

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

JRPP No	2011SYE041
DA Number	140/2011
Local Government Area	Waverley Council
Proposed Development	Additions to existing school, including refurbishment of entry at 26 Albion Street and extension of existing building at 317-319A Bronte Road.
Street Address	26 Albion Street, Waverley
Applicant/Owner	Council of St Catherine's School JCA Architects Pty Ltd
Number of Submissions	12
Recommendation	Approval with Conditions
Report by	Philip Bull, Area Manager (South)

Assessment Report and Recommendation

St Catherines, Waverley – Alterations and additions to existing school (DA 140/2011)

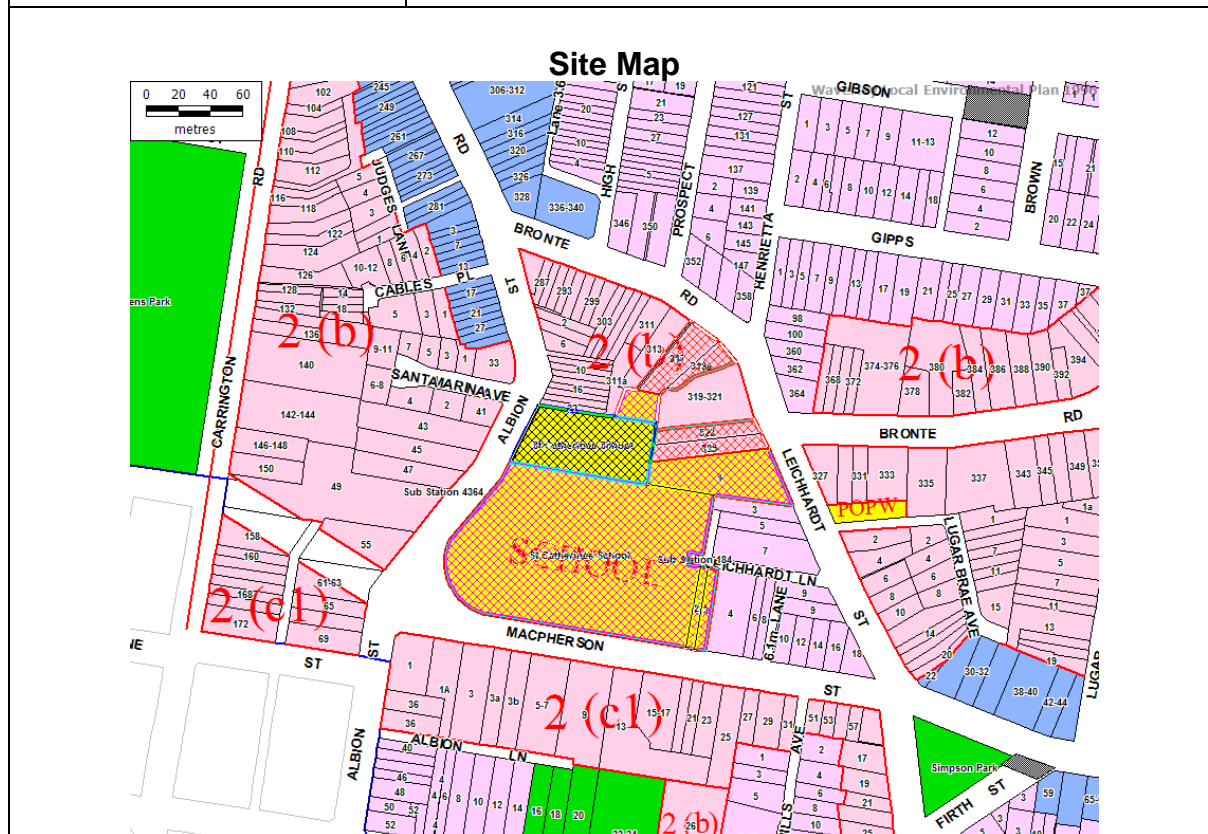
Report dated 16 August 2011 from the Development and Building Unit.

Recommendation: That the application be approved, subject to conditions.

Referred to DCC by the DBU for Council's submission to the JRPP.

Development Assessment Report	
Consent Authority:	Joint Regional Planning Panel – Sydney East Region
Development Application	140/2011
Address	26 Albion Street & 317-319A Bronte Road, Waverley
Lodgement Date	25 March 2011. Additional Information 15 July 2011

Proposal	Refurbish entry and undercroft for Administration Offices and construction of a 3 storey Music/Visual Arts Wing addition to the Innovation Centre Estimated Cost: \$8.5 million
Zoning and relevant controls	Part Zone No. 5(a) Special Uses – School Part Zone No. 2 (b) Residential – Medium Density. Heritage Item and within Conservation Area
Owner Applicant	Council of St Catherine's School JCA Architects Pty Ltd
Building Classification	Class 5 and 9b
Submissions	12 submissions
Issues	Amenity of neighbours – views, privacy, shadows Compliance with planning controls
Recommendation to JRPP	Approval subject to conditions



1. PREAMBLE

The consent authority for this development application is the Joint Regional Planning Panel – Sydney East Region (JRPP). This assessment report is submitted for the information of Council. Any comments or submission on the proposal by the Council may be separately made for consideration by the JRPP.

1.1 The Site and its Locality

The St Catherine's School site is located within the area bounded by Albion Street to the west, Bronte Road to the north, Leichhardt Street to the east and Macpherson Street to the south and comprises a number of parcels of land and is irregular in shape. The land generally falls from the north to the south as well as west to east.

The building works are proposed in two locations - towards the south western corner of the property (known as 26 Albion Street) and the most northern section of the property (known as 317 and 319A Bronte Road).

The site is adjoined by a variety of single and two storey dwellings, 2 and 3 storey residential flat buildings and a 2 storey nursing home. Opposite the site is also a variety of building forms and height again ranging from 1 and 2 storey dwellings and 2 and 3 storey residential flat buildings.

1.2 Background/Previous Consents

The site over the years has been the subject of a number of development consents.

More recently approval was granted on 29 October 2009 by the NSW Nation Building and Jobs Plan Taskforce for Infrastructure Project No 09/0012 EL for an Innovation Centre comprising a 3 storey North Pavilion linked via a bridge to 2 storey South Pavilion and associated landscaping at 315, 317 and 319A Bronte Road.

1.3 Proposal Description

The application comprises two main components:

26 Albion Street, Waverley

- Demolition of the administration section in the undercroft of the building and construction of a new administration section in the undercroft;
- Refurbishment and re-cladding of the school building associated with the administration area including provision of a lift;
- New pedestrian entry from Albion Street including new fencing, landscaping and changes to parking spaces.

317-319A Bronte Road, Waverley Council

- Demolition of the two existing buildings;
- Construction of a part 2 and part 3 storey building including a basement music store area, with classroom facilities for music and visual arts;
- Landscaping and fencing and removal of obsolete driveway crossings.

**The Consent Authority for this application is the Joint Regional Planning Panel
Sydney East Region**

2. ASSESSMENT

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

SECTION 79C (1)(A) PLANNING INSTRUMENTS.

State Environmental Planning Policy (Major Development) 2005

One of the aims of the Policy is to identify development for which regional panels are to exercise specified consent authority functions.

Clause 13B of the SEPP provides that this Part applies to the following development:

- (a) development that has a capital investment value of more than \$10 million,
- (b) development for any of the following purposes if it has a capital investment value of more than \$5 million:
 - (i) affordable housing, air transport facilities, child care centres, community facilities, correctional centres, **educational establishments**, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,

The application with a capital investment value of \$8.5 million is subject to the provisions of the SEPP with Clause 13F providing that the Joint Regional Planning Panel (JRPP) is the consent authority for the determination of the application.

In accordance with the requirements of this SEPP, the assessment report of the application will be forwarded to the JRPP for consideration and determination.

State Environmental Planning Policy (Infrastructure) 2007

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.

