4 December 2024

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

11.00AM WEDNESDAY, 11 December 2024

QUORUM: Three Panel members.

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

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Live Streaming of Meetings

This meeting is streamed live via the internet and an audio-visual recording of the meeting will be publicly available on Council's website.

By attending this meeting, you consent to your image and/or voice being live streamed and publicly available.

AGENDA

WLPP-2412.A
Apologies

WLPP-2412.DI
Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2412.1 **PAGE 5**
100-102 Ramsgate Avenue BONDI BEACH NSW 2026 - AMENDED APPLICATION: Demolition of buildings and construction of a four (4) storey residential flat building containing four (4) units with integrated basement parking, swimming pool, lot amalgamation, strata subdivision and associated landscaping works. (DA-87/2024)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.2 **PAGE 138**
Beach Road Hotel - 99-111 Glenayr Avenue BONDI BEACH NSW 2026 - Modification to Conditions 2 - 2A, 12, 13, 58, 59, 60, 62 and delete Conditions 14 (a) and 16 which relate to the existing security arrangements, acoustic provisions, pick up-drop off arrangements, trial periods and hours of operation. (DA-626/2002/I)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be REFUSED by the Waverley Local Planning Panel for the reasons contained in Appendix A.

WLPP-2412.3 **PAGE 186**
Bronte Surf Club – Bronte Marine Drive BRONTE NSW 2024 - Section 4.55(1A) to modify conditions 1,2,4,10A, 25, internal reconfiguration, amendments to access arrangements, sea wall, landscaping, new fire tank and pump room and various other external modifications. (DA-455/2022/A)

Report dated 2 December 2024 from MoDA

Council Recommendation: That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

WLPP-2412.4 **PAGE 362**

154 Curlewis Street BONDI BEACH NSW 2026 - Amending DA to DA-413/2015 to modify conditions including deletion of conditions relating to the lock-out after 12am and trial period relating to live entertainment. (DA-441/2024)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.5 **PAGE 409**

12 Clarke Street VAUCLUSE NSW 2030 - The use of the existing unauthorised works (kitchen) and change of use from studio to secondary dwelling
(DA-520/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.6 **PAGE 434**

25 Victory Street ROSE BAY NSW 2029 - Alterations and additions to the existing dwelling including reconfiguration of the existing internal layout at each level, external facade works and replacement balustrading at each level, and a new proposed swimming pool at the rear.
(DA-376/2024)

Report 28 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.7 **PAGE 502**

3 Military Road NORTH BONDI NSW 2026 - Section 4.55(2) Modification to DA-203/2021 for alterations and additions to approved boarding house, including provision of a gym at the basement level and a neighbourhood shop at the garage level. (DA-203/2021/D)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

WLPP-2412.8 **PAGE 552**

53 Glasgow Avenue BONDI BEACH NSW 2026 - Alterations and additions of existing mixed-use building and change of use and associated internal fit-out to ground floor level premises to create three new retail tenancies with kitchenettes. (DA-420/2024)

Report 2 December 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.9 **PAGE 607**

27 Hough Street BONDI JUNCTION NSW 2022- Alterations and additions to the existing dwelling house with the addition of a swimming pool and related landscaping. (DA-332/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.

WLPP-2412.10 **PAGE 653**

162 Macpherson Street BRONTE NSW 2024 – Alterations and additions to residential flat building including internal layout reconfiguration and associated structural works. (DA-572/2024)

Report 29 November 2024 from the Managers of Development Assessment (MoDA).

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A.



Report to the Waverley Local Planning Panel

Application number	DA-87/2024
Site address	100-102 Ramsgate Avenue, Bondi Beach
Proposal	Demolition of buildings and construction of a four storey residential flat building containing four units with integrated basement parking, swimming pool, lot amalgamation, Strata subdivision and associated landscaping works.
Date of lodgement	28 February 2024
Owner	Proprietors of Strata Plan 51313 & 31511
Applicant	MHN Design Union Pty Limited
Submissions	First round of notification: 36 submissions Second round of notification: 14 submissions
Cost of works	$7,008,880
Principal Issues	• View impacts; • Building height; • Excavation.
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 demolition of the existing buildings and construction of a four storey residential flat building (RFB) containing four x three bedroom units with integrated basement parking, swimming pool at rear, lot amalgamation, Strata Subdivision and associated landscaping, at the site known as 100-102 Ramsgate Avenue, Bondi Beach.

The principal issues arising from the assessment of the application are view impacts, building height and excavation. The assessment finds these issues acceptable because the proposal complies with the maximum height of buildings development standard of 12.5m, measured from existing ground level (EGL) to the top of the lift overrun. The upper roof level has been set in from the sides of the third floor parapet, providing a compliant wall height of 9.5m, measured from EGL to the top of the third floor parapet.

The proposal would impact on views obtained from properties surrounding the site, particularly those located at the rear. The extent of view impact has been minimised as far as practicable within a compliant building envelope. The View impact Analysis (VIA) provides photomontage images of the affected views and images of an alternative compliant building envelope. The sites 12.5m height limit, permits the development of four storeys. The proposal includes site amalgamation; however, if the site were to be developed as two separate lots to the maximum of 12.5m, the extent of view loss is likely to be much greater. Accordingly, the proposal comprising one building across the two sites would yield a better view impact outcome than what may be realised should the sites be developed separately to the maximum permitted built form.

The proposal includes excavation to accommodate a basement level for car parking, services and the like. The basement level is not considered excessive in extent and scale, is within the footprint of the building and is appropriately set in from the side boundaries. Conditions of consent are recommended to ensure the excavation works are undertaken in accordance with the Geotechnical Report submitted with the application.

Over two separate notification periods, Council received 50 separate email correspondences in relation to the application. Of the 50 emails received, 48 unique submissions were received objecting to the proposal. 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* (the Act). It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 21 August 2024. A further site visit was carried out on 29 October 2024.

The site is known as Nos. 100 and 102 Ramsgate Avenue, Bondi Beach, identified as Lot SP 10551 and SP 31511 respectively.

The site is rectangular in shape with a total frontage of 24.38m to Ramsgate Avenue. It has total area of 954.6m² and falls from the northern rear boundary towards the southern front boundary by approximately 1.3m.

The site is occupied by two x two-storey RFBs, each containing four units. There is no vehicular access to the site.

The site is adjoined by a two-storey RFB to the east, No. 104 Ramsgate Avenue, comprising five units with no vehicular access. To the west is a three-storey RFB, No. 94-98 Ramsgate Avenue, comprising 12 units, and basement level parking accessed via the western side setback.

To the north-west, the site is adjoined by No. 65-75 Brighton Boulevarde, a part three, part four-storey RFB, comprising 24 units, and basement level parking. To the north-east, the site is adjoined by No. 77-79 Brighton Boulevarde, comprising ten units, with an attic level addition above unit 9 and basement level parking.

The locality is characterised by a variety of medium density residential developments and is within the North Bondi Special Character Area.

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



Figure 1: Site frontage, No. 100 Ramsgate Avenue, facing north.



Figure 2: Site frontage, No. 102 Ramsgate Avenue, facing north.



Figure 3: Neighbouring RFB to the west, No. 94-98 Ramsgate Avenue 'Equinox'.



Figure 4: Vehicular access to basement car park, No. 94-98 Ramsgate Avenue.



Figure 5: Neighbouring RFB to the east, No. 104 Ramsgate Avenue.



Figure 6: Western side elevation of No. 104 Ramsgate Avenue.

1.3. Relevant Development History

A search of Council's records revealed that in the last ten years, there has been no development applications or tree protection order applications on the site.

1.4. Proposal

The development application seeks consent for demolition of the buildings and construction of a four storey RFB containing four three bedroom units with integrated basement parking, swimming pool at rear, lot amalgamation, Strata Subdivision and associated landscaping, and specifically includes the following:

- **Basement level:**
  - Seven car spaces, including one accessible and one visitor space;
  - Four individual storage compartments;
  - Plant, pump and communications rooms;

- Garbage room with bulky goods storage area;
- Below-stairs storage space; and
- Lobby and internal stair and lift.

- **Ground floor level:**
  - Unit 01:
    - Formal living room and study;
    - One bedroom with ensuite;
    - Second bedroom with walk in robe and ensuite;
    - Master bedroom with walk in robe and ensuite;
    - Open plan kitchen with butler's pantry, laundry and powder room;
    - Open plan living and dining room;
    - Rear private terrace, garden area and swimming pool; and
    - Private access to front garden area.
  - Communal eastern gallery with landscaped awning;
  - Landscaping and deep soil planting along eastern setback and communal outdoor shower;
  - Vehicular crossover and ramp providing access to basement level;
  - Plant, communications and services compartments; and
  - Stairs and lift access to basement and upper levels.

- **First floor level:**
  - Unit 02:
    - Study nook at unit entry;
    - Open plan kitchen with butler's pantry, laundry and powder room;
    - Master bedroom with walk in robe and ensuite;
    - Two bedrooms each with walk in robe and ensuite;
    - Secondary living room with adjoining front facing inset terrace with planter;
    - Front facing terrace with planter adjoining the master bedroom;
    - Front facing terrace adjoining the main living area; and
    - Rear facing terrace with planter adjoins the secondary living room and two rear bedrooms.
  - Non-trafficable landscaped awning over the ground floor gallery space;
  - Plant, communications and services compartments; and

- Stairs and lift lobby providing access to lower and upper levels.

- **Second floor level:**
  - Unit 03:
    - Study nook at unit entry;
    - Open plan kitchen with butler's pantry, laundry and powder room;
    - Master bedroom with walk in robe and ensuite;
    - Two bedrooms each with walk in robe and ensuite;
    - Formal living room with adjoining front facing inset terrace with planter;
    - Front facing terrace with planter adjoining the master bedroom;
    - Front facing terrace adjoining the main living area; and
    - Rear facing terrace with planter adjoins the secondary living room and two rear bedrooms.
  - Plant, communications and services compartments; and
  - Stairs and lift lobby providing access to lower and upper levels.

- **Third floor level:**
  - Unit 04:
    - Master bedroom with walk in robe and ensuite;
    - Two bedrooms each with walk in robe and ensuite;
    - Open plan kitchen with butler's pantry, laundry and powder room;
    - Study at unit entry;
    - Front facing terrace with jacuzzi and planter adjoining the master bedroom;
    - Front facing terrace adjoining the main living area;
    - Rear facing terrace with planter adjoining the rear bedrooms; and
    - Non-trafficable western roof garden adjoining bedroom 3.
  - Plant, communications and services compartments; and
  - Stairs and lift lobby providing access to lower and upper levels.

- Roof level:
  - Photovoltaic panels; and
  - Skylights and lift overrun.

- Lot amalgamation and Strata Subdivision.

1.5. Background

The development application was lodged on 28 February 2024. The application was deferred on 14 May 2024 for the following reasons (summarised):

1. ***External wall height***

   Amended plans are to be submitted which reduces the overall bulk and scale of the development as it presents within the streetscape and to neighbouring properties. The amended plans need to address the non-compliant external wall height which is contributing to amenity impacts on neighbouring properties.

   ….the plans do not show the location of the lift overrun or any roof plant and equipment. Please also update the plans, elevations and sections to show all proposed roof plant and equipment.

2. ***Non-compliant rear building line***

   The non-compliant rear building line at the location of the communal stair is resulting in shadow impacts to the adjoining property to the east. The location of the stairwell with a non-compliant external wall height at this location also contributes to this shadow impact. amend the plans to ensure compliance with the rear building line/ external wall height in this location or remove this impact.

3. ***View impacts***

   A view impact analysis (VIA) from the adjoining and adjacent properties, which has not been addressed in your application, is to be submitted including an assessment against the Land and Environment Court "Tenacity" Planning Principle….

   The view impact assessments are to take into account the new leading edges of the building as a result of the increased height and the rear building line, which may impact on the view corridors/ oblique views enjoyed by nearby properties. The view impact analysis is to also be certified by a qualified Surveyor.

4. ***Waste management***

   With respect to disposal procedures… it is recommended that the chute be deleted from the development…

   With respect to bin carting, it is recommended that a motorised device be included to assist bin movement between the waste storage area and the collection point…

5. ***Stormwater***

   There are several inconsistencies with Council's Water Management Technical Manual and/or lack of information provided in the submitted documentation. The stormwater management is to be updated to address the Council Engineer's comments.

On 26 July 2024, the applicant submitted amended plans and documentation as requested by Council, including a VIA and revised Stormwater Management Plans. The application was renotified specifically

to those that objected to the original application. The renotification letter advised that amended plans had been submitted and a VIA to assess the view impacts from relevant properties.

The amended proposal was referred to Council's Strategic Planning team to consider the application in light of a recent amendment to the *Waverley local Environmental Plan 2012* (Waverley LEP 2012) requiring an affordable housing contribution to be paid to compensate for the loss of affordable housing resulting from the proposed development.

Strategic Planning also provided comments relating to the applications consistency with the R3 zone objective, *"to increase or preserve residential dwelling density"* and *"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"*, noting that the application does not meet the R3 zone objectives because it proposes to replace eight modest units (with no parking or private balconies) with four large units, reducing housing stock that is inherently more affordable for older people and lower income households who wish to reside in the area.

Council advised the applicant of the Draft Dwelling Density Planning Proposal (PP-2024-512) which has been public exhibited and is a matter for consideration under Clause 4.15(1)(a)(ii) of Act. The Planning Proposal which proposes to add clarity to the existing objective so that it reads *"to increase or preserve residential dwelling density* ***across the site****"* and seeks to introduce an additional local provision preventing the reduction of more than 15% of dwellings on a subject site.

A second Deferral letter was sent to the applicant on 2 October 2024 for the following reasons (summarised):

1. ***Dwelling Density R3 and R4 zones***

   …the proposal seeks to reduce the number of dwellings on the site from 8 units to 4 units. The proposal is not consistent with the Dwelling Density Planning Proposal (PP-2024-512) which has been publicly exhibited…

   The Planning Proposal introduces a new local provision 'Residential dwelling density in R3 and R4 zones', preventing a reduction of more than 15% of dwellings on a subject site. Given the existing site comprises 8 dwellings, a reduction of 2 dwellings (15% x 8 dwellings, rounded up) is permitted.

   The following is recommended:

   a) *Amend the architectural plans to increase the number of units to address the requirements of the draft dwelling density Planning Proposal.*

2. ***External wall height and bulk and scale***

   Council's deferral letter, dated 14 May 2024, requested amended plans to address the non-compliant wall height. The response to the deferral, dated 25 July 2024 noted that a compliant wall height would represent a similar bulk and scale as presented under the proposal.

   Council received 49 submissions raising concerns with the proposed bulk and scale, external wall height and resultant view loss impacts. … Council considers that the extent of view impact would

be less for some of the assessed vantage points if the proposal were to achieve compliance with the external wall height control.

The following is recommended:

a) Consider introducing a pitch to the upper floor level so that it reads as a roof form, in terms of design and materiality, rather than an additional level.

b) Amend the external wall height to comply with the maximum permittted wall height control under Part C2, section 2.2 of the Waverley DCP 2022.

c) Provide additional existing ground level RLs in the vicinity /below the lift overrun.

d) *Provide additional detail of the external gallery spaces at ground and upper floor levels, including a plan and section at a scale of 1:50 showing the extent to which these areas are enclosed, waterproofing, materials and finishes.*

3. Traffic

Council's Traffic Engineer has reviewed the application provided the following comments:

a) Driveway ramp gradients are unclear. A long section of the driveway is required showing a 5% grade for the first 4.5m inside the property boundary.

b) The proposed driveway location conflicts with the existing light pole at the front of 100 Ramsgate Avenue and is likely to require relocation.

Following issue of the second Deferral letter, Council obtained legal advice regarding application of the Dwelling Density Planning Proposal to undetermined development applications. While the Planning Proposal is a relevant matter for consideration under Clause 4.15(1)(a)(ii) of the Act, for the subject application, it does not strictly apply until it has been adopted by Council and endorsed by the Department of Planning, Housing and Infrastructure (DPHI) (at which point, it becomes 'imminent and certain').

In addition, the draft Dwelling Density Planning Proposal has been subsequently re-exhibited to include a Clause 1.8A Savings Provision to clarify that the additional local provision will only apply to applications lodged with Council after the date of the dwelling density provision being published.

Council advised the applicant that the Statement of Environmental Effects (SEE) was to be updated to include consideration of the Dwelling Density Planning Proposal, but that it would not be applied to the development application, because it is not yet imminent and certain.

On 11 October 2024, the applicant appealed the application as a deemed refusal to the Land and Environment Court (LEC). This is ongoing.

On 31 October 2024, Council requested clarification from the applicant regarding the site area provided on the gross floor area (GFA) plan and calculation of GFA. Amended plans were provided to Council on 26 November 2024 reflecting the correct GFA calculations 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 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 (Sustainable Buildings) 2022
- SEPP (Housing) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021.

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

The original application was referred to the Waverley Design Advisory Excellence Panel (DEAP) on 16 April 2024. The DEAP's comment of the proposed development against the nine design quality principles under the Apartment Design Guide (ADG) and a planning response to each comment are set out in **Table 1** of this report. It is noted that the comments in **Table 1** are based on the application as originally submitted.

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

Principle	Panel's Comment	Planning Comment
1. Context and Neighbourhood	*The proposal is located in an area that features diverse architectural layers that have formed over many decades. It positively responds to Principle 1 as follows:* • *The proposed massing provides increased setbacks to front and side boundaries that create opportunities for view sharing and a reduced perception of bulk from the street. NB: view studies will need to be provided to confirm any impacts from the proposed massing on the surrounding properties*	The amended proposal has been designed with generous side and front setbacks to manage the appearance of bulk and scale from the streetscape and from surrounding properties, resulting from the increased height on the site. The proposal has been amended to set in the upper floor level so it appears as a roof addition, rather than an additional floor level. The amended proposal has been designed to maximise opportunities for view sharing and to minimise the extent of

Principle	Panel's Comment	Planning Comment
	• *The location of access points have considered to the neighbours and street conditions, including the existing driveway access to 98 Ramsgate* • *Ground floor unit have a street access / address, providing additional amenity to this dwelling and improved activation to the street* • *Architecture / landscape responds to street through a very generous concept and planting strategy.*	view impacts, as far as practicable, within a compliant building envelope. Council agrees that the landscape architectural design is well resolved and would be a positive addition to the development.
2. Built form and Scale	• *The proposal is mostly consistent with the height controls and setbacks, however any breach of these must demonstrate any impacts to neighbours – specifically in relation to view sharing* • *The proposal presents as three storeys with a setback fourth (upper) level, which is consistent with the objectives of the 'street wall' controls* • *The proposal is articulated in form, with varied and high-quality materiality in its presentation to the street*	The amended proposal complies with the height of buildings development standard, the maximum permitted floor space ratio (FSR) and the *Waverley Development Control 2022* (Waverley DCP 2022) wall height control. The proposal would impact on views obtained from properties located at the rear of the site however the proposal is considered to have been designed to minimise view impacts as far as practicable. The amended proposal has been further articulated at the upper floor level, reducing the bulk and scale of the upper floor level.
3. Density	*The proposal is consistent with the permissible GFA for the site of 0.9:1...*	Noted. The GFA calculation plans have been updated to reflect the site area.
4. Sustainability	• *PV panels are included* • *The nature of the layouts promote extensive natural ventilation and natural light to each level/dwelling* • *Accessibility to the fire stair and scale of the building promotes stair use* • *Landscape, light and air enhances non-dwelling/shared spaces* • *Bicycle parking has been provided*	Noted and agreed. The proposal achieves good cross ventilation and access to natural light. Photovoltaic solar panels are proposed to the roof of the building. The limited levels and access will encourage use of the internal stair. The open gallery spaces and landscape features of the communal area provides for enhanced shared spaces.
5. Landscape	*The proposal does achieve this principle as noted in the SEE. Further the integrated landscaping enhances*	The landscape plan has been designed to integrate with the built form and includes a detailed planting schedule.

Principle	Panel's Comment	Planning Comment
	habitation and movement to / from dwellings	The balcony planters are of an appropriate depth to facilitate growth of species and to enable the design intent of the landscape plan to be achieved.
6. Amenity	• *Layouts provide excellent amenity through access to natural light and ventilation* • *Circulation spaces, including access to the garage are also considered with a high-regard regard to landscape-quality, day-light light and air* • *Interfaces with neighbours have been screened and layouts positioned to minimize overlooking*	Council agrees that the proposed development will provide excellent amenity for future residents of the development. The units comprise generous open plan layouts with multiple living spaces, generously sized bedrooms and balcony spaces. The units have four aspects, with outdoor terraces and balconies leading off internal spaces, providing combined internal external living spaces. Windows include directional privacy screens to manage potential overlooking.
7. Safety	*The proposal does achieve this principle as noted in the SEE.*	Noted.
8. Housing Diversity and Social Interaction	*The proposal does not achieve this principle on its own. However, it is located in an area that includes a diversity of housing types and sizes.* *The proposal does not provide communal open space, however, it is noted that for only four dwellings all of which have large POS and the quality of circulation and entry spaces, this could be considered a reasonable outcome.*	The proposal includes four x three bedroom units and therefore lacks diversity in terms of unit mix and sizes. However, Council considers that the provision of larger sized units and less variety of unit mix would not be to the detriment of the development, given the units provide a varied housing option for families in an area that has a diverse mix of housing options. The lack of communal open space is offset by the significant areas of private open space in a development of four units and is considered appropriate in this instance.
9. Aesthetics	*The proposal uses high quality natural materials and finishes, is articulated and considered in its application. The integration with the landscape throughout facades and outdoor spaces will achieve a positive contribution to the street scape.*	The proposal includes high quality materials, colours and finishes, which will have a positive contribution on the streetscape quality.

Apartment Design Guide

Clause 149 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with 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*	Partial, acceptable on merit	See below the table for discussion.
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	• 100% of units receive at least 2 hours mid winter. • All units have four 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 and balcony spaces to provide natural ventilation. • All units have four aspects with outdoor balcony spaces provided off bedrooms and living spaces and ceiling fans are provided in all habitable rooms.

Design Criteria	Compliance	Comment
		• 100% of the units can be naturally cross ventilated. The proposal uses a combination of full height openable doors, slot windows, skylights and voids to achieve appropriate cross ventilation within the building.
4C Ceiling heights		
• *Habitable rooms – 2.7m* • *Non-habitable rooms – 2.4m*	Yes	The proposed ceiling heights are in excess of the minimum requirements under the ADG.
4D Apartment size and layout		
The following minimum internal areas apply: • *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*	Yes	All units have internal areas in excess of the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable. The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room. All bedrooms meet the minimum requirements in terms of dimensions and area. All kitchens are separate to the circulation spaces. All robes are a minimum of 1.5m. 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: • *3+bed - 12m^2 & 2.4m depth* • *Ground level, min 15m^2 & 3m depth*	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas that meets the minimum requirements of the ADG in terms of area and depth. The proposal comprises extensive balcony spaces in excess of the minimum area and depth requirements. The balconies and courtyards are accessed from the main living areas and all units have balconies or courtyard spaces that face both north and south. The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall. Screens or solid side walls are provided to enhance privacy.

Design Criteria	Compliance	Comment
4F Common circulation and spaces		
• *Max of 8 units accessed off a circulation core on a single level*	Yes	One unit is proposed per level of the development.
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: • *3+bed – 10m^3*	Yes	The proposal provides separate storage within each apartment, including walk-in-robes and separate laundry and cupboard space at the dwelling entry. Storage cages are also allocated at basement level. In combination, the storage provided meets the requirements and objectives of the ADG. A condition of consent is recommended to ensure compliance in this respect.

The following is a detailed discussion of the issues identified in **Table 2** above.

Separation Distance

The upper floor levels of the proposed building comprise landscape planters and terraces that extend into the building's setbacks. For the purposes of measuring separation distances, the measurement is taken from the buildings edge to the boundary, excluding the external lobby and stair in the north eastern corner of the site and the edge of landscaped planters. All measurements are habitable room to habitable room.

The development is separated at **ground floor level** by a distance of 4.956m from the eastern side boundary and 2m from the western side boundary. The **first floor level** is separated by a distance of 3.2m from the eastern side boundary and 2m from the western side boundary. The **second floor level** is separated by a distance of 3.206m to the eastern side boundary and 2m to the western side boundary. The **third floor level** is separated by a distance of 3.78m from the eastern side boundary and 6.1m from the western side boundary.

The ground floor level has a rear setback of 12.382m, measured from the rear glazing line to the northern rear boundary, 10.38m from the balcony edge to the northern rear boundary at first, second and third floor levels. The rear setback provides in excess of the required separation distances under the ADG. The proposed rear facing balconies have a maximum trafficable width of 1m and given the extent of private open space within the front facing balconies, it is unlikely the rear facing balconies would be utilised as the main area of private open space. These balconies are step out areas accessed from the internal rooms to provide cross ventilation. Landscape planters are proposed along the perimeter of the balconies to further reduce overlooking opportunities and to manage potential privacy concerns.

The proposal provides varied separation distances to the side boundaries across each of the levels, responding to the articulation of the built form and the distance separating the site and neighbouring properties. Given the application is across two currently separate lots, the proposed development

provides much greater side setbacks than the existing buildings on the site. Notwithstanding, the proposal incorporates greater side setbacks to the eastern side boundary to provide increased separation distance between the proposed development and No. 104 Ramsgate Avenue, which has a western side setback of 900mm. The western neighbour, No. 94-98 Ramsgate Avenue is separated by a driveway providing access to a basement carpark, separating the building from the eastern side boundary by up to 5m.

Council considers the proposed separation distances and setbacks (side and rear) appropriate given the proposal to consolidate a site that currently comprises two separate RFBs. While the proposal would remove the existing view corridor between No. 100 and No 102 Ramsgate Avenue, the consolidated block provides the opportunity to provide increased side, front and rear setbacks, compared to the existing situation. In addition, all windows on side elevations would be fitted with directional privacy screens to manage potential overlooking and privacy concerns, whilst maintaining cross ventilation. On balance, the proposed separation distances and setbacks are considered acceptable.

SEPP (Resilience and Hazards) 2021

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

A portion of the site's frontage is located within the coastal use area (Clause 2.11) as identified under the SEPP. Clause 2.11(1) states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

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

Matters for consideration	Compliance
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal would not impact on access to Bondi Beach or any part of the foreshore, being one street back from Campbell Parade. Access to the coastal walkway and other elements would remain unaffected by the proposal.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The subject site is orientated north to south, with Bondi Beach located directly south and east of the site. The proposal would not give rise to overshadowing, wind funnelling or the loss of views from the coastal walk or other surrounding areas to the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The visual amenity from the coastal use area would not be affected as a result of the proposal.
(iv) Aboriginal cultural heritage, practices and places,	N/A

Matters for consideration	Compliance
(v) cultural and built environment heritage,	N/A

(b) is satisfied that:

Matters for consideration	Compliance
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The amended application has been designed to manage extent of impacts on neighbouring properties relating to overshadowing, view loss, and privacy, as far as practicable within the compliant built form. The application and would not result in adverse impacts to the coastal use area.

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

The proposal will not have a direct impact on the surrounding coastal area. The built form of the building is in keeping with other similar development in the streetscape. The proposal has been designed with generous side and front setbacks to manage the appearance of bulk and scale from the streetscape and from surrounding properties.

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

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

Table 3: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *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 proposal has a maximum building height of 12.5.
4.4 Floor space ratio and • *0.9:1 (859.14m²)*	Yes	The proposal has a total GFA of 859m² and an FSR of 0.9:1.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is within a Class 5 acid sulfate area. The proposed works are not likely to disturb acid sulfate soils and may be managed

Provision	Compliance	Comment
		through Council's standard conditions of consent.
6.2 Earthworks	Yes	Excavation is proposed on the site to accommodate the new basement garage. A Geotechnical Report was submitted with the application, which considers ground conditions and provides recommendations for further investigations. A condition of consent is recommended to require the works to be undertaken in accordance with the findings and recommendations of that report.
6.14 Waste minimisation and recycling	Yes	The proposal includes a dedicated waste storage area at basement level, which is an appropriate size to enable the appropriate management of waste that would be generated by future occupants of the development.
6.15 Stormwater Management	Yes	The proposal was accompanied by a stormwater management plan and a soil infiltration testing report to assist in determining soil conditions. Conditions of consent are recommended to require the stormwater management plans to be amended with more detail in accordance with the Waverley Council Water Management Technical Manual. The requirements of the clause have been satisfied.
6.17 Affordable housing contributions	Yes	The application was referred to Council's Strategic Planning team to assess against the affordable housing contributions clause. A condition of consent is recommended to require the applicant to make monetary contribution for the purposes of affordable housing in accordance with the Waverley Affordable Housing Contribution rates.

2.1.3. Amendment to Waverley LEP 2012 – Dwelling density in R3 and R4 zones.

As set out in section 1.5, a Planning Proposal (PP-2024-512) to amend the Waverley LEP 2012 was publicly exhibited from 27 June 2024 to 8 August 2024.

The Planning Proposal seeks to update the Waverley LEP 2012 by amending zone objectives and adding a new clause that seeks to preserve dwelling numbers in R3 Medium Density Residential and R4 High Density Residential zones. The Planning Proposal applies to development applications for residential accommodation, other than boarding houses, co-living housing, group homes and residential care facilities.

Specifically, the Planning Proposal seeks to amend the WLEP 2012 as follows:

Section of the Waverley LEP 2012	Existing	Proposed
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Updated objective: To increase or preserve residential dwelling density across the site.
Land Use Table – R4 High Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Updated objective: To increase or preserve residential dwelling density across the site.
Clause - Residential Dwelling Density in R3 and R4 zones	No existing clause.	Introduce a new local provision to prevent the reduction of dwelling numbers in R3 and R4 zones by any more 15% of all existing dwellings on site, rounded up to the nearest whole dwelling.

Following public exhibition and review of submissions to the Planning Proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the Act, in determining a development application, a consent authority is to take into consideration "any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority".

This proposal seeks to reduce dwelling density on the site from a total of eight units across both sites and buildings, to four units. Accordingly, the Planning Proposal to amend the R3 zone objective and the inclusion of the residential dwelling density clause is a matter for consideration for this application.

The applicant's amended SEE considered the application against the existing zone objective and the proposed amended zone objective and assessed the application against the proposed local provision relating to dwelling density as provided under the Planning Proposal. The applicant states that the zone objective relating to dwelling density is not site specific and that the intention of the objective is to increase or preserve residential dwelling density across the R3 zone. The applicant notes that there are numerous single dwelling site DAs that are being redeveloped as multi unit developments which is likely to offset the reduction of dwellings on other sites:

> *"The existing residential flat buildings contain a combined total of eight units with each dwelling comprising one or two bedrooms, totalling 12 bedrooms. The existing units do not meet the current standards for good residential amenity. The apartments have internal floor areas and private open space areas which fall short of the Apartment Design Guide (ADG) requirements. There are also several habitable rooms which do not have an external opening for natural light and ventilation. The buildings also do not have lift access. As all apartments are located above ground level, residents rely on stairs and there is no capacity to accommodate persons with*

disability. There is also no on-site parking. The amenity and accessibility of the existing buildings is therefore inadequate.

The proposed development comprises four three-bedroom units, totalling 12 bedrooms, the same as the existing. These larger dwellings would typically house more occupants, which will appeal to long-term residents and families. Accordingly, in our view, this is a form of preserved dwelling density. Additionally, the residential amenity of the proposed apartments is significantly improved from the existing situation. The proposed units achieve the objectives and controls of residential housing development contained in SEPP (Housing) 2021, Council's LEP and are generally compliant with Council's DCP. The proposed development will introduce lift access and basement car parking. It will also provide compliant ceiling heights, four aspects, ample private open space and landscaped areas, and good levels of natural light and ventilation for each dwelling. Accordingly, the amenity and accessibility of the proposed apartments is exceptionally better than the current units."

The applicant further notes that it would not be possible to provide the same number of dwellings on the site and achieve good amenity for each residence, without a larger building footprint. Instead, flexibility in the strict application of the draft zone objective is appropriate because it will facilitate a development that is more consistent with the desired future character of the area, comparted to the existing situation.

With respect to the introduction of the new local provision *'Residential dwelling density in R3 and R4 zones'*, which prevents a reduction of more than 15% of dwellings on a subject site. Given the existing site comprises eight dwellings, a reduction of two dwellings (15% x 8 dwellings, rounded up to the nearest whole number) would be permitted under the new local provision.

Given that the Planning proposal has not been formally adopted by Council or endorsed by the DPHI, the draft instrument is not considered 'imminent or certain' and therefore the Planning Proposal remains a matter for consideration only, at this point in time.

Council acknowledges that if the site were to be developed separately with two buildings to the permitted envelope, the environmental impacts, particularly overshadowing and view loss are likely to be greater than that proposed under the subject application. In this instance, consideration of application and its consistency with the zone objectives and draft local provision, requires a broader examination of other environmental issues, as listed above, that would be likely to arise if the sites were to be developed to their full development potential.

Council is of the view that whilst the application is not entirely consistent with the zone objective to increase or preserve dwelling density, the proposal would result in the same number of bedrooms within the new development. The proposal presents the opportunity to provide larger three bedroom units, suitable for families, with spacious living and outdoor spaces, resulting in a development that will provide a high level of amenity for future occupants.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal includes a waste storage area at basement level including a motorised device to assist bin movements between the waste storage area and the collection point. The application provides the appropriate number of bins.
2. Ecologically Sustainable Development	Yes	A BASIX Certificate was submitted with the application, setting out energy efficiency and water conservation targets as required under the SEPP. The proposal incorporates passive design, providing openings to all facades with good cross ventilation and solar penetration. The plans indicate the provision of ceiling fans in all habitable rooms. A condition is included in the recommendation 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	The application proposes removal of nine trees, relocation of two trees and the retention of nine trees in the site's frontage, rear yard and on neighbouring properties. Council's Tree Management Officer raised no objection to the application and recommended that the street trees be removed and replaced with more appropriate species, due to poor health of the existing trees. The landscape plan proposes extensive planting at ground floor level and provision of deep soil landscaped area, capable of supporting the planting of mature tree species. In addition, the site is adjacent to an identified habitat corridor. Council's Biodiversity Officer reviewed the application, noting that the landscape plans comply with the habitat corridor controls.
5.Water Management	Yes	The site is within the 1% AEP flood extents, as identified under the Waverley LGA Flood Study 2021. Council's Stormwater Engineer reviewed the application and raised no objections subject to the recommended conditions of consent.

Development Control	Compliance	Comment
6. Accessibility and Adaptability	Yes	The applicant states that proposal complies with the relevant access requirements and provides lift access at every floor level.
7. Transport **7.1 Streetscape** **7.2 On-Site Parking** **7.2.1 Vehicle Access** **7.2.2 Parking Rates** *Maximum parking rate:* • *Residential: 6 spaces* • *Visitor: 0 spaces (less than 5 units)* **7.2.5 Motorcycle Parking** • *Two spaces* **7.2.6 Bicycle Parking** • *4 spaces* **7.4 Pedestrian/Bicycle Circulation and Safety** **7.8 Electric Vehicle Charging Points**	Yes	The off-street basement parking level is acceptable. The driveway would remove one on-street car parking space. The subject site is located within Parking Zone 2. The driveway crossover is acceptable. The development provides seven off-street parking spaces, including one accessible and one visitor parking space. The number of residential parking spaces exceeds the control by one and visitor parking is provided when not required, which is not supported. A condition shall be imposed reducing overall parking on-site to a maximum of 6 spaces (ie one less than proposed), with 6 allocated to residential units and 0 allocated to visitor parking. The basement car parking provides five bicycle spaces, and two motorcycle spaces and complies with the control. There is electric car charging point adjacent to the electric car charging point.
8. Heritage	Yes	The site is not heritage listed but is located opposite the Bondi Beach Urban Conservation Area. The site is also opposite local heritage items (I87 and I88) Inter-war Art Deco style RFB. The proposal is well resolved with significant planting and sympathetic materials and finishes. The proposal is not anticipated to impact on the heritage significance or value of the heritage items opposite the site or the urban conservation area.
9. Safety	Yes	Satisfactory.
11. Design Excellence	Yes	The amended proposal responds more appropriately to the existing streetscape context. The proposal is a contemporary semi-detached dwelling with quality materials and finishes and is considered to achieve design excellence.
13. Excavation	No, acceptable on merit	The site is subject to the previous Waverley DCP 2022 Amendment, which included a maximum excavation volume of 954.7m³ (the site area) for this development. The application proposes a total volume of approximately 1848m³. The

Development Control	Compliance	Comment
		applicant's SEE states that 216.31m³ of excavation relates to the rear garden, swimming pool and overland flow path adjustments and the remaining excavation will be within the building footprint. The basement level complies with the minimum setback requirement of 1.5m, except for the vehicular ramp access to the basement, which is a permitted exception to the 1.5m side setback control. The previous DCP Amendment has been updated and the maximum volume control removed from the DCP. Notwithstanding the non-compliance under the previous DCP Amendment, the overall extent of the basement level is not excessive and does not provide unreasonable plant, storage and parking area. The basement level is acceptable.

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*	Yes	The site has a frontage of 24m and complies with the control.
2.2 Height		
• *Maximum external:* *R3/12.5m – 9.5m*	Yes	The proposal has a maximum wall height of 9.5m, measured from the existing ground level to the top of the parapet below the upper roof level.
2.3 Setbacks		
2.3.1 Street setbacks • *Consistent street setback*	Yes	The proposal is appropriately setback from the street, providing a greater setback than the predominant front building line setback.
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 Yes Yes	*Refer to Part 3F of the ADG discussion on Separation Distance.* The proposal includes a 2m wide deep soil zone along the whole of the eastern side boundary. On the western side boundary, landscaped area is proposed from the front boundary up to the 15m into the site due to the basement level below, then deep soil zone is proposed from the 15m point to the rear boundary line.
2.4 Length and depth of buildings		
• *Maximum building length: 24m*	Yes	The building has a maximum length of along the street of 14.4m.

Development Control	Compliance	Comment
• *Façade to be articulated* • *Maximum RFB depth: 18m*	Yes No, acceptable on merit	The building façade as it presents to the street, side and rear elevations is well articulated and incorporates varied materials, finishes and landscaped elements to soften the built form. The building has a maximum depth of up to 22m (varied at each level), measured from the edge of front balcony planters to the rear balcony planters. The proposed depth is reasonable, given the extent of rear setbacks and articulation of the built form.
2.5 Building design and streetscape		
• *Respond to streetscape* • *Sympathetic external finishes*	Yes Yes	The proposal presents a contemporary architectural style to the streetscape but is reflective of an emerging architectural style in the locality. The external finishes respond appropriately to the streetscape context and character of the area.
2.7 Fences and walls		
Front fence: • *Maximum height 1.2m* • *Maximum 2/3 solid* *Side fence:* • *Maximum height: 1.8m* *Rear fence:* • *Maximum height: 1.8m*	Yes Partial, acceptable on merit	The proposed front fence has a maximum height of 1.24m, two-thirds of which is solid, and the remaining portion fitted with vertical metal blades. The east elevation existing retaining wall has a maximum height of 1.95m towards the rear of the building, and to the rear of that the fence line will extend to 2.5m, and as the site steps up the fence tapers to 1.828m. The existing retaining wall on the west elevation, timber paling fence and existing metal fence to the rear will be retained and repainted. The height differences across the side boundaries is appropriate to retain as the fence lines respond to the changing levels across the site and will provide privacy to occupants and neighbouring properties.
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 Yes Yes Yes	The entry path to the site is accessible and located on the eastern side of the building and is appropriately located to respond to the pattern of site access within the street. It is separate to the vehicular entry, which is located on the western side boundary and will visible, and safe.
2.9 Landscaping		

Development Control	Compliance	Comment
• *Comply with part B3-Landscaping and Biodiversity* • *Minimum of 30% of site area landscaped: 286.38m²* • *50% of the above is to be deep soil: 143.19m²*	Yes Yes Yes	The proposal includes approximately 477m² of landscaped area, inclusive of landscaped planters at the upper floor levels and approximately 237m² of deep soil area at ground floor level. The site comprises well in excess of the minimum requirement for landscaped area.
2.10 Communal open space		
• *Minimum 15% communal (R3 zone): 143.21m²* • *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 subject to amenity impacts.*	No, acceptable on merit	The proposal does not comprise space dedicated solely to communal open space. The plans identify space at ground floor level as 'communal open space', including the entry gallery, an area to the rear of the fire stairs and a small strip of landscaped area at the front western portion of the site, adjacent to the driveway. While these areas are communal, they are not consolidated, do not receive solar access or comply with the minimum dimensions. Notwithstanding, each unit comprises significant allocation of private open space, in the form of a front and rear terrace, swimming and yard space at ground floor level, front and rear facing balconies at first and second floor levels and balcony space that spans the perimeter of the fourth roof level. In addition, the location of the site and proximity to recreational opportunities, limits the need for communal open space. Accordingly, the absence of 'useable' communal open space in this instance is acceptable.
2.11 Private Open Space - REFER TO PART 4E OF THE ADG		
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 Yes N/A Yes Yes	The proposed basement parking is integrated into the design of the development, with the vehicular access ramp provided along the western side boundary and largely concealed from the street frontage. The ramp provides one x 2 way vehicle access. The driveway entry has been revised to avoid conflicts with the existing light pole at the front of the site and a visual splay is provided at the driveway entry to increase visibility of pedestrians. Deep soil zones are provided along the side setbacks in accordance with the control.
2.13 Solar access and overshadowing - REFER TO PART 4A OF THE ADG		

Development Control	Compliance	Comment
• *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 Yes	The proposal would not reduce solar access to solar collectors on neighbouring properties by more than 2 hours in mid-winter. The submitted shadow diagrams demonstrate that the proposal would cast additional shadowing to the Rose Bay Surf Club car park, opposite the site at 9am in mid-winter. At midday, the proposal would shadow the road reserve, as well as one ground floor window and all first floor level north-west elevation windows of No. 104 Ramsgate Avenue at midday in mid-winter. At 3pm, there would be some additional shadow to the rear yard of No. 104 Ramsgate Avenue and to the roof of the RFB. It is noted that the submitted shadow diagrams were based on the original application prior to the amendments to set in the upper level therefore the extent of shadowing is likely to be less under the amended proposal. In addition, the proposal would slightly reduce the extent of shadowing to the front setback of the subject site and No. 104 Ramsgate Avenue aat 3pm in mid-winter.
2.14 Views and view sharing		
• *Minimise view loss through design* • *Views from public spaces to be maintained*	*See below*	The amended proposal would give rise to view impacts. *See below the table for further discussion.* Views form public spaces would be unaffected by the proposal.
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 density, separation use and design* • *Prevent overlooking of more than 50% of private*	Yes Yes Yes Yes	All proposed units are orientated to the street. The entrance to the building is located at the rear north eastern part of the site and accessed via open gallery spaces enabling passive surveillance. The proposal includes balconies facing the front and rear of the site. The balconies facing the front are the main areas of private open space, with the rear facing balconies including edge planting to minimise opportunities for overlooking of the ground floor unit and neighbouring properties. As discussed, there will be some overlooking of upper levels to the ground floor unit however the extent of this has been minimised as far as practicable due to the limited width of rear facing balconies and therefore the unlikelihood that the

Development Control	Compliance	Comment
open space of lower-level dwellings in same development		rear facing balconies will be used as frequently as the larger front facing balconies.
2.16 Dwelling size and layout - REFER TO PART 4D OF THE ADG		
2.17 Ceiling Heights - REFER TO PART 4C OF THE ADG		
2.18 Storage - REFER TO PART 4G OF THE ADG		
2.19 Acoustic privacy		
• *Internal amenity by locating noisy areas away from quiet areas*	Yes	The proposal has been designed to maximise acoustic privacy and amenity for future residents and neighbouring dwellings as far as practicable. There is one unit per floor across the development and therefore the extent of noise transmitting between units is considered minimal.
2.20 Natural Ventilation - REFER TO PART 4B OF THE ADG		
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* • *Outdoor Communal clothes drying area to be provided* • *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*	Acceptable	Building services have been integrated into the design and provided at basement level, including waste storage room, communications and hydrant sprinkler services. The site does not comprise outdoor clothes drying; however, each residential unit comprises a laundry and space for clothes drying. The main plant equipment is provided basement level. Water and gas meters are included in the front setback adjacent to the stair access to the basement. Water and gas meter and electrical services are provided in the same location across each level of the development and are screened. The roof comprises photovoltaic panels in the centre of the roof and lift overrun. A condition of consent is recommended to ensure the PV panels do not exceed the maximum height of the 12.5m. The basement level is not considered excessive for the size of the development. The plant and comms rooms are of an appropriate scale.

Development Control	Compliance	Comment
equipment for maintenance.		

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 proposal is one of a number of new developments in the streetscape, that introduces a contemporary built form. The proposal includes an increased front setback and side setbacks and is considered to respond to the varied streetscape rhythm. The proposal would achieve a high level of amenity for future occupants of the site. The proposal would give rise to view impacts, for RFBs located at the rear, however the increased side and front setbacks would provide some visual relief form the appearance of bulk and scale. The proposal is for a new development and does not propose alterations to the roof space.
Controls (a) *Communal landscaped gardens are required within the front setback.* *(b) Private open space is permitted to encroach 2.5m into communal landscaped front setback provided the front setback is a minimum of 6m from the street boundary.* *(d) Buildings should have pitched roofs with red tiles in keeping with the existing character of the area.* *(f) The established patterns of materiality and colour where there are existing rows of consistency along a street are to be maintained.*	No, acceptable on merit N/A No, acceptable on merit Yes	The proposal includes a landscaped front setback which is for the exclusive use of the ground floor unit. This approach is appropriate in this instance, given the limited number of units in the development and the substantial elevated private open spaces afforded to each unit. The proposal is a for a flat roof, which is in keeping with a number of new developments in the streetscape, and to the rear of the site on Brighton Boulevard. The flat roof design assists in minimising the extent of view impacts particularly for sites to the rear. The flat roof design is considered appropriate in this instance. As noted above, there a number of similar developments emerging in the streetscape, with similar architectural features and resolution. The proposal provides high quality materiality and finishes and landscape design and is acceptable.

The following is a detailed discussion of the issues identified in the compliance tables above.

View impacts

As set out in section 1.5, Council received a number of submissions from surrounding residents with respect to view impacts and view sharing loss relating to the proposed development. Council subsequently requested a VIA be prepared and submitted considering the views currently obtained from impacted properties and those that access was provided, in accordance with the NSW LEC, *Tenacity v Warringah Council* [2004] NSWLEC 140, and the four steps in assessing view affection:

1. *Assessment of the views affected*
2. *From what part of the property are the views obtained?*
3. *The extent of the impact*
4. *The reasonableness of the proposal.*

The VIA provided details of the first three steps and the applicant's SEE provided an assessment regarding the reasonableness of the proposal.

The VIA was undertaken from a number of units within the following RFBs located to the rear of the subject site:

- No. 65-75 Brighton Boulevard, Bondi Beach, including Units 17, 18, 19, 21, 22, 23 and 24.
- No. 77-79 Brighton Boulevard, Bondi Beach, including Units 9 and 10.

Council undertook a site visit of the above listed properties on 29 October 2024 to inspect the views currently obtained from the impacted properties and to verify the accuracy of the images used to inform the VIA. Council confirms that the images presented in the VIA are accurate and reflect the views currently obtained from these properties and the various vantage points (VPs), which are numbered throughout the VIA, depending on the view they're presenting.

An amended VIA was received on 29 October 2024 to respond to the amended plans and further setting in of the upper floor level. The images provided below are taken from the updated VIA, where available, with several properties not included in the amended VIA, as the amendments to the scheme would not alter the views considered from these properties, including Units 17, 18 and 19 of No. 65-75 Brighton Boulevard, Bondi Beach and Units 9 and 10 of 77-79 Brighton Boulevard.

In addition, Council acknowledges the potential for impacts to views from the adjacent RFB at 'Equinox' No. 94-98 Ramsgate Avenue, which was not included in the VIA, however, has been considered in Council's assessment below.

The following provides an analysis of view impact from the affected properties, including photomontage images of the most representative of impacted VPs as considered in the VIA, including the proposed development and a compliant alternative envelope, the purpose being to demonstrate the extent of built form that would be permitted on the site, should the sites be developed with two separate buildings, followed by an assessment of the reasonableness of the proposal.

No. 65-75 Brighton Boulevard - Unit 17

The VIA considered views that are currently obtained from the following VPs within Unit 17:

- Balcony (sitting and standing), partial water view (slither) view over the roof of subject site. The view is filtered by buildings and trees.
- Living area (sitting and standing), partial water view (slither) to the east.
- Bedroom (sitting), partial water view between the existing buildings at No. 100-102 Ramsgate.



Figure 7: Unit 17, balcony standing view (VP 50) with original proposal in wireframes.



Figure 8: Unit 17, balcony standing view (VP 50) with compliant envelope.

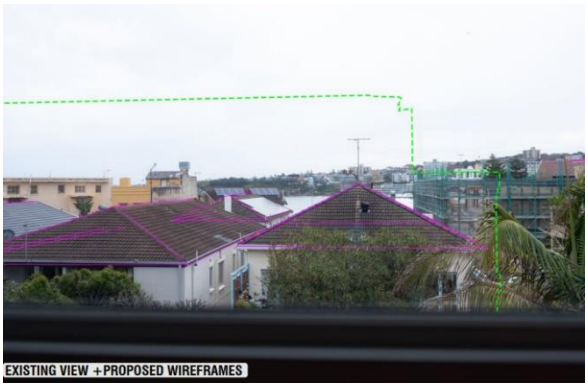


Figure 9: Unit 17, bedroom sitting view (VP 55) with original proposal in wireframes.



Figure 10: Unit 17, bedroom sitting view (VP 55) with compliant envelope.

From VPs 50 and 55, both the proposed development (see **Figure 11** and **Figure 9**) would remove the partial water views and the top floor of the development with a compliant envelope (see **Figure 12** and **Figure 10**) would remove the view from this property.

No. 65-75 Brighton Boulevard - Unit 18

The VIA considered views that are currently obtained from the following VPs within Unit 18:

- Balcony (sitting and standing), partial water and land-water interface view. The view is filtered by buildings and trees.
- Living area (sitting and standing), partial water and land-water interface view. The view is filtered by buildings and trees.
- Bedrooms 1 and 2, partial water and land-water interface view. The view is filtered by buildings.



Figure 11: Unit 18, balcony standing view (VP 43) with original proposal in wireframes.



Figure 12: Unit 17, balcony standing view (VP 43) with compliant envelope.



Figure 13: Unit 18, living room standing view (VP 46) with original proposal in wireframes.



Figure 14: Unit 18, living room standing view (VP 46) with compliant envelope.

The proposed development would remove the eastern most water view shown in VP 43 (see **Figure 11Figure 9**) but would retain the water-land interface. Compared to the compliant envelope (see **Figure 12** and**Figure 14**) the proposed development, with the increased western side setbacks and further reduction to the upper floor level (not pictured) would yield a better view impact outcome for Unit 18.

No. 65-75 Brighton Boulevard - Unit 19

The VIA considered views that are currently obtained from the following VPs within Unit 19:

- Balcony (sitting and standing), partial water view above the roofs of subject site. The view is heavily filtered by buildings and trees.
- Living area (sitting and standing), partial water view above the roofs of subject site. The view is heavily filtered by buildings and trees.
- Bedrooms 1 and 2, similar partial water views across both rooms between buildings to the east. The view is heavily filtered by buildings and trees.



Figure 15: Unit 19, balcony standing view (VP 36) with original proposal in wireframes.



Figure 16: Unit 19, balcony standing view (VP 36) with compliant envelope.

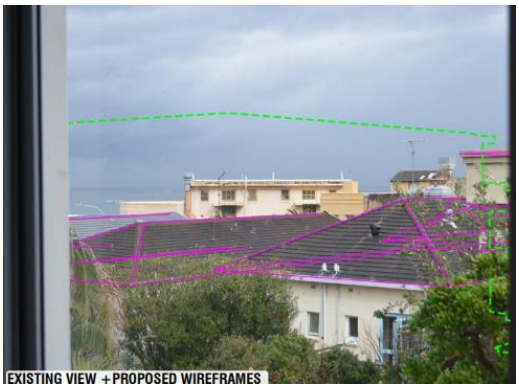


Figure 17: Unit 19, bedroom 2 standing view (VP 41) with original proposal in wireframes.



Figure 18: Unit 19, bedroom 2 standing view (VP 41) with compliant envelope.

Both the proposed development and compliant envelope would remove views to the water as shown in VP 36 and 41 (see **Figure 15** and **17**). The view loss outcome would be the same under the proposed development and a compliant envelope. **Figure 9**

No. 65-75 Brighton Boulevard - Unit 21

The VIA considered views that are currently obtained from the following VP within Unit 21:

- Balcony (sitting and standing), partial water, horizon and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings in the area.



Figure 19: Unit 21, balcony standing view (VP 33) with amended proposal in blue wireframes.



Figure 20: Unit 21, balcony standing view (VP 33) with proposed and overlaid compliant envelope.

From VP 33, both the compliant envelope's roof form and the proposal's top floor would remove the bottom section of the view to the east (see **Figure 19** and **Figure 20**). The majority of water, horizon and beach view as well as the rocky outcrop to the south would remain unaffected. **Figure 9**

No. 65-75 Brighton Boulevard - Unit 22

The VIA considered views that are currently obtained from the following VPs within Unit 22:

- Balcony (sitting and standing), partial water, horizon and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings and trees.
- Bedroom (sitting and standing), partial water, horizon and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings and trees.



Figure 21: Unit 22, balcony standing view (VP 25) with amended proposal in blue wireframes.



Figure 22: Unit 22, balcony standing view (VP 25) with proposed and overlaid compliant envelope.

From VP 25, the compliant envelope's roof form would remove the bottom section of the view to the east (see **Figure 20**). Compared to the compliant envelope, the upper floor of the proposal would retain slightly more water view than a pitched roof compliant envelope The majority of water, horizon and beach view as well as the rocky outcrop to the south would remain unaffected. **Figure 9**

No. 65-75 Brighton Boulevard - Unit 23

The VIA considered views that are currently obtained from the following VPs within Unit 23:

- Balcony (sitting and standing), partial water and beach views with water-land interface and rocky outcrop to the south. No views obtained from seated position (as assessed). The view is filtered by buildings.
- Bedroom (standing), partial water, horizon and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings.



Figure 23: Unit 23, balcony standing view (VP 23) with amended proposal in blue wireframes.



Figure 24: Unit 23, balcony standing view (VP 23) with proposed and overlaid compliant envelope.



Figure 25: Unit 23, bedroom standing view (VP 24) with amended proposal in blue wireframes.



Figure 26: Unit 23, bedroom standing view (VP 24) with proposed and overlaid compliant envelope.

From VP 23, the compliant envelope's roof form and top edge of floor below would remove most of the filtered water view and part of the land-water interface view (see **Figure 24**). From VP 24, the proposal would remove the eastern half of the filtered water view and part of the land-water interface view (see **Figure 26**).

The proposals top two floors will have less view impact on the eastern and western sides compared to the compliant envelope (see **Figure 24** and **26**). **Figure 9**

No. 65-75 Brighton Boulevard - Unit 24

The VIA considered views that are currently obtained from the following VPs within Unit 24:

- Balcony (sitting and standing), partial water and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings.
- Living area (standing), partial water, horizon and beach views with water-land interface and rocky outcrop to the south. The view is filtered by buildings and trees.



Figure 27: Unit 24, balcony standing view (VP 16) with amended proposal in blue wireframes.



Figure 28: Unit 24, balcony standing view (VP 16) with proposed and overlaid compliant envelope.



Figure 29: Unit 24, living sitting view (VP 20) with amended proposal in blue wireframes.

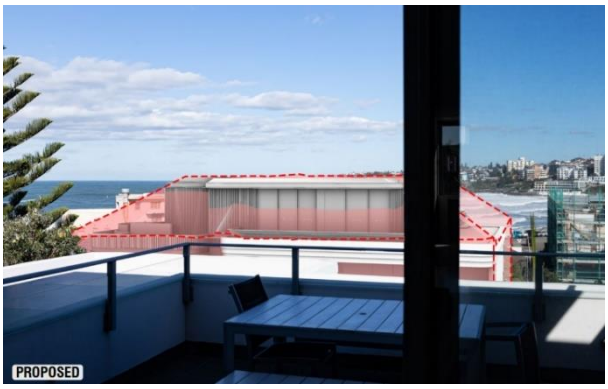


Figure 30: Unit 24, living sitting view (VP 20) with proposed and overlaid compliant envelope.

From VP 16, the compliant envelope's roof form and top edge of floor below would remove most of the filtered water view and part of the land-water interface view (see **Figure 28**). From VP 20, the proposal would remove part of the eastern half of the filtered water view and part of the land-water interface view (see **Figure 26**).

When compared to the compliant envelope, the proposals top floor will have a similar view impact, with a similar view impact on the eastern side and less impact on the western side (see **Figure 28** and**Figure 26**). **Figure 9**

No. 77-79 Brighton Boulevard - Unit 9

The VIA considered views that are currently obtained from the following VPs within Unit 9:

- Living area (sitting and standing), partial water and land-water interface views. The view is filtered by buildings and trees.
- Bedroom (standing), partial water and land-water interface views. The view is filtered by buildings and trees.



Figure 31: Unit 9, living standing view (VP 2) with original proposal in wireframes.

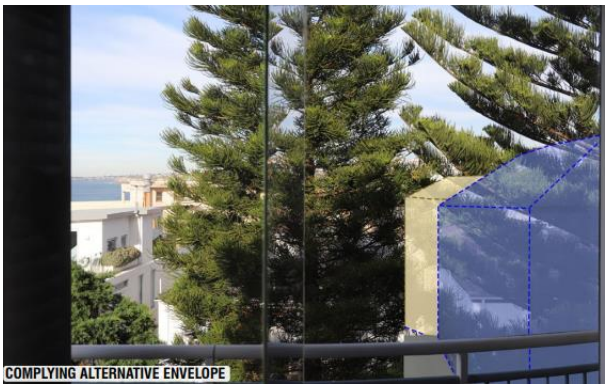


Figure 32: Unit 9, living standing view (VP 2) with compliant envelope.



Figure 33: Unit 9, bedroom balcony view (VP 5) with original proposal in wireframes.



Figure 34: Unit 9, bedroom balcony view (VP 5) with compliant envelope.

From VPs 2 and 5, the proposed development and the compliant envelope would retain the views of the water to the east. The compliant envelope roof form would remove the filtered view of the beach (see **Figure 34**) however the proposal would largely retain the eastern water views and water-land interface view.

No. 77-79 Brighton Boulevard - Unit 10

The VIA considered views that are currently obtained from the following VPs within Unit 10:

- Balcony (standing), partial water and land-water interface views. The view is filtered by buildings and trees.
- Dining (sitting and standing), partial water and land-water interface views. The view is heavily filtered by buildings and trees. Mullions
- Kitchen, district views towards the west, heavily filtered by buildings and trees.
- Living (standing and sitting), partial water views, heavily filtered by buildings and trees.



Figure 35: Unit 10, living standing view (VP 13) with original proposal in wireframes.



Figure 36: Unit 10, living standing view (VP 13) with compliant envelope.



Figure 37: Unit 10, living area view (VP 15) with original proposal in wireframes.



Figure 38: Unit 10, living area view (VP 15) with compliant envelope.

The top two levels of the compliant envelope (**Figure 36** and **Figure 38**) would remove the views described above. The same view loss impact would result from the proposed development (see **Figure 35** and **33**).

Equinox, No. 94-98 Ramsgate Avenue

Council received submissions from a number of residents of the Equinox development. The VIA did not include properties located within this development located at No. 94-98 Ramsgate Avenue, however it is acknowledged that Unit 15 located on the third floor at the south eastern side of the building adjacent to the subject site and Unit 13, also located on the third floor at the north eastern side of the building, adjacent to the subject site, both obtain views to the south and east that may be impacted by the proposal.

Notwithstanding, it is considered that both Unit 13 and 15 would retain views across the front boundary and Unit 15 would retain some views across the eastern side boundary, given that the proposal includes an increased front setback over 2m compared to the existing buildings on the site. Any existing views over the side boundary and the roofs of the subject site may be impacted however as recognised in the Tenacity Planning Principle, views obtained across side boundaries are more difficult to protect than those obtained from the front and rear boundaries. Council considers that views would be maintained from the front boundary to the south and any east facing views obtained from the side of the balcony may be partially retained with the increased front setback of the proposed development.

Reasonableness of the proposal

The above indicates a varied extent of impact resulting from the proposed development across the properties considered in the VIA. The majority of the assessed properties would retain some water and land-water interface views, with three properties (Units 17 and 19 of No. 65-75 Brighton Boulevard and Unit 10 of 77-79 Brighton Boulevard) experiencing full loss of their views. It is noted that the existing views obtained from these properties are heavily filtered by buildings and trees/vegetation and are not expansive views. All other properties would retain some views of the water and land-water interface at varying degrees of impact, depending on the proximity to the proposed development.

The amended proposal has reduced the extent of view impact on a number of properties, compared to the original application, including Units 21, 22, 23 and 24 of No. 65-75 Brighton Boulevard as a result of the increased setback of the upper floor.

Importantly, the above demonstrates that when compared to the alternative compliant envelopes, presented with a pitched roof and 9.5m wall height, the proposed development would yield a better view loss outcome than the alternatives, including the possibility of the sites being redeveloped with two separate buildings to a compliant height of 12.5m. The proposal provides increased side setbacks allowing view corridors on the eastern and western sides of the proposal, compared to the alternative compliant envelopes.

The proposal complies with the height of buildings development standard of 12.5m measured from the EGL to the top of the lift overrun, a compliant wall height of 9.5m under the Waverley DCP 2022, measured from the EGL to the top of the third floor parapet and a compliant FSR of 0.9:1. Accordingly, the amended proposal is considered reasonable as it complies with the key development standards and controls under the Waverley LEP 2012 and Waverley DCP 2022, provides for a better view loss outcome compared to the original application and is 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 application was notified for 21 days between 4 March and 2 April 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, including the VIA, the application was re-notified to individuals that made an objection in response to notification of the original application. The plans and amended documentation were renotified for seven days; however, Council continued to accept public submissions beyond the seven-day period.

The latest amended plans and documentation received by Council were not formally re-notified because the amended proposal represents a lesser impact than that of the original form that was publicly notified. In addition, Council undertook a site inspection of the properties included in the VIA and advised the property owners/occupants of further amended plans having been received, including the following amend:

- The setback of the upper floor roof level was increased, bringing the wall height into compliance and reducing the extent of view impacts for properties at the rear of the site, along the eastern and western sides of the upper level.
- The VIA was amended for the properties affected by the upper floor roof level, to reflect the amended architectural plans and increased setback of the upper roof level to demonstrate the reduction in view impact.
- Further details provided in relation to stormwater management as requested by Council.
- Further details provided regarding driveway ramp gradients and amendment made to avoid the existing light pole at the front of No. 100 Ramsgate Avenue.

Council received 50 separate email correspondence in relation to the application. Of the 50 emails received, 48 unique submissions were received objecting to the proposal. The remaining correspondence related to requests for additional time or general enquiries. A number of objectors provided multiple objections, as reflected in the table below:

Table 7: Submission details

Count	Property Address	Number of submissions
1.	2/65-75 Brighton Boulevard, Bondi Beach	1 submission
2.	9/65-75 Brighton Boulevard, Bondi Beach	1 submission
3.	13/65-75 Brighton Boulevard, Bondi Beach	2 submissions
4.	17/65-75 Brighton Boulevard, Bondi Beach	2 submissions
5.	18/65-75 Brighton Boulevard, Bondi Beach	2 submissions
6.	19/65-75 Brighton Boulevard, Bondi Beach	3 submissions
7.	21/65-75 Brighton Boulevard, Bondi Beach	2 submissions
8.	22/65-75 Brighton Boulevard, Bondi Beach	2 submissions
9.	23/65-75 Brighton Boulevard, Bondi Beach	3 submissions
10.	24/65-75 Brighton Boulevard, Bondi Beach	3 submissions
11.	Unit no. withheld/65-75 Brighton Boulevard, Bondi Beach	1 submission
12.	Unit no. withheld/94-98 Ramsgate Avenue, Bondi Beach	1 submission
13.	Unit no. withheld/94-98 Ramsgate Avenue, Bondi Beach	1 submission
14.	5/94-98 Ramsgate Avenue, Bondi Beach	1 submission
15.	7/94-98 Ramsgate Avenue, Bondi Beach	1 submission
16.	10/94-98 Ramsgate Avenue, Bondi Beach	1 submission
17.	13/94-98 Ramsgate Avenue, Bondi Beach	1 submission
18.	15/94-98 Ramsgate Avenue, Bondi Beach	4 submissions
19.	2/104 Ramsgate Avenue, Bondi Beach	1 submission
20.	4/104 Ramsgate Avenue, Bondi Beach	2 submissions
21.	Owners Corporation, SP74955, 65-75 Brighton Boulevard, Bondi Beach	1 submission
22.	8/77-79 Brighton Boulevard, Bondi Beach	1 submission

23.	9/77-79 Brighton Boulevard, Bondi Beach	3 submissions
24.	10/77-79 Brighton Boulevard, Bondi Beach	2 submissions
25.	Rose Bay Surf Club Limited, 250 Campbell Parade, Bondi Beach	1 submission
26.	Unit no. withheld/57 Brighton Boulevard, Bondi Beach	1 submission
27.	2/2 Simpson Street, Bondi Beach	2 submissions
28.	79 Roscoe Street, Bondi Beach	1 submission

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

- The proposal exceeds height of buildings and FSR development standards under the Waverley LEP 2012.
- The proposal exceeds the requirements of the ADG.
- The proposal exceeds the maximum wall height control and setback controls provided under the Waverley DCP 2022.
- Impacts on iconic views and water-land interface views resulting from the additional level, wall height and various non-compliances.
- The proposal does not achieve view sharing.
- No assessment of view loss in accordance with the LEC Tenacity Principle.
- Bulk and scale and impacts on streetscape character that comprises predominantly three storey development.
- Loss of sunlight and solar access to adjacent properties, including units at ground floor level and open space.
- Impacts on heritage values of the Rose Bay Surf Club and the adjacent Heritage Conservation Area.
- Non-compliant setbacks and building separation.
- Noise impacts and disturbance resulting from the proposed development, balconies and swimming pool.
- Loss of privacy as a result of overlooking from windows and extensive balconies. Privacy screens should be fixed.
- Lack of landscaped area/green space.
- Overshadowing to neighbouring properties.
- Reduction of dwelling density on the site.
- Excessive excavation impacting on the structural integrity of adjacent properties.
- Proposed excavation does not comply with the maximum volume and setback controls.
- No visitor parking is provided.
- The proposal contradicts sustainable development principles.

- The submitted VIA does not adequately capture the loss of views from inside my apartment.
- The proposal detracts from the scenic qualities of the beach.

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

Issue: The proposal will impact on property values.

Response: Property values and potential devaluation is acknowledged as an issue raised in a number of submissions however property valuation is not a planning matter for consideration under the Act.

Issue: The period of time given to respond to notification is inadequate.

Response: The notification period for the original proposal was 21 days in accordance with the *Community Engagement Strategy 2023*. Upon receipt of amended plans and the VIA, Council sent renotification letters to individuals that made a submission on the original application. Council carried out a site inspection of the affected properties considered in the VIA and continued to accept submissions throughout the assessment of the application.

Issue: The VIA was not representative of views obtained from my property.

Response: As noted above, Council visited all properties included in the VIA to verify accuracy of the images used and inspected other properties in the surrounding area as part of the assessment of the application.

Issue: The proposal is an overdevelopment of the site. The proposal exceeds the height by an entire floor. Larger building envelope is proposed compared to the existing buildings on the site.

Response: The proposal complies with the maximum height of buildings development standard with an overall height 12.5m. The development standard permits four-storey development.

Issue: Essential services, infrastructure and use of road. These issues are not considered in the application.

Response: The application was accompanied by a stormwater management plan and a traffic and transport report. The details contained in these documents are satisfactory to Council. Conditions of consent will be included in the recommendation to require further details to be provided to satisfy the requirements to obtain a construction certificate.

Issue: Construction impacts are not addressed.

Response: Conditions of consent are recommended to require preparation of a construction management plan and a soil and water management plan for approval by the certifier. These plans are to be made available to Council upon request.

Issue: Noise concerns over the proposed swimming pool.

Response: The proposed swimming pool would be for the sole use of the ground floor unit. The swimming pool is set amongst existing and proposed landscaping. The use of the pool on this property is not anticipated to give rise to unacceptable noise concerns.

Issue: Difficulty accessing the documents on the DA Tracker.

Response: Council contacted the objector to assist with accessing the documents.

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

The amended application was referred to Council's Traffic Engineer. No objections were raised subject to the recommended conditions of consent.

3.2. Stormwater

The amended application and accompanying stormwater details were referred to Council's Stormwater Engineer. The proposed development is within the 1% AEP flood extents. No objections were raised subject to the recommended conditions of consent, including the flooding conditions to ensure the development does not have adverse effects on the existing flood behaviour.

3.3. Tree Management

The amended application was referred Council's Tree Management Officer. No objections were raised with the proposed tree removal. Council notes that three of the existing street trees are in poor health and require replacement. Conditions of consent are recommended to require the protection of retained trees and replacement of identified street trees and the associated payment of a tree bond.

3.4. Biodiversity

The original application was referred to Council's Biodiversity Officer. The submitted Landscape Plan complies with the relevant controls for sites within a habitat corridor. No objections were raised in relation to the application.

3.5. Waste

The amended application was referred to Council's Waste Management Officer. No objections were raised subject to the recommended conditions of consent.

3.6. Strategic Planning

Councils Strategic Planning Team reviewed the application and recommended an affordable housing contribution be paid to offset the loss of affordable housing on the site. A condition of consent is recommended to this effect.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and 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 24 September and 8 October 2024 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
		
Alana Jelfs	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 26 November 2024	**Date: 27 November 2024**	**Date: 2 December 2024**

Reason for WLPP referral:

1. Contentious development (10 or more objections)

OFFICE USE ONLY

Planning Portal Data		
Excavation Register	1848m³m^3 of excavation approved	
		Pre-existing non-compliance
	X	Located within the building footprint

		No change to overall building envelope
	X	No unreasonable impacts on the amenity of adjoining properties or streetscape
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	No	
Was there a 'Conflict of Interest' declared	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

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION** The development must be in accordance with: (a) Architectural Plans prepared by MHN Design Union of Project No: 23-071 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000, Rev D	Cover Page	26.11.2024	27.11.2024
DA 1000, Rev D	Site Plan	26.11.2024	27.11.2024
DA 1004, Rev D	Tree Management Plan	26.11.2024	27.11.2024
DA 2000, Rev C	Basement Plan	26.11.2024	27.11.2024
DA 2001, Rev C	Ground Floor Plan	26.11.2024	27.11.2024
DA 2002, Rev C	Level 1 Floor Plan	26.11.2024	27.11.2024
DA 2003, Rev C	Level 2 Floor Plan	26.11.2024	27.11.2024
DA 2004, Rev C	Level 3 Floor Plan	26.11.2024	27.11.2024
DA 2005, Rev C	Roof Plan	26.11.2024	27.11.2024
DA 3000, Rev C	Elevation South	26.11.2024	27.11.2024
DA 3001, Rev C	Elevation East	26.11.2024	27.11.2024
DA 3002, Rev C	Elevation North	26.11.2024	27.11.2024
DA 3003, Rev C	Elevation West	26.11.2024	27.11.2024
DA 3004, Rev C	Elevation East - Finishes	26.11.2024	27.11.2024
DA 3005, Rev C	Elevation West - Finishes	26.11.2024	27.11.2024
DA 3006, Rev C	Boundary Fence - West Elevation	26.11.2024	27.11.2024
DA 3007, Rev C	Boundary Fence - North Elevation	26.11.2024	27.11.2024
DA 3008, Rev C	Boundary Fence - East Elevation	26.11.2024	27.11.2024
DA 3009, Rev C	Boundary Fence - South Elevation	26.11.2024	27.11.2024
DA 3100, Rev C	Section A	26.11.2024	27.11.2024
DA 3101, Rev C	Section B	26.11.2024	27.11.2024
DA 3102, Rev C	Section C	26.11.2024	27.11.2024
DA 3103, Rev C	Section D	26.11.2024	27.11.2024
DA 3104, Rev C	Section E	26.11.2024	27.11.2024
DA 3105, Rev C	Section F	26.11.2024	27.11.2024
DA 6000, Rev C	External Finishes	26.11.2024	27.11.2024

	(b) Landscape Plan No. DA_00, DA_01, DA_02, DA_03, DA_04, DA_05 and documentation prepared by Wyer & Co, dated 01.02.24 and received by Council on 28.02.24 (c) BASIX and NatHERs Certificate/s (d) Stormwater Details and documentation prepared by RTS Civil Consulting Engineers, dated 30/10/2024, and received by Council on 30/10/2024 (e) Arborist Report prepared by William Home Dr Treegood, dated January 2024, and received by Council on 28.02.2024 (f) Draft Subdivision/Strata Plan prepared by Eric Scerri dated 22.01.2024 and received by Council on 28.02.2024 (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1, 13.02.2024 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 proposed Strata Plan is to be amended to reflect the approved Architectural Plans.
	Condition reason: To ensure the Strata Plan reflects the approved Architectural Plans.
	(b) The photovoltaic (PV) panels must not exceed the maximum height of the lift overrun at RL 22,650.
	Condition reason: To ensure the height of the PV panels does not give rise to additional view impacts.
	(c) On-site parking shall be limited to a maximum of 6 parking spaces. In this regard, the plans are to be amended to delete 1 car space and the basement and associated excavation reduced in size accordingly. In this regard, parking space 1 in the north western corner is to be deleted and the basement excavation reduced for the area of this parking space.
	Condition reason: To ensure the development complies with the DCP with respect to maximum parking for the site.

	(d) The BASIX commitments are to be shown on the architectural plans. It is noted, an amended BASIX Certificate will be required, to address conditions of this consent.
	Condition reason: Ensure BASIX commitments are adhered to and in accordance with 'best practice'.
	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.	**MULTI UNIT HOUSING DEVELOPMENT DESIGN (HOUSING SEPP 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.
4.	**STRATA SUBDIVISION**
	This consent includes approval for four lot Strata subdivision of the building proposed in the development. (a) 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*. (b) 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. (c) The existing Strata Plans (x2) are to be extinguished and all costs associated with this are to be borne by the applicant/owner.
	Condition reason: To ensure the approved development complies with the *Strata Schemes Development Act 2015*.
5.	**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 must be submitted to Council and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of relevant Construction Certificate.

	a) Road pavement b) Pedestrian footpath c) Kerb and gutter d) Vehicular crossing
	Condition reason: This is to ensure that public domain upgrade or any modifications to Council's infrastructure assets are as per Council's DCP and PDTM requirements.
6.	**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.
	Condition reason: To ensure that all existing and any proposed alteration or relocation of the utilities as a result of the development are as per utility providers requirements.
7.	**LANDSCAPED PLANTER 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 elevated landscaped 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 planters 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 elevated landscaped planters.
8.	**GEOTECHNICAL INVESTIGATION**
	The works are to be undertaken in accordance with the recommendations and findings of the Geotechnical Investigation prepared by Morrow Geotechnics Pty Ltd, dated 10 November 2023 and received by Council 28.02.2024.
	Condition reasons: To ensure the works are undertaken in accordance with the submitted Geotechnical Investigation report.
9.	**LONG SECTIONS OF DRIVEWAY**

	To minimise instances of vehicular scraping, long sections drawn along both edges of the driveway shall be submitted to Council for the approval of the Executive Manager, Infrastructure Services prior to the issue of a Construction Certificate. The long section drawings shall: (a) Include reduced levels (RL's) of the Ramsgate Avenue centreline, carriageway, edge of bitumen, layback, kerb and gutter, footpath, property boundary, paving within the property and the garage floor. (b) Include existing and proposed levels. (c) Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking. (d) Show paving at the property boundary being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the opening. (e) Show all paving on Council's land being sloped/ drained towards the roadway. (f) Show the internal ramp being graded a maximum of 1:20 (5%) for the first 4m inside the property boundary.
	Condition reason: To ensure a B85 standard design vehicle can enter/exit the site without vehicular scraping.
10.	**DRIVEWAY DESIGN – POWER POLE CLEARANCE**
	Ausgrid Network Standard 167 Positioning of Poles and Lighting Columns, page 18 of 24 states the following: "If a planned subdivision retains an existing pole without the need for its relocation, any proposed driveway should be located so as to maintain a minimum clearance of 1.5 m from the nearest face of the pole to any part of the driveway, including the layback, to allow room for future pole replacements Ausgrid should be consulted for any deviation to this norm." As such, Prior to the issue of a Construction Certificate, Council requires a letter from Ausgrid approving any distance less than 1.5m from the existing pole. Should the driveways clearance not be acceptable to Ausgrid, the pole is to be satisfactorily relocated, and details shall be submitted to Council prior to the issue of a Construction Certificate.
	Condition reason: To ensure compliance with relevant Ausgrid Network Standards.
11.	**REPLACEMENT STREET TREE PLANTING**
	Replacement tree plantings are satisfactory and are supported as per the Landscape plan prepared by Wyer & Co, DWG; DA_00. Issue, 02. Date 01/02/2024.

	a) Permission is granted to remove the one (1) Lagunaria patersonii (Norfolk Island Hibiscus) and the dead one (1) Banksia integrifolia (Coastal Banksia) from the grass verge. b) They shall be replaced by: i. Two (2) 200L Banksia integrifolia (Coastal Banksia) to be planted in the same location as the removed trees ii. One (1) 200L Banksia integrifolia (Coastal Banksia) to be planted in between the driveway and the removed Lagunaria patersonii (Norfolk Island Hibiscus) c) The trees are to be planted by horticulturists/arborists with experience in constructing tree pits and planting large container size trees. d) A proof of purchase of the trees must be provided to the Principal Certifying Authority, prior to any construction work commencing. e) The trees shall be planted once the construction work is complete and before the Occupation Certificate is issued. f) Planting should adhere to the specifications in the Waverley Council Public Domain Technical Manual, Planting New Street Tree – Nature Strip.
	Condition Reason: To compensate for canopy lost by the removal of the vegetation
12.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, along with an Amended BASIX Certificate prior to the issue of a Construction Certificate.
	Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
13.	**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.
14.	**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** (dated within 12 months) 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** (dated within 12 months) 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** (dated within 12 months) 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.
15.	**AFFORDABLE HOUSING CONTRIBUTION**
	The Affordable Housing Contribution is as follows: a) Pursuant to Clause 6.17 of the Waverley Local Environmental Plan 2012 and the Waverley Affordable Housing Contribution Scheme 2023, the applicant must provide Council a monetary contribution towards the provision of affordable housing. b) The contribution of **$171,846** payable for the provision of affordable housing shall be paid in one complete payment to Waverley Council prior to the issue of any Occupation Certificate. This contribution amount has been calculated based on a total proposed residential gross floor area of **859.23sqm.**
	Condition reason: To require contributions in accordance with Clause 6.17 of the Waverley Local Environment Plan 2012 (Waverley LEP 2012) and the Waverley Affordable Housing Contribution Scheme 2023.
16.	**HOUSING AND PRODUCTIVITY CONTRIBUTIONS**

	Before **the issue of Construction Certificate**, the housing and productivity contribution (HPC) set out in the table below is required to be made. **Housing and productivity contribution** / **Amount** Housing and productivity contribution (base component) / $42,146.46 Transport project component / Nil **Total housing and productivity contribution** / **$42,146.46** The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.
	Condition reason: To require contributions towards the provision of regional infrastructure.
17.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$ 140,177** 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.
18.	**STREET TREE BOND PAYMENT**
	A bond of **$8000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of:

	Existing tree: a) *One (1) Banksia integrifolia* (Coastal Banksia) on the grass verge ***Replacement Street Trees:*** b) Three (3) 200L *Banksia integrifolia* (Coastal Banksia) i. The sum will be forfeited to the Council at its discretion for a breach of these requirements ii. Street trees to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council iii. The **$8000** bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council. iv. If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, the full bond amount or part thereof will be forfeited. The applicant must remove and replace the faulty, damaged, dying, or dead street tree and a new bond will be applied on the replacement street tree.
	Condition reason: To ensure the new trees are maintained and protected.
19.	**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.
20.	**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.
21.	**VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP HOUSING 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 (Housing) 2021.* 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 (Housing) 2021.*
	Condition reason: To maintain the architectural integrity of the approved development.
22.	**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) A schedule of external materials and finishes and design details of all elements of the building façade, including materials for structure on the roof terrace; (b) Large-scale detailed sections illustrating the construction of the roof, facades, method of fixing privacy screens, shading devices, balconies, planters and balustrades and major junctions between materials; (c) Detailed drawings of the 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.
	Condition reason: To maintain the architectural integrity of the approved development.
23.	**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 2022.
	Condition reason: To ensure adequate basement storage is provided.
24.	**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 occupants over their lifetimes in accordance with Part B6 of the *Waverley Development Control Plan 2022*.
	Condition reason: To ensure universal design features are provided.

25.	**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.
26.	**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.
27.	**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.
28.	**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.
29.	**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).
	Condition reason: Under the Roads Act 1993, any proposed part of the structure extending beyond the private property must be reviewed and approved by the Roads Authority being Infrastructure Services Team, Waverley Council.
30.	**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.
	Condition reason: To ensure appropriate telecommunication services are provided.
31.	**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.*
32.	**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 It is recommended that the applicant meets with Council prior to the preparation of the CTMP to discuss specifics. Note: All sites within Waverley Council require the installation of a Construction Zone for the duration of building works unless the applicant is able to demonstrate otherwise. Once approved, the works must be undertaken in line with and comply with the CTMP. Any modifications must be approved by Council's Executive Manager, Infrastructure Services, or delegate.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
33.	**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 RTS Civil Consulting Engineers, Project No. 231001, Drawing No. SW001, SW002, SW100,SW101, SW102, SW200, SW201, SW300, REV C, dated 30/10/2024 is 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) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location. b) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event. c) 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.

	d) Seepage water must not be directly or indirectly discharged to Council's street gutter. 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. e) 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. f) Any new downpipes are to be located wholly within the property's boundary. g) Provide calculations of the roof guttering system for the 1% AEP storm event and minimum number of downpipes required. h) Details of the rainwater tank must be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system. i) The rainwater tank must have a minimum capacity of 10,000 Litres in lieu of OSD. j) A sediment control stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. A sump must be provided at the outlet point k) A non-return valve must be installed at the discharge point the property boundary within the silt arrestor pit so that stormwater cannot surcharge back into the properties private stormwater system. l) A long section of the connection to Council's infrastructure must be provided and its details included (e.g. the location of existing services being crossing with the clearances, existing surface levels, inverts and obverts of existing and proposed). m) Council must be notified prior to any connection being made to Council's network and an inspection must be made by a Council officer prior to public domain restoration and backfill at the point of connection. An inspection fee will apply for each inspection visit required by a Council officer, payable prior to any site inspection. Minimum 48 hours' notice must be provided to Council prior to inspection. n) The design must provide for the natural flow of stormwater runoff from uphill/upstream properties/lands. If no overland flow path is provided, the design must include the collection of such waters and discharge to the Council drainage system. o) A grated trench drain must be provided across the (garage entrance/driveway /street boundary) within the 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 are to be not less than 200mm wide by 100mm deep at the shallow end and have a

	"bottom" slope of 2%. This trench drain must be connected to the approved drainage system. p) Show an alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure. q) Full hydraulic details and pump manufacturers specification must be provided. r) The pump out system must be connected to a stilling pit and gravity line before being discharged to Council's stormwater network. s) In the event of pump failure one of the following must be provided: an overland flow path is provided; or pondage in a suitably visible area is provided. These areas must be sited with a view to minimising the cost of damage to occupiers of the property and include signage warning residents that inundation of the area may occur in the event of a pump failure. t) 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. u) Distance to boundaries given the on-site infiltration trench comply with Table 4-1 in WMTM. v) 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. Notes: i. 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. ii. 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. iii. 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. iv. 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. v. 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. Condition reason: To ensure design is in accordance with the Waverley Water Management Technical Manual (2021) and appropriate for the proposed works and site layout.
34.	**FLOODING REQUIREMENTS** 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) Habitable floor levels are to be equal to or greater than the 1% AEP flood level plus freeboard. b) All non-habitable floor levels shall be no lower than the 1% AEP flood level. Where this is impractical, non-habitable spaces should be flood-proofed to the 1% AEP level. c) All new structures are to have flood compatible building components below or at the 1% AEP flood level plus freeboard. Refer to Annexure B5-3 of WAVERLEY DEVELOPMENT CONTROL PLAN 2022 for a list of recommended flood compatible building components d) As part of Flood Impact Assessment (FIA), an engineer's report(Annexure B5-3 of WAVERLEY DEVELOPMENT CONTROL PLAN 2022) shall be provided for development to certify that any new structure can withstand the forces of floodwater, debris & buoyancy up to & including a 1% AEP flood level plus freeboard. Note: certification to be up to and including PMF if required to satisfy evacuation criteria. e) As part of an Flood Impact Assessment (FIA), an engineer's report (refer to Annexure B5-3 for details) shall be provided to certify that the development will not materially increase flood effects elsewhere, having regard to: • loss of flood storage; • changes in flood levels, flows and velocities caused by alterations to the flood conveyance. f) The evacuation requirements of the development during flooding shall be considered in the Flood Impact Assessment (FIA) report. g) Basement car parking shall be protected from inundation by a 1% AEP flood plus freeboard. h) The crest of the driveway providing access between the road and basement car- parking shall be a minimum of 1% AEP flood plus freeboard or the PMF, whichever is higher. i) Restraints or vehicle barriers may be required to prevent floating vehicles leaving a site during a 1% AEP flood. * (Note: A flood depth of more than 200mm will cause serious water damage to a typical vehicle and a depth of 300mm is sufficient to cause a typical vehicle to float.) j) The Applicant is to demonstrate that an area is available to store goods above the 1% AEP flood level plus freeboard.

k) In-ground swimming pools are to have surrounding coping/tiling that is no more than 100 mm above surrounding ground level. All pumping/electricals are to be above the 1% AEP flood level plus freeboard.
l) Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.

Details and certification must accompany the stormwater management plan and Construction Certificate, it must be submitted and approve by Council's Executive Manager, Infrastructure Services (or delegate) prior to issue Construction Certificate.

Condition reason: The development must have a net neutral effect on flood behaviour and may not result in an 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.

35. **WATER QUALITY**

The development will 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 Technical Management Manual 2021.

Pollutant	% post development pollutant reduction targets
Gross Pollutants	90
Total Suspended Solids	80
Total Phosphorous	55
Total Nitrogen	40

The applicant will submit plans and specifications for the proposed Stormwater Quality Improvement device (SQID), including cross-sections and the hydraulics. These are to be shown on the submitted stormwater management plans and prepared by a suitably qualified and practising Civil Engineer showing complete and detailed SQID design and hydraulics. MUSIC model must be provided to Council for assessment.

Condition reason: To protect the downstream environment from any contaminants.

36. **PRE-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT**

Prior to doing any works, an internal CCTV inspection of Council's adjacent stormwater drainage lines is required to determine their structural and serviceability condition. The CCTV report (track mounted CCTV camera footage) must be prepared by an accredited operator assessing the condition of the existing drainage lines adjacent to the site from pit No. 040 to pit No. 009. The Assets team shall be contacted for pit numbers prior to completion.

A dilapidation report including photographic evidence of internal conditions of the existing junction pit fronting No. 100-104 Ramsgate Ave must be prepared and submitted by an engineer to confirm the existing structural and serviceability condition.

The report/s must be dated and submitted to, and accepted by Council's Executive Manager, Infrastructure Services (or delegate). No works on Council's stormwater infrastructure will commence until given approval by Council.

	Condition reason: Confirm the condition of the stormwater pipes and pits servicing the site prior to works occurring which may damage them.
37.	**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.
38.	**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.
39.	**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 component of the development: - 2x 240L garbage bins - 2x 240L container (yellow) recycling bins - 2x 240L paper (blue) recycling bins - 1x 240L garden waste (green) bins - A room or caged area with a minimum floor space of 5m2 must be provided for the storage of discarded bulky items and problem waste, awaiting collection.
	Condition reason: To ensure the appropriate space for storage of waste on site.
40.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 94-98 Ramsgate Avenue, Bondi Beach (b) 104 Ramsgate Avenue, Bondi Beach Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties.

	The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. 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.
41.	**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 and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) 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.
	Condition reason: This condition is imposed to protect Councill's existing infrastructure and assets including the roadways and footpath from the construction activities undertaken by the developments.
42.	**NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**
	Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction 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.

	Condition reason: This is to ensure that the development has been granted with relevant CC design approval and obtained relevant permits from Council, along with copies of the current insurances provided to Council.

BEFORE BUILDING WORK COMMENCES

	Condition
43.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
44.	**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.
45.	**TREE PROTECTION ON DEVELOPMENT SITES**

a) All trees to be retained on site and adjoining properties, including street trees, are to be retained and protected in accordance with AS4970-2009 Protection of Trees on Development Sites, Waverley Council's Development Control Plan 2022, and the tree protection recommendations in the Arborist Report prepared by William Home Dr Treegood. Dated: January 2024.
b) All tree protection shall be removed prior to the issuing of the Occupation Certificate.
c) If any trees identified to be retained and protected are found to be faulty, damaged, dying, or dead, they must be removed and replaced with the same species at the applicant's expense.

Condition reason: To protect and retain trees.

46. **TREE WORK**

a) 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.
b) 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

Condition reason: To protect trees during the carrying out of site work.

47. **ACTIVITIES RESTRICTED WITHIN THE TREE PROTECTION ZONE (TPZ)**

Activities excluded from the TPZ include but are not limited to:

a) Stockpiling of bulk materials, spoil or fill
b) Machine excavation including trenching
c) Excavation for silt fencing
d) Cultivation
e) Preparation or disposal of chemicals, including preparation of cement products
f) Parking of vehicles and plant machinery
g) Refuelling
h) Dumping of waste
i) Wash down and cleaning of equipment
j) Lighting of fires
k) Soil level changes
l) Temporary or permanent installation of utilities and signs
M) Physical damage to the tree
N) Ground compaction

Condition reason: To ensure precautions are taken when working near trees during construction.

48. **TREE SCHEDULE**

Tree No.	Species	Location	Action
T1	*Lagunaria patersonii* (Norfolk Island Hibiscus)	Street tree	Remove and replace

T2	*Banksia integrifolia* (Coastal Banksia)	Street tree	Remove and replace
T3	*Banksia integrifolia* (Coastal Banksia)	Street tree	Retain and protect
T4	*Banksia marginata* (Silver Banksia)	On site	Retain and protect
T5	*Banksia marginata* (Silver Banksia)	On site	Retain and protect
T6	*Plumeria spp.* (Frangipani)	On site	Remove and replace
T7	*Araucaria heterophylla* (Norfolk Island Pine)	On site	Retain and protect
T8	*Melaleuca spp.* (Paperbark)	On site	Remove and replace
T9	*Syzygium smithii* (Lilly Pilly)	On site	Remove and replace
T10	*Plumeria spp.* (Frangipani)	On site	Remove and replace
T11	*Nerium oleander* (Oleander)	On site	Remove and replace
T12	*Murraya paniculata* (Murraya)	Adjacent sites	Retain and protect
T12a	*Murraya paniculata* (Murraya)	Adjacent sites	Retain and protect
T13	*Murraya paniculata* (Murraya)	Adjacent sites	Retain and protect
T14	*Dracaena draco* (Dragon's Blood)	On site	Retain and protect
T15	*Dracaena draco* (Dragon's Blood)	Adjacent sites	Retain and protect
T16	*Archontophoenix cunninghamiana* (Bangalow Palm)	On site	Remove and replace
T17	*Archontophoenix cunninghamiana* (Bangalow Palm)	On site	Remove and replace
T18	*Archontophoenix cunninghamiana* (Bangalow Palm)	On site	Remove and replace

	T19	*Archontophoenix cunninghamiana* (Bangalow Palm)	On site	Remove and replace

Condition reason: The Schedule shows which trees are approved for removal and replacement or are to be retained and protected.

49. **TREE CROWN PROTECTION**

a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.
b) Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.

Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites.

50. **TREE PROTECTION CERTIFICATE**

The onsite arborist is to provide a certificate to Council stating that appropriate tree protection measures have been installed for the trees to be retained and protected.

Condition reason: To ensure trees are protected prior to work commencing.

51. **TREE PROTECTION SIGNAGE**

Prior to the issue of a Construction Certificate, signs identifying the Tree Protection Zone (TPZ) are to be placed around the edge of the TPZ and be visible from within the development site. Contact telephone numbers for the site arborist/site manager shall be clearly shown on all warning signs.

Condition Reason: To advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s)

52. **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 relevant Construction Certificate.

The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Engineer:

a) 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 details of any transitions required beyond the boundaries of the site.
v. Include details and proposed locations of any street furniture and street trees.

b) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Ramsgate Avenue frontage of the development site. Details of the road pavement treatments and sub-grade details are to be advised by Council.

c) Footpath, Kerb and Gutter: The existing footpath, kerb, and gutter traversing Ramsgate Avenue 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.

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

The crossing is to be 3.0 metres wide at the property boundary. The width at the street is to be 3.0 metres plus 0.45 metre splays.

e) Vehicular Access - Finished Level to Footpath: The finished level at the property boundary on **both** sides of the vehicle crossing is match the level of the existing footpath.

f) Replenish and returf the existing Council verge for the full frontage of the development.

g) All mains electrical connections to the development must be routed underground. Council will not accept the erection of newly placed electricity columns within the Council's public domain to support the new development.

h) 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 8655 (operational hours between 9.30am to 4.00pm Monday to Friday).
	Condition reason: This condition imposed to ensure any proposed works and the design within the public domain are per Council's specification and are being reviewed and approved by Infrastructure Services.

DURING BUILDING WORK

	Condition
53.	**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.
54.	**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.
55.	**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 and driveway. 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: The reason for this condition is to ensure the proposed work within public domain area is constructed in accordance with approved design plans and Council's specifications and guidelines.
56.	**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.
57.	**CONSTRUCTION HOURS**
	Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on 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.
58.	**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.
	Condition reason: To ensure building material is stored in an appropriate location.
59.	**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, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
60.	**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.
61.	**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.
62.	**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.
63.	**CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**
	The following applies to the construction of swimming pools and outdoor spas: (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
	Condition reason: To ensure pools are constructed in a correct manner.
64.	**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. 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.
65.	**VEHICULAR ACCESS - FINISHED LEVEL**

	The internal finished level shall be construction to match the longitudinal fall of Council's footpath. In this regard, the finished level at the property boundary on both sides of the vehicle crossing is to match the level of the back edge of the existing concrete footpath. Should the internal slab be poured incorrectly, Council may request internal alterations and adjustments to the slab to correct at the applicant's cost.
	Condition reason: To ensure stormwater falling on Council land drains away from the property boundary.
66.	**HEADROOM CLEARANCE**
	The headroom clearance on the entry and within the car park/garage is to be a minimum of 2.2 metres. The headroom clearance within the accessible parking spaces and adjacent shared zones is to be a minimum of 2.5 metres.
	Condition reason: To ensure minimum headroom set in AS2890.1 are met.
67.	**VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM**
	A vehicle priority system or traffic light system shall be provided for driveways and ramps which have access via a single lane to or from car parking spaces. As constructed plans and details demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.
	Condition reason: To reduce the risk of vehicular conflicts occurring within the site.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
68.	**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.
69.	**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.
70.	**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.
71.	**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.
72.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
73.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	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, pump out 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. 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: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.
74.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	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. Certification is to be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the certification must be submitted to Council.
	Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.
75.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR RAINWATER TANK/OSD & PUMP OUT SYSTEM**
	A "Positive Covenant" and "Restriction on the Use of Land" must be created for the RWT/OSD AND PUMP OUT system under Section 88E of the Conveyancing Act 1919.

	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 must 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 RWT/OSD AND PUMP OUT systems including its relationship to the building footprint. Electronic colour photographs of the RWT/OSD AND PUMP OUT SYSTEMS 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. The property owner/occupant must not modify or remove the RWT/OSD AND PUMP OUT systems without consent from Council. All associated costs will be borne by the applicant.
	Condition reason: This is to place a restriction on the Title that the RWT/OSD AND PUMP OUT systems is maintained and kept free of debris to allow unobstructed passage of stormwater through the site and underneath the residence.
76.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR WATER QUALITY/ INFILTRATION TRENCH**
	A "Positive Covenant" and "Restriction on the Use of Land" must be created for the Stormwater Quality Improvement Devices/ Infiltration trench in accordance with the requirements of Council's Water Management Manual 2021. The covenant requirements must include the submission of an annual report on water treatment by the first business day on or after the 1st of 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: This is to place a restriction to ensure that the Stormwater Quality Improvement Device is maintained.
77.	**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: Ensure pump out systems are maintained and continue to operate as intended.
78.	**POST-CONSTRUCTION STORMWATER PIPE & PIT CCTV & DILAPIDATION REPORT**
	A post-construction CCTV report must be prepared by an accredited operator and submitted to Council's Stormwater Engineer (and Asset Systems Team) assessing the existing drainage line adjacent to the site from new stormwater junction manhole pit to the next downstream pit No 009. Asset department shall be contacted for confirmation of pit numbers. A post-construction dilapidation report including photographic evidence of internal conditions of the new stormwater junction manhole pit fronting No. 100-104 Ramsgate Ave following works must be prepared by an engineer or plumber to confirm the final structural and serviceability condition. The reports will be used by Council to assess whether any damage has occurred to Council's stormwater pipes associated with the works. The applicant must obtain written approval from Council's Executive Manager, Infrastructure Services (or delegate) of the adequacy of the CCTV footage, reports and Council assets condition prior to the issue of the Occupation Certificate.
	Condition reason: Ensure Council's stormwater infrastructure was adequately protected and there is no damage due to the construction activities or the connection to the private property connection.
79.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OVERLAND FLOW PATH**
	A "Positive Covenant" and "Restriction on the Use of Land" must be created for the overland flow path, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the overland flow path 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 overland flow path 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 must 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 overland flow path, including its relationship to the building footprint. Electronic colour photographs of the overland flow path 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. The property owner/occupant must not modify or remove the overland flow path without consent from Council. All associated costs will be borne by the applicant.
	Condition reason: This is to ensure the overland flow path is not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.
80.	**CREATION OF SITE FLOOD EMERGENCY RESPONSE PLAN**
	A site flood emergency response plan must be prepared, and any required flood warning system must be installed and fully tested. 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 this plan has been prepared and where required, the flood warning system has been installed and tested, must be included with the Occupation Certificate.
	Condition reason: Ensure there is an evacuation plan prepared for flooding events to reduce the risk to occupants and emergency services.
81.	**CREATION OF POSITIVE COVENANT AND RESTRICTION FOR AUTOMATIC FLOOD GATES**
	A covenant to the approval of the Council must be placed on the Certificate of Title of the property acknowledging that the site has an automatic flood gate system and that the implementation and management of flood protection will be at the responsibility of the building owners. Council is neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties. Evidence of the creation of the covenant must be submitted to Council prior to issue of any Occupation Certificate. The covenant will not be revoked or modified without the prior approval of Council. All legal costs associated with the registration of the restriction must be borne by the applicant and/or owners.
	Condition reason: This is to place a restriction to ensure that the Automatic Flood Gates are maintained.
82.	**SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**
	Prior to the issue of any Occupation Certificate for the works, the Applicant must 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 must include commentary to support any variations from the approved drawings. Condition reason: This is to ensure that the proposed works constructed within the Council's public domain are as per the approved design plans and certified by the applicant's supervising engineer.
83.	**WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN** To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant 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 must be submitted to support all variations from the approved plans. Condition reason: This reason for this condition is to ensure all the proposed works within the public domain are completed by per design approval granted by Waverley Council, and copies of the 'As-Build' brand new assets are provided to Council.
84.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA** Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au); (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017. Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
85.	**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.*
86.	**CAR PARKING**
	A total of **6** car vehicle parking spaces are to be provided within the development, allocated in the following manner: (a) 6 residential parking spaces (b) 0 residential visitor parking spaces (as less than 5 units overall) All spaces are to be clearly delineated and numbered. 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. All car spaces are to be appropriately signposted and marked. Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans. As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate. Accessible parking spaces are to be designed in accordance with Australian Standard AS2890.6 - 2009 Off Street Parking for People with Disabilities.
	Condition reason: To ensure the amount of car parking on site is reflective of the approval.
87.	**BICYCLE PARKING**
	A total of 4 bicycle parking spaces are to be provided within the development. The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking. The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). As constructed plans demonstrating compliance with the above is to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate prior to the issuance of an Occupation Certificate.

	Condition reason: To ensure the amount of bicycle parking is reflective of the approval.
88.	**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.
89.	**ALLOCATION OF STREET NUMBER**
	he redevelopment of the property has led to the following allocation of primary and sub-premises (unit) numbering: ▪ No. 100 - primary address site number ▪ Ramsgate Avenue primary address location. The primary address site number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point and be clearly visible on the site boundary that fronts Ramsgate Avenue. The following sub-addressing will apply: ▪ No. 1 for the residential sub-address sites within the building correlating with Lot no 1 on the ground floor plans for the building. ▪ No. 2 for the residential sub-address sites within the building correlating with Lot no 2 on the first-floor plans for the building. ▪ No. 3 for the residential sub-address sites within the building correlating with Lot no 3 on the second-floor plans for the building. ▪ No. 4 for the residential sub-address sites within the building correlating with Lot no 4 on the third-floor plans for the building. The address number for a sub-address site shall not consist of the primary address number on its own. The address number for a sub-address site shall not consist of the primary address number with an alpha suffix. Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address. The primary and sub-address site numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate and Council notified of the corresponding sub-address numbers to lot number prior to the issue of the Occupation Certificate. Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.
	Condition reason: To ensure the property address is clearly identified.

90.	**FLOOR SPACE RATIO**
	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 859.23m^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.
91.	**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: RL 22,600 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.

OCCUPATION AND ONGOING USE

OCCUPATION AND ONGOING USE

	Condition
92.	**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.
	Condition reason: To ensure safe manoeuvring of vehicles.
	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.
	Condition reason: To ensure existing signs are replaced.
93.	**USE OF PLANT ROOMS**
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.
94.	**PARKING PERMITS**
	Occupants of the building are not to be eligible for resident parking permits under Council's Resident Parking Scheme.
	Condition reason: To reduce the impacts of additional vehicles onto surrounding streets of the development.
95.	**ONGOING FLOOD REQUIREMENTS**
	a) Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above 1% AEP plus freeboard. b) There must be no modifications made to flood compatible fencing. c) There must be no filling or blocking of the open, underfloor areas below 1% AEP plus freeboard. d) The site flood emergency response warning systems and plan must be regularly maintained, reviewed and/or updated and be in good working order at all times.
	Condition reason: Ensure the development continues to must have a net neutral effect on flood behaviour, and does not increase risk to the occupants.
96.	**ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM**

	Council will need to be provided with a pump system and Stormwater Quality Improvement Devices management plan. This must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Occupation Certificate. At a minimum, the stormwater systems 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. Not be altered without prior consent in writing of the Council.
	Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.
97.	**ONGOING MAINTENANCE – 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: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.
98.	**ONGOING MAINTENANCE – STORMWATER TREATMENT SYSTEM**
	The stormwater treatment system must be maintained in accordance with the manufacturers 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.
	Condition reason: Ensure the stormwater treatment systems are maintained and continue to operate as intended.

GENERAL ADVISORY NOTES

	Condition
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. Details on additional criteria regarding tree on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.
12.	**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.
13.	**DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)**
	Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.
14.	**TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS**
	Public areas and Council's assets must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas due to construction activities must be made safe to the general public and be regarded as a high level priority. This includes, but not limited to works performed for the purpose of connection/s to public utilities, including repairs of damaged infrastructure. Should Council discover any unsafe construction activities within the public areas surrounding the development, the works must be resolved immediately to the satisfaction of Council.

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.

100-102 RAMSGATE AVENUE
BONDI BEACH NSW

DEMOLITION OF EXISTING STRATA SUBDIVIDED BUILDINGS, LOT AMALGAMATION, AND CONSTRUCTION OF A STRATA SUBDIVIDED RESIDENTIAL FLAT BUILDING, SWIMMING POOL AND ASSOCIATED LANDSCAPING WORKS.

DRAWING LIST	REVISION		
DA 0000 COVER PAGE	C	(A3)	NTS
DA 1000 SITE PLAN	C	(A3)	1:200
DA 1001 SITE ANALYSIS PLAN	C	(A3)	1:200
DA 1002 SITE SETBACK CONTROLS	C	(A3)	1:500
DA 1003 STREETSCAPE ANALYSIS	C	(A3)	1:250
DA 1004 TREE MANAGEMENT PLAN	C	(A3)	1:200
DA 2000 BASEMENT PLAN	C	(A3)	1:100
DA 2001 GROUND FLOOR PLAN	C	(A3)	1:100
DA 2002 LEVEL 1 FLOOR PLAN	C	(A3)	1:100
DA 2003 LEVEL 2 FLOOR PLAN	C	(A3)	1:100
DA 2004 LEVEL 3 FLOOR PLAN	C	(A3)	1:100
DA 2005 ROOF PLAN	C	(A3)	1:100
DA 3000 ELEVATION SOUTH	C	(A3)	1:100
DA 3001 ELEVATION EAST	C	(A3)	1:100
DA 3002 ELEVATION NORTH	C	(A3)	1:100
DA 3003 ELEVATION WEST	C	(A3)	1:100
DA 3004 ELEVATION EAST - FINISHES	C	(A3)	1:100
DA 3005 ELEVATION WEST - FINISHES	C	(A3)	1:100
DA 3006 ELEVATION BNDRY FENCE - WEST	C	(A3)	1:100
DA 3007 ELEVATION BNDRY FENCE - NORTH	C	(A3)	1:100
DA 3008 ELEVATION BNDRY FENCE - EAST	C	(A3)	1:100
DA 3009 ELEVATION BNDRY FENCE - SOUTH	C	(A3)	1:100
DA 3100 SECTION A	C	(A3)	1:100
DA 3101 SECTION B	C	(A3)	1:100
DA 3102 SECTION C	C	(A3)	1:100
DA 3103 SECTION D	C	(A3)	1:100
DA 3104 SECTION E	C	(A3)	1:50
DA 3105 SECTION F	C	(A3)	1:50
DA 6000 EXTERNAL FINISHES	C	(A3)	1:100
DA 9100 GFA DIAGRAM	C	(A3)	1:200
DA 9101 LANDSCAPE AREAS	C	(A3)	1:200
DA 9200 WASTE MANAGEMENT PLAN	C	(A3)	1:100
DA 9210 FLOORS RELATIONSHIP - GROUND FLOOR	C	(A3)	1:200
DA 9211 FLOORS RELATIONSHIP - FIRST FLOOR	C	(A3)	1:200
DA 9212 FLOORS RELATIONSHIP - SECOND FLOOR	C	(A3)	1:200
DA 9213 FLOORS RELATIONSHIP - THIRD FLOOR	C	(A3)	1:200
DA 9214 FLOORS RELATIONSHIP - ROOF	C	(A3)	1:200
DA 9215 LOCATION OF LIFT OVERRUN	C	(A3)	1:100
DA 9300 NOTIFICATION PLAN	C	(A3)	1:200
DA 9400 PHOTOMONTAGE	C	(A3)	NTS
DA 9401 PHOTOMONTAGE	C	(A3)	NTS

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

1. REVISED DRIVEWAY LOCATION TO AVOID CONFLICT WITH THE EXISTING LIGHT POLE AT THE FRONT OF 100 RAMSGATE AVENUE.
2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
5. PROVISION OF ADDITIONAL EXISTING GROUND LEVEL RLs IN THE VICINITY/BELOW THE LIFT OVERRUN TO SHOW COMPLIANCE WITH WLEP MAX BUILDING HEIGHT.
6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.



AMENDED

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B.1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
SPEC. C1.10 FIRE HAZARD PROPERTIES
SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 SPEARATION OF EQUIPMENT
CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
CLAUSE C.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
CLAUSE D1.10 DISCHARGE FROM EXITS
CLAUSE D2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D2.13 GOINGS AND RISERS
CLAUSE D2.14 LANDINGS
CLAUSE D2.15 THRESHOLDS
CLAUSE D2.16 BALUSTRADES
CLAUSE D2.17 HANDRAILS
CLAUSE D2.21 OPERATION OF LATCH
CLAUSE D2.23 SIGNS ON DOORS
CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D3.6 IDENT. OF ACCESSIBLE FACILISERV/FEATURES
CLAUSE D3.8 TACTILE INDICATORS
CLAUSE F1.7 WATERPROOFING OF WET AREAS
CLAUSE F1.9/F1.10 DAMP PROOFING
CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
CLAUSE F5.5 SOUND INSULATION OF WALLS
CLAUSE F5.6 SOUND INSULATION OF SERVICES
CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS98.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

ARCHITECT:
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
COVERPAGE

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
NTS	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 0000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

1. REVISED DRIVEWAY LOCATION TO AVOID CONFLICT WITH THE EXISTING LIGHT POLE AT THE FRONT OF 100 RAMSGATE AVENUE.
2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
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8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

NO. 94-98 RAMSGATE AVE
2 & 3 STOREY RENDERED UNITS
SP62742

NO. 248 CAMPBELL P SP1618

NO. 250 CAMPBELL PARADE DP14120

HERITAGE CONSERVATION AREA - GENERAL

RAMSGATE AVENUE

NO. 65-75 BRIGHTON BOULEVARD SP74955

NO. 77-79 BRIGHTON BOULEVARD SP45670

NO. 104 RAMSGATE AVE
2 STOREY RESIDENCE
SP13657

BELL PARADE 4120

RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

AMENDED

SITE AREA: 950m²

RL 9,480 | RL 9,460 | RL 9,400 | RL 9,490 | RL 9,160 | RL 9,060

EX. TF 11,860 | EX. TF 12,160 | EX. TF 12,710 | EX. TF 12,910 | EX. TF 13,640 | EX. TF 12,800 | EX. TF 11,930 | EX. TF 12,480

37° 56' 50" (39.165m)

126° 43' 20" (24.385m)

RIDGE RL 19,610 | RIDGE RL 18,570 | RIDGE RL 18.32

RL 9,800 | RL 10,620 | RL 10,680 | RL 19,250

BIN COLLECTION

PROPOSED ARRANGEMENT FOR ON-STREET PARKING

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 SPEARATION OF EQUIPMENT
CLAUSE C2.13 ELECTRICITY SUPPLY SYSYEM
CLAUSE C.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
CLAUSE D1.10 DISCHARGE FROM EXITS
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CLAUSE D3.8 TACTILE INDICATORS
CLAUSE F1.7 WATERPROOFING OF WET AREAS
CLAUSE F1.9/F1.10 DAMP PROOFING
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PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
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(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
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GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
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BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
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NOTES: BOUNDARY TITLE DIMENSIONS REFLECT PLAN OF PROPOSED CONSOLIDATION OF LOTS 15 & 16 SECTION 2 IN DP9177 PREPARADE BY SURVEYOR FOR DA PURPOUSE ONLY. FINAL DIMENSIONS, AREAS AND LAYOUT ARE SUBJECT TO FINAL SURVEY.

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RELOCATED
TPZ	
SRZ	

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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
SITE PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 1000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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ORANGE NOTES RELEVANT TO CURRENT REV [D]

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2 & 3 STOREY RENDERED UNITS
SP62742

WINTER SUNSET
HOT AND DRY SUMMER BREEZES
WARM AUTUMN WINDS
SUMMER SUNSET
WINTER SUNRISE
COOL AFTERNOON SUMMER BREEZES
COLD WINTER WINDS
SUMMER SUNRISE

NO. 248 CAMPBELL P
SP1618
NO. 250 CAMPBELL PARADE
DP14120
HERITAGE CONSERVATION AREA - GENERAL
RAMSGATE AVENUE
BELL PARADE
4120
NO. 65-75 BRIGHTON BOULEVARD
SP74955
NO. 77-79 BRIGHTON BOULEVARD
SP45670
NO. 104 RAMSGATE AVE
2 STOREY RESIDENCE
SP13657

RL 9,480
RL 9,460
RL 9,400
RL 9,660
RL 9,490
RL 9,160
RL 9,060
EX.LP
VEHICLE ACCESS
BIN COLLECTION
PEDESTRIAN ACCESS
PEDESTRIAN ACCESS
VIEW TO BONDI BEACH
PROPOSED ARRANGEMENT FOR ON-STREET PARKING

37° 56' 50" (39.165m)
126° 43' 20" (24.385m)
37° 56' 50" (39.165m)

RECEIVED
Waverley Council
AMENDED
SITE AREA:
Application No: DA-87/2024
Date Received: 27/11/2024

HEAD RL. 19.10 SILL RL. 18.20
HEAD RL. 16.15 SILL RL. 15.25
HEAD RL. 19.10 SILL RL. 18.05
HEAD RL. 16.15 SILL RL. 14.95
HEAD RL. 19.15 SILL RL. 16.93
HEAD RL. 16.15 SILL RL. 13.95
HEAD RL. 19.15 SILL RL. 16.93
HEAD RL. 16.15 SILL RL. 13.95
HEAD RL. 15.55 SILL RL. 14.30
HEAD RL. 12.45 SILL RL. 11.30
HEAD RL. 15.55 SILL RL. 14.30
HEAD RL. 12.40 SILL RL. 11.20
HEAD RL. 15.56 SILL RL. 14.50
HEAD RL. 12.45 SILL RL. 11.40
HEAD RL. 15.60 SILL RL. 14.55
HEAD RL. 12.45 SILL RL. 11.45
HEAD RL. 15.55 SILL RL. 14.30
HEAD RL. 12.45 SILL RL. 11.40
HEAD RL. 20.30 SILL RL. 18.40
HEAD RL. 17.35 SILL RL. 15.45
HEAD RL. 20.35 SILL RL. 17.35
HEAD RL. 20.35 SILL RL. 17.35
HEAD RL. 15.05 SILL RL. 14.75
HEAD RL. 18.70 SILL RL. 16.36
HEAD RL. 15.95 SILL RL. 13.56
HEAD RL. 18.70 SILL RL. 16.36

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
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KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

NOTES: BOUNDARY TITLE DIMENSIONS REFLECT PLAN OF PROPOSED CONSOLIDATION OF LOTS 15 & 16 SECTION 2 IN DP9177 PREPARADE BY SURVEYOR FOR DA PURPOUSE ONLY. FINAL DIMENSIONS, AREAS AND LAYOUT ARE SUBJECT TO FINAL SURVEY.

LEGEND:
EX EXISTING RL
RL REDUCED LEVEL
FFL RL OF FINISHED FLOOR LEVEL
LD LINEAR DRAIN
TITLE BOUNDARY
EX BUILDING TO BE DEMOLISHED
PREDOMINANT SETBACKS
EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE REMOVED
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TPZ
SRZ

ARCHITECT:
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsin Meyerson NSW Registration Number 4907

DRAWING TITLE:
SITE ANALYSIS PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE: 1:200@A3
DRAWN BY: MB, JW
CHECKED: MB
ISSUE DATE: 26/11/2024
REVISION: D
PROJECT NUMBER: 23-071
DWG NUMBER: DA 1001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

CONTROLS

SETBACK CALCULATION

FRONT SETBACK

WAVERLEY COUNCIL DCP PART C2 2.3.1 (a)
States that :

"Street setbacks must be consistent with the predominant building line setback along the street"

CALCULATION OF AVERAGE FRONT BUILDING SETBACK

HOUSE NO.	FRONT SETBACK (m)
108 RAMSGATE AVE	5.2
106 RAMSGATE AVE	4.0
104 RAMSGATE AVE	3.5
94-98 RAMSGATE AVE	4.5
92 RAMSGATE AVE	5.3
90 RAMSGATE AVE	4.2
AVERAGE PREDOMINANT FRONT SETBACK	**4.45m**

REAR SETBACK

WAVERLEY COUNCIL DCP PART C2 2.3.2 (a)
States that :

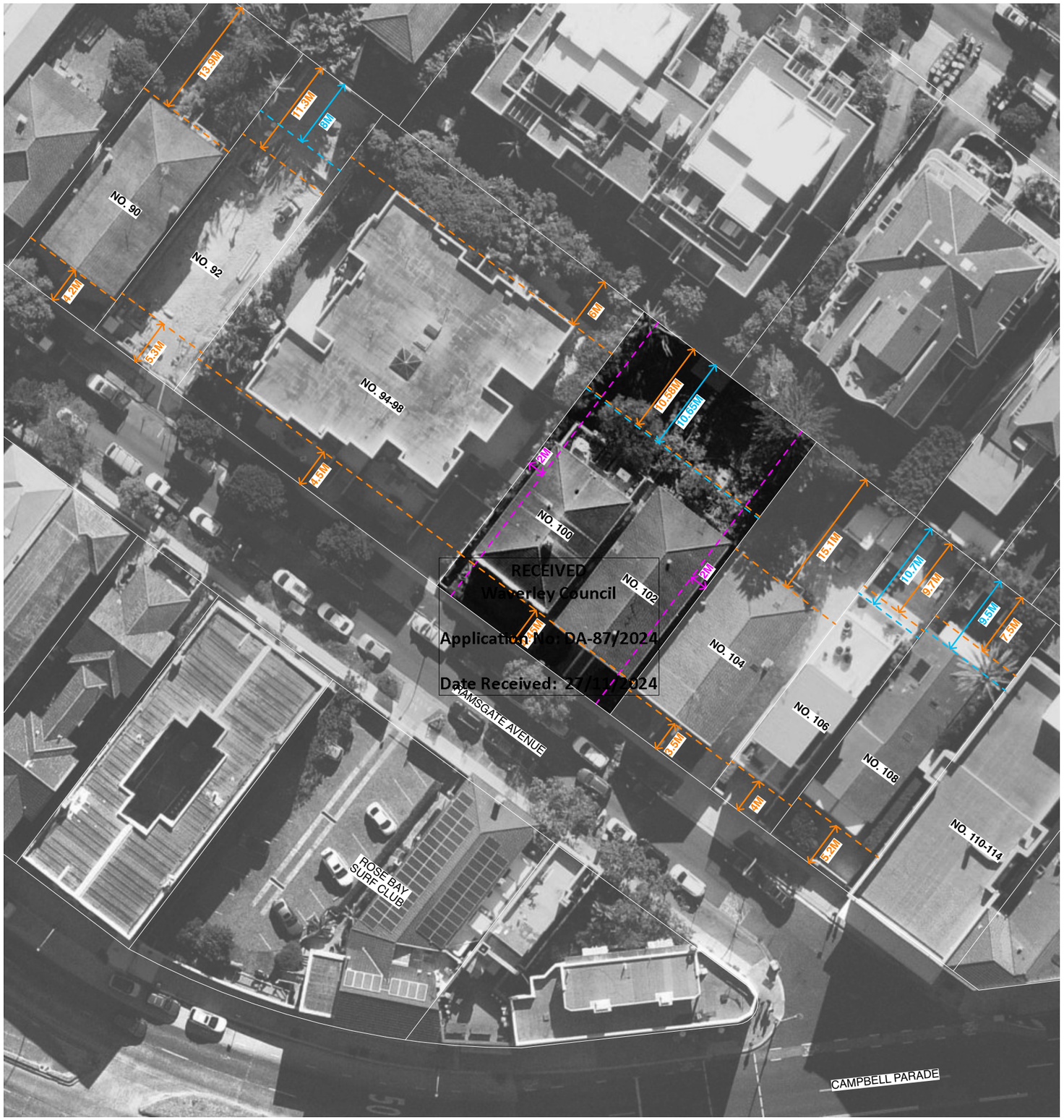
"New buildings and extensions to existing buildings are to provide a minimum 6m rear setback line, or extend no further to the rear than the predominant rear building line, whichever is the greater setback. The predominant rear setback is to be determined separately for each level"

CALCULATION OF AVERAGE REAR GROUND FLOOR BUILDING SETBACK

HOUSE NO.	REAR SETBACK (m)
108 RAMSGATE AVE	7.5
106 RAMSGATE AVE	9.7
104 RAMSGATE AVE	15.1
94-98 RAMSGATE AVE	6.0
92 RAMSGATE AVE	11.3
90 RAMSGATE AVE	13.9
AVERAGE PREDOMINANT REAR SETBACK - GF	**10.58m**

CALCULATION OF AVERAGE REAR UPPER FLOOR BUILDING SETBACK

HOUSE NO.	REAR SETBACK (m)
108 RAMSGATE AVE	9.5
106 RAMSGATE AVE	10.7
104 RAMSGATE AVE	15.1
94-98 RAMSGATE AVE	6.0
92 RAMSGATE AVE	8.0
90 RAMSGATE AVE	14.6
AVERAGE PREDOMINANT REAR SETBACK - FF	**10.65m**



SIDE SETBACKS

WAVERLEY COUNCIL DCP PART C2 2.3.2 (b)
States that :

"Side setbacks are to be consistent with Table 3. Reduced setbacks may be permitted where reduced setbacks are more in keeping with the character of the area."

Height	Side setback to whole building (min.)
Height up to 4.5m	0.9m
Height up to 12.5m	1.5m
Height above 12.5m	1.5 – 2.5m

Table 3 Minimum side setbacks

WAVERLEY COUNCIL DCP PART C2 2.3.2 (d)
States that :

"A landscaped deep soil area of 2m must be provided along one side boundary at a minimum."

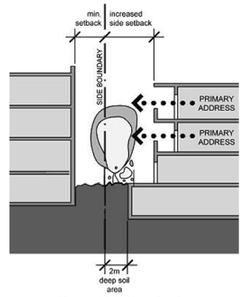


Figure 19 Side setbacks

CALCULATION OF SIDE BUILDING SETBACK

SIDE SETBACK	REQUIREMENT	PROPOSAL
WEST	1.5m	**2m**
EAST	2m	**2m**

AMENDED

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CLAUSE D2.16 BALUSTRADES
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CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
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ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530.4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall,
Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:
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RL REDUCED LEVEL
FFL RL OF FINISHED FLOOR LEVEL
LD LINEAR DRAIN
TITLE BOUNDARY
EX BUILDING TO BE DEMOLISHED
PREDOMINANT SETBACKS
EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE RELOCATED
TPZ
SRZ
N

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
SITE SETBACK CONTROLS

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE: 1:500@A3
DRAWN BY: MB, JW
CHECKED: MB
ISSUE DATE: 26/11/2024
REVISION: **D**
PROJECT NUMBER: **23-071**
DWG NUMBER: **DA 1002**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

PROPOSED STREETSCAPE OF RAMSGATE AVENUE

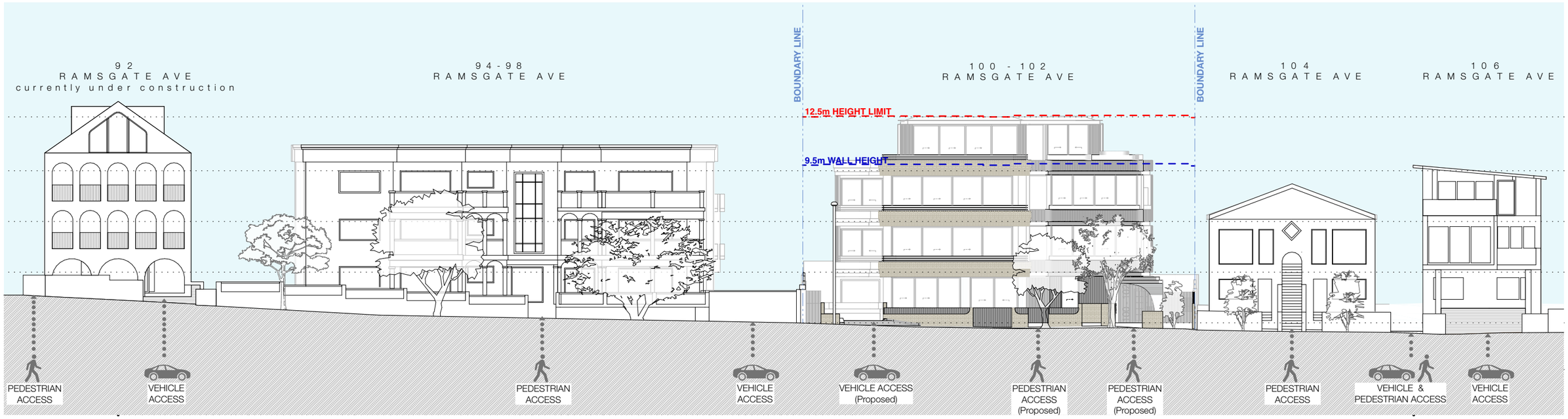
RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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8. UPDATED PHOTOMONTAGE.
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AMENDED

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

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SPEC. C1.1 FIRE RESISTING CONSTRUCTION
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	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
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	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE RI
	EJ RI
	TF
	SF

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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
STREETSCAPE ANALYSIS

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:250@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 1003**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

TREE MANAGEMENT PLAN

RECEIVED
Waverley Council

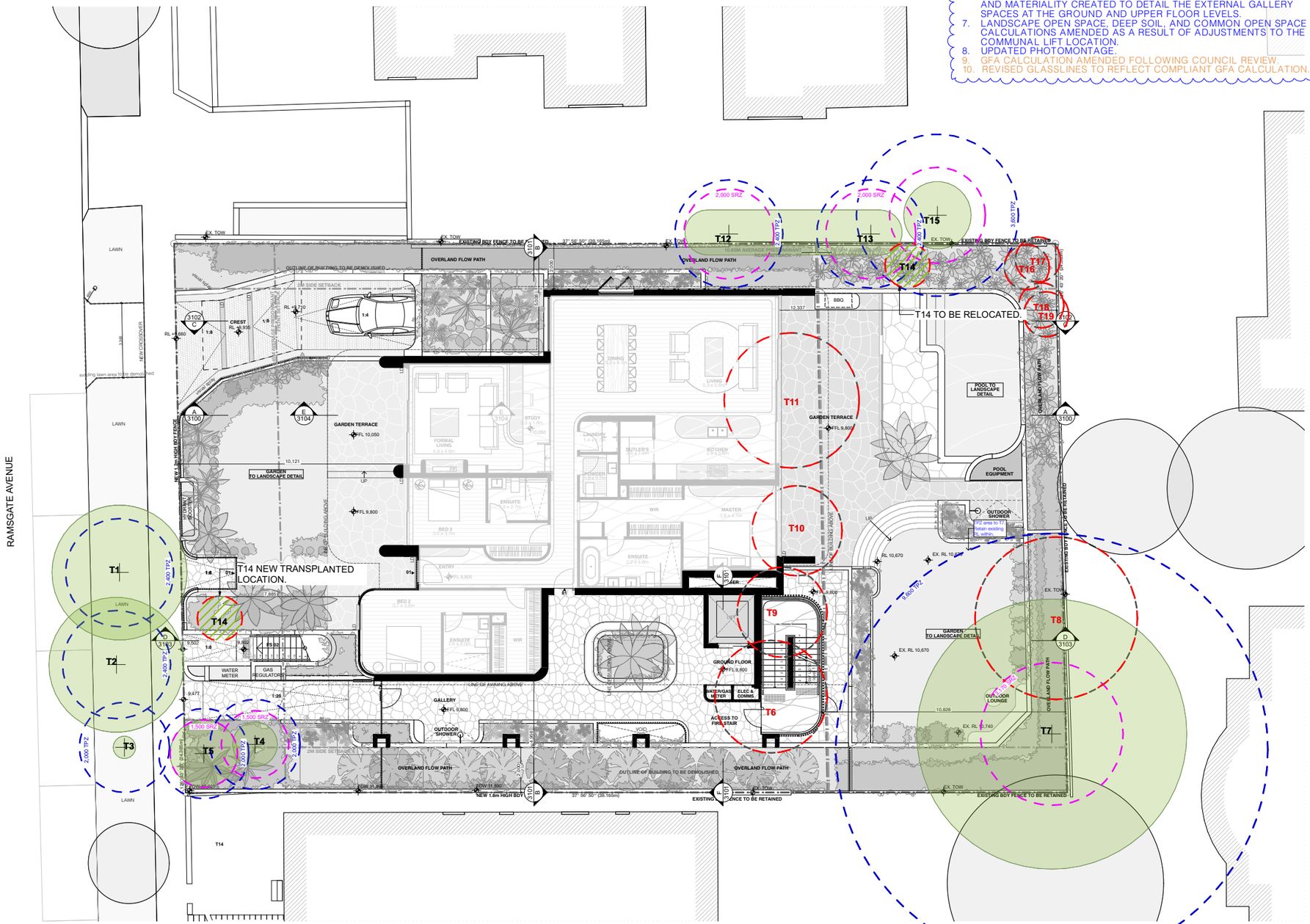
Application No: DA-87/2024

Date Received: 27/11/2024

AMENDED

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POOL/SPA: electric heat pump

NOTES: TREE NUMBERS REFLECTS ARBORIST REPORT.

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RELOCATED
	TPZ
	SRZ

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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
TREE MANAGEMENT PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 1004**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C]; ORANGE NOTES RELEVANT TO CURRENT REV [D]

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37° 56' 50'' (39.165m)

10.65M AVERAGE PREDOMINANT REAR SETBACK - FF

10.58M AVERAGE PREDOMINANT REAR SETBACK - GF

8,128

738

2,201

8,932

2M SIDE SETBACK

4.43M AVERAGE PREDOMINANT FRONT SETBACK

IN-GROUND RAINWATER TANK TO ENG. DETAILS 10,000L min

3102 C

3101 B

RL +7,150

1:4

1:8

LD

SWP

ROLLER DOOR AT THE BOTTOM OF THE RAMP.

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

A 3100

E 3104

ST01 8.82 m³

ST02 9.36 m³

ST03 9.36 m³

ST04 9.36 m³

2,700

5,400

6,100

STW PUMP OUT BELOW SLAB.

EVCP

2,400

5

6

7

1,200

M 1

M 2

1,530

300

5,963

BASEMENT CARPARK
FFL 6,900

COLD WATER PUMP ROOM

GAS HOT WATER PLANT

GARBAGE ROOM
240L BINS (2 RED, 1 BLUE, 2 YELLOW, 1 GREEN)

F 3101

A MOTORISED DEVICE TO ASSIST BIN MOVEMENT BETWEEN THE WASTE STORAGE AREA AND THE COLLECTION POINT IS STORED HERE AND OPERATED BY TRAINED BUILDING STAFF.

LIFT

STORAGE

Stair up to level GF

FS 01

FS 02

7,781

2,546

D 3103

HYDRANT & SPRINKLER PLANT ROOM

COMMS

BULKY GOODS & PROBLEM WASTE

5 x BICYCLE STORAGE

LOBBY

VOID ABOVE

7,330

9,374

126° 43' 20'' (24.385m)

2M SIDE SETBACK

ON-SITE INFILTRATION TRENCH TO ENG. DETAILS

2,000

5,400

431

1 (V)

2

3

4

MODIFIED

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PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 KL

THERMAL COMFORT OPTIONS
R1.2 INSULATION TO: Exposed LS & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

NOTES: BOUNDARY TITLE DIMENSIONS REFLECT PLAN OF PROPOSED CONSOLIDATION OF LOTS 15 & 16 SECTION 2 IN DP9177. PREPARADE BY SURVEYOR FOR DA PURPOUSE ONLY. FINAL DIMENSIONS, AREAS AND LAYOUT ARE SUBJECT TO FINAL SURVEY.

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RELOCATED
TPZ	
SRZ	

N

ARCHITECT:
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F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
BASEMENT PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2000

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C]; ORANGE NOTES RELEVANT TO CURRENT REV [D]

1. REVISED DRIVEWAY LOCATION TO AVOID CONFLICT WITH THE EXISTING LIGHT POLE AT THE FRONT OF 100 RAMSGATE AVENUE.
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6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
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9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

RECEIVED
Waverley Council
AMENDED
Application No: DA-87/2024
Date Received: 27/11/2024

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
SPEC. C1.10 FIRE HAZARD PROPERTIES
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CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
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SRZ

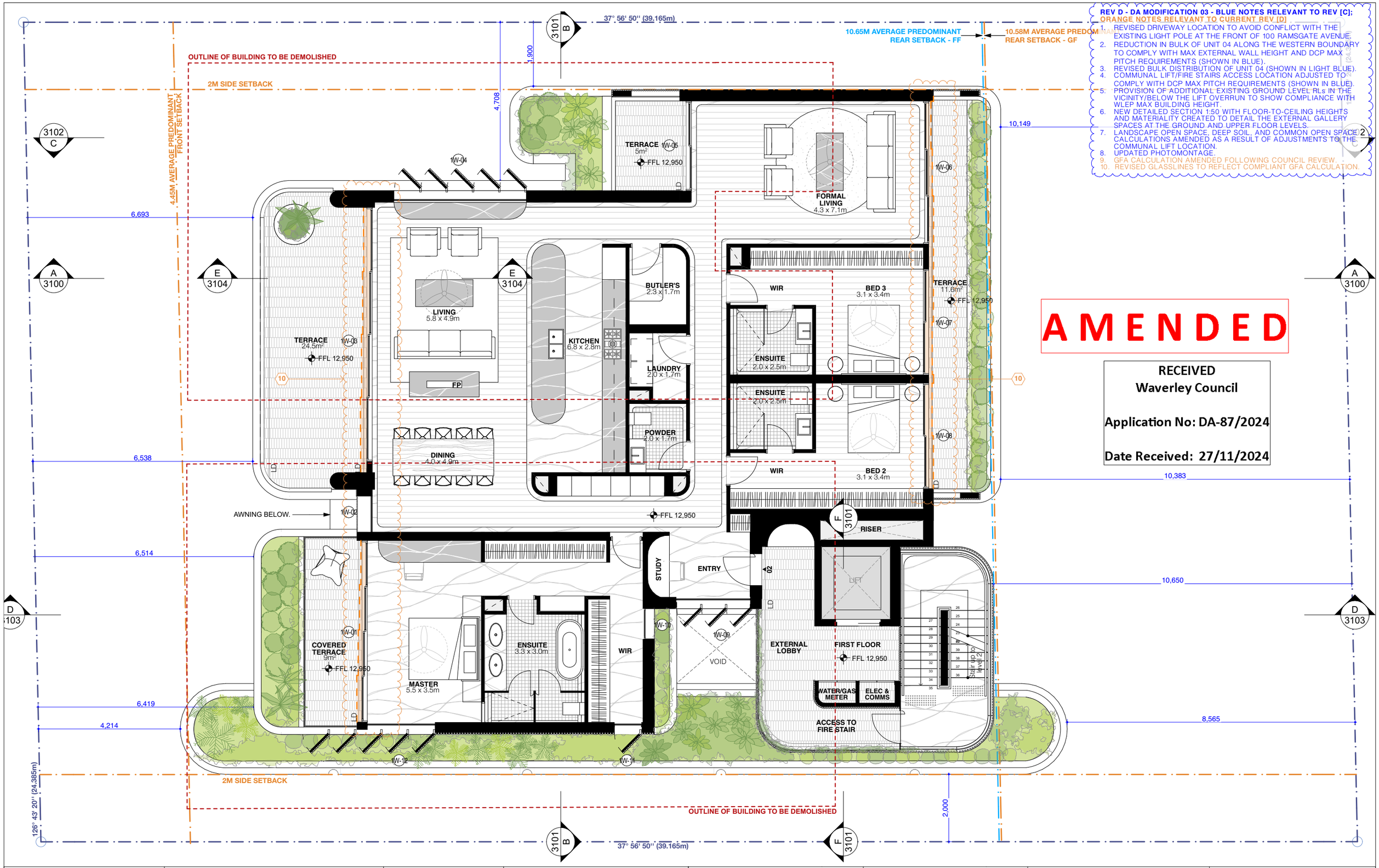
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
GROUND FLOOR PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA



REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C]; ORANGE NOTES RELEVANT TO CURRENT REV [D]

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AMENDED

RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

REV	NOTE	DATE
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C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
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BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
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UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
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- FFL RL OF FINISHED FLOOR LEVEL
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- SRZ
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- EXISTING TREE TO BE RETAINED
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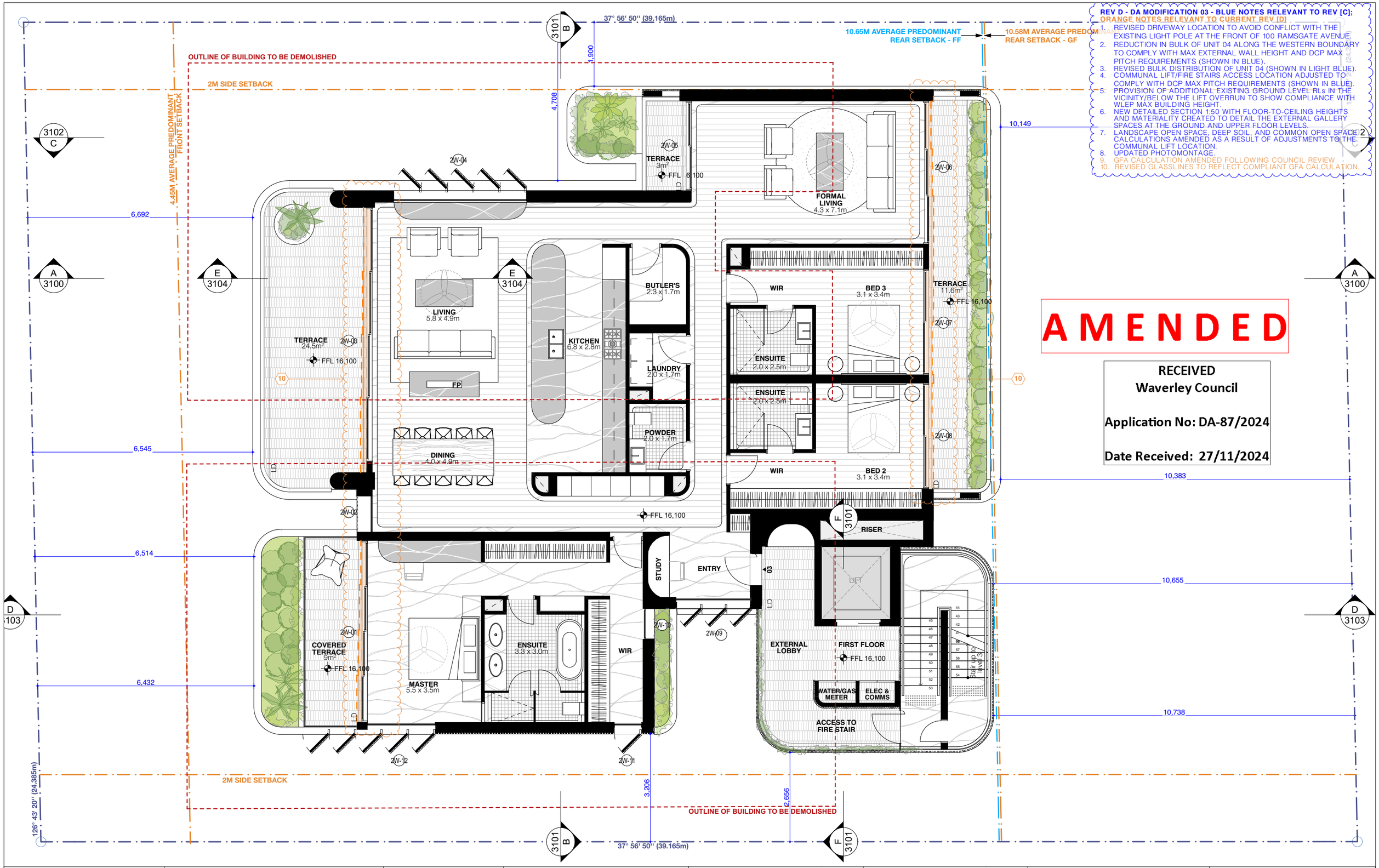
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
LEVEL 1 FLOOR PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2002

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA



REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
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Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
LEVEL 2 FLOOR PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2003

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C]; ORANGE NOTES RELEVANT TO CURRENT REV [D]

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RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

AMENDED

37° 56' 50'' (39.165m)
10.65M AVERAGE PREDOMINANT REAR SETBACK - FF
10.58M AVERAGE PREDOMINANT REAR SETBACK - GF
2M SIDE SETBACK
4.45M AVERAGE PREDOMINANT FRONT SETBACK
OUTLINE OF EXTENT OF UNIT 04 FROM PREVIOUS DA REVISION [B]
OUTLINE OF EXTENT OF UNIT 04 FROM PREVIOUS DA REVISION [C]
LINE OF BUILDING ABOVE
RETRACTABLE HARD COVER.
REVISED LOCATION OF JACUZZI
126° 43' 20'' (24.385m)
2M SIDE SETBACK
37° 56' 50'' (39.165m)

ROOF GARDEN
TERRACE 25.6m² FFL 19,250
LIVING 5.2 x 4.9m
KITCHEN 5.7 x 2.8m
BUTLER'S 2.4 x 1.7m
LAUNDRY 1.7 x 1.7m
POWDER 1.8 x 1.7m
DINING 3.4 x 4.9m
SKYLIGHT O/H
FFL 19,250
WIR
BED 3 3.0 x 3.3m
ENS. 1.9 x 2.5m
TERRACE 9.5m² FFL 19,250
BED 2 3.0 x 3.3m
ENS. 1.9 x 2.5m
ENTRY
STUDY 2.5 x 3.0m
TERRACE 23.9m² FFL 19,250
DRESSING 2.5 x 2.4m
MASTER 3.1 x 4.5m
ENSUITE 3.1 x 2.7m
JACUZZI
UP
LIFT
EXTERNAL LOBBY
WATER/GAS METER
ELEC & COMMS
ACCESS TO FIRE STAIR
THIRD FLOOR FFL 19,250
ROOF GARDEN
ROOF GARDEN

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
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SPEC C1.10 FIRE HAZARD PROPERTIES
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CLAUSE C2.12 SPEARATION OF EQUIPMENT
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WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

NOTES: BOUNDARY TITLE DIMENSIONS REFLECT PLAN OF PROPOSED CONSOLIDATION OF LOTS 15 & 16 SECTION 2 IN DP9177 PREPARADE BY SURVEYOR FOR DA PURPOUSE ONLY. FINAL DIMENSIONS, AREAS AND LAYOUT ARE SUBJECT TO FINAL SURVEY.

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PREDOMINANT SETBACKS
EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE RELOCATED
TPZ
SRZ

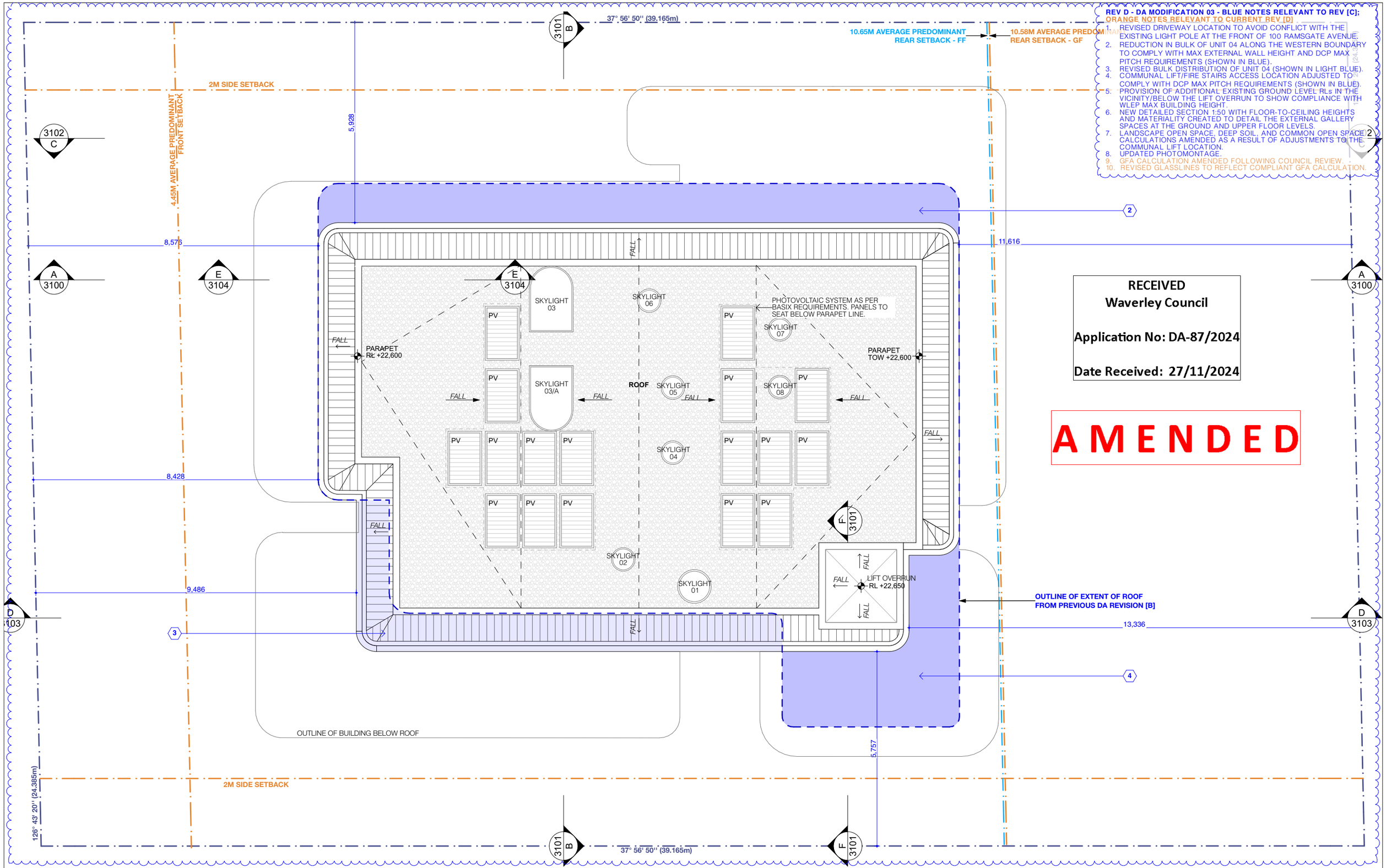
ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
LEVEL 3 FLOOR PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2004

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA



REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

AMENDED

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
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(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
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NOTES: BOUNDARY TITLE DIMENSIONS REFLECT PLAN OF PROPOSED CONSOLIDATION OF LOTS 15 & 16 SECTION 2 IN DP9177 PREPARADE BY SURVEYOR FOR DA PURPOUSE ONLY. FINAL DIMENSIONS, AREAS AND LAYOUT ARE SUBJECT TO FINAL SURVEY.

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SRZ	

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
ROOF PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 2005

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

AMENDED

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ORANGE NOTES RELEVANT TO CURRENT REV [D]

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94-98 RAMSGATE AVE

BOUNDARY LINE

2M SIDE SETBACK

100 - 102 RAMSGATE AVE

2M SIDE SETBACK

BOUNDARY LINE

94-98 RAMSGATE AVE

+22,600
RL ROOF

EX. RL +20,850

+19,250
FFL LEVEL 3

+16,100
FFL LEVEL 2

+12,950
FFL LEVEL 1

EX. TOW

+9,800
FFL GROUND

EXISTING BUILDING TO BE DEMOLISHED. SHOWN IN RED

EX. RL +18,320

100

EXISTING GROUND LINE

VEHICULAR ACCESS. DRIVEWAY TO BASEMENT

SPRINKLER AND HYDRANT BOOSTER ASSEMBLY

OVERLAND FLOW PATH

FIRE STAIRS EGRESS FROM BASEMENT.

PRIVATE PEDESTRIAN ACCESS TO UNIT 01.

PEDESTRIAN ACCESS TO COMMON GALLERY.

OVERLAND FLOW PATH

(01) **BW-01** - RUNNING BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

(02) **BW-02** - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

(03) **MC-01** - METAL ALLUMINIUM PROFILE CORRUGATED. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

(04) **RN-01** - POPCORN RENDER FINISH. LIGHT COLOUR.

(05) **MB-01** - EXPOSED METAL BEAM. COLOUR SATIN LIGHT BRONZE OR SIMILAR.

(06) **CN-01** - CONCRETE TO GALLERY ARCHES.

(07) **MTL-01** - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

(08) **GL-01** - CLEAR GLASS

(09) **MR-01** - METAL ROOF PANEL. COLOUR DARK GREY.

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
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EXISTING TREE TO BE RI
EJ
RI
TF
SF

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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION SOUTH

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
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26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
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REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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Application No: DA-87/2024

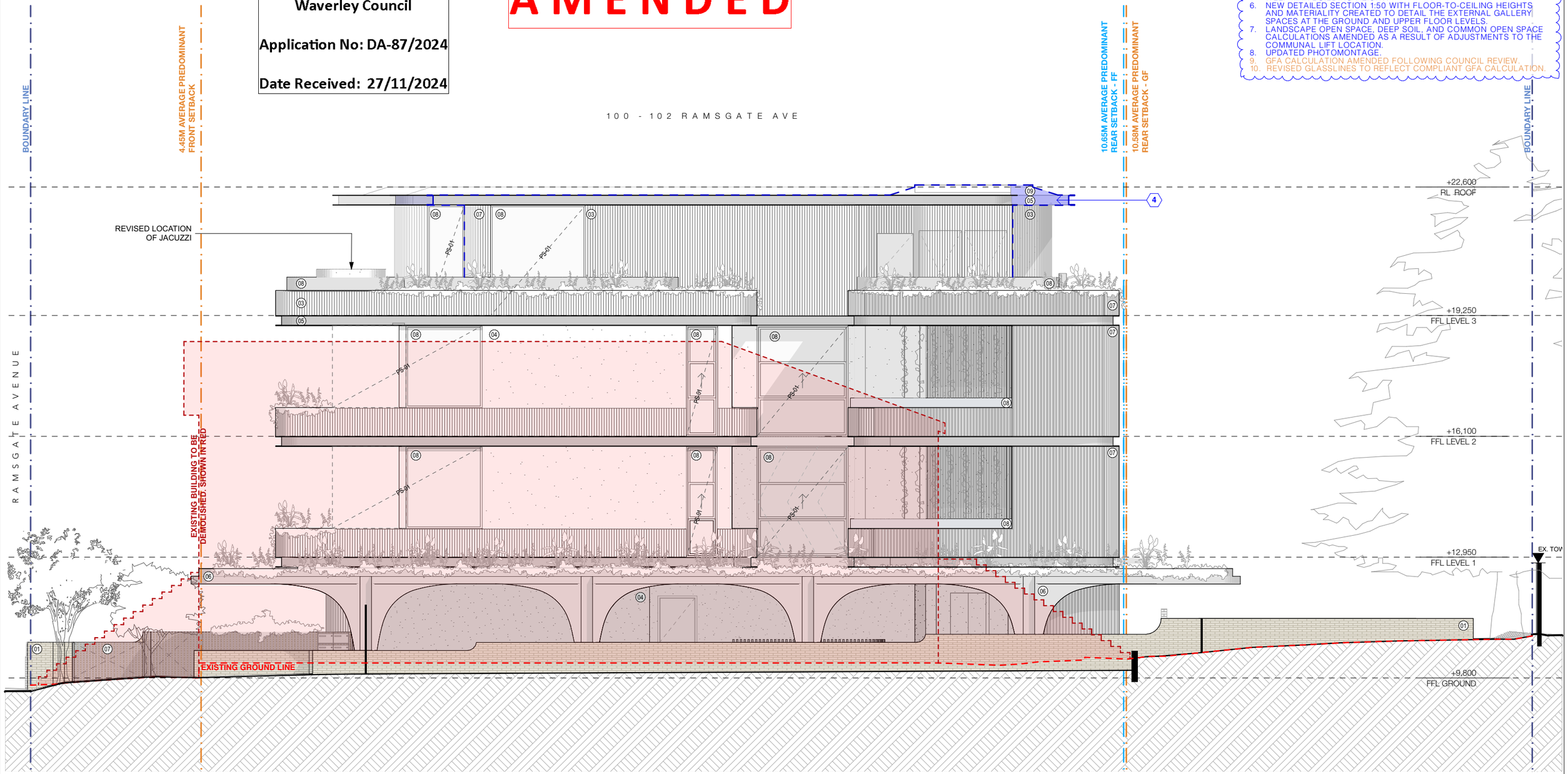
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100 - 102 RAMSGATE AVE



01 **BW-01** - RUNNING BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

02 **BW-02** - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

03 **MC-01** - METAL ALLUMINIUM PROFILE CORRUGATED. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

04 **RN-01** - POPCORN RENDER FINISH. LIGHT COLOUR.

05 **MB-01** - EXPOSED METAL BEAM. COLOUR SATIN LIGHT BRONZE OR SIMILAR.

06 **CN-01** - CONCRETE TO GALLERY ARCHES.

07 **MTL-01** - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

08 **GL-01** - CLEAR GLASS

09 **MR-01** - METAL ROOF PANEL. COLOUR DARK GREY.

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B.1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
SPEC. C1.10 FIRE HAZARD PROPERTIES
SPEC. C.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 SPEARATION OF EQUIPMENT
CLAUSE C2.13 ELECTRICITY SUPPLY SYSYEM
CLAUSE C.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
CLAUSE D1.10 DISCHARGE FROM EXITS
CLAUSE D2.7 INSTALLATIONS IN EXITS AND PATHS OF TRAVEL
CLAUSE D2.13 GOINGS AND RISERS
CLAUSE D2.14 LANDINGS
CLAUSE D2.15 THRESHOLDS
CLAUSE D2.16 BALUSTRADES
CLAUSE D2.17 HANDRAILS
CLAUSE D2.21 OPERATION OF LATCH
CLAUSE D2.23 SIGNS ON DOORS
CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
CLAUSE D3.6 IDENT. OF ACCESSIBLE FACILSERV/FEATURES
CLAUSE D3.8 TACTILE INDICATORS
CLAUSE F1.7 WATERPROOFING OF WET AREAS
CLAUSE F1.9/F1.10 DAMP PROOFING
CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
CLAUSE F5.5 SOUND INSULATION OF WALLS
CLAUSE F5.6 SOUND INSULATION OF SERVICES
CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530.4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS98.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

NOTES: **PS-01** INDICATES OPERABLE PRIVACY SCREEN IN FRONT OF WINDOWS. REFER TO ELEVATION EAST - FINISHES DA 3004.

