local Village Centre and the proposal is consistent with this control providing no parking or vehicular access on the site.
3.2.2 Public Domain Interface	Yes	The amended proposal has an appropriate interface with the public domain by providing an active street frontage to Old South Head Road; being built up to the street alignment; having a well-defined and securable entry to the upper levels; providing a shopfront made up of predominantly clear glazing; and having no vehicular entry across the primary frontage. The shopfronts in this part of the Local Village Centre are modern glazed facades aligning with the street boundary. The proposal is consistent with this pattern.
3.2.3 Built Form • Development is to be consistent with height,	No	Annexure E3-2, demonstrating the typical built form for three-storey centres, applies to the Rose Bay South Centre despite that the 13m height development standard would allow up to four

Development Control	Compliance	Comment
floor to ceiling heights and setbacks, outlined for 3-storey neighbourhood centres in DCP Annexure E3-2: o 3 storey height o 2.7m minimum floor-to-ceiling height o Built to front boundary o 3m ground floor rear setback, and 6m upper floor rear setback, measured from rear boundary		storeys. This is discussed in detail following this table. The ground floor retail, with a depth of 13m, is sufficient for adequate display and sales area.
3.2.4 Building Facade Articulation	Yes	The proposal respects the proportions of the adjoining buildings in terms of building height and number of storeys when viewed from the street. The curved façade above the ground level retail provides an interesting and articulated elevation within the streetscape.
3.2.5 Buildings of Historic Character	Yes	The existing building has a minor degree of historic character; however, has been altered over time. As previously indicated, the building is not heritage listed or contained within a conservation area and is not identified as a building of historic character in the DCP. The proposed new building will have a greater contributory value to the Local Village Centre in terms of streetscape, character, architectural design and material quality.
3.2.6 Building Services and Site Facilities	Yes	The essential services and facilities are integrated into the design of the building. The waste storage area is effectively concealed from the street; however, still conveniently located to the street for collection. An exhaust flue for any future food premises is also integrated into the design of the building.

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2022.

Built form

Annexure E3-2, demonstrating the typical built form for three-storey centres, applies to the Rose Bay South Centre despite that the 13m height development standard would allow up to four storeys. Annexure E3-2 requires a 9m street wall height as shown in **Figure 12** below. However, it should be noted that Annexure E3-3 provides guidance for a typical built form for four-storey centres which requires three storeys built up to the street alignment with a maximum height of 11m and the fourth storey set back. The surrounding properties are generally consistent with the controls anticipated for a four-storey centre having three storeys built up to the street and any fourth storey set back with balconies within the setback area.

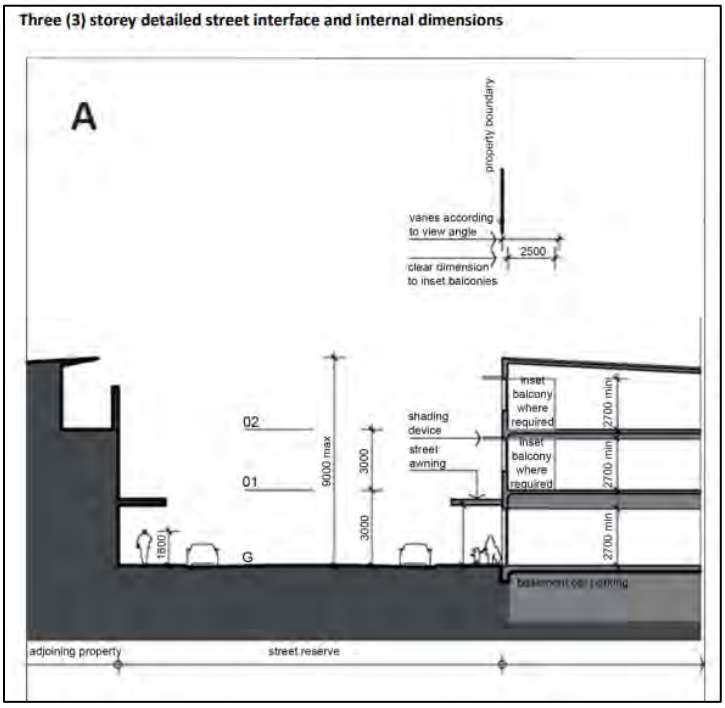

Figure 12: Extract from Waverley DCP 2022 demonstrating the expected built form at the street frontage

The proposal provides a three-storey building built up to the street alignment, except where curved as part of the design, with a height at the street of 11m. The site is contained within a group of five properties which front Old South Head Road and all have varying street wall heights and setbacks from the street to the front elevations (refer to **Figure 13**). The adjoining property to the north has a street wall height of approximately 4m with setbacks to the first and second floor levels; and the adjoining property to the south has a street wall height of approximately 10m with inset balconies (setting back to a fourth storey beyond).

The proposal, with a curved street wall with the outer edges aligning with the front boundary, is considered to be generally consistent with the street walls of surrounding properties in this part of the Local Village Centre given the existing variations and noting that up to four storeys is permitted by the height development standard of the LEP. The first and second floor levels of both adjoining buildings have an angled or skewed orientation to the street and the curved design of the upper floor levels of the subject proposal appropriately responds to this. Given balconies are not required for commercial

premises, the curved frontage is commensurate with a balcony inset which is considered acceptable. In this regard, the height at the street is considered appropriate, potentially setting the benchmark for future redevelopment of properties within this part of the Rose Bay South Local Village Centre.

Figure 13: Google Streetview image showing the varying street wall heights and setbacks in this part of the Rose Bay South Local Village Centre.

Annexure E3-2 also provides controls in relation to internal courtyards and rear setbacks allowing the ground floor level of buildings to be set back from the rear boundary by 3m and the first and second floor levels by 9m. It should be noted that the depth of the site is not sufficient to accommodate the built form anticipated by Annexure E3-2 and as such, the internal courtyard with a minimum depth of 12m is not appropriate for this site. Instead, the proposed building has been designed to contain the bulk of the structure toward the front of the site and generally align with the rear setback of the adjoining buildings on either side. The rear setback to the splayed rear boundary varies from 7m to 11m allowing the rear yard, and the majority of existing trees it contains, to be retained.

The amended proposal has also increased the setback from the southern boundary of the site to 2.25-3m to improve solar access to the adjoining property to the south. In this regard, although the proposal does not strictly comply with the built form indicated in Annexure E3-2, the rear and southern side setbacks are increased, which lessens impacts upon surrounding residential properties. The containment of the built form and associated bulk and scale toward the front of the site, rather than extending over the entire site, reduces solar impacts upon surrounding properties, and allows the retention of the rear yard as deep soil further enhancing the amenity of surrounding sites and providing an appropriate transition between the commercial uses and the surrounding residential uses toward the rear. In this regard, the amended proposal is considered to be more consistent with the built form of surrounding sites and the variations to the form contained within Annexure E3-2 are considered acceptable.

2.2 Other Impacts of the Development

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

2.3 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.4 Any Submissions

The original application was notified for 21 days from 19 May to 9 June 2023 and a site notice erected on the site in accordance with the *Waverley Community Development Participation and Consultation Plan*. 11 submissions were received.

Following receipt of amended plans and additional information, the application was re-notified for 14 days from 27 September to 13 October 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*. Seven submissions were received.

In total, 18 submissions were received from 15 properties.

Table 6: Number of and where submissions were received from.

Count	Property Address
1.	3/489 Old South Head Road, Rose Bay
2.	4/489 Old South Head Road, Rose Bay
3.	6/489 Old South Head Road, Rose Bay (two submissions)
4.	7/489 Old South Head Road, Rose Bay
5.	481 Old South Head Road, Rose Bay
6.	8/481 Old South Head Road, Rose Bay (two submissions)
7.	12/481 Old South Head Road, Rose Bay
8.	15/481 Old South Head Road, Rose Bay (2 submissions)
9.	17/481 Old South Head Road, Rose Bay
10.	19/481 Old South Head Road, Rose Bay
11.	21/481 Old South Head Road, Rose Bay
12.	4/2b Liverpool Street, Rose Bay
13.	4 Onslow Street, Rose Bay
14.	47 Stimson Street, Smithfield
15.	481 Old South Head Road, Rose Bay (strata committee)

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

- height and FSR (size, bulk and scale)
- visual and acoustic privacy
- traffic and parking
- loss of affordable residential accommodation
- waste and collection

- removal of trees
- inconsistent with character of area and surrounding properties
- DCP non-compliances
- overshadowing
- setbacks
- loss of a historic building
- street wall height
- commercial building without residential is out of character with the area
- loss of views and outlook.

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

Issue: Loss of light and outlook (view of trees) of the rear yard of the subject property; Inadequate setback from the northern boundary.

Response: There are no planning controls which relate to loss of light, only loss of solar access. The building to the north of the site will not be overshadowed by the proposed development and the overshadowing of the building to the south has been previously discussed and found reasonable.

There are no side setback controls for commercial buildings within a Local Village Centre. The proposal has no setback from the northern boundary of the site to enable a greater setback from the southern boundary due to the overshadowing impacts of this building. Given that the building to the north will not be overshadowed, a nil side boundary setback is considered acceptable. It is noted that outlook from windows on the southern elevation of the adjoining building will be impacted, however there are no controls which relate to outlook, only significant views. Notwithstanding, the building to the north at No. 485 Old South Head Road has balconies and windows at the front and rear which serve the main living areas with bathrooms, bedrooms and secondary windows on the southern side elevation. Given that the outlook from the principal living area windows and balconies at the rear and front of the building will be largely retained, the setbacks of the proposed development are considered acceptable.

Issue: Street wall height is not consistent with adjoining properties; third storey should be set back.

Response: The street wall height of 11m built up to the street has been previously discussed and is considered acceptable. If the proposal were to provide a fourth storey, this would be required to be set back consistent with the adjoining property at 481 Old South Head Road. The proposal is only for a three-storey building and as such, the street alignment and height are considered acceptable.

Issue: Construction issues.

Response: The consent authority cannot refuse an application due to potential issues, problems or disturbances during construction. All standard conditions in relation to the construction are included in Appendix A.

Issue: Loss of property value.

Response: This is not a planning issue.

Issue: Restaurant use would cause noise and disruption.

Response: No use has been sought for the tenancies and this would be subject to further consent either by way of development consent from Council or *SEPP (Exempt and Complying Development Codes) 2008*.

Issue: Fire danger of having building so close to boundary.

Response: This is a consideration under the National Construction Code (NCC) which is assessed at the Construction Certificate stage.

2.5 Public Interest

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

3 REFERRALS

The following internal referral comments were sought and summarised below (full referral advice is found on file):

3.1 Strategic Planning

Advice was provided by the Strategic Planning Manager regarding the clauses in Waverley LEP 2022 that relate to the E1 zone and the hierarchy of centres (refer to Section 2.1.2 of this report for detailed discussion).

Further advice was provided in regard to the loss of affordable housing on the site and conditions recommended which are included in Appendix A.

3.2 Urban Design

The following recommendations were made by Urban Design:

The amended proposal is capable of meeting the principles of good design and design excellence as long as the following issues are addressed:

- *Noise transmission between the stair / circulation areas and the residential building to the south.*
- *Detail to be provided around the construction, drainage and detailing of the awning.*
- *Access be provided onto the awning for easy maintenance of the landscaping.*
- *External vertical louvres be considered for the west facing windows.*
- *PV cells be provided on the roof.*

Noise transmission to the adjoining property is not likely to be adverse particularly given that the upper level uses are likely to be low impact uses such as offices; operating hours are restricted; and the windows of each tenancy are orientated to the front and rear with only the circulation spaces opposite the adjoining southern building. The ground level retail use is orientated toward the street and the use of the rear yard is restricted by condition to 7am to 7pm as previously discussed. A condition will require

privacy screening to the corridors above ground level as previously discussed to ensure privacy impacts are further limited.

The applicant has provided further information in regard to the west facing windows stating that:

- *We have sought to limit the extent of glazing that faces west, with the wider of the windows oriented north-west and south-west within the facade.*
- *The format and performance of the glazing, combined with the overall ratio of glass to masonry along this facade, will allow for compliance with the requirements of Section J.*
- *Our intention is for internal shading (blinds) to minimise glare to occupants.*

As previously discussed, conditions are included in Appendix A in relation to photovoltaic cells on the roof and further details regarding the awning.

3.3 Public Domain

No issues were raised with the proposal subject to conditions which are included in Appendix A.

3.4 Stormwater

No issues were raised with the proposal subject to conditions which are included in Appendix A.

3.5 Tree Management

No issues were raised subject to conditions which are included in Appendix A.

3.6 Waste and Recycling

No issues were raised with the proposal subject to conditions which are included in Appendix A.

3.7 Environmental Sustainability

No issues were raised with the proposal subject to conditions which are included in Appendix A.

3.8 Environmental Health

No issues were raised with the proposal subject to conditions which are included in Appendix A.

4 CONCLUSION

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

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 by:**	**Application reviewed and agreed by:**
Kylie Lucas	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 27 November 2023	**Date:** 28 November 2023	**Date:** 4 December 2023

Reason for WLPP referral:

2. Contentious development (10 or more objections)

OFFICE USE ONLY

Clause 4.6 register entry required (For the purposes of reporting to the planning portal, if the % approved is different to the % proposed in the original submission, please state what the variation initially proposed was – Planning Portal Requirement)	No
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

<table>
<tr><th></th><th>Condition</th></tr>
<tr><td>1.</td><td>APPROVED PLANS AND DOCUMENTATION
The development must be in accordance with:

(a) Architectural Plans prepared by Place Studio including the following:

<table>
<tr><th>Plan Number and Revision</th><th>Plan description</th><th>Plan Date</th><th>Date received by Council</th></tr>
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(b) Landscape Plan Nos. 1-6 (Job No. DA-1999) and documentation prepared by Captivate Landscape Design and Architecture, dated 28/03/2023 and received by Council on 26/09/2023.
(c) Geotechnical Preliminary Site Investigation Report prepared by CEC Geotechnical dated 28/02/2023 and received by Council on 27/04/2023.
(d) DA Acoustic Report prepared by PKA Acoustic Consulting dated 20/03/2023 and received by Council on 27/04/2023.
(e) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received 19/10/2023.

Except where amended by the following conditions of consent.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</td></tr>
<tr><td>2.</td><td>GENERAL MODIFICATIONS
The application is approved subject to the following plan amendments;</td></tr>
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	(a) Privacy screens are to be provided on the southern side of the circulation corridors above ground level and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a lightweight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level. (b) 'End of trip' facilities are to be provided in accordance with Waverley Development Control Plan 2022 which includes 1 personal locker for each bicycle parking space and 1 unisex shower/change cubicle for up to 10 bicycle parking spaces. (c) Photovoltaic cells are to be provided on the roof of the building and are to project no higher than 1m from the roof; are to be set back from the front elevation by a minimum of 4m to restrict visibility from the public domain; and are to be set back a minimum of 2m from the side elevations. (d) Access to the rear yard is to be restricted to the ground floor rear commercial tenancy only to ensure the amenity of surrounding properties. A gate or barrier is to be incorporated into the southern side setback to the east of the lift core to restrict access for the public. (e) Ensure that the gates near the main entry on the southern boundary do not restrict access to the letterboxes and booster. (f) Under-awning lighting is to be provided and any illumination of the side entry or rear of the premises is to be sensor controlled. (g) Window and door operation for all openings are to clearly shown on plans and elevations.
	Condition reason: To protect the amenity of surrounding properties and improve the amenity and environmental sustainability of the subject development.
	The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
3.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*; (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and (c) Council is given at least two days' notice in writing of the intention to commence the building works.
	Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.
4.	**SECTION 7.12 CONTRIBUTION**
	A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Waverley Council Development Contributions Plan in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** or similar is to be submitted to Council's Customer Service Centre to process payment. (b) Where the total development cost is more than $500,000 but less than $1,000,000: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to Council's Customer Service Centre to process payment. (c) Where the total development cost is $1,000,000 or more: (i) a **Detailed Cost Report** prepared by a registered Quantity Surveyor, **Building Contract,** or similar is to be submitted to and approved by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate).

	- Please forward documents to info@waverley.nsw.gov.au attentioned to Strategic Planning, and reference the relevant application number, address and condition number to satisfy. (ii) Upon confirmation of the contribution amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), payment is to be processed via the Customer Service Centre. (iii) Should there be a discrepancy between the cost of works approved in subclause (b)(i) and the DA fee nominated in the original DA, then additional DA Fees may be payable prior to the issue of a Construction Certificate. A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council's website. (d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following; (i) A development valued at $100,000 or less will be exempt from the levy; (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or (iii) A development valued at more than $200,000 will attract a levy of 1% of the full cost of the development. Prior to the issue of any Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
5.	**AFFORDABLE HOUSING CONTRIBUTION – PAYMENT IN ACCORDANCE WITH STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**
	The Affordable Housing Contribution is as follows: a. Pursuant to clause 48(2) of State Environmental Planning Policy (Housing) 2021, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area. The contribution of $312,075 payable for the provision of affordable rental housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purpose of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issue of any Construction Certificate.
	Condition reason: The proposal is likely to result in the loss of low rental dwellings and a monetary contribution is expected to mitigate the negative impact.
6.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of $70 062.00 must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a

	consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent. This deposit (cash or cheque) must be provided to Council prior to the issue of any Construction Certificate. The full amount of the deposit, minus Council's costs for any repair of damage to Council property or rectification of unauthorised works on Council property, will be refunded after satisfactory completion all of works associated with this consent (including the required public works) to the person who paid the deposit.
	Condition **r**eason: To ensure any damage to public infrastructure is rectified and public works can be completed.
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 of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
8.	**ARCHITECTURAL DETAILING**
	Further details of the architectural detailing of the building are required to be submitted for review and the satisfaction of Council's Executive Manager, Development Assessment (or delegate) which address the following matters: (a) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials; (b) Detailed drawings of the shop fronts, entry foyers, awnings, window operation. This may also require a referral to the Waverley Design Excellence Advisory Panel with a referral fee to be paid at the time of lodgement. Please contact the assessment planner to clarify whether this applies in this case, prior to lodging documentation to satisfy this condition. The amendments are to be approved by the **Executive Manager, Development Assessment or delegate** prior to the issue of any Construction Certificate. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.
	Condition reason: To ensure an appropriate streetscape appearance with quality materials and finishes.

9.	**PLANTER LANDSCAPING DETAILS**
	The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the *Waverley Development Control Plan 2022* including: (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1). (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species; (c) The green roof/planters are to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only. Details of accessing the planters for maintenance is also to be provided. A qualified landscape architect must review the design and verify that it complies with the above requirements.
	Condition reason: To ensure that the landscaping is sustainable.
10.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment of all engineering plans and inspection of the completed works in the public domain inclusive of all stormwater assessment, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council. An invoice will be issued to the applicant for the amount payable, which will be calculated based on the design plans for the subject development.
	Condition reason: To ensure Council assessment fees are paid.
11.	**PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES**
	Adequate provision shall be made within the confines of the building, for the installation of a mechanical exhaust system for future food/commercial use/s within the building.
	Condition reason: To ensure building is fit for future use for a food and drink premises.
12.	**HOARDING**
	To ensure the site is contained during construction, a hoarding is required for the approved works, which is to be designed and constructed in accordance with the requirements of Safe Work NSW. Where the hoarding is to be erected over the footpath or any public place, the approval of Council's Compliance Unit must be obtained and the applicable fees paid, prior to the erection of the hoarding.
	Condition reason: To ensure safety to the general public.

13.	**EROSION & SEDIMENT CONTROL**
	A Soil and Water Management Plan (SWMP), also known as an Erosion and Sediment Control Plan must be prepared in accordance with Waverley Council's Water Management Technical Manual. The SWMP must be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. A copy of the SWMP must be kept on site at all times and made available to Council officers upon request. The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
14.	**DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION**
	A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
15.	**ENGINEERING DETAILS**
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure structural stability of work on site.
16.	**CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)**
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To minimise disruption to local traffic.
17.	**STORMWATER MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a

detailed plan and certification of the development's stormwater management system must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

The submitted stormwater management plan prepared by Aidan Hogan, Job No. 2303, Drawing No. C02, Revision D, dated 29/08/2023, Drawing No. C03, Revision C, dated 28/08/2023 are considered concept only.

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

a) The plans are to provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of discharge control pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan.

b) Details of any rainwater tank required by BASIX commitments or as nominated are to be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system.

c) A rainwater tank is to be provided and must have a minimum capacity of 5,000 litres.

d) The rainwater tank will not be directly connected to the OSD tank combined with the OSD storage. The rainwater tank system must be re-designed to collect roof water only.

e) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.

f) The invert level of the OSD system is to be nominated to ensure any discharge from it drains by gravity at 1% minimum fall.

g) A minimum of two 600 mm square access grates must be installed over the OSD tank. One grate is to be placed over OSD outlet pipe and orifice plate.

h) If the OSD system is proposed to be a sealed system or will have inadequate cross ventilation, a vent must be provided to establish. The ventilation is to be continued throughout the period of occupancy to comply with the relevant Australian Standards. The location and details of the ventilation system should be detailed in the stormwater management plans.

i) The OSD system is to be designed for the 1% AEP storm event.

j) Pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location is provided. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event are to be provided.

k) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

l) A stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.

m) Provide calculations of gutter sizing for 1 in 20-year ARI storm event and minimum number of downpipes required.

n) Any new downpipes are to be located wholly within the property's boundary.

o) Any proposed pipeline within the footpath verge of Old South Head Road will be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t).

p) Piped drainage within all Council land including roads and footways will be laid at minimum 1% gravity fall directed toward the point of discharge.

q) The design and construction of the any stormwater infrastructure, kerb and gutter within Old South Head Road shall be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements are to be obtained.

r) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submission.
- Since a sewer main runs through the property, plans must also be presented to a Sydney Water Tap in™ for their approval.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.

	• Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.
	Condition reason: To ensure the proper management of stormwater runoff.
18.	**FLOODING REQUIRMENTS**
	The development must have a net neutral effect on flood behaviour. Therefore, the development must not result in: increase in flood effects elsewhere; loss of flood storage; changes in flood levels, flows and velocities; alterations to the flood conveyance; and impact on neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following: a) Non-habitable finished floor levels are to have a minimum level of 150mm above the design flood level. b) All new building materials must be flood resistant or flood compatible to a height of the design flood level. c) All new internal electrical switches, power points or similar utilities liable to flood damage set to a freeboard level above the design flood level. d) Any proposed fencing must be built using flood-compatible material. e) There is to be no filling of the land within the property. Details and certification must accompany the Construction Certificate and be submitted to Waverley Council.
	Condition reason: To ensure the proper management of stormwater runoff.
19.	**STORMWATER QUALITY**
	The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity as per Council's Water Management Manual 2021: Required percentage reductions in post development average annual load of pollutants: Pollutant | % post development pollutant reduction targets Gross Pollutants | 90 Total Suspended Solids | 80 Total Phosphorous | 55 Total Nitrogen | 40 The applicant must submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID). The submitted plans shall be prepared by a

	suitably qualified and practising Civil Engineer showing complete and detailed SQID design including with cross-sections. The practising Civil Engineer to demonstrate the hydraulics for proposed SQID. MUSIC model to be provided to Council for assessment and approval prior to the issue of the relevant Construction Certificate.
	Condition reason: To ensure the proper management of stormwater runoff.
20.	**PUBLIC DOMAIN UPGRADES**
	The public domain is to be upgraded on Old South Head Road frontage for the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to Council, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. • Pedestrian footpath • Kerb and gutter • Stormwater infrastructure located within the Council kerb and/or footpath • Electrical overhead undergrounding A fee is applicable for this assessment as per Council's Schedule of Fees & Charges. An invoice will be issued to the owner for the amount payable, which will be calculated based on the design plans for the public domain works.
	Condition reason: To ensure public domain upgrade works are done correctly.
21.	**PUBLIC UTILITIES AND SERVICE ALTERATIONS**
	Any utility services and all public infrastructure which require alteration due to works associated with the development, both internally and externally of the development boundary, shall be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g. Ausgrid, Sydney Water, Telstra, RMS or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the Public Domain design plans submission.
	Condition reason: To ensure public domain upgrade works are done correctly.
22.	**PUBLIC INFRASTRUCTURE WORKS**
	Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council. Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval

	of the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate. The Applicant must submit plans and specifications for the following infrastructure works to Council's Public Infrastructure Engineer: a) Footpath, Kerb and Gutter: Replace all footpath, kerb and gutter traversing Old South Head Road frontage. Any stormwater kerb lintel infrastructure within the extent of kerb and gutter works shall be replaced. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along the street frontage. b) Overhead power/utility lines: All existing overhead power/utility lines shall be routed underground. Make provision for Council's future street lights serviced by the underground power with a pit provided on both ends. c) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Councils Public Domain to support the new development. d) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works. e) Transport for NSW (TfNSW) Plan Approval: The design and construction of the stormwater infrastructure, kerb and gutter within Old South Head Road shall be approved by TfNSW and to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained. Approved correspondence to be submitted to Council prior to the issue of a construction certificate and commencement of any Public Domain works within Old South Head Road. *Note Council will provide final approval once TfNSW approval is granted. **Notes** The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development. Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).
	Condition reason: To ensure public domain upgrade works are done correctly.
23.	**ENERGY EFFICIENCY**
	An Energy Assessment Report is to be submitted in accordance with the *Waverley Development Control Plan 2022,* which recommends design solutions to reduce the predicted operational energy demand and greenhouse gas emissions of the proposed development by 30% less than a reference building (i.e. NCC, Section J compliant only). The report is to be submitted and be to the satisfaction of Council's Executive

	Manager, Environmental Sustainability (or delegate) prior to the issue of a Construction Certificate. The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.
	Condition reason: To ensure sustainable development.
24.	**SITE WASTE AND RECYCLING MANAGEMENT PLAN**
	A *Site Waste and Recycling Management Plan (SWRMP) - Part 2* is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the *SWRMP Part 2* is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.
	Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
25.	**WASTE STORAGE AREAS**
	The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential and/or commercial components of the development; • **Commercial** o 8 x 240L Mobile Garbage Bins (MGBs) collected for general waste weekly o 6 x 240L MGBs collected for comingled recycling weekly o A room or caged area with a minimum floor space of $4m^2$ must be allocated within the building for the storage of reusable items such as crates and pallets, and bulky waste such as cardboard or soft plastics. All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority. Specifically, the plans must address the following; • Space for a dishwasher must be allocated for commercial kitchens • Space for the storage of trade wastewater must be allocated for commercial kitchens. • Space for the storage of waste cooking oil must be allocated and the location easily accessible to the oil recycler for servicing.
	Condition reason: To ensure the appropriate space for storage of waste on site.
26.	**VERMIN AND RAT CONTROL**
	A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

	Condition reason: To reduce and control pests and vermin.
27.	**SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION**
	An application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be made prior to the issue of the relevant Construction Certificate. The application must be made through an authorised Water Servicing Coordinator. For more information about making an application to obtain a Section 73 Compliance Certificate, please consult Sydney Water's website. Following this application, a "Notice of Requirements" will be provided by Sydney Water that outlines any requirements of works to be completed prior to the issue of the Section 73 Compliance Certificate. Please make early contact **with the Coordinator**, as building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.
	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the *Sydney Water Act 1994.*
28.	**DILAPIDATION REPORT**
	A Dilapidation report is to be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. The dilapidation report is be made available to affected property owners. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

BEFORE BUILDING WORK COMMENCES

	Condition
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.
	Condition reason: To ensure the general public are afforded the Principal Certifying Authority and principal contractor's (the coordinator of the building works) contact details.
30.	**DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS**
	The demolition, removal, storage, handling and disposal of products and materials containing asbestos must be carried out in accordance with the relevant requirements of SafeWork NSW and the NSW Environment Protection Authority (EPA), including: • Work Health and Safety Act 2011; • Work Health and Safety Regulation 2017; • SafeWork NSW Code of Practice for the Safe Removal of Asbestos; • Australian Standard 2601 (2001) – Demolition of Structures; • *Protection of the Environment Operations Act 1997.* At least 5 days prior to the demolition, renovation work or alterations and additions to any building, the person acting on the consent shall submit a Work Plan to the Principal Certifying Authority in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall: (a) Outline the identification of any hazardous materials, including surfaces coated with lead paint; (b) Confirm that no asbestos products are present on the subject land, or (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by SafeWork NSW (catalogue WC03561); (d) Describe the method of demolition; (e) Describe the precautions to be employed to minimise any dust nuisance; and (f) Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

31.	**TREE PROTECTION**
	All trees on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above, unless approved to be removed in this development consent.
	Condition reason: To protect and retain trees.
32.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees shall be removed without Council approval. Precautions shall be taken when working near any trees to ensure their retention, including the following: (a) Do not store harmful or bulk materials or spoil under or near trees; (b) Prevent damage to bark and root system; (c) Do not use mechanical methods to excavate within root zones; (d) Do not add or remove topsoil from under the drip line; (e) Do not compact ground under the drip line; (f) Do not mix or dispose of liquids within the drip line of the tree; and (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter in accordance with AS4970-2009 “Protection of trees on construction sites. Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period. • Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. • If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken. • If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate). • It is the arborist’s responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council’s Tree Management Officer is to be contacted to make final determination.

	• If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
	Condition reason: To protect trees during the carrying out of site work.
33.	**PRE-CONSTRUCTION DILAPIDATION REPORT – PUBLIC DOMAIN**
	To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable: • Road pavement • Kerb and gutter • Footpath • Drainage pits and lintels • Traffic signs • Any other relevant infrastructure The report is to be dated, submitted to, and accepted by Council's Public Infrastructure Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant. Prior to commencement of the public domain works notice shall be submitted to Council's Infrastructure Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities. To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required, and compliance certificates must be obtained from Council's Public Infrastructure Engineer for the road pavement, kerb and gutter, stormwater, footpath paving and undergrounding hold points.
	Condition reason: To ensure the protection of the public domain.
34.	**NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION**
	A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works. For further information on the requirements, refer to Council's website:

	https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent
	Condition reason: To ensure noise generation during construction is properly managed.

DURING BUILDING WORK

	Condition
26.	**CONTROL OF DUST ON CONSTRUCTION SITES**
	The following requirements apply to demolition and construction works on site: (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (e.g. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries. (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices.
	Condition reason: To ensure the safety of workers and the general public.
27.	**CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS**
	Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
28.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition or a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.
	Condition reason: To ensure structural stability of work on site and general safety.
29.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

	Noise from construction activities shall comply with the *Protection of the Environmental Operations (Noise Control) Regulation 2017*.
	Condition reason: To protect the amenity of the surrounding area.
30.	**STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and 162A Critical stage inspections for building work of the Environmental Planning and Assessment Regulation 2000.
	Condition reason: To ensure the building works are constructed in accordance with the relevant legislation.
31.	**CERTIFICATE OF SURVEY - LEVELS**
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
32.	**CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
33.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
34.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
35.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
36.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, detention facility, rainwater harvesting facility and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works. b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
37.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, AND WSUD ELEMENT (INC. RAINWATER TANK)**
	Prior to the issue of an Occupation Certificate, a "Positive Covenant" and "Restriction on the Use of Land" must be created for the On-Site Stormwater Detention (OSD) system, and WSUD element (incl. rainwater tank), under Section 88E of the

	Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system, and rainwater tank are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system, and WSUD element without consent from Council. The wording of the Instrument must be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services. Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, and WSUD element, including its relationship to the building footprint. Electronic colour photographs of the OSD system, and WSUD element must accompany the application for the Positive Covenant and Restriction on the Use of Land. The Instrument must be registered and a registered copy of the document must be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs will be borne by the applicant.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
35.	**ACOUSTIC REPORT RECOMMENDATIONS**
	The "recommendations" as outlined in the DA Acoustic Assessment prepared by PKA Acoustic Consulting [Ref: 12463 R01v1] dated 20 March 2023 shall be implemented in full.
	Condition reason: To control acoustic impacts to surrounding land uses.
36.	**CERTIFICATION OF ACOUSTIC PERFORMANCE**
	An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic recommendations (including noise from mechanical plant) and conditions of consent (including the operational conditions) have been incorporated into the development and can be satisfied.
	Condition reason: To control acoustic impacts to surrounding land uses.
38.	**CERTIFICATION OF ALL MECHANICAL PLANT**
	A Certificate of Test of all mechanical plant together with a copy of the final test figures, conducted by a suitably qualified person, certifying that the system complies with the conditions of this consent, National Construction Code (NCC) and relevant Australian Standards.
	Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.

39.	**SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE**
	A Section 73 Compliance Certificate must be issued from Sydney Water prior to the issue of an occupation certificate.
	Condition reason: To ensure compliance with Section 73 Compliance Certificate under the *Sydney Water Act 1994.*
40.	**PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**
	A Waste Management Plan must be submitted to the Principal Certifying Authority and include including the following where relevant; (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water. (d) The role and responsibility of managing composting facilities (if provided); (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed. (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits. (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants. (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible. (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested. (j) At no times shall bins be stored on the public domain (e.g. footpaths).
	Condition reason: To ensure adequate waste management on site.
41.	**MECHANICAL EXHAUST MAINTENANCE**
	A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
	Condition reason: To ensure the maintenance of the mechanical exhaust.
42.	**FLOOR SPACE RATIO**
	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 867.23m^2.

	(b) Prior to any Occupation Certificate (including Interim) being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Waverley Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved floor space ratio.
43.	**SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**
	Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.
	Condition reason: To ensure the public domain works are constructed correctly.
44.	**WORKS AS EXECUTED PLAN – PUBLIC DOMAIN**
	To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate. The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.
	Condition reason: To ensure the public domain works are constructed correctly.
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 Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction. Notes • The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees. • The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent. • To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed by the applicant/developer following completion of the development. The defects

	liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period.
	Condition reason: To ensure the public domain works are constructed correctly.
46.	**WAVERLEY DIGITAL MODEL**
	An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling
	Condition reason: To ensure an accurate 3D model is provided.

OCCUPATION AND ONGOING USE

	Condition
47.	**HOURS OF OPERATION**
	(a) The hours of operation for the use of the rear outdoor space is restricted to: <u>OUTDOOR AREA</u> Monday to Sunday: 7am to 7pm (b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position in the courtyard stating: *'The use of the Courtyard is restricted to between 7am to 7pm Monday to Sunday'*
	Condition reason: To protect the amenity of the local area.
48.	**AMENITY**
	The management of the premises is to: (a) Ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. (b) Record in a formal register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided. (c) Respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the register.
	Condition reason: To protect the amenity of the local area.
49.	**NOISE EMISSIONS**
	The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
	Condition reason: To protect the amenity of the local area.
50.	**NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)**
	Noise associated with mechanical plant shall not give rise to any one or more of the following: (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy. (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level

	must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute. (c)Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
	Condition reason: To protect the amenity of the local area.
51.	**REFRIGERATION UNITS & MECHANICAL PLANT**
	Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits.
	Condition reason: To protect the amenity of the local area.
52.	**SEPARATE APPLICATIONS FOR USE/FIT OUT**
	Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises, unless otherwise permitted under SEPP (Exempt and Complying Development Codes) 2008.
	Condition reason: To protect the amenity of the local area.
53.	**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.
	Condition reason: To protect the amenity of the local area.
54.	**WASTE MANAGEMENT PLAN REVIEW**
	After 5 years of operation under this development consent, the Approved Waste Management Plan is to be reviewed to ensure that the details including contracts, roles and responsibilities, commercial tenants (if relevant) are current. The updated plan is to supersede the previous plan.
	Condition reason: To ensure the management of waste is ongoing.
55.	**RAINWATER HARVESTING AND REUSE**
	The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
	Condition reason: To ensure ongoing rainwater harvesting and reuse.
56.	**ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**
	Council will need to be provided with Stormwater Quality Improvement Devices maintenance activities. At a minimum, the facility must be: a) Kept clean and free from silt, rubbish and debris.

	b) Be maintained so that it functions in a safe and efficient manner. c) Not be altered without prior consent in writing of the Council.
	Condition reason: To ensure ongoing maintenance of the stormwater system.

GENERAL ADVISORY NOTES

1.	**DEVELOPMENT IS TO COMPLY WITH LEGISLATION**
	This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.
2.	**DEVELOPMENT MUST MEET CONDITIONS OF CONSENT**
	The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.
3.	**POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT**
	Various conditions require further input, review or approval by Council in order to be satisfied following the determination of the application (that is, post consent). In those instances, please adhere to the following process to avoid delays: • Please read your conditions carefully. • Information to be submitted to Council should be either via email to info@waverley.nsw.gov.au , in person (at Council's Customer Service Centre) or via post service. • Attention the documentation to the relevant officer/position of Council (where known/specified in condition) • Include DA reference number • Include condition number/s seeking to be addressed • Where multiple conditions need Council input, please try to group the documentation / email/s into relevant subjects (multiple emails for various officers may be necessary, for example). • Information to be submitted in digital format – refer to 'Electronic lodgement guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected. • Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information. • Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required. • Council's standard for review (from date the relevant officer receives documentation) is 14days. Times may vary or be delayed if information is not received in this required manner. • Any queries, please contact Council's Duty Planner on duty.planner@waverley.nsw.gov.au
4.	**SYDNEY WATER REQUIREMENTS**
	You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If you are increasing the density of the site, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. The application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.

	Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
5.	**SYDNEY WATER CERTIFICATE**
	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.** Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6.	**DIAL BEFORE YOU DIG**
	Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.
7.	**TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)**
	Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.
8.	**SITE RECTIFICATION WORKS**
	The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the permitter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 6months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to: (a) Require certain works to be carried out, including but not limited to: i. Make the building/site safe and of an appearance acceptable to Council; ii. Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;

	iii. For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point. iv. Council may call on any bank guarantee to cover the cost thereof. (b) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.
9.	**BONDI - ROSE BAY SAND BODY**
	This site may be located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.
10.	**TREE REMOVAL/PRESERVATION**
	Any trees not identified for removal in this application have not been assessed and separate approval may be required. Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building may also require approval.
11.	**SUITABLY QUALIFIED ACOUSTIC CONSULTANT**
	In these conditions, reference to a suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is employed by a member firm of the Association of Australian Acoustic Consultants.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Waverley Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

483 OLD SOUTH HEAD ROAD

ROSE BAY, NSW 2029

ARCHITECTURAL DRAWING LIST

SHEET	SHEET NAME	REV
AR-DA-0000	COVER SHEET	D
AR-DA-0001	COMPLIANCE TABLE	C
AR-DA-0002	SITE ANALYSIS	B
AR-DA-0005	DEMOLITION PLAN	B
AR-DA-0100	PERSPECTIVE	C
AR-DA-1000	GROUND FLOOR PLAN	C
AR-DA-1001	LEVEL 01 FLOOR PLAN	C
AR-DA-1002	LEVEL 02 FLOOR PLAN	B
AR-DA-1003	ROOF PLAN	B
AR-DA-2000	SECTIONS 01 & 02	B
AR-DA-2001	FACADE SECTION 01	C
AR-DA-3000	ELEVATIONS	B
AR-DA-3001	STREET ELEVATION	A
AR-DA-4000	SHADOW DIAGRAMS - 21 JUNE	B
AR-DA-4001	VIEW FROMS SUN - 9AM	B
AR-DA-4002	VIEWS FROM SUN - 10AM	B
AR-DA-4003	VIEWS FROM SUN - 11AM	B
AR-DA-4004	VIEWS FROM SUN - 12PM	B
AR-DA-4005	GFA CALCULATION PLANS	C
AR-DA-4007	HEIGHT DIAGRAM	B
AR-DA-4008	SOLAR VIEWS	B
AR-DA-5000	FINISHES	B

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

Document Notes

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	18/10/2023	SWRMP AMENDMENT - BIN ROOM	NJG
D	22/11/2023	RESPONSE TO COUNCIL RFI	AL

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
COVER SHEET

SHEET NUMBER:
AR-DA-0000

REV:
D

DATE: 22/11/2023

ARCHITECT:
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COUNCIL COMERCIAL & RETAIL DEVELOPMENT REQUIREMENTS	%	DESCRIPTION		TARGET	PROPOSED	COMPLY
Minimum Ceiling Heights	100%	mixed-use ground floor	4m	min 4m	min 4 provided thoughout	YES
		mixed-use 1st level	3.5m	min 3.5m	min 3.5 provided thoughout	
		mixed-use 2nd level	3.5m	min 3.5m	min 3.5 provided thoughout	
Maximun Building Height	100%		13m	13m	11.85m	YES
FRONTAGES						
Windows	-	Front windows shall be designed to promote an active street frontage and have a display function (refer to Part B16 Public Domain).		-	Front windows with clear glass	YES
		The use of obscured glazing is generally not supported. Privacy louvres and screens are preferred which allow partial views into a premises.	Where privacy is required, obscured glazing may be provided at the rear of the premises.	-	Clear glazing	YES
Frontages		The development is to be designed to provide casual surveillance to the street.		-	Clear glazing	YES
		Premises are required to display a street number	The height of the numbers will be no less than 300mm presented in a clear readable font, located above the entry door, where possible.	-	-	YES
AWNINGS						
Minimum requirements	-	To provide a continuous awning		-		YES
		Except where an awning woulkd compromise the integrity of a heritage item			NA	NA
Minimum awning Height	-	To match the aligment of adjoining buildings	To provide continuous weather protection	min 3m	min 3 provided thoughout	YES
Light	-	Under awning light to be provided	Fluorescent lighting is discouraged	-		YES
	-	Illumination at the rear of commercial properties or where installed for security purposes must be sensor controlled	Except where public street frontage and footpaths reuiqre it	-		YES
GENERAL AMENITY						
Plant room	-	Development shall incorporate plant rooms and any associayed services required for the use of the premises into the building envelope.	Where this cannot be achieved in an existing development, plant room/utilities are to be designed to cause negligible impact to neighbouring properties and streetscape	-	-	YES
Goods	-	No goods shall be placed on the footpath without Council consent		-	-	YES
Premises	-	Premises shall be designed so that customers cannot be served directly from Council's footpath		-	-	YES
***NOTES: BASED ON WAVERLY COUNCIL PART DCOMMERCIAL DEVELOPMENT						

WAVERLEY LOCAL ENVIRONMENTAL PLAN 2012

SITE AREA	583 m2
ZONING	B4 MIXED USE ZONE
COUNCIL	WAVERLEY LEP 2012
FSR	1.5:1
ADMISSIBLE GFA	874.50 sqm
HEIGHT OF BUILDING	13m
HERITAGE	NOT AFFECTED
ACID SULPHATE SOILS	CLASS 5
FLOOD PLANING AREA	NOT AFFECTED

AREAS SCHEDULE

LEVEL	AREA
GROUND FLOOR	287.56 m²
LEVEL 01	289.84 m²
LEVEL 02	289.84 m²
TOTAL	867.23 m²

COMMUNAL OPEN SPACE

GROUND FLOOR LEVEL	AREA
REAR	146.98 m²
TOTAL	146.98 m²

AREA SCHEDULE - TENANCIES

COMMERCIAL TENANCY 01	GROUND FLOOR	81.92 m²
RETAIL TENANCY 01	GROUND FLOOR	104.64 m²
COMMERCIAL TENANCY 02	LEVEL 01	44.14 m²
COMMERCIAL TENANCY 03	LEVEL 01	35.09 m²
COMMERCIAL TENANCY 04	LEVEL 01	67.90 m²
COMMERCIAL TENANCY 05	LEVEL 01	78.58 m²
COMMERCIAL TENANCY 06	LEVEL 02	44.14 m²
COMMERCIAL TENANCY 7	LEVEL 02	35.09 m²
COMMERCIAL TENANCY 8	LEVEL 02	68.01 m²
COMMERCIAL TENANCY 9	LEVEL 02	78.82 m²
TOTAL: 10		638.34 m²

LANDSCAPING

NAME	AREA
LANDSCAPING	109.20 m²
BACK HARDSCAPING	37.78 m²
TOTAL	146.98 m²

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

Document Notes
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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	18/10/2023	SWRMP AMENDMENT - BIN ROOM	NJG

LEGEND:

PROJECT:
483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
COMPLIANCE TABLE

SHEET NUMBER: **AR-DA-0001**
REV: **C**
DATE: 18/10/2023

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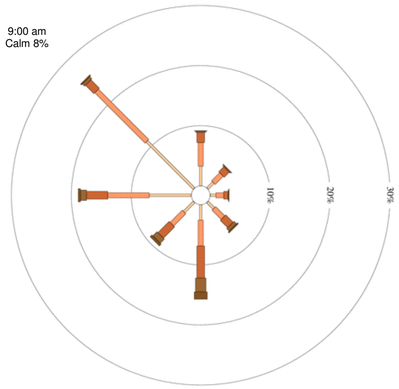

LIVERPOOL ST

12PM
3PM
9AM
4:54PM
7:00AM
21 JUNE
WINTER SOLSTICE
SUNSET
21 JUNE
WINTER SOLSTICE
SUNRISE
EQUINOX
EQUINOX
12PM
3PM
9AM
SITE BOUNDARY
OLD SOUTH HEAD ROAD
SITE BOUNDARY
SITE BOUNDARY
SITE BOUNDARY
80°
70°
60°
50°
40°
30°
20°
10°
TEMPERATE
NORTH
EASTERLY
BREEZE
WESTERLY
WINDS
8:06PM
5:41AM
21 DECEMBER
SUMMER SOLSTICE
SUNSET
21 DECEMBER
SUMMER SOLSTICE
SUNRISE
SOUTHERLY
WINDS

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DEVELOPMENT APPLICATION

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A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
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LEGEND:

CALM km/h
>= 0 and < 10
>= 10 and < 20
>= 20 and < 30
>= 30 and < 40
>= 40

N

0 4m
1:100

SCALE: As indicated @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
SITE ANALYSIS

SHEET NUMBER: **AR-DA-0002**
REV: **B**
DATE: 30/08/2023

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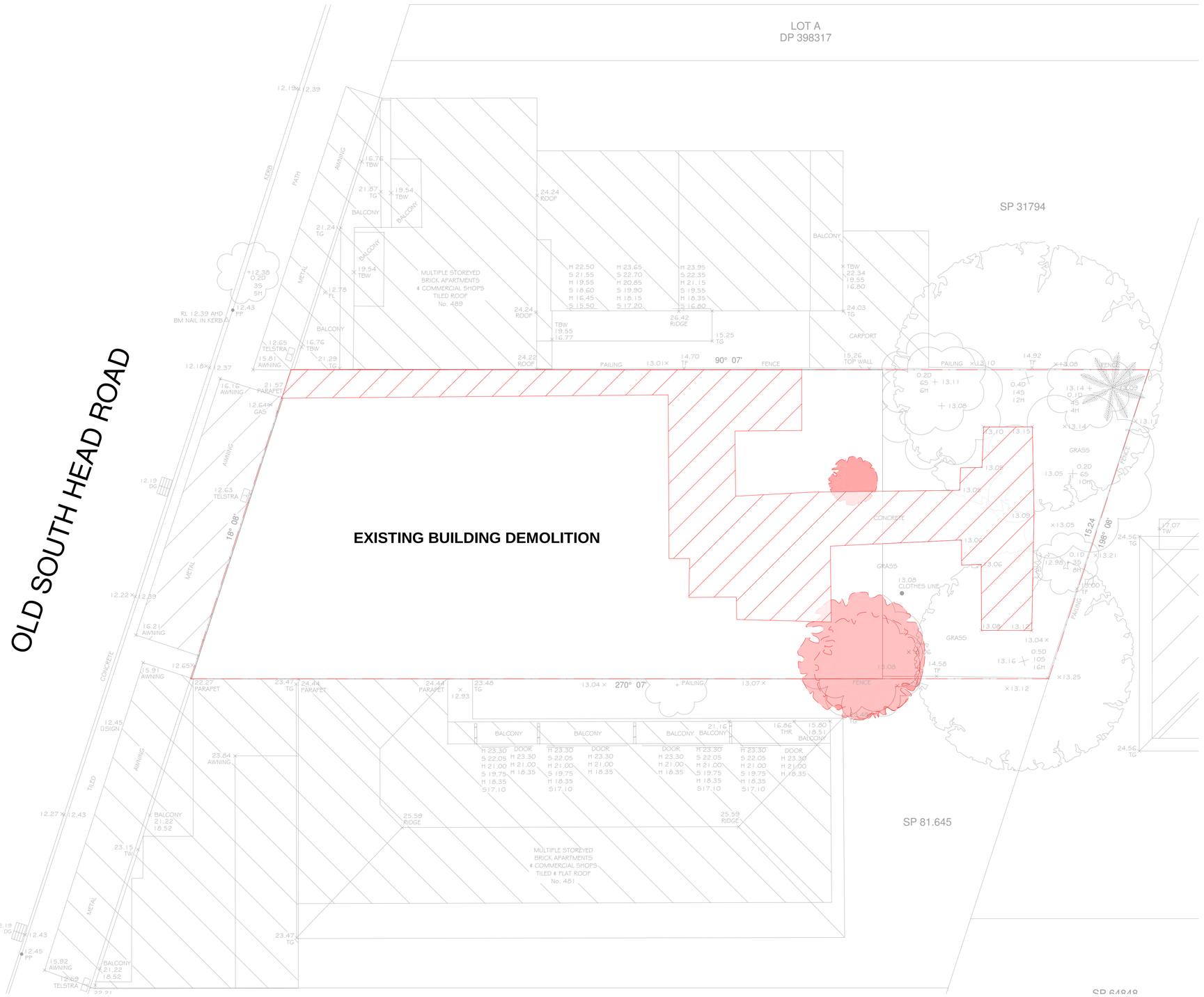

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

- STRUCTURE TO BE DEMOLISHED
- MASONRY TO BE DEMOLISHED
- HARDSTAND / LIGHT STRUCTURE TO BE REMOVED
- PROPOSED NEW TREE LOCATION
- TREE TO BE REMOVED
- EXISTING ELEMENTS TO BE RETAINED SHOWN IN GREY
- EXISTING TREE TO REMAIN

N

0 4m

1:100

SCALE: As indicated @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:

DEMOLITION PLAN

SHEET NUMBER: **AR-DA-0005**

REV: **B**

DATE: 30/08/2023

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DEVELOPMENT APPLICATION

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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	22/11/2023	RESPONSE TO COUNCIL RFI	AL