Clause 8 provides the relationship with other planning instruments and specifically provides that where an inconsistency exists between this SEPP and State Environmental Planning Policy (Major Development) 2005 that the SEPP (Major Development) prevails to the extent of the inconsistency. This therefore confirms that the application can not be complying development under the SEPP (Infrastructure) and that the consent authority is the JRPP.

Clause 32(2) of the SEPP provides that before determining a development application for development for the purposes of a school, the consent authority must take into consideration all relevant standards in the following State government publications (as in force on the commencement of this Policy):

- (a) *School Facilities Standards—Landscape Standard—Version 22 (March 2002)*,
- (b) *Schools Facilities Standards—Design Standard (Version 1/09/2006)*,
- (c) *Schools Facilities Standards—Specification Standard (Version 01/11/2008)*.

Further, Clause 32(3) provides that if there is an inconsistency between a standard referred to in subclause (2) and a provision of a development control plan, the standard prevails to the extent of the inconsistency. Waverley Development Control Plan 2010 does not provide specific standards for schools with the exception of such matters as car parking rates, waste generation and heritage with these matters discussed later in the report. Accordingly, the above standards are generally to be considered with the assessment of the application and prior to determination.

The applicant has submitted a confirmation from the architect that the development has been designed having consideration to the relevant Standards.

Waverley Local Environmental Plan 1996

WLEP Clause 3 – Specific Aims

The Specific Aims of Clause 3 relevant to the application have been assessed as follows:

- (3)(b) - The specific aims of the Plan in relation to community needs are to ensure that Waverley continues to be an accessible community.

The proposal incorporates a lift into the Administration Building to improve access to within the school providing access to the existing and proposed first and second floor of the this building and the Lenthal Building. The proposed new wing to the Innovative Centre will be serviced by a lift being provided in the current wing under construction. Accordingly, the proposal satisfies the subclause for accessibility.

- (4) – The specific aims of the Plan in relation to environmental protection.

The applicant has advised the following in regard to addressing this provision of the LEP:

Water Re-Use

The proposed addition to the Innovation Centre will include extension of the existing rain water re-use network that has been installed with current Innovation Centre building under construction. This system of rainwater re-use includes a 60,000 litre water tank located below the North Pavilion which receives rainwater discharge from the North Pavilion roof catchment and Isabel Hall roof catchment. Rainwater is re-used in the irrigation of landscape works associated with the current Innovation Centre and is to be extended to the proposed innovation centre extension for irrigation of all proposed landscaping. The rainwater is also re-used in water features and for toilet flushing in Isabel Hall. The large volume of 60,000 litre rain water storage provides adequate irrigation supply for the new landscaped areas associated with extension to the new Innovation Centre.

Stormwater Pollution Controls

An OSD system with water quality provisions to reduce urban stormwater pollution in the area and does provide appropriate waste storage facilities.

Shading

North facing glazing is deeply recessed within the facade. Projecting eaves protect the glazing from summer, autumn/spring and midday winter sun. The eaves extend to both east and west elevations. Shading/screening elements have been included to reduce solar heat gain from afternoon summer sun across the north elevation. Windows to the second floor classrooms include integral shading structures.

Thermal Mass

The walls and floors as well as other elements of the proposal are to be constructed from concrete and masonry. They will form a stable thermal mass to modulate the internal environment and provide thermal insulation.

Green Roof

Provides a deep insulating layer to reduce solar heat gain and modulate the internal environment. Planting includes native species which attract wildlife, are drought resistant and require minimal watering. Collected stormwater will be used to irrigate these areas.

Natural Ventilation

Incorporation of operable glazing across each floor level at both high and low levels to ensure the practical development of suitable cross ventilation strategies during detailed design.

The application provides for the removal of some existing trees and does provide a landscape plan for the affected areas of the site. This is discussed further in the report.

The applicant has advised that it is intended to provide sensor lighting in classrooms to minimise usage.

Comment: The application is considered to adequately address this aim of the LEP.

(5) – The specific aims of the Plan in relation to greenhouse effect.

As with (4) above, the submission of additional information indicates that this is adequately addressed.

Being a school many of the students come by public transport or walk and so the use does encourage energy efficient transport systems.

(6) – The specific aims of the Plan in relation to heritage conservation are addressed further in the report with the proposal subject to the imposition of conditions considered to address the aim.

(10) – The specific aims of the Plan in relation to public safety are satisfied with the proposal seeking to reduce the conflict between pedestrians and vehicles entering the site from Albion Street.

(11) – The specific aims of the Plan in relation to traffic and transport are satisfied with the proposal not seeking to increase either student or staff numbers and therefore not seeking to increase parking provisions or traffic movements. This will be further addressed by the imposition of conditions regarding student and staffing numbers.

WLEP Clause 10 – Zone Objectives

The property is partly within Zone No. 5(a) Special Uses – School and partly within Zone No. 2(b) Residential – Medium Density.

The objectives of Zone No. 5(a) are:

- (a) to ensure the adequate provision of land for community services and infrastructure; and
- (b) to ensure that development of land in this zone does not adversely affect the amenity of adjoining land.

The works to the administration building fall within this zone and principally involve demolishing and reconstructing a new administration area at ground floor level with minor additions at first floor level behind the existing building. Other works within this area relate to new fencing, landscaping and changes to pedestrian access to the property. These works address the zone objectives and is permissible subject to consent.

The objectives of Zone No. 2(b) are:

- (a) to allow for a variety of housing forms, including dwelling-houses, residential flat

- buildings, townhouses and boarding houses;
- (b) to maintain and improve the amenity and existing characteristics of the locality; and
 - (c) to allow certain non-residential uses of low intensity which are compatible with the character and scale of medium density attached housing.

The proposal is a non-residential use which is considered of low intensity and compatible with the character and scale of the surrounding area and with its part 2 part 3 storey height and generally 5m side setbacks. Accordingly, it is considered that the proposal, subject to conditions, addresses objectives (b) and (c).

WLEP Clauses 21-26 – Environmental Considerations

As discussed previously the proposal adequately addresses environmental considerations and will be reinforced through proposed conditions.

WLEP Clause 30 – Aesthetic Appearance of Development

Although from the site the South Pacific Ocean will be visible it is questionable that the site is visible and more importantly that the building will be discernible against a backdrop of buildings.

WLEP Clause 32 – Development along zone boundaries

The works to the administration building are opposite Zone No. 2(b). Noting the position of the building works – principally in the undercroft of the existing building the proposal satisfies the zone objectives of the adjoining zone.

The addition to the Innovative Centre is opposite land within Zone No. 2(a) Residential – Low Density and for similar reasons discussed with regard to the zoning of the subject site, the proposal is considered subject to conditions to satisfy the adjoining zone objectives.

WLEP Part 4 – Heritage Provisions

The majority of the property is listed as a heritage item both for buildings on the property and landscape features. The entire property is within the Charing Cross Conservation Area.

A heritage assessment of the proposed works has been undertaken both in regard to the impact of the works on the listed items and on the conservation area. This is discussed further in the report but the proposal is generally considered to have minimal impact on the heritage listed items or the conservation area.

The application has been assessed having regard to the relevant provisions of the LEP and is acceptable, subject to the imposition of conditions, for the reasons discussed.

Waverley Development Control Plan 2010,

Minimal controls exist within the DCP that are relevant in the assessment of the application.

The applicant indicates that there will be no increase in either student or teacher numbers as a result of the proposed works with the application purely seeking to provide improved facilities to meet the current requirements.

It is noted that on-site parking will be reduced by 1 space within the forecourt area in Albion Street. This is considered acceptable as the new layout provides for an accessible space and there is an improved pedestrian safety by separating vehicle and pedestrian access to the site.

Furthermore, the removal of the 3 car garage from Bronte Road with the subsequent reinstatement of the kerb and therefore street parking will have a positive parking benefit in the immediate area.

Other Merit Considerations

Streetscape

The alterations and additions to the Administration Building include the encasing of the existing 2 upper floors of the building with a contemporary glass façade and this compliments the character of the existing adjoining school buildings. The design is also considered acceptable within the streetscape of Albion Street as it is recessed and screened adequately from the street.

