

Demolition of existing buildings and construction of a 19 storey mixed-use development containing 90 residential units, 6 retail premises and 3 levels of basement parking (DA 386/2012).

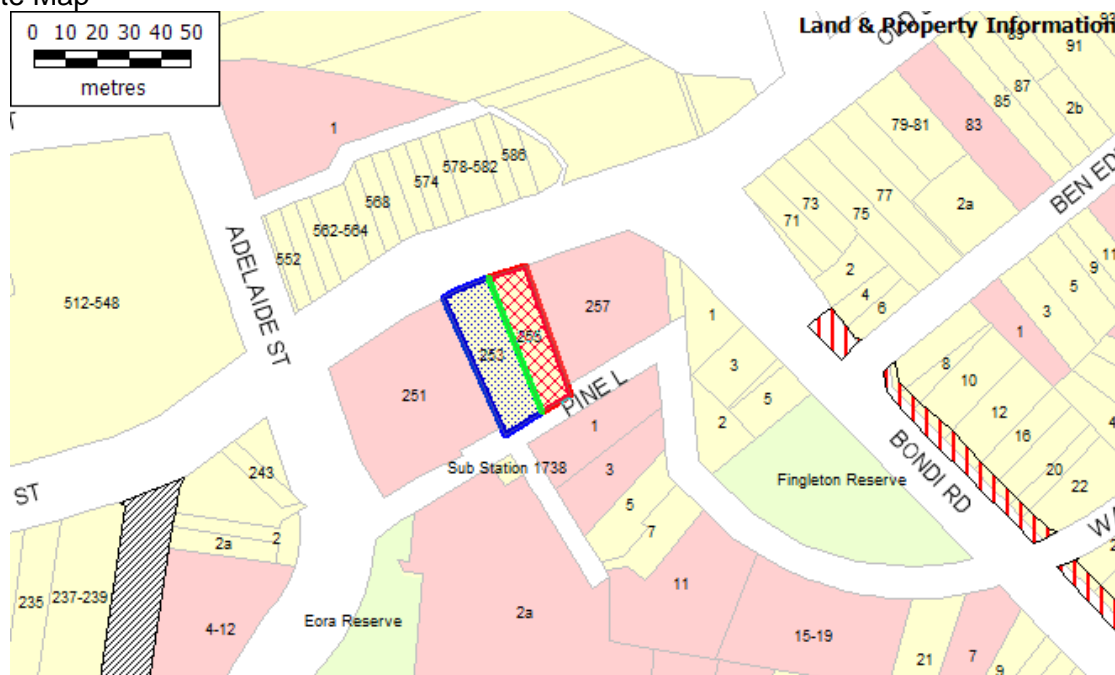
Report dated 18 March 2013 from the Development Building Unit.

Recommendation: That the application be **REFUSED**.

Referred to the Development Control Committee for consideration as the application is to be referred to the Joint Regional Planning Panel for determination.

Development Assessment Report Bondi Junction Centre – Commercial / Mixed Development	
Development Application No.	DA 386/2012
Address	253-255 Oxford Street, Bondi Junction
Lodgement Date	4 September 2012, Amended 21 December 2012
Proposal	Demolition of existing buildings and construction of a 19 storey mixed use development containing 90 residential units, 6 retail premises and 3 levels of basement parking
Zoning and relevant controls	<ul style="list-style-type: none"> • B4 – Mixed Use, Waverley Local Environmental Plan (Bondi Junction Centre) 2010 • Waverley Development Control Plan 2010
Owner	Kelburn Holdings Pty Limited Nalela Pty Limited
Applicant	Legacy Property
Submissions	Original: 13 submissions Amended: 12 submissions
Issues	Tower excessive in bulk and scale, setbacks, colonnade, apartment size, poor amenity for communal spaces, view loss
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Executive Summary

This development application proposes the redevelopment of 253-255 Oxford Street, Bondi Junction. The proposal is a permissible use within the B4 Mixed-use zone.

The original application lodged sought the demolition of existing buildings on site and construction of a 19 storey mixed use building containing one ground level retail space, 103 residential units and basement car park (83 vehicles). This scheme received 13 submissions following public exhibition.

This original scheme was deferred due to issues relating to the size and bulk of the development as well as a variety of design issues. Following this, a new architect for the project was engaged and an amended proposal was submitted. This amended scheme again proposed the construction of a 19 storey mixed use development, however there were a number of changes including a reduction to 90 residential units, 6 retail spaces and 3 levels of basement parking for 79 vehicles. This scheme received 12 submissions following public exhibition.

Council Officers and the applicant have met and discussed the application on numerous occasions. These meetings have consistently sought to achieve a favourable outcome and amended plans have been accepted from the original scheme. Notwithstanding this, it is considered that the amended application does not adequately address key issues, which include:

- Non compliant FSR with the Council's new LEP (Waverley LEP 2010). This LEP had only recently been introduced and involves a significant upgrade in density for Bondi Junction. This FSR non-compliance - combined with several design elements that add to the bulk but are excluded from FSR calculations - results in the tower element being excessive in bulk and scale.
- The inclusion of extensive voids (3 units were removed to create a communal area thereby reducing the FSR) and non-calculable areas such as car parking, storage, plant areas etc are located above ground level where they would more appropriately be located wholly underground. Cumulatively, these contribute to the bulk of the building, despite their exclusion from the gross floor area (GFA) calculation.
- The provision of a more slender tower element above a 2-3 storey podium.
- The provision of additional setbacks to the front (6m from the street wall) and eastern boundary to improve the front building alignment and streetscape presentation, improve separation distances to adjoining properties (257 Oxford St), reduce the perceived bulk of the tower to Oxford Street and minimise view loss (251 Oxford St).
- An unresolved roof feature that adds unnecessary bulk to the building.
- Confirmation that the site is or can be made suitable for the proposed development in order to satisfy the contamination provisions of SEPP 55.
- The inclusion of a colonnade to Oxford St where the DCP control calls for a street wall/podium design.
- Poor communal open space that receives minimal or no natural sunlight.

Note: Following a further meeting with the applicant in March 2013, the applicant sought to submit further amended plans. Whilst these potentially addressed some of the issues above, the threshold issue of the size and bulk of the tower remained and on this basis the further amended plans were not accepted.

1.2 The Site and its Locality

The site is located on the southern side of Oxford Street between Bondi Road and Adelaide Street/Hollywood Avenue. The site is within the Bondi Junction Centre on its north east edge.

There are two buildings on the site; a three storey building on 255 Oxford Street and nine storey building on 253 Oxford Street. Both building comprise ground floor retail and commercial office (mainly medical suites) in the upper levels.

The site has a primary frontage to Oxford Street of 28m and a secondary rear frontage of 24m to Pine Lane. The site has an area of 1171sqm and a fall from the rear down to the front of the site of approximately 5.07m.

A number of high density residential, retail and commercial uses surround the site. Approximately 250 metres to the west of the site is the Bondi Junction bus and rail interchange.

1.3 Background

- **2010. Previous Development Application – Commercial Building. DA 334/2009**

In 2010, Deferred Commencement Development Consent for the demolition of existing buildings and construction of thirteen storey office / retail building with two levels of basement car parking was approved by Waverley Council.

This application had initially sought as a 14storey building, however as part of the Deferred Commencement Consent the upper most level was required to be deleted reducing the scale of the building down to thirteen storeys overall.

This application was assessed under the former LEP (Waverley LEP 1996) which was relevant to the site at this time.

- **2012. Pre DA – Mixed use Building.**

In April 2012, a Pre-DA (application) was lodged. These plans proposed to demolish the existing building and erect a 19 level mixed use building containing ground and mezzanine retail and 106 residential units with basement car park for 74 vehicles.

Following the assessment of this proposal, the applicant was provided with detailed advice. The issues outlined in the advice were:

- Excessive bulk and scale;
 - Excessive number of storeys / inadequate ceiling heights;
 - Insufficient front, side and rear setbacks;
 - Insufficient building separation;
 - SEPP 65 Urban Design / Architectural Resolution concerns;
 - Need for active frontages and improved retail spaces;
 - Poor residential unit orientation;
 - Apartment Mix;
 - Poor communal Open Space;
 - Solar Access / Overshadowing;
 - View impacts
 - Building Code of Australia / Fire Safety matters;
 - Additional reports necessary for submission.
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- **2012. Current application**

A chronology of the current development application is provided:

4 September 2012: Development Application lodged. Proposal seeks the demolition of existing buildings and construction of a 19 level mixed use building containing one ground level retail space, 103 residential units and basement car park (83 vehicles). The application was advertised for 14 days and thirteen submissions were received.

13 November 2012: The application was deferred for a variety of reasons. These reasons were in essence, the same issues outlined in the Pre-DA advice. The applicant had done little to address these issues.

21 December 2012: The applicant advises that a new architect has been engaged and a redesign undertaken. Amended plans are submitted. The application was advertised for 14 days and 12 submissions were received.

27 February 2013: A preliminary assessment of these amended plans was undertaken and a number of issues (similar to those previously outlined) were again identified. A further meeting was undertaken with the applicant and the issues were again outlined. These were again confirmed by email to the applicant. Outstanding issues of concern related to:

- The use of a colonnade as a street wall/podium to Oxford Street;
- Extensive voids and resultant bulk of tower (including the requirement for winter gardens to be considered within GFA definition);
- Excessive height;
- Unacceptable design of architectural roof feature;
- Inadequate communal landscape areas;
- Reallocation of parking.
- Clarification of solar access compliance.
- Contamination and need for Stage 2 study;
- 3D CAD model required.
- Consideration for public art required.

4 March 2013: A further meeting was held to discuss the above outstanding issues. At that meeting, the applicant offered further amendments to the scheme. These included changes to the podium façade and awning to Oxford Street, removal of the architectural roof feature, conversion of the winter gardens into open balconies to achieve numeric compliance with the FSR control, and a change to the height of the building based on a review of the survey – this resulted in the building seemingly now complying with the height maximum.

These amendments were reviewed by Council's Senior Assessment Group which comprises Manager Development Assessment, Manager Strategic Planning, Area Managers, Urban Design and Heritage Architect, Senior Strategic Planner - Urban Design and Senior Assessment Officer. This group were of the view that the proposal (even if amended as offered by the applicant) remained unsupportable and should be refused. Had the applicant fundamentally changed the scheme to genuinely address the issues that had been raised numerous times, the amended plans would have been accepted.

Accordingly, the application is assessed having regard to the plans submitted to Council on 21 December 2012.

1.4 Proposal Description

The amended proposal seeks the demolition of all existing structures on the site and the construction of a 19 storey mixed use development containing 90 residential units, 6 retail spaces and 3 levels of basement parking for 79 vehicles.

The proposal consists of:

- *Basement level 3:* 29 car spaces (5 disabled), lift, stairs, plant.
- *Basement level 2:* 28 car spaces (4 disabled), lift, stairs, plant.
- *Basement level 1:* 22 car spaces (3 disabled, 1 carshare), lift, stairs, plant.
- *Ground floor level:* through site link, 2 x retail shops, bicycle parking (90 residential, 10 retail), amenities, lobby, stairs, plant and fire control room.
- *Mezzanine:* 1 x retail shop, plant, OSD tank, utilities, stairs.
- *Level 1:* 4 x residential units (4 x 1 b/r), residential storage, 1 x retail shop (to rear), utilities, vehicular access from Pine Lane, loading dock to Pine Lane, substation, stairs.
- *Level 2:* 5 residential units (1 x 2 b/r, 2 x 1 b/r, 1 x studio), communal open space area to rear, lift, stairs.
- *Level 3 & 4:* 6 residential units per floor (4 x 2 b/r, 8 x 1 b/r), lift, stairs.
- *Level 5:* 5 residential units (2 x 2 b/r, 3 x 1 b/r), roof garden, lift, stairs.
- *Levels 6 to 8:* 5 residential units per floor (6 x 2 b/r, 9 x 1 b/r), lift, stairs.
- *Levels 9 to 12:* 6 residential units per floor (8 x 2 b/r, 16 x 1 b/r), lift, stairs.
- *Levels 13 to 16:* 5 residential units per floor (4 x 3 b/r, 8 x 2 b/r, 8 x 1 b/r), lift, stairs.
- *Level 17:* 5 residential units (3 x 3 b/r, 2 x 2 b/r), lift, stairs
- *Level 18:* Continuation of two units from level below, lift, stairs.

The proposal includes 199 square metres of retail space and 6,827 square metres of residential units. The proposed building will have a height of 60.5m.

The frontage of the building is to Oxford Street and the rear of the building faces Pine Lane (a service lane). As part of the previous DA (DA 334/2009) relating to the site, Council proposed a 3m dedication of land at the rear to allow lane widening and this has been incorporated into the proposal with the exception of the basement level extending into this area. The proposal utilises the floor space that the dedicated land would provide for.

2. ASSESSMENT

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

2.1 Section 79C(1)(a) Planning Instruments.

2.1.1 STATE/REGIONAL ENVIRONMENTAL PLANNING POLICIES (SEPP)

State Environmental Planning Policy (Infrastructure) 2007

Clause 86 of the Infrastructure Policy requires Development Applications for development within 25 metres of the Rail corridor and with ground penetrations greater than 2 metres to be referred to the Rail Authority for review.

The State Policy also provides a map indicating those sites affected by the Rail corridor in terms of the requirements of the policy.

The subject site/s just outside of the designated corridor area and does not require referral to RailCorp.

State Environmental Planning Policy 55 – Remediation of Land

Clause 7 of the SEPP requires Council to consider whether the land is contaminated. The site is currently occupied by two buildings currently used as medical suites.

Excavation of the site will be required for the proposed development, particularly as a basement car park extending three levels is sought. Additionally, as the proposal is for a more sensitive use, remediation may be necessary. As such, various discussions and subsequent review of documentation has occurred between Council Officers and the applicant's representatives. This aspect is discussed in greater detail in Section 3 of the report.

In summary, based on the review of the documentation submitted, Council has not been satisfied that the site is or will be suitable for the intended use as required under clause 7 of SEPP 55.

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

The proposal has been referred to the Joint Randwick/Waverley Design Review Panel for assessment against the 10 principles of SEPP65. In summary, while the proposal satisfies many of the SEPP 65 principles, there are outstanding issues requiring further design resolution in order to be supported. These aspects are discussed in further detail with the Panel's comments in Section 3 of this report.

