



20 August 2024

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

11.00AM WEDNESDAY, 28 August 2024

QUORUM: Three Panel members.

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

AGENDA

WLPP-2408.A Apologies

WLPP-2408.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-2408.1 PAGE 4 194-214 Oxford Street and 2 Nelson Street BONDI JUNCTION NSW 2022 - Amending DA for alterations and additions to the basement and ground floor levels of an approved shop top housing development associated with DA-400/2021, including consolidation of basement car parks. (DA-360/2023)

Report dated 16 August 2024 from MoDA

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

WLPP-2408.2 PAGE 96 18 Tamarama Marine Drive BRONTE NSW 2024 - Demolition of dwelling and construction of a new two-storey dwelling with basement garage and a pool. (DA-38/2024)

Report dated 19 August 2024 from MoDA

Council Recommendation: That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A, including a condition to require the applicant to pay an additional DA fee to reflect the true cost of works of the development (as noted on the cover page of this report) prior to the issue of a construction certificate.

WLPP-2408.3 PAGE 174 118-122 Campbell Parade BONDI BEACH NSW 2026 - Increase capacity of Hotel Ravesis patrons. (DA-92/2024)

Report dated 19 August 2024 from MoDA

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

WLPP-2408.4

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1 Sir Thomas Mitchell Road BONDI BEACH NSW 2026 - Change of use to a food and drink premises (restaurant) and associated fitout. (DA-307/2024)

Report dated 16 August 2024 from MoDA

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

WLPP-2408.5

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64 Boundary Street BRONTE NSW 2024 - Construction of a new three storey dwelling with basement level garage, rumpus room, internal lift and balconies. (DA-137/2024)

Report dated 19 August 2024 from MoDA

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

WLPP-2408.6

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14 Ashley Street TAMARAMA NSW 2026 – Alterations and additions to a dwelling across multiple levels. (DA-281/2024)

Report dated 16 August 2024 from MoDA

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

WLPP-2408.7

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150-152 Glenayr Avenue BONDI BEACH NSW 2026 - Section 4.56 Modification to alter internal layout of basement levels including reconfiguration to convert storage space into a health and wellness area for the residential units, car and bike parking arrangement, storage cages in a stacker arrangement, various other changes and an amended offer to enter into a Planning Agreement. (DA-169/2022/C)

Report dated 16 August 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.



Report to the Waverley Local Planning Panel

Application number	DA-360/2023
Site address	194- 214 Oxford Street and 2 Nelson Street BONDJ JUNCTION
Proposal	Amending DA for alterations and additions to the basement and ground floor levels of an approved shop top housing development associated with DA-400/2021, including consolidation of basement car parks.
Date of lodgement	29 November 2023 (amended 19 December 2023, 20 February, 31 July and 8 August 2024)
Owner	Westgate BJ Pty Ltd, Waverley Council, Bellosch Pty Ltd and Bell Vue Pty Ltd
Applicant	Westgate Bj Pty Ltd
Submissions	One unique submission received
Cost of works	\$424,383 (including GST)* *These costs relate to the proposed amendments to the development, and not to the entire development
Principal Issues	<ul style="list-style-type: none"> Retention of active street frontages Retention of public access to Osmund Lane
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 to amend the development consent known as DA-400/2021 for an approved shop top housing development at the site known as 194- 214 Oxford Street and 2 Nelson Street, Bondi Junction. The proposed amendments include incorporation of Osmund Lane into the site, consolidation of basement car parks, and alterations to the ground floor level of the development including to the frontage to Oxford Street.

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

- Retention of public access to Osmund Lane
- Retention of active street frontages.

The assessment finds these issues acceptable. The proposed consolidation of basement car parks improves pedestrian and vehicle safety by consolidating vehicle entrances at the site, improves the functionality of ground floor retail spaces, and retains public access to Osmund Lane subject to conditions of consent. The proposal also satisfactorily retains active street frontages.

One submission was received and the issues raised in the submission have been considered and addressed in this report and in the recommendation.

The development application is referred to the Waverley Local Planning Panel for determination as there is a declared conflict of interest matter due to Council currently being a landowner of part of the site, being part of the Osmund Lane road reserve.

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 4.15(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

The site is located on land traditionally occupied by the Bidjigal, Birrabirragal and Gadigal people.

A comprehensive site visit was carried out during the assessment of the parent development application, known as DA-400/2021. A subsequent site visit was carried out on 28 March and 27 June 2024.

The site comprises multiple lots and is legally described as follows:

- Lot 10 Deposited Plan (DP) 260116;
- Lot 11 DP 260116;

- Lot 12 DP 260116;
- Lot 13 DP 260116;
- Lot 16 DP 68010;
- Lot 1 DP 79947;
- Lot 1 DP 708295;
- Lot 1 DP 583228 (formerly SP 34942); and
- Part of Osmund Lane (no lot or DP).

The site is known as 194 - 214 Oxford Street and 2 Nelson Street, Bondi Junction.

This Development Application (DA) seeks to include part of the Osmund Lane with an area of 153.4m² to the overall development site, resulting in a total combined area of 2,633.75m². Further discussion regarding calculation of site area is found in the Waverley Local Environmental Plan (LEP) 2012 compliance table in this report below.

The part of Osmund Lane to be included is identified in red hatching on the extract of the site survey shown in **Figure 1** of this report.

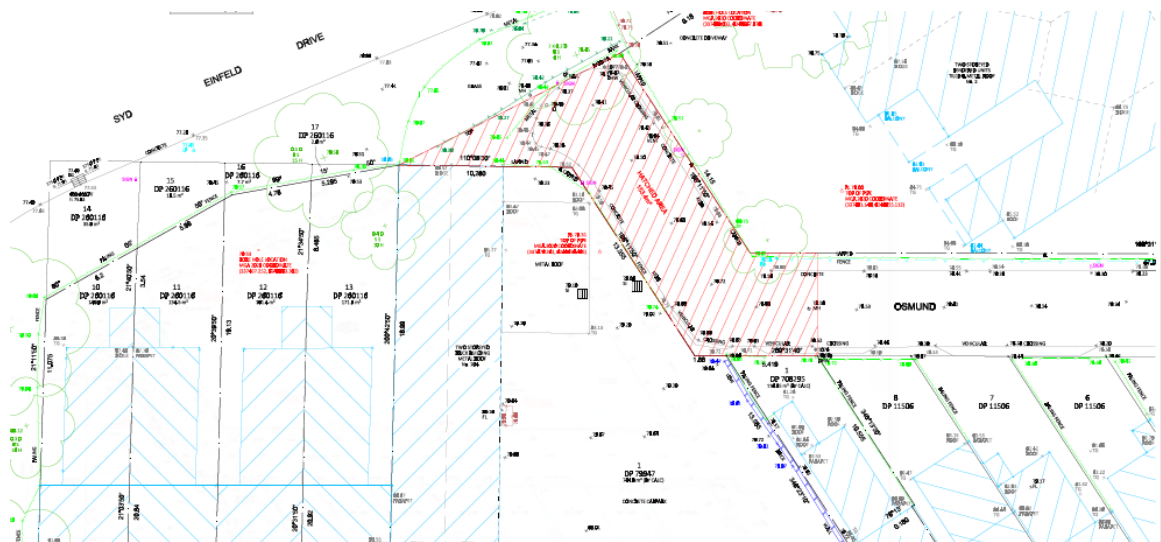


Figure 1: Extract of part of the site survey, showing (in red hatching) part of Osmund Lane that will form part of the overall development site

The site was previously occupied by:

- a row of four lots of two storey attached dwellings or terraces between 194 and 200 Oxford Street;
- a two-storey commercial building together with an extensive hardstand area occupied by a car hire business, known as 'AVIS' and 'Budget', at 204 Oxford Street;
- a two-storey shop terrace or shop top housing development at 214 Oxford Street; and
- a large-scale two storey residential building with an established Norfolk Island tree at 2 Nelson Street.

Development consent has been granted for the redevelopment of the site to accommodate two shop top housing buildings. Demolition and excavation works have commenced.

The site is located at the western-most end of the Bondi Junction Centre. It lies within a predominantly commercial/retail area fronting Oxford Street, and is also adjacent to a residential area to the north east near Nelson Street. The site is regarded as a 'gateway' to Bondi Junction and, more broadly, the Waverley local government area when travelling eastward along Oxford Street and from Centennial Park. It is also adjacent to a pedestrian bridge over Syd Einfeld Drive, which connects the suburbs of Bondi Junction and Woollahra.

Figures 2 to 5 are photos of the site and its context.



Figure 1: Nelson Street frontage of site and Osmund Lane intersecting with Nelson Street (left of photo), looking north-west from the eastern footpath of Nelson Street



Figure 2: Osmund Lane, looking north-west



Figure 3: Site as viewed from Syd Einfeld Drive, looking south-east



Figure 4: Site as viewed from Syd Einfeld Drive, looking south-east

1.3. Relevant Development History

This section outlines the extensive development history of the site.

1.3.1. Planning Proposal and Design Excellence Competition

A Planning Proposal, known as *PP_2016_WAVER_003_00* or Council Reference Number PP-1/2015 (hereafter known as the 'PP') was approved and subsequently amended Waverley LEP 2012 on 20 September 2019. The PP amended the following provisions of Waverley LEP 2012 as they relate to the site:

- increased the height of buildings development standard from 15m to 36m;
- increased the floor space ratio development standard from 1.5:1 to 3.5:1;
- removed local heritage item I1212 under Schedule 5 of Waverley LEP 2012, which related to the four lots of attached terrace dwellings between 194 and 200 Oxford Street;
- corrected a zoning anomaly on the corner of Syd Einfeld Drive and York Road by rezoning a portion of the road reserve of Syd Einfeld Drive from B4 Mixed Use to SP2 Infrastructure; and

- introduced a site-specific design excellence clause requiring an architectural design competition to be undertaken for any future DA at the site as well as the preparation of a site-specific development control plan.

The PP was accompanied by a Draft Public Benefit Offer (known as a planning agreement). The components of the contributions include:

- Dedication to Council of land for the purpose of road/footpath widening and/or traffic improvements along Oxford Street frontage of the site. The land is approximately 60m in length and 3.5m in width (208m²);
- Creation of a pedestrian/cycle through site link (approximately 136m²) from Oxford Street to Osmund Lane to improve connectivity in and around the area;
- Creation of a public plaza at street level at 2 Nelson Street (approximately 311m²); and
- Public domain works including:
 - Street paving
 - Street lighting
 - Street furniture
 - Public art
 - Landscaping
 - Stormwater drainage.

A site-specific development control plan (DCP) was subsequently prepared in accordance with clause 6.11 of Waverley LEP 2012 and was adopted by the elected Waverley Council on 1 September 2020. It is now known as Part E6 of Waverley DCP 2022.

An architectural design or design excellence competition was undertaken for the development. The competition was Council's first competition or process of its kind. The purpose of the competition was to select the highest quality of architectural, urban and landscape design outcomes for the redevelopment of the site. The planning consultancy, GYDE, managed the competition in close consultation with the NSW Government Architect and Council. Three firms competed and the Jury unanimously agreed on 26 October 2020 that the submission prepared by SJB best demonstrated the ability to achieve design excellence in accordance with clauses 6.9 and 6.10 of Waverley LEP 2012.

The Jury comprised the following members:

- Dillon Kombumerri (Chair and NSW Government Architect nominee);
- Ken Maher (Council nominee); and
- Kim Crestani (Applicant's nominee).

The Jury was supported by the following technical advisors in town planning, quantity surveyor, heritage and structural engineering disciplines, respectively:

- Juliet Grant, GYDE;
- Richard Cohen, Donald Cant Watts Corke;
- Stephen Davies, Urbis; and
- Damian Ienco, Istruct Consulting Engineers.

Two officers from Council’s Development Assessment Department attended the competition as impartial observers.

The SJB submission was subsequently awarded the winner of the competition and photomontages or visualisations of the winning scheme are provided in **Figures 6** and **7** of this report. Since the completion of the competition, SJB has continued developing the winning scheme, with guidance and advice provided from the same Design Competition Jury until lodgement of DA-400/2021 in September 2021.



Figure 6: Photomontage of the winning design concept prepared by SJB Architects, as viewed from the intersection of Oxford Street, York Road and Syd Einfeld Drive, looking east *Source: SJB Architect*



Figure 7: Photomontage of the winning design concept prepared by SJB Architects, as viewed from the southern side of Oxford Street, looking north-east *Source: SJB Architect*

1.3.2. Parent Development Consent (DA-400/2021)

The parent development consent, known as DA-400/2021 for demolition of existing structures; construction of a shop top housing development, comprising ground floor retail, 10 floors of residential apartments across two buildings (known as Oxford Street tower and Nelson Street tower) and four levels of basement parking; and associated Planning Agreement for public domain works was granted deferred commencement consent on 18 August 2022 by the Sydney Eastern City Planning Panel.

The terms of the deferred commencement consent are set out in Attachment A of the Notice of Determination for DA-400/2021 and are as follows:

That the Sydney Eastern City Planning Panel grant deferred commencement consent in accordance with the provisions of section 4.16 (3) of the Environmental Planning and Assessment Act 1979.

The consent is not to operate until the applicant has satisfied Waverley Council as to the following matters:

1. PLANNING AGREEMENT

- (a) The applicant (and owner of the whole of the property known as 194 – 214 Oxford Street and 2 Nelson Street, Bondi Junction comprising Lots 10 – 13 in DP 260116; Lot 1 in DP 79947; Lot 16 in DP 68010; Lot 1 in DP 70829; SP 34942 (including all lots); SP 79746 (including all lots) (the “Property”) must enter into a Planning Agreement with Waverley Council under section 7.4 of the Environmental Planning and Assessment Act 1979 in accordance with the letter of offer dated 29 July 2022 and Waverley’s Planning Agreement Policy 2014 and register the Planning Agreement on the title of the whole of the Property.*
- (b) In accordance with the said offer and Waverley’s Planning Agreement Policy 2014, the Planning Agreement shall include (but not be limited to) provision in respect to the following:*
 - (i) Payment of a Monetary Contribution in the amount of \$6,300,000.00 prior to the issue of any Occupation Certificate for the Development Consent;*
 - (ii) Delivery of public works at no cost to Council (valued at \$1,150,000.00) prior to the issue of any Occupation Certificate for the Development Consent:*
 - A public plazetta at street level within No. 2 Nelson Street site measuring approximately 311sqm, to be maintained at no cost to Council, together with a grant of easement to Council for public access to the satisfaction of Council acting reasonably;*
 - A through-site pedestrian/cycleway link from Oxford Street to Osmond Lane of approximately 136sqm to be maintained at no cost to Council, together*

with a grant of easement to Council for public access to the satisfaction of Council;

(iii) Registration of the executed Planning Agreement upon the title to the whole of the Property prior to the Development Consent becoming operative.

(iv) Provision of a Bank Guarantee in the amount of \$6,300,000.00 prior to the issue of any Construction Certificate for the Development to secure the payment of the Monetary Contribution which is:

- In a form acceptable to Council and from an institution acceptable to Council;*
- Irrevocable;*
- Unconditional;*
- With no end date.*

(v) The whole of the Property is to be charged with the delivery of the monetary contribution and public works to Council and Council is to have a right to lodge a Caveat against the title to the whole of the Property from the date the Planning Agreement is entered into until all obligations to Council under the Planning Agreement are met or the Planning Agreement is registered on the title to the whole of the Property.

(vi) The Planning Agreement will apply to the whole of the Property under this Development Consent and any modification or consent to a further development application in respect to the Property.

This development consent does not operate until the applicant satisfies Waverley Council, in accordance with the Environmental Planning and Assessment Regulation 2021, as to the matters specified in the above conditions and Waverley confirms such satisfaction in writing.

These conditions must be satisfied within 2 years of the date of this consent.

A modification application, known as DA-400/2021/A, was made on 10 July 2023 to relocate the deferred commencement consent matter 1 referred to above to the set of operative conditions of consent set out in Attachment B of the Notice of Determination of DA-400/2021. It also sought to modify the terms of conditions 10A and 18 in Attachment B. These modifications related to altering the timing of the commitments and obligations required to execute the approved Planning Agreement associated with the development consent. This modification application was approved on 27 July 2023 under delegated authority, which effectively activated the development consent and made it operative.

A subsequent modification application, known as DA-400/2021/B, was made on 6 October 2023 to amend working of condition 24 regarding the required site audit statement and was approved under delegated authority on 20 October 2023.

Another modification application, known as DA-400/2021/C, was made on 19 January 2024 to modify the residential floor levels of the approved development, such as internal layouts and communal open

spaces. This modification application is currently under assessment, and will be determined after the subject application.

1.3.3. Osmund Lane Purchase

The applicant has been in negotiations with Council in relation to purchasing part of Osmund Lane (that is shown in **Figure 1** of this report) to facilitate the consolidation of the basement carparks of the approved development. This process is occurring between the applicant and relevant staff in Council’s Assets and Operations Directorate and the elected Council, which is separate to the assessment duties performed by relevant staff in Council’s Planning, Sustainability and Compliance Directorate.

A Conflict of Interest Management Statement has been prepared and is available to view on Council’s online DA Tracker.

The purchase of part of Osmund Lane has not been completed at the time of the writing of this report. The General Manager of Waverley Council provided written and signed consent on 11 October 2023 to authorise the lodgement of the DA given that subject part of Osmund Lane is currently owned and managed by Waverley Council.

1.4. Proposal

The development application (DA) is classified as ‘amending’ in order to amend the parent development consent, known as DA-400/2021, to facilitate the consolidation of the basement carparks and subsequent amendments to the basement carpark and ground floor levels of the approved development, including the deletion of the entry and exit car lifts in the ‘Nelson Street Tower’ or Building B between Ground Floor and Basement Level 4 of the development.

The DA only seeks to amend Basement Levels 4, 3, 2 and 1 and the Ground Floor Level of the approved development.

The relevant numerical aspects between the approved development and the development that is proposed to be amended by this DA are provided below in **Table 1** of this report.

Table 1: Numerical aspects between the approved and proposed amended forms of the development

Aspect	Approved Development (DA-400/2021/B)	Amending DA (DA-306/2023)	Change
Number of apartments	70	70	No change
Total car parking spaces	86	84	-2
<i>Parking breakdown:</i>			

Aspect	Approved Development (DA-400/2021/B)	Amending DA (DA-306/2023)	Change
Resident parking (including accessible spaces)	64 ¹	62 (including 14 accessible)	-2 (no change in accessible spaces)
Resident visitor parking	10 ²	10	No change
Retail parking	12 ³	12	No change
Electric Vehicle resident spaces (as part of total residential parking)	7 ⁴	7	No change
Car wash	1	1	No change
Bicycle parking	111⁵	100	-11
Motorcycle parking	31⁶	28	-3
Electric charging point and parking space for bicycles and motor scooters.	1	1	No change
Overall building height	37.54m (defined by top of lift overrun of Nelson Street Tower at RL116.20)	37.54m	No change
Overall floor levels/storeys (above existing ground level)	10 storeys	10 storeys	No change
Overall gross floor area (GFA)	8,683m²	8,683m²	No change
Retail gross floor area	597m ²	597m ²	No change
Site area	2,480.8m²	2,633.75m²	+153.4m²
Floor space ratio	3.5:1	3.5:1⁷	No change

NB:

1. Conditions 98(a) and (b) of DA-400/2021/B requires a minimum of 14 accessible resident spaces and a maximum of 50 standard resident parking spaces
2. Condition 98(c) of DA-400/2021/B requires a minimum of 10 resident visitor parking spaces
3. Condition 98(d) of DA-400/2021/B requires 12 retail spaces
4. Condition 98(d) of DA-400/2021.B requires 7 EV charging parking spaces
5. Condition 99 of DA-400/2021/B requires a minimum of 80 bicycle spaces
6. Condition 100 of DA-400/2021/B requires a minimum of 28 motorcycle spaces
7. Refer to clause 4.5 of the LEP discussion below as to explanation for FSR remaining unchanged despite increase in site area.

The proposed amendments are described specifically per floor level and as follows:

Basement Level 4

- Basement Car Park Level 4 relocated from underneath the 'Nelson Street Tower' (Building B) to underneath the 'Oxford Street Tower' (Building A). This level is now proposed to be accessed by the vehicular ramp rather than the previously approved car lift.

- Deletion of car lift.
- Increase of extent of excavation, including relocated shoring wall around the perimeter of the relocated basement car park.
- The proposed relocated car park on Basement Level 4 comprises 15 car parking spaces, including four accessible and one EV charging space, one motorcycle space and 21 bicycle spaces.

Basement Level 3

- Expansion of basement carpark underneath Osmund Lane to consolidate the two approved basement car parks.
- Relocation of vehicular ramp to the north-western corner of the consolidated basement carpark and provision of additional vehicular ramp to connect split levels between the formerly separated carparks.
- Relocation of the fire stair for the Nelson Street Tower or Building B to the north-eastern corner of the consolidated basement carpark.
- Sanitary and end-of-trip facilities of the development are proposed to be relocated to Basement Level 3, comprising two unisex showers/toilets rooms, one female bathroom (comprising two cubicles) and one male bathroom (comprising two cubicles).
- Removal of mechanical plant, including grease arrestor, cold water booster, hydrant/sprinkler pump room (moved to basement level 1).
- Provision of storerooms.
- Increase of extent of excavation, including relocated shoring wall around the perimeter of the relocated basement car park and underneath Osmund Lane.
- Provision of EV charging stations adjacent to EV charge parking spaces.
- The proposed reconfigured carpark on Basement Level 3 comprises 23 car spaces, including five accessible spaces and three EV charging spaces, 12 motorcycle spaces and 30 bicycle spaces.

Basement Level 2

- Expansion of basement carpark underneath Osmund Lane to consolidate the two approved basement car parks.
- Relocation of vehicular ramp to the north-western corner of the consolidated basement carpark and provision of additional vehicular ramp to connect split levels between the former separated carparks.
- Relocation of the fire stair for the Nelson Street Tower or Building B to the north-eastern corner of the consolidated basement carpark.
- Relocation of retail waste room.
- Consolidation of plant room by removing separate hydrant/sprinkler tank room, switch room, comms and mechanical plant rooms.
- Expansion of bicycle storage/parking.
- Provision of EV charging stations adjacent to EV charging parking spaces.
- Increase of extent of excavation, including relocated shoring wall around the perimeter of the relocated basement car park and underneath Osmund Lane.

- The proposed reconfigured carpark on Basement Level 2 comprises 24 car spaces, including five accessible spaces and three EV charging spaces, 12 motorcycle spaces and 43 bicycle spaces.

Basement Level 1

- Expansion of basement carpark underneath Osmund Lane to consolidate the two approved basement car parks.
- Relocation of vehicular ramp to the north-western corner of the consolidated basement carpark and provision of additional vehicular ramp to connect split levels between the former separated carparks.
- Relocation of the fire stair for the Nelson Street Tower or Building B to the north-eastern corner of the consolidated basement carpark.
- Consolidation of plant rooms, including separate cold water pump, sprinkler tanks, comms and retail meter rooms, grease arrestors for each building/tower.
- Provision of storerooms.
- Provision of EV charging stations adjacent to EV charging parking spaces.
- Increase of extent of excavation, including relocated shoring wall around the perimeter of the relocated basement car park and underneath Osmund Lane.
- Expansion and greater detailing of residential waste rooms underneath each building/tower, including providing separate bulk waste, recycling and general waste bin storage areas, wash bay and detailing of chute system.
- The proposed reconfigured carpark on Basement Level 1 comprises 22 car spaces, including 12 retail spaces, nine residential visitor spaces (including an accessible space) and a car wash space, three motorcycle spaces and six bicycle spaces.

Ground Floor Level of the 'Nelson Street Tower' (Building B)

- Removal of entry and exit car lifts, retail loading and unloading areas, retail waste storage and back of house areas.
- Reconfiguration of the public domain areas, including removal of the approved 'vehicle waiting/loading zone' adjacent to the deleted car lifts.
- Expansion of the building footprint towards the south-west to extend the colonnade so that it wraps around to the western side of the building podium.
- Relocation and expansion of substation.
- Reduction of car exhaust ventilation and other risers.
- Expansion of condenser room across the northern perimeter, including addition of louvres across the northern elevation.
- Relocation and rationalisation of fire stair/egress to now directly discharge to the Nelson Street frontage of the site,
- Deletion of the kiosk-type retail tenancy fronting Osmund Lane to expand the retail tenancy, known as 'Retail B02'.
- Reduction of finished floor levels of retail tenancies by approximately 40mm.
- Reconfiguration and rationalisation of residential lobby.

- Amendments to the proportions of glazed openings across the southern, western and eastern elevations.

Ground Floor Level of the 'Oxford Street Tower' of Building A

- Minor adjustment of vehicular ramp and entry/exit area and loading bay area.
- Reduction of length and increase of width of residential lobby by introducing a fore colonnade accessed from the through-site link (between Osmund Lane and Oxford Street).
- Amendments to the proportions of glazed openings across the southern, western and eastern elevations.

Shop Terrace fronting Oxford Street

- Deletion of retained façade at the eastern most end of the Oxford Street shopfront and associated expansion of approved contemporary replacement shopfront.
- Provision of fire hydrant booster assembly on the eastern most end of the Oxford Street shopfront.
- Deletion of approved awning to Oxford Street.
- Rationalised glazed openings across the Oxford Street and through-site link elevations.
- Insertion of car park exhaust shaft through the retail premises venting to the roof.

Public Domain

- Deletion of steps within through-site link, replacement with a ramp, and associated changes to levels.
- Provision of raise planters alongside the through-site link.
- Provision of underground on-site stormwater detention tanks with landscaping above within the Osmund Lane portion of the site.
- Demarcation of pedestrian and cycle way across Osmund Lane that links the through-site link to the plaza fronting Nelson Street via the colonnade of Building B.
- Removal of a Callistemon tree, known as 'Tree 8' in the approved Arborist Report referred to in condition 1(e) of DA-400/2021.

The DA does not seek changes to the residential floor levels of the approved development that are located above the ground floor level of all buildings of the development. A separate modification application was simultaneously made to Council to propose modifications to these levels of the approved development, which is known as DA-400/2021/C, and has yet to be determined. The determination of the modification is not reliant upon the subject DA being determined first and vice versa, however. The DA also does not change the operational aspects of the retail and commercial tenancies of the approved development.

The subject DA does not specifically seek development consent for subdivision to consolidate part of Osmund Lane into the adjacent lots. Therefore, consideration against development standards and controls for subdivision is not required. The applicant may need to lodge a development application proposing this in the future.

1.5. Background

The DA was lodged on 29 November 2023 and a request for additional and amended information was made to the applicant on 6 December 2023 for the following reasons:

1. All architectural floor plans submitted did not clearly demarcate proposed amendments.
2. All elevation and section architectural drawings submitted did not specifically demarcate proposed amendments.
3. The landscape plan submitted did not demarcate proposed amendments to the landscaping of the public and private domains of the approved development and site.
4. The schedule of changes submitted did not reflect all proposed amendments depicted on the architectural and landscape plans.

The applicant submitted amended plans, received on 19 December 2023, which satisfied the request made on 6 December 2023.

On 25 January 2024 Council made a further request for additional and amended information to the applicant for the following reasons:

1. The application documentation must only relate to the ground floor and basement levels of the development, and must not include any changes to the residential floors.
2. An amended site waste and recycling management plan is required.
3. All proposed amendments must be detailed within a schedule of changes.

The applicant provided amended documentation responding to Council's request on 20 February 2024. The following additional minor amendments were included in the amended architectural plans:

- Details of the fire booster assembly on street façade of two storey shop building at 214 Oxford Street was provided.
- Vents on West podium of Building B introduced.
- Heights of raised planters and landscaping features along through-site link to the east of Building A were revised.

On 17 July 2024, Council made a further request for additional and amended information requiring the applicant to address the following issues:

1. The proposed GFA and FSR must be correctly calculated, and should not change compared to the approved DA.
2. Amendments are required to the proposed fire hydrant booster to ensure design excellence is achieved for the Oxford Street frontage.
3. A minimum of 80 bicycle parking spaces are required.
4. Identification of proposed excavation volume is required.

5. Site boundaries must be shown on plans.
6. Any proposed changes to approved roofs must be depicted on roof plans.

The applicant provided amended documentation responding to Council's request on 31 July and 8 August 2024. The amended documentation forms the basis of this assessment.

2. ASSESSMENT

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

2.1. Planning Instruments and Development Control Plans

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

2.1.1. State Environmental Planning Policies (SEPPs)

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

- SEPP (Housing) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Planning Systems) 2021.

SEPP (Housing) 2021.

The proposal reduces the number of residential car parking spaces from 64 to 62.

The reduction in car parking spaces complies with Chapter 4 *Design of residential apartment development* section 148 development standard (2)(a) of SEPP (Housing) 2021, which comply with any minimum car parking requirements for residential development that Council may have. Waverley Council does not have any minimum car parking requirements for residential development, and therefore the proposal complies with the development standard.

The remainder of the SEPP (Housing) 2021 is not applicable to the proposal, as the proposal does not alter the residential floor levels of the development.

SEPP (Transport and Infrastructure) 2021

The proposal involves additional excavation, however, it does not expand the excavation outward from the external boundaries of the excavation required for the approved development, with the exception of Osmund Lane which is now incorporated in the overall development site.

The DA was referred to Transport for New South Wales (TfNSW) as the relevant rail authority for assessment under section 2.99 of SEPP (Transport and Infrastructure) 2021 due to the proposed excavation within close to a rail corridor. TfNSW responded stating that a decision was not required from the rail authority.

The DA was also referred to Ausgrid under section 2.48 of SEPP (Transport and Infrastructure) 2021 due to the proposed excavation within the proximity of an electricity distribution pole. Ausgrid provided advice notes which are included at appendix A of this report.

SEPP (Planning Systems) 2021

While the approved development is classified as ‘regionally significant development’ as per clause 2 of Schedule 6 of the above-mentioned SEPP (for general development), a detailed cost report was submitted with this DA to quantify the capital investment value (CIV) for this DA, which differentiates the costs involved of the amendments to the approved development, to be \$424,383 (including GFA) from the gross CIV for the whole development as the majority of the approved development remains unchanged/unaffected by the subject amending DA. As the CIV of the proposal is less than \$5million, the DA is not deemed ‘regionally significant development’ and the Waverley Local Planning Panel is the relevant consent authority to determine it.

SEPP (Resilience and Hazards) 2021

Part of Osmund Lane that is proposed to be excavated has been examined in a site contamination statement submitted as part of this DA. As this is an amending DA, all obligations under relevant conditions in the parent consent will continue to apply to all aspects of the development site, including part of Osmund Lane that is proposed to be excavated. In this regard, section 4.6 of the SEPP is satisfied.

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

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal satisfies the relevant aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		

Provision	Compliance	Comment
Land Use Table <i>MU 1 Mixed Use Zone</i>	Yes	The proposal does not change the land use definition of the approved development as 'shop top housing' and 'retail premises', which are permitted uses in the MU1 Zone. The proposal satisfies the relevant objectives of the MU1 Zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 36m 	N/A	The proposal does not constitute building height and does not change the overall building heights of the approved development.
4.4 Floor space ratio <ul style="list-style-type: none"> 3.5:1 	Yes	The proposal does not alter the approved gross floor area (GFA) or floor space ratio (FSR) of the original site.
4.5 Calculation of site area	Yes	<p>Osmund Lane is categorised as <i>public land</i> under section 4.5(7), and therefore the site area and floor space ratio of the development must be calculated separately for the part of the site on Osmund Lane and for the remainder of the site.</p> <p>The site area of the relevant part of Osmund Lane is 153.4m². There is no GFA proposed on this part of the site, and therefore there is no FSR to calculate for this part of the site.</p> <p>The site area of the remainder of the site is unchanged from the original consent, being 2,480.35m². The GFA and FSR of this part of the site remains unchanged.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	<p>The site comprises a landscape heritage item, known as I506 under Schedule 5 of Waverley LEP 2012 and described as 'Norfolk Pine - Landscape'. This heritage item is confined to the north-eastern portion of the site.</p> <p>The amending DA has no impact on the setting or health of the tree.</p>
5.21 Flood Planning	N/A	The site is outside the flood planning area.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The amending DA increases the excavation volume by 1,425m ³ compared to the approved development, resulting in a total excavation volume of 24,900m ³ for the whole development.

Provision	Compliance	Comment
		The proposed excavation depth, the existing ground conditions, and the overall excavation impacts remain materially the same as approved DA-400/2021. The approved geotechnical report and excavation conditions of consent that form part of DA-400/2021 can therefore continue to be relied upon.
6.5 Active street frontages in the Bondi Junction Centre	Yes	<p>The Oxford Street frontage of the site is identified as an active street frontage by clause 6.5 of Waverley LEP 2012.</p> <p>The proposal includes the introduction of a fire hydrant booster within the Oxford Street frontage of the development. Access to fire services is specifically permitted by within active street frontages by clause 6.5(4)(b), and therefore the proposal complies with the active street frontage controls.</p> <p>The proposed design minimises the size of the area occupied by the fire hydrant, and screening is proposed to improve the visual appearance of the booster.</p> <p>A condition of consent is included at Appendix A of this report requiring full details of the screening to be submitted to Council to ensure a high quality design is achieved for this part of the development.</p>
6.7 Solar access to public spaces in Bondi Junction	N/A	The proposal does not affect solar access any protected public spaces within the Bondi Junction Centre.
6.9 Design excellence	Yes	<p>The site is identified by Waverley LEP 2012 as a “key site”, and therefore clause 6.9 applies to the proposal.</p> <p>The development, as altered by the amending DA, continues to exhibit design excellence.</p> <p>The amending DA improves upon the approved development by consolidating the parking arrangements resulting in simpler parking access with a reduction in potential vehicle and pedestrian conflicts. The redesign of the parking access also results in more useable and flexible retail spaces.</p>
6.10 Design excellence on certain land in Bondi Junction	Yes	The approved development was the product of a complete design process as outlined in section 1.3.1 of this report above.

Provision	Compliance	Comment
		The proposed amendments do not result in any fundamental changes to the approved design, and a further design competition is not required. The proposal continues to exhibit design excellence.
6.11 Development requiring the preparation of a development control plan	Yes	Part E6 of Waverley DCP 2022 provides design objectives and controls for all the matters for consideration under clause 6.11(4) of the LEP. See Part E6 of the Waverley DCP 2022 compliance table of this report below for further discussion.
6.12 Development on certain land in Bondi Junction	Yes	This clause applies to the site and development as it involves the erection of a new building on a site identified on the 'Key Sites Map' of Waverley LEP 2012. This clause prohibits development consent unless the non-residential GFA of the building will be the same as or greater than the total non-residential GFA of all buildings on the site on 1 January 2021. This amending DA has no impact on the non-residential GFA of the site, and therefore the proposal complies with the control.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) – Amendment No.1

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

Table 3: Waverley DCP 2022 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	<p>The applicant has provided a waste management plan demonstrating acceptable waste storage and collection arrangements.</p> <p>Conditions of consent are included at Appendix A of this report requiring compliance with the waste management plan.</p>
3. Landscaping, Biodiversity and Vegetation Preservation <ul style="list-style-type: none"> <i>Significant trees to be retained.</i> 	Yes	<p>The amending DA has no impact on the setting or health of heritage listed Norfolk Pine tree at the site.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Planting in habitat corridors to be 50% native plants</i> 	No	<p>The applicant has requested the removal of a Callistemon tree to on Transport for NSW's verge adjacent to Syd Einfeld Drive to allow for the positioning of a shoring rig.</p> <p>Council does not object to the removal of the Callistemon tree as it is not significant, however consent must be obtained from Transport for NSW for its removal. A condition of consent requiring consent to obtained is therefore included at Appendix A.</p> <p>Insufficient information has been provided to demonstrate compliance with the control. A condition of consent requiring compliance is therefore included in Appendix A.</p>
5. Water Management	Yes	<p>The proposed stormwater system is satisfactory.</p> <p>Part of the stormwater system is proposed to drain through Transport for NSW's land. Therefore, conditions of consent are included at Appendix A of this report requiring the applicant to demonstrate they have obtained the consent of Transport for NSW prior to final approval of the stormwater system.</p>
6. Accessibility and Adaptability	Yes	Satisfactory. The proposed amendments to the development retain accessibility and adaptability.
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.2 Parking Rates <i>Maximum resident car parking rate for high density residential in Parking zone 1 (Bondi Junction centre):</i> <ul style="list-style-type: none"> <i>• 1 bedroom: 0.4 x 2 = 0.8 spaces</i> 	Yes Yes Yes	<p>The amending DA improves upon the approved development by consolidating the parking arrangements resulting in simpler parking access with a reduction in potential vehicle and pedestrian conflicts. The redesign of the parking access also results in more useable and flexible retail spaces.</p> <p>The proposal reduces residential parking spaces from 64 to 62. The proposal remains compliant with the control.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • 2 bedroom: 0.7 X 35 = 24.5 spaces • 3+ bedroom: 1.2 x 33 = 39.6 spaces • TOTAL = 64.9 or 65 resident spaces <p>Minimum resident car parking rate:</p> <ul style="list-style-type: none"> • Nil. <p>Minimum visitor car parking (if providing parking):</p> <ul style="list-style-type: none"> • 1 space per 7 units: 70/7 = 10 visitor spaces. <p>Retail car parking:</p> <ul style="list-style-type: none"> • Maximum: 2 spaces per 100m² of retail space: 2x (597/100) = 11.94 or 12 spaces <p>7.2.5 Motorcycle Parking</p> <p>Minimum motorcycle parking:</p> <ul style="list-style-type: none"> • Resident and visitor: 1 per 3 car parking spaces: 84/3 = 28 spaces <p>7.2.6 Bicycle Parking</p> <p>Minimum bicycle parking:</p> <ul style="list-style-type: none"> • Resident: 1 space per dwelling: 70 x 1 = 70 spaces • Resident visitor: 1 space per 10 dwellings: 70/10 = 7 spaces • Retail employee: 0.1 space per 100m² net floor area: (597/100) x 0.1 = 0.597 or 1 space • Retail visitor: 0.4 space per 100m² of GFA: (597/100) x 0.4 = 2.4 or 2 spaces • Total = 80 spaces minimum 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal retains 10 visitor parking spaces in compliance with the control.</p> <p>The proposal retains 12 retail parking spaces in compliance with the control.</p> <p>The proposal reduces motorcycle parking from the approved 31 spaces to 28 spaces. The proposal remains in compliance with the control.</p> <p>The proposal reduces bicycle parking from the approved 111 spaces to 100 spaces. The proposal remains in compliance with the control.</p>

Development Control	Compliance	Comment
<p>7.4 Pedestrian/Bicycle Circulation and Safety</p> <p>7.8 Electric Vehicle Charging Points</p>	<p>Yes</p> <p>Yes</p>	<p>The proposal retains safe pedestrian and bicycle access.</p> <p>The proposal does not alter the number of electric vehicle charging spaces.</p>
<p>8. Heritage</p>	<p>Yes</p>	<p>The proposal has no heritage impacts. See the Waverley LEP 2012 compliance table above for further information.</p>
<p>9. Safety</p>	<p>Yes</p>	<p>Satisfactory. The proposal has no safety impacts.</p>
<p>10. Public Art</p>	<p>N/A</p>	<p>The amending DA does not propose any changes to public art.</p>
<p>11. Design Excellence</p>	<p>Yes</p>	<p>The proposal achieves design excellence. See the Waverley LEP 2012 compliance table above for further information.</p>
<p>13. Excavation</p> <ul style="list-style-type: none"> Maximum volume of excavation: 2,633.75m³ 	<p>No (acceptable on merit)</p>	<p>The amending DA increases the volume of excavation by 1,425m³ resulting in a total excavation volume of 24,900m³ for the whole development.</p> <p>There were no excavation volume controls contained in Waverley DCP 2012 (Amendment 9) which was applicable to the original consent DA-400/2021. The original consent was approved with 23,475m³ of excavation volume.</p> <p>Waverley DCP 2022 (Amendment 1), which was formally adopted on 1 August 2023, applies to the amending DA. The DCP sets a maximum excavation volume of 2,633.75m³. The approved DA and the amending DA both have excavation volumes significantly in excess of the maximum permitted.</p> <p>The proposed excavation is acceptable on merit as it achieves the objectives of the control despite the numerical non-compliance with the control. The applicant has provided documentation demonstrating the excavation will have no unreasonable impacts on the natural environment, land stability, water management, or on neighbouring properties. The excavation does not result in any exceedances of parking controls, underground habitable room. In these circumstances the exceedance of the excavation control supported.</p> <p>Additionally, it is noted that the excavation volume controls were deleted from the Waverley</p>

Development Control	Compliance	Comment
		DCP 2022 as of 7 May 2024, meaning that any future development applications for the site will not be subject to any excavation volume controls.
15. Public Domain	Yes	<p>The amending DA includes minor alterations to the approved land dedication relating to the approved through site link and pedestrian circulation areas. The alterations are due to the reconfiguration of landscaping at Building A, the removal of steps within the through site link and the subsequent replacement with a ramped gradient, and due to improvements to pedestrian access around the base of Building B. The function of the through-site link is retained, and there is no impact on the approved public plaza land dedications at the north east of the site.</p> <p>The amending DA retains the approved active street frontages to Nelson Street, Syd Einfield Drive, and York Road. The approved active frontage along Osmund Lane is improved due to the proposed reconfiguration of retail unit B02.</p> <p>The amending DA proposes a small reduction of active frontage to Oxford Street at the south-east corner of the site due to the introduction of a fire hydrant booster. This is acceptable as the proposed booster is essential for fire safety purposes, and as the proposed screening design successfully integrates into the façade. Further discussion regarding the booster and the active Oxford Street active street frontage is found in the Waverley LEP 2012 compliance table above.</p> <p>The amending DA integrates areas of Osmund Lane into the site. Conditions of consent are included at Appendix A of this report to ensure these areas remain publicly accessible.</p>

Table 7 below contains an assessment of the proposed development against controls in relevant sections of Part C2 of Waverley DCP 2022 (Amendment 1).

Table 4: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.5 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	<p>Yes</p> <p>Yes</p>	The amending DA does not significantly alter the streetscape appearance of the development.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Corner sites to address both streets as primary frontages 	Yes	The development continues to appropriately responds to the existing and emerging streetscape character of the western-most end of the Bondi Junction Centre.
2.8 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Separate to vehicular entry Legible, safe, well-lit 	Yes	The amending DA retains legible and safe pedestrian entry to the development.
2.9 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 790.1m² 50% of the above is to be deep soil: 372.12m² 	N/A	<p>The Waverley DCP 2022 identified landscape area as <i>part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</i></p> <p>The amending DA does not alter the approved landscape area which meets the definition above.</p> <p>The amending DA does, however, increase the extent of planting on structures above the excavated basement level by approximately 50m².</p> <p>The amending DA does not alter the extent of deep soil at the site.</p>
2.10 Communal open space		
<ul style="list-style-type: none"> No minimum numeric area for communal open space for development within the B4 Zone. Minimum dimensions: 6m x 6m. Minimum of 30% of communal area must receive three hours of sunlight. Accessible 	N/A	The amending DA does not alter the quantity or quality of communal open space at the development.
2.13 Solar access and overshadowing		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to a minimum of 70% of units in the development on 21 June. New development should maintain at least two 	N/A	The amending DA has no impact on solar access.

Development Control	Compliance	Comment
<p>hours of sunlight to solar collectors on adjoining properties in mid winter.</p> <ul style="list-style-type: none"> Direct sunlight to north facing windows of habitable rooms on all private open space areas of adjacent dwellings to less than three hours of sunlight on 21 June. 		
2.14 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	N/A	The amending DA has no impact on views.
2.15 Visual privacy and security		
<ul style="list-style-type: none"> Privacy be considered in relation to context density, separation use and design. 	N/A	The amending DA has no impact on visual privacy and security.
2.19 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas. 	Yes	The amending DA has no impact on acoustic privacy and security.
2.21 Building services		
<ul style="list-style-type: none"> Services are to be integrated into the design of buildings. Plant rooms away from entry communal and private open spaces and bedrooms. 	Yes Yes	The amended proposal retains services that are integrated into the design of the building. The amended plant rooms are away from entry communal and private open spaces.

Table 5: 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	The amended shopfronts are comprised of sufficiently sized and proportioned glazed openings that will promote active street frontages to Oxford Street, Nelson Street and Osmund Lane.
1.2.2 Awnings <ul style="list-style-type: none"> Premises are to provide a continuous awning, Awnings are to match the alignment and style of adjoining buildings to 	No	<p>The amending DA proposes the deletion of the approved awning over the footpath of Oxford Street for the new shopfront at the south-east corner for the site at, contrary to the control.</p> <p>A condition of consent is therefore included in Appendix A of this report requiring the</p>

Development Control	Compliance	Comment
provide continuous weather protection		reinstatement of an awning at this part of the site, to align with existing awnings at 216 to 229 Oxford Street.
1.2.4 General Amenity	Yes	<p>The proposed development includes sufficient facilities to cater for the future use of its retail premises, which have been envisaged (and not proposed) in the DA architectural plans. The retail premises have adequate space for further mechanical equipment and other facilities, such as toilets depending on the specific needs of each tenancy (which are not known at this stage) to be retrofitted in order to avoid equipment and facilities being installed outside of the building envelope of the development.</p> <p>End of trip facilities are provided in the basement carpark for retail tenants and staff use as well as for residents of the development itself. Should a specific future use of any retail tenancy of the development warrant the need for dedicated sanitary facilities inside tenancies, the applicant has noted in correspondence with Council's Assessment Officer that tenancies can readily provide for wet areas to accommodate toilets and the like. These arrangements would be considered as part of separate development application for the use and fitout of the tenancies.</p>
1.2.5 Noise	N/A	Operational matters relating to the specific use of the retail premises of the development would be subject to separate development consent in order to assess the noise impacts of the premises of the development upon surrounding properties. On this occasion, section 1.2.5 of Part D1 of Waverley DCP 2022 does not apply to this DA.
1.3 Hours of operation		
	N/A	The hours of operation for each retail premises of the development would be subject to separate development application for the use and fit-out of the tenancies.
1.4 Restricted premises		
	N/A	The specific use and operation of the tenancies are unknown at this stage, and therefore section 1.4 of Part D1 of Waverley DCP 2022 does not apply to this DA.

Part E1 of Waverley DCP 2022 applies to all site within the Bondi Junction Centre. Given that the subject site is bound by another site-specific part of Waverley DCP 2022 (i.e. Part E6), where discrepancies between controls in Parts E1 and E6 arise, controls in Part E6 take precedence.

Table 9 below contains an assessment of the proposed development against relevant sections of Part E1 of Waverley DCP 2022.

Table 6: Waverley DCP 2022 - Part E1 Bondi Junction Compliance Table

Development Control	Compliance	Comment
1.3 Building use		
<ul style="list-style-type: none"> • Along primary shopping streets (i.e. Oxford Street): <ul style="list-style-type: none"> ○ ground floor use retail ○ minimum of 85% of street frontage to be associated with retail use 	Partial compliance	<p>Oxford Street is identified as a 'primary shopping street' in the 'Street Hierarchy Map' in Figure 2 in Part E1 of Waverley DCP 2012.</p> <p>The amending DA retains the approved ground floor retail uses, and retains more than 85% of the Oxford Street frontage as retail.</p>
1.4 Access and movement		
1.4.1 Arcades, through-site links and squares	Yes	The amending DA retains the approved through-site link.
1.4.2 Vehicular and service access to lots	Yes	Vehicular access and service access to each building of the development are provided via Osmund Lane, consistent with the 'Vehicular and service areas Map' in Figure 4 of Part E1 of the DCP.
1.4.4 On-site parking <ul style="list-style-type: none"> ○ Car parks, car parking structures, vehicular manoeuvring areas, private parking bays, loading docks and the like are generally to be located underground 	N/A	The amending DA does not materially alter the approved location of parking, which remains underground, nor the approved location of loading docks, which remain at street level accessed by Osmund Lane.
1.5 Subdivision		
Design of buildings is to interpret the small lot subdivision pattern on street	Yes	The amended frontage to retail unit C01 at the south-east corner of the site is an appropriate interpretation of the existing small-lot subdivision pattern given. The proposed frontage is wider than adjacent frontages to the east, however this is appropriate given the constraints of its corner location in the context of the existing angled subdivision pattern, and given the need for the frontage to host a fire hydrant booster.

Development Control	Compliance	Comment
1.6 Heritage and buildings of historic character		
Facades of buildings of historic character to be retained	N/A	The site does not contain any heritage buildings or buildings of historic character.
1.7 Active street frontages		
Active street frontages to be provided	Yes	Refer to discussion at section 6.5 of the Waverley LEP compliance table above.
1.8 Building Orientation		
<ul style="list-style-type: none"> Podiums to address the street 	Yes	The approved building podiums continue to address the street.
1.11 Side and Rear boundary setbacks		
<ul style="list-style-type: none"> Discourage living areas and window openings across side boundaries 	N/A	The amending DA does not alter setbacks or living area windows.
1.12 Building footprint		
	N/A	The amending DA does not alter the approved building footprint.
1.14 View, vista and tree preservation		
	N/A	The amending DA does not alter any views or vistas.
1.15 Open spaces at the street front		
<ul style="list-style-type: none"> Not encouraged for private buildings Only for public buildings where appropriate 	N/A	The amending DA does not alter open space provision at the site.
1.16 Building Elevations		
	Yes	The amending DA retains the approved high quality architectural design with the use of varied materials and finishes.
1.17 Designing Buildings for Flexibility		
<ul style="list-style-type: none"> Design the podium component of buildings (Level 2 – Level 5) to permit adaptation for other future uses, with minimal structural and service alteration 	N/A	The amending DA does not alter the design of levels 2 to 5.
1.20 Wind Mitigation		
<ul style="list-style-type: none"> Wind study required for over 5 storeys UNLESS a wind tunnel study is required Buildings > 9 storeys, wind tunnel study is required 	N/A	The amending DA does not result in any wind impacts.

Part E6 of Waverley DCP 2022 specifically apply to the overall site, and as previously explained in this report, the objectives and controls in this Part of the DCP take precedence over other controls of the DCP if discrepancies arise between controls in various sections/parts of the DCP.

Table 7: Waverley DCP 2022 - Part E6 194-214 Oxford Street, 2 Nelson Street and Osmund Lane, Bondi Junction Compliance Table

Development Control	Compliance	Comment
6.1 Built form		
<ul style="list-style-type: none"> • 2/3 podium fronting Oxford St. 	N/A	The amending DA retains the approved podium.
<ul style="list-style-type: none"> • Articulation to corner of Oxford St, York Rd and Syd Einfield Drive. 	N/A	The amending DA does not impact the articulation to the corner of Oxford St, York Rd and Syd Einfield Drive
<ul style="list-style-type: none"> • Articulation of podium level to reflect a fine grain, terrace-like subdivision pattern. 	N/A	The amending DA does not impact the articulation of the podium level.
<ul style="list-style-type: none"> • Towers to be set back 6m from edge of podium fronting Oxford St. 	N/A	The amending DA does not affect the setback of the towers.
<ul style="list-style-type: none"> • Tower location must minimise overshadowing of Centennial Park and surrounding low scale residential areas. 	N/A	The amending DA does not impact the approved tower locations.
<ul style="list-style-type: none"> • No additional height of floor space ratio above the LEP controls will be considered for these sites. 	N/A	The amending DA does not alter the approved height or FSR of the development.
<ul style="list-style-type: none"> • Any non-calculable GFA, such as storage, servicing area and car parking, should be located below ground. 	No (acceptable on merit)	<p>The amending DA retains the same quantity of non-calculable GFA at ground floor level as the approved development, in the same locations.</p> <p>The use of part of the approved non-calculable GFA area in Building B has changed from a vehicle lift to plant rooms. The proposed plant rooms will not result in any negative streetscape or other environmental planning impacts compared to the approved development, and are acceptable on merit.</p>
6.2 Design excellence		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Limit overshadowing. • Minimise heritage impacts. • Minimise visual impacts on Centennial Park. • Incorporate ESD principles. • Internal planning and façade design to address significant road noise. • Materials be naturally finished, durable and contextually appropriate. • Air conditioners not to be on balconies. 	Yes	<p>The amending DA does not have any solar access, heritage, visual or amenity impacts.</p> <p>The proposal continues to achieve design excellence. See the Waverley LEP 2012 compliance table above for further information.</p>
6.3 Public domain		
<ul style="list-style-type: none"> • Public plaza of a minimum of 311m². • Pedestrian/cycleway through site link from Oxford St and Osmund Lane of 136m² • Approximate footpath widening of 208m². • 50% of area of public plaza to receive at least 3 hours of sunlight on 21 June. • Active street frontages provided at all public places at street level. 	<p>N/A</p> <p>No (acceptable on merit)</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>	<p>The amending DA does not alter the area of the approved public plaza at the north-east of the site.</p> <p>The approved through site link has been reduced in area to 118.6m². The reduction in area is due to the previously approved steps being deleted from the through site link, which has removed the necessity for a separate access ramp to be provided.</p> <p>The amended design of the through site link improves its useability by allowing pedestrians, cyclists and those with mobility difficulties to use the through-site link without the need for a diversion to a separate ramp. The reduction in the area of the through site link is therefore supported on merit.</p> <p>The amending DA does not affect the approved footpath width.</p> <p>The amending DA does not affect solar access to the public plaza.</p> <p>The amending DA retains active frontages to Oxford Street, York Road, Nelson Street, Osmund Lane and Syd Einfeld Drive. Further discussion of active frontages is found at section 6.5 of the Waverley LEP compliance table in this report above.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Land dedication of 3.5m along Oxford St for mature street planting and landscaping. Communal roofscape space and podiums to be landscaped with drought-tolerant Australian native plants. Public Art Plan to be submitted. Any land dedicated for public use cannot be used for car parking, garbage truck access, etc. 	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>	<p>The amending DA does not affect the depth of the area dedicated to street planting along Oxford Street.</p> <p>The amending DA does not alter species used for rooftop planting.</p> <p>The existing condition of consent requiring a public art plan to be submitted is not affected by the amending DA.</p> <p>The land dedicated for public use is not a parking or vehicular access area.</p>
6.4 Waste		
6.4.1 General	Yes	A comprehensive waste management plan has been submitted with the DA. The waste and recycling spaces provided in the development are sufficient to accommodate future change of uses with higher waste generation rates.
6.4.2 Amenity	Yes	<p>The waste and recycling storage areas are integrated inside each building/tower, and therefore, will be out of sight from the public domain and minimise external amenity impacts on surrounding/neighbouring properties.</p> <p>Any public place waste and recycling bins would be required to comply with Council's Public Domain Technical Manual as part of the detailed public domain engineering drawings required by existing conditions of consent.</p>
6.4.3 Access and Collection	N/A	The amending DA retains the approved waste storage and collection method of storing waste at basement level and bringing waste up to a loading bay for collection by waste trucks at ground level accessed via Osmund Lane.
6.4.4 Ongoing management	Yes (by condition)	Conditions of consent are recommended to ensure adequate ongoing waste management of the development.
6.5 Access and parking		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Osmund Lane to be retained as 7m local access lane with no parking. 	Yes	The amending DA retains the remaining part of Osmund Lane as a local access lane with no parking.
<ul style="list-style-type: none"> Access to and from Osmund Lane at Nelson Street to be left-in and left-out 	N/A	The amending DA to not alter access to and from Osmund Lane to Nelson Street.
<ul style="list-style-type: none"> Pedestrian bridge over Syd Einfeld Drive to be retained. 	N/A	The amending DA does not impact the pedestrian bridge over Syd Einfeld Drive.
<ul style="list-style-type: none"> Residents not to be provided with parking permits. 	N/A	The amending DA does not impact on the existing conditions of consent which restrict resident parking permit eligibility.
6.6 Pedestrian and cycleway connections		
	Yes	The amended design of the through site link improves its useability by allowing pedestrians, cyclists and people living with disabilities to use the through-site link without the need for a diversion to a separate ramp.

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 between 19 December 2023 and 25 January 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information on 19 December 2023, 20 February 2024, and 31 July 2024, the application was not notified as the amendments were minor, related to technical aspects of the development, and did not result in any additional environmental planning impacts.

One unique submission was received on behalf of the following properties in Bondi Junction:

- 216 Oxford Street; and
- 218 Oxford Street.

The following issue raised in the submission is summarised and discussed below.

Issue: *The original extent of Osmund Lane must maintain public access 24 hours a day and there should not be any restriction of right of carriageway due to the proposal.*

Response: The proposal does not change or impede existing public pedestrian and vehicular access arrangements within Osmund Lane. A condition will be imposed on any development consent issued to this DA to ensure that public pedestrian and vehicular access within Osmund Lane and the adjacent public plaza and through-site link are maintained during the life of the development.

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

Council's traffic engineers supported the proposal.

3.2. Stormwater

Council's stormwater engineers supported the proposal subject to conditions of consent which are included in appendix A of this report.

3.3. Tree Management

Council's tree management officer did not object to the removal of the Callistemon tree subject to consent being obtained from Transport for NSW for its removal. A condition of consent requiring consent to be obtained is therefore included at Appendix A.

3.4. Biodiversity

Council's Urban Ecology Coordinator could not confirm compliance of the submitted landscape plan (that just shows amendments to the public domain areas surrounding and within the site) with habitat corridor planting requirements as the plans are only part of the full set of approved landscape plans under the parent consent and do not show a complete planting schedule. Condition 44 of the parent consent requires a detailed landscape plan to comply with habitat corridor requirements.

Notwithstanding, a condition is recommended in the amending DA development consent as it provides further explanation on how to comply with these requirements, which will override condition 44 of the parent consent.

3.5. Public Domain and Stormwater

Council's Public Domain and Stormwater Officer recommended that this amending DA require the establishment of easements over the site to ensure that pedestrian and vehicular movements across the site and within Osmund Lane remain unimpeded during the life of the development through conditions that will take precedence and override certain conditions in the parent consent. The recommended conditions of consent are included at appendix A of this report.

3.6. Transport for New South Wales

The DA was referred to Transport for New South Wales (TfNSW) as the relevant rail authority for assessment under section 2.99 of SEPP (Transport and Infrastructure) 2021 due to the proposed excavation within close to a rail corridor. TfNSW responded stating that a decision was not required from the rail authority.

The DA was referred to Ausgrid under section 2.48 of SEPP (Transport and Infrastructure) 2021 due to the proposed excavation within the proximity of an electricity distribution pole. Ausgrid provided advice notes which are included at appendix A of 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.

There is a declared conflict of interest relating to the application, as Council is currently the landowner of part of the site, being part of Osmund Lane road reserve. A Conflict of Interest Management Statement has been prepared and is publicly available to view on Council's online DA Tracker. The conflict of interest has been managed by ensuring that senior staff members in the Assets and Operations Directorate who have been responsible for the partial closure and/or sale of Osmund Lane have not reviewed the DA referral comments and/or recommendations.




Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 9 July 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *K Johnstone, 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:
		
David Knight	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 8 August 2024	Date: 15 August 2024	Date: 16 August 2024

Reason for WLPP referral:

1. Conflict of interest

OFFICE USE ONLY

Planning Portal Data	
Excavation Register	1,425m ³ of excavation approved
	<input checked="" type="checkbox"/> Pre-existing non-compliance
	<input type="checkbox"/> Located within the building footprint
	<input checked="" type="checkbox"/> No change to overall building envelope
	<input checked="" type="checkbox"/> No unreasonable impacts on the amenity of adjoining properties or streetscape
	<input checked="" type="checkbox"/> Sufficient environmental planning grounds
	<input type="checkbox"/> 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?	N/A
Have any dwellings been approved for affordable Rental Housing under this approval/consent? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	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	Yes- details are included in the conclusion of the report

APPENDIX A

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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by SJB Architects including the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Plan Number and Revision</th> <th style="text-align: center;">Plan description</th> <th style="text-align: center;">Plan Date</th> <th style="text-align: center;">Date received by Council</th> </tr> </thead> <tbody> <tr><td>DA-0001 4</td><td>COVER SHEET</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-0051 9</td><td>DEMOLITION PLAN</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1000 15</td><td>GA_BASEMENT 04</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1001 16</td><td>GA_BASEMENT 03</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1002 16</td><td>GA_BASEMENT 02</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1003 16</td><td>GA_BASEMENT 01</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1010 17</td><td>GA_PUBLIC DOMAIN</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1011 17</td><td>GA_GROUND FLOOR PLAN</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1014 2</td><td>GA_LEVEL 03</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1401 13</td><td>ELEVATION - NORTH</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1402 13</td><td>ELEVATION - EAST</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1403 14</td><td>ELEVATION - SOUTH</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1404 12</td><td>ELEVATION - WEST</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1424 8</td><td>ELEVATION_BLD A_PODIUM EAST</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1425 9</td><td>ELEVATION_BLD B_PODIUM SOUTH</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1426 8</td><td>ELEVATION_BLD B_PODIUM WEST</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1428 7</td><td>ELEVATION_BLD B_PODIUM EAST</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1501 14</td><td>SECTION - A</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1502 13</td><td>SECTION - B</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1511 8</td><td>DETAILED SECTION 01</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1512 8</td><td>DETAILED SECTION 02</td><td>08/08/2024</td><td>08/08/2024</td></tr> <tr><td>DA-1610 9</td><td>DETAIL SECTION - BUILDING A BASEMENT 03 - LVL 08 (TYP)</td><td>08/08/2024</td><td>08/08/2024</td></tr> </tbody> </table>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA-0001 4	COVER SHEET	08/08/2024	08/08/2024	DA-0051 9	DEMOLITION PLAN	08/08/2024	08/08/2024	DA-1000 15	GA_BASEMENT 04	08/08/2024	08/08/2024	DA-1001 16	GA_BASEMENT 03	08/08/2024	08/08/2024	DA-1002 16	GA_BASEMENT 02	08/08/2024	08/08/2024	DA-1003 16	GA_BASEMENT 01	08/08/2024	08/08/2024	DA-1010 17	GA_PUBLIC DOMAIN	08/08/2024	08/08/2024	DA-1011 17	GA_GROUND FLOOR PLAN	08/08/2024	08/08/2024	DA-1014 2	GA_LEVEL 03	08/08/2024	08/08/2024	DA-1401 13	ELEVATION - NORTH	08/08/2024	08/08/2024	DA-1402 13	ELEVATION - EAST	08/08/2024	08/08/2024	DA-1403 14	ELEVATION - SOUTH	08/08/2024	08/08/2024	DA-1404 12	ELEVATION - WEST	08/08/2024	08/08/2024	DA-1424 8	ELEVATION_BLD A_PODIUM EAST	08/08/2024	08/08/2024	DA-1425 9	ELEVATION_BLD B_PODIUM SOUTH	08/08/2024	08/08/2024	DA-1426 8	ELEVATION_BLD B_PODIUM WEST	08/08/2024	08/08/2024	DA-1428 7	ELEVATION_BLD B_PODIUM EAST	08/08/2024	08/08/2024	DA-1501 14	SECTION - A	08/08/2024	08/08/2024	DA-1502 13	SECTION - B	08/08/2024	08/08/2024	DA-1511 8	DETAILED SECTION 01	08/08/2024	08/08/2024	DA-1512 8	DETAILED SECTION 02	08/08/2024	08/08/2024	DA-1610 9	DETAIL SECTION - BUILDING A BASEMENT 03 - LVL 08 (TYP)	08/08/2024	08/08/2024
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) An awning overhanging the footpath of Oxford Street must be provided to retail unit C01. The awning must extend from the boundary with 216 Oxford Street at the east of the site to the western-most extent of the Oxford Street frontage of retail unit C01. The awning must align with the height and depth of the adjoining awning at 216 Oxford Street, and must be designed to provide continuous weather protection for pedestrians walking along Oxford Street.</p> <p>Condition reason: To provide continuous weather protection for pedestrians walking along Oxford Street.</p> <p>The amendments are to be approved by the Executive Manager, Development Assessment or delegate prior to the issue of any Construction Certificate for works above ground level (finished). 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.</p>																
3.	<p>DETAILS OF FIRE HYDRANT BOOSTER SCREENING</p> <p>Detailed plan and elevation drawings of the fire hydrant booster operable screening at retail unit C01 must be submitted to and approved by the Executive Manager, Development Assessment or delegate prior to the issue of any Construction Certificate for works above ground level (finished).</p>																

	<p>The screening must not impede Council’s footpath when opened, and must be sympathetic to the design of the approved building and to the context of the site.</p> <p>Condition reason: To ensure high quality functional screening is provided to the Oxford Street façade.</p>
4.	<p>MODIFICATION OF PARENT CONSENT (DEVELOPMENT CONSENT NO. DA-400/2021)</p> <p>Pursuant to sections 4.17(1)(b) and (5) of the <i>Environmental Planning and Assessment Act 1979</i>, Development Consent DA-400/2021 (as subsequently modified) is modified as necessary so that Development Consent No.400/2021 (and as subsequently modified) and this development consent can operate consistently and concurrently. In this regard, Condition 1 of Development Consent No. 400/2021 (and as subsequently modified) is amended to include the approved plans and documentation referred to in condition 1 of this development consent.</p> <p>Condition reason: To ensure consistency between the two aforementioned development consents.</p>
5.	<p>RELATIONSHIP TO PARENT CONSENT (DEVELOPMENT CONSENT NO. DA-400/2021)</p> <p>This development consent shall operate concurrently with Development Consent No. DA-400/2021 (as subsequently modified). All conditions of consent imposed on Development Consent No. DA-400/2021 (as subsequently modified) are to be read and complied with in conjunction with this development consent, unless conditions imposed in this development consent override and/or take precedence over corresponding conditions in Development Consent No. DA-400/2021 (as subsequently modified).</p> <p>A consolidated construction certificate application should be sought to combine the approved works above ground level (finished) under the subject development consent with those under Development Consent No. DA-400/2021 (as subsequently modified).</p> <p>Condition reason: To ensure the two aforementioned development consents operate concurrently.</p>
6.	<p>PLANNING AGREEMENT</p> <p>The terms of the planning agreement specified in conditions 1A, 10A and 81 of Development Consent No. DA-400/2021 (as subsequently modified) remain relevant and must be adhered to under this development consent (i.e. DA-360/2023).</p> <p>Condition reason: To ensure the requirements of the Planning Agreement for the redevelopment of the site are fulfilled.</p>
7.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundaries.</p>

	Condition reason: To ensure buildings are sited and positioned in the approved location.
8.	<p>PUBLIC UTILITIES AND SERVICE ALTERATIONS</p> <p>Any utility services and all public infrastructure which requires 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.</p> <p>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.</p>

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
9.	<p>NO BUILDING PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work associated with this development consent must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
10.	<p>SECTION 7.12 CONTRIBUTION</p> <p>(a) As per condition 10 of the parent consent, a monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>Waverley Council Development Contributions Plan 2006</i>.</p> <p>(b) The monetary development contribution is to be calculated based on the cumulative value of the approved development, including additional costs associated with additional and amended works connected to this development consent.</p> <p>(c) The cumulative monetary development contribution required by this condition must be paid prior to the issue of the relevant constructive certificate associated with this development consent.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid based on the cumulative value of the approved development.</p>
11.	<p>ADDITIONAL SECURITY DEPOSIT</p> <p>In addition to the required security deposit specified in condition 11 of the parent consent, an additional deposit (cash or cheque) for the amount of \$13,785 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 this consent.</p>

	<p>This deposit (cash or cheque) must be provided to Council prior to the issue of the relevant Construction Certificate associated with this development consent. 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.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
12.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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 as required by this development consent, in accordance with Council's Schedule of Fees & Charges at the time of engineering plan approval, prior to such approval being granted by Council.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
13.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><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.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
14.	<p>ENGINEERING DETAILS</p> <p>Structural details associated with works approved under this development consent 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.</p>
	<p>Condition reason: To ensure structural stability of work on site.</p>
15.	<p>GREEN ROOF LANDSCAPING DETAILS</p>

	<p>The construction certificate landscape plans are to comply with the controls for green roofs in Part B3.2.3 of the <i>Waverley Development Control Plan 2022</i> including;</p> <p>(a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).</p> <p>(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;</p> <p>(c) The green roof is to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.</p> <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p>
	<p>Condition reason: To ensure the green roof provides appropriate species and amenity.</p>
<p>16.</p>	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR</p> <p>The landscaping plans identified in condition 1(b) of this development consent must be amended to comply with the abovementioned controls, including the inclusion of a planting schedule, and then resubmitted for assessment.</p> <p>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 B3-1 of the <i>Waverley Development Control Plan 2022</i>.</p> <p>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</p> <p>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.</p> <p>Note: This condition takes precedence over condition 44 of the parent consent.</p> <p>Condition reason: To protect and enhance the biodiversity habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.</p>
<p>17.</p>	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p>

	<p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
<p>18.</p>	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
<p>19.</p>	<p>STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by Green Arrow Hydraulics Pty Ltd, Project No. 221-1984, DWG Nos. STW-000, STW-100, STW-101 to STW113, Revision C, dated 08/08/2023 are considered <u>concept only</u>.</p> <p>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:</p> <p>a) It is unclear how the proposed prefabricated rainwater reuse systems can be replaced once they fail, and the development has been built. The current location is supported provided it is noted that the systems to be a cast in-situ concrete based and structurally designed to adequately withstand all service loads and provide adequate service life (minimum 70 years). Alternatively,</p>

the tanks are to be relocated to allow for easy replacement of the system should they fail.

- b) Permissible site discharge (PSD) incorrectly calculated. The PSD must be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly.
- c) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure shall be a cast in-situ concrete based.
- d) The stormwater management plans must be updated to be consistent with the architectural and landscape drawings.
- e) A soil and water management plan must be provided.
- f) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.
- g) 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.
- h) 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.

For the pump out system, the following must be addressed:

- i) 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.
- j) Full hydraulic details and pump manufacturers specification are to be provided.
- k) In the event of pump failure one of the following is to be provided:
 - an overland flow path is provided; or
 - pondage in a suitably visible area is provided. These areas are to 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.
- l) 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.

Notes

	<p>m) The checklist as set out on pages 68-76 in Council’s Water Management Technical Manual (October 2021) available online must be completed and submitted with any revision of Construction Certificate Plan Submissions.</p> <p>n) Since a sewer main runs through the property, plans must also be presented to Sydney Water for their approval.</p> <p>o) 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.</p> <p>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.</p> <p>Note: This condition takes precedence over condition 44 of the parent consent.</p> <p>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 broader community.</p>								
<p>20.</p>	<p>TRANSPORT FOR NSW LAND (TfNSW)</p> <p>The design and construction of any stormwater infrastructure including stormwater disposal connection points within TRANSPORT for NSW (TfNSW) owned land, new kerb inlet pit and new connection to the existing kerb inlet pit along Syd Enfield Drive must be submitted and approved by TfNSW to the satisfaction of Waverley Council. Details of the necessary TfNSW requirements should be obtained. Approved correspondence must be submitted to Council prior to the issue of a Construction Certificate and commencement of any Public Domain works.</p> <p>Council will provide final approval once TfNSW approval is granted.</p> <p>Condition Reason: To ensure that the appropriate approval from the relevant authority is obtained.</p>								
<p>21.</p>	<p>WATER QUALITY</p> <p>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.</p> <table border="1" data-bbox="438 1859 1404 2020"> <thead> <tr> <th>Pollutant</th> <th>% post development pollutant reduction targets</th> </tr> </thead> <tbody> <tr> <td>Gross Pollutants</td> <td>90</td> </tr> <tr> <td>Total Suspended Solids</td> <td>80</td> </tr> <tr> <td>Total Phosphorous</td> <td>55</td> </tr> </tbody> </table>	Pollutant	% post development pollutant reduction targets	Gross Pollutants	90	Total Suspended Solids	80	Total Phosphorous	55
Pollutant	% post development pollutant reduction targets								
Gross Pollutants	90								
Total Suspended Solids	80								
Total Phosphorous	55								

	Total Nitrogen	40
	<p>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.</p>	
	<p>Condition reason: To protect the downstream environment from any contaminants.</p>	
<p>22.</p>	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p>	
	<p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.</p>	
	<p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>	
<p>23.</p>	<p>WASTE STORAGE AREAS</p>	
	<p>The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins for the residential components of the development;</p> <p>Residential Waste</p> <p>Building A/Oxford Street Tower</p> <ul style="list-style-type: none"> ● 5 x 660L Mobile Garbage Bins (MGBs) for general waste compacted 2:1 collected weekly ● 9 x 660L MGBs for container recycling collected fortnightly ● 9 x 660L MGBs for paper recycling collected fortnightly <p>Building B/Nelson Street Tower</p> <ul style="list-style-type: none"> ● 3 x 660L MGBs for general waste compacted 2:1 collected weekly ● 5 x 660L MGBs for container recycling collected fortnightly ● 5 x 660L MGBs for paper recycling collected fortnightly <p>Retail Waste</p> <ul style="list-style-type: none"> ● 3 x 1100L MGBs for general waste collected at least 3 x weekly ● 2 x 1100L MGBs for comingled recycling collected at least 3 x weekly ● Extra space for the storage of excess waste, bulk cardboard, and packaging ● Collection frequencies must be adjusted to accommodate volumes of waste generated, particularly over summer 	

	<ul style="list-style-type: none"> • Businesses that generate high volumes of food waste may require daily collections of garbage; or a separate food waste service with daily collections • Manage waste according to existing legislation and NSW EPA targets for reducing carbon emissions from landfill <p>Other</p> <ul style="list-style-type: none"> • 2 x 240L MGB for garden organic waste should this be generated at the development. • Adequate space provided for the storage of bulky waste and problem waste (according to the amended Operational Waste Management Plan, Revision L prepared by Elephants Foot Recycling Solutions on 16 February 2024). • Specialised devices to assist the transport of garbage and recycling bins must be maintained by the Strata and adequately stored within the waste storage areas. • It is the responsibility of the Building Manager to ensure that all equipment is maintained, and the building staff is appropriately trained to use the devices safely. <p>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 prior to the issue of a construction certificate.</p> <p>Note: This condition takes precedence over condition 42 of the parent consent.</p> <hr/> <p>Condition reason: To ensure adequate waste facilities are provided.</p>
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DURING BUILDING WORK

	Condition
33.	<p>TREE REMOVAL</p> <p>Tree number 8 (<i>Callistemon sp.</i>) as identified by the Arborist Report or Arboricultural Impact Appraisal and Method Statement prepared by Ezigrow Arboricultural Consulting dated 10 June 2021 and received by Council on 27 September 2021 may be removed subject to prior consent being obtained from the land owner, Transport for New South Wales.</p> <p>Condition reason: To ensure relevant consent is obtained for the proposed tree removal.</p>
34.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
35.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
36.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>

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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
43.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>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.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.</p>
44.	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD, PUMP OUT SYSTEM AND WSUD ELEMENT (INC. RAINWATER TANKS)</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system, pump out system and WSUD element (incl. rainwater tanks), under Section 88E of the Conveyancing Act 1919.</p> <p>This is to place a restriction on the Title that the OSD system, pump out system and rainwater tank are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system, pump out system and WSUD element without consent from Council.</p> <p>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.</p> <p>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 OSD system, pump out and WSUD element, including its relationship to the building footprint. Electronic colour photographs of the OSD system, pump out and WSUD element must accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>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.</p> <p>The property owner/occupant must not modify or remove the OSD system, pump out system and WSUD element without consent from Council.</p> <p>All associated costs will be borne by the applicant.</p>

	<p>Note: This condition takes precedence over condition 44 of the parent consent.</p> <p>Condition reason: This is to ensure these stormwater management controls are not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.</p>
<p>43.</p>	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p> <p>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.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p> <p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
<p>44.</p>	<p>CERTIFICATION OF PUBLIC DOMAIN WORKS</p> <p>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.</p> <p>Notes</p> <ol style="list-style-type: none"> 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. 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. iii. To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works completed in the road reserve following completion of the development. The defects liability period shall commence from the date of issue of the compliance certificate for the public domain works for the Occupation Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council’s standard specification, during the twelve (12) months’ defects liability period. The damaged and/or security deposits will only be

	<p>refunded when the works are determined to be satisfactory to Council after the expiry of the twelve (12) months defects liability period.</p> <p>Note: This condition takes precedence over condition 90 of the parent consent.</p> <p>Condition reason: To ensure all works within the public domain have been constructed appropriately.</p>
<p>43.</p>	<p>ON-GOING DEED TO SERVICING AND MAINTENANCE OF THE PUBLICLY ACCESSIBLE PLAZETTA AND THROUGHFARE</p> <p>Prior to issuance of Occupation certificate, the applicant shall prepare a deed of agreement with Council to ensure ongoing maintenance and servicing of the publicly accessible through-site link between Osmond Lane and Oxford Street.</p> <p>The deed shall be prepared by a suitably qualified conveyancing solicitor or alike in consultation with Council. Any agreement within the deed shall be in accordance with <i>Conveyancing Act 1919</i> and other NSW legislation.</p> <p>The deed must include details of operation times, annexure to an ongoing maintenance schedule and restriction on use of land. The deed should reference to a Deposited Strata Plan with the easements shown, and annexure to include the Plan of Management. The deed must provide assurance in relation to a suitable sinking fund to renew the plazetta and throughfare every 20 years.</p> <p>All works within the publicly accessible easements including the plazetta, Osmond Lane and the throughfare shall be approved by the Council’s Executive Manager, Infrastructure Services (or delegate) prior to works occurring.</p> <p>All the associated costs in preparation of the deed shall be borne by the applicant/owner.</p> <p>Note: This condition takes precedence over condition 92 of the parent consent.</p> <p>Condition reason: This is to ensure the ongoing maintenance of servicing the public space will be carried out by the applicant/owner.</p>
<p>44.</p>	<p>SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN</p> <p>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.</p> <p>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.</p>

<p>45.</p>	<p>CAR PARKING</p> <p>A total of 84 car vehicle parking spaces are to be provided within the development, allocated in the following manner:</p> <ul style="list-style-type: none"> (a) A minimum of 14 accessible resident spaces. (b) A maximum of 48 standard resident parking spaces. (c) A minimum of 10 resident visitor parking spaces (including the car wash bay). (d) 12 retail spaces. (e) 7 'Level 2 AC fast electric vehicle charging points to be installed. (f) 1 electric charging point and parking space for bicycles and motor scooters. <p>Car parking spaces are to be allocated with the rates specified in Waverley Development Control Plan 2022, with no more than 2 spaces allocated to any residential unit/dwelling. All car spaces are to be appropriately signposted and parked.</p> <p>Note: This condition takes precedence over condition 92 of the parent consent.</p> <p>Condition reason: To ensure the amount of bicycle parking is reflective of the approval.</p>
<p>46.</p>	<p>WASTE STORAGE ROOMS (RESIDENTIAL AND RETAIL)</p> <p>All waste and recycling storage rooms must be built to meet all appropriate design requirements set in the General Controls (1.4.1) for Waste Storage Areas in Waverley Council's Development Control Plan 2022 to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate.</p> <p>The Principal Certifying Authority must also be satisfied that all waste storage areas are built according to the stamped architectural plans and operational waste management plan.</p> <p>In accordance with the operational waste management plan, the appropriate mechanical devices proposed to assist the transport of bins between the residential and retail waste storage areas and the loading dock must be purchased and available to use prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure adequate waste facilities are provided.</p>

OCCUPATION AND ONGOING USE

	Condition
47.	<p>ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM</p> <p>Council will need to be provided with an OSD, 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.</p> <p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>
48.	<p>ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE</p> <p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>
49.	<p>ON SITE GARBAGE COLLECTION</p> <p>Waste must be managed in accordance with the amended Operational Waste Management Plan (Revision L, prepared by Elephants Foot Recycling Solutions on 16 February 2024), which specifies the following minimum number of bins and collection frequencies during the ongoing use of the building:</p> <p>Residential Waste</p> <p>Building A/Oxford Street Tower</p> <ul style="list-style-type: none"> ● 5 x 660L Mobile Garbage Bins (MGBs) for general waste compacted 2:1 collected weekly ● 9 x 660L MGBs for container recycling collected fortnightly ● 9 x 660L MGBs for paper recycling collected fortnightly <p>Building B/Nelson Street Tower</p> <ul style="list-style-type: none"> ● 3 x 660L MGBs for general waste compacted 2:1 collected weekly ● 5 x 660L MGBs for container recycling collected fortnightly ● 5 x 660L MGBs for paper recycling collected fortnightly <p>Retail Waste</p> <ul style="list-style-type: none"> ● 3 x 1100L MGBs for general waste collected at least 3 x weekly ● 2 x 1100L MGBs for comingled recycling collected at least 3 x weekly ● Extra space for the storage of excess waste, bulk cardboard, and packaging ● Collection frequencies must be adjusted to accommodate volumes of waste generated, particularly over summer ● Businesses that generate high volumes of food waste may require daily collections of garbage; or a separate food waste service with daily collections ● Manage waste according to existing legislation and NSW EPA targets for reducing carbon emissions from landfill

	Condition
	<p>Other</p> <ul style="list-style-type: none"> • 2 x 240L MGB for garden organic waste should this be generated at the development. • Adequate space provided for the storage of bulky waste and problem waste (according to the amended Operational Waste Management Plan, Revision L prepared by Elephants Foot Recycling Solutions on 16 February 2024). • Specialised devices to assist the transport of garbage and recycling bins must be maintained by the Strata and adequately stored within the waste storage areas. • It is the responsibility of the Building Manager to ensure that all equipment is maintained, and the building staff is appropriately trained to use the devices safely. <p>Condition reason: To ensure appropriate collection of waste.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>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.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>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.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p>

	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.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
6.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
7.	<p>SITE RECTIFICATION WORKS</p> <p>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.</p> <p>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:</p> <p>(a) Require certain works to be carried out, including but not limited to:</p> <ol style="list-style-type: none"> 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. <p>(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.</p>

8.	<p>EXCAVATION TO BE LIMITED</p> <p>Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.</p>
9.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>
10.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</p>
11.	<p>AUSGRID ADVISORY NOTES</p> <p>The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.</p> <p>Ausgrid Underground Cables are in the vicinity of the development</p> <p>Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.</p> <p>It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).</p> <p>In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:</p> <ul style="list-style-type: none"> • SafeWork Australia – Excavation Code of Practice. • Ausgrid’s Network Standard NS156 which outlines the minimum requirements for working around Ausgrid’s underground cables. <p>The following points should also be taken into consideration.</p> <p>Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.</p> <p>Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.</p> <p>Ausgrid Overhead Powerlines are in the vicinity of the development</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: https://www.ausgrid.com.au/Connections/Get-connected</p> <p>Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au</p>
12.	<p>SEPARATE APPLICATIONS FOR USE/FIT OUT</p> <p>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.</p>
13.	<p>SEPARATE APPLICATION FOR SIGNAGE</p> <p>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.</p>
14.	<p>SITE CONSOLIDATION / SUBDIVISION</p> <p>This development consent does not approve any subdivision or site consolidation of lots. It is recommended that consent be sought at a future stage, consolidating the</p>

	lots forming the overall subject site into a single Torrens lot upon the roadway sale (Osmund Lane) being finalised.
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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*.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

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.

Parent Consent means Development Consent No. DA-400/2021 (as subsequently modified).

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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Project Number: 6289
Date: 08.08.2024
Client: CLIENT

ARCHITECTURAL DOCUMENTATION

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AMENDED PLANS

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DEMOLITION PLAN NOTES

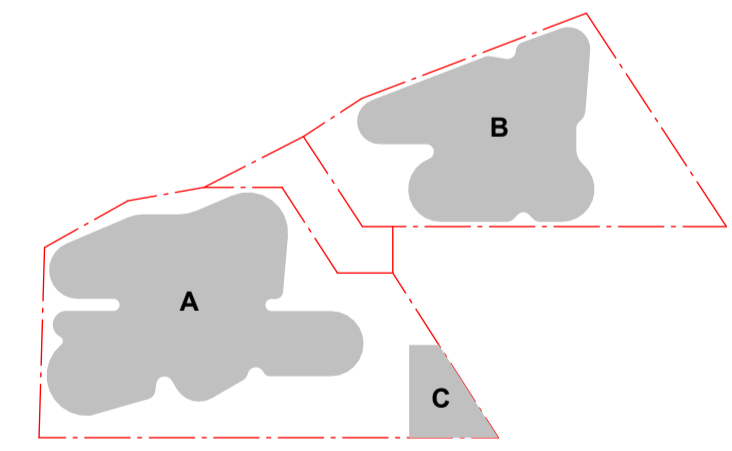
- All conditions to be checked-on-site prior to demolition and will be the responsibility of the demolition team to adhere to safety requirements as well as a safety in design risk schedule and action plan for the management of the demolition process.
- The client and project management team will take responsibility of the management of the demolition contractor and perform their own checks-on-site with the required engineering team pertaining to site specific information.
- The civil and structural engineering team will be required to perform checks-on-site so as to review all conditions on site prior to demolition and perform an assessment of the demolition and excavation plan.
- All excavation works of the site for the proposed development will need to be reviewed and signed-off prior to any works commencing.
- All excavation works of the site will be required to be reviewed by the landscape architect, architect and arborist for information regarding the landscaping and existing tree root structure or protection zones.
- All site conditions altered during the demolition and excavation process that have been noted as needing to be retained will be made good throughout the construction process by the contractor and reviewed throughout the design process.
- All consultants will need to refer to the relevant information pertaining to civil, structural, and landscaping works carried out across the site. An in-depth review of all information will be required prior to commencement of works.
- All demolition material and removal strategies will be referenced and planned in the demolition and risk plans as outlined by the contractor prior to commencement.
- All machinery, materials required, and personnel / site stations will need to be planned by the contractor and scheduled for sign-off by the project management team prior to commencement by any team on site.
- Arborists' report, landscaping plans, and architectural plans to all be reviewed and signed off prior to commencement of works for all landscaped areas and tree retention / protection systems required.

Rev	Date	Revision	By	Chk.
1	03.09.2021	SEPP 65 DEVELOPMENT APPLICATION SUBMISSION	EHU	EH
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
4	16.10.2023	AMENDING DA	KB	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
6	12.12.2023	SA 85 MODIFICATION APPLICATION	KB	JT
7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
8	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
9	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

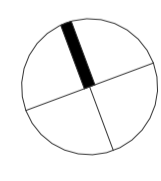
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Drawing Name
DEMOLITION PLAN


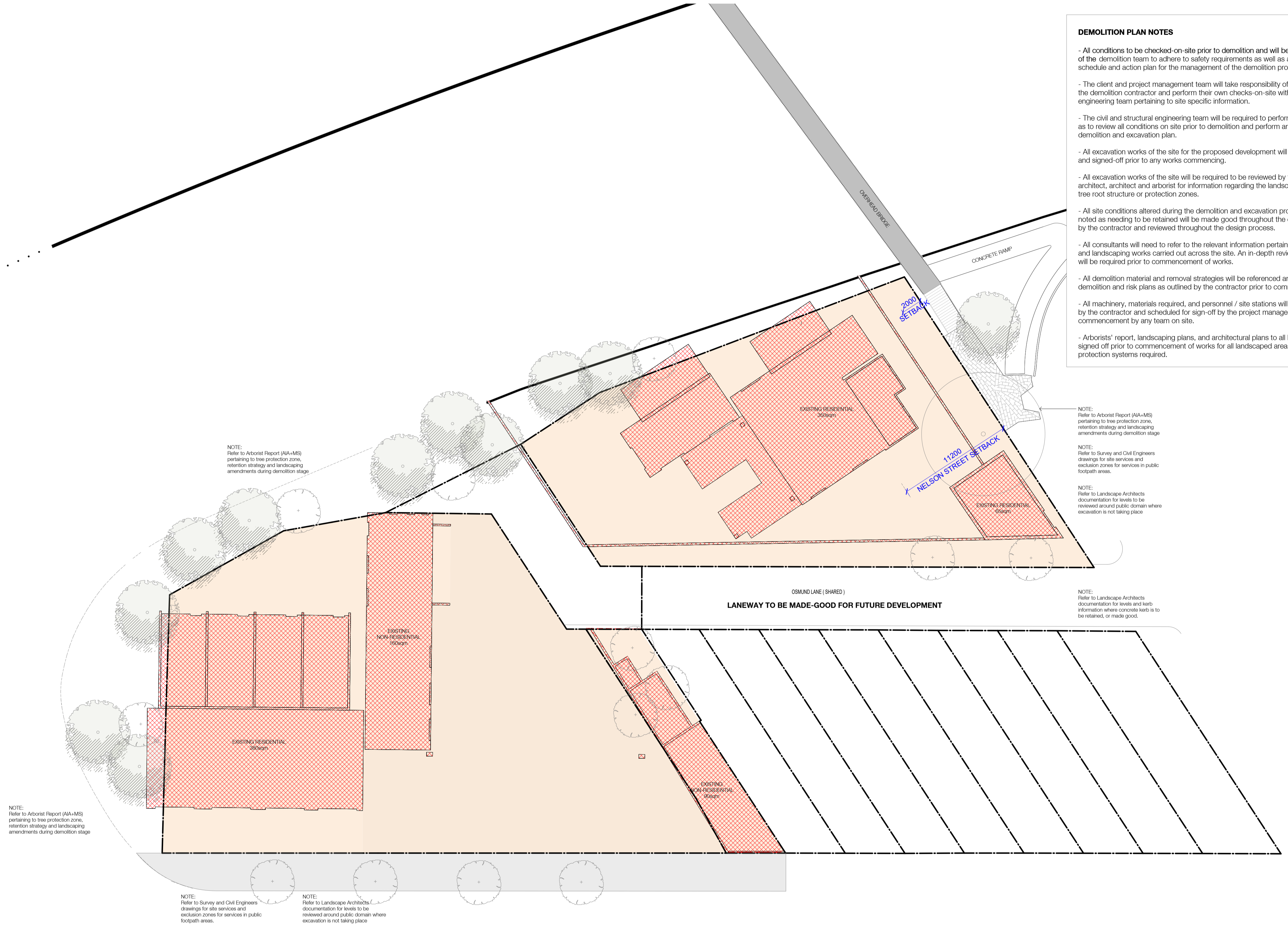




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Job No.: **6289** Drawing No.: **DA - 0051** Revision: **/ 9**

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 **BUILDING / STRUCTURE TO BE DEMOLISHED**
 **SITE/GROUND TO BE CLEARED FOR EXCAVATION**

AMENDED PLANS

Application No: DA-360/2023

Date Received: 08/08/2024

BICYCLE PARKING SCHEDULE		
TYPE	LEVEL	COUNT
BICYCLE - CLASS 1	A, B4	15
BICYCLE - CLASS 1	B, B3	5
BICYCLE - CLASS 1	A, B3	13
BICYCLE - CLASS 1	B, B2	5
BICYCLE - CLASS 1	A, B2	13
BICYCLE - CLASS 1: 51		51

BICYCLE - CLASS 2	A, B2	5
BICYCLE - CLASS 2	A, B1	6
BICYCLE - CLASS 2 (HORIZONTAL)	A, B4	6
BICYCLE - CLASS 2 (HORIZONTAL)	B, B3	6
BICYCLE - CLASS 2 (HORIZONTAL)	A, B3	6
BICYCLE - CLASS 2 (HORIZONTAL)	B, B2	6
BICYCLE - CLASS 2 (HORIZONTAL)	A, B2	14
BICYCLE - CLASS 2: 49		49
TOTAL: 100		100

MOTORCYCLE PARKING SCHEDULE		
TYPE	LEVEL	COUNT
MOTORBIKE	A, B4	1
MOTORBIKE	B, B3	11
MOTORBIKE	A, B3	1
MOTORBIKE	B, B2	11
MOTORBIKE	A, B2	1
MOTORBIKE	B, B1	1
MOTORBIKE	A, B1	2
MOTORBIKE: 28		28

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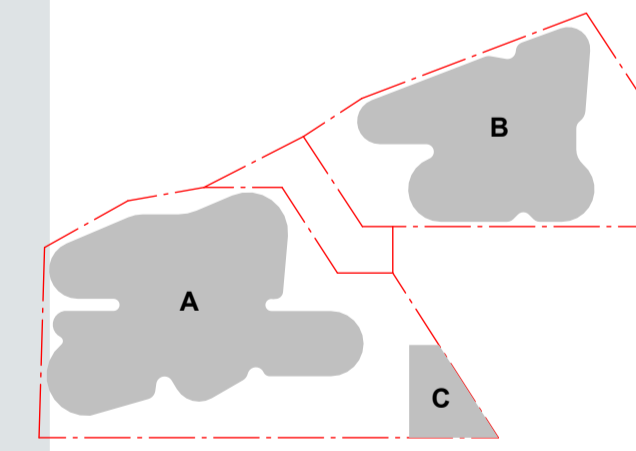
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CW	CAR WASH
EV	ELECTRIC VEHICLE
VP	VISITOR PARKING

Rev	Date	Revision	By	Chk.
4	31.08.2021	FOR INFORMATION - CONSULTANT UPDATE	EHU	EH
6	16.12.2021	COUNCIL DEFERRAL RESPONSE	EM	JK
7	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
8	19.07.2022	RFI RESPONSE - COUNCIL	AH	JK
9	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS	JT
10	16.10.2023	AMENDING DA	KB	JT
11	06.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
12	12.12.2023	S4.45 MODIFICATION APPLICATION	KB	JT
13	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
14	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
15	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

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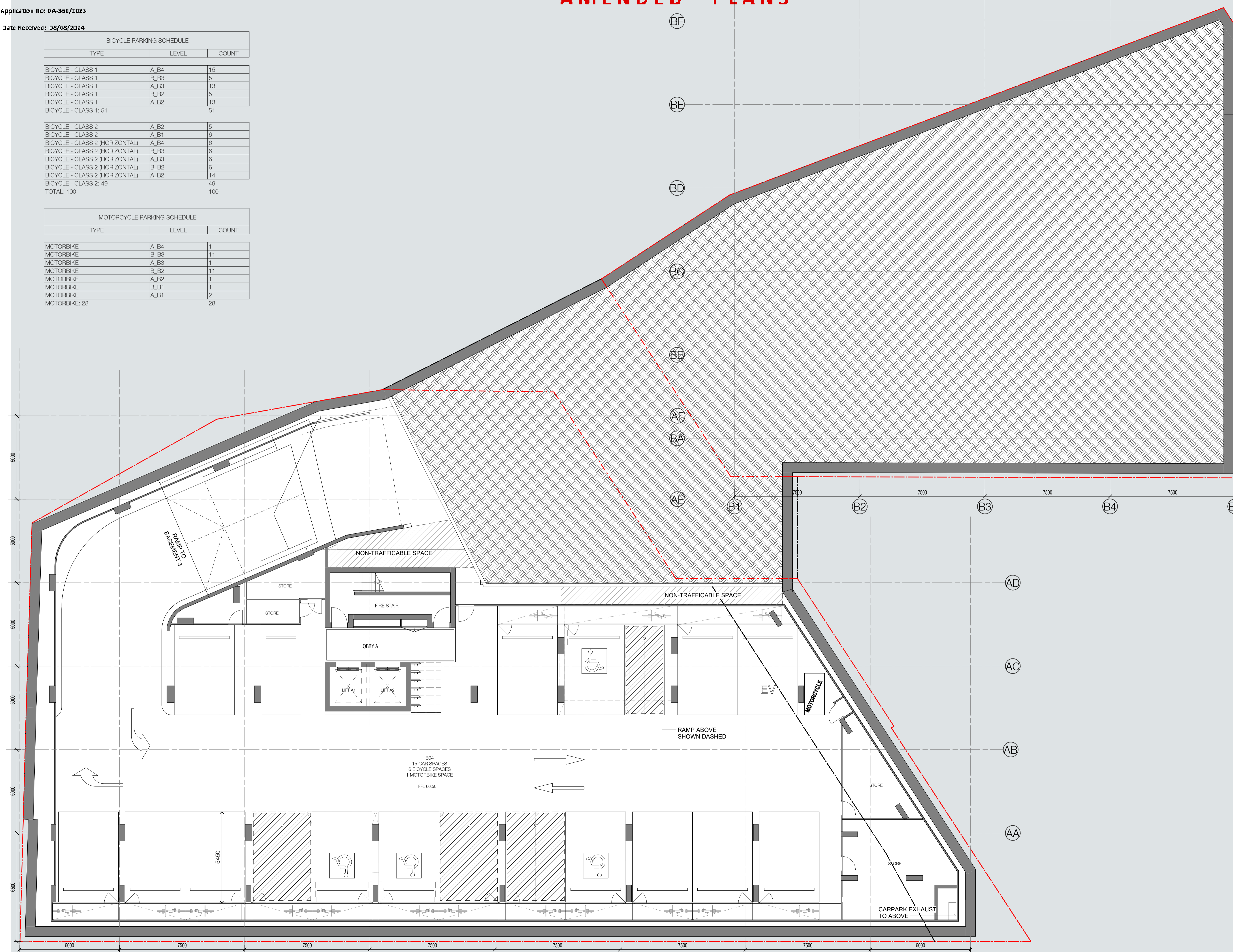
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Job No.: **6289** Drawing No.: **DA - 1000** Revision: **/ 15**

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PARKING TYPES

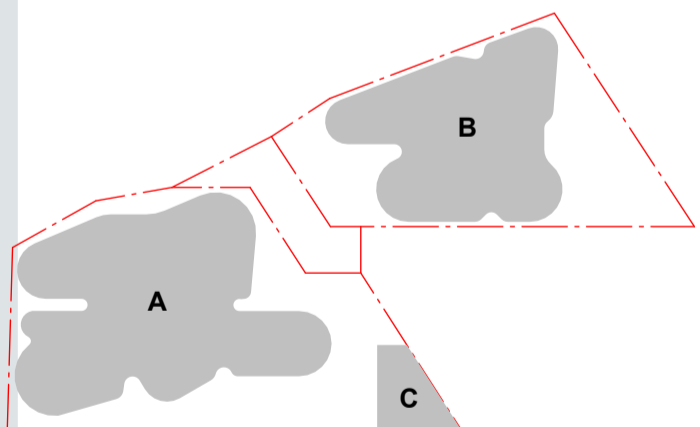
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- CW CAR WASH
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- VP VISITOR PARKING

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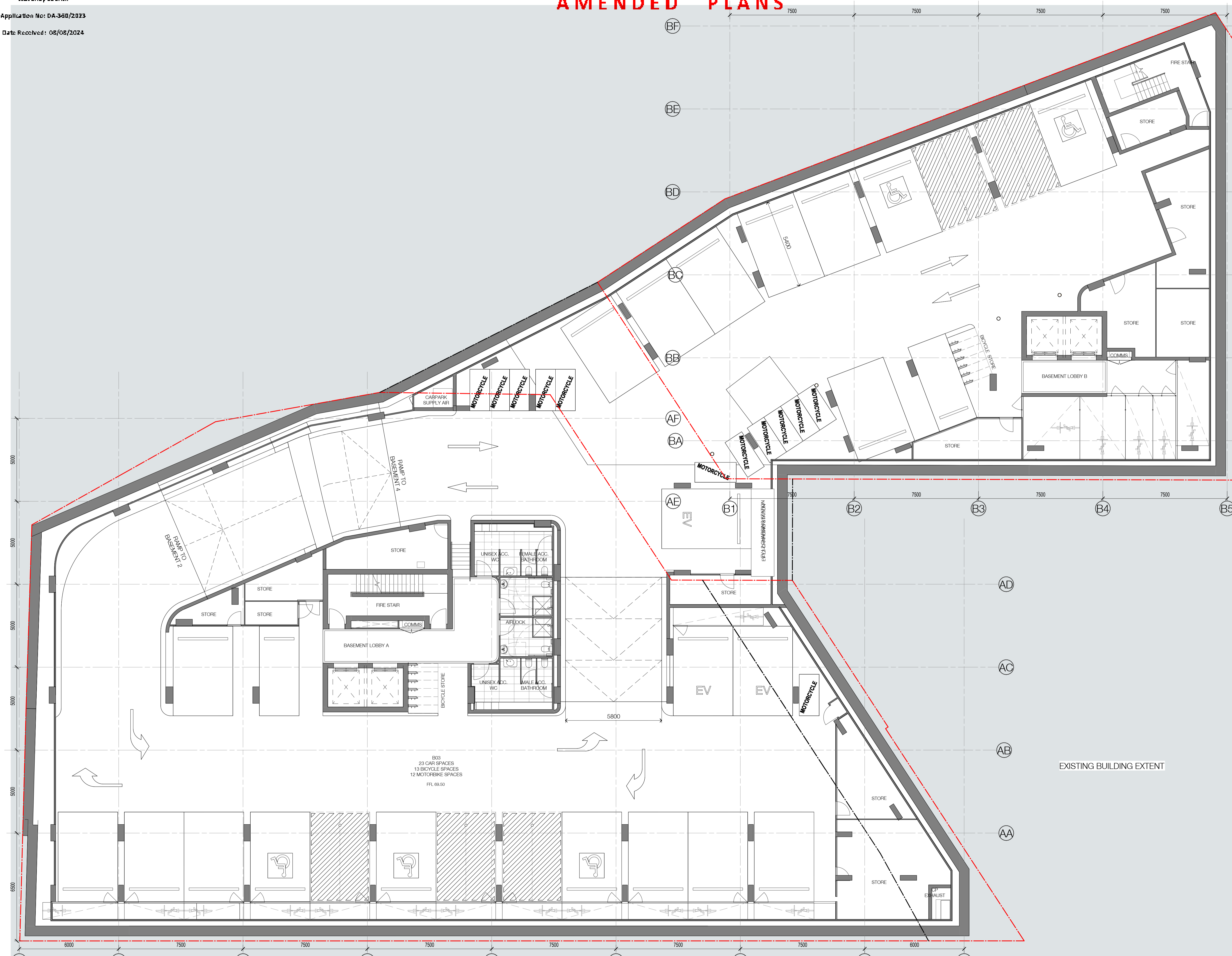


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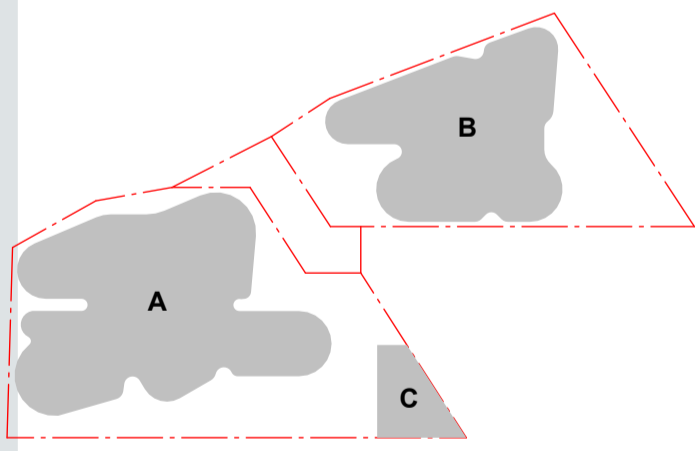
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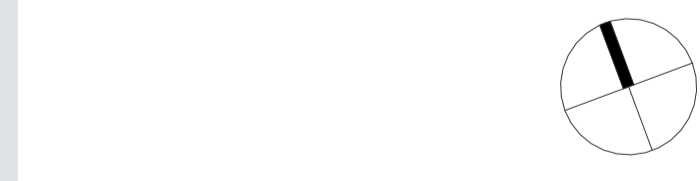
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Drawing Name
GA_BASEMENT 02

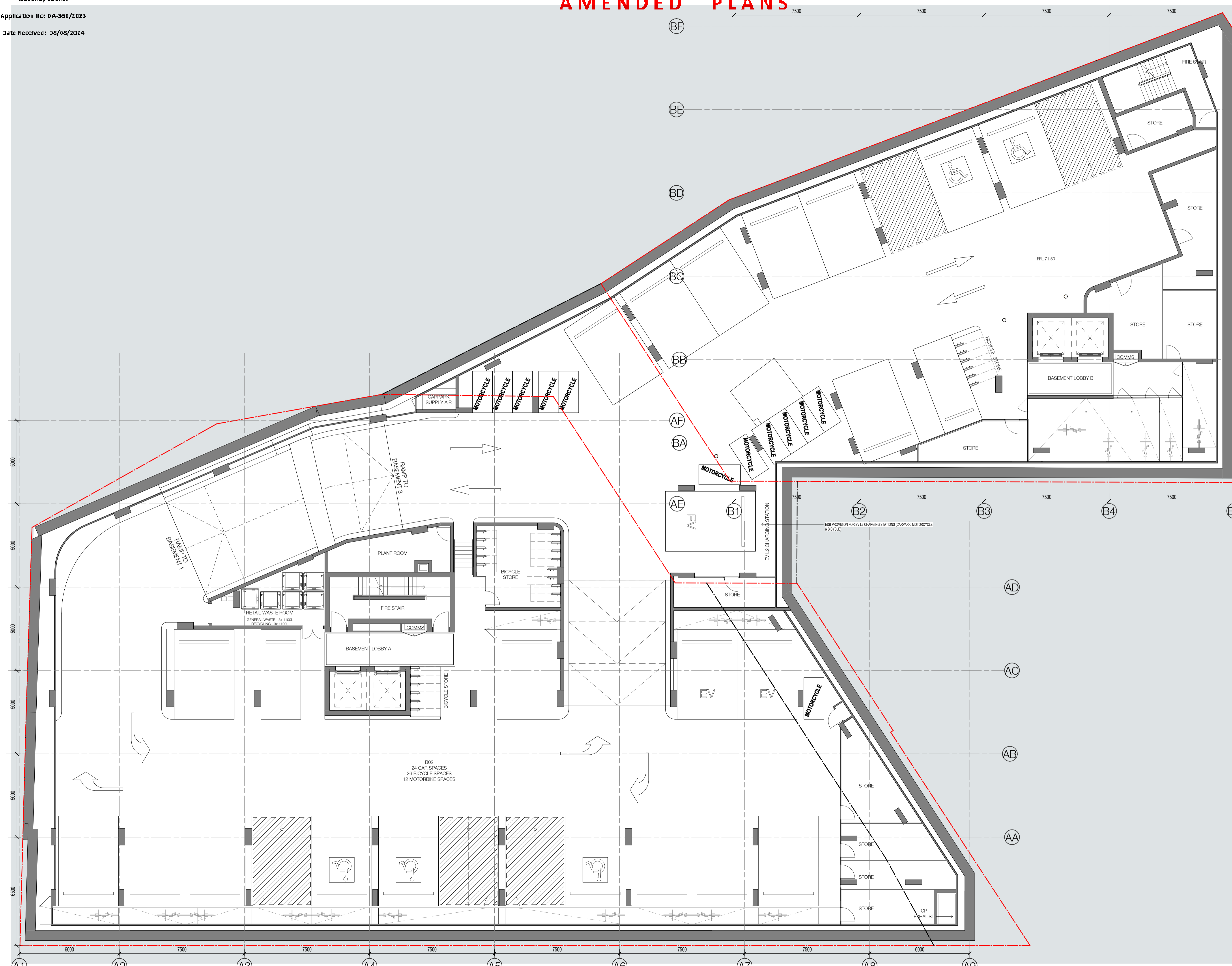


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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

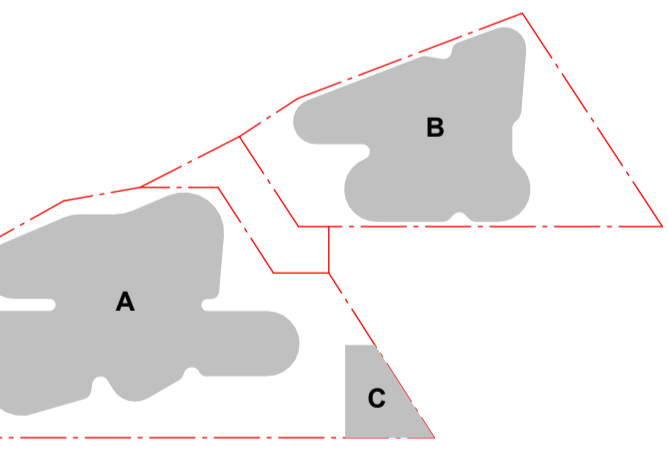
PARKING TYPES	
CS	CAR SHARE
CW	CAR WASH
EV	ELECTRIC VEHICLE
VP	VISITOR PARKING

Rev	Date	Revision	By	Chk.
6	16.12.2021	COUNCIL DEFERRAL RESPONSE	EM	JK
7	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
8	19.07.2022	RFI RESPONSE - COUNCIL	AH	JK
9	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
10	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
11	16.10.2023	AMENDING DA	KB	JT
12	06.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
13	12.12.2023	S4 IS MODIFICATION APPLICATION	KB	JT
14	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
15	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
16	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
Black Beetle
- Structural Engineer
iStruct
- Mechanical / Hydraulic Engineer
Arim Services / Greenarrow
- Electrical Engineer
Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
GA_BASEMENT 01

Date
08.08.2024

Scale
As indicated

Sheet Size
@ A1

Drawn
JMK

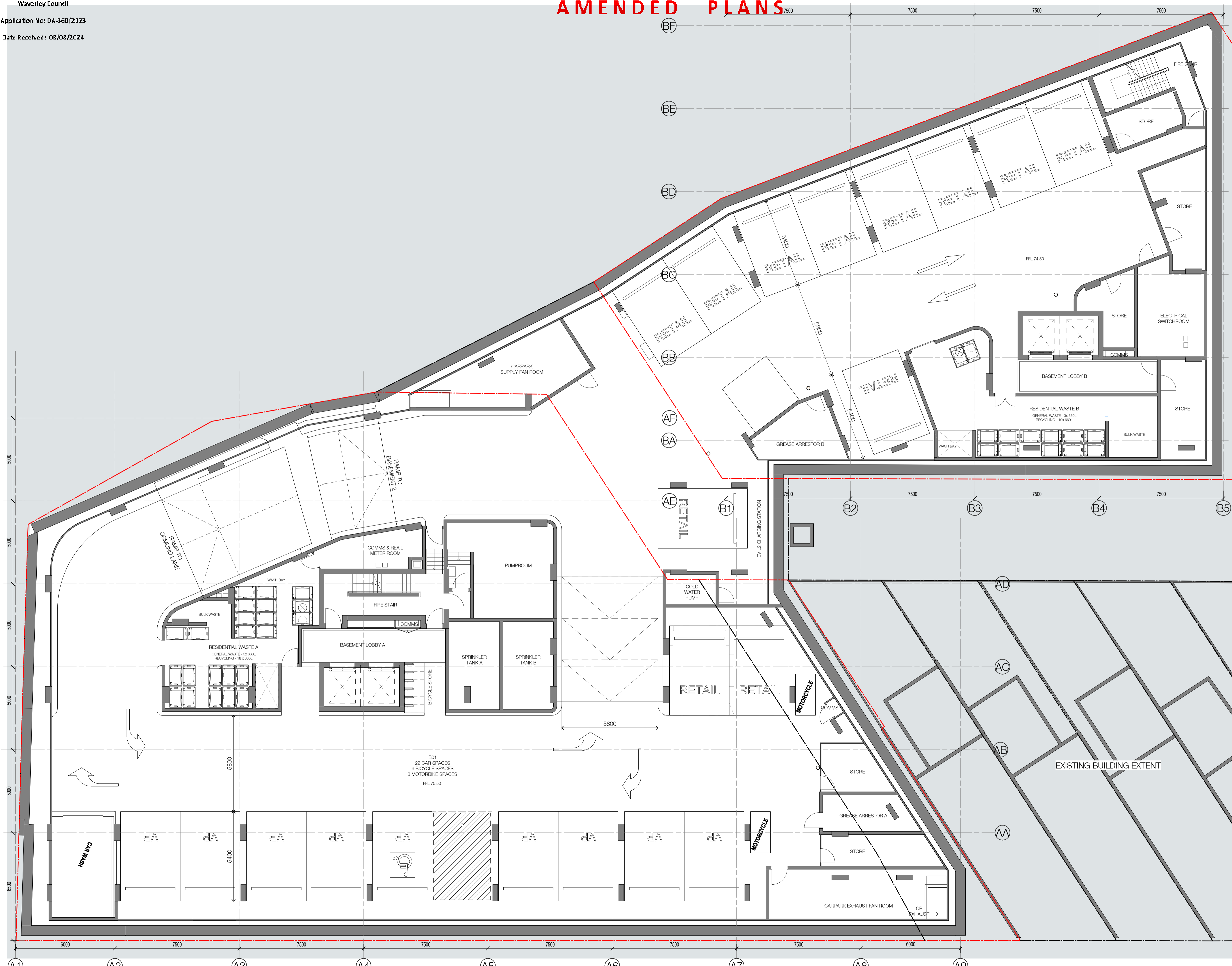
Chk.
AH

Job No.
6289

Drawing No.
DA - 1003

Revision
/ 16

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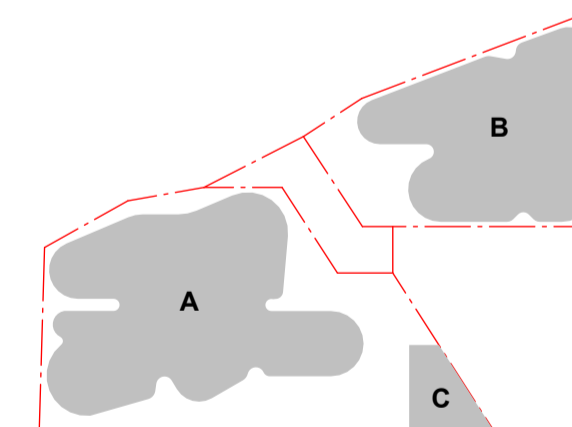


Rev	Date	Revision	By	Chk.
7	18.01.2022	COUNCIL DEFERRAL RESPONSE	EM	JK
8	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
9	19.07.2022	RFI RESPONSE - COUNCIL	AH	JK
10	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
11	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
12	16.10.2023	AMENDING DA	KB	JT
13	06.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
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15	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
16	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
17	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
Black Beetle
- Structural Engineer
iStruct
- Mechanical / Hydraulic Engineer
Arim Services / Greenarrow
- Electrical Engineer
Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
- Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
GA_PUBLIC DOMAIN



Date
08.08.2024

Scale
1 : 200

Sheet Size
@ A1

Drawn
JMK

Chk.
AH

Job No.
6289

Drawing No.
DA - 1010

Revision
/ 17

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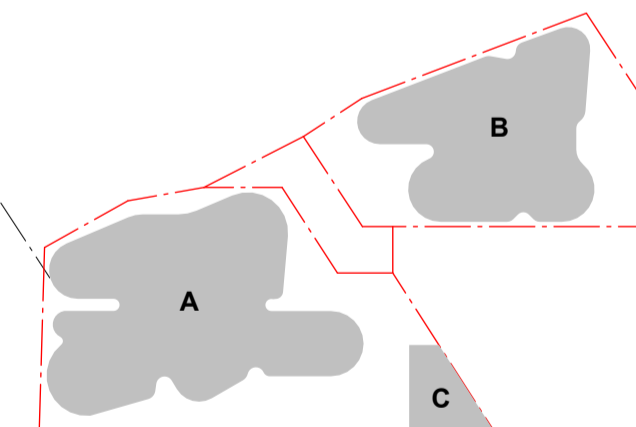
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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

Rev	Date	Revision	By	Chk.
1	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
2	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

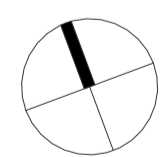
- Landscape Architect
Black Beetle
- Structural Engineer
iStruct
- Mechanical / Hydraulic Engineer
Arim Services / Greenarrow
- Electrical Engineer
Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
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BONDI JUNCTION**



Drawing Name
GA_LEVEL 03



Date
08.08.2024

Scale
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Sheet Size
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Drawn
JTS