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
PERSPECTIVE

SHEET NUMBER:
AR-DA-0100

REV:
C

DATE: 22/11/2023

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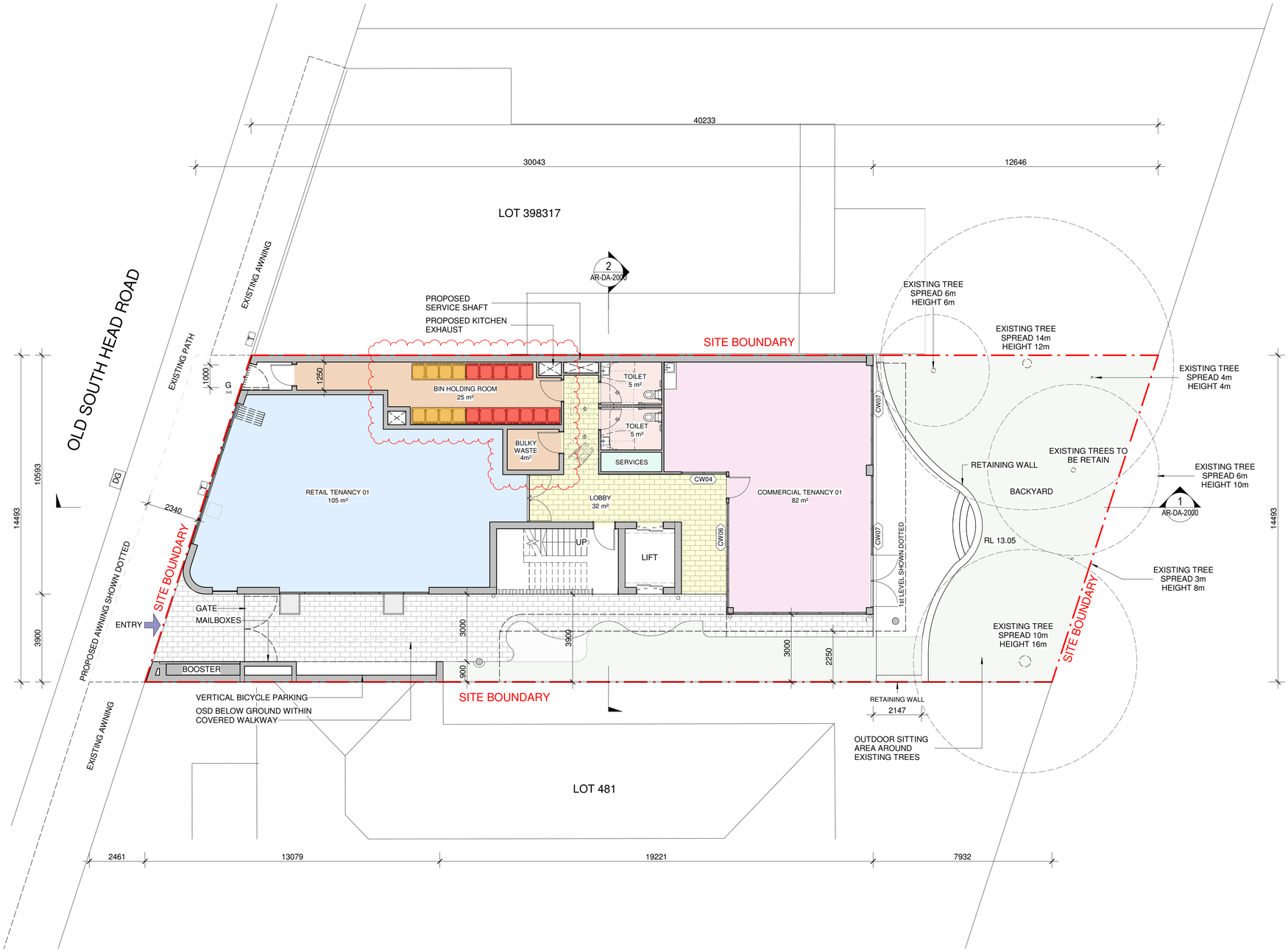
LEGEND

- BIN HOLDING ROOM
- COMMERCIAL TENANCY 01
- LOBBY
- RETAIL TENANCY 01
- SERVICES
- TOILET



AREAS SCHEDULE

LEVEL	AREA
GROUND FLOOR	287.56 m²
LEVEL 01	289.84 m²
LEVEL 02	289.84 m²
TOTAL	867.23 m²

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

Document Notes

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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	18/10/2023	SWRMP AMENDMENT - BIN ROOM	NJG

LEGEND:

N

0 4m

1:100

SCALE: 1 : 100 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
GROUND FLOOR PLAN

SHEET NUMBER:
AR-DA-1000

REV:
C

DATE: 18/10/2023

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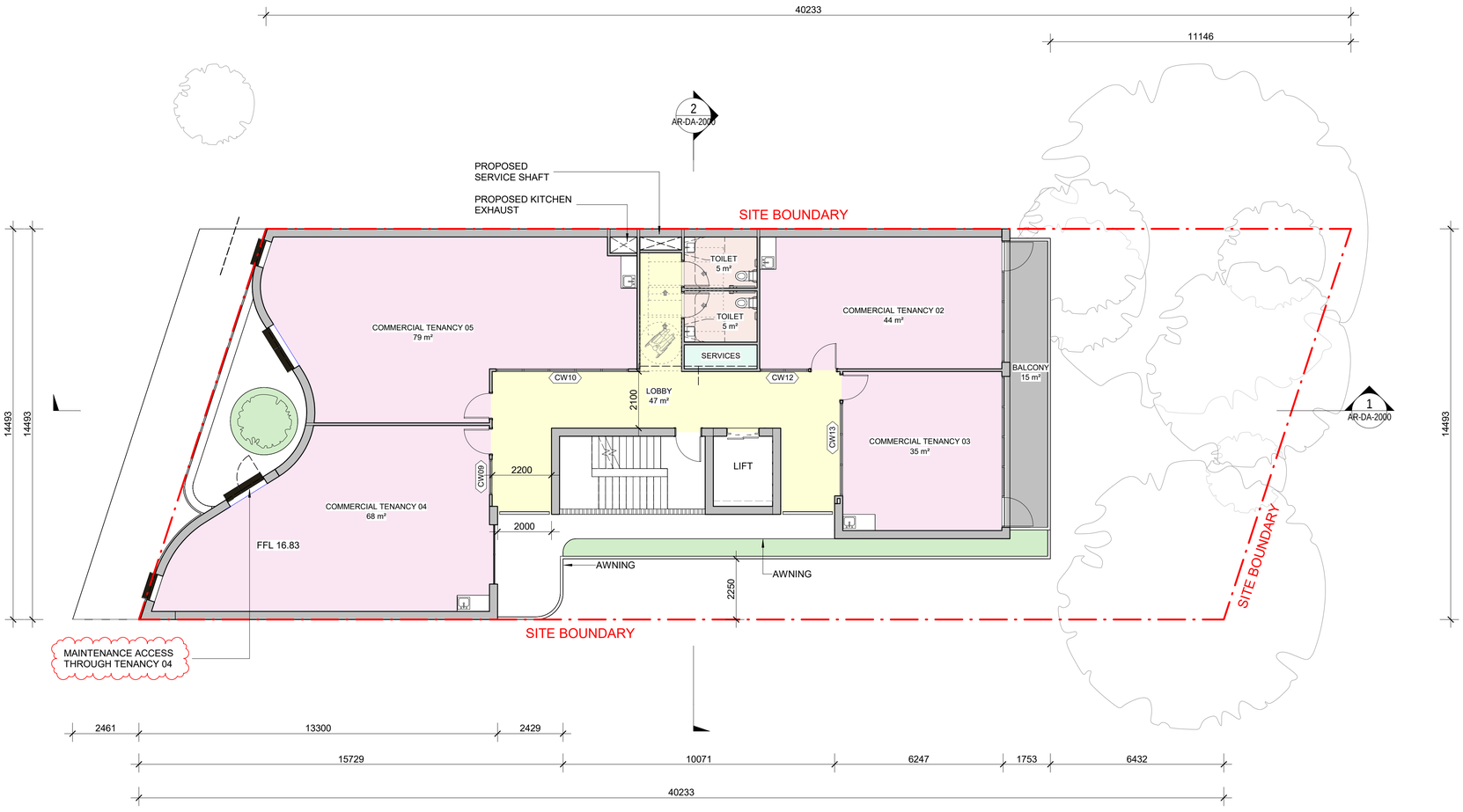

AREAS SCHEDULE

LEVEL	AREA
GROUND FLOOR	287.56 m²
LEVEL 01	289.84 m²
LEVEL 02	289.84 m²
TOTAL	867.23 m²

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	22/11/2023	RESPONSE TO COUNCIL RFI	AL

LEGEND:

N

0 4m

1:100

SCALE: 1 : 100 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
LEVEL 01 FLOOR PLAN

SHEET NUMBER:
AR-DA-1001

REV:
C

DATE: 22/11/2023

ARCHITECT:

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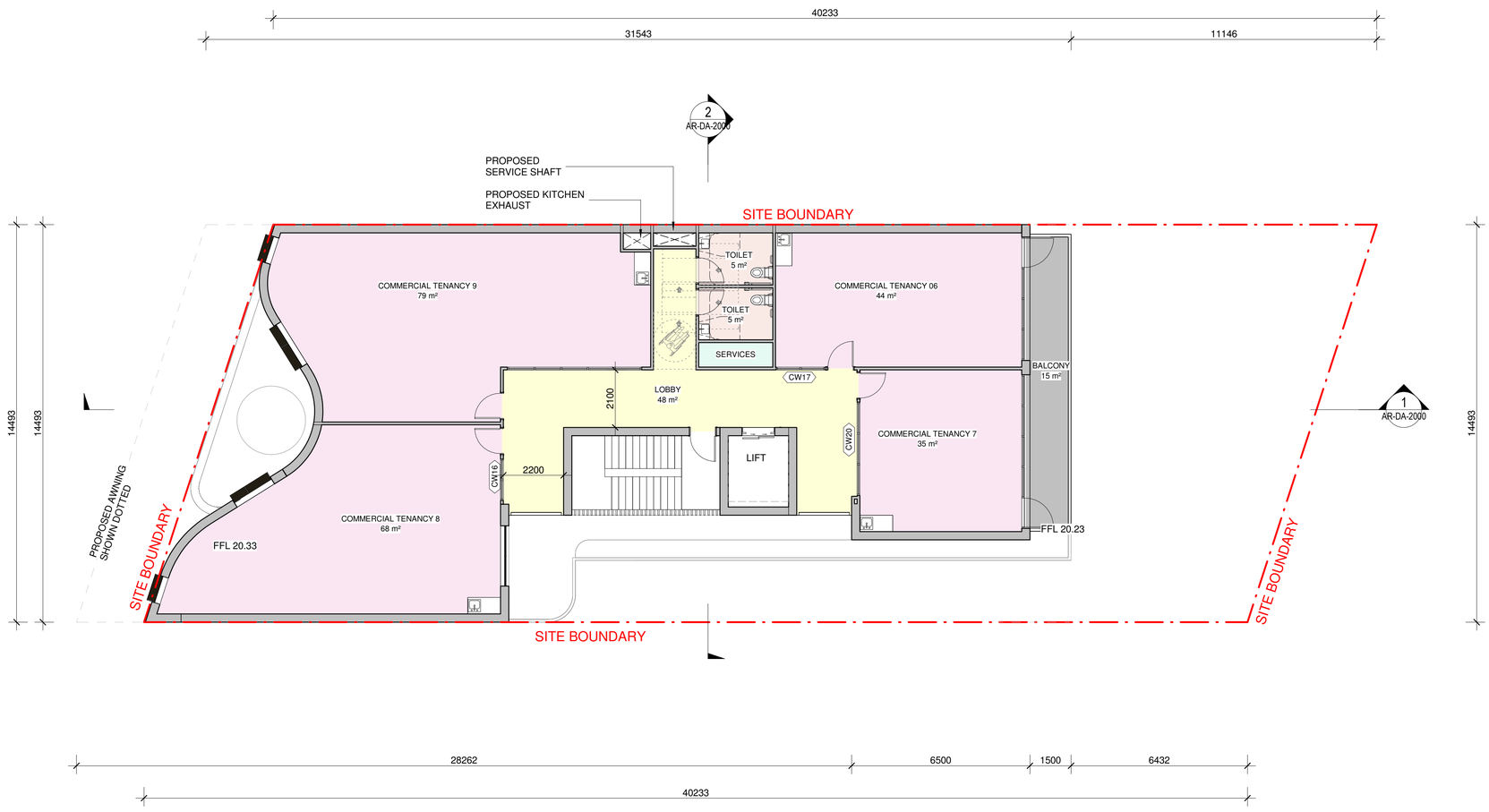

AREAS SCHEDULE

LEVEL	AREA
GROUND FLOOR	287.56 m²
LEVEL 01	289.84 m²
LEVEL 02	289.84 m²
TOTAL	867.23 m²

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

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REVISION:

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A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

N

0 4m
1:100

SCALE: 1 : 100 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
LEVEL 02 FLOOR PLAN

SHEET NUMBER: **AR-DA-1002**
DATE: 30/08/2023

REV: **B**

ARCHITECT:
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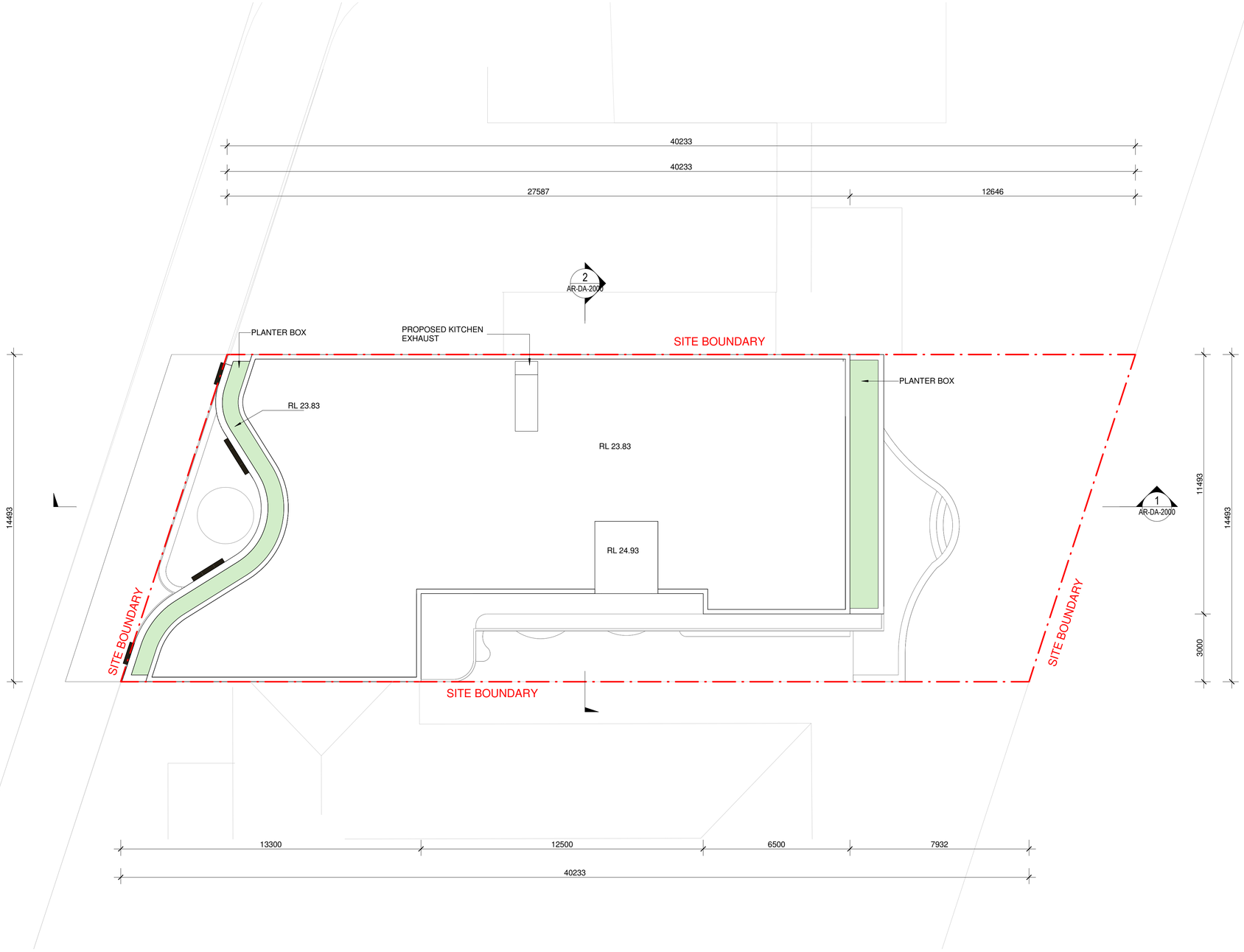

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

N

0 4m

1:100

SCALE: 1 : 100 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
ROOF PLAN

SHEET NUMBER: **AR-DA-1003**

REV: **B**

DATE: 30/08/2023

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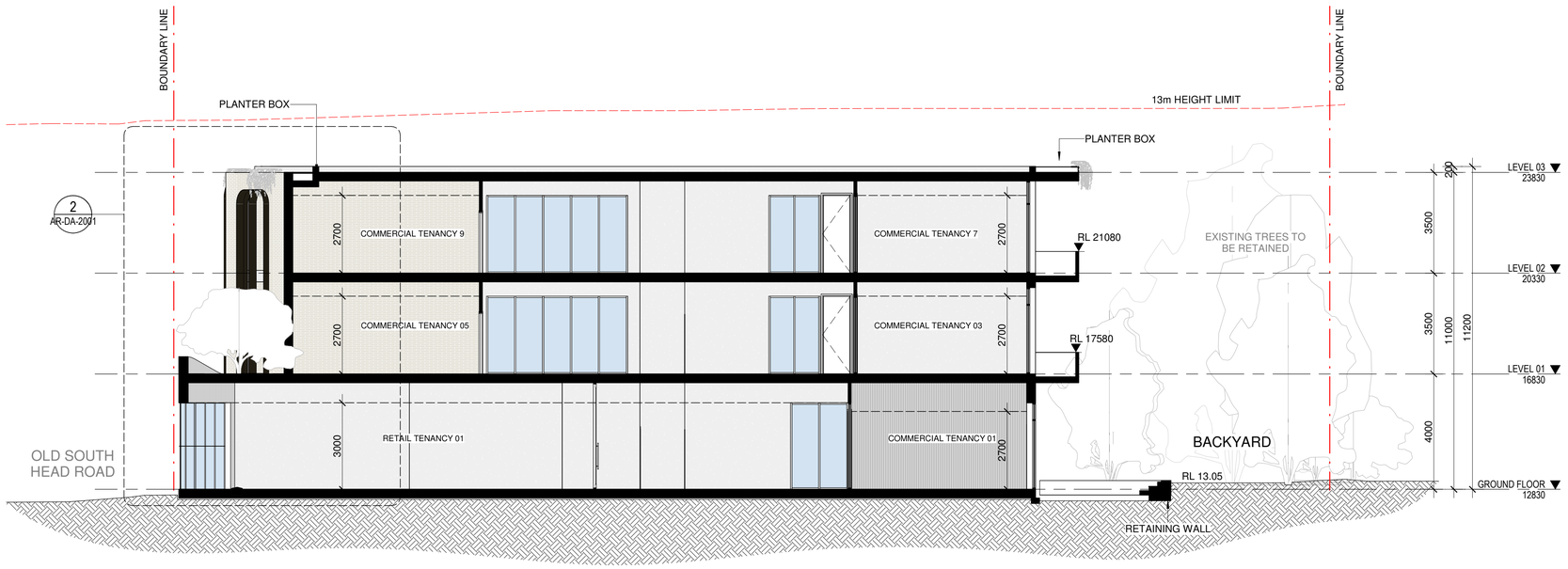

1 SECTION 1
1 : 100

2 SECTION 2
1 : 100

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DEVELOPMENT APPLICATION

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22/11/2023 5:44:48 PM

REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

0 4m
1:100

SCALE: 1 : 100 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
SECTIONS 01 & 02

SHEET NUMBER: **AR-DA-2000**
REV: **B**
DATE: 30/08/2023

ARCHITECT:

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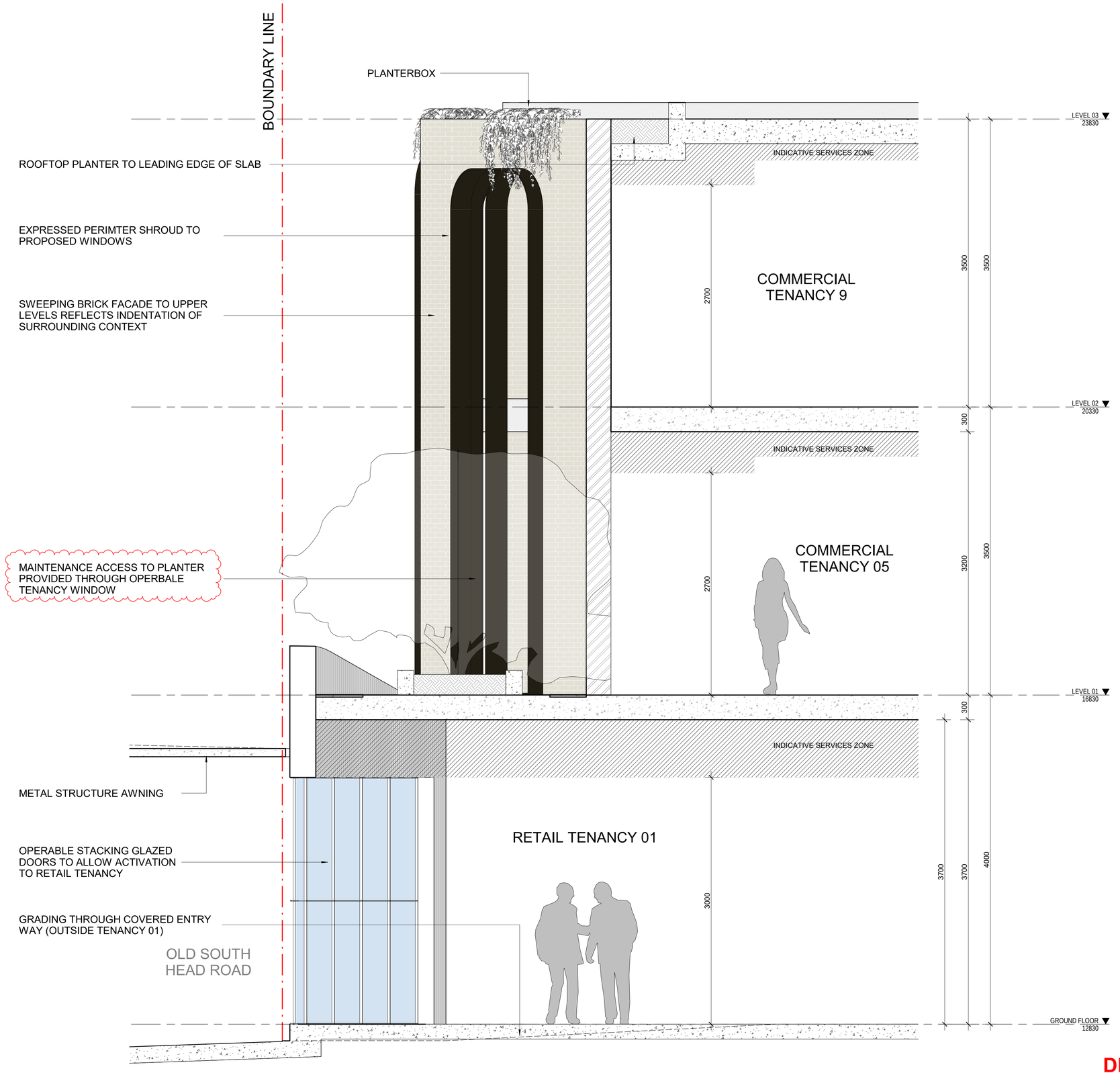

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

Document Notes

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25/11/2023 10:42:06 PM

REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	22/11/2023	RESPONSE TO COUNCIL RFI	AL

LEGEND:

0 4m
1:100

SCALE: 1 : 25 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
FACADE SECTION 01

SHEET NUMBER:
AR-DA-2001

REV:
C

DATE: 22/11/2023

ARCHITECT:
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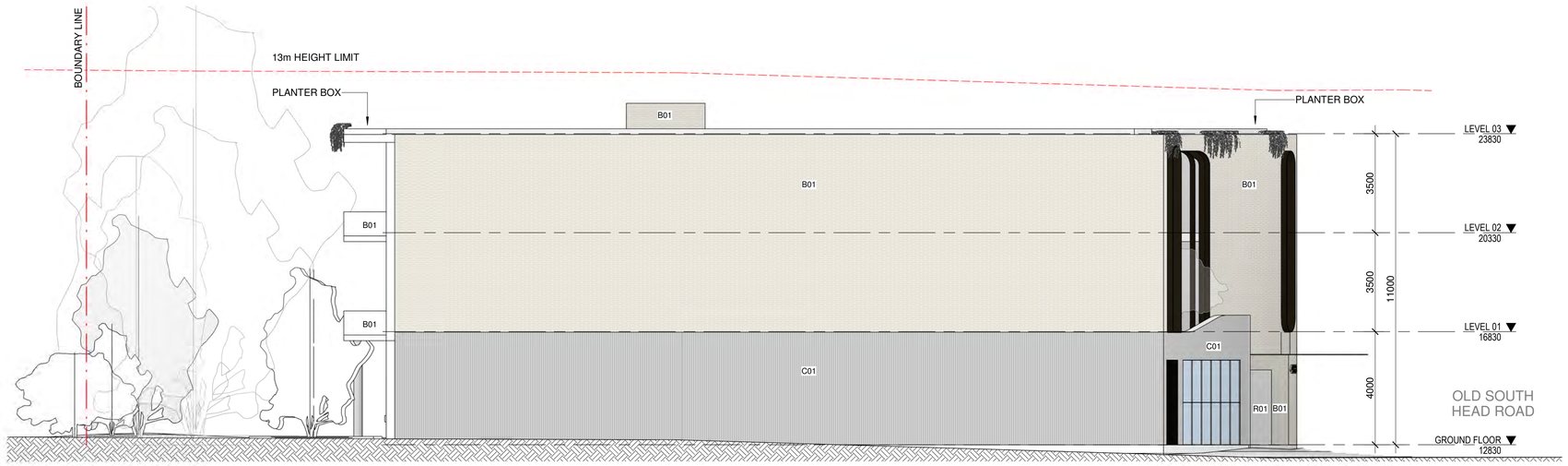

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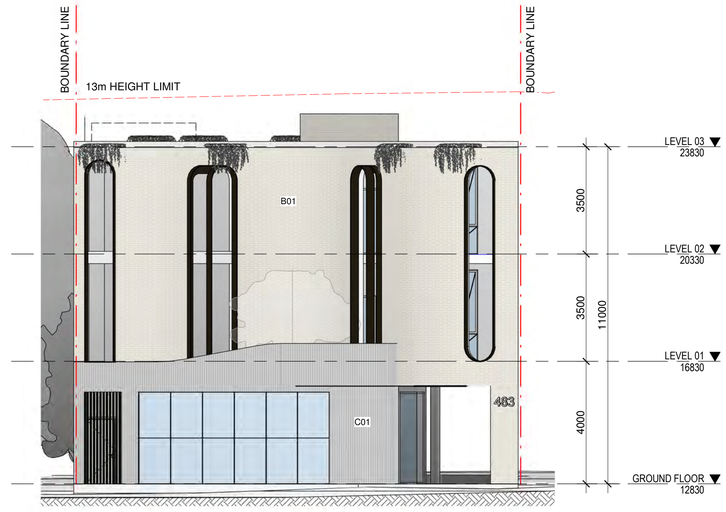

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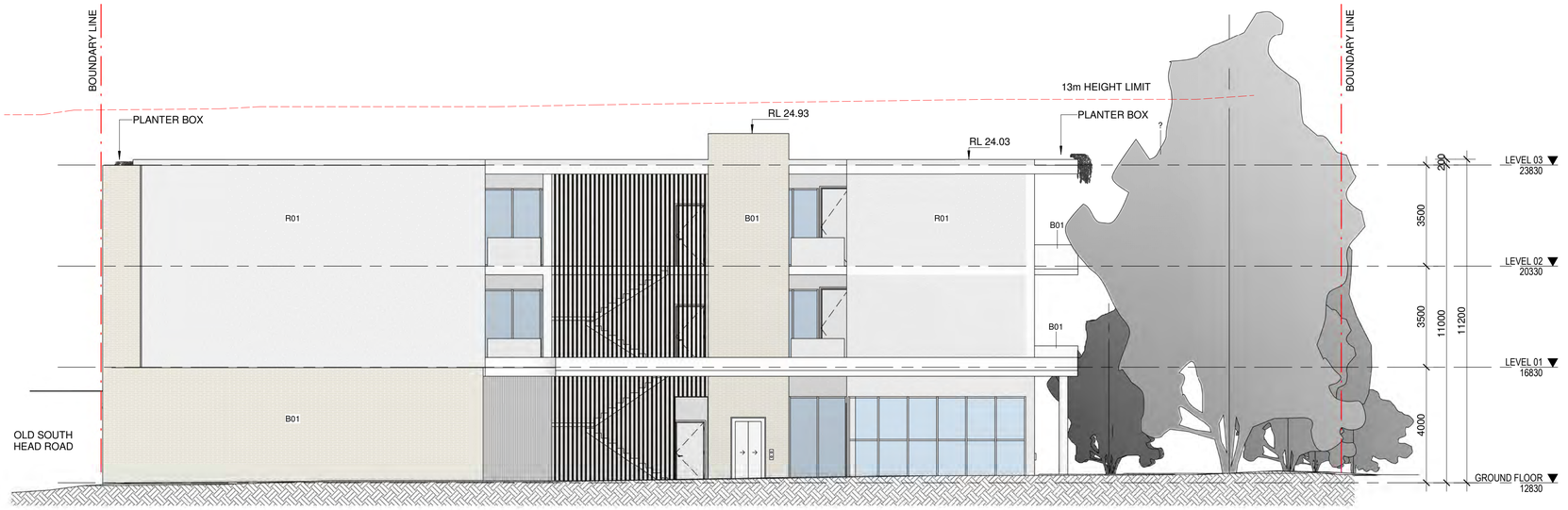

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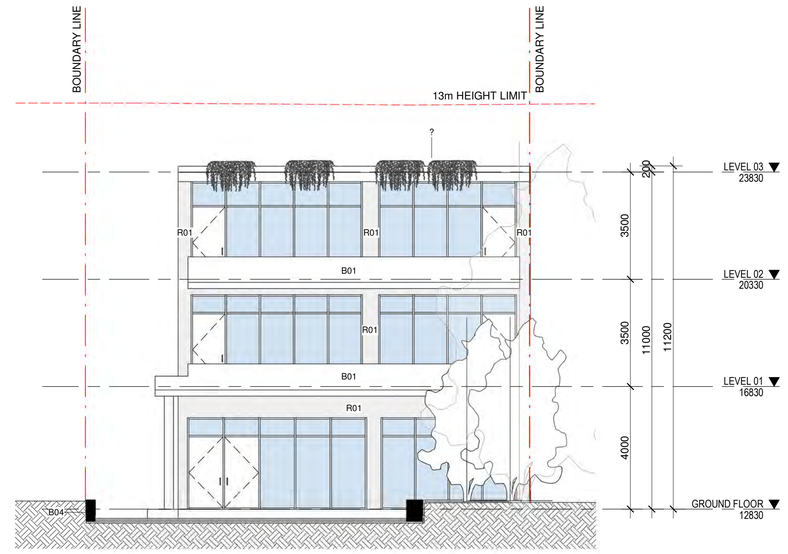
1 : 100



4 EAST ELEVATION
1 : 100

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

0 4m
1:100
SCALE: 1 : 100 @ A1

PROJECT:
483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
ELEVATIONS

SHEET NUMBER:
AR-DA-3000
DATE: 30/08/2023

REV:
B

ARCHITECT:
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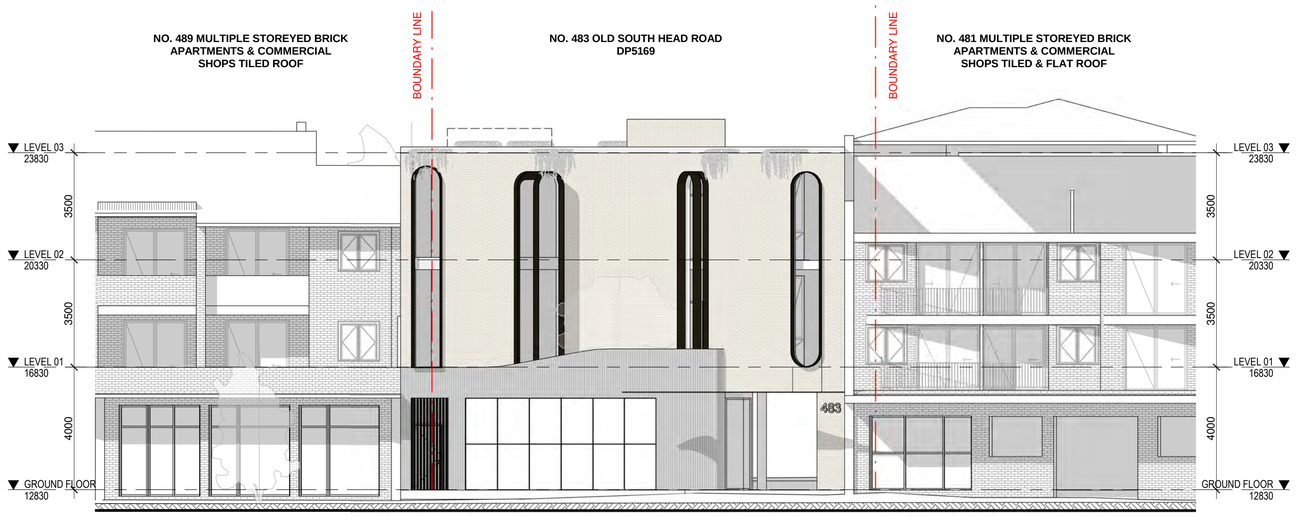
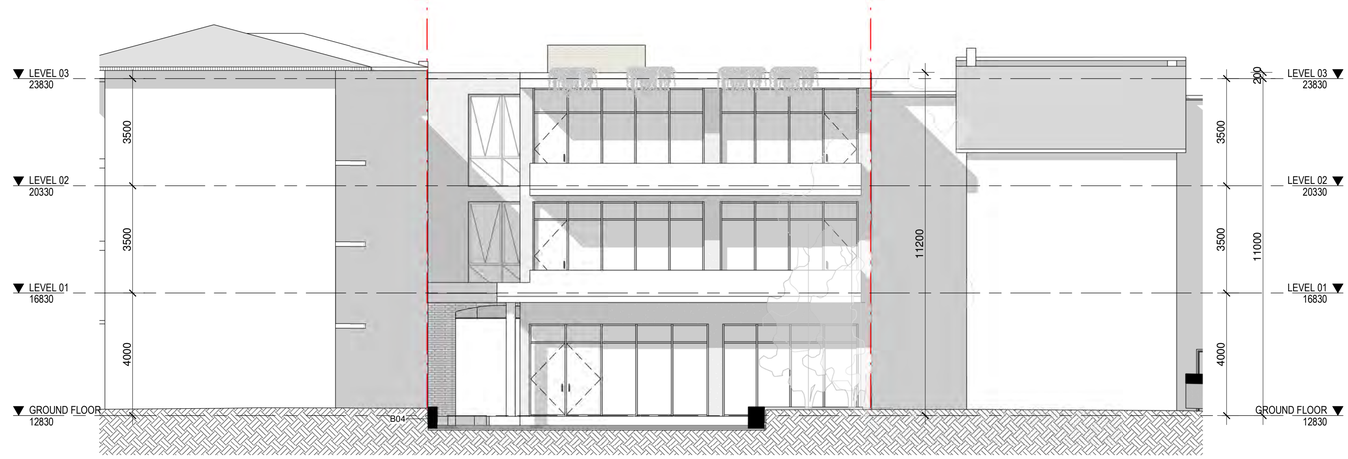


1 WEST STREET ELEVATION
1 : 100



2 EAST STREET ELEVATION
1 : 100

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	22/11/2023	RESPONSE TO COUNCIL RFI	AL

LEGEND:

0 4m
1:100

SCALE: 1 : 100 @ A1

PROJECT:
483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
STREET ELEVATION

SHEET NUMBER:
AR-DA-3001

REV:
A

DATE: 22/11/2023

ARCHITECT:
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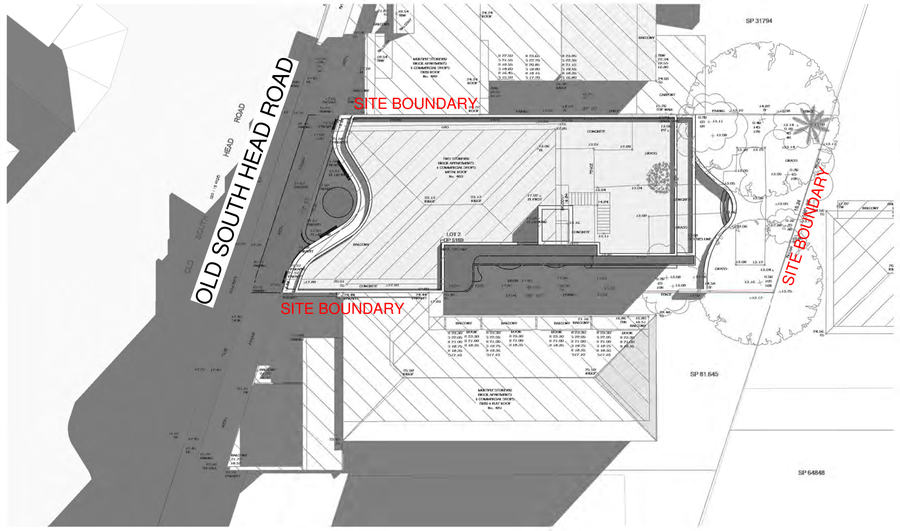

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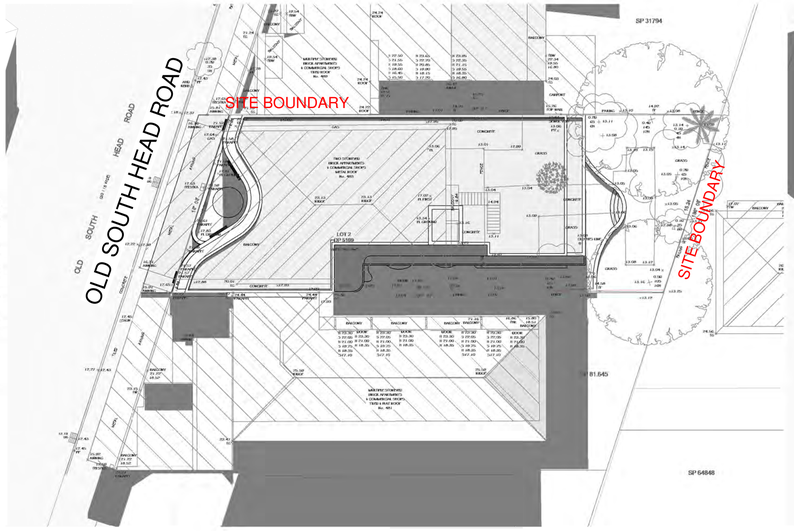
1 : 250



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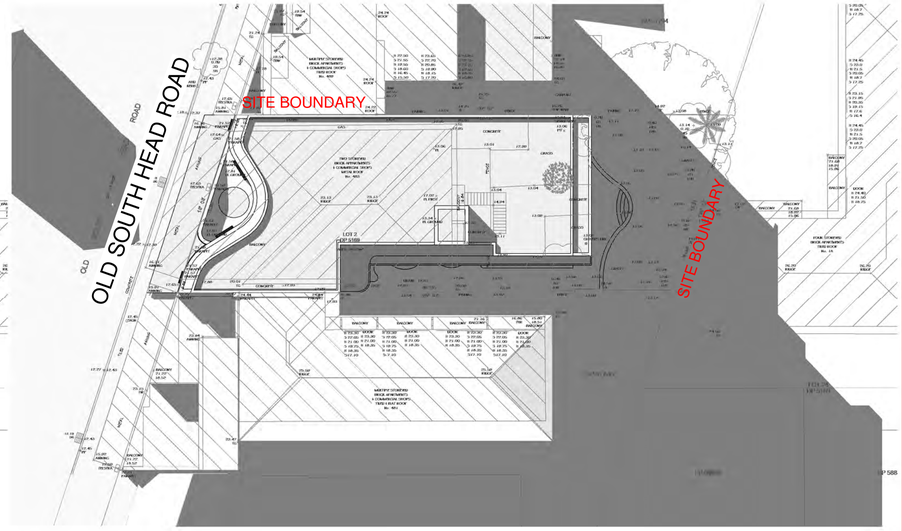
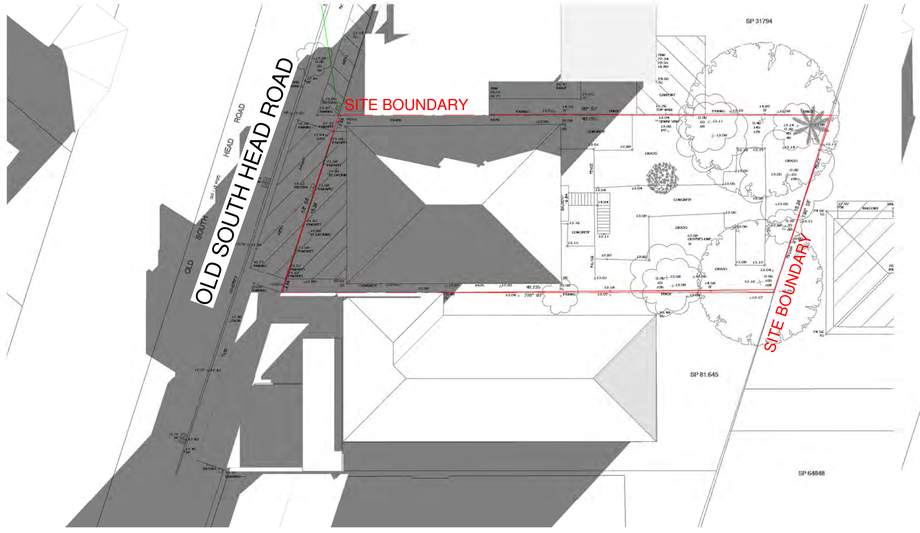
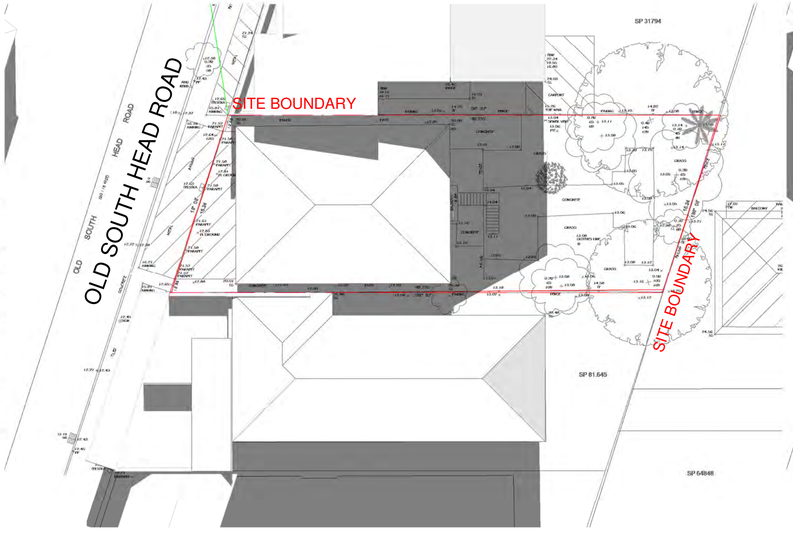
1 : 250



3 SHADOW DIAGRAM - JUNE 21 - 3PM - Proposed
1 : 250



5 SHADOW DIAGRAM - JUNE 21 - 9AM - Existing
1 : 250



6 SHADOW DIAGRAM - JUNE 21 - 12PM - Existing
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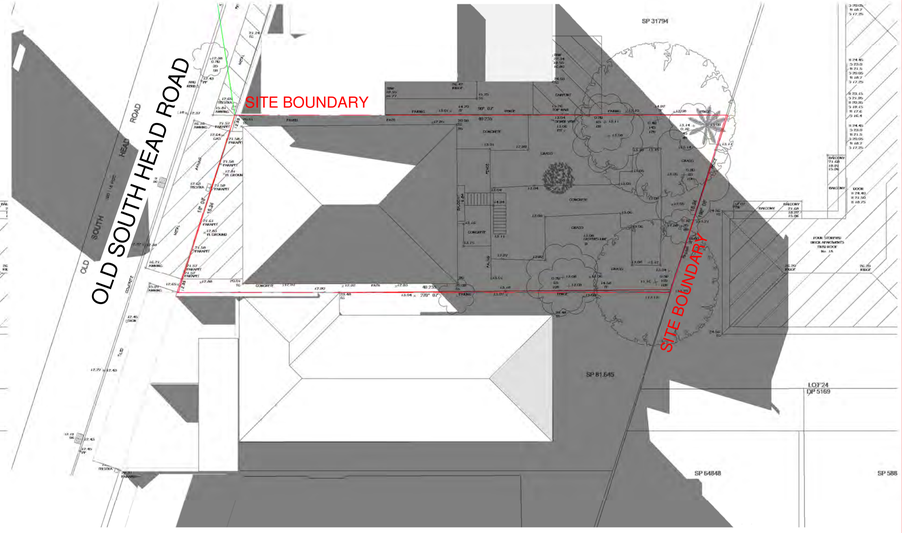

4 SHADOW DIAGRAM - JUNE 21 - 3PM Existing
1 : 250

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DEVELOPMENT APPLICATION

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A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

N

0 4m
1:100

SCALE: 1 : 250 @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
SHADOW DIAGRAMS - 21 JUNE

SHEET NUMBER: **AR-DA-4000**
REV: **B**
DATE: 30/08/2023

ARCHITECT:
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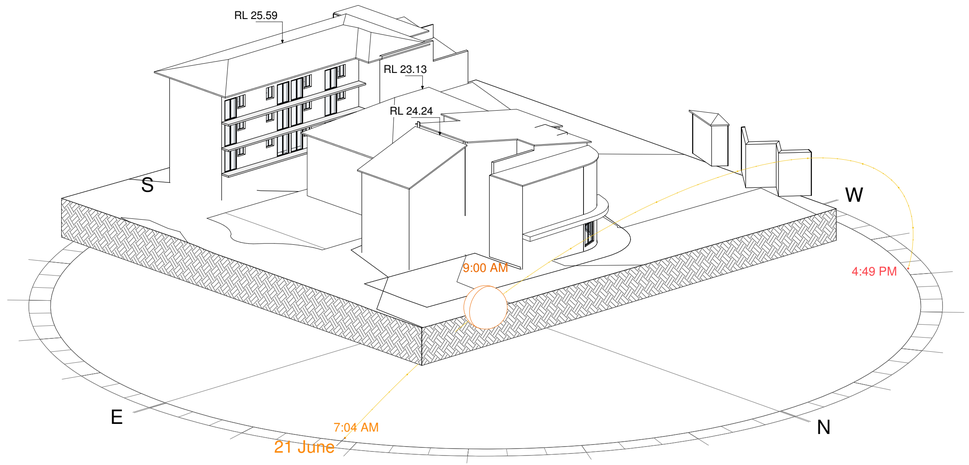
JUNE 21 _9 AM
EXISTING



JUNE 21 _9 AM
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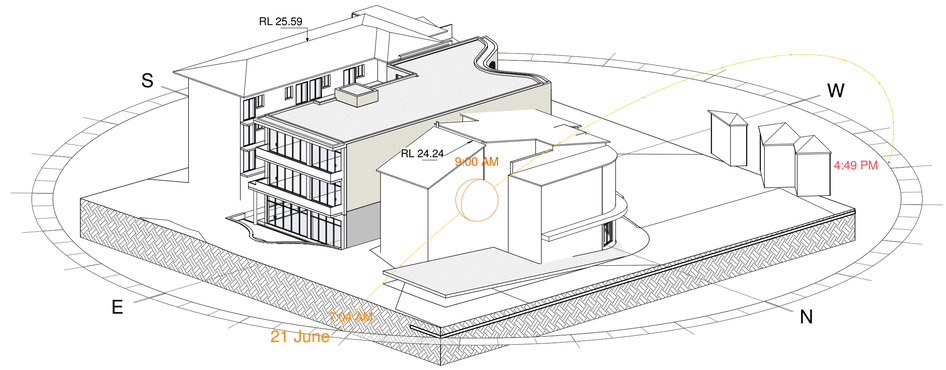

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DEVELOPMENT APPLICATION

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22/11/2023 5:44:59 PM

REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
VIEW FROMS SUN - 9AM

SHEET NUMBER:
AR-DA-4001

REV:
B

DATE: 30/08/2023

ARCHITECT:

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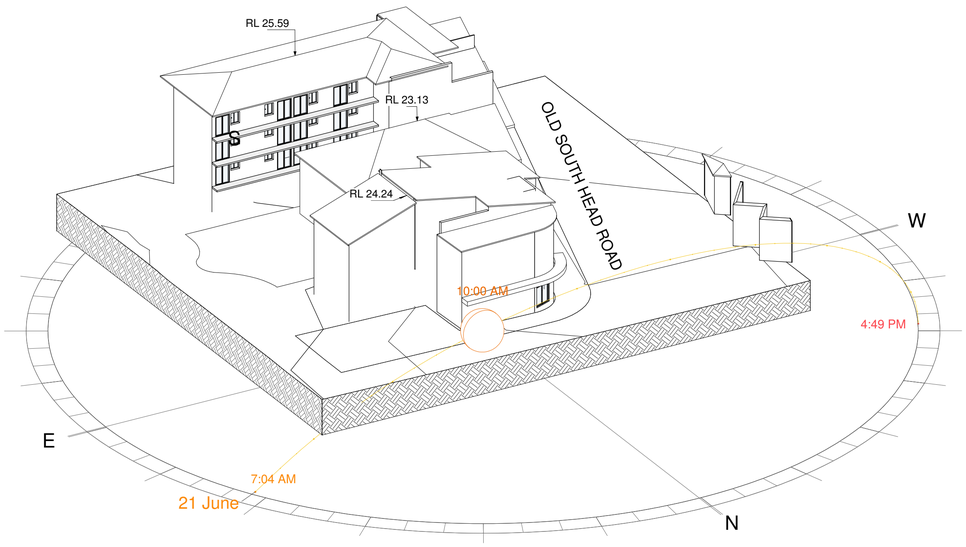
JUNE 21 _10 AM
EXISTING



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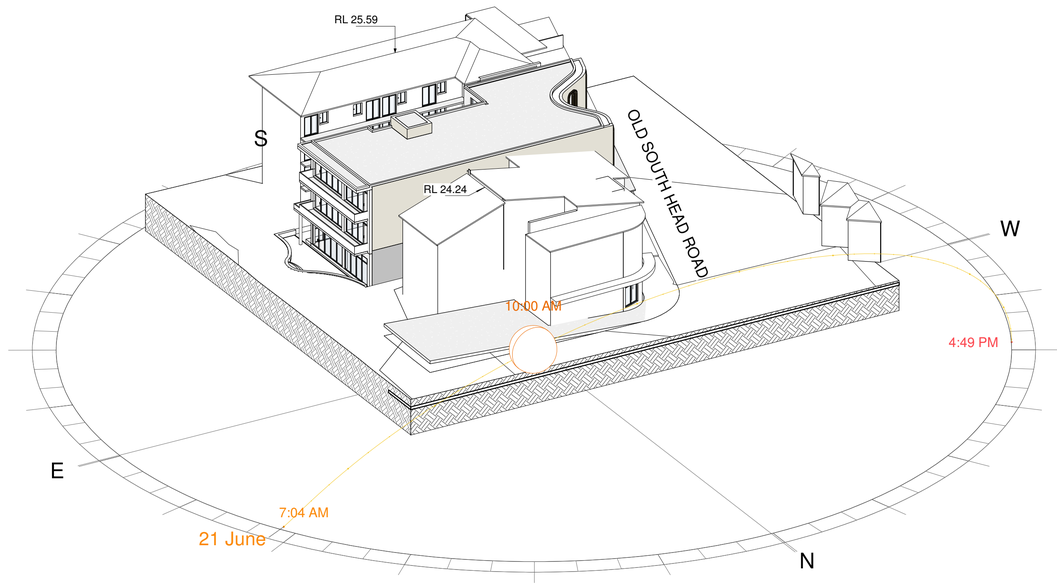