The addition to the Innovative Centre in Bronte Road provides a part 2 and part 3 storey building on a raised base within a section of street that is predominantly single storey dwellings and 2 storey terraces with the exceptions being the two neighbouring developments of a brick 2 storey residential flat building and a brick 2 storey nursing home on a raised base of the car parking structure.

The proposal has sought to present to the street as a 2 storey building of similar height to the two neighbouring buildings with the third storey stepped back stepped back from the front and south eastern side such that it will only be visible in part. Further, the architect has sought to break up the 24m of façade to Bronte Road by turning the building towards its south eastern end to reflect both the turning nature of

Bronte Road and the side boundary of the site, through the use of angled privacy screens and landscaping of the site.

The proposed building at its outer edge (that is the ground floor verandah and first floor eave) almost aligns with the setback of the eave of 313 Bronte Road and the eave in height is almost identical to the eave at 313 Bronte Road. Further, the overall height of the proposed building is principally lower than the ridge height of 313 Bronte Road. The front wall of the building is setback 1.5m from the verandah and eave edge and is therefore setback a greater distance than the existing dwelling façade. The 2 storey component of the building that is adjacent to the nursing home is setback well behind the line of the existing dwelling and that of the nursing home and its roof height is almost the same as the nursing home. Accordingly, it is considered that the bulk and scale of the proposal is in keeping with the surrounding locality

It is considered that the presentation of the building could be reduced to Bronte Road by greater use of screen planting within the front setback rather than rely on street planting.

Privacy

The works to the Administration Building have no impact on neighbours' privacy.

The addition to the Innovative Centre principally orientates to Bronte Road with the second floor section facing south east adequately setback to not impact onto privacy. The north western elevation of the building has minimal side facing windows with a number of these indicated to have opaque glazing to 1800mm. However, in order to maintain an acceptable level of both visual and aural privacy to the neighbouring residential building, all windows in this elevation should be fixed and full height obscure glazing. This is addressed in the recommended conditions.

Sunlight & Shadowing

The works to the Administration Building have no impact on sunlight or shadowing of neighbouring properties.

Due to the orientation of the properties in Bronte Road the only neighbouring property to be affected by the addition to the Innovative Centre with regard to sunlight and shadowing is Phillip House Nursing Home.

The applicant has prepared extensive sunlight/shadow diagrams reflecting both the existing shadows and the proposed shadows for the winter solstice for every hour from 9:00 am to 3:00pm.

Although the new building is part 2 and part 3 storey in height and replaces a single storey building adjacent to the Nursing Home, the existing dwelling is located only 900mm from the common boundary whereas the proposed building is a minimum 5m for the 2 storey component from the common boundary and setback between 9 and 14m for the third storey.

The proposal due to these circumstances principally reduces the overshadowing to the Nursing Home between 9:00 am and 11:00am and in particular it is noted that the common terrace at ground floor level on the side elevation that is utilised by residents receives a great amount of sunlight than the existing situation for these times. At midday there is some gain in sunlight and some loss but effectively the area remains unchanged. Increased shadowing does occur to ground floor rooms on the north western side of the Nursing Home from 1:00-2:00 pm and in particular it is noted that at 1:00 pm additional shadowing is caused to the terrace. At 2:00 to 3:00 pm the terrace is principally overshadowed by the existing building with negligible change due to the proposed building. First floor windows on this elevation will be affected at 3:00 pm.

Overall the Nursing Home maintains for the winter solstice an acceptable level of sunlight to the north western elevation with rooms still achieving in excess of 2 hours and generally in excess of 3 hours of sunlight.

Safety and security

A component of the works to the Albion Street section of the school is to separate the vehicular and pedestrian access which currently utilise the same entry gates and instead to maintain these gates as the vehicular access and provide a separate pedestrian access further south west on the street. This change will significantly improve pedestrian safety for students entering the site from Albion Street.

The application provides for new fencing to Albion Street that will both improve safety and the appearance of the fencing in the street.

Student and parent access to the site is not proposed from Bronte Road with access to the classrooms required from within the site utilising the almost completed component of the Innovative Centre building for the main access to the building.

Emergency egress only is proposed from the building to Bronte Road. To minimise aural privacy impacts to the neighbouring building the use of this pathway will be addressed by a condition to ensure its use is nothing more than emergency use. To this extent it is noted that the fire egress doors from the Music Classroom faces the side boundary and is of a higher quality than one would normally expect of a fire egress door and implies a greater use than that indicated by the applicant. Again to minimise the impacts to the neighbouring property, it is considered that this door should be either relocated to the Bronte Road frontage of the building with a direct access to the street (or alternatively signposted as a fire egress only and an alarm installed to prevent general use). This is addressed as a condition in the recommendation.

Views

The residential flat building at 313 Bronte Road comprises 4 units with 2 units on each floor orientated front to back in the building with the lounge room of Unit 4 having a view across the north eastern corner of the site to the ocean.

An assessment of the impact of the addition to the Innovative Centre on the views obtained from the lounge room of Unit 4, 313 Bronte Road has been undertaken having regard to the Four Steps to Assess View Sharing provided in the Planning Principle from the Land & Environment Court evolved from *Tenacity Consulting Pty Limited v Warringah Council* and with the assistance of photo modelling of the proposal.

1. Views to be affected

The view to be affected is a general view to the South Pacific Ocean as well as a district view obtained across the north eastern corner of the subject site.

2. From what part of the property are the views obtained

In assessing what part of the property the views are obtained from, the views from front or rear boundaries are considered easier to protect than side views and similarly standing views are easier to protect than sitting views. The view assessment in Unit 4 (first floor unit) has been undertaken from a standing position and is within the principle living area of the unit i.e. the living room which is located along the side elevation of the building. Although the living room faces the side boundary, it is noted that the view is across the front north eastern corner of the property and the front north eastern corner of the single storey dwelling on the adjoining site and is not a direct side view across that property.

The window on the front façade of 313 Bronte Road is to a sunroom located off the bedroom and is therefore not a principle living area of the dwelling. Also, this view is principally a district rather than an ocean view.

3. Assess the extent of impact

In assessing the extent of impact the whole property is assessed, with a higher value placed on views from living rooms than to bedrooms or service areas. The impact of the proposal is generally assessed qualitatively rather than numerically. In this regard, it is noted that the loss of views is from the living room with no view obtained from the kitchen or the rear deck area. The bedroom with its associated sunroom faces the street and as discussed above principally receives a district view but this is not considered the primary view due to its use.

The applicant has submitted a photomontage of the proposal as viewed from the living room (based on a photograph taken by Council) and from this it is assessed that the proposal will remove approximately 10-15% of the ocean view and less of the district view. Depending on where one stands in the living room of the unit the proposed building is considered to remove a maximum of 25% of the ocean view and again a lesser component of the district view.

The third storey of the building due to its greater setback from the street does not impact onto the ocean or district view but does remove a view of the sky.

4. Assess the reasonableness of the proposal that is causing the impact

The final step is to assess the reasonableness of the proposal having regard to its compliance with controls and whether a more skilful design could provide the same development with a reduced impact.

It is not considered that an alternate design is necessary on the basis that the impacts are not considered excessive or unreasonable

SECTION 79C (1)(B) - THE LIKELY IMPACTS OF THAT DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

The proposed building effectively replaces existing structures, provides for landscaping of the site and will incorporate a number of environmental saving initiatives such that the proposal will not detrimentally impact on the natural environment.

The works to the Administrative Building are principally within the envelope of the existing building and will have no impact on the built environment. The addition to the Innovative Centre replaces existing buildings on the site and provides a presentation to the street that compliments the height and scale of development in the area. It is considered that subject to conditions to address such matters as visual and aural privacy that the proposal will not unduly impact on the built environment.

