



Report to the Waverley Development Assessment Panel

Application number	DA-383/2014
Site address	101 Ramsgate Avenue, North Bondi
Proposal	Alterations and additions to existing residential flat building including balconies, courtyards, conversion of attic space, internal modifications and facade upgrades
Date of lodgement	20 August 2014
Owner	Proprietors of Strata Plan 16179
Applicant	Owner's Corporation Strata Plan 16179
Submissions	Seven submissions
Cost of works	\$1,647,721.00
Issues	Height, privacy, building separation and FSR
Recommendation	That the application be APPROVED subject to conditions of consent.

Site Map



1.1 SITE AND SURROUNDING LOCALITY

A site visit was carried out on 8 October 2014.

The site is identified as SP 16179, known as 101 Ramsgate Avenue, North Bondi. The subject site is located on the western side of Ramsgate Ave between Ramsgate Ave East to the south and Biddigal Reserve to the north. The site is irregular in shape with an eastern front boundary measuring 20.73 m, western rear boundary measuring 16.155 m (with a north and south western splayed corner measuring 4.31m and 2.16m) and northern side boundary measuring 25.91 m and southern side boundary measuring 27.43 m. The site has an area of 594.5 m² and the site falls from the street towards the rear by approximately 5.32 m.

The site is occupied by a three (3) storey brick residential flat building with vehicular access around the site over a right of way to garages located on the rear of the site accessed from the south and north.

The subject site is adjoined by residential flat buildings on either side. The locality is characterised by a variety of residential developments including single dwellings, dual occupancies and residential flat buildings.



Figure 1: Subject site frontage



Figure 2: site viewed down the southern side setback

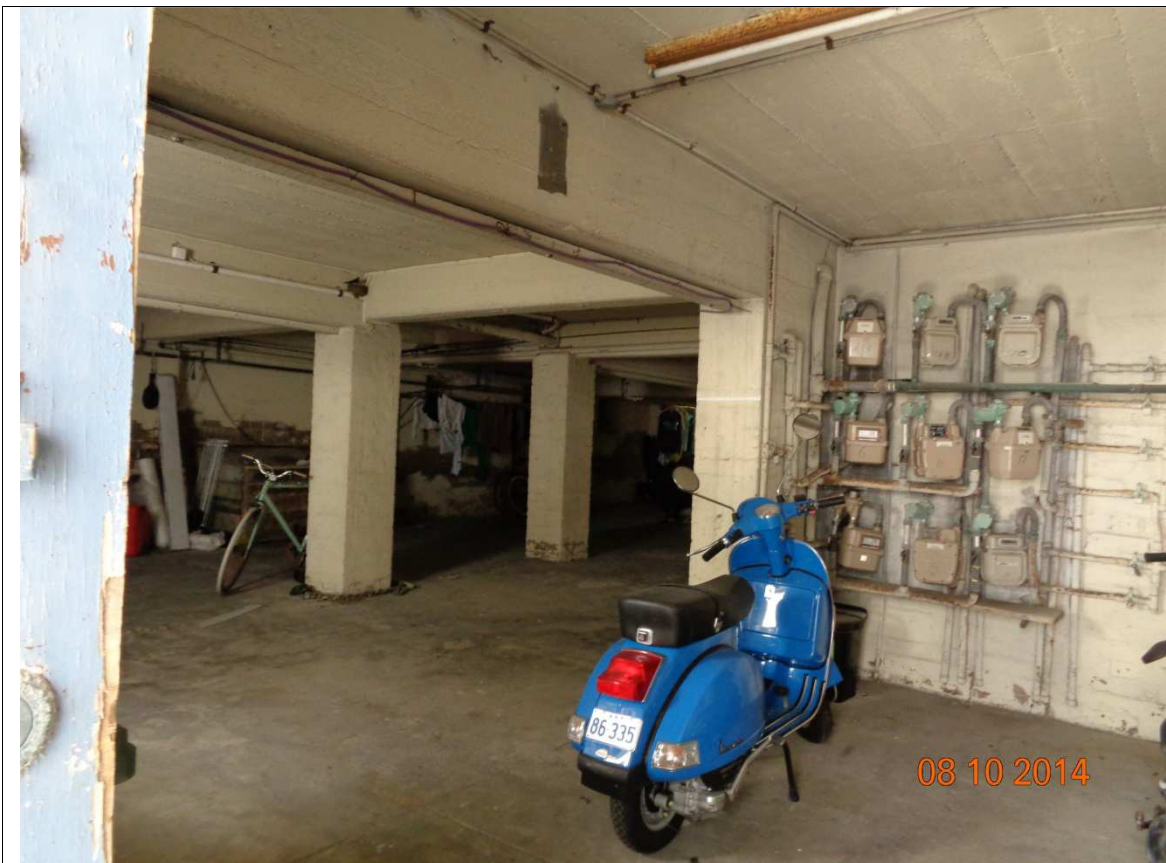


Figure 3: site viewed into the lower ground common storage area



Figure 4: site viewed up the northern side setback

1.2 PROPOSAL

The development application seeks Council consent for alterations and additions to existing residential flat building including balconies, courtyards, conversion of attic space, internal modifications and facade upgrades. The specifics of the proposal are as follow:

External works, works to the facade and building fabric:

- Repair to brickwork skin (mortar repair), re-rendering of the building, new lintels to openings and concrete repair and removal of steel corrosion.
- Replacement of the timber windows with commercial rated external windows and doors with improved seals and acoustic ratings
- Replacement of original fibre cement roof and guttering with 'Colorbond Klip Lok metal sheet
- Rationalisation and replacement of external pipework involving removal of ferrous bases pipes
- Fire Services upgrade to meet current requirements
- New larger awning to entry
- New letterboxes to entry
- Conversion of front garden to private courtyards, proposed garden beds to central area and sides
- Four (4) balconies (1.6m in depth and 2.7m in width) to each side (northern and southern) of building on the ground, first and second floor.

- Two (2) proposed narrow (890mm in depth and 3.2m in width) 'juliet' style balconies to the ground, first and second floors at rear
- Changes to building openings to allow access to balconies.
- Changes to building fabric for some larger windows at rear and South/West corner and west facing kitchen windows to the front units.

Lower Ground Floor:

- Proposed conversion of basement common area (existing laundry area) for 2 additional one bedroom apartments. The access to these apartments is the side, similar to other buildings in the vicinity with gardens for privacy.
- Provision of 6 bicycle spaces within the existing ramp and storage cages for apartments.
- New internal access from existing garages to the existing ramp.
- Rationalisation of bin room, services and laundry areas.

Second Floor:

- Amalgamation of Units 15 and 16 with internal alterations for two bedrooms with built in wardrobes, bathroom, ensuite, laundry cupboard, open kitchen, living and dining room, with stairs to access an attic area.
- Internal alterations to Unit 17 to redefine bedroom walls, provide built-in wardrobes, renovation to bathroom, provide an open kitchen, dining and living area, with stairs to access an attic area.

Attic:

- Attic space is provided for Unit 17 with access to a rear balcony.
- Attic space is also provided for amalgamated unit 15 and 16 for a third bedroom with access to a rear balcony, study and ensuite and wardrobes in the hallway between the bedroom and study.

1.3 RELEVANT HISTORY

A review of Council's records indicates the most recent approvals on the site are:

BA-350/1995 – Construct alterations to existing unit 11 – Approved 29 June 1995

BA-640/1997 – Construct Increase Size of Window to Existing Unit No. 13 – Approved 15 October 1997

DA-474/2003 – Alterations and additions including balconies, windows, doors and privacy screens located within an Urban Conservation Area – Refused 4 December 2003

DA-296/2004 – Alterations and additions including new balconies, front fence and window changes – approved 2 April 2005

DA-122/2010 – New window to unit 14 – approved 20 April 2010

PD-1/2014 – Pre - DA for alterations and additions to 4 storey Residential Flat Building – completed 19 February 2014

2. ASSESSMENT

The following matters are to be considered in the assessment of this development application under Section 79C of the Environmental Planning and Assessment Act, 1979.

2.1 SECTION 79C (1)(A) PLANNING INSTRUMENTS AND DCP

SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

SEPP 55 Remediation of Land

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

State Environmental Planning Policy No. 65 – Design quality of Residential Flat Development

The application is subject to SEPP 65 assessment, which seeks to improve the design quality of residential flat development by assessing an application against 10 design principles. The application was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel in November 2014 with the following response received in respect of the ten design criteria of SEPP 65:

1. RELATIONSHIP TO THE CONTEXT OF THE PROPOSAL

The building is typical is part of a group of similar buildings and of the best structures in this precinct and should be preserved. The Panel strongly supports the Body Corporate's initiative.

2. SCALE OF PROPOSAL

The proposal would not change the scale of the building. The addition of balconies on the side elevations would not adversely affect its form. The Panel suggested a different spacing of balconies that would provide slightly more useable space, and mitigate some of the privacy impacts between apartments. The proposed entrance canopy and landscape works could, if well designed, enhance the street and the building. The awning does not need to be as large as is proposed and should be set back from the street boundary.

3. BUILT FORM OF PROPOSAL

The proposed balconies are extensive and could be reduced in size by providing the central unit on the north and south elevations with one balcony only. This could be moved away from the western apartment balconies which would provide more amenity.

The proposed new apartments (19 and 20) are considered too buried and the Panel recommends that they be redesigned to run along the north and south and relocating the storage to the central eastern end of the building. The openings to the courtyard above could then be eliminated or at the least, rationalised.

4. THE PROPOSED DENSITY

The additional floor space of the extra apartments and the works in the roof space would have a very minor effect on the building's FSR. This would be non-discernable and in the

opinion of the Panel, the proposal will assist increase the amenity while assisting the retention of the original building.

5. RESOURCE, ENERGY USE AND WATER EFFICIENCY

The balconies would have a minor benefit of providing weather protection and some sun shading. Otherwise the proposal is neutral in this respect. However, while works are in progress, consideration should be given to the installation of photo-voltaic panels and/or the upgrade to LED lighting to offset the energy use for lighting common areas.

6. LANDSCAPE OF PROPOSAL

Given the existing building configuration, there is very little scope for landscape, other than the initiatives proposed. In principle, the Panel supports this proposal. The specification of suitable plant material should be discussed with Council for its advice.

7. AMENITY FOR FUTURE USERS

The Panel has not been provided any information on whether the walls of the building in the basement are damp. It seems probable that a new inner masonry skin and drainage would be required to make these spaces fully usable.

The Panel suggests that consideration could be given to using the areas at present proposed for the apartment bedrooms and service rooms as storage and that the existing storage areas could be used as part of the proposed apartments. These would be lighter, brighter and could be entered via the front door and the existing rear stair. However, Independent access for the units is also supported.

Measures that minimize any reduction of privacy between buildings (such as obscure glass or mesh on the face of the proposed balconies) should be incorporated in their design.

It appears there is no weather protection to the new west facing balconies in the roof level. The details of this balcony, roof edge and windows should be provided

8. SAFETY AND SECURITY CHARACTERISTICS OF THE PROPOSAL

The safety and security of the building would not be immediately affected, although in the long run, if such works are not carried out, any structural faults carry the risk of becoming dangerous. An independent structural engineering report should be provided to ensure that the proposed design can be carried out without major structural changes.