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE RI
	EJ RI
	TF
	SI

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SURRY HILLS SYDNEY NSW 2010
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F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION EAST

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3001

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

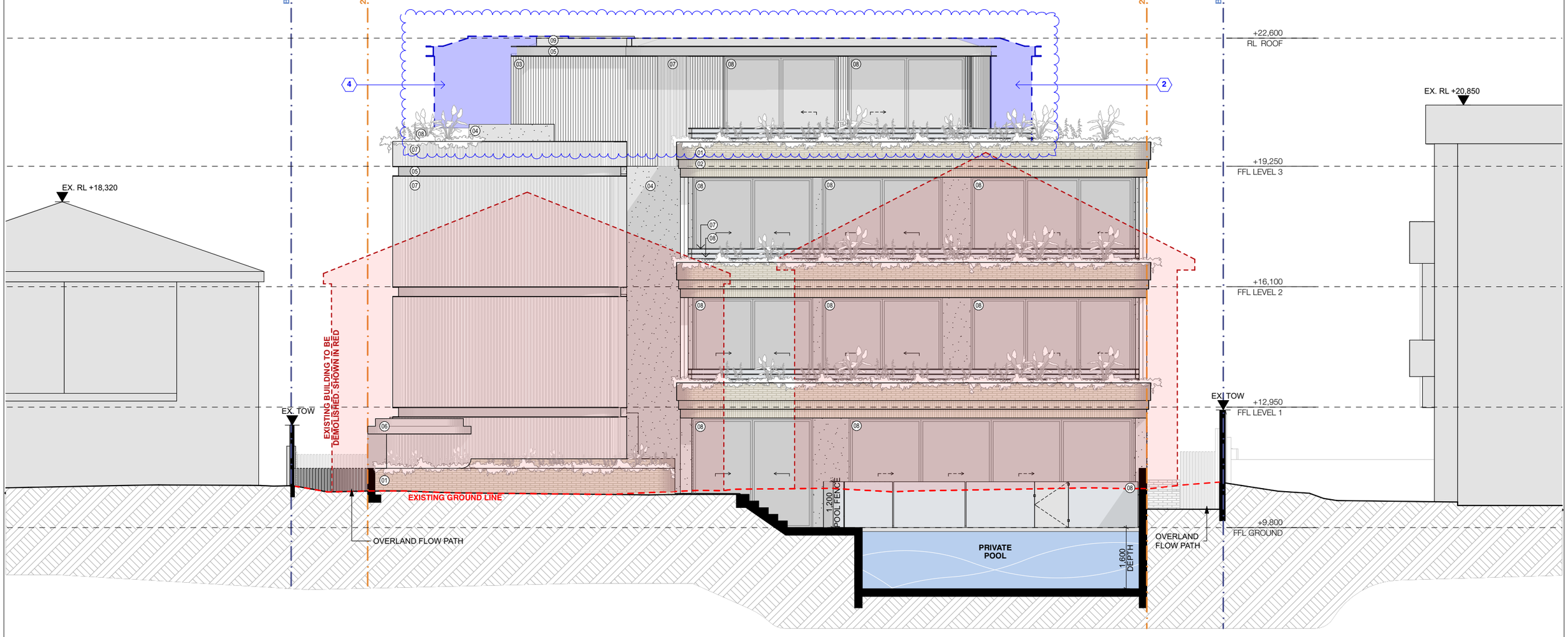
Application No: DA-87/2024

Date Received: 27/11/2024

AMENDED

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

1. REVISED DRIVEWAY LOCATION TO AVOID CONFLICT WITH THE EXISTING LIGHT POLE AT THE FRONT OF 100 RAMSGATE AVENUE.
2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
5. PROVISION OF ADDITIONAL EXISTING GROUND LEVEL RLs IN THE VICINITY/BELOW THE LIFT OVERRUN TO SHOW COMPLIANCE WITH WLEP MAX BUILDING HEIGHT.
6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.



01 **BW-01** - RUNNING BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

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REV	NOTE	DATE
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION NORTH

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3002

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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Waverley Council

Application No: DA-87/2024

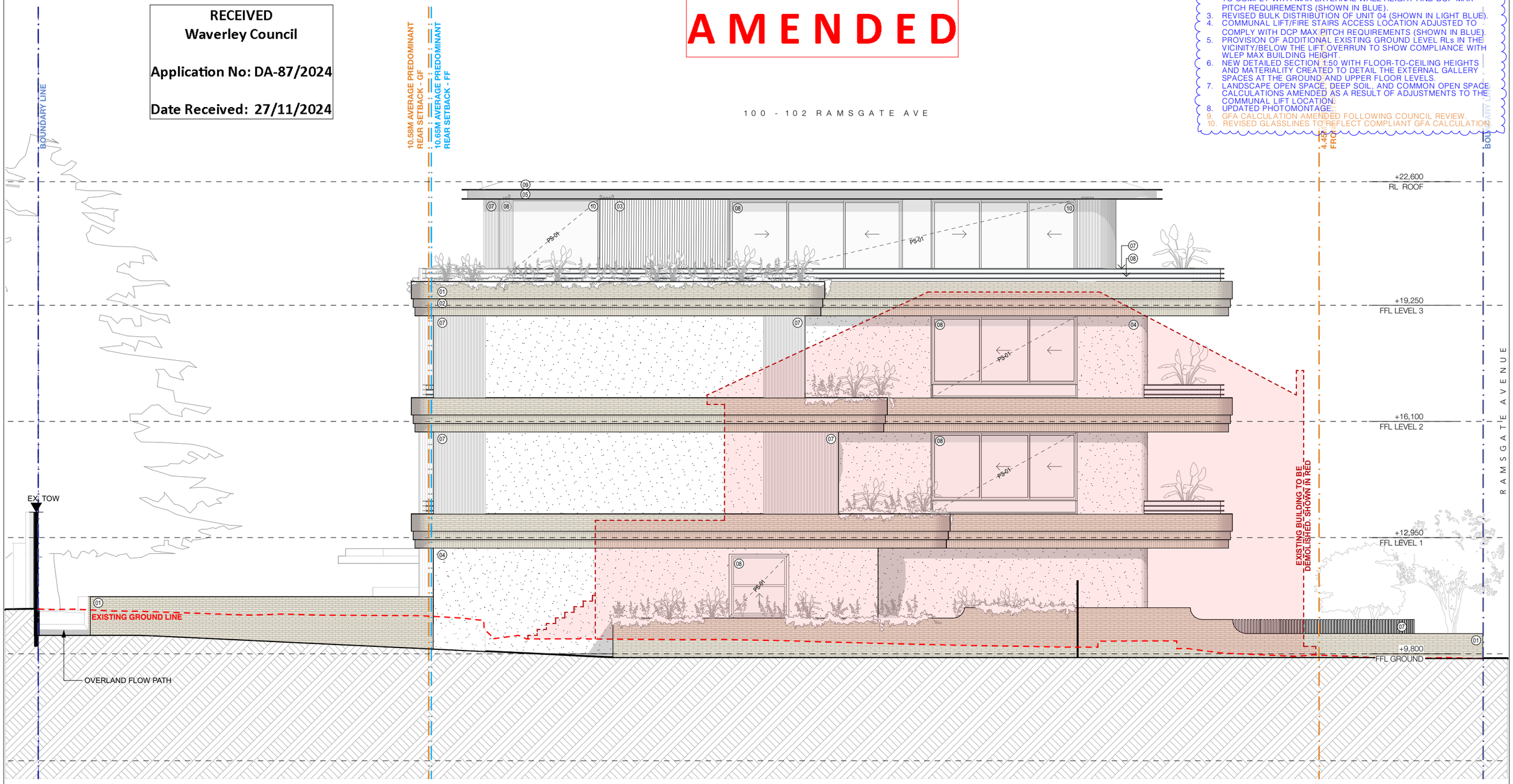
Date Received: 27/11/2024

AMENDED

100 - 102 RAMSGATE AVE

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C]; ORANGE NOTES RELEVANT TO CURRENT REV [D]

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NOTES: **PS-01** INDICATES OPERABLE PRIVACY SCREEN IN FRONT OF WINDOWS. REFER TO ELEVATION WEST - FINISHES DA 3005.

LEGEND:
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RL REDUCED LEVEL
FFL RL OF FINISHED FLOOR LEVEL
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION WEST

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3003**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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AMENDED

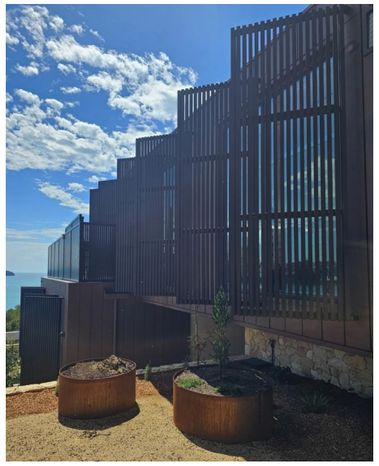
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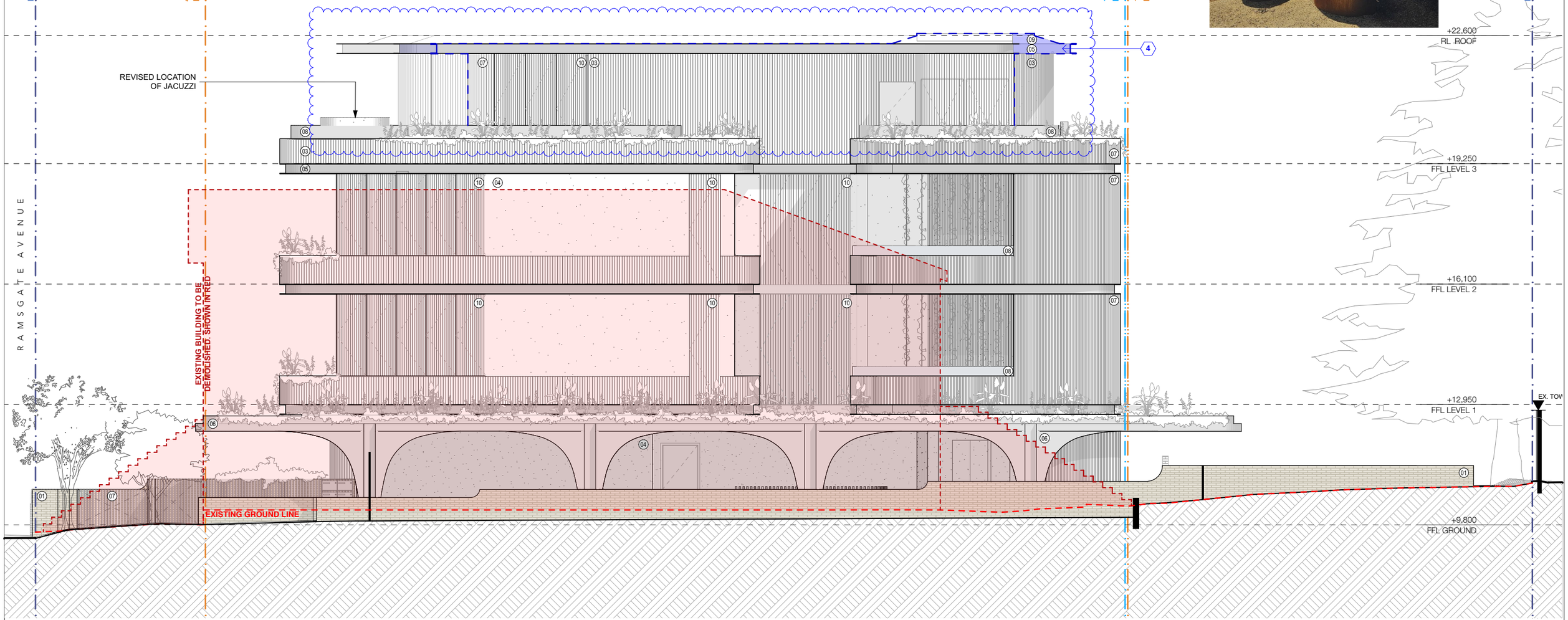
Application No: DA-87/2024

Date Received: 27/11/2024

100 - 102 RAMSGATE AVE

(10) **PS-01** - METAL ALLUMINIUM OPERABLE PRIVACY SCREEN. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.





(01) **BW-01** - RUNNING BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

(02) **BW-02** - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

(03) **MC-01** - METAL ALLUMINIUM PROFILE CORRUGATED. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

(04) **RN-01** - POPCORN RENDER FINISH. LIGHT COLOUR.

(05) **MB-01** - EXPOSED METAL BEAM. COLOUR SATIN LIGHT BRONZE OR SIMILAR.

(06) **CN-01** - CONCRETE TO GALLERY ARCHES.

(07) **MTL-01** - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

(08) **GL-01** - CLEAR GLASS

(09) **MR-01** - METAL ROOF PANEL. COLOUR DARK GREY.

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B.1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
SPEC. C1.10 FIRE HAZARD PROPERTIES
SPEC. C.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 SPEARATION OF EQUIPMENT
CLAUSE C2.13 ELECTRICITY SUPPLY SYSYEM
CLAUSE C.3 ACCEPTABLE METHODS OF PROTECTION (OF OPENINGS)
CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
CLAUSE C3.15 OPENING FOR SERVICE INSTALLATIONS
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CLAUSE D2.16 BALUSTRADES
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CLAUSE D2.23 SIGNS ON DOORS
CLAUSE D3.2 GENERAL BUILDING ACCESS REQUIREMENTS
CLAUSE D3.3 PARTS OF BUILDING TO BE ACCESSIBLE
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CLAUSE D3.8 TACTILE INDICATORS
CLAUSE F1.7 WATERPROOFING OF WET AREAS
CLAUSE F1.9/F1.10 DAMP PROOFING
CLAUSE 2.5 CONSTRUCTION OF SANITARY COMPARTMENTS
PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
CLAUSE F5.5 SOUND INSULATION OF WALLS
CLAUSE F5.6 SOUND INSULATION OF SERVICES
CLAUSE F5.7 SOUND INSULATION OF PUMPS

ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530.4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS98.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS

EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE RI
EJ RI
TF
SI

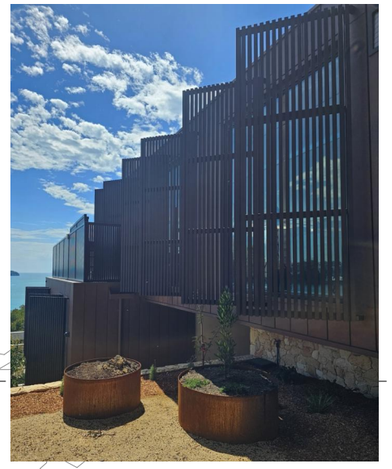
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35 RICHARDS LANE
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T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION EAST - FINISHES

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3004**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach, DA



⑩ **PS-01** - METAL ALLUMINIUM OPERABLE PRIVACY SCREEN. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

AMENDED

100 - 102 RAMSGATE AVE

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

1. REVISED DRIVEWAY LOCATION TO AVOID CONFLICT WITH THE EXISTING LIGHT POLE AT THE FRONT OF 100 RAMSGATE AVENUE.
2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
5. PROVISION OF ADDITIONAL EXISTING GROUND LEVEL RLs IN THE VICINITY/BELOW THE LIFT OVERRUN TO SHOW COMPLIANCE WITH WLEP MAX BUILDING HEIGHT.
6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

BOUNDARY LINE

10.58M AVERAGE PREDOMINANT REAR SETBACK - GF

10.65M AVERAGE PREDOMINANT REAR SETBACK - FF

4.45M FROM

BOUNDARY LINE

RAMSGATE AVENUE

+22,600
RL ROOF

+19,250
FFL LEVEL 3

+16,100
FFL LEVEL 2

+12,950
FFL LEVEL 1

+9,800
FFL GROUND

EXISTING BUILDING TO BE DEMOLISHED. SHOWN IN RED

EX. TOW

EXISTING GROUND LINE

OVERLAND FLOW PATH

① **BW-01** - RUNNING BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

② **BW-02** - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

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RL REDUCED LEVEL
FFL RL OF FINISHED FLOOR LEVEL
LD LINEAR DRAIN
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PREDOMINANT SETBACKS
EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE RI
E1 RI
TF
SF

ARCHITECT:
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F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
ELEVATION WEST - FINISHES

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3005**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

AMENDED

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

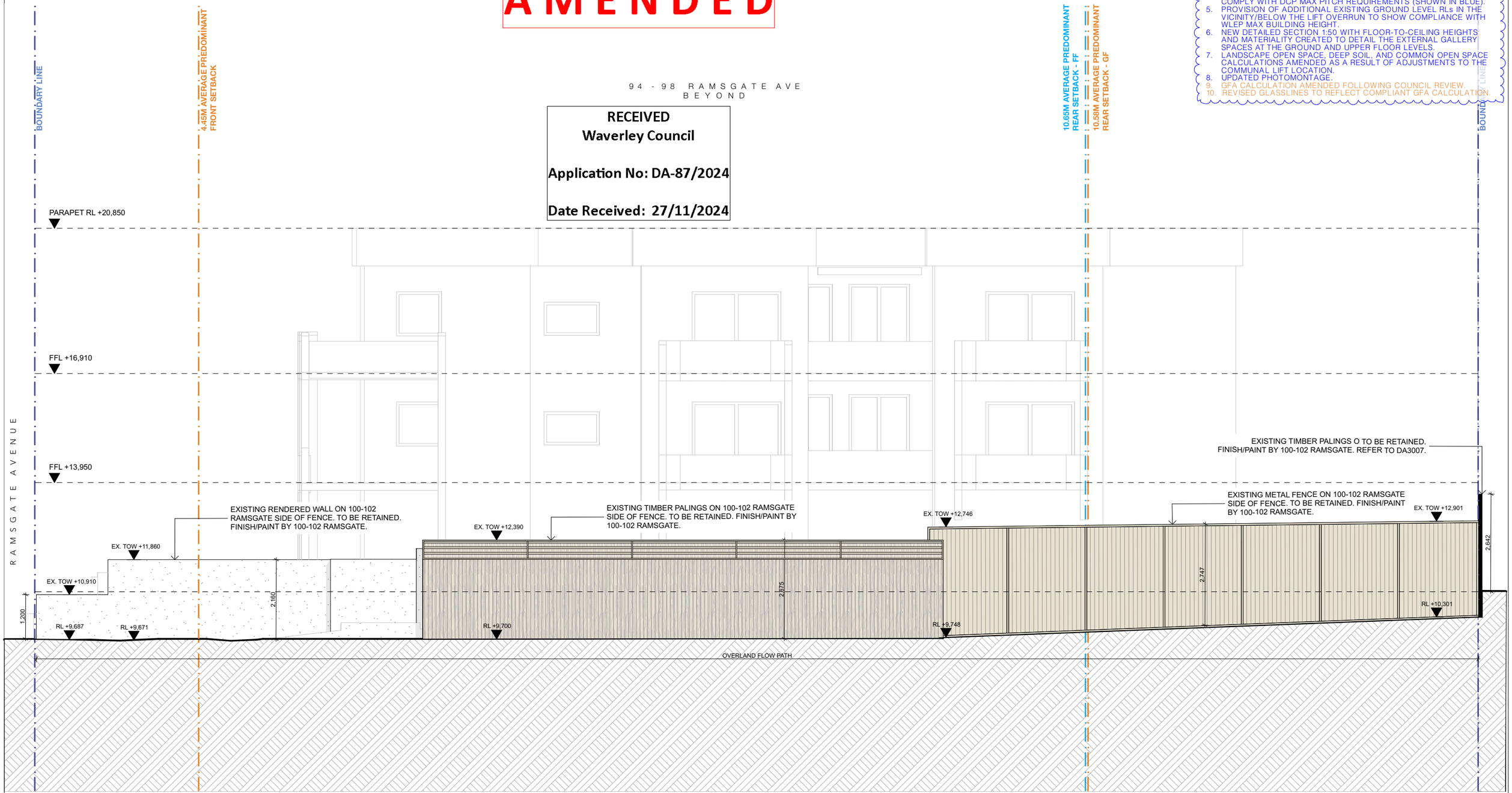
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8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

94 - 98 RAMSGATE AVE BEYOND

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024



REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
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(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

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LEGEND:
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- RL REDUCED LEVEL
- FFL RL OF FINISHED FLOOR LEVEL
- LD LINEAR DRAIN
- TITLE BOUNDARY
- EX BUILDING TO BE DEMOLISHED
- PREDOMINANT SETBACKS
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
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- TPZ
- SRZ

ARCHITECT:
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F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
BOUNDARY FENCE WEST ELEVATION
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3006

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

AMENDED

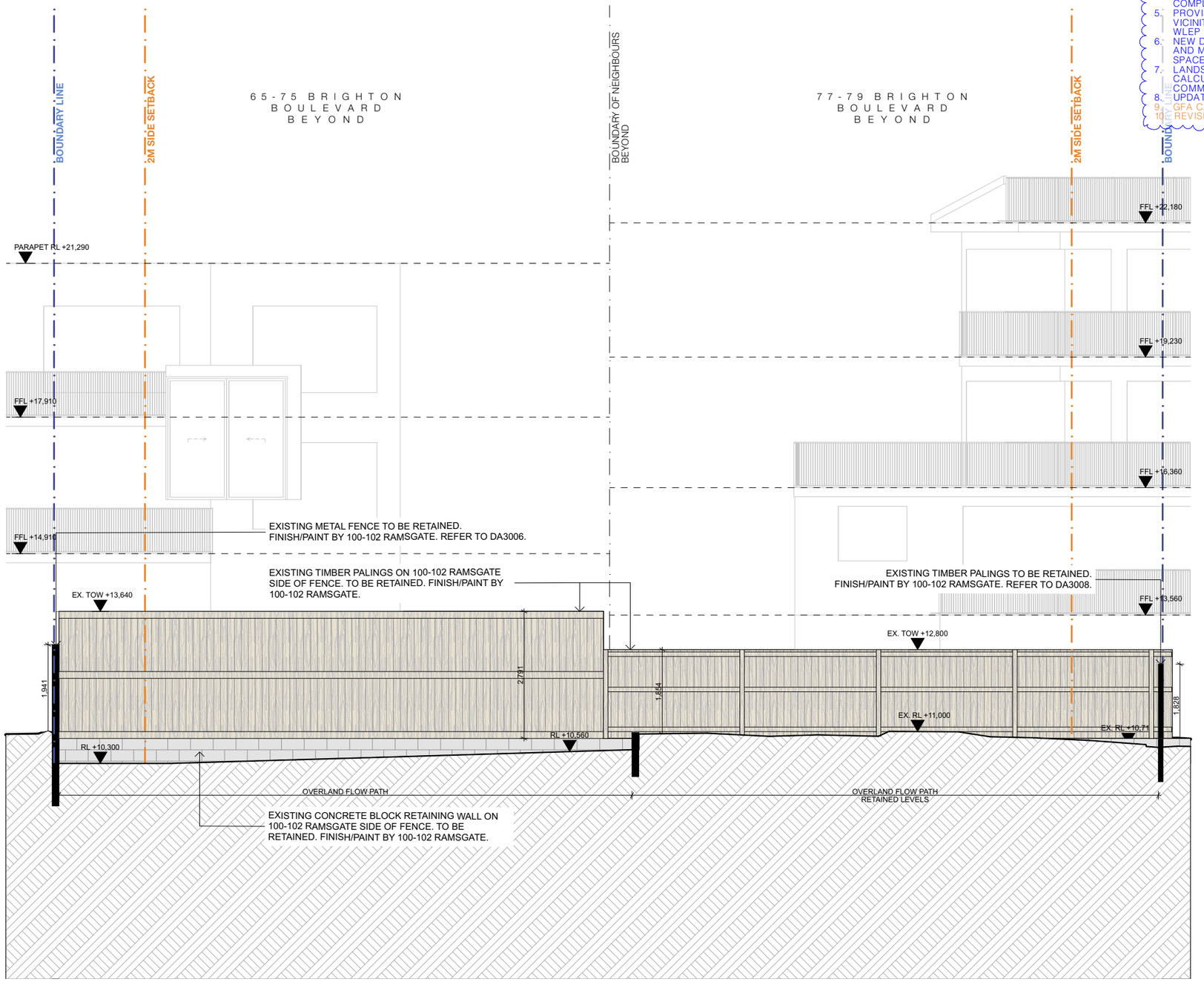
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Waverley Council

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PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
CLAUSE F5.5 SOUND INSULATION OF WALLS
CLAUSE F5.6 SOUND INSULATION OF SERVICES
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ARTIFICIAL LIGHTING: TO COMPLY WITH BCA PART CLAUSEF4.4 & AS1680
BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530.4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS98.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS:-5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
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WATER HEATING: central hot water system,
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COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
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	TPZ
	SRZ

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
BOUNDARY FENCE NORTH ELEVATION
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3007**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

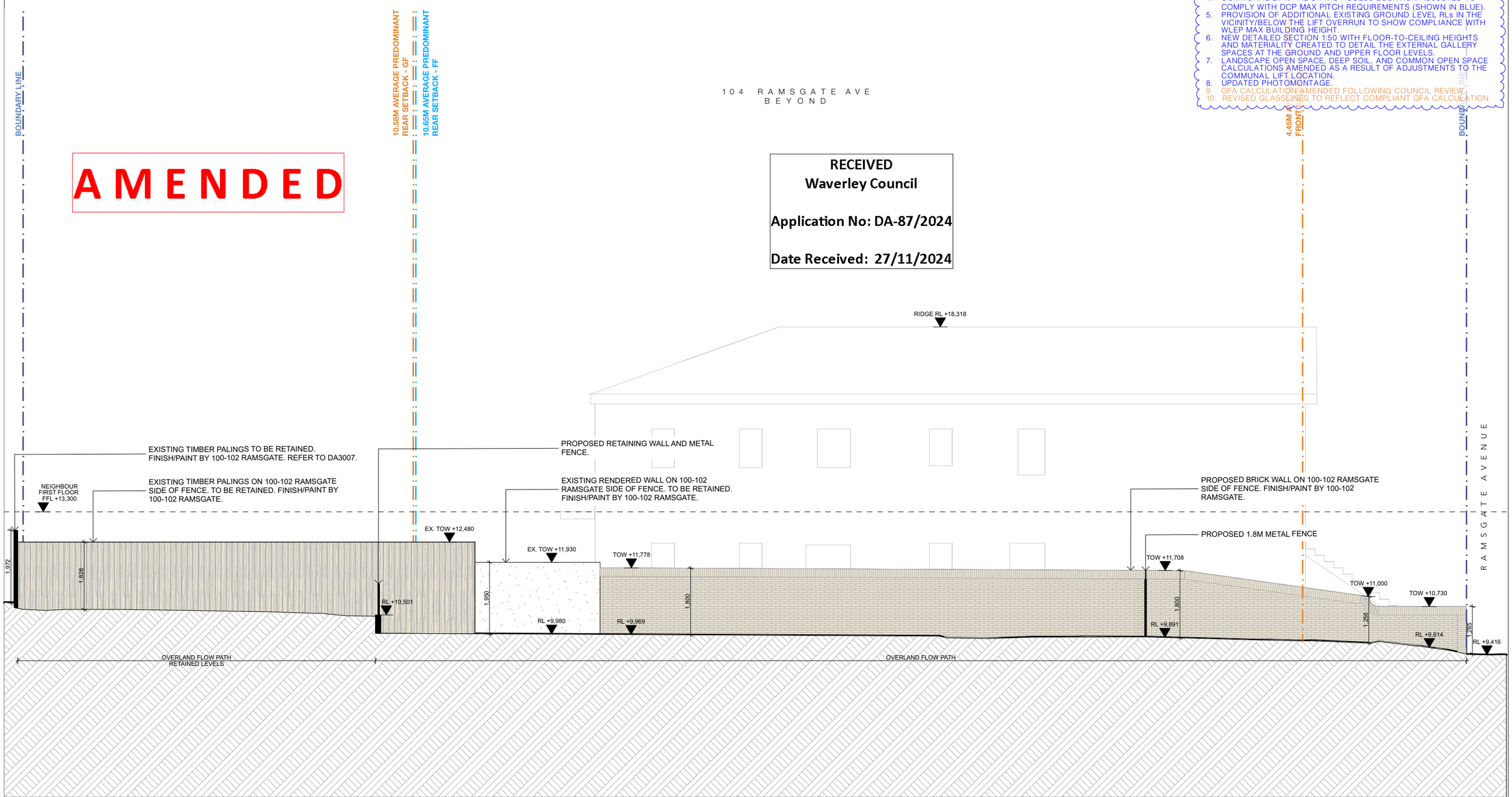
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8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

AMENDED

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024



REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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SPEC. C1.10 FIRE HAZARD PROPERTIES
SPEC. C1.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
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RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
BOUNDARY FENCE EAST ELEVATION
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

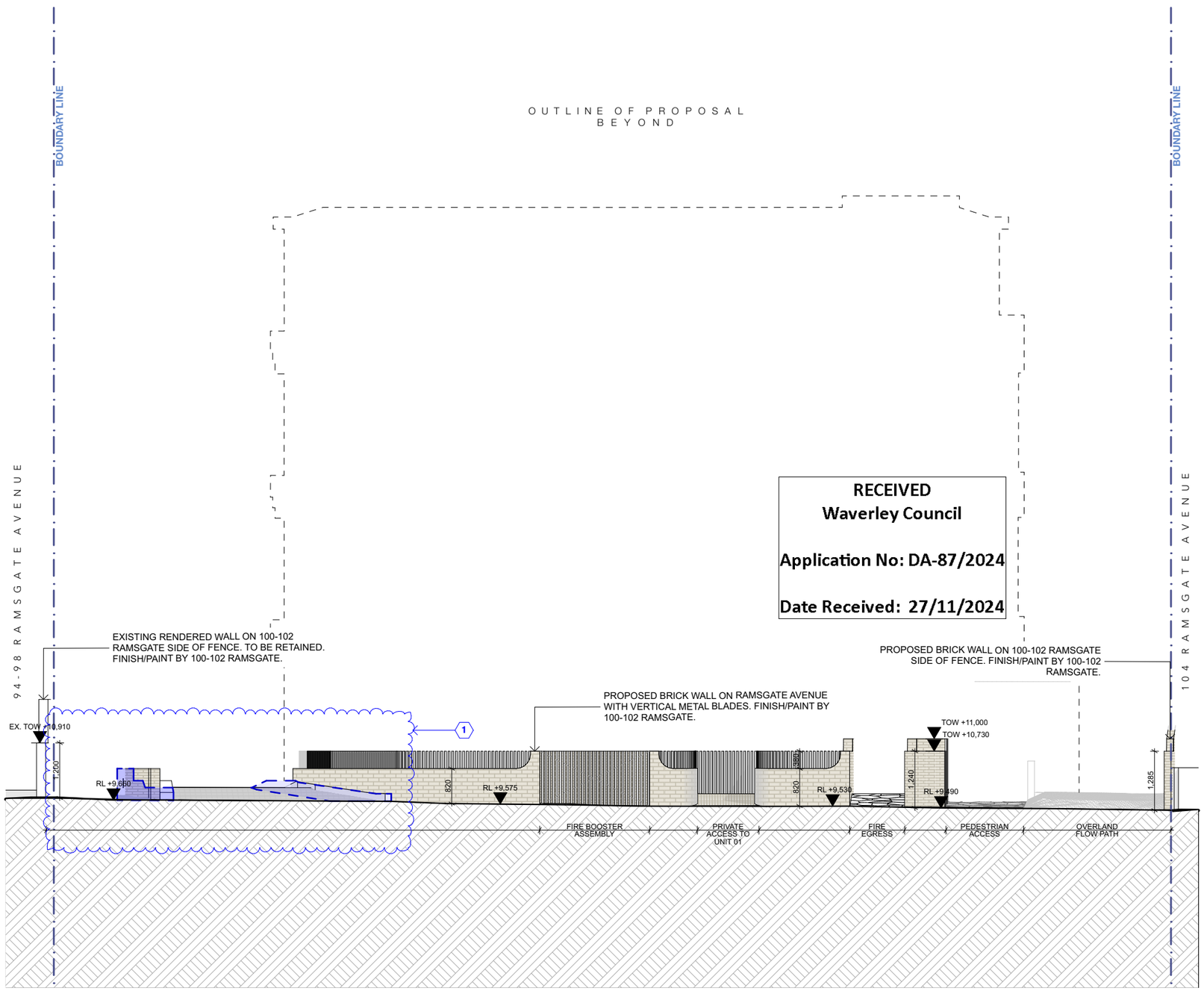
SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3008**

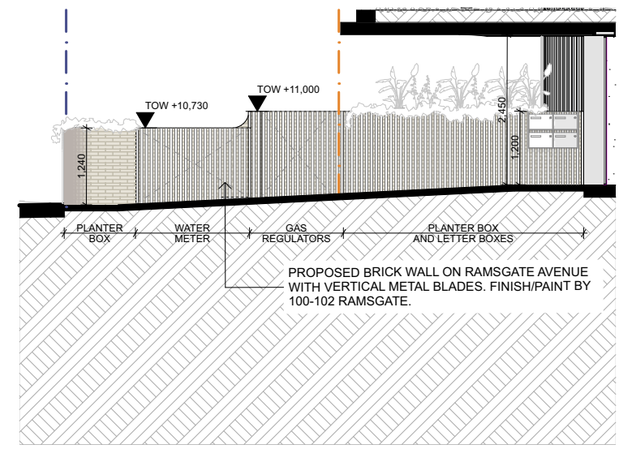
REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

AMENDED





ELEVATION OF ENTRY WAY

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
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SPEC. C1.10 FIRE HAZARD PROPERTIES
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BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
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CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
BOUNDARY FENCE SOUTH ELEVATION
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3009**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

Application No: DA-87/2024

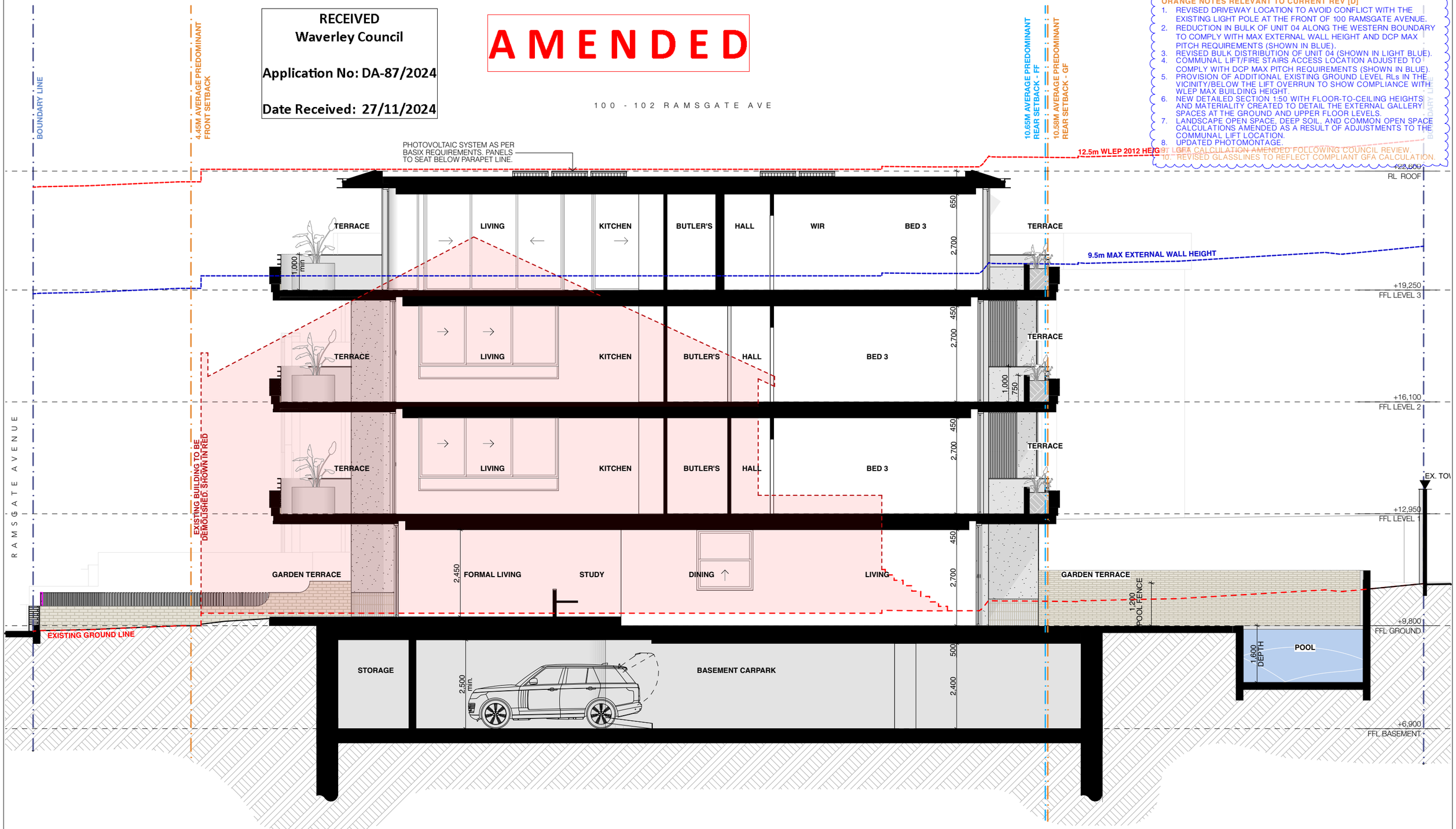
Date Received: 27/11/2024

AMENDED

100 - 102 RAMSGATE AVE

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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UNIT 1 POOL: 30 kL

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R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall,
Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE RI
	EI RI
	TF
	SF

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
SECTION A

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3100

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
5. PROVISION OF ADDITIONAL EXISTING GROUND LEVEL RLs IN THE VICINITY/BELOW THE LIFT OVERRUN TO SHOW COMPLIANCE WITH WLEP MAX BUILDING HEIGHT.
6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

94-98 RAMSGATE AVE

100 - 102 RAMSGATE AVE

BOUNDARY LINE

2M SIDE SETBACK

PHOTOVOLTAIC SYSTEM AS PER BASIX REQUIREMENTS.PANELS TO SEAT BELOW PARAPET LINE.

DCP MAX PITCH

12.5m WLEP 2012 HEIGHT LIMIT

RL ROOF

OUTLINE OF EXTENT OF UNIT 04 FROM PREVIOUS DA REVISION [B]

9.5m MAX EXTERNAL WALL HEIGHT

EX. RL +20,850

EX. RL +18,320

+19,250
FFL LEVEL 3

+16,100
FFL LEVEL 2

+12,950
FFL LEVEL 1

+9,800
FFL GROUND

+6,900
FFL BASEMENT

EX. TOW

TOW +11,830

EXISTING BUILDING TO BE DEMOLISHED. SHOWN IN RED

EXISTING GROUND LINE

LIVING | HALL | MASTER BED

LIVING | HALL | WIR | ENSUITE

LIVING | HALL | WIR | ENSUITE

STUDY | ENSUITE | BED 3 | ENTRY HALL | BED 2 | GALLERY

DRIVEWAY | BASEMENT CARPARK | PLANT ROOM

650 | 2,700 | 450 | 2,700 | 450 | 2,700 | 450 | 2,450 | 750 | 2,400

AMENDED

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
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BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

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KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
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EJ	EJ
RI	RI
TF	TF
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Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
SECTION B

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3101**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

Application No: DA-87/2024

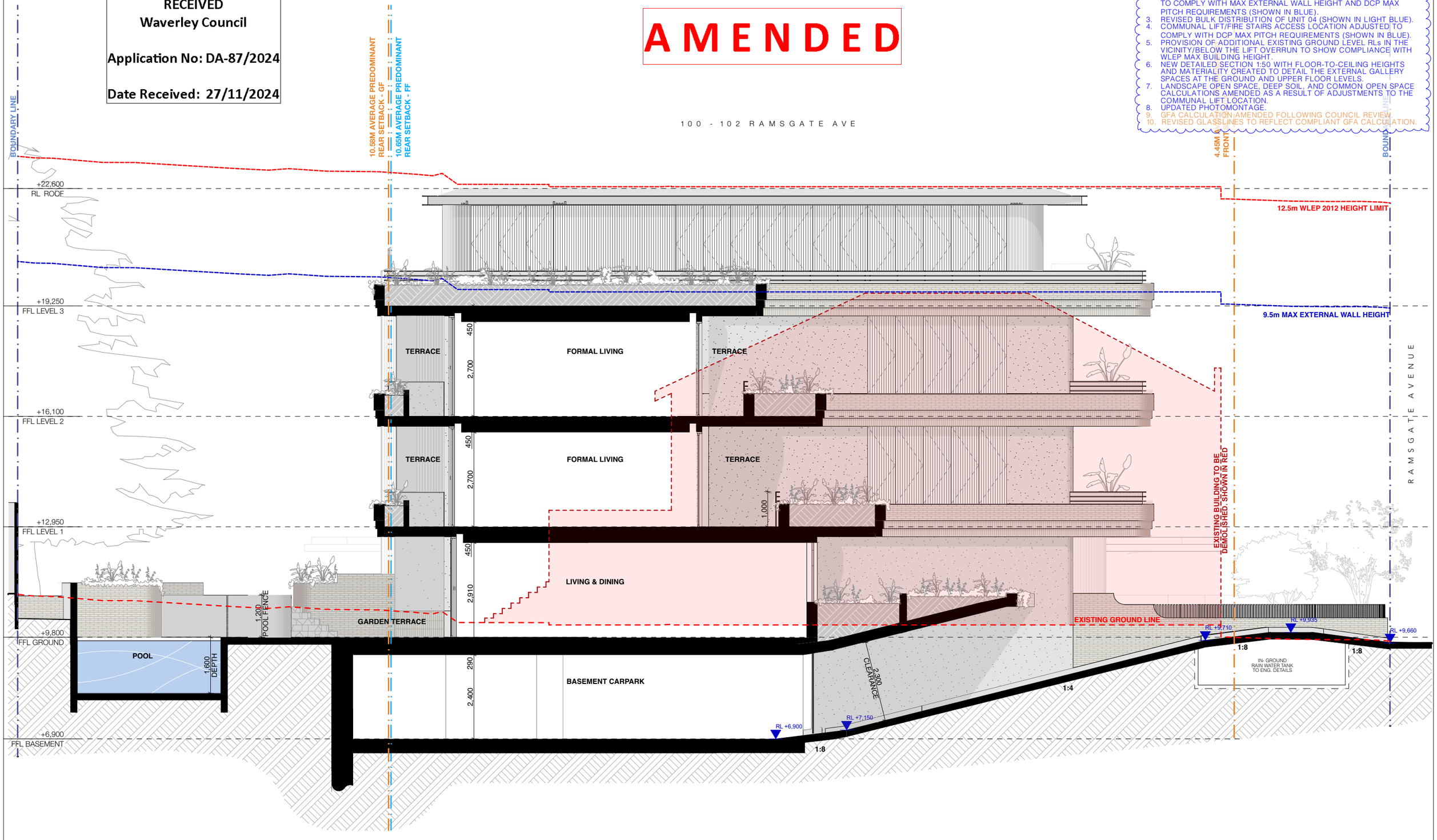
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100 - 102 RAMSGATE AVE



REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
SECTION C

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3102

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

RECEIVED
Waverley Council

Application No: DA-87/2024

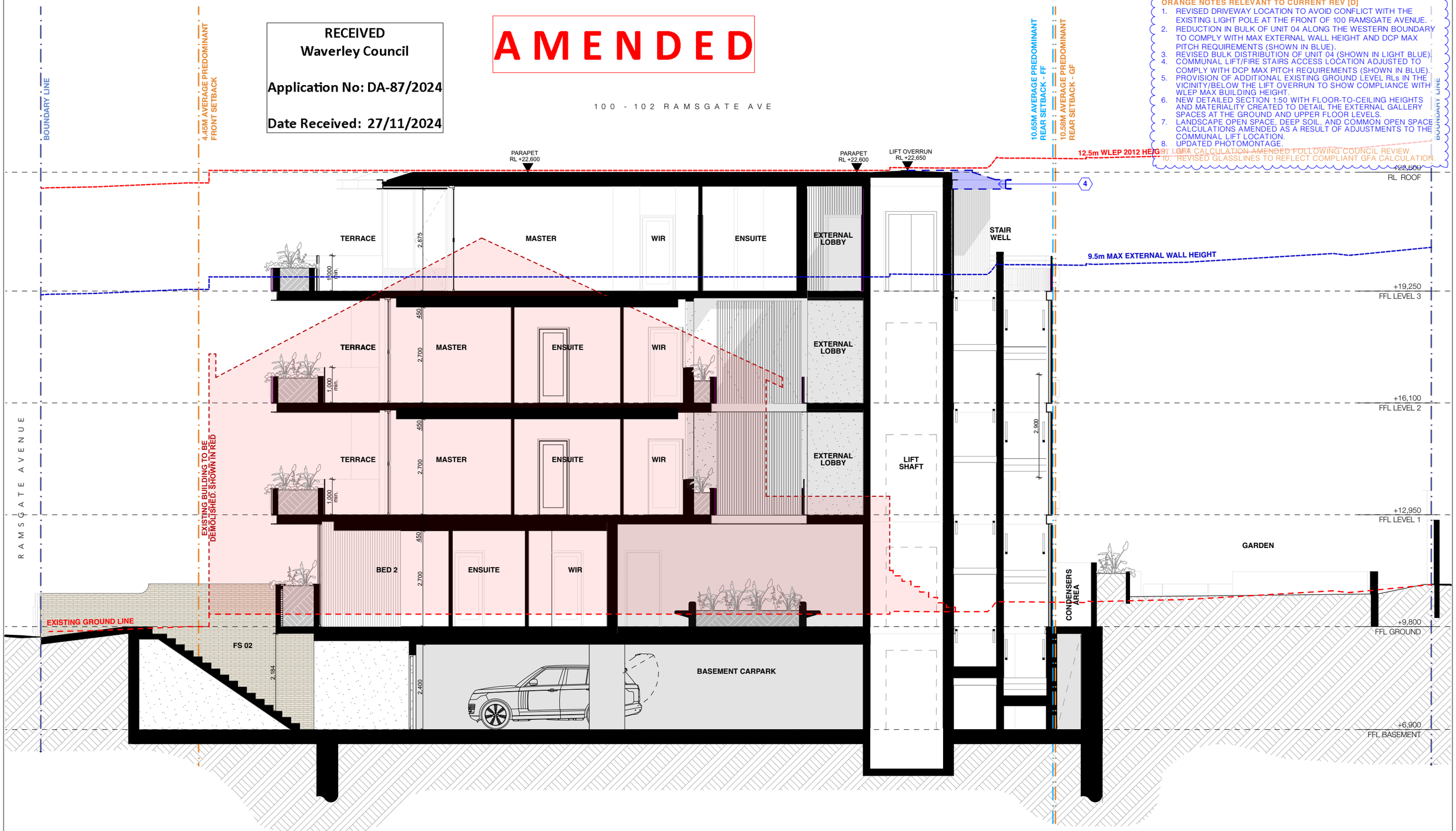
Date Received: 27/11/2024

AMENDED

100 - 102 RAMSGATE AVE

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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REV	NOTE	DATE
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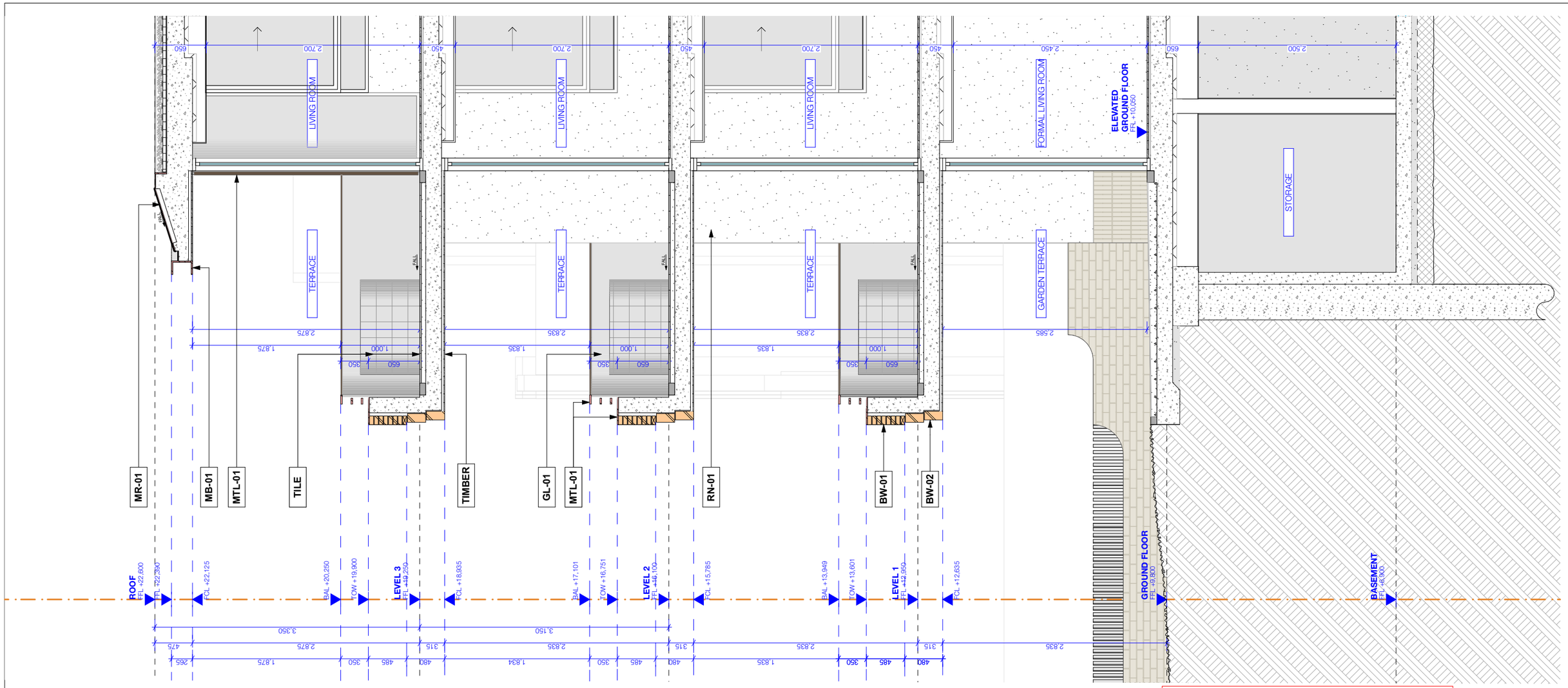
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DRAWING TITLE:
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100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

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REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

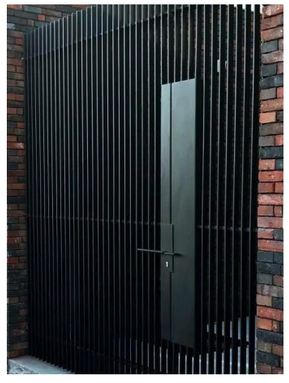




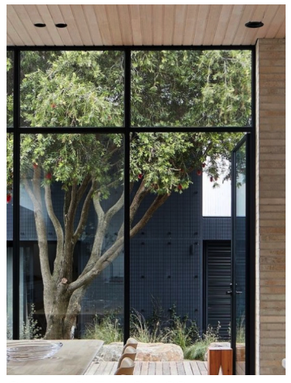
BW-01 - RUNNING BRICK BOND
BW-02 - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.



RN-01 - POPCORN RENDER FINISH. LIGHT COLOUR.



MTL-01 - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.



GL-01 - CLEAR GLASS



MR-01 - METAL ROOF PANEL. COLOUR DARK GREY.

AMENDED

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
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9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC. C1.1 FIRE RESISTING CONSTRUCTION
SPEC. C1.10 FIRE HAZARD PROPERTIES
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CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
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FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
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MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHANUST VENTILATION: TO COMPLY WITH AS1668 & AS98.2
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WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
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THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
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LEGEND:
EX EXISTING RL
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EX BUILDING TO BE DEMOLISHED
PREDOMINANT SETBACKS
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EJ
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TF
SF

ARCHITECT:
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
SECTION E

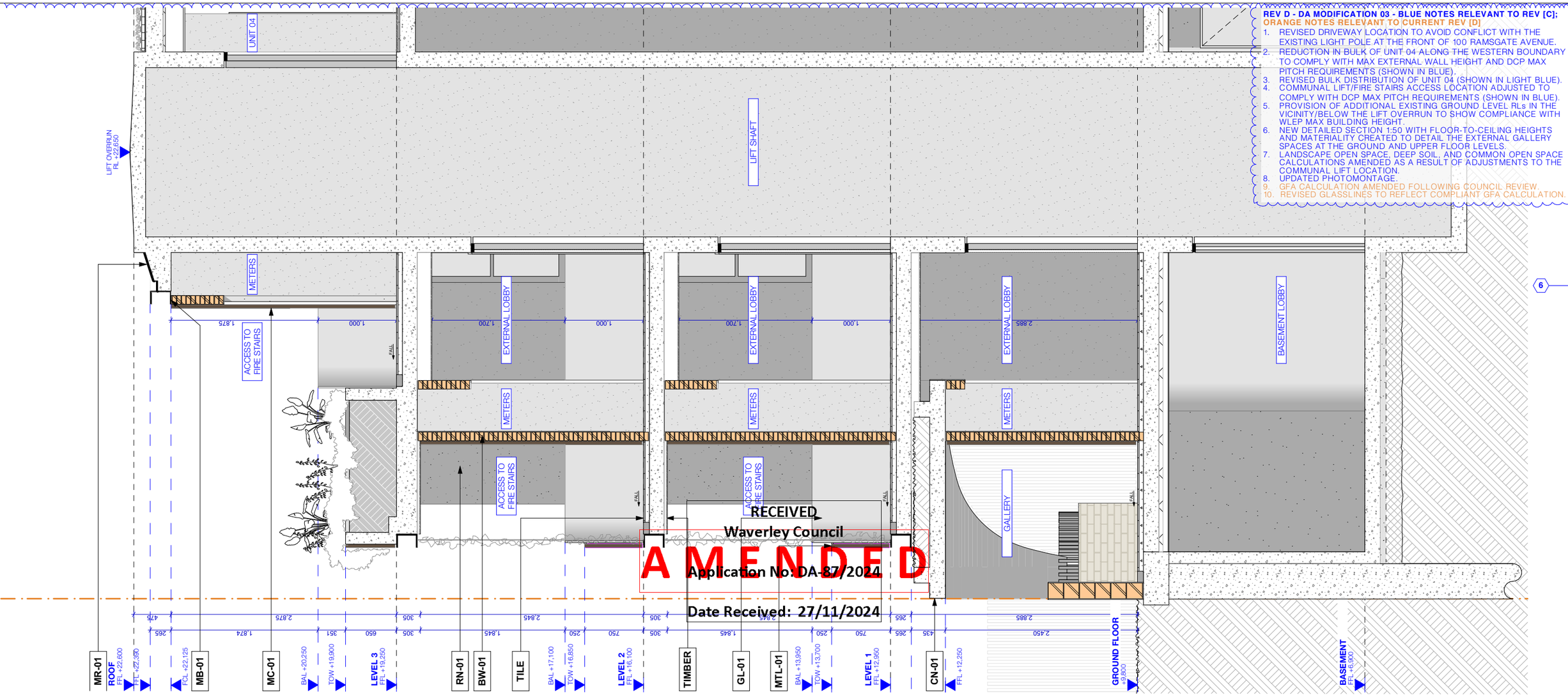
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:50@A3	MB	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 3104

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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BW-01 - RUNNING BRICK BOND
BW-02 - SOLDIER BRICK BOND
KRAUS GHOST GREY COLOUR OR SIMILAR.



MC-01 - METAL ALLUMINIUM PROFILE CORRUGATED. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.



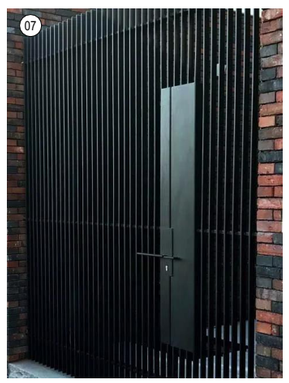
RN-01 - POPCORN RENDER FINISH. LIGHT COLOUR.



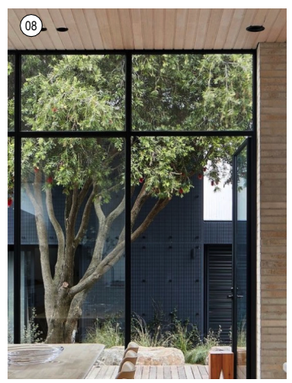
MB-01 - EXPOSED METAL BEAM. COLOUR SATIN LIGHT BRONZE OR SIMILAR.



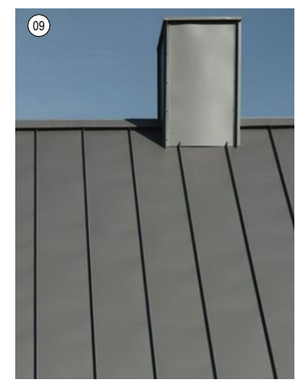
CN-01 - CONCRETE TO GALLERY ARCHES.



MTL-01 - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.



GL-01 - CLEAR GLASS



MR-01 - METAL ROOF PANEL. COLOUR DARK GREY.

REV	NOTE	DATE
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
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TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
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R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system, ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
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LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS

EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE RI
E
TF
SI

ARCHITECT:
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SURRY HILLS SYDNEY NSW 2010
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F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brelin Meyerson NSW Registration Number 4907

DRAWING TITLE:
SECTION F

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:50@A3	MB	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 3105**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

94-98 RAMSGATE AVE

100 - 102 RAMSGATE AVE

AMENDED

BOUNDARY LINE

2M SIDE SETBACK

2M SIDE SETBACK

BOUNDARY LINE

+22,600
RL ROOF

+19,250
FFL LEVEL 3

+16,100
FFL LEVEL 2

+12,950
FFL LEVEL 1

+9,800
FFL GROUND

EX. RL +20,850

EX. TOW

EX. RL +18,320

EXISTING BUILDING TO BE DEMOLISHED. SHOWN IN RED

EXISTING GROUND LINE

VEHICULAR ACCESS. DRIVEWAY TO BASEMENT

SPRINKLER AND HYDRANT BOOSTER ASSEMBLY

FIRE STAIRS EGRESS FROM BASEMENT.

PRIVATE PEDESTRIAN ACCESS TO UNIT 01.

PEDESTRIAN ACCESS TO COMMON GALLERY.

OVERLAND FLOW PATH

RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
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01


02


BW-01 - RUNNING BRICK BOND
BW-02 - SOLDIER BRICK BOND KRAUS GHOST GREY COLOUR OR SIMILAR.

03


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04


RN-01 - POPCORN RENDER FINISH. LIGHT COLOUR.

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MTL-01 - METAL ALLUMINIUM FINISH. COLOUR ANODIZED SATIN LIGHT BRONZE OR SIMILAR.

08


GL-01 - CLEAR GLASS

09


MR-01 - METAL ROOF PANEL. COLOUR DARK GREY.

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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Nominated Architect Brain Meyerson
NSW Registration Number 4907

DRAWING TITLE:
EXTERNAL FINISHES

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:100@A3	MB, JW	MB
ISSUE DATE		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 6000**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

GFA DIAGRAMS

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

WAVERLEY COUNCIL
LEP 2012 GFA Definition:
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.

GFA CALCULATIONS

	PROPOSAL	
GF:	217.25m²	
1-2 F:	230.76m²	x2
3 F:	180.23m²	
TOTAL GFA	**859.00m²**	

FSR

	R3	PROPOSAL
SITE AREA:	954.60m²	954.60m²
TOTAL GFA:	859.14m²	859.00m²
FSR:	**0.9:1**	**0.9:1**

COMPLIES ✓

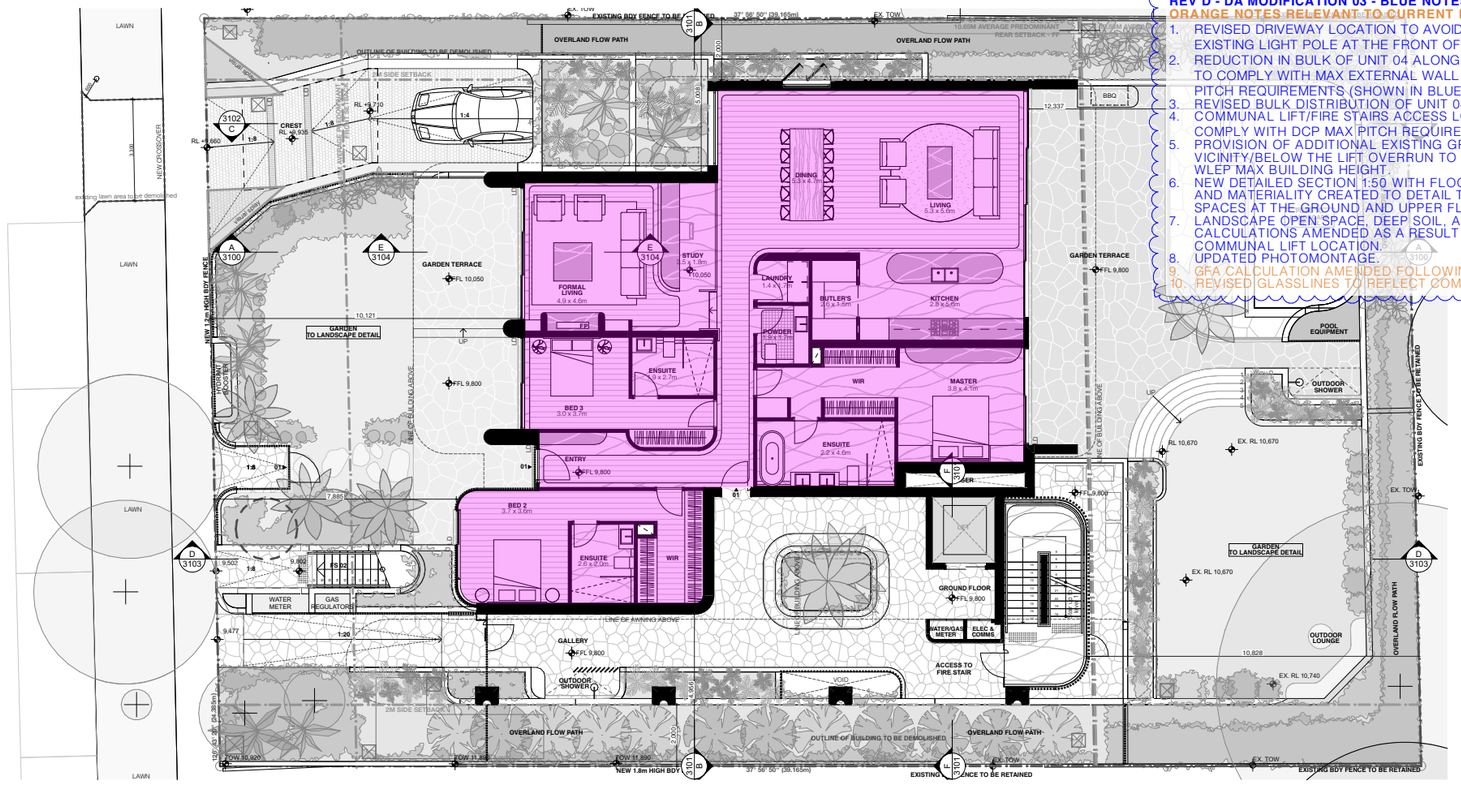
PARKING

RESIDENTIAL SPACES: 6+1 VISITOR

LEGEND:

GROSS FLOOR AREA

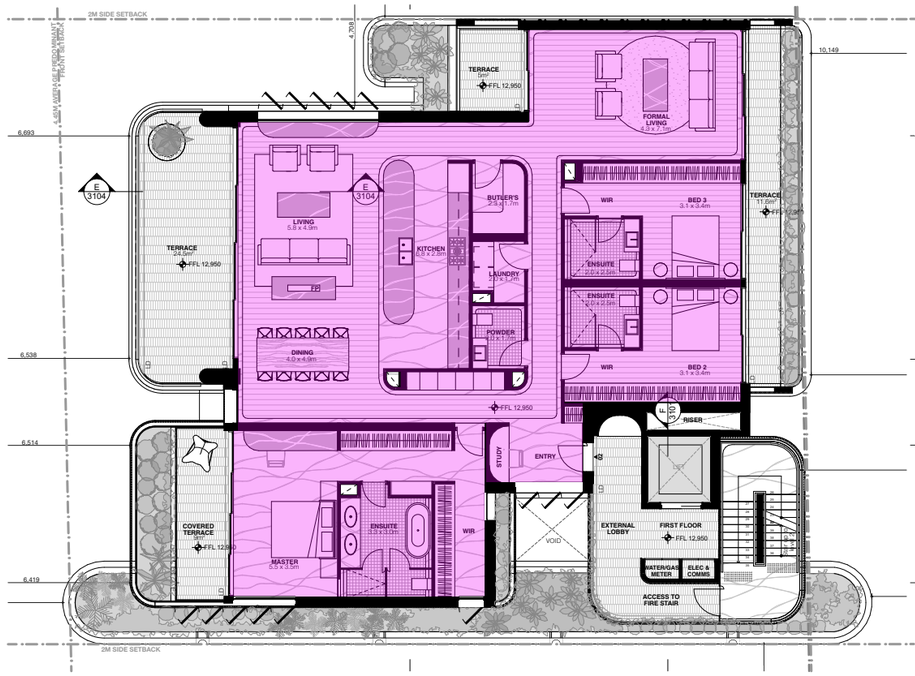
AMENDED



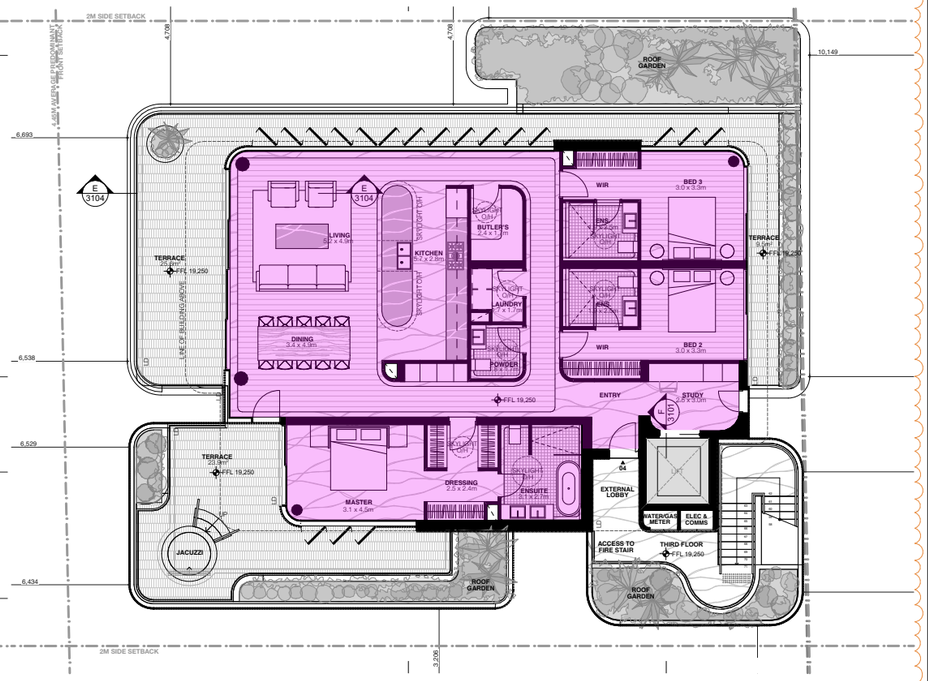
REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
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6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
7. LANDSCAPE OPEN SPACE, DEEP SOIL, AND COMMON OPEN SPACE CALCULATIONS AMENDED AS A RESULT OF ADJUSTMENTS TO THE COMMUNAL LIFT LOCATION.
8. UPDATED PHOTOMONTAGE.
9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.

GROUND FLOOR PLAN



TYPICAL FLOOR PLAN (1st and 2nd)



THIRD FLOOR PLAN

REV	NOTE	DATE
A	DA SUBMISSION	7/2/2024
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

ALL CONSTRUCTION TO COMPLY AT MINIMUM W/ BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B.1.4 MATERIAL & FORMS CONSTRUCTIONS
SPEC: C1.1 FIRE RESISTING CONSTRUCTION
SPEC: C1.10 FIRE HAZARD PROPERTIES
SPEC: C.11 PERFORMANCE OF EXTERNAL WALLS IN A FIRE
CLAUSE C2.6 VERTICAL SEPARATION OF OPENINGS IN EXTERNAL WALL
CLAUSE C2.12 SPEARATION OF EQUIPMENT
CLAUSE C2.13 ELECTRICITY SUPPLY SYSTEM
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CLAUSE C3.8 OPENING IN FIRE ISOLATED EXITS
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CLAUSE D3.8 TACTILE INDICATORS
CLAUSE F1.7 WATERPROOFING OF WET AREAS
CLAUSE F1.9/F1.10 DAMP PROOFING
CLAUSE F.5 CONSTRUCTION OF SANITARY COMPARTMENTS PART F4 LIGHTING AND VENTILATION
CLAUSE F5.4 SOUND INSULATION OF FLOORS
CLAUSE F5.5 SOUND INSULATION OF WALLS
CLAUSE F5.6 SOUND INSULATION OF SERVICES
CLAUSE F5.7 SOUND INSULATION OF PUMPS

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

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 KL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed LS & roof slabs
R2.0 INSULATION TO: External concrete wall,
Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RELOCATED
TPZ	
SRZ	

N

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
GFA DIAGRAMS

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE: 1:200@A3	DRAWN BY: MB, JW	CHECKED: MB
ISSUE DATE: 26/11/2024		REVISION: **D**
PROJECT NUMBER: **23-071**		DWG NUMBER: **DA 9100**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

LANDSCAPED AREAS

RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

DCP 2022 WAVERLEY
CONTROLS & DEFINITIONS

- **30%** of the **site area** is to be provided as landscaped area; **50%** of which must be deep soil zone. (Waverley DCP 2022)
- **15%** of the total **site area** for development in the R3 zone is to be provided as consolidated communal open space. (Waverley DCP 2022)

Landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.(Waverley LEP 2012)

Deep soil zones enable planting of significant vegetation, which has the ability to grow to a mature size and provide a permeable ground surface alternative to paving or other hard surface treatments, which allows infiltration of surface water into the soil. A deep soil area of 2m must be provided along one side boundary at a minimum.

LANDSCAPE OPEN SPACE

SITE AREA	954.70m²
LANDSCAPED AREA REQUIRED (30%SITE AREA)	286.41m²
LANDSCAPED AREA PROPOSED	477.13m²
COMPLIES	✓

DEEP SOIL ZONE

LANDSCAPED AREA REQUIRED	286.41m²
DEEP SOIL ZONE REQUIRED (50%LANDSC.AREA)	143.21m²
DEEP SOIL ZONE PROPOSED	237.54m²
COMPLIES	✓

COMMUNAL OPEN SPACE

SITE AREA	954.70m²
COMMUNAL AREA REQUIRED (15%SITE AREA)	143.21m²
COMMUNAL AREA PROPOSED	207.15m²
COMPLIES	✓

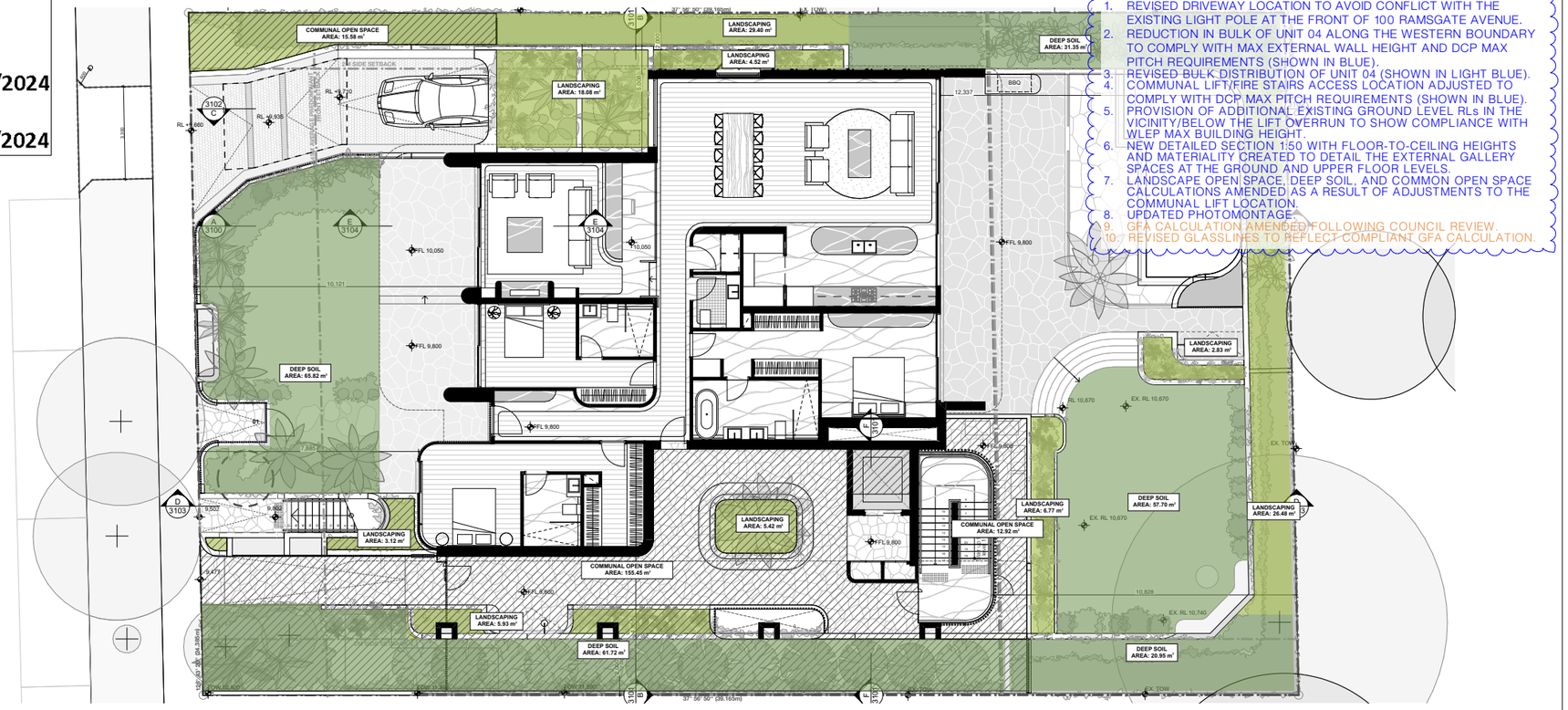
LEGEND:

LANDSCAPE OPEN SPACE
DEEP SOIL ZONE
COMMUNAL OPEN SPACE

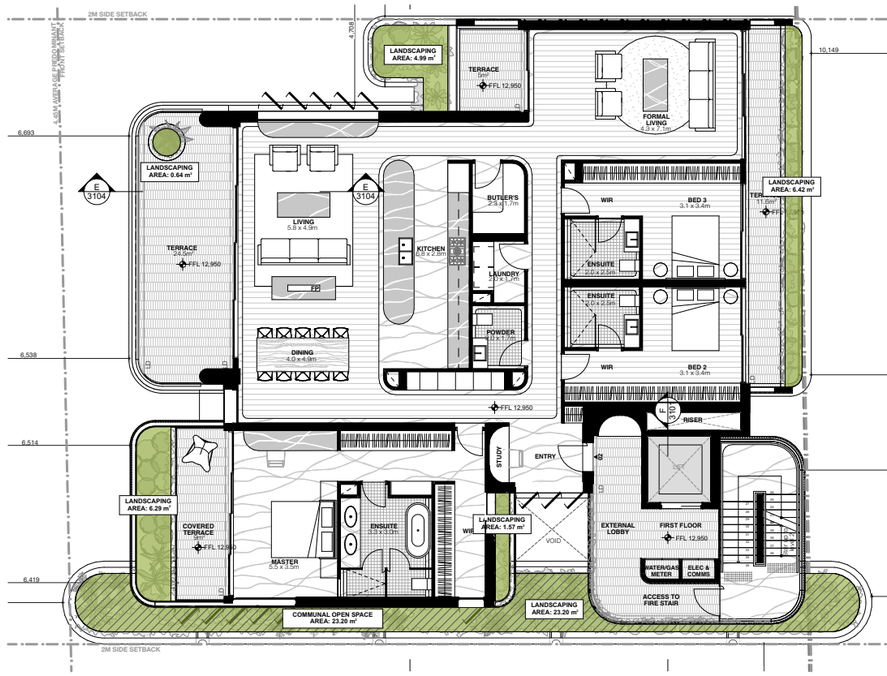
AMENDED

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
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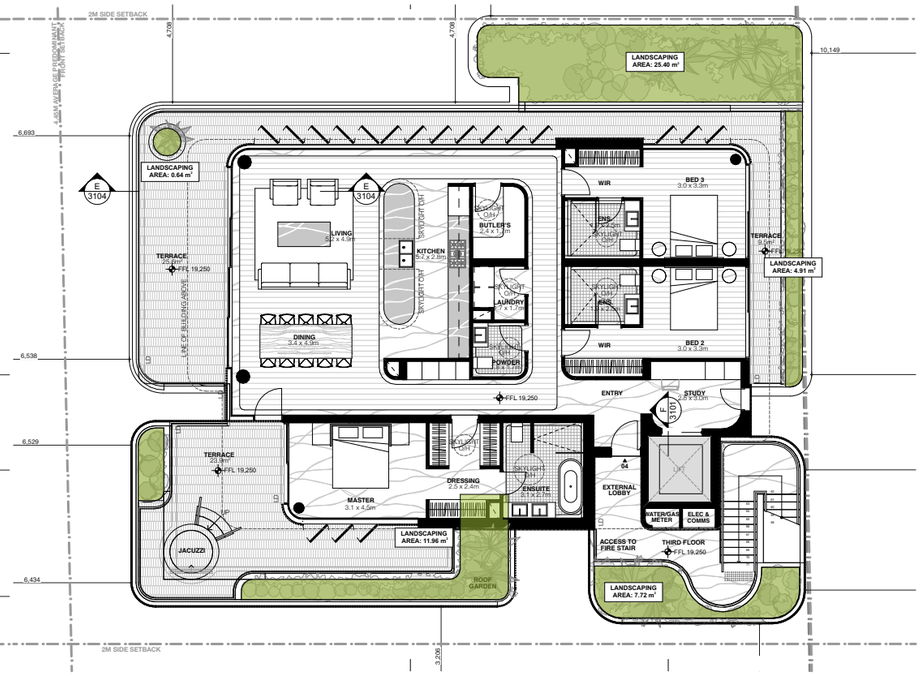
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GROUND FLOOR PLAN



TYPICAL FLOOR PLAN (1st and 2nd)



THIRD FLOOR PLAN

REV	NOTE	DATE
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BASIX COMMITMENTS
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WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 KL

THERMAL COMFORT OPTIONS
R3 2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system, ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS

EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE RELOCATED
TPZ
SRZ

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www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
LANDSCAPE AREAS

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 9101

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

SITE WASTE & RECYCLING MANAGEMENT PLAN

AMENDED

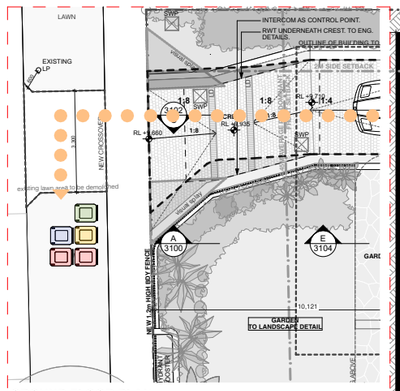
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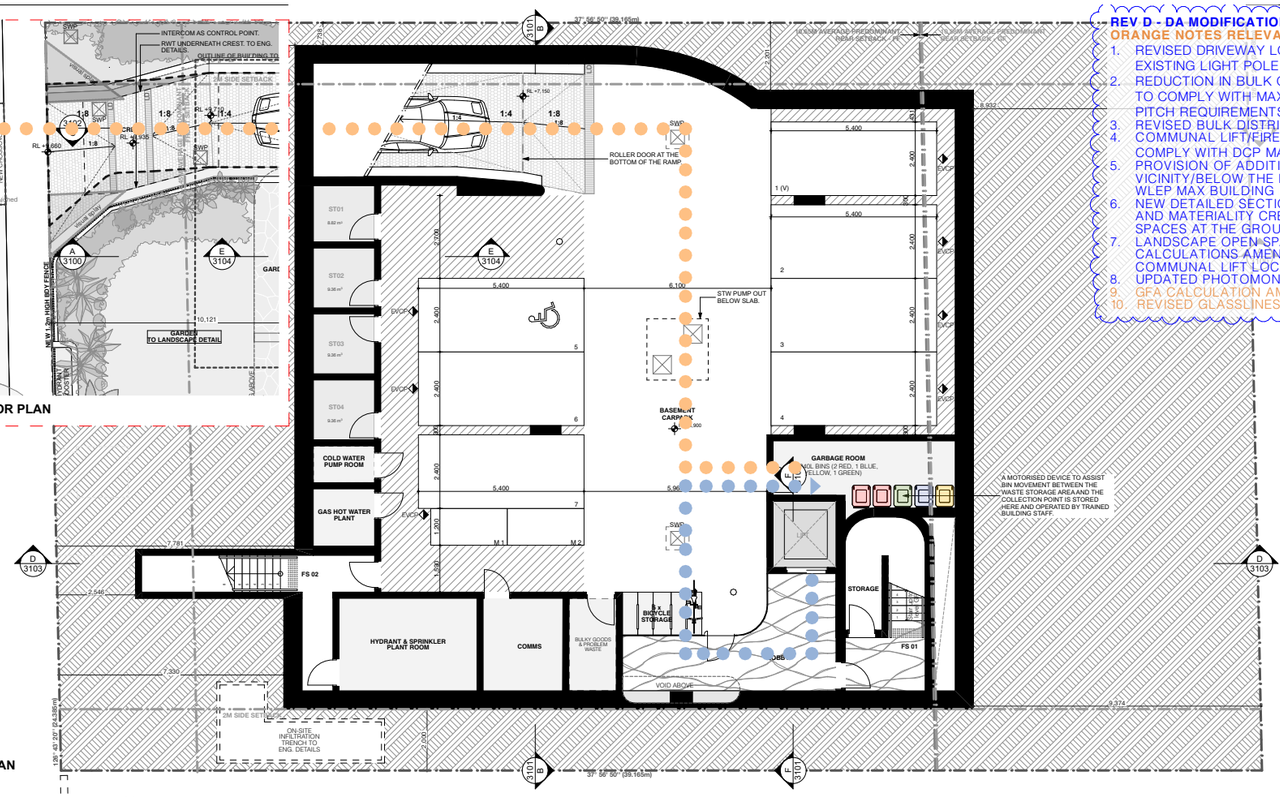
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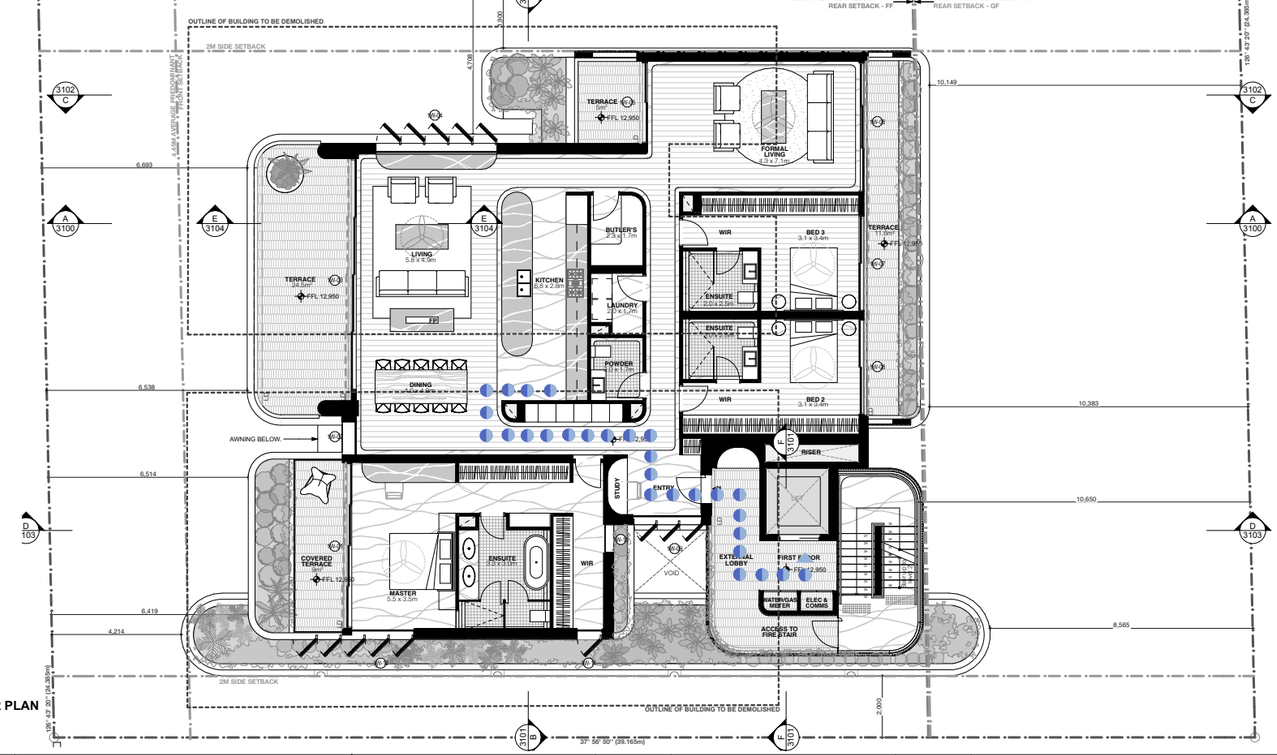
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9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
10. REVISED GLASSLINES TO REFLECT COMPLIANT GFA CALCULATION.



GROUND FLOOR PLAN



BASEMENT PLAN



TYPICAL FLOOR PLAN

LEGEND:

- GENERAL WASTE
- OTHER RECYCLING
- GREEN WASTE
- PAPER RECYCLING

- PATH OF TRAVEL FOR RESIDENTS TO GARBAGE HOLDING AREA
- PATH OF TRAVEL FOR CONTRACTOR FROM GARBAGE HOLDING AREA TO KERBSIDE

REV	NOTE	DATE
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B	DA SUBMISSION - MOD 01	26/7/2024
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MASONRY: TO COMPLY WITH AS3700
MECHELECHYDRAULIC: BCA CLAUSE C3.15 & AS1530 4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2
SMOKE ALARMS: TO COMPLY WITH BCA PART CLAUSE & SPEC E2.2 & AS3786
PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELECHYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530 4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL

THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RELOCATED
	TPZ
	SRZ

N

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SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brein Meyerson NSW Registration Number 4907

DRAWING TITLE:
WASTE MANAGEMENT PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 9200

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
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2. REDUCTION IN BULK OF UNIT 04 ALONG THE WESTERN BOUNDARY TO COMPLY WITH MAX EXTERNAL WALL HEIGHT AND DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
3. REVISED BULK DISTRIBUTION OF UNIT 04 (SHOWN IN LIGHT BLUE).
4. COMMUNAL LIFT/FIRE STAIRS ACCESS LOCATION ADJUSTED TO COMPLY WITH DCP MAX PITCH REQUIREMENTS (SHOWN IN BLUE).
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6. NEW DETAILED SECTION 1:50 WITH FLOOR-TO-CEILING HEIGHTS AND MATERIALITY CREATED TO DETAIL THE EXTERNAL GALLERY SPACES AT THE GROUND AND UPPER FLOOR LEVELS.
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94-98 RAMSGATE AVENUE

AMENDED

65-75 BRIGHTON BLVD

250 CAMPBELL PDE
CAR PARK
APPROX. RL +9,000

RAMSGATE AVENUE

100-102 RAMSGATE AVENUE
RL +9,800

250 CAMPBELL PDE
RL +10,400

104 RAMSGATE AVENUE
RL +10,300

77-79 BRIGHTON BLVD

RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
FLOORS RELATIONSHIP - GROUND FLOOR
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 9210

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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RL +13,950

65-75 BRIGHTON BLVD
RL +14,910

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CAR PARK
APPROX. RL +9,000

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LAST FLOOR
RL +13,250

RAMSGATE AVENUE

100-102 RAMSGATE AVENUE
RL +12,950

104 RAMSGATE AVENUE
LAST FLOOR
RL +13,300

77-79 BRIGHTON BLVD
RL +13,560

AMENDED

RECEIVED
Waverley Council
Application No: DA-87/2024
Date Received: 27/11/2024

REV	NOTE	DATE
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(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

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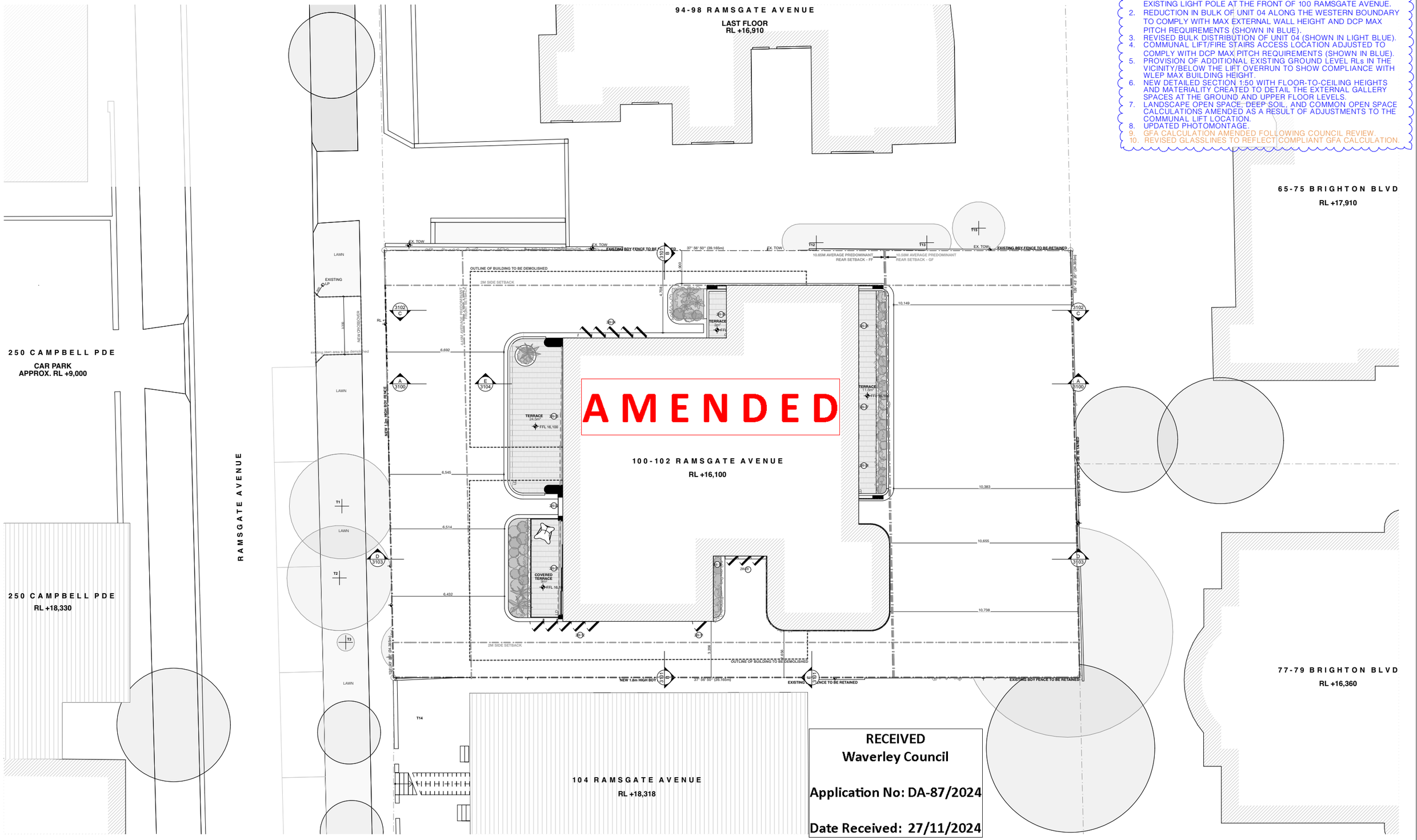
DRAWING TITLE:
FLOORS RELATIONSHIP - FIRST FLOOR
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 9211

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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REV	NOTE	DATE
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C	DA SUBMISSION - MOD 02	25/10/2024
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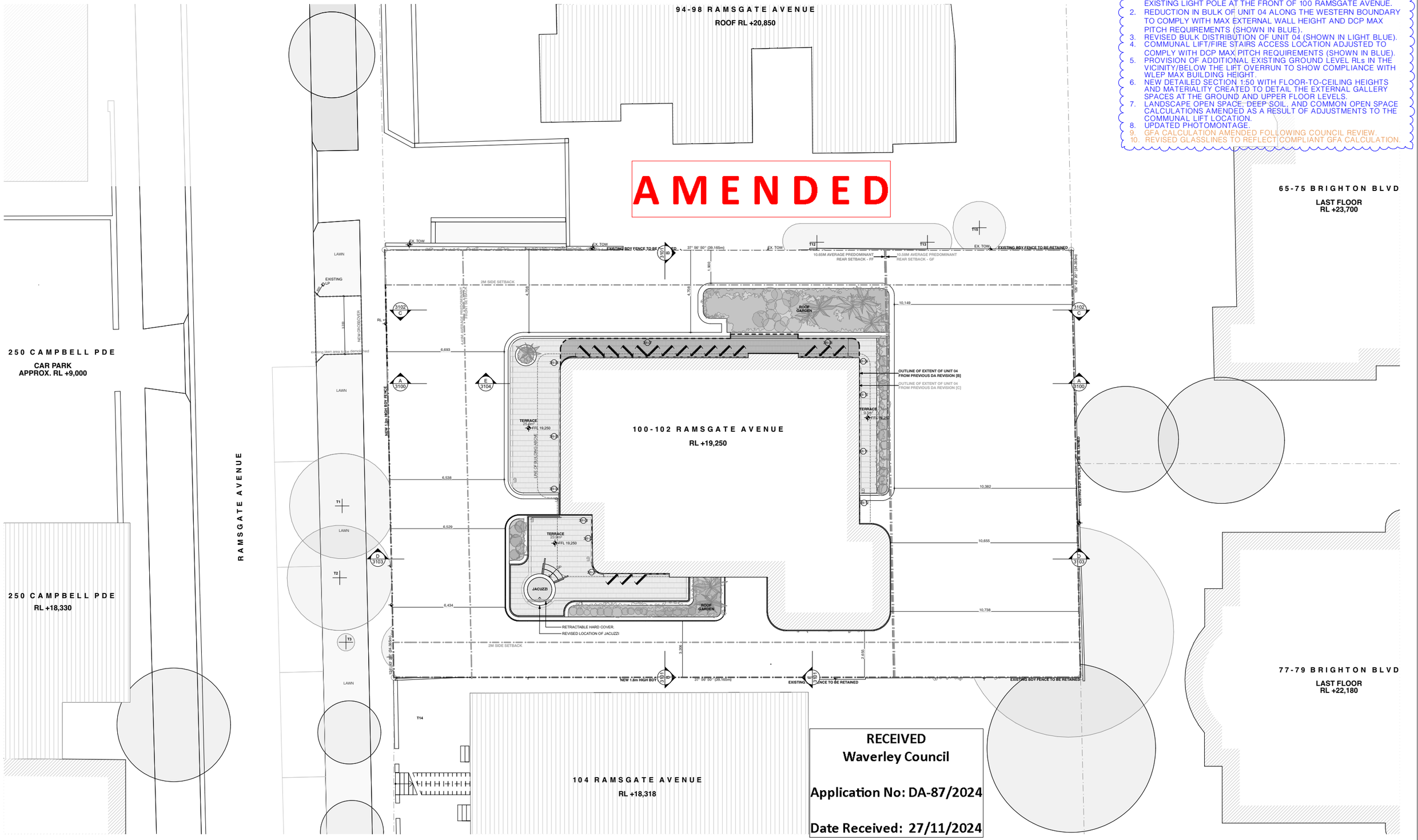
DRAWING TITLE:
FLOORS RELATIONSHIP - SECOND FLOOR
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE: 1:200@A3	DRAWN BY: MB, JW	CHECKED: MB
ISSUE DATE: 26/11/2024		REVISION: D
PROJECT NUMBER: 23-071		DWG NUMBER: DA 9212

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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9. GFA CALCULATION AMENDED FOLLOWING COUNCIL REVIEW.
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Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

REV	NOTE	DATE
B	DA SUBMISSION - MOD 01	26/7/2024
C	DA SUBMISSION - MOD 02	25/10/2024
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ALL CONSTRUCTION TO COMPLY AT MINIMUM WI BCA CLAUSES & AUSTRALIAN STANDARDS

CLAUSE B 1.4 MATERIAL & FORMS CONSTRUCTIONS
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CLAUSE D2.23 SIGNS ON DOORS
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CLAUSE F1.9/F1.10 DAMP PROOFING
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ENERGY EFFICIENCYGLAZING: TO COMPLY WITH J2 OF BCA
FIRE SERVICES: TO COMPLY WITH SECTION E OF BCA
HOT WATER: SYSTEMS TO COMPLY WITH PART J7 OF BCA
MASONRY: TO COMPLY WITH AS3700
MECHELEC/HYDRAULIC: BCA CLAUSE C3.15 & AS1530.4-2005
MECHANICAL AIRCONDITIONING: TO COMPLY WITH PART J5 OF BCA
MECHANICAL EXHAUST VENTILATION: TO COMPLY WITH AS1668 & AS68.2
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PENETRATIONS: THROUGH FIRE RATED CONSTRUCTION FOR MECH/ ELEC/HYDRAULIC PENETRATIONS TO COMPLY WITH BCA CLAUSE C3.15 & AS1530.4-2005
SOUND TRANSMISSION: TO COMPLY WITH PARTS OF BCA
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
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WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 kL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall,
Common & partition walls
GF Suspended slabs

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HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
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POOL/SPA: electric heat pump

LEGEND:

EX	EXISTING RL
RL	REDUCED LEVEL
FFL	RL OF FINISHED FLOOR LEVEL
LD	LINEAR DRAIN
	TITLE BOUNDARY
	EX BUILDING TO BE DEMOLISHED
	PREDOMINANT SETBACKS
	EXISTING TREE TO BE RETAINED
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	EXISTING TREE TO BE RELOCATED
TPZ	
SRZ	

N

ARCHITECT:
MHNDUNION
35 RICHARDS LANE
SURRY HILLS SYDNEY NSW 2010
T +61 2 9101 1111
F +61 2 9101 1100
www.mhndu.com
MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Meyerson NSW Registration Number 4907

DRAWING TITLE:
FLOORS RELATIONSHIP - THIRD FLOOR
PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE: 1:200@A3	DRAWN BY: MB, JW	CHECKED: MB
ISSUE DATE: 26/11/2024		REVISION: D
PROJECT NUMBER: 23-071		DWG NUMBER: DA 9213

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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AMENDED

250 CAMPBELL PDE
CAR PARK
APPROX. RL +9,000

94-98 RAMSGATE AVENUE
ROOF RL +20,850

65-75 BRIGHTON BLVD
RL +20,290

100-102 RAMSGATE AVENUE
ROOF SKYLIGHT
RL +22,600

250 CAMPBELL PDE
RL +18,330

RAMSGATE AVENUE

104 RAMSGATE AVENUE
RL +18,318

77-79 BRIGHTON BLVD
RL +19,230

EX. TOW
EXISTING BDY FENCE TO BE RETAINED
37° 56' 50" (39.165m)
NEW 1.8m HIGH BDY FENCE
2M SIDE SETBACK
10.58M AVERAGE PREDOMINANT REAR SETBACK - GF
4.58M AVERAGE PREDOMINANT FRONT SETBACK
LAWN
EXISTING DP
NEW CROSSOVER
existing lawn area to be demolished
PARAPET RL +22,600
PARAPET TOW +22,600
SKYLIGHT 03
SKYLIGHT 04
SKYLIGHT 05
SKYLIGHT 06
SKYLIGHT 07
SKYLIGHT 01
SKYLIGHT 02
PV
PHOTOVOLTAIC SYSTEM AS PER BASIX REQUIREMENTS. PANELS TO SEAT BELOW PARAPET LINE.
LIFT OVERRUN RL +22,850
RL +22,090
FALL
T1
T2
T3
T4
T12
T13
T15
DA 3000 FENCE
DA 3000 WINDOW
3102 C
3100 A
3104 B
3103 D
3105 E
3107 F
3101 G
3106 #

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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brain Mayerson NSW Registration Number 4907

DRAWING TITLE:
FLOORS RELATIONSHIP - ROOF

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 9214**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

LOCATION OF LIFT OVERRUN

AMENDED

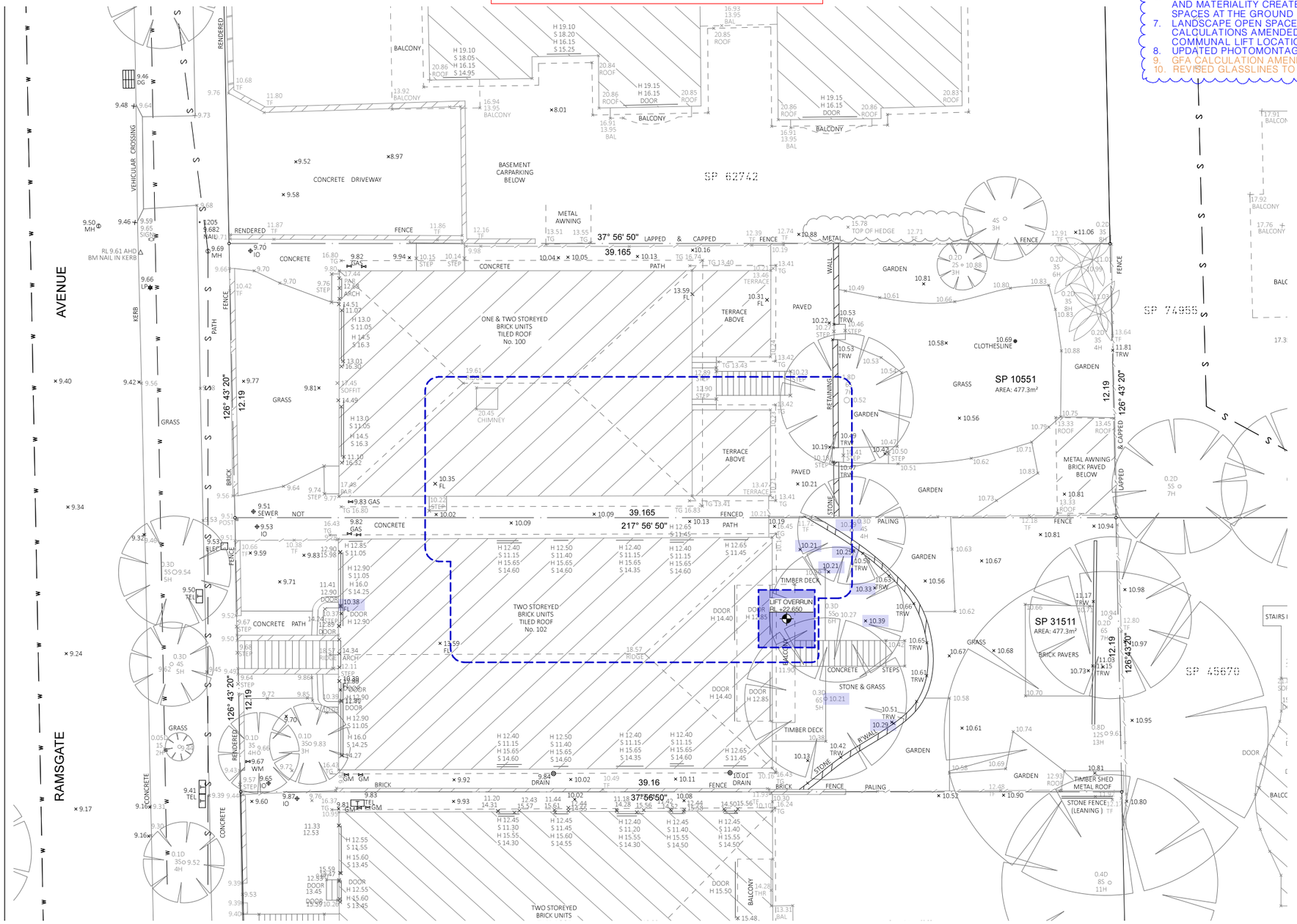
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OUTLINE OF CURRENT EXTENT OF PROPOSED ROOF

LIFT OVERRUN LOCATION

EXISTING GROUND LEVEL RLs IN THE VICINITY OF THE LIFT OVERRUN.

REV	NOTE	DATE
C	DA SUBMISSION - MOD 02	25/10/2024
D	DA SUBMISSION - MOD 03	26/11/2024

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NOTES: TREE NUMBERS REFLECTS ARBORIST REPORT.

LEGEND:
EX EXISTING RL
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DRAWING TITLE:
LOCATION OF LIFT OVERRUN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200, 1:100@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 9215**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

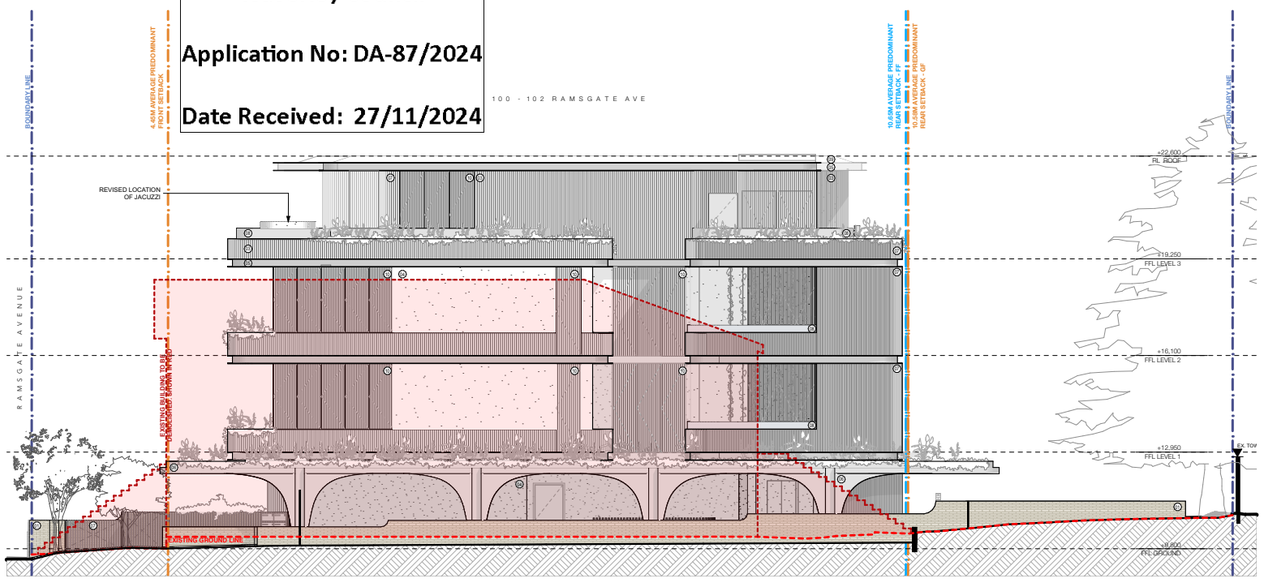
NOTIFICATION PLAN

AMENDED

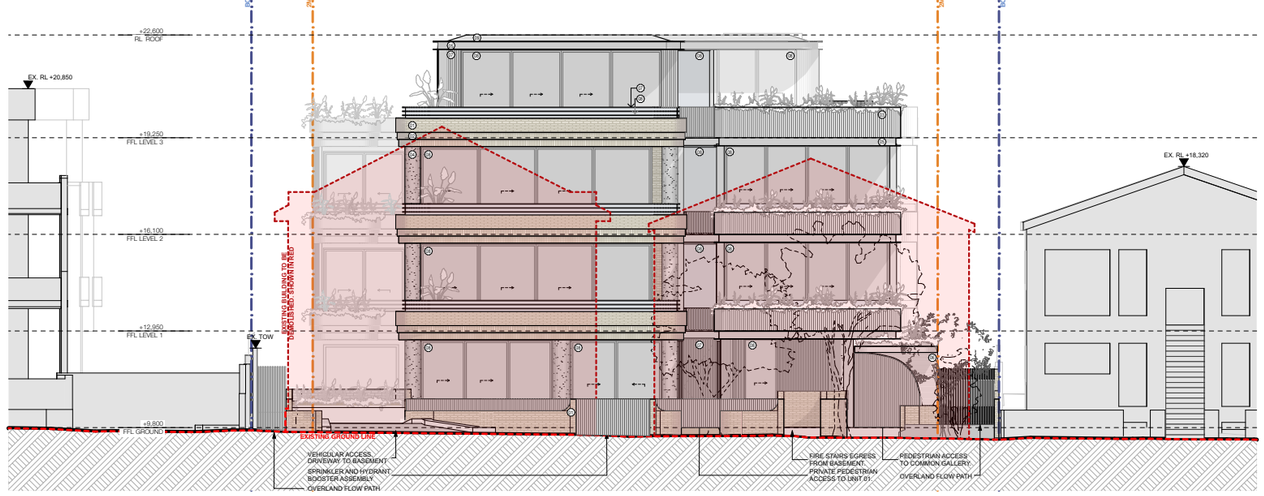
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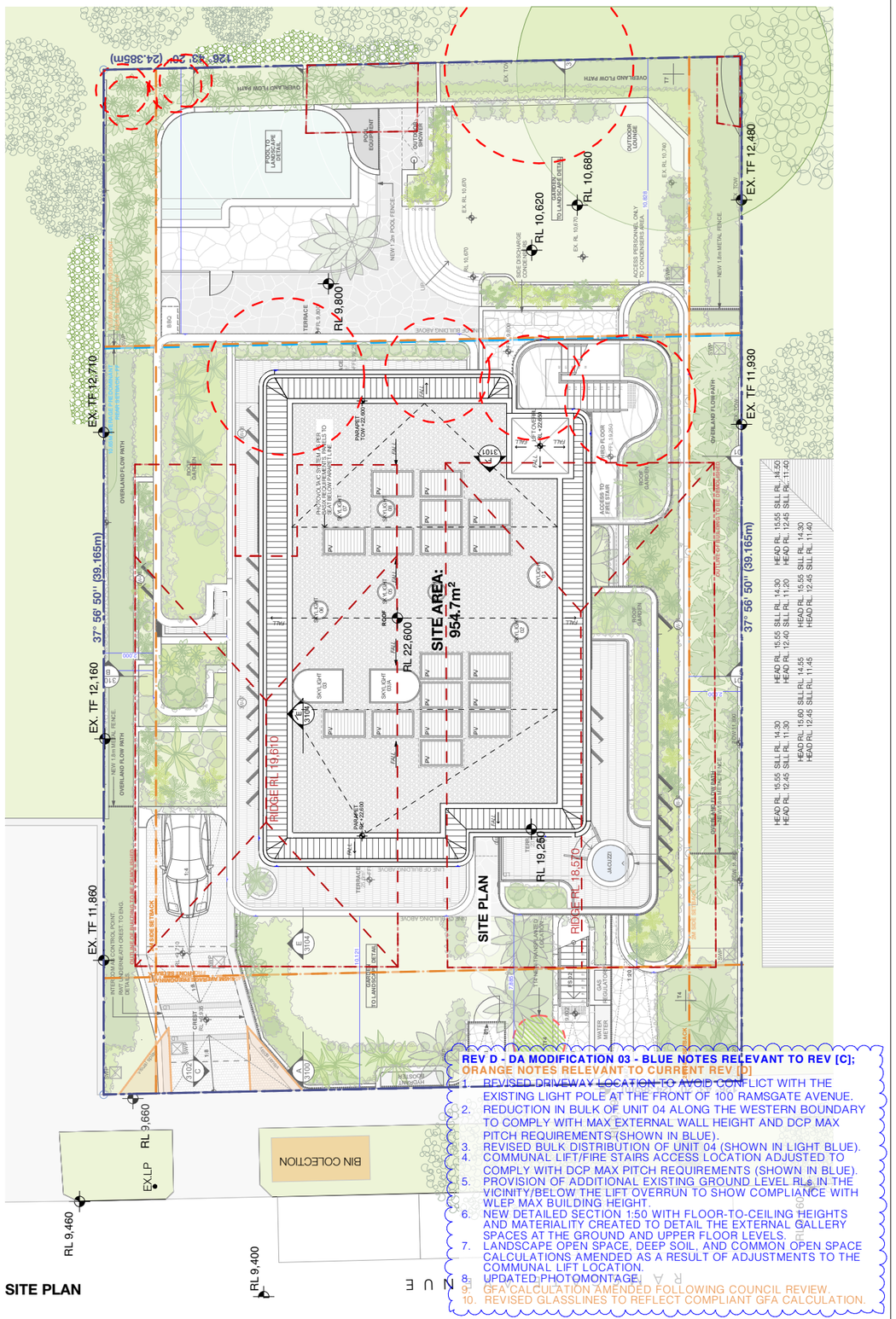
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EAST ELEVATION



SOUTH (STREET) ELEVATION



SITE PLAN

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BALUSTRADE HEIGHTS: TO COMPLY WITH BCA CLAUSE D2.16
DRAINAGE GUTTERS & DOWNPIPES: TO COMPLY WITH AS/NZS 3500 3.2
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STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
STAIR CONSTRUCTION: TO COMPLY WITH BCA CLAUSE D2.13
WATERPROOFING OF WET AREAS: TO COMPLY WITH AS3740

BASIX COMMITMENTS
(ALL BASIX COMMITMENTS PER BASIX CERTIFICATE & STAMPED PLANS)

WATER OPTIONS
SHOWERHEADS: 4 STAR
TOILETS: 5 STAR
KITCHEN TAPS: 5 STAR
BATHROOM TAPS: 5 STAR
CLOTHES WASHERS: 3 STAR
DISHWASHERS: 3 STAR
UNIT 1 POOL: 30 KL
THERMAL COMFORT OPTIONS
R3.2 INSULATION TO: Exposed L3 & roof slabs
R2.0 INSULATION TO: External concrete wall, Common & partition walls
GF Suspended slabs

ENERGY OPTIONS
COOLING: 1-phase, 6 star, ducted
HEATING: 1-phase, 6 star, ducted
BATHROOM & LAUNDRY VENTILATION: individual fan, ducted to facade/roof, linked to light
WATER HEATING: central hot water system,
ENERGY EFFICIENT LIGHTING: Dedicated LED lighting
COOK TOPS: Gas
CLOTHES DRYING LINES: outdoor 2 STAR
ALTERNATIVE SUPPLY: 7 kWp PV system
POOL/SPA: electric heat pump

LEGEND:
EX EXISTING RL
RL REDUCED LEVEL
FFL RL OF FINISHED FLOOR LEVEL
LD LINEAR DRAIN
TITLE BOUNDARY
EX BUILDING TO BE DEMOLISHED
PREDOMINANT SETBACKS
EXISTING TREE TO BE RETAINED
EXISTING TREE TO BE REMOVED
EXISTING TREE TO BE RELOCATED
TPZ
SRZ
N

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MHN Design Union Pty Ltd. ABN 94 003 717 682
Nominated Architect Brsln Meyerson NSW Registration Number 4907

DRAWING TITLE:
NOTIFICATION PLAN

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
1:200@A3	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		**D**
PROJECT NUMBER:		DWG NUMBER:
23-071		**DA 9300**

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

REV D - DA MODIFICATION 03 - BLUE NOTES RELEVANT TO REV [C];
ORANGE NOTES RELEVANT TO CURRENT REV [D]

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8

AMENDED



RECEIVED
Waverley Council

Application No: DA-87/2024

Date Received: 27/11/2024

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Nominated Architect Brislin Meyerson NSW Registration Number 4907

DRAWING TITLE:
PHOTOMONTAGE

PROJECT ADDRESS:
100-102 RAMSGATE AVENUE, BONDI BEACH NSW 2026

SCALE:	DRAWN BY:	CHECKED:
NTS	MB, JW	MB
ISSUE DATE:		REVISION:
26/11/2024		D
PROJECT NUMBER:		DWG NUMBER:
23-071		DA 9400

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA

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23-071		DA 9401

REF: BIMcloud: bcb-26 - BIMcloud Basic for Archicad 26/23-071_100-102 Ramsgate Ave, Bondi Beach_DA



Report to the Waverley Local Planning Panel

Application number	DA-626/2002/I
Site address	The Beach Road Hotel, 99-111 Glenayr Avenue, Bondi Beach (also know as 71 Beach Road, Bondi Beach)
Proposal	Modification to Conditions 2 - 2A, 12, 13, 58, 59, 60, 62 and delete Conditions 14 (a) and 16 which relate to the existing security arrangements, acoustic provisions, pick up-drop off arrangements, trial periods and hours of operation.
Description of Approved Development	Proposed changes in the maximum permissible patron numbers at the first floor level only.
Date of lodgement	31 January 2024
Owner	Whitehouse Properties Pty Limited
Applicant	Whitehouse Properties Pty Limited
Submissions	82 submissions
Amended cost of works	No change
Principal Issues	• Inadequate, unclear, misleading and contradictory documentation • Insufficient information • Insufficient/inadequate justification • Haven't demonstrated that the proposed changes would not result in any adverse impacts on the nearby residents.
Recommendation	That the application be **REFUSED** for the reasons contained in the report.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-626/2002 and as further amended for proposed changes in the maximum permissible patron numbers at the first floor level only at the site known as The Beach Road Hotel, 99-111 Glenayr Avenue, Bondi Beach (also known as 71 Beach Road, Bond Beach). In summary, the proposed modifications are to increase the patron capacity of the first floor, amend the security requirements, allow patrons to be permitted into the venue after 12am, amendments to conditions of consent the Plan of Management (POM) and various other changes.

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

- Inadequate, unclear, misleading and contradictory documentation
- Insufficient information
- Insufficient/inadequate justification
- Haven't demonstrated that the proposed changes would not result in any adverse impacts on the nearby residents.

The assessment finds these issues unacceptable as the applicant does not enable a detailed assessment of what is being proposed or the likely impacts on the amenity of surrounding residents.

A total number of 82 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received and there were no declared conflicts of interest on this application from Council staff.

The application has been assessed against the relevant matters for consideration under section 4.56 the *Environmental Planning and Assessment Act 1979* (the Act) and is recommended for refusal.

1.2. Site and Surrounding Locality

A site visit was carried out on 14 November 2024.

The site is located on the north-western corner of Glenayr Avenue and Beach Road Bondi and is identified as Lot B in DP 307035, Lot D in DP 307035, Lot 21 in DP8193, Lot 23 in DP8193, Lot B in DP342041, Lot A in DP307035, Lot C in DP307035, Lot 3 in DP321980, and Lot 22 in DP8193, known as 99 – 111 Glenayr Avenue, Bondi Beach.

The premises has frontages to both Beach Road and Glenayr Avenue and an area of 3,244sqm .

The site contains an existing part two, part three storey building known as the Beach Road Hotel. The building is located in the south-east corner of the site. A drive-through bottle shop is located on the northern side of the building, accessed off Beach Road via a driveway which loops around the rear of the hotel and exits onto Glenayr Avenue. The driveway provides access to 21 on-site car-parking spaces to the north and west of the building.

The ground floor level comprises a public bar and lounge, foyer and office reception area, restaurant and bar, a gaming room, bottle shop, and beer garden. The first floor comprises a pool table area a lounge and bar, kitchen and dining room facilities, an entry courtyard, storeroom and various ancillary facilities. The second floor consists of accommodation incorporating 24 rooms with ensuite, laundry and office facilities.

The area is generally characterised by a mix of residential and commercial development comprising residential flat building, shop top housing and dwelling house development.

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



Figure 1: Front of the site facing northwest on Glenayr Avenue.



Figure 2: Front of the site facing north on the southern corner of Glenayr Avenue and Beach Road.



Figure 3: Rear of the site facing east on Beach Road.

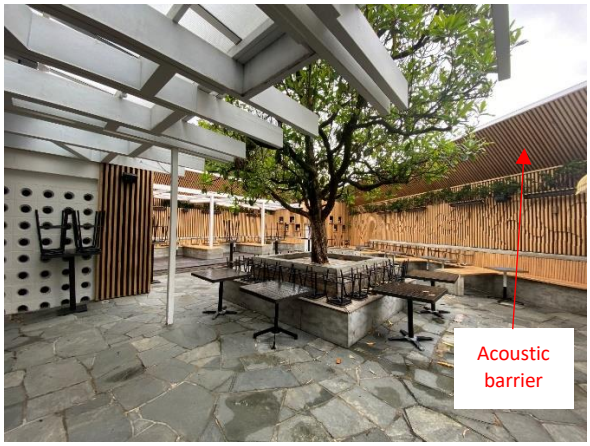


Figure 4: Ground floor rear courtyard/beer garden (Area 1 as per approved room layout plan).



Figure 5: Example of acoustic treatments around the first floor courtyard (Area 6 as per the approved room layout plan).

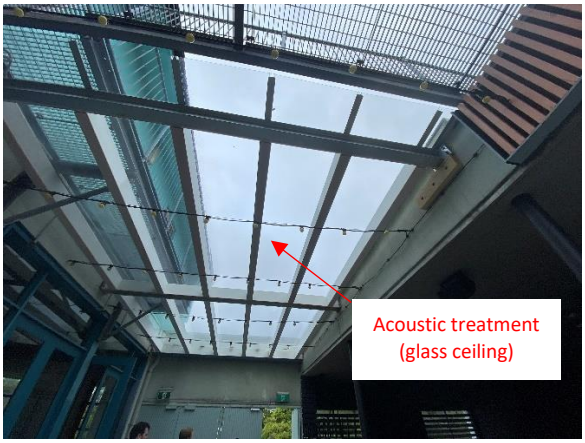


Figure 6: Example of acoustic treatments over the first floor courtyard (Area 6 as per the approved room layout plan).



Figure 7: External view of the acoustic treatment around the ground floor courtyard/beer garden (Area 1) as viewed from the first floor fire exit off Area 6.



Figure 8: Existing bottle shop drive through along the northeastern boundary.

1.3. Details of Approved Development

The following is a chronology of the original consent and subsequent modifications of the consent.

<u>July 2003</u>

DA 626/2002 – Changes in the maximum permissible patron numbers at the first floor level only

The application sought to increase the permissible number of patrons on level 2 (first floor) of the hotel from 465 to 750 ie an increase of 285 patrons. The previously approved capacity of the hotel was 750 patrons downstairs and 465 upstairs.

The application was refused by Council for the following reasons:

1. *The proposed increase in patrons will increase existing adverse impacts on the amenity of the surrounding residential neighbourhood.*
2. *The proposed increase in number of patrons will likely exacerbate existing problems related to noise, anti-social behaviour and vandalism in the residential locality.*
3. *The hotel's current parking shortfall, lack of provision of additional parking spaces and additional parking demand, which would be generated, will exacerbate an already critical situation in the locality.*
4. *The proposal is not in the public interest.*

November 2004

On 18 November 2004, the applicant appealed the determination which was upheld by the Land and Environment Court (LEC). The following conditions included in the consent and have relevance to this application:

Condition 14

No patrons are to be admitted to the first floor after 11pm on any night.

Condition 19

The following conditions apply to the use of the premises as a hotel with a maximum of 650 patrons permitted on the First Floor:

a) The period during which the use shall operate is restricted to 1 year from the date the consent operates, and the use, as approved by the consent, shall cease at that time. A further development or Section 96 application may be lodged before the expiration date for Council's consideration of the continuation of the use.

b) Council's consideration of further application will take into account the compliance with the provisions of the Environmental Management Plan (July 2004) and the other conditions of this consent. Particular regard should be paid to the security and general management of the premises, number and nature of substantiated complaints regarding the operation of the premises, compliance with noise and patron management provisions of the Environmental Management Plan (July 2004).

December 2006

Two applications were determined by Council simultaneously:

DA 626/02/A – Section 96 modification application (now 4.55) to delete Condition 19 of consent granted by the Land and Environment Court to remove the trial period relating to patron numbers on the first floor.

An application was lodged to delete the trial period relating to the patronage numbers on the first floor. The application was refused by Council for the following reasons:

1. *The matters of consideration stipulated in condition 19(b) of DA 626/02 have not been satisfied, and in this respect the trial period has not been successful.*
2. *The continuation of the patronage numbers permitted on the first floor will result in the continual intensification of adverse impacts upon the locality.*
3. *The proposal is not in the public interest.*

DA 626/02/B – Section 96 Modifications (now 4.55) to delete Condition 14 of consent granted by the Land and Environment Court to allow patrons to be admitted to the first floor after 11pm.

An application was lodged to delete **Condition 14** of the consent to allow patrons to be admitted to the first floor after 11pm. This change would facilitate re-entry to the upper floor as compared to the previous situation where people who left the upper floor after 11pm would not be allowed back upstairs, which had the intention of improving the dispersal of patrons leaving the establishment. The application was refused by Council for the following reasons:

1. *The proposal would reduce the dispersal of patrons and exacerbate the existing adverse amenity impacts upon the locality.*
2. *The proposal is not in the public interest.*

April 2007

On 20 April 2007, the applicant appealed the determination which was upheld by the Land and Environment Court. The following conditions included in the consent and have relevance to this application:

Condition 14

Amended from:

No patrons are to be admitted to the first floor after 11pm on any night.

To read:

No patrons are to be admitted to the hotel after 12:00 midnight on any night.

Condition 19

Reinstated one year trial period with minor wording changes:

The following conditions apply to the use of the premises as a hotel with a maximum of 650 patrons permitted on the First Floor:

a) The period during which the entitlement to accommodate 650 patrons on the first floor shall operate is restricted to 1 year from the date of this modification approval, and the use, as approved by the modification, shall cease at that time (increase in patrons permitted on the first floor from 465 patrons to 650 patrons) but in the event that a further development application or Section 96 application is lodged before the expiration date the use referred to herein may continue until final determination of such application.

b) *Council's consideration of further application will take into account the compliance with the provisions of the Environmental Management Plan (July 2004) and the other conditions of this consent. Particular regard should be paid to the security and general management of the premises, number and nature of substantiated complaints regarding the operation of the premises, compliance with noise and patron management provisions of the Environmental Management Plan (July 2004).*

Of particular importance and relevance to this application, Commission Moore of the LEC made the following remarks when approving an extended trial period:

[NSW LEC 10917 of 2003 – 16]

Even if I were not to proceed in the fashion that I proposed to follow [being an approval for an extended trial period], there is a significant risk of an increased adverse impact on the residents if the applicant were to take the course of surrendering the existing consent and reverting to an earlier less constrained one.

October 2008

DA-626/2002/C - **Modification of Condition 4 relating to the community liaison meeting and deletion of condition number 19 relating to the trial period of patronage numbers at first floor level**.

The applicant was granted consent on 29 October 2008 subject to the amendments to **Conditions 4** and **Condition 19**. The amendment wording of **Condition 19** is as follows:

Condition 19 – Consent to operate for three years

The following conditions apply to the use of the premises as a hotel with a maximum of 650 patrons permitted on the First Floor:

(a) The period during which the entitlement to accommodate 650 patrons on the first floor shall operate is restricted to 3 years from the date of this modification approval, and the use, as approved by the modification, shall cease at that time (increase in patrons permitted on the first

floor from 465 patrons to 650 patrons). In the event that a further development application or Section 96 application is lodged before the expiration date the use referred to herein may continue until final determination of such application.

(b) To activate this consent the applicant is to submit a new Management Plan to Waverley Council's Planning and Environmental Services Department within 28 days of the notice of determination. The Plan is to be assessed and modified if requested to the satisfaction of Waverley Council with 28 days of receipt of the Plan. Any future applications for review or continuation of the trial period must be accompanied by an updated Management Plan.

(c) Council's consideration of further application will take into account the compliance with the provisions of The Management Plan specified above and the other conditions of this consent. Particular regard will be paid to the security and general management of the premises, number and nature of substantiated complaints regarding the operation of the premises, and compliance with noise and patron management provisions of the Plan submitted.

June 2010

DA-626/2002/D - Modification to extend trading hours temporarily during Soccer World Cup (11th June to 11th July 2010) from 4.30 am to 2.00am Monday to Saturday and 4.30 am to 11 pm Sunday

The application was refused by Council on 15 June 2010.

April 2012

DA-626/2002/E – Modification to delete Condition 4 regarding public meetings and Condition 19 to allow for the number of patrons on the first floor to be 650 permanently.

The application was granted consent by Council on 16 April 2012 and included the following amendments to condition 19:

- **Condition 19** was amended (ie not deleted) to reinstate a further 3year trial period limiting patrons on the first floor level to 500patrons. To activate this consent, a new Management Plan was to be submitted for approval within 28 days. Upon activation, during the trial period, patrons to the first floor are limited to 500 patrons. Upon the trial period ceasing, first floor patron capacity to reduce back to 465 patrons.

October 2012

The determination of **DA-626/2002/E** was appealed in the LEC and the decision upheld (via s34 Agreement) on 21 September 2012 in part allowed for:

- **Condition 19** relating to the first floor level patrons was amended to allow for 650 patrons to the first floor level for a period of 4 years from the date of consent (expiring 12 October 2016). Condition 19 (b) has been deleted.

October 2016-July 2017

DA-626/2002/F - Modifications relating to venue management, noise emissions and acoustic mitigation measures, patron numbers, unauthorised works and alterations.

This modification application was refused by Council on 27 July 2017, primarily due to insufficient information in the form of an amended POM to demonstrate how patron capacity would be monitored and adhered to as well as the absence of a BCA and Fire Safety Report to demonstrate the premises complies with building safety regulations.

The refusal of this modification application meant that the maximum patron capacity for the first floor level of the premises was 465 persons.

August 2017-May 2019

The refusal determination of **DA-626/2002/F** was appealed in the LEC and the Court upheld the appeal (via s.34 agreement) on 16 May 2019. The key outcomes of the appeal being upheld on the operations of the premises were as follows:

- A trial period of 12 months (expiring on 16 April 2020) for a maximum patron capacity of a total of 1,215 patrons, comprising a maximum patron breakdown of:
  (i) 750 patrons on ground floor, including 200 patrons in the rear courtyard
  (ii) 650 patrons on first floor level (rather than 465 patrons).
- The increased patron capacity was subject to outcomes from a required BCA and Fire Safety Audit to ensure the area and configuration of the premises could afford the patron capacity mentioned above.
- Compliance with 'lock out' provisions to prohibit patrons being admitted or re-admitted after 12 midnight on any night.
- A range of hours of operation for specific aspects/areas of the premises.
- Acoustic works were required to be conducted to the premises and various conditions were not to take effect until such works have been completed.

This decision also resulted in the development consent being significantly modified with numerous conditions being added to cover unauthorised works that had occurred, fire safety, acoustic and noise attenuation, security and patron behaviour measures as well as other operational restrictions that were lacking in the consent (prior to it being modified by the outcomes of this LEC appeal).

April – May 2020

DA-626/2002/G - Modification to vary the mix of patron capacity between the upper and lower levels at the Beach Road Hotel

The application was lodged with Council on 20 April 2020 for modifications to wording of conditions **12(b)** ***Trial Period*** and **5B** ***Acoustic Upgraded Works*** of the development consent, specifically:

(a) Modify **Condition 5B** of the consent relating to acoustic upgrade works to specifically replace references to acoustic reports that have recommended these acoustic upgrade works.
(b) Modify **Condition 12(b)** of the consent to replace references to the cessation date of the trial period for increased patron numbers on the first floor level with "a trial period of one (1) year from the date of this modification". This is intended to continue the trial period of 12 months for increased patron capacity for the first floor level to a total of 650 patrons in response to the requirement of **Condition 12(b)** in its present form in the consent.

This modification application was refused by Council on 22 May 2020, for the following reasons:

- The application did not demonstrate nor provide an undertaking that the development (as to be modified) will remain substantially the same as the development that was originally approved.
- The application failed to include relevant information to demonstrate that the continuation of increased patron capacity would not unreasonably affect the amenity of surrounding residential properties and the community, contrary to relevant provisions and development controls and objectives in Waverley Local Environment Plan 2012 (Waverley LEP 2012) and Waverley Development Control Plan 2012 (Waverley DCP 2012); and

- Insufficient information was included in the application, including a Statement of Environmental Effects, a BCA and Fire Safety Report, evidence of building certificates and construction certificates to address unauthorised works, and evidence to prove that recent trial periods have been successful without substantiated complaints.

May 2021 – May 2022

The refusal determination of **DA-626/2002/G** was appealed in the LEC on 21 May 2021 and the Court upheld the appeal (via s.34 agreement) on 30 May 2022. The key outcomes of the appeal included (but not limited to) amendments to the following conditions of consent:

- Amending **Condition 5** ***Noise Emissions Criteria*** to replace the requirement of assessing impacts on the nearest residential receiver to any affected residential boundary as referred to in Condition 58(e) and (g).

- Amending **Condition 5A(c)** ***Acoustic Mitigation Measures*** to require annual certification of noise limiters within 2 days of any adjustments to the limiter settings.

- Amending **Condition 5B** ***Acoustic Upgrade Works*** to require all acoustic upgrade work recommended in the Supplementary Joint Acoustic Report prepared by Nick Koikas and Stephen Gaud dated 23 February 2022 (including Annexure C) and the architectural plans dated 15 February 2022 to be completed by 31 October 2022. The amendments also required details of the proposed external finishes and acoustic cladding to be provided to the satisfaction of Council and that a Construction Certificate is required for all works required by the condition.

- Amending **Condition 12(b)** ***Trial Period*** (increase in patrons to the first floor from 465 to 650 patrons) to change the trial ceasing from 16 April 2020 to 31 October 2023. The condition also clearly outlined documentation required to be submitted to Council to assess the operation of the hotel during the trial period to enable any continuation to occur. These requirements included certification that that no works had been undertaken to the premises, and if works had been undertaken, that details of the works and what authorisation had occurred for these. Additionally, copies of records demonstrating compliance with the POM, along with audits, patron counts, incident reports, acoustic assessment reports and the like confirming compliance with the requirements of conditions of consent and the POM (e.g. Condition 5 and 5B and Clause 37 in the POM) be provided to Council by 31 October 2023.

  Note: There is no information on Council's files to confirm whether this condition has been complied with.

- Adding a new **Condition 12(c)** ***Trial Period Subject to Acoustic Upgrade Works*** which states that the following:

  The trial period in sub clause (b) of this condition is subject to the following:

  (i) Completion of the Acoustic Upgrade Works required by Condition 5B by 31 October 2022; and
  (ii) Compliance with Conditions 57 & 58 by 31 October 2022.

  If the above matters are not completed to the satisfaction of Council by 31 October 2022 then the trial period will immediately cease and the number of patrons permitted on the first floor will revert back to 465 patrons.

- Renumbering **Condition 12(c)** ***Patron Numbers with Respect to the BCA*** to **Condition 12(d)**, and renumbering **Condition 12(d)** to **Condition 12(e)**.

- Amending **Condition 16(b)(i)** ***Grounds Level Courtyard (Beer Garden – Area 1) and First Floor Courtyard and Function Room (Area 5 and 6)*** to limit the patron numbers for the first floor courtyard and the adjacent function room (Area 5 and 6) from a maximum of 200 to 120 patrons. The condition stipulates that the requirements of the condition are to apply until all acoustic upgrade works for the entire venue as per Condition 5, 5A and 5B have been completed and certified by a suitably qualified Acoustic Engineer. The condition also requires evidence of the certification of completion of works to be submitted to Council within 2 days from the date the certification is given.

  Note: Council has not received certification of the completion of works and therefore the requirements of the condition apply. Based on discussions had with the applicant at the site inspection, it is understood that the requirements of condition 16(b)(i) (120 patrons) are not being complied with.

- Replacing **Condition 20** ***Plan of Management (POM)*** which required an amended/updated POM detailing the operations and management procedures of the premises with a *Compliance Audits* condition requiring quarterly (at minimum) independent audits assessing the venues compliance with the conditions of consent and the POM in relation to patron numbers, number of patrons departing the first floor from 12am (midnight) until close, pedestrian fencing, and the pickup/drop off area.

- Amending **Condition 51** ***Removal of Existing Taxi Zone*** to require the application to the Waverley Traffic Committee to remove the taxi zone on Glenayr Avenue to be submitted by 30 June 2022.

- Amending ***Condition 58 Acoustic Certification – Licensed Areas*** to extend the requirements for the condition to be complied with from 6 months from the DA-626/2002/F date of consent to within 8 months from the DA-626/2002/G date of consent.

  Note: There is no information on Council's files to confirm whether this condition has been complied with.

- Amending ***Condition 59 Acoustic Certification – Patron Management on Exit*** to extend the requirements for the condition to be complied with from 2 months from the DA-626/2002/F date of consent to 2 months from the DA-626/2002/G date of consent.

- Amending ***Condition 61(c) Operation in Accordance with Plan of Management (POM)*** to add to that the number of security personnel required by the POM shall not be reduced without the written approved of Council.

- Deleting ***Condition 61(e) Operation in Accordance with Plan of Management (POM)*** which allowed Council or the Licensing Police to undertake an independent review of the POM.

September 2021 – March 2022

DA-626/2002/H - Modification to conditions 1, 5B and 12 relating to acoustic measures and to remove trial period for the patron capacity at the Beach Road Hotel (documentation lodged seeks similar proposal to DA-626/2002/G)

The modification application sought consent for the following modifications to the approved development:

- Modification of **Condition 12** ***Maximum Patron Capacity with Eighteen Month Trial Period*** to remove the trial period mechanisms and terms contained in this condition to enable a permanent patron capacity of 650 patrons on the first floor level of the Hotel premises; and

- Modification of **Conditions 1** ***Approved Documents*** and **Condition 5B** ***Acoustic Upgrade Works*** to ensure that the Hotel complies with relevant acoustic criteria through implementation of acoustic mitigation measures outlined in an accompanying acoustic report.

The scope of the modification application was almost identical to that of the previous and refused modification application (DA-626/2002/G). The subject application was lodged in response to interpretation of recent judgements, decision and case law arising from the LEC relating to the ability for a consent authority to accept amendments to modification applications following their initial lodgement/submission by either accepting amended plans prior to determination or imposing additional conditions to an existing consent. Following the revelation of differing legal interpretation and advice that debunked former legal interpretations on this subject matter, this modification application became subsequently unnecessary and redundant. The applicant, however, chose not to withdraw this application despite the substance of the scope of the proposal being considered during the appeal proceedings of DA-626/2002/G.

The modification application was refused by Council on 17 March 2022 primarily for the following reasons:

- The scope of the proposal was identical to that the proposal being concurrently pursued with the LEC (i.e. the Class 1 appeal of the refusal determination of DA-626/2002/G). In this regard, this application was refused in order to not prejudice the proceedings of this Class 1 appeal.

- The proposal failed to demonstrate that the site was suitable for the increased capacity, and how the continuation of increased patron capacity of the commercial premises would not unreasonably affect the amenity of surrounding residential properties and the community.

- The proposal failed to adequately and accurately demonstrate that the proposed security measures would ensure safe and orderly management of the continuation of the increased patron capacity and limit impacts on the amenity of surrounding residential properties.

- The proposal failed to adequately and accurately demonstrate that the continuation of the increased patron capacity and changes to acoustic upgrade works for the overall premises will not give rise to unreasonable noise impacts upon surrounding residential properties.

- The proposal did not demonstrate whether there will not be adverse environmental, social and economic impacts in the locality due to the continuation of increased patron capacity.

- The application was not in the public interest.

The following conditions from the development consent (last amendments approved under DA-626/2002/G) have direct relevance to this modification application:

- **CONDITION 1(C)**

  Plan of Management prepared by Design Collaborative Ref No.171051.11P dated 29 April 2022 ("POM")

  [Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 2**

  From 10pm on each night (excluding Monday and Tuesday) that the hotel trades beyond this time and until such time as the last person has left the vicinity of the hotel, licensed security staff are to be engaged by hotel management for the purpose of minimising the impact of the hotel or its patrons in the surrounding residential area.

  [Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 2A**

  The time of commencement, minimum number of licensed security staff and their duties shall be as follows:

  From 10pm excluding Monday and Tuesday (three staff)

  (i) At least one licensed security person is to be stationed at the entrance/exit adjoining Beach Road, ensuring liquor is not removed from the premises and that patrons are asked to leave the vicinity quickly and quietly so as to avoid disturbance to the neighbourhood.

  (ii) At least one licensed security person is to be positioned on the Southeastern corner of the intersection on of Beach Road and Glenayr Avenue.

  (iii) At least one licensed security person is to patrol Beach Road between Glenayr Avenue and Gould Street at fifteen minute intervals.

  From 11pm excluding Monday and Tuesday (four staff)

  (iv) At least one additional licensed security person and the security person referred to in (c) above are to continuously patrol Beach Road between Glenayr Avenue and Gould Street. The patrolling staff shall patrol the route in company. The purpose of the patrols is to maintain neighbourhood amenity and specifically, to try to ensure that the departing hotel patrons do so quickly, quietly and with an appropriate standard of behaviour.

  From 11.30pm (five staff)

  (v) Excluding Monday, Tuesday and Thursday, at least one additional licensed security person is to be stationed on the north eastern corner of the intersection of Beach Street and Glenayr Avenue for the purpose of actively discouraging patrons from travelling in an easterly direction on Beach Road unless a legitimate reason exists for such travel. Such patrons are to be reminded that they are entering a residential zone and should minimise any noise.

  (vi) Excluding Monday and Tuesday, the security person in position on the south eastern corner of the intersection of Beach Road and Glenayr Avenue ((b) above) shall also patrol Glenayr Avenue from Beach Road to Curlewis Street at ten minute intervals.

(vii) Excluding Monday and Tuesday, a member of staff (or an additional licensed security person) who is in radio contact with the other licensed security staff, shall conduct observation patrols of Beach Road between Glenayr Avenue and Blair Street and of Glenayr Lane at a minimum of half hourly intervals

[Added DA-626/2002/A and DA/626/2002/B upheld by LEC in No 10917 of 2003, 20 April 2007 and as Amended by DA-626/2002/F in LEC No. 237635 of 2017)

- **Condition 5B – Acoustic Upgrade Works**

  All acoustic upgrade works and recommendations contained in:

  (i) Further Supplementary Joint Acoustic Report dated 23 February 2022 prepared by Nick Koikas and Stephen Gauld;
  (ii) Architectural drawings prepared by HSA Architects dated 15.2.2022; and
  (iii) Appendix C in Amended Supplementary Joint Acoustic Report dated 3:30pm, 9 December 2021 prepared by Nick Koikas and Stephen Gauld, that refers to:

  a. The Acoustic Group report dated 4 April 2018;
  b. Koikas Acoustics report dated 4 October 2019;
  c. The Acoustic Group report dated 5 February 2019;
  d. The Acoustic Group and Renzo Tonin Associates joint report dated 5 April 2019;

  shall be completed and certified (as completed) by 31 October 2022.

  Prior to the issue of a Construction Certificate details of the proposed external finishes, including the acoustic cladding, are to be provided to the satisfaction of Council's Executive Manager Development Assessment or delegate prior to the issue of a construction certificate.

  A Construction Certificate is required for all works contained in this condition. The Construction Certificate is required to be submitted and approved by a Certifying Authority prior to any works commencing.

  [Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 12 -** ***Maximum Patron Capacity with Eighteen Month Trial Period***

  (a) ***Maximum Patron Capacity***

  The approved patron capacity for the premises is limited to:

  Total of 1215 patrons

  Comprising of:

  (i) Ground Floor: total of 750 patrons.

  At any one time, the following maximum patron capacity per area/room shall apply (but at no time exceeding a total maximum of 750 patrons):

  Area 1: Rear courtyard (beer garden): 200 patrons

  (ii) First Floor: total of 465 patrons.

  At any one time, the following maximum patron capacity per area/room shall apply (but at no time exceeding a total maximum of 465 patrons):
  Area 5 and 6: Open room at rear (formerly function room adjacent to courtyard and fire stairs) and Courtyard (terrace adjacent to kitchen): 200 patrons

Area 9: Smokers Terrace Area : 40 patrons

(b) ***Trial Period***

Irrespective of sub clause (a), and subject to sub clauses (c) & (d), the maximum patron capacity for the premises may operate for a trial period until 31 October 2023 (unless the trial period is removed or continued) as follows:

Total of 1215 patrons

Comprising of:

Ground Floor: total of 750 patrons.

At any one time, the following maximum patron capacity per area/room shall apply (but at no time exceeding a total maximum of 750 patrons):

Area 1: Rear courtyard (beer garden): 200 patrons

(ii) First Floor: total of 650 patrons.

At any one time, the following maximum patron capacity per area/room shall apply (but at no time exceeding a total maximum of 650 patrons):

Area 5 and 6: Open room at rear (formerly function room adjacent to courtyard and fire stairs) Courtyard (terrace adjacent to kitchen): 200 patrons (or 230 patrons upon condition 16(b)(i) being satisfied).

Area 9: Smokers Terrace Area: 40 patrons

The trial period (increase in patrons permitted on the first floor from 465 to 650 patrons) ceases on 31 October 2023.

Not earlier than 6 months prior to 31 October 2023 and not later than 2 months prior to 31 October 2023 the following documentation must be submitted to Council to enable Council to assess the operation of the hotel during the trial period:

- *(i) a certification that no works have been undertaken to the premises or if works have been undertaken, details of those works and details of the authorisation for those works;*
- *(ii) a copy of the records required to be maintained by clause 137 of the POM for the period of the trial;*
- *(iii) the Audits prepared in accordance with Condition 20;*
- *(iv) an acoustic compliance report no older than 2 months generally in the form of the report required by condition 58 confirming compliance with conditions 5 & 5B of this consent.*

The Council may request additional information and if such a request is made then that information shall be promptly provided. The Council may consult with the Licensing Police.

The Council will consider the documentation provided by the Applicant and will notify the Applicant in writing (not later than 14 days before 31 October 2023) whether the trial period can continue or whether the trial period can be removed (with the maximum patron numbers in this Condition 12 (b) being continued)) and may include terms not limited to the duration or any further trial, the need for changes to the approved POM and or the need to modify conditions of consent ("Continuation Certificate").
The changes notified in the Continuation Certificate will be effective from the date of the Continuation Certificate, unless the Applicant elects to lodge a s4.55/4.56 modification by 31 October 2023 for continuation of the trial period as described in the paragraph below. If no s4.55/4.56 modification application is lodged prior to 31 October 2023 then the Applicant will take all steps necessary to give effect to any terms included in the Continuation Certificate.

A further development application or Section 4.55/4.56 modification application may be lodged before 31 October 2023 for Council's consideration for the continuation of the trial period. In the event that a further development application or Section 4.55/4.56 modification application is lodged before the expiration date of the trial period (31 October 2023) the trial period referred to herein may continue until final determination of such application. Any such s4.55/4.56 modification application shall be diligently prosecuted.

(c) Trial period subject to Acoustic Upgrade Works

The trial period in sub clause (b) of this condition is subject to the following:

(i) Completion of the Acoustic Upgrade Works required by Condition 5B by 31 October 2022; and
(ii) Compliance with Conditions 57 & 58 by 31 October 2022.

If the above matters are not completed to the satisfaction of Council by 31 October 2022 then the trial period will immediately cease and the number of patrons permitted on the first floor will revert back to 465 patrons.

(d) Patron numbers with respect to the BCA

The patron numbers contained in this condition are a maximum. Should the BCA / Fire Safety Reports lodged by Applicant require a lesser number of patrons in certain areas of the hotel, the lesser patron capacity number shall apply.

(e) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a) to (c).

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 13 - *People Counter System***

To ensure patron numbers do not exceed authorised capacities, the following shall occur:

(i) A minimum of one (1) licensed security person shall be positioned in a static position at the base of the main stairwell of the venue that provides access for patrons from the ground level to the first floor level. The security person/s will count all patrons entering the stairwell and those patrons leaving the stairwell to determine the number of patrons on the first floor level at any one time. The security person/s will utilise one or more tally counters for this purpose.

(ii) A minimum of one (1) licensed security person shall be positioned in a static position at the main principle entry / exit to the venue on the ground floor level. The security person/s will count all patrons entering the venue and those patrons leaving to determine the number of patrons in the venue at any one time. The security person/s will utilise one or more tally counters for this purpose.

(iii) The static licensed security persons required by subclause (a) and (b) shall occur:
  i. every Wednesday, Friday and Saturday night from 10pm onwards.
  ii. New Years day, Australia Day, Anzac Day, City to Surf day, Boxing Day and New Years Eve from midday onwards.
  iii. Major sporting event days, public holidays, day preceding a public holiday, and any other day that the venue anticipates a big trade day, or where the venue holds or advertises an event that is anticipated to attract a large crowd to the venue. Such events would include, though not limited to; the Grand Final for NRL and AFL football, Soccer World

Cup games, State of Origin games, Bledisloe Cup, Boxing and UFC tournament matches. The static licensed security persons are required from minimum 1 hour prior to event commencing or when large crowd are anticipated, onwards.

iv. *A 'large crowd' is deemed to be when patronage would likely exceed 500 patrons to the ground floor level or more than 500 patrons to the first floor level.*

(iv) The licensee shall ensure that prior to the commencement of duty for the static security persons required by subclause (c), that an accurate count of patrons is conducted of all relevant areas to ensure existing numbers of patrons in the hotel is accounted for and included within any tally count and recorded in the Patron Count Register.

(v) The static security licensed persons shall remain in their respective static locations at all times until the last patron has exited the first floor level for subclause (a) and until the last patron has exited the venue for subclause. Should the static security licensed person have to leave the static point location at any time, then access to the associated area (that is, the first floor level and/or venue entry) shall be closed.

(vi) At the times when the requirement for the static licensed security persons is enacted, entry and exit to the first floor level shall be confined to the main stairwell.

(vii) The static security licensed persons shall manually count and record the patrons entering / exiting the areas outlined in subclause (a) and (b) at hourly intervals for the whole duration the static licensed security persons are required to be at their respective static points. The record of the hourly patron count shall be maintained in a Patron Count Register that is signed by the static security licensed person each hour.

(viii) The Patron Count Register shall be available for inspection by authorised Council, Liquor Authority or Police Officers at any time.

(ix) The Patron Count Register must be retained for 3 years or until the trial period is at an end, whichever is the sooner.

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 14 -** ***Entry / Exit Protocol***

(a) ***Hours of Admission – No Patron entry***

No patron is to be admitted or re-admitted to the licensed premises after 12.00 midnight on any night.

(b) ***Entry/Exit after 10pm***

All entry and exit of patrons after 10.00pm on any night shall occur wholly via the doors on the Glenayr Avenue frontage.

The doors along the Beach Road frontage shall only be used after 10.00pm by staff, performers, security, excluded patrons in the company of security and in cases of an emergency.

[Amended DA-626/2002/F in LEC No. 237635 of 2017]

- **CONDITION 16 -** ***Ground Level Courtyard (Beer Garden – Area 1) And First Floor Courtyard And Function Room (Area 5 And 6)***

The following additional limitations shall apply to the ground level rear courtyard (Area 1 – beer garden) and the first floor central courtyard and function room (Areas 5 and 6):

(a) Ground level rear courtyard (Area 1 – beer garden):
- *i. Maximum of 200 patrons*

(b) First floor courtyard and adjacent function room (Areas 5 and 6):
- *i. Maximum of 120 patrons,*
- *ii. Closure at 12.00am (midnight) Mondays to Saturdays and 10.00pm Sundays.*

This condition shall apply until all acoustic upgrade works for the entire venue (as described in conditions 5, 5A and 5B) have been completed and a suitably qualified and experienced Acoustic Engineer has certified the works are complete and compliant with all relevant criteria. Evidence of the certification of completion of works, prepared by the suitably qualified and experienced Acoustic Engineer shall be submitted to Council within 2 days from the date the certification is given.

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 51 – *Removal of Existing Taxi Zone***

The existing taxi zone on Glenayr Avenue is to be removed subject to the approval of the Waverley Traffic Committee. An application is to be made to the Waverley Traffic Committee by 30 June 2022.

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **CONDITION 58 - *Acoustic Certification – Licensed Areas***

Within eight (8) months from the date of this modification consent (DA- 626/2002/G), the Applicant shall serve on the Council an acoustic report demonstrating all licensed areas of the Hotel comply with respect to conditions 5 and 5A of this consent in accordance with the following:

(a) The compliance testing is to be carried out at the operator's expense and is to be undertaken by a suitably qualified and experienced acoustic engineer (approved by Council acting reasonably).

(b) The Council or its acoustic engineer may attend and monitor the compliance testing.

(c) The operator's acoustic engineer must:
- *i. notify the Council 7 days prior to the date when the compliance testing will take place;*
- *ii. measure and verify that the noise emanating from the premises complies with these conditions;*
- *iii. if necessary, make recommendations to ensure that the noise emanating from the premises complies with these conditions; and,*
- *iv. submit a compliance report including recommendations to Council for review and approval in writing within 21 days of completing the measurements.*

(d) The compliance testing must:
- *i. be undertaken on a date notified to and agreed by the Council;*
- *ii. be undertaken without the prior knowledge of the applicant, manager/management or operator of the premises;*
- *iii. be taken on a night when the premises is operating at or near maximum patron capacity and an allowance made in the noise readings to account for maximum patron capacity;*

iv. include all sensitive noise receivers in (e) including elevated receptor locations where relevant;
v. have a duration of 15 minutes for any individual measurement sample;
vi. commence at 9pm and end not earlier than 30 minutes after closing time; and,
vii. if necessary, taken on more than one night.

(e) The locations of compliance testing shall include as a minimum the nearest affected residential boundary of each of the following apartments/dwellings:
i. 73 Beach Road, Bondi Beach at the front boundary at ground level and the elevated balcony at the rear of the dwelling;
ii. 68-74 Beach Road, Bondi Beach;
iii. 108 Glenayr Avenue (cnr Glasgow Avenue), Bondi Beach, and
iv. Rear of 21 Blair Street, Bondi Beach.