SEPP Building Sustainability Index (BASIX) 2004

The applicant has submitted a BASIX Certificate that demonstrates compliance with State regulated energy efficiency and water conservation targets.

2.1.2 WAVERLEY LOCAL ENVIRONMENTAL PLAN (BONDI JUNCTION CENTRE) 2010

This application was lodged when LEP 2010 was the relevant local instrument and the now current LEP 2012 was still a draft. Despite the recent adoption of the LEP 2012, there are specific Saving Provisions which excludes LEP 2012 from being considered for applications made prior to October 26, 2012. This application was lodged on 4 September 2012 and therefore LEP 2010 is the applicable planning instrument.

Control	Compliance
PART 1	
Clause 1.2: Aims of Plan	Yes
PART 2	
Clauses 2.1 – 2.3: Zoning	Yes
PART 4	
Clause 4.3: Height of Buildings	Yes
Clause 4.4 - 4.5: Floor Space Ratio	No
Clause 4.6: Exception to development standards	No
PART 5	
Clause 5.6: Architectural roof features	No
Clause 5.9: Preservation of trees or vegetation	Yes
PART 6	
Clause 6.1: Minimum street frontage of land for buildings	Yes
Clause 6.2: Design excellence	No
Clause 6.3: Active street frontages	No

Clause 1.2: Aims of Plan and Clause 2.3: Zone Objectives and Land Use Table

The proposed land use is consistent with the aims of the plan and zone objectives outlined in the LEP. The site is zoned B4 Mixed Use and adjacent to the core commercial zoning in Bondi Junction.

Clause 4.3: Height of Buildings

The LEP control for the site is 60m. The proposal seeks an overall height of 59.55m, compliant with the control. According to the survey plan submitted, the centre of the site's natural surface is measured as 88.41 NS, and the upper most part of the building is RL 147.96 measured to the top of roof plant/services of the tower building. The plan's submitted indicate the building is above the 60m height limit (approximately 61m), however additional information indicates the varying ground levels would mean a compliant building height.

Clause 4.4: Floor Space Ratio

The LEP control for the site is an FSR of 6:1. According to the applicant, the proposal complies with this control; however review of the gross floor area indicates that parts of the building required for inclusion have been excluded from the calculation. This includes the winter gardens located to the northern elevation and retail toilet facilities in the ground floor level. Council has sought legal advice regarding the inclusion of these areas and based on this advice it is considered that these areas should be included within the definition of GFA which would account for an additional 485sq.m (winter gardens) and 31sq.m (retail toilets) of GFA for the development.

The result is the proposal seeks 7542sq.m of GFA or a FSR of 6.44:1, being non compliant with the maximum in the LEP.

Whilst this non-compliance could be “technically” addressed with relative ease (eg by removing the front window pane to the winter-gardens rendering them “balcony” and therefore non-calculable); these changes would have little impact on the visual bulk of the tower and the desire for a more slender tower. The extensive voids (in particular the two communal spaces) also contribute to the tower bulk and do little to reduce visual and other impacts of the tower. These areas seem to have been designed with the specific aim of allowing for a larger tower than would otherwise occur if floor area was incorporated as envisaged under the controls. Examples of this include:

- The appearance of the tower being on ‘stilts’ given the disconnection between podium and tower levels.
- The 3 storey communal open space area at the rear (this area was originally identified as units which were removed when the excess FSR was identified). This area has poor amenity as it is located on the southern side of the building and receives no direct sunlight at any time as well as overlooking a service lane. This is identified as a communal garden area but plant growth would be virtually impossible.
- Through site link at ground level – there is no requirement for this and its use is debatable given it leads to a small service lane which does not have any significant parking or provide desirable pedestrian access to anywhere.
- Car park access, services, plant, storage and bicycle parking, all of which are typically located underground, yet proposed at ground and mezzanine levels and therefore takes up the area that would otherwise contribute gross floor area to the overall development and mean the size of the tower would be less.

For comparative purposes, a calculation of the GFA contained within the podium level (comprising stepped three levels, built boundary to boundary) provides only 642sq.m GFA that is included in the FSR for the site. The overall site area is 1171sq.m. The DCP envisages a block edge form with a 2-3 storey podium. Clearly having only 642sq.m within this element results in a much bigger tower than would be envisaged under the DCP.

This situation is due largely to the through site link, car park ramp, services, plant, storage and bicycle parking, all of which are not calculated in the FSR but contribute to the bulk of the building.

The development controls envisage towers with a smaller footprint that can provide quality amenity (light, outlook, cross ventilation) for the occupants as well as not excessively impact on the amenity of the public or neighbours (shadow, visual bulk, loss of outlook).

As this fundamental principle has not been adequately addressed, the proposal is not supported.

Clause 4.6: Exceptions to Development Standards

The proposal is non compliant with the floor space ratio controls for the site and no exception under clause 4.6 of the LEP has been submitted. Having regard to clause 4.6(3), ‘consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written statement from the application that seeks to justify the contravention of the development standard...’

The proposal does not address this issue.

Clause 5.6: Architectural roof features

The proposal seeks an architectural roof feature to the top of the building that adds unnecessary bulk to the building and is not integrated wholly into the design of the building.

As outlined by the various urban design advisors, the roof feature is outdated, unrelated to the design and therefore is not supported.

Clause 5.9: Preservation of trees or vegetation

The proposal seeks to retain and protect the street trees at the front of the site, as well as incorporate new landscaping into the scheme, satisfying this clause.

Clause 6.1: Minimum street frontage of land for buildings

The two sites provide for a combined street frontage of more than 12m, satisfying this clause.

Clause 6.2: Design excellence

The proposal presents an opportunity for a high standard of architectural design, materials and detailing. This aspect is discussed in further detail by the various specialists the application was referred to (see Section 3 of the report). Overall, the proposal requires further resolution in order to satisfy this clause.

2.1.3 WAVERLEY DEVELOPMENT CONTROL PLAN 2010,

This application was lodged on 4 September 2012 and therefore the only relevant DCP is the older DCP 2010 (there is a newer control – DCP 2012, however savings provisions exclude assessment against this).

2.1.3.1 Part D2 – Multi unit Housing

Apartment Mix:

The DCP requires developments with six or more apartments to provide the following mix of apartment sizes:

Studio/1 bedroom: 35%

2 bedroom: 50%

3 bedroom: 15%

The proposal provides for 51 x Studio/1 bedroom apartments (57%), 31 x 2 bedroom apartments (34%) and 7 x 3 bedroom apartments (8%). While non compliant with the DCP apartment mix controls, the applicant has provided justification in their statement for the need for increased smaller units within the Bondi Junction centre, considered acceptable.

This justification is considered acceptable.

Apartment size:

The DCP requires the following minimum dwelling sizes:

Studio: 35m²

1 bedroom: 50m²

2 bedroom: 80m²

3+ bedroom: 100m²

As a minimum, the proposal provides for the following:

Studio: 41m²

1 bedroom: 43m²

2 bedroom: 77m²

3+ bedroom: 112m²

The apartments labelled as studio and 3 bedroom units comply with the minimum dimensions, while there are 1 and 2 bedroom apartments that are smaller than the minimum sizes. Further, the undersized 1 and 2 bedroom apartments are those located on the south-

western (1 bedrooms) and south eastern (2 bedroom) corners of the building where there is already low amenity (particularly given the limited solar access and minimal floor to ceiling heights).

A redesigned tower with a smaller footprint would provide greater opportunity for these issues to be addressed.

Storage:

The DCP requires residential storage facilities at the following rates:

Studio apartments: 6m³

One bedroom apartments: 6m³

Two bedroom apartments: 8 m³

Three plus bedroom apartments: 10 m³

The proposal provides for 72 storage cages located on Level 1 of varying sizes. Given there are 90 residential units proposed, the proposal is deficient of storage areas for the remaining 18 units.

2.1.3.2 Part F1 - Bondi Junction Commercial Centre

COMPLIANCE CHECK			
URBAN DESIGN			
Control	Standard	Proposed	Compliance
Building Use	<ul style="list-style-type: none"> Dependent on street classification (i.e. Primary, Secondary, Laneway) 	Primary: Ground & mezzanine level retail. First floor residential	Yes No
Active Street Frontages	<ul style="list-style-type: none"> Dependent on street classification (i.e. Primary, Secondary, Laneway) 	Primary: Retail to street frontage	Yes (see comment)
Street Alignment & Front Setbacks	<ul style="list-style-type: none"> Front elevations aligned to street boundary Open space at the street front for private buildings are not permitted 	Site specific requirements requested	See comment
Separation	<ul style="list-style-type: none"> Comply with BCA Refer to Figure 15 	Site specific requirements requested	See comment
Side & Rear Boundary Setbacks	<ul style="list-style-type: none"> Refer to Section 2.10 	Site specific requirements requested	See comment
Number of Storeys	<ul style="list-style-type: none"> 16 storeys 	19 storeys	No
Views, Vistas & Tree Preservation	<ul style="list-style-type: none"> Retain street vista / view Retain & protect street trees 	Street vista retained	Yes
		Street trees to remain & be protected	Yes

BUILDING DESIGN CONTROLS			
Control	Standard	Proposed	Compliance
Building Elevations	<ul style="list-style-type: none"> All elevations be architecturally designed & contribute to the street Building elevations incorporate passive design, thermal mass, glazing & insulation Facades are to have relief modelling (Figure 28) 	Concern raised for architectural detailing	No
Awnings & Colonnades	<ul style="list-style-type: none"> Colonnades are not permitted Awnings should have consistent heights about the footpath 	Colonnade provided with balconies on first floor jutting out beyond street wall	No
Ceiling Heights	<ul style="list-style-type: none"> Ground Level: 4.0m min. floor to floor Level 1 to Level 5: 3.5 min. floor to floor Above Level 5: residential uses: 2.7m floor to ceiling 	Ground level: 3m floor to floor (2.93m floor to ceiling) Mezzanine level: 2.8m floor to floor (2.595m floor to ceiling) Level 1 to 2: 3.5m floor to floor (2.9m floor to ceiling) Above level 3: 3.05m floor to floor (2.7m floor to ceiling)	No No No No
External Living Areas	<ul style="list-style-type: none"> An external living area is to be provided for each dwelling 	Balconies / winter gardens provided to all units	Yes
Wind Mitigation	<ul style="list-style-type: none"> Buildings shall not create uncomfortable or unsafe wind conditions in the public domain > 5 storeys in height requires wind environment statement 	Wind impacts remain of concern Wind Impact Report submitted	No Yes
Reflectivity	<ul style="list-style-type: none"> Limit large areas of glass to a maximum of 60% Shade glass with horizontal, vertical or diagonal shading devices. 	Solar Light Reflectivity Assessment submitted indicating recommendations – to be imposed if supported	Generally yes

Roller Shutters	<ul style="list-style-type: none"> Roller shutters on shopfronts are prohibited 	No roller shutters proposed	Yes
Public Art	<ul style="list-style-type: none"> Encourage public art integrated into architectural integrity 	No public art proposed	No
ACCESS & MOVEMENT			
Control	Standard	Proposed	Compliance
Arcades, Through-block Links & Squares	<ul style="list-style-type: none"> Through site link requested by Design Review Panel 	Through site link provided	Yes
Vehicular & Service Access to lots	<ul style="list-style-type: none"> Locate access from rear laneway 	Loading and vehicular access from rear (Pine Lane)	Yes

The issues of non compliance will be discussed below:

Urban Design and Building Design

The application was referred to the Design Review Panel (SEPP 65) on two occasions as well as Council's Urban Designers (all architects). The comments of these specialists are provided in section 3 of this report. The commentary below is a summary of issues with the controls specified in the DCP and should be considered in conjunction with the matters discussed in Section 3.

Building Use / Ceiling heights / Number of storeys

The site is located along a Primary shopping street according to clause 2.2, Part F1 of the DCP and 2 levels of retail/commercial space is envisaged. Given the status of the site within an identified primary shopping street, the preference is for commercial uses to be extended into the levels above ground, particularly within the podium of the building.

The resultant effect for the subject building is non compliant floor to ceiling heights for these lower levels (as they are used as residential) with each of the lower level (ground to Level 5) less than the DCP standard, relating to both the commercial and residential levels of the building. As such, the building presents as 19 levels overall (above natural ground, excluding basement parking), instead of the maximum 16 storeys in the DCP. This is, in part, due to a net decrease in ceiling heights across numerous levels of the building. Whilst the number of storeys in itself is not of great concern, the size and design of the tower results in poor amenity for lower south facing units that could be alleviated to some extent by greater ceiling heights.

Support for a greater number of storeys (19 in lieu of 16) would only be acceptable if contained within the height control (60m) and if the amenity of the lower levels is of an appropriate standard. The proposal has not achieved this.

Active Street Frontages:

The amended scheme provides a through-site link between Oxford Street and Pine Lane that assists to activate the ground floor level of the building. However, at entry from Oxford Street, the retail spaces provide a curvature into the arcade, where there is a preference for a more distinct square-like frontage that will assist activation of these spaces.

Street Alignment, Front Setbacks, Separation, Side & Rear Boundary Setbacks

The proposal does not comply with the front setback controls for Oxford Street which require a two storey base with a two metre setback to the subsequent four storeys then a 6 metre setback to the upper levels.

The applicant maintains that this requirement should not apply because of the existing street frontages of the adjoining buildings. If a site specific solution is to be acceptable, it is considered that the following criteria are appropriate:

- Ground, first and second floors (3 storeys) – Street wall to align with street wall of adjacent buildings (two storeys on eastern edge and three storeys on western edge) with zero side setbacks for at least 12m from the front boundary.
- The proposal provides a 2-3 storey street wall, however the Level 1 floor plan shows the balconies protruding out from the street wall alignment (above colonnade). The front of the balconies should align with the retail floors below (ie contained within street wall) and a greater emphasis on architectural detail to the street wall is necessary.
- The colonnade design is not supported and should be replaced with a proper podium street wall with retail frontages to Oxford Street and an awning type structure with cut outs for the street trees.
- Zero setback from the rear lane dedication may be acceptable. Building separation requirements per the DCP Part F1 (ie nil setback for podium to Pine Lane, 24m between residential towers) apply to adjoining properties across the lane. The proposal provides a nil setback to the entire building (taking into account the land dedication 3m strip at the rear), being less than the separation requirements required in the DCP.
- The street wall fronting Pine Lane should be straight at ground and first floor. The proposal aligns with this at ground floor level only.
- Tower element –
 - A zero side setback is supportable to the western boundary to match the party-wall of the neighbouring building to the west, however, the front setback at the western edge should match the adjoining building to the west (approximately 10m setback) for a minimum width of 3m from the western boundary. This will improve amenity for units in the adjoining building.
 - A 6m setback from the front of the building (not the front boundary) should be incorporated to meet the objective of the DCP. This results in the tower protruding beyond the front alignment of adjoining towers at 251 and 257 Oxford St and further reduces views for each of these adjoining properties.
 - The side setbacks to the eastern side need to be considered in relation to the residential building at 257 Oxford Street. A greater setback to provide the required separation under the SEPP is required.