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
VIEWS FROM SUN - 10AM

SHEET NUMBER: **AR-DA-4002**
REV: **B**
DATE: 30/08/2023

ARCHITECT:
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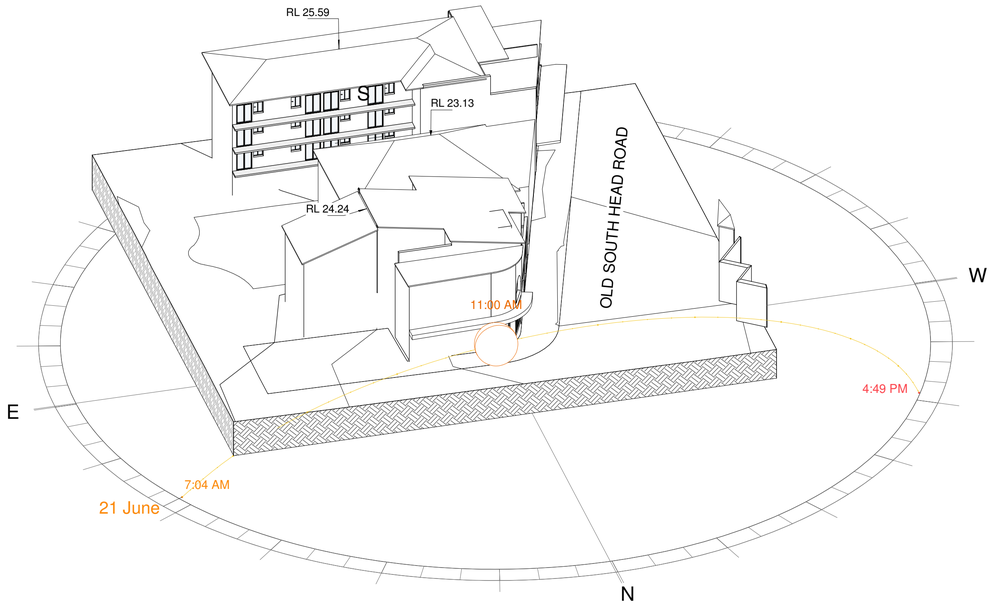
JUNE 21 _11 AM
EXISTING



JUNE 21 _11 AM
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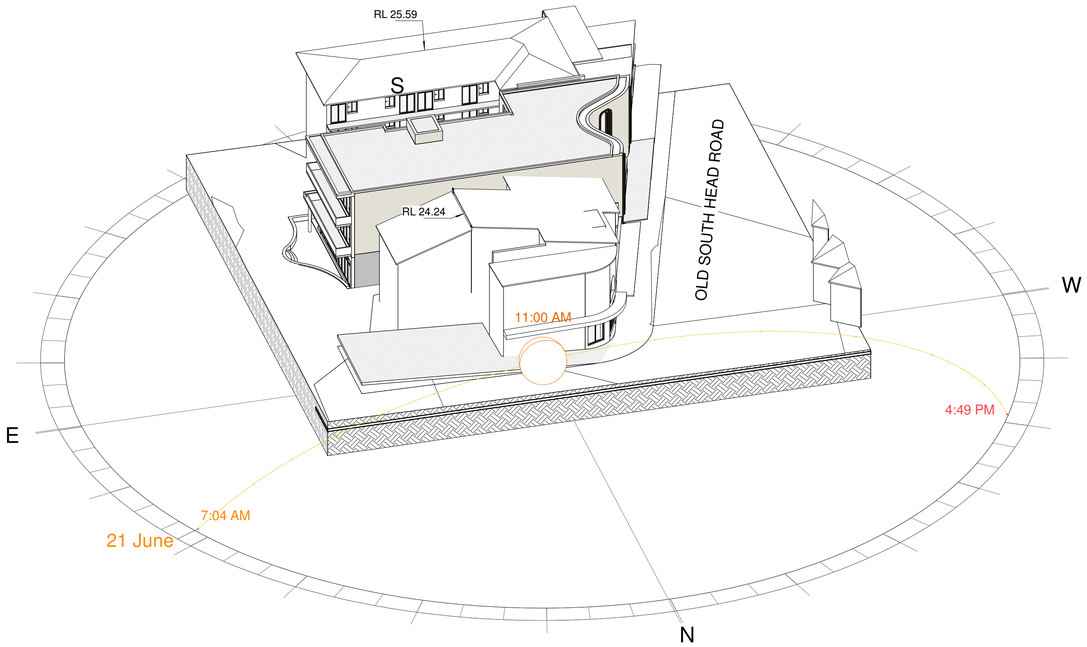

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DEVELOPMENT APPLICATION

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REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
VIEWS FROM SUN - 11AM

SHEET NUMBER: **AR-DA-4003**
REV: **B**
DATE: 30/08/2023

ARCHITECT:
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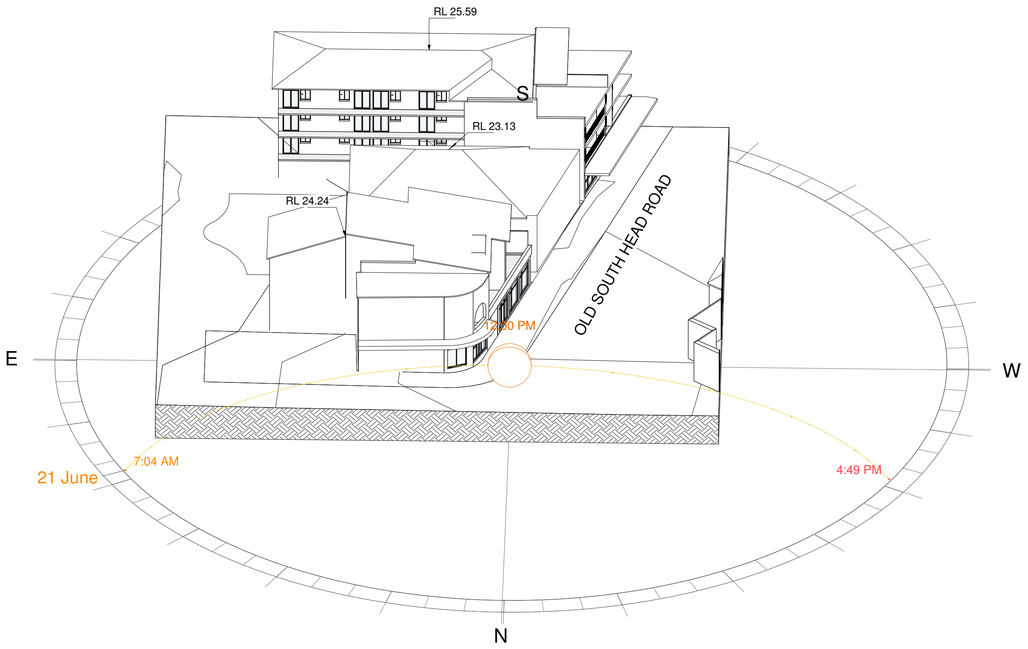
JUNE 21 _12 PM
EXISTING



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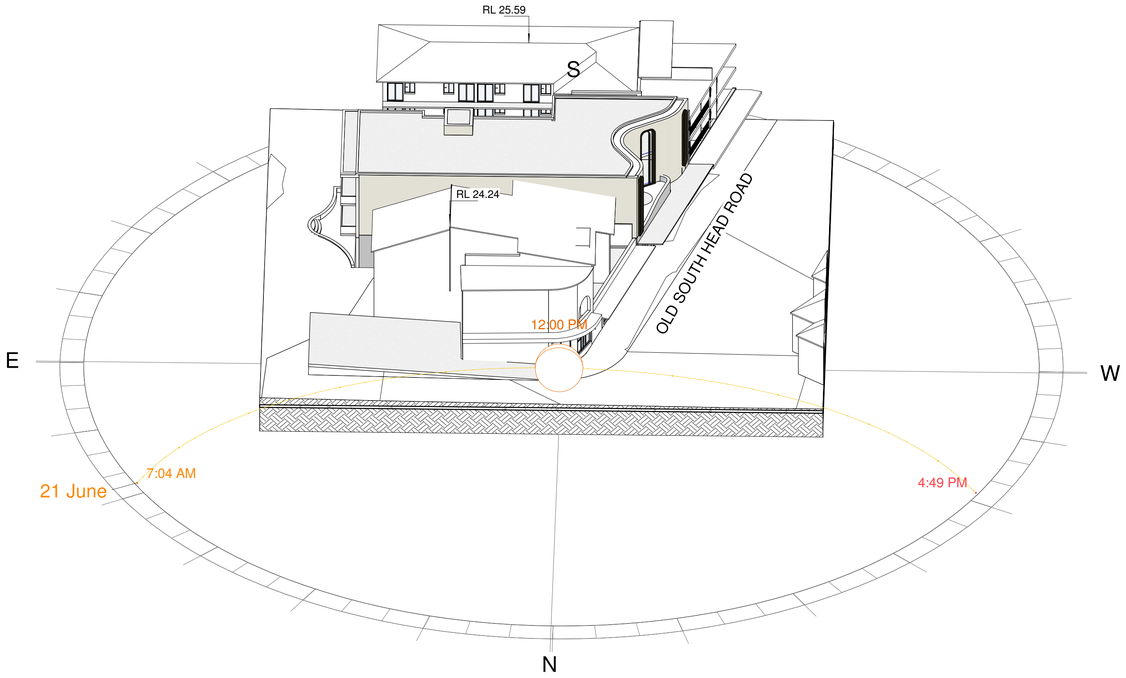
PROPOSED



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DEVELOPMENT APPLICATION

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22/11/2023 5:45:01 PM

REVISION:

REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
VIEWS FROM SUN - 12PM

SHEET NUMBER:
AR-DA-4004

REV:
B

DATE:30/08/2023

ARCHITECT:
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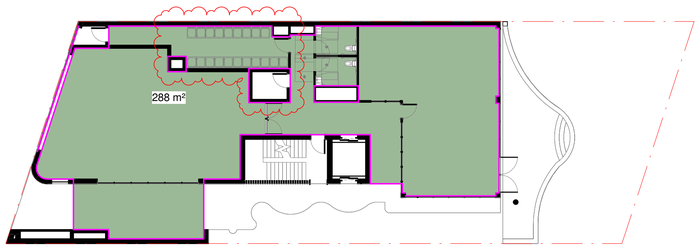
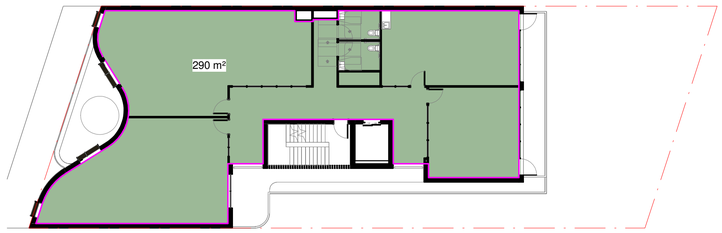
LEGEND

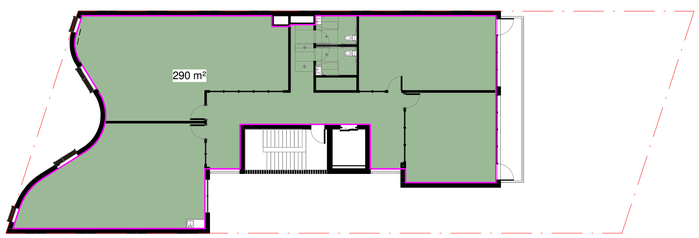
Gross Building Area



1 GROUND FLOOR
1 : 200



2 LEVEL 01
1 : 200



3 LEVEL 02
1 : 200

LOT 2
DP 5169
B4 MIXED USED

SITE AREA 583 sqm

FSR 1.5:1

ADMISSIBLE GFA 874.5 sqm

PROPOSED GFA 867.23 sqm

RESIDUAL 7.27 sqm

AREAS SCHEDULE

LEVEL	AREA
GROUND FLOOR	287.56 m²
LEVEL 01	289.84 m²
LEVEL 02	289.84 m²
TOTAL	867.23 m²

NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

Document Notes
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REV	DATE	DESCRIPTION	APP
A	07/07/2022	CONCEPT ISSUED TO CLIENT	BP
B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG
C	18/10/2023	SWRMP AMENDMENT - BIN ROOM	NJG

LEGEND:

N

0 4m
1:100

SCALE: As indicated @ A1

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
GFA CALCULATION PLANS

SHEET NUMBER:
AR-DA-4005

REV:
C

DATE: 18/10/2023

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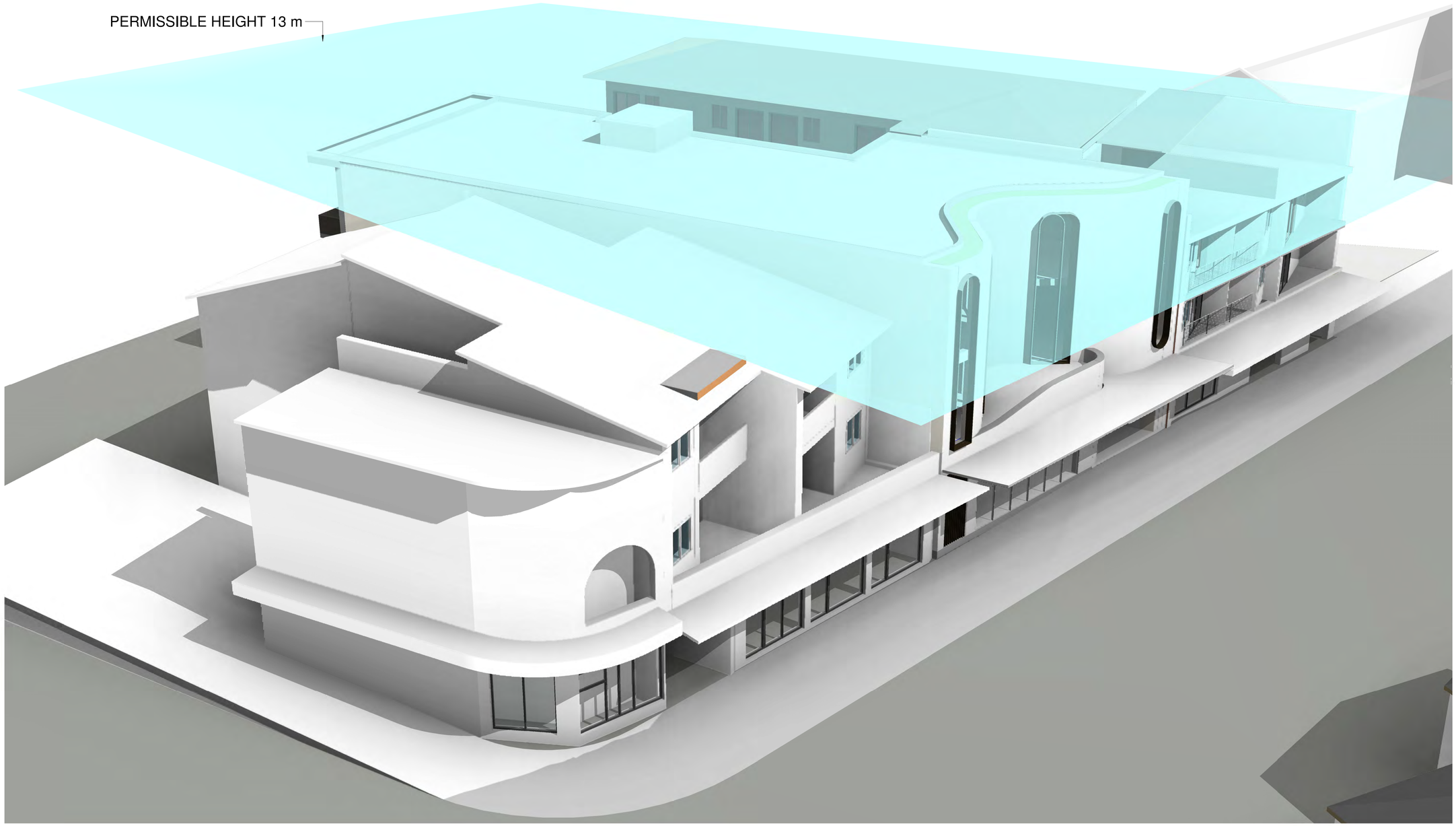

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DEVELOPMENT APPLICATION

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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
HEIGHT DIAGRAM

SHEET NUMBER:
AR-DA-4007

REV:
B

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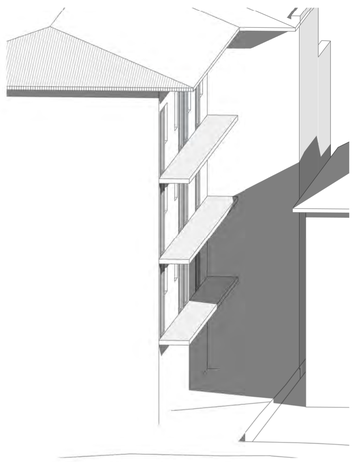

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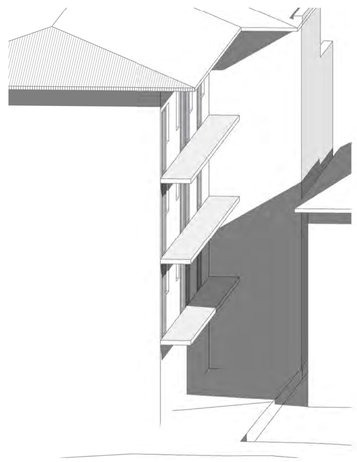

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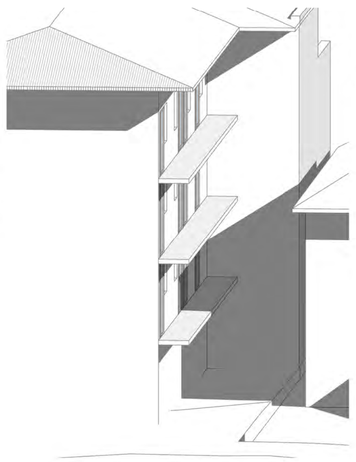

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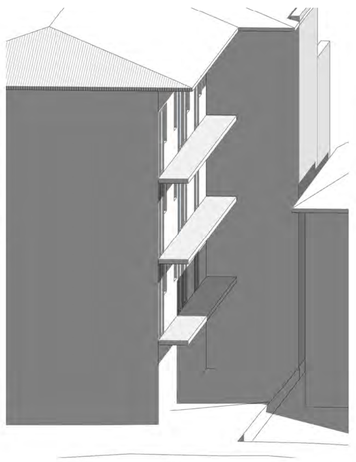

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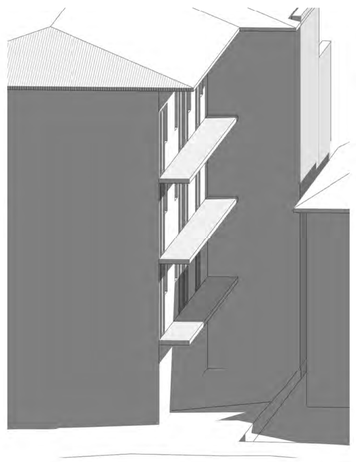

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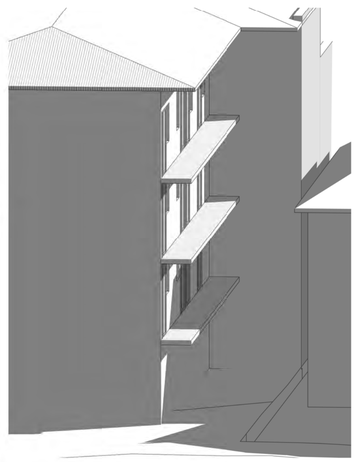

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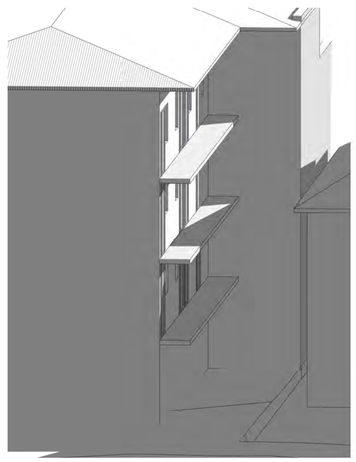

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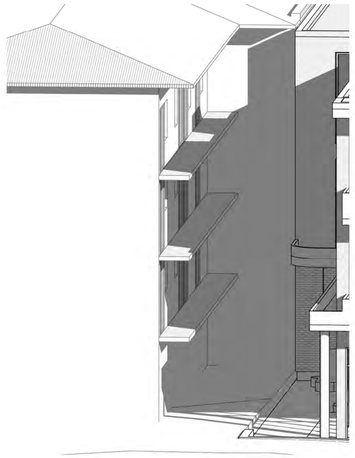

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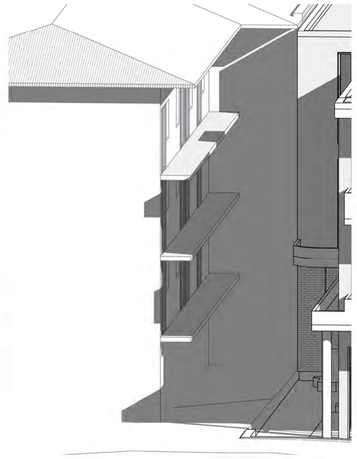

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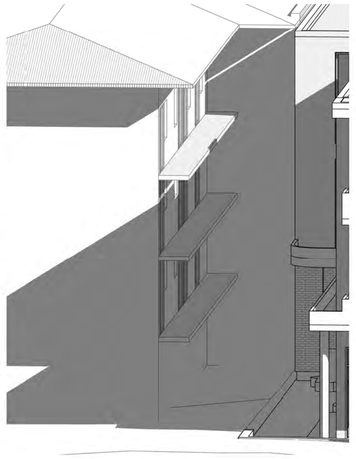

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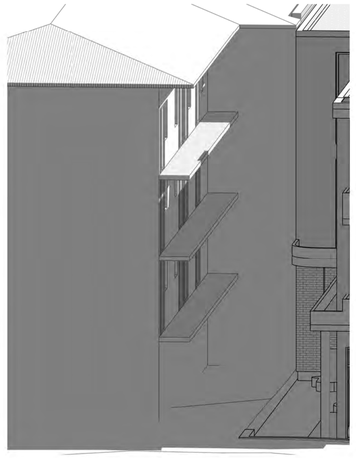
JUNE 21_12PM_PROPOSED



JUNE 21_1PM_PROPOSED

JUNE 21_2PM_PROPOSED

JUNE 21_3PM_PROPOSED

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B	30/08/2023	RESPONSE TO COUNCIL RFI	NJG

LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
SOLAR VIEWS

SHEET NUMBER:
AR-DA-4008

REV:
B

DATE: 30/08/2023

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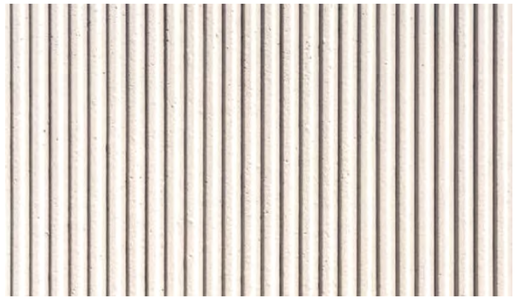
METALWORK FRAMES IN POWDERCOAT

COLOUR: JASPER/MATT



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FLUTED CONCRETE FINISH

MATERIAL CODE: B01

SLIM PROFILE BRICK WALL LINEAR
CENIZA OR EQUIVALENT

MATERIAL CODE: R01

WHITE RENDERED FINISH

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DEVELOPMENT APPLICATION

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LEGEND:

PROJECT:

483 OLD SOUTH HEAD ROAD
ROSE BAY

CLIENT: YOUNG WANG

DRAWING TITLE:
FINISHES

SHEET NUMBER:
AR-DA-5000

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B

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Report to the Waverley Local Planning Panel

Application number	DA-552/2021/A
Site address	26-32 Hall Street, Bondi Beach
Proposal	Modification of approved construction of a four storey shop top housing development to increase number of ground floor retail tenancies to five commercial tenancies, increase number of apartments from 15 to 16 and change unit mix, reconfiguration of basement carparking and storage, amendment to building setbacks and facades including new balconies on the south elevation.
Description of Approved Development	Demolition of existing buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement carparking and 15 residential units.
Date of lodgement	13 July 2023
Owner	STM123 No 26 Pty Limited
Applicant	STM123 Pty Ltd
Submissions	Original notification – 14 submissions received Renotification – 10 submissions received
Amended cost of works	$9,421,579
Principal Issues	• Side and rear setbacks • Landscaped area
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.
SITE MAP	

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-552/2021 for demolition of the existing buildings and construction of a four storey shop-top housing building with retail premises on the ground floor, two levels of basement car parking and 15 residential units above at the site known as 26-32 Hall Street, Bondi. This development consent was approved by the Waverley Local Planning Panel (WLPP) on 14 December 2022 as a deferred commencement consent.

In summary, the proposed modifications are for alterations to the building envelope and façade, internal reconfiguration to provide five commercial tenancies on the ground floor, alterations to unit mix and construction of an additional apartment for a total of sixteen 16 apartments, new balconies on the south elevation and relocation of solar panels, plant and services on the roof.

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

- Side and rear setbacks
- Landscape area

The assessment finds these issues acceptable, as the reduction to the rear building line and reconfiguration of apartments including balconies on the south elevation will not result in any additional amenity impacts, particularly visual privacy, for adjoining properties at 1 Jacques Avenue and 15 Consett Avenue. The proposal has demonstrated that the setback of the balconies to the south-eastern apartments ranging between 4m and 6m from the southern boundary is acceptable notwithstanding the variation from the 45 degree built form control (DCP control), as the balconies are adjacent to the blank façade at 1 Jacques Avenue and will not directly overlook habitable windows or private open spaces of adjoining apartments or the dwelling at 15 Consett Avenue.

The proposed rear setback of the south-western apartments measure between 6m and 8.2m from the southern boundary and is predominantly contained within the 45 degree built form control except for the planter box along the southern side of the Level 3 apartment. In this instance, the projection of the planter box is considered acceptable as it contributes to overall landscaping and will restrict sightlines from the Level 3 balcony to the roof of properties to the south of the site.

The proposed reconfiguration of the ground floor, including part permeable paving at the rear will reduce the overall landscaped area to 24.8% equating to a shortfall of 5.2% to the minimum required landscaped area of 30% of the site. To achieve compliance with the landscape requirement and minimise additional amenity impacts on adjoining residential properties, a design amendment condition requiring the replacement of the part permeable paving along the southern elevation of the ground floor retail tenancies with landscape planting has been included in the recommendation.

A total number of 24 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions have been received.

The application is referred to the WLPP for determination as the amendments to the western side and rear building setbacks vary from the deferred commencement conditions relating to rear building lines recommended by the WLPP.

The application has been assessed against the relevant matters for consideration under section 4.55(2) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out during the assessment of the original development application and on 6 September 2023.

The site comprises of Lot 27 in DP 5953, Lot 1 in DP 315776, and Lot 28 in DP 5953 and is known as 26-28 and 30-32 Hall Street, Bondi Beach.

The site is located on the southern side of Hall Street and is within the street block bounded by Jacques Avenue to the east and Consett Avenue to the west. The site is rectangular in shape with a primary frontage (north) to Hall Street and a rear (south) boundary measuring 26.2m, and east and west side boundaries measuring 36.6m. The site has an area of 958.6m² and has a fall of less than 1m from west to east and from south to north.

The site is occupied by a two storey commercial building at 26-28 Hall Street with vehicular access along the eastern side boundary to at grade car parking spaces at the rear, and a part three part four storey shop top housing development at 30-32 Hall Street with vehicular access along the eastern boundary adjoining 26-28 Hall Street.

The site is adjoined by 20 Hall Street to the east comprising the heritage listed Australia Post Office building which has recently completed construction for a four storey shop-top housing development with ten apartments and two levels of basement car parking. Immediately to the west of the site at 34-38 Hall Street is single storey building and a three storey mixed use development. A development consent (DA-271/2022) was granted by the NSW Land and Environment Court (LEC No. 2022/00282173) on 2 June 2023 for demolition of existing buildings, amalgamation of two lots and construction of a four storey shop-top housing building with two levels of basement car parking, ground floor retail and 16 apartments. Further to the west, at the intersection of Hall Street and Consett Avenue (40 Hall Street) is a four storey shop-top housing development.

The northern side of Hall Street is characterised by shop-top housing and mixed use buildings ranging between one and three storeys in height. To the north-west of the site at 43-45 Hall Street construction is currently being carried out for a part four and part five storey mixed use development.

The southern (rear) boundary of the site adjoins a single storey heritage listed dwelling at 15 Consett Avenue and a three storey residential flat building with one level of basement car parking at 1 Jaques Avenue.

On the boundary between the site and 15 Consett Avenue is a *Quercus ilex* (Mediterranean Holm Oak). At its meeting on 6 December 2022, Council resolved to list the Mediterranean Holm Oak tree on Council's Significant Tree Register.

The site is located within the Hall Street Town Centre and the locality is characterised by a variety of shop-top housing and mixed use developments ranging between one and four storeys in height. Hall Street is undergoing transition with construction of new mixed use buildings contributing to the local village character.

Figures 1 to **5** are photos of the site and its context.

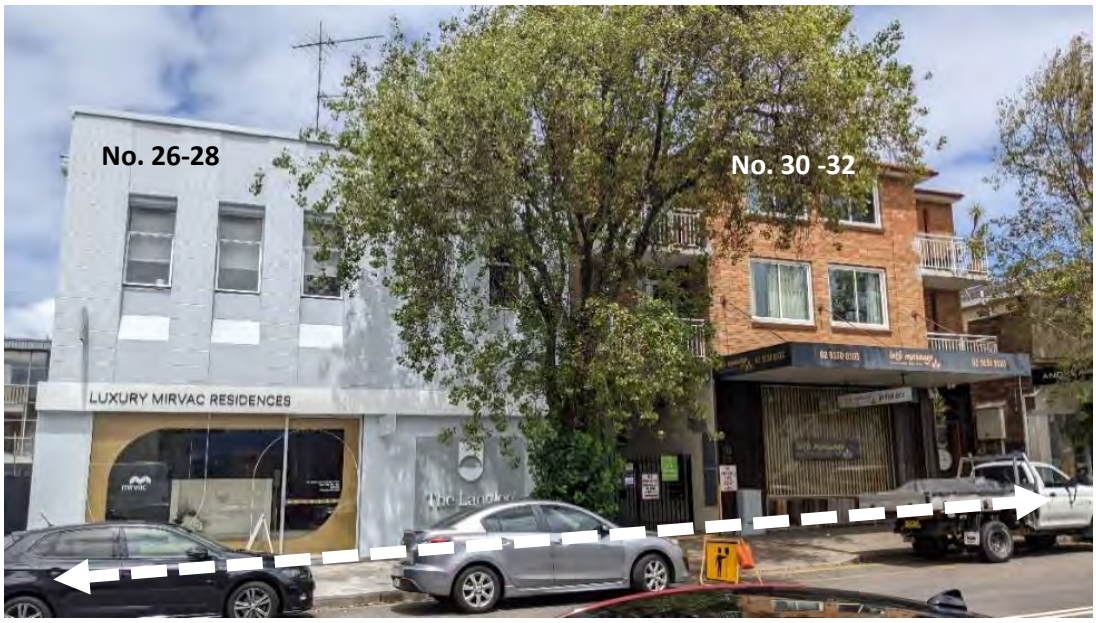

Figure 1: View of site looking south from the opposite side of Hall Street

Figure 2: View from rear of 26-28 Hall Street, looking north

Figure 3: Looking east from rear of 26-28 Hall Street to adjoining properties

Figure 4: View from existing first floor rear balcony at 26-28 Hall Street, looking south

Figure 5: View of adjoining properties looking west from first floor rear balcony at 26-28 Hall Street

1.3. Details of Approved Development

The original development application, known as DA-552/2021 for the demolition of the existing buildings and construction of a four storey shop top housing building with retail premises on the ground floor, two levels of basement carparking and 15 residential units above was granted deferred commencement consent on 14 December 2022 by the WLPP.

The deferred commencement conditions read as follows:

1. *The setback of the Ground level rear building line is to match the setback of the southern elevation of level 1.*

2. *The setback of the Level 2 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 8.1m from the southern boundary and demonstrate that the building is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.*

3. *The setback of the Level 3 rear building line (measured to the external wall of the building on the southern elevation) is to measure a minimum 11.2m from the southern boundary and demonstrate that the building, including any balconies or planter boxes, is wholly contained within the building setback and 45 degree building envelope control specified in Diagram C, Annexure E303 in Part E of the Waverley Development Control Plan 2012.*

On 20 March 2023, the applicant submitted amended architectural plans seeking to address the deferred commencement conditions above. Council officers reviewed the proposal and advised the applicant in a letter dated 22 March 2023 that the deferred commencement conditions have been satisfied and the consent is operational.

This modification application seeks to amend Condition 1 – Approved Development to reflect the updated set of architectural plans and documentation.

1.4. Proposal

The modification application has been submitted under section 4.55 (2) of the *Environmental Planning and Assessment Act 1979*. It seeks consent for the following modifications to the approved development:

<u>Basement</u>

- Reconfiguration of basement levels to accommodate alterations to the core and service areas and parking spaces and storage areas.

<u>Ground Floor</u>

- Reconfiguration of ground floor to provide five commercial tenancies, relocate residential entry and services, and communal open space including reduction of landscaped area;
- Reconfiguration of shopfront and ground level awning to match the alignment of balconies above; and

- Increase ground floor rear setback from 4.5m to 6.2m at the south-west corner resulting from reconfiguration of retail tenancies and provision of partially permeable paving between rear building line and landscaped area.

Levels 1 to 3 (inclusive)

- Amended balconies on the north elevation to align with the front boundary;
- Reconfiguration of lobby and services in the core;
- 1.8m x 2.01m openings to the east and west ends of common corridors;
- Increase separation between window openings on the southern elevation of northern apartments and the external wall of southern apartments from 1.5m to 1.8m;
- Delete blade walls between window openings on the south elevation of northern apartments;
- Reconfiguration of northern apartments including relocation of balconies on the west elevation to the south elevation;
- Reduction of western side setback from 6m to 3m; and
- Reduction of southern rear setback on Level 1 from 5.2m to 4m, Level 2 from 8.3m to 4m and Level 3 from 11.2m to 6m, all measured to the southern side of the proposed balconies.

Roof

- Realignment of parapet on the north elevation to reflect the setback of apartments;
- Relocation of lift overrun, plant and services to reflect the reconfiguration of the core;
- Amendment to roof form at the rear of the development to reflect the configuration of the southern apartments; and
- Two skylights above living areas to southern apartments.

1.5. Background

The modification application was lodged on 13 July 2023 and deferred on 10 August 2023 for the following reasons:

1. The proposed rear building line seeks to vary the rear setbacks approved by the WLPP which were imposed to reduce building bulk, scale and amenity impacts on adjoining properties. The submitted architectural plans show inaccurate building envelopment controls and insufficient information demonstrating the proposal will not result in detrimental impacts on the amenity of adjoining properties.
2. The proposed western side setback, reconfiguration of apartments and relocation of approved western balconies on the south elevation will result in additional visual and amenity impacts on adjoining private open space.

3. The proposed built form, particularly the primary balconies to Apartments 205, 506, 303 and 304 on the south elevation should be contained within the maximum permitted building envelope to minimise building bulk and visual privacy impacts on adjoining properties.
4. The secondary balconies on the southern elevation of Apartments 101, 104, 201, 204, 301 and 302 provide poor amenity for future occupants and adjacent apartments. The proposed balconies are not supported and should be deleted.
5. Amended shadow diagrams are required to clearly distinguish between overshadowing cast by the originally approved development, proposed additional overshadowing and shadow impacts cast by a compliant built form.
6. A greater separation is required between the south facing bedroom windows of Apartments 101, 104, 201, 204, 301 and 302 and the adjacent northern external wall of Apartments 105, 106, 205, 206, 303 and 304 to improve internal amenity of future occupants.
7. The proposed internal reconfiguration of apartments results in open plan depths greater than 8m to a window which is inconsistent with the maximum apartment depth provisions in the Apartment Design Guide (ADG).
8. The amendment of the ground floor awning on the north elevation to provide four separated awning portions along the street frontage does not optimise weather protection for pedestrians compared to the approved awning. Council officers recommended the reinstatement of the originally approved awning design.
9. The proposed rear setback to the ground floor and part permeable paving will reduce available landscape areas along the southern boundary and does not achieve the minimum landscape area requirement under the Waverley Development Control Plan 2022 (Waverley DCP 2022). Council officers recommended the originally approved landscape area be retained to minimise additional amenity impacts on adjoining properties.
10. A Site Waste and Recycling Management Plan is required to be prepared and submitted demonstrating compliance with Council's waste provisions. Council's waste management team has recommended incorporating a wheel in/out collection point for residential and commercial waste having regard to the number of bins required to service the development.
11. The reduction of motorcycle parking spaces presents a shortfall of two spaces in accordance with the Waverley DCP 2022. It is recommended that one car parking space is converted into two motorcycle parking spaces to achieve compliance with the Waverley DCP 2022 requirements.

The applicant submitted amended architectural plans to address the issues raised in Council's deferral letter on 1 November 2023.

On 16 November 2023, the applicant submitted a revised site waste and recycling management plan reflecting the amendments sought as part of the modification application.

The amended plans and supplementary information received on 1 and 16 November 2023 form the basis of the assessment.

2. ASSESSMENT

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

2.1. Section 4.55 – Modification of consents – generally

The application is made under section 4.55(2) of the Act.

The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be *substantially the same* as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified on 18 July 2023 and amended plans were renotified on 2 November 2023 and a total of 18 submissions were received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.3. Planning Instruments and Development Control Plans

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

2.3.1 State Environmental Planning Policies (SEPPs)

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

- SEPP (Sustainable Buildings) 2022
- SEPP 65 (Design Quality of Residential Apartment Development) 2002
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP 65 (Design Quality of Residential Apartment Development)

This modification application was not referred to the Waverley Design Advisory Excellence Panel (DEAP) as the scope of the amendments sought are not considered to be significantly different from the bulk, scale or form referred to DEAP as part of original application.

Consideration of the modifications against the nine design quality principles under Schedule 1 of SEPP 65 are set out in **Table 1** of this report.

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

Principle	Planning Comment
1. Context and Neighbourhood	The proposed reconfiguration of the ground floor to provide three retail tenancies on the north elevation contributes positively to the fine grain shopfront character and activation of Hall Street and is supported. Whilst the increased rear setback of the southernmost retail tenancy on the ground floor is supported, the proposed reduction in landscaping along the southern boundary to provide partially permeable paved communal open space adjacent to retail uses is likely to result in additional amenity impacts on adjoining residential properties and is not supported. A design amendment condition to delete the part permeable paved area and replace with landscaping along the southern side of the ground floor retail tenancies is recommended to reduce potential commercial use of outdoor space in close proximity to adjoining residential properties and minimise additional amenity impacts. The proposed alterations to the side and rear setbacks results in a built form that is generally consistent with the form and scale of existing and recently approved developments adjoining the site, particularly having regard to the approved four storey shop top housing development at 34-38 Hall Street with a 6-8m rear setback. As discussed in detail in the report below, the proposed side and rear setbacks will not result in any additional visual privacy or overshadowing impacts that will adversely affect the amenity of adjoining properties and is acceptable.
2. Built form and Scale	The proposed external alterations do not change the approved height of the development or significantly change the presentation of the development when viewed from Hall Street or Consett Avenue. The proposed alterations to the western side setback and southern (rear) setback responds appropriately to the approved development at 34-38 Hall Street, the recently completed development at 20 Hall Street and the three storey residential flat building at 1 Jaques Avenue. The proposed built form and reconfiguration of apartments will not result in any additional visual privacy impacts on the adjoining single storey dwelling at 15 Consett Avenue as privacy screening and planter boxes along the southern side of the balconies will prevent direct overlooking of adjoining windows and private open spaces. The proposed reconfiguration of the ground floor to provide three separate tenancies fronting Hall Street is consistent with the rhythm of retail and commercial uses within Hall Street and is acceptable.

Principle	Planning Comment
3. Density	The proposal is compliant with the FSR development standard.
4. Sustainability	The proposal does not seek to include ceiling fans or electric cooktops. The original development consent included a condition recommending the installation of ceiling fans, which will remain. An advisory note is recommended regarding the use of electric cooking. Additional solar panels are proposed on the roof to increase the ecological sustainability of the development and is supported. The roof overhang to the north facing balconies on Level 3 is increased from 0.4m to 1m.
5. Landscape	The proposal maintains a deep soil area along the southern boundary measuring approximately 102m², as calculated by Council's assessment officer. In addition, landscaping comprising of planter boxes is provided on the northern façade, on the ground floor roof along the east and west side boundaries, on the southern elevation of the northern apartments and along the southern side of balconies on the south elevation. No change is proposed to the retention and protection of the existing *Quercus ilex* (Mediterranean Holm Oak) tree located along the southern boundary. The originally imposed tree protection conditions will remain applicable.
6. Amenity	As discussed above, the proposed amendment to reduce the landscaped area along the southern boundary to provide a partially permeable paved area adjacent to the rear of two retail tenancies is likely to have additional amenity impacts on adjoining residential properties and is not supported. A design amendment condition has been included in the recommendation to delete the proposed permeable paving along the southern boundary and to be replaced with landscape planting. In addition, the glazed openings of tenancies 4 and 5 on the south elevation are to comprise of windows that do not provide direct pedestrian access to the landscaped area.
7. Safety	The proposed amendment relocates the residential entry to the centre of the Hall Street elevation in between Tenancies 1 and 2 with a width of 3m. A security gate adjacent to the residential lobby is setback approximately 11.5m from the front boundary to provide separation and security between the public domain, retail tenancies and the residential entrance.
8. Housing Diversity and Social Interaction	The proposal provides a unit mix comprising one-bedroom (31.25%), two-bedroom (56.25%) and three-bedroom (12.5%) apartments and contributes to housing mix within the locality. Having regard to the constraints of the site, the provision of communal outdoor open space adjacent to the southern boundary at ground level is not considered appropriate as it has potential to impact on the amenity of adjoining residential properties. As such, a condition has been included requiring the paved outdoor area adjacent to the southern elevation of retail tenancies 4 and 5 to be replaced with landscaping. The landscaping is to be cohesive with the approved landscaping along the southern boundary and contribute to additional landscape buffering between the development and adjoining properties.
9. Aesthetics	The proposed four separate awnings on the ground floor fronting Hall Street are not considered a better design outcome for pedestrian amenity along Hall Street

Principle	Planning Comment
	and is not supported compared to the originally approved two continuous awnings. To ensure the development contributes positively to the amenity within the public domain, a design amendment condition requiring the awning along Hall Street to comprise of one or two continuous awnings has been included in the recommendation. No change is proposed to the schedule of external materials and finishes. The proposed aesthetics of the development will contribute to the character d visual interest within the streetscape and is acceptable.

Apartment Design Guidelines (ADG)

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

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

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

Table 2: ADG

Design Criteria	Compliance	Comment
3F Visual privacy		
• Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable • Increased separation of 3m where adjoins a lower density zone	No – acceptable on merit No	No change is proposed to the approved 3m setback from the eastern side boundary. The proposed reduction to the western side setback from 6m to 3m on Levels 1 to 3 (inclusive) is considered contextually appropriate having regard to the side setback of the shop top housing development immediately to the west of the site at 34-38 Hall Street (Development Consent DA-271/2022). This measures 4.2m from the external wall and 3.8m from the hooded windows to the eastern side boundary. The proposal seeks to delete the originally approved west facing balconies and provide window openings with full height externally fixed

Design Criteria	Compliance	Comment
		angled privacy screens to minimise direct sightlines from the proposed windows to adjoining properties. The proposed building separation and setbacks provide an appropriate transition between adjoining shop top housing developments fronting Hall Street and will not result in any additional direct overlooking or loss of privacy for adjoining residential developments. As noted in the assessment of the originally approved development, compliance with a 9m building separation at the rear as required by the ADG is not suitable for the site having regard to the size of the site and context of surrounding developments. In this instance, the built form envelope controls under Part E3 of the Waverley DCP 2012 are more appropriate to address the transition between development fronting Hall Street and adjacent lower density developments. See discussion below this table.
4A Solar and daylight access		
• Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter • A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.	Yes	75% of units receive at least 2 hours of solar access in mid-winter. 12.5% of units received no direct sunlight at mid-winter. The proposal is consistent with the objectives of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.
4B Natural ventilation		
• All habitable rooms are naturally ventilated • Number of units with natural cross ventilation is maximised: – At least 60% of units naturally ventilated	Yes	All habitable rooms are provided with at least one window for natural ventilation. 75% of units can be naturally cross ventilated. The proposal uses a combination of full height openable doors and windows on opposite elevations to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
• Ground floor commercial – 3.3m, 4m for café or restaurant • Habitable rooms – 2.7m • Non-habitable rooms – 2.4m	No - as approved Yes Yes	No change is proposed to the 3.2m floor to ceiling height of the ground floor level for retail uses. No change is proposed to the minimum 2.7m floor to ceiling height for all apartments.

Design Criteria	Compliance	Comment
4D Apartment size and layout		
The following minimum internal areas apply: • *1 Bed = 50 m^2* • *2 Bed = 70 m^2* • *3 Bed = 90 m^2* • *Add 5m^2 for each additional bathroom (above 1)* Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Habitable room depths limited to 2.5m x the ceiling height (6.75m) Open plan layout has a maximum depth of 8m from a window.	Yes Yes Yes No – as approved	All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed unit sizes and layout are acceptable. The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room. All main bedrooms have areas exceeding the minimum 10m² and all other bedrooms meet the minimum 9m² and dimensions. All robes are a minimum of 1.5m. All kitchens are separate to the circulation spaces. The open plan living areas to single aspect (north facing) apartments have a depth of 9m. No change is proposed to the depth of these apartments as originally approved. The northern aspect and full height glazed doors to north facing balconies provide adequate internal amenity for future occupants and is acceptable. The proposal is consistent with the objectives of this part of the ADG.
4E Private open space and balconies		
All apartments provide primary balcony as follows: • 1-bed – 8m^2 & 2m depth • 2-bed - 10m^2 & 2m depth • 3+bed - 12m^2 & 2.4m depth	Yes	100% of the units are provided with a balcony accessed from the main living areas and meet the minimum requirements of the ADG in terms of area and depth. The design of the balconies are integrated into the architectural form and detail of the building. Privacy screening and planter boxes are provided to maintain visual privacy for adjoining properties and enhance amenity between future occupants.
4F Common circulation and spaces		
• Max of 8 units accessed off a circulation core on a single level	Yes	A maximum of six apartments are provided per floor level.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • 1-bed – 6m^3 • 2-bed – 8m^3 • 3+bed – 10m^3	Partially Complies	The proposal provides separate storage within each apartment and a storage cage in the basement for additional bulky storage. The total storage area provided for each apartment complies with the minimum storage requirements under the ADG, except the proposed 1.7m³ of storage which represents a shortfall of 1.3m³.

Design Criteria	Compliance	Comment
		A condition requiring compliance with storage requirements under the ADG has been included in the recommendation.

The following is a detailed discussion of the issues identified in **Table 2** of this report in relation to the ADG.

Rear building line

As per the assessment of the originally approved development, the required ADG rear building setback of 9m from the adjoining residential dwelling to the south of the site is not considered contextually appropriate given the size of the site and the built forms of existing and emerging developments immediately to the east and west of the site along Hall Street.

At the time of determining the originally approved development, the building envelope control under Part E3 of the Waverley DCP 2012 required a rear setback of 3m and a 45 degree angle for floors above ground level. The development consent included design amendment conditions requiring the development to be contained within the building envelope controls which were satisfied as part of the Deferred Commencement conditions (see **Figure 6** below). At the time of lodgement of this application the Waverley DCP 2022 had come into effect (as of 9 December 2022) and is applicable to the modifications sought. The building envelope controls applicable to the site under Part E3 and Annexure E3-3 of the Waverley DCP 2022 require a 6m rear setback and 45 degree angle for the rear building line above ground level. As a result, the development as originally approved does not comply with the building envelope controls. In this circumstance, requiring the approved development and the proposed modification to achieve compliance with the 6m rear setback is not contextually appropriate and will not provide a better transition between existing and emerging built forms than the originally approved development.

The proposal seeks to increase the rear building line at Level 1 between 1m to 3m and provide balconies on the south elevation. The setback of the balconies from the southern boundary is greater than the setback of the glass line of the originally approved development and will not result in additional privacy impacts on adjoining properties as adequate privacy screening to prevent direct sightlines to habitable windows or private open space are provides along the east, south and western sides of the balconies.

The proposal to reduce the rear building line of south-eastern and south-western apartments on Levels 2 and 3 from 8.1m (glass line) to 4m (southern side of balcony) and 11.2m (glass line) to 6m (southern side of balcony), respectively will not result in adverse amenity impacts for adjoining properties as privacy screening and planter boxes along the sides of the balconies will limit sightlines to roof tops to the south of the site and blank walls of adjoining properties (see **Figures 7** and **8** below). It is also noted that the setback of the proposed balconies to south-western apartments are aligned with the recently approved south facing balconies for the shop top housing development at 34-38 Hall Street and will present a contextually appropriate built form.

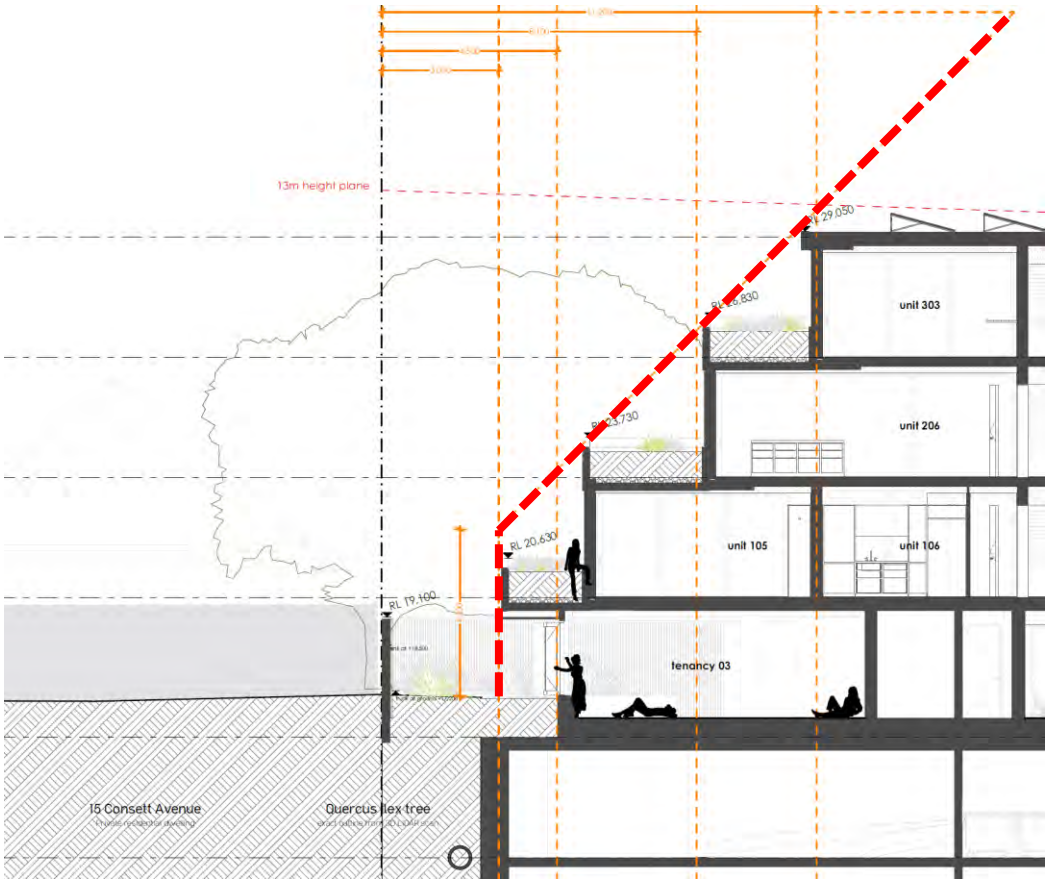

Figure 6: Section of originally approved development showing the rear building line contained within the Waverley DCP building envelope control (shown in red dashed line).