(f) Noise samples shall be taken sequentially moving from one location to the next and for all locations there shall be at least one noise sample after midnight and one noise sample after closing time.
(g) In addition, Council acting reasonably may specify other locations for noise compliance testing, subject to access being able to be obtained.
(h) The compliance report shall provide the name of the acoustic engineer, details of the testing methodology, the number of patrons in the various areas of the premises when each noise sample was taken, the results of noise measurements and an assessment against the numeric limits in condition 5 of this consent. The report must specify whether there is compliance or non compliance and any recommendations to be implemented to achieve compliance.
(i) If there are any matters of non-compliance with the conditions of consent, the premises is required to implement any recommendations of the compliance report within 30 days of receipt of that report. A further compliance test shall be undertaken (in accordance with (a) above) to assess the effectiveness of the additional noise control measures.
(j) If there is non-compliance with conditions of consent prior to midnight then the use of the premises must cease at 10.00pm until such time as the acoustic engineer who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.
(k) If there is non-compliance with conditions of consent after midnight then the use of the premises shall cease at midnight until such time as the acoustic engineer who prepared the compliance report certifies that the recommendations in the compliance report have been implemented.
(l) Conditions (i), (j) and (k) continue to apply until such time as the acoustic compliance testing and the resulting compliance report certify that there is no non-compliance with these conditions of consent.
(m) In the event that a non-compliance can only be remedied by a restriction on the number of patrons in any space, then the Plan of Management shall be modified so as to give effect to this restriction and the operator shall implement that restriction.

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **Condition 59 – *Acoustic Certification – Patron Management on Exit***

Within two (2) months from the date of this modification (DA-626/2002/G), the Applicant shall serve on the Council an Acoustic report demonstrating the effectiveness of the measures to manage patrons on exiting the Hotel, determine compliance with the relevant paragraphs of the

POM, and identification of the most effective internal waiting area for ride sharing services (e.g ubers) and taxis. The acoustic report shall:

(a) implement the methodology used in the report "Whitehouse Properties Pty Ltd v Waverley Council NSW L&EC No 2017/00237635 – Noise Survey During Close" prepared by Renzo Tonin & Associates dated 7 November 2018 and shall adopt the results of that report as an initial benchmark.
(b) record and report on the numbers of patrons in each function area and bar within the hotel in 15 minute intervals from 10:00pm until close and record the numbers of patrons exiting every minute from 12:30 pm until all patrons have dispersed from the vicinity of the Hotel.
(c) include recommendations as to the improvement of the POM measures (if necessary and reasonably possible) in the event the POM measures are determined to be ineffective.
(d) Acoustic reports shall be prepared by a suitably qualified and experienced acoustic engineer (approved by Council acting reasonably).
(e) all costs associated with achieving compliance with this condition to be wholly borne by the applicant (including any costs to Council for review of the report by a suitably qualified and experienced acoustic engineer).

[Amended DA-626/2002/G in LEC No. 144501 of 2021]

- **Condition 60 – *Hours of Operation***
  (a) Hours of Operation

  Internal Areas: *The hours of operation for the indoor area of the premises is restricted to:*

  Area 2 (Ground level rear bar/restaurant):
  Monday to Saturday: 5.00am to 12.00am midnight
  Sunday: 10.00am – 10.00pm

  Areas 3, 4, 7 and 8 (ground level front bar and gaming room, first floor front and rear bars):
  Monday to Saturday: 5.00am to 1.00am
  Sunday: 10.00am to 10.00pm

  Bottle shop:
  Monday to Saturday: 7.00am to 11.00pm
  Sunday: 10.00am to 10.00pm

  All areas:
  Good Friday: 12.00pm (noon) to 10.00pm with exclusion of packaged liquor component (bottle shop) with no sales permitted.
  Christmas Day: 12.00pm (noon) to 10.00pm (liquor can only be served with or ancillary to a meal in a dining area).

  External Areas[1]: *The hours of operation for the external areas of the premises are restricted to:*

  Area 1 (ground level rear courtyard – beer garden):
  Monday to Saturday: 7.00am to 12.00am (midnight); and
  Sunday: 10.00am to 10.00pm

  Areas 5 and 6 (First floor central courtyard and adjacent function/open room):
  Monday to Saturday: 7.00am to 12.00am midnight (Upon satisfying condition 16, closure time of these areas 5 and 6 between Monday to Saturday shall be 1.00am).
  Sunday: 10.00am to 10.00pm

[1] External areas means the ground level rear courtyard (beer garden) and the first floor level courtyard (terrace adjacent to kitchen) and adjacent open room (formerly function room) in the north west area of the first floor level (Areas 1, 5 and 6 on plan).

Smokers Terrace[2]: The hours of operation for the smokers terrace area of the premises is restricted to:

Area 9 (first floor level smokers terrace area fronting Glenayr Avenue):
Monday to Saturday: 5.00am to 1.00am
Sunday: 10.00am to 10.00pm

[2] Smokers Terrace means the first floor courtyard (overlooking Glenayr Avenue) in the north east section of the first floor level (Area 9 on plan).

(b) Irrespective of sub clause (a), the set-up and clean-up for the premises may occur for one hour before and one hour after the approved hours of operation. During this time, the premises shall not trade nor be open to the public.
(c) Identification of room/areas described in this condition are as per those described in the Premises Plans for Ground floor and First floor, Rev A dated 12 November 2018 prepared by Council.

[Added DA-626/2002/F in LEC No. 237635 of 2017]

- **CONDITION 62 – *Signage to be Displayed***

(a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the entry of the Glenayr Avenue frontage and also near the entry of the Beach Road frontage of the premises. The signage shall state:

Approved hours of operation:

Ground level:
Rear beer garden (Area 1)
Monday to Saturday: 7.00am to 12.00am midnight
Sunday: 10.00am – 10.00pm

Rear bar/restaurant (Area 2)
Monday to Saturday: 5.00am to 12.00am midnight
Sunday: 10.00am – 10.00pm

First floor level:
Courtyard and function room (Areas 5 and 6)
Monday to Saturday: 7.00am to 12.00am midnight
(Upon satisfying condition 16, closure time of these areas 5 and 6 between Monday to Saturday shall be 1.00am).
Sunday: 10.00am – 10.00pm

Bottle shop:
Monday to Saturday: 7.00am to 11.00pm
Sunday: 10.00am to 10.00pm

All other licensed areas:

Monday to Saturday: 5.00am to 1.00am
Sunday: 10.00am – 10.00pm

No entry or re-entry after 12.00am (midnight) on any night.

<u>Approved patron capacity:</u>
Total of 1215 patrons comprising:
Ground Floor: total of 750 patrons.
First Floor: total of 650 patrons (trial period).

Upon leaving please respect local residents by minimising noise

(b) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main entrance of any room / area where a specific patron capacity is stipulated. Wording must include the name of the room / area and the applicable patron capacity authorised.
(c) The Plan of Management shall further detail signage requirements that promote safe transport options. This signage will direct both patrons and drivers of taxis and ride sharing services (Uber etc) of pick up / drop off points, standby locations and practices in place to egress patrons quickly and quietly from the licensed premises.
(d) Signage specified above is to be erected within 30days from the date of this consent (DA-626/2002/F).
(e) Any amendments to hours of operation or patron numbers shall be reflected in the signage required in subclause (a) above.

[Added DA-626/2002/F in LEC No. 237635 of 2017]

1.4. Proposal

The modification application has been submitted under section 4.56 of the *Environmental Planning and Assessment Act 1979*, and it seeks consent for the following modifications to the court approved development:

- Update the POM referenced in **Condition 1(c)** ***Approved Documents*** to reference the amended POM submitted.
- Amending **Condition 2** and deletion of **Condition 2A** from the consent as well as clause 85 and 86 of the approved POM which detail the required security operations in order to replace the requirements with the details in the proposed Security Plan of Management.
- Incorporate a Security Plan of Management in order to:
    - *Update the security regime to respond to the matters identified in the independent audits and to meet contemporary requirements.*
    - *Create a new regime that incorporates more detail as to duties, which are appropriately contained in the Plan of Management.*
    - *Create a single security regime for both regulatory jurisdictions, Waverly Council and Liquor & Gaming NSW).*

- *…provides the appropriate level of flexibility to enable these provisions to be adapted to meet operational requirements with the appropriate level of regulation controlled by Condition 61(d).*
- *allow for an application of a similar nature to Liquor & Gaming NSW to rationalise the security conditions, with compliance required with the Plan of Management along with security regime details contained in the Plan of Management*

- Amending **Condition 12(a)** ***Maximum Patron Capacity*** so that it is a standalone condition with no trial period (as is stated in the SEE – noting that this is inconsistent with what was stated in Annexure 3 *Modified Conditions of Consent* as per the below point).
- Amending the wording of **Condition 12(a)** ***Maximum Patron Capacity*** to replace the limit of 465 patrons on the first floor with 650 patrons (as is stated in Annexure 3 *Modified Conditions of Consent* – noting that this is inconsistent with what was stated in the SEE as per the above point).
- Deletion of **Condition 12(c)** ***Trial Period Subject to Acoustic Update Works*** and replace it with a reviewable condition under section 4.17 of the EP&A Act and section 79 of the EP&A Regulations. The reasons provided by the applicant are as follows:
  - *the acoustic upgrade works have been substantially commenced, some sections completed, with further works scheduled for completion in December 2023. The new acoustic report will address these matters. The completion of the works are imminent. In response to the current stage of the acoustic upgrade works and in anticipation of completion of the works, it is recommended that condition 12(c) be deleted.*
  - *The 1 year trial period has been subject of various extensions since it was approved in 2004.*
  - *The requirement for a trail period has become redundant. It frustrates the orderly and efficient economic operation of the property. It is an inappropriate means to regulate the hours of operation and patron numbers.*
- Deletion of **Condition 14(a)** ***Hours of Admission – No Patron Entry*** in order to enable patrons to enter after 12pm. The reasons provided by the applicant to delete the condition are as follows:
  - *The extent of the acoustic upgrade (when completed)*
  - *The lockout provides a point of conflict for patrons wishing to re-enter or re-join other patrons.*
  - *Audit report observations and findings.*

- Deletion of **Condition 16** ***Ground Level Courtyard (Beer Garden – Area 1) and First Floor Courtyard and Function Room (Area 5 and 6).***

- Deletion of clauses 16, 17, 18, 19, 36 and 37 from the POM in relation to the pick-up/drop-off regime through the bottle shop drive through.
- Deletion of **Condition 51** ***Removal of Existing Taxi Zone*** as they have sought the removal of the taxi stand as per the requirements of the condition.

- Amending the wording of **Condition 58** ***Acoustic Certification – Licensed Area*** and **Condition 59** ***Acoustic Certification – Patron Management on Exit***.
- Replace **Condition 60** ***Hours of Operation*** with a reviewable condition (as stated in the SEE – noting this is inconsistent with what was stated in Annexure 3 *Modified Conditions of Consent* as per the below point). The reason provided by the applicant for the change is as follows:
    - *Modification is sought to extend the operating hours in line the trading hours in the Liquor Licence.*

  Note: No details were provided confirming the details of the liquor license.
- Deletion of **Condition 60** ***Hours of Operation*** and replace with Annexure B (as stated in Annexure 3 *Modified Conditions of Consent* – noting this is inconsistent with what was stated in the SEE as per the above point). No document was provided titled Annexure B.
- Adding **Condition 60A** ***Reviewable Condition for Extended Operating Hours.*** The wording of the proposed condition makes reference to Annexure B. No document was provided titled Annexure B and there is no explanation as to why this changes is proposed.
- Deletion of **Condition 62** ***Signage to be Displayed*** and its replacement with Annexure C. No document was provided titled Annexure C

The following clauses were also crossed out in the POM. There was however no documentation accompanying the application which explains or justifies why each point should be removed from the POM.

- **Clause 21** ***Hours of Operation***
- **Clause 25** ***Staged Shutdown***
- **Clause 26** ***Maximum Patron Capacity***
- **Clause 27** ***Trial Period for Maximum Patron Capacity***
- ***Clause 28*** relating to management being response for ensuring patron numbers do not exceed the approved capacity.
- **Clause 29** to **Clause 37** relating to signage at and in the hotel.

The submitted POM also includes clauses which are proposed to be retained which relate and make reference to clauses proposed to be removed. The proposed amendments would therefore result in a documents which is flawed, inaccurate and which could not be relied upon.

As detailed above, the submitted documentation includes inconsistent and conflicting statements in relation to what changes are proposed and the documentation does not accurately or adequately identify all changes proposed or which would be required.

Note: Through various modifications to the consent originally granted in 2003, Council notes that the conditions of consent have become out of date, overly complex, unclear, and difficult to follow. To simplify and update the documentation and provide a clear path forward for all parties involved in

relation to the requirements and operations of the venue, it is strongly recommended that the applicant pursue a fresh, new DA. Furthermore, the plans to which the applicant relies upon do not correspond with the 'as built' format of the building, with outdated room names and layouts.

1.5. Background

The background of the application is as follows:

- On 30 January 2024, the subject modification application (DA-626/2002/I) was lodged with Council.
- On 8 February 2024, the application commenced public notification.
- On 28 February 2024, additional properties were notified.
- On 14 November 2024, Council undertook an inspection of the site and met with the applicant.
- On 14 November 2024, Council wrote to the applicant to advise that the application was not able to be supported due largely to significant errors throughout the documentation and inadequate information and justification. It was recommended that the applicant withdraw the application and that in line with discussions held on site, that a new DA should be lodged to rationalise all unauthorised works identified at the site inspection (e.g. removal of tiered timber seating and the construction of new booths in the ground floor courtyard/beer garden), and to update and simplify the conditions of consent and the supporting documentation (including but not limited to the POM and the security regime).
- On 20 November 2024, Council spoke with the applicant's Town Planner who indicated that the applicant did not intend on withdrawing the application. The application is recommended to be determined as it stands.
- On 25 November 2024, Council received a letter from Riley legal advising that the applicant did not wish to withdraw the application.

The documents received on 21 January 2024 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 Act.

2.1. Section 4.56 – Modification by consent authorities of consents granted by the Court

The application is made under section 4.56 of the Act as the original consent was granted by the Court. The quantitative and qualitative elements and impacts between the approved development and the development, as proposed to be modified, are not considered overly dissimilar as demonstrated in the following sections of this report. In this regard, the proposal is considered to be substantially the same as the originally approved development with regard to matters arising from the NSW Land and Environment Court case of *Moto Projects (No 2) Pty Ltd v North Sydney Council (1999) 106 LGERA 298*.

The application was publicly notified, and 82 submissions were received. Reasonable attempts have been made to notify each person who made a submission in respect to the relevant development

application of the proposed modification. The issues and matters raised in public submissions are discussed in section 2.2.4 of this report.

The reasons given by the Court to give consent to the original development consent have also been considered in the assessment of this modification application.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.56(1A) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

2.2.1.1 State Environmental Planning Policies (SEPPs)

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

- SEPP (Resilience and Hazards) 2021

2.2.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as *pub* and a *hotel or motel accommodation* remains unchanged and continues to be permitted development in the E1 Local Centre zone under Waverley LEP 2012.

The quantities of the approved development remain unchanged in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant, except as outlined below.

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan *(m) to enhance the amenity and quality of life of local communities, including through the provision of adequate social infrastructure, services and public art.*	No	The proposal fails to satisfy the aims of Waverley LEP 2012, notably aim 2(m) in that the application fails to detail and demonstrate how the proposed management and operations of the commercial premises will not unreasonably affect the amenity of surrounding residential properties and the community.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.21 Flood Planning	Yes	The site is identified as being within a low flood risk precinct. The proposal does not include any works which would impact flooding behaviour in or around the site.
Part 6 Additional local provisions		
6.14 Waste minimisation and recycling	NA	The proposal does not include any changes to the existing waste management processes.
6.15 Stormwater Management	NA	The proposal does not include any changes to the existing stormwater management processes.
6.16 Development in Zone E1 *(1) The objectives of this clause are as follows—* *(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.* *(3) 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.*	No	It has not been demonstrated that the proposal would not result in any adverse impacts on the amenity of the surrounding residential areas, or that it would be in keeping with the desired future character of the area. The proposal therefore does not satisfy the objectives (a), (b) and controls (3)(a)(i) and (ii) under Clause 6.16 of Waverley LEP 2012.

2.3.1.3 Waverley Development Control Plan 2022 (Waverley DCP 2022)

The development application was submitted to Council on 30 January 2024. At the time of lodgement, Waverley DCP 2022 (Amendment 1) applied. The assessment has therefore been undertaken against the provisions of amendment 1 which was effective between 18 August 2023 and 1 May 2024.

The approved development, as proposed to be modified, does not comply with the relevant parts and sections of Waverley DCP 2022. Only the parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 2** and **Table 3** and detailed discussion provided below.

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

Development Control	Compliance	Comment
6. Accessibility and Adaptability	N/A	The proposal does not include any changes to the sites level of accessibility.
7. Transport	Yes	The proposal seeks removal of Condition 51 *Removal of Existing Taxi Zone* which stipulates that the existing taxi zone on Glenayr Avenue is to be removed subject to the approval of the Waverley Traffic Committee (WTC) and that an application is to be made to the WTC by 30 June 2022. The applicant demonstrated that they submitted the application to the WTC before 30 June 2022 and advised that they did not receive a response from the WTC and therefore no further action was taken. Council's Traffic Management Department reviewed the information submitted and noted the following: *Confirming Council received communication from Scott Whitehouse director/owner on 16 June 2022 in relation to the removal of an existing taxi zone on Glenayr Ave (Beach Road Hotel).* *A subsequent report to the Waverley Traffic Committee was prepared for the August 2022 meeting.*

Development Control	Compliance	Comment
		The Committee overturned the officers original recommendation and the following was resolved; **TC/V.03/22.08 99-111 Glenayr Avenue, Bondi Beach - Taxi Zone - Removal (A14/0145)** **COUNCIL OFFICER'S PROPOSAL:** That Council replaces the '1P Meter Registration 8 am–6 pm, Taxi Zone 6 pm–1 am' parking restriction in front of 99–111 Glenayr Avenue, Bondi Beach, with '1P Meter Registration 8 am–6 pm, 4P Meter Registration 6 pm–10 pm.' **WTC RECOMMENDATION (UNANIMOUS SUPPORT):** That: 1. The Council Officer's Proposal not be adopted 2. Council defers this matter in order to obtain further information and to consult the applicant regarding on-site pick-up and drop-off management of taxis and Ubers, with a report to be prepared for the Traffic Committee. *Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, TfNSW representative and Waverley Council representative (Chair).* No details could be located on Council's file relating to any additional information being received in relation to the pick-up/drop-off management of the site. Notwithstanding, Council's Traffic Management Department would not oppose removal of this condition in the event of an approval. At the site inspection Council's Traffic Management Team also engaged in discussions with the applicant in relation to having the matter dealt with outside the modification application process, as well as possible amendments to parking zones in front of the site in order to improve safety and management of patrons using rideshare services.
9. Safety <u>Objectives</u> *(a) To provide for a safe environment for residents, visitors and workers and minimise the opportunities for criminal and anti-social behaviour.* *(b) To encourage the design and management of the built environment to reduce the opportunity for crime.*	No	The application seeks to amend the wording of **Condition 2** and delete **Condition 2A** and clauses 85 and 86 of the approved POM which detail the required security operations for the site. The changes are proposed to enable the requirements in the conditions and clauses to be replaced with the requirements detailed in the submitted Security Management Plan. The applicant stated that they wanted to incorporate a new Security Plan of Management in order to: • *Update the security regime to respond to the matters identified in the independent audits and to meet contemporary requirements.*

Development Control	Compliance	Comment
		• *Create a new regime that incorporates more detail as to duties, which are appropriately contained in the Plan of Management.* • *Create a single security regime for both regulatory jurisdictions, Waverly Council and Liquor & Gaming NSW).* • *…provides the appropriate level of flexibility to enable these provisions to be adapted to meet operational requirements with the appropriate level of regulation controlled by Condition 61(d).* • *allow for an application of a similar nature to Liquor & Gaming NSW to rationalise the security conditions, with compliance required with the Plan of Management along with security regime details contained in the Plan of Management* The applicant has not specified what comments in the audits they are referring to, and there is a lack of clarity regarding why the changes are proposed and how the proposed changes correlate throughout the documentation (e.g. between the conditions of consent, clauses in the POM, liquor license conditions and the proposed Security Management Plan). The depth of assessment, explanation and analysis provided by the applicant is inadequate to demonstrate that any amendments to the existing requirements would be appropriate. The application was referred to NSW Police who also advised that the Security Management Plan was inadequate. Discussions with the applicant at the site inspection provided some insight into the reasons for seeking amendments to the security operation requirements. This level of detail and explanation however has not been provided in the submitted documentation. Insufficient information, explanation and justification has therefore been

Development Control	Compliance	Comment
		provided to enable an accurate and detailed assessment or to enable any amendments to current conditions of consent to be supported. It has not been demonstrated that the proposal would maintain a safe environment or that it would reduce the opportunities for crime and therefore it would not satisfy objectives (a) and (b) under section 9B *Safety* of Waverley DCP 2022.

The following is a detailed discussion of the issues identified in the compliance tables above.

Table 3: 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		
1.2.4 General Amenity Objectives *(e) To ensure operations are compatible with adjoining residential uses and are in accordance with the amenity expectations of the subject site and locality's zoning(s).* *(f) To effectively manage the interface between non-residential uses and residential accommodation.* Controls *(a) The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.*	No	The proposal seeks to increase patron compacity on the first floor from 465 patrons to 650 patrons through removing the trial period condition, to remove the no entry at 12am requirement, change the security regime, and implement changes to the POM (among other changes). The documentation submitted lacks clarity, includes contradictory statements (e.g. wants patron capacity to be subject to a reviewable condition under section 4.17 of the EP&A Act but then states that they don't want patron numbers to be subject to a reviewable condition, and section 4.17 of the Act relates to reviewable conditions apply to patron capacity and hours of operation only), is inconsistent and includes a range of inaccuracies. The depth of assessment, justification and explanation provided by the applicant is inadequate to enable a detailed assessment or to properly assess the impacts on amenity. The documentation submitted is also out of date (e.g. the application was submitted in January 2024 and the documents refer to acoustic works being near completion in December 2023 and the SEE and Acoustic Report are dated October 2023), it is unclear how or whether conditions of consent relevant to the changes sought have been satisfied (e.g. Condition 12(b) and (c), Condition 5(b), Condition 16 , etc), and no plans were submitted

Development Control	Compliance	Comment
		detailing the existing development and what acoustic treatments have been completed. The application fails to include relevant information to demonstrate that the changes sought would not unreasonably affect the amenity of surrounding residential properties and the community. The application therefore does not satisfy objectives (e) and (f) and control (a) under section 1.2.3 *General Amenity* of part D1 *Commercial and Retail Development* of Waverley DCP 2022.
1.2.5 Noise *(a) An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings.* *(c) The design of the premises shall insulate adjoining/nearby properties from any noise or vibration levels caused by the use of the premises.*	No	The applicant seeks to amend Condition 58 *Acoustic Certification – Licensed Area* and Condition 59 *Acoustic Certification-Patron Management on Exit* as the Acoustic Consultant is of the view that the conditions are challenging and sometimes impractical as they do not accurately relate to the noise criteria applicable to assessing impacts associated with patron behaviour. Council's Environmental Health Officer was not opposed to amending these conditions in principle, however noted that the acoustic letter was inadequate and that in order to support such amendments, a new Acoustic Report with recent acoustic testing, prepared by a suitably qualified acoustic consultant that assesses the noise impact of the entire premises including the impact of the proposed increase in patron capacity would be required. Council's Environmental Health Officer also noted that the number of submissions received raising concerns about noise and amenity and history of complaints relating to acoustic impacts also supports the need for a recent and rigorous acoustic assessment of the premises. The applicant seeks to delete **Condition 16 *Ground Level Courtyard (Beer Garen – Area 1) and First Floor Courtyard Function Room (Area 5 and 6)*** which requires additional limitations on patron capacity (e.g. first floor courtyard max 120 patrons) until all acoustic upgrade works for the entire venue (as per Condition 5, 5A and 5B) have been completed and certified by a suitably qualified acoustic consultant. No details have been provided to demonstrate whether this condition has been satisfied, what

Development Control	Compliance	Comment
		capacity the first floor courtyard has been operating to, or why it should be deleted. Insufficient information has been provided to demonstrate what acoustic treatments have been completed and whether they are sufficient, and also whether the requirements of conditions of consent (e.g. Condition 5B, Condition 12(c) and Condition 16) have been satisfied. Insufficient information has also been provided to demonstrate the acoustic amenity impacts associated with the increased capacity and removal of the 12pm lock out requirement, as well as how the changes relate to and/or are impacted by new the new vibrancy laws. The proposal therefore does not satisfy controls (a) and (c) under section 1.2.5 *Noise* of park D1 *Commercial and Retail Development* of Waverley DCP 2022.
1.3 Hours of operation		
Objectives *(a) To ensure trading does not impact on the amenity of the area or disrupt nearby residential properties.* *Control* *(d) The prescribed trading hours within Table 1 are subject to all other aspects of the development being satisfactory. Where residential uses are in close proximity, more restrictive trading hours may be applied.* *Table 1. Bondi Beach* *(a) General base trading hours:* *(i) Monday to Saturday: 7.00am to 11.00pm; and* *(ii) Sunday: 7.00am to 10.00pm.*	No	The applicant seeks to delete Condition 14(a) *Entry and Exit Protocol* which stipulates that no patrons are to be admitted or re-admitted to the licensed premises after 12am (midnight) on any night. The applicant's justification for removing the condition is provided below: • *The extent of the acoustic upgrade (when completed)* • *The lockout provides a point of conflict for patrons wishing to re-enter or re-join other patrons.* • *Audit report observations and findings.* There is no explanation as to how acoustic upgrade works would warrant a change to patrons entering after 12am, what is meant by "a point of conflict for patrons wishing to re-enter" or what observations and findings in the audit reports they are referring to. The justification, explanation and depth of assessment provided by the applicant is inadequate and insufficient information has been provided to enable an accurate and detailed assessment and demonstrate what impacts the changes would have on the amenity of nearby residents.

Development Control	Compliance	Comment
(b) Extended trading hours on a 1 year trial basis will be considered up to: *(i) Monday – Sunday: 6.00am to midnight.*		The proposal therefore does not satisfy objective (a) under section 1.3 *Hours of Operation* of part D1 *Commercial and Retail Development* of Waverley DCP 2022
1.3.1 Extended Trading Hours (a) *Council recognises that a number of uses may require longer trading hours than outlined in Table 1, particularly earlier opening times. In these instances, an application to extend or modify trading hours will undergo an additional merit assessment.* (b) *Extended trading hours will be considered on a temporary basis, to enable Council to assess the ongoing management performance of the premises and the impact on the neighbourhood amenity.* (d) *Extended trading hours may initially be granted for a 1-year fixed term.* (e) *Following the completion of a satisfactory fixed term, a reviewable term may be permitted as follows:* *(i) First reviewable term – up to a maximum of 2 years.* *(ii) Second reviewable term – up to a maximum of 3 years.* *(iii) Third and subsequent terms – up to a maximum of 5 years.*		Conflicting statements have been provided throughout the documentation in relation to what is proposed in regard to Condition 60 *Hours of Operation.* One document states that it is proposed to replace this condition with a reviewable condition in order to extend the operating hours in line with the trading hours in the Liquor Licence, however no details have been provided in relation to what is required by the Liquor License. Another document states that the condition is proposed to be deleted and replaced with Annexure B, however no document was submitted titled Annexure B. The documentation also states that a new reviewable condition (Condition 60A Reviewable Condition for Extended Operating Hours) is proposed. There is no information to explain why the changes are proposed or to demonstrate what impacts the changes would have on the amenity of nearby residents. The justification, explanation and depth of assessment provided by the applicant is therefore inadequate and insufficient information has been provided to enable an accurate and detailed assessment. Insufficient information has been provided in relation to what is proposed in order to enable a detailed assessment in accordance with controls (a) and (b) under section 1.3.2 Extended Trading Hours under part D1 Commercial and Retail Development of Waverley DCP 2022.

Table 4: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table

Development Control	Compliance	Comment
3.1 Specific controls		
3.1.17 Seven Ways <u>Desired Future Character Objectives</u> *(h) To promote a clean environment, with waste disposal managed discreetly and efficiently.*	No	The applicant seeks to retain clauses in the POM which stipulate that litter patrols are to be undertaken in the vicinity of the premises. It is however acknowledged that a number of submissions were received raising concerns with the extent of litter within the vicinity of the site. Insufficient information has been provided to demonstrate that the operations of the site promote a clean environment in accordance with objective (h) under section 3.1.17 *Seven Ways* of part E3 *Local Village Centres* of Waverley DCP 2022. The objectives and controls under 3.2 *Generic Controls* of part E3 *Local Village Centres* do not apply.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is not considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for a minimum of 14 days between 8 February and 26 February 2024, and additional properties were notified between 26 February and 11 March 2024 in accordance with the *Community Engagement Strategy 2023*.

A total of 82 unique submissions were received from the following properties:

Table 4: Submission details

Count	Property Address
1.	49 Glenayr Avenue, Bondi Beach
2.	3/49 Glenayr Avenue, Bondi Beach
3.	72 Glenayr Avenue, North Bondi
4.	75 Glenayr Avenue, North Bondi (2 submissions received)
5.	11/91 Glenayr Avenue, Bondi Beach
6.	122 Glenayr Avenue, Bondi Beach
7.	1/122 Glenayr Avenue Bondi Beach

8.	2/122 Glenayr Avenue, Bondi Beach
9.	3/122 Glenayr Avenue, Bondi Beach
10.	1/124 Glenayr Avenue, Bondi Beach
11.	1/11 Beach Road, Bondi Beach
12.	3/11 Beach Road, Bondi Beach
13.	19 Beach Road, Bondi Beach
14.	22 Beach Road, Bondi Beach (2 submissions received)
15.	47 Beach Road, Bondi Beach
16.	51 Beach Road, Bondi Beach
17.	9/57-59 Beach Road, Bondi Beach
18.	4/58 Beach Road, Bondi Beach
19.	5/62 Beach Road, Bondi Beach (5 submission received)
20.	62-64 Beach Road, Bondi Beach
21.	66 Beach Road, Bondi Beach
22.	1/66 Beach Road, Bondi Beach
23.	3/68-74 Beach Road, Bondi Beach
24.	73 Beach Road, Bondi Beach
25.	1/76 Beach Road, Bondi Beach
26.	2/76 Beach Road, Bondi Beach (2 submissions received)
27.	3/76 Beach Road, Boni Beach
28.	4/76 Beach Road, Bondi Beach
29.	77 Beach Road, Bondi Beach
30.	79 Beach Road, Bondi Beach
31.	78-82 Beach Road, Bondi Beach (Strata)
32.	3/80 Beach Road, Bondi Beach
33.	10/80 Beach Road, Bondi Beach
34.	81 Beach Road, Bondi Beach
35.	6/88 Beach Road, Bondi Beach (2 submissions received)
36.	98 Beach Road, Bondi Beach
37.	6/104 Beach Road, Bondi Beach
38.	3 Blair Street, Bondi Beach
39.	11 Blair Street, Bondi Beach
40.	15 Blair Street, Bondi Beach
41.	2/21 Blair Street, Bondi Beach (2 submissions received)
42.	5/23 Blair Street, Bondi Beach
43.	10/23 Blair Street, Bondi Beach
44.	5/60a Blair Street, North Beach
45.	3/60a Blair Street, North Bondi
46.	58 Warners Avenue, North Bondi
47.	65 Warners Avenue, Bondi Beach
48.	68 Warners Avenue, Bondi Beach
49.	46 Glasgow Avenue, Bondi Beach
50.	49 Glasgow Avenue, Bondi Beach
51.	3/51 Glasgow Avenue, Bondi Beach (2 submissions received)
52.	58 Glasgow Avenue, Bondi Beach
53.	60 Glasgow Avenue, Bondi Beach
54.	2 Griffith Avenue, North Bondi
55.	4 Macleay Street, North Bondi
56.	6/4 Military Road, North Bondi
57.	62 Plowman Street, North Bondi

58.	6/108 Bronte Road, Bondi Junction
59.	3 Mitchell Road, Rose Bay
60.	Bondi Precinct
61.	Bondi Beach Precinct
62.	Unknow address (10 submissions received)

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

- The documentation submitted included unclear, confusing and contradictory information.
- Lack of transparency/ it is unclear what exactly is being proposed
- Venue requires a full acoustic review.
- Inadequate security management plan
- The proposal's non-compliance with the objectives and controls under part D1 *Commercial and Retail Development* of Waverley DCP 2022.

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

Issue: Inadequate acoustic testing.

Response: Concerns were raised that the acoustic testing wasn't done for all impacted properties (e.g 21 and 23 Blair Street) and it was noted that nearby residents are open to having acoustic testing undertaken in their properties at key hours for data collection, and/or storing of a data collection device in their property over weekends. The comments are noted and have bene taken into consideration as part of the assessment.

Issue: Compliances with current acoustic requirements and conditions of consent

Response: Concerns were raised that the venue does not currently comply with the stipulated acoustic requirements or current conditions of consent and that it is unclear if the hotel will comply to conditions or work with residents regarding current sound issues. Insufficient information has been provided to determine whether the venue currently complies with the stipulated acoustic requirements and conditions of consent and how they propose to address current issues.

Issue: Liquor and gaming restrictions.

Response: A submission raised that the venue doesn't appear to be meeting liquor and gaming licence restrictions with regard to preventing people noisy patrons from migrating down to Bondi Hotel late at night, restricting intoxicated people from entering. Insufficient information has been provided to enable a detailed assessment on this matter.

Issue: Existing patron capacity.

Response: Concerns were raised that the venue doesn't appropriately handle the existing number of patrons effectively and therefore increasing the capacity should not be supported and the patron numbers on the first floor should be reduced. Insufficient information has been provided to demonstrate what capacity the venue is currently operating under and to demonstrate that increasing the capacity on the first floor would be acceptable.

Issue: Existing adverse acoustic impacts.

Response: Concerns were raised that the venue already results in adverse acoustic impacts on the neighbouring properties in particular from the first floor and on Wednesday, Friday and Saturday nights. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Acoustic treatments

Response: Concerns were raised that the acoustic treatments around the courtyard have not adequately addressed the adverse acoustic impacts on neighbouring properties and greater acoustic treatments are required. Some submissions were however received stating that the acoustic treatments had made some improvement. The comments are noted. Insufficient information has been provided to demonstrate the effectiveness of the acoustic treatments.

Issue: Entry after 12am.

Response: Concerns were raised that removing Condition 14(a) *Hours of Admission – No Patron Entry* which stipulates that no patrons are to be admitted or re-admitted after 12am would result in more patrons existing the venue at 1am, which would increase issues with regard to noise, violence and safety, intoxicated people in the streets, lingering patrons, and general adverse impacts on the amenity of surrounding residents. Insufficient information has been provided to demonstrate the likely impacts of removing Condition 14(a).

Issue: Sale of alcohol from 5am.

Response: Concerns were raised that the proposal includes allowing the sale of alcohol from 5am Monday to Saturday and from 10am on Sunday and that it would be inappropriate due to the proximity to schools, it would encourage anti-social behaviour and would result in a risk to the public, etc. Clause 21(b) as detailed below was included in the POM approved under DA-626/2002/G. No changes are proposed to this clause as part of this application.

> *The hotel may sell packaged liquor for consumption off the premises during the following hours:*
> *Monday to Saturday 5.00am to 11.00pm*
> *Sunday 10.00am to 10.00pm.*

Issue: Removing security conditions and clauses.

Response: Concerns were raised that the proposal seeks to remove conditions of consent and clauses within the POM relating to security management and replace it with an inadequate security management plan which contains significantly less effective requirements. Insufficient information has been provided in relation to security management to enable a detailed assessment.

Issue: Inadequate security.

Response: Concerns were raised that the level of security had already been reduced in recent years and that reducing security numbers would reduce safety and increase violence and impacts on surrounding residents relating to patron behaviour (e.g. fights, drug taking, litter, noise, damage to property, etc) and that the existing security operations were inadequate with regard to controlling crowds and reducing impacts on nearby residents and that security should be increased instead of decreased. The comments

are noted and have been taken into consideration as part of the assessment. Insufficient information has however been provided to enable a detailed assessment of the potential impacts on surrounding residents.

Issue: Removal of taxi stand, and inadequate pick-up/drop-off procedures.

Response: Concerns were raised that Ubers and ride share services currently don't use the pick-up and drop-off arrangements and that they often cause safety risks and nuisance for nearby residents by blocking driveways, and that removal of the taxi stand would limit options for residents and patrons of the venue and increase impacts on surrounding streets by increasing the number of people congregating outside the venue and walking the surrounding street which would further disrupt the neighbourhood. Council's Traffic Department is open to reviewing the current pick-up/drop-off rideshare service operations in order to improve safety and general operations.

Issue: Removal of taxi stand.

Response: Submissions were received expressing support for removal of the taxi stand as it would improve safety by limiting the need for patrons to cross Glenayr Avenue (Uber stand currently on the opposite side of Glenayr Avenue) and would improve use for Uber, rideshare services and taxis. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Pedestrian activity.

Response: Concern was raised that the applicant states the rideshare services have reduced pedestrian activity when it seems to have increased pedestrian activity as it allows more people into the area. Insufficient information has been provided to enable an accurate and detailed assessment of this matter.

Issue: Exacerbate existing impacts.

Response: Concerns were raised that the venue already operates beyond what they should and that any changes to the venue's existing requirements/operations (e.g. patron capacity, security numbers and operations, 12pm lock out, removal of various conditions and clauses, etc) would exacerbate amenity impacts on the surrounding residents and the local community as it would increase impacts with regard to noise, anti-social behaviour, vandalism, crime, litter, safety, and the like. The comments are noted. Insufficient information has been provided to enable an accurate and detailed assessment of the likely impacts of any of the changes sought.

Issue: Littering.

Response: Concerns were raised that patrons from the venue currently leave a lot of litter in the surrounding streets. The comments are noted. Procedures relating to the collection of litter were not proposed to be removed from the POM.

Issue: Intoxicated, disruptive and disorderly patrons.

Response: Concerns were raised that there are regular issues with intoxicated, disruptive and disorderly patrons associated with the current operations of the premises. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Support.

Response: Submissions were received supporting various changes proposed and the venue as a whole. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Night club.

Response: Concerns were raised that the proposed changes appear to try change the venue into a nightclub as opposed to a neighbourhood hotel. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Publicans contact details.

Response: Concerns were raised that the proposal seeks to remove the publican's contact details from the hotel entrance which would lessen their responsibility of patrons' behaviour, as well as the publics opportunities to make complaints and have issues dealt with, resolved, recorded and responded to. Insufficient information has been provided on this matter to enable a detailed assessment.

Issue: Removing noise testing requirements.

Response: Concerns were raised that the proposal seeks to remove noise testing requirement and that this would result in adverse impacts for neighbours but also a health hazard for workers and patrons of the hotel. Insufficient information has been provided to clearly interpret the changes sought to the noise testing requirements.

Issue: New ownership.

Response: Concern was raised that the adverse impacts on the surrounding residents had increased in recent years since there was new ownership. The comments are noted.

Issue: Notification.

Response: Concerns were raised that the notification letter was received later then the date on the letter and that some nearby residents didn't get notified. The application was notified to all properties notified in previous applications as well as any properties who have previously lodged a submission in accordance with the *Community Engagement Strategy 2023*. Council is aware that there can be delays associated with postal services and will continue to receive and take into consideration submissions received up until the application is determined despite the formal notification dates.

Issue: Reducing previous court requirements.

Response: Concerns were raised that the application seems to reduce the terms of operation imposed in previous court proceedings which have been effective in minimising impacts on the surrounding residents. Insufficient information has been provided to determine whether it would be reasonable to remove any existing requirements.

Issue: Reduced impacts.

Response: Submissions were received stating that the conditions imposed in recent court appeals have reduced impacts on nearby residents with regard to property damage, public nuisance incidence, anti-

social behaviour, etc. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Lack of community consultation.

Response: Concerns were raised that the reduction to the operational requirements have been requested with very little community consultation and involvement and that there is no willingness from the applicant to liaise with residents to provide alternate or greater measures to ensure neighbourhood amenity, but rather they routinely seek to remove conditions without providing any solution to the problems it creates within its community. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Complaints.

Response: Concerns were raised that the proposed changes would make it even more difficult for the neighbourhood to make complaints and it was noted that residents were finding it difficult to get responses from the venue and NSW Police in relation to their concerns. Insufficient information has been provided to enable a detailed assessment on this matter. It is however noted that there have been recent changes to complaints processes as part of new vibrancy laws.

Issue: Increased presence of Police and Waverley Council officers.

Response: Submissions raised that they would like to see an increased Police presence at the venue, greater attendance by Council staff undertaking regular checks for compliance**,** and increased penalties for non-compliance with stipulated requirements. The comments are noted.

Issue: Security in public domain.

Response: Submissions suggested that increased deterrence including no alcohol free zones, and security measures including loitering signs with penalties, security cameras on poles in highly visible locations, and security stationed on the beach road driveway entrance should be provided on busy nights in order to deter loitering, anti-social and disruptive behaviour and the like. The comments are noted.

Issue: Security.

Response: A submission was received which stated that the existing security measures are effective in minimising noise and controlling behaviour around the venue and that security measures should not be reduced. The comments are noted and have been taken into consideration as part of the assessment.

Issue: No public benefit.

Response: Concerns were raised that the changes proposed are for private financial gain and that they have no regard for the public and would not result in any public benefit or be in the public interest. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Increased traffic and on-street parking impacts.

Response: Concerns were raised that increasing patron capacity would exacerbate traffic and the existing lack of on-street parking available to residents. Insufficient information has been provided to enable a detailed assessment in relation to this matter.

Issue: Reviewable condition.

Response: A submission was received stating that the applicant's justification for requesting that the trial period to increase patronage not be subject to a reviewable condition because it "frustrates the orderly and efficient economic operation of the property" is not a reason to grant it. The assessment has found the applicant's justifications for making amendments to be inadequate and not well founded.

Issue: Property values.

Response: Concerns were raised that the changes proposed would result in decreased property values. Impacts on property value is not a matter for consideration under section 4.15 of the Act.

Issue: Community letter drop.

Response: Submissions were received advising Council that there had been a community letter drop encouraging residents to lodge submissions against the proposal. The comments are noted.

Issue: Terrorism and antisemitic rhetoric.

Response: A submission was received stating that they had witnessed possible terroristic and antisemitic rhetoric from patrons of Beach Road Hotel and noted that it was Council's obligation to report such incidences to the State and Federal Police. Reporting such incidences is a matter for the individual to report to the relevant authorities.

Issue: New bar.

Response: A submission was received raising concerns that the proposal sought to introduce a bar and that it would result in adverse impacts on the character of the community. The proposal seeks amendments to the operations of an existing pub and does not include the introduction of a new bar.

Issue: Change in operations.

Response: Concerns were raised that there is no evidence that the venue has changed operating practices in line with conditions of consent, increased patron numbers and the like. The findings of the assessment are consistent with this statement in that no evidence has been provided to demonstrate how the venue has been operating/has changed operations in line with the conditions of consent.

Issue: Increasing hours of operation.

Response: Concerns were raised that the proposal sought to increase hours of operation. The applicant states that they are seeking to delete Condition 60 *Hours of Operation* and replace it with a reviewable condition in one document and in another document, they state that they are seeking to delete the condition and replace it with Annexure B. No annexure B was submitted by the applicant and insufficient

information has been provided to detail what is proposed in order to enable an accurate and detailed assessment in relation to this matter.

Issue: Condition 58 *Acoustic Certification – Licenced Areas.*

Response: Concern was raised that 62-64 Beach Road was not detailed as one of the nearest affected residential dwellings to which acoustic compliance testing is to be undertaken in accordance with Condition 58(e). This condition was included under a previous application. The comments are noted and have been taken into consideration as part of the assessment.

Issue: Lime bikes.

Response: Concern was raised that patrons are using lime bikes to get to and from the venue and leaving them in the surrounding streets in front of residential properties, causing nuisance, blocking driveways and the like. The comments are noted**.**

Issue: Suggested improvements.

Response: A submission received included suggestions for how the venue could improve including with regard to increasing the focus on food an being a family friendly venue, closing the bottle shop early, ceasing advertisement on social media with regard to cheap drinks and parties, etc. The comments are noted.

Issue: POM.

Response: Concerns were raised that the amendments proposed to the POM seek to remove measures currently in place which minimise disturbance to the surrounding residents and that the changes demonstrate a lack of regard for the venue's desire to minimise adverse impacts on the amenity of neighbouring properties. Insufficient information has been provided to demonstrate the full extent of changes proposed and how they would impact on the community.

Issue: Outdoor smoking areas.

Response: Concern was raised that outdoor smoking areas would need to be fully screened in order to block cigarette or vape smoke from wafting onto the streets and neighbouring properties. The proposal does not include any changes to the existing outdoor smoking areas.

2.2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Traffic

Council's Traffic Department reviewed the proposal and confirmed that the applicant to the Waverley Traffic Committee was received within the stipulated timeframe outlined in Condition 51 *Removal of Existing Taxi Zone* and that the application was deferred by the committee in order to obtain further information and to consult the applicant regarding on-site pick-up and drop-off management for taxis and Ubers, with a report to be prepared for the Traffic Committee.

Council's files are not showing that any further information was received and therefore the project stalled. Notwithstanding, Council's Traffic Department advised the following:

> *During the site meeting on 14 November 2024, Council offered to assist with the changing Taxi/Uber PUDO demands in the area. Majority of which can be dealt with outside of the existing consent on the site.*
>
> *Submission can be made by the business to Council requesting the desired changes. With Council reviewing and implementing any recommendations through the Waverley Traffic Committee sub delegation process.*

3.2. Building Compliance

Council's Building Compliance Department reviewed the proposal in relation to patron numbers, staff numbers, toilet numbers, building compliance with the Natural Construction Code Services (BCA + PCA) and the building compliance with the Disability and Discrimination Act and Premises Standard and provided the following comments:

> *The current s4.55 before Council seeks (amongst other elements) to modify Patron numbers.*
>
> *It is unclear where and how the patron numbers are proposed to be varied. (for example: Proposed Consent condition 12 – modified + Condition 16 – deleted, does not explain if, how, where, when these proposed changes might affect the design and use of the building*
>
> ***Summary***
>
> - *The proposed s4.55 for the Beach Road Hotel does not include a NCC (BCA) Report or plans*
> - *Background Points 1 – 5 above* (patron numbers, staff numbers, toilet numbers, building compliance with the Natural Construction Code Services (BCA + PCA) and the building compliance with the Disability and Discrimination Act and Premises Standard) *cannot be considered*
> - *It is the responsibility of the Applicant to supply the above and thereby demonstrate compliance with the legislation*
>
> ***Recommendation***
>
> *There is insufficient information to provide a comment, and insufficient information to provide conditions to be imposed, on the proposed s4.55.*

3.3. Fire Safety

Council's Fire Safety Department reviewed the proposal and provided the following comments:

The current s4.55 before Council is unclear if/how the patron and staff numbers are proposed to be varied and if/how this proposed variation will affect items 1 – 6 above (for example: Proposed Consent condition 12 – modified + Condition 16 – deleted, does not explain if, how, where, when these proposed changes might affect the design and use of the building.

Summary

- *The proposed s4.55 for the Beach Road Hotel does not include a NCC (BCA) Report referencing fire related design and construct matters or plans*
- *The proposed s4.55 for the Beach Road Hotel does not include plans and elevations*
- *Background Points 1 – 6 above cannot be considered (*patron numbers, staff numbers, exits (widths, lighting materials, paths of travel, essential services (emergency lighting, signage, fire resisting construction materials), fire separation between classes of buildings, building compliance with the Natural Construction Code Series (BCA + PCA)).
- *It is the responsibility of the Applicant to supply the above and thereby demonstrate compliance with the legislation*

Recommendation

There is insufficient information to provide a comment, and insufficient information to provide conditions to be imposed, on the proposed s4.55.

3.4. Environmental Health

Council's Environmental Health Department reviewed the proposal and provided the following comments:

I refer to your request to modify conditions 2 - 2A, 12, 13, 58, 59, 60, 62 and delete Conditions 14(a) and 16 of DA-626/2002/I at the Beach Road Hotel, 99-111 Glenayr Avenue, Bondi Beach.

This section supports the amendment of condition 58. Acoustic Certification – Licensed Areas and condition 59. Acoustic Certification – Patron Management on Exit and the Acoustic letter [Ref:3808R2202310296nkBeachRdHotelConds5859V2] prepared by Koikas Acoustics Pty Ltd dated 30 October 2023 supports the amendment of these conditions. However, in order to amend these conditions a new acoustic report with recent acoustic testing, prepared by a suitably qualified acoustic consultant that assesses the noise impact of the entire premises including the impact of the proposed increase in patron capacity is required. The above-mentioned Acoustic letter is not adequate in this regard.

The many submissions received for this application concerned about noise and the amenity impact of this premises and previous merits also support the need for recent and rigorous acoustic assessment of this premises.

This section supports a clear proposal for the increase in capacity and modification to acoustic conditions be submitted to Council in a new DA, that includes new acoustic reporting for all the acoustic measures within and noise impacts of this business.

3.5. NSW Police

The application was referred to NSW Police who did not oppose incorporating conditions of consent into the POM provided the measures applied in the conditions remain. NSW Police also advised that the Security Management Plan was inadequate, and the applicant hasn't demonstrated that there would be adequate merit to remove the 12am lock out condition.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for refusal.

As discussed above, Council is of the view that the subsequent modifications undertaken to the conditions of consent since 2002 have resulting in a set of conditions which are overly complex and unnecessarily complicated. To simplify and update the documentation and provide a clear path forward for all parties involved in relation to the requirements and operations of the venue, it is strongly recommended that the applicant pursue a new DA.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 19 November 2024 and the MODA concurred with the Assessment Planner's recommendation.

DBU members: *A Rossi, B McNamara, B Magistrale, and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
K. Keenan.		
Karis Keenan	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 27 November 2024	**Date:** 28 November 2024	**Date:** 2 December 2024

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)

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *This is a planning portal reporting requirement	N/A
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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	Yes
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – REASONS FOR REFUSAL

Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

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

    a. *Clause 1.2 Aims of Plan*

    The proposal would not satisfy aim (m) as the application fails to detail and demonstrate how the proposed management and operations of the commercial premises will not unreasonably affect the amenity of surrounding residential properties and the community.

    b. *Development in Zone E1*

    The proposal would not satisfy objectives (a), (b) and controls (3)(a)(i) and (ii) as it has not been demonstrated that the proposal would not result in any adverse impacts on the amenity of the surrounding residential areas, or that it would be in keeping with the desired future character of the area.

2. The application does not satisfy section 4.15 (1)(a)(iii) of the Act as it is contrary to Waverley Development Control Plan 2022 (Waverley DCP 2022), in respect to the following provisions:

    B9 Safety

    a. Objectives (a) and (b) under section 9B *Safety* are not satisfied as insufficient information has been provided to demonstrate that the proposal would maintain a safe environment or that it would reduce the opportunities for crime.

    D1 Commercial and Retail Development

    b. *Section 1.2.4 General Amenity* - Objectives (e) and (f) and control (a) are not satisfied as insufficient information has been provided to demonstrate that the changes sought would not unreasonably affect the amenity of surrounding residential properties and the community.

    c. *Section 1.2.5 Noise* - Controls (a) and (c) are not satisfied as insufficient information has been provided to demonstrate that the proposal would not result in additional adverse acoustic impacts on nearby residents, that the premises would adequately insulate noise and attenuate noise between building.

    d. *Section 1.3 Hours of Operation* – Objective (a) is not satisfied as insufficient information has been provided to demonstrate that the proposed amendments would not impact on the amenity of the area or disrupt nearby residential properties.

e. *Section 1.3.2 Extended Trading Hours* – Insufficient information has been provided in relation to what is proposed with regard to extending trading hours in order to enable detailed assessment in accordance with controls (a) and (b).

C3 Local Village Centres

f. *Section 3.1.17 Seven Ways* – Objective (h) is not satisfied as insufficient information has been provided to demonstrate that the operations of the site promote a clean environment.

3. Insufficient information has been provided to enable a detailed assessment and the information which has been submitted is misleading and unclear, and includes inaccuracies, conflicting statements, inadequate justification and explanation.

4. The application does not satisfy section 4.15 (1)(b) of the Act as the proposed development would result in unacceptable impacts on amenity.

5. The application is contrary to section 4.15 (1)(c) of the Act due to the site being unsuitable for the proposed development.

6. The application is contrary to section 4.15 (1)(d) of the Act in relation to matters raised in the public submissions received that object to the proposed development.

7. The application is contrary to section 4.15 (1)(e) of the Act in relation to the public interest as it has not been demonstrated that the proposal would not result in adverse amenity impacts or that it would be compatible with the desired future character of the locality.



Report to the Waverley Local Planning Panel

Application number	DA-455/2022/A
Site address	Bronte Surf Life Saving Club (Bronte SLSC)
Proposal	Section 4.55(1A) to modify conditions 1, 2, 4, 10A, 25, internal reconfiguration, amendments to access arrangements, sea wall, landscaping, new fire tank and pump room and various other external modifications.
Description of Approved Development	Demolition of Bronte SLSC building and associated structures, and the construction of a new Bronte SLSC and associated community facility upgrades, including upgrades to seawall and pathway access.
Date of lodgement	4 September 2024
Owner	Crown Lands (Managed by Waverley Council)
Applicant	Waverley Council
Submissions	Two submissions received
Amended cost of works	No change from original; cost of works remain $13,541,725.00 (excluding GST)
Principal Issues	Nil.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report.

SITE MAP



(Source: Nearmap, 2024)

1. PREAMBLE

1.1. Executive Summary

The modification application seeks to modify development consent, known as DA-455/2022 for the demolition of Bronte SLSC building and associated structures, and the construction of a new Bronte SLSC and associated community facility upgrades, including upgrades to seawall and pathway access at the site known as Bronte SLSC.

In summary, the proposed modifications are for a section 4.55(1A) to modify conditions 1, 2, 4, 10A, 25, internal reconfiguration, amendments to access arrangements, sea wall, landscaping, new fire tank and pump room and various other external modifications.

There are no principal issues arising from the assessment of the application. The amendments largely relate to refinement of details in preparation of construction.

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 is referred to the Waverley Local Planning Panel for determination as there is a declared conflict of interest matter due to the Crown Land being managed by Waverley Council (who is the applicant of this application), with the site leased by Bronte SLSC from Crown Lands through Council as Trustee. A Conflict of Interest Management Statement has been prepared and is publicly available to view on Council's online DA Tracker.

The application has been assessed against the relevant matters for consideration under section 4.55(1A) the *Environmental Planning and Assessment Act 1979* and is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

The site is located along Bronte Road, Bronte (there is no street number).

The site is located within the eastern extent of Bronte Park, adjacent to Bronte Beach. The application specifically relates to the Bronte SLSC.

The site is identified as Crown Land, which is managed by Waverley Council, with the site leased by Bronte SLSC from Crown Lands through Council as Trustee.

The surf club component of the site sits at the base of a relatively steep hill, which slopes down towards the south and east. The site has a fall of 5.67m towards the south along the eastern boundary (RL 10.46 AHD to RL 4.79 AHD), with a slight fall of 0.35m towards the east along the southern boundary (RL 5.14 AHD to RL 4.79 AHD).

As a result of existing excavation, there is a steep fall of 5.26m at the western side of the building towards the south (RL 10.98 AHD to RL 5.72 AHD), while the site has a fall of 3.45m towards the east at the northern boundary (RL 10.98 AHD to RL 10.46 AHD).

The access pathway from Bronte Road to the club has a steady fall of 7.18m to the north (RL 12.43 AHD to RL 5.25 AHD).

The Bronte SLSC as existing, is a two storey brick building with a flat cement roof form constructed in 1974. The ground floor of the building currently has storage facilities, a gymnasium, change rooms, members' area, office and lifeguard office and first aid room. The first floor level comprises a bar and function room, toilets and a verandah overlooking the beach. At the southern extent of the surf club building is an attached single-storey brick building, which has a kiosk, as well as storage, public toilets and change rooms. This building also has various staff areas.

Internal access to the upper-level verandah and first floor spaces is provided by stairs, while external access is provided by the stairs adjacent to the public viewing terraces and beach promenade.

Directly adjacent to the existing kiosk and change rooms is an outdoor forecourt area, used as seating and is known as 'the cubes'. Also adjacent to the surf club is a Sydney Water pumphouse, which is heritage listed.

The built form, as located towards the centre of Bronte Park, is accessed by several paved walkways and service ways from Bronte Marine Drive/ Bayview Street to the north and Bronte Road to the south. This includes a paved pathway which connects the site to Bronte Road to the south, with a double width crossover at the street entrance. This pathway is predominately used for pedestrians, however, is also utilised as a services entrance.

The site is located within a recreational zone (RE1 Public Recreation). To the north of the RE1 zone is land zoned R3 Medium Density Residential, and to the south is land zoned R2 Low Density Residential and E1 Local Centre.

Development in the vicinity of the site ranges from the recreational land which forms part of Bronte Park, to residential flat buildings and dwelling houses which vary between one to three storeys in height. To the south, development comprises a mix of residential and retail uses between two and four storeys in height.

Bus services operate along Bronte Road, Bronte Marine Drive, Bayview Street and Hewlett Street, all of which border Bronte Park.



Figure 1. Satellite image of the subject site and the surrounding context (Source: Nearmap, 2024)

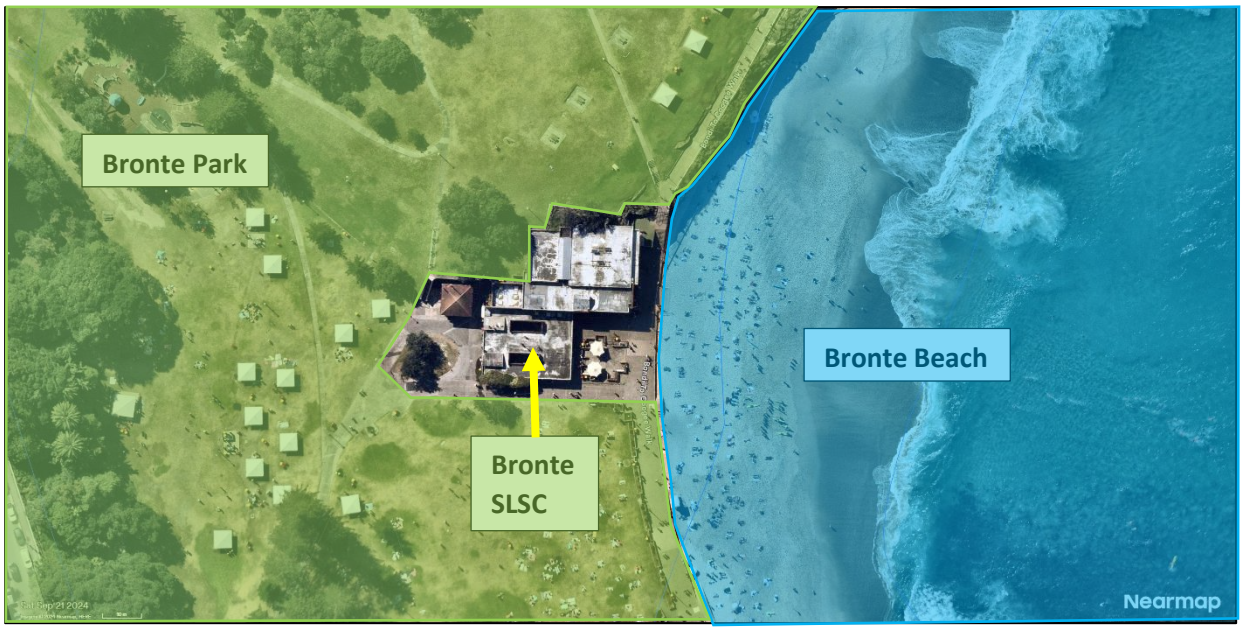


Figure 2. Zoomed in satellite image of the subject site and the surrounding context (Source: Nearmap, 2024)



Figure 3. Bronte Beach, Bronte Park and Bronte SLSC looking north from Calga Place.



Figure 4. Bronte SLSC, looking north from Bronte Park.



Figure 5. Sydney Water Pumphouse and Bronte SLSC, looking east.



Figure 6. Roof of the Bronte SLSC, looking south from Bronte Park.



Figure 7. Bronte SLSC, looking north west from the promenade.

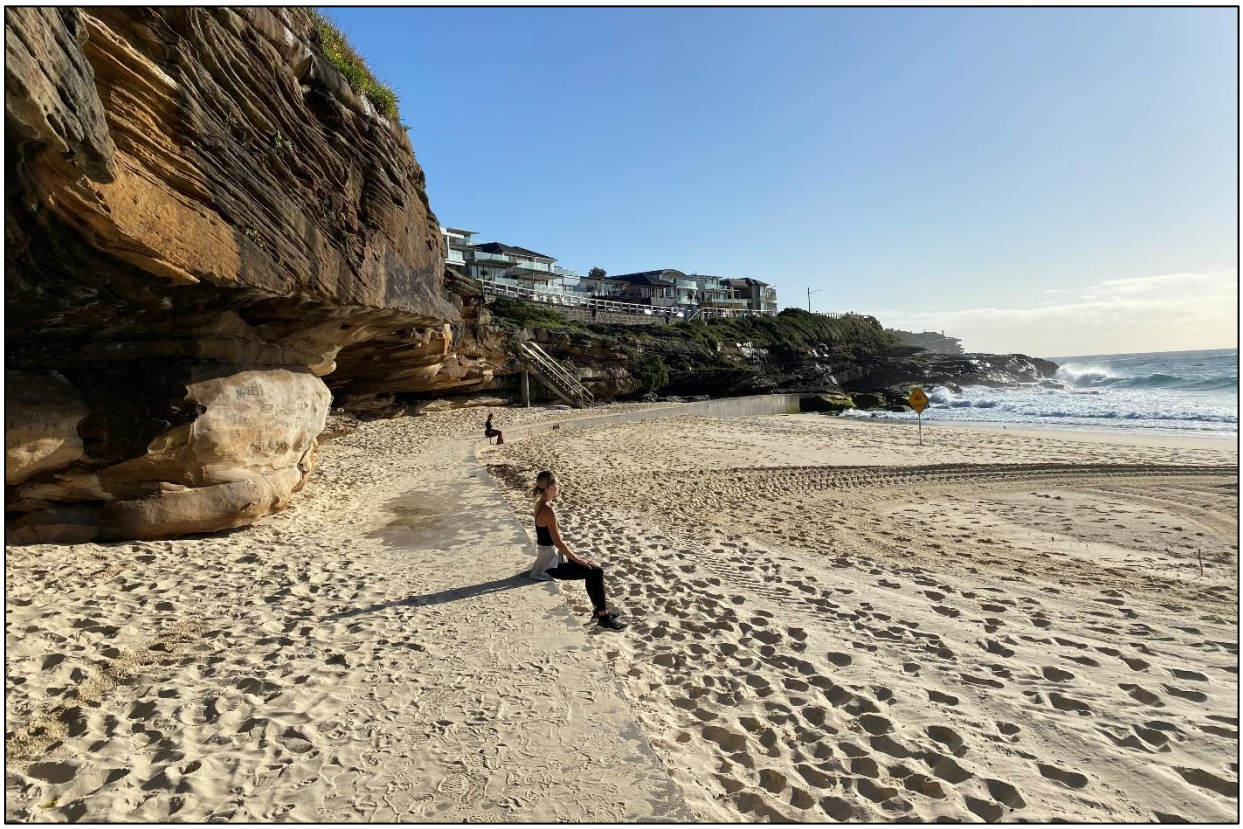


Figure 8. Culvert to the northern end of Bronte Beach, looking north.



Figure 9. Culvert, sea wall and Bronte SLSC, looking south.

1.3. Details of Approved Development

The original development application, known as DA-455/2022 was for the demolition of the Bronte SLSC building and associated structures, and the construction of a new Bronte SLSC and associated community facility upgrades, including upgrades to seawall and pathway access, was approved on 11 April 2024 by the Sydney Eastern City Planning Panel.

The following conditions from the development consent have direct relevance to this modification application:

- Condition 1 *Approved Plans and Documentation*
    - Modification requests to update plans and documentation to reflect what has been lodged with this application.

- Condition 2 *General Modifications*
    - Modification requests to delete condition 2(a) as the amended landscape plan has satisfied this condition.

- Condition 4 *Maintenance Plan for Coastal Protection works*
    - Modification requests to amend wording from *prior to construction certificate* to *prior to occupation certificate.*

- Condition 10A *Beach Maintenance Program*
    - Modification requests to amend wording from *prior to construction certificate* to *prior to occupation certificate.*

- Condition 25 *Waste Storage Areas*
    - Modification requests to amend the number of bins.

1.4. Proposal

The modification application has been submitted under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*, and it seeks consent for the following modifications to the approved development:

Changes to Design

- Several minor internal alterations are proposed including but not limited to:
    - Reorganisation of the back-of-house and storage areas to enhance the building's operational efficiency. As a precaution, the floor levels have been revised to mitigate the risk of floodwater intrusion and sewerage overflow from the pumping station. This design amendment is derived from engagement with Sydney Water.
    - Redesign of the ground-level plant room.
    - Relocation of the Communications room to the building's core on the first level, with access provided from the proposed gym.
    - Relocation of furniture, general store and kitchen, to be more centrally located. The kitchen now directly adjoins the function room for improved functionality.
    - Rearrangement of waste storage room and arrangements as informed by building usage calculations.
    - Addition of a change room to the public amenity block to improve amenity for visitors to Bronte Beach and Park.

- Access.
  The proposed modifications include several adjustments and additions to access points, aimed at enhancing the operational efficiency of the proposed development. The revised access points encompass:
    - Introduction of new external access to the Mechanical Plant Room.
    - Reduction of external sliding doors from the training room and multipurpose space on first floor.
    - Reconfiguration of the ground-level foyer entrance to align with the architectural language of the broader scheme.
    - Addition of a pump room access point via a staircase, in line with fire engineering requirements and advice from Sydney Water.
    - Relocation of the security gate to facilitate access to council facilities during club closure.

- Installation of an external security gate in response to Crime Prevention Through Environmental Design (CPTED).
- Modification of external stairs following a detailed design review to ensure compliance with tread requirements.
- Introduction of a new internal access point to the board store, facilitating its optimal use.

- Sea Wall.
  The proposed modifications included several minor amendments to the sea wall including:
  - Introduction of a curvature at the end of the sea wall adjacent to the staircase, enhancing its visual appeal and reduced visual impact from the beach.
  - Sloping of the sea wall in select sections, either to refine the structure's terminus or to safeguard the adjacent stairs and reduce visual impact from the beach.
  - Refinements to sea wall wave return profile following coastal engineer recommendations and physical model testing.

- Fire tank and Pump Room.
  - In accordance with fire engineering requirements, a fire tank and pump room has been incorporated into the design. The room accommodates two fire tanks and a pump room, complemented by a lift pit and a staircase that ascends to the building's ground level.

- External Changes.
  - Skylight amended to circular to reflect architectural language of the wider scheme at the roof level.
  - Amendments have been made to the pill-shaped skylights on the first level to accommodate structural feasibility.
  - The roof light on the first level has been expanded to optimise the influx of natural light.
  - PV panels amended following detailed design and environmental targets input.
  - Balustrade added to prevent access to roof.
  - Green roof edge simplified.
  - The window dimensions in the Patrol/First Aid room have been revised to minimise potential damage during storm events.
  - Additional windows have been incorporated, and existing ones modified, to better meet operational and environmental requirements.
  - Minor increases in the roof edge levels as follows:
    - First Level – RL + 9.650
    - Roof Level – RL +13.990

- Landscaping & Lighting.
  - Updates to paving to reflect detailed design and material specifications.
  - Coastal She-Oak planting to satisfy Condition 2(a).
  - The northern path has been adjusted in response to advice from infrastructure specialists in response to request to connect this path into existing pedestrian routes.

- Redesign of park edge south of the building on the ground floor.
- FPOV have updated the Lighting Plans to reflect the minor changes in the Architecture and Landscape Plans. The number, length and position of spotlights, inground up lights, pole lights and linear LED lights have been adjusted to align with design changes in relation to trees, benches and staircases. Refer to the updated Lighting Plans prepared by FPOV for further detail on the lighting amendments.
- Removal of tree in forecourt (adjacent to 'cubes').

Changes to the conditions of consent

- Condition 1 *Approved Plans and Documentation*
  - Modification requests to update plans and documentation to reflect what has been lodged with this application.
- Condition 2 *General Modifications*
  - Modification requests to delete condition 2(a) as the amended landscape plan has satisfied this condition.
- Condition 4 *Maintenance Plan for Coastal Protection works*
  - Modification requests to amend wording from *prior to construction certificate* to *prior to occupation certificate.*
- Condition 10A *Beach Maintenance Program*
  - Modification requests to amend wording from *prior to construction certificate* to *prior to occupation certificate.*
- Condition 25 *Waste Storage Areas*
  - Modification requests to amend the number of bins.



Figure 10. Photomontage of the proposed Bronte SLSC. (Source: Warren and Mahoney, 2024)

1.5. Background

The modification application was deferred on **28 October 2024** for the following reasons:

Table 1. Details outlined in the deferral letter and how they have been addressed via amended plans

Details within the deferral letter	Discussion on how these issues have been addressed by the applicant
The Statement of Environmental Effects has stated that part of the proposed works include: *i. Minor increases in the roof edge levels as follows:* *○ First Level – RL + 9.800.* *○ Roof Level – RL +13.920.* *Can you please demonstrate where this is located on the architectural plans, otherwise, please amend the architectural plans to clearly indicate these modifications.*	Amended plans have been provided which amended RL + 9.800 to RL + 9.650 and RL + 13.920 to RL + 13.990.
Please provide details of the balustrading to the roof along the viewing deck. Council's Urban Designer seeks clarification whether the vertical balusters will be tubular or rectilinear in design. Their recommendation is that tubular balusters would be preferable, as they tend to create a lighter visual appearance with thinner lines, enhancing the overall aesthetics of the structure.	The roof balustrade design will comprise 50x10mm rectilinear balusters. Please refer to Fairfax Lookout (North Head, Manly) for precedent (refer to **Figure 10** below). Circular balusters were explored for greater visual clarity, but discarded as they would require frequent and larger structural balusters posts for crowd-loading, and additional vertical supports where the balustrading leans inwards. These additional components would compromise the overall aesthetic and would not be pursued.
The 'Proposed Fire Tank Level' Floor Plan on Drawing No. DA.120 must be amended to provide greater contextual details in terms of where the proposed additional pump room, lift pit and fire tanks are located relative to the ground floor level above. Please note that as the site is affected by Class 4 Acid Sulfate Soils and as these new services involve more than 2m of excavation below natural ground surface, an Acid Sulfate Soil Assessment would be required to address the matters for consideration under clause 6.1 of Waverley LEP 2012.	The 'Proposed Fire Tank Level' Floor Plan on Drawing No. DA.120 has been amended so it can be understood where this is proposed in context to the ground floor above. In relation to Acid Sulfate soils, the applicant provided the following response: *We acknowledge that the site is affected by Class 4 Acid Sulfate Soils and that these new services will involve more than 2m of excavation below natural ground level. To enable an Acid Sulphate Soil Management Plan to be prepared by the Head Contractor (engagement in progress*

	pending Council report approval), the Acid Sulphate Soil Management Plan will be prepared by the Head Contractor prior to the issue of the relevant construction certificate. This is deemed acceptable. Regardless, a condition is recommended to ensure this is completed prior to the issue of a Construction Certificate.
Please change part of the development labelled 'kiosk' on the architectural plans to a broader descriptor that aligns with one of the permitted land uses in the RE1 Public Recreation Zone under Waverley Local Environmental Plan 2012 (Waverley LEP 2012) , such as a takeaway food and drink premises, as clause 5.4 (6) of Waverley LEP 2012 specifically limits kiosks to a maximum gross floor area of 20m^2 and is a development standard in Waverley LEP 2012 that cannot be varied.	All references to 'kiosk' have now been replaced with 'Takeaway Food and Drink Premises' on the architectural plans.
Please provide elevational plans of the proposed shade structures, detailing its profile and height. Please also include the materials and finishes of this shade structure.	All references to shade structures/umbrellas have now been removed.
The Bronte Park and Beach Plan of Management prohibits shade structures within defined setbacks as per 6.1.1 Building in the Park – Building Controls of the Bronte Park and Beach Plan of Management. Clarification is sought if the shade structure is within the setback.	All references to shade structures/umbrellas have now been removed.

Amended plans were provided to Council on **13 November 2024** with the following amendments:

- Shade Structure to the forecourt deleted; and
- Change the kiosk to a takeaway food and drink premises.

The amended plans form the basis of the assessment of this application.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under relevant sections of the *Coastal Management Act 2016* (The CM Act) and *Environmental Planning and Assessment Act 1979* (the Act).

2.1. Coastal Management Act 2016

The site is located within a coastal zone as established by *State Environmental Planning Policy (Resilience and Hazards) 2021* and is subject to the *CM Act*. The objects of this Act relate to managing the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic wellbeing of the people of New South Wales.

Clause 27 of the *CM Act* applied to the approved development, as it covered the granting of development consent relating to coastal protection works, specifically the sea wall component of the development. The proposed modifications to the sea wall will provide for public access to and use of the beachfront. The modified works to the sea wall can be summarised as:

- Introduction of a curvature at the end of the sea wall adjacent to the staircase, enhancing its visual appeal and reduced visual impact from the beach.
- Sloping of the sea wall in select sections, either to refine the structure's terminus or to safeguard the adjacent stairs and reduce visual impact from the beach.
- Refinements to sea wall wave return profile following coastal engineer recommendations and physical model testing.

Clause 27 of the *CM Act* requires the consent authority to be satisfied that the works will not, over the life of the works, unreasonably limit or be likely to limit public access to or use of the beach. Clause 27 of the *CM Act* also requires the consent authority to be satisfied that the works will not, over the life of the works, pose or be likely to pose a threat to public safety. This is not reasonable given the impact of climate change on the structure is unknown and cannot be absolutely determined.

The Coastal Assessment Report prepared by Royal Haskoning DHV evaluates the effects of the proposed modifications to the sea wall against the considerations under clause 27 of the CM Act and relevant planning policies. The relevant conclusions are extracted from the Report as follows:

Access and amenity

- *The design updates maintain previous considerations regarding public access to and use of the beach.*
- *The Bronte SLSC Building Operational Management Plan (BOMP) serves as a source document and tool for managing coastal hazards. This document should be updated to reflect the findings of the Physical Modelling report.*

Protection from coastal hazards and associated safety risks

- *Results from physical testing of the seawall align with expectations for its performance under various scenarios, providing confidence in the design for suitable protection to the proposed surf club and guidance for managing the overtopping hazard to the public.*
- *The proposed works are anticipated to mitigate beach erosion and shoreline recession hazards over their lifespan without damage or failure, thereby avoiding a potential public safety threat.*
- *Physical modelling has quantified wave overtopping and loading, enabling further refinement of the coastal design and permitting the development of an acceptable regime for pedestrian management.*
- *Designed to withstand rare storm events over a 70-year lifespan, the proposed works present reduced public safety risks compared to taking no action.*
- *The proposed works significantly reduce public safety risks from wave overtopping compared to the current situation.*

Engineering and maintenance considerations

- *The proposed development significantly reduces the risk of coastal hazards, particularly concerning potential failures of the existing seawall in front of the SLSC and wave run-up and overtopping in that area. It is not expected to increase coastal hazards in adjacent areas already protected by seawalls or bedrock features.*
- *A Maintenance Management Plan (MMP) should outline procedures and practices for maintaining the coastal protection works associated with the Bronte SLSC and community facility upgrades. This document should incorporate conclusions and observations drawn from the physical modelling.*

The minor changes to the seawall are not considered to compromise the integrity and effectiveness of the seawall and public access arrangements to and use of Bronte Beach. Further, the retention of conditions 3, 4, 5 and 10 will ensure that the approved development, as proposed to be modified, will continue to satisfy Clause 27 of the *CM Act.*

The proposed change to the submission and approval process of the Maintenance Management Plan prior to the issue of an occupation certificate rather than prior to a construction certificate is suitable as physical modelling and detail structural engineering design of the sea wall would be required to be undertaken prior to the issue of a construction certificate, thereby informing appropriate and effective procedures and practices to be detailed in the Maintenance Management Plan. The same approach would apply to the preparation and approval of the Beach Maintenance Program that is sought to be amended to being required prior to an occupation certificate being issued rather than prior to a construction certificate. Further, the applicant has advised this change to the timing of the submission and approval of the Maintenance Management Plan is to allow Waverley Council to complete their Coastal Management Plan for the entire local government area. Any recommendations outlined in the finalised Coastal Management Plan will inform the site specific Maintenance Management Plan. Additionally, any issues encountered throughout the construction period can be captured in the Maintenance Management Plan resulting in a more robust and useful document.

In this regard, changes to the timing of the submission and approval of the Maintenance Management Plan and Beach Maintenance Program during the certification and construction process of the development are supported.

2.2. Environmental Planning and Assessment Act 1979 (the Act)

Sections 4.55 and 4.15 of *The Act* have been considered in the assessment of the modification application as discussed below. The modification application is not classed as 'integrated development', 'designated development' and 'Crown development'.

2.3. Section 4.55 of The Act – Modification of consents – generally

The application is made under section 4.55(1A) of *The Act*. The proposed modifications are considered to have minimal environmental impact for reasons identified and explained in the following sections of this report.

The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*.

The application was publicly notified and two submissions were received. The issues and matters raised in public submissions are discussed in section 2.11 of this report.

2.4. Evaluation of Matters for Consideration under Section 4.15 of The Act

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.

2.5. 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.

2.6. State Environmental Planning Policies

The following SEPPs apply and have been considered acceptable in the assessment of this application:

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

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Biodiversity and Conservation) 2021

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 provides controls relating to the clearing of trees and vegetation in non-rural areas.

Condition 2(a) imposed under DA-455/2022 stated:

> *The Landscape Plan, SWG L500 prepared by 'Oculus' received by Council on 08/11/2023 is to be amended to replace the eight (8) Allocasuarina littoralis (black she-oak) with seven (7) Casuarina equisetifolia (coastal she-oak) with a minimum pot size of 200 litres when planted. The tree must be planted by a horticulturist (min qualification AQF Level 3).*
>
> *No other plant species substitutions are permitted.*

An amended landscape plan has been submitted with the application to satisfy this condition of consent.

The amended landscape plan has been reviewed by Council's Biodiversity Officer, who advised that as the subject site is located within a habitat corridor, it must comply with Part B3, Section 3.3.2, Controls (a) and (b) of the Waverley DCP 2022.

> *Control (a) A minimum of 50% of the proposed trees, 50% of the proposed shrubs and 50% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1.*
>
> *Control (b) Three strata of vegetation are required to be included in landscape design (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*

The submitted landscaping plans prepared by Oculus, do not meet control (a) above due to the excessive number of cultivar plants, particularly the 5,649 Banksia integrifolia 'Roller coaster'.

Therefore, the applicant is to revise the landscape plans to reduce the number of cultivar plants, ensuring that 50% of the proposed shrubs, grasses and groundcovers are selected from the Annexure B3-1 planting list within the Waverley DCP 2012.

Therefore, condition 2(a) will be retained and a new condition is recommended to ensure the abovementioned controls are met.

SEPP (Resilience and Hazards) 2021

Chapter 2: Coastal Management

Chapter 2 of SEPP (Resilience and Hazards) 2021 applies to the assessment of this modification application.

Chapter 2, Clause 2.10 Development on land within the coastal environment area

Clause 2.10 of the SEPP states that development within the 'Coastal Environment Area' must not be granted development consent unless the consent authority has considered whether the proposed

development is likely to cause an adverse impact on the matters for consideration outlined in **Table 2** of this report.

Table 2: Clause 2.10 of SEPP (Resilience and Hazards) 2021 Matters for Consideration Table

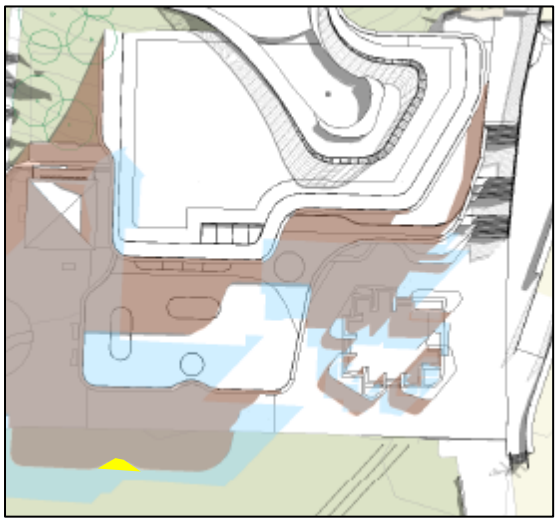
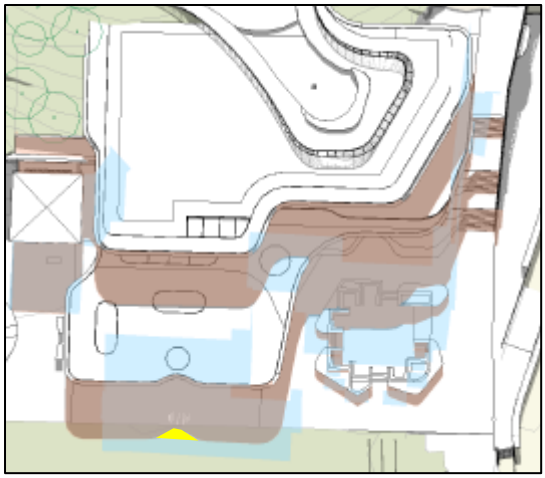
Matter for Consideration	Compliance	Comment
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	The primary changes to the development that will impact the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, include modifications to the seawall and excavation below the ground floor of the Bronte SLSC. It is deemed that these works will not impact the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment as conditions relating to maintenance and review of the seawall will be retained as per conditions 3, 4, 5 and 10. Additionally, the introduction of condition 8A will ensure that prior to the issue of a Construction Certificate an Acid Sulfate Soil Assessment would be required to address the matters for consideration under clause 6.1 of Waverley Local Environmental Plan 2012 and be to the satisfaction of Council.

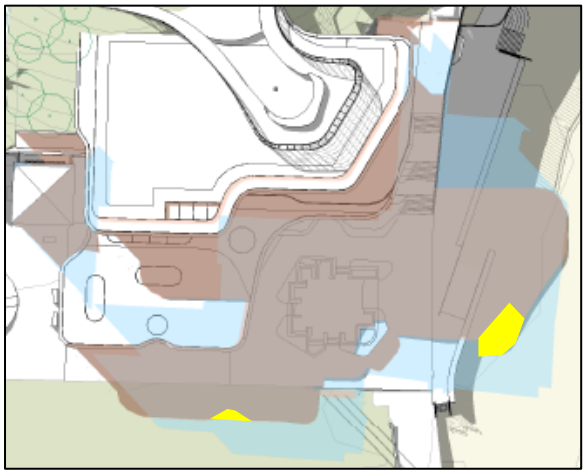
Chapter 2, Clause 2.11 Development on land within the coastal use area

Clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 3** of this report.

Table 3: Clause 2.11 of SEPP (Resilience and Hazards) 2021 - Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(a) …the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of	Yes	The access to the beach will remain acceptable.

Matter for Consideration	Compliance	Comment
the public, including persons with a disability,		
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	Yes	The removal of the curved awning to the southern side of the public amenity block roof has resulted in minor changes to shadowing at 9am and 12noon. The additional overshadowing is minor and falls to a small portion of the parkland. This is deemed acceptable as the additional overshadowing is minor and will not reduce the public's enjoyment of solar access to the parkland.  **Figure 11.** Approved shadow diagrams under DA-455/2022 at 9am (winter solstice) with additional overshadowing from the modified development shown yellow. (Source: Warren and Mahoney, 2024)  **Figure 12.** Approved shadow diagrams under DA-455/2022 at 12noon (winter solstice) with additional overshadowing from the modified
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	
(iv) Aboriginal cultural heritage, practices and places,	Yes	
(v) cultural and built environment heritage, and	Yes	

Matter for Consideration	Compliance	Comment
		development shown yellow. (Source: Warren and Mahoney, 2024) At 3pm, additional overshadowing falls upon the parkland (for the reason explained above) and the sand of Bronte Beach. The additional shadowing that falls upon the sand to Bronte Beach is created from the modifications to the roof design. This is deemed acceptable as the additional overshadowing is minor and will not reduce the public's enjoyment of solar access to the beach.  **Figure 13.** Approved shadow diagrams under DA-455/2022 at 3pm (winter solstice) with additional overshadowing from the modified development shown yellow. (Source: Warren and Mahoney, 2024) **Condition 36 Heritage NSW Conditions** will remain as part of the consent. This conditions states: *A S140 permit from the Heritage Council of NSW is required for archaeological monitoring prior to commencement of any site works. The application to 'Heritage NSW' must include an archaeological assessment report, archaeological research design, excavation methodology, prepared by a suitably qualified person. The application shall also nominate an appropriately qualified excavation director.*
(b) …the consent authority is satisfied that:		

Matter for Consideration	Compliance	Comment
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or *(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or* *(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*	Yes	The modified works to the sea wall can be summarised as: • Introduction of a curvature at the end of the sea wall adjacent to the staircase, enhancing its visual appeal and reduced visual impact from the beach. • Sloping of the sea wall in select sections, either to refine the structure's terminus or to safeguard the adjacent stairs and reduce visual impact from the beach. • Refinements to sea wall wave return profile following coastal engineer recommendations and physical model testing. Conditions relating to maintenance and review of the seawall will be retained as per conditions 3, 4, 5 and 10.
(c) the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
	Yes	The proposed modified works have taken into account the surrounding coastal and built environment. Appropriate conditions are retained to ensure the modified sea wall is designed to maintained over its lifetime.

Chapter 2, Clause 2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Clause 2.12 of the SEPP states development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased coastal hazards on that land or other land.

The Coastal Assessment Report prepared by Royal Haskoning DHV states:

> *As previously described in RHDHV's Concept Design and Coastal Engineering Assessment Report (RHDHV, 2024), a comprehensive review of coastal processes, protection works, and management at the Bronte foreshore has been conducted, including a site visit and the establishment of Basis of Design (BoD) elements. A risk-based assessment was used to develop a design philosophy for the seawall, considering design life, storm events, and acceptable damage levels.*

Key coastal hazards at the Bronte SLSC site include beach erosion, shoreline recession, and coastal inundation. For a 100-year ARI storm event, the design storm erosion demand is 250m^3/m above AHD, necessitating a seawall to protect Bronte Park. The June 2016 storm event showed significant erosion but also indicated rapid initial beach recovery, although full recovery could take months to years.

No current recessional trends were observed, but future recession is anticipated due to sea level rise from climate change. Predictive models suggest a reduction in beach width from 70m in 2016 to 50m in 2050 and to slightly more than 20m by 2100 (Baird, 2016). Additionally, design scour levels are expected to lower from RL +2.9m AHD today to RL +0.35m by 2100. For design wave overtopping during extreme events and structural design of the seawall, historical scour depths at the site were assessed to coincide at the top of bedrock (levels above predicted erosion levels).

As part of the conditions of the development, a time limit on the consent is included to a maximum of sixty years. A minimum of three years prior to the date of sixty years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer (refer to Condition 5 of the consent). This is a method to ensure that the consent authority may be satisfied that compliance with Clause 27 of the *CM Act* is achieved.

The sixty year time period is one that both the applicants and councils experts can reasonably forecast as a period during which the proposed works will not pose or be likely to pose a threat to public safety.

Condition 4 of the original consent stipulated that, a Maintenance Management Plan is to be prepared for the maintenance of the coastal protection works for their intended design life and is to be reviewed every ten years. It is to be prepared by a suitably qualified coastal engineer. Condition 4 of the consent is proposed to be slightly amended to require the lodgement of a maintenance plan for coastal protection works is amended from prior to the issue of Construction Certificate to prior to the issue of an Occupation Certificate.

The applicant has advised this change to the timing of this maintenance plan is to allow Waverley Council to complete their Coastal Management Plan for the entire local government area. Any recommendations outlined in the finalised Coastal Management Plan will inform the site specific Maintenance Management Plan. Additionally, any issues encountered throughout the construction period can be captured in the Maintenance Management Plan resulting in a more robust and useful document.

This modification to condition 4 is deemed acceptable.

SEPP (Planning Systems) 2021

The development under DA-455/2022 was determined by the Sydney City Eastern Planning Panel as it was classified as Regionally Significant Development. Section 2.19(1) of this SEPP declared the approved development regionally significant development pursuant to Clause 3 of Schedule 6 as it

Council-related development worth over $5 million where the works are proposed within the Waverley local government area and Waverley Council is the applicant.

However, this application is not classed as regionally significant development as it is a Section 4.55(1A). This is outlined within *clause 275 Functions exercisable by council on behalf of Sydney district or regional planning panel* of the *Environmental Planning and Assessment Regulation 2021*, which states:

(1) The determination of an application to modify a development consent under the Act, section 4.55 is prescribed as a function of a Sydney district or regional planning panel that must be exercised on behalf of the panel by the council of the area, except as provided by subsection (2).

(2) A council must not determine an application to modify a development consent under the Act, section 4.55(2) on behalf of a Sydney district or regional planning panel if the application is of a kind specified in the Instruction on Functions Exercisable by Council on Behalf of Sydney District or Regional Planning Panels—Applications to Modify Development Consents published on the NSW planning portal on 30 June 2020.

Therefore, the Waverley Local Planning Panel is the appropriate consent authority to determine this modification application s4.55(1A).

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

The land use definition of the approved development will slightly change under this application. The use of the development will remain as:

- Community facility;
- Recreational facility (indoor); and
- Function Room.

However, the previously approved kiosk will be amended to a takeaway food and drink premises, which is a permitted use in the Public Recreation (RE1) zone under Waverley LEP 2012 and its floor area is not restricted by clause 5.4 of Waverley LEP 2012.

The quantities of the approved development have changed as outlined in **Table 4** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The modified development continues to meet the aims of the Waverley LEP 2012.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is Bronte Beach and Park Landscape Conservation Area. Council's Heritage Officer reviewed the application

Provision	Compliance	Comment
		and raised no objection in relation to heritage.
5.21 Flood Planning	Yes	The subject site is located within a flood planning area. The application was reviewed by Council's Stormwater Engineers who raised no objection in relation to flood planning.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within acid sulfate soils class 4 and 5. The deferral letter advised that as the proposed new services involve more than 2m of excavation below natural ground surface, an Acid Sulfate Soil Assessment would be required to address the matters for consideration under clause 6.1 of Waverley LEP 2012. In relation to Acid Sulfate soils, the applicant provided the following response: *We acknowledge that the site is affected by Class 4 Acid Sulfate Soils and that these new services will involve more than 2m of excavation below natural ground level. To enable an Acid Sulphate Soil Management Plan to be prepared by the Head Contractor (engagement in progress pending Council report approval), the Acid Sulphate Soil Management Plan will be prepared by the Head Contractor prior to the issue of the relevant construction certificate.* This is deemed acceptable. Regardless, a new condition is recommended to ensure this is completed prior to the issue of a Construction Certificate and approved by Council.
6.2 Earthworks	Yes	During DA-455/2022, the Additional Geotechnical Investigation Report submitted with the original DA (dated 19/01/22) outlined the surface and subsurface

Provision	Compliance	Comment
		conditions at the site and outlines geotechnical recommendations. A Construction Management Plan will be prepared prior to the commencement of any works.

2.8. 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 parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 5** and **6** and detailed discussion provided below.

Table 5: 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 (condition 25 amended)	The modification application seeks to amend condition 25, to amend the number of garbage bins. This has been reviewed by Council's Waste Officer and is supported.
3. Landscaping, Biodiversity and Vegetation Preservation	No (condition 2(a) retained)	An amended landscape plan has been submitted with the application to satisfy this condition of consent. The amended landscape plan has been reviewed by Council's Biodiversity Officer, who advised that as the subject site is located within a habitat corridor, it must comply with Part B3, Section 3.3.2, Controls (a) and (b) of the Waverley DCP 2022. *Control (a) A minimum of 50% of the proposed trees, 50% of the proposed shrubs and 50% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each*

Development Control	Compliance	Comment
		species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1. *Control (b) Three strata of vegetation are required to be included in landscape design (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.* The submitted landscaping plans prepared by Oculus, does not meet control (a) due to the excessive number of cultivar plants, particularly the 5,649 Banksia integrifolia 'Roller coaster'. Therefore, the applicant is to revise the landscape plans to reduce the number of cultivar plants, ensuring that 50% of the proposed shrubs, grasses and groundcovers are selected from the Annexure B3-1 planting list. Therefore, condition 2(a) will be retained and a new condition is recommended to ensure the abovementioned controls are met. Additionally, the proposal seeks to remove the proposed tree in the forecourt, adjacent to 'the cubes' citing it is unfeasible with harsh coastal environment for a tree to grow here. In lieu of an alternate shade option, and being in a parkland where trees have withstood the coastal conditions, this deletion is not supported.
4. Coastal Risk Management	Yes	An assessment against the *CM Act* has been completed.
5.Water Management	Yes	Council's Stormwater Engineer has reviewed the modified application and recommended not additional comments.
6. Accessibility and Adaptability	Yes	The proposed modifications include several adjustments and additions to access points, aimed at enhancing the operational efficiency of the proposed development. The revised access points encompass:

Development Control	Compliance	Comment
		• Reduction of external sliding doors from the training room and multipurpose space on first floor. • Modification of external stairs following a detailed design review to ensure compliance with tread requirements. • Introduction of a new internal access point to the board store, facilitating its optimal use. The modified development will need to meet the relevant provisions of the Building Code of Australia (BCA) and the National Construction Code (NCC).
8. Heritage	Yes	The subject site is Bronte Beach and Park Landscape Conservation Area. Council's Heritage Officer reviewed the application and raised no objection in relation to heritage.
9. Safety	Yes	The modification application includes detailed lighting plans for a variety of lights in and around the development that would be modified due to the proposed design refinements. The lighting scheme is considered to adequately address safety considerations and identify the building and associated pathways, including stairs, after dark while being cognisant of minimising light spill to the coastal setting and nearby residences.
11. Design Excellence	Yes	The modified development is substantially the same as approved and continues to exhibit design excellence.
13. Excavation	Yes	Excavation is proposed below the ground floor of the building for a pump room and fire tank. The location of excavation is appropriately located within the footprint of the building and will not contribute to increased bulk or scale.
15. Public Domain	Yes	The modified development is consistent with the controls relating to public domain.

Bronte Park and Beach Plan of Management

The following comments are provided in relation to Part 6 of the Bronte Park and Beach Plan of Management (BPBPOM) which provides for development controls relevant to the Bronte SLSC.

Table 6: Compliance with BPBPOM

Development Control	Compliance	Comment
General Requirements		
Development Applications must conform to SEPP (Coastal Management) 2018, Part 2 Development Controls for Coastal Management Areas	Yes	Refer to comments made in this report under Chapter 2 of SEPP (Resilience and Hazards).
Development Applications must conform to the Waverley LEP. With particular emphasis on: • *Part 5, Clause 5.5 Development within the Coastal Zone,; and* • *Part 5, Clause 5.10 Heritage Conservation.*	N/A Yes	There are no current provisions in the Waverley LEP 2012 with respect to development within the coastal zone. Refer to comments made in this report under Waverley LEP 2012 with respect to Clause 5.10.
Development Applications should be referred to the Design Excellence Panel.	N/A	Due to the proposed development being substantially the same as the previously approved as the design integrity and style remain unchanged, the application was not referred to the Design Excellence Advisory Panel.
Whether the form and external appearance of the development will improve the quality and amenity of the public domain.	Yes	The form and external appearance of the modified development are substantially the same as the previously approved.
Whether the development has a detrimental impact on view corridors.	Yes	The envelope of the modified development is substantially the same as previously approved, therefore it will not have a detrimental effect on view corridors.
How the development addresses the following matters: • *The suitability of the land for development.* • *Existing and proposed uses, and mixing uses.* • *Heritage issues and site constraints.*	Yes	The proposed development is substantially the same as approved. Therefore, it is considered it does not unreasonably deviate from these matters.

Development Control	Compliance	Comment
• *The relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.* • *Bulk, massing and modulation of buildings.* • *Environmental impacts such as sustainable design, overshadowing, wind and reflectivity,* • *The achievement of the principles of ecologically sustainable development, refer to actions D2.2, D3.4, D3.6, D4.1 under Enhancing the Environment for guidance.* • *Pedestrian, cycle, vehicular and service access, circulation and requirements,* • *The impact on, and any proposed improvements to, the park.* • *Principles of View Sharing.*		
Life Guard Facilities Building Development Controls		
Lifeguards must have a facility that provides good views (180 degrees) and clear line of sight of the beach and surf.	N/A	No modifications are proposed to the life guard facilities.
Any lifeguard facility on the beach must not compromise views from the North amenities and BBSLSC building, in accordance with the principles of view sharing.		

Development Control	Compliance	Comment
Any lifeguard facility must consider how the beach is used.		
Any future development must minimise visual intrusiveness to the beach and landscape.		
If deemed suitable, lifeguard facilities could be provided in a separate structure to the North amenities building / BBSLSC.		
The North Amenities Building, Kiosk, and BBSLSC Development Controls		
• *First floor setbacks from existing footprint of ground floor external walls, except where existing first floor structure is within defined setbacks.* • *Minimum 6 metres setback from the sea wall, seawall defined by the eastern face of the promenade adjacent to the beach.* • *Minimum 5 metres setback on southern elevation.* • *Minimum 5 metres setback on eastern elevation adjacent to plaza space.* • *Minimum 2 metres setback on southern elevation adjacent to plaza space.* • *No permanent canopy or shade structure to be within setbacks.*	Yes	The modification proposes to reduce the eastern setback to the: • ground floor first aid room. • first floor multipurpose space, training room and foyer. These changes are minor and are deemed to not create any unreasonable impacts. The amended form of the application no longer proposes shade structures.

Development Control	Compliance	Comment
• *Ground floor footprint, as defined by the existing external walls, and ramps and stairs providing direct access into the building. Not encroach on the park further to the Sydney Water easement to the west unless approved by Sydney Water.*	N/A	Sydney Water have reviewed the application and they raise no significant objection to the proposed modification.
• *Maintain a minimum 4 metre wide path/access way to the South, and not encroach on existing turfed area.*	N/A	No change proposed.
• *Maintain space for a functional pedestrian plaza space at the front of the building to facilitate movement between the park, promenade, kiosk and amenities building.*	N/A	No change proposed.
• *Not impede on the operational function or access to the existing Sydney Water pump house.*	N/A	No change proposed.
Massing and Visual impact.		
• *Building heights (with the exception of existing structures, proposed balustrade or, proposed lifts, or proposed plant) must not exceed the height of the embankment to the north of the building, defined by RL14.00.*	Yes	The roof is proposed to be increased in height from RL13.850 to RL13.990. No change is proposed to the height of the balustrading.
• *Building plant and machine rooms must be screened.*	Yes	The modified location of the plant rooms will continue to be screened.
	N/A	No change is proposed to the view corridors.

Development Control	Compliance	Comment
• *Consider key view corridors from the park to the beach, in accordance with the LEP.* • *Integrate the north amenities / BBSLSC building into the landscape.*	Yes	The modified development continues to be integrated into the landscape.
Access and vehicles. • *Maintain unrestricted and direct pedestrian access along the promenade to the coastal walk connection at the north of the building, in accordance with LEP.*	Yes	Pedestrian access is retained along the promenade to the coastal walk.
• *Provide direct access for lifesaving equipment from the building to the beach.*	Yes	Direct access from the lifeguard facilities to the beach is provided along the eastern frontage.
• *Consider providing a publicly accessible roof for passive recreation and viewing, connecting to the park at the north.*	Yes	The landscaped rooftop terrace is publicly accessible, providing a walkway for passive recreation and viewing and connecting the park to the north.
• *Consider a publicly accessible lift from the ground floor to access the coastal walk connection.*	Yes	An accessible pedestrian route is to be delivered by Waverley Council as a separate matter to this DA. Internal lift access is proposed by the applicant during Bronte SLSC hours.
• *Contain all vehicle manoeuvring and access into the surf club within the existing hardstand area to the west.*	Yes	Service vehicle access is restricted to the existing internal road within the Western Plaza as per existing arrangements.
• *Not allow vehicle manoeuvring or parking to cross pedestrian building entrances and pedestrian paths of travel.*	Yes	Existing shared accessway is retained and upgraded, no new vehicle manoeuvring to cross building entrance/pedestrian paths.

Development Control	Compliance	Comment
Environment and Heritage • *Building upgrade must consider the impact on the cliff and coastal environment in accordance with the relevant State and Local Government policies on heritage and environment.*	Yes	The revised design scheme is accompanied by a coastal impact assessment prepared by Royal Haskoning DHV to ensure the design responds to coastal inundation risks and rising sea levels through a proposed sea wall.
• *Building must preserve the heritage value of the broad staircase and path across the northern cliff towards Bronte Marine Drive.*	Yes	The staircase will be retained with a minor alteration proposed to the stair levels to allow compliant treads.

Estimated cost of works

The original development application estimated the cost of development to be circa $13.5m. The subject modification application maintains this costing. A condition is recommended that prior to issue of a Construction Certificate, an updated cost report be provided and should there be a discrepancy, additional DA fees may apply.

2.9. 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.

2.10. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.11. Any Submissions

The application was notified for 28 days between 24 September – 24 October 2024, a site notice was erected on the site and it was publicly exhibited on Council's 'Have your Say' website in accordance with the Community Engagement Strategy 2023.

The application was re-notified between 15 – 31 October 2024 to ensure that all submitters to the original application received a notification letter about the subject modification application.

Following receipt of amended plans and additional information, the application was not further 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:

- Shade Structure to the forecourt deleted; and
- Change the kiosk to a takeaway food and drink premises.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

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

Table 7: Submission details.

Count	Property Address
2	15 Pacific Street, Bronte (two unique objections)

The following issues were raised:

Issue: Request that conditions relating to operating hours and complaint procedures are retained and implemented.
Response: Thes conditions are retained.

Issue: Request for acoustically absorbent lining on the soffit of the first floor balcony and the ceiling of the Function and Training areas.
Response: This does not relate to the works sought after in this modification. The impacts of the first floor balcony, function and training areas were considered during the assessment of the original application and were found to be acceptable, subject to operational conditions that currently exist in the consent and are recommended to remain unchanged for this modification application.

Issue: The stepped seating to the northern end of the promenade will block access to the culvert.
Response: The stepped seating will still provide access to the culvert whilst providing additional seating options for members of the public.

Issue: Reduces size of women's bathroom and change areas.
Response: The bathrooms will be required to be designed to meet the BCA and NCC.

Issue: Delete doors from showers in the Public Amenities to prevent 'long-stay' in the shower cubicles and increase turn-around.
Response: This is a design decision for the applicant and not a planning matter for consideration.

Issue: Ensure hot water is provided to the showers in the Public Amenities.
Response: This is not a planning matter for consideration.

Issue: Ensure the internal shower and toilet stall walls and the external walls of the public amenities have openings or screens above head height to allow for cross ventilation.
Response: This does not relate to the works sought after in this modification.

Issue: Consideration should be given to the skylights above the public amenities being ventilated skylights, as skylights will trap heat in the amenities areas.
Response: This is a design decision for the applicant and not a planning matter for consideration.

Issue: Provide more than the proposed two external showers in the landscape. Four showers would be better to account for their likely use by surfers with surfboards, families, and peak usage.
Response: The development has been modified to provide four external showers.

Issue: Provide details to the public of where all external showers are proposed to be located.
Response: The architectural plans show external showers are located to the southern side of the public amenity block.

Issue: The kiosk is immediately adjacent to the public female and male amenities. A wide awning provides cover over the east servery of the kiosk. However, the awning tapers to only 1 meter or so on width over the south servery of the kiosk and along the path to enter the public female and male amenities. The awning is too narrow in width to provide wind-driven wet weather shading for the public between the kiosk and amenities.
Response: This does not form part of the modified works, therefore it is not a matter for consideration in this application.

Issue: Clarification of changes to Oculus Landscape Plans
Response: The amended landscape plan has summarised the amendments in red notations.

2.12. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Fire Safety

An internal referral was sought from Council's Fire Safety Officer who recommended the retention of condition 27 - Building Code of Australia.

3.2. Heritage

An internal referral was sought from Council's Heritage Officer who raised no objection to the modified development in relation to heritage.

3.3. Urban Design

An internal referral was sought from Council's Urban Design team who requested more details regarding the balustrading, as the modified plans detailed that they would be simplified. The Urban

Design team sought clarification on whether the vertical balusters will be tubular or rectilinear in design, with their recommendation that tubular balusters would be preferable, as they tend to create a lighter visual appearance with thinner lines, enhancing the overall aesthetics of the structure.

The applicant provided justification in relation to this and advised:

> *The roof balustrade design will comprise 50*10mm rectilinear balusters. Please refer to Fairfax Lookout (North Head, Manly) for precedent. Circular balusters were explored for greater visual clarity, but discarded as they would require frequent larger structural balusters posts for crowd-loading, and additional vertical supports where the balustrading leans inwards. These additional components would compromise the overall aesthetic.*



Figure 14. Balustrading at the Fairfax look out, North Head (Source: National Parks and Wildlife Service, 2024)

The justification provided by the applicant is deemed acceptable and the proposed balustrading, which is evident in Figure 14 is of an appropriate and contemporary design, which will compliment the Bronte SLSC.

3.4. Biodiversity

An internal referral was sought from Council's Biodiversity Officer.

An amended landscape plan has been submitted with the application to satisfy condition 2(a) of consent.

Council's Biodiversity Officer has reviewed the amended landscape plan against condition 2(a) and it was deemed not to satisfy this condition. Therefore Condition 2(a) will be retained. A new condition

is recommended to ensure 50% of the proposed planting is native as the subject site is located within a Biodiversity Habitat Corridor.

3.5. Waste Management

An internal referral was sought from Council's Waste Officer to amend condition 25 Waste Storage Areas. This was supported by Council's Waste Officer and is recommended to be updated as part of this modification.

3.6. Sustainable Development

An internal referral was sought from Council's Sustainability Officer. They advised:

- *It is preferable that Council's Executive Manager, Sustainability, does not sign off on the provided Energy Assessment Report until design specifications have been finalised.*
- *Please resubmit the Energy Assessment Report once design specifications are finalised, prior to the issue of a Construction Certificate.*

Therefore, condition 23 Energy Efficiency will be retained.

3.7. Community Development

An internal referral was sought from Council's Community Development Department, who advised the following:

Changing Places facility

The Changing Places facility is supported and needs to be designed and installed in accordance with Changing Places Design Specifications hangingplaces.org.au/build-a-changing-places-the-process and accredited by a Changing Place assessor once installed.

> Assessment Planner's Response: A 'Changing Places' toilet facility allows people with high support needs to participate in all elements of community life, without having to limit their time out due to concerns about being able to access a suitable toilet. Having regard to the high volume of community members who will use this facility in the future, and the modification does amend the toilet layouts of the building, it is considered reasonable to impose this condition on this consent.

Family Change

The family change is supported. The toilet in the facility is noted however a warm shower is also recommended. This is based on demand for a warm shower and toilet in the family change at Bondi Pavilion. Door openings should be wide enough to accommodate prams.

> Assessment Planner's Response: It is unclear if the showers will utilise warm water at this stage. If the door width to the family change is required to be widened, this can be completed at construction certificate stage.

Toilets

Ensure at least one ambulant toilet is provided in each male and female bank of toilets.

Assessment Planner's Response: Three unisex accessible bathroom facilities are provided.

Continuous accessible path of travel

While the improved pathway connections to the roof top are noted, there is still no accessible continuous path of travel from the top of the park to the bottom of the park. There needs to be an accessible path to the playground from amenities, club and parking and should be installed at the same time as the redevelopment of the club. In addition, the pathways that provide direct access from the mobility parking and transport set down areas to the principal accessible entrance of the surf club need to be upgraded to meet Australian standards.

Assessment Planner's Response: This is a section 4.55 application and Council can only assess the modifications sought in the subject application. This will be included as an advisory note for future reference (noting parklands works are not part of this application).

Parking

Mobility parking places should be reviewed and at least one fully compliant accessible parking space be installed, with accompanying kerb ramps.

The accessible pick up and drop off area that is proposed in previous designs should be independently accessed by residents and visitors with a mobility parking permit for the purpose of drop off i.e.: not requiring to call ahead or be managed.

Assessment Planner's Response: The modified development proposed no change to parking arrangements.

Detailed design and fixtures

The detail of internal fixtures and design elements including door widths, floor surfaces and treatments, tactile ground surface indicators, lighting and level thresholds are to be confirmed at construction certificate stage. When these elements are not detailed early in the design stage it can result in barriers to accessibility that are difficult to resolve at the construction stage.

Assessment Planner's Response: Noted.

3.8. Environmental Health

An internal referral was sought from Councils Health Officer, who stated:

As the submitted Acoustic Letter [Ref:Lt001R0120230361] prepared by Marshall Day Acoustics dated 17 July 2024 concludes that the architectural design modifications as proposed will not result in any material changes to the results of the assessment or conclusions in the Updated Acoustic Report [Ref:Rp00120230361] prepared by Marshall Day Acoustics dated 31 July 2023, it has been determined that proposed modifications will not result in any additional acoustic impacts. Therefore, this section does not have additional comments on this application.

3.9. Traffic

An internal referral was sought from Council's Traffic Engineer who did not object to the modified development.

3.10. Stormwater

An internal referral was sought from Council's Stormwater Engineer who did not object to the modified development.

3.11. Open Space Planning and Public Domain

An internal referral was sought from Council's Open Space Officer and Public Domain Engineer, they advised:

We recommend that the alignment of the proposed seawall is reviewed and that a curved or concaved sea wall be tested and investigated to better reflect the existing alignment of the promenade. Additionally, we recommend that the proposed northern bleachers from the promenade extension adjacent to the Lifeguard's room to the existing culvert be removed and converted to a ramp to provide an accessible step free route to the beach at the promenade's northern extent.

Assessment Planner's Response: The proposed sea wall is substantially the same as approved, however it provides an introduction of a curve to its northern end.

In relation to the proposed bleachers. It is deemed that this provides additional seating to members of the public. As the proposed culvert provides no access between points, it is not deemed to be required for this area to be accessible.

Bronte Beach sea wall dates to 1914-17 – the promenade built above the sea wall is recommended to be retained in its existing form and is noted as of moderate heritage value in Council's Heritage study (prepared 2003 by Mayne Wilson & Associates) The proposed promenade extension reflects the architecture of the new building but should more sympathetically reflect the geometry of the existing promenade and minimise its encroachment onto the sand.

Assessment Planner's Response: The sea wall has already been approved under DA-455/2022. The subject application modifies a design element to this wall only.

3.12. Tree Management

An internal referral was sought from Council's Tree Officer raised no objection to the proposed development.

3.13. NSW Police

An external referral was sought from the NSW licensing police who raised no objection in relation to the modified development.

3.14. Heritage NSW

An external referral was sought from Heritage NSW, who advised the following:

Aboriginal cultural heritage

The following comments are provided in relation to the proposal:

- *Aboriginal Heritage Impact Permit 5201 was issued to Waverley Council on 22 November 2023 to undertake archaeological test excavations. This permit does not authorise harm through works.*
- *Archaeological test excavations completed under Aboriginal Heritage Impact Permit 5201 by GML Heritage in 2024 identified Aboriginal objects comprising two stone artefacts within site 45-6-4097. GML state the objects were recovered from secondary disturbed contexts in test units B4 and B8. GML state there are no direct impacts proposed to the rock overhang identified in a previous study by Coast History & Heritage (2023) that may have been the back wall of a former shelter.*
- *Noting test unit B4 is within an area identified on plans as comprising excavation extent for the works and slab to be poured, an Aboriginal Heritage Impact Permit will be required to harm site 45-6-4097 prior to the commencement of works. In addition, test unit B8 is in the vicinity of an area marked on plans as trees to be removed.*
- *Heritage NSW advises that it is the responsibility of the proponent to ensure that they comply with Part 6 of the National Parks and Wildlife Act 1974.*

Environmental heritage

The following comments are provided under delegation from the Heritage Council of NSW in relation to the proposal:

- *The recommendations of the Historical Archaeological Assessment are considered appropriate and should be adopted.*
- *A S140 permit is required for archaeological monitoring prior to commencement of any site works. The application must include an archaeological assessment report, archaeological research design, excavation methodology and nominate an appropriately qualified excavation director.*

Assessment Planner's Response: An Aboriginal Cultural Heritage Assessment Report is listed as an approved document. Condition 36 of the consent required a S140 Certificate from Heritage Council NSW.

3.15. Water NSW

An external referral was sought from Water NSW. However as the development is not classed as integrated development, this is not required.

3.16. Sydney Water

An external referral was sought from Sydney Water, who advised the following:

Water and Wastewater Servicing

- *Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.*
- *Amplifications, adjustments, deviations and/or minor extensions may be required.*
- *Detailed requirements will be provided at the S73 application stage.*

Asset protection

- *Heritage item 4571740 sewerage pumping station is located within the immediate vicinity of the proposed works.*
- *Sydney Water notes that the site is transversed by a 100-diameter CICL watermain, 150- diameter CI wastewater main, maintenance holes, sewer gauge and a sewer fitting.*
- *Amplifications, deviations, or maintenance/protection may be required.*
- *Our system indicates that proponent has lodged an OOSBPA under CN 210820 and is currently undergoing investigations between the proponent, WSC and Case Manager.*
- *We advise that the proponent continues to reach out to their WSC and Case Manager under CN 210820, and meet our internal stakeholder's requirements to prevent potential development delays in their proposed development works.*

3.17. Crown Lands

An external referral was sought from Cown Lands, who advised '*As Council are the consenting authority and the Crown Land Manager the Department does not need to provide landowner's consent. We have reviewed the documents and don't have any further comments.'*

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

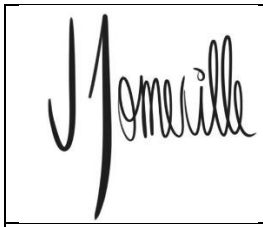
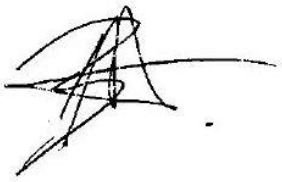
The application was reviewed by the MODA at the meeting on 22 October 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara and B Magistrale*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be APPROVED by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**

		
Joseph Somerville	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 27 November 2024	**Date: 28 November 2024**	**Date: 2 December 2024**

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. Conflict of interest

OFFICE USE ONLY

Planning Portal Data	
Excavation Register	159m^3 of excavation approved X Pre-existing non-compliance X Located within the building footprint X No change to overall building envelope 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
Determining Authority (Concurrence Authority)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No

Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	No

APPENDIX A – CONDITIONS TO BE MODIFIED

A. Condition Summary of Amended/Deleted Conditions

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by 'Warren and Mahoney Architects Australia Pty Ltd' of Project No: 10155 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA.001 / D	COVER SHEET	11/01/2024	15/01/2024
DA.010 / D	LOCATION PLAN	11/01/2024	15/01/2024
DA.020 / D	EXISTING SITE PLAN	11/01/2024	15/01/2024
DA.030 / D	PROPOSED SITE PLAN	11/01/2024	15/01/2024
DA.062 / D	DEMOLITION PLAN	11/01/2024	15/01/2024
DA.100 / F	PROPOSED GROUND FLOOR PLAN	11/01/2024	15/01/2024
DA.101 / F	PROPOSED FIRST FLOOR PLAN	11/01/2024	15/01/2024
DA.110 / F	PROPOSED ROOF PLAN	11/01/2024	15/01/2024
DA.200 / H	ELEVATIONS - EAST & WEST	11/01/2024	15/01/2024
DA.201 / H	ELEVATIONS - NORTH & SOUTH	11/01/2024	15/01/2024
DA.300 / D	SECTIONS 1 & 2	11/01/2024	15/01/2024
DA.301 / D	SECTIONS A & B	11/01/2024	15/01/2024
SK.123/ B	SEA WALL LAYOUT	20/12/2023	21/12/2023
SK.124/ A	SEA WALL ELEVATION	20/12/2023	21/12/2023

i. As amended by Architectural Plans prepared by 'Warren and Mahoney Architects Australia Pty Ltd' of Project No: 10155 including the following:

Plan Number and Revision	*Plan description*	*Plan Date*	*Date received by Council*
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DA.010 / G	***LOCATION PLAN***	***11/11/2024***	***13/11/2024***
DA.020 / G	***EXISTING SITE PLAN***	***11/11/2024***	***13/11/2024***
DA.030 / G	***PROPOSED SITE PLAN***	***11/11/2024***	***13/11/2024***
DA.062 / G	***DEMOLITION PLAN***	***11/11/2024***	***13/11/2024***
DA.100 / J	***PROPOSED GROUND FLOOR PLAN***	***11/11/2024***	***13/11/2024***
DA.101 / J	***PROPOSED FIRST FLOOR PLAN***	***11/11/2024***	***13/11/2024***
DA.110 / J	***PROPOSED ROOF PLAN***	***11/11/2024***	***13/11/2024***

DA.120 / C	***PROPOSED FIRE TANK LEVEL***	***11/11/2024***	***13/11/2024***
DA.200 / L	***ELEVATIONS - EAST & WEST***	***11/11/2024***	***13/11/2024***
DA.201 / L	***ELEVATIONS - NORTH & SOUTH***	***11/11/2024***	***13/11/2024***
DA.300 / G	***SECTIONS 1 & 2***	***11/11/2024***	***13/11/2024***
DA.301 / G	***SECTIONS A & B***	***11/11/2024***	***13/11/2024***

AMENDED DA-455/2022/A

(b) Aboriginal Cultural Heritage Assessment Report prepared by Coast History & Heritage dated October 2023 and received by Council on 24/10/2023.

i. As amended by Aboriginal Cultural Heritage Letter prepared by GML Heritage dated 08/08/2024 and received by Council on 05/09/2024.
AMENDED DA-455/2022/A

(c) Heritage Impact Statement Report prepared by 'GML Heritage' dated July 2023 and received by Council on 31/07/2023.

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AMENDED DA-455/2022/A

(d) Architectural Design Report prepared by 'Warren and Mahoney Architects Australia Pty Ltd' dated July 2023, Revision A, and received by Council on 02/08/2023.

(e) Bronte Surf Life Saving Club Design Report prepared by 'Warren and Mahoney Architects Australia Pty Ltd' dated July 2023 and received by Council on 02/08/2023.

(f) Updated Acoustic Report prepared by 'Marshall Day Acoustics' dated 31 July 2023 received by Council on 31/07/2023.

i. As amended by Acoustic Report prepared by 'Marshall Day Acoustics' dated 17/07/2024 received by Council on 05/09/2024.
AMENDED DA-455/2022/A

(g) DA – Building Code of Australia 2022 and DDA Premises Standards Review (Accessibility Report) prepared by 'MBC Group' dated 31 July 2023 and received by Council on 31/07/2023.

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(j) DA Report for Lighting prepared by 'FPOV' dated 27/07/2023 and received by Council on 31/07/2023.

(k) Building Operation Management Plan Version E dated 27/02/2024 and received by Council on 29/02/2024.

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(n) Designing with Country Integration Strategy prepared by 'Greenshoot Consulting x Greenway Architects' dated July 2023 and received by Council on 31.07.2023.

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(q) Environmentally Sustainability Design Report prepared by 'Lehr Consultants International (Australia) Pty Ltd' dated 27/07/2023 and received by Council on 31/07/2023.

(r) Landscape DA Report and Plans No. L000. L001, L002, L003, L004. L200 and L202 prepared by Oculus dated 28 July 2023 and received by Council on 31/07/2023, and Landscape Plan No. L500 planting site plan and indicative planting palette prepared by 'Oculus' and received by Council on 08/11/2023.

i. Landscape DA Report and Plans No. L000. L001, L002, L003, L200 and L202, L500 prepared by Oculus dated 12/11/2024 and received by Council on 14/11/2024.

AMENDED DA-455/2022/A

(s) Coastal Risk Assessment and Coastal Engineering Advice on Bronte Surf Lifesaving Club and Community Facility Redevelopment prepared by 'Horton Coastal Engineering Pty Ltd' dated 31/07/2023 and received by Council on 02/08/2023; as amended by Bronte SLSC Redevelopment Seawall and Related Elements Detailed Design – Concept Design and Coastal Engineering Assessment Report, prepared by 'Royal Haskoning DHV' dated 28/02/2024 and received by Council on 29/02/2024.

i. As amended by Coastal Assessment Report prepared by 'Royal Haskoning DHV' dated 17/07/2024 and received by Council on 05/09/2024.

AMENDED DA-455/2022/A

(t) Statement of Environmental Effects – Amendment to DA-455/2022, Bronte Surf Life Saving Club prepared by 'Urbis' dated 2 August 2023 and received by Council on 02/08/2023, as amended by Response to Deferral prepared by 'Urbis' dated 28 February 2024 and received by Council on 29/02/2024.

(u) Structural DA Letter of Endorsement prepared by 'TTW (NSW) Pty Ltd' dated 31 July 2023 and received by Council on 31/07/2023.

i. As amended by Structural DA Letter of Endorsement prepared by 'TTW (NSW) Pty Ltd' dated 18/07/2024 and received by Council on 05/09/2024.

AMENDED DA-455/2022/A

(v) Lighting Plans (SL-X-1001, SL-X-1003, SL-X-1004, SL-X-1005, SL-X-1202, SL-X-1204) prepared by 'FPOV' dated 17/07/2024 and received by Council on 05/09/2024.

AMENDED DA-455/2022/A

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, SWG L500 prepared by 'Oculus' received by Council on 08/11/2023 is to be amended to replace the eight (8) *Allocasuarina littoralis* (black she-oak) with seven (7) *Casuarina equisetifolia* (coastal she-oak) with a minimum pot size of 200 litres when planted. The tree must be planted by a horticulturist (min qualification AQF Level 3). No other plant species substitutions are permitted.
	Condition reason: To provide for appropriate landscape species.
	(b) The 'Changing Places' facility is to be designed and installed in accordance with Changing Places Design Specifications (refer to: hangingplaces.org.au/build-a-changing-places-the-process) and accredited by a Changing Place assessor once installed and prior to the issue of an Occupation Certificate. ***(c) The 'Family change' room shall include a shower (fitted with cold and hot water) and a toilet. The door width shall be capable of accommodating prams / wheelchairs.*** ***AMENDED DA-455/2022/A***
	Condition reason: Ensure new facilities cater for community needs.
	The amendments are to be approved by **Council's Executive Manager, Development Assessment or delegate** prior to the issue of the relevant 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.
4.	**MAINTENANCE PLAN FOR COASTAL PROTECTION WORKS**
	A Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life and shall be reviewed on a 5 year basis, and/or following any major storm event (to be commenced within three (3) months of the storm event). The MMP is to include details on the condition of the beach and the long shore access at the time of the plan being prepared and at every subsequent review. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by Council's Executive Manager, Development Assessment (or delegate) in writing prior to issue of the relevant ~~***construction certificate***~~ ***occupation certificate***. The MMP must be complied with at all times. The MMP may be modified from time to time with the approval of Council's Executive Manager, Development Assessment (or delegate). These modifications to the MMP must also be made (if necessary) each time the design life is extended

	in accordance with condition 5. This is to ensure the MMP continues to be suitable in perpetuity. The Building Operational Management Plan is to be updated to reflect the requirement to review the MMP on a 5 year basis and/or after any major storm event. The Building Operational Management Plan must also give consideration to any Coastal Management Plan adopted by Waverley Council during the design life of the works. ***AMENDED DA-455/2022/A***
	Condition Reason: To ensure a plan is in place for the on-going maintenance of the works prior to the start of construction and at each extension of the design life.
10A.	**BEACH MAINTENANCE PROGRAM**
	A Beach Maintenance Program is to be prepared detailing the maintenance activities of the beach area of Bronte for the intended design life of the works. This Beach Maintenance Program is to include beach re-nourishment. The Beach Maintenance Program is to be prepared by a suitably qualified coastal engineer and is to be approved by Council's Executive Manager, Development Assessment (or delegate) in writing prior to issue of the relevant ~~***construction certificate***~~ ***occupation certificate*** for the BSLSC building. The Beach Maintenance Program must be complied with at all times. The Beach Maintenance Program may be modified from time to time with the approval of Council's Executive Manager, Development Assessment (or delegate). These modifications must also be made (if necessary) each time the design life is extended in accordance with condition 5. This is to ensure the Beach Maintenance Program continues to be suitable in perpetuity. ***AMENDED DA-455/2022/A***
	Condition Reason: To ensure a plan is in place for the on-going maintenance of the Beach.
25.	**WASTE STORAGE AREAS**
	The development must have a bin storage area with sufficient space to accommodate the following minimum requirements for the commercial development. ~~***Commercial***~~ ~~***i. 4x 660L MGBs for general waste, collected 2x per week***~~ ~~***ii. 4 x 660L MGBs for paperboard recycling, collected 2x per week***~~ ~~***iii. 4 x 660L MGBs for comingled recycling, collected 2x per week***~~ ~~***iv. Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.***~~ ~~***v. Extra space is required for equipment needed to move bins***~~ ~~***vi. 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 2022 to the satisfaction of the Principal Certifying Authority.***~~ ***10 bins in total comprising;*** ***(a) Takeaway Food and Drink Premises*** ***i. 1x240l bin for general waste, collected 3x per week. Daily collections might be required in busy periods (when food waste generation increases).*** ***ii. 1x240l bin for comingled recycling, collected 3x per week.*** ***iii. Additional space to be allocated for storage of waste types for reuse (milk crates etc).*** ***(b) Council Offices*** ***i. 1x240l bin for general waste, collected weekly.*** ***ii. 1x240l bin for comingled recycling, collected weekly.*** ***(c) Surf Life Saving Club (Bronte SLSC)*** ***Club operations:*** ***i. 2x240l bin for general waste, collected 2x per week.*** ***ii. 2x240l bin for comingled recycling, collected 2x per week.*** ***Events hosted by Bronte SLSC*** ***iii. Approximately 2x240l bins, collected per event. Consider 1l of general waste generated per person per meal. Consider 1l of comingled recycling per person per meal. Total litres calculated for the overall number of guests to be divided by 240l to work out how many bins required for each event.'*** ***AMENDED DA-455/2022/A***
	Condition reason: To ensure the appropriate space for storage of waste on site.

B. Condition Summary of New Conditions

	» Condition
8A.	**ACID SULFATE SOIL ASSESSMENT**
	As the site is affected by Class 4 Acid Sulfate Soils and more than two metres of excavation is proposed, prior to the issue of a Construction Certificate an Acid Sulfate Soil Assessment would be required to address the matters for consideration under clause 6.1 of Waverley Local Environmental Plan 2012. ***The Acid Sulfate Soils Assessment would need to be provided to Council's Development Assessment Team for review and satisfaction.*** ***ADDED DA-455/2022/A***
	Condition reason: To address the requirements under clause 6.1 of the Waverley Local Environmental Plan 2012.
11A.	***DETAILED COST REPORT***

	Where the total development cost is $1,000,000 or more: ***(i) a Detailed Cost Report (dated within 12 months) 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 amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), should there be a discrepancy between the cost of works nominated in the original DA, then additional DA Fees are payable prior to the issue of a Construction Certificate.*** ***Council's confirmation of cost (in writing) or receipt of additional fees shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate (whichever is relevant in the circumstances).*** ***ADDED DA-455/2022/A***
	Condition reason: Ensure appropriate fees are paid.
31A.	**LANDSCAPE WORKS IN A HABITAT CORRIDOR**
	(a) A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2022. ***(b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*** ***(c) The removal of the tree from the forecourt (within 'the cubes) is not supported for deletion. Alternate tree species that can withstand the coastal environment should be considered, to ensure opportunity for shade can be provided in the forecourt.*** ***ADDED DA-455/2022/A***
	Condition reason: To ensure 50% of the vegetation in the biodiversity corridor is native species and appropriate in this coastal location.

C. Advisory notes amendments

Add Advisory note:

AD14. It is recommended that consideration to an accessible path to the playground from amenities, surf club building and parking areas should be considered for installation in conjunction with the redevelopment works.

In addition, the pathways that provide direct access from the mobility parking and transport set down areas to the principal accessible entrance of the surf club be upgraded to meet Australian standards.
ADDED DA-455/2022/A

All other conditions are reaffirmed and attached in a modified Notice with all conditions stated (Attachment A).

Note:

1. Works either not identified in the modified plans (ie coloured or hatched) or not specifically requested in your written submission accompanying the above modification are not approved.
2. The development consent lapses on **11 April 2029.**

APPENDIX B – FULL SET OF CONDITIONS, AS MODIFIED

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

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by 'Warren and Mahoney Architects Australia Pty Ltd' of Project No: 10155 including the following:

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SK.123/ B	SEA WALL LAYOUT	20/12/2023	21/12/2023
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AMENDED DA-455/2022/A

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i. As amended by Coastal Assessment Report prepared by 'Royal Haskoning DHV' dated 17/07/2024 and received by Council on 05/09/2024.

AMENDED DA-455/2022/A

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AMENDED DA-455/2022/A

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AMENDED DA-455/2022/A

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	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.
2.	**GENERAL MODIFICATIONS**
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	Condition reason: To provide for appropriate landscape species.
	(b) The 'Changing Places' facility is to be designed and installed in accordance with Changing Places Design Specifications (refer to: hangingplaces.org.au/build-a-changing-places-the-process) and accredited by a Changing Place assessor once installed and prior to the issue of an Occupation Certificate. (c) The 'Family change' room shall include a shower (fitted with cold and hot water) and a toilet. The door width shall be capable of accommodating prams / wheelchairs. ***AMENDED DA-455/2022/A***
	Condition reason: Ensure new facilities cater for community needs.
	The amendments are to be approved by **Council's Executive Manager, Development Assessment or delegate** prior to the issue of the relevant 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.	**SEAWALL DESIGN**
	The seawall design is to be as per the details shown on Approved Drawings SK.123 Revision B and SK.124 Revision A prepared by 'Warren and Mahoney Architects Australia Pty Ltd' dated 20.12.2023. Should the Stage 2 Detailed Seawall Design referred to in Condition 10 require any changes to the seawall design, including but not limited to height or length, then a s4.55 modification application will be required to be submitted to, and approved by, the **consent authority** prior to the issue of a Construction Certificate for the BSLSC building.
	Condition reason: To ensure that any modifications to the approved development receive the appropriate consent.
4.	**MAINTENANCE PLAN FOR COASTAL PROTECTION WORKS**
	A Maintenance Management Plan (MMP) is to be prepared for the maintenance of the coastal protection works for their intended design life and shall be reviewed on a 5 year basis, and/or following any major storm event (to be commenced

	within three (3) months of the storm event). The MMP is to include details on the condition of the beach and the long shore access at the time of the plan being prepared and at every subsequent review. The MMP is to be prepared by a suitably qualified coastal engineer and is to be approved by Council's Executive Manager, Development Assessment (or delegate) in writing prior to issue of the relevant occupation certificate. The MMP must be complied with at all times. The MMP may be modified from time to time with the approval of Council's Executive Manager, Development Assessment (or delegate). These modifications to the MMP must also be made (if necessary) each time the design life is extended in accordance with condition 5. This is to ensure the MMP continues to be suitable in perpetuity. The Building Operational Management Plan is to be updated to reflect the requirement to review the MMP on a 5 year basis and/or after any major storm event. The Building Operational Management Plan must also give consideration to any Coastal Management Plan adopted by Waverley Council during the design life of the works. ***AMENDED DA-455/2022/A***
	Condition Reason: To ensure a plan is in place for the on-going maintenance of the works prior to the start of construction and at each extension of the design life.
5.	**TIME LIMITED CONSENT**
	The consent operates for 60 calendar years from the date of the issue of the occupation certificate and such other period as may be extended with the written approval of Council in accordance with the following. A minimum of three (3) years prior to the date of 60 years after the issue of the occupation certificate for the works, the landowner shall procure a Review Report, by a suitably qualified independent coastal engineer. The report must review the performance of the works using the evidence and coastal hazard predictions known at that time. The report must consider whether: i. The works are satisfactory in their current state (i.e. with no upgrades required) and recommend an extension to the design life for an extra period of time consistent with evidence and coastal hazard predictions known at that time, or ii. Upgrades to the works are required so that they can provide the necessary level of protection, or iii. Removal and replacement of the structure with an alternative design is required, or iv. Demolition and removal of the coastal protection works in the interest of public safety is recommended.

	v. The Maintenance Plan for Coastal Protection Works vi. Details on the condition of the beach and the long shore access. The Review Report shall be submitted to **Council's Executive Manager, Development Assessment** (or equivalent at the time) for consideration not later than twelve (12) months prior to the end of the design life (i.e. the date of 60 years after the issue of the occupation certificate in the first instance, or the extended design life once the first review has been completed). If the Review report concludes that the structure is satisfactory without any upgrades that would require further planning approvals, Council may, in writing, approve an extension of the term of the development consent for the period recommended in the report, or such lesser time as the Council considers appropriate. The development consent cannot be considered to be extended without written approval from Council. If the Review Report recommends any upgrades to the works, these upgrades must be dealt with under the planning laws at that time. If planning laws at the time allow the recommended upgrades to be undertaken without formal approval, Council will still need to approve any extension to the development consent. If the Review Report recommends removal and replacement of the structure with an alternative design, the replacement structure will be the subject of a further development application for consent to Council. A further Review Report will be provided to Council a minimum of twelve (12) months prior to the end of the extended design life, on each extension, with the above process repeated.
	Condition reason: To allow a mechanism to prevent the works from ever unreasonably limiting public access to or the use of the beach, and from posing a threat to public safety. This is in line with Section 27 of the Coastal Management Act 2016.
6.	**PUBLIC AREAS AND RESTORATION WORKS**
	At all times, public areas must be kept in a safe condition. The restoration of disturbed road and footway areas caused by construction activities must be made safe for the public and must be prioritised. This includes, but is not limited to, work done for the purpose of connecting to public utilities, as well as repairs to damaged infrastructure. If Council discovers any unsafe construction activities in the public areas surrounding the development, the works must be completed immediately and to Council's satisfaction.
	Condition reason: To ensure public safety in public areas surrounding the development.
7.	**SEPARATE APPLICATION FOR SIGNAGE**
	Any proposed advertising structures to be displayed at the premises are to be subject to a separate development application to and approval from Council (if required).

	Condition reason: To ensure any signage achieves the appropriate approvals.
8.	**ACOUSTIC REPORT**
	The "recommendations" as outlined in the Acoustic Report prepared by Marshall Day Acoustics [Ref:Rp00120230361] dated 31 July 2023 and received by Council on 31/07/2023 shall be implemented in full.
	Condition reason: To protect the amenity of neighbouring properties.
8A.	**ACID SULFATE SOIL ASSESSMENT**
	As the site is affected by Class 4 Acid Sulfate Soils and more than two metres of excavation is proposed, prior to the issue of a Construction Certificate an Acid Sulfate Soil Assessment would be required to address the matters for consideration under clause 6.1 of Waverley Local Environmental Plan 2012. *The Acid Sulfate Soils Assessment would need to be provided to Council's Development Assessment Team for review and satisfaction.* ***ADDED DA-455/2022/A***
	Condition reason: To address the requirements under clause 6.1 of the Waverley Local Environmental Plan 2012.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
9.	**NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**
	The building work, or demolition work, must not be commenced until: (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with 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.
10.	**STAGE 2 DETAILED SEAWALL DESIGN**
	A Stage 2 Detailed Seawall Design and wave return walls, including all required physical modelling and structural engineering detail, is to be undertaken by a suitably qualified Coastal Engineering Consultant and findings submitted to Council for the approval of **Council's Executive Manager, Development Assessment or delegate** prior to the issue of the relevant Construction Certificate for the BSLSC building
	Condition reason: To ensure the Stage 2 detailed seawall design is undertaken by a suitably qualified Coastal Engineering Consultant.
10A.	**BEACH MAINTENANCE PROGRAM**
	A Beach Maintenance Program is to be prepared detailing the maintenance activities of the beach area of Bronte for the intended design life of the works. This Beach Maintenance Program is to include beach re-nourishment. The Beach Maintenance Program is to be prepared by a suitably qualified coastal engineer and is to be approved by Council's Executive Manager, Development Assessment (or delegate) in writing prior to issue of the relevant occupation certificate for the BSLSC building. The Beach Maintenance Program must be complied with at all times. The Beach Maintenance Program may be modified from time to time with the approval of Council's Executive Manager, Development Assessment (or delegate). These

	modifications must also be made (if necessary) each time the design life is extended in accordance with condition 5. This is to ensure the Beach Maintenance Program continues to be suitable in perpetuity. ***AMENDED DA-455/2022/A***
	Condition Reason: To ensure a plan is in place for the on-going maintenance of the Beach.
11.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect 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.
11A.	**DETAILED COST REPORT**
	Where the total development cost is $1,000,000 or more: (i) a Detailed Cost Report (dated within 12 months) 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 amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), should there be a discrepancy between the cost of works nominated in the original DA, then additional DA Fees are payable prior to the issue of a Construction Certificate. Council's confirmation of cost (in writing) or receipt of additional fees shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate (whichever is relevant in the circumstances). ***ADDED DA-455/2022/A***
	Condition reason: Ensure appropriate fees are paid.
12.	**ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES**
	The applicant is to pay to Council fees for assessment and inspections of the above items to the total amount of $10,000 (GST exempt) at the time of engineering plan approval, prior to such approval being granted by Council.

	An invoice will be issued by Council to the applicant for the amount payable.
	Condition reason: To ensure Council assessment fees are paid.
13.	**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.
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.
	Condition reason: To ensure safety to the general public.
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.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
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.
	Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.
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.
	Condition reason: To ensure structural stability of work on site.
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.	**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 **Council's Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate. The submitted civil drawings prepared by Warren Smith Consulting Engineers Pty Ltd, Job No. 7716000, Drawing No. WSCE-HS-DD-0000, WSCE-HS-DD-0001, WSCE-HS-DD-0100, WSCE-HS-DD-0101, WSCE-HS-DD-0102, WSCE-HS-DD-0400, Issue 1, dated 19/09/2022 in conjunction with drawings prepared by TTW Pty Ltd, Job No. 231446, Drawing No. DA100, DA102, DA140, DA141, DA180, Rev P2 dated 24/07/2023 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 shall be prepared by a suitably qualified and practising Civil Engineer and: a) Due to the surf lifesaving club being located at the downstream point of the catchment, no onsite stormwater detention (OSD) is required for the development site. b) The stormwater management and runoff from the site is to be designed in such a way that the downstream area is protected against erosion. c) Connection into Council's stormwater network requires (at minimum) a 900 x 900 junction pit at point of connection. Required to connect at or above top third of Council pipeline (subject to site constraints). Council's preference is for only one connection to be made to the Council stormwater culvert from the development. Any deviation from this requires the approval of **Council's Executive Manager, Infrastructure Services (or delegate).**

d) Before and after the connection is made to Council's below ground drainage infrastructure, closed-circuit television (CCTV) footage and a report on the condition of the system will be required.

e) A non-return valve 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.

f) Stormwater assets (e.g. stormwater quality improvement device) must be shown in architectural drawings. The stormwater management plan shall be updated to be consistent with the architectural drawings.

g) 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 shall be provided.

h) A long section of the connection to Council's infrastructure shall be provided and its details must be included (e.g., the location of existing services crossing and the clearances, existing surface levels, obvert and invert of existing pipe and invert level of the outlet pipe, and hydraulic grade line) including overflow riser where required.

i) The pits/inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.

j) Grates / grated box drains to be located downstream of all impervious areas (where not in external overland flow path).

k) Driveway areas bypassing treatment are to be included in a MUSIC model.

l) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

m) Any affected Council 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.

n) Council must be notified when the connection has been made to Council's existing infrastructure and an inspection must be made by a Council officer prior to restoration and backfill at the point of connection. Minimum 48 hour's notice must be provided to Council prior to inspection.

Notes:

	i. 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. ii. Since a sewer main runs through the property, plans must also be presented to a Sydney Water for their approval. iii. 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).
	Condition reason: To ensure the proper management of stormwater runoff.
20.	**COUNCIL'S EXISTING STORMWATER DRAINAGE INFRASTRUCTURE**
	Council's records indicate an existing stormwater culvert owned by Council traversing the subject development site. The applicant is required to engage a Registered Surveyor or a suitably qualified and practising professional to investigate the exact location of the existing culvert including the culvert size, invert, and any necessary levels needed as part of this proposal to be submitted to Council. The existing stormwater culvert is to be overlayed onto the stormwater management and architectural plans and submitted to Council prior to construction. The culvert must be protected by both construction activities and the loading of the final building. Details of the protection measures including certification from a registered structural engineer that the proposed measures will prevent and or protect the culvert from additional loading both during construction and for the finalised building shall be submitted for review and approval to **Council's Executive Manager, Infrastructure Services (or delegate)** prior to issuance of a construction certificate. Full surveyed works as executed drawings with the registered engineers certification, of any and all culvert bridging structures will be required to be submitted and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** at final completion prior to issuance of the occupation certificate. Pre-existing penetrations into the Council stormwater culvert within the vicinity of the works are to be inspected, assessed and any damage or deterioration rectified as part of the proposed development.
	Condition reason: To ensure the proper management and protection of existing infrastructure.
21.	**COASTAL RISK ASSESSMENT AND EMERGENCY EGRESS**
	Upon activation of the consent, the architectural and engineering plans shall be presented to a suitably qualified and practising engineering consultant to undertake an updated Coastal Risk Assessment. The report must be submitted and approved by **Council's Executive Manager, Infrastructure Services (or delegate)** prior to the issue of the relevant Construction Certificate and at a minimum:

	(a) Describe the site/study area and demonstrate a detailed appreciation for the proposed scope of works. (b) Discuss any legislation and development controls applicable (such as *Coastal Management Act 2016 and State Environmental Planning Policy (Resilience and Hazards) 2021*). (c) Discuss the coastal processes; the hazards and protection (for example evolutionary morphology, history of any major events that led to damages of structures in the area, coastal erosion and recession and wave impacts). (d) Discuss construction aspects such as materials and the effect any storms may have on construction related activities and any maintenance requirements. (e) Provide an assessment of the architectural and stormwater plans with respect to the relevant legislation and controls. (f) Provide measures that will assist with mitigating coastal risks to the proposed development in accordance with the relevant legislation. Design recommendations for building openings and shut-out systems to support a worst-case scenario flood or coastal event (factoring in a combination of water levels, climate change adaptation, future sea level rise and wave heights). Building egress in the case of an emergency shall be provided to any area of the building affected by flooding or coastal inundation. Details of proposed emergency flood gates or large drainage systems shall be considered. Internal egress (including access from the building roof shall be considered) shall be available if flood gates are in operation so that any person can exit the building safely. (g) Provide details on the impacts of coastal inundation on the proposed development. This is to ensure that the minimum flood level of 5.7m (AHD) referred to in Condition 22 of this consent for building materials, electrical utilities (such as power points and switches) and storage (including toxic and hazardous materials) remains suitable in relation to coastal inundation. (h) Include details of satisfying Section 27(2) of the Coastal Management Act, 2016 relating to the securement of adequate funding for the carrying out of any restoration and maintenance works, and the payment of an annual charge for coastal protection services. This will require consultation with Waverley Council. Note: 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).
	Condition reason: To manage the impacts of coastal inundation.
22.	**FLOODING REQUIREMENTS**
	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 1% Annual Exceedance Probability (AEP) storm event. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities

	caused by alterations to the flood conveyance. To ensure this has been considered, the submitted architectural plans will need to reflect the following: (a) All new building material must be flood resistant or flood compatible to a height of 5.7m (AHD). (b) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at or above the 5.7m (AHD). (c) A suitably qualified engineer certifies that any new structure can withstand the forces of floodwater, scour debris and buoyancy up to 5.7m (AHD). (d) A storage area is to be provided at or above the 5.7m (AHD) 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. (f) There is to be no filling of the land within the property. Details and certification are to be submitted and approved by **Council's Executive Manager, Infrastructure Services or delegate** prior to the issue of the relevant Construction Certificate.
	Condition reason: To manage the impacts of flooding.
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 approved by **Council's Executive Manager, Environmental Sustainability (or delegate)** prior to the issue of the relevant Construction Certificate for any works above ground level. 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 requirements for the commercial development. (a) Commercial i. 10no. bins total comprising; (b) Takeaway Food and Drink Premises i. 1x240l bin for general waste, collected 3x per week. Daily collections might be required in busy periods (when food waste generation increases). ii. 1x240l bin for comingled recycling, collected 3x per week. iii. Additional space to be allocated for storage of waste types for reuse (milk crates etc). (c) Council Offices i. 1x240l bin for general waste, collected weekly. ii. 1x240l bin for comingled recycling, collected weekly. (d) Surf Life Saving Club (Bronte SLSC) Club operations: i. 2x240l bin for general waste, collected 2x per week. ii. 2x240l bin for comingled recycling, collected 2x per week. Events hosted by Bronte SLSC iii. Approximately 2x240l bins, collected per event. Consider 1l of general waste generated per person per meal. Consider 1l of comingled recycling per person per meal. Total litres calculated for the overall number of guests to be divided by 240l to work out how many bins required for each event.' ***AMENDED DA-455/2022/A***
	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 the relevant Construction Certificate for the demolition of existing buildings.
	Condition reason: To reduce and control pests and vermin.
27.	**BUILDING CODE OF AUSTRALIA**
	A *Building Code of Australia Capability Statement* prepared by a suitably qualified Accredited Certifier/Building Code Consultant that certifies that the proposed development can readily comply with the requirements of the NCC Building Code of Australia is to be submitted for the approval of **Council's Manager, Building and Compliance (or delegate)** prior to the issue of the relevant Construction Certificate for the demolition of existing buildings.

	Condition reason: To control acoustic impacts to surrounding land uses.
28.	**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 prior to the issue of the relevant Construction Certificate for the demolition of existing buildings. 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 control acoustic impacts to surrounding land uses.
29.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following building is to be included: (a) **Heritage Item 4571740 – Sewerage pumping station, which is a Sydney Water Asset.** Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14 days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. 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.
30.	**PROTECTION OF EXISTING DRIVEWAY AND VEHICULAR ACCESS**
	The access used for construction vehicles shall be adequately protected throughout all demolition and construction phases.

	In this regard, details of the proposed protection measures must be submitted to Council for the approval of **Council's Executive Manager, Infrastructure services (or delegate)** prior to the issue of any Construction Certificate. The details shall include, but not be limited to the following; a) A plan showing the route of construction vehicle through the park. b) Pre commencement photos of the access route showing the current condition. c) Work methodology of measures put in place to retain the existing condition. Should the vehicular access not remain in a satisfactory condition, Council reserves the right to issue an appropriate order to fine the contractors or carry out emergency remedial works at the contractor's expense. The reconstruction of the existing driveway and the vehicular access may be requested by Council if severely damaged.
	Condition reason: To ensure appropriate vehicular access is provided during construction.
31.	**OUT-OF-SCOPE BUILDING PLAN APPROVAL**
	An Out of Scope Building Plan approval is to be obtained via a Water Servicing Coordinator that ensures the development does not unreasonably impact the Sydney Water assets transversing the site. A copy of the approval from Sydney Water is to be provided to **Council's Executive Manager, Development Assessment or delegate** prior to the issue of the relevant Construction Certificate for demolition and construction works to the BSLSC building (excluding site preparation works including site setup, temporary lifesaving facilities, hoarding and coastal walk re-routing). On receipt of the Sydney Water Building Plan approval, if there are any changes required to the approved design, a s4.55 modification application will be required to be submitted to, and approved by, the consent authority prior to the issue of a relevant Construction Certificate for demolition and construction works to the BSLSC building (excluding site preparation works including site setup, temporary lifesaving facilities, hoarding and coastal walk re-routing)
	Condition reason: To ensure the development does not impact on any Sydney Water assets.
31A.	**LANDSCAPE WORKS IN A HABITAT CORRIDOR**
	(a) A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2-1 of the Waverley Development Control Plan 2022. (b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.

	(c) The removal of the tree from the forecourt (within 'the cubes) is not supported for deletion. Alternate tree species that can withstand the coastal environment should be considered, to ensure opportunity for shade can be provided in the forecourt. ***ADDED DA-455/2022/A***
	Condition reason: To ensure 50% of the vegetation in the biodiversity corridor is native species and appropriate in this coastal location.

BEFORE BUILDING WORK COMMENCES

	Condition
32.	**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.
33.	**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.
34.	**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.
35.	**STREET TREES TO BE RETAINED/TREE PROTECTION**
	No existing street trees or Bronte Park trees shall be removed without Council approval (unless explicitly expressed in this consent). 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.
36.	**HERITAGE NSW CONDITIONS**
	A S140 permit from the Heritage Council of NSW is required for archaeological monitoring prior to commencement of any site works. The application to ‘Heritage NSW’ must include an archaeological assessment report, archaeological research design, excavation methodology, prepared by a suitably qualified person. The application shall also nominate an appropriately qualified excavation director.
	Condition reason: To ensure the appropriate approvals are obtained from Heritage NSW.
37.	**PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**
	Prior to commencing any works, internal inspection of the Council’s stormwater conduit to determine its structural and serviceability condition must be carried out by a Closed Circuit Television (CCTV) by an approved contractor. The report is to be submitted to **Council’s Executive Manager, Infrastructure Services (or delegate)** for its review prior to the commencement of works on Council’s stormwater infrastructure . No works on Council’s stormwater infrastructure will commence until given approval by Council.
	Condition reason: To ensure Council’s stormwater pipe is protected.

38.	**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 prior to the commencement of any construction works. 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 and gutter c) Footpath d) Drainage pits and lintels e) Traffic signs f) Existing driveway access to the site g) Any other relevant infrastructure The report is to be dated, submitted to, and approved by **Council's Executive Manager, Infrastructure Services (or delegate**), 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.
	Condition reason: To ensure Council's infrastructure is adequately protected.
39.	**NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS**
	Prior to commencement of the public domain works, notice must be submitted to **Council's Executive Manager, Infrastructure Services (or delegate).** This notice must include the name and insurance details of the Contractor who will be responsible for the construction 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.
	Condition reason: To ensure appropriate notice is provided before works are undertaken to the public domain.
40.	**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 Executive Manager, Infrastructure Services (or delegate)** for the road pavement, kerb and gutter, stormwater, footpath paving, street lighting, undergrounding works, street trees and landscaping hold points. A minimum 48 hours' notice will be required when booking for the site inspections.
	Condition reason: To ensure all public infrastructure engineering works will be constructed to Council satisfaction.
41.	**CONSTRUCTION MANAGEMENT PLAN FOR TEMPORARY FACILITIES**
	Prior to the commencement of works, a Construction Management Plan is to be prepared and submitted to Council's Executive Manager, Infrastructure Services (or delegate) for approval. The Construction Management Plan should provide building and operational details of the temporary facilities intended to be used for surf lifesaving operations during the construction of the Bronte Surf Life Saving Club.

	Condition reason: To ensure that appropriate measures are in place to provide for temporary facilities.

DURING BUILDING WORK

	Condition
42.	**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.
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.
	Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.
44.	**EXCAVATION AND BACKFILLING**
	All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property. If an excavation associated with the erection or demolition 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.
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*.
	Condition reason: To protect the amenity of the surrounding area.
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.
	Condition reason: To ensure any building materials are stored within the property.
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 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
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.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
50.	**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.

51.	**ENVIRONMENTAL SUSTAINABILITY**
	The approved landscaped species are to be inspected by **Council's Urban Ecology Coordinator or delegate** after delivery to the site and prior to planting.
	Condition reason: To ensure that the approved landscaped species are planted in accordance with the approved plans.
52.	**FOOD PREMISES**
	The fitout of the premises must be in accordance with the *Waverley Council Policy for Fit-out and Construction of Food Premises* available on Council's website, as well as any other relevant legislation. https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety
	Condition reason: To ensure the use complies with relevant policy and legislation.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
53.	**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.
54.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
55.	**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 and other drainage related infrastructure including the drainage culvert and any newly built supporting structure/s over the culvert. 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 (including the stormwater drainage culvert and any supporting structure/s built over the culvert) and 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.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

55A.	**WORKS-AS-EXECUTED DRAWINGS – COASTAL WORKS**
	A Works-As-Executed drawing (WAED) of the coastal works must be prepared by a Registered Surveyor. This drawing must detail the alignment of the seawall with wave return and the ramp and stairs extending onto the beach area. An original or a colour copy must be submitted to **Council's Executive Manager, Infrastructure Services (or delegate)** at final completion prior to issuance of the occupation certificate. Where changes have occurred from the approved design, the Council approved plans shall be marked-up in red ink and shall include levels and location for the coastal works and be approved by **Council's Executive Manager, Infrastructure Services (or delegate)** at final completion prior to issuance of the occupation certificate. A suitably qualified and practising Engineer must provide certification of the WAED of the coastal works (including the seawall with wave return, and the ramp and stairs extending onto the beach area) and that the coastal works were constructed to their satisfaction and in accordance with the Development Consent, all applicable Codes, Policies, Plans, Standards and good engineering practice.
	Condition reason: To ensure the coastal works have been constructed in accordance with the approved plans and to best engineering practice.
56.	**POST-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT**
	Prior to the issue of the Occupation Certificate, a post-construction CCTV report shall be submitted to Council on any newly installed stormwater conduits and at least up to the next pit downstream of the proposed works. This is to ensure Council's stormwater infrastructure is adequately protected and there are no damages due to proposed construction activities and property drainage connections. An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator that assesses the condition of any newly installed stormwater conduits and at least up to the next pit downstream of the proposed works is required. The report is to be dated and submitted to and accepted by **Council's Executive Manager, Infrastructure Services (or delegate).** The report shall be used by **Council's Executive Manager, Infrastructure Services (or delegate)** to assess whether any rectification works will be required. The applicant shall obtain written approval from **Council's 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.
57.	**CERTIFICATION OF ALL MECHANICAL PLANT**

	Prior to the issue of an Occupation Certificate, 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, is to be submitted to **Council's Executive Manager, Compliance, or delegate**.
	Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.
58.	**CERTIFICATION OF LANDSCAPING**
	The landscaped species are to be inspected by **Council's Urban Ecology Coordinator or delegate** after planting. 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 that the approved landscaped species are planted.
59.	**PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**
	A Waste Management Plan is to be submitted to **Council's Executive Manager, Environmental Sustainability (or delegate)** prior to the issue of the Occupation Certificate and include the following, where relevant; (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal) (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting. (c) Confer with Sydney Water and any other relevant contractor to ensure a valid Trade Waste Agreement is in place for all trade wastes. Copies of these agreements shall be forwarded to Council. (d) The role and responsibility of managing composting facilities (if provided). (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, 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.
	Condition reason: To ensure adequate waste management on site.
60.	**MECHANICAL EXHAUST MAINTENANCE**
	A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six (6) monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
	Condition reason: To ensure the maintenance of the mechanical exhaust.
61.	**FOOD PREMISES - REGISTRATION**
	The premises are to be registered with Waverley Council and inspected by **Council's Environmental Health Officer** prior to the issue of the Occupation Certificate.
	Condition reason: To ensure the food and drink premises is registered with Waverley Council.
62.	**FOOD PREMISES - FITOUT**
	The fitout of the premises must be in accordance with the Waverley Council Policy for Fit-out and Construction of Food Premises available on Council's website, as well as any other relevant legislation. https://www.waverley.nsw.gov.au/building/compliance_and_regulations/environmental_health_regulations/food_safety
	Condition reason: To ensure the food and drink premises is fitout in accordance with the requirements of Waverley Council.
63.	**PEST CONTROL**

	A Pest and Vermin Control Management Plan (PVCMP) is to be submitted for the approval of **Council's Executive Manager, Compliance (or delegate)** prior to the issue of an Occupation Certificate. All recommendations within the PVCMP are to be implemented with the ongoing operations of the premises.
	Condition reason: To reduce and control pests and vermin.
64.	**BUILDING HEIGHT**
	(a) The height of the buildings must not exceed the following RLs (AHD) to the top of the buildings (excludes balustrade): i. Roof slab height: RL 14.00 (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.
	Condition reason: To ensure the constructed development complies with the approved height.
65.	**SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN**
	Prior to the issue of any Occupation Certificate for the works, the Applicant must 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 must include commentary to support any variations from the approved drawings.
	Condition reason: To ensure the public domain works are appropriately constructed.
66.	**WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN**
	To ensure public infrastructure works required under the consent are completed in accordance with the approved plans and specifications, a Work-as-Executed plan of the completed works, prepared by a registered surveyor, must be submitted for review to the Principal Certifying Authority and the Council. Any required rectification works must be carried out by the Applicant 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 must be submitted to support all variations from the approved plans.
	Condition reason: To ensure the public infrastructure works are appropriately constructed.
67.	**CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS**
	Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from **Council's 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 i. 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 is not limited to fees applicable for engineering plans assessment and work inspection fees. ii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must 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 that all works in the road reserve including all public domain infrastructure and restorations have been completed and constructed to Council's satisfaction.
68.	**WAVERLEY DIGITAL MODEL (WHERE A DIGITAL MODEL WAS SUBMITTED WITH THE DA)**
	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 provide documented information for the future planning within the Waverley LGA.
69.	**FINAL BUILDING OPERATIONAL MANAGEMENT PLAN**
	Prior to the issue of an occupation certificate, a final Building Operational Management Plan is to be submitted to **Council's Executive Manager, Development Assessment or delegate** for approval. This must reflect the final seawall design and active management for high sea level rise scenarios or significant weather events.
	Condition reason: To ensure that the final Building Operational Management Plan is consistent with the conditions of consent.