Building Design Controls

Building Elevations

The site is in a prominent location in Bondi Junction, near the entry to Oxford Street and has the potential to be an architecturally renowned building within the Bondi Junction locality. However, as outlined by the various urban design advisors, the present scheme requires further resolution of the architectural characteristics and detailing.

The roof resolution and the architectural roof feature is considered outdated and adds unnecessarily to the perceived bulk and scale of the building.

The podium level and street wall require greater architectural detailing.

Overall, there is a need for high quality facades and building materials that provide a durable and attractive appearance that is not dependent on frequent maintenance.

Awnings & Colonnades

As outlined previously, the proposal provides a colonnade to the Oxford Street frontage with balconies protruding out from the street wall alignment. This design is not considered appropriate and the colonnade should be deleted and replaced with an awning type structure with cut outs for the street trees.

Wind Mitigation

The applicant has submitted a Wind Assessment Report based on trends in the area (rather than actual testing). This report is inadequate and does not comply with DCP requirements.

The proposal also incorporates winter gardens. These areas have been incorporated in part to address amenity issues with high level balconies. Whilst they are a positive feature to address the strong winds experienced in Bondi Junction, they add to the visual bulk of the building. A more slender tower with the wintergardens is considered more appropriate.

Landscaping

The proposal provides very limited landscaping elements. The Communal open space area is poorly located on the south east corner of the podium in the tower undercroft. There is a significant overhang of the tower form above, further reducing scope for adequate planting to occur.

Additionally, the amended scheme provides for a communal garden at Level 5 that extends into a three storey void. It is located on the south-western corner of the site and will receive no actual sunlight for the year. Accordingly, very little landscaping is expected to survive and this area is unlikely to provide any reasonable amenity or landscaping.

At Oxford Street frontage, the street trees are proposed to be retained and protected and this is supported.

Public Art

As part of the deferral process of the application, it was encouraged the applicant consider providing public art in the private domain of the development in accordance with clause 3.3, Part F1 of the DCP.

No public art has been proposed.

2.1.3.2 Part I1 – Land Use and Transport

Parking:

The proposal provides three levels of basement car parking accommodating 79 vehicles, accessed from Pine Lane at the rear of the site. As this access point is above Oxford Street level due to the topography of the site, part of the car park is above ground. Typically, the controls and preference is to locate all car parking wholly underground.

A summary of the DCP controls versus the proposal is provided below:

Residential parking: 90 units

DCP requirements	Minimum	Maximum	Proposed
1 bedroom (52 units)	15.6	31.2	64
2 bedroom (31 units)	12.4	24.8	
3 bedroom (7 units)	5.6	8.4	
Total	33.6	64.4	

Retail and visitors parking (minimum controls apply)

	Minimum	Proposed
Residential visitors	90 units @ nil spaces for the first 14 units, 1 for every 7 units after that = 10.9 spaces	15
Retail	199sq.m @ 1 space per 30sq.m = 6.6 spaces	
Car share	No DCP control	
Accessible spaces	Included within above rates (condition imposed will ensure minimum 10% of all car parking spaces be accessible)	
Total	17.5 spaces	

Overall, the proposal generally aligns with the DCP provisions for parking for the development, with the exception that the parking allocation for the retail uses is deficient.

In this respect, compliance with retail and visitor parking should be provided with the reduction in parking occurring to the residential component of the development. Should consent be granted, a condition is recommended to be imposed requiring 11 residential visitor spaces, 7 retail spaces, 1 car share, 10% of all spaces to be accessible and the remaining 60 spaces be allocated for residential parking, with a limit of 2 car spaces to any one unit.

Loading facilities:

The proposal seeks two loading bays at the rear of the site, accessed from Pine Lane. In regards to the loading facilities proposed, the following rates should be considered:

Loading facilities – minimum rates apply

	Control	Proposed
Residential	90 units @ 1 per 50 units = 1.8 spaces	2
Shops	199sq.m @ 1 per 400sq.m = 0.5 spaces	
Total	2.3 spaces	

The proposal complies with regard to loading facilities.

Bicycle parking

The proposal seeks to provide 102 bicycle spaces for the development (90 residential, 12 retail) located on the ground floor level. The following rates should be considered:

	Control	Minimum	Proposed
Residential bicycle spaces	1 per dwelling	90	90 residential and 12 commercial bike racks, within ground level, totalling 102 spaces
Visitor bicycle spaces	0.25 per dwelling	22.5	
Commercial bicycle spaces	1 per 10 car spaces	6.6	
	Total	119.1	

The amended scheme provides 102 bicycle spaces in lieu of the required 119.1 spaces. While this is closer to compliant than the original scheme, it is still deficient for a multi-unit development of this size and at this location where high bicycle use would be expected.

2.1.4 Other Matters

Streetscape

This matter has been examined and discussed elsewhere in this report. In summary, the streetscape presentation of the development is not considered acceptable, particularly:

- The colonnade design street wall presentation is not supported
- An awning with cut-outs for the street trees should be provided.
- The balconies to the first floor level should be contained within the street wall;
- The retail spaces on the ground level should be designed so as to encourage positive and functional retail uses.
- Further architectural resolution is required to the street wall/podium to make this a stronger design element.
- The setback of the tower element should be increased from the front (to 6m from street wall) and the tower reduced in size to lessen its dominance and bulk.

As these issues remain, the proposal is considered unsatisfactory in terms of streetscape impact.

Solar Access

The amended plans submitted include 3D shadow modelling for overshadowing of the scheme and elevational shadows for only No 2A Hollywood Avenue. No other information has been provided to determine compliance (or otherwise) with the DCP controls.

The submitted shadow diagrams do not include a date (though assumed to be generated for the winter solstice). Additionally they have been modelled to include shadows cast for a future development at 570 Oxford Street which has not been approved. This is only a potential development and there are no other references to it in any other documentation submitted.

While the applicant contends that 87% of units receive a minimum of 3 hours of direct sunlight between 9am-3pm in mid winter, it is difficult to confirm this based on the information submitted.

Council's 3D modelling software indicates the rear roof garden (level 5) and the south western units of the building will not receive any solar access. Given these rear units are already undersized (with minimum dwelling sizes) and have a less than standard floor to ceiling heights, there is concern that these units will have poor amenity.

Land dedication

The former development application for the site (DA 334/2009), provided a 3m wide strip of land along the rear (Pine Lane) frontage for the purposes of road widening. The proposal incorporates this, however it should be noted that the “gross floor space” that this land would have has been transferred to the rest of the development. This also contributes to the excessive size of the tower by allowing additional floor space in this element.

Through site link

The SEPP 65 Design Review Panel expressed a desire for a “through site link” which would connect Oxford Street with Pine Lane. This was never a requirement of Council and is not reflected in any development controls (ie other sites in Bondi Junction are identified as being desirable for a through site link). Notwithstanding this, the applicant has included a through site link which enables pedestrian access through the site. The value and likely use of this link is questionable given the pedestrian access is to a service lane which does not provide any retail or commercial uses or car parking and requires the use of stairs so disabled access is not provided by this link.

It is arguable that it serves any constructive purpose other than the relocation of calculable floor space (ie retail space that would normally be located within the podium element) to be transferred to the tower. This contributes to the excessive size and bulk of the tower element. The applicant proposes it to be accessible to the public between the following times:

Monday to Saturday: 6.00am to 8.00pm

Sunday: 7.00am to 5.00pm

Privacy

The proposal has the potential to impact on the privacy of adjoining properties.

The development includes units orientated solely to the eastern side of the site that incorporate large areas of glazing and private balconies. While privacy mitigation measures such as privacy louvers and screening are proposed, the separation distance between the subject building and 257 Oxford Street does not meet the minimum suggested in SEPP 65.

Winter gardens and balconies to the front of the building also include privacy measures to the western sides (eg louvers). In many of the levels these balconies abut balconies on the adjoining building at 251 Oxford Street, considered to form a horizontal extension of the building form.

ESD (Green Star Rating & BASIX)

The proposal meets the minimum BASIX requirements but does not incorporate any features beyond that needed for this minimum compliance.

Views and view sharing

The previous (2009) approval for the site allowed for a 13 storey commercial building with a height of approximately 55m. This development resulted in view loss for units in a number of surrounding buildings. This development will result in greater view loss – both harbour and district – for a variety of neighbouring units. Whilst some view loss must be considered reasonable having regard to the development controls and potential of the site, there is no doubt that the view loss is caused by the tower element and the degree of view loss would be greater with a larger tower. As has been outlined elsewhere in this report, a more ‘slender’ tower design would provide greater opportunities for mitigating view loss.

An inspection from 251 Oxford Street (adjoining building to the west) was undertaken from level 14 units being on the upper north-eastern side. It demonstrated that the front setback of the tower impacts on district views to Dover Heights and North Bondi, while the main form of the tower would remove secondary views of the ocean.

An increased front setback for the tower and a more slender tower form would assist to minimise the view loss from adjoining properties.

Access for People with Disabilities

The proposal seeks to provide 11 adaptable residential units, considered to meet Australian Standards for a development of this size.

Further, disabled access is available through the principle entry of the building and lift access is also available throughout the building to all levels. Standard conditions is supported ensure compliance in this respect.

3 REFERRALS

3.1 External

SEPP 65 – Design Quality of Residential Flat Development

The original application was referred to the Joint Waverley / Randwick Design Review Panel and the comments received formed part of the deferral of the application. The amended plans were then also referred back to the Panel and their most recent comments are provided below:

This is the second occasion on which the Panel has recently reviewed a proposal for this site. The architect for the current DA has been changed and the proposal is very different. It is generally consistent with the controls on the site and in part its design reflects consideration of the comments made by the Panel in October concerning the previous design.

The Panel is familiar with the site, the Bondi Junction Centre and the evolving planning context.

Philip Thalys, as the architect for a separate proposal in the vicinity of Oxford Street, declared an interest.

1. Relationship to the Context of the Proposal

Due to its location in the Bondi Junction shopping area, the site enjoys access to good amenity: high levels of public transport and closeness to the Eastern Suburbs beaches and parks. It sits between three existing predominantly residential tower buildings; one on either side, and the tallest one behind to the south.

The Panel does not think it inappropriate that the building sets forward of its western neighbour which is an unfortunate anomaly and should not dictate the relationship to the street of this proposal. This new building has the potential to make a positive contribution to the streetscape with better visual connection and more pleasing and articulated aesthetics

2. The Scale of the Proposal

Although higher than its immediate neighbours, the proposed building, at 60 metres, is within the height stipulated by the WLEP 2012 and is in scale with the existing and emerging scale of this part of Bondi Junction.

3. The Built Form of the Proposal

The Panel supports the following key characteristics of the Proposal;

- A high two level podium at Oxford Street that matches the heights of and links the podiums of the existing buildings to its east and west. It provides a pedestrian colonnade of generous proportions and an arcade through to Pine Lane behind, where it setback from the site's boundary to permit the widening of the Lane.*
- Above podium level, the residential tower would for a third of its length be built to its western boundary, joined to the largely blank face of the 15 storey building, No.251 Oxford Street. The eastern face of the tower (setback at its closest point 1 200mm from No.275-269 Oxford Street to its east) is slightly inclined to the north to enhance solar access and views to the harbour. Blade walls between balconies, pointing almost due north and moveable privacy louvres should adequately protect the privacy of apartments in No.275 to the immediate east.*
- Parking and service areas within the podium are served from Pine Lane. Generous provision is made for bicycles. A small retail area is located on the Pine Lane frontage, which is a well considered and commendable initiative. If this is permissible, a show window onto the car ramp might enhance its viability. To permit further retail frontage to the lane by reducing the width of the loading dock should be investigated.*

The Panel also suggests that the following parts of the building could be further improved;

- The Panel strongly advises that any basement should not extend under the areas to be dedicated to Council as public domain. Private basements under public space limits future street trees, services provision and create long term maintenance and liability problems.*
 - The void at the lower levels at the rear of the building is clearly unresolved. The Panel supports the application of the Affordable Housing bonus – this area seems the obvious place to accommodate such housing.*
 - The 2 small units currently shown at Level 2 are small and would almost never receive any sunlight. They should adopt the plan of unit 7.06 above.*
 - The common area remains substandard, in size, amenity and location. Consideration should be given up an additional common area at an upper level, to allow all residents some views.*
 - The alignment and steps in the parapet of the podium are unconvincing, and need further design development.*
 - The rooftop form is notional at this stage, and un-integrated with the tower's overall form.*
 - Potential privacy issues due to proximity to apartments on the south need to be suitably resolved.*
-

The Applicant indicated that they are working to improve the connection on the western boundary with the existing building.

4. The Proposed Density

The proposed density is consistent with the WLEP 2012 and appears to be suitable to the site.

5. Resource and Energy Use and Water Efficiency

The proposed balconies and sliding screens should provide all apartments with adequate solar protection.

A reasonable proportion of the apartments would enjoy cross ventilation. However it would be desirable for some of the kitchens and bathrooms to have windows to provide daylight and fresh air, as set out in the RFDC. (eg Unit 7.5 could easily have an open-able window). A number of apartments would benefit from a plenum within the foyer ceilings to the exterior to permit cross ventilation.

Window operation needs to be clearly marked on the elevations for assessment of ventilation.

Ceiling fans should be provided and clearly marked on the plans. These have the potential to seriously reduce energy use when used in lieu of air conditioning. The Panel does not support the use of air-conditioning.

The Panel supports the provision of affordable housing units and share cars on the site.

6. The Proposed Landscape

A landscape proposal by a recognized landscape architect needs to be provided.