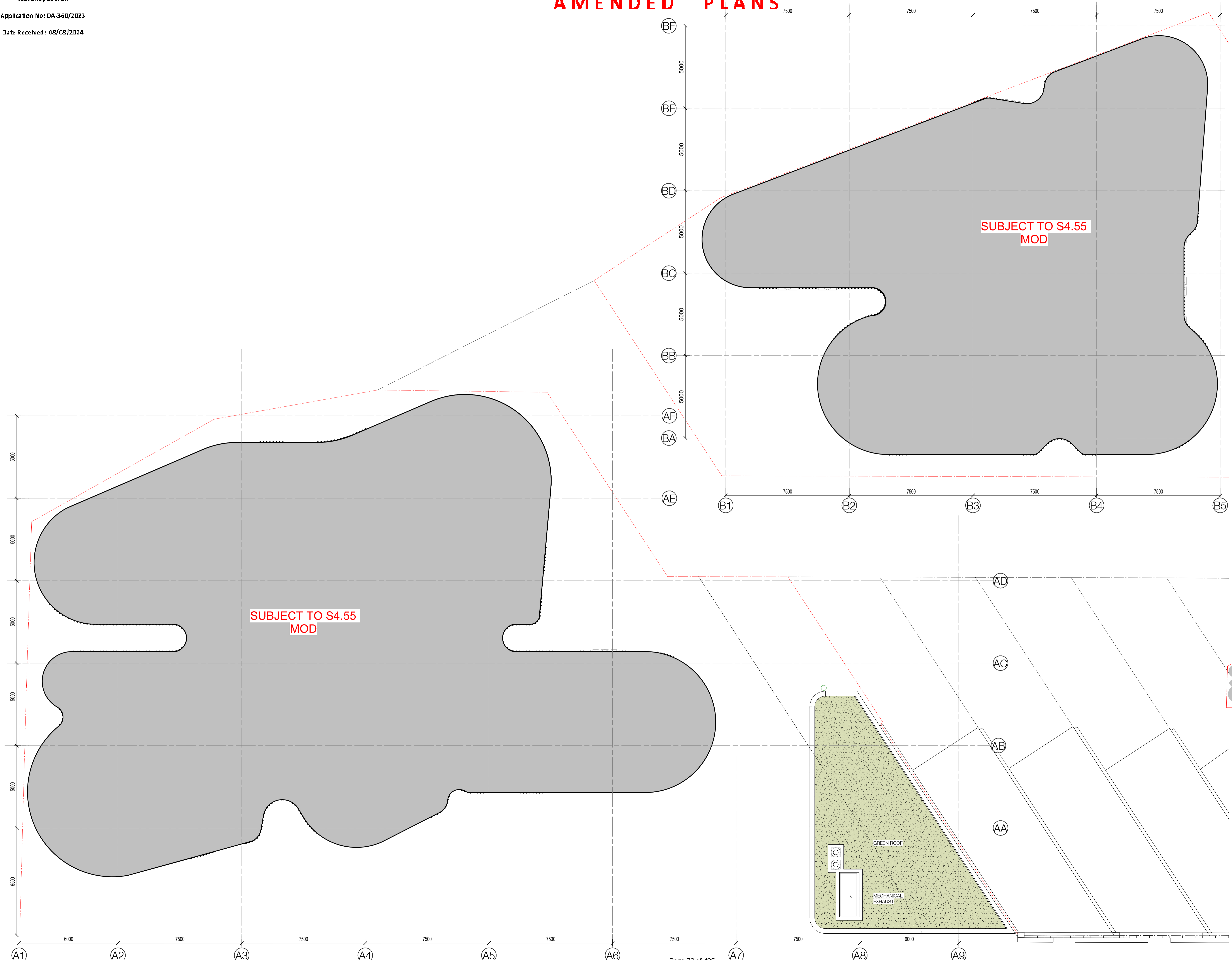
Chk.
JT

Job No.
6289

Drawing No.
DA - 1014

Revision
/ 2

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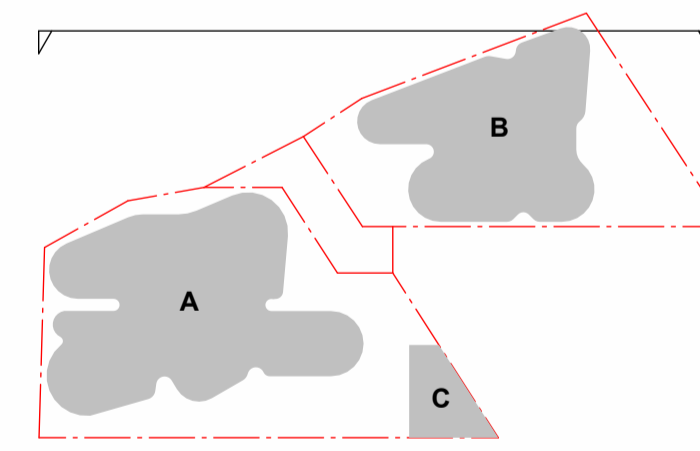


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5	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
6	19.07.2022	RFI RESPONSE - COUNCIL	AH	JK
7	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
8	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
9	16.10.2023	AMENDING DA	KB	JT
10	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
11	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
12	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
13	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
Black Beetle
- Structural Engineer
iStruct
- Mechanical / Hydraulic Engineer
Arim Services / Greenarrow
- Electrical Engineer
Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
ELEVATION - NORTH

1 ELEVATION_NORTH
1 : 200@A1

EXTERNAL FINISHES

- | | | |
|--|--|--|
| MASONRY
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish | STONE
ST01 Granite/Marble | BALUSTRADE
B01 Frameless Clear Glass |
| PRECAST
PC01 Precast Spandrel
PC02 Precast Fluted Panel | GLASS
GL01 Apartment Glazing - Performance Glass | PAINT
PT01 White
PT02 Dark Grey |
| SCREENING
VT01 Vertical Screening | METALWORK
M01 Brass coloured metal | |



Date	Scale	Sheet Size
08.08.2024	As indicated	@ A1
Author	Checker	
Job No.	Drawing No.	Revision
6289	DA - 1401	/ 13

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



ELEVATION_EAST

EXTERNAL FINISHES

- | | | |
|--|--|--|
| MASONRY
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish | STONE
ST01 Granite/Marble | BALUSTRADE
B01 Frameless Clear Glass |
| PRECAST
PC01 Precast Spandrel
PC02 Precast Fluted Panel | GLASS
GL01 Apartment Glazing - Performance Glass | PAINT
PT01 White
PT02 Dark Grey |
| SCREENING
VT01 Vertical Screening | METALWORK
M01 Brass coloured metal | |

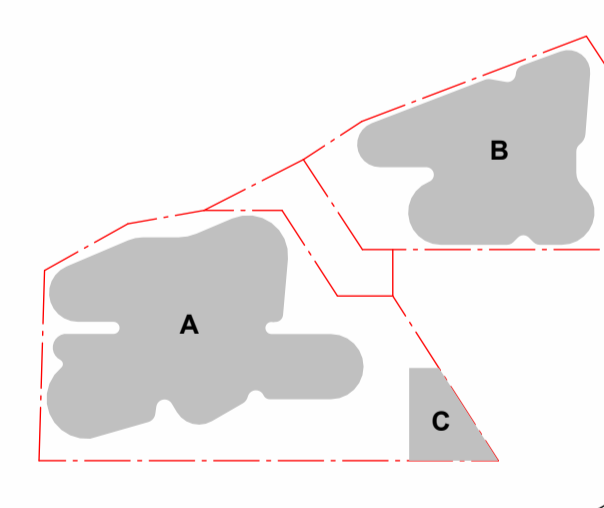


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5	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
6	28.10.2022	DA CONDITION 2	JMT	JT
7	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
8	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
9	16.10.2023	AMENDING DA	KB	JT
10	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
11	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
12	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
13	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
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iStruct
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Arim Services / Greenarrow
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Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION




Drawing Name
ELEVATION - EAST

Date: 08.08.2024
Scale: As indicated
Sheet Size: @ A1

Drawn: Author
Chk.: Checker

Job No.: 6289
Drawing No.: DA - 1402
Revision: / 13

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

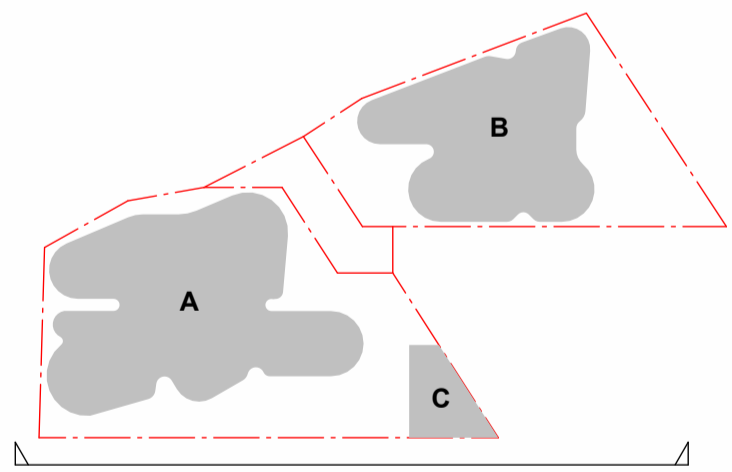


Rev	Date	Revision	By	Chk.
4	18.01.2022	COUNCIL DEFERRAL RESPONSE	EM	JK
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6	19.07.2022	RFI RESPONSE - COUNCIL	AH	JK
7	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
8	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
9	16.10.2023	AMENDING DA	KB	JT
10	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
11	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
12	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
13	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
14	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
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iStruct
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Arim Services / Greenarrow
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Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
ELEVATION - SOUTH

ELEVATION_SOUTH

EXTERNAL FINISHES

- MASONRY**
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish
- STONE**
ST01 Granite/Marble
- GLASS**
GL01 Apartment Glazing - Performance Glass
- PRECAST**
PC01 Precast Spandrel
PC02 Precast Fluted Panel
- SCREENING**
VT01 Vertical Screening
- BALUSTRADE**
B01 Frameless Clear Glass
- PAINT**
PT01 White
PT02 Dark Grey
- METALWORK**
M01 Brass coloured metal



Date	Scale	Sheet Size
08.08.2024	As indicated	@ A1
Author	Checker	
Job No.	Drawing No.	Revision
6289	DA - 1403	/ 14

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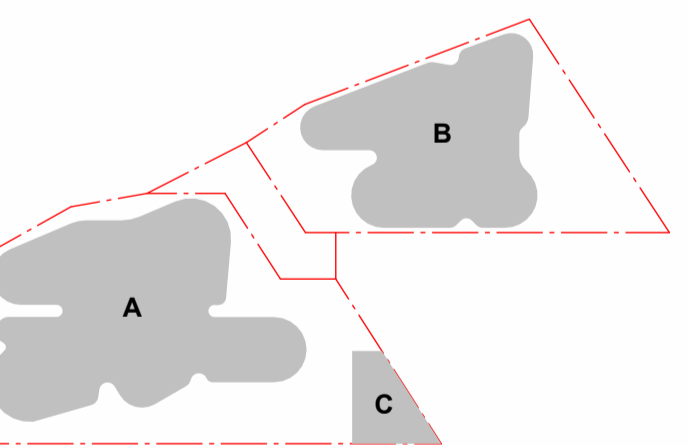
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7	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
8	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
9	16.10.2023	AMENDING DA	KB	JT
10	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
11	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
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Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
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Drawing Name
ELEVATION - WEST

Date: 08.08.2024 Scale: As indicated Sheet Size: @ A1

Drawn: Author Checker

Job No. 6289 Drawing No. DA - 1404 Revision / 12

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ELEVATION_WEST

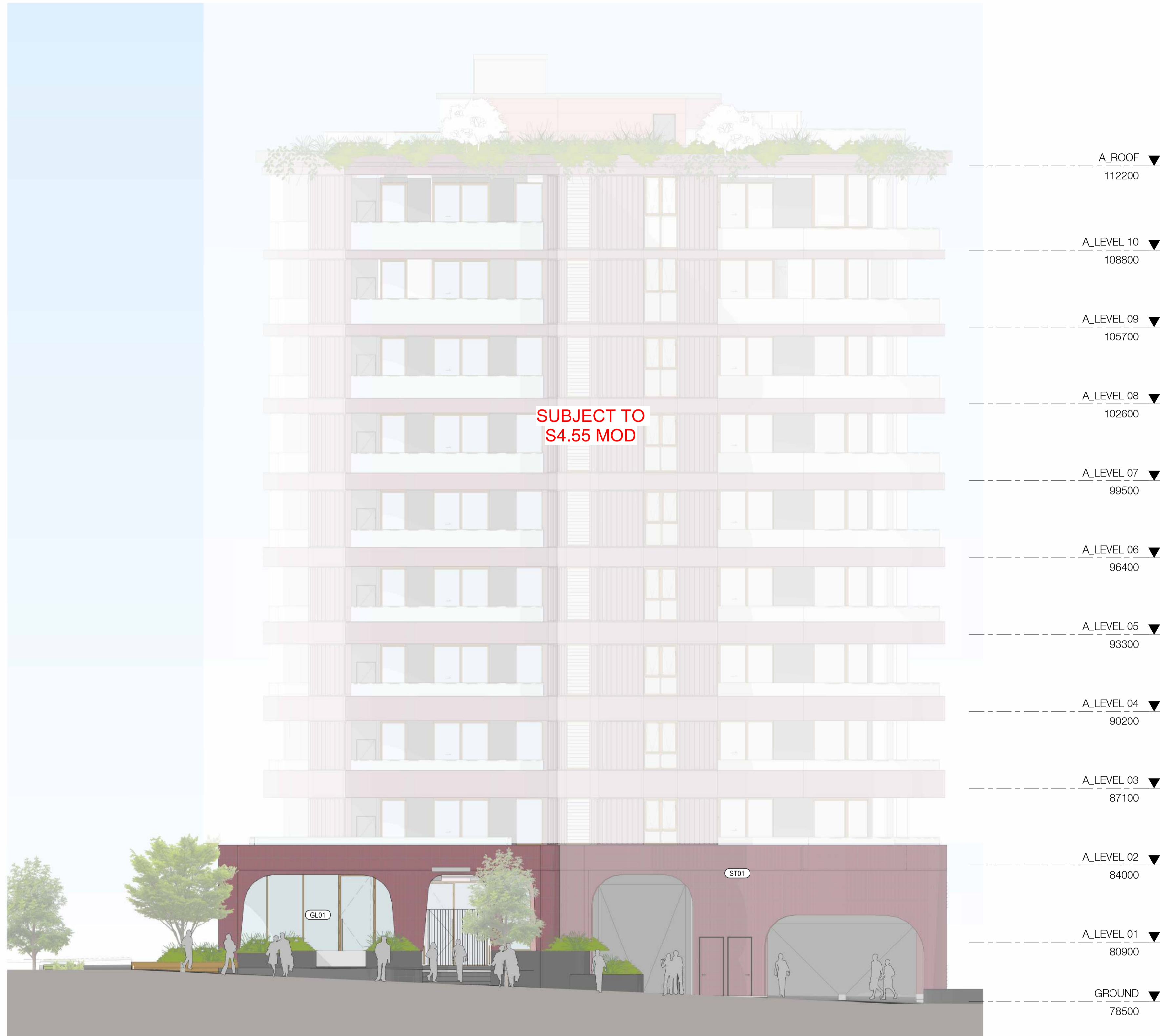
EXTERNAL FINISHES

- MASONRY**
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish
- STONE**
ST01 Granite/Marble
- GLASS**
GL01 Apartment Glazing - Performance Glass
- PRECAST**
PC01 Precast Spandrel
PC02 Precast Fluted Panel
- SCREENING**
VT01 Vertical Screening
- BALUSTRADE**
B01 Frameless Clear Glass
- PAINT**
PT01 White
PT02 Dark Grey
- METALWORK**
M01 Brass coloured metal



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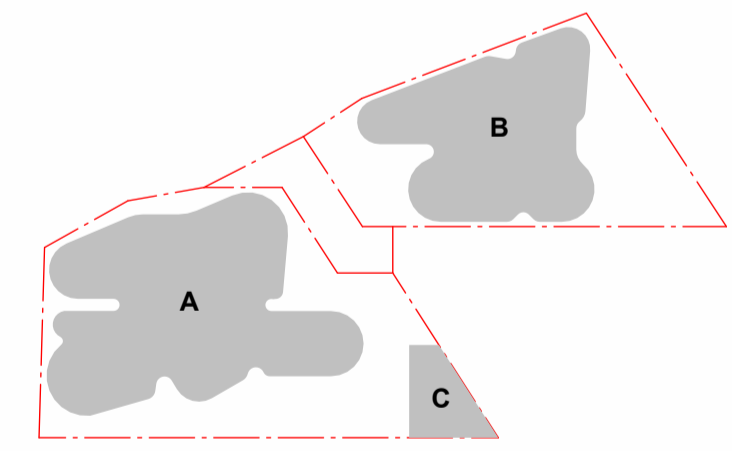
BUILDING A_EAST PODIUM

Rev	Date	Revision	By	Chk.
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2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
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4	16.10.2023	AMENDING DA	KB	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
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7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
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Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
ELEVATION_BLD A_PODIUM EAST

EXTERNAL FINISHES

- | | | |
|--|--|--|
| MASONRY
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish | STONE
ST01 Granite/Marble | BALUSTRADE
B01 Frameless Clear Glass |
| PRECAST
PC01 Precast Spandrel
PC02 Precast Fluted Panel | GLASS
GL01 Apartment Glazing - Performance Glass | PAINT
PT01 White
PT02 Dark Grey |
| SCREENING
VT01 Vertical Screening | METALWORK
M01 Brass coloured metal | |



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Checker: [Blank]

Job No.: 6289
Drawing No.: DA - 1424
Revision: / 8

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B_LEVEL 11	▼	113300
B_LEVEL 10	▼	109900
B_LEVEL 09	▼	106800
B_LEVEL 08	▼	103700
B_LEVEL 07	▼	100600
B_LEVEL 06	▼	97500
B_LEVEL 05	▼	94400
B_LEVEL 04	▼	91300
B_LEVEL 03	▼	88200
B_LEVEL 02	▼	85100
B_LEVEL 01	▼	82000
GROUND	▼	78500

SUBJECT TO S4.55 MOD

BUILDING B_SOUTH PODIUM

EXTERNAL FINISHES

MASONRY C01 Light Colour Masonry Finish C02 Warm Tones Masonry Finish	STONE ST01 Granite/Marble	BALUSTRADE B01 Frameless Clear Glass
PRECAST PC01 Precast Spandrel PC02 Precast Fluted Panel	GLASS GL01 Apartment Glazing - Performance Glass	PAINT PT01 White PT02 Dark Grey
SCREENING VT01 Vertical Screening	METALWORK M01 Brass coloured metal	

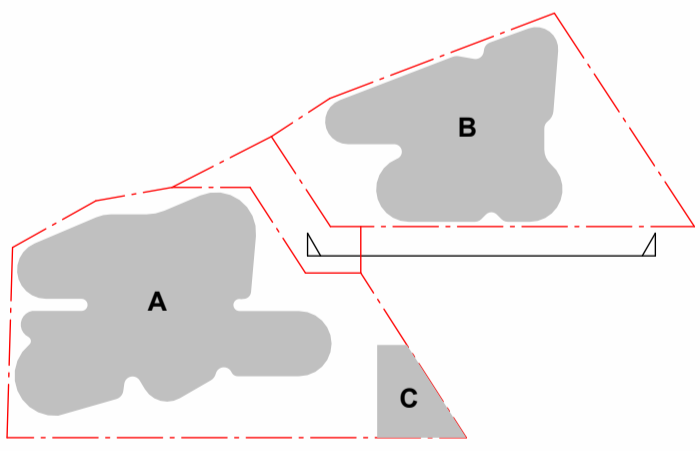


Rev	Date	Revision	By	Chk.
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2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	KB	
4	16.10.2023	AMENDING DA	JTS/	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	KB	JT
6	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
8	15.02.2024	S4.55 MODIFICATION RFI RESPONSE - COUNCIL	KB	JT
9	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect
Black Beetle
- Structural Engineer
iStruct
- Mechanical / Hydraulic Engineer
Arim Services / Greenarrow
- Electrical Engineer
Spectrum Engineering Solutions
- Fire Engineer
Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



Project
OXFORD & NELSON ST
194 OXFORD STREET
BONDI JUNCTION



Drawing Name
ELEVATION_BLD B_PODIUM SOUTH

Date: 08.08.2024 Scale: As indicated Sheet Size: @ A1

Author: Author Checker: Checker

Job No. 6289 Drawing No. DA - 1425 Revision: / 9

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Nominated Architects: Adam Haddow-7188 | John Pradel-7004



BUILDING B_WEST PODIUM

EXTERNAL FINISHES

MASONRY C01 Light Colour Masonry Finish C02 Warm Tones Masonry Finish	STONE ST01 Granite/Marble	BALUSTRADE B01 Frameless Clear Glass
PRECAST PC01 Precast Spandrel PC02 Precast Fluted Panel	GLASS GL01 Apartment Glazing - Performance Glass	PAINT PT01 White PT02 Dark Grey
SCREENING VT01 Vertical Screening	METALWORK M01 Brass coloured metal	

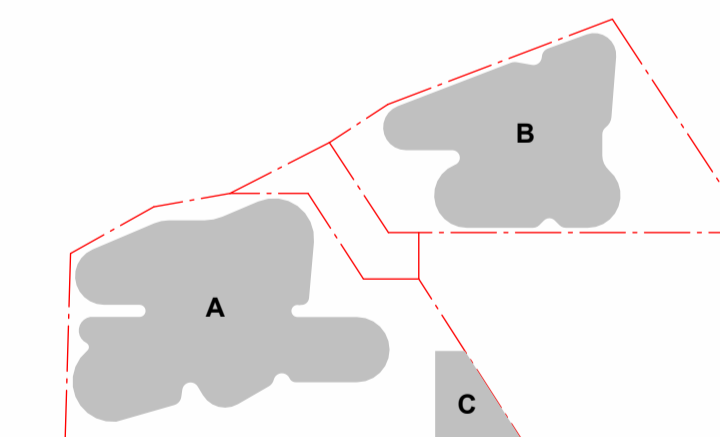


Rev	Date	Revision	By	Chk.
1	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
4	16.10.2023	AMENDING DA	KB	JT
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iStruct
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Arim Services / Greenarrow
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- Access Consultant
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Drawing Name
ELEVATION_BLD B_PODIUM WEST

Date: 08.08.2024 Scale: As indicated Sheet Size: @ A1

Drawn: Author Checker:

Job No. 6289 Drawing No. DA - 1426 Revision: / 8

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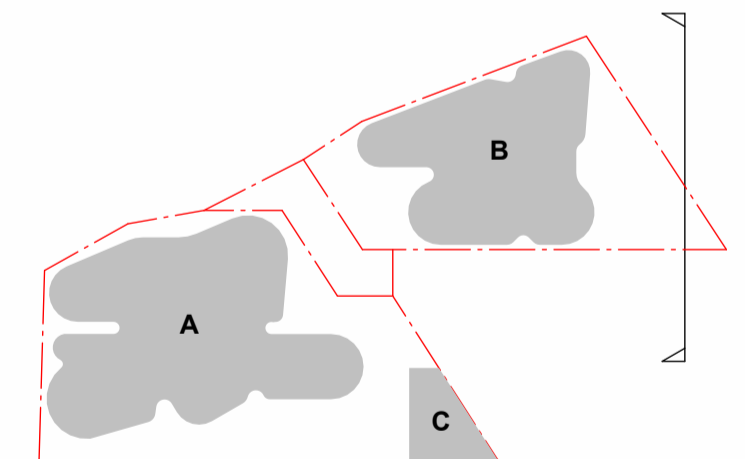
BUILDING B_EAST PODIUM

Rev	Date	Revision	By	Chk.
1	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
4	16.10.2023	AMENDING DA	KB	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
6	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
7	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

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Arim Services / Greenarrow
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Carbon Fire Engineering
- Access Consultant
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- Client



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Drawing Name
ELEVATION_BLD B_PODIUM EAST

Date: 08.08.2024 Scale: As indicated Sheet Size: @ A1

Author: Author Checker: Checker

Job No. 6289 Drawing No. DA - 1428 Revision: / 7

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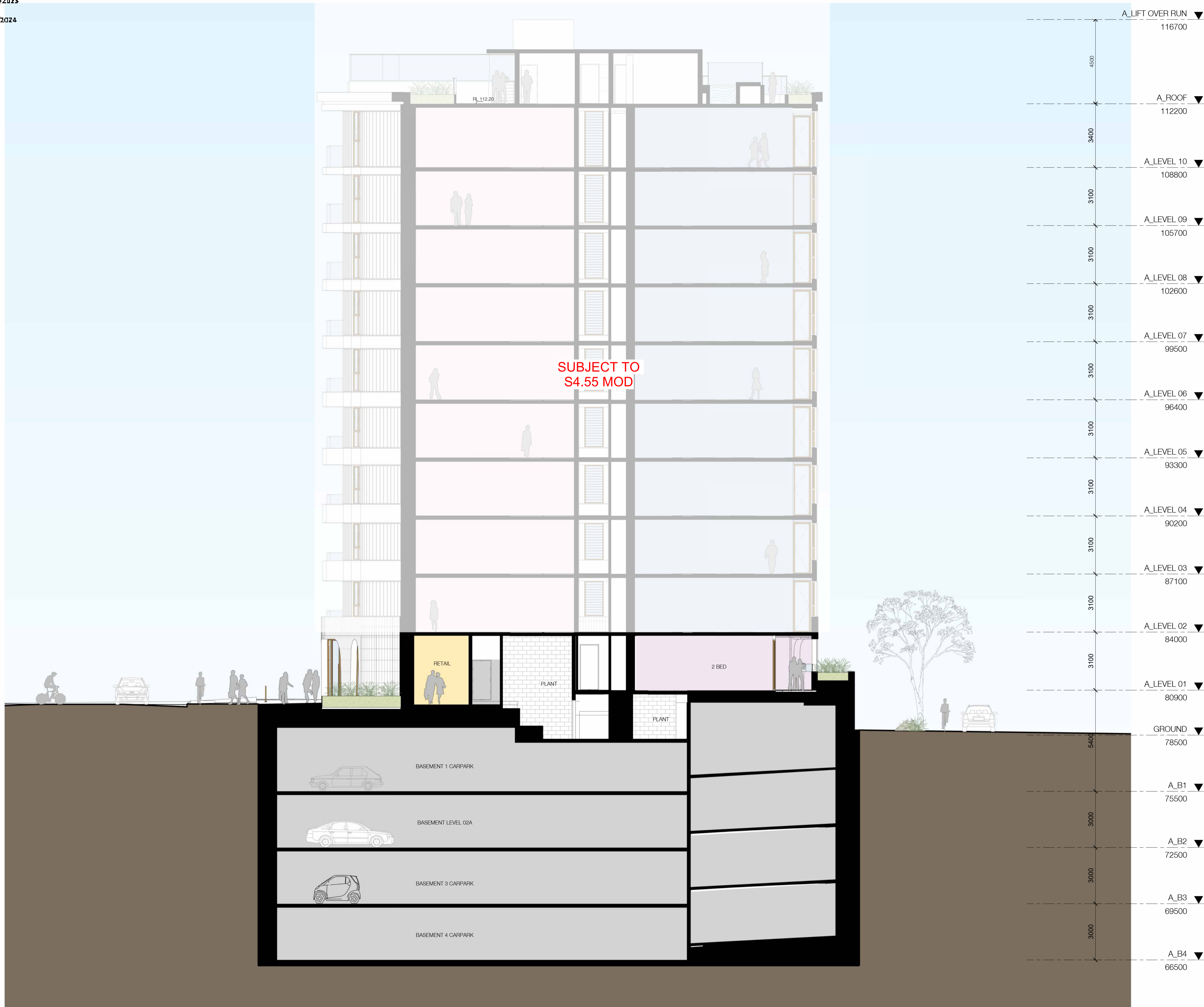
EXTERNAL FINISHES

- | | | |
|--|--|--|
| MASONRY
C01 Light Colour Masonry Finish
C02 Warm Tones Masonry Finish | STONE
ST01 Granite/Marble | BALUSTRADE
B01 Frameless Clear Glass |
| PRECAST
PC01 Precast Spandrel
PC02 Precast Fluted Panel | GLASS
GL01 Apartment Glazing - Performance Glass | PAINT
PT01 White
PT02 Dark Grey |
| SCREENING
VT01 Vertical Screening | METALWORK
M01 Brass coloured metal | |



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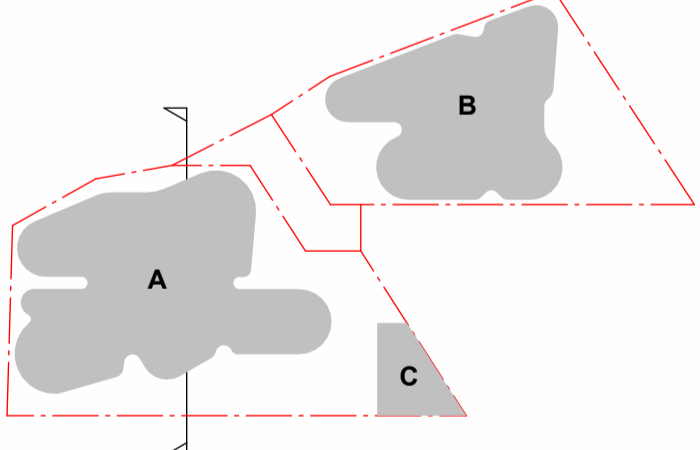


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4	03.09.2021	SEPP 65 DEVELOPMENT APPLICATION SUBMISSION	EHU	EH
5	16.12.2021	COUNCIL DEFERRAL RESPONSE	EM	JK
6	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
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Drawing Name
SECTION - A

Date: 08.08.2024
Scale: 1 : 100
Sheet Size: @ A1

Drawn: Author
Chk.: Checker

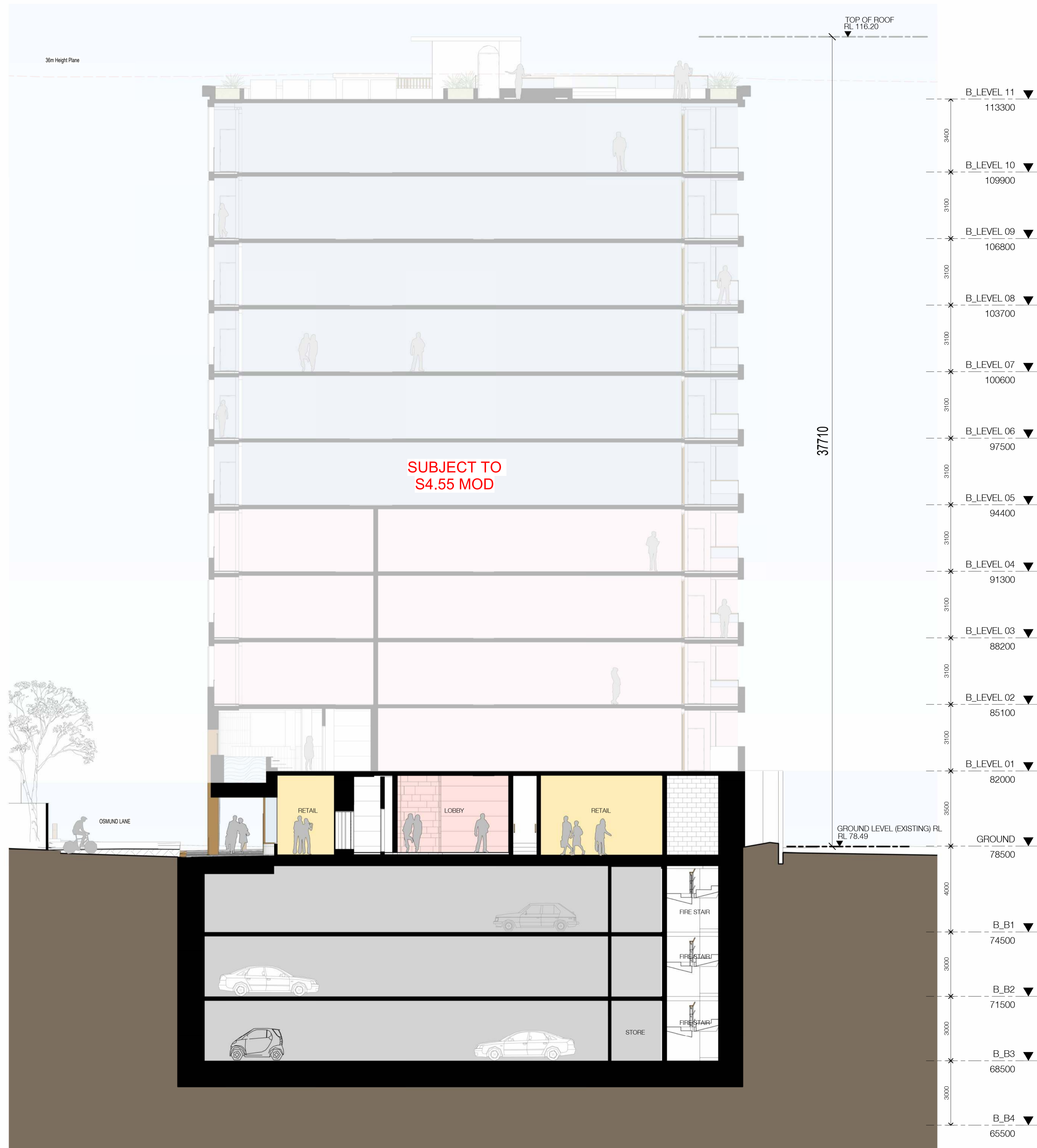
Job No.: 6289
Drawing No.: DA - 1501
Revision: / 14

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Building A Section

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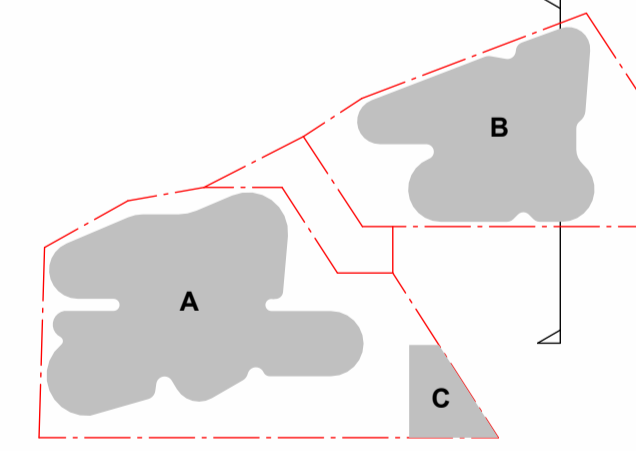


Rev	Date	Revision	By	Chk.
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Project
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194 OXFORD STREET
BONDI JUNCTION



Drawing Name
SECTION - B

Date: 08.08.2024
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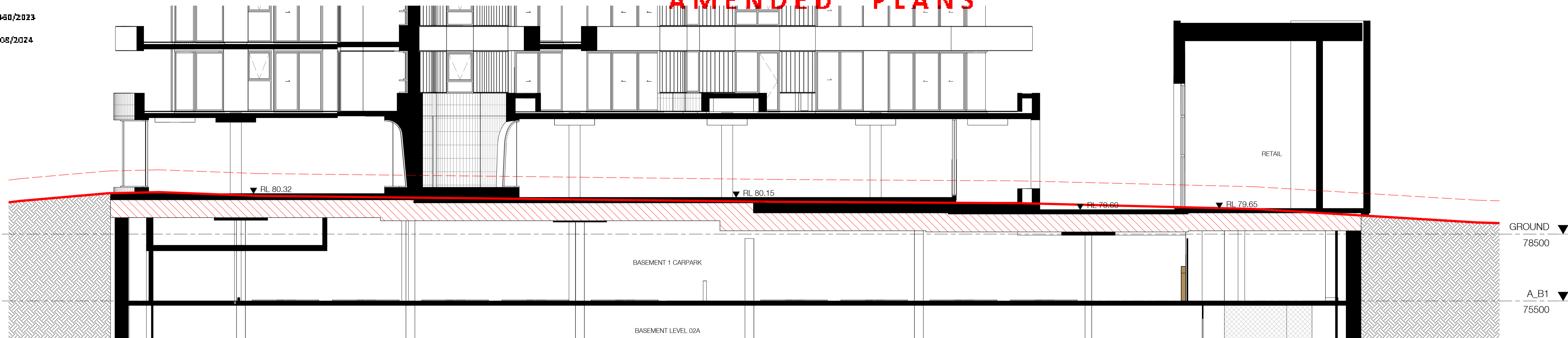
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Chk.: Checker

Job No.: 6289
Drawing No.: DA - 1502
Revision: / 13

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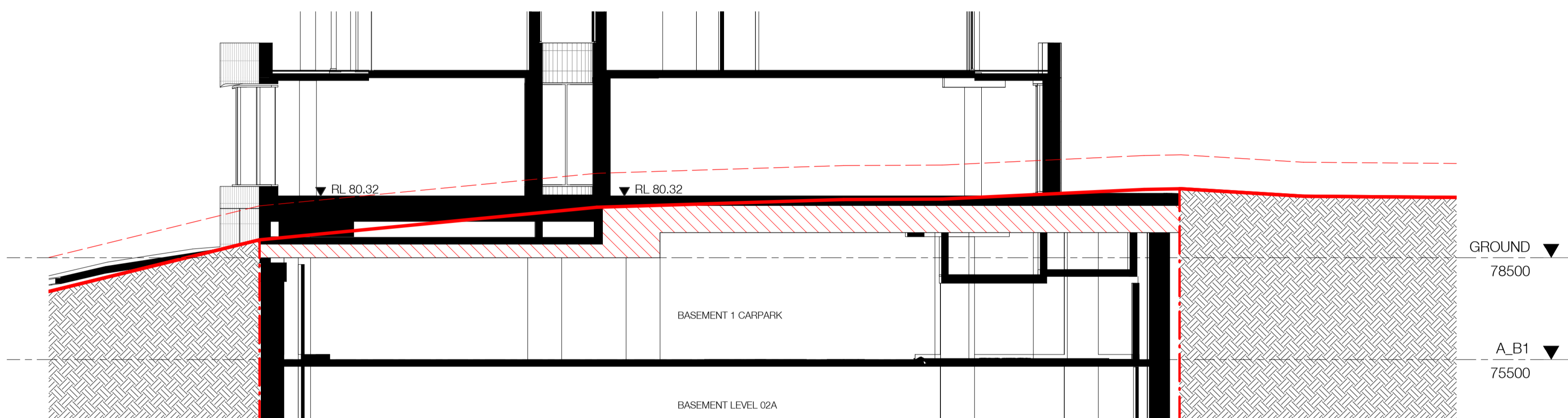
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Section 01

Rev	Date	Revision	By	Chk.
1	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/ JT	KB
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/ JT	KB
4	16.10.2023	AMENDING DA	KB	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
6	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
8	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT



Section 02

Legend

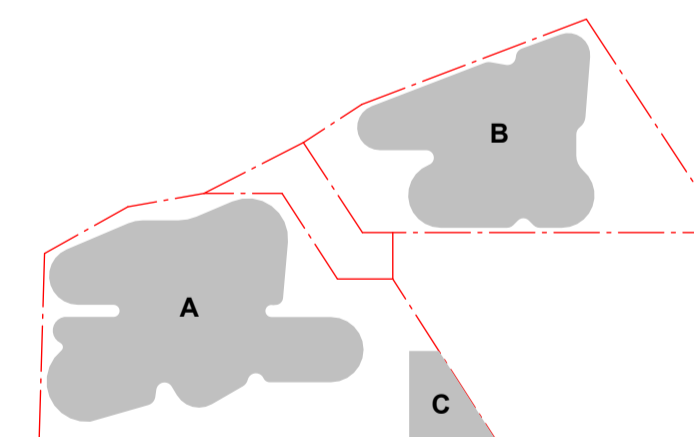
- 1m offset from EGL
- Existing ground level (EGL)
- Structural transfer zone

Basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

- Landscape Architect
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- Structural Engineer
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- Mechanical / Hydraulic Engineer
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Drawing Name
DETAILED SECTION 01

Date
08.08.2024

Scale
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Sheet Size
@ A1

Drawn
JMK

Chk.
AH

Job No.
6289

Drawing No.
DA - 1511

Revision
/ 8

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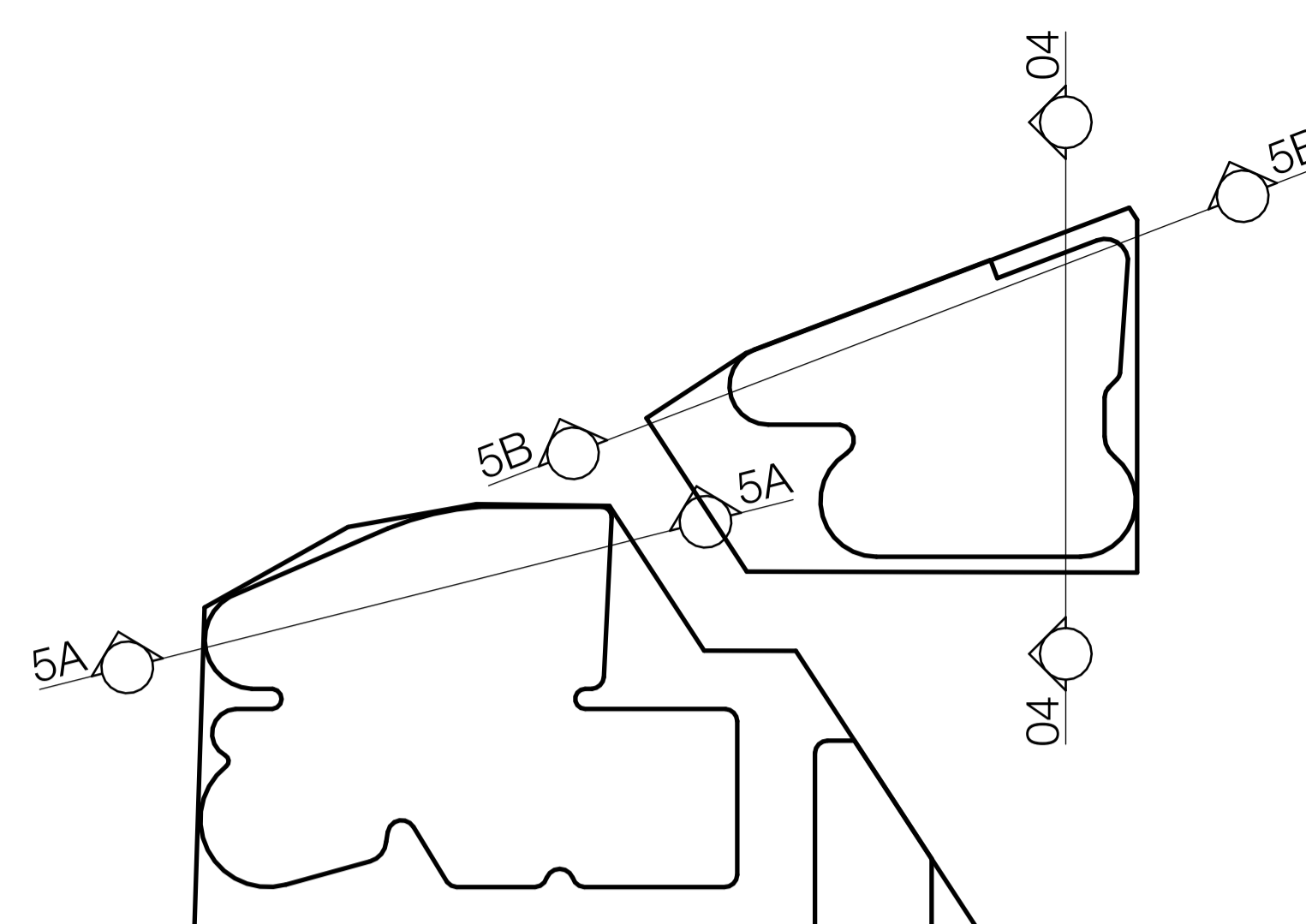


AMENDED PLANS

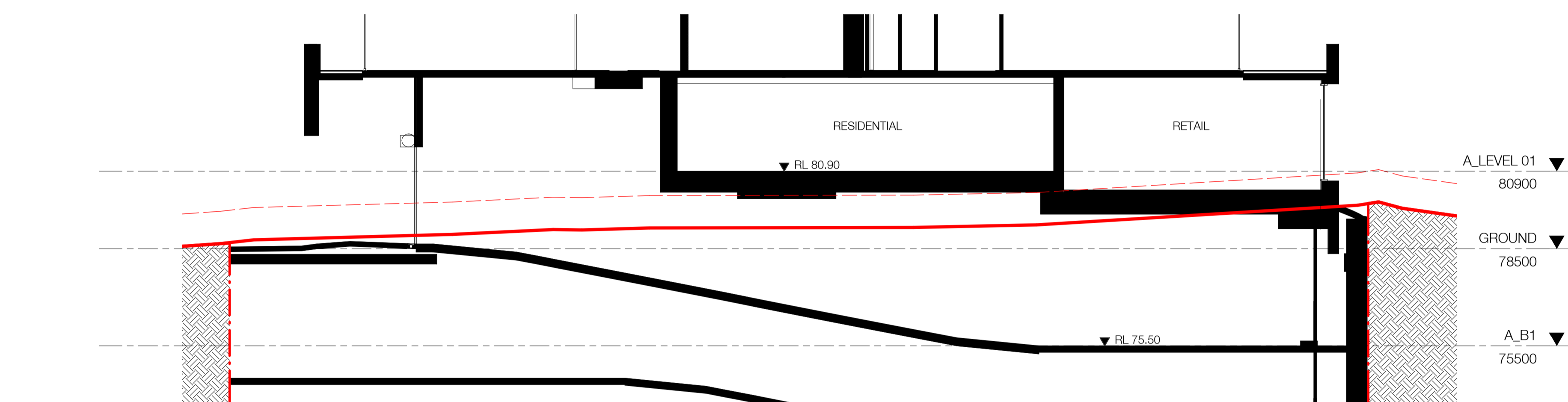
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Section 04



Rev	Date	Revision	By	Chk.
1	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
4	16.10.2023	AMENDING DA	KB	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
6	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
8	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT



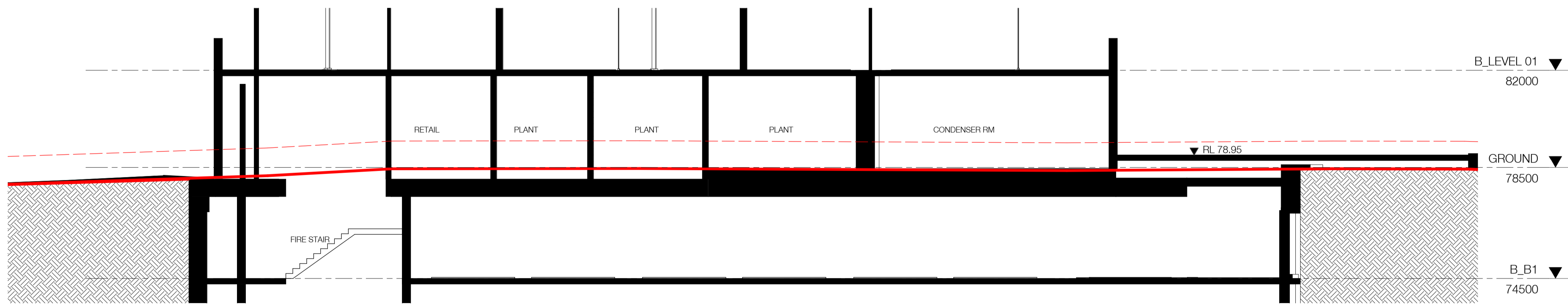
Section 5A

Legend

- 1m offset from EGL
- Existing ground level (EGL)
- Structural transfer zone

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Section 5B

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Drawing Name
DETAILED SECTION 02

Date: 08.08.2024 | Scale: As indicated | Sheet Size: @ A1

Drawn: JMK | Chk.: AH

Job No.: 6289 | Drawing No.: DA - 1512 | Revision: / 8

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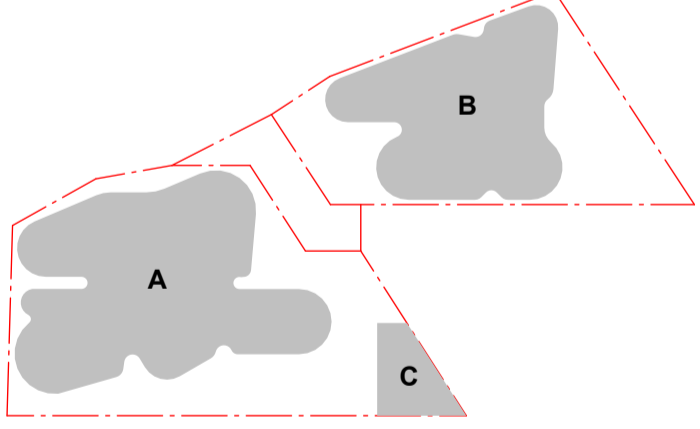
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	LOBBY SPACE
	RETAIL
	COMMUNAL OPEN SPACE
	BACK OF HOUSE / SERVICES
	STUDIO
	1 BEDROOM
	2 BEDROOM
	3 BEDROOM
	4 BEDROOM

Rev	Date	Revision	By	Chk.
1	13.10.2021	COUNCIL SUBMISSION - DA RFI	EH	EH
2	20.05.2022	RFI RESPONSE - UPDATED SECTION	JK	JT
3	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
4	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
5	16.10.2023	AMENDING DA	KB	JT
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OXFORD & NELSON ST
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BONDI JUNCTION



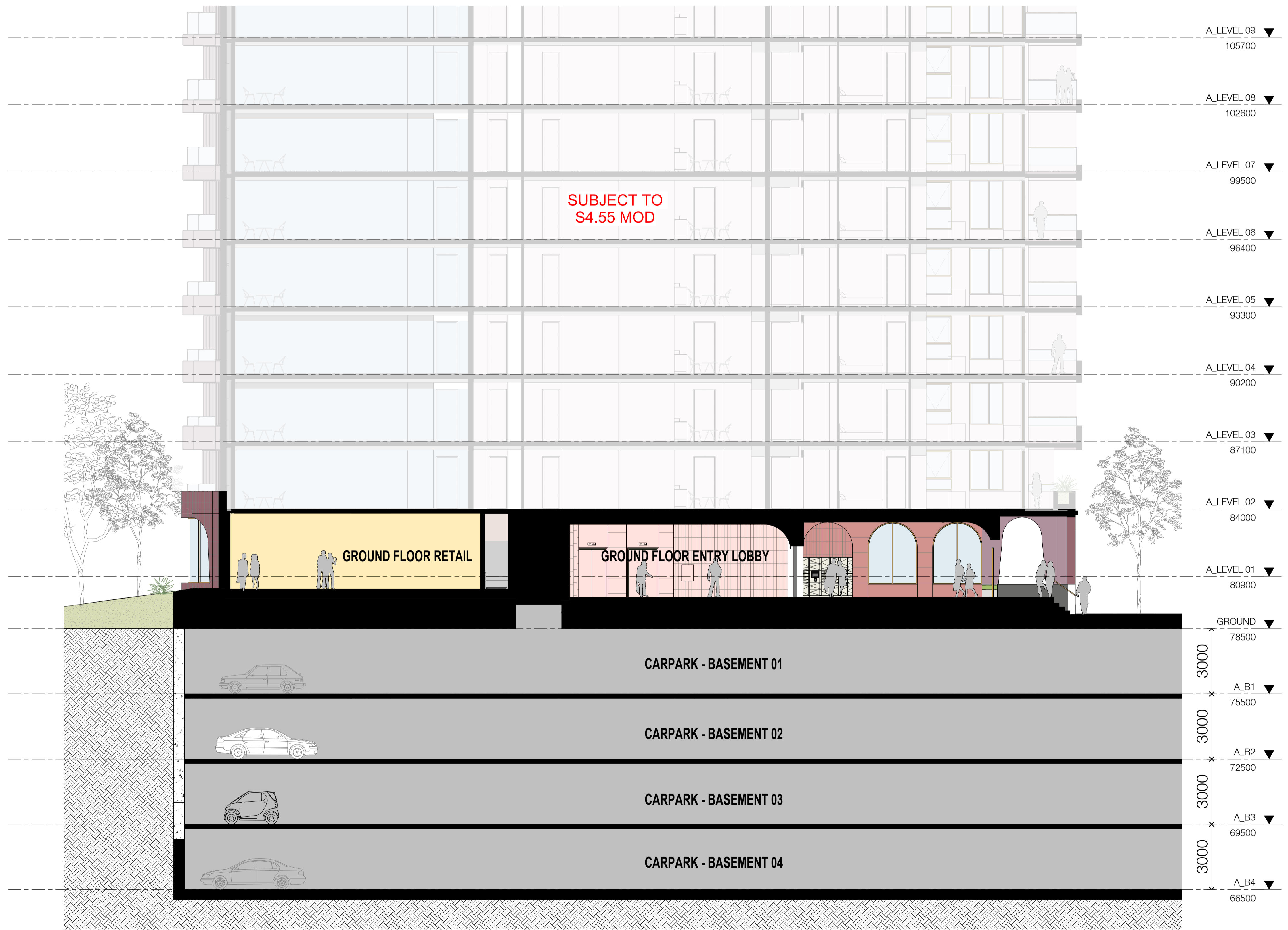
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DETAIL SECTION - BUILDING A
BASEMENT 03 - LVL 08 (TYP)

Date: 08.08.2024
Scale: As indicated
Sheet Size: @ A1

Drawn: Author
Chk.: Checker

Job No.: 6289
Drawing No.: DA - 1610
Revision: / 9

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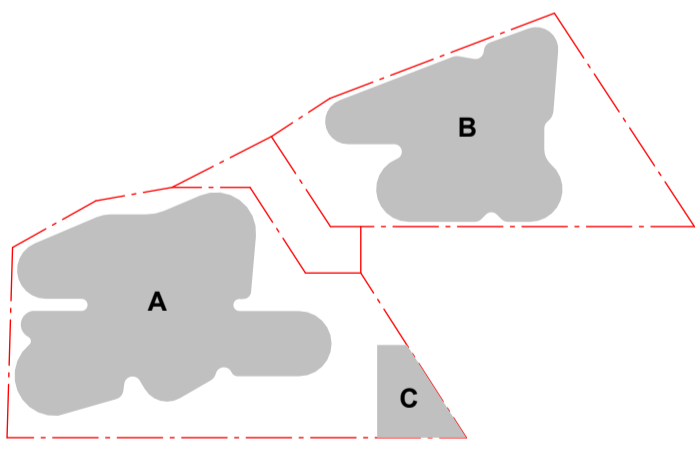
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1	13.10.2021	COUNCIL SUBMISSION - DA RFI RESPONSE - UPDATED SECTION	EH	JT
2	20.05.2022	RFI RESPONSE - UPDATED SECTION	JK	JT
3	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS	JT
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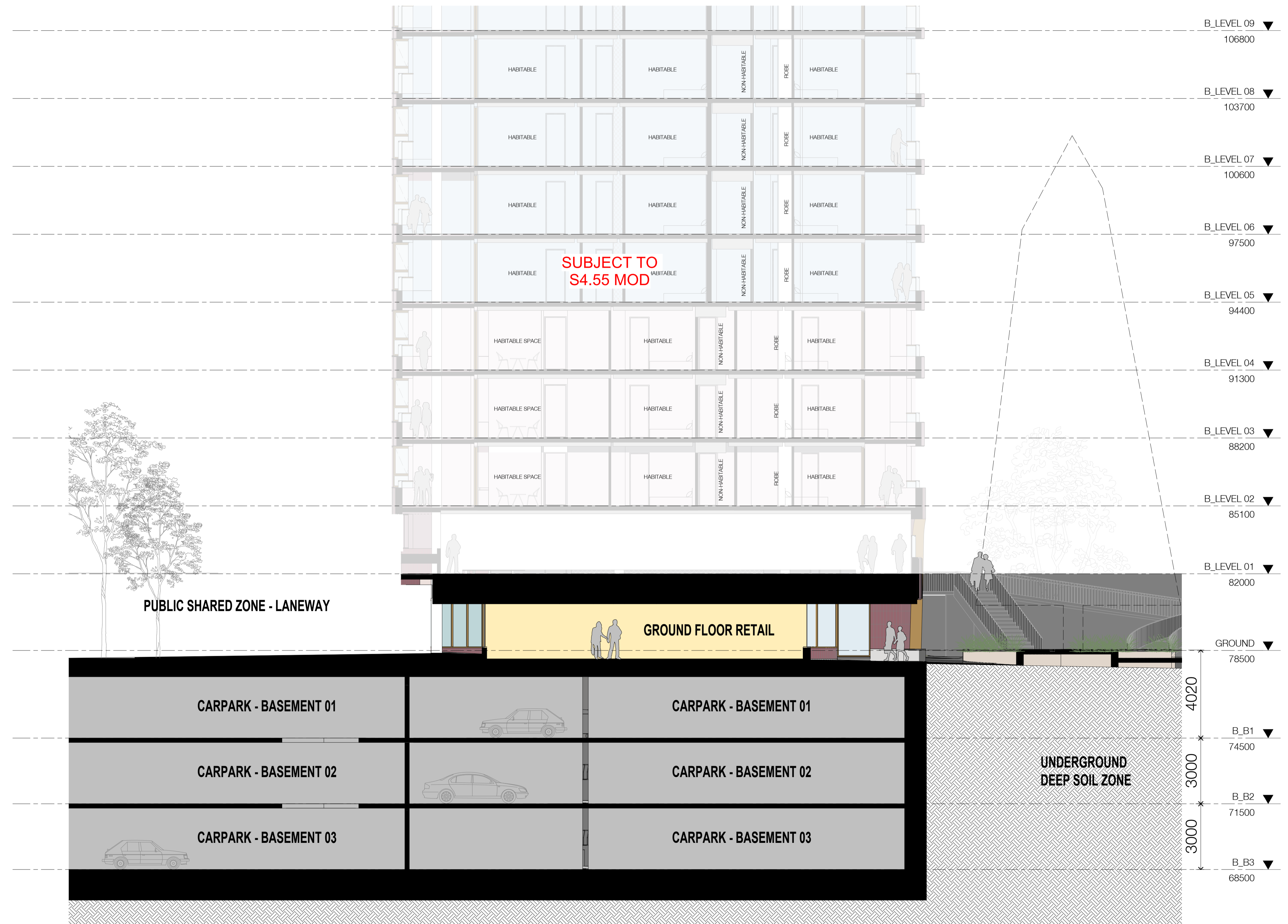
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DETAIL SECTION - BUILDING B
BASEMENT 03 - LVL 08 (TYP)

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Checker: [Blank]

Job No.: 6289
Drawing No.: DA - 1611
Revision: / 8

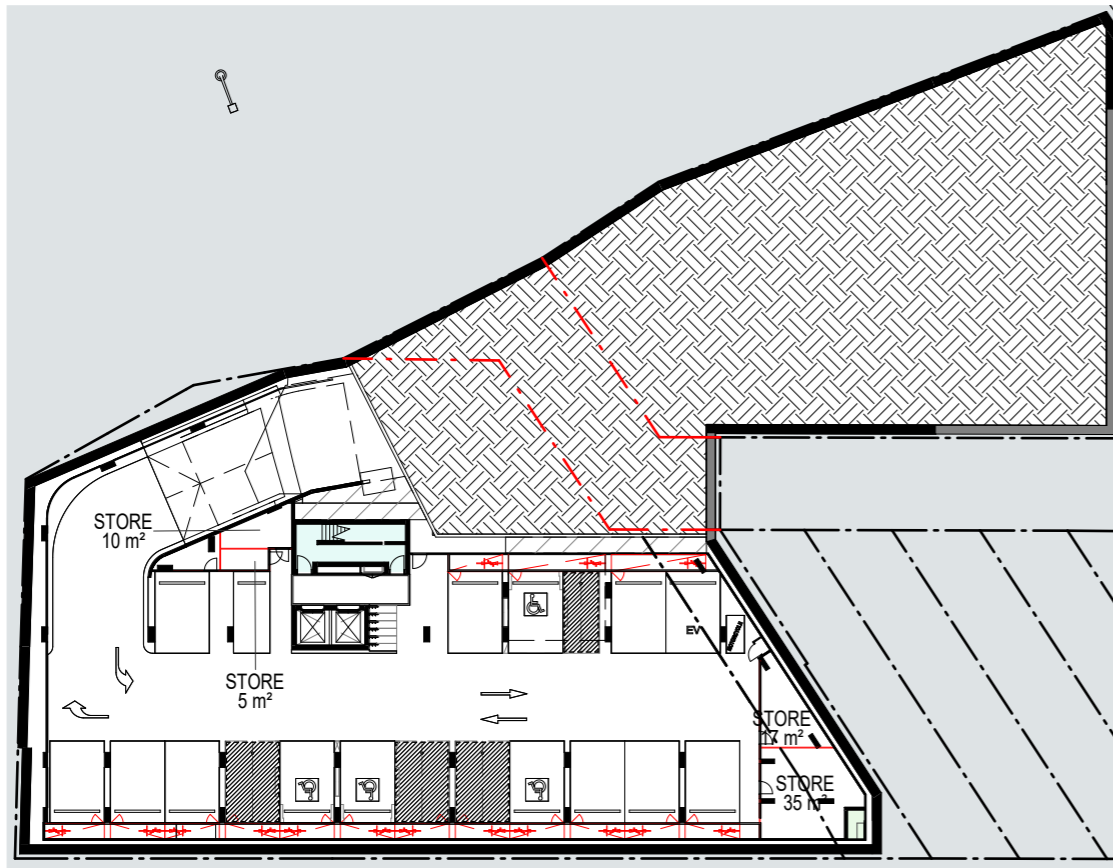
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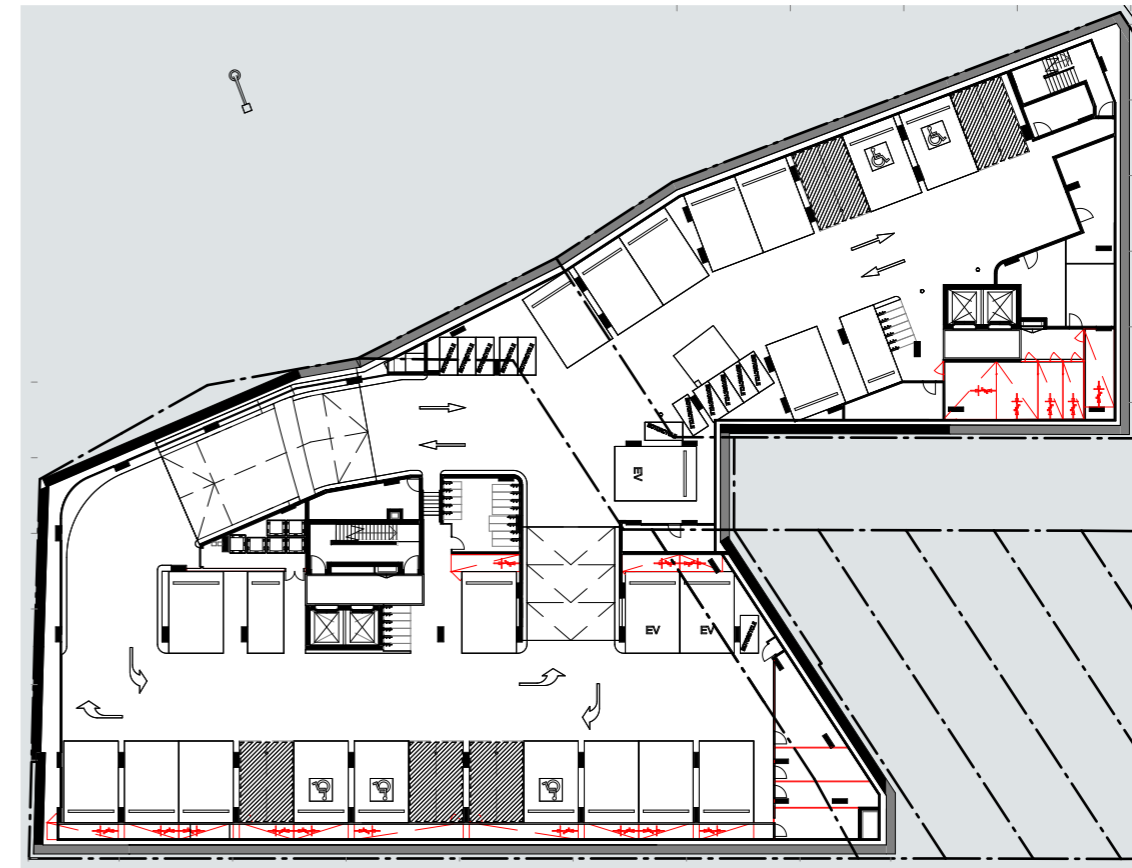
Application No: DA-360/2023

Date Received: 08/08/2024



GA_TYP BASEMENT 04_STORAGE

- 15 X medium STORAGE CAGES - 8.5m³
- 1 X LARGE STORAGE CAGES - 10m³
- 2 X large STORAGE CAGES - Over 20m³



GA_TYP BASEMENT_STORAGE

- 15 X small STORAGE CAGES - 8.5m³
- 13 X medium STORAGE CAGES - 10m³
- 5 X large STORAGE CAGES - 12m³



Project
 OXFORD & NELSON ST
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 BONDI JUNCTION
 Drawing Name
 STORAGE PLAN - BASEMENT TYPICAL

Date	Scale	Sheet Size
08.08.2024	1 : 500	@ A1
Job No.	Drawing No.	Revision
6289	DD-DA - 1810	/ 7



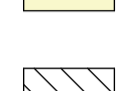
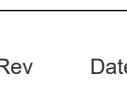
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Nominated Architects: Adam Haddow-7188 | John Pradel-7004

KEY	
	AREA OF DEEP SOIL TO BE PROVIDED TO THE DEVELOPMENT FOR PLANTING REQUIREMENTS AS PER LANDSCAPE DESIGN
	AREA OF GREEN SPACE / LANDSCAPING PROVIDED FOR THE DEVELOPMENT PER LANDSCAPE DESIGN
	AREA OF CALCULATED COMMUNAL OPEN SPACE / PUBLIC ACCESSIBLE THROUGH SITE LINK FOR DEVELOPMENT PROPOSAL
	AREA OF CALCULATED SHADOW TO COMMUNAL OPEN SPACE + 2HR SUNLIGHT

Rev	Date	Revision	By	Chk.
2	03.09.2021	SEPP 65 DEVELOPMENT APPLICATION SUBMISSION	EHU	EH
3	03.05.2023	FOR REVIEW	JTS	JT
4	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
5	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
6	16.10.2023	AMENDING DA	KB	JT
7	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
8	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
9	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
10	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
11	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

Landscape Architect
Black Beetle

Structural Engineer
iStruct

Mechanical / Hydraulic Engineer
Arim Services / Greenarrow

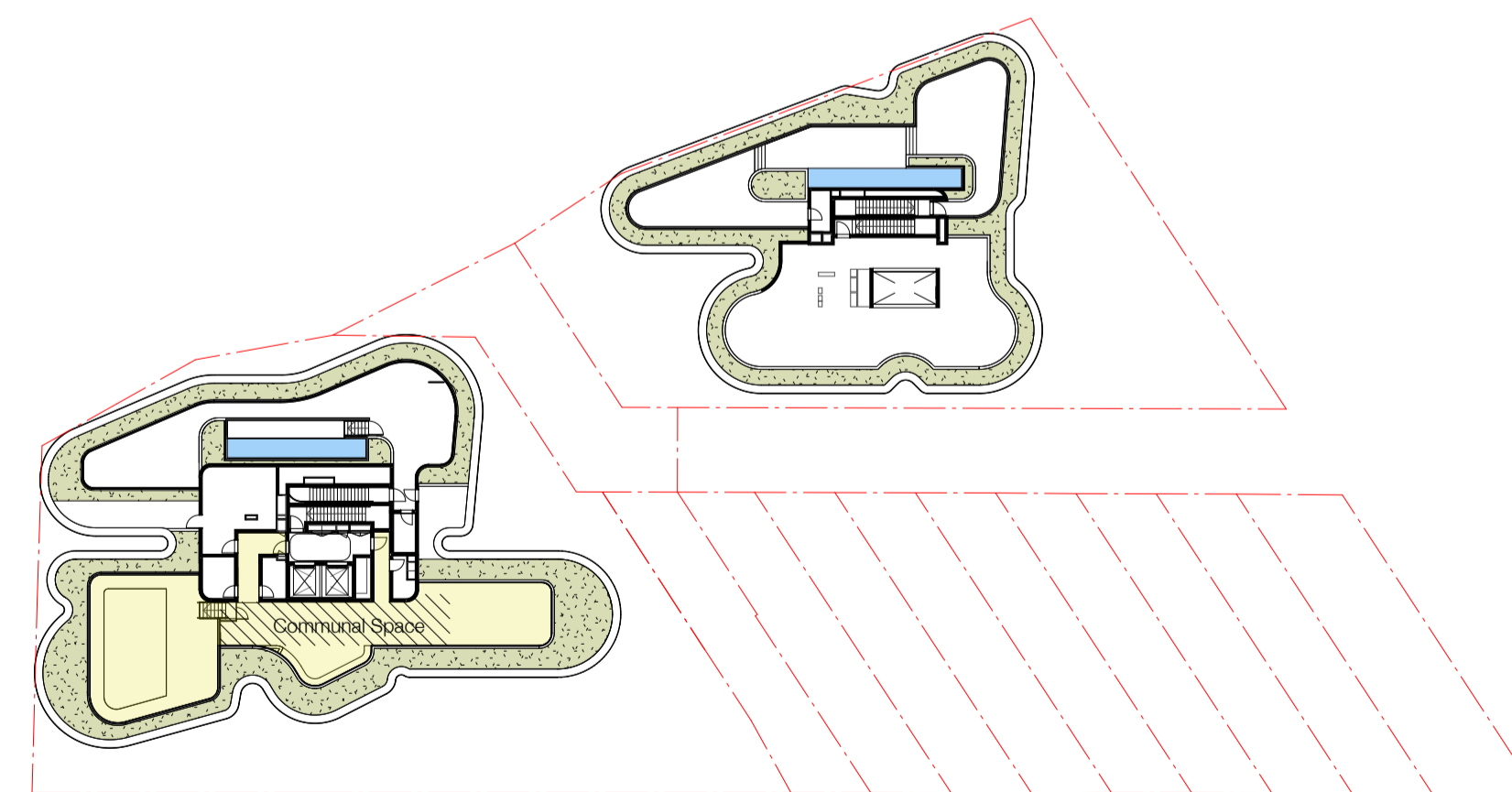
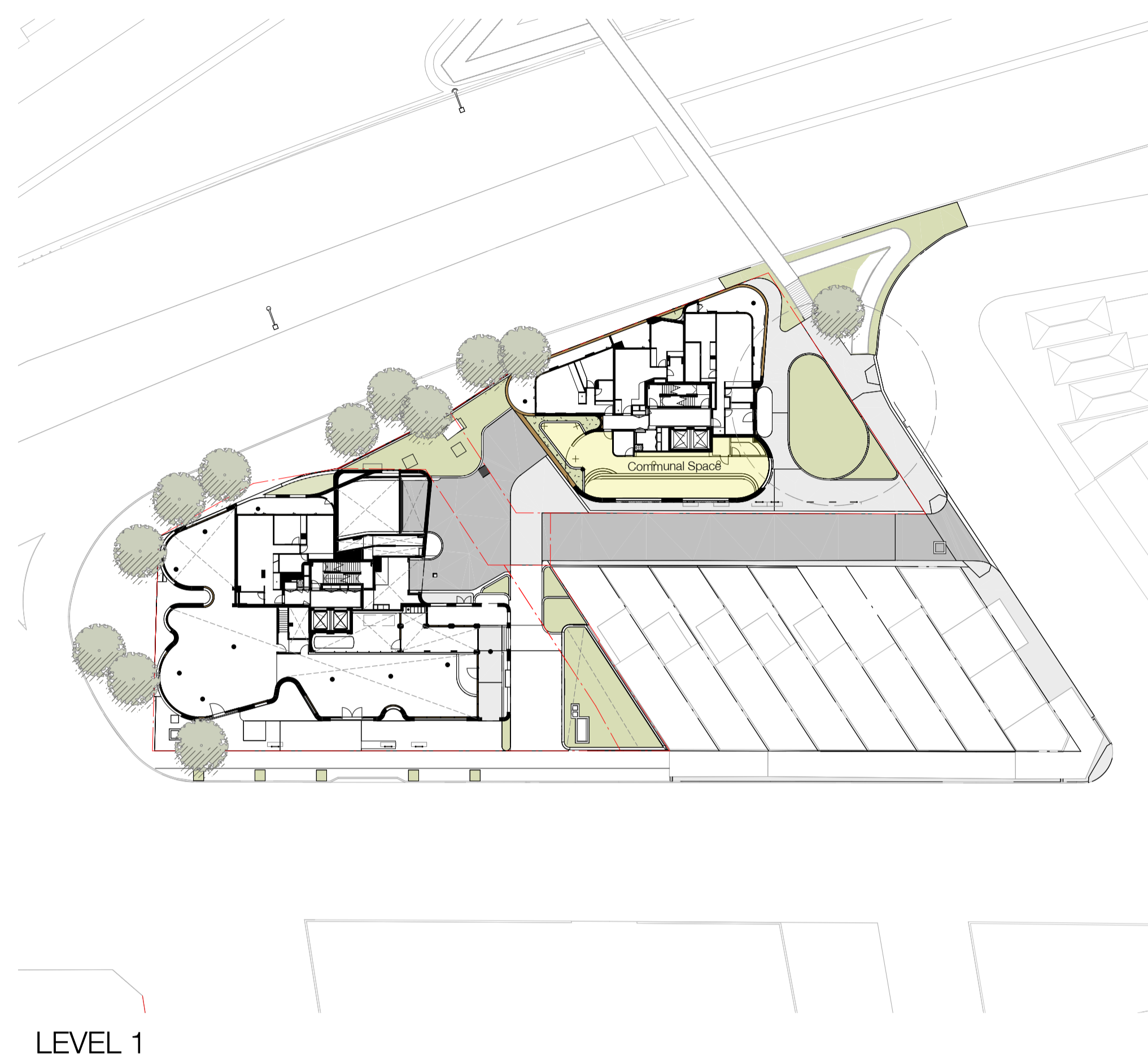
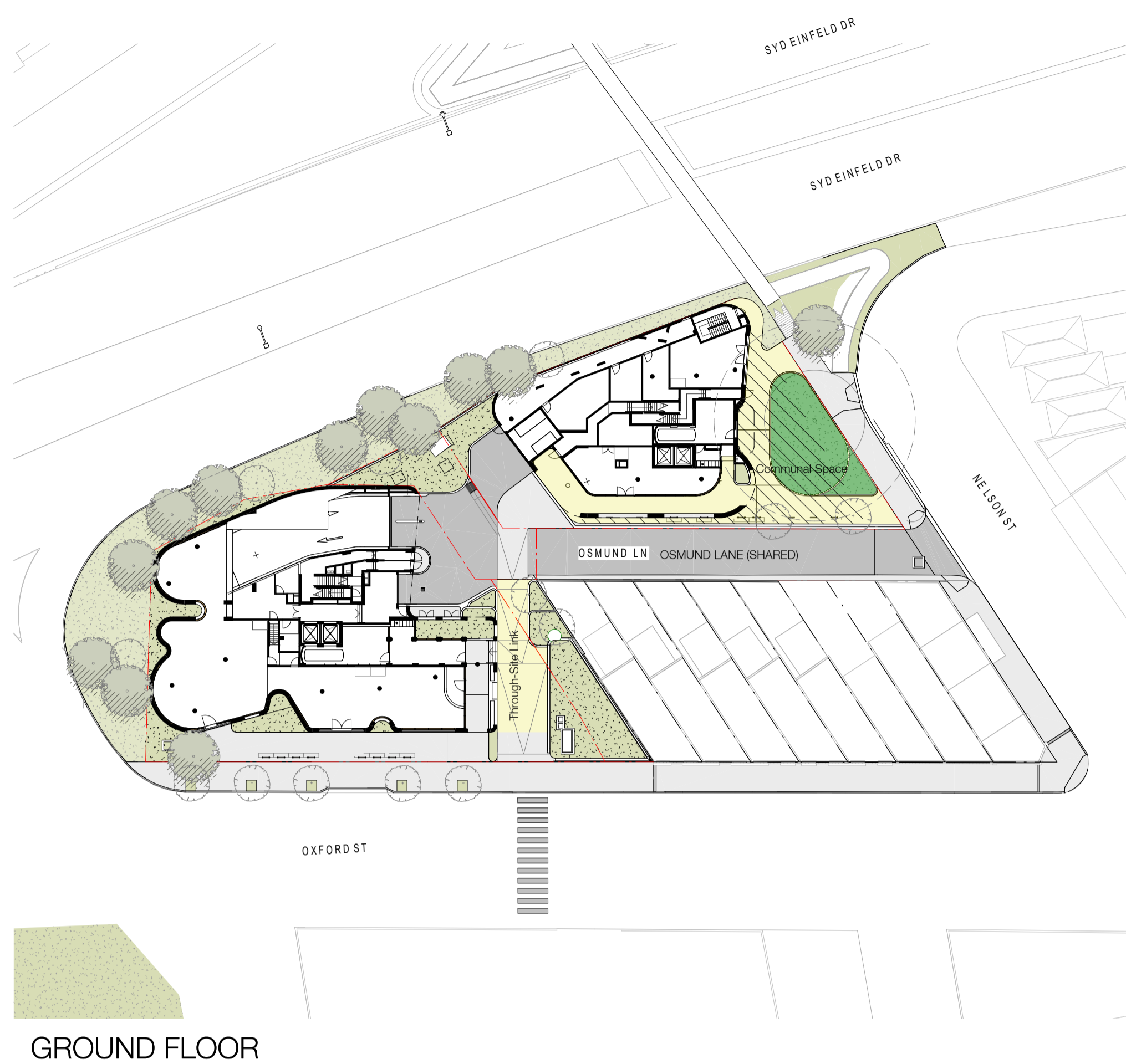
Electrical Engineer
Spectrum Engineering Solutions

Fire Engineer
Carbon Fire Engineering

Access Consultant
East Coast Accessibility

Basix
Vipac

Client



DEEP SOIL SUMMARY

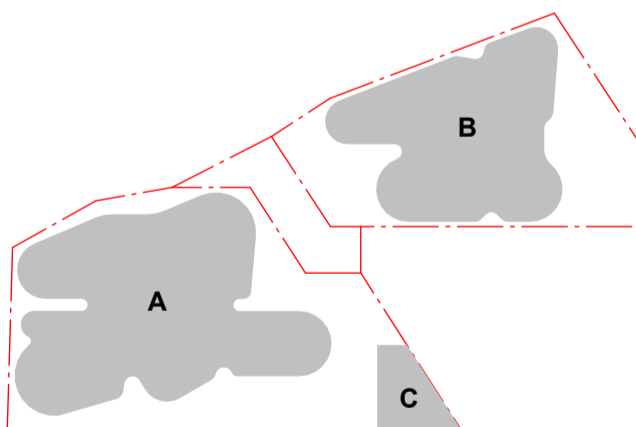
TOTAL SITE AREA:	2480m ² + 153m ² (Osmund Ln Road Reserve)
REQUIRED DEEP SOIL (min 50% of landscaped area)	175m ² (GF total 350sqm)
TOTAL PROPOSED DEEP SOIL GROUND FLOOR	114m ²

COMMUNAL OPEN SPACE SUMMARY

TOTAL SITE AREA:	2480m ² + 153m ² (Osmund Ln Road Reserve)			
REQUIRED COMMUNAL OPEN SPACE (25% of total site area)	620m ²			
PROPOSED COMMUNAL OPEN SPACE		Total Area	Sunlight	No sunlight
GROUND FLOOR	355m ²	355.0 sqm	270.0 sqm	41 sqm
LEVEL 1	147m ²	147.0 sqm	0 sqm	147.0 sqm
ROOF LEVEL	204m ²	204.0 sqm	150.0 sqm	54.0 sqm
TOTAL COMMUNAL OPEN SPACE	706m ²	Proposed 706.0 sqm	420.0 sqm	242.0 sqm
GROUND FLOOR THROUGH SITE LINK	91m ²			



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Drawing Name
ANALYSIS - DEEP SOIL CALC / COMMUNAL OPEN SPACE

Date: 08.08.2024 Scale: As indicated Sheet Size: @ A1

Drawn: Author Checker

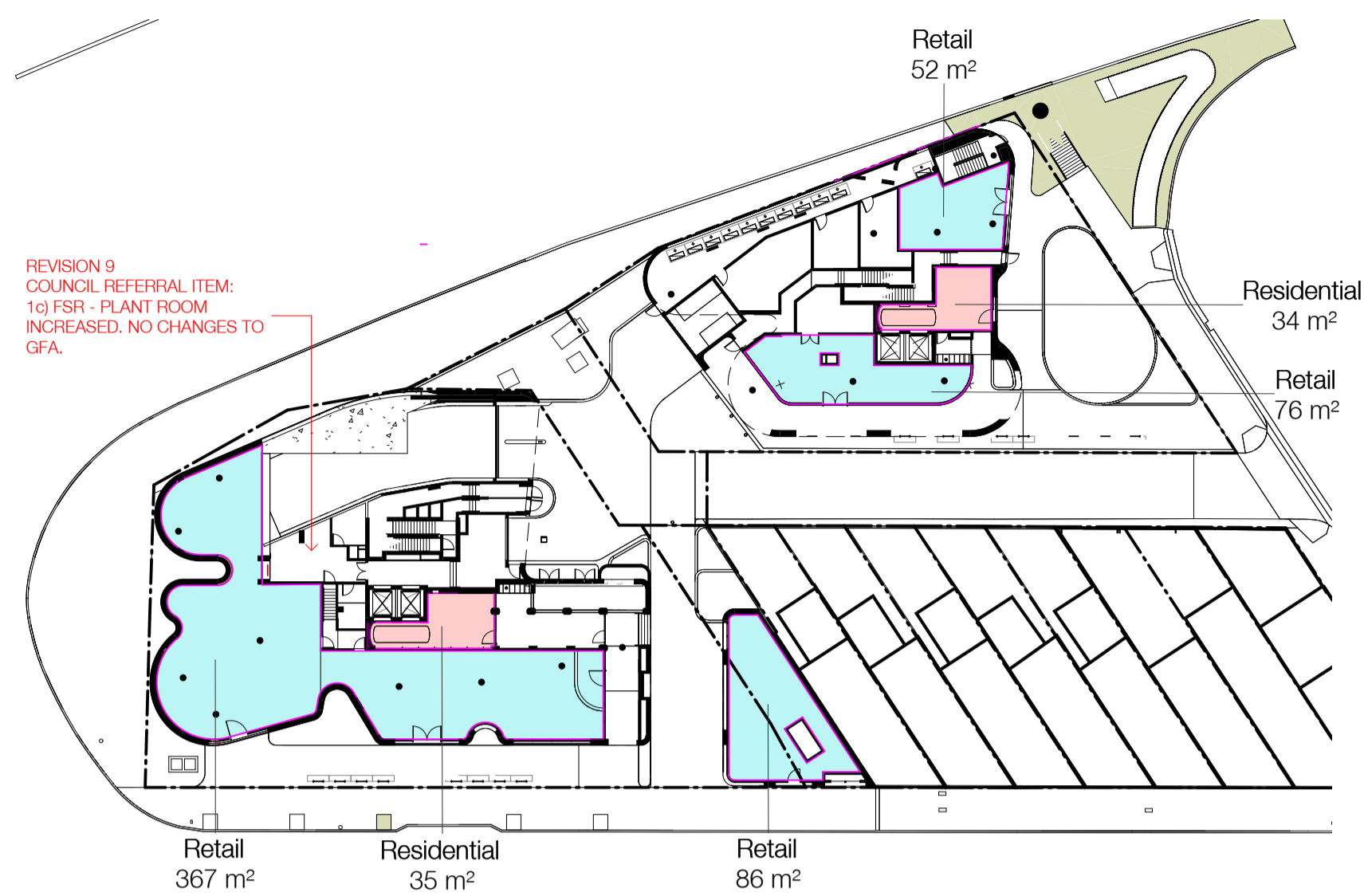
Job No. 6289 Drawing No. DA - 6005 Revision / 11

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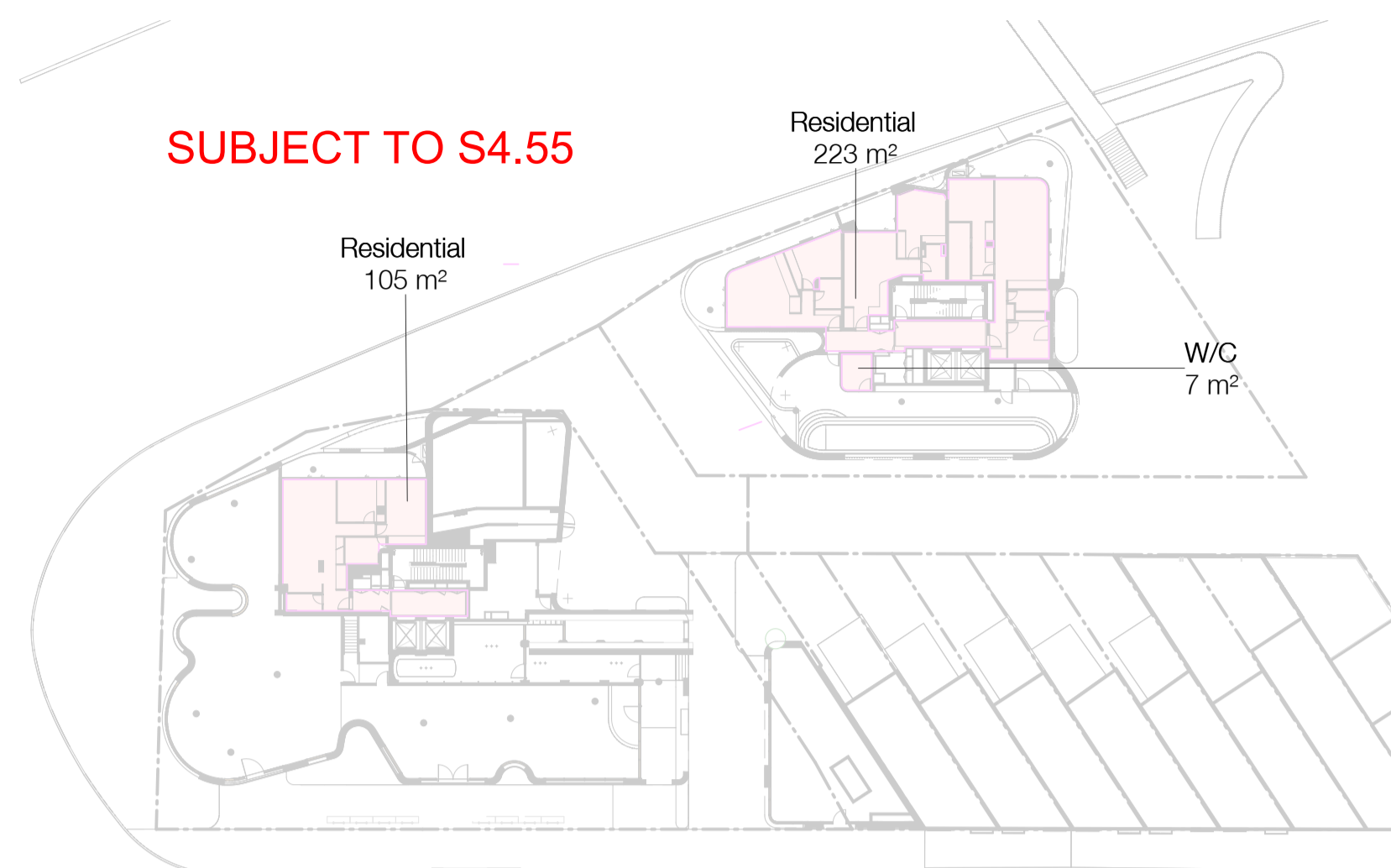


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GFA AREA GROUND FLOOR



GFA AREA LEVEL 01

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.

Area Schedule (GFA) BUILDING A		
Level	Name	Area

GROUND	Residential	35 m²
GROUND	Retail	367 m²
A LEVEL 01	Residential	105 m²
A LEVEL 02	Residential	527 m²
A LEVEL 03	Residential	527 m²
A LEVEL 04	Residential	527 m²
A LEVEL 05	Residential	527 m²
A LEVEL 06	Residential	527 m²
A LEVEL 07	Residential	527 m²
A LEVEL 08	Residential	527 m²
A LEVEL 09	Residential	527 m²
A LEVEL 10	Residential	540 m²
A LEVEL 11	Residential	12 m²
A LEVEL 11	W/C	7 m²
A LEVEL 11	W/C	4 m²
Total:		5287

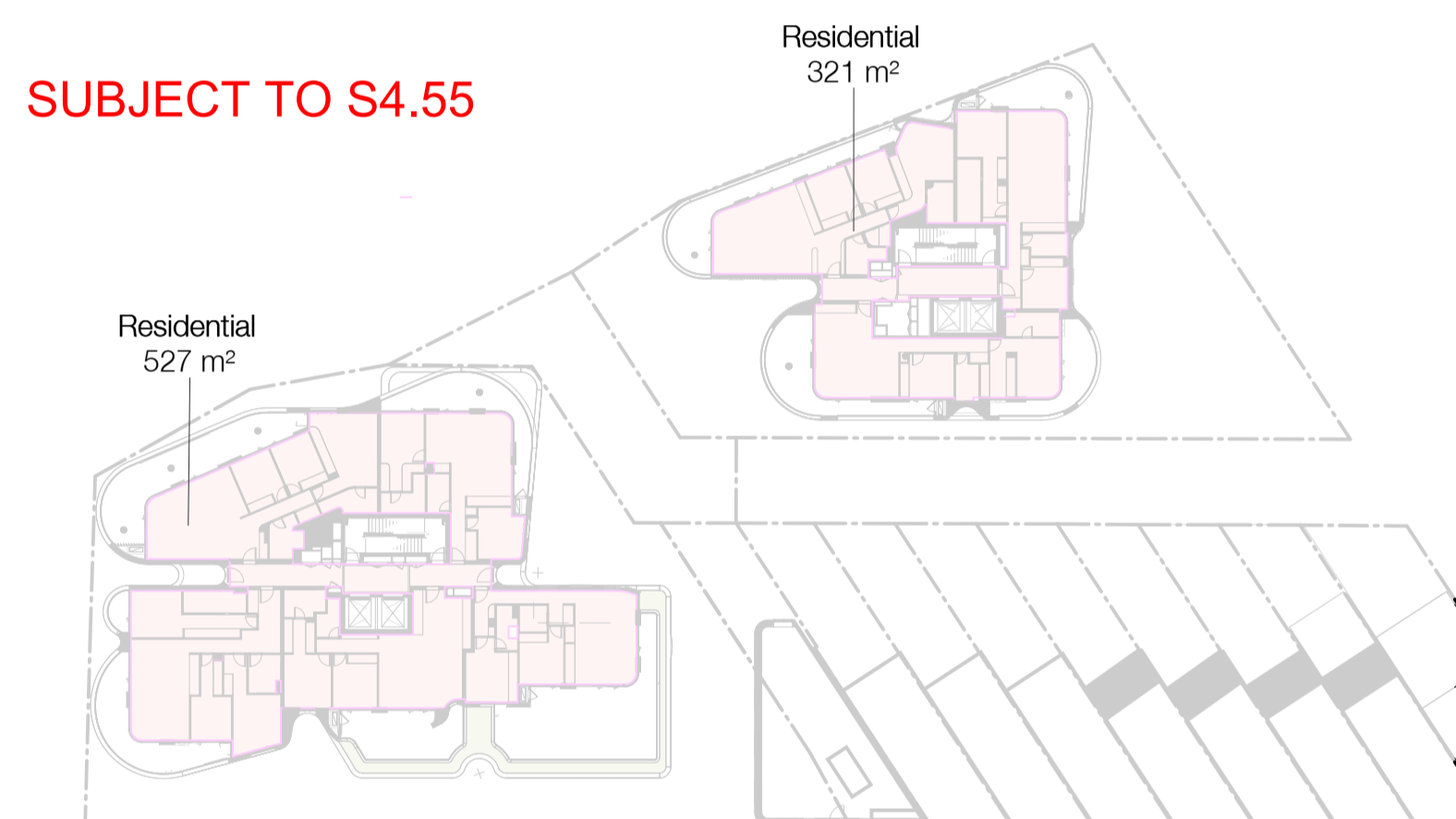
Area Schedule (GFA) BUILDING B		
Level	Name	Area

GROUND	Residential	34 m²
GROUND	Retail	52 m²
GROUND	Retail	76 m²
B LEVEL 01	W/C	7 m²
B LEVEL 01	Residential	223 m²
B LEVEL 02	Residential	321 m²
B LEVEL 03	Residential	321 m²
B LEVEL 04	Residential	321 m²
B LEVEL 05	Residential	324 m²
B LEVEL 06	Residential	324 m²
B LEVEL 07	Residential	324 m²
B LEVEL 08	Residential	324 m²
B LEVEL 09	Residential	324 m²
B LEVEL 10	Residential	332 m²
B LEVEL 11	W/C	4 m²
Total:		3310

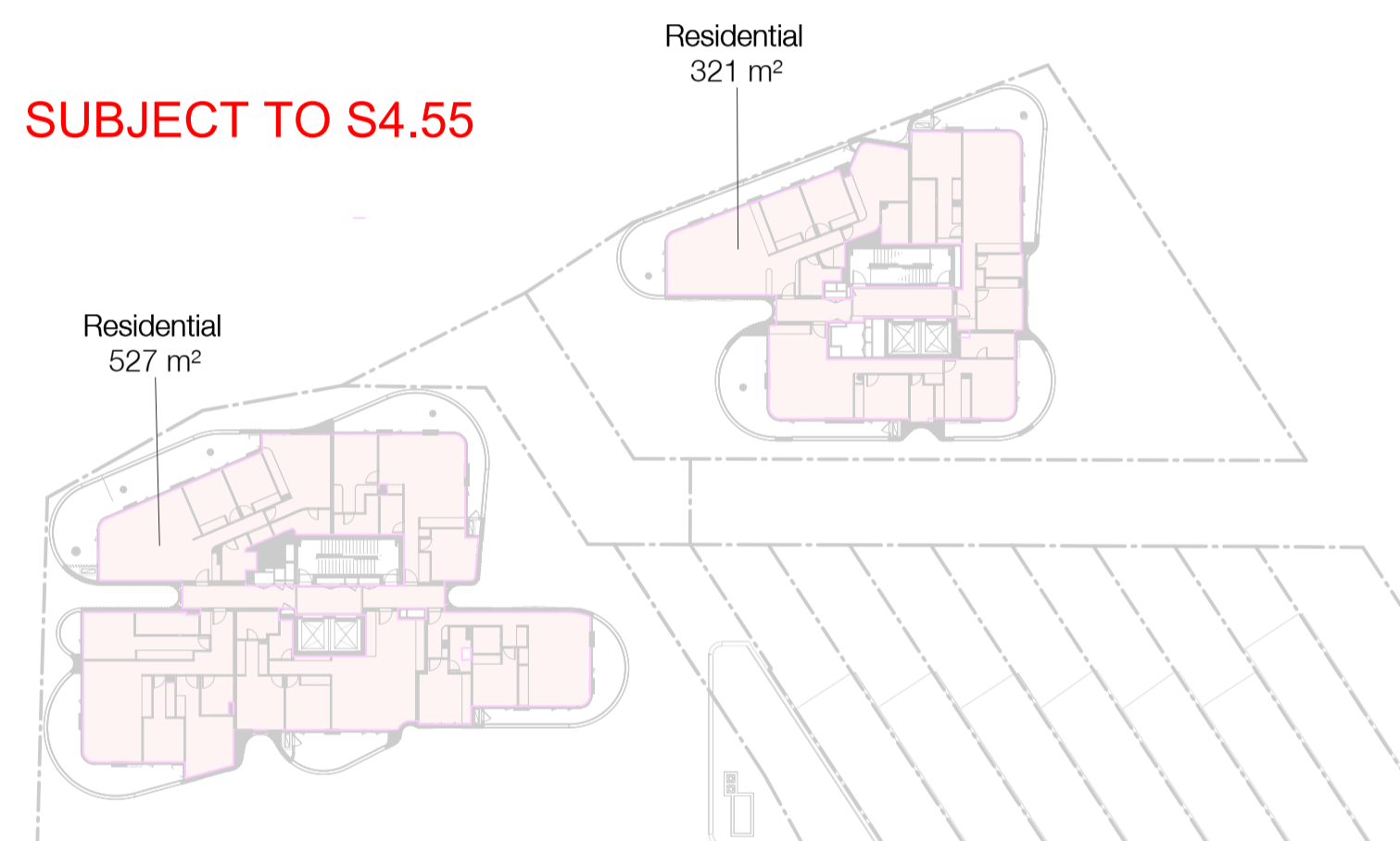
Area Schedule (GFA) BUILDING C		
Level	Name	Area

GROUND	Retail	86 m²
Total:		86 m²

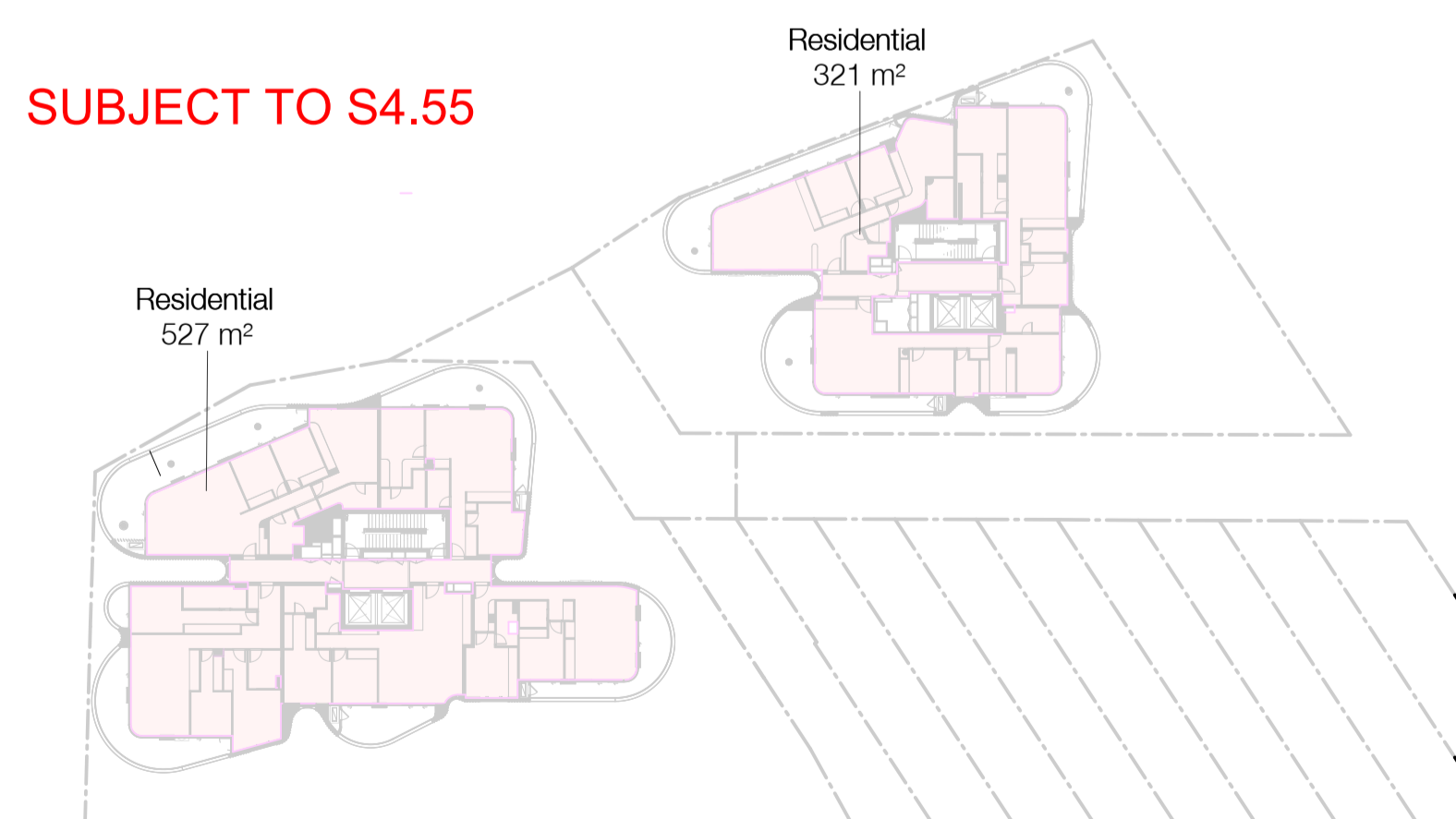
Total GFA: 8683m²



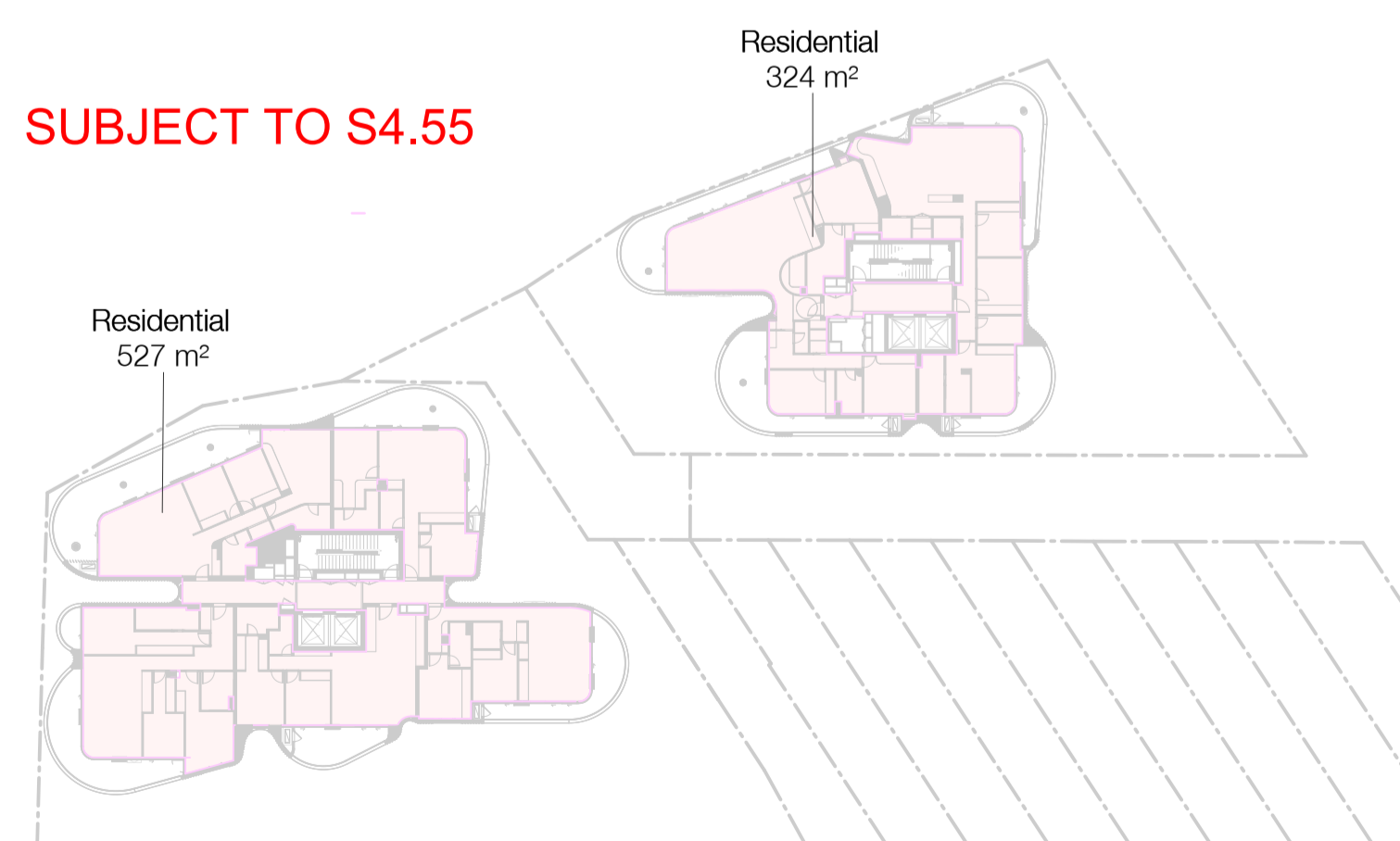
GFA AREA LEVEL 02



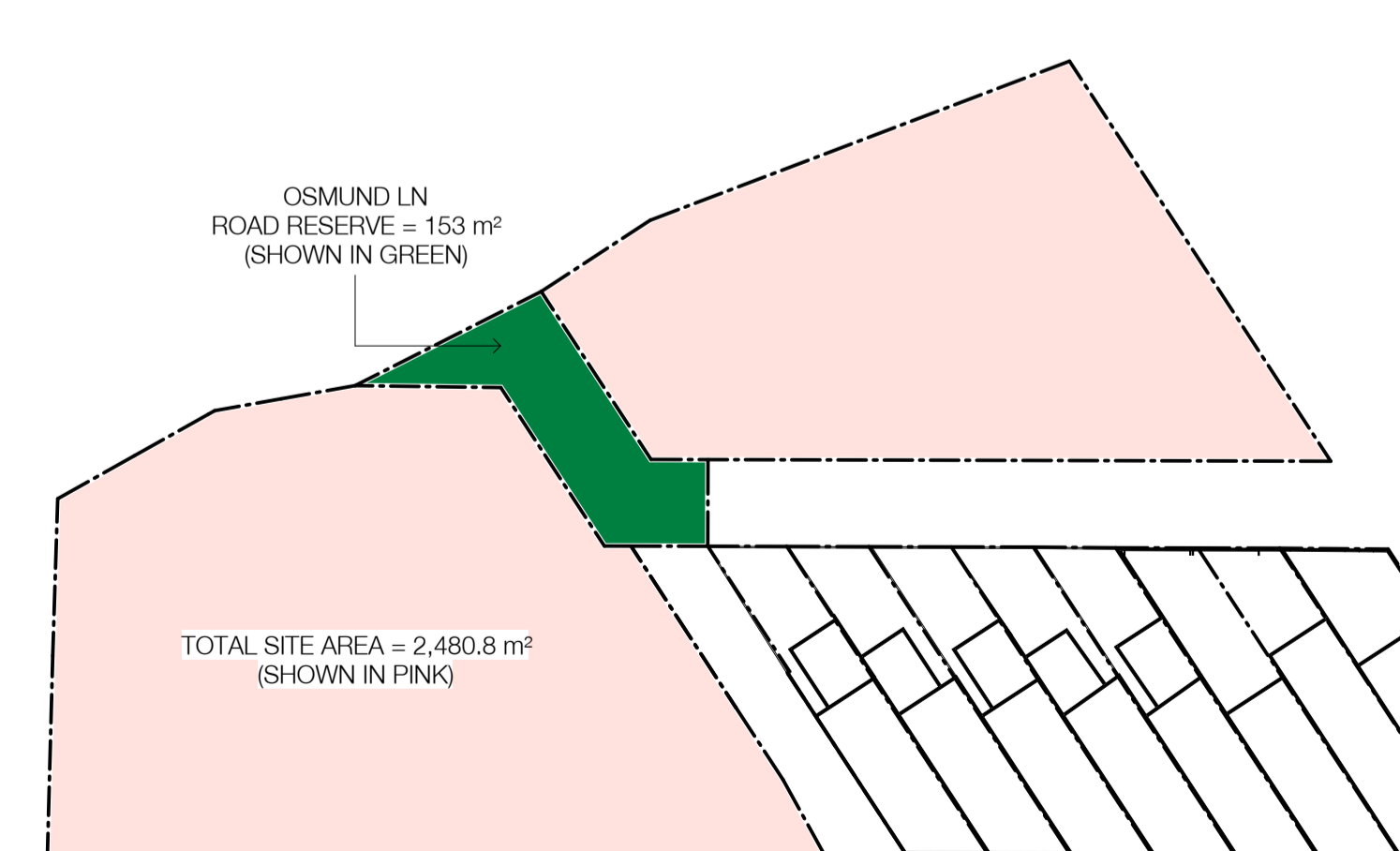
B_LEVEL 03



GFA AREA LEVEL 04



GFA AREA LEVEL 05

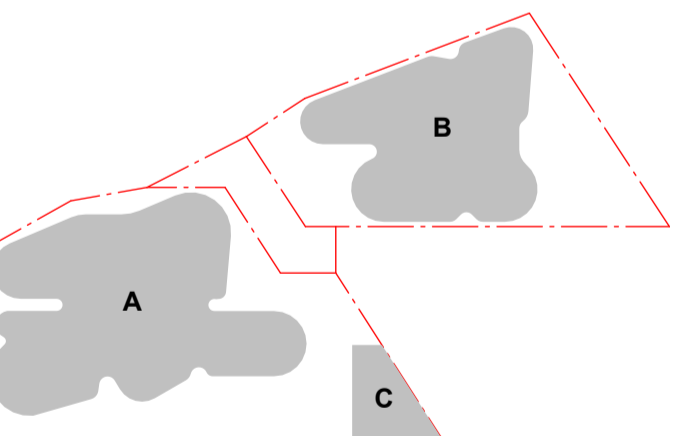


GFA AREA GROUND FLOOR

Rev	Date	Revision	By	Chk.
1	03.09.2021	SEPP 65 DEVELOPMENT APPLICATION SUBMISSION	EHU	EH
2	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
3	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS	JT
4	19.07.2023	PRELIMINARY DA MOD AMENDMENT	JTS	JT
5	16.10.2023	AMENDING DA	KB	JT
6	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
7	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
8	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
9	29.07.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT
10	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

- Landscape Architect: **Black Beetle**
- Structural Engineer: **iStruct**
- Mechanical / Hydraulic Engineer: **Arim Services / Greenarrow**
- Electrical Engineer: **Spectrum Engineering Solutions**
- Fire Engineer: **Carbon Fire Engineering**
- Access Consultant: **East Coast Accessibility**
- Basix: **Vipac**
- Client: **STAR GATE PROPERTY**

Project: **OXFORD & NELSON ST**
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Drawing Name: **ANALYSIS - AREA PLANS GFA**

Date: **08.08.2024** Scale: **1 : 500** Sheet Size: **@ A1**

Drawn: **Chk.** Author: **Checker**

Job No.: **6289** Drawing No.: **DA - 6101** Revision: **/ 10**

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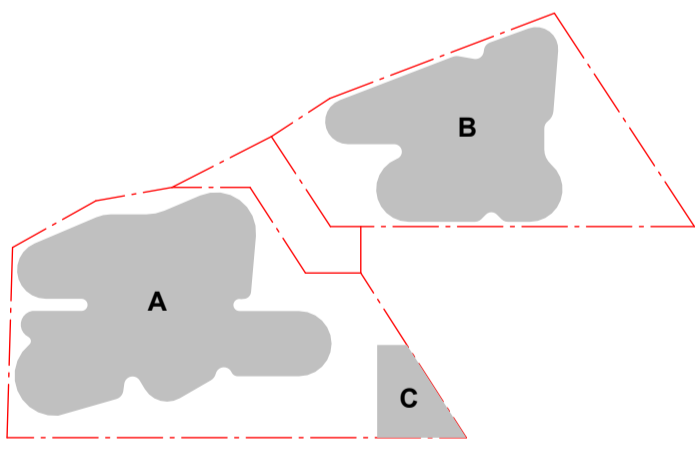


Rev	Date	Revision	By	Chk.
1	13.10.2021	COUNCIL SUBMISSION - DA RFI	EH	EH
2	04.11.2021	COUNCIL SUBMISSION - DA RFI	JK	JK
3	16.12.2021	COUNCIL DEFERRAL RESPONSE	EM	JK
4	25.01.2022	COUNCIL DEFERRAL RESPONSE	EM	JK
5	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
6	17.05.2022	NPA UPDATED	AH	JK
7	16.10.2023	AMENDING DA	KB	JT
8	08.12.2023	RFI RESPONSE - COUNCIL	JTS	JT
9	12.12.2023	S4.55 MODIFICATION APPLICATION	KB	JT
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- Landscape Architect
Black Beetle
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iStruct
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Carbon Fire Engineering
- Access Consultant
East Coast Accessibility
- Basix
Vipac
- Client



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Drawing Name
PUBLIC SPACE - PLANNING AGREEMENT

Date: 08.08.2024
Scale: 1 : 200
Sheet Size: @ A1

Drawn: JMK
Chk.: AH

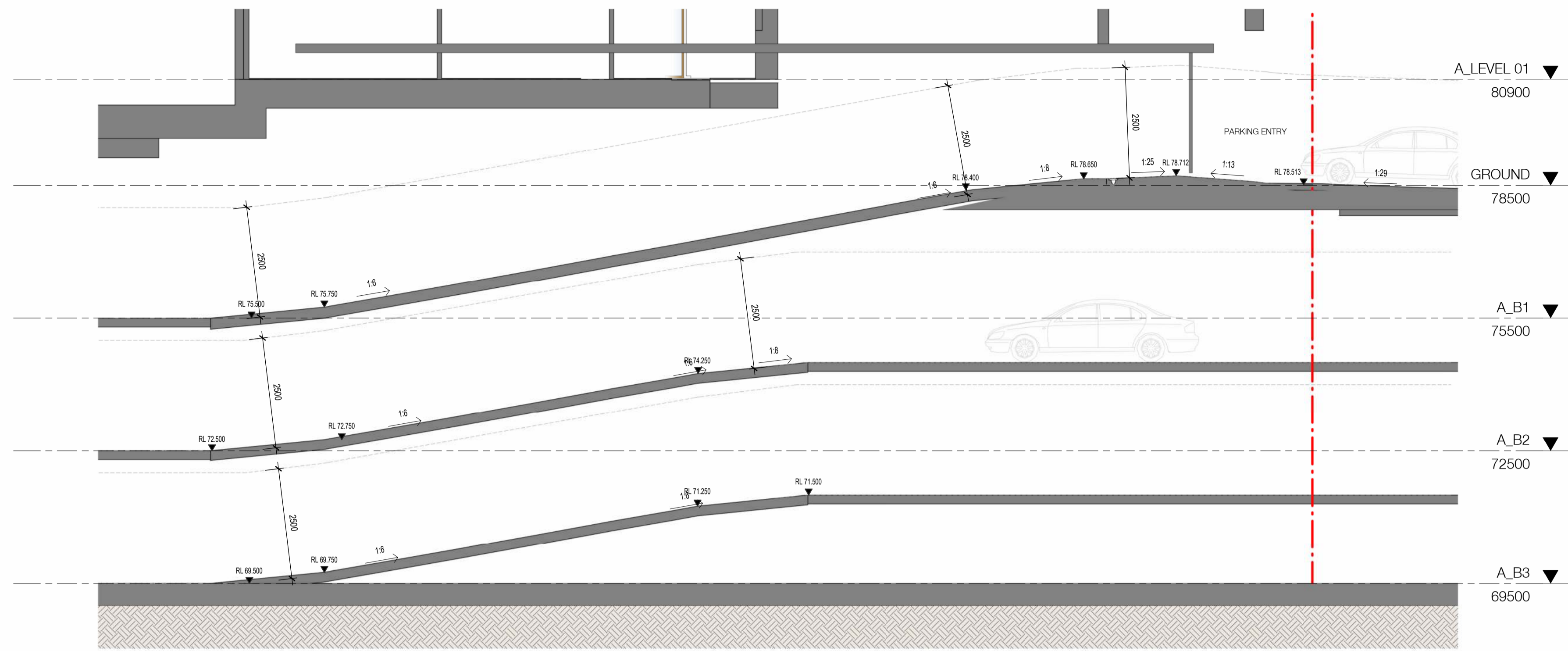
Job No.: 6289
Drawing No.: DA - 9520
Revision: / 12

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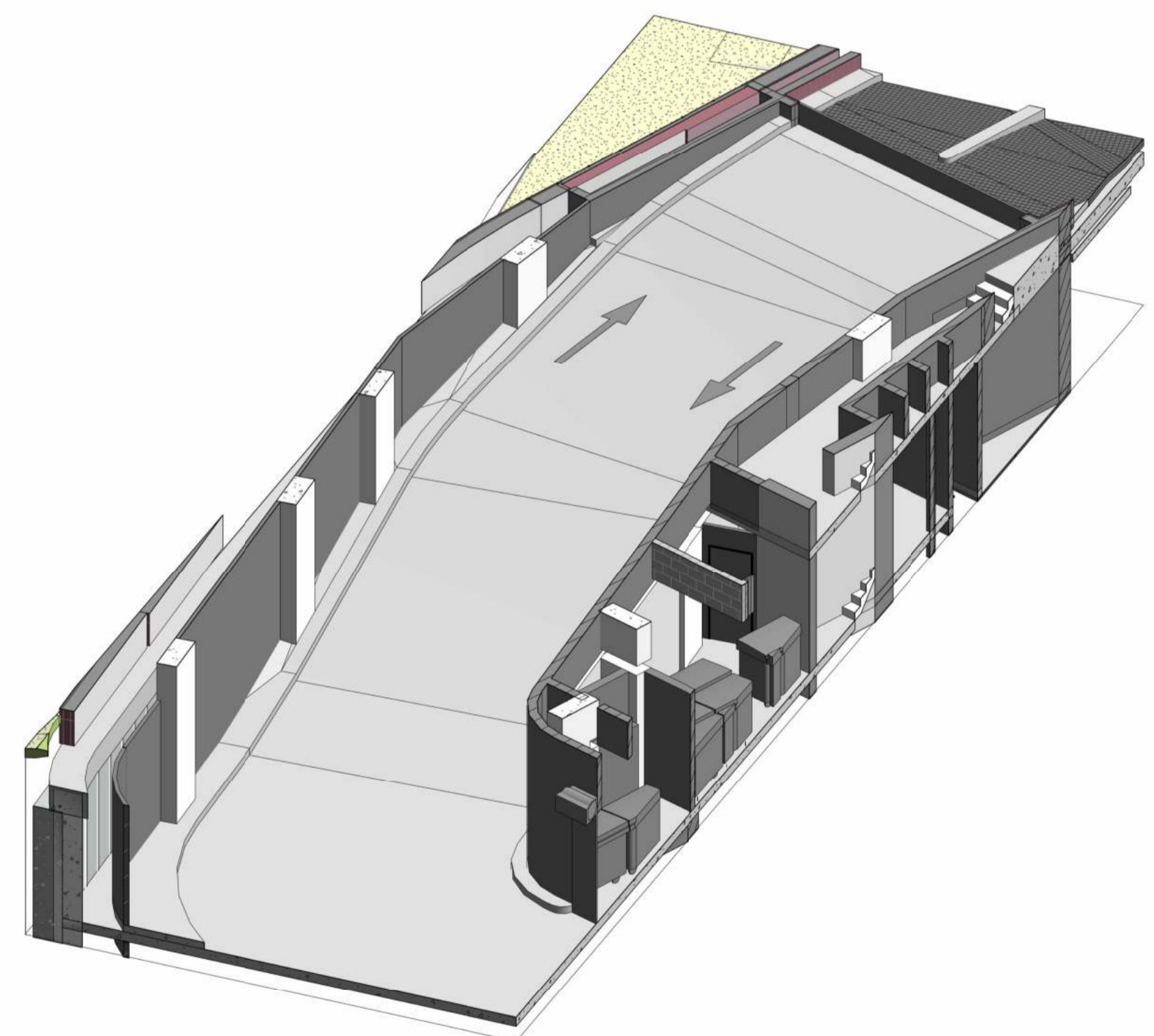


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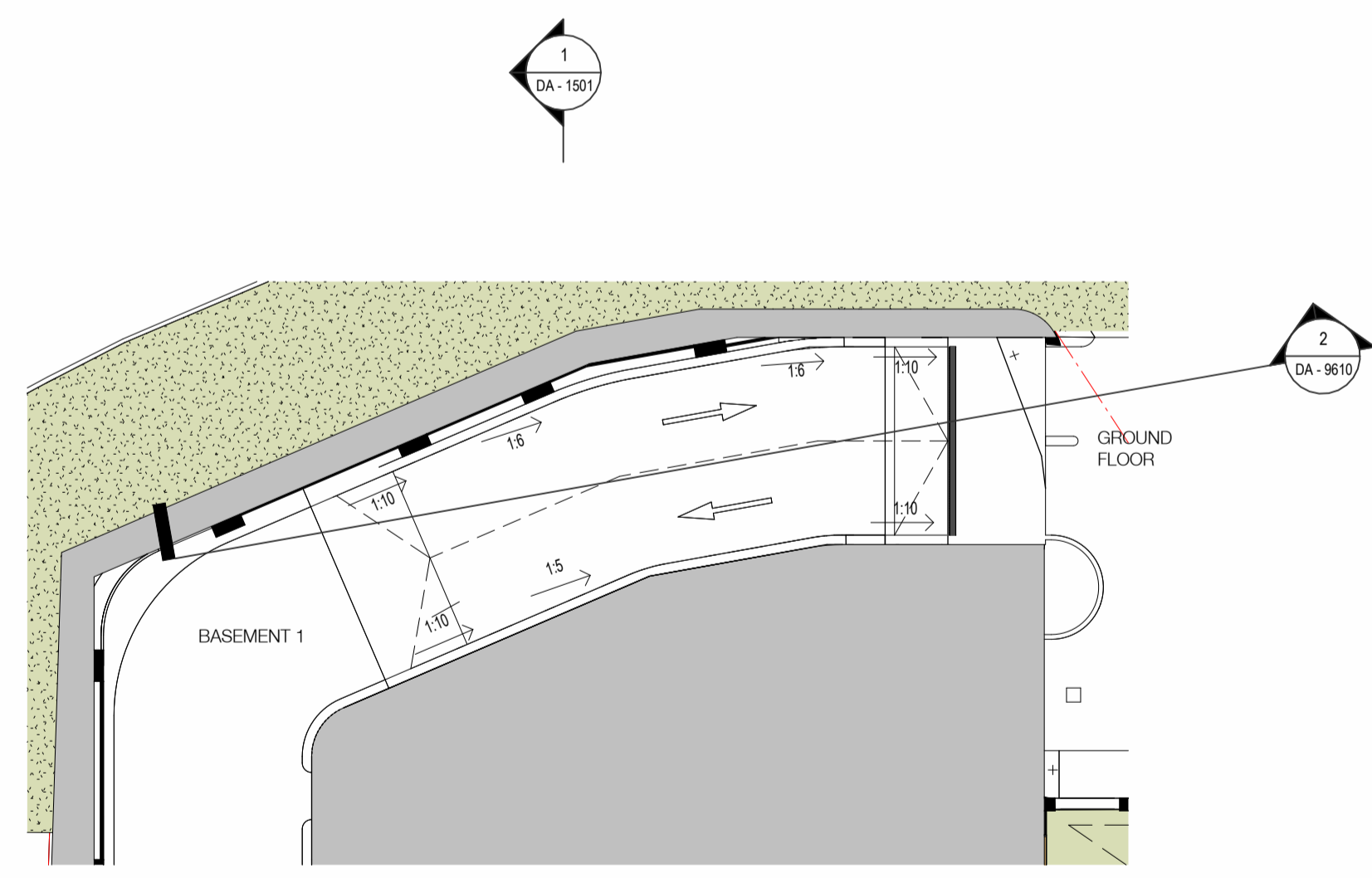
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CAR RAMP SECTION 02



CAR RAMP AXO



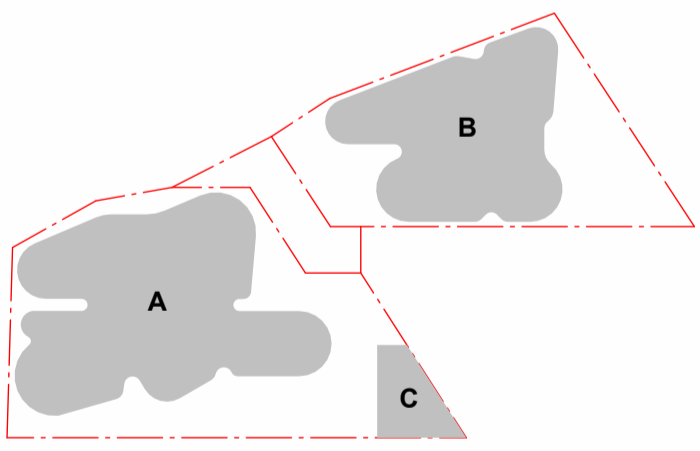
KEY PLAN - CAR RAMP SECTION

Rev	Date	Revision	By	Chk.
1	03.05.2022	COUNCIL DEFERRAL RESPONSE	AH	JK
2	23.05.2023	PRELIMINARY DA MOD AMENDMENT	JTS/	JT
3	19.07.2023	PRELIMINARY DA MOD AMENDMENT	KB	JK
4	16.10.2023	AMENDING DA	JTS/	JT
5	08.12.2023	RFI RESPONSE - COUNCIL	KB	JT
6	12.12.2023	S4.55 MODIFICATION APPLICATION	JTS	JT
7	14.02.2024	AMENDING DA RFI RESPONSE - COUNCIL	KB	JT
8	08.08.2024	AMENDING DA RFI RESPONSE - COUNCIL	JTS	JT

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Drawing Name
BASEMENT RAMP- SECTION

Date: 08.08.2024
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 Revision: / 8

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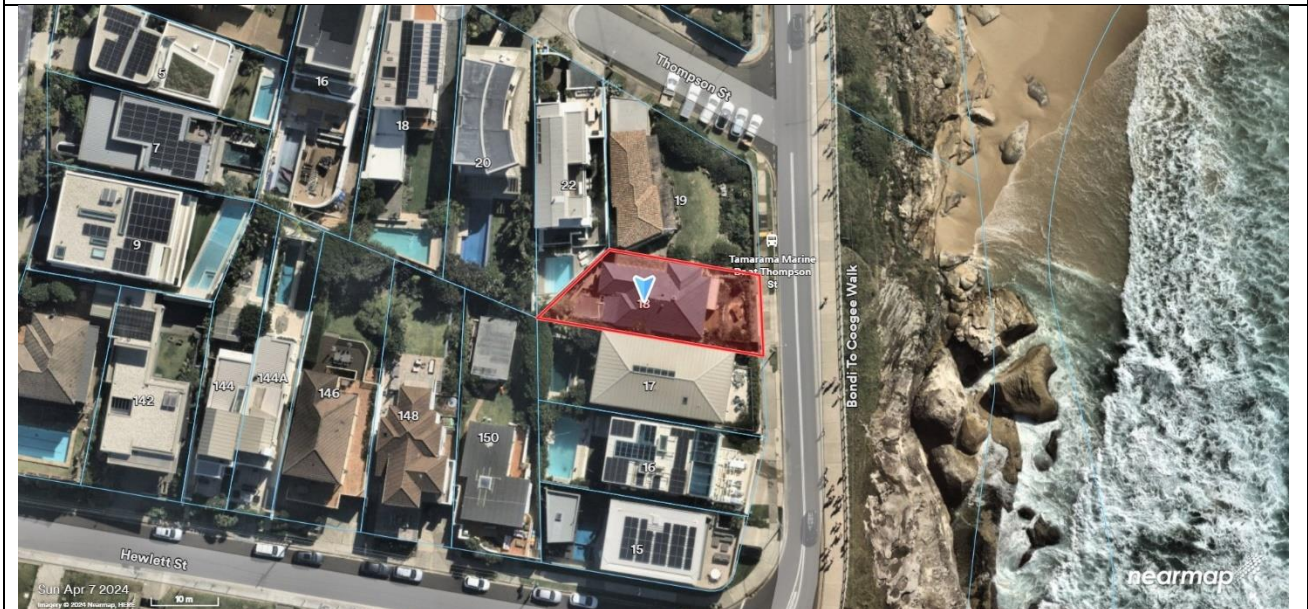
Low Density Residential Development



Report to Waverley Local Planning Panel

Application number	DA-38/2024 (PAN-401965)
Site address	18 Tamarama Marine Drive BRONTE
Proposal	Demolition of dwelling and construction of a new two-storey dwelling with basement garage and a pool.
Date of lodgement	06/02/2024
Owner	Mr M L and Ms B J Friezer
Applicant	A Kempster
Submissions	13 objections (including a submission from a Councillor)
Cost of works	\$1 850 000 (Council estimates true cost of works to be at least \$2,224,250)
Principal Issues	<ul style="list-style-type: none"> • Wall height • Rear setback • Views • Front landscaped area and swimming pool
Recommendation	That the application be APPROVED subject to conditions.