OCCUPATION AND ONGOING USE

» Condition	
70.	**HOURS OF OPERATION** The hours of operation for the premises are restricted to:

Room/area	***Hours of operation***	***Days***	***Days per year***
Lifesaving storage	24 hours per day	Monday – Sunday	365 days per year
Club amenities	5:30am – 10:00pm	Monday – Sunday	365 days per year
Administration	8:00am – 6:00pm	Monday – Saturday	52 weeks per year
Merchandise	7:00am – 12:00pm	Sunday	Sept – April
Patrol and first aid	24 hours per day	Monday – Sunday	365 days per year
IRB storage	6:00am – 8:00pm	Monday – Sunday	365 days per year
Kiosk	7:00am – 7:00pm 7:00am – 7:00pm 7:00am – 7:00pm	Monday – Sunday Monday – Sunday Saturday – Sunday	Sept – May July school holidays June-August
First floor training/ meeting room	7:00am – 10:00pm	Monday – Sunday	365 days per year
Multi-purpose room, including kitchen and bar	6:00am – 10:00pm 6.00am – 12.00am 8:00am – 10:00pm	Monday – Thursday Friday and Saturday Sunday	Maximum 52 events* per year
First floor balcony	8:00am – 10:00pm	Monday-Sunday	In conjunction with the function/ multi-purpose room
Gymnasium »	5:30am – 10:00pm	Monday-Sunday	365 days per year

* Events as noted above refers to Non-lifesaving club 'official business' related events.

Condition reason: To protect the amenity of the local area.

71.	**FUNCTION ACTIVITY**
	(i) The following function activity shall not occur on the premises without prior written approval by the **Commander (or delegate), of the Eastern Suburbs Local Police Command;** (a) Non surf club related functions for 16 - 21 year old persons including 18th and 21st celebrations. (b) 'Bucks' and 'hens' nights. (c) Any function in which dancing, dance party, rave, DJ performance, or other entertainment act is the primary activity. In such circumstances that approval is sought for these types of functions to take place, management must provide such request 14 days prior to the scheduled function. Should approval be given, management must adhere to any conditions that accompany such written approval as issued by the Commander (or delegate), of the Eastern Suburbs Local Police Command. (ii) Council reserves the right to further include (by way of written advice) types of other functions considered under this condition. (iii) Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is made available at the function. (iv) No use of the external first floor balcony is to occur after 10.00pm. In this regard, the doors to the balcony shall remain closed after 10.00pm. The PoM is to be updated to reflect these aspects of this condition.
	Condition reason: To protect the amenity of the local area.
72.	**MAXIMUM PATRON CAPACITY**
	(a) The approved patron capacity for the premises is limited to: Ground Floor – Waverley Council storage, staff rooms and Lifeguard watch room (excluding public amenities): 14 patrons Ground Floor – BSLSC patrol/first aid, storage, administration and merchandising, workshop, kiosk, service rooms, plant rooms and waste rooms (excluding amenities): 39 patrons First Floor – BSLSC multi-purpose room (maximum 200 patrons), training/meeting room, gymnasium, storage and plant rooms (excluding amenities): 259 patrons (total) **Total of 312 patrons** (b)Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).

	Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.
73.	**FUTURE TENANT OR HIRER OF EVENT/FUNCTION SPACE**
	Prior to commencement of operations, an Operation Manual shall be implemented in conjunction with **Council's Executive Manager, Property and Facilities (or delegate)** for the Bronte Surf Life Saving Club (BSLSC) that provides all relevant operational conditions applicable to the use and management of rooms or event space. The Operational Manual shall be provided to all future tenants, leaseholders or hirer's of space within the BSLSC (as part of their lease agreement) to ensure those persons are familiar with relevant conditions of this consent that apply to their use and management of a space. Elements to include though not limited to; approved management plans, emergency evacuation procedures, outdoor dining zone, maximum patron capacity, hours of operation etc.
	Condition reason: To protect the amenity of the local area.
74.	**PLAN OF MANAGEMENT**
	A Plan of Management (PoM) (or amended Plan of Management) is to be submitted and is to include details of all operational and management procedures of the premises, including; (a) Venue Management Plan (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints, staffing roles and responsibilities); (b) Security Management Plan (relating to tasking and deployment of security personnel, patrons within the premises and their exit and dispersal from the area, and other such operational matters to ensure compliance with relevant regulatory requirements) for any licensed area; (c) Alcohol Management Plan (relating to the behavior of patrons, liquor practices, including the responsible service of alcohol) for any licensed area; (d) Any other such operational matters to ensure compliance with relevant regulatory requirements. (e) Process for complaint handling system, including the receipt and recording of complaints, process for handling and remedying of complaints. In this regard, a complaints hotline phone number shall be made available (not voicemail reliant, particularly when events are held) that is displayed in a prominent location of the BSLSC, in the PoM and on the BSLSC website. Complaints are to be referred to the Board of Management of the BSLSC for review on a quarterly basis, so procedures can be put in place to mitigate and minimise future complaints. The PoM shall be submitted to and approved by **Council's Executive Manager, Development Assessment (or delegate)** prior to the issue of any Occupation Certificate. Once the PoM has been approved by Council, a copy is to be provided

	to the Licensing Police of the Local Area Command prior to the commencement of operations.
	Condition reason: To protect the amenity of the local area.
75.	**OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (PoM)**
	(a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times. (b) The approved PoM shall be adopted by the Management of the premises. (c) The plan shall be reviewed (at minimum) on an annual basis, and at any time there is a change in business ownership of the premises.
	Condition reason: To protect the amenity of the local area.
76.	**COPIES OF CONSENTS AND MANAGEMENT PLAN**
	A full copy of all current development consents (including approved plans) for the operation of the premises, any Registers required and any required Plan of Managements must be kept on the premises and made available for inspection immediately upon request by Council Officers, Police Officers and/or ILGR Authorised Officers.
	Condition reason: To ensure consents and management plan are easily available.
77.	**SIGNAGE TO BE DISPLAYED**
	(a) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near each entry to the premises. The signage shall state the relevant details for each zone of the premises: *Approved hours of operation:* *Approved patron capacity (internal):* (b) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected near the main principle entry to the premises, in such manner that it would be reasonable to expect that a person leaving the premises will be alerted to its contents. The signage shall state: *Upon leaving please respect local residents by minimising noise* (c) Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations. (d) Signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near the main entrance of any room / area where a specific patron capacity is stipulated. Wording must include the name of the room / area and the applicable patron capacity authorised.
	Condition reason: To protect the amenity of the local area.
78.	**PATRON BEHAVIOUR**
	The management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so

	directed by council, the management is to employ private security staff to ensure that this condition is complied with.
	Condition reason: To protect the amenity of the local area.
79.	**NOISE FROM SPEAKERS**
	All speakers shall: (a) be placed on anti-vibration mountings; (b) Be completely independent of the building structure; and (c) Be positioned so noise does not emanate in the direction of residential receivers.
	Condition reason: To protect the amenity of the local area.
80.	**LIQUOR SALE / SUPPLY / CONSUMPTION**
	(a) No liquor may be sold, supplied or consumed on the premises except with the approval and authorisation from the relevant Liquor Authority. (b) The sale and/or supply of liquor must cease 15 minutes prior to the cessation of the respective hours of operation for the specified indoor and outdoor seating areas. (c) Liquor may only be sold or supplied on the premises by way of opened cans, opened bottles, or other opened containers. (d) There is to be no consumption, possession or movement of opened liquor within the internal stairwells of the premises. (e) Management is to ensure that persons are not permitted to leave the ground floor or first floor, or Club premises in the possession of open liquor.
	Condition reason: To protect the amenity of the local area.
81.	**ENTERTAINMENT NOISE**
	Musical instruments, drums and percussion or amplified sound in the form of DJs, live bands and performers are not permitted on the premises without the written approval of Council.
	Condition reason: To protect the amenity of the local area.
82.	**NO ENTERTAINMENT EXTERNAL TO THE PREMISES**
	No sound reproduction device nor any form of entertainment is to be operated external to the premises (with the exception of lifesaving/surf club related announcements). Speakers must not be installed and music must not be played to the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas / public domain.
	Condition reason: To protect the amenity of the local area.
83.	**MANAGEMENT RESPONSIBILITY**
	The management of the premises shall be responsible for: (a) Ensuring patrons do not loiter at the front of the premises.

	(b) Ensure no crowding in front of the premises occurs that obstructs pedestrian access and flow. (c) Patron's behaviour of those utilising the sanitary facilities.
	Condition reason: To protect the amenity of the local area.
84.	**ADVERTISING/SPONSORSHIP**
	Any advertising in the form of banners, stands or signs (or like) are not permitted unless explicitly approved by Council for an event or through a Development Application process.
	Condition reason: To protect the amenity of the local area.
85.	**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.
86.	**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.
87.	**NOISE - MECHANICAL PLANT**
	Noise associated with mechanical plant shall not give rise to any one or more of the following: (a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy. (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute. (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.

	Condition reason: To protect the amenity of the local area.

88.	**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.
89.	**NOISE EMISSIONS – LIQUOR LICENCED PREMISES**
	Noise emissions from the licensed premises shall comply with the following: (a) The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises. (b) The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises. Notwithstanding compliance with the above clauses, the noise from licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am. NOTE: Where this condition is inconsistent with the requirements imposed by the Liquor Administration Board or Liquor Licensing Court, the more stringent conditions shall prevail.
	Condition reason: To protect the amenity of the local area.
90.	**CLOSURE OF WINDOWS / LOUVRES**
	To minimise any transmission of noise from the premises to nearby residential buildings all windows, louvres and other openings to the multi-purpose /function area shall be closed by 10pm, each day an event is held.
	Condition reason: To protect the amenity of the local area.
91.	**NOISE COMPLAINTS**
	If, during on-going use of the premises, substantiated complaints of breaches of noise emission conditions and/or the *Protection of the Environment Operations Act, 1997* occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to:

	(a) The identification of sensitive noise receivers potentially impacted by the proposal; (b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements); (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy; (d) The identification of operational noise producing facets of the use and the subsequent predictions of resultant noise at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation; (e) A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic control measures that will be incorporated into the development/use, will not create adverse noise impacts to surrounding development.
	Condition reason: To protect the amenity of the local area.
92.	**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.
93.	**NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE**
	This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.
	Condition reason: To protect the amenity of the local area.
94.	**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.
95.	**LITTER CHECKS (KIOSK)**
	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.
	Condition reason: To ensure the management of waste is ongoing.

96.	**NOISE FROM GLASS REMOVAL**
	Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred within the premises and removed in containers.
97.	**ONGOING FLOODING REQUIREMENTS**
	Materials which may be damaged by flood waters, materials which may be mobilised during flooding and materials which may cause pollution must be stored above 1% AEP flood level + 300 mm freeboard. There must be no modifications made to flood compatible fencing. There must be no filling or blocking of the open, underfloor areas below 1% AEP flood level + 300 mm freeboard.
	Condition reason: To ensure the ongoing management of flood risk.
98.	**SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES**
	The Management must install and maintain a closed-circuit television (CCTV) system on the premises. The CCTV system must comply with the requirements of Waverley Council and the Local Area Command.
	Condition reason: To ensure security measures are provided.

GENERAL ADVISORY NOTES

	» 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, Building Code of Australia 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 1800 810 443.
8.	**SITE RECTIFICATION WORKS**
	The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 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.	**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.	**WORK OUTSIDE PROPERTY BOUNDARY**
	This consent does not authorise any work outside the property boundary.
12.	**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.

13.	**PUBLIC ART**
	Specific details and design of the proposed public art features shall be undertaken with Council's Cultural Development Officer.
14.	**ACCESS PROVISIONS**
	It is recommended that consideration to an accessible path to the playground from amenities, surf club building and parking areas should be considered for installation in conjunction with the redevelopment works. In addition, the pathways that provide direct access from the mobility parking and transport set down areas to the principal accessible entrance of the surf club be upgraded to meet Australian standards. ***ADDED DA-455/2022/A***

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.

BSLSC means Bronte Surf Life Saving Club**.**

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.

All dimension to be verified on site before producing shop drawings or commencing any work.
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Revisions

C	31/07/2023	UPDATED FOR DA SUBMISSION
D	11/01/2024	FOR DA SUBMISSION
E	21/06/2024	FOR COORDINATION
F	25/07/2024	SECTION 4.55 SUBMISSION
G	11/11/2024	SECTION 4.55 SUBMISSION

Notes



AMENDED PLANS

DRAWING LIST_DA

Number	Sheet Name	Revision
DA.001	COVER SHEET	G
DA.010	LOCATION PLAN	G
DA.020	EXISTING SITE PLAN	G
DA.030	PROPOSED SITE PLAN	G
DA.050	GFA AREA PLANS	G
DA.062	DEMOLITION PLAN	G
DA.070	SHADOW ANALYSIS - WINTER SOLSTICE	G
DA.071	SHADOW ANALYSIS - EQUINOX	G
DA.072	SHADOW ANALYSIS - SUMMER SOLSTICE	G
DA.100	PROPOSED GROUND FLOOR PLAN DA	J
DA.101	PROPOSED FIRST FLOOR PLAN DA	J
DA.110	PROPOSED ROOF PLAN DA	J
DA.120	PROPOSED FIRE TANK LEVEL DA	C
DA.150	POM CONTROL - 3D VIEWS	G
DA.200	ELEVATIONS - EAST & WEST	L
DA.201	ELEVATIONS - NORTH & SOUTH	L
DA.300	SECTIONS 1 & 2	G
DA.301	SECTIONS A & B	G

G
NEW SHEET FOR APPROVAL

RECEIVED
Waverley Council

Application No: DA-455/2022/A

Date Received: 13/11/2024

Client

Waverley Council

Warren and Mahoney Architects Australia Pty Ltd

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Sydney, NSW 2000
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Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

COVER SHEET

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.001 **Revision** G

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Date Received: 13/11/2024





1 SK.078 SITE PLAN - LOCATION
1 : 1000

AMENDED PLANS

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Notes

N PROJECT NORTH

N TRUE NORTH

Client

Waverley Council

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www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

LOCATION PLAN

Drawing Status

DEVELOPMENT APPLICATION

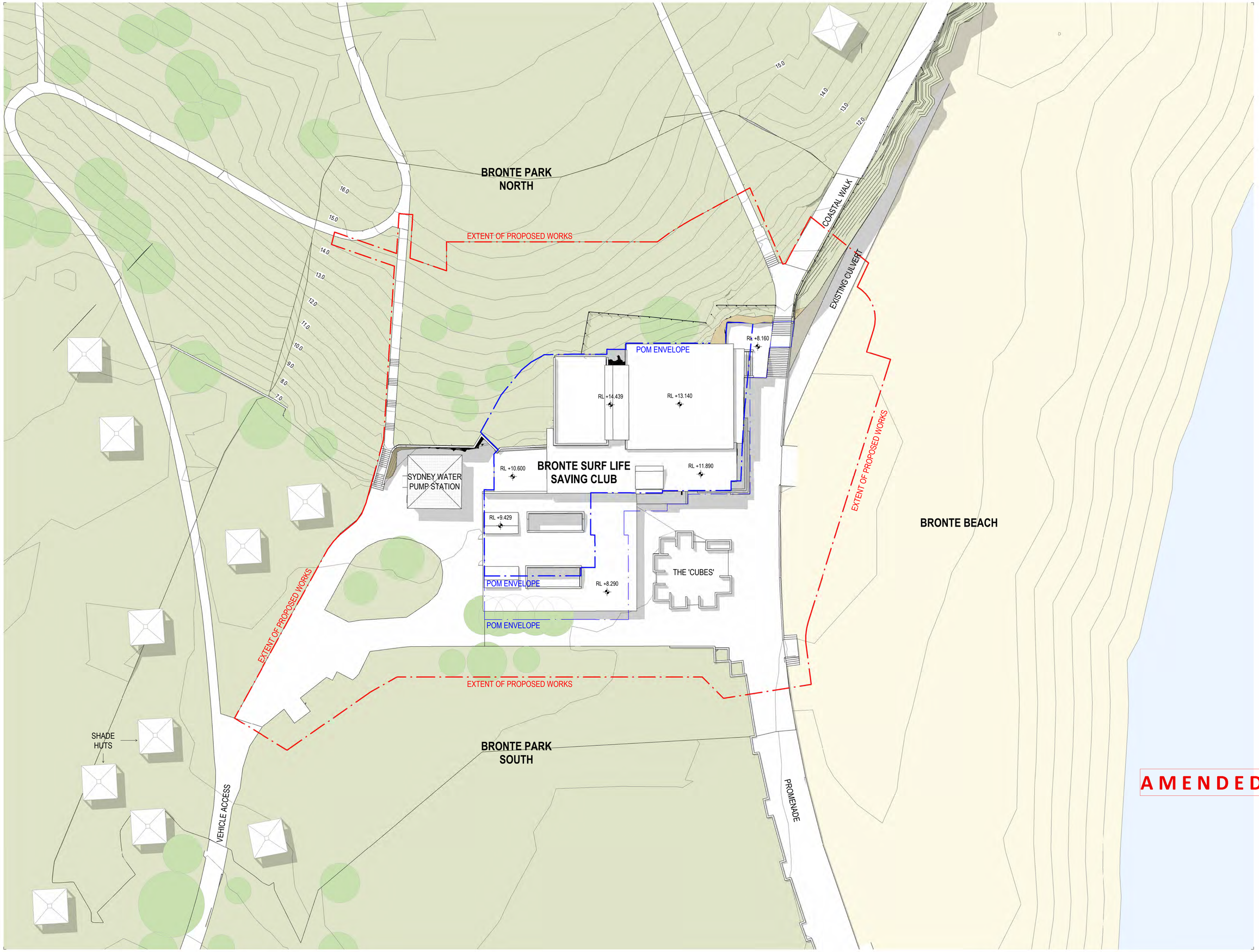
Drawing Details

Scale	1 : 1000@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.010

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SITE PLAN - EXISTING

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Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

EXISTING SITE PLAN

AMENDED PLANS

Drawing Status

DEVELOPMENT APPLICATION

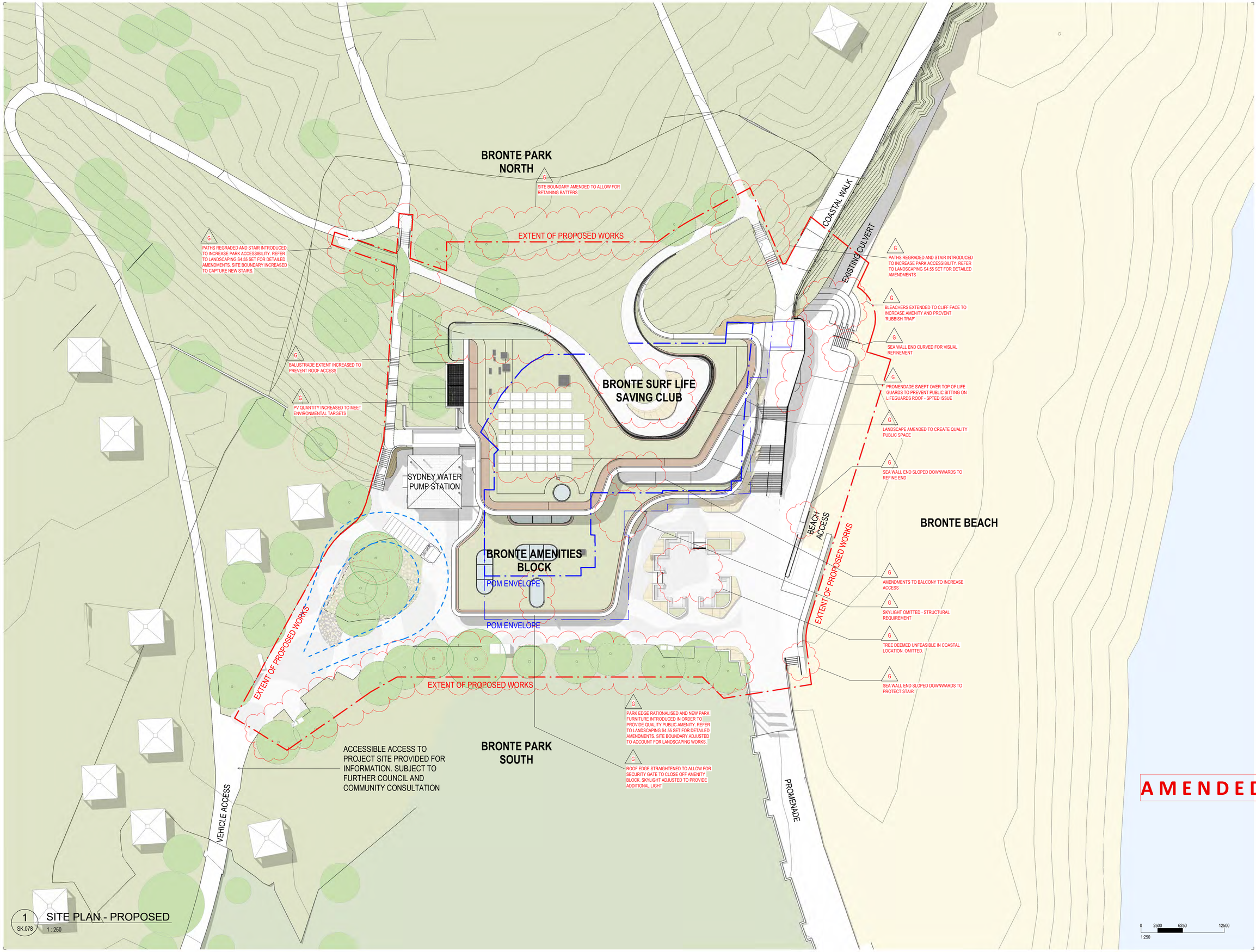
Drawing Details

Scale	1 : 250@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.020

Revision G

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1 SITE PLAN - PROPOSED
SK.078 1 : 250

0 2500 6250 12500
1:250

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Project Title
Bronte Surf Life Saving Club
Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title
PROPOSED SITE PLAN

AMENDED PLANS

Drawing Status
DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 250@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.030 **Revision** G

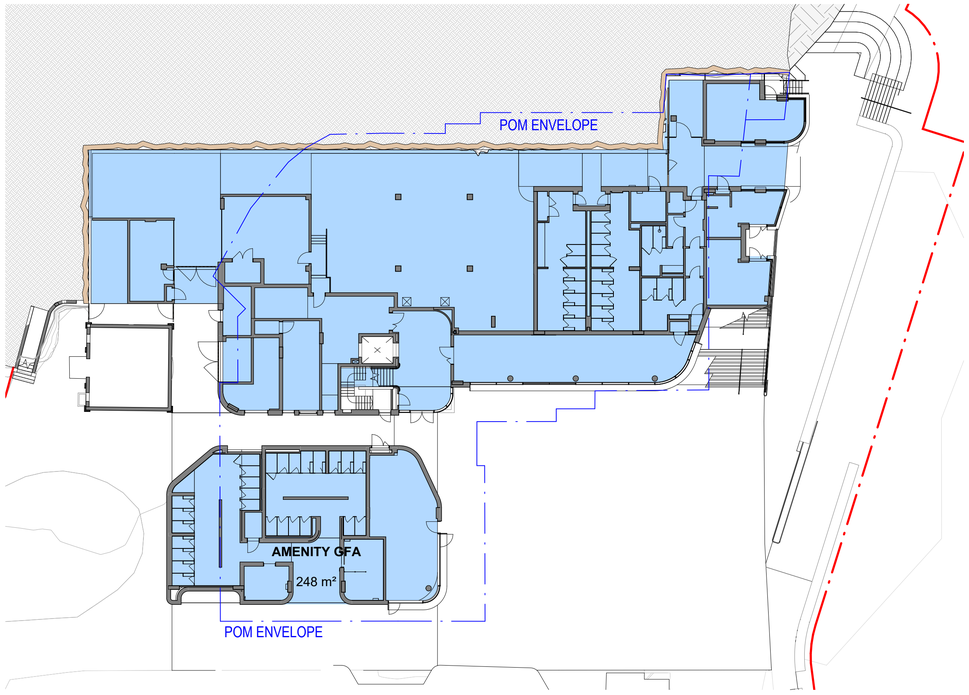
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Notes



1 A20.001 L-00
1 : 250

GROSS FLOOR AREA (GFA)

Name	Area
L-00	
GROUND FLOOR GFA	1021 m²
AMENITY GFA	248 m²
L-01	
LEVEL 1 GFA	755 m²
	2023 m²

POM ENVELOPE GFA

GROUND FLOOR	1293 m²
LEVEL 1	1002 m²
	2295 m²

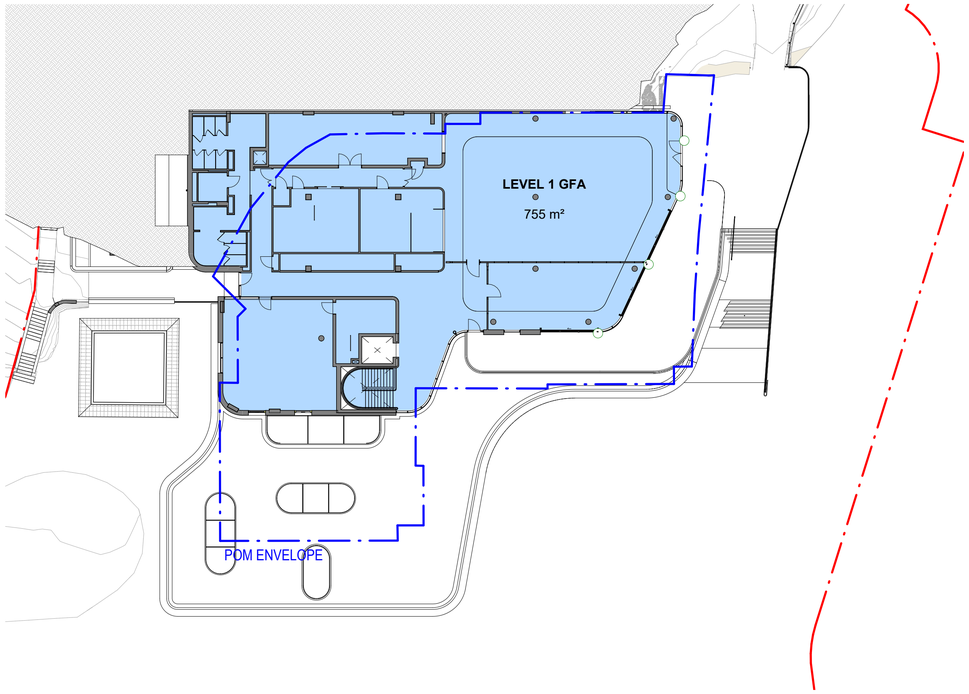
G
ALL AREAS AMENDED TO SUIT DESIGN CHANGES. REFER TO DA.100 & DA.101 FOR SPECIFIC DESIGN CHANGES

RECEIVED
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Application No: DA-455/2022/A

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AMENDED PLANS



2 A20.001 L-01
1 : 250

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Drawing Title

GFA AREA PLANS

Drawing Status

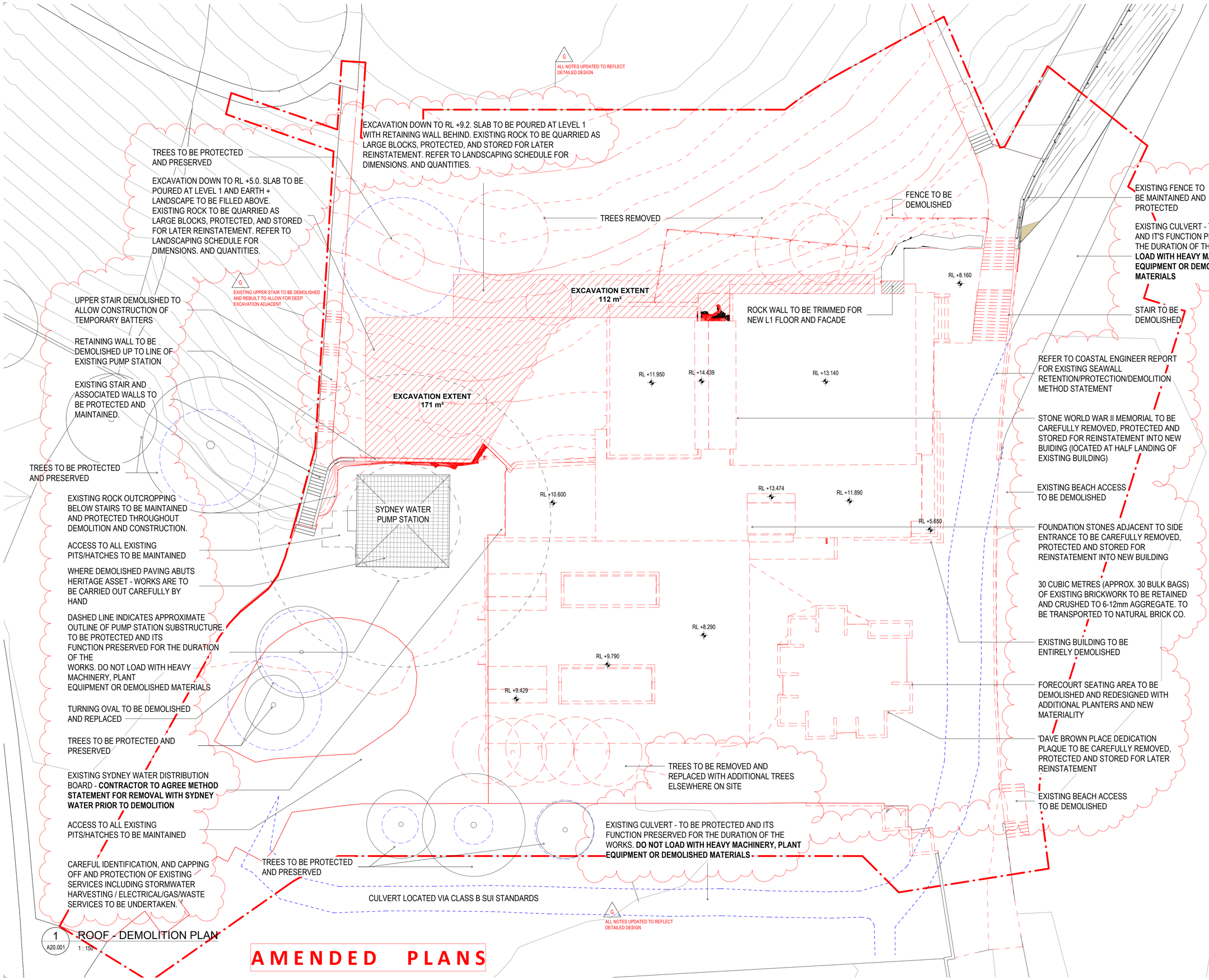
DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 250@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.050 **Revision** G

WARREN AND MAHONEY



1 A20.001 ROOF - DEMOLITION PLAN
1 : 150

AMENDED PLANS

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Notes

1. ALL EXISTING TREES TO BE RETAINED AND PROTECTED FOR DURATION OF WORKS UNLESS OTHERWISE STATED.

2. THE CONTRACTOR IS TO ENSURE A QUALIFIED ARBORIST (AQF LEVEL 5 OR ABOVE) IS ON SITE DURING DEMOLITION AND EXCAVATION WORKS WITHIN TPZ.

3. ALL DEMOLITION AND EXCAVATION WORK WITHIN TPZ IS TO BE IN ACCORDANCE WITH THE ARBORIST REPORT AND MUST BE HAND DUG.
4. NO MATERIAL, MACHINERY, OR PLANTS TO BE STORED WITHIN STRUCTURAL ROOT ZONES.

N PROJECT NORTH

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Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title
DEMOLITION PLAN

Drawing Status
DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 150@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.062 **Revision** G

WARREN AND MAHONEY



1 A20.001 WINTER SOLSTICE 9AM EXISTING
1 : 750



2 A20.001 WINTER SOLSTICE 12PM EXISTING
1 : 750



3 A20.001 WINTER SOLSTICE 3PM EXISTING
1 : 750

AMENDED PLANS



4 A20.001 WINTER SOLSTICE 9AM POM
1 : 750

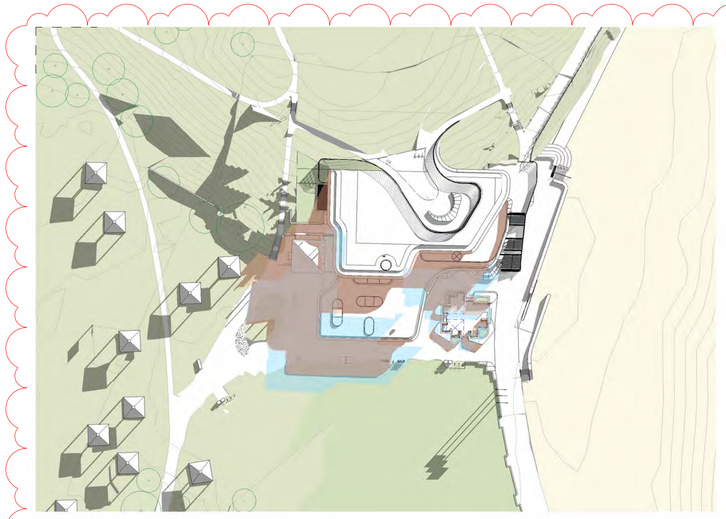


5 A20.001 WINTER SOLSTICE 12PM POM
1 : 750

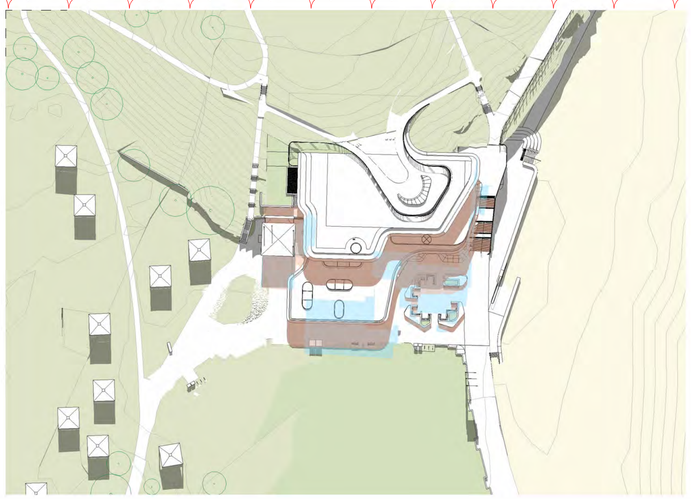
G
OVERSHADOWING DIAGRAMS UPDATED TO ALIGN WITH CURRENT DESIGN. REFER TO DA.100, DA.101 & DA.110 FOR SPECIFIC DESIGN CHANGES



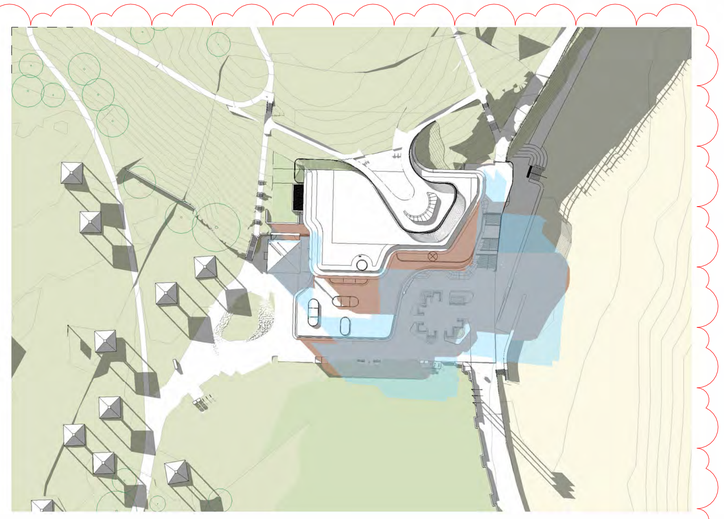
6 A20.001 WINTER SOLSTICE 3PM POM
1 : 750



7 A20.001 WINTER SOLSTICE 9AM PROPOSED
1 : 750



8 A20.001 WINTER SOLSTICE 12PM PROPOSED
1 : 750



9 A20.001 WINTER SOLSTICE 3PM PROPOSED
1 : 750

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Revisions

C	31/07/2023	UPDATED FOR DA SUBMISSION
D	11/01/2024	FOR DA SUBMISSION
E	21/06/2024	FOR COORDINATION
F	25/07/2024	SECTION 4.55 SUBMISSION
G	11/11/2024	SECTION 4.55 SUBMISSION

Notes

RECEIVED
Waverley Council
Application No: DA-455/2022/A
Date Received: 13/11/2024

N PROJECT NORTH
N TRUE NORTH

Client

Waverley Council

Warren and Mahoney Architects Australia Pty Ltd

L1/33 Playfair Street
Sydney, NSW 2000
Australia
Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

SHADOW ANALYSIS - WINTER SOLSTICE

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 750@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.070 **Revision** G

WARREN AND MAHONEY



1 A20.001 EQUINOX 9AM EXISTING
1 : 750



2 A20.001 EQUINOX 12PM EXISTING
1 : 750

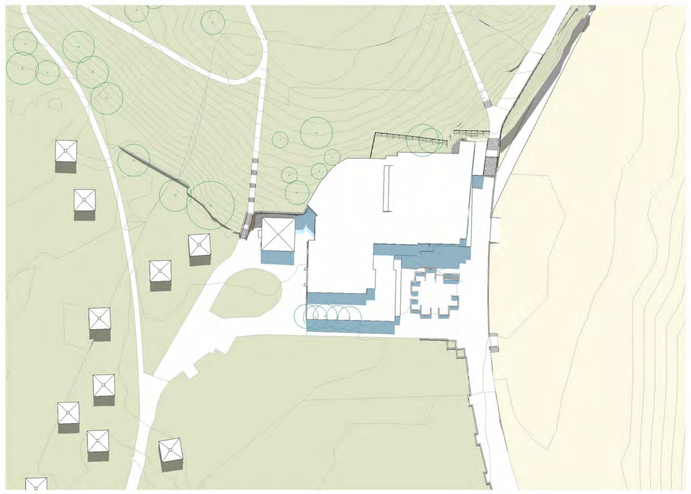


3 A20.001 EQUINOX 3PM EXISTING
1 : 750

AMENDED PLANS



4 A20.001 EQUINOX 9AM POM
1 : 750

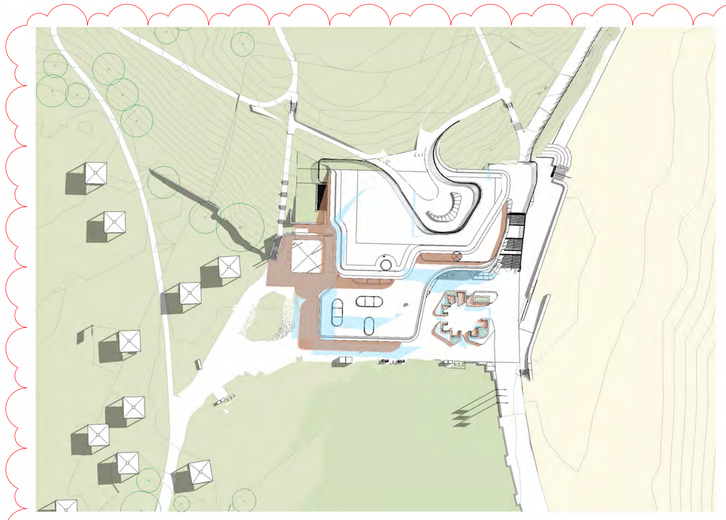


5 A20.001 EQUINOX 12PM POM
1 : 750

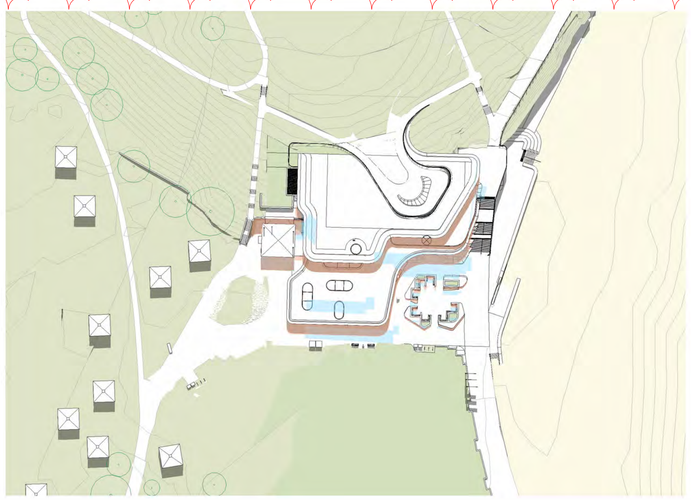


6 A20.001 EQUINOX 3PM POM
1 : 750

G
OVERSHADOWING DIAGRAMS UPDATED TO ALIGN WITH CURRENT DESIGN. REFER TO DA.100, DA.101 & DA.110 FOR SPECIFIC DESIGN CHANGES



7 A20.001 EQUINOX 9AM PROPOSED
1 : 750



8 A20.001 EQUINOX 12PM PROPOSED
1 : 750



9 A20.001 EQUINOX 3PM PROPOSED
1 : 750

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Revisions

C	31/07/2023	UPDATED FOR DA SUBMISSION
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G	11/11/2024	SECTION 4.55 SUBMISSION

Notes

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N PROJECT NORTH
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Client

Waverley Council

Warren and Mahoney Architects Australia Pty Ltd

L1/33 Playfair Street
Sydney, NSW 2000
Australia
Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

SHADOW ANALYSIS - EQUINOX

Drawing Status

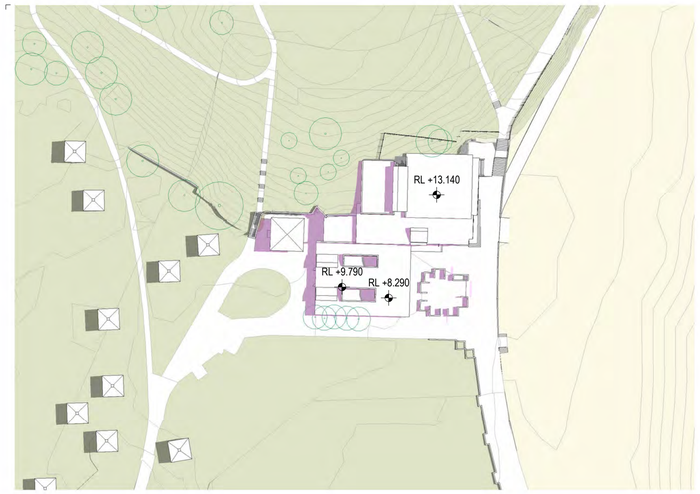
DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 750@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.071 **Revision** G

WARREN AND MAHONEY



1 A20.001 SUMMER SOLSTICE 9AM EXISTING
1 : 750



2 A20.001 SUMMER SOLSTICE 12PM EXISTING
1 : 750



3 A20.001 SUMMER SOLSTICE 3PM EXISTING
1 : 750



4 A20.001 SUMMER SOLSTICE 9AM POM
1 : 750

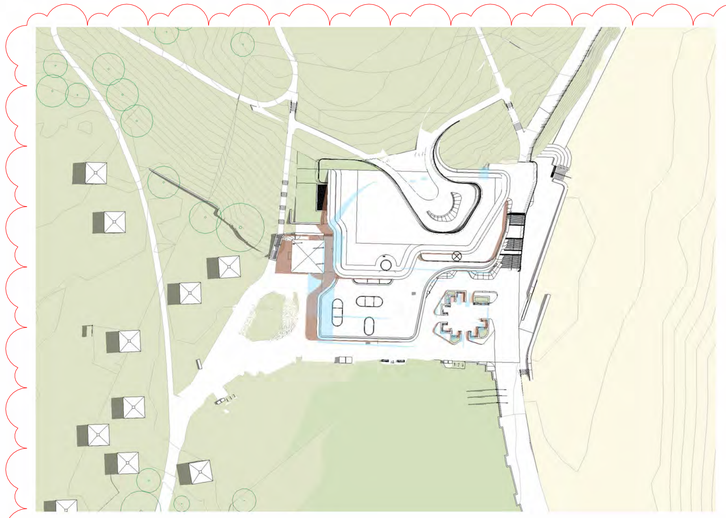


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1 : 750

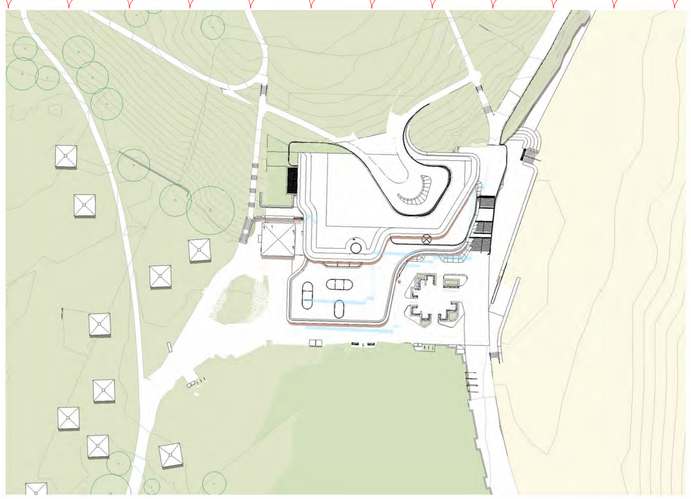


6 A20.001 SUMMER SOLSTICE 3PM POM
1 : 750

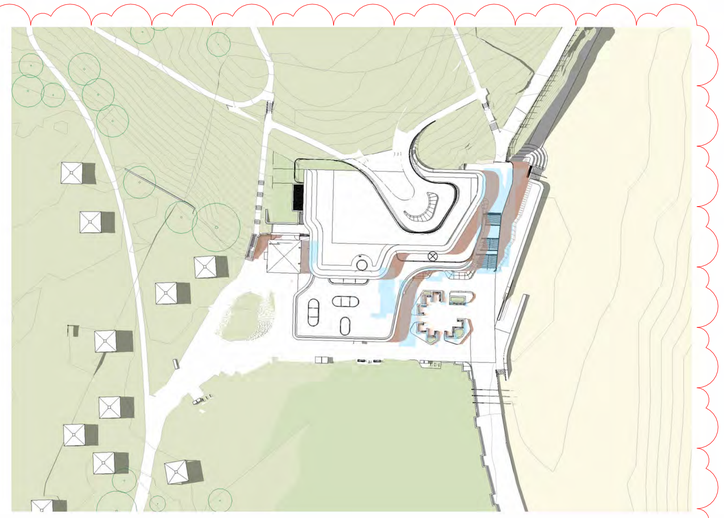
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8 A20.001 SUMMER SOLSTICE 12PM PROPOSED
1 : 750



9 A20.001 SUMMER SOLSTICE 3PM PROPOSED
1 : 750

AMENDED PLANS

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Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

SHADOW ANALYSIS - SUMMER SOLSTICE

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 750@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.072 **Revision** G

WARREN AND MAHONEY

EXTENT OF PROPOSED WORKS

LEVEL 1 FLOOR ABOVE

POM ENVELOPE

ROCK WALL EXTENT BENEATH SLAB

EXISTING ROCK WALL EXTENT

EQUIPMENT STORAGE 335 m²

WASTE STORE 19 m²

COUNCIL VEHICLE 22 m²

IRB STORE & WORKSHOP 44 m²

COUNCIL STORE 9 m²

COOL ROOM 11 m²

DRY STORAGE 31 m²

DRY GOODS 2 m²

HW PLANT 8 m²

COUNCIL OFFICE 22 m²

LIFT 6 m²

FOYER 50 m²

MSR 17 m²

EXISTING PUMP HOUSE

ADMINISTRATION & MERCHANDISING AREA 73 m²

CIRCULATION 73 m²

MALE CHANGE 40 m²

FEMALE CHANGE 39 m²

CORRIDOR 13 m²

COUNCIL FEMALE 11 m²

COUNCIL MALE 18 m²

ELEC 1 m²

LIFEGUARDS STORE 14 m²

LIFEGUARDS 32 m²

FIRST AID 18 m²

PATROL & FIRST AID 23 m²

MALE 60 m²

FEMALE 53 m²

TAKEAWAY FOOD AND DRINKS PREMISES 57 m²

CHANGING PLACES 16 m²

FAMILY CHANGE 10 m²

CHANGE BENCH ON OTHERSIDE OF WALL. NO SIGHTLINE ISSUE.

COVERED PEDESTRIAN THROUGH-LINK BETWEEN CLUB AND AMENITIES OPERABLE 24/7

ENTRY

ROOF LINE ABOVE

WAVE BARRIER

PROPOSED LOCATION OF FIRE HYDRANT BOOSTER

FLAG POLES

EXTENT OF PROPOSED WORKS

J BACK OF HOUSE AND STORAGE SPACES RECONFIGURED FOLLOWING STAKEHOLDER FEEDBACK TO ALLOW EFFICIENT OPERATION OF BUILDING. LEVELS AMENDED TO PREVENT INGRESS OF FLOODWATER

J INTERNAL ACCESS TO BOARD STORE ADDED TO ALLOW PROPER OPERATION OF SPACE

J BOARD STORAGE RECONFIGURED TO ALLOW FOR BoH OPERATIONS

J DIMENSIONS CONFIRMED FOLLOWING DETAILED SITE SURVEYS AND CIVIL FEEDBACK

J SECURITY GATE RELOCATED TO ALLOW ACCESS TO COUNCIL FACILITIES DURING CUB CLOSURE

J PLANT RECONFIGURED FOLLOWING DETAILED DESIGN COORDINATION

J EXTERNAL LOCKERS ADDED. AMENITY REQUIRED FOR PROPER OPERATIONS OF FACILITIES

J ROOFLINE REDUCED TO ALLOW SERVICE VEHICLES TO NAVIGATE TURNING CIRCLE

J BOOSTER RELOCATED FOLLOWING RECOMMENDATIONS FROM FIRE ENGINEER AND FIRE SERVICE REQUIREMENTS

J DIMENSIONS AMENDED TO ALLOW ADDITIONAL AMENITY

J EXTERNAL SECURITY GATE ADDED - CPTED ISSUE

J PARK EDGE RATIONALISED, AND PARK FURNITURE INTRODUCED TO PROVIDE QUALITY PUBLIC AMENITY. REFER TO LANDSCAPE DA.55 SET FOR DETAILED AMENDMENTS

J ENTRANCE RECONFIGURED TO BE IN KEEPING WITH ARCHITECTURAL LANGUAGE OF WIDER SCHEME

J PUMP ROOM ACCESS ADDED - FIRE ENGINEERING REQUIREMENT.

J STORAGE INTEGRATED AS PART OF TAKEAWAY FOOD PREMISES DESIGN. FIP CUPBOARD INTRODUCED.

J SHOWER PROVISION REDUCED BY 2NO TO ALLOW FOR CHANGING PLACES. SHOWERS RELOCATED AS EXTERNAL STANDS IN LANDSCAPE

J DIMENSIONS AMENDED TO ALLOW FOR ADDITIONAL AMENITY WITHIN BLOCK

J CHANGING PLACES ADDED (COUNCIL REQUEST)

J HAND BASIN AMENDED TO SUIT SPACE

J DIMENSIONS AMENDED TO ALLOW FOR ADDITIONAL AMENITY WITHIN BLOCK

J DIMENSIONS AMENDED TO ALLOW WALL BUILD-UP TO MEET ENVIRONMENTAL TARGETS

J TREE DEEMED UNFEASIBLE IN HARSH COASTAL ENVIRONMENT. OMITTED.

J BLEACHERS EXTENDED TO CLIFF FACE TO INCREASE AMENITY AND PREVENT 'RUBBISH TRAP'

J SEA WALL END CURVED FOR VISUAL REFINEMENT

J GEOMETRY SIMPLIFIED

J GEOMETRY OF FIRST AID ROOMS AMENDED TO ALLOW PROPER OPERATION/ACCESS TO ROOMS

J COUNCIL TOILETS RECONFIGURED TO PROVIDE SECURITY BETWEEN TENANCIES.

J MINOR AMENDMENT TO SEA WALL WAVE RETURN PROFILE FOLLOWING PHYSICAL MODELLING TESTS. WALL MOVED LANDWARD C.200MM TO ALLOW FOR CLEAR WIDTH FOR BEACH RAKE.

J SEA WALL END SLOPED DOWNWARDS TO REFINE END

J MINOR AMENDMENT TO SEA WALL WAVE RETURN PROFILE FOLLOWING PHYSICAL MODELLING TESTS. WALL POSITION REMAINS AS PREVIOUSLY APPROVED.

J SEA WALL END SLOPED DOWNWARDS TO PROTECT STAIR

AMENDED PLANS

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Revisions

E	31/07/2023	UPDATED FOR DA SUBMISSION
F	11/01/2024	FOR DA SUBMISSION
G	21/06/2024	FOR COORDINATION
H	25/07/2024	SECTION 4.55 SUBMISSION
J	11/11/2024	SECTION 4.55 SUBMISSION

Notes

RECEIVED
Waverley Council
Application No: DA-455/2022/A
Date Received: 13/11/2024

PROJECT NORTH

TRUE NORTH

Client
Waverley Council

Warren and Mahoney Architects Australia Pty Ltd
L1/33 Playfair Street
Sydney, NSW 2000
Australia
Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123
Registered Architects and Designers
www.warrenandmahoney.com

Project Title
Bronte Surf Life Saving Club
Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title
PROPOSED GROUND FLOOR PLAN DA

Drawing Status
DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 125@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.100 **Revision** J

0 1250 3125 6250
1:125

WARREN AND MAHONEY

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Revisions

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G	21/06/2024	FOR COORDINATION
H	25/07/2024	SECTION 4.55 SUBMISSION
J	11/11/2024	SECTION 4.55 SUBMISSION

Notes

RECEIVED
Waverley Council

Application No: DA-455/2022/A

Date Received: 13/11/2024

EXTENT OF PROPOSED WORKS

AMENDED PLANS

POM ENVELOPE

FEMALE 25 m²

KITCHEN 59 m²

MECHANICAL PLANT ROOM 18 m²

ACC. WC 6 m²

MALE 23 m²

CORRIDOR 14 m²

FURNITURE AND GENERAL STORE 34 m²

BAR/SERVERY 35 m²

TRAINING STORE 13 m²

MULTI PURPOSE SPACE 232 m²

FOYER 100 m²

TRAINING ROOM 65 m²

COMMS ROOM 18 m²

LIFT 6 m²

GYM 82 m²

EXISTING PUMP HOUSE

ENTRY

UP

RL +9.650

RL +9.620

RL +8.410

RL +9.610

RL +6.993

3195

563

2162

8056

1628

4386

4589

3363

3110

3536

5000

898

14050

15250

1ST FLOOR SETBACK TO ALIGN WITH EXISTING PUMPHOUSE

EXISTING BUILDING LINE

KITCHEN EXHAUST

J DIMENSIONS CONFIRMED FOLLOWING EXTERNAL WALL DETAILED DESIGN TO ALLOW FOR ENVIRONMENTAL TARGETS

J KITHCEN RELOCATED FOR OPERATIONAL NEEDS - SERVERY REQUIRED TO DIRECTLY ADDRESS FUNCTION ROOM

J FURNITURE STORE RELOCATED TO CENTRE OF PLAN

J COMMS RELOCATED FOLLOWING DETAILED DESIGN

J SAFE EXTERNAL ACCESS TO PLANT ALLOWED FOR

J WC OMITTED IN GYM

J DIMENSIONS AMENDED TO ALLOW WALL BUILD-UP TO MEET ENVIRONMENTAL TARGETS

J WC OMITTED IN GYM

J PROMENADE GEOMETRY UPDATED TO PREVENT PUBLIC FROM SITTING ON LIFEGUARDS ROOF - CPTED ISSUE

J EXTERNAL SLIDING DOORS REDUCED FOLLOWING DETAILED DESIGN

J STAIR LEVELS AMENDED FOLLOWING DETAILED DESIGN TO ALLOW FOR COMPLIANT TREADS

J BALCONY GEOMERTRY SIMPLIFIED TO INCREASE ACCESS TO BUILDING

J VOID TO FOYER REMOVED TO INCREASE ACCESS TO STAIR AND LIFT

J CIRCULAR ROOFLIGHT REMOVED - STRUCTURALLY UNFEASIBLE. GREEN ROOF EXTENDED TO FILL GAP.

J ROOFLINE REDUCED TO ALLOW SERVICE VEHICLES TO NAVIGATE TURNING CIRCLE

J SKYLIGHT AMENDED - PILL-SHAPE NOT STRUCTURALLY FEASIBLE

J ADDITIONAL WINDOW REQUIRED FOR ENVIRONMENTAL PERFORMANCE

J DIMENSIONS CONFIRMED FOLLOWING EXTERNAL WALL DETAILED DESIGN TO ALLOW FOR ENVIRONMENTAL TARGETS

J DIMENSIONS CONFIRMED FOLLOWING EXTERNAL WALL DETAILED DESIGN TO ALLOW FOR ENVIRONMENTAL TARGETS

J ROOFLIGHT INCREASED TO MAXIMISE NATURAL LIGHT

J LEVEL AMENDED FOLLOWING DETAILED DESIGN AND LANDSCAPE INPUT

J CURVE TO ROOF REMOVED TO ALLOW SECURITY GATE TRACK BELOW

DA.301 2 — DA.301 1 — DA.201 1 — DA.300 2 — DA.300 1 — DA.200 2 — DA.200 1 — DA.201 2

N PROJECT NORTH — N TRUE NORTH

Client

Waverley Council

Warren and Mahoney Architects Australia Pty Ltd

L1/33 Playfair Street
Sydney, NSW 2000
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Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

PROPOSED FIRST FLOOR PLAN DA

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 125@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.101 — **Revision** J

WARREN AND MAHONEY®

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Revisions

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H	25/07/2024	SECTION 4.55 SUBMISSION
J	11/11/2024	SECTION 4.55 SUBMISSION

Notes

EXTENT OF PROPOSED WORKS

DA.301 2

DA.301 1

DA.201 1

J ROOFTOP LANDSCAPING AND LOOKOUT AMENDED TO PROVATE HIGH QUALITY PUBLIC REALM. REFER TO LANDSCAPE ARCHITECT S4.55 PACK FOR DETAILED DESCRIPTION

J BALUSTRADE ADDED TO PREVENT ACCESS TO ROOF

DA.300 2

L1 KITCHEN EXHAUST

MECH PLANT ROOF

ALL HATCHED AREA BELOW MAX HEIGHT OF RL +14.0

BRONTE COASTAL VIEWING DECK

PV PANELS ARRAY

LANDSCAPED ROOF WITH SERVICES AND SOLAR PANELS

DA.300 1

EXISTING PUMP HOUSE

DA.200 2

2828

3180

BALCONY BELOW

J GREEN ROOF EDGE SIMPLIFIED

J PV PANELS AMENDED FOLLOWING DETAILED DESIGN AND ENVIRONMENTAL TARGETS INPUT

J SKYLIGHT AMENDED TO CIRCULAR TO REFLECT ARCHITECTURAL ALNGUAGE OF WIDER SCHEME

ROOF BELOW

POM ENVELOPE

J DIMENSIONS CONFIRMED FOLLOWING EXTERNAL WALL DETAILED DESIGN TO ALLOW FOR ENVIRONMENTAL TARGETS

1805

4368

J ROOFTOP LANDSCAPING AND LOOKOUT AMENDED TO PROVATE HIGH QUALITY / PUBLIC REALM. REFER TO LANDSCAPE ARCHITECT S4.55 PACK FOR DETAILED DESCRIPTION

J ROOF EDGE UPDATED FOLLOWING DETAILED STRUCTURAL DESIGN

DA.300 2

J DIMENSIONS CONFIRMED FOLLOWING EXTERNAL WALL DETAILED DESIGN TO ALLOW FOR ENVIRONMENTAL TARGETS

DA.300 1

1 DA.200

EXTENT OF PROPOSED WORKS

EXTENT OF PROPOSED WORKS

2 DA.201

DA.301 2

DA.301 1

AMENDED PLANS

RECEIVED
Waverley Council

Application No: DA-455/2022/A

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N TRUE NORTH

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www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

PROPOSED ROOF PLAN DA

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 125@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.110 **Revision** J

WARREN AND MAHONEY

RECEIVED
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Date Received: 13/11/2024

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Revisions

A	21/06/2024	FOR COORDINATION
B	25/07/2024	SECTION 4.55 SUBMISSION
C	11/11/2024	SECTION 4.55 SUBMISSION

Notes



AMENDED PLANS

N
PROJECT NORTH

N
TRUE NORTH

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Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

PROPOSED FIRE TANK LEVEL DA

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 125@ A1
Date	11/11/2024
Job No	10155
Drawn	Author
Checked	Checker

Drawing No DA.120 **Revision** C

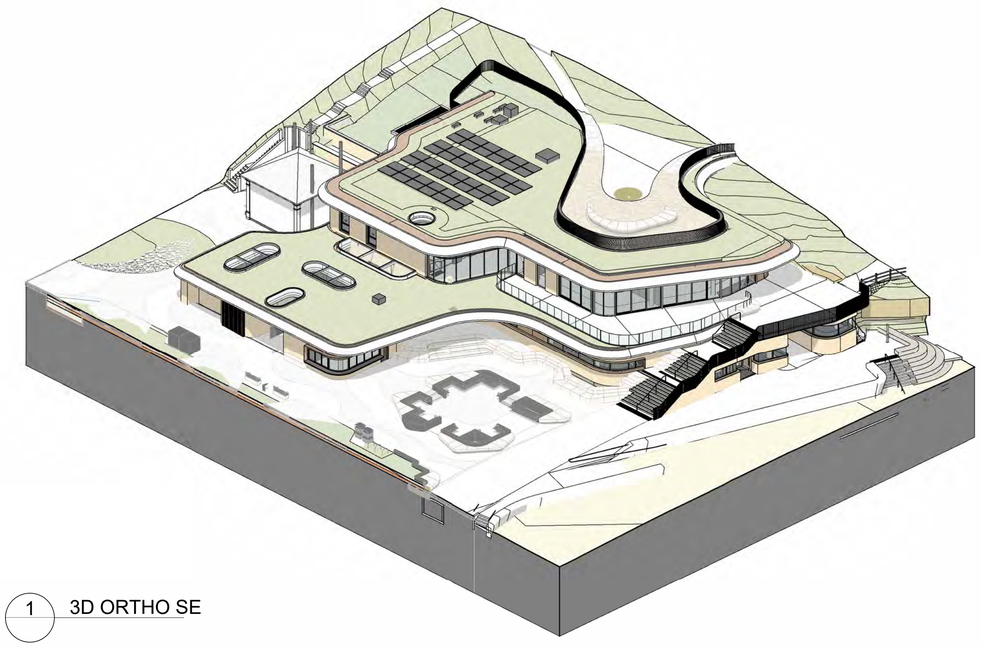
WARREN AND MAHONEY

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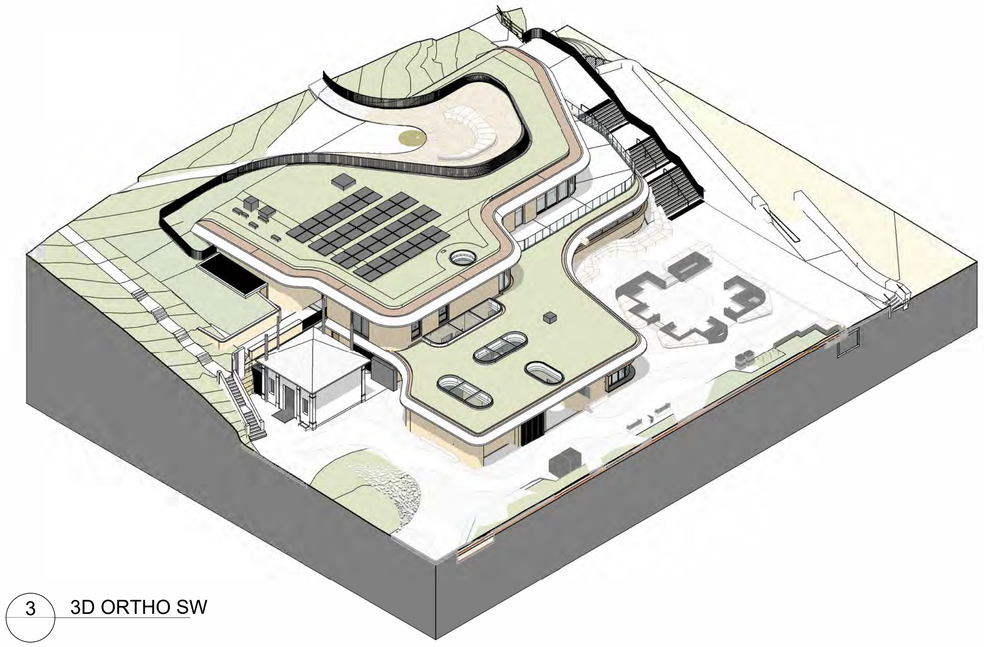
Revisions

C	31/07/2023	UPDATED FOR DA SUBMISSION
D	11/01/2024	FOR DA SUBMISSION
E	21/06/2024	FOR COORDINATION
F	25/07/2024	SECTION 4.55 SUBMISSION
G	11/11/2024	SECTION 4.55 SUBMISSION

Notes



1 3D ORTHO SE



3 3D ORTHO SW

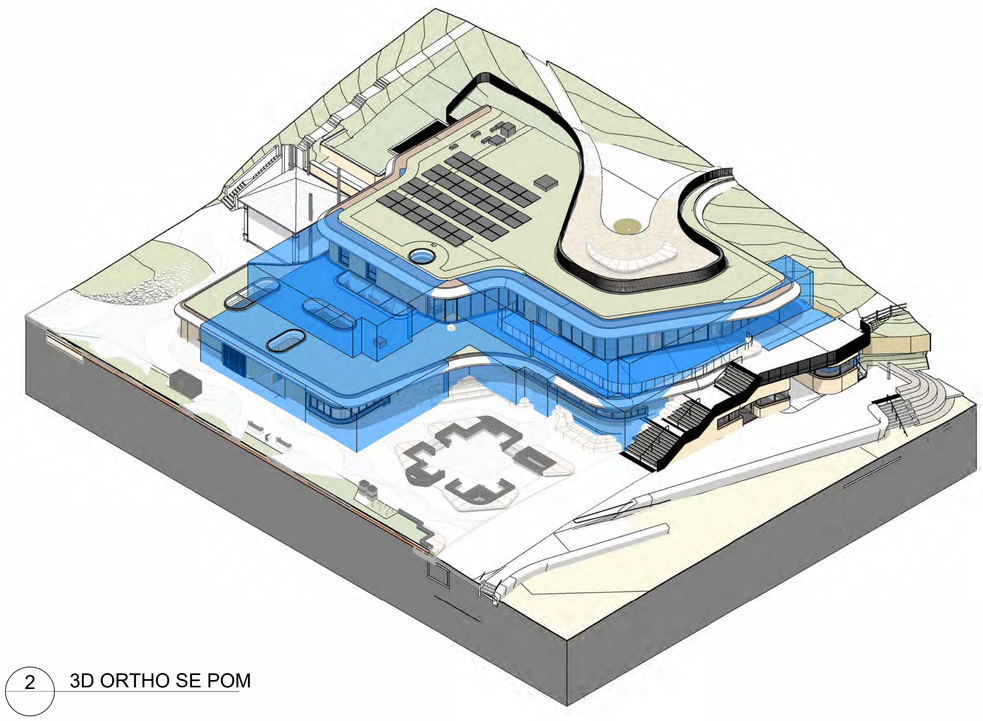
G
UPDATED IN LINE WITH LATEST DESIGN.
REFER DA.100 SERIES FOR DETAILED SCHEDULE OF CHANGES

AMENDED PLANS

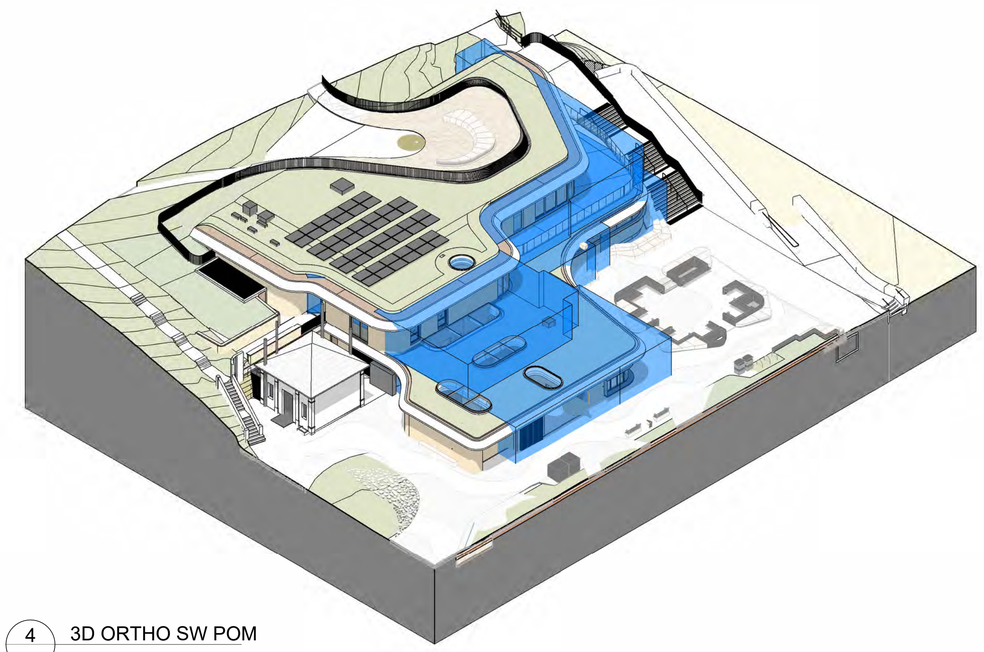
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2 3D ORTHO SE POM



4 3D ORTHO SW POM

Client

Waverley Council

Warren and Mahoney Architects Australia Pty Ltd

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Phone + 61 2 8021 9809
Nominated Architect:
Sven Ollmann ARB NSW 11123

Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

POM CONTROL - 3D VIEWS

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

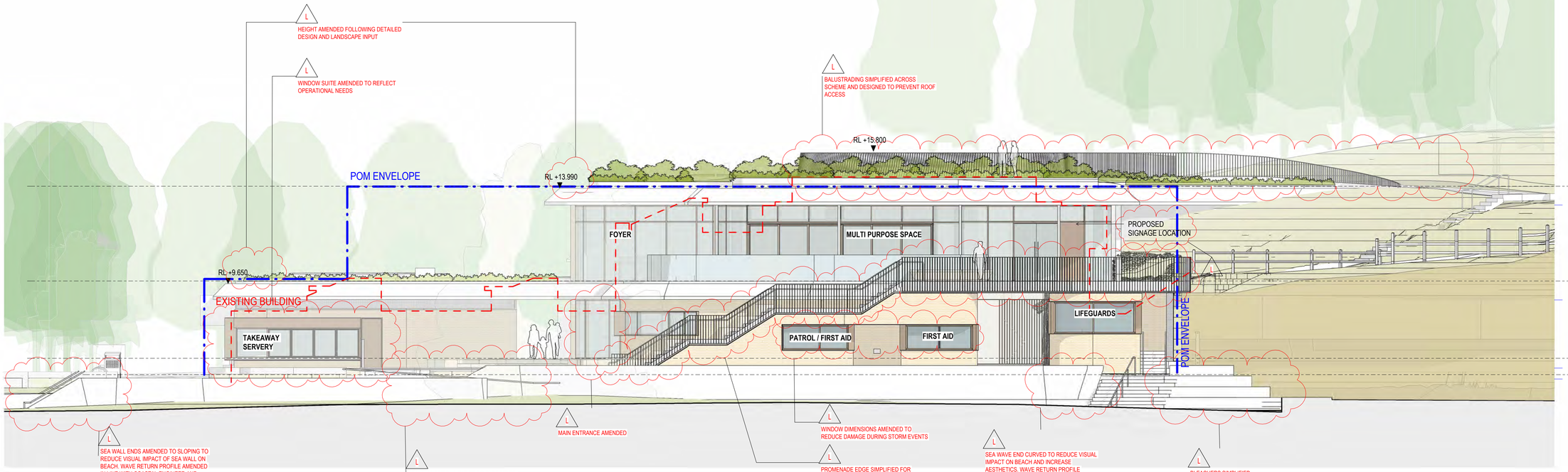
Drawing No DA.150 **Revision** G

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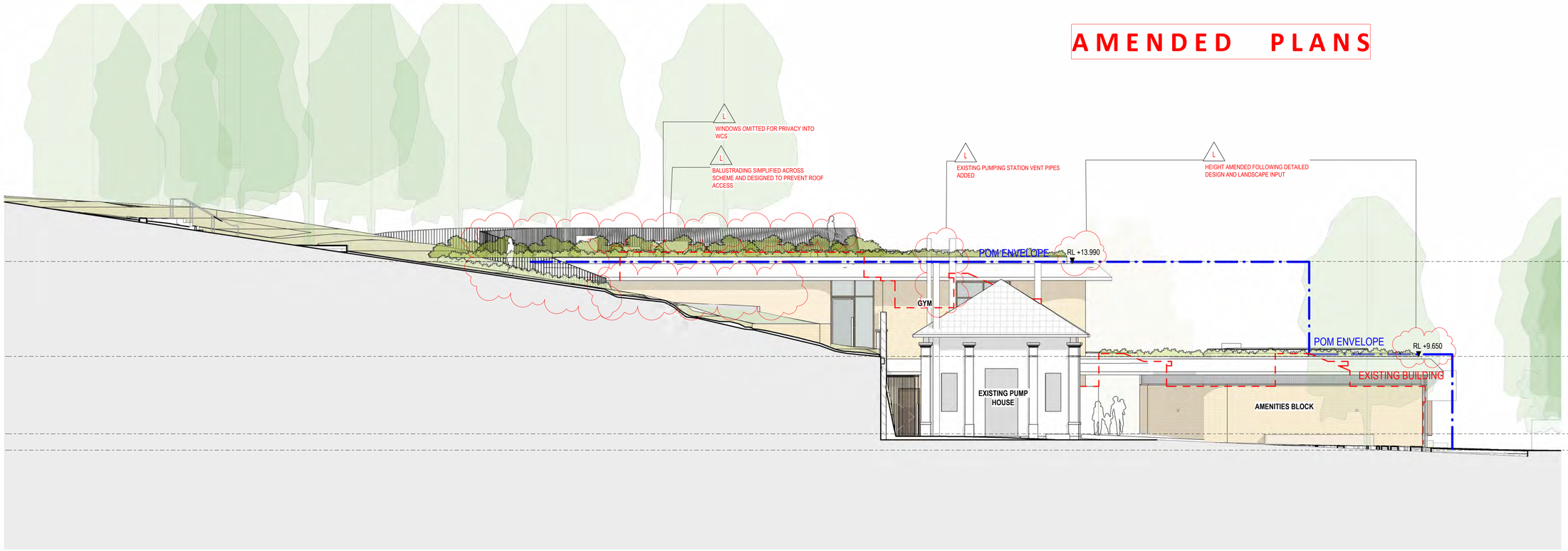
Date Received: 13/11/2024



1 / DA.100 EAST ELEVATION DA

1 : 100

AMENDED PLANS



2 / DA.100 WEST ELEVATION DA

1 : 100

0 1000 2500 5000
1:100

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Revisions

F	31/07/2023	UPDATED FOR DA SUBMISSION
G	31/08/2023	FOR INFORMATION
H	11/01/2024	FOR DA SUBMISSION
J	21/06/2024	FOR COORDINATION
K	25/07/2024	SECTION 4.55 SUBMISSION
L	11/11/2024	SECTION 4.55 SUBMISSION

Notes

Client

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Registered Architects and Designers
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Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

ELEVATIONS - EAST & WEST

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 100@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.200 **Revision** L

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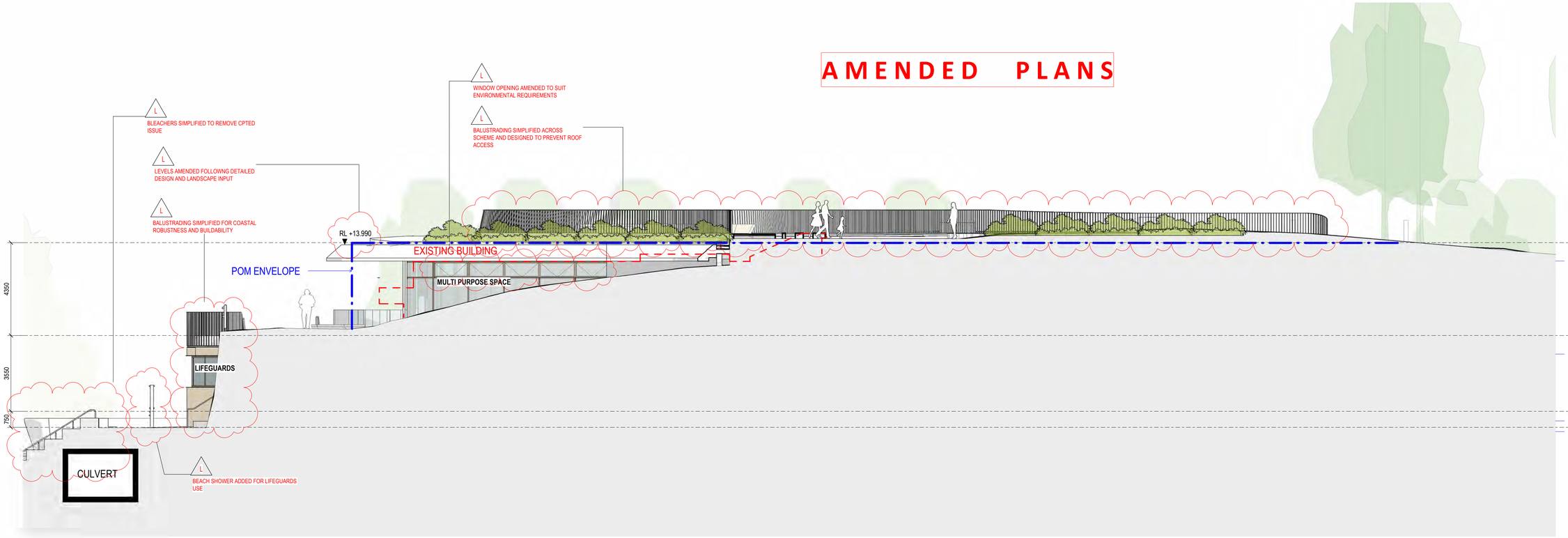
Revisions

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H	11/01/2024	FOR DA SUBMISSION
J	21/06/2024	FOR COORDINATION
K	25/07/2024	SECTION 4.55 SUBMISSION
L	11/11/2024	SECTION 4.55 SUBMISSION

Notes

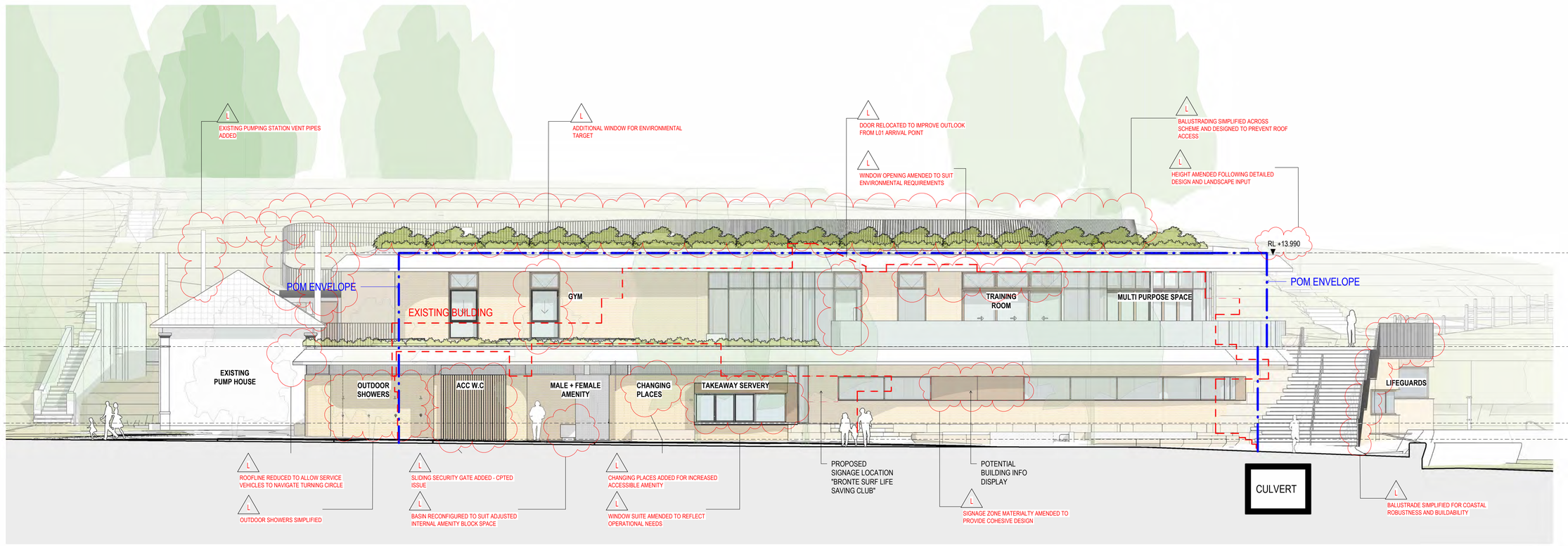
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1 DA.100 NORTH ELEVATION DA
1 : 100

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2 DA.100 SOUTH ELEVATION DA
1 : 100

0 1000 2500 5000
1:100

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Waverley Council

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—

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Project Title

—

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

—

ELEVATIONS - NORTH & SOUTH

Drawing Status

—

DEVELOPMENT APPLICATION

Drawing Details

—

Scale	1 : 100@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No — DA.201 — **Revision** L

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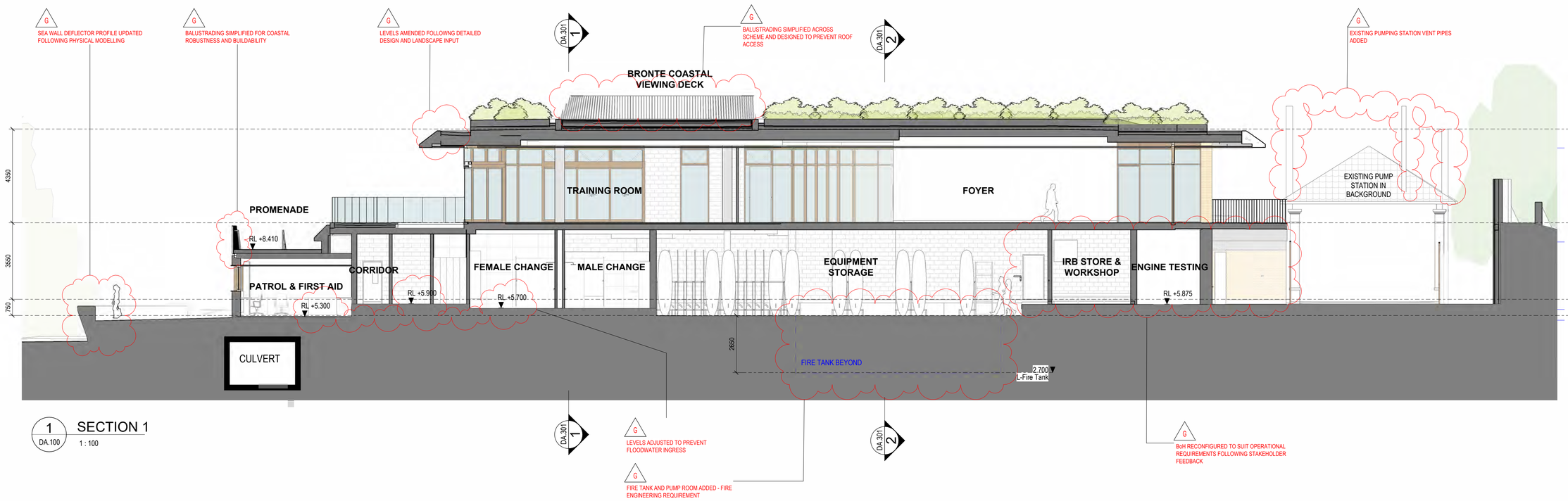
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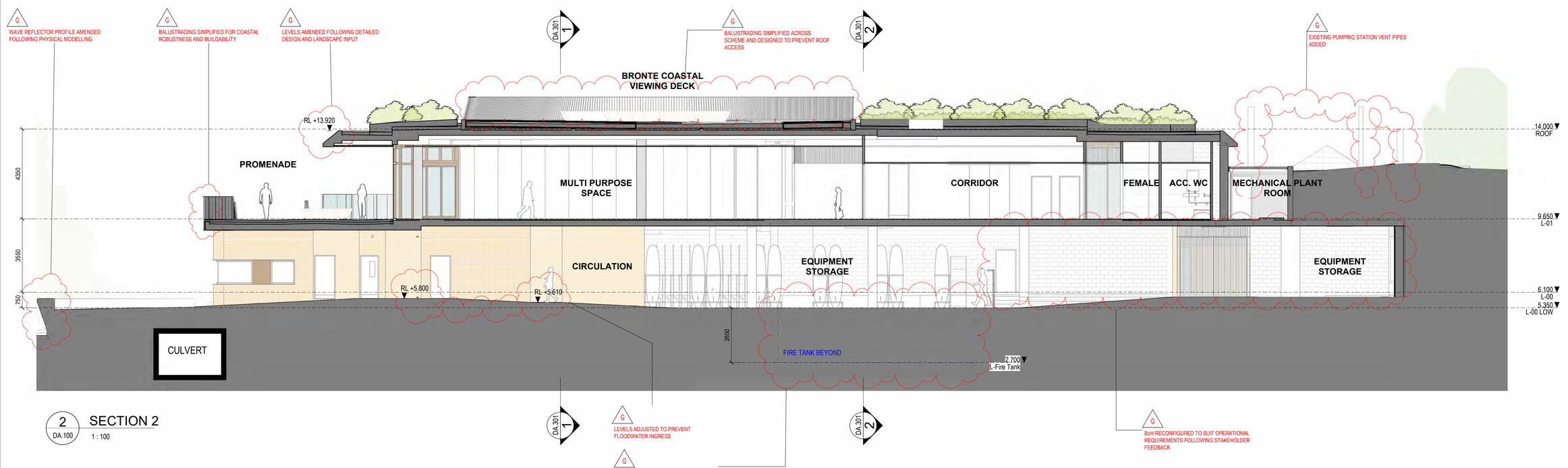
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F	25/07/2024	SECTION 4.55 SUBMISSION
G	11/11/2024	SECTION 4.55 SUBMISSION

Notes



1 DA.100 SECTION 1
1 : 100

AMENDED PLANS



2 DA.100 SECTION 2
1 : 100

Client

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Registered Architects and Designers
www.warrenandmahoney.com

Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

SECTIONS 1 & 2

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 100@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.300 **Revision** G

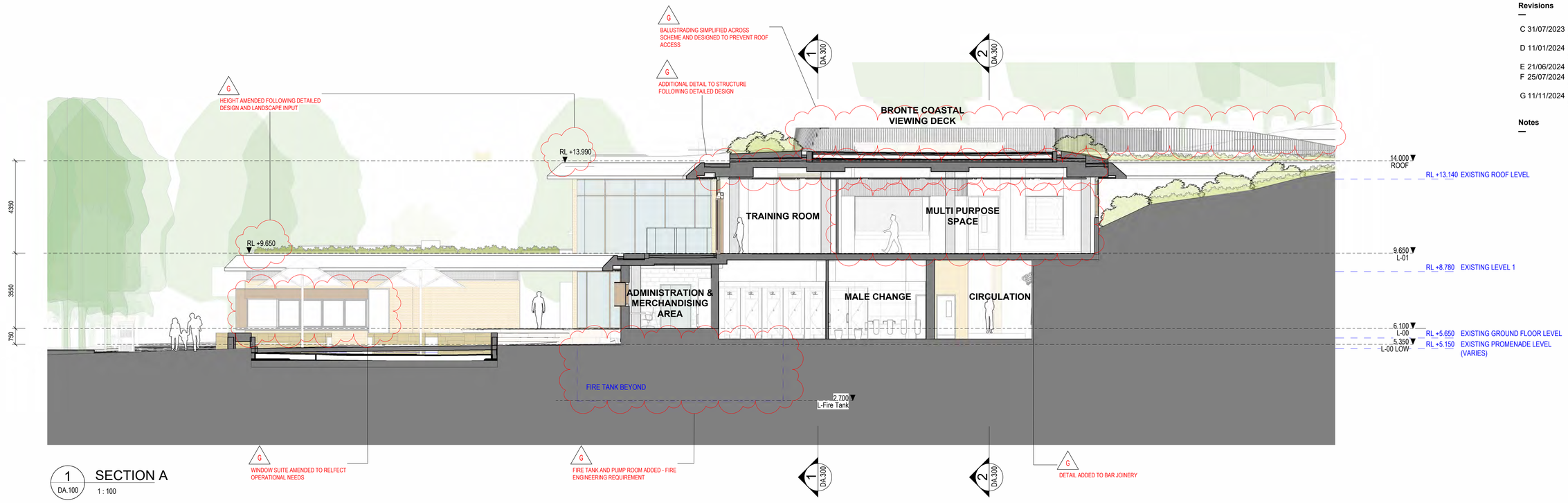
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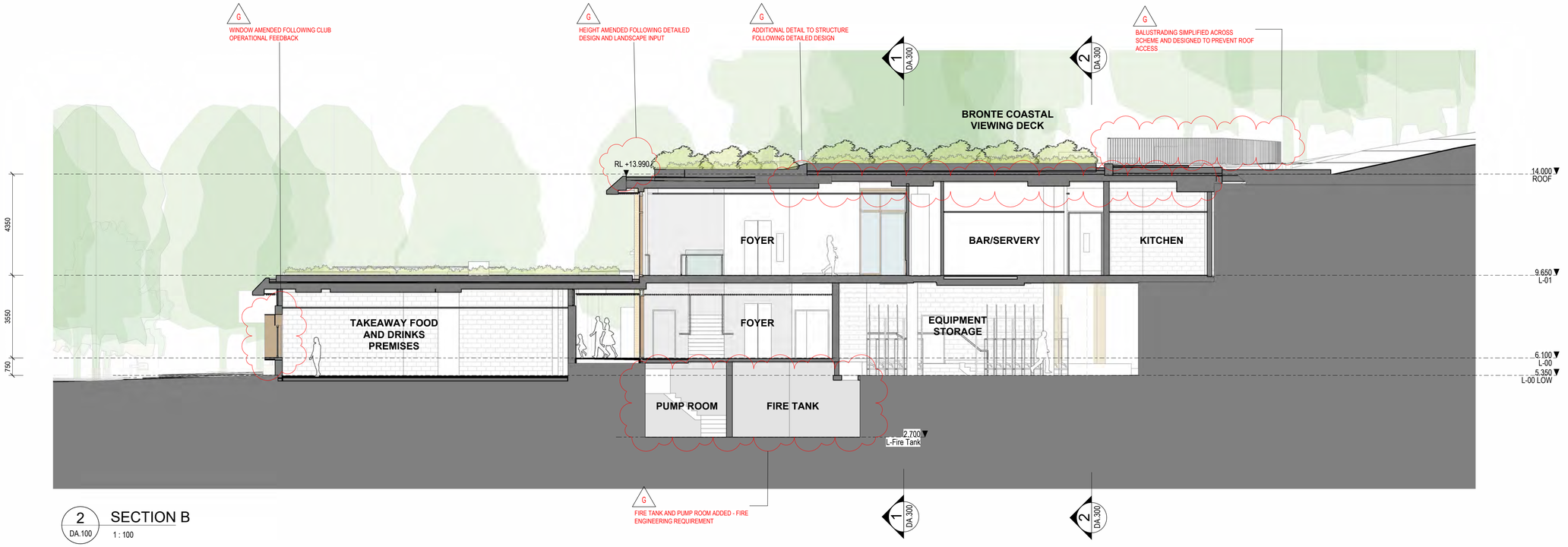
Revisions

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Notes



1 DA.100 SECTION A
1 : 100



2 DA.100 SECTION B
1 : 100

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Application No: DA-455/2022/A
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Project Title

Bronte Surf Life Saving Club

Bronte Beach, Bronte Road, Bronte NSW 2024

Drawing Title

SECTIONS A & B

Drawing Status

DEVELOPMENT APPLICATION

Drawing Details

Scale	1 : 100@ A1
Date	11/11/2024
Job No	10155
Drawn	WM
Checked	WM

Drawing No DA.301 **Revision** G

WARREN AND MAHONEY

OCULUS

DRAWING SCHEDULE_S4.55 DA

Sheet Number	Sheet Name	Current Revision Date	Current Revision	Drawing Series
L000				
000	COVER SHEET	12.11.24	4	L000
001	LEGEND SHEET	12.11.24	4	L000
002	MATERIALS PALETTE	12.11.24	4	L000
003	PLANTING SCHEDULE	02.08.24	3	L000
004	SITE PLAN	12.11.24	4	L000
L200				
200	GENERAL ARRANGEMENT GROUND FLOOR	12.11.24	4	L200
202	GENERAL ARRANGEMENT ROOF	12.11.24	4	L200
L500				
500	PLANTING SITE PLAN	12.11.24	4	L500

1



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ISSUE	DATE	AMENDMENT	DRN	APRVD
1	28.07.23	DEVELOPMENT APPLICATION	GH	TC
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3	02.08.24	S4.55	GH/GF	KS
4	12.11.24	UPDATED S4.55	GH	KS

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PROJECT
BRONTE SURF LIFE SAVING CLUB
BRONTE BEACH, BRONTE NSW

CLIENT
BRONTE SURF LIFE
SAVING CLUB

ARCHITECT
WARREN AND MAHONEY

STATUS
S4.55 DEVELOPMENT APPLICATION

DRAWING TITLE
COVER SHEET

PROJECT Nº
S23-011

SHEET SIZE
A1

DRAWING Nº
000

ISSUE
4

GRADING

- EX 0.000 — EXISTING LEVEL
- RL 0.000 — RELATIVE LEVEL
- BoS 0.000 — BOTTOM OF STAIR LEVEL
- ToS 0.000 — TOP OF STAIR LEVEL
- TS 0.000 — TOP OF SEAT LEVEL
- TW 0.000 — TOP OF WALL LEVEL
- 1:8 — SURFACE GRADING

SURFACE FINISHES

- PV01A — PAVING TYPE 01A LIGHT BLAST INSITU CONCRETE PAVING ON GRADE
- PV01B — PAVING TYPE 01B HEAVY BLAST INSITU CONCRETE PAVING ON GRADE
- PV02 — PAVING TYPE 02 STONE PAVING WITH GROUNDCOVERS AT GRADE
- PV03 — PAVING TYPE 03 BALLAST ON STRUCTURE
- PV06 — PAVING TYPE 06 STONE PAVING WITH GROUNDCOVERS ON STRUCTURE
- PV07 — PAVING TYPE 07 SANDSTONE BALLAST ON STRUCTURE
- PV08 — PAVING TYPE 08 BALLAST ON STRUCTURE WITH INSULATION LAYER

WALLS

- WA01 — WALL TYPE 01 BRICK WALL
- WA04 — WALL TYPE 04 BRICK CLAD BLOCKWORK WALL

FURNITURE

- FN01 — FURNITURE TYPE 01 SANDSTONE PLATFORM
- FN02 — FURNITURE TYPE 02 BICYCLE RACK
- FN03 — FURNITURE TYPE 03 TIMBER SEAT
- FN04 — FURNITURE TYPE 04
- FN05 — FURNITURE TYPE 05 SANDSTONE AMPHITHEATRE
- FN06 — FURNITURE TYPE 06 BEACH WHEELCHAIR LOCKER
- FN07 — FURNITURE TYPE 07 BIN ENCLOSURE
- FN08 — FURNITURE TYPE 08 DDA COMPLIANT TIMBER SEAT ON SANDSTONE PLATFORM
- FN09 — FURNITURE TYPE 09 FLAG POLE
- FN11 — FURNITURE TYPE 11 DIAMOND SAWN SANDSTONE BENCH SEAT

4

STAIRS + TERRACES

- ST01 — STAIR TYPE 01 INSITU CONCRETE STAIR
- TC01 — TERRACE TYPE 01 SANDSTONE TERRACE
- TC02 — TERRACE TYPE 02 INSITU CONCRETE TERRACE

SOFT LANDSCAPE

- PL01 — PLANTING TYPE 01 PLANTING AT GRADE
- PL02 — PLANTING TYPE 02 SWALE PLANTING AT GRADE
- PL03 — PLANTING TYPE 03 ROOF LEVEL GREEN ROOF PLANTING
- PL04 — PLANTING TYPE 04 AMENITIES BUILDING GREEN ROOF PLANTING
- PL05 — PLANTING TYPE 05 PLANTING ON STRUCTURE WITH VOID FORMER
- TF01 — TURF TYPE 01 TURF ON GRADE
- TF02 — TURF TYPE 02 TURF ON STRUCTURE

TREES

- EX01 — EXISTING TREE TO BE RETAINED
- TR01 — TREE TYPE 01 PROPOSED TREE IN PLANTING AT GRADE
- TR02 — TREE TYPE 02 PROPOSED TREE IN TURF AT GRADE
- TR03 — TREE TYPE 03 PROPOSED TREE IN SWALE AT GRADE
- TR04 — TREE TYPE 04 PROPOSED TREE IN TREE GRATE AT GRADE
- TR05 — TREE TYPE 05 PROPOSED TREE ON STRUCTURE WITH VOID FORMER

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Application No: DA-455/2022/A1

Date Received: 14/11/2024

AMENDED PLANS

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PROJECT
BRONTE SURF LIFE SAVING CLUB
BRONTE BEACH, BRONTE NSW

CLIENT
BRONTE SURF LIFE SAVING CLUB

ARCHITECT
WARREN AND MAHONEY

STATUS
S4.55 DEVELOPMENT APPLICATION

DRAWING TITLE
LEGEND SHEET

PROJECT Nº S23-011
SHEET SIZE A1
DRAWING Nº 001
ISSUE 4

2.5 Material and Furniture Palette

PV01 - Insitu Concrete Paving with Blasting Pattern



PV02 / PV06 - Stone Paving with Groundcovers



PV03 / PV08 - Ballast on Structure



PV07 - Sandstone Ballast on Structure



WA01 / WA04 - Brick Wall



WA02 - Diamond Sawn Sandstone Wall



FN01 / FN05 - Sandstone Platform/Amphitheatre



FN02 - Bicycle Rail



FN03 - Timber Seat



FN04 - Drinking Fountain



FN06 - Beach Wheelchair Locker



FN07 - Bin Enclosure



FN08 - Timber Seat on Sandstone Platform



FN09 - Flag Pole



ST01 - Insitu Concrete Stair



TC01 - Sandstone Terrace



TC02 - Insitu Concrete Terrace



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BRONTE BEACH, BRONTE NSW

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BRONTE SURF LIFE SAVING CLUB

ARCHITECT
WARREN AND MAHONEY

STATUS
S4.55 DEVELOPMENT APPLICATION

DRAWING TITLE
MATERIALS PALETTE

PROJECT Nº
S23-011

SHEET SIZE
A1

DRAWING Nº
002

ISSUE
4

Autodesk Docs://OC_Bronte SLSC/OC_LA_BRONTESLSC_R23.rvt

Indicative Planting Palette

Code	Botanical Name	Common Name	Mature size (hxw)	Cont. Size	Condition	Quantity	Qty
	TREES						
AH	Araucaria heterophylla	Norfolk Island Pine	18m x 6m	200L	Full sun	As shown	2
BI	Banksia integrifolia	Coast Banksia	15m x 6m	200L	Full sun	As shown	11
BS	Banksia serrata	Old Man Banksia	12m x 4m	200L	Full sun	As shown	5
CE	Casuarina equisetifolia	Coastal She-Oak	12m x 8m	200L	Full sun	As shown	7
	MASS PLANTS						
Atnu	Atriplex nummularia	Old Man Saltbush	3.0m x 2.0m	140mm	Full sun	2/m²	55
Baim	Baeckea imbricata	Heath Myrtle	1m x 1m	140mm	Full sun	3/m²	129
BaRC	Banksia integrifolia 'Roller coaster'	Prostrate Banksia	0.4m x 1m	140mm	Full sun	4/m²	5649
Cagl	Carpobrutus glaucescens	Pig Face	0.2m x 1m	75mm	Full sun	4/m²	527
Cain	Carex inversa	Knob Sedge	0.6m x 0.4m	140mm	Full sun	6/m²	754
Coal	Correa alba	White Correa	1m x 1m	200mm	Part shade to full sun	3/m²	173
Chap	Chrysocephalum apiculatum	Yellow Buttons	0.3m x 0.8m	140mm	Part shade to full sun	4/m²	234
Einu	Einadia nutans	Nodding Saltbush	0.6m x 0.6m	140mm	Full sun	5/m²	43
Fino	Ficinia nodosa	Knobby Club Rush	0.8m x 0.6m	140mm	Part shade	5/m²	649
Hisc	Hibbertia scandens	Golden Guinea-flower	0.5m x 1.5m	140mm	Full sun	4/m²	489
Jukr	Juncus krausii	Sea Rush	0.8m x 0.5m	140mm	Full sun	5/m²	335
Lolo	Lomandra longifolia	Matt Rush	1m x 0.6m	140mm	Full sun to part shade	5/m²	420
LoIN	Lomandra Nyalla	Lomandra Nyalla	0.8m x 0.8m	140mm	Full sun	4/m²	258
Mypa	Myoporum parvifolium	Creeping Boobialla	0.1m x 1m	75mm	Full sun	4/m²	703
Peau	Pelargonium australe	Native Storksbill	0.5m x 0.7m	140mm	Full sun	4/m²	370
Popo	Poa poiformis	Coast Tussock Grass	0.6m x 0.6m	140mm	Full sun	5/m²	190
Saqu	Sarcocornia quinqueflora	Samphire	0.5m x 0.5m	140mm	Full sun	5/m²	447
Scca	Scaevola calendulacea	Dune Fan Flower	0.4m x 0.8m	75mm	Full sun	4/m²	977
Suau	Suaeda australis	Seablite	0.5m x 0.5m	140mm	Full sun	5/m²	49
Tham	Themeda australis	Coastal Kangaroo Grass	0.3m x 0.6m	75mm	Full sun	5/m²	630
Wefr	Westringia fruticosa	Coastal Rosemary	2.0m x 2.0m	200mm	Full sun	3/m²	50
WeGB	Westringia fruticosa 'Grey Box'	Coastal Rosemary	0.4m x 0.4m	200mm	Full sun	6/m²	364
					Total area	1,936m²	8496

Trees



Low Shrubs



Swale



Grasses and Groundcovers



Grasses and Groundcovers



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Canberra - Ngunnawal Country

PROJECT
BRONTE SURF LIFE SAVING CLUB
BRONTE BEACH, BRONTE NSW

CLIENT
BRONTE SURF LIFE SAVING CLUB

ARCHITECT
WARREN AND MAHONEY

STATUS
S4.55 DEVELOPMENT APPLICATION

DRAWING TITLE
PLANTING SCHEDULE

PROJECT Nº
S23-011

SHEET SIZE
A1

DRAWING Nº
003

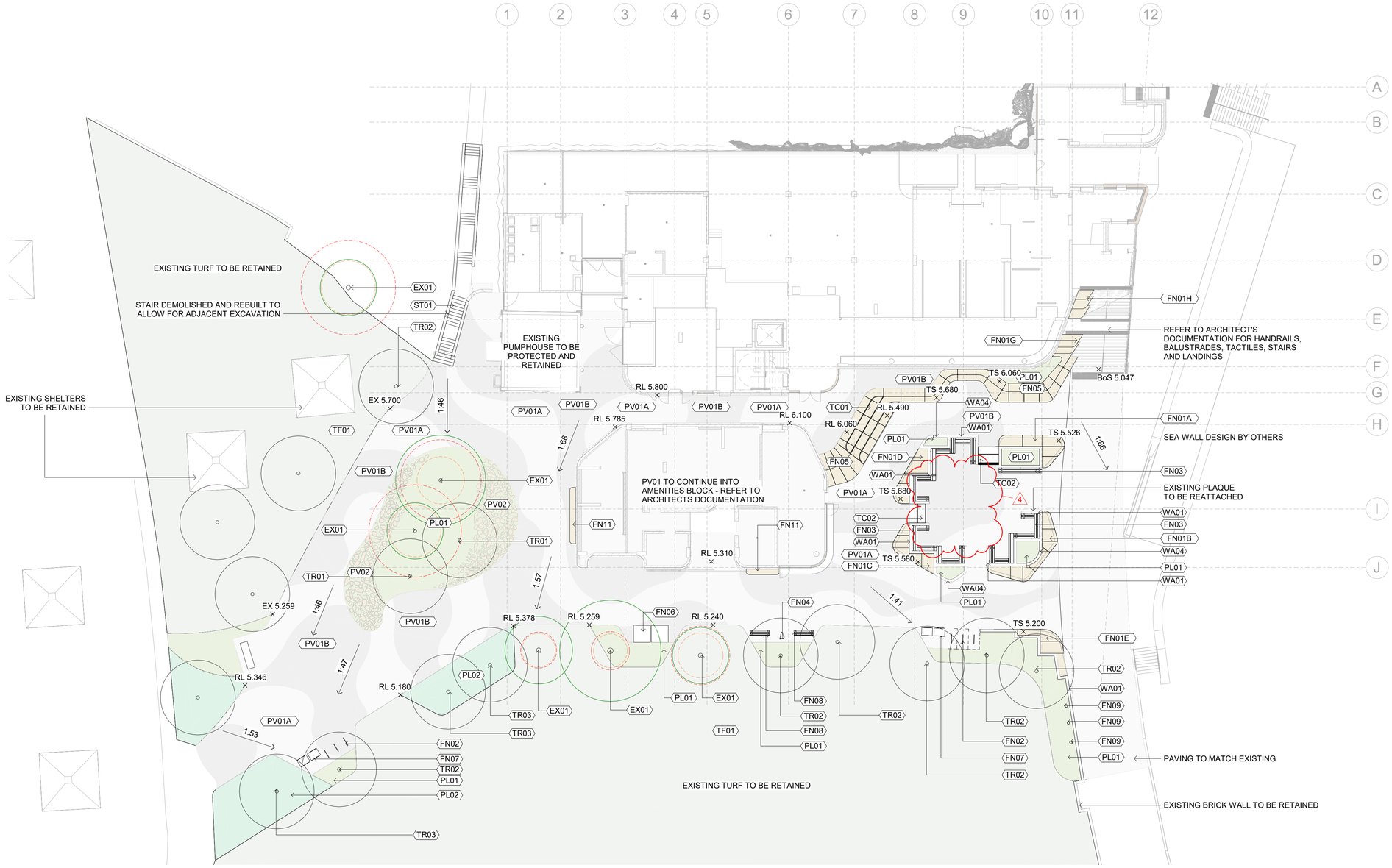
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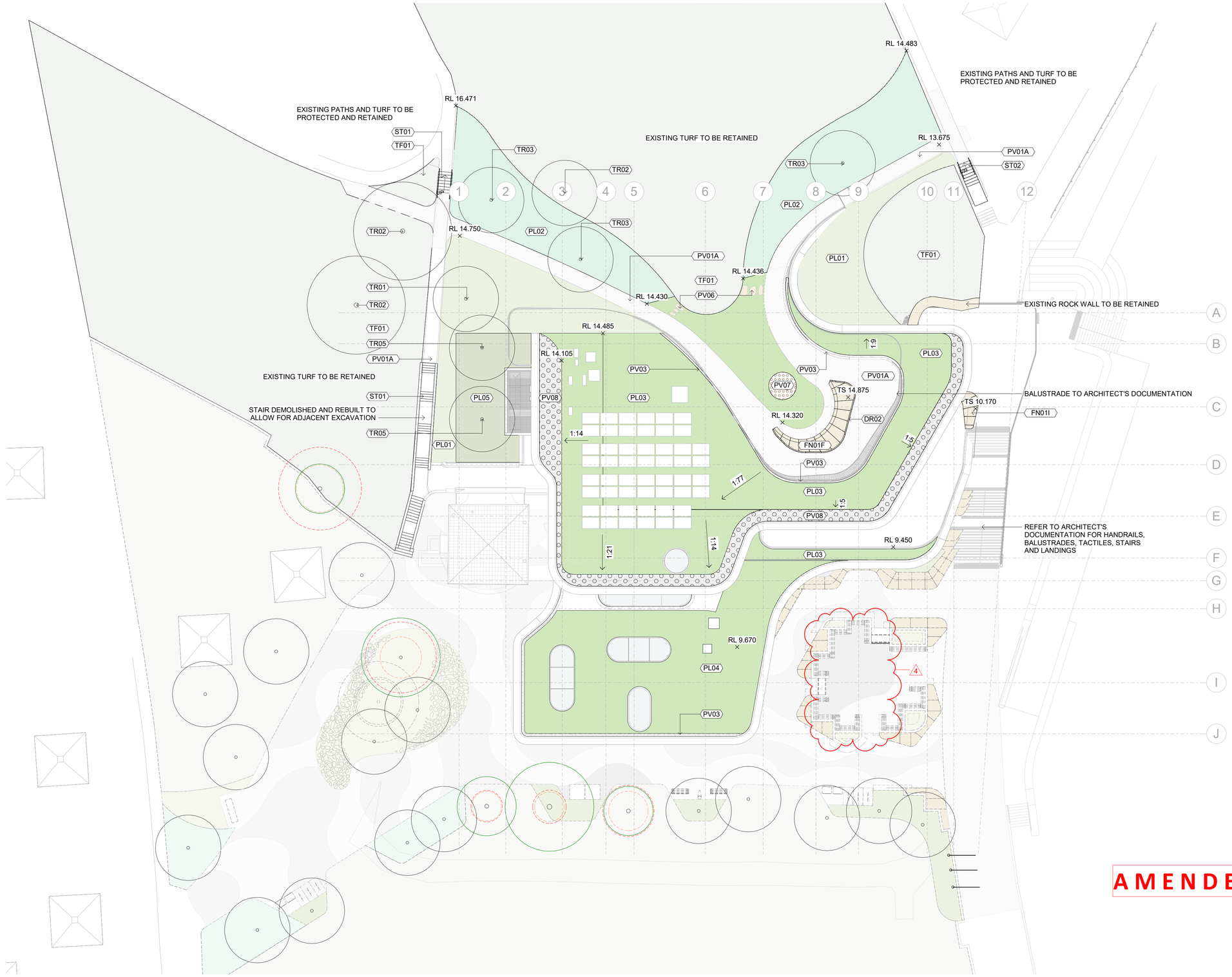
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DRAWING TITLE
GENERAL ARRANGEMENT GROUND FLOOR

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BRONTE BEACH, BRONTE NSW

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DRAWING TITLE
GENERAL ARRANGEMENT ROOF

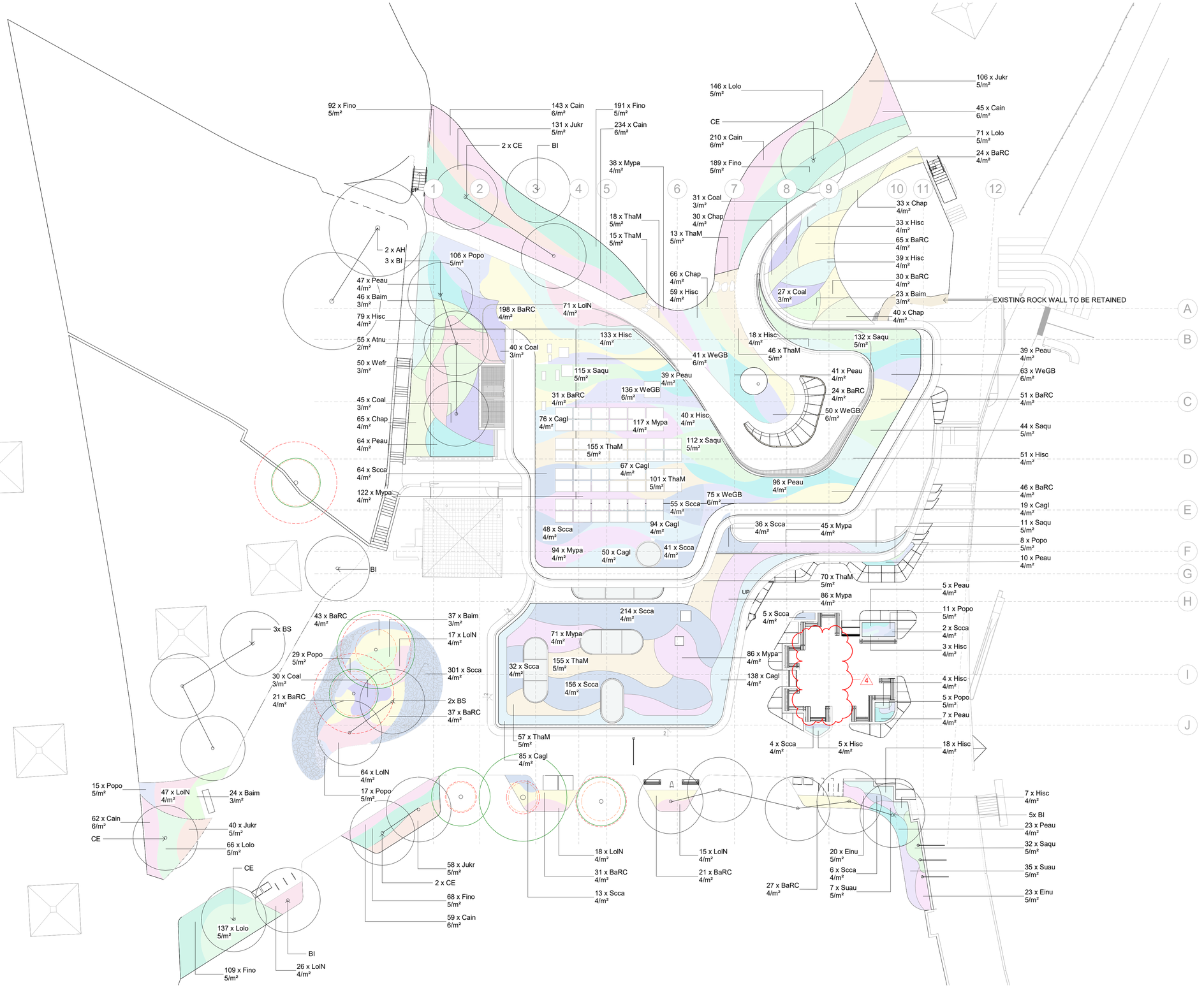
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S23-011

SHEET SIZE
A1

DRAWING Nº
202

ISSUE
4

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LEGEND

- Atriplex nummularia
- Baeckea imbricata
- Banksia integrifolia 'Roller Coaster'
- Carex inversa
- Carpobrotus glaucescens
- Chrysocephalum apiculatum
- Correa alba
- Einadia nutans
- Ficinia nodosa
- Hibbertia scandens
- Juncus kraussii
- Lomandra longifolia
- Lomandra longifolia 'Nyalla'
- Myoporum parvifolium
- Pelargonium australe
- Poa poiformis
- Sarcocornia quinqueflora
- Scaevola calendulacea
- Suaeda australis
- Themeda australis (coastal)
- Westringia fruticosa
- Westringia fruticosa 'Grey Box'

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NORTH POINT

DRAWING TITLE
PLANTING SITE PLAN

PROJECT Nº
S23-011

SHEET SIZE
A1

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Bronte Surf Life Saving Club DA Report

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Date of Issue
12 November 2024

Prepared for
Bronte Surf Life Saving Club

We acknowledge the Gadigal and Bidgigal people of the Eora Nation as the Traditional Custodians of this place.

We honour Elders past and present, whose profound knowledge systems can teach us much about how we design and care for Country.

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Rev	Issue	Date	By	Checked
A	DEAP	28.06.23	Tessa Colclough, Georgia Hopkins	Keith Stead
B	Draft DA Report	14.07.2023	Tessa Colclough, Georgia Hopkins, J'aime McGuire	Keith Stead
C	Final Draft DA Report	21.07.2023	Tessa Colclough, Georgia Hopkins, J'aime McGuire	Keith Stead
D	DA Report	28.07.2023	Tessa Colclough, Georgia Hopkins, J'aime McGuire	Keith Stead
E	Draft S4.55	19.07.2024	Georgia Hopkins, Gareth Feng	Keith Stead
F	S4.55	02.08.2024	Georgia Hopkins, Gareth Feng	Keith Stead
G	S4.55	12.11.2024	Georgia Hopkins	Keith Stead

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1.0 Context

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1.1 Introduction

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Bronte sits on Gadigal and Bidjigal Country, exhibiting a landscape that has changed over time, cared for by Traditional Owners since the beginning of the Dreaming, then occupied by early European colonists. The story of water permeates through this landscape: it starts high in the gully hillside with a waterfall still flowing, down to the beach front across an open grassy plain. Bronte's creek has been filled in and banks covered, with vegetation vastly removed with various gardens planted over time to support it's community. Today, Bronte is a much loved Sydney park and beach, with enormous community love and use. The Surf Life Saving Club engages with it's people and the beach to provide a safe space for all who visit.

The purpose of this report is to support the amended Development Application for the Bronte Surf Life Saving Club redevelopment. The project's vision is:

"The renewed Bronte SLS Community Facilities wil provide a harmonious relationship between built form and landscape that completes the headland and enables a safe and meaningful experience of place for the community, whether they are visiting the beach, park or coastal walk"

Our landscape response has been articulated in a story layering the site analysis, a Connection to Country approach and design principles that unfolds to provide the basis of a responsive landscape concept. It works with the architecture which seeks to complete the headland, and sensitively integrate soft and hard elements to generate a symbiotic relationship between the new and old public landscape at Bronte.

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1.2 Project history and considerations

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Background

The proposal for the Bronte Surf Life Saving Club and Community Facility is an amended application in response to the Design Excellence Advisory Panel (DEAP) reviews and planning deferral letters. The proposal replaces the existing building constructed in 1974 that has reached the end of its useable life with a contemporary facility in the same location for Waverley Council Lifeguards, Council Park maintenance staff, Bronte SLSC (Surf Life Saving Club) and upgrade the existing public kiosk and amenities to provide accessible and family change facilities.

We understand the Bronte Surf Live Saving Club has undertaken two prior architectural designs by Chrofi and Arcanary that have reached Development Application phase and have reviewed in detail. A number of comments associated with the designs have been shared to inform and improve the outcome in our scheme presented in association with Warren and Mahony Architects.

Design statement

This report demonstrates the landscape and public realm design response is considerate of heritage, Country, place value, landscape and the environment. The process undertaken included site visits, analysis and research, Connection to Country workshops, design team workshops and stakeholder consultation. The design story is articulated through this document, with key issues addressed from the previous schemes summarised in the follwoing text, and the design response illustrated through this report.

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Key design considerations













Connection to County

The design will demonstrate a meaningful Connection to Country approach, informed by Greenshoot Consulting and Greenaway Architects. The landscape design takes a sensitive approach in integrating a new public domain with the existing Bronte landscape, and will incorporate water elements in recognition of its prominence and history at this site.

Sustainability and Resilience

The design aims to use local and sustainable materials, such as low carbon concrete and hard wearing stone. Due to the harsh coastal climatic conditions that are experienced at times, the landscape response will help manage stormwater through implementing WSUD, utilise resilient planting and hard-wearing furniture elements.

Accessibility and Connectivity

The design will provide all-abilities and all-ages access to the amenities and beach, promoting comfortable circulation for different user needs from boardriders to park-goers. The service road will accommodate for shared uses, and support connection to broader park facilities.

Visual Impact and Setting

The design will manage bulk and scale through integrating with the existing sandstone landform and surrounding landscape. The building design has been informed by the parkland setting, with natural elements drawn through the public realm and connecting in with the built form.

Planting, Tree Management and Protection

The design will protect existing trees where possible, and integrate them in broader landscape response, including providing additional trees to enhance the parklands setting. The design will contribute to biodiversity and vegetation protection through the re-introduction of endemic species from the Eastern Suburbs Banksia Scrub, an endangered plant community. All planting will be native or/and endemic, with increased canopy cover provided to mitigate trees removed in construction.

Plaza Design

The design will seek to sensitively refurbish the valued community asset known as 'the cubes', to improve its usability and climatic responsiveness. Shade will be addressed through increased greening. Seating will be increased to create a more comfortable public space.

1.3 Site history

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History of the broader Bronte site has been investigated with the following key points considered:

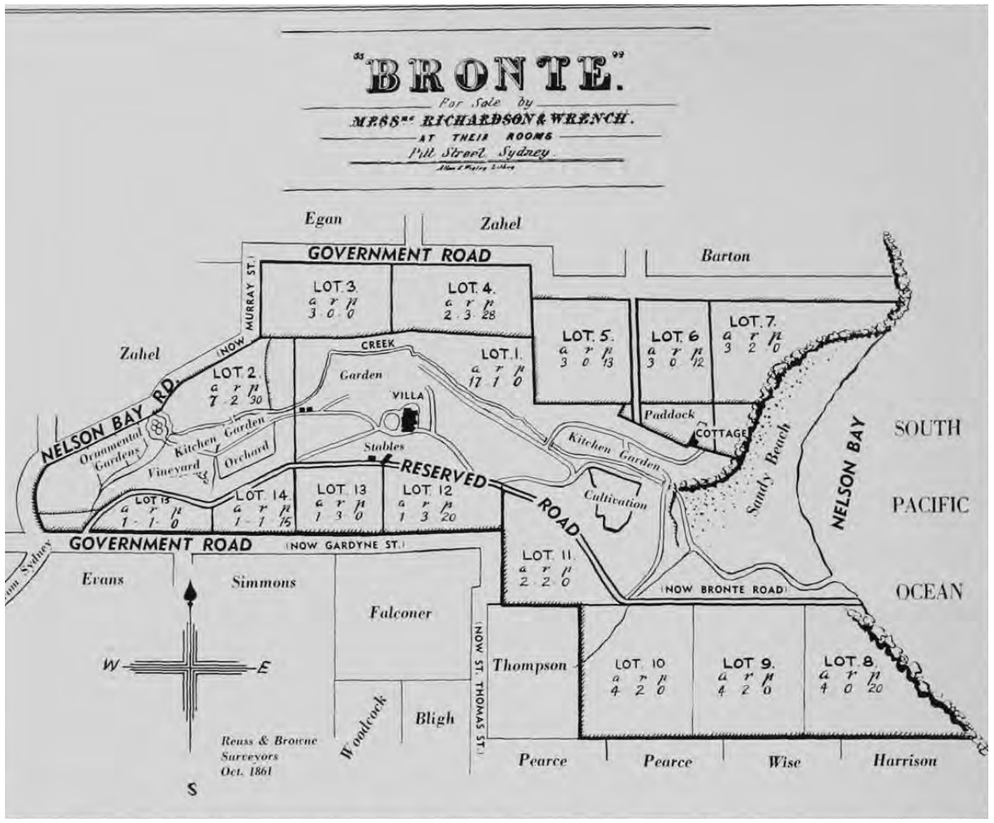
+ The SLSC site is on Gadigal and Bidjigal Country
+ Bronte gully was likely an attractive campsite location for Aboriginal people due to the presence of watercourses, such as the creek
+ Colonists arrived and cleared land and filled in the creek from the 19th century
+ The Surf Life Saving club was established circa 1903

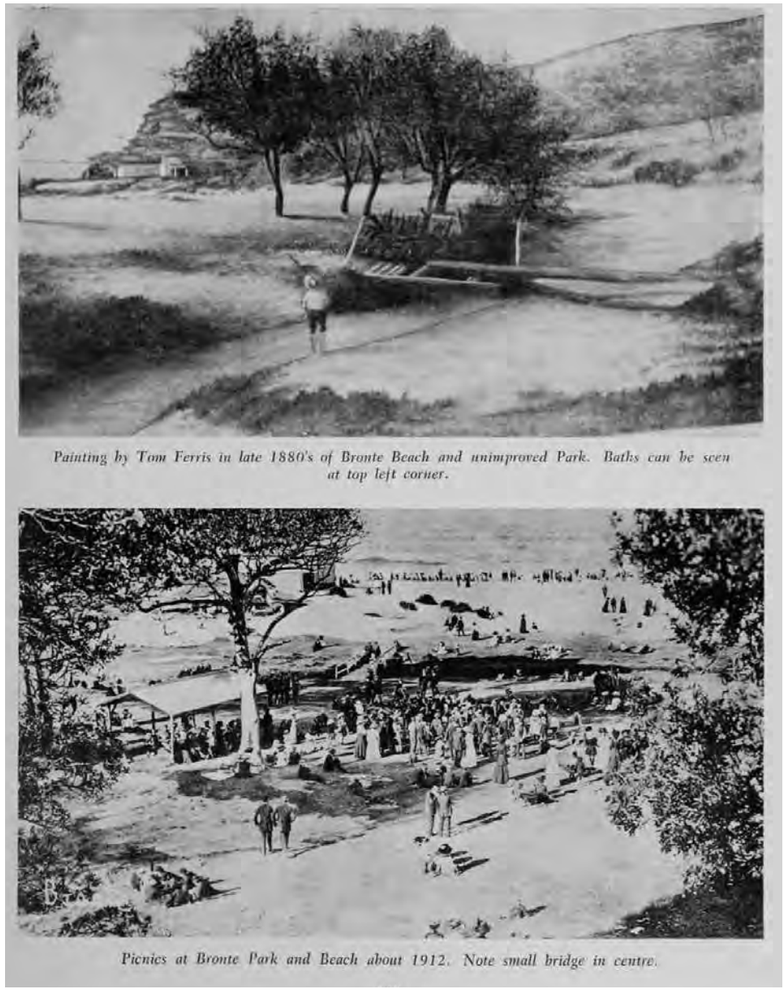
Extensive historical and cultural research and analysis has been undertaken by Greenshoot Consulting, as well as Designing with Country workshops attended by the full project team to deepen our appreciation and inform our Designing with Country approach.

Greenshoot Consulting's work has revealed the significance of the Bronte landscape to sustain Aboriginal and Torres Strait Islander people's cultural practice and way of living, as well as protect and care for the flora and fauna. There is evidence within close proximity of the site that the area was utilised for food, resources, shelter, and cultural gatherings and activities.

In recognising the vast change in this landscape over time, and our desire to undertake truth telling and reconciliation, an opportunity for Indigenous place-making is presented at Bronte.

Consultation with local Aboriginal and Torres Strait Islander people with close connections to the site will be undertaken to ensure First Nations voices are at the forefront of the Designing with Country approach. Informed by the work led by Greenshoot Consulting and consultations to be undertaken, a culturally responsive design can be uncovered through this project.





Painting by Tom Ferris in late 1880's of Bronte Beach and unimproved Park. Baths can be seen at top left corner.

Picnics at Bronte Park and Beach about 1912. Note small bridge in centre.

Source: Aboriginal Cultural Heritage Study, Waverley Local Government Area Report 2009

"...during the 1870s the previously mentioned [freshwater] creek flowing down to Bronte Beach was described as a free-flowing clear and fresh watercourse. From 1917 the creek and beach was progressively filled, levelled and grassed following the construction of the sea wall"...

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1.4 Contextual analysis

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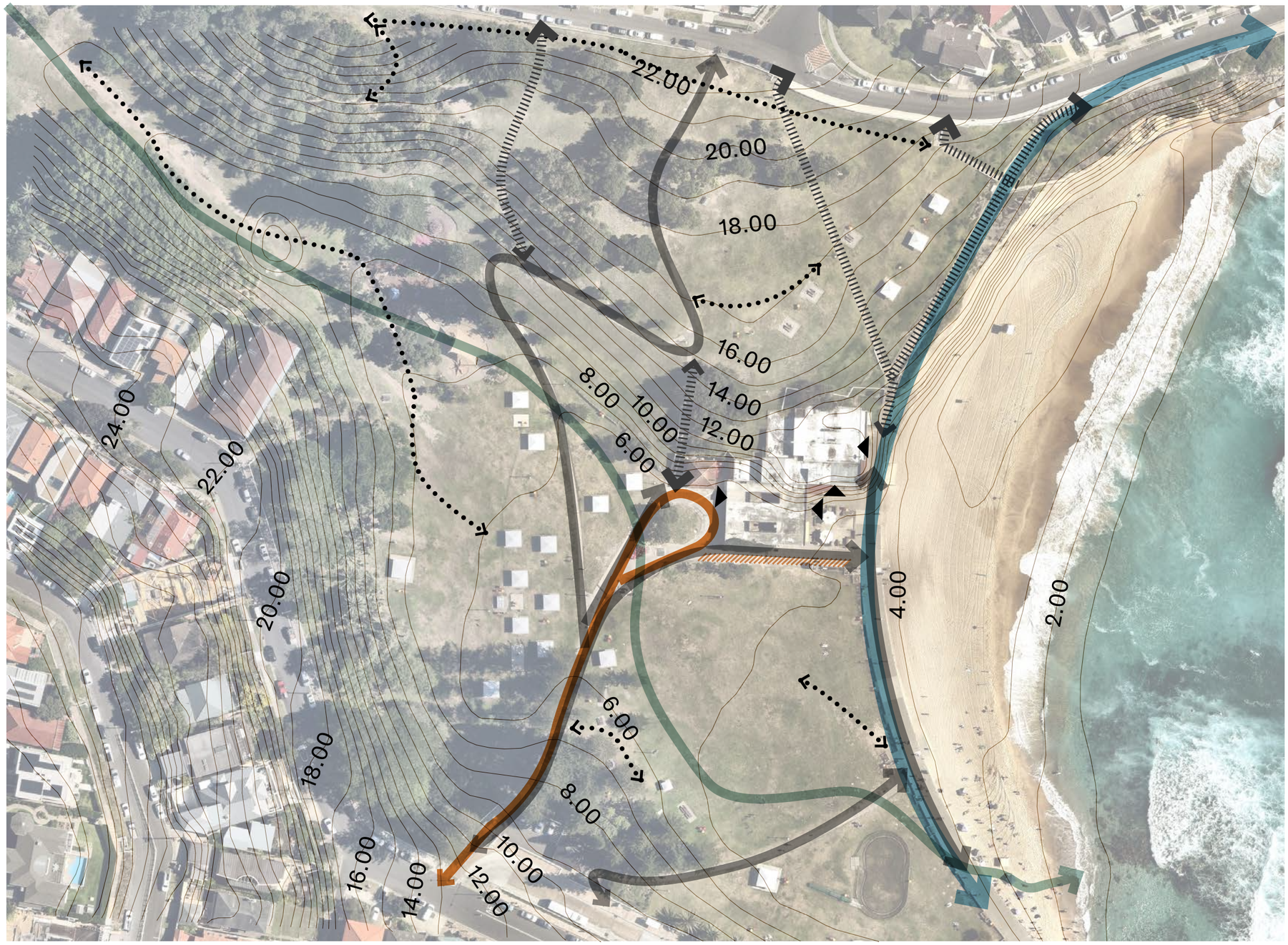
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Access

To inform our design approach, we have undertaken a contextual analysis to understand the broader requirements of the SLSC site, its relationship to the surrounding land, water and people. Key findings upon reviewing the accessibility of the site include:

+ There is a comfortable path to the south of the open lawn to access the promenade and thus the SLSC
+ The vehicular movement along the direct central path conflicts with people movement
+ Service vehicles often park on the lawn west of the turning circle near the SLSC
+ There is a popular informal walking trail heading north-west into the gully and connects to the centre of Bronte park
+ Access to the SLSC amenities is obscure
+ There is challenging access for those requiring aid to travel north along the Bondi to Bronte trail



Legend

- Paths with stairs
- Paths without stairs
- Vehicular access (services and emergency only)
- Emergency vehicular access to beach
- Bondi to Bronte scenic walk
- Informal walking trails (desire lines)
- Historic Creekline
- SLSC access

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Views

Views and vistas around Bronte are a culturally and socially important aspect of its value to community. The views compiled are taken from the perspective of a walkers experience moving from north to south across the Bronte headland and down to the gully lawn, over to the shops. In undertaking this review, key findings include:

+ There are many opportunities for views of the ocean from many areas across the park
+ Views are expansive on the top of the headland
+ Views from the gully to the beach of the sand are largely obscured by the brick park wall along the promenade



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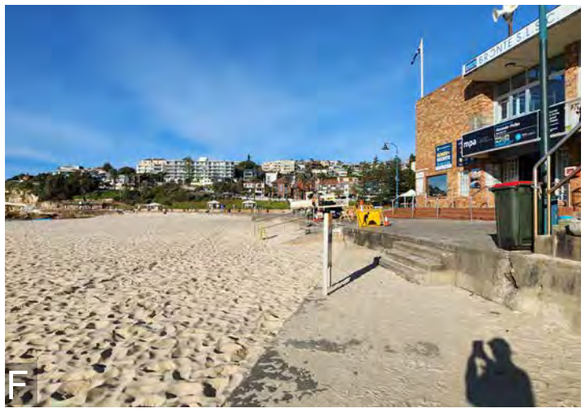

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Trees

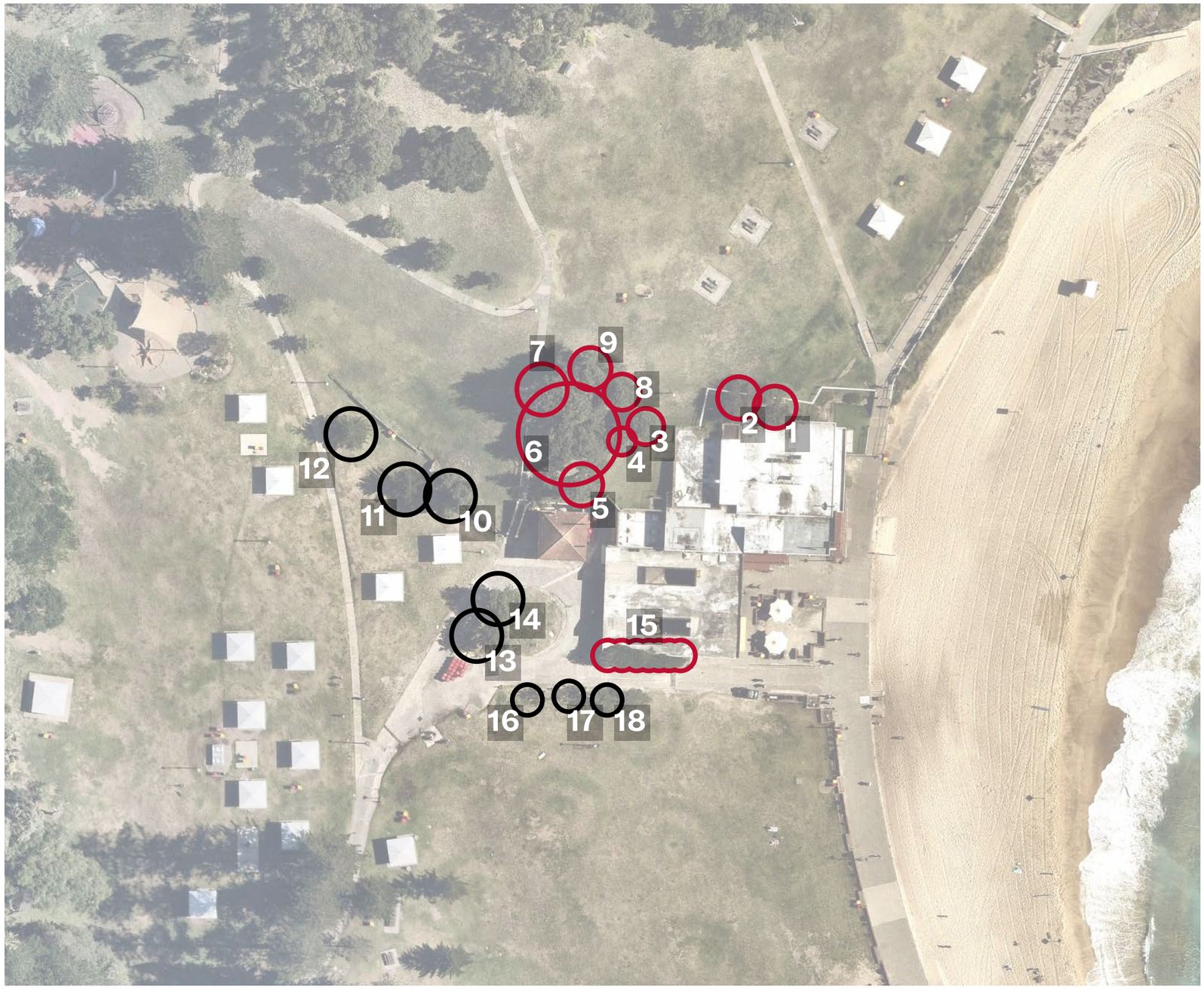
The trees on this site have been assessed by an Arborist for health and condition. Part of the design approach is to retain existing trees to reduce the visual and ecological impact of the development.

To be retained

To be removed - 9 trees and 8 shrubs
Note, 6 trees are considered to be poor or fair form

Tree Legend

I.D	SPECIES	HEALTH/FORM	
1	*Banksia integrifolia*	Fair/Fair	To be removed
2	*Banksia integrifolia*	Poor/Poor	To be removed
3	*Banksia integrifolia*	Good/Good	To be removed
4	*Banksia integrifolia*	Good/Fair	To be removed
5	*Banksia integrifolia*	Good/Fair	To be removed
6	*Banksia integrifolia*	Good/Good	To be removed
7	*Banksia integrifolia*	Good/Good	To be removed
8	*Banksia integrifolia*	Good/Fair	To be removed
9	*Araucaria heterophylla*	Good/Good	To be removed
10	*Banksia integrifolia*	Good/Fair	To be retained
11	*Araucaria heterophylla*	Good/Good	To be retained
12	*Araucaria heterophylla*	Good/Good	To be retained
13	*Banksia integrifolia*	Good/Good	To be retained
14	*Banksia integrifolia*	Good/Good	To be retained
15	Row of 8 shrubs	Fair/Fair	To be removed
16	*Banksia integrifolia*	Fair/Fair	To be retained
17	*Banksia integrifolia*	Good/Good	To be retained
18	*Banksia integrifolia*	Fair/Fair	To be retained

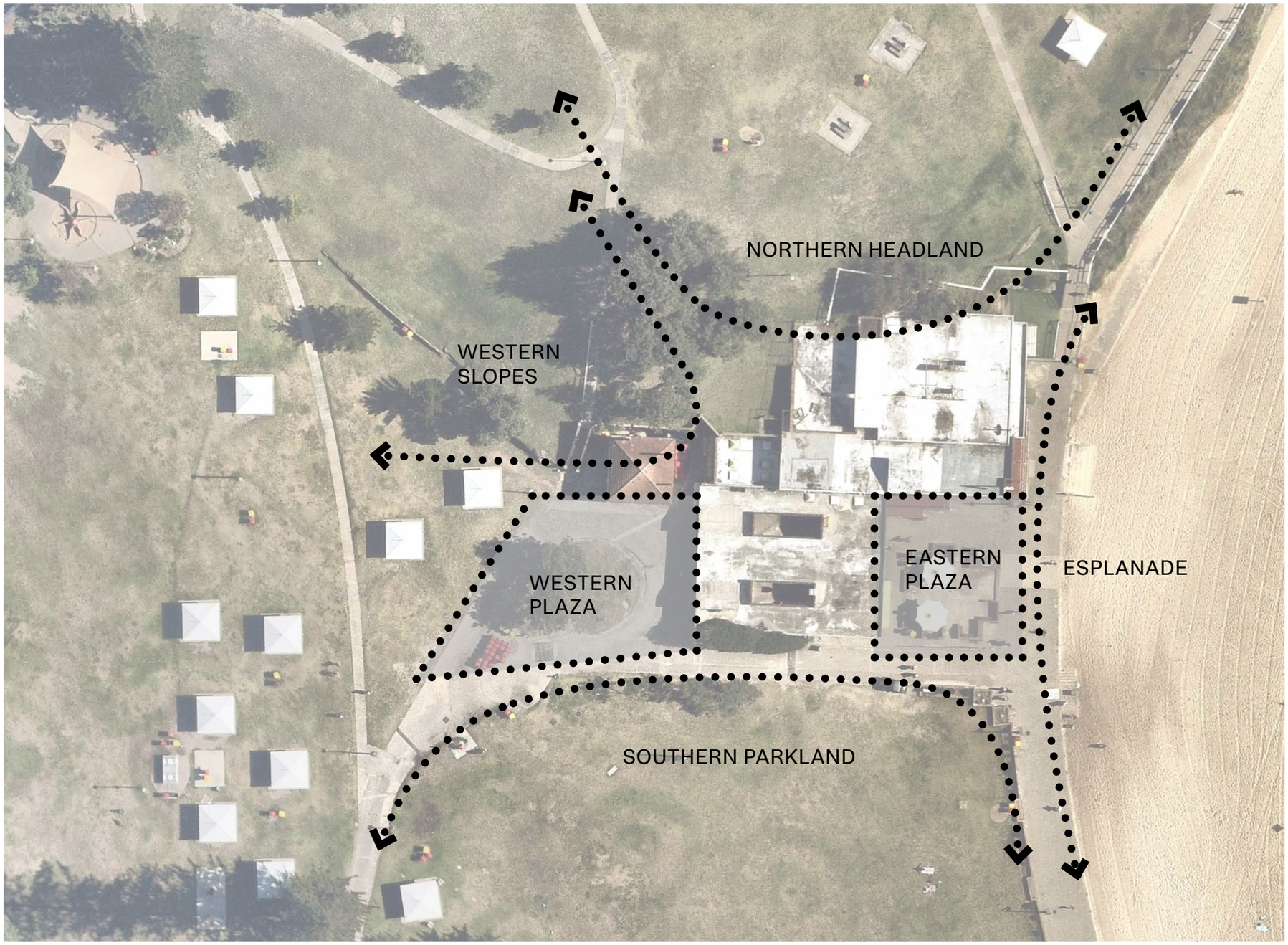


1.5 Existing landscape character zones

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There are six landscape character zones surrounding the SLSC at Bronte. These include the zones below which are described in more detail on the following pages.

+ Western slopes - landscape views, the gully
+ Northern headland - views and reflection
+ Eastern plaza - community and social interaction
+ Esplanade - walking, access, connections
+ Southern parkland - relaxing and gathering
+ Western plaza - arrival and service



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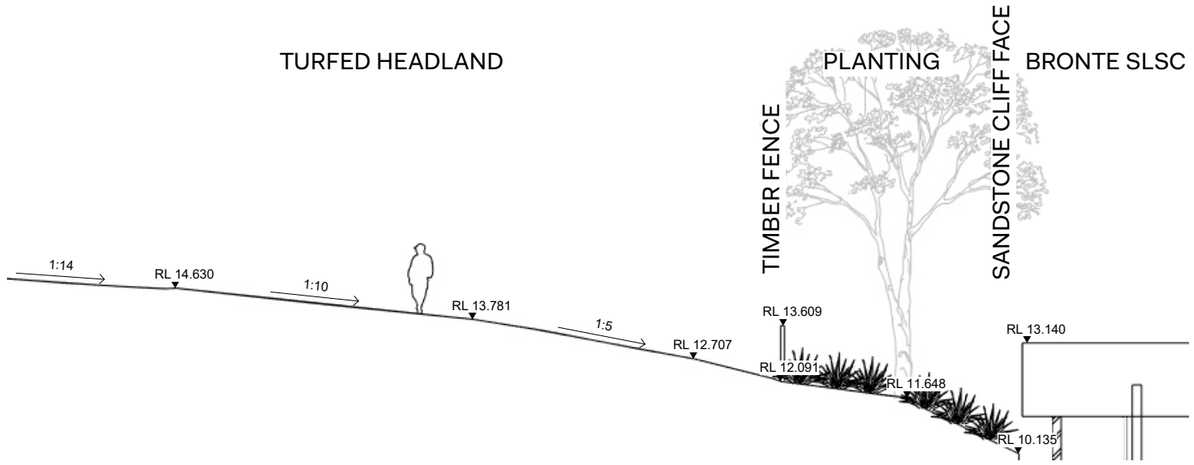
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Northern Headland

The Nothern Headland's at Bronte provide expansive views overlooking the Surf Life Saving Club towards the beach and into the gully. Steep topography makes the headlands challenging to access, with only a few in demand seating options and litte shelter aside from existing trees towards the Western end.

Northern Headlands are characterised by

+ Exposed open grass with little protection from the sun and coastal winds
+ Steep topography that falls from Bronte Marine Drive towards the Surf Life Saving Club, with pedestrian access routes containing multiple flights of stairs
+ 15 park seating settings located within the lawn space and not directly connected to path
+ Remnant Eastern Suburbs Banksia Scrub towards the West providing some shade cover
+ Sanstone rocks within the landscape





A. View from the Northern Headlands looking south towards the existing club house

B. Looking south-west towards the club house with existing vegetation in the background

C. North-west towards Bronte Marine Drive showing extablished tree planting







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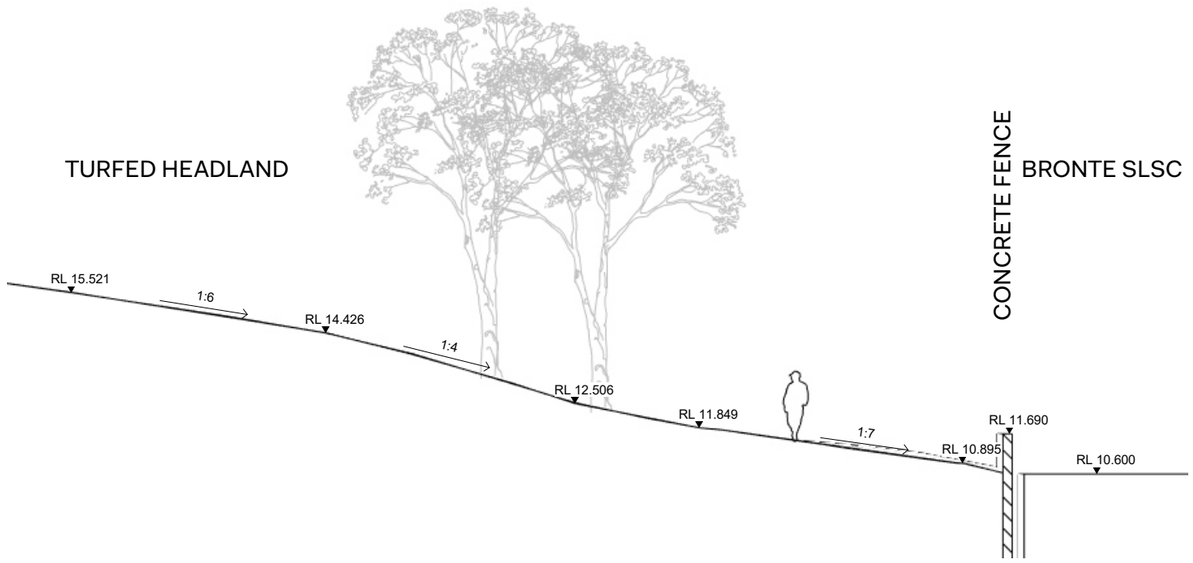
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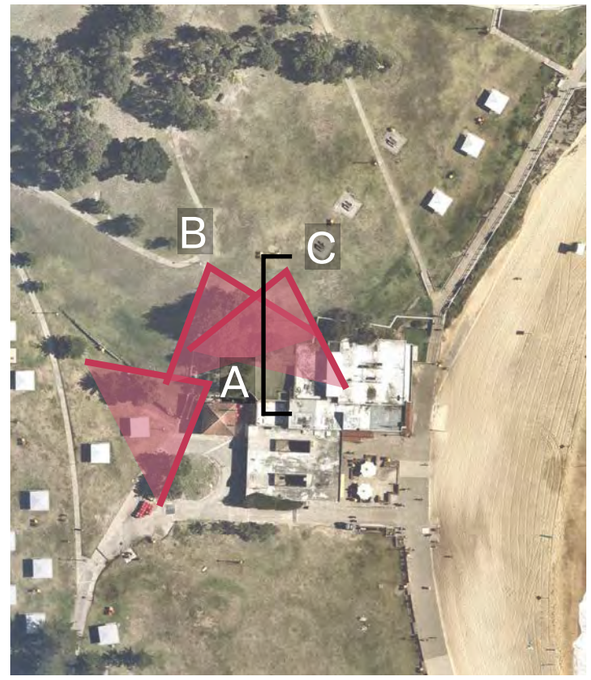
Western Slopes

The Western Slopes adjacent to the Bronte Surf Life Saving Club offer little in terms of recreational and public use, providing a steep connection via stairs to the back of the Pump House and Western Plaza. The top of the Slopes offer views towards the beach and pool with the foreground dominated by the industrial roof of the Surf Life Saving Club.

The Western Slopes are characterised by

+ Steep grass with a few scattered Banksias that provide some shade, however limit visibilty to the set of stairs
+ Concrete set of stairs that is built into the slope with a timber hand rail to one side create accessibility challenges
+ Limited lighting and a lack of visibility prevents much use of the area outside of daylight hours
+ Concrete walls prevent falls from the top of the slop to the Surf Life Saving Club however limit visibility





A. Looking South-West towards the gully with dense vegetation in the background

B. Views South-East showing the back of the surf life saving club and the Bronte Baths to the Southern end of the beach

C. Views South looking over the rooftop of the surf life saving club house showing existing Banksia planting







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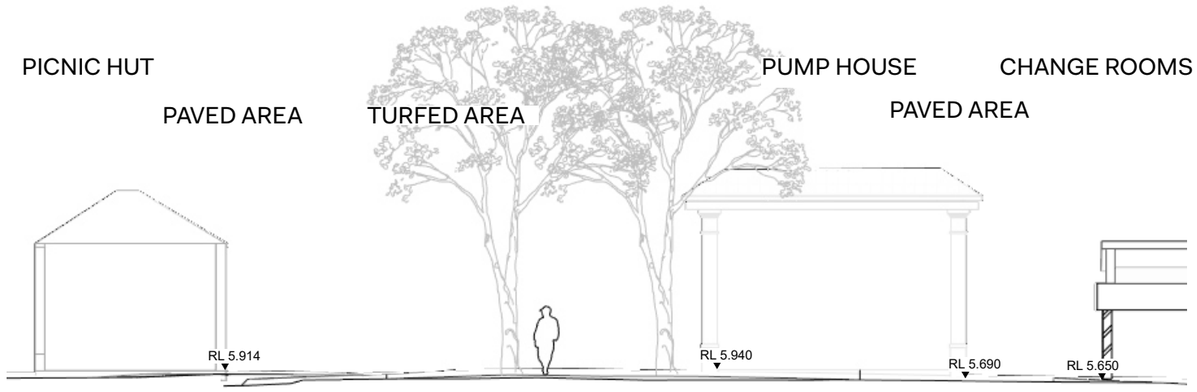
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Western Plaza

The Western Plaza fulfills the service requierments to the Surf Life Saving Club, providing vehicle access, bin storage and public amenities. The Plaza is constrained to the North and East sides with the built form and slope limiting access and views. Aside from the sloped topography to the North the Plaza is relatively open and flat, with limited vegetation.