Public domain footpath improvements, street tree planting needs be investigated and coordinated with Council. The Panel recommends public domain improvements to the street and lane frontages, which will after all be the address for future residents.

7. The Amenity of the Proposal for its Users

The apartments are well planned and the building should provide an overall high level of amenity for its occupants, although it is unclear how much solar access will be enjoyed by the unit on each floor to the south of the core.

Some of the plans such as the SOHO have internal rooms and awkward planning which should be improved.

It is suggested that a further communal area could be provided on the roof. This would enjoy spectacular views and if suitably designed need not impact the private open spaces on the floor below and a separate small lift could be provided to it.

The provision of an open end to the residential lobbies on each level is commendable, and the core and lobbies are compactly arranged. The ground floor foyer planning is well resolved, and should offer a good sense of homecoming.

The rooftop apartments need shelter to their outdoor areas and should have sun shading and weather protection to their extensive glazing.

8. The Safety and Security Characteristics of the Proposal

This should be satisfactory. The upgrading of the Lane and the through site link will greatly assist in improved neighbourhood permeability and natural surveillance. The proposed new residential entry from the Lane will also increase activity and therefore safety.

9. Social issues

Increasing the residential population of Bondi Junction is supported. The Panel also supports the provision of affordable housing units and share cars on the site.

The residents' communal facilities should be improved.

10. The Aesthetics of the Proposal

The proposed building has the potential to be a commendable addition to Bondi Junction's building stock, however its architectural character is the least resolved part of the revised DA. Currently there are some discrepancies between the plans, which are well resolved, and the elevations – an example is the west face of the Oxford Street façade.

The design's success will depend on the quality of its detailing. Large scale part elevations / part sections will need to be provided, detailing the intended façade design, providing indicative construction details and representing proposed materials and colours. In particular the Panel highlights the need for a durable and characterful façade, that is not dependant on too-frequent maintenance, which would be a heavy impost on the Owner's Corporation. Currently Bondi Junction has few examples of such high quality facades and materials.

Issues such as the resolution of the curved glazed façade, the podium and the roof-top will require considerable skill. Currently there is no clarity of elements and materials in the typical bays on the east façade.

Some elements need to be reconsidered:

- The podium facade to Oxford Street - this has too many steps in height and could be more simple and elegant.*
- The roof top element - a fine roof overhang to protect the windows and doors would be preferable to an architectural cornice feature.*

Summary and Recommendations

While the Panel is encouraged by the significant changes made by the applicant and the new architect, the scheme does not as yet demonstrate sufficient design excellence.

The existing architect should be retained to complete design and its documentation, and this should be covered by an appropriately drafted DA condition.

Full DA documents need to be produced, including 4 elevations, arcade elevations, two sections (as a minimum), large scale details and wall sections including sun shading, balustrades, operable glass and louvres, materials and finishes.

The Panel looks forward to seeing this proposal when the architect has addressed the issues raised in this report and fully meets the Council's requirements for design excellence.

The SEPP 65 Panel has an advisory role for assessment of development applications where the SEPP is applicable.

3.2 Internal

The original application was referred to the various internal Council specialists and the comments received formed part of the deferral of the application.

Urban Design

Council's Senior Planner-Urban Design (who is also a qualified architect) was critical of the original proposal and supported many of the comments of the SEPP 65 Panel.

In relation to the amended (current) plans, many of the issues specified in the original scheme remain outstanding. Whilst acknowledging that some issues have been addressed overall the degree was not sufficient to warrant approval and the following additional comments were provided:

- *Issues raised by SEPP 65 Panel remain unresolved. These amendments should be made and the scheme referred back to the Panel for further comment.*
- *Curve of retail spaces on ground floor adjacent to the arcade do not address the street.*
- *Wind protection to rear lane is necessary from arcade.*
- *Communal open space has no to low amenity.*
- *Further roof resolution is necessary.*
- *Greater architectural detail is required to the street wall.*
- *Front setback to tower is inadequate.*
- *Wind issues remain.*
- *Amenity of the rear and lower level units is questioned.*
- *Lobby should receive natural light.*
- *Setback on side needs further review to previous comments to ensure adequate separation.*
- *Architectural character needs better resolution.*

Heritage and Urban Design Advisor

Council's Heritage and Urban Design Architect made the following comments:

Site Description

The site located to the southern side of Oxford Street is occupied by two late 20th Century commercial buildings with retail street usage.

Current Status

The buildings are not listed in Waverley LEP 1996 Schedule 5 as items of heritage significance and have limited streetscape value.

Proposed Development

The application proposes demolition of the existing buildings and construction of an 18 storey over ground and three basement levels retail and residential building with vehicle access from Pine Lane.

Comments

As with the previous proposal for this site, no issues are raised in relation to demolition of the existing buildings. It is noted that the site is in close proximity to the former site of Waverley House. A watching brief should therefore be established during the demolition / excavation phase to ensure identification/ recording of any artefacts relating to previous occupation of the land.

The extent and variation in curved forms employed in the proposed structure and adjacent buildings presents as a somewhat erratic composition. Contrary to intentions the extended use of these forms on such varied floor plates tends to remove any cohesion between the prominent structures rather than provide a convincing urban grouping. Given the exposed site and relationship of the building to adjacent tall structures a wind study is considered essential prior to any submission.

The irregular plan form of this and adjacent towers emphasises the role of the building podium within the streetscape. Planning at street level appears to raise issues of effective circulation. The converging shop/cafe fronts abutting the main entry are shown with outdoor seating, an aspect likely to impinge upon access to the principle lobby. Further the continuation of this access through to Pine Lane whilst providing merit in terms of overall circulation appears unresolved at the Pine Lane entry/exit. The successive stairways, location of secure doors, control of wind and the safety of pedestrians in proximity to the dual vehicle entries should be further resolved.

Aesthetically the proposal appears to combine a varied assembly of stylistic references the crowning aerofoil, grid framed podium and curvilinear tower derive from varied precedents with the amalgam not necessarily cohesive. Treatment of the podium could well be improved by lighter articulation rather than continuation of the masonry frame employed on the adjacent building to the east. Generally the proposed external finishes are of a higher standard than seen in the adjacent structures – further supporting the need for this to be an anchoring element within the group rather than paying undue reference to the adjacent irregularly placed towers set in close but unaligned proximity.

A more considered treatment of the podium would also provide planting extending well into the podium. Substantial planting within the podium appears to have been omitted on the basis of the two street trees (one shown rising to the 9th storey on elevation). The two street trees appear somewhat at odds with the proposed development and may be substantially impacted by new wind patterns and construction. It may be an appropriate time to consider the future of the trees. The trees appear as remnants rather than part of a cohesive pattern of planting. The trees would have more relevance if repeated, but at present appear to detract from the overall urban setting. It may be a better outcome to replace these trees with regular avenue planting along the street frontage from Bondi Road to Hollywood Avenue providing shading and greening of the setting.

Recommendations

To enhance the amenity and quality of the urban setting it is recommended that:

- The design incorporates a more refined articulation of the building podium rather than a continuation of the adjacent large framed podium.*
 - Planning of the ground floor entry including the convergence of retail tenancies and the passageway through to the rear lane is reconsidered in terms of movement, safety, wind flow and street presentation.*
 - All signage locations and external colours should be clarified.*
 - Landscaping including the future of the two street trees be further considered.*
-

Environmental Health Issues

Council's Environmental Health Officer made the following comments:

This section has reviewed the preliminary environmental site assessment prepared by Environmental Investigation Services and dated December 2012 which reveals that a detailed environmental site assessment (DESA) is required to be carried out.

The proposal is unsatisfactory to this section until the following information is provided for further comment and found to be satisfactory:-

A detailed environmental site assessment will be required to be carried out in accordance with the NSW EPA Contaminated sites guidelines certifying that the site is suitable or will be suitable, after remediation for the proposed use.

Waste Management

Council's Waste Management Officer made the following comments:

I am satisfied that the submitted Waste Management Plan complies with the Waverley Development Control Plan for the residential waste generation rates. However, Council is concerned that the retail / commercial space generation rates are underestimated for the site location. All new builds are assessed for the maximum waste generation rates for retail space. Therefore amendments have been made to accommodate these rates and conditions shall be imposed to ensure compliance in this respect.

Vehicular Access

Council's Manager Technical Services made the following comments:

The plans for the above development have been examined and the proposal for portions of the building on the Pine Lane frontage to encroach out into the 3m wide strip of land being dedicated as road reserve is unsatisfactory.

I wish to advise those parts of the building approved for construction in the 3m wide future road reserve area shall be finished at a level below the Pine Lane carriageway that firstly provides a clear area along the entire frontage for the laying of public utility authority services in what will be the future footpath area and secondly, provides a sufficient depth of soil for street tree planting.

It is recommended the applicant be required to submit amended plans complying with the above.

Traffic

Council's Traffic Management Officer made the following comments:

An assessment of the likely traffic impacts of the development has been undertaken by GTA Consultants in part 7 of a "Transport Impact Assessment" report dated 29/8/2012.

GTA Consultants is a well known in the traffic and transport engineering field and has considerable experience in preparing traffic and parking reports

I have read and assessed the GTA report and have no objections to its content and conclusions.

Traffic generation rates for both the residential and retail components of the development have been assessed using the RMS (former RTA) document, "Guide to Traffic Generating Developments". This document is currently used by Councils and consultants in Sydney and throughout NSW to determine traffic generation rates and impacts for a variety of developments.

The traffic movements generated by the development for the residential and retail components using the RMS document as follows:

*Peak Hour Movements: 27 vehicles /hour
Daily movements: 226*

These above two vehicle volumes do not take into consideration the vehicle movements that are already occurring in Pine Lane from the developments at 253 and 255. If they did, the resulting movements in the lane would be less than if it were a "greenfield" site.

The movements into and out of Pine Lane will also be split with some drivers travelling to and from the site via Waverley Crescent/Bondi Road and some to and from the site via Hollywood Avenue.

The intersection of Hollywood Avenue at Pine Lane is limited to a left in, left out movement and operates at a satisfactory level of service. The development with its increased traffic movements is considered will have minimal impact on that intersection and nearby intersections.

It should also be noted the site is the subject of a 3m wide road widening along the Pine Lane frontage. The widening will result in the carriageway in Pine Lane being widened to improve two way movements.

With regard to large vehicle access during construction, that matter will be the subject of discussion with the builder before the Construction Certificate is released. A full construction vehicle and pedestrian plan of management (CVPPM) will need to be submitted to Council for approval under a condition of development consent. That plan of management will need to detail the type, size and number of trucks that are associated with the site during demolition and construction stages, how those trucks will enter and exit the site, the truck waiting area remote from the site, any works/construction zones.

Works cannot commence on site until the CVPPM is approved by Council.

Non compliance with the development consent and CVPPM by the builder can result in the issue of fines.

Building Code of Australia Compliance

Council's Building and Fire Safety Officer made the following comments:

The subject application has been accompanied by:

A Building Code of Australia Assessment Report dated 19 December 2012, report no. 2012/0649 R2.0 and prepared by Steve Watson and Partners Pty Ltd.

The report indicates that "The design is capable of complying with the requirements of the relevant sections of the BCA subject to resolution of the identified areas of non-

compliance and compliance with recommendations provided within the report. Notwithstanding, the development adequately satisfies the intent of being able to comply with the requirements of the BCA for the purpose of DA submission."

In light of the above and given that the proposal involves total demolition and rebuild, it is the responsibility of the Certifying Authority and PCA to ensure that all works comply with the BCA. In this regard, should the application be approved then standard conditions shall be imposed.

Public Domain

Council's Strategic Tree Management officer made the following comments:

Situated on the footpath at the front of the above property are two street trees. Tree 1 is a Eucalyptus botryoides (Bangalay) and tree 2 is a Grevillea robusta (Silky Oak).

All tree protection specifications for tree protection of Tree 1 – Eucalyptus botryoides listed in Appendix 4 and 5 of the arborist's report submitted by Tree IQ dated 1 August 2012 are to be included in the conditions of consent for tree protection.

The recommendation for removal of Tree 2 – Grevillea robusta in the arborist's report submitted by Tree IQ dated 1 August 2012 are to be included in the conditions of consent.

Additional conditions provided to be imposed upon consent being granted.

Tree Preservation

On review of this application it is assessed that the location of the landscaped area is tokenistic.

Location of the proposed landscape does not comply with WCDP 2012, Part C, Section 2.13 cl. (e).

The location does not allow good solar access, not only due to the aspect of the site, but also due to the overhang of the upper floors. The proposed herb garden is supported as a valuable asset to communal apartment living - however, it will not thrive in its proposed location.

Landscaping areas shall be located so that they meet the above DCP requirement. Nominated species are to be capable of thriving in their proposed locations and any proposed landscaping shall provide visual amenity from Oxford Street to assist in the softening of such an imposing structure and to integrate with the requirements of the street tree plantings.

Comments provided by Council's Strategic Tree Planning officer regarding street trees on the Oxford Street side of the site are supported.

Disability Access

Council's Community Worker Older People and Access made the following comments:

Disability access

The proposal is required to meet relevant Australian standards for disability access and mobility. The DA should be assessed against requirements for adaptability and accessibility in Council's DCP, the BCA and Access to Premises Standards.

Key design features for accessibility include:

- *Level access from the footpath to the primary entrance of the building.*
- *Accessible level entrances, adequate circulation space, and a continuous path of travel to and from essential amenities and facilities*
- *Adequate widths of pathways and corridors to enable passing and turning spaces for users of wheelchairs or mobility scooters.*
- *Doors that are easy to open and enter such as installation of automatic doors and accessible lift to connect each floor*
- *Provision of accessible toilets in public areas*

Common barriers to access include:

- *Heavy doors, narrow doorway entrances and poorly located door handles*
- *Entrances that are not aligned to existing footpaths*
- *Non level entrances to shops and facilities*
- *Floor surfaces and treatments that can become a trip hazard or slippery*
- *Poor way finding*
- *Cluttered entrances and pathways that create a barrier to a continuous path of travel such as inappropriately placed seating and promotional signage*
- *No level access to balconies within accessible units*
- *Barriers to accessing communal areas and facilities*

To avoid these common barriers from occurring it is recommended that:

- *an Access Specialist is engaged to conduct an access audit of the plans to provide advice on detailed design elements and at occupation certificate stage to ensure compliance*

Comment on the proposal.