SITE MAP



1. PREAMBLE

1.1. Executive Summary

The development application seeks consent for demolition of the existing dwelling and construction of a new two-storey dwelling and a pool at 18 Tamarama Marine Drive, Bronte.

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

- wall height
- rear setback
- views
- front landscaped area and swimming pool.

The assessment finds these issues acceptable.

A total of 12 submissions were received and the issues raised in the submissions have been considered and addressed in this report and in the Recommendation. A submission from Councillor Tony Kay was also received, which made representation on behalf of one of the neighbouring households that has objected to the development application. The issues and matters raised in this Councillor representation have been identified and addressed in section 2.4 of this report.

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 Act. It is recommended for approval subject to conditions of consent.

1.2. Site and Surrounding Locality

A site visit was carried out on 28/05/2024.

The site is identified as Lot 2 in DP 17140, known as 18 Tamarama Marine Drive, Bronte.

The site is irregular in shape with a frontage of 12.19m to Tamarama Marine Drive. It has an area of 342.9m² and falls from the rear (west) towards the front (east) by approximately 3m.

The site is occupied by a single storey dwelling house which sits behind a garage (approximately 5m lower) accessed from Tamarama Marine Drive.

The site is adjoined by detached dwelling houses on either side. The locality is characterised by predominantly low density residential developments (ie, dwelling houses) ranging from one to three storeys.

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



Figure 1: Site frontage viewed from Tamarama Marine Drive



Figure 2: Rear yard of dwelling

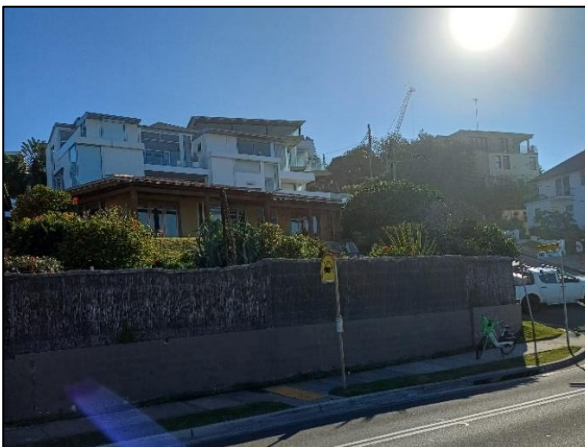


Figure 3: Adjoining dwelling to the north and streetscape to the north-west (background)



Figure 4: Adjoining streetscape to the south

1.3. Relevant Development History

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

- DA-516/2015: Alterations and additions to existing dwelling including new garage, entrance and terrace at the front was approved on 01/03/2016.
- DA-516/2015/A: Modification to alter internal layout and various after external changes was approved 21/01/2019.

1.4. Proposal

The development application seeks consent for the demolition of the dwelling on the site and construction of a new two-storey dwelling house and swimming pool.

The lower ground floor level garage is to be retained and expanded to the west of the site to provide access to an internal lift and stairs to the upper floor levels. The pedestrian access and stairway along the northern boundary of the site is to be retained also.

The proposal provides a swimming pool above the existing garage within the front setback of the site. Between the pool and the garage, there will be a half level with storage for plant (pool plant, on-site detention tank and rainwater tank) and a small bathroom.

At the ground level above, the proposal provides a two-storey dwelling with living areas at the ground level and four bedrooms and associated bathrooms at the first floor level.

Balconies and decks are provided within the front and rear setbacks at both ground and first floor levels.

1.5. Background

The development application was lodged on 06/02/2024 and a request for further information (Stop the Clock) was made on 20/02/2024 for the following reasons:

1. The elevations and sections are to show the existing ground line using survey data, not an assumed ground line. The existing ground line must correlate with the building height line.
2. The shed at the ground floor level is to be included in gross floor area (GFA) and floor space ratio (FSR) calculations.
3. The written objection to vary the height development standard under Clause 4.6 is insufficient.
4. View analysis diagrams demonstrating the additional view impacts caused by the variation to the height development standard.
5. Shadow diagrams demonstrating the additional overshadowing caused by the variation to the height development standard.
6. Excavation is excessive.

Amended plans were received on 03/04/2024 which lowered the height of the dwelling to comply with the development standard, reduced the excavation sought and the gross floor area (GFA).

Following preliminary assessment, the application was deferred on 03/07/2024 to address the following (summarised):

1. The height of the front boundary wall as a result of the pool within the front setback.
2. The rear setback including balconies at the first floor level.
3. Further information required including view analysis diagrams, shadow diagrams and plans are to indicate ceiling fans in all habitable rooms.

Amended plans were received on 15/07/2024 and these plans 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.

A detailed discussion is provided for relevant SEPP as follows:

SEPP (Resilience and Hazards) 2021

SEPP (Resilience and Hazards) 2021 applies to the subject site as it is located within the Coastal Environment Area and Coastal Use Area. The proposal is discussed in **Tables 1 and 2** below against the relevant and applicable clauses of the SEPP.

Division 3 clause 2.10 of the SEPP states that development within the Coastal Environment Area must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters for consideration outlined in **Table 1** of this report.

Table 1: Clause 2.10 of SEPP (Resilience and Hazards) 2021 - Matters for Consideration Table

Matter for Consideration	Compliance	Comment
(1) ...the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—		
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Yes	The proposal will not affect the biophysical, hydrological or ecological environment subject to appropriate conditions.
(b) coastal environmental values and natural coastal processes,	Yes	The proposal will not affect the coastal environmental values and natural coastal processes.

Matter for Consideration	Compliance	Comment
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i>), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Yes	The proposal will not detrimentally affect these matters.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	Yes	The proposal will not detrimentally affect these matters.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	Yes	The proposal will not affect access to the foreshore, beach or rock platform.
(f) Aboriginal cultural heritage, practices and places,	Yes	The proposal will not detrimentally affect the cultural heritage, practices or places.
(g) the use of the surf zone.	Yes	The proposal will not detrimentally affect the use of the surf zone.

Division 4, clause 2.11 of the SEPP states that development consent must not be granted for development on land within the Coastal Use Area unless the consent authority has considered and is satisfied with the following matters for consideration outlined in **Table 2** of this report.

Table 2: Clause 2.11 and 2.12 of SEPP (Resilience and Hazards) 2021 - Matters for Consideration

Matter for Consideration	Compliance	Comment
2.11(1)(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 proposal will not affect access to the foreshore, beach or rock platform.

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 proposal will not result in increased unreasonable wind funnelling around the site. The proposal will not unreasonably overshadow the public domain or surrounding properties and will not impact on known views from public places to the foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	Yes	The proposal will not impact upon the scenic qualities of the coast or the headlands.
(iv) Aboriginal cultural heritage, practices and places,	Yes	The proposal will not detrimentally affect the cultural heritage, practices or places.
(v) cultural and built environment heritage, and	Yes	The proposal will not affect cultural and built environmental heritage.
2.11(1)(b) ...the consent authority is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	Yes	As discussed, the proposal will not have any adverse impacts upon the coastal area.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	N/A	As discussed, the proposal will not have any adverse impacts upon the coastal area.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	N/A	As discussed, the proposal will not have any adverse impacts upon the coastal area.
2.11 (1)(c) ...the consent authority has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.		
the consent authority has taken into account the surrounding coastal and built environment, and the bulk,	Yes	The surrounding coastal and built environment has been considered as discussed above. The proposed dwelling is commensurate in size, bulk and scale with surrounding properties and

Matter for Consideration	Compliance	Comment
scale and size of the proposed development.		complies with the height and FSR development standards for the site.
2.12 Development in coastal zone generally—development not to increase risk of coastal hazards		
the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	Yes	The proposal is not likely to increase risks of coastal hazards on the land or other land.

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 consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a <i>dwelling house</i> , which is permitted with consent in the R2 zone. The proposal is consistent with the aims of the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The proposal has a maximum height of 8.5m complying with the development standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.73:1 (250m ²)	Yes	The proposal has an FSR of 0.67:1 (229.35m ²) complying with the development standard.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located on Class 5 land as identified in the LEP. The proposed works are unlikely to disturb, expose or drain acid sulfate soils and cause environmental damage.
6.2 Earthworks	Yes	The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses,

Provision	Compliance	Comment
		cultural or heritage items or features of the surrounding land, subject to appropriate conditions being imposed.

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

Development Control	Compliance	Comment
1. Waste <ul style="list-style-type: none"> Garbage bins are to be stored in an appropriate location. 	Yes	Satisfactory.
2. Ecologically Sustainable Development <ul style="list-style-type: none"> Ceiling or wall mounted fans Gas cooktops, gas ovens or gas internal space heating systems. 	Yes	Satisfactory. The BASIX Certificate does not include gas heating or cooking. The amended plans indicate ceiling fans in all habitable rooms.
3. Landscaping, Biodiversity and Vegetation Preservation	Yes	Satisfactory.
4. Coastal Risk Management	Yes	Satisfactory.
5. Water Management	Yes	Satisfactory. Refer to section 3 of this report on referral commentary in relation to stormwater.
7. Transport	N/A	The existing garage accessed from Tamarama Marine Drive is to be retained.
11. Design Excellence	Yes	Satisfactory.
13. Excavation <i>Maximum permitted excavation $m^3 = (site\ area\ number \times 0.2) + 50 = 118.6m^2$</i>	No (acceptable on merit)	<p>The proposal exceeds the maximum excavation controls permitted under DCP 2022 (Amendment 1). Notwithstanding, DCP 2022 (Amendment 3) is now in effect and no longer sets a maximum permitted volume of excavation for dwellings. Although Amendment 1 applies to the subject application, this can be taken into consideration for this development.</p> <p>The front setback already contains a basement garage that has been excavated in the past. The proposal includes excavation to provide internal</p>

Development Control	Compliance	Comment
		<p>access (stairs, lift and passageway) from the existing double garage (previously excavated) to the proposed dwelling. There will also be minor excavation within the rear and side setbacks to accommodate a consistent ground level across the site and a slightly lower finished floor level than the existing dwelling on the site.</p> <p>The excavation is limited to access to the dwelling and will be contained within the footprint of the building. Due to the significant difference in the floor level of the existing garage (RL16.67) to the finished floor level (FFL) of the proposed dwelling (RL21.3), being 4.63m, sections of the accessway will be double height.</p> <p>The proposed excavation is considered acceptable.</p>

Table 35: 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 <ul style="list-style-type: none"> • <i>Maximum wall height of 7.5m</i> 	No	Refer to discussion following this table.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • <i>Predominant front building line (adjacent three neighbours on either side)</i> • <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> • <i>Development at first floor level and above shall be set back from the rear building line of the ground floor level</i> 	Yes	<p>The front setback is consistent with the front setback of the existing dwelling on the site, which sits further back than the dwellings to the south however not as far back as the dwelling to the north. This allows the retention of views across the front of the site from the front balconies of adjoining properties to the south.</p> <p>The ground floor setback at the rear does not extend as far as the existing dwelling on the site.</p> <p>Refer to discussion following this table in regard to the first floor rear setback.</p>

Development Control	Compliance	Comment
1.2.2 Side setbacks <ul style="list-style-type: none"> • <i>Minimum of 0.9m for ground floor and first floors.)</i> 	Yes	The proposal provides a minimum of 900mm for the two-storey structure above ground. The lower ground floor levels are also 900mm.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> • <i>New development to be compatible with streetscape context</i> • <i>Significant landscaping to be maintained.</i> 	Yes	<p>The proposal provides a two-storey contemporary dwelling that is not out of character with surrounding development. The amended proposal has lowered the front boundary wall to ensure it is a consistent height with the solid component of the adjoining property to the south. The balustrade above that (and pool fence) will be frameless glass to lessen the bulk at the street. This is consistent with properties fronting Tamarama Marine Drive within this row of dwellings which have a generally similar wall height to garages with balustrading above.</p> <p>The height between the existing basement and the ground floor level of the dwelling allows the proposed pool within the front setback to be set down and concealed by the front boundary wall. The proposal is considered to have an appropriate streetscape presentation.</p>
1.4 Fences		
<p><u>Front:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.2m</i> • <i>Solid section no more than 0.6m in height</i> <p><u>Side and Rear:</u></p> <ul style="list-style-type: none"> • <i>Maximum height of 1.8m</i> 	Yes	<p>The subject site (and those adjoining) has a unique presentation to the street being set up above garages which front the street. As such, the front boundary wall is higher than a standard site. The proposal has been amended to align the front boundary wall with the height of the front boundary wall on the adjoining property with frameless glass balustrading beyond. This is considered acceptable and consistent with surrounding properties.</p> <p>New fencing for the side and rear boundaries is not included in this application except within the front setback of the site in relation to the proposed swimming pool. Fencing to comply with the <i>Pool Fences Act</i> as required for swimming pools is included with varying heights from 1.2m to 1.8m, where required. The fencing within the front setback will be frameless glass to lessen the visibility and bulk of the fencing. This is considered acceptable.</p>
1.5 Visual and acoustic privacy		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>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</i> • <i>External stairs are not acceptable.</i> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	<p>Yes</p>	<p>There are limited windows on the southern side elevation being a bathroom window at the ground floor level and glass block walls to the stairs.</p> <p>The proposed dwelling contains the majority of windows at the front and rear, as is considered reasonable due to setbacks from boundaries. Windows are also orientated toward the northern side boundary however it should be noted that the adjoining property to the north, No. 19 Tamarama Marine Drive is in the same ownership as the subject site and currently has no fencing separating the two properties. At ground floor level, the windows are set back a minimum of 3.7m increasing to 5.7m from the boundary and side boundary fencing will also inhibit views into the adjoining property (if ever erected). At first floor level, the windows and the small side balconies are to bedrooms which are rooms of low use with fewer privacy impacts than high use areas such as living rooms. Additionally, alterations and additions have been approved for the adjoining site which has been designed to have limited windows and opportunities for overlooking from the subject site.</p> <p>The amended proposal has deleted large balconies at the rear to increase the rear setback and reduce overshadowing of the properties to the south. Instead, a smaller terrace remains along the rear elevation of the building accessed from low use rooms (ie, bedrooms) with a minimal width of 1m. The balcony at the rear and those to the bedrooms along the northern side and at the front of the dwelling, comply with the area and width controls of the DCP. Given the small size of these balconies, the minimal width and that they are accessed from bedrooms, they are not considered to have unreasonable impacts upon the privacy of surrounding properties. This is particularly true given the high degree of mutual overlooking from surrounding sites, where many surrounding properties have windows and balconies overlooking sites within the vicinity in order to achieve views. Lower levels of privacy are generally accepted between dwellings within the vicinity in exchange for views.</p>

Development Control	Compliance	Comment
		<p>Given the above analysis, it is considered that the proposal will not have unreasonable impacts upon the privacy of surrounding properties and has been designed to consider the privacy of adjoining properties in an area where there is already heavy overlooking between sites.</p>
<p>1.6 Solar access</p>		
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>Yes</p>	<p>The proposed dwelling will receive at least 3 hours solar access to living area windows and the principal open space area, located at the front of the site.</p> <p>The proposal has been amended twice since it was first submitted resulting in reduced overshadowing impacts to surrounding properties with each set of amended plans. The final amended plans increase the rear setback at the first floor level by reducing the rear balconies and the northern side wall. This results in reduced overshadowing to the rear yard of the adjoining southern property. The main living area windows of the property to the south are orientated toward the east and will be unaffected by the proposal. There will be increased overshadowing of the rear yard, however given the orientation of the property and that it is due south of the subject site, overshadowing is expected.</p> <p>The reasonableness of the overshadowing impact is considered based on the performance and compliance of the development with relevant built form development standards and controls as well as the site's orientation.</p> <p>As demonstrated in this report, the development complies with the building height and FSR development standards under the LEP and is considered reasonable in regard to setbacks, landscaping and open space. Any additional overshadowing impact caused by the proposed development is deemed reasonable and non-adverse and anticipated for any compliant redevelopment of the subject site.</p>
<p>1.7 Views</p>		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> 	<p>Yes</p>	<p>Refer to discussion following this table.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 		
1.8 Car parking		
1.8.1 Design Approach <ul style="list-style-type: none"> Parking only allowed where site conditions permit Designed to complement the building and streetscape Car parking structures to be behind the front building line Driveways are to be located to minimise the loss of on street parking Parking to be provided from secondary streets or lanes where possible. 	N/A	The existing basement double garage accessed from Tamarama Marine Drive is to be retained.
1.9 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 20% of site area, with at least half deep soil Minimum area of 25m² for private open space Front open space: 50% of front building setback Front landscaped area: 50% of front open space Outdoor clothes drying area to be provided 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<ul style="list-style-type: none"> 59% open space. 25% landscaped area, 80% of which is deep soil. 111m² provided at the front and 48m² provided at the rear. 100% of the front is open space. 19% of the front is landscaped area. Refer to discussion below this table. Outdoor clothes drying capable of being provided.
1.10 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Pool decks on side boundaries must consider visual privacy All pool equipment to be enclosed within an 	No	Refer to discussion following this table.

Development Control	Compliance	Comment
<i>acoustically treated enclosure</i>		

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

Wall height

The proposal exceeds the wall height control of 7.5m for flat roofed dwellings, for a small portion of the front section of the roof as demonstrated in **Figure 5** below.



Figure 5: Three-dimensional plan showing area of wall height non-compliance

The wall height variation is for a small portion of the front section of the building that is attributable to the slope of the land and existing stairs. The variation does not result in unreasonable additional overshadowing, impacts upon the streetscape or unreasonable impacts upon views from surrounding properties (discussed below). The remainder of the building is below the wall height control presenting to the street as a two-storey dwelling. The wall height variation is supported.

Rear setback

The proposal has been amended to increase the rear setback at the first floor level to reduce impacts to surrounding properties. The aerial image in **Figure 6** shows the setbacks of surrounding properties and demonstrates that the properties to the south of the subject site have stepped rear setbacks due to the irregularity of the front and rear boundaries of each site.

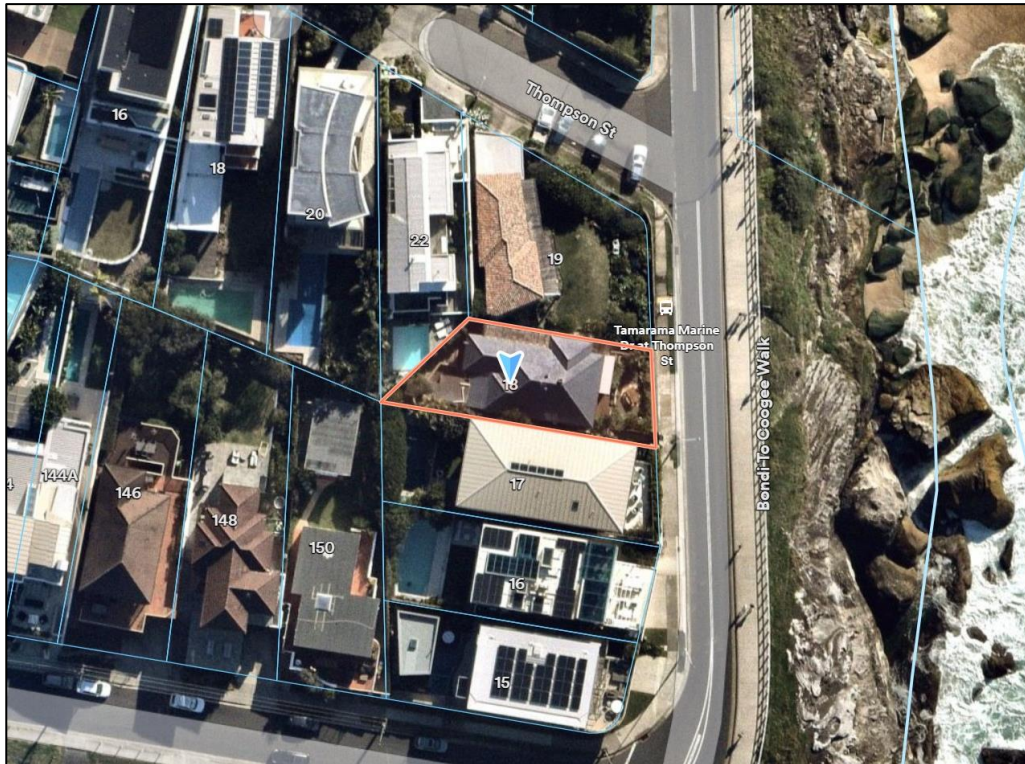


Figure 6: Aerial photograph showing the setbacks of surrounding buildings (the subject site is outlined in red and by a blue downward arrow)

The first floor rear setback of the subject proposal will align with the rear setback of the property to the north of the subject site which is set back to the rear boundary of the adjoining northern building. This results in a splayed rear setback which extends marginally beyond those to the south of the site which is consistent with the pattern of development within this group of dwellings. The front setback of the proposed dwelling is reflective of the existing building, generally retaining the existing alignment. This will enable views across the front of the site from the buildings to the south to be retained.

If the rear setback were to be increased and the dwelling moved further toward the front of the site, the proposal would not comply with the height development standard given the fall of the land and the existing basement (which is taken as existing ground level). As such, the splayed rear setback of the first floor level is considered an appropriate response to the surrounding properties, and responds to the existing setbacks of the dwelling on the site, surrounding properties, the irregular shape of the site and surrounding constraints (ie, views and height).

Views

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

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

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

Objections were received from properties to the south-west (Nos. 144A, 146 and 148 Hewlett Street) and adjoining to the south (No. 17 Tamarama Marine Drive). All properties were visited by Council's Assessment Officer to assess the view impacts and in all cases the views were achieved directly over the side boundary of that site and there were extensive views achievable from the front elevations that would be unaffected by the proposal.

Hewlett Street properties:

Figures 7 to 12 demonstrate the impact of the proposed development upon views from properties to the south-west of the site which front Hewlett Street and the views achieved from the front elevations of these dwellings.



Figure 7: 144A Hewlett Street - view toward the east from the first floor bedroom window over the side boundary



Figure 8: 144A Hewlett Street - view from main living area toward the south and south-east which will be unaffected



Figure 9: 146 Hewlett Street - view toward the east and north-east from the first floor study/bedroom window over the side boundary.



Figure 10: 146 Hewlett Street – view toward the south and south-east from ground level living area which will be unaffected.



Figure 11: 148 Hewlett Street – view from the rear balcony at first floor level toward the north-east over the side boundary.



Figure 12: 148 Hewlett Street – view from the first floor level bedroom toward the south and south-east which will be unaffected.

The properties on Hewlett Street achieve views from the living areas orientated toward their front boundaries of Bronte Beach, the cliffs beyond and land and water interface. The affected views over the subject site are from the rear of the dwellings over the side boundary with the main views to Bronte Beach and beyond from the front elevation being retained.

The views impacted are significant views of the ocean and in some cases includes the land and water interface of the beach or cliffs at Tamarama. The views are partial views achieved over the currently underdeveloped subject site which contains only a single storey dwelling. Given the extensive views achieved from the other areas of the dwelling, which will be retained and unaffected due to the proposed development, the view impact is considered to be minor to moderate.

The proposal complies with the height and FSR development standards of the LEP and the key built form controls of the DCP relating to setbacks, open space and landscaped area. The proposal exceeds the wall height control only for a small portion of the front of the dwelling which would result in very minor view impacts. However, it should be noted that the proposed dwelling is 1m lower than the wall height control and 2m lower than the height development standard in the rear section of the building. In this regard, a compliant height that met even the wall height control at the rear would have a greater impact upon views than the minor wall height non-compliance at the front. In this regard, the proposal has already been sensitively designed to address the controls and retain as much view from surrounding properties as possible while still reaching the development potential of the site.

It is not a reasonable expectation to retain views over an underdeveloped site, particularly over side boundaries. The retention of private views at the expense of the reasonable redevelopment of a site is not a realistic expectation. In this regard, the view loss experienced as a result of the compliant development form is not considered unreasonable.

No. 17 Tamarama Marine Drive:

Figure 13 demonstrates the view from the adjoining property to the south of the site, No. 17 Tamarama Marine Drive from the living room window on the side elevation looking directly across the side boundary and front setback of the subject site. No. 17 Tamarama Marine Drive also has uninterrupted views directly to the east with the only view being impacted being those from side windows at the ground and first floor level which overlook the subject site. The main easterly view will be unaffected by the proposal with uninterrupted panoramic views retained as partially shown in **Figure 14** which is the view from the kitchen toward the north-east.



Figure 13: 17 Tamarama Marine Drive – view from the ground floor living area side window toward the north over the side boundary.



Figure 14: 17 Tamarama Marine Drive – view from the ground floor living area windows toward the north-east and east. The directly east facing view will be unaffected by the proposal.

In terms of view impacts from the adjoining property to the south, No. 17 Tamarama Drive, the amended plans have lowered the height of the front wall to be consistent with the height of the front wall at No. 17 with the pool contained behind and below this wall. The balustrade above this is to be frameless glass to allow views to be maintained, despite the fact that these views are achieved across the side boundary of the site.

View analysis diagrams have been prepared in relation to the location of the swimming pool. **Figure 13** (above) and **Figures 15 and 16** (below) demonstrate that the proposal will result in a loss of view of the

road and pathway whilst retaining the views of the headland and beach. The blue outline on the images below indicate the frameless glass pool fencing which allows views through to the headland and beach beyond. The proposal has also been designed to be set further back on the site from the front boundary than the adjoining properties to the south which generally align at the front. If the proposal were to align with the front setback of the properties to the south, the views would be totally obstructed. In this regard, the proposal has been skilfully designed to retain views from the property to the south.

It should be noted that the landscape plan indicates that Lilly Pilly trees to a height of 3m are to be planted within the front planter which would then impact upon any views and as such a condition will require that low growing species are planted with a maximum mature height of 500mm. In this regard, the views from No. 17 Tamarama Marine Drive over the front setback of the site will be reasonably maintained.

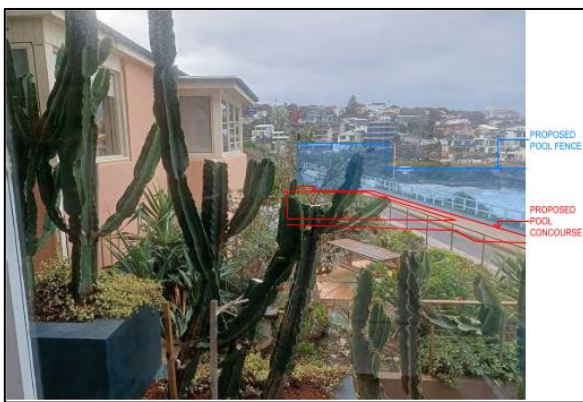


Figure 15: Existing view toward the north from living room window over the side boundary.

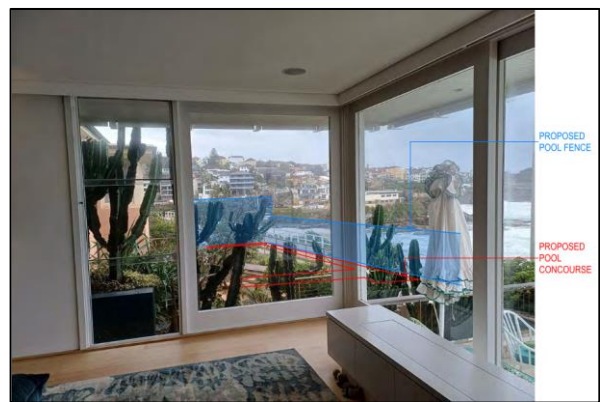


Figure 16: Existing view toward the north-east from the living room window over the side boundary.

Given the above analysis, it is considered that the view impacts experienced from surrounding properties will not be unreasonable.

Front landscaped area and swimming pool

The proposal is deficient in terms of the required landscaped area within the front setback of the site at 19% however it should be noted that the basement garage is located directly beneath this area. The front landscaping is consistent with the pattern of development for dwellings to the south of the site which contain hard surfaces (ie, decks) within the front setbacks surrounded by landscaped planters. The proposal provides more than the minimum requirements for the remaining landscaping controls and this variation is considered acceptable.

The proposal includes a swimming pool which is located within the front setback of the site whereas the DCP requires that these be located within the rear setback. The objectives of the swimming pool controls are:

- (a) *To protect significant trees and landscaping on the subject site and adjoining properties.*

- (b) To retain the visual and acoustic privacy of adjoining properties.*
- (c) To ensure the location of swimming pools and spa pools do not adversely impact upon adjoining properties and/or streetscapes.*
- (d) to ensure swimming pools can be run with optimal energy consumption.*

The existing dwelling on the site has a small rear setback and a small area of private open space which the subject development will largely replicate. Given the irregular shape of the site with a splayed rear alignment, there is insufficient area within the rear to adequately accommodate the principal area of private open space (including a swimming pool). In this regard, and as is consistent with the existing dwelling on the site, the principal area of open space is contained at the front of the site.

Additionally, the subject proposal has been designed to be set back on the site to comply with the height development standard due to the existing basement garage which artificially creates a much lower ground level at the front. Given that the height development standard is a higher order control than the DCP control requiring that the swimming pool be located within the rear yard, the height is given greater weight.

It is noted that a swimming pool within the front yard of the site is approved for the adjoining property to the north of the site however it is not yet constructed. This swimming pool is located generally similar to the proposal, being located toward the front of the site on Tamarama Marine Drive but largely concealed given the raised height of these sites above the street.

Notwithstanding, accommodating the swimming pool within the front yard will lead to less excavation of the site as it will be located within the existing excavated area over the basement garage. The swimming pool will not be visible from the public domain being located below the front boundary wall to the garage and is located away from bedrooms of adjoining sites.

The adjoining property to the south of the site at No. 17 Tamarama Marine Drive has large full height living area windows on the side elevation overlooking the front setback of the subject site. There is currently a degree of mutual overlooking between these two sites although it was noted during Council's Assessment Officer's site inspection that views from the subject site into the windows of this property were restricted by cactus planting at No. 17 which was subsequently cut lower following this site visit allowing increased overlooking (refer to **Figures 17 and 18** below) and improved views from No. 17 Tamarama Marine Drive.



Figure 17: View from front setback of the site to the side ground floor window and front deck of the adjoining property (taken 28/05/2024) noting that No. 17 is largely private from the subject site.



Figure 18: View into the front setback of the subject site from the side living area window of No. 17 Tamarama Marine Drive after the cutting back of vegetation (taken 17/06/2024)

As demonstrated by **Figures 17 and 18**, the vegetation at No. 17 Tamarama Marine Drive provided a degree of privacy between the two properties and likely restricted the view to the north from that property given that the side window is largely concealed in the photo taken on 28/05/2024 (**Figure 17**).

Notwithstanding, the level of the decking around the pool will be lower than the level of the living area and main terrace to the dwelling and as such, it is not unnecessarily raised in height to have any more impact upon the privacy of adjoining properties than the use of the area as private open space. Even if the swimming pool were to be deleted from this area, it would be reasonable to allow the area to be used as private open space consistent with all other surrounding properties. In actual fact, a swimming pool would have less privacy impacts than the use of the area as a terrace, as when within the pool, people are lower than the surrounding ground level and a pool is typically only used for part of the year. In this regard, the swimming pool within the front yard does not result in any more unreasonable impacts upon the adjoining property than the use of the area as open space. The front wall is not raised as a consequence of the location of the swimming pool as it is reasonable for the front wall to align with the height of the wall at No. 17 Tamarama Marine Drive with balustrading above.

Given the constraints of the site, the location of the swimming pool within the front yard is considered acceptable and unlikely to result in unreasonable impacts upon adjoining properties or the streetscape. The swimming pool is considered to be consistent with the objectives of Section 1.10 *Swimming Pools and Spa Pools* of Part C1 of the DCP and as such a variation to the control can be 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 for a minimum of 14 days between 10/04/2024 and 24/04/2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was not 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 rear balconies were reduced and the first floor rear setback increased.
- The height of the front boundary wall was reduced and the balustrades/fencing within the front setback changed to frameless glass.
- Ceiling fans shown in habitable rooms.

A total of 13 unique submissions were received from the following properties and/or representatives:

Table 6: Submission details

Count	Property Address/ Representative
1.	16 Tamarama Marine Drive, Tamarama
2.- 5.	17 Tamarama Marine Drive, Tamarama (4 submissions)
6.	144A Hewlett Street, Bronte
7.	146 Hewlett Street, Bronte
8.	148 Hewlett Street, Bronte
9.	150 Hewlett Street, Bronte
10.	22 Thompson Street, Tamarama
11.	15/6-8 Penkivil Street, Bondi
12.	Unidentified address
13.	Councillor Tony Kay

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

- view impacts
- height
- bulk and width of building at the rear
- overshadowing
- privacy

- rear setback
- swimming pool
- streetscape.

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

Issue: Concerns regarding the sub-floor level and that it may increase the height of the building.

Response: Due to the significant difference in the floor level of the existing garage (RL16.67) to the finished floor level (FFL) of the proposed dwelling (RL21.3), being 4.63m, there is sufficient height for a pool, shower, plant and OSD between the garage and the ground floor level. This is due to the fall of the land and the existing basement parking and is not a result of unnecessarily raising the height of the proposed dwelling, particularly given that the FFL is lower than the existing dwelling on the site and the proposal complies with the height development standard. The majority of the dwelling has a height of 6.5m with that part that exceeds the wall height control being contained at the front of the dwelling where the site slopes toward the street.

Issue: The front setback is excessive to accommodate the pool pushing the bulk of the building further back on the site.

Response: The dwelling is set back from the front to align with the existing dwelling on the site and to ensure that the proposal meets the height development standard. If the dwelling were to sit further forward on the site, the proposal would exceed the height due to the existing basement parking. The swimming pool has been previously discussed.

Issue: Height of the front wall and swimming pool is inconsistent with the street and will impact upon views from properties to the south across the front of the site.

Response: The amended plans have lowered the height of the front wall to be consistent with the adjoining property to the south, No. 17 Tamarama Marine Drive, with the pool contained behind and below this wall. The balustrade above this is to be frameless glass to allow views to be maintained, despite the fact that these views are achieved across the side boundary of the site. This is consistent with other properties to the south which front Tamarama Marine Drive as shown in **Figure 15** below. The new front boundary wall and parapet will align with the top of the wall at No. 17 with the frameless glass balustrade to a height of 1.2m above this. This is entirely consistent with the properties along this row.

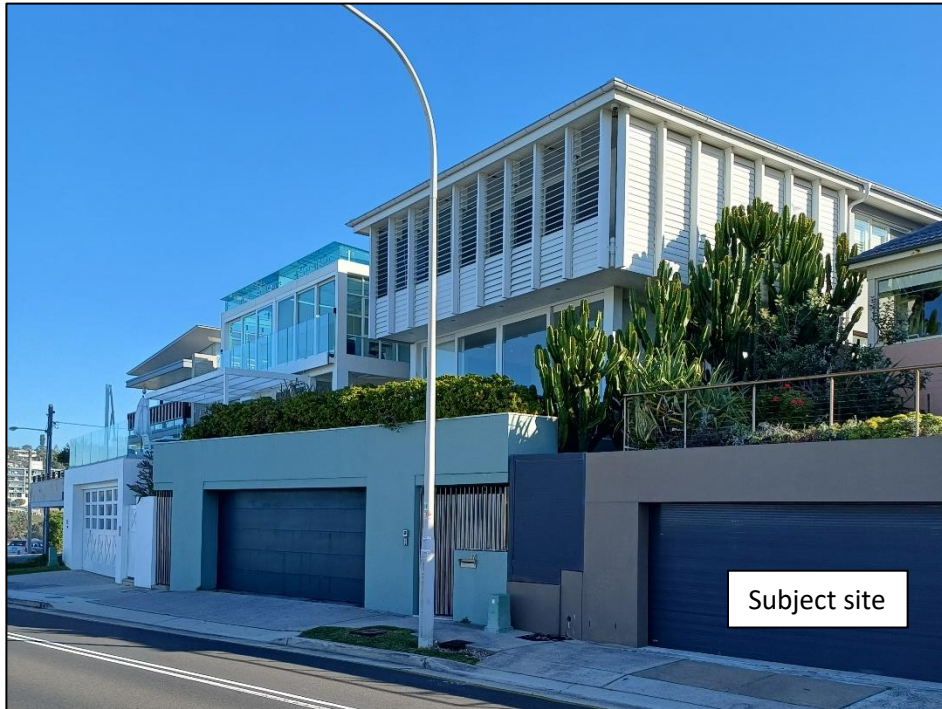


Figure 19: Streetscape to the south showing the height of the front boundary walls with frameless glass or balustrades on the front boundaries

Issue: Pool pump is located on the side boundary affecting living rooms and bedrooms.

Response: The pool plant will not be located on the side boundary and instead will be contained with a plant room at the subfloor level in a central location on the site. Notwithstanding, a standard condition for pools requires that the pump be housed within a sound proof enclosure and be limited in the times of operation to ensure no undue noise disturbance to adjoining properties.

Issue: Pool at No. 17 Tamarama Marine Drive drawn incorrectly on the shadow diagrams.

Response: The shadow diagrams placed the swimming pool within the wrong position however the boundaries are accurate. Regardless of the position of the pool, the overshadowing diagrams show the extent of the overshadowing to the rear yard of the adjoining property. As previously discussed, the overshadowing impacts are considered to be reasonable.

Issue: Notification issues.

Response: The original proposal was notified to surrounding properties as determined by the Assessing Officer and the *Community Engagement Strategy 2023*. As detailed previously, the amended proposal was not renotified as the amended form of the proposal represents a lesser impact than that of the original form that was publicly notified. In this regard, all previous objections are considered to still stand as discussed in this section.

Issue: The rear setback of the first floor level results in visual bulk, overshadowing and privacy impacts.

Response: The proposal has been amended to increase the rear setback of the first floor level and reduce the balconies to address these issues. Refer to detailed discussion elsewhere in this report.

Issue: Noise impacts from the swimming pool in the front setback.

Response: The front setback of the site adjoins the road and is opposite the coastal walk and the ocean which are high activity areas with higher noise generation than the rear setback of the site. The location of the pool within the front will not result in any greater noise impact upon surrounding properties than the level of noise which already exists given the location of the site. Additionally, the noise generation from the use of a swimming pool is typical noise associated with the use of residential property within a residential zone and is therefore not considered to be unreasonable.

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

At the time of writing of this report, comments have not been provided. However, it should be noted that the existing double garage and driveway crossing is being retained and as such, there is no change to the existing parking on site.

3.2. Stormwater

Conditions were recommended which are included in Appendix A.

4. CONCLUSION

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




Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 29/07/2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the development application be APPROVED by the Waverley Local Planning Panel subject to the conditions in Appendix A, including a condition to require the applicant to pay an additional DA fee to reflect the true cost of works of the development (as noted on the cover page of this report) prior to the issue of a construction certificate.

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Kylie Lucas	Ben Magistrale	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 30/07/2024	Date: 15/08/2024	Date: 19/08/2024

Reason for WLPP referral:

2. Contentious development (10 or more objections)

OFFICE USE ONLY

Planning Portal Data	
Determining Authority <small>(Concurrence Authority for Clause 4.6 variation)</small>	Local Planning Policy
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? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Alan Kempster Architects of Project No: AKDFT3 including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA100 Issue C</td> <td>ROOF & SITE PLAN</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA101 Issue B</td> <td>GARAGE & SUB FLOOR PLANS</td> <td>03/04/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA102 Issue D</td> <td>GROUND & FIRST FLOOR PLANS</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA103 Issue C</td> <td>EAST & NORTH ELEVATIONS</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA104 Issue C</td> <td>WEST & SOUTH ELEVATIONS</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA105 Issue C</td> <td>LONGITUDINAL SECTIONS</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA106 Issue B</td> <td>CROSS SECTIONS</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA1007 Issue B</td> <td>LANDSCAPE PLAN</td> <td>03/04/2024</td> <td>08/08/2024</td> </tr> <tr> <td>DA1008 Issue C</td> <td>SCHEDULE OF MATERIALS AND FINISHES</td> <td>07/08/2024</td> <td>08/08/2024</td> </tr> </tbody> </table> <p>(b) BASIX and NatHERs Certificates (c) The Site Waste and Recycling Management Plan (SWRMP) Part 1</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA100 Issue C	ROOF & SITE PLAN	07/08/2024	08/08/2024	DA101 Issue B	GARAGE & SUB FLOOR PLANS	03/04/2024	08/08/2024	DA102 Issue D	GROUND & FIRST FLOOR PLANS	07/08/2024	08/08/2024	DA103 Issue C	EAST & NORTH ELEVATIONS	07/08/2024	08/08/2024	DA104 Issue C	WEST & SOUTH ELEVATIONS	07/08/2024	08/08/2024	DA105 Issue C	LONGITUDINAL SECTIONS	07/08/2024	08/08/2024	DA106 Issue B	CROSS SECTIONS	07/08/2024	08/08/2024	DA1007 Issue B	LANDSCAPE PLAN	03/04/2024	08/08/2024	DA1008 Issue C	SCHEDULE OF MATERIALS AND FINISHES	07/08/2024	08/08/2024
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2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) The landscape plan is to be amended to replace the Syzygium Australe (Lilly Pilly) plants within the front planter with a low growing species with a maximum mature height of 500mm.</p> <p>Condition reason: To retain views across the front of the site from adjoining properties.</p>																																								

	(b) All fencing within the front setback is to be frameless glass.
	Condition reason: To reduce the bulk of the garage structure on the streetscape frontage.
	The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.
3.	DOMESTIC HEATERS
	The provision of solid fuel heating is prohibited.
	Condition reason: To protect air quality.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
4.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
5.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
6.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(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.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(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.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(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).</p> <p>- 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.</p> <p>(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.</p> <p>(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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>7.</p>	<p>ADDITIONAL DA FEE REQUIRED</p> <p>Council considers the estimated cost of the proposed building work to be a minimum of \$2,224,250 in lieu of \$1,850,000 as indicated on the development application form and cost report. In this regard, an additional development application fee of \$2,005.20 is to be paid.</p> <p>Should the Detailed Cost Report (required as per the s7.12 Contribution condition) be higher, then this fee shall be adjusted accordingly and the additional fee payable.</p>

	<p>Fees are to be paid to Council, prior to the issue of any Construction Certificate.</p> <p>Condition reason: To ensure Council fees are paid.</p>
8.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$37,000 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
9.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><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.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
10.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
11.	<p>HOARDING</p> <p>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.</p>

	Condition reason: To ensure safety to the general public.
12.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
13.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
14.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
15.	<p>STORMWATER MANAGEMENT</p> <p>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.</p> <p>The submitted stormwater management plan prepared by ACOR Consultants Pty Ltd, (Project No. NA231603), Drawing Nos. C01-0001, C01-0101, C03-0001, C03-0101, C08-0001, C08-0002, C08-0003, C08-0301, Revision B, dated 21/12/2023 are considered concept only.</p>

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

- a) The stormwater management plans must be updated to be consistent with the architectural and landscape drawings.
- b) The stormwater management plans are to provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of discharge control pit, orifice plate details including orifice diameter, depth of water above centreline of orifice, pit overflow, OSD plaque, OSD warning sign and catchment plan.
- c) The OSD storage and associated orifice diameter provided are insufficient to detain the 1% AEP post-developed flow to the 20% undeveloped levels (fraction imperviousness 0.1), as per Section 6.3 of the Water Management Technical Manual (2021). Redesign accordingly.
- d) Permissible site discharge (PSD) correctly/incorrectly calculated. The PSD shall be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under predeveloped site conditions as outlined in the Waverley Technical Manual 2021, Section 6.3. Redesign OSD and associated orifice accordingly.
- e) When the depth of the OSD tank exceeds 900 mm, the grates must be 900 x 900 mm with step irons provided.
- f) 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.
- g) A certificate from a registered structural engineer certifying the structural adequacy of the OSD tank structure is to be provided. Any below ground OSD tank structure must be a cast in-situ concrete based.
- h) Detail the proposed pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits and inspection openings and their location.
- i) Pits and inspection openings are to be provided at all junctions, change in gradient, change in direction, and changes in diameter for access and maintenance purposes.
- j) Provide calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event.
- k) Details of any rainwater tank required by BASIX commitments or as nominated are to be shown on the architectural plan, including the overflow connection to the approved stormwater drainage system.
- l) The rainwater tank must have a minimum capacity of 3,000 litres and be connected to at least 164m² of roof area, as per the BASIX requirements.
- m) Sub soil drainage (seepage) water must not be directly or indirectly discharged to Council's street gutter.
- n) 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.
- o) Show sub-soil drainage is restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the

	<p>basement areas of the building in accordance with a Registered Structural Engineer's design.</p> <p>p) Any new downpipes are to be located wholly within the property's boundary.</p> <p>q) Any proposed pipeline within the footpath verge must be hot dipped galvanised steel hollow section with the size of 125mm x 75mm x 4mm (w x h x t).</p> <p>r) Piped drainage within all Council land including roads and footways shall be laid at a minimum 1% gravity fall directed toward the point of discharge.</p> <p>s) 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.</p> <p>t) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works will be replaced as per Waverley Council Public Domain Technical Manual. All associated costs will be borne by the applicant.</p> <p>Notes:</p> <ol style="list-style-type: none"> 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. Since a sewer/water main runs through the property, plans must also be presented to Sydney Water for their approval. 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. <p>Condition reason: To ensure the proper management of stormwater runoff.</p>
16.	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
17.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> is to be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction</p>

	<p>Certificate, which outlines materials to be reused and/or recycled as a result of demolition and construction works. At least one copy of the <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
18.	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR</p> <p>(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 B3-1 of the Waverley Development Control Plan 2022.</p> <p>(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.</p> <p>Condition reason: To protect the habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity.</p>
19.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
20.	<p>DILAPIDATION REPORT</p> <p>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:</p> <p>(a) 19 Tamarama Marine Drive, TAMARAMA. (b) 17 Tamarama Marine Drive, BRONTE. (c) 22 Thompson Street, TAMARAMA.</p> <p>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.</p>

	<p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>21.</p>	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>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.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
22.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>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.</p>
23.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
24.	<p>TREE PROTECTION</p>

	<p>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.</p>
	<p>Condition reason: To protect and retain trees.</p>

DURING BUILDING WORK

Condition	
25.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
26.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
27.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
28.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i> .
	Condition reason: To protect the amenity of the surrounding area.
29.	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.
30.	CONSTRUCTION INSPECTIONS
	The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.
	Condition reason: To ensure regular inspections occur throughout the construction process.
31.	CERTIFICATE OF SURVEY - LEVELS
	All construction works are to be in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
32.	CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING
	A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the location of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.
	Condition reason: To ensure buildings are sited and positioned in the approved location.
33.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.
34.	CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS
	The following applies to the construction of swimming pools and outdoor spas:

	<ul style="list-style-type: none"> (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.
	<p>Condition reason: To ensure pools are constructed in a correct manner.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
35.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
36.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
37.	<p>CERTIFICATION OF SWIMMING POOL/OUTDOOR SPA</p> <p>Prior to the pool being used, the following must be provided;</p> <p>(a) Certification that the pool has been constructed in accordance with the consulting engineers design;</p> <p>(b) Evidence that the swimming pool/outdoor spa has been registered on the State Government Swimming Pool Register (http://www.swimmingpoolregister.gov.au);</p> <p>(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;</p> <p>(d) A copy of the occupation certificate must be submitted to Council.</p> <p>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.</p> <p>Condition reason: To ensure the swimming pool/outdoor spa has been constructed appropriately to ensure the safety of users.</p>
38.	<p>STREET NUMBER</p> <p>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.</p>

	Condition reason: To ensure the property address is clearly identified.
39.	CERTIFICATION OF STORMWATER SYSTEM
	<p>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.</p> <p>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.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p>
	Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.
40.	WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM
	<p>A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure.</p> <p>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.</p> <p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p>
	Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.
41.	CREATION OF POSITIVE COVENANT AND RESTRICTION ON USE OF LAND
	<p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system and WSUD element (incl. rainwater tank), under Section 88E of the Conveyancing Act 1919.</p> <p>This is to place a restriction on the Title that the OSD system and rainwater tank are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property</p>

	<p>owner/occupant must not modify or remove the OSD system and WSUD element without consent from Council.</p> <p>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.</p> <p>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 OSD system and WSUD element, including its relationship to the building footprint. Electronic colour photographs of the OSD system and WSUD element must accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>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.</p> <p>The property owner/occupant must not modify or remove the OSD system and WSUD element without consent from Council.</p> <p>All associated costs will be borne by the applicant.</p> <hr/> <p>Condition reason: This is to ensure these stormwater management controls are not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.</p>
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OCCUPATION AND ONGOING USE

Condition	
42.	<p>USE OF PLANT ROOMS</p> <p>The “plant” rooms at the sub floor 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.</p> <p>Condition reason: To ensure the plant room is not used for storage purposes.</p>
43.	<p>ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM</p> <p>Council will need to be provided with an OSD, pump system and/or 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.</p> <p>At a minimum, the pump system and the detention facility must be:</p> <ul style="list-style-type: none"> • Kept clean and free from silt, rubbish and debris. • Be maintained so that it functions in a safe and efficient manner. • Not be altered without prior consent in writing of the Council. <p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>
44.	<p>ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE</p> <p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>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.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>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.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p> <p>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</p>

	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.	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.
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.
10.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</p>

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.

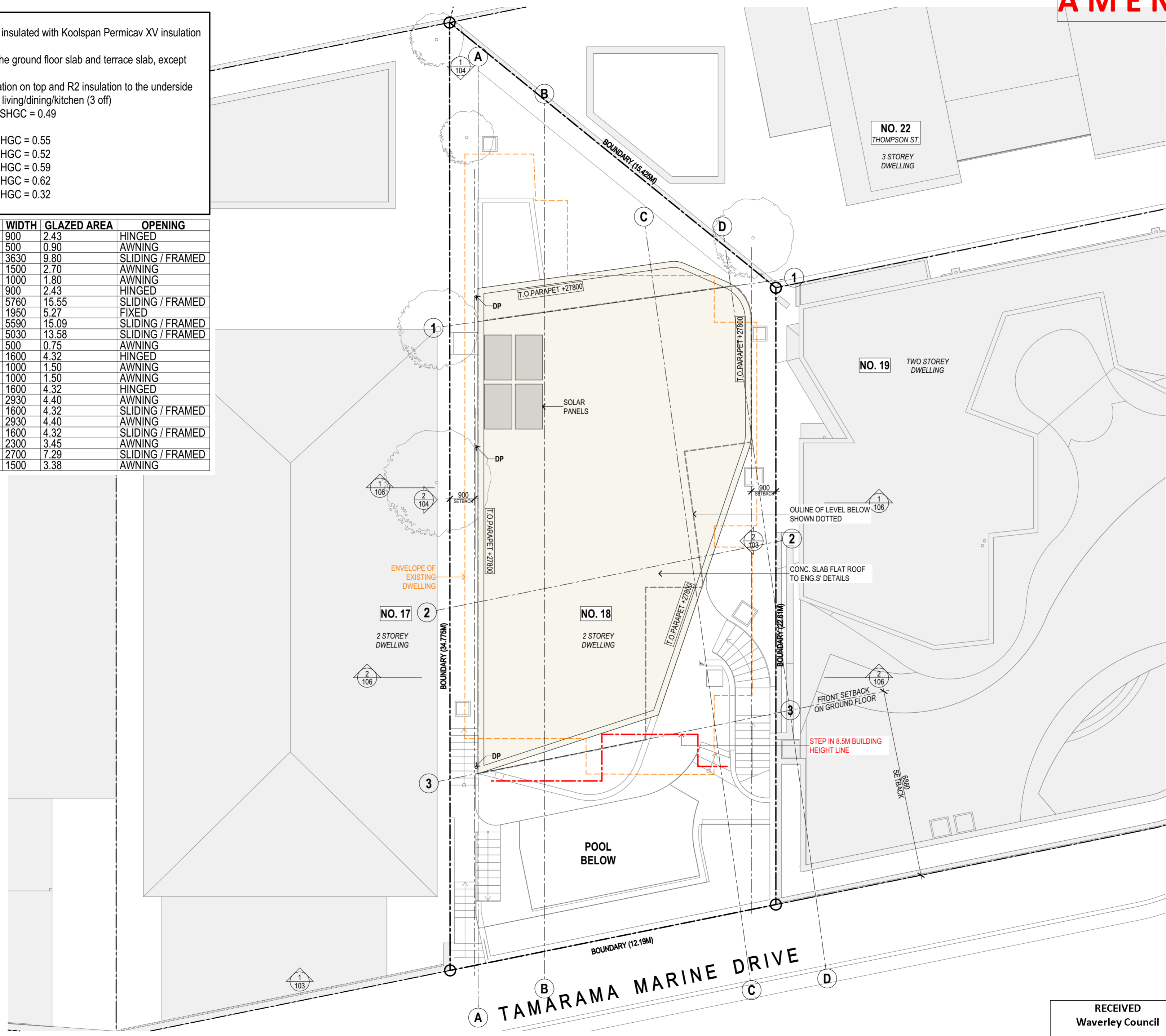
Sydney district or regional planning panel means Sydney Eastern City Planning Panel.

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

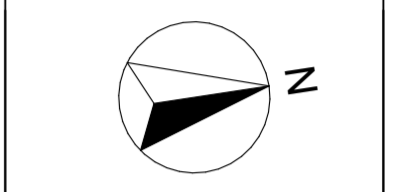
- BASIX COMMITMENTS:**
1. All new cavity external walls to be insulated with Koolspan Permivac XV insulation
 2. All floors to be concrete slab
 3. R2 insulation to the underside of the ground floor slab and terrace slab, except where on ground
 4. Roof to be concrete with R2 insulation on top and R2 insulation to the underside
 5. Ceiling fans to each bedroom and living/dining/kitchen (3 off)
 6. W400, W403 & W304: $U_w = 3.6$ / $SHGC = 0.49$
 7. Window ratings:
 AWNING WINDOWS $U_w = 4.3$ / $SHGC = 0.55$
 HINGED DOORS $U_w = 4.2$ / $SHGC = 0.52$
 SLIDING DOORS $U_w = 4.1$ / $SHGC = 0.59$
 FIXED WINDOWS $U_w = 3.6$ / $SHGC = 0.62$
 GLASS BLOCKWORK $U_w = 2.7$ / $SHGC = 0.32$

ID	ORIENTATION	HEIGHT	WIDTH	GLAZED AREA	OPENING
W300	E	2700	900	2.43	HINGED
W300a	E	1800	500	0.90	AWNING
W301	W	2700	3630	9.80	SLIDING / FRAMED
W302	E	1800	1500	2.70	AWNING
W303	E	1800	1000	1.80	AWNING
W304	E	2700	900	2.43	HINGED
W305	N	2700	5760	15.55	SLIDING / FRAMED
W306	E	2700	1950	5.27	FIXED
W307	N	2700	5590	15.09	SLIDING / FRAMED
W308	E	2700	5030	13.58	SLIDING / FRAMED
W309	S	1500	500	0.75	AWNING
W400	W	2700	1600	4.32	HINGED
W401	W	1500	1000	1.50	AWNING
W402	W	1500	1000	1.50	AWNING
W403	W	2700	1600	4.32	HINGED
W404	N	1500	2930	4.40	AWNING
W405	E	2700	1600	4.32	SLIDING / FRAMED
W406	N	1500	2930	4.40	AWNING
W407	E	2700	1600	4.32	SLIDING / FRAMED
W408	N	1500	2300	3.45	AWNING
W409	E	2700	2700	7.29	SLIDING / FRAMED
W410	E	2250	1500	3.38	AWNING



**DANNY KIDRON B.ARCH
PTY LTD**

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**NEW REPLACEMENT
RESIDENCE**
AT 18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140
FOR MR & MRS FRIEZER

ISSUE

A: FOR DA (01/24)
 B: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (04/24)
 C: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (07/24)

ROOF & SITE PLAN

SCALE	1:100@A2
DATE	07/08/24
JOB NO.	AKDFT3
DWG. NO.	DA100
ISSUE	C

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Waverley Council
Application No: DA-38/2024
Date Received: 08/08/2024

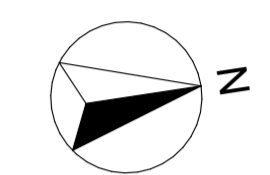
AMENDED



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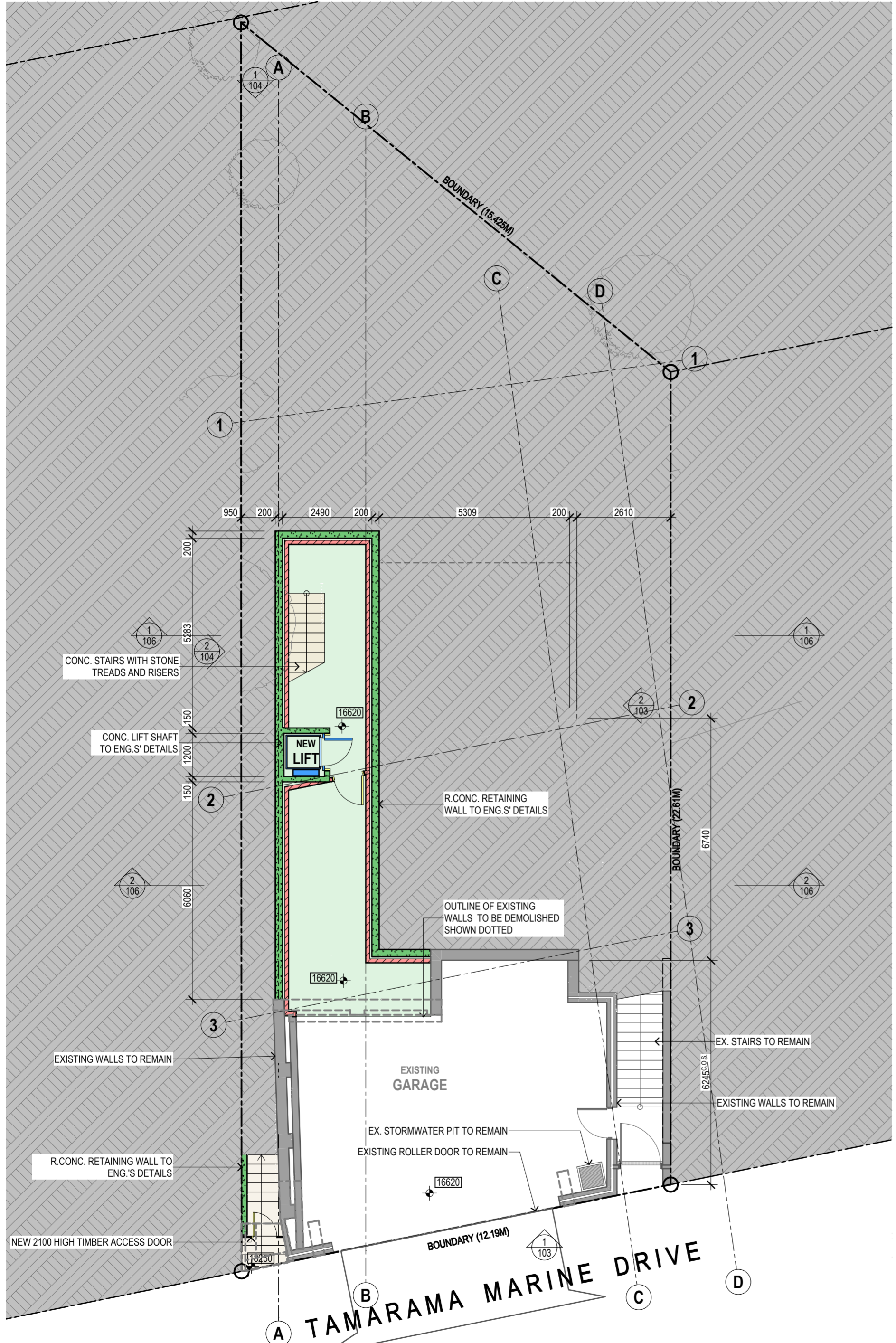
NEW REPLACEMENT
RESIDENCE
AT 18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140
FOR MR & MRS FRIEZER

ISSUE

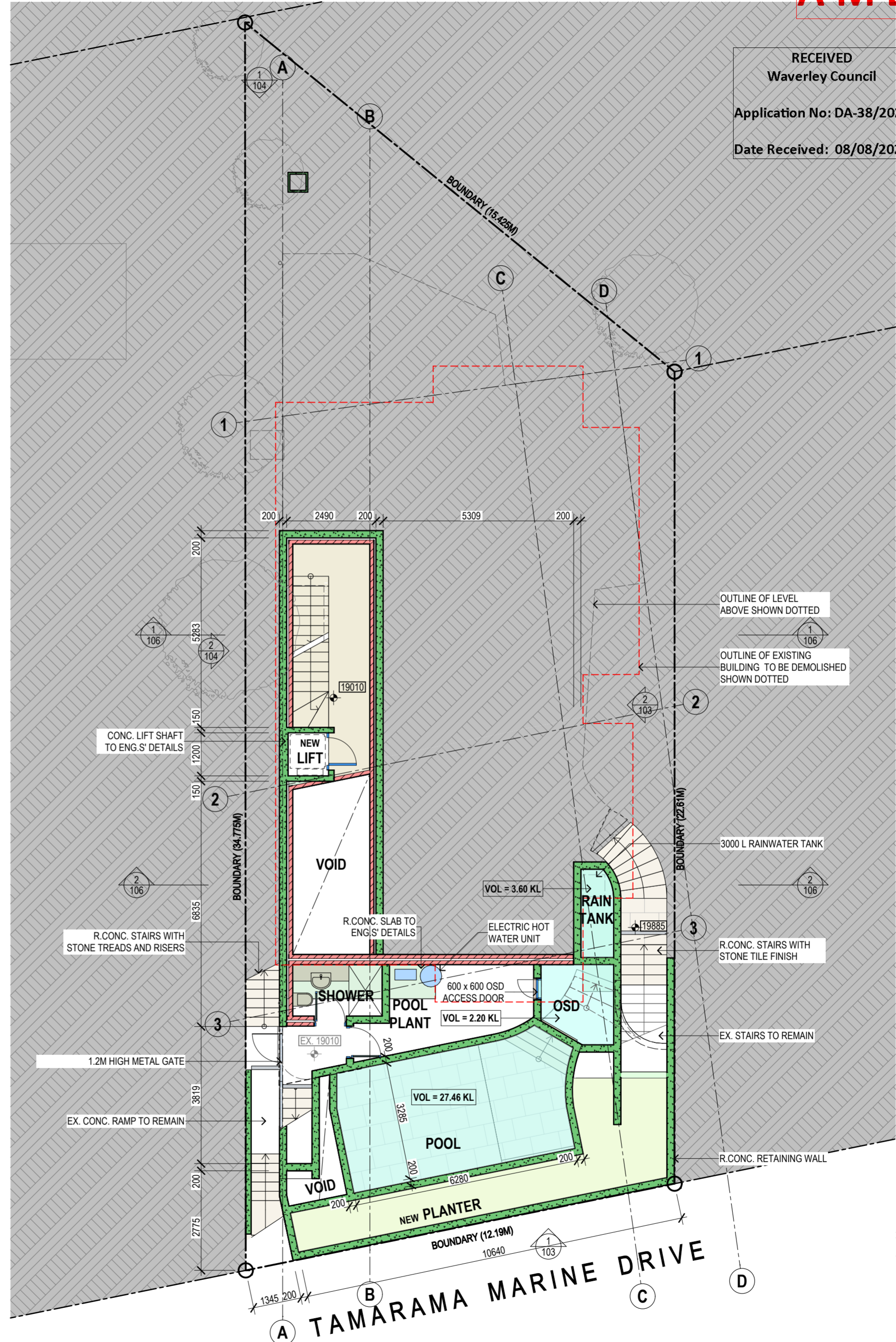
A: FOR DA (01/24)
B: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (04/24)

GARAGE & SUB FLOOR PLANS

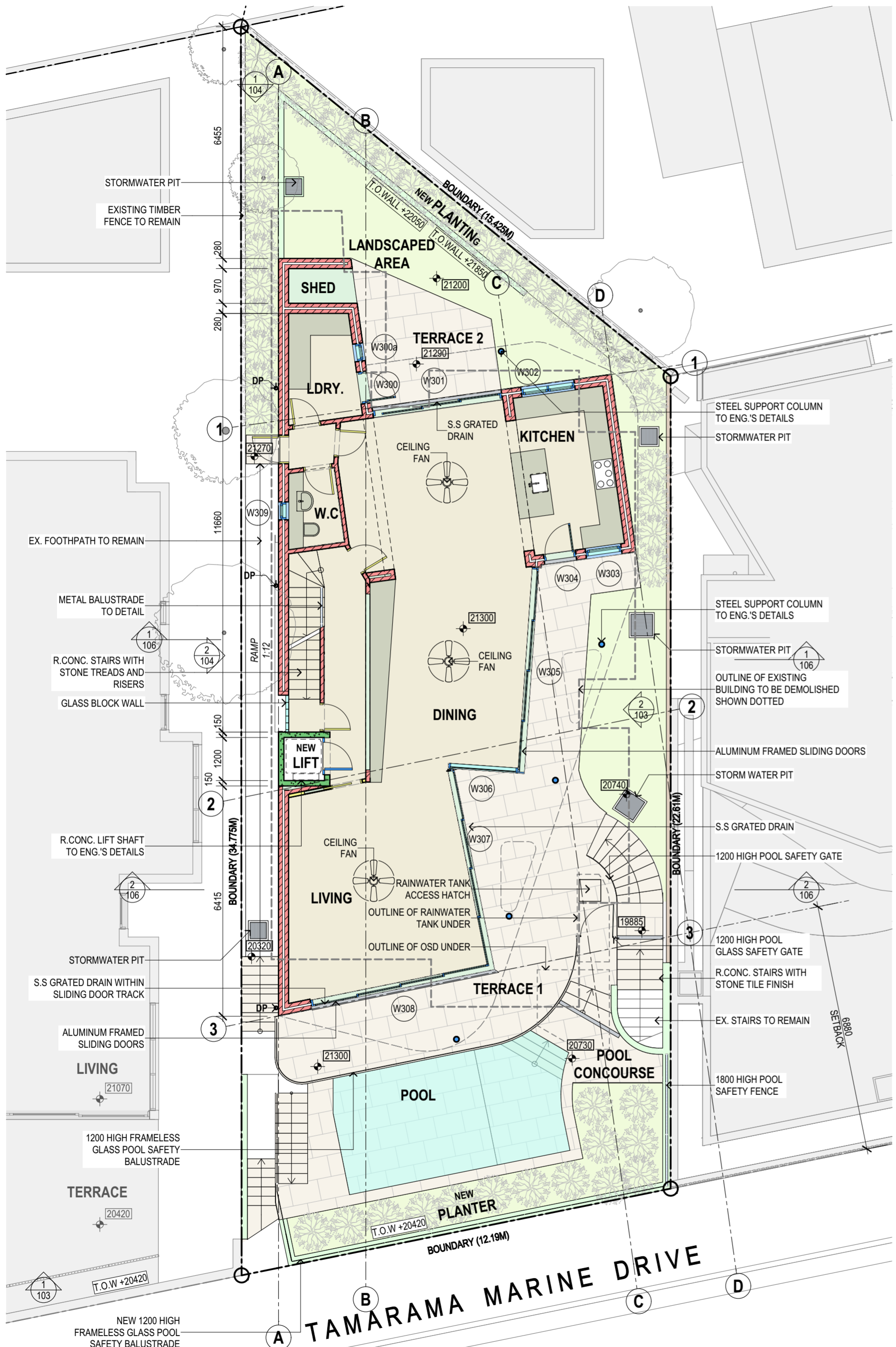
SCALE	1:100@A2
DATE	03/04/24
JOB NO.	AKDFT3
DWG. NO.	DA101
ISSUE	B



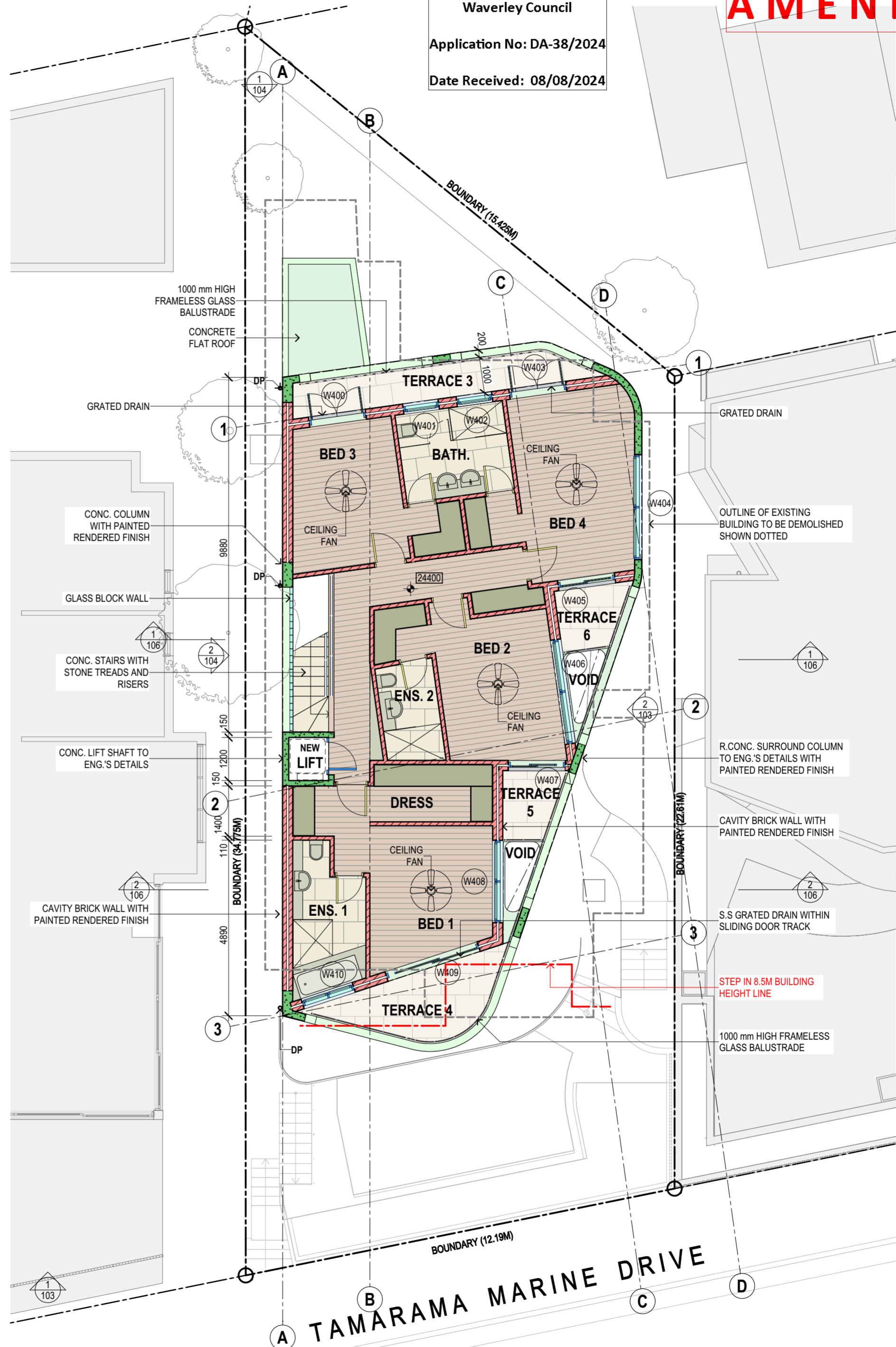
GARAGE LEVEL
1:100



SUB FLOOR
1:100



GROUND FLOOR
1:100



FIRST FLOOR
1:100

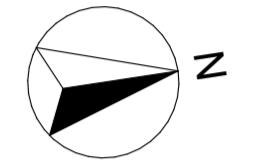
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Application No: DA-38/2024
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AT 18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140
FOR MR & MRS FRIEZER

ISSUE

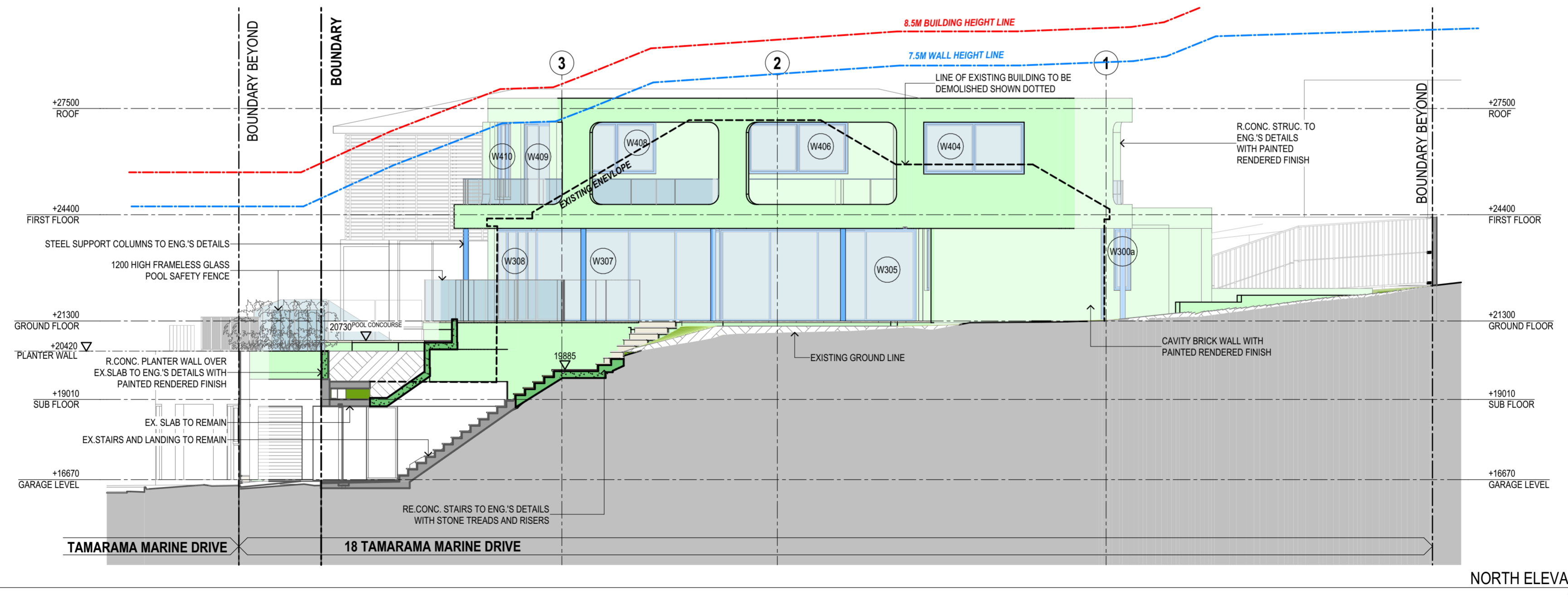
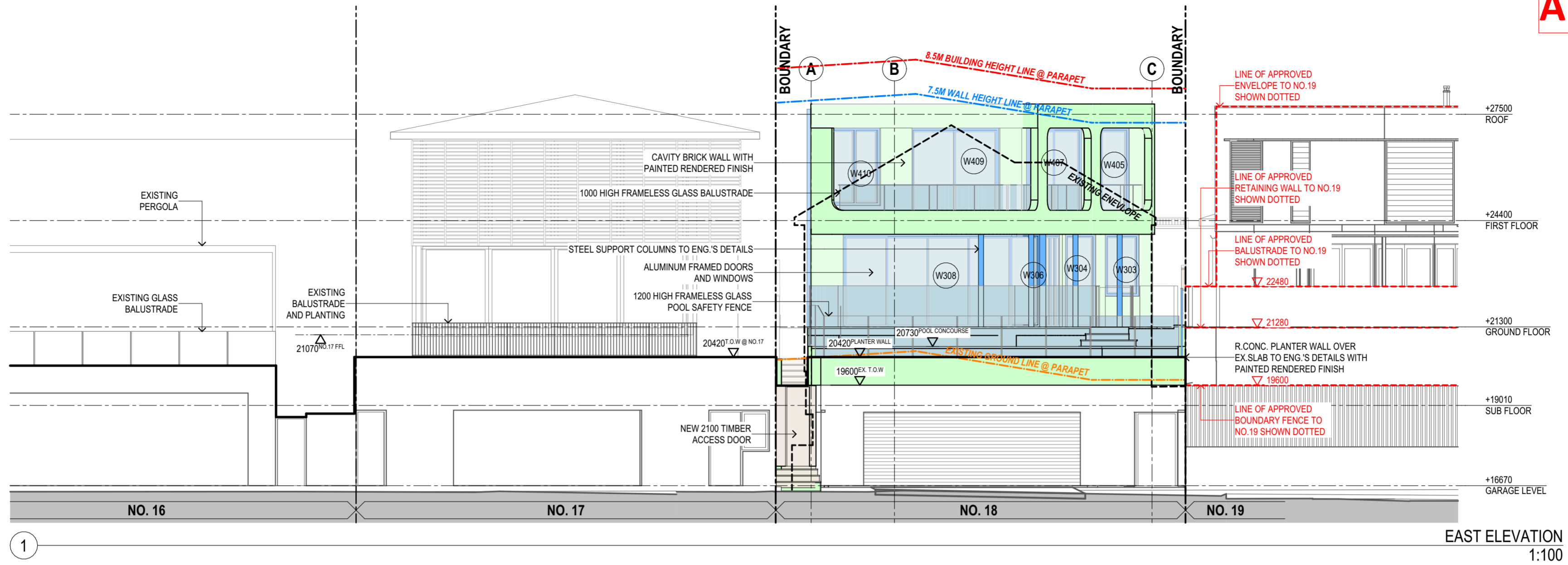
- A: FOR DA (01/24)
- B: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (04/24)
- C: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (07/24)
- D: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (08/24)

**GROUND & FIRST
FLOOR PLANS**

SCALE	1:100@A2
DATE	07/08/24
JOB NO.	AKDFT3
DWG. NO.	DA102
ISSUE	D

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Waverley Council
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NEW REPLACEMENT RESIDENCE
AT 18 TAMARAMA MARINE DRIVE, BRONTE
LOT 2 / DP17140
FOR MR & MRS FRIEZER

C: STREET ELEVATION
CLARIFIED AND PLAN
AMENDED IN RESPONSE TO
COUNCIL'S COMMENTS
(07/24)
B: PLAN AMENDED IN
RESPONSE TO COUNCIL'S
COMMENTS
(04/24)
A: FOR DA
(01/24)
ISSUE

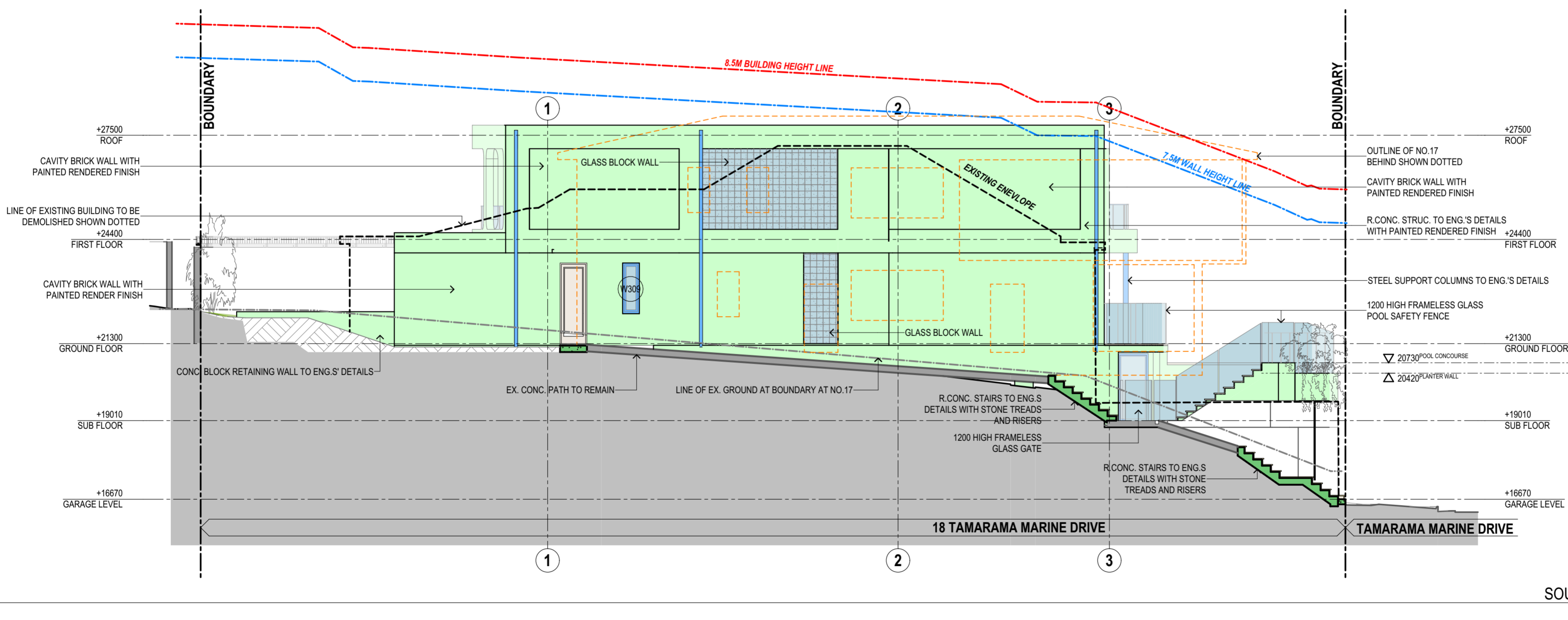
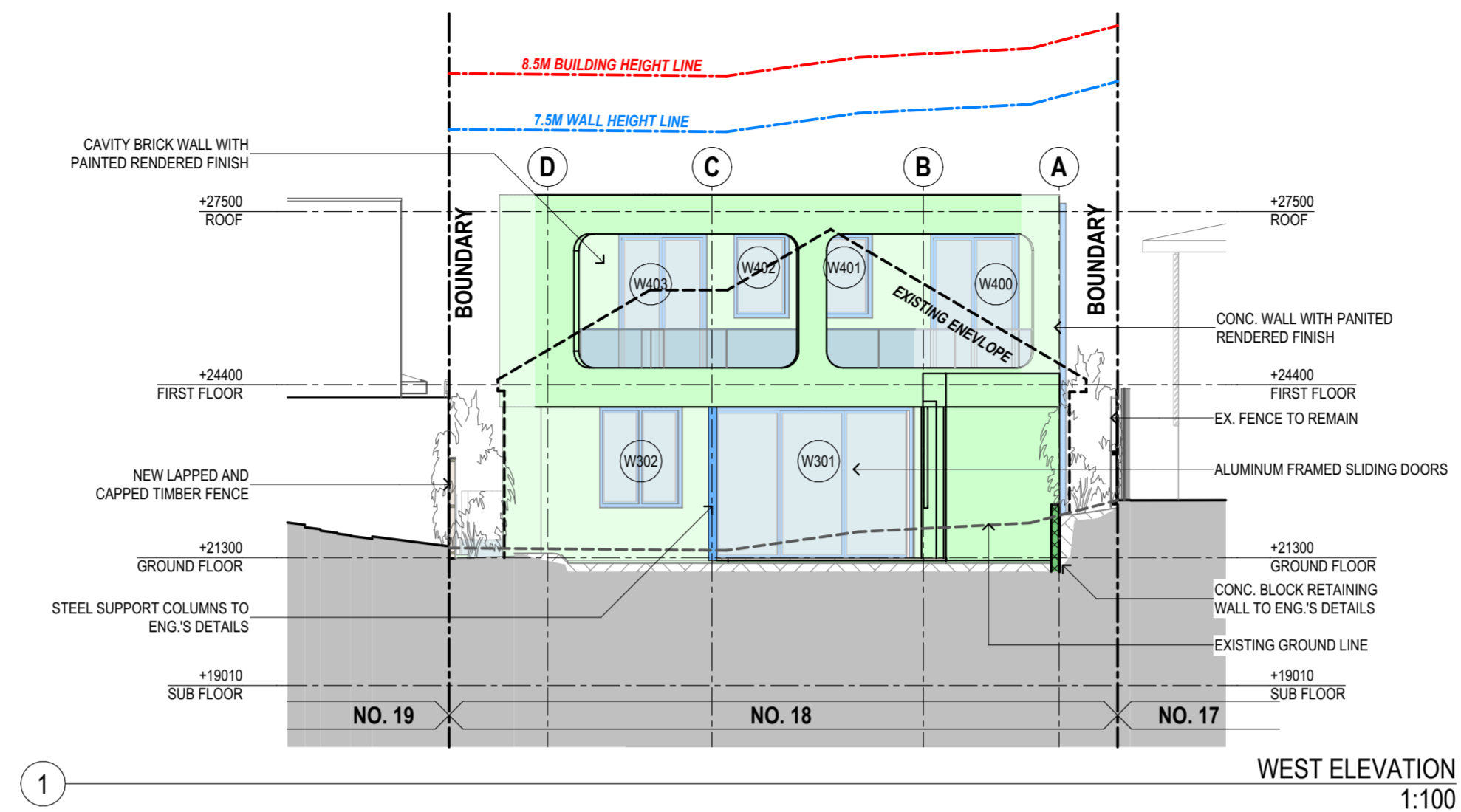
EAST & NORTH ELEVATIONS

SCALE:	1:100@A2	PROJECT	DWG NO.	ISSUE
DATE:	07/08/24	AKDFT3	DA103	C

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Waverley Council

Application No: DA-38/2024

Date Received: 08/08/2024



2



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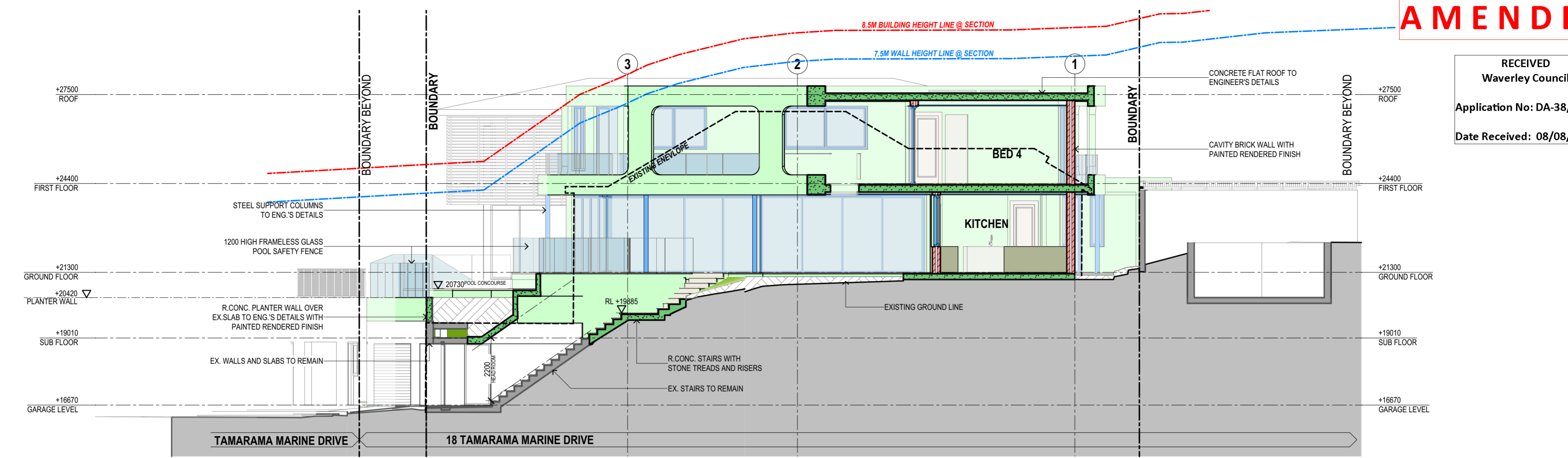
**NEW REPLACEMENT RESIDENCE
AT 18 TAMARAMA MARINE DRIVE, BRONTE
LOT 2 / DP17140
FOR MR & MRS FRIEZER**

C: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (07/24)
B: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (04/24)
A: FOR DA (01/24)
ISSUE

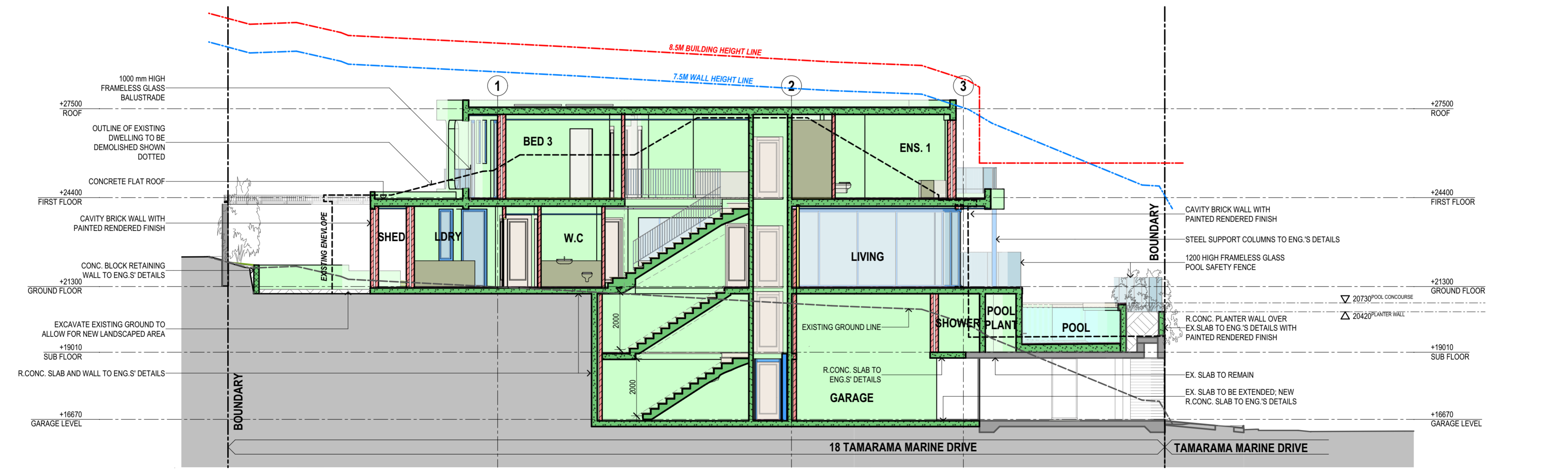
WEST & SOUTH ELEVATIONS		
PROJECT	DWG NO.	ISSUE
SCALE: 1:100/A2 DATE: 07/08/24	AKDFT3 DA104	C

AMENDED

RECEIVED
Waverley Council
Application No: DA-38/2024
Date Received: 08/08/2024



LONGITUDINAL SECTION THROUGH ENTRY STAIRS
1:100



LONGITUDINAL SECTION THROUGH STAIRWELL
1:100



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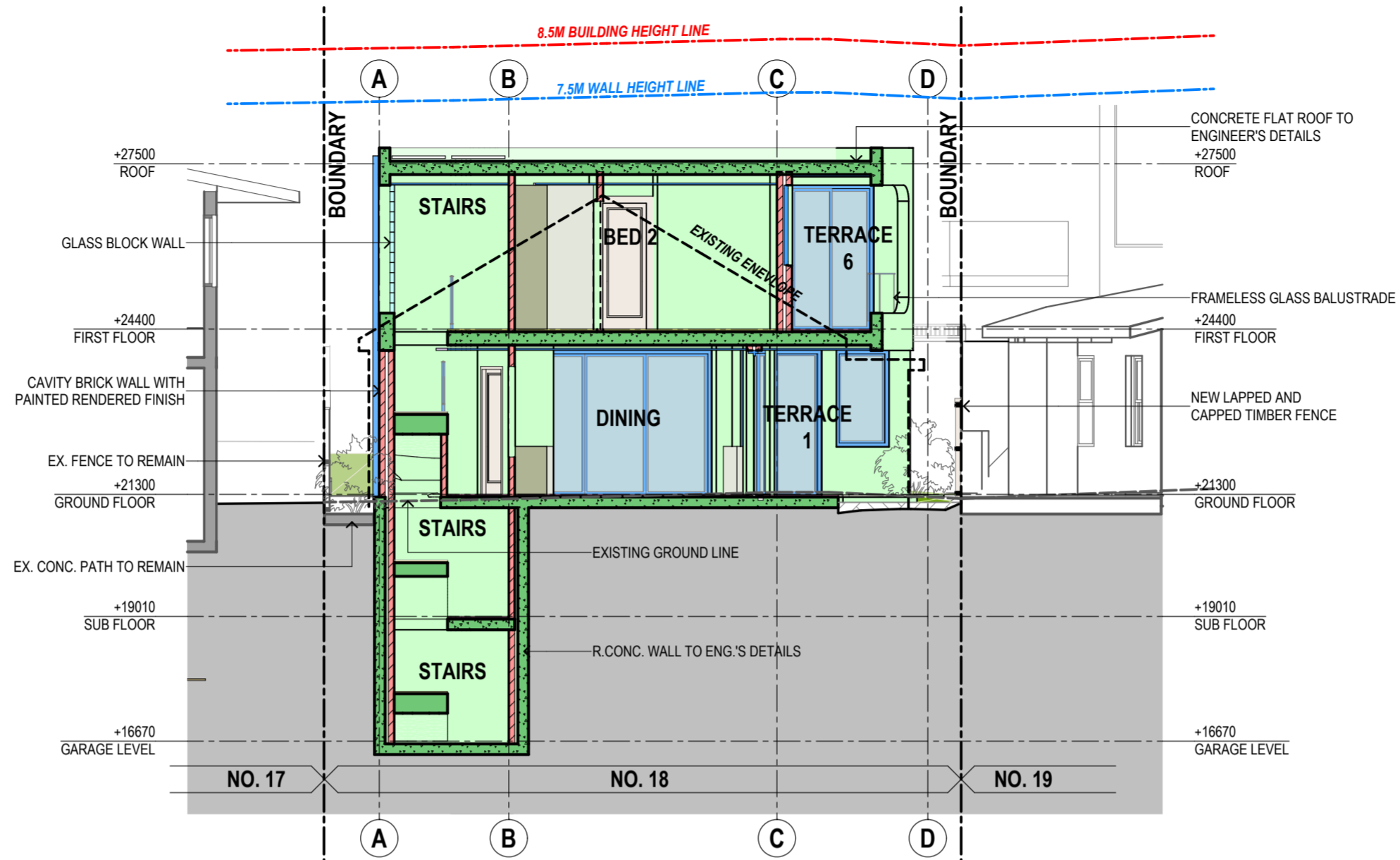
C: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (07/24)
B: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (04/24)
A: FOR DA (01/24)
ISSUE

LONGITUDINAL SECTIONS		
PROJECT	DWG NO.	ISSUE
AKDFT3	DA105	C

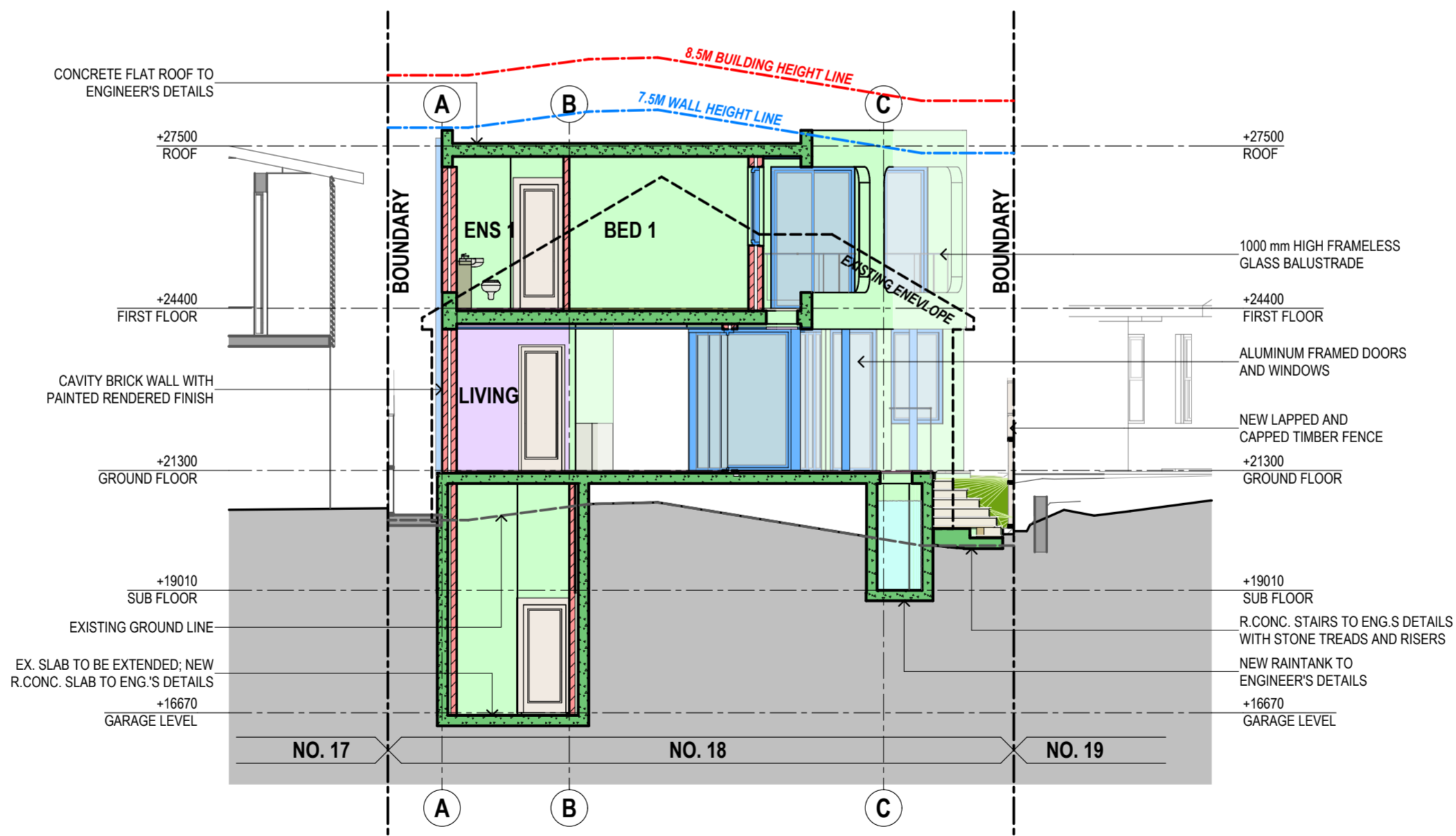
SCALE: 1:100@A2
DATE: 07/08/24

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Waverley Council
Application No: DA-38/2024
Date Received: 08/08/2024



STAIRS CROSS SECTION
1:100



CROSS SECTION THROUGH GARAGE
1:100

NEW REPLACEMENT RESIDENCE
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B: PLAN AMENDED IN
RESPONSE TO COUNCIL'S
COMMENTS
(04/24)
A: FOR DA
(01/24)
ISSUE

CROSS SECTIONS

SCALE:	DATE:	PROJECT	DWG NO.	ISSUE
1:100@A2	03/04/24	AKDFT3	DA106	B

SITE AREA

= 342.9 M2

ENTIRE SITE SOFT LANDSCAPE

REQUIRED = 20% OF SITE
= 68.58 M2

PROPOSED = 24.69% OF SITE
= 84.68 M2

EXISTING = 23.95% OF SITE
= 82.13 M2

EXISTING LANDSCAPE AREA

ZONE	AREA
L1 - DEEP SOIL	29.32
L2 - PLANTER	52.81
	82.13 m²

ENTIRE SITE OPEN SPACE

REQUIRED = 40% OF SITE
AREA= 137.16 M2

PROPOSED = 59% OF SITE
AREA= 202.67 M2

EXISTING = 50% OF SITE AREA
= 171.5 M2

PROPOSED LANDSCAPE AREA

Zone Name	AREA
L1 - DEEP SOIL	52.51
L2 - PLANTER	16.06
L3	8.47
L4	5.11
L5	1.68
	83.83 m²

FRONT OPEN SPACE

REQUIRED = 50% OF FRONT OF
SITE AREAS= 41.81 M2

PROPOSED = 100% OF FRONT OF
SITE AREAS= 83.62 M2

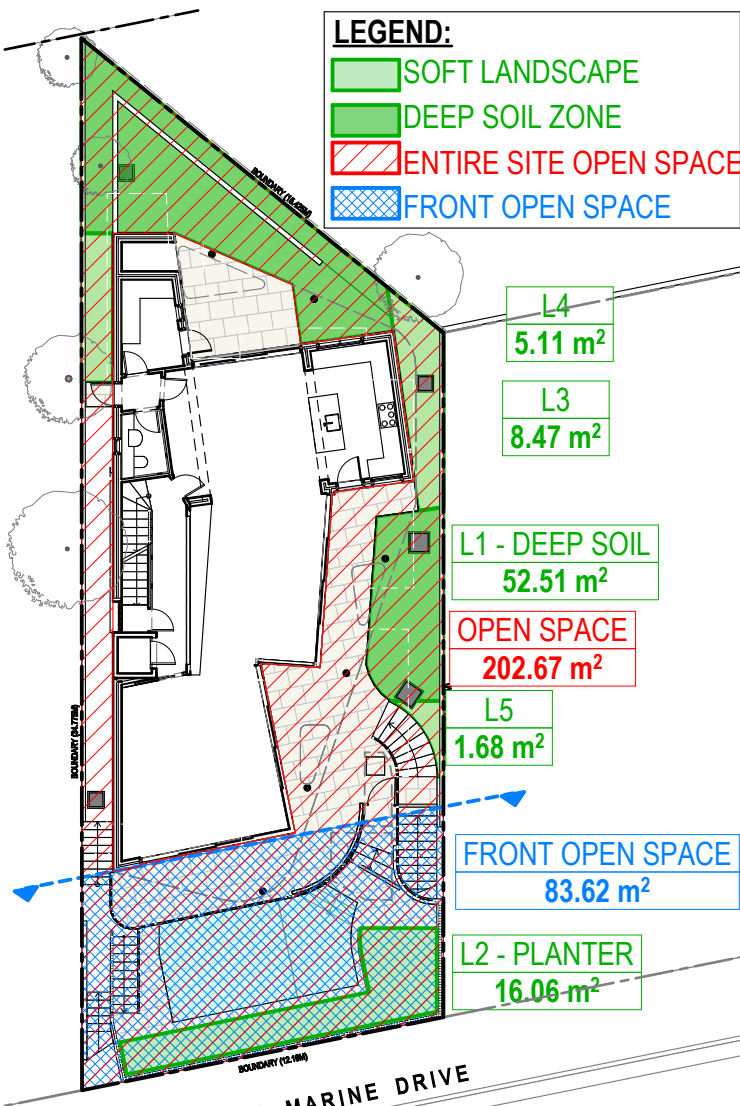
EXISTING = 93.9% OF FRONT OF
SITE AREAS(90.95M2)= 85.49 M2