The removal of the asbestos roof is essential.

9. SOCIAL ISSUES

Some additional accommodation in this location and the preservation of buildings of this kind are both desirable.

10. AESTHETICS OF THE PROPOSAL

The Panel does not consider that the minor change to the roof facing the beach would be at all prominent when seen from the broader public domain, as long as the ridge line and overall form is maintained (as is proposed).

The existing character of the building must be given careful consideration in the detailing of all the proposed works. Large scale wall, balcony, replacement windows and roof sections should be provided for review. Materials and colours should be included on the drawings.

SUMMARY AND RECOMMENDATIONS

The Panel supports this proposal, but would like to stress that its ultimate success will rely upon careful detailing and supervision of the works - best achieved by the use of the architect for the duration of the project.

SEPP 71 Coastal Protection

The site is located within the coastal zone, therefore the matters for consideration under *Clause 8 of the SEPP*, are to be considered.

- (a) the aims of this Policy set out in clause 2,*
- (b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*
- (c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
- (d) the suitability of development given its type, location and design and its relationship with the surrounding area,*
- (e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
- (f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
- (g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
- (h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*
- (i) existing wildlife corridors and the impact of development on these corridors,*
- (j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*
- (k) measures to reduce the potential for conflict between land-based and water-based coastal activities,*
- (l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*
- (m) likely impacts of development on the water quality of coastal waterbodies,*

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

(p) only in cases in which a development application in relation to proposed development is determined:
(i) the cumulative impacts of the proposed development on the environment, and
(ii) measures to ensure that water and energy usage by the proposed development is efficient.

The applicant submits the following:

- the proposed visual amenity and scenic quality of the area will improved by the restoration of the building
- the replacement of the dilapidated asbestos roof is an improvement
- the building works will provide sediment control measures to prevent contaminated runoff to the ocean, the amount of excavation work is limited and this reduces the risk profile of the project
- acid sulphate soils will not be affected due to the heights of the building above the Mean High Water Mark.
- no affectation of water quality of the coastal waterbody will occur.

The proposal is satisfactory with regard to the above considerations. The site exists within a coastal protection foreshore area along the New South Wales coast. Council has given consideration to various matters outlined in the SEPP. The proposal provides an acceptable primary building form which reflects its contextual surrounds. Its design improves the relationship of the built form with the surrounding area. No opportunities exist to provide public foreshore access given the area behind the site is landlocked. No other major impacts are considered to occur with respect to natural environment or scenic qualities of the coastal area.

Waverley Local Environmental Plan (LEP) 2012

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

Waverley LEP 2012 – Compliance Table		
Development Control	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with regards to clause 1.2 aims of plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Medium Density Residential	Yes	The proposal for works to a residential flat building which is permissible in the zone with consent.
Part 4 Principle development standards		
4.3 Height of Buildings A maximum height of 12.5m is permitted.	No	The proposed height of 16.5m is non-compliant and a clause 4.6 Exception to the development standards has been submitted with the application, as discussed in detail

		below.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio 4.4B Incentives for providing affordable rental housing A maximum FSR of 0.9:1 is permitted.	No	The proposed FSR is 2.087:1 is non-compliant and a clause 4.6 Exception to the development standards has been submitted with the application, as discussed in detail below.
4.6 Exceptions to development standards	Yes	The FSR and height non-compliance is discussed in detail under the issues section below.
Part 5 Miscellaneous provisions		
5.5 Development Within the Coastal zone	Yes	The site is located within the coastal zone, and complies with the objectives in subclause (1), and considerations in subclause (2) and (3).
5.10 Heritage conservation	Yes	The site is not a heritage item nor located within a heritage conservation area. The site however, adjoins the C25 Bondi Beach and Park Landscape Conservation Area. The proposal will not affect the landscape area and parkland surrounding the beach and the majority of work are located within the existing building envelope. All external works are considered minor and will not adversely affect the heritage character of the area. The application has been assessed having regard to the relevant provisions of the LEP and is acceptable for the reasons discussed.
Part 6 Additional local provisions		
6.1 Acid sulphate soils The site is located in acid sulphate soil class 5.	Yes	The proposal includes some disturbance to the natural ground surface, however, acid sulphate soils are not considered to be a significant issue.
6.2 Earthworks	Yes	The proposal has been considered against the criteria of the Clause and is satisfactory, subject to conditions of consent.

Waverley Development Control Plan (DCP) 2012

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

Waverley DCP 2012 – Part B General design provisions		
Development Control	Compliance	Comment

1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. Accordingly, the application is consistent with all relevant energy and water conservation targets, including those specified in the WDCP 2012.
6. Stormwater management and Flooding	Yes	A standard condition of consent is recommended requiring the stormwater drainage system to satisfy the requirements of the WDCP 2012.
7. Accessibility and adaptability	Yes	Compliance with the BCA will be conditioned.
8. Transport Parking Zone B	No (accepted on merit)	Two additional 1 bedroom units and additions to an existing 1 bedroom unit to become a 2 bedroom unit should technically include additional parking to facilitate the increased density. However, there is insufficient space to safely retrofit additional parking spaces into the building and thus retention of the existing parking access and arrangement can be supported.
10. Safety	Yes	Minimal changes to the existing building entrances and the side entrances to the new units on the lower ground are considered acceptable and protected by a landscape buffer. The development is considered to be supportable in terms of safety objectives.

Waverley DCP 2012 – Part C Residential development – Multi Unit and Multi Dwelling Housing		
Development Control	Compliance	Comment
2.1 Special Character Areas Ben Buckler	Yes	The subject site is located in the “Ben Buckler Special Character Area” where balconies over existing carcourts for existing buildings are allowable as proposed. The proposal addresses the desired future character objectives and controls, by maintaining the rhythm of building frontages, respecting existing building characteristics and encourages view sharing.
2.2 Site Scale and Frontage • Max FSR: 0.9:1	No	The FSR exceeds the maximum allowable FSR for the site and this is discussed in the issues section below.

<p>2.3 Height</p> <ul style="list-style-type: none"> • Max Height: 12.5m • Max wall height: 9.5m • Max no. of storeys: 3 	<p>No Existing</p> <p>No</p>	<p>The height is non-compliant as discussed in the LEP previously and this is further discussed in the issues section below.</p> <p>No change to the wall height as existing.</p> <p>The existing building is 4 storeys and the current proposal will introduce an attic level which is mostly contained within the existing roof form.</p>
<p>2.4 Excavation</p> <ul style="list-style-type: none"> • No fill to raise levels • Min 1.5m setback from side boundaries • Under building footprint except main access ramp 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No fill is proposed. Minor excavation works for the lowering of the floor for the proposed units on the lower ground floor. All excavation works are contained within the building footprint.</p>
<p>2.5 Setbacks</p> <ul style="list-style-type: none"> • Consistent street setback • Min side setback – 4.5m • Min rear setback – 6m 	<p>Yes</p> <p>No – acceptable</p> <p>No – acceptable</p>	<p>The proposal is generally consistent with the street setback. No changes to the street facade with the exception of the extension of the front entry awning towards the front boundary with an 800mm setback. However, this is minor and considered acceptable and is similarly setback in comparison to the entrance awning setback at the northern adjoining property (99 Ramsgate Ave).</p> <p>The existing side setbacks are maintained with balconies being introduced on the northern and southern side reducing setbacks in some portions to 3.75m. The balconies do not extend beyond the established side wall to the front of the building and thus will not impact the streetscape. The general built form rhythm is retained. Visual and acoustic privacy issues arising from the balconies are discussed below.</p> <p>The proposed Juliet balconies with depths of 890mm will reduce the existing non-compliant rear setback to 350mm. The rear setback non-compliance can be supported given the existing rear setback non-compliance, dense built form of the locality and subdivision pattern. The balconies to the rear are considered a minor intrusion and acceptable in terms of visual and acoustic privacy (as they extend from bedrooms).</p> <p>Building separation is discussed below.</p>
<p>2.7 Building Separation</p> <ul style="list-style-type: none"> • Min 6m btw non-habitable • Min 9m btw non-habitable and habitable • Min 12m btw habitable and habitable 	<p>No</p>	<p>Existing building does not comply with the required building separation and balconies to the side will exacerbate this. This is discussed in detail below.</p>

<p>2.8 Building Design and Streetscape</p> <ul style="list-style-type: none"> • Respond to streetscape • Sympathetic external finishes 	<p>Yes</p>	<p>The proposal achieves a high quality of building design which positively contributes to the adjoining Conservation Area and locality. The proposal is acceptable with regards to clause 2.8 in Part C2 of the WDCP 2012.</p>
<p>2.9 Fences and Walls</p> <ul style="list-style-type: none"> • Front fence: Max height 1.2m, max 2/3 solid 	<p>No – acceptable</p>	<p>Proposed front fence is 1.8 to 2.2m with retention of the existing solid masonry part with 1.1m high timber slats above. This is acceptable as similar front fencing exists at 99 Ramsgate Ave to the north and other properties in the vicinity have garages to the front boundary. The fencing is acceptable as it provides privacy to the proposed front courtyards to apartments 1 and 6.</p>
<p>2.10 Vehicular Access and Parking</p>	<p>Yes</p>	<p>The amended plans have relocated the garden beds to northern and southern side building indents to create a small courtyard space for the proposed lower ground floor units. The gardens will not encroach on the right of way and circulation around the building. The landscaping will not extend beyond the existing side building lines.</p>
<p>2.11 Pedestrian Access and Entry</p> <ul style="list-style-type: none"> • Entry at street level • Accessible entry • Legible, safe, well-lit 	<p>Yes</p>	<p>No change to the existing entry at ground level. Only modification is extension of the awning over the entry path for weather protection which is acceptable.</p>
<p>2.12 Landscaping</p> <ul style="list-style-type: none"> • Min 30% landscaped • 15% of the above is to be deep soil 	<p>No – acceptable</p>	<p>The majority of the existing deep soil planting within the front setback is converted to a courtyard space. Additional soft landscaping to the side setback is an attempt to offset the shortfall and a similar amount of soft landscaping is proposed to be retained.</p>
<p>2.13 Communal Open Space</p>	<p>No – existing</p>	<p>No communal open space as per the existing situation.</p>