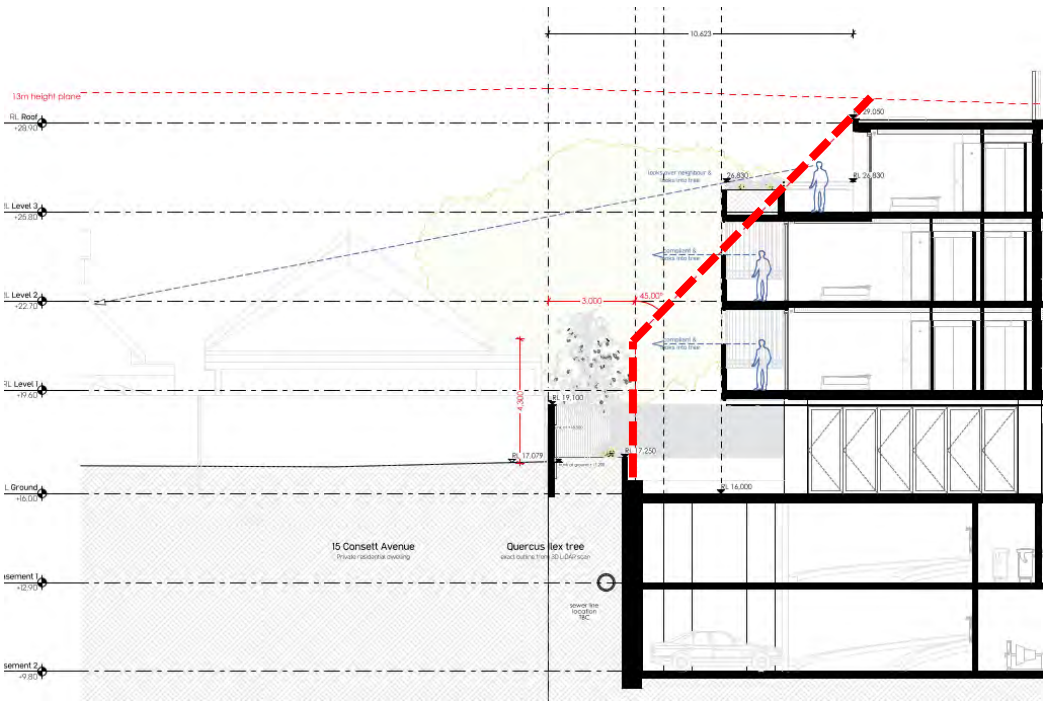

Figure 7: Section through proposed south-western apartments and sightlines from southern balconies across the roof top of adjoining properties. Building envelope control shown in red dashed line.

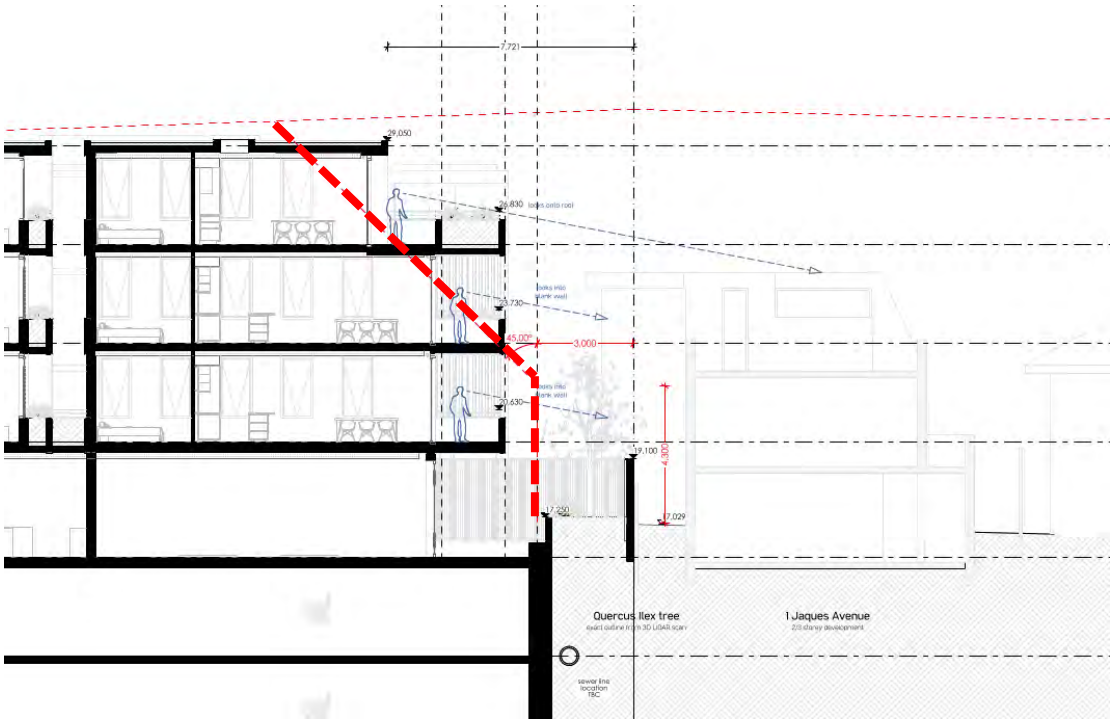

Figure 8: Section through proposed south-eastern apartments and sightlines from southern balconies to the adjacent property at 1 Jaques Avenue. Building envelope control shown in red dashed line.

The proposed modification to the rear building line and variation to the building envelope control is considered acceptable in this circumstance, as the amendments respond appropriately to the existing built forms at 20 Hall Street to the east and 1 Jaques Avenue, and the recently approved development at 34-38 Hall Street. In particular, the proposal, which provides a stepped façade on the southern elevation will present a built form that transitions between the approved rear building line at 34-38 Hall Street and the existing rear building line at 20 Hall Street and will not detract from the desired future character of the locality.

The extent of the variation to the building envelope control for the south-western apartments is limited to part of the roof over the Level 2 balcony and planter box on Level 3 which is not considered to result in unreasonable visual bulk or scale. In regard to building bulk and scale, the proposed alterations and additions, particularly the built form at the rear of the development, is compliant with the maximum FSR and height of buildings development standard and will not result in unreasonable amenity impacts on adjoining properties.

Side setback

The proposed reduction to the western side setback on Levels 1 and 3 (inclusive) from the originally approved 6m to 3m is inconsistent with the 6m setback requirement under the ADG between habitable room windows and blank walls of adjacent properties. However, the proposed side setback responds appropriately to the approved side setback (between 3.8m and 4.2m) at 34-38 Hall Street and will not result in additional privacy impacts for future occupants or adjoining occupants as the proposed windows openings on the western elevation are off set from the position of hooded windows at 34-38 Hall Street with full height angled privacy screening to mitigate direct overlooking of adjoining

properties. The proposed side setback of 3m will also have no additional overshadowing or solar access impacts on adjoining properties.

2.3.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as a shop-top housing development remains unchanged and continues to be permitted development in the E1 – Local Centre zone under Waverley LEP 2012.

The quantities of the approved development, as proposed to be modified, have changed as outlined in **Table 3** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 3: Waverley LEP 2012 Compliance Table

Provision	Approved	Proposed Modified	Compliance
4.3 Height of buildings • *13m*	14.36m measured to the top of the roof plant and screening (RL30.70), equating to variation of 10.4%.	No change	No – as originally approved
4.4 Floor space ratio and • *2:1 (1,917.4m²)*	Deferred Commencement approval - 1,726.1m² (1.8:1)	1,917.4m² (2:1)	Yes
6.16 Development in Zone E1 ***Objectives*** *(a) to ensure the scale and function of development in Zone E1 Local Centre are appropriate for the location,* *(b) to ensure development in Zone E1 Local Centre is compatible with the desired future character and amenity of surrounding residential areas.* Development consent must not be grated unless the consent authority has considered – *(a) the impact of the development on—*	-	The proposal retains the approved use of the site for shop-top housing which is a permissible use in the E1 zone. The proposal will not have additional amenity impacts on adjoining properties and is compatible with the desired future character of the Bondi Beachfront Area comprising predominantly mixed use developments.	Yes

Provision	Approved	Proposed Modified	Compliance
(i) the amenity of surrounding residential areas, and *(ii) the desired future character of the area.* *(b) whether the development is consistent with the hierarchy of centres.*			

2.3.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The approved development, as proposed to be modified, continues to comply with the relevant parts and sections of Waverley DCP 2022. Only the following parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 4** to **6** of this report and detailed discussion below these tables.

Table 4: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste • *Garbage bins are to be stored in an appropriate location.*	Yes	No change is proposed to the location of waste storage rooms in the basement and collection of waste from Hall Street. Council's Waste Management officer has reviewed the amended proposal and raises no objection to the modifications subject to operational waste management conditions and additional conditions which have been included in the recommendation.
2. Ecologically Sustainable Development • *Ceiling or wall mounted fans in main living areas and bedrooms* • *Electric cooktop, ovens and internal space heating systems*	No No	The modification application has been submitted with a BASIX Certificate that demonstrates compliance with BASIX requirements, particularly achieving targets for water, energy and thermal comfort. A recommendation has been included to encourage the installation of ceiling fans/wall mounted fans in living areas and an advisory note regarding use of electric cooktops, ovens and heating to contribute to ecologically sustainable development.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The site is not located within a Biodiversity Habitat Corridor. This modification application does not seek to remove any trees on the site and the large tree at

Development Control	Compliance	Comment
		the rear is to be retained and protected as part of the original approval. The tree protection conditions imposed on the original approval remains applicable to the development.
6. Accessibility and Adaptability	Yes	Satisfactory.
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** *Minimum parking rate:* • *Nil* *Maximum parking rate:* • *19 residential* • *3 visitor* • *12 retail* **7.2.5 Motorcycle Parking** • *10* **7.2.6 Bicycle Parking** • *Resident: 16* • *Visitor: 2* • *Retail: 1 visitor* **7.3 Loading Facilities** **7.4 Pedestrian/Bicycle Circulation and Safety**	Yes Yes Yes Yes No – acceptable subject to condition Yes As approved Yes	No change is proposed to the provision of off-street parking or the location of the driveway crossover on Hall Street. The subject site is located within Parking Zone 2. The development provides a total of 30 car parking spaces in two levels of basement comprising of six x retail spaces and 24 x residential spaces including three x accessible car parking spaces (two x residential and one x retail). The proposal complies with the maximum car parking spaces for the development, subject to conditions to allocate a minimum three car spaces for visitor parking. The proposal seeks to reduce the number of motorcycle parking from nine spaces to eight spaces and is not consistent with the requirement to provide ten motorcycle parking spaces. The basement car parking areas have sufficient space to convert one car parking space into two motorcycle spaces to achieve compliance with the motorcycle parking provisions. A condition requiring the provision of a minimum ten motorcycle parking spaces has been included in the recommendation. The proposal seeks to provide an additional bicycle parking space in the basement, resulting in a total of 20 bicycle parking spaces. The proposal exceeds the minimum bicycle parking requirement and is acceptable. No change is proposed to the allocation of one car parking space for loading. The proposal does not result in significant alterations to pedestrian and bicycle access and circulation within the basement and remains acceptable.
8. Heritage	Yes	Satisfactory.
9. Safety	Yes	Satisfactory.

Development Control	Compliance	Comment
11. Design Excellence	Yes	Satisfactory.
15. Public Domain	Yes	Satisfactory.

Table 5: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The proposal will reduce the approved stepped front building setback to Hall Street ranging between 2.45m and 4.05m to a consistent 2.2m setback for all shopfronts. Whilst the proposal does not provide shopfronts built to the street alignment, the proposal will maintain an appropriate transition between the front building lines of existing and emerging developments to the west and the heritage listed Post Office building when looking south-east along Hall Street.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes Yes	The proposal predominantly maintains the approved built form and scale of the shop top housing development presented to Hall Street and is consistent with the character of surrounding developments within the streetscape. The proposal to replace two continuous awnings above the ground floor retail tenancies fronting Hall Street with four separate awnings that align with the vertical bays of balconies immediately above does not optimise pedestrian amenity and weather protection and is not considered a better outcome compared to the originally approved development. As such, the proposed amendment to the ground level awning fronting Hall Street is not supported and the originally approved awning is to be retained. No changes are proposed to the approved schedule of external materials and finishes. As such, the proposed articulation of the development will contribute to visual interest within the streetscape and the character of the locality.
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street* • *Accessible entry*	Yes	The residential entrance from Hall Street has been relocated to the centre of the site with a width of 3m. The entry is at grade and provides accessible entry to the building. A security gate is provided

Development Control	Compliance	Comment
• *Separate to vehicular entry* • *Legible, safe, well-lit*	Yes Yes Yes	within the development and provides adequate safety for future occupants as it is separated from the retail uses and the public domain. No change is proposed to the location of approved vehicular access on Hall Street to basement car parking levels.
2.9 Landscaping		
• *Comply with Part B3-Landscaping and Biodiversity* • *Minimum of 30% of site area landscaped: 287.9m²* • *50% of the above is to be deep soil: 143.79m²*	Yes No – acceptable subject to conditions No	The proposal does not seek consent for further pruning of the existing ***Quercus Ilex*** (Mediterranean Holm Oak) tree located on the southern boundary or changes to any recommendations provided in the approved Arborist Report or conditions of consent. Council's Tree Management Officer has reviewed the proposal and raised no objection to the amendments sought as the scope of works is not considered to result in any adverse impacts on health of the existing tree. The proposed reduction in landscaping at the ground level to provide a partially permeable paved area adjacent to the southern boundary results in a landscaped area of 238.25m² (24.8%) with 102.45m² (35.5%) deep soil. The shortfall of landscaped area is not supported as the originally approved development was able to provide compliant landscaping that contributed to enhancing the amenity for adjoining properties. As such, a condition requiring the deletion of the proposed paved area at the rear of the site and replacement with additional landscaping to contribute to the approved screen planting along the southern boundary and achieve compliance with the minimum 30% landscaped area control has been included in the recommendation.
2.10 Communal open space		
• *Minimum dimensions: 6m x 6m* • *Minimum of 30% of communal area must receive three hours of sunlight* • *Residential flat building and shop top housing may locate communal open space on rooftops*	N/A	There are no specific controls under the DCP that require a minimum percentage of the site in a E1 Local Centre zone to be provided as communal open space. The proposal seeks to delete the originally approved communal facilities on the ground floor comprising an outdoor shower and surfboard storage. The area originally occupied by communal open space is proposed to be landscaping, which is supported.

Development Control	Compliance	Comment
subject to amenity impacts.		It is noted that roof top open space is not being proposed as part of this modification application. Having regard to the proximity of surrounding residential developments and private open spaces, communal open space at ground level or the roof top is not considered suitable for the site and is not recommended.
2.12 Vehicular access and parking		
• *Car parking to be integrated into the design of the development* • *Max 1 x 2 way vehicle access point* • *Pedestrian safety considered* • *Basement parking should not contravene deep soil zone controls*	Yes Yes Yes No – as approved	No change is proposed to the approved vehicular access from Hall Street to the basement car park or the footprint of the basement levels.
2.13 Solar access and overshadowing		
• New development should not reduce the solar access of solar panels of any property to less than two hours in mid-winter • Direct sunlight to north facing habitable rooms and private open space should not be reduced to less than 3 hours between 9am and 3pm, 21 June.	Yes Yes	Surrounding developments do not contain solar panels that will be overshadowed by the proposal. The proposal will not result in any unreasonable additional overshadowing to habitable room windows of the adjoining property at 1 Jaques Avenue as the apartments will receive at least 3 hours of direct sunlight to open plan living areas between 12noon and 3pm on 21 June. The proposal will result in some additional overshadowing of the rear apartment at 20 Hall Street between 2pm and 3pm on 21 June. The extent of additional overshadowing of the west facing open plan living windows has negligible amenity impacts having regard to the overshadowing cast by the originally approved building envelope. Is it also noted that the affected apartments at 20 Hall Street are dual aspect with primary window openings and private open space on the east elevation fronting Jaques Avenue and will maintain satisfactory internal amenity. In addition, the proposed built form is contained within a building envelope that is compliant with the maximum FSR development standard.

Development Control	Compliance	Comment
2.14 Views and view sharing		
• *Minimise view loss through design* • *Views from public spaces to be maintained*	Yes Yes	There are no significant views from surrounding properties or the public domain that will be impacted by the proposal.
2.15 Visual privacy and security		
• *Dwellings to be orientated to the street with entrances and street numbering visible*	Yes	The proposal has relocated the residential entry to the centre of the Hall Street elevation which provides an improved presence on the street and is supported.
• *Above ground open space must not overlook rooms and private landscaped areas of adjoining properties or be screened*	Yes	The realignment of balconies on the north elevation fronting Hall Street maintains the orientation of the apartments to the street and is supported. The proposed balconies on the south elevation will not result in any additional overlooking or loss of privacy impacts on adjoining properties as privacy screening and planter boxes along the sides of the balconies will obstruct direct sightlines to window openings or private open space of adjoining properties.
• *Privacy be considered in relation to context density, separation use and design*	Yes	The proposed level of privacy to be provided to future occupants and adjoining properties is considered contextually appropriate having regard to the form of emerging developments in the vicinity of the site and the desired future character of the local centre along Hall Street.
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	Where practical, the internal layout of apartments have separated living areas from bedrooms to minimise noise impacts for future occupants.
2.21 Building services		
• *Services are to be integrated into the design of buildings (garbage rooms, mail boxes, fire hydrants boosters, electrical substations, down pipes, plant rooms, satellite/communications structures*	Yes	The proposed relocation of the building core and reconfiguration of the basement levels maintains adequate access to services required for the development and will not impact the amenity of future occupants. The architectural plans have not clearly shown the location of mailboxes within the residential entry or lobby. A condition requiring the location of the mailboxes to be shown on the architectural plans have been included in the recommendation. The relocation and reconfiguration of the residential lobby.
• *Outdoor Communal clothes drying area to be provided*	No	

Development Control	Compliance	Comment
• *Plant rooms away from entry communal and private open spaces and bedrooms.* • *Services on roof not to be seen from street or impact public or private views and be min 2m from the building edge.* • *The maximum volume permitted for a plant room is the minimum required to meet Australian Standards, accommodate typical dimensions of equipment required and the associated circulation space to access the equipment for maintenance.*	Yes Yes Yes	As originally approved, the development does not provide any communal clothes drying area. Each apartment contains sufficient laundry facilities including areas for clothes drying. The proposed amendment to the layout of services on the roof top will not be visible from the public domain and will have no visual impacts from surrounding properties.

Table 6: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.16 Bondi Beach	Yes	The proposal does not change the originally approved shop top housing use, therefore the development remains consistent with the predominantly mixed use character of Hall Street. The proposal to amend the stepped façade of ground floor retail tenancies Hall Street with a consistent front setback measuring 2.2m from the street boundary is acceptable as the development maintains a built form that provides an appropriate transition between the varying front setback of adjoining properties, will not adversely impact the width of the footpath or amenity within the public domain. The proposed projection of the eastern retail tenancy 1.2m beyond the front setback of 20 Hall Street comprises of floor to ceiling glazed openings that will maintain sightlines looking south-east along Hall Street to the heritage listed Post Office building and is acceptable.

Development Control	Compliance	Comment
		The proposed amendment to the western side and rear setbacks and reconfiguration of apartments including new balconies on the south elevation includes privacy treatments to windows and balconies that will not result in additional overlooking of adjoining windows or private open spaces. As such, the proposal achieves the objective to effectively manage the interface between the development and adjoining residential properties. No change is proposed to the approved schedule of external materials and finishes.
3.2 Generic controls		
3.2.1 Land Uses	Yes	No change is proposed to the use of the ground floor for commercial tenancies. The reconfiguration of the ground floor to increase the number of tenancies from three to five tenancies includes two tenancies at the rear with direct access to a paved outdoor area adjacent to the south (rear) boundary. The use of the proposed paved outdoor area by commercial operators is likely to result in additional amenity impacts on adjoining residential properties and is not supported. A design amendment condition requiring the proposed part permeable paving to the south of retail tenancies 4 and 5 to be replaced with landscaping as an extension of the landscape planting along the southern boundary has been included in the recommendation.
3.2.2 Public Domain Interface	Yes	The proposal provides appropriately proportioned shopfronts directly accessed from Hall Street and is consistent with the fine grain retail character of the streetscape.
3.2.3 Built Form	Yes	The proposal provides a built form does not exceed the approved building height for the development and is compliant with the maximum FSR development standard. The proportions of the building is compliant with floor to ceiling heights and compliments the existing and emerging character of Hall Street and will contribute to the visual interest of the streetscape. Notwithstanding that part of the building envelope containing Level 2 balconies and Level 3 planter boxes will project beyond the 45 degree

Development Control	Compliance	Comment
		rear building line, the proposal maintains a minimum width of 3m for deep soil along the southern boundary and presents a built form that transitions appropriately between immediately adjoining developments to the east and west.
3.2.4 Building Facade Articulation	Yes	The proposal maintains the predominant horizontal and vertical proportions as originally approved. No change is proposed to the schedule of external materials and finishes and will contribute to the character of the streetscape.
3.2.5 Buildings of Historic Character	Yes	The proposal maintains a front building line that transitions the built form between the front building line of the approved development at 34-38 Hall Street to the Post Office building at 20 Hall Street. The proposal will enhance sightlines to the Post Office building when looking south-east along Hall Street contributing to the setting of the Post Office building within the streetscape.
3.2.6 Building Services and Site Facilities	Yes	As discussed above, the proposal provides adequate services and facilities required for the development.

2.3.5 Other Impacts of the Development

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

2.3.6 Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.3.7 Any Submissions

The application was notified for 14 days between 18 July and 3 August 2023 in accordance with the *Waverley Community Development Participation and Consultation Plan*. As a result, 14 submissions were received.

Following receipt of amended plans and additional information, the application was re-notified for 14 days between 2 and 20 November 2023. Ten submissions were received. A total of 24 unique submissions have been received from the following properties:

Table 7: Number of and where submissions were received from.

Count	Property Address
1.	201/20-24 Hall Street, Bondi Beach
2.	15 Consett Avenue, Bondi Beach (5 submissions)

3.	11a Consett Avenue, Bondi Beach
4.	5/11 Consett Avenue, Bondi Beach
5.	6/11 Consett Avenue, Bondi Beach
6.	12 Consett Avenue, Bondi Beach (2 submissions)
7.	4/16 Consett Avenue, Bondi Beach (2 submissions)
8.	3/30 Lamrock Avenue, Bondi Beach
9.	5/42 Lamrock Avenue, Bondi Beach (2 submissions)
10.	2/13 Francis St, Bondi Beach
11.	5/57 Sir Thomas Mitchell Road, Bondi Beach
12.	13 Jaques Avenue, Bondi Beach (2 submissions)
13.	2/2 Simpson Street, North Bondi
14.	Bondi Beach Precinct Committee
15.	Unknown property address (2 submissions)

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

- The application is not substantially the same development as the originally approved development;
- Excessive building bulk and scale;
- Non-compliant setbacks to the west and south boundaries;
- The extension of the building envelope including balconies will reduce solar access and have amenity impacts on adjoining properties;
- Heritage impacts;
- Retail tenancies at the rear with access to communal open space will impact amenity of adjoining properties;
- Balconies on the south elevation will require additional pruning that will impact health of existing tree;
- Reduction of landscaped area and deep soil areas along the southern boundary;
- The proposal is not in the public interest.

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

Issue: The proposed modifications are contrary to the conditions imposed by the WLPP.

Response: The amendments sought as part of this application varies the rear building line conditions imposed by the WLPP from the originally approved development. However, modification to conditions and the approved development are permissible with consent under a Section 4.55 modification application. As discussed in the report above, the proposed alterations to the western side setback and rear building line are considered to be contextually appropriate having regard to the building envelope of adjoining properties and adequate privacy treatments are proposed to minimise amenity impacts on adjoining properties.

Issue: Additional retail tenancies and apartments will require more waste storage and servicing which will impact the amenity of adjoining properties.

Response: Council's Waste Management Officer has reviewed the proposal for a total of five retail tenancies on the ground floor and 16 apartments. The submitted Site Waste and Recycling Management Plan demonstrates satisfactorily waste storage facilities within the development for the proposed number of retail tenancies and apartments and will not have detrimental impacts on the amenity of surrounding properties, subject to conditions relating to ongoing operational waste management which have been included in the recommendation.

Issue: The proposal will have light spill impacts on adjoining properties at night.

Response: There is no evidence to indicate that the proposed openings on the southern elevation will result in unreasonable light spill and adversely impact the amenity of surrounding properties.

Issue: The development at 20 Hall Street is non-compliant with building envelope controls, is not a good design outcome and should not be used as a precedent.

Response: The proposal rear building line is setback further than the rear setback at 20 Hall Street however, it is considered appropriate to consider the existing and emerging built forms of immediately adjoining properties to ensure new developments are consistent with the character of surrounding developments. In this instance, the proposed rear building line is considered acceptable as the stepped built form provides an appropriate transition between the varying rear building lines at 34-38 Hall Street and 20 Hall Street.

Issue: Additional apartments should be allocated to social/affordable housing and a Voluntary Planning Agreement should be offered to Council.

Response: There are no planning controls that require the development to provide social or affordable housing apartments. The proposal is compliant with the maximum FSR development standard and does not result in the loss of affordable housing.

Council's Planning Agreement Policy 2014 provides an avenue to offset public benefits via a Voluntary Planning Agreement when a proposal seeks excess floor space above the development standard and that additional floor space does not result in unreasonable planning impacts. In this instance, the proposal is compliant with the FSR development standard.

Issue: The communal area at the rear has not been designed for residential use and will increase floor space ratio of retail spaces.

Response: The proposed paved communal open space at the rear of the ground floor level is not included as floor space under the definition for gross floor area under the Waverley LEP 2012. The configuration of the proposed communal open space is not supported given the potential amenity impacts on adjoining residential properties and is recommended to be deleted. A condition has been imposed to replace the paved area to the south of the retail tenancies with landscaping.

Issue: The proposal is an overdevelopment of the site.

Response: The amendments sought as part of this application does not change the approved building height and has a FSR that is compliant with the maximum development standard. The proposed building envelope compliments the bulk and scale of existing and emerging developments adjoining the site and fronting Hall Street and does not result in any unreasonable amenity impacts on adjoining properties. As such, the proposal complies with the primary bulk and scale development standards (ie height and floor space) and is not considered as an overdevelopment of the site.

2.3.8 Public Interest

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

3 REFERRALS

The following internal referral comments were sought:

3.3 Traffic and Development

Council's Traffic Engineer has reviewed the proposal and raises no objection to the reconfiguration of the basement car parking levels, subject to modifications to conditions relating to the allocation of car parking spaces and motorcycle parking spaces which have been included in the recommendation.

Council's Traffic Engineer has noted that the original development consent required 1 electrical charging point and parking space for bicycles and motor scooters. However, the provision of a dedicated space and electrical charging point for bicycles and motor scooters are no longer required under the Waverley DCP 2022 and therefore it is recommended that the requirement be deleted from Condition 57 – Car Parking. As such, amendment to condition 57 has been included in the recommendation.

3.4 Tree Management

Council's Tree Management Officer has reviewed the proposal and raises no objection to the proposal. In particular, Council's Tree Management Officer is satisfied that whilst the alterations to the rear building line and construction of balconies on the south elevation will require some additional pruning of branches, it will not detrimentally impact the health of the existing Mediterranean Holm Oak tree and is acceptable. The proposed building envelope does not significantly extend into the tree protection zone compared to the originally approved development (see **Figures 9** to **11** inclusive, below) and is unlikely to result in adverse impacts the health of the tree, subject to compliance with the recommendations of the approved Arborist Report and tree pruning and protection conditions of the originally approved development.

Council's Tree Management Officer has advised that the extent of additional tree pruning required to erect scaffolding for construction works and clearance to balconies is acceptable and unlikely to significantly impact the health of the existing tree, subject to further investigations to be undertaken by a AQF Level 5 Arborist to identify affected branches prior to the erection of scaffolding. A condition to this effect has been included in the recommendation.

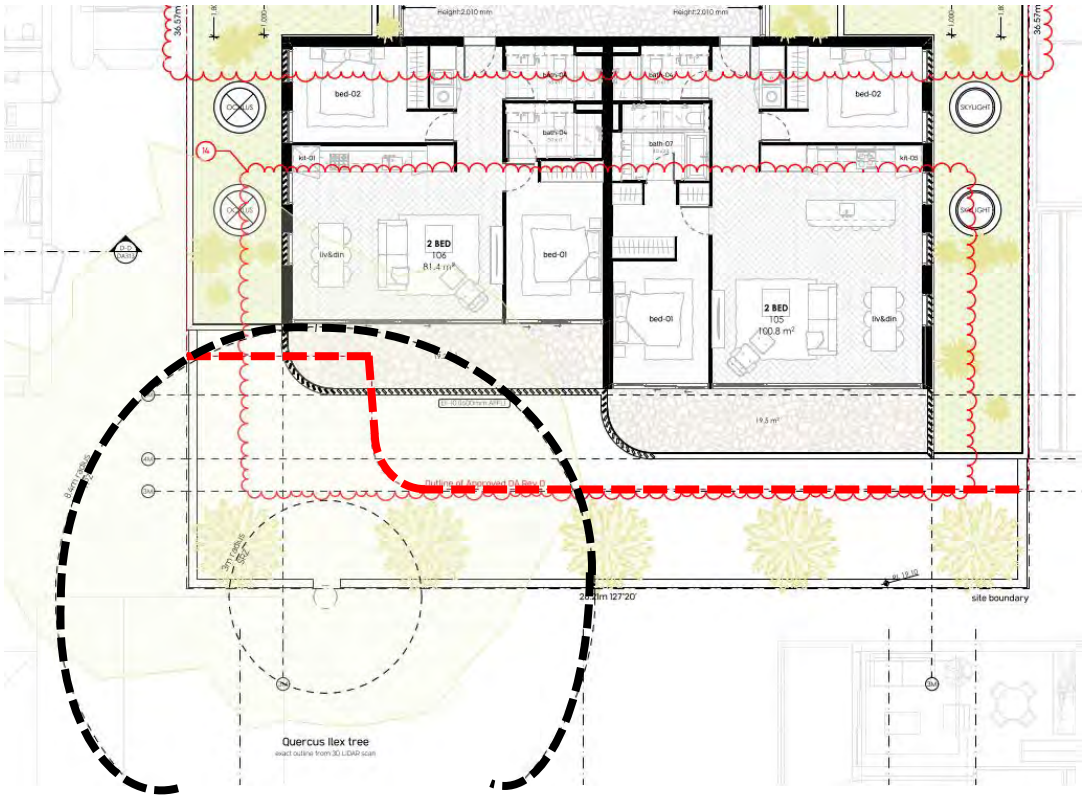

Figure 9: Proposed Level 1 floor plan showing the rear building line compared to the approved building footprint (shown in red dashed line) and the tree protection zone (shown in black dashed line)

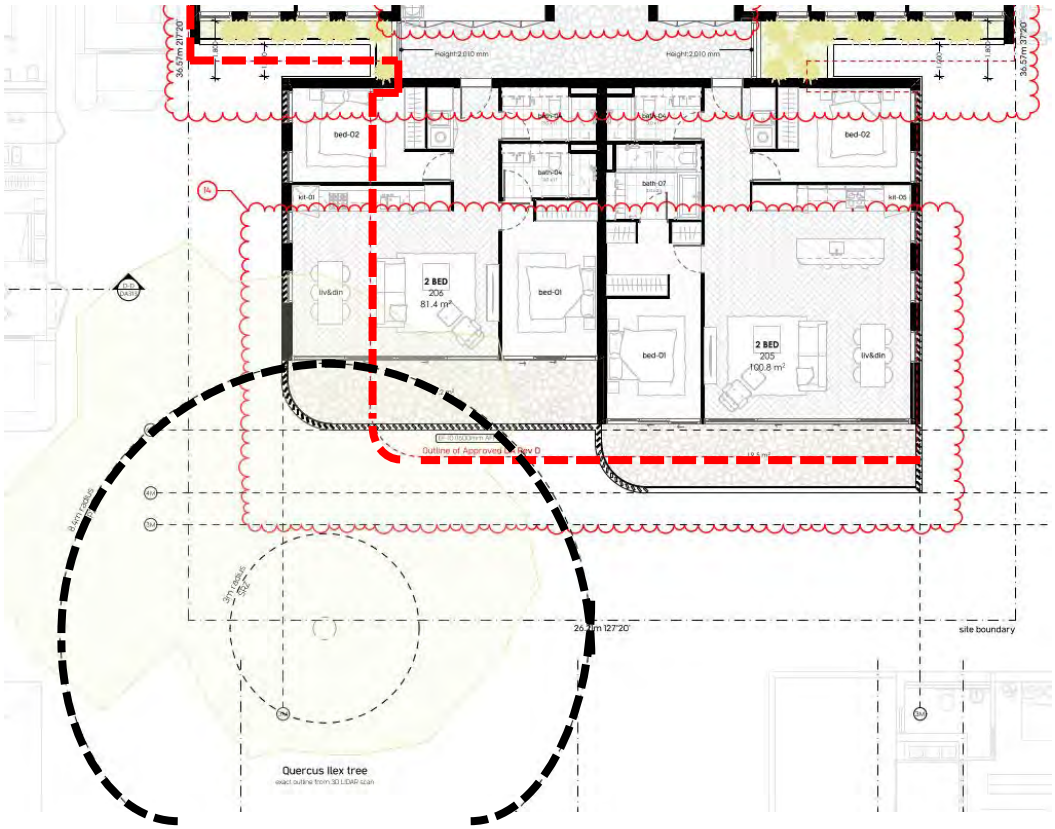

Figure 10: Proposed Level 2 floor plan showing the rear building line compared to the approved building footprint (shown in red dashed line) and the tree protection zone (shown in black dashed line)

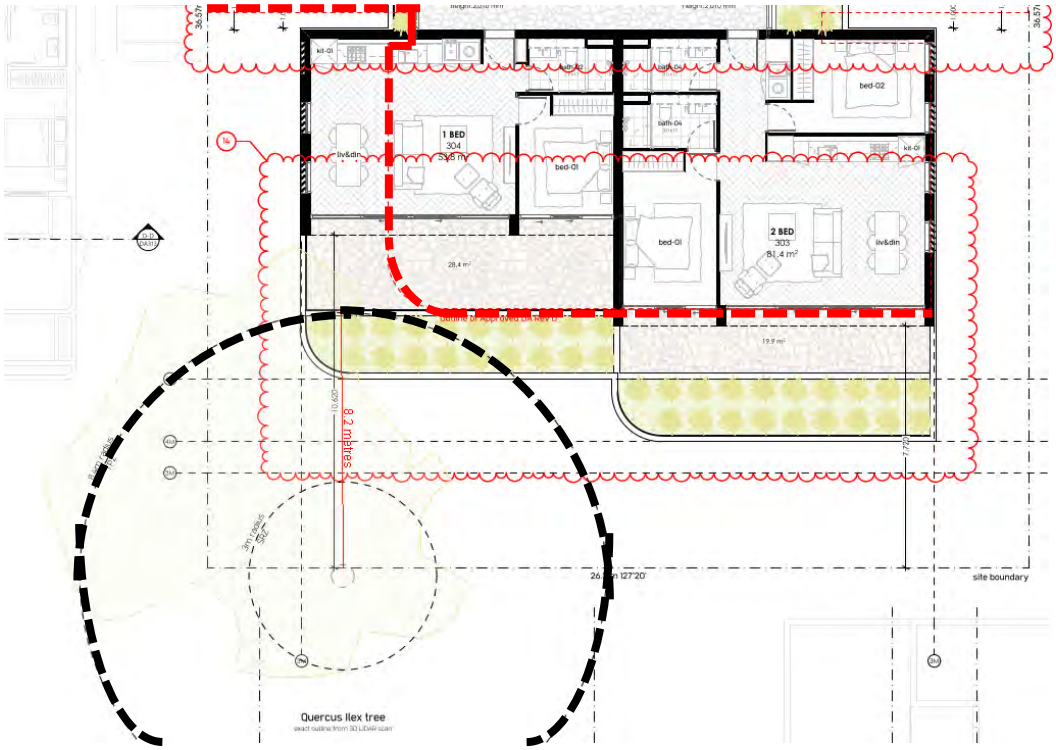

Figure 11: Proposed Level 3 floor plan showing the rear building line compared to the approved building footprint (shown in red dashed line) and the tree protection zone (shown in black dashed line)

3.5 Waste Management

Council's Waste Management Officer has reviewed the proposal and raises no objection to the proposal, subject to modification of approved waste management conditions to require the location of bins for collection to be placed kerbside to minimise obstruction to the public footpath between the kerb and proposed shopfronts. Amendments to waste management conditions recommended by Council's Waste Management Officer have been included in the recommendation.

3.6 Public Domain

Council's Public Domain Officer has reviewed the proposal and raises no objection to the proposal subject to imposition of public domain and infrastructure conditions to ensure the development does not adversely impact the quality of the adjacent public domain. Conditions recommended by the Public Domain Officer have been included in the recommendation.

4 CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

Managers of Development Assessment (MoDA) Review

The application was reviewed by the MoDA at the meeting on 24 October 2023 and concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale and E Finnegan*

5 RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
Peggy Wong	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 24 November 2023	**Date:** 1 December 2023	**Date:** 4 December 2023

Reason for WLPP referral:

The consent authority for the original development application was the WLPP, this modification is made under section 4.55(2) of the Act and relates to:

1. Contentious development (10 or more objections)
2. Proposed amendments to a condition of development consent recommended in the Council assessment report by which was amended by the WLPP.

OFFICE USE ONLY

Affordable Rental Housing Units? *This is a planning portal reporting requirement	No
Secondary Dwelling *This is a planning portal reporting requirement	No
Boarding House *This is a planning portal reporting requirement	No
Group Home *This is a planning portal reporting requirement	No
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Other (please specify):	No

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

Modification Summary

Application Number (PAN#)	Determination Date	Modification Description
DA-552/2021/A (PAN-346576)	13 December 2023	• Modification to Condition 1 to reflect the updated set of architectural plans and documentation. • Modification to Condition 2 to enhance amenity for future occupants and minimise amenity impacts on adjoining residential properties. • Addition of Conditions 30A to 30E inclusive, to ensure public domain improvement works are undertaken in accordance with Council's Public Domain Technical Manual, and alterations to utilities or public infrastructure is undertaken at the cost of the applicant, and any ground anchors on Council property is approved by Council's Infrastructure team. • Addition of Condition 31A to require notice to Council prior to the commencement of any public infrastructure works. • Addition of Condition 31B for inspections after completion of public domain works. • Addition of Conditions 69A to 69C inclusive to certify that all public infrastructure works have been completed as approved and to Council's satisfaction. • Modification to Condition 51 to require tree protection measures to be retained during construction works and council to be notified when tree protection has been erected around affected trees. • Modification to Condition 53 to clarify planting requirements for replacement street trees on Hall Street. • Modification to Condition 57 to ensure minimum and maximum car parking requirements are provided within the basement car parking levels. • Modification to Conditions 58 and 59 to clarify the number of bicycle and motorcycle parking spaces required to be provided for the development. • Addition of Condition 53A to require a tree pruning report to be prepared and submitted to Council's Tree Management Officer prior to erection of scaffolding.

		• Addition of Condition 72A to require a revised Site Waste and Recycling Management Plan to be prepared and submitted to Council for approval prior to issue of a Construction Certificate. • Addition of 76A requiring a 3D model. • Addition of Advisory note AD14 to encourage use of electric cooktops.

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bang Architecture Pty Ltd of Project No: 00007 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA102, Rev ~~*B*~~ *F*	Demolition Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
~~*DA150, Rev B*~~ *DA103, Rev F*	Site Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA200, Rev ~~*B*~~ *F*	Ground Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA201, Rev ~~*B*~~ *F*	Level 1 Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA202, Rev ~~*B*~~ *F*	Level 2 Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA203, Rev ~~*B*~~ *F*	Level 3 Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA250, Rev ~~*B*~~ *F*	Roof Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA290, Rev ~~*B*~~ *F*	Basement 1 Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA291, Rev ~~*B*~~ *F*	Basement 2 Floor Plan	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA300, Rev ~~*B*~~ *F*	North East Elevation	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA301, Rev ~~*B*~~ *F*	South East Elevation	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA302, Rev ~~*B*~~ *F*	South West Elevation	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA303, Rev ~~*B*~~ *F*	North West Elevation	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA310, Rev ~~*B*~~ *F*	Section A-A	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA311, Rev ~~*B*~~ *F*	Section B-B	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA312, Rev ~~*B*~~ *F*	Section C-C (driveway)	~~*05.07.2022*~~ *31.10.2023*	~~*22.07.2022*~~ *01.11.2023*
DA313, Rev ~~*B*~~ *F*	Section D-D	~~*05.07.2022*~~	~~*22.07.2022*~~

		31.10.2023	***01.11.2023***
DA314, Rev ~~***B***~~ ***F***	Section E-E	~~***05.07.2022***~~ ***31.10.2023***	~~***22.07.2022***~~ ***01.11.2023***
DA315, Rev F	***Section F-F***	***31.10.2023***	***01.11.2023***
DA600, Rev ~~***B***~~ ***F***	Selected adaptable units	~~***05.07.2022***~~ ***31.10.2023***	~~***22.07.2022***~~ ***01.11.2023***
DA610, Rev ~~***B***~~ ***F***	Pre & Post Unit ***Layout ~~104 & 204~~***	~~***05.07.2022***~~ ***31.10.2023***	~~***22.07.2022***~~ ***01.11.2023***
DA611, Rev ~~***B***~~ ***F***	Pre & Post Unit ***Layout ~~301~~***	~~***05.07.2022***~~ ***31.10.2023***	~~***22.07.2022***~~ ***01.11.2023***

(b) Landscape Plan No. LP01-2521 to LP05-2521 (inclusive), all Revision C and documentation prepared by Tanya Wood Landscape Architecture, dated 15 July 2022 and received by Council on 22 July 2022

(c) BASIX and NatHERs Certificate/s

(d) Arborist Report prepared by L&Co and received by Council on 22 July 2022

(e) Schedule of external finishes and colours, Drawing No. DA330, Revision ~~***B***~~ ***F***, prepared by Bang Architecture Pty Ltd, dated ~~***5 July 2022***~~ ***31 October 2023*** and received by Council on ~~***22 July 2022***~~ ***1 November 2023***

(f) The Operational Waste Management Plan (Report No. ~~***3478***~~ ***3524***), Revision ~~***C***~~ ***D***, dated ~~***13 July 2022***~~ ***16 November 2023*** and prepared by Elephants Foot Company, and received by Council on ~~***22 July 2022***~~ ***16 November 2023***

(g) Detailed Site Investigation Report prepared by EI Australia (Report No. E25364.E02_Rev0) dated 27 October 2022 and received by Council on 28 October 2022

(h) Geotechnical Investigation Report prepared by EI Australia (Report No. E25361.G03_Rev1) dated 18 July 2022 and received by Council on 22 July 2022

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The proposed new masonry wall adjacent to the south-eastern boundary adjoining the existing brick boundary wall at 1 Jacques Avenue must not exceed the height of the existing boundary wall measuring at RL18.32 to minimise additional visual bulk and scale impacts when viewed from 1 Jacques Avenue.

(b) Ceiling fans must be provided in every habitable room.

(c) The location of mailboxes for residential apartments within the residential entrance/lobby is to be shown on the architectural plans.

(d) The ground floor awnings adjacent to the retail tenancies on the north elevation fronting Hall Street are to be amended to comprise of one or two continuous awnings to optimise weather protection and pedestrian amenity.

(e) The part permeable paving along the southern elevation of the ground floor retail tenancies is to be deleted and replaced with landscape planting.

(f) The proposed glazed openings on the southern elevation of Retail Tenancy Nos. 4 and 5 are to be replaced with window openings with sill heights that prevent direct pedestrian access from the retail tenancies to the adjacent landscaped area.

(g) An amended landscape plan is to be prepared to show landscaped areas and a planting schedule that is consistent with the architectural plans in Conditions 1 and 2(c) above.

(h) One car parking space within the basement car parking levels is to be converted to two x motorcycle parking spaces to comply with the motorcycle parking requirement of 10 motorcycle parking spaces for the development.

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

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

30A. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Hall Street frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate.

(a) ***Road pavement;***
(b) ***Pedestrian footpath;***
(c) ***Kerb & gutter;***
(d) ***Vehicular crossing;***
(e) ***Stormwater infrastructure located within the Council Road reserve;***
(f) ***Landscape and street tree plantings;***
(g) ***Street lighting and associated underground works;***
(h) ***Street furniture.***

30B. PRE-CONSTRUCTION DILAPIDATION REPORT

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

(a) Road pavement;
(b) Kerb & gutter;
(c) Pedestrian footpath;
(d) Drainage pits and lintels
(e) Traffic signs
(f) Street furniture
(g) Any other relevant infrastructure

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

30C. PUBLIC INFRASTRUCTURE WORKS

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

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

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

(a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Hall Street frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council.

(b) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing Hall Street frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.

(c) Street Trees: The two (2) existing Populus nigra var italica (Lombardy poplar) trees along the Hall Street frontage shall be removed and replaced with two (2) Banksia integrifolia (coast Banksia) with a minimum pot size of 400 Litres. For all the proposed trees within the Council verge, it is necessary to install appropriate tree pits, surrounds, and root cell barriers in accordance with the Waverley Council Public Domain Technical Manual. The chosen tree species and their placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees.

(d) Streetlights: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs), with an electric vehicle charger, must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces for the Hall Street frontage.

Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.

(e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

(f) The replacement of any Council-owned assets, including street furniture along the site frontages, is required. The Applicant is responsible for covering all costs associated with these replacement works.

(g) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

(h) The full public domain traversing all street frontages must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.

(i) Measures to protect any existing parking meters must be undertaken. Any damages or replacement cost of the parking meter must be borne by the applicant.

The detailed design drawings to include the following:

- *i. Include cross-sections at set intervals which demonstrate a maximum 2% grade in the pedestrian pathway falling towards the road at all points across all frontages of the site.*
- *ii. Include long sections of the footpath, kerb and gutter, site boundary showing the existing and proposed RL's.*
- *iii. Display the reduced levels (RL's) at each access point into the building.*
- *iv. Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries.*
- *v. Show details of any transitions required beyond the boundaries of the site.*
- *vi. Include details and proposed locations of any street furniture and street trees.*
- *vii. Include details and specifications of paving such as the materials used, the paving pattern, and jointing plans.*
- *viii. Show paving pattern and jointing plans being coordinated with the blinding slab.*
- *ix. Show all services and pit locations in the footpath area being orientated to align with. Note: Include the provision of infill lids where appropriate. Note that if any service lids are in poor condition that they must be replaced (in mixed use and residential areas. In Commercial areas they must be replaced with infill covers (with the relevant pavers).*

Note: Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).

30D. 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, must be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g., Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

30E. GROUND ANCHORS

Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655.

Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).

31A. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

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

31B. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

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

51. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

(a) Do not store harmful or bulk materials or spoil under or near trees;
(b) Prevent damage to bark and root system;
(c) Do not use mechanical methods to excavate within root zones;
(d) Do not add or remove topsoil from under the drip line;
(e) Do not compact ground under the drip line;
(f) Do not mix or dispose of liquids within the drip line of the tree; and
(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed.
Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.
The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

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

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

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

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

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

- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.

If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

Council to be notified when tree protection has been erected around the trees that are to be retained.

Tree protection for trees on the site or adjoining properties are to remain throughout construction works. Protective fencing, trunk protection, warning signs, ground protection, crown protection are not to be removed.

53. STREET TREES TO BE REMOVED

Permission is granted to remove the two (2) ***Populus nigra var italica*** (Lombardy poplar) on the Hall Street nature strip. All work to be undertaken by qualified arborists (AQF Level 5) with full public liability insurance.

(a) Replacement trees consisting of two (2) ***Banksia integrifolia*** (Coast Banksia) are to be provided ***on the naturestrip on Hall Street, evenly spaced out along the front of the property,*** at a minimum pot size of 400 Litres when planted. The trees are to be planted prior to any Occupation Certificate.

(b) The trees are to be planted by a horticulturist (Min qualification AQF Level 3).

(c) A bond of **$ 8,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the two (2) newly planted ***Banksia integrifolia*** (coast Banksia) and trees on the naturestrip along Hall Street. The bond is to be lodged prior to the issue of any ~~***Occupation***~~ ***Construction*** Certificate.

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

57. CAR PARKING

A ~~***total of 28***~~ ***maximum 30*** car vehicle parking spaces are to be provided within the development, allocated in the following manner:

(a) ***A maximum of*** 19 residential parking spaces
(b) ***A minimum of*** 3 residential visitor parking spaces
(c) ***A maximum of 10*** ~~***6***~~ retail parking spaces
(d) 3 of the spaces to be a disabled space with adjacent shared area in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities
(e) 2 'Level 2' AC fast electric vehicle charging points to be installed
(f) ~~***1 electric charging point and parking space for bicycles and motor scooters.***~~

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

58. BICYCLE PARKING

A minimum of 19 bicycle parking spaces are to be provided within the development ***allocated as follows:***~~.~~

(a) 16 spaces for residents
(b) 2 spaces for resident visitors
(c) 1 space for retail visitors

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

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

59. MOTORCYCLE PARKING

A **minimum** of ~~***9***~~ ***10*** motorcycle parking spaces are to be provided within the development.

B. New Conditions

53A. TREE PRUNING FOR ERECTION OF SCAFFOLDING

If any pruning of the crown of Tree 1 is require for the erection of Scaffold, the applicant is to supply a tree pruning report prepared by an Arborist with AQF level 5 qualifications or above with photos showing the branches that need to be removed for the approval of Council's Tree Management Officer.

If approval is granted the applicant may prune the tree with works undertaken by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If the owners of the Quercus Ilex (Mediterranean Holm Oak) give consent for the root and branch pruning, then the below Sections 4.1.12 to 4.1.24 (inclusive) of the Arboricultural Impact Assessment Report prepared by L & Co Consultancy Dr Matthew Laurence. Date: 31/05/2022 must be followed:

4.1.12 Stage 1

4.1.13 Tree sensitive methods should be used for the removal of existing slab within the TPZ areas before the start of any demolition works. The existing slab should be removed by hand to prevent damage to underlying roots. If an excavator is required, then the machinery must work from the tree outwards to ensure the machinery always remains on the un-demolished section of slab. Wherever possible, footings or elements below grade should be retained to minimise disturbance to the tree's roots.