Entrance and arcade

- *It appears there is a separate accessible lobby and lift entrance to upper floors. This is not supported. The design should support equitable, independent and dignified access for people of all abilities.*
- *An accessible toilet located on the ground floor and available for public use is noted and supported*

Parking

- *12 mobility car parking spaces are noted and supported. These should be located close to lift entrances.*

Accommodation

There is a need for quality, affordable and accessible housing within Waverley. Feedback from residents suggests that people prefer to live in housing with extra rooms to house visitors, for storage and for study or recreational purposes. Access to outdoor areas and communal areas is important when people are living in high density unit blocks. The inclusion of space for laundry facilities in units is also important, especially for older people and people with disability.

- *The inclusion of accessible units are noted and supported. The units should not be clustered together but rather spread throughout the development and should include both one and two bedroom units.*
 - *Consideration could be given to designing units to the platinum level of the liveable housing design standards.*
 - *Inclusion of balconies and communal outdoor spaces is noted and supported*
-

- *Less studios and one and two bedroom units with study areas is noted and supported*

4. PUBLIC SUBMISSIONS

The original application was notified, advertised and site notice erected for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertising and Notification*.

Thirteen (13) submissions were received. The issues raised in the submissions are summarised and discussed below.

Ref. No.	Property	Location	Summary of Objections
3	Executive Committee: 251 Oxford St (known as 'The Harley') - Pro forma submission	Adjoining mixed use building to west	<ul style="list-style-type: none"> • Previous history provided; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • roof feature not integrated into design, adds additional unnecessary bulk; • Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight), loss of daylight and natural ventilation; • Significant intensification from existing; • Lack of transition in scale between neighbouring properties; • If approved, set an undesirable precedent for similar material environmental impacts; • Loss of views and vistas particularly for north and north east facing apartments, front setback should maintain building alignment to maintain views; • Consideration should be

Ref. No.	Property	Location	Summary of Objections
			<p>given to a development akin to previous approval building envelope;</p> <ul style="list-style-type: none"> • 'Winter gardens' should be considered in GFA and therefore calculated into FSR (ie not terraces or balconies); • Request Surveyor Certificate of the accurateness of photomontages; • Request Dilapidation Report & Photographic Survey prior to and after construction; • Request Geotechnical report; • Request elevational shadow diagrams; • Pedestrian Wind Environment Statement submitted advises no wind tunnel testing or modelling undertaken & recommendations are 'in principle' only, need to actually carry out specific modelling & testing; • Traffic impact – existing traffic issues will be worsened, congestion/ access in Pine Lane; • Construction Management Plan inadequate given the chronic traffic issues in locality; • Inadequate acoustic assessment report; • Loss of privacy / overlooking; • Communal open space location – poor amenity, lack of direct solar access & subject to winds along Pine Lane; • Questions if street trees can survive with

Ref. No.	Property	Location	Summary of Objections
			<p>significant works occurring adjacent;</p> <ul style="list-style-type: none"> • Safety issue of removing Asbestos from site;
1	64 & 65/251 Oxford St (known as 'The Harley')	Adjoining mixed use building to west	<ul style="list-style-type: none"> • Traffic impact – during and after construction, access in Pine Lane; • Overshadowing; • Excessive bulk and scale;
6	Suite 308/251 Oxford St (known as 'The Harley')	Suite in adjoining mixed use building to west	<ul style="list-style-type: none"> • Disruption and impact to business during construction / loss of income; • Request for shortened construction hours and completion timing within 2years; • Request for dilapidation report to adjoining boundary wall;
4	<p>Executive Committee: 257 Oxford St (known as 'Harbourview')</p> <p>- Pro forma submission</p>	Adjoining mixed use building to east	<ul style="list-style-type: none"> • Previous history provided; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • roof feature not integrated into design, adds additional unnecessary bulk; • Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight), loss of daylight and natural ventilation; • Significant intensification from existing; • Lack of transition in scale between neighbouring properties; • If approved, set an undesirable precedent for similar material environmental impacts;

Ref. No.	Property	Location	Summary of Objections
			<ul style="list-style-type: none"> • Loss of views and vistas particularly for north and north east facing apartments, front setback should maintain building alignment to maintain views; • Consideration should be given to a development akin to previous approval building envelope; • 'Winter gardens' should be considered in GFA and therefore calculated into FSR (ie not terraces or balconies); • Request Surveyor Certificate of the accurateness of photomontages; • Request Dilapidation Report & Photographic Survey prior to and after construction; • Request Geotechnical report; • Request elevational shadow diagrams; • Pedestrian Wind Environment Statement submitted advises no wind tunnel testing or modelling undertaken & recommendations are 'in principle' only, need to actually carry out specific modelling & testing; • Traffic impact – existing traffic issues will be worsened, congestion/ access in Pine Lane; • Construction Management Plan inadequate given the chronic traffic issues in locality; • Inadequate acoustic assessment report; • Loss of privacy /

Ref. No.	Property	Location	Summary of Objections
			overlooking; <ul style="list-style-type: none"> Communal open space location – poor amenity, lack of direct solar access & subject to winds along Pine Lane; Questions if street trees can survive with significant works occurring adjacent; Safety issue of removing Asbestos from site;
11	Lot 1/257 Oxford St	Adjoining mixed use building to east	<ul style="list-style-type: none"> Author's unit located adjacent to shared boundary – concern for structural damage & associated financial impact; Impact of construction – noise & dirt; Heritage significance of dwelling at rear of subject site; Excessive height / Unsympathetic to scale of adjoining buildings; Inadequate apartment mix and size of units; Increased waste due to number of proposed residents; Traffic impact – existing traffic issues will be worsened, congestion/ access in Pine Lane; Unclear of entry/exit for bicycles; Request for wind study report, heritage assessment & traffic impact statement; Overshadowing / loss of solar access / shadow over pool;
2	1 Waverley Cres (known as 'The Isabella')	Residential flat building located to rear (south) across Pine Lane	<ul style="list-style-type: none"> Increased development impact on local area – road conditions

Ref. No.	Property	Location	Summary of Objections
			<p>deteriorating;</p> <ul style="list-style-type: none"> • Traffic impact – during and after construction, access in Pine Lane, inadequate parking in area during construction; • Noise impact; • Expensive cost of living in this highly dense area;
7	2 Waverley Cres	Residential flat building in vicinity (south-east)	<ul style="list-style-type: none"> • Traffic impact – during and after construction, access in Pine Lane; • Overshadowing; • Inadequate footpath for pedestrians in Pine Lane; • Emissions during construction (dust and noise);
10	10/11 Waverley Cres	Residential flat building in vicinity (south)	<ul style="list-style-type: none"> • Impact of construction – noise & dirt / feeling of living in constant construction zone;
13	<p>Executive Committee, 2A Hollywood Ave (known as 'The Oscar')</p> <p>- Pro forma submission</p>	Mixed use building located to rear (south-west) across Pine Lane	<ul style="list-style-type: none"> • Previous history provided; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • roof feature not integrated into design, adds additional unnecessary bulk; • Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight), loss of daylight and natural ventilation; • Significant intensification from existing; • Lack of transition in scale between neighbouring properties; • If approved, set an

Ref. No.	Property	Location	Summary of Objections
			<p>undesirable precedent for similar material environmental impacts;</p> <ul style="list-style-type: none"> • Loss of views and vistas particularly for north and north east facing apartments, front setback should maintain building alignment to maintain views (photos provided on file); • Consideration should be given to a development akin to previous approval building envelope; • 'Winter gardens' should be considered in GFA and therefore calculated into FSR (ie not terraces or balconies); • Request Surveyor Certificate of the accurateness of photomontages; • Request Dilapidation Report & Photographic Survey prior to and after construction; • Request Geotechnical report; • Request elevational shadow diagrams; • Pedestrian Wind Environment Statement submitted advises no wind tunnel testing or modelling undertaken & recommendations are 'in principle' only, need to actually carry out specific modelling & testing; • Traffic impact – existing traffic issues will be worsened, congestion/ access in Pine Lane; • Construction Management Plan inadequate given the chronic traffic issues in

Ref. No.	Property	Location	Summary of Objections
			<p>locality;</p> <ul style="list-style-type: none"> • Inadequate acoustic assessment report; • Loss of privacy / overlooking; • Communal open space location – poor amenity, lack of direct solar access & subject to winds along Pine Lane; • Questions if street trees can survive with significant works occurring adjacent; • Safety issue of removing Asbestos from site;
12	59/2A Hollywood Ave (known as 'The Oscar')	Mixed use building located to rear (south-west) across Pine Lane	<ul style="list-style-type: none"> • Overshadowing; • Loss of views; • Traffic impact / access in Pine Lane / Development would block exit from garage; • Excessive height;
8	177/18-34 Waverley St (also known as 2A Hollywood Ave, 'The Oscar')	Mixed use building located to rear (south-west) across Pine Lane	<ul style="list-style-type: none"> • Overdevelopment of the site; • Excessive height – 20 stories vs 16 storey control; • Intention of increased density control is to increase office spaces not residential uses; • Overshadowing – diagrams do not indicate authors building; • Loss of iconic views – Sydney Harbour; • Loss of privacy / overlooking; • Traffic impact, existing traffic issues will be worsened / congestion / access in Pine Lane;
5	7B/15-19 Waverley Cres	Residential flat building in vicinity (south-east)	<ul style="list-style-type: none"> • Traffic impact, existing traffic issues will be worsened during and after

Ref. No.	Property	Location	Summary of Objections
			<p>construction, congestion/ access in Pine Lane / inadequate parking</p> <ul style="list-style-type: none"> • Too dense; • Environmental quality reduced; • Overshadowing; • Loss of privacy; • Loss of iconic views – Harbour Bridge, Opera House and CBD skyline;
9	Bondi Junction Precinct Committee		<ul style="list-style-type: none"> • Unsympathetic to scale of adjoining buildings; • Traffic impact / congestion of Pine Lane;

Upon the application being amended, it was notified, advertised and site notice erected for 14 days in accordance with *Waverley Development Control Plan 2010, Part C3 – Advertising and Notification*.

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

Ref. No.	Property	Location	Summary of Objections
9	Executive Committee: 251 Oxford St (known as 'The Harley')	Adjoining mixed use building to west	<ul style="list-style-type: none"> • Reiterate previous submission; • Previous history provided; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • Plant / services should be located in basement (not roof) / roof feature not integrated into design, adds additional unnecessary bulk; • Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight), loss of daylight and natural ventilation;

Ref. No.	Property	Location	Summary of Objections
			<ul style="list-style-type: none"> • Significant intensification from existing; • Lack of transition in scale between neighbouring properties; • If approved, set an undesirable precedent for similar material environmental impacts; • Loss of views and vistas particularly for north and north east facing apartments, front setback should maintain building alignment to maintain views; • Consideration should be given to a development akin to previous approval building envelope; • 'Winter gardens' should be considered in GFA and therefore calculated into FSR (ie not terraces or balconies); • Request Surveyor Certificate of the accurateness of photomontages; • Request Dilapidation Report & Photographic Survey prior to and after construction; • Request Geotechnical report; • Request elevational shadow diagrams; • Pedestrian Wind Environment Statement submitted advises no wind tunnel testing or modelling undertaken & recommendations are 'in principle' only, need to actually carry out specific modelling & testing; • Traffic impact – existing traffic issues will be

Ref. No.	Property	Location	Summary of Objections
			<p>worsened, congestion/ access in Pine Lane;</p> <ul style="list-style-type: none"> • Construction Management Plan inadequate given the chronic traffic issues in locality; • Inadequate acoustic assessment report; • Loss of privacy / overlooking; • Communal open space location – poor amenity, lack of direct solar access & subject to winds along Pine Lane; • Questions if street trees can survive with significant works occurring adjacent; • Safety issue of removing Asbestos from site;
4	Suite 308/251 Oxford St (known as 'The Harley')	Commercial suite in adjoining mixed use building to west	<ul style="list-style-type: none"> • Front balconies will look directly into author's consulting room – loss of visual and acoustic privacy; • Disruption and impact to business during construction / loss of income; • Request for sound proofing / compensation for loss of business / disruption during construction;
6	1402/251 Oxford St	Residential unit in adjoining mixed use building to west	<ul style="list-style-type: none"> • Overshadowing; • Insufficient side and front setbacks; • Loss of privacy – balconies between the two buildings will be too close (1.5m) / Front balconies will look directly into author's unit; • Loss of views (Bellevue Hill & Bondi) – continual loss of panoramic views

Ref. No.	Property	Location	Summary of Objections
			over time;
7	Strata Managers: 257 Oxford St (known as 'Harbourview')	Adjoining mixed use building to east	<ul style="list-style-type: none"> • Reiterate previous submission; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • Significant disruption, noise and engineering risk to adjoining properties; • Loss of privacy; • Concern for continual enlargement and intensification;
2	13/1 Waverley Cres (known as 'The Isabella')	Residential flat building located to rear (south) across Pine Lane	<ul style="list-style-type: none"> • Overshadowing;
3	2 Waverley Cres	Residential flat building in vicinity (south-east)	<ul style="list-style-type: none"> • Overshadowing; • Excessive height;
11	8/5 Waverley Cres	Residential flat building to south	<ul style="list-style-type: none"> • Loss of views; • Traffic congestion in pine Lane / request loading bay to be located on Oxford St frontage;
5	Strata Managers, 2A Hollywood Ave (known as 'The Oscar')	Mixed use building located to rear (south-west) across Pine Lane	<ul style="list-style-type: none"> • Reiterate previous submission; • Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control; • roof feature not integrated into design, adds additional unnecessary bulk & impacts view unnecessarily; • Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight); • Significant intensification

Ref. No.	Property	Location	Summary of Objections
			<p>from existing;</p> <ul style="list-style-type: none"> Excessive construction disruption / Request Geotechnical report;
1	177/18-34 Waverley St (also known as 2A Hollywood Ave, 'The Oscar')	Mixed use building located to rear (south-west) across Pine Lane	<ul style="list-style-type: none"> Overdevelopment of the site; Excessive height – 20 stories vs 16 storey control / inadequate floor to ceiling heights; Intention of increased density control is to increase office spaces not residential uses / insufficient apartment mix with overload of 1 bedrm's & studio's; Overshadowing; Loss of iconic views – Sydney Harbour; Loss of privacy / overlooking; Traffic impact, existing traffic issues will be worsened / congestion / access in Pine Lane;
8	405/1 Adelaide St (known as 'Eclipse')	Unit in vicinity (to north)	<ul style="list-style-type: none"> Construction noise and disruption; Loss of views; Loss of light; Loss of privacy; Traffic impact / congestion;
12	1403/1 Adelaide St (known as 'Eclipse')	Unit in vicinity (to north)	<ul style="list-style-type: none"> Insufficient shadow diagrams Traffic congestion in area / vehicle & pedestrian safety; Excessive scale;
10	40 Birrell St	Property in broader LGA	<ul style="list-style-type: none"> Traffic congestion in area / Trucks are often directed to use Birrell St – request for alternate route; Excessive height;

The issues raised to the original plans and amended plans are discussed below:

Issue: *Traffic impact – during and after construction, access in Pine Lane, inadequate parking in area during construction / Development would block exit from garage / existing traffic issues will be worsened, congestion / Increased development impact on local area – road conditions deteriorating / Trucks are often directed to use Birrell St – request for alternate route / Construction Management Plan inadequate given the chronic traffic issues in locality / request loading bay to be located on Oxford St frontage;*

Planning comment: These aspects have been previously discussed in detail within the report (see 'Traffic' referral).