Western Plaza is characterised by

+ Open grass areas scattered with picnic huts that provide seating and shetler
+ Existing Pump House Station that was constructed in 1927, now with a public art mural
+ Amenities facilities building connected to the Surf Life Saving Club
+ Bin storage and collection point with vehicular access





A. Looking West from the amenities building, showing few existing trees and vehicular access

B. View East towards the Surf Life Saving Club showing how the buil form fits into the topography of the Western Slopes

C. Looking North-West showing the Pump House, bin storage and amenities building, highlighting the lack of vegetation in the area







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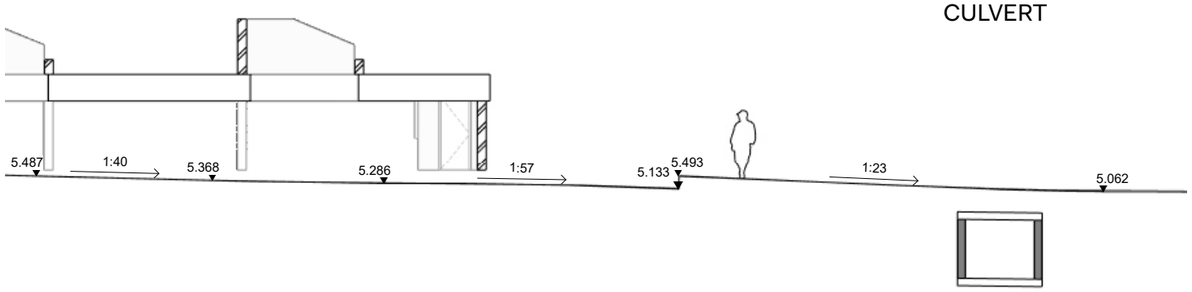
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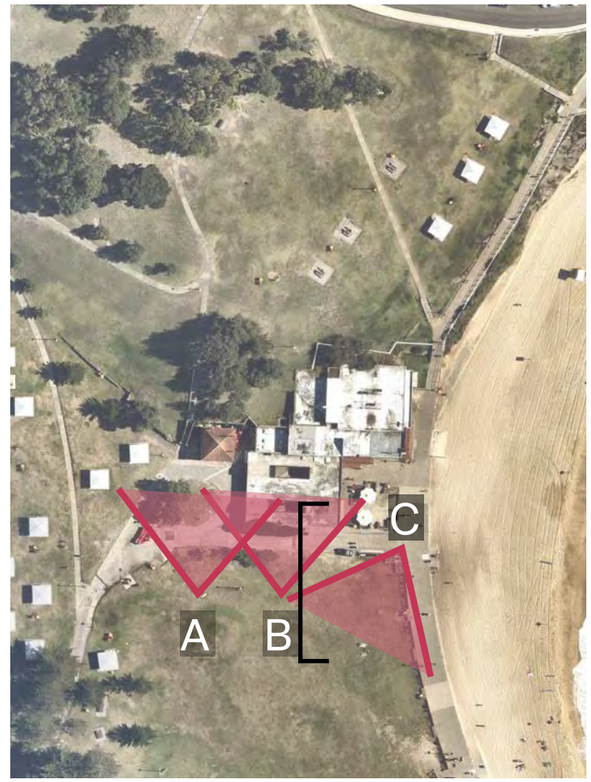
Southern Parkland

The Southern parkland provides community ammenities and spill out space often used by local boardriders and Surf Life Savers. Adjacent to the Surf Life Saving Club the area has informal and formal seating along side open grass areas that front the promanade and beach.

The Sothern Parkland is characterised by

+ Community Kiosk that provides food and drink every day
+ Open grass space that it often used by individuals and groups to exercise, play space for children and young families, and as a gathering space
+ Uninhibited views towards the promenade and beach
+ Lack of vegetation and picnic shelters results in no shade cover
+ Surf Life Saving Club and Northern Headlands create a wall towards the North





A. Looking North towards the Pump House and amenities area, existing vegetatoins and topography provides some shelter to the building

B. Looking North to the Community Kiosk located within the Surf Life Saving Building showing the built form within the landcape

C. View South-West showing the open grass ciontained by low brick walls often used for seating







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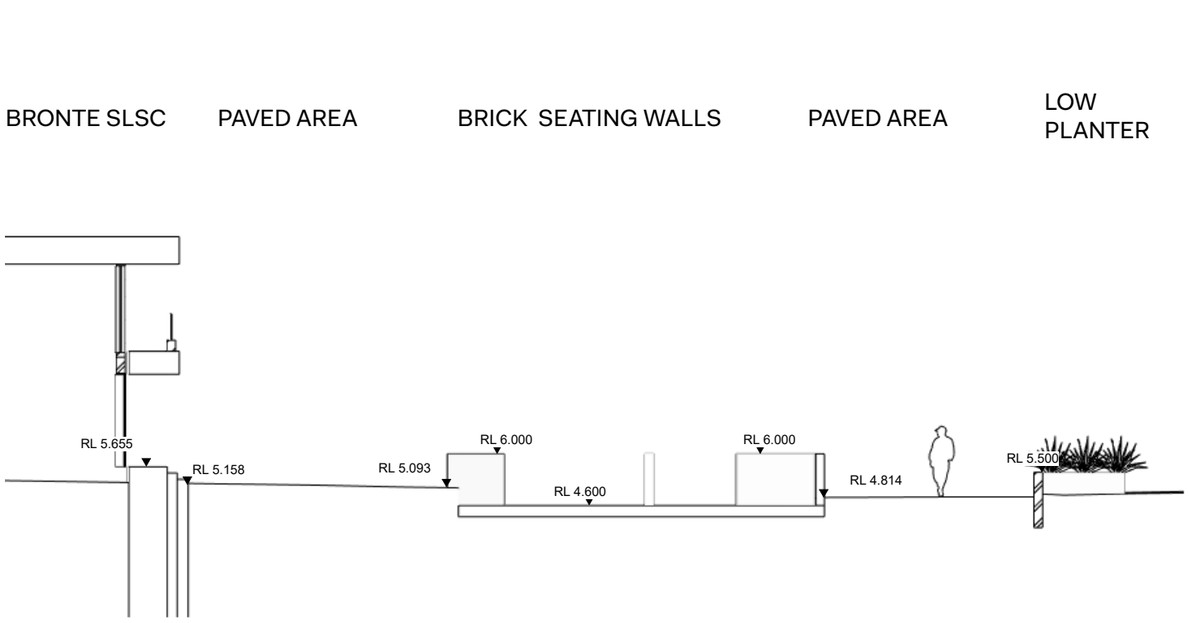
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Eastern Plaza

The Eatern Plaza provides a space for local community members to gather, with a low seating area nicknamed the Cubes often populated by surfers on a daily basis. The proximity to amenities, the kiosk, and the Surf Life Saving Club allows people to stay in the area for extended periods of time and creates a strong sense of community.

The Eastern Plaza is characterised by

+ The Bronte "Cubes" create a gathering space for local boardriders and club members within the concrete and brick plaza
+ A lack of vegetation creates a harsh environment with minimal shade cover
+ Plaza boarded by built form to the North and West in the Surf Life Saving Club and the Kiosk
+ Open to the promenande, beach and grass on the South and Eastern sides

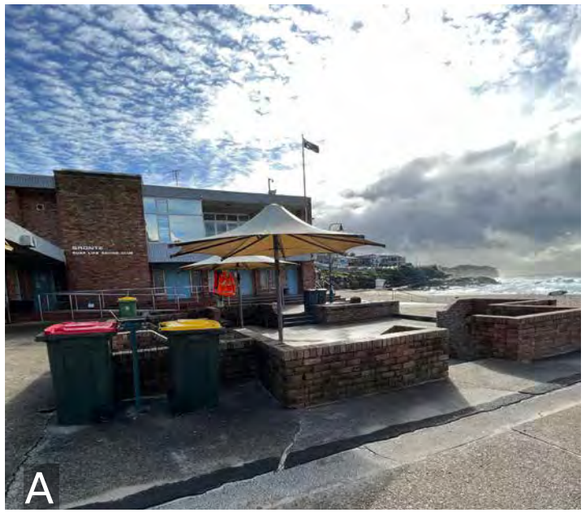


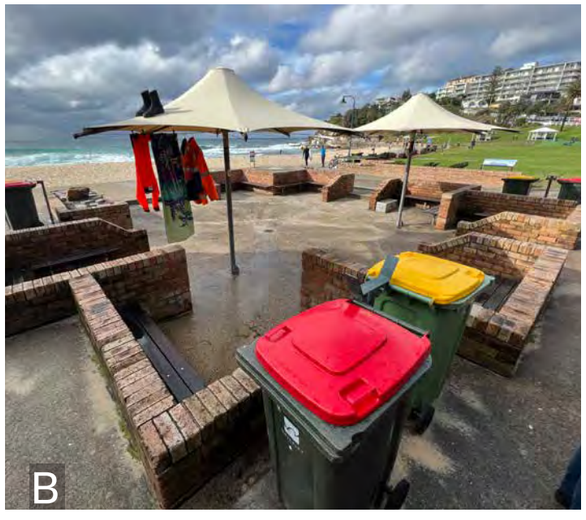


A. Looking North across the Plaza showing the interface between the public space and Surf Life Saving Club

B. The Bronte Cubes, low birck walls with timber seats provide a meeting point for local surfers adjacent to the Surf Life Saving Club and Kiosk

C. Looking from the beach towards the Cubes and kiosk with the adjacent grass open space to the West with scatterd tree planting







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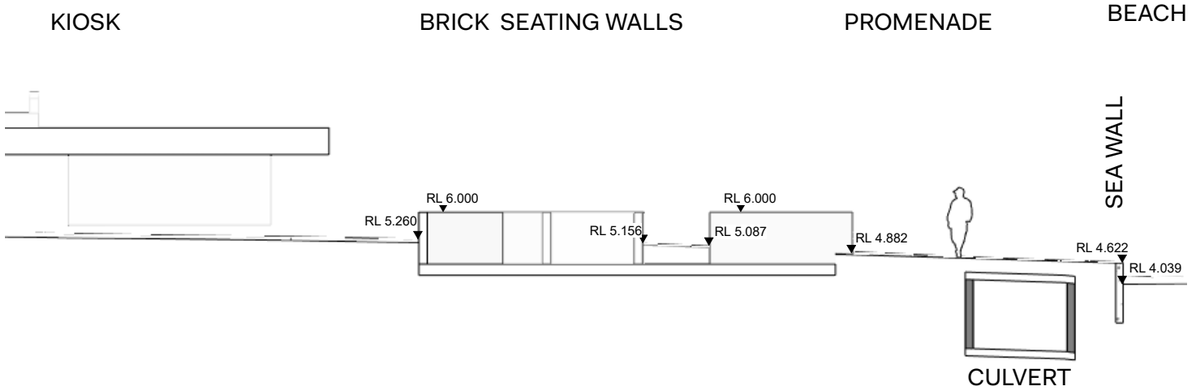
Esplanade

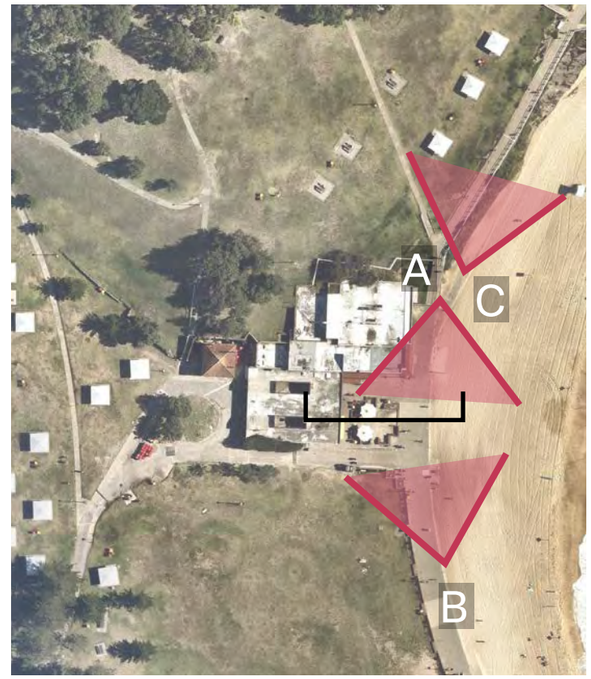
Pedestrian thoroughfare

The Esplanade at Bronte plays a significant role in the Bondi to Coogee Coastal walk, with a pedestrian promanade boardering the beach and open grass space. Small ramps and stairs provide access from the walkway to the beach, and a large staircase to the North allows access to the Northern Headlands and Surf Life Saving Club.

The Esplanade is characterised by

+ Exposed walkway defined by the beach and grass open space
+ Constant movement of people with people completing the Bondi to Bronte or Bondi to Coogee walk
+ Brick edge to the West with intergrated seating and tables allowing people to rest and limiting access to the open grass space
+ Walkway extending to the Northern end of the beach along the sandstone cliffs with stair access to the Headlands and parts of the Club House
+ Access to the beach via low wall, stairs and ramps



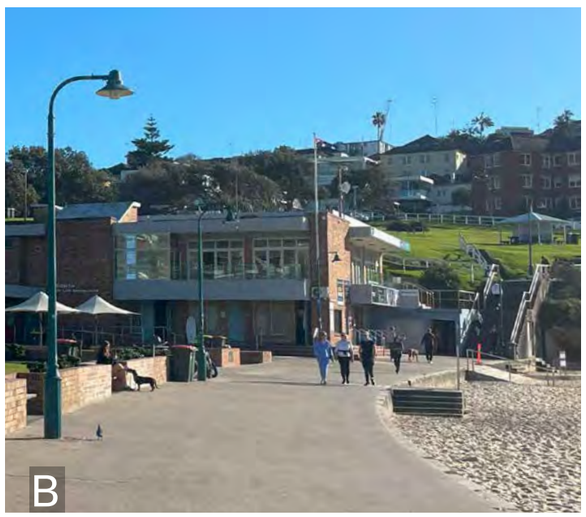


A. Looking South towards the "Cubes" showing beach access and the interface to Bronte Road at the South

B. View across the promenade showing interactions between the open space and the beach, with the Surf Life Saving Club to the North and stair access to the Northern Headlands

C. View across the northern end of the beach highlighting the distinct topographical features with the sandstone cliff face creating a wall along the back fo the beach





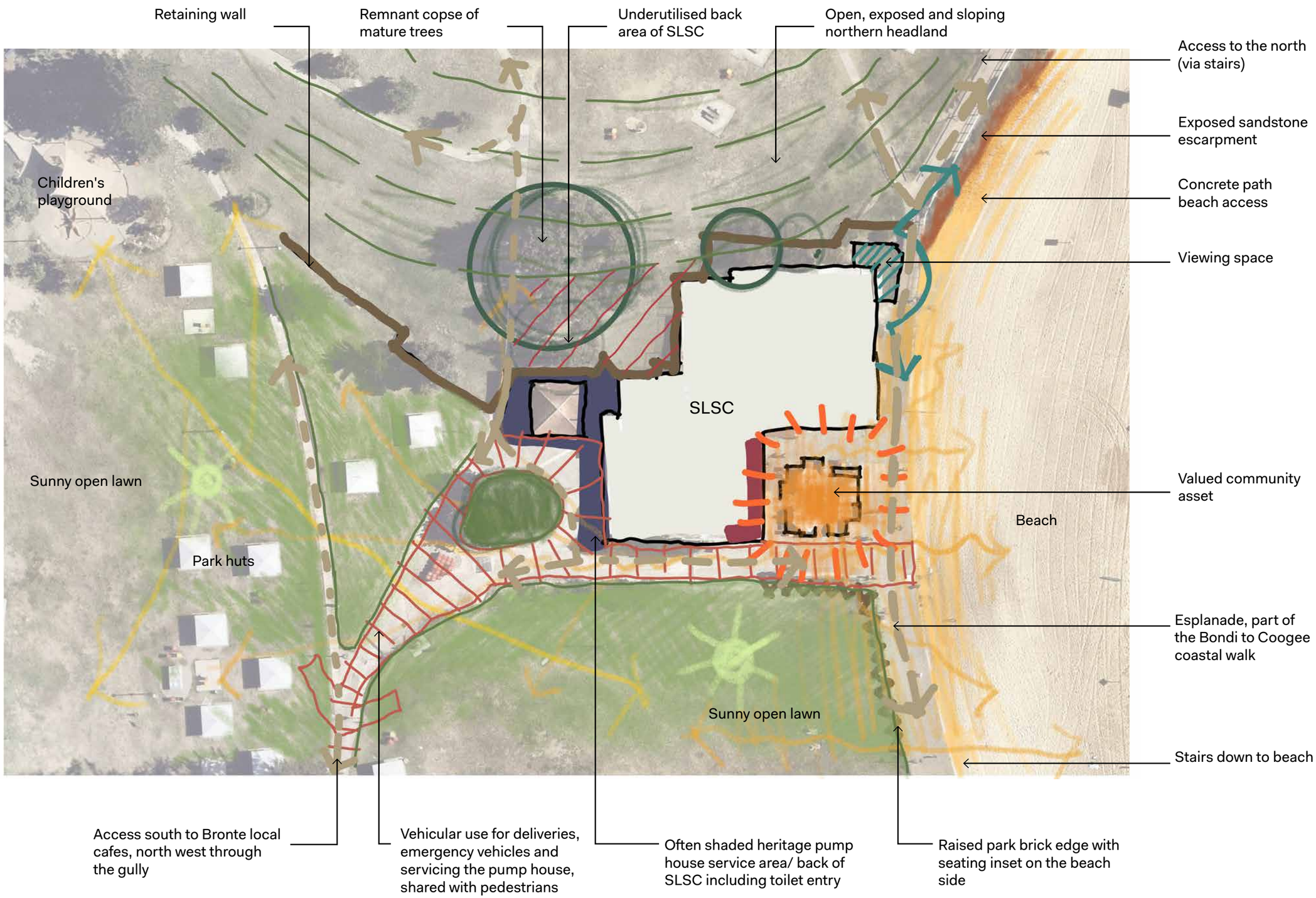


1.6 Overall site analysis

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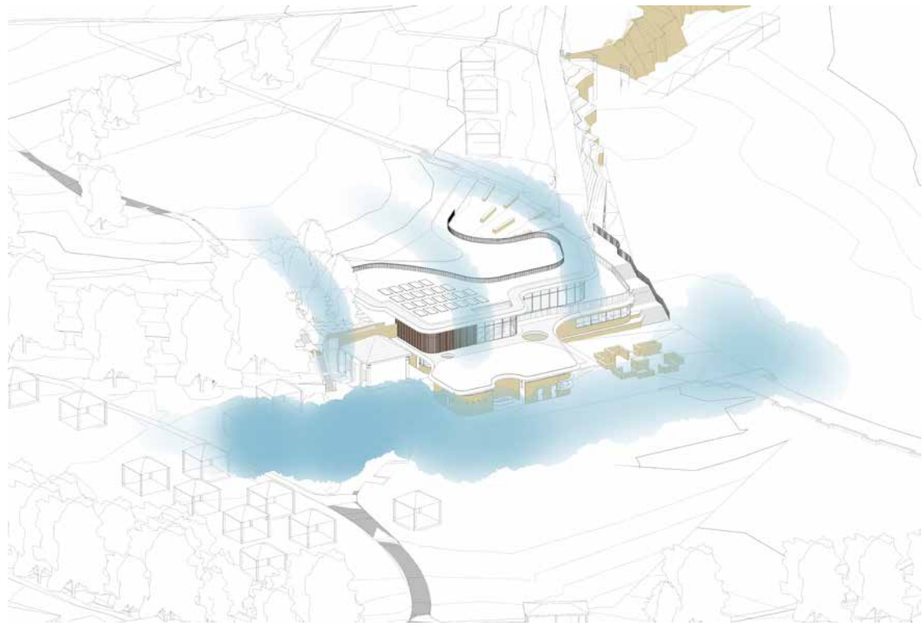
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1.7 Landscape opportunities

Based on the sketch analysis, the following landscape opportunities have been uncovered and form the layers of a story of the design applied to the Bronte public domain.



Drawing green through the site from the gully to the ocean front



Working with the natural water flows around the site

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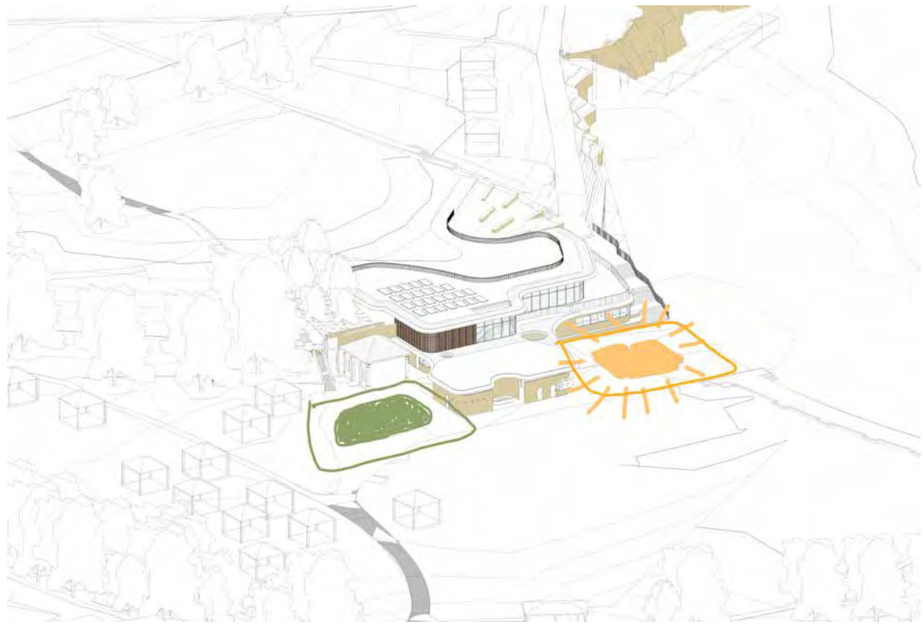


Continuing the natural landform and geology through the built form

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Facilitating equality of movement within the public space around the building



Connecting the East and West sides of the building through the landscape design response

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Responding to the surrounding character through the landscape



Meaningfully increasing tree canopy to enhance the gully character in the landscape

2.0 Landscape Concept

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2.1 Design Approach

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Landscape Principles



Connection to Country

Respect and integrate a Connection to Country design approach

Utilise a 'light touch' approach to respect the natural landscape

Draw from historic landscape elements to support storytelling and discovery of Country



Water management and resilience

Design the landscape to effectively manage water resources and respond to climatic influences, particularly from the ocean

Incorporate sustainable stormwater management strategies

Tell the story of waters of the gully, headland and ocean through the design



Ecological integrity

Preserve and enhance the natural and existing coastal landscape by using native plant species that support local biodiversity and ecosystem resilience.

Reflect the different landscape characters through a design response: coastal landscape, parkland and gully characters



Visitor engagement and community experience

Create a landscape that offers a diverse range of experiences for visitors and provides spaces for community interaction and recreation

Ensure that the landscape design considers the needs of all individuals, including people with disabilities and diverse community groups

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2.2 Landscape concept

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1	New insitu concrete paved shared zone with WSUD swales to the southern edge
2	Existing trees to be retained
3	New trees to the western plaza with low groundcovers between stepping stones to maximise planted area whilst allowing for emergency vehicle swept paths
4	Extensive green roof to amenities building
5	Extensive rooftop planting with low grasses and groundcovers
6	Rolling lawn with planting to the building for privacy and safety to the rooftop
7	Rebuilt cubes area with local sandstone and new shade umbrellas
8	New trees to provide summer shade along the park edges, to maintain ecological integrity and enhance biodiversity
9	Pathway connections to rooftop
10	Revegetated garden with native species
11	Sea wall by others
12	Seating elements along the adjusted southern lawn edge with planted buffers to furniture backs
13	Paved link between the SLSC and amenities building to reflect surrounding materials to enhance connectivity and permeability

Note, 26 new trees are proposed in this concept.



5 0m 5 10 25m

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Key zones





Western plaza

+ Shared zone
+ Enhanced with gully character
+ Services access
+ All-abilities access to SLSC and amenities
+ Filtered views to gully and ocean







Eastern plaza

+ Gathering and meeting
+ Revitalised community asset
+ Functional seating
+ Expansive views across the beachfront
+ Access to kiosk and southern lawn







Northern headland - rooftop

+ Wide outlook
+ Views spanning gully to ocean
+ Quiet, contemplative space
+ Ceremonial space
+ Open to the elements: sunny and windswept

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Northern Headlands

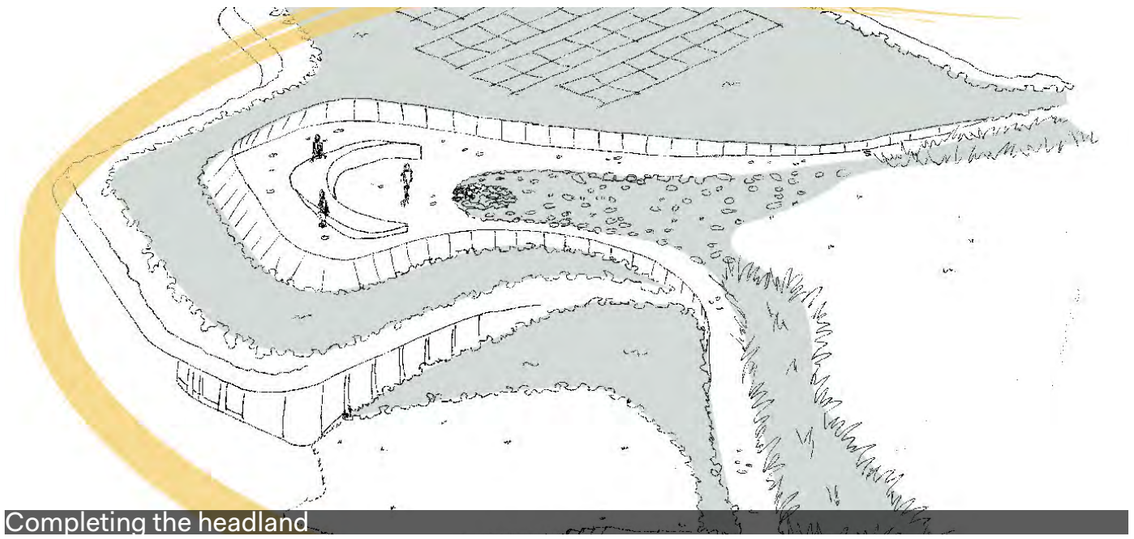
1	Existing headland lawn
2	WSUD swales collect water as it drains off the headland and passively irrigates native grasses and trees
3	Steep open turf area bounded by planting against building
4	Mixed low grasses and groundcovers to accommodate views
5	Curved sandstone bench seat for expansive views at the lookout
6	Paved rooftop walkway connected to existing pathways
7	New revegetation zone incorporating gully species
8	Existing tree to be retained
9	Sandstone steppers connect rooftop to turfed headland
10	New stair and path connections to improve headland accessibility
11	Sandstone seating to stair edge
12	Ceremonial dish as part of Connecting with Country



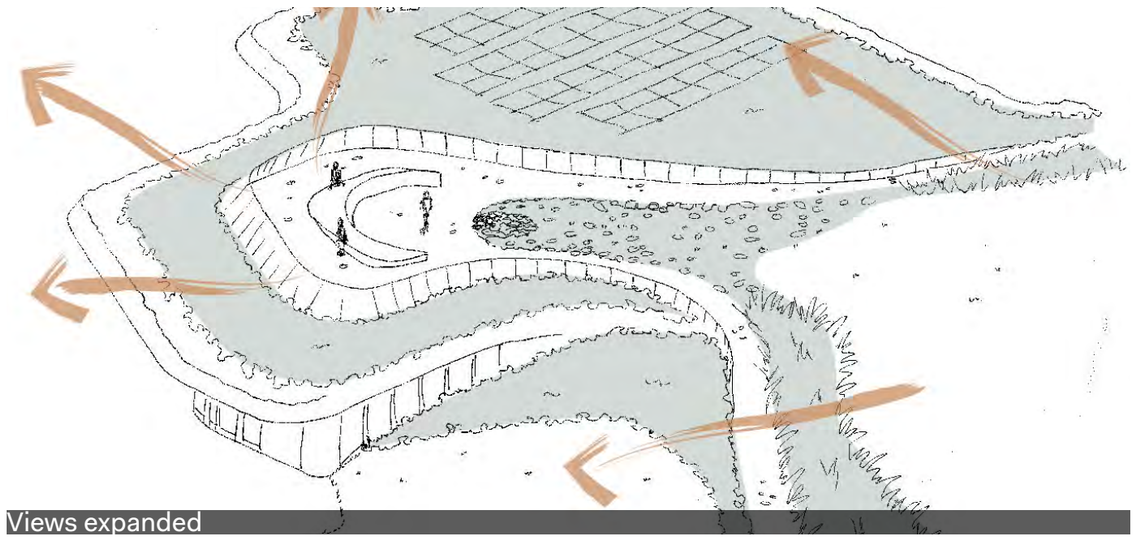
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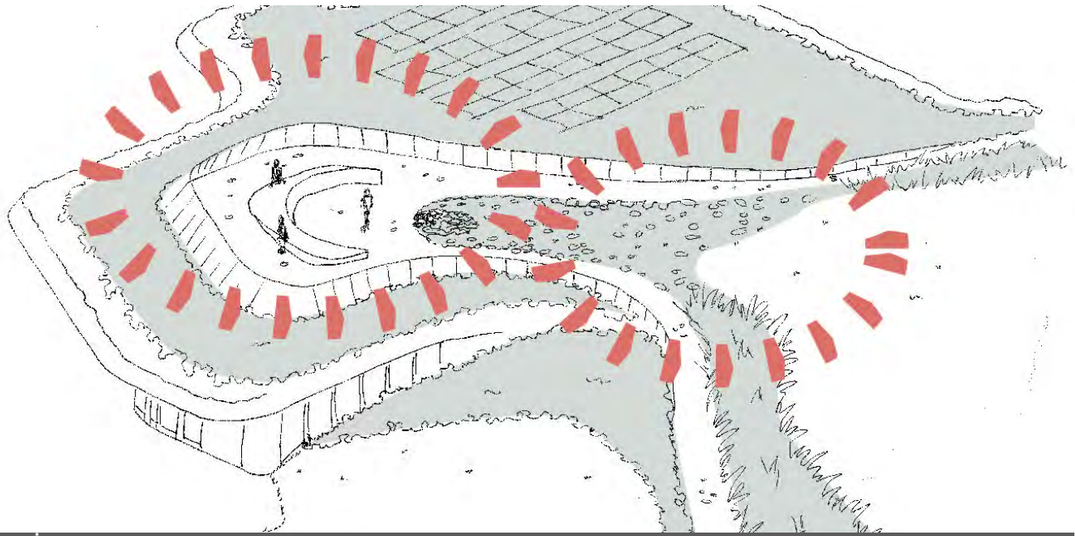
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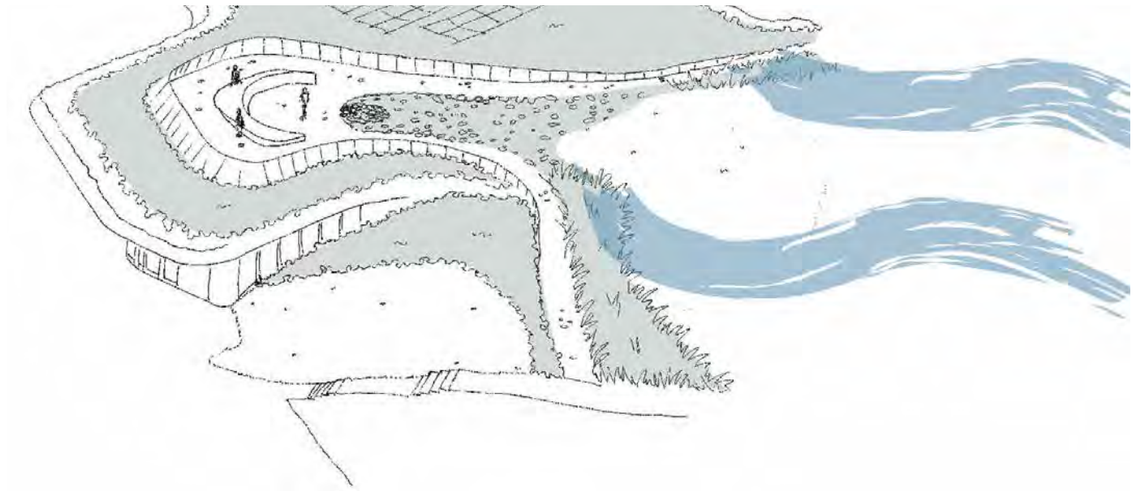
Completing the headland



Views expanded



Gathering



Capturing water

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Western Plaza

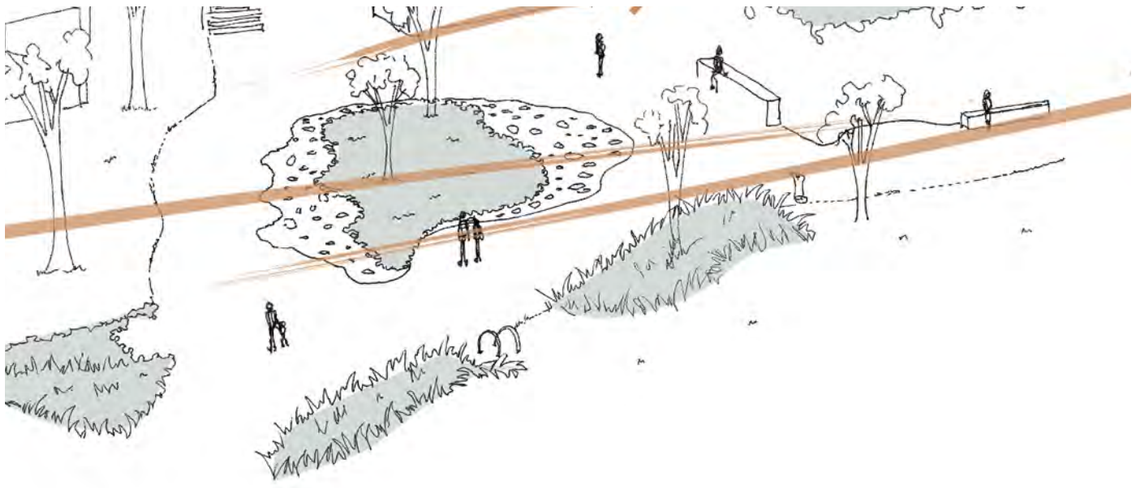
1	Landscaped median with additional trees and planting, irregular edges to maximise greening whilst supporting vehicle and pedestrian movement
2	Shared zone with blasted concrete paving
3	Bicycle parking and bins to southern edge of plaza
4	Water sensitive urban design through planted swales at lower points of the landscape
5	Planting surrounds booster cabinet and wheelchair lockers to soften hard surfaces
6	DDA compliant seating and water fountain opposite amenities building with planted buffer to back
7	New native shade tree plantings
8	Seats seamlessly integrated with building



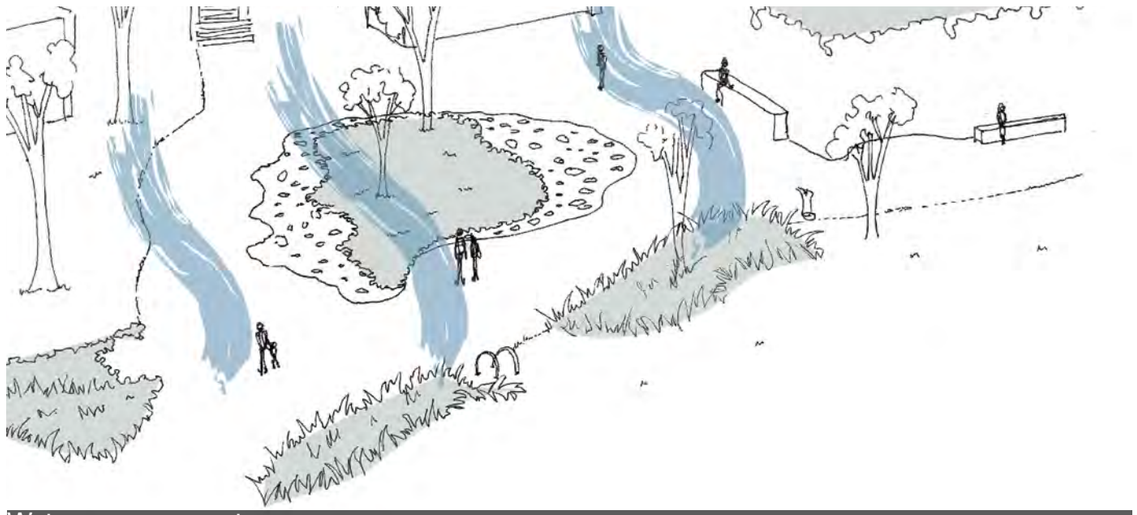
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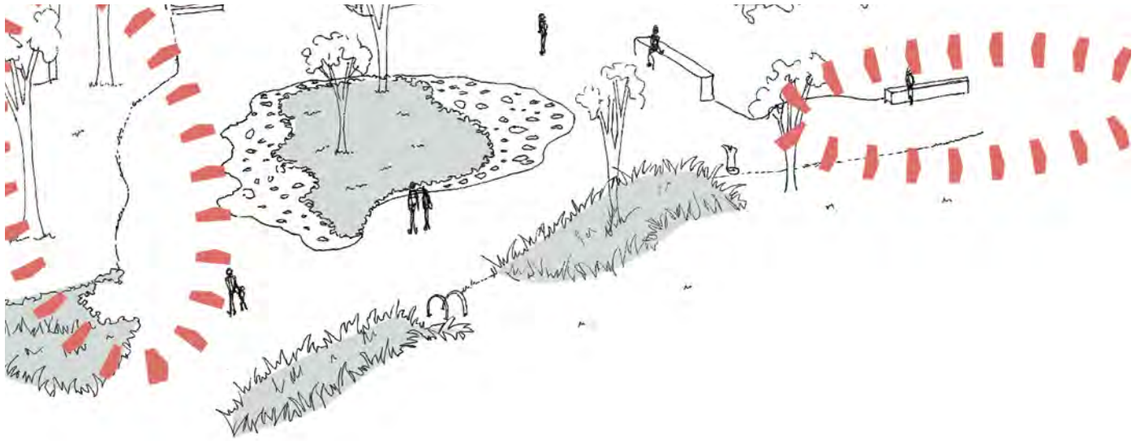
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Views to/of Country



Water management



Celebrate the edges



Revitalised sense of arrival

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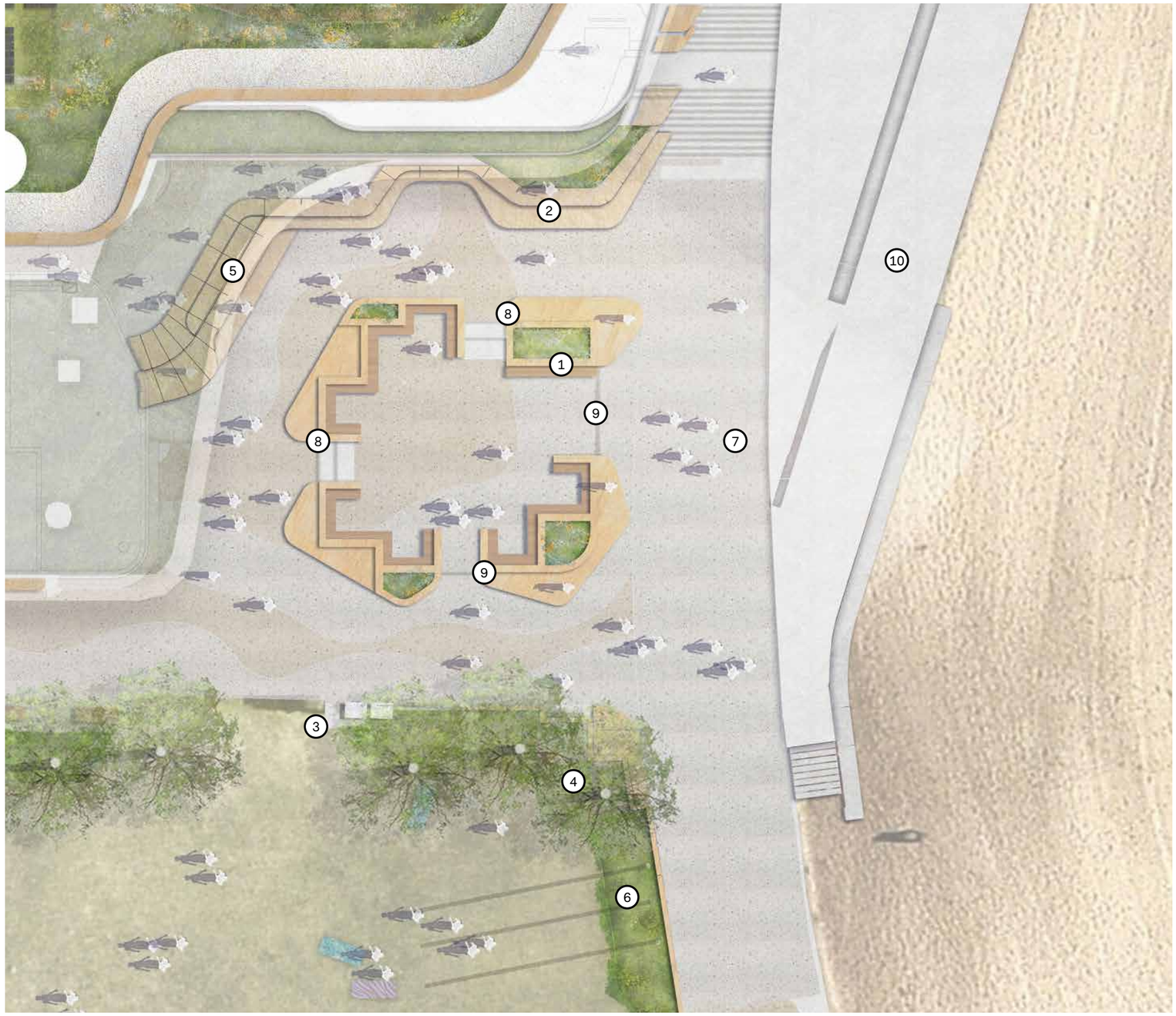
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Eastern Plaza

1	Cubes form retained internally with softening of the exterior in attached sandstone seating elements, and addition of planting
2	Stair seating along the building edge with planting where possible
3	Additional trees, bike racks and bins
4	Increased garden to behind the brick wall and softening of the front with additional seating, reflecting the new architectural character of the plaza
5	Terraced steps with stair nosings to building entry
6	New flagpole locations within garden bed
7	Promenade paving continues in front of cubes area to northern stair
8	Terraced steps with stair nosings to two entries to cubes area to promote enclosed feeling of cubes
9	Two level entries to cubes to promote accessibility
10	Sea wall by others

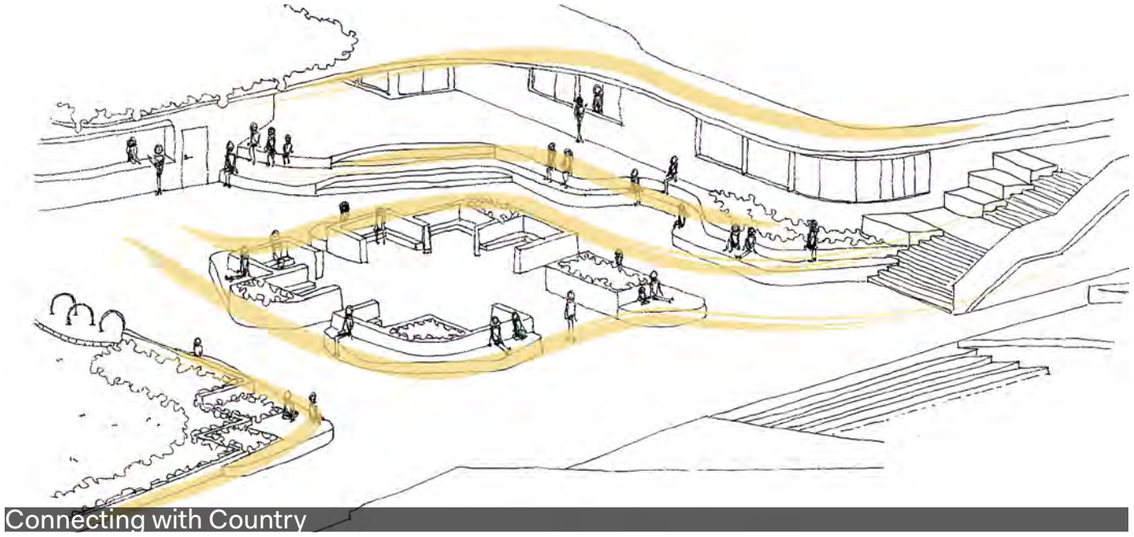


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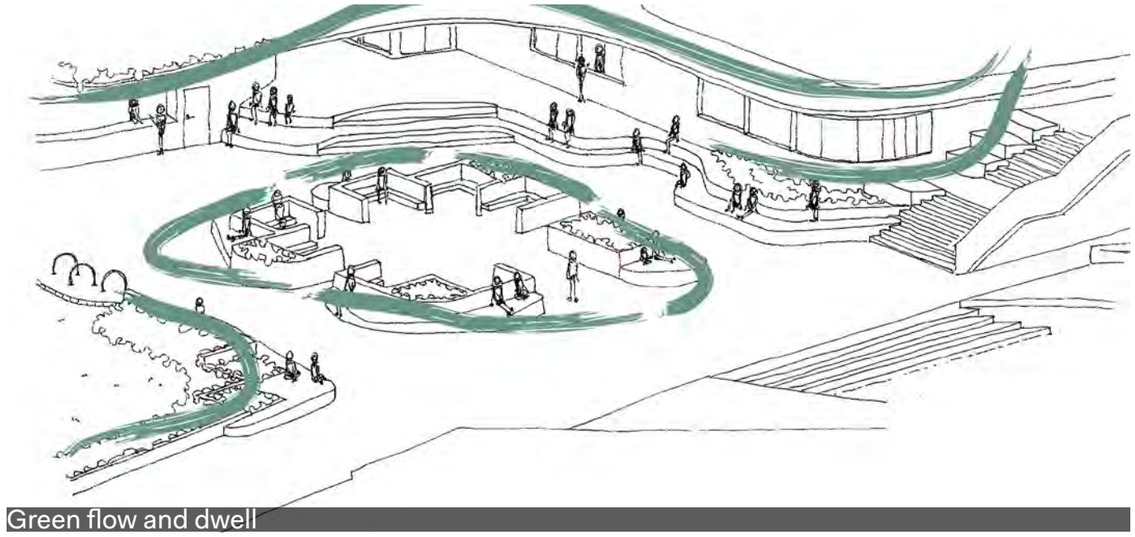
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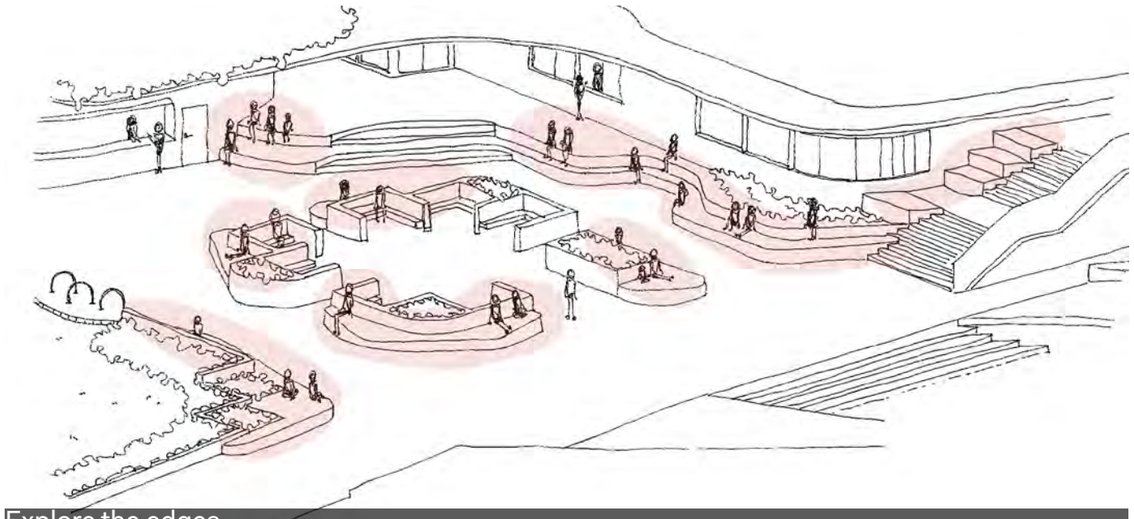
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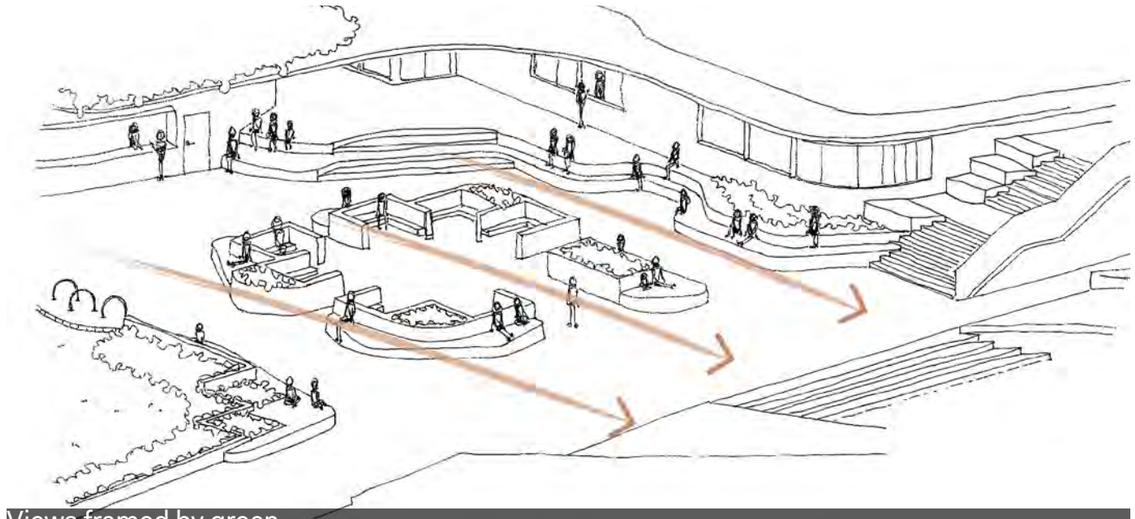
Connecting with Country



Green flow and dwell



Explore the edges



Views framed by green

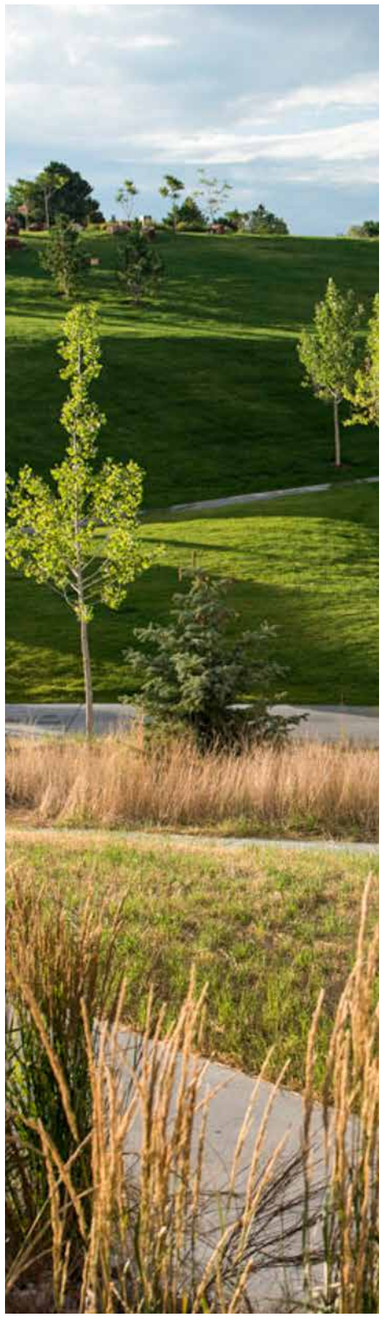
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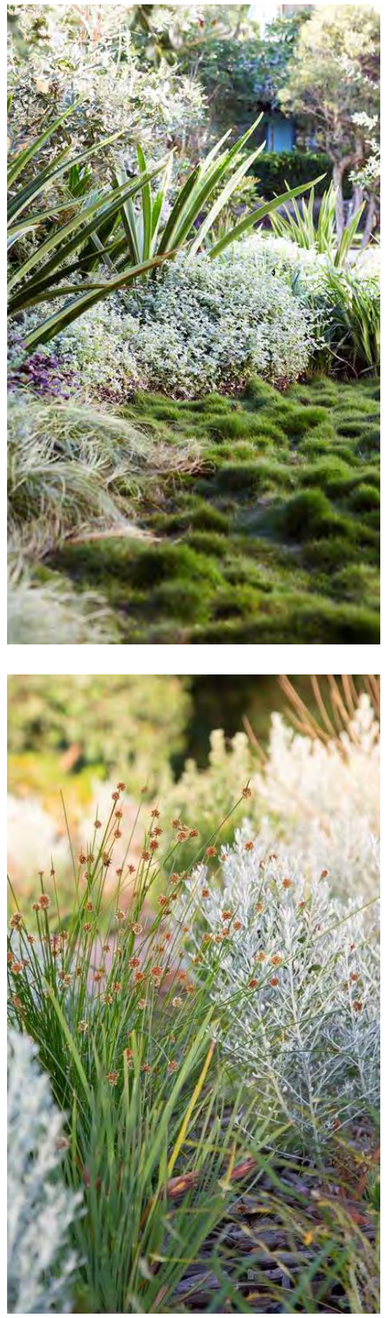
2.3 Planting

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Principles

+ Light touch, reflecting the natural landscape character
+ Trees, grasses and groundcovers
+ A purely native and endemic plant palette
+ Plant species that will encourage biodiversity and provide habitat for native wildlife







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Indicative Planting Palette

Code	Botanical Name	Common Name	Mature size (hxw)	Cont. Size	Condition	Quantity	Qty
	TREES						
AH	Araucaria heterophylla	Norfolk Island Pine	18m x 6m	200L	Full sun	As shown	2
BI	Banksia integrifolia	Coast Banksia	15m x 6m	200L	Full sun	As shown	11
BS	Banksia serrata	Old Man Banksia	12m x 4m	200L	Full sun	As shown	5
CE	Casuarina equisetifolia	Coastal She-Oak	12m x 8m	200L	Full sun	As shown	7
	MASS PLANTS						
Atnu	Atriplex nummularia	Old Man Saltbush	3.0m x 2.0m	140mm	Full sun	2/m²	55
Baim	Baeckea imbricata	Heath Myrtle	1m x 1m	140mm	Full sun	3/m²	129
BaRC	Banksia integrifolia 'Roller coaster'	Prostrate Banksia	0.4m x 1m	140mm	Full sun	4/m²	5649
Cagl	Carpobrutus glaucescens	Pig Face	0.2m x 1m	75mm	Full sun	4/m²	527
Cain	Carex inversa	Knob Sedge	0.6m x 0.4m	140mm	Full sun	6/m²	754
Coal	Correa alba	White Correa	1m x 1m	200mm	Part shade to full sun	3/m²	173
Chap	Chrysocephalum apiculatum	Yellow Buttons	0.3m x 0.8m	140mm	Part shade to full sun	4/m²	234
Einu	Einadia nutans	Nodding Saltbush	0.6m x 0.6m	140mm	Full sun	5/m²	43
Fino	Ficinia nodosa	Knobby Club Rush	0.8m x 0.6m	140mm	Part shade	5/m²	649
Hisc	Hibbertia scandens	Golden Guinea-flower	0.5m x 1.5m	140mm	Full sun	4/m²	489
Jukr	Juncus krausii	Sea Rush	0.8m x 0.5m	140mm	Full sun	5/m²	335
Lolo	Lomandra longifolia	Matt Rush	1m x 0.6m	140mm	Full sun to part shade	5/m²	420
LoIN	Lomandra Nyalla	Lomandra Nyalla	0.8m x 0.8m	140mm	Full sun	4/m²	258
Mypa	Myoporum parvifolium	Creeping Boobialla	0.1m x 1m	75mm	Full sun	4/m²	703
Peau	Pelargonium australe	Native Storksbill	0.5m x 0.7m	140mm	Full sun	4/m²	370
Popo	Poa poiformis	Coast Tussock Grass	0.6m x 0.6m	140mm	Full sun	5/m²	190
Saqu	Sarcocornia quinqueflora	Samphire	0.5m x 0.5m	140mm	Full sun	5/m²	447
Scca	Scaevola calendulacea	Dune Fan Flower	0.4m x 0.8m	75mm	Full sun	4/m²	977
Suau	Suaeda australis	Seablite	0.5m x 0.5m	140mm	Full sun	5/m²	49
Tham	Themeda australis	Coastal Kangaroo Grass	0.3m x 0.6m	75mm	Full sun	5/m²	630
Wefr	Westringia fruticosa	Coastal Rosemary	2.0m x 2.0m	200mm	Full sun	3/m²	50
WeGB	Westringia fruticosa 'Grey Box'	Coastal Rosemary	0.4m x 0.4m	200mm	Full sun	6/m²	364
					Total area	1,936m²	8496

Trees



Low Shrubs



Swale



Grasses and Groundcovers



Grasses and Groundcovers



2.4 Materials and furniture

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Principles

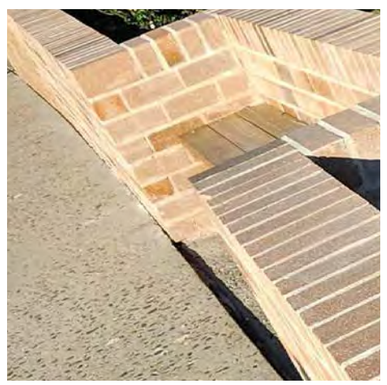
+ Warm, soft tones and materials
+ Materials found within or referenced from the surrounding landscape
+ Recycled, sustainable and natural where possible
+ Hardwearing and resilient to coastal conditions
+ Complement and integrate with Waverley Council's Public Domain Technical Manual













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Reflecting the forms of Country

+ Draw from colours found within the surrounding landscape in the sandstone cliffs and beach
+ Utelise the diverse forms and shapes within the natural form of the cliffs
+ Complement the dynamic flows of the ocean through smooth edges and lines
+ Integrate the textures found in the stone and sand







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Date Received: 14/11/2024

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Waverley Council

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AMENDED PLANS

Pavement story

Shaped by Waves

+ Embracing the turbulant and dynamic nature of the ocean
+ Acknowledging the capacity of water to shape the landscape
+ Recognising the importance of water in daily life

Waves on water and land

+ Mapping the rythmic movement of water and wind across from the ocean to land
+ Reflecting the diverse colours created through tidal movement

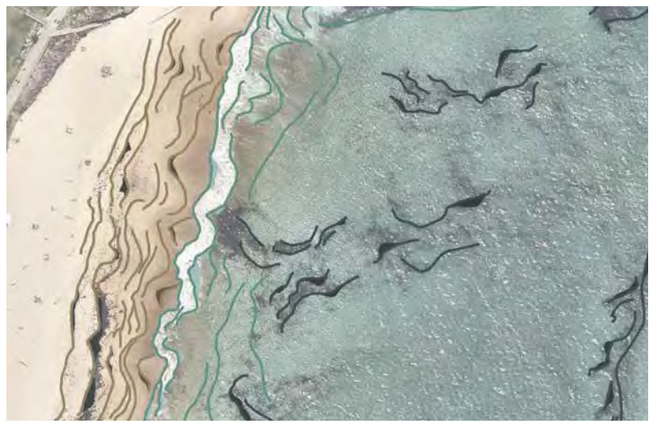
Sandstone Cliffs

+ Prioritising the colours and textures of the sandstone cliffs
+ Reflect the strong winds that erode and shape the stone cliffs

Source: Informed by the work led by Greenshoot Consulting

Locational Aerials







Linework extracted from aerials







Spatial details in linework shapes







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Pavement pattern application



Layering onto site

+ Linework taken from the Northern Cliffs of Bronte and reflected onto the site
+ Aligning the shapes to the current site form with consideration for historic topology
+ Inspection of how linework moves through and with spatial areas



Manipulation of lines

+ Linework pulled and manipulated to stretch across the proposed site
+ Creation of fluid edges that reflect the natural movement of elements through Bronte
+ Breaking down edges to echo the erosion of the sandstone cliffs by water and wind



Reflected on the ground plane

+ Linework used to define spatial patterns and manipulated edges
+ Tonal variations reflect colours in the landscape in both stone and stand

AMENDED PLANS

2.5 Material and Furniture Palette

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PV01 - Insitu Concrete Paving with Blasting Pattern



PV02 / PV06 - Stone Paving with Groundcovers



PV03 / PV08 - Ballast on Structure



PV07 - Sandstone Ballast on Structure



WA01 / WA04 - Brick Wall



WA02 - Diamond Sawn Sandstone Wall



FN01 / FN05 - Sandstone Platform/Amphitheatre



FN02 - Bicycle Rail



FN03 - Timber Seat



AMENDED PLANS

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Application No: DA-455/2022/A1

Date Received: 14/11/2024

FN04 - Drinking Fountain



FN06 - Beach Wheelchair Locker



FN07 - Bin Enclosure



FN08 - Timber Seat on Sandstone Platform



FN09 - Flag Pole



ST01 - Insitu Concrete Stair



TC01 - Sandstone Terrace



TC02 - Insitu Concrete Terrace



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AMENDED PLANS

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oculus.info

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Our reference:	PA3572-RHDHV-LT-CO-FC-0002	Email:	joao.goncalves@rhdhv.com
Classification:	Project related		
Enclosures	Click to enter "Enclosures"		

Bronte SLSC Redevelopment Seawall and Related Elements Detailed Design

Letter to support Section 4.55

1 Introduction

Section 4.55 of the Environmental Planning and Assessment Act 1979 allows modifications to be made to a Development Application (DA) consent, provided the development remains substantially the same.

Haskoning Australia Pty Limited (Sub Consultant, hereafter referred to as “RHDHV”) has been invited by Warren and Mahoney Architects Australia Pty Ltd (Lead Consultant, hereafter referred to as “W&M”) to assist in submitting a Section 4.55 modification to align the DA with the latest design updates.

The current proposed seawall design conforms with the approved DA for the upgrade of Bronte Surf Life Saving Club (SLSC), issued on April 11, 2024, application number DA-455/2022. Following the 80% detailed design there has been no further encroachment onto the beach.

Please find below a summary of the activities undertaken by RHDHV after DA approval, set out as follows:

- Background
- Summary of the geotechnical investigation
- Summary of physical modelling
- Coastal engineering design

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Receipt No: DA-455/2022/A

Date Received: 05/09/2024

2 Background

W&M has developed a design for the upgrade of the Bronte Surf Life Saving Club (SLSC) buildings up to the 80% development stage. The redevelopment includes the construction of coastal protection works to safeguard the SLSC over its 70-year design life[1].

RHDHV is assisting in the design of the seawall upgrade fronting the SLSC. Site investigation work by JK Geotechnics has been completed to provide parameters for foundation design (refer to **Section 3**). Water Research Laboratory of UNSW (WLR) has conducted two-dimensional (2D) physical modelling of the seawall fronting the Bronte SLSC (refer to **Section 4**). The physical modelling has confirmed wave overtopping and wave loading to assist with the detailed design of the upgraded seawall and façade of the replacement SLSC building.

There is no certified Coastal Zone Management Plan (CZMP) or Coastal Management Programme (CMP) for Bronte Beach. Since a CMP is not yet in place, the consent authority is the Sydney City Eastern Planning Panel (SCEPP). The SCEPP has approved the development with the Notice of Determination of a Development Application for the upgrade of Bronte Surf Life Saving Club (SLSC), issued on April 11, 2024, application number DA-455/2022. In relation to coastal management, there remains a condition for the Waverley Council to prepare a Maintenance Management Plan (MMP) for Coastal Protection Works (Condition 4) and a Beach Maintenance Programme (Condition 10A).

2.1 Bronte proposed seawall

The Bronte seawall and promenade were constructed as part of a Bronte Beach rehabilitation plan between 1914 and 1917 (refer to **Figure 2-1**). There is little information on the existing seawall fronting the SLSC, which is over 100 years old and thus well beyond its design life[2]. Balancing the requirements for the location of the SLSC, promenade and beach access enhancements, erosion protection, and reduction of wave overtopping over a 70-year life, RHDHV recommended construction of a new 60m long seawall segment fronting the SLSC.

[1] A 70-year coastal engineering design was adopted for the proposed development as requested by Waverley Council. This means that the proposed clubhouse would be designed to withstand coastal erosion and wave overtopping events with an acceptably low risk of damage over a 70-year life (Horton Coastal Engineering , 2023).

[2] Horton Coastal Engineering reports that a design life for concrete structures, consistent with Australian Standards, ranges between 40 and 60 years (Horton Coastal Engineering , 2023).



Figure 2-1 Project location

Due to the constrained space at Bronte Beach, rock revetments are not feasible, making a new concrete seawall the only practical choice. The design proposal by W&M and RHDHV, shown in **Figure 2-2**, involves constructing a new seawall structure around the outer perimeter of planned access elements, including the promenade, ramps, bleachers, and steps. A plan outline showing the final seawall with wave deflector, all-ability access ramp, and bleachers and steps is shown in **Figure 2-3**. The dashed black outline depicts an earlier layout, which has since been moved closer to the SLSC shown in red and representing the structure as approved by the SCEPP. The design montage included in **Figure 2-3** shows the proposed new seawall as viewed from the beach for typical accreted beach levels (top, beach RL +4m AHD) and for a heavily depleted beach (bottom, beach RL +3m AHD). The proposed crest level of the seawall deflector is RL +5.3m AHD for the southern segment above the beach and RL +5.8m AHD for the northern segment above the ramp.

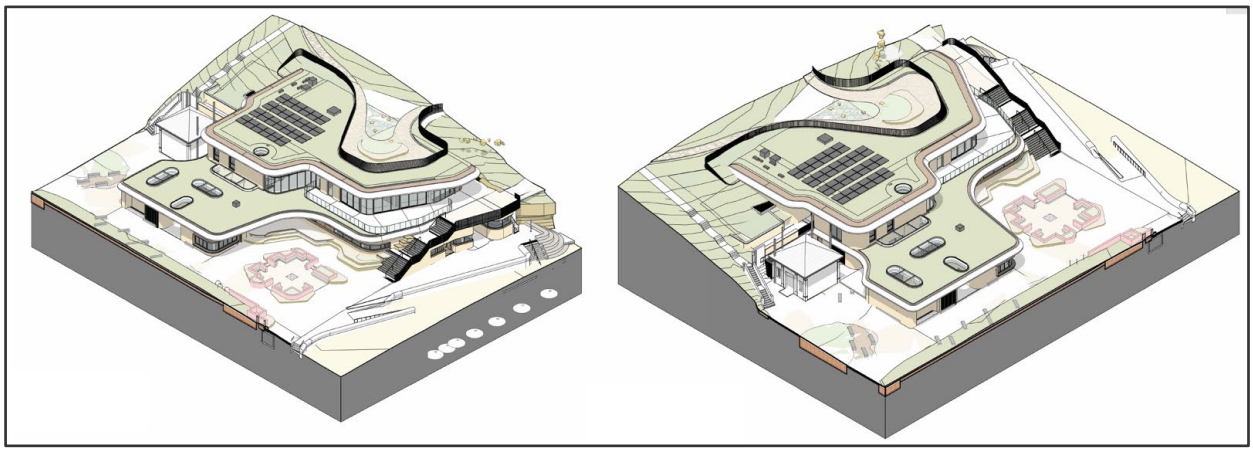


Figure 2-2 Proposed new seawall concept

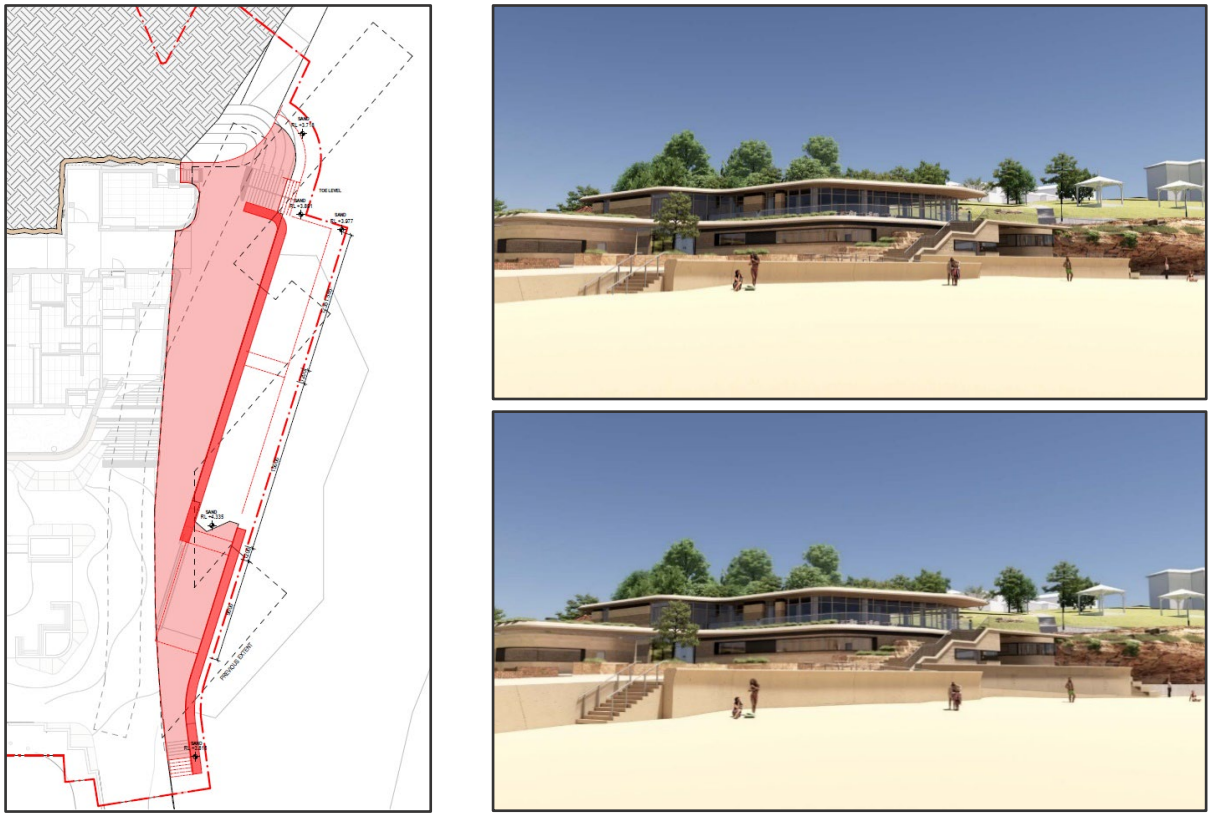


Figure 2-3 Plan outline and design montage

2.2 Risk and coastal hazards

As previously described in RHDHV's Concept Design and Coastal Engineering Assessment Report (RHDHV, 2024), a comprehensive review of coastal processes, protection works, and management at the Bronte foreshore has been conducted, including a site visit and the establishment of Basis of Design (BoD) elements[3]. A risk-based assessment was used to develop a design philosophy for the seawall, considering design life, storm events, and acceptable damage levels.

Key coastal hazards at the Bronte SLSC site include beach erosion, shoreline recession, and coastal inundation[4]. For a 100-year ARI storm event, the design storm erosion demand is 250m^3/m above AHD, necessitating a seawall to protect Bronte Park. The June 2016 storm event showed significant erosion but also indicated rapid initial beach recovery, although full recovery could take months to years[5].

No current recessional trends were observed, but future recession is anticipated due to sea level rise from climate change. Predictive models suggest a reduction in beach width from 70m in 2016 to 50m in 2050 and to slightly more than 20m by 2100 (Baird, 2016). Additionally, design scour levels are expected to lower from RL +2.9m AHD today to RL +0.35m by 2100. For design wave overtopping during extreme

[3] A BoD sets the key criteria for developing a design, in this case covering matters such as design life and event, available survey, geotechnical information, and coastal hydraulic parameters. The BoD in the Concept Report would be further developed in the Detailed Design report.

[4] The remaining hazards listed in the Coastal Management Act 2016 as (i) coastal lake or watercourse entrance instability, (ii) coastal cliff or slope instability, (iii) tidal inundation, and (iv) erosion and inundation of foreshores caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters, are not relevant to the site.

[5] Nearmap imagery indicates substantial recovery of Bronte Beach within 1 month of the June 2016 storm event (RHDHV, 2024).

events and structural design of the seawall, historical scour depths at the site were assessed to coincide at the top of bedrock (levels above predicted erosion levels).

3 Summary of Geotechnical Investigation

JK Geotechnics conducted a geotechnical investigation to the proposed seawall upgrade at Bronte SLSC (JK Geotechnics, 2024). The objective of the investigation was to gather subsurface information to inform recommendations on site preparation, excavation conditions, pile design, and other geotechnical considerations.

The fieldwork for the geotechnical investigation was conducted from February 12 to 14, 2024, and included the following activities (refer to **Figure 3-1**):

- Three (3) boreholes (BH101 to BH103) extended to final depths of 10.9m (BH101), 9.8m (BH102), and 7.8m (BH103);
- Excavation of five (5) test pits (TP104 to TP108) using either an excavator or hand tools, reaching depths between 0.9m and 2.9m below existing beach levels;
- Completion of six (6) Dynamic Cone Penetration (DCP) tests (DCP104 to DCP106, DCP106a, DCP107 & DCP108) adjacent to corresponding test pits, with refusal depths ranging from 1.1m to 4.1m below existing beach levels; and,
- Seismic refraction testing was conducted at four (4) locations by a specialist sub-consultant (GBG Group) to develop a 'top of rock' contour plot, aiding in seawall structural design and coastal process modelling.



Figure 3-.1 Investigation location plan (JK Geotechnics, 2024)

Relative density of natural soils was assessed using SPT 'N' values from boreholes and interpretation of DCP blow counts in test pits. Strength of underlying bedrock was assessed through observation of

penetration resistance and Point Load Strength Index ($I_{S(50)}$) testing of recovered cores. Groundwater observations were made during and after drilling.

Recovered rock cores were photographed and subjected to Point Load Strength Index testing in the laboratory. Soil samples were sent to an accredited laboratory for analysis of pH, sulfate, chloride content, and resistivity.

4 Summary of Physical Modelling

4.1 Overview

RHDHV engaged the Water Research Laboratory (WRL) of UNSW Sydney to perform 2D physical modelling for two (2) proposed seawall cross-sections fronting the Bronte SLSC.

The physical modelling programme aimed to measure overtopping rates and design wave loading behaviour for the site. The physical model included:

- Vertical Seawall with Wave Deflector ("Seawall 2"): Features a vertical seawall with a wave deflector and a 3.6m wide access ramp.
- Stepped Seawall ("Seawall 1"): Features a stepped concrete seawall providing access to a concrete promenade.

The sectional locations for Seawalls 1 and 2 are shown in **Figure 3-.1**.

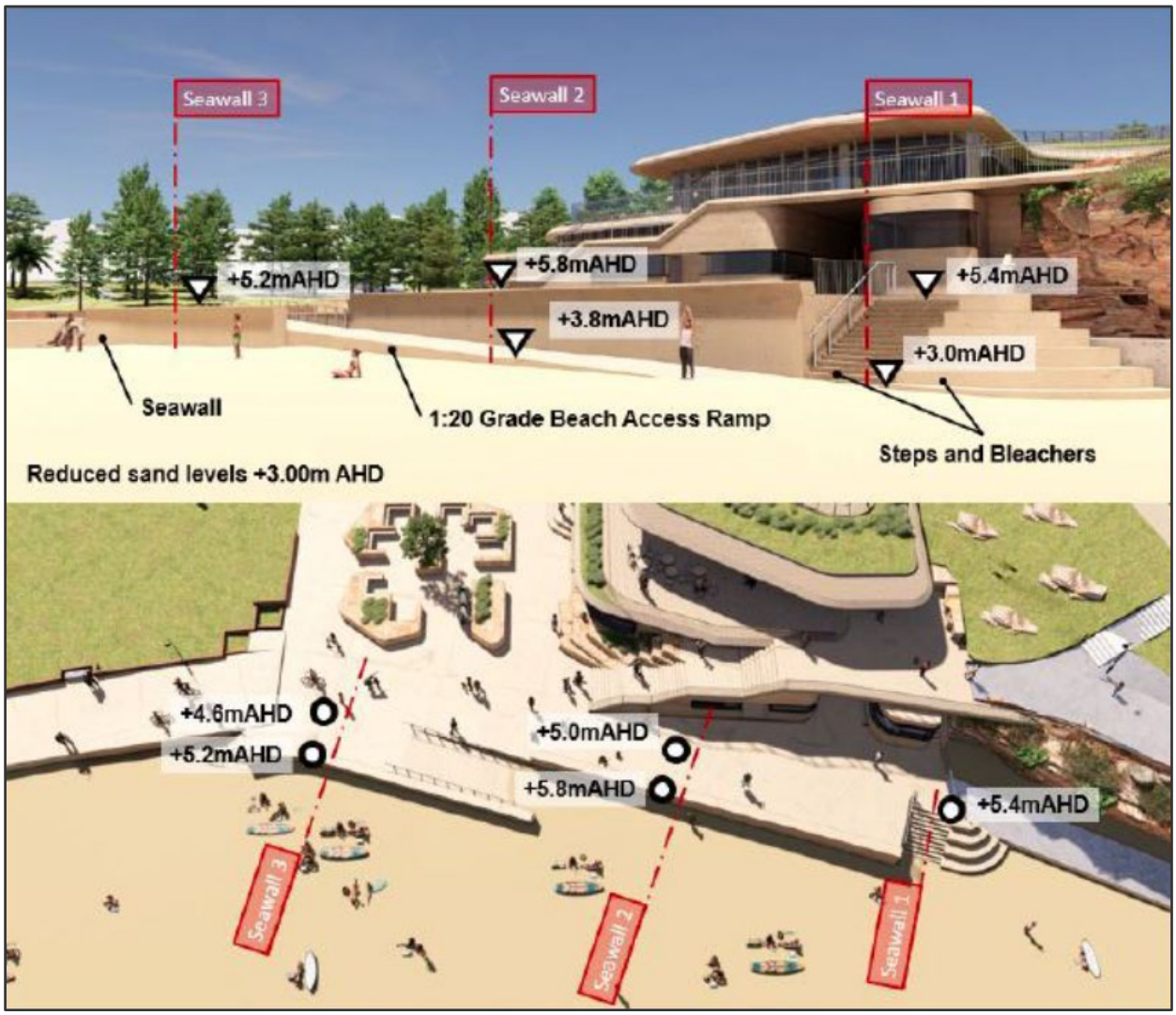


Figure 3-.1 Overview of two seawalls to be modelled and tested: Vertical Seawall with Wave Deflector ("Seawall 2") and Stepped Seawall ("Seawall 1")

The modelling used a 0.9m wide wave flume with a 1:27 scale. Various wave climates (1-year ARI to 500-year ARI) and planning periods (present day and 2093) were tested.

Testing included both accreted and eroded nearshore profiles, with wave load testing specifically for the Seawall 2. The results would inform the structural design of the proposed seawall and the seaward ground floor walls of the SLSC building.

4.2 Mean overtopping results

Ten (10) tests assessed overtopping rates for the seawall configurations. The following insights were derived from comparing mean overtopping rates between the different seawall structures, nearshore profiles, and wave climates:

- The mean overtopping rates are as expected and in line with our concept design predictions.
- A mean overtopping discharge of 0.2 to 1.4 l/s/m was measured for Seawall 2 during the 1-year ARI wave condition, which is in compliance with the EurOtop overtopping recommended criterion

(EurOtop, 2018). Testing demonstrates that Seawall 1 (a stepped seawall) with a lower crest level than Seawall 2 provides slightly higher overtopping rates (similar order of magnitude) for identical storm conditions and bathymetry. This is not surprising, as the crest level and effective ramped slope for the waves to run up are factors that can influence overtopping. Conversely, the stepped seawall is sheltered from the dominant storm waves propagating from the ESE and SSE. Therefore, this corner will be more exposed to infrequent events coming from the NE.

- A mean overtopping discharge of 4.1 to 6.7 l/s/m was measured for Seawall 2 during the 20-year ARI wave condition, which is in compliance with the EurOtop overtopping recommended criterion (EurOtop, 2018). These tests indicate that the overtopping of the proposed seawall is at safe levels for the majority of the time.
- A mean overtopping discharge of 0.8, 5.2 and 8.3 l/s/m was measured during the 100-year ARI wave condition which is in compliance with the EurOtop overtopping recommended criterion (EurOtop, 2018). However, unsafe overtopping will occur in moderate to large storm conditions with an annual recurrence interval between 20 and 100 years. We would also expect Council to be warning off or barricading pedestrians from the promenade for such severe events[6].
- Seawall 2 with wave deflector showed 75-90% lower mean overtopping rates and significantly lower maximum and average overtopping volumes compared to Seawall 1 for two wave conditions.
- Seawall 2 with the eroded profile had 40-50% lower mean overtopping rates and lower maximum and average overtopping volumes compared to the accreted profile for three wave conditions[7].

4.3 Individual overtopping events results

For each test, individual overtopping volumes were measured, and a comparison of overtopping volumes for Seawall 2 with the eroded profile and with the accreted (1V:10H) profile indicated:

- Very large volumes of overtopping that appear to be associated with isolated overtopping wave events during the tested storm duration.
- The modelled maximum overtopping volumes are significantly higher (typically 2 orders of magnitude) than we estimated using EurOtop manual (EurOtop, 2018).
- The videos demonstrate that instances of large overtopping occur when the water level close to the seawall increases due to the effects of combined incoming and reflected waves.
- Mean overtopping rates with the fully eroded profile were 40-50% less compared with the 1V:10H ramp for three different wave conditions tested.
- V_{max} was 14-36% less, and V_{avg10} was 33-35% less, with the fully eroded profile compared with the 1V:10H ramp for two different wave conditions tested.

4.4 Wave loads results

A single load test on the Vertical Seawall with Wave Deflector under 500-year ARI waves and 2093 conditions was measured.

- The maximum force measured on the Wave Deflector was 195 kN/m.
- The maximum force measured on the SLSC Building Wall was 53 kN/m.

[6] Expected to be covered in the Maintenance Management Plan (MMP) for Coastal Protection Works (Condition 4 of the Determination of DA-455/2022)

[7] The eroded profile is considered relevant for events in excess of approximately 1 year ARI.

- The duration of the force impacts ranged from 0.3 to 0.6 seconds on the wave deflector and 0.8 to 1.4 seconds on the SLSC building wall.

5 Coastal Engineering Design

The proposed seawall design features a structure that varies in width from 9.5m to 2.7m from North to South. Positioned in front of the Bronte SLSC redevelopment, the seawall will span approximately 60m in total length (refer to **Figure 4-1**). Specific details regarding finished levels, crest levels, and the wave wall profile can be found in **Figure 4-2** and **Figure 4-3**.

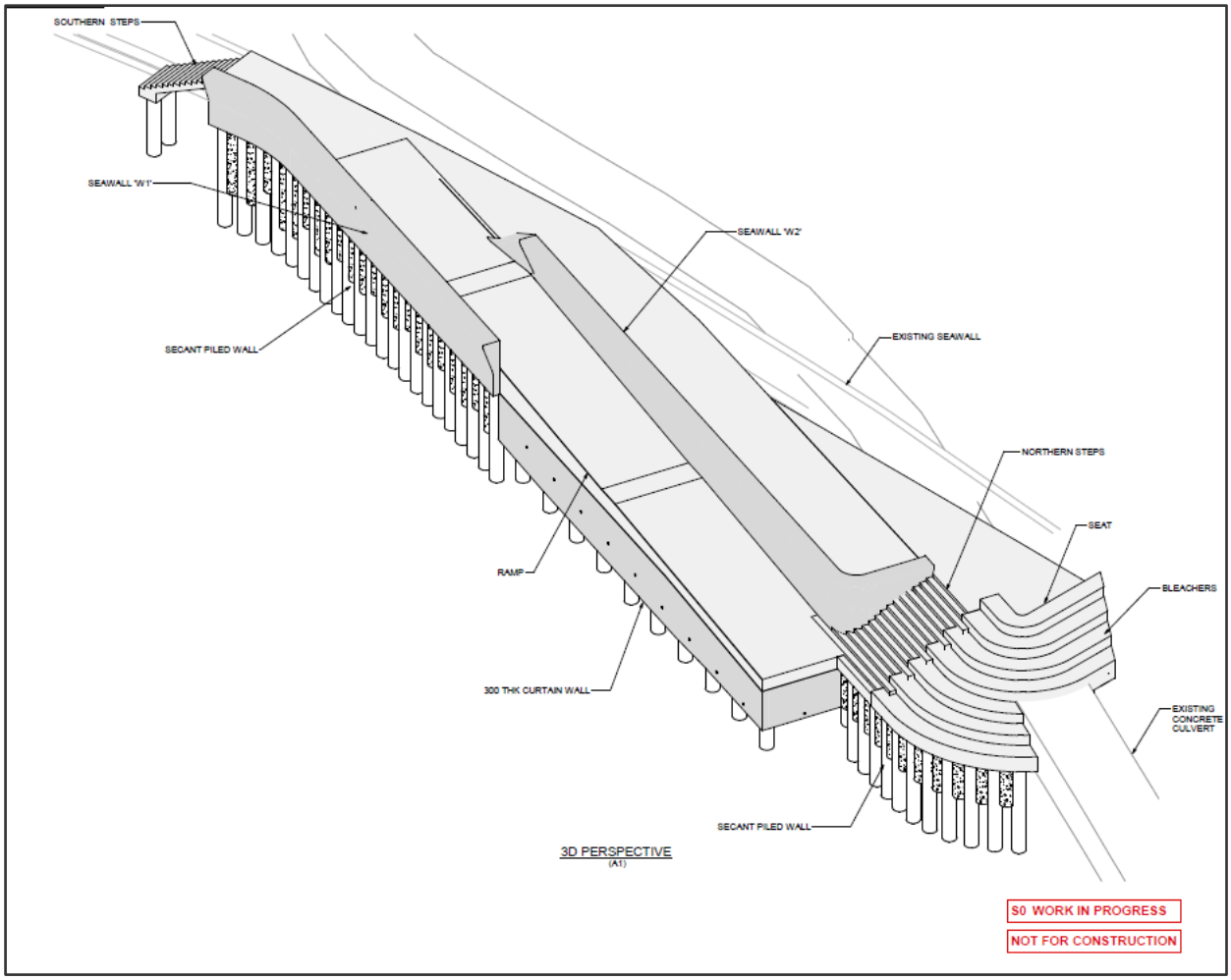


Figure 4-1 General arrangement 3D perspective of coastal protection

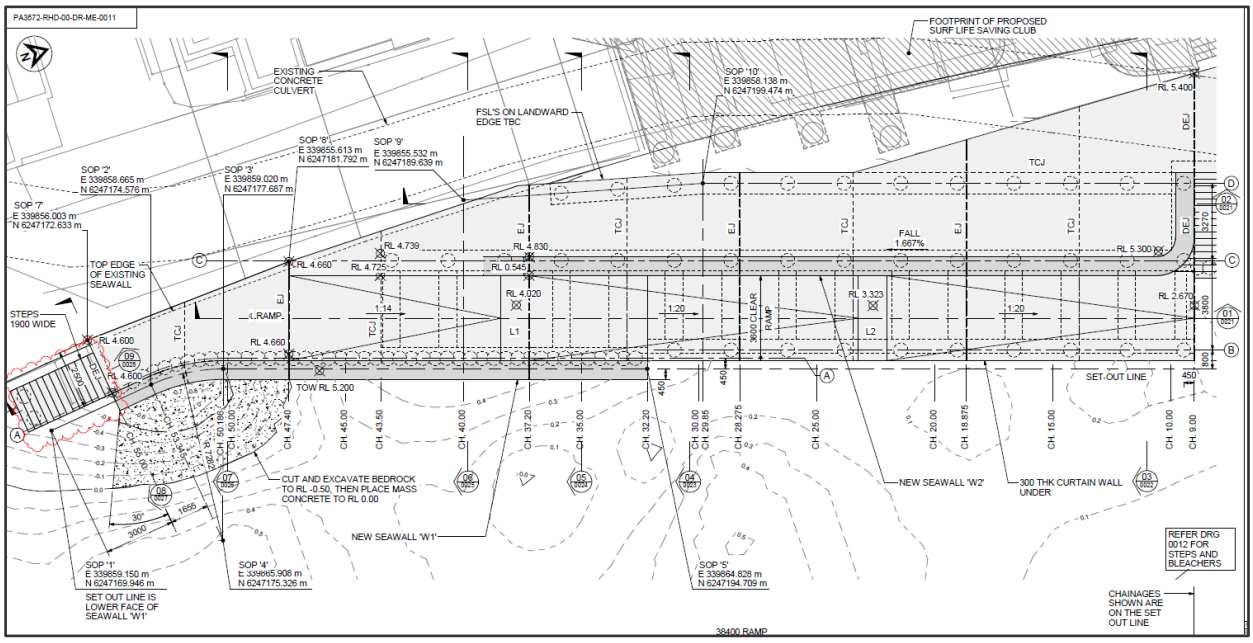


Figure 4-2 General arrangements plan and elevation

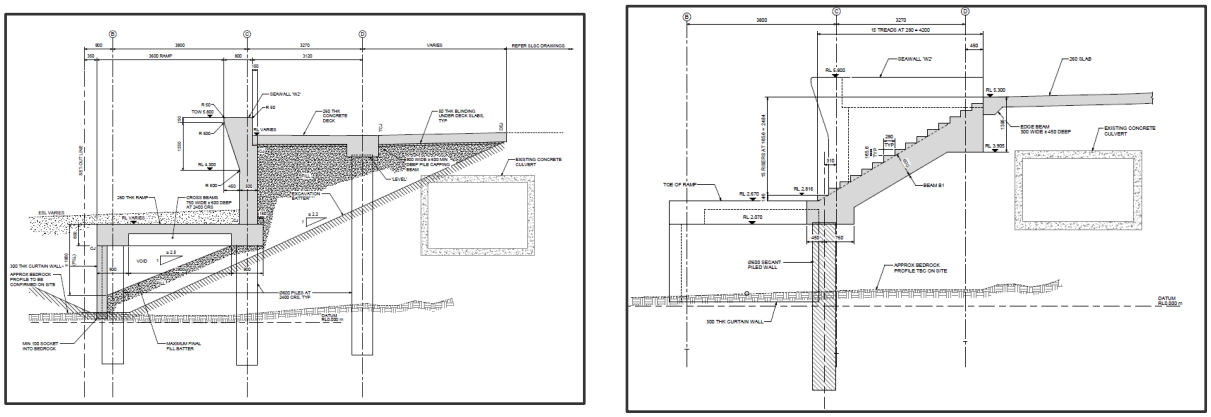


Figure 4-3 General cross-section for Seawall 2 and Seawall 1

Subsequent to our 80% design draft submission, minor amendments have been made, mainly comprising changes to the wall ends and modifications to the wave return profile.

The southern half of the proposed seawall structure incorporates a secant pile design, which alternates small-diameter reinforced and larger-diameter unreinforced concrete piles, while the northern half incorporates discrete piles with curtain wall under. The secant piles overlap in their planned position, and the curtain wall connects the underside of the edge beam to the bedrock, together acting as a barrier to coastal erosion while retaining the promenade and SLSC.

5.1 Physical modelling

WRL and RHDHV collaborated to develop a physical modelling programme to optimise the seawall design for the Bronte SLSC site, following best practice international guidelines.

Testing of the overtopping of the structure provided an accurate assessment of the overtopping hazard likely to be encountered over the life of the structure. It indicates that overtopping is likely to be low for

the majority of the time, with moderate storms presenting a hazard to pedestrians and building structures in the lee of the structure.

Nine out of ten overtopping tests included at least one wave in the 1,000-wave time series that exceeded EurOtop's 600 l/m tolerable limit for pedestrian access. The frequency of these large individual overtopping events largely depends on the planning period. Managing pedestrian access at Bronte SLSC will become increasingly important with the projected sea level rise.

Wave impact forces determined during testing provided valuable input to the structural design, helping to understand the loads expected at the structure under varying sea levels and storm conditions.

Physical modelling was crucial as a design tool to validate desktop assessments of design configurations and coastal processes, provide accurate wave loading parameters (which are notoriously difficult to quantify desktop), and optimise wave return wall geometry. Additional tests were considered but not performed due to time and budget constraints.

5.2 Coastal Assessment

The Coastal Assessment evaluates the proposal in accordance with the Coastal Management Act 2016, State Environmental Planning Policy (Resilience and Hazards) 2021, Waverley Local Environmental Plan 2012, and Waverley Development Control Plan 2022. The RHDHV Concept Design and Coastal Engineering Assessment Report (RHDHV, 2024) outlines responses to inform the planning process for Development Consent. The following amendments have been considered considering recent design updates:

Access and amenity

- The design updates maintain previous considerations regarding public access to and use of the beach.
- The Bronte SLSC Building Operational Management Plan (BOMP) serves as a source document and tool for managing coastal hazards. This document should be updated to reflect the findings of the Physical Modelling report.

Protection from coastal hazards and associated safety risks

- Results from physical testing of the seawall align with expectations for its performance under various scenarios, providing confidence in the design for suitable protection to the proposed surf club and guidance for managing the overtopping hazard to the public.
- The proposed works are anticipated to mitigate beach erosion and shoreline recession hazards over their lifespan without damage or failure, thereby avoiding a potential public safety threat.
- Physical modelling has quantified wave overtopping and loading, enabling further refinement of the coastal design and permitting the development of an acceptable regime for pedestrian management.
- Designed to withstand rare storm events over a 70-year lifespan, the proposed works present reduced public safety risks compared to taking no action.
- The proposed works significantly reduce public safety risks from wave overtopping compared to the current situation.

Engineering and maintenance considerations

- The proposed development significantly reduces the risk of coastal hazards, particularly concerning potential failures of the existing seawall in front of the SLSC and wave run-up and overtopping in that area. It is not expected to increase coastal hazards in adjacent areas already protected by seawalls or bedrock features.
- A Maintenance Management Plan (MMP) should outline procedures and practices for maintaining the coastal protection works associated with the Bronte SLSC and community facility upgrades. This document should incorporate conclusions and observations drawn from the physical modelling.

We trust that the above meets your requirements in this matter. Please do not hesitate to contact the undersigned should you require any further information or clarification.

Joao Goncalves

Senior Coastal Engineer
Water & Maritime



Report to the Waverley Local Planning Panel

Application number	DA-441/2024 - PAN-461052
Site address	Retail, 154 Curlewis Street BONDI BEACH (Bondi Pacific)
Proposal	Amending DA to DA-413/2015 to modify conditions including deletion of conditions relating to the lock-out after 12am midnight and trial period relating to live entertainment.
Date of lodgement	3 September 2024
Owner	Bondi Beachside P/L; Bondi Beachside Rebel P/L
Applicant	Fourgen P/L
Submissions	17 objections
Cost of works	Nil
Principal Issues	• Noise and amenity
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 to amend DA-413/2015 as further amended to modify conditions including deletion of conditions relating to the lock-out after 12am and trial period relating to live entertainment at Bondi Public Bar located at Retail, 154 Curlewis Street BONDI BEACH.

The principal issue arising from the assessment of the application is the impact upon the amenity of the surrounding area and residential properties. A comprehensive Plan of Management (POM) has been submitted with the application detailing measures to reduce impacts from noise, anti-social behaviour and to control the flow of patrons external to the site. The POM has been reviewed in consultation with the Licensing Police from the Local Area Command who are in support of the proposal.

The proposal is consistent with recent legislative changes made by the NSW Government under the *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* (the Vibrancy Reforms).

A total of 17 unique submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the recommendation. No Councillor submissions were received and there were no declared conflicts of interest on this application from Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 13 November 2024.

The site is identified as Lot 203 in DP 1211700, known as Retail, 154 Curlewis Street, Bondi Beach.

The site contains a seven-storey mixed use development occupying almost the entire block from Curlewis Street to Beach Road and Gould Street. The mixed use development contains a variety of uses including retail and commercial on the ground and first floor levels and residential apartments, hotel and serviced apartments on the levels above. The site is a stratum subdivision with the residential and commercial components on different stratum lots.

The subject application relates to Bondi Public Bar, being the pub located on the corner of Curlewis Street and Campbell Parade.

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



Figure 1: Campbell Parade frontage viewed to the north.



Figure 2: Campbell Parade frontage viewed to the south.



Figure 3: Campbell Parade frontage viewed from the corner.



Figure 4: Frontage along Curlewis Street.

1.3. Relevant Development History

The following applications are relevant to the subject tenancy (pub) to which the current application relates:

- **DA-413/2015** for the use and fitout of tenancy G/03 as a pub was approved the Land and Environment Court (LEC) on 1 September 2016, via a s34 Agreement.
- **DA-413/2015/A** for modification to the internal configuration and facade of approved pub was approved on 7 July 2017.
- **DA-413/2015/B** to modify Condition 63 to allow the door to the gaming room to be used after 10pm was approved on 19 April 2018.
- **DA-413/2015/C** for modifications to permit low level entertainment (Bondi Beach Public Bar) was approved by the Waverley Local Planning Panel (WLPP) on 24 July 2019.
- **DA-413/2015/D** for modification to amend Condition 59 relating to entertainment noise to extend the trial period for musical instruments or amplified sound for two years was approved on 1 October 2021.

The following conditions of consent of DA-413/2015 (as amended) are relevant to the subject application:

48. HOURS OF ADMISSION – NO PATRON ENTRY

No patron is to be admitted or re-admitted to the licensed premises after 12.00am Monday to Saturday and after 11.00pm on Sunday.

59. ENTERTAINMENT NOISE

(a) Musical instruments or amplified sound in the form of DJs, live bands, performers (with the exception of drums and percussion instruments) are permitted on the premises subject to the recommendations contained within the Acoustic Reports referenced in Condition No. 1 of this consent being implemented and certified as implemented and/or completed by a suitably qualified acoustic consultant.

(b) Two year trial for musical instruments or amplified sound

Irrespective of sub clause (a), the musical instruments or amplified sound within the premises may operate for a two (2) year trial period as follows:

The trial period starts from the date the applicant notifies the Council of compliance to its satisfaction with condition 59(a) and approval ceases on the second anniversary of that date. A further development application or Section 4.56 application may be lodged before the expiration date for Council's consideration for the continuation of the use.

Council's consideration of this further application will take into account the:

i. number and nature of substantiated complaints regarding the operation of the premises;

ii. compliance with conditions of consent; and

iii. *any other matters considered relevant to the environmental evaluation of the premises.*

(AMENDED DA-413/2015/C) (AMENDED DA-413/2015/D)

1.4. Proposal

The amending development application seeks consent for the following modifications to conditions of development consent DA-413/2015 (as amended):

- Deletion of condition 48 relating to the 'lock out' period after 12am midnight.
- Deletion of condition 59 relating to the entertainment trial period.
- Replace condition 1(d) to reference a new POM as part of the approved documentation.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 (Resilience and Hazards) 2021
- SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)

Part 2 *Exempt Development Codes,* Subdivision 15AB *Entertainment associated with existing premises* lists development that may be carried out without development consent, subject to specific criteria. Although the Codes SEPP does not need to be considered during the assessment of a development application, it is worth outlining the exempt provisions in relation to Condition 59 relating to entertainment noise.

Table 1: Codes SEPP Compliance Table

Provision	Compliance	Comment
2.30AC Specified development		
Low impact performance of live music or arts is development specified for this code if it is not carried out in a residential zone.	Yes	The site is zoned E1 *Local Centre* and as such is not in a residential zone.
2.30AD Development standards		
(1) The standards specified for this development are that the development— *(a) must be carried on inside a building, and* *(b) must not contravene an existing relevant condition of the most recent development consent that applies to the premises, and* *(c) must not contravene the Protection of the Environment Operations Act 1997, and*	Condition 59 ceased to have effect	The Liquor Act 2007, Schedule 1, clause 70(1), lists conditions in relation to live entertainment that cease to have effect including: *(a) a condition that restricts the genre of music that may be played or performed on the licensed premises,* *(b) a condition that restricts the number of musicians or live entertainment acts that may perform on the licensed premises,* *(c) a condition that restricts what type of instruments may be played on the licensed premises,*

Provision	Compliance	Comment
(d) must not be primarily used for adult entertainment, including, for example, a strip club, and *(e) must not be carried on in connection with a proposed change of use of premises.* *(2) In this clause—* ***existing relevant condition** means a condition relating to any of the following—* *(a) the number of persons permitted in the building,* *(b) hours of operation,* *(c) noise, other than a condition mentioned in the Liquor Act 2007, Schedule 1, clause 70(1),* *(d) car parking, vehicular movement and traffic generation,* *(e) loading management of waste,* *(f) landscaping.*		*(d) a condition that restricts the performance of original music,* *(e) a condition that restricts a stage for live performers from facing a particular direction,* *(f) a condition that restricts decorations, including, for example, mirror balls, or lighting used by musicians,* *(g) a condition that prohibits live music, live entertainment or the amplification of a musical instrument at all times or across the entire licensed premises,* *(h) a condition that prohibits or restricts the presence or use of a dance floor or another area ordinarily used for dancing.* Condition 59 restricts entertainment noise and is subject to a trial period which has now expired. The condition states that '*approval ceases on the second anniversary of that date'.* Given the pub is now out of the trial period, approval for live music and amplified sound has ceased. In this regard, Condition 59 becomes an ***existing relevant condition*** as the condition would now prohibit live music, live entertainment or the amplification of a musical instrument at all times or across the entire licensed premises. The condition therefore ceases to have effect under the Codes SEPP and the Liquor Act.

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

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

Table 2: 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*	Yes	The use is defined as a *'pub'* which is a *'food and drink premises'* which is a type of *'retail premises'* which is a type of *'commercial*

Provision	Compliance	Comment
• *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 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.*		*premises'*. Therefore, the proposal is defined as commercial premises, which is permitted with consent in the E1 zone. There are no physical works proposed as part of this application. The proposal is consistent with the relevant objectives of the E1 zone as it contributes to the range and intensity of retail and businesses uses that serve the needs of the people who live in, work in or visit the area. The proposal also contributes to investment in local commercial development that generates employment opportunities and economic growth; and contributes to the viability and vitality of the area. The zone objectives specifically seek to promote employment growth by giving preference to commercial development over residential development. Although the area is mixed use with both residential and commercial uses, it is the main tourist and entertainment area of the Local Government Area (LGA). The State Government's Vibrancy Reforms are legislative reforms which seek to improve the night-time economy. The proposal is consistent with these reforms and the objectives of the E1 zone.

Provision	Compliance	Comment
• *To promote employment growth by giving preference to commercial development over residential development.* • *To provide active ground floor uses to create vibrant centres.*		
Part 5 Miscellaneous provisions		
5.20 Standards that cannot be used to refuse consent – playing and performing music	Yes	This part of the LEP states that the consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level. The proposal seeks to delete the condition which relates to the trial period for entertainment. The Vibrancy Reforms also give no effect to conditions which prohibit live entertainment, although advice from the NSW Government is that the conditions should be retained on consents even if they no longer have effect. In this regard, it is recommended that the condition be modified, rather than deleted, to allow live entertainment to continue however subject to the terms of the Plan of Management and Acoustic Reports already approved under the parent consent DA-413/2015 as amended. This will enable any future issues to be identified and ameliorated through the POM which is to be reviewed annually.
Part 6 Additional local provisions		
6.16 Development in Zone E1	Yes	There is no change to the use of the site as a pub seeking only changes to conditions with no physical works proposed. The proposal will not have an unreasonable impact upon the amenity of the surrounding residential areas as discussed later in this report.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) – Amendment No.9

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

Table 3: 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		
1.2.3 General Amenity • *The design and use of the building is to take into consideration any impact on surrounding residential uses and include mitigation measures where necessary.*	Yes	Refer to discussion below this table.
1.2.4 Noise • *An acoustic report may be required for noise generating uses to demonstrate that noise will be appropriately attenuated between buildings.* • *Speakers should be located and orientated to minimise noise levels to neighbouring properties.*	Yes	Refer to discussion below this table.

The following is a detailed discussion of the issues identified in the compliance tables above.

Noise and amenity

Recent changes have been made by the Vibrancy Reforms including to the *Environmental Planning and Assessment Regulation 2021* (Clause 97A *Conditions relating to noise at licensed premises*).

Under the Vibrancy Reforms, certain noise-related conditions on licensed venues' development consents cease to have effect while the matter is being regulated under the *Liquor Act 2007*. From 1 July 2024 the following consent conditions no longer have effect:

- Category 1: Conditions related to noise from the way the business of the licensed premises is conducted. They are:
    - decibel limit-based sound controls, such as the LA10 noise criteria
    - the provision or cessation of live/amplified music or sound entertainment at specific times
    - the use of a noise limiter
    - the placement and use of speakers.

- Category 2: Conditions related to the behaviour of patrons after they leave the licensed premises. This includes anti-social behaviour or alcohol-related violence.

These aspects of licensed premises (including complaints) will now be managed by Liquor and Gaming NSW (L&GNSW) rather than Councils.

Notwithstanding, these conditions should continue to be imposed upon the consent as development consents run with the land and are enduring. If circumstances change in the future (for example, if the liquor licence for a venue is revoked and the business operation is no longer regulated under the Liquor Act's disturbance complaint framework or if the legislation is further amended in the future), these conditions will then take effect again.

It should be noted that the venue has been able to operate with live entertainment under a trial period since July 2019 when it was approved as part of a previous modification to the consent. Since this time, the trial period has been extended and legislation introduced into Codes SEPP that permit live entertainment. Since that time there have been five formal noise complaints to Council regarding the premises (noting that the time period contained COVID lockdowns and restrictions). From 1 October 2021 to 13 March 2024 three complaints were received and then two complaints have been received recently in November 2024. Of the five complaints, three were in relation to the noise from the queue outside of the premises and two complaints regarding noise from the premises in general.

An amended POM was submitted with the application that outlines measures to limit impacts upon surrounding properties including the following:

- The main door located on the corner of Campbell Parade and Curlewis Street will be designated as the main doorway of the licensed premises for the entry and egress of patrons. Security guards will be employed to control this door when required, as per the requirements of the DA consent and POM.
- The keeping of an Incident Register including complaints and actions taken.
- Noise criteria and noise controls.
- All windows and doors to the pub are to remain closed at 10pm except for ingress and egress. All Main Bar patrons must use the Campbell Parade main doors after 10pm. All windows to the pub must be closed whenever the noise limiter for the pub permits a maximum volume of more than 70dB(A).
- The sound system limiter has been carefully calibrated in February 2020 (when the trial period for live entertainment was approved) to comply with the noise conditions of the consent.

Given that the majority of the complaints received since 2019 related to noise from queuing outside of the premises before entry, it is considered reasonable to ensure that the queue is located in a position most removed from residential properties. It is not explicitly stated in the POM which frontage the queue is to be formed along however at present, it appears that the queue is located along the Curlewis Street frontage of the site. Given that Campbell Parade is opposite the beach and has a greater number of restaurants with outdoor seating, the nighttime ambient noise level is higher. The location of the queue

along this frontage is considered more reasonable as activity and noise is already higher and it is more removed from surrounding residential apartments. A condition is recommended that the POM be amended to explicitly state that any queue will extend along this frontage.

The site is zoned for business uses, is located within a busy entertainment and tourist area that has both business and residential uses. No one use is more important than the other. The business uses must be able to co-exist with the nearby residential uses and vice versa. The nearby residential uses must also have regard to the fact that they are not located in a quiet residential street with surrounding uses being low impact. Surrounding residential properties are within an entertainment, shopping and tourist hub and there will be associated impacts and conversely, conveniences due to the vibrancy of the area within which they are located. Notwithstanding, the POM provides measures that will ensure the amenity of the area is maintained to within the limits expected of the area.

Additionally, it should be noted that although certain conditions of the development consent will have no effect, there will continue to be conditions imposed on the Liquor License with the L&G NSW being the authority who will oversee the complaints process. Liquor and Gaming NSW is now the lead regulator relevant to issues of noise disturbance arising from the way in which the business of the licensed premises is conducted and from the behaviour of persons after they leave licensed premises. This includes anti-social behaviour or alcohol related violence. The premises will still have to abide by any rules and/or conditions imposed by L&GNSW on their liquor license. The new legislation simply removes Council from overseeing this process.

Furthermore, the lockout condition that was applied at the time was similar to that imposed by the NSW Government in Kings Cross and the Sydney City CBD and was formulated in consultation with the Licensing Police of the Local Area Command. The NSW Government repealed these laws in 2021 after the findings of a parliamentary committee inquiry. The Licensing Unit of the Local Area Command has been consulted regarding the proposal and has advised that the deletion of the conditions (including the live entertainment condition) is not inconsistent with recent NSW Government legislative changes around the Vibrancy Reforms and no objection is raised subject to a comprehensive POM.

Council is satisfied that the premises can operate without unreasonable impacts upon surrounding properties given the E1 zoning of the site.

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 23 September 2024 and 8 October 2024 in accordance with the *Community Engagement Strategy 2023*.

A total of 17 unique submissions were received from the properties listed in **Table 4.**

Table 4: Submission details

Count	Property Address
1.	104/186 Campbell Parade BONDI BEACH
2.	205/180 Campbell Parade BONDI BEACH
3.	207/180 Campbell Parade BONDI BEACH
4.	214/180 Campbell Parade BONDI BEACH
5.	217/180 Campbell Parade BONDI BEACH
6.	225/180 Campbell Parade BONDI BEACH
7.	315/180 Campbell Parade BONDI BEACH
8.	402/180 Campbell Parade BONDI BEACH
9.	406/186 Campbell Parade BONDI BEACH (3 submissions)
10.	801/180 Campbell Parade BONDI BEACH
11.	331, 519, 511, 509, 508 & 332/180 Campbell Parade BONDI BEACH (*pro forma*)
12.	211/182 Campbell Parade BONDI BEACH
13.	4/178 Campbell Parade BONDI BEACH
14.	19/178 Campbell Parade BONDI BEACH
15.	607/180 Ocean Street EDGECLIFF

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

- Noise and vibration
- Anti-social behaviour
- Noise from the queuing to enter
- Deletion of the 'lock out' condition is unnecessary
- Not in the public interest

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

Issue: There are other venues around Bondi Beach which are better suited to hosting live music.

Response: The legislation allows live entertainment at licensed premises, regardless of whether there are other more suitable venues surrounding.

Issue: Loss of property value.

Response: This is not a planning matter/consideration.

Issue: Should the application be approved further mitigation measures should be implemented such as the line/queue along Campbell Parade; no queue permitted past 12 midnight; security staff at the queue.

Response: As discussed previously in this report, a condition is recommended that any queue be along the Campbell Parade frontage of the site where noise and activity levels are higher. Security personnel are positioned at the entry to manage the queue as already indicated within the POM. If a condition were imposed regarding no queue past midnight, feedback from Police and pub managers has been that it encourages people to loiter within the area.

2.5. Public Interest

The proposal is considered to have no detrimental effect on the public interest.

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Local Area Command (Police) – Licensing Unit

The proposal was referred to the Licensing Unit of the Local Area Command and the following comments (summarised) were provided:

> *The application for modification to DA-441/2024 and deletion of conditions is not inconsistent with recent NSW Government's legislative changes around the Vibrancy Reforms. Licensing Police do not object to the modification sought as described in the SEE subject to the premises being operated at all times in accord with an approved Plan of Management. Police have spoken directly with the applicant's representative from Design Collaborative in respect to some minor amendments to the proposed Plan of Management submitted with the application. It was indicated that these amendments would be enacted.*
>
> *Police seek that any approved development consent be endorsed with the condition (or similar to):*
>
> ***OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT (POM)***
>
> *(a) The operation and management of the premises shall be strictly in accordance with the plan of management prepared by Design Collaborative revised .. insert date (POM)*
>
> *(b) The POM shall be provided to the Licensing Police of the Eastern Suburbs Police Area Command within 14 days from the date of this consent.*
>
> *(c) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with the Police Area Command and with prior written approval of Council. Following approval the updated POM is to be provided to Council and the Police.*
>
> *(d) An independent review of the POM may be undertaken by the Council or the Licensing Police of the Police Area Command upon providing the applicant with written notice, however no amendments are to be made without the prior written consent of Council.*
>
> *(e) The plan shall be reviewed (at a minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated,*

provided that no amendments shall be made to the POM without the prior written consent of Council.

The condition is included in Appendix A. Further correspondence was entered into with the Licensing Unit and the following (summarised):

- *Our office acknowledges the above policy changes and the strategic direction of the NSW Government under the Vibrancy Reforms. Matters that previously warranted referencing within our referral comments to Council, relevant to anticipated noise harms from the way in which the business of the licensed premises may be conducted or behaviour by persons leaving licensed premises, will no longer be progressed.*
- *Referral comments would continue to provide for the imposition of patron capacity limits, trading hours in accord with planning controls, noise mitigation requirements to the building structure etc.*
- *What I would consider has tremendous importance is the imposition of a condition relevant to a Plan of Management. My view is that a Plan of Management is a document created by the applicant and is instructive to the ongoing operation of the proposed development. It is a guide for staff and provides Council opportunity to understand how detrimental social impact is addressed. It would not be considered a condition that ceases to have effect.*
- *In respect to the lockout condition. A condition of this type possibly received the greatest contention from industry and was subsequently addressed within the Vibrancy Reforms. The Special Precincts (Liquor Act) established in Kings Cross (2014) and Sydney City some time later have been removed. The NSW Government now cites that these laws have been removed in Sydney. Whilst Council may establish its own grounds to consider the imposition of a lockout condition, I suspect it would be contested strongly.*
- *An earlier view held by our office was that a lockout condition would assist in reducing social impact and noise related harms especially when imposed consistent with standard trading hours (12 midnight) and a development was seeking extended hours beyond this time. The rationale was that reduced pedestrian movement towards a venue during later hours may have a reduction on noise harms, especially in residential streets (Beach Road Hotel for example) and allow for a natural diminishing of patron numbers.*
- *A contrary view that has been posed to me by industry and independent auditors is that patrons will often migrate to licensed premises without the necessary knowledge as to whether the venue has a lockout condition. This results in patrons walking to the venue, being denied entry and subsequently walking from the venue. It has been argued that this may result in increased and concentrated noise related harms during any lockout period. Whilst there may be merit to this contention it could also be the situation that venue marketing and patron behaviour results in increased patrons flowing to venues at later hours.*
- *Irrespective, our office does not have the capability to undertake the necessary analysis to determine the level of effect such a condition has on noise related harms within a precinct. There is no adverse intelligence holdings at the Police Area Command indicating increased levels of alcohol related harm on migratory pathways.*

- *Considering the NSW Government's position in totality, the advocacy of live entertainment and late night economy, our office would not be in a position to prosecute an argument that a lockout condition is necessary to reduce alcohol related harms.*

3.2. Environmental Health

The following comments were provided by Council's Environmental Health Department:

> *This section opposes this application. We oppose the removal of noise conditions as per the Noise complaint management at licensed premises NSW Government Planning circular [Ref: PS 24-003] dated 1 July 2024, which advises Council to continue to apply development consent conditions for the purposes of managing sound and noise impacts even if these conditions will not have any effect at licensed premises and any requirements imposed by the condition do not need to be complied with under the current legislative framework. This is because development consents run with the land and are enduring, and conditions will be needed to ensure that noise from a premises have been considered and can be managed if required, should circumstances change in the future.*

These issues have been discussed in detail previously in this report.

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 19 November 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and J Zancanaro*

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: 21/11/2024	**Date: 25/11/2024**	**Date: 2/12/2024**

Reason for WLPP referral:

1. Contentious development (10 or more objections)

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	Yes
Was there a 'Conflict of Interest' declared	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

	Condition
1.	**MODIFICATION TO DEVELOPMENT CONSENT DA-413/2015 AS AMENDED**
	The development consent operates in conjunction with development consent DA-413/2015 (as amended). (a) Prior to commencement of this development consent DA-441/2024, the development consent DA-413/2015 (as amended) must be modified pursuant to Section 4.17(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979* (NSW). (b) Condition 1 (Approved Development) of Development Consent DA-413/2015 (as amended) shall be modified by replacing (d) with condition 2 of this consent. (c) Condition 48 (Hours of Admission – No Patron Entry) of Development Consent DA-413/2015 (as amended) shall be deleted. (d) Condition 59 (Entertainment Noise) of Development Consent DA-413/2015 (as amended) shall be modified by condition 4 of this consent. (e) Notice of such modifications shall be given to Council in accordance with Clause 67 of the *Environmental Planning and Assessment Regulation 2021* within 60 days from the date of this consent.
	Condition reason: To modify consent DA-413/2015 in accordance with this consent.
2.	**APPROVED DEVELOPMENT**
	(d) Plan of Management prepared by Design Collaborative P/L dated November 2024 and received by Council on 11/11/2024. Except where amended by condition 3 of this consent.
	Condition reason: To modify consent DA-413/2015 in accordance with this consent.
3.	**MODIFICATIONS TO PLAN OF MANAGEMENT**
	The application is approved subject to the following amendments to the Plan of Management: (a) Any queue outside of the premises for patrons seeking to gain entry is to be located along the Campbell Parade frontage of the site and not along Curlewis Street.

	Condition reason: To protect the amenity of the surrounding residential properties by locating the queue within the high activity area of Campbell Parade.
	The amended Plan of Management is to be approved by the **Executive Manager, Development Assessment or delegate** prior to commencement of this consent. 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. Once the PoM has been approved by Council, a copy is to be provided to the Licensing Police of the Local Area Command prior to the commencement of additional patrons.
4.	**ENTERTAINMENT NOISE**
	Entertainment noise, musical instruments and/or amplified sound are permitted on the premises subject to the recommendations contained within the Acoustic Reports referenced in Condition No. 1 of DA-413/2015 (as amended) and the approved Plan of Management (as amended) in this consent.
	Condition reason: To protect the amenity of the surrounding residential properties.
5.	**OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT**
	(a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times. (b) The approved PoM shall be adopted by the Management of the premises. (c) The POM shall be provided to the Licensing Police of the Eastern Suburbs Police Area Command within 14 days of receiving written approval by the **Executive Manager, Development Assessment or delegate** in accordance with condition 3 of this consent. (d) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this POM, any such amendments shall be made in consultation with the Police Area Command and with prior written approval of Council. Following approval, the updated POM is to be provided to Council and the Police. (e) An independent review of the POM may be undertaken by the Council or the Licensing Police of the Police Area Command upon providing the applicant with written notice, however no amendments are to be made without the prior written consent of Council. (f) The plan shall be reviewed (at a minimum) on an annual basis, and at any time there is a change in business ownership of the premises, to ensure harms that arise are mitigated, provided that no amendments shall be made to the POM without the prior written consent of Council.

	Condition reason: To protect the amenity of the surrounding residential properties.

GENERAL ADVISORY NOTES

	Condition
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.	**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.
5.	**DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)**
	Any works performed in, on or over a public road reserve pursuant to this consent must be carried out in accordance with this consent and with the Road/Footpath

	Occupancy Permit issued by Council as required under Sections 138 and 139 of the Roads Act 1993.

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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AMENDED

RECEIVED
Waverley Council

Application No: DA-441/2024

Date Received: 11/11/2024

PLAN OF MANAGEMENT

FOR BONDI PUBLIC BAR

LOCATED AT G03 & G06 PACIFIC BONDI,
180-186 CAMPBELL PARADE, BONDI BEACH

November 2024
Ref: 231951.5P

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Appendix B Development Consent DA-457/2022
Appendix C Incident Register Example
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Appendix E Sound System Calibration by Acoustic Directions
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1.0 INTRODUCTION

1) The purpose of this Plan of Management (*the Plan*) is to establish performance criteria for the operation of the Bondi Public Bar (*the Hotel*), having regard to the relevant matters under the *Environmental Planning and Assessment Act 1979* and the *Liquor Act 2007* (*the Liquor Act*) and any relevant Regulation under that legislation.

2) Where there is a conflict between this Plan of Management and management plans of condition 44 of DA-413/2015, then this Plan of Management shall prevail.

3) The Outdoor Seating area (along the Campbell Parade frontage) operates under a separate Plan of Management (as per development consent, DA-232/2017). Where there is a conflict between the two Plan of Managements, this Plan of Management shall prevail.

4) All staff involved with the sale or supply of liquor or security, shall receive instruction and training on the contents of this Plan and its attachments. A copy of this Plan shall be available on site at all times and immediately produced for inspection, upon request by Council Compliance Officers, the Police, or inspectors from Liquor and Gaming NSW (L&G). Copies of the liquor license (**Appendix A**) and development consent (**Appendix B**) will also be kept on site and produced upon a request by Police or Council Officers.

5) The provisions of this Plan must be adhered to at all times during the execution of the duty of all members of staff and security. Disregarding the provision of this Plan may lead to on-the-spot dismissal.

6) Reference in this Plan to the ***Licensee*** is a reference to the most senior Hotel management person on duty, even in the absence of the Licensee.

7) Reference in this Plan to the ***Security Manager*** is a reference to the most senior Hotel security person on duty, unless the role of Security Manager has been delegated by the Licensee.

7) An obligation or responsibility under this Plan assigned to a Duty or Security Manager may be undertaken by another member of staff, as delegated by the relevant manager.

8) The appointed licensee of the Hotel on the liquor licence at the time of writing (and subject to change) is Edward Ryan.

2.0 OPERATIONAL DETAILS

2.1 THE POLICE AND COMMUNITY LIAISION COMMITTEE

9) The Licensee will maintain an active membership in the Eastern Suburbs Liquor Accord.

10) The management team for the Hotel will meet amongst themselves on a monthly basis and as required with the Commander or his delegate of the Eastern Suburbs Local Police Area Command. Matters that will be discussed will range from the management of upcoming events, complaints received from residents, businesses, the Police or Council, any recent incidents and where improvements could be made with respect to security and management procedures. Management procedures and this Plan are to be reviewed at those meetings to address on-going matters as they arise and to ensure contingency plans are in place.

11) This Plan incorporates a community complaint section to deal with any complaints as to noise or the behaviour of patrons or staff. See Section 3.3 of this Plan for more information.

12) The licensee or senior management nominee of the premises is to attend a Precinct Meeting when invited by the convenor of the relevant committee. Notice of any meeting shall be provided to the Hotel no later than 7 days prior to the committee meeting. The hotel representative should make themselves known at the committee meeting and their attendance should be recorded in the minutes of the meeting.

2.2 HOURS OF OPERATION & ENTRY TO THE PREMISES

13) The hours of operation of the Hotel are as follows;

Approved hours of operation – internal area, gaming room & dining room

Monday to Saturday 7.00am to 11.00pm
Sunday 7.00am to 10.00pm (midnight)

The approved extended trial trading hours currently constitute;

Monday to Saturday 11.00pm to 1.00am
Sunday 10.00pm to 12.00am (midnight)

The main door located on the corner of Campbell Parade and Curlewis Street will be designated as the main doorway of the licensed premises for the entry and egress of patrons. Security guards will be employed to control this door when required, as per the requirements of the DA consent and POM.

The dining room entrance door located further north on Campbell Parade will

be used for the purpose of greeting and seating dining patrons during lunch and dinner services. This door, when in use, will always be monitored by a hotel staff member who will perform the role of Restaurant Host. Once the Restaurant Host ceases monitoring this door for arriving dining guests later in the evening, all patrons entering the premises will be directed to do so via the main doorway on the corner of Campbell Parade and Curlewis Street.

If on occasion the dining room door is used for patron entry after 9pm at night due to a special event, then a designated security guard will be stationed at this doorway whilst it is in operation to monitor arriving patron.

14) Packaged liquor may be sold over the bar for consumption away from the Hotel between the hours of 10am and 10pm, daily.

15) No patron shall be permitted access to the Hotel outside the hours of operation.

2.3 CAPACITY

16) The Hotel has a maximum capacity of ***396 patrons*** across G03 (main bar) and G06 (dining room) at any one time:

I. Internal Bar and Dining Area: 366 patrons;

II. Gaming Room: 30 patrons; and

III. After midnight, a maximum of 30 patrons is permitted within G06.

3.0 MANAGEMENT MEASURES

3.1 GENERAL AMENITY

17) The Licensee shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the Hotel does not impact adversely on the surrounding area.

18) Patrons wishing to smoke will be directed by security and hotel staff as to where the most appropriate location is situated. Security and management to ensure patrons who leave the premises to smoke comply with all relevant legislation. Hotel management will provide cigarette butt bins in this area, whilst periodic cleaning patrols by Hotel staff will also maintain the cleanliness of the area. In accordance with current legislation, no smoking will be allowed in the internal bar and dining areas of the hotel at anytime.

19) The Licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the Hotel does not detrimentally affect the amenity of the surrounding area.

20) The Licensee shall ensure that the entry points and immediate vicinity are kept

clean and tidy during the Hotel's hours of operation.

21) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.

22) Any queuing of patrons shall not block pedestrian movement along the footway.

23) Following the close of the Hotel the Licensee shall ensure that the entry points and immediate vicinity of the Hotel are cleaned with all signs of rubbish and waste removed.

24) Any person who has been turned out of the Hotel or refused entry for being intoxicated, violent, quarrelsome or disorderly is not permitted to re-enter the Hotel for 24 hours or remain within 50 metres of the Hotel for 6 hours without a reasonable excuse. Reasonable excuses include: fearing for their safety; to obtain transport; or they reside within 50 metres of the Hotel. The Security Manager shall contact the Police if any person refuses to leave the Hotel or refuses to move more than 50 metres from the Hotel as required by the Liquor Act.

3.2 THE RESPONSIBLE SERVICE OF ALCOHOL

25) The sale and supply of liquor shall be exercised – at all times – in accordance with the provisions of the Liquor Act and Regulation and the Hotel Licence (**Appendix A**).

26) The following operational policies for the Responsible Service of Alcohol shall apply at all times:

I. All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the Responsible Service of Alcohol

II. All staff are required to have their RSA Competency Card available at all times when working. Failure to produce RSA Certification at the request of Police or Inspector is an offence under the Liquor Act with a maximum penalty of $550 (for you, not the Hotel).

III. The Licensee shall not permit the Hotel to engage in any liquor promotion that is likely to promote irresponsible service of liquor.

IV. Alcohol shall not be served to any person who is intoxicated.

V. Any person who is intoxicated shall be denied entry to the Hotel.

VI. All staff and security are responsible to ensure that intoxication or any indecent, violent or quarrelsome conduct by patrons in the Hotel is brought to the attention of the Licensee. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable maybe barred from entering the Hotel for a period determined by the Licensee.

VII. Patrons under the age of 18 years shall only be admitted to the Hotel in the company of a responsible adult[1] and no patron under 18 years shall be permitted entry to the Gaming Room. Production of photographic identification will be required to confirm the age of any patron who appears to be under the age of 25 years. The only acceptable proof of age identification shall be a valid:

a) A Driver or Rider Licence or Permit issued by an Australian State or Territory or any foreign country;

b) A NSW Digital Driver Licence;

c) Australian or other Passport;

d) NSW Photo card;

e) Proof of age card issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age; or

f) Keypass (over-18) identity card issued by Australia Post.

IX. Low alcohol beer and non-alcoholic beverages shall be available at all times.

X. Free drinking water shall be available at all times.

XI. Light meals shall be available on request whenever liquor is available for consumption in the Hotel.

XII. Staff are not permitted to consume alcohol whilst on duty.

27) A person is to be considered intoxicated if the person's speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor. Bring to the attention of Licensee any person considered to be displaying signs of intoxication.

3.3 COMPLAINTS AND THE INCIDENT REGISTER

28) The Licensee shall ensure that details of the following are recorded in the Hotel's Incident Register (**Appendix C**) at all times:

I. Any incident involving violence or anti-social behaviour occurring on the Hotel;

[1] ***Responsible adult*** in relation to a minor, means an adult who is: (a) a parent, step-parent or guardian of the minor, or (b) the minor's spouse or de facto partner, or (c) for the time being standing in as the parent of the minor.

II. Any incident of which the Licensee is aware, that involves violence or anti-social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to, the Hotel;

III. Any incident that results in a person being turned out of the Hotel under Section 77 of Liquor Act; viz

a) For being intoxicated, violent, quarrelsome or disorderly;

b) Whose presence on the licensed premises renders the Licensee liable to a penalty under the Liquor Act, e.g., unaccompanied minors;

c) Who smokes within an area of the Hotel that is a smoke-free area; or

d) Who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.

IV. Any incident that results in a patron of the Hotel requiring medical assistance;

V. Any incident that occurred either on the Hotel or in the immediate vicinity, which involved the committing of a crime or required the intervention of security;

VI. Any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons; and

VII. Any visit by any NSW Police Officer, L&G Special Inspector or Council Officer noting their agency or department, reason for the visit and result of the visit.

29) The Incident Register entry is to note under which of the above reasons the entry is being made, including the details of any incidents, what action was taken by security, the level of intoxication of any patrons involved and whether the Police were called.

30) The Licensee shall make the Incident Register available to any NSW Police Officer, Council Officer, L&G Special Inspector on request.

31) Persons who wish to make a complaint should contact the Hotel on the phone number displayed on the Hotel's website. Calls to the Hotel must be answered at all times when the Hotel is trading and for at least 30 minutes after closing time. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner. Where possible, action shall be immediately taken to address any complaint so made, including follow-up action, such as returning the resident's call to let them know what has been done to address the concerns/complaints expressed. All complaints are to be responded to by the Licensee within 48 hours of a complaint being made.

32) The following details of complaints made to the Hotel are to be recorded in the Incident Register:

I. Date and time of the incident that led to the complaint;

II. Nature of the complaint;

III. Address and contact details of the complainant;

IV. Any actions proposed to deal with the complaint; and

V. The actions taken and the time and date when that was reported to the complainant.

VI. The Incident Register is to be reviewed regularly by the Licensee to ensure that complaints, where possible, are being dealt with appropriately and that sufficient details in relation to incidents are being recorded.

3.4 NOISE CRITERIA AND NOISE CONTROLS

The following noise conditions have been imposed on the operation of the Hotel:

33) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 7:00am and 12.00 midnight at the boundary of any affected residence.

34) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12.00 midnight and 7:00am at the boundary of any affected residence. Note that the term 'boundary' includes any window or elevated window of an affected residence.

The LA10 noise level emitted from the licensed premises shall not exceed the LA90 background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) at any time within any habitable room of any affected residence.

35) Notwithstanding compliance with the above, the noise emitted from the licensed premises shall not be audible within any habitable room of any affected residence between the hours of midnight and 7:00am.

36) Any noise mitigation measures and noise limiting devices must not be altered or modified unless on the advice of or by a qualified acoustic consultant and Council must promptly receive written notification from the Licensee, of any such changes.

37) The employment of any member of staff, security or entertainer found tampering with the sound system or noise-limiting device may be terminated on the spot.

38) All windows and doors to the Hotel are to remain closed at 10pm except for ingress and egress. All Main Bar patrons must use the Campbell Parade main doors after 10pm.

39) All windows to the Hotel must be closed whenever the noise limiter for the Hotel permits a maximum volume of more than 70dB(A).

40) Sound Amplification Equipment

I. All speakers shall be installed with vibration isolation mountings.

II. All sound amplification equipment used on the premises must be controlled by a Root Mean Square (RMS) noise limiter (compression ratio greater than or equal to 20:1) (Limiter). The limiter settings shall be adjusted by a suitably qualified acoustic consultant to ensure that the Noise Use condition specified here-in is complied with.

III. The Limiter must be connected directly to the power amplifiers without intervening electronics and housed in a tamper proof cabinet which shall be kept locked at all times. Keys shall be held for safe-keeping by the Licensee only.

IV. No modifications to the sound amplification equipment shall be made without approval of Council. Any modifications will require submission of an updated Noise Compliance Verification Report.

41) The sound system limiter has been carefully calibrated in February 2020 to comply with the above noise conditions. Details of the calibration are provided in **Appendix E**.

42) **Appendix E** also holds details of sound pressure levels in octave frequency bands that can be used by technicians or Council officers to check that the sound system is operating as calibrated for the periods of before-midnight and after-midnight. The levels are to be measured as the L_{Zeq} metric over a duration of 30 seconds at six defined positions within the Hotel, with either pink noise or a specific dance track.

3.5 SIGNAGE

43) The Licensee shall be responsible to ensure the following signage (in lettering not less than 15mm in height on a contrasting background) is to be erected in a prominent position near each entry to the premises as follows:

I. Approved hours of operation – internal area
Monday to Saturday 7.00am to 1.00am
Sunday 7.00am to 12.00am (midnight)

II. Approved patron capacity;
Total of 396 patrons comprising;
Gaming Room 30 patrons
Internal Bar and Dining Areas 366 patrons

Upon leaving please respect local residents by minimising noise

44) The Licensee shall be responsible to ensure all signage required under the Liquor Act and Regulation, is displayed and maintained in a prominent position, in accordance with those legislative requirements; including:

I. Signage at the entrance stating the licence name, type of licence number and the name of the Licensee.

II. Signage obtained from L&G and erected at the entrance to areas where a minors'-area authorization is in place: PERSONS UNDER THE AGE OF 18 YEARS MUST BE WITH A RESPONSIBLE ADULT IN THIS AREA BY LAW.

III. Signage obtained from L&G and erected at the entrance to bar areas stating: PERSONS UNDER THE AGE OF 18 YEARS ARE NOT PERMITTED IN THIS AREA BY LAW.

IV. Signage obtained from L&G and erected at any bar area stating: IT IS AGAINST THE LAW TO SELL OR SUPPLY ALCOHOL TO, OR TO OBTAIN ALCOHOL ON BEHALF OF, A PERSON UNDER THE AGE OF 18 YEARS.

3.6 WASTE MANAGEMENT AND DELIVERIES

45) All waste shall be stored within the building for collection. Waste and recycling will be collected by a waste contractor and will not be stored on the public way, e.g., the footpath, at any time.

46) The Licensee is to ensure that adequate bins are to be provided outside the Hotel for patrons to properly dispose of cigarette butts.

47) The Licensee shall sure the Hotel is cleaned daily after close or more frequently as the need arises.

48) Delivery of kegs must occur from a designated parking space next to the keg room at basement level two, between the hours of 7am and 10am.

49) Litter patrols are to be undertaken in the general vicinity of the premises. Such patrols will take place intermittently during the hours of operation with the final patrol conducted at the cessation of trade. A litter patrol Register must be kept on the premises at all times detailing the date, time of patrol, staff member responsible, and manager's signature.

50) No bottle or glass sorting, recycling or collection shall take place between 8.00pm and on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

4.0 SECURITY MEASURES

51) Security is to be undertaken in accordance with an approved Security Management Plan within the approved Plan of Management (Appendix D). Any modifications to security procedures is to be updated in this plan of management and a copy provided to Council and Licensing Police for their records.

52) The Security Management Plan shall be reviewed not less than 3months after commencement of operations, in consultation with the Licensing Police of the local Police Area Command. Any amendments to be made shall be submitted to Council and the Licensing Police for their records.

4.1 GENERAL MEASURES

53) The Security Manager shall require all security personnel employed at the Hotel to:

I. Be dressed in readily identifiable uniform so that they may be highly visible to patrons and displaying identification as a security guard.

II. Fill in a time sheet (with start and finish times), which is to be initialed by the Licensee. Access to the sign on sheet shall be provided to NSW Police on request.

III. Report to the Security Manager and Licensee to obtain a briefing on any specific duties to be addressed before commencing duty.

IV. Prevent any person, detected as intoxicated, entering the Hotel and bring to notice of the Licensee, any person on the Hotel who might be considered to be in, or approaching, a state of intoxication.

V. Prevent patrons from removing glass or alcohol from the Hotel.

VI. Prevent patrons entering the Hotel with alcoholic drinks.

VII. Monitor patron behaviour in, and in the vicinity of, the Hotel until all patrons have left, taking all practical steps to ensure the quiet and orderly departure of patrons.

VIII. Collect any rubbish in the vicinity of the Hotel that may be associated with the Hotel's business.

IX. Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.

X. In the event of an incident, clearly identify themselves as security belonging to the Hotel and attempt to rectify the problem.

XI. Continually apply a "Hands Off" policy. Patrons are only to be asked to leave at the direction of management and forced removal from the Hotel must only occur at the direction of the Licensee and with reasonable force only. Immediate hands on action may still be used in self-defence or in the defence of another patron or member of staff.

XII. Make a written note with details of any incidents in the Hotel's Incident Register, as required by this Plan. The details should be immediately entered in the Incident Register or, where it is not practical to do this, written in a notebook and copied into the Incident Register as soon as practicable.

54) Security is to act in accordance with their powers in the public domain to assist persons in distress or give corrective advice to patrons of the Hotel. Patrons may be advised that failure to adhere to the directions of security will lead to

refusal of re-entry.

55) Security are to be aware of the location of public transport options in order to properly advise departing patrons, as follows.

I. Buses are available from Campbell Parade at the northern end of Bondi Pavilion. The 380 route operates 24 hours a day on average every 15-20 minutes between Circular Quay and Bondi Beach.

II. The nearest Taxi Rank is located on Campbell Parade visible from outside of the Bondi Beach Public Bar.

56) The doorway leading between the kitchen pass and the public amenities corridor (at rear) shall be used by staff only, except in the case of an emergency (ie. as emergency exit). "Staff Only Beyond This Point" signs are to be displayed on the actual door, as well as at the top of the service ramp which descends to this door way located in front of the kitchen pass, so as to deter patrons from using this door for whatever reason.

4.2 SECURITY STAFF

57) Upon commencing operations, Security are to be provided on the following basis until clause 51 commences:

I. From 8pm one (1) licensed security officer is to be deployed at each entrance to the Hotel on Campbell Parade and Curlewis Street on Friday and Saturday nights and on any night preceding a public holiday.

II. If there are more than 200 patrons in the Hotel after 10pm, one (1) additional licensed security officer is to be employed from 10pm to patrol the internal areas of Hotel. One (1) additional licensed security person is to be provided for each additional 100 patrons beyond that.

4.3 CRIME SCENE PRESERVATION

58) Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises or in the immediate vicinity, the person must:

I. Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police; and

II. Make direct and personal contact with the Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident; and

III. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

4.4 CLOSED CIRCUIT TELEVISION (CCTV)

59) CCTV cameras must be maintained throughout the Hotel with camera coverage to specifically record images of the following areas:

I. all public entrances and exits, whether or not in use at the time;

II. toilet external entrances;

III. all public accessible areas within the Hotel excluding toilets; and

IV. the footpath area directly adjacent to the Hotel.

60) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

61) Recordings must:

I. be in digital format; and

II. record at a minimum of six frames per second; and

III. commence one hour prior to opening, and operate continuously until at least one hour after closure.

62) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system.

63) Recordings must be retained for a period of 30 days before being reused or destroyed. The Licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

64) When the Hotel is open and trading, at least one person shall be at the Hotel who is capable of accessing the CCTV system and is able to immediately review recordings and produce copies on compact disc, DVD or USB within 24 hours of a request by Police of L&G NSW Inspector.

65) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, L&G NSW Inspectors and other regulatory officers upon request.

4.5 FOOTPATH AND ENTRY MANAGEMENT

66) Patrons may be directed at any time to enter from Campbell Parade and if required patrons are to be directed to queue along the building's frontage from the Campbell Parade entrance. Patrons are to be permitted entry into the Hotel as quickly as possible to avoid congregation on the footpaths surrounding the entry. Queuing will assist in ensuring that all patrons are vetted for intoxication

and age verification prior to entry, as well as to ensure that the maximum capacity of the Hotel is not exceeded.

67) The Security Manager is to ensure that patrons queuing to enter are to be checked that they meet the Hotel's entry requirements and dress code, and as follows:

I. ***Groups:*** Entry may be denied to groups of males if they are perceived to be potentially aggressive or violent.

II. ***Young patrons:*** Young patrons are to be denied entry even if is *suspected* they, or a member of their group, is under age.

III. ***Attitude:*** Any person who is rude, aggressive, violent, quarrelsome, difficult or perceived to have a negative attitude is to be denied entry.

IV. ***Clothing:*** No person wearing any clothing, jewellery or accessories indicating association with any gang, including colours, patches, abbreviations, etc., including 1%, or 1%er insignia.

68) If possible, and at the discretion of the Security Manager, prior to making it to the front of the queue patrons not meeting the above requirements are to be instructed to leave the queue.

69) The minimum requirement for counting patrons within and as they enter the Hotel is to be undertaken as follows.

I. Until there are ***250 patrons*** within the Hotel, the number of persons present may be monitored by a periodic head count, made by the Licensee or Security Manager, at the discretion of the Licensee, at either half-hourly or hourly intervals.

II. Whenever there are more than ***250 patrons*** the number of persons shall be monitored by the use of a hand-held counting device operated by a dedicated security person at the entry/exit point.

III. Once the Hotel reaches ***396 patrons***, this capacity is not to be exceeded.

5.0 OTHER RELEVANT MATTERS

5.1 DRUGS AND DRINK SPIKING

70) If any person is caught dealing, purchasing or consuming drugs within the Hotel, the person (or persons) are to be requested to leave immediately by the Duty or Security Manager and the Police must be informed of this. If the same person is caught again, then the person (or persons) are to be banned for a period determined by the Licensee and the Police notified. The incident is to be recorded in the Incident Register.

71) The Licensee shall ensure that all toilets are patrolled by security or a member of staff at random intervals. The relevant member of staff must notify the Licensee of any suspected illegal activity, or if the toilets need attention in regard to cleanliness. If there is no female personnel on duty, then prior to entry into the female toilets, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male member of staff or security.

72) Drink spiking is often difficult to detect. Below are some things to look out for and what to do:

I. Any occurrences of a person (or persons) escorting out an obviously affected and lone person. Ask questions and engage in conversation with the person escorting the affected patron away, asking for their name, where they are heading to, etc – contact the Licensee about any person who goes to length to remain anonymous.

II. An affected person may need medical attention, so ask them. If they are not capable of making that decision – then arrange that medical attention.

III. Any affected person will need to get to a safe place, which may be theirs or a friends place. Ensure people who are showing signs of intoxication are looked after by their friends and not leave them in the company of the person who may have spiked their drink.

IV. Contact the Police and thoroughly document the incident including any responses to questions in the Hotel's Incident Register.

V. Remember the most common drug used for drink spiking is alcohol. Be aware of strange drink orders such as beer and a nip of vodka, double shots in short glasses, etc and monitor patrons that order these drinks and bring to the attention of the Licensee if you suspect drink spiking.

5.2 FIRE SAFETY AND ESSENTIAL SERVICES

73) The Licensee shall ensure that all essential services installed at the Hotel are certified annually and shall ensure that they remain in good working order at all

times.

74) In the event of any malfunctioning of any essential service the Licensee shall ensure that it is rectified as quickly as soon as possible.

75) The Licensee shall ensure that lists of telephone numbers of all relevant emergency agencies shall be kept in the office.

76) In the event of an emergency at the Hotel the Licensee is to direct staff to remove patrons from the Hotel and is to ensure the toilets are clear of patrons before evacuating. Staff, or if present, the Security Manager is to direct patrons away from the Hotel as they exit.

5.3 AMENDMENT TO THIS PLAN

77) If, in circumstances where better management or improved amenity outcomes can be achieved by amendments to this Plan such amendments can be made, following consultation with both the Police and Council who shall agree to those changes in writing and be provided with a copy of any modified Plan.

78) This Plan and its attachments are also subject to legislative changes to the Liquor Act 2007 and Liquor Regulation 2008. Where the publications of L&G are revised or withdrawn from its website or where legislative changes occur from time to time, the Plan is to be taken to reflect those changes and those changes may be made to the Plan without consultation with the Police or Council.

79) An independent review of the Plan of Management may be undertaken by the Council or the Licensing Police of the local Police Area Command upon providing the applicant with written notice.

POM Version: July 2024

Licensee Name: Edward Isaac Ryan

Licensee Signature:

APPENDIX A – LIQUOR LICENCE

APPENDIX B – DEVELOPMENT CONSENT

APPENDIX C – INCIDENT REGISTER EXAMPLE

APPENDIX D – SECURITY MANAGEMENT PLAN

APPENDIX E – SOUND SYSTEM CALIBRATION

Appendix F - Licensed Boundary Plan



WAVERLEY COUNCIL

Report to the Waverley Local Planning Panel

Application number	DA-520/2024
Site address	12 Clarke Street, VAUCLUSE NSW 2030
Proposal	The use of the existing unauthorised works (kitchen) and change of use from studio to secondary dwelling.
Date of lodgement	03 October 2024
Owner	Mr H Qi
Applicant	Mr H Qi
Submissions	One submission
Cost of works	Nil
Principal Issues	Non-compliance with the minimum site area requirements for secondary dwellings under the *State Environmental Planning Policy (Housing) 2021*
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 use of the existing unauthorised works (kitchen) and change of use from studio to secondary dwelling at the site known as 12 Clarke Street, Vaucluse.

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

- Non-compliance with the minimum site area requirements for secondary dwellings under the *State Environmental Planning Policy (Housing) 2021.*

The assessment finds this issue acceptable as this proposal only seeks to regularise the use of the secondary dwelling which already exists at the subject site, and as there are no environmental impacts resulting out of this proposal.

A total of one submission was received and the issues raised in the submission have been considered and addressed in this report and in the Recommendation. No Councillor submission was received.

There were no declared conflicts of interest on this application from Council staff.

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 15 November 2024.

The site is identified as Lot D in DP307187, known as 12 Clarke Street, Vaucluse.

The site is rectangular with a frontage of 8.23m to Clarke Street. It has an area of 291.3m^2 and is generally flat. The site is occupied by a single storey dwelling house with vehicular access provided from Clarke Street. The subject site benefits from a right of carriageway over the adjoining driveway which services the battle-axe allotment known as 14 Clark Street.

The site is adjoined by detached dwellings with rear studios/secondary dwellings on either side. The locality is characterised by a variety of low and medium density residential developments and is within proximity of South Head General Cemetery and the E1 Local Centre to the west, Clarke Reservation to the east and Christison Park which is part of the Woollahra LGA to the north.

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



Figure 1: View of the existing dwelling from Clarke Street.



Figure 2: Existing driveway along the eastern side setback shared with the dwelling at 14 Clarke Street.



Figure 3: View of the existing secondary dwelling.



Figure 4: Existing interiors of the secondary dwelling.



Figure 5: Existing interiors of the secondary dwelling.

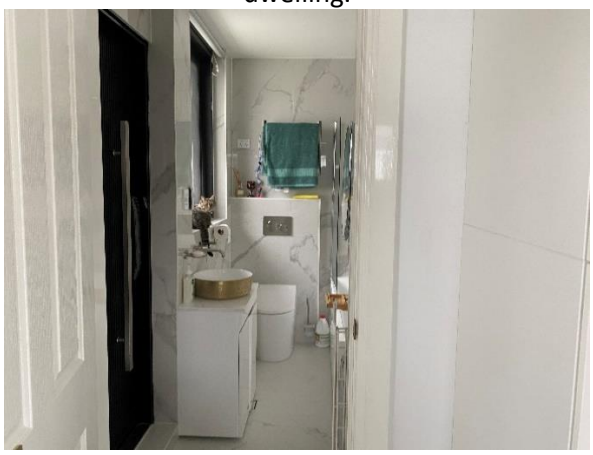


Figure 6: Existing interiors of the secondary dwelling.



Figure 7: External shower and laundry area on the western side of the secondary dwelling.



Figure 8: Bin storage on the western side of the secondary dwelling.



Figure 9: View of the rear courtyard and storage shed between the primary and secondary dwelling.



Figure 10: View of an existing rear studio at 10 Clarke Street.

1.3. Relevant Development History

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

- CD-96/2023 – Complying Development Certificate issues for alterations including internal alterations to an existing dwelling house and construction of a detached studio. Approved on 31 May 2023.
- BC-53/2024 – Building Information Certificate for alterations and additions to the approved detached studio, resulting in a change of use from studio to secondary dwelling. Lodged on 27 September 2024 with Council and currently under assessment (awaiting determination of the subject application).

1.4. Proposal

The development application seeks consent to regularise the use of the existing secondary dwelling at the subject site, which was approved as a studio under CD-96/2023. The studio building was approved without a kitchen, however, a kitchen has since been installed without approval and the building is being used as a secondary dwelling.

1.5. Background

The development application was lodged on 3 October 2024 and a Stop the Clock letter for additional information was requested on 14 October 2024 for the following reasons:

1. Amended Architectural Drawings to include all details of the existing dwelling at the subject site, inclusive of existing and proposed GFA calculations.
2. Shadow diagrams.

The amended plans received on 4 November 2024 form the basis of the assessment. No shadow diagrams have been provided given there is no change proposed to the approved building envelope.

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 (Resilience and Hazards) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Housing) 2021

Additionally, SEPP (Housing) 2021 applies to the subject use. A detailed discussion of the relevant provisions of the SEPP (Housing) 2021 is provided below.

SEPP (Housing) 2021

The following Clauses of the SEPP (Housing) applies to the subject development application:

Chapter 3 Diverse Housing - Division 2 Secondary dwellings permitted with consent.

53 Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

Note—

See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—

(a) for a detached secondary dwelling—a minimum site area of 450m^2,

(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

The area of the subject site is 291.3m^2, contravening the minimum site area requirement of 450m^2 prescribed under Clause 53 (2)(a) by 35.2% for detached secondary dwellings. The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary Clause 56(2)(a) of the Non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021. This is discussed in detail under Part 2.1.2 below.

The number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out, which is one, satisfying Clause 53(2)(b) of the SEPP (Housing) 2021.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposed use of the subject site for the purposes of a secondary dwelling is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table *R3 Low-Density Residential Zone*	Yes	The proposal is defined as a secondary dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
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 Clause 56(2)(a) of the Non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.4 Controls relating to miscellaneous permissible uses	Yes	Satisfactory. The existing secondary dwelling at the subject site has an area of 29.5m^2.

Provision	Compliance	Comment
• *Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—* *(a) 60 square metres,* *(b) 30% of the total floor area of the principal dwelling.*		

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards

The application seeks to vary the minimum site area requirements under Clause 56(2)(a) of the non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021.

The site is subject to a minimum site area of 450m^2 as per the development standards stipulated for a detached secondary dwelling in the SEPP (Housing) 2021. The subject site area of the proposed development is 291.3m^2, contravening the standard by 158.7m^2 equating to a 35.2% 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 minimum site area under Clause 56(2)(a) of the non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021 on the following basis:

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

(i) The existing development at the subject site is considered to achieve the broader principles of the SEPP by being able to provide diverse housing that can offer affordable rental options to meet the needs of more vulnerable members of the community.
(ii) The existing secondary dwelling is located in an established residential area, provides an appropriate level of residential amenity and has access to all necessary services and infrastructure.
(iii) The existing secondary dwelling has been designed appropriately to minimise climate and environmental impacts and is able to achieve BASIX Certification.
(iv) The existing secondary dwelling is appropriate in bulk and scale and is compatible with the site context and local character. The secondary dwelling is not expected to result in any adverse environmental impact to local amenity.
(v) The underlying objective of the clause is to provide for housing diversity and affordability in residential zones, and the existing secondary dwelling is able to contribute to rental affordability by delivering smaller housing option that will be at a lower rental price.

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

(i) The variation to the development standard results due to a shortfall in site area and is not considered to result in the site being unsuitable to accommodate the primary and the existing secondary dwelling.
(ii) The overall site and existing development comply with the principal development standards of the Waverley Local Environmental Plan 2012 and does not result in and overdevelopment of the site or result in any adverse amenity impacts for adjoining neighbours.
(iii) No building work has been proposed as a part of this application.
(iv) The existing secondary dwelling is considered to achieve the broader principles of the SEPP (Housing) 2021 and generally complies with the design controls stipulated under the Waverley Development Control Plan 2022.
(v) The proposal is not considered to result in any significantly adverse environmental impacts to surrounding properties such as significant view loss, loss of visual or acoustic privacy, visual impact or overshadowing to primary living area windows or private open space areas in midwinter.

<u>Consideration of Applicant's Written Request</u>

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and measured the variation to the minimum site area required for secondary dwellings under

the SEPP (Housing) 2021 correctly. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) and (c) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]

The proposal seeks consent to regularise the use of the existing secondary dwelling at the subject site. Despite the non-compliance with the minimum site area requirement for secondary dwellings under the SEPP (Housing) 2021, the existing secondary dwelling at the subject site is considered to be a favourable outcome that can provide affordable rental housing and contributes to diverse housing stock within the local community.

A rear studio was approved under CD-96/2023, and an unauthorised kitchen was added to it during construction, changing the technical definition of the development from a studio to a secondary dwelling. The variation of the existing secondary dwelling with the minimum site area development standard is considered to be a technical non-compliance resulting due to the addition of an internal kitchen to an existing studio. No amenity impacts arise from converting the studio to a secondary dwelling to neighbouring properties.

The applicant's written Clause 4.6 variation request is sufficiently able to demonstrate that compliance with the development standard is unreasonable or unnecessary in this case.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant argues that the existing development at the subject site can demonstrate that the site is satisfactorily able to accommodate a primary and secondary dwelling. The secondary dwelling was technically approved as a studio under CD-96/2023 and complies with the applicable principal development standards and design controls for the same. Addition of an internal kitchen changed the technical definition of the studio to a secondary dwelling resulting in the non-compliance with the site area development standard for secondary dwellings. As no building work or modification to the secondary dwelling is proposed under this application, the proposed regularisation of the use of the secondary dwelling does not contribute to any additional impact to the amenity of the neighbouring properties.

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

Conclusion

The written request provided by the applicant to vary the minimum site area requirement under Clause 56(2)(a) of the non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021 has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Amendment to Waverley LEP 2012 – Dwelling density in R3 and R4 zones.

A Planning Proposal (PP-2024-512) to amend Waverley LEP 2012 was public notified from 27 June 2024 to 8 August 2024.

The proposal seeks to update Waverley LEP 2012 by amending zone objectives and adding a new clause that seeks to preserve dwelling numbers in R3 Medium Density Residential and R4 High Density Residential zones. The Planning Proposal will only apply to Development Applications for residential accommodation, other than boarding houses, co-living housing, group homes and residential care facilities.

Specifically, the Planning Proposal seeks to amend the WLEP 2012 as follows:

Table 2: Amendments to WLEP 2012

Section of the WLEP 2012	Existing	Proposed

Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Land Use Table – R4 High Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Clause - Residential Dwelling Density in R3 and R4 zones	No existing clause.	Introduce a new local provision to prevent the reduction of dwelling numbers in R3 and R4 zones by any more 15% of all existing dwellings on site, rounded up to the nearest whole dwelling.

Following public exhibition and the review of submissions to the planning proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the Act, in determining a development application, a consent authority is to take into consideration "any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority".