FRONT LANDSCAPED AREAS

REQUIRED = 50% OF FRONT OF
SITE AREAS= 41.81 M2

PROPOSED = 19.2% OF FRONT OF
SITE AREAS= 16.06 M2

EXISTING = 61.7% OF FRONT OF
SITE AREAS= 52.81 M2



LEGEND:

- SOFT LANDSCAPE
- DEEP SOIL ZONE
- ENTIRE SITE OPEN SPACE
- FRONT OPEN SPACE

L4
5.11 m²

L3
8.47 m²

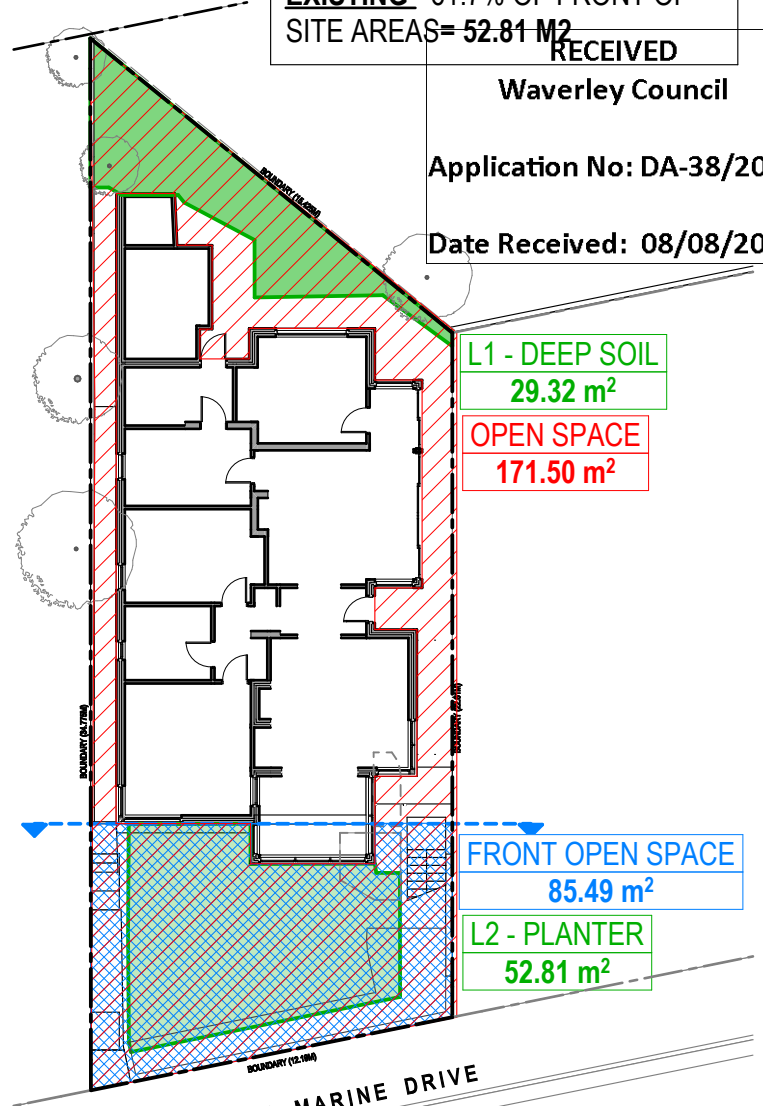
L1 - DEEP SOIL
52.51 m²

OPEN SPACE
202.67 m²

L5
1.68 m²

FRONT OPEN SPACE
83.62 m²

L2 - PLANTER
16.06 m²



L1 - DEEP SOIL
29.32 m²

OPEN SPACE
171.50 m²

FRONT OPEN SPACE
85.49 m²

L2 - PLANTER
52.81 m²

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1

PROPOSED LANDSCAPED AREAS

2

EXISTING LANDSCAPED AREAS

AMENDED



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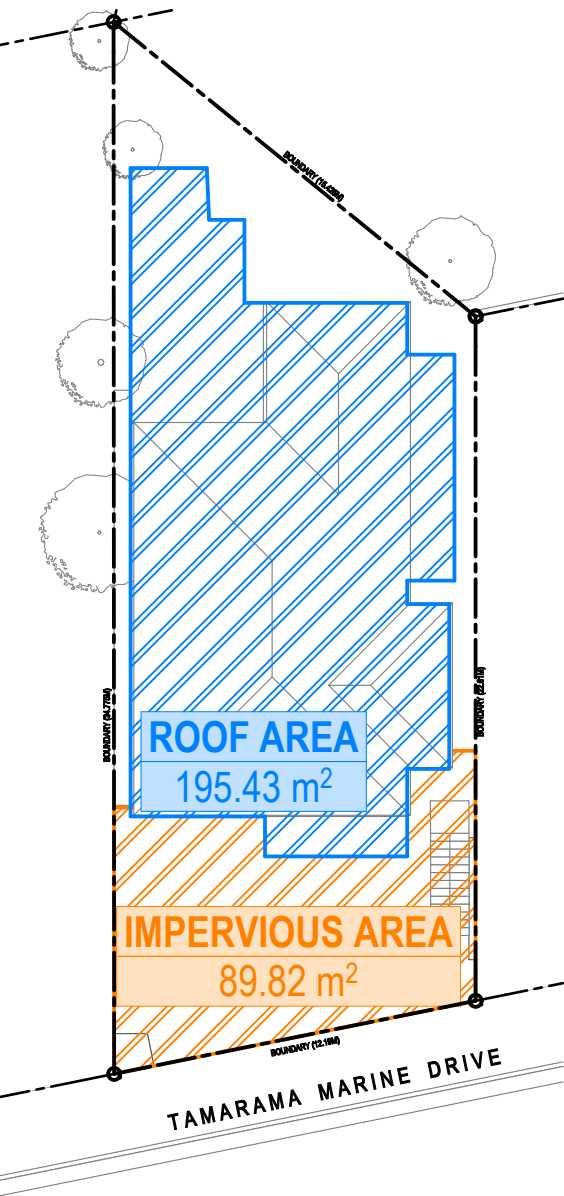


NEW REPLACEMENT
RESIDENCE
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

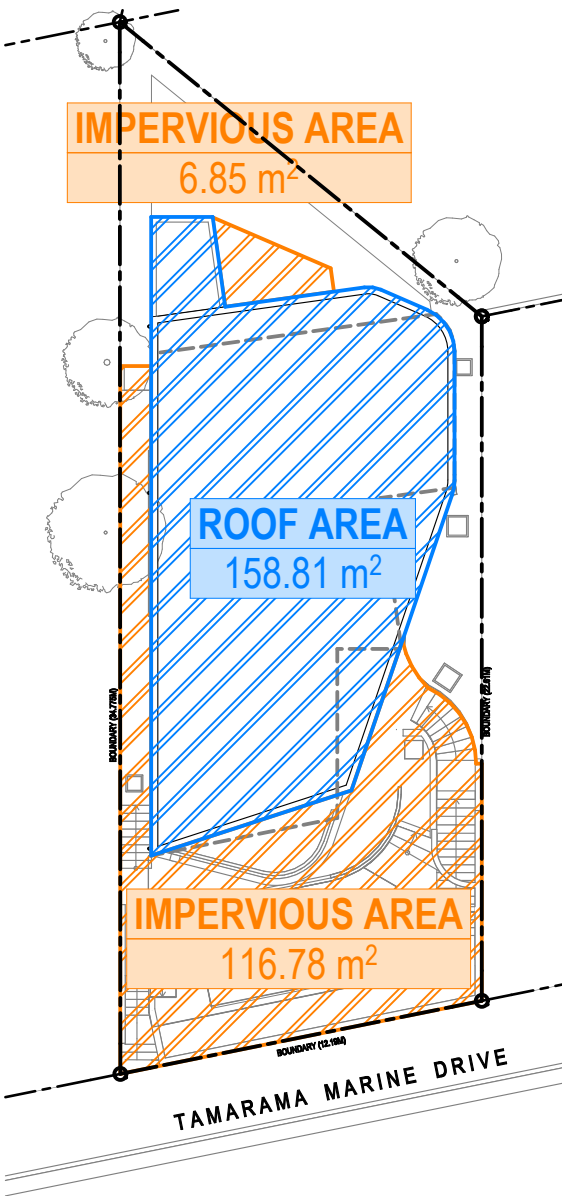
B: FOR DA
(0/4/24)
A: FOR DA
(0/12/24)

LANDSCAPE AREA CALCULATIONS

SCALE:	PROJECT	DWG NO.	ISSUE
1:250@A4 DATE: 03/04/24	AKDFT3	DA1003	B



1 EXISTING SITE COVERAGE



2 PROPOSED SITE COVERAGE

AMENDED

EXISTING SITE COVERAGE TOTALS

IMPERVIOUS AREA	
	89.82

ROOF AREA	
	195.43

TOTAL = 285.25 m²

PROPOSED SITE COVERAGE TOTALS

IMPERVIOUS AREA	
	123.63

ROOF AREA	
	158.81

TOTAL = 282.44 m²

LEGEND:

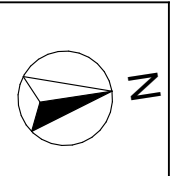
ROOF AREA

IMPERVIOUS AREA

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PH (02) 9212 3242 E admin@akarchitects.com.au

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**NEW REPLACEMENT
RESIDENCE**
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

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Waverley Council

Application No: DA-38/2024

C: FOR DA (07/24)
B: FOR DA (04/24)
A: FOR DA (01/24)

SITE COVERAGE AREA CALCULATIONS		
SCALE: 1:250@A4 DATE: 11/07/24	PROJECT: AKDFT3	DWG NO. DA1004 ISSUE: C

AMENDED

LEGEND:

- PROPOSED GFA
- AREA EXCLUDED FROM GFA

GFA - PROPOSED

FLOOR	AREA
1) SUB FLOOR	3.50
2) GROUND FLOOR	117.46
3) FIRST FLOOR	108.39
	229.35 m²

SITE AREA
= 342.9 M2

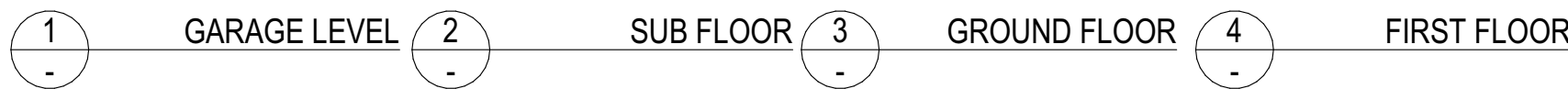
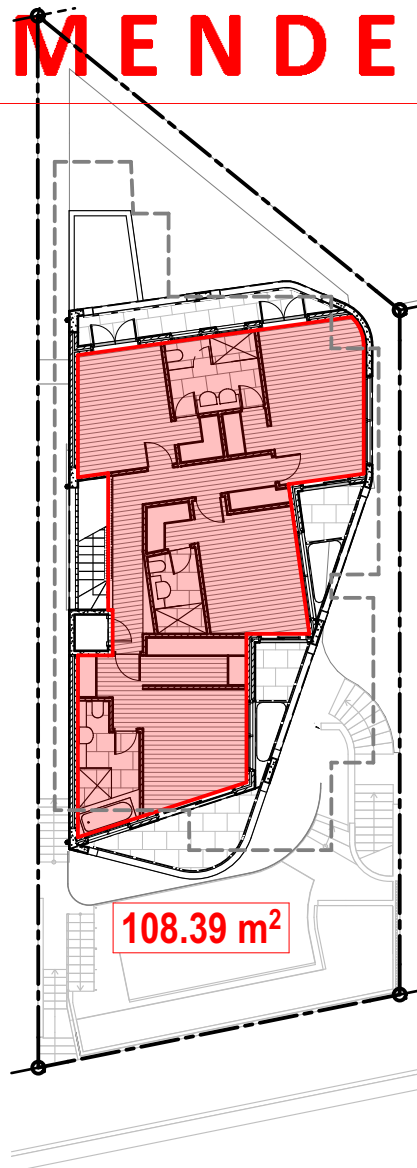
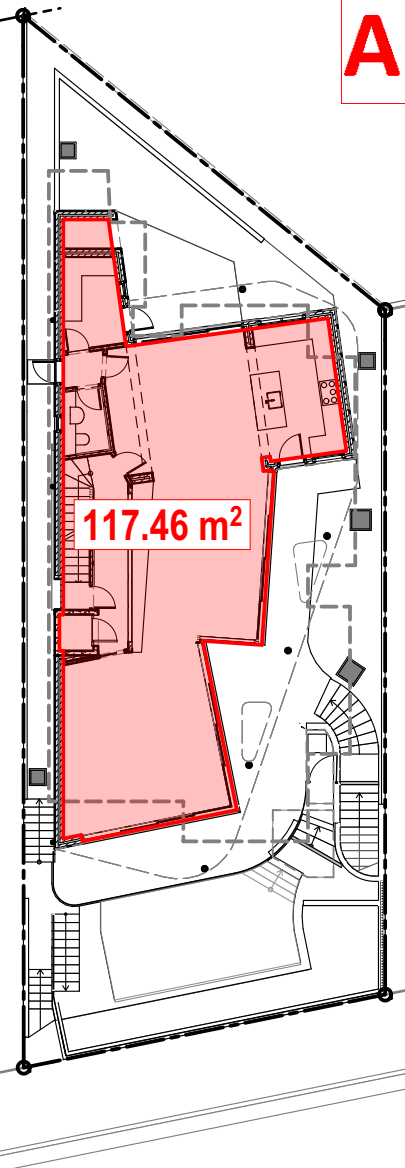
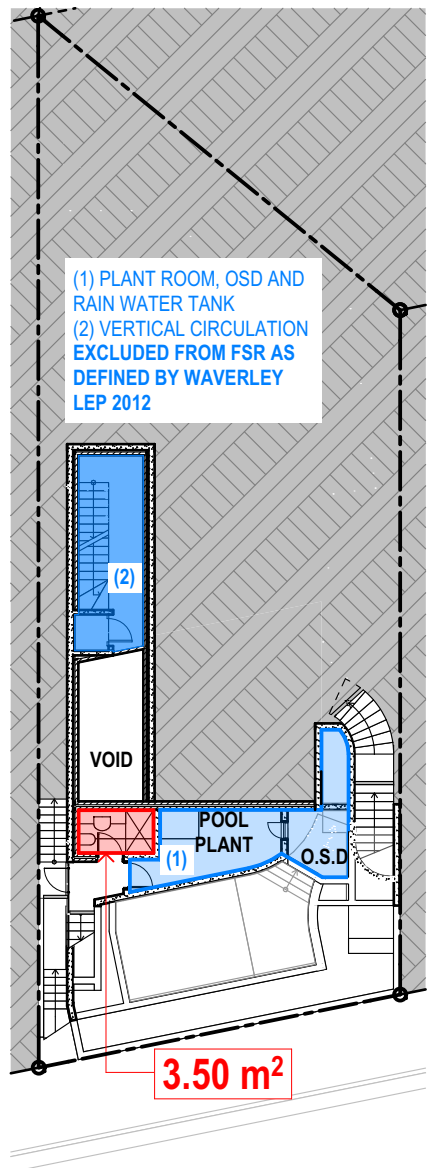
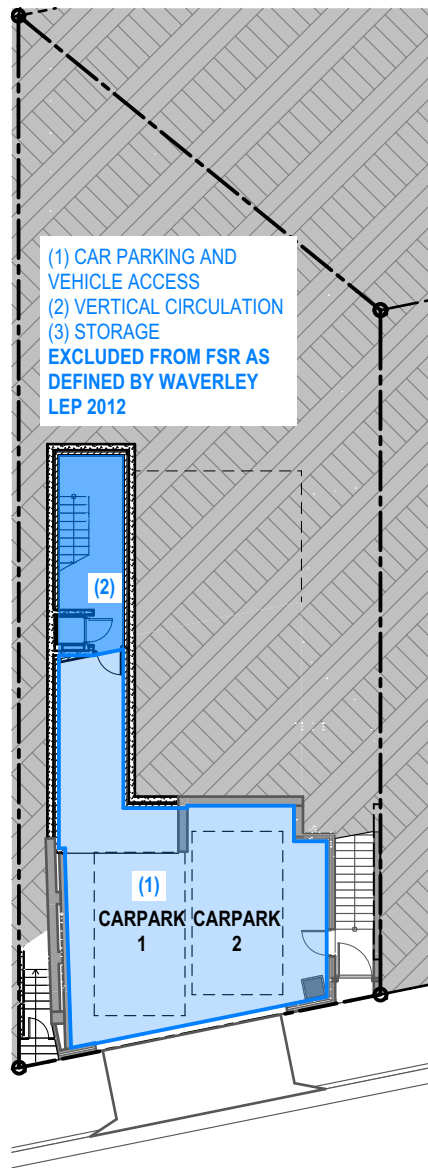
FSR CALCS. REFERENCE
(BAND 'B', CLAUSE 4.4A, PART 4, WAVERLEY LEP 2012)

$$(((550 - \text{LOT AREA}) \times 0.0011) + 0.5) : 1 =$$

$$(((550 - 342.9) \times 0.0011) + 0.5) : 1$$

MAXIMUM FSR= 0.727:1
(MAXIMUM ALLOWABLE AREA = 247.08 M2)

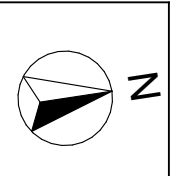
PROPOSED FSR
= 0.669:1 (229.35 M2)



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6 GOODCHAP STREET SURRY HILLS NSW 2010
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NEW REPLACEMENT RESIDENCE
18 TAMARAMA MARINE DRIVE, BRONTE
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Waverley Council

Application No: DA-38/2024

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B: FOR DA (04/24)
A: FOR DA (01/24)
ISSUE

FSR AREA CALCULATIONS

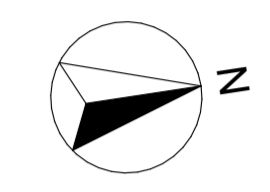
SCALE:	PROJECT	DWG NO.	ISSUE
@A4 DATE: 07/08/24	AKDFT3	DA1005	C

AMENDED



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LOT 2 / DP17140
FOR MR & MRS FRIEZER**

ISSUE

A: FOR DA
(01/24)
B: FOR DA
(04/24)
C: FOR DA
(07/24)

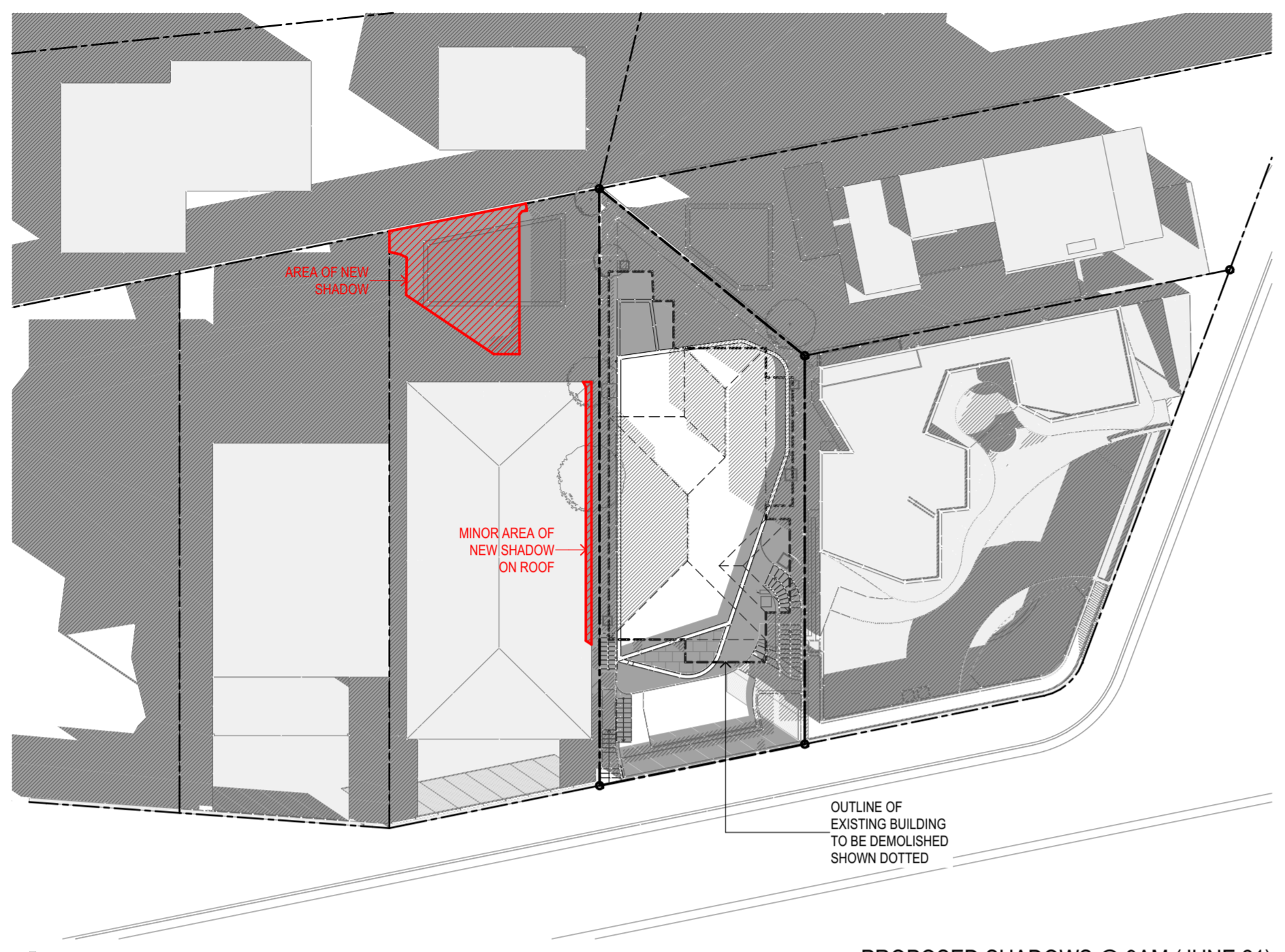
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Waverley Council**

Application No: DA-38/2024

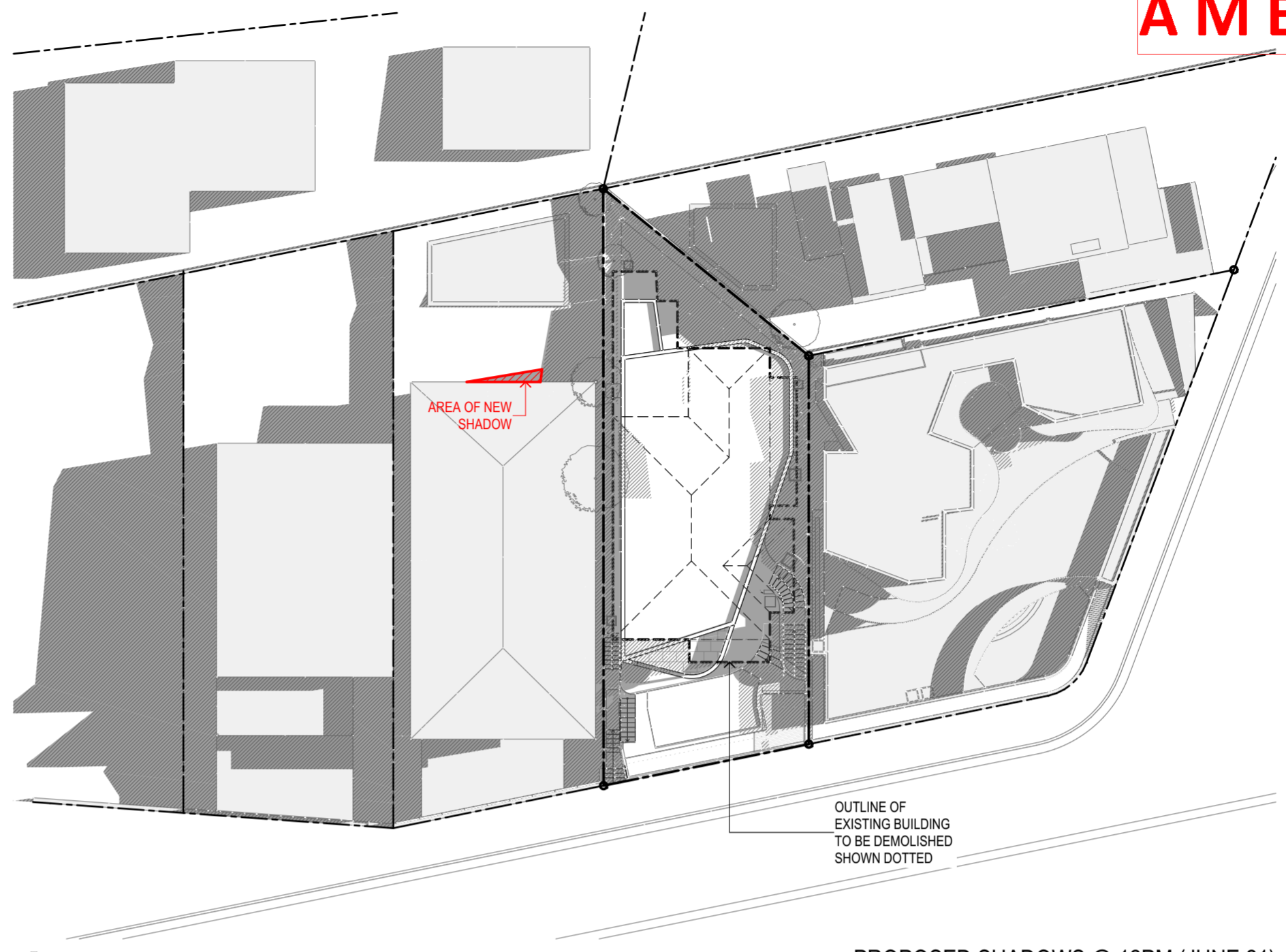
Date Received: 08/08/2024

**SHADOW DIAGRAMS @
JUNE 21**

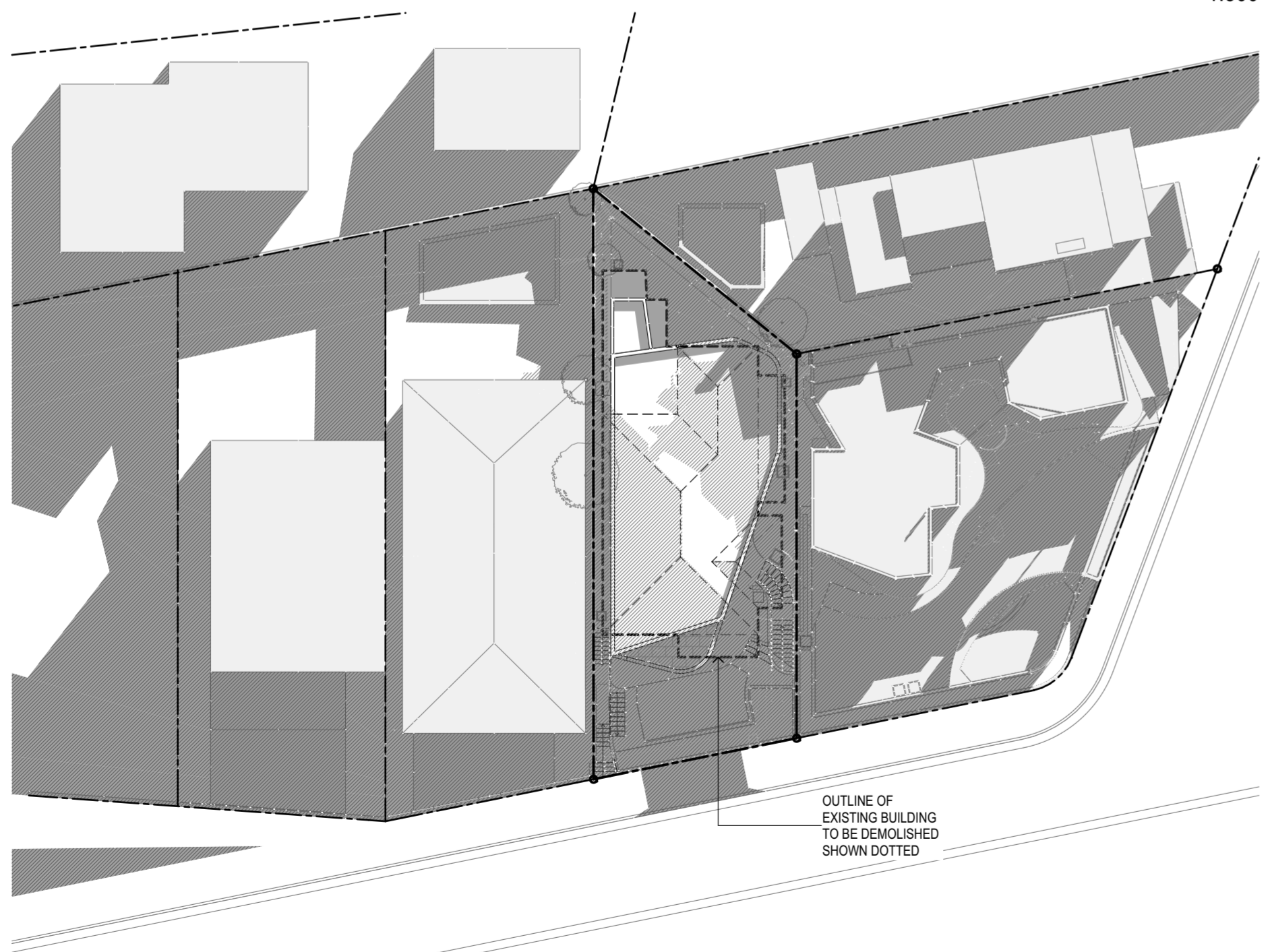
SCALE	1:300, 1:200@A2
DATE	07/08/24
JOB NO.	AKDFT3
DWG. NO.	DA1006
ISSUE	C



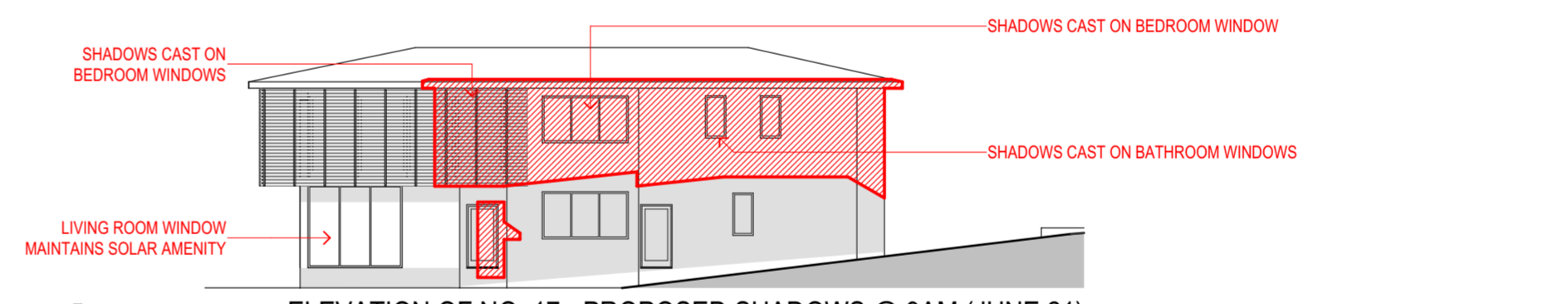
1 PROPOSED SHADOWS @ 9AM (JUNE 21)
1:300



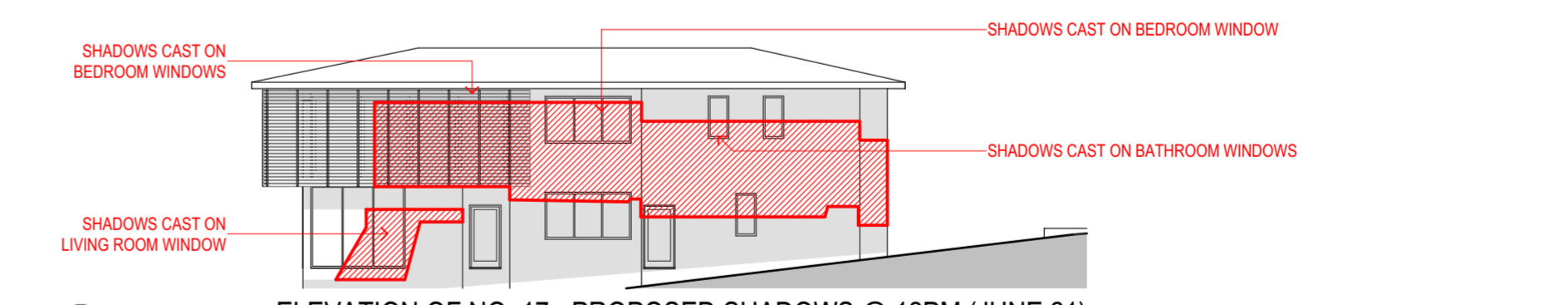
2 PROPOSED SHADOWS @ 12PM (JUNE 21)
1:300



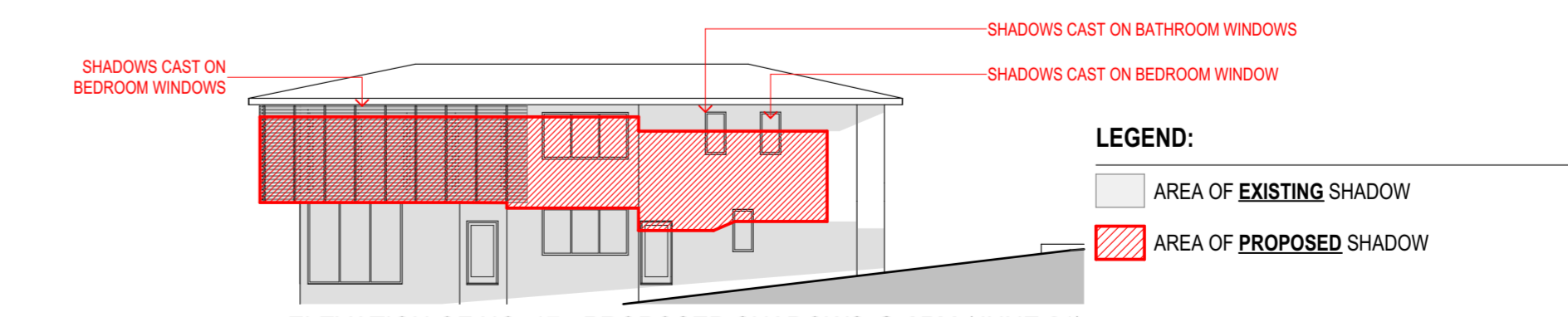
3 PROPOSED SHADOWS @ 3PM (JUNE 21)
1:300



4 ELEVATION OF NO. 17 - PROPOSED SHADOWS @ 9AM (JUNE 21)
1:200



5 ELEVATION OF NO. 17 - PROPOSED SHADOWS @ 12PM (JUNE 21)
1:200



6 ELEVATION OF NO. 17 - PROPOSED SHADOWS @ 3PM (JUNE 21)
1:200

LEGEND:
 AREA OF **EXISTING** SHADOW
 AREA OF **PROPOSED** SHADOW

AMENDED

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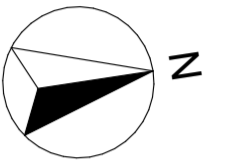
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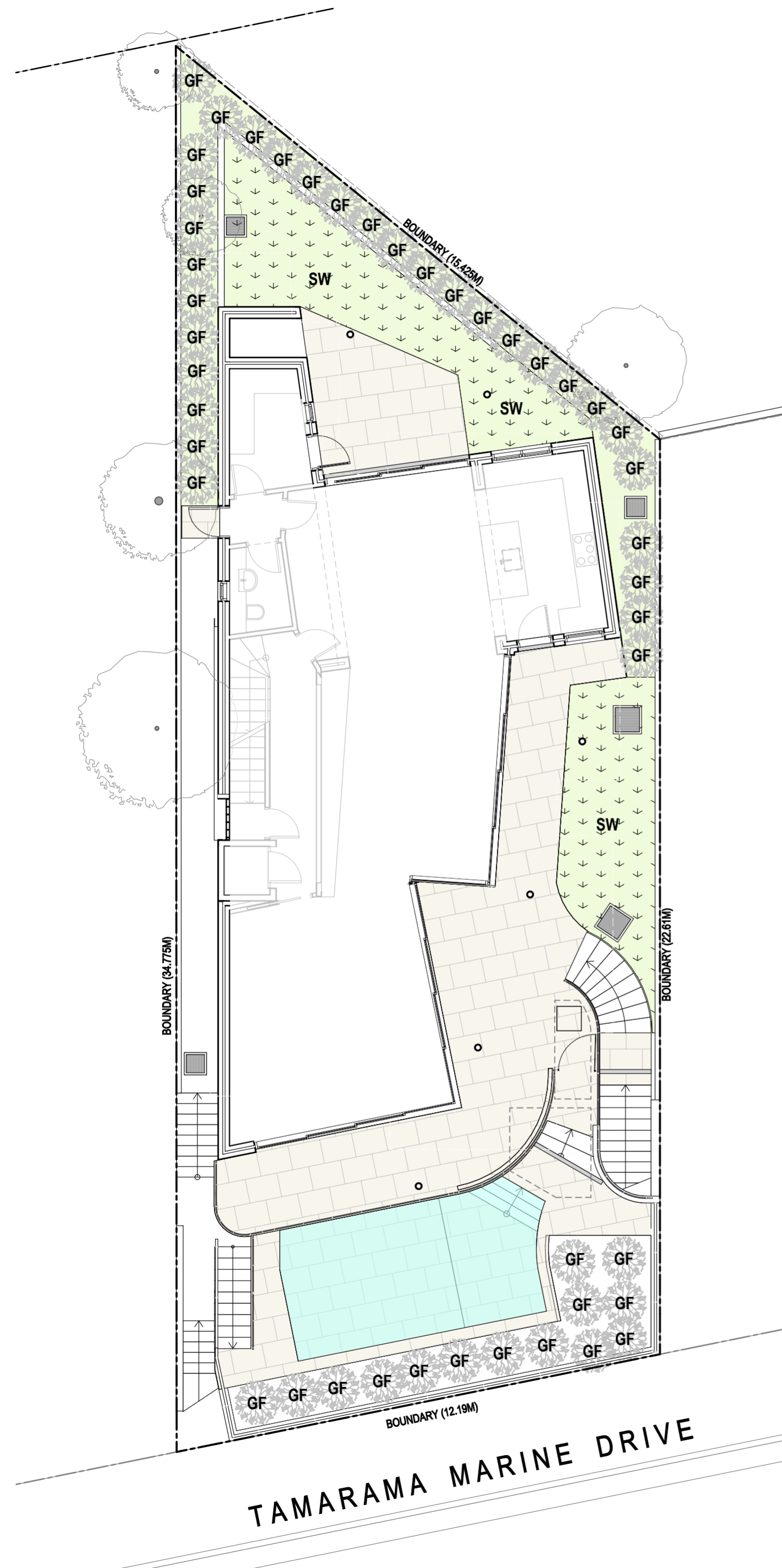
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LOT 2 / DP17140
FOR MR & MRS FRIEZER

ISSUE

A: FOR DA
(01/24)
B: FOR DA
(04/24)

LANDSCAPE PLAN






SCALE	@A2
DATE	03/04/24
JOB NO.	AKDFT3
DWG. NO.	DA1007
ISSUE	B



LANDSCAPE PLAN LEGEND (POTS)							
TYPE	SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	POT SIZE	QUANTITY
NEW SHRUB		GF	SYZYGIUM AUSTRALE	LILLY PILLY	3	450	45

LANDSCAPE PLAN LEGEND (GROUND COVER)							
TYPE	SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	POT SIZE	AREA
NEW GROUND COVER		SW	Stenotaphrum secundatum	SIR WALTER SOFT LEAFED BUFFALO GRASS			39.66

EXTERNAL FINISHES SCHEDULE

EXTERIOR SURFACE TYPE	FINISH	
<u>NEW EXTERIOR WALLS</u>	PAINTED RENDER COLOUR - DULUX 'BUFFHIDE'	
<u>NEW EXTERIOR WALLS ON FIRST FLOOR</u>	PAINTED RENDER COLOUR - WHITE	
<u>POOL SAFETY BALUSTRADE</u>	FRAMELESS GLASS BALUSTRADE; COLOUR - CLEAR	
<u>NEW BALUSTRADES</u>	FRAMELESS GLASS BALUSTRADE; COLOUR - CLEAR	
<u>NEW DOORS AND WINDOWS</u>	ALUMINUM FRAMED; COLOUR - ANODIZED CLEAR	
<u>EXTERNAL GLASS BLOCK WALLS</u>	OBSCURE GLASS BLOCKS;	

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Application No: DA-38/2024

Date Received: 08/08/2024

 <small>ALAN KEMPSTER ARCHITECTS PTY LTD 6 GOODCHAP STREET SURRY HILLS NSW 2010 PH (02) 9212 3242 E admin@akarchitects.com.au REG NO. 3655</small>	NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140	<small>C: PLAN AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (08/24) B: FOR DA (04/24) A: FOR DA (01/24)</small>	SCHEDULE OF MATERIALS AND FINISHES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 15%;">PROJECT</th> <th style="width: 15%;">DWG NO.</th> <th style="width: 15%;">ISSUE</th> </tr> </thead> <tbody> <tr> <td>SCALE: @A4</td> <td>AKDFT3</td> <td>DA1008</td> <td>C</td> </tr> <tr> <td>DATE: 07/08/24</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		PROJECT	DWG NO.	ISSUE	SCALE: @A4	AKDFT3	DA1008	C	DATE: 07/08/24			
	PROJECT	DWG NO.	ISSUE												
SCALE: @A4	AKDFT3	DA1008	C												
DATE: 07/08/24															

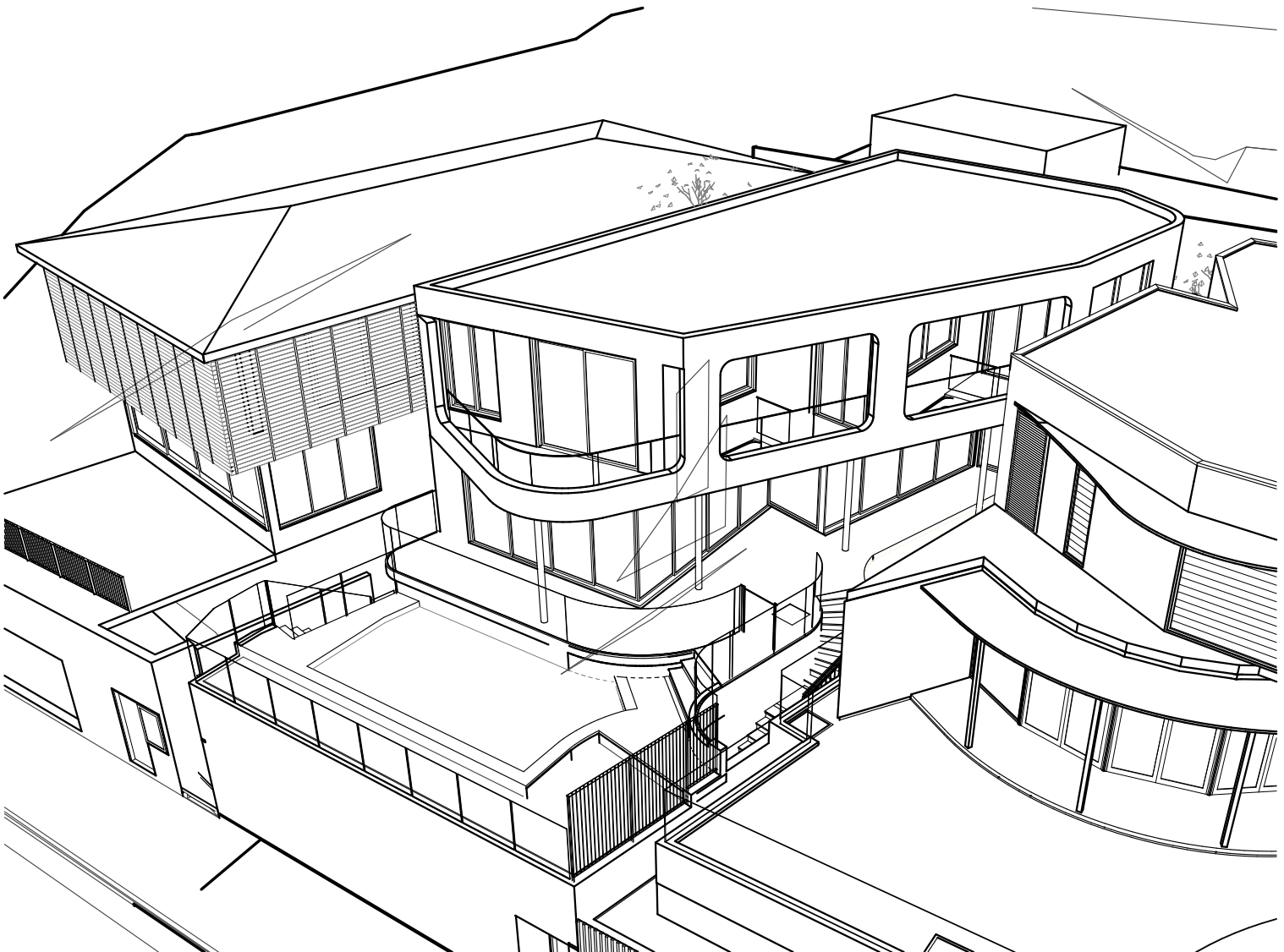
AMENDED

RECEIVED
Waverley Council

Application No: DA-38/2024

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**BUILDING ENVELOPE DOES NOT
EXCEED THE 8.5M BUILDING
HEIGHT LINE**



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**DANNY KIDRON
B.ARCH PTY LTD**

EMAIL: dkid44@bigpond.com
PHONE: 0418 960 102

**NEW REPLACEMENT
RESIDENCE**
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

C- DIAGRAM AMENDED IN
RESPONSE TO
COUNCIL'S COMMENTS
(08/24)

BUILDING HEIGHT PLANE 3D
DIAGRAM

SCALE:	PROJECT	DWG NO.	ISSUE
DATE: 06/08/24	@A4 AKDFT3	DA1009	C

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DANNY KIDRON
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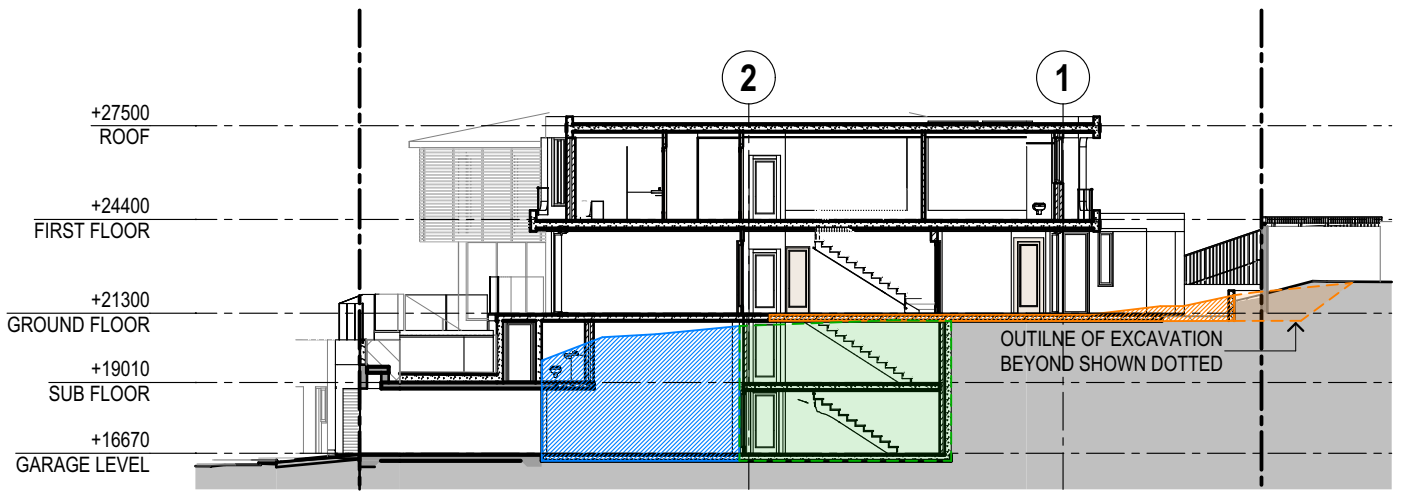
EMAIL: dkid44@bigpond.com
PHONE: 0418 960 102

**NEW REPLACEMENT
RESIDENCE**
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

C- DIAGRAM AMENDED IN
RESPONSE TO
COUNCIL'S COMMENTS
(08/24)

WALL HEIGHT PLANE 3D DIAGRAM

SCALE:	PROJECT	DWG NO.	ISSUE
DATE: 06/08/24	@A4 AKDFT3	DA1010	C



EXCAV. CALCULATIONS SECTION

AMENDED

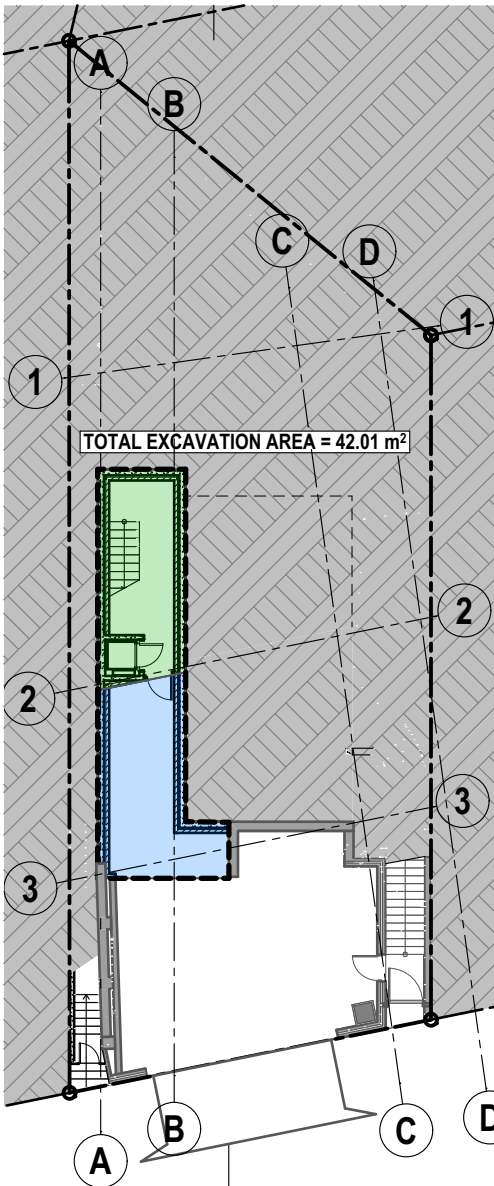
LEGEND:

SITE AREA
= 342.9 M2

ALLOWABLE EXCAVATION
= 130 M3

PROPOSED EXCAVATION
= 220.89 M3
= (90.89 M3 OVER ALLOWABLE)

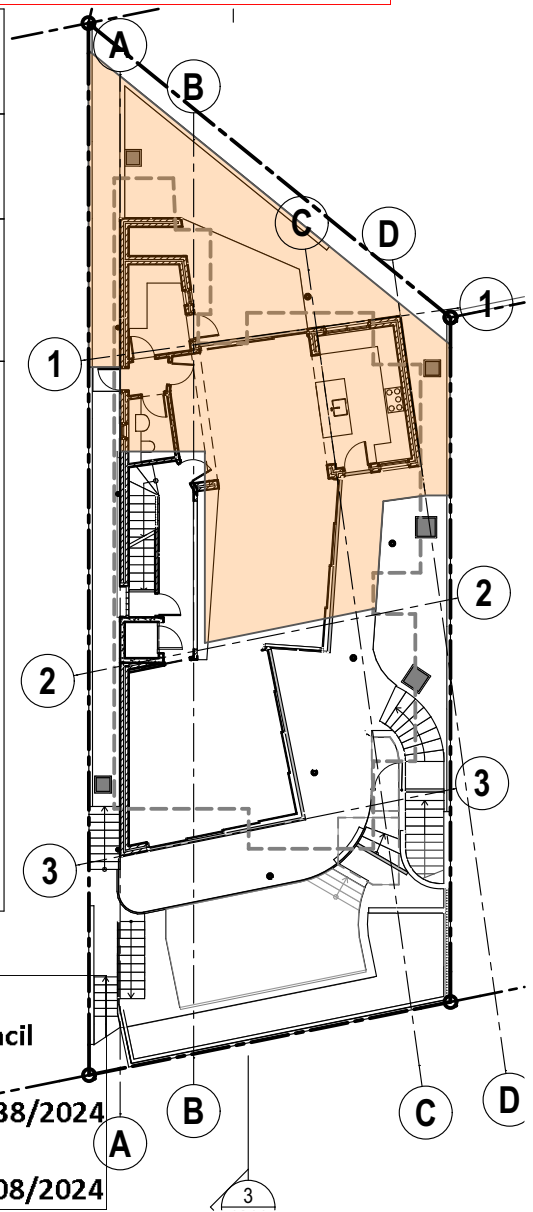
- CIRCULATION EXCAVATION
- GARAGE EXCAVATION
- BACKYARD & GROUND FLOOR EXCAVATION



GARAGE
VOL = 86.77 m³

CIRCULATION
VOL = 92.88 m³

BACKYARD
VOL = 41.24 m³



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Date Received: 08/08/2024

1 EXCAV. CALCULATIONS - GARAGE LEVEL

2 EXCAV. CALCULATIONS - GROUND FLOOR

 <small>ALAN KEMPSTER ARCHITECTS PTY LTD 6 GOODCHAP STREET SURRY HILLS NSW 2010 PH (02) 9212 3242 E admin@akarchitects.com.au</small>	DANNY KIDRON B.ARCH PTY LTD <small>EMAIL: dkid44@bigpond.com PHONE: 0418 960 102</small>	 Z	NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140	<small>C-DIAGRAM AMENDED IN RESPONSE TO COUNCIL'S COMMENTS (08/24)</small>	EXCAVATION CALCULATIONS
			<small>PROJECT</small> AKDFT3 <small>DWG NO.</small> DA1011 <small>ISSUE</small> C	<small>SCALE:</small> @A4 <small>DATE:</small> 07/08/24	



1
-

EXISTING STREET VIEW



2
-

PROPOSED STREET VIEW



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**NEW REPLACEMENT
RESIDENCE**
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

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Waverley Council
Application No: DA-38/2024
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RESPONSE TO
COUNCIL'S COMMENTS
(08/24)
B: FOR DA
(04/24)
A: FOR DA
(01/24)
ISSUE

PHOTOMONTAGE		PROJECT	DWG NO.	ISSUE
SCALE: @A3	AKDFT3	DA1012	C	
DATE: 06/08/24				



PROPOSED
POOL FENCE

PROPOSED
POOL
CONCOURSE



EXISTING VIEW FROM NO. 17 OVERLOOKING FRONT SETBACK



PROPOSED
POOL FENCE

PROPOSED
POOL
CONCOURSE



EXISTING VIEW FROM NO. 17 OVERLOOKING FRONT SETBACK



**NEW REPLACEMENT
RESIDENCE**
18 TAMARAMA MARINE
DRIVE, BRONTE
LOT 2 / DP17140

RECEIVED
Waverley Council
Application No: DA-38/2024

VIEW FROM NO.17 TAMARAMA
MARINE DRIVE - OVERLOOKING
FRONT SETBACK

SCALE:	DATE:	PROJECT	DWG NO.	ISSUE
@A4	11/07/24	AKDFT3	DA1013	A

Date Received: 08/08/2024



PROPOSED
POOL FENCE

PROPOSED
POOL
CONCOURSE



EXISTING VIEW FROM NO. 17 OVERLOOKING POOL




PROPOSED
POOL FENCE

PROPOSED
POOL
CONCOURSE



PROPOSED VIEW FROM NO. 17 OVERLOOKING POOL

 <p>ALAN KEMPSTER ARCHITECTS PTY LTD 6 GOODWIN ST, SULLY HILLS, BRONTE NSW 1570 PH (02) 9595 2424 admin@akarchitects.com.au WWW.AKARCHITECTS.COM.AU</p>	<p>NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140</p>	<p>RECEIVED Waverley Council</p> <p>Application No: DA-38/2024</p>	<p>VIEW FROM NO.17 TAMARAMA MARINE DRIVE - OVERLOOKING POOL</p> <table border="1"> <tr> <td>PROJECT</td> <td>DWG NO.</td> <td>ISSUE</td> </tr> <tr> <td>AKDFT3</td> <td>DA1014</td> <td>A</td> </tr> </table> <p>SCALE: @A4 DATE: 11/07/24</p>	PROJECT	DWG NO.	ISSUE	AKDFT3	DA1014	A
PROJECT	DWG NO.	ISSUE							
AKDFT3	DA1014	A							
<p>AMENDED</p>		<p>Page 16 Date Received: 08/08/2024</p>	<p>Issue</p>						



EXISTING VIEW FROM NO.144A FIRST FLOOR BED



PROPOSED VIEW FROM NO.144A FIRST FLOOR BED

AMENDED



ALAN KEMPSTER ARCHITECTS PTY LTD
 8 GOODCHAP STREET SURRY HILLS NSW 2019
 PH (02) 9212 3242 E admin@akarchitects.com.au
 REG NO. 3655

NEW REPLACEMENT RESIDENCE
 18 TAMARAMA MARINE DRIVE, BRONTE
 LOT 2 / DP17140

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Waverley Council

Application No: DA-38/2024

VIEW FROM NO.144A HEWLETT STREET FIRST FLOOR BEDROOM


SCALE	PROJECT	DWG NO.	ISSUE
SCALE: 1:251.23@A4 DATE: 11/07/24	AKDFT3	DA1015	A



EXISTING VIEW FROM NO. 146 FIRST FLOOR BED



PROPOSED VIEW FROM NO. 146 FIRST FLOOR BED

 ALAN KEMPSTER ARCHITECTS PTY LTD 8 GOODCHAR STREET SURRY HILLS NSW 2010 PH 0039210 472 E-MAIL @aka.com.au (S.NO. 38)	NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140	RECEIVED Waverley Council Application No: DA-38/2024	VIEW FROM NO.146 HEWLETT STREET FIRST FLOOR BED		
			SCALE: 1:251.23@A4 DATE: 11/07/24	PROJECT: AKDFT3	DWG NO.: DA1016


AMENDED



EXISTING VIEW FROM NO. 146 FIRST FLOOR STUDY



PROPOSED VIEW FROM NO. 146 FIRST FLOOR STUDY

 ALAN KEMPSTER ARCHITECTS PTY LTD 8 RODDCHAY STREET SURREY HILLS NSW 2159 PH 02 9210 0022 E info@akarchitects.com.au G.S. NO. 38	NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140	RECEIVED Waverley Council Application No: DA-38/2024 Date Received: 08/08/2024	VIEW FROM NO.146 HEWLETT STREET FIRST FLOOR STUDY		
			AMENDED	SCALE: 1:251.23@A4 DATE: 11/07/24	PROJECT: AKDFT3



EXISTING VIEW FROM NO. 146 GROUND REAR DECK



PROPOSED VIEW FROM NO. 146 GROUND REAR DECK



NEW REPLACEMENT RESIDENCE
 18 TAMARAMA MARINE DRIVE, BRONTE
 LOT 2 / DP17140

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Waverley Council

Application No: DA-38/2024

VIEW FROM NO.146 HEWLETT STREET GROUND FLOOR REAR DECK

SCALE:	PROJECT	DWG NO.	ISSUE
1:251.23@A4 DATE: 11/07/24	AKDFT3	DA1018	A


AMENDED



EXISTING VIEW FROM NO. 148 FIRST FLOOR REAR BALCONY



PROPOSED VIEW FROM NO. 148 FIRST FLOOR REAR BALCONY

 ALAN KEMPSTER ARCHITECTS PTY LTD 8 GOODCHAM STREET SURRY HILLS NSW 2018 PH: (02) 9242 2422 INFO@AKAARCHITECTS.COM.AU REG NO. 355	NEW REPLACEMENT RESIDENCE 18 TAMARAMA MARINE DRIVE, BRONTE LOT 2 / DP17140	RECEIVED Waverley Council Application No: DA-38/2024	VIEW FROM NO.148 HEWLETT STREET FIRST FLOOR REAR BALCONY
	AMENDED	PROJECT: AKDFT3 DWG NO.: DA1019 ISSUE: A	SCALE: 1:251.23@A4 DATE: 11/07/24



Commercial and Retail Development



Report to the Waverley Local Planning Panel

Application number	DA-92/2024 (PAN – 412462)
Site address	118-122 Campbell Parade BONDI BEACH
Proposal	Increase capacity of Hotel Ravesis from 330 to 600 patrons.
Date of lodgement	4 March 2024
Owner / Applicant	Debilu Pty Ltd
Submissions	10 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 for increase capacity of Hotel Raveis from 330 to 600 patrons at 118-122 Campbell Parade, 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 have concerns with the number of patrons on each level. In response to these concerns a condition is recommended reducing the patron capacity by 60 to a total of 540 patrons. Subject to conditions and the implementation of the POM, the proposal is considered reasonable.

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

There were no declared conflicts of interest on this application from Council staff nor any Councillor submissions received.

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

1.2. Site and Surrounding Locality

The site is identified as Lot 1 in DP 5953, known as 118-122 Campbell Parade, Bondi Beach. The site is rectangular in shape and is located on the corner of Campbell Parade and Hall Street. The site is occupied by Raveis Hotel, a four-storey building with basement containing a licensed hotel and accommodation.

The building is a heritage item, listed in Schedule 5 of *Waverley Local Environmental Plan 2012* (Waverley LEP 2012) as an 'Inter-war style residential flat building'. The site is also located in the Bondi Beach Conservation Area and the Campbell Parade Centre Character Area.

The locality is characterised by mixed use buildings of varying scale and sizes providing retail, food and residential services to local residents and the visitors.

Figures 1 to 2 are photos of the site and its context.



Figure 1: Site viewed from Campbell Parade



Figure 2: Site viewed from Hall Street

1.3. Relevant Development History

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

- **DA-468/2006** to construct alterations and additions to the ground floor bar area and the rear of the first and second floor levels was approved on 12 December 2006. **DA-468/2006/A** for modifications

including a new parapet at roof level and internal changes was approved on 21 September 2007 and **DA-468/2006/B** for minor internal alterations and additions to the existing building was approved on 12 May 2011. The following conditions of consent relevant to this application were imposed:

4. HOURS OF OPERATION

The hours of operation of the premises shall be as follows:

- a. Monday to Saturday 8.00am to 1.00am with no entry or re-entry after 12 midnight.
- b. Sunday 8.00am to 12 midnight with no entry or re-entry after 11.00 pm.

5. USE OF FIRST FLOOR TERRACE

To minimise noise spill from the premises, the use of the outdoor dining area and terrace on the first floor is to cease at 12 midnight Monday to Saturday and 11.00pm on Sunday.

7. LIMIT ON NUMBER OF PATRONS

The number of patrons within the premises is to be limited to a maximum of 330 with no more than 150 at first floor level. In this regard, the use of the premises is to be subject to the issue of a refreshment room license under the Regulations by Council.

- **DA-510/2014** for conversion of a gaming room into a lounge and smoking/gaming area was approved on 16 March 2015.
- **DA-429/2016** for signage was approved on 4 November 2016.
- **DA-468/2006/C** for modification to increase patron numbers for entire venue and minor internal alterations was withdrawn on 22 March 2019.
- **DA-215/2019** for minor alterations to part of the ground floor to provide access to the gaming lounge and a new bottle shop was approved 21 October 2019.
- **HEC-28/2021** for alteration to the internal fire isolated stairs and increase in exit widths was issued on 2 December 2021.
- **DA-328/2024** for the subdivision and lease to Raveis Hotel of existing first floor balcony currently over hanging part of Hall Street and Campbell Parade was approved by the Waverley Local Planning Panel (WLPP) on 22 May 2024.

1.4. Proposal

The development application seeks consent for the increase in the approved patron capacity of the Raveis Hotel from 330 to 600 patrons allocated as follows:

- 280 patrons for the ground floor level; and
- 320 patrons for the first floor level.

There is no change proposed to the approved operating hours of:

- Monday to Saturday: 8.00am to 1.00am the following day; and
- Sunday: 8.00am to 12.00 midnight.

The premises benefits from an existing liquor licence.

1.5. Background

The development application was lodged on 4 March 2024 and deferred on 17 May 2024 for the following reasons:

1. The POM and Security Management Plan (SMP) must be updated to reflect the increased patronage sought under this application. The POM submitted with this application is considered insufficient to address the increased patronage sought.

The amended documentation was received on 30 July 2024.

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 SEPP applies and have been considered acceptable in the assessment of this development application:

- 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 Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>E1 Local Centre Zone</i> <ul style="list-style-type: none"> • <i>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.</i> 	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 premises'. Therefore, the proposal is defined as commercial premises, which is permitted with consent in the E1 zone.

Provision	Compliance	Comment
<ul style="list-style-type: none"> • <i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i> • <i>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.</i> • <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i> • <i>To strengthen the viability of Waverley's existing business centres as places of vitality for investment, employment and cultural activity.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To encourage the provision of affordable housing.</i> • <i>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.</i> • <i>To ensure development is of a height and scale that achieves the desired future character of the neighbourhood.</i> • <i>To promote employment growth by giving preference to commercial development over residential development.</i> • <i>To provide active ground floor uses to create vibrant centres.</i> 		<p>There are no physical works proposed as part of this application.</p> <p>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.</p> <p>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.</p>
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is heritage listed and contained within a Heritage Conservation area

Provision	Compliance	Comment
		(HCA); however, as the proposal involves no physical works, it will not harm the significance of the item or HCA.
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 an expansion of patron numbers with no physical works proposed. The proposal will not have a detrimental 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.1

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 <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory and can accommodate the additional patrons.
6. Accessibility and Adaptability	Yes	<p>There are no physical works proposed. Prescribed conditions require compliance with the National Construction Code (NCC) which addresses the access standards and sanitary facilities.</p> <p>A Population Assessment by BCA Logic has been provided with the application assessing the proposed increase patrons against the requirements of the Building Code of Australia/National Construction Code (BCA/NCC). This report concludes that the fire exit widths and sanitary facilities can accommodate the additional patrons.</p>
7. Transport 7.1 Streetscape 7.2 On-Site Parking	Yes	<p>There is no parking proposed as part of this application. The DCP does not specify parking rates for the use as a pub; however retail premises are determined based on area with the minimum parking required being nil. In this regard, no parking is required.</p> <p>A Traffic, Parking and Pedestrian Impact Assessment report was provided with the application. In terms of traffic generation, the report concludes that based on the extensive patron surveys (710 people), an increase of 321</p>

Development Control	Compliance	Comment
		<p>patrons generates in the order of 58 vehicle trips per hour (29 in, 29 out) from all vehicular travel modes during a peak Saturday evening.</p> <p>This is equivalent to less than one vehicle trip every minute which it is noted will occur outside of the network peak and will also be distributed across the wider locality in line with the multiple parking sources that are available.</p> <p>Given the location of the site within proximity of public transport routes and taxi/uber services, the proposal is unlikely to generate additional traffic beyond that anticipated for the local centre zoning of the area.</p>
8. Heritage	Yes	Satisfactory.
9. Safety	Yes	The proposal includes a comprehensive POM for the site which has been reviewed and amended in consultation with the Local Area Police Command (Licensing Unit). This is further discussed following the tables within this report.
17. Social Impact Assessment	Yes	<p>A Social Impact Assessment was provided with the application and presents an assessment of the potential social impacts of the development. The report concludes:</p> <p><i>This report concludes that based on the desktop evidence, the likely social impacts of an increase in patron capacity of Hotel Ravesis is in line with the social outcomes identified in the Waverley Social Impact Assessment Guidelines (SIAG) 2022, and related NSW legislative and regulatory requirements. This assessment is primarily based on the detailed mitigation measures outlined in Ravesis' current POM.</i></p> <p><i>...the social impact of the subject proposal is anticipated to be minimal, provided the current POM continues to be applied to venue operations.</i></p> <p>The proposal is considered to unlikely result in adverse social impacts upon the area subject to the measures outlined within the POM being implemented.</p> <p>Notwithstanding, there are avenues for complaints and resolutions currently through the Liquor and Gaming NSW and the Police, should social harms and impacts occur (as discussed following the tables in this report).</p>

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	Yes	Refer to discussion below regarding an assessment against the amenity of the area.
1.2.4 Noise	Yes	Refer to discussion below regarding an assessment against the noise and amenity of the area.
1.3 Hours of Operation		
	N/A	The hours of operation have been approved under DA-468/2006 and subsequent modifications. Although additional hours are not sought under this application, the hours of operation are repeated in the consent conditions to effectively amalgamate all on-going use conditions into a single consent.

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 *24-Hour Economy Legislation Amendment (Vibrancy Reforms) Act 2023* (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 include:
 - 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; and
 - 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&G NSW) 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.

An Acoustic Report prepared by 'Acoustic Consulting Engineers' was submitted with the application. This report carried out measurements from the nearest potentially noise sensitive receivers (ie, residential properties), with the most affected noise sensitive locations being the residential units above ground floor at 11-13 Hall Street and 124-126 Campbell Parade. The report states the following:

The proposal to increase the number of patrons indoors to 600 from the approved capacity 330 would increase indoor patron noise in the order of 2-3dB. However, noise from patrons indoors is relatively minor compared to noise from patrons talking while lining up to enter premises, taxis/cars picking up patrons, music and patrons talking in the outdoor area on the First Level on busy nights. Accordingly, the proposal to only increase the number of patrons in the indoor areas is very unlikely to increase the noise from Hotel Ravesis noticeably at the receiver locations.

The report then makes a number of recommendations in regard to the POM to manage and control the noise of patrons external to the premises. The POM has been updated since the application was first submitted at the request of the Licensing Police and includes the following measures (both existing conditions for the pub and proposed to manage impacts from this application) to manage noise generation and anti-social behaviour:

- The hotel operates a 'lock-out' period each night which is one hour prior to the end of approved liquor licence hours (from 12am midnight Monday to Saturday and 11pm Sunday).
- Closing the balcony no later than 12:00 midnight (ie. patrons in the outdoor restaurant on Level 1 shall be moved inside and all doors to the outdoor restaurant be closed no later than 12:00 midnight).
- Doors to the balconies will be closed by 11pm.
- The ground floor bi-fold windows opening to Campbell Parade (and Campbell Parade /Hall Street corner) shall be closed at 9:30pm each night.
- No entry into the hotel (ie. no patron lining up/talking to enter the hotel) after 12:00midnight, Monday to Saturday and after 11:00pm, Sunday.
- Additional to the pre-designated capacities of each floor, management will monitor sub regions of the venue to ensure high/potentially unsafe congestion is not reached. The carpeted room on level 1 is a focus for this. Once this room is looking to approach 120 patrons management will assess the congestion of the space and organise a patron control line and a 'one in, one out' system, if required.
- Patron head counts are to be conducted a minimum of every hour and digitally recorded to ensure proper numbers are known and relevant crowd control measures adjusted accordingly. This will have a break down of the two floors separately along with the carpeted room upstairs counted in its own right.

- To ensure a reduction of the impact to the surrounding neighbourhood the following procedures will be introduced at closing if deemed necessary on the higher trade nights:
 - Lockout will be in place from 1 hour before close to allow a natural decrease in numbers for the last hour of trade.
 - At 12:30am one of the bars will be closed and one of the entertainment options will finish.
 - At 12:45am all bars will close.
 - At 1am all music will stop and all guards will ensure that patrons are moved on quickly and quietly in the direction of Campbell Parade.
 - To aid in this, portable brocade fencing with signage for crowd control from the venue after lockout will be introduced. There will be a minimum of two guards at the front of the venue to monitor this process quickly and quietly, directing all patrons east towards Campbell Parade toward buses and taxis.
- CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises.

Despite the amendment of the POM during the assessment, the Licensing Police continue to have concerns with the number of patrons on each level. The Police have stated that due to the limited space available in the main public bar (172m²), they are not satisfied the ground floor can safely accommodate a patron capacity greater than 220. The Applicant has indicated that they are willing to accept a condition of consent restricting the number of patrons on the ground floor to be limited to 220. This will reduce the patron capacity of the venue by 60 to a total of 540 patrons. A condition to this effect is included in **Appendix A** as well as a condition limiting the number of patrons on each level of the building.

It is to be noted that 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 imposition of various noise, amenity and safety conditions are measures that will ensure the amenity of the area is maintained to within the limits expected of the area.

Subject to the reduced patron capacity and the imposition of the measures contained within the 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 13 and 29 March 2024 in accordance with the *Community Engagement Strategy 2023*.

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

Table 4: Submission details

Count	Property Address
1.	124 Campbell Parade BONDI BEACH
2.	2/2 Simpson Street BONDI BEACH
3.	304/12 Hall Street BONDI BEACH
4.	209/14 Hall Street BONDI BEACH
5.	211/14 Hall Street BONDI BEACH
6.	202/20 Hall Street BONDI BEACH
7.	63 Hall Street BONDI BEACH
8.	1/3 Jaques Avenue BONDI BEACH
9.	Details not provided (2 submissions)

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

- amenity impacts
- increased number of patrons
- noise, anti-social behaviour
- traffic and parking
- pedestrian amenity
- not harmonious with the mixed use character of the area particularly the increased number of residential properties within the area.

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

Issue: Accuracy of reports and potential for them to be incorrect.

Response: The reports submitted in conjunction with the application contain data from inspections and measurements taken up to two years previously, as detailed in the following:

- The Plan of Management has been updated during the course of the assessment in conjunction with the Licensing Police as previously discussed.
- The Acoustic Report is dated 13 December 2023 using data taken in November 2022. However, the residential receivers that were taken into consideration were existing or otherwise under construction at the time (the mixed use development opposite the site at 124 Campbell Parade).

The Acoustic Report was reviewed by Council's Health and Environment Officer and no issues were raised subject to the imposition of conditions (as previously discussed).

- The Traffic Report has been discussed with Council's Traffic Engineers and it was confirmed that the constraints and context in relation to the traffic and parking implications remain similar and the report is considered sufficient.
- The Social Impact Statement is dated December 2022; however, was reviewed and edited in February 2024.

Issue: Increased pedestrian activity.

Response: Campbell Parade is a busy thoroughfare and the main tourist centre of the Local Government Area. Campbell Parade is the area where most late trading premises, including restaurants, bars and hotels, are located and with the beach opposite, there are high levels of pedestrian activity. The proposal is permissible in the zone with commercial and entertainment uses, which generate high levels of activity, anticipated for this area. The POM includes strategies for managing pedestrian impacts including the use of bollards for queuing during peak times.

Issue: Will set a precedent for other licensed venues to increase capacity.

Response: Each licensed venue is considered based upon a number of factors, including floor area, exit widths, sanitary facilities, acoustics and other factors as detailed within this report. The approval of additional capacity in one venue does not automatically give a right to other venues to increase capacity as each application is assessed on the merits.

Issue: Safety and security – no increase in security personnel mentioned.

Response: Security measures are outlined within the POM. It is a matter for the operator to ensure an adequate number of security personnel to ensure the implementation of the POM. Notwithstanding, conditions regarding security personnel is contained within Appendix A.

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

No issues were raised or conditions recommended by Council's Traffic Engineers. The following comments were received:

Although the report is almost 2 years old (August 2022) the constraints and context of the site still remain the same. The site is easily accessible via public transport or walking. With a Pickup/Dropoff bay marked near the Campbell Pde frontage of the site. It is assumed that the

maximum capacity will be reached during the late evening. Consideration for the sites 'Plan of Management' to be reviewed on an ongoing basis.

3.2. Waste Management

The following comments were provided:

The current proposal is for an increase in patronage in the Ravesis Hotel. The proposal does not involve an increase in the floor space of the hotel.

The SEE states that the existing waste storage room can accommodate the additional waste that is likely to be produced should this application be supported. However there are no significant waste impacts in this proposal – please see recommended conditions for this proposal.

3.3. Strategic Planning

Strategic Planning reviewed the Social Impact Assessment and provided the following conclusion:

Due to the acceptable structure and authorship, and the fact that there is not a strict requirement for a DA associated with alterations to an existing licensed venue to provide an SIS, the Strategic Town Planning team do not consider it necessary to refer the SIS externally for a peer review or to doubt the results of the SIS report.... No specific conditions are recommended.

3.4. Environmental Health

No issues were raised and recommended conditions are included in the conditions of consent.

3.5. Building – Fire Safety

A condition regarding BCA compliance in the event of any work needing to be carried out is included in the consent conditions.

3.6. Police Local Area Command (Licensing Unit)

The following comments were received:

Patron density of the ground floor has been observed by police to be a contributing factor to assaults at the premises. Police have sighted an increase in patron frustration moving through the shoulder-to-shoulder density of the main public bar and principal entry/exit. Due to the location of the principal entry way and 1st floor staircase, a segregation of the main public bar from the rest of the ground floor occurs. Police have observed this has created difficulties with the egress of patrons from the ground floor / first floor throughout the night when trading at the current capacity of 180 due to the point of conflict created. Additional pressures of an increase to first floor capacity will continue to see a queue utilised on the ground floor between the main public bar and accommodation reception.

Due to the limited space available in the main public bar (172m²) Police are not satisfied the ground floor can safely accommodate a patron capacity greater than 220 patrons due to the

nature and design of the ground floor. Police are mindful the remainder of the ground floor are amenities, accommodation reception, bottle shop and gaming room.

Police acknowledge with the removal of furniture and safety mitigation strategies, additional patrons above the current capacity of 180 can be accommodated. Hotel Ravesis Management recognise that the full capacity of 280 patrons on the ground floor cannot be utilised safely with the current, regular layout of furniture.

While a new Plan of Management has been proposed, Police are still not satisfied the extent of the proposed capacity to 280 will not have a negative social impact.

As previously discussed, a condition of consent will limit the number of patrons on each level and reduce the number of patrons overall to 540 in response to the comments raised above.

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 30 July 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Kylie Lucas	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 08 August 2024	Date: 9 August 2024	Date: 19 August 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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <ul style="list-style-type: none"> (a) Draft Plan of Management prepared by Debilu Pty Ltd dated May 2024 and received by Council on 30/07/2024 (b) Noise Assessment prepared by Acoustic Consulting Engineers (Ref:221364-01L-DDRev03) dated 13/12/2023 and received by Council on 05/03/2024 (c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
2.	<p>MODIFICATIONS TO PLAN OF MANAGEMENT</p> <p>The application is approved subject to the following amendments to the Plan of Management:</p> <ul style="list-style-type: none"> (a) The maximum patron capacity is to be limited to no more than 540 persons (including staff/entertainers) with the following sub-limits: <ul style="list-style-type: none"> i. 220 persons for the ground floor level as follows: <ul style="list-style-type: none"> a. 20 persons for the gaming room b. 200 persons for the bar ii. 320 persons for the first floor level as follows: <ul style="list-style-type: none"> a. 80 persons for the balcony b. 150 persons for the bar/restaurant c. 90 persons for the function room. (b) The use of the Level 1 balcony is to cease at 12.00am (midnight) Monday to Saturday and 11.00pm on Sunday. <p>Condition reason: To protect the amenity of the surrounding area.</p> <p>The amended Plan of Management is to be approved by the Executive Manager, Development Assessment or delegate prior to commencement of additional patrons as per 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.</p>

	Once the Plan of Management 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.
3.	BUILDING CODE OF AUSTRALIA
	All building work (if required) must be carried out in accordance with the requirements of the Building Code of Australia and Population Assessment Strategy report prepared by Stuart Boyce of BCA Logic Pty Ltd, dated 20 April 2021. Sanitary facilities must be provided for the increased occupancy in accordance with Section F of NCC 2022 requirements.
	Condition reason: To ensure any building works complies with the BCA.

OCCUPATION AND ONGOING USE

Condition	
26.	<p>HOURS OF OPERATION</p> <p>The hours of operation of the premises shall be as follows:</p> <p>(a) Monday to Saturday 8.00am to 1.00am with no entry or re-entry after 12 midnight.</p> <p>(b) Sunday 8.00am to 12 midnight with no entry or re-entry after 11.00 pm.</p> <hr/> <p>Condition reason: To protect the amenity of the local area.</p>
27.	<p>MAXIMUM PATRON CAPACITY</p> <p>The approved patron capacity for the premises is limited to:</p> <p>(a) Total of 540 persons (including staff/entertainers) with the following sub-limits:</p> <p style="margin-left: 40px;">i. 220 persons for the ground floor level as follows:</p> <p style="margin-left: 80px;">a. 20 persons for the gaming room</p> <p style="margin-left: 80px;">b. 200 persons for the bar</p> <p style="margin-left: 40px;">ii. 320 persons for the first floor level as follows:</p> <p style="margin-left: 80px;">a. 80 persons for the balcony</p> <p style="margin-left: 80px;">b. 150 persons for the bar/restaurant</p> <p style="margin-left: 80px;">c. 90 persons for the function room.</p> <p>(b) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.</p> <p>(c) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).</p> <hr/> <p>Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.</p>
28.	<p>OPERATION IN ACCORDANCE WITH PLAN OF MANAGEMENT</p> <p>(a) The operation and management of the premises shall be in accordance with a Council approved Plan of Management (PoM) at all times.</p> <p>(b) The approved PoM shall be adopted by the Management of the premises.</p> <p>(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.</p> <hr/> <p>Condition reason: To protect the amenity of the local area.</p>
29.	<p>PEOPLE COUNTER SYSTEM</p>

	<p>To ensure patron numbers do not exceed authorised capacities, the following shall occur:</p> <p>(a) 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.</p> <p>(b) 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.</p> <p>(c) The static licensed security persons required by subclause (a) and (b) shall occur:</p> <ol style="list-style-type: none"> i. every Friday and Saturday night from 10pm onwards (when a 'large crowd' is anticipated). ii. New Years day, Australia Day, Anzac Day, City to Surf day, Festival of the Winds, 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 a large crowd is anticipated, onwards. iv. A 'large crowd' is deemed to be when patronage would likely exceed 200 patrons to the ground floor level or more than 200 patrons to the first floor level. <p>(d) 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. Alternatively an automatic people counting machine system (computer aided) may be used, that has a minimum of 98% accuracy.</p> <p>(e) The Patron Count Register shall be available for inspection by authorised Council, Liquor Authority or Police Officers at any time.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
<p>30.</p>	<p>COMPLIANCE AUDIT</p>

	<p>Every quarter (at minimum) and on large / key event days, random and independent audits of compliance against the conditions of this consent and the POM by an Independent Auditor shall be undertaken at the venue.</p> <p>Council shall be provided with minimum 7 days prior notice of such audit to be undertaken. The Hotel management, security and staff shall not be advised of any such audits occurring and the audit report shall include a statement signed by the auditor confirming this.</p> <p>The audits shall include (though not limited to) reporting on patron numbers on ground level and first floor levels, number of persons departing the first floor level from 12.00am (midnight) until after closure of venue, which shall be counted by manual hand counter by the auditor (or person assisting the auditor not associated with the Applicant or Hotel), confirmation that requirements for egress were complied with and observations in relation to management of patrons. Reports of these compliance audits (that includes the audit's patron count of patrons) and a copy of the Patron Record Register shall be lodged with Council within 7 days of completing each audit.</p> <p>At least 6 Saturday nights during summer (daylight hours) and 4 key event days are to be included in the compliance audits.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
<p>31.</p>	<p>TEMPORARY FENCING TO STREET FRONTAGE</p> <p>(a) Approval in principle is granted for the use of temporary pedestrian fencing (fencing to be Roads & Maritime Services standards) positioned along the kerb alignment of Hall Street outside the main principal entry/exit for egress purposes.</p> <p>(b) All costs, responsibility and public indemnity associated with the installation of this fencing shall be borne by the hotel venue owner/management.</p> <p>(c) All fencing to be removed from the public domain within 30 mins from closing time and shall be stored wholly on site when not in use.</p> <p>(d) The role and responsibility of security managing the use and deployment of the temporary fencing shall be detailed in the Plan of Management.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
<p>32.</p>	<p>SIGNAGE TO BE DISPLAYED</p> <p>(a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:</p> <p><i>Approved hours of operation - Indoor Area</i> <i>Monday to Saturday: 8.00am to 1.00am with no entry or re-entry after 12 midnight</i> <i>Sunday: 8.00am to 12 midnight with no entry or re-entry after 11.00 pm.</i></p>

	<p><i>Approved patron capacity</i> <i>540 persons</i></p> <p>(b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main 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:</p> <p><i>Upon leaving please respect local residents by minimising noise</i></p> <p>(c) 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, including:</p> <ul style="list-style-type: none"> i. 220 persons for the ground floor level as follows: <ul style="list-style-type: none"> a. 20 persons for the gaming room b. 200 persons for the bar ii. 320 persons for the first floor level as follows: <ul style="list-style-type: none"> a. 80 persons for the balcony b. 150 persons for the bar/restaurant c. 90 persons for the function room. <p>(d) 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.</p> <p>Signage specified in sub clauses (a) to (d) is to be erected prior to the commencement of increased patron capacity.</p>
	<p>Condition reason: To protect the amenity of the local area.</p>
<p>33.</p>	<p>COPIES OF CONSENTS AND MANAGEMENT PLAN</p> <p>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.</p> <p>Condition reason: To ensure consents and management plan are easily available.</p>
<p>34.</p>	<p>AMENITY</p> <p>The management of the premises is to:</p>

	<p>(a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.</p> <p>(b) 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</p> <p>(c) 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</p> <p>(d) 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.</p>
	Condition reason: To protect the amenity of the local area.
35.	PATRON BEHAVIOUR
	No patrons shall be permitted to line up outside the premises after 12 midnight Monday to Saturday and after 11.00pm Sunday.
	Condition reason: To protect the amenity of the local area and to ensure patrons are not outside the premises lining up/talking as per acoustic report.
36.	USE OF FIRST FLOOR TERRACE/BALCONY
	To minimise noise spill from the premises, the use of the Level 1 Balcony is to cease at 12 midnight Monday to Saturday and 11.00pm on Sunday.
	Condition reason: To protect the amenity of the local area.
37.	CLOSURE OF WINDOW/DOOR OPENINGS
	To minimise the transmission of noise from the premises to nearby residential buildings:
	(a) The windows and bi-fold doors facing the street shall be closed by 9.30pm each day.
	(b) Access doors to the Level 1 Balcony shall be closed by 11.00pm each day.
	Condition reason: To protect the amenity of the local area as per acoustic report.
38.	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.
39.	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.
40.	NOISE – MECHANICAL PLANT (COMMERICAL 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 <i>Protection of the Environment Operations Act 1997</i> 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. 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.
41.	NOISE – LICENSED 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. * For the purpose of this condition, the LA10* can be taken as the average maximum deflection on a sound level meter of noise emitted from the licenced premises.
	Condition reason: To protect the amenity of the local area.

<p>42.</p>	<p>NOISE COMPLAINTS</p> <p>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:</p> <ul style="list-style-type: none"> (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; <p>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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
<p>43.</p>	<p>LIQUOR SALE / SUPPLY / CONSUMPTION (HOTELIER'S LICENCE)</p> <ul style="list-style-type: none"> (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) No patron shall be permitted to take glasses or open containers of liquor off the premises. <p>Condition reason: Ensure liquor may only be sold, supplied or consumed in accordance with relevant authorisation.</p>
<p>44.</p>	<p>SURVEILLANCE CAMERAS TO BE MAINTAINED ON THE PREMISES</p> <p>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. Please refer to Council's website for further information.</p>

	<p>https://www.waverley.nsw.gov.au/data/assets/pdf_file/0008/172466/Requirements_for CCTV PDF .pdf</p>
	<p>Condition reason: To ensure the amenity of the surrounding area is maintained.</p>
45.	<p>WASTE MANAGEMENT PLAN REVIEW</p> <p>The increase in patronage will increase waste generated at the premise. The plan of management must account for an increase in the frequency of waste and recycling collection to ensure that all bins are presented with the lids closed to minimise environmental and amenity impacts.</p> <p>Waste collection must not impact pedestrian and vehicle access. The business management must ensure that all waste and recycling bins are placed outside for collection in the evening and returned to the property as early as possible after collection.</p> <p>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.</p>
	<p>Condition reason: To ensure the management of waste is ongoing.</p>
46.	<p>LITTER CHECKS</p> <p>Regular Litter patrols are to be undertaken in the general vicinity of the premises (20 metres from the front door of the premises) to monitor litter, including cigarette butt litter and packaging. Such patrols must take place intermittently during the hours of operation with the final check conducted at the end of trade.</p> <p>If needed, a register must be maintained and kept on the premises detailing date, time of check, staff member responsible and signature.</p>
	<p>Condition reason: To ensure the amenity of the surrounding area is maintained.</p>
47.	<p>GLASS WASTE, REMOVAL AND COLLECTION</p> <p>(a) All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.</p> <p>(b) 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.</p> <p>(c) No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.</p>
	<p>Condition reason: To protect the amenities of neighbouring residents.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>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.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>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.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.	<p>SUITABLY QUALIFIED ACOUSTIC CONSULTANT</p> <p>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.</p>
5.	<p>LIQUOR LICENSING ACCORD</p> <p>The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord (For information visit the Eastern Suburbs Liquor Accord website: www.esla.net.au/).</p>

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.

A M E N D E D

PLAN OF MANAGEMENT AND SECURITY MANAGEMENT PLAN

RECEIVED
Waverley Council

Application No: DA-92/2024

Date Received: 30/07/2024

For the operation of

Hotel Raveis LIQH400104499

Corner of Campbell Parade and Hall Street Bondi Beach

Prepared by:

Debilu Pty. Ltd.

Hospitality Management

118 Campbell Parade, Bondi Beach NSW 2026

May, 2024

DRAFT

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PART 1 PURPOSE

1. The purpose of this Plan of Management is to establish performance criteria for various aspects of the operation of the Hotel, having regard to the relevant matters under the Environmental Planning and Assessment Act, 1979; the Liquor Act, 2007; and the Liquor Regulation 2008. Particular emphasis has been placed on performance criteria regarding the departure of patrons from the Hotel in order to maintain the quiet and good order of the neighbourhood. All staff shall be made familiar with this Plan of Management.

PART 2 SITE + LOCALITY

2. Hotel Ravesi's is located on the corner of Campbell Parade and Hall Street, Bondi Beach. There is no public parking other than restricted street parking and multiple privately operated carparks available to the public in the local vicinity. The locality is essentially commercial / retail. There are bars located in the locality generally. There are late night premises of similar nature which operate within 200m of the Hotel. Access is secure for pedestrians from Hall Street. The premises is well serviced by public transport including bus, train, taxis and ride share.

PART 3 HOURS OF OPERATION

3.a. The bar's approved liquor licence hours of trade are:

Monday – Saturday 8:00am - 1:00am

Sunday 8:00am - Midnight

b. The hotel operates a 'lock-out' period each night.

Daily One hour prior to the end of approved liquor licence hours

c. These 'lock-outs' do not apply to guests who are residing in the hotel's accommodation.

4.a. Staff may enter, or remain on, the premises at any time. Tradespersons engaged by

the hotel may enter or remain on the premises at any time, provided that their activities do not give rise to disturbance of their neighbourhood.

b. The hotel shall be subject to the following:

- i. The outdoor balcony on level one is to close one hour prior to the end of the approved liquor licence hours

PART 4 PATRON CAPACITY

5. The patron capacity of the Hotel is limited to the amount stated on the current council approval. As at August 2022, this approved limit is 600 patrons.

Staff will be required to monitor the number of patrons at all times and with increased diligence when within 50 people of the approved limit.

PART 5 SIGNAGE

6. Signage in compliance with the Liquor Act 2007, including but not limited to signage required for the responsible service of alcohol, together with signage requesting patrons when leaving the hotel respect the quiet and good order of the neighbourhood, shall be displayed at appropriate locations within the hotel.

PART 6 AMENITY OF NEIGHBOURHOOD

7. At all times the licensee of the Hotel shall consider the amenity of its neighbours and shall take all reasonable measures to ensure that impacts adverse to the surrounding area do not occur.

8. The licensee will take all reasonable measures to ensure that the behaviour of staff and patrons when leaving the premises after midnight does not detrimentally affect the amenity of the neighbourhood by the use of professionally trained personnel at the exit point and externally.

Entry and exit to the Hotel shall only be from Hall Street.

9. The Hotel shall be conducted in such a manner as to not interfere with, or materially affect, the amenity of the neighbourhood by reason of noise vibration, smell, fumes, vapour, steam, soot, ash, dust, wastewater, waste products, grit, oil, or otherwise.

10. The ground floor bi-fold windows opening to Campbell Parade (and Campbell/Hall st corner) shall be closed at 9:30pm each night.

PART 7 NOISE

11. Procedure in place to reduce the noise emitted by the hotel.

- a) subject to the maximum capacity, patrons shall be allowed to enter the premises as promptly as practical to minimise talking outside the premises while lining up for entry;
- b) street windows and bi-fold doors to be closed by 9:30pm;
- c) closing the balcony no later than 12:00midnight (ie. patrons in the outdoor restaurant on Level 1 shall be moved inside and all doors to the outdoor restaurant be closed no later than 12:00midnight)
- d) no entry into the hotel (ie. no patron lining up/talking to enter the hotel) after 12:00midnight, Monday to Saturday and after 11:00pm, Sunday
- e) music be turned off and the venue to be closed no later than 1:00am;
- f) doors to the balconies from the nightclub will be closed by 11pm
- g) Closing of the venue

to ensure we are able to reduce the impact to the surrounding neighbourhood when we are clearing the venue we will introduce the following procedures if deemed necessary on the higher trade nights.

- i) Lockout will be in place from 1 hour before close this allows a natural decrease in numbers for the last hour of trade.
- ii) 12:30am one of the bars will be closed and one of the entertainment options will finish
- iii) 12:45am all bars will close
- iv) 1am all music to stop and all guards will ensure that patrons are moved on quickly and quietly in the direction of Campbell parade.
- v) To aid in this we will implement portable brocade fencing with signage for crowd control from the venue after lockout. There will be a minimum of 2 guards at the front of the venue to monitor this process quickly and quietly, directing all patrons

East towards campbell parade where you will find busses to the junction and city along with majority of Taxi traffic.

PART 8 BEHAVIOUR OF PATRONS & RESPONSIBLE SERVICE OF ALCOHOL

12. The licensee and staff shall take all reasonable steps to control the behaviour of the patrons of the Hotel as they enter and leave the premises. To effect this, the licensee shall:

a. Assign professionally trained staff to ensure that patrons, in leaving the vicinity of the bar do so quickly and as quietly as is reasonably possible.

13.

a. The licensee and professional security personnel shall take all reasonable steps to ensure that there is no loitering in the vicinity of the bar by persons who may be seeking admittance to it.

b. The licensee and professional security personnel shall ensure there is no public entry to the premises during the lockout period of 12:00 – 1:00am Monday – Saturday, and 11:00pm – Midnight on Sunday.

14. The licensee and staff shall comply with the measure for responsible service of liquor set out hereunder.

15. The following operational policies for the responsible service of alcohol shall apply, together with the NSW Liquor Industry Code of Practice

a. All managers and permanent employees of the bar must have completed an approved course in the Responsible Service of Alcohol within the last 5 years and hold a current RSA competency card.

b. The Hotel will not engage in any liquor promotion that is likely to promote irresponsible service of liquor.

c. The Hotel will not serve alcohol to any person who is intoxicated or apparently under the influence of drugs.

d. The Hotel will decline entry to any person who is already intoxicated or apparently under the influence of drugs.

- e. The Hotel will promote the service of non-alcoholic beverages and food.
- f. Staff employed to sell, supply or serve liquor or to carry out security services are to be able to provide information on late night transport options for patrons.
- g. The Hotel will arrange (without charge) for taxis to collect any patron from it upon receipt of a request from the patron to do so. Where possible patrons who are waiting for taxis shall do so inside the bar.
- h. The licensee will not permit intoxication or any indecent, violent or quarrelsome conduct on the premises. Any person causing such disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period to be determined by the licensee.
 - i. No person under the age of 18 years shall be served liquor in the Hotel. Production of photographic identification will be required where age is an issue. The only acceptable proof of age identification shall be:
 - i. Photo driver's licence
 - ii. NSW Photo Card (RMS)
 - iii. Current Passport
- j. Low alcohol beer and non-alcoholic beverages will be available at all times when full strength liquor is available.
- k. Light meals will be available on request whenever liquor is available for consumption on the premises.
- l. All conditions imposed on the Hotel's liquor licence will be complied with.

PART 9 SENIOR STAFF – SECURITY MANAGEMENT

16.

- a. Not less than one duty manager/senior staff member shall be on duty within the Hotel at all times it is open.
- b. The duty manager or senior staff member shall carry out the procedures in accordance with clause 17 of this Plan of Management as set out below.

c. The duty manger / senior staff member shall ensure the venue operates in line with it's approved liquor licence conditions and ensure the venue remains in compliance with these at all times. These can be referenced using NSW Check a Licence.

d. No security personnel are to perform any security function unless wearing their security license.

17. The licensee shall require the duty manager or senior staff person on duty to:

- a. Be readily identifiable to patrons at all times
- b. Make patrols of the interior of the bar from time to time
- c. Record in the Incident Book when any incident that could cause alarm or concerns to members of the public occurs, with an observation as to whether or not any persons identifiable as having been patrons at the bar immediately prior to the event, were involved. (Entries are to be made as soon as possible after such incidents and to include notes of the actions taken by the security person).
- d. Request that any bar patron in the area patrolled to behave in a quiet and orderly manner if that action is considered necessary or appropriate.
- e. Prevent any person, detected as intoxicated or under the influence of drugs, entering the premises and bring to the notice of the manger or licensee any person on the premises who might be considered intoxicated or under the influence of drugs.
- f. Prevent patrons leaving the venue with open liquor whether or not in drinking containers
- g. Monitor patrons behaviour in the vicinity of the bar until all patrons have left the area patrolled, taking all practical steps to ensure the quiet and orderly departure of patrons.
- h. Cooperate with the police operating in the vicinity of the bar.
- i. Ensure all emergency exits are kept clear at all times.
- j. Ensure that all staff are aware of the fire safety procedures, including evacuation assembly points for patrons. The safety of patrons, neighbours and staff is to be paramount at all times.

k. Ensure all fire safety equipment is maintained and certified by a qualified maintenance contractor.

l. Smoking in outdoor designated areas is to be controlled so as to not unduly impact on the amenity of the locality.

18. The licensee shall make copies of the Incident Book available to Council or the police at all reasonable times and within 7 days of a receipt of a written request from the council or the police to do so.

19. The licensee / manager shall record in the Incident Book, in addition to the matters noted in 17 above, 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 behaviour of patrons. The licensee shall endeavour to resolve any issues and concerns of people in the surrounding areas with council involvement or the NSW Police Service and meet with complaints to address reasonable concerns.

20. The licensee must, immediately after the licensee or a staff member becomes aware of an incident on the premises involving an act of violence that has caused injury to a person, ensure:

- a. That all reasonable steps are taken to preserve and keep intact the area where the incident occurred and that any implement or other thing associated with the act of violence is retained in accordance with relevant guidelines issued by the NSW police force relating to the preservation of crime scenes, and
- b. That the Local Area Commander of the local police area in which the premises are situated is advised by a staff member of the incident, and
- c. That any directions given by the Commander to the licensee or a staff member to preserve or keep intact the area where the incident occurred are complied with.

“Staff member” in relation to the premises, means any person employed or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

PART 10 CLOSED CIRCUIT TELEVISION

21.

a. CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:

i. Principal entrances and exits

ii. To all areas within the premises occupied by the public (excluding toilets)

b. Suitable and clearly visible signage shall be displayed at the principal entries to the premises (in lettering not less than 50mm high) with words "Closed Circuit Television in use on these premises". The Same signage is to be in a prominent position on each level.

c. All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras

d. CCTV recording discs or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD copy of recorded footage on demand of Council or police officers either immediately or within 24 hours of the request being made. Copy discs must be handed to council, police officers or special inspectors as required.

e. All CCTV recording devices and cameras shall be checked daily to ensure equipment is operating correctly.

f. All CCTV recording devices and cameras shall be operated all trading hours of the premises plus an additional hour after the premises are required to close.

g. The CCTV recording shall be secured within the premises and only accessible to senior management personnel so as to maintain the integrity of the recorded footage.

PART 11 CONTROL OF NUMBER OF PATRONS

22.

h. The maximum number of patrons permitted in the premises shall be that designated in the current authority consents.

i. At all times the licensee shall ensure that the total number of patrons permitted in the specified areas within the premises is not exceeded.

ii) on top of the pre designated capacities of each floor, management will monitor sub regions of the venue to ensure high/potentially unsafe congestion is not reached. The carpeted room on level 1 is a focus for this. Once this room is looking to approach 120 patrons management will assess the congestion of the space and organise a patron control line and a one in one out system if required

j. The licensee or duty manager shall either monitor the number of persons in the premises or appoint a member of staff or a security person to do so.

k. When the person monitoring the number of persons in the premises forms the opinion that they may be within 50 persons of the maximum permissible number of patrons, that person will ensure that a physical headcount of the patrons present is undertaken.

l. If such a head count reveals that there are within 50 persons of the maximum number of patrons permitted on the premises, the licensee or duty manager shall assign staff or security personnel to monitor the number entering and leaving the premises to ensure that the maximum number of persons present does not exceed the maximum.

23. On higher trade nights where the venue is trading at or within 50 patrons of total approved capacity, adequate crowd control measures are to be put in place by the manager on duty / senior staff member. These controls can include, the below but are not required to be enacted all at once, rather they should be enacted according to the distribution of patrons around the hotel in a matter appropriate to the trade.

a. A clear entry / access queuing line is to be established to ensure smooth people flow when entering / exiting. This includes at the front door (in the direction of Campbell parade), at the bottom of the stairs or at the entrance of the carpeted lounge area if management feels congestion has/is going to occur in those areas.

- i) if a line is established at the front of the venue hotel Ravevis management and/or security personnel will ensure they manage the line. This will be cut off if it is felt to be getting too long
- ii) once management see that an area is started to get congested (including the dancefloor in front of the stage downstairs and the lounge/nightclub room upstairs a security guard will be posted at an elevated position close to the dance floors to ensure we can use preventative methods throughout the venue and manage the patrons efficiently and quickly .
- iii) When clearing the balconies at 11:45pm management and security will be present to ensure that those guests moving inside don't then cause congestion in any areas.

b. The space in front of the main entrance / exits are to be kept clear of people standing idly to ensure easy passage of those entering / exiting

c. Patron head counts are to be conducted a minimum of every hour and digitally recorded to ensure proper numbers are known & relevant crowd control measures adjusted accordingly. This will have a break down of the 2 floors separately along with the carpeted room upstairs counted in its own right.

d. Patron access to the first floor is to be controlled when the head count for this level is known to be above 270 patrons.

e. When patron access needs to be controlled to any area, measures such as one-in one-out or voluntary lockouts can be utilised

f. Tally clickers are to be utilised when near approved capacity to ensure ease of patron number counts. These are to be adjusted from time to time in line with patron head counts.

g. Staff members are to ask patrons to clear key-access areas when crowding in those areas restricts patron flows. These areas include entry / exit doors, stairways and their immediate respective landing areas.

24. On higher trade days like but not limited to (weekends, special events & peak summer), Management will remove furniture from the floor spaces that are of a higher risk for congestion to allow for a better distribution of the patrons and reduce congestion.

a. In our ground bar high tables and chairs will be removed according to need and stored in the basement to allow the patrons to flow from the dancefloor, to the bar and enter and exit safely.

b. outside the carpeted dancefloor the large table will be removed permanently and modular/movable furniture will be put in the space outside of the dancefloor area. We have installed a disco ball and speakers just outside the room to help encourage the guests to overflow out of the room into the other floor spaces with all three thuroufairs (2 x double doors on each side of fire place, 1 large swinging door leading to bathrooms) will remain

open, to prevent congestion. This removal of furniture will also give the management space to form a line outside the dance area if required.

c. The carpeted dancefloor will have all high tables and chairs moved to the outside of the room to allow for more space for the patrons within the room.

25. Closing of the balconies on higher trade days.

a. On trade days when it is known to have more than 200 persons on level 1, 10 minutes before closing the balconies a line will be started at the bottom of the stairs with no access to level 1. This will allow management to control the movement of the patrons that come in off the balcony into the venue and mitigate congestion in any of the delineated areas of the Hotel. Only once the distribution of these patrons is controlled and all areas are free flowing will management allow access to level 1 again.

PART 12 DELIVERIES AND WASTE REMOVAL

26.

a. The licensee shall use his or her best endeavours to ensure that deliveries to the hotel are made between 8:00am and 5:00pm Monday to Friday

b. The removal of wastes and recyclable materials shall be made by Council or a recognised contractor between 7:00am and 8:00pm weekdays and 7:00am to 5:00pm weekends and public holidays.

PART 13 MAINTENANCE

27. The Hotel shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of the Council, both internally and externally.

PART 14 REMOVAL OF LIQUOR IN OPEN CONTAINERS

28. The licensee shall prevent patrons leaving the Hotel with liquor in opened containers, glasses or the like.

PART 15 HOUSE POLICY

29. The Hotel's house policy relating to matters including:

- c. Dress code
- d. The Responsible Service of Alcohol
- e. Harm Minimisation, and
- f. The admission of minors

shall be available to any person upon request at the Hotel's reception counter.

Persons whose dress does not meet the hotel's minimum dress code shall not be permitted to remain on the premises.

PART 16 LIQUOR ACCORD & LOCAL POLICE

30. The licensee must participate in the precinct liquor accord that applies to the Eastern Suburbs precinct

a)in addition to this the licensee will remain working close with the police, local councils & surrounding patrons where necessary to ensure we maintain a safe environment at all times within the venue and for the community

PART 17 AMENDMENTS TO THIS PLAN

31. If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan, for the better management of the Hotel, that modification shall be made to the plan only and copies submitted to council Council. This will be reviewed at a minimum annually.

DECLARATION

I declare that I have read and understood this Plan of Management.

Tayla Ramirez

GENERAL MANAGER & LICENSEE | HOTEL RAVESIS

May 2024



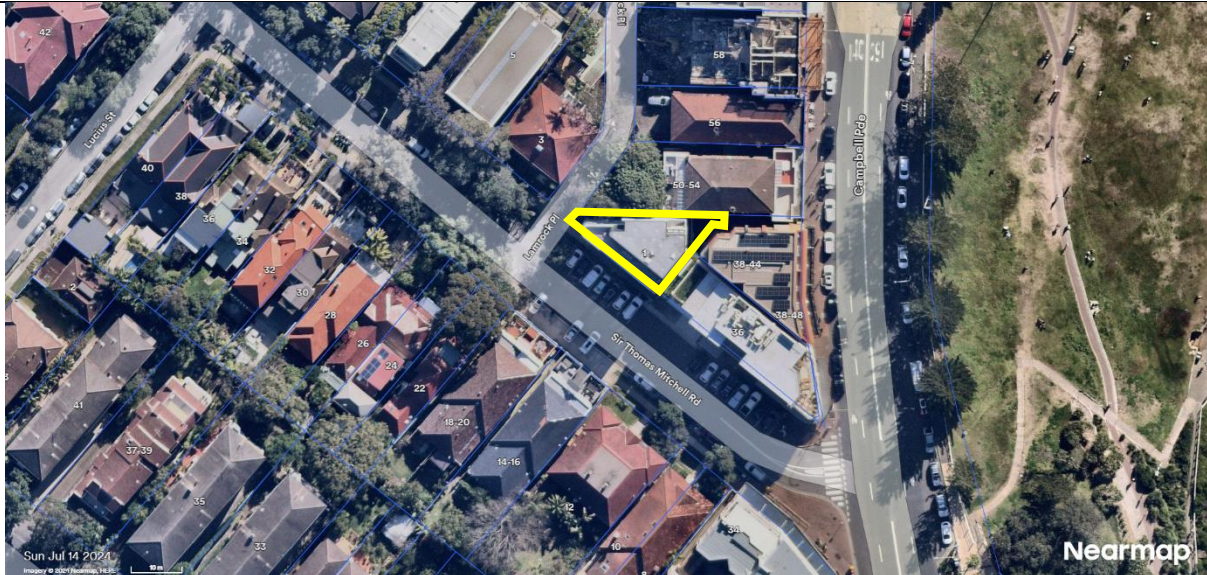
Commercial and Retail Development



Report to the Waverley Local Planning Panel

Application number	DA-307/2024
Site address	1 Sir Thomas Mitchell Road, Bondi Beach
Proposal	Change of use to a food and drink premises (restaurant) and associated fitout.
Date of lodgement	3 July 2024
Owner	Bardari Pty Ltd
Applicant	Miss Myah Kassis
Submissions	23
Cost of works	\$166,100
Principal Issues	<ul style="list-style-type: none"> • Hours of operation; and • Sanitary facilities
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 Development Application (DA) seeks consent for a change of use to a food and drink premises (restaurant) and associated fitout at the site known as 1 Sir Thomas Mitchell Road, Bondi Beach.

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

- Hours of operation; and
- Sanitary facilities.

The proposed use was assessed under Amendment 3 of the *Waverley Development Control Plan 2022* (Waverley DCP 2022), which requires new premises to operate for a minimum of 6 months before an application for extended trading hours can be lodged. However, the newly released Amendment 4 of the Waverley DCP 2022 has removed this control in order to reflect the recent changes made by the *24-Hour Economy Legislation Amendment Act 2023* (the Vibrancy Reforms). Although savings provisions apply and the development is assessed under Amendment 3, it is deemed appropriate for the proposed use to be granted a trial period from the date of operation, rather than six months later in order to reflect this activation of nightlife intent of the State Government.

The use proposes a patron capacity of 55 patrons, with one pan proposed. In order to achieve complaint sanitary facilities under the National Construction Code (NCC), three pans are required for 55 patrons. However, if the patron capacity was reduced to 50 patrons, only two pans would be required. Therefore, a condition is recommended that the patron capacity be reduced to 50 patrons and one additional pan is provided.

A total number of 23 submissions were received (inclusive of one Councillor submission) and the issues raised in the submissions have been considered and addressed in this report and in the recommendation.

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 5 August 2024.

The site is identified as Lot 1 in DP1266064 known as 1 Sir Thomas Mitchell Road, Bond Beach.

The site is irregular in shape with a frontage south-western frontage to Sir Thomas Mitchell Road.

The site is occupied by a five storey shop-top housing development, comprising of a ground floor commercial tenancy.

The site is adjoined by a shop-top housing development to the south east. The locality is characterised by a variety of medium density residential development.

Figures 1 to 3 are photos of the site and its context.



Figure 1. Subject tenancy at 1 Sir Thomas Mitchell Road, Bondi Beach, and the surrounding urban environment looking north. (Source: Google Maps, 2024)

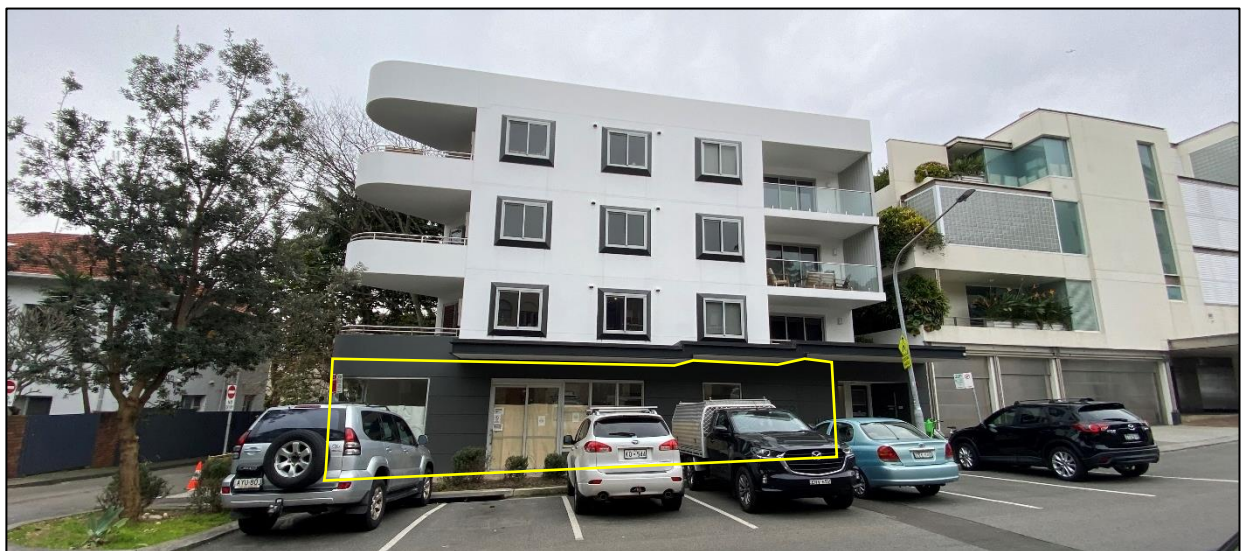


Figure 2. Subject tenancy at 1 Sir Thomas Mitchell Road, Bondi Beach, looking north-east from Sir Thomas Mitchell Road.



Figure 3. Subject tenancy at 1 Sir Thomas Mitchell Road, Bondi Beach, looking south-east from the corner of Sir Thomas Mitchell Road and Lamrock Place.

1.3. Relevant Development History

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

- **DA-13/2017**
Demolition of existing building and construction of a five-storey mixed use building containing ground floor commercial and residential apartments above and strata subdivision approved through the land and Environment Court on 17 July 2018.
- **DA-13/2017/A**
Modification of Court approved development to alter internal layout and make external modifications of the development. Approved 8 April 2019.
- **DA-13/2017/B**
Modification to install screening around air conditioning units on Level 4 and modification of window surrounds on Sir Thomas Mitchell Road elevation. Approved 27 September 2019.
- **DA-103/2020**

Change of use and fitout to a licensed restaurant/bar and illuminated wall signage ('Niko').
Withdrawn 19 June 2020.

- **FPS-11/2020**
Footpath seating application to establish outdoor dining (5 tables, 5 seats) for licensed restaurant ('Niko'). Withdrawn 19 June 2020.
- **CD-142/2020**
First use for licenced restaurant, no building works. Approved: 7 July 2020.
- **CD-227/2020**
First use of commercial tenancy as a Retail Premises (Wedding Boutique) and internal alterations. Approved: 22 October 2020.
- **BC-28/2024**
Building Information Certificate application lodged 29 May 2024 regarding unauthorised works for ground level tenancy (including fitout works). This application remains under assessment awaiting the determination of the subject application.

1.4. Proposal

The DA seeks consent for the change of use to a food and drink premises (restaurant) and fitout works, and specifically includes the following:

- Kitchen facilities;
- Bar;
- Booth seating; and
- Tables and chairs.

The proposed hours of operation for the premises are as follows:

- Monday – Thursday: 11am – 11pm;
- Friday – Saturday: 11am – 12 midnight; and
- Sunday: 11am – 10pm.

The total proposed capacity of the premises is 59 persons with the following sub-limits:

- Staff: 4 persons; and
- Patrons: 55 persons.

The premises is intended to be licensed.

2. ASSESSMENT

The following matters are to be considered in the assessment of this DA 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

Whilst the subject site is located within a coastal use area, it will have no impact on the environment as it relates to a change of use to a food and drink premises.

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 meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Local Centre 'E1' Zone</i>	Yes	The proposal is defined as a food and drink premises, which is permitted with consent in the E1 zone.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The subject site is located within the Bondi Beach Heritage Conservation Area. The DA proposed to paint the external façade of the tenancy to 'Paynes Grey'. Given this is a contemporary building, Council raises no objection to this.
5.21 Flood Planning	N/A	Despite the lot being located within a flood planning overlay, the application relates to a change of use and fitout within an existing tenancy of a new development.