4.1.14 Mulch and organic matter should be introduced to the area indicating in Appendix 6.

4.1.15 TPZ fencing to the basement boundary should be installed prior to any site works (including demolition) and remain in place for the duration of the demolition and construction of the new dwelling and garage. Materials, waste storage and temporary services should not be located within the TPZ fenced area. If works are required within the TPZ fenced area, then they should be supervised by the Project Arborist.

4.1.16 The tree protection measures must be inspected by the Project Arborist prior to the start of site works, including demolition.

4.1.17 Stage 2

4.1.18 Demolition, construction, and basement excavation works can be carried out. Hand excavation and root pruning along the excavation line shall be completed prior to the commencement of mechanical excavation to prevent tearing and shattering damage to the roots.

4.1.19 No over-excavation, battering, or benching shall be undertaken beyond the footprint of any structure unless approved by the Project Arborist.

4.1.20 No works are to occur within the TPZ fenced area.

4.1.21 Stage 3

4.1.22 On completion of the demolition, construction and basement excavation works, the TZ fencing can be removed for the landscaping works.

4.1.23 All new landscaping should be installed at or above the existing grade and tubestock should be used within the TPZ area to minimise root disturbance.

4.1.24 Refer to AS4970 and Appendices 5, 6 & 7 for further details.

69A. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

69B. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

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

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

69C. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes

- ***The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development.***

  This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

- ***The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.***

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

72A. AMENDED SITE WASTE AND RECYCLING MANAGEMENT PLAN

An amended Site Waste and Recycling Management Plan is to be prepared and submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for approval, revising the number of approved retail tenancies for the development and presentation of waste bins to the kerbside and not within the site boundaries fronting Hall Street to minimise obstruction of the footpath for pedestrians.

76A. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling

Advisory Notes

AD14. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

Indoor air quality:
Council strongly encourages the use of electrical cooktops, ovens and internal heating systems

within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.

<u>Ventilation:</u>
Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.

<u>Domestic hot water:</u>
Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Bang Architecture Pty Ltd of Project No: 00007 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA102, Rev F	Demolition Plan	31.10.2023	01.11.2023
DA103, Rev F	Site Plan	31.10.2023	01.11.2023
DA200, Rev F	Ground Floor Plan	31.10.2023	01.11.2023
DA201, Rev F	Level 1 Floor Plan	31.10.2023	01.11.2023
DA202, Rev F	Level 2 Floor Plan	31.10.2023	01.11.2023
DA203, Rev F	Level 3 Floor Plan	31.10.2023	01.11.2023
DA250, Rev F	Roof Plan	31.10.2023	01.11.2023
DA290, Rev F	Basement 1 Floor Plan	31.10.2023	01.11.2023
DA291, Rev F	Basement 2 Floor Plan	31.10.2023	01.11.2023
DA300, Rev F	North East Elevation	31.10.2023	01.11.2023
DA301, Rev F	South East Elevation	31.10.2023	01.11.2023
DA302, Rev F	South West Elevation	31.10.2023	01.11.2023
DA303, Rev F	North West Elevation	31.10.2023	01.11.2023
DA310, Rev F	Section A-A	31.10.2023	01.11.2023
DA311, Rev F	Section B-B	31.10.2023	01.11.2023
DA312, Rev F	Section C-C (driveway)	31.10.2023	01.11.2023
DA313, Rev F	Section D-D	31.10.2023	01.11.2023
DA314, Rev F	Section E-E	31.10.2023	01.11.2023
DA315, Rev F	Section F-F	31.10.2023	01.11.2023
DA600, Rev F	Selected adaptable units	31.10.2023	01.11.2023
DA610, Rev F	Pre & Post Unit Layout	31.10.2023	01.11.2023
DA611, Rev F	Pre & Post Unit Layout	31.10.2023	01.11.2023

(b) Landscape Plan No. LP01-2521 to LP05-2521 (inclusive), all Revision C and documentation prepared by Tanya Wood Landscape Architecture, dated 15 July 2022 and received by Council on 22 July 2022

(c) BASIX and NatHERs Certificate/s

(d) Arborist Report prepared by L&Co and received by Council on 22 July 2022

(e) Schedule of external finishes and colours, Drawing No. DA330, Revision F, prepared by Bang Architecture Pty Ltd, dated 31 October 2023 and received by Council on 1 November 2023

(f) The Operational Waste Management Plan (Report No. 3524), Revision D, dated 16 November 2023 and prepared by Elephants Foot Company, and received by Council on 16 November 2023

(g) Detailed Site Investigation Report prepared by EI Australia (Report No. E25364.E02_Rev0) dated 27 October 2022 and received by Council on 28 October 2022

(h) Geotechnical Investigation Report prepared by EI Australia (Report No. E25361.G03_Rev1) dated 18 July 2022 and received by Council on 22 July 2022

Except where amended by the following conditions of consent.

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

2. GENERAL MODIFICATIONS

The application is approved subject to the following plan amendments;

(a) The proposed new masonry wall adjacent to the south-eastern boundary adjoining the existing brick boundary wall at 1 Jacques Avenue must not exceed the height of the existing boundary wall measuring at RL18.32 to minimise additional visual bulk and scale impacts when viewed from 1 Jacques Avenue.

(b) Ceiling fans must be provided in every habitable room.

(c) The location of mailboxes for residential apartments within the residential entrance/lobby is to be shown on the architectural plans.

(d) The ground floor awnings adjacent to the retail tenancies on the north elevation fronting Hall Street are to be amended to comprise of one or two continuous awnings to optimise weather protection and pedestrian amenity.

(e) The part permeable paving along the southern elevation of the ground floor retail tenancies is to be deleted and replaced with landscape planting.

(f) The proposed glazed openings on the southern elevation of Retail Tenancy Nos. 4 and 5 are to be replaced with window openings with sill heights that prevent direct pedestrian access from the retail tenancies to the adjacent landscaped area.

(g) An amended landscape plan is to be prepared to show landscaped areas and a planting schedule that is consistent with the architectural plans in Conditions 1 and 2(c) above.

(h) One car parking space within the basement car parking levels is to be converted to two motorcycle parking spaces to comply with the motorcycle parking requirement of 10 motorcycle parking spaces for the development.

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

3. ARCHAELOGICAL ASSESSMENT

Prior to carrying out of any excavation works, an archaeological assessment is to be undertaken by a suitably qualified consultant and an Archaeological watching brief is to be established to determine and manage any findings of Aboriginal artifacts or European activities post 1788 in accordance with the provisions within the NSW Heritage Act.

4. MULTI UNIT HOUSING DEVELOPMENT DESIGN

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

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning and Assessment Act 1979*;

(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*; and

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

CONTRIBUTIONS, FEES & BONDS

6. SECTION 7.12 CONTRIBUTION

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

(a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
   (i) Where the total development cost is less than $500,000:
   "Waverley Council Cost Summary Report"; or,

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

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

   (i) A development valued at $100,000 or less will be exempt from the levy;
   (ii) A development valued at $100,001 - $200,000 will attract a levy of 0.5% of the full cost of the development; or
   (iii) A development valued at $200,001 or more will attract a levy of 1% of the full cost of the development.

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of **$188,431.58** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

8. LONG SERVICE LEVY

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

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

PLAN DETAILS

9. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

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

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

10. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

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

11. BASEMENT STORAGE

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

allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

12. ADAPTABLE HOUSING

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

13. UNIVERSAL HOUSING

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

CONSTRUCTION MATTERS

14. HOARDING

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

15. EROSION & SEDIMENT CONTROL

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

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

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

16. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works.

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

17. ENGINEERING DETAILS

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

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

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

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

(b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises demonstrated through an agreement with a carrier.

TRAFFIC MANAGEMENT

19. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING

20. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted Water Management Plan prepared by Glenn Haig & Partners, Drawing No. H000, H101, H102, H103, H104, H201, SW001, REV B, dated 19/07/2022 is considered concept only.

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

(a) Permissible site discharge (PSD) for new development is a 5 minute, 1 in 5-year storm event with fraction imperviousness of 0.1. Please recalculate PSD, orifice and OSD sizing accordingly.
(b) Kerb & Channel connection preferred. Only one connection type allowed
(c) If connection to Council's below ground drainage system (road reserve) is only option, provide following:
    (i) Invert of connecting pipe at or above top third of Council pipeline
    (ii) Pipe cut flush with internal wall of pit and pipe and enter pit perpendicular to pit wall
    (iii) Non-return valve installed at outlet pipe at connection point within Council's stormwater line
    (iv) Detailed survey (footpath, kerb, buildings, walls, stairs, etc)

(v) Design alignment and details of proposed pipe material, size, class
(vi) Location of all stormwater pits and pit types proposed
(vii) Calculations showing proposed system has capacity greater than existing system being replaces
(viii) Calculations showing proposed system meets required design capacity specified by Council (typically 5% AEP), at Council's discretion
(ix) Will not increase or concentrate flooding on any private property (incl. site being developed) or road reserve. Supporting evidence includes details and modelling of any surcharge that will occur at downstream end of proposed drain
(x) Long section and detail (e.g. location of existing service crossings & clearances, existing surface levels, and invert of existing pipe and invert of outlet pie) including hydraulic grade line.

(d) Please provide calculations of gutter sizing for 1% AEP storm event and min. number of downpipes required.
(e) Sump pit with depth greater 1.2m to be fitted with step irons.
(f) Grated pits larger than 600mm x 600mm to have hinged cover
(g) For pits, please provide following information:
(i) Pit dimensions
(ii) Typical detail and benching (for both pits and sump pits)
(h) Grated box drain at property boundary to have minimum base slope 2%.
(i) Grates galvanised steel grid type. Heavy duty where subjected to vehicular loading.
(j) As connecting into Council pipe network downstream that is prone to inundation, hydraulic calculations required with appropriate tailwater condition to show adequate capacity.
(k) Allow provision for overland flow / collection from rear of property.
(l) 3,000 L rainwater tank required as per BASIX report. Provide detail and show on plans. Connected to minimum 350 sq.m roof area.
(m) Floor level to be minimum 0.15m above adjacent ground level. Please redesign accordingly.
(n) OSD design:
(i) All flow to be directed through OSD system (bypassing not permissible). Please redesign accordingly.
(ii) Sump to be provided within OSD. Depth is maximum of (1.5m x orifice dia below centre of orifice, 0.2m). Weepholes to be provided, founded on compacted granular base.
(iii) Provide child proof locking system on below ground OSD.
(iv) Provide calculations showing that 1% AEP flow can be adequately conveyed via overflow into Council drainage network.
(v) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below-ground OSD tank structure shall be cast in-situ concrete based.
(o) Pump design:
(i) Add note ‘Pump to be designed in accordance with AS/NZS 3500.3:2018 Section 8’. Ensure pump meets these requirements.
(ii) Provide audible alarm set to activate when water level in storage reaches pre-determined level. Alarm system to comprise of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance of the basement in case of pump failure. Minimum 150mm freeboard from pump out system to all parking spaces and full hydraulic details and pump manufacturers specification to be provided.
(iii) Provide screening details. All electrical fittings and supply located min. 0.3m freeboard above max. water level and/or overland flow paths.
(p) A non-return valve is to be installed at the outlet pipe at the connection point with Council’s stormwater line so that stormwater cannot surcharge back into the property disposal system.
(q) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building by a Registered Structural Engineer’s design.

Notes:

- The checklist as set out on pages 68-76 on Council's Water Management Technical Manual (Oct 2021) available online shall be completed and submitted with any revision of Construction Certificate Plan Submission.
- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

21. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

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

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

ENERGY EFFICIENCY & SUSTAINABILITY

22. BASIX

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

23. ENERGY EFFICIENCY

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

The construction certificate plans are to incorporate the recommendations of the approved Energy Assessment Report.

24. REFLECTIVITY REPORT

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

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

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

WASTE

25. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

26. WASTE STORAGE AREAS

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

- **Residential**
  - 7 x 240L Mobile Garbage Bins (MGBs) for general waste collected weekly
  - 7 x 240L MGBs for paper and cardboard recycling collected fortnightly
  - 7 x 240L MGB for container recycling collected fortnightly
  - 1 x 140L MGB for garden organic waste should this be generated on the property
  - 4m2 storage space must be allocated for bulky household waste awaiting collection as well as 1m² for additional waste streams, for a total of 5m²

- **Commercial**
  - 3 x 660L MGBs for general waste, collected 3x per week
  - 2 x 660L MGBs for paperboard recycling, collected 2x per week
  - 2 x 660L MGBs for comingled recycling, collected 2x per week
  - Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.
  - Extra space is required for equipment needed to move bins
  - Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required

All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

LANDSCAPING & TREES

27. GREEN ROOF LANDSCAPING DETAILS

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

(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).

(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species

(c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

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

28. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE APPLICATION

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

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

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

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

29. DILAPIDATION REPORT

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

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

30. VERMIN AND RAT CONTROL

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

30A. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Hall Street frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of any Construction Certificate.

(a) Road pavement;
(b) Pedestrian footpath;
(c) Kerb & gutter;
(d) Vehicular crossing;
(e) Stormwater infrastructure located within the Council Road reserve;
(f) Landscape and street tree plantings;
(g) Street lighting and associated underground works;
(h) Street furniture.

30B. PRE-CONSTRUCTION DILAPIDATION REPORT

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

(a) Road pavement;
(b) Kerb & gutter;
(c) Pedestrian footpath;
(d) Drainage pits and lintels
(e) Traffic signs
(f) Street furniture
(g) Any other relevant infrastructure

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

30C. PUBLIC INFRASTRUCTURE WORKS

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

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

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

(a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Hall Street frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council.

(b) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing Hall Street frontage is to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. The proposed footpath, kerb, and gutter profiles must include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site.

(c) Street Trees: The two (2) existing ***Populus nigra var italica*** (Lombardy poplar) trees along the Hall Street frontage shall be removed and replaced with two (2) ***Banksia integrifolia*** (coast Banksia) with a minimum pot size of 400 Litres. For all the proposed trees within the Council verge, it is necessary to install appropriate tree pits, surrounds, and root cell barriers in accordance with the Waverley Council Public Domain Technical Manual. The chosen tree species and their placement must not interfere with the wheel-swept path or obstruct the proposed vehicular crossing. Waverley Council is to be contacted at the time of installing the root cell barriers prior to planting the new trees.

(d) Streetlights: New streetlighting serviced by metered underground power and on Multi-Function Poles (MFPs), with an electric vehicle charger, must be designed and installed to Australian Standard AS1158:2010 - Lighting for Roads and Public Spaces for the Hall Street frontage.

Design plans must be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to, and approved by Council's Executive Manager, Infrastructure Services (or delegate) prior to lodgement of the scheme with Ausgrid for their approval.

(e) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

(f) The replacement of any Council-owned assets, including street furniture along the site frontages, is required. The Applicant is responsible for covering all costs associated with these replacement works.

(g) Any existing or proposed utility pillars, columns and/or poles on the site frontages must be relocated either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.

(h) The full public domain traversing all street frontages must be protected from the proposed building works. The applicant will be required to replace any damaged footpath, street furniture, pavement, kerb and gutter, and Council's infrastructure at no cost to Council.

(i) Measures to protect any existing parking meters must be undertaken. Any damages or replacement cost of the parking meter must be borne by the applicant.

The detailed design drawings to include the following:

i. Include cross-sections at set intervals which demonstrate a maximum 2% grade in the pedestrian pathway falling towards the road at all points across all frontages of the site.
ii. Include long sections of the footpath, kerb and gutter, site boundary showing the existing and proposed RL's.
iii. Display the reduced levels (RL's) at each access point into the building.
iv. Show how it is proposed to identify the interface between the footpath area and paving within the site at the front and rear property boundaries.
v. Show details of any transitions required beyond the boundaries of the site.
vi. Include details and proposed locations of any street furniture and street trees.
vii. Include details and specifications of paving such as the materials used, the paving pattern, and jointing plans.
viii. Show paving pattern and jointing plans being coordinated with the blinding slab.
ix. Show all services and pit locations in the footpath area being orientated to align with.
Note: Include the provision of infill lids where appropriate. Note that if any service lids are in poor condition that they must be replaced (in mixed use and residential areas. In Commercial areas they must be replaced with infill covers (with the relevant pavers).

Note: Council's contact for the public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).

30D. 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, must be altered at the Applicant's expense. This includes both temporary and permanent alterations. Upon notifying Council, the Applicant must comply with the requirements (including financial costs) of the relevant utility service provider (e.g., Ausgrid, Sydney Water, Telstra, Transport for NSW or similar) in relation to any connections, repairs, relocations, replacements and/or adjustments to public infrastructure or services affected by the proposed works.

30E. GROUND ANCHORS

Where any ground anchors (i.e., rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au at (02) 9083 8655.

Separate approval will be required for ground anchors beneath roadways governed by the Transport for NSW (TfNSW).

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

31. CONSTRUCTION SIGNS

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

31A. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

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

31B. PUBLIC DOMAIN ENGINEERING INSPECTIONS

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

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

DEMOLITION & EXCAVATION

32. REMEDIAL ACTION PLAN

A Remedial Action Plan is required to be prepared by suitably qualified person who is experienced in contaminated land issues, to address the recommendations in the Detailed Site Investigation Report prepared by EI Australia (Number: E25364.E02_Rev0) and dated 27 October 2022.

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

NOTE: Where the Site Audit Statement is subject to conditions that require on going review by the Auditor or Council these should be discussed with Council before the Site Audit Statement is issued.

Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC

Environmental Guidelines "Assessment, Classification and Management of Non-Liquid Wastes". The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter, if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW DECC.

33. SITE CONTAMINATION - REMEDIATION WORKS

(a) Remediation and validation works shall be carried out in accordance with a specially prepared Remediation Report prepared by a suitably qualified person and who is experienced in contaminated land issues.

(b) Any variation to the Remedial Action Plan shall be approved by the suitably qualified person who is experienced in contaminated land issues in writing prior to the commencement of any work. The applicant must inform the PCA in writing of any proposed variation to the remediation works. The PCA shall approve these variations in writing prior to commencement of works.

(c) Prior to the commencement of any work, other than demolition or excavation in association with remediation of the site, a Site Audit Statement is to be submitted to and approved by Council clearly stating that the site is suitable for the proposed use.

34. REMEDIATION REQUIREMENTS

The following requirements apply to the remediation works (where remediation is required) on-site:

(a) A sign displaying the contact details of the remediation contractor (and site facilitator if different to remediation contractor) shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works. Owners and/or occupants of the premises adjoining the site shall be notified, in writing, at least seven days prior to the commencement of remediation works.

(b) Remediation work shall not be carried out within 4 metres of the base of a tree, or adversely affect the appearance, health or stability of a tree, where works affecting the tree require Council approval.

(c) Remediation work shall not be undertaken on land containing an item of environmental heritage where the consent of Council is required.

(d) A covenant being registered on the title of the land giving notice of the former use and contamination of the site and the existence of the encapsulated cells containing contaminated material.

(e) A covenant being registered on the title of the land binding the owners and future owners to be responsible for ongoing maintenance and any future rehabilitation works required in terms of the encapsulated materials, including the discharge or prevention of discharge there from any contaminants or for any works required by the NSW Environment Protection Authority (EPA).

35. SITE CONTAMINATION - VALIDATION REPORT

(a) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council. The Construction Certificate shall not be issued until Council approves this Validation Report. The report shall be prepared with reference to the NSW Environment Protection Authority (EPA) guidelines, Consultants Reporting on Contaminated Sites and shall include:

(b) Description and documentation of all works performed;

(c) Results of validation testing and monitoring;

(d) Validation results of any fill imported on to the site;

(e) Details of how all agreed clean-up criteria and relevant regulations have been complied with; and

(f) Clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

36. REMEDIATION WORKS REQUIRED

All exposed areas shall be progressively stabilised and revegetated on the completion of remediation works. Remediation work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am and 1pm on Saturdays with no work to be carried out on Sundays or public holidays.

37. HAZARDOUS MATERIALS

A hazardous materials survey is to be carried out by a suitable qualified consultant/ occupational hygienist prior to any demolition works.

Should any hazardous or intractable wastes arising from the above survey be identified on site, it must be handled, removed and disposed of in accordance with the requirements NSW WorkCover Authority and the DECC, and in accordance with the provisions of:

(a) New South Wales Occupational Health and Safety Act, 2000;
(b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
(c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
(d) Protection of the Environment Operations Act 1997 (NSW) and
(e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

38. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

(b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).

(c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

39. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

(a) hazard identification and control
(b) site security
(c) personal protective equipment
(d) work zones and decontamination procedures
(e) contingency plans and incident reporting environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

40. HAZARDOUS MATERIALS SURVEY

The "recommendations" as outlined in the Hazardous Materials Survey report prepared by EI Australia Pty Ltd **[Reference No. E253640.E10_Rev 0]** dated 2 November 2021 shall be implemented.

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

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

41. CONTROL OF DUST ON CONSTRUCTION SITES

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

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

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

42. NOISE MANAGEMENT PLAN - DEMOLITION EXCAVATION & CONSTRUCTION

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

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

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

43. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

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

44. EXCAVATION AND BACKFILLING

(a) A further detailed geotechnical report is to be provided to the satisfaction of Council prior to any Construction Certificate, that addresses how the excavation works can be carried out without damage or adverse impacts on adjoining properties including de-watering as a result of the proposed excavation. In particular, the report is to address the matters raised in section 5 of the Geotechnical Investigation Report prepared by EI Australia (Report No. E25361.G03_Rev1) dated 18 July 2022 and received by Council on 22 July 2022.

(b) All excavations and backfilling are to be managed on-site by a registered and practising geotechnical engineer.

(c) Vibration emissions must be monitored on-site at all times to ensure compliance with the recommendations of the detailed geotechnical report prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer.

(d) All excavations and backfilling are to be carried out in accordance with the detailed geotechnical report shall be prepared by a suitably qualified and practising Structural Engineer/Geotechnical Engineer detailing the proposed methods of bulk excavation, approved by the Principal Certifying Authority.

(e) Any changes to the excavation methodology which deviate from the detailed geotechnical report must be reviewed by a suitably qualified and practising Structural Engineer/Geotechnical Engineer and approved by the Principal Certifying Authority.

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

CONSTRUCTION MATTERS

45. CONSTRUCTION HOURS

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

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

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

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

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

47. CONSTRUCTION INSPECTIONS

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

48. CERTIFICATE OF SURVEY - LEVELS

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

49. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

50. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

51. TREE PROTECTION

Precautions shall be taken when working near trees to ensure their retention, including the following:

(a) Do not store harmful or bulk materials or spoil under or near trees;
(b) Prevent damage to bark and root system;
(c) Do not use mechanical methods to excavate within root zones;
(d) Do not add or remove topsoil from under the drip line;
(e) Do not compact ground under the drip line;
(f) Do not mix or dispose of liquids within the drip line of the tree; and

(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

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

Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected.

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

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

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

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

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

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

- If any trees on Council owned land require pruning, the applicant is to supply an tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.

- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

  Council to be notified when tree protection has been erected around the trees that are to be retained.

  Tree protection for trees on the site or adjoining properties are to remain throughout construction works. Protective fencing, trunk protection, warning signs, ground protection, crown protection are not to be removed.

52. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed:

Tree No.	Species	Location	Action
T 1	***Quercus Ilex*** (Mediterranean Holm Oak)	On boundary of site and 15 Consett Avenue	Retain and protect, no work within the SRZ 54.8m
T 2	***Howea forsteriana*** (Kentia Palm)	On-site	Remove as per Arborist report.
T 3	***Populus nigra var italica*** (Lombardy poplar)	Street tree	Retain and protect
T 4	***Populus nigra var italica*** (Lombardy poplar)	Street tree	Remove and replace

53. STREET TREES TO BE REMOVED

Permission is granted to remove the two (2) ***Populus nigra var italica*** (Lombardy poplar) on the Hall Street nature strip. All work to be undertaken by qualified arborists (AQF Level 5) with full public liability insurance.

(a) Replacement trees consisting of two (2) ***Banksia integrifolia*** (coast Banksia) are to be provided on the naturestrip on Hall Street, evenly spaced out along the front of the property, at a minimum pot size of 400 Litres when planted. The trees are to be planted prior to any Occupation Certificate.

(b) The trees are to be planted by a horticulturist (Min qualification AQF Level 3).

(c) A bond of **$ 8,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the two (2) newly planted ***Banksia integrifolia*** (coast Banksia) and trees on the naturestrip along Hall Street. The bond is to be lodged prior to the issue of any Construction Certificate.

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

53A. TREE PRUNING FOR ERECTION OF SCAFFOLDING

If any pruning of the crown of Tree 1 is require for the erection of Scaffold, the applicant is to supply a tree pruning report prepared by an Arborist with AQF level 5 qualifications or above with photos showing the branches that need to be removed for the approval of Council's Tree Management Officer.

If approval is granted the applicant may prune the tree with works undertaken by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

If the owners of the Quercus Ilex (Mediterranean Holm Oak) give consent for the root and branch pruning, then the below Sections 4.1.12 to 4.1.24 (inclusive) of the Arboricultural Impact Assessment Report prepared by L & Co Consultancy Dr Matthew Laurence. Date: 31/05/2022 must be followed:

4.1.12 Stage 1

4.1.13 Tree sensitive methods should be used for the removal of existing slab within the TPZ areas before the start of any demolition works. The existing slab should be removed by hand to prevent damage to underlying

roots. If an excavator is required, then the machinery must work from the tree outwards to ensure the machinery always remains on the un-demolished section of slab. Wherever possible, footings or elements below grade should be retained to minimise disturbance to the tree's roots.

4.1.14 Mulch and organic matter should be introduced to the area indicating in Appendix 6.

4.1.15 TPZ fencing to the basement boundary should be installed prior to any site works (including demolition) and remain in place for the duration of the demolition and construction of the new dwelling and garage. Materials, waste storage and temporary services should not be located within the TPZ fenced area. If works are required within the TPZ fenced area, then they should be supervised by the Project Arborist.

4.1.16 The tree protection measures must be inspected by the Project Arborist prior to the start of site works, including demolition.

4.1.17 Stage 2

4.1.18 Demolition, construction, and basement excavation works can be carried out. Hand excavation and root pruning along the excavation line shall be completed prior to the commencement of mechanical excavation to prevent tearing and shattering damage to the roots.

4.1.19 No over-excavation, battering, or benching shall be undertaken beyond the footprint of any structure unless approved by the Project Arborist.

4.1.20 No works are to occur within the TPZ fenced area.

4.1.21 Stage 3

4.1.22 On completion of the demolition, construction and basement excavation works, the TZ fencing can be removed for the landscaping works.

4.1.23 All new landscaping should be installed at or above the existing grade and tubestock should be used within the TPZ area to minimise root disturbance.

4.1.24 Refer to AS4970 and Appendices 5, 6 & 7 for further details.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

54. NEW VEHICLE CROSSING

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

55. VEHICULAR ACCESS - FINISHED LEVEL

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

56. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

57. CAR PARKING

A maximum 30 car vehicle parking spaces are to be provided within the development, allocated in the following manner:

(a) A maximum of 19 residential parking spaces
(b) A minimum of 3 residential visitor parking spaces
(c) A maximum of 10 retail parking spaces
(d) 3 of the spaces to be a disabled space with adjacent shared area in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities
(e) 2 'Level 2' AC fast electric vehicle charging points to be installed

Car parking spaces are to be allocated with the rates specified in the DCP, with no more than 2 spaces allocated to any residential unit/dwelling with 3 or more bedrooms. All car spaces and to be appropriately signposted and parked.

58. BICYCLE PARKING

A minimum of 19 bicycle parking spaces are to be provided within the development allocated as follows:

(a) 16 spaces for residents
(b) 2 spaces for resident visitors
(c) 1 space for retail visitors

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

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

59. MOTORCYCLE PARKING

A **minimum** of 10 motorcycle parking spaces are to be provided within the development.

60. PARKING PERMITS

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

61. HEADROOM CLEARANCE

The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.

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

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

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

CERTIFICATION AND LICENCES

62. FINAL OCCUPATION CERTIFICATE

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

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

63. CERTIFICATION OF BASIX COMMITMENTS

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

64. CERTIFICATION OF APPROVED DESIGN

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

65. CERTIFICATION OF BASIX COMMITMENTS

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

66. CERTIFICATION OF LANDSCAPING

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

67. CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM

Prior to issue of any Occupation Certificate, certification is to be provided from a suitably qualified and practising Engineer or Plumber, that any new stormwater drainage system has been constructed in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. Similarly, any retained stormwater drainage system is unblocked, in good working order and to be repaired/replaced to best practice. A copy of the certification must be submitted to Council.

68. CERTIFICATION OF ALL MECHANICAL PLANT

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

69. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) as well as the recommendations made in the acoustic report have been satisfied.

69A. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

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

69B. WORK-AS-EXECUTED PLAN – PUBLIC DOMIAN

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

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

69C. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

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

Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development.

This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.

- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.

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

70. FOOD PREMISES

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

https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety

71. REFRIGERATION UNITS & MECHANICAL PLANT

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

72. NOISE – ACOUSTIC REPORT

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

Note: Any management measures recommended in the acoustic report shall be incorporated into a

Plan of Management, which will be required to be submitted to Council for approval prior to the issue of an Occupation Certificate.

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

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

MANAGEMENT PLANS

73. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

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

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
(c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
(d) The role and responsibility of managing composting facilities (if provided);
(e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
(g) For commercial premises whose waste contains 20% or more food waste, a daily waste collection is required, unless an alternative is agreed upon with Council.
(h) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.
(i) All waste and recycling bins must only be placed out on Council footpath for collection the morning of the collection day (no earlier than 5:30am) and retrieved from the kerbside as early as possible the same day of collection.
(j) The bins must be placed for collection in a location that does not impede pedestrian access along the footpath or impact the neighbouring properties.
(k) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.
(l) At no times shall bins or other products (e.g. milk/bread crates) be stored on the public domain (e.g. footpaths).
(m) Details of ongoing waste management strategy are to be documented within the SWRMP.

73A. AMENDED SITE WASTE AND RECYCLING MANAGEMENT PLAN

An amended Site Waste and Recycling Management Plan is to be prepared and submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for approval, revising the number of approved retail tenancies for the development and presentation of waste bins to the kerbside and not within the site boundaries fronting Hall Street to minimise obstruction of the footpath for pedestrians.

74. GREEN TRAVEL PLAN

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

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

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

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

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

OTHER MATTERS

75. STREET NUMBER/S

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

76. SYDNEY WATER SECTION 73 COMPLIANCE CERTIFICATE

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

76A. WAVERLEY DIGITAL MODEL

An accurate 'as built' 3D digital model of the building must be submitted to be used in the Waverley Digital Model, to the satisfaction of Council's Digital Urban Designer which complies with the requirements outlined in on Council's website at:

https://www.waverley.nsw.gov.au/building/development_applications/decision_makers/3d_modelling

E. OPERATIONAL MATTERS

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

77. AIR EMISSIONS

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

78. NOISE EMISSIONS

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

(b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

79. NOISE - MECHANICAL PLANT (COMMERCIAL PREMISES)

Noise associated with mechanical plant shall not give rise to any one or more of the following:

(a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.

(b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.

(c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

80. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

81. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in the acoustic report prepared by Koikas Acoustics Pty Ltd [Reference No. 5029R20210920mj26-32HallStreetBondi_DAv2.docx] dated 26 October 2021 shall be implemented.

82. VEHICLE ACCESS

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

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

83. ADJUSTMENTS TO STREET SIGNS

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

84. DELIVERY OF GOODS

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

85. WASTE MANAGEMENT PLAN REVIEW

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

86. LITTER CHECKS (FOOD & DRINK PREMISES)

Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade. A register must be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. DIAL BEFORE YOU DIG

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

AD4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD5. EXCAVATION TO BE LIMITED

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

AD6. BONDI - ROSE BAY SAND BODY

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

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

AD7. SEPARATE APPLICATIONS FOR USE/FIT OUT

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

AD8. SEPARATE APPLICATION FOR SIGNAGE

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

AD9. TREE REMOVAL/PRESERVATION

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

AD10.SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website.**

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

AD11. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD12. SITE RECTIFICATION WORKS

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

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

(i) Require certain works including but not limited to:
   (a) make the building/site safe and of an appearance acceptable to Council.
   (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
   (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
   (d) AND to call on such bank guarantee to cover the cost thereof.

(ii) In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

AD13. DILAPIDATION

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

AD14. ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

Indoor air quality:
Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.

Ventilation:
Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.

Domestic hot water:
Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

AMENDED PLANS

RECEIVED
Waverley Council

Receipt No: DA-552/2021/A

Date Received: 01/11/2023

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BAND Architecture
www.bandarchitecture.com.au
Suite 1, 2 Bronte Road
Bondi Junction NSW 2022

Nominated Architect
Wassim Mahfouz
Registered Architect NSW 10466
Australian Institute of Architects
ABN 64 674 930 858

Client Info
Yasmin Bilani
STNO26 No26 Pty Ltd
16 Town Street
Willoughby NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

2:1 @ A1
or half @ A3

Cha | Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	16/09/2022	WM	WM
C	Council Deferred commencement response	31/05/2023	WM	WM
D	Deferred commencement approved set	18/08/2023	WM	WM
E	Section 4.55 submission	20/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Visualisation
Perspective I

Drawing
DA350

Revision
F

AMENDED PLANS

RECEIVED
Waverley Council

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Bondi Junction NSW 2026 Australia

Nominated Architect
Wayne Moller NSW ARB 10648
Registered Architect
Member of the Australian Institute of Architects
Member of the NSW Chapter
RAIA Associate #1217

Client Info
Vaughan Banks
STM224 Nobbs Pty Ltd
0404 184 845
PO Box 1184
Bondi Junction NSW 2022

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
21 @ A1
or half @ A3

Chg Summary of Changes

Rev	Reason of Revision	Date	Drwn	Chkd
A	DA Submission		WM	
B	Council request for additional information		WM	
C	Council Deferred commencement response		WM	
D	Deferred commencement addn response		WM	
E	Section 4.55 submission		WM	
F	Section 4.55 submission V2		WM	

Visualisation
Perspective II

Drawing No.
DA351

Revision
F

AMENDED PLANS

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Waverley Council

Receipt No: DA-552/2021/A

Date Received: 01/11/2023

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Suite 2.01, 19 Bronte Road
Bondi Junction NSW 2022 Australia

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

21 @ A1
or half @ A3

Cha	Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ch
A	DA Submission Set	30/06/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	6/05/2023	WM	WM
D	Deferred commencement approved set	31/05/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/08/2023	WM	WM

Issue for Information

Perspective III

AMENDED PLANS

26-32 HALL

00007

26-32, Hall Street
Bondi NSW 2026 Australia
Development Application

DA0 Project information
- DA000 F Title page
- DA001 F Project summary

DA1 Site information
- DA100 F Site analysis
- DA101 F Survey plan
- DA102 F Demolition plan
- DA103 F Site location
- DA150 F Site plan

DA2 Floor plans
- DA200 F Ground
- DA201 F Level 1
- DA202 F Level 2
- DA203 F Level 3
- DA250 F Roof
- DA290 F Basement 1
- DA291 F Basement 2

DA30 Elevations
- DA300 F North East
- DA301 F South East
- DA302 F South West
- DA303 F North West

DA31 Sections
- DA310 F A-A
- DA311 F B-B
- DA312 F C-C (driveway)
- DA313 F D-D
- DA314 F E-E
- DA315 F F-F

DA3 Elevations & Sections
- DA330 F Materiality

DA35 Visualisation
- DA350 F Perspective I
- DA351 F Perspective II
- DA352 F Perspective III

DA4 Solar analysis
- DA400 F 9 AM June 22
- DA401 F 10 AM June 22
- DA402 F 11 AM June 22
- DA403 F 12 PM June 22
- DA404 F 1 PM June 22
- DA405 F 2 PM June 22
- DA406 F 3 PM June 22

DA5 Compliance diagrams
- DA500 F Solar Access
- DA510 F Cross ventilation
- DA520 F Landscaped area
- DA530 F Communal open space
- DA540 F Deep soil
- DA550 F Storage calculation
- DA560 F Unit mix
- DA570 F Gross floor area
- DA580 F Height plane

DA6 Adaptable units
- DA600 F Selected adaptable units
- DA610 F Pre & Post Unit layout
- DA611 F Pre & Post Unit layout

DA7 Notification plans
- DA700 F Site plan
- DA701 F Elevations

DA9 Sepp65 Design quality principle
- DA900 F Design Verification Statement
- DA901 F Principle 1
- DA902 F Principle 2
- DA903 F Principle 3
- DA904 F Principle 4
- DA905 F Principle 5
- DA906 F Principle 6
- DA907 F Principle 7
- DA908 F Principle 8
- DA909 F Principle 9
- DA910 F ADG compliance summary

Project Partners
Refer to consultant documentation when directed
Town planner - LK Planning
Access consultant - Design Confidence
BCA consultant - Design Confidence
Acoustic engineer - Koikas Engineers
Arborist - Laurence & Co
Basix & Nathers - AGA Consultants
Fire safety - Design Confidence
Geotechnical engineer - Environmental Investigations
Contamination engineer - Environmental Investigations
Heritage architect - Weir Phillips Heritage Architects
Land surveyor - Geostrata
Landscape architect - TWLA
Quantity surveyor - Berco Consulting
Electrical engineer - N/A
Mechanical engineer - N/A
Hydraulic engineer - Glenn Haigh and Partners
Structural engineer - Mark Lindsay Consulting
Stormwater & Flood engineer - Glenn Haigh and Partners
Traffic engineer - Traffix
Waste consultant - Elephants Foot

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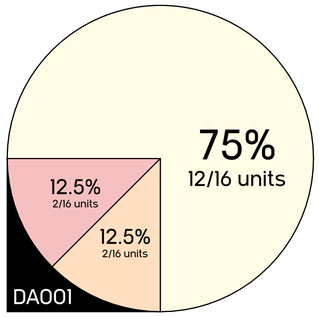
Bondi Junction NSW 2022 Australia

AMENDED PLANS



Solar Access

Objective 4A-1
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

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

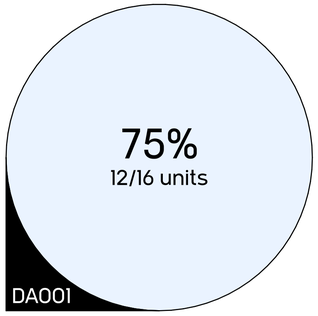
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter

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

More than 2 hours direct sunlight

Less than 2 hours direct sunlight

No direct sunlight

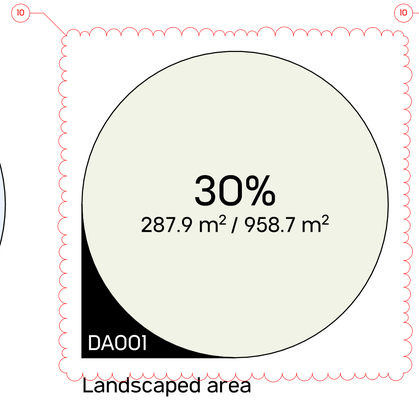


Cross Ventilated units

Apartment Design Guide

Objective 4B-3
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents

Design criteria
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.
Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line



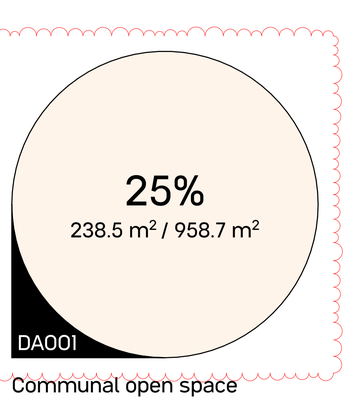
Landscaped area

Waverley Council Development Control Plan 3.9

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

Objectives
(a) To preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.
(b) To encourage mature and substantial tree planting to improve the amenity of developments.
(c) To allow for landscaping to provide screening between buildings.
(d) To ensure landscaped areas are useable and maintainable spaces that contribute to the existing landscape character of the street.
(e) To minimise the extent of impervious areas and facilitate rainwater infiltration.
(f) To influence the microclimate of open space within the development.

Controls
(a) Development is to comply with the provisions of Part B3 Landscaping and Biodiversity.
(b) 30% of the site area is to be provided as landscaped area.
(c) 50% of the landscaped area must be deep soil zone.
(d) Where site conditions allow, the deep soil zone is to be consolidated as one area to assist the ease of drainage and to allow for effective deep soil planting.
(e) Landscaping must relate to the building scale and assist integration of the development with the existing street character.
(f) All development proposals are to be designed to eliminate the impact upon significant trees on site, street trees and trees on adjoining land including public open space and bushland.
(g) For developments with podium landscaping, compliance with Section B3 Landscaping and Biodiversity is required.



Communal open space

Apartment Design Guide

Objective 3D-1
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

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

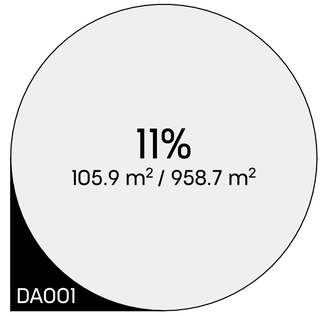
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

Waverley Council Development Control Plan 3.10

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

Controls
~~(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.~~
~~(b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.~~
(c) Communal open space is to: (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
(ii) Be located so that solar access is maximised.
(iii) Provide a landscape buffer between buildings.
(iv) Be designed to a high quality, and allow for landscaping and seating.
(v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).

(g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.
(h) Communal open space is to be accessible to all dwellings within a development.
(i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.
(j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.



Deep Soil area

Apartment Design Guide

Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

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

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

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

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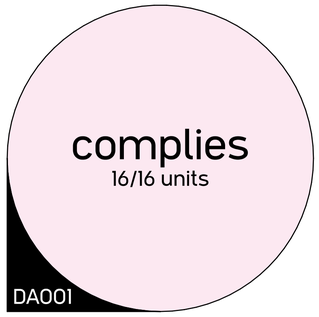
Waverley Council

Receipt No: DA-552/2021/A

Date Received: 01/11/2023

26-32 HALL
Development Application

Council: Waverley Council
LEP Land Zoning: B4 Mixed Use
LEP Height Control: 13 Metre
Allowable FSR: FSR 2.0 : 1 m²
Site area: 958.7 m²



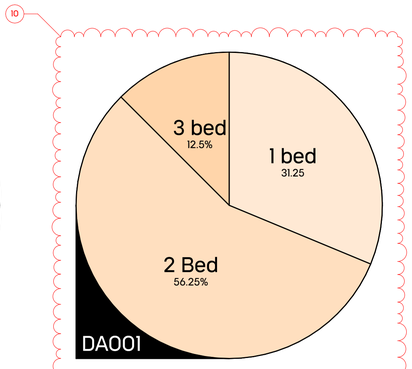
Storage allocation

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

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

Dwelling type	Storage size volume
Studio apartments	4m3
1 bedroom apartments	6m3
2 bedroom apartments	8m3
3+ bedroom apartments	10m3

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



Unit mix

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

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

Dwelling type	Storage size volume
Studio apartments	4m3
1 bedroom apartments	6m3
2 bedroom apartments	8m3
3+ bedroom apartments	10m3

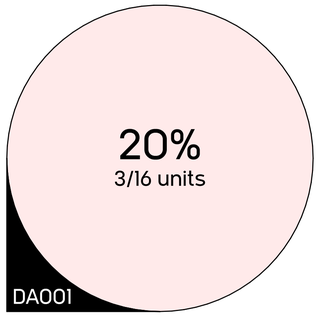
At least 50% of the required storage is to be located within the apartment

Gross Floor Area

Sydney Local Environmental Plan 2012

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

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



Adaptable units

Waverley Council Development Control Plan 7.2 Adaptable Dwellings

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

Objectives
(a) To ensure adequate adaptable housing is provided for within new residential development to accommodate occupants' changing needs over time.
(b) To ensure adaptable dwellings are included within residential development in accordance with the relevant Australian Standards.

Controls
(a) Plans identifying adaptable housing are to be submitted in accordance with the Waverley Development Application Guide.
(b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.
(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.
(d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.

NatHERS Specifications

These are the specifications upon which the NatHERS assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

Windows	Glass	Frame	U value	SHGC	Detail
Default	Single glazed, low E high solar gain	Aluminium	5.4	0.49	Window types: awning, bi-fold, casement – Glazing generally
Default	Single glazed, low E high solar gain	Aluminium	5.4	0.58	Window types: sliding window/ door, double hung, fixed – Glazing generally
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.39	Window types: awning, bi-fold, casement – for unit 303, all glazing
Default	Double glazed, low E high solar gain	Aluminium thermally broken	3.1	0.49	Window types: sliding window/ door, double hung, fixed – for unit 303, all glazing

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

Skylights	Glass	Frame	U value	SHGC	Detail
None					

External walls	Construction	Added Insulation	Detail
Concrete		R 1.5	As per drawings

Internal walls	Construction	Added Insulation	Detail
Plasterboard on studs		None	Walls within units
Hebel + stud		None	Party walls between units
Hebel + stud		R 1.0	Walls separating units from common lobbies
Concrete		R 1.0	Walls separating units from stairwells and lifts

Floors	Construction	Added Insulation	Detail
Concrete		None	Generally
Concrete		R 1.0	For units 101, 102, 106 - floors over open air and non-conditioned areas

Ceilings	Construction	Added Insulation	Detail
Plasterboard		See roof detail below	

Roof	Construction	Added Insulation	Detail
Concrete		R 1.5	For units 205, 206,
Concrete		R 3.0	For units 301, 302, 303

Other Requirements
All vents, exhaust fans and downlights (if installed) to be **sealed** to prevent air-infiltration.