This application seeks consent for the use of the existing unauthorised works (kitchen) and change of use from studio to secondary dwelling. Accordingly, whilst a secondary dwelling, the proposal increases housing stock, which aligns with the objective of the clause.

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

The relevant matters to be considered under the Waverley DCP 2022 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	Satisfactory. Appropriate bin storage has been provided for the secondary dwelling.

Table 42: 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.
1.8 Car parking		
1.8.1 Design Approach **1.8.2 Parking rates** **1.8.3 Location**	Yes	Satisfactory. Existing single car parking has been maintained at the site.

Development Control	Compliance	Comment
1.8.4 Design **1.8.5 Dimensions** **1.8.6 Driveways**		Parking permits will not be provided for residents of the secondary dwelling.
1.16 Secondary dwellings and ancillary buildings		
1.16.1 - Secondary dwellings • *Comply with clause 5.4(9) of Waverley LEP 2012: the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—* *(a) 60 square metres,* *(b) 30% of the total floor area of the principal dwelling.*	Yes	Satisfactory. The existing principal dwelling at the subject site has an area of 93m^2. The existing secondary dwelling has an area of 29.5m^2 and complies with this control.
• *Read as a secondary structure*	Yes	Satisfactory.
• *If not to a laneway be max 3m in height*	No (existing non-compliance)	The existing approved studio building is 3.74m in height. The existing height was approved under CD-96/2023. There is no change sought to the building envelope as part of this development application.

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 6 and 25 November 2024 in accordance with the *Waverley Community Engagement Strategy 2023*.

A total of one unique submission was received from the following property:

- 16A Clarke Street, Vaucluse 2030

The following issue raised in the submission has already been discussed and addressed in the body of this report and/or the recommendation:

- Unauthorised works to erect a secondary dwelling.

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

Issue: *Lack of notification for building works.*

Response: The building works at the subject site were undertaken under a complying development certificate (CDC) CD-96/2023, wherein a private certifier was the consent authority. The private certifier would also be responsible for the appropriate notification of the development under this CDC.
The application has been appropriately notified as a part of this development application (DA-520/2024).

Issue: *Use of the outbuilding.*
Response: The outbuilding was approved as a studio under CD-96/2023.

Issue: *Address of the secondary dwelling and subdivision.*
Response: The address of the secondary dwelling remains as 12 Clarke Street, Vaucluse. No subdivision has been proposed under this application.

Issue: *On-site car parking.*
Response: One car parking space in the rear courtyard for the primary dwelling is provided at the subject site. No car parking is permitted for the secondary dwelling in accordance with the SEPP (Housing) 2021.

Issue: *Use of the secondary dwelling to operate commercial businesses.*
Response: No commercial businesses are permitted to operate at the secondary dwelling, unless qualifying as exempt under the SEPP (Exempt and Complying Development) 2008.

Issue: *Unauthorised tree removal and reduced landscape area.*
Response: The assessment of this application is limited to the use of the existing studio building as a secondary dwelling at the subject site. The site's compliance with landscape controls cannot be assessed as a part of this application as no building works are proposed.

Issue: *Addition of a storage shed in the rear courtyard.*
Response: The assessment of this application is limited to the use of the secondary dwelling at the subject site. The existing storage shed at the site is not the subject of this development application.

Issue: *Air-conditioning unit on the roof of the secondary dwelling.*
Response: The air-conditioning unit is an existing element on the roof of the studio building.

Issue: *Lack of setback for the secondary dwelling along the northern lot boundary of the subject site.*
Response: The overall design and location of the secondary dwelling (previously defined as a studio) was approved under CD-96/2024. The secondary dwelling's compliance with setback controls cannot be assessed as a part of this application as no building works are proposed.

Issue: *Lack of direct access to the street from the secondary dwelling.*

Response: The subject site benefits from a right of carriageway over the adjoining driveway which services the battle-axe allotment known as 14 Clark Street. The secondary dwelling has access to the street via this right of carriageway

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. Fire Safety

The application was referred to Council's Fire Safety Officer and they have raised no objections to the proposal, subject to the satisfaction of the conditions of consent.

3.2. Waste and Recycling Management

The application was referred to Council's Waste and Recycling Management Officer and they have raised no objections to the proposal.

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 12 November 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, T Sneesby, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
KP Briscoe	J Zancanaro	

Kalyani Bhishikar	Jo Zancanaro	Angela Rossi
Development Assessment Planner	**A/Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 25 November 2024	**Date:** 25 November 2024	**Date:** 29 November 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

<table>
<tr><td colspan="2">Planning Portal Data</td></tr>
<tr><td>Clause 4.6 register entry required</td><td>35.2% variation to site area

(Clause 56(2)(a) of the Non-discretionary development standard under Chapter 3 Diverse Housing - Division 2 Secondary dwellings of the SEPP (Housing) 2021)
Reason:
<table><tr><td></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</td><td>Local Planning Panel</td></tr>
<tr><td>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>N/A</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</td><td>No</td></tr>
<tr><td>Secondary Dwelling</td><td>Yes</td></tr>
<tr><td>Boarding House</td><td>No</td></tr>
<tr><td>Group Home</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area?</td><td>No</td></tr>
</table>

Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	Yes
Commercial/liquor operational conditions	No
Was there a ‘Conflict of Interest’ declared	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</td></tr>
<tr><td></td><td>The development must be in accordance with:

(a) Architectural Plans prepared by Oz Architecture 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>Issue A Rev 4</td><td>Site Plan</td><td>30/10/2024</td><td>04/11/2024</td></tr>
<tr><td>Issue A Rev 4</td><td>Site Analysis Plan</td><td>30/10/2024</td><td>04/11/2024</td></tr>
<tr><td>Issue A</td><td>Plan for Building Information Certificate</td><td>-</td><td>03/10/2024</td></tr>
</table>

Except where amended by the following conditions of consent.</td></tr>
<tr><td></td><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>2.</td><td>APPROVED USE - DWELLING HOUSE WITH SECONDARY DWELLING</td></tr>
<tr><td></td><td>This development consent authorises the use of the site as a single dwelling house, known as the ‘principal dwelling’ with a secondary dwelling only.
The secondary dwelling:
(a) must be established in conjunction with and be located on the same lot of land as the principal dwelling; and
(b) cannot be subdivided for the purposes of it being located on its own lot and separate to the lot comprising the principal dwelling.</td></tr>
<tr><td></td><td>Condition reason: To confirm the approved use as a secondary dwelling associated with the principal dwelling.</td></tr>
</table>

BUILDING WORK

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
3.	**BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the NCC. Details demonstrating compliance with the NCC must be submitted under the building information certificate (BC-53/2004) currently under assessment.
	Condition reason: To ensure compliance with the National Construction Code.
4.	**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.

GENERAL ADVISORY NOTES

	Condition
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 14 days. 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.	**PARKING PERMITS**
	Occupants of the secondary dwelling are not to be eligible for resident parking permits under Council's Resident Parking Scheme.

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.

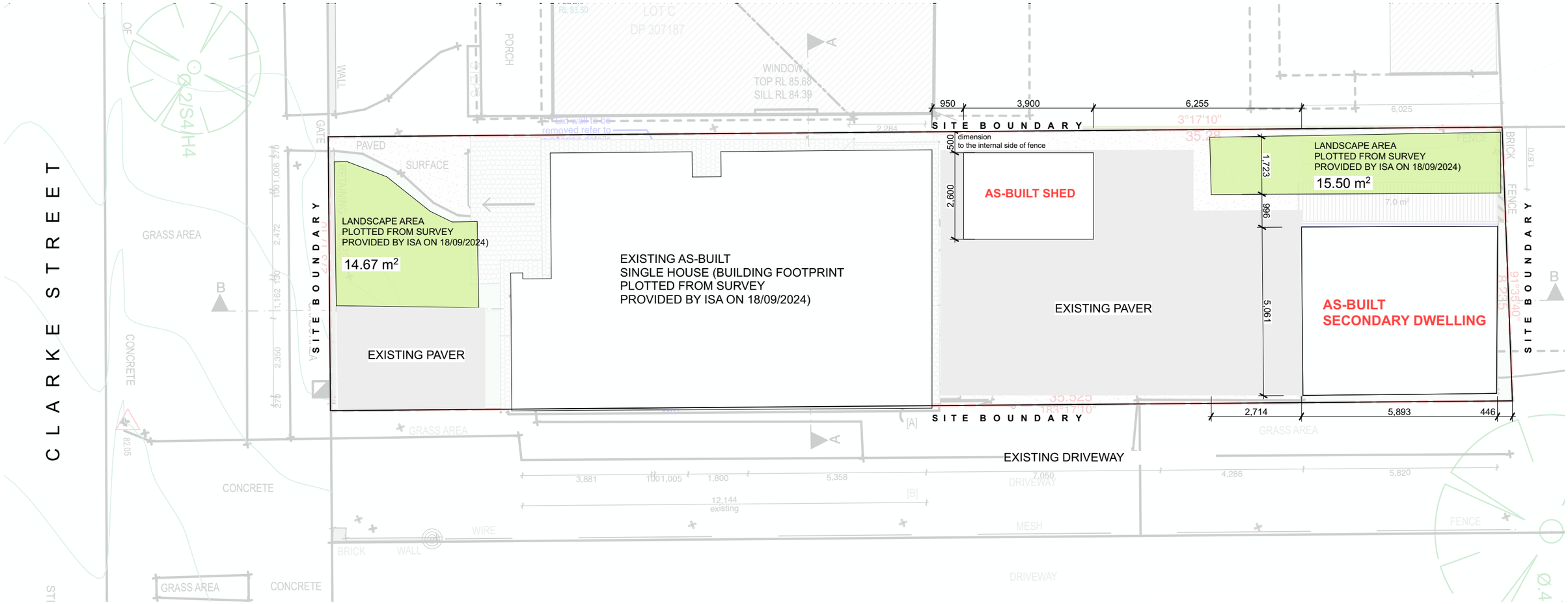
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

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-520/2024

Date Received: 04/11/2024

NOTES

1. Figured dimensions take precedence over scaled drawings
2. Contractors to check and verify all levels datum and dimensions on site
3. All materials and workmanship to be in accordance with current written manufacturers instructions, local regulations and SAA codes
4. Conflicting information to be brought to notice of the architect and clarification sought before proceeding with any works
5. All drawings are not for construction and are subject to further design development, consultant input, council and legislative requirements.
6. Refer to General notes page for legend and abbreviations

OZ ARCHITECTURE

PROJECT

BUILDING INFORMATION CERTIFICATE

SITE: 95 Cabarita Road, Cabarita, NSW 2137
CLIENT: Yingzhe Xu & Chenxi Qiu

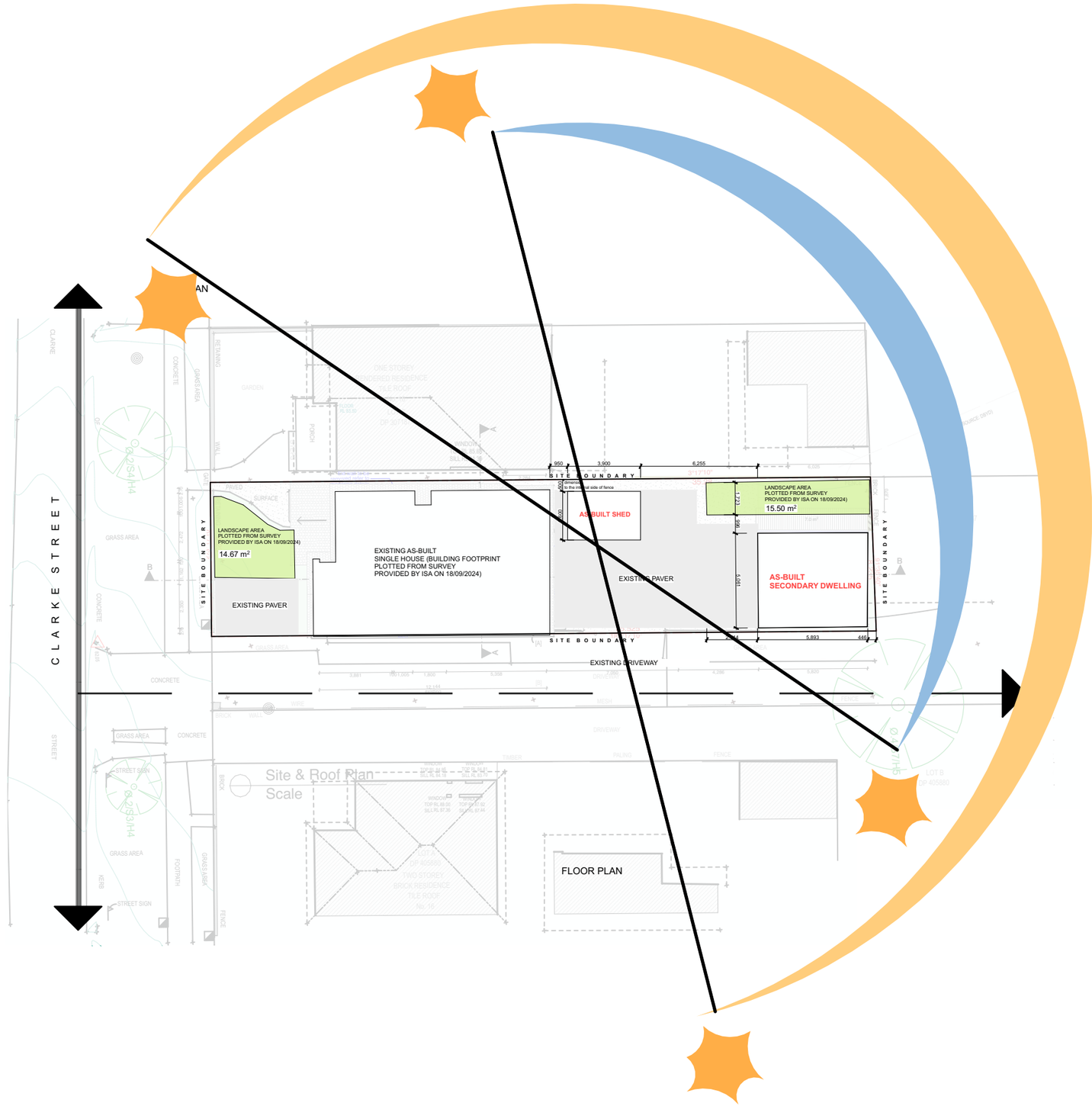
REVISION

30/10/2024	A	ISSUE FOR SUBMISSION

DRAWING

SITE PLAN

DRAWING A
ISSUE
DRAWN BY CQ
SCALE 1:120 @ a3



RECEIVED
Waverley Council

Application No: DA-520/2024

Date Received: 04/11/2024

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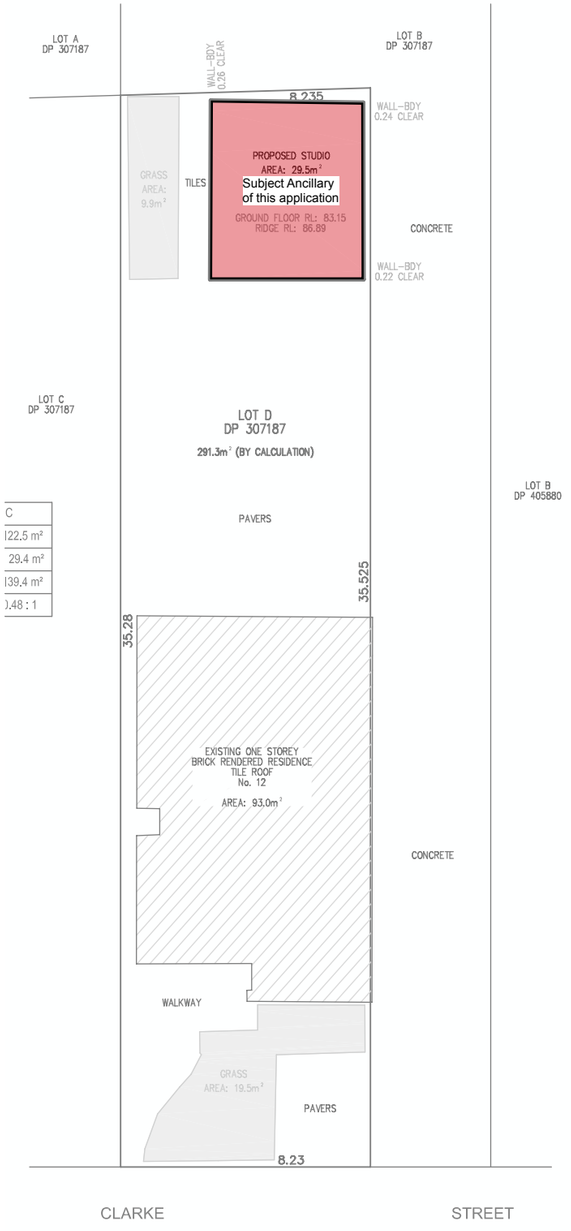
REVISION

30/10/2024	A	ISSUE FOR SUBMISSION

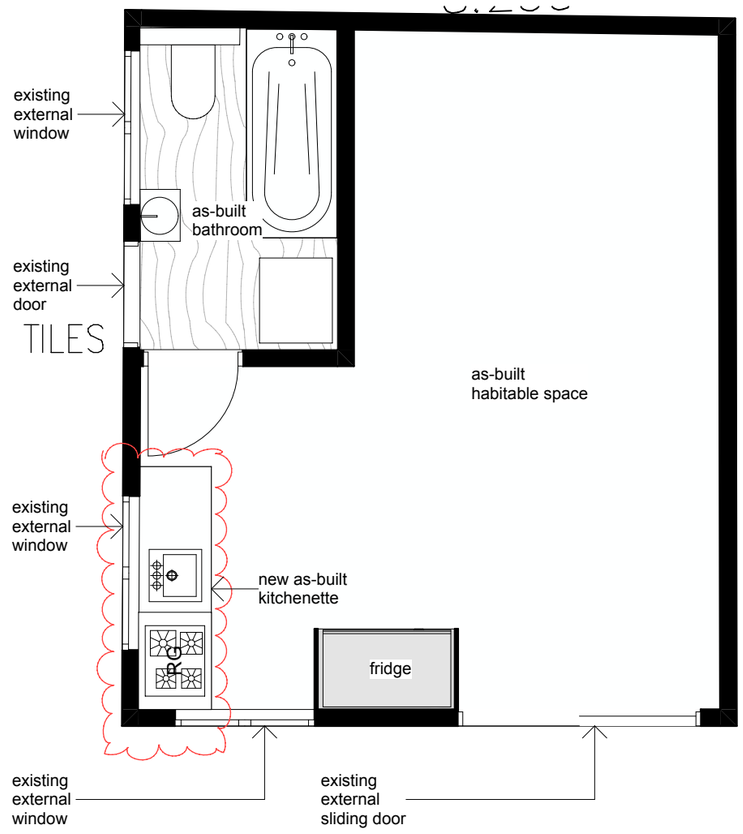
DRAWING

SITE ANALYSIS PLAN

DRAWING A
ISSUE A
DRAWN BY CQ
SCALE 1:250 @ a3



SITE PLAN



FLOOR PLAN

RECEIVED
Waverley Council

Receipt No: DA-520/2024

Date Received: 03/10/2024

NOTES

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2. Contractors to check and verify all levels datum and dimensions on site
3. All materials and workmanship to be in accordance with current written manufacturers instructions, local regulations and SAA codes
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5. All drawings are not for construction and are subject to further design development, consultant input, council and legislative requirements.
6. Refer to General notes page for legend and abbreviations

OZ ARCHITECTURE

PROJECT

BUILDING INFORMATION CERTIFICATE

SITE: 95 Cabarita Road, Cabarita, NSW 2137
CLIENT: Yingzhe Xu & Chenxi Qiu

REVISION

DRAWING

PLAN FOR BUILDING INFORMATION CERTIFICATE

DRAWING A
ISSUE
DRAWN BY CQ
SCALE 1:200, 1:50 @ a3



Report to the Waverley Local Planning Panel

Application number	DA-376/2024
Site address	25 Victory Street, Rose Bay
Proposal	Alterations and additions to the existing dwelling including reconfiguration of the existing internal layout at each level, external facade works and replacement balustrading at each level, and a new proposed swimming pool at the rear.
Date of lodgement	1 August 2024
Owner	M Zhang
Applicant	X Gong
Submissions	One
Cost of works	$495,000.00
Principal Issues	• Breach of the building height development standard • Breach of the FSR development standard • Compliance with the minimum landscaped area requirement • Privacy
Recommendation	That the application be **APPROVED** subject to conditions of consent.
SITE MAP	



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling including reconfiguration of the existing internal layout at each level, external facade works and replacement balustrading at each level, and a new proposed swimming pool at the rear of the site known as 25 Victory Street, Rose Bay.

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

- Breach of the building height development standard
- Breach of the FSR development standard
- Compliance with the minimum landscaped area requirement
- Privacy

The assessment finds these issues acceptable as they will not result in any adverse impacts on the streetscape or neighbouring properties or have been mitigated via conditions of consent.

One submission was received, and the issues raised in the submission have been considered and addressed in this report and in the recommendation. No Councillor submissions were received and there were no conflicts of interest raised by Council staff.

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 24 October 2024.

The site is identified as Lot C in DP 101663, known as 25 Victory Street, Rose Bay.

The site is irregular in shape with a frontage of 11.176m to Victory Street. It has an area of 508m^2, and it falls from the rear (east) towards the front (west) of the site by approximately 12.7m.

The site is occupied by a four storey dwelling house with vehicular access provided to a basement garage via Victory Street.

The site is adjoined by two and three storey dwelling houses on either side. The locality is characterised by a variety of low density residential developments.

Figures 1 to **12** include photos of the site and its context.



Figure 1: Front of the site facing east.



Figure 2: Front setback of the site.



Figure 3: First floor balcony facing north.



Figure 4: First floor balcony facing south.



Figure 5: Second floor balcony facing north.



Figure 6: Second floor balcony facing south.



Figure 7: Southern setback area facing 27 Victory Street.



Figure 8: Northern setback area facing 23 Victory Street.



Figure 9: Rear setback area facing southeast.



Figure 10: Rear setack facing east.



Figure 11: Rear setback facing west.



Figure 12: Rear setback facing north.

1.3. Relevant Development History

There is no recent development history for this site on Council's records.

1.4. Proposal

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

Garage Level

- Demolition of internal stairs and internal walls to the existing storage space and powder room.
- New internal walls and reconfiguration of the internal layout to create an enclosed lobby, storage space, and WC.

Ground Floor

- Demolition of internal stairs from the garage and the internal walls.
- New windows and doors along the western façade.
- Reconfiguration of the internal layout to create a master bedroom with walk-in robe and en-suite, laundry, storage and new stair from the basement.

First Floor

- Demolition of kitchen and walk-in pantry.
- Amendments to openings.
- New kitchen and pantry and reconfiguration of the internal layout to create a wine storeroom, study, bathroom, and open plan kitchen, living and dining room.

Second Floor

- Demolition of selected internal walls and doors.
- Partial enclosure of the front balcony.
- Reconfiguration of the internal layout to create four bedrooms with walk-in and built in robes, and four en-suite bathrooms.
- Amendments to openings.

External

- Demolition of the balcony balustrade and support columns on the ground to second floor.
- New masonry and glass balcony balustrades.
- Extension of the rear terrace.
- Swimming pool with a deck and pool plant enclosure.
- Landscaping

The Cost Summary Report submitted with the application appears to have underestimated the total cost of works and therefore a condition of consent has been included which requires an updated Cost Summary Report to be prepared and provided to Council prior to the release of the Constrution Certificate.

1.5. Background

The background of the application is as follows:

- On 1 August 2024, the development application (DA-376/2024) was lodged with Council.
- On 14 August 2024, a Stop the Clock letter was issued to the applicant requesting additional information in relation to GFA/FSR, and details throughout the plans and documentation.
- On 5 September 2024, the applicant submitted amended plans.
- On 9 September 2024, further amended plans were requested from the applicant as the items within the Stop the Clock letter were not adequately addressed.
- On 12 September 2024, the applicant submitted amended plans.
- On 30 October 2024, a deferral letter was issued to the applicant requesting amended plans and additional information to address concerns raised in relation to building height, FSR, setbacks, bulk and scale, privacy, landscaping, and details throughout the plans and documentation.
- On 15 November 2024, the applicant submitted amended plans and documentation.
- On 18 November 2024, further amended plans and documentation were requested from the applicant.
- On 19 November 2024, the applicant submitted amended plans and documentation.
- On 20 November 2024, Council requested that the date and revision numbers on the architectural plans be updated.
- On 21 November 2024, the applicant submitted updated plans.

The amended plans and documents received on 21 November 2024 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 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
- SEPP (Transport and Infrastructure) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Transport and Infrastructure) 2022

The application was referred to Ausgrid for comment in accordance with SEPP (Transport and Infrastructure) 2022 as the proposal includes development within 5m of an exposed overhead electricity power line. Ausgrid raised no objection to the proposal. Refer to section 3.5 for Ausgrid's comments.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the aims of Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table *R2 Low Density Residential Zone*	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *8.5m*	No	The proposal comprises a building height of 11.85m and exceeds the building height development standard by 3.35m or 39.4%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5462:1 (277.46m^2)	No	The proposal comprises a GFA of 421.1m^2 which equates to an FSR of 0.8289:1 and exceeds the FSR development standard by 143.64m^2 or 51.76%.
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 building height and FSR development standards. A detailed discussion of the variation to the development standards are presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed earthworks will not result in any adverse impacts on the surrounding environment.
6.15 Stormwater Management	Yes	Satisfactory.

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards

Building Height

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

The site is subject to a maximum building height development standard of 8.5m. The proposed development has a building height of 11.85m, exceeding the standard by 3.35m equating to a 39.4% variation. It is noted that the existing building already comprises a height of 12.19m and exceeds the development standard by 3.69m or 43.4%.

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 building height development standard on the following basis:

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

(i) The Proposal maintains the existing dwelling's maximum height, with only the second-floor replacement balustrade and minor internal works at the 2nd floor exceeding the Height of Buildings (HoB) control. The balustrade remains 2.04m below the dwelling's current maximum height.

(ii) The Shadow Diagrams in support of the Proposed Development detail the following:

- *No additional overshadowing between 9am-11am*
- *Between 12pm-3pm, minor additional shadows affect:*
  - *Front setback area*
  - *Limited portions of the northern and western elevations of 27 Victory Street*

(iii) While some additional overshadowing occurs, the affected property maintains solar access to more than 50% of its principal private open space, complying with Control (c) under Part 1.6 of the WDCP 2022. Impact on solar access is minimal, limited to a small portion of one ground-level west-facing window. No upper floor windows are affected, and remaining shadows fall

on non-habitable solid building elements. The replacement balustrade also represents an improvement to occupant safety and ensures compliance with BCA requirements.

(iv) As indicated in the Subject Site and Adjoining Context assessment provided in this written request, the breaching portion attributed to the proposed replacement balustrade and internal works would be entirely consistent with adjoining and surrounding dwellings and would not result in any perceptible increase to visual bulk and scale of the existing dwelling when viewed from Victory Street or the public domain.

(v) For the reasons set out above, compliance with the Height of Buildings Standard is unreasonable and unnecessary in the circumstances of this DA.

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

(i) …this written request seeks to establish sufficient environmental planning grounds in reliance on the facts of the proposed development, as they relate to the aspect of the proposed development that contravenes the Height of Buildings Standard.

(ii) As such, sufficient environmental planning grounds are:

- *The majority of the proposed development that breaches the Height of Buildings Standard relates to internal works at second floor and within the existing building envelope. These works would not result in any increase to the bulk and scale of the existing dwelling, or any unacceptable adverse amenity impacts to adjoining private properties or the public domain.*
- *The existing and proposed breaching portions are a consequence of the sloping topography of the subject site and historic excavation to accommodate the existing garage/basement and ground floor levels.*
- *When viewed from adjoining properties, predominant portions of the existing dwelling and proposed works are well below the Height of Buildings Standard, again evidencing the sloping nature of the subject site.*
- *The proposed replacement balustrade would not result in any discernible increase to the bulk and scale of the existing dwelling, or any unreasonable impacts to adjoining properties or the public domain.*
- *The proposed replacement balustrade would not greatly alter the streetscape presentation of the existing dwelling, in terms of height, bulk and scale, and would remain entirely consistent with the existing and desired future character of the neighbourhood and the scale of adjoining development.*
- *The replacement balustrade would ensure satisfactory BCA outcomes and improve occupant safety.*

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and measured height using the correct reference to the existing ground level. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

The applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446] to demonstrate it.

(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 areas of non-compliance pertain to the new front balcony balustrade and glass windows along the western elevation at the second floor. The proposal will not increase the overall height of the existing development and will not result in any adverse or unreasonable impacts on the streetscape or neighbouring properties or be out of character with the existing or desired future character of the locality.

The balustrade is required for safety and BCA compliance and is proposed to replace a balustrade of a similar height in the same location. The proposal will not result in any additional overshadowing between 9am and 11am and will not result in any additional overshadowing of private open space. As detailed in **Figure 13** to **Figure 16** below, the shadow from the balustrade predominantly falls on the front setback and the northern façade of 27 Victory Street at 12pm, 2pm and 3pm, with only a small portion of shadow falling on the west facing glazing at 1pm as detailed in **Figure 14** below. The overshadowing impacts are therefore considered to be minor and will generally be consistent with the existing impacts.

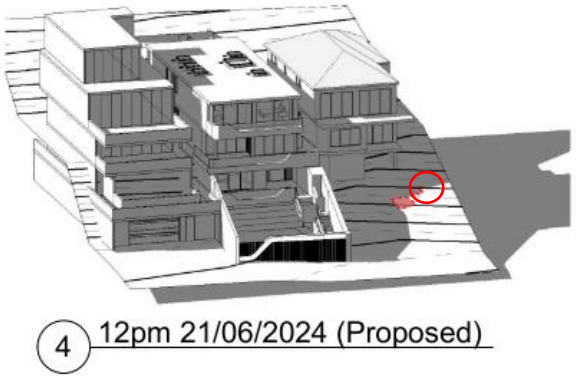


Figure 13: Proposed 12pm shadow diagram.

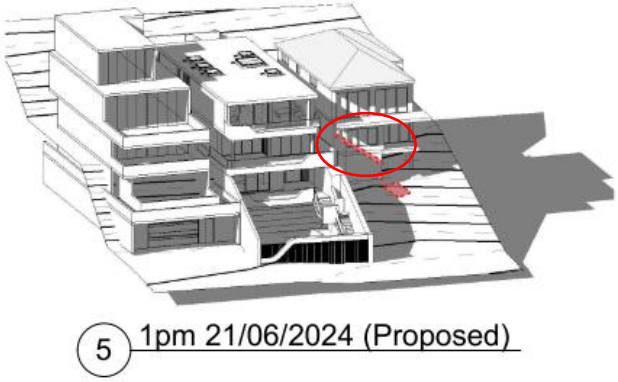


Figure 14: Proposed 1pm shadow diagram.

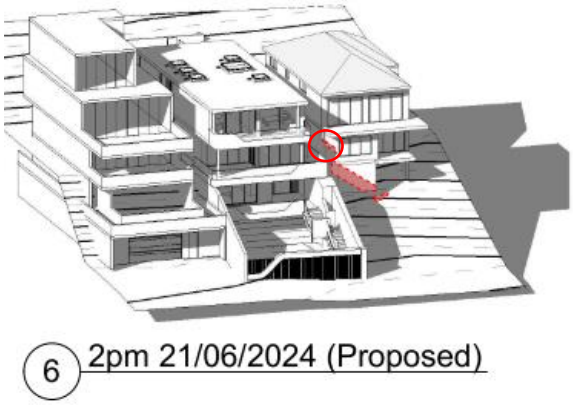


Figure 15: Proposed 2pm shadow diagram.

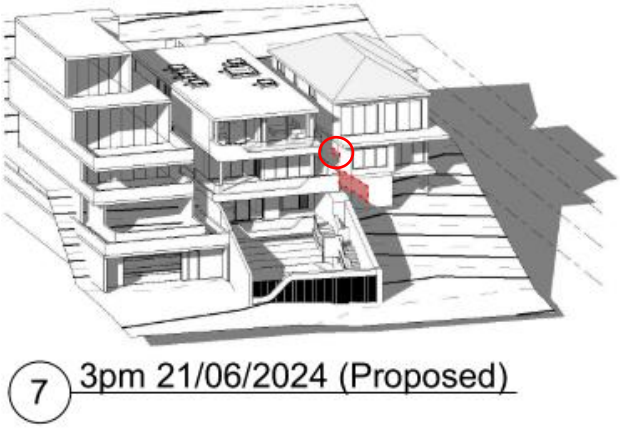


Figure 16: Proposed 3pm shadow diagram.

The proposal will not result in any adverse or unreasonable impacts and will continue to satisfy the objectives under Clause 4.3 of Waverley LEP 2012 despite the non-compliance.

The applicant has adequately addressed Clause 4.6(3)(a) and demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal will not increase the bulk and scale of the dwelling and will not result in any adverse or unreasonable impacts on the streetscape or neighbouring properties.

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

Conclusion

The written request provided by the applicant to vary the building height development standard has adequately addressed Clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Floor Space Ratio (FSR)

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

The site is subject to a maximum FSR development standard of 0.5462:1 (277.46m^2). The proposed development has a Gross Floor Area (GFA) of 421.1m^2, exceeding the standard by 143.64m^2 equating to a 51.76% variation. It is noted that the existing building comprises a GFA of 413.9m^2 and therefore already exceeds the development standard by 136.44m^2 or 49.17%.

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 proposed development provides a height and scale commensurate with the immediate locality. The streetscape presentation of the proposed development would be entirely consistent with adjoining and surrounding dwellings and would sit comfortably within the context of Victory Street.

(ii) The breaching portions of the proposed development would be indiscernible to the casual observer and would remain compatible with the desired future character of the immediate locality.

(iii) The proposed additional gross floor area at second floor level (north-western corner) is accommodated entirely within the approved building envelope

(iv) The additional floor space presents as a modest component within the broader composition of the approved western (street-facing) elevation.

(v) The resultant built form maintains an appropriate hierarchical relationship with the more substantial scale of adjoining development, particularly in the context of Nos. 23 and 27 Victory Street which present as more

(vi) The proposed fenestration and additional gross floor area serving the master bedroom are oriented towards the public domain at Victory Street. The passive nature of the bedroom use pattern would not generate unreasonable overlooking opportunities or noise impacts.

(vii) …the proposal demonstrates that the additional floor space at the second-floor level (north-western corner) would not result in any additional solar access impacts.

(viii) The proposed development has been skilfully designed to ensure the development achieves an acceptable environmental outcome with respect to solar access, maintaining appropriate levels of solar amenity to adjoining properties.

(ix) The proposed intensification of gross floor area would not adversely impact public views or vistas to significant landmarks, including parks, reserves, beach or ocean vistas. The existing view corridors from surrounding residential properties and the public domain would be maintained.

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

(i) When viewed from adjoining properties, the breaching portion of the proposed development will be indiscernible compared to the existing dwelling.

(ii) …the proposed minor infill of the existing second floor balcony would not result in any discernible increase to the bulk and scale of the existing dwelling, or any unreasonable streetscape impacts. The proposed breaching portion would remain entirely compatible with bulk and scale of the existing dwelling and the desired future character of the locality.

(iii) The proposed intensification of gross floor area through the infilling of the north-western portion at second floor level is further supported by the following environmental planning grounds:

> *With reference to Woollahra Municipal Council v SJD DB2 Pty Limited [2020] NSWLEC 115, Preston CJ established at paragraph [63] that:*
>
> *"...the desired future character of the neighbourhood or area can be shaped not only by the provisions of WLEP, including the development standards themselves, but also other factors, including approved development that contravenes the development standard."*

Applying this planning principle to the subject site:

- *The built form context is characterised by adjoining development of greater volumetric proportion;*
- *The proposed additional floor space is contained wholly within the approved building envelope;*
- *The development maintains a visually subservient presentation to both the streetscape and adjacent development;*

(iv) Accordingly, the proposal demonstrates consistency with the desired future character of Victory Street, notwithstanding the minor numerical variation to the floor space ratio development standard.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

The applicant has adequately addressed that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and specifically relies upon justification (a) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446] to demonstrate it.

(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 proposal comprises an additional 7.2m^2 of floor space through enclosing part of the second floor balcony. The area of additional floor space will be located behind the existing northern balcony wall and will be compatible with the existing western façade at the second floor. The proposal will not result in any significant changes to the manner in which the development presents to the street or neighbouring properties with regard to visual bulk and scale and will not result in any additional impacts on the neighbouring properties with regard to solar access, privacy or views, and therefore will preserve amenity.

The proposal will not be out of character with the context of the streetscape or the desired future character of the locality and despite the non-compliance will continue to satisfy the objectives under Clause 4.4 of Waverley LEP 2012. As the dwelling already exceeds the FSR development standard and the additional floor space proposed is considered to be minor, requiring compliance with the development standard would be unreasonable in this instance.

The applicant has adequately addressed Clause 4.6(3)(a) and demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The additional floor space will not increase the bulk and scale of the building or result in any adverse or unreasonable impacts on the amenity of the streetscape or neighbouring properties. The applicant has satisfactorily argued that there are sufficient environmental planning grounds to justify contravening the development standard.

Conclusion

The written request provided by the applicant to vary the FSR development standard has adequately addressed Clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

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

The development application was submitted to Council on 1 August 2024. At the time of lodgement, Waverley DCP 2022 (Amendment 4) applied. The assessment has therefore been undertaken against the provisions of Amendment 4 which was effective from 29 July 2024.

The relevant matters to be considered under the Waverley DCP 2022 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.*	No (acceptable as conditioned)	The architectural plans do not provide any details in relation to the type of heating and cooking facilities proposed, however the BASIX Certificate details that a gas hot water heater is to be provided. No details have been provided in relation to whether ceiling fans will be provided in all habitable rooms. To ensure the proposal satisfies the requirements of Part 2 (Ecologically Sustainable Development), a condition of consent has been included which requires that all cooking and heating facilities be

Development Control	Compliance	Comment
		electric or induction and that ceiling fans are provided within all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory. The site is not identified as being located within a biodiversity or habitat corridor. The proposal includes planting of new trees with no trees over 3m proposed for removal, and will maintain and enhance tree canopy within the locality.
5.Water Management	Yes	Satisfactory.
7. Transport **7.2.2 Parking Rates** *Minimum parking rate:* • *0* *Maximum parking rate:* • *2*	Yes	The site is located within Parking Zone Two which permits up to two on-site car parking spaces for a dwelling with three or more bedrooms. The proposal seeks to retain the existing on-site parking arrangement of two car spaces within the garage. The proposal will continue to comply with the maximum parking provisions and will not result in any impacts on on-street parking.
11. Design Excellence	Yes	Satisfactory.
13. Excavation	Yes	Satisfactory. The only excavation proposed as part of this application is associated with the construction of the swimming pool. The extent of excavation is not considered to be excessive, it will be set back a minimum of 900mm from the property boundaries and will not result in any adverse impacts on the neighbouring properties with regard to bulk and scale.

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		
Flat roof dwelling house • *Maximum wall height of 7.5m*	No, (acceptable on merit)	The proposal comprises a wall height of 11.88m on the western elevation which exceeds the 7.5m wall height control. The proposal does not include any changes to the wall height of the existing development and will not result in any new or additional impacts on the streetscape or neighbouring properties. Despite the non-compliance, the proposal will continue to satisfy the objectives under section 1.1. *Height* and is acceptable on merit.

Development Control	Compliance	Comment
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	Yes	The proposal will maintain the existing front and rear setbacks and will continue to be compatible with the predominant front and rear building lines presented by the neighbouring properties.
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 new front balcony balustrades at the ground and first floor comprise a nil setback from the boundary. The balustrades are proposed to replace existing balustrades in the same location and will not result in any new or adverse impacts on the neighbouring properties and are acceptable on merit.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Replacement windows to complement the style and proportions of existing dwelling* • *Significant landscaping to be maintained.*	Yes	The proposal will be in keeping with the context of the streetscape with regard to materiality, design and landscaping.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *Side and Rear:* • *Maximum height of 1.8m*	No (acceptable on merit)	The proposal includes a new front fence with a height of 1.715m to 2.8m and therefore exceeds the 1.2m maximum height requirement under control (b). The fence is proposed to replace an existing fence which is of the same or greater height then what is proposed. Whilst the fence exceeds the maximum height control, the proposal will continue to satisfy the objectives under section 1.4 *Fences* as it will be in keeping with the scale of the development and the dwelling will continue to be visible from the street. The proposal will also be in keeping with the height of neighbouring structures and will not be incompatible with the streetscape context.

Development Control	Compliance	Comment
		The fence incorporates a mixture of materials and a curved design which will create visual interest and minimise bulk and scale.
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.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep*	No (acceptable as conditioned)	Please refer to the detailed assessment provided below this table.
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 collectors (including habitable windows).*	Yes	The additional overshadowing of 27 Victory Street to the south is associated with the new balcony balustrades which are in the same location as the existing balustrades. The proposal will not result in the neighbouring properties receiving less than 3 hours of solar access to habitable room windows or private open space and will not result in any adverse or unreasonable overshadowing of the neighbouring properties.
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	Please refer to the detailed assessment provided below this table.

1.8 Car parking		
1.8.1 Design Approach • *Parking only allowed where site conditions permit* • *Designed to complement the building and streetscape* • *Car parking structures to be behind the front building line*	Yes	The proposal will retain the existing on-site parking arrangements and will continue to be compatible with the context of the streetscape and the preferred hierarchy for on-site parking.
1.8.2 Parking rates	Yes	The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.
1.8.3 Location • *Parking to be behind front building line for new dwellings* • *Existing development to be in accordance with the hierarchy of preferred car parking locations*	Yes	The proposal will retain the existing on-site parking arrangements and will continue to be compatible with the context of the streetscape and the preferred hierarchy for on-site parking.
1.8.4 Design • *Complement the style, massing and detail of the dwelling* • *Secondary in area and appearance to the design of the residences*	Yes	On-site parking will be integrated into the dwelling as per the existing arrangements.
1.8.5 Dimensions • *5.4m x 2.4m per vehicle*	Yes	Satisfactory.
1.8.6 Driveways • *Maximum of one per property* • *Maximum width of 3m at the gutter (excluding splay)* • *Crossings not permitted where 2 on street spaces are lost*	Yes	The proposal does not include any changes to the existing vehicular crossover.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area* • *Overall landscaped area: 20% of site area, with at least half deep soil* • *Minimum area of 25m^2 for private open space* • *Front open space: 50% of front building setback area*	No (acceptable as conditioned)	The proposal comprises a landscaped area of 90m^2 which equates to 17.71% of the site which does not comply with the 20% (101.6m^2) minimum requirement. A condition of consent has been included which requires amended plans to be provided which demonstrate compliance. The assessment has found that this could be achieved through amendments such as reducing the size of the swimming pool and deck, reducing the rear

• *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*		terrace, incorporating a greater provision of landscaping within the front setback of the site and the like. The proposal does not include any changes to the provision of landscaping provided forward of the building line and as conditioned will comply with the minimum landscaped area requirement.
1.10 Swimming pools and spa pools		
• *Located in the rear of property* • *Pool decks on side boundaries must consider visual privacy* • *All pool equipment to be enclosed within an acoustically treated enclosure*	Yes	The swimming pool will be located at the rear of the site and will not result in any adverse impacts with regard to privacy. The pool equipment will be located within a soundproof enclosure adjacent to the swimming pool and will not result in any adverse impacts on the neighbouring properties.

The following is a detailed discussion of the issues identified in the compliance tables above.

Privacy

To ensure an adequate level of privacy is maintained, a condition of consent has been included which requires new openings along both side elevations (north and south) to bathrooms/ensuites and stairwell openings to be translucent.

The proposal includes a new pedestal floor at the rear in order to raise the floor level of the lower terrace to create one large (36.6m^2, 4m wide) rear terrace at the same level of the existing rear balcony. The terrace is slightly elevated and exceeds the maximum area (10m^2) and width (1.5m) requirements in accordance with control (e).

As detailed in **Figure 9** and **Figure 12** above, raising the terrace would also exacerbate the existing privacy impacts on the neighbouring properties, and the 1.6m high privacy screen proposed on the southern side of part of the rear terrace would not maintain an adequate level of privacy.

As the terrace is comparable with existing terracing at the rear and is only slightly elevated, the assessment has found that whilst it exceeds the area and width controls, privacy impacts can be mitigated via conditions in order to provide an acceptable outcome.

To mitigate privacy impacts, a condition of consent has therefore been included which requires the entire southern side of the terrace to comprise a 1.6m high privacy screen. To soften the appearance of the screening, the condition also stipulates that the planter box on the southern side of the lower terrace is to be maintained, with the privacy screen positioned north of the landscaping.

To mitigate privacy impacts to the north, a condition of consent has been included which requires landscape screening with a minimum mature height of 2m to be provided along the northern side of the terrace.

As conditioned, the proposal will satisfy the objectives under section 1.5 *Visual and Acoustic Privacy* and will maintain an acceptable level of privacy.

Views

Section 1.7 *Views* under Part C1 L*ow Density Residential* of Waverley DCP 2022 details all objectives and controls for public and private domain views and view sharing, which generally aim to reduce impacts on existing views and vistas from the private and public domain.

The proposal will not result in any loss of views from the public domain and is considered consistent with the objectives and provisions of the DCP in this regard.

The application was publicly notified during the assessment and one submission was received from 29 Gilbert Street to the east (rear) of the site which raised concerns in relation to the loss of views. A site inspection of this property was undertaken on 20 November 2024 and the photos taken at the inspection are provided below at **Figures 17 to 20 below**.



Figure 17: View from the ground floor rear balcony.

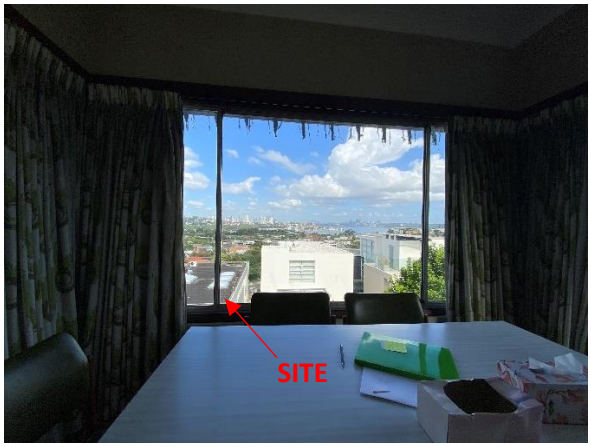


Figure 18: View from the ground floor dining room.



Figure 19: View from the first floor master bedroom.



Figure 20: View from the first floor master bedroom.

The submission received from 29 Gilbert Street raised concerns that the proposal included planting of trees within the rear setback of the site which would obstruct views over the site when at maturity. The Landscape Plan details that trees with a mature height of 4m are proposed to be planted along the rear boundary. In accordance with the details on the Survey Plan, the existing Cheese Tree on the rear

boundary is approximately 8m in height. The assessment has therefore found that the proposed trees would be unlikely to result in impacts on views and that the proposal would maintain an acceptable level of view sharing.

Notwithstanding, the desired height to which trees are to be maintained is a private matter between the two parties.

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 16 September 2024 and 2 October 2024 in accordance with the *Community Engagement Strategy 2023*.

Following the receipt of amended plans and additional information, the application was not notified as the amended plans did not include any new or additional impacts on the streetscape or neighbouring properties.

One unique submission was received from the following property:

- 29 Gilbert Street, Dover Heights

The following issue raised in the submission have already been discussed and addressed in the body of this report:

- Impacts on views

2.5. Public Interest

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

3. REFERRALS

The following internal and external referral comments were sought:

3.1. Stormwater

Council's Stormwater Management Department raised no objection to the proposal subject to standard conditions of consent being imposed.

3.2. Tree Management

Council's Tree Management Officer raised no objection to the proposal subject to tree protection conditions being imposed.

3.3. Ausgrid

The application was referred to Ausgrid who raised no objection to the proposed development. Ausgrid provided advice regarding overhead powerlines in the vicinity of the development, which are included as an advisory note in the conditions of consent.

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 29 October 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, and Jo Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
K. Keenan.	JZancanaro	
Karis Keenan	Jo Zancanaro	Angela Rossi
Senior Development Assessment Planner	**A/ Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 21 November 2024	**Date: 25 November 2024**	**Date: 28 November 2024**

Reason for WLPP referral:

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

OFFICE USE ONLY

<table>
<tr><td colspan="2">Planning Portal Data</td></tr>
<tr><td>Clause 4.6 register entry required</td><td>Approved: 39.4% variation to height (Clause 4.3)<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></td><td>No change to overall building envelope</td></tr>
<tr><td></td><td>Variation limited to the balcony balustrade and glazing on the second floor western façade 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>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)</td><td>Approved 51.76% 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></td><td>No change to overall building envelope</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>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>Yes</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?
*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>
</table>

Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	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

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Kinghans Development Pty Ltd of Project No: KHD2117 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
A001 Rev E	Cover Sheet	19 November 2024	21 November 2024
A100 Rev E	Site Plan/Roof Plan	19 November 2024	21 November 2024
A101 Rev E	Existing Garage	19 November 2024	21 November 2024
A102 Rev E	Existing Ground Floor	19 November 2024	21 November 2024
A103 Rev E	Existing First Floor	19 November 2024	21 November 2024
A104 Rev E	Existing Section Floor	19 November 2024	21 November 2024
A105 Rev E	Existing Roof	19 November 2024	21 November 2024
A201 Rev E	Proposed Garage Plan	19 November 2024	21 November 2024
A202 Rev E	Proposed Ground Floor Plan	19 November 2024	21 November 2024
A203 Rev E	Proposed First Floor Plan	19 November 2024	21 November 2024
A204 Rev E	Proposed Second Floor Plan	19 November 2024	21 November 2024
A205 Rev E	Proposed Roof Plan	19 November 2024	21 November 2024
A206 Rev E	Swimming Pool	19 November 2024	21 November 2024
A301 Rev E	West Elevation (Front)	19 November 2024	21 November 2024
A302 Rev E	North Elevation	19 November 2024	21 November 2024
A303 Rev E	South Elevation	19 November 2024	21 November 2024
A304 Rev E	East Elevation (Rear) & Window Schedule	19 November 2024	21 November 2024
A351 Rev E	Sections	19 November 2024	21 November 2024

	(b) Landscape plans and documentation L-001 revision B dated 22 August 2024 and L-002 revision A dated 22 April 2024 prepared by sala4D, received by Council on 12 September 2024. (c) BASIX Certificate (d) Stormwater Details and documentation prepared by Vincent OO dated 22 May 2024, and received by Council on 1 August 2024. 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) To maintain an acceptable level of privacy for the subject site and the neighbouring properties, all new bathroom/ensuite openings and stairwell openings along each side elevation (north and south elevations) are to be translucent glazing.
	Condition reason: To maintain a reasonable level of privacy.
	(b) Amended plans are to be provided which detail the following: (i) The existing fixed planter boxes on either side of the lower rear terrace ('proposed second floor plan') are to be retained and shown on the architectural plans. They are to be landscaped with plant species that provide screening, and a growth height of 1.5-3m at maturity. (ii) Privacy screening to a height of 1.6m, measured from the finished floor level of the rear terrace at 'proposed second floor plan' (RL 48.54) is to be provided along the entire southern and northern side of the rear terrace. The privacy screening is to be a lightweight material (e.g. timber battens or translucent glazing), is to prevent overlooking of the neighbouring properties, and is to be positioned on the outer side of the existing planters to be retained, as per subclause (i) above.
	Condition reason: To minimise privacy impacts.
	(c) Amended plans are to be provided which demonstrate that a minimum of 20% (minimum 101.6m^2) of the site will be provided as 'landscaped area', being the part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
	Condition reason: To achieve compliance with the minimum landscaped area requirements in accordance with Waverley Development Control Plan 2022.

	(d) All window and door operations are to be clearly shown on the plans. The plans are also to be updated to clearly notate new, existing and blocked up openings (noting, the orange shade on plans requires notations for each).
	Condition reason: Ensure adequate details are provided on the architectural plans with respect to openings.
	(e) The BASIX commitments are to be shown on the architectural plans. It is noted, an amended BASIX Certificate will be required, to address conditions of this consent.
	Condition reason: Ensure BASIX commitments are adhered to and in accordance with 'best practice'.
	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 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.	**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*.
5.	**ADDITIONAL DA FEE REQUIRED**
	A review of the estimated cost of works declared in the Development Application has been reviewed and Council considers that the cost of works has been underestimated. An updated Cost Summary Report is to be provided which accurately details the cost of all works associated with the approved development. The updated Cost Summary Report is to be submitted to Council prior to the release of the Construction Certificate. Any additional DA assessment fee (of the difference) must be paid to Council and the receipt of payment provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

	Condition reason: To ensure the appropriate fees are paid.
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 in accordance with the following: (a) Where the total development cost is $500,000 or less: (i) a **Cost Summary Report** or **Building Contract** (dated within 12 months) 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** (dated within 12 months) 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** (dated within 12 months) 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.
7.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$12,880.00** 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.
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.	**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.
11.	**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.
12.	**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.
13.	**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 to be retained, supported and not undermined by the proposed development and give details of any intervention or retrofitting needed.
	Condition reason: To ensure structural stability of retained building elements.
14.	**STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT**
	To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on neighbouring properties and downstream systems, an updated 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 plans prepared by Vincent Ool, Job No. 25Victory, Drawing No. C00-06, dated 22/05/2024, Issue B, 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 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) Any proposed stormwater discharge within the footpath verge of Victory Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum of 1m width of concrete kerb and gutter must be replaced encompassing this connection, with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or found to be in a deteriorated state. (b) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event. (c) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes. (d) 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. General Notes i. Any Council infrastructure affected as a 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 if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. ii. 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 Submissions. iii. 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. iv. 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. v. 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. vi. 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. vii. Evidence from a suitably qualified and practicing Engineer that the approved design 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 that the stormwater system is designed and constructed in accordance with Waverley Council's Water Management Technical Manual and will minimise the likelihood of stormwater related issues to the property owner, occupiers, neighbours and the broader community.
15.	**BASIX**
	All requirements of the BASIX Certificate are to be shown on the Construction Certificate plans and documentation.
	Condition reason: To ensure BASIX 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.	**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 require details of measures that will protect the public, and the surrounding environment, during site works and construction.
18.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 23 Victory Street, Rose Bay (b) 27 Victory Street, Rose Bay Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. 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.
19.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage. (b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction).

	(d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. (e) Providing ceiling fans in all habitable rooms is strongly recommended. The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, along with an Amended BASIX Certificate prior to the issue of a Construction Certificate.
	Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

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.	**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. Council is to be notified when tree protection measures have been erected around the trees that to be retained. <u>Protective Fencing</u> • Tree protection fencing is required around the TPZs (where viable) to preserve their root zones. This is to consist of 1.8-metre-high steel mesh fencing anchored with concrete blocks, or, red high-visibility plastic mesh fencing attached to star pickets. Tree protection fencing may be relocated with the project arborist's permission to access the work site. TPZ signage with the project arborist's contact details is to be attached to the tree protection fencing and read 'Tree Protection Zone: Do Not Enter' written in large font with waterproof ink, in accordance with Australian Standard® AS 1319-1994 – Safety Signage. • 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. • Protective fencing shall comprise 1800mm.high chain link wire mesh fixed to 50 mm. galvanised steel posts. Portable chain link fencing may be installed. Coloured 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. • 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. <u>Trunk Protection</u> • 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. • Trunk protection must remain in place for the duration of all site work. • Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council.

Warning Signs

- 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.

Ground Protection

- For trees installed with Trunk Protection timbers an area not less than a 2.5 m radius shall have the entire ground surface mulched to a depth of 100 mm with composted Eucalyptus leaf and woodchip or similar cushioning mulch to reduce compaction of the surround soil and to help retain soil moisture and reduce erosion.

Crown protection

- Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree.
- Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ.
- 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.

Encroachments

- Minor encroachments within Structural Root Zones are acceptable.
- The preferred method of examination and or excavation within the SRZ is the application of non-invasive vacuum or hydro excavation.
- This practice is now widely adopted in sensitive situations that require root investigation.
- Tree sensitive construction measures such as pier and beam, suspended slabs, cantilevered building sections, screw piles and contiguous piling may be adopted to minimize the impact of encroachment.
- 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 or removal, 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 and retain trees.
23.	**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
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.	**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.
26.	**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.
27.	**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.
28.	**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.
	Condition reason: To ensure building material is stored in an appropriate location.
29.	**CONSTRUCTION INSPECTIONS**
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the *Building Legislation Amendment (Quality of Construction) Act 2002,* Part 8 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
30.	**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.
31.	**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.
32.	**CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**
	The following applies to the construction of swimming pools and outdoor spas: (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit

	(d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
	Condition reason: To ensure pools are constructed in a correct manner.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
33.	**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.
34.	**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.
35.	**CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM**
	Certification must 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. Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.
	Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.
36.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**
	Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);

	(c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.

GENERAL ADVISORY NOTES

	Condition
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.	**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.
6.	**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.
7.	**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.
8.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
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.	**AUSGRID**
	The development is to be undertaken with consideration of the following: *The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.* ***Ausgrid Overhead Powerlines are in the vicinity of the development*** *The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.* *Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.* *The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.* *It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.* *Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:* *www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries* *Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au*

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*.

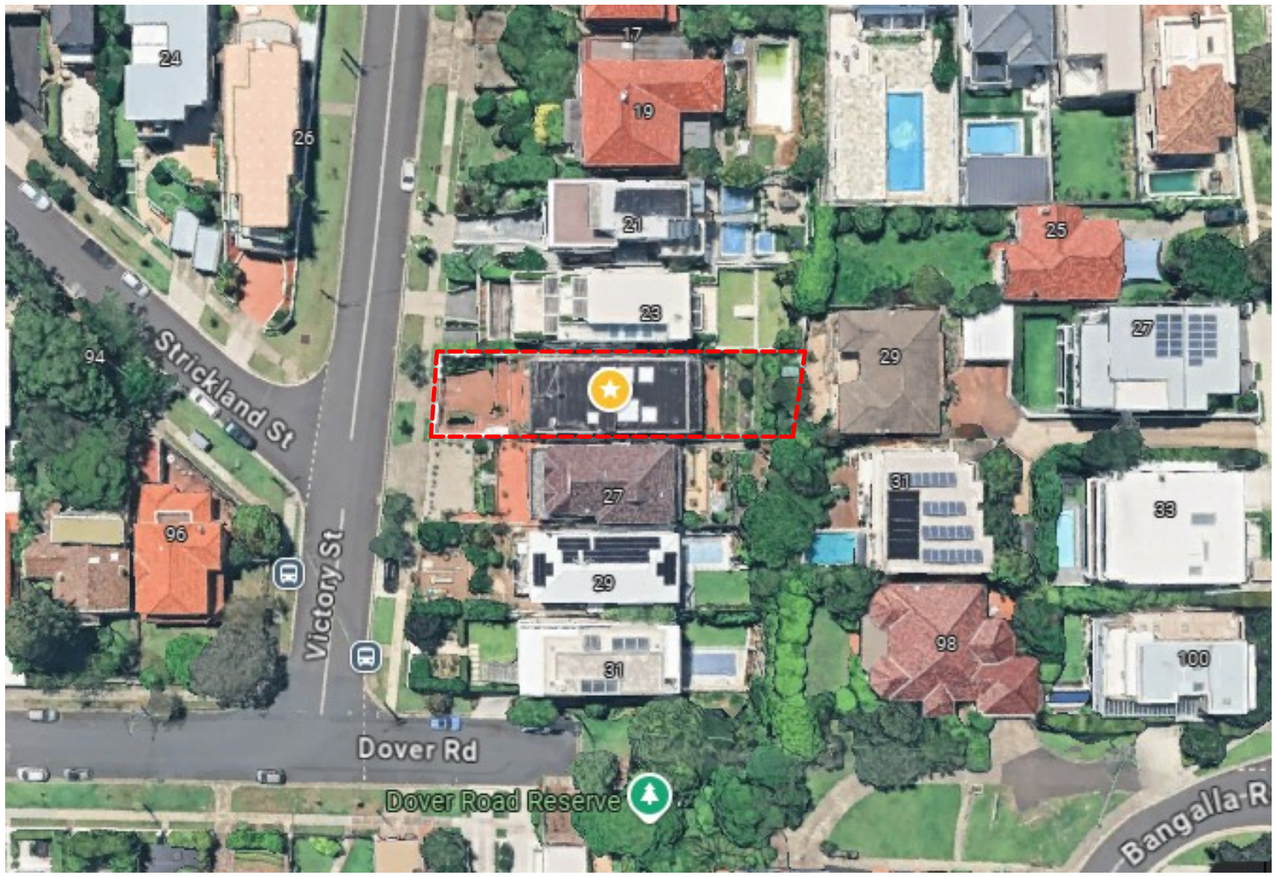
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

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.

DEVELOPMENT APPLICATION

Alteration and Addition to an Existing Single Dwelling
25 Victory Street, Rose Bay NSW 2029



DA CHECKLIST - TWO STOREY DWELLING			
CDC CONTROLS	ALLOWED/ REQUIRED	PROPOSED	COMPLYS
ZONING	R2		
SITE AREA	508 m²		
DEFINED AS	ALTERATION AND ADDITION		
HEIGHT LIMIT	8.5m	KEEP EXISTING	YES
MAX GFA	FSR:0.546 277.47m2	421.1m² (EXISTING +7.2m²)	CLAUSE 4.6
LANDSCAPED AREA	20% X SITE AREA (101.6m²)	91m²	Refer to SEE
OPEN SPACE	40% x SITE AREA (203.2m²)	348m²	YES
PRIVATE OPEN SPACE	25m² EACH DWELLING	38m²	YES
SIDE SETBACKS		KEEP EXISTING	YES
FRONT SETBACKS		KEEP EXISTING	**YES**

Sheet List

Sheet Number	Sheet Name	Current Revision	Current Revision Date
A001	COVER SHEET	E	19/11/2024
A002	BASIX	E	19/11/2024
A100	SITE PLAN / ROOF PLAN	E	19/11/2024
A101	EXISTING GARAGE	E	19/11/2024
A102	EXISTING GOUND FLOOR	E	19/11/2024
A103	EXISTING FIRST FLOOR	E	19/11/2024
A104	EXISTING SECOND FLOOR	E	19/11/2024
A105	EXISTING ROOF	E	19/11/2024
A201	PROPOSED GARAGE PLAN	E	19/11/2024
A202	PROPOSED GROUND FLOOR PLAN	E	19/11/2024
A203	PROPOSED FIRST FLOOR PLAN	E	19/11/2024
A204	PROPOSED SECOND FLOOR PLAN	E	19/11/2024
A205	PROPOSED ROOF PLAN	E	19/11/2024
A206	SWIMMING POOL	E	19/11/2024
A301	WEST ELEVATION (FRONT)	E	19/11/2024
A302	NORTH ELEVATION	E	19/11/2024
A303	SOUTH ELEVATION	E	19/11/2024
A304	EAST ELEVATION (REAR) & WINDOW SCHEDULE	E	19/11/2024
A351	SECTIONS	E	19/11/2024
A401	SHADOW DIAGRAM 1	E	19/11/2024
A402	SHADOW DIAGRAM 2	E	19/11/2024
A403	SHADOW DIAGRAM 3D (EXISTING)	E	19/11/2024
A404	SHADOW DIAGRAM 3D (PROPOSED)	E	19/11/2024
A501	GFA CALCULATION	E	19/11/2024
A502	OPEN SPACE & PRIVATE OPEN SPACE	E	19/11/2024
A503	IMPERVIOUS AREA	E	19/11/2024
A601	NOTIFICATION	E	19/11/2024

CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
-CONTRACTORS SHALL CHECK AND VERIFY ALL DIMENSIONS ONSITE PRIOR TO CONSTRUCTION FABRICATION.
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A	RG	FOR DA	02/06/2024
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Kinghans Development Pty Ltd
ABN: 22 647 515 517 E: info@kinghans.com.au P: 0426 366 336

Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029

Project Number : **KHD2117**

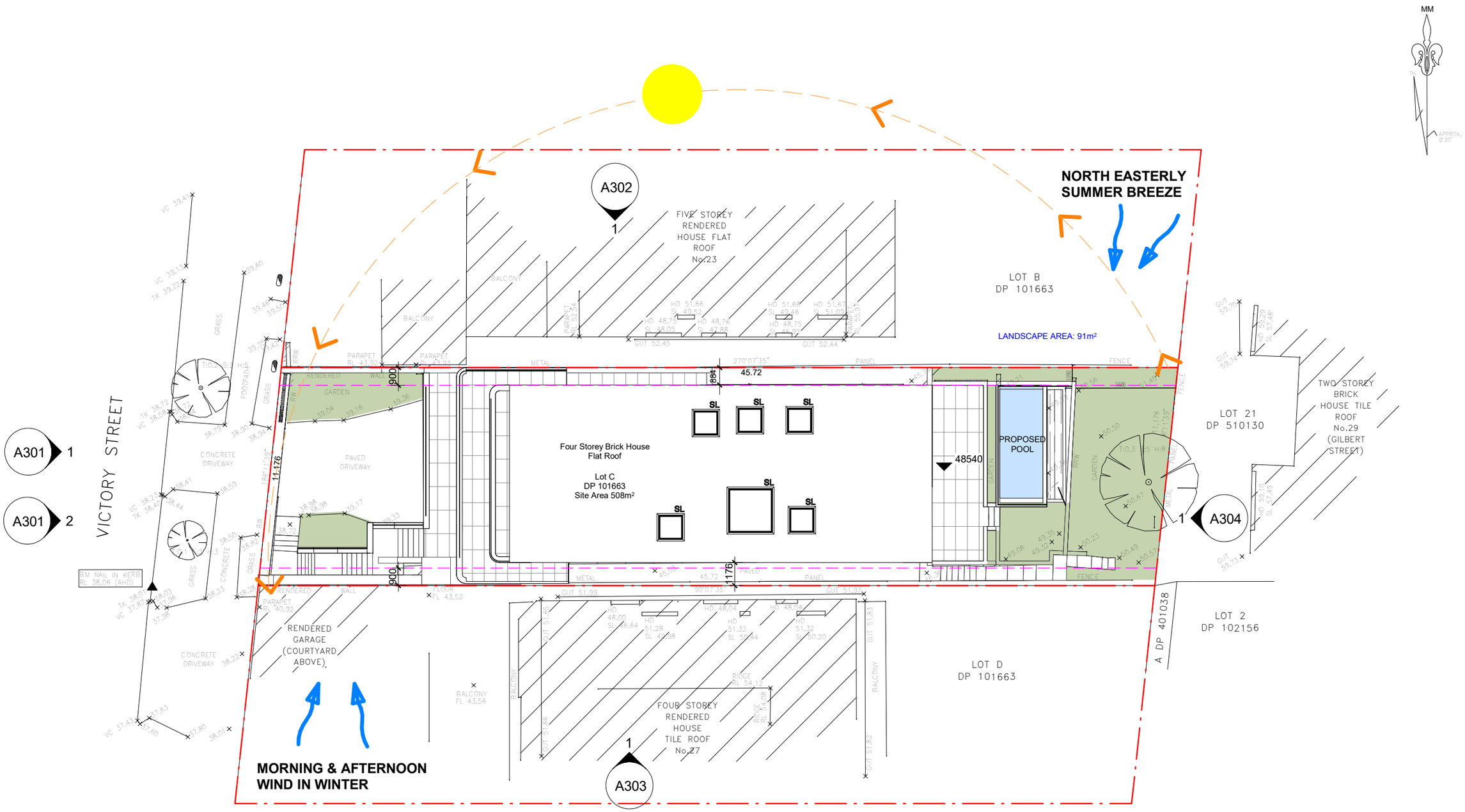
Drawing Title : **COVER SHEET**

North Point :

Scale :	Drawn by :	Checked by :	Date :
@A3	Author	Checker	19/11/2024

Drawing Number : **A001**

Revision : **E**



1 Site Plan
1 : 200

	PERMISSIBLE	PROPOSED
SITE AREA	508m²	
LANDSCAPED AREA	20% X SITE AREA (101.6m²)	91m²
FRONT ANDSCAPED AREA	50% of the front open space (41m²)	Keep Existing
DEEP SOIL AREA	50% X LANDSCAPE AREA (45.5m²)	91m²(100%)

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25 Victory Street, Rose Bay NSW 2029

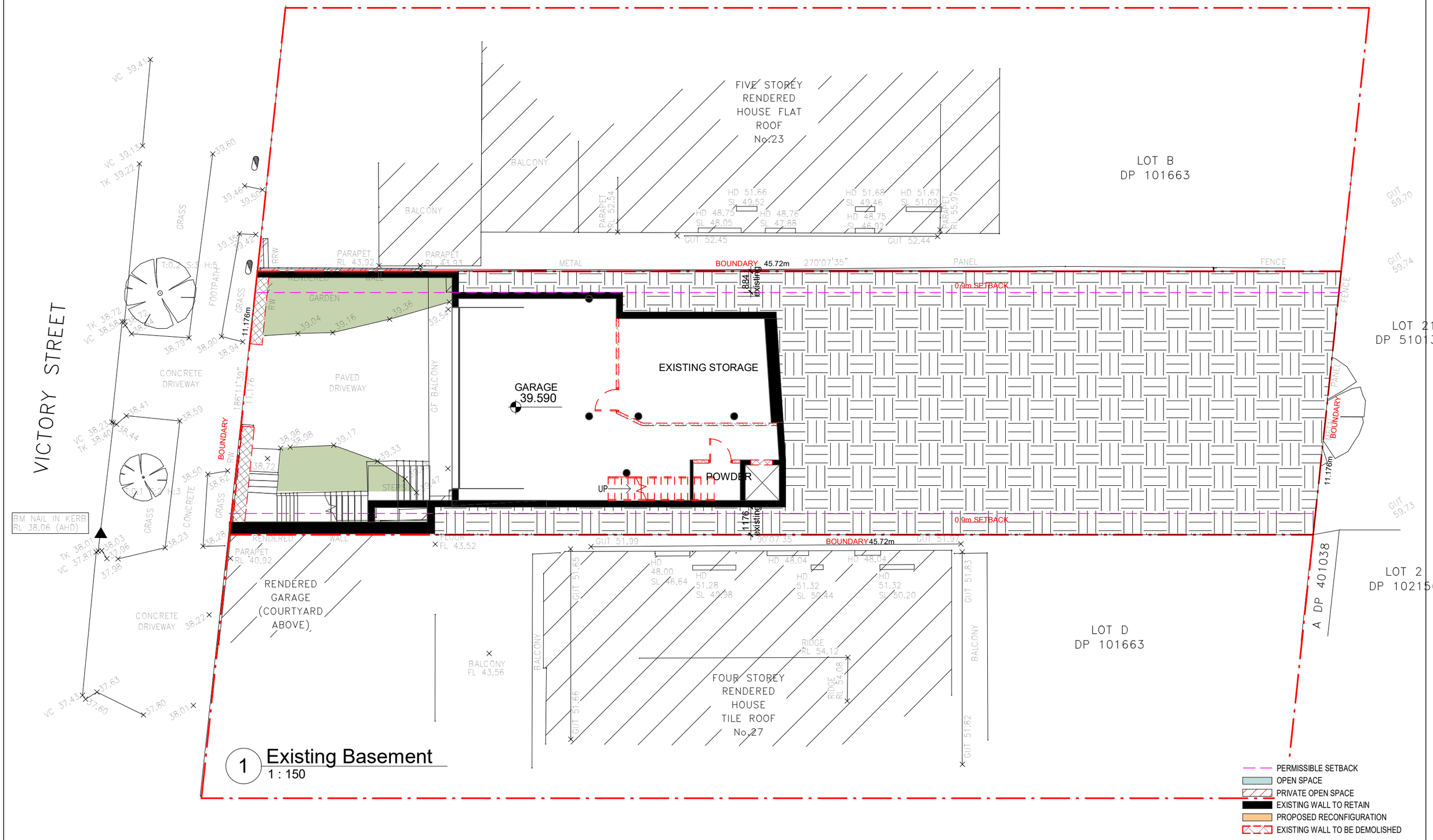
Project Number : **KHD2117**

Drawing Title : **SITE PLAN / ROOF PLAN**

North Point :

Scale :	Drawn by :	Checked by :	Date :
1 : 200 @A3	AL	RG	19/11/2024

Drawing Number : **A100**
Revision : **E**



1 Existing Basement
1 : 150

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~~E~~	~~RG~~	~~FOR DA~~	~~19/11/2024~~

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25 Victory Street, Rose Bay NSW 2029

Project Number : **KHD2117**

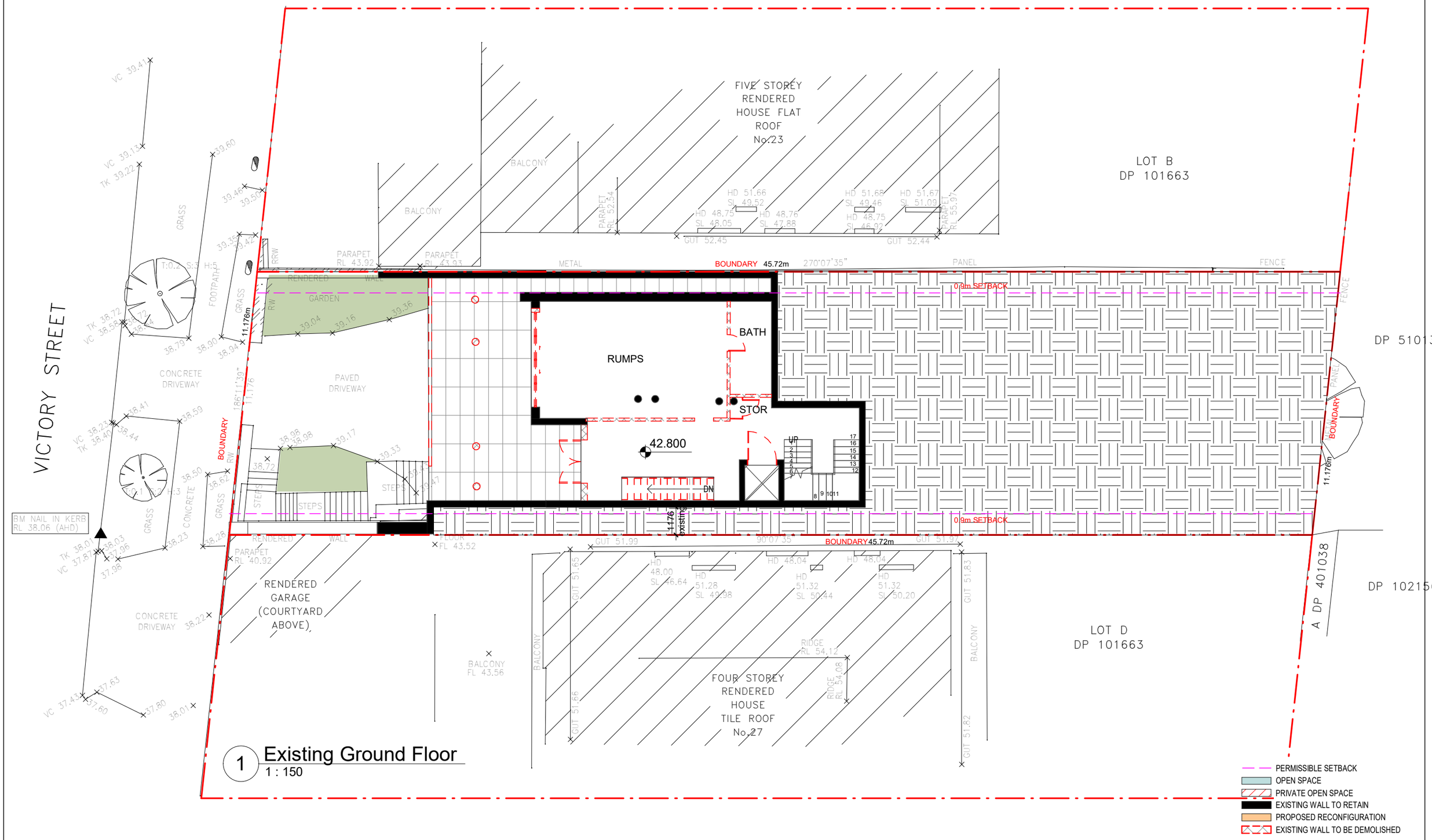
Drawing Title : **EXISTING GARAGE**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A101**

Revision : **E**



1 Existing Ground Floor
1 : 150

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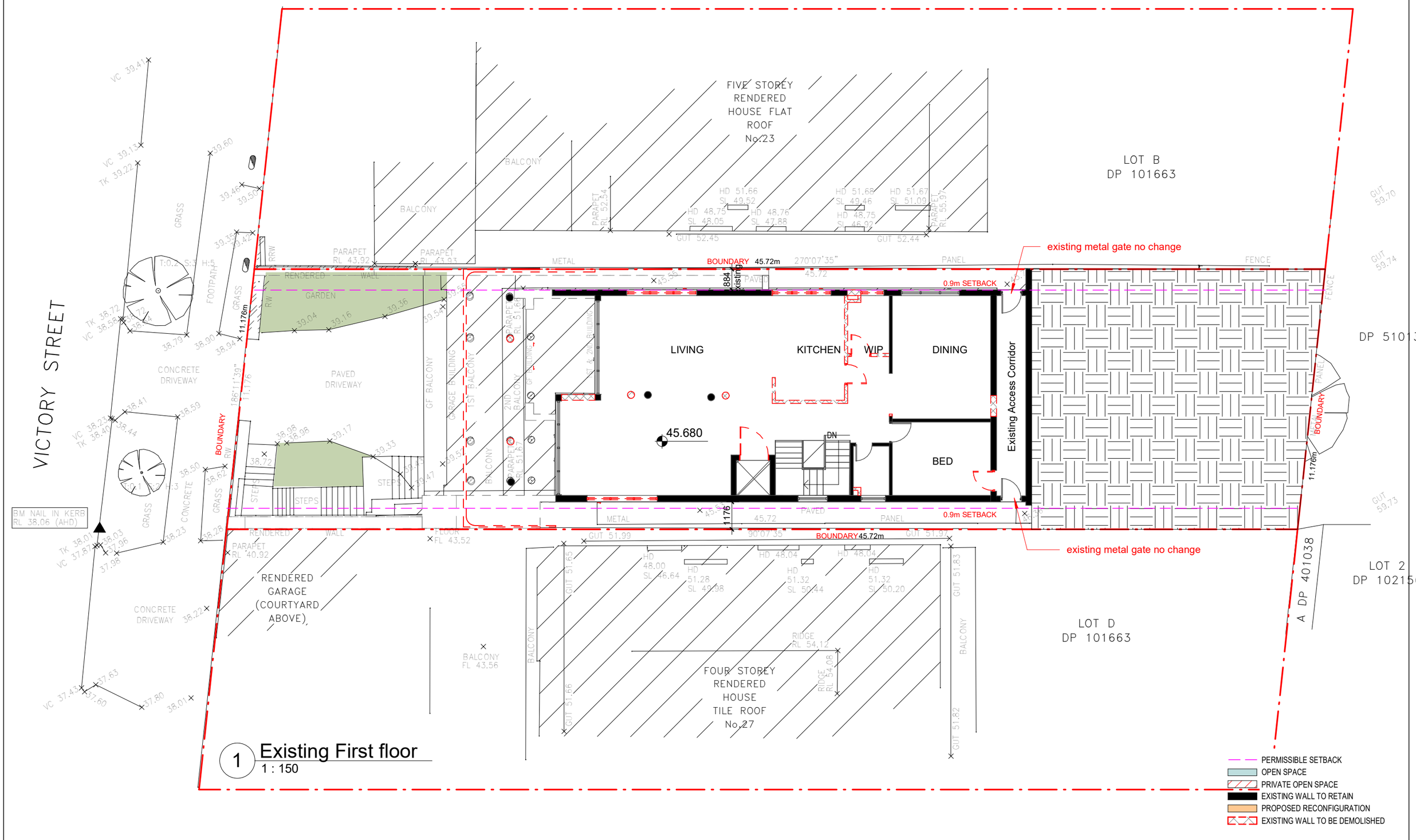
Drawing Title : **EXISTING GOUND FLOOR**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A102**

Revision : **E**



1 Existing First floor
1 : 150

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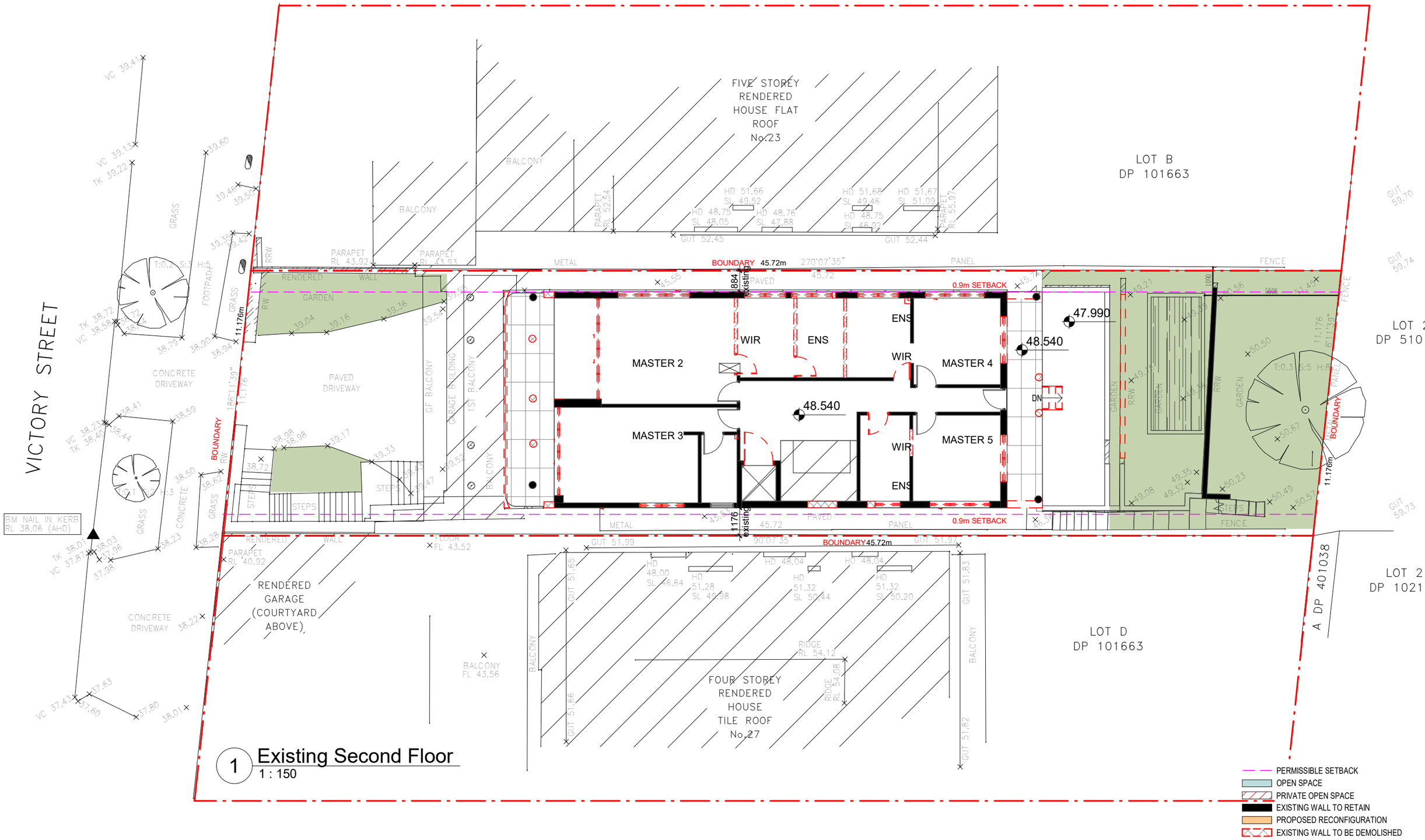
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Client : -

Project Title : DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029
Project Number : KHD2117

Drawing Title : EXISTING FIRST FLOOR
North Point :
Scale : As indicated @A3
Drawn by : Author
Checked by : Checker
Date : 19/11/2024
Drawing Number : A103
Revision : E



CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
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Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029
Project Number : **KHD2117**

Drawing Title : **EXISTING SECOND FLOOR**
North Point :
Scale : As indicated @A3
Drawn by : Author
Checked by : Checker
Date : 19/11/2024
Drawing Number : **A104**
Revision : **E**

VICTORY STREET

FIVE STOREY RENDERED HOUSE FLAT ROOF No.23

FOUR STOREY BRICK HOUSE FLAT ROOF No.25

LOT C
DP 101663
AREA 508m²

FOUR STOREY RENDERED HOUSE TILE ROOF No.27

LOT B
DP 101663

LOT 21
DP 510130

LOT 2
DP 102156

LOT D
DP 101663

A DP 401038

BOUNDARY 45.72m 270°07'35" 45.72

BOUNDARY 45.72m 90°07'35" 45.72

0.9m SETBACK

BM NAIL IN KERB
RL 38.06 (AHD)

RENDERED GARAGE (COURTYARD ABOVE)

1 Existing Roof
1 : 150

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
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Project Title :
DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029

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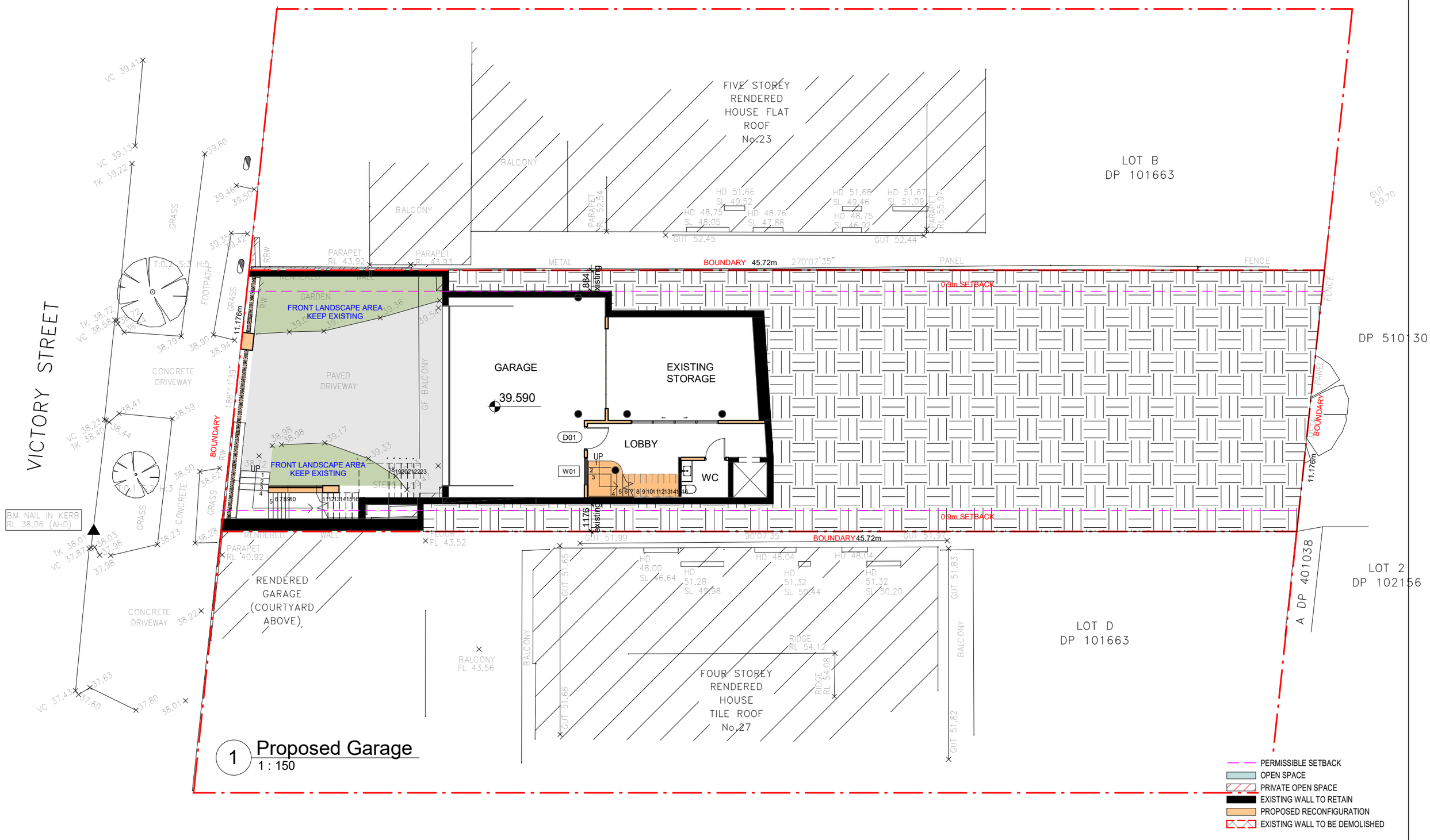
Drawing Title : **EXISTING ROOF**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A105**

Revision : **E**



1 Proposed Garage
1 : 150

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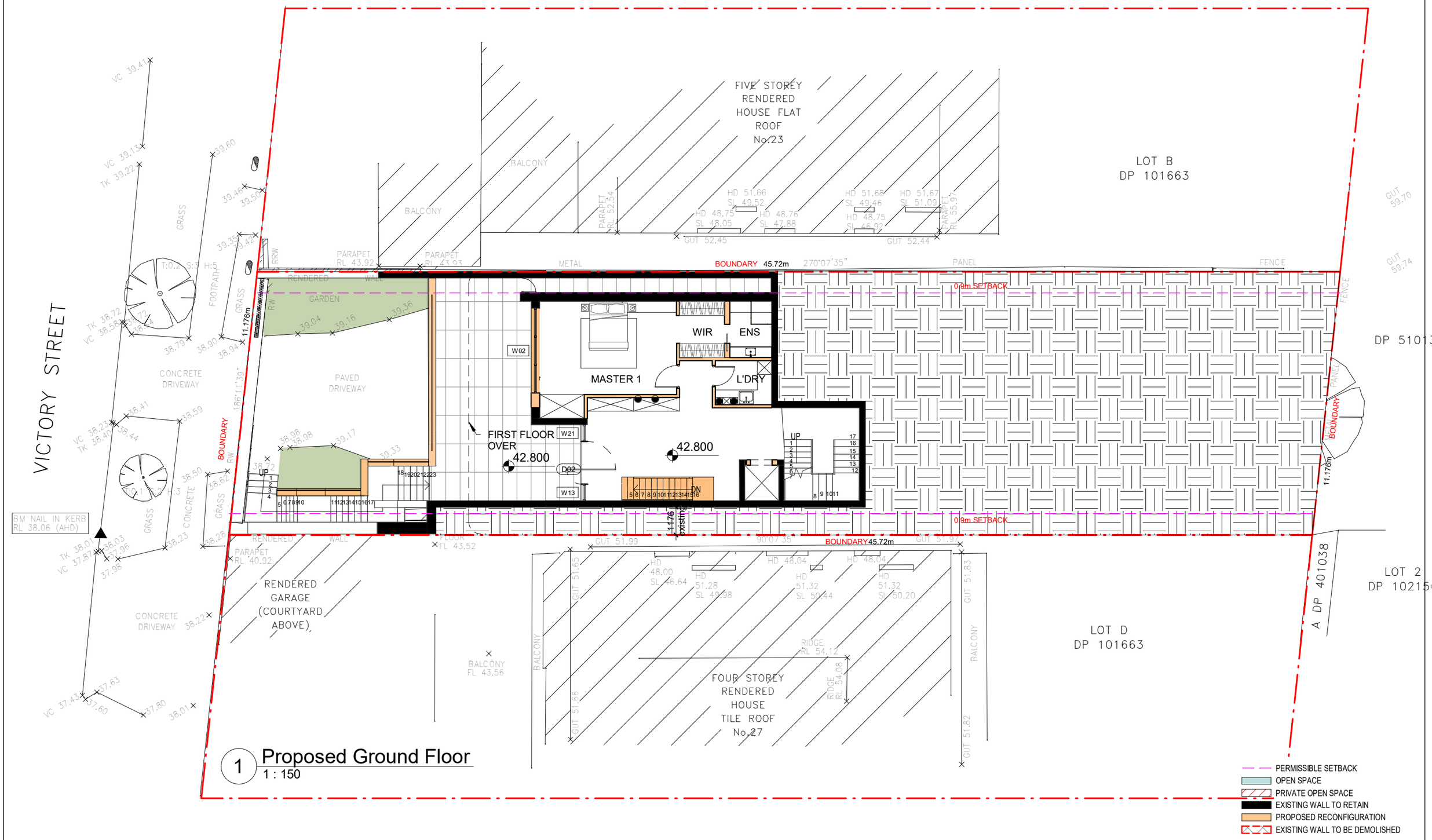
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Client : -

Project Title : DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029
Project Number : KHD2117

Drawing Title : PROPOSED GARAGE PLAN
North Point :
Scale : As indicated @A3
Drawn by : AL
Checked by : RG
Date : 19/11/2024
Drawing Number : A201
Revision : E



1 Proposed Ground Floor
1 : 150

CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
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25 Victory Street, Rose Bay NSW 2029

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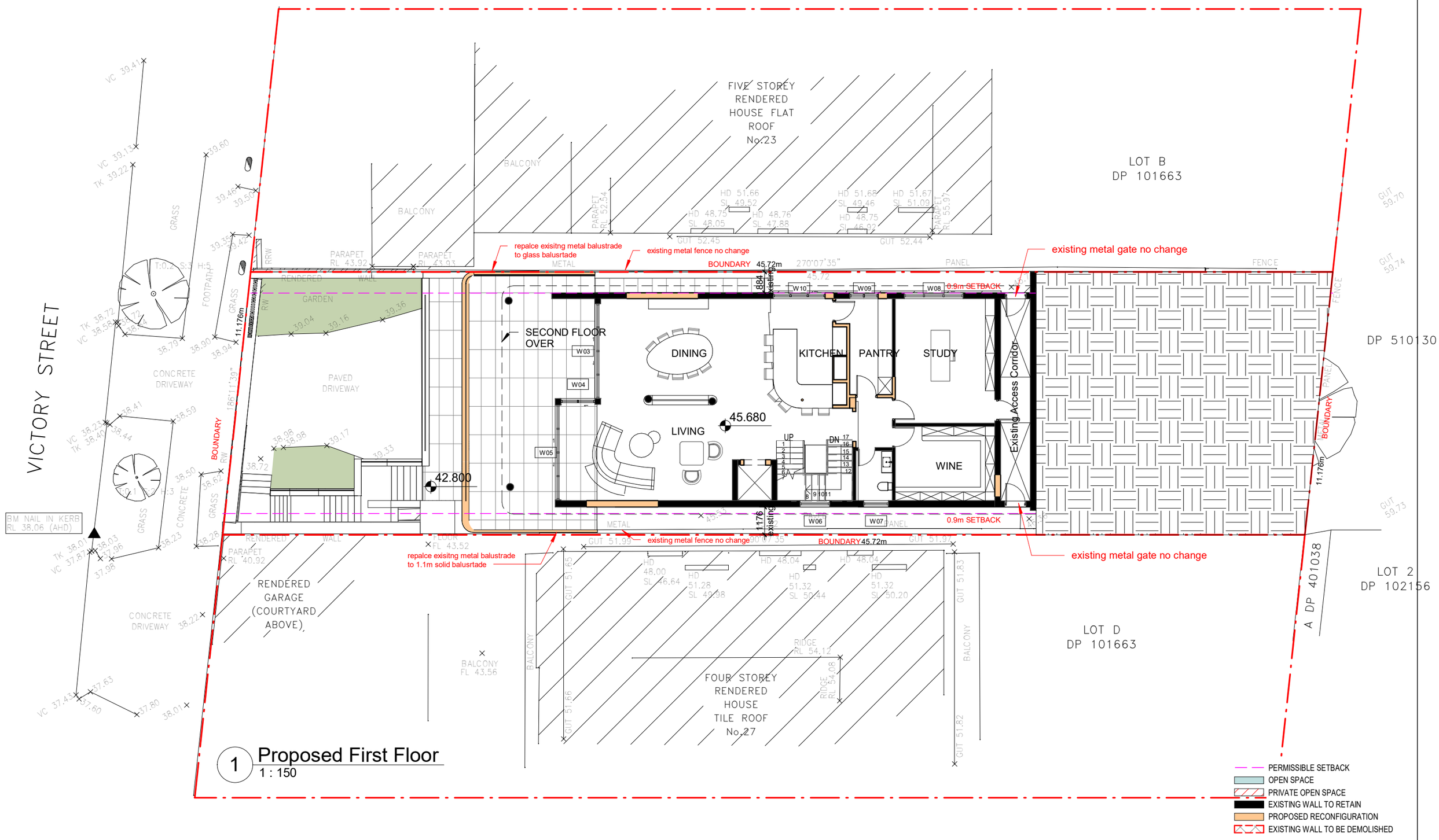
Drawing Title : PROPOSED GROUND FLOOR PLAN

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : A202

Revision : E



1 Proposed First Floor
1 : 150

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25 Victory Street, Rose Bay NSW 2029

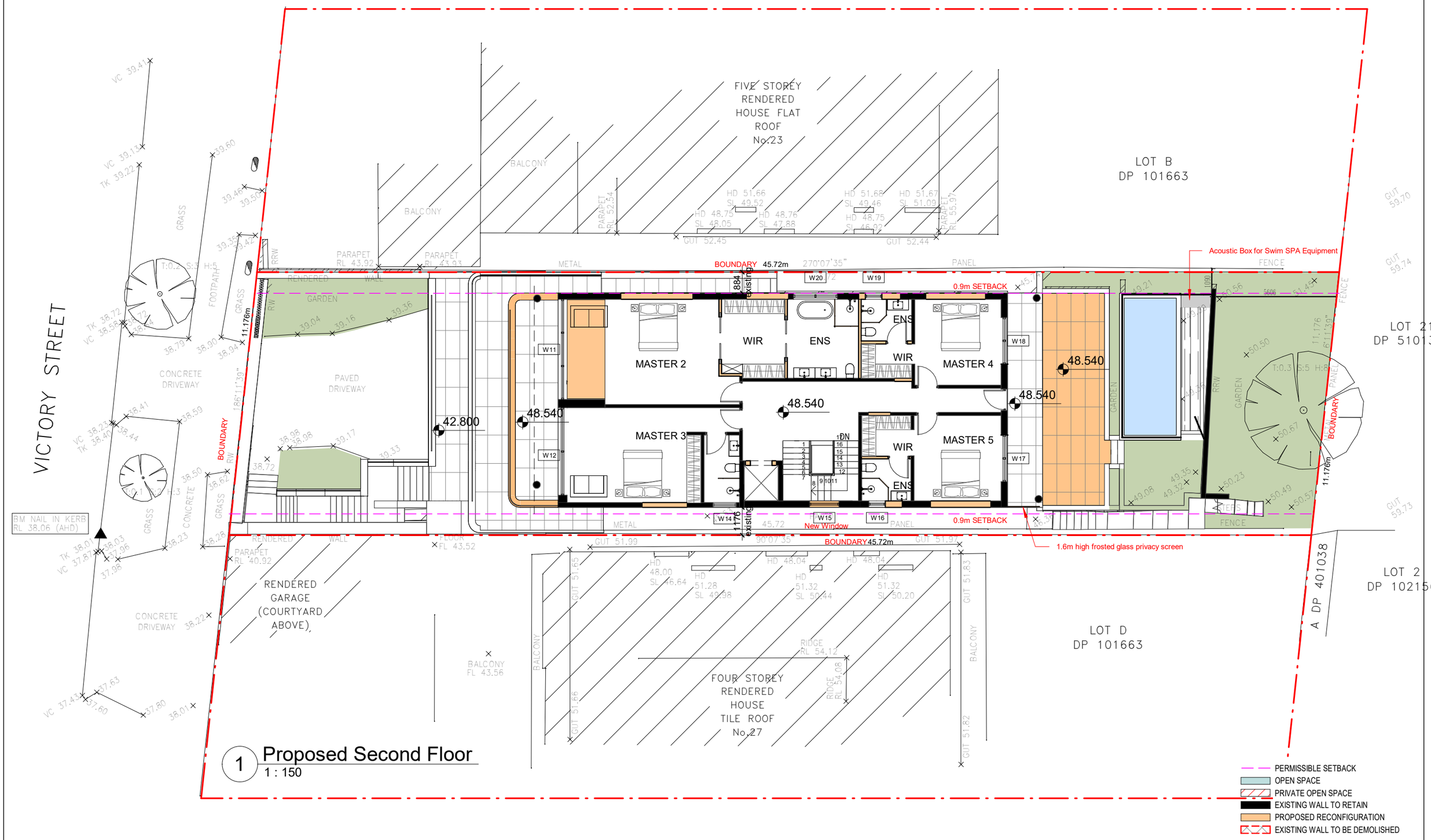
Project Number : **KHD2117**

Drawing Title : **PROPOSED FIRST FLOOR PLAN**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A203**
Revision : **E**



1 Proposed Second Floor
1 : 150

CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
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Status : ISSUE FOR DA

Rev.	By	Revision Description	Date
A	RG	FOR DA	02/06/2024
B	RG	FOR DA	01/09/2024
C	RG	FOR DA	11/09/2024
D	RG	FOR DA	11/11/2024
E	RG	FOR DA	19/11/2024

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Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029

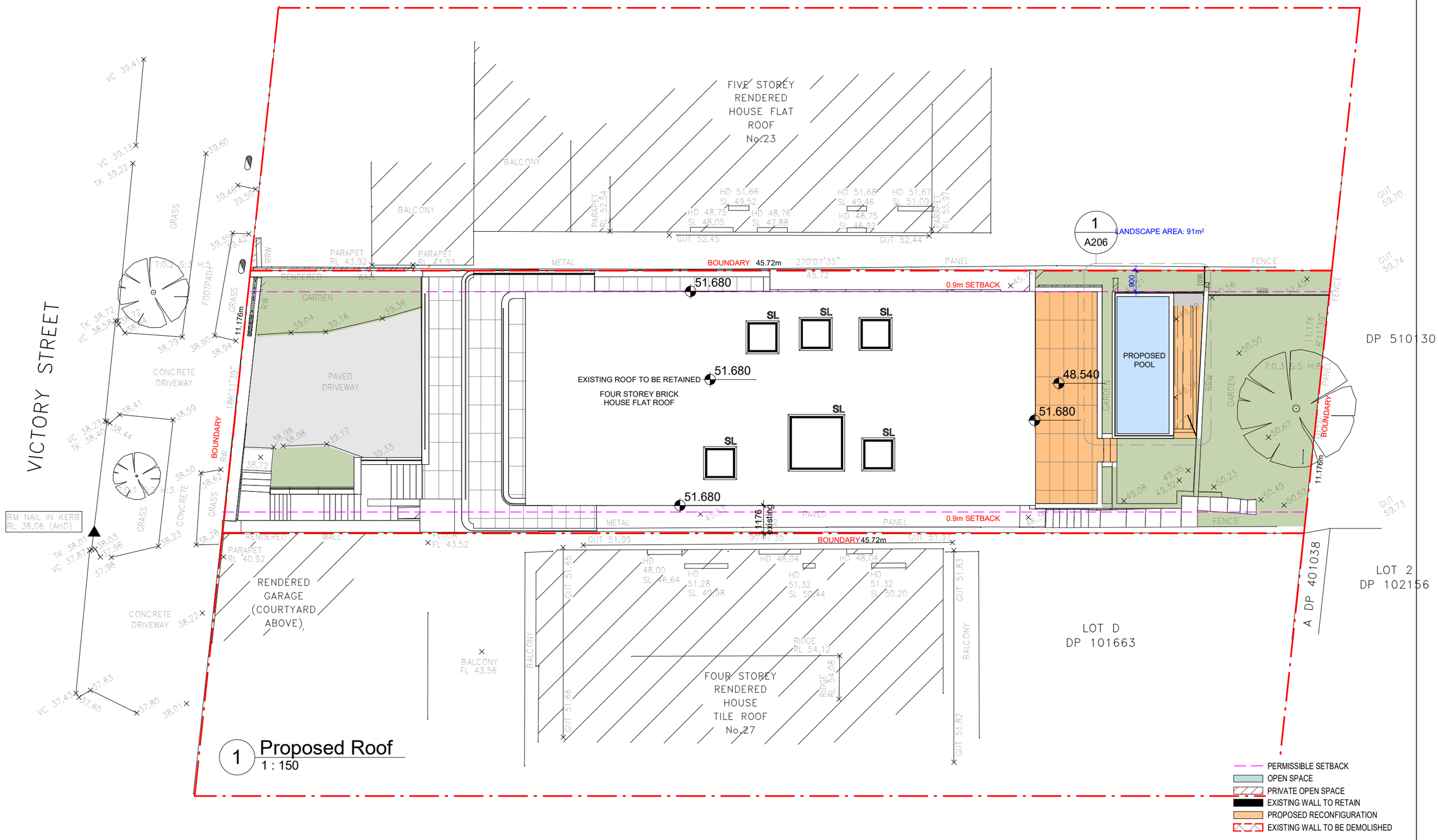
Project Number : **KHD2117**

Drawing Title : **PROPOSED SECOND FLOOR PLAN**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A204**
Revision : **E**



1 **Proposed Roof**
1 : 150

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Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029

Project Number : **KHD2117**

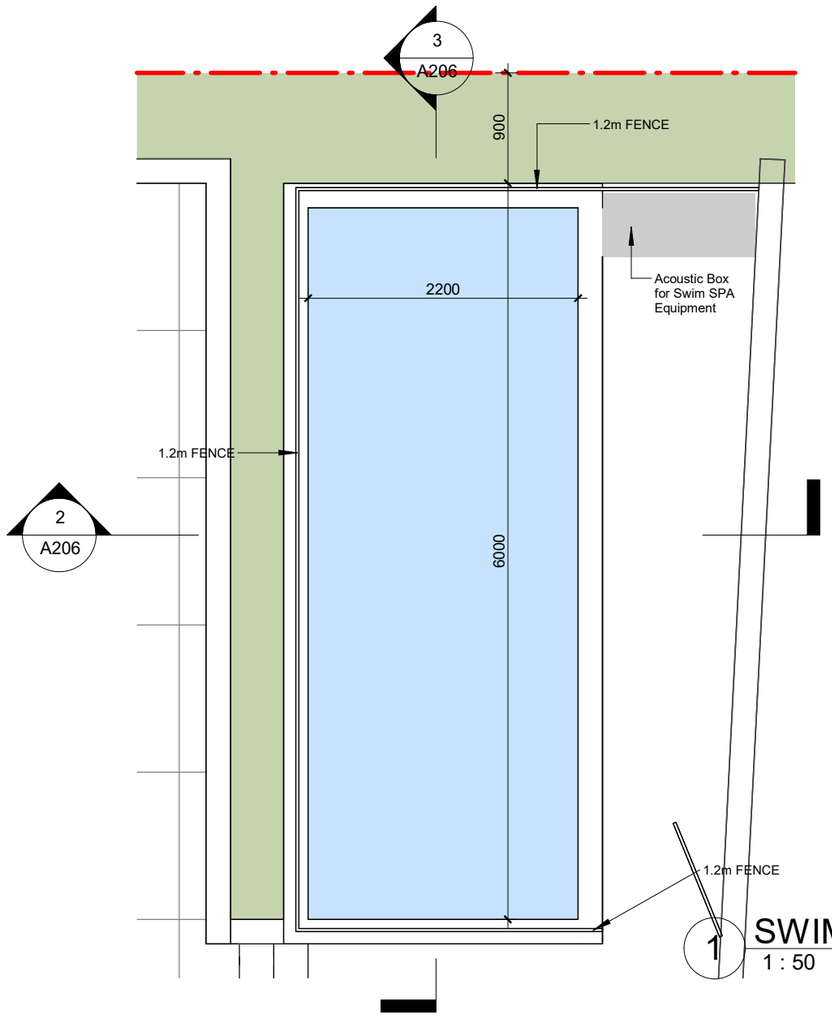
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North Point :

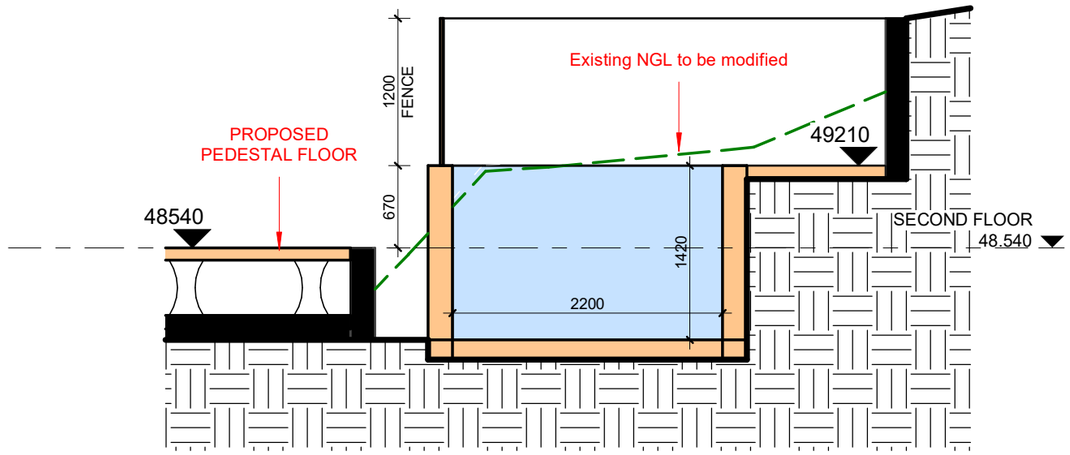
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Drawing Number : **A205**

Revision : **E**



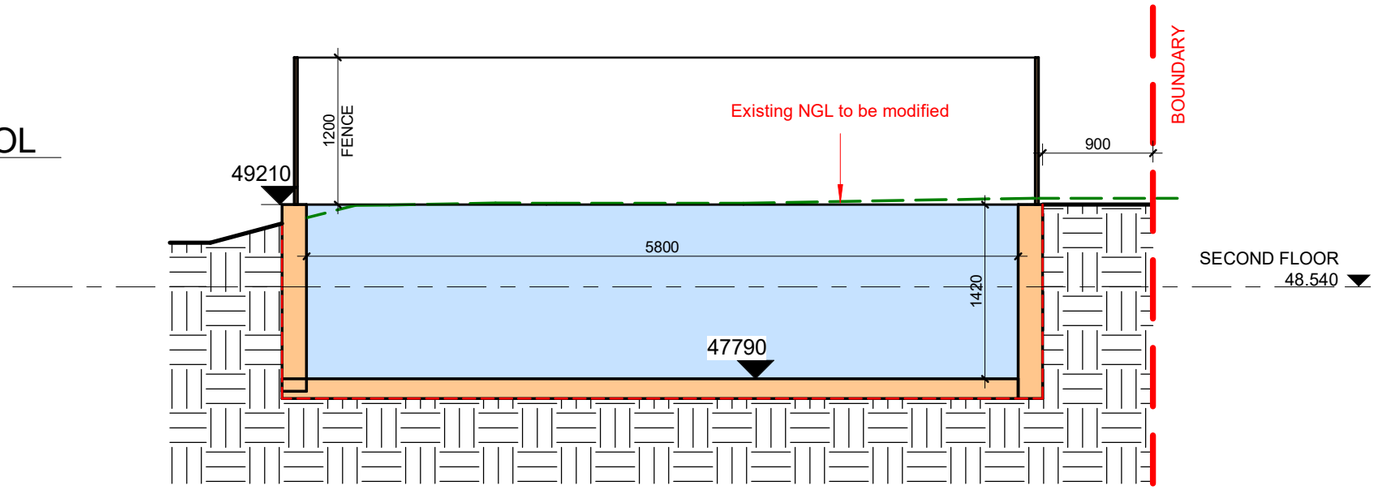
1 SWIMMING POOL
1 : 50



2 Section 3
1 : 50



Swim SPA Series



3 Section 4
1 : 50

- PERMISSIBLE SETBACK
- OPEN SPACE
- PRIVATE OPEN SPACE
- EXISTING WALL TO RETAIN
- PROPOSED RECONFIGURATION
- EXISTING WALL TO BE DEMOLISHED

CONTRACTORS TO USE ARCHITECTURAL DRAWINGS FOR SET OUT
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Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029

Project Number : **KHD2117**

Drawing Title : **SWIMMING POOL**

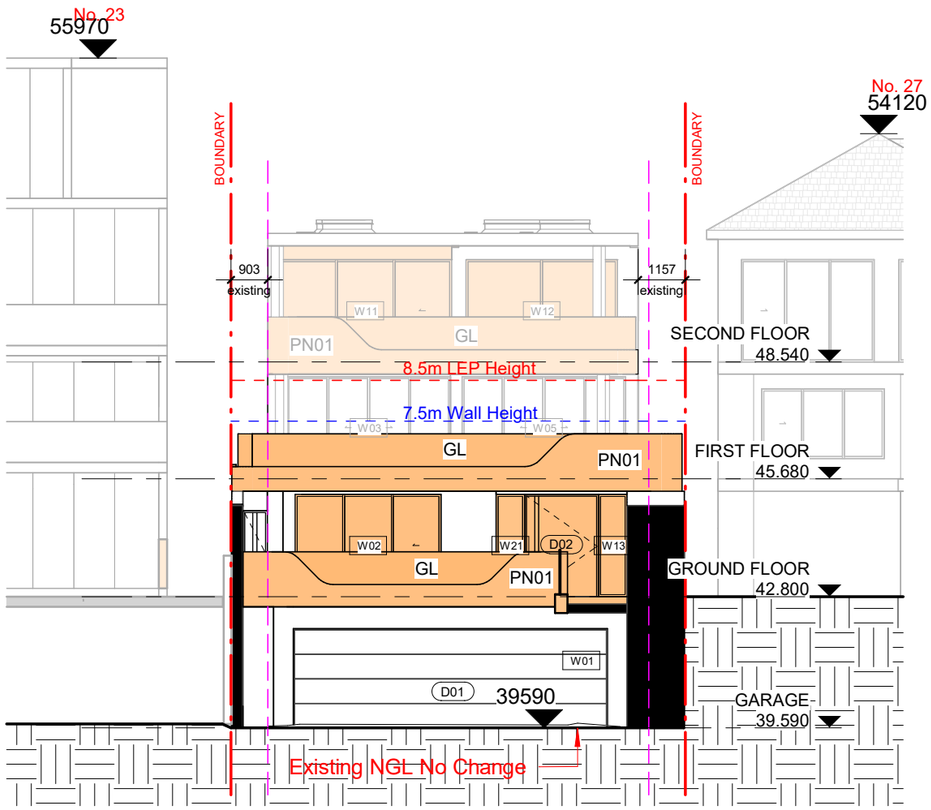
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Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

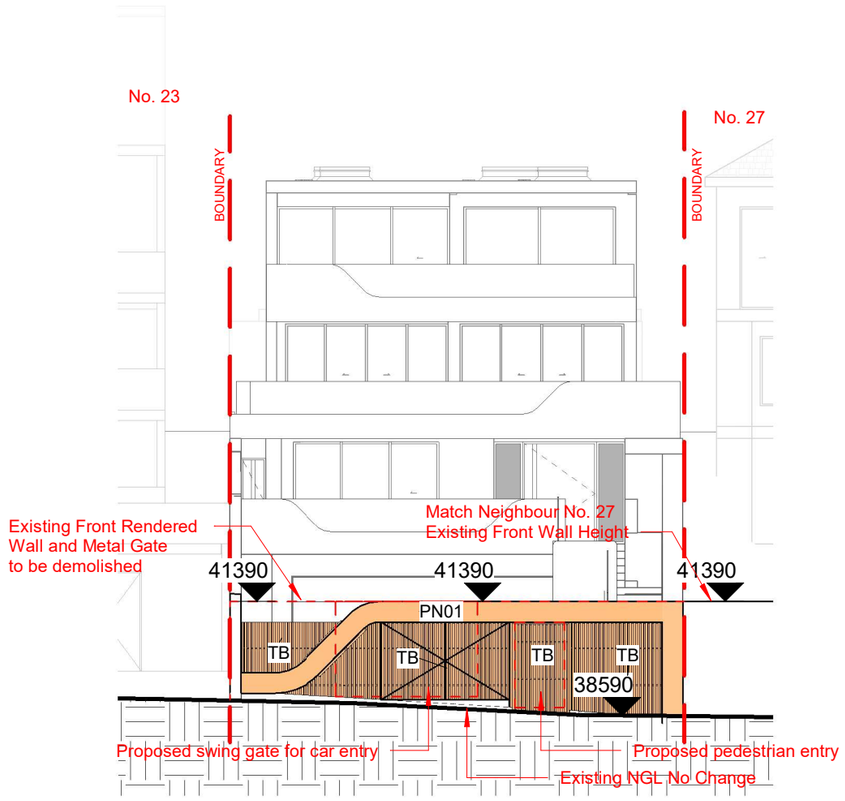
Drawing Number : **A206**

Revision : **E**

EXTERNAL FINISHES SCHEDULE	
PN01: DULUX Vivid White™SW1G1 or similar	
GL: GLAZING BALUSTRATE	
PS: FROSTED GLASS PRIVACY SCREEN	
TB: TIMBER LOOK ALUMINIUM BATTENS	



2 WEST ELEVATION (FRONT)
1 : 150



1 FRONT FENCE ELEVATION
1 : 150

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

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Project Title : DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029

Project Number : KHD2117

Drawing Title : WEST ELEVATION (FRONT)

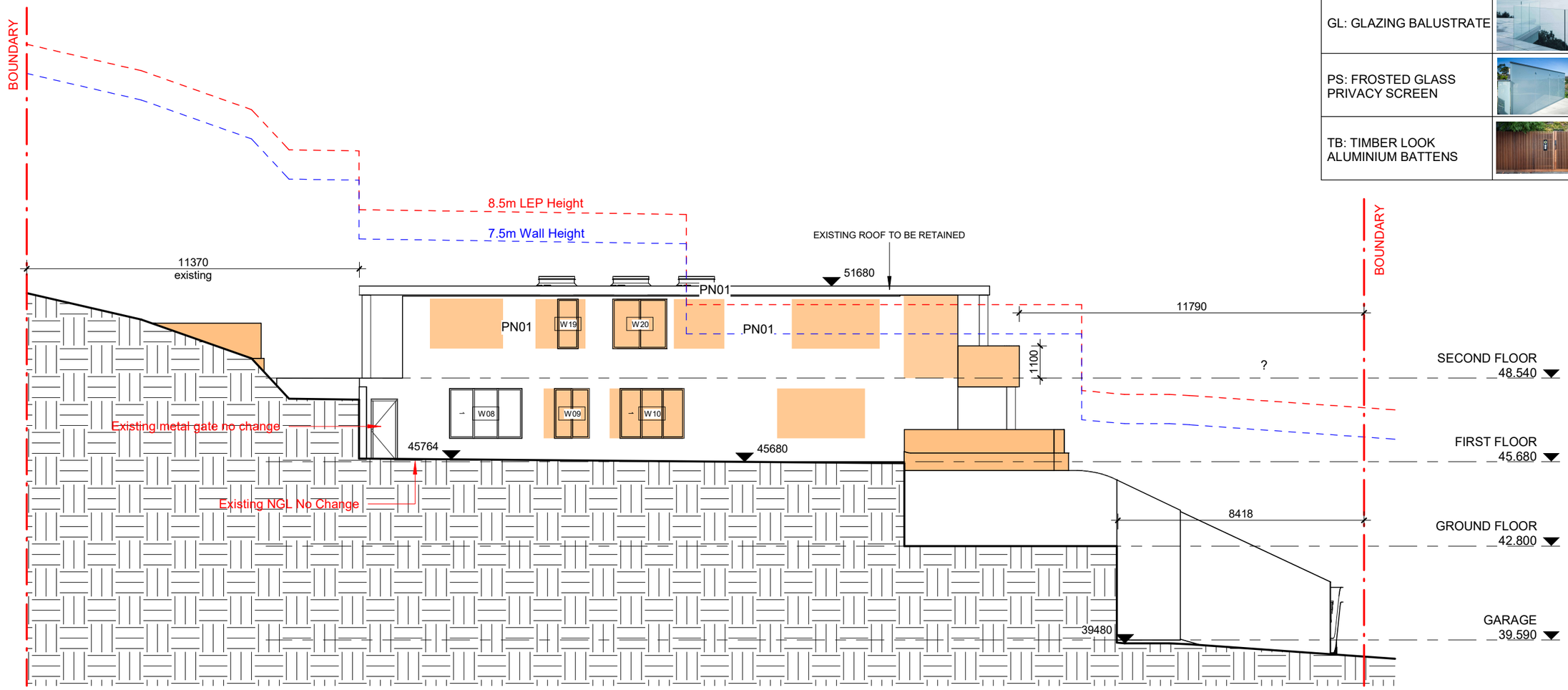
North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : A301

Revision : E

EXTERNAL FINISHES SCHEDULE	
PN01: DULUX Vivid White™SW1G1 or similar	
GL: GLAZING BALUSTRATE	
PS: FROSTED GLASS PRIVACY SCREEN	
TB: TIMBER LOOK ALUMINIUM BATTENS	



1 Northern Elevation
1 : 150

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

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Client : -

Project Title : DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029

Project Number : KHD2117

Drawing Title : NORTH ELEVATION

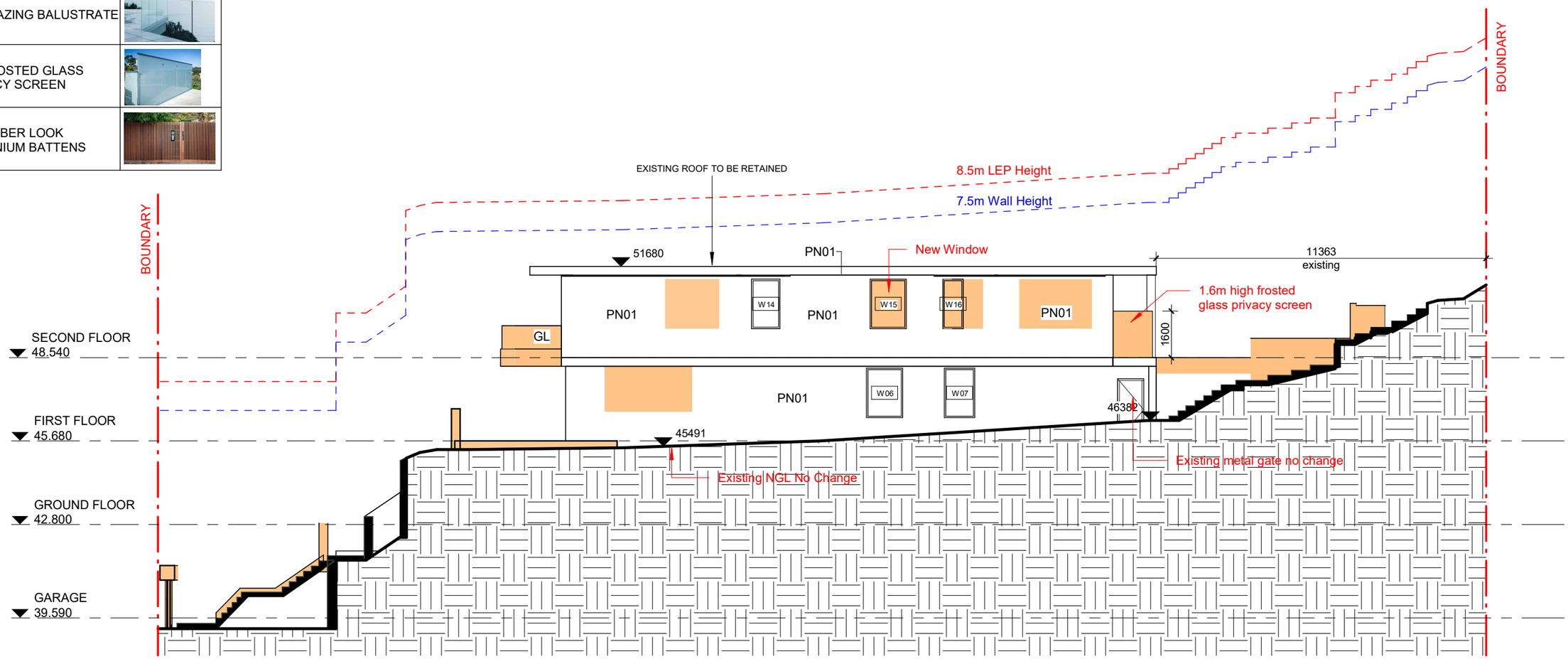
North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : A302

Revision : E

EXTERNAL FINISHES SCHEDULE	
PN01: DULUX Vivid White™SW1G1 or similar	
GL: GLAZING BALUSTRATE	
PS: FROSTED GLASS PRIVACY SCREEN	
TB: TIMBER LOOK ALUMINIUM BATTENS	



1 Southern Elevation
1 : 150

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

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C	RG	FOR DA	11/09/2024
D	RG	FOR DA	11/11/2024
E	RG	FOR DA	19/11/2024

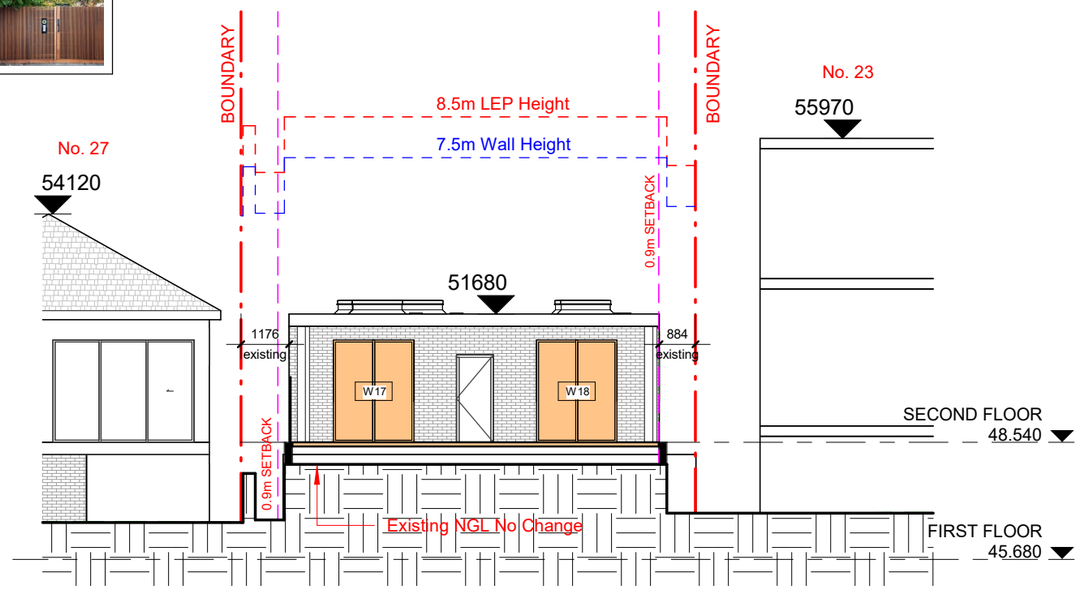
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Client : -

Project Title : DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029
Project Number : KHD2117

Drawing Title : SOUTH ELEVATION
North Point :
Scale : As indicated @A3
Drawn by : Author
Checked by : Checker
Date : 19/11/2024
Drawing Number : A303
Revision : E

EXTERNAL FINISHES SCHEDULE	
PN01: DULUX Vivid White™SW1G1 or similar	
GL: GLAZING BALUSTRATE	
PS: FROSTED GLASS PRIVACY SCREEN	
TB: TIMBER LOOK ALUMINIUM BATTENS	



1 East Elevation
1 : 150

Window Schedule

Mark	Height	Width
W01	1700	1160
W02	2500	3570
W03	2500	4000
W04	2500	1430
W05	2500	4000
W06	1700	1245
W07	1700	1045
W08	1700	2480
W09	1700	1195
W10	1700	2190
W11	2500	4225
W12	2500	3700
W13	2500	700
W14	1700	980
W15	1700	1245
W16	1700	700
W17	2500	1970
W18	2500	1970
W19	1700	700
W20	1700	1850
W21	2500	700

Door Schedule

Mark	Height	Width
D01	2100	1000
D02	2500	1800
D04	2700	5000
D05	2400	1200

Grand total: 4

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

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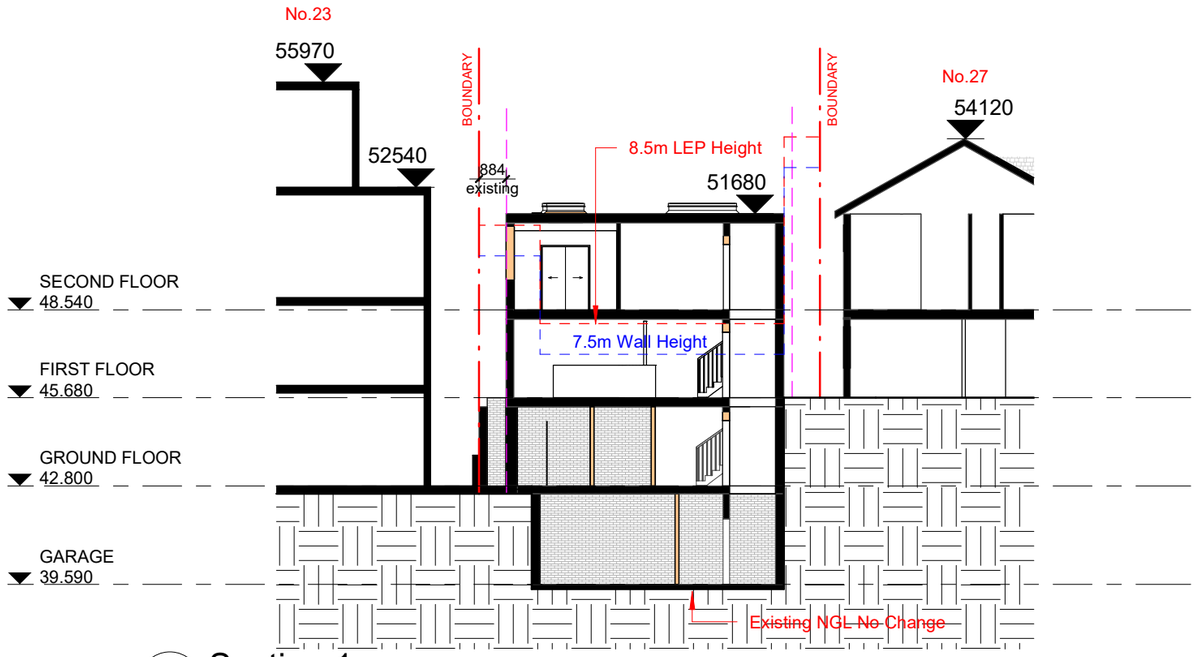
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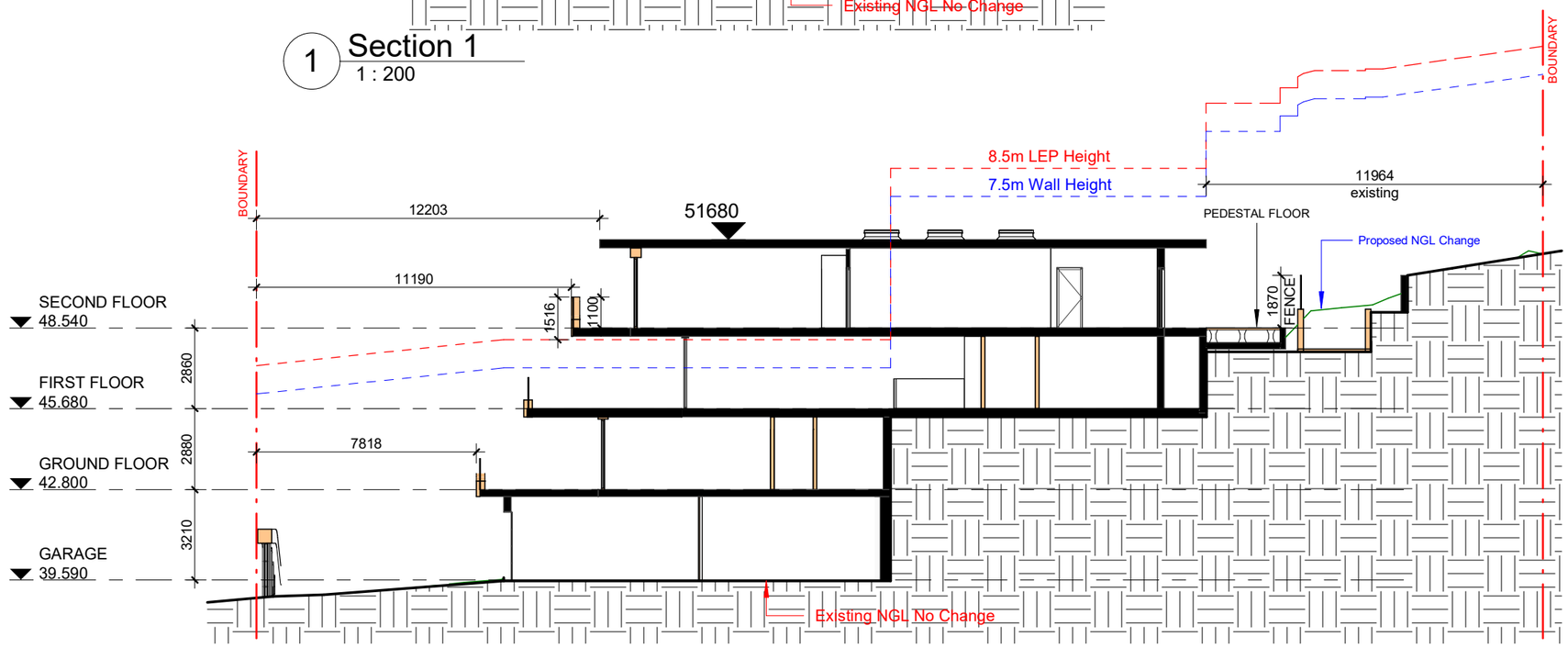
Architect :
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ABN: 22 647 515 517 E: info@kinghans.com.au P: 0426 366 336
Client : -

Project Title :
DWELLING ALTERATION & ADDITION
25 Victory Street, Rose Bay NSW 2029
Project Number : KHD2117

Drawing Title :
EAST ELEVATION (REAR) & WINDOW SCHEDULE
North Point :
Scale : As indicated @A3
Drawn by : Author
Checked by : Checker
Date : 19/11/2024
Drawing Number : A304
Revision : E



1 Section 1
1 : 200



2 Section 2
1 : 200

PERMISSIBLE SETBACK
OPEN SPACE
PRIVATE OPEN SPACE
EXISTING WALL TO RETAIN
PROPOSED RECONFIGURATION
EXISTING WALL TO BE DEMOLISHED

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Client : -

Project Title : **DWELLING ALTERATION & ADDITION**
25 Victory Street, Rose Bay NSW 2029

Project Number : **KHD2117**

Drawing Title : **SECTIONS**

North Point :

Scale :	Drawn by :	Checked by :	Date :
As indicated @A3	Author	Checker	19/11/2024

Drawing Number : **A351**

Revision : **E**



Report to the Waverley Local Planning Panel

Application number	DA-203/2021/D
Site address	3 Military Road, NORTH BONDI NSW 2026
Proposal	Section 4.55(2) Modification to DA-203/2021 for alterations and additions to the approved boarding house, including the provision of a gym at the basement level
Description of Approved Development	Alterations and additions to an approved boarding house, including the provision of a neighbourhood shop at the garage level. And as further amended by subsequent modifications.
Date of lodgement	6 August 2024
Owner	Bondi North Beachfront Pty Ltd
Applicant	V Vishney
Submissions	One submission
Amended cost of works	No change indicated (noting original cost of works estimated at $70,620)
Principal Issues	• Exceedance of Floor Space Ratio (FSR) development standard • Operational use of gym
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-203/2021 at the site known as 3 Military Road, North Bondi. The proposed modifications for the approved boarding house and neighbourhood shop include the provision of a gym at basement floor level, changes to the neighbourhood shop at ground level and various other alterations.

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

- Exceedance of Floor Space Ratio (FSR) development standard
- Operational use of the basement gym
- Boarding House storage facilities

The assessment finds these issues acceptable subject to the imposition of the following conditions:

- The basement gym is approved for use by boarding house tenants and employees of the boarding house only. Access is not permitted for the general public, including neighbourhood shop employees and customers. Commercial use of the gym is also not permitted.

- A minimum of $6m^3$ of storage space is to be provided for each boarding house dwelling within the basement floor level

One submission was received, and the issues raised in the submission have been considered and addressed in this report and the recommendation.

No Councillor submissions were received.

There were no declared conflicts of interest on this application from Council staff.

The application has been assessed against the relevant matters for consideration under section 4.55 (2) of 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 1 October 2024.

The site is triangular in shape with a southern front boundary to Military Road measuring 31.172m, an eastern side boundary measuring 20.834m, and a northern rear boundary to Bondi Golf Club measuring 31.172m, comprising a total site area of 324.6m². The site falls approximately 2.5m from the north to the south. The site was occupied by a two-storey dwelling with integrated garage parking accessed from Military Road prior to demolition and construction works occurring on the site. The site is currently under construction.

Adjoining the site to the east, is a two storey dwelling known as 1 Military Road. Adjoining the site to the northwest is the Bondi Golf Club. On the opposite side of Military Road is a mix of two and three storey residential flat buildings and dual occupancy developments. The commercial village of North Bondi and the North Bondi Bus Terminus is located to the south of the subject site.

Figures 1 to **3** are photos of the site and its context.



Figure 1: Streetview of the subject site looking northeast from the corner of Military Road and Hastings Parade

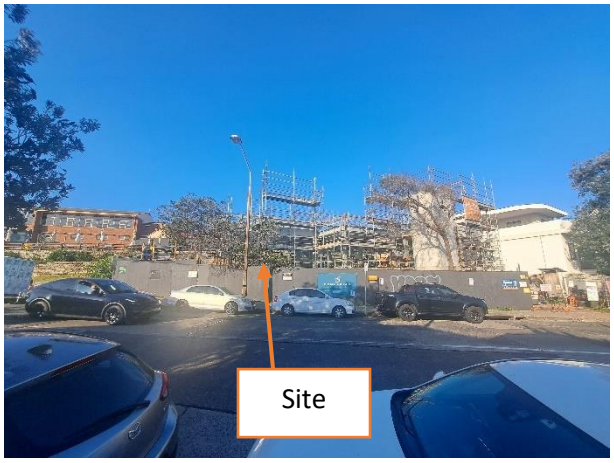


Figure 2: Streetview of the subject site looking east along Military Road.



Figure 3: Streetview opposite the subject site looking southwest along Military Road.

1.3. Details of Approved Development

DA-278/2020 for the partial demolition and construction of part two, part three-storey boarding house containing ten boarding rooms and five car parking spaces for 12 lodgers was approved by the Waverley Local Planning Panel (WLPP) on 24 February 2021.

The original development application, the subject of this modification, known as DA-203/2021, for alterations and additions to an approved boarding house (under construction under DA-278/2020) with provision for a neighbourhood shop at the garage level, expansion and reconfigurations of both the garage and basement levels, minor lift shaft relocation, minor reconfiguration of external entry stair leading to ground floor level and minor extension of the driveway, was granted Deferred Commencement consent on 27 October 2021 by the WLPP. The Deferred Commencement matters were satisfied on 24 January 2022.

DA-203/2021 was considered an 'amending DA' to modify or amend DA-278/2020. In order to adequately combine the two applications, the following notable conditions were placed on the consent:

> ***2. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020***
>
> *Pursuant to section 4.17(1)(b) and (5) of the Environmental Planning and Assessment Act 1979, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No.278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in Condition 1 of this development consent.*
>
> ***3. RELATIONSHIP TO DEVELOPMENT CONSENT DA-278/2020***
>
> *This development consent shall operate concurrently with Development Consent DA278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.*

Previous modification applications have been determined as follows:

- **DA-203/2021/A**
    - Approved by WLPP on 2 November 2022
    - Involving the following:
        - Reconfiguring the entry stair and retail frontage to provide improved amenities through increased natural light and ventilation to the retail area;
        - Reconfiguring the floor layout of the Basement Level and Garage Level to accommodate design changes;
        - Changing the lift structure and specification to accommodate compliance with AS1428; and
- Providing a skylight above the western corner of the neighbourhood shop.**DA-203/2021/B**
    - Approved by Council on 7 June 2023

- Involving the following:
  - Deletion of neighbourhood shop skylight; and
  - Introduction of fire evacuation access at the northern corner private open space area; and
  - Modifying internal layout and roof to accommodate garbage and car parking exhaust system.

- **DA-203/2021/C**
  - Approved by WLPP on 22 May 2024
  - Involving the following:
    - Deletion of the internal vehicle lift, relocation of vehicular parking to garage level to accommodate storage cages and accessible bathroom for the boarding house, relocation of the laundry room, plant room and bin storage.
    - Vehicular turntable on driveway.
    - Relocation of neighbourhood shop accessible toilet to basement and reconfiguration of the boarding house entrance, including internal walls at the garage floor level.
    - Expansion of roof services enclosure.
    - New external landscaping, including new plants and street trees.

The following conditions from the development consent have direct relevance to this modification application:

1C. GENERAL MODIFICATION

The application is approved subject to the following plan amendments;

(a) The external car turntable surface finish is to match the surrounding driveway surface finish.

(b) The neighbourhood shop pedestrian access is to be perpendicular to the pedestrian footway and in accordance with condition 9A(a) of this consent.

(c) The bin storage allocation is to be amended to show the required three bins allocated to the neighbourhood shop in accordance with condition 11 of this consent.

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

(ADDED BY DA-203/2021/C)

9A. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works must be designed, constructed and completed to Council's satisfaction at no cost to Council. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:

(a) Footpath and Access Points:

(i) The levels of the proposed access points linking the building to pedestrian footpath must be provided on the plan to ensure there are no modification to the existing footpath levels causing trip hazards.

(ii) The proposed access points to the building must be constructed perpendicular to the pedestrian footpath.

(b) Public Domain:

(i) 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.

(ii) The full public domain traversing site frontage 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 assets at no cost to Council.

*The public domain design drawings must be submitted to Council and approved by the **Executive Manager, Infrastructure Services** (or delegate) prior to the issue of the relevant Construction Certificate. 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).*

(ADDED BY DA-203/2021/C)

1.4. Proposal

The modification application has been submitted under section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, and it seeks consent for the following modifications to the approved development:

- Garage Level:
  - Relocation of the accessible bathroom from the basement level to the ground floor level neighbourhood shop;
  - Internal wall reconfigurations to layout and new access to carpark;
  - Expansion to riser;
  - Neighbourhood shop pedestrian access ramp perpendicular to the footpath.

- Basement Level:

- Relocation of NBN equipment;
- Encasement of basement staircase;
- Relocation of laundry and mechanical services box;
- Change of use of the basement to a gym attached to the boarding house;
- New change room and modification of the approved bathroom to a change room;
- Reduction of storage cage volumes for boarding house tenants.

A visual comparison of the floor planning of each level between the approved development under DA-203/2021/C and the proposal is provided in extracts from respective floor plans shown in **Figures 4** to **7** in this report.

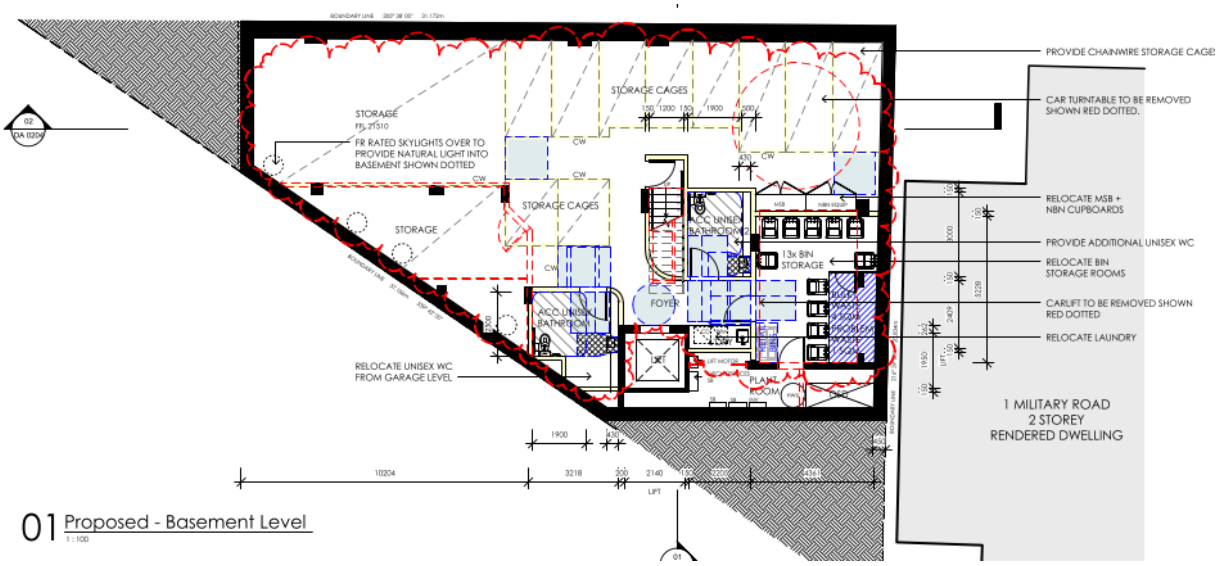


Figure 4: Approved Basement Level (DA-203/2021/C)

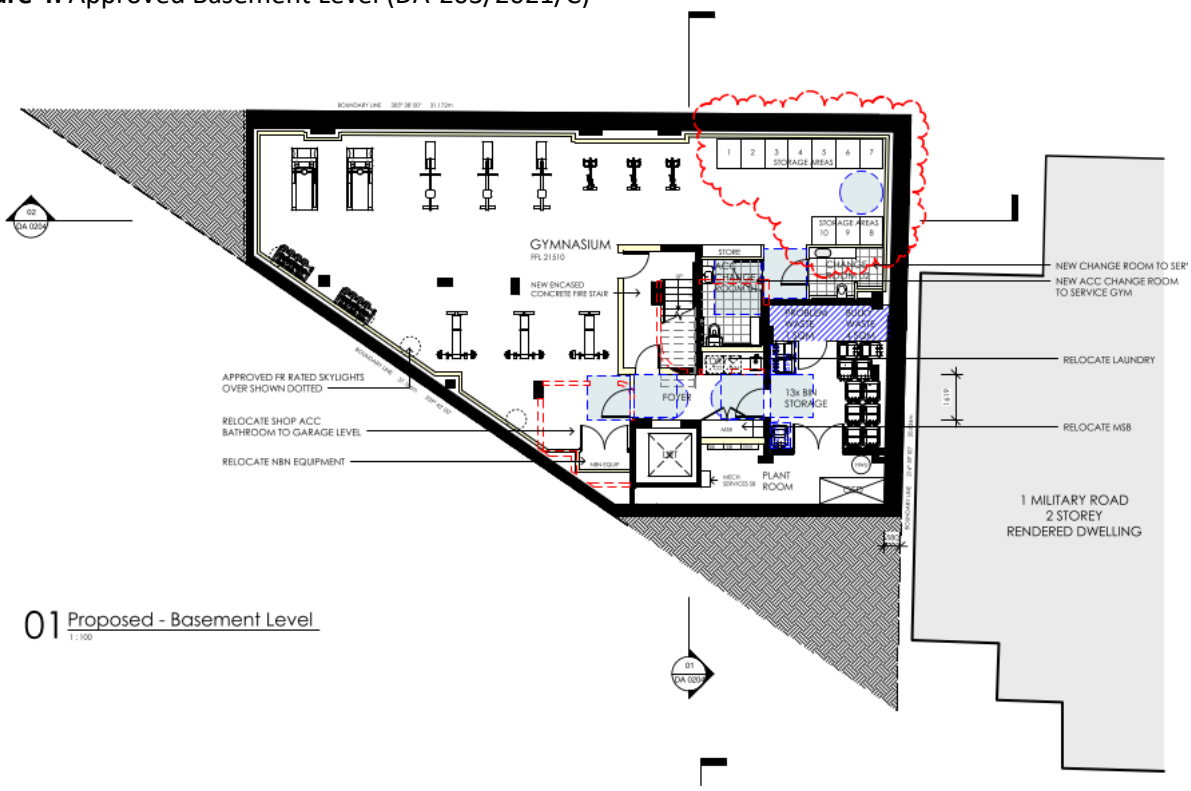


Figure 5: Proposed Basement Level (DA-203/2021/D)

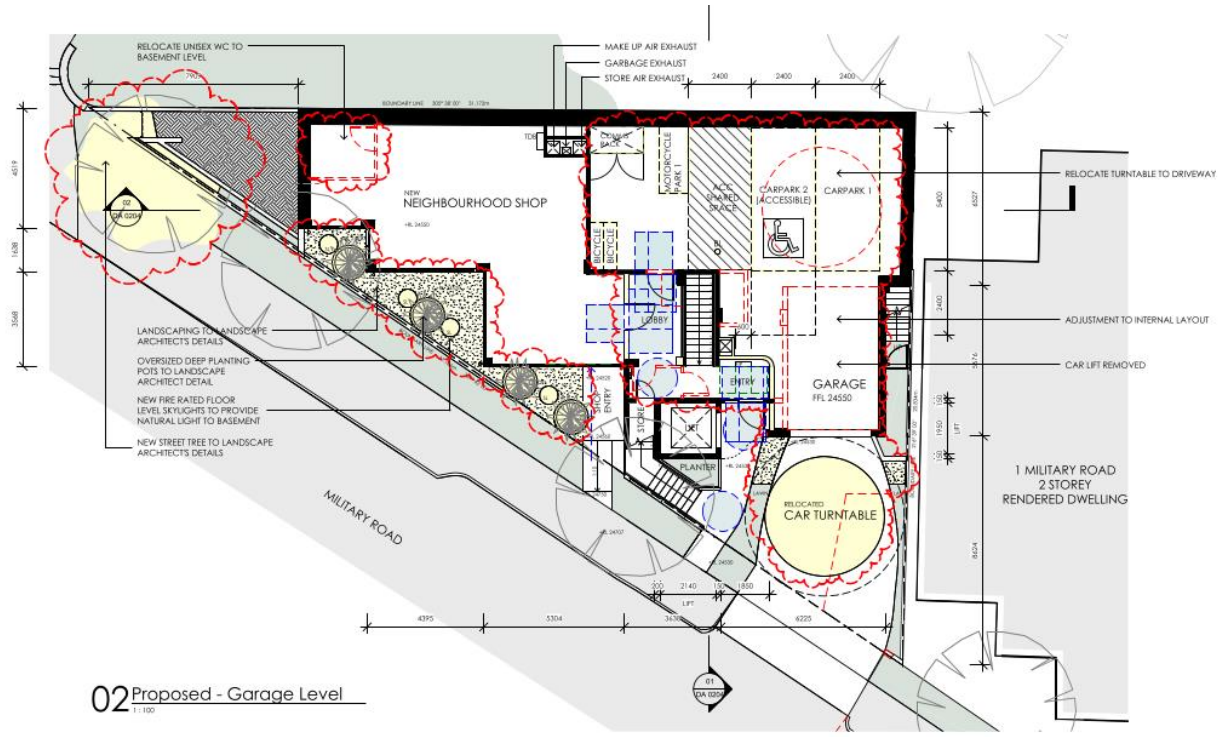


Figure 6: Approved Garage Level (DA-203/2021/C)

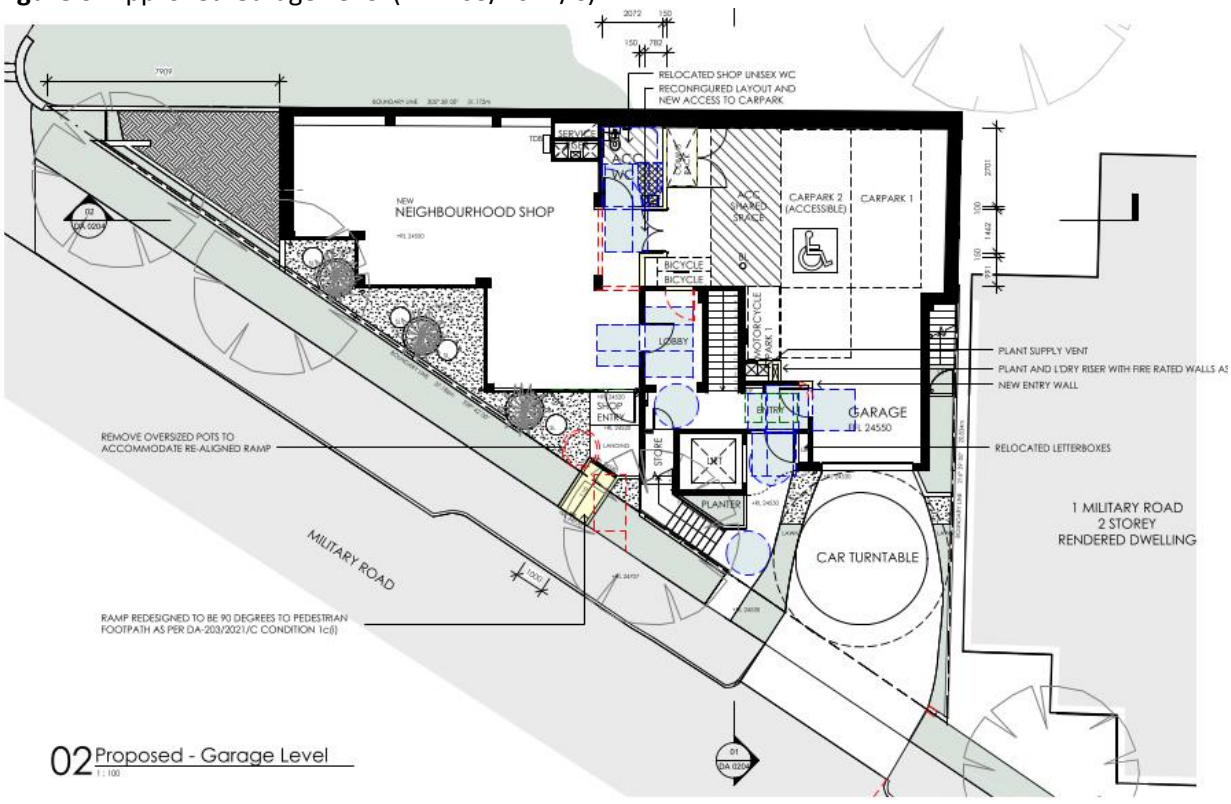


Figure 7: Proposed Garage Level (DA-203/2021/D)

1.5. Background

The modification application was lodged on 6 August 2024 and deferred on 9 October 2024 for the following reasons:

1. Planning Agreement Policy 2014

Planner Note: The applicant was encouraged to have consideration to the Planning Agreement Policy for the additional floor space proposed under this modification application.