Issue: *Noise impact / Inadequate acoustic assessment report / Impact of construction – noise & dirt / feeling of living in constant construction zone / Emissions during construction (dust and noise) / Disruption and impact to business during construction / loss of income / Request for sound proofing / compensation for loss of business / Request for shortened construction hours and completion timing within 2years / noise and engineering risk to adjoining properties;*

Planning comment: Standard conditions imposed on any consent granted would ensure development works occur in a safe manner in accordance with regulations standards. Construction hours are industry set hours and construction period of timing is not within Council's regulating framework to control, other than the validity of the consent being 5 years to substantially commence works from the date of consent. Accordingly, the Bondi Junction core controls have recently been upgraded resulting in increased development within this area now and into the future.

Issue: *Expensive cost of living in this highly dense area;*

Planning comment: This is a general comment and not solely related to this specific development, but rather can be applied to the surrounding locality.

Issue: *Increased Overshadowing / Solar access – insufficient sunlight to DCP (ie <3hrs direct sunlight), loss of daylight and natural ventilation / Request elevational shadow diagrams / diagrams do not indicate authors building / shadow over pool;*

Planning comment: These aspects have been previously discussed in detail within the report.

Issue: *Excessive bulk, height and scale – non compliant height, previous DA sought reduction in height despite height control, non compliance with maximum 16storey control / roof feature not integrated into design, adds additional unnecessary bulk / Lack of transition in scale between neighbouring properties / Consideration should be given to a development akin to previous approval building envelope / Unsympathetic to scale of adjoining buildings / inadequate floor to ceiling heights / Significant intensification from existing / Overdevelopment of the site / Intention of increased density control is to increase office spaces not residential uses / ‘Winter gardens’ should be considered in GFA and therefore calculated into FSR (ie not terraces or balconies) / Insufficient side and front setbacks / insufficient apartment mix with overload of 1 bedroom & studio units / If approved, set an undesirable precedent for similar material environmental impacts;*

Planning comment: These aspects have been previously discussed in detail within the report.

Issue: *Communal open space location – poor amenity, lack of direct solar access & subject to winds along Pine Lane;*

Planning comment: These aspects have been previously discussed in detail within the report.

Issue: *Loss of views and vistas particularly for north and north east facing apartments, front setback should maintain building alignment to maintain views / Loss of iconic views – Sydney Harbour, Harbour Bridge, Opera House and CBD skyline; / Loss of views (Bellevue Hill & Bondi) – continual loss of panoramic views over time;*

Planning comment: These aspects have been previously discussed in detail within the report.

Issue: *Loss of privacy / overlooking / Front balconies will look directly into author’s consulting room – loss of visual and acoustic privacy / balconies between the two buildings will be too close (1.5m);*

Planning comment: These aspects have been previously discussed in detail within the report.

Issue: *Request Surveyor Certificate of the accurateness of photomontages;*

Planning comment: The site survey has been prepared by a qualified surveyor and relied upon for the photomontages. As such, photomontages are indicative only and should not be relied upon.

Issue: *Request Dilapidation Report & Photographic Survey prior to and after construction;*

Planning comment: A condition of consent if approved will be imposed requiring dilapidation reports of adjoining properties.

Issue: Request Geotechnical report / Request for wind study report, heritage assessment & traffic impact statement;

Planning comment: Each of these reports have been submitted with the application and their recommendations would be incorporated into conditions of consent if approved.

Issue: Questions if street trees can survive with significant works occurring adjacent;

Planning comment: The application has been referred to Council's Strategic Tree Planning Officer in this regard, with conditions recommended should the application be supported, to ensure the protection and retention of the street trees.

Issue: Safety issue of removing Asbestos from site;

Planning comment: A condition of consent if approved will be imposed requiring compliance with Work Cover regulations.

Issue: Heritage significance of dwelling at rear of subject site;

Planning comment: The subject site is not listed as an item of heritage significance.

Issue: Increased waste due to number of proposed residents;

Planning comment: The application has been referred to Council's Environmental Waste Officer in this regard, with conditions recommended should the application be supported, to ensure sufficient waste areas are provided within the development.

Issue: Pedestrian Wind Environment Statement submitted advises no wind tunnel testing or modelling undertaken & recommendations are 'in principle' only, need to actually carry out specific modelling & testing;

Planning comment: This aspect has been previously discussed in detail within the report.

Issue: Plant / services should be located in basement (not roof)

Planning comment: Plant and services are sought both in the basement, as well as on the roof, required for a development of this size.

Issue: Unclear of entry/exit for bicycles;

Planning comment: A through site link between Oxford Street and Pine Lane will provide access for entry/exit of bicycles into the development.

Issue: Inadequate footpath for pedestrians in Pine Lane;

Planning comment: The proposal includes a land dedication of 3m to the rear of the site for improved pedestrian access at the rear in Pine Lane.

5. CONCLUSION

Whilst there are a number of issues that require resolution for this development to be supported, the key issue remains the size of the tower element. One of the overriding objectives DCP controls (for Bondi Junction) is to ensure “...*high quality streetscape and urban design that continues to improve the Bondi junction Centre*”.

It also states:

“Above the (podium) block edge form is the tower building form. This form is set back from the street edge and from the front, side, and rear boundaries. Tower building forms occur in Bondi Junction Commercial zones and are designed to provide higher density development commensurate with Bondi junction’s role as a major centre as identified in the Sydney metro Strategy. Encouraging small footprint tower buildings are one of the key determinates of sustainability to facilitate cross ventilation, daylight access and to create diversity within the BJC skyline.”

This application seeks to minimise the size and functionality of the commercial part of the “mixed use” building in favour of having the largest possible residential tower. Whilst this supports residential objectives (and provides the greatest yield outcome); it does not contribute in any meaningful way to the commercial and retail viability of the Centre. Bondi Junction’s primary role is as a Commercial Centre so it is important that residential development enhances (rather than replaces) retail and commercial space and that these spaces are lively and contribute in a positive way.

Whilst it may be possible to demonstrate that fundamental controls such as FSR or height have been complied with, this alone should not be seen the automatic gateway for the granting of a consent. The controls must be viewed as a ‘suite’ and relevant objectives met in a genuine and community minded fashion. This is not the case in this instance. The primary and overriding objective appears to have been to maximise the size of the tower element and driven by a desire to achieve “technical compliance” with height and FSR controls.

The bulk of the tower has consistently been identified to the applicant as an issue that required review but changes have been token at best (eg removal of a window pane from wintergardens so they are no longer count as floor space). A smaller footprint tower would see many benefits – not only for surrounding properties and the general public, but also for the future occupants of the building itself as it would provide scope for higher levels of internal amenity with greater access to light and cross ventilation. A small footprint tower would reduce the visual bulk caused by the tower adjoining the building next-door; it would provide greater amenity for the units in the building to the east; it would reduce the shadow cast on surrounding buildings and public places and it would set a positive precedent for future development in the area.

Variations to DCP provisions have been conceded in the assessment process but consistent requests to redesign the tower to a more slender element have been rejected by the applicant. The applicants’ position on this fundamental issue has resulted in the recommendation for refusal.

6. RECOMMENDATION

That development application No. 386/2012 at 253-255 Oxford Street, Bondi Junction for demolition of existing buildings and construction of a 19 storey mixed use development containing 90 residential units, 6 retail premises and 3 levels of basement parking be refused by the Joint Regional Planning Panel for the following reasons:-

REASONS FOR REFUSAL

1. The applicant has failed to satisfy the issues raised in Council's deferral of the application dated 13 November 2012.
 2. The proposal fails to satisfy the provisions of State Environmental Planning Policy No. 55, in that the proposal fails to ensure the site can be made suitable for the intended uses.
 3. The proposal fails to satisfy the principles of State Environmental Planning Policy No. 65 - Design Quality Principles of Residential Flat Development, with particular regard to scale, built form and details.
 4. The proposal does not satisfy the following provisions of the Waverley Local Environmental Plan (Bondi Junction Centre), 2010:
 - a. Clause 4.4 – 4.5: Floor Space Ratio;
 - b. Clause 4.6: Exception to development standards;
 - c. Clause 5.6: Architectural roof features;
 - d. Clause 6.2: Design excellence; and,
 - e. Clause 6.3: Active street frontages.
 5. The proposal is contradictory to the Waverley Development Control Plan 2010, with regards to Bondi Junction Urban Design considerations, setbacks, apartment mix, landscaping, storage, parking facilities.
 6. The proposal is considered to result in an excessive bulk and scale beyond that envisaged in the controls relevant to the site. The extensive voids along with a non-compliant floor space ratio will result in a building that is too large for the site and has the potential to impact adversely on the surrounding locality.
 7. The communal open space and rear roof garden are poorly located where they will receive little or no solar access.
 8. The provision of private basement areas under the dedicated land limits scope for future trees / planting, services provisions (particularly noting the proposed OSD tank directly beneath the rear land dedication) and create long term maintenance and liability problems.
 9. Insufficient documentation has been provided to properly assess the application, having particular regard to the architectural detailing of the proposal and solar access impacts.
 10. The proposal will result in unreasonable view loss to adjoining properties.
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11. The proposal is considered to detrimentally impact on both the natural and built environment, having regard to Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act, 1979.
12. The proposal is not considered to be in the public interest having regard to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.

Should the Joint Regional Planning Panel resolve to support the application, then the following conditions are recommended:

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos:
 - DA-000 to DA-006 (Rev 1)
 - DA-100 to DA-103 (Rev 1)
 - DA-201 to DA-215 (Rev 1)
 - DA-300 to DA-302 (Rev 1)
 - DA-400 to DA-403 (Rev 1)
 - DA-700 to DA-703 and DA-730 (Rev 1)
 - DA-750 and DA-751 (Rev 1)
 - DA-910 to DA-915 (Rev 1)All dated 19.12.12 prepared by 'Dickson Rothschild' Architect and received to Council on 21 December 2012.
 - (b) Landscape Plan No. 101 to 103, 501 (Issue A) of Job No. SS12-2494 and documentation prepared by 'Site Image Landscape Architects', dated 14.12.2012, and received by Council on 21 December 2012;
 - (c) Traffic Impact Assessment prepared by 'Transport and Traffic Planning Associates' dated December 2012 (Rev C), Reference 12171 and received to Council on 21 December 2012;
 - (d) Stormwater Plan and Details, Drawing Nos SW-00 to SW-08 (Rev A) prepared by 'Harris Page & Associates' dated 19.12.12 and received to Council on date 21 December 2012;
 - (e) Preliminary Environmental Site Assessment, Ref: E26227Krpt dated December 2012 and received to Council on date 21 December 2012, and Supplementary documentation submitted to Council on 26 February 2013;
 - (f) Noise Impact Assessment, Project No 20121184.1 prepared by 'Acoustic Logic' dated 13/12/2012 and received to Council on date 21 December 2012;
 - (g) BASIX Certificate No. 460439M dated 21 December 2012, and received by Council on 21 December 2012;
 - (h) BCA Assessment Report, Ref: 2012/0649 R2.0 prepared by 'Steve Watson & Partners' dated December 2012 and received by Council on date 21 December 2012;
 - (i) Arboricultural Impact Assessment Report, Project No: 253-255/OX/12 prepared by 'Tree iQ' dated 1 August 2012 and received to Council on 21 December 2012;
 - (j) Pedestrian Wind Environment Statement, Ref: WA529-03F02(REV1)-WS REPORT prepared by 'Windtech' dated 18 December 2012 and received to Council on 21 December 2012;
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- (k) Solar Light Reflectivity Analysis, Ref: WA529-03F03(REV1)-SR REPORT prepared by 'Windtech' dated 18 December 2012 and received to Council on 21 December 2012;
- (l) Construction Environmental Management Plan prepared by 'Legacy Property', undated and received to Council on date 21 December 2012;
- (m) Schedule of external finishes and colours received by Council on 21 December 2012; and
- (n) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part G1, Waverley DCP 2010 and Waste Management Plan prepared by 'Elephants Foot' dated November 2012 and received to Council on 21 December 2012.

Except where amended by the following conditions of consent.

2. CONSULTANT REPORTS

The recommendations contained in the various specialist consultant reports outlined in Condition 1 shall be adhered to. Where any conflict arises between a condition of consent, the development's Principle Certifying Authority may determine which is to apply

3. SITE CONTAMINATION

Prior to the issue of a Construction Certificate, a detailed Environmental Site Assessment (DESA stage 2) is to be provided and if required a Remediation Action Plan (RAP) is to be submitted to Council prepared in accordance with the NSW EPA 'Guidelines for Consultants reporting on Contaminated Sites' and Planning NSW Guidelines 'Managing Land Contamination Planning Guidelines'.

If required the RAP shall be reviewed by a NSW EPA accredited Site Auditor and a statement issued by that auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

4. ROAD WIDENING

Prior to occupation, the 3m wide strip of land along the Pine Lane frontage required by Council for road widening be dedicated to Council for that purpose with all costs associated being borne by the applicant.

5. WORK TO OXFORD STREET

A design review and construction of the roadway alignment on the southern side of Oxford Street being carried out to the satisfaction of the Divisional Manager, Technical Services providing for an extension of the existing indented bay in a westerly direction to the Hollywood Avenue intersection. The design review and realignment works shall be carried out at the applicant's expense and be completed to Council's satisfaction prior to consideration being given by Council to the provision of a Works/Construction Zone on Oxford Street outside the site.