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

Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:1 @ A1
or half @ A3

Cha	Summary of Changes
10	Numerical Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
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E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

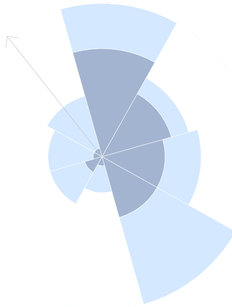
Title
Project information
Project summary

Drawing
DA001

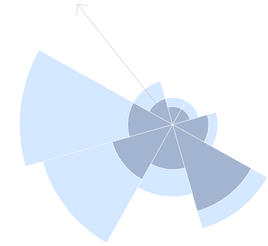
Revision
F

AMENDED PLANS

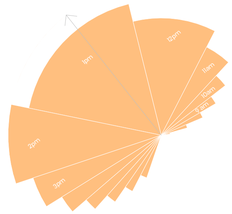
DRAWING SYMBOLS LEGEND



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



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



SUMMER SOLSTICE SUN EYE DIAGRAM
22 December with sun intensity

WINTER SOLSTICE SUN EYE DIAGRAM
22 June with sun intensity

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North
1:1 @ A1
or half @ A3

Cha | Summary of Changes

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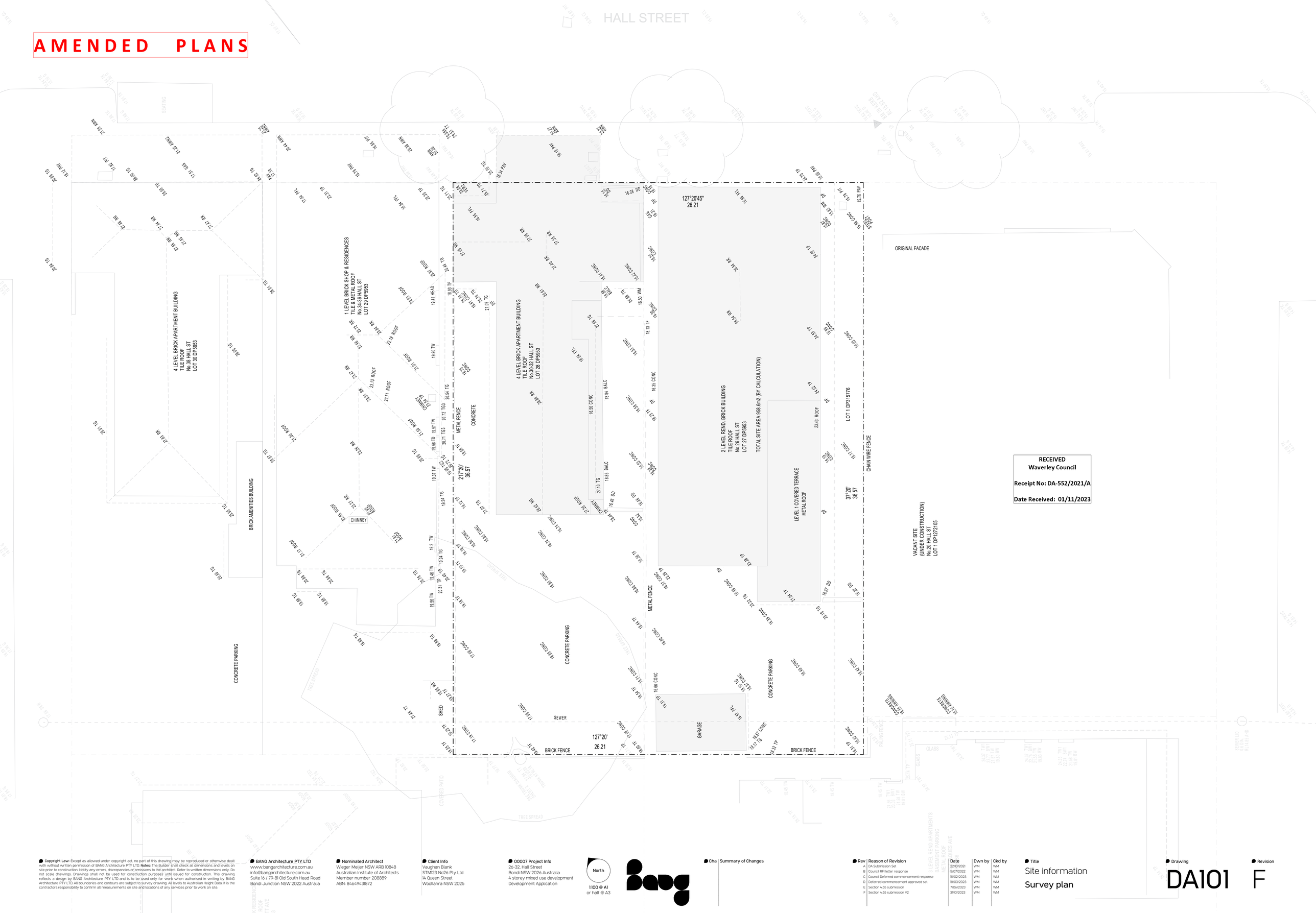
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Site information
Site analysis

Drawing
DA100

Revision
F

AMENDED PLANS



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F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Site information
Survey plan

Drawing
DA101

Revision
F

AMENDED PLANS

HALL STREET

4 LEVEL BRICK APARTMENT BUILDING
TILE ROOF
No.38 HALL ST
LOT 30 DP5953

1 LEVEL BRICK SHOP & RESIDENCES
TILE & METAL ROOF
No.34-36 HALL ST
LOT 29 DP5953

4 LEVEL BRICK APARTMENT BUILDING
TILE ROOF
No.30-32 HALL ST
LOT 28 DP5953

2 LEVEL RENO. BRICK BUILDING
TILE ROOF
No.26 HALL ST
LOT 27 DP5953

TOTAL SITE AREA 698.6m2 (BY CALCULATION)

LOT 1 DP315776

ORIGINAL FACADE

BRICK AMENITIES BUILDING

CONCRETE PARKING

CONCRETE PARKING

CONCRETE PARKING

GARAGE

METAL FENCE

CONCRETE

BRICK FENCE

BRICK FENCE

CHAIN WIRE FENCE

LEVEL 1 COVERED TERRACE
METAL ROOF

VACANT SITE
(UNDER CONSTRUCTION)
No.20 HALL ST
LOT 1 DP1272105

SEWER

SHED

CHIMNEY

127°20'45"
26.21

127°20'
26.21

217°20'
36.57

37°20'
36.57

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Waverley Council

Receipt No: DA-552/2021/A

Date Received: 01/11/2023

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Member number 208889
ABN: 84649431872

Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha | Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Site information
Demolition plan

Drawing
DA102

Revision
F

AMENDED PLANS

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14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:5000 @ A1
or half @ A3

Cha	Summary of Changes

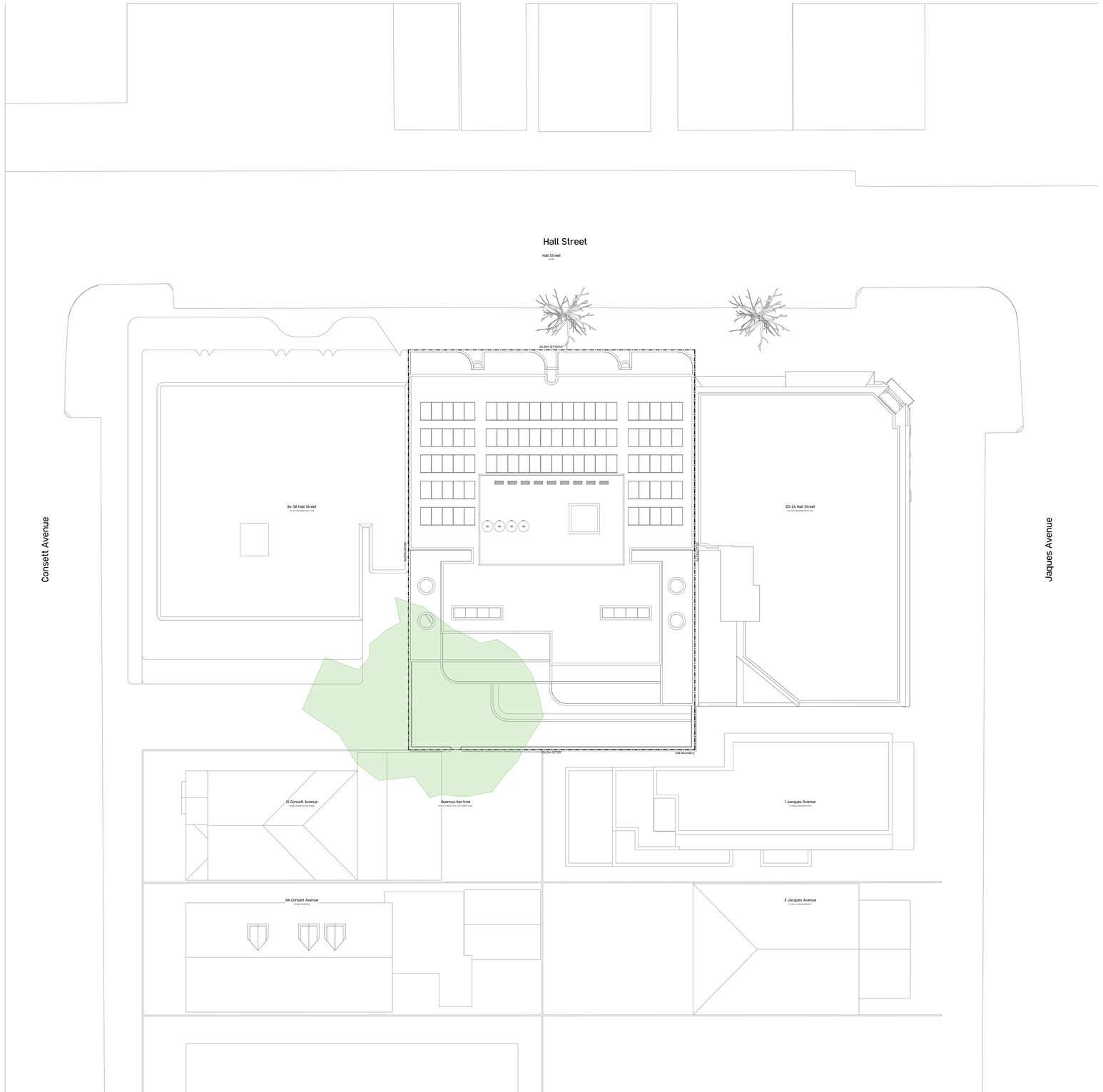
Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Site information
Site location

Drawing
DA103

Revision
F

AMENDED PLANS



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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:200 @ A1
or half @ A3

Cha	Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Site information
Site plan

Drawing DA150 **Revision** F

AMENDED PLANS

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Waverley Council

Receipt No: DA-552/2021/A

Date Received: 01/11/2023

Hall Street
street

34-38 Hall Street
future development site

20-24 Hall Street
current development site

15 Consett Avenue
single dwelling (heritage)

1 Jacques Avenue
3 storey development

Quercus Ilex tree
exact outline from 3D LIDAR scan

RL 16.36 RL 16.12 RL 15.95 RL 15.75

26.21m 127°20'45"

awning over awning over awning over

booster assembly

gas cock/water assembly

RL 16.38 RL 16.03 RL 16.02

OSD tank

RL 16.00

NLA
tenancy 1
58.0 m²

NLA
tenancy 2
48.2 m²

NLA
tenancy 3
90.2 m²

security gate

path_004
varies

fire stair

fire stair

Ground

Residential Lobby

lift shaft

switch room

services allocation

5.00 %

12.50 %

25.00 %

36.57m 217'20"

36.57m 37'20"

RL 16.00

NLA
tenancy 4
54.7 m²

RL 16.00

NLA
tenancy 5
113.2 m²

SKYLIGHT

SKYLIGHT

RL 17.25

RL 16.00

Outline of Approved DA Rev D

part permeable pavement

RL 17.30 natural levels

8.6m radius 172°

3m radius 52°

RL 17.16 natural levels

26.21m 127°20"

site boundary

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes
11	Front facade aligned with Hall Street
13	Core rearranged & general internal layout changes
14	Rear Setback changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/01/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	16/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Ground

Drawing
DA200

Revision
F

AMENDED PLANS

Hall Street
street

26.21m 127°20'45"

10.7 m²

2 BED 101 96.9 m²

1 BED 102 58.1 m²

1 BED 103 58.1 m²

2 BED 104 106.2 m²

bed-01 · liv&din · bath-01 2.7 x 1.7 · bath-02 2.7 x 1.7 · kit-03

11 · 12 · 13 · 14

Level 1 RL 19.80

fire stair · lift shaft · study · bed-02 · bed-01

36.57m 217°20

Height:2,010 mm

1,000 · 1,850

bath-04 3.0 x 1.7 · bath-07 3.0 x 2.2 · kit-01 · kit-05

OCULUS · SKYLIGHT

2 BED 106 81.4 m²

2 BED 105 100.8 m²

19.2 m² · 19.5 m²

EF-10 (600mm AFFL)

Outline of Approved DA Rev D

8.4m radius 172°

3m radius 592°

RL 19.10

26.21m 127°20'

site boundary

34-38 Hall Street
future development site

20-24 Hall Street
current development site

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LiDAR scan

1 Jacques Avenue
3 storey development

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes
I1	Front facade aligned with Hall Street
I2	Increased building indentation & Breezeway
I3	Core rearranged & general internal layout changes
I4	Rear Setback changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Level 1

Drawing DA201 **Revision** F

AMENDED PLANS

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Receipt No: DA-552/2021/A

Date Received: 01/11/2023

Hall Street
street

26.21m 127°20'45"

11

10.7 m²

2 BED
201
96.9 m²

bed-01

1 BED
202
58.1 m²

1 BED
203
58.1 m²

2 BED
204
106.2 m²

liv&din

bath-01
2.7 x 1.7

bath-02
2.7 x 1.7

kit-03

13

34-38 Hall Street
future development site

20-24 Hall Street
current development site

Level 2
RL 22.70

fire stair

lift shaft

study

bed-01

bed-02

12

36.57m 21°20'

36.57m 37°20'

1.800

1.100

Height:2,010 mm

bath-04
3.0 x 1.7

bath-07
3.0 x 2.4

14

kit-01

kit-05

2 BED
206
81.4 m²

2 BED
205
100.8 m²

19.2 m²

19.5 m²

EF-10 (600mm AFFL)

Outline of Approved DA Rev D

8.4m radius
172°

3m radius
312°

26.21m 127°20'

site boundary

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LiDAR scan

1 Jacques Avenue
3 storey development

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes
11	Front facade aligned with Hall Street
12	Increased building indentation & Breezeway
13	Core rearranged & general internal layout changes
14	Rear Setback changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Level 2

Drawing DA202

Revision F

AMENDED PLANS

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Date Received: 01/11/2023

Hall Street
street

34-38 Hall Street
future development site

20-24 Hall Street
current development site

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LiDAR scan

1 Jacques Avenue
3 storey development

site boundary

Outline of Approved DA Rev D

26.21m 127°20'45"

26.21m 127°20'

36.57m 217°20'

36.57m 37°20'

8.4m radius 112°

3m radius 312°

10.220

7.720

17.1 m²

19.9 m²

28.4 m²

3 BED
301
151.1 m²

3 BED
302
160.7 m²

1 BED
304
53.8 m²

2 BED
303
81.4 m²

bed-01
liv&din
wir
bath-07 30 x 24
bath-04 30 x 17
kit-07
pantry
bed-02
bed-03
fire stair
Level 3
RL 25.80
lift shaft
study
kit-01
bath-02 27 x 17
bed-04
height 2,010 mm
1,800
1,000

11 12 13 14

DA.01 DA.02 DA.03 DA.04 DA.05 DA.06 DA.07 DA.08 DA.09 DA.10 DA.11 DA.12 DA.13 DA.14 DA.15 DA.16 DA.17 DA.18 DA.19 DA.20 DA.21 DA.22 DA.23 DA.24 DA.25 DA.26 DA.27 DA.28 DA.29 DA.30 DA.31 DA.32 DA.33 DA.34 DA.35 DA.36 DA.37 DA.38 DA.39 DA.40 DA.41 DA.42 DA.43 DA.44 DA.45 DA.46 DA.47 DA.48 DA.49 DA.50 DA.51 DA.52 DA.53 DA.54 DA.55 DA.56 DA.57 DA.58 DA.59 DA.60 DA.61 DA.62 DA.63 DA.64 DA.65 DA.66 DA.67 DA.68 DA.69 DA.70 DA.71 DA.72 DA.73 DA.74 DA.75 DA.76 DA.77 DA.78 DA.79 DA.80 DA.81 DA.82 DA.83 DA.84 DA.85 DA.86 DA.87 DA.88 DA.89 DA.90 DA.91 DA.92 DA.93 DA.94 DA.95 DA.96 DA.97 DA.98 DA.99 DA.100 DA.101 DA.102 DA.103 DA.104 DA.105 DA.106 DA.107 DA.108 DA.109 DA.110 DA.111 DA.112 DA.113 DA.114 DA.115 DA.116 DA.117 DA.118 DA.119 DA.120 DA.121 DA.122 DA.123 DA.124 DA.125 DA.126 DA.127 DA.128 DA.129 DA.130 DA.131 DA.132 DA.133 DA.134 DA.135 DA.136 DA.137 DA.138 DA.139 DA.140 DA.141 DA.142 DA.143 DA.144 DA.145 DA.146 DA.147 DA.148 DA.149 DA.150 DA.151 DA.152 DA.153 DA.154 DA.155 DA.156 DA.157 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DA.730 DA.731 DA.732 DA.733 DA.734 DA.735 DA.736 DA.737 DA.738 DA.739 DA.740 DA.741 DA.742 DA.743 DA.744 DA.745 DA.746 DA.747 DA.748 DA.749 DA.750 DA.751 DA.752 DA.753 DA.754 DA.755 DA.756 DA.757 DA.758 DA.759 DA.760 DA.761 DA.762 DA.763 DA.764 DA.765 DA.766 DA.767 DA.768 DA.769 DA.770 DA.771 DA.772 DA.773 DA.774 DA.775 DA.776 DA.777 DA.778 DA.779 DA.780 DA.781 DA.782 DA.783 DA.784 DA.785 DA.786 DA.787 DA.788 DA.789 DA.790 DA.791 DA.792 DA.793 DA.794 DA.795 DA.796 DA.797 DA.798 DA.799 DA.800 DA.801 DA.802 DA.803 DA.804 DA.805 DA.806 DA.807 DA.808 DA.809 DA.810 DA.811 DA.812 DA.813 DA.814 DA.815 DA.816 DA.817 DA.818 DA.819 DA.820 DA.821 DA.822 DA.823 DA.824 DA.825 DA.826 DA.827 DA.828 DA.829 DA.830 DA.831 DA.832 DA.833 DA.834 DA.835 DA.836 DA.837 DA.838 DA.839 DA.840 DA.841 DA.842 DA.843 DA.844 DA.845 DA.846 DA.847 DA.848 DA.849 DA.850 DA.851 DA.852 DA.853 DA.854 DA.855 DA.856 DA.857 DA.858 DA.859 DA.860 DA.861 DA.862 DA.863 DA.864 DA.865 DA.866 DA.867 DA.868 DA.869 DA.870 DA.871 DA.872 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ABN: 84649431872

Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes
I1	Front facade aligned with Hall Street
I2	Increased building indentation & Breezeway
I3	Core rearranged & general internal layout changes
I4	Rear Setback changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Level 3

Drawing
DA203

Revision
F

AMENDED PLANS

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Date Received: 01/11/2023

Hall Street
street

SECTION 5

SECTION 4

SECTION 3

SECTION 2

11

26.21m 127°20'45"

2,200

RL TOW 29.05

RL 28.90

pv panels
80x standard 330W panel

RL TOW 30.70

13

condensers
screened

carpark exh.

RL 29.00

RL TOW 30.70

RL 30.50

hotwater units

lift overrun

ppt

access hatch

36.57m 217°20'

36.57m 37°20'

34-38 Hall Street
future development site

SECTION 1

12

20-24 Hall Street
current development site

SKYLIGHT

SKYLIGHT

Outline of Approved DA Rev D

SECTION 1

6M

4M

3M

8.4m radius 172°

3m radius 512°

26.21m 127°20'

site boundary

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LIDAR scan

1 Jacques Avenue
3 storey development

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32. Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes
11	Front facade aligned with Hall Street
12	increased building indentation & Breezeway
13	Core rearranged & general internal layout changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Roof

Drawing
DA250

Revision
F

AMENDED PLANS

Hall Street
street

26.21m 127'20"45"

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Receipt No: DA-552/2021/A

Date Received: 01/11/2023

shared zone 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | residential 2.4 x 5.4 | shared zone 2.4 x 5.4

7 8 9 10 11 12 13 14

waiting bay | 5,800 | waiting bay

13

carpark exhaust van room 6.6 m²
carpark exh.
Bulky Waste & Textile 7.7 m²
fire stair
Basement 1
grease arrestor 2000 litre
lift shaft
Commercial Waste room 16.2 m²
Residential Waste Chute room 21.0 m²
fire stair
Residential Waste Recycling 16.1 m²
motorcycle 1.2 x 2.5 | motorcycle 1.2 x 2.5 | motorcycle 1.2 x 2.5 | motorcycle 1.2 x 2.5

12.230 %
3,300
25.00 %
8.270 %
R6.12.90
5,800
waiting bay

1 | 2 | 3 | 4 | 5 | 6
visitor 2.4 x 5.4 | resident 2.4 x 5.4 | resident 2.4 x 5.4 | resident 2.4 x 5.4 | resident 2.4 x 5.4 | resident 2.4 x 5.4

36.57m 217'20"
36.57m 37'20"
8.47m radius 178'2"
3m radius 5'10"
26.21m 127'20"
site boundary

34-38 Hall Street
future development site

20-24 Hall Street
current development site

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LIDAR scan

1 Jacques Avenue
3 storey development

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Client.Info
Vaughan Bark
STM23 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32 Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:100 @ A1
or half @ A3

Cha	Summary of Changes
D	Core rearranged & general internal layout changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Basement 1

Drawing
DA290

Revision
F

AMENDED PLANS

Hall Street
street

26.21m 127'20"45"

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storage 301 10.5 m²
storage 102 5.7 m²
storage 201 5.7 m²
residential 2.4 x 5.4
23
24
25
26
27
28
29
30
ute loading
storage 302 9.9 m²
storage 104 5.0 m²
storage 204 5.0 m²
FHR
loading bay
5,800
13
21
22
12.95 m
2.4 x 5.4
residential
23.00 m
13.37 m
storage 108 4.8 m²
storage 202 4.8 m²
carpark exhaust van room 6.6 m²
carpark exh.
+2
fire stair
Basement 2
storage 107 4.0 m²
storage 207 4.0 m²
storage 103 4.0 m²
storage 203 4.0 m²
storage 106 4.8 m²
storage 206 4.9 m²
lift shaft
Services 9.4 m²
rainwater reuse tank 3000L
cold water booster pump set 20.3 m²
Fire Hydrant Pump room 14.2 m²
motorcycle 1.2 x 2.5
15
16
17
18
19
20
storage 304 7.9 m²
storage 303 8.0 m²
8.5m radius 135°
3m radius 360°
26.21m 127'20"
site boundary

34-38 Hall Street
future development site

20-24 Hall Street
current development site

36.57m 217'20"
36.57m 37'20"

15 Consett Avenue
single dwelling (heritage)

Quercus Ilex tree
exact outline from 3D LiDAR scan

1 Jacques Avenue
3 storey development

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Client.Info
Vaughan Blank
STM023 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:100 @ A1
or half @ A3

Cha	Summary of Changes
B	Core rearranged & general internal layout changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	15/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Floor plans
Basement 2

Drawing
DA291

Revision
F

AMENDED PLANS

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:100 @ A1
or half @ A3

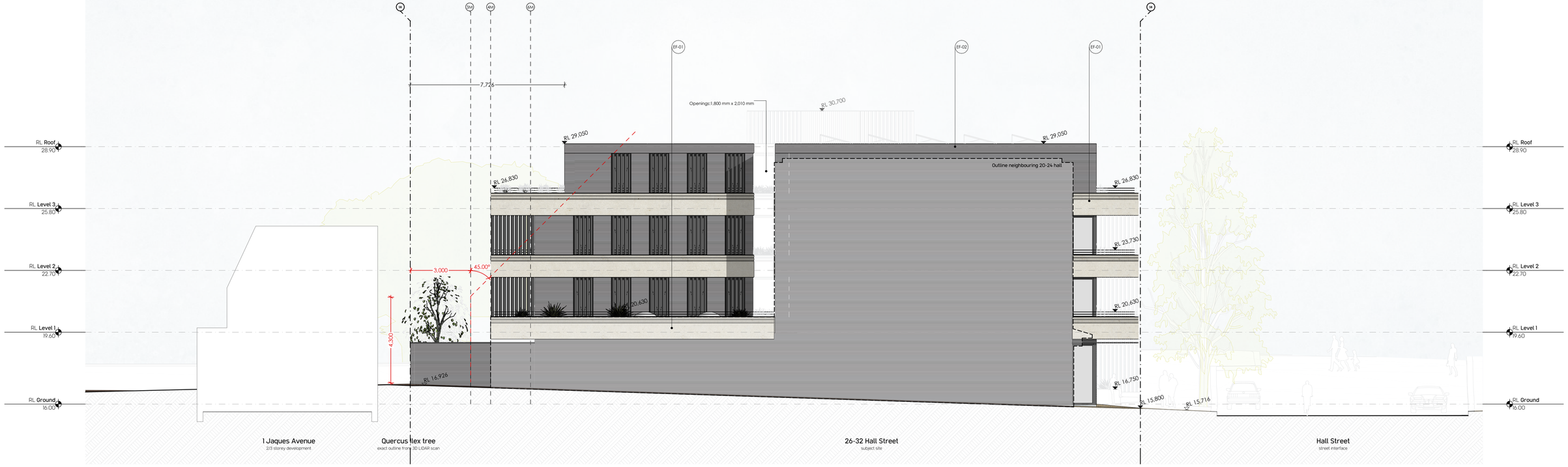
Cha	Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	16/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Elevations
North East

Drawing DA300 **Revision** F

AMENDED PLANS



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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:100 @ A1
or half @ A3

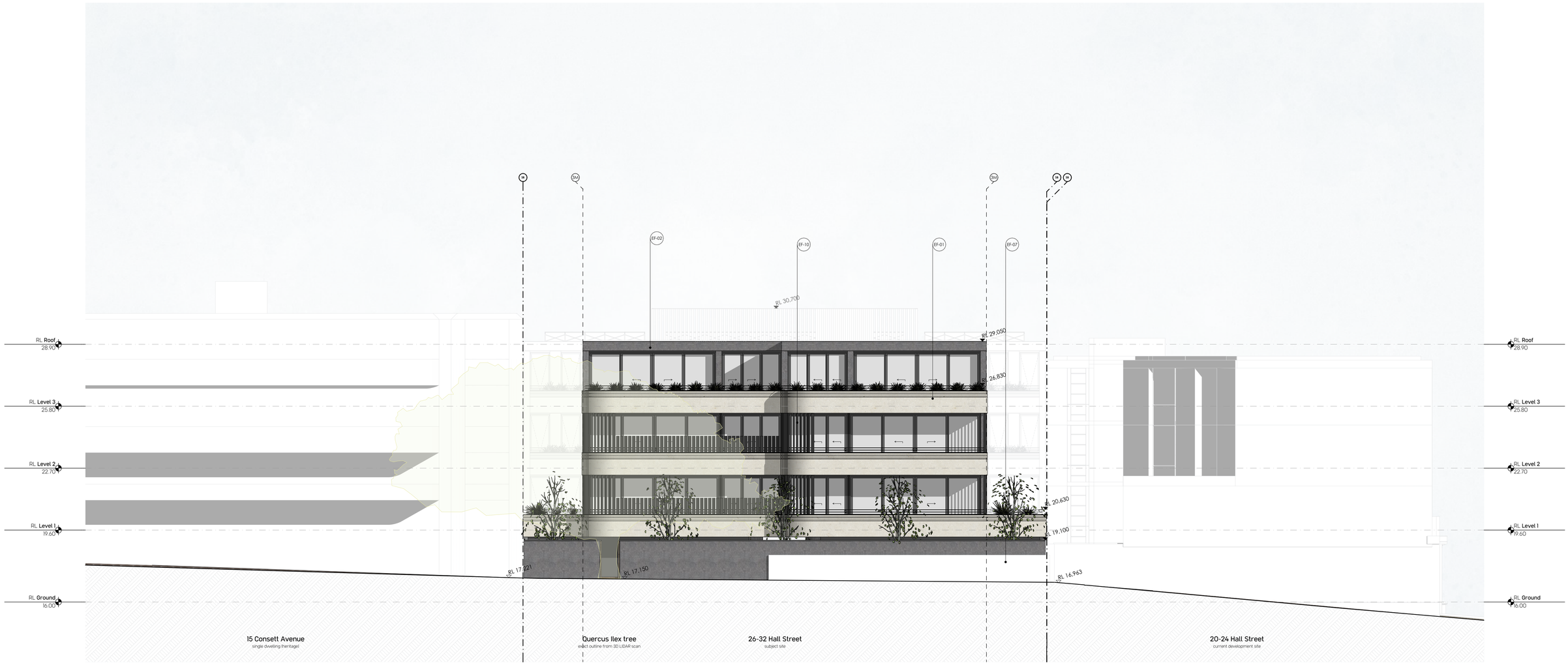
Cha | Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Elevations
South East

Drawing DA301 **Revision** F

AMENDED PLANS



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Client Info
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STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:100 @ A1
or half @ A3

Cha	Summary of Changes

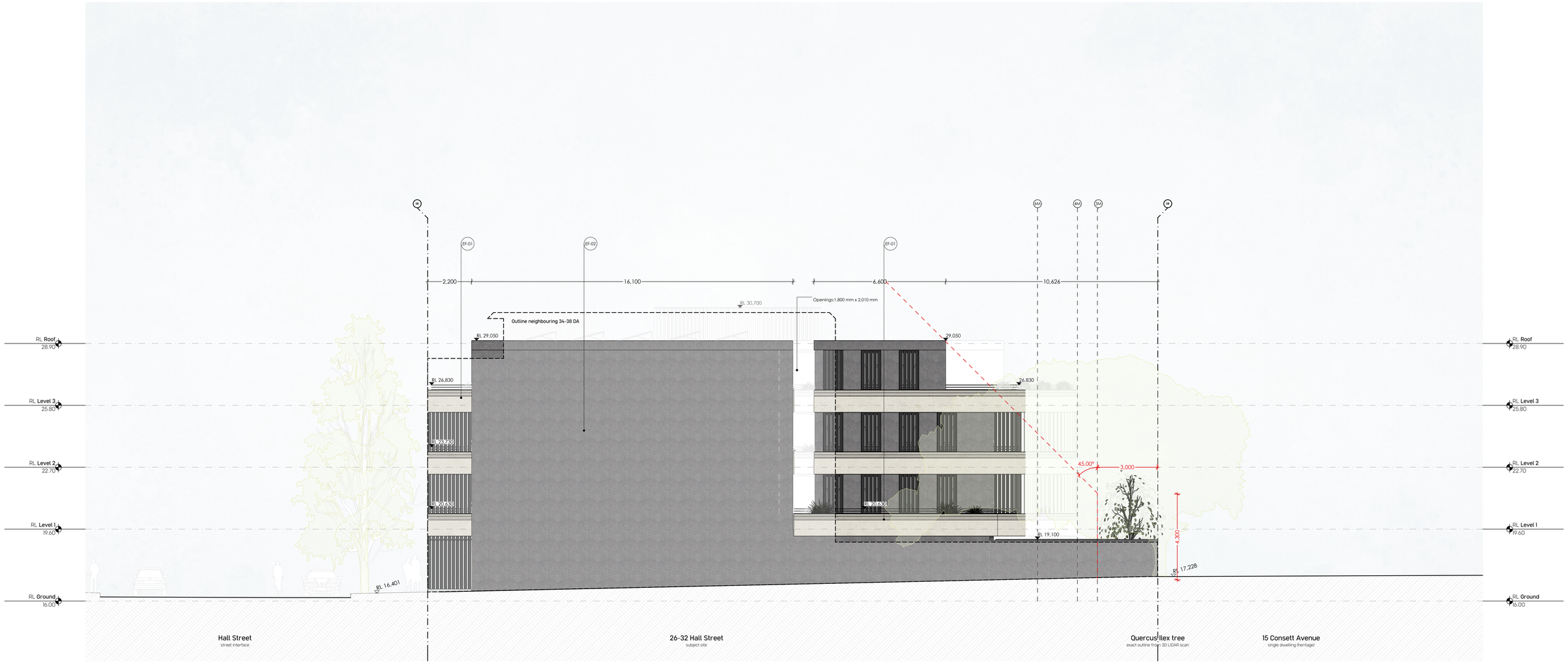
Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Elevations
South West

Drawing
DA302

Revision
F

AMENDED PLANS



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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha | Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Elevations
North West

Drawing DA303 **Revision** F

AMENDED PLANS

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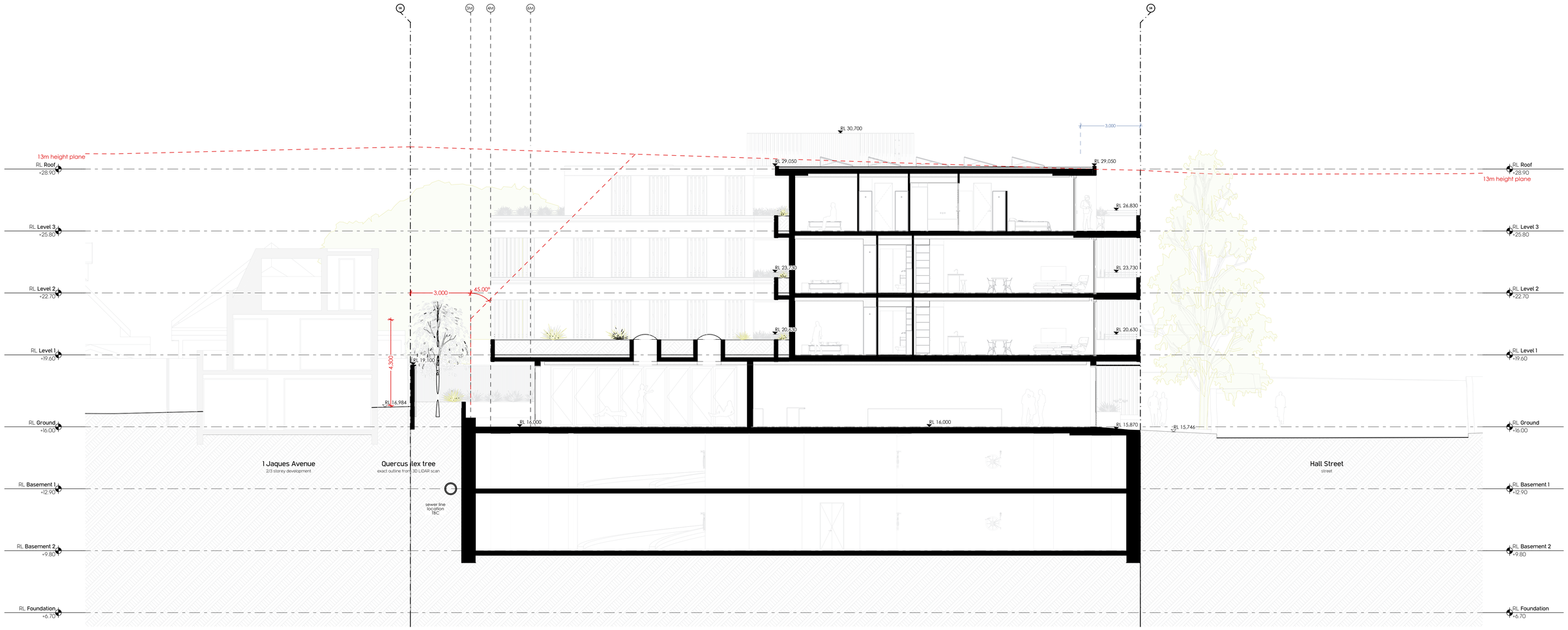
Receipt No: DA-552/2021/A

Date Received: 01/11/2023



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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha | **Summary of Changes**

Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/04/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
A-A

Drawing
DA310

Revision
F

AMENDED PLANS

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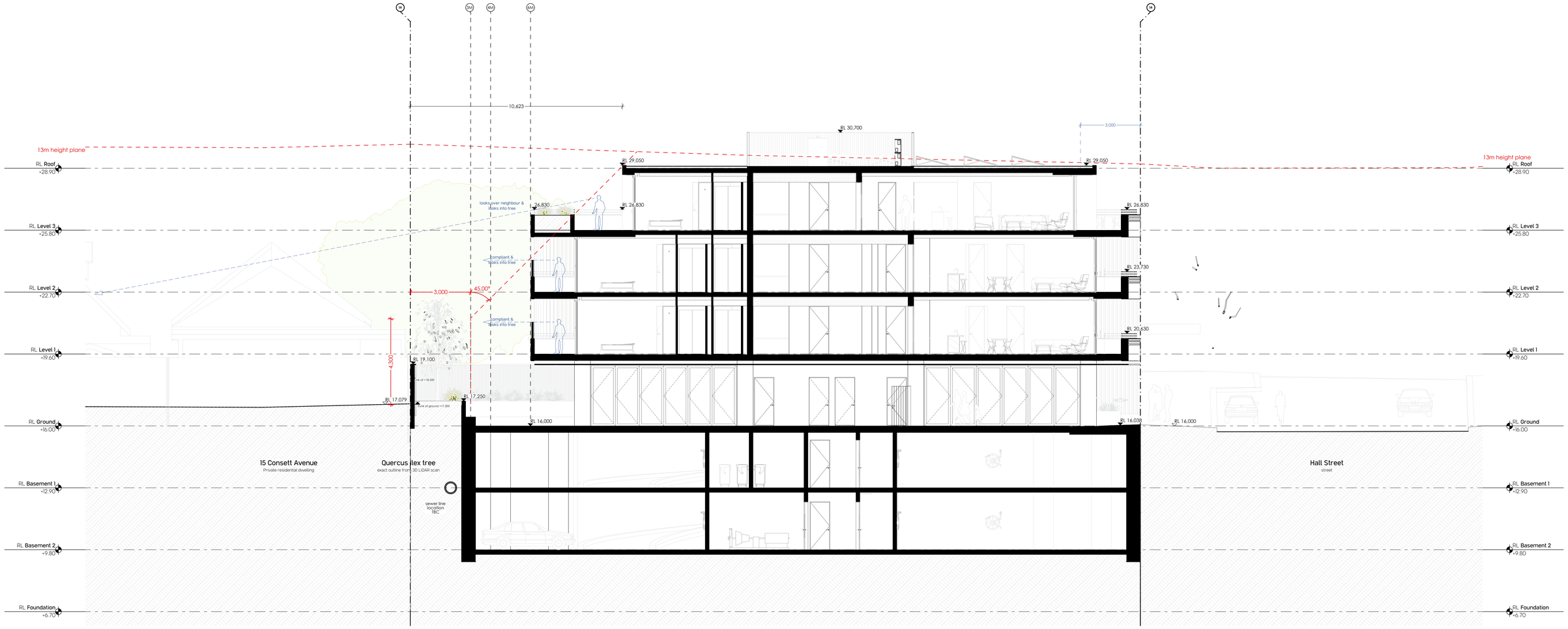

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Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes

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A	DA Submission Set	22/10/2021	WM	WM
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D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
B-B

Drawing
DA311

Revision
F

AMENDED PLANS

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Receipt No: DA-552/2021/A

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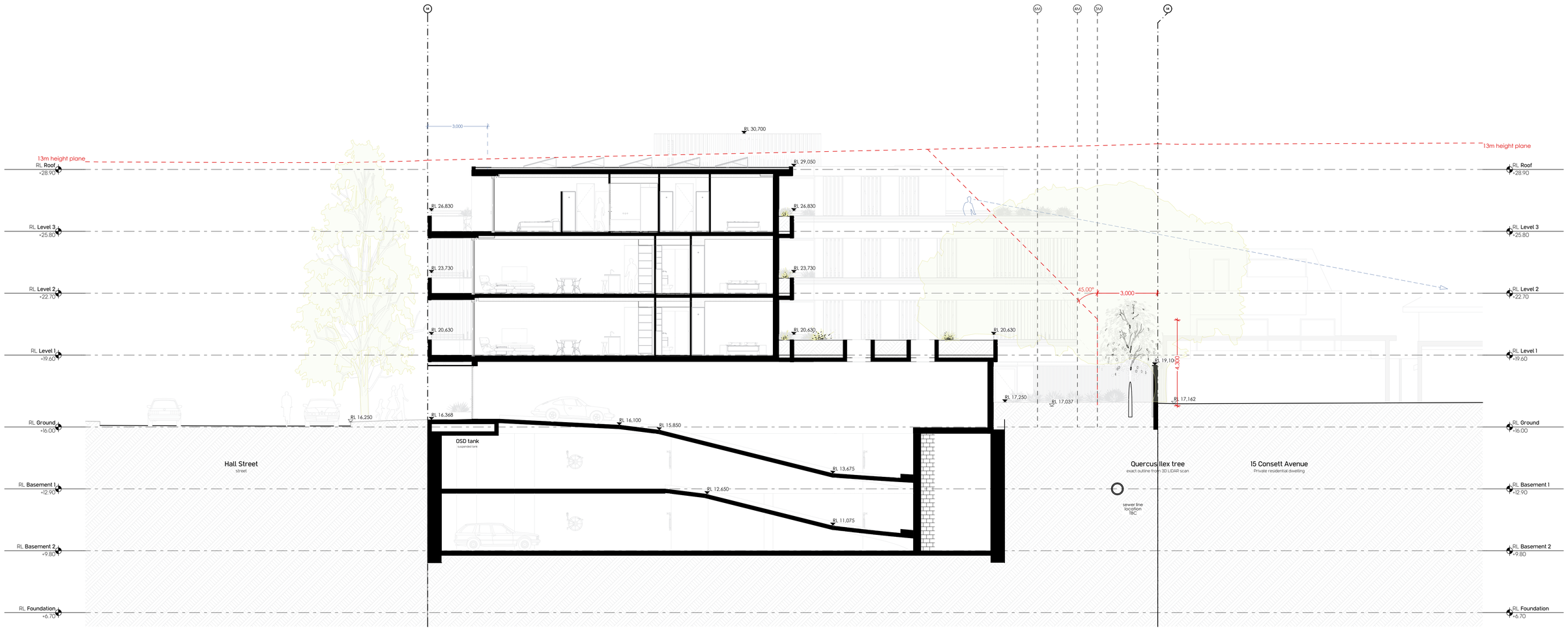

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Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha | **Summary of Changes**

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D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
C-C (driveway)

Drawing
DA312

Revision
F

AMENDED PLANS

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Receipt No: DA-552/2021/A

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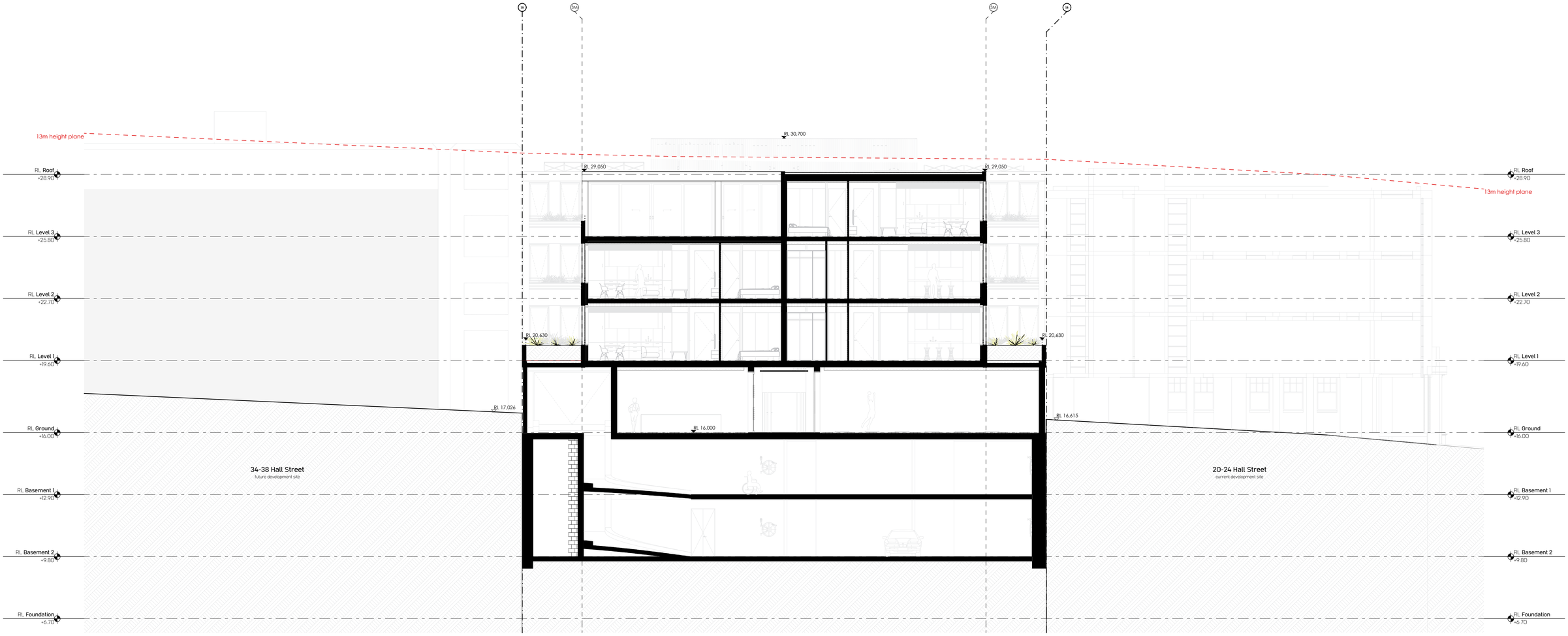

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14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes

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D	Deferred commencement approved set	18/03/2023	WM	WM
E	Section 4.55 submission	7/04/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
D-D

Drawing
DA313

Revision
F

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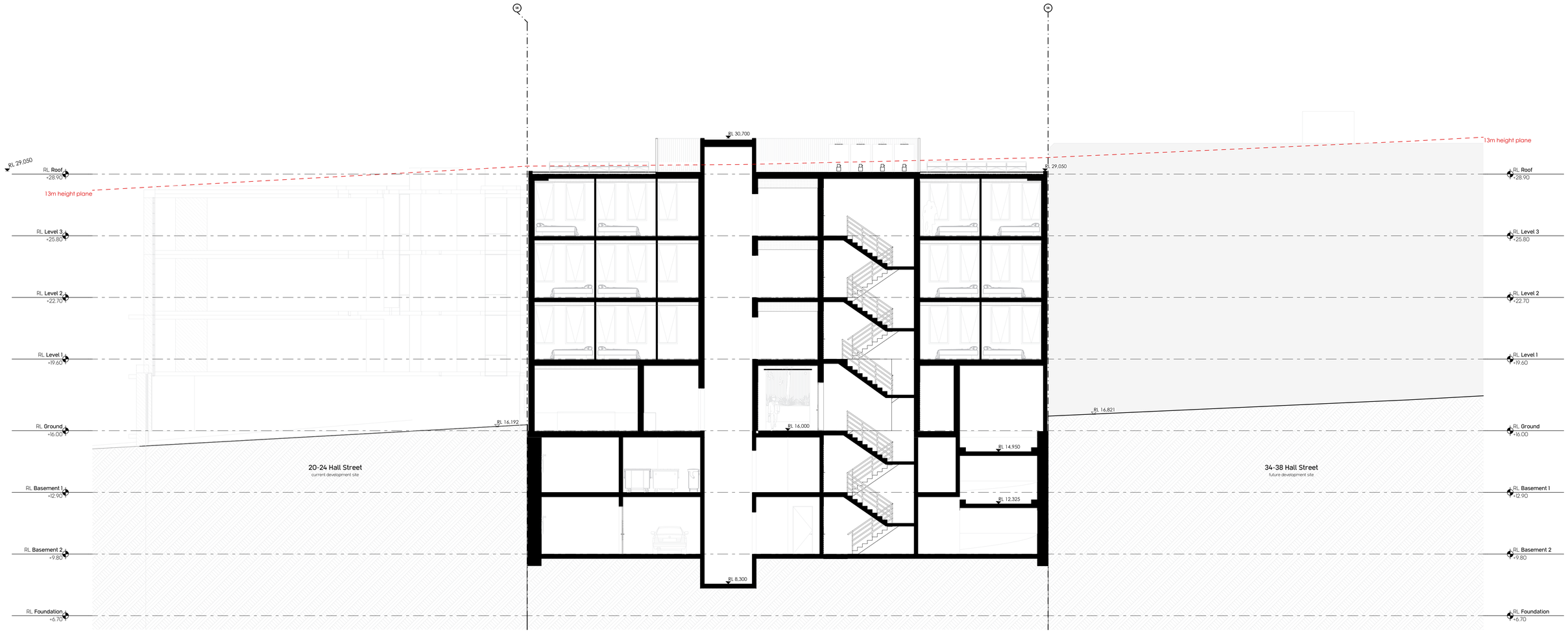

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00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

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E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
E-E

Drawing
DA314

Revision
F

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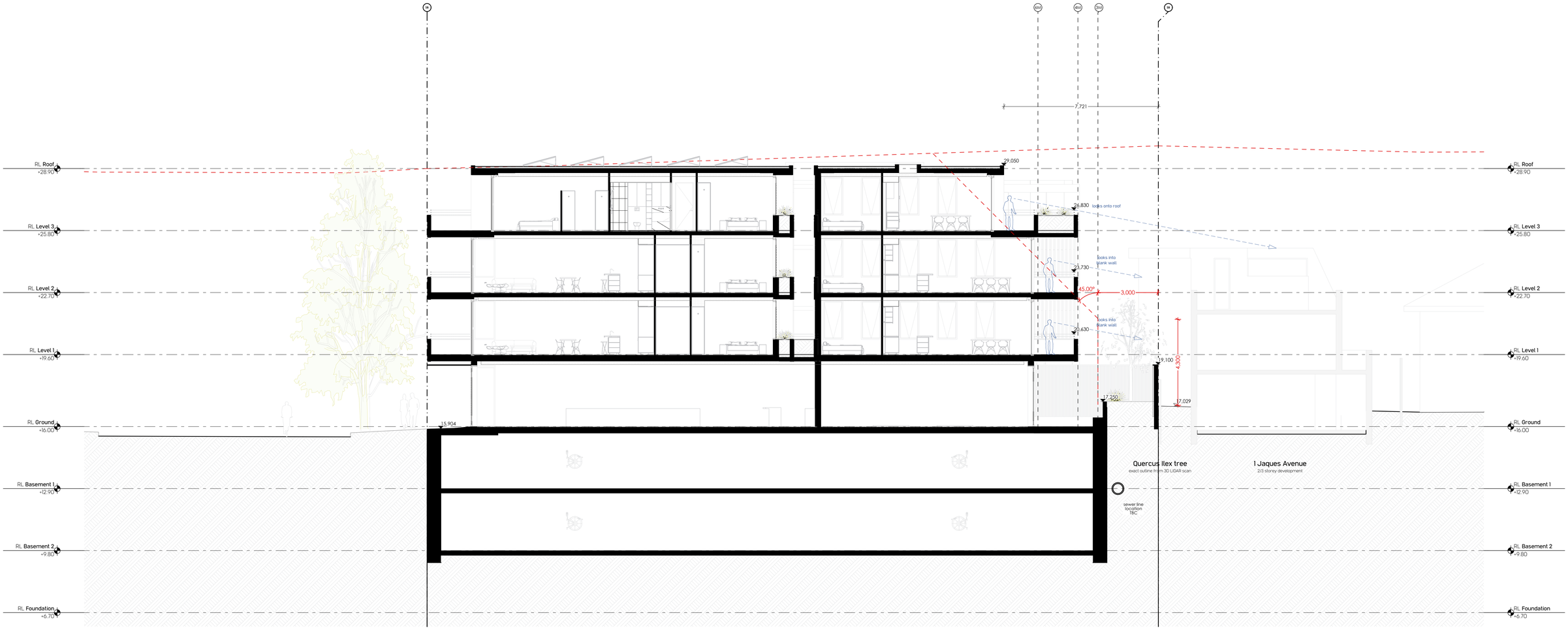

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00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

Cha	Summary of Changes

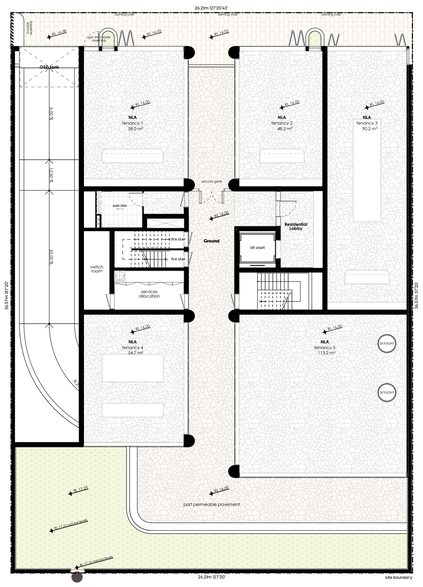
Rev	Reason of Revision	Date	Dwn by	Ckd by
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Sections
F-F

Drawing
DA315

Revision
F

AMENDED PLANS

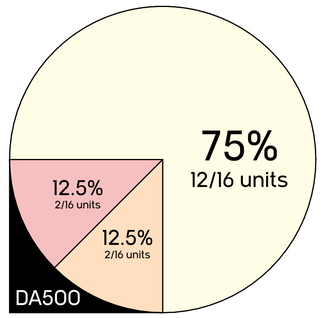


Ground

Level 1

Level 2

Level 3



Solar Access

Objective 4A-1
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

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

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

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

More than 2 hours direct sunlight

Less than 2 hours direct sunlight

No direct sunlight

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Development Application

North
1:200 @ A1
or half @ A3

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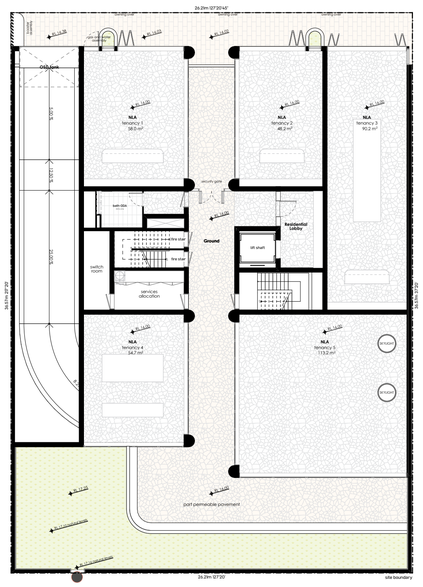
F	Section 4.55 submission V2	31/10/2023	WM	WM

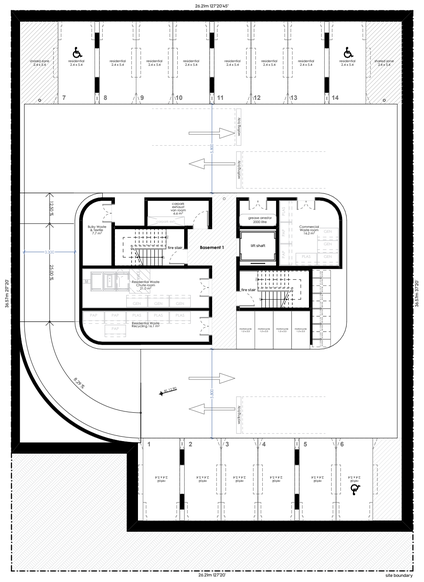
Title
Compliance diagrams
Solar Access

Drawing DA500 **Revision** F

AMENDED PLANS


26.29m 127'30"x45°
boundary wall
boundary wall
RL 11.05
RL 11.05
RL 11.05
RL 11.05
OSD Level
RL 11.05
RL 11.05
RL 11.05
NLA
tenancy 1
58.0 m²
NLA
tenancy 2
48.2 m²
NLA
tenancy 3
90.2 m²
3.00%
3.00%
3.00%
security gate
RL 11.05
bath bin
Ground
Horizontal
cabling
fire stair
lift shaft
fire stair
switch
room
services
allocation
RL 11.05
RL 11.05
RL 11.05
NLA
tenancy 4
54.7 m²
NLA
tenancy 5
113.2 m²
KITCHEN
KITCHEN
RL 11.05
RL 11.05
RL 11.05
RL 11.05
RL 11.05
port permeable pavement
RL 11.05
RL 11.05
RL 11.05
RL 11.05
RL 11.05

AMENDED PLANS


Basement 1
Residential Waste Recycling 1st WP
Residential Waste Recycling 1st WP
Residential Waste Recycling 1st WP
Commercial Waste Room 1st WP
Basement 1
lift shaft
fire stair
visitor
visitor
visitor
visitor
visitor
visitor
visitor
visitor
1
2
3
4
5
6
7
8
9
10
11
12
13
14
RL 11.00
RL 10.90
RL 10.80
RL 10.70
RL 10.60
RL 10.50
RL 10.40
RL 10.30
RL 10.20
RL 10.10
RL 10.00
RL 9.90
RL 9.80
RL 9.70
RL 9.60
RL 9.50
RL 9.40
RL 9.30
RL 9.20
RL 9.10
RL 9.00
RL 8.90
RL 8.80
RL 8.70
RL 8.60
RL 8.50
RL 8.40
RL 8.30
RL 8.20
RL 8.10
RL 8.00
RL 7.90
RL 7.80
RL 7.70
RL 7.60
RL 7.50
RL 7.40
RL 7.30
RL 7.20
RL 7.10
RL 7.00
RL 6.90
RL 6.80
RL 6.70
RL 6.60
RL 6.50
RL 6.40
RL 6.30
RL 6.20
RL 6.10
RL 6.00
RL 5.90
RL 5.80
RL 5.70
RL 5.60
RL 5.50
RL 5.40
RL 5.30
RL 5.20
RL 5.10
RL 5.00
RL 4.90
RL 4.80
RL 4.70
RL 4.60
RL 4.50
RL 4.40
RL 4.30
RL 4.20
RL 4.10
RL 4.00
RL 3.90
RL 3.80
RL 3.70
RL 3.60
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RL 3.30
RL 3.20
RL 3.10
RL 3.00
RL 2.90
RL 2.80
RL 2.70
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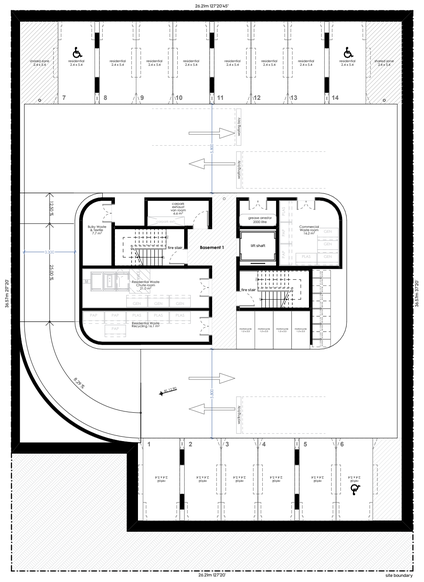
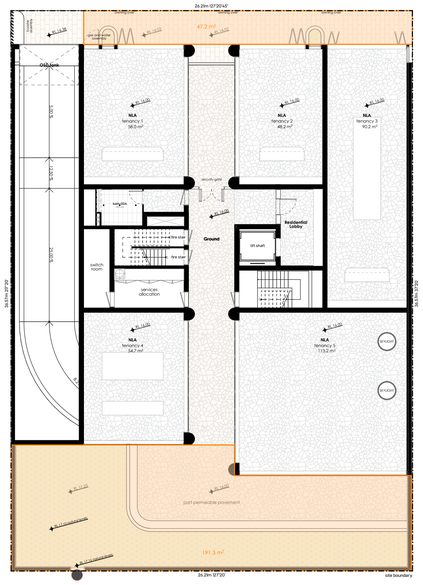
RL 2.20
RL 2.10
RL 2.00
RL 1.90
RL 1.80
RL 1.70
RL 1.60
RL 1.50
RL 1.40
RL 1.30
RL 1.20
RL 1.10
RL 1.00
RL 0.90
RL 0.80
RL 0.70
RL 0.60
RL 0.50
RL 0.40
RL 0.30
RL 0.20
RL 0.10
RL 0.00
26.29m 137°20'45"
26.29m 137°30'
site boundary
34.67m 28°39'
34.67m 28°39'
6.4 m
6.3 m
height 2.600 min.
height 2.600 min.
5.400
3.500
3.500
3.500

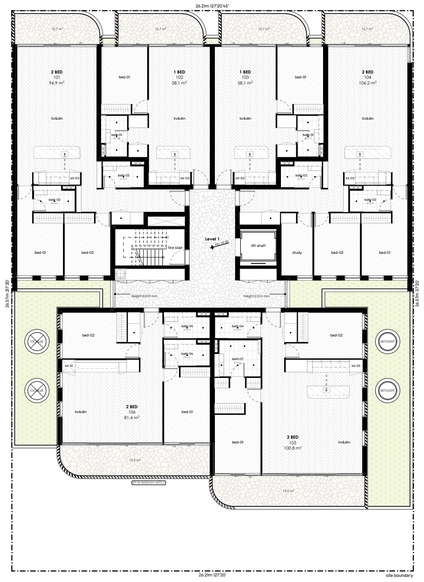
AMENDED PLANS



Basement 1



Ground



Level 1

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Waverley Council

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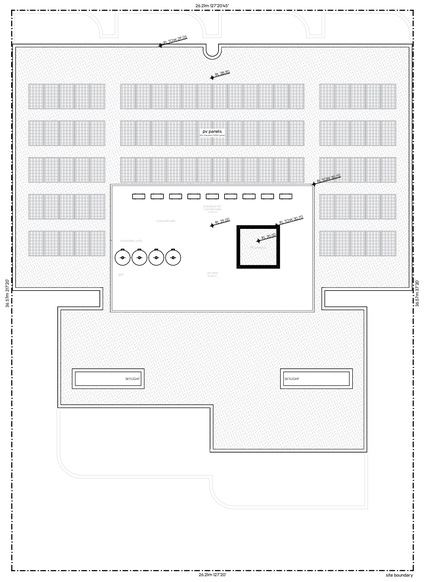
Level 2

Level 3



Roof

25%
238.5 m² / 958.7 m²
DA530

Communal open space

Apartment Design Guide

Objective 3D-1
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

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

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

Waverley Council Development Control Plan 3.10

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

Controls
~~(a) 15% of the total site area for development in the R3 zone is to be provided as consolidated communal open space.~~
~~(b) 25% of the total site area for development in the R4 zone is to be provided for R4 as consolidated communal open space.~~
(c) Communal open space is to: (i) Be consolidated into a useable area with a minimum dimension of 6m x 6m.
(ii) Be located so that solar access is maximised.
(iii) Provide a landscape buffer between buildings.
(iv) Be designed to a high quality, and allow for landscaping and seating.
(v) Demonstrate that its size and dimensions allow for a variety of uses, complementary to balconies and private courtyards. These may include active recreation (BBQ or play areas) or passive amenity (shade trees/structures, water features, seating).