2. The deletion of the approved basement storage areas associated with the boarding house residents was not supported. A minimum retention of 50% of the storage cages was requested in the deferral letter.

Planner Note: Amended plans have been submitted to show a storage cage per boarding house room, however, there is no annotation or description as to the proposed size of these cages. A condition is recommended to be imposed to provide a minimum of $6m^3$ of storage cages per boarding house room.

3. It was requested in the deferral letter that the proposed Gymnasium use is to be addressed within an amended Plan of Management (POM) with its use limited to residents of the boarding house only.

Planner Note: The POM was amended to include a section for the gymnasium. A condition is also recommended in regards to the restriction on its use.

4. Fire Safety concerns over the fire separation elements between the shop and residential areas above.

Planner Note: A BCA Compliance report has been submitted to address this issue.

The amended plans received on 19 November 2024 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 and one submission was received. The issues and matters raised in public submissions are discussed in section 2.3.4 of this report.

2.2. Evaluation of Matters for Consideration under Section 4.15

In accordance with section 4.55(3) of the Act the following is an assessment of the proposed modifications of the development consent against the relevant matters for consideration under section 4.15(1) of the Act.

2.2.1. Planning Instruments and Development Control Plans

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

2.3.1.1 State Environmental Planning Policies (SEPPs)

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

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

A detailed discussion is provided for the SEPP (Housing) 2021 as follows:

SEPP (Housing) 2021

DA-278/2020 for the conversion of the existing dwelling to a boarding house was comprehensively assessed against the provisions of Part 2, Division 3 of SEPP (Affordable Rental Housing) 2009, which applied at the time of the assessment and determination of the Development Application and has since been repealed by SEPP (Housing) 2021. Assessment of the proposed modifications in relation to principal development standards under Part 2, Division 3 of SEPP (Affordable Rental Housing) 2021 is outlined in **Table 1** of this report.

Table 1: SEPP (Housing) 2021 Compliance Table

Development Standard	Compliance	Comment
Clause 24 Non-discretionary development standards—the Act, s 4.15 • *development on land within an accessible area—0.2 parking spaces for each boarding room,*	Yes	There are no proposed changes to the number of vehicle parking spaces from what was previously approved.

Development Standard	Compliance	Comment
○ *10 Rooms* ○ *Min. 2 car spaces*		
Clause 25(1) a. no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than $25m^2$, and	Yes	No proposed change.
b. no boarding room will be occupied by more than 2 adult residents, and	Yes	No proposed change.
c. adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and	Yes	The laundry in the basement has been slightly relocated. Additionally, the bathroom is proposed to be converted into a change room, and a new change facility is also proposed on the same level.
d. for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and	Yes	No proposed change.
e. for a boarding house on land in a business zone—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	N/A	
f. for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and	Yes	No proposed change.
g. the minimum lot size for the boarding house is not less than— i. for development on land in Zone R2 Low	N/A	No proposed change.

Development Standard	Compliance	Comment
Density Residential—600m^2, or ii. for development on other land—800m^2. i. the boarding house will include adequate bicycle and motorcycle parking spaces.	Yes	Satisfactory. No proposed changes to the number of motorcycles and bicycle parking numbers.

2.3.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as both a 'boarding house' and 'neighbourhood shop' remains unchanged and continues to be permitted development in the R2 Low Density Residential zone under Waverley LEP 2012.

The quantities of the approved development have changed as outlined in **Table 2** of this report in relation to principal development standards under Waverley LEP 2012. All other relevant provisions of Waverley LEP 2012 remain compliant.

Table 2: Waverley LEP 2012 Compliance Table

<table>
<tr><th>Provision</th><th>Compliance</th><th>Comment</th></tr>
<tr><td colspan="3">Part 4 Principal development standards</td></tr>
<tr><td>4.4 Floor space ratio and
• 0.5:1
• (GFA: 162.3m^2)
• (Site area 324.6m^2</td><td>No</td><td>The proposed modification exceeds the maximum FSR as follows:

Proposed:
<table>
<tr><td></td><td>Approved</td><td>Proposed</td></tr>
<tr><td>Residential</td><td>268.2m^2</td><td>408.4 m^2</td></tr>
<tr><td>Retail</td><td>77.7m^2</td><td>78.8m^2</td></tr>
<tr><td>GFA</td><td>345.9m^2</td><td>488.2m^2</td></tr>
<tr><td>FSR</td><td>1.07:1</td><td>1.5:1</td></tr>
<tr><td>Variation</td><td>213%</td><td>301%</td></tr>
</table></td></tr>
<tr><td colspan="3">Part 5 Miscellaneous provisions</td></tr>
<tr><td>5.4 Controls relating to miscellaneous permissible uses
• Cl. 5.4(7): Maximum GFA for neighbourhood shops: 80m^2</td><td>Yes</td><td>Complies. The approved neighbourhood shop has 77.7m^2 of GFA. The proposal increases the GFA area to 78.8m^2.</td></tr>
</table>

The following is a detailed discussion of applicable clauses and exceedances of particular development standards under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

Part 2 – Permitted or Prohibited Development - Land Use

The current modification application does not propose the commercial use of the gym situated at the basement floor level of the building but proposes the gym to operate as an ancillary use to the approved Boarding House. Nevertheless, the Council expresses concerns regarding the potential for commercial utilisation, primarily due to the design of the circulation within the development. It is essential to emphasize that the site is located within the R2 low density residential zone under Waverley LEP 2012, wherein commercial use or recreation facility (indoor) is not permitted.

To prevent commercial use of the gym area, it is recommended to implement the following restrictions by way of conditions:

- Access to the gym is limited to residents and employees of the boarding house only.
- The general public is not permitted to use the gym.
- Neighbourhood shop employees and customers are also not allowed access.

Clause 4.4 - Floor Space Ratio (FSR)

The proposed modifications result in a net increase of gross floor area (GFA) of 142.3m^2 resulting in an overall GFA of 488.2m^2, being an FSR of 1.5:1. This culminates in an overall exceedance of the FSR development standard by 325.9m^2 or 301%. The net increase of FSR due to the proposed modifications represents 88% of the overall exceedance of the standard.

It is noted that the additional GFA is attributable to the change of use of the basement floor level to a gym which is now calculable floor space than what was previously approved on the site at basement level. There is no change to the overall building envelope proposed under this modification application.

The applicant has provided some written justification for the non-compliance with the FSR development standard and has based the justification on the performance of the proposal against the objectives of the development standard. The relevant objectives of the development standard are as follows:

> *(a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
>
> *(b) to provide an appropriate correlation between maximum building heights and density controls,*
>
> *(c) to ensure that buildings are compatible with the bulk and scale of the desired future character of the locality,*
>
> *(d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality.*

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The additional FSR will not result in any external amenity impacts including overshadowing, visual or acoustic privacy, visual bulk or view loss, above and beyond that already approved.

Council accepts that the proposed variation is contained within the building envelope being located at basement floor level and will not result in any inconsistency with the objectives of the FSR development standard nor cause any amenity impact to the public domain or adjacent dwelling in terms of the streetscape, visual bulk, shadow, view or privacy impacts.

The approved development, as proposed to be modified, will achieve and be consistent with the relevant objectives of the FSR development standard. Therefore, the net exceedance is deemed acceptable and is supported.

2.3.1.3 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 parts and sections of Waverley DCP 2022 that apply to the proposed modifications are outlined in **Tables 3** and **4** and detailed discussion provided below.

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	Satisfactory. No proposed changes.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes Yes	Satisfactory. Satisfactory. The Council's Biodiversity Officer has reviewed the proposal and did not object. Subject to conditions. Refer to section 3 of this report on referral commentary and recommended conditions.
6. Accessibility and Adaptability	Yes	Satisfactory. The proposed modification to the neighbourhood pedestrian access allows for disabled access.
11. Design Excellence	Yes	Satisfactory. The proposal will not alter the external appearance of the approved development.
15. Public Domain	Yes	Satisfactory. Council Public Domain Engineer has reviewed the proposal and did not object. Subject to modification to some conditions.

Table 44: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.8 Pedestrian access and entry		
• *Entry at street level and respond to pattern within the street*	Yes	Satisfactory. The proposed pedestrian access for the neighbourhood shop is appropriately located and provides accessible entry.

Development Control	Compliance	Comment
• *Accessible entry* • *Separate to vehicular entry* • *Legible, safe, well-lit*		
2.18 Storage		
• *In addition to kitchen cupboards and bedroom wardrobes, min storage required is:* *Studio and 1 bed = 6m^3* *2 bed = 8m^3* *3 or more bed = 10m^3* *All to provide bulk storage area in basement or ancillary structure*	Partial	The approved storage cage facilities at the basement floor level are set to be significantly reduced. However, the applicant is proposing to maintain 6m^3 of storage space per room within the approved boarding house. Since no dimension annotations are included in the architectural drawings, it is recommended that a condition be added to ensure adequate storage for the residents.

Estimated costs of works

The original cost of works indicated on the original application were just $70,620 (excluding previous DA-278/2020). Over the course of the various modifications, there have been various additions that would increase the base costings.

The modification works, the subject of the current application will also alter the costs despite the applicant indicating no additional cost.

This is understated. A condition is recommended that a new Detailed Cost Report be required and that contributions and fees be recalculated to more closely align with the actual and more realistic costings for this development.

2.2.2. Other Impacts of the Development

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

2.2.3. Suitability of the Site for the Development

The site is considered suitable for the proposal.

2.2.4. Any Submissions

The application was notified for 14 days between 23 August 2024 and 6 September 2024 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:

- No change to the overall bulk from that previously notified.
- Reduction in the proposed GFA.

Having regard to the nature of the amendments, there is a lesser impact on all properties.

A total of one unique submission was received from a neighbouring property that did not identify itself. The following issue raised in the submission has already been discussed and addressed in the body of this report and/or the recommendation:

- The proposed gym

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

Issue: impact of gym on car parking availability on street.

Response: The proposed gym is intended solely for use by the boarding house. A condition is recommended to restrict access to this group only, ensuring no impact on street parking is expected than what is already assumed with the boarding house operations.

Issue: Litter from pedestrians along the street.

Response: Street littering is not a planning matter for consideration under the Act.

2.2.5. Public Interest

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

3. REFERRALS

The following internal referral comments were sought:

3.1. Traffic and Development

Council's Traffic Engineers advised that they raised no objections to the proposal and provided conditions of approval.

3.2. Public Domain

Council's Public Domain Engineers advised that they raised no objections to the proposal and provided conditions of approval.

3.3. Fire Safety

Council's Fire Safety officer has reviewed the application and requested further information be provided to ensure compliance with the NCC. An updated BCA report has been provided, however, since there is no proposed change of use from the approved neighbourhood shop and boarding house, and as Fire

safety conditions have already been included in previous consents and the fire safety standards must be met in order for the Principal Certifying Authority (PCA) to be satisfied before issuing the occupancy certificate for the development, the proposed modification application is considered to be satisfactory.

3.4. Environmental Health

Council's Health Officer has reviewed the proposal and advised the following:

> *While noting this application is for a neighbourhood shop, no approval is given for the operation of the premises as a food and drink business and as such no food for sale is to be prepared onsite. If food is to be sold at the neighbourhood shop, the premises is to be registered with Council.*
>
> *No acoustic report has been provided with this application and it is understood that the gym facilities are to be used by boarding house tenants only.*

As there is no change proposed to the use of the approved neighbourhood shop and conditions had already been imposed on previous consents, the proposal is satisfactory in this regard.

3.5. Biodiversity

Council's Biodiversity Officer has reviewed the proposal given the proposed removal of planter pots and advised:

a) *A minimum of 50% of the proposed trees, 50% of the proposed shrubs and 50% of the proposed grasses and groundcovers (not including turfed areas) are to be native plants that are listed in Annexure B3-1. Cultivars or hybrids of listed plant species are not to be counted towards this requirement. Landscape plans must include a planting schedule that lists all plant species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1.*

b) *Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.*

Landscape plans submitted under DA-203/2021/C must be amended to comply with the abovementioned controls and then resubmitted for assessment.

Condition 1C of the previous consent DA-203/2021/C is already included to address this matter. As such no new condition is required.

4. CONCLUSION

The application has been assessed against relevant sections of the Act and is recommended for approval subject to conditions of consent.

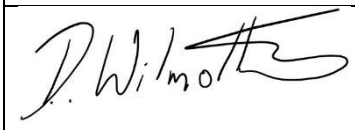
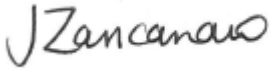
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the modification application be **APPROVED** by the Waverley Local Planning Panel subject to modified and new conditions in Appendices A and B.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 19 November 2024 and the MODA concurred with the Assessment Planner's recommendation.

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

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
		
Damien Wilmotte	Jo Zancanaro	Angela Rossi
Development Assessment Planner	**A/Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 20 November 2024	**Date: 25 November 2024**	**Date: 2 December 2024**

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

OFFICE USE ONLY

Planning Portal Data	
Determining Authority (Concurrence Authority)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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	Yes 10 units (no change in current modification application)
Group Home *This is a planning portal reporting requirement	No
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	

Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a ‘Conflict of Interest’ declared	No

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended/Deleted Conditions

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

(a) Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

(i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

(ii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / J	Proposed Site and Roof Plan	05 April 2023	19 April 2023
DA-0201 / P	Proposed Basement and Garage Floor Plans	04 April 2023	19 April 2023
DA-0202 / I	Proposed Ground and Level 1 Floor Plan	12 July 2022	19 April 2023
DA-0203 / K	Proposed Elevations	12 July 2022	19 April 2023
DA-0204 / J	Proposed Sections	12 July 2022	19 April 2023

(AMENDED BY DA-203/2021/B)

(iii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / O	Proposed Site and Roof Plan	11 March 2024	14 March 2024
DA-0201 / V	Proposed Basement and Garage Floor Plans	11 March 2024	14 March 2024
DA-0202 / L	Proposed Ground and Level 1 Floor Plan	11 March 2024	14 March 2024
DA-0203 / O	Proposed Elevations	11 March 2024	14 March 2024
DA-0204 / O	Proposed Sections	11 March 2024	14 March 2024

(AMENDED DA-203/2021/C)

(iv) ***As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:***

DA-0201 / X	***Proposed Basement and Garage Floor Plans***	***13 November 2024***	***19 November 2024***

(AMENDED DA-203/2021/D)

(b) Landscape Plan No. 1 and 2, Revision F, prepared by Paul Scrivener, dated 11 March 2024, and received by Council on 14 March 2024.

(AMENDED BY DA-203/2021/C)

(c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.

(d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220_338 and received by Council on 2 June 2021.

(e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.

(g) Schedule of external finishes and colours received by Council on 19 April 2023

(AMENDED BY DA-203/2021/B)

Except where amended by the following conditions of consent.

9A. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works must be designed, constructed and completed to Council's satisfaction at no cost to Council. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:

(a) Footpath and Access Points:

(i) The levels of the proposed access points linking the building to pedestrian footpath must be provided on the plan to ensure there are no modification to the existing footpath levels causing trip hazards.

(ii) The proposed access points to the building must be constructed perpendicular to the pedestrian footpath.

(iii) ***The proposed access points must be constructed in plain concrete, have a 1.2m width and comply with AS 1428 Design for Access and Mobility.***

(b) Public Domain:

(i) 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.

(ii) The full public domain traversing site frontage 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 assets at no cost to Council. ***Kerb Alignment must not be amended without the approval of Waverley Council infrastructure services***

(iii) ***The proposed driveway must not exceed 3m in width within the public domain between the footpath and the road in accordance with Waverley Council requirements.***

The public domain design drawings must be submitted to Council and approved by the **Executive Manager, Infrastructure Services** (or delegate) prior to the issue of the relevant Construction Certificate. 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).

(MODIFIED BY DA-203/2021/D)

18C. PUBLIC DOMAIN INSPECTIONS

~~**Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction 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.**~~

To ensure all public infrastructure 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 stormwater, street trees and landscaping hold points.

All applicable engineering inspection fees in accordance with Council's Pricing Policy – Fees & Charges 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.

(MODIFIED BY DA-203/2021/D)

B. New Conditions/ Advisory Notes

1E. USE OF GYM

The basement gym is approved for the use of the boarding house tenants and employees only. Access is not permitted for the general public, including neighbourhood shop employees and customers. The gym is not to be used for any commercial activities, including but not limited to personal training sessions or exercise classes.

The Plan of Management is to be updated to reflect this condition accordingly and shall be submitted to Council's Executive Manager, Development Assessment (or delegate) for approval prior to the issue of an Occupation Certificate.

(ADDED BY DA-203/2021/D)

1F. BASEMENT STORAGE CAGES

A minimum of 6m^3 of storage space at basement floor level is to be allocated for each boarding house room. This requirement is in accordance with the amended Architectural Plans referenced in Condition 1.

(ADDED BY DA-203/2021/D)

3A. DETAILED COST REPORT REQUIRED

(i) a Detailed Cost Report (dated within 12 months) 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). The Report should include all works contained in DA-203/2021 and each subsequent modification.

- ***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 amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), should there be a discrepancy between the cost of works nominated in the original DA and subsequent modifications, then additional DA Fees are payable prior to the issue of a Construction Certificate relating to this modification consent.

Council's acceptance of cost (in writing) OR receipt of additional fees shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate (whichever is relevant in the circumstances).

Condition reason: Ensure appropriate fees are paid.

(ADDED BY DA-203/2021/D)

23B. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(a) The Gross Floor Area of the building shall be limited to 488.2m^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.

(ADDED BY DA-203/2021/D)

AD15. DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)

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

(ADDED BY DA-203/2021/D)

AD16. TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS

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

(ADDED BY DA-203/2021/D)

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 Red Blue Architecture + Design of Job No: 7259 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
DA 0000 / A	Cover + General Specifications	31 May 2021	21 January 2022
DA 0200 / C	Proposed Site + Roof Plan	21 January 2022	21 January 2022
DA 0201 / D	Proposed Garage Floor Plans	19 January 2021	21 January 2022
DA 0202 / A	Proposed Ground + Level 1 Floor Plan	31 May 2021	21 January 2022
DA 0203 / C	Proposed Elevations	21 January 2022	21 January 2022
DA 0204 / B	Proposed Sections	9 June 2021	21 January 2022

(i) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / M	Proposed Basement and Garage Floor Plans	12 July 2022	13 July 2022
DA-0202 / F	Proposed Ground and Level 1 Floor Plan	12 July 2022	13 July 2022
DA-0203 / G	Proposed Elevations	12 July 2022	13 July 2022
DA-0204 / F	Proposed Sections	12 July 2022	13 July 2022

(AMENDED BY DA-203/2021/A)

(ii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / J	Proposed Site and Roof Plan	05 April 2023	19 April 2023
DA-0201 / P	Proposed Basement and Garage Floor Plans	04 April 2023	19 April 2023
DA-0202 / I	Proposed Ground and Level 1 Floor Plan	12 July 2022	19 April 2023
DA-0203 / K	Proposed Elevations	12 July 2022	19 April 2023
DA-0204 / J	Proposed Sections	12 July 2022	19 April 2023

(AMENDED BY DA-203/2021/B)

(iii) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0200 / O	Proposed Site and Roof Plan	11 March 2024	14 March 2024
DA-0201 / V	Proposed Basement and Garage Floor Plans	11 March 2024	14 March 2024
DA-0202 / L	Proposed Ground and Level 1 Floor Plan	11 March 2024	14 March 2024
DA-0203 / O	Proposed Elevations	11 March 2024	14 March 2024
DA-0204 / O	Proposed Sections	11 March 2024	14 March 2024

(AMENDED BY DA-203/2021/C)

(iv) As amended by Architectural Plans prepared by Red Blue Architecture + Design of Job No: 7259 including the following:

DA-0201 / X	Proposed Basement and Garage Floor Plans	13 November 2024	19 November 2024

(AMENDED DA-203/2021/D)

(b) Landscape Plan No. 1 and 2, Revision F, prepared by Paul Scrivener, dated 11 March 2024, and received by Council on 14 March 2024.

(AMENDED BY DA-203/2021/C)

(c) Swept Path Diagrams Drawing Ref. No. 20228-V1.3-SP prepared by Transport and Traffic Planning Associates, dated 19 January 2022 and received by Council on 19 January 2022.

(d) BCA Capability Statement prepared by Lindsay Beard of Design Confidence, dated 31 May 2021, Reference No. P220_338 and received by Council on 2 June 2021.

(e) Geotechnical Investigation prepared by Mark Bartel of AssetGeoEnviro, Reference No. 6292-G1 REV 2, dated 29 September 2021 and received by Council on 30 September 2021.

(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 and Waste Management Plan Drawing No. DA 0214, Revision B, prepared by Red Blue Architecture + Design, dated 9 June 2021 and received by Council on 11 June 2021.

(g) Schedule of external finishes and colours received by Council on 19 April 2023

(AMENDED BY DA-203/2021/B)

Except where amended by the following conditions of consent.

1A. DETAILS OF STONE FINISHES OF FACADES OF GARAGE LEVEL OF THE DEVELOPMENT

The existing stone finishes of the facades of the garage level of the development that are denoted as 'ESTN' on the elevation drawings referred to in condition 1(a) of this development consent are to be retained. Further, the new stone finishes of the facades of the garage level of the development denoted as 'STN' on the elevation drawings referred to in condition 1(a) and 1(a)(i) of this development consent are to closely match the overall appearance, texture and colour of the retained existing stone finishes that are denoted as 'ESTN' on relevant elevation drawings.

Accordingly, the architectural plans are to be amended and a detailed schedule of external materials, colours and finishes, including in the form of either trade brochures or building samples, is to be provided to the satisfaction of the Principal Certifying Authority prior to the release of the relevant construction certificate relating to works approved by DA-203/2021/A.

Evidence that this condition has been met is to be provided to Council prior to the release of the occupation certificate for the overall development, which encapsulates conditions contained in Development Consent No. DA-278/2020.

(ADDED BY DA-203/2021/A)

1B. ROOFTOP BUILDING SERVICES ENCLOSURE

(a) The placement of building services on the roof is restricted to the approved location shown on the approved architectural drawings identified in condition 1(a)(iii) of this development consent.
(b) All side elevations of the rooftop building services must be fully enclosed by approved screening shown on the approved architectural drawings.

Evidence that the requirements outlined above have been met must be provided to the satisfaction of the Principal Certifying Authority prior to the release of an occupation certificate.

(AMENDED BY DA-203/2021/C)

1C. GENERAL MODIFICATION

The application is approved subject to the following plan amendments;

(a) The external car turntable surface finish is to match the surrounding driveway surface finish.
(b) The neighbourhood shop pedestrian access is to be perpendicular to the pedestrian footway and in accordance with condition 9A(a) of this consent.
(c) The bin storage allocation is to be amended to show the required three bins allocated to the neighbourhood shop in accordance with condition 11 of this consent.

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

(ADDED BY DA-203/2021/C)

1D. LANDSCAPE WORKS IN A HABITAT CORRIDOR

(a) Prior to the issue of an amended Construction Certificate, a landscape plan is to be submitted to and approved by Council's **Executive Manager, Environmental Sustainability** (or delegate) with a plant species list having a minimum of 50% of the proposed trees, 50% of the shrubs and 50% of the grasses and groundcovers (not including turfed areas) to be indigenous or local native plants listed in Annexure B3-1 of the Waverley Development Control Plan 2022.
(b) Three strata of vegetation are required to be included in landscape design, e.g. (i) tree or tall shrub canopy, (ii) mid-storey and (ii) groundcover layer.

(ADDED BY DA-203/2021/C)

1E. USE OF GYM

The basement gym is approved for the use of the boarding house tenants and employees only. Access is not permitted for the general public, including neighbourhood shop employees and customers. The gym is not to be used for any commercial activities, including but not limited to personal training sessions or exercise classes.

The Plan of Management is to be updated to reflect this condition accordingly and shall be submitted to Council's Executive Manager, Development Assessment (or delegate) for approval prior to the issue of an Occupation Certificate.

(ADDED BY DA-203/2021/D)

1F. BASEMENT STORAGE CAGES

A minimum of $6m^3$ of storage space at basement floor level is to be allocated for each boarding house room. This requirement is in accordance with the amended Architectural Plans referenced in Condition 1.

(ADDED BY DA-203/2021/D)

2. MODIFICATION OF DEVELOPMENT CONSENT DA-278/2020

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent DA-278/2020 granted on 24 February 2021 are modified as necessary so that there is consistency between Development Consent No.278/2020 and this development consent. In this regard, Condition 1 of Development Consent No. 278/2020 is modified to include the approved architectural plans and BASIX certificate referred to in condition 1 of this development consent.

3. RELATIONSHIP TO DEVELOPMENT CONSENT NO. 278/2020

This development consent shall operate concurrently with Development Consent DA-278/2020. All conditions of consent imposed on Development Consent DA-278/2020 are to be read and complied with in conjunction with this development consent. A consolidated construction certificate application should be sought to combine the approved works under the subject development consent with those under Development Consent DA-278/2020.

3A. DETAILED COST REPORT REQUIRED

(i) a Detailed Cost Report (dated within 12 months) 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). The Report should include all works contained in DA-203/2021 and each subsequent modification.

- 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 amount by Council's Executive Manager, Urban Planning, Policy and Strategy (or delegate), should there be a discrepancy between the cost of works nominated in

the original DA and subsequent modifications, then additional DA Fees are payable prior to the issue of a Construction Certificate relating to this modification consent.

Council's acceptance of cost (in writing) OR receipt of additional fees shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate (whichever is relevant in the circumstances).

Condition reason: Ensure appropriate fees are paid.

(ADDED BY DA-203/2021/D)

B. COMPLIANCE PRIOR TO ISSUE OF 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

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

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

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

CONTRIBUTIONS, FEES & BONDS

5. SECTION 7.12 CONTRIBUTION

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

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

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

    A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.
(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

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

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

Please note: A combined cost report for the whole development, encompassing the cost of works for DA-278/2020, can be submitted rather than separate cost reports.

6. LONG SERVICE LEVY

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

7. SECURITY DEPOSIT

A deposit (cash or cheque) or guarantee for the amount of **$2,830** must be provided to Council for any damage caused to any property of the consent authority (ie. public land) as a consequence of the works and completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent.

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

Please note: This security deposit is in addition to that required by condition 11 of DA-278/2020.

8. TREE PRESERVATION 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) street trees at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

8A TREE REPLACEMENT BOND

A bond of **$2,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection of the newly planted Banksia integrifolia (coast Banksia) tree on the naturestrip. The bond is to be lodged prior to the issue of any Occupation Certificate.

(ADDED BY DA-203/2021/C)

8B. PUBLIC DOMAIN PLANS ASSESSMENT AND WORKS INSPECTION FEES

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.

(ADDED BY DA-203/2021/C)

CONSTRUCTION AND SITE MATTERS

9. BCA AND FIRE SAFETY UPGRADING WORKS

(a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, 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) Access for people with a disability – Part D3;
(vii) Fire fighting equipment – Part E1;
(viii) Smoke hazard management – Part E2;
(ix) Lift installations – Part E3;
(x) Emergency lighting, exit signs and warning systems – Part E4;
(xi) Sanitary and other facilities - Part F2;
(xii) Room sizes - Part F3; and
(xiii) Light and ventilation - Part F4; and
(xiv) 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, an alternative building 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 Clause 94 of the Environmental Planning and Assessment Regulation 2021 have been considered in the assessment of the proposal.

9A. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works must be designed, constructed and completed to Council's satisfaction at no cost to Council. The Applicant must submit plans and specifications for the following infrastructure works to Council's Infrastructure Services:

(a) Footpath and Access Points:

(i) The levels of the proposed access points linking the building to pedestrian footpath must be provided on the plan to ensure there are no modification to the existing footpath levels causing trip hazards.
(ii) The proposed access points to the building must be constructed perpendicular to the pedestrian footpath.
(iii) The proposed access points must be constructed in plain concrete, have a 1.2m width and comply with AS 1428 Design for Access and Mobility.

(b) Public Domain:

(i) 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.
(ii) The full public domain traversing site frontage 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 assets at no cost to Council. Kerb Alignment must not be amended without the approval of Waverley Council infrastructure services
(iii) The proposed driveway must not exceed 3m in width within the public domain between the footpath and the road in accordance with Waverley Council requirements.

The public domain design drawings must be submitted to Council and approved by the **Executive Manager, Infrastructure Services** (or delegate) prior to the issue of the relevant Construction Certificate. 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).

(MODIFIED BY DA-203/2021/D)

10. 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

Please note: One combined CTMP for the approved DA- 278/2020 and this development consent can be submitted to Council rather than two separate CTMPs

WASTE

11. 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:

(a) The proposal must have a minimum bin storage of;
Residential boarding house accommodating 12 people (8 single rooms & 2 double rooms)

- 3 x 240L Mobile Garbage Bins (MGBs) for general waste with a weekly collection
- 3 x 240L MGBs for container recycling with a fortnightly collection
- 3 x 240L MGBs for paper recycling with a fortnightly collection
- 1 x 240L MGB for garden organics should this waste be generated at the development
- A minimum of $4m^2$ floor space is also required for the on-site storage of bulky waste and $1m^2$ floor space for problem waste awaiting collection.

Please note: The residential bin storage provision above is less than that specified by condition 23 of DA-278/2020. This requirement in this condition of the subject development consent prevails.
Commercial

- 2 x 240L MGBs for general waste with a weekly collection
- 1 x 240L MGBs for container recycling with a weekly collection
- Extra space is required to store reusable products, such as milk and bread crates, and excess cardboard and other packaging materials.
- Frequency of collection must be monitored and adjusted accordingly, particularly over summer where extra collections may be required

(b) 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.

C. COMPLIANCE PRIOR TO 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.

CONSTRUCTION MATTERS

12. CONSTRUCTION HOURS

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

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

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

13. 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.

14. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the Building Legislation Amendment (Quality of Construction) Act 2002 and clause 162A *Critical stage inspections for building work* of the *Environmental Planning and Assessment Regulation 2000*.

15. WORK OUTSIDE PROPERTY BOUNDARY

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

TREE PROTECTION AND REMOVAL

16. STREET TREE PROTECTION

The existing one (1) *Cupaniopsis anarcardioides* (Tuckeroo) and one (1) *Agonis flexuosas* (Willow Myrtle) trees on the naturestrip at the front of the property in Military Road, NORTH BONDI is to be protected for the duration of the construction works.

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

(a) Do not store harmful or bulk materials or spoil under or near trees;
(b) Prevent damage to bark and root system;
(c) Do not use mechanical methods to excavate within root zones;

(d) Do not add or remove topsoil from under the drip line;
(e) Do not compact ground under the drip line;
(f) Do not mix or dispose of liquids within the drip line of the tree; and
(g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

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

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

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.

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

17. RECONSTRUCT VEHICLE CROSSING

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

18. 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.

(AMENDED BY DA-203/2021/C)

18A. HEADROOM CLEARANCE

The headroom clearance on the entry and within the car park is to be a minimum of 2.2 metres.

(ADDED BY DA-203/2021/C)

18B. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice must be submitted to Councils Infrastructure Engineer. This notice must include the name and insurance details of the Contractor who will be responsible for the construction 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.

(ADDED BY DA-203/2021/C)

18C. PUBLIC DOMAIN INSPECTIONS

To ensure all public infrastructure 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 stormwater, street trees and landscaping hold points.

All applicable engineering inspection fees in accordance with Council's Pricing Policy – Fees & Charges 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.

(MODIFIED BY DA-203/2021/D)

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

19. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate for both this development consent and the associated Development Consent No. 278/2020. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning and Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.

20. FIRE SAFETY UPGRADE WORKS

Fire safety upgrading works are to be undertaken in accordance with condition 9 of this development consent.

The Occupation Certificate shall not be issued until all fire safety upgrade works are completed.

20A. 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.

(ADDED BY DA-203/2021/B)

20B. 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.

(ADDED BY DA-203/2021/B)

20C. RESTRICTION AS TO USER

A restriction as to user must be registered in accordance with section 88E of the *Conveyancing Act 1919* on the title which restricts the use of any accommodation on the site for the purposes of a 'boarding house' as defined by the Waverley Local Environmental Plan 2012.

The terms of the restriction as to user are to be approved by Council in writing prior to registration and prior to the release of an occupation certificate for the development. The Council shall be the party who has the right to modify or extinguish the restriction. All legal costs associated with the registration of the restriction is to be borne by the owner. **(ADDED BY DA-203/2021/B)**

20D. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

Prior to the issue of any Occupation Certificate, a final Compliance Certificate must be obtained from Council's 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

(a) 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 is not limited to fees applicable for engineering plans assessment and work inspection fees.

(b) The refund of any damage and/or security deposits will be subject to the satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent, as determined by the Council.

(c) To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months must apply to the works completed by the applicant/developer following completion of the development. The defects liability period must commence from the date of issue of the Occupation Certificate for the development. The applicant must 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.

(ADDED BY DA-203/2021/C)

MANAGEMENT PLANS

21. WASTE AND RECYCLING STORAGE MANAGEMENT PLAN

A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) for the use of the neighbourhood shop and include including the following where relevant;

(a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)

(b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.

(c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

(d) The role and responsibility of managing composting facilities (if provided);

(e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.

(f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.

(g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
(i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is be available on site when requested.
(j) At no times shall bins be stored on the public domain (e.g. footpaths).

OTHER MATTERS

22. INSTALLATION OF A LED SIGNAL IN FRONT OF CARPARK ENTRY

A small 'LED' light signal shall be installed in front of the development and clearly face Military Road in order to indicate 'demand calls' for when the car lift is in use to vehicles entering the site.

This shall be installed prior to the release of an occupation certificate.

23. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of premises numbers:
- No. 3 - primary address site number
- Military Road - primary address location.

The primary address site numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundary, located near the entry point and clearly visible from Military Road.

As the redevelopment has sub addressing the following sub addressing (rooms) will apply;
- All sub address numbers must be unique,
- Sub-address numbers shall be applied in a logical sequence
- Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG.
- Commercial premises will be identified with an address identifier ie Shop LG 1.

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

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

23A. TREE REMOVAL AND REPLACEMENT

(a) The applicant is to remove the one (1) ***Agonis flexuosas*** (willow myrtle) in Military Road at their expense.
(b) Prior to the issue of any Occupation Certificate, one (1) replacement tree is to be planted on the naturestrip in Military Road. The tree is to be a ***Banksia integrifolia*** (coast Banksia) and must be a minimum pot size of 400 litres when planted and planted on Military Road.
(c) The tree is to be planted by a horticulturist (Min qualification AQF Level 3).
(d) The sum referred to in Condition 8A 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.

(e) All proposed trees within the Council verge must be installed as per the Waverley Council Public Domain Technical Manual.

(f) Replenish and returf the existing Council verge for the full frontage of the development.

(ADDED BY DA-203/2021/C)

23B. FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

(c) The Gross Floor Area of the building shall be limited to 488.2m^2.

(d) 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.

(ADDED BY DA-203/2021/D)

E. OPERATIONAL MATTERS

The following operational conditions must be complied with at all times, throughout the use and operation of the development or use.

GENERAL MATTERS

24. HOURS OF OPERATION

The hours of operation for the neighbourhood shop are restricted to:

Monday to Sunday (i.e. 7 days a week): 7.00am to 10.00pm

25. AMENITY

The management of the neighbourhood shop 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.

26. NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE

This approval does not permit the installation of barbecue or charcoal type cooking appliances. Comprehensive details must be submitted with a formal application to Council for approval prior to the installation of any such equipment.

27. 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.

28. NOISE EMISSIONS

The use of the neighbourhood shop 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.

29. 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.

30. 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.

31. 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.

PARKING AND ACCESS

32. 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.

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 lodgment guidelines' on Council's website. Failure to adhere to Council's naming convention may result in documentation being rejected.
- Where files are too large for email, the digital files should be sent to Council via CD/USB. Council does not support third party online platforms (data in the cloud) for receipt of information.
- Please note in some circumstances, additional fees and/or additional documents (hard copy) may be required.
- Council's standard for review (from date the relevant officer receives documentation) is 14 days. Times may vary or be delayed if information is not received in this required manner.

AD2. DIAL BEFORE YOU DIG

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

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on

Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

AD4. 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.

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. OUTDOOR DINING

Any proposal to utilise an area external of the building for dining will be subject to a separate application to Council and if approved will require the applicant and/or owners to sign a lease agreement.

AD11. SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD12. SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

AD13. NO COOKING ON SITE

This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and *Australian Standard 1668 – The use of ventilation and air conditioning in buildings.*

AD14. 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.

(ADDED BY DA-203/2021/C)

AD15. DEVELOPMENT WORKS OCCUPYING PUBLIC ROADS (EXCLUDING STATE ROADS)

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

(ADDED BY DA-203/2021/D)

AD16. TRENCHING COUNCIL'S ROAD RESERVE AND RESTORATION WORKS

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

(ADDED BY DA-203/2021/D)

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.

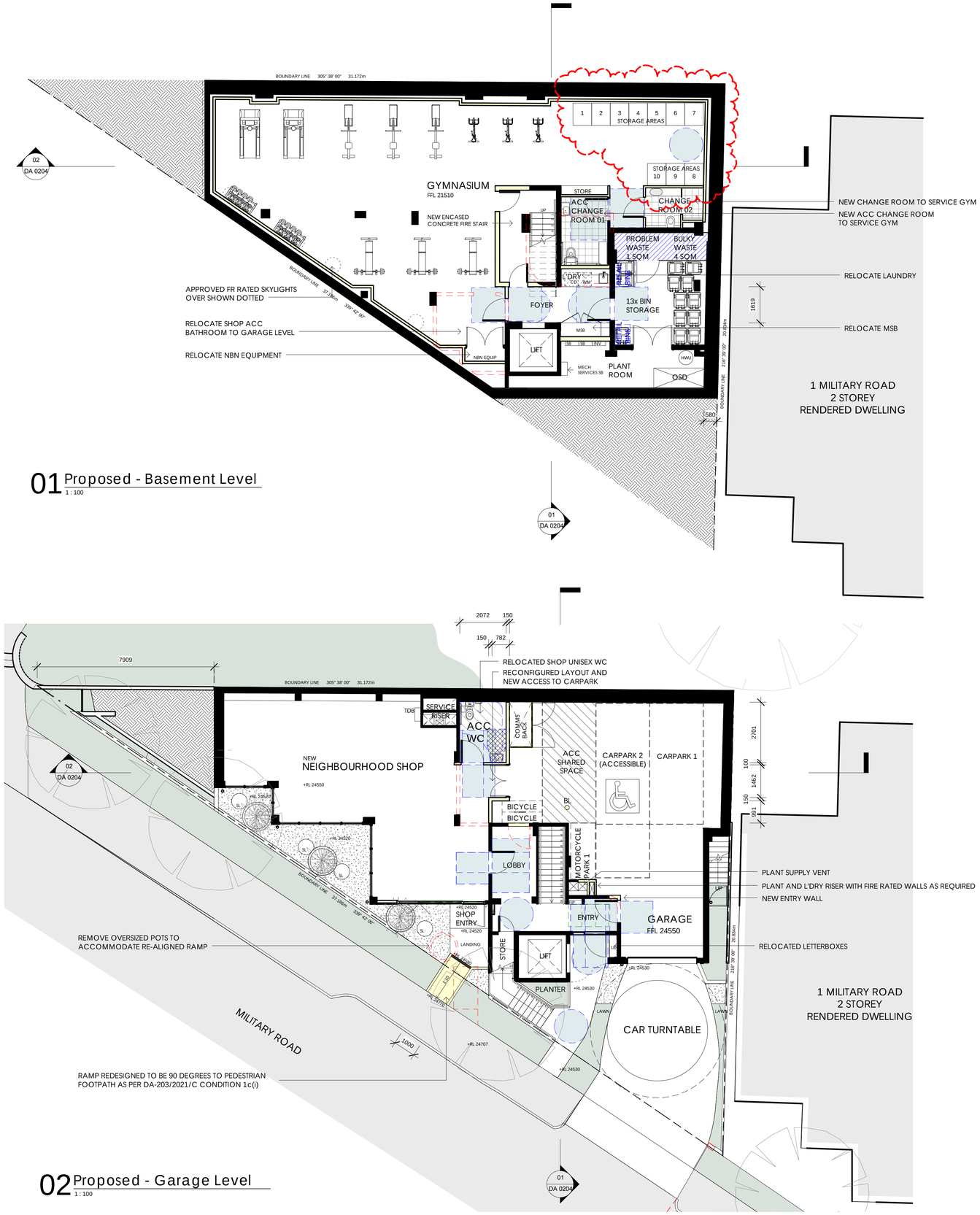
Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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-203/2021/D

Date Received: 19/11/2024



01 Proposed - Basement Level
1 : 100

02 Proposed - Garage Level
1 : 100

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S4.55/D APPLICATION

Rev.	Date	Revision	By	Chk.
W	06/06/24	S4.55/ D Issue	EH	CT
Y	14/10/24	Council Amendments	TC	CT
X	13/11/24	Storage added to Gym	TC	CT

Legend

AD	ALUMINIUM DOOR
AH	ACCESS HATCH TO ROOF
AW	ALUMINIUM WINDOW
AWN	AWNING
BL	BOLLARD
CD	CLOTHES DRYER
CR1	CEMENT RENDER + PAINT FINISH 1
CW	CHAINWIRE DIVIDERS
DP	DOWNPIPE
FCP	FIBRE CEMENT PANELLING + PAINT
FIP	FIRE INDICATOR PANEL
GB	GLASS BALUSTRADE
GD	GARAGE DOOR
GP	GRATED PIT
GU	GUTTER
HR	HANDRAIL
LB	LETTER BOX
MR	METAL ROOF
OBS	OBSCURE GLAZING
PS	PRIVACY SCREEN
PT	PARAPET
PTx	PAINT FINISH "x"
RL	RELATIVE LEVEL
RP	ROOF PLATFORM
SB	SOLAR BATTERY
SL	SKYLIGHT (TRAFFICABLE)
SP	SOLAR PANELS
STN	STONE FINISH
TDB	TENANT DISTRIBUTION BOARD
TIM	TIMBER PANELLING
TF	TIMBER FENCE
TG	TIMBER GATE
TR	TILED ROOF
TS	TIMBER SCREEN
WM	WASHING MACHINE
	APPROVED WALL
	DEMOLISHED WALL
	ALTERATIONS + ADDITIONS
	ACCESSIBLE CLEARANCES
	CEILING FANS
	AS1428 CIRCULATION CLEARANCE

General Note: Make good to all surfaces affected by building works.

Planner
ABC Planning Pty Ltd

Traffic Consultant
TTPA

BCA/Access Consultant
Design Confidence

Structural Engineer
Demlakian Engineers

Stormwater Engineer
James Rose Consultants

Project
North Bondi
3 Military Road,
North Bondi
for

Bondi North Beachfront P/L

Drawing Name
Proposed Garage Floor Plans

TN PN

Date	Scale	Sheet Size
31/05/2021	As indicated	@ A1
Reg No.	Drawn	Chk.
7413	EH	CT
Job No.	Drawing No.	Revision
7259	**DA 0201**	X

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The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work. **If in doubt, ask.**

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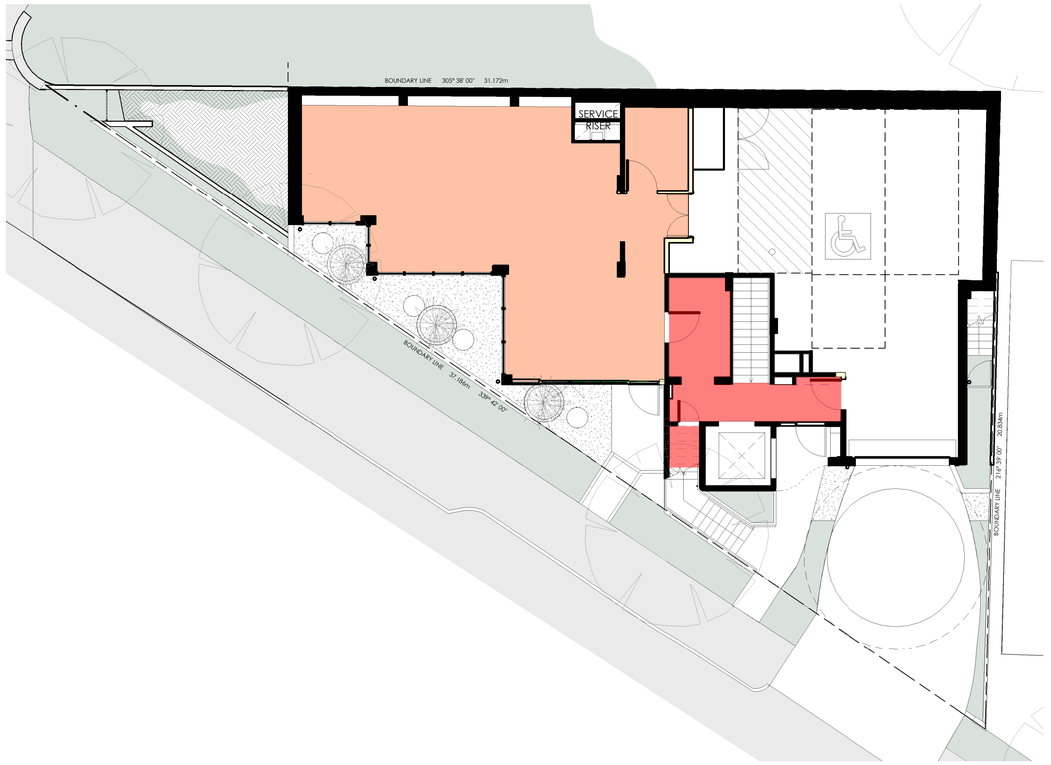
S4.55/D APPLICATION

Rev.	Date	Revision	By	Chk.
K	06/06/24	S4.55/ D Issue	EH	CT
L	19/08/24	S4.55/ D - Updated Gross Floor Area	EH	CT
M	14/10/24	Council Amendments	TC	CT
N	20/10/24	Adjust areas to Basement	TC	CT

Legend



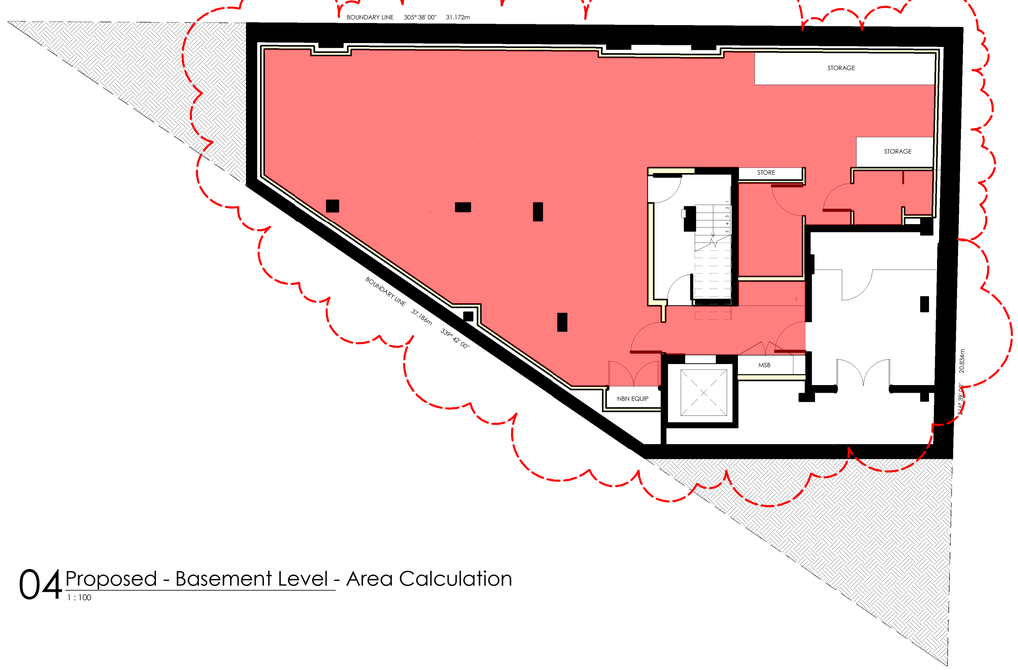
01 Proposed - Ground Floor Area Calculation
1 : 100



03 Proposed - Garage Level Area Calculation
1 : 100



02 Proposed Level 1 - Area Calculation
1 : 100



04 Proposed - Basement Level - Area Calculation
1 : 100

RECEIVED
Waverley Council

Application No: DA-203/2021/D

Date Received: 22/11/2024

TOTAL AREA CALCULATIONS

	APPROVED GFA	PROPOSED GFA
TOTAL RESIDENTIAL	268.2m²	408.4m²
TOTAL RETAIL	77.7m²	79.8m²
TOTAL AREA	**320.3m²**	**488.2m²**

Planner
ABC Planning Pty Ltd

Traffic Consultant
TTPA

BCA/Access Consultant
Design Confidence

Structural Engineer
Demlakian Engineers

Stormwater Engineer
James Rose Consultants

Project
North Bondi
3 Military Road,
North Bondi
for
Bondi North Beachfront P/L

Drawing Name
Area Calculations

TN PN

Date	Scale	Sheet Size
31/05/2021	As indicated	@ A1
Reg No.	**Drawn**	**Chk.**
7413	EH	CT
Job No.	**Drawing No.**	**Revision**
7259	**DA 0213**	N

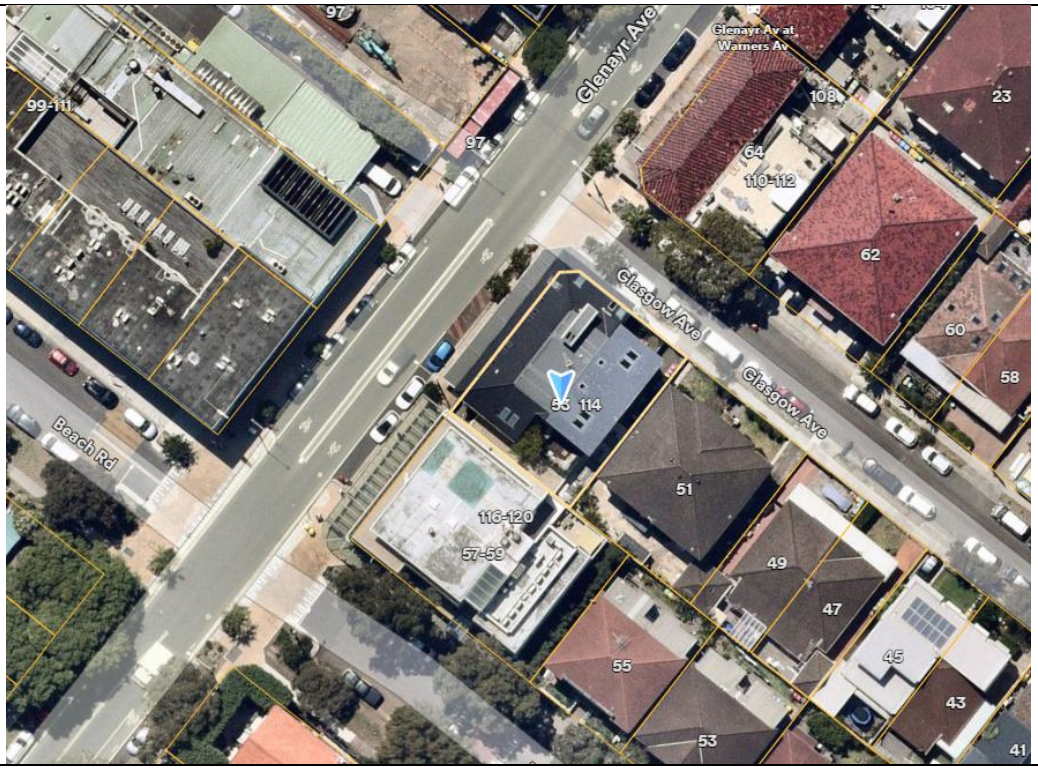
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20/11/2024 12:40:23 PM



Report to the Waverley Local Planning Panel

Application number	DA-420/2024
Site address	53 Glasgow Avenue, Bondi Beach
Proposal	Alterations and additions of existing mixed-use building, including internal fit-out to ground floor level premises to create three new retail tenancies with kitchenettes, bathrooms and storage area.
Date of lodgement	22 August 2024
Owner	Dvora Pty Ltd
Applicant	Aribrad Pty Ltd
Submissions	Nil
Cost of works	$194,986.00
Principal Issues	• Floor Space Ratio development standard exceedance.
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 of existing mixed-use building and change of use and associated internal fit-out to the ground floor level premises to create three new retail tenancies with kitchenettes and bathrooms at the site known as 53 Glasgow Avenue, Bondi Beach.

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

- Floor Space Ratio (FSR) development standard exceedance.

The assessment finds this issues acceptable as the Clause 4.6 variation request to the maximum FSR development standard provides sound justification, and the proposal complies with the objectives of the FSR development standard and E1 zone. The FSR breach does not cause any adverse privacy, view loss or overshadowing impacts.

No submissions were received during the notification period and there were no Councillor submissions. There were no declared conflicts of interest on this application from Council staff.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 7 October 2024.

The site is identified as Lot 37 in DP 12561, known as 53 Glasgow Avenue, Bondi Beach.

The site is irregular in shape with a splay on the northern corner and a north-western frontage of 21.3m to Glenayr Avenue and north-eastern 16.76m to Glasgow Avenue. It has an area of 417.5m^2 and is generally flat.

The site is occupied by a three storey shop top housing development with no vehicular access. A pizza shop and a vacant grocery store are located on the ground floor with seven residential units located on the upper levels.

The site is adjoined by a neighbourhood grocery store to the south. The locality is characterised by a variety of medium mixed use density development and is within a neighbourhood centre.

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



Figure 1: North-eastern view of the subject site from Glenayr Ave.



Figure 2: Western view of the subject site from Glasgow Ave.

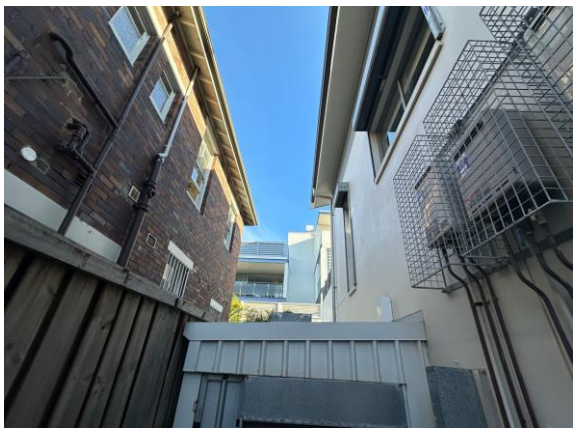


Figure 3: South westerly view of the rear storage sheds.

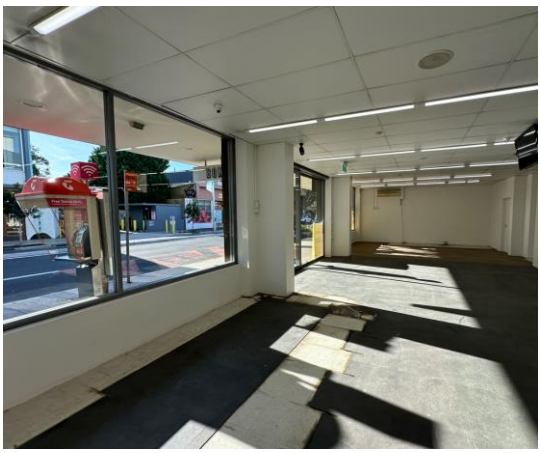


Figure 4: View of the existing windows and doors from within the shop.

1.3. Relevant Development History

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

- DA-413/2006: Internal fitout for use as a pizzeria, Approved by Council: 8 September 2006. Base Hours: 10am – 10pm, 7 days.
- DA-413/2006/A: Internal alteration and change to the hours of operation, Approved by Land and Environment Court: 2 April 2008. Base Hours: 10am – 10pm, 7 days. One Year Trial Hours: 10pm – 11pm, Thursday – Saturday.
- DA-413/2006/B: Modification to extend the operation hours on a permanent basis. Approved by Council: 26 May 2009. Base Hours: 10am – 10pm, 7 days. Two Year Trial Hours: 10pm – 11pm, Thursday – Saturday.
- DA-413/2006/C: Modify condition of consent relating to hours of operation. Refused by Council: 4 August 2010.
- DA-413/2006/D: Modify condition of consent relating to hours of operation. Approved by Council: 1 August 2011. Base Hours: 10am – 10pm, 7 days. Two Year Trial Hours: 10pm – 11pm, Thursday – Saturday.

- DA-413/2006/E: Modify condition of consent relating to hours of operation. Approved by Council: 16 January 2014. Base Hours: 10am – 10pm, 7 days. One Year Trial Hours: 10pm – 11pm, Thursday – Saturday.
- DA-413/2006/F: Modify condition of consent relating to hours of operation. Refused by Council: 4 June 2015.
- DA-114/2024: Alterations and additions of existing mixed-use building and change of use and associated internal fit-out to ground floor level premises to create three new retail (food and drink) tenancies, was withdrawn on 26 July 2024 due to the location with mechanical ventilation impacts to adjoining residential properties.

1.4. Proposal

The development application seeks consent for the fitout works to create three new retail tenancies, and specifically includes the following:

- The ground floor level is maintained at FFL 12.70 AHD;
- The former grocer is proposed to be divided into three new smaller retail shops with staff kitchenettes;
- A south eastern extension to the boundary to accommodate washrooms and storage for proposed Shops 3 and 4;
- The first floor residential level is maintained as existing. The roof to the extension of the ground floor level will include a planter.

The proposed hours of operation for the premises o each tenancy are as follows:

- Monday to Sunday: 7am to 10pm.

The total proposed capacity of each of the tenancies has not been identified.

1.5. Background

The development application was lodged on 4 September 2024 and deferred on 3 October 2024 for the following reasons:

1. Originally a first floor extension was proposed to unit 7; which created adverse impacts and a FSR non-compliance; this was requested to be deleted.
2. Address stormwater and flood management in the Statement of Environmental Effects (SEE).

The amended plans received on 31 October 2024 form the basis of the assessment. The plans deleted the unit 7 extension and updated the Clause 4.6 Report. The SEE was updated to address the Stormwater section of the DCP.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 (Sustainable Buildings) 2022
- 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 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 *E1 (Local Centre) Zone*	Yes	The proposal is defined as three retail tenancies within a shop top housing development, which is permitted with consent in the E1 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *9m*	Yes	The existing height of the building is unchanged and the rear ground floor extension to the south east has a height of 3.5m above the existing ground level.
4.4 Floor space ratio • *1:1 (417.5m^2)*	No	The existing building has a gross floor area (GFA) of 672.4m^2 and an FSR of 1.6:1, representing a 61.05% variation. The proposal increases the GFA by 30.3m^2, resulting in a total GFA of 702.7m^2 and an FSR of 1.68:1, representing a 68.3% variation.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the

Provision	Compliance	Comment
		variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is located within an acid sulfate soils class 5 overlay. However, the proposed works will not impact the water table given they are located majority on ground level.
6.2 Earthworks	Yes	A minor amount of excavation is proposed for the side extension to be level with the existing finishes floor level in the shop. Conditions are recommended regarding appropriate excavation measures on site.
6.15 Stormwater Management	Yes	The proposal maintains the existing shop finished floor levels and has appropriately addressed and submitted a revised Stormwater Plan. Refer to section 3 of this report on referral commentary in relation to stormwater.
6.16 Development in Zone E1	Yes	The proposal to split the existing single retail tenancy into three new tenancies is compatible with the Local Centre E1 zones objectives. The retail shops include small kitchenettes at the back of house, which are considered acceptable and are not considered to adversely impact the surrounding residential area. There are no openings or ventilation to the side extension to the shops and therefore maintain the existing interface with the residential units directly above the site and surrounding the shops at 51 Glasgow Ave and 57-59 Glenayr Ave.

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards

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 1:1 (417.5m^2). The proposed development has an FSR of 1.68:1 (702.7m^2), exceeding the standard by 285.2m^2 equating to a 68.3% variation. It is noted that the existing building already exceeds the development standard by 61.05% (254.9m^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 new floor space will enable an extension of the retail tenancies to accommodate required washrooms and storage. Although the proposal results in additional GFA that results in a further breach of the FSR development standard, the additional FSR is located at the ground floor level.

(ii) The proposed new floor space is contained at the ground floor level in the location of the existing services structure. In our opinion, given the maximum building height is maintained and the new floor space is located at the ground floor level within a similar envelope to existing, the proposal provides an appropriate correlation between maximum building heights and FSR.

(iii) The new floor space at the ground floor level will not be visible from Glenayr Avenue and will not be readily visible from Glasgow Avenue as fencing will screen the addition from the street. Given the envelope is generally maintained as existing and the maximum building height is maintained, it is our opinion that the building remains compatible with the bulk and scale of surrounding development and is in keeping with the desired future character of the area.

(iv) *Although the proposal breaches the FSR development standard, the overall scale of the new floor space has been designed to preserve the environmental amenity of neighbouring properties and the locality. Environmental amenity comprises a number of elements including privacy, solar access and views. If there is a negligible impact in terms of one aspect (such as a minor impact on the solar access of one window of a neighbouring property or view from a vantage point), in our opinion it does not mean that the amenity is not preserved for that dwelling. In this regard, it is our opinion, that there is some elasticity in the term 'preservation of amenity'.*

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

(i) The new floor space is located at the ground floor level of the building, within a similar envelope to what is currently on site. As such, this new floor space will not adversely alter the bulk or scale of the building at the ground floor level when compared to the existing situation given the new FSR simply replaces the existing services structure (see Figure 5).

(ii) It should be noted that the FSR variation is a result of the existing built form to be maintained. The existing building has an FSR of 1.6:1 which exceeds the allowable FSR for the site. As such, any alterations and additions to improve the internal amenity and functionality of the building would inevitably result in a further FSR breach. As discussed, the proposal only seeks 30.3m2 of additional floor space at the ground floor level in a similar location to the existing services structure. As discussed, the envelope of the building will predominantly be maintained notwithstanding the breach.

(iii) The meaning of 'desired future character' is derived from the text and context of the provisions of the LEP in which it is used and the other provisions of the LEP that form the urban character and built form of the area. The relevant clauses in the LEP which relate to urban character and built form are Zoning (Clause 2.2 and 2.3), Land use (Part 2) and Development Standards (Part 4):

i Clause 4.3 Height of Buildings and Height of Buildings Map which prescribes a maximum height of 9m;

ii. Clause 4.4 Floor Space Ratio and Floor Space Ratio Map which prescribes a maximum FSR of 1:1;

(iv) The proposal will contribute to the E1 Local Centre Zone. This assessment of desired future character focusses on the area where additional GFA is being proposed, being at the rear of the ground floor retail tenancies. Replacement of the existing colourbond services structure at the ground floor level with a fixed built form addition will enhance the appearance of the building when viewed from Glasgow Avenue and will formalise the appearance of this portion of the building when compared to the existing situation. The landscaped roof to the ground floor addition will improve the appearance of the site and will provide a visual benefit to occupants of No. 51 Glasgow Avenue. This portion of the additional GFA results in significant improvements to the appearance of the building and is considered to positively align with the desired future character of the locality, notwithstanding the FSR variation.

(v) The size and location of the addition has been carefully designed to maintain the amenity of surrounding development. It is expected that the design and positioning of the additions will not give rise to visual disruption within the surrounding context, affirming its alignment with the desired future character of the locality.

(vi) The proposal maintains the mixed use of the building. The ground floor addition will enable the provision of three new retail shop tenancies with associated amenities to meet modern commercial requirements and expectations. The new floor space at the ground floor level will enhance the functionality and useability of the proposed retail tenancies within the E1 Local Centre Zone and is in keeping with objective C of the EPA Act, promoting the orderly and economic use of the land.



Figure 5: Existing services structure in position of proposed ground floor addition viewed Glasgow Avenue, looking south.

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The applicant has demonstrated that despite the breach to FSR, the proposed development meets the objectives of the zone and the development standard.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard. The minor contravention will improve and optimise the amenity for the new occupants of the retail shops. The additional floor area is located at the ground floor level of the building in the same location of the existing side shed, within a similar envelope to what is currently on site and does not cause any view loss to neighbouring buildings or from the public domain and does not introduce adverse privacy or overshadowing impacts.

The additional shadows from the building extension at ground floor overshadow the subject sites own side fence and the roof of 57-59 Beach Road from 9am to 10am. The proposed building envelope and floor space are an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope.

Conclusion

The written request provided by the applicant to vary the FSR development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) – Amendment No.4

The relevant matters to be considered under the Waverley DCP 2022 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. The location of the commercial bin storage area off Glenayr Avenue is maintained.
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. Direct and level access from Glenayr Avenue to each of the retail tenancies will be provided.
11. Design Excellence	Yes	Satisfactory. The new windows/sliding doors to the shops along Glenayr Avenue propose an acceptable design and materials to the streetscape and continue street activation.

Development Control	Compliance	Comment
13. Excavation	Yes	Satisfactory. The proposed rear extension includes 0.4m of excavation within the side setback to the south eastern boundary so that the finished floor level is level with the existing shops at RL12.70.

Table 3: 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	New retail shop premises at the ground floor level of the site fronting Glenayr Avenue will continue to contribute to the vibrant nature of the Seven Ways Local Village Centre and will further activate the street frontage. Glazing to the Glenayr Avenue frontage is provided for each new tenancy to promote an active street frontage.
1.2.2 Awnings	Yes	No change to the existing awnings.
1.2.3 General Amenity	Yes	Design and use of the ground floor has considered surrounding residential development and is unlikely to result in adverse impacts when compared to the existing situation. Appropriate conditions have been recommended for the first time use of the shops and the ongoing operation of the shops. The rear bathroom extension into the side setback maintains the nil setback to the south-eastern boundary and is built below the existing fence line. The proposed planter box on the roof proposes a 1m setback and softens up the built form along this boundary and is supported.
1.2.4 Noise	Yes	The three retail shops in this location are considered appropriate and not considered to result in unreasonable noise within the Local Centre E1 zone.
1.3 Hours of operation		
Seven Ways: *(a) General base trading hours: (i) 7.00am to 10.00pm, 7 days a week.*	Yes	The proposed hours of operation are 7am – 10pm Monday to Sunday which complies with the Seven Ways trading hours stipulated in the DCP.

Table 4: Waverley DCP 2022 – Part E1 Local Village Centres Development Compliance Table

Development Control	Compliance	Comment
3.1 Village Centre Specific Controls		
3.1.17 Seven Ways	Yes	The proposal maintains the village character along Glenayr Avenue and is an appropriate development through supporting new businesses in the local centre.

Use of premises

The proposal seeks building works only, including the split of the existing single retail tenancy into three small tenancies. Whilst hours of operation have been included, no information has been provided relating to the future use of these tenancies including patron capacity.

Noting that there is no mechanical ventilation, it is envisaged these tenancies will be for retail/commercial uses only.

Conditions relating to operations shall be imposed, including hours of operation, noting that the specific use for these tenancies will be subject to a future consent.

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 3 and 19 September 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application not renotified 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 plans deleted the extension to unit 7 on the first floor and reduced the GFA and the Clause 4.6 Report was updated.
- The SEE was updated to address the Stormwater section of the DCP.

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. Stormwater

The application was referred to Council's Stormwater Engineer for comment as the property is on land identified as flood affected under the Council endorsed *Waverley LGA Flood Study 2021*. The property includes sections of Low and Medium flood risk. The development includes the removal of the existing windows and replacing them with three glass doors on the north-west side. The proposal will not change the floor level which is currently at FFL 12.7. One of the flooding controls in the DCP for this type of development is "*All non-habitable floor levels shall be no lower than the 1% AEP flood level".* The FFL of 12.7 is higher than the maximum 1% AEP flood level and is acceptable, no changes in floor level are required.

While it is stated in the SEE that the site the levels/built form at the street frontage to Glenayr Avenue will be maintained as existing, the new door must be flood compatible up to 1% AEP flood level plus freeboard. This is added as a recommended condition.

3.2. Fire Safety

The application was referred to Council's Fire Safety Officer who stated that there were a few inconsistencies with the BCA and have been conditioned to comply post consent.

3.3. Environmental Health

The application was referred to Council's Environmental Health Officer for comment and no objections were raised and appropriate conditions have been recommended. This includes ongoing use conditions on limiting the noise and odour from the new shops. A separate application for the first time use and fit out of the new three shops has been recommended.

The ground floor shops and existing building is not capable of permitting food and drink uses, which would require the installation of ventilation exhaust systems and grease traps on site. It was established in DA-114/2024 that the external mechanical ventilation and discharge points would result in adverse odours to the adjoining residential balconies and windows along Glenayr Ave. Therefore, the approved use of the shops are limited to retail uses and cooking is not permitted to be undertaken on the premises.

3.4. Waste Management

The application was referred to Council's Waste Management Officer who stated that the SWRMP describes that waste will continue to be stored at the western side of the building and presented on the kerb for collection using 1x 660L garbage bin and 1x 660L recycling bin.

The waste storage area is sufficient to store garbage and recycling material providing that the retail premises increase the collection frequency to handle the possible increase in waste generation for the cafes that will use the retail space.

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.

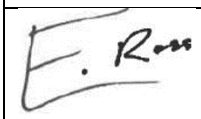
5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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 1 October 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and J Zancanaro*

Report prepared by:	**Application reviewed and agreed by:**	**Application reviewed and agreed by:**
		
Edwina Ross	Bridget McNamara	Angela Rossi
Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 22/11/2024	**Date: 25/11/2024**	**Date: 2/12/2024**

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
Clause 4.6 register entry required	68.3% variation to FSR (Clause 4.4)	
	X	Pre-existing non-compliance
	X	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
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel	
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes	
Have any dwellings been approved for affordable Rental Housing under this approval/consent?	No	
Secondary Dwelling	No	
Boarding House	No	
Group Home	No	
Is the development subject to the Special Infrastructure Contribution (SIC)?	No	
Is the development located within an Urban Release area?	No	
Waverley Council Data		
Trial Period database entry required	No	
VPA submitted – follow up actions required	No	
Refer to compliance for investigation	No	
Commercial/liquor operational conditions	Yes	
Was there a 'Conflict of Interest' declared	No	

O:\Building Waverley\Development Assessment\DA Assessment Team Reports\Glasgow Ave, 53\DA-420.2024 - New Ground Floor Shops\WLPP Assessment Report - 53 Glasgow Avenue, Bondi Beach.Docx

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 Ergo Architecture+Interiors of Project No: 2502ARI 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 100, Issue B</td><td>Proposed Site Analysis Plan</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 101, Issue C</td><td>Ground Floor Plan</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 102, Issue C</td><td>First Floor Plan</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 103, Issue C</td><td>Second Floor Plan</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 104, Issue C</td><td>Roof Plan</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 105, Issue C</td><td>West Elevation (Glenayr Avenue)</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 106, Issue C</td><td>North Elevation (Glasgow Avenue)</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 107, Issue C</td><td>East Elevation</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 108, Issue C</td><td>South elevation</td><td>29/10/2024</td><td>31/10/2024</td></tr>
<tr><td>DWG 109, Issue C</td><td>Section A</td><td>29/10/2024</td><td>31/10/2024</td></tr>
</table>
(b) Stormwater Details and documentation prepared by E2 Civil and Structural Design, Job No. 23.288, Drawing No. SW1, Rev. E dated 04/11/2024, and received by Council on (04/11/2024);
(c) Access Report prepared by Matt Shuter + Associates dated (12/08/2024), and received by Council on (22/08/2024);
(d) The Site Waste and Recycling Management Plan (SWRMP) Part 1 (31/10/2024);

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>

2.	**SEPARATE APPLICATION FOR FIT OUT/USE**
	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. In this regard, it is recommended that consideration be given to the BCA/NCC with respect to the provision of sanitary facilities as part of the tenancy fitouts, to ensure adequate facilities are provided from the onset. In light of no mechanical ventilation, any future uses should be limited to retail/commercial uses (ie no cooking).
	Condition reason: to ensure appropriate consent is granted for future uses.

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.	**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** (dated within 12 months) 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** (dated within 12 months) 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** (dated within 12 months) 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 $**6,965.00** 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.

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.	**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.
9.	**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.
10.	**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.
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.	**FLOODING REQUIREMENTS**
	The development must minimise risk to life and damage to property, consider the impacts of the full range of potential floods and ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and/or the natural environment. In accordance with Section 5.21 of the Waverley LEP and Section B5.2 of Waverley Council's DCP the following conditions must be satisfied. Compliance with these requirements must be demonstrated to the satisfaction of the Executive Manager, Infrastructure Services (or delegate) prior to issuance of the Construction Certificate: (a) All new structures (e.g. doors) within the flood risk precinct at the street frontage to Glenayr Avenue must have flood compatible building components below or at the 1% AEP flood level plus freeboard. Refer to Annexure B5-2 of the Waverley Council DCP for a list of recommended flood compatible building components. (b) All development would be structurally sound when impacted by a 1% AEP flood plus freeboard. (c) An engineer's report (refer to Annexure B5-3 for details) shall be provided to certify that the development will not materially increase flood effects elsewhere, having regard to changes in flood levels, flows and velocities caused by alterations to the flood conveyance. (d) The evacuation requirements of the development during flooding must be considered in the Plan of Management. (e) The development shall be consistent with any relevant flood strategy, Floodplain Risk Management Plan adopted by Council or similar. (f) The Applicant is to demonstrate that an area is available to store goods above the 1% AEP flood level plus freeboard.

	No storage of materials below the 1% AEP plus freeboard which may cause pollution or be potentially hazardous during any flood.
	Condition reason: To ensure the development minimises risk to life and damage to property, considers the impacts of the full range of potential floods and ensures that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment.
13.	**STORMWATER MANAGEMENT**
	The submitted stormwater plan prepared by E2 Civil and Structural Design, Job No. 23.288, Drawing No. SW1, Rev. E dated 04/11/2024 is considered satisfactory. Evidence from a suitably qualified and practising Engineer that the approved design has been adhered to must be submitted to Council for the issue of Compliance Certificate prior to the release of any construction certificate by the Principal Certifying Authority (PCA). The Applicant must pay Council fees for the Issue of Compliance Certificate, in accordance with the Council's Schedule of Fees & Charges at the time of the issuance of Compliance Certificate, prior to such approval being granted by Council.
	Condition reason: To ensure the approved design has been adhered to.
14.	**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.
15.	**NOISE – ACOUSTIC REPORT**
	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
	Condition reason: To control acoustic impacts to surrounding land uses.
16.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following properties are to be included: (a) 51 Glasgow Avenue, Bondi Beach (b) 57-59 Glenayr Avenue, Bondi Beach. Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. 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.
17.	**BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the NCC Building Code of Australia. a) If compliance with the deemed-to-satisfy provisions of the NCC BCA cannot be achieved, a performance solution in accordance with Part A2 of the NCC 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 NCC BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the NCC Building Code of Australia. b) Any design amendments required to achieve compliance with the NCC BCA may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

	c) Details demonstrating compliance with the NCC BCA must be submitted and approved by the Certifying Authority prior to the issue of a Construction Certificate.
	Condition reason: To comply with the Building Code of Australia.
18.	**ESSENTIAL SERVICES - EXISTING BUILDING**
	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 comply with the Fire Safety Schedule.
19.	**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 achieve structural adequacy.

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.	**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.
23.	**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
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**
	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.
	Condition reason: To ensure building material is stored in an appropriate location.
31.	**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, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
32.	**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.
33.	**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.
34.	**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
35.	**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.
36.	**CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM**
	Certification must 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, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.
	Condition reason: To ensure that the new stormwater drainage system has been constructed as per the approved stormwater management plans and best practice.
37.	**CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM**
	Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's relevant Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.
	Condition reason: To ensure the stormwater drainage system retained has been checked and will not result in any stormwater related issues for the occupiers or neighbours.
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.	**PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE**
	A Waste Management Plan must be submitted to Council's Executive Manager, Environmental Sustainability (or delegate) or 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.
40.	**FLOOR SPACE RATIO**
	The following applies to Floor Space Ratio: (a) The Gross Floor Area of the building shall be limited to 702.7m^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.

OCCUPATION AND ONGOING USE

	Condition
41.	**HOURS OF OPERATION**
	The hours of operation for the premises are restricted to: <u>INDOOR AREA</u> Monday to Sunday: 7am to 10pm
	Condition reason: To protect the amenity of the local area.
42.	**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.
43.	**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.
44.	**NOISE COMPLAINTS**
	If, during on-going use of the premises, substantiated complaints of noise emission conditions and/or the Protection of the Environment Operations Act, 1997 occur, an acoustic report assessing the impact of the operation will be required to be carried out by a suitably qualified acoustic consultant. The report is to be submitted to the satisfaction of Council's Health Compliance Unit within 60 days of written request. The investigation shall include, but not be limited to: (a) The identification of sensitive noise and vibration receivers potentially impacted by the proposal;

	(b) The quantification of the existing acoustic environment at the receiver locations (measurement techniques and assessment period should be fully justified and accordance with relevant Australian Standards and NSW Environment Protection Authority (EPA) requirements); (c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy; (d) The identification of operational noise and vibration producing facets of the use and the subsequent predictions of resultant noise and vibration at the identified sensitive receiver locations from the operation of the use. Where appropriate the predication procedures must be justified and include an evaluation of prevailing atmospheric conditions that may promote noise and vibration propagation; A statement indicating that the operation of the premises complies with the relevant criteria together with details of acoustic and vibration control measures that will be incorporated into the development/use, will not create adverse impacts to surrounding development.
	Condition reason: To protect the amenity of the local area.
45.	**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.
46.	**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.
47.	**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.

48.	**WASTE STORAGE AREA**
	The bin storage area must accommodate the following minimum number of bins for the commercial tenancies: • 1x 660L MGBs collected daily for general waste • 1x 660L MGBs and collected daily for comingled recycling Space within the retail units to store reusable items such as crates and pallets and/or arrangement for collection of such items by a specialised contractor.
	Condition reason: To ensure the management of waste is ongoing.
49.	**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.
50.	**USE OF PLANT ROOMS**
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.

GENERAL ADVISORY NOTES

	Condition
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.	**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.
6.	**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.
7.	**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.
8.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
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.
12.	**SEPARATE APPLICATION FOR FIT OUT/USE**
	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.
13.	**NO COOKING ON SITE**
	This approval does not permit cooking to be undertaken on the premises as there is insufficient cooking equipment/appliances/exhaust. Any proposal to change will require a separate application to ensure compliance with the Food Act 2003 and National Construction Code and Australian Standard 1668 – The use of ventilation and air conditioning in buildings.

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.

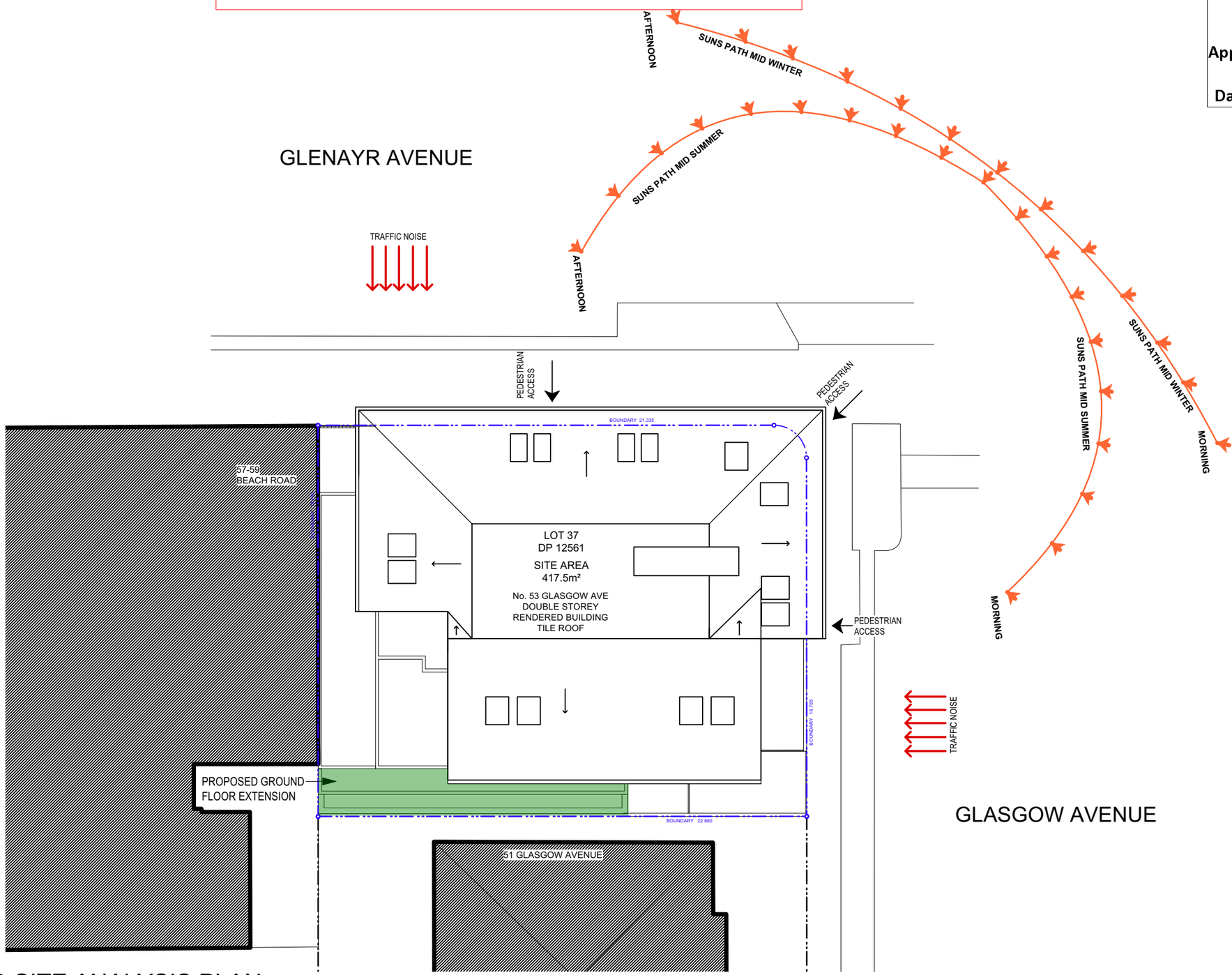
Suitably qualified acoustic consultant means suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is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

AMENDED PLANS

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Waverley Council

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01 PROPOSED SITE ANALYSIS PLAN
1:200

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issue	date	description	issue	date	description
A	07/08/2024	DA SUBMISSION			
B	29/10/2024	DA SUBMISSION - REVISED			

ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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date 15/07/2024	**checked** CK	**drawing number**	**100**

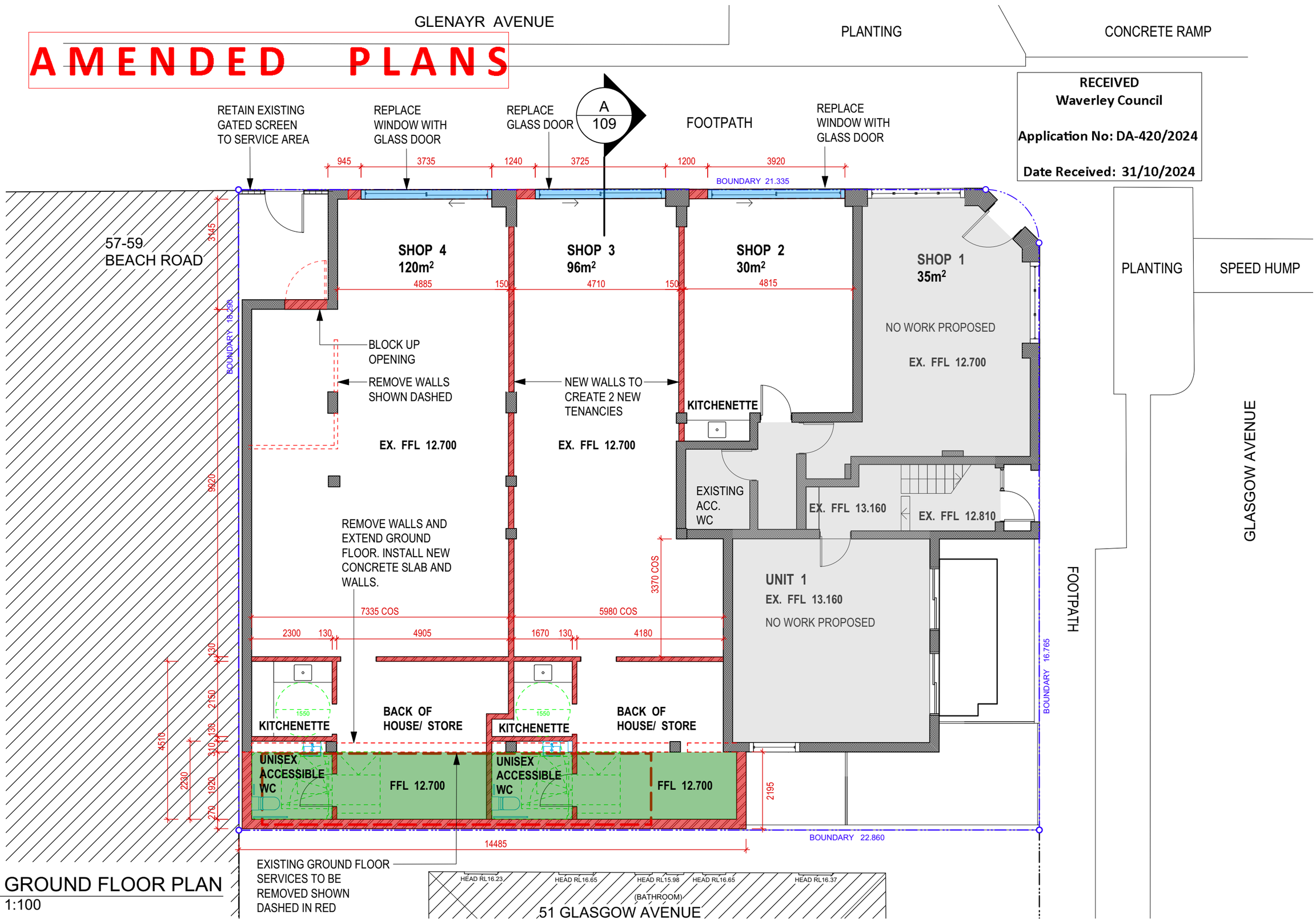
north

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01 GROUND FLOOR PLAN
1:100

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A	14/08/2024	DA SUBMISSION			
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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date 15/07/2024 | checked CK | drawing number 101

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GLENAYR AVENUE

PLANTING

CONCRETE RAMP

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A
109

FOOTPATH

BOUNDARY 21.335

BALCONY

57-59
BEACH ROAD

BOUNDARY 18.290

HEAD RL18.58
SILL RL 17.78
(BATHROOM)

HEAD RL18.58
SILL RL 17.78
(BATHROOM)

BALCONY

HEAD RL18.58
SILL RL 17.11

BALCONY

UNIT 7

WC

L'DRY

NO WORK
PROPOSED

KITCHEN

VERANDAH
(UNIT 6)

VERANDAH
(UNIT 5)

UNIT 6
LIVING/
DINING

NO WORK
PROPOSED

KITCHEN

UNIT 5
LIVING/
DINING

NO WORK
PROPOSED

KITCHEN

BALCONY

UNIT 4
LIVING/
DINING

L'DRY

NO WORK
PROPOSED

WC

KITCHEN

EX. FFL 16.550

TERRACE
(UNIT 7)

TERRACE
(UNIT 3)

KITCHEN

WC

L'DRY

UNIT 3

NO WORK
PROPOSED

LIVING/
DINING

KITCHEN

UNIT 2

NO WORK
PROPOSED

LIVING/
DINING

VERANDAH
(UNIT 2)

1200

990

TOW RL 16.200

TOW RL 15.050

NEW CONCRETE ROOF WITH
PLANTER BOX ABOVE

BOUNDARY 22.860

14485

HEAD RL19.67
SILL RL 18.21

HEAD RL19.89
SILL RL 18.02

HEAD RL19.34
SILL RL 18.46
(BATHROOM)

HEAD RL19.34
SILL RL 18.29

HEAD RL19.74
SILL RL 18.71

51 GLASGOW AVENUE

BOUNDARY 16.765

FOOTPATH

PLANTING

SPEED HUMP

GLASGOW AVENUE

01 FIRST FLOOR PLAN
1:100

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A	07/08/2024	DA SUBMISSION			
B	02/09/2024	DA SUBMISSION - ADDITIONAL INFO			
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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date 15/07/2024	**checked** CK	**drawing number**	**102**

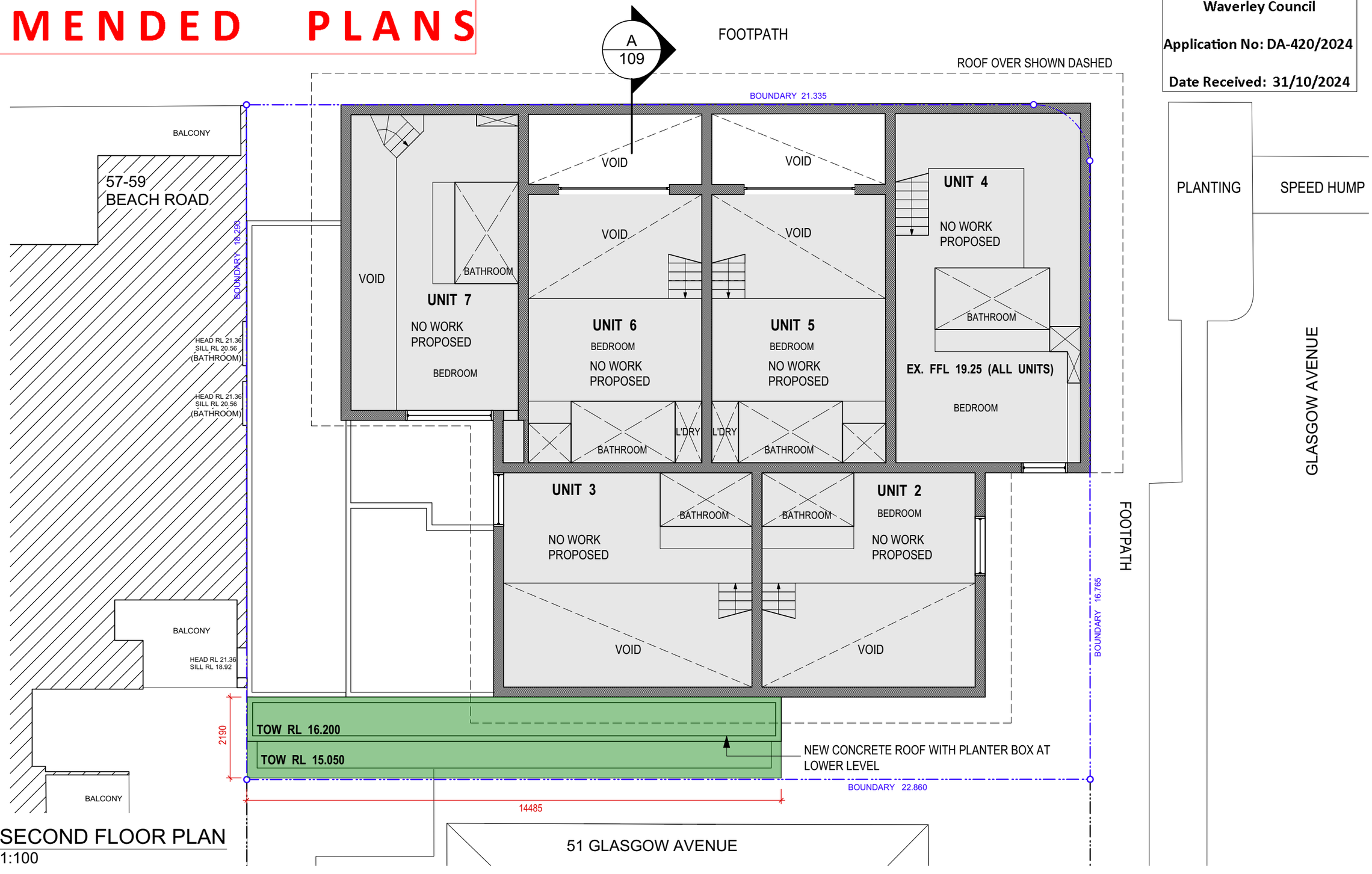
north

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01 SECOND FLOOR PLAN
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

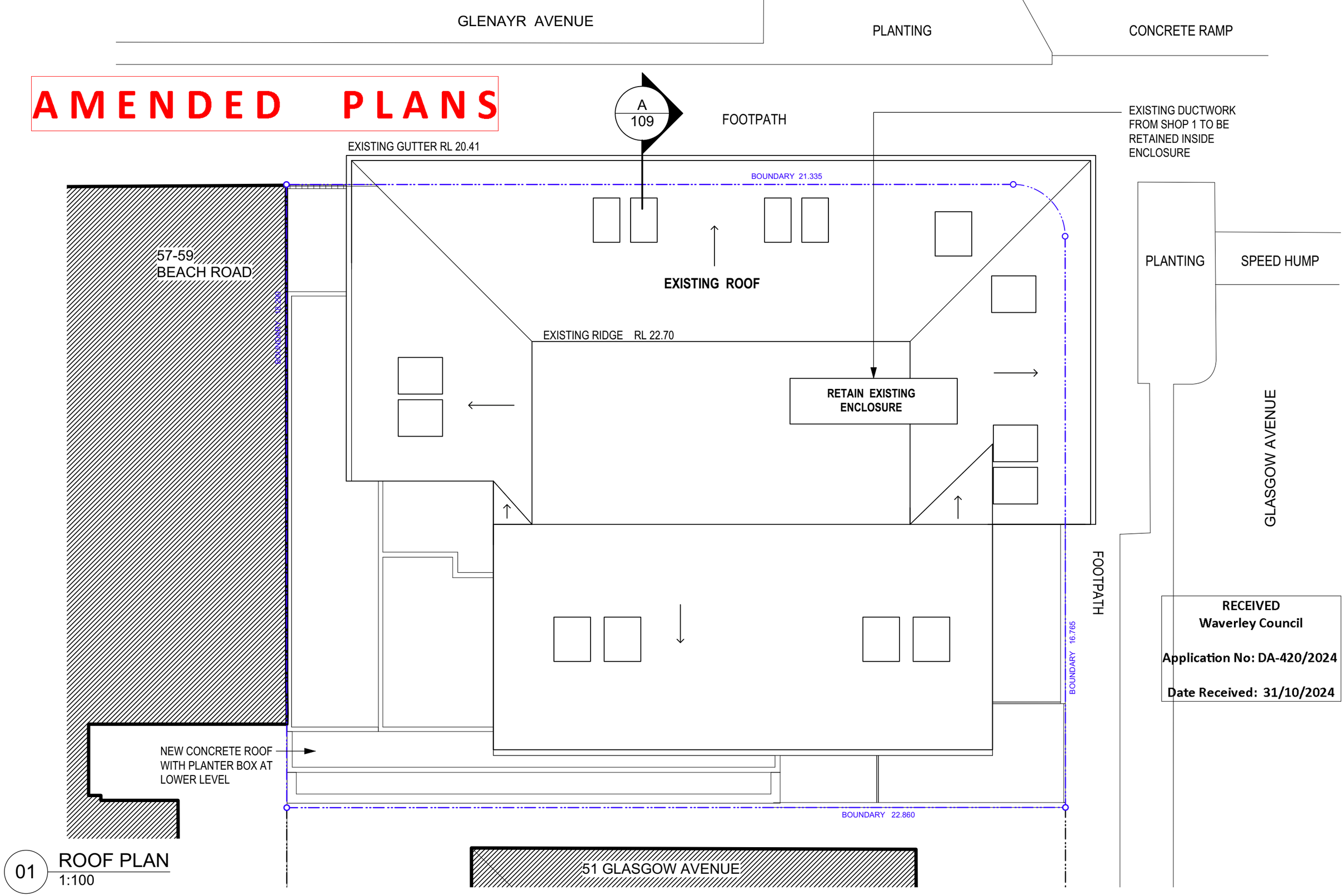
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north

AMENDED PLANS



01 ROOF PLAN
1:100

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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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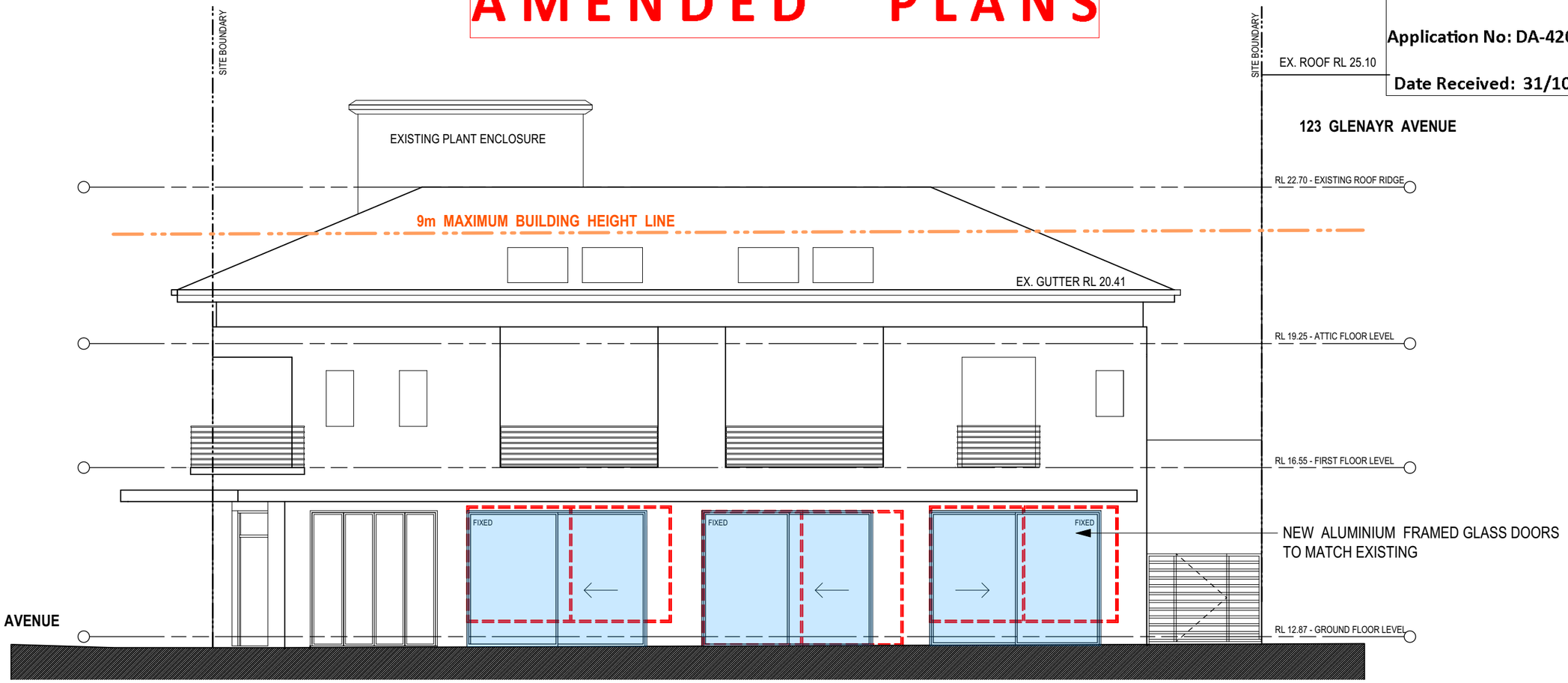
north

AMENDED PLANS

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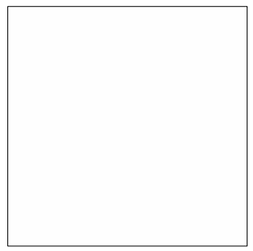
Application No: DA-420/2024

Date Received: 31/10/2024



01 WEST ELEVATION (GLENAYR AVENUE)
1:100

SCHEDULE OF MATERIALS AND FINISHES



WALL RENDER TO MATCH EXISTING



ANODISED ALUMINIUM WINDOW AND DOOR FRAMES

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B	02/09/2024	DA SUBMISSION - ADDITIONAL INFO			
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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01 NORTH ELEVATION (GLASGOW AVENUE)
1:100

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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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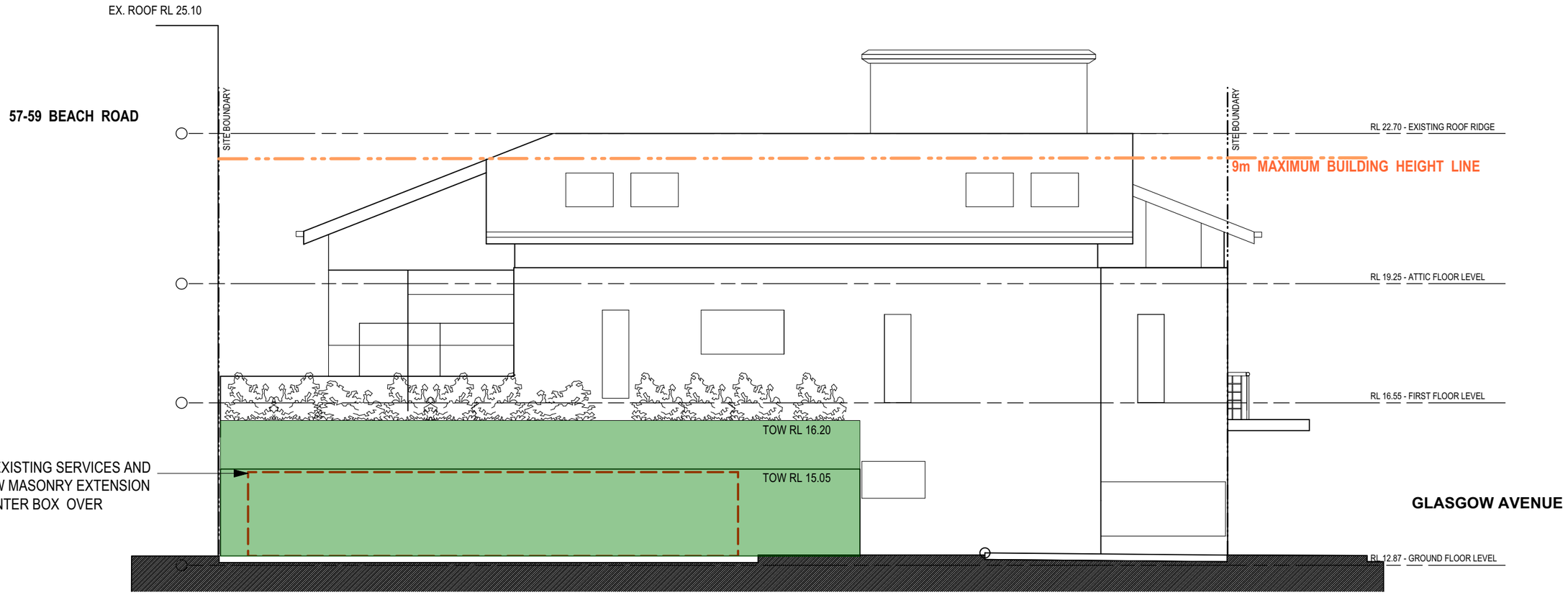
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date 15/07/2024	**checked** CK	**drawing number**	**106**

AMENDED PLANS

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Application No: DA-420/2024

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01 EAST ELEVATION
1:100

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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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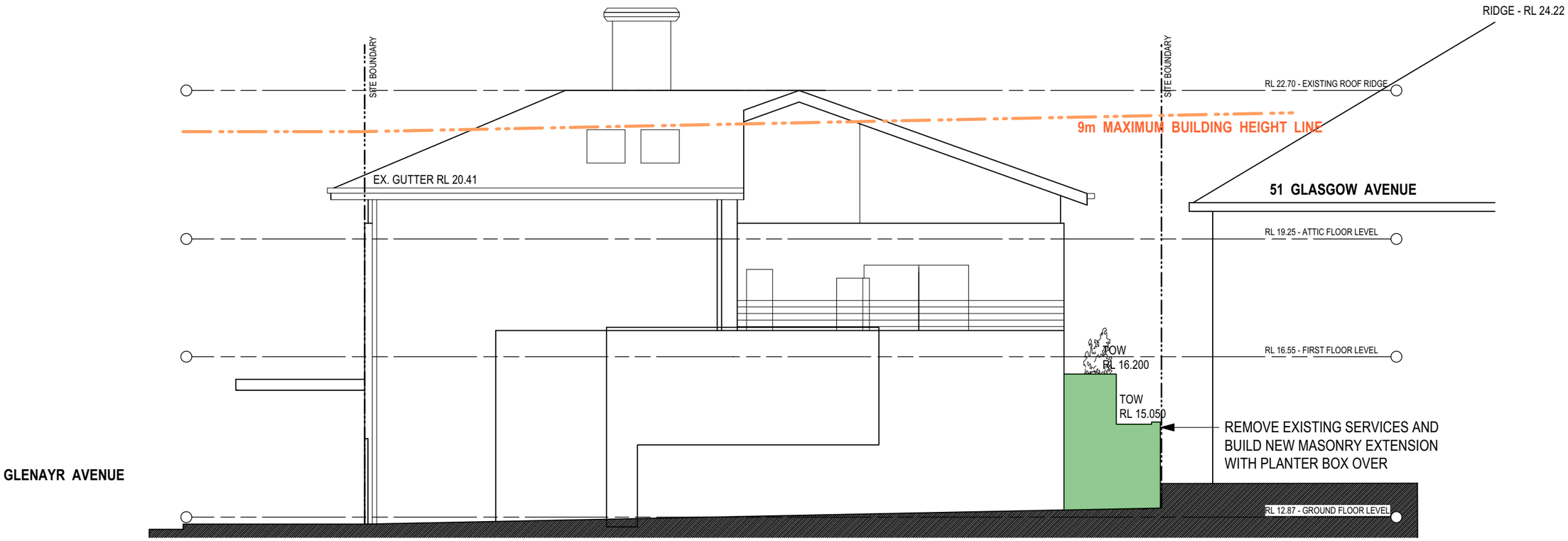
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AMENDED PLANS

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Application No: DA-420/2024

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01 SOUTH ELEVATION
1:100

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A	07/08/2024	DA SUBMISSION			
B	02/09/2024	DA SUBMISSION - ADDITIONAL INFO			
C	29/10/2024	DA SUBMISSION - REVISED			

ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

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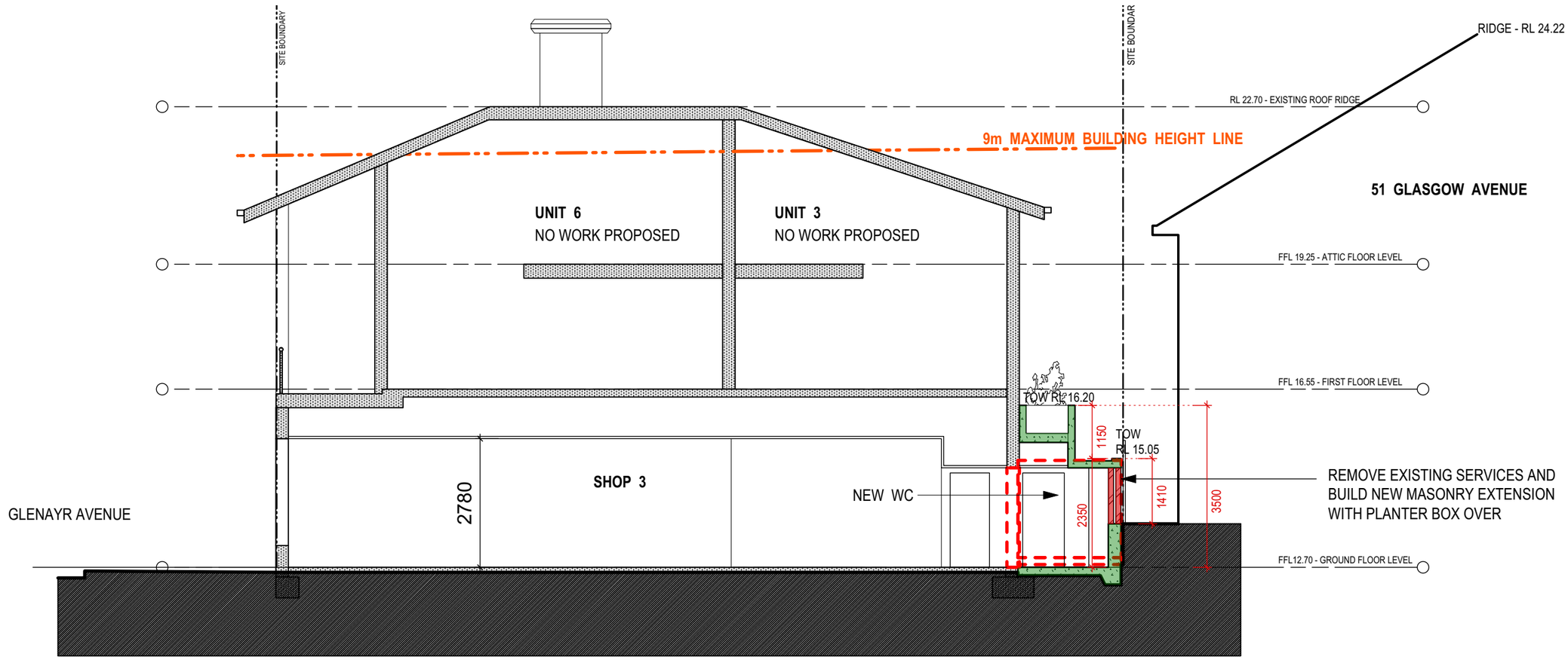
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AMENDED PLANS

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Application No: DA-420/2024

Date Received: 31/10/2024



01 SECTION A
1:100

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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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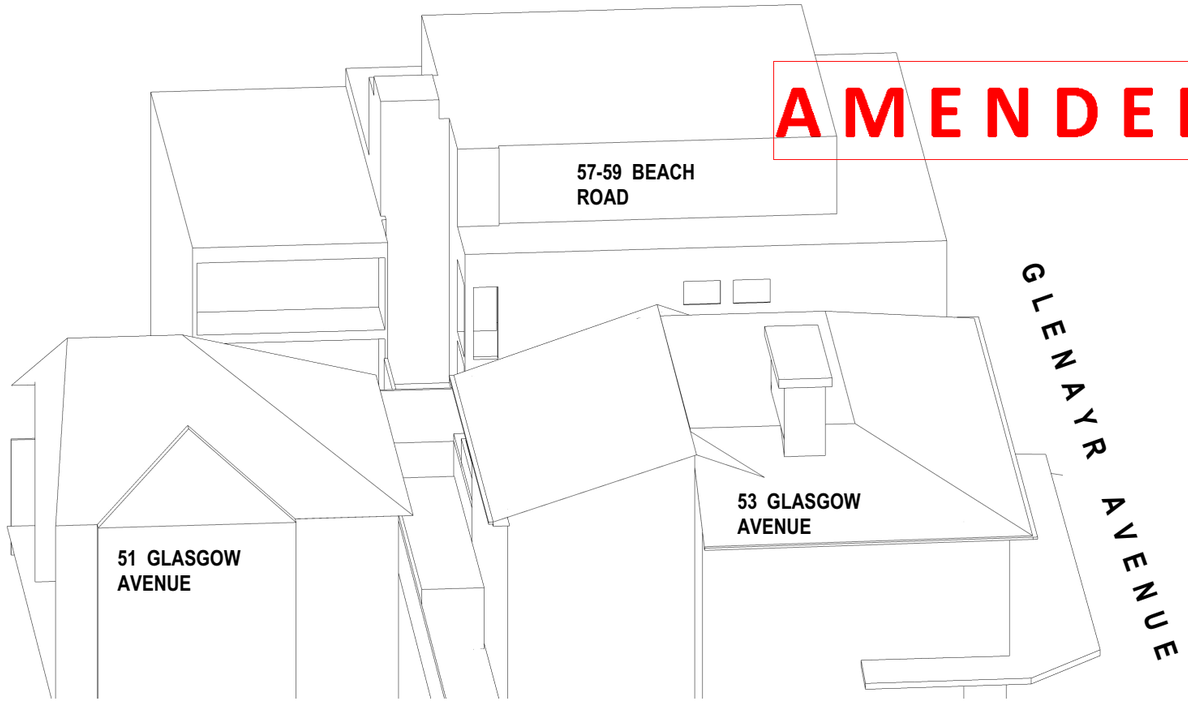
scale AS NOTED@A3	**drawn** DB	**project number**	**2502ARI**
date 15/07/2024	**checked** CK	**drawing number**	**109**

AMENDED PLANS

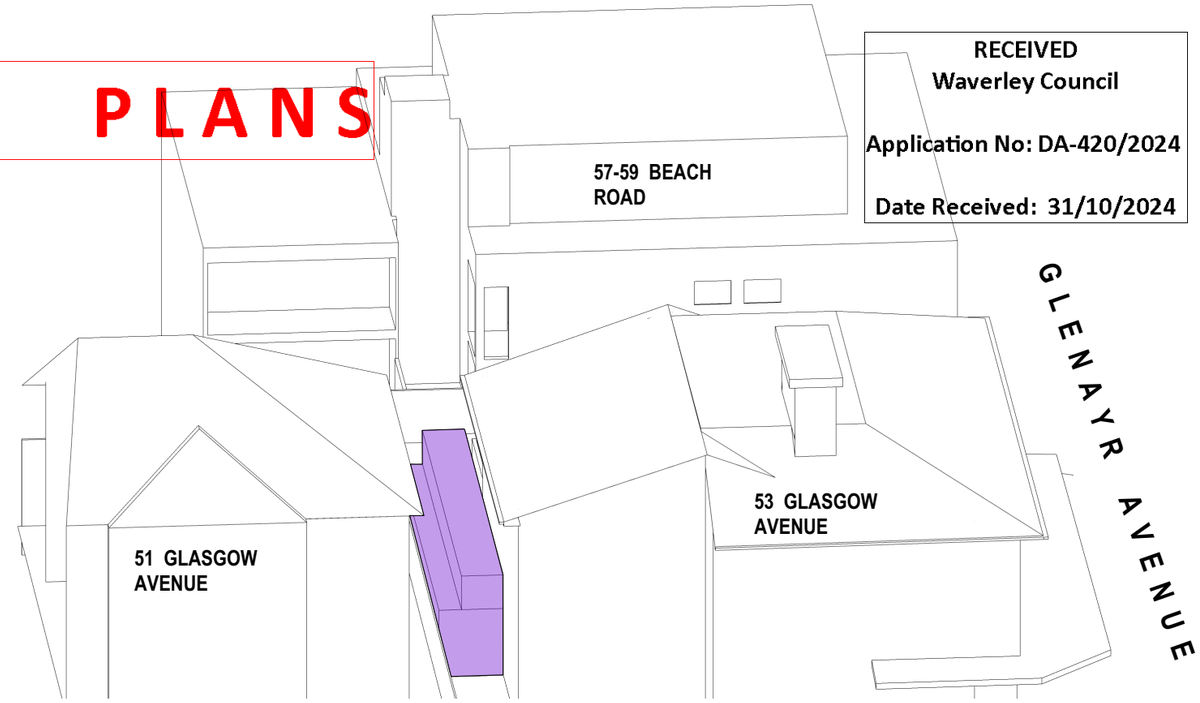
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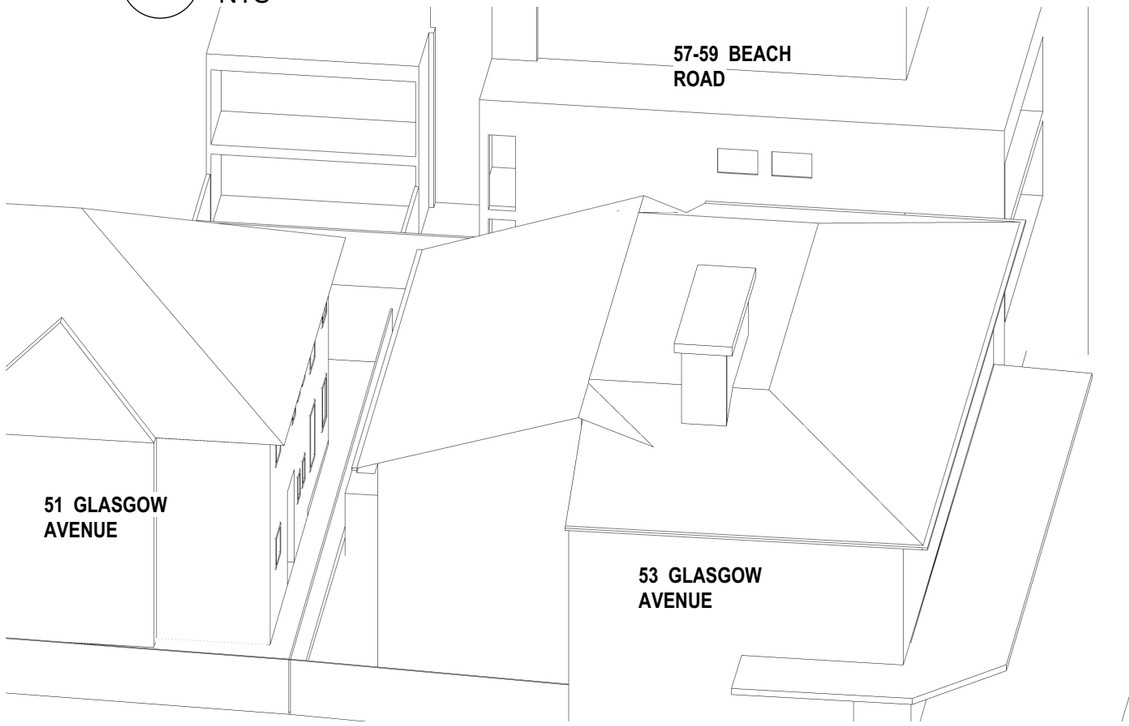


01 EXISTING 9AM JUNE 21
NTS



02 PROPOSED 9AM JUNE 21
NTS

PROPOSED BUILT FORM



03 EXISTING 10AM JUNE 21
NTS



04 PROPOSED 10AM JUNE 21
NTS

PROPOSED BUILT FORM

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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

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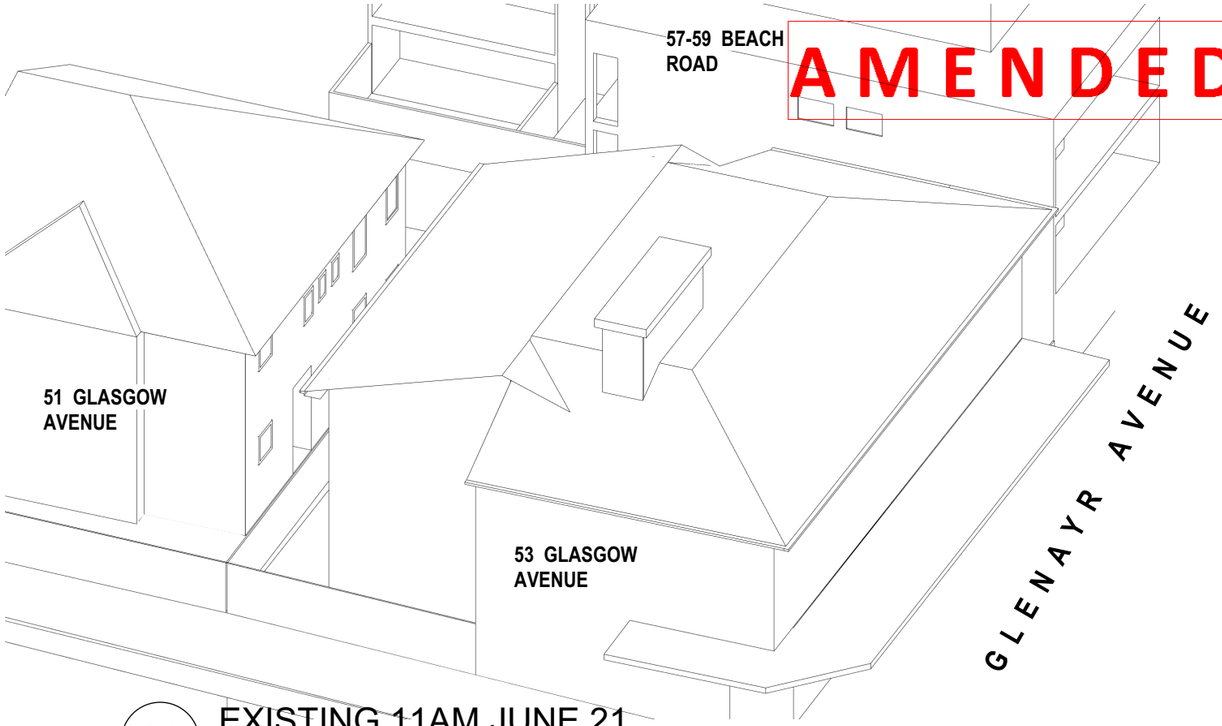
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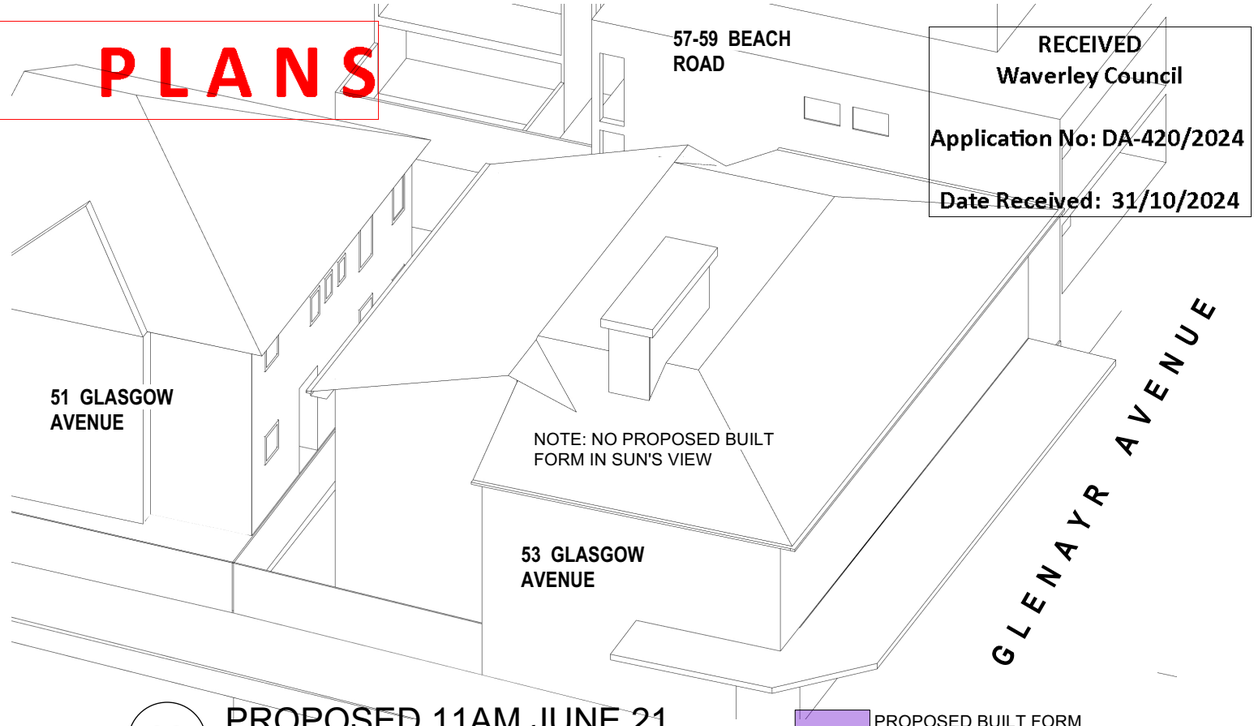
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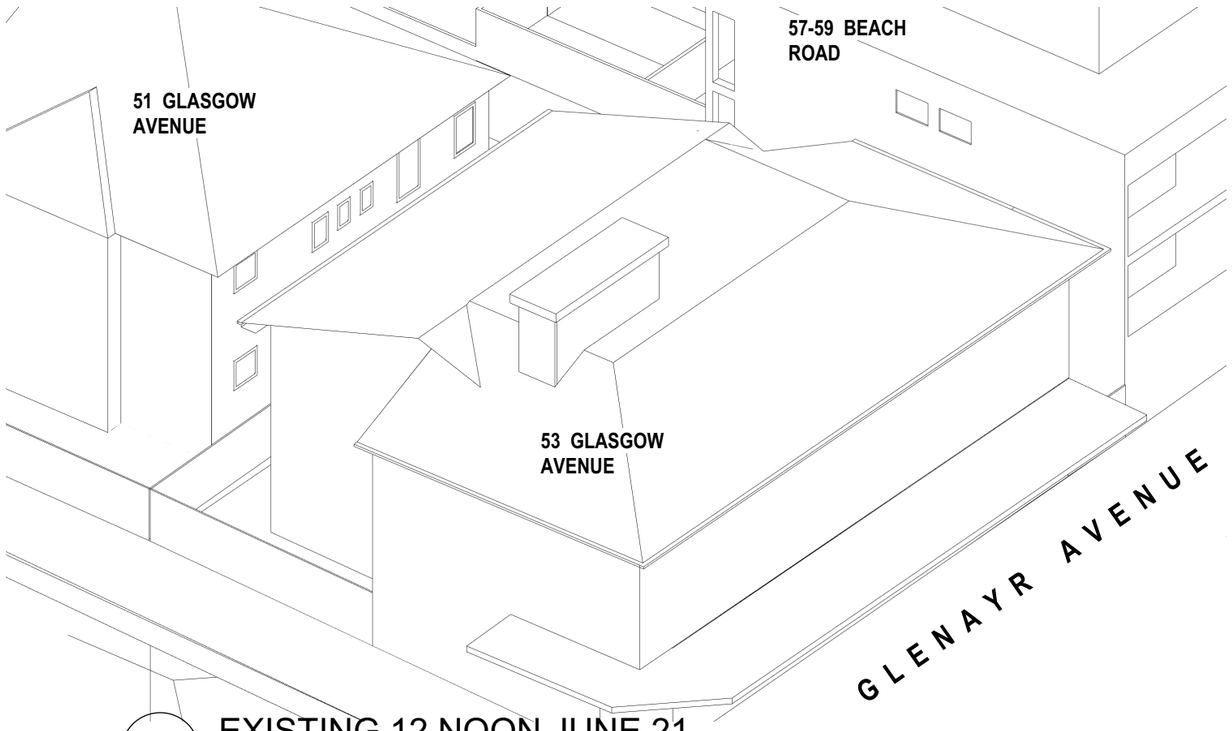
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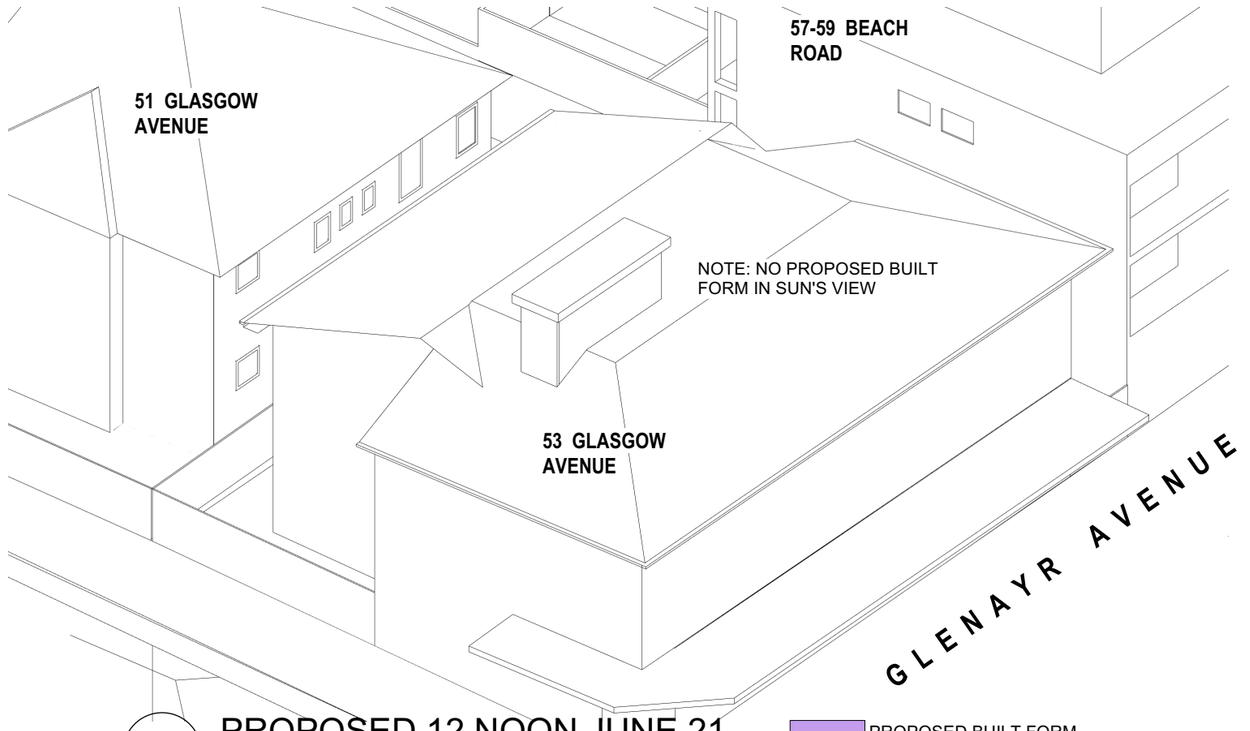
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

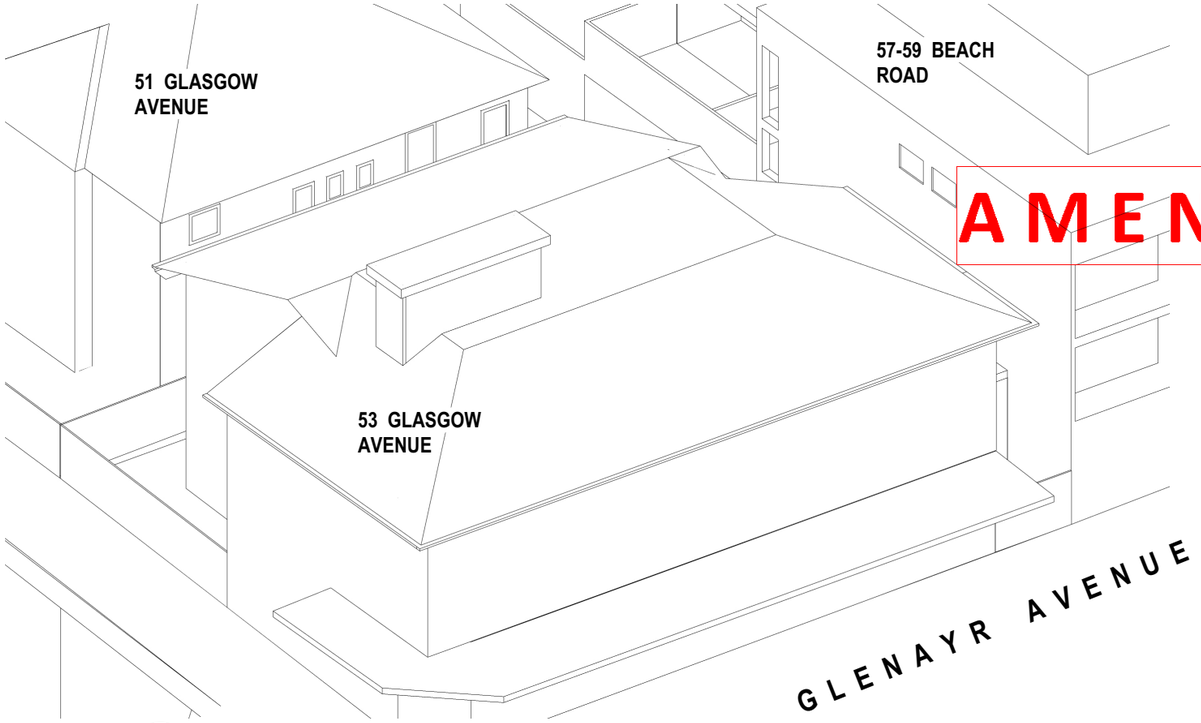
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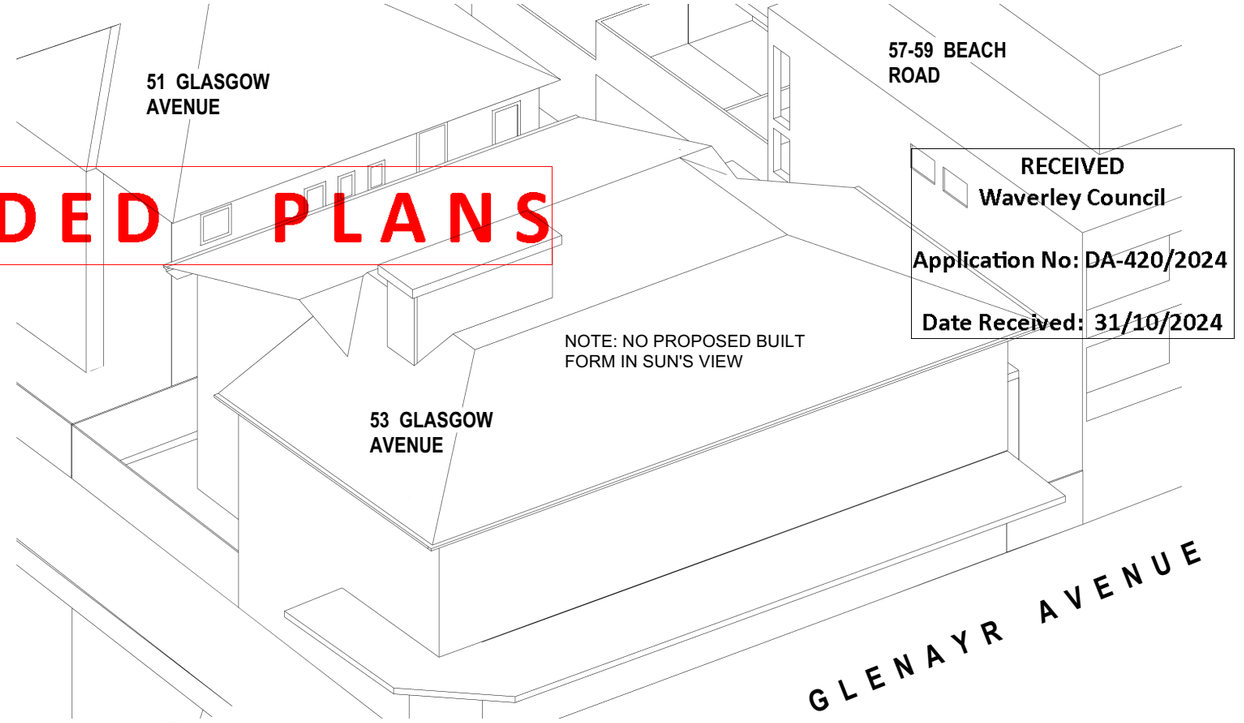
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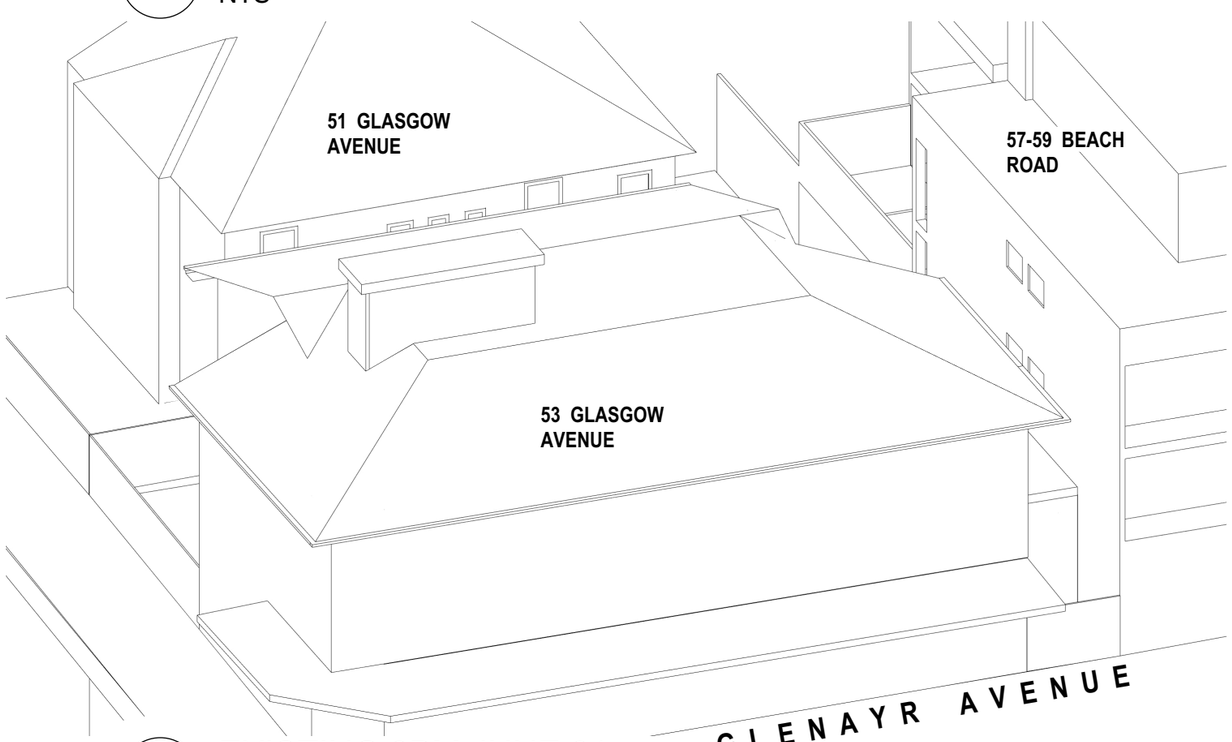
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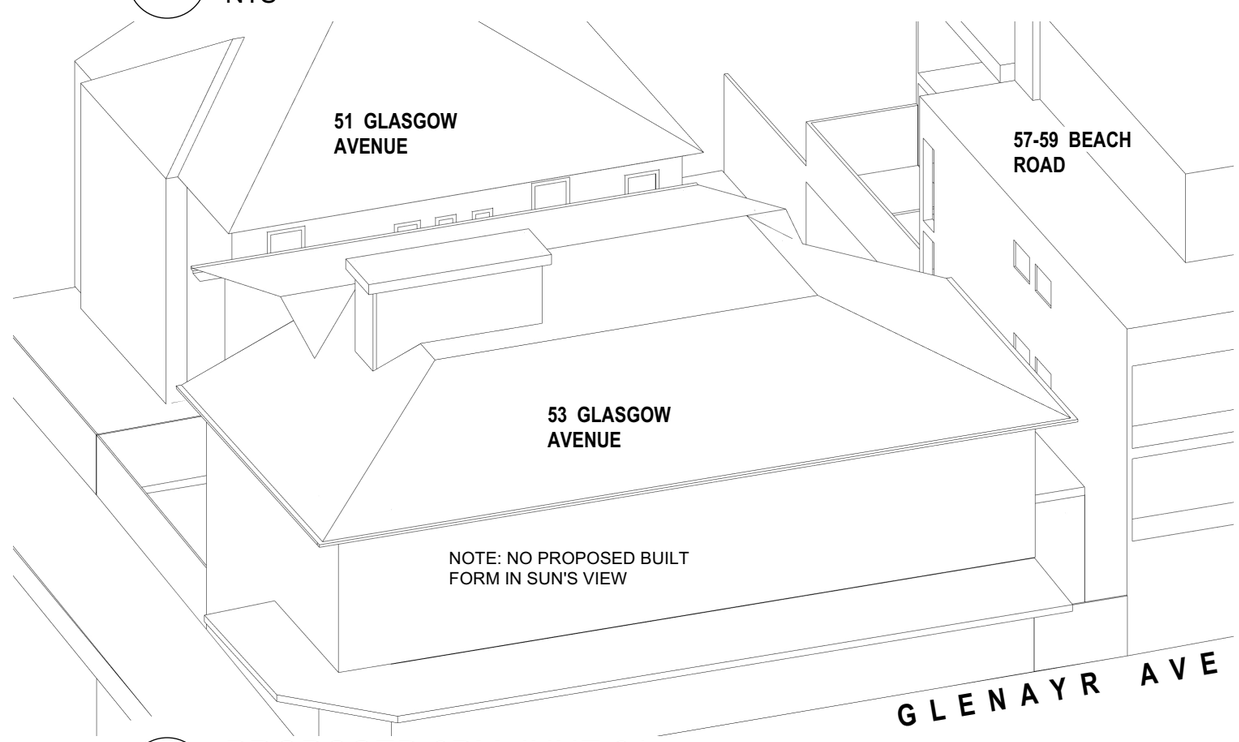
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

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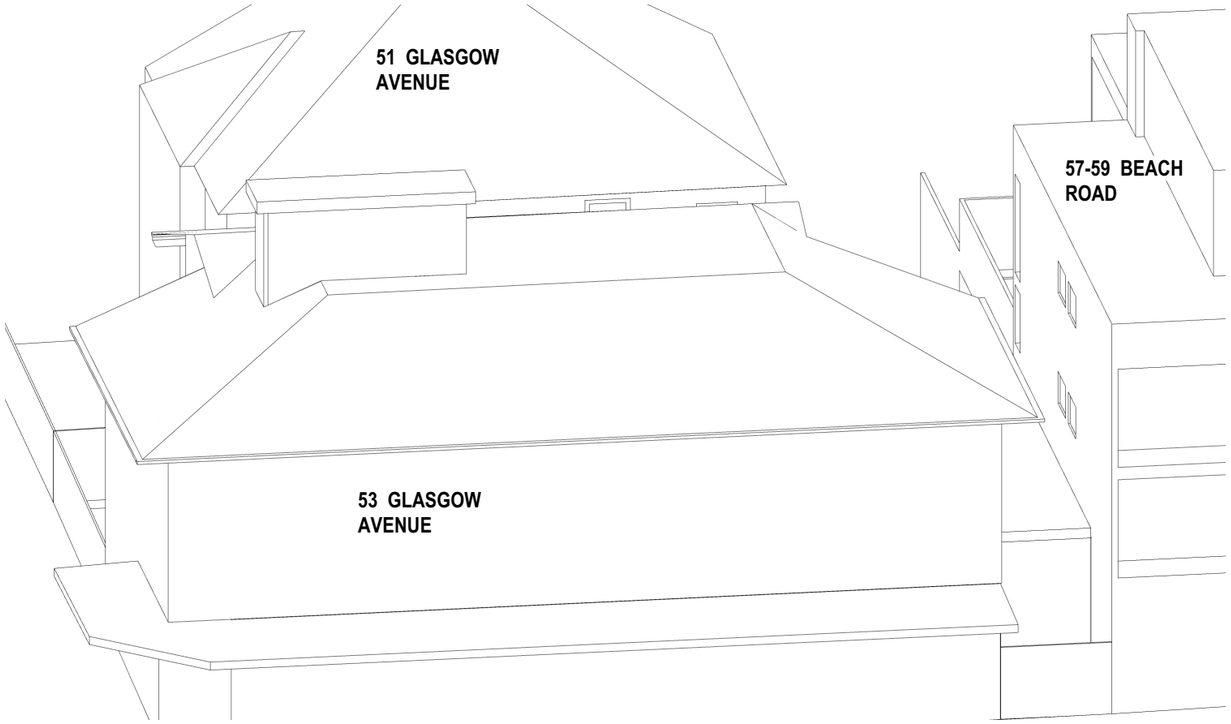
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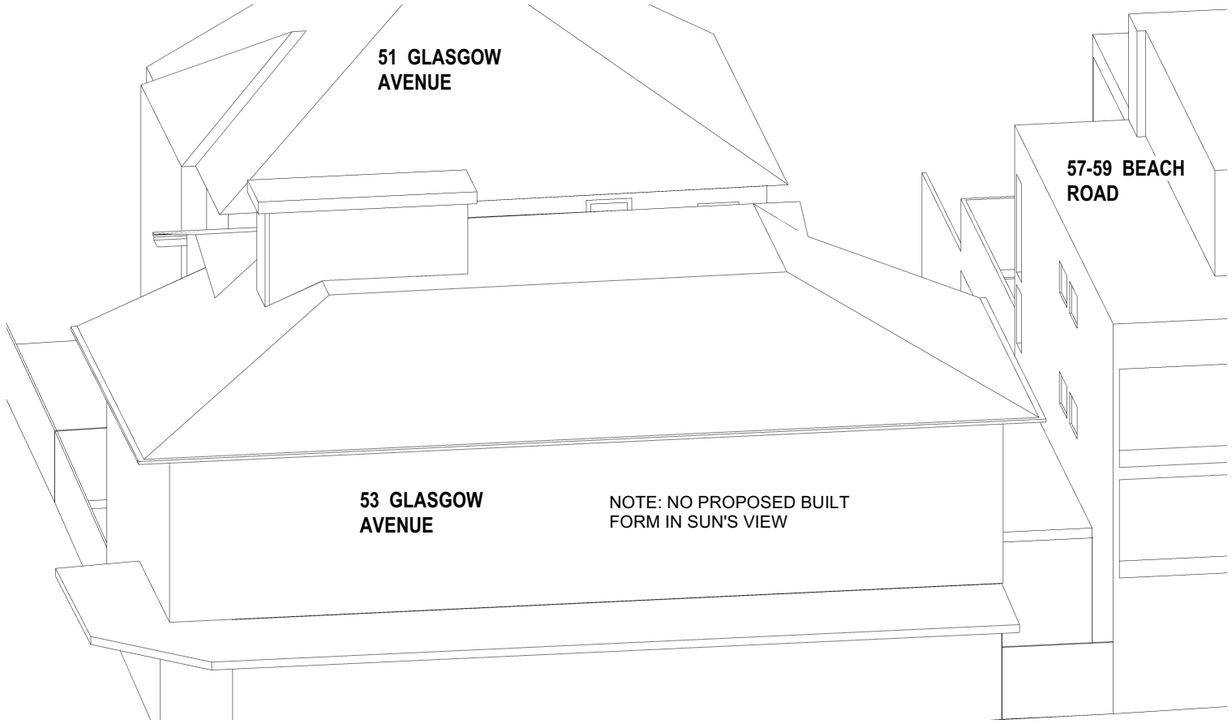
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

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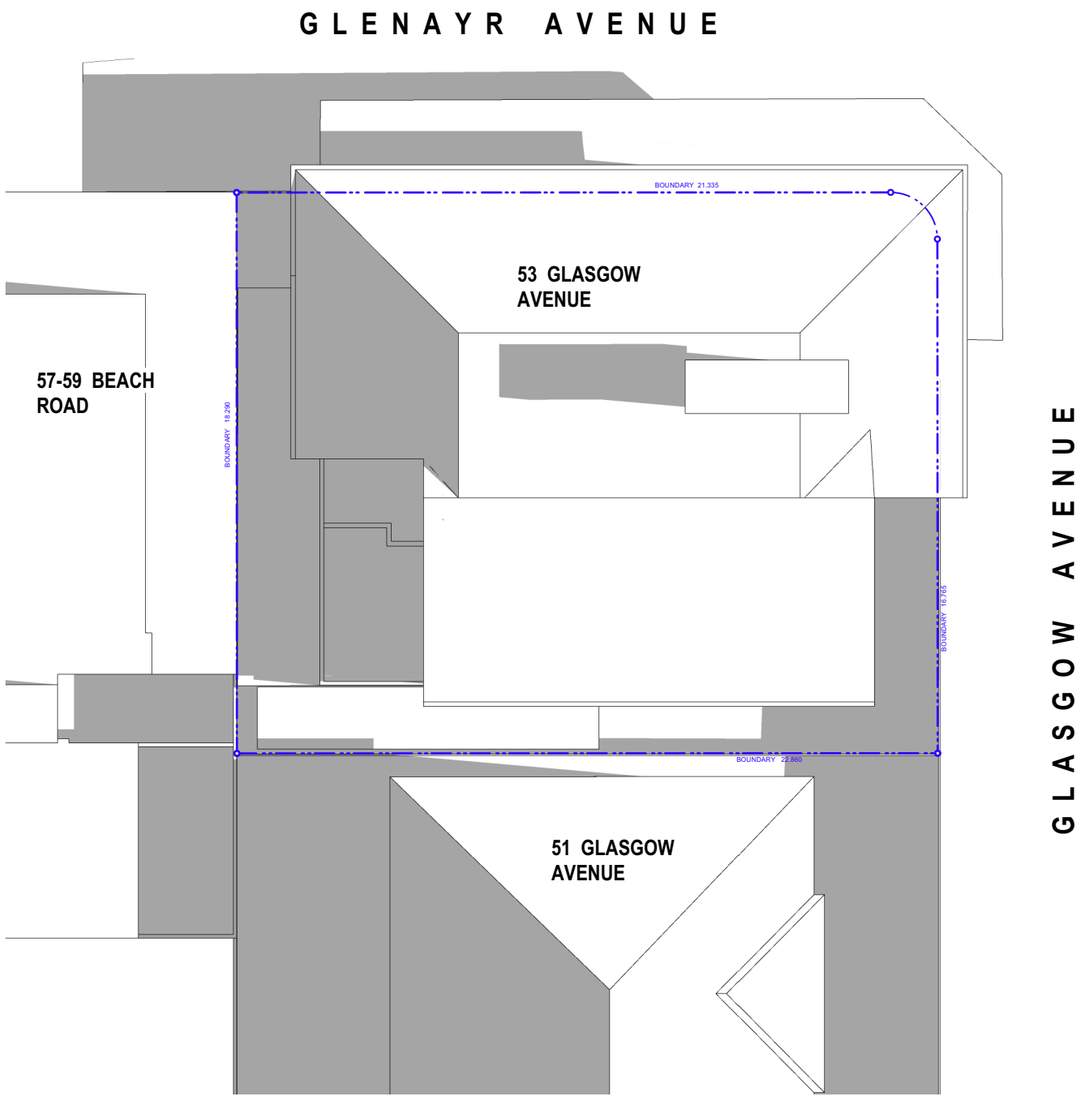
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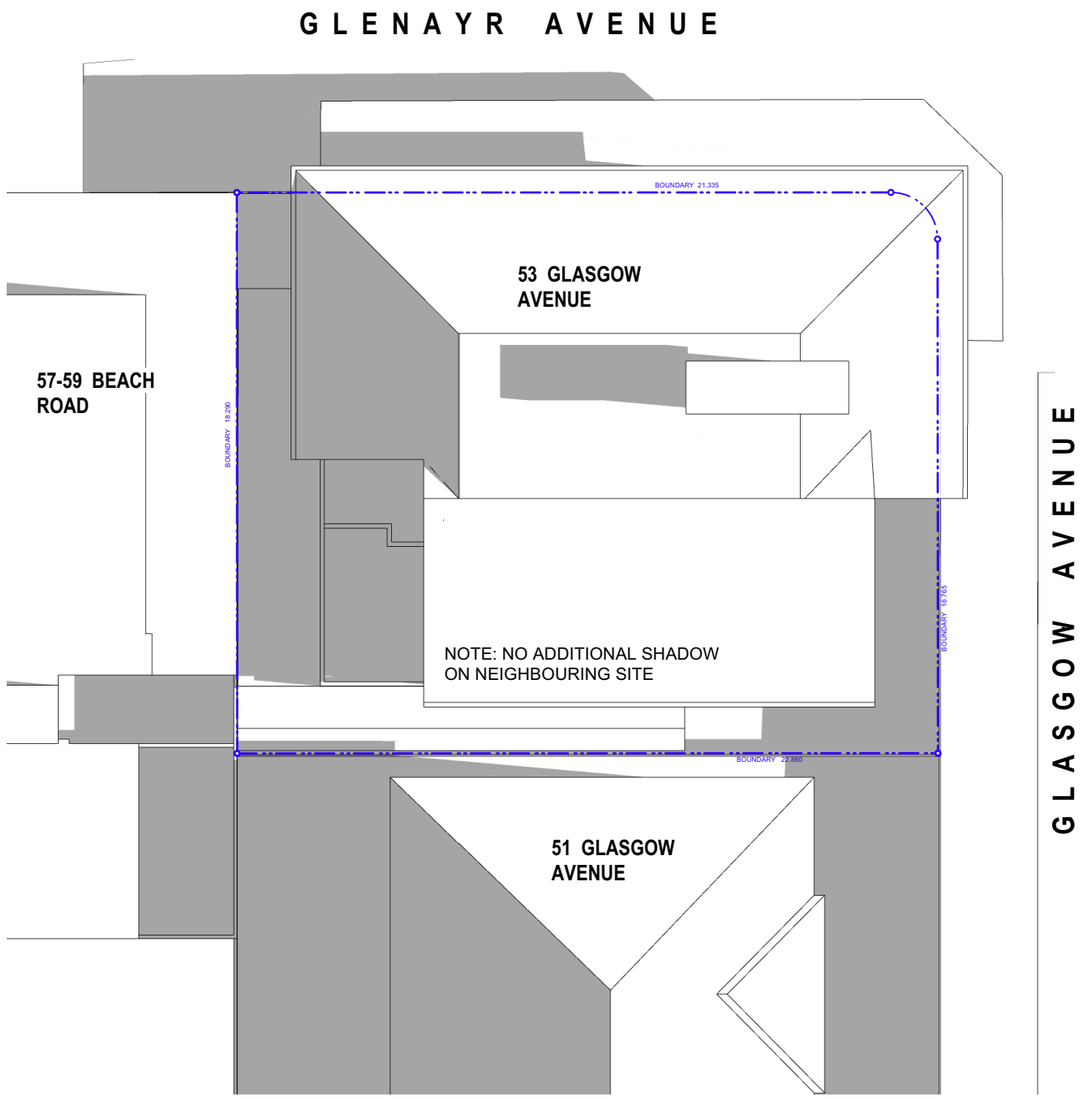
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A	21/08/2024	DA SUBMISSION - ADDITIONAL INFO			
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

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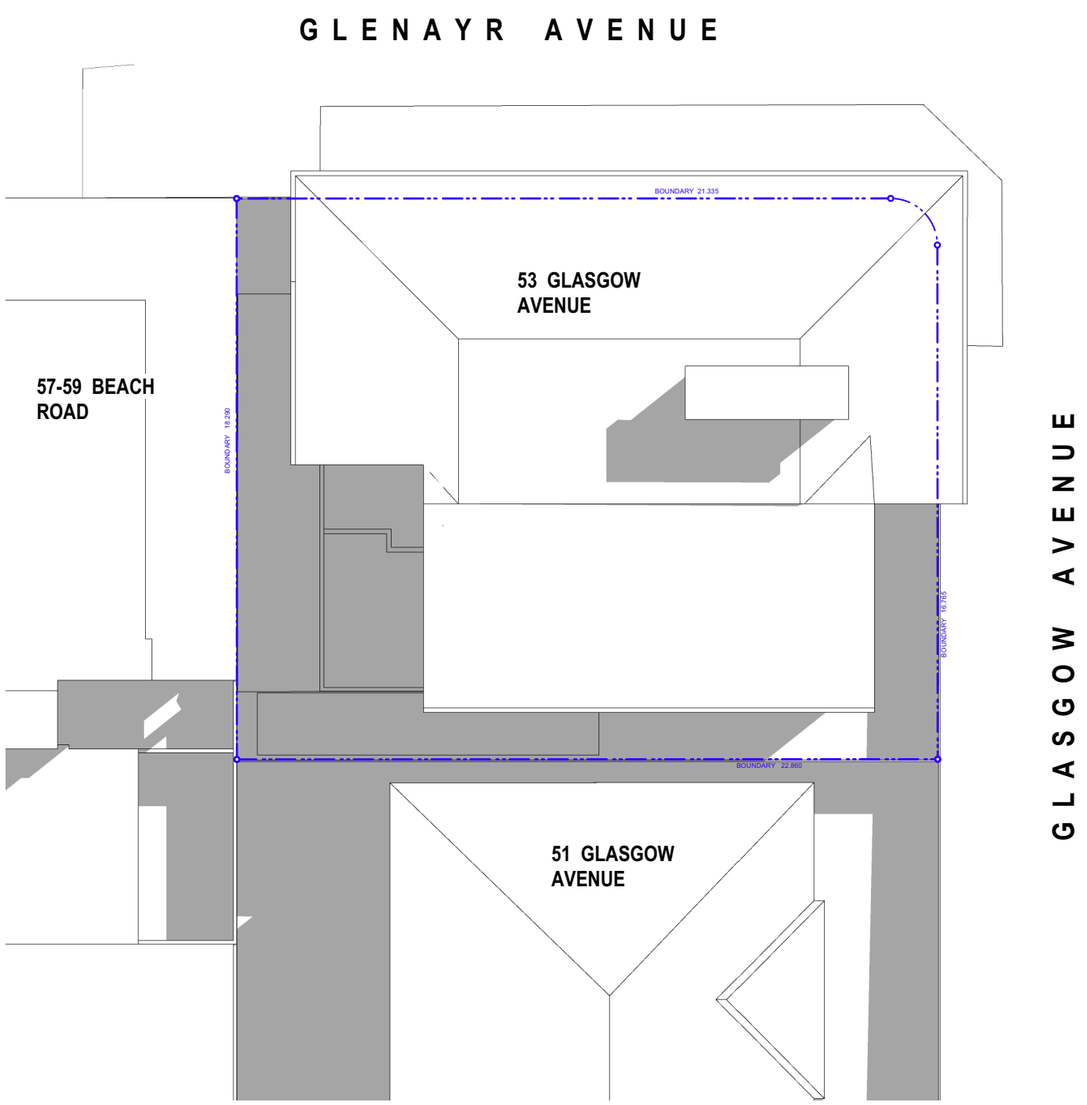
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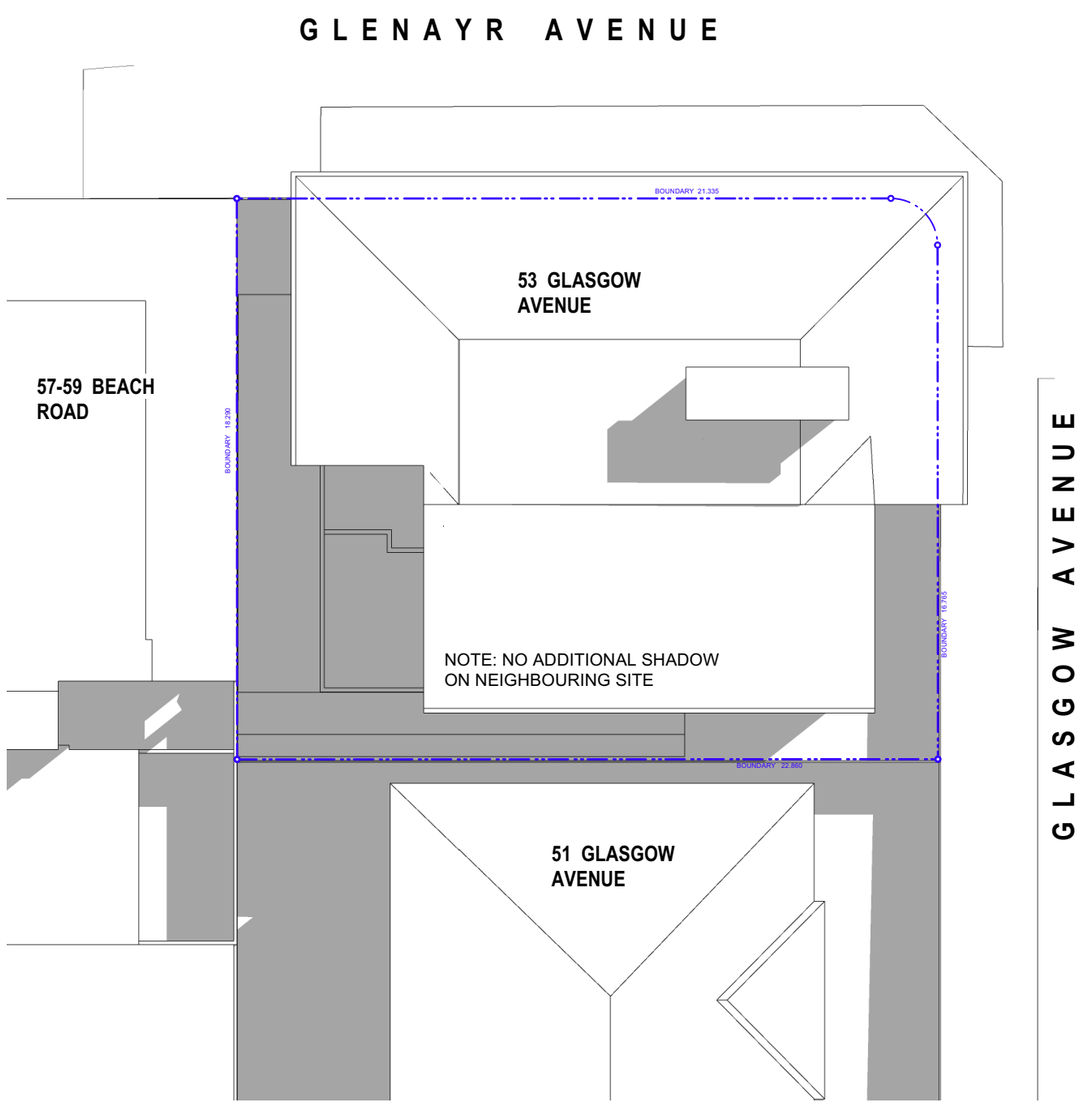
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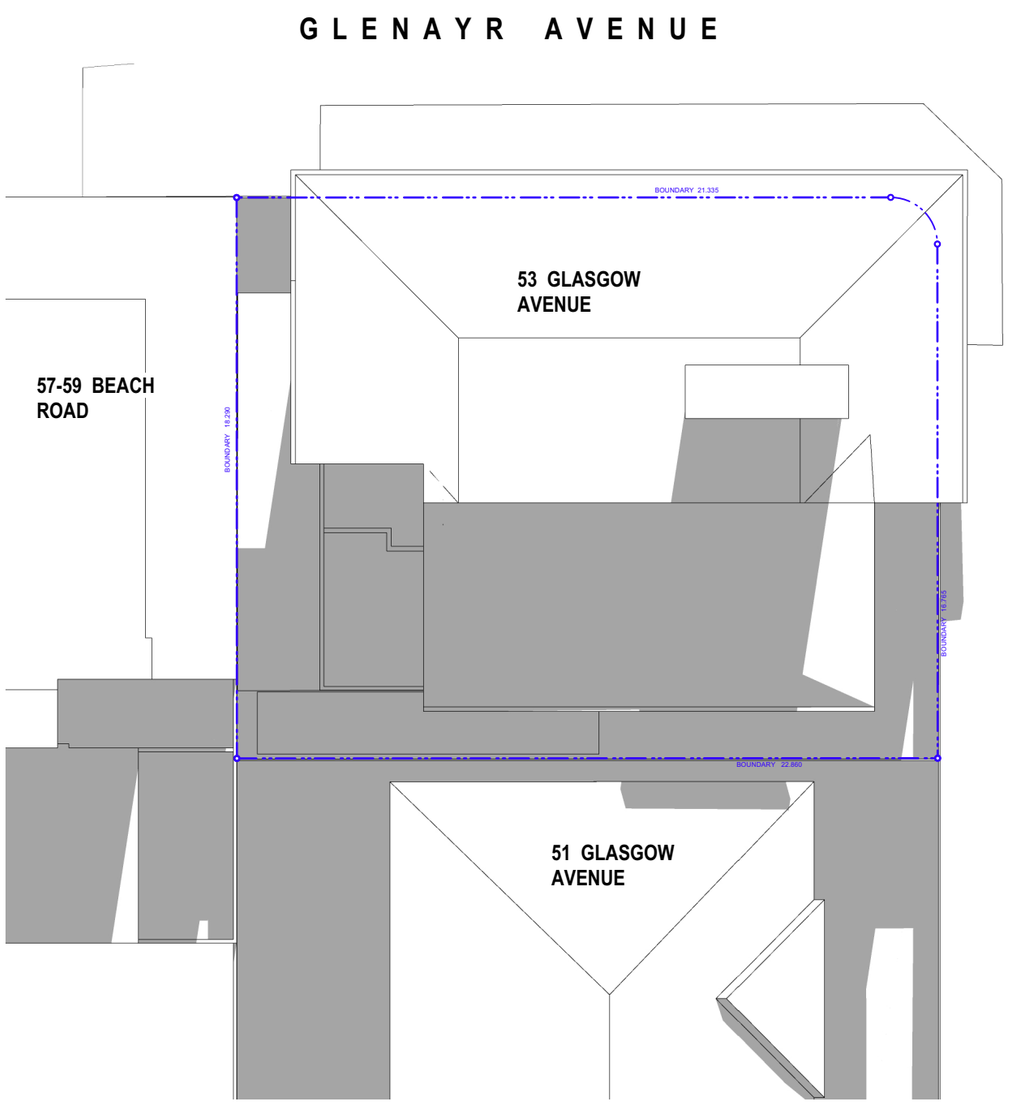
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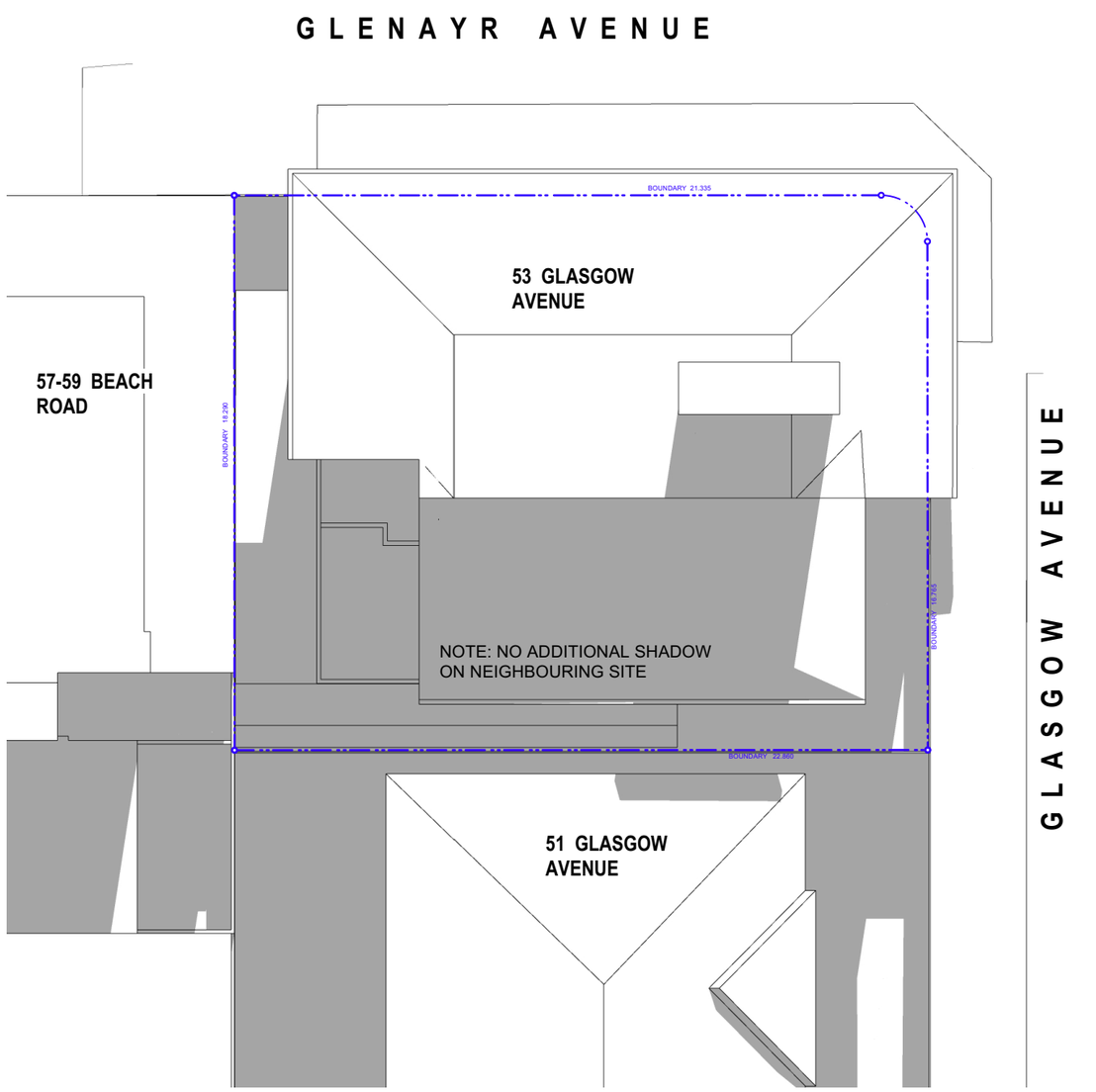
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ALTERATIONS AND ADDITIONS TO 53 GLASGOW AVENUE, BONDI BEACH

APPLICANT: ARIBRAD PTY LTD

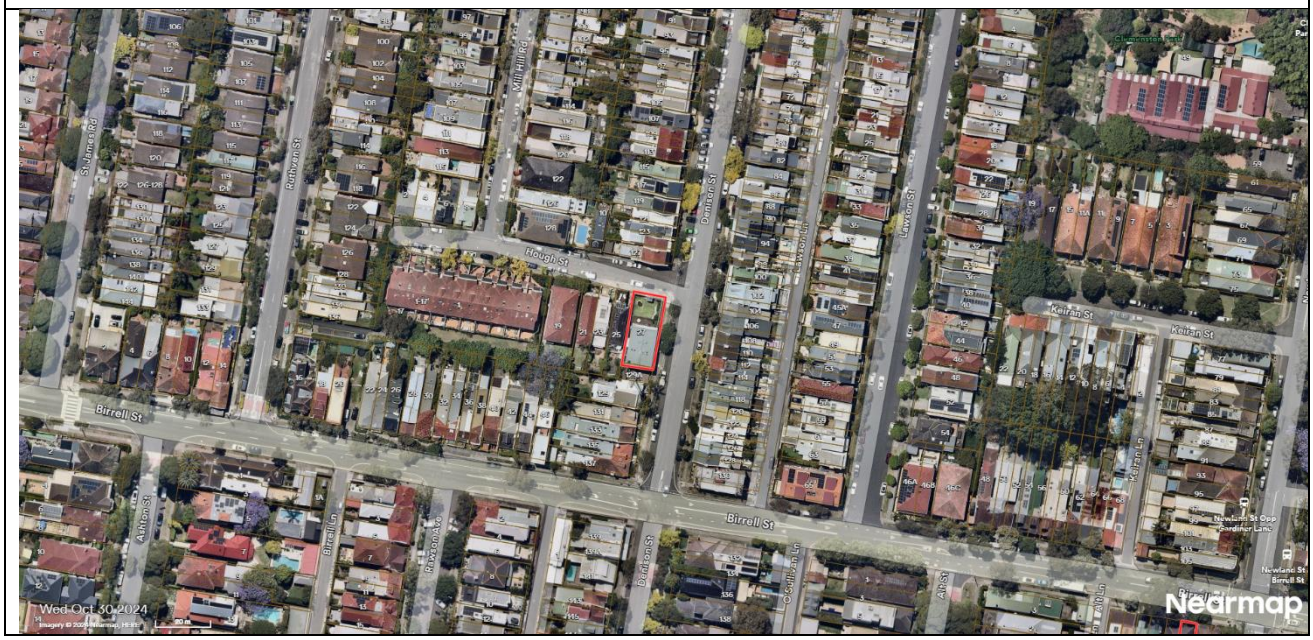
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date 15/07/2024	**checked** CK	**drawing number**	**306**



Report to the Waverley Local Planning Panel

Application number	DA-332/2024
Site address	27 Hough Street, Bondi Junction
Proposal	Alterations and additions to the existing dwelling house with the addition of a swimming pool and related landscaping
Date of lodgement	16 July 2024
Owner	Mr M J O'Callaghan and Mrs E J O'Callaghan
Applicant	A Dodge
Submissions	No submissions
Cost of works	$2,084,518
Principal Issues	• Floor space ratio and height of buildings exceedance; • Heritage.
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report
SITE MAP	



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for alterations and additions to the existing dwelling and new swimming pool, at the site known as 27 Hough Street, Bondi Junction.

