



## Report to the Sydney City East Planning Panel

### COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSEC-15
<b>DA Number</b>	DA-312/2019
<b>LGA</b>	Waverley Council
<b>Proposed Development</b>	Integrated Development for upgrade works to existing facilities and addition of amenities to Bondi Park.
<b>Street Address</b>	Bondi Park, Queen Elizabeth Drive, Bondi Beach NSW 2026
<b>Applicant/Owner</b>	Daniel Spence of CHROFI Architects on behalf of Waverley Council, Project Waverley
<b>Date of DA lodgement</b>	25 September 2019
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	That the application be <b>approved subject to conditions</b>
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Council related development over \$5 Million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environment Protection and Biodiversity Conservation Act 1999</li> <li>• Heritage Act 1977</li> <li>• National Parks and Wildlife Act 1974</li> <li>• Crown Land Management Act 2016</li> <li>• Biodiversity Conservation Act 2016</li> <li>• SEPP 55 – Remediation of Land</li> <li>• SEPP 64 – Advertising and Signage</li> <li>• Infrastructure SEPP 2007</li> <li>• SEPP 71 (Coastal Protection) 2018</li> <li>• State and Regional Development SEPP 2011</li> <li>• Waverley Local Environmental Plan (WLEP) 2012</li> <li>• Waverley Development Control Plan (WDCP) 2012</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	See attached document.
<b>Report prepared by</b>	Stuart Gordon, SJB Planning
<b>Report date</b>	24 August 2020

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
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**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	<b>Yes</b>
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*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

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**Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>Not Applicable</b>
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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	<b>Not Applicable</b>
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*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?	<b>Yes</b>
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*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report.*

<b>Application number</b>	DA-312/2019
<b>Site address</b>	Bondi Park, Queen Elizabeth Drive, BONDI BEACH NSW 2026
<b>Proposal</b>	Integrated Development for upgrade works to existing facilities and addition of amenities to Bondi Park.
<b>Date of lodgement</b>	25/09/2019
<b>Owner</b>	Waverley Council
<b>Applicant</b>	Daniel Spence of CHROFI Architects on behalf of Waverley Council, Project Waverley
<b>Assessor</b>	SJB Planning
<b>Submissions</b>	Nil
<b>Cost of works</b>	\$8,211, 569.80
<b>Issues</b>	<ul style="list-style-type: none"> <li>- Heritage</li> <li>- Urban Design</li> <li>- Landscaping</li> <li>- Accessibility</li> </ul>
<b>Recommendation</b>	That the application be approved subject to conditions of consent.

### Site Map



## **1. PREAMBLE**

### **1.1 Executive Summary**

The application seeks consent for upgrades to facilities at Bondi Beach including new public toilet and shower facilities under Queen Elizabeth Drive near the southern end of the beach, upgrade to the existing lifeguard tower including remedial works and new facilities under the promenade (toilets, shower staff room and head lifeguard office) and first aid facilities in the northern groyne. The proposal is Integrated Development under the *Heritage Act 1977*.

The development complies with the relevant planning controls. The main issues for consideration are in regard to the site's heritage significance, urban design and landscaping outcomes and associated visual impacts. Issues raised have been addressed through amended plans and via recommended conditions of consent.

No submissions were received for the proposal.

Overall, it is considered that the proposed works will improve the Bondi Park facilities through considerable upgrading works and the addition new amenities at the southern end of the beach. In particular, the DA will benefit the public through significant upgrading and improvement to the lifeguard and first aid facilities at the beach.

Accordingly, the application is recommended for approval.

### **1.2 Site and Surrounding Locality**

The facilities to be upgraded and constructed are within Bondi Park which is bounded by Campbell Parade to the north west and Queen Elizabeth Drive to the south east. The site is 3.1km from Bondi Junction and 8.5km from the Sydney CBD. The site is located within the grounds of Bondi Park, with landscaped areas to the north and west of the site. Further north is a carpark accessible from Campbell Parade. Uses along Campbell Parade include residential flat buildings, shop-top housing, retail and the Bondi Public School.

The proposal is located at three (3) sites adjacent to Bondi Beach (refer to Site Map). The proposed amenities block is located to the southern end of Bondi Beach adjacent to the skate park under Queen Elizabeth Drive.

The lifeguard tower is located opposite the Bondi Pavilion adjacent to the central beach.

The northern groyne is located 100m to the north-east of the lifeguard tower.