The proposed works reflect the requirements of schools to provide improved student facilities with greater classroom space and a greater range of diverse classrooms for specialist education such as music and visual arts. The school has indicated that student and teacher numbers will not vary because of this application and this will be addressed by conditions in the recommendation. Accordingly, the proposed works should not have a detrimental social or economic impact in the locality. The application satisfies this section of the Act having regard to the above analysis.

Section 79C(1)(c) - The suitability of the site for the development.

Schools are permissible in both zones and St Catherine's has existed in the locality for a significant period of time providing quality education to girls from both within and from outside the general area of Waverley.

The works to the Administration Building are minor in the overall context of the site and are considered suitable redevelopment works for the site. The additions to the Innovative Centre subject to the imposition of conditions to minimise amenity impacts to neighbours is considered a suitable development of the site. Accordingly, the application satisfies this section of the Act having regard to the above analysis.

SECTION 79C (1)(C) – ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT AND REGULATIONS

The application was advertised for 30 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertised and Notified Development*.

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

Property	Location	Summary of Objections
16 Albion Street	North and west of property	<ul style="list-style-type: none"> • Traffic congestion with dangers associated with parents dropping off children in Bronte Road due to narrow road; • Excessive height.
319-321 Bronte Road	Adjoining to south and east of property	<ul style="list-style-type: none"> • Overshadowing of communal open space areas; • Impact retaining wall on common boundary; • Construction concerns; • Ability of landscaped buffer area to survive; • Operational light spill impacts onto adjoining property.
309 Bronte Road	North and west of property	<ul style="list-style-type: none"> • Support objection of Danny Caretti; • Increased traffic and parking issues; • Height restrictions; • Heritage impact; • Noise issues; • Inadequate greening of the surrounding area; • Lack of community consultation.
356 Bronte Road	Opposite to north of property	<ul style="list-style-type: none"> • Impact of construction traffic and parking on Bronte Road.
Charing Cross Precinct		<ul style="list-style-type: none"> • Lack of community consultation; • Out of character with Charing Cross Conservation Area; • Lack of planting including deep soil planting and other environmental issues; • Concern over the schools changing requirements;

		<ul style="list-style-type: none"> • Improve public amenity with facilities incorporated into the frontage of the site; • Proposal although permissible in 2(b) zone does not satisfy the objectives of the zone; • A construction/traffic management plan is required for construction phase; • Overshadowing; • Loss of privacy.
4/313 Bronte Road	Adjoin to north and west of property	<ul style="list-style-type: none"> • Overlooking; • Noise impacts; • Reverberation of noise due to height of wall of building; • Lack of planting to screen proposal; • Out of character with area and Charing Cross Conservation Area; • Increased traffic volumes, illegal parking and issues of access to the site - need Traffic Management Plan; • Concern over construction issues and impact on amenity.
2/313 Bronte Road (2 submissions from one address)	Adjoin to north and west of property	<ul style="list-style-type: none"> • Out of character with Charing Cross Conservation Area; • Does not conform to the zoning; • Loss of privacy; • Increased traffic volumes, illegal parking and issues of access to the site - need Traffic Management Plan; • An alternative Construction Management Plan required to address issues.
3/313 Bronte Road	Adjoin to north and west of property	<ul style="list-style-type: none"> • Out of character with Charing Cross Conservation Area; • Does not conform to the zoning; • Loss of privacy; • Increased traffic volumes, illegal parking and issues of access to the site - need Traffic Management Plan;

		<ul style="list-style-type: none"> • An alternative Construction Management Plan required to address issues.
313 Bronte Road (Danny Caretti)	Adjoin to north and west of property	<ul style="list-style-type: none"> • Does not conform to the local planning controls for the Charing Cross Conservation Area; • Exceeds the planning controls with respect to height and floor space ratio for the 2(b) zone; • Loss of privacy; • Overshadowing; • Loss of amenity; • Out of character with Charing Cross Conservation Area; • Long term plan for school is unknown; • Dominates surrounding dwellings; • Lack of planting to screen proposal; • Overdevelopment of the site; • Inadequate setbacks – not reflective of the existing setbacks in the street; • Inaccuracy of plans and documentation; • Possible after hour use of music room leading to noise impacts; • Impact of entrance to building to neighbouring property; • Loss of views; • Traffic and parking issues; • Increased pupil and staff members; • Impact of construction traffic and noise on neighbouring properties.
1/313 Bronte Road	Adjoin to north and west of property	<ul style="list-style-type: none"> • Overlooking; • Noise impacts; • Reverberation of noise due to height of wall of building; • Lack of planting to screen proposal; • Out of character with area and Charing Cross Conservation Area;

		<ul style="list-style-type: none"> • Increased traffic volumes, illegal parking and issues of access to the site - need Traffic Management Plan; • Concern over construction issues and impact on amenity.
1/311A Bronte Road	Adjoin to north and west of property	<ul style="list-style-type: none"> • Issues of overlooking and loss of privacy are compounded by the proposal; • 317-319A Bronte Road is not within school boundary; • 317-319A Bronte Road proposal exceeds height controls and is not consistent with built form of street; • 317-319A Bronte Road proposal exceeds floor space ratio for zoning; • 317-319A Bronte Road is out of character with the area; • Excessive scale of development means no screening by trees; • Does not comply with the BCA in regard to fire exits; • Noise impacts; • 317-319A Bronte Road will dominate the streetscape and is in conflict with the Conservation Area; • A construction/traffic management plan is required for construction phase.
311 Bronte Road	North and west of property	<ul style="list-style-type: none"> • Dispute JRPP are the determination authority; • 317-319A Bronte Road is not within school boundary and is in different zone; • 317-319A Bronte Road does not comply with DCP 2010; • 317-319A Bronte Road will dominate the streetscape and is in conflict with the Conservation Area; • No integrated parking and traffic management plan to address increasing student and teacher numbers;

		<ul style="list-style-type: none"> • 317-319A Bronte Road proposal exceeds height controls and is not consistent with built form of street; • 317-319A Bronte Road proposal exceeds floor space ratio for zoning; • 317-319A Bronte Road proposal does not comply with the setback provisions of the DCP or SEPP (Infrastructure) and should not incorporate the right of way; • Overlooking of properties; • Impact onto natural light; • Restrict views of the ocean and Bronte Gully; • Loss of a number of mature trees; • A traffic management plan is required for construction phase; • Increased traffic volumes, illegal parking and issues of access to the site.
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Issue: Traffic congestion with dangers associated with parents dropping off children in Bronte Road due to narrow road.

Comment – The application specifically provides that access to the school will not be provided from this Bronte Road site, with only emergency egress from the site to be provided. This will be further addressed by a condition in the recommendation.

Issue: Excessive height

Comment – Council's planning controls do not specify height provisions for schools. Further, SEPP (Infrastructure) provides height controls for complying development which although the proposal complies with is not applicable in this case. The two storey height to the street is reflective of the surrounding development with the third storey setback from the boundaries so as to be barely visible from the public domain. The height in general is not excessive.

Issue: Overshadowing of communal open space areas and neighbouring properties with subsequent request for third storey component of building to be setback further from southern side boundary to reduce impact

Comment – Assessed in part in report. The request to increase the setback of the third storey (in part) from the southern boundary in order to maintain sunlight to the ground floor side facing courtyard of the Nursing Home at 1:00 pm of the winter solstice has been considered. It is noted that the roof to the third storey has a variety of angles and heights

with the section of the building impacting on the sunlight to the courtyard having heights of RL98.5 and RL 98.7. It is noted the roof in other sections has a height of RL98.1 and therefore to reduce the shadowing, it is considered that the height to the sections of roof on the southern side of the third storey should be no higher than RL98.1, with this addressed in the conditions.

Issue: Impact retaining wall on common boundary

Comment – With the exception of the proposed landscaping and on-site detention tank, the proposed development is setback a minimum of 5m from the common boundary with the Nursing Home. Appropriate conditions would be imposed to ensure adequate protection of neighbouring properties.

Issue: Various concerns regarding construction management, construction traffic and parking

Comment – These issues can be adequately addressed with the imposition of conditions including a detailed construction management plan and does not warrant refusal or changes to the proposal if supported.