The principal issues arising from the assessment of the application are the exceedance floor space ratio and height of buildings development standards and heritage impacts.

The assessment finds these issues acceptable because the height of the building development standard exceedance relates to an existing exceedance and the overall height of the dwelling is not increasing under the proposal. The rear decorative parapet element falls outside of the compliant height plane. A Clause 4.6 Written Request has been submitted out of an abundance of caution should this element require replacement during construction. The proposal seeks to enclose the first floor level balcony that is within the envelope of the dwelling. Enclosing the balcony would increase FSR and the overall exceedance of the dwelling on the site. Notwithstanding, the additional FSR would not give rise to environmental impacts, including overshadowing or privacy concerns and is acceptable.

The site is located in the Mill Hill Conservation Area. The existing dwelling is considered to detract from the conservation area. The works to the dwelling include landscaping and retention of the side and front hedge planting. The additional windows to the eastern elevation add a contemporary element however given the limited contribution of the existing dwelling to the conservation area, the proposal including the landscaping works and materials and finishes would improve the presentation of the dwelling to the streetscape.

No submissions were received in response to notification of the application.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 24 September 2024. A further site visit was undertaken on 3 October 2024.

The site is identified as Lot 1 in DP 86748, known as 27 Hough Street, Bondi Junction.

The site is rectangular in shape with a frontage of 11.275m to Hough Street and an eastern side boundary of 26.015m to Denison Street. It has an area of 293.7m^2 and falls from the front northern boundary to the southern rear boundary by approximately 2.5m.

The site is occupied by a two and three storey dwelling with vehicular access provided from Denison Street. The dwelling is built up to the eastern and southern site boundaries.

The site is adjoined by a one and two storey dwelling to the west and Denison Street to the east. A Sydney Water sewer vent is located on a small land allotment beyond the southern rear boundary of the site. Further to the south comprises a two storey dwelling that fronts Denison Street. The locality is characterised by a variety of low density residential developments.

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



Figure 1: Site frontage, facing south



Figure 2: Rear of the site showing the sewer vent, facing north west



Figure 3: Dwelling frontage within the site's front yard



Figure 4: Neighbouring dwelling to the west, No. 25 Hough Street

1.3. Relevant Development History

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

- DA-139/2015, alterations and additions to the dwelling housing including a new swimming pool was approved 23 June 2015.
- DA-139/2015/A, modifications including internal and external changes was approved 15 March 2016.

The applications subsequently lapsed.

1.4. Proposal

The development application seeks consent for alterations and additions to the existing dwelling and new swimming pool, including:

- Lower ground floor level:
  - Retain the existing double garage and store room;
  - Reconfiguration of internal walls to accommodate a plant room, pool plant, mud room, stairway, bathroom and shower;
  - New main entry accessed off Denison Street and new operable window;
- Ground floor level:
  - Internal reconfiguration, including a guest bedroom, kitchen, open dining and living area, laundry, office and bathroom and stair;
  - Outdoor terrace, swimming pool, lawn and paved open space;
  - New larger windows to Denison Street elevation to replace the existing small openings;
  - Swimming pool and associated landscaping;
- First floor level:
  - Infill of existing front balcony to create master bedroom ensuite;
  - Reconfiguration to facilitate three bedrooms, one with ensuite, shared bathroom and stair;
  - New larger windows to Denison Street elevation to replace the existing small openings.

1.5. Background

The development application was lodged on 16 July 2024 and a Stop the Clock letter was sent to the applicant on 24 July 2024 for the following reasons:

1. *Height and existing ground level*

   The submitted architectural plans do not identify existing ground level (EGL) which is required to accurately measure the overall building height. If EGL is taken to be basement /lower ground level of the existing building, then the reduced levels (RLs) under the lower ground level are to be extrapolated /confirmed based on survey.

2. *Shadow diagrams*

   The submitted shadow diagrams do not clearly differentiate existing shadows and any additional shadow resulting from the proposed application. Hourly shadow diagrams are required, and the extent of additional impact is to be clearly identified.

On 31 July 2024, the applicant provided a response satisfying the information request.

Following further assessment of the application, a request for additional information letter was subsequently sent to the applicant on 8 October 2024, requesting the following:

1. *Shadow diagrams*

   The submitted shadow diagrams do not clearly indicate the extent of additional shadow cast on the subject site and whether the additional shadow casts beyond the neighbouring property boundary at No. 25 Hough Street.

   The following additional information is requested:

   a) *Elevation shadow diagram of the east elevation of No. 25 Hough Street in hourly increments between 9am and 3pm during the winter solstice to demonstrate whether there is any additional shadow resulting from enclosure of the first floor balcony.*
   b) *View from the sun diagrams in hourly increments between 9am and 3pm during the winter solstice to better illustrate the extent of impact within the site and any impact on neighbouring properties.*

2. *Floor space ratio exceedance*

   The existing dwelling exceeds the floor space ratio (FSR) development standard by 76.35m² (33%). The proposal seeks a further variation, increasing the exceedance to 100.85m² (44%).

   Objective (d) of the FSR development standard states: 'to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and the locality'. A further exceedance of the FSR development standard and the accompanying Clause 4.6 Written Request will not be supported if the proposal gives rise to additional overshadowing of the neighbouring property.

The applicant submitted amended shadow diagrams confirming that the proposal would not give rise to additional shadowing of the neighbouring property to the west, No. 25 Hough Street. Council accepted the amended diagrams, and the plans submitted to Council on 31 July 2014 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 and have been considered acceptable in the assessment of this development application:

- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021
- 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 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 Residential Zone*	Yes	The proposal is defined as alterations and additions to the dwelling house, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings • *9.5m*	No	The proposal has a maximum height of 9.816m, relating to the existing decorative parapet at the southern end of the building.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (FSR) • *0.78:1 (229.2m²)*	No	The proposal has a maximum GFA of 330.05m² and an FSR of 1.12:1.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is located within the Mill Hill Conservation Area. The application was referred to Council's Heritage Advisor. *See below Table 3 for further discussion.*
Part 6 Additional local provisions		
6.15 Stormwater Management	Yes	The proposal satisfactorily meets clauses (a) (b) and (c).

The following is a detailed discussion of the issues identified in the compliance table above.

Clause 4.6 Exceptions to Development Standards – Height

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

The site is subject to a maximum building height of 9.5m. The proposed development has an existing height of 9.816m, measured from the existing ground level to the top of the decorative parapet at the southern end of the dwelling, exceeding the standard by 316mm and equating to a 3.3% variation. It is noted that the existing building already exceeds the development standard by 316mm, and the proposal does not seek to further increase the height of the parapet, instead to make good if required during construction. A Clause 4.6 Written Request was included with the application because the proposal may require replacement of this decorative element, which extends above the height plane.

The Clause 4.6 Written Requests states that there is a further exceedance of the height standard at the northern parapet however the architectural plans and survey plan indicate that the northern extent of the dwelling is within a compliant height plane. It is likely that the exceedance referred to is the wall height exceedance under the Waverley Development Control Plan 2022 (Waverley DCP 2022), which is 7m for a dwelling with a pitched roof. However, this is not a consideration under the Clause 4.6 provisions.

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

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

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

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

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

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

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
   (i) The areas of variation are solely limited to the existing parapet and would not give rise to unacceptable impacts.
   (ii) The proposal provides a height, bul and scale that is generally consistent with that envisaged by Council's controls.

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

(i) …due to the existing height breach (of the southern parapet), it is inevitable that any remediation works to the roof parapet of the existing built form will require a Clause 4.6 Variation.

(ii) Strict compliance with the standard would result in the removal of an existing decorative parapet which positively contributes to the streetscape…

Consideration of Applicant's Written Request

The proposal is acceptable because it does not seek to increase the height beyond the existing height plane. The applicant has submitted a Clause 4.6 Written Request out of an abundance of caution, should the works to the rear elevation , necessitate the replacement and /or making good of the decorative parapet element.

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and measured height using the correct ground level. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The proposal is consistent with the objectives of the height of buildings development standard in that the like for like design and minor nature of the height variation will ensure the environmental

amenity of neighbouring properties is maintained including the same level of solar access and privacy to neighbouring properties and is acceptable.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal to replace the existing parapet at the southern rear end of the dwelling would not give rise to additional environmental impacts above the existing situation. Importantly the decorative parapet element will only be replaced if the required due to damage during construction.

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

Conclusion

The written request provided by the applicant to support the works above the height plane to replace the existing decorative parapet, has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory. A Clause 4.6 Written Request has been submitted out of an abundance of caution should the parapet become damaged and require replacement during works to the dwelling.

Clause 4.6 Exceptions to Development Standards – FSR

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

The site is subject to a maximum FSR development standard of 0.78:1. The proposed development has an FSR of 1.12:1, exceeding the standard by 100.85m^2 and equating to a 44% variation. It is noted that the existing building already exceeds the development standard by 305.55m^2 and an FSR of 1.04:1.

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:

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

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

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

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 dwelling has a FSR that exceeds the development standard. The proposal will retain its overall height and part two and part three storey appearance and the remainder of the façade…

(ii) …apart from fenestration changes and enclosure of the existing balcony, the subject site's envelope will remain the same as existing… Therefore, the correlation between the maximum building height and density is generally maintained.

(iii) … the proposal will continue to protect the amenity of neighbouring dwellings.

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

(i) The proposal would not give rise to privacy concerns… Windows proposed to the master bedroom and ensuite, which are attributed to the GFA departure, are only at the northern wall facing Hough Street. No new windows are proposed to be facing any adjoining properties in the location of additional GFA.

(ii) As the area of variation is within the existing building envelope and does not contribute to any additional bulk or scale, no adverse impacts to views…

(iii) The FRS variation is limited to within the existing envelope…no additional overshadowing is envisaged…

Consideration of Applicant's Written Request

The applicant's written request has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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:

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

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

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

(i) 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

(j) 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) of *Wehbe v Pittwater Council* (2007) 156 LGERA 446]. The proposal is consistent with the objectives of the FSR development standard in that the majority of the built form comprises a compliant building height, with a minor existing exceedance owing to the decorative parapet detail at the northern end of the dwelling. Accordingly, the proposal provides an appropriate correlation between the maximum building height and density controls.

The proposal seeks to enclose the existing first floor level north facing balcony. The existing balcony is within the envelope of the building and therefore converting the space to internal floor space would not result in a change to the building profile or give rise to additional overshadowing.

The proposal is compatible and in keeping with the bulk and scale and desired future character of the locality.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has satisfactorily argued that that there are sufficient environmental planning grounds to justify contravening the development standard, given the built form and envelope will be largely maintained, with the enclosure of the balcony not increasing the existing envelope. The additional exceedance will not give rise to environmental impacts, overshadowing or privacy impacts above the existing situation. The additional FSR exceedance would not unreasonably impact neighbouring properties and is acceptable.

Conclusion

The written request provided by the applicant to vary the FSR development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

2.1.3. Amendment to Waverley LEP 2012 – Dwelling density in R3 and R4 zones.

A Planning Proposal (PP-2024-512) to amend Waverley LEP 2012 was public notified from 27 June 2024 to 8 August 2024.

The proposal seeks to update Waverley LEP 2012 by amending zone objectives and adding a new clause that seeks to preserve dwelling numbers in R3 Medium Density Residential and R4 High Density Residential zones. The Planning Proposal will only apply to Development Applications for residential

accommodation, other than boarding houses, co-living housing, group homes and residential care facilities.

Specifically, the Planning Proposal seeks to amend the WLEP 2012 as follows:

Section of the WLEP 2012	Existing	Proposed
Land Use Table – R3 Medium Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Land Use Table – R4 High Density Residential Zone	Objective: To increase or preserve residential dwelling density.	Update objective: To increase or preserve residential dwelling density across the site.
Clause - Residential Dwelling Density in R3 and R4 zones	No existing clause.	Introduce a new local provision to prevent the reduction of dwelling numbers in R3 and R4 zones by any more 15% of all existing dwellings on site, rounded up to the nearest whole dwelling.

Following public exhibition and the review of submissions to the planning proposal, Council will seek to formally adopt the draft amendment. In accordance with Section 4.15(1)(a)(ii) of the Act, in determining a development application, a consent authority is to take into consideration "any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority".

This application seeks consent for alterations and additions to the existing dwelling and does not propose to alter the dwelling density on the. Accordingly, this clause is not a relevant consideration.

2.1.4. Waverley Development Control Plan 2022

The relevant matters to be considered under the Waverley DCP 2022 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	The proposal includes a dedicated space in the basement for the storage of bins.
2. Ecologically Sustainable Development	Yes	A BASIX and NatHERS Certificate were submitted with the application, setting out energy efficiency

Development Control	Compliance	Comment
• *Ceiling or wall mounted fans* • *Gas cooktops, gas ovens or gas internal space heating systems.*		and water conservation targets as required under the SEPP. The proposal incorporates passive design, providing openings to all facades with good cross ventilation and solar penetration. A condition of consent is included in the recommendation stating that gas should not be used for cooktops, ovens and heating and for ceiling or wall mounted fans to be provided in all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	The front yard will be partially cleared to accommodate the new swimming pool. There are several street trees located adjacent to the site along Denison Street. A condition of consent is recommended to require the trees to be retained and protected during construction. Council's Tree Management Officer reviewed the application and noted that the vegetation that is identified to be removed is exempt, under 3m in spread and therefore removal is supported. A condition of consent is recommended to require the replacement of the proposed *Olea europaea* (Olive Tree) and the *Magnolia grandiflora* 'Little Gem' with two local native species in accordance with the Waverley DCP 2022.
5.Water Management	Yes	Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport	Yes	The proposal does not involve a change to the existing parking arrangement and is acceptable. The existing garage door will be removed and replaced under the application.
8. Heritage	Yes	The site is located within the Mill Hill Conservation Area. The application was referred to Council's Heritage Advisor. *See below Table 3 for further discussion.*
11. Design Excellence	Yes	The proposal seeks alterations and additions, including the enclosure of the first floor north facing balcony, new window openings and increased proportion of existing east elevation windows. The proposal would improve the amenity and appearance of the dwelling and remains in keeping with the bulk and massing of the existing dwelling and the neighbouring dwelling to the west. The proposal is considered to achieve design excellence.
13. Excavation	Yes	The proposal includes excavation to accommodate a new swimming pool in the front

Development Control	Compliance	Comment
		yard. A Geotechnical Report was submitted with the application including recommendations. A condition of consent is recommended to require the works to be undertaken in accordance with that report.

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*	No, existing non-compliance	The existing dwelling has a wall height of 8.8m. The proposal does not seek to alter the wall height of the dwelling.
1.2 Setbacks		
1.2.1 Front and rear building lines • *Predominant front building line (adjacent three neighbours on either side)* • *Predominant rear building line at each floor level (adjacent three neighbours or either side)*	N/A	The proposal does not seek to alter the front or rear building lines. As noted above, enclosure of the first floor balcony will not alter the front setback as the existing balcony is within the building envelope.
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.*	Yes	The proposal includes alterations at the lower ground floor to accommodate a pool plant room and shower in the area currently utilised as storage space. In addition, the eastern side elevation would be amended to include a new pedestrian entry adjacent to the garage doors, including a small entry path from the footpath to the new entry foyer. These works would not alter the side setbacks of the dwelling.
1.3 Streetscape and visual impact		
• *New development to be compatible with streetscape context* • *Replacement windows to complement the style and proportions of existing dwelling* • *Significant landscaping to be maintained.*	Yes Yes Yes	The proposal would not significantly alter the presentation of the dwelling. The alterations would be compatible with the streetscape context. The eastern side elevation includes new window openings and enlarged openings. The amended fenestration would be complementary to the dwelling as it presents to Denison Street and provide more visual interest compared to the mostly blank existing side elevation.

Development Control	Compliance	Comment
		The existing side and front boundary fences and hedge planting would be retained in accordance with the control.
1.4 Fences		
Front: • *Maximum height of 1.2m* • *Solid section no more than 0.6m in height* *Side and Rear:* • *Maximum height of 1.8m*	Yes	The proposal does not seek to alter the form of the front and side boundary fences. The solid section of the boundary fences would be made good post construction and painted in accordance with the approved external finishes and colours.
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* • *External stairs are not acceptable.* • *Maximum size of balconies:* *10m^2 in area* *1.5m deep*	Yes	The proposed windows to the east elevation face Denison Street and therefore would not overlook adjoining properties. The proposal does not seek to amend the windows on the western elevation. The north facing windows to the enclosed balcony would not increase privacy impacts beyond the existing situation. The proposal includes new window openings to the southern elevation. The openings are in proportion with the scale of the elevation and would face the existing sewer vent to the rear. No privacy issues are anticipated. The proposal does not include new external stairs. The western of the site comprises existing external stairs which are to be retained. The proposal does not comprise an elevated balcony. The new north facing window to the first floor level master bedroom includes a operable doors behind a small balustrade, to enable the doors to be open increasing cross ventilation.
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.*	Yes	The submitted shadow diagrams and perspectives indicate that the proposal would not reduce solar access by less than 3 hours on the subject site on 21 June. The proposal would not alter the provision of solar access to the private open space or the east facing windows of the adjoining property (No. 25 Hough Street) on 21 June.

Development Control	Compliance	Comment
• *Avoid unreasonably overshadowing of solar collectors (including habitable windows).*		The proposal would not unreasonably overshadow solar collectors or windows on adjoining properties.
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	Views from the public domain would be maintained under the proposal. There would be no view impacts as a result of the proposal.
1.8 Car parking		
1.8.1 Design Approach • *Parking only allowed where site conditions permit* • *Designed to complement the building and streetscape* • *Car parking structures to be behind the front building line* • *Driveways are to be located to minimise the loss of on street parking* • *Parking to be provided from secondary streets or lanes where possible.*	Yes	As noted above, the existing car parking arrangement of garaged car parking for two vehicles would be maintained under the proposal. The proposal includes replacement of the existing garage doors. The garage would continue to be accessed via Denison Street and no amendments required to the driveway or vehicle crossover.
1.9 Landscaping and open space		
• *Overall open space: 40% of site area (117.48m²)* • *Overall landscaped area: 20% of site area (58.74m²), with at least half deep soil (29.37m²)* • *Minimum area of 25m² for private open space* • *Front open space: 50% of front building setback area* • *Front landscaped area: 50% of front open space provided* • *Outdoor clothes drying area to be provided*	No, existing non-compliance Yes Yes Yes Yes Yes	The proposal does not alter the provision of open space on the site, which remains at approximately 112m². The proposal includes approximately 83.75m² of landscaped area at least half of which is deep soil. The proposal includes in excess of 25m² of private open space. The front setback area remains as open space and landscaped area. The site provides ample space for the outdoor clothes drying.

Development Control	Compliance	Comment
	Yes	
1.10 Swimming pools and spa pools		
• *Located in the rear of property* • *Pool decks on side boundaries must consider visual privacy* • *All pool equipment to be enclosed within an acoustically treated enclosure*	No, acceptable on merit Yes Yes	The site does not comprise a rear yard. Accordingly, the proposed swimming pool is provided in the front yard. The pool is set back 1m from the western side setback and would not give rise to overlooking. The western side neighbours front terrace elevated above the garage would partially overlook the swimming pool however planters on the terrace would minimise opportunities for overlooking. The pool equipment is proposed at lower ground level under the existing stair.
1.14 Dual Frontage Development		
1.14.1 General Controls • *Primary and secondary frontage to be defined* • *Appropriate forms to be provided to each street*	Yes	The site comprises a dual frontage to Hough and Denison Streets. The Hough Street principal frontage is clearly defined. The proposal includes a new pedestrian entry point from Denison Street adjacent to the existing vehicular access. Notwithstanding, the principal frontage to Hough Street will remain clearly defined.
1.14.3 Development in Heritage Conservation areas • *Single width garages or double with central divide* • *Roof pitch and modulation to reflect the form of the area* • *Finishes and proportions to match the traditional construction in the area* • *Window proportions to match the area* • *Overlooking to be mitigated* • *Solar panels not to face the laneway.*	Yes Yes Yes Yes Yes	The existing double garage would be maintained under the proposal. The roof form would be altered slightly at the front to support the amendment to the first floor level. The form of the roof would remain in keeping with the conservation area. The proposed finishes, materials and window proportions are not out of keeping with the surrounding properties. The proposal would not give rise to overlooking. The proposed solar panels are in the mid section of the roof. The solar panels are not likely to be readily visible from the streetscape.

The following is a detailed discussion of the issues identified in the compliance tables above.

Heritage

The application was referred to Council's Heritage Advisor. The existing dwelling is of a post-modern style and is within the Mill Hill Conservation Area but is considered to detract from it.

The proposal includes significant alterations particularly to the eastern elevation, including a new operable window at the lower ground floor level with brick screening, increased scale of existing windows and new openings along the elevation. Council's Heritage Advisor noted that an inset bay window would serve to break up the impact of the building on the conservation area, further noting that the well resolved landscaping, including screen planting and selective tree planting would serve to mitigate the bulk and articulation of the building and potentially reduce the dominance of the sewer vent stack.

The proposal seeks to retain the street facing landscaping, including the hedge planting along the eastern and northern boundaries. The existing dwelling is built to the rear southern and eastern side boundaries, limiting opportunities for additional street facing planting. The proposal includes a detailed landscape plan for approval. In addition, the proposed window modifications to the eastern elevation would serve to improve the appearance of the building from the streetscape and significantly enhance the internal amenity for the occupants. The existing elevation comprises small window openings that would enable limited internal light and amenity. The proposal seeks to remedy this by increasing window proportionality within the existing elevation, whilst retaining the existing fabric of the dwelling.

Given the existing building is assessed as offering limited contribution to the conservation area, the proposed alterations and additions are considered to enhance the presentation of the building to the streetscape. In addition, the hedge planting along the east elevation would be retained and the boundary wall to Denison and Hough Streets would be rendered, repainted and made good as required. The proposed landscape plan is appropriate, and a condition of consent is recommended to require some tree species with native species in accordance with the Waverley DCP 2022.

Accordingly, the proposed alterations and additions to the heritage building are considered acceptable and are supported.

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 14 days between 31 July 2024 and 19 August 2024 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 perspective solar access panel demonstrate that the proposal would not give rise to shadowing of the windows on the adjacent property at No. 25 Hough Street.

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 and external referral comments were sought:

3.1. Traffic and Development

The application was reviewed by Council's Traffic Engineer. No objections were raised subject to the recommended conditions of consent.

3.2. Stormwater

The application was reviewed by Council's Stormwater Engineer. No objections were raised subject to the recommended conditions of consent.

3.3. Tree Management

The application was reviewed by Council's Tree Management Officer. No objections were raised subject to the recommended conditions of consent, including the replacement of some species proposed in the landscape plan to native species in accordance with the Waverley DCP 2022.

3.4. Heritage

The application was reviewed by Council's Heritage Advisor. A detailed discussion of the comments and response is provided in Section 2.1.4.

3.5. Sydney Water

The application was referred to Sydney Water, due to the presence of the sewer vent on the lot to the rear of the subject site. No response was provided within the referral timeframe. Standard conditions of consent are recommended to require the applicant to obtain a section 73 compliance certificate prior to the issue of a Construction Certifciate.

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.

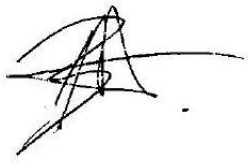
Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 29 October 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *B McNamara and J 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:**
		
Alana Jelfs	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 28 November 2024	**Date:** 29 November 2024	**Date:** 29 November 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data		
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)	3.3% variation to height (Clause 4.3)	
	X	Pre-existing non-compliance
	X	No change to overall building height
	X	No change to overall building envelope

	X 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
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)	44% variation to FSR (Clause 4.4) X Pre-existing non-compliance X No change to overall building envelope 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
Determining Authority (Concurrence Authority for Clause 4.6 variation)	Local Planning Panel
Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?	Yes
Have any dwellings been approved for affordable Rental Housing under this approval/consent? *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
Is the development subject to the Special Infrastructure Contribution (SIC)?	No
Is the development located within an Urban Release area?	No
Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	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

	Condition
1.	**APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Alexander & Co of Project No: 0573-2000 including the following:

Plan Number and Revision	Plan description	Plan Date	Date received by Council
Rev DA01	Lower Ground Floor – Existing & Demolition	19.06.2024	31.07.2024
Rev DA01	Ground Floor – Existing & Demolition	19.06.2024	31.07.2024
Rev DA01	First Floor – Existing & Demolition	19.06.2024	31.07.2024
Rev DA01	Roof – Existing & Demolition	19.06.2024	31.07.2024
Rev DA01	Lower Ground Floor – Proposed	19.06.2024	31.07.2024
Rev DA01	Ground Floor – Proposed	19.06.2024	31.07.2024
Rev DA01	First Floor – Proposed	19.06.2024	31.07.2024
Rev DA01	Roof – Proposed	19.06.2024	31.07.2024
Rev DA01	North Elevation – Proposed	19.06.2024	31.07.2024
Rev DA01	South Elevation – Proposed	19.06.2024	31.07.2024
Rev DA01	East Elevation – Proposed	19.06.2024	31.07.2024
Rev DA01	West Elevation – Proposed	19.06.2024	31.07.2024
Rev DA01	Section A – Proposed	19.06.2024	31.07.2024
Rev DA01	Section B – Proposed	19.06.2024	31.07.2024

(b) Landscape Plan No. LP 01 and documentation prepared by Edwina Stuart, dated 19.06.2024 and received by Council on 16.07.2024

(c) BASIX and NatHERs Certificate/s

(d) Stormwater Details and documentation prepared by NB Consulting Engineers, Job No. 2404057, Drawing D01, D02, D03, D10, D20 Issue A, dated 20.06.2024, and received by Council on 16.07.2024

(e) Geotechnical Investigation Report prepared by Crozier, dated June 2024 and received by Council 16.07.2024

	(f) Schedule of external finishes and colours received by Council on 16.07.2024 (g) The Site Waste and Recycling Management Plan (SWRMP) Part 1, 16.07.2024 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 prepared by Edwina Stuart is to be updated to replace the one (1) *Olea europaea* (Olive Tree) and the *Magnolia grandiflora* 'Little Gem' with two (2) local native species in accordance with Waverley Council's Development Control Plan 2022 (Waverley DCP 2022).
	Condition reason: To ensure species are selected in accordance with the Waverley DCP 2022.
	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.	**DOMESTIC HEATERS**
	The provision of solid fuel heating is prohibited.
	Condition reason: To protect air quality.
4.	**GEOTECHNICAL INVESITGAITON REPORT**
	The proposal is to be undertaken in accordance with the recommendations in the Report on Geotechnical Investigation prepared Crozier dated June 2024. The recommendations in the Report are to inform the construction certificate plans and this must be demonstrated to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.
	Condition reason: To ensure the works are undertaken in accordance with geotechnical specialist report.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
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 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.
6.	**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*.
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** (dated within 12 months) 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** (dated within 12 months) 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** (dated within 12 months) 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 $100,000.
	Condition reason: To ensure the Section 7.12 Contributions are paid.
8.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$ 41,690.36** 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.	**STREET TREE BOND**
	A bond of **$25,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of Eight (8) various species along the eastern side of the property on the grass verge of Denison Street: a) *Two (2) Plumeria rubra* (Frangipani) b) One (1) *Lagunaria patersonii* (Norfolk Island Hibiscus) c) *Two (2) Magnolia grandiflora* (Bull Bay Magnolia) d) Three (3) small residential plantings mixed species I. The sum will be forfeited to the Council at its discretion for a breach of these requirements II. Street trees to be inspected twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council III. The $25,000 bond will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.
	Condition Reason: To ensure the trees' health and vigour remains unaffected by construction works.
10.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect 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. <u>Note</u>: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.
11.	**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.
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.	**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.
16.	**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, such as the building façade 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 structural stability of retained building elements.
17.	**STORMWATER MANAGEMENT** The submitted stormwater plan prepared by NB Consulting Engineers, Job No. 2404057, Drawing D01, D02, D03, D10, D20 Issue A, dated 20/06/2024 is considered satisfactory. Evidence from a suitably qualified and practising Engineer that the approved design has been adhered to must be submitted to Council for the issue of Compliance Certificate prior to the release of any construction certificate by the Principal Certifying Authority (PCA). The Applicant must pay Council fees for the Issue of Compliance Certificate, in accordance with the Council's Schedule of Fees & Charges at the time of the issuance of Compliance Certificate, prior to such approval being granted by Council. Notes i. If replacing, any proposed stormwater discharge within the footpath verge of Denison Street must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t). Note a minimum of 1m width of concrete kerb and gutter must be replaced encompassing this connection, with 10mm thick mastic expansion joints installed on both sides (full depth) and with a 600mm asphalt adjustment and liquid crack sealing if the asphalt is damaged as part of the works or found to be in a deteriorated state. ii. The stormwater management plans must be updated to be consistent with the architectural/landscape drawings. iii. Any Council infrastructure affected as a 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 must be replaced if damaged as per the Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant. iv. 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. v. 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. vi. 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 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.
	Condition reason: To ensure the proper management of stormwater runoff and the approved design has been adhered to.
18.	**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.
19.	**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.
20.	**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.*
21.	**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 require details of measures that will protect the public, and the surrounding environment, during site works and construction.
22.	**DILAPIDATION REPORT**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land to the satisfaction of the Principal Certifying Authority. At minimum, the following property is to be included: (a) No. 25 Hough Street, Bondi Junction (b) No. 129A Denison Street, Bondi Junction. Where access has not been granted to an adjoining property to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifying Authority that all reasonable steps were taken to obtain access to the adjoining properties. The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site. No less than 14days before any site work commences, adjoining property owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time. 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.
23.	**RENEWABLE ENERGY AND ENERGY EFFICIENCY**
	To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply: (a) An electric hot water system is strongly encouraged in all developments. Recommended systems include electric heat pump, solar thermal with electric boost or electric storage.

	(b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump. (c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction). (d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors. The architectural plans shall be updated to notate the above and submitted to the Principal Certifying Authority for approval, prior to the issue of a Construction Certificate.
	Condition reason: To reduce community greenhouse emissions to net zero by 2035 and ensure all new (or altered) homes have future capacity to be an all-electric building, powered by renewable energy.

BEFORE BUILDING WORK COMMENCES

	Condition
24.	**CONSTRUCTION SIGNS**
	Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.
	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.
25.	**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.

26.	**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.
27.	**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) Trunk and branch protection; (d) Do not use mechanical methods to excavate within root zones; (e) Do not add or remove topsoil from under the drip line; (f) Do not compact ground under the drip line; (g) Do not mix or dispose of liquids within the drip line of the tree; and (h) 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.
28.	**PROTECTIVE FENCING**
	(a) 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. (b) The protective fencing shall remain in place for the duration of the works, it must be secured to restrict access, and must not be removed or altered without approval on an arborist. (c) AS 4687 specifies applicable fencing requirements. (d) Protective fencing shall comprise of 1800mm high chain link wire mesh fixed to 50mm galvanised steel posts. (e) Portable chain link fencing may be installed. (f) Chain link portable panels must be securely fixed top and bottom to avoid separation. (g) Coloured plastic tape fencing or plain strained fencing wire fixed to steel droppers is unacceptable. (h) 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. Condition Reason: To create an exclusion zone around the tree throughout the construction to ensure all tree parts are protected.

29.	**TRUNK AND BRANCH PROTECTION**
	Where space does not permit the erection of protective fencing install trunk protection: (a) 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 centres 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. (b) Trunk protection must remain in place for the duration of all site work. (c) Trunk protection to be removed at the issue of the Occupation Certificate subject to the satisfaction of Council. Condition Reason: To be implemented when space does not permit the erection of protective fencing. Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction.
30.	**TREE PROTECTION ZONE SIGNAGE**
	(a) Signs identifying the TPZ on a development site and street trees should be placed around the edge of the TPZ and be visible from within the development site (b) Contact telephone numbers shall be clearly shown on all warning signs.
	Condition Reason: To advise contractors and visitors to the site of the purpose for protecting and preserving the tree (s).
31.	**CROWN PROTECTION**
	(a) Tree crowns may be injured by machinery such as excavators, drilling rigs, cranes, trucks, hoarding installation, and scaffolding. The tree protection zone may need to include additional protection of the above ground parts of the tree. (b) Crown protection may include pruning, tying-back of branches or other measures. If pruning is required, requirements are specified in AS 4373 and should be undertaken before the establishment of the TPZ. (c) 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.
	Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, for trees both on the site and those on adjoining sites.

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.	**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.
35.	**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.
	Condition reason: To ensure building material is stored in an appropriate location.

36.	**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, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
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.	**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.
39.	**CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS**
	The following applies to the construction of swimming pools and outdoor spas: (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure (e) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans MUST be submitted to Sydney Water at least 14 days prior to commencement of building operations.
	Condition reason: To ensure pools are constructed in a correct manner.
40.	**TREE WORK**
	a) If tree work is required, the site arborist is to contact Council and provide documentation on the health and condition, as well as the required works on the affected trees.

	b) Protection of all trees to be retained is to remain throughout the construction works. c) All trees must remain unaffected by construction works
	Condition reason: Precautions shall be taken when working near trees to ensure all tree parts are protected throughout the construction, tree protection must also remain effective.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
41.	**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.
42.	**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.
43.	**CERTIFICATION OF STORMWATER SYSTEM**
	Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified Hydraulics Engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
44.	**CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA**
	Prior to the pool being used, the following must be provided; (a) Certification that the pool has been constructed in accordance with the consulting engineers design; (b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au); (c) A sign outlining details of resuscitation techniques for adults, children and infants has been placed in a prominent position, close to the pool/outdoor spa. Signs are available from Council; (d) A copy of the occupation certificate must be submitted to Council. Note: Swimming/spa pool pumps are restricted from use between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance

	with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.
45.	**REMOVAL OF PROTECTION FOR STREET TREES**
	Once construction is complete protective fencing, trunk and branch protection, fencing and signage must be removed.
	Condition reason: To ensure the trees are not restricted by tree protection measures.
46.	**CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM**
	Certification must 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, relevant Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice. A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.
	Condition reason: To ensure that the new stormwater drainage system has been constructed as per the approved stormwater management plans and best practice.
47.	**CERTIFICATION OF RETAINED STORMWATER DRAINAGE SYSTEM**
	Certification must be provided from a suitably qualified and practicing Engineer or Plumber, that any retained stormwater drainage system is unblocked, in good working order, and has been repaired or replaced in accordance with Council's relevant Water Management Technical Manual and Development Control Plan and all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the certification must be submitted to the PCA and the assessing stormwater engineer within Infrastructure Services to be retained on file.
	Condition reason: To ensure the stormwater drainage system retained has been checked and will not result in any stormwater related issues for the occupiers or neighbours.
48.	**WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM**
	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, 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.

	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: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.

OCCUPATION AND ONGOING USE

	Condition
49.	**USE OF PLANT ROOMS**
	The "plant/mech." rooms at the lower ground level shall be used exclusively for the housing of plant and mechanical equipment and must not be used for the storage of goods or any other purpose.
	Condition reason: To ensure the plant room is not used for storage purposes.
50.	**ONGOING MAINTENANCE – 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: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.

GENERAL ADVISORY NOTES

	Condition
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.	**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.
6.	**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.
7.	**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.
8.	**EXCAVATION TO BE LIMITED**
	Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.
9.	**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. Details on additional criteria regarding trees on development sites can be found in Waverley Council Tree Management Guidelines 2022, 10. Appendices.
10.	**ROOT PRUNING**
	a) 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. b) 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 (minimum AQF Level 3 Certificate in Horticulture or Certificate 3 in Arboriculture).

	c) 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.
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.



Report to the Waverley Local Planning Panel

Application number	DA-572/2024
Site address	1 and 2/162 Macpherson Street, Bronte
Proposal	Alterations and additions to residential flat building including internal layout reconfiguration and associated structural works.
Date of lodgement	22 October, 2024
Owner	Proprietors of Strata Plan 15113
Applicant	Alon Musael
Submissions	Nil
Cost of works	$77,000.00
Principal Issues	• Exceedance of the height of buildings development standard. • Exceedance of the floor space ratio development standard.
Recommendation	That the application be **APPROVED** in accordance with the conditions contained in the report.
SITE MAP	



1. PREAMBLE

1.1 Executive Summary

The development application seeks consent for alterations and additions to the upper floor level of the rear of the existing residential flat building at 162 Macpherson Street, Bronte to facilitate a 4m² extension to the living areas of Units 1 and 2. New window and door openings will be provided to the rear northern elevation of the same floor level of these units .

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

- Exceedance of the height of buildings development standard.
- Exceedance of the floor space ratio development standard.

The assessment finds these issues acceptable as the proposed alterations and additions are sympathetic to the existing bulk and scale of the dwelling and surrounding developments, include the replacement of pre-existing non complying building elements and will not further alter the height exceedance nor result in any environmental planning impacts.

No submissions were received. No Councillor submissions were received. There were no declared conflicts of interest on this application from Council staff.

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

1.2 Site and Surrounding Locality

A site visit was carried out on 22 November 2024.

The site is identified as CP SP 15113, known as 162 Macpherson Street, Bronte. The site is located on the northern side of Macpherson Street between the intersections of Tipper Avenue and Gardyne Street.

The site is rectangular in shape with a southern frontage to Macpherson Street measuring 13.925m. It has an area of 510.7m^2 and falls towards the rear northern boundary.

The site is occupied by a part two, part three storey residential flat building with no vehicular access provided.

The subject site is adjoined by a residential flat building to the rear (battle-axe lot behind the site), a dwelling to the east at 13 Tipper Avenue and a dwelling to the west at 160 Macpherson Street. The locality is characterised by a variety of residential development, including dwellings and residential flat buildings.

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



Figure 1: Front southern elevation of existing building.



Figure 2: Rear northern elevation of existing building.

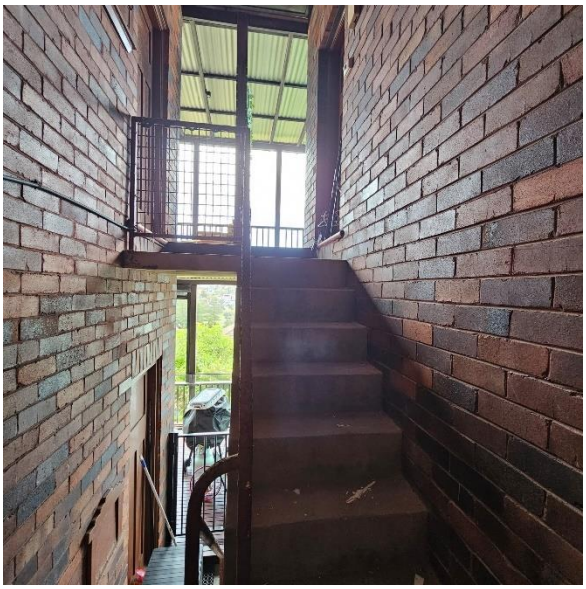


Figure 3: Top landing of existing fire stair looking north.

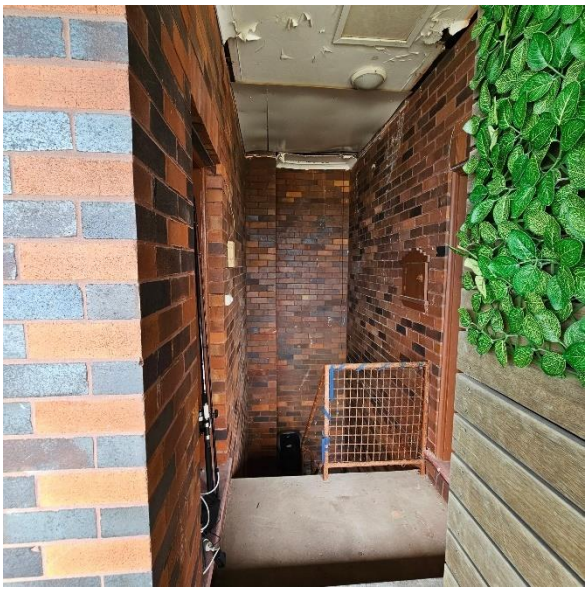


Figure 4: View from top landing of existing fire stair looking south.

1.3 Relevant Development History

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

- DA-1/2007 Alterations and additions to residential flat building - Approved 2 January 2007.
- DA-297/2013 Internal alterations and the addition of a new deck - Approved 12 July 2013.

- DA-539/2017/A Modifications to internal layout of Unit 2, relocated skylights and an additional skylight - Approved 13 December 2019.

- DA-57/2024 Alterations and additions, including a reconfiguration of internal layout (Unit 1) - Approved 5 March 2024.

- DA-58/2024 Alterations and additions, including a reconfiguration of internal layout (Unit 2) - Approved 5 March 2024.

1.4 Proposal

The development application seeks consent for alterations and additions to the rear of the existing residential flat building at upper floor level to facilitate a 4m² addition to the living areas of units 1 and 2. New window and door openings will be provided to the rear northern elevation of the units.

1.5 Background

Nil.

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under section 4.15 of 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 (Resilience and Hazards) 2021
- SEPP (Sustainable Buildings) 2022.

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

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table *R2 Low Density Residential Zone*	Yes on merit. Relies on Existing Use Rights	The proposal is defined as alterations and additions to a residential flat building which is prohibited in the R2 zone. The site benefits from existing use rights. Refer to detailed discussion below.
Part 4 Principal development standards		
4.3 Height of buildings • ***8.5m***	No	The proposal has a maximum height of 9.2m measured above the existing ground level. The proposal exceeds the development standard by a maximum of 700mm or 8.23%.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio ***Site Area: 510.7m²*** ***Allowable FSR: 0.5:1 (255.35m²)*** **Proposed FSR: 0.77 (396.47m²)**	No	The existing development has an FSR of 0.76:1 (388.47m²). The proposal provides for an additional 8m² of gross floor area to the existing development increasing the FSR to 0.77:1 or 396.47m² exceeding the development standard by 141.12m² or 55.26%.
4.6 Exceptions to development standards	See discussion below	The application is accompanied by documents pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings and floor space ratio development standards. A detailed discussion of the variations to the development standards is presented below this table.

The following is a detailed discussion of the issues identified in the compliance table above.

Existing Use Rights

The proposal provides for alterations and additions to an existing residential flat building which is a prohibited use in the R2 Low Density Residential zone under the Waverley LEP 2012.

The site has operated as a residential flat building immediately before the LEP had the effect of prohibiting that use. The present use of the premises on the site is an existing use within the meaning of Section 4.65 of the Act.

The continuance of that use is permitted by operation of Section 4.66(1) of the Act. There is no evidence to suggest that the use has been abandoned.

Any entitlement to carry out alterations or extensions to, or the rebuilding of a building or work being used for an existing use is found at Part 7 of the E*nvironmental Planning and Assessment Regulation 2021* (EPA Regulation), made under Section 4.67 of the Act, which permits certain regulations to be made for an existing use to be altered, extended or rebuilt subject to development consent.

Clause 163 in Part 7 of the EPA Regulation allows an existing use to be altered, extended or rebuilt.

163. Certain development allowed

(1) An existing use may, subject to this Part—

(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).

Clauses 165 and 166 in Part 7 of the EPA Regulation allow an existing use to be altered or rebuilt subject to development consent.

165 Alteration of buildings and works

(1) Development consent is required for an alteration of a building or work used for an existing use.

(2) The alteration must be—

(a) for the existing use of the building or work and for no other use, and

(b) erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.

166 Rebuilding of buildings and works

(1) Development consent is required for any rebuilding of a building or work used for an existing use.

(2) The rebuilding must be—

(a) for the existing use of the building or work and for no other use, and

(b) carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.

Having regard to the above the proposal provides for alterations and additions to the existing residential flat building. The subject site benefits from an existing use as a residential flat building and the proposal is permitted with development consent.

Clause 4.6 Exceptions to Development Standards - Height

The application seeks to vary the height of buildings development standard in clause 4.3 under Waverley LEP 2012 through the replacement and construction of new window and door openings to the rear northern elevation of units 1 and 2 at upper floor level.

The site is subject to a maximum building height development standard of 8.5m. The proposal has a building height of 9.2m, exceeding the standard by 700mm and equating to a 8.23% variation. It is noted that the proposed elements contained within the breach already exceed the development standard by 9.2m and equating to a 8.23% variation.

A document 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 document has been provided to the Waverley Local Planning Panel for consideration.

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

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

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

(i) The proposal will not result in the loss of views from surrounding development as all new elements are below the existing maximum height of the building contained within its existing envelope;

(ii) The proposal will not result in unreasonable overshadowing of adjoining properties as all new elements are below the existing height of the building and contained within its existing envelope;

(iii) The proposal will provide a development, which has been designed to ensure that the visual privacy is maintained as the new siding glass doors will not provide new opportunities for overlooking;

(iv) The proposal does not give rise to any acoustic impacts as it will not change the use of the dwelling for residential purposes or increase the intensity of this use;

(v) The proposal does not change the visual bulk, scale or external appearance of the building; and

(vi) The proposal leads to no changes to height or overall footprint, bulk or massing of the flat building and as such will not give rise to any new shadows falling upon public spaces.

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

(i) The proposal will not result in the loss of views from surrounding development as there are no changes to the actual height or footprint of the building;

(ii) The proposal will not result in unreasonable overshadowing of adjoining properties as there are no changes to the actual height or footprint of the building;

(iii) The proposal will provide a development, which will ensure visual privacy is maintained as the new siding lass doors will not provide new opportunities for overlooking;

(iv) The proposal does not give rise to any acoustic impacts as it will not increase the intensity of this use; and

(v) The proposal does not change the visual bulk, scale or external appearance of the building.

Consideration of Applicant's Document

The applicant's document has correctly identified the development standard to be varied, relevant legislation and measured height using the correct ground level. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of Wehbe v Pittwater Council (2007) 156 LGERA 446].

The applicant's justification is considered acceptable. The proposed height variation represents a technical non-compliance and is borne by the location of the existing non-complying elements of the building proposed to be replaced. The proposal will not further alter the height exceedance.

The perceived building envelope of the development remains unchanged by the proposed works which will result in negligible visual change to the bulk and scale of the development.

The proposal is inconsequential to the performance of the existing development against the objectives of the height development standard and in this regard is deemed acceptable and is supported.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

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

The existing building exceeds the height of buildings development standard and the proposed replacement works do not introduce additional view loss, privacy, visual impact or overshadowing impacts upon adjoining properties. No adverse impacts upon the streetscape presentation of the development will result and the proposal will preserve the existing environmental amenity of neighbouring properties and the locality.

Conclusion

The document provided by the applicant to vary the height of buildings development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

Clause 4.6 Exceptions to Development Standards – Floor Space Ratio

The application seeks to vary the floor space ratio development standard in clause 4.4 under Waverley LEP 2012 through the provision of an additional 8m² of gross floor area to the existing development.

The site is subject to a maximum floor space ratio development standard of 0.5:1. The proposed development has a floor space ratio of 0.77:1, exceeding the standard by 141.12m² and equating to a 55.26% variation. It is noted that the existing development already exceeds the development standard by 133.12m² and equating to an 52.13% variation.

A document 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 document has been provided to the Waverley Local Planning Panel for consideration.

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

The applicant seeks to justify the contravention of the floor space ratio 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 does not increase the existing height of the building and all additional GFA comes from the conversion of an existing stairwell (which is not included in GFA) to floor area. As such, the actual correlation between the buildings height and density is unchanged.

(ii) Solar access, views and privacy are preserved as existing and the proposal does not change the external appearance of the building in any apparent way when viewed from the public domain and adjoining properties.

(iii) The height and bulk of the building are unchanged and would be acceptable on this site.

(iv) The proposal provides all additional floor area within the existing footprint, does not change the external appearance of the building and does not increase the height of the building.

(v) The proposal does not increase the height of the building and all new floor area is contained within the exiting footprint of the building with the floor area not extending beyond the existing rear building line.

(vi) The proposal does not alter the external appearance of the building in any apparent way and as such the proposal has no impact on the visual character of the streetscape. Accordingly it can be concluded that the development exists in harmony with surrounding development.

(vii) The proposed alterations and additions are internal and do not change the external appearance in any perceptible way. As such, the works do not change the character of the streetscape.

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

(i) The proposal will not result in the loss of views from surrounding development as the new floor area is entirely contained within the existing footprint and building envelope;

(ii) The proposal will not result in unreasonable overshadowing of adjoining properties as the new floor area is entirely contained within the existing footprint and building envelope;

(iii) The proposal will provide a development, which has been designed to ensure that the visual privacy is maintained as the new siding glass doors will not introduce new overlooking opportunities;

(iv) The proposal does not give rise to any acoustic impacts as it will not change the use of the dwelling for residential purposes or increase the intensity of this use or number of bedrooms;

(v) The proposal does not change the visual bulk, scale or external appearance of the building which will remain consistent with that of adjoining dwellings and the locality.

Consideration of Applicant's Document

The applicant's document has correctly identified the development standard to be varied, relevant legislation and calculated the FSR using the definition in the LEP. The document also addressed those matters required in Clause 4.6(3)(a) and (b).

Consideration of 4.6(3)(a) whether compliance is unreasonable or unnecessary in the circumstances of the case

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) of Wehbe v Pittwater Council (2007) 156 LGERA 446].

The applicant's justification is considered acceptable and demonstrates the objectives of the development standard are achieved.

The proposal represents a numerical non-compliance resulting from the replacement of non-calculable gross floor area (common vertical circulation) with 8m² of calculable gross floor area which has no consequence on the proposed built form outcome or perceived bulk and scale of the development.

The proposed additions, being located within the existing building envelope to the rear of the development, remain compatible with the bulk, scale, streetscape and desired future character of the locality.

The numerical non-compliance, bound by existing external walls and roof structure, suitably correlates with the existing height of the development and will preserve the environmental amenity of neighbouring properties and the locality.

Consideration of 4.6(3)(b) whether there are sufficient environmental planning grounds to justify contravening the development standard.

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

The material impact of the additions, being sited within the existing building envelope, does introduce additional view loss, privacy, visual impact or overshadowing impacts upon adjoining properties. No adverse impacts upon the streetscape presentation of the development will result and the proposal will preserve the existing environmental amenity of neighbouring properties and the locality.

Conclusion

The document provided by the applicant to vary the floor space ratio development standard has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory.

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

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

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

Development Control	Compliance	Comment
2. Ecologically Sustainable Development	Yes	Satisfactory.
11. Design Excellence	Yes	Satisfactory.
16. Inter War Buildings	Yes	Satisfactory. The proposed works being located to the rear of the existing building will not detract from the character or significance of the Inter War building.

Table 31: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
1.3 Setbacks		
2.3.1 Street setbacks **2.3.2 Side and rear setbacks**	Yes	The proposed works will maintain the existing front, side and rear boundary setbacks.
2.5 Building design and streetscape		

Development Control	Compliance	Comment
• *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 works, being sited to the rear within the existing building envelope are generally considered appropriate and will not result in an adverse impact upon the appearance of the existing building or the streetscape.
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	The proposal will not impact upon the views from adjoining premises. Views from public spaces will be maintained.
2.15 Visual privacy and security		
• Privacy be considered in relation to context density, separation use and design.	Yes	The proposal will not impact upon the visual privacy of adjoining properties. The proposed new windows and doors facing the rear of the site will replace existing openings in the same location.
2.19 Acoustic privacy		
• Internal amenity by locating noisy areas away from quiet areas	Yes	The proposal will not impact upon the internal amenity of the existing 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 16 days between 6 November, 2024 and 22 November, 2024 in accordance with the *Waverley 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 relevant internal referral comments were provided:

3.1 Fire Safety

The application was considered by Council's Fire Safety Officer who raised no objection to the proposal subject to conditions.

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.

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 19 November, 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and J 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:**
		
Peter Butler	Ben Magistrale	Angela Rossi
Co-ordinator, Fast Track Team	**Manager, Development Assessment**	**Executive Manager, Development Assessment**
Date: 25 November 2024	**Date:** 26 November 2024	**Date:** 29 November 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

<table>
<tr><td colspan="2">Planning Portal Data</td></tr>
<tr><td>Clause 4.6 register entry required</td><td>8.23% variation to height (Clause 4.3)<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>X</td><td>Variation limited to the doors and windows on the topmost floor.</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>Clause 4.6 register entry required</td><td>55.26% 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>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>Were the requirements of the Sustainable Buildings SEPP (effective 1 October 2023) met?</td><td>N/A</td></tr>
<tr><td>Have any dwellings been approved for affordable Rental Housing under this approval/consent?</td><td>No</td></tr>
<tr><td>Secondary Dwelling</td><td>No</td></tr>
<tr><td>Boarding House</td><td>No</td></tr>
<tr><td>Group Home</td><td>No</td></tr>
<tr><td>Is the development subject to the Special Infrastructure Contribution (SIC)?</td><td>No</td></tr>
<tr><td>Is the development located within an Urban Release area?</td><td>No</td></tr>
</table>

Waverley Council Data	
Trial Period database entry required	No
VPA submitted – follow up actions required	No
Refer to compliance for investigation	No
Commercial/liquor operational conditions	No
Was there a 'Conflict of Interest' declared	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 Isa Designs 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>Drawing No DA_000 Rev. C</td><td>Cover Sheet</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_001 Rev. C</td><td>Legend, General Notes and BASIX commitments</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_002 Rev. C</td><td>Regulatory Provisions</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_005 Rev. C</td><td>Site Analysis Plan</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_007 Rev. C</td><td>Existing and Demolition First Floor Plan</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_008 Rev. C</td><td>Proposed First Floor Plan</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_009 Rev. C</td><td>Existing Side (West) Elevation</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_010 Rev. C</td><td>Existing Side (East) Elevation</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_011 Rev. C</td><td>Existing & Proposed Rear (North) Elevations</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_012 Rev. C</td><td>Proposed Section AA</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_013 Rev. C</td><td>CWSM & ESC Plans</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
<tr><td>Drawing No DA_016 Rev. C</td><td>Window & Door Schedule</td><td>9 September, 2024</td><td>22 October, 2024.</td></tr>
</table>

(b) The Site Waste and Recycling Management Plan (SWRMP) Part 1</td></tr>
</table>

	(c) BASIX Certificate. 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.

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.	**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** (dated within 12 months) 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** (dated within 12 months) 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** (dated within 12 months) 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.
4.	**SECURITY DEPOSIT**
	A deposit (cash or cheque) for the amount of **$3,235.00** 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.
5.	**LONG SERVICE LEVY**
	A long service levy, as required under section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect of this building work. Evidence that the levy has been paid is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.25% of building work costing $250,000 or more.
	Condition reason: To ensure the long service levy is paid.

6.	**HOARDING**
	To ensure the site is contained during construction, a hoarding if required for the approved works, 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.
7.	**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.
8.	**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.
9.	**NATIONAL CONSTRUCTION CODE (NCC)/BUILDING CODE OF AUSTRALIA**
	All building work must be carried out in accordance with the requirements of the NCC. Details demonstrating compliance with the NCC must be submitted and approved by the certifying authority prior to the issue of a construction certificate.
	Condition reason: To ensure all building is carried out in accordance with the requirements of the NCC Building Code of Australia.
10.	**ESSENTIAL SERVICES - EXISTING BUILDING**
	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 essential fire safety measures are provided for the building.
11.	**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.

BEFORE BUILDING WORK COMMENCES

	Condition
13.	**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.
14.	**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 Describe the disposal methods for hazardous materials.
	Condition reason: To ensure the safety of workers and the general public.

DURING BUILDING WORK

	Condition
15.	**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.
16.	**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.
17.	**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.
	Condition reason: To ensure building material is stored in an appropriate location.
18.	**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, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021* and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.

19.	**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
20.	**FINAL OCCUPATION CERTIFICATE**
	Prior to occupation or use of the development, an Occupation Certificate must be obtained. The Principal Certifying Authority must be satisfied that the requirements of the *Environmental Planning & Assessment Act 1979* have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.
	Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.
21.	**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.

GENERAL ADVISORY NOTES

	Condition
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.	**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.

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.

THE ROMULD & HARVEY RESIDENCES

Alterations & Additions - Scope of Work

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street, Bronte NSW 2024

DRAWING LIST :

DA_000	Cover Page
DA_001	Legend, General Notes & BASIX Commitments
DA_002	Regulatory Provisions
DA_003	Location & Context Details
DA_004	Survey Plan
DA_005	Site Analysis Plan
DA_006	Existing Lower Ground & Ground Floor Plans
DA_007	Existing & Demolition First Floor Plan
DA_008	Proposed First Floor Plan
DA_009	Existing Side (West) Elevation
DA_010	Existing Side (East) Elevation
DA_011	Existing & Proposed Rear (North) Elevations
DA_012	Existing & Proposed Section AA
DA_013	Construction Waste & Site Management Plan
	Erosion, Sediment Control Plan
DA_014	Proposed GFA Calculations
DA_015	Shadow Diagrams 21 June - 9am, 12pm & 3pm
DA_016	Window & Door Schedule
DA_017	Notification Plan

RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024



iSA DESiGNS

Alon Musael

Postal Address: PO Box 403, Rose Bay NSW 2029
Mobile: +61 451 867 426
Email: alon@isadesigns.com.au

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 15113 Lots 1 & 2
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:
U1 - Jill Romuld
U2 - Dollone
Stephen Harvey
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Cover Page
Project No: DA_230418
Scale:
Drawing No: DA_000
Drawn: AM

Date:
Sent: 09.09.2024
Issue: 2
Revision: C

Revision Description:
- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

LEGEND :

BAL	Balustrade to BCA requirements
CBD	Cupboard
CF	Concrete floor, to be polished and sealed
CP	Concrete pavers
CT	Ceramic tiles
FCC	Fibre cement cladding, matt paint finish
FD	Fire door
G	Gutter
HR	Handrail to BCA requirements
J	Joinery
LB	Letter box
MSC	Metal sheet cladding
MSR	Metal sheet roof
OG	Obscure glazing
P	Parapet
RB	Rendered brickwork
RWT	Rainwater tank, to Hydraulic engineer details
SA	Smoke alarm to BCA requirements
TC	Timber cladding
TF	Timber flooring
TG	Timber gate
TW	New window/door system, finish TBA
NB	R3 Insulation to ceiling Foil Insulation to underside of roof R1 Insulation to exterior walls

Existing wall to be demolished

Existing wall to be retained

New wall

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services are to be disconnected in accordance with the requirements of the relevant authority.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the existing roof covering in accordance with BCA standards.
- All smoke alarms are to be installed in nominated locations in accordance with AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
- External stairs to achieve a slip resistance classification of not less than P4 in accordance with AS 4586-2013.
- All balustrades to have a minimum height not less than 1m and to comply with the relevant provisions of AS/NZS 1170.1-2002 and AS 1288-2006.
- A handrail must be installed to at least one side of the new staircase, extending for the full flight of the stairs.
- All floor wastes being provided to be with drainage flanges in accordance with AS 3740- 2010 to all wet areas.
- All doorways located within 1.2 metres of the toilet to be either outward swinging, sliding doors, or that the doors will consist of removable hinges.
- A timber frame is to be designed and constructed in accordance with AS 1684.2 and AS 1684.4
- All electrical scope of works to be in accordance with AS3000-2018.
- Termite Management System (barriers/collars) to comply with Part 3.4 of the ABCB Housing Provisions 2022 and be in accordance with AS3660.1-2014.
- Stormwater Drainage to comply with Clause 3.3.5 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
- Surface Water Drainage to comply with Clause 3.3.3 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
- All room heights to comply with Clause 10.3.1 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3.
- All fire hazard properties and non combustable building elements to comply with Clause H3D2 of the ABCB Housing Provisions 2022, NCC 2022 and be in accordance with AS4254.1.
- All steel framing and structure to comply with Clause H1D6(3), H1D6(5) & Part 6.3 of the ABCB Housing Provisions 2022, NCC 2022.
- All structural scope of works proposed within an Earthquake Area to comply with Clause H1D9 of the ABCB Housing Provisions 2022, NCC 2022 Section 2.
- The design alignment levels at the property boundary for driveways, access ramps and pathways (or the like) are to match the back of the existing Council footpath levels along the full site frontage where applicable.
- All scope of works proposed to comply with the ABCB Housing Provisions 2022, NCC 2022 Part 13 - Energy Efficiency.
- Building Fabric - All works undertaken to be in accordance with Part 13.2 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- Building Sealing - All works undertaken to be in accordance with Part 13.4 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- Services - All works undertaken to be in accordance with Part 13.7 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- All scope of works proposed to comply with the ABCB Housing Provisions 2022, NCC 2022 Part 10.8 - Condensation Management.
- External Wall Construction - Where pliable building membrane is installed it must be in accordance with Clause 10.8.1 of the ABCB Housing Provisions 2022, NCC 2022 Part 10.8 and AS4200.1 & AS4200.2.
- Exhaust System - An exhaust system installed in a kitchen, bathroom, sanitary compartment or laundry must have a minimum flow rate in accordance with Clause 10.8.2 of the ABCB Housing Provisions 2022, NCC 2022 Part 10.8.
- Ventilation of roof spaces - In climate zones 6, 7 and 8, a roof must have a roof space in accordance with Clause 10.8.3 of the ABCB Housing Provisions 2022, NCC 2022 Part 10.8.
- All BASIX commitments to be achieved as referenced on the BASIX Certificate.

BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Insulation requirements:

- Floor above existing dwelling or building : Nil.
- External wall: Cavity brick : Nil.
- Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)

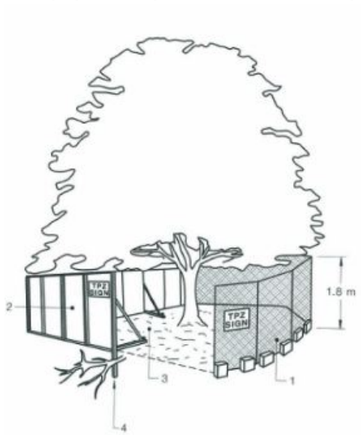
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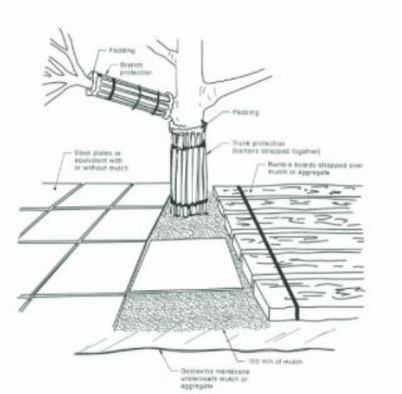
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Date Received: 22/10/2024

TREE PROTECTION NOTES:

- All proposed tree protection measures to comply and be in accordance with AS 4970-2009.





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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Legend, General Notes & BASIX Commitments

Project No: DA_230418

Drawing No: DA_001

Scale:

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

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Receipt No: DA-572/2024

Date Received: 22/10/2024

PRELIMINARIES

All work to comply with the Building Code of Australia, current editions of the relevant Australian Standards, and industry codes of practice.

Select, store, handle and install proprietry products or systems in accordance with the published recommendations of the manufacturer or supplier.

Dimensions and Setout
Do not scale from drawings. Take figured dimensions in preference to scale. Verify all dimensions on site before commencing work. The site foreman shall be responsible for verifying all dimensions and levels prior to the commencement of the Works. In the event of discrepancies in the setout of the Works, the builder should refer to the Project Designer for clarification before proceeding.

TERMITE PROTECTION
Termite protection to AS3660.1.
Use a physical barrier system installed by licensed installers to manufacturer's specification.
Obtain all relevant certification from licensed installers to the effect that these works have been executed in accordance with the BCA, Aust. Stds and relevant codes of practice.

SITE PREPARATION
Groundworks for slabs and footings to AS2870.
Demolition to AS2601.
Avoid erosion, contamination and sedimentation of the site, surrounding areas and drainage systems. Limit clearing of the Site to areas to be occupied by the Works, paving and landscaping. Grub out or grind stumps of all trees to be removed from the site.

EXCAVATION
Excavate to give the levels and profiles required for construction, site services, paving and landscaping. Allow for compaction and settlement. Confirm bearing capacity for foundations is adequate. Provide even bearing surfaces for load-bearing elements including footings. Grade to ground surface externally to drain ground or surface water away from the buildings without ponding. Remove all loose material, debris and organic matter prior to placing fill, ground slabs and load-bearing elements. Compact the ground to achieve required density.

VAPOUR BARRIERS
All vapour barriers to AS2870.
Provide vapour barriers below all ground concrete slabs (if required) on sand blind surface sufficient to cover hard projections. Barriers to be minimum 0.2mm thick impact resistant polyethylene film.
Provide ant-caps between any brick or stone piers and sub walls and timber bearers.

SERVICE TRENCHES
Excavate trenches as required to bring all services to the Works. Trenches to be straight between manholes, inspection points and junctions where practicable, of minimum depth required to adequately accommodate relevant service. Obtain inspection approvals where relevant prior to backfilling. Backfilling to be compacted to prevent subsidence.

CONCRETE CONSTRUCTION
Concrete structures generally to AS3600.
Ground slabs and footings to AS2870.
Ready-mixed concrete to AS1379.
All reinforcement to be in accordance with Engineer's drawings and specification. Place all concrete uniformly over the width of the slab to achieve a level face. Provide construction joints as required. Compaction, curing and formwork stripping to comply with Aust. Stds and codes of practice.

TIMBER AND STEEL CONSTRUCTION
All timber framing and flooring to AS1684, AS1720.1 where relevant.
Structural steelwork to AS4100.
Preparation of metal surfaces to AS1627.
Flashing and damp-proof courses to AS2904.

Steelwork
Fabricate and erect all structural steelwork in accordance with Structural Engineer's drawings and specifications. Submit shop drawings to Designer and Engineer for approval before commencing fabrication. All welds to be free of slag. Remove all swarf from steelwork and surrounds immediately after it is deposited. All proprietry fixings to be compatible with steelwork finish. Obtain certification from Structural Engineer to the effect that these works have been executed satisfactorily.

Wall framing
All framing to AS1684.
Provide additional noggings etc. where required to fix linings, cladding, hardware, fixtures, fittings and accessories.

Provide damp proof courses under bottom plate of external clad-frame walls on slabs or dwarxf masonry walls. Provide flashings to all external openings sufficient to prevent entry of moisture and wind-driven rain and other precipitation.

MASONRY CONSTRUCTION
Masonry generally to AS3700 and masonry units to AS4455.
Provide ant-caps between any brick or stone piers sub walls and timber bearers.

WATERPROOFING AND WET AREAS
All waterproofing to AS3740. All liquid and sheet membrane systems to be specific for their intended purpose, installed to manufacturer's specification, properly and effectively terminated at perimeters and drainage outlets. Provide certification by a credited certifier for waterproofing works prior to executing subsequent stages of Works. Provide a written guarantee for all waterproofing membranes of not less than 12 years.

TILING
All tiles to be cut to fit neatly around fixtures and fittings and at perimeters. Drill holes with damaging tile faces. Return tiles into sills, reveals, and opening. Butt up to returns, frames, fittings and other finishes. Distribute variations in hue, colour and pattern uniformly by mixing tiles or tile batches before laying. Allow beddings to set and attain working strength before opening areas to traffic. Set out tiles from the centre of floors and walls. Align joints between floors and walls where possible. Grade floor tiling even falls to floor wastes. Ensure level junctions to walls. Achieve minimum falls of 1 in 100 generally and 1 in 60 in shower wastes. Junctions between tiled floors and other materials to be finished with corrosion-resistant metal dividing strip fixed to the substrate. Do not compromise waterproof membrane. Bath cavities to be ventilated with min. 2 ventilation points..

FLOOR COATINGS AND COVERINGS
Polished concrete slab to be helicoptered burnish finish to Proprietor's specification.
Timber Floor coating to be 2 - 3 coats of Bona Mega (Silk Matt), applied using a Bona Roller or applicator. A coverage rate of 8 10m² / litre should be observed. Application to manufacturers specification.

PAINTING
All painting AS2311 and paint manufacturer's specifications.
Clean off marks, paint spots and stains progressively.
Touch up damaged paintwork with original paint batch where possible.
Refer to finishes schedule for details of painted finishes.

CABINETRY
Allow to build in and fit off all sinks and tubs, and other plumbing fixtures to be supplied by Proprietor.
Allow to co-ordinate between electrical and plumbing trades during installation of all cabinetry.

ARCHITECTURAL METALWORK
All metalwork strictly to Structural Engineers specification where applicable and to Designer's details. Confirm all measurements on site before fabrication. Prefabricate components off-site where possible for on-site fixing. All work to be set into position truly plumb, square and level and secured to suit loadings in vertical and horizontal alignment.

PLUMBING DRAINAGE AND GAS INSTALLATIONS
All plumbing and drainage work strictly in accordance with AS3500.
All gas installations to AS5601.
Install piping in straight lines and to minimum uniform grades where required. Ensure all piping is installed to prevent vibration and water-hammer whilst permitting thermal movement. Prevent direct contact with incompatible metals. Lines in sub-floor spaces to be min. 150mm clear of ground level. Ensure adequate access for inspection and maintenance where required.

Stormwater and Wastewater
Use temporary covers during construction to openings and keep system free of debris. Flush system clean upon completion. Connect subsoil drains to groundwater drainage system. Laundry tub, washing machine and kitchen sink to be plumbed directly into drainage lines via dedicated charged waste. Do not plumb through floor waste.

Rainwater Storage
All plumbing and drainage work strictly in accordance with AS1273 / AS2179 / AS3500.
First flush devices to be fitted to all downpipes. All inlets and outlets to be protected with suitable mosquito barrier.

Gas
Gas supply to be installed to Local Authority Requirements.On completion of installation and testing, turn on isolation and control valves and purge and charge the installation.

DOMESTIC ELECTRICAL AND MECHANICAL INSTALLATIONS
All domestic electrical works to AS3018.
All mechanical installations to AS1668.
All telecommunications installations to AS1501.8.
Provide switches, outlets and plates generally in accordance with wiring diagrams. Provide control switchgear, circuit breakers and earth leakage protection devices as required. Provide for installation of exhaust fans where required, appropriate to the use and size of the rooms to be ventilated. Connect and duct ceiling grilles to suitable, rainproof exterior outlets. Install smoke alarms as required by Aust. Stds and BCA.
Test all electrical installations, smoke alarms and mechanical ventilation prior to completion.

INSULATION AND SARKING
Provide flexible membrane material normally used for waterproofing, vapour retarding or thermal reflective insulation.
All bulk insulation to AS3742, installed to AS3999.
All sarking material to AS4200.1.
Fit all batts tightly between framing members, and support securely.
Provide vapour-permeable sarking under cladding which does not provide a permanent weatherproof seal, including boards or planks fixed in exposed locations where wind-driven rain can penetrate the joints. Apply to the outer face of external studs from top plate down over bottom plate and flashing. Run across studs and lap min. 150mm at joints. Provide roof sarking as part of roof insulation. Finish sarking at least 50mm clear of ridges.

ROOFING
All flashing materials to AS2904, fasteners to AS3566.
Metal sheet roofing to AS1562.
Roof sheeting to be Lysaght LONGLINE® profile or equivalent. All visible accessories, fixings, flashings, cappings, rainwater heads and gutters etc, to be compatible with roof sheeting. Ensure all electrolytic and similar corrosive actions are eliminated by the use of compatible materials, effective physical separation of adjacent unalike materials where required, and avoiding puncturing of metals and breaking down of surface finishes. Generally eaves will be exposed.

ROOF PLUMBING
All roof plumbing to AS2179.1 and AS2180.
All fasteners and mechanically fastened joints to be sealed with silicone sealant. Flashing projections above and through roofing with 2-part apron flashing and over-flashing, min. 100mm overlap. Allow for independent movement between roofing and projection. All cover and under-flashing materials to be electrolytically compatible with roof sheeting and rainwater goods. Provide minimum 0.48 BMT sheet steel cappings and fascias pre-formed to profiles indicated on details prior to delivery. All cappings and flashings to be in single, continuous lengths. All accessories and fixings as per sheet metal fabricator's recommendation. All guttering and roof sheeting to achieve minimum falls as per Aust. Stds and sheet metal manufacturer's recommendation.

DOORS AND WINDOWS
All doors and windows generally to AS2047.1 as per door and window schedule.

Install flashings, weather-bars, drips, storm moulds etc. to prevent water entering building between frames and the building structure. Install all door and window sets plumb, level, straight and true, adequately anchored and free of building loads and structural deflection.

LININGS
All plasterboard linings to AS2588, 13mm thick sheets to ceilings, 10mm thick sheets to walls. Moisture resistant plasterboard to be used in all wet areas.
All fibre cement linings to AS2908.2, walls - 9mm-thick sheets, suspended soffits - 9mm-thick sheets, floors - 18mm thick sheets.
All installation to AS2589.1. Linings to be fixed to framing at recommended spacing. Ensure all linings are level, plumb, straight and true as applicable. Provide recessed edge sheets and finish flush with perforated reinforcing tape. Provide flashings, trim and sealants to effectively waterproof wet areas. Provide timber trim as detailed and where necessary to make neat junctions between components and finishes. Provide Rondo stopping bead profile to ceiling planes.

Flooring and Decking
Strip flooring to AS1684.
Particleboard sheet flooring to AS1859.1, installed to AS1860.
Fibre-cement flooring to AS2908.2.
New timber decking to AS2796.
Ensure building is sufficiently protected from weather prior to installing all strip- and sheet-flooring.

Decking
Allow to fix select grade hardwood decking as supplied by Proprietor. All handling, storage, installation and finishing as recommended by the manufacturer. Allow for sufficient acclimatization prior to installation.

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 15113 Lots 1 & 2
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:
U1 - Jill Romuld
U2 - Dollone
Stephen Harvey
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Regulatory Provisions
Project No: DA_230418
Scale:
Drawing No: DA_002
Drawn: AM

Date:
Sent: 09.09.2024
Issue: 2
Revision: C

Revision Description:
Preliminaries & Schematic Design
Client Amendments & Review
DA Submission - Council Review

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Receipt No: DA-572/2024

Date Received: 22/10/2024

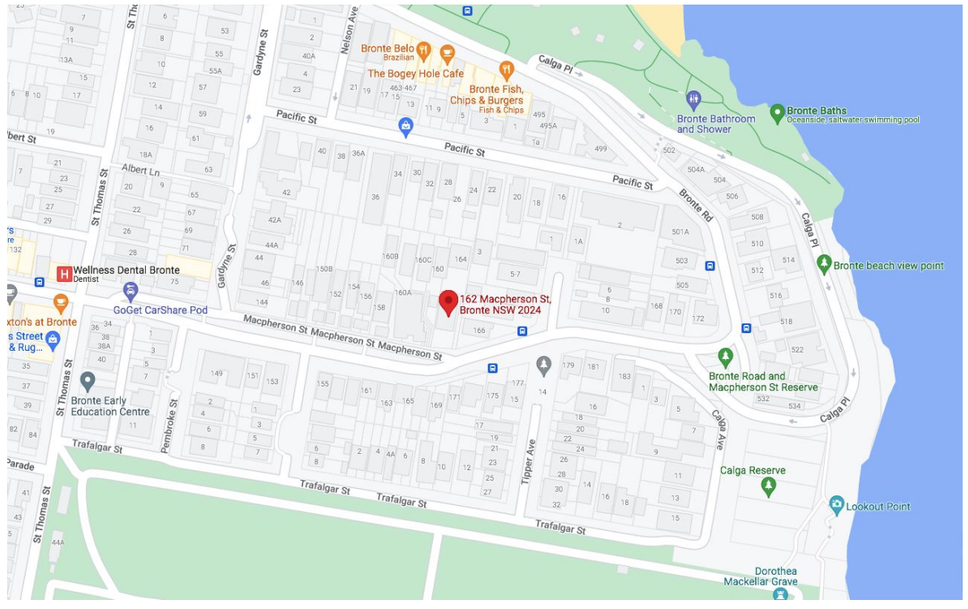












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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Location & Context Details

Project No: DA_230418

Drawing No: DA_003

Scale:

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

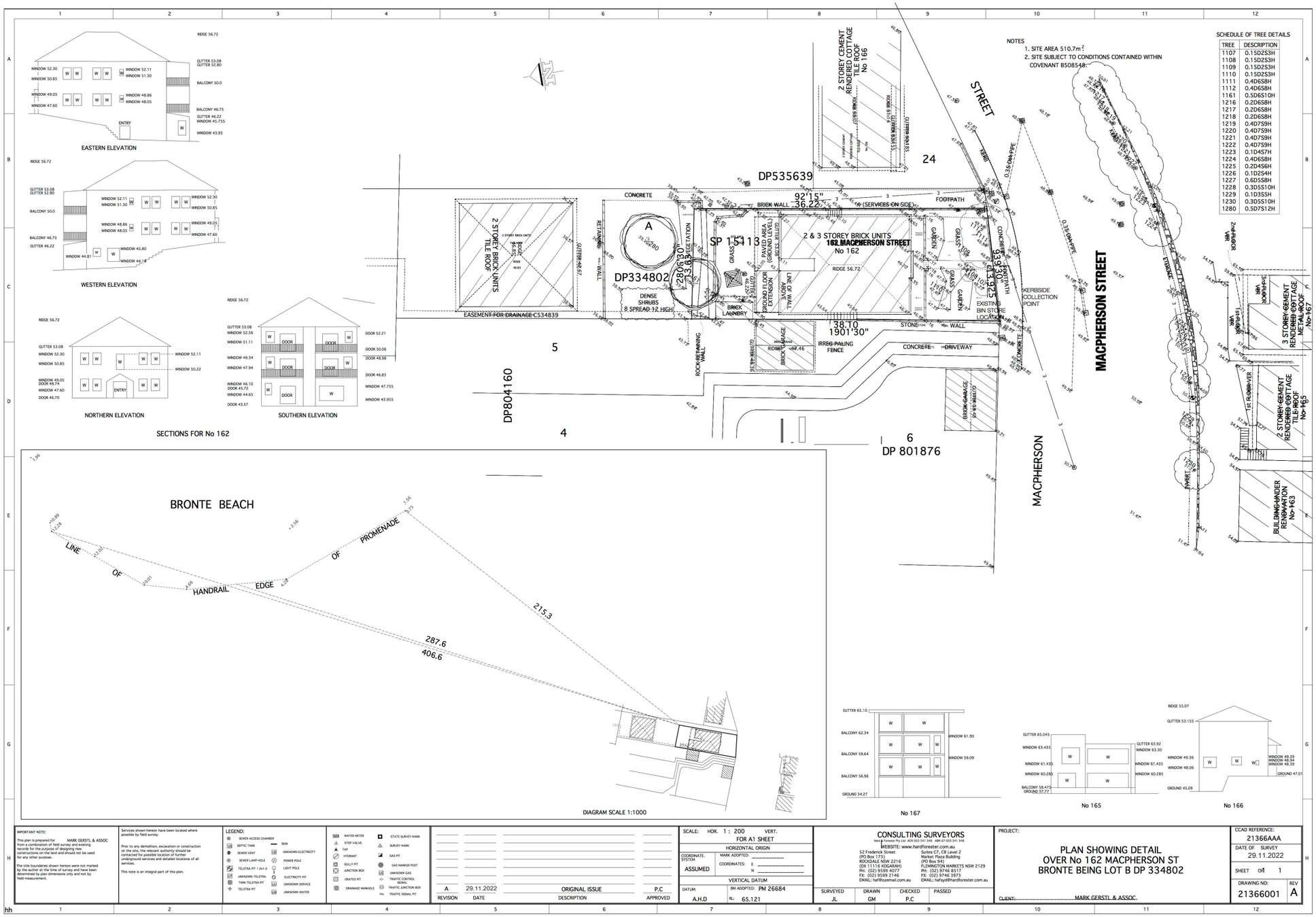
Revision Description:

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- Client Amendments & Review
- DA Submission - Council Review

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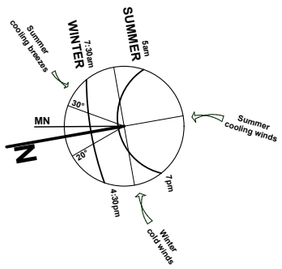
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Survey Plan

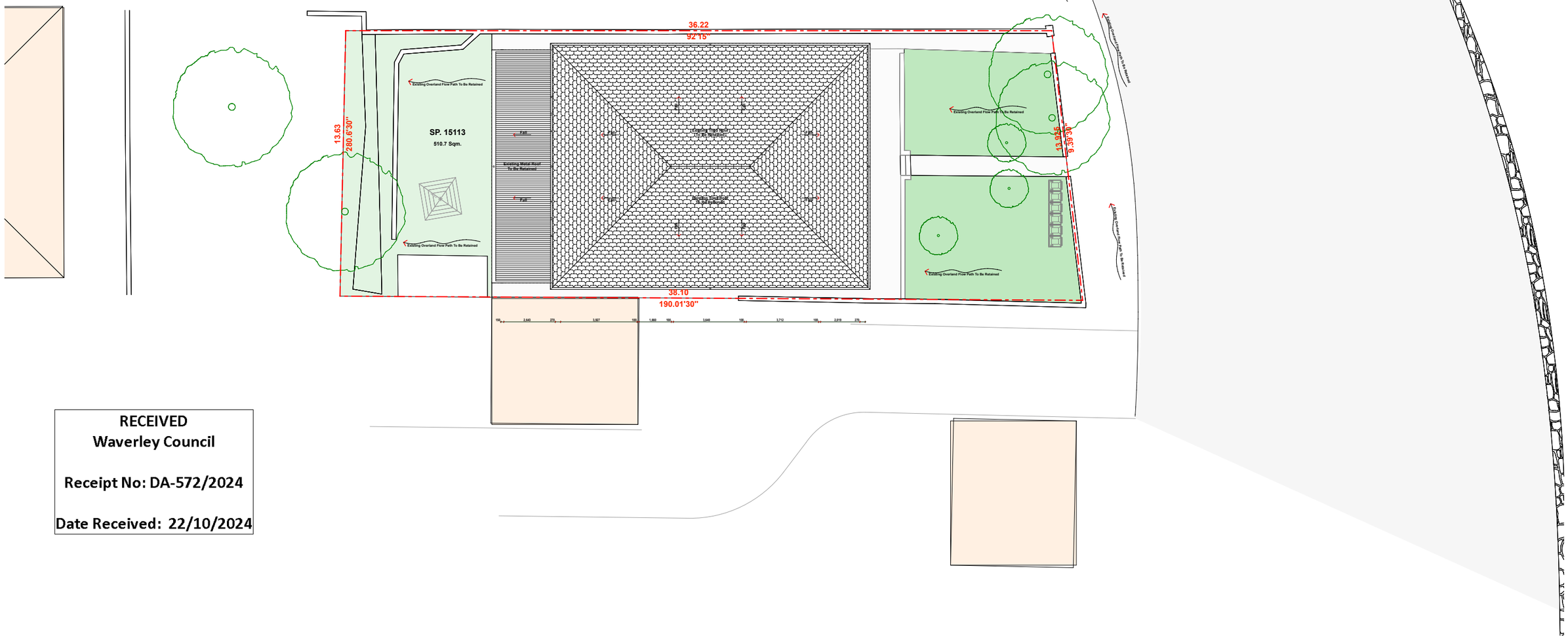
iSA DESiGNS Alon Musael **Postal Address** PO Box 403 Rose Bay NSW 2029 **Mobile** +61 451 867 426 **Email** alon@isadesigns.com.au	This drawing and design is subject to Copyright Law, and may not be used nor reproduced without prior written consent from isa designs. Detailed drawings are to be taken in preference to more general drawings. All dimensions to be verified onsite prior to the commencement of any work. Any discrepancies found, shall be reported to isa designs or builder immediately. **FOR CONSTRUCTION**	**PROJECT:** Alterations & Additions SP. 15113 Lots 1 & 2 Units 1 & 2 / 162 Macpherson Street Bronte NSW 2024
CLIENTS: U1 - Jill Romuld U2 - Dollone Stephen Harvey Units 1 & 2 / 162 Macpherson Street Bronte NSW 2024	**Drawing Name:** Survey Plan **Project No:** DA_230418 **Scale:** 1 : 200 @ A3 **Drawing No:** DA_004 **Drawn:** AM	**Date:** **Sent:** 09.09.2024 **Issue:** 2 **Revision:** C

Revision Description:
- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review



GFA & OPEN SPACE CALCULATIONS

Existing - 162 Macpherson Street, Bronte		Proposed - 162 Macpherson Street, Bronte	
Site Area -	510.70 Sqm.	Site Area -	510.70 Sqm.
Existing Open/Outdoor Area -	307.98 Sqm. (60.31%)	Existing Open/Outdoor Area -	307.98 Sqm. (60.31%)
Permissible FSR -	0.75 : 1	Permissible FSR -	0.75 : 1
Existing FSR -	0.76 : 1	Existing FSR -	0.76 : 1
		Proposed FSR -	0.77 : 1
Existing Site Coverage -	240.35 Sqm. (47.06%)	Existing Site Coverage -	240.35 Sqm. (47.06%)
Existing Landscape/Deep Soil Area -	187.42 Sqm. (36.70%)	Existing Landscape/Deep Soil Area -	187.42 Sqm. (36.70%)
Existing Lower Ground Floor Area -	82.73 Sqm.	Existing Lower Ground Floor Area -	82.73 Sqm.
Existing Ground Floor Area -	152.87 Sqm.	Existing Ground Floor Area -	152.87 Sqm.
Existing First Floor Area -	152.87 Sqm.	Proposed First Floor Area -	160.87 Sqm.
Total Existing Floor Area -	388.47 Sqm.	Total Proposed Floor Area -	396.47 Sqm.



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Site Analysis Plan

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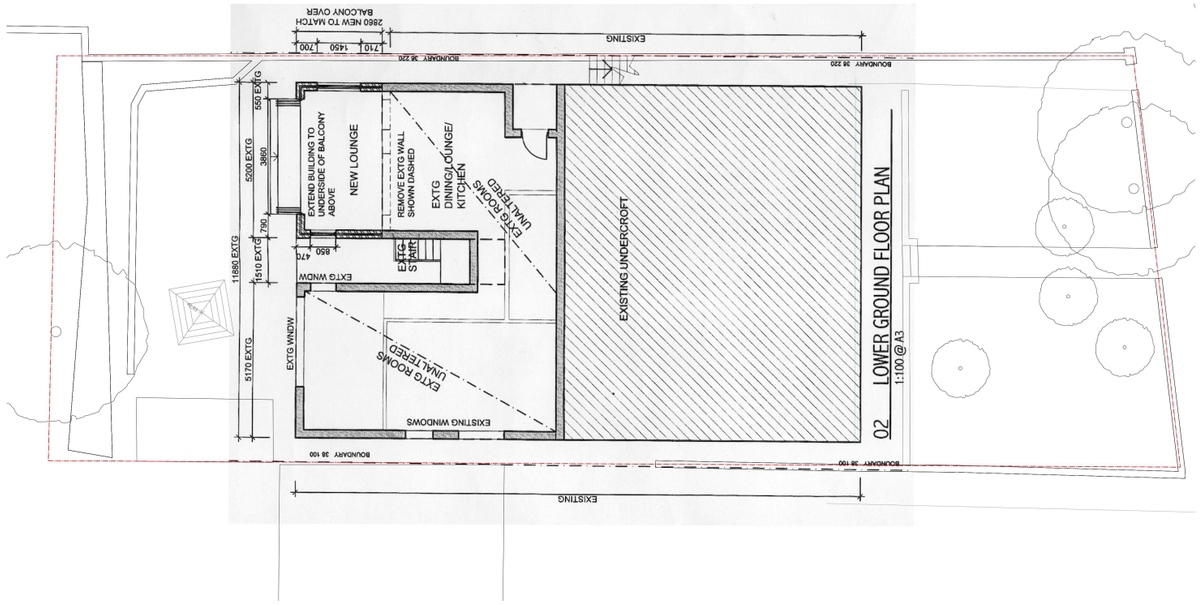
FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 15113 Lots 1 & 2
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

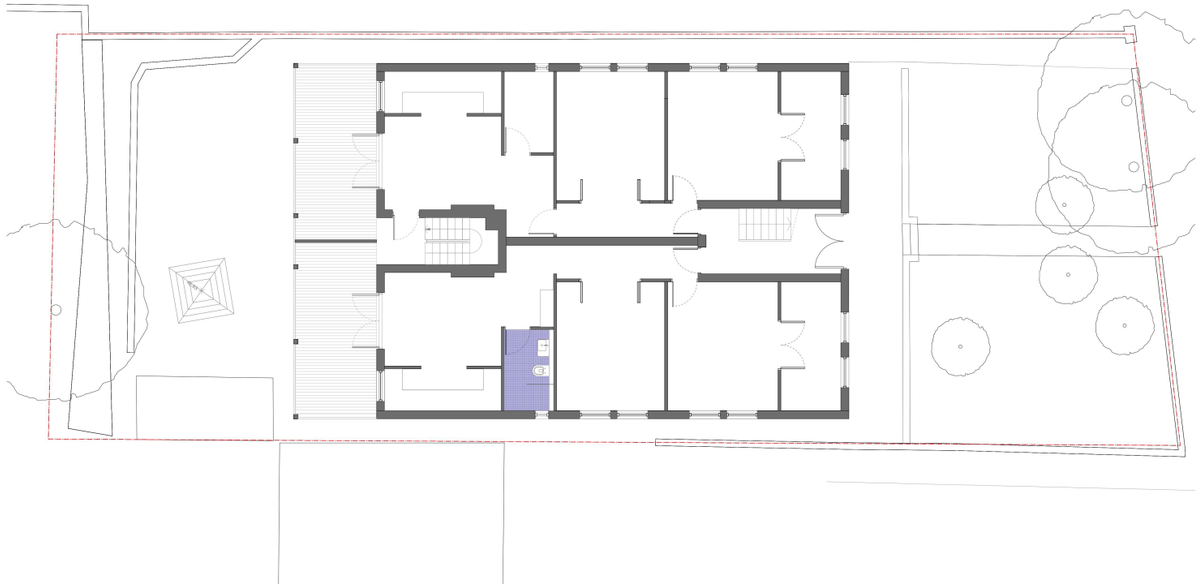
CLIENTS:
U1 - Jill Romuld
U2 - Dollone
Stephen Harvey
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Site Analysis Plan
Project No: DA_230418
Drawing No: DA_005
Scale: 1 : 200 @ A3
Drawn: AM
Date:
Sent: 09.09.2024
Issue: 2
Revision: C

Revision Description:
- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review



Existing Lower Ground Floor Plan



Existing Ground Floor Plan

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Receipt No: DA-572/2024

Date Received: 22/10/2024

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Existing Lower Ground & Ground Floor Plans

Project No: DA_230418

Scale: 1 : 200 @ A3

Drawing No: DA_006

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
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All demolition work to Comply and be in accordance with AS2601 (2001) - Demolition of Structures.

The demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard - AS2601 - Demolition of Structures and Waverley Council's Asbestos Policy.

A copy of the demolition work plan must be provided to the Principal Certifier and Council. A copy shall also be maintained on site and be made available to Council officers upon request.

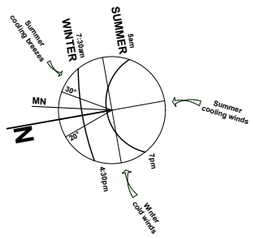
BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Insulation requirements:

- Floor above existing dwelling or building : Nil.
- External wall: Cavity brick : Nil.
- Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)



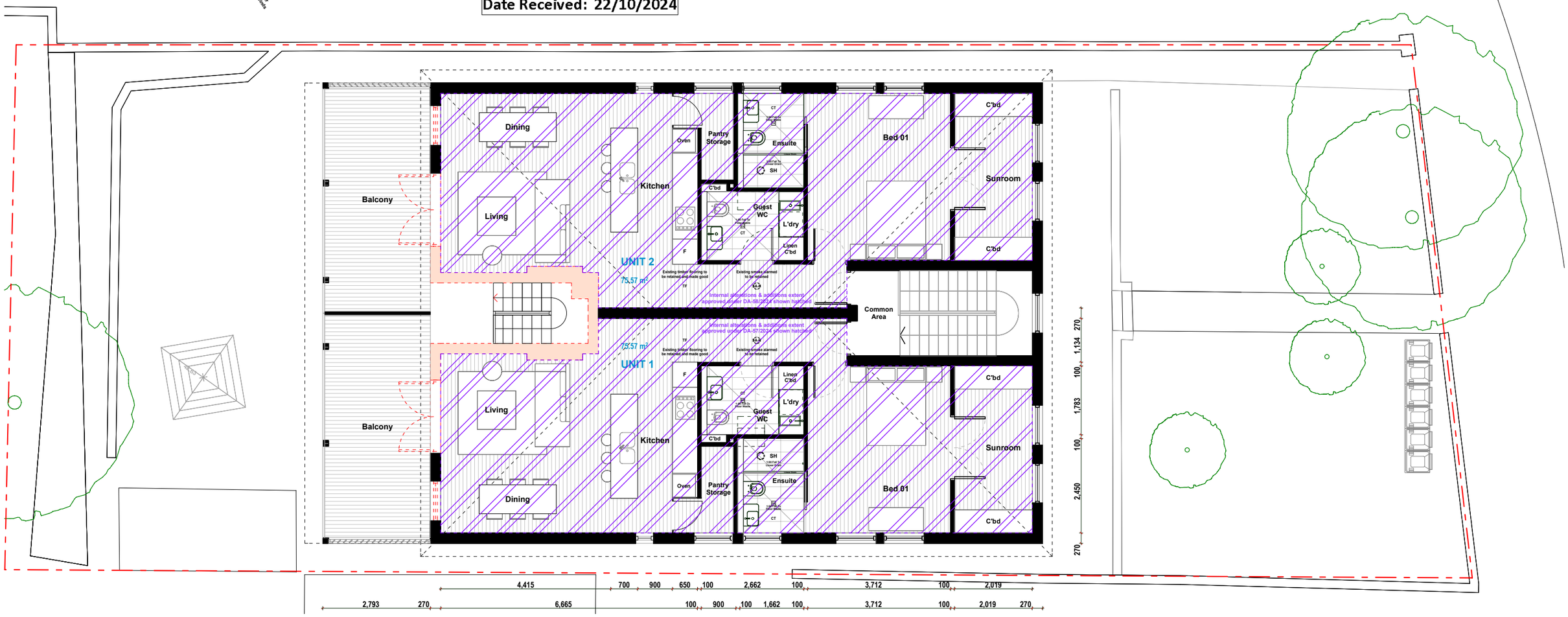
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Receipt No: DA-572/2024

Date Received: 22/10/2024

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services are to be disconnected in accordance with the requirements of the relevant authority.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the existing roof covering in accordance with BCA standards.
- All existing smoke alarms are to be confirmed onsite in accordance with AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
- All balustrades to have a minimum height not less than 1m and to comply with the relevant provisions of AS/NZS 1170.1-2002 and AS 1288-2006.
- All floor wastes being provided to be with drainage flanges in accordance with AS 3740- 2010 to all wet areas.
- All doorways located within 1.2 metres of the toilet to be either outward swinging, sliding doors, or that the doors will consist of removable hinges.
- A timber frame is to be designed and constructed in accordance with AS 1684.2 and AS 1684.4
- All electrical scope of works to be in accordance with AS3000-2018.
- Termite Management System (barriers/collars) to comply with Part 3.4 of the ABCB Housing Provisions 2022 and be in accordance with AS3660.1-2014.
- Stormwater Drainage to comply with Clause 3.3.5 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
- Surface Water Drainage to comply with Clause 3.3.3 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
- All room heights to comply with Clause 10.3.1 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3.
- All fire hazard properties and non combustable building elements to comply with Clause H3D2 of the ABCB Housing Provisions 2022, NCC 2022 and be in accordance with AS4254.1.
- All steel framing and structure to comply with Clause H1D6(3), H1D6(5) & Part 6.3 of the ABCB Housing Provisions 2022, NCC 2022.
- All structural scope of works proposed ~~with in an Earthquake Area to~~ comply with Clause H1D9 of the ABCB Housing Provisions 2022, NCC 2022 Section 2.
- All scope of works proposed to comply with the ABCB Housing Provisions 2022, NCC 2022 Part 13 - Energy Efficiency.
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- All BASIX commitments to be achieved as referenced on the BASIX Certificate - A1767337.



Existing & Demolition First Floor Plan

iSA DESiGNS

Alon Musael

Postal Address: PO Box 403, Rose Bay NSW 2029
Mobile: +61 451 867 426
Email: alon@isadesigns.com.au

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name:	Existing & Demolition First Floor Plan			**Date:**	**Revision Description:**
				Sent: 09.09.2024	Preliminaries & Schematic Design
					Client Amendments & Review
Project No:	DA_230418	**Scale:**	1 : 100 @ A3	**Issue:** 2	DA Submission - Council Review
Drawing No:	DA_007	**Drawn:**	AM	**Revision:** C	

All demolition work to Comply and be in accordance with AS2601 (2001) - Demolition of Structures.

The demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard - AS2601 - Demolition of Structures and Waverley Council's Asbestos Policy.

A copy of the demolition work plan must be provided to the Principal Certifier and Council. A copy shall also be maintained on site and be made available to Council officers upon request.

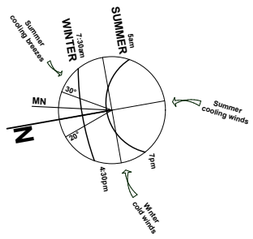
BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Insulation requirements:

- Floor above existing dwelling or building : Nil.
- External wall: Cavity brick : Nil.
- Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)



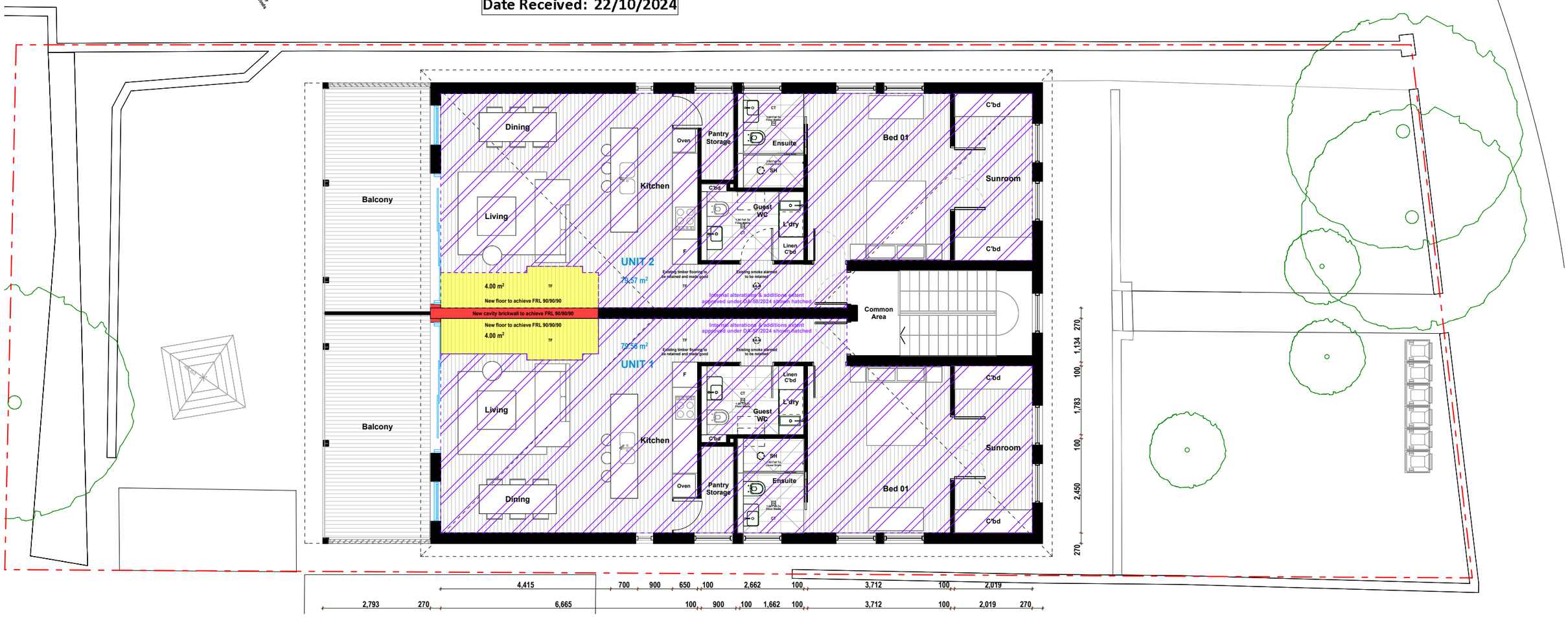
RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services are to be disconnected in accordance with the requirements of the relevant authority.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the existing roof covering in accordance with BCA standards.
- All existing smoke alarms are to be confirmed onsite in accordance with AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
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- All fire hazard properties and non combustable building elements to comply with Clause H3D2 of the ABCB Housing Provisions 2022, NCC 2022 and be in accordance with AS4254.1.
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Proposed First Floor Plan

iSA DESiGNS

Alon Musael

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Proposed First Floor Plan

Project No: DA_230418

Scale: 1 : 100 @ A3

Drawing No: DA_008

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

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The demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard - AS2601 - Demolition of Structures and Waverley Council's Asbestos Policy.

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BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Insulation requirements:

- Floor above existing dwelling or building : Nil.
- External wall: Cavity brick : Nil.
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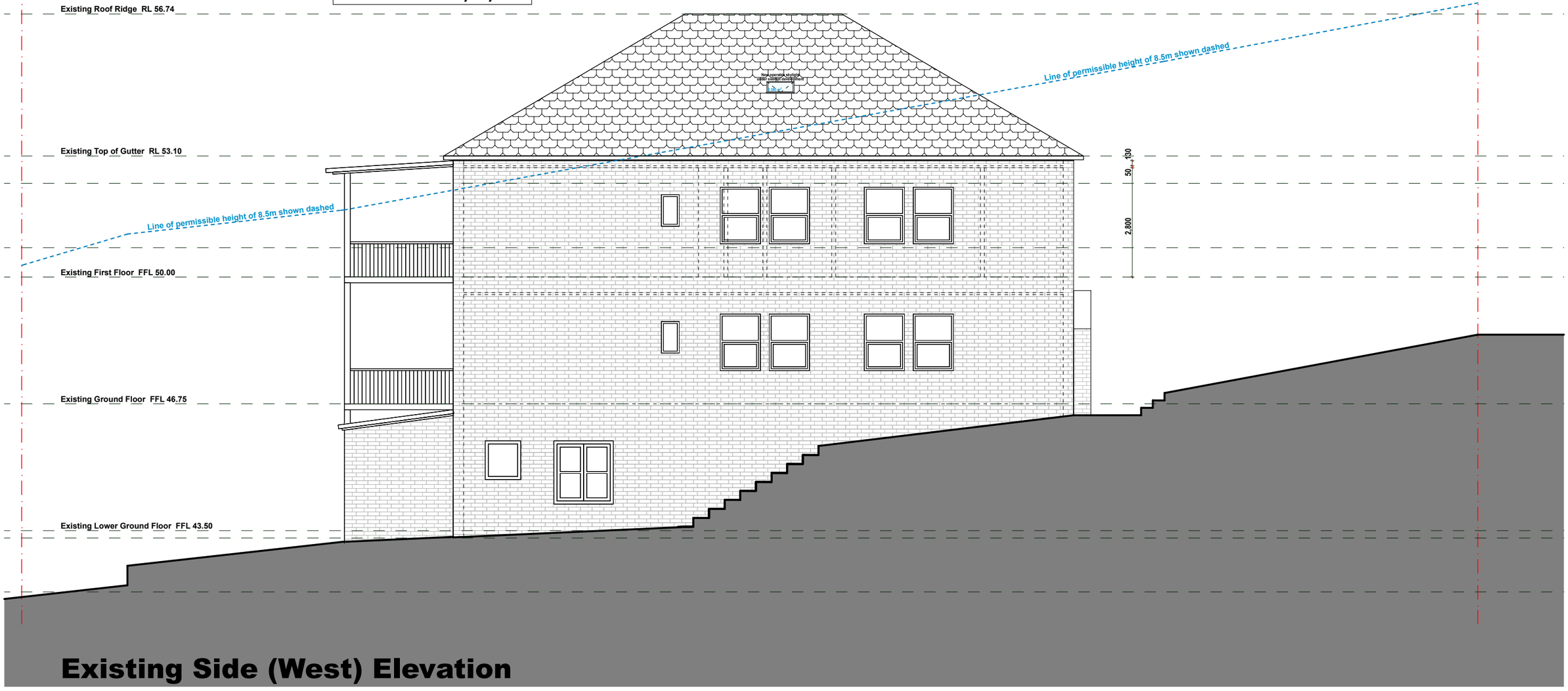
RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services are to be disconnected in accordance with the requirements of the relevant authority.
- Existing common wall to be weatherproofed.
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- All BASIX commitments to be achieved as referenced on the BASIX Certificate - A1767337.



Existing Side (West) Elevation

iSA DESiGNS

Alon Musael

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Existing Side (West) Elevation

Project No: DA_230418

Scale: 1 : 100 @ A3

Drawing No: DA_009

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

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BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

- A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.

Insulation requirements:

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- External wall: Cavity brick : Nil.
- Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)

RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
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Existing Side (East) Elevation

iSA DESiGNS

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Existing Side (East) Elevation

Project No: DA_230418

Scale: 1 : 100 @ A3

Drawing No: DA_010

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

All demolition work to Comply and be in accordance with AS2601 (2001) - Demolition of Structures.

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Fixtures & Systems:

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Insulation requirements:

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GENERAL NOTES:

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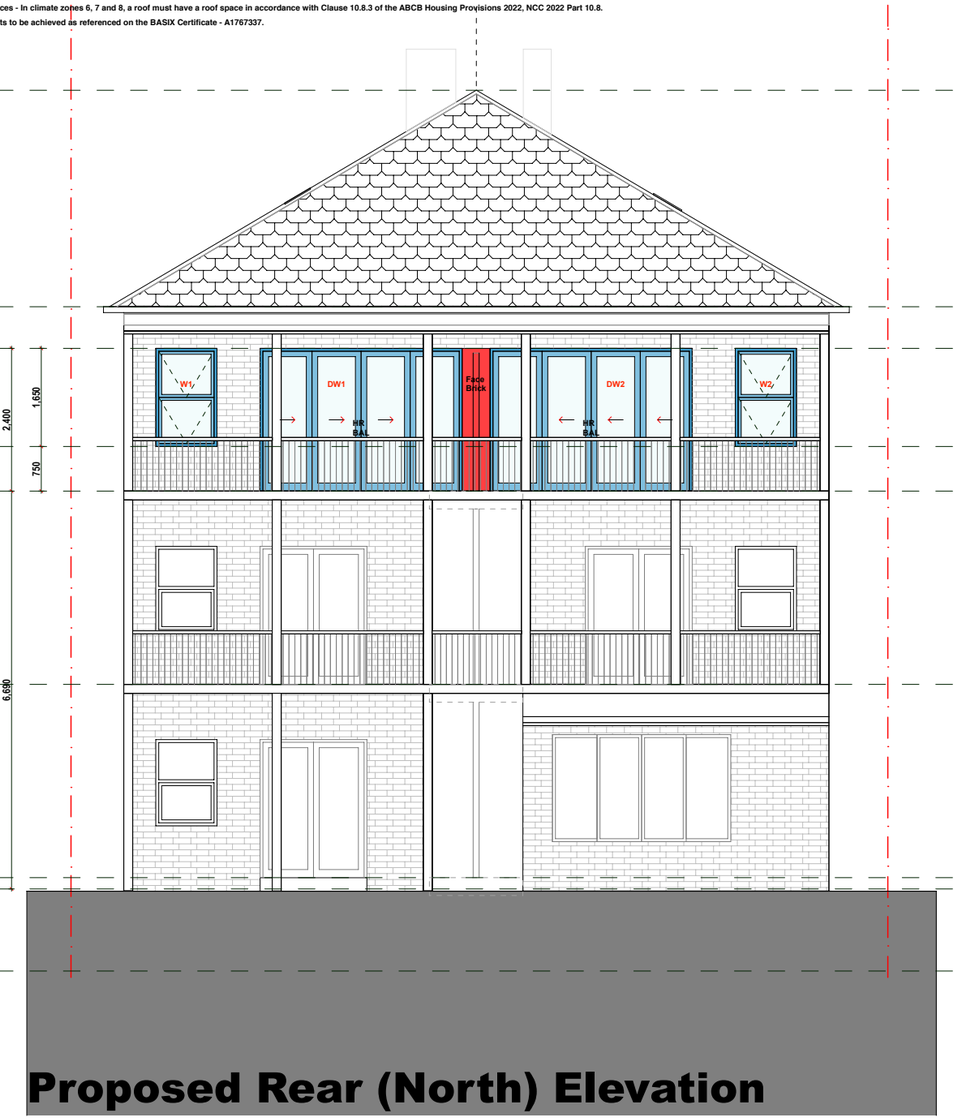
RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024



Existing & Demolition Rear (North) Elevation



Proposed Rear (North) Elevation

iSA DESiGNS

Alon Musael

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Existing & Proposed Rear (North) Elevations

Project No: DA_230418

Scale: 1 : 100 @ A3

Drawing No: DA_011

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

All demolition work to Comply and be in accordance with AS2601 (2001) - Demolition of Structures.

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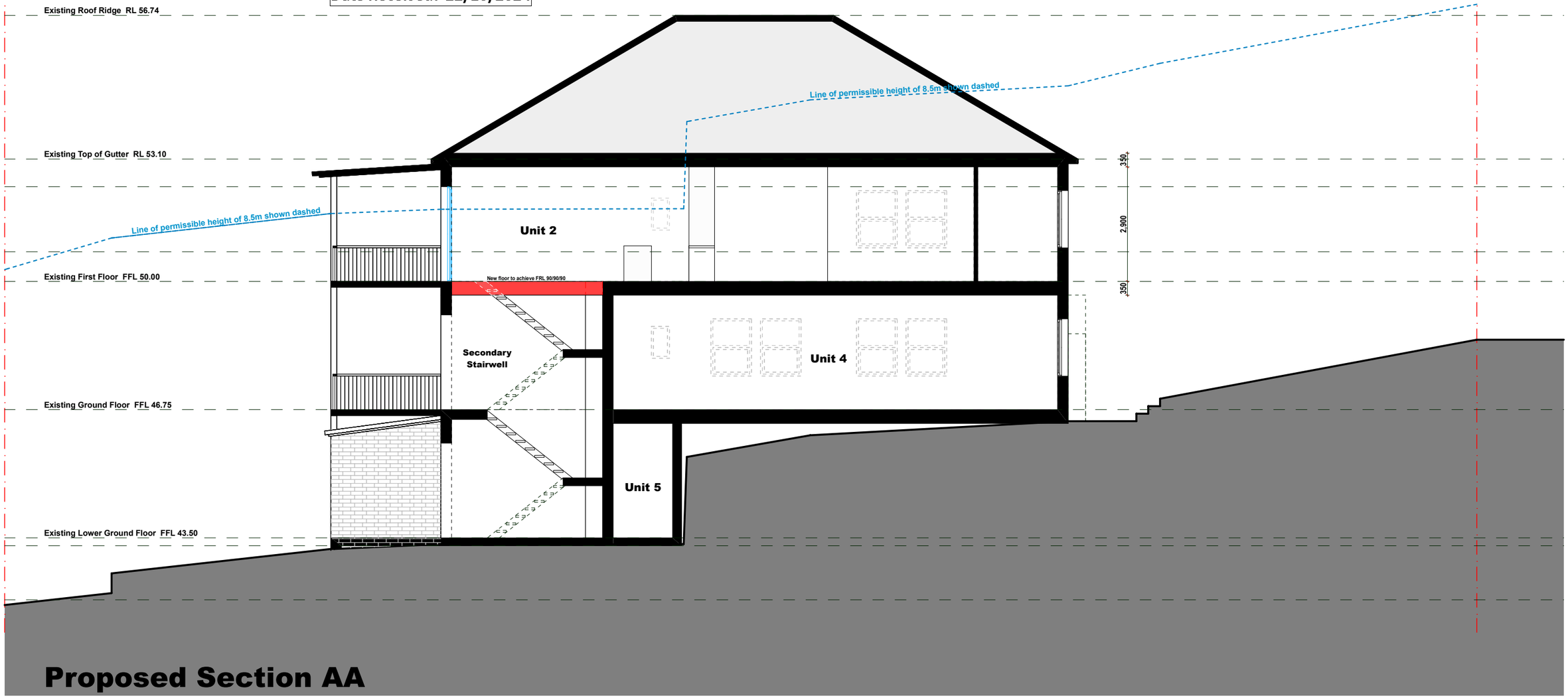
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Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

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- Surface Water Drainage to comply with Clause 3.3.3 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
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- All fire hazard properties and non combustable building elements to comply with Clause H3D2 of the ABCB Housing Provisions 2022, NCC 2022 and be in accordance with AS4254.1.
- All steel framing and structure to comply with Clause H1D6(3), H1D6(5) & Part 6.3 of the ABCB Housing Provisions 2022, NCC 2022.
- All structural scope of works proposed within an Earthquake Area to comply with Clause H1D9 of the ABCB Housing Provisions 2022, NCC 2022 Section 2.
- All scope of works proposed to comply with the ABCB Housing Provisions 2022, NCC 2022 Part 13 - Energy Efficiency.
- Building Fabric - All works undertaken to be in accordance with Part 13.2 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- Building Sealing - All works undertaken to be in accordance with Part 13.4 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- Services - All works undertaken to be in accordance with Part 13.7 of the ABCB Housing Provisions 2022, NCC 2022 Part 13.
- All scope of works proposed to comply with the ABCB Housing Provisions 2022, NCC 2022 Part 10.8 - Condensation Management.
- Exhaust System - An exhaust system installed in a kitchen, bathroom, sanitary compartment or laundry must have a minimum flow rate in accordance with Clause 10.8.2 of the ABCB Housing Provisions 2022, NCC 2022 Part 10.8.
- Ventilation of roof spaces - In climate zones 6, 7 and 8, a roof must have a roof space in accordance with Clause 10.8.3 of the ABCB Housing Provisions 2022, NCC 2022 Part 10.8.
- All BASIX commitments to be achieved as referenced on the BASIX Certificate - A1767337.



Proposed Section AA

iSA DESiGNS
Alon Musael

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Mobile: +61 451 867 426
Email: alon@isadesigns.com.au

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FOR CONSTRUCTION

PROJECT:
Alterations & Additions
SP. 15113 Lots 1 & 2
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:
U1 - Jill Romuld
U2 - Dollone
Stephen Harvey
Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Proposed Section AA
Project No: DA_230418
Scale: 1 : 100 @ A3
Drawing No: DA_012
Drawn: AM

Date:
Sent: 09.09.2024
Issue: 2
Revision: C

Revision Description:
- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

All demolition work to Comply and be in accordance with AS2601 (2001) - Demolition of Structures.

The demolition work must be carried out in accordance with relevant SafeWork NSW Requirements and Codes of Practice; Australian Standard - AS2601 - Demolition of Structures and Waverley Council's Asbestos Policy.

A copy of the demolition work plan must be provided to the Principal Certifier and Council. A copy shall also be maintained on site and be made available to Council officers upon request.

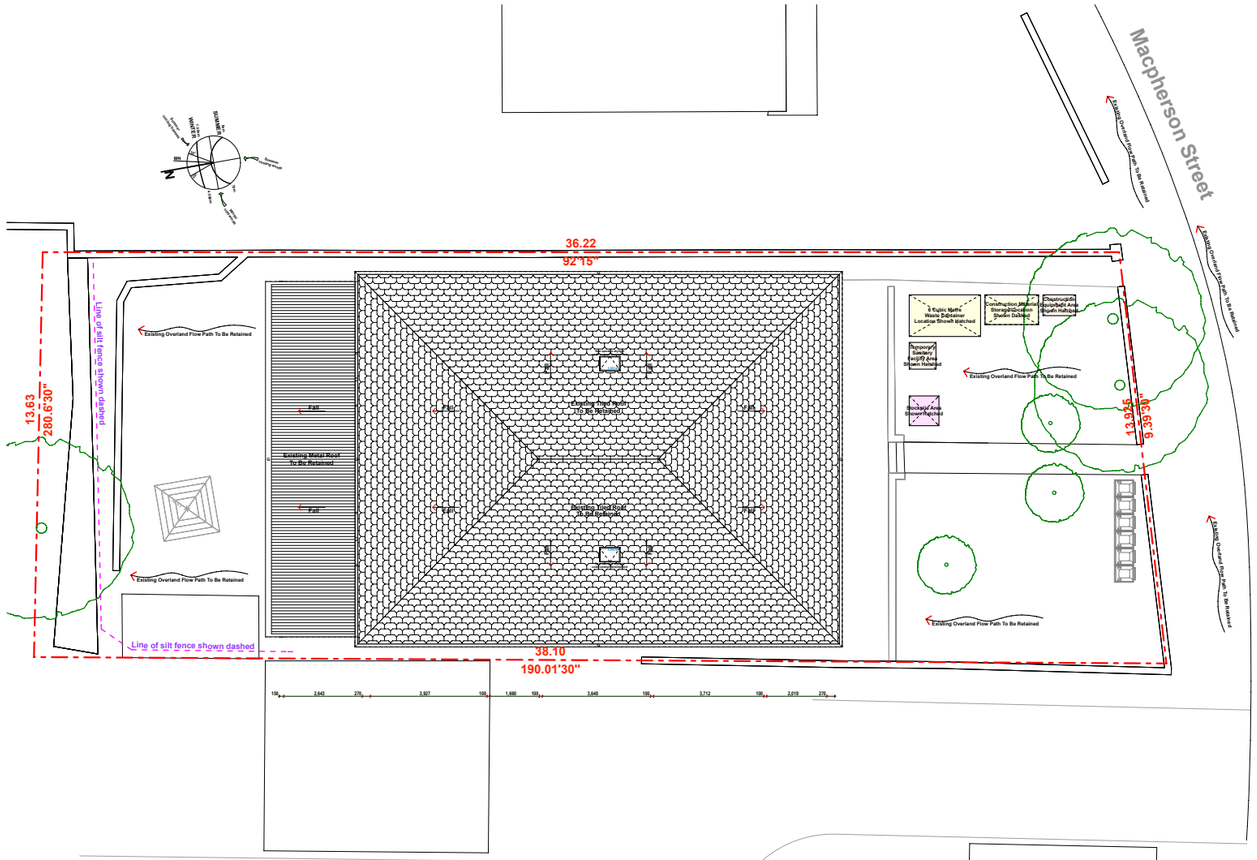
BASIX CERTIFICATE - A1767337 COMMITMENTS:

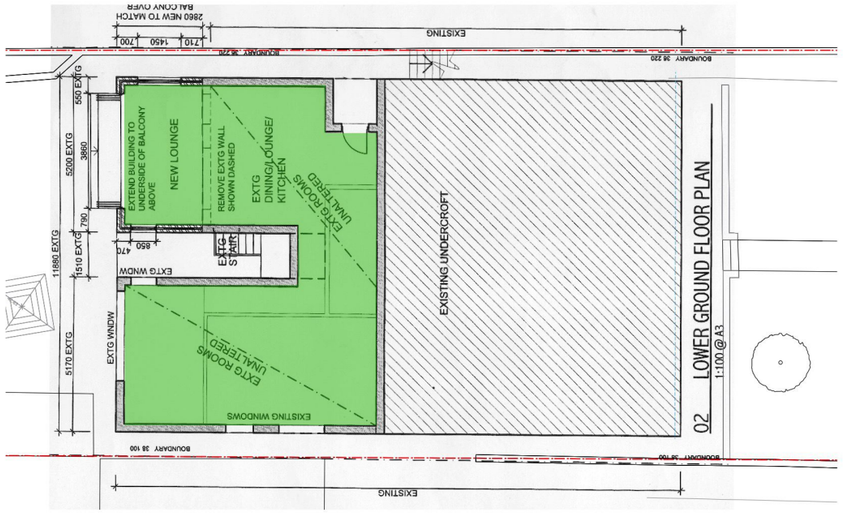
Fixtures & Systems:

- **A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.**

Insulation requirements:

- **Floor above existing dwelling or building : Nil.**
- **External wall: Cavity brick : Nil.**
- **Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)**

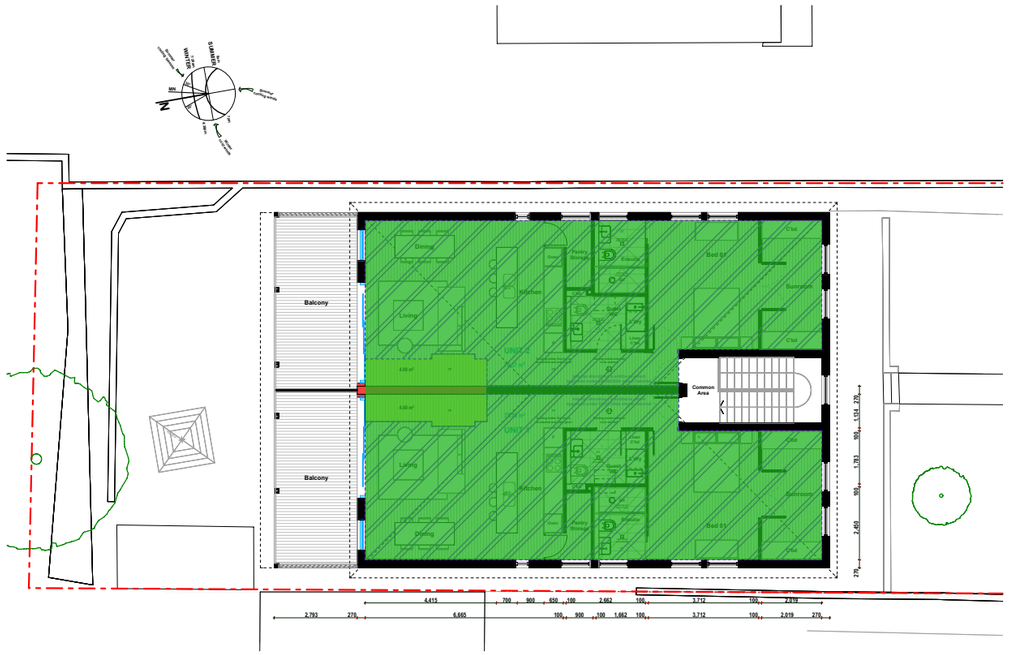

Macpherson Street
36.22
92°15"
13.63
280.63'30"
38.10
190.01'30"
13.225
9.39'30"
Existing Overland Flow Path To Be Retained
Existing Metal Roof To Be Retained
Existing Tiled Roof To Be Retained
Existing Tiled Roof To Be Removed
Existing Overland Flow Path To Be Removed
Line of silt fence shown dashed
Line of silt fence shown dashed
Fall
Ridge
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Removed
Existing Overland Flow Path To Be Removed
Stockpile Area Shown Hatched
Stockpile Area Shown Hatched
Topsoil Stockpile Area Shown Hatched
Construction Material Storage Area Shown Dashed
Construction Equipment Area Shown Hatched
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained
Existing Overland Flow Path To Be Retained



LOWER GROUND



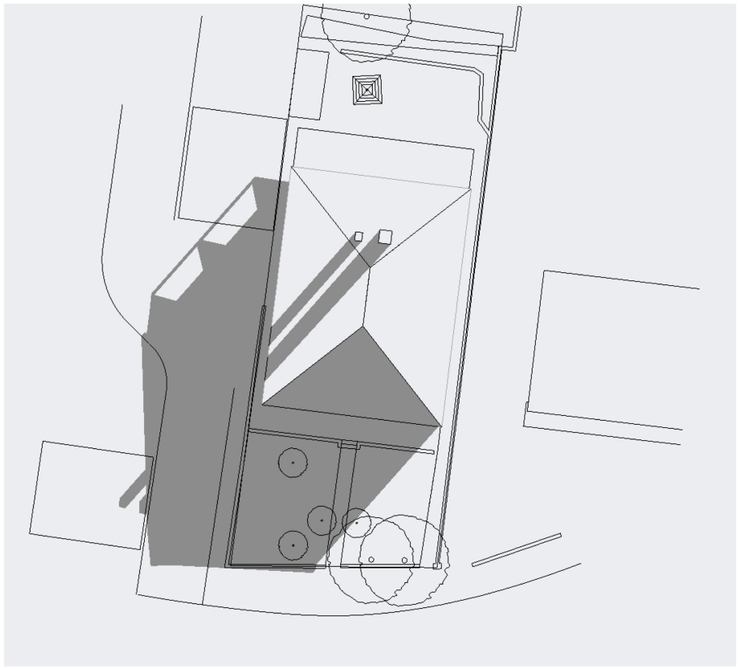
GROUND



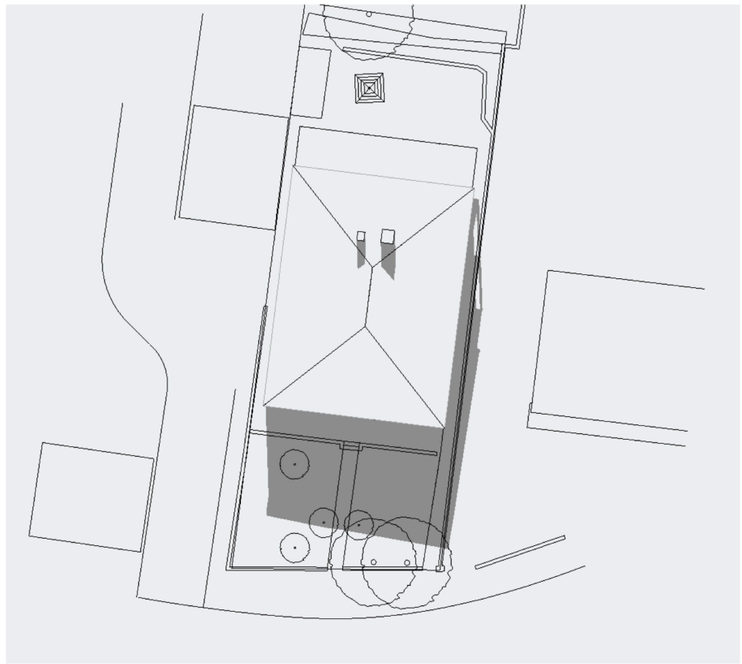
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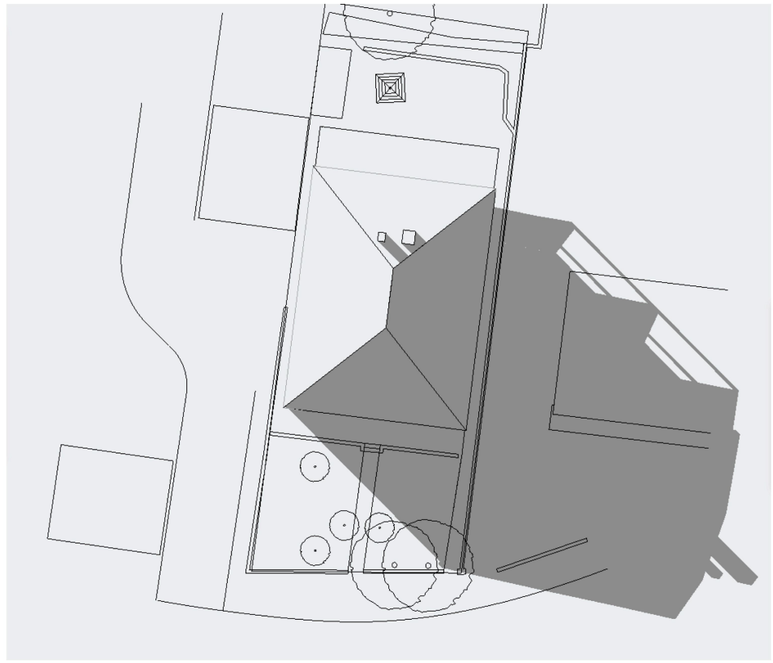
Date Received: 22/10/2024



9am



12pm



3pm

Existing Shadow Diagrams - 21 June

iSA DESiGNS

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FOR CONSTRUCTION

PROJECT:

Alterations & Additions

SP. 15113 Lots 1 & 2

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Shadow Diagrams - 21 June - 9am, 12pm & 3pm

Project No: DA_230418

Scale:

Drawing No: DA_015

Drawn: AM

Date:

Sent: 09.09.2024

Issue: 2

Revision: C

Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review

Glazing requirements							Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Windows and glazed doors glazing requirements									
Window/door number	**Orientation**	**Area of glass including frame (m2)**	**Overshadowing height (m)**	**Overshadowing distance (m)**	**Shading device**	**Frame and glass type**			
W1	N	1.5	0	0	eave/ verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)			
W2	N	1.5	0	0	eave/ verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)			
DW1	N	7.9	0	0	eave/ verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)			
DW2	N	7.9	0	0	eave/ verandah/ pergola/balcony >=900 mm	improved aluminium, single clear, (U-value: 6.44, SHGC: 0.75)			

BASIX CERTIFICATE - A1767337 COMMITMENTS:

Fixtures & Systems:

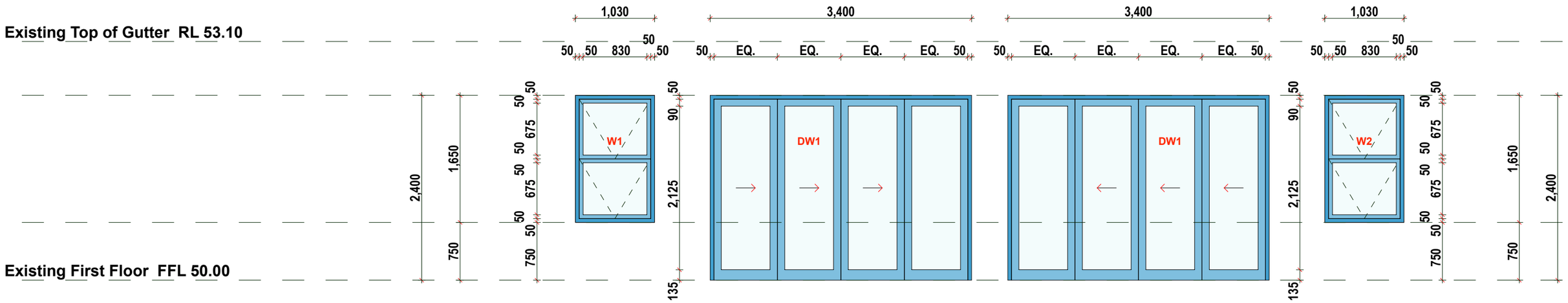
- **A minimum of 40% of new or altered light fixtures will be fitted with fluorescent, compact fluorescent, or light-emitting diode (LED) lamps.**

Insulation requirements:

- **Floor above existing dwelling or building : Nil.**
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- **Flat Ceiling, pitched roof : Ceiling R1.75 (up), Roof: foil/sarking. Light (solar absorptance < 0.475)**

GENERAL NOTES:

- All demolition scope of works are to be carried out in accordance with AS2601-2001 - Demolition of Structures.
- All essential services are to be disconnected in accordance with the requirements of the relevant authority.
- Existing common wall to be weatherproofed.
- All separating walls to achieve a minimum FRL of 60/60/60 and to extend to the underside of the existing roof covering in accordance with BCA standards.
- All existing smoke alarms are to be confirmed onsite in accordance with AS3786-2014.
- All bedroom windows to the first floor level will be capable of being restricted to a 125mm opening.
- All balustrades to have a minimum height not less than 1m and to comply with the relevant provisions of AS/NZS 1170.1-2002 and AS 1288-2006.
- All floor wastes being provided to be with drainage flanges in accordance with AS 3740- 2010 to all wet areas.
- All doorways located within 1.2 metres of the toilet to be either outward swinging, sliding doors, or that the doors will consist of removable hinges.
- A timber frame is to be designed and constructed in accordance with AS 1684.2 and AS 1684.4
- All electrical scope of works to be in accordance with AS3000-2018.
- Termite Management System (barriers/collars) to comply with Part 3.4 of the ABCB Housing Provisions 2022 and be in accordance with AS3660.1-2014.
- Stormwater Drainage to comply with Clause 3.3.5 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
- Surface Water Drainage to comply with Clause 3.3.3 of the ABCB Housing Provisions 2022, NCC 2022 Volume 3 and be in accordance with AS3500.3-2021.
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- All BASIX commitments to be achieved as referenced on the BASIX Certificate - A1767337.



RECEIVED
Waverley Council

Receipt No: DA-572/2024

Date Received: 22/10/2024

Window & Door Schedule

iSA DESiGNS

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Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

CLIENTS:

U1 - Jill Romuld
U2 - Dollone
Stephen Harvey

Units 1 & 2 / 162 Macpherson Street
Bronte NSW 2024

Drawing Name: Window & Door Schedule

Project No: DA_230418 **Scale:** 1 : 50 @ A3

Drawing No: DA_016 **Drawn:** AM

Date:

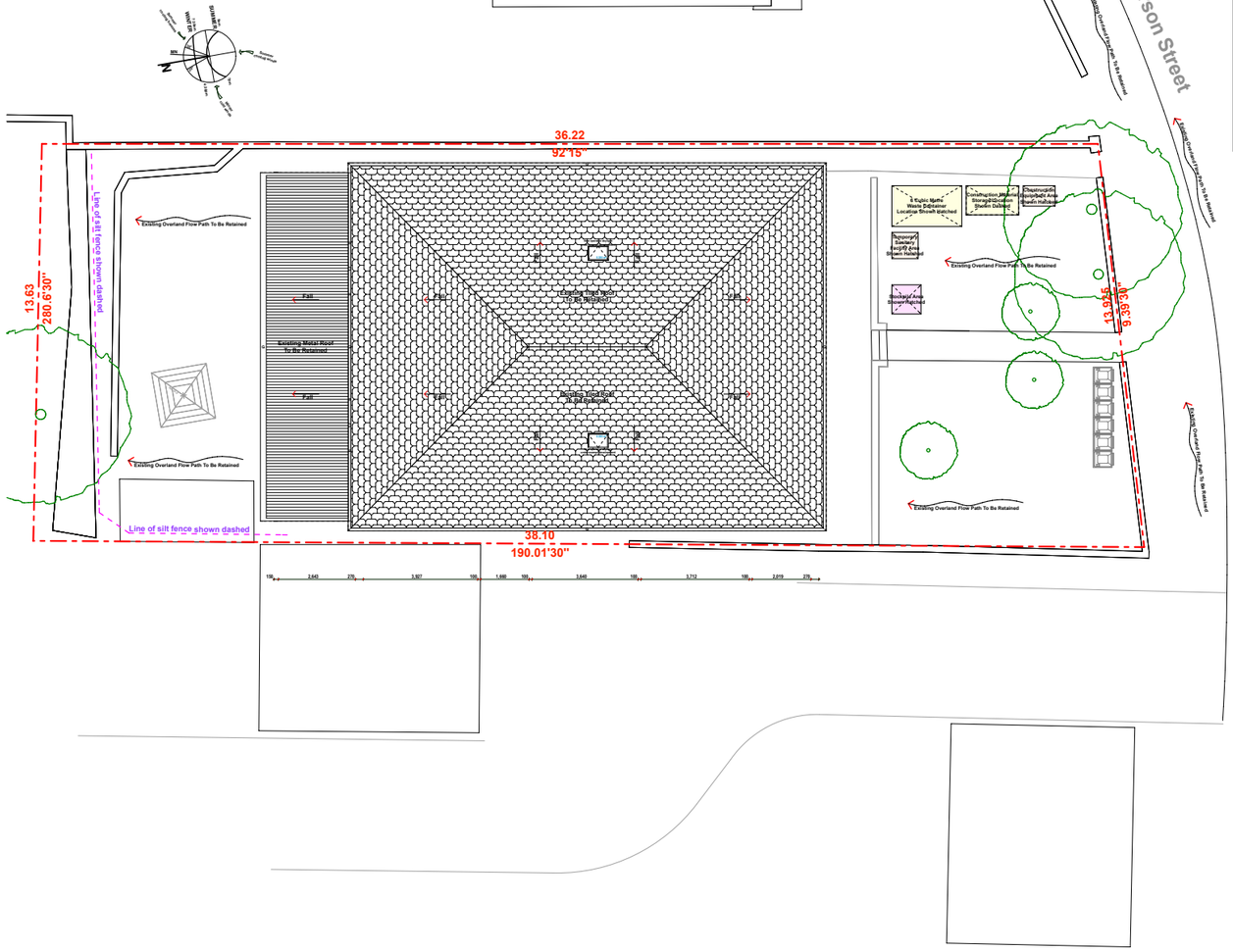
Sent: 09.09.2024

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Revision Description:

- Preliminaries & Schematic Design
- Client Amendments & Review
- DA Submission - Council Review


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