<p>2.14 Private Open Space</p> <ul style="list-style-type: none"> • Min 75% of dwellings to have private open space • Must be off living area • Courtyards – Min 25m² and 3m x 3m • Balconies – Min 10m² and 2.5m depth 	<p>Yes</p> <p>Yes</p> <p>No – acceptable</p> <p>No – acceptable</p>	<p>89% of the dwellings have private open space. At least one balcony per unit is accessed from a living area.</p> <p>The proposed courtyard to apartments 1 and 6 have an area of approximately 11.8sqm (width of 6.5m and a depth of 1.2-2.15m) which is non-compliant. It is acceptable as the courtyard depth and width is constrained by the front boundary and the unit width.</p> <p>Side balconies to units have dimensions of 4.32sqm (2.7m width and 1.6m depth) and rear Juliet balconies are 2.848sqm (3.2m in width and 0.89m in depth). Slightly larger balconies with 2m depth and 2.838m width (5.676sqm) are provided to each attic room. This is considered acceptable as the rear balconies are constrained by the lot boundaries and the side balconies are designed to be within the side building indents and attic balconies are limited in depth to be recessed and improve privacy to neighbours. The smaller balcony sizes are proposed to reduce intrusion in the dense character of the area and respond to similar balcony designs in surrounding buildings.</p>
<p>2.15 Solar Access and Overshadowing</p> <ul style="list-style-type: none"> • Min 3 hours of sunlight to Min 70% of units • Adjoining properties to retain min 3 hours of sunlight 	<p>No – acceptable</p>	<p>Minimal change to existing solar access and overshadowing. The proposal generally is contained within the existing building envelope with the exception of a small dormer to the rear of the site which will have some minor additional overshadowing to the southern adjoining building. However, given the density of the existing surrounding built form, there would be minimal additional adverse overshadowing impacts and is considered acceptable due to the minor nature of the roof addition.</p>
<p>2.16 Views and View Sharing</p> <ul style="list-style-type: none"> • Minimise view loss 	<p>Yes</p>	<p>The additional dormer/gablet is located at the rear (west) of the roof form and is flush with the established ridgeline. Any minor view loss would be to buildings on higher ground to the east, but no submissions were received in this respect from those dwellings. Due to the slope of the site, established height of surrounding buildings and the location of the minor roof addition, view loss is considered negligible.</p>
<p>2.17 Visual Privacy and Security</p> <ul style="list-style-type: none"> • Minimise overlooking 	<p>Yes – acceptable on merit</p>	<p>This is discussed in the issues section below.</p>

<p>2.18 Apartment Size and Layout</p> <ul style="list-style-type: none"> • Single aspect windows 8m from a window • Width of an apartment over 15m deep to be more than 4m wide. • Should provide mix of 1,2,3 bed units <p>Minimum Size</p> <ul style="list-style-type: none"> • Studio: 35m² • 1 Bedroom: 50m² • 2 Bedroom: 80m² • 3 Bedroom: 100m² 	<p>Yes</p> <p>Yes</p>	<p>New units include apartments 19 and 20 on the lower ground floor which are approximately 52sqm and are compliant for 1 bedroom unit size. These units are considered to be single aspect and are less than 7m from a window which is compliant.</p> <p>The unit mix has been improved by this application which includes additions and alterations to apartment 17 to provide additional attic space and amalgamation of unit 15 and 16 for a two bedroom unit. Unit 17 – 1 bedroom – 58sqm Unit 15 and 16 – 3 bedrooms – 127.25sqm</p>
<p>2.19 Ceiling Heights</p> <ul style="list-style-type: none"> • Min 2.7m for residential • Min 2.4m for attics 	<p>Yes</p> <p>No</p> <p>(acceptable on merit)</p>	<p>Minimum of 2.73m ceiling heights for non-attic levels. The attic level has minimum ceiling height of 1.5m and a maximum height of 2.7m. Skylights will be included to all attic rooms to improve sunlight penetration into the spaces and hence the non-compliant ceiling heights can be supported and any consent for the development would be conditioned to comply with the BCA.</p>
<p>2.20 Storage</p> <p>Minimum Size</p> <ul style="list-style-type: none"> • Studio: 6m³ • 1 Bedroom: 6m³ • 2 Bedroom: 8m³ • 3 Bedroom: 10m³ 	<p>Yes</p>	<p>All apartments have adequate storage within the lower ground floor with new store rooms for each unit and additional storage space within the garages for the larger units. Sufficient storage is also provided internally to new and altered apartments.</p>

<p>2.21 Attic and Roof Design</p> <ul style="list-style-type: none"> • Min room width 3m and floor to ceiling height of 2.4m (2/3 of the floor area) • should occur within the main roof form • Dormer windows set down 300mm from the main ridge & less than 50% of roof elevation • must be connected to unit below 	<p>No (acceptable on merit)</p>	<p>The attic rooms are connected to the units below with the majority of the space contained within the main roof form. Room widths range from 1.7m for the ensuite to 2.838m for bedrooms and study. The narrower width for the ensuite is supportable as it is a non-habitable space. Furthermore, the width of the bedrooms and study is only a minor noncompliance and the shortfall of 162mm is considered negligible. Adequate depth is provided and the dimensions of the attic provide useable space and amenity for the occupants. Although the ceiling height is non-compliant with the DCP controls, it is supportable as adequate ventilation and amenity is achieved with operable skylights and the consent will be conditioned to comply with BCA in regards to ceiling heights. The dormers are flush with the existing ridgeline and not set down 300mm from the main ridge but spans less than 50% of the roof elevation. The dormer design is supported as it is located at the rear and is not seen from the street thus reducing the visual impact. The extension of the ridgeline for the dormer allows more ceiling height and greater residential amenity to the attic space.</p>
<p>2.22 Acoustic Privacy Internal amenity by locating noisy areas away from quiet areas</p>	<p>Yes</p>	<p>Internal alterations have generally retained same room type adjacencies and thus acoustic privacy is considered acceptable. The proposed layout of the attic is also acceptable as it is mainly occupied by bedrooms, ensuite and study uses.</p>
<p>2.23 Natural Ventilation</p> <ul style="list-style-type: none"> • Min 60% of units cross-ventilated 	<p>Yes</p>	<p>74% of units are cross ventilated.</p>

ISSUES

FSR

The maximum permitted FSR for the site is 0.9:1 under Waverley LEP 2012 and the modification will result in a non-compliant FSR of 2.087:1 (132%). This application for alterations and additions will result in a minor increase to the existing non-compliant FSR of 2.01:1. The additional floor space results from the proposed attic and equates to approximately 47sqm (7.7%).

The application is accompanied by a clause 4.6 Exception to a development standard statement which seeks to justify the FSR non-compliance as follows:

- The majority of the additional floor space is within the existing roof form and the remainder is within a new dormer to the rear of the roof form. The dormer is approximately 16sqm and represents only a very minor portion of the entire roof area. The impact of bulk and

scale is negligible when considered against the current built form and surrounding buildings.

- The proposed dormer is not seen from the immediate public domain and positively provides amenity to the internal space of the apartments.
- The proposed additional floor space is minor in the context of the existing non-compliance.
- The proposed dormer does not affect views from neighbouring properties and the shallow pitched roof does not increase overshadowing to the neighbouring buildings as these areas are already in shadow.
- The building is centrally located in a complex of similar buildings built in the 1940s and the excess floor space in the context of the group of dwellings presenting with a uniform character and scale to the street, is considered compatible and reasonable.
- The proposal does not seek to change the roof ridge height or pitch and thus maintains the same height, bulk and scale to the street.
- The building currently does not comply but the non-compliance is consistent with the surrounding buildings. The site is within a locality that has a built environment that exceeds the current control and as such there is no detriment to the public benefit.

The proposed FSR satisfies the objectives (b) to (d) of WLEP2012 which aims to establish limits on the bulk and scale to preserve the streetscape and amenity of neighbouring properties. The additional FSR is considered acceptable as it has been demonstrated that the development will not have significant adverse solar and amenity impacts to the adjoining properties. The additional floor space will not contribute to excessive bulk and scale as the proposed main building lines are generally retained as discussed in the DCP table and issues section below and the additional attic space is mainly contained within the roof area. The FSR non-compliance is considered reasonable in the high density context and does not result in an overdevelopment of the site.

Height

The maximum permitted building height for the site is 12.5m under Waverley LEP 2012 and the alterations and additions will result in an overall height of 16.5m, an increase to the existing non-compliance of 15.5m. The overall non-compliance is 4m which translates to 32%. The application is accompanied by a clause 4.6 Exception to a development standard statement which seeks to justify the height non-compliance as follows:

- The proposed dormer does not increase the existing roof ridge level and the extent of the roof change is small, being a dormer of approximately 16sqm.
- The proposed dormer has a positive amenity impact internally to the apartment by providing views, ventilation and sunlight.
- The dormer will have negligible impact on views from surrounding properties.
- The position of the dormer on the shallow pitched roof does not provide additional adverse overshadowing and does not contribute to the measurable loss of environmental amenity to neighbouring properties.
- The dormer is not seen from the immediate public domain.
- The proposed dormer is above the lower neighbour and thus has no direct viewing and privacy impacts.
- The subject building is within a group of buildings that were developed with similar height, bulk and scale and this proposal does not seek to change the roof ridge height or roof pitch.
- The dormer is not seen from the street as it is located above and at the rear of the existing building.

- The building currently does not comply but the non-compliance is consistent with the surrounding buildings. The site is within a locality that has a built environment that exceeds the current control and as such there is no detriment to the public benefit.

The proposed height of the dwelling satisfies objectives (a) and (d) of clause 4.3 Height of Buildings in WLEP2012 which aims to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space. The existing building is non-compliant with the LEP heights and the proposed dormer only contributes to a minor additional non-compliance and continues the existing ridgeline. The non-compliance is mainly due to the slope of the site to the rear where the proposed dormer is located. Privacy and amenity as discussed is also considered satisfactory. Furthermore, the height of the development is similar to those in the surrounding vicinity. In consideration of the above, the numerical non-compliance is supported.

Building Separation

There will be a reduced separation of approximately 4.6m between the edge of opposing balconies on 109 Ramsgate Ave, whereas the controls require minimum of 18m between habitable rooms and balconies for heights of 5-8 storeys (12 to 25m).

The proposal to retrofit balconies to the building is similar to that approved by Council under DA-296/2004, which has now lapsed. Both the approved and proposed balconies are in similar positions and have depths of 1.6m to ensure that they are not visible from the street and to reduce the usable area and privacy impacts from the balconies. It should also be noted that balconies have also been approved on the side elevation on the southern adjoining building (109 Ramsgate Ave). Visual and acoustic privacy is considered acceptable and is discussed in detail below. Given that it was previously supported, and the new balconies are the same depth, the building separation is not considered unreasonable given the existing dense context and the approval of similar balconies on adjoining buildings.

Visual and Acoustic Privacy

The proposed areas for the side balconies are 2.7m in width and 1.6m in depth and the rear Juliet balconies are 890mm in depth and 3.2m in width. Given that there is no existing communal and private open space existing within the building, the proposed balconies will increase amenity for the existing units. Although Council generally does not encourage the construction of balconies along the side elevations of residential flat buildings, balconies have been previously approved to the side elevations of 109 Ramsgate Ave (the southern adjoining flat building) and also on the subject development. Similar proposed balconies to the sides of the subject building have previously been approved under Development Consent DA-296/2004 and that consent has lapsed. Those balconies were proposed with a 3m width and depth of 1.6m with 4 on each level on the northern and southern side of the building (12 on each side). The width of the new balconies have been reduced to 2.7m and although there will be some degree of overlooking, between the southern adjoining buildings, it is unavoidable due to the density of the existing buildings and existing number of windows. The proposed areas for the balconies are not considered to be significant and are unlikely to be utilised for major entertaining and as such are unlikely to produce significant detrimental acoustic and visual impacts to adjoining residents. It is also noted that the northern balconies face the access corridor of the adjoining building and thus will have minimal privacy impacts. The Juliet balconies are also off-set in levels to the windows on the rear adjoining

dwelling and given the shallow depth are not considered to adversely affect the privacy. Privacy between adjoining attached balconies are also supported in terms of privacy as full height glazed privacy screen partitions are proposed. In light of the above, the proposed balconies can be supported.