2.1.3. Waverley Development Control Plan 2022 (Waverley DCP 2022) – Amendment No.3

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 <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes (conditional)	Council’s Waste Officer has reviewed the application and recommended conditions of consent. This is discussed in more detail within section 3.2 of the report.
6. Accessibility and Adaptability	Yes	The development will be required to comply with the Building Code of Australia.
8. Heritage	Yes	Discussed above.
14. Advertising and Signage	N/A (conditioned)	Despite a projecting wall sign being shown on the Architectural plans, it has been confirmed that signage does not form part of the application. Therefore, a condition is recommended that the projecting wall sign be deleted from the proposal.

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 Lighting	Yes	The existing awning to Sir Thomas Mitchell Road will aid in blocking light pollution to the residential apartments above.
1.2.3 General Amenity	Yes	Plant equipment and bin storage is located within the building.
1.2.4 Noise	Yes (conditioned)	<p>Council’s Heath Officer has reviewed the application and recommended conditions of consent in relation to acoustics. These include:</p> <ul style="list-style-type: none"> The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the <i>Environment Operations Act 1997</i> to any place of different occupancy; Limiting the noise of mechanical plant equipment; Details on handling noise complaints; and Doors and windows to be closed at 10pm each night. <p>It is to be noted that as of 1 July 2024 the State Government has limited the conditions imposed on licensed premises in relation to acoustic conditions. This will be discussed in more detail below this table.</p>

Development Control	Compliance	Comment
1.3 Hours of operation		
<p><i>Campbell Parade South (base hours)</i></p> <ul style="list-style-type: none"> • Mon-Sat: 7am – 11pm • Sun: 7am – 10pm <p><i>Campbell Parade South (trial periods)</i></p> <ul style="list-style-type: none"> • Mon-Sun: 6am – 12 midnight 	<p>No (conditioned)</p>	<p>The proposed use was assessed under Amendment 3 of the Waverley DCP 2022, which requires new premises to operate for a minimum of 6 months before an application for extended trading hours can be lodged.</p> <p>However, the newly released Amendment 4 of the DCP 2022 has removed this control in order to reflect the Vibrancy Reforms and revitalise Bondi. Although savings provisions apply and the development is required to be assessed under Amendment 3, it is considered appropriate for the proposed use to be granted a trial period from the date of operation, rather than six months later in order to reflect these current vibrancy reforms and the future desired character of the Bondi Beach Commercial Centre.</p> <p>The proposed hours of operation for the use are:</p> <ul style="list-style-type: none"> • Monday – Thursday: 11am – 11pm • Friday – Saturday: 11am – 12 midnight • Sunday: 11am – 10pm <p>In order to achieve compliance with the DCP (Amendment 3), the hours shall be restricted to the base hours and operate as per the below:</p> <ul style="list-style-type: none"> • Monday – Saturday: 11am – 11pm • Sunday: 11am – 10pm <p>A one year trial period is recommended to be granted for:</p> <ul style="list-style-type: none"> • Friday – Saturday: 11pm – 12 midnight.

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

Footpath Seating

The application proposes footpath seating. However, footpath seating must be applied for under a separate footpath seating application (seeking consent under the *Roads Act 1993*). Therefore, a condition is recommended that the footpath seating be deleted and re-applied for under a footpath seating application.

Sanitary Facilities

With a proposed patron capacity of 55 persons, the use is required to provide three toilet pans under the NCC. However, if the use was restricted to 50 persons, the use would only need to provide two pans.

Therefore, a condition is recommended to limit the patron capacity to 50 persons and provide one additional unisex bathroom facility.

In the event that the premises does seek to provide outdoor dining, an additional toilet (pan) will be required if overall patron capacity extends above 50 persons (internal and external). Given the fitout costs for a premises such as this, it is recommended provisions should be made now to avoid costly retrofitting being required later. An advisory note to this effect is recommended for imposition.

Patron Capacity

According to the NCC guide, food and drink premises are to provide 1m² per person of usable area. The proposal provides an internal area that patrons can access of 62m², such that 50 patrons is therefore acceptable.

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 include:
 - 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; and
 - 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&G NSW) 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.

A number of conditions are recommended to increase the amenity of neighbouring residential land uses in terms of acoustic privacy.

It is to be noted that the site is zoned for business uses, is located within a busy 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 imposition of various noise, amenity and safety conditions are measures that will ensure the amenity of the area is maintained to within the limits expected of the area.

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 10 – 26 July 2024 in accordance with the *Community Engagement Strategy 2023*.

A total of 23 unique submissions were received from the following properties:

Table 4: Submission details

Count	Property Address
1	2/7 Sir Thomas Mitchell Road, Bondi Beach
2	8 Sir Thomas Mitchell Road, Bondi Beach
3	3/12 Sir Thomas Mitchell Road, Bondi Beach
4	4/14-16 Sir Thomas Mitchell Road, Bondi Beach
5	1/18-20 Sir Thomas Mitchell Road, Bondi Beach
6	4/18-20 Sir Thomas Mitchell Road, Bondi Beach
7	22 Sir Thomas Mitchell Road, Bondi Beach
8	28 Sir Thomas Mitchell Road, Bondi Beach
9	30 Sir Thomas Mitchell Road, Bondi Beach
10	9/48 Sir Thomas Mitchell, Bondi Beach
11	50 Sir Thomas Mitchell Road, Bondi Beach
12	Shop 2, 10 Jaques Avenue, Bondi Beach
13	36 Campbell Parade, Bondi Beach
14	16/50-54 Campbell Parade, Bondi Beach
15	54 Campbell Parade, Bondi Beach
16	3 Salisbury Street, Waverley
17	Unknown
18	Unknown
19	Unknown
20	Unknown

21	Unknown
22	Unknown
23	Unknown

The following issues were raised:

Issue: Statement of Environmental Effects lacks proposed hours for the use and basic information.

Response: The Statement of Environmental Effects has been amended to include the hours for the use and additional information required for assessment.

Issue: The application includes footpath seating.

Response: A condition is recommended that footpath seating be deleted from the proposal and re-applied for via a footpath seating application (if desired).

Issue: Concern it will function as a bar.

Response: The use is proposed to be a licensed food and drink premises (restaurant).

Issue: Acoustic impacts.

Response: Appropriate acoustic related conditions are recommended. Regardless, this has been discussed in detail below **Table 3**.

Issue: Parking impacts.

Response: The use is not classed as a traffic generating development. Regardless, given the location of the site within proximity of public transport routes and taxi/uber services, the proposal is unlikely to generate additional traffic beyond that anticipated for the local centre zoning of the area.

Issue: Kitchen appears undersized.

Response: The kitchen is of an acceptable size and has been reviewed by Council's Environmental Health unit.

Issue: Lacks Plan of Management.

Response: A condition is recommended that a detailed Plan of Management be provided to the satisfaction of Council, prior to the use commencing.

Issue: Lacks Acoustic Report.

Response: As this relates to a food and drink premises within an E1 zone, an acoustic report is not deemed necessary. Suitable noise conditions are recommended.

Issue: Although it is zoned in commercial, it is a residential area.

Response: The subject site is located within an E1 zone and the Campbell Parade South commercial area. Whilst it borders the residential zone, the site is a business use, located within a busy tourist area that has a combination of both business and residential uses. This has been discussed in detail above.

Issue: Licensed premises will lead to rowdy and noisy behaviour, impact the peace and harmony of residents and impact feeling of safety

Response: The premises will need to adhere to a strict Plan of Management. Additionally, the business will be required to manage a complaint register and address complaints when/if they are received. However, as already discussed, this is a business use in a busy tourist area that allows for both residential and commercial uses.

Issue: Cooking odour.

Response: A condition is recommended that the use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act, 1997*.

Issue: Noise from extractor fans.

Response: A condition is recommended limiting the noise of mechanical plant equipment.

Issue: Increased rubbish.

Response: A condition is recommended to ensure litter patrols are completed.

Issue: Increased vermin.

Response: A condition is recommended requiring a Pest and Vermin Control Management Plan.

Issue: Patrons exiting onto the street.

Response: A condition is recommended that customers be advised to respect the surrounding locality via signage.

Issue: Handling of waste and lack of a Site Waste Recycling Management Plan (SWRMP)

Response: Appropriate waste related conditions are recommended, including the requirement to lodge a Waste Management Plan of Management

Issue: Lack of consultation from private certifier.

Response: This application was notified in accordance with the *Community Engagement Strategy 2023*.

Issue: It will create a precedence.

Response: Any proposed application for a food and drink premises will need to apply for consent via the appropriate avenue.

Issue: Two differing floor plans.

Response: The architectural plans have been updated to show only one floor plan.

Issue: The DA is not in the public interest.

Response: The proposed use is conditioned to comply with all relevant controls, deeming it within the public interest.

Issue: Fit out has already been completed.

Response: Noted – there is a Building Information Certificate application presently lodged and under assessment, awaiting the determination of this DA. This would have no impact on the use of the DA as a food and drink premises.

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. Fire Safety

An internal referral was sought from Council's Fire Safety Officer who recommended conditions of consent in relation to fire safety.

3.2. Waste Management

An internal referral was sought from Council's Waste Officer who recommended conditions of consent.

The Waste Officer recommended that the applicant submits a plan of management or SWRMP. This is recommended as a condition of consent.

Waste Generation Estimate

The restaurant floorplan is approximately 89.5m² (excluding bathrooms).

The waste generation for restaurant use is estimated at 660L garbage and 240L commingled recycling per day (extracted from Waverley's DCP 2022). For an 89.5 m² restaurant, the waste generation is expected to be approximately 591L of garbage and 241L of commingled recycling daily.

Waste Storage Area

The waste storage area is approximately 2.5m wide and 0.9m deep (approximately 2.25m²) – this is the minimum size to store the recommended number of bins for the restaurant use. It is recommended that the hot water system is moved to accommodate the minimum number of waste and recycling bins required to service the restaurant.

3.3. Environmental Health

An internal referral was sought from Council's Health Officer who recommended conditions of consent in relation to certification of mechanical exhausts, pest control, acoustic related conditions, air emission related conditions, handling of noise complaints.

3.4. NSW Licensing Police

An external referral was sought from the NSW licensing police.

Size of Bar

The police raised concern about the size of the bar of previous plan. An amended plan has since been provided that provides a smaller bar zone.

Hours of Operation

Further, the police were not in support for the use to operate past 6pm. However, given this is a food and drink (premises) these hours would not reflect the business model for the use as it would result in it being closed prior to dinner service. Given the use is compliant in the E1 zone and conditions are recommended restricting the hours of the use to the base hours permitted. The proposed hours are deemed acceptable by Council.

Concern that Lamrock Place would be used as a travel path

Council has no control over travel paths for patrons. Notwithstanding, the use is within close proximity to Campbell Parade where there is public transport and ride share options.

Outdoor dining

This is not part of the application as it needs to be sought under a footpath seating application.

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 6 August 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Joseph Somerville	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 5 August 2024	Date: 15 August 2024	Date: 16 August 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? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	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	Yes
Was there a 'Conflict of Interest' declared	No

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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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Andy McDonell Design including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>CO01</td> <td>Proposed Floor Layout</td> <td>15/09/2023</td> <td>03/07/2024</td> </tr> <tr> <td>CO02</td> <td>Proposed Elevation</td> <td>15/09/2023</td> <td>03/07/2024</td> </tr> </tbody> </table> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	CO01	Proposed Floor Layout	15/09/2023	03/07/2024	CO02	Proposed Elevation	15/09/2023	03/07/2024
Plan Number and Revision	Plan description	Plan Date	Date received by Council										
CO01	Proposed Floor Layout	15/09/2023	03/07/2024										
CO02	Proposed Elevation	15/09/2023	03/07/2024										
2.	<p>GENERAL MODIFICATIONS</p> <p>The application is approved subject to the following plan amendments;</p> <p>(a) No approval is granted for the projecting wall sign and it is to be deleted.</p> <p>Condition reason: To delete works which were not sought as part of the consent.</p> <p>The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.</p>												
3.	<p>FOOTPATH SEATING</p> <p>No approval is granted for footpath seating. This must be applied for via a Footpath Seating Application.</p> <p><i>NOTE: Future applications for footpath seating may result in the requirement of additional sanitary facilities, as it will result in an increased patron capacity. Therefore, it is recommended that this is considered when installing sanitary facilities.</i></p> <p>Condition reason: To ensure footpath seating is applied for via the correct application.</p>												
4.	<p>COMPLIANT SANITARY FACILITIES</p> <p>To comply with the National Construction Code (NCC), two sanitary facilities for the use are to be provided prior to the issue of an Occupation Certificate.</p>												

	<p>NOTE: Future applications for footpath seating may result in the requirement of additional sanitary facilities, as it will result in an increased patron capacity. Therefore, it is recommended that this is considered when installing sanitary facilities.</p>
	<p>Condition reason: To ensure the works comply with the NCC.</p>
<p>5.</p>	<p>WINDOWS AND DOORS TO BE CLOSED</p> <p>To increase acoustic privacy to surrounding residential uses the windows and doors of the use must be closed by 10pm each night.</p> <p>Condition reason: To increase acoustic privacy to surrounding residential uses.</p>

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
6.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
7.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(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.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p> <p style="padding-left: 40px;">(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.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p style="padding-left: 40px;">(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).</p> <p style="padding-left: 40px;">- 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.</p>

	<p>(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.</p> <p>(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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>8.</p>	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$6,965 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.</p> <p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
<p>9.</p>	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p>

	<p>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.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
10.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
11.	<p>HOARDING</p> <p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
12.	<p>ENGINEERING DETAILS</p> <p>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.</p>
	<p>Condition reason: To ensure structural stability of work on site.</p>
13.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent</p>
	<p>Condition reason: To minimise disruption to local traffic.</p>
14.	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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</p>

	<p>recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
15.	<p>WASTE STORAGE AREAS</p> <p>Have a minimum space to be able to accommodate the following number of bins:</p> <ul style="list-style-type: none"> ○ 3x 240L MGBs collected daily for general waste ○ 1x 240L MGBs collected daily for comingled recycling <p>This may require the relocation of the hot water system.</p> <p>Condition reason: To ensure the appropriate space for storage of waste on site.</p>
16.	<p>NOISE – ACOUSTIC REPORT</p> <p>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).</p> <p>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.</p> <p>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</p> <p>Condition reason: To control acoustic impacts to surrounding land uses.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
17.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>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.</p>
18.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>

DURING BUILDING WORK

Condition	
26.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
27.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
28.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
29.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p>

	Condition reason: To ensure regular inspections occur throughout the construction process.
30.	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.
31.	FOOD PREMISES
	The fitout of the premises must be in accordance with the <i>Waverley Council Policy for Fit-out and Construction of Food Premises</i> 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.
32.	REFRIGERATION UNITS & MECHANICAL PLANT
	Refrigeration motors/units and other mechanical plant (i.e. air conditioning) are not to be installed outside the building without the prior consent of Council, in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it within the acceptable limits. Condition reason: To protect the amenity of the local area.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
33.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
34.	<p>CERTIFICATION OF ALL MECHANICAL PLANT</p> <p>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.</p> <p>Condition reason: To ensure the proper installation of use of the mechanical plant has been undertaken.</p>
35.	<p>PLAN OF MANAGEMENT - LICENCED PREMISES</p> <p>A Plan of Management (PoM) for the operation of the premises is to include details of the operational and management procedures as well pro-active measures to control the following:</p> <ul style="list-style-type: none"> (a) Amenity impacts to the surrounding neighbourhood of the premises; (b) Compliance with conditions (relating to patron capacity, approved hours of operation, any trial periods, noise conditions, handling of complaints); (c) The behaviour of patrons; (d) Liquor practices (if licensed, including the responsible service of alcohol); (e) Staffing roles and responsibilities (including security personnel if required); (f) Management of patrons within the premises and their exit and dispersal from the area; and (g) Other such operational matters to ensure compliance with relevant regulatory requirements. <p>The PoM shall be submitted to and approved by Council's Executive Manager, Development Assessment (or delegate) for approval prior to the issue of any Occupation Certificate.</p> <p>Condition reason: To ensure the a clear management plan is provided.</p>

36.	<p>PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE</p> <p>A Waste Management Plan must be submitted to the Principal Certifying Authority and include including the following where relevant;</p> <ul style="list-style-type: none"> (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) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins and cleaning of storage areas must be outlined in contracts with the building manager, cleaners and tenants. (e) Waste and recycling generated from the restaurant operation must not be placed any residential bins. (f) The business operator must retain proof of waste and recycling collection throughout the operation of the business. (g) All waste and recycling bins should be collected by a <i>collect and return</i> or <i>wheel-in wheel-out</i> service to minimise disruption to neighbouring properties. (h) 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. (i) At no times shall bins be stored on the public domain (e.g. footpaths). <p>Condition reason: To ensure adequate waste management on site.</p>
37.	<p>MECHANICAL EXHAUST MAINTENANCE</p> <p>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.</p> <p>Condition reason: To ensure the maintenance of the mechanical exhaust.</p>
38.	<p>FOOD PREMISES</p> <p>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.</p> <p>Condition reason: To ensure the food and drink premises is registered with Waverley Council.</p>
39.	<p>PEST CONTROL</p> <p>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.</p> <p>Condition reason: To reduce and control pests and vermin.</p>

OCCUPATION AND ONGOING USE

Condition	
40.	<p>HOURS OF OPERATION</p> <p>The hours of operation for the premises are restricted to:</p> <p><u>INDOOR AREA</u> Monday to Saturday: 11am – 11pm Sunday: 11am – 10pm</p> <hr/> <p>Condition reason: To protect the amenity of the local area.</p>
41.	<p>HOURS OF OPERATION WITH ONE YEAR TRIAL FOR EXTENDED HOURS</p> <p>This consent allows for a one (1) year trial period as follows:</p> <p>Friday to Saturday: 11pm – 12 midnight</p> <p>The trial period starts from the date of the Occupation Certificate and ceases on the anniversary of that date. A further application may be lodged before the expiration date for Council's consideration for the continuation of the trial hours.</p> <p>Council's consideration of any further application will take into account matters including but not limited to:</p> <ul style="list-style-type: none"> (a) compliance of the premises in terms of security and its general management; (b) number and nature of substantiated complaints regarding the operation of the premises; (c) compliance with conditions of consent. <hr/> <p>Condition reason: To protect the amenity of the local area.</p>
42.	<p>MAXIMUM PATRON CAPACITY</p> <p>(a) The approved patron capacity for the premises is limited to:</p> <p style="padding-left: 40px;">Total of 50 patrons</p> <p>(b) A comfortable dining position must be available for each patron upon the premises. This will include a seat and access to table / bench space generally in accordance with the approved plans.</p> <p>(c) Any person/s attending the premises for the purpose of 'takeaway' products / services will not be considered a 'patron' for the purposes of subclause (a), provided no food and or drink is consumed by those persons on the premises.</p> <p>(d) Management are responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (a).</p> <hr/> <p>Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.</p>

<p>43.</p>	<p>SIGNAGE TO BE DISPLAYED</p> <p>(a) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected in a prominent position near the main entry to the premises. The signage shall state:</p> <p><i>Approved hours of operation - Indoor Area</i> <i>Monday – Thursday: 11am – 11pm</i> <i>Friday – Saturday: 11m – 12 midnight</i> <i>Sunday: 11am – 10pm</i> <i>(Trial period)</i></p> <p><i>Approved patron capacity</i> <i>50 patrons</i></p> <p>(b) Signage (in lettering not less than 25mm in height on a contrasting background) is to be erected near the main 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:</p> <p><i>Upon leaving please respect local residents by minimising noise</i></p> <p>Signage specified in sub clauses (a) and (b) is to be erected prior to the commencement of operations.</p> <p>Condition reason: To protect the amenity of the local area.</p>
<p>44.</p>	<p>COPIES OF CONSENTS AND MANAGEMENT PLAN</p> <p>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.</p> <p>Condition reason: To ensure consents and management plan are easily available.</p>
<p>45.</p>	<p>AMENITY</p> <p>The management of the premises is to:</p> <p>(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</p> <p>(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</p> <p>(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.</p> <p>Condition reason: To protect the amenity of the local area.</p>

46.	<p>NOISE EMISSIONS</p> <p>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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
47.	<p>NOISE – MECHANICAL PLANT</p> <p>Noise associated with mechanical plant shall not give rise to any one or more of the following:</p> <p>(a) Transmission of "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
48.	<p>AIR EMISSIONS</p> <p>The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.</p> <p>Condition reason: To protect the amenity of the local area.</p>
49.	<p>NO BARBECUE OR CHARCOAL TYPE COOKING ON SITE</p> <p>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.</p> <p>Condition reason: To protect the amenity of the local area.</p>
50.	<p>WASTE MANAGEMENT PLAN REVIEW</p> <p>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.</p> <p>Condition reason: To ensure the management of waste is ongoing.</p>
51.	<p>USE OF PLANT ROOMS</p> <p>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.</p>

	Condition reason: To ensure the plant room is not used for storage purposes.
52.	NOISE COMPLAINTS
	<p>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:</p> <p>(a) The identification of sensitive noise receivers potentially impacted by the proposal;</p> <p>(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);</p> <p>(c) The formation of a suitable assessment criteria having regard to the guidelines contained in the NSW EPA Industrial Noise Policy;</p> <p>(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;</p> <p>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.</p>
	Condition reason: To protect the amenity of the local area.
53.	LITTER CHECKS
	<p>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.</p>
	Condition reason: To ensure the locality is cleared of litter.
54.	NOISE FROM GLASS REMOVAL
	<p>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.</p>
	Condition reason: To limit noise created from glass removal.

GENERAL ADVISORY NOTES

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2. SYDNEY WATER REQUIREMENTS

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

Contact Sydney Water for more information.

AD3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

AD4.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.

AD5.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.

AD6.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.

AD7.LIQUOR LICENSING ACCORD

The Licensee is encouraged to join and adopt the principles and terms of the local Liquor Licensing Accord. For information visit the Eastern Suburbs Liquor Accord website: www.esla.net.au/

AD8.SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

AD9.SUITABLY QUALIFIED ACOUSTIC CONSULTANT

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

Dictionary

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

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

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

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

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

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

Council means Waverley Council.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means Waverley Local Planning Panel.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

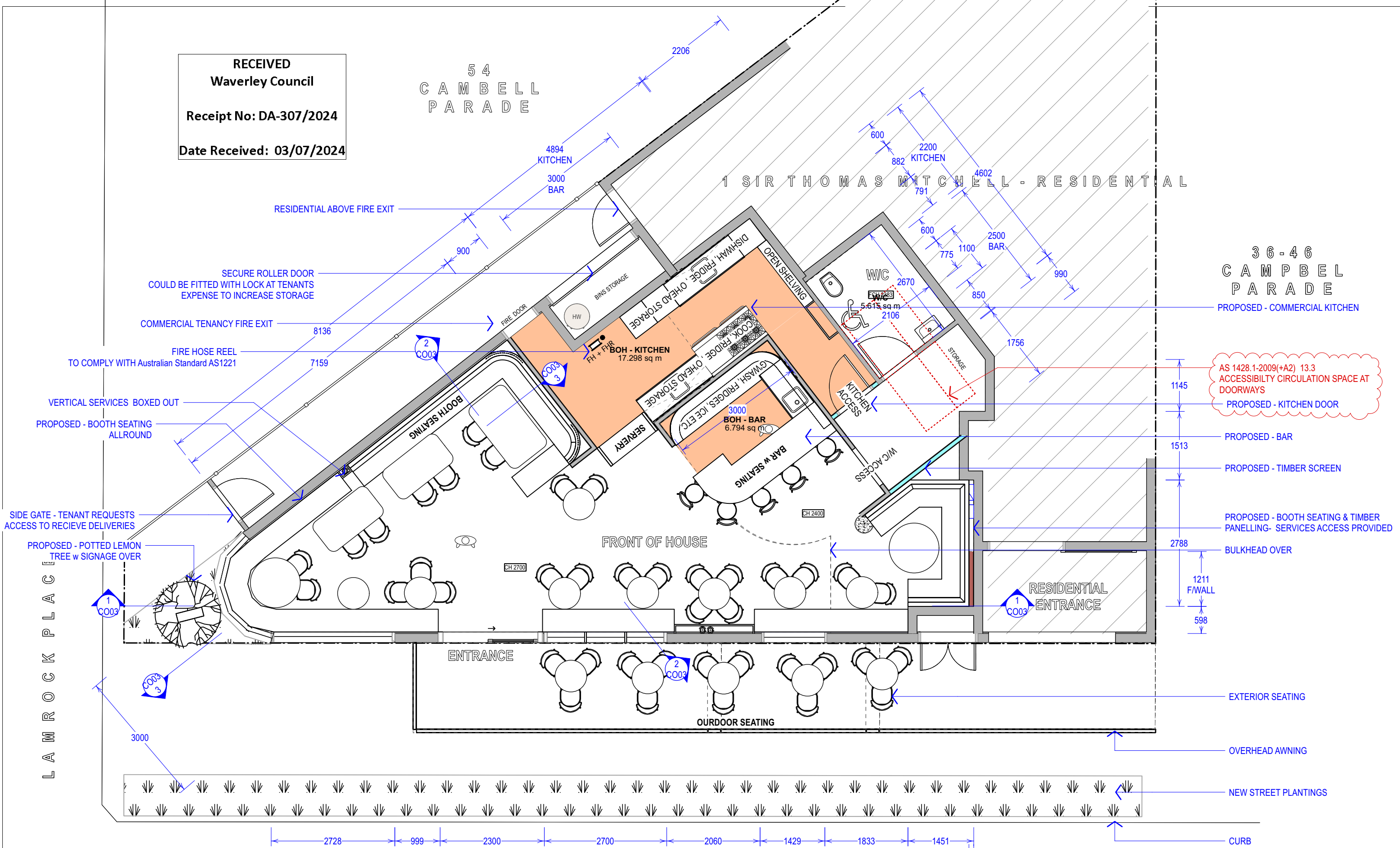
Suitably qualified acoustic consultant means suitably qualified acoustic consultant means an individual who possesses the qualifications to render them eligible for membership of both the Australian Acoustics Society and Institution of Engineers Australia at the grade of member or an individual who is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

RECEIVED
Waverley Council
Receipt No: DA-307/2024
Date Received: 03/07/2024

54
CAMPBELL
PARADE

1 SIR THOMAS MITCHELL - RESIDENTIAL

36-46
CAMPBELL
PARADE



AS 1428.1-2009(+A2) 13.3
ACCESSIBILITY CIRCULATION SPACE AT
DOORWAYS
PROPOSED - KITCHEN DOOR

SIDE GATE - TENANT REQUESTS
ACCESS TO RECIEVE DELIVERIES

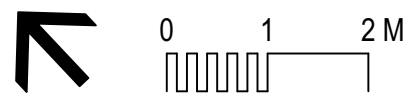
PROPOSED - POTTED LEMON
TREE w SIGNAGE OVER

L A M R O C K P L A C E

SIR THOMAS MITCHELL ROAD

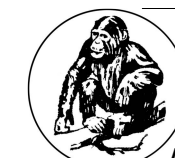
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DE-2

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DE-2

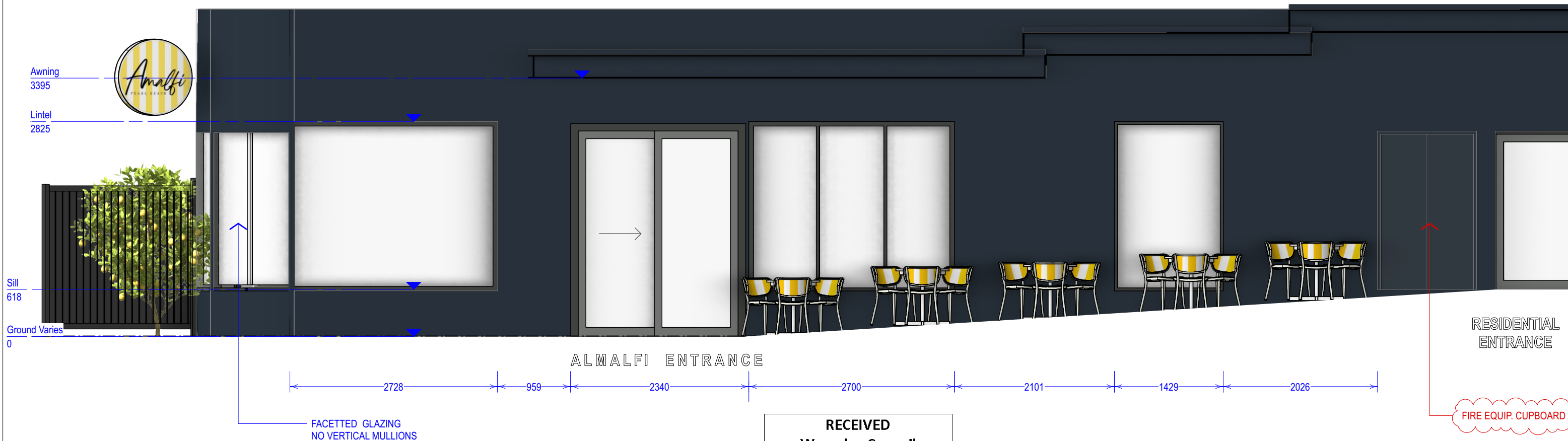


** DIMENSIONS ARE INDICATIVE **

PRELIMINARY - 15/9/23



DRAWING	PROPOSED FLOOR LAYOUT	SHEET	CO01	SCALE	1:75 @ A3
PROJECT	1 SIR THOMAS MITCHELL ROAD	DATE	15/9/23	CLIENT	AMALFI BONDI BEACH
CLIENT	AMALFI BONDI BEACH	DRAWN	A.M	ANDY M'DONNELL DESIGN	
A: 84 Hastings Pde North Bondi 2026		T: 0402 737 863		E:	



RECEIVED
 Waverley Council
 Receipt No: DA-307/2024
 Date Received: 03/07/2024

2 SOUTH ELEVATION
 Scale: 1:50



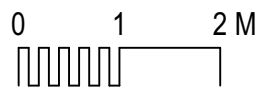
P 11 - EXTERIOR STREET VIEW



P 12 - EXTERIOR STREET VIEW



1 SOUTH WEST ELEVATION
 Scale: 1:50



** DIMENSIONS INDICATIVE - PLEASE CHECK ONSITE AND INFORM DESIGNER OF DICREANCIES BEFORE CONSTRUCTION**

PRELIMINARY - 15/9/23



DRAWING	PROPOSED EXTERIOR ELEVATION - BLUE CO02	SHEET	CO02	SCALE	1:75 @ A3
PROJECT	1 SIR THOMAS MITCHELL ROAD			DATE	15/9/23
CLIENT	AMALFI BONDI BEACH			DRAWN	A.M
ANDY MCDONNELL DESIGN A: 84 Hastings Pde North Bondi 2026 T: 0402 737 863 E:					

MECHANICAL LEGEND

TYPICAL Ø150 CEILING MOUNTED EXHAUST FAN HEADER BOX CW NON RETURN DAMPER, ELECTRICAL CONTRACTOR TO PROVIDE GPO MOUNTED ADJACENT, INTERLOCKED WITH ASSOCIATED LIGHT SWITCHES CW 10MIN RUN TIME, LAUNDRY EXHAUST FANS TO BE INTERLOCKED WITH DRAIN OPERATION.

Ø150 ACOUSTIC FLEXIBLE DUCTING



450x200 EXTERNAL DOUBLE CW BROWWIRE MESH & EXHAUST AIR BOOT INSTALLED IN CLADDED WALL BY BUILDER. Ø150 PVC DUCTING IN CEILING TO EXHAUST FAN HEADERS & KITCHEN RANGE HOOD.

GENERAL NOTES

- NATURAL VENTILATION VIA OPENABLE WINDOWS & DOORS IN ACCORDANCE WITH MCC PART F4.6 & AS 6968.2:2012.
- LOBBIES/FOYER/NOTA HABITABLE SPACE THEREFOR NO MECHANICAL VENTILATION REQUIRED. PCA & ARCHITECT TO CONFIRM.

RECEIVED
Waverley Council
Receipt No: DA-307/2024
Date Received: 03/07/2024

Rev.	Date.	Amendments.	Init.
A	01/02/24	PRELIMINARY ISSUE FOR REVIEW	PJS

881818 MECHANICAL

BARDAIRI PTY LTD

AIR CONDITIONING & REFRIGERATION SOLUTIONS
 881818 Mechanical Services Pty Ltd
 40/34, St Raphael St, Alexandria NSW 2015
 PO Box 254 Broadway NSW 2007
 Tel: +61 2 9550 8484
 Fax: +61 2 9550 8484
 Email: info@881818mechanical.com.au

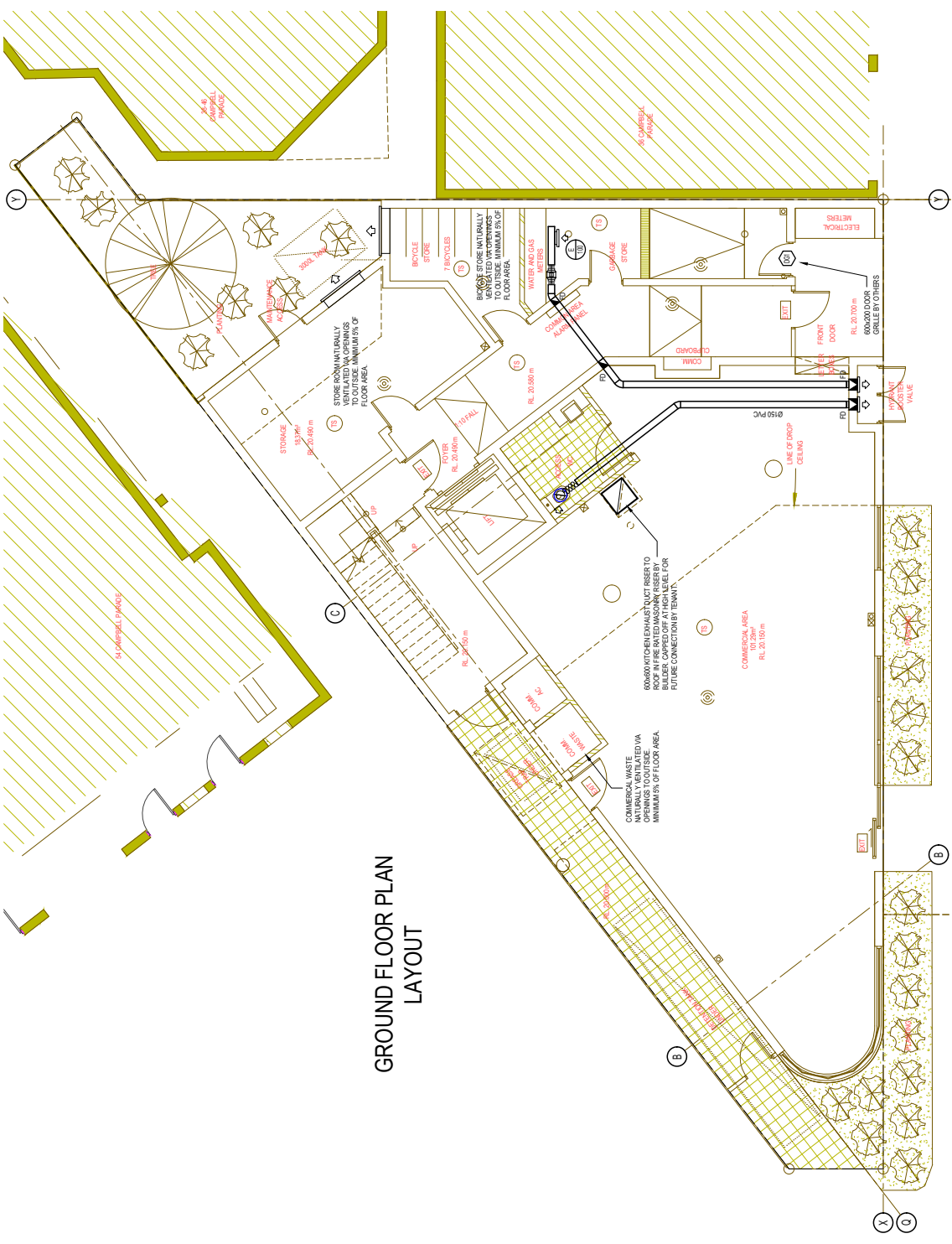
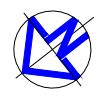
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Project:
 PROPOSED NEW DEVELOPMENT
 1 SIR THOMAS MITCHELL RD, BONDJ/2026

Drawing Title:
 MECHANICAL SERVICES
 GROUND FLOOR PLAN LAYOUT

Scale: 1:100 A3 Paper
Date: December 2018
Checked:
Approved:

Job No.: OMS-2018-09
Drawing No.: M100
Sheet: A

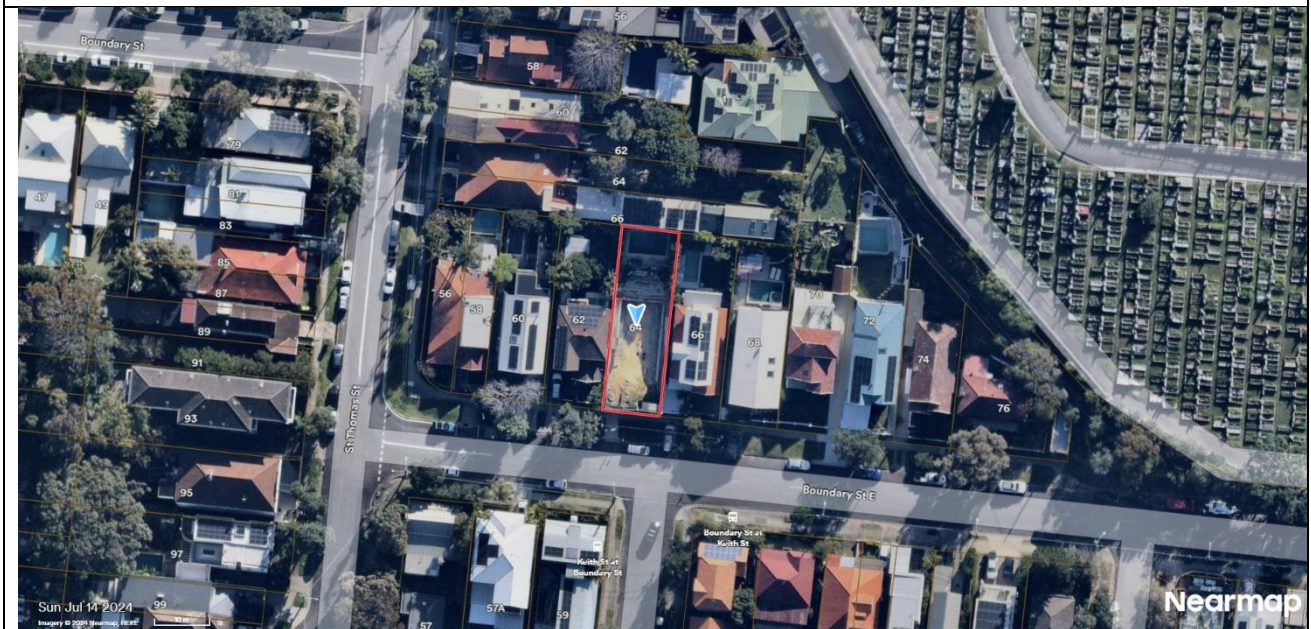




Report to the Waverley Local Planning Panel

Application number	DA-137/2024
Site address	64 Boundary Street, BRONTE
Proposal	Construction of a new three storey dwelling with basement level garage, rumpus room, internal lift and balconies.
Date of lodgement	28 March 2024
Owner	Mr J E Hunt and Ms M T Scanlan
Applicant	Archmed Pty Ltd
Submissions	No submissions
Cost of works	\$1,501,500
Principal Issues	<ul style="list-style-type: none"> • Unauthorised works and excavation • Building height 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 a new three storey dwelling, at the site known as 64 Boundary Street, BRONTE.

The principal issues arising from assessment of the application are unauthorised works, excavation and building height exceedance. A building information certificate has been lodged with Council to address the unauthorised excavation and basement works and the application has been amended to include the new existing ground level through the site to determine the overall height exceedance. Despite the considerable sized basement, the dwelling (above ground) is consistent in built form and scale with the previous development application on the site and the overall height matches the previously approved dwelling on the site, as shown in outline on the architectural plan set.

Accordingly, the proposal would not give rise to additional environmental amenity impacts, including shadowing and privacy impacts compared to the previously approved dwelling on the site.

No submissions were received.

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

1.2. Site and Surrounding Locality

A site visit was carried out on 19 June 2024.

The site is identified as Lot 13 in DP 10994, known as 64 Boundary Street, BRONTE.

The site is rectangular in shape with a frontage of 10.67m to Boundary Street. It has an area of 357.8m² and falls from the rear towards the front of the site by approximately 2.2m.

The site has been demolished and comprises an excavated basement level with capping beams along the sides. Prior to demolition, the site was occupied by a two-storey dwelling house with vehicular access provided from Boundary Street. The driveway access from Boundary Street to the site remains as existing.

The site is adjoined by two-storey dwelling houses on either side. The locality is characterised by a variety of low-density residential developments.

The boundary between Waverley and Randwick Local Government Areas (LGAs) is located at the southern front boundary, at the sites vehicular crossover.

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



Figure 1: Site frontage, facing north



Figure 2: Excavated basement level with capping beams at side, facing north



Figure 3: Eastern side setback, facing north



Figure 4: Prior to demolition, May 2022

1.3. Relevant Development History

A search of Council's records revealed the following recent (past 10 years) and relevant development history of the site:

- PD-13/2022, Pre-DA for alterations and additions to existing dwelling including extension of garage, new lift, new attic extension and new balconies, finalised 6 July 2022.
- DA-434/2022, Alterations and additions to existing dwelling, approved 6 June 2023.
- CCB-233/2023, Alterations and additions to existing dwelling, registered 10 October 2023.
- CCB-271/2023, Alterations and additions to existing dwelling, registered 9 November 2023.
- DA-434/2022/A, Modification to alter internal layout, windows and delete condition 2A, withdrawn 18 December 2024.
- BC-5/2024, Building Information Certificate (BIC) for unapproved piling works and capping beam, yet to be finalised.

The previous development application was approved for alterations and additions to the existing dwelling. A BIC was raised as a result of unauthorised works on the site, which included the demolition of the dwelling and excavation of the site to create a basement level, including piling works and capping beam (see **Figures 2 and 3**). The subject development application seeks approval for a new dwelling on the site. The works undertaken to construct the basement level will not be approved under the application as these works are subject to the BIC. This DA will only include prospective works and use associated with the basement level.

1.4. Proposal

The development application seeks consent for construction of a new three-storey residential dwelling, including:

- Garage level:
 - Rumpus room;
 - Storage and plant room;
 - Bathroom;
 - External stair from garage to eastern side setback;
 - Lift and stair access to upper levels;
- Ground floor level:
 - Bedroom;
 - Home office/sitting room;
 - Kitchen, living and dining room;
 - Front facing balcony and planters;
 - Lift and stair access to upper and lower levels;
 - Landscaping in front setback;
 - Works to reinstate the rear yard and landscaping;
- First floor level:
 - Master bedroom with walk-in-robe and ensuite;
 - Two bedrooms and bathrooms;
 - Family sitting room;
 - Front facing balcony with privacy screens;
 - Rear facing balcony with privacy screens;
 - Lift and stair access to lower levels.

The existing excavated (retrospective) garage is not subject to this development application.

1.5. Background

The development application was lodged on 28 March 2024 and an additional information request sent to the applicant on 23 May 2024 for the following reasons:

1. *Architectural Plans*

The application was submitted based on the existing ground levels of the previously approved application on the site (DA-434/2022). Given that the site has now been excavated, the site has new ground levels, which are to be used in determining the overall height of the proposed development. It is also noted that as a result of the new existing ground level, the proposed development will exceed the 8.5m height of buildings development standard.

A revised architectural plan set is to be submitted, including the new existing ground level on the site based on the excavated site levels. The previous ground levels are irrelevant and should be removed from the plans. The 8.5m height plane limit is to be shown on the plans and the reduced levels of each floor level shown to the top of the parapet to demonstrate the overall height of buildings and the exceedance to the development standard.

2. Clause 4.6 Written Request

A Clause 4.6 written request is to be submitted for the proposed development, including the revised height measurement taken from the new existing ground levels and the maximum height of the dwelling. The Clause 4.6 Written request is to report on the proposed height of the building based on the revised ground levels and the extent of the exceedance to the height of buildings development standard of the Waverley LEP 2012. The Clause 4.6 Written request should include a background discussion of the previous development application, the Building Information Certificate and any other relevant background.

Amended plans received on 28 May 2024 and a revised Clause 4.6 Written Request received 30 May 2024 in response to the additional information request described above 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.

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 application is not inconsistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table <i>R2 Low Density Residential Zone</i>	Yes	The proposal is defined as a dwelling house, which is permitted with consent in R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The proposal has a maximum building height of 10.42m, exceeding the development standard by 1.92m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (FSR) • 0.71142:1 (254.54m ²)	Yes	The proposal comprises an overall gross floor area of 253m ² , achieving an FSR of 0.707:1, which is below the permitted FSR.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height of buildings development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.2 Earthworks	N/A	The basement level has already been excavated. These works are subject to BC-5/2024 and will not be approved under the application.

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 height of buildings development standard in clause 4.3 under Waverley LEP 2012.

The site is subject to a maximum building height of 8.5m. The proposed development has a building height of 10.42m, exceeding the standard by 1.92m equating to a 22.58% variation. The height exceedance on the site is a result of the site being excavated, undertaken without consent. The previous application, DA-434/2022 approved alterations and additions to the existing dwelling with a compliant

height matching the height proposed under this application (reduced level (RL) 47.623). Accordingly, the proposed height of the dwelling will match the height of the previous dwelling on the site.

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 objectives of the development standard are met, despite the exceedance.*
 - (ii) *No views are affected by the development...Glimpses of water are available to the south...acquired across front boundaries and are not in any way affected by the development.*
 - (iii) *The proposal limits openings on side elevations and for side windows, these are either high silled, offset from adjacent windows or screened.*
 - (iv) *The proposal maintains solar access as existing and makes use of a form that is much the same as existing and approved and therefore does not reduce solar access to the adjoining properties.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) *The variation is technical in nature and stems from the fact there is a basement level, and the height of buildings is to be measured from the ground level (existing) of the basement...artificially creating a variation....*
 - (ii) *The building height and form is compatible with surrounding development and the desired future character of the locality.*
 - (iii) *The exceedance will not create additional building bulk that results in unreasonable environmental amenity impacts, including view loss, overshadowing and visual and acoustic privacy impacts.*
 - (iv) *The component of the roof above the height control is limited to the top of the roof and contains no windows or points for overlooking.*

Consideration of Applicant's Written Request

The applicant's Clause 4.6 Written Request notes that the variation to the height of buildings is technical in nature, resulting from the requirement to measure the overall building height of the development above existing ground level. . As excavation has already occurred to fully accommodate the basement level of the development, the basement level is identified as 'existing' and is the required reference or relative point of measuring the overall building height of the development. The Clause 4.6 Written Request further notes that the bulk of the building that is above the existing ground level (prior to the site being excavated), is within the 8.5m height plane.

Council acknowledges that the height variation is technical in nature, being a result of the excavated basement level. Prior to the basement level excavation, the dwelling did not exceed the 8.5m height of buildings development standard due to the existing levels of the site and the proposed building height being within the permitted 8.5m height plane. The previous development application for alterations and additions, which did not include basement level, was height compliant.

The proposed development seeks to retain the RLs of the approved dwelling, when measured above the pre-excavation levels of the site. The height of the building would be compatible and consistent with adjoining development and in keeping with the desired future character of the locality.

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 applicant has adequately demonstrated that the objectives of the development standard would be achieved notwithstanding non-compliance with the standard. The dwelling is consistent in height, bulk and scale with surrounding properties and matches the ridgeline height of the dwelling on the site prior to its demolition.

The proposal would not give rise to additional shadowing over and above the approved shadow profile of the previous dwelling on the site and would maintain satisfactory solar access to neighbouring properties. The proposal would not give rise to unacceptable privacy impacts and is of an appropriate bulk and scale consistent with built form and desired future character of the locality. Accordingly, the applicant’s written request demonstrates that compliance 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 proposed variation is technical in nature and a consequence of the excavated basement level, despite the built form above the 8.5m height plane, the proposal does not increase the height of the dwelling beyond the previous approval. Environmental impacts are negligible, with no increase in shadowing or privacy impacts relative to the previous approval.

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 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.

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
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes	Satisfactory. The site comprises adequate space along side setbacks and the rear yard for bin storage.
2. Ecologically Sustainable Development	Yes	A BASIX Certificate was submitted with the application, setting out energy efficiency and

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Ceiling or wall mounted fans</i> <i>Gas cooktops, gas ovens or gas internal space heating systems.</i> 		<p>water conservation targets as required under the SEPP.</p> <p>The proposal incorporates passive design, providing openings to all facades with good cross ventilation and solar penetration.</p> <p>The proposal includes electric systems for heating and cooking in accordance with the Waverley DCP 2022.</p>
3. Landscaping, Biodiversity and Vegetation Preservation	No, acceptable by condition	<p>The proposal does not include tree removal.</p> <p>The site is identified as a habitat corridor. The submitted Landscape Plan does not comply with controls and species selection for sites within an identified habitat corridor. A condition of consent is recommended to require the Landscape plans to be amended to comply with the relevant controls.</p>
5. Water Management	Yes	<p>The front boundary of the site is located on the local government area (LGA) border of Waverley and Randwick. Referral comments were sought from Randwick Council in relation to stormwater requirements and relevant conditions of consent included in the recommendation.</p>
6. Accessibility and Adaptability	Yes	<p>The proposal includes an internal lift providing access between each floor level.</p>
7. Transport 7.1 Streetscape 7.2 On-Site Parking 7.2.1 Vehicle Access 7.2.2 Parking Rates <ul style="list-style-type: none"> <i>1 space for 2 or less bedrooms</i> <i>2 spaces for 3 or more bedrooms.</i> 	Yes	<p>The off-street parking is acceptable.</p> <p>The subject site is located within Parking Zone 2.</p> <p>The driveway crossover is acceptable.</p> <p>The development provides one off-street parking space, with additional space to enable manoeuvrability and disabled access between the car space and the lift.</p> <p>The proposal complies with the control.</p>
11. Design Excellence	Yes	<p>The proposal has been architecturally designed and is in keeping with the bulk and massing of neighbouring dwellings. The proposal is considered to achieve design excellence.</p>
13. Excavation	N/A	<p>As noted above, the basement level has already been excavated. These works are subject to BC-</p>

Development Control	Compliance	Comment
		5/2024 and will not be approved under this application. Notwithstanding, the excavation is acceptable on planning grounds as it is set back by a minimum of 900mm from side boundaries and does not extend outside the footprint of the ground floor level of the development. Remaining prospective works related to the basement will be addressed via standard conditions of consent.

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 <ul style="list-style-type: none"> Maximum external wall height of 7m 	No, acceptable on merit	<p>The proposal has a maximum wall height of 8.63m, exceeding the control by 1.63m.</p> <p><i>See below the table for further discussion.</i></p>
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line (adjacent three neighbours on either side) Predominant rear building line at each floor level (adjacent three neighbours or either side) Development at first floor level and above shall be set back from the rear building line of the ground floor level 	<p>Yes</p> <p>Yes</p> <p>No, acceptable on merit</p>	<p>The proposal is consistent with the front and rear building lines in the street at each level. The front and rear setbacks match the dwelling that was on the site prior to demolition and is acceptable.</p> <p>The first floor level is not set back from the ground floor level at the rear however the built form is in proportion with neighbouring dwellings in terms of bulk and scale and has been designed to be consistent in form with the previous dwelling on the site. The minor variation would not give rise to unacceptable bulk and scale impacts and is acceptable in this instance.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m for ground floor and first floors) 	Yes	The basement and ground floor levels are set back 1.09m from the western side boundary and 1.16m from the eastern side boundary. The first floor level is set back a minimum of 1.1m from the side boundaries.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> New development to be compatible with streetscape context Significant landscaping to be maintained. 	<p>Yes</p> <p>Yes</p>	<p>The proposal has been designed to be in keeping with neighbouring dwellings and to reflect in scale and form, the dwelling that was on the site prior to being demolished.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Minimum of 3 hours of sunlight to 50% of living areas and principal open space areas on 21 June to subject site</i> • <i>Minimum of 3 hours of sunlight maintained to at least 50% of principal open space areas of adjoining properties on 21 June.</i> • <i>Avoid unreasonably overshadowing of solar collectors (including habitable windows).</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal would maintain a minimum of 3 hours of sunlight to 50% of living areas and principal space within the subject site and on neighbouring sites on 21 June.</p> <p>The submitted shadow diagrams shows that the proposal would have a consistent shadow profile to the dwelling that was previously approved on the site, apart from a small reduction in shadow to the east elevation of No. 62 Boundary Street. Accordingly, there is no additional impact when compared to the previously approved dwelling on the site. Further, the variation to the height of buildings development standard is technical in nature and is a produce of the presence of the basement level, as identified in the clause 4.6 discussion in section 2.1.2 of this report. The overall building height of the proposed development results in shadowing that is deemed to be reasonably expected and is therefore acceptable.</p>
1.7 Views		
<ul style="list-style-type: none"> • <i>Views from the public domain are to be maintained</i> • <i>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</i> 	<p>Yes</p>	<p>The proposal would not impact on views currently obtained from the public domain and would not impact on view sharing from surrounding dwellings.</p>
1.8 Car parking		
<p>1.8.1 Design Approach</p> <ul style="list-style-type: none"> • <i>Parking only allowed where site conditions permit</i> • <i>Designed to complement the building and streetscape</i> • <i>Car parking structures to be behind the front building line</i> • <i>Driveways are to be located to minimise the loss of on street parking</i> 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposed garage would accommodate one vehicle and access via the driveway in the same location as the previous approved dwelling.</p> <p>Parking is at basement level and has been designed to complement and be in keeping with the proposed dwelling and streetscape. The garage is designed with additional width that extends out to enable adequate disabled access between the vehicle and lift.</p> <p>The driveway will be maintained as existing.</p>
<p>1.8.2 Parking rates</p>	<p>Yes</p>	<p>The proposal is consistent with the parking rates set out under Part B7 of Waverley DCP 2022.</p>

Development Control	Compliance	Comment
1.8.3 Location <ul style="list-style-type: none"> <i>Parking to be behind front building line for new dwellings</i> 	Yes	A garage door is located on the front boundary leading to the basement garage. The street is dominated by single width garages and car parking spaces located on the front boundary.
1.8.4 Design <ul style="list-style-type: none"> <i>Complement the style, massing and detail of the dwelling</i> <i>Secondary in area and appearance to the design of the residences</i> 	Yes	The design of the garage is consistent with the design of the previously approved garage and reflects the predominance of single width garages located on the front boundary of the dwelling along this part of Boundary Street.
1.8.5 Dimensions <ul style="list-style-type: none"> <i>5.4m x 2.4m per vehicle</i> 	Yes	The proposal complies with the minimum dimension requirements.
1.8.6 Driveways <ul style="list-style-type: none"> <i>Maximum of one per property</i> <i>Maximum width of 3m at the gutter (excluding splay)</i> <i>Crossings not permitted where 2 on street spaces are lost</i> 	Yes Yes Yes	<p>As noted above, the front boundary of the site is located on the local government area (LGA) border of Waverley and Randwick. Referral comments were sought from Randwick Council in relation to driveway and vehicle crossover requirements and conditions of consent included in the recommendation.</p> <p>A single driveway is proposed as per the existing situation, therefore there will be no loss of on-street parking.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> <i>Overall open space: 40% of site area (143.12m²)</i> <i>Overall landscaped area: 20% of site area (71.56m²), with at least half deep soil (35.78m²)</i> <i>Minimum area of 25m² for private open space</i> <i>Front open space: 50% of front building setback area</i> <i>Front landscaped area: 50% of front open space provided</i> <i>Outdoor clothes drying area to be provided</i> 	Yes No, acceptable on merit Yes Yes Yes Yes	<p>The proposal provides 236m² of open space and 64.85m² of landscaped area. The rear yard has been maintained as existing, including the rear concrete tiles and pool area. Planting is proposed to be added to part of the western side setback and the front setback will include deep soil planting at ground floor level (14.5m²) and landscaped planters around the perimeter of the front facing terrace. The shortfall of landscaped area and deep soil planting is in part an existing non-compliance, given the rear yard is to remain as existing and the layout is to be consistent with the previous approval. Deep soil planting will be provided in the front yard to contribute to the overall provision, including the planting of trees which will soften the appearance of the dwelling from the streetscape.</p> <p>The proposal includes more than 50% of open space within the front setback, the majority of which is landscaped area.</p>

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

Wall height

The proposal includes a maximum wall height of 8.63m, exceeding the control by 1.63m. As set out in section 2.1.2, the proposed variation to the building height and subsequently the wall height is a consequence of the basement level having been excavated and therefore altering the existing ground level. The proposed variation is technical in nature and, despite the built form above is not increasing in height beyond the previous approval, the height of the dwelling is now non-compliant.

Notwithstanding, the assessment finds that the variation acceptable because the height of the dwelling matches the previous approval and the proposal would not give rise to additional environmental impacts, compared to the previously approved dwelling, with no increase in shadowing or privacy impacts. Accordingly, the building height variation and subsequent wall height variation is acceptable in this instance.

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 18 April 2024 and 7 May 2024 in accordance with the *Community Engagement Strategy 2023*.

Following receipt of amended plans and additional information, the application was 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:

- Revised architectural plans were received including the new existing ground level based on excavated site levels and the 8.5m height plane shown on the plans to demonstrate the overall height of the building.
- A Clause 4.6 Written Request was provided including the revised height measurement taken from the new existing ground levels on the site.

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 referred to Council's Traffic Engineer and to Randwick Council for comment. No objections were raised subject to the recommended conditions of consent.

3.2. Stormwater

The application was referred to Council's Stormwater Engineer and to Randwick Council for comment. No objections were raised subject to the recommended conditions of consent.

3.3. Biodiversity

The application was referred to Council's Biodiversity Officer. The submitted landscape plans do not comply with controls for sites identified within a habitat corridor. A condition of consent is recommended to require the landscape plan to be amended to comply with the relevant controls and resubmitted for assessment. When amending the plans, it must be noted that all plants will be classified as either trees, shrubs, or grasses and groundcovers for the purposes of this assessment, typically based on estimated height at maturity. In this instance, the low-growing Rasp Fern is classified in the grass and groundcover category.

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 18 June 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale, Johnstone and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Alana Jelfs	Ben Magistrale	Angela Rossi

Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 7 August 2024	Date: 9 August 2024	Date: 19 August 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)	22.58% variation to height (Clause 4.3)
	<input type="checkbox"/> Pre-existing non-compliance
	<input type="checkbox"/> No change to overall building height
	<input type="checkbox"/> No change to overall building envelope
	<input type="checkbox"/> Variation limited to the [lift/plant/parapet/attic] only
	<input checked="" type="checkbox"/> No unreasonable impacts on the amenity of adjoining properties or streetscape
	<input checked="" type="checkbox"/> Sufficient environmental planning grounds
<input checked="" type="checkbox"/> 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? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	No
Group Home <small>*This is a planning portal reporting requirement</small>	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 – 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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by David Fleeting including the following:</p> <table border="1"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>L01, Rev B</td> <td>Proposed Site Plan</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L04, Rev B</td> <td>Proposed Lower Ground Floor Plan</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L05, Rev B</td> <td>Proposed Ground Floor Plan</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L06, Rev B</td> <td>Proposed First Floor Plan</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L07, Rev B</td> <td>Proposed Roof Plan</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L10, Rev B</td> <td>Proposed Long Section AA</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L11, Rev B</td> <td>Proposed Long Section BB</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L12, Rev B</td> <td>Proposed Cross Section CC</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L13, Rev B</td> <td>Proposed Cross Section DD</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L14, Rev B</td> <td>Proposed Cross Section EE</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L20, Rev B</td> <td>Proposed South Elevation (Street Elevation)</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L21, Rev B</td> <td>Proposed East Elevation</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L22, Rev B</td> <td>Proposed North Elevation</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> <tr> <td>L23, Rev B</td> <td>Proposed West Elevation</td> <td>28.05.2024</td> <td>28.05.2024</td> </tr> </tbody> </table> <p>(b) Landscape Plan No. DA_00, DA_01 and DA_02 and documentation prepared by Wyer & Co, dated 13.03.2024 and received by Council on 28.03.2024 (subject to condition 5 of this development consent).</p> <p>(c) BASIX Certificate.</p> <p>(d) Stormwater Details and documentation prepared by Hyten Engineering, Project No. 23H251, Rev A dated 07.03.2024, and received by Council on 28.03.2024.</p> <p>(e) Schedule of external finishes and colours received by Council on 28.03.2024.</p> <p>(f) The Site Waste and Recycling Management Plan (SWRMP) Part 1 28.03.2024.</p> <p>Except where amended by the following conditions of consent.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	L01, Rev B	Proposed Site Plan	28.05.2024	28.05.2024	L04, Rev B	Proposed Lower Ground Floor Plan	28.05.2024	28.05.2024	L05, Rev B	Proposed Ground Floor Plan	28.05.2024	28.05.2024	L06, Rev B	Proposed First Floor Plan	28.05.2024	28.05.2024	L07, Rev B	Proposed Roof Plan	28.05.2024	28.05.2024	L10, Rev B	Proposed Long Section AA	28.05.2024	28.05.2024	L11, Rev B	Proposed Long Section BB	28.05.2024	28.05.2024	L12, Rev B	Proposed Cross Section CC	28.05.2024	28.05.2024	L13, Rev B	Proposed Cross Section DD	28.05.2024	28.05.2024	L14, Rev B	Proposed Cross Section EE	28.05.2024	28.05.2024	L20, Rev B	Proposed South Elevation (Street Elevation)	28.05.2024	28.05.2024	L21, Rev B	Proposed East Elevation	28.05.2024	28.05.2024	L22, Rev B	Proposed North Elevation	28.05.2024	28.05.2024	L23, Rev B	Proposed West Elevation	28.05.2024	28.05.2024
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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
	The application is approved subject to the following plan amendments;
	(a) Privacy screens are to be provided on the side elevations of the rear and front balconies and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a lightweight material and be a minimum of 1.6m high when measured above the finished floor level of the balcony.
	Condition reason: To manage potential privacy concerns for neighbouring properties.
	(b) Window labelled A02 on the east elevation is to be translucent glazing.
	Condition reason: To manage potential privacy concerns for neighbouring properties.
	The amendments are to be approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.
3.	EXCAVATED BASEMENT LEVEL
	No approval is granted or implied under this development consent for the existing excavated basement level. A Building Information Certificate is required to authorise the works undertaken without development consent on the site.
	This consent only relates to prospective works (at date of determination) and future use of this level.
	Condition reason: To ensure a Building Information Certificate is obtained for the unauthorised basement works.
4.	SURRENDER OF DEVELOPMENT CONSENT
	Development consent DA-434/2022 is to be surrendered by the applicant, in accordance with Clause 68 of the <i>Environmental Planning and Assessment Regulation 2021</i> . The surrender is to be received by Council prior to the issue of any Construction Certificate for works associated with this development consent. The surrender of the consent takes affect when Council receives the notice.
	Condition reason: To ensure the works are undertaken under the correct development consent.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
5.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
6.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
7.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(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.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(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.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(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).</p> <p>- 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.</p> <p>(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.</p> <p>(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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p>
	<p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
<p>8.</p>	<p>SECURITY DEPOSIT (IMPOSED BY RANDWICK COUNCIL)</p> <p>The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the <i>Environmental Planning and Assessment Act 1979</i>:</p> <ul style="list-style-type: none"> • \$2000.00 - Damage / Civil Works Security Deposit

	<p>The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment to Randwick Council and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.</p> <p>The owner/builder is also requested to advise Randwick Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.</p> <p>To obtain a refund of relevant deposits, a <i>Security Deposit Refund Form</i> is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.</p>
	<p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
9.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><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.</p>
	<p>Condition reason: To ensure the long service levy is paid.</p>
10.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p>
	<p>Condition reason: To ensure Council assessment fees are paid.</p>
11.	<p>HOARDING</p> <p>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.</p>
	<p>Condition reason: To ensure safety to the general public.</p>
12.	<p>EROSION & SEDIMENT CONTROL</p>

	<p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
13.	<p>DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure any excavation, shoring or pile construction is carried out in a safe manner.</p>
14.	<p>ENGINEERING DETAILS</p> <p>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.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
15.	<p>ENGINEERING CERTIFICATE OF ADEQUACY OF EXISTING BASEMENT LEVEL</p> <p>A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing basement to carry the extra load of the proposed dwelling, prior to the issue of the relevant Construction Certificate.</p> <p>Condition reason: To ensure structural stability of work on site.</p>
16.	<p>STORMWATER AND INFRASTRUCTURE MANAGEMENT</p> <p>To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact on 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.</p>

The submitted stormwater management plan prepared by Hyten engineering, Project No. 23H251, Drawing No. SW00, SW01 & SW02 Rev. A dated 07/03/2024 are considered concept only.

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

- a) The PSD must be limited to the maximum discharge from the site during the 20% AEP for a 5 minute storm event under undeveloped site conditions (with fraction imperviousness 0.1) as outlined in the Waverley Technical Manual 2021, Section 6.3.
- b) The stormwater management plans must provide details of any required On-Site Stormwater Detention (OSD) system and its details e.g. pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of discharge control pit, orifice plate details including orifice diameter, depth of water above centreline of orifice, pit overflow, OSD plaque, OSD warning sign and catchment plan.
- c) The summation of the discharge rate from the OSD and the rate of runoff from the bypass areas during a 1% AEP stormwater event must not exceed the PSD.
- d) The OSD system must be located as close as possible to the lowest point of the site and be designed to collect all piped and surface stormwater runoff from all pervious and impervious areas of the site.
- e) The levels of the OSD tank on the stormwater plan and the section details must be consistent. The architectural plan must be updated accordingly.
- f) Safe access to the OSD tank must be provided for maintenance.
- g) Show sub-soil drainage restricted from entering the basement areas of the building and the stormwater drainage system by waterproofing and tanking the basement areas of the building in accordance with a Registered Structural Engineer's design.
- h) 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.
- i) In the event of pump failure, pondage in a suitably visible area must be 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.
- j) The pump system must consist of one duty and one standby pump.

	<p>k) The rainwater tank must have a minimum capacity of 1800 litres and be connected to at least 70 m² of roof area.</p> <p>l) The rainwater tank must not be directly connected to the OSD tank with a weir separation/combined with the OSD storage. The rainwater tank system must be designed to collect roof water only.</p> <p>m) 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.</p> <p>n) Pits and inspection openings must be provided at all junctions, change in gradient, change in direction, and change in diameter for access and maintenance purposes.</p> <p>o) Provide calculations of gutter sizing for 1% AEP storm event and the minimum number of downpipes required.</p> <p>Notes</p> <p>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 Submissions.</p> <p>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.</p> <p>iii. 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.</p> <p>Evidence from a suitably qualified and practising 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.</p> <p>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 broader community.</p>
<p>17.</p>	<p>PROTECTION OF BASEMENT FROM INUNDATION OF SURFACE WATERS</p> <p>The underground basement must be protected from possible inundation by surface waters from the road reserve through the design of the driveway.</p> <p>Evidence from a suitably qualified and practising Engineer who specializes in hydraulic engineering that this design requirement has been adhered to must be submitted to and approved by the Principal Certifying Authority (PCA) prior to the issue of the relevant Construction Certificate application.</p> <p>Condition reason: Ensure surfaces waters do not inundate basement areas, causing damage to owners/occupiers’ assets.</p>

<p>18.</p>	<p>TEMPORARY DEWATERING OF UNDERGROUND STRUCTURES</p> <p>If any temporary dewatering is required during the construction of underground structures an application must be made with WaterNSW to obtain relevant approval and determine if a licence is required under the Water Management Act 2000, for temporary dewatering. A copy of the aforementioned approval must be submitted to Council. Note that permanent dewatering is not allowed. If temporary dewatering is required and approved, a separate Waverley Council temporary de-watering application must be submitted and approved by the Executive Manager, Infrastructure Services (or delegate) and associated fees paid prior to release of any construction certificate by the PCA.</p> <p>Condition reason: Ensure proper groundwater approvals are obtained and no permanent dewatering occurs as part of the proposed development.</p>
<p>19.</p>	<p>BASIX</p> <p>All requirements of the BASIX Certificate and/or NatHERS documentation are to be shown on the Construction Certificate plans and documentation.</p> <p>Condition reason: To ensure BASIX and/or NatHERS requirements are met.</p>
<p>20.</p>	<p>SITE WASTE AND RECYCLING MANAGEMENT PLAN</p> <p>A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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.</p> <p>Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.</p>
<p>21.</p>	<p>LANDSCAPE WORKS IN A HABITAT CORRIDOR</p> <p>The landscape plans prepared by Wyer and Co, dated 13.03.2024 must be amended to comply with the abovementioned controls, including the inclusion of a planting schedule, and then resubmitted for assessment.</p> <p>A landscape plan is to be submitted to and approved by Council's Executive Manager, Environmental Sustainability (or delegate) prior to the issue of a construction certificate 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 B3-1 of the Waverley Development Control Plan 2022.</p> <p>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</p>

	<p>species proposed, the number of plants of each species proposed, and indicate whether each plant species proposed is listed in Annexure B3-1</p> <p>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.</p> <p>Condition reason: To protect and enhance the biodiversity habitat corridor by ensuring indigenous and local native plants are provided for local biodiversity. A midstorey/shrub layer must be designed into the plants to facilitate the planting of plant species that can support fauna species that rely on shrubs for food and habitat resources.</p>
22.	<p>GREEN ROOF LANDSCAPING DETAILS</p> <p>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;</p> <p>(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).</p> <p>(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.</p> <p>(c) The balcony planters are to be designed to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.</p> <p>A qualified landscape architect must review the design and verify that it complies with the above requirements.</p> <p>Condition reason: To ensure the longevity of the green roof.</p>
23.	<p>CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)</p> <p>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:</p> <p>https://www.waverley.nsw.gov.au/building/development_applications/post_det/termination/development_applications_-_conditions_of_consent</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
24.	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p>

	<p>(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.</p> <p>(b) Recommended swimming pool heating systems to include solar thermal only, solar thermal boosted with electric heat pump or electric heat pump.</p> <p>(c) No gas cooktops, gas ovens and gas heating systems are permitted. Alternate options must be used (such as electric, induction).</p> <p>(d) Recommended lighting systems to include LEDs with controls, such as motion sensors, step-dim controls and daylight sensors.</p> <p>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.</p> <p>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.</p>
<p>25.</p>	<p>DILAPIDATION REPORT</p> <p>Before any site work commences as part of this development consent, 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:</p> <p>(a) No. 62 Boundary Street, Bronte (b) No. 66 Boundary Street, Bronte</p> <p>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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>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.</p>

	<p>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.</p>
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BEFORE BUILDING WORK COMMENCES

	Condition
26.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>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.</p>
27.	<p>PUBLIC UTILITIES (IMPOSED BY RANDWICK COUNCIL)</p> <p>A Public Utility Impact Assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or potholing, if necessary, to determine the position and level of service.</p> <p>The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.</p> <p>Condition reason: To ensure public utilities are protected during construction.</p>
28.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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</p>

	<p>person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
<p>29.</p>	<p>TREE PROTECTION</p> <p>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.</p> <p>Condition reason: To protect and retain trees.</p>
<p>30.</p>	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

	Condition
31.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <p>Condition reason: To ensure the safety of workers and the general public.</p>
32.	<p>CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS</p> <p>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.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines 2014.</p>
33.	<p>EXCAVATION AND BACKFILLING</p> <p>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.</p> <p>If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.</p> <p>Condition reason: To ensure structural stability of work on site and general safety.</p>
34.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p>

	<p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
35.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
36.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p> <p>Condition reason: To ensure regular inspections occur throughout the construction process.</p>
37.	<p>CERTIFICATE OF SURVEY - LEVELS</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
38.	<p>CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING</p> <p>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.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
39.	<p>WORK OUTSIDE PROPERTY BOUNDARY</p> <p>This consent does not authorise any work outside the property boundary.</p> <p>Condition reason: To ensure all works are located within the property boundary.</p>
40.	<p>VEHICULAR ACCESS - FINISHED LEVEL</p>

	<p>The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete vehicle crossing.</p> <p>Condition reason: To ensure the level at the property boundary neatly matches the existing vehicle crossing.</p>
41.	<p>DURING CONSTRUCTION & SITE WORK (IMPOSED BY RANDWICK COUNCIL)</p> <p>A Road / Asset Opening Permit must be obtained from Randwick Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.</p> <p>The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.</p> <p>For further information, please contact Randwick Council's Road / Asset Opening Officer on 9093 6691 or 1300 722 542.</p> <p>Condition reason: To ensure the work is carried out in accordance with Section 138 of the Roads Act 1993 and to the satisfaction of Randwick Council.</p>
42.	<p>CIVIL WORKS ON COUNCIL PROPERTY (IMPOSED BY RANDWICK COUNCIL)</p> <p>All external civil work to be carried out on Randwick Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy" and the following requirements:</p> <ol style="list-style-type: none"> a) Details of the proposed civil works to be carried out on Randwick Council land must be submitted to Council in a Civil Works Application Form. Randwick Council will respond, typically within 8 weeks, with a letter of approval outlining conditions for working on Council land, associated fees and workmanship bonds. Randwick Council will also provide details of the approved works including specifications and construction details. b) Works on Randwick Council land must not commence until the written letter of approval has been obtained from Council and heavy construction works within the property are complete. The work must be carried out in accordance with the conditions of development consent, Council's conditions for working on Council land, design details and payment of the fees and bonds outlined in the letter of approval. c) The civil works must be completed in accordance with the above, prior to the issuing of an occupation certificate for the development, or as otherwise approved by Council in writing. <p>That part of the nature-strip upon Randwick Council's footway which is damaged during the construction of the proposed works shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu turf or similar. Such works shall be completed at the applicant's expense.</p>

	Condition reason: To ensure works undertaken on Randwick Council land are carried out in accordance with the Council's "Crossings and Entrances – Contributions Policy" and "Residents' Requests for Special Verge Crossings Policy".

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
43.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
44.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
45.	<p>CERTIFICATION OF NEWLY CONSTRUCTED AND RETAINED STORMWATER DRAINAGE SYSTEM</p> <p>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.</p> <p>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.</p> <p>A copy of the certifications must be submitted to the assessing stormwater engineer within Infrastructure Services for approval.</p> <p>Condition reason: Ensure stormwater drainage system has been constructed or retained as per the approved stormwater management plans.</p>
46.	<p>WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE SYSTEM</p> <p>A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped, and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, basement pump-out facility, detention facility, rainwater harvesting facility, and other drainage-related infrastructure.</p> <p>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.</p>

	<p>A suitably qualified and practicing Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works, and basement pump-out facility were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards, and good engineering practice.</p> <p>A copy of the aforementioned letter of certification must be submitted to Council.</p> <p>Condition reason: Ensure council are aware of the stormwater drainage systems on site and able to provide advice for any future or remedial works.</p>
<p>47.</p>	<p>CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD AND PUMP OUT SYSTEM</p> <p>A “Positive Covenant” and “Restriction on the Use of Land” must be created for the On-Site Stormwater Detention (OSD) system and pump out system, under Section 88E of the Conveyancing Act 1919.</p> <p>This is to place a restriction on the Title that the OSD system and pump out system are maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant must not modify or remove the OSD system and pump out system without consent from Council.</p> <p>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.</p> <p>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 OSD system and pump out system, including its relationship to the building footprint. Electronic colour photographs of the OSD system and pump out system must accompany the application for the Positive Covenant and Restriction on the Use of Land.</p> <p>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.</p> <p>The property owner/occupant must not modify or remove the OSD system and pump out system without consent from Council.</p> <p>All associated costs will be borne by the applicant.</p> <p>Condition reason: This is to ensure these stormwater management controls are not modified, removed or unmaintained, in order to minimise flooding impacts within the downstream catchment.</p>
<p>48.</p>	<p>PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM</p>

	<p>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.</p> <p>Council will not be liable for any claims for damages arising from the failure of the pump out system.</p> <p>Evidence must be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.</p>
	<p>Condition reason: Ensure pump out systems are maintained and continue to operate as intended.</p>
<p>49.</p>	<p>STREET NUMBER/S</p> <p>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.</p> <p>Condition reason: To ensure the property address is clearly identified.</p>

OCCUPATION AND ONGOING USE

Condition	
50.	<p>USE OF PLANT ROOMS</p> <p>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.</p> <p>Condition reason: To ensure the plant room is not used for storage purposes.</p>
51.	<p>ONGOING MAINTENANCE – STORMWATER DRAINAGE SYSTEM</p> <p>Council will need to be provided with an OSD system 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.</p> <p>At a minimum, the detention facility must be:</p> <ul style="list-style-type: none"> • Kept clean and free from silt, rubbish and debris. • Be maintained so that it functions in a safe and efficient manner. • Not be altered without prior consent in writing of the Council. <p>Condition reason: Ensure the stormwater drainage systems are maintained and continue to operate as intended.</p>
52.	<p>ONGOING MAINTENANCE – RAINWATER HARVESTING AND REUSE</p> <p>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.</p> <p>Condition reason: Ensure the rainwater harvesting and reuse systems are maintained and continue to operate as intended.</p>

GENERAL ADVISORY NOTES

	Condition
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>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.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>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.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p>

	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.	SITE RECTIFICATION WORKS The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times. If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to: (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.
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

	<p>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.</p>
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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

The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system - **AS PER BASIX**

ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

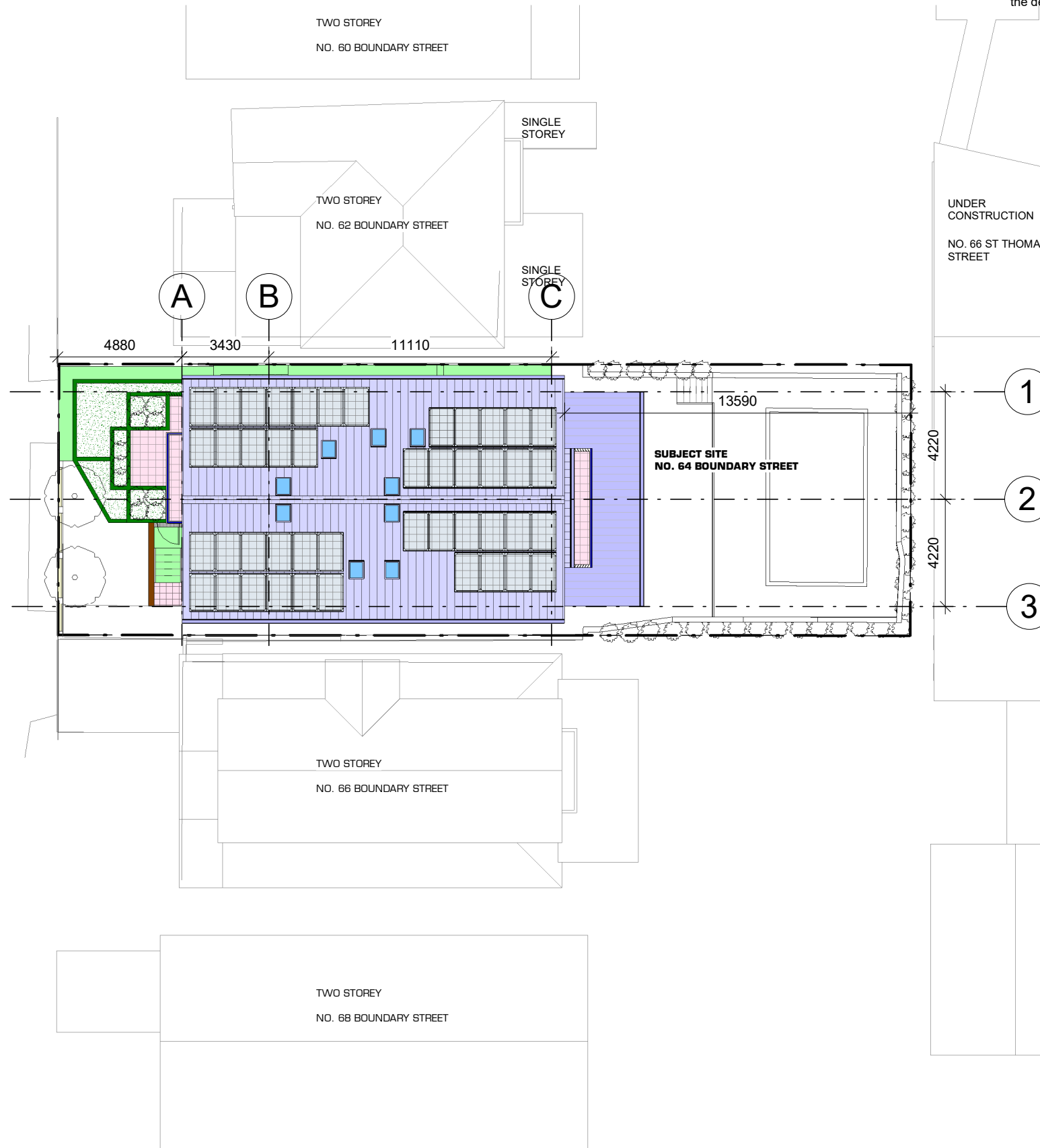
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE

PROPOSED COMPONENTS AS PER THE **BASIX CERTIFICATE NO 1739064S_03**

Roof:	<ul style="list-style-type: none"> ★ Metal deck + R1.5 insulation blanket to underside. ★ Tiles on fibro cement (timber-framed) + R2.5 insulation (over Bed 4, partial) ★ 'Dark' colour.
Ceilings:	<ul style="list-style-type: none"> ★ Minimum R4.0 insulation to all ceilings with roof above. ★ Rated with sealed exhaust ventilation Not rated with down-lights.
External Walls:	<ul style="list-style-type: none"> ★ Timber cladding + R2.5 insulation to 1st floor walls. ★ Cavity brick + R1.5 insulation to Ground floor walls. ★ Concrete (+ brick) + R1.5 insulation to Lower Ground floor walls. ★ 'Medium' colour.
Internal Walls:	<ul style="list-style-type: none"> ★ Plasterboard on stud to 1st floor walls. ★ Brick to all lower level walls.
Glazing:	<ul style="list-style-type: none"> ★ AFRC: $U_w = 5.4$, $SHGC = 0.58$ to louvred glazing. eg Aluminium-framed single-glazed 'Low-e' glass. ★ AFRC: $U_w = 2.9$, $SHGC = 0.44$ to awning glazing. eg Improved aluminium-framed double-glazed 'Low-e' glass. ★ AFRC: $U_w = 2.9$, $SHGC = 0.51$ to all remaining glazing. eg Improved aluminium-framed double-glazed 'Low-e' glass. ★ AFRC: $U_w = 2.6$, $SHGC = 0.24$ to operable skylight glazing. eg Aluminium-framed double-glazed 'Low-e' glass.
Floors:	<ul style="list-style-type: none"> ★ Concrete to all floors, except 1st floor (timber-framed). ★ R1.0 edge insulation to concrete slab on ground floors (except Garage & Service). ★ R1.0 insulation to floor above Garage ★ Carpet, timber & tile coverings to floors (as per plans).

BOUNDARY STREET



RECEIVED
Waverley Council
Application No: DA-137/2024
Date Received: 28/05/2024

EXISTING
 METAL ROOF
 TILES
 BRICK
 GLASS
 TIMBER
 CONCRETE
 STONE

DAVID FLEETING ARCHITECTS
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ARCHITECTED PRTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN: 26651627642
Nominated Architect: DAVID FLEETING NSW ARB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

DO NOT SCALE.
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DRAWING COPYRIGHT:
DAVID FLEETING ARCHITECTS.
IF CONTRADICTIONS OCCUR CONTACT THE ARCHITECT

North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED SITE PLAN
Dwg Set: DA
Drawing Number: L01
Scale: As indicated A3

DEVELOPMENT APPLICATION
Rev: B

AMENDED PLANS

The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system - **AS PER BASIX**

The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE

WALLS

All external walls in the lower ground floor level to be Concrete (+ brick) + R1.5 insulation to Lower Ground floor walls. - **AS PER THE BASIX**

All internal walls in the lower ground floor level to be single skin masonry; frame: no frame. - **AS PER THE BASIX**

FLOOR

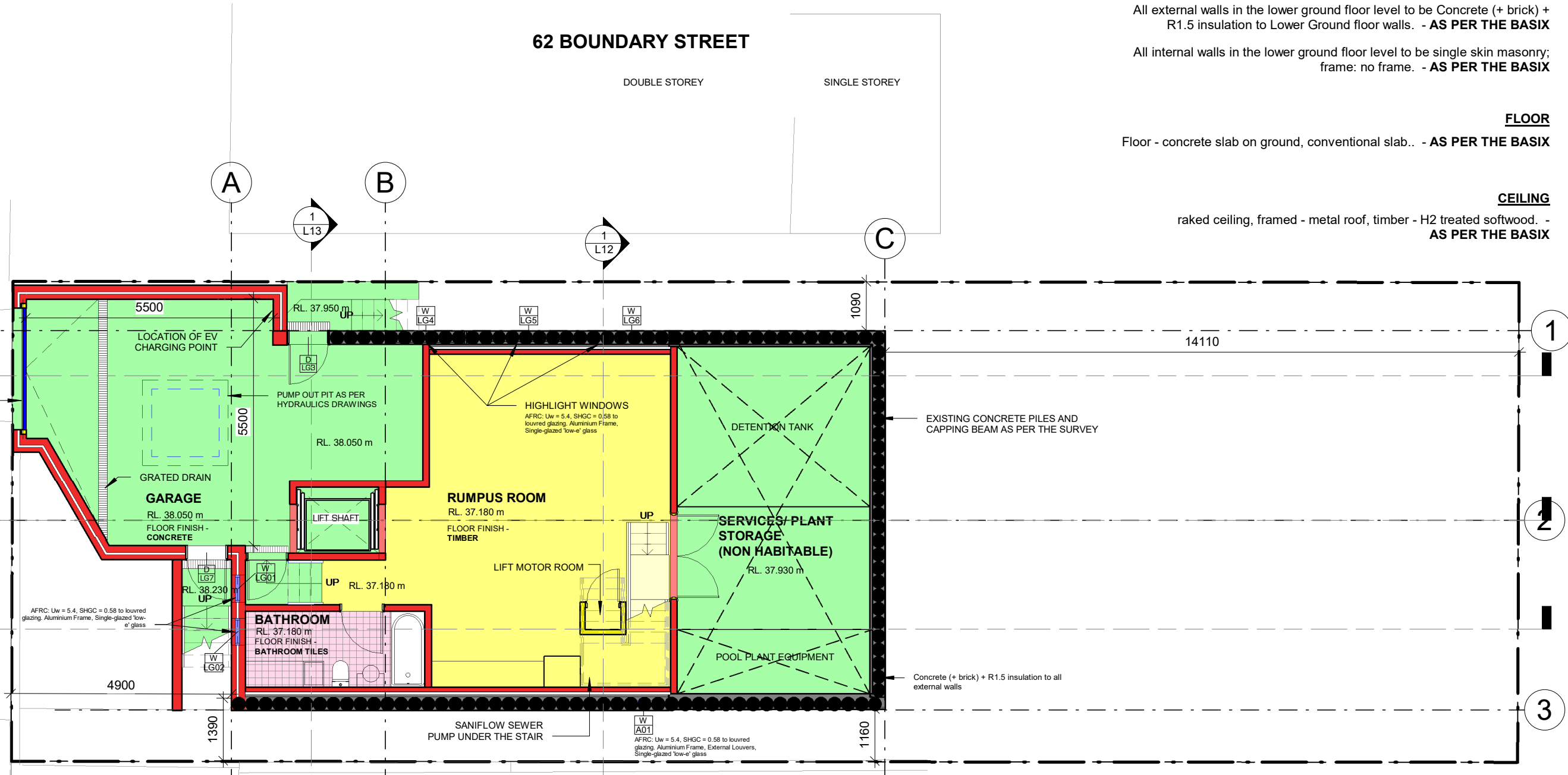
Floor - concrete slab on ground, conventional slab.. - **AS PER THE BASIX**

CEILING

raked ceiling, framed - metal roof, timber - H2 treated softwood. - **AS PER THE BASIX**

62 BOUNDARY STREET

DOUBLE STOREY SINGLE STOREY



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Waverley Council

Application No: DA-137/2024

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66 BOUNDARY STREET

EXISTING METAL ROOF TILES BRICK GLASS TIMBER CONCRETE STONE

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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North

MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED LOWER GROUND FLOOR PLAN

Scale 1 : 100 @A3

Chk:DF Drw:ADI

DEVELOPMENT APPLICATION

Dwg Set: DA Drawing Number: L04 Rev: B

AMENDED PLANS

The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system - **AS PER BASIX**

ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

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WALLS

All external walls in the ground floor level to be Cavity brick. - **AS PER THE BASIX**

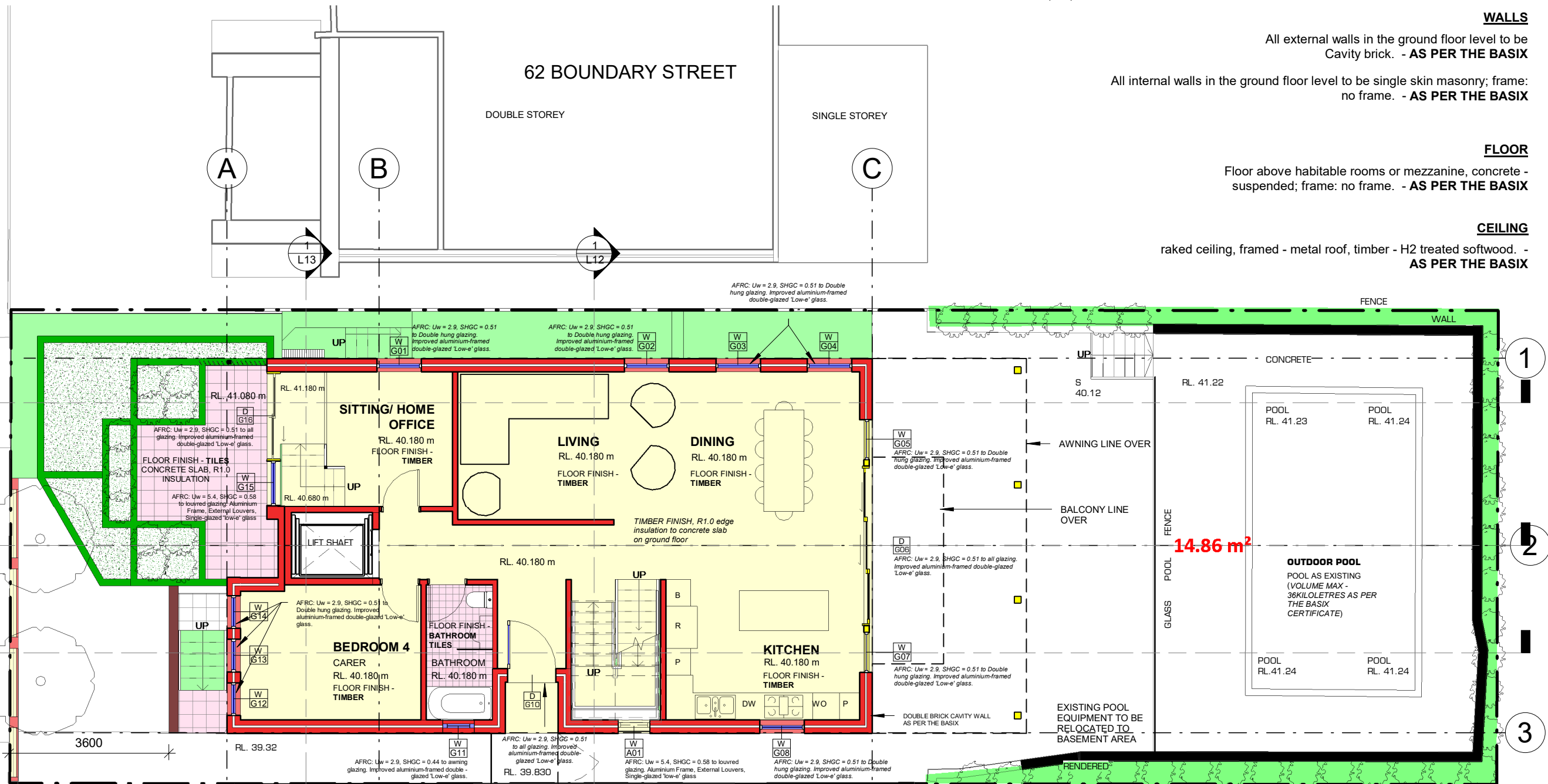
All internal walls in the ground floor level to be single skin masonry; frame: no frame. - **AS PER THE BASIX**

FLOOR

Floor above habitable rooms or mezzanine, concrete - suspended; frame: no frame. - **AS PER THE BASIX**

CEILING

raked ceiling, framed - metal roof, timber - H2 treated softwood. - **AS PER THE BASIX**



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- EXISTING
- METAL ROOF
- TILES
- BRICK
- GLASS
- TIMBER
- CONCRETE
- STONE

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED GROUND FLOOR PLAN
DA
Scale 1 : 100 @A3

Development Application
Dwg Set: DA
Drawing Number: L05
Rev: B

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-137/2024
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The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

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WALLS

All external walls in the first floor level to be framed (solid or reconstituted timber weatherboard); frame: timber - H2 treated softwood. - **AS PER THE BASIX**

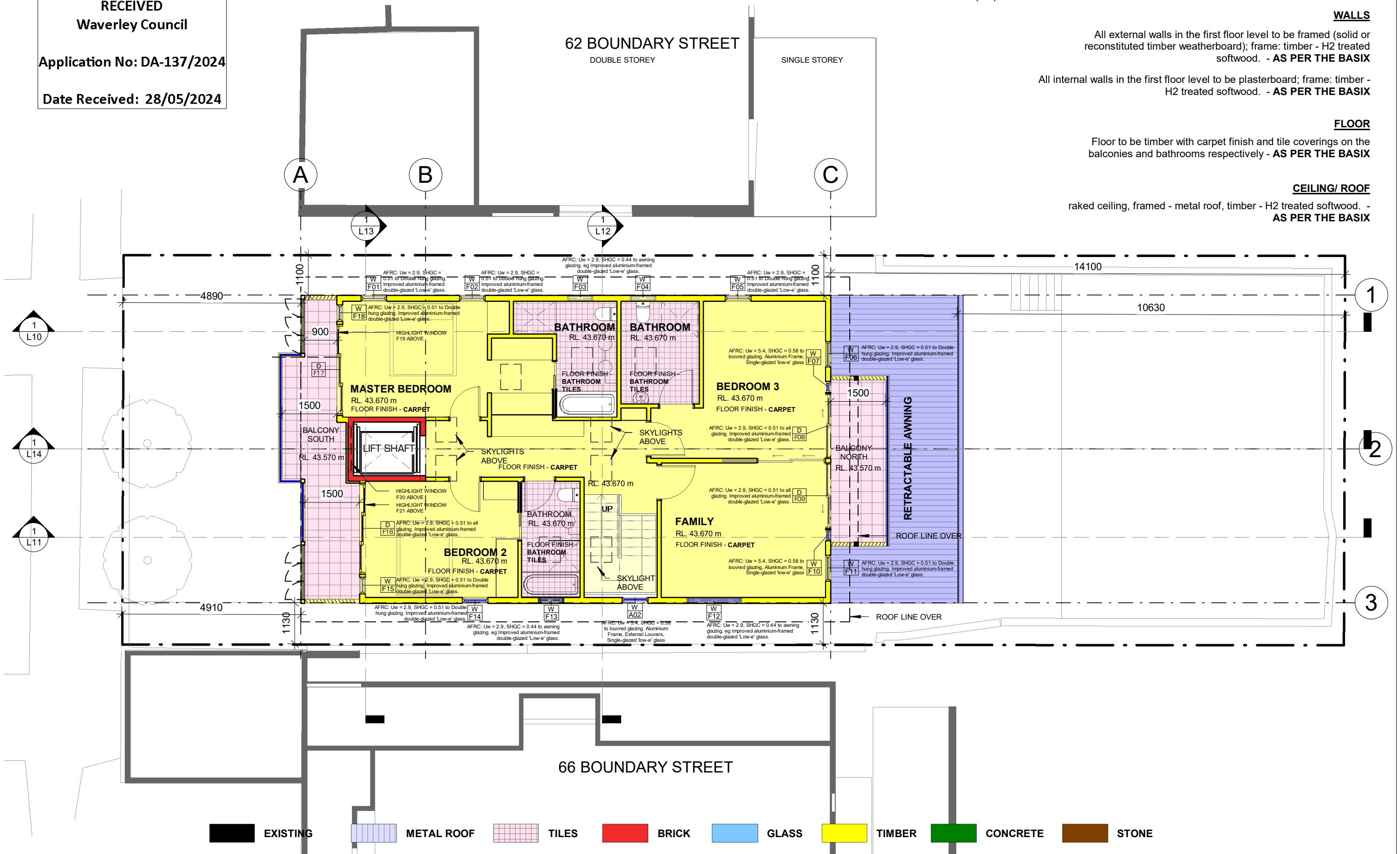
All internal walls in the first floor level to be plasterboard; frame: timber - H2 treated softwood. - **AS PER THE BASIX**

FLOOR

Floor to be timber with carpet finish and tile coverings on the balconies and bathrooms respectively - **AS PER THE BASIX**

CEILING/ ROOF

raked ceiling, framed - metal roof, timber - H2 treated softwood. - **AS PER THE BASIX**



DEVELOPMENT APPLICATION

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED FIRST FLOOR PLAN
Dwg Set: **DA**
Drawing Number: **L06**
Rev: **B**
Scale: 1 : 100 @A3

Chk:DF
Drw:ADI

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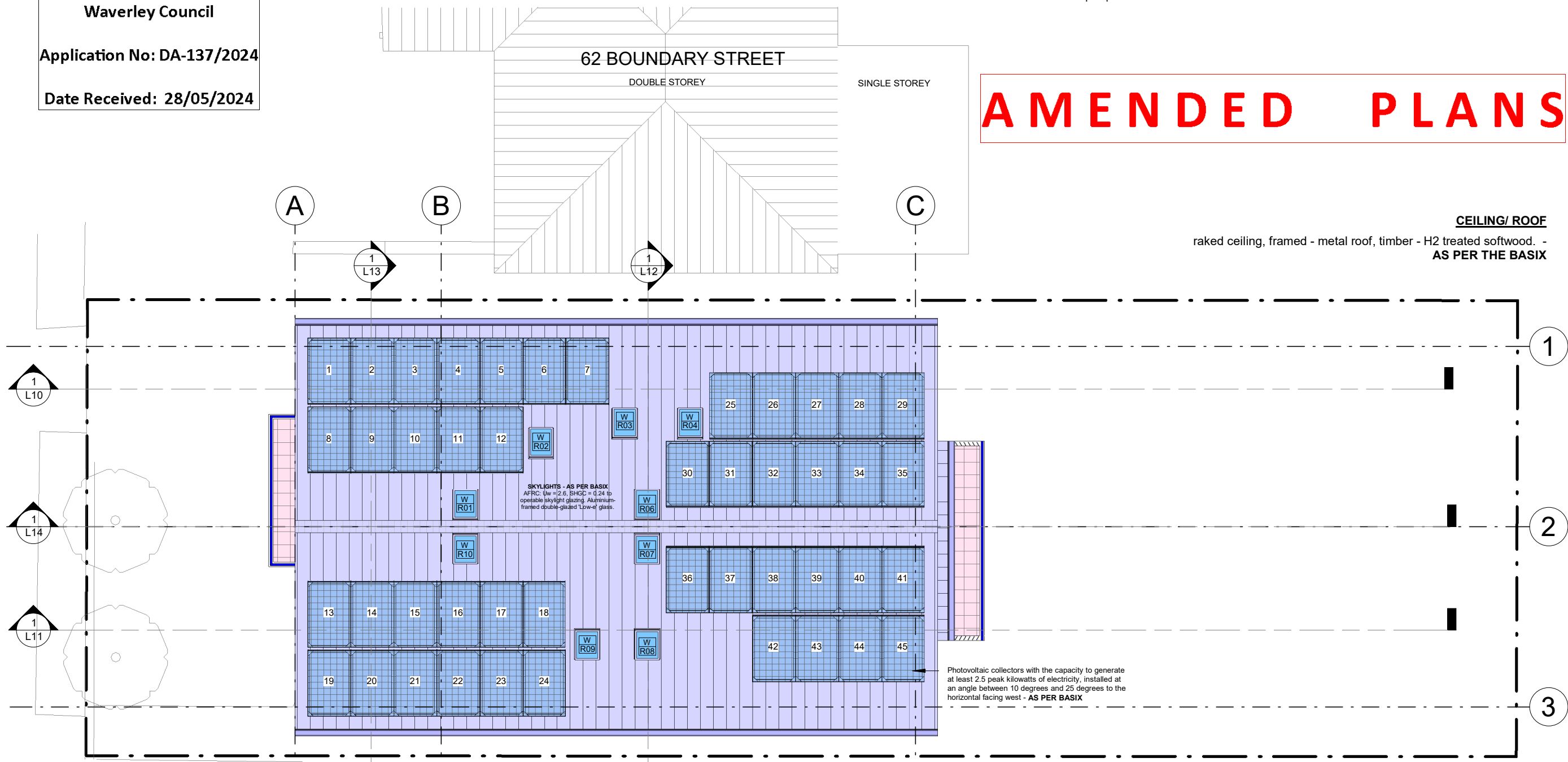
The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE

AMENDED PLANS

CEILING/ ROOF

raked ceiling, framed - metal roof, timber - H2 treated softwood. - **AS PER THE BASIX**



EXISTING METAL ROOF TILES BRICK GLASS TIMBER CONCRETE STONE

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
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B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED ROOF PLAN
Dwg Set: DA
Drawing Number: L07
Scale: 1 : 100 @A3

DEVELOPMENT APPLICATION
Rev: B

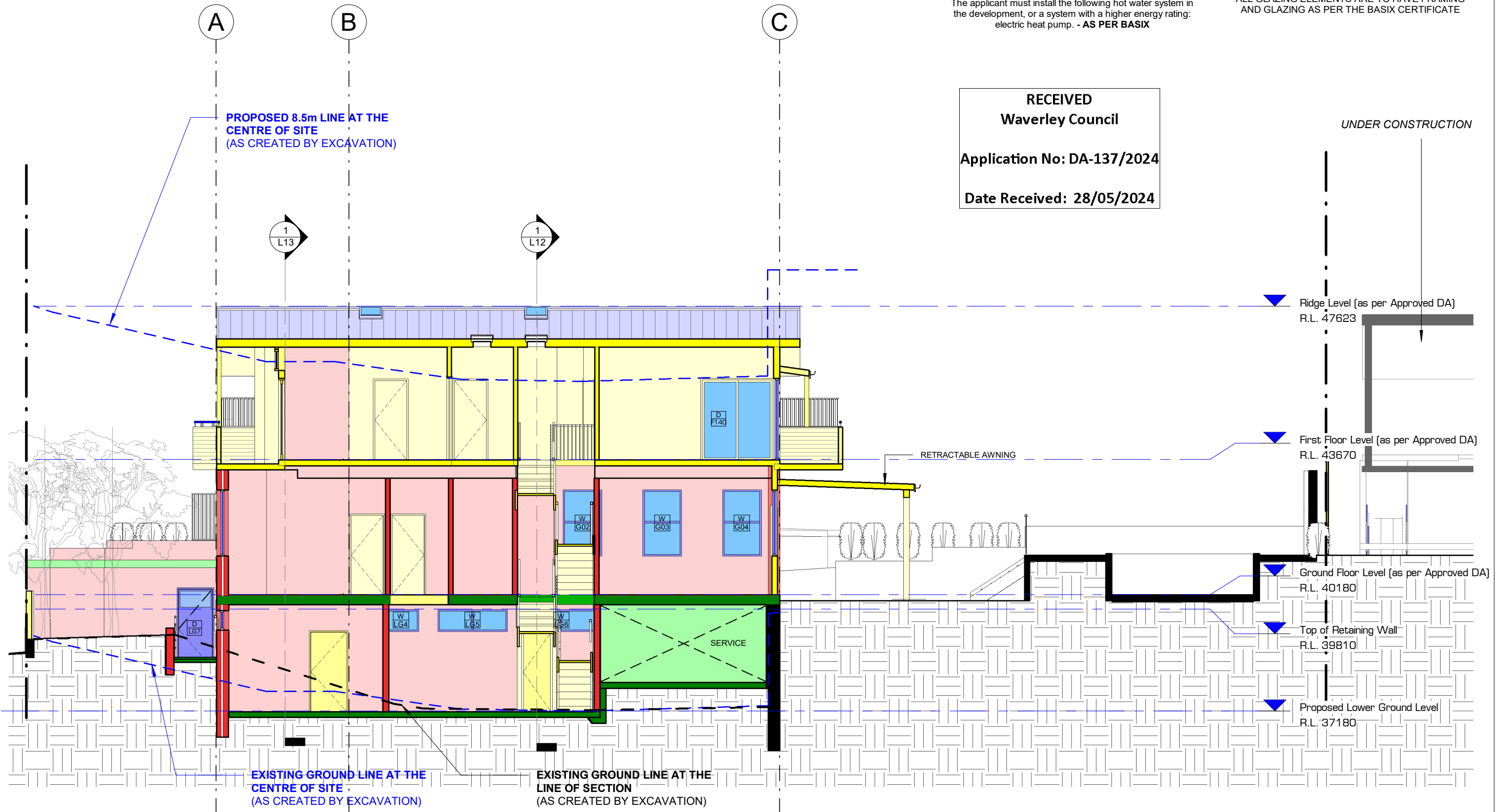
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system - **AS PER BASIX**

ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

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AMENDED PLANS

EXISTING
 METAL ROOF
 TILES
 BRICK
 GLASS
 TIMBER
 CONCRETE
 STONE

DEVELOPMENT APPLICATION

DAVID FLEETING ARCHITECTS
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ARCHITECTED PTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN 3661627943
Nominated Architect: DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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North
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BRONTE, NSW

PROPOSED LONG SECTION BB
Dwg Set: DA
Drawing Number: L11
Rev: B
Scale: 1 : 100 @A3

DA L11 B

AMENDED PLANS

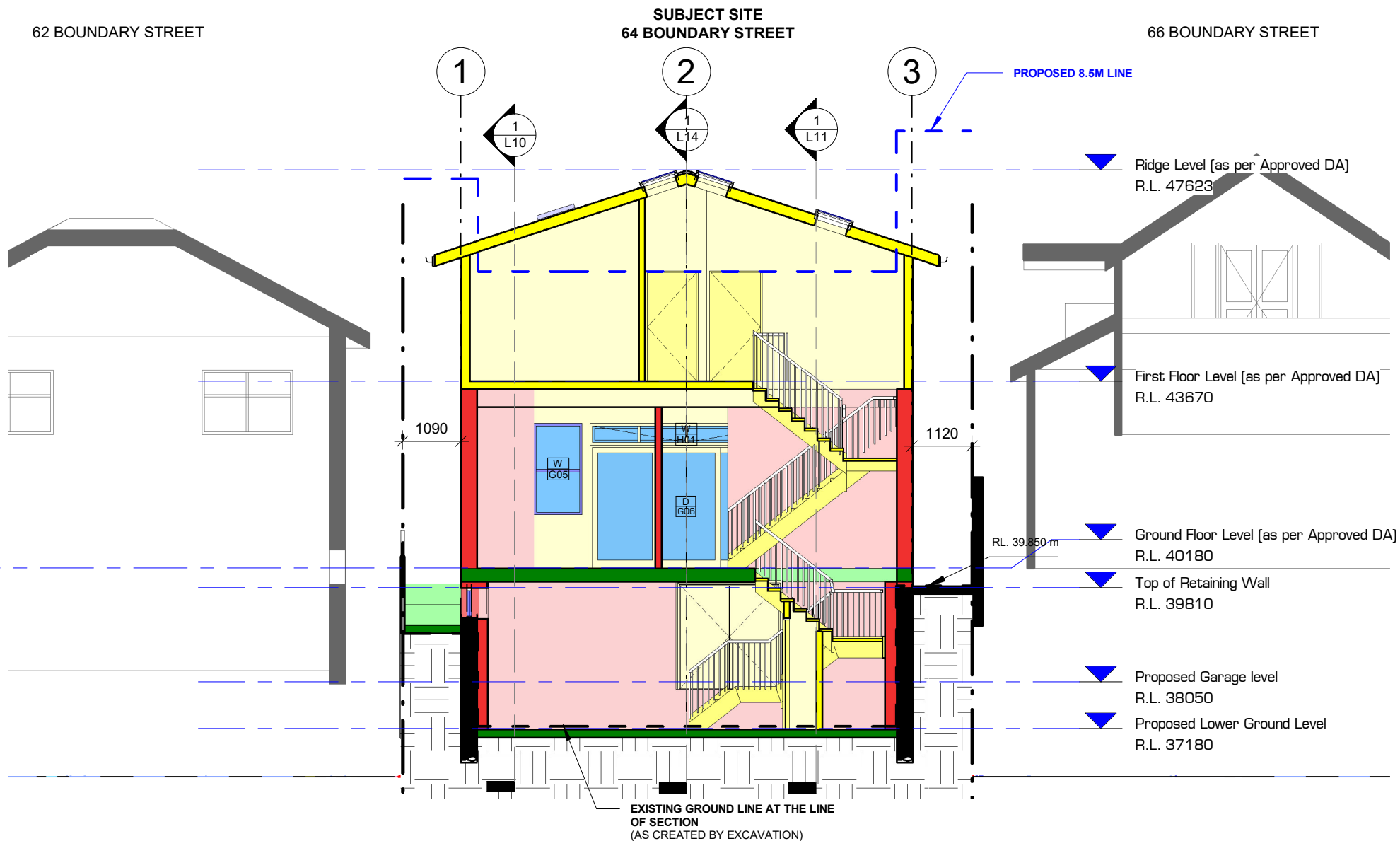
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EXISTING
 METAL ROOF
 TILES
 BRICK
 GLASS
 TIMBER
 CONCRETE
 STONE

DAVID FLEETING ARCHITECTS
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NUMERICAL ADDRESS: DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
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North
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BRONTE, NSW

PROPOSED CROSS SECTION CC
Dwg Set: DA
Drawing Number: L12
Scale: 1 : 100 @A3

DEVELOPMENT APPLICATION
Rev: B

AMENDED PLANS

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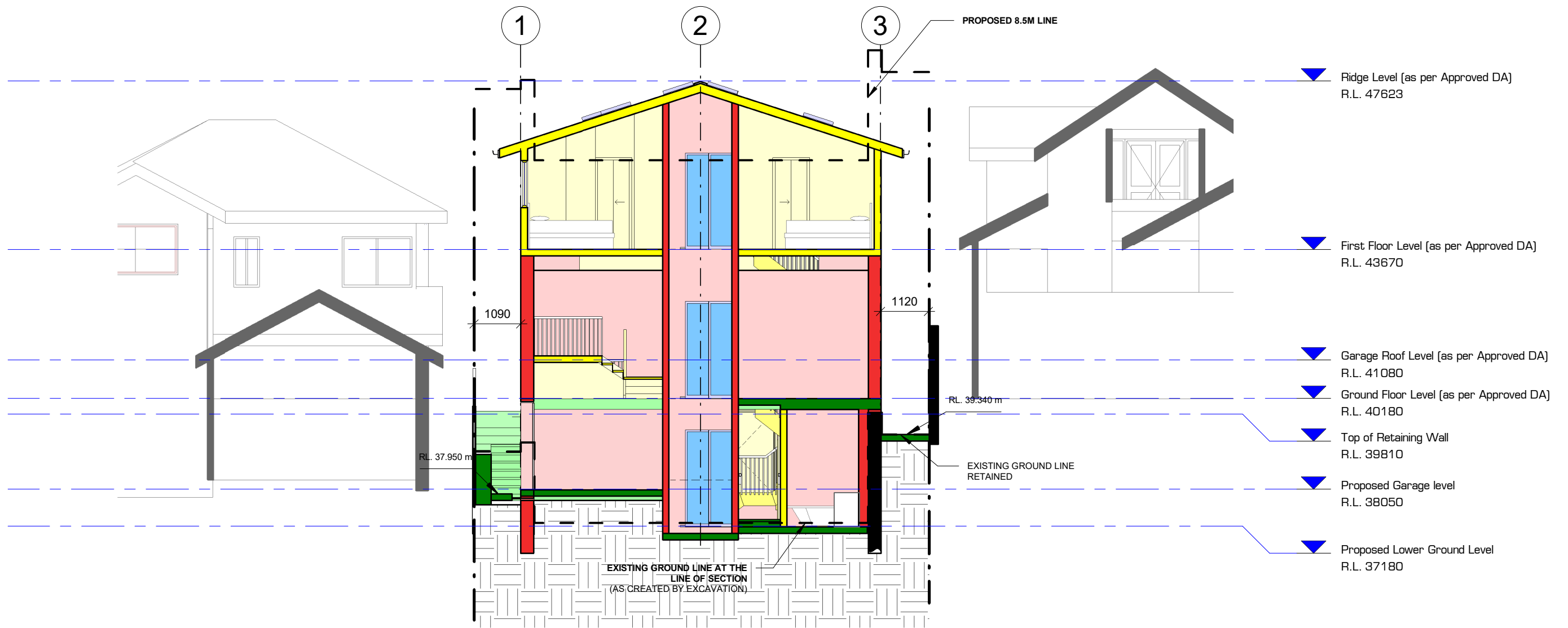
ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE

62 BOUNDARY STREET

SUBJECT SITE
64 BOUNDARY STREET

66 BOUNDARY STREET



EXISTING METAL ROOF TILES BRICK GLASS TIMBER CONCRETE STONE

DEVELOPMENT APPLICATION

DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
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IF CONTRADICTIONS OCCUR CONTACT THE ARCHITECT