Issue: Ability of landscaped buffer area to survive and adequacy of planting

Comment – The landscape plan has been assessed by Council's Tree Management Officer as acceptable.

Issue: Operational light spill impacts onto adjoining property

Comment – The classrooms will be generally used during school operational hours with some lessons possibly occurring before and after school but the Innovative Centre is not to be used for performances and so restrictions would be imposed on usage that would minimise night use and therefore light spillage. Further, due to the setback from neighbouring properties and the limited side facing windows this is not considered an issue that warrants refusal of the application.

Issue: Increased traffic and parking issues, illegal parking and access to the site

Comment – The application does not involve an increase in either student or teacher numbers and purely provides for improved classroom and administration facilities. With only the loss of 1 school operational car space, noting the 3 car garage in Bronte Road related to the use of the dwelling, the proposal will not lead to increased traffic or parking in the surrounding streets. In fact with the removal of the triple garage and the reinstatement of the kerb in Bronte Road will mean additional street parking is achieved.

The issue of people parking illegally is not just related to school uses and is separate to the assessment of the application.

Issue: Heritage impact

Comment – Assessed in report.

Issue: Noise Issues

Comment – An acoustic report has been submitted and commented above in the report. Conditions would also be imposed regarding hours of operation and operational management of the school to minimise impacts.

Issue: Lack of community consultation

Comment – Council can not require applicants to liaise with the public prior to lodging an application but does support such occurring. The application has been advertised in accordance with Waverley DCP 2010 as discussed previously and neighbours have been given adequate opportunity to make a submission.

Issue: Out of character with area in general and Charing Cross Conservation Area

Comment – The locality provides a diverse range of buildings from retail and commercial buildings, to existing school buildings of varying age and style, to the Phillip House Nursing Home, to varying styles of 2 and 3 storey residential flat buildings and 1 and 2 storey dwellings. The works to the Administration Building create a link between the buildings either side in a modern glass style that is recessive on the site and therefore has minimal impact on the character of the area. Whilst the addition to the Innovative centre and sought to pick up the style of the existing junior school building in Bronte Road and provide a style that seeks to find elements of the surrounding residential development at the same time acknowledging that this is a school and not residential accommodation. Subject to addressing certain matters discussed previously in the report, the proposal is considered acceptable in the locality.

Issue: Lack of planting including deep soil planting and other environmental issues

Comment – A detailed landscaping plan has been submitted with the application and includes new and replacement planting to the Albion Street frontage and planting to the Bronte Road frontage and returning in particular along the 5m setback from the southern boundary. This is principally all deep soil planting. Noting the extent of development currently to the front of the Bronte Road properties, the landscaping is an improvement. Conditions will be imposed to ensure maintenance of the planting.

The addition to the Innovative Centre provides a green roof to the two storey section. The proposal also includes other environmental measures that have been discussed previously in the report.

Issue: Concern over the schools changing requirements

Comment – Schools are constantly reviewing their requirements and seeking to provide improved facilities for their pupils and this is not unreasonable, but is beyond Council's responsibility. The use is permitted in the zones and applications will be assessed on their merits.

Issue: Improve public amenity with facilities incorporated into the frontage of the site

Comment – The application provides for improved presentation to the street both in Bronte Road and Albion Street with both landscaping and fencing.

Issue: Proposal although permissible in 2(b) zone does not satisfy the objectives of the zone; does not conform to the zoning; exceeds the planning controls with respect to height and floor space ratio for the 2(b) zone

Issue: Loss of privacy and overlooking

Comment – Assessed in report.

Issue: A construction/traffic management plan is required for construction phase

Comment – A Construction Management Plan was submitted with the application and has been reviewed by Council's Engineer as discussed previously in the report with a condition to be imposed to require additional information as requested.

Issue: Loss of amenity

Comment – The development in Albion Street has no impact on the amenity of residential properties opposite the site.

The impact on the amenity of the addition to the Innovative Centre in Bronte Road and in particular to the two directly adjoining properties has been discussed previously in the report with certain changes sought to the proposal to reduce any impacts. Noting the operational controls to be imposed it is considered that the proposal will not unduly impact on the amenity of properties opposite the site in Bronte Road.

Issue: Long term plan for school is unknown

Comment – There is no provision for the school to advise Council of its long term plans, and this can change with changes in population and demographics.

Issue: Dominates surrounding dwellings and overdevelopment of the site

Comment – The building to Bronte Road has been designed to generally appear as a 2 storey development reflective of the adjoining buildings and the character of the area, with the leading edge of the 2 storey section relating to the eave line of those buildings. The third storey section is recessed to minimise its visual scale and also relates to the Innovative Centre under construction.

Issue: Inadequate setbacks – not reflective of the existing setbacks in the street

Comment – The building to Bronte Road is setback further from the street than the existing building with the exception of the canopy/awning treatment which aligns with the front setback of 313 Bronte Road with the two storey component of building generally turning to reflect the adjoining Nursing Home albeit with a greater setback.

The side setback of at least 5m is far in excess of that required by the DCP for a 2 storey development and of the setback of surrounding developments.

Issue: Inaccuracy of plans and documentation

Comment – This relates to certain descriptions of the surrounding development which are not accurate and are noted but has no real bearing on the assessment of the application.

Issue: Possible after hour use of music room leading to noise impacts

Comment – Discussed elsewhere in the report and will be addressed by conditions.

Issue: Impact of entrance to building to neighbouring property

Comment – There is no entrance to the school proposed from Bronte Road, however, a fire egress door does present to the side elevation and if used incorrectly by students could lead to noise impacts. It is considered that this fire egress should be located so as to exit straight to Bronte Road and can be addressed by a condition.

Issue: Loss of views

Comment – Discussed elsewhere in the report.

Issue: 317-319A Bronte Road is not within school boundary

Comment – Although it is acknowledged that these 2 properties are not zoned Special Uses (School) the same applies for other properties owned and utilised by the school including 323-325 Bronte Road that is zoned Residential 2(b) the same as the properties in question but are occupied by the Junior School Building. Further it is noted that the Innovative Centre Building that is currently under constructed sits on 315 Bronte Road and the rear half of the 2 properties in question. In addition, and as discussed previously in the report schools are permissible within the zone and accordingly no issue arises for the consideration of the application on the properties.

Issue: Does not comply with the BCA in regard to fire exits

Comment – Discussed elsewhere in report.

Issue: Dispute JRPP are the determination authority

Comment – The JRPP is the prescribed consent authority.

SECTION 79C (1)(E) - THE PUBLIC INTEREST.

The works to the Administration Building will provide improved access to the site, provide improved administration area and will not impact onto the surrounding locality and is not considered contrary to the public interest.

The addition to the Innovative Centre seeks to provide improved classroom facilities for use by existing students of the school. The building has been designed to both compliment the new Innovative Centre as well as existing nearby and adjoining developments and at the same time minimise impacts onto neighbouring properties. As has been discussed some changes to the application as submitted are recommended and included in conditions to either mitigate a concern or reduce a possible impact. Having regard to this the proposal subject to the imposition of conditions is not considered

contrary to the public interest and therefore satisfies this section of the Act having regard to the above analysis of the submissions.

REFERRALS (INTERNAL)

Environmental Issues

A review of the Acoustic Report has been undertaken and based on the information provided for comment, no hours of operation have been provided, therefore this assessment is based on general school hours use and does not consider noise implications should the innovation centre be used at night. It is suggested that time restrictions be considered as part of the conditions of this consent.

The proposal is satisfactory subject to compliance with conditions.

Waste Management

Provided that there is to be no increase in the number of teachers and students at the school, the application meets Council's requirements for waste and recycling.

Stormwater

The stormwater details are considered satisfactory.