2.2 SECTION 79C(1)(B) – OTHER IMPACTS OF THE DEVELOPMENT

The proposed development is capable of complying with the BCA.

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

2.3 SECTION 79C(1)(C) – SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

2.4 SECTION 79C(1)(D) – ANY SUBMISSIONS

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

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

Issue: *Extended planter beds into the driveways will interfere with the use of the circular accessway for larger vehicles, pedestrians, access to neighbouring letterboxes and parking.*

Response: The amended plans have deleted the planters originally proposed to the front of the northern and southern sides of the building which would have reduced the width of the circulation driveway.

Issue: *Submission of a construction management plan which includes structural engineering details, construction risks and mitigation, construction methods, scaffolding extent and duration, traffic and vehicular access to Council and the objectors to review.*

Response: These issues are mostly addressed as conditions of consent and are for consideration at the Construction Certificate and construction stages post DA determination.

Issue: *Management of stormwater and roofwater runoff during construction*

Response: This is addressed through standard conditions of consent.

Issue: *Asbestos and hazardous waste management*

Response: This is addressed through standard conditions of consent.

Issue: *Weekly notification requirements for intended works.*

Response: This is beyond the scope of assessment.

Issue: *Pillars to the proposed balconies will restrict the right of way.*

Response: No pillars to the balconies are proposed.

Issue: *Insufficient parking provision for additional units and will increase demand for parking space.*

Response: This non-compliance is noted, and is considered acceptable as discussed in the DCP table previously.

Issue: *Illegal parking along the right of way.*

Response: This is a matter between the residents and strata and is beyond the scope of this application.

Issue: *The enclosure of the front gardens will impact sightlines to and from the driveway*

Response: Conditions have been included to require the proposed low garden beds to be expanded and the side courtyard fence to be further setback from the side building line.

Issue: *The application should be referred to the Waverley Traffic Committee to assess and change the on-street parking signage to allow more flexibility in turning.*

Response: The amended plans have scaled back the garden beds and the amended application will not affect the existing access around the site. Thus referral to the Waverley Traffic Committee is not considered necessary.

Issue: *The existing front garden beds are unkept and unsightly and have overspilled onto the footpath and verge creating a pedestrian hazard and a narrow footpath area. The garden beds should be returned to Council for public access and maintenance.*

Response: The proposal will improve the front garden beds and the plans show that they will be contained wholly within their site boundaries.

Issue: *FSR and heights are excessive and additions should not be allowed.*

Response: This is discussed in the issues section of the report previously.

Issue: *Potential placement of bollards to in lieu of the garden beds.*

Response: No bollards have been proposed as part of this application.

Issue: *Additional and excessive height of the roof affects loss of view over Bondi.*

Response: The objector is located downhill to the south-west of the subject development and thus the proposed development will not hamper their western views over Bondi. No other objections were received in regards to view loss.

Issue: *Acoustic privacy from balconies.*

Response: This is discussed under the issues section of this report.

Issue: *Loss of open space and common area.*

Response: Adequate common areas are still retained for storage and laundry facilities within the development and there are no changes to the existing amount of open space.

2.5 SECTION 79C(1)(E) – PUBLIC INTEREST

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

3. REFERRALS

3.1 Building Waverley- (Fire Safety)

The application was referred internally to Council's Building Surveyor (Fire Safety) for comments. No objections were raised to the application and documentation submitted subject to the recommended conditions of consent which have been included at the end of this report.

4. SUMMARY

The proposal seeks consent for alterations and additions to existing residential flat building including balconies, courtyards, conversion of attic space, internal modifications and facade upgrades. The proposal exceeds the FSR controls as the proposal includes a new attic space and lower ground floor units. The additional FSR can be supported as it is mainly contained within the existing building envelope and roof form. The dormer windows are considered minor and supportable as it matches the existing ridgeline and there are no adverse amenity impacts from the additional height. Although side facing balconies are generally not encouraged, similar balconies to that proposed in this application were previously approved by Council and the additional rear facing Juliet balconies are considered minor and supportable in terms of privacy impacts. Seven (7) submissions were received in response to the application raising issues including FSR and height non-compliances, insufficient parking, privacy and construction matters. These issues have been discussed in the assessment above and are considered acceptable. The main issue arising from the objections related to the original proposal are the proposed extension of the garden beds into the side setback which would reduce the width of the circulation driveway. The applicant has amended the application and deleted the extended garden beds from the plans and maintained the existing driveway widths. As such the application is recommended for approval subject to the conditions given in the report.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT PANEL

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

Report Prepared by:

Bianca Chiu
Development Assessment Officer
29 January 2015

**Reviewed and agreed on behalf of the
Development and Building Unit:**

Arif Faruqi
Manager, Development Assessment (North)
30 January 2015

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos A.1.07C and 1.09C, dated 17/12/2014, amendment C, and received by Council on 14 January 2015; A1.06C, 1.08C, 1.10C and 1.11 C, dated 17/12/2014, amendment C, and received by Council on 24 December 2014, tables and documentation prepared by Giles Tribe Architects;
- (b) The BASIX Certificate;
- (c) BCA Fire Safety Audit Report, prepared by Trevor R Howse & Associates Pty Ltd, reference J2424.1.TS, dated 29 July 2014, and received by Council on 20 August 2014;
- (d) Schedule of external finishes and colours received by Council on 24 December 2014; and
- (e) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) To retain sightlines to and from the two existing driveways on either side of the building, the low garden beds located on the northern and southern corner of the front setback are to be increased in width into the front courtyards. In this regard, the side fencing of the courtyards is to be relocated and setback 1.4m from the side building lines.

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

3. DOMESTIC HEATERS

The provision of solid fuel heating/cooking appliances is prohibited.

4. EXCAVATION TO BE LIMITED

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

5. USE OF COMMON PROPERTY

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council. In this regard the applicant is to register a restriction as to user that prohibits the separate occupation, use or disposition of the land by way of agreement, instrument or dealing including and agreement, instrument or dealing evidenced by a company's constitution or articles of association. The restriction as to user is to be registered prior to the issue of the Occupation Certificate.

6. AMENDMENT TO EXISTING STRATA PLAN

A separate development application is to be submitted to Council to amend the existing strata plan indicating the changes approved under this application. This application shall be submitted for the approval of Council prior to the issue of an Occupation Certificate.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

7. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 96 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.

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

8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$10,000.00 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

9. LONG SERVICE LEVY

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

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

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

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

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

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

11. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, with the Construction Certificate, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

12. CEILING HEIGHTS

- (a) The attic rooms must be provided with a ceiling height that complies with the requirements of Clause F3.1 of the BCA. Detailed plans verifying compliance with this condition are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

13. 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, the existing building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
 - (i) All sole-occupancy units, common areas and garages must be separated by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings – Part C3
 - (iv) Access and egress – Part D1;
 - (v) Construction of exits – Part D2;
 - (vi) Fire fighting equipment – Part E1
 - (vii) Smoke hazard management - Part E2;
 - (viii) Emergency lighting, exit signs and warning systems - Part E4;
 - (ix) Sanitary and other facilities - Part F2;
 - (x) Light and ventilation - Part F4; and
 - (xi) 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 A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.

- (c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

14. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

Noise attenuation is to be achieved in all additional new residential units within the building by a minimum of the following standards:

- (a) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a stairway, public corridor, hallway or the like;
- (b) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have a FSTC of not less than 55;
- (c) A wall or floor shall have a FSTC of not less than 55 if it separates a sole occupancy unit from a plant room;
- (d) A floor separating sole occupancy units must not have a FSTC of less than 50; and
- (e) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an Impact Isolation Class of not less than 55.

Details are to be provided on the plans to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

15. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

In accordance with clause 143a of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specifications achieve or improve the design quality of the development for which development consent was granted.

16. HOARDING REQUIRED

If required, a hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to issue of the Construction Certificate.

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

17. GEOTECHNICAL ENGINEERS REPORT

A geotechnical report, regarding the stability of the subject site and stating that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works, is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises. The report is to be submitted prior to the issue of a Construction Certificate and commencement of any such works on the site.

18. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

A report shall be prepared by a suitably qualified and practising Structural Engineer detailing the proposed methods of bulk excavation, shoring or pile construction, including details of vibration emissions and any possible damage which may occur to adjoining or nearby properties as a result of the proposed building and excavation works. The Report shall be submitted to the Principal Certifying Authority, Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

Any practices or procedures specified in the Structural Engineer's report in relation to the avoidance or minimisation of structural damage to adjoining properties are to be fully complied with and incorporated into the plans and specifications together with the Construction Certificate.

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

20. EROSION, SEDIMENT AND POLLUTION CONTROL

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

21. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

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

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

22. STORMWATER MANAGEMENT

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

23. ENGINEERING DETAILS

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

24. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

25. EXTERNAL FINISHES

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

26. ROOFWATER GUTTERING

All new or replacement roof guttering is to comply with the requirements of the Building Code of Australia and Australian Standard AS 3500 *Plumbing & Drainage Standards* to ensure that collected roof water does not flow back into the building.

27. BASIX

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 96 of the *Environmental Planning and Assessment Act 1979*.

28. USE OF RENEWABLE TIMBERS

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

29. PRIOR TO SITE WORKS

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

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

30. HOME BUILDING ACT

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

31. CONSTRUCTION SIGNS

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

32. EXCAVATION AND BACKFILLING

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

33. EXCAVATION BELOW FOOTINGS

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

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

34. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building; then:

- (a) a hoarding fence must be erected between the building site and the public place of the proposed building and the public place. If necessary, an awning sufficient to prevent any substance from, or in connection with, the work falling into the public place, is also to be erected;
- (b) the work is to be kept lit during the time between sunset and sunrise if the work may be of a sort of danger to persons using the public place; and
- (c) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

35. TOILET FACILITIES

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

36. NO USE OF ORGANOCHLORIN PESTICIDES

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

37. DILAPIDATION REPORTS

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

These properties must include (but are not limited to) 99 and 109 Ramsgate Ave, North Bondi, and any others identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

- (a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
- (b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.

- (d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- (e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

38. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

39. SITE HEALTH & SAFETY PLAN

A Site Health & Safety Plan is to be prepared prior to the commencement of remediation works by a person competent to do such Plan. All works are to be carried out in accordance with this Plan. This Plan shall include:

- (a) hazard identification and control
- (b) site security
- (c) personal protective equipment
- (d) work zones and decontamination procedures
- (e) contingency plans and incident reporting
- (f) environmental monitoring

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Principal Certifying Authority immediately.