(g) At least 30% of the communal open space is to receive 3 hours of direct sunlight between 9am and 3pm on June 21.
(h) Communal open space is to be accessible to all dwellings within a development.
(i) A continuous accessible pathway of travel is to be provided from all entrances to all of the common facilities on site.
(j) All facilities in communal areas are to be constructed so as to enable their use by people with disabilities.

Communal Open Space

Home Story Name	Area
Ground	238.5
	238.5 m²

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1:200 @ A1
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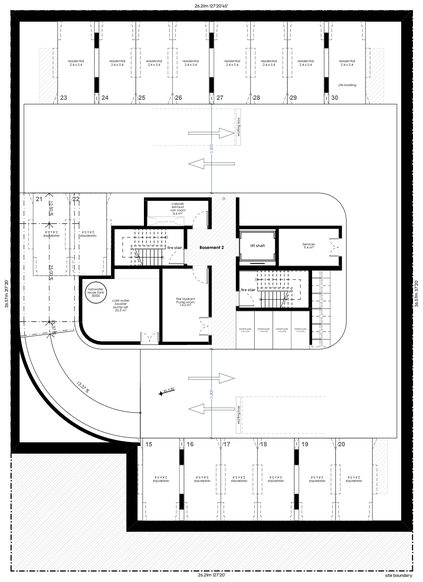
Title
Compliance diagrams
Communal open space

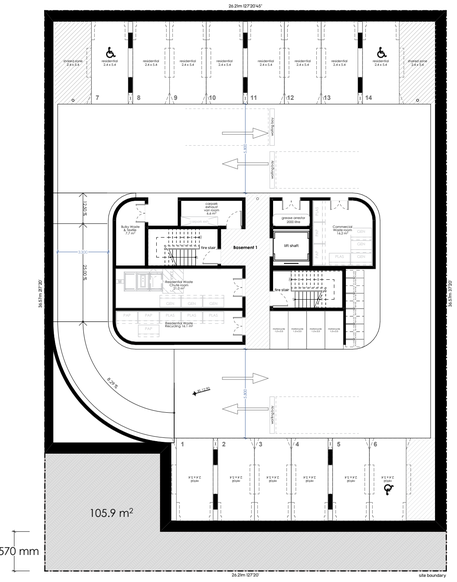
Drawing
DA530

Revision
F

AMENDED PLANS



Basement 2



Basement 1

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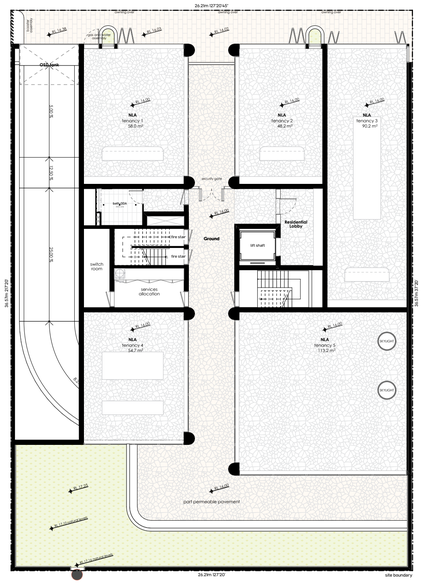
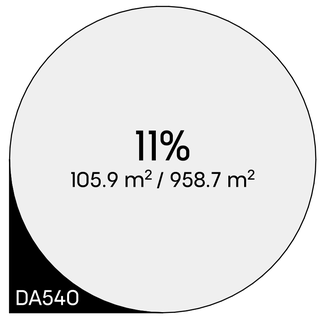


Ground

Level 1



Deep Soil area

Apartment Design Guide

Objective 3E-1
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality

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

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

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

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Australian Institute of Architects
Member number 208889
ABN: 84649431872

Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
1:200 @ A1
or half @ A3

Cha	Summary of Changes

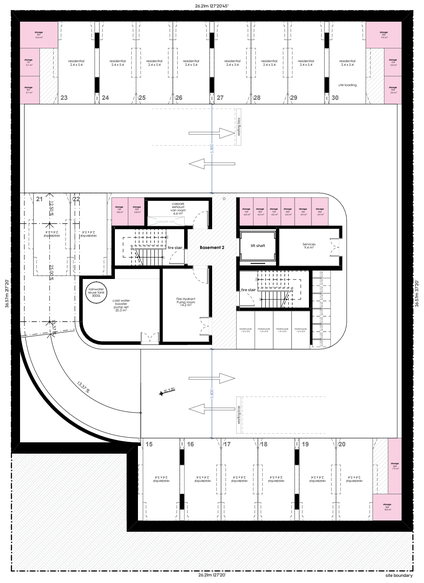
Rev	Reason of Revision	Date	Dwn by	Ckd by
A	DA Submission Set	22/03/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	31/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Compliance diagrams
Deep soil

Drawing
DA540

Revision
F

AMENDED PLANS



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complies
16/16 units

DA550

Storage allocation

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

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

Dwelling type	Storage size volume
Studio apartments	4m3
1 bedroom apartments	6m3
2 bedroom apartments	8m3
3+ bedroom apartments	10m3

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

Storage allocation		Inside of unit	Outside of unit
Unit	Type	Volume	Volume
101	2 BED	4.3	5.7
102	1 BED	3.5	4.0
103	1 BED	3.5	4.0
104	2 BED	5.3	5.0
105	2 BED	5.3	4.8
106	2 BED	4.1	4.9
201	2 BED	4.3	5.7
202	1 BED	3.5	4.0
203	1 BED	3.5	4.0
204	2 BED	5.3	5.0
205	2 BED	5.3	4.8
206	2 BED	4.1	4.9
301	3 BED	7.5	10.5
302	3 BED	9.1	9.9
303	2 BED	4.1	8.0
304	1 BED	1.7	7.9

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or half @ A3

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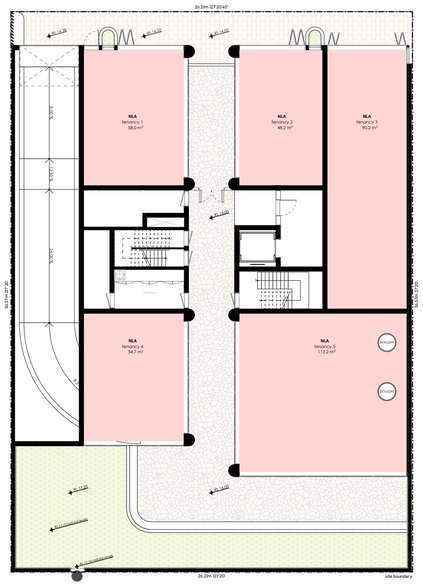
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

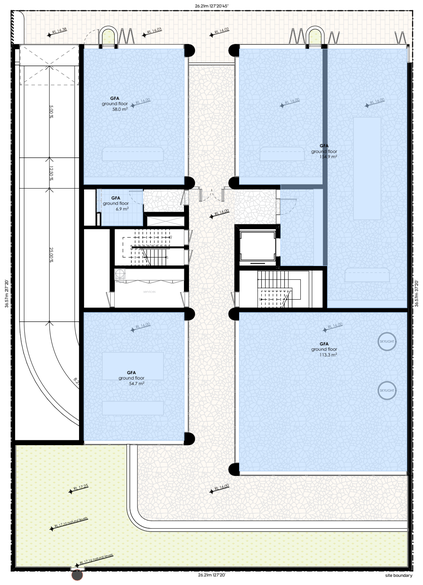
Title
Compliance diagrams
Storage calculation

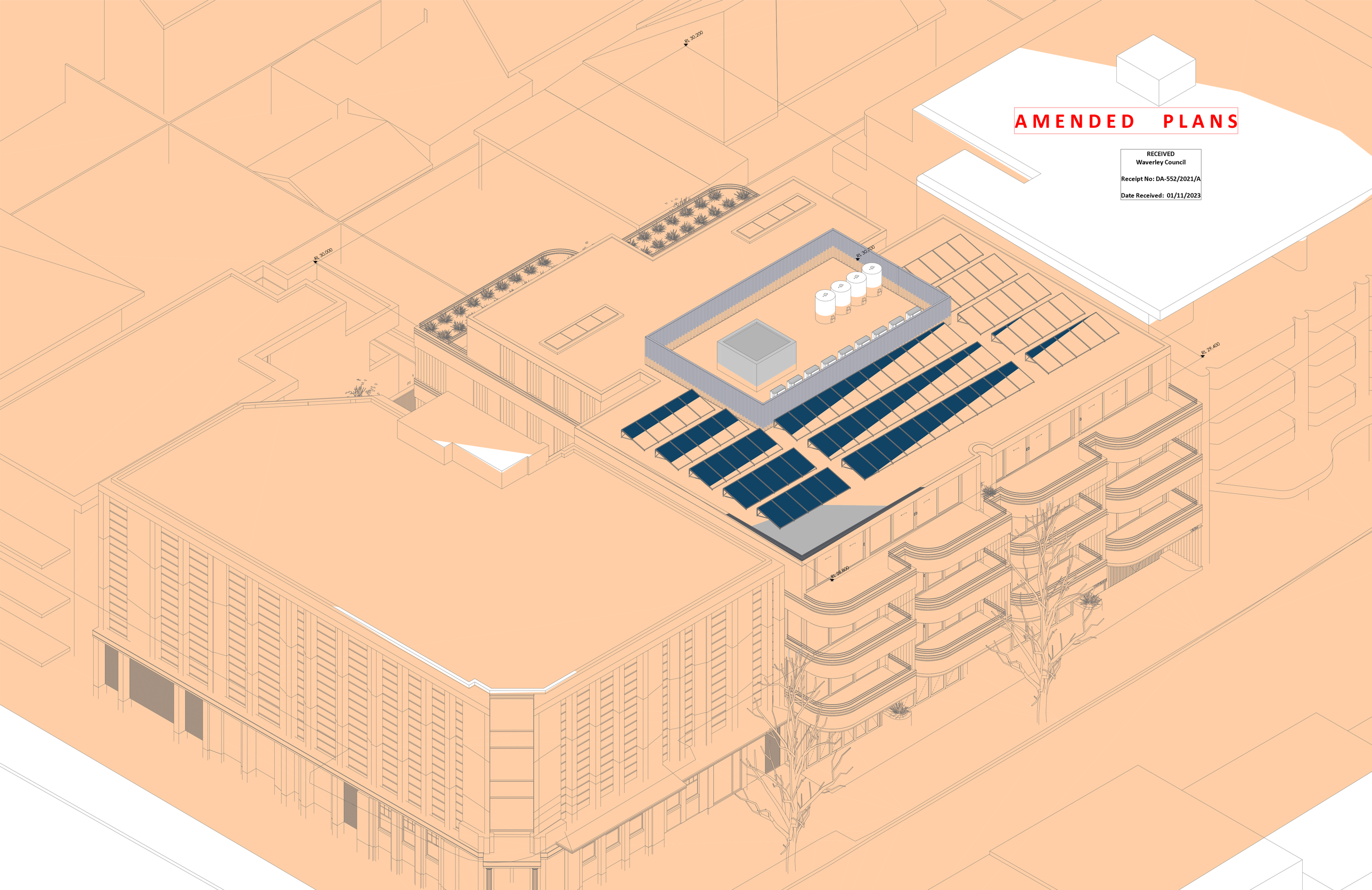
Drawing DA550 **Revision** F

AMENDED PLANS


26.29m 127.30°45"
NLA
tenancy 1
58.0 m²
NLA
tenancy 2
48.2 m²
NLA
tenancy 3
90.2 m²
NLA
tenancy 4
54.7 m²
NLA
tenancy 5
113.2 m²
ENTRY
ENTRY
RL 11.25
RL 11.05
RL 11.05
RL 11.05
RL 11.05
RL 11.25
RL 11.25
RL 11.25
3.60%
3.60%
3.60%

AMENDED PLANS


26.29m 127.26'45"
GFA ground floor 38.0 m²
GFA ground floor 6.9 m²
GFA ground floor 64.7 m²
GFA ground floor 154.9 m²
GFA ground floor 113.3 m²
entrance
entrance
3.60m
3.60m
3.60m



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4 storey mixed use development
Development Application

North

1:100 @ A1
or half @ A3

bang

Page 552 of 563

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Rev	Reason of Revision	Date	Dwn by	Ckd by
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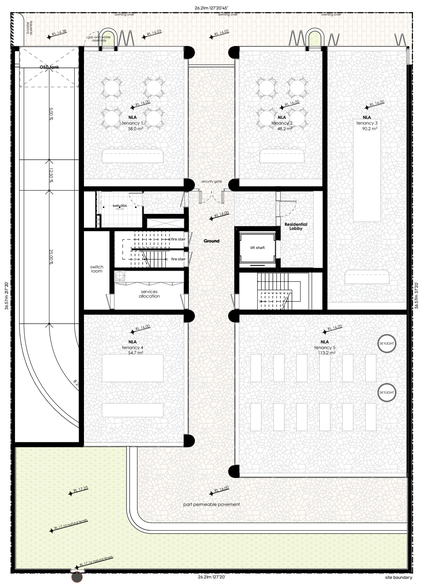
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Compliance diagrams
Height plane

Drawing
DA580

Revision
F

AMENDED PLANS



Ground

Level 1

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Level 2

Level 3

20%
3/16 units

DA600

Adaptable units

Waverley Council Development Control Plan 7.2 Adaptable Dwellings

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

Objectives
(a) To ensure adequate adaptable housing is provided for within new residential development to accommodate occupants' changing needs over time.
(b) To ensure adaptable dwellings are included within residential development in accordance with the relevant Australian Standards.

Controls
(a) Plans identifying adaptable housing are to be submitted in accordance with the Waverley Development Application Guide.
(b) Adaptable dwellings are to be allocated to all dwelling typologies to accommodate various household sizes.
(c) In developments with 10 or more dwellings, 20% of dwellings (rounded to the nearest whole number) shall comply with the provisions of an adaptable unit as specified in accordance with the Australian Standard AS 4299-1995 Adaptable Housing.
(d) One accessible car parking space is to be provided for every adaptable residential unit and be a part lot in the strata plan.

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00007 Project Info
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Development Application

North
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or half @ A3

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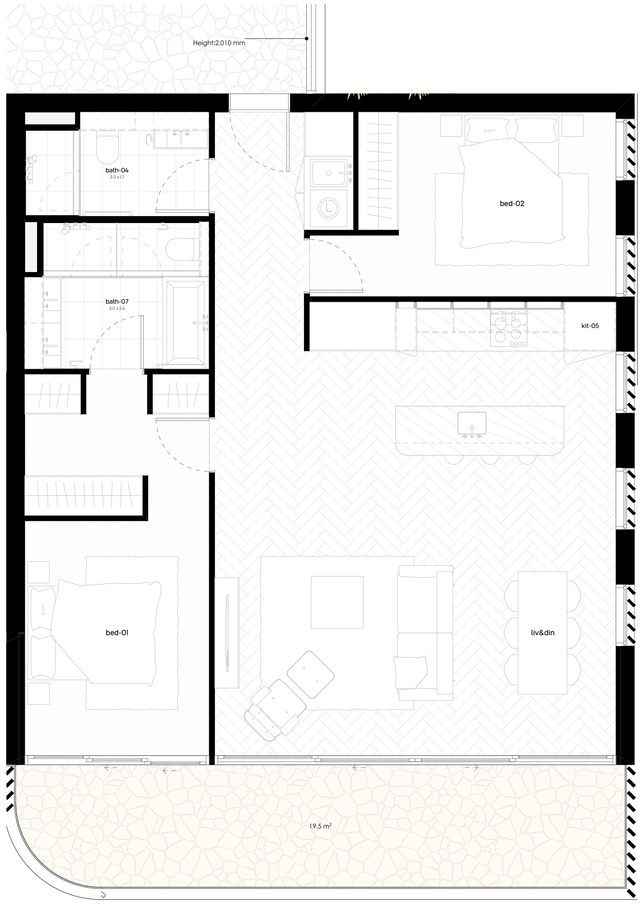
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Adaptable units
Selected adaptable units

Drawing DA600 **Revision** F

AMENDED PLANS



Unit 105, 205 Pre adaption

Unit 105, 205 Post adaption

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4 storey mixed use development
Development Application

North
1:50 @ A1
or half @ A3

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E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Adaptable units
Pre & Post Unit layout

Drawing
DA610

Revision
F

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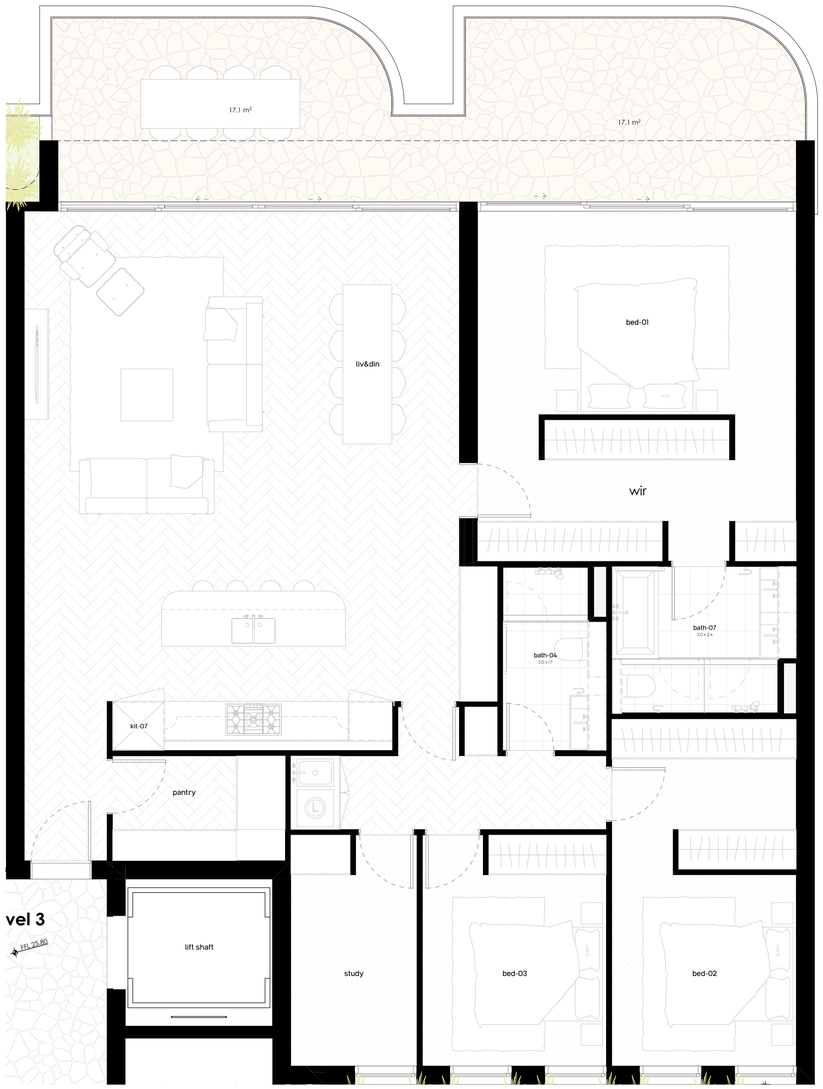
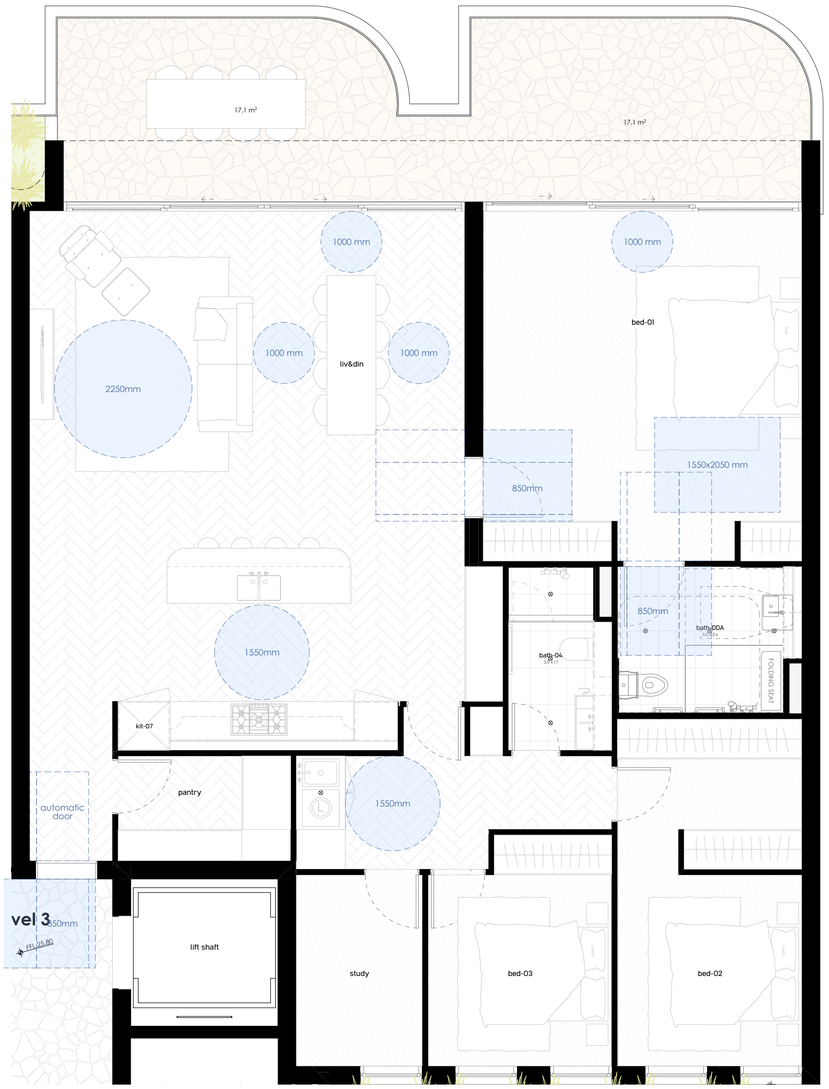


Unit 302 Pre adaption



Unit 302 Post adaption

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Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North

1:50 @ A1
or half @ A3

Cha	Summary of Changes

Rev	Reason of Revision	Date	Dwn by	Ckd by
F	Section 4.55 submission V2	31/10/2023	WM	WM

Title
Adaptable units
Pre & Post Unit layout

Drawing
DA611

Revision
F

AMENDED PLANS

Pigmented Concrete

Material	concrete
Colour	off-white
Finish	precast
Treatment	pigmented

Pigmented Concrete

Material	concrete
Colour	anthracite
Finish	insitu
Treatment	pigmented

Pigmented Concrete

Material	concrete
Colour	off-white
Finish	insitu plank
Treatment	pigmented

capped glass balustrade

Material	glass & aluminium
Colour	clear & anthracite
Finish	satin
Treatment	powdercoated

palisade battened screen

Material	aluminium
Colour	anthracite
Finish	satin
Treatment	powdercoated

palisade battened screen for services

Material	aluminium
Colour	anthracite
Finish	satin
Treatment	powdercoated

Light concrete plinth

Material	concrete
Colour	light grey
Finish	insitu
Treatment	polished

metal awning

Material	steel
Colour	anthracite
Finish	satin
Treatment	powdercoated

extruded signage

Material	steel
Colour	anthracite
Finish	satin
Treatment	powdercoated

screens

Material	aluminium
Colour	beige / woodgrain
Finish	satin
Treatment	powdercoated

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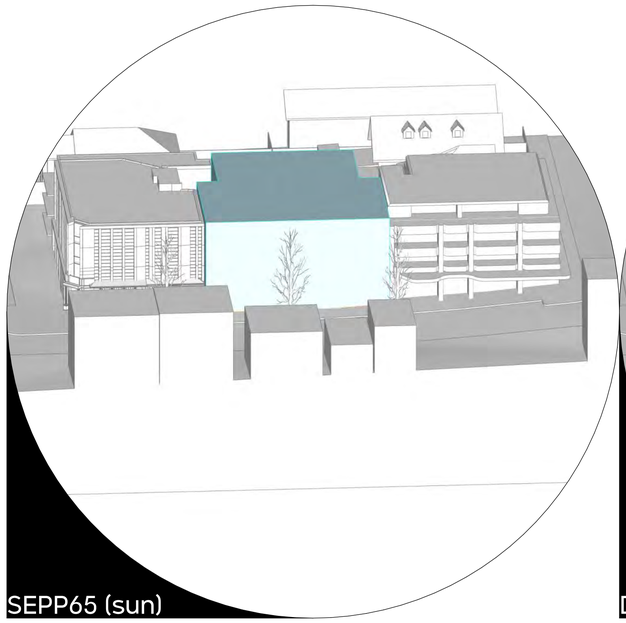
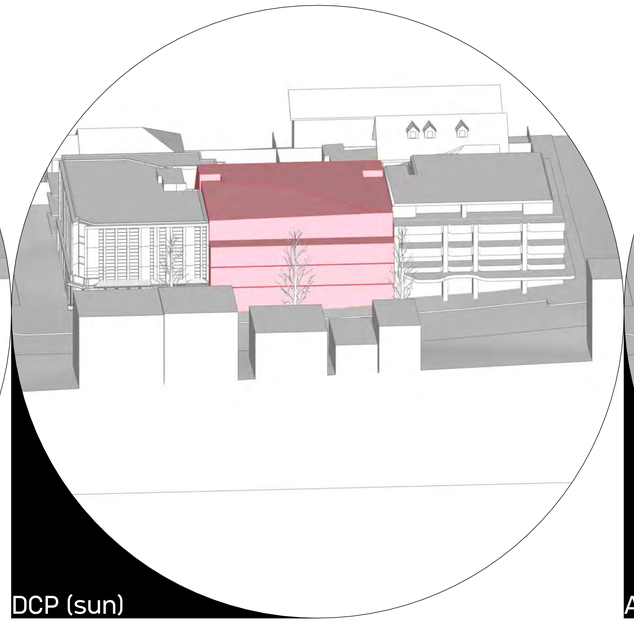
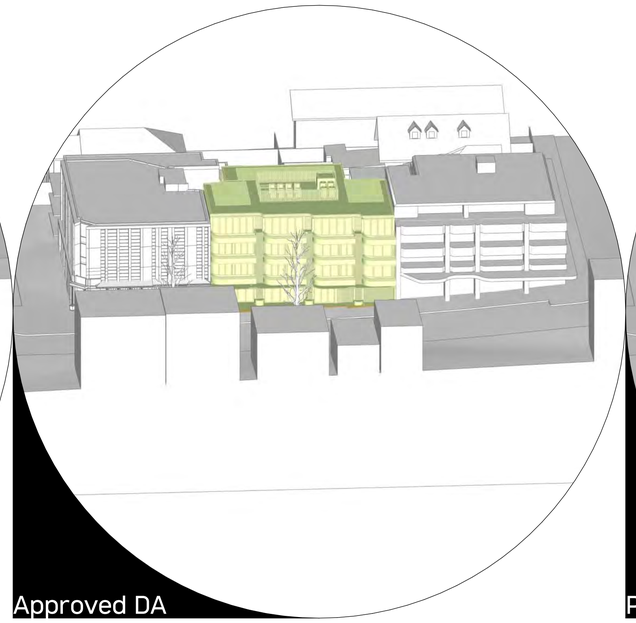
E	Section 4.55 submission	7/04/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

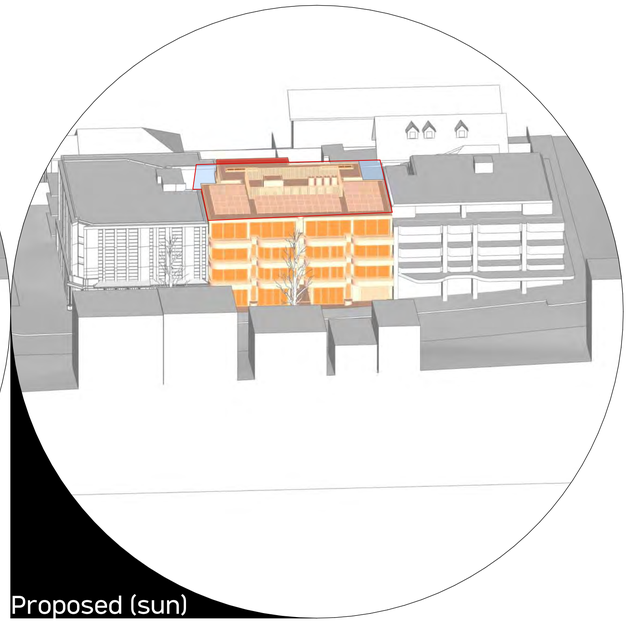
Title
Elevations & Sections
Materiality

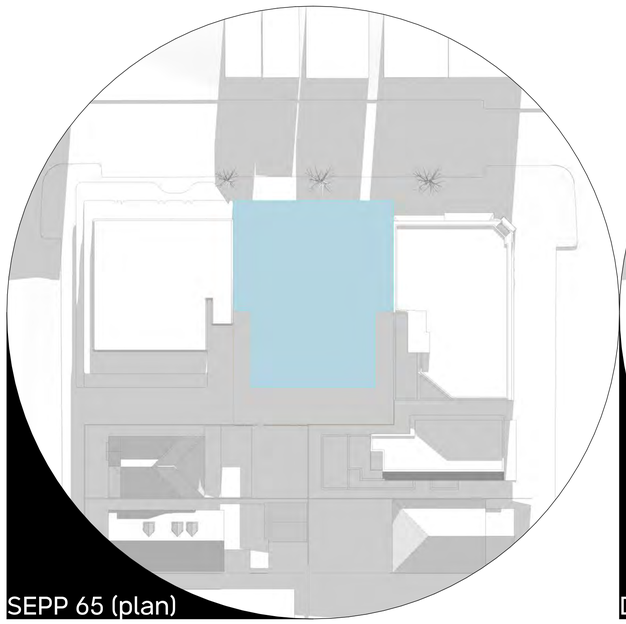
Drawing DA330 **Revision** F

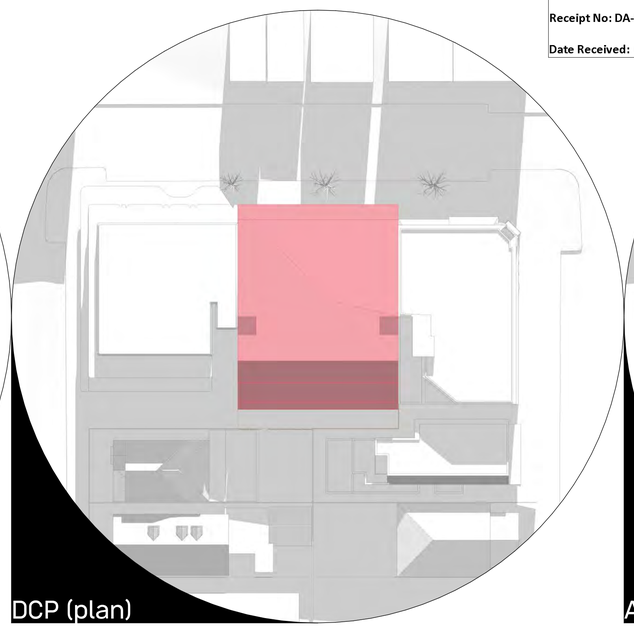


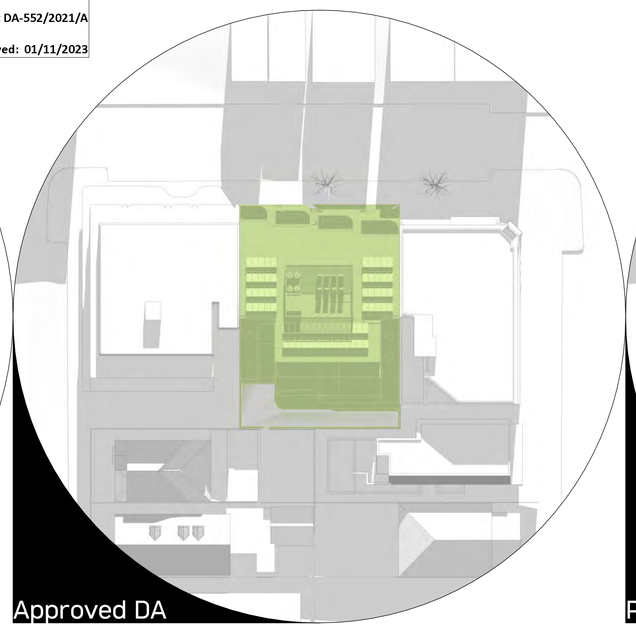


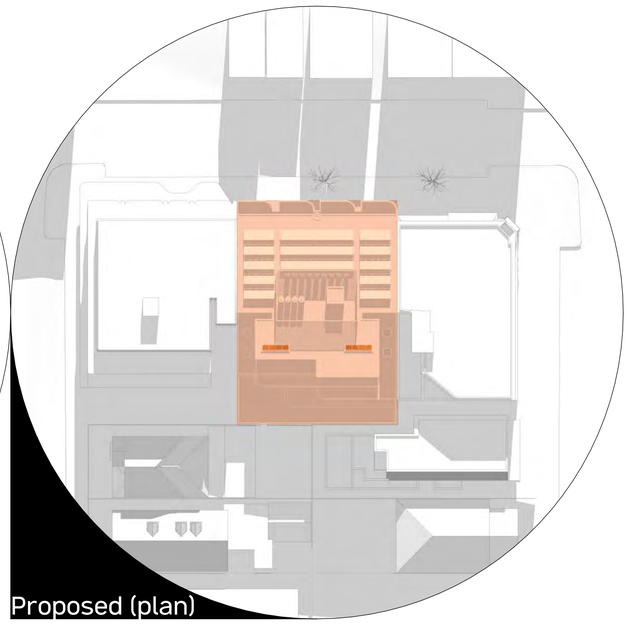












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Australian Institute of Architects
Member number 208889
ABN: 84649431872

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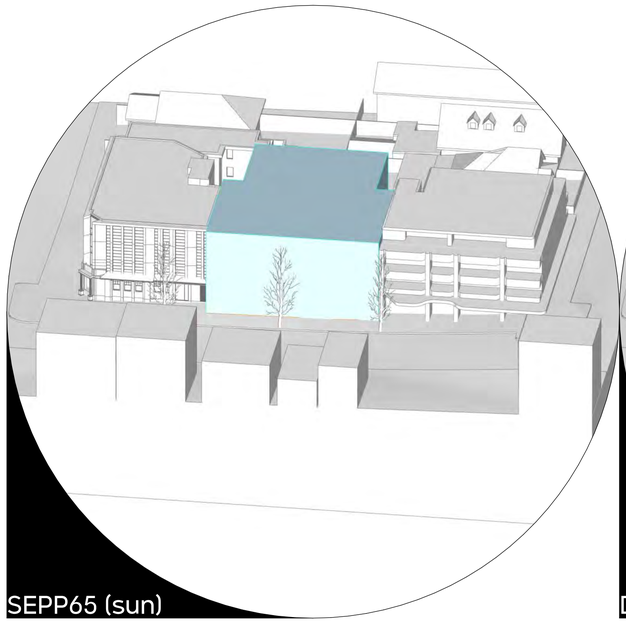
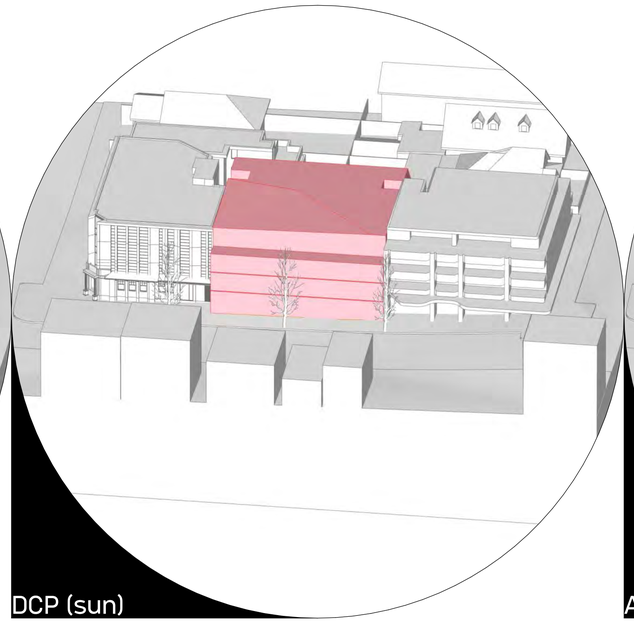
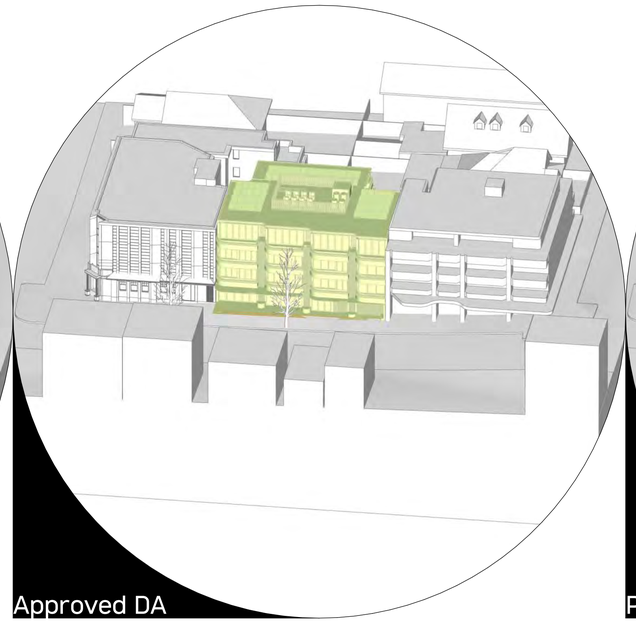
F	Section 4.55 submission V2	31/10/2023	WM	WM

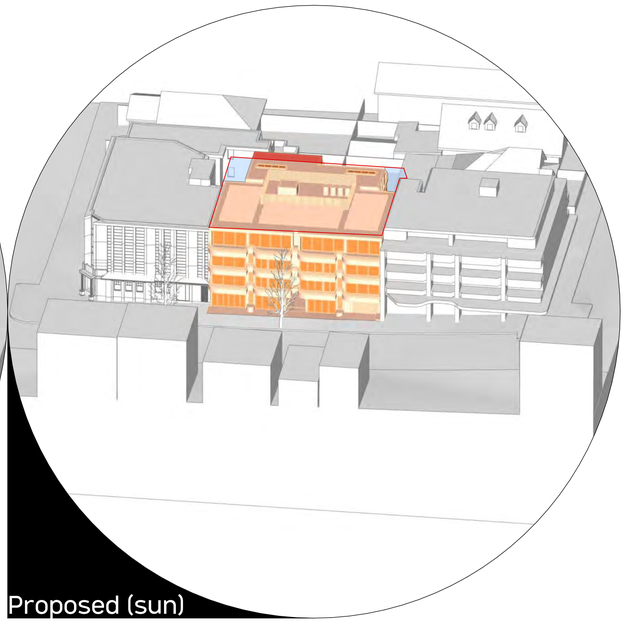
Title
Solar analysis
9 AM June 22

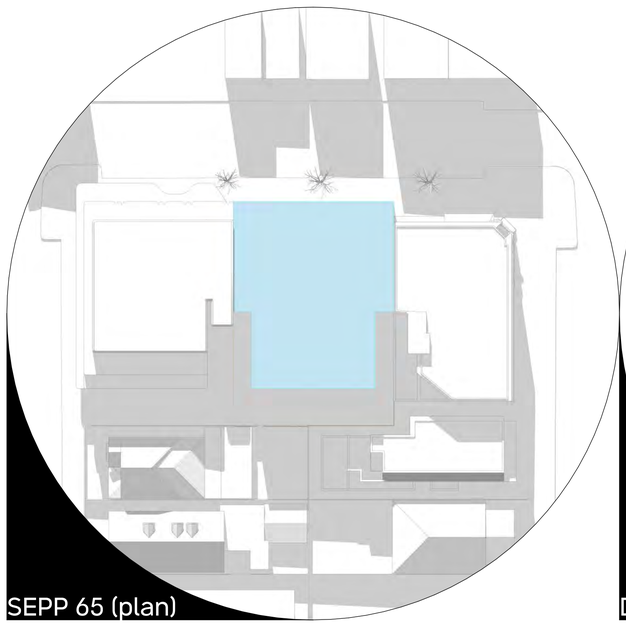
Drawing DA400 **Revision** F

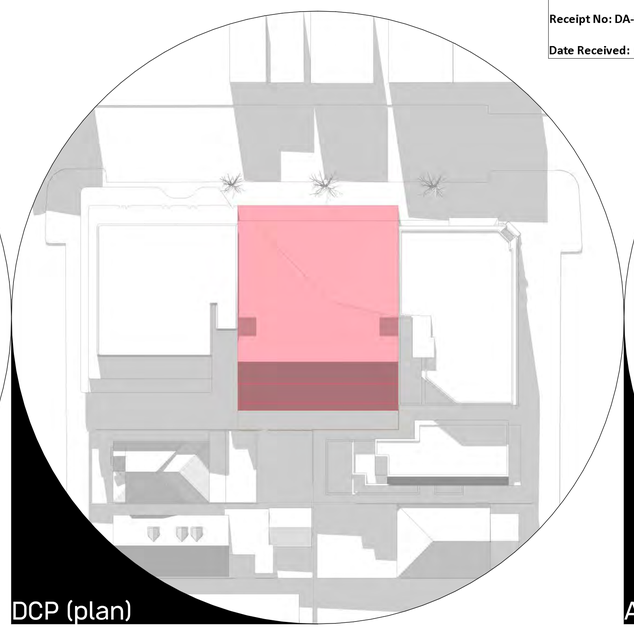


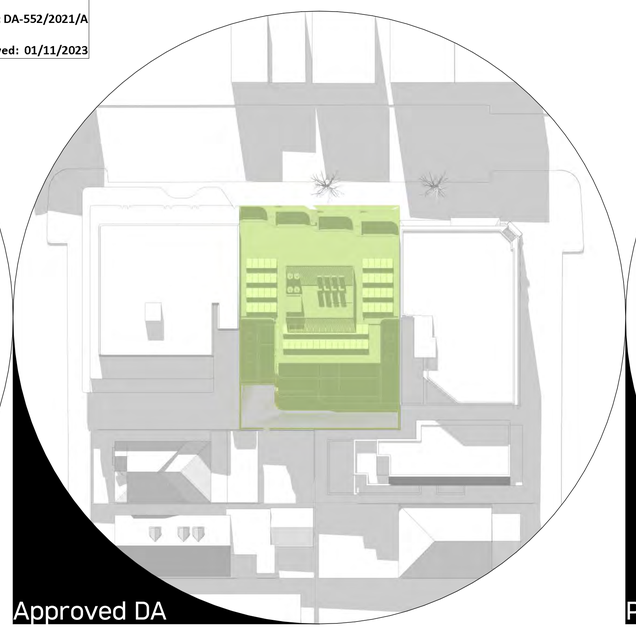


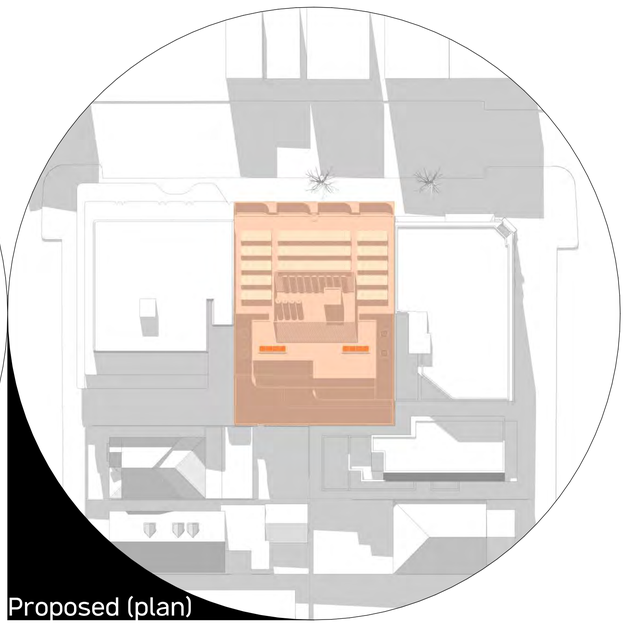












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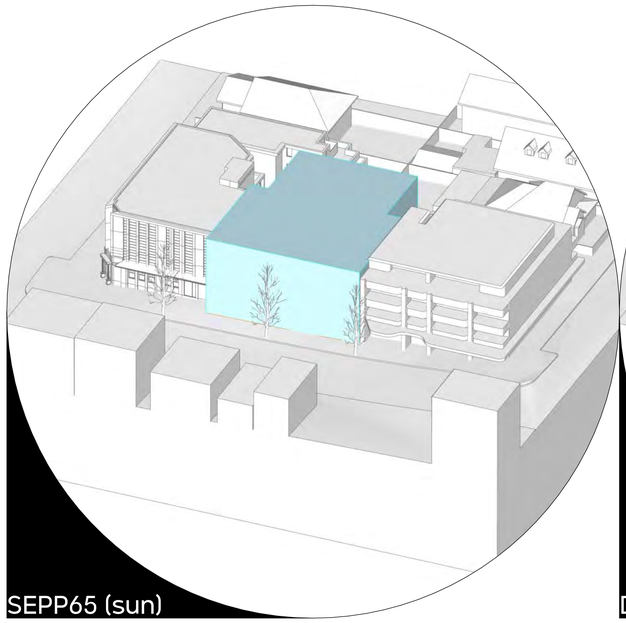
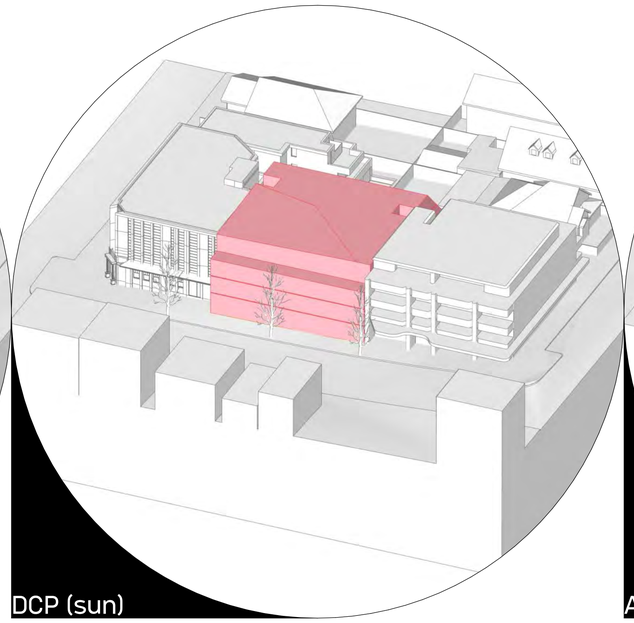
Title
Solar analysis
10 AM June 22