North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

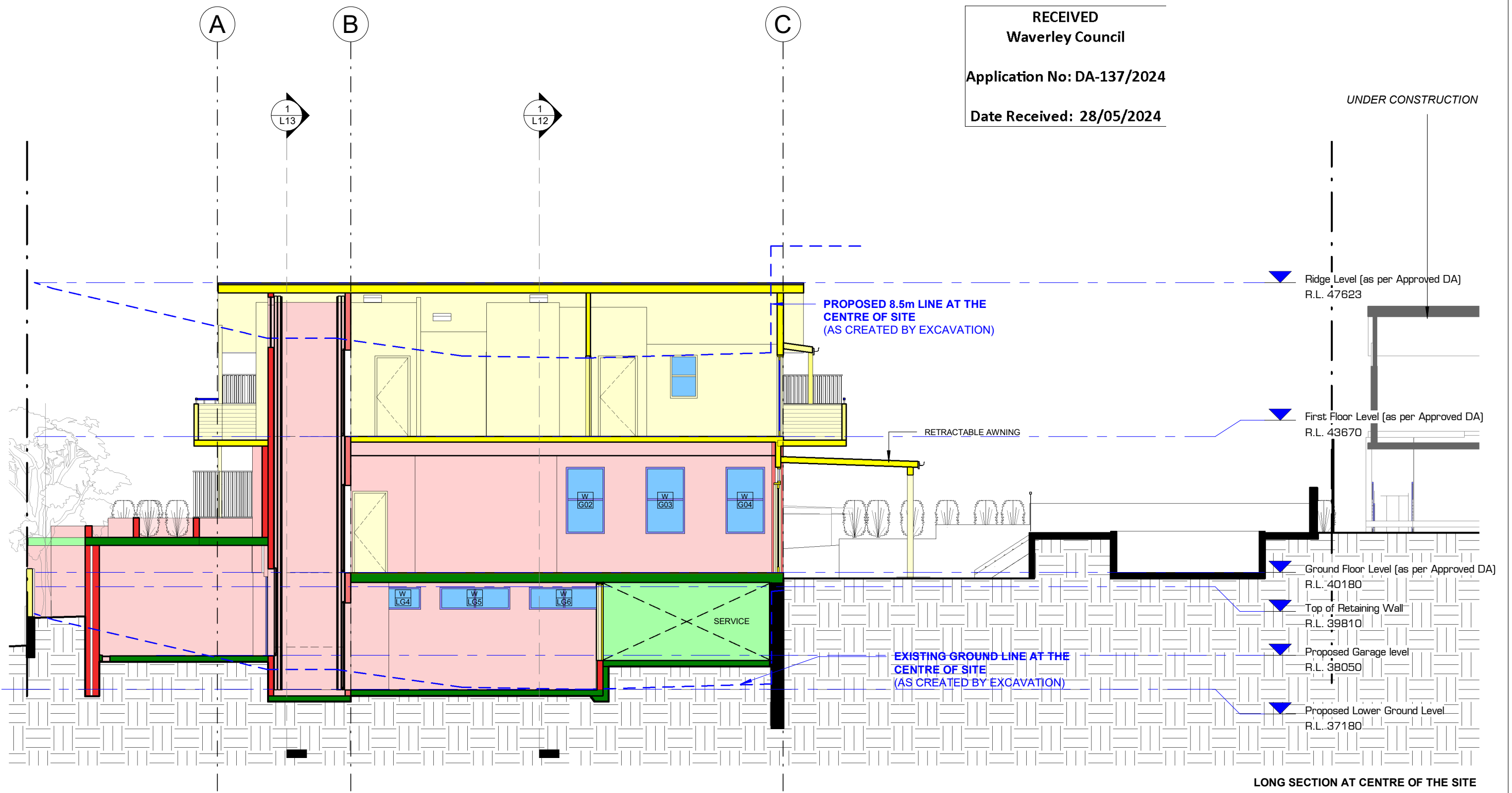
PROPOSED CROSS SECTION DD
Dwg Set: DA
Drawing Number: L13
Rev: B
Scale 1 : 100 @A3

DA L13 B

AMENDED PLANS

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Waverley Council
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Date Received: 28/05/2024

UNDER CONSTRUCTION



DAVID FLEETING ARCHITECTS
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Rev.	Date	Revision Description
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED CROSS SECTION EE
Dwg Set: DA
Drawing Number: L14
Scale 1 : 100 @A3

DEVELOPMENT APPLICATION
Rev: B

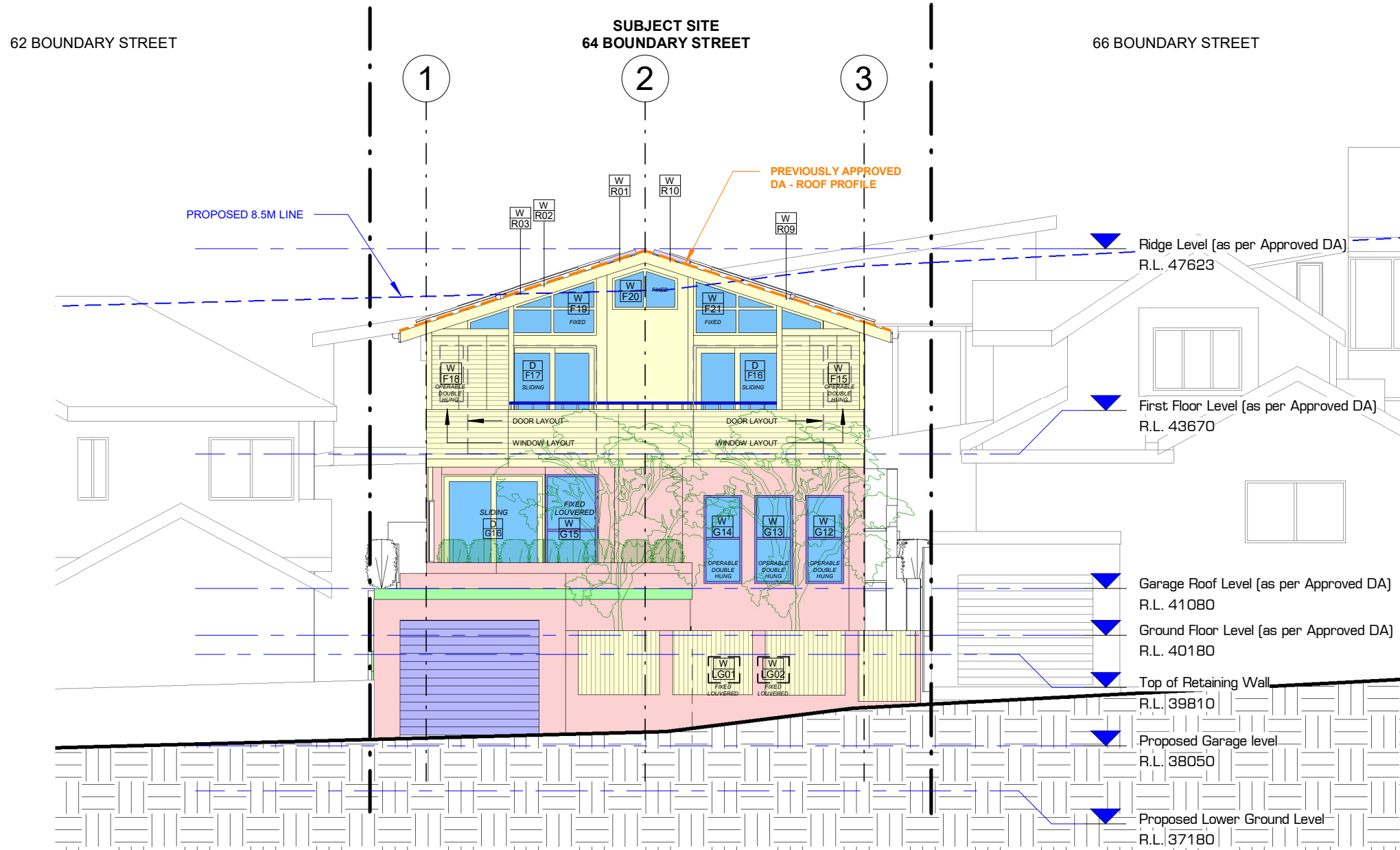
AMENDED PLANS

The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system - **AS PER BASIX**

ALL WORKS TO BE IN ACCORDANCE WITH THE **BASIX CERTIFICATE NO 1739064S_03**

The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump. - **AS PER BASIX**

ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE



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EXISTING
 METAL ROOF
 TILES
 BRICK
 GLASS
 TIMBER
 CONCRETE
 STONE

DAVID FLEETING ARCHITECTS
 114 MILL HILL ROAD, BONDI JUNCTION,
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 M: 0407 414 755
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ARCHITECTED PTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN: 26651627643
 Notified Architect: DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
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North
 MELISSA & JEFF HUNT
64 BOUNDARY STREET
 BRONTE, NSW

PROPOSED SOUTH ELEVATION
(STREET ELEVATION)
 Chk:DF Draw:ADI Scale 1 : 100 @A3

DEVELOPMENT APPLICATION
 Dwg Set: **DA** Drawing Number: **L20** Rev: **B**

AMENDED PLANS

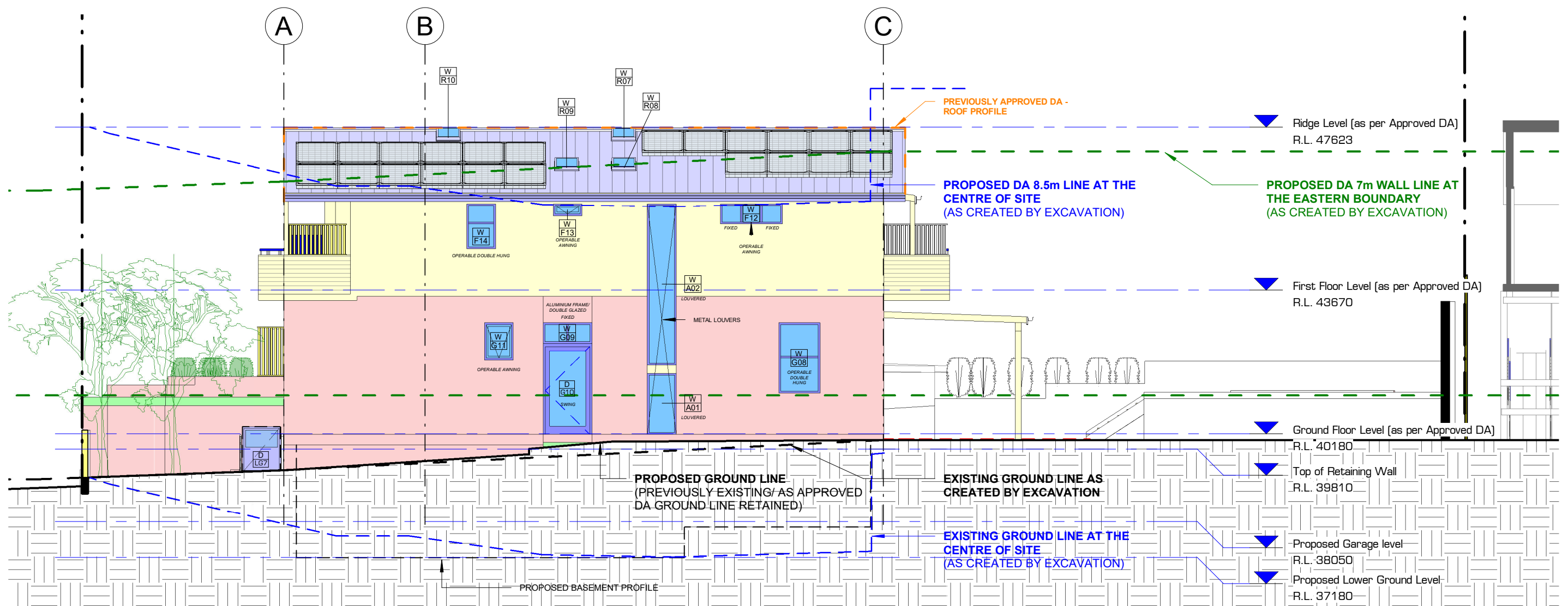
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ALL GLAZING ELEMENTS ARE TO HAVE FRAMING AND GLAZING AS PER THE BASIX CERTIFICATE



EXISTING
 METAL ROOF
 TILES
 BRICK
 GLASS
 TIMBER
 CONCRETE
 STONE

DAVID FLEETING ARCHITECTS
 PO BOX 364 WAVERLEY NSW 2024 AUSTRALIA
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Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION
B	28/05/2024	DA REISSUE POST DEFERRAL LETTER

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 IF CONTRADICTIONS OCCUR CONTACT THE ARCHITECT

North
 MELISSA & JEFF HUNT
64 BOUNDARY STREET
 BRONTE, NSW

PROPOSED EAST ELEVATION
 Dwg Set: DA
 Drawing Number: A- L21
 Rev: B
 Scale: 1 : 100 @A3

DEVELOPMENT APPLICATION
 Proj Date:

AMENDED PLANS

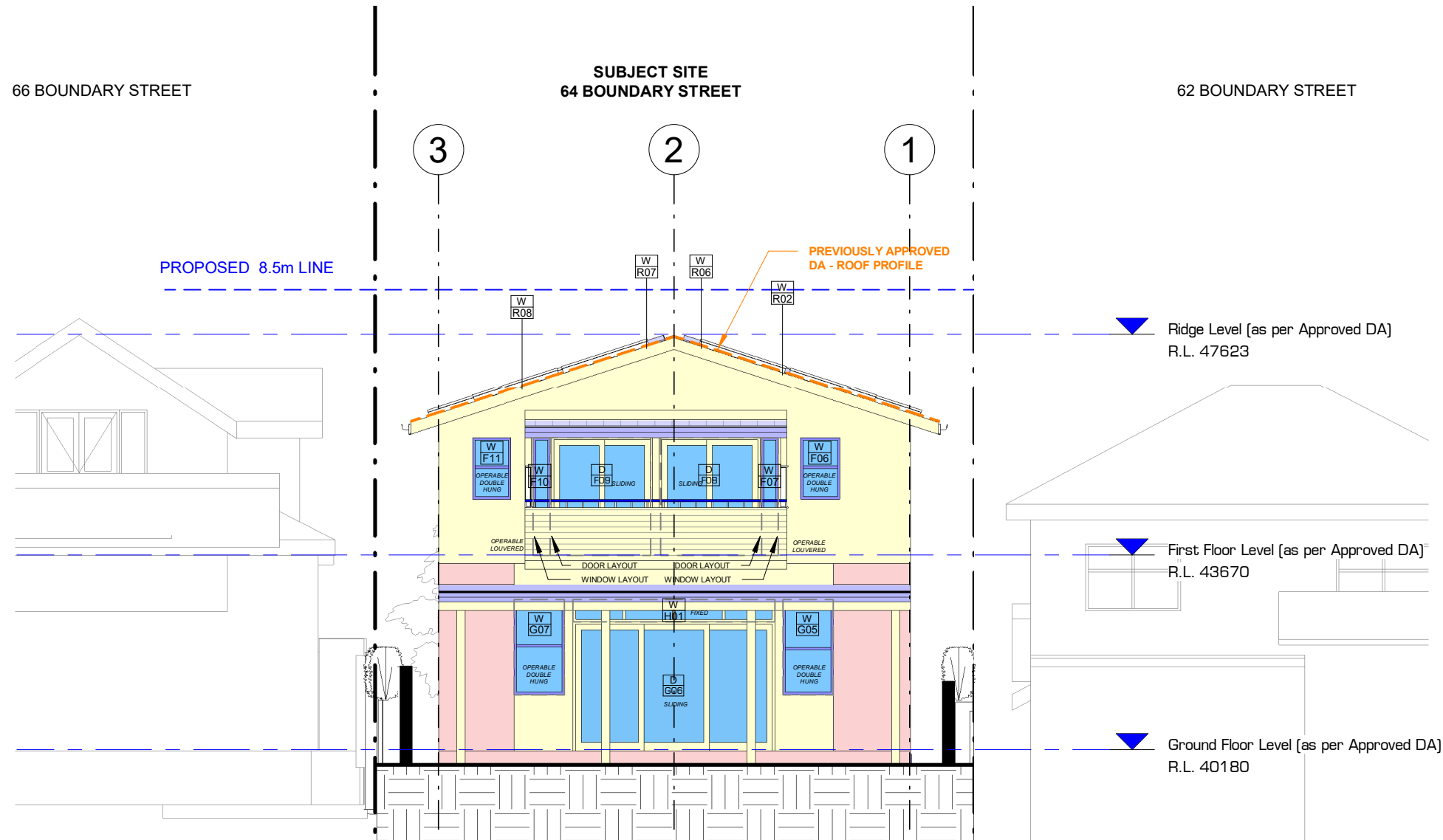
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Waverley Council
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EXISTING METAL ROOF TILES BRICK GLASS TIMBER CONCRETE STONE

DAVID FLEETING ARCHITECTS
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ARCHITECT PTY LTD 114/8 DAVID FLEETING ARCHITECTS ABN 26611627442
NUMERICAL ADDRESS: DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED NORTH ELEVATION
Dwg Set: DA
Drawing Number: L22
Scale: 1 : 100 @A3
Chk:DF Drw:ADI

DEVELOPMENT APPLICATION
Rev: B

AMENDED PLANS

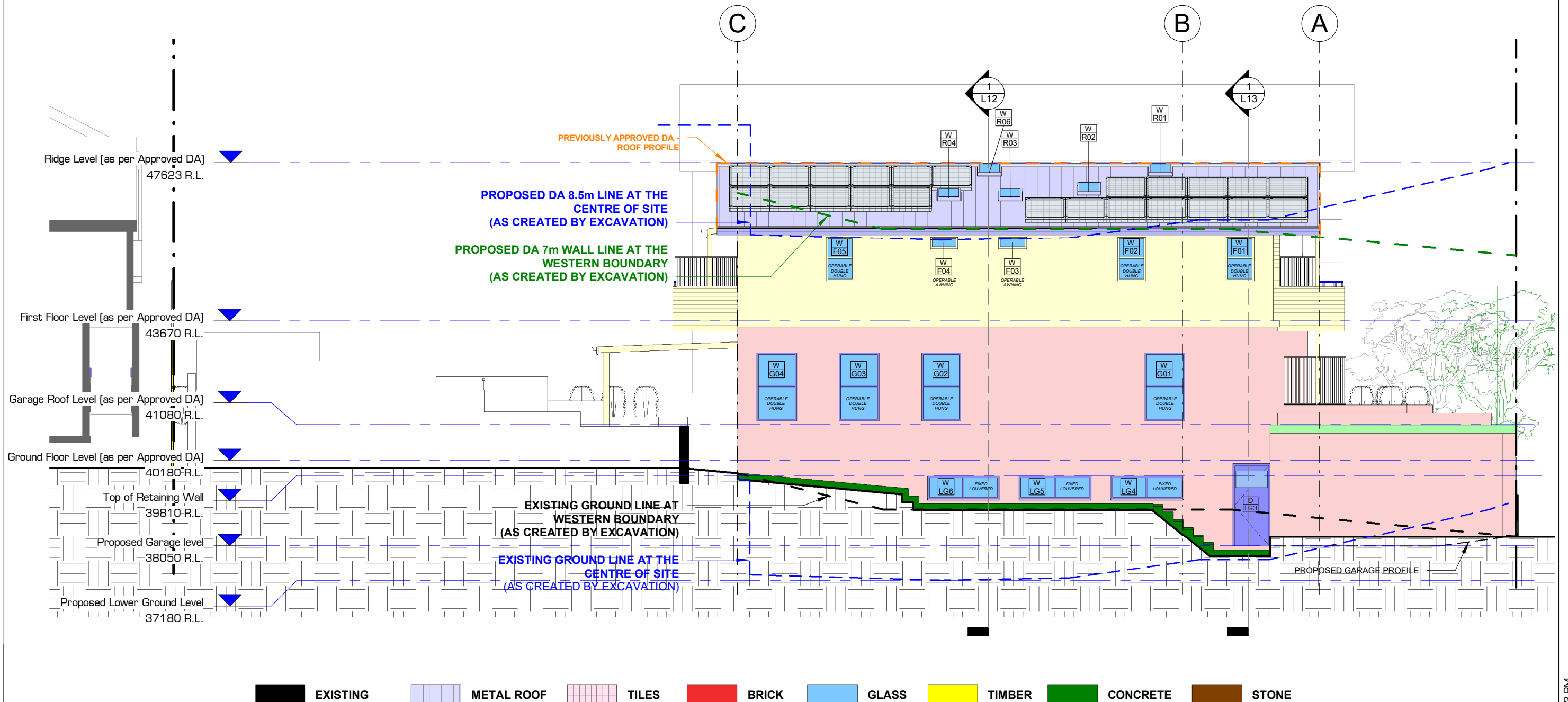
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EXISTING METAL ROOF TILES BRICK GLASS TIMBER CONCRETE STONE

DAVID FLEETING ARCHITECTS
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NSW 2025 AUSTRALIA
M: 0407 414 755
E: david@dfarchitects.com.au
ARCHITECTED BY DAVID FLEETING ARCHITECTS ABN 5551627945
REGISTERED ARCHITECT DAVID FLEETING NSW ABB5145

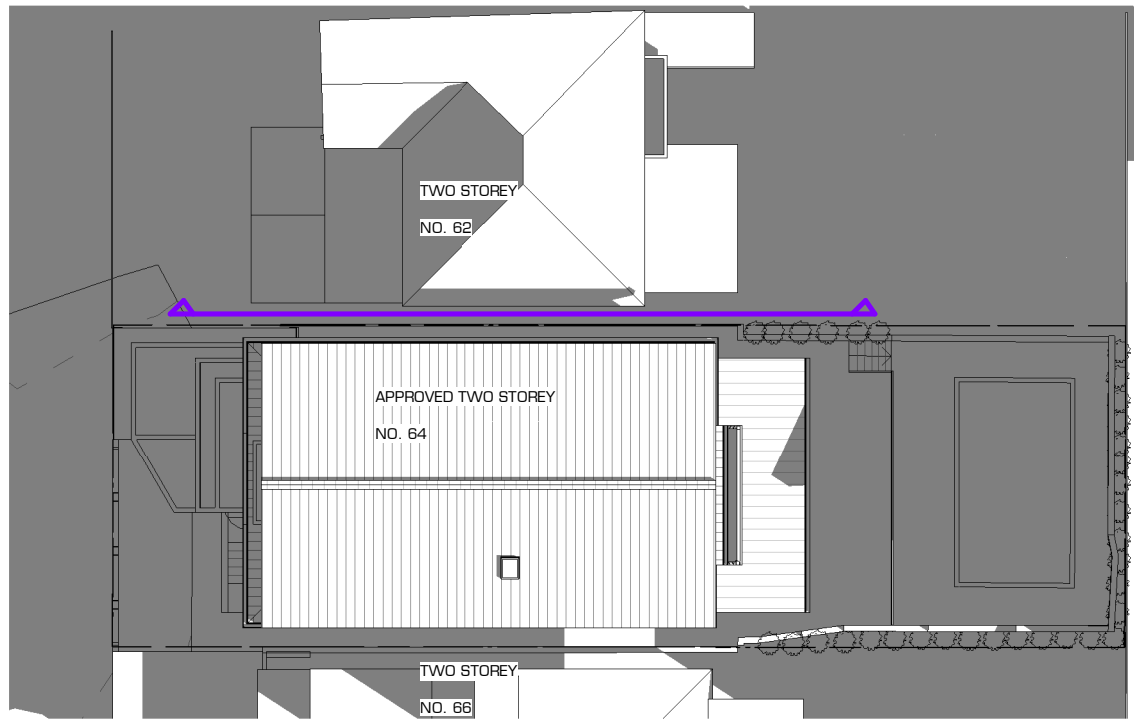
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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

PROPOSED WEST ELEVATION
Dwg Set: DA
Drawing Number: L23
Scale: 1 : 100 @A3

DEVELOPMENT APPLICATION
Rev: B



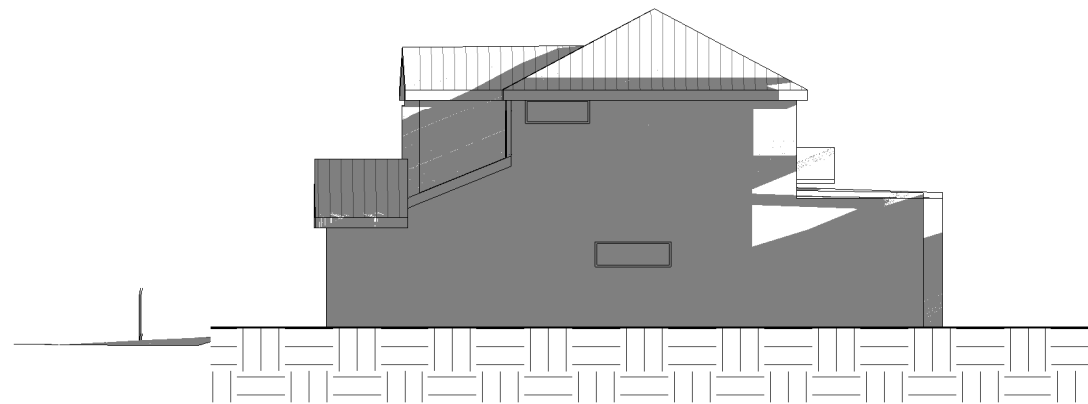
APPROVED DA SHADOW - JUNE 21 9AM - SITE PLAN(1:250)



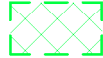

PROPOSED SHADOW - JUNE 21 9AM - SITE PLAN(1:250)

RECEIVED
Waverley Council
Receipt No: DA-137/2024
Date Received: 28/03/2024

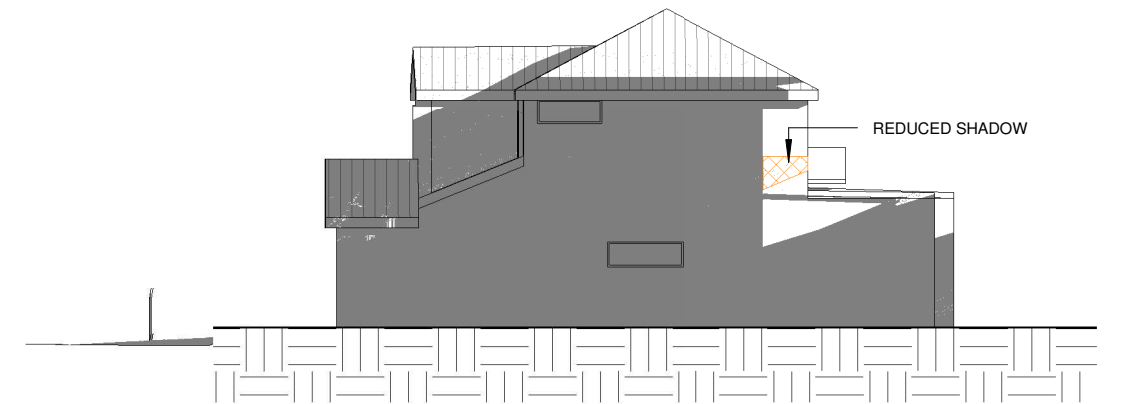
Approved DA Ridge Top
 47623 R.L.



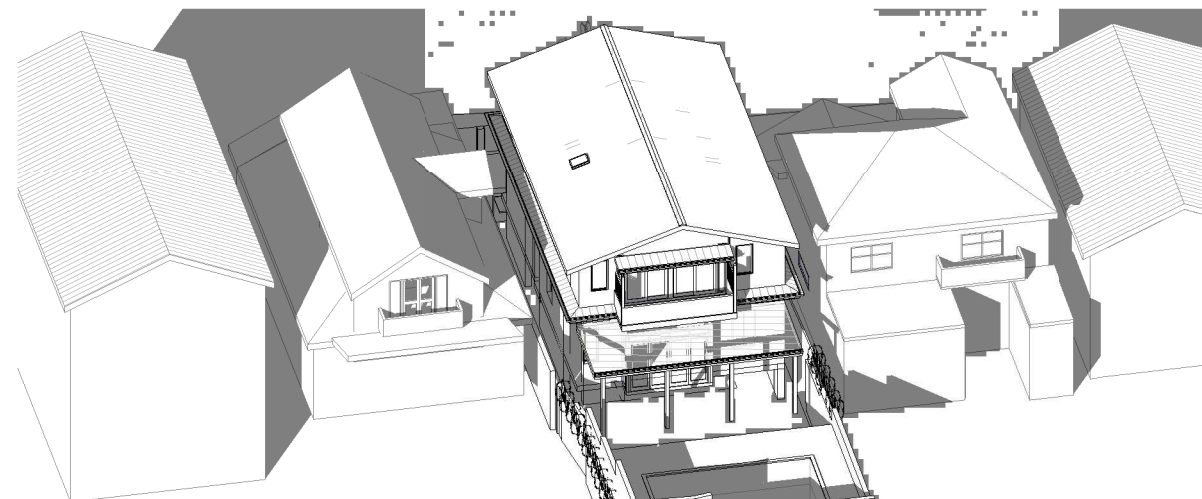
62 BOUNDARY STREET - APPROVED DA SHADOW - EAST ELEVATION - JUNE 21 9AM

NOTE :
 Additional Shadows cast by
 proposed 64 Boundary street :

 Reduced Shadows cast by
 proposed 64 Boundary street :


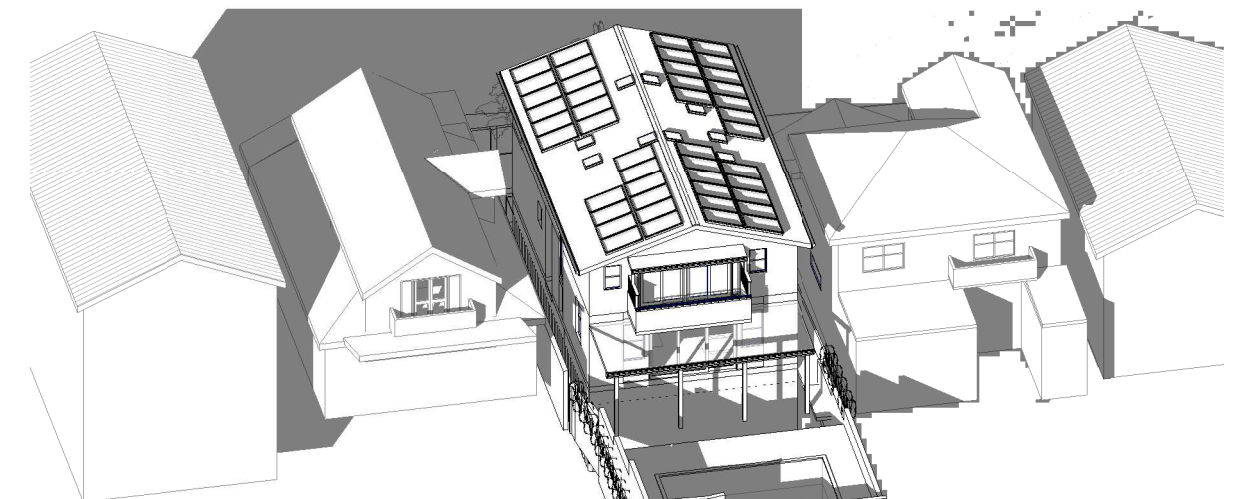
Approved DA Ridge Top
 47623 R.L.



62 BOUNDARY STREET - PROPOSED SHADOW - EAST ELEVATION - JUNE 21 9AM



APPROVED DA VIEW FROM THE SUN - JUNE 21 9AM



PROPOSED VIEW FROM THE SUN - JUNE 21 9AM

DAVID FLEETING ARCHITECTS
 114 MILL HILL ROAD, BONDI JUNCTION,
 NSW 2025 AUSTRALIA
 M: 0407 414 755
 E: david@dfarchitects.com.au

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

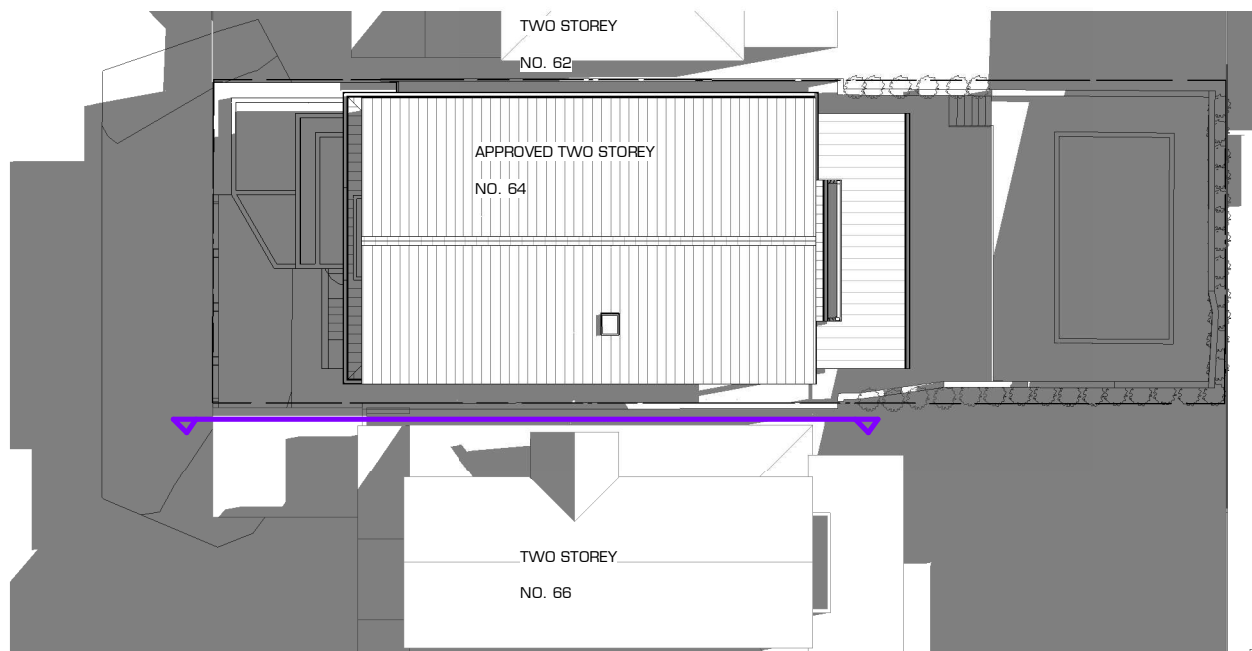
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North

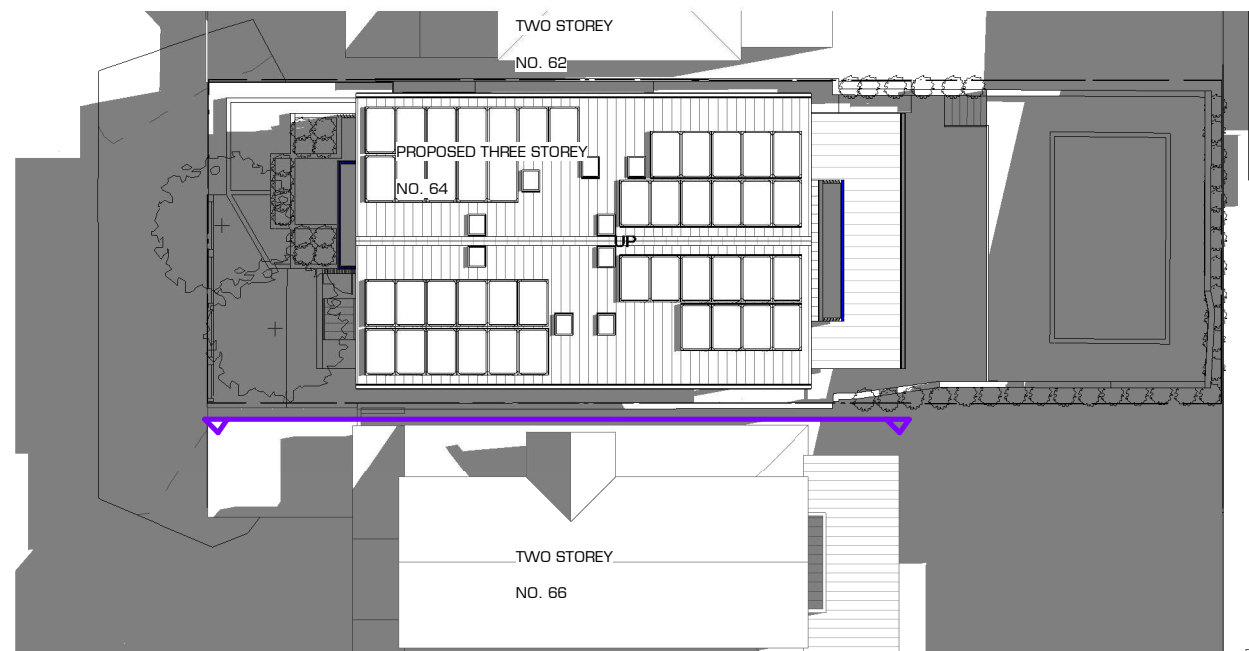
MELISSA & JEFF HUNT
64 BOUNDARY STREET
 BRONTE, NSW

SHADOW DIAGRAM - 9 AM 21 JUNE
 Scale As indicated
 Chk:DF Drw:ADI

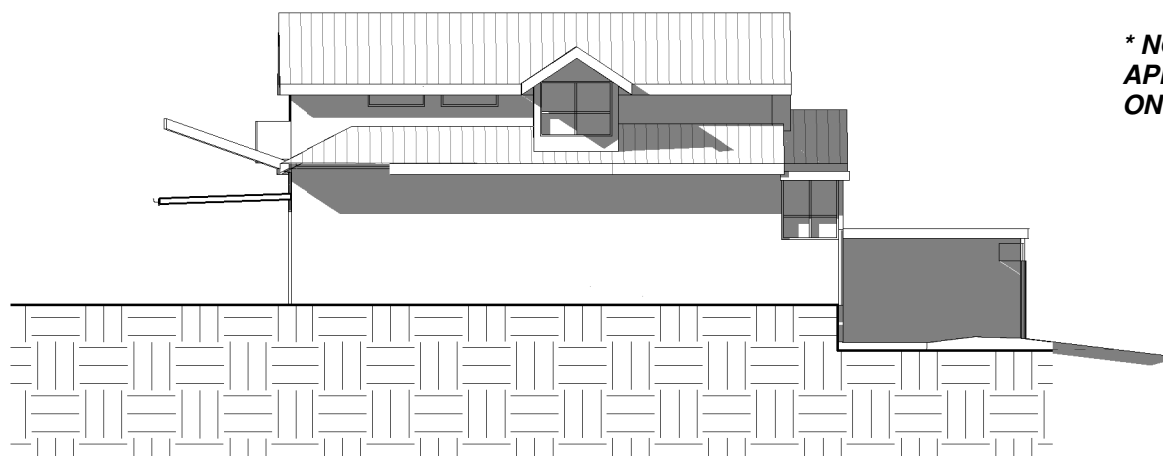
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 Drawing Number: **M20**
 Rev: **A**



APPROVED DA SHADOW - JUNE 21 12PM



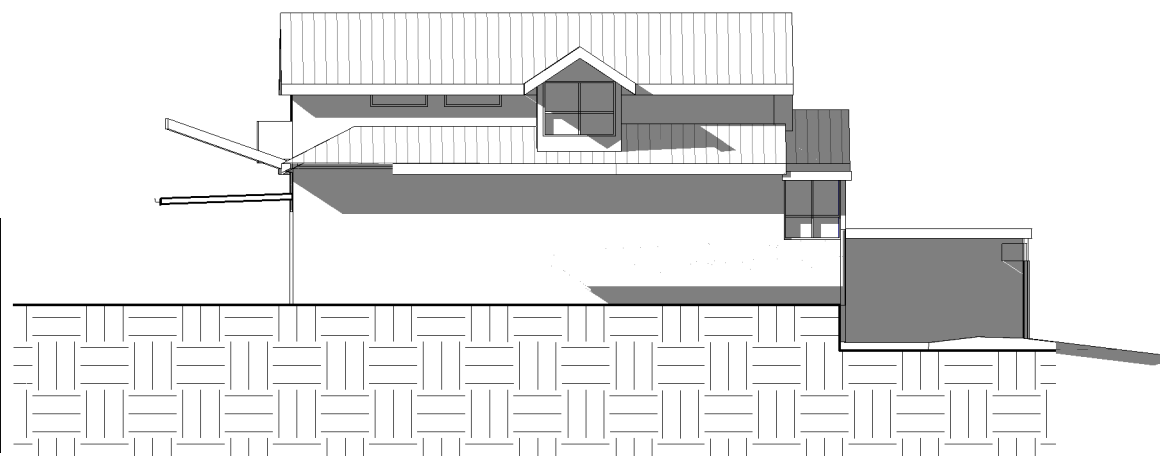
PROPOSED SHADOW - JUNE 21 12PM



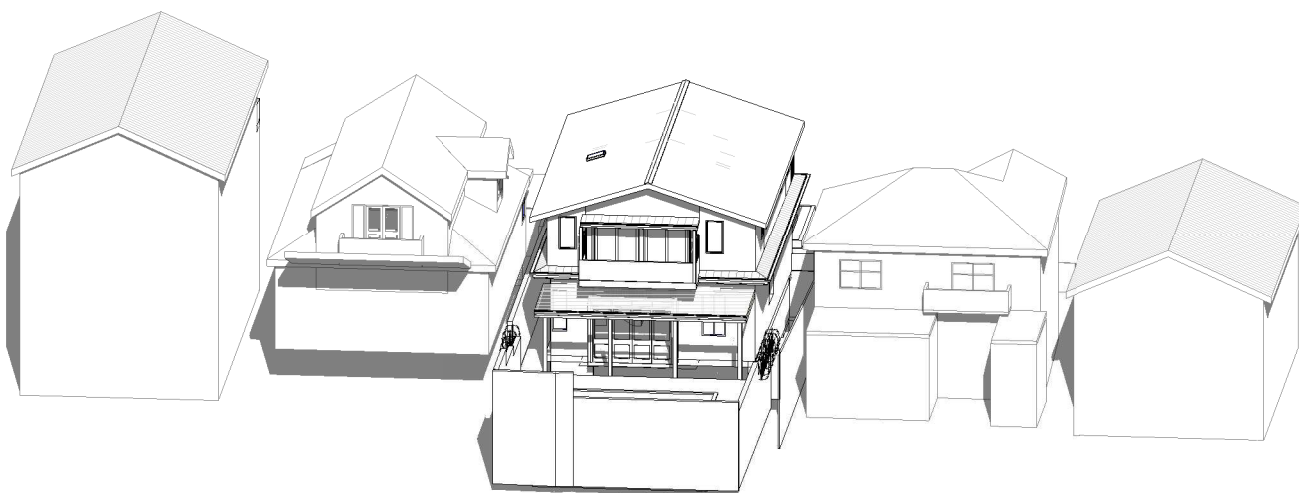
66 BOUNDARY STREET - APPROVED DA SHADOW - WEST ELEVATION - JUNE 21 12PM

*** NO CHANGES TO THE APPROVED SHADOW CAST ON 66 BOUNDARY STREET**

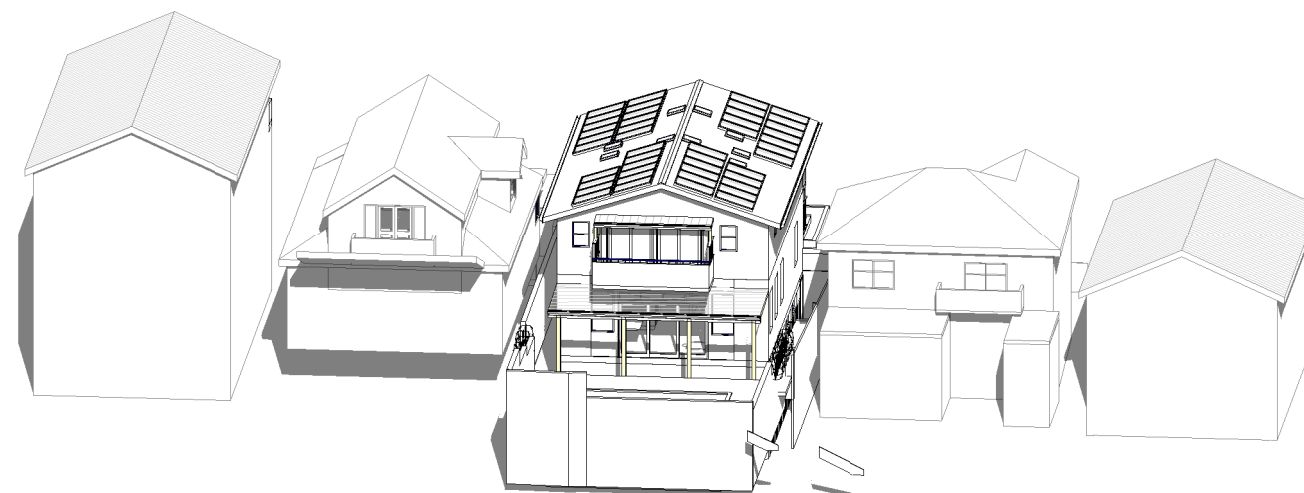
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Date Received: 28/03/2024



66 BOUNDARY STREET - PROPOSED SHADOW - WEST ELEVATION - JUNE 21 12PM



APPROVED DA VIEW FROM THE SUN - JUNE 21 12PM



PROPOSED VIEW FROM THE SUN - JUNE 21 12PM

DAVID FLEETING ARCHITECTS
114 MILL HILL ROAD, BONDI JUNCTION,
NSW 2025 AUSTRALIA
M: 0407 414 755
E: david@dfarchitects.com.au

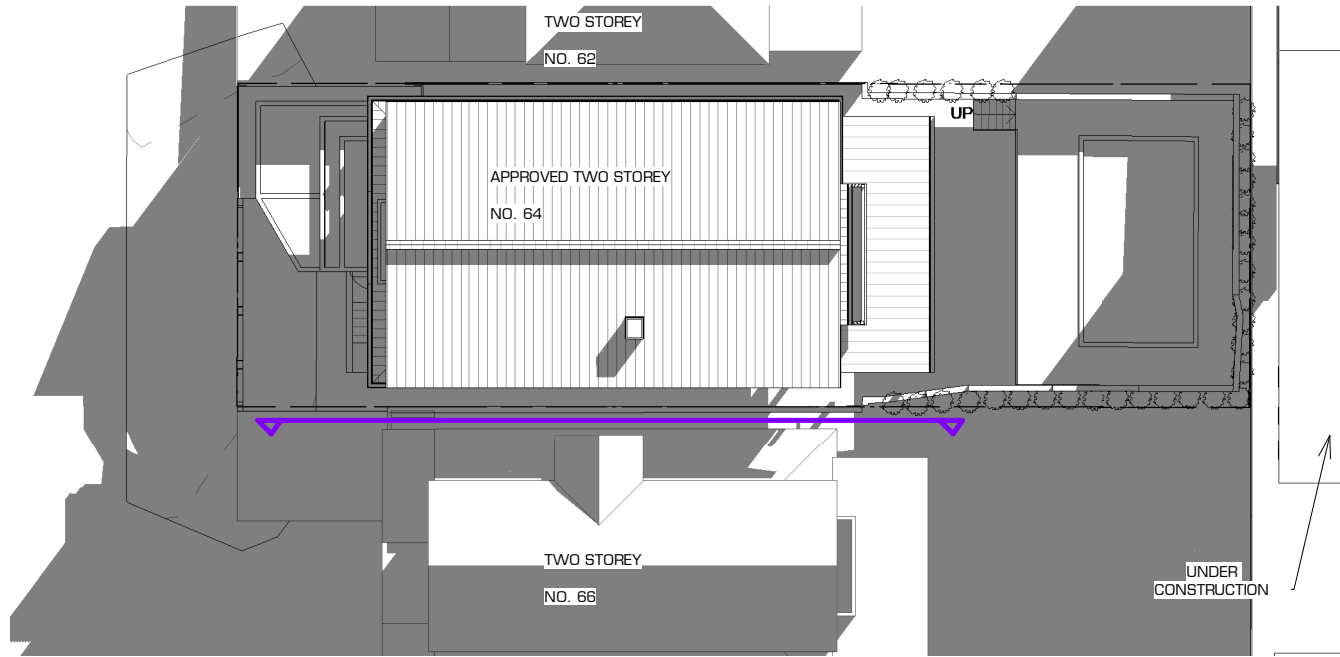
Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

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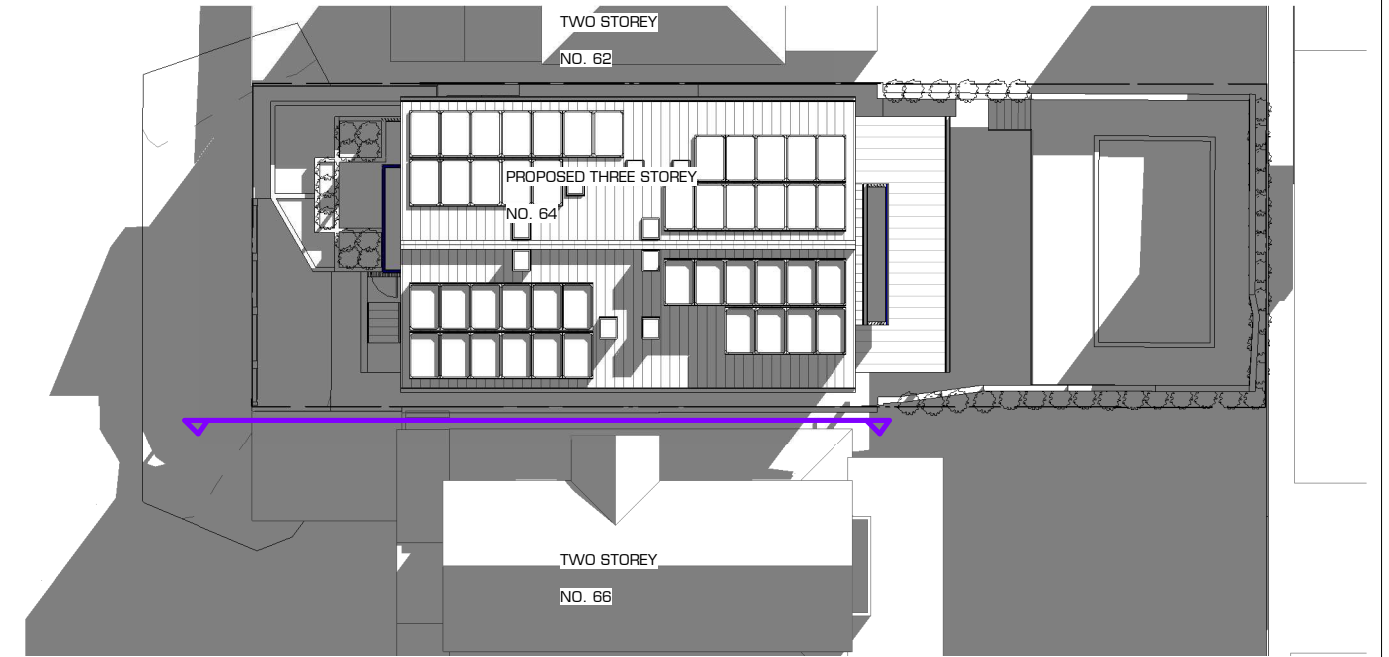
North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

SHADOW DIAGRAM - 12PM 21 JUNE
Scale As indicated A3
Chk:DF Drw:ADI

DEVELOPMENT APPLICATION
Dwg Set: DA Drawing Number: M21 Rev: A

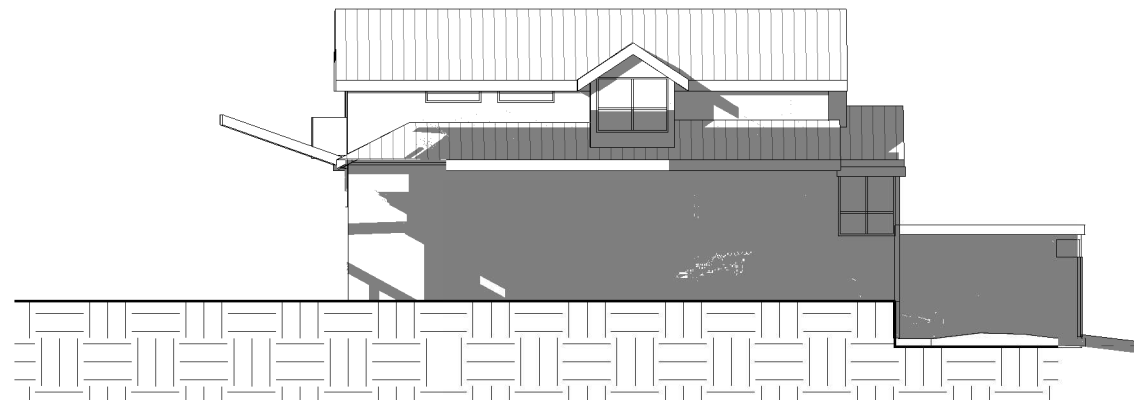


APPROVED DA SHADOW - JUNE 21 3PM



PROPOSED SHADOW - JUNE 21 3PM

Previous Ridge Height
49000 R.L.

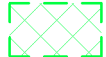



66 BOUNDARY STREET - APPROVED DA WEST ELEVATION - JUNE 21 3PM

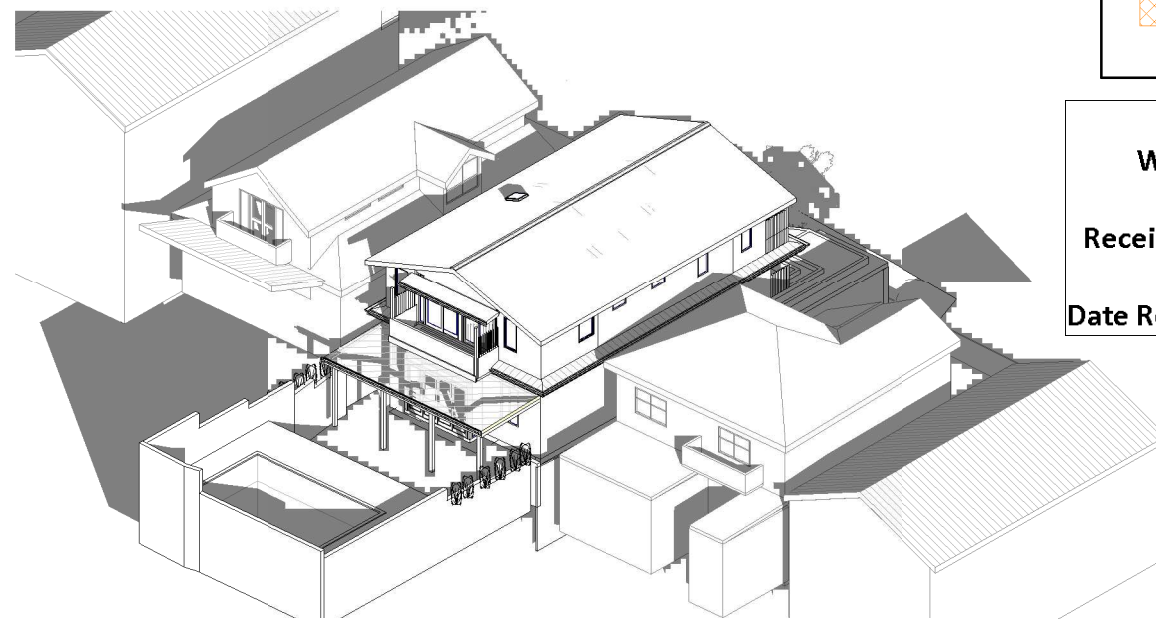
Previous Ridge Height
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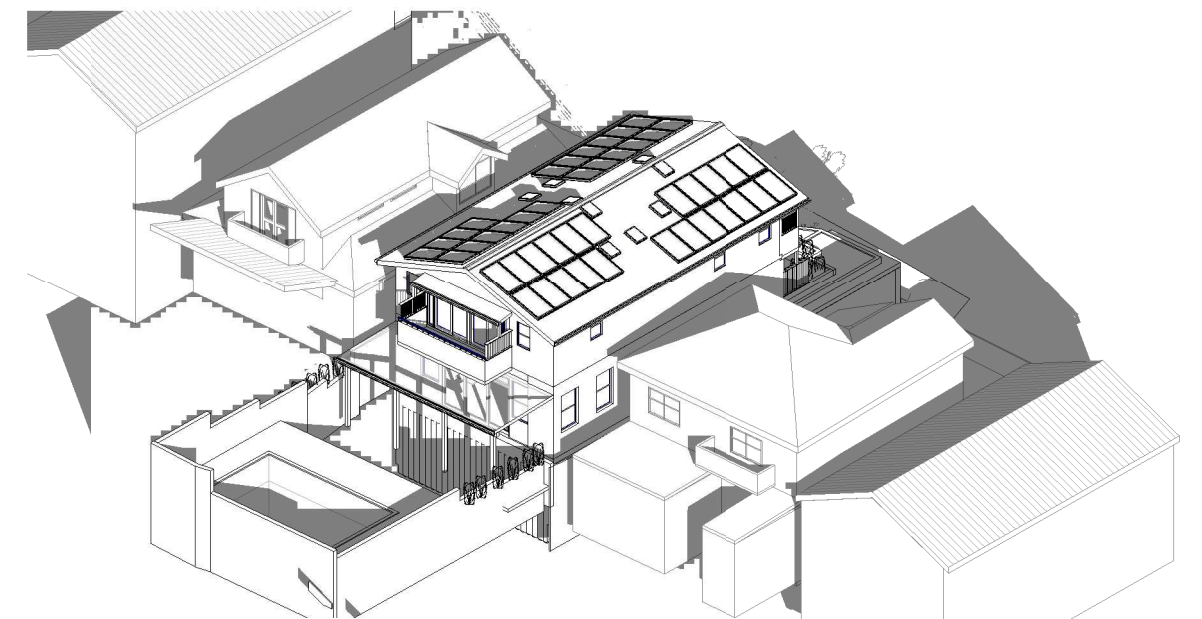
66 BOUNDARY STREET - PROPOSED WEST ELEVATION - JUNE 21 3PM

NOTE :
Additional Shadows cast by proposed 64 Boundary street :

Reduction of Shadows cast by proposed 64 Boundary street :


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Date Received: 28/03/2024



APPROVED DA VIEW FROM THE SUN - JUNE 21 3PM



PROPOSED VIEW FROM THE SUN - JUNE 21 3PM

DEVELOPMENT APPLICATION

DA
DAVID FLEETING ARCHITECTS
114 MILL HILL ROAD, BONDI JUNCTION,
NSW 2025 AUSTRALIA
M: 0407 414 755
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ARCHITECTED BY DAVID FLEETING ARCHITECTS
MEMBER ARCHITECT DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

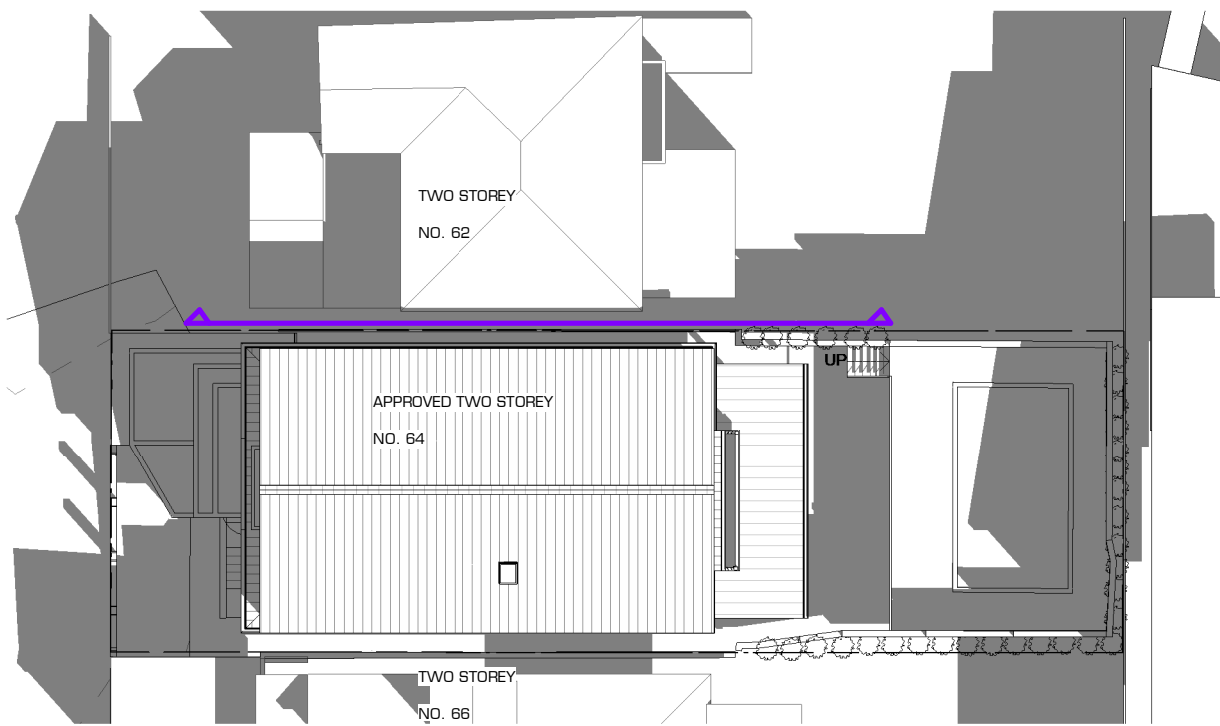
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North

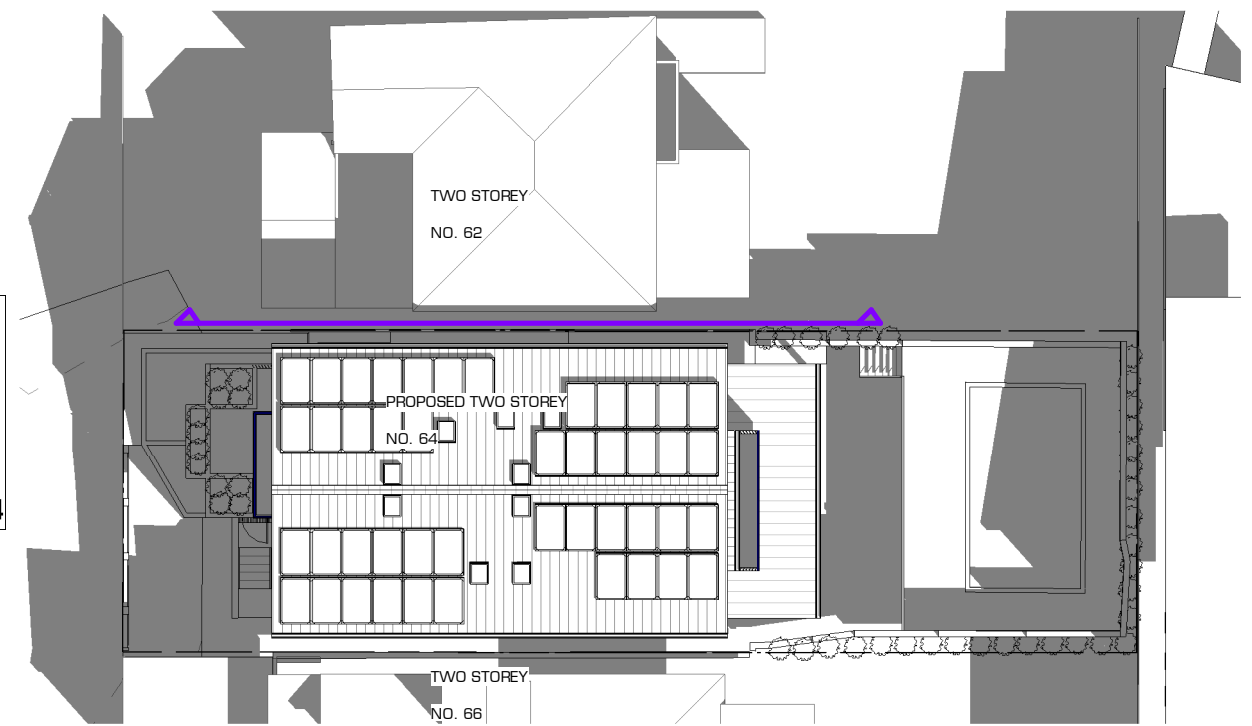
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

SHADOW DIAGRAM - 3PM 21 JUNE
Scale As indicated A3
Dwg Set: DA
Drawing Number: M22
Rev: A

DA
M22
A



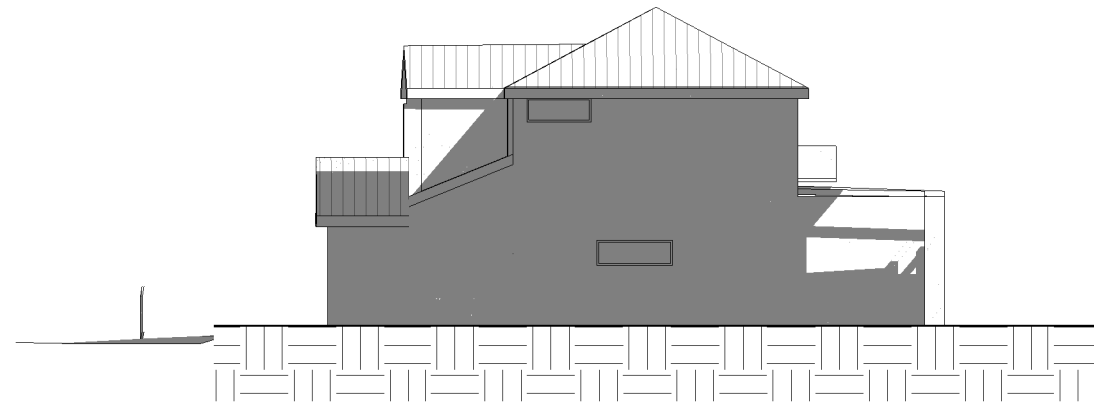
APPROVED DA SHADOW - SEPTEMBER 21 9AM - SITE PLAN(1:250)



PROPOSED SHADOW - SEPTEMBER 9AM - SITE PLAN(1:250)

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Waverley Council
Receipt No: DA-137/2024
Date Received: 28/03/2024

Approved DA Ridge Top
47623 R.L.



62 BOUNDARY STREET - APPROVED DA SHADOW - EAST ELEVATION - SEPTEMBER 21 9AM

NOTE :

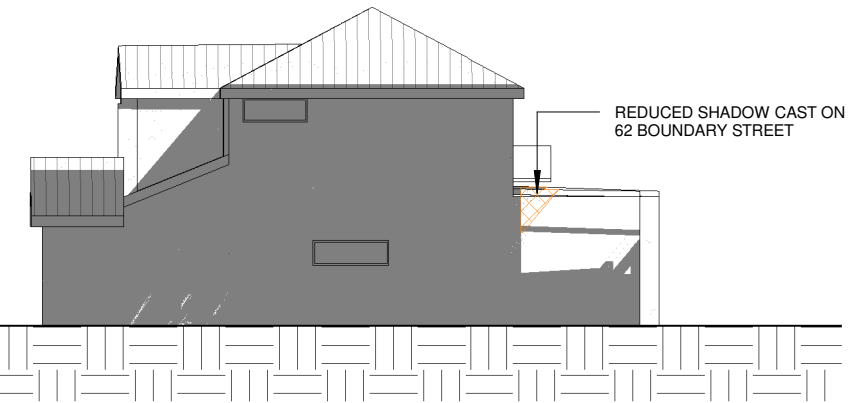
Additional Shadows cast by
proposed 64 Boundary street :



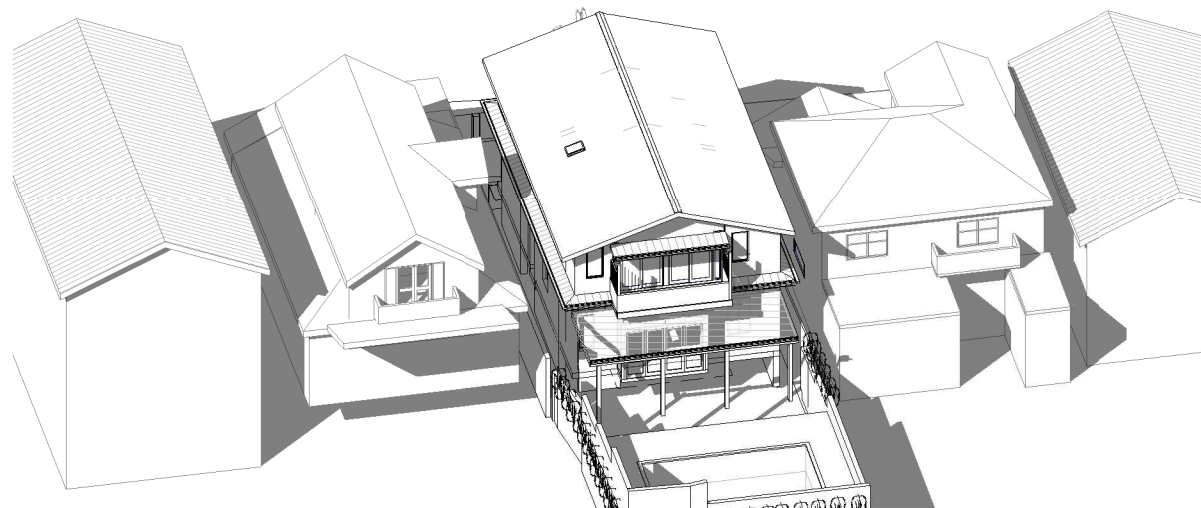
Reduction of Shadows cast by
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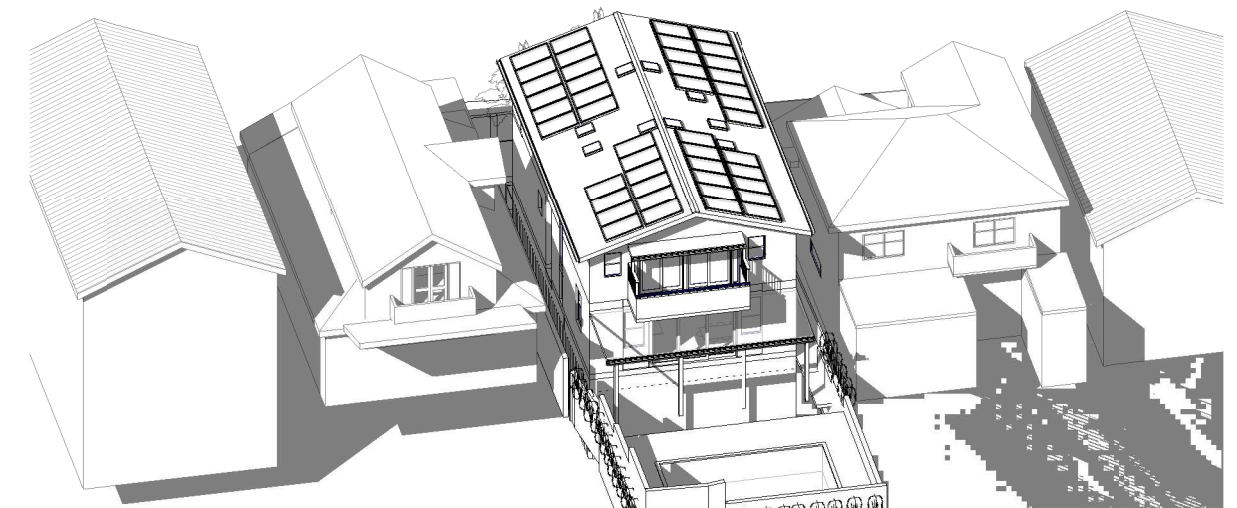
Approved DA Ridge Top
47623 R.L.



62 BOUNDARY STREET - PROPOSED SHADOW - EAST ELEVATION - SEPTEMBER 21 9AM



APPROVED DA VIEW FROM THE SUN - SEPTEMBER 21 9AM

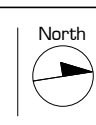


PROPOSED VIEW FROM THE SUN - SEPTEMBER 21 9AM

DAVID FLEETING ARCHITECTS
114 MILL HILL ROAD, BONDI JUNCTION,
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M: 0407 414 755
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ARCHITECTS PTY LTD 114/115 DAVID FLEETING ARCHITECTS ABN 2661627442
Nominated Architect DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

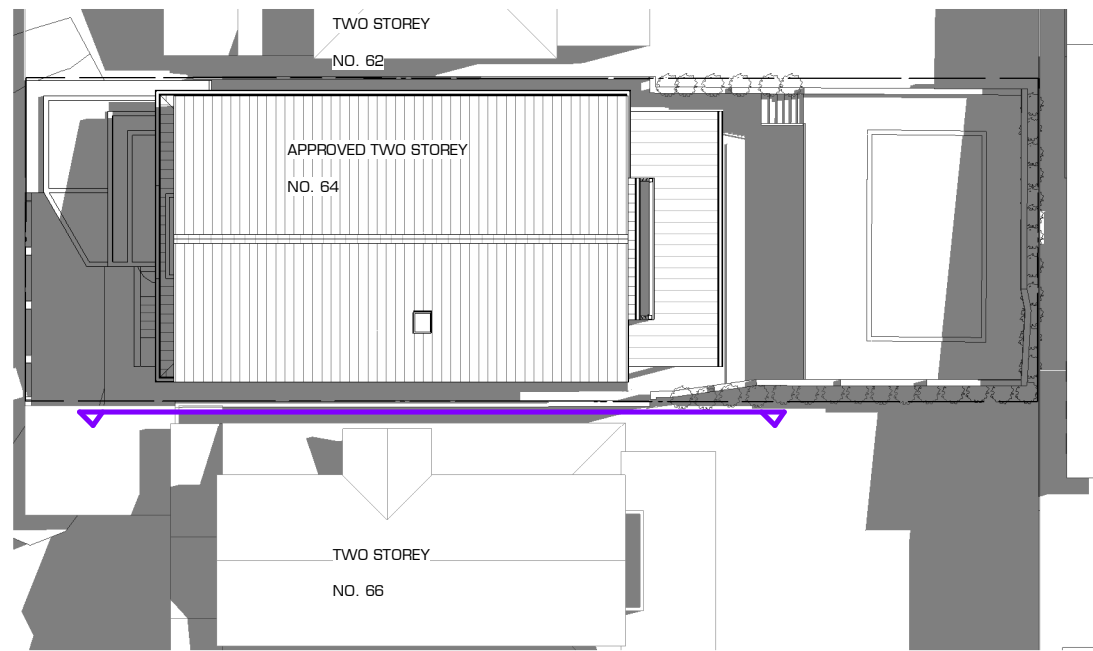
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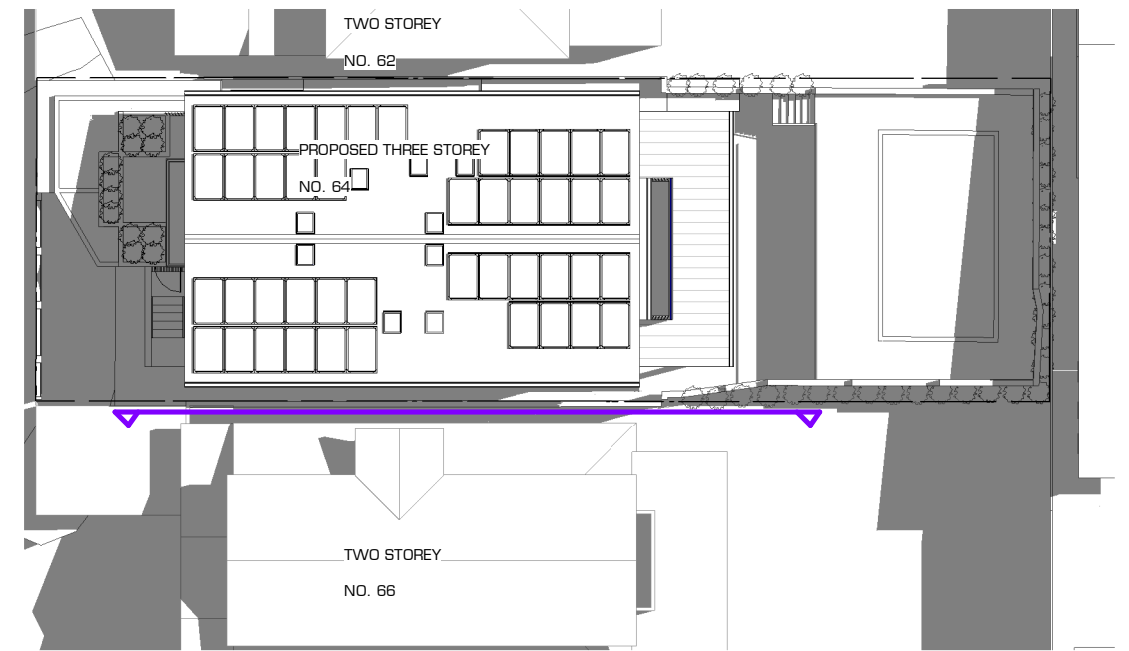
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

SHADOW DIAGRAM - 9 AM 21 SEPTEMBER
Scale As indicated

Dwg Set DA	Drawing Number M23	Rev A
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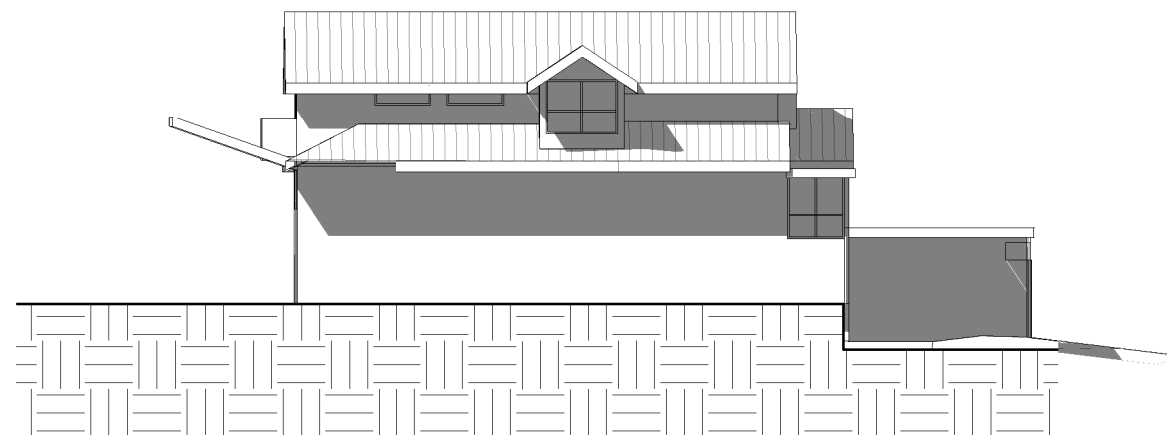
APPROVED DA SHADOW - SEPTEMBER 21 - 12PM - SITE PLAN(1:250)



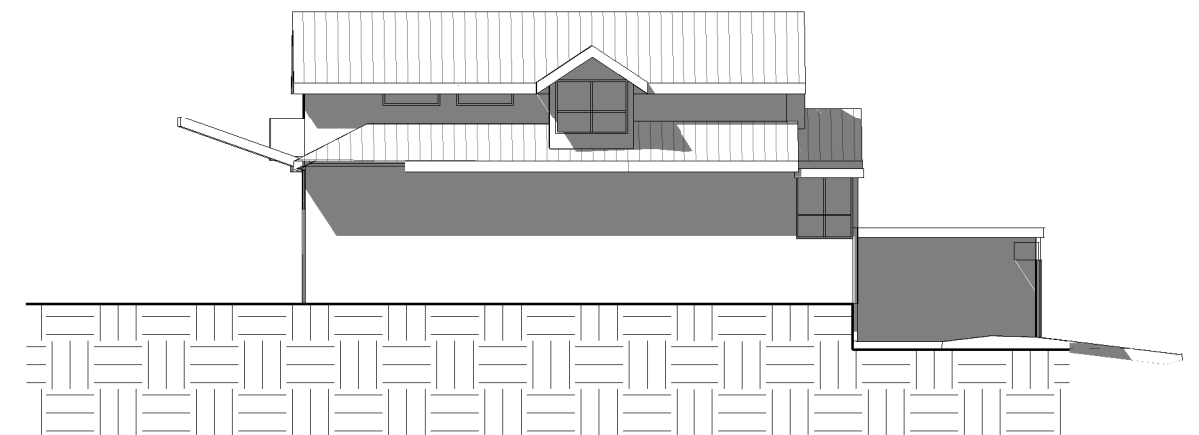
PROPOSED SHADOW - SEPTEMBER 21 - 12PM - SITE PLAN(1:250)

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Waverley Council
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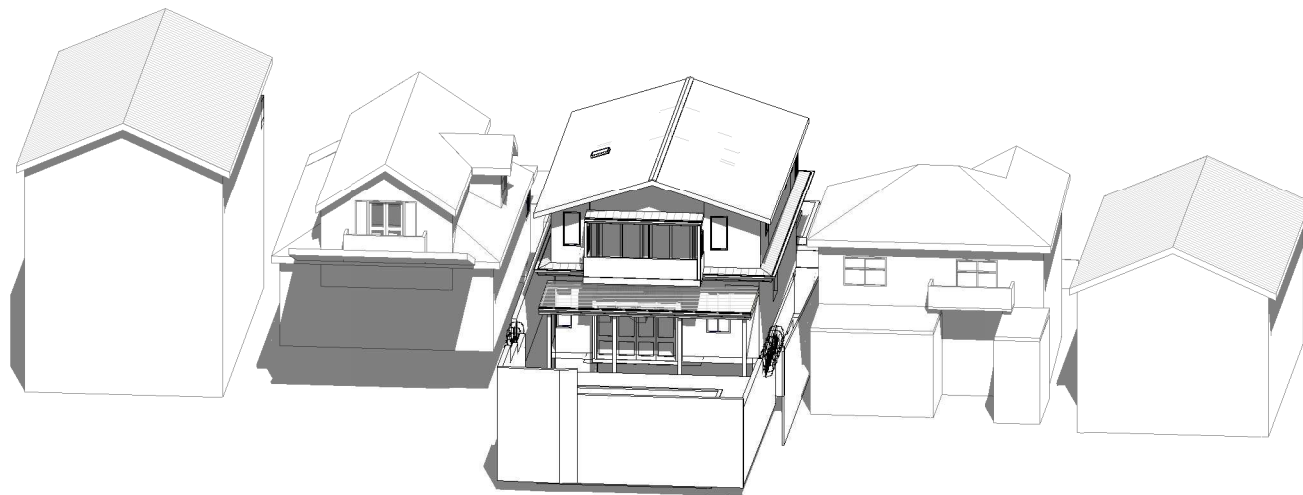
*** NO CHANGES TO THE
APPROVED SHADOW CAST
ON 66 BOUNDARY STREET**



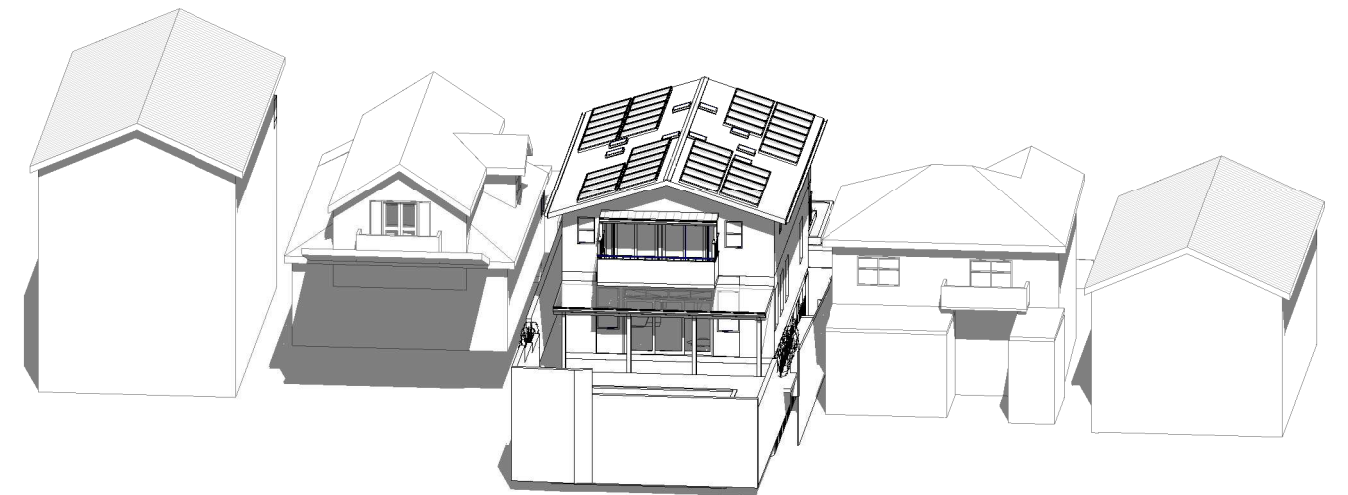
62 BOUNDARY STREET - APPROVED DA SHADOW - EAST ELEVATION - SEPTEMBER 21 - 12PM



62 BOUNDARY STREET - PROPOSED SHADOW - EAST ELEVATION - SEPTEMBER 21 - 12PM



APPROVED DA VIEW FROM THE SUN - SEPTEMBER 21 - 12PM



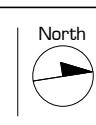
PROPOSED VIEW FROM THE SUN - SEPTEMBER 21 - 12PM

DEVELOPMENT APPLICATION

DAVID FLEETING ARCHITECTS
114 MILL HILL ROAD, BONDI JUNCTION,
NSW 2025 AUSTRALIA
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E: david@dfarchitects.com.au
ARCHITECTED PTY LTD TRADING AS DAVID FLEETING ARCHITECTS ABN 3661627642
REGISTERED ARCHITECT DAVID FLEETING NSW ABB5145

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

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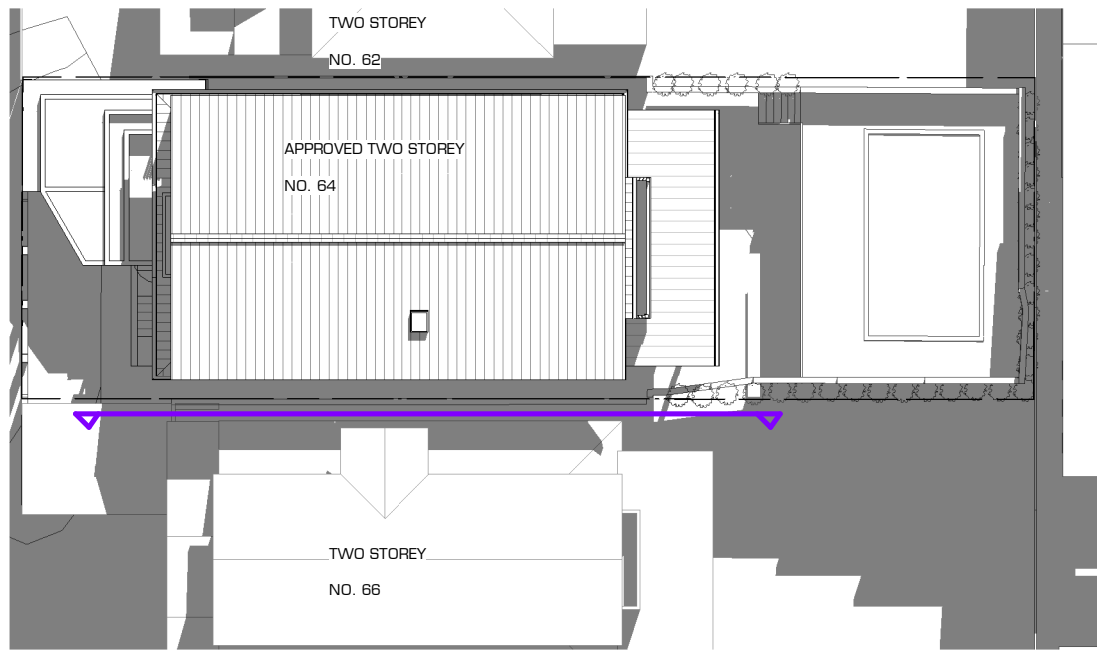


MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

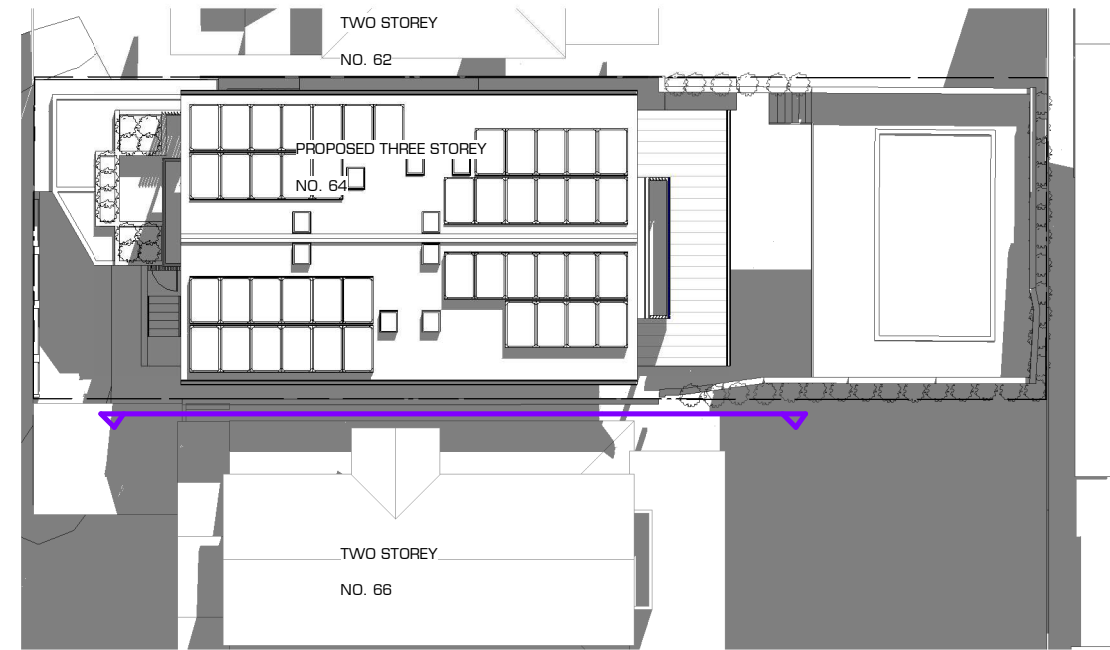
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Scale As indicated A3
Chk:DF Drw:ADI

Dwg Set	Drawing Number	Rev
DA	M24	A

15/03/2024 11:34:38 AM



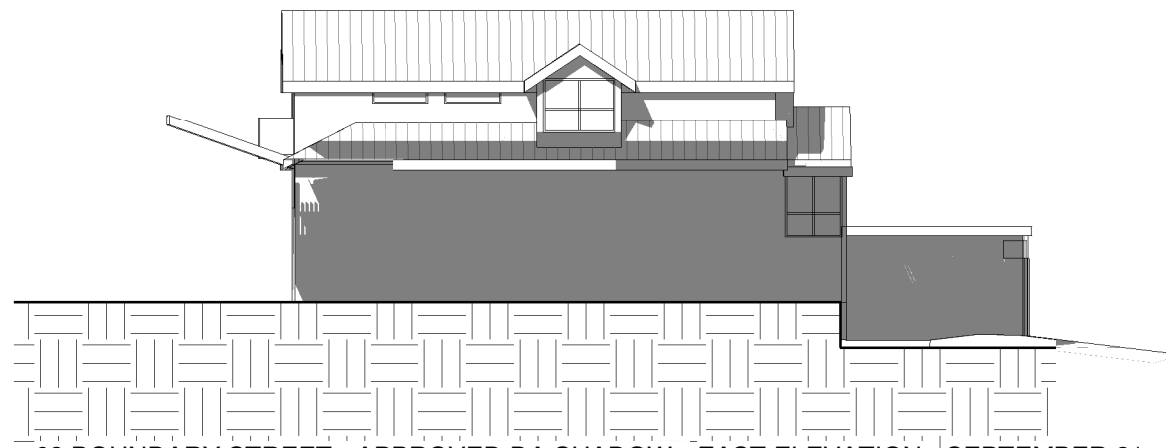
APPROVED DA SHADOW - SEPTEMBER 21 - 3PM - SITE PLAN(1:250)



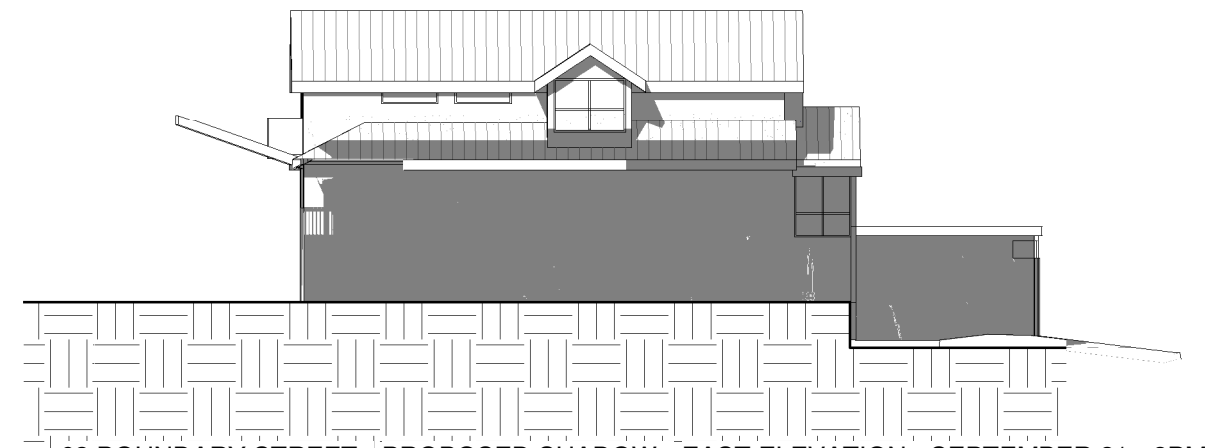
PROPOSED SHADOW - SEPTEMBER 21 - 3PM - SITE PLAN(1:250)

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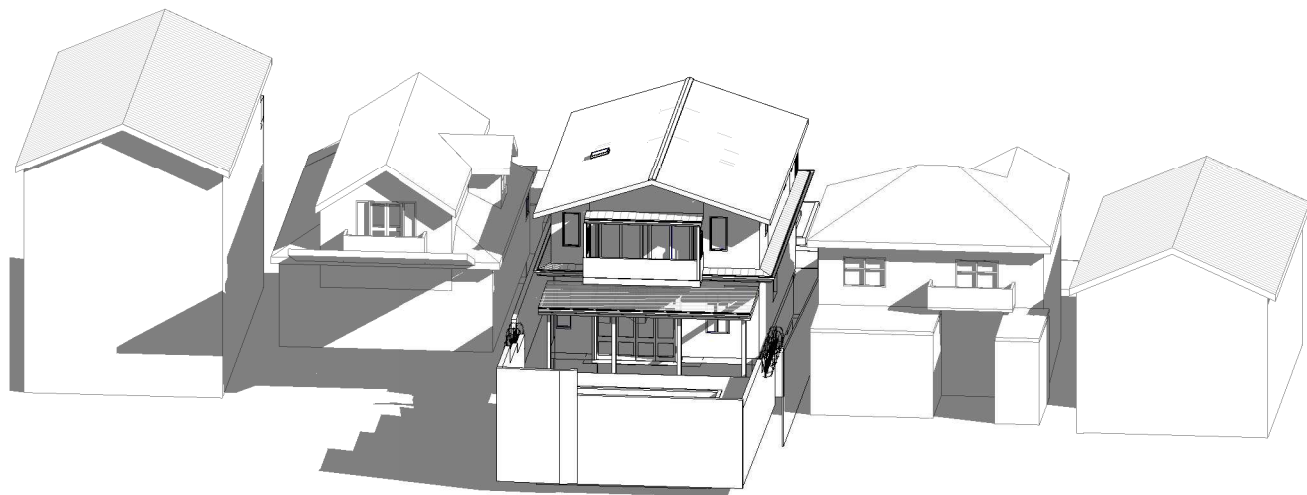
*** NO CHANGES TO THE
APPROVED SHADOW CAST
ON 66 BOUNDARY STREET**



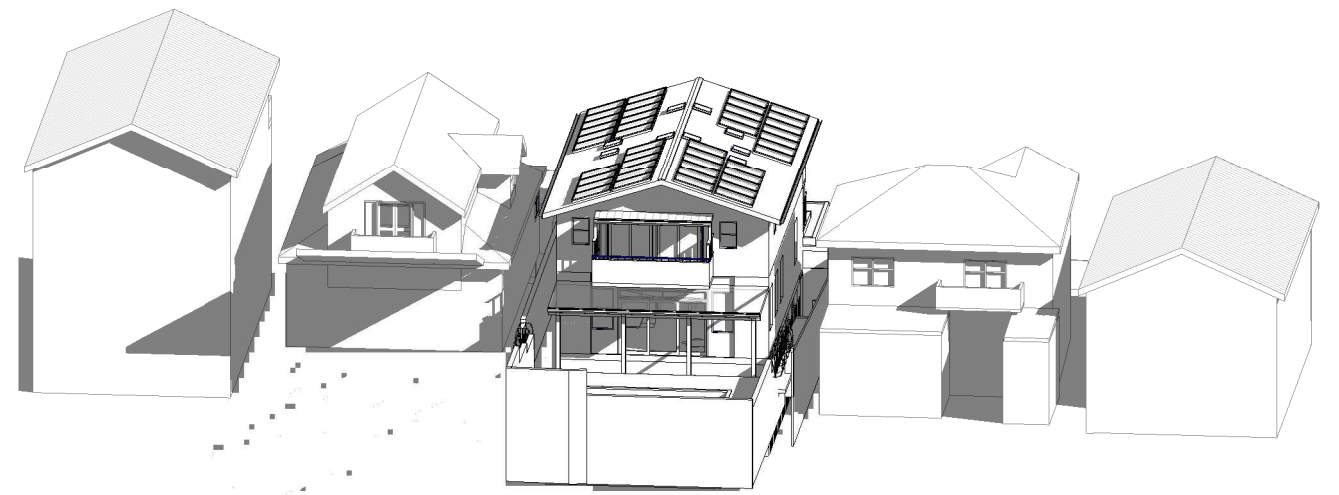
62 BOUNDARY STREET - APPROVED DA SHADOW - EAST ELEVATION - SEPTEMBER 21 - 3PM



62 BOUNDARY STREET - PROPOSED SHADOW - EAST ELEVATION - SEPTEMBER 21 - 3PM



APPROVED DA VIEW FROM THE SUN - SEPTEMBER 21 - 3PM



PROPOSED VIEW FROM THE SUN - SEPTEMBER 21 - 3PM

DAVID FLEETING ARCHITECTS
114 MILL HILL ROAD, BONDI JUNCTION,
NSW 2025 AUSTRALIA
M: 0407 414 755
E: david@dfarchitects.com.au

Rev.	Date	Revision Description
A	29/02/2024	NEW DEVELOPMENT APPLICATION

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North
MELISSA & JEFF HUNT
64 BOUNDARY STREET
BRONTE, NSW

SHADOW DIAGRAM - 3PM 21
SEPTEMBER
Scale As indicated

Dwg Set: DA
Drawing Number: M25
Rev: A

15/03/2024 11:34:43 AM

LANDSCAPE CONSTRUCTION CERTIFICATE PLANS

COUNCIL REQUIREMENTS - WAVERLEY COUNCIL

THE LANDSCAPE PLAN IS IN GENERAL ACCORDANCE WITH COUNCIL PLANNING CONTROLS:

- DCP (WAVERLEY DEVELOPMENT CONTROL PLAN 2022)
- PART B GENERAL PROVISIONS - CHAPTER B3 LANDSCAPING AND BIODIVERSITY
- PART C RESIDENTIAL DEVELOPMENT - CHAPTER C1 LOW DENSITY RESIDENTIAL DEVELOPMENT

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Receipt No: DA-137/2024

Date Received: 28/03/2024

LANDSCAPE PLANS FOR CONSTRUCTION CERTIFICATE - AMENDED TO SATISFY APPROVED DEVELOPMENT APPLICATION CONDITIONS OF CONSENT

CONDITION I8 - GREEN ROOF LANDSCAPING DETAILS

(a) Comprise plants that are suitable for the site on relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2-1).

(b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species.

(c) The green roof is design to be a non-trafficable area (with no balustrades) and must be irrigated without requiring frequent maintenance access. Any access to the roof is to be for servicing purposes only.

CONDITION I9 - 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 2012.

LANDSCAPE INSTALLATION SPECIFICATION

PLANTER BEDS

- Soil for plantings over slab or contained areas. Minimum soil depths for planting on any slab:
- Trees: Min 800mm excluding 75mm mulch
- Shrubs: Min 600mm excluding 75mm mulch
- Groundcovers & Turf: Min 300mm
- Suitable drainage implemented through use of ag lines, drainage flow cell and geotech fabric.
- Soil to be ANL Planter Box Mix, or equivalent. Blend of soil, coarse sand, graded ash, nepean sand, composted sawdust, botany humus and composted pine bark.
- Soil to be between 20-50mm below top of retaining wall height, to allow for dropping.

TURFING

- Turf to be laid on minimum 100mm turf underlay.
- Turf underlay to be ANL Sand / Soil Blend, or equivalent.
- Turf to be Sir Walter Turf - Premium Buffalo Grass (Registered PBR), supplied by President Turf, or equivalent.

MULCHING

- Place mulch to minimum depth of 75mm, clear of plant stems, and rake to an even surface flush with the surrounding finished levels and consistent in depth.
- Trees in lawn areas to have 750mm diameter of mulch surrounding.
- Mulch for general garden areas, pots, and planters to be Australian Native Landscapes (ANL) Greenlife Mulch and Compost, or equivalent.

TREE PLANTING

- Excavate holes in accordance with dimension of container. The depth of the holes is to be equivalent to the container height plus 100mm and the width of the hole is to be twice that of the container.
- Locate tree to centre of hole and backfill with soil. Firm about root ball.
- All plant material, 45 Litres or over, to be staked.

IRRIGATION

- Automated irrigation system to be implemented. Reputable irrigation brands are to be sourced.
- Use drip lines with emitters at 300mm spacing's for all garden beds.
- Use pop-up spray heads for all lawn areas. Pop-up spray heads are to be spaced according to product specification.
- Conceal irrigation below the mulch layer in planting areas and 150mm below the surface of turf areas. Conceal all components including pipework, fittings, valves, and control equipment.

DA PLANT SCHEDULE					
ID	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
Trees					
Ca	2	Cupaniopsis anacardioides	Tuckeroo	300mm	Indigenous to Waverley Council
Perennials					
De	4	Doryanthes excelsa	Gynea Lily	300mm	Australian Native
Grasses					
Dc	21	Dianella caerulea	Blue Flax Lily	200mm	Indigenous to Waverley Council
Dr	19	Dianella revoluta	Paroo Lily	200mm	Indigenous to Waverley Council
Li	8	Lomandra longifolia	Spiny-headed Mat Rush	200mm	Indigenous to Waverley Council
Groundcovers					
MpY	9	Myoporum parvifolium 'Yareena'	Creeping Boobialla	140mm	Australian Native
Vh	76	Viola hederacea	Native Violet	140mm	Indigenous to Waverley Council
Climbers					
Hs	15	Hibbertia scandens	Golden Guinea Flower	200mm	Indigenous to Waverley Council
Ferns					
Aa	8	Asplenium australasicum	Birds's Nest Fern	200mm	Indigenous to Waverley Council
Da	34	Doodia aspera	Rasp Fern	140mm	Indigenous to Waverley Council
Total:	196				

BIODIVERSITY HABITAT CORRIDOR CONTROL: A MIN. 50% OF TREES, 50% OF SHRUBS, AND 50% OF GRASSES AND GROUNDCOVERS ARE TO BE NATIVE PLANTS LISTED IN ANNEXURE B2-1 OF THE WAVERLEY DCP

NATIVE TREE SPECIES TOTAL = 1
100% OF PROPOSED TREES

NATIVE SHRUBS SPECIES TOTAL = 2
66% OF PROPOSED SHRUBS

NATIVE GRASSES AND GROUNDCOVERS SPECIES TOTAL = 5
83% OF PROPOSED GRASSES AND GROUNDCOVERS

NATIVE TREE QUANTITY TOTAL = 2
100% OF PROPOSED TREES

NATIVE SHRUBS QUANTITY TOTAL = 42
95% OF PROPOSED SHRUBS

NATIVE GRASSES AND GROUNDCOVERS QUANTITY TOTAL = 124
93% OF PROPOSED GRASSES AND GROUNDCOVERS

PROJECT

HUNT RESIDENCE
64 BOUNDARY STREET,
BRONTE NSW

DRAWING TITLE

DEVELOPMENT APPLICATION
COVER PAGE

DRAWN BY

AD

REVISION

01

DATE

13.03.24

SCALE

NTS @ A3

JOB NUMBER

23.074

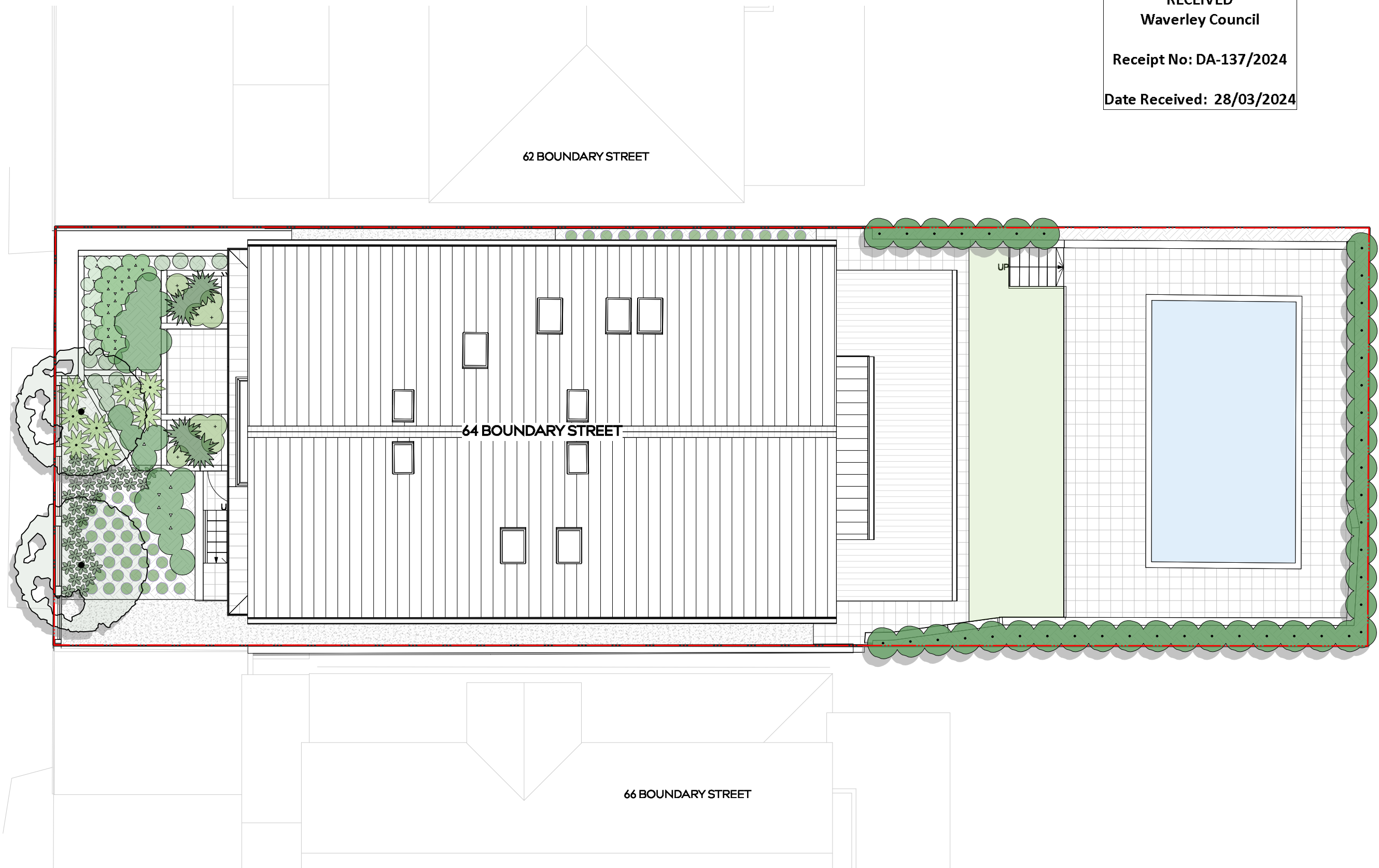
DRAWING NUMBER

DA_00

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PROJECT
HUNT RESIDENCE
64 BOUNDARY STREET,
BRONTE NSW

DRAWING TITLE
DEVELOPMENT APPLICATION
LANDSCAPE SITE PLAN

DRAWN BY
AD
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01

DATE
13.03.24
 SCALE
1:100 @ A3

JOB NUMBER
23.074

DRAWING NUMBER
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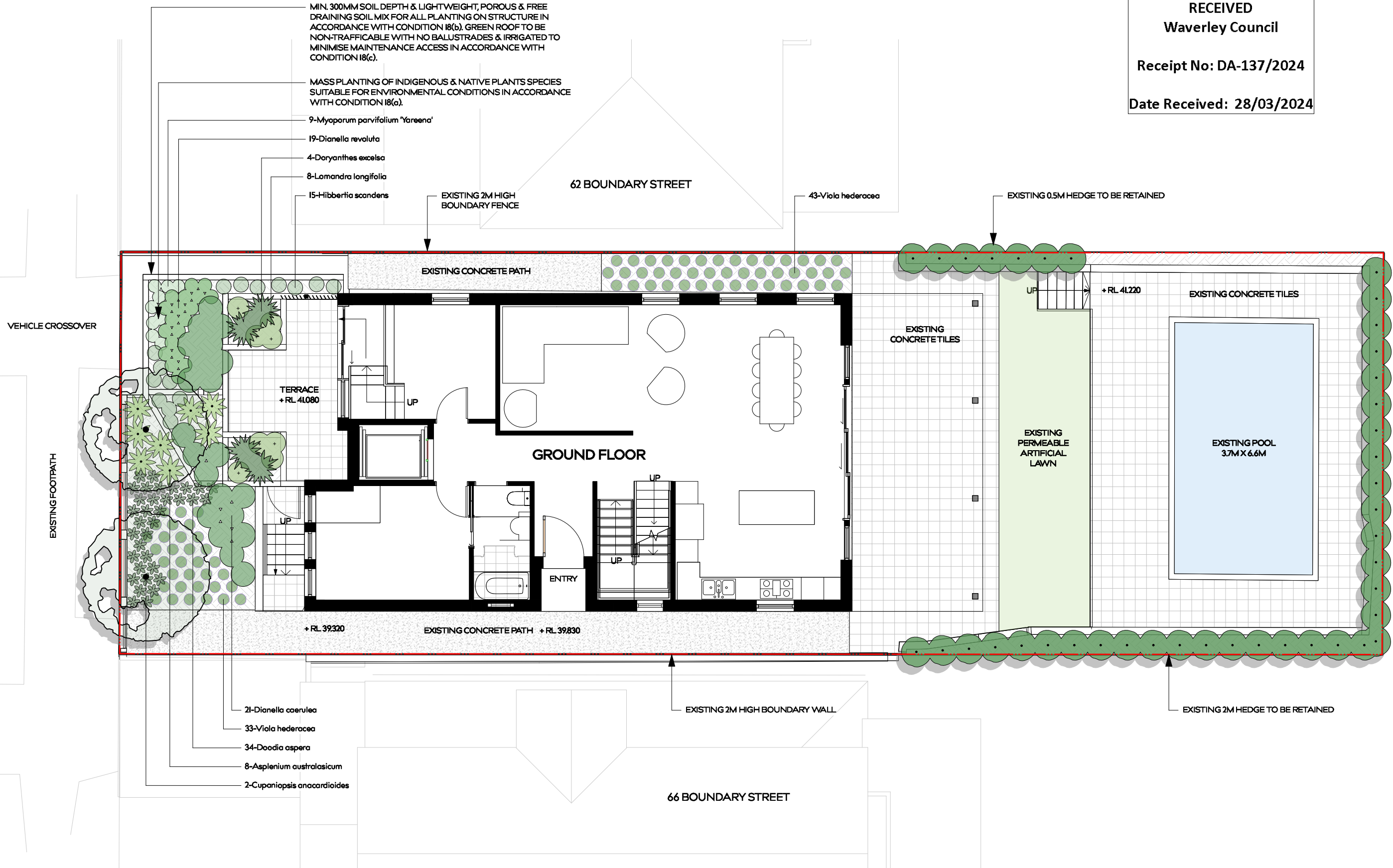
MIN. 300MM SOIL DEPTH & LIGHTWEIGHT, POROUS & FREE DRAINING SOIL MIX FOR ALL PLANTING ON STRUCTURE IN ACCORDANCE WITH CONDITION 18(b). GREEN ROOF TO BE NON-TRAFFICABLE WITH NO BALUSTRADES & IRRIGATED TO MINIMISE MAINTENANCE ACCESS IN ACCORDANCE WITH CONDITION 18(c).

MASS PLANTING OF INDIGENOUS & NATIVE PLANTS SPECIES SUITABLE FOR ENVIRONMENTAL CONDITIONS IN ACCORDANCE WITH CONDITION 18(a).

- 9-Myoporum parvifolium 'Yareena'
- 19-Dianella revoluta
- 4-Doryanthes excelsa
- 8-Lomandra longifolia
- 15-Hibbertia scandens

43-Viola hederacea

EXISTING 0.5M HEDGE TO BE RETAINED



- 21-Dianella caerulea
- 33-Viola hederacea
- 34-Doodia aspera
- 8-Asplenium australasicum
- 2-Cupaniopsis anacardioides

EXISTING 2M HIGH BOUNDARY WALL

EXISTING 2M HEDGE TO BE RETAINED

PROJECT
HUNT RESIDENCE
64 BOUNDARY STREET,
BRONTE NSW

DRAWING TITLE.
DEVELOPMENT APPLICATION
LANDSCAPE PLAN - GROUND

DRAWN BY
AD
 REVISION
01

DATE
13.03.24
 SCALE
1:100 @ A3

JOB NUMBER
23.074

DRAWING NUMBER
DA_02

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WYER & CO



Report to the Waverley Local Planning Panel

Application number	DA-281/2024
Site address	14 Ashley Street, Tamarama
Proposal	Alterations and additions to a dwelling across multiple levels.
Date of lodgement	24 June 2024
Owner	Ms D Roche
Applicant	J Dowse
Submissions	Nil
Cost of works	\$143,000
Principal Issues	<ul style="list-style-type: none"> • Breach to height of buildings development standard; and • Breach to Floor Space Ratio (FSR) development standard.
Recommendation	That the application be APPROVED in accordance with the conditions contained in the report for the reasons contained in the report.

SITE MAP



(Source: Nearmap, 2024)

1. PREAMBLE

1.1. Executive Summary

The Development Application (DA) seeks consent for various alterations and additions across multiple levels to the existing dwelling which is currently under construction at the site known as 14 Ashley Street, Tamarama.

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

- Breach to height of buildings development standard of *Waverley Local Environmental Plan 2012* (Waverley LEP 2012); and
- Breach to FSR development standard of Waverley LEP 2012.

The assessment finds these issues acceptable as the applicant has provided well-founded clause 4.6 variations that have justified that despite the contravention to both development standards the proposed works meets the objectives of the relevant development standards. Particularly, as the proposed works do not further extend the building envelope and therefore do not result in any view impacts or additional shadowing to neighbouring properties.

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 23 July 2024.

The site is identified as Lot 1 in DP 325446, known as 14 Ashley Street, Tamarama.

The site is rectangular in shape with an eastern frontage of 10.365m to Ashley Street. It has an area of 416.5m² and falls from the west (rear) to the east (front) by approximately 10.72m.

The site is occupied by a four storey detached dwelling with an existing roof terrace and has vehicle access from Ashley Street to a two car garage at the lower level. The dwelling is currently under construction for the previously approved development consents.

The site is adjoined by two storey detached dwellings on either side. The locality is characterised by generally low density residential dwellings.

Figures 1 to 2 are photos of the site and its context.



Figure 1. Front of the subject site from Ashley Street, looking west.



Figure 2. Rear of the dwelling as viewed from the private open space, looking east.