6. WORKS ON PINE LANE

New kerb and gutter, footpath realignment and pavement widening works shall be undertaken in Pine Lane prior to the issue of an Occupation Certificate. Detailed engineering drawings of the works shall be prepared at the applicant's expense by a suitably qualified and

experienced professional and be submitted to Council for the approval of the Divisional Manager Technical, Services prior to those works commencing. The new kerb and gutter and footpath shall be designed and constructed to align and match satisfactorily with that in place in the lane at the rear at 251 and 257 Oxford Street.

7. BOUNDARY LEVELS

The finished level of paving inside the site on the Oxford Street boundary is to match Council's existing footpath.

8. TERMS OF RESTRICTIONS, COVENANTS AND EASEMENT

All covenants, restrictions and easements required to be registered by these conditions of consent must provide that they cannot be varied, modified or removed without the consent of the Council.

9. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Privacy screening (louvers) to the western elevation of the front balconies / winter gardens shall be fixed at angels to avoid overlooking into 251 Oxford St units.
- (b) Accessible storage facilities (in addition to kitchen cupboards and bedroom wardrobes) for all residential units shall be provided at a rate of:
 - i. Studio apartments: 6m³
 - ii. One bedroom apartments: 6m³
 - iii. Two bedroom apartments: 8 m³
 - iv. Three plus bedroom apartments: 10 m³

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

10. GENERAL MODIFICATIONS – PARKING

The proposal shall be amended as follows:

- (a) Car parking shall be provided at a rate of:
 - a. 11 residential visitor spaces;
 - b. 7 retail spaces;
 - c. 1 car share space
 - d. 60 residential spaces;
- (b) A minimum of 10% of all vehicle spaces are to be accessible.
- (c) Ownership of car park lot spaces within the basement shall be limited to party/ies owning a unit (commercial/residential) within the building and limited to 2 car spaces to any one residential unit.

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

11. GENERAL MODIFICATIONS – DISABLED ACCESS

The proposal shall be amended as follows:

- (a) At least 4 of the accessible units are to be located towards the front of the building.
- (b) The adaptable units should not be clustered together but rather spread throughout the development and should include both one and two bedroom units.
- (c) A fully accessible sanitary facility is to be provided for public use on ground level.

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

12. GENERAL MODIFICATIONS – THROUGH SITE LINK

The proposal shall be amended as follows:

- (a) Details shall be provided for the proposed security measures to the arcade which are to be designed to complement the architectural character of the building and have a high design quality.
- (b) Details shall be provided of wind mitigation measures to the through site link to minimise the wind tunnel effect.

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

13. THROUGH-SITE LINK – OXFORD STREET TO PINE LANE

The following requirements apply to the through-site link:-

- (a) The purpose of the link shall be public pedestrian access through the site during day light hours. The link shall be accessible to the public at least between the hours of 6.00am to 8.00pm, Monday to Saturday and between 7.00am to 5.00pm Sundays and at all times the retail premises are permitted to operate.
 - (b) Signage identifying the purpose of the link and its trafficable hours to the public shall be provided to both its Oxford Street and Pine Lane entries.
 - (c) Any future strata plan for the site shall be modified to identify a right of carriageway in respect to (a) prior to the issue of an Occupation Certificate or Subdivision Certificate for the development.
 - (d) The link is to be maintained in a clean and safe condition by the Body Corporate of the building at all times.
 - (e) The link shall be designed so as to allow for fire egress from the building in accordance with the provision of the Building Code of Australia.
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- (f) Closure of the link to the public, other than allowed for by (a), requires Council's consent.

14. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

15. ARCHITECT TO SUPERVISE DESIGN

The preparation of the Construction Certificate plans shall be supervised and to the satisfaction of 'DR Design Pty Ltd' – Mr. Robert Nigel Dickson (the 'architect' Registration Number: 5364) in accordance with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flats.

16. BONDI JUNCTION 3D CAD MODEL REQUIRED

Prior to a Construction Certificate being issued, an accurate 1:1 electronic model of the detailed construction stage drawings must be submitted to Council for the electronic Bondi Junction Model.

The data required to be submitted must include and identify:

- (i) building design above and below ground in accordance with the development consent;
- (ii) all underground services and utilities, underground structures and basements, known archaeological structures and artefacts;
- (iii) property boundaries and the kerb lines adjacent to the site.

Further information and technical requirements should be obtained from Council's E-Planning (3D Modelling) Officer, in the Planning and Environmental Services Department.

Prior to an Occupation Certificate being issued, a second and updated 'as built' 1:1 electronic model, in accordance with the above requirements, of the completed development must be submitted to Council for the electronic Bondi Junction Model.

Note: The submitted model/data must be amended to reflect any modifications to the approval (under section 96 of the Environmental Planning and Assessment Act) that affect the location of any of the underground services or structures and/or external configuration of building above ground.

17. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

18. DELIVERY OF GOODS

Loading and unloading of vehicles and delivery of goods to the land shall at all times be carried out within the site. The area set aside for car parking as shown on the approved plans shall be used for the parking of vehicles and for no other purpose.

19. NO APPROVAL FOR ON-STREET PARKING CHANGES

Any proposed changes to on-street parking is to be the subject of a formal request to the Waverley Traffic Committee.

20. NOISE - PLANT

Any sound producing plant and equipment shall be capable of being operated in accordance with the requirements of the Protection of the Environment Operations Act, 1997 and the provisions of Australian Standards 1055-1984.

21. NOISE EMISSIONS

The use of the premises shall not give rise to:

- (a) Transmission of unacceptable vibration 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's (DECC) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) A sound pressure level at any affected premises that exceeds the DECC recommended planning levels outlined in the DECC Environmental Noise Control Manual; or
- (d) A sound pressure level at any affected premises that exceeds the DECC recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises.

22. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997. Waste gases released from the premises must not cause a public nuisance nor be hazardous or harmful to human health or the environment.

23. REFRIGERATION UNITS & MECHANICAL PLANT

Any future refrigeration motors/units or other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any future refrigeration motors/units or other mechanical plant associated with any future use of the building. Details of the refrigeration units and mechanical plant along with the means of acoustically treating the plant room are to be provided with any development application for the use of the premises.

24. INSTALLATION OF AIR CONDITIONING

Any air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary.
 - (b) Be located behind the front building line and if visible suitably screened and located in an appropriate location.
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- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (f) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).

25. MAINTENANCE OF WATER TREATMENT DEVICES

All waste water and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act, 1997.

26. SEPARATE APPLICATIONS FOR NON-RESIDENTIAL USES

Specific development applications are to be lodged for the approval of Council in connection with the initial usage of any retail or commercial areas within the development, prior to the occupation of the premises.

27. SEPARATE APPLICATIONS FOR FOOD PREMISES

As above, all tenancies are to be the subject of a separate Development Application, and where food premises and commercial kitchens are involved, the following conditions will also apply:

- (a) The premises must comply with the Food Act, 2003 and the Food Standards Code there under;
- (b) The applicant must arrange for an inspection by Council's Environmental Health Surveyor prior to Occupation;
- (c) The premises are to be registered with Council prior to the issue of the Occupation Certificate; and
- (d) Any proposal to utilise cooking equipment/appliances will be subject to a separate development application to Council and if approved will require an air handling system designed in accordance with AS 1668.1-1998 and AS 1668.2-1991 or alternative solution satisfying the performance objectives of the Building Code of Australia.

28. SEPARATE APPLICATION FOR OUTDOOR SEATING

Any proposal to utilise an area external of the building for dining on public property will be subject to a separate development application to Council and if approved will require a lease agreement to be entered into with Council.

29. SEPARATE APPLICATION FOR STRATA SUBDIVISION

The strata subdivision of the development will require a separate development application to Council.

30. BUILDING TO BE WRAPPED

The applicant is encouraged to investigate possibilities of extracting an image of the completed building onto the hoarding and mesh surrounding the site during the demolition and construction stages of the development to minimise the visual intrusion of what is otherwise a large single coloured mesh 'block' during this time.

Any advertising on the hoarding requires Council's written approval.

31. TELECOMMUNICATION FACILITIES ON MULTI-UNIT DWELLINGS

Telecommunication facilities on new multi-unit dwellings are opposed. The Owners' Corporation is prohibited from entering into leasing agreements with telecommunication companies to erect or install any commercial telecommunication device (other than for the explicit use of the occupants) on the building.

32. 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.

33. WASTE MANAGEMENT

- (a) For residential waste, the applicant must provide 6 x 600L Mobile Garbage Bins (MGB's) for waste and 16 x 240L MGB of comingled recycling to be collected weekly.
 - (b) The applicant must provide garbage / recycling compaction via the Elephants Foot system as proposed in their Waste Management Plan.
 - (c) For commercial waste, the applicant must provide 2 x 600L MGB for waste and 2 x 240L MGB of comingled recycling to be collected weekly.
 - (d) The residential and commercial waste storage areas must be separated.
 - (e) The applicant must enter into a commercial waste collection contract for the collection of commercial waste.
 - (f) The waste and recycling storage areas must be banded to the sewer and be equipped with a supply of hot and cold water mixed through a centralised mixing valve with a hose cock.
 - (g) The waste and recycling storage areas must be able to accommodate all bins, with all bins simultaneously accessible.
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B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

34. SECTION 94A CONTRIBUTION

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

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

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council Customer Service Centre, 55 Spring Street, Bondi Junction.

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.

35. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$70,000 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.

36. 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.

37. AMENDED LANDSCAPE PLAN

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

- (a) Soil depth level for the communal open space and roof garden planting areas shall be no less than 60 cm in depth (excluding depth required for plumbing and drainage) with the first horizon being no less than 30cm in depth.

The amended landscape plan is to be submitted to Council for approval by the Parks and Open Spaces Division of Council prior to the issue of a Construction Certificate.

38. STREET PLANTINGS

All work outside the property boundary are to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense. Such works shall comply with the following:

- (a) A replacement tree is to be planted on the eastern boundary of the site in the footpath adjacent to the rear of the kerb. The tree is to be a *Magnolia grandiflora* and is to be a minimum pot size of 400 litres. The tree is to be certified as grown to Natspec specifications with a minimum height of 2500mm from the top of the container to the apical tip.
 - (b) A consulting arborist is to submit specifications and design for a tree pit for the replacement street tree with the construction certificate for approval by Council's Strategic Tree Planning Officer. The design is to include measures to minimise tree root conflict with any adjacent services/infrastructure and the installation of a tree guard (Derwent - available from Arborgreen) installed to manufacturer's specifications.
 - (c) The consulting arborist is to provide details for cut-outs for the awning at the front of the building to allow for existing and future tree growth for both Tree 1 and Tree 2. This awning modification is to be shown on all submitted plans.
 - (d) The consulting arborist to be engaged at the commencement of demolition works to prune tree roots at the line of the existing building on its northern boundary.
 - (e) A supervising arborist (minimum Australian Qualification Framework Level 5) is to be engaged prior to any demolition or works on site and must
 - i) identify key stages where monitoring and certification will be required as outlined in AS 4970/2009, Section 5 in the form of a schedule to be submitted to and approved by Council.
 - ii) be present during any works within the tree protection zone of trees marked for retention and;
 - iii) oversee any approved excavation within tree protection zones is hand dug to ensure no roots greater than 50mm are severed and to clean cut any smaller roots
 - iv) undertake regular site supervision and certify compliance/submit reports to Council and the Principal Certifying Authority at the following phases of work:
 - A. Installation of tree protection measures prior to the issue of a construction certificate
 - B. Site establishment works including: bulk earthworks; installation of temporary infrastructure including bunding; sediment/drainage works and demolition of
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(insert specific details of structures to be demolished within close proximity to TPZs)

- C. During excavation and construction stages for: the installation of services, footings and slabs; works within TPZs and at completion of building works
- D. During any landscape works within TPZs
- E. At practical completion

Details are to be submitted to Council for approval by the Parks and Open Spaces Division of Council prior to the issue of a Construction Certificate.

39. LANDSCAPING BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the tree/s. The bond is to be lodged prior to the issue of a Construction Certificate. An application for refund of this bond may be made to Council (12) months from the issue of the Final Occupation Certificate. In the event that any of the specified trees are found damaged, dying or dead at any time during the construction and bond period, the bond may be forfeited to Council. Any replacement of dead or defective trees shall re-start the (12) month maintenance from the date of replacement.

40. 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.

41. DILAPIDATION REPORT

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

These properties must include (but are not limited to) 251 Oxford Street, 257 Oxford Street and 1 Waverley Crescent, and any others identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

- a) The dilapidation report will be made available to affected property owners on request and may be used by them in the event of a dispute relating to damage allegedly due to the carrying out of the development.
 - b) This condition cannot prevent neighbouring buildings being damaged by the carrying out of the development.
 - c) Council will not be held responsible for any damage which may be caused to adjoining buildings as a consequence of the development being carried out.
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- d) Council will not become directly involved in disputes between the Developer, its contractors and the owners of neighbouring buildings.
- e) In the event that access for undertaking the dilapidation survey is denied the applicant is to demonstrate in writing to the satisfaction of the Council that all reasonable steps were taken to obtain access to the adjoining property. The dilapidation report will need to be based on a survey of what can be observed externally.

42. PUBLIC ART

Public Art shall be incorporated into the new development. Specific details and design of the proposed public art feature shall comply with 'Public Art in the Private Domain Guidelines' which can be viewed on Council's website and by liaising with Council's Cultural Development Officer.

Details to be provided to the satisfaction of Waverley Council prior to the issue of a Construction Certificate for the development.

43. ACOUSTIC REPORT RECOMMENDATIONS

The "recommendations" as outlined in Sections 4.3 & 5 of the acoustic report prepared by Acoustic Logic Document Reference: 20121184.1/1312A/RO/BW dated 13 December 2012 shall be implemented as follows:

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

44. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

45. PROVISION FOR SHAFT FOR FUTURE FOOD PREMISES

Adequate provision shall be made for the installation of a mechanical exhaust system for future premises where food is prepared. This includes the provision of a shaft that complies with the Building Code of Australia, to the roof for the ductwork and the flue of the system.

46. 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 the 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.