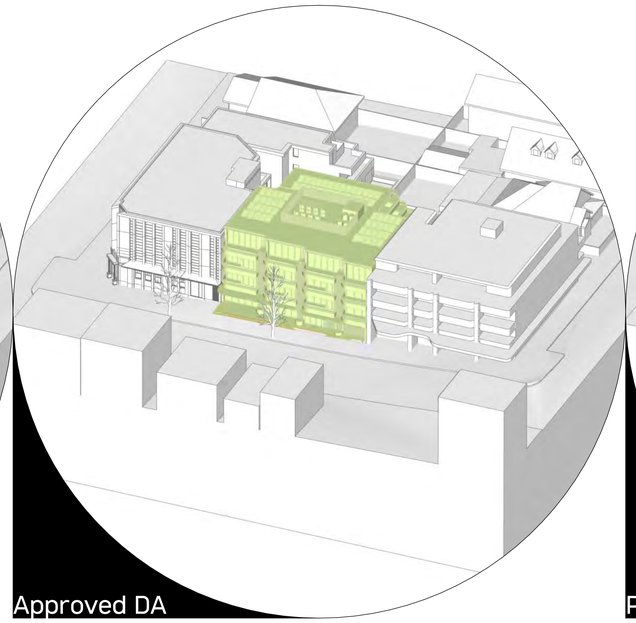
Drawing
DA401

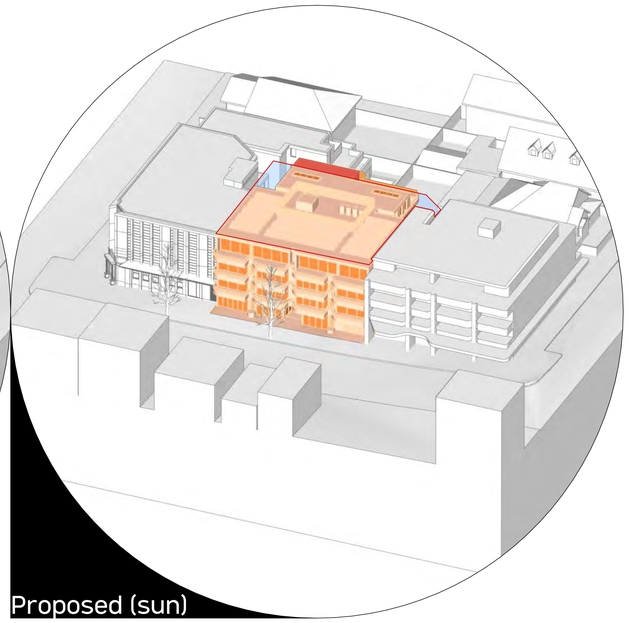
Revision
F

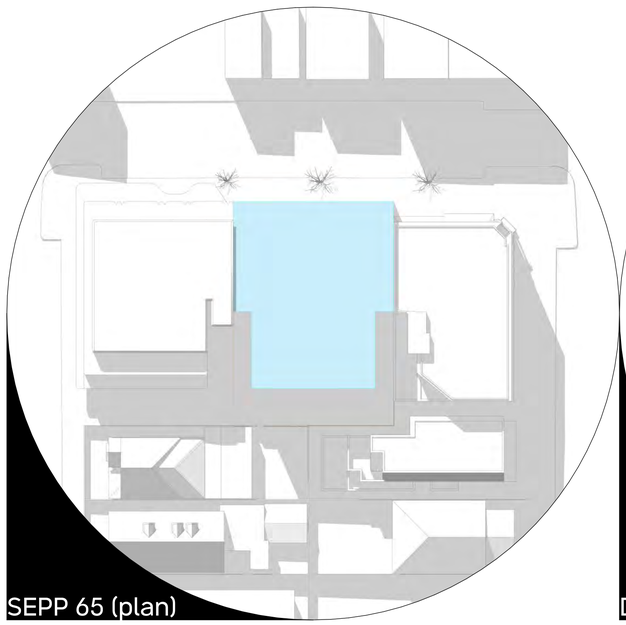
AMENDED PLANS

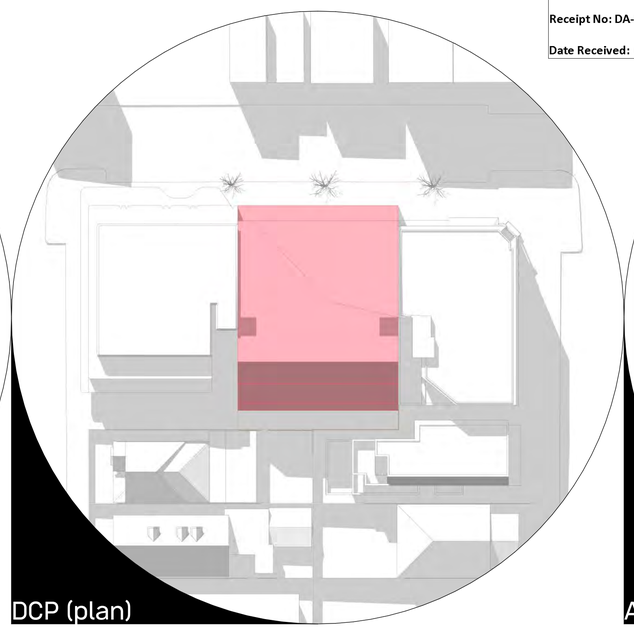


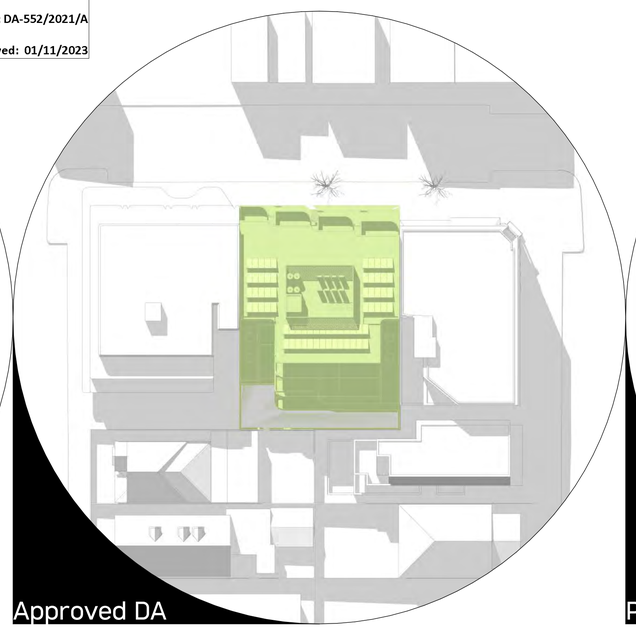


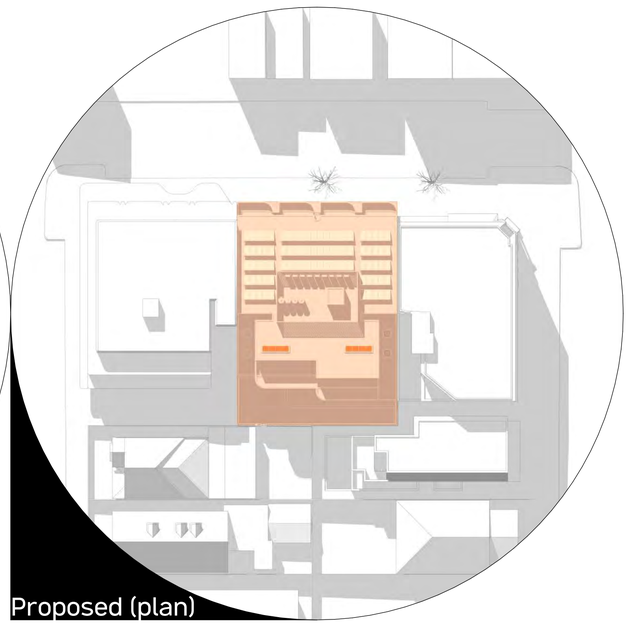












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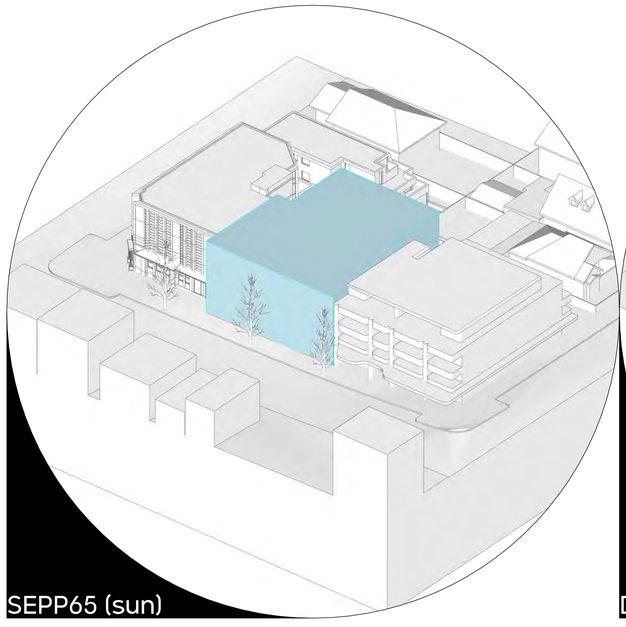
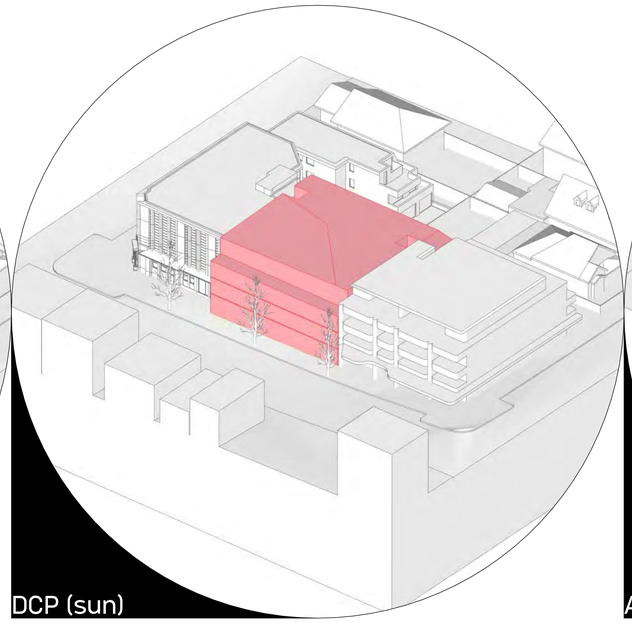
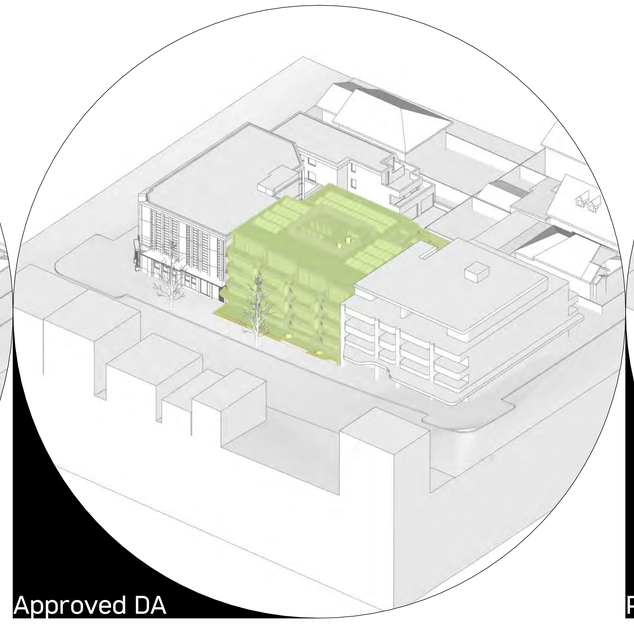
Title
Solar analysis
11 AM June 22

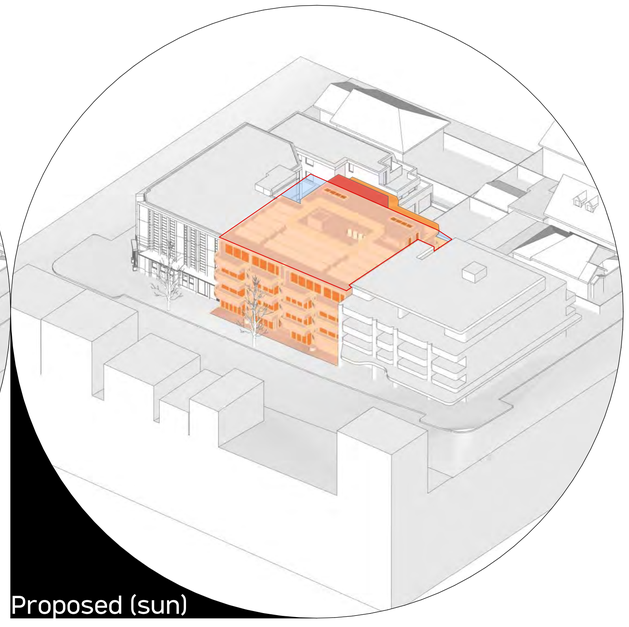
Drawing DA402 **Revision** F

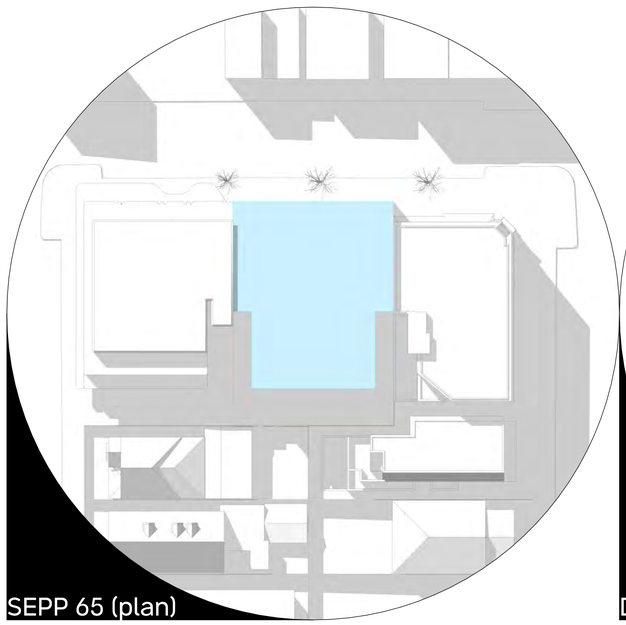
AMENDED PLANS

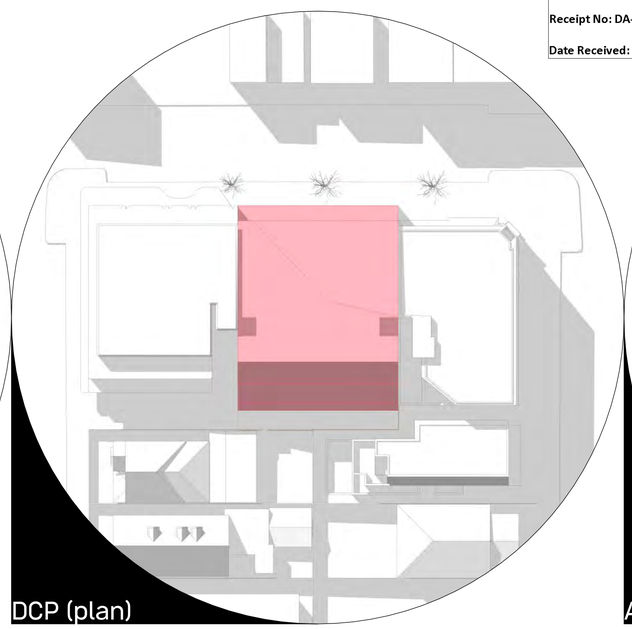


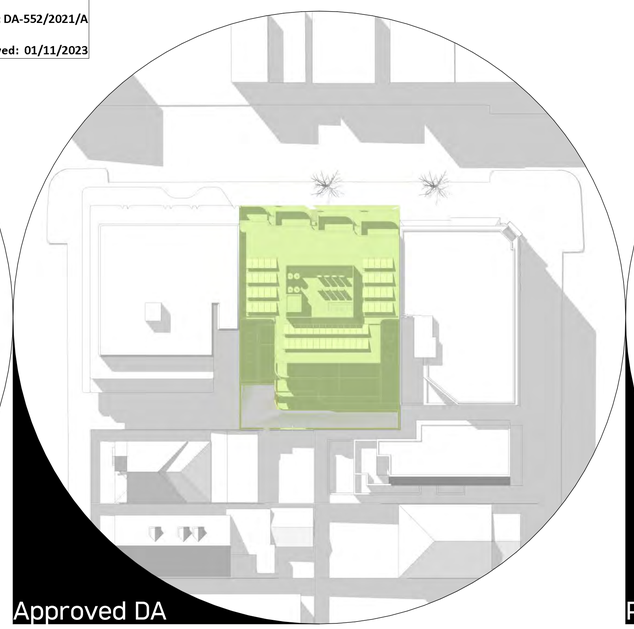


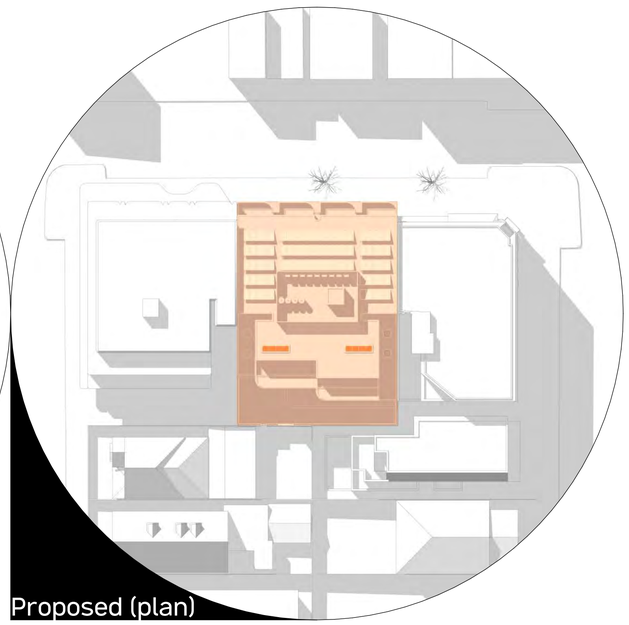












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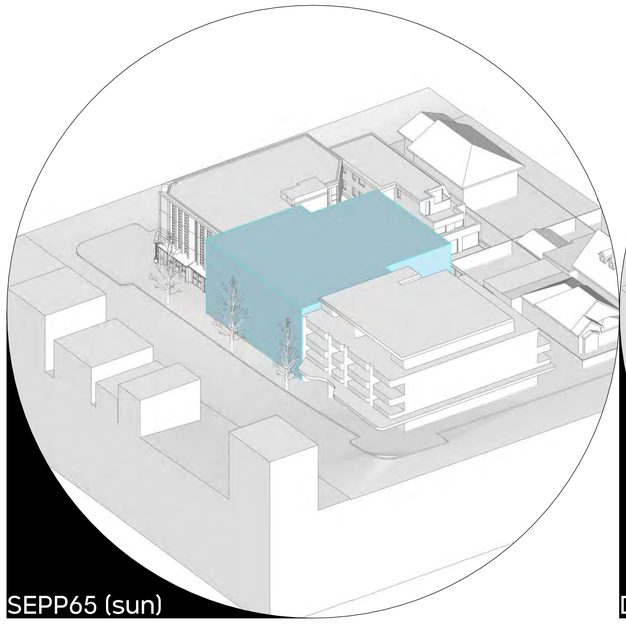
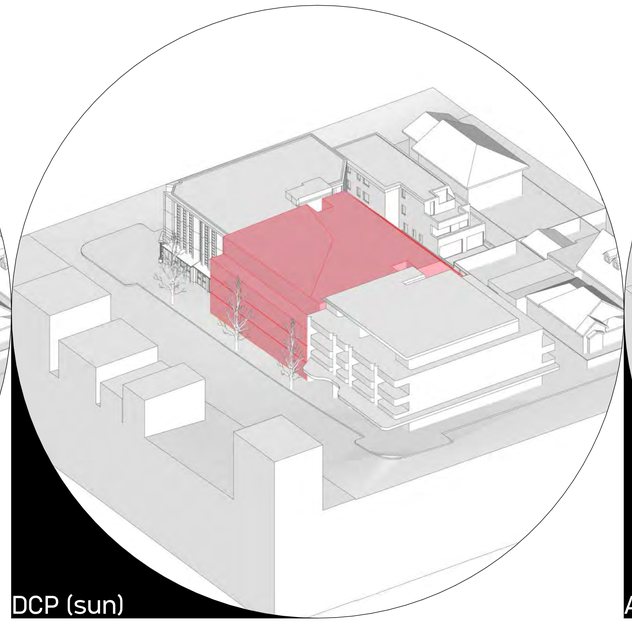
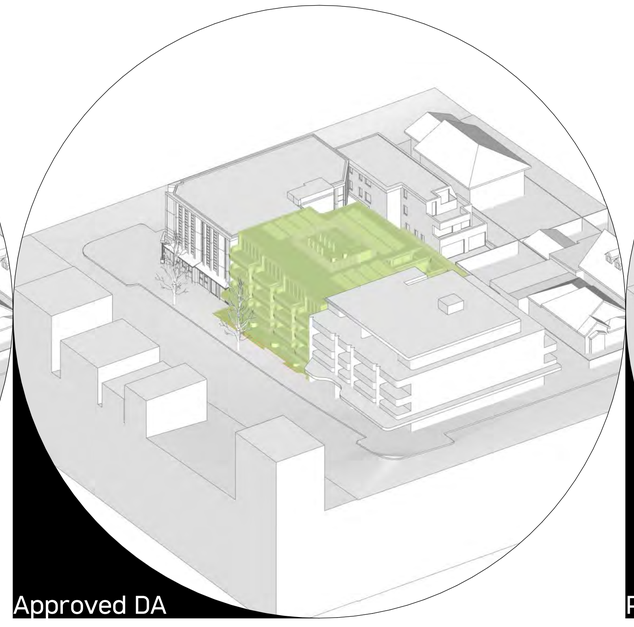
Title
Solar analysis
12 PM June 22

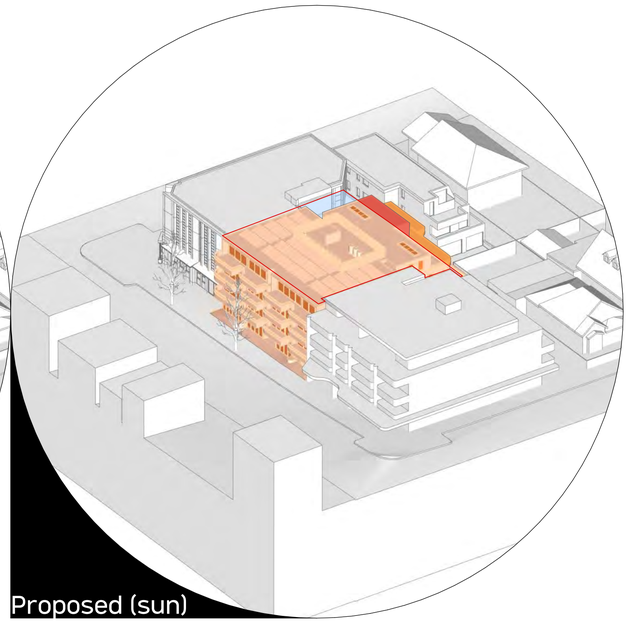
Drawing DA403 **Revision** F

AMENDED PLANS









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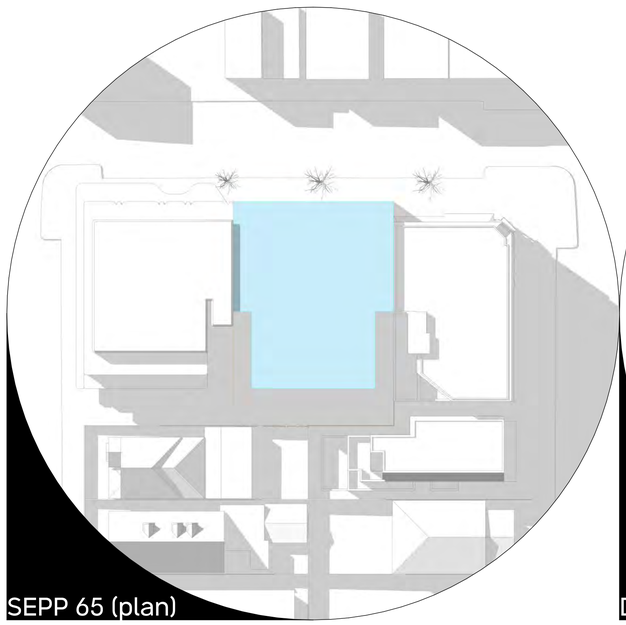

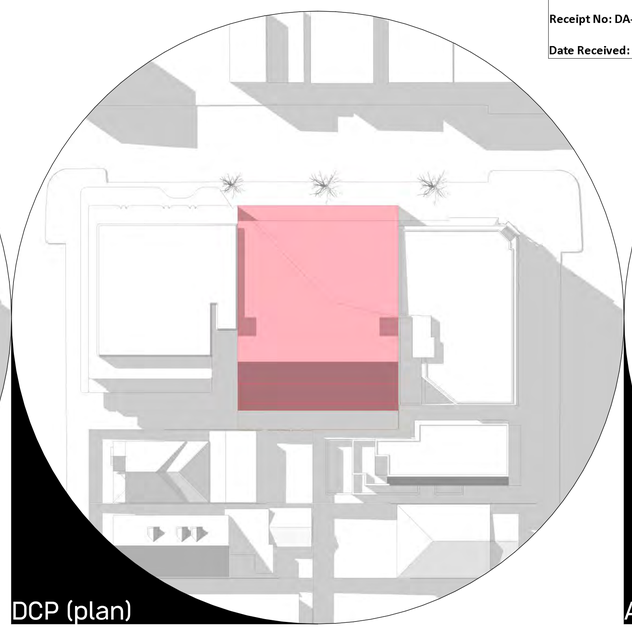

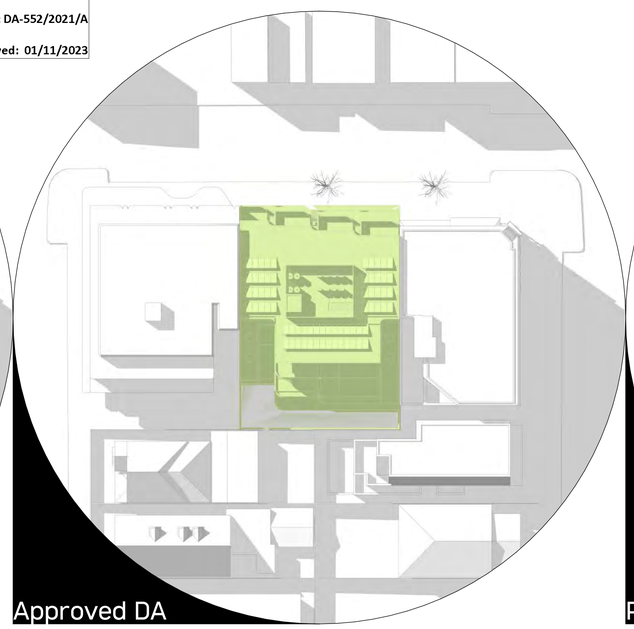

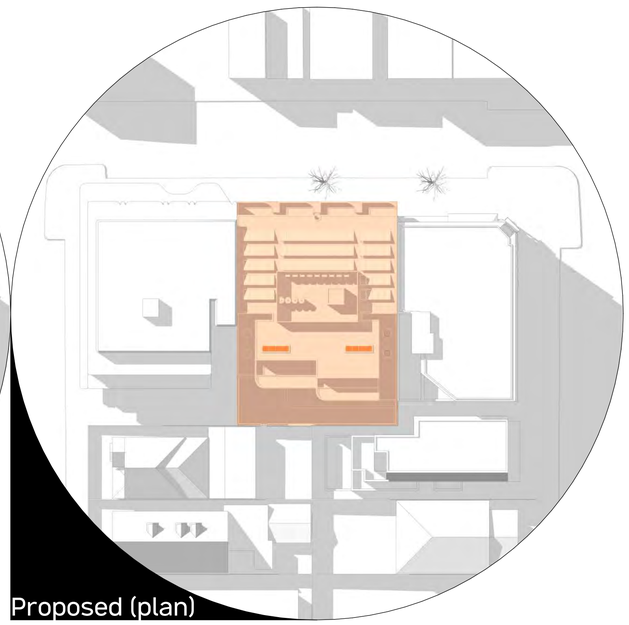

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1 PM June 22

Drawing DA404 **Revision** F

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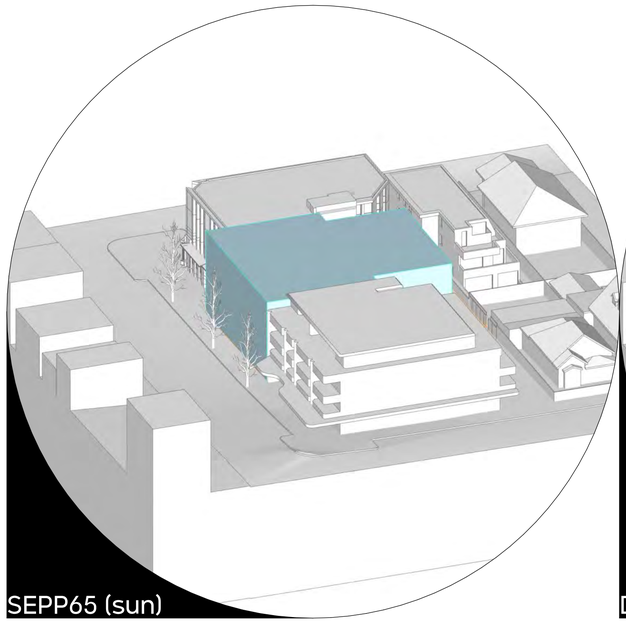

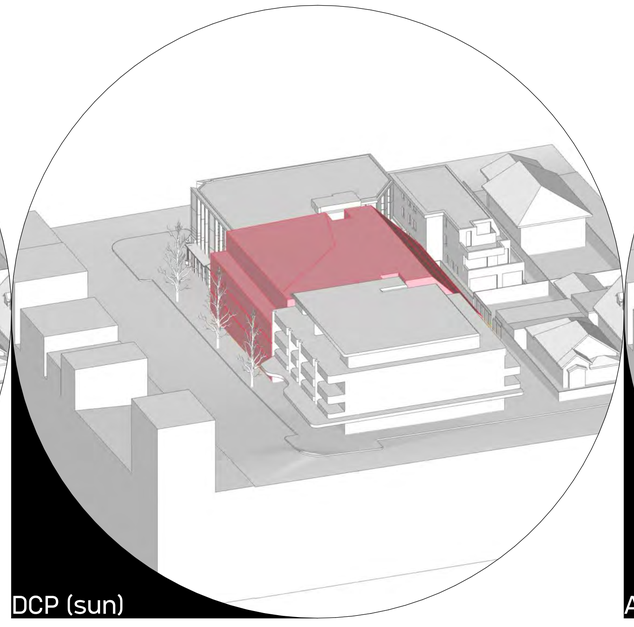

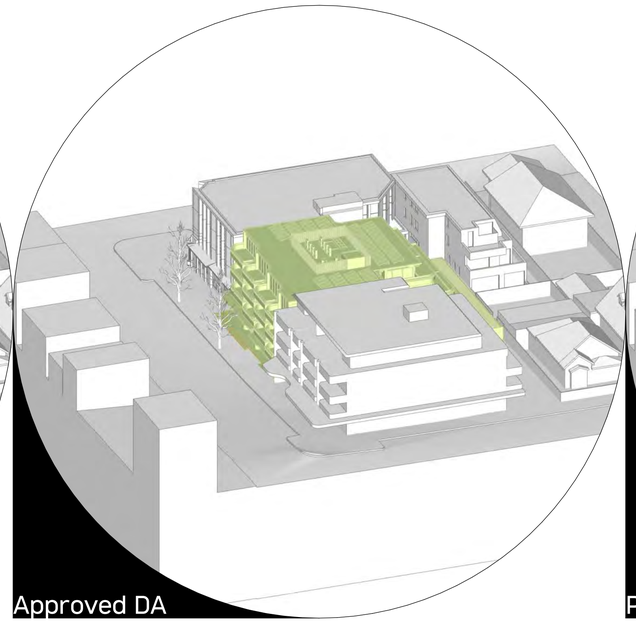

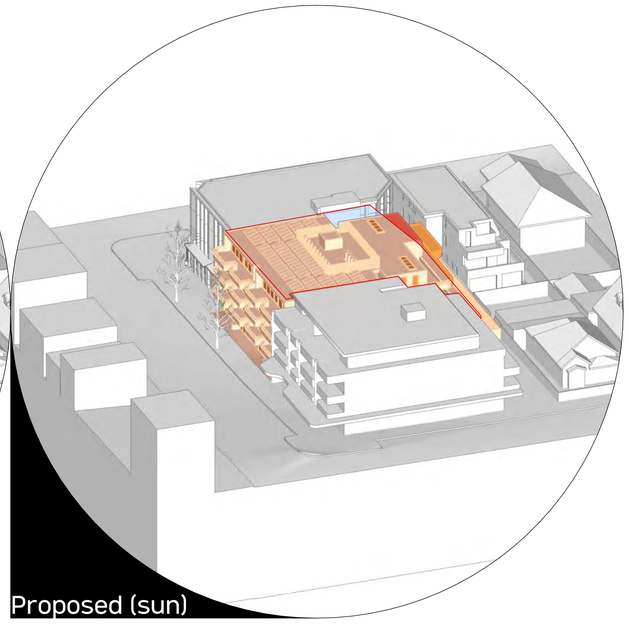

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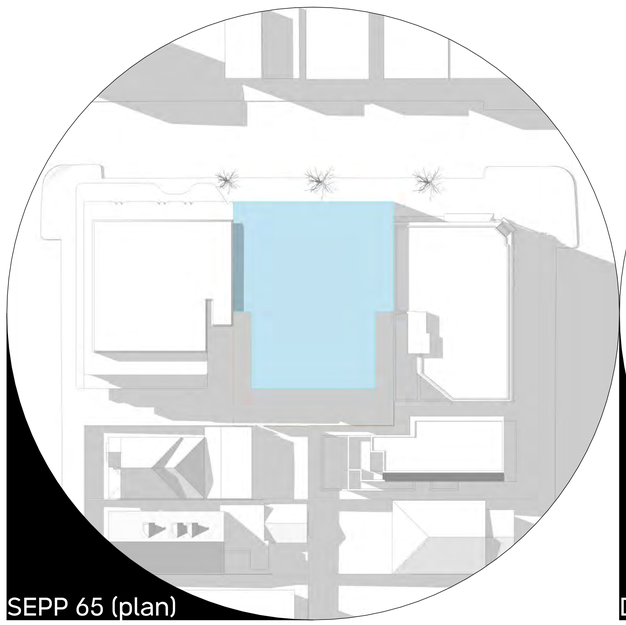

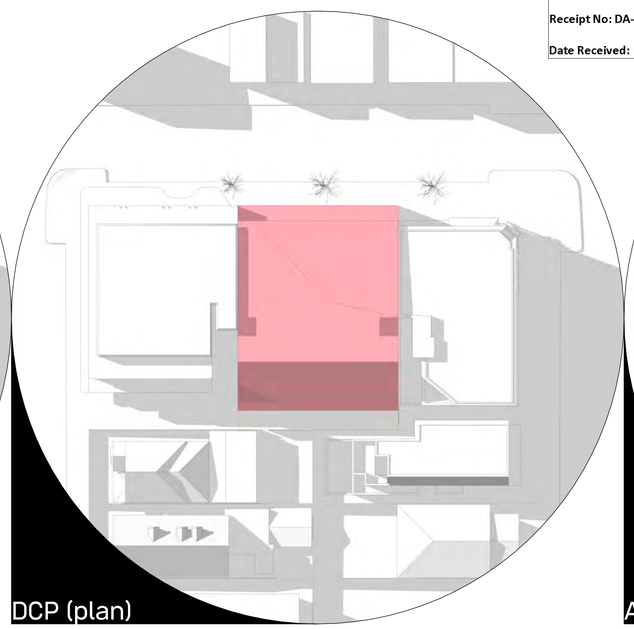

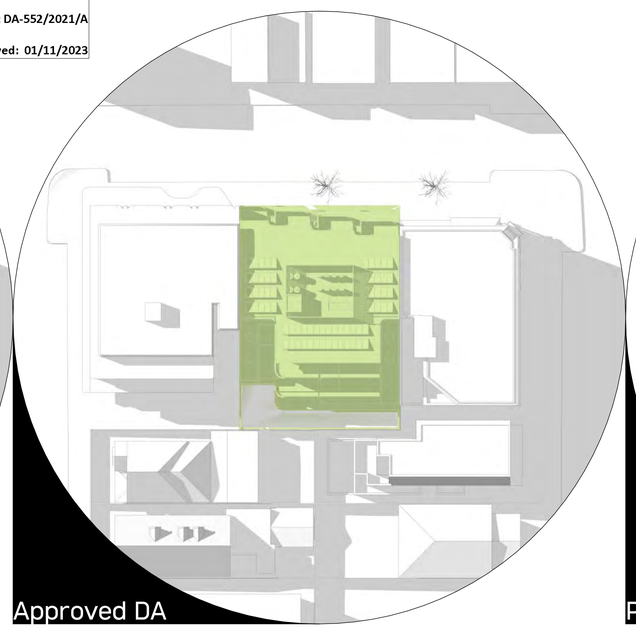

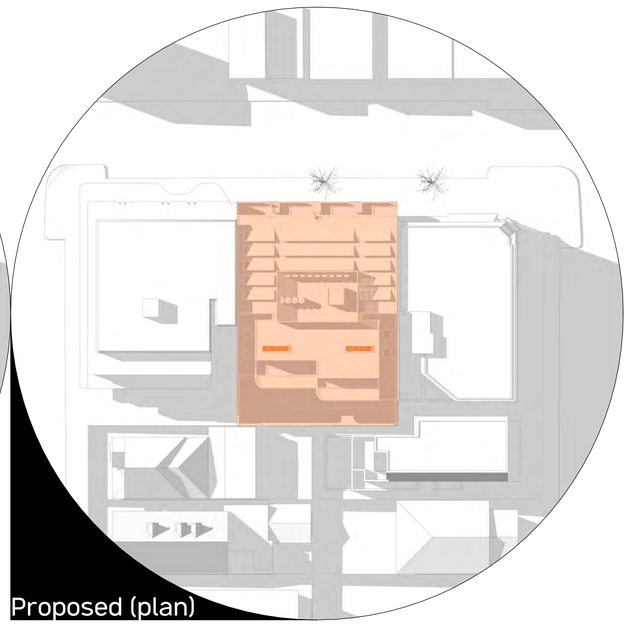

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Nominated Architect
Wieger Meijer NSW ARB 10848
Australian Institute of Architects
Member number 208889
ABN: 84649431872

Client Info
Vaughan Blank
STM123 No26 Pty Ltd
14 Queen Street
Woollahra NSW 2025

00007 Project Info
26-32, Hall Street
Bondi NSW 2026 Australia
4 storey mixed use development
Development Application

North
@ A1
or half @ A3

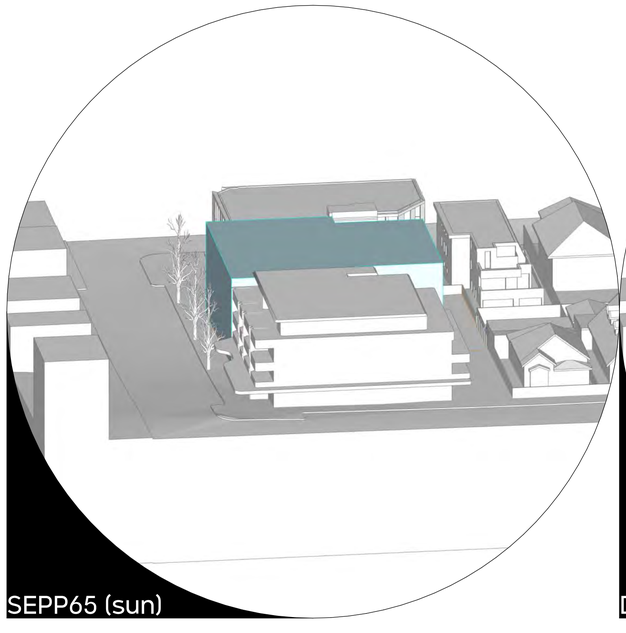
Cha	Summary of Changes

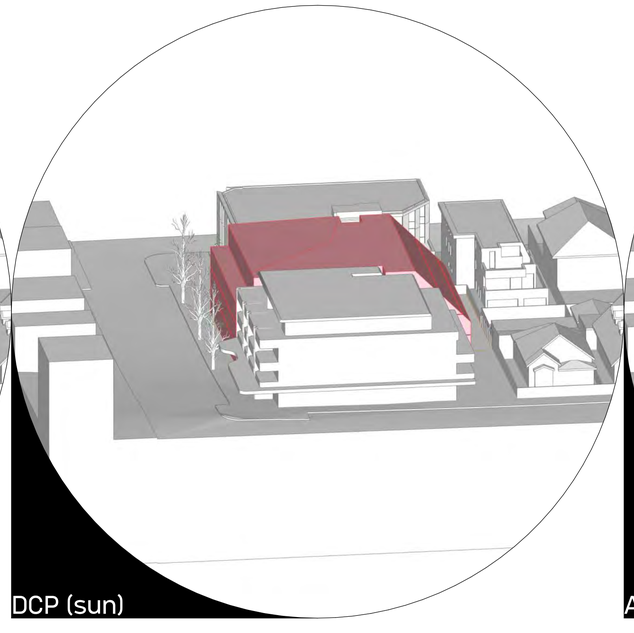
Rev	Reason of Revision	Date	Dvn by	Ckd by
A	DA Submission Set	22/10/2021	WM	WM
B	Council RFI letter response	5/07/2022	WM	WM
C	Council Deferred commencement response	15/02/2023	WM	WM
D	Deferred commencement approved set	16/03/2023	WM	WM
E	Section 4.55 submission	7/06/2023	WM	WM
F	Section 4.55 submission V2	31/10/2023	WM	WM

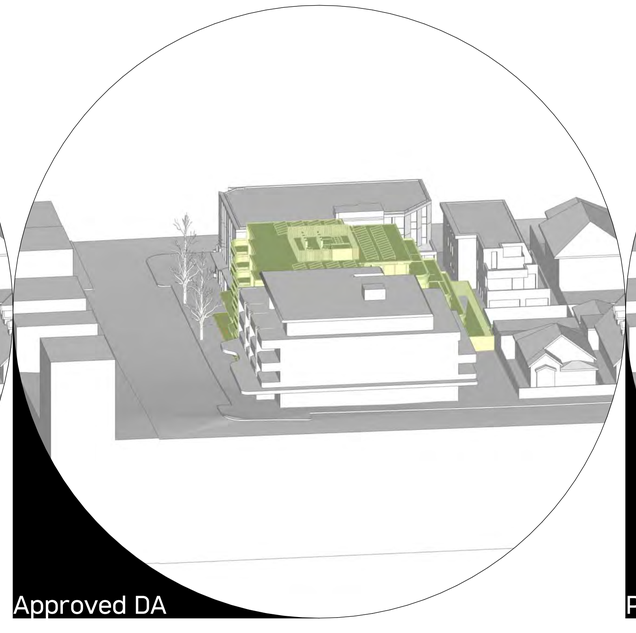
Title
Solar analysis
2 PM June 22

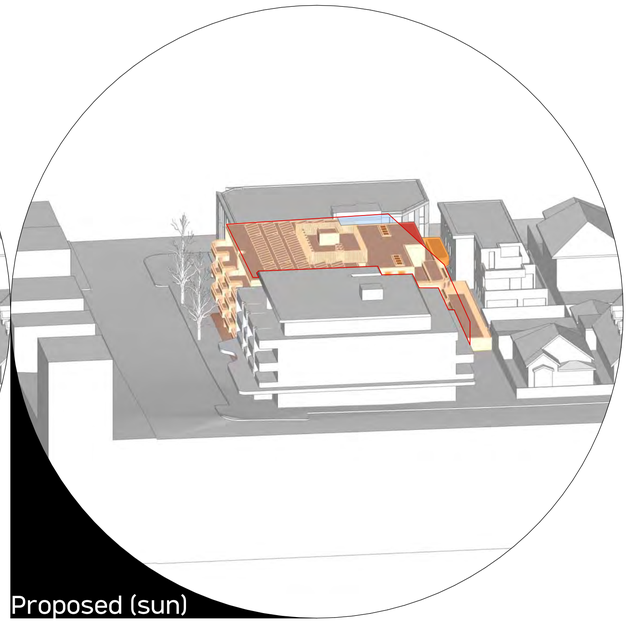
Drawing DA405 **Revision** F

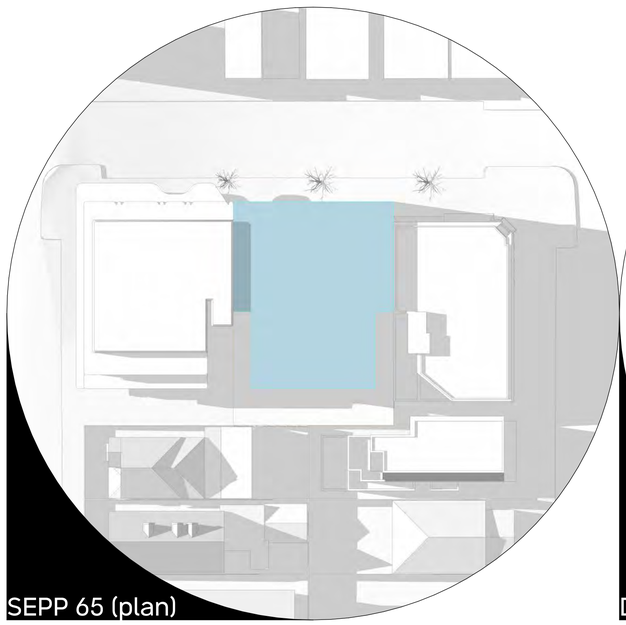
AMENDED PLANS

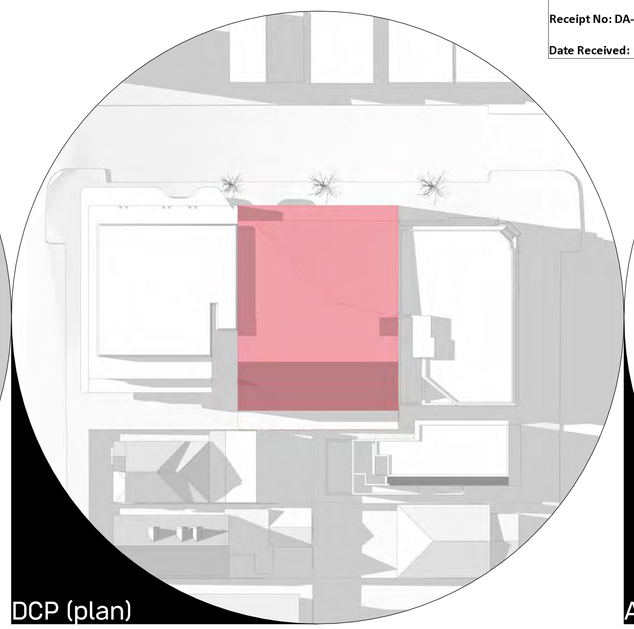


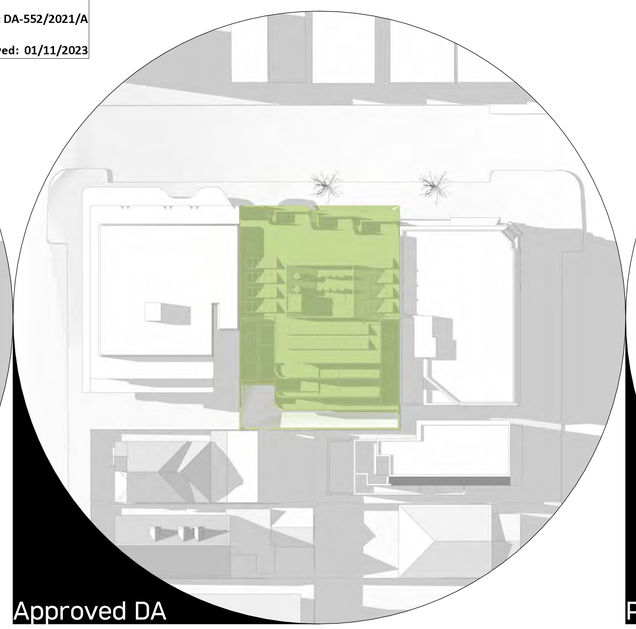


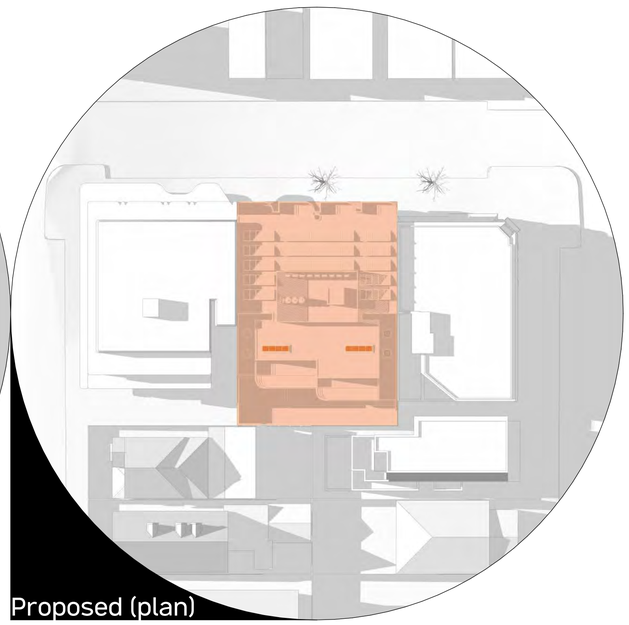












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Drawing DA406 **Revision** F