1.3. Relevant Development History

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

- BA-151/1997 - Alterations and additions and an additional storey. Approved: 16 April 1997
- BA-151/1997/A - Could not locate relevant information.
- BA-332/1997 - Construction of a swimming pool. Approved: 3 June 1997
- BA-723/1997 - Installation of air conditioner. Approved: 23 October 1997
- L-698/1999 - Erection of a pergola. 16 November 1999
- CD-100/2023 - Internal alterations and additions to existing dwelling including swimming pool. Approved: 5 May 2023
- CD-100/2023/A - Modification to existing works associated with internal alterations and additions to existing dwelling. Approved: 10 May 2024
- DA-179/2023 - Alterations and additions to dwelling house. Approved: 25 August 2023
- DA-179/2023/A - Minor expansion of existing building envelope and construction of new internal stairs. Rejected
- DA-179/2023/B - Modification to alter internal layout, entry door, floor levels, windows, front balcony, delete skylights and various other changes. Approved: 30 April 2024

1.4. Proposal

The DA seeks consent for alterations and additions to a dwelling, and specifically includes the following:

- **Lower level (L01)**
 - Bathroom added to studio;
 - Recessed entry door; and
 - Storage added to lobby.
- **Middle level (L02)**
 - Amend the layout of the level;
 - Existing balcony converted to enlarged ensuite; and
 - Reduction of window adjacent to stairwell.
- **Upper level (L03)**
 - Modified windows;
 - Construction of an external toilet to replace spiral staircase;
 - Modified rear building line;
 - Construction of a new awning to the rear;
 - Modified front balcony;
 - Convert landing into Gross Floor Area (GFA); and
 - New stairs to access roof terrace.

1.5. Background

The DA was deferred on 24 July 2024 for the following reasons:

1. Figures to each clause 4.6 variation to be amended to reflect those calculated by Council.
2. Evidence to be provided to Council that the roof terrace has consent for its current size.

The amended plans received on 30 July 2024, which amended the size of the roof terrace and GFA calculations.

Amended clause 4.6 variations were provided to Council on 1 August 2024.

2. ASSESSMENT

The following matters are to be considered in the assessment of this DA under section 4.15 of the 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 meets the aims of the Waverley LEP 2012.
Part 2 Permitted or prohibited development		
Land Use Table <i>Low Density Residential R2 Zone</i>	Yes	The proposal is defined as alterations and additions to a dwelling, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	No	The existing building has a maximum height of 13m. This is the distance from the top of the roof terraces balustrading to the underside of

Provision	Compliance	Comment
		<p>the slab to the lift shaft, which is vertically below the roof terrace balustrading. It is to be noted that this is an anomaly and is only applicable to a small portion of the dwelling, as the lift shaft encompasses a small area when compared to the overall floor plate.</p> <p>The proposed works are limited to the underside of the existing roof to the north eastern side of the upper floor, which has a height of 11.23m, breaching the height limit by 2.73m or 32.1%.</p>
<p>4.4 FSR and</p> <p>4.4A Exceptions to FSR</p> <ul style="list-style-type: none"> • Lot size: 416.5m² • Max GFA: 269.41m² • Max FSR: 0.65:1 	No	<p><u>Gross Floor Area (GFA) Calculations</u></p> <p>Garage Level: 11.59m²</p> <p>Lower Level: 51.23m²</p> <p>Middle Level: 131.39m²</p> <p>Upper Level: 104.12m²</p> <p>Total GFA: 298.33m²</p> <p>Total FSR: 0.72:1</p> <p>The development breaches FSR by 28.92m² or 10.7%.</p>
<p>4.6 Exceptions to development standards</p>	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.</p>
<p>Part 6 Additional local provisions</p>		
<p>6.1 Acid sulfate soils</p>	Yes	<p>The subject site is located within acid sulphate soils – class 5. However, the proposed works are not likely to lower the water table.</p>

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

Clause 4.6 Exceptions to Development Standards - Height of Buildings

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

The site is subject to a maximum height of buildings development standard of 8.5m. The existing building has a maximum height of 13m. This is the distance from the top of the roof terraces balustrading to the underside of the slab to the lift shaft, which is vertically below the roof terrace balustrading. It is to be noted that this is an anomaly and is only applicable to a small portion of the dwelling, as the lift shaft encompasses a small area when compared to the overall floor plate.

The proposed works to the underside of the existing roof to the north-eastern side of the upper floor has a height of 11.23m, exceeding the standard by 2.73m equating to a 32.1% variation. It is noted that the existing building already exceeds the development standard by 4.2m.

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 development meets the relevant objectives of the development standard.

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

- i. The first objective of the height standard aims to preserve the environmental amenity of neighbouring properties. In this regard, it is considered that the proposed built form, overall height, front, side and rear setbacks each combine to reasonably preserve the environmental amenity of surrounding properties. In addition, the balcony infill addition at level 2 will match in height the existing balcony area and will be less than the existing maximum building height (to top of roof balustrade) on site which is 12.7m.*
- ii. The proposal will maintain the appearance of the building from Ashley Street, street frontage.*
- iii. The overall height is considered to reasonably preserve views from the neighbouring properties, and their existing views of the ocean will be maintained by the proposal.*
- iv. The proposal will preserve the solar access to the neighbouring dwellings and easily outperforms the requirement of 3 hours within the DCP and is a sympathetic outcome.*
- v. The proposed height has no unreasonable privacy impacts noting that the balcony infill will have less of a privacy impact than would be possible with the existing open balcony.*

- vi. *The combination of the above aspects demonstrates that the proposed height satisfies the objectives of the height standard notwithstanding the variation to numeric height control.*
 - vii. *There are no adverse impacts on the amenity of the locality, as the proposal introduces improved urban planning outcomes, greater activation and casual surveillance over the street and a contemporary design reflective of the desired future character of the area.*
- b. Objective (b) to accommodate taller buildings on land in Zone E2 Commercial Centre in the Bondi Junction Centre and establish a transition in scale between adjoining zones to protect local amenity.**
- i. *The proposal does not seek to impact upon the Bondi Junction Centre and therefore this objective is of no relevance.*
- c. Objective (c) to maintain satisfactory solar access to existing buildings and public areas.**
- i. *The proposal will preserve the solar access to the neighbouring dwellings and easily outperforms the requirement of 3 hours within the DCP and is a sympathetic outcome.*
- d. Objective (d) to establish building heights that are consistent with the desired future character of the locality.**
- i. *The breach of height is in part due to the sloping topography and the location of the additional built form. The proposed overall height is the same as the existing height of the building affected and is noted that part of the existing building already breaches the height control by more than the part of the infill development.*
 - ii. *The proposed height, bulk and scale is compatible with the height of the existing character of the locality along this section of Ashley Street.*
 - iii. *The proposed infill addition to the balcony is consistent with the existing character of the area and is subservient to the overall building envelope at the street frontage and does not dominate the front building envelope.*
 - iv. *Therefore, the proposed built form, height and scale along with the streetscape presentation satisfies the objective of the height standard.*
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) *As outlined throughout this Clause 4.6 variation, the proposed height is not responsible for any greater environmental impacts beyond that of the existing development.*
 - (ii) *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*

- (iii) It is considered that the proposed built form, overall height, front, side and rear setbacks each combine to reasonably preserve the environmental amenity of surrounding properties. In addition, the balcony infill addition at level 2 will match in height the existing balcony area and will be less than the existing maximum building height (to top of roof balustrade) on site which is 12.7m.*
- (iv) The proposal will maintain the appearance of the building from Ashley Street, street frontage.*
- (v) The overall height is considered to reasonably preserve views from the neighbouring properties, and their existing views of the ocean will be maintained by the proposal.*
- (vi) The proposal will preserve the solar access to the neighbouring dwellings and easily outperforms the requirement of 3 hours within the DCP and is a sympathetic outcome.*
- (vii) The proposed height has no unreasonable privacy impacts noting that the balcony infill will have less of a privacy impact than would be possible with the existing open balcony.*
- (viii) The combination of the above aspects demonstrates that the proposed height satisfies the objectives of the height standard notwithstanding the variation to numeric height control.*
- (ix) There are no adverse impacts on the amenity of the locality, as the proposal introduces improved urban planning outcomes, greater activation and casual surveillance over the street and a contemporary design reflective of the desired future character of the area.*
- (x) The breach of height is in part due to the sloping topography and the location of the additional built form. The proposed overall height is the same as the existing height of the building affected and is noted that part of the existing building already breaches the height control by more than the part of the infill development.*
- (xi) The proposed height, bulk and scale is compatible with the height of the existing character of the locality along this section of Ashley Street.*
- (xii) The proposed infill addition to the balcony is consistent with the existing character of the area and is subservient to the overall building envelope at the street frontage and does not dominate the front building envelope.*
- (xiii) The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe.*
- (xiv) The upgraded living space positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area. The proposal maintains the appearance of the development when viewed from Ashley Street.*
- (xv) Strict compliance with the development standard is unreasonable and unnecessary as Ashley Street comprises three and four storey buildings and the overall gross floor area and building height of the proposed development is compatible with the prevalent built form and scale quality of the streetscape.*

(xvi) *Therefore, it is considered that the above factors demonstrate that a slight variation to the height standard is reasonable and appropriate in this instance.*

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 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]. This is sound justification as it has been demonstrated that despite the breach to the height of buildings development standard the proposed works meet the objectives of the development standard. Specifically, the proposal meets objective (a) and (c) of the development standard, preserving the environmental amenity of neighbouring properties.

The portion of the development that breaches height is restricted to the upper level and is located below an existing roof as shown in **Figure 3**, therefore it will not result in view impacts or additional shadows to surrounding properties given the envelope.

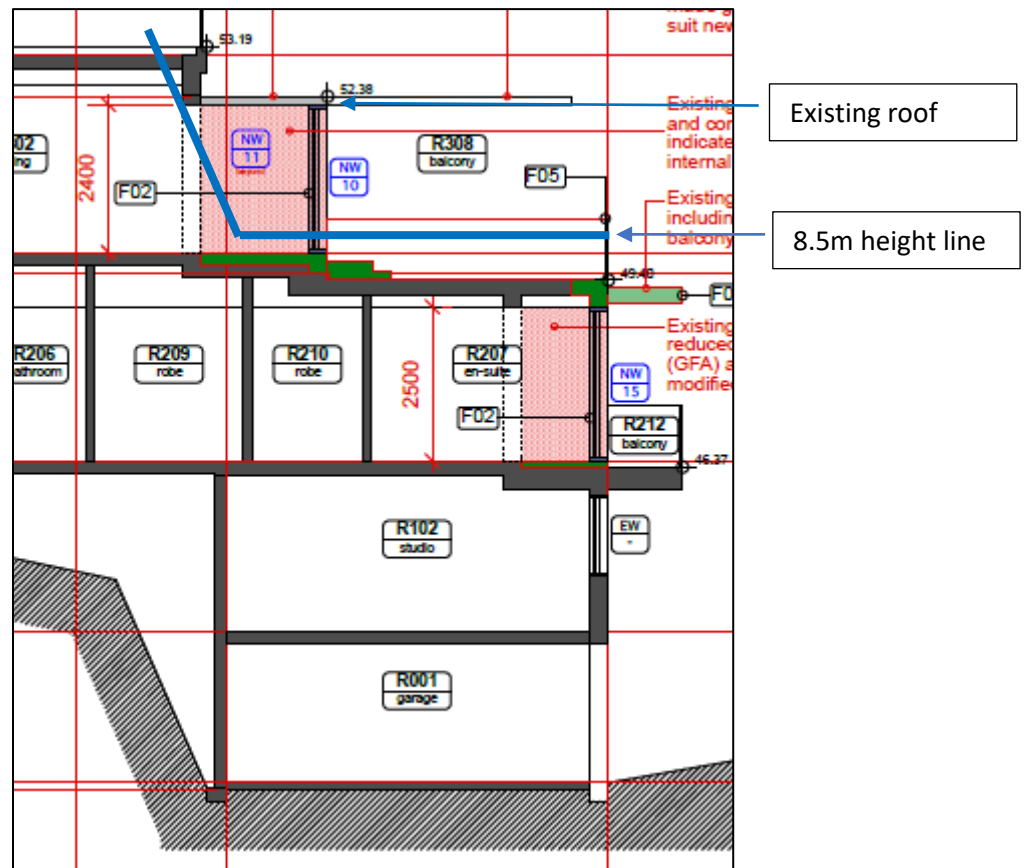


Figure 3. Cross section showing portion of the proposed development which breaches the height standard is below an existing roof. (Source: Dowse Architecture, 2024)

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.

Conclusion

The written request 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 , as the breach to height is located within the building envelope.

Clause 4.6 Exceptions to Development Standards - FSR

The application seeks to vary the FSR development standard in clause 4.4A under Waverley LEP 2012 (it is to be noted that the FSR for the site is reducing).

The site is subject to a maximum FSR development standard of 0.65:1. The existing dwelling has a GFA of 300.16m², breaching the development standard by 30.75m or 11.4%. The proposed development is reducing the GFA on the site by 1.83m² and has a FSR of 0.72:1, exceeding the standard by 28.92m² equating to a 10.7% variation. The reduction in overall GFA from the existing dwelling is created from calculable GFA being converted to storage in the basement and the recessed entry to the lower level.

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:

- (ii) The proposal meets the objectives of the FSR development Standard:

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

- i. The proposal does not seek to impact upon floor space within the Bondi Junction Centre and therefore this objective is of no relevance.*

- b. Objective (b) to provide an appropriate correlation between maximum building heights and density controls.**

- i. The proposed correlation between the FSR as sought and the proposed height have an appropriate correlation as evidence by the appropriate and compatible height, bulk and scale on the subject site which sits comfortably with the pattern of development along this side of Ashley Street. The 3-4 storey scale of development which steps down from the Ashley Street frontage is entirely compatible with the height, bulk and scale of dwellings along this section of Ashley Street which ensures that the proposed FSR provides for a cohesive and desirable infill.*

- ii. The additional FSR simply results in a minor addition to the building, and does not add any significant scale, bulk or massing to the streetscape appearance of the site.*

- iii. The proposed overall height on site is the same as the existing height, despite the proposed works, however the proposal does seek some additional height to building through the provision of an infill addition to the front balcony which matches the height of the existing structure. This additional height and GFA is negligible in terms of its visual impact and scale of building on site.*

- iv. The proposed additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.*

- v. *The proposal is consistent with this style of residential building which is common for residential areas.*

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

- i. *The proposal will integrate with the existing built form and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. The proposal will be compatible with the desired future character of the locality. The additional GFA will not result in any discernible visual change to the bulk and scale of development when viewed from the street.*
- ii. *The additional floor space will be visible from the Ashley Street frontage. In light of this there will be no visual impacts that detract from the character and appearance of the streetscape as a result of the additional visible scale or bulk or massing at the front of the site where the additional GFA is proposed.*
- iii. *DA179/2023 approved for the site had an FSR of 0.72:1 or 300.61m². The proposed DA has an FSR of 0.716:1 or 298.33m².*
- iv. *'Desired future character' is not defined in the LEP. 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 R2 Low Density Residential zoning permits a wide range of uses and built form on the site, which promotes the eclectic desired future character. The proposal will contribute to the eclectic mix of permissible uses in the R2 zone.*
- v. *The proposed bulk scale and massing is contextually compatible with the envelope of neighbouring low density developments recently approved and constructed on Ashley Street.*

In other words, the height and envelope is compatible with these buildings and the area's desired future character as per the Court judgment of SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112.

- vi. *The proposal will appear contextually compatible within the streetscape. As desired by objective c the building is compatible with the bulk, scale streetscape and existing character of this specific section of Ashley Street.*
- vii. *The proposed built form is consistent with the character of the area and the proposed built form is similar to its adjacent dwellings building envelopes.*
- viii. *The proposed density is compatible with several adjacent properties on Ashley Street. The proposed FSR is considered appropriate within the locality, providing a building which fits within the context of surrounding building forms and residential uses and is consistent with the desired future character of the area.*

- ix. *The proposal will maintain and enhance the residential amenity of the surrounding dwelling houses including their current levels of solar access, visual and acoustic privacy and ventilation.*
- x. *In light of the proposals contribution to achieving the desired future character of the area, a reduction of gross floor area would serve no material planning purpose, other than numerical compliance with a generic Council control.*
- xi. *Strict compliance with the development standard is unreasonable and unnecessary as Ashley Street comprises three and four storey buildings and the overall building height of the proposed development is compatible with the prevalent built form and scale quality of the streetscape.*

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

- i. *The development will not significantly impact on the amenity of adjoining occupiers.*
- ii. *The excess FSR will not generate any significant greater shadow, privacy, visual bulk or view impacts beyond that of the existing building on the site. The proposed FSR thereby preserves the environmental amenity of neighbouring properties and the locality in accordance with the objective of the FSR control.*
- iii. *The proposal infills an existing balcony which would allow much greater overlooking opportunity than the proposed design.*
- iv. *The shadow diagrams that accompany the submission also indicate there are no unreasonable impacts in respect of solar access. In addition, there are not likely to be any views that are impeded as a result of the proposal.*
- v. *The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
- vi. *There are no adverse impacts on the amenity of the locality, as the proposal introduces improved urban planning outcomes, greater activation and casual surveillance over the street reflective of the desired future character of the area.*

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

- (i) *There are sufficient environmental planning grounds to justify the FSR non-compliance, especially as all floor space appears as a part of the original dwelling from street level.*
- (ii) *The proposal is permissible in the R2 Low Density Residential zone, is consistent with the relevant zone objectives and satisfies an 'unreasonable and unnecessary' test established in Wehbe.*

- (iii) DA179/2023 approved for the site had an FSR of 0.721:1 or 300.61m². The proposed DA has an FSR of 0.716:1 or 298.33m².*
- (iv) The proposal, positively contributes to the local housing stock and character, and is of a similar scale to both existing and desired future developments in the area. The proposal maintains the appearance of the existing dwelling when viewed from Ashley Street.*
- (v) The proposed overall height on site is the same as the existing height, despite the proposed works, however the proposal does seek some additional height to building through the provision of an infill addition to the front balcony which matches the height of the existing structure. This additional height and GFA is negligible in terms of its visual impact and scale of building on site.*
- (vi) The proposed additional GFA is consistent with the existing building envelope of the adjoining dwellings and other similar development.*
- (vii) The proposal will integrate with the existing built form and will not result in any adverse impacts on the amenity of the streetscape or neighbouring properties. The proposal will be compatible with the desired future character of the locality.*
- (viii) The additional floor space will be visible from the Ashley Street frontage. In light of this there will be no visual impacts that detract from the character and appearance of the streetscape as a result of the additional visible scale or bulk or massing at the front of the site where the additional GFA is proposed.*
- (ix) The excess FSR will not generate any significant greater shadow, privacy, visual bulk or view impacts beyond that of the existing building on the site. The proposed FSR thereby preserves the environmental amenity of neighbouring properties and the locality in accordance with the objective of the FSR control.*
- (x) The proposal infills an existing balcony which would allow much greater overlooking opportunity than the proposed design.*
- (xi) The shadow diagrams that accompany the submission also indicate there are no unreasonable impacts in respect of solar access. In addition, there are not likely to be any views that are impeded as a result of the proposal.*
- (xii) The proposed design of the development achieves an appropriate built form in that it enhances the public domain, maintains the character of the streetscape, along with providing good internal amenity and outlook.*
- (xiii) Strict compliance with the development standard is unreasonable and unnecessary as Ashley Street comprises three and four storey buildings and the overall gross floor area and building height of the proposed development is compatible with the prevalent built form and scale quality of the streetscape.*
- (xiv) The preservation of amenity to a reasonable extent to neighbouring properties either side also confirms that the proposal satisfies the objectives of the low density residential zone notwithstanding a variation to the FSR 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 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] and has demonstrated that despite the breach to the FSR development standard the proposal meets the objectives of the FSR development standard.

The proposed development adheres to the objectives outlined in (b) and (c) of the development standard by maintaining an appropriate building envelope. As detailed in **Figure 3** above, the additional GFA on the middle level is strategically placed beneath an existing balcony, ensuring that it does not extend beyond the current building envelope. Similarly, the additional GFA on the upper level is positioned beneath an existing roof structure. This placement confirms that the overall volume and profile of the building will remain consistent with the envelope that was previously approved, thereby aligning with established design parameters and preserving the integrity of the approved architectural scheme.

It also evident that the proposal meets objective (d) of the development standard, preserving the environmental amenity of neighbouring properties.

As discussed in the paragraph above, the additional floor space will not increase the approved building envelope, therefore it is unlikely that there will be view impacts to surrounding residential properties.

Although the development application does not include shadow diagrams, it is reasonable to conclude that the additional GFA will not result in increased overshadowing, given it is located below existing structures, resulting in no increase to the envelope of the dwelling.

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 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 has adequately addressed clause 4.6 of the Waverley LEP 2012 and the justification provided by the applicant is satisfactory, as the additional FSR is located within the building envelope.

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
11. Design Excellence	Yes	The proposed works appropriately complement and are of a scale that are consistent with the existing dwelling.

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

Development Control	Compliance	Comment
1.0 General Objectives		
	Yes	The proposal does not contravene the general objectives of this part of the DCP.
1.1 Height		
Flat roof dwelling house • <i>Maximum wall height of 7.5m</i>	Yes	The proposed development has a maximum wall height of 7.5m.
1.2 Setbacks		
1.2.1 Front and rear building lines • <i>Predominant front building line (adjacent</i>	Yes	The proposed GFA to the ensuite on the middle level will align with the existing front building line of this level. The proposed GFA to the dining area on the upper level will not extend forward of the

Development Control	Compliance	Comment
<p><i>three neighbours on either side)</i></p> <ul style="list-style-type: none"> <i>Predominant rear building line at each floor level (adjacent three neighbours or either side)</i> 		<p>existing front building line, created from the living room.</p> <p>The proposed modified balcony to the upper level will also not extend beyond the existing balcony.</p> <p>The proposed toilet to the rear of the upper level extends beyond the predominant rear building line. However, this is acceptable on merit as it is single storey and will not create unreasonable amenity impacts to neighbouring properties in terms of overshadowing or view loss.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> <i>Minimum of 0.9m for ground floor and first floors.)</i> <i>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.</i> 	<p>Yes</p> <p>No (merit)</p>	<p>The proposed GFA to the ensuite on the middle level is setback 0.9m from the northern side boundary.</p> <p>The proposed GFA to the dining area on the upper level is setback 0.9m from the northern side boundary. Despite this not being setback 1.5m, it is supported on merit for the following basis:</p> <ul style="list-style-type: none"> It continues the setback of the existing wall; It is located to the northern side of existing built form, therefore it will not result in additional shadowing impacts; and The proposed window to this portion of the wall will not align with a neighbouring window due to the topography of the locality.
1.3 Streetscape and visual impact		
<ul style="list-style-type: none"> <i>New development to be compatible with streetscape context</i> 	<p>Yes</p>	<p>The proposed development will maintain a similar streetscape presentation as the approved under DA-179/2023/B.</p>
1.5 Visual and acoustic privacy		
<ul style="list-style-type: none"> <i>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</i> <i>External stairs are not acceptable.</i> 	<p>Yes</p> <p>Yes</p>	<p>The approved windows adjacent to the stairwell on the southern elevation are proposed to be reduced from the approved under DA-179/2023. Therefore, there will be no loss of visual privacy. Whilst it is acknowledged that Window NW 03 to the stairs no longer is provided with a privacy screen, this is deemed acceptable given it will not look into neighbouring private open space or windows.</p> <p>The proposed window to the dining room on the northern elevation is fitted with a privacy screen.</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • <i>Maximum size of balconies: 10m² in area 1.5m deep</i> • <i>Roof tops to be non-trafficable unless predominant in the immediate vicinity</i> 	<p>Yes</p> <p>Discussed below this table</p>	<p>The existing external spiral stairs are proposed to be removed and replaced with new external stairs that have an external wall to its southern side, increasing visual privacy.</p> <p>The proposed works to the upper level balcony result in the balcony being substantially the same size as existing, therefore, it is considered that there will be no loss of visual privacy to neighbouring properties.</p> <p>The existing roof terrace and its associated history will be discussed in detail below this table.</p>
1.6 Solar access		
	<p>Yes</p>	<p>Shadow diagrams have not been submitted with this application. This is considered acceptable as the proposed works are located within the building envelope.</p>
1.9 Landscaping and open space		
<ul style="list-style-type: none"> • <i>Overall open space: 40% of site area</i> 	<p>Yes</p>	<p>Over 40%</p>

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

Existing roof terrace

Under BA-151/1997 consent was granted for alterations and additions to the existing dwelling and an additional storey on 16 April 1997. The approved plans show a roof terrace and external spiral staircase to access the roof terrace. In addition, condition 4 of this consent states:

The balustrade to the accessible roof is to be setback 2m from the external walls. In this regard, the plans are to be amended to the satisfaction of the District Health and Building Surveyor prior to release of approved building plans.

On 30 April 1998, Council issued the following letter to the applicant.

RE: 14 ASHLEY STREET, TAMARAMA

I refer to your recent submission of sketched plans requesting permission to relocate the balustrading around the perimeter of the newly constructed roof terrace.

I wish to advise that condition 4 of Council's approval letter dated July 9, 1997, has been waived subject to the balustrading being erected in accordance with the recently submitted sketched plans.

Should you require any further information in regards to the mater please do not hesitate to contact me on the above telephone number.

The sketch reference in the above correspondence is shown below.



Figure 4. Approved area of roof terrace (highlighted yellow) approved by Council on 30 April 1998.

Under DA-179/2023, the roof terrace was amended to the below area.

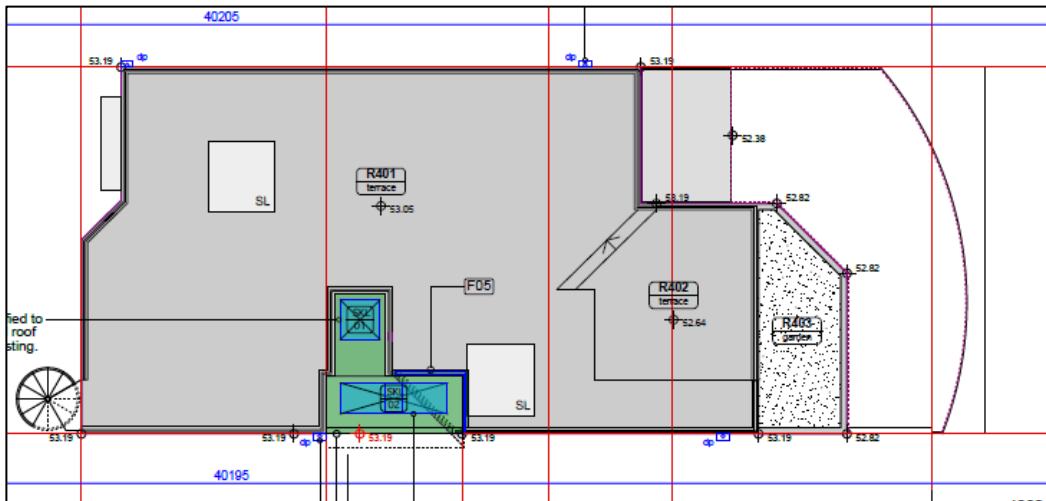


Figure 5. Area of roof terrace approved under DA-179/2023. (Source: Dowse Architecture, 2024)

Under DA-179/2023/B, the roof terrace was again amended to the below area.

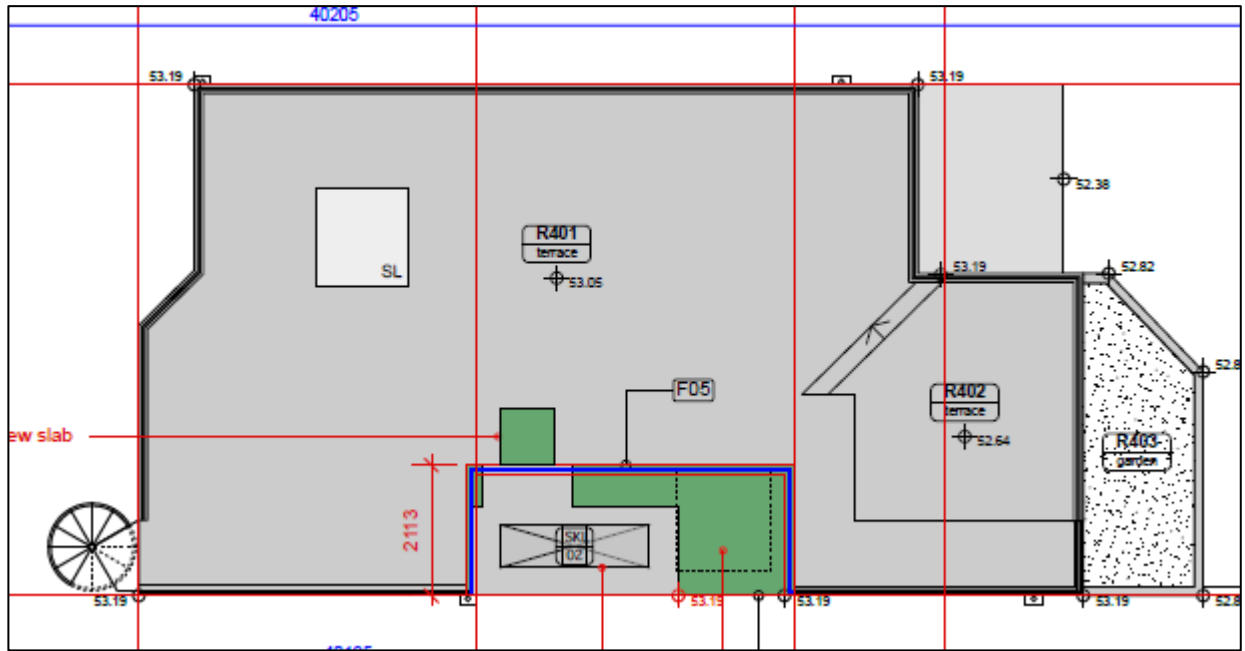


Figure 6. Area of roof terrace approved under DA-179/2023/B. (Source: Dowse Architecture, 2024)

The roof terrace is proposed to be further reduced under this DA to the image below.

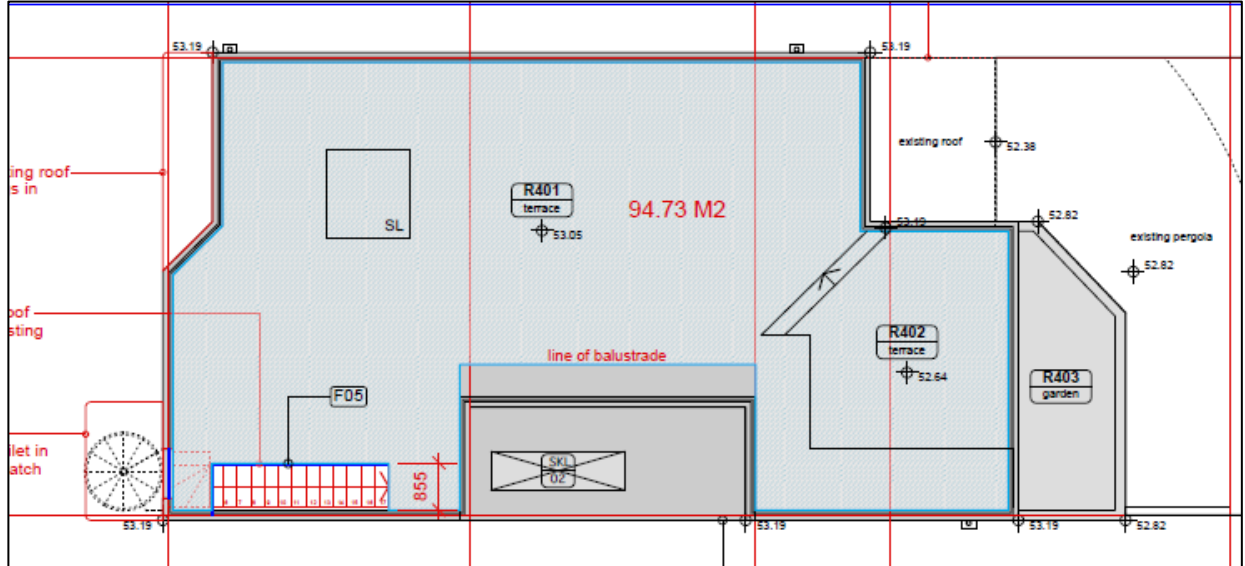


Figure 7. Area of roof terrace proposed under the subject DA. (Source: Dowse Architecture, 2024)

The area of the roof terrace proposed under this DA is supported as it is further reduced from the previously approved.

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 26 June and 12 July 2024 in accordance with the Community Engagement Strategy 2023.

No submissions were received.

2.5. Public Interest

The proposal is considered to have no detrimental effect on the public interest and is recommended for refusal.

3. REFERRALS

No internal or external referral comments were sought.

4. CONCLUSION

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

Managers of Development Assessment (MODA) Review

The application was reviewed by the MODA at the meeting on 23 July 2024 and the MODA concurred with the Assessment Planner's recommendation.

MODA members: *A Rossi, B McNamara, B Magistrale and Jo Zancanaro*

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:	Application reviewed and agreed by:	Application reviewed and agreed by:
		
Joseph Somerville	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 2 August 2024	Date: 5 August 2024	Date: 16 August 2024

Reason for WLPP referral:

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

OFFICE USE ONLY

Planning Portal Data															
<p>Clause 4.6 register entry required</p> <p>(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)</p>	<p>32.1% variation to height (Clause 4.3)</p> <table border="1"> <tr> <td>X</td> <td>Pre-existing non-compliance</td> </tr> <tr> <td>X</td> <td>No change to overall building height</td> </tr> <tr> <td>X</td> <td>No change to overall building envelope</td> </tr> <tr> <td></td> <td>Variation limited to the [lift/plant/parapet/attic] only</td> </tr> <tr> <td>X</td> <td>No unreasonable impacts on the amenity of adjoining properties or streetscape</td> </tr> <tr> <td>X</td> <td>Sufficient environmental planning grounds</td> </tr> <tr> <td>X</td> <td>Consistent with the objectives of the standard</td> </tr> </table>	X	Pre-existing non-compliance	X	No change to overall building height	X	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
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	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?	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 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.	<p>APPROVED PLANS AND DOCUMENTATION</p> <p>The development must be in accordance with:</p> <p>(a) Architectural Plans prepared by Dowse Architecture of Project No: 2005 including the following:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Plan Number and Revision</th> <th>Plan description</th> <th>Plan Date</th> <th>Date received by Council</th> </tr> </thead> <tbody> <tr> <td>DA-A2.00 / Rev C</td> <td>L00 Plan – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A2.01 / Rev C</td> <td>L01 Plan – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A2.02 / Rev C</td> <td>L02 Plan – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A2.03 / Rev C</td> <td>L03 Plan – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A2.04 / Rev C</td> <td>L04 Plan – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A3.01 / Rev B</td> <td>North Elevation – Proposed</td> <td>30/05/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A3.02 / Rev B</td> <td>South Elevation – Proposed</td> <td>30/05/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A3.03 / Rev B</td> <td>East Elevation – Proposed</td> <td>30/05/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A3.04 / Rev B</td> <td>West Elevation – Proposed</td> <td>30/05/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A4.02 / Rev B</td> <td>Section 02 – Proposed</td> <td>30/05/2024</td> <td>30/07/2024</td> </tr> <tr> <td>DA-A4.03 / Rev C</td> <td>Section 03 – Proposed</td> <td>25/07/2024</td> <td>30/07/2024</td> </tr> </tbody> </table> <p>(b) BASIX Certificate</p> <p>(c) The Site Waste and Recycling Management Plan (SWRMP) Part 1 received by Council on 24/06/2024</p> <p>Except where amended by the following conditions of consent.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>	Plan Number and Revision	Plan description	Plan Date	Date received by Council	DA-A2.00 / Rev C	L00 Plan – Proposed	25/07/2024	30/07/2024	DA-A2.01 / Rev C	L01 Plan – Proposed	25/07/2024	30/07/2024	DA-A2.02 / Rev C	L02 Plan – Proposed	25/07/2024	30/07/2024	DA-A2.03 / Rev C	L03 Plan – Proposed	25/07/2024	30/07/2024	DA-A2.04 / Rev C	L04 Plan – Proposed	25/07/2024	30/07/2024	DA-A3.01 / Rev B	North Elevation – Proposed	30/05/2024	30/07/2024	DA-A3.02 / Rev B	South Elevation – Proposed	30/05/2024	30/07/2024	DA-A3.03 / Rev B	East Elevation – Proposed	30/05/2024	30/07/2024	DA-A3.04 / Rev B	West Elevation – Proposed	30/05/2024	30/07/2024	DA-A4.02 / Rev B	Section 02 – Proposed	30/05/2024	30/07/2024	DA-A4.03 / Rev C	Section 03 – Proposed	25/07/2024	30/07/2024
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2.	APPROVED USE - DWELLING HOUSE WITH A STUDIO
	This development consent authorises the use of the site as a single dwelling house only, known as the 'principal dwelling'.
	The studio can only be used as a habitable room provided it is only in conjunction with the principal dwelling.
	No approval is granted or implied for the studio to be used as a self-contained dwelling that is separate to the principal dwelling on the site.
	Condition reason: To prevent the use of a studio as a secondary dwelling.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition	
3.	<p>NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE</p> <p>The building work, or demolition work, must not be commenced until:</p> <p>(a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the <i>Environmental Planning and Assessment Act 1979</i>;</p> <p>(b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2021</i>; and</p> <p>(c) Council is given at least two days' notice in writing of the intention to commence the building works.</p> <p>Condition reason: To ensure a Construction Certificate is obtained prior to work commencing.</p>
4.	<p>HOME BUILDING ACT</p> <p>The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>. 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.</p> <p>Condition reason: To ensure the builder or person who does the residential building work, complies with the applicable requirements of Part 6 of the <i>Home and Building Act 1989</i>.</p>
5.	<p>SECTION 7.12 CONTRIBUTION</p> <p>A monetary development contribution is payable to Waverley Council pursuant to section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Waverley Council Development Contributions Plan in accordance with the following:</p> <p>(a) Where the total development cost is \$500,000 or less:</p> <p style="padding-left: 40px;">(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.</p> <p>(b) Where the total development cost is more than \$500,000 but less than \$1,000,000:</p>

	<p>(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.</p> <p>(c) Where the total development cost is \$1,000,000 or more:</p> <p>(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).</p> <p>- 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.</p> <p>(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.</p> <p>(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.</p> <p>A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan, available on Council’s website.</p> <p>(d) As legislated in section 209 of the Environmental Planning and Assessment Regulation 2021, the levy must be paid in accordance with the following;</p> <p>(i) A development valued at \$100,000 or less will be exempt from the levy;</p> <p>(ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the <u>full</u> cost of the development; or</p> <p>(iii) A development valued at more than \$200,000 will attract a levy of 1% of the <u>full</u> cost of the development.</p> <p>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.</p> <p>Condition reason: To ensure the Section 7.12 Contributions are paid.</p>
6.	<p>SECURITY DEPOSIT</p> <p>A deposit (cash or cheque) for the amount of \$4,540 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.</p> <p>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</p>

	<p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
7.	<p>LONG SERVICE LEVY</p> <p>A long service levy, as required under section 34 of the <i>Building and Construction Industry Long Service Payments Act, 1986</i>, 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.</p> <p><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.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
8.	<p>ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure Council assessment fees are paid.</p>
9.	<p>HOARDING</p> <p>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.</p> <p>Condition reason: To ensure safety to the general public.</p>
10.	<p>EROSION & SEDIMENT CONTROL</p> <p>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.</p> <p>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.</p> <p>The recommendations of the SWMP must be implemented and maintained during all construction activities and until the site is fully stabilised following construction.</p>

	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
11.	ENGINEERING DETAILS
	Structural details are to be prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works, prior to the issue of the relevant Construction Certificate. Condition reason: To ensure structural stability of work on site.
12.	ENGINEERING CERTIFICATE OF ADEQUACY
	A Certificate of Adequacy prepared by a practicing Structural Engineer is to be provided certifying the adequacy of the existing building structure to carry the extra load of the proposed additions, prior to the issue of the relevant Construction Certificate. Condition reason: To ensure structural stability of work on site.
13.	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.
14.	SITE WASTE AND RECYCLING MANAGEMENT PLAN
	A <i>Site Waste and Recycling Management Plan (SWRMP) - Part 2</i> 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 <i>SWRMP Part 2</i> 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. Condition reason: To ensure resource recovery is promoted and the local amenity is protected during construction.
15.	CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)
	The applicant is to submit a Construction Traffic Management Plan (CTMP) for the approval of Council's Executive Manager, Infrastructure Services, or delegate, prior to the issue of any Construction Certificate. For further information on what is required in the CTMP, please refer to Council's website at: https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

<p>16.</p>	<p>DILAPIDATION REPORT</p> <p>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:</p> <ul style="list-style-type: none"> (a) 14A Ashley Street, Bronte (b) 16 Ashley Street, Tamarama (c) 281 Birrell Street, Bronte <p>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.</p> <p>The report is to be dated, submitted to, and accepted by the Principal Certifying Authority, prior to any work commencing on the site.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>17.</p>	<p>RENEWABLE ENERGY AND ENERGY EFFICIENCY</p> <p>To enable all development to contribute to net zero greenhouse emissions by 2035, the following shall apply:</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>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.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
18.	<p>CONSTRUCTION SIGNS</p> <p>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.</p> <p>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.</p>
19.	<p>DEMOLITION – ASBESTOS AND HAZARDOUS MATERIALS</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • <i>Protection of the Environment Operations Act 1997.</i> <p>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:</p> <ol style="list-style-type: none"> (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. <p>Condition reason: To ensure the safety of workers and the general public.</p>
20.	<p>TREE PROTECTION</p> <p>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</p>

	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.
21.	<p>STREET TREES TO BE RETAINED/TREE PROTECTION</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Condition reason: To protect trees during the carrying out of site work.</p>

DURING BUILDING WORK

Condition	
22.	<p>CONTROL OF DUST ON CONSTRUCTION SITES</p> <p>The following requirements apply to demolition and construction works on site:</p> <p>(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.</p> <p>(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.</p> <hr/> <p>Condition reason: To ensure the safety of workers and the general public.</p>
23.	<p>CONSTRUCTION HOURS</p> <p>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.</p> <p>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.</p> <p>Noise from construction activities shall comply with the <i>Protection of the Environmental Operations (Noise Control) Regulation 2017</i>.</p> <hr/> <p>Condition reason: To protect the amenity of the surrounding area.</p>
24.	<p>STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS</p> <p>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.</p> <hr/> <p>Condition reason: To ensure building material is stored in an appropriate location.</p>
25.	<p>CONSTRUCTION INSPECTIONS</p> <p>The building works are to be inspected during construction by the Principal Certifying Authority (PCA) in accordance with the <i>Building Legislation Amendment (Quality of Construction) Act 2002, Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> and the requirements of any other applicable legislation or instruments.</p>

	Condition reason: To ensure regular inspections occur throughout the construction process.
26.	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.
27.	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.
28.	WORK OUTSIDE PROPERTY BOUNDARY
	This consent does not authorise any work outside the property boundary.
	Condition reason: To ensure all works are located within the property boundary.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
29.	<p>FINAL OCCUPATION CERTIFICATE</p> <p>Prior to occupation or use of the development, an Occupation Certificate must be obtained.</p> <p>The Principal Certifying Authority must be satisfied that the requirements of the <i>Environmental Planning & Assessment Act 1979</i> have been satisfied including all critical stage inspections. Documentary evidence of all required inspections is to be submitted to Council.</p> <p>Condition reason: To ensure an Occupation Certificate is issued prior to occupation or use of the development.</p>
30.	<p>CERTIFICATION OF BASIX COMMITMENTS</p> <p>The Principal Certifying Authority shall certify that the all the undertakings in the approved BASIX certificate have been completed.</p> <p>Condition reason: To ensure all the undertakings in the approved BASIX certificate have been completed.</p>
31.	<p>CERTIFICATION OF STORMWATER SYSTEM</p> <p>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.</p> <p>Condition reason: To ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.</p>

GENERAL ADVISORY NOTES

Condition	
1.	<p>DEVELOPMENT IS TO COMPLY WITH LEGISLATION</p> <p>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.</p>
2.	<p>DEVELOPMENT MUST MEET CONDITIONS OF CONSENT</p> <p>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.</p>
3.	<p>POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT</p> <p>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:</p> <ul style="list-style-type: none"> • 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.	<p>SYDNEY WATER REQUIREMENTS</p> <p>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.</p> <p>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.</p>

	<p>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.</p>
5.	<p>SYDNEY WATER CERTIFICATE</p> <p>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.</p> <p>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.</p>
6.	<p>DIAL BEFORE YOU DIG</p> <p>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.</p>
7.	<p>TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)</p> <p>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.</p>
8.	<p>ALTERATIONS AND ADDITIONS ONLY</p> <p>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.</p>
9.	<p>TREE REMOVAL/PRESERVATION</p> <p>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.</p>

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.

DA DRAWING SET
Drawing Register - Current at 2024.07.29

Scope of Works: New Development Application (Separate to DA - 179/2023)

Number	Title	Issue	Date
DA-A1.00	Cover Sheet	C	2024.07.25
DA-A1.02	Site Survey and Plan (Hill & Blume - 63815)	B	2024.05.30
DA-A1.03	Shadow diagrams - 21 June	B	2024.05.30
DA-A1.04	Construction & Waste Management Plan	B	2024.05.30
DA-A1.06	GFA - Existing Approvals and Proposed	C	2024.07.25
DA-A2.00	L00 Plan (Garage)	C	2024.07.25
DA-A2.01	L01 Plan (Lower)	C	2024.07.25
DA-A2.02	L02 Plan (Middle)	C	2024.07.25
DA-A2.03	L03 Plan (Upper)	C	2024.07.25
DA-A2.04	L04 Plan (Roof)	C	2024.07.25
DA-A3.01	North Elevation	B	2024.05.30
DA-A3.02	South Elevation	B	2024.05.30
DA-A3.03	East Elevation	B	2024.05.30
DA-A3.04	West Elevation	B	2024.05.30
DA-A4.02	Section 02	B	2024.05.30
DA-A4.03	Section 03	C	2024.07.25



RECEIVED
Waverley Council

Application No: DA-281/2024

Date Received: 30/07/2024



Location Plan - NTS

BASIX SUMMARY - CERTIFICATE A1749665

Rainwater tank and Swimming Pool
Not applicable for this scope of works

Hot Water
Gas instantaneous

Lighting
New or altered fixtures are to be fluorescent, compact fluorescent, or LED

Fixtures
New or altered showerheads, toilets and taps to be minimum 3 star rating

Construction - Insulation
New external walls either cavity brick or if framed and clad to include insulation no less than R1.30 (or R1.70 including construction) and all new roofs to be light coloured concrete with ceilings to include insulation no less than R2.50 (up).

Windows, external doors and skylights
New and altered windows/external doors to be aluminum framed and low-e glazing

AMENDED PLANS

GENERAL NOTES AND REQUIREMENTS

- All works are to be carried out in accordance with the CDC-C230066-02 and Development Consent Conditions.
- All works are to be carried out in accordance with the BCA requirements and the relevant Australian Standards.
- Boundaries and levels are to be surveyed and established prior to construction works.
- Inspections are required in accordance with the mandatory requirements of all Certificates and Consents.
- All utility services to be provided underground and/or to the requirements of the relevant authority.
- Existing stormwater collection and discharge system maintained and/or upgraded to meet Council regulations.
- Required BASIX commitments noted on cover sheet DA-A1.00 are relevant for this DA scope of works only.
- Sydney Water Notice of Requirements (if any) are to be obtained prior to commencement of the works.
- In accordance with Council requirements all plant and equipment used in the undertaking of the construction works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for an Section 4.55 (2) application to modify DA-179/2023 and not for any other purpose.

LEGEND

Existing Wall to remain/demolished	Room or area identification for application of data and detail
New masonry or timber framed Wall	Existing or new aluminium framed doors/windows
Existing Internal Floor Area	Existing or new joinery units
New concrete or timber framed structure	Smoke detector/alarm to Part 3.7.5.2 of the NCC and AS 3786-2014. Note all alarms are to be interconnected.
New Internal Wet Floor	Ceiling height to room
Existing/New Floor waste	

14 ASHLEY STREET - TAMARAMA - NSW

18/166 Oxford Street Woollahra NSW 2025 Australia
E studio@dowsearchitecture.com.au

project Beach House
14 Ashley Street
Tamarama NSW Australia

project no 2005
dwg no DA-A1.00

DOWSE ARCHITECTURE
design | construction | development | consultancy

L.G.A. WAVERLEY

SITE SURVEY

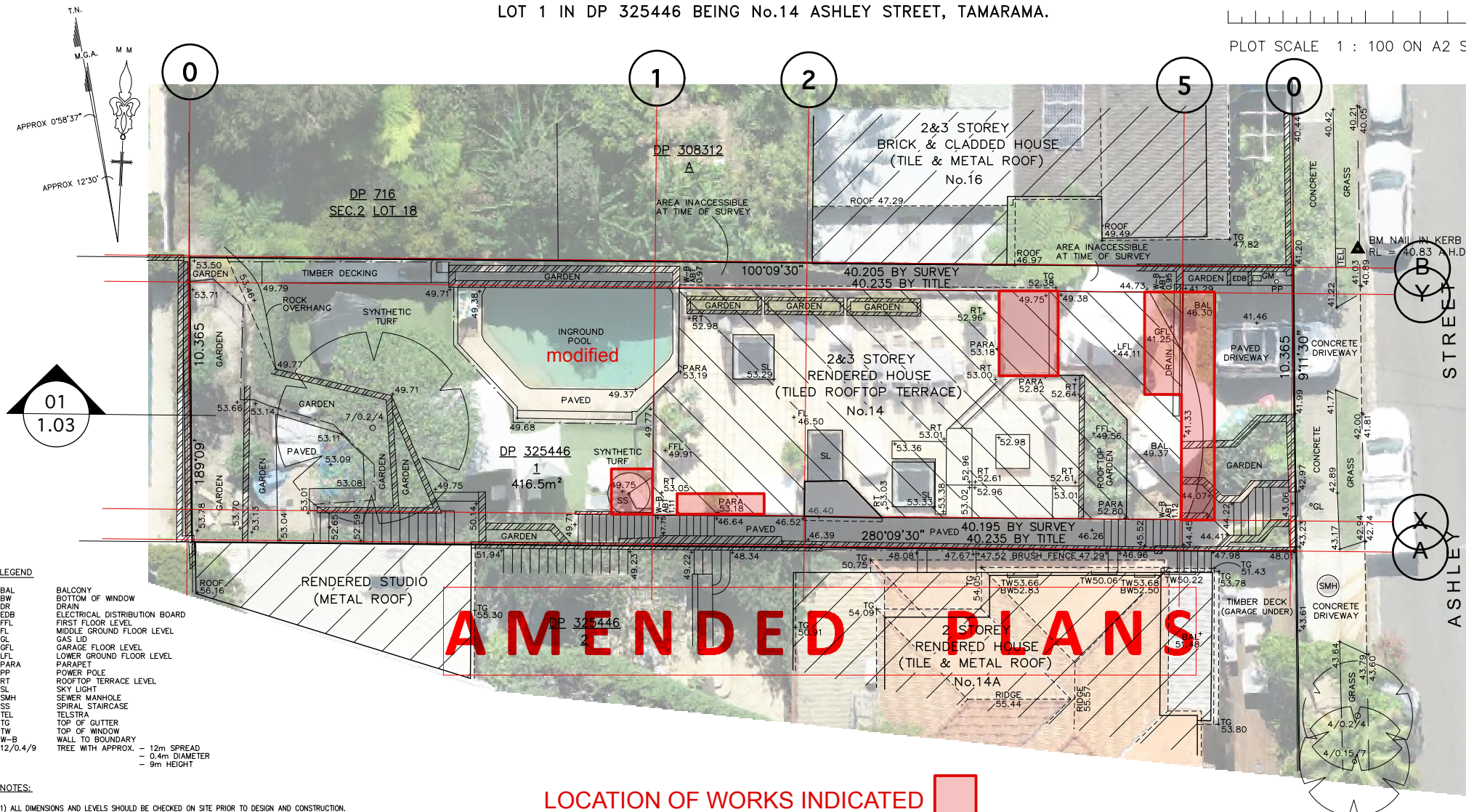
SHOWING SELECTED LEVELS & DETAIL AND BOUNDARY IDENTIFICATION SURVEY OVER LOT 1 IN DP 325446 BEING No.14 ASHLEY STREET, TAMARAMA.

DATUM : A.H.D.

0 1 2 3 4 5 10

PLOT SCALE 1 : 100 ON A2 SHEET

RECEIVED
Waverley Council
Application No: DA-281/2024
Date Received: 30/07/2024



- LEGEND**
- BAL BALCONY
 - BW BOTTOM OF WINDOW
 - DR DRAIN
 - EDB ELECTRICAL DISTRIBUTION BOARD
 - FFL FIRST FLOOR LEVEL
 - FL MIDDLE GROUND FLOOR LEVEL
 - GL GAS LID
 - GFL GARAGE FLOOR LEVEL
 - LFL LOWER GROUND FLOOR LEVEL
 - PARA PARAPET
 - PP POWER POLE
 - RT ROOFTOP TERRACE LEVEL
 - SL SKY LIGHT
 - SMH SEWER MANHOLE
 - SS SPIRAL STAIRCASE
 - TEL TELSTRA
 - TG TOP OF GUTTER
 - TW TOP OF WINDOW
 - W-B WALL TO BOUNDARY
 - 12/0.4/9 TREE WITH APPROX. - 12m SPREAD
0.4m DIAMETER
9m HEIGHT

- NOTES:**
- 1) ALL DIMENSIONS AND LEVELS SHOULD BE CHECKED ON SITE PRIOR TO DESIGN AND CONSTRUCTION.
 - 2) THE INFORMATION ON THIS SURVEY IS TO BE USED FOR DA PURPOSES ONLY.
 - 3) IF THERE IS ANY POINT OR FEATURE (e.g. FLOOR LEVEL, WALL POSITION, ROOF OR RIDGE HEIGHT ETC) CRITICAL TO THE PREPARATION OF DESIGN PLANS OR CONSTRUCTION, THAT POINT OR FEATURE SHOULD BE MADE KNOWN TO US SO ITS ACCURACY CAN BE CONFIRMED PRIOR TO THE COMPLETION OF DESIGN PLANS OF COMMENCEMENT OF CONSTRUCTION.
 - 4) SOME STRUCTURES AND FEATURES ARE APPROXIMATE ONLY. IF USED FOR DESIGN CONFIRMATION OF ACCURACY SHOULD BE CONFIRMED.
 - 5) FENCES ARE APPROXIMATE ONLY UNLESS SPECIFICALLY DIMENSIONED TO BOUNDARY.
 - 6) SURVEY MARKS MUST BE PLACED PRIOR TO CONSTRUCTION OR ERECTION OF FENCES.
 - 7) TREE INFORMATION HAS BEEN SURVEYED FROM GROUND LEVEL AND THEREFORE SHOULD BE TREATED AS APPROXIMATE ONLY. THE EXTENT OF THE CANOPY IS APPROXIMATE AND DIAGRAMMATIC ONLY.
 - 8) STAIR RISES, STEPS AND LANDINGS HAVE NOT BEEN INDIVIDUALLY LOCATED AND ARE DIAGRAMMATIC ONLY.
 - 9) THE RECORDS OF THE SERVICE PROVIDERS HAVE NOT BEEN INVESTIGATED, ONLY THOSE SERVICES THAT ARE VISIBLE AND ACCESSIBLE AT THE DATE OF SURVEY HAVE BEEN SHOWN.
 - 10) SERVICES SHOWN ARE INDICATIVE ONLY, OTHER SERVICES MAY EXIST THAT ARE NOT SHOWN. THEREFORE FIELD CONFIRMATION SERVICE LOCATORS SHOULD BE OBTAINED TO CONFIRM EXACT POSITION AND DEPTH.
 - 11) SITE AREA SHOWN HAS BEEN CALCULATED BY SURVEY.
 - 12) A SITE AND BOUNDARY SURVEY HAS BEEN CARRIED OUT.
 - 13) ORIGIN OF LEVELS OBTAINED VIA GPS SURVEY ON 19/07/2021.
 - 14) BEARINGS ARE ON MGA.

CAUTION

OUR TITLE IS BASED ON DP 325446 WHICH WAS PREPARED IN 1929. MORE RECENT SURVEYS AVAILABLE FROM NSW LAND REGISTRY SERVICES SHOW THAT THE TITLE DIMENSIONS AND AREA ARE NOT RELIABLE AND A PLAN FOR AMENDMENT OF TITLE SHOULD BE PREPARED, LODGED AND REGISTERED AT NSW LAND REGISTRY SERVICES BEFORE COMMENCEMENT OF ANY WORK.

COPYRIGHT WARNING

THE INFORMATION SHOWN/CONTAINED IN THIS DRAWING/FILE IS COPYRIGHT. THE INFORMATION MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS PRODUCED. NO PART OF THIS DRAWING/FILE MAY BE USED OR REPRODUCED, IN PART OR WHOLE, FOR ANY OTHER CLIENT, PERSON OR COMPANY WITHOUT THE PRIOR WRITTEN PERMISSION OF HILL & BLUME PTY. LTD.



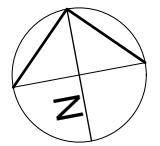
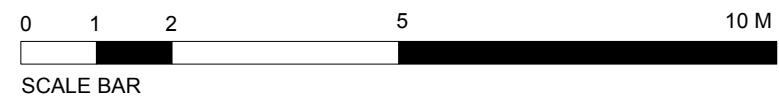
CLIENT: JAKE DOWSE ARCHITECTS
 DATE OF SURVEY: 12/04/2022
 CAD FILE: 63815001A.DWG
 REGISTERED SURVEYOR: PAUL CEHELLERO (ID No.757)
 SIGNED: P. Cehellero

REF No. 63815
 ISSUE "A"
Hill & Blume
 CONSULTING SURVEYORS
 ACN 000 721 004
 Hill & Blume Pty Ltd
 102 Crown Street
 Woollahra NSW 2011
 Tel (02) 9332 4888
 Fax (02) 9331 6422
 surveyors@hillandblume.com.au

01 SURVEY PLAN
1.02 Existing prior to approved Works.
 Note CDC-C230066-02 and DA-179/2023/B are under construction

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
 Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are not shown.

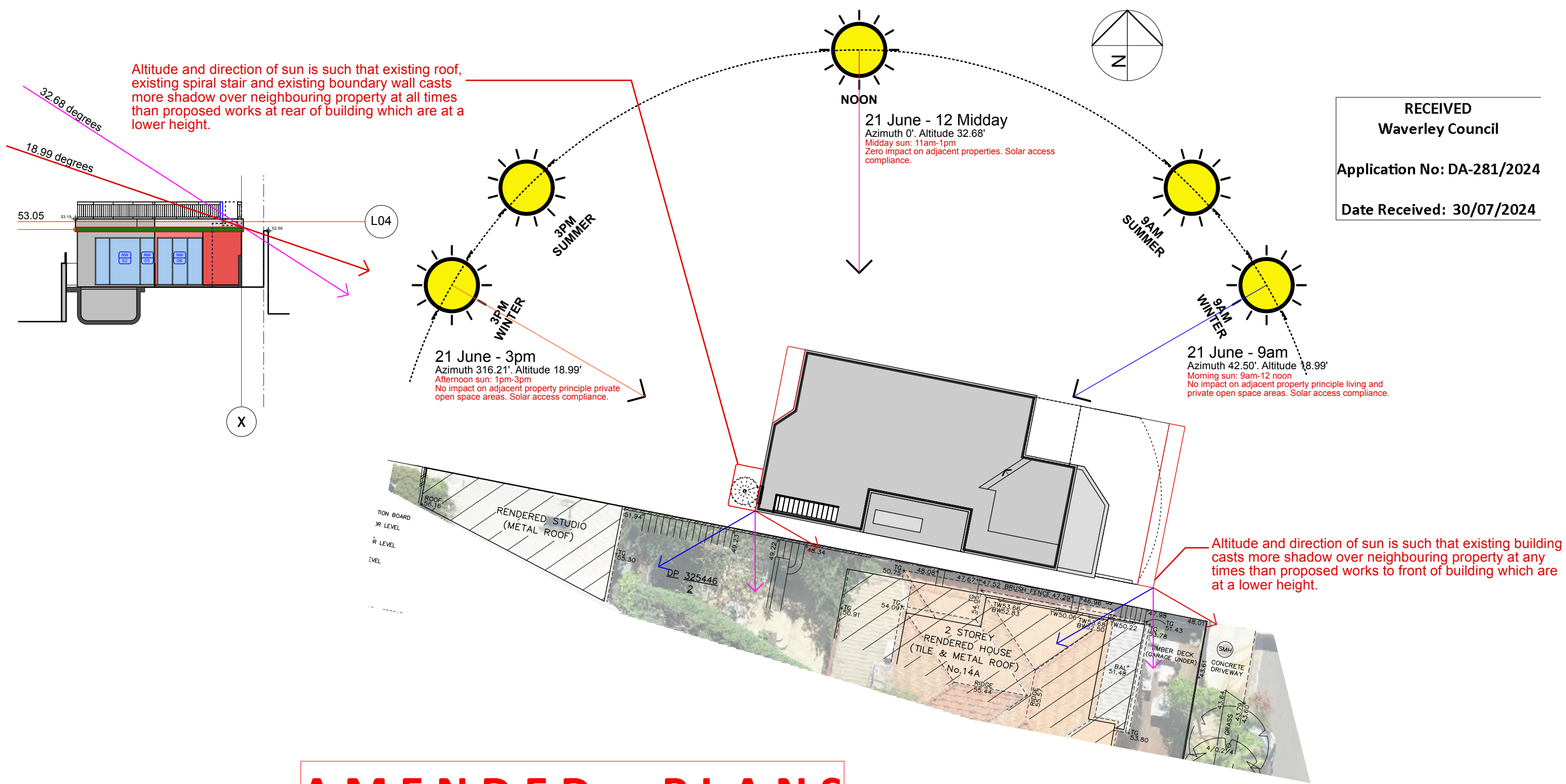
WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for an application for Development Consent and not for any other purpose.



B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30
issue	description	date

project	Beach House 14 Ashley Street Tamarama NSW Australia	project no	2005
title	SITE SURVEY AND PLAN	dwg no	DA-A1.02
		scale	1:200 @ A3
		issue	B

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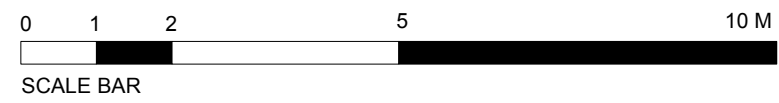


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AMENDED PLANS

SHADOW DIAGRAM - JUNE 21
 — Orientation of sun at 9.00 am. Altitude 18.99 degrees
 — Orientation of sun at 12.00 noon. Altitude 32.68 degrees
 — Orientation of sun at 3.00 pm. Altitude 18.99 degrees

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for an application for Development Consent and not for any other purpose.



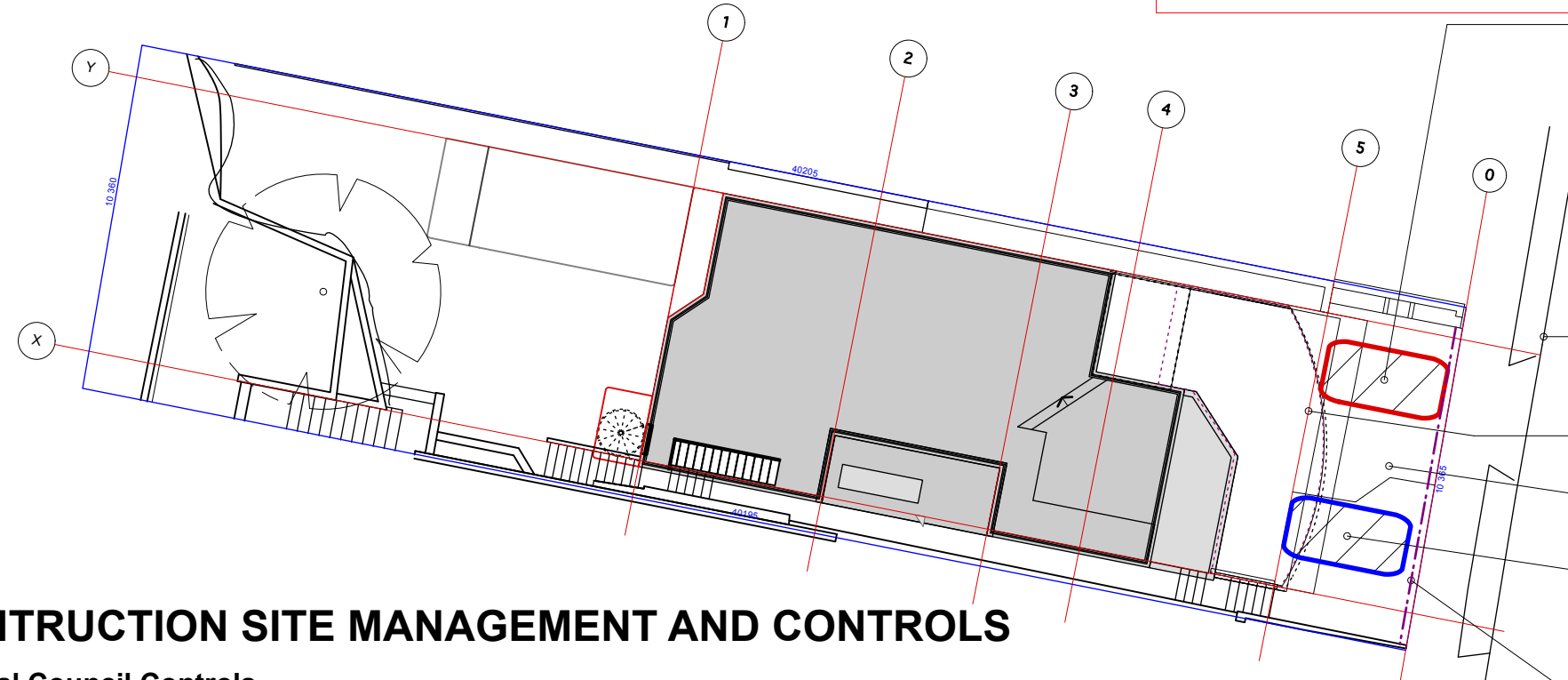
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30
issue	description	date

project	Beach House 14 Ashley Street Tamarama NSW Australia
title	SHADOW DIAGRAMS

project no	2005
dwg no	DA-A1.03
scale	1:200 @ A3
issue	B

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AMENDED PLANS



CONSTRUCTION SITE MANAGEMENT AND CONTROLS

General Council Controls

1. All waste must be stored within the confines of the property boundary
2. A permit is required to store waste and recycling containers or skips in a public area only where there is no storage available within the property boundary.
3. Plans must be marked with onsite storage areas and access routes for waste collection vehicles.
4. All measures have been taken to ensure there is no impact to the applicable legislation including the Protection of the Environment Operations Act 1997.

General Site Controls

- Dust**
 Maintain as much vegetation to remain as possible
 Cover materials and stockpiles
 Dampen site areas to be excavated
 Inspect and sweep road at end of each day or as necessary
- Early installation of roof drainage**
 Install gutters and downpipes for new roof areas as early as possible and connect to existing system for discharge
- Concrete, brick and tile cutting area**
 Ensure this activity takes place in the designated area and dispose of waste residue regularly
- Stockpiles**
 Ensure all stockpiles of waste/materials are covered at all times

Protection of site stormwater drains

Ensure all new site drains are protected by geotextile fabric and maintained through to completion of construction

Wash area

Ensure this activity takes place in the designated area and dispose of waste residue regularly. For paint and plaster wastes allow to dry and/or store in containers for disposal

Waste management and storage

Ensure chemical and cement materials are stored in bins and protected by cover or located internally. Sort waste types into separate piles to assist in recycling potential

Protection of gutter and street stormwater drains

Ensure the street drain immediately downslope of the site is protected with a temporary kerb inlet sediment trap. Clean and maintain trap through to completion of construction

Sediment Control

Fix geotextile fabric to inside of any non-solid boundary fence areas. Clean and maintain through to completion of construction

Stabilised site access

Install a 100 high sand filled diversion barrier across the site access driveway directing surface water to downslope drains. Clean and maintain through to completion of construction

Delivery of materials

All materials are to be delivered via standard construction vehicles using local road access. Deliveries are to be received via site staff and unloaded within site boundaries.

Site Services and Amenities

Existing house services and amenities are to be maintained throughout the construction period and made available to all site staff and sub-contractors.

First Aid

Head contractor (or owner-builder) is to ensure first aid kit is maintained and provided on-site throughout construction period.

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Area set aside for secure and protected storage of waste materials and builders debris in approved bins and covered with dust control fabric. Sort waste materials by type for recycling and ensure chemical and cement products stored in approved containers. Collection is to be via contractor vehicle.

Cover/protect stormwater discharge point in street and maintain through to completion of construction period.

Cover all existing driveway drains with geotextile fabric and maintain through to completion of construction period.

Delivery of all materials to existing driveway area with direct street access.

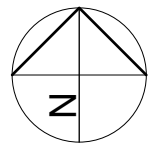
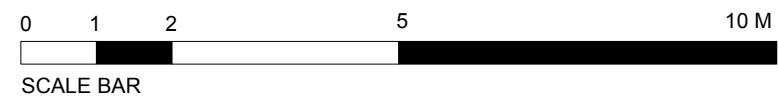
wash-down and cutting area to be enclosed by geotextile fabric on sides and on bottom with similar filter material. Residual waste to be disposed off-site regularly

site security and entry provided by existing structures and additional site fencing at boundary

01 SITE PLAN
 1.04 Construction & Waste Management

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
 Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for an application for Development Consent and not for any other purpose.



issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia	project no	2005
dwg no	DA-A1.04	scale	1:200 @ A3
issue	B	title	SITE PLAN - CONSTRUCTION AND WASTE MANAGEMENT

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Date Received: 30/07/2024

L00 GFA - DA: 11.59

L00 GFA - DA: 11.59

L01 GFA - DA: 60.91

L01 GFA - DA: 51.23

L02 GFA - DA: 126.34

L02 GFA - DA: 131.39

L03 GFA - DA: 101.77

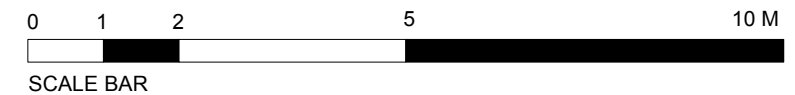
L03 GFA - DA: 104.12

02 GFA TOTAL: 300.61 m2 (FSR 1:721)
1.05 CURRENT - DA-179/2023/B & CDC-C230066-02

03 GFA TOTAL: 298.33 m2 (FSR 1:715)
1.05 Proposed - Section 4.55 Modification

SITE AREA = 417 m2
COMPLIANT GFA = 269 m2
COMPLIANT GFA + 10% = 296 m2

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issue	description	date
C	Recalculation of GFA to Council interpretation	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project Beach House
14 Ashley Street
Tamarama NSW Australia

project no 2005
dwg no DA-A1.06

scale 1:200 @ A3

issue C

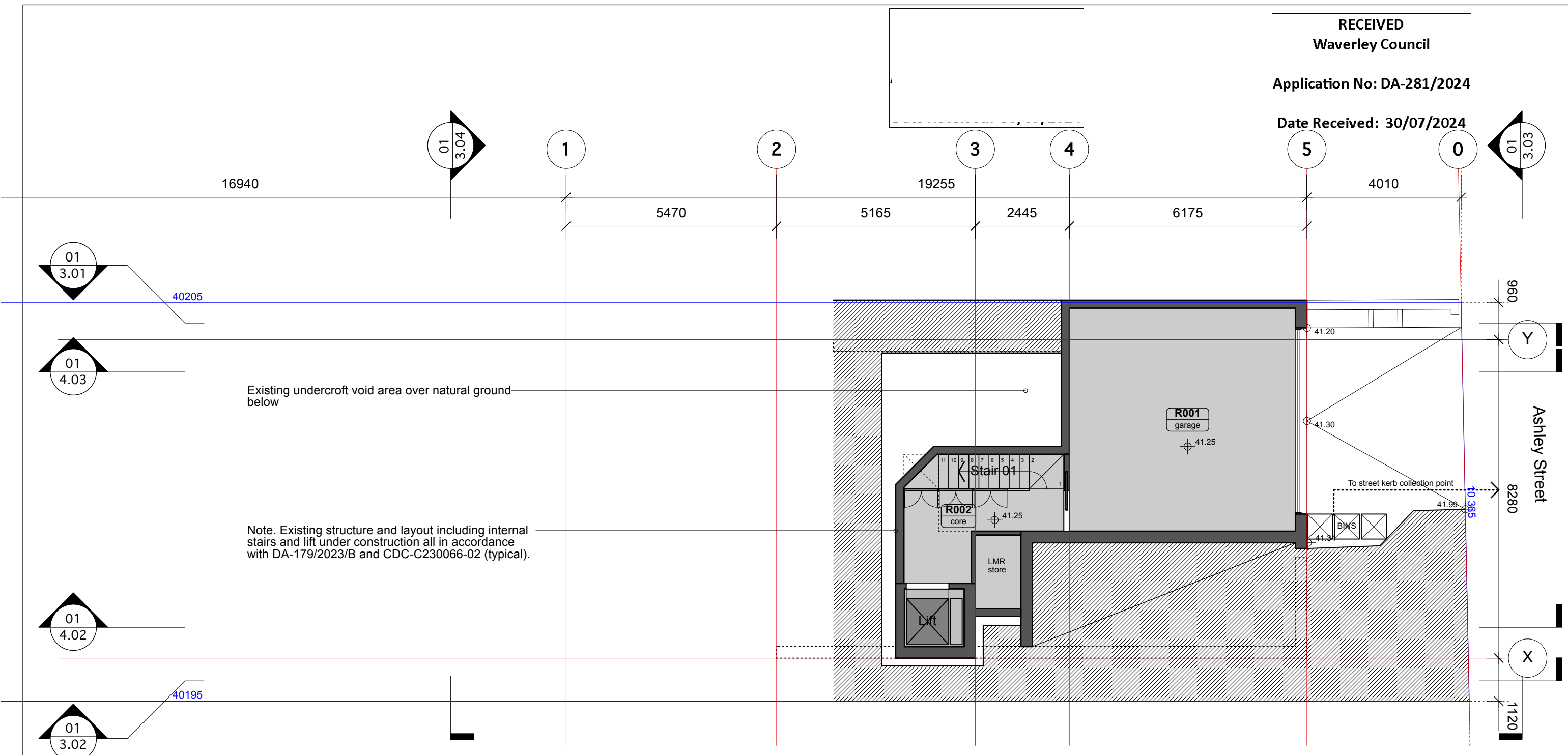
AMENDED PLANS

GFA CURRENT (APPROVED) AND PROPOSED

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Existing undercroft void area over natural ground below

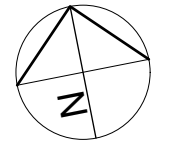
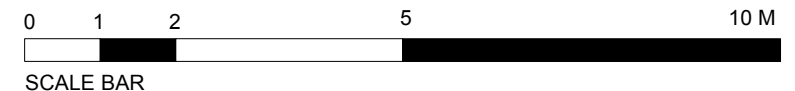
Note. Existing structure and layout including internal stairs and lift under construction all in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

AMENDED PLANS

01 L00 PLAN
2.00 Garage Level - Proposed Construction
GFA - 11.59 m2. Refer to drawing DA-A1.06
Note no change to existing building footprint.

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

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issue	description	date
C	Recalculation of GFA to Council interpretation indicated	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A2.00
scale	1:100 @ A3
issue	C
title	L00 PLAN - PROPOSED

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Note. All openings in external walls in accordance with CDC-C230066-02 (typical).

New ensuite to existing area

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16940

Note. 1520 litre rainwater tank in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

Existing undercroft void area over natural ground below.

Note. Existing structure and layout including internal stairs and lift under construction all in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

Storage along basement entrance area

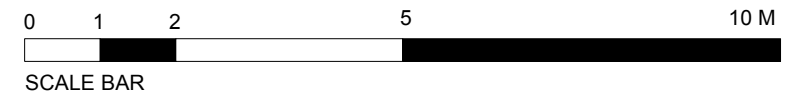
Existing entrance door D02 recessed to provide external entry porch area as indicated.

AMENDED PLANS

01 L01 PLAN
2.01 Lower Level - Proposed Construction
GFA - 51.23 m2. Refer to drawing DA-A1.06
Note no change to existing building footprint.

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

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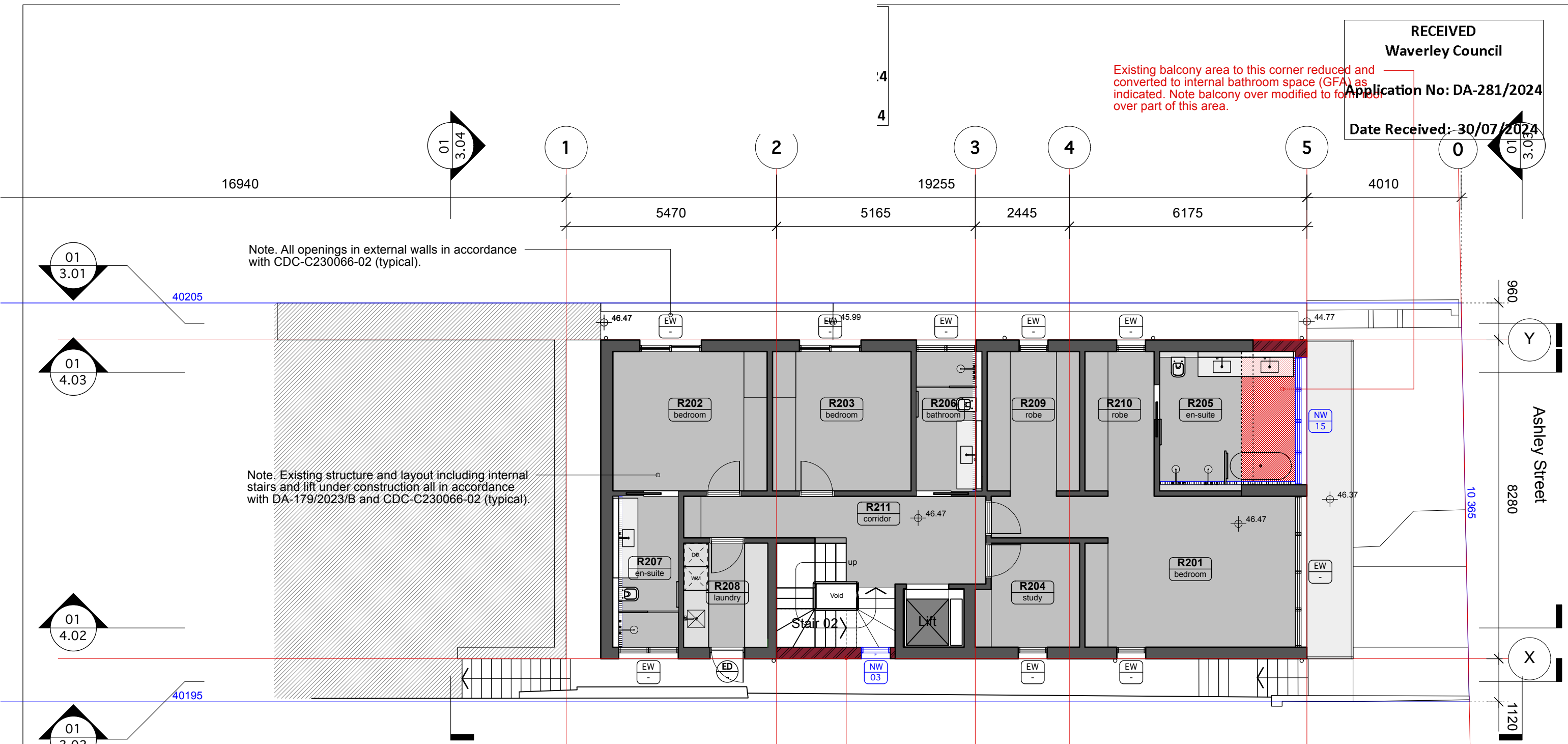
issue	description	date
C	Recalculation of GFA to Council interpretation indicated	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A2.01
scale	1:100 @ A3
issue	C
title	L01 PLAN - PROPOSED

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Existing balcony area to this corner reduced and converted to internal bathroom space (GFA) as indicated. Note balcony over modified to form over part of this area.



Note. All openings in external walls in accordance with CDC-C230066-02 (typical).

Note. Existing structure and layout including internal stairs and lift under construction all in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

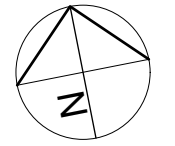
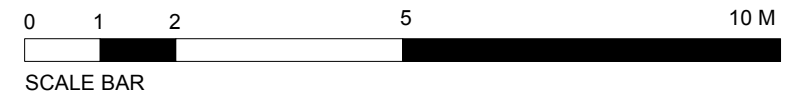
Existing window to masonry wall (Approved DA-179/2023/B) reduced by infilling as indicated.

AMENDED PLANS

01 L02 PLAN
2.02 Middle Level - Proposed Construction
GFA - 131.39 m2. Refer to drawing DA-A1.06
Note no change to existing building footprint.

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

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issue	description	date
C	Recalculation of GFA to Council interpretation indicated	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A2.02
scale	1:100 @ A3
issue	C
title	L02 PLAN - PROPOSED

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Note. All openings in external walls in accordance with CDC-C230066-02 and Basix A1737289 (typical).

Note. Internal configuration all in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

AMENDED PLANS

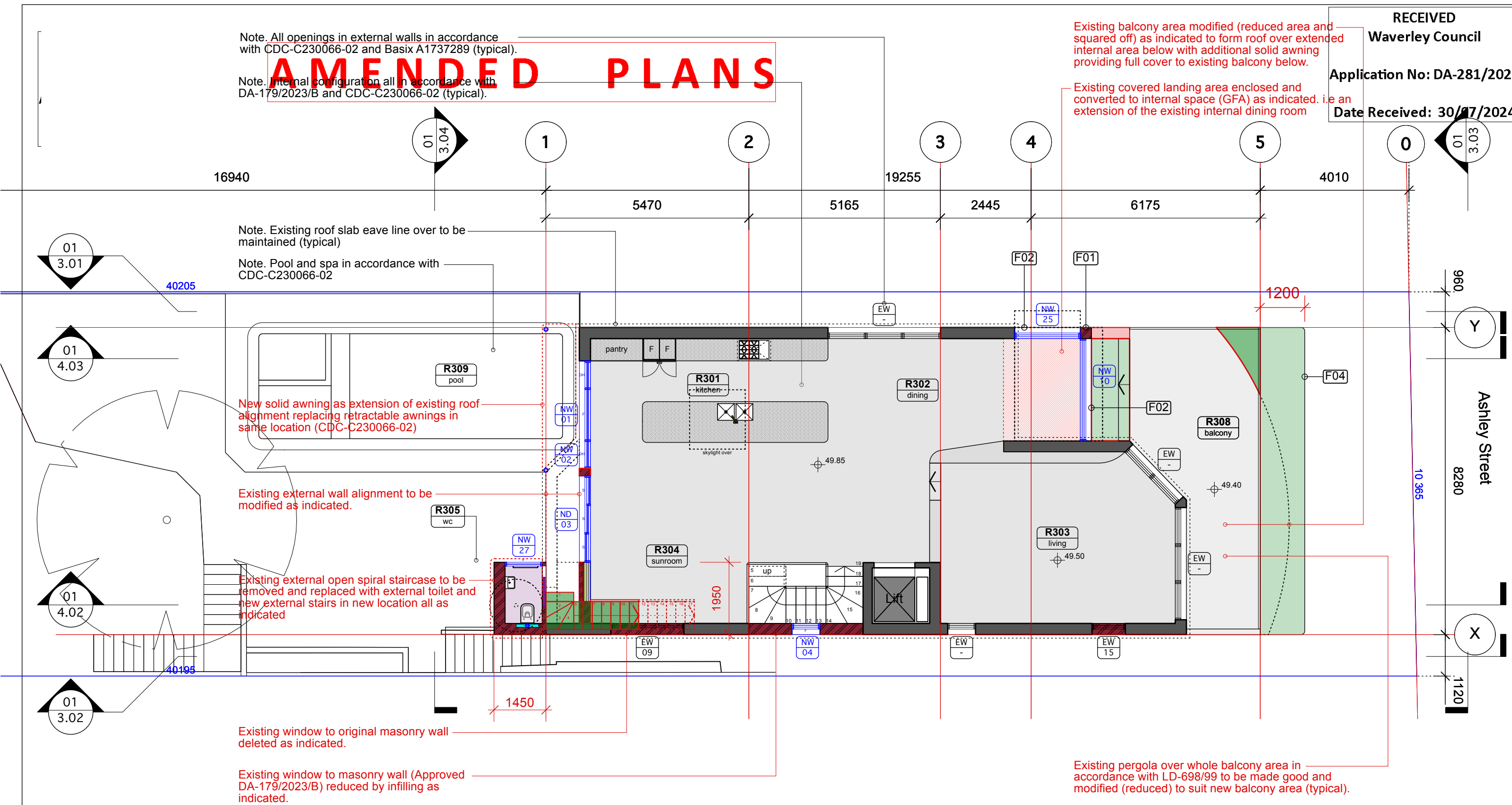
Existing balcony area modified (reduced area and squared off) as indicated to form roof over extended internal area below with additional solid awning providing full cover to existing balcony below.

Existing covered landing area enclosed and converted to internal space (GFA) as indicated. i.e an extension of the existing internal dining room

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Note. Existing roof slab eave line over to be maintained (typical)

Note. Pool and spa in accordance with CDC-C230066-02

New solid awning as extension of existing roof alignment replacing retractable awnings in same location (CDC-C230066-02)

Existing external wall alignment to be modified as indicated.

Existing external open spiral staircase to be removed and replaced with external toilet and new external stairs in new location all as indicated

Existing window to original masonry wall deleted as indicated.

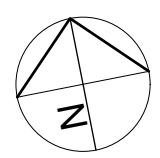
Existing window to masonry wall (Approved DA-179/2023/B) reduced by infilling as indicated.

Existing pergola over whole balcony area in accordance with LD-698/99 to be made good and modified (reduced) to suit new balcony area (typical).

01 L03 PLAN
2.03 Upper Level - Proposed Construction
GFA - 104.12 m2. Refer to drawing DA-A1.06
Note no change to existing building footprint.

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
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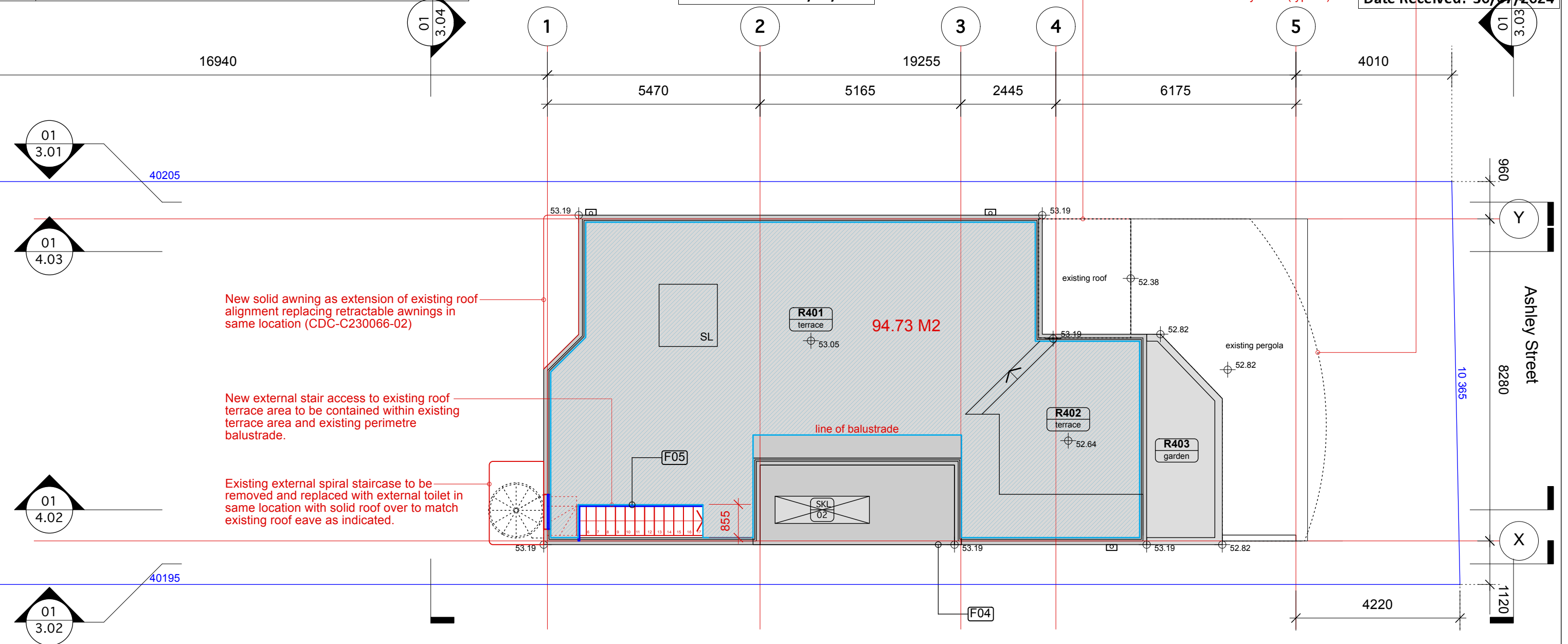
issue	description	date
C	Recalculation of GFA to Council interpretation indicated	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A2.03
scale	1:100 @ A3
issue	C
title	L03 PLAN - PROPOSED

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External Finishes and Materials Legend	
F01	Masonry infill panels with render and paint finish to match existing
F02	Selected pre-finish to aluminium framed translucent glazing - Dulux "charcoal"
F03	Selected pre-finish to aluminium louvres - Dulux "charcoal"
F04	Concrete slab edge with render and paint finish to match existing
F05	Selected paint finish to (1000 high) metal balustrading-Dulux "charcoal"

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Application No: DA-281/2024
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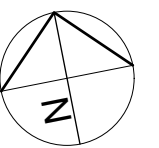
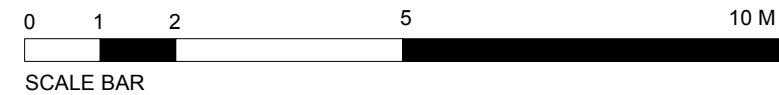
C - HATCH SHOWING AREA OF ROOF TERRACE PROPOSED UNDER DA-281/2023

AMENDED PLANS

01 L04 PLAN
2.04 Roof Level - Proposed Construction

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

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issue	description	date
C	Roof Terrace area and line of balustrade shown	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia	project no	2005
title	L04 ROOF PLAN - PROPOSED	dwg no	DA-A2.04
		scale	1:100 @ A3
		issue	C

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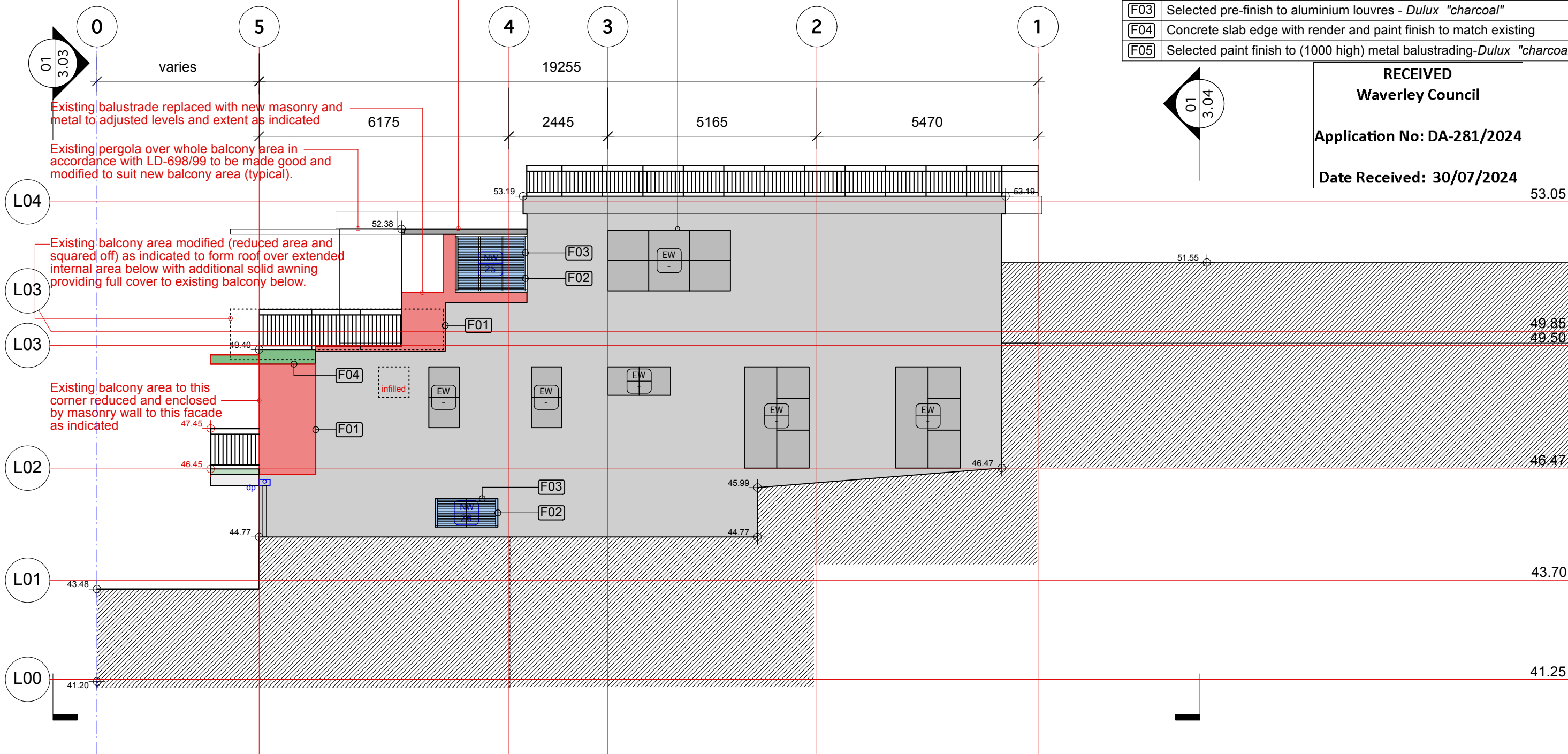
Existing roof over landing area to remain and made good with internal GFA extended below

Note. All openings in external walls in accordance with CDC-C230066-02 and Basix A1737289 (typical).

External Finishes and Materials Legend

F01	Masonry infill panels with render and paint finish to match existing
F02	Selected pre-finish to aluminium framed glazing - Dulux "charcoal"
F03	Selected pre-finish to aluminium louvres - Dulux "charcoal"
F04	Concrete slab edge with render and paint finish to match existing
F05	Selected paint finish to (1000 high) metal balustrading-Dulux "charcoal"

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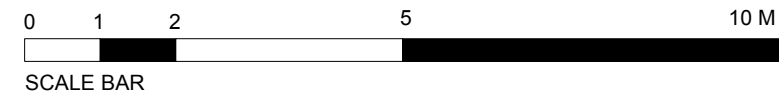


AMENDED PLANS

01 NORTH ELEVATION
 3.01 Side View - Proposed Construction

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
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issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

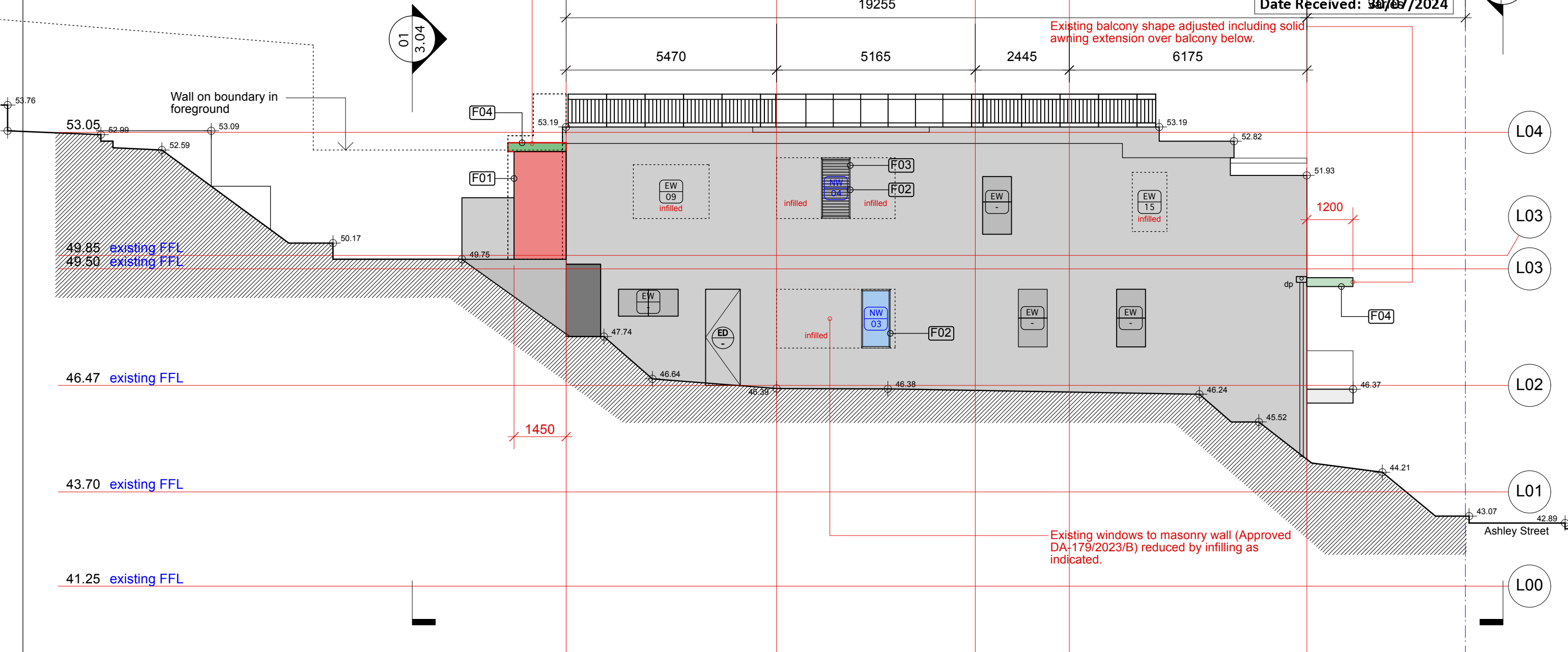
project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A3.01
scale	1:100 @ A3
issue	B
title	NORTH ELEVATION - PROPOSED

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External Finishes and Materials Legend	
F01	Masonry infill panels with render and paint finish to match existing
F02	Selected pre-finish to aluminium framed glazing - Dulux "charcoal"
F03	Selected pre-finish to aluminium louvres - Dulux "charcoal"
F04	Concrete slab edge with render and paint finish to match existing
F05	Selected paint finish to (1000 high) metal balustrading-Dulux "charcoal"

Existing external open spiral staircase to be removed and replaced with external toilet relocated from existing internal area and new external stairs in concealed location all as indicated.

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Application No: DA-281/2024
Date Received: 30/07/2024

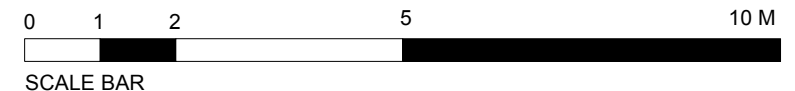


AMENDED PLANS

01 SOUTH ELEVATION
3.02 Side View - Proposed Construction

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
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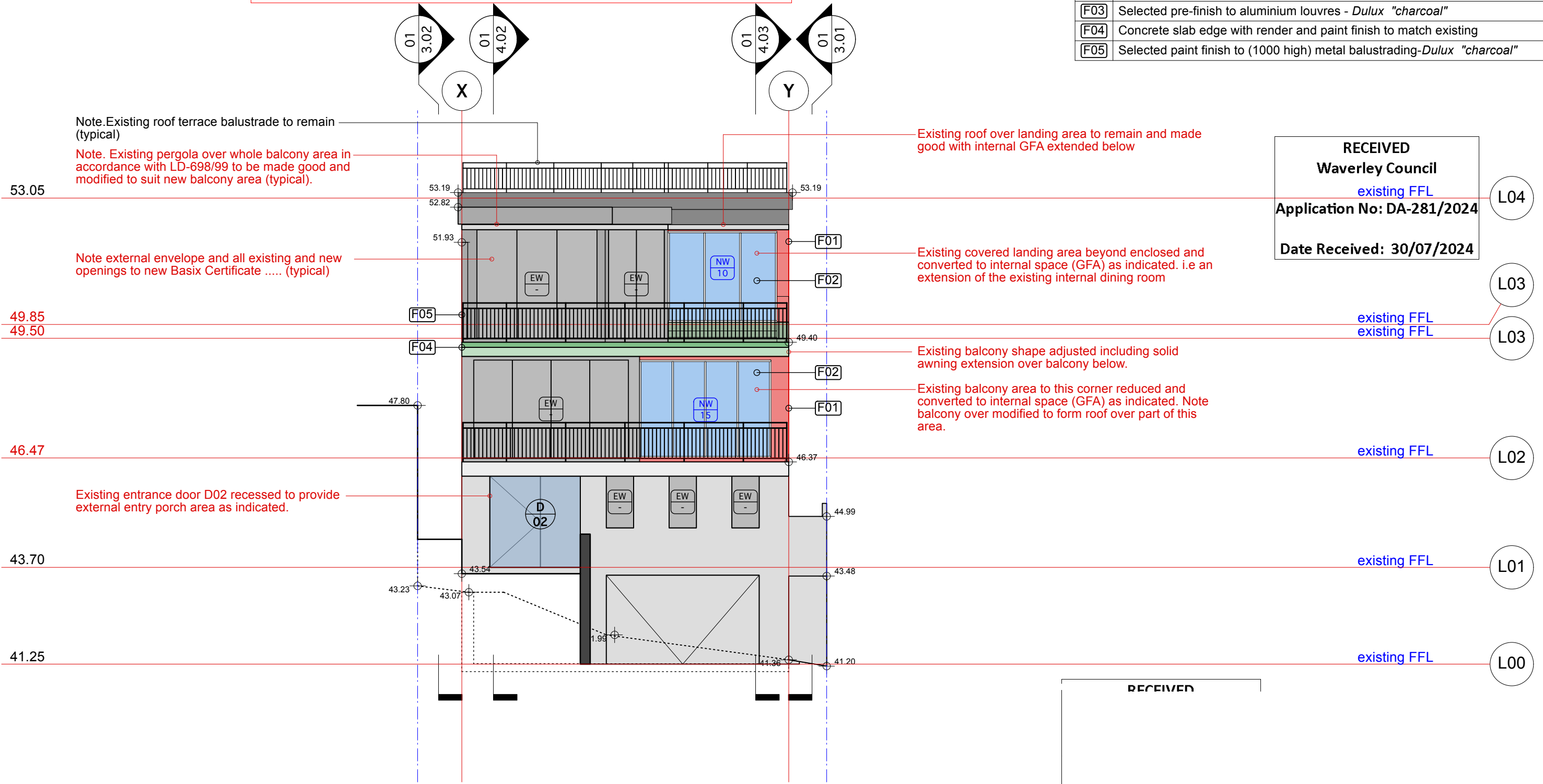
issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A3.02
scale	1:100 @ A3
issue	B
title	SOUTH ELEVATION - PROPOSED

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External Finishes and Materials Legend	
F01	Masonry infill panels with render and paint finish to match existing
F02	Selected pre-finish to aluminium framed glazing - Dulux "charcoal"
F03	Selected pre-finish to aluminium louvres - Dulux "charcoal"
F04	Concrete slab edge with render and paint finish to match existing
F05	Selected paint finish to (1000 high) metal balustrading-Dulux "charcoal"

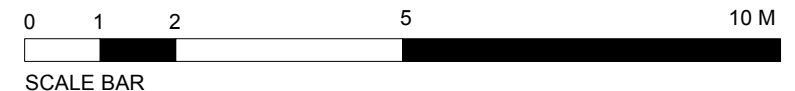


RECEIVED

01 EAST ELEVATION
3.03 Street View - Proposed Construction

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
 Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
 Refer to Structural Engineers documentation for all relevant structural detail

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for a development application and not for any other purpose.



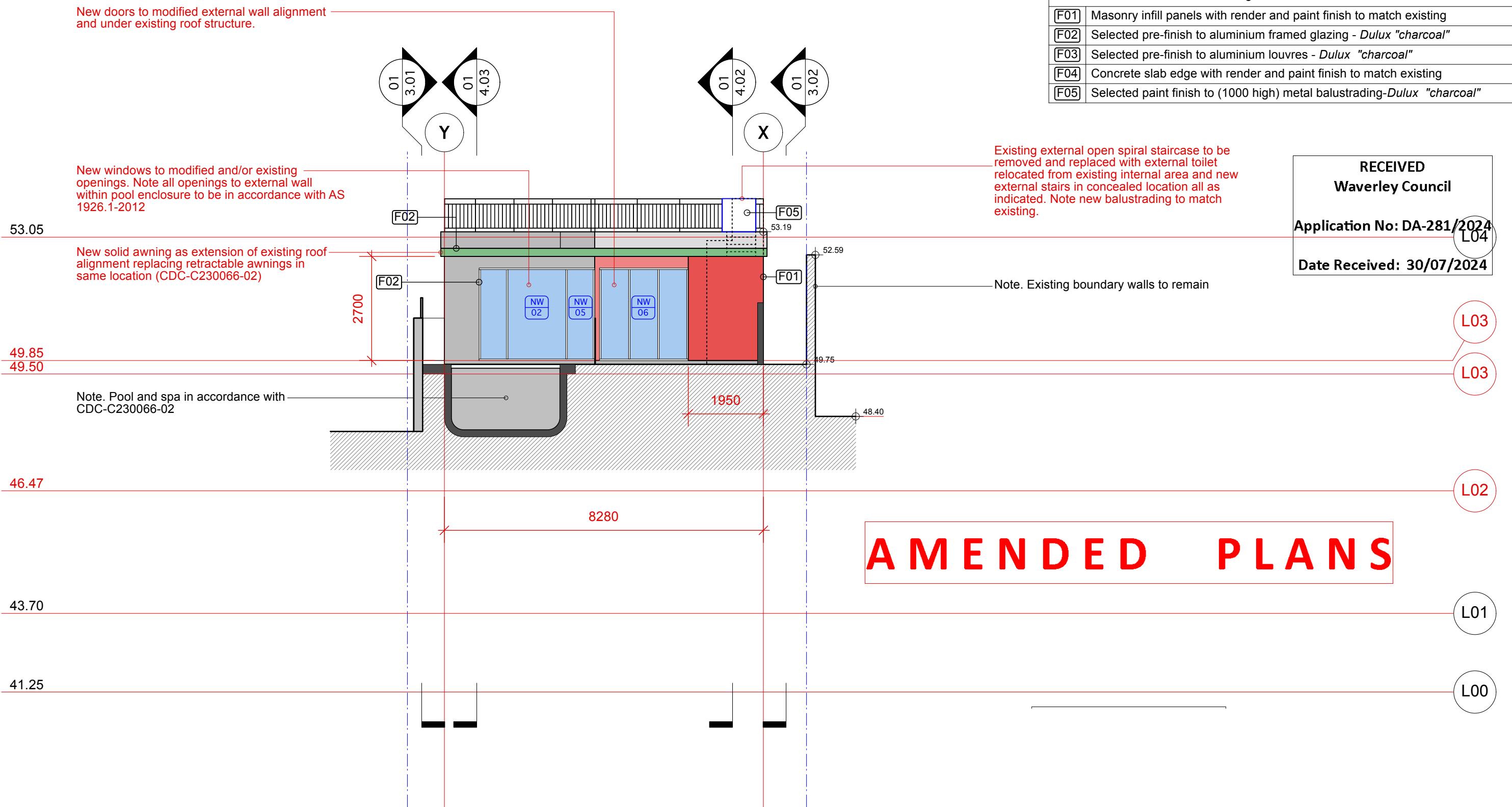
issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia	project no	2005
title	EAST ELEVATION - PROPOSED	dwg no	DA-A3.03
		scale	1:100 @ A3
		issue	B

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External Finishes and Materials Legend	
F01	Masonry infill panels with render and paint finish to match existing
F02	Selected pre-finish to aluminium framed glazing - Dulux "charcoal"
F03	Selected pre-finish to aluminium louvres - Dulux "charcoal"
F04	Concrete slab edge with render and paint finish to match existing
F05	Selected paint finish to (1000 high) metal balustrading-Dulux "charcoal"

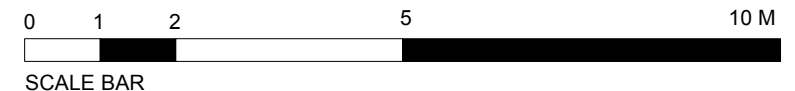
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 Application No: DA-281/2024
 L04
 Date Received: 30/07/2024



01 WEST ELEVATION
 3.04 Rear View - Proposed Construction

NOTES
 Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
 Refer to cover sheet drawing DA-A1.00 for DA general requirements
 Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
 Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
 Refer to Structural Engineers documentation for all relevant structural detail

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for a development application and not for any other purpose.



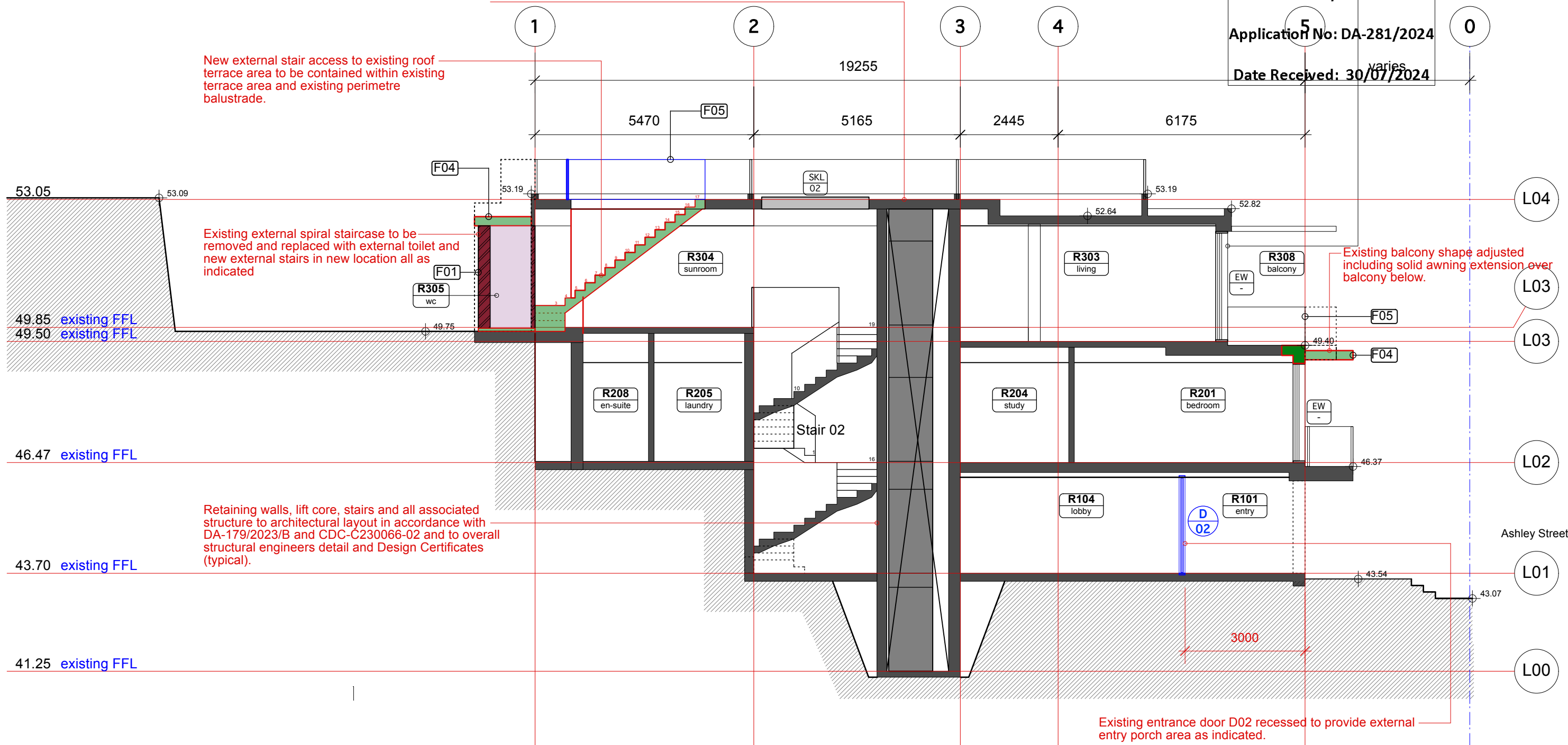
issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia	project no	2005
dwg no	DA-A3.04	scale	1:100 @ A3
issue	B	title	WEST ELEVATION PROPOSED

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Note. All openings in external walls in accordance with CDC-C230066-02 and Basix A1746671 (typical).

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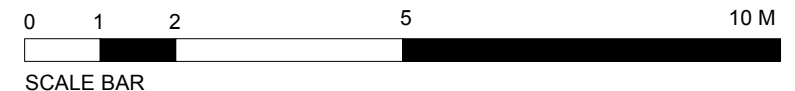


AMENDED PLANS

01 SECTION 02
4.02 Longitudinal - Proposed Construction

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

WARNING NOTE: The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for a development application and not for any other purpose.



issue	description	date
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A4.02
scale	1:100 @ A3
issue	B
title	SECTION 02 - PROPOSED

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Note. Internal configuration all in accordance with DA-179/2023/B and CDC-C230066-02 (typical).

New solid awning as extension of existing roof alignment replacing retractable awnings in same location (CDC-C230066-02)

Note. Pool and spa in accordance with CDC-C230066-02

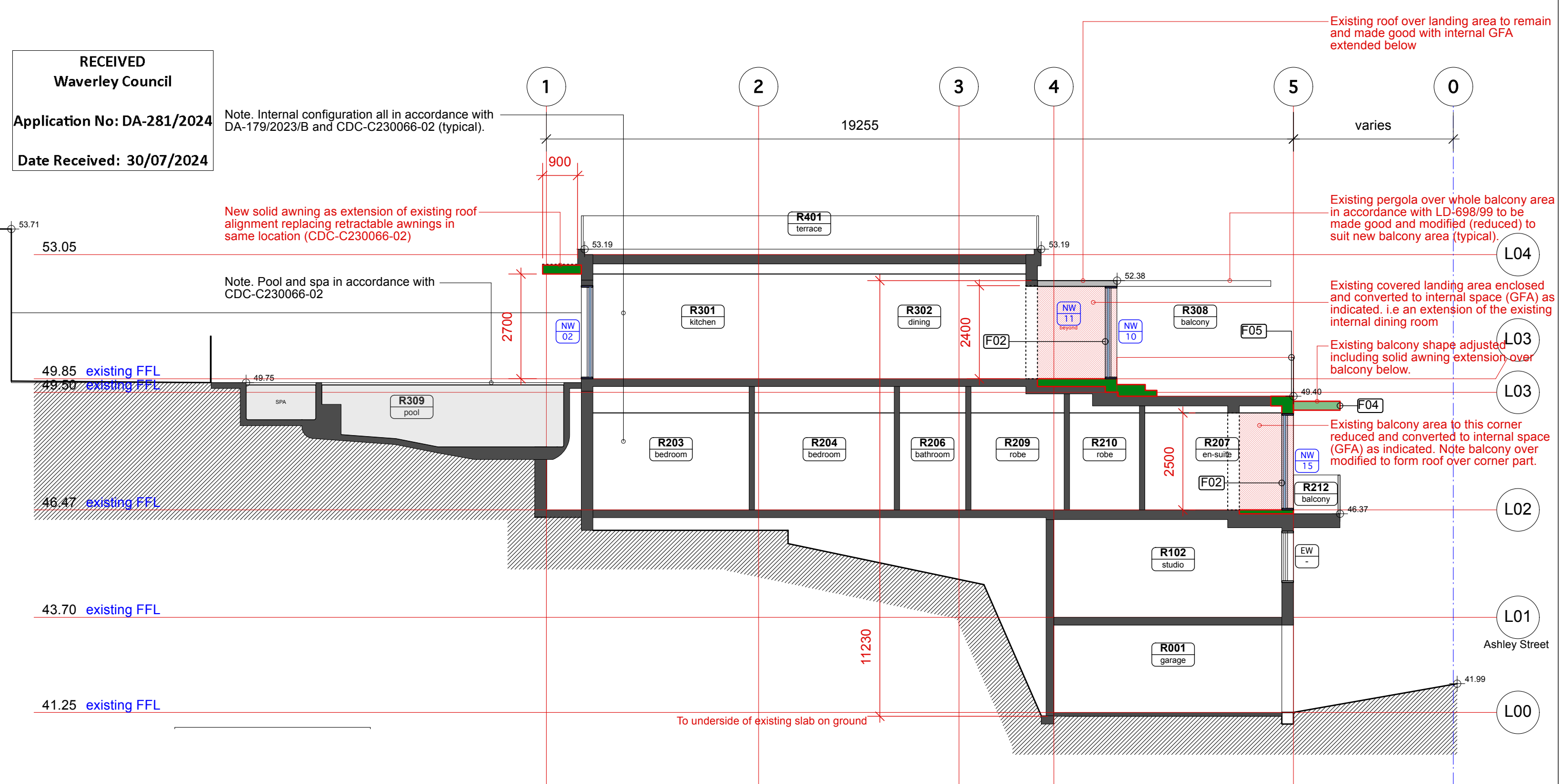
Existing roof over landing area to remain and made good with internal GFA extended below

Existing pergola over whole balcony area in accordance with LD-698/99 to be made good and modified (reduced) to suit new balcony area (typical).