47. ESSENTIAL SERVICES - NEW BUILDING

Details of the proposed essential fire safety measures/services shall be submitted to Council with the application for a Construction Certificate or be attached to the Construction Certificate, including a certificate, prepared by a person competent to do so, setting out the:

- (a) basis of design;
- (b) standard to which the system is to be installed; and
- (c) all relevant documentation, including all drawings such as wiring diagrams, duct layouts, hydraulic schematics etc and calculations shall be submitted for Council's records.

At the completion of the installation, certification containing the following information shall be attached to the application for an Occupation Certificate or to the Occupation Certificate:

- (a) inspection, testing and commissioning details;
- (b) date of inspection, testing and commissioning;
- (c) the name and address of the individual who carried out the test; and
- (d) a statement that the service has been designed, installed and is capable of operating to the above standard.

48. HOARDING REQUIRED

A standard B-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.

49. 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.

Should ground anchors be required for construction, a separate application shall be submitted to Council in the form of a development application.

50. 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.

51. NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION

A site specific noise management plan must be submitted to the Council for approval and comment prior to the issue of a construction certificate and complied with during any building works. The plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) Confirmation of the level of community consultation that has, is and will be undertaken with Building Managers/occupiers/residents of noise sensitive properties likely to be affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.
 - (b) Confirmation of noise methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with Council's noise criteria.
 - (c) What course of action will be undertaken following receipt of a complaint concerning site noise emissions?
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- (d) Details of any noise mitigation measures that have been outlined by an acoustic engineer or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring property to a minimum.
- (e) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

52. 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.

53. EROSION, SEDIMENT AND POLLUTION CONTROL

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

54. 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.

55. 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.

56. 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.
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- (b) The type and size of demolition/construction vehicles. Trucks with dog trailers and semi trailers may not be approved for use if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway adjacent to or opposite the site.
- (c) The location of truck holding areas remote from the site should Council not give approval for demolition/construction vehicles to stand on the roadway in the vicinity of the site.
- (d) Traffic control measures to be put in place when trucks, manoeuvring in the vicinity of the site, will interfere with the free flow of traffic.
- (e) The location and materials of construction of temporary driveways providing access into and out of the site.
- (f) The location and length of any proposed Works/Construction Zones. Note: such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
- (g) The hours of operation of demolition/construction vehicles.
- (h) The number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.
- (i) How it is proposed to cater for the safe passage of pedestrians past the site. The details shall include:
 - i. 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;
 - ii. any obstructions such as street furniture, trees and bollards etc., that may interfere with the safe passage of pedestrians;
 - iii. the type(s) of material on which pedestrians will be required to walk;
 - iv. the width of the pathway on the route;
 - v. the location and type of proposed hoardings;
 - vi. the location of existing street lighting.

57. BICYCLE PARKING

A total of 119 bicycle parking spaces are to be provided and shall be physically separated and signposted into 90 residential and 22 visitor and 7 retail spaces. Such spaces are to be provided by way of a secure lockable area, individual lockers or suitable bicycle racks and are to be located within the ground floor foyer or adjacent within any forecourt or within the car parking area. Details are to be indicated on the plans prior to the issue of the Construction Certificate.

58. CONVEX MIRRORS

Convex mirrors shall be installed within the site at both driveways on Pine Lane to allow drivers exiting the site to view pedestrians and vehicles approaching along Pine Lane from both directions.

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

59. VISITOR AND RETAIL CAR PARKING

Visitor, retail and car share car parking spaces being signposted to Council's satisfaction.

60. ACCESSIBLE CAR SPACE

A minimum of 10% of all car parking are to be provided as car spaces for the vehicles of people with disabilities.

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.

61. ACCESS

The development shall be provided with access and facilities for people with disabilities in accordance with AS1428.2 Design for Access and Mobility Part 2: Enhanced and Additional Requirements. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

62. ADAPTABLE HOUSING

Access in accordance with AS4299 - Adaptable Housing shall be provided to at least eleven units in the development. Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

63. ACCESSIBLE SIGNAGE

Appropriate signage and tactile information indicating accessible facilities shall be provided at the main entrance directory or wherever directional signage or information is provided in the building. Such signage shall have regard to the provisions of AS1428.2.

64. EXTERNAL FINISHES

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

65. 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.

66. BASIX

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

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

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

67. 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.

68. 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.

69. ARCHIVAL RECORDING OF EXISTING BUILDINGS

A brief archival record (at a minimum the front and rear elevations, details of notable elements of each building eg the awning and foyers) 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 (ie the street awning to the building at 255 Oxford Street) 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
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- (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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

70. 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.

71. STREETScape WORKS - BONDI JUNCTION / LOCAL VILLAGE CENTRES

The footpaths surrounding the site are to be upgraded in accordance with Council's Draft Public Domain Technical Manual Bondi Junction/WDCP 2010. In this regard, the applicant is to confer with Council prior to commencement of the works.

72. HOME BUILDING ACT

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

73. 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.

74. 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.

75. 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.

76. 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.

77. MANAGEMENT OF ACIDIC SOIL

Should the subject site show evidence of acid sulphate soils, the following shall apply:

- (a) To address issues arising from the natural acidity of the soil on-site, any concrete that is in contact with this soil is to be designed to restrict acid and sulphate attack. The *Cement and Concrete Association of Australia Technical Note TN57* is to be adhered to for precautionary measures.
- (b) Prior to the commencement of any works, the applicant shall nominate an appropriately qualified Environmental Scientist to supervise the management of acid sulphate soils. The Scientist shall:
 - i) Provide an acceptance in writing to supervise the aforementioned works to ensure compliance with the relevant conditions of Development Consent.
 - ii) On completion of the works certify that the aforementioned works have been constructed in compliance with the approved plans, specifications and conditions of consent.
- (c) The nominated supervising Environmental Scientist shall certify that the management of acid sulphate soil was undertaken in accordance with the Development Consent. Prior to the use or occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

78. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
 - (b) Prove that a water table is present or absent;
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- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

79. ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current Work Cover Asbestos or "Demolition Licence" and a current Work Cover Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos".

80. TOILET FACILITIES

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

81. NO USE OF ORGANOCHLORIN PESTICIDES

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

82. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

83. USE OF FILL ON SITE

All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported onto the site shall also be compatible with the existing soil characteristics for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported on to the site should be validated by either one or both of the following methods during remediation works;

- (a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- (b) Sampling and analysis of the fill material should be conducted in accordance with the DECC Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

84. HAZARDOUS MATERIALS AUDIT

A Hazardous Materials Audit (HMA) must be carried out by a suitably qualified practitioner prior to site demolition. The HMA must assess the presence of structural and residual building materials that may be of environmental concern. The HMA must also ensure that hazardous materials that may have been used within the structural components of all buildings are adequately addressed to protect site personnel from risk of exposure.

85. 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.

86. DEMOLITION & SITE PREPARATION

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

- (a) New South Wales Occupational Health and Safety Act, 2000;
 - (b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - (c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - (d) Protection of the Environment Operations Act 1997 (NSW) and
 - (e) DECC's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).
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87. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

88. 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.

89. 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.

90. 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.

91. 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.

92. 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.

93. 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.
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94. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES

Where there is a strong community reaction to noise associated with demolition, excavation and/or construction, Council may require respite periods by restricting the hours that the specific noisy activity can occur.

Notes: If this is imposed, Council will take into account:

1. Times identified by the community when they are less sensitive to noise
2. If the community is prepared to accept a longer period of construction in exchange for restrictions on construction times.

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

95. 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.

96. CONSTRUCTION NOISE - PERIODS OF 4 WEEKS OR UNDER

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 20dB(A) when assessed at any sensitive noise receiver.

97. 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.

98. NOISE - MECHANICAL PLANT

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

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy.
 - (b) A sound pressure level at any affected property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use. The source noise level must be assessed as a LAeq, 15 minute.
 - (c) Notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not be audible in any habitable room in any residential premises between the hours of 12.00 midnight and 7.00am.
 - (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.
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99. 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 background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

100. AIR EMISSIONS

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

101. BUILDING CODE OF AUSTRALIA

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

Sanitary facilities are to be in accordance with Part D3 of the Building Code of Australia and AS1428 (People with Disabilities).

102. QUALITY OF CONSTRUCTION ACT – INSPECTIONS

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 Certificate.

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:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) 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;
- (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.

103. 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.

104. 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.

105. IN-SINK WASTE DISPOSAL SYSTEMS

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

106. MECHANICAL VENTILATION

- (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.
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107. REFRIGERATION UNITS & MECHANICAL PLANT

All refrigeration motors/units or other mechanical plant are to be installed within the building in an acoustically treated plant room. In this regard, adequate provision is to be made within the confines of the building for any future refrigeration motors/units or other mechanical plant associated with any future use of the building. Details of the refrigeration units and mechanical plant along with the means of acoustically treating the plant room are to be provided with any development application for the use of the premises.

108. NOISE FROM MECHANICAL VENTILATION

The noise emanating from the mechanical ventilation system shall be in accordance with the requirements of Appendix B of the Australia Standard AAS 1055.2-1984 (Description and Measurement of Environmental Noise).

109. CONTROL OF LEGIONNAIRES DISEASE

- (a) All cooling towers and warm water systems must be operated and maintained in accordance with AS/NZS 3666 2011, the *Public Health Act 2010*, *Public Health Regulation 2012* and *NSW Health Code of Practice for the Control of Legionnaires Disease*.
- (b) The occupier of the building must register and provide particulars of any water cooling, and warm-water systems as required under the provisions of the *Public Health Act, 2010 and Regulation*. Registration forms are available from Council.

110. 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.

111. HOT TAP WATER SCALDING

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

112. RESIDENTIAL FLAT BUILDINGS - BALCONIES NOT TO BE ENCLOSED

The private open balconies attached to the proposed building are not to be enclosed at any future time, in accordance with the provisions of Council's General Policy. In this regard, the door openings within the external walls adjoining the private open balconies to be constructed so as to prevent the penetration of rain or other waters to the inner part of the building.

113. 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.

114. 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.

115. SEDIMENT REMOVAL FROM VEHICLE WHEELS

A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed in accordance with the approved Soil and Water Management Plan for the site prior to the commencement of any site works or activities.

116. NEW VEHICLE CROSSING

New vehicle crossings are to be provided to access the proposed basement car parking and loading dock areas. A separate application is required for the vehicle crossings, with all work to be carried out with the approval of and in accordance with the requirements of Council.

117. 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.

118. DISCHARGE OF COMMERCIAL OR INDUSTRIAL LIQUID TRADE

Commercial or industrial liquid trade waste including waste water generated in the garbage storage area to be discharged to Sydney Water sewer is to be undertaken in accordance with the provisions of Sydney Water's Trade Waste Policy and Management Plan. In this regard, the applicant is to confer with Sydney Water prior to the commencement of building work.

119. TREE PROTECTION MEASURES PRIOR TO CONSTRUCTION

Trees to be retained and protected shall be clearly shown on any construction plans. Tree protection shall be as detailed in Appendices 4 & 5 of the arborist report submitted by Tree IQ, dated August 2012.

Tree protection measures are to be installed prior to any work (including demolition) Evidence by means of an arborist report and/or photographic evidence showing site context are to be submitted and approved by Waverley Council's Tree Management Officer prior to the commencement of any work including demolition.

120. 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.

121. TREE PROTECTION

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

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

122. AWNINGS

Awnings shall be a minimum of 3.5m above the footpath level and offset a minimum of 600mm behind the kerb.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

123. 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 linen plan/occupation of the development.

124. ROAD WIDENING

Prior to the issuing of an Occupation Certificate, the 3m wide strip of land along the Pine Lane frontage required by Council for road widening purposes being dedicated to Council with all costs associated being borne by the applicant.

125. ALLOCATION T OF STREET NUMBER

If the parcels/properties of Lot 1 DP 795731 - 253 Oxford St and Lot 3 DP 4271 255 Oxford St are consolidated for the purpose of redevelopment, the allocated street number will be 253 Oxford Street, Bondi Junction

Upon any subdivision occurring the proposed allotments shall be clearly allocated retail lots 1-4 and residential lots 5-95.

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. The street number is to be positioned on the site prior to the issue of the Occupation Certificate

Any variation to the above street numbering requires a new application to be lodged with Council.

126. WASTE STORAGE

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

127. PARKING PERMITS

In accordance with Council's Policy, Residents Preferential Parking Scheme permits will **not** be issued for this development when it is completed.

128. RECYCLING OF WASTE PAPER

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements with the owner to transfer paper for recycling to the recycling room for removal by a recycling agent.

129. DISPLAY OF WASTE MANAGEMENT PLAN

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

130. CERTIFICATION – NOISE: PLANT AND EQUIPMENT

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 including the cooling towers, mechanical supply and exhaust ventilation systems and freezer and refrigeration motors comply with the terms of approval in relation to noise.

131. NOISE ATTENUATION CERTIFICATE

On completion of any building containing residential units and prior to the issue of the Occupation Certificate the applicant shall:

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with condition 50.
- (b) Lodge with Council for public record, the noise attenuation star rating results.
- (c) Provide certification demonstration compliance with condition 51 as imposed by the Roads and Traffic Authority.

132. SLIP TESTS OF COMMON AREAS

Common area tiles should not have slippery finishes. Slip tests should be undertaken in wet conditions.

133. LANDSCAPE PLAN

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

134. TELECOMMUNICATIONS

Notification of arrangement with Telstra and/or Optus for the provision of a telephone supply to each lot is to be submitted to the satisfaction of the Principle Certifying Authority prior to the release of the Subdivision Certificate.

135. TACTILE NUMBER IN LIFT

The applicant is advised that with regard to the provision of the lift in the building, it will be necessary for tactile numbers to be placed on each level of the building and within the lift to assist visually impaired people.

136. STREET NUMBER/S

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

137. 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*.

138. LIGHTS

All external area lights and car parks to multi-unit dwellings 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.

139. USE OF COMMON PROPERTY

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

140. NOISE – PLANT AND EQUIPMENT

A Certificate is to be submitted to Council 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 including mechanical supply and exhaust ventilation systems (including the car park) and freezer and refrigeration motors comply with the terms of approval in relation to noise.

141. REGISTRATION OF COOLING TOWERS

Registration of the cooling towers is required in accordance with the Public Health Act 1991 prior to the issue of a final occupation certificate.

142. 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.