Traffic

The development is considered satisfactory subject to the imposition of the following specific traffic related conditions:

- An amended construction management plan being submitted to Council for approval prior to the issue of the Construction Certificate showing the type and size of demolition and construction related vehicles that it is proposed to use on Albion Street and Bronte Road frontages.
- The proposed Work Zone on Bronte Road requires Traffic Committee and Council approval prior to installation. The Traffic Committee meet once a month on the last Thursday and an application including payment of necessary fees needs to be completed prior to the matter being considered.

Heritage and Urban Design

The existing campus is listed as an item of heritage significance in Waverley LEP 1996 – Schedule 5 and 6. The subject area of works (i) and (ii) are within the listed area and the works at (iii) facing Bronte Road are adjacent to the listed site.

Council's Heritage and Urban Design Advisor has reviewed the proposal and provided the following comments:

The proposed works generally increase and expand the bulk and density of the already established campus. Treated individually the works are considered as follows:

(i) Enclosure of the existing undercroft

The proposed glazed overlays to south and western elevations of the central dormitory building are well detailed. The works enclose space already defined by the upper floors of the building. Impact on the adjacent stone (original school) building is comparable to that of the existing building. The glass enclosure to the western frontage aligns with the first floor verandah of the original building, removing the projecting curved stair currently in close proximity to the verandah. A new entry is provided to the opposite side of the front elevation with a recessive secondary stair set between the glazed wall and the original school building. By pulling the main architectural feature of the facade away from the historic building the works serve to lessen the conflict between styles and forms of the adjacent buildings.

(ii) Provision of new palisade fencing to the Albion Street frontage

The proposed new boundary fence is of traditional form utilising a sandstone base and piers with metal pickets. The apparent age of the fence will be evident on close inspection but the overall form and detail will reflect the mid Victorian origins of the school and related grounds. The fence is considered a positive contribution to the streetscape of mixed late 19th Century and predominantly 20th Century buildings.

(iii) Construction of a four level (basement, ground, first and second floor) structure providing a music/visual arts wing to the recently constructed Innovation Centre.

The music/visual arts wing removes two residences of secondary contribution to the streetscape. The dominant pattern of construction to the western side of Bronte Road in the immediate context is of 2/3 storey buildings set above the footpath and aligned as a group to the street frontage. These vary in style from Inter War Classical Revival to late 20th Century Post Modern and Modern styles. The paired Late Victorian and late 20th Century structures forming the St Catherine's Primary School are the notable elements of the setting. Removal of the residences at 317 and 319A Bronte Road will have some impact upon the historic record of the setting. The earlier structure at 317 Bronte Road appears to have been substantially altered from initial transitional Victorian/Federation construction, whilst that at 319A is of unremarkable Post War origin.

The proposed new building presents a wider form to the street than the series of two and three storey structures defining the setting. By virtue of width and alignment the new building will read as the largest structure in the setting. Some effort has been made to mitigate the bulk including articulation of the south eastern side as a lower element set back from the street frontage and differentiated in elevational treatment. Similarly the top floor of the building is set back from a projecting eave and staggered in plan. Whilst the proposal acknowledges the articulation and massing of the Alex Tzannis designed northern wing of the Primary School [currently the dominant building in the setting], there is a danger that the overall composition combined with

the visually unrelated curved exterior of the Innovation Centre will provide an uncomfortable amalgam in the streetscape. This concern is reinforced by the range of proposed external finishes. The composition will rely heavily on landscape to ease the structure into the setting and to play back its complexity. It is not recommended however that the ballooned form of the Innovation Centre be repeated in the additions as this would provide a somewhat scaleless building within a setting of classically proportioned structures.

Recent external changes proposed to the adjacent nursing facility should improve the immediate setting.

Comments: The assessment and recommendations of the Heritage and Urban Design Advisor have been taken into consideration and, where appropriate incorporated in the conditions.

Building Code of Australia Compliance

The applicant has provided a report - *Fire Engineering Review and Alternative Solution Strategy* by Greg Leach of Stephen Grubits & Associates Pty Ltd and this report has been reviewed by Council's Fire Safety Officer who has recommended that certain conditions are included in the recommendation. These have been included.

Public Domain/Tree Preservation

There are several trees on the site proposed for removal which is supported by Council's Tree Management officer.

The proposed new entry off Albion St is in close proximity to a mature fig tree which requires protection. It shall be requested that a maintenance plan be presented to Council for approval before construction work begins.

Appropriate conditions have been included as conditions.

CONCLUSION

The application has been assessed having regard to the relevant legislative provisions and submissions. The Development and Building Unit has inspected the site and surrounds and reviewed documentation provided by the applicant.

The site operates as a school and accordingly the provision of improved school facilities is considered an appropriate use.

The proposal is generally considered to be acceptable and will not unreasonably impact on the amenity of surrounding properties or the streetscape, subject to conditions.

Having regard to the matters for consideration under s79C of the Act, it is recommended that the application be approved subject to conditions.

RECOMMENDATION TO JRPP

That Development Application No.140/2011 at 26 Albion Street and 317-319A Bronte Road, Waverley for refurbished entry and undercroft for Administration Offices and construction of a 3 storey Music/Visual Arts Wing addition to the Innovation Centre be approved by the JRPP, subject to the following conditions:-

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plans prepared by JCA Architects Pty Ltd numbered:

- DA001 dated Mar 2011 and received by Council on 25 March 2011;
- DA002 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA003 dated Mar 2011 and received by Council on 25 March 2011;
- DA101 dated Mar 2011 and received by Council on 25 March 2011;
- DA102 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA103 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA104 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA105 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA106 dated Mar 2011 and received by Council on 25 March 2011;
- DA107 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA108 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA109 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA110 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- DA111 dated Mar 2011 and received by Council on 25 March 2011;
- DA201 dated Mar 2011 and received by Council on 25 March 2011;
- DA202 dated Mar 2011 and received by Council on 25 March 2011;
- DA203 dated Mar 2011 and received by Council on 25 March 2011;
- DA204 Rev A dated Mar 2011 and received by Council on 25 March 2011;

- DA205 Rev A dated Mar 2011 and received by Council on 25 March 2011;
 - DA206 Rev A dated Mar 2011 and received by Council on 25 March 2011;
 - DA207 Rev A dated Mar 2011 and received by Council on 25 March 2011;
 - DA208 Rev A dated Mar 2011 and received by Council on 25 March 2011;
 - DA209 dated Mar 2011 and received by Council on 25 March 2011;
 - DA210 dated Mar 2011 and received by Council on 25 March 2011;
 - DA211 Rev A dated Mar 2011 and received by Council on 25 March 2011;
 - DA301 Rev A dated Mar 2011 and received by Council on 25 March 2011;
- (b) The Statement of Environmental Effects prepared by JBA Planning dated March 2011 and received by Council on 25 March 2011 and the additional information from JBA Planning dated 15 July 2011 and received by Council on 15 July 2011;
- (c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010.

Except where amended by the following conditions of consent:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) All windows on the north western side of the addition to the Innovative Centre are to be fixed and with full height opaque glazing to maintain visual and aural privacy to the neighbouring building;
- (b) All doors on the north western side of the addition to the Innovative Centre are to be either solid or provided with full height opaque glazing to maintain visual privacy to the neighbouring building;
- (c) The double width fire egress door located in the north western side of the addition to the Innovative Centre is to be relocated to the Bronte Road elevation of the building to minimise impacts to the neighbouring building;
- (d) The roof on the south eastern side of the third storey of the addition to the Innovative Centre is not to exceed RL 98.1 to reduce overshadowing to the neighbouring property;

The amendments shall be submitted for the approval of Council prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

3. AMENDED LANDSCAPE PLAN

The Landscape Plan is to be amended by the following changes:

- (a) The applicant is to provide for street tree planting in accordance with the requirements of Council's Strategic Tree Management Officer. The species to be determined in consultation with Council's Strategic Tree Planning Officer;
- (b) Planting between the front boundary and the addition to the Innovative Centre is to be of species that generally achieve a mature height of 2-3m to provide a level of screening to the building but at the same time maintains views from the neighbouring property;
- (c) Deletion of Japanese Honeysuckle from the planting list with an alternate local native species provided in consultation with Council's Tree Management Officer.