40. DEMOLITION & SITE PREPARATION

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

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

41. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

42. SOIL AND WATER MANAGEMENT PLAN

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

43. FOOTPATH PROTECTION

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

44. STOCKPILES

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

45. LOCATION OF BUILDING OPERATIONS

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

46. TEMPORARY DIVERSION OF ROOF WATERS

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

47. ALL BUILDING MATERIALS STORED ON SITE

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

48. CONSTRUCTION HOURS

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

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

(b) Sundays and public holidays; and

(c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

49. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

50. BUILDING CODE OF AUSTRALIA

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

51. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)

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

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

The specified **MANDATORY** inspections are:

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

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

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;

- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

52. IN-SINK WASTE DISPOSAL SYSTEMS

The installation of in-sink waste disposal systems is prohibited.

53. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed **works** including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

54. WATER PROOFING

The floor and wall surfaces of the proposed wet areas being protected against water in accordance with the Building Code of Australia. The wet areas are to be examined and certified by an Accredited Certifier.

Note: Water proofing is to be in accordance with AS 3740 - Water Proofing of Wet Areas within residential buildings.

55. HOT TAP WATER SCALDING

To reduce the incidence of hot tap water scalding and, for the purpose of energy efficiency, all new or replacement hot water systems shall deliver hot water to a maximum 50 degrees Celsius at the outlet of all sanitary fixtures used for personal hygiene.

56. SMOKE ALARM SYSTEM

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

57. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

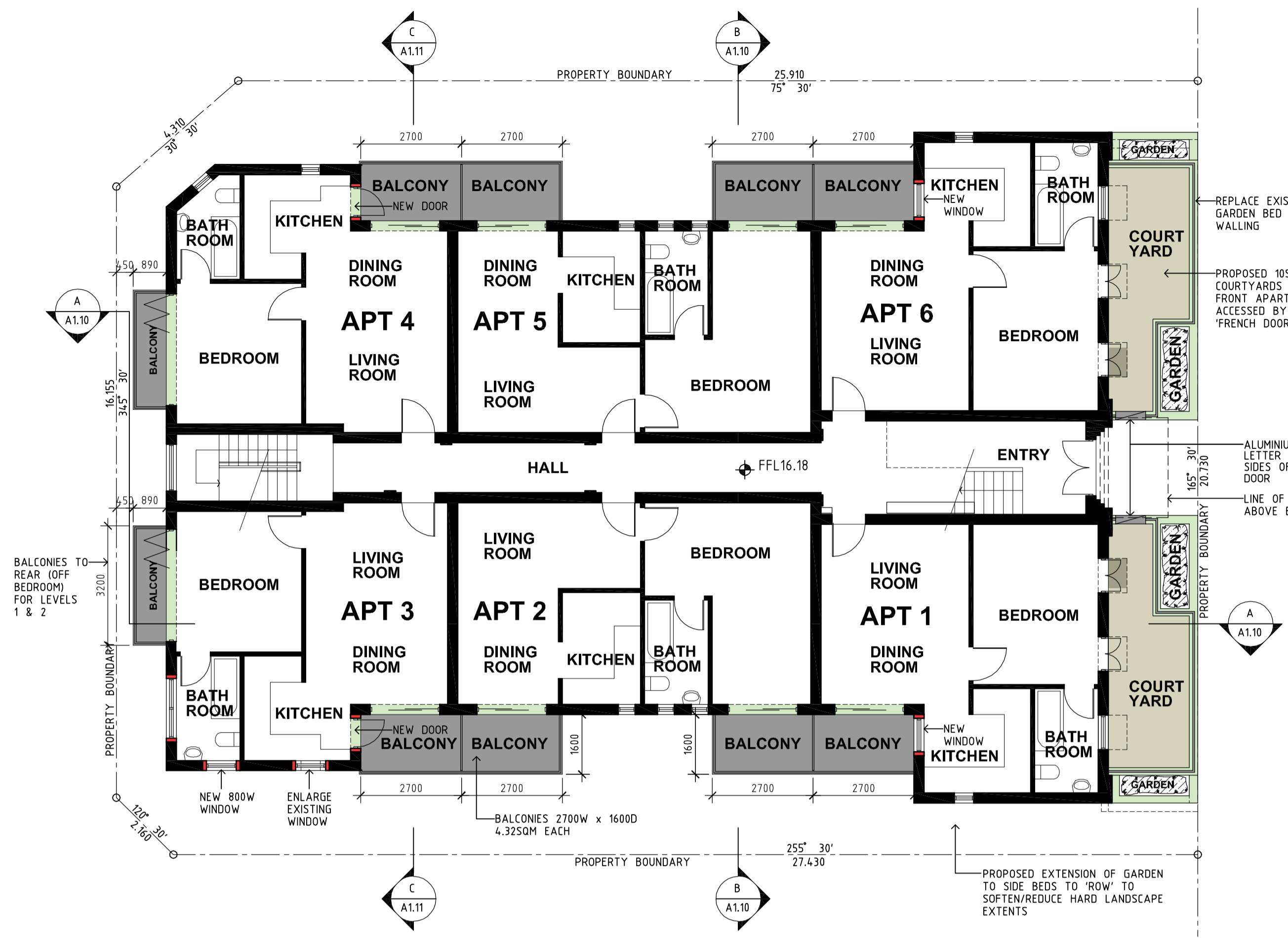
D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