Existing covered landing area enclosed and converted to internal space (GFA) as indicated. i.e an extension of the existing internal dining room

Existing balcony shape adjusted including solid awning extension over balcony below.

Existing balcony area to this corner reduced and converted to internal space (GFA) as indicated. Note balcony over modified to form roof over corner part.

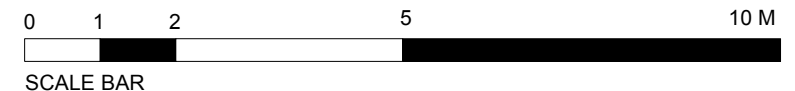


AMENDED PLANS

01 SECTION 03
4.03 Longitudinal - Proposed Construction

NOTES
Refer to cover sheet drawing DA-A1.00 for Drawing Register and Legend
Refer to cover sheet drawing DA-A1.00 for DA general requirements
Refer to cover sheet drawing DA-A1.00 for BASIX Certificate A1749665 summary
Works under construction in accordance with CDC-C230066-02 and DA-179/2023/B are shown as existing.
Refer to Structural Engineers documentation for all relevant structural detail

WARNING NOTE : The drawing set and this drawing contained within provides a Concept Design for the proposed works in accordance with the client brief, the site conditions, and the relative planning controls. The drawing set has been produced for a development application and not for any other purpose.



issue	description	date
C	Revised Height calculation to underside of slab on ground	2024.07.25
B	New DA works. Submission	2024.05.30
A	New DA works. Preliminary Review	2024.04.30

project	Beach House 14 Ashley Street Tamarama NSW Australia
project no	2005
dwg no	DA-A4.03
scale	1:100 @ A3
issue	B
title	SECTION 03 - PROPOSED

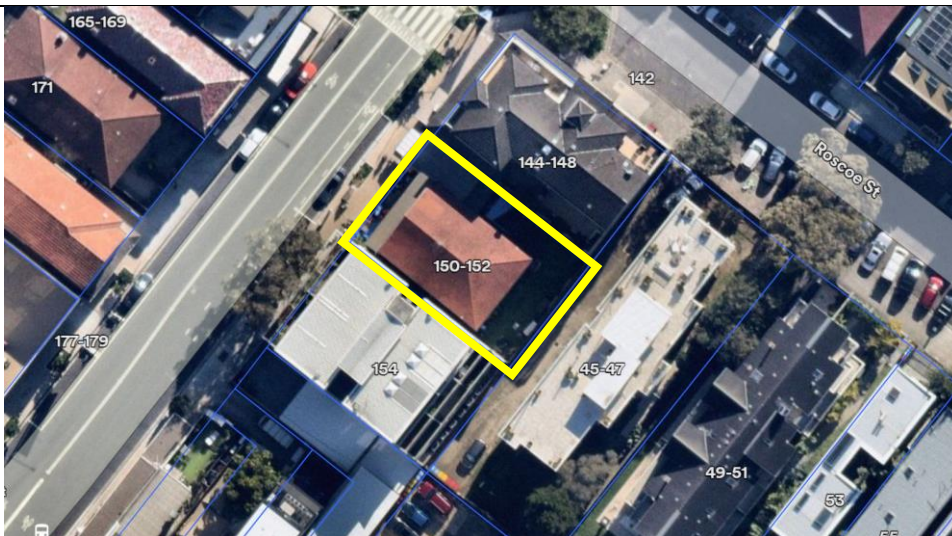
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Report to the Waverley Local Planning Panel

Application number	DA-169/2022/C
Site address	150-152 Glenayr Avenue, Bondi Beach
Proposal	Section 4.56 Modification to alter internal layout of basement levels including reconfiguration to convert storage space into a health and wellness area for the residential units, car and bike parking arrangement, storage cages in a stacker arrangement, various other changes and an amended offer to enter into a Planning Agreement (PA).
Description of Approved Development	Demolition of existing buildings, removal of existing trees and removal of boundary fencing, and construction of a four-storey shop-top housing development, with two levels of basement parking and as further amended.
Date of lodgement	13 June 2024
Owner	P & G Bondi Pty Ltd and A Voloshin and S Voloshin and Mr G Voloshin
Applicant	Ocean Crown Family Pty Ltd and G Bondi Pty Ltd
Submissions	Nil
Amended cost of works	No change proposed
Principal Issues	<ul style="list-style-type: none"> Breach to the Floor Space Ratio (FSR) development standard.
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-169/2022 for the demolition of existing buildings, removal of existing trees and removal of boundary fencing and construction of a four-storey shop-top housing development, with two levels of basement parking and as further amended at the site known as 150-152 Glenayr Avenue, Bondi Beach. In summary, the proposed modifications are to alter the internal layout of the basement levels including the reconfiguration to convert storage space into a health and wellness area for the residential units, car and bike parking arrangement, install storage cages into a stacker arrangement, various other changes and an amended offer to enter into a PA.

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

- Breach to the FSR development standard.

The assessment finds this issue acceptable as the applicant has justified that the proposal meets the objectives of the development standard. It has been demonstrated that the majority of the additional floor space is located below ground level at the Lower Ground floor, with only 1m² of additional floor space to the Ground floor. The additional floor space will not result in an increase to the building envelope and therefore there is no additional shadowing or view loss to neighbouring properties. Additionally, the applicant has offered to enter into a PA, further increasing the public benefit.

No submissions were received. No Councillor submissions have been received and there are no declared conflicts of interest.

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.

1.2. Site and Surrounding Locality

A site visit was carried out on 13 August 2024.

The site is identified as SP 9243, known as 150-152 Glenayr Avenue, Bondi Beach. It is located on the south-eastern side of Glenayr Avenue.

The site is rectangular in shape with a north-western front boundary and a south-eastern rear boundary of 15.85m, and a south-western and north-eastern side boundary of 24.385m. The site has an area of 386.9m² and falls from the front to the rear by approximately 0.81m.

The site is occupied by a two storey painted brick commercial building with a gabled tiled roof. There is also a small separate single storey shop.

The subject site is adjoined by contemporary four storey shop-top housing to either side. The locality is characterised by a variety of development, which includes shop-top housing and Residential Flat Buildings (RFB's).



Figure 1: Front of the subject site from Glenayr Avenue, looking south east.

1.3. Details of Approved Development

The original development application, known as DA-169/2022 was for the demolition of the existing buildings, removal of existing trees and removal of boundary fencing and construction of a four-storey shop-top housing development, with two levels of basement parking (containing eight parking spaces), two commercial tenancies and five residential apartments was approved on 9 December 2022 by the Land and Environment Court via a Section 34 Agreement.

Further s4.56 modification applications have been determined as follows:

- DA-169/2022/A for modifications to Basement floor level to provide an additional car stacker, extension to retail tenancies at ground floor level, reconfiguration of courtyard and construction of bathroom structure and Planning Agreement was approved on 10 May 2023.
- DA-169/2022/B modification to alter internal layout, amalgamate units on the First floor and Second floor (resulting in a total of three units) and various other changes was approved on 4 April 2024 under delegated authority.

1.4. Proposal

The modification application has been submitted under section 4.56 of the Act, and seeks consent for the following modifications to the approved development:

Basement Level

- Reconfiguration of the approved car parking arrangement and provision of an additional car stacker with storage and retail parking space; and
- Relocate residential bike parking.

Lower Ground Floor

- Reconfiguration to convert store and waste space into a health and wellness area comprising a gym, spa, steam room, ice bath, traditional sauna, infra-red sauna and associated washroom and shower facilities for Units 1, 2 and 3.

Ground Floor

- Squaring off of Shop 2 at the street frontage through reduced size of hydrant booster;
- Conversion of shop storage into residential bike parking storage;
- Provision of two commercial bike parking spaces; and
- Modify waste storage.

Conditions

- Modify condition 12A, amending the figure of the PA to reflect the proposed additional floor space that breaches the development standard; and
- Modify condition 79 relating to parking rates.

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 no 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 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.

2.3.1.1 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 (Resilience and Hazards) 2021

A detailed discussion is provided for relevant SEPPs as follows:

SEPP (Housing) 2021

Clause 149 within Chapter 4 of SEPP (Housing) 2021 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a DCP contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. An assessment against the relevant provisions within the ADG is provided in **Table 1** of this report.

Table 1: ADG

Design Criteria	Compliance	Comment
3J Bicycle and car parking		
	Yes	Parking rates will be discussed in Table 3 .
4C Ceiling heights		
<ul style="list-style-type: none"> • Habitable rooms: 2.7m 	Acceptable	The proposed gym at the Lower Ground floor has a floor to ceiling height of 2.4m – 2.6m. As this is a private gym for the use of the residential apartments, the floor-to-ceiling height is considered acceptable.

4G Storage					
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> • 3+bed – 10m³ 	Refer to table	Storage Calculations			
		Apt	Min volume (m³)	Proposed volume (m³)	Complies
		1	10	30.5	Yes
		2	10	30.5	Yes
		3	10	52	Yes

2.3.1.2 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

The land use definition of the approved development as shop-top housing remains unchanged and continues to be permitted development in the E1 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.

Table 2: Waverley LEP 2012 Compliance Table

Provision	Approved (DA-169/2022/B)	Proposed Modified	Compliance
4.4 Floor space ratio (FSR) <ul style="list-style-type: none"> • Lot Size: 386.9m² • Max FSR: 2:1 • Max GFA: 773.8m² 	<u>Gross Floor Area (GFA) Calculation</u> Lower Ground Floor: 0m ² Ground Floor: 128m ² First Floor: 243m ² Second Floor: 237m ² Third Floor: 191m ² Total GFA: 799m ² TOTAL FSR: 2.07:1 The modification proposed an additional GFA of 1.05m ² . The proposal breached the development standard by 25.2m ² or 3.36%.	<u>Gross Floor Area (GFA) Calculation</u> Lower Ground Floor: 70m ² Ground Floor: 129m ² First Floor: 243m ² Second Floor: 237m ² Third Floor: 191m ² Total GFA: 870m ² TOTAL FSR: 2.25:1 The modification proposes an additional GFA of 71m ² . The proposal breaches the development standard by 96.2m ² or 12.4%.	No

Provision	Approved (DA-169/2022/B)	Proposed Modified	Compliance
	The owner of the property provided an undertaking or in-principle offer to enter into a PA for the additional GFA sought.	The owner of the property has provided an undertaking or in-principle offer to enter into a PA for the additional GFA sought by this modification application.	

The following is a detailed discussion of exceedance of the FSR development standard under Waverley LEP 2012 as a result of the approved development, as proposed to be modified.

FSR

The proposed modifications result in a net increase of GFA of 71m², resulting in an overall FSR of 2.25:1. This culminates in an overall exceedance of the FSR development standard by 96.2m² or 12.4%. The net increase of FSR due to the proposed modifications represents 9.04% of the overall exceedance of the standard.

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:

- *The Applicant has proposed to enter into an amended Planning Agreement (PA) in respect of the additional FSR variation. This has been an accepted approach at Waverley Council in recent years, subject to the additional FSR being compatible with the surroundings and not causing significant impacts. Additionally, the proposed VPA will provide additional public benefit and is therefore considered to be in the public interest.*
- *Despite the variation with the numeric FSR control, the proposal meets the objectives of the FSR development standard. The relevant objectives are stated, inter alia:*
 - *(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 modification involves conversion of the lower ground floor storage space into a health and wellness area comprising a gym, spa, steam room, ice bath, traditional sauna, infra-red sauna and associated washroom and shower facilities for Units 1, 2 and 3. The proposal also involves squaring off Shop 2 at the street frontage resulting in 1m² of addition floor space. It is these modifications that result in the additional FSR when compared to the previous approval. However, the new floor space has been carefully designed and is located entirely within the approved external building envelope and predominantly below the ground floor level to ensure the works maintain the approved correlation between building height and density.*

- *Given the additional floor space is predominantly contained within the approved building envelope at the lower ground floor level (with the exception of 1m² at the street frontage of the ground floor level), the extent of additional floor area will not be visible from Glenayr Avenue and as such, will maintain the approvals contribution to the existing and emerging desired future character of the area. Squaring off of Shop 2 at the street frontage will enhance the appearance of the site.*
- *Additionally, as the new floor space is to be predominantly at the lower ground floor level within the approved building envelope, the new GFA will not result in additional amenity impacts when compared to the approval. The negligible 1m² of additional floor space at the street frontage of Shop 2 will not cast adverse shadowing, will not result in additional aural or visual privacy impacts when compared to the approval and will not result in view impacts.*
- *The proposed additional floorspace is compatible with the local centre zoning of the site and will contribute to enhanced residential and retail amenity within the Hall Street Town Centre. The proposed FSR is appropriate in the circumstances of this particular case, where the additional floor space is predominantly located at the lower ground floor level, is not visible from the street and is entirely within the approved building envelope (with the exception of the negligible 1m² of new floor space at the frontage of Shop 2). The extent of additional floor space preserves amenity as approved. The proposed built form will remain compatible with the bulk and scale of the desired future character of the area and the environmental amenity of neighbouring development will be maintained as approved. Accordingly, in our opinion, the proposal meets the objectives of the LEP FSR development standard, and the extent of variation is considered acceptable.*

The justification provided by the applicant to support the increased exceedance of the FSR development standard is summarised as follows:

- The proposed PA will provide additional public benefit and is therefore considered to be in the public interest.
- The new floor space has been carefully designed and is located entirely within the approved external building envelope and predominantly below the ground floor level to ensure the works maintain the approved correlation between building height and density.
- The new GFA will not result in additional amenity impacts when compared to the approval.

The applicants justification appropriately confirms that the proposed works meet the objectives of the FSR development standard, particularly objectives (b) and (c), as the proposed works are primarily located below ground (with the exception of the 1m² of new floor space at the frontage of Shop 2), there will be no significant increase to the buildings height or density, and therefore the development continues to remain as being compatible with the bulk and scale of the locality. It is deemed that the additional 1m² to Shop 2 is minor and will not have a significant impact to the overall scale of the approved development, as it is located within the building envelope.

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.

The proposal also includes an offer to enter into a PA for the additional 71m² of GFA from the proposed development that is in addition to the GFA of the approved building and PA offered under DA-169/2022/B. The calculation of the PA is based on the additional GFA of the development calculated as the difference in GFA between the approved and proposed form, being 71m².

The offer has been made in accordance with *Waverley Council Planning Agreement Policy 2014* (the Policy). The Policy allows Council to consider an offer to enter into a PA to address the public benefits to offset reasonable impacts from variations to development standards. In this circumstance, the additional GFA is a result of the proposed wellness centre to the Lower Ground floor and additional 1m² to Shop 2.

The fundamental principle of the Policy is that any benefit that arises from agreement to vary development standards is shared between the developer and the community and must be acceptable on environmental impact grounds. The reasonableness of impacts associated with the additional floor space of the proposed development has been considered against the likely public interest (i.e. public domain improvements in the area), which has been found to be acceptable in this instance. The reasonableness relates to the merits of this case only as discussed in the body of this assessment report. The proposed development is not against the public interest as it complies with the limitations set in the Policy.

A suitable public purpose or benefit is considered to be provided in the form of the forthcoming execution of a PA, which would contribute to public works or a similar public benefit within the catchment of the site. Appropriate conditions are included in **Appendices A and B**.

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			
1. Waste <ul style="list-style-type: none"> <i>Garbage bins are to be stored in an appropriate location.</i> 	Yes (conditional)	The application proposes to modify waste storage in the following way: <ul style="list-style-type: none"> Amend location of residential waste from the basement to the ground floor; and Combine the commercial waste storage area. Council's Waste Officer has reviewed the application and recommended amended conditions of consent.			
7. Transport 7.2.2 Parking Rates <ul style="list-style-type: none"> <i>Resident: Max 5</i> <i>Visitor: 0</i> 	Yes		Approved	Proposed	Complies
		Vehicle Residential	4 <i>(5 when including</i>	4 <i>(5 when including</i>	Yes

Development Control	Compliance	Comment			
<ul style="list-style-type: none"> • Accessible: 0 • Commercial: Max 4 7.2.5 Motorcycle Parking <ul style="list-style-type: none"> • Max 4 7.2.6 Bicycle Parking <ul style="list-style-type: none"> • Resident: 3 • Visitor: 0 			<i>accessible parking)</i>	<i>accessible parking)</i>	
		Vehicle Visitor	1	0	Yes
		Accessible vehicle Residential	1	1	Yes
		Vehicle Commercial	1	2	Yes
		Motorcycle	2	2	Yes
		Bicycle	10	10	Yes
11. Design Excellence	Yes	The development is substantially the same as approved, maintaining design excellence.			

Table 41: Waverley DCP 2022 – Part C2 Other Residential Development Compliance Table

Development Control	Compliance	Comment
2.5 Building design and streetscape		
<ul style="list-style-type: none"> • Respond to streetscape 	Yes	The development is substantially the same as approved, maintaining design excellence.
2.19 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes	The gym is located below the commercial floor. This commercial floor will assist in acoustic separation between the gym and residential apartments.

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 21 days between 21 June and 12 July 2024 and a site notice erected on the site in accordance with the *Community Engagement Strategy 2023*.

Whilst it is noted that Council's *Community Engagement Strategy 2023* states that applications for a Planning Agreement (PA) are to be notified for 28 days, the application was only notified for 21 days as the application was only *offering* to enter into a Voluntary Planning Agreement, and the finalisation of

this agreement has not yet occurred. Once finalised, the PA will be publicly exhibited for 28days, in accordance with the CES.

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. Fire

An internal referral was sought from Council's Fire Safety Officer who requested an access consultant statement be provided for the proposed conversion of the Lower Ground floor level into a health and wellness area for the occupants of Units 1, 2 and 3. This is recommended to be addressed via a condition of consent.

3.2. Strategic Planning

An internal referral was sought from Council's Strategic Planning unit who supports the letter of offer to enter into a Planning Agreement, subject to conditions being imposed..

3.3. Waste Management

An internal referral was sought from Council's Waste Officer who advised that the waste and bulky waste storage areas is a compromise in the updated design. The Waverley DCP 2022 recommends a minimum door width of 1.5m to allow for bulky material to be safely moved in and out of the room. This represents a minor improvement in the plan and can be achieved by designing a side-by-side door for example.

Therefore, it is recommended that that the architectural plans are updated to demonstrate that the doorway of the room will comply with the Waverley DCP 2022 and an updated waste management plan that describes the updated bin carting route for waste collection prior to the issue of an Occupation Certificate for the building, and the approved number of waste and recycling bins recommended (as per the relevant condition of consent).

3.4. Health

An internal referral was sought from Council's Health Officer who raised no objection in relation to the proposed development.

3.5. Traffic Management

An internal referral was sought from Council's Traffic Engineer who raised no objection to the amended parking arrangement.

4. CONCLUSION

The modification 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 23 July 2024 and the MODA concurred with the Assessment Planner's recommendation.

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

5. 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	Bridget McNamara	Angela Rossi
Senior Development Assessment Planner	Manager, Development Assessment	Executive Manager, Development Assessment
Date: 7 August 2024	Date: 15 August 2024	Date: 16 August 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. Planning Agreement and in exceedance of 10% FSR

OFFICE USE ONLY

Planning Portal Data	
Determining Authority <small>(Concurrence Authority)</small>	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? <small>*This is a planning portal reporting requirement</small>	No
Secondary Dwelling <small>*This is a planning portal reporting requirement</small>	No
Boarding House <small>*This is a planning portal reporting requirement</small>	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
PA submitted – follow up actions required	Yes
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 Bureau SRH Architecture of Project No. 21106 including the following:

Plan Number and Revision	Plan description	Plan Date
DA010 rev B	Demolition Plan	13/09/2022
DA100 rev D	Basement 01 & 02	08/11/2022
DA101 rev C	Ground & First Floor	03/11/2022
DA102 rev C	Second & Third Floor	03/11/2022
DA103 rev C	Roof Floor	03/11/2022
DA200 rev C	Northwest Elevation	03/11/2022
DA201 rev C	Southeast Elevation	03/11/2022
DA202 rev C	Northeast Elevation	03/11/2022
DA203 rev C	Southwest Elevation	03/11/2022
DA300 rev C	Longitudinal Section AA	03/11/2022
DA301 rev C	Longitudinal Section BB	03/11/2022
DA302 rev D	Driveway Section CC	08/11/2022
DA600 rev C	Materials Schedule	03/11/2022

- i. As amended by Architectural Plans prepared by Bureau SRH Architecture of Project No. 21106 including the following:

Plan Number and Revision	Plan description	Plan Date
DA100 rev 02	Basement 01 & 02	12/036/2024
DA101 rev 02	Ground & First Floor	12/036/2024
DA102 rev 02	Second & Third Floor	12/03/2024
DA103 rev 02	Roof Floor	12/03/2024
DA200 rev 02	Northwest Elevation	12/036/2024
DA201 rev 02	Southeast Elevation	12/03/2024
DA202 rev 02	Northeast Elevation	12/03/2024
DA203 rev 02	Southwest Elevation	12/03/2024
DA300 rev 02	Longitudinal Section AA	12/036/2024
DA302 rev 02	Driveway Section BB	12/036/2024
DA303 rev 02	Longitudinal Section CC	12/036/2024

- (b) Landscape Plan 2021.11.152.glenayr.A0.2.GF, L1 & L3 all rev C prepared by Ben Kaye Garden Design and dated November 2022.

- i. As amended by Landscape Plans (A0.3.GF (rev D), A0.2.L1 (rev c), A0.2.L3 (rev c)) prepared by Ben Kaye Garden Design and dated November 2022 and February 2023.
- (c) BASIX and NatHERs Certificate/s
- (d) Stormwater Details and documentation prepared by CAM Consulting (Project No. C220030) Plans Cover Page, SW01 to SW06, Issue E, dated 03/11/2022
- (e) Traffic & Parking Assessment Report Ref 21079 prepared by Terrafic and dated 4 November 2022
 - i. As amended by Traffic & Parking Assessment Report Ref 21079 prepared by Terrafic and dated ~~9 November 2023~~ **3 May 2024**.
- (f) The Site Waste and Recycling Management Plan (SWRMP) Part 1.

~~(AMENDED DA-169/2022/A)~~

~~(AMENDED DA-169/2022/B)~~

~~(AMENDED DA-169/2022/C)~~

12A. PLANNING AGREEMENT

- (a) The owner/applicant is to:
 - (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-169/2022/A, DA-169/2022/B **and DA-169/2022/C**; and
 - (ii) Pay a monetary contribution amount of ~~\$90,720~~ **\$255,600** prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at ~~25.271~~sqm of non-residential GFA exceedance at a rate of \$3,600/sqm).
 - (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
 - (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained DA-169/2022/**BC**.
 - (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-169/2022/**BC** for the Development which is:

- In a form acceptable to Council and from an institution acceptable to Council
- Irrevocable
- Unconditional
- With no end date

(c) The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

~~(ADDED DA-169/2022/A)~~
~~(AMENDED DA-169/2022/B)~~
 (AMENDED DA-169/2022/C)

56. NEW VEHICLE CROSSING

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

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

~~**Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.**~~

AMENDED DA-169/2022/C

79. CAR PARKING

A maximum of 7 car parking spaces are to be provided within the development, allocated in the following manner:

- 4 resident spaces in 3 x 2 car independent stackers.
- ~~1~~ 0 visitor space
- 1 accessible space – Residential
- ~~1~~ 2 retail/commercial space

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 and to be appropriately marked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

~~(AMENDED DA-169/2022/A)~~
~~(AMENDED DA-169/2022/B)~~
 (AMENDED DA-169/2022/C)

B. New Conditions

1B. GARBAGE STORE ROOM DOOR WIDTH

The minimum door width of the garbage store room is to be 1.5m.

(ADDED DA-169/2022/C)

1C. UPDATE SITE WASTE RECYCLING MANGEMENT PLAN

An updated Site Waste Recycling Management Plan (SWRMP) is to be provided to and approved by Council's Waste Officer prior to the release of a Construction Certificate.

(ADDED DA-169/2022/C)

1D. HEALTH AND WELLNESS FACILITY

The use of the lower ground floor level health and wellness facility (including gym, sauna, ice bath, steam room and change facilities) is limited to residents residing in the building only. Any use of the facility for members of the public or commercial return is not approved and requires separate development consent.

(ADDED DA-169/2022/C)

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 Bureau SRH Architecture of Project No. 21106 including the following:

Plan Number and Revision	Plan description	Plan Date
DA010 rev B	Demolition Plan	13/09/2022
DA100 rev D	Basement 01 & 02	08/11/2022
DA101 rev C	Ground & First Floor	03/11/2022
DA102 rev C	Second & Third Floor	03/11/2022
DA103 rev C	Roof Floor	03/11/2022
DA200 rev C	Northwest Elevation	03/11/2022
DA201 rev C	Southeast Elevation	03/11/2022
DA202 rev C	Northeast Elevation	03/11/2022
DA203 rev C	Southwest Elevation	03/11/2022
DA300 rev C	Longitudinal Section AA	03/11/2022
DA301 rev C	Longitudinal Section BB	03/11/2022
DA302 rev D	Driveway Section CC	08/11/2022
DA600 rev C	Materials Schedule	03/11/2022

- i. As amended by Architectural Plans prepared by Bureau SRH Architecture of Project No. 21106 including the following:

Plan Number and Revision	Plan description	Plan Date
DA100 rev 02	Basement 01 & 02	12/06/2024
DA101 rev 02	Ground & First Floor	12/06/2024
DA200 rev 02	Northwest Elevation	12/06/2024
DA300 rev 02	Longitudinal Section AA	12/06/2024
DA302 rev 02	Driveway Section BB	12/06/2024
DA303 rev 02	Longitudinal Section CC	12/06/2024

- (b) Landscape Plan 2021.11.152.glenayr.A0.2.GF, L1 & L3 all rev C prepared by Ben Kaye Garden Design and dated November 2022.

- i. As amended by Landscape Plans (A0.3.GF (rev D), A0.2.L1 (rev c), A0.2.L3 (rev c)) prepared by Ben Kaye Garden Design and dated November 2022 and February 2023.

- (c) BASIX and NatHERs Certificate/s

(d) Stormwater Details and documentation prepared by CAM Consulting (Project No. C220030) Plans Cover Page, SW01 to SW06, Issue E, dated 03/11/2022

(e) Traffic & Parking Assessment Report Ref 21079 prepared by Terrafic and dated 4 November 2022

i. As amended by Traffic & Parking Assessment Report Ref 21079 prepared by Terrafic and dated 3 May 2024.

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

(AMENDED DA-169/2022/C)

1A. AMENDED LANDSCAPE PLAN

(a) The landscape plan is to be amended to reflect the architectural plans approved under DA-169/2022/B.

(ADDED DA-169/2022/B)

1B. GARBAGE STORE ROOM DOOR WIDTH

The minimum door width of the garbage store room is to be 1.5m.

(ADDED DA-169/2022/C)

1C. UPDATE SITE WASTE RECYCLING MANGEMENT PLAN

An updated Site Waste Recycling Management Plan (SWRMP) is to be provided to and satisfied by Council's Waste Officer prior to the release of a Construction Certificate.

(ADDED DA-169/2022/C)

1D. HEALTH AND WELLNESS FACILITY

The use of the lower ground floor level health and wellness facility (including gym, sauna, ice bath, steam room and change facilities) is limited to residents residing in the building only. Any use of the facility for members of the public or commercial return is not approved and requires separate development consent.

(ADDED DA-169/2022/C)

4. CEILING FANS

Ceiling fans must be provided and installed in every habitable room prior to the issue of any Occupation Certificate.

5. MULTI UNIT HOUSING DEVELOPMENT DESIGN (SEPP 65 DEVELOPMENT)

The approved design (including any element or detail of that design) or materials, finish or colours of the building must not be changed without the written approval of Council.

6. DELETED DA-169/2022/A

7. PUBLIC DOMAIN IMPROVEMENTS

The public domain is to be upgraded along Glenayr Avenue frontage of the development site in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval. A public domain plan for the following works shall be submitted to, and approved by the Executive Manager, Infrastructure Services (or delegate) prior to the issue of the relevant Construction Certificate.

- Pedestrian footpath
- Vehicular crossing
- Road pavement
- Kerb and gutter
- Street tree planting and landscaping
- Stormwater infrastructure located within the Council road reserve

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

GENERAL REQUIREMENTS

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the *Environmental Planning 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

9. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (i) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,
 - (ii) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".
- (b) A copy of the required format for the cost reports are provided in the Waverley Council Contributions Plan 2006, available on Council's website.

As legislated in section 25K of the *Environmental Planning and Assessment Regulation 2000*, the levy must be paid in accordance with the following;

- (i) A development valued at \$100,000 or less will be exempt from the levy;
- (ii) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% of the full cost of the development; or
- (iii) A development valued at \$200,001 or more will attract a levy of 1% of the full cost of the development.

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

10. SECURITY DEPOSIT

A deposit (cash or cheque) for the amount of \$59,800 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.

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 0.35% of building work costing \$25,000 or more.

12. TREE PRESERVATION BOND

A bond of \$5,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of 154 Glenayr Avenue. The bond is to be lodged prior to the issue of a Construction Certificate.

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

12A. PLANNING AGREEMENT

(a) The owner/applicant is to:

- (i) Enter into an Agreement in accordance with Waverley's Planning Agreement Policy 2014 prior to the issue of any Construction Certificate for the development that relates to works contained in DA-169/2022/A, DA-169/2022/B and DA-169/2022/C; and
- (ii) Pay a monetary contribution amount of \$255,600 prior to the issue of any Occupation certificate for the Development (calculated in accordance with Waverley's Planning Agreement Policy 2014 at 71sqm of non-residential GFA exceedance at a rate of \$3,600/sqm).

- (iii) A Planning Agreement will be entered into under Section 7.4 of the Environment Planning and Assessment Act 1979 between the applicant/owner of the land subject of the Development and Council.
- (b) In accordance with the said offer, the Planning Agreement shall make provision in respect to the following:
- (i) The Planning Agreement shall be registered upon the title to the land the subject of the Development prior to the issue of any Construction Certificate for the Development prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary site sheds that relates to works contained DA-169/2022/C.
- (ii) The owner/applicant shall provide Council with a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate that relates to any building work, other than demolition, excavation, piling, shoring and ancillary works for construction purposes including site hoardings and temporary sheds that relates to works contained in DA-169/2022/C for the Development which is:
- In a form acceptable to Council and from an institution acceptable to Council
 - Irrevocable
 - Unconditional
 - With no end date

The payment of the Monetary Contribution to Council is to be made prior to the issue of any Occupation Certificate for the Development and is to be applied towards a public purpose in accordance with the Agreement and Council's Planning Agreement Policy 2014.

(AMENDED DA-169/2022/C)

PLAN DETAILS

13. VERIFICATION OF CONSTRUCTION CERTIFICATE DOCUMENTATION (SEPP 65 BUILDINGS)

The preparation of the construction certificate plans shall be supervised and be to the satisfaction of an architect who is registered in accordance with the *Architects Act 2003* (i.e. a qualified designer) in accordance with the requirements of the *State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development*.

In accordance with the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority must not issue a construction certificate unless it has received a design verification statement from a qualified designer which verifies that the construction certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development*.

14. 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.

15. MECHANICAL VENTILATION SYSTEMS

The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.

16. BASEMENT STORAGE

The basement levels are to provide separate and secure storage areas (in the form of lockable storage cages or the like), allocated to each apartment in the development for larger bulkier items (surfboards, boxes, camping equipment etc.) which are not suited to be stored within each individual apartment. Storage is to be allocated to individual units in accordance with the requirements of the Waverley Development Control Plan 2012.

CONSTRUCTION & SITE MATTERS

17. HOARDING

To ensure the site is contained during construction, if 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.

18. 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.

19. 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.

20. 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.

21. GROUND ANCHORS

Where any ground anchors (i.e. rock or sand anchors) are proposed to extend beyond the property boundary beneath roadways and other Council property, details must be submitted to and approved by Council's Executive Manager, Infrastructure Services (or delegate) and will be subject to fees. For further information regarding this, please contact assets@waverley.nsw.gov.au on 9083 8886.

Separate approval will be required for ground anchors beneath roadways governed by the Roads and Maritime Services.

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

Evidence is to be provided to the Principal Certifying Authority 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.

23. 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.

24. VERMIN AND RAT CONTROL

A *Pest and Vermin Control Management Plan* prepared by a suitable qualified person outlining measures to be taken to reduce rat/vermin populations is to be submitted for the approval of Council's Manager, Health and Compliance (or delegate) prior to the issue of a Construction Certificate for the demolition of existing buildings.

TRAFFIC MANAGEMENT

25. CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

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

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

STORMWATER & FLOODING & PUBLIC DOMAIN

26. STORMWATER AND PUBLIC INFRASTRUCTURE MANAGEMENT

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

The submitted stormwater management plan prepared by CAM Consulting Pty Ltd, Dwg Cover Page, SW01 to SW06, Issue G, dated 28/02/2023 (Project No. C22003) is considered conceptual.

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

- a) The plans shall provide additional details of the proposed On-Site Stormwater Detention (OSD) system and its details e.g. min of 2 access grates, overflow pipe to be installed flush with the wall, updated pit dimensions, cross & long sections, significant water invert levels of inlet and outlet pipes, details of Discharge Control Pit, orifice plate details including orifice diameter, depth of water above centreline of orifice etc., pit overflow, OSD plaque, OSD warning sign and catchment plan. The current design is also considered fully submerged during a 1% AEP storm event, which is not compliant to the current Council standards, consideration shall be made to amend the outlet invert of the OSD system. Council's mandatory OSD checklist as set out in Council's Water Management Technical Manual shall be resubmitted and amended to reflect any changes.
- b) The current design proposes a below ground In-situ concrete based structure. A certificate from a registered structural engineer certifying the structural adequacy of any below ground OSD tank structure is to be provided.

- c) Provide details of all pipe sizes, type, grade, length, invert levels, dimensions, types of drainage pits and inspection openings and their location, for the full extents of the development. Calculations demonstrating that the proposed stormwater drainage system can cater for the relevant design storm event shall be provided at Council request.
- d) Show an alarm system in the event of the basement pump-out system failing. A warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement. A minimum freeboard of 150 mm from the pump out system to all parking spaces, full hydraulic details and pump manufacturers specification are to be provided.
- e) To protect the underground basement from possible inundation by surface waters from the street gutter and footpath overflows, a crest shall be installed at the boundary.
- f) The proposed kerb inlet pit must be constructed to Council's satisfaction. Details are to form part of the Construction Certificate documentation.
- g) A non-return valve is recommended 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 during a peak storm event.
- h) Any affected Council's infrastructure as the result of construction activities within the public domain area, inclusive of stormwater, stormwater outlet/s, kerb and gutter, pavement, grass verges and vehicle crossovers within the extent works shall be replaced as per Waverley Council Public Domain Technical Manual. All associated costs shall be borne by the applicant.
- i) Careful consideration must be given to the location of the OSD tank to ensure the tank does not clash with the proposed commercial accessible bathrooms on the ground floor. The levels must be detailed on the plan.
- j) As a minimum, the pump system must consist of one duty and one standby pump.
- k) In the event of pump failure, pondage in a suitably visible area must be provided. These areas are to 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.

Notes:

- The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.
- Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the Engineering design submissions however, Council's title block shall not be replicated.
- Prior to commencement of works a security deposit will be made payable to Council to ensure any additional damage or unauthorised works within the Council property, not conditioned above. Council will reserve the right to withhold the cost of restoring the damaged assets from the security deposit should the applicant fail to restore the defects to the satisfaction of Council.
- Council's contact for infrastructure assessment: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4pm Monday to Friday). The

expected duration to review and approve the stormwater management plan may take at least 15 working days from the date of submission.

(AMENDED DA-169/2022/B)

27. PRE-CONSTRUCTION STORMWATER PIPE CCTV DILAPIDATION REPORT

Prior to doing any works within the Council drainage system traversing Glenayr Ave, an 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. No works on Council's stormwater infrastructure shall commence until given approval by Council.

28. FLOODING REQUIREMENTS

The development must have a net neutral effect on flood behaviour. This includes increasing flood effects elsewhere, loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, and the cumulative impact of neighbouring developments. To ensure this has been considered, the submitted architectural plans will need to be updated to reflect the following:

- (a) The minimum habitable Residential finished floor level must be set at a minimum level of 1%AEP plus 300mm freeboard.
- (b) All new building materials must be flood resistant or flood compatible to a height of 1%AEP plus 300mm freeboard.
- (c) All new internal electrical switches, power points or similar utilities liable to flood damage must be set at a minimum level of 1%AEP plus 300mm freeboard.
- (d) A suitably qualified engineer must certify that any new structure can withstand the forces of floodwater, scour debris, and buoyancy up to and including 1%AEP plus 300mm freeboard.
- (e) A storage area is to be provided above the RL of 1%AEP plus 300mm freeboard for the storage of goods that can be damaged or mobilized by flooding, or goods that have the potential to cause pollution during flooding.
- (f) Any proposed fencing must be built using flood-compatible material.
- (g) There is to be no filling of the land within the property.

Details and certification must accompany the Construction Certificate and be submitted to Waverley Council.

29. PUBLIC INFRASTRUCTURE WORKS

Public infrastructure works shall be designed and constructed as outlined in this condition of consent. The approved works must be completed to Council's satisfaction at no cost to Council.

Full design engineering drawings to be prepared by a suitably qualified and experienced engineering professional and be submitted to Council for the approval of the Executive Manager, Infrastructure Services or delegate prior to the issue of the Construction Certificate.

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

- a) Road Pavement: The full renewal and reconstruction of asphalt pavement for half road width in Glenayr Avenue frontage of the development site. Details of the road pavement treatments and sub-grade details to be advised by Council.
- b) Footpath, Kerb and Gutter: The existing footpath, kerb and gutter traversing Glenayr Avenue frontage to be reconstructed and upgraded in accordance with the current Waverley Council Development Control Plan (DCP) and Public Domain Technical Manual (PDTM) at the time of engineering plan approval.

The proposed footpath, kerb and gutter profiles to include longitudinal and cross sections to ensure proper connections to the existing Council infrastructure traversing the development site. Any stormwater infrastructure within the extent of public domain works, inclusive of the kerb inlet pit shall be replaced.

- c) Street Trees: A minimum of two street trees must be planted along Glenayr Avenue frontage. The new street trees proposed within the Council verge will require the installation of suitable tree pits and surrounds as per PDTM. The chosen tree species and location shall not interfere with the wheel swept path or obstruct the proposed vehicular crossing. The awning shall include cutouts (integrated into the awning design) for future growth of the two proposed street trees.
- d) Existing Streetlight: Measures to protect the existing streetlight located along the site frontage must be undertaken. Any damages or replacing cost shall be borne by the applicant.
- e) Any existing or proposed utility pillars on the site frontages to be either underground or inside the property boundary of the proposed development. Applicant must liaise with the relevant authorities for their approval and communicate to Council with written confirmation, before executing any works.
- f) Measures to protect the existing parking meter located along the site frontage must be undertaken. Any damages or replacing cost of the parking meter shall be borne by the applicant.
- 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.

Notes

The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths and pavement prior to setting the floor levels for the proposed development.

Waverley Council standard drawings for public domain infrastructure assets are available upon request. Details that are relevant may be replicated in the public domain design submissions; however Council's title block shall not be replicated.

Council reserve the right to ask for any additional work required on areas damaged by the construction of the building.

Council's contact for public domain: E-mail: assets@waverley.nsw.gov.au or Phone: 9083 8886 (operational hours between 9.30am to 4.00pm Monday to Friday).

30. ENGINEERING PLANS ASSESSMENT AND WORKS INSPECTION FEES

The Applicant is to pay to Council fees for the 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.

31. PRE-CONSTRUCTION DILAPIDATION REPORT PUBLIC DOMAIN

To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure within the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable:

- Road pavement
- Kerb and gutter
- Footpath
- Drainage pits and lintels
- Traffic signs
- Any other relevant infrastructure

The report is to be dated, submitted to, and accepted by Council's Public Domain Engineer, prior to any work commencing on the site. All fees and charges associated with the collation of this report shall be at the cost of the Applicant.

ENERGY EFFICIENCY & SUSTAINABILITY

32. BASIX

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

33. REFLECTIVITY REPORT

In accordance with Part B16 of the *Waverley Development Control Plan 2012*, a Reflectivity Report, prepared by an appropriately qualified person is to be submitted to the Principal Certifying Authority which verifies that the approved development complies with the following;

- (a) The use of glass is a maximum of 60% of the façade surface area at ground floor level and above.
- (b) Reflected solar glare on drivers should not exceed 500 candelas/m². A candela is the base unit for measuring the intensity of luminance under the International System of Units (SI).
- (c) All panels and elements on vertical façades are to have a maximum specular reflectivity of visible light from normal angles of incidence of 20%.

- (d) Any surface inclined by more than 20 degrees to the vertical (inclined glass awnings or cladding on inclined roofs) are to have a maximum specular reflectivity of visible light from normal angles of incidence of 10%.

If the approved development cannot achieve compliance with the above requirements, a Section 4.55 modification application must be submitted.

WASTE

34. 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.

35. WASTE STORAGE AREAS

The development must have a bin storage area with sufficient space to accommodate the following minimum number of bins and storage for the development.

- **Residential** 2 x 4 bedroom units and 1 x 3-bedroom units
 - 3 x 240L Mobile Garbage Bins (MGBs) for general waste (collected weekly)
 - 3 x 240L MGBs for paper and cardboard recycling (collected fortnightly)
 - 3 x 240L MGBs for container recycling (collected fortnightly)
 - 1 x 240L MGB for garden organic waste should this be generated at the development.
 - A minimum of 3m² is required for on-site storage of bulky household waste awaiting collection.
 - A minimum of 1m² is required for additional problem waste awaiting collection.
- **Commercial** (115.95m² unspecified business – likely food related)
 - 2 x 240L Mobile Garbage Bins (MGBs) for general waste, collected daily
 - 2 x 240L MGBs for comingled recycling, collected daily.
 - The frequency of collection must be monitored and adjusted accordingly, particularly during summer.
- All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B1 of the *Waverley Council Development Control Plan 2012* to the satisfaction of the Principal Certifying Authority.

(AMENDED DA-169/2022/B)

LANDSCAPING & TREES

36. LANDSCAPING DETAILS

The construction certificate landscape plans are to comply with the controls in Part B3.1 of the *Waverley Development Control Plan 2012* including;

- (a) Comprise plants that are suitable for the site in relation to the environmental conditions (sun, wind and views) and include indigenous or local native plants to Waverley (see Annexure B2 – 1).
- (b) Have a minimum soil depth of 300mm and use lightweight soil mixes that are porous, able to drain freely, and suitable for the selected plant species;

A qualified landscape architect must review the design and verify that it complies with the above requirements.

37. STREET TREES

- (a) To ensure maximum street tree canopy and continuity of the streetscape, two new street trees are to be planted on the naturestrip prior to the issue of any Occupation Certificate.
- (b) The two trees to be planted on the naturestrip are to be evenly placed at the front of the property are to be two *Tristaniopsis laurina* (Water Gum) and must be a minimum pot size of 100 litres when planted. The tree must be planted by a horticulturist (Min qualification AQF Level 3).
- (c) 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 two (2) *Tristaniopsis laurina* (Water Gum) trees on the naturestrip. The bond is to be lodged prior to the issue of any Occupation Certificate.
- (d) The sum will be forfeited to the Council at its discretion for a breach of these requirements and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council.

NOISE

38. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific Noise Management Plan, prepared by a suitably qualified acoustic consultant (as defined in the advisory section of this consent) must be submitted to the satisfaction of Council's Executive Manager, Compliance (or delegate) for demolition, excavation and construction works.

For further information on the requirements, refer to Council's website:

[https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications - conditions of consent](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

C. COMPLIANCE PRIOR TO WORK COMMENCING AND DURING CONSTRUCTION

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

PRIOR TO ANY WORKS

39. 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.

40. DILAPIDATION REPORT

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

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

Note: Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out. Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

DEMOLITION & EXCAVATION

41. 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 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.

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.

43. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

Prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste Classification Guidelines 2014.

44. EXCAVATION AND BACKFILLING

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

If an excavation associated with the erection or demolition of a building extends below the level of the footings of a building on an adjoining allotment of land, the excavation is to be managed by a practising structural engineer.

CONSTRUCTION MATTERS

45. CONSTRUCTION HOURS

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays, with no work to be carried out on Sundays and public holidays. Excavation works involving the use of heavy earth movement equipment, including rock breakers and the like, must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays, with no such work to be carried out on Saturday, Sunday or a public holiday.

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

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

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

47. 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

48. CONSTRUCTION INSPECTIONS

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

49. CERTIFICATE OF SURVEY - LEVELS

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

50. 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.

51. WORK OUTSIDE PROPERTY BOUNDARY

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

52. PUBLIC DOMAIN ENGINEERING INSPECTIONS

To ensure all public infrastructure engineering works required by Council under this consent will be constructed to Council satisfaction, inspection(s) will be required and compliance certificates must be obtained from Council's Public Domain Engineer for the road pavement, kerb and gutter, stormwater, footpath paving, undergrounding, street tree planting and landscaping hold points.

53. NOTICE OF INTENTION TO COMMENCE PUBLIC DOMAIN WORKS

Prior to commencement of the public domain works notice shall be submitted to Councils Public Domain Engineer. This notice shall include the name and insurance details of the Contractor who will be responsible for the construction works, and details of the managing site supervisor/engineer. The applicant is also responsible for obtaining all Road Activity Permits required for the works, from the respective authorities.

TREE PROTECTION AND REMOVAL

54. TREE PROTECTION

The existing *Melaleuca quinquenervia* (Paperbark tree) on the naturestrip at the front of the property at 154 Glenayr Avenue is to be protected for the duration of the construction works.

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.

55. 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.

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

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

The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

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

- If any tree roots are exposed during any approved works then roots smaller than 30mm are to be pruned as per the specifications below. Any roots greater than 30mm are to be assessed by a qualified arborist before any pruning is undertaken.
- If tree roots are required to be removed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).
- It is the arborist's responsibility to determine if such root pruning is suitable. If there are any concerns regarding this process, then Waverley Council's Tree Management Officer is to be contacted to make final determination.
- If any trees on neighboring properties require pruning, then permission must be gained from the owner of the tree(s) and an Application to Prune or Remove Trees on Private Property is then to be presented to Council for processing.
- If any trees on Council owned land require pruning, the applicant is to supply a tree pruning report from an Arborist with AQF level 5 qualification or above with photos showing the branches that need to be removed.
- If approval is granted the applicant may prune the tree at their expense, by an experienced Arborist/Horticulturist (with a minimum of the Horticulture Certificate or Tree Surgery Certificate).

VEHICLE ACCESS & PUBLIC DOMAIN WORKS

56. NEW VEHICLE CROSSING

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

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

(AMENDED DA-169/2022/C)

57. VEHICULAR ACCESS - FINISHED LEVEL TO VEHICLE CROSSING

The finished level at the property boundary on **both** sides of each vehicle crossing is to match the existing concrete footpath.

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

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

CERTIFICATES, LICENCES, EASEMENTS AND RESTRICTIONS

58. FINAL OCCUPATION CERTIFICATE

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

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

59. CERTIFICATION OF BASIX COMMITMENTS

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

60. CERTIFICATION OF THE FINISHED FLOOR LEVEL OF THE GROUND FLOOR

The certification referred to in conditions 28 and 49 “COMPLIANCE PRIOR TO AND DURING CONSTRUCTION- finished floor level of the GROUND FLOOR” must form part of the application for an Occupation Certificate.

61. CERTIFICATION OF APPROVED DESIGN

In accordance with the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate, to authorise a person to commence occupation or use of the development unless it has received a design verification statement from an architect who is registered in accordance with the Architects Act 2003 (i.e. qualified designer) that verifies that the building achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles.

62. 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.

63. WORKS-AS-EXECUTED DRAWINGS – STORMWATER DRAINAGE

- (a) A Works-As-Executed drawing (WAED) of the stormwater drainage system must be prepared, stamped and signed by a Registered Surveyor. This drawing must detail the alignment of all pipelines, pits, the detention facility, the pump out system and other drainage related infrastructure. An original or a colour copy must be submitted to Waverley Council. Where changes have occurred, the Council approved plans shall be marked-up in red ink and shall include levels and location for the drainage structures and works.
- (b) A suitably qualified and practising Engineer must provide certification of the WAED of the stormwater drainage system that the stormwater drainage works were constructed to their satisfaction and in accordance with the Development Consent, Water Management Technical Manual, all applicable Codes, Policies, Plans, Standards and good engineering practice. A copy of the aforementioned letter of certification must be submitted to Council.

64. CREATION OF POSITIVE COVENANT AND RESTRICTION FOR OSD SYSTEM

Prior to the issue of an Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created for the On-Site Stormwater Detention (OSD) system, under Section 88E of the Conveyancing Act 1919. This is to place a restriction on the Title that the OSD system is maintained and kept free of debris/weed to allow unobstructed passage of stormwater through the site and underneath the residence. The property owner/occupant shall not modify or remove the OSD system without consent from Council.

The wording of the Instrument shall be submitted to and approved by Executive Manager, Infrastructure Services (or delegate) prior to lodgement at NSW Land Registry Services.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created via an application to the NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the OSD system, including its relationship to the building footprint. Electronic colour photographs of the OSD system shall accompany the application for the Positive Covenant and Restriction on the Use of Land.

The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate or use of the building. All associated costs shall be borne by the applicant.

65. PLANNED PREVENTATIVE MAINTENANCE SCHEDULE FOR PUMP OUT SYSTEM

The registered proprietor shall be required to submit written intent to establish and maintain a Planned Preventative Maintenance (PPM) schedule of any 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 system. Evidence shall be submitted to the Executive Manager, Infrastructure Services or delegate prior to the issue of the Occupation Certificate.

66. CERTIFICATION OF NEWLY CONSTRUCTED STORMWATER DRAINAGE SYSTEM

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

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

67. SUPERVISING ENGINEER FINAL CERTIFICATE – PUBLIC DOMAIN

Prior to the issue of any Occupation Certificate for the works, the Applicant shall submit to Council, a final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the Council approved plans and Waverley Council standards and specifications. The certificate shall include commentary to support any variations from the approved drawings.

68. WORK-AS-EXECUTED PLAN – PUBLIC DOMAIN

To ensure public infrastructure works required under the consent are completed in accordance with approved plans and specifications, a Work-as-Executed plan of the works, prepared by a registered surveyor is to be submitted to the Principal Certifying Authority and Council for review with any required rectification works completed and approved by Council prior to issue of any Occupation Certificate.

The W.A.E plans are to note all departures clearly in red on a copy of the approved Construction Certificate plans and certification from an experienced chartered civil engineer shall be submitted to support all variations from approved plans.

69. CERTIFICATION OF PUBLIC INFRASTRUCTURE WORKS

To ensure public infrastructure works required under the consent are completed to Council's satisfaction a final inspection of the completed works is required from Council's Infrastructure Engineer. The Occupation Certificate shall not be issued until certification has been obtained from Council confirming the public infrastructure works have been constructed to Council's satisfaction.

Notes

- The issue of a Final Compliance Certificate from the Council Engineer will be withheld should there be any outstanding fees and charges applicable to the development. This includes but not limited to fees applicable for engineering plans assessment and work inspection fees.
- The refund of any damage and/or security deposits will be subject to satisfactory restoration and rectification of all civil infrastructure that have dilapidated as a result of the construction activities associated with this development consent.
- To ensure satisfactory performance of the public domain works, a defects liability period of 12 months shall apply to the works completed by the applicant/developer following completion of the development. The defects liability period shall commence from the date of issue of the Occupation Certificate for the development. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the 12 months' defects liability period.

70. CERTIFICATION OF ACOUSTIC PERFORMANCE

An acoustic report/certificate prepared by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority and the Council, certifying that all acoustic conditions of consent (including the operational conditions) have been satisfied.

71. 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.

72. LOSS OR MODIFICATION OF CAR SPACE CONTRIBUTION

A contribution as per Council's Schedule of Fees and Charges at time of Occupation Certificate application, shall be paid to Council for the loss or modification of **one** on-street parking meter space/s. The receipt of payment must be provided to the Principal Certifying Authority prior to issue of any Occupation Certificate.

E. OPERATION AND SPECIAL CONDITIONS

73. RESTRICTION ON USE OF LAND WITHIN THE DRIVEWAY

Prior to issue of any Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created on the property title for the restriction to be placed on the driveway for the installation and operation of the flood barrier mechanism.

Council cannot be held responsible nor liable to any damages caused as a result of flooding to the building. The documents shall be prepared in accordance to Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without the prior approval of Council. All associated costs shall be borne by the applicant.

74. RESTRICTION ON USE OF LAND WITHIN THE SHOPFRONT FOYER

Prior to issue of any Occupation Certificate, a “Positive Covenant” and “Restriction on the Use of Land” shall be created on the property title for the restriction of indoor seating and ancillary furniture to be placed directly on or above the flood barrier mechanism.

A plan of management shall also be attached for the implementation of flood management measure for the responsibility of building owners and active tenants within shops 1 and 2. Council cannot be held responsible nor liable to any damages caused as a result of flooding to the building. The documents shall be prepared in accordance to Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without the prior approval of Council. All associated costs shall be borne by the applicant.

MANAGEMENT PLANS

75. PLAN OF MANAGEMENT - WASTE AND RECYCLING STORAGE

A Waste Management Plan must be submitted to Council’s Executive Manager, Environmental Sustainability (or delegate) and include including the following where relevant;

- (a) All arrangements including relevant and current contracts for recyclables and all other waste (collection and disposal)
- (b) The waste storage area and bins must be cleaned and maintained regularly with appropriate lighting.
- (c) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.
- (d) The role and responsibility of managing composting facilities (if provided);
- (e) Clear signage identifying the different bin types, space for reusable items such as crates and pallets, bulky household waste and problem waste must be displayed.
- (f) The recycling bins must be placed alongside the general waste bins for ease of access and to encourage recycling habits.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of bins, cleaning of storage areas and booking and transporting bulky waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

- (h) All waste and recycling bins must only be placed out on Council footpath for collection no earlier than 5:30 p.m. on the day prior to the designated waste collection day and retrieved from the kerbside as early as possible.
- (i) The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan is to be available on site when requested.

SHOPS

76. MECHANICAL EXHAUST MAINTENANCE

A maintenance program is required for the mechanical exhaust ventilation system that includes the cleaning of the system at six monthly intervals. The maintenance program is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

77. FOOD PREMISES

Any food premises are to be registered with Waverley Council and inspected by Council's Environmental Health Officer prior to the issue of the Occupation Certificate.

78. REFRIGERATION UNITS & MECHANICAL PLANT

Air conditioning units, refrigeration motors/units and other mechanical plant are not to be installed outside the building without the prior consent of Council in order to assess the cumulative impacts of noise to adjoining properties. All plant is to be installed within the confines of the building and be acoustically treated to ensure that it is within the acceptable limits.

VEHICLE ACCESS AND PARKING

79. CAR PARKING

A maximum of 7 car parking spaces are to be provided within the development, allocated in the following manner:

- v) 4 resident spaces in 3 x 2 car independent stackers.
- vi) 0 visitor space
- vii) 1 accessible space – Residential
- viii) 2 retail/commercial space

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 marked.

Car parking spaces shall not be independent lots, but rather part lots attached to units in any future Subdivision Plans.

(AMENDED DA-169/2022/C)

80. MOTORCYCLE PARKING

A minimum of 2 motorcycle parking spaces are to be provided within the development.

The spaces are to be provided within one of the car stackers secured by Klaus multiparking BikeSafe XL motorcycle stands or an equivalent system.

(AMENDED DA-169/2022/A)

81. BICYCLE PARKING

A minimum of 10 bicycle parking spaces are to be provided within the development.

The bicycle spaces are to be designed in accordance with Australian Standard AS2890.3 - 2015 Parking Facilities - Bicycle Parking.

The bicycle spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the basement car parking area. Signage and line-marking (way finding) is to be provided to guide visitors to the allocated bicycle parking spaces to ensure a safe path of travel to the bicycle spaces (separate to cars). Details of this are to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

82. CONVEX MIRRORS

A convex mirror is required on the southern side of the exit driveway so that pedestrians to the north can be seen by drivers exiting the site. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

83. VEHICLE PRIORITY/TRAFFIC LIGHT SYSTEM

A vehicle priority system shall be provided. Details are to be shown in documentation and on plans to be submitted to Council for the approval of the Executive Manager, Infrastructure Services, or delegate.

84. VEHICLE ACCESS

All vehicles including service vehicles entering and exiting the site are to do so in a forward direction.

85. ELECTRIC VEHICLE PHASING AND INFRASTRUCTURE

A minimum of one 'Level 2' AC fast electric vehicle charging point is to be installed. It is to be located so that it can be accessed from the visitor parking space.

86. PARKING PERMITS

Occupants of the building are not to be eligible for resident parking permits under Council's Residents Preferential Parking permits scheme.

87. HEADROOM CLEARANCE

The headroom clearance on the driveway and within the carpark for access to car parking spaces is to be a minimum of 2.2 metres in general and 2.5 metres above the disabled parking spaces and shared zones for the car parking spaces.

88. CAR STACKERS

The car stackers shall be independent stackers that allow vehicles to enter and leave independently. Minimum dimensions for the car bays in the stackers are to be 2.0 metre headroom, 2.3 metre width, and 5.0 metre length.

Dependent car stackers which are reliant on moving a car out of the stacker to allow another car to exit are not approved.

OTHER MATTERS

89. STREET NUMBERS

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

90. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-premises (unit) numbering:

- No. 150 primary address site number
- Glenayr Avenue primary address location.

The premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level, located near the pedestrian entry point for each lot and be clearly visible on the site boundary that fronts Glenayr Avenue.

The following sub-addressing will apply:

- No. Shop G01, Shop G02 for the retail/commercial sub-address sites located on the ground on the floor plans for the building,
- Nos. 3-5 for the residential sub-address sites correlating with residential units' 1-3 on levels 1-3 on floor plans for the building.

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.

Level at ground and below ground shall also be identified by prefixes to distinguish these levels ie Ground =G, Lower Ground = LG Etc.

Commercial premises will be identified with an address identifier ie Shop G01.

The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

Any variation to the above premises numbering requires a new application for a Change of street number and/or location to be lodged with Council.

(AMENDED DA-169/2022/B)

91. 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.

92. NOISE – ACOUSTIC REPORT

Upon selection of mechanical plant/air conditioning units and any other mechanical items 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](https://www.waverley.nsw.gov.au/building/development_applications/post_determination/development_applications_-_conditions_of_consent)

93. NOISE EMISSIONS

- (a) The use of the premises shall not give rise to the transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

ADVISORY MATTERS

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

AD1. POST CONSENT CONDITIONS REQUIRING COUNCIL INPUT

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

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

AD2 DIAL BEFORE YOU DIG

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

AD3 TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on 1800 810 443.

AD4 EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Any further excavation will require Council approval.

AD5 BONDI - ROSE BAY SAND BODY

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

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

AD6 SEPARATE APPLICATIONS FOR 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.

AD7 SEPARATE APPLICATION FOR SIGNAGE

No signage has been proposed in this application, therefore any advertising or signage requires the separate approval from Council, unless deemed Exempt Development under Division 2 of the SEPP (Exempt and Complying Development) 2008.

AD8 TREE REMOVAL/PRESERVATION

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

AD9 OUTDOOR DINING

Any proposal to utilise an area external of the site 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.

AD10 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.

AD11 NO COMMERCIAL COOKING ON SITE

This approval does not permit commercial 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*.

AD12 SITE RECTIFICATION WORKS

The vacant site is to be maintained in a safe and secure manner. Fencing is to be erected around the perimeter of the site once demolition has been completed to secure the site. The site is to be protected from windblown soil loss and stormwater erosion at all times.

If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:

- (i) Require certain works to be carried out, including but not limited to:
 - (a) Make the building/site safe and of an appearance acceptable to Council;
 - (b) Allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point;
 - (c) For the hole to be covered to allow it to be landscaped and made attractive from any public vantage point.
 - (d) Council may call on any bank guarantee to cover the cost thereof.

In the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the costs of the works.

AD13 ECOLOGICALLY SUSTAINABLE DEVELOPMENT RECOMMENDATIONS

Indoor air quality:

Council strongly encourages the use of electrical cooktops, ovens and internal heating systems within residential developments to ensure that ambient indoor air quality levels specified in the National Environmental Protection Measure (Ambient Air Quality) are met.

Ventilation:

Council strongly encourages the installation of ceiling or wall mounted fans or Heat Recovery Ventilation (HRV) Units within residential developments to enable adequate ventilation of habitable rooms.

Domestic hot water:

Council strongly encourages the installation of electric hot water systems. If an electrical system is not installed it is suggested to include specific provisions to enable the future installation.

(ADDED DA-169/2022/B)

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.

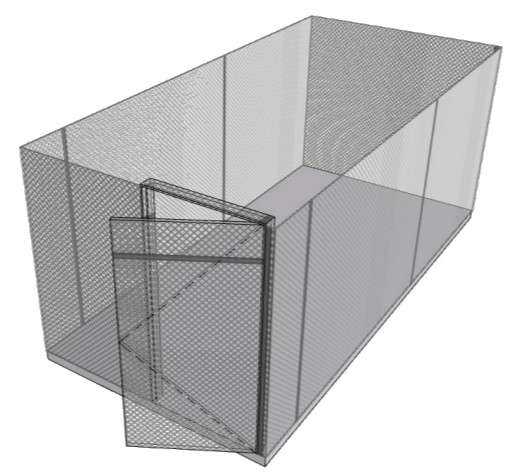
BASIX Certificate
BASIX Certificate number: 1917186_12

Item	Requirement	Compliance	Notes
1	Water	Compliant	
2	Energy	Compliant	
3	Greenhouse Gas	Compliant	
4	Thermal Comfort	Compliant	
5	Water Efficiency	Compliant	
6	Energy Efficiency	Compliant	
7	Greenhouse Gas	Compliant	
8	Thermal Comfort	Compliant	
9	Water Efficiency	Compliant	
10	Energy Efficiency	Compliant	
11	Greenhouse Gas	Compliant	
12	Thermal Comfort	Compliant	
13	Water Efficiency	Compliant	
14	Energy Efficiency	Compliant	
15	Greenhouse Gas	Compliant	
16	Thermal Comfort	Compliant	
17	Water Efficiency	Compliant	
18	Energy Efficiency	Compliant	
19	Greenhouse Gas	Compliant	
20	Thermal Comfort	Compliant	
21	Water Efficiency	Compliant	
22	Energy Efficiency	Compliant	
23	Greenhouse Gas	Compliant	
24	Thermal Comfort	Compliant	
25	Water Efficiency	Compliant	
26	Energy Efficiency	Compliant	
27	Greenhouse Gas	Compliant	
28	Thermal Comfort	Compliant	
29	Water Efficiency	Compliant	
30	Energy Efficiency	Compliant	



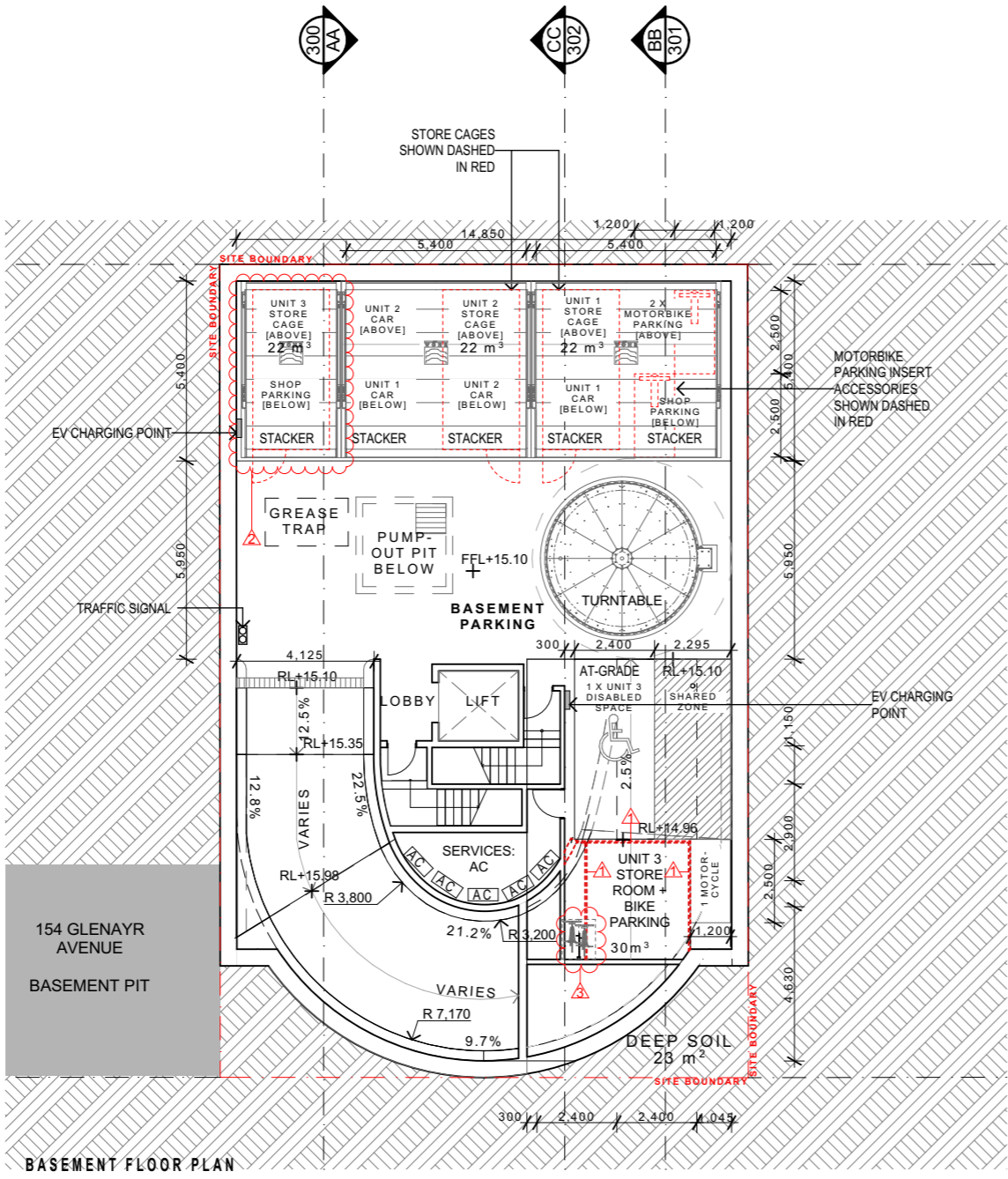
The BikeSafe XL for motorcycles

- Fast, secure motorcycle parking in the parking system
 - Easy to use
 - Motorcycle main or side stands not necessary
 - Stable stand, no tipping
 - Type sizes 12-21 inches
 - Type widths up to 210 mm
- Operation**
- Secure BikeSafe and lashing eyes in the parking system according to the installation instructions.
 - Roll the front wheel of the motorcycle into the stand.
 - The motorcycle is now in a stable standing position ready for lashing.
 - The lashing straps are very easy to use (mechanical system pays out and reels in straps).
- Please note**
- The motorcycle stand is only suitable for level platforms which are moved vertically.
If the motorcycle stand is dismantled, the fixing brackets in the platform floor must be closed with suitable screws and sealing washers.

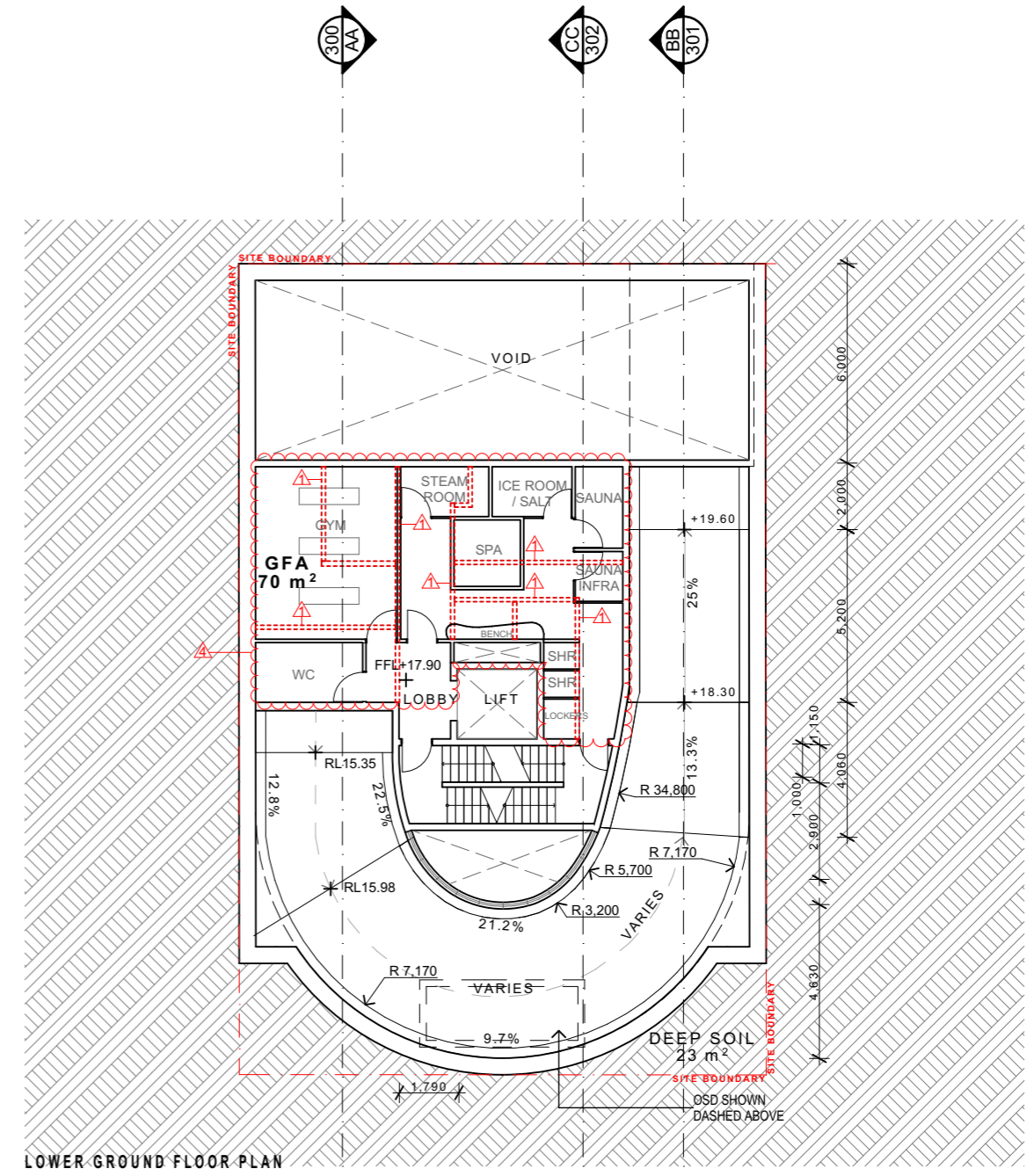


STORE CAGE FOR TOP STACKER STORAGE

MOTORBIKE PARKING ACCESSORY FOR STACKERS



BASEMENT FLOOR PLAN



LOWER GROUND FLOOR PLAN

RECEIVED
Waverley Council

Receipt No: DA-169/2022/C

Date Received: 13/06/2024

- AMENDMENTS:**
- 1 - WALLS ADJUSTED
 - 2 - STACKER ADDED - SHOP PARKING & BASEMENT STORAGE FOR UNIT 3
 - 3 - BIKE PARKING INTEGRATED WITHIN RESIDENTIAL STORAGE AREA
 - 4 - GYM AND SPA AMENITIES ADDED

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T: +612 8302 3200 | office@srharchitecture.com
srharchitecture.com
Nominated Architect: Simon Hanson #6739

General

This drawing shall be read in conjunction with all other architectural and consultant drawings and specifications and with each other written instructions issued during the course of the contract. Notify architect of any discrepancies before proceeding with work. Materials and workmanship shall be in accordance with the specification, current SAA codes, building regulations and other statutory authorities. Verify all dimensions on site and notify architect of any discrepancies. Use figured dimensions only.

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CAD Files

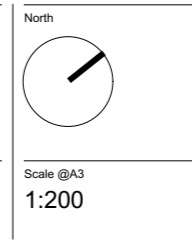
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Notes/Legend:

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
150-152 GLENAYR AVE, BONDI BEACH

Stage:
SECTION 4.56



Drawing title
BASEMENT & LOWER GROUND FLOOR PLAN

Drawn MG	Checked HHH	Approved SRH
--------------------	-----------------------	------------------------

Client
OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2

Date
12/06/2024

PRELIMINARY
NOT FOR CONSTRUCTION

Project No.
21106

Drawing No.
DA100

Revision
02

BASIX Certificate
 BASIX Certificate No. 1912/2024
 Multi Dwelling
 Certificate number: 1912/2024

The certificate confirms that the proposed development will meet the BASIX environmental requirements for the proposed development. The BASIX certificate is valid for the duration of the development approval. The certificate is valid for the duration of the development approval.

Requirement	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Thermal Comfort	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	

Schedule of BASIX commitments

1. **Commitments for Residential Buildings - Building**

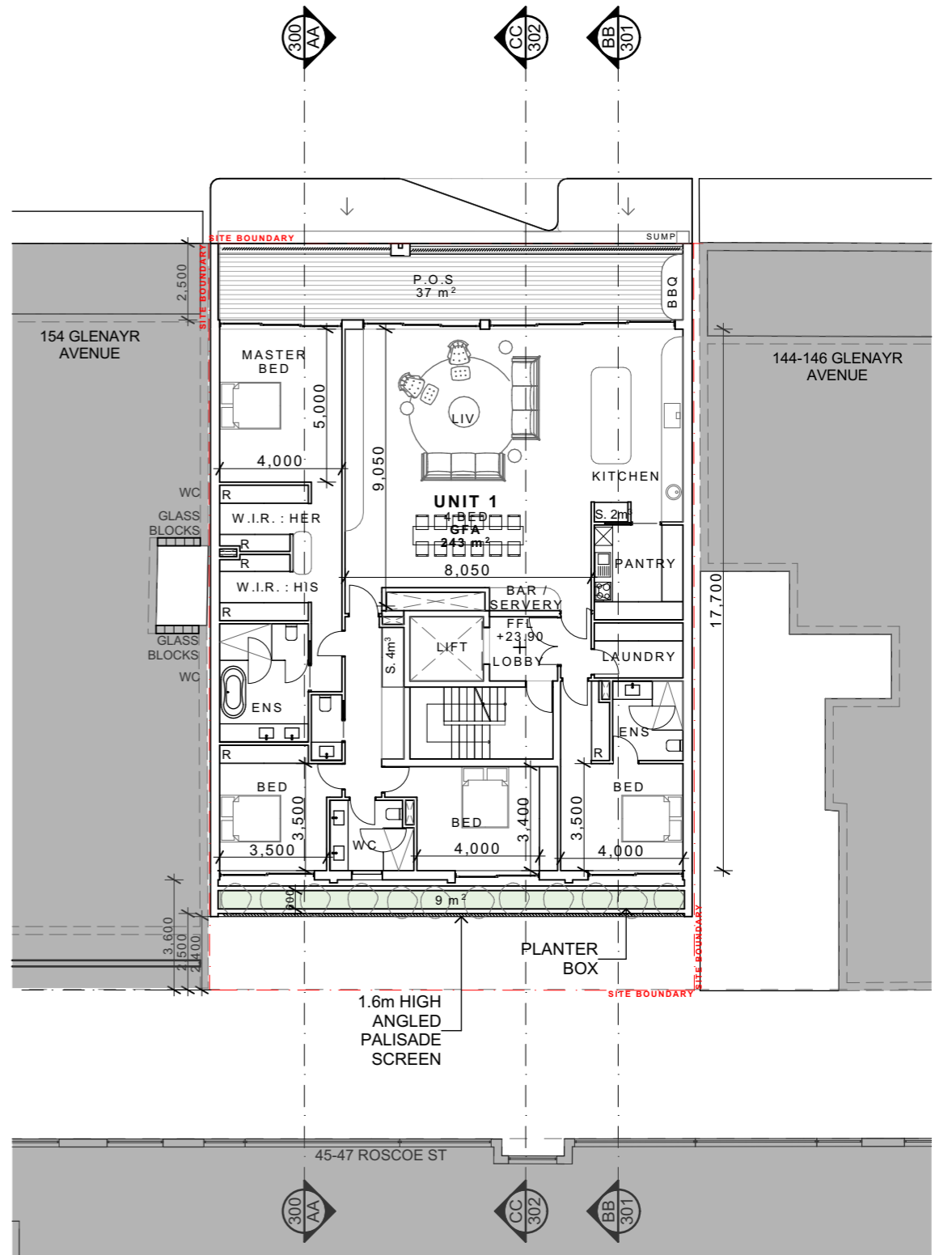
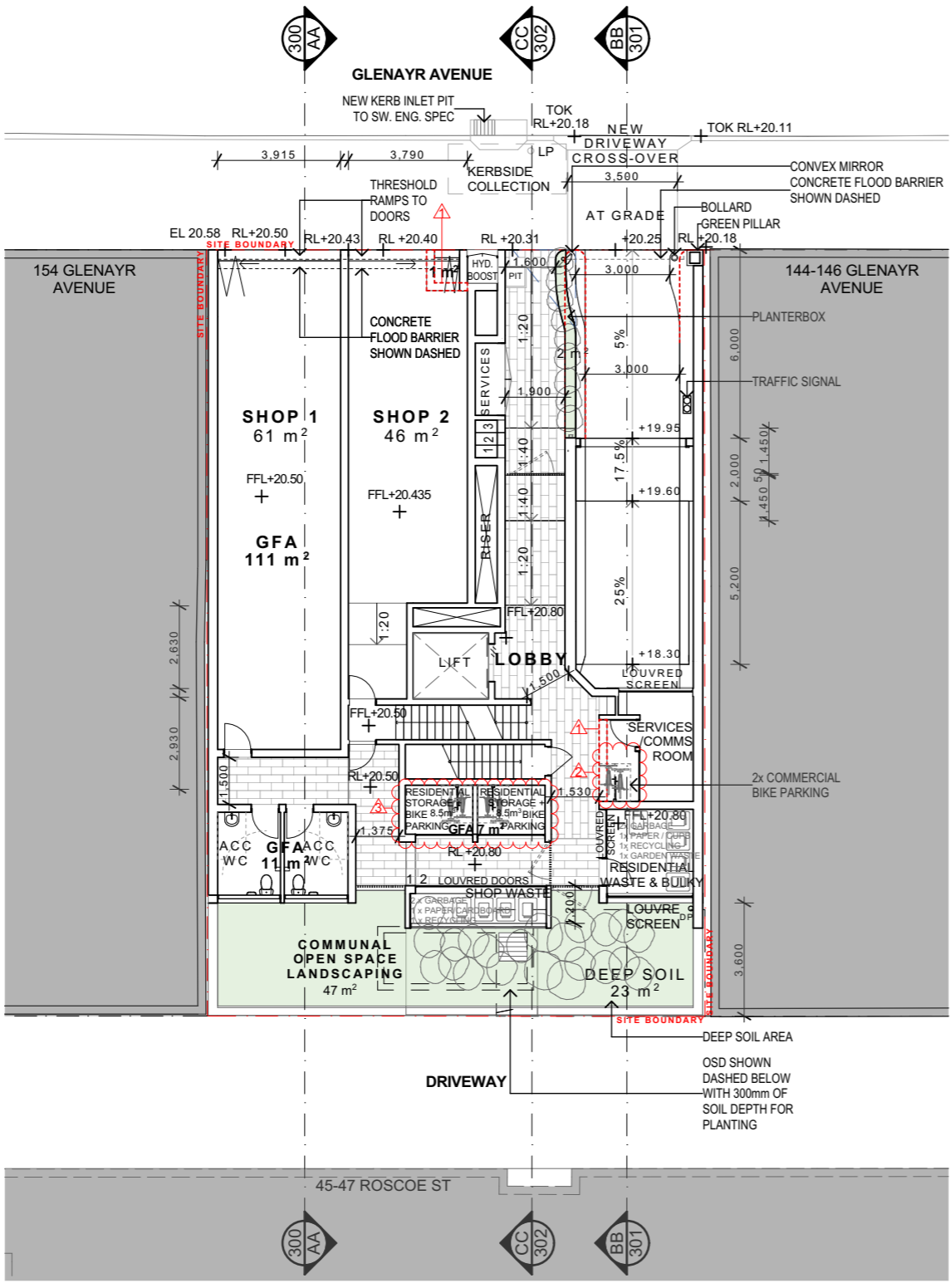
Requirement	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Thermal Comfort	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

Requirement	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Thermal Comfort	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	

RECEIVED
Waverley Council
 Receipt No: DA-169/2022/C
 Date Received: 13/06/2024

AMENDMENTS:
 1- WALLS ADJUSTED
 2- COMMERCIAL BIKE PARKING RELOCATED
 3- BIKE PARKING INTEGRATED WITHIN RESIDENTIAL STORAGE AREA



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 srharchitecture.com
 Nominated Architect: Simon Hanson #6739
 General

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Notes/Legend:
 LANDSCAPING REFER TO LANDSCAPE PLANS

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
 150-152 GLENAYR AVE, BONDI BEACH

Stage:
 SECTION 4.56

North

Scale @A3
 1:200

Drawing title
 GROUND & FIRST FLOOR PLAN

Drawn MG | **Checked** HHH | **Approved** SRH

Client OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2 | **Date** 12/06/2024

PRELIMINARY
 NOT FOR CONSTRUCTION

Project No. 21106
Drawing No. DA101
Revision 02

BASIX Certificate
 Multi Dwelling
 Certificate number: 1910186_12

The certificate confirms that the proposed development will meet the BASIX environmental requirements for the proposed development. The certificate is issued on the condition that the development complies with the BASIX requirements. The certificate is valid for the period of 10 years from the date of issue.

Requirement	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	

AMENDMENTS:
1 - WALL ADJUSTED

RECEIVED
 Waverley Council
 Receipt No: DA-169/2022/C
 Date Received: 13/06/2024

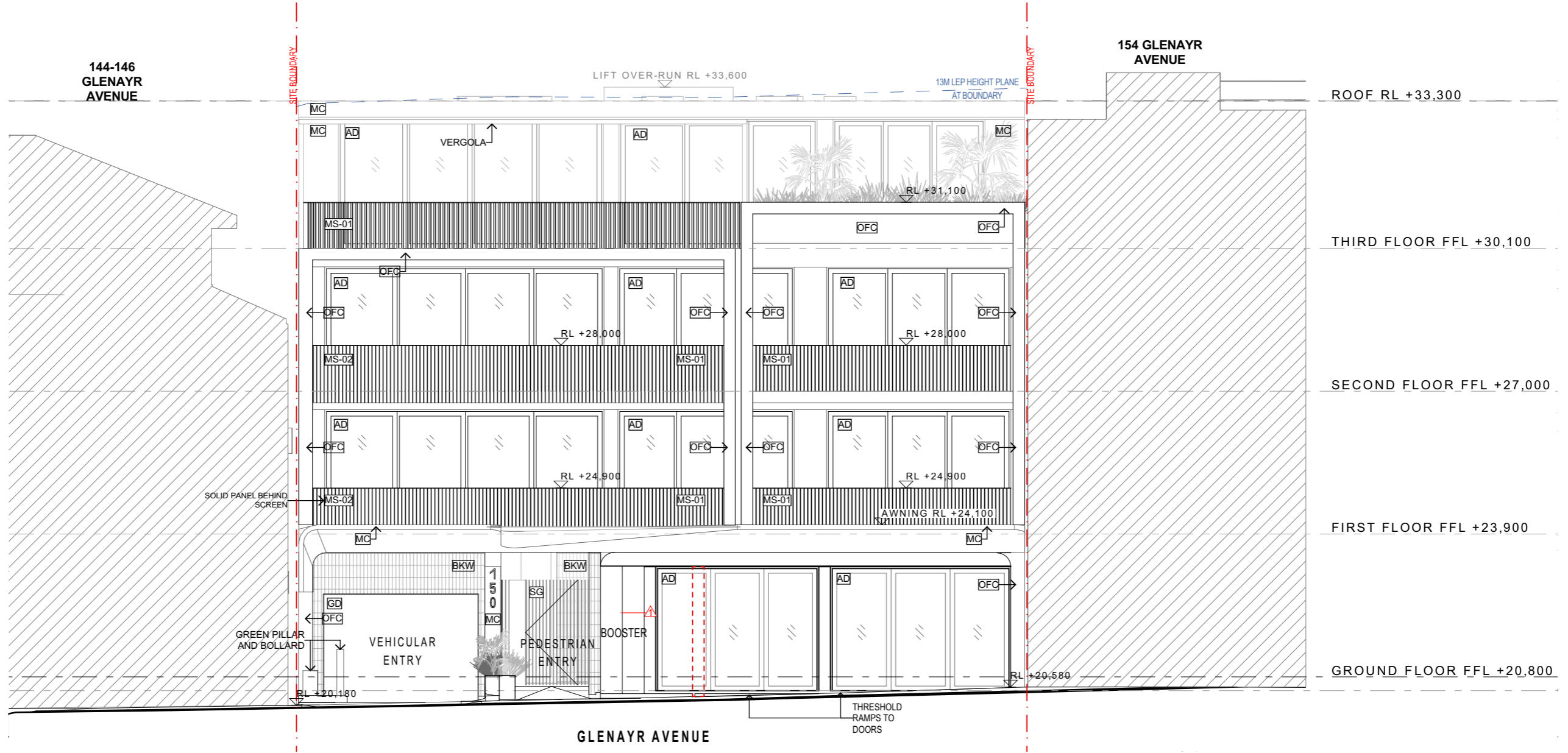
Schedule of BASIX commitments

4. Commitments for residential buildings - Building

Commitment	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	

4. Commitments for common areas and central systems/facilities for the development (non-building specific)

Commitment	Compliance	Notes
Water	Compliant	
Energy	Compliant	
Greenhouse Gas	Compliant	
Other	Compliant	



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Notes/Legend: REFER TO MATERIAL SCHEDULE

BKW	BRICKWORK WALL	MS-02	METAL SCREEN WITH SOLID PANEL BEHIND
DFC	CONCRETE LOOK CEMENT RENDER	GD	GARAGE DOOR
MC	METAL CLADDING	LS	FIXED LOUVRED SCREEN
AD	ALUMINIUM WINDOWS AND DOORS	PAV	PAVING
MS-01	METAL SCREEN		

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
150-152 GLENAYR AVE, BONDI BEACH

Stage:
SECTION 4.56

Scale @A3
1:100

Drawing title		
NORTHWEST ELEVATION		
Drawn	Checked	Approved
MG	HHH	SRH
Client	Date	
OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2	12/06/2024	

PRELIMINARY
 NOT FOR CONSTRUCTION

Project No:
21106

Drawing No:
DA200

Revision
02

BASIX Certificate
BASIX Certificate No. 1919786_12

Requirement	Compliance	Notes
1.1	Compliant	
1.2	Compliant	
1.3	Compliant	
1.4	Compliant	
1.5	Compliant	
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1.50	Compliant	

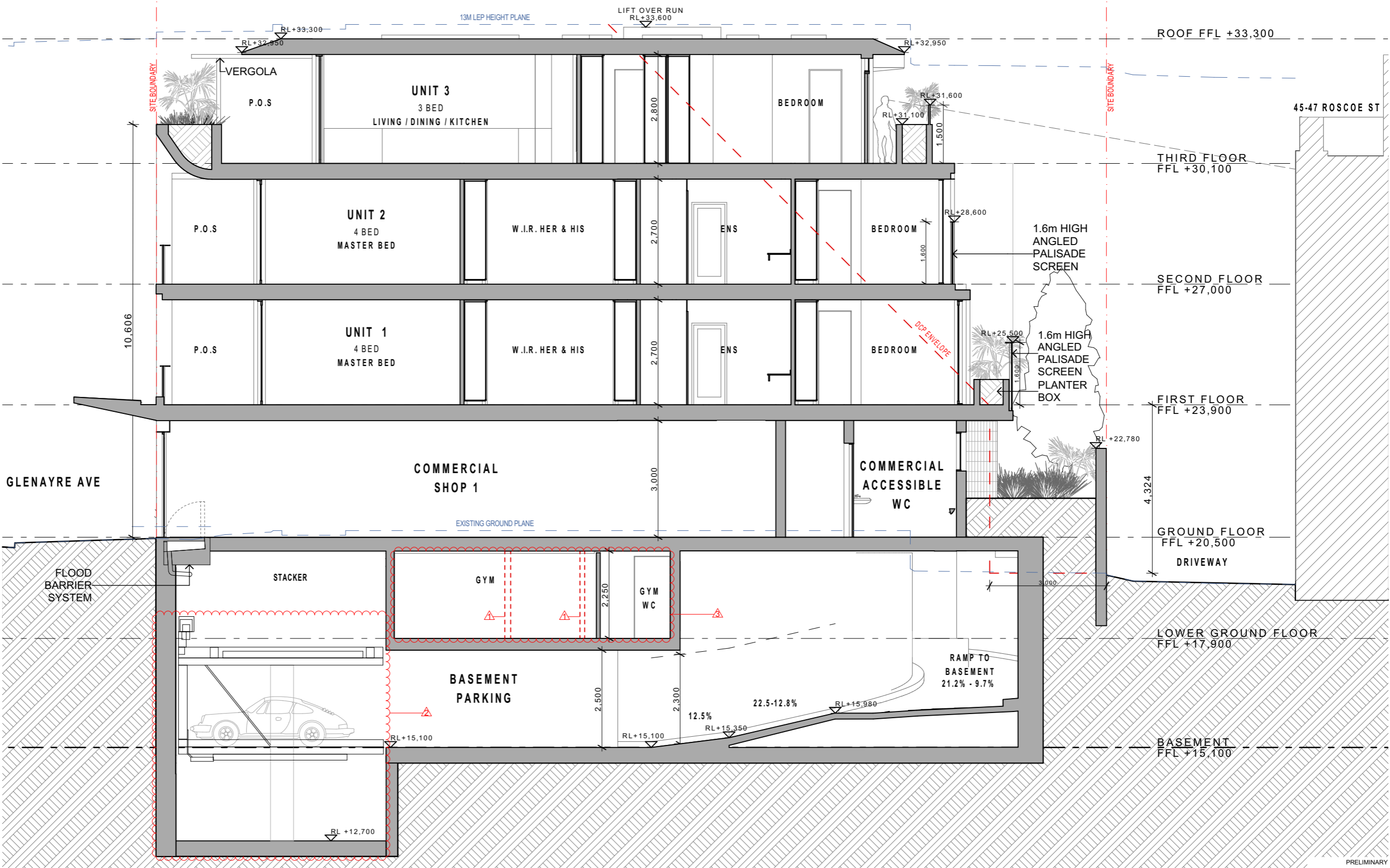
Certificate Prepared by:
SRH Architecture Pty Ltd
17-19 Brisbane Street, Surry Hills NSW 1512
T: +61 2 8302 3200
E: office@srharchitecture.com

4. Commitments for residential buildings - Buildings

Requirement	Compliance	Notes
4.1	Compliant	
4.2	Compliant	
4.3	Compliant	
4.4	Compliant	
4.5	Compliant	
4.6	Compliant	
4.7	Compliant	
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4.41	Compliant	
4.42	Compliant	
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4.44	Compliant	
4.45	Compliant	
4.46	Compliant	
4.47	Compliant	
4.48	Compliant	
4.49	Compliant	
4.50	Compliant	

RECEIVED
Waverley Council
Receipt No: DA-169/2022/C
Date Received: 13/06/2024

AMENDMENTS:
1- WALLS ADJUSTED / REMOVED
2 - STACKER ADDED - SHOP PARKING & BASEMENT STORAGE FOR UNIT 3
3 - GYM & SPA AMENITIES ADDED



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Nominated Architect: Simon Hanson #6739
General
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Notes/Legend:

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
150-152 GLENAYR AVE, BONDI BEACH
Stage:
SECTION 4.56

Scale @A3
1:100

Drawing title
LONGITUDINAL SECTION
AA
Drawn: MG, Checked: HHH, Approved: SRH
Client: OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2
Date: 12/06/2024

Project No.
21106
Drawing No.
DA300
Revision
02

BASIX Certificate
BASIX Certificate No: 191786_12

Item	Compliance	Notes
1.1	Compliant	
1.2	Compliant	
1.3	Compliant	
1.4	Compliant	
1.5	Compliant	
1.6	Compliant	
1.7	Compliant	
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1.18	Compliant	
1.19	Compliant	
1.20	Compliant	

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Receipt No: DA-169/2022/C

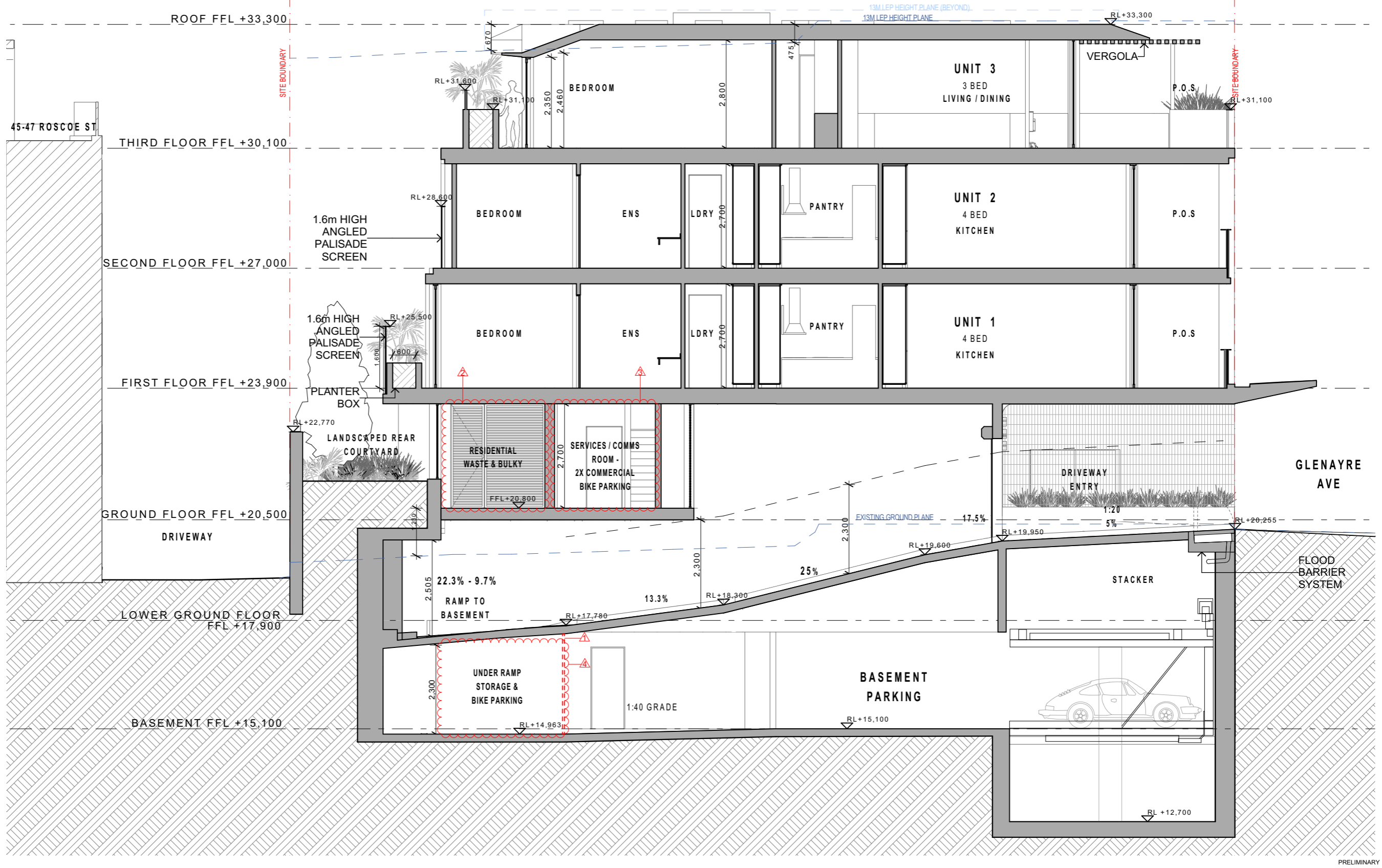
Date Received: 13/06/2024

AMENDMENTS:
1 - WALL ADJUSTED
2 - RESIDENTIAL WASTE & BULKY RELOCATED
3 - SERVICES / COMMS ROOM WALLS ADJUSTED & 2 x COMMERCIAL BIKE PARKING RELOCATED
4 - RESIDENTIAL STORAGE & BIKE PARKING RELOCATED

Schedule of BASIX commitments

4. Commitments for residential buildings - Building 1

Item	Compliance	Notes
4.1	Compliant	
4.2	Compliant	
4.3	Compliant	
4.4	Compliant	
4.5	Compliant	
4.6	Compliant	
4.7	Compliant	
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4.18	Compliant	
4.19	Compliant	
4.20	Compliant	



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Nominated Architect: Simon Hanson #6739
General

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Notes/Legend:

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
150-152 GLENAYR AVE, BONDI BEACH

Stage:
SECTION 4.56

Scale @A3:
1:100

Client:
OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2

Client:
OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2

Date:
12/06/2024

Project No.:
21106

Drawing No.:
DA302

Revision:
02

BASIX Certificate
BASIX Certificate number: 1919186_12

Item	Compliance	Compliance	Compliance
1.1	Compliant	Compliant	Compliant
1.2	Compliant	Compliant	Compliant
1.3	Compliant	Compliant	Compliant
1.4	Compliant	Compliant	Compliant
1.5	Compliant	Compliant	Compliant
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1.17	Compliant	Compliant	Compliant
1.18	Compliant	Compliant	Compliant
1.19	Compliant	Compliant	Compliant
1.20	Compliant	Compliant	Compliant

NSW
Certificate Prepared by:
Name: Simon Hanson, 2024 Energy & Greenhouse Gas
Date: 12/06/2024

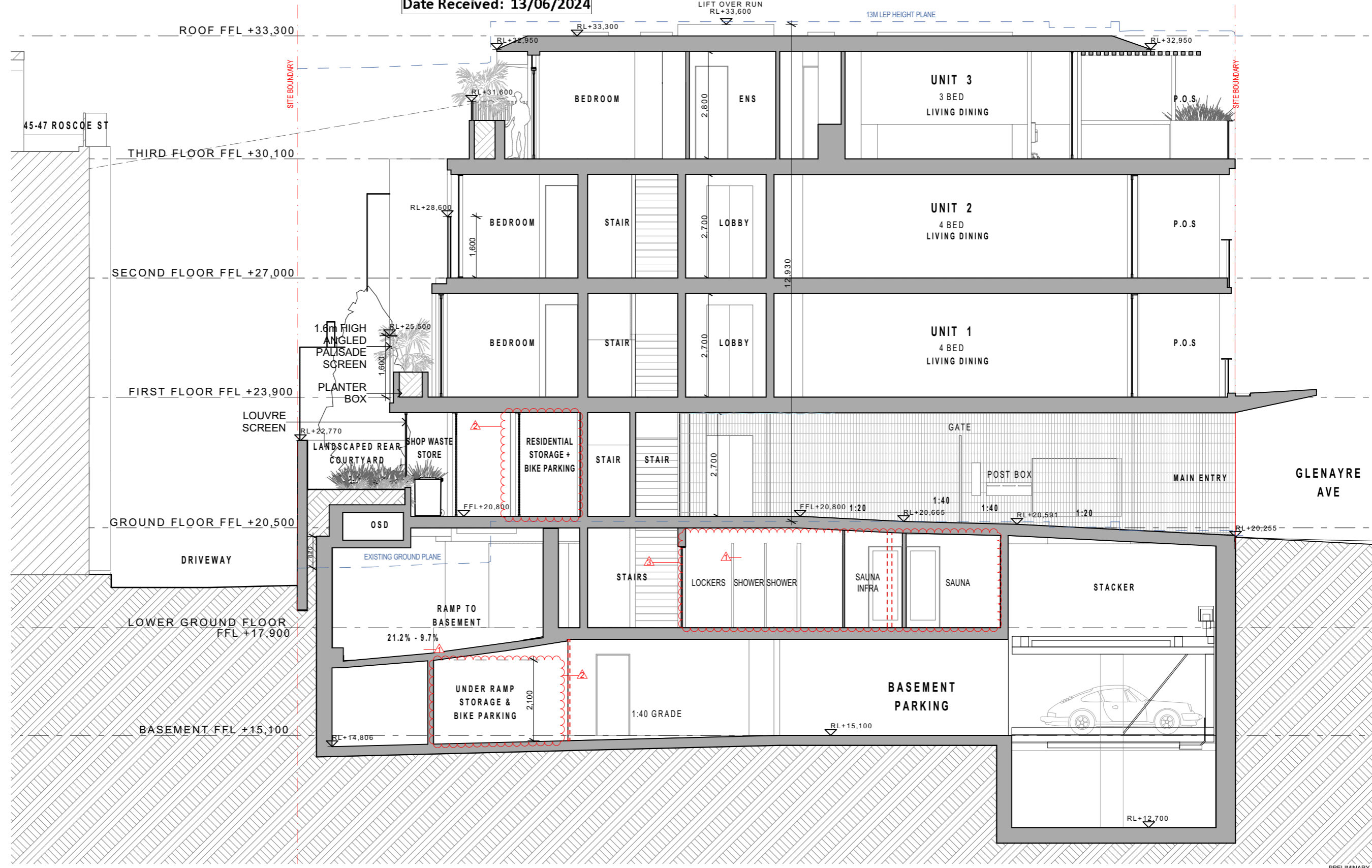
Schedule of BASIX commitments

4. Commitments for residential buildings (Building)

Item	Compliance	Compliance	Compliance
4.1	Compliant	Compliant	Compliant
4.2	Compliant	Compliant	Compliant
4.3	Compliant	Compliant	Compliant
4.4	Compliant	Compliant	Compliant
4.5	Compliant	Compliant	Compliant
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4.17	Compliant	Compliant	Compliant
4.18	Compliant	Compliant	Compliant
4.19	Compliant	Compliant	Compliant
4.20	Compliant	Compliant	Compliant

RECEIVED
Waverley Council
Receipt No: DA-169/2022/C
Date Received: 13/06/2024

AMENDMENTS:
1 - WALL ADJUSTED
2 - RESIDENTIAL STORAGE & BIKE PARKING RELOCATED
3 - GYM AND SPA AMENITIES ADDED



SRH ARCHITECTURE
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srharchitecture.com
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Notes/Legend:

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:	150-152 GLENAYR AVE, BONDI BEACH
Stage:	SECTION 4.56

Drawing title	LONGITUDINAL SECTION CC
Drawn	MG
Checked	HHH
Approved	SRH
Client	OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2
Date	12/06/2024

Scale @A3
1:100

Project No.	21106
Drawing No.	DA303
Revision	02

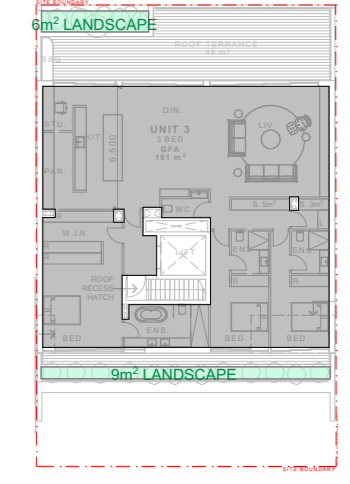
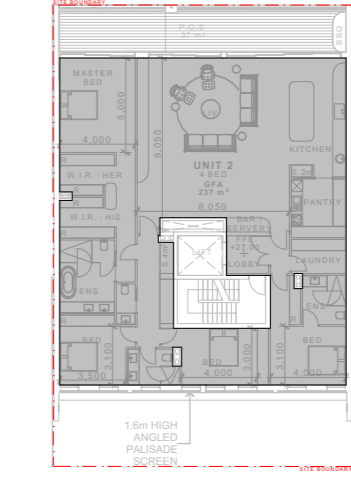
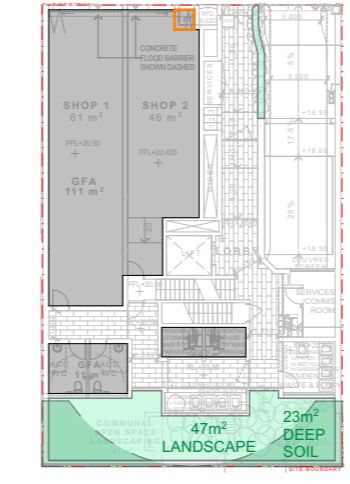
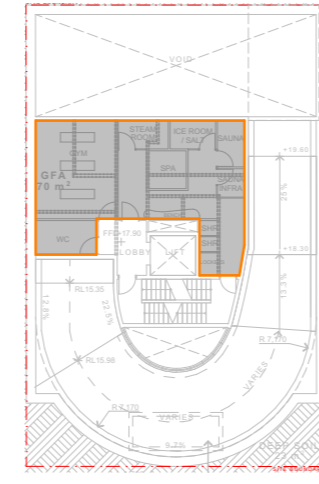
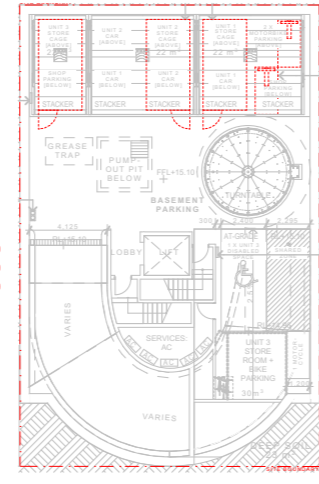
PARKING SUMMARY:	
RESIDENTIAL PARKING:	5
(INCLUDING 1 DISABLED AT GRADE)	
COMMERCIAL PARKING:	2
TOTAL:	7 TOTAL
MOTORCYCLE:	3
BICYCLE:	8 TOTAL

MAX PARKING RATES:	
1 X VISITOR SPACES (1 X SPACE PER 5 UNITS)	
4.5 X RESIDENTIAL SPACES	
4.6 X COMMERCIAL SPACES	
TOTAL: 10 CAR SPACES	
3 X MOTORCYCLE (1 X PER 3 CAR SPACES)	

STORAGE SUMMARY:	
UNIT 1 (4 BED):	COMPLIES
IN UNIT	6m ³
BASEMENT:	30.5m ³
UNIT 2 (4 BED):	COMPLIES
IN UNIT	6m ³
BASEMENT:	30.5m ³
UNIT 3 (3 BED):	COMPLIES
IN UNIT	8m ³
BASEMENT:	52m ³

CROSS VENTILATION SUMMARY:	
UNIT 1 (4 BED):	YES
UNIT 2 (4 BED):	YES
UNIT 3 (3 BED):	YES
TOTAL UNITS WHICH RECEIVE CROSS-VENT:	3/3
RECEIVE CROSS-VENT:	100%

YIELD SUMMARY:	
4 BEDROOM UNITS:	2
3 BEDROOM UNITS:	1
TOTAL:	3
SITE AREA: 386.9m ²	
RESIDENTIAL INT. AREA:	671m ²
COMMERCIAL AREA:	111m ²
GYM & SPA AREA:	70m ²
LANDSCAPED AREA:	71m ² (18.3%)
DEEP SOIL AREA:	23m ² (5.9%)
COMMUNAL OPEN SPACE:	47m ² (12.1%)
LOWER GROUND FLOOR GFA: 70m ²	
GROUND FLOOR GFA: 129m ²	
FIRST FLOOR GFA: 243m ²	
SECOND FLOOR GFA: 237m ²	
THIRD FLOOR GFA: 191m ²	
TOTAL GFA: 870m ²	
FSR: 2.248:1	
ADDITIONAL AREA TOTAL: 71m ²	
EXCLUDED AREA SUMMARY:	
OPEN TO AIR COMMERCIAL BINS:	12.4m ²
TOTAL EXCL AREA:	12.4m²

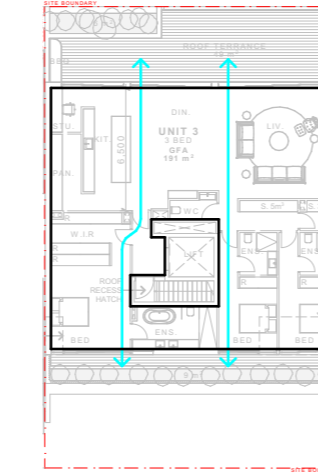
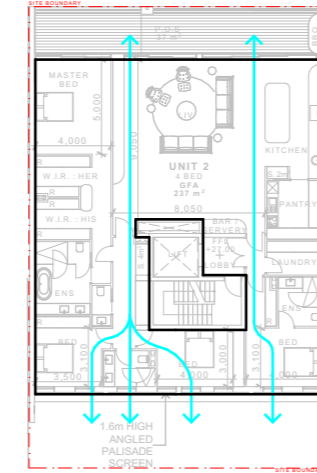
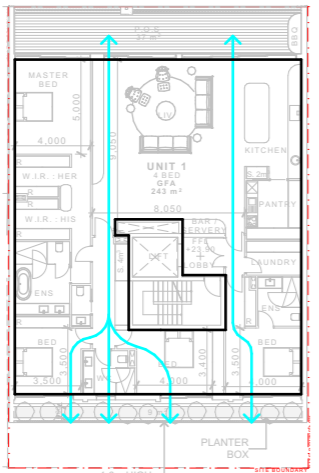


<p>AREA INCLUDED IN GFA</p> <p>AREA INCLUDED IN GFA</p> <p>LANDSCAPE AREA</p> <p>LANDSCAPE AREA - DEEP SOIL</p> <p>ADDED GFA</p>	<p>AREA INCLUDED IN GFA</p> <p>AREA INCLUDED IN GFA</p> <p>LANDSCAPE AREA</p>	<p>AREA INCLUDED IN GFA</p> <p>AREA INCLUDED IN GFA</p> <p>LANDSCAPE AREA</p>	<p>AREA INCLUDED IN GFA</p> <p>AREA INCLUDED IN GFA</p> <p>LANDSCAPE AREA</p>	<p>AREA INCLUDED IN GFA</p> <p>AREA INCLUDED IN GFA</p> <p>LANDSCAPE AREA</p>
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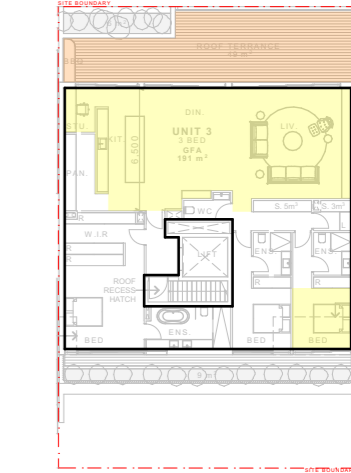
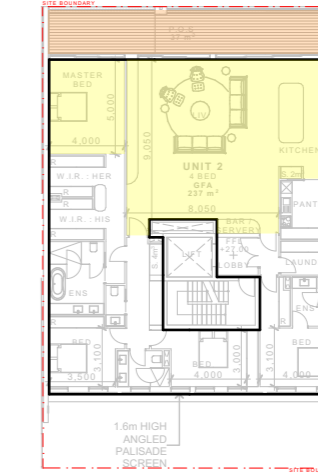
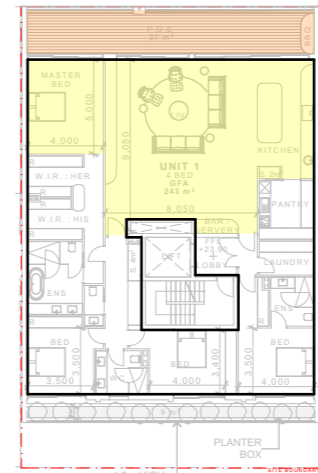
BASEMENT	LOWER GROUND FLOOR	GROUND FLOOR	FIRST FLOOR	SECOND FLOOR	THIRD FLOOR
GFA - 0m ²	GFA - 70m ²	GFA - 129m ²	GFA - 243m ²	GFA - 237m ²	GFA - 191m ²
	(ADDITIONAL GFA GYM & SPA - 70m ²)	(ADDITIONAL GFA COMMERCIAL - 1m ²)			

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Date Received: 13/06/2024

AMENDMENTS:
1 - GFA CALCULATIONS AMENDED - ADDITIONAL GFA ADDED
2 - COMMERCIAL PARKING ADDED
3 - UNITS STORAGE ADJUSTED
4 - BIKE PARKING ADJUSTED. NUMBER OF BIKES REDUCED



SOLAR ACCESS SUMMARY:	
UNIT 1 (4 BED):	
P.O.S	5hrs
LIVING	3hrs
UNIT 2 (4 BED):	
P.O.S	5hrs
LIVING	3hrs
UNIT 3 (3 BED):	
P.O.S	6hrs
LIVING	5hrs
TOTAL NUMBER OF UNITS THAT RECEIVE AT LEAST 3hrs OF SUNLIGHT ON JUNE 21st:	3/3
	100%



■ SOLAR ACCESS TO LIVING & BEDS
■ SOLAR ACCESS TO P.O.S



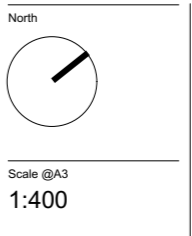
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Notes/Legend:

Rev	Date	Description
01	1/05/2024	ISSUED FOR SECTION 4.56
02	12/06/2024	BASIX COMMITMENTS ADDED

Project:
150-152 GLENAYR AVE, BONDI BEACH
Stage:
SECTION 4.56



Drawing title
GFA, SOLAR & CROSS VENT DIAGRAMS
Drawn: MG
Checked: HHH
Approved: SRH
Client: OCEAN CROWN FAMILY Pty Ltd & P AND G BONDI Pty Ltd 2
Date: 12/06/2024

PRELIMINARY
NOT FOR CONSTRUCTION
Project No:
21106
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DA500
Revision:
02