The amended landscape plan is to be submitted for approval to Council or the Certifier prior to the issue of a Construction Certificate.

4. HOURS OF OPERATION

The hours of operation of the classrooms/studio within the addition to the Innovative Centre being restricted to between 8.00am and 6.00pm, Monday to Friday.

5. STUDENT AND TEACHER NUMBERS

No increase in students or teacher numbers is approved under this consent.

6. BRONTE ROAD GATE

The Bronte Road gate is only to be used as an emergency exit from the school. The School is to formulate a Management Plan and supply a copy to Council prior to occupation of this building identifying how this will be managed and how complaints will be addressed should the pathway and gate be used contrary to its specified use.

7. NOISE - MECHANICAL PLANT

Noise associated with mechanical plant shall not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
- (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the licensed premises. The source noise level must be assessed as a LAeq, 15 minute.

- (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

8. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10, 15min and adjusted in accordance with the Department of Environment and Climate Changes and Water's (DECCW) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) A sound pressure level at any affected premises that exceeds the DECCW recommended planning levels outlined in the DECCW Environmental Noise Control Manual; or
- (d) A sound pressure level at any affected premises that exceeds the DECCW recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises.

9. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. SECTION 94A CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

Advisory Note

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

11. SECURITY DEPOSIT

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

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

12. LONG SERVICE LEVY

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

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

13. NO BUILDING WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

14. ESSENTIAL SERVICES - EXISTING BUILDING

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

specify the minimum standard of performance for each essential fire safety measure included in the Schedule.

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

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

15. VERTICAL SEPARATION OF OPENINGS

Vertical separation of openings in the external walls of the building is to comply with Part C2 of the Building Code of Australia. Details as to the method of protection are to be provided in the plans prior to the issue of a construction certificate.

16. OPENINGS IN EXTERNAL WALLS

All openings in external walls located within 3m of fire source features are to be protected in accordance with Part C3 of the Building Code of Australia. Details as to the method of protection are to be provided in the plans prior to the issue of a construction certificate.

17. ALTERNATIVE SOLUTIONS

- (a) In accordance with Clause 144 of the Environmental Planning and Assessment Regulations 2000 where building work involves an alternative solution to meet the performance requirements of the Building Code of Australia contained in any one or more of the Category 2 fire safety provisions as defined under the Environmental Planning and Assessment Regulations 2000 the application for a Construction Certificate must be referred to the Commissioner NSW Fire Brigades in order to obtain an initial fire safety report prior to issue of the Construction Certificate.
- (b) In accordance with Clause 144A of the Environmental Planning and Assessment Regulation 2000, where building work involves an alternative solution under the Building Code of Australia in respect of a fire safety requirement, a Compliance Certificate or written report is required to be obtained from a C10 Accredited Fire Safety Engineer certifying that the alternative solution complies with the relevant performance requirements of the Building Code of Australia, prior to the issue of a Construction Certificate.
- (c) Should building work involve an alternative solution under the Building Code of Australia in respect of a fire safety requirement, a Compliance Certificate or written report is to be obtained from a C10 Accredited Fire Safety Engineer certifying that the building work relating to the alternative solution to the Building

Code of Australia has been completed and complies with that alternative solution, in accordance with Clause 153A of the Environmental Planning and Assessment Regulation 2000, prior to issue of an Occupation Certificate.

18. FIRE SAFETY UPGRADE WORKS

Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the existing buildings are to be brought into conformity with the Building Code of Australia in relation to fire safety, fire protection and structural adequacy of the buildings. Details demonstrating compliance with the Building Code of Australia including a Building Code of Australia Fire Safety Upgrading Report recommending fire safety upgrading works and measures in the existing buildings complying with the Building Code of Australia are to be submitted Council for approval prior to the issue of a Construction Certificate for the required fire safety upgrading works.

Prior to the issue of an Occupation Certificate by the accredited certifier for the required fire safety upgrading works, all fire safety upgrading works are to be completed and a Final Fire Safety Certificate is to be submitted to Council, certifying that each essential fire safety measure specified in the approved Fire Safety Schedule:-

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

19. HOARDING REQUIRED

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

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

20. GEOTECHNICAL ENGINEERS REPORT

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

21. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

22. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part G1, Waverley DCP 2010 prior to the issue of the Construction Certificate. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible.

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

23. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall provide details of the following:

- (a) The proposed route to be taken by demolition/construction vehicles in the Waverley Council area when accessing and exiting the site.
- (b) The type and size of demolition/construction vehicles that it is proposed to use on Albion Street and Bronte Road. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.

- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - the route required to be taken by pedestrians including signage and any other control measures that will need to be put in place to direct and keep pedestrians on the required route;
 - any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - the type(s) of material on which pedestrians will be required to walk;
 - the width of the pathway on the route;
 - the location and type of proposed hoardings;
 - the location of existing street lighting.
- (j) An alternative location on the site for the mobile crane, preferably at the front of the site and specifically not located adjacent to an adjoining property to minimise impact onto neighbouring properties.

24. WORK ZONE

The proposed Work Zone on Bronte Road is to be approved by the Traffic Committee and Council prior to installation. Application including payment is to be made to Council for consideration, with it noted that the Traffic Committee meeting on the last Thursday of each month.

25. STORMWATER MANAGEMENT

Certification is to be provided from a suitably qualified professional, that the stormwater system has been designed in accordance with the Water Management Technical Guidelines. Stormwater system details are to be submitted in accordance with the Waverley Development Control Plan 2010 - Part G4 prior to the issue of a Construction Certificate.

26. ENGINEERING DETAILS

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

27. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

28. ACCESSIBLE CAR SPACE

A minimum of one car space for the vehicles of people with disabilities shall be provided.

The car spaces shall be identified and reserved at all times and be in the vicinity of a lift or as close as possible to public areas and facilities. The car spaces shall have minimum dimensions of 3.2m x 5.5m and minimum headroom clearance of 2.5m for vehicles fitted with a roof mounted wheelchair rack.

A notice shall be displayed at the entrance to the car park and at each change in direction indicating the location of car spaces and the maximum headroom for vehicles.

Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

29. ROOFWATER GUTTERING

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

30. USE OF RENEWABLE TIMBERS

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

31. ENERGY EFFICIENCY AND CONSERVATION

The following energy efficiency and conservation requirements apply to the development:

- (a) Insulation with a minimum R3.0 rating being provided to the entire roof or ceiling of the building.
- (b) New taps being AAA rated as defined by the Australian Standard MP 64 - 1995 Manual of assessment procedures for water efficient appliances.
- (c) New toilet(s) being dual flush as defined by the Australian Standard MP 64 1995 - Manual of assessment procedures for water efficient appliances.
- (d) New urinals being AAA rated.

Details of the above shall be contained within the Construction Certificate documentation to the Principal Certifying Authority's satisfaction prior to the issue of the Construction Certificate.

32. ENERGY AUSTRALIA

The applicant to confer with Energy Australia to obtain that authority's needs for the provision and location of a kiosk type distribution centre on the subject land, and if deemed necessary, the applicant to make available land to that Authority for the siting of such kiosk/sub-station. Documentary evidence of compliance is to be provided to the satisfaction of the Principle Certifying Authority prior to the issue of the Construction Certificate.

33. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

34. ARCHIVAL RECORDING OF 317 BRONTE ROAD, WAVERLEY

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

- (a) adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (b) a summary report of the photographic documentation; and
- (c) photographic catalogue sheets, which are referenced to a site plan and floor plan, no larger than A3 paper size, and indicating the location and direction of all photos (black & white prints and slides) taken.

35. TREE PLAN

All trees to be retained on the site are to be protected by AS 4970 – 2009 Protection of trees on development sites and by the conditions below.

There is to be a detailed Tree Management Plan and Drawing identifying the tree protection zones and measures required for all stages of the proposed work. This plan shall outline the required movement in fencing at all stages and any additional tree protection measures that may be required if the TPZ is reduced in size. The Tree Management Plan and Drawing is to cover any for all trees and vegetation within 7.5m of the building site and proposed work. This is to be presented to Council for final approval before the issuing of the construction certificate.