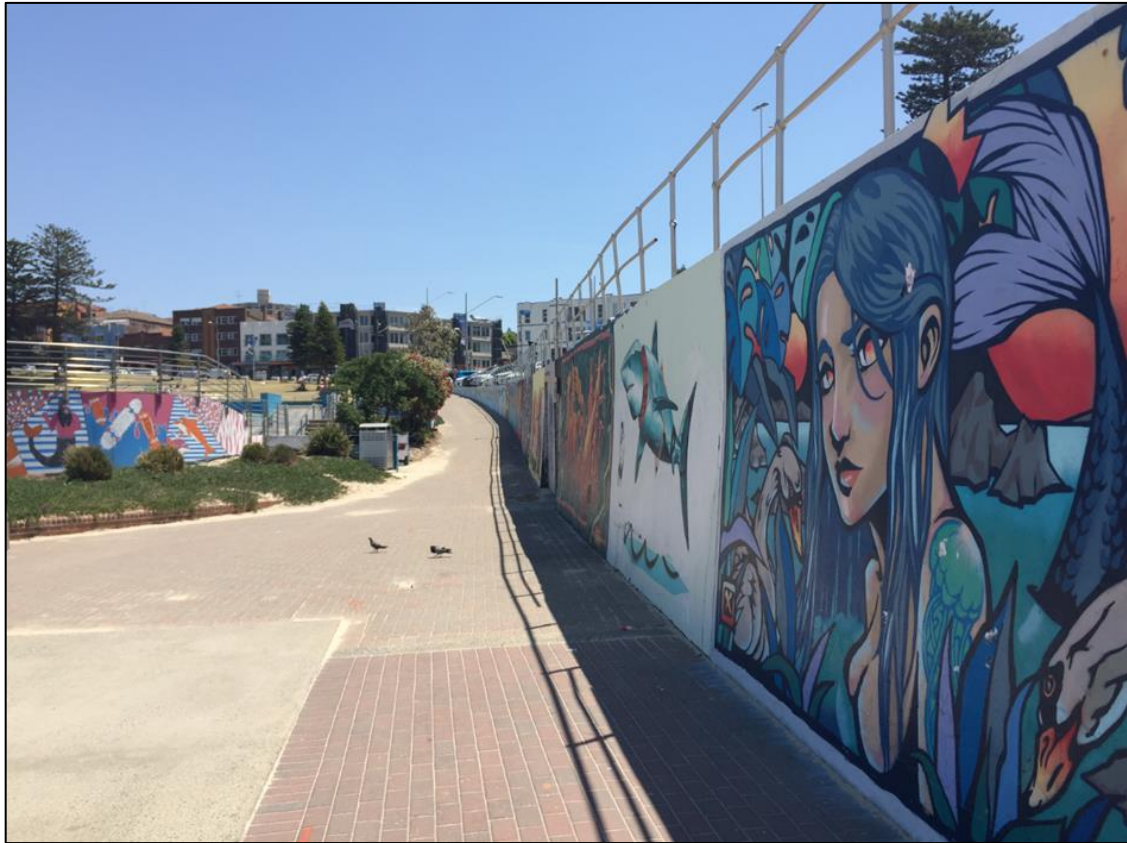


**Figure 1:** View of Lifeguard Tower



**Figure 2:** View of northern groyne – location of new proposed first aid facility





**Figure 3:** View of southern end of Queen Elizabeth Drive and Promenade – location of proposed amenities block

The adjacent Bondi Pavilion building is listed as a State significant heritage item and is located within the Bondi Beach locality, which is identified as place of significance on Australia’s National Heritage List. The site is also located within the Bondi Beach Beachfront Scenic Protection Area (under Waverly Development Control Plan (WDCP) 2012).

### 1.3 Relevant History

A search of Council records indicate a number of applications relating to Bondi Park, spanning over decades. Those of relevance to the subject application are shown below:

- DA-295/2014 approved 24 June 2015 for part demolition, repair and adaptive re-use of tunnels under the promenade and Queen Elizabeth Drive, Bondi Beach.
- DA-105/2019 approved 19 December 2019 for the restoration and refurbishment of the Bondi Pavilion including Heritage Conservation Works, improve equitable access, quality of spaces and facilities and ancillary public domain works.

### 1.4 Proposal

Development Application DA-312/2019 seeks consent for upgrades to facilities at Bondi Beach including new public toilet and shower facilities under Queen Elizabeth Drive near the southern end of the beach, upgrade to the existing lifeguard tower including remedial works and new facilities under the promenade (toilets, shower staff room and head lifeguard office) and first aid facilities in the northern groyne.

Specifically, the DA seeks consent for:

- Construction of a public toilet and shower facilities under Queen Elizabeth Drive near the southern end of the beach. The proposal includes accessible facilities, a family room, commercial kiosk, and diversion of an existing stormwater pipe;
- Upgrades to the lifeguard tower located near the Bondi Pavilion. It is proposed that the tower will undergo remedial works, and new facilities for the lifeguards are proposed to be built into the existing area under the promenade. The facilities include toilet and showers for the lifeguards, a staff room and a head lifeguard office. The tunnel space connected to the lifeguard area will undergo structural upgrades and is proposed to be used as storage space by the lifeguards; and
- The conversion of the northern groyne into a first aid facility. The facilities include a first aid desk, two (2) first aid rooms, stretcher store and accessible toilet and shower.

## **2. ASSESSMENT**

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

### **2.1 Environment Protection and Biodiversity Conservation (EPBC) Act 1999**

The site is within the 'Bondi Beach' precinct which is identified as a site of national heritage significance on the National Heritage List. Actions (e.g. development) that have or are likely to have a significant impact on a matter of national environmental significance require approval from the Australian Government Minister for the Environment ("Environment Minister").

A significant impact is considered to be an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

To obtain approval a proposed action has to be referred to the Environment Minister. A decision is then made by the Environment Minister as to whether approval under the *EPBC Act 1999* is required.

Referrals may be made by or on behalf of a person proposing to take an action, the Commonwealth or a Commonwealth agency, a State or territory government, or agency, provided that the relevant government or agency has administrative responsibilities relating to the action.

The works have been considered in the context of the 'Bondi Beach' precinct (between Mackenzies Point in the south and Ben Buckler in the north) and heritage assessment of the proposed works has been undertaken and it is concluded that the proposed works will not have a significant impact upon the heritage significance of the Bondi Beach Precinct. Works to the heritage fabric are minimal and upgrade works with mitigation measures to minimise impact have been allowed for.

The application was referred to the Heritage Council of NSW (State government agency) who have not indicated referral to the Environment Minister is warranted.

## **2.2 Heritage Act 1977**

The Park is located within the catchment of the 'Bondi Beach Cultural Landscape'. The proposed works constitute Integrated Development under Clause 4.46 of the *EP&A Act 1979* and require approval from the Heritage Council under Section 57 of the *Heritage Act 1977*. A separate Section 60 approval will also be required for the proposed works.

DA-312/2019 was referred to the Heritage Council of NSW. Initial comments were provided by a Senior Heritage Assessment Officer from the OEH on 29 January 2020.

The amended DA documentation was referred to OEH upon receipt.

Subsequent to receipt and review of the amended DA documentation, General Terms of Approval were issued by the delegate of the Heritage Council of NSW on 12 August 2020 and received by Council on 14 August 2020. These are included in the recommended conditions of consent.

## **2.3 National Parks and Wildlife (NP&W) Act 1974**

Under Section 90 of the *NP&W Act 1974*, an Aboriginal Heritage Impact Permit (AHIP) is required due to the proximity to and the potential impacts of the proposed works to Aboriginal archaeological items at adjacent Bondi Park.

A condition has been recommended which requires the provision of an AHIP prior to the issue of any Construction Certificate (CC).

## **2.4 Crown Land Management Act 2016**

The subject site is classified as Crown Land dedicated to Waverley Council. DA-312/2019 was referred to the former Department of Trade and Investment Crown Lands (now Department of Planning, Industry and Environment (DPI&E)) on Friday 3 May 2019 for comment.

No comment was received from the DPI&E Crown Lands relating to the proposed development of Crown Land.

## **2.5 Bondi Park, Beach and Pavilion Plan of Management 2014-2024**

Under the *Crown Lands Act 2016* a Plan of Management (POM) is required for the site.

The Bondi Park, Beach and Pavilion (BPBP) POM was adopted by Waverley Council in 2014 to provide a strategic framework to guide use, management and maintenance of the wider site. The 2014 POM updates the previous 1995 POM for the recreation precinct. In addition to guiding use and management of the entire Bondi Beach area, the POM is tasked with identifying the future vision and objectives for the upgrade and conservation works of Bondi Pavilion.

An assessment of the proposed works against the BPBP POM 2014 is included in Section 3 of this report.

## **2.6 Planning Instruments and Development Control Plans**



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

### 2.6.1 SEPP 55 Remediation of Land

The site has a long history of use for recreational purposes. The historical uses of the site are not listed in Table 1 to the Planning Guidelines under SEPP 55 as being activities likely to cause contamination. It is considered unlikely that the site has experienced any contamination, and Council's Environmental Health Officers has raised no concerns with respect to contamination.

A Hazardous Building Materials Survey by Douglas Partners was submitted with the DA and reviewed by Council's Environmental Health Officer. The report found the presence of Lead Paint within Tunnel 2 but no other hazardous building materials (non-friable asbestos, friable asbestos, synthetic mineral fibre, lead dust or polychlorinated biphenyls).

Council's Environmental Health Officers has recommended that the "recommendations" as outlined in the Hazardous Building Material Survey report prepared by Douglas Partners [Project No. 86599.00] dated December 2018 be implemented and as such a condition requiring as much forms part of the recommended conditions of consent.

In accordance with Clause 7 of SEPP 55 it is considered the that the site can be made suitable for the proposed uses.

### 2.6.2 SEPP (Coastal Management) 2018

The subject site is located within a 'coastal use area' as identified by the Coastal Management SEPP 2018. Clause 14 of the SEPP identifies the matters for considering in assessing a development application within a coastal use area. The matters for consideration are listed below in Table 1.

Matters for consideration	Comment
<b>Clause 14(a)</b>	
<p>(a) has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <ul style="list-style-type: none"> <li>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</li> <li>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,</li> <li>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,</li> <li>(iv) Aboriginal cultural heritage, practices and places,</li> </ul>	<ul style="list-style-type: none"> <li>- The proposal will not adversely impact overall access to Bondi Beach upon completion. The proposal includes compliant pathways and connections through to the beach boardwalk.</li> <li>- The proposal is not expected to adversely impact views to the beach or create wind funnelling. The type of materials and height of structures, as well as the species and height of proposed landscaping vegetation has been designed so that it does not impact upon the visual amenity Bondi Beach.</li> <li>- The proposal is acceptable in relation to maintaining the visual amenity and scenic qualities of the site</li> </ul>

Matters for consideration	Comment
(v) cultural and built environment heritage, and	<ul style="list-style-type: none"> <li>- Management of the heritage significance of both Aboriginal and European of the site is informed by the Heritage Impact Assessment and GTA's have been issued by the Delegate of the Heritage Council of NSW in respect of the DA.</li> <li>- The proposal is unlikely to cause an adverse impact on the matters listed and therefore satisfies Clause 14(a) of the Coastal Management SEPP 2018.</li> </ul>
<b>Clause 14(b)</b>	
(b) is satisfied that: <ul style="list-style-type: none"> <li>(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</li> <li>(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</li> <li>(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and</li> </ul>	<ul style="list-style-type: none"> <li>- The proposal satisfies Clause 14(b) of the Coastal Management SEPP 2018.</li> </ul>
<b>Clause 14(1) (c)</b>	
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	<ul style="list-style-type: none"> <li>- The proposed works will not result in adverse bulk and scale impacts. Much of the work is upgrading existing structures. Where there are new facilities proposed (i.e. the southern amenities), these are of a scale that is minimal and consistent with the surrounding building and coastal environment.</li> <li>- The proposal satisfies Clause 14(c) of the Coastal Management SEPP 2018</li> </ul>

**Table 1:** Matters for consideration under SEPP (Coastal Management) 2018

### 2.6.3 SEPP (Infrastructure) 2007

Division 12 of the Infrastructure SEPP 2007 pertains to certain works permitted in parks and public reserves permitted without development consent. This clause is not applicable as development consent is being sought under Part 4 of the *EP&A Act 1979*.

### 2.6.4 SEPP (State and Regional Development) 2011

The development is Council related development with a capital investment of more than \$5 million. It therefore is classified as regionally significant development under Schedule 7 of the State and Regional Development SEPP 2011. The application is referred to the Sydney Eastern City Planning Panel (SECPP) for determination.

## 2.6.5 Waverley Local Environmental Plan (WLEP) 2012

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table  RE1 Public Recreation Zone	Yes	The proposed uses are permitted with consent in a RE1 Public Recreation zone.  See further discussion below.
2.7 Demolition requires development consent	Yes	The proposal seeks development consent for minor demolition in relation to works on the Sea Wall and minor aspects of Surf Tower, groyne and promenade. Clause 2.7 applies to this DA.

<b>Part 4 Principle Development Standards</b>		
4.3 Height of Buildings	N/A	There is no applicable height of building control for the site.
4.4 Floor Space Ratio	N/A	There is no applicable floor space ratio control for the site.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	A Heritage Impact Statement was included with the development application.  The proposed development satisfies this clause.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is classified as containing Class 4 acid sulphate soils.  See further discussion below.
6.2 Earthworks	Yes	A Geotechnical Investigation and preliminary structural design drawings have been provided by the applicant in relation to proposed earthworks in the vicinity of the existing seawall and lifeguard tower.  See further discussion below
6.9 Design Excellence	N/A	See further discussion below.

## **Table 2: WLEP 2012 Compliance Table**

The following is a detailed discussion of the issues identified in the compliance table above in relation to WLEP 2012.

### **Land Uses**

The primary categorisation of lifeguard tower and northern groyne are as community facilities owned and operated by Waverley Council.

The proposed works are located within an RE1 Public Recreation zone. Community facilities and recreation areas are permitted with consent in the zone. The proposed works to the existing facilities (i.e. the lifeguard tower and groyne) and the provision of new public facilities are considered to be permissible.

A small kiosk is also proposed within the new southern amenities element of proposed works. A kiosk is also permissible