58. FINAL OCCUPATION CERTIFICATE

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

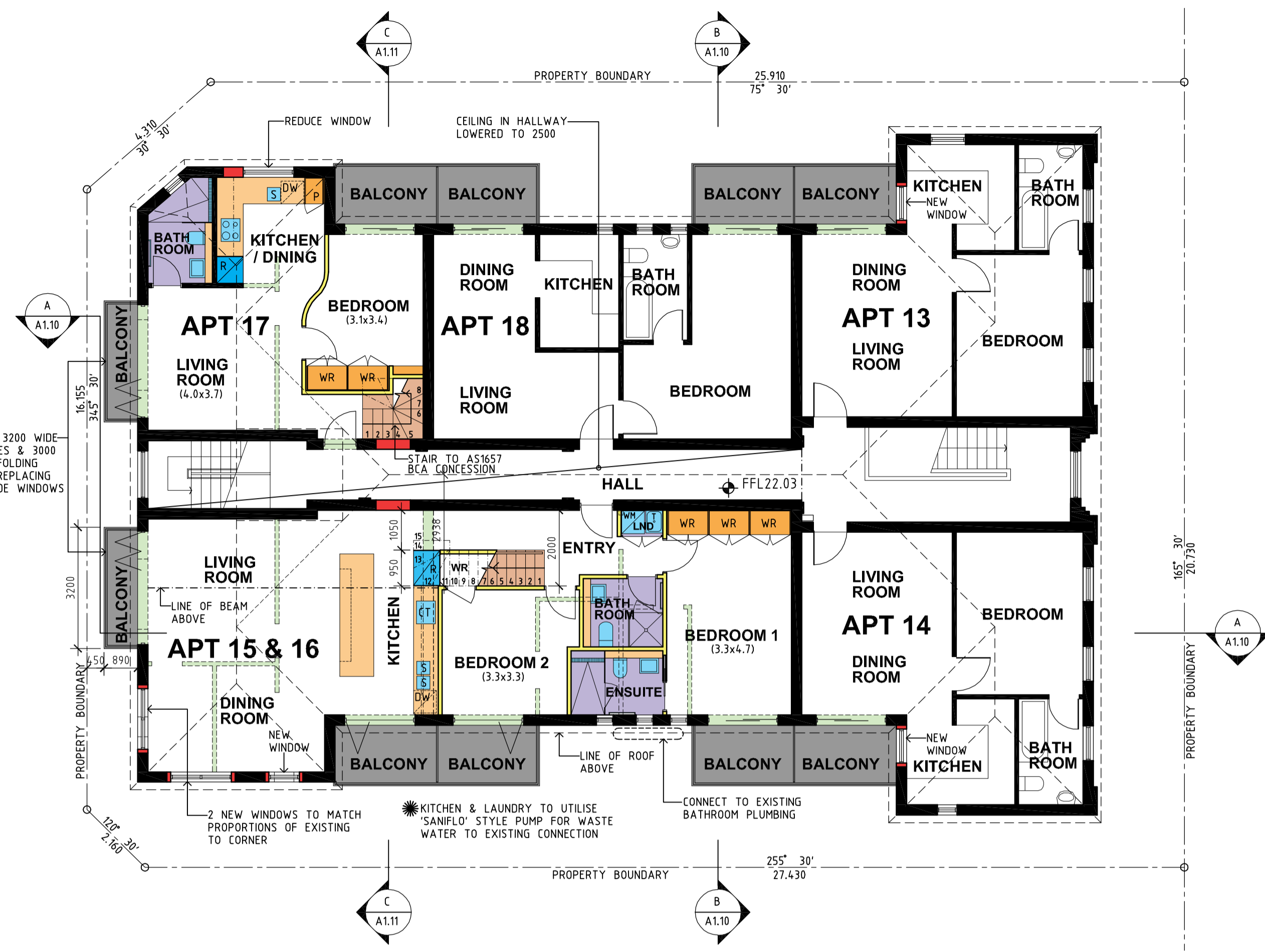
59. LIGHTING

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

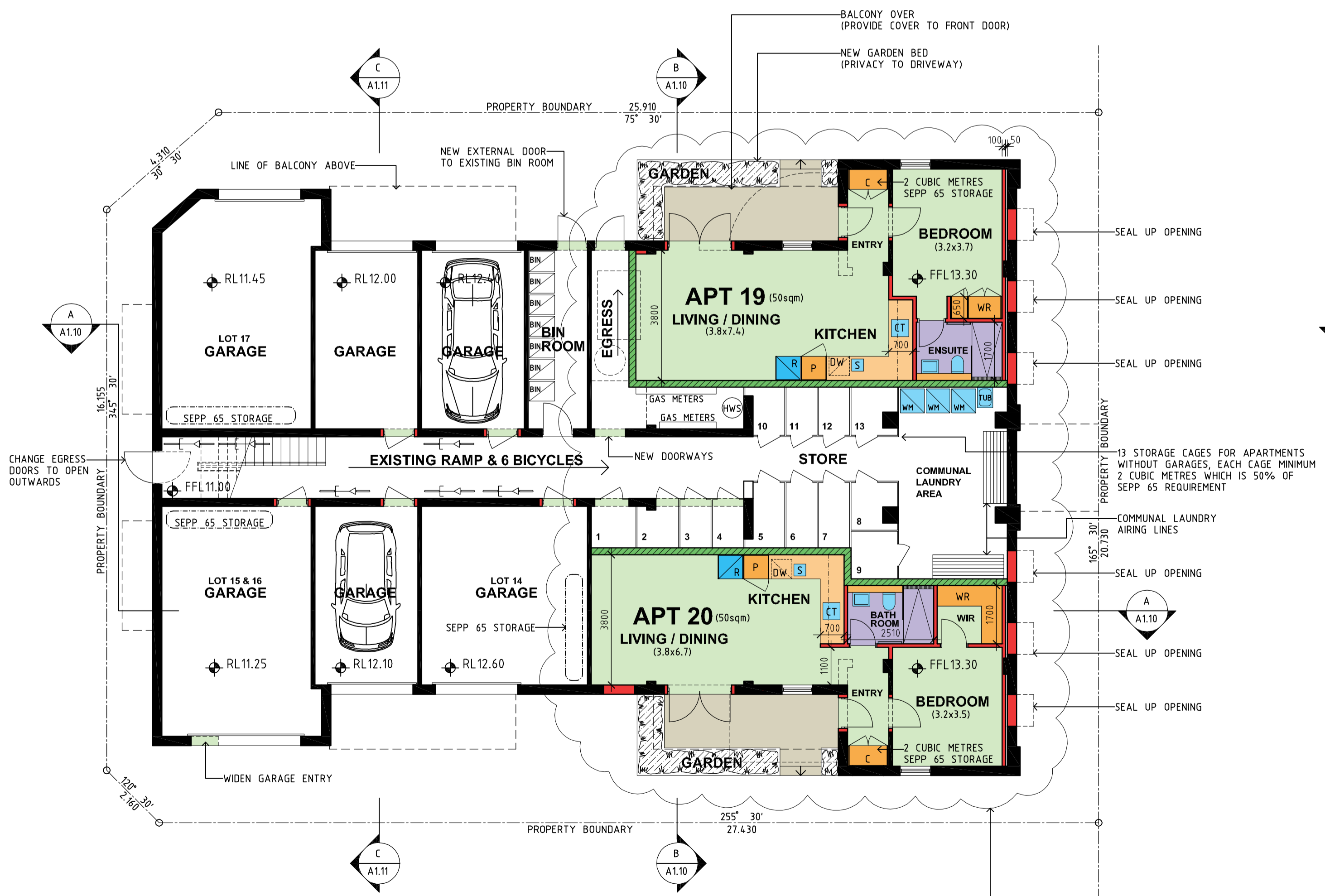


GROUND FLOOR PLAN - NO INTERNAL CHANGE

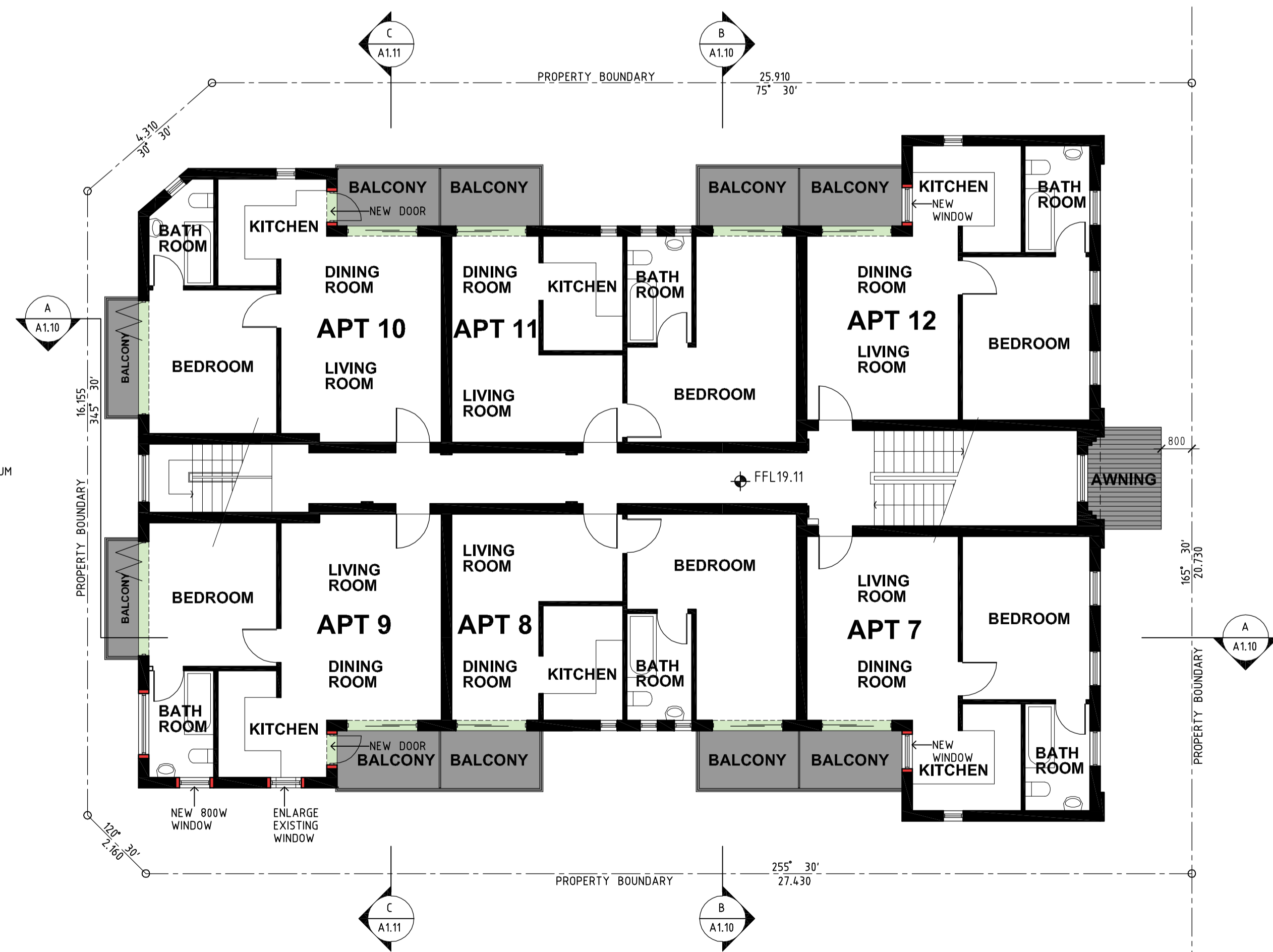
RAMSGATE AVENUE



SECOND FLOOR PLAN



LOWER FLOOR PLAN - PROPOSED ADDITIONAL



FIRST FLOOR PLAN - NO INTERNAL CHANGE

LEGEND

	EXISTING WALLS RETAINED
	EXISTING WALLS REMOVED
	NEW WALLS OR INFILL

C	17/12/2014	DA AMENDMENT
B	01/05/2014	DA FINAL
A	12/02/2014	DEVELOPMENT APPLICATION
No.	Date	Details

GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5025 F 61 2 9264 9938
PO Box 0291 Queen Victoria Building 1230 E gta@gilestribe.com.au
Giles Tribe Pty Ltd ABN 50 001 257 607
Nominated Architect: Ian McCaughey MArch, Mark G Broadley FRCGS, Stuart G Hill MArch

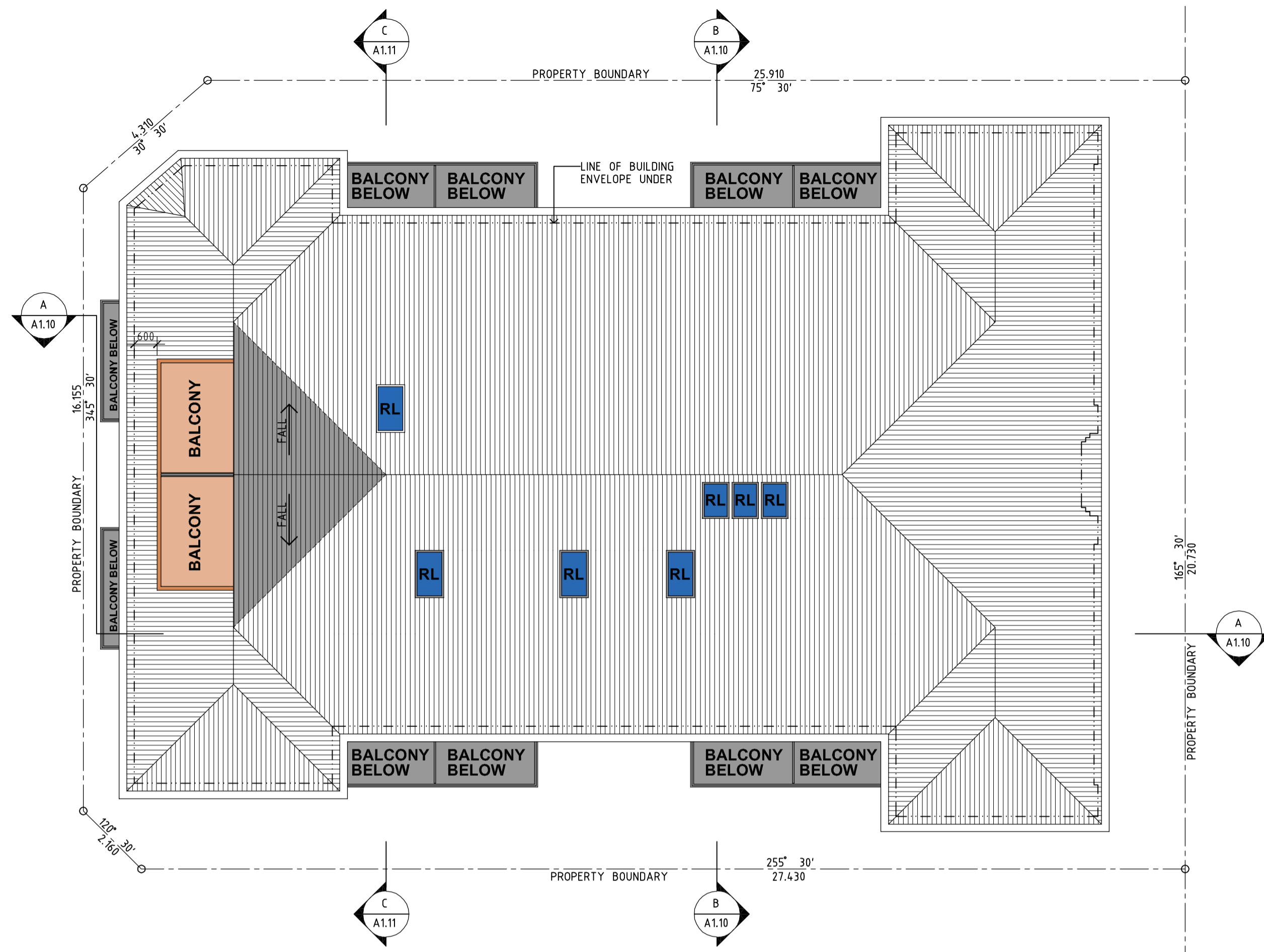
Project:
**ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE**

BONDI

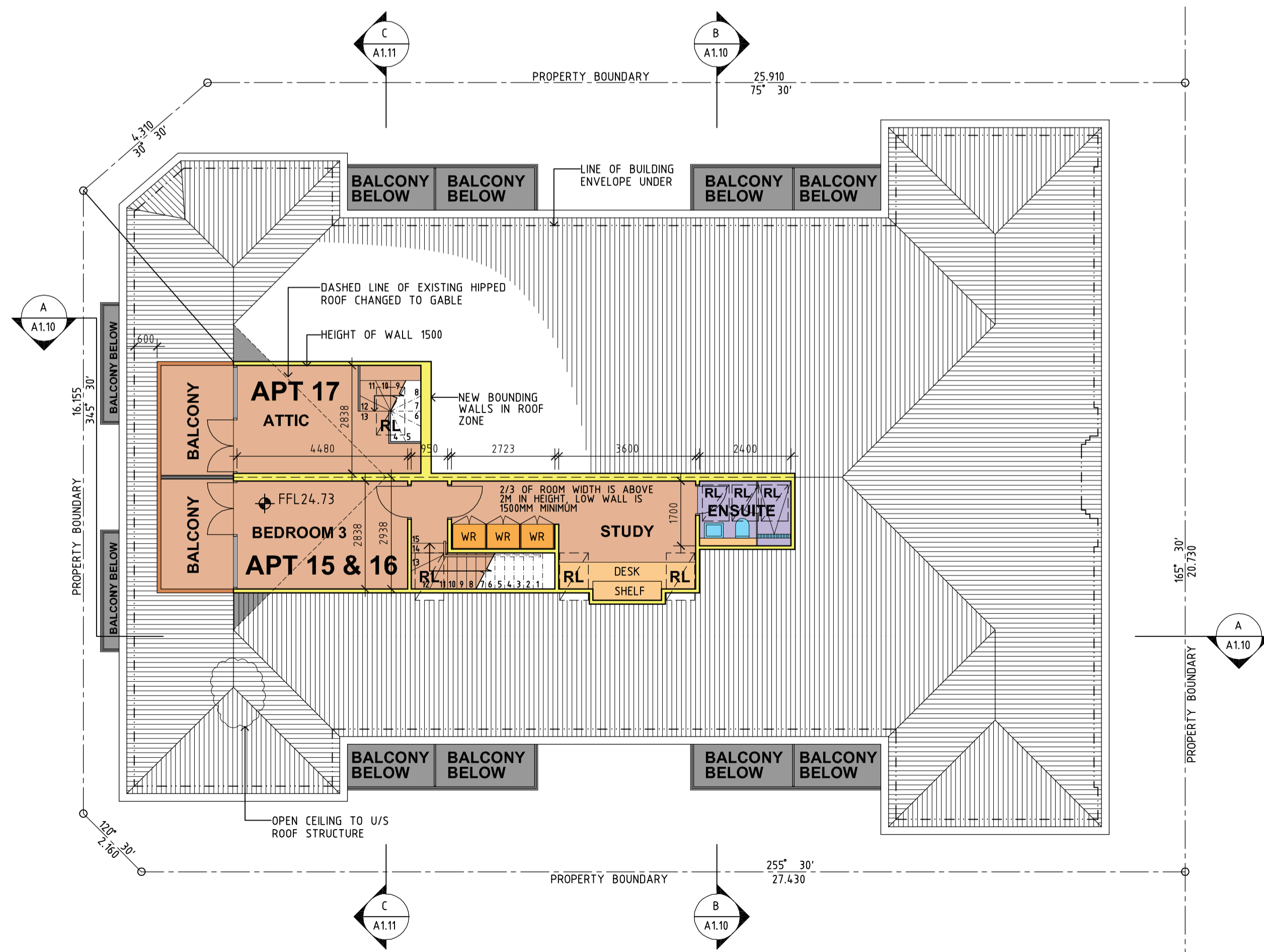
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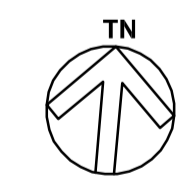
ROOF PLAN



ATTIC FLOOR PLAN

LEGEND

	EXISTING WALLS RETAINED
	EXISTING WALLS REMOVED
	NEW WALLS OR INFILL



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Amendments:

GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

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Nominated Architect: Ian McCaughey 641641 Mark G Broadley 68228 Stuart G Hill 646091

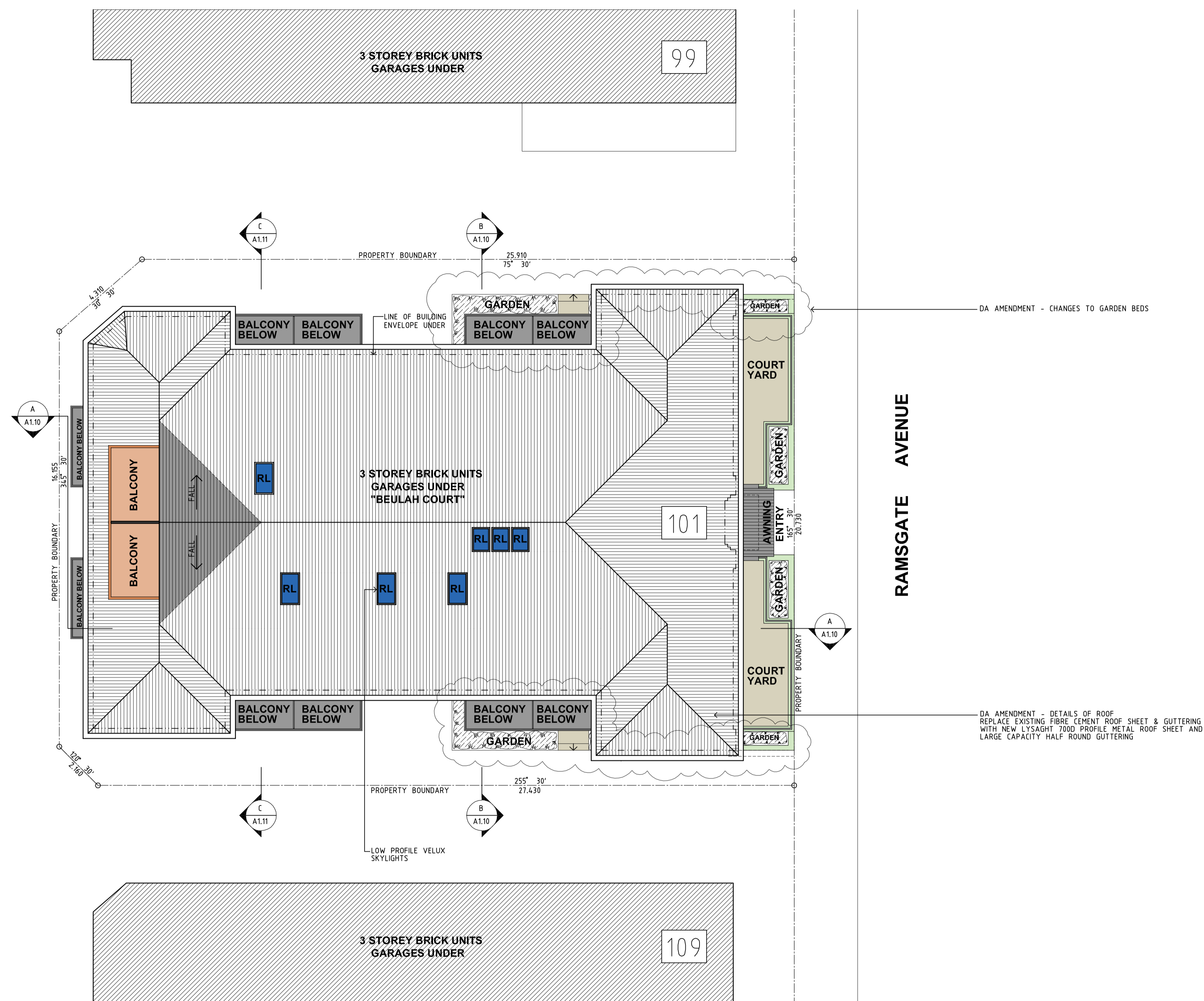
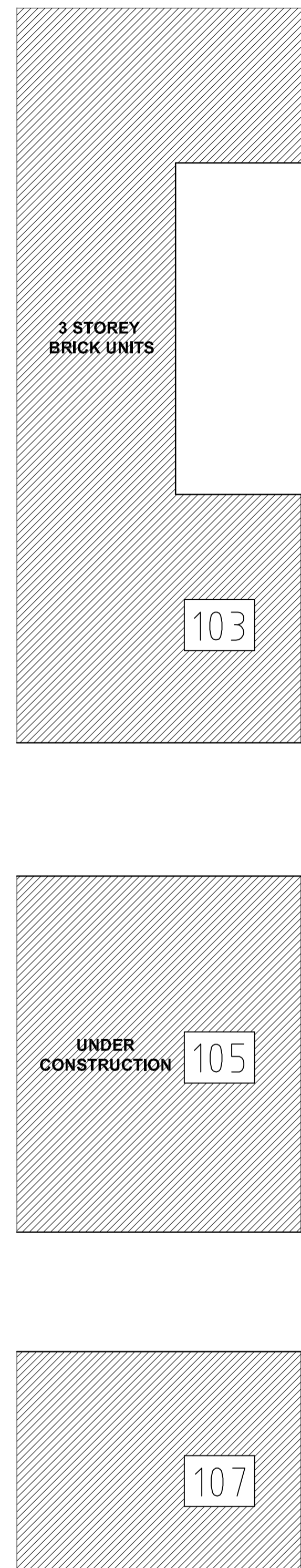
Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

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Drawing:
PROPOSED PLANS

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SITE & ROOF PLAN
 NOTE: IN REGARDS TO COUNCIL LETTER DATED 28/11/2014
 NO BOLLARDS ARE PROPOSED AS PART OF THIS APPROVAL

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Amendments

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Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5025 F 61 2 9264 9998
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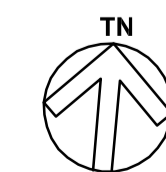
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ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

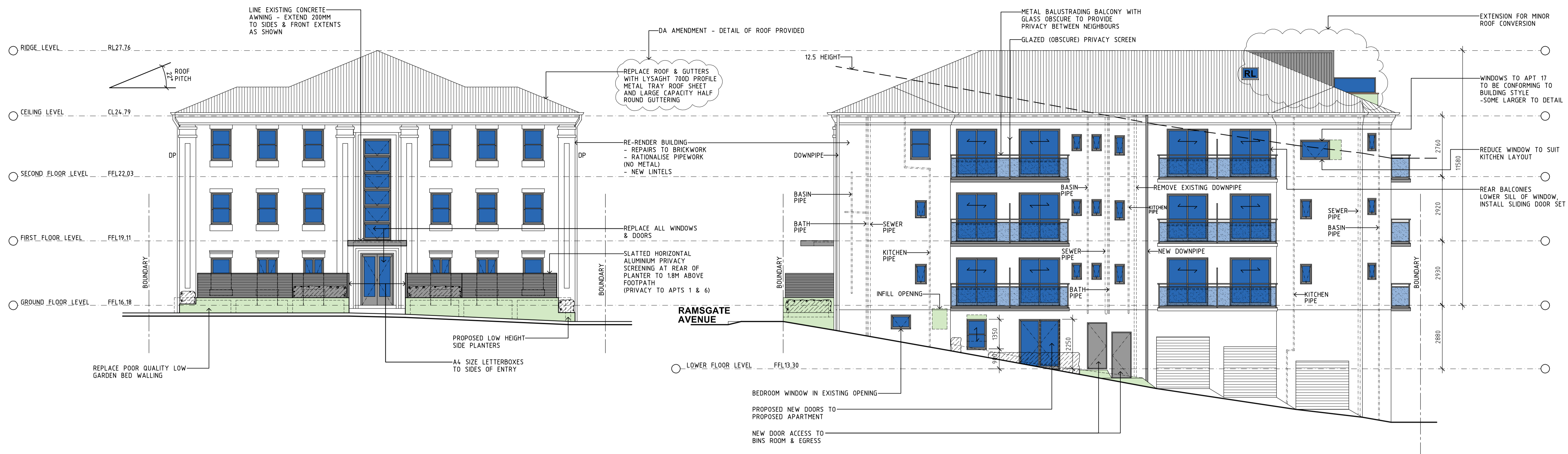
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Drawing:
SITE & ROOF PLAN

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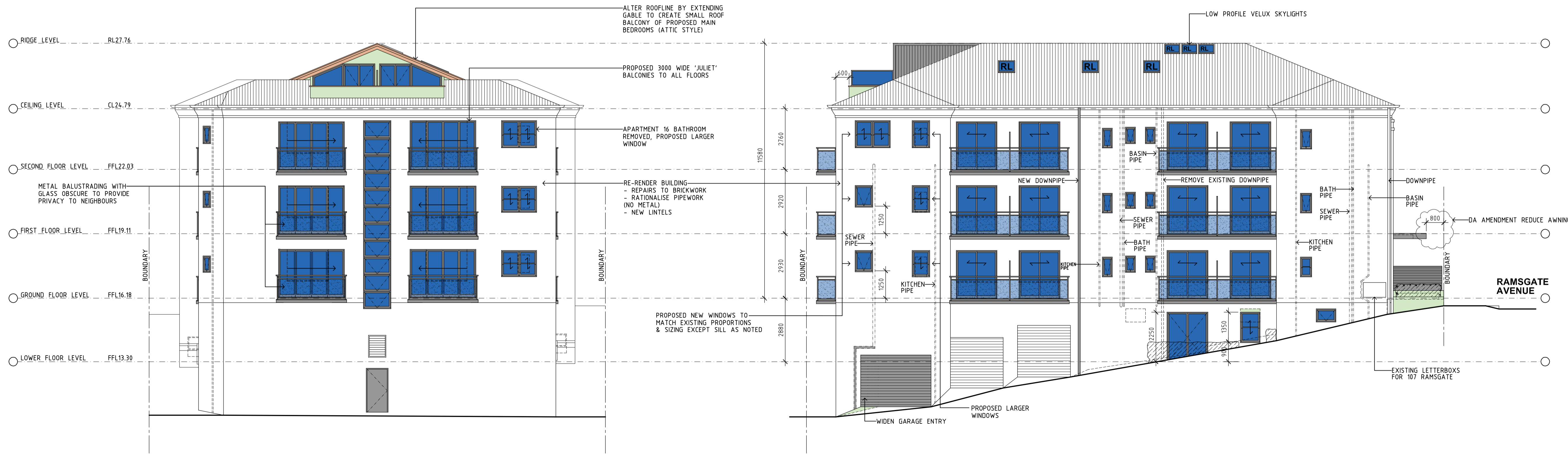


**EAST ELEVATION
RAMSGATE AVENUE ELEVATION**

DA AMENDMENT - DETAIL OF WINDOWS & DOORS
NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH EXISTING PROPORTIONS
AND OPENING ARRANGEMENTS

NORTH ELEVATION

DA AMENDMENT - DETAIL OF WINDOWS & DOORS
NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH EXISTING PROPORTIONS
AND OPENING ARRANGEMENTS



WEST ELEVATION

DA AMENDMENT - DETAIL OF WINDOWS & DOORS
NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH EXISTING PROPORTIONS
AND OPENING ARRANGEMENTS

SOUTH ELEVATION

DA AMENDMENT - DETAIL OF WINDOWS & DOORS
NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH EXISTING PROPORTIONS
AND OPENING ARRANGEMENTS

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Nominated Architects: Ian McCaughey 641641 Mark G Brodsky 68223 Stuart G Hill 640291

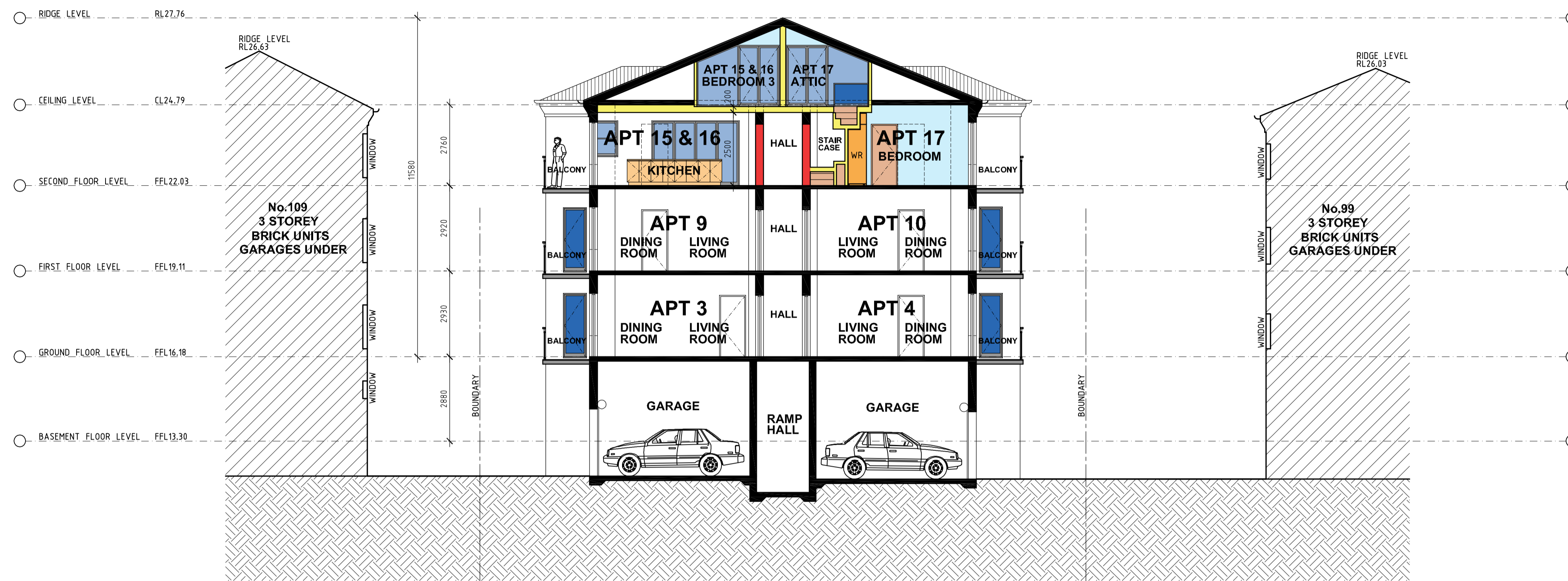
Project:
**ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE**

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Drawing:
PROPOSED ELEVATIONS

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SECTION C-C

C	17/12/2014	DA AMENDMENT
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No.	Date	Details

Amendments

GILES TRIBE ARCHITECTS
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Nominated Architects Ian McCaughey 641641 Mark G Broadley 68223 Stuart G Hill 64591

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

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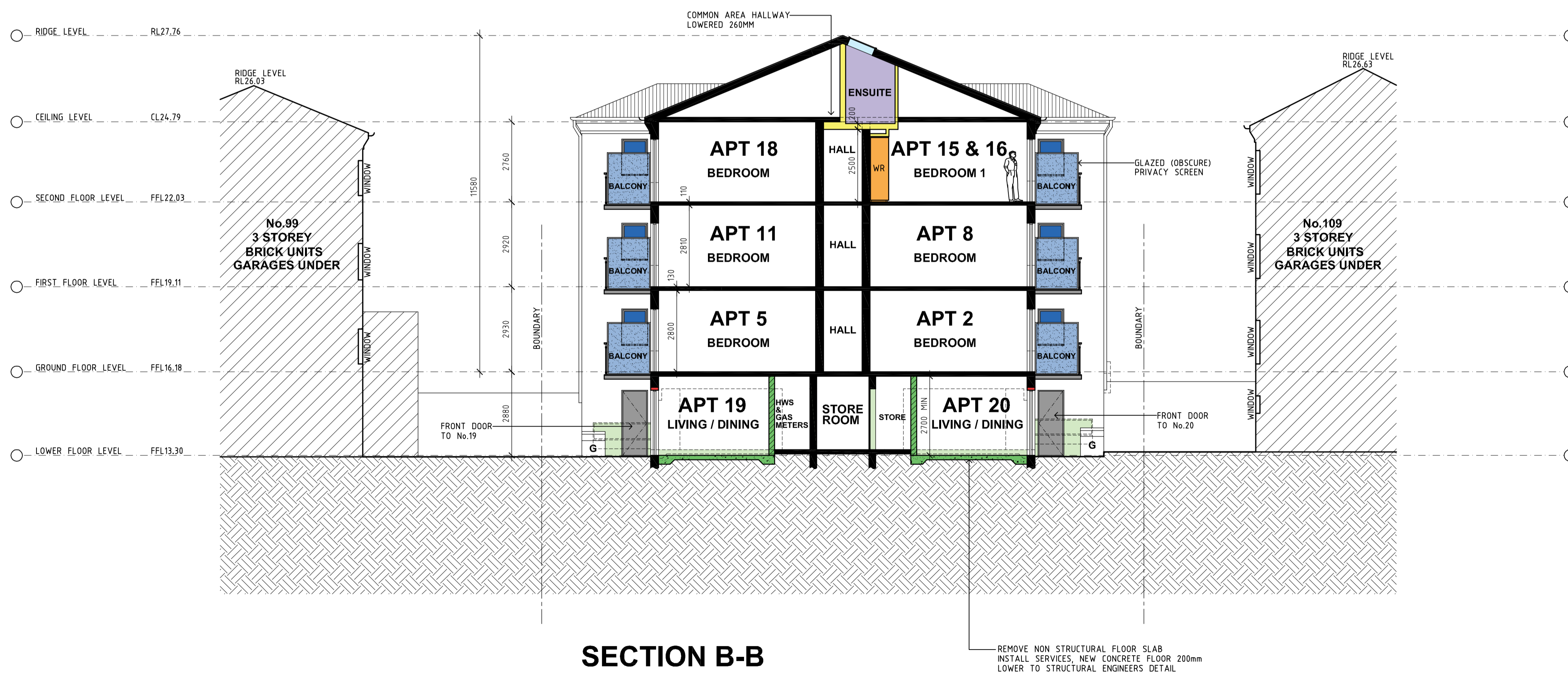
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SECTION A-A



SECTION B-B

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Amendments:

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PO Box 0291 Queen Victoria Building 1230 E gta@gilestribe.com.au
Giles Tribe Pty Ltd ABN 59 900 257 697
Nominated Architects: Ian McCaughey 447641 Mark G Brodsky 68228 Susan G Hill 66099

Project:
**ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE**

BONDI

Drawing:
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