The Tree Management Plan shall also detail construction methods to be used in the demolition/construction of the new pedestrian entry off Albion St. The new pedestrian path is to be installed at existing levels or the path is to be installed at above existing ground level through the use of raised boardwalk or a slab supported on screw piles.

All trees, shrubs or vegetation on the subject site are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

36. PRIOR TO SITE WORKS

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

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

37. 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.

38. 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.

39. EXCAVATION BELOW FOOTINGS

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

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

40. OBSTRUCTION TO PUBLIC AREAS

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

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

41. TOILET FACILITIES

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

42. NO USE OF ORGANOCHLORIN PESTICIDES

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

43. DILAPIDATION REPORT

A dilapidation report prepared by a practising Structural Engineer shall be submitted to the Principal Certifying Authority, Council and the owners of the adjoining properties prior to the commencement of demolition, bulk excavation or building works, detailing the current condition and the status of all buildings (both internal and external), including ancillary structures located upon the adjoining properties.

44. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (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.

45. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

46. SOIL AND WATER MANAGEMENT PLAN

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

47. SOIL AND WATER MANAGEMENT SIGN

Throughout the construction/remediation/demolition period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

48. STOCKPILES

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

49. LOCATION OF BUILDING OPERATIONS

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

50. TEMPORARY DIVERSION OF ROOF WATERS

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

51. ALL BUILDING MATERIALS STORED ON SITE

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

52. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

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

53. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

54. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

55. BUILDING CODE OF AUSTRALIA

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

56. SANITARY FACILITIES

Sanitary facilities are to be provided in accordance with the requirements of the Building Code of Australia.

57. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

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

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

58. CERTIFICATE OF SURVEY - LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

59. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

60. MECHANICAL VENTILATION SYSTEMS

- (a) The premises are to be ventilated in accordance with the requirements of the Building Code of Australia & relevant Australia Standards.
- (b) Any proposed mechanical ventilation system shall comply with the Australian Standard AS 1668 - 1991 (Parts 1 and 2). Prior to installation, the design is to be certified by a person competent to do so. At completion of the installation of the system and prior to the issue of the Occupation Certificate, the work shall be certified by a person competent to do so. The certification shall include:
 - (i) inspection, testing and commissioning details;
 - (ii) date of inspection, testing and commissioning details;
 - (iii) the name and address of the individual who carried out the test; and
 - (iv) a statement that the service has been designed, installed and is capable of operating to the above standard.

61. WATER PROOFING

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

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

62. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

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

63. SERVICE PIPES

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

64. STREET TREES

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

65. LANDSCAPE CONSULTANT

A qualified Landscape and/or Arboricultural Consultant shall be retained for the duration of the construction of the development. The Consultant shall submit to the Principal Certifying Authority a Certificate of Practical Completion stating the work has been completed in accordance with the approved Landscape Plan and that a maintenance program has been established. The Certificate shall be lodged upon satisfactory completion of the landscaping works and prior to the issue of the Occupation Certificate.

66. TREES TO BE RETAINED AND PROTECTED

Trees to be retained and protected shall be clearly shown on any construction plans.

Protection fencing is to be installed prior to any work commencing on the site.

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. All tree protection fencing shall comply with AS 4970 – 2009 Protection of trees on development sites.

The maintenance of this TPZ shall be maintained as per AS4970 – 2009, Section 4.6.

Established boundary fences or site boundary fences are to remain in place at all times to physically protect any existing trees or vegetation on neighbouring sites. If fencing is to be removed and replaced it shall be done in the most minimal time possible.

If tree roots are exposed during this process and they are to be exposed for any more than 24 hours then a protective absorbent covering is to run the length of the exposed boundary. This covering is to be kept moist to prevent the drying out of roots.

Any backfilling material required due to excavation shall meet the requirements of AS 4419-2003 Soils for landscaping and garden use. Any backfilling material shall also be conducive to promoting root development and growth.

The existing masonry footings are to be used in the construction of the new fencing.

Soil levels are not to be changed around any trees on the subject or neighbouring properties.

No mechanical excavation shall be undertaken within the tree canopy spread (within the dripline) or within 13.5 m from the middle of the trunk (whichever is greater) of any tree, shrub or vegetation that is protected under Waverley Council's Tree Preservation Order.

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. Any footings are to be designed to avoid damaging tree roots.

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 or vegetation on the subject property require pruning and are covered by Waverley Council's Tree Preservation Order an Application to Prune or Remove Trees on Private Property is must be presented to Council for processing.

67. TREES TO BE REMOVED

Approval is granted to remove Trees 2, 4 -8 as per the Arboricultural Impact Assessment Report prepared by Glenyss Laws, Consulting Arborist, dated January 2011 and submitted as Appendix L.

Tree 3 is to be transplanted as per conditions included in the Arboricultural Impact Assessment Report prepared by Glenyss Laws, Consulting Arborist, dated January 2011 and submitted as Appendix L., and as supervised by the consulting arborist for the site.

Landscape Plan, 26 Albion St, prepared by JCA, Revision A, Dated March 2011 and Music and Visual Art Wing: Landscape plan prepared by JCA, Dated March 2011 satisfy the replanting requirement for removal of trees. This excludes any tree planting on the nature strip which is subject to separate condition.

68. CONSULTING ARBORIST

- A Consultant Arborist with a minimum of Cert 5 qualifications in Arboriculture (Australian qualification network) shall be retained for the length of the project.
- The Consultant Arborist shall be responsible for monitoring and documenting the condition of all trees on the subject and neighbouring sites. This shall be conducted on a monthly basis through on site inspections of the site to ensure all DA conditions are being met, that the trees to be retained on the site are in sound health and are not exhibiting any signs of stress. All inspections shall be thoroughly documented and with a monthly report being forwarded to council for their records.
- They shall also be responsible for ensuring that the maintenance of the TPZ is being maintained as per AS 4970 – 2009 Protection of trees on development sites.
- Arborist inspections should also occur at critical stages of construction whenever any interference with the tree may occur. Adequate notice should be given to allow appropriate access to the site to conduct any necessary inspections.
- Any decline in the trees' health shall be reported immediately to Waverley Council's Tree Management Officer and may require a review of construction methods used on the site.

69. TREE PROTECTION

Precautions shall be taken when working near trees, shrubs or vegetation on the subject or neighbouring properties 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.

70. STREET TREE PLANTING - RESIDENTIAL ZONES

The proposed street planting to Bronte Road (species, size and spacing) is to be undertaken in accordance with Council's requirements and the following:

- (a) adequate drainage with specifications showing continuous interconnected tree channel pits with a minimum size of 1sqm;
- (b) solid cast aluminium tree guards and root barriers in accordance with Council's Tree Management Policy;
- (c) a protective wire mesh guard with a minimum height of 1.5m shall be erected and secured around each tree;
- (d) planting areas within 1m of concrete structures shall have a flexible root barrier installed around the perimeter of the planting hole.

71. EXISTING VEHICLE CROSSING IS TO BE CLOSED

The existing vehicle crossing is to be closed and all work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council.

72. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

73. SYDNEY WATER

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. **Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.**

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision plan/occupation of the development.

74. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in Section 6 of the noise impact assessment prepared by Acoustic Logic Consultancy (Project No. 20110215.1) dated 5 march 2011 shall be implemented.

A Certificate of Compliance prepared by a suitably qualified acoustic consultant is to be submitted to Council's Compliance Division certifying that the recommendations made in the above report have been satisfied and **compliance with Council's noise emission criteria has been achieved** prior to the issue of an Occupation Certificate.

75. FINAL OCCUPATION CERTIFICATE

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

76. LANDSCAPE PLAN

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

77. LIGHTING

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

78. LIGHTS

All external area lights shall be on sensor switches to save energy and reduce light spill to the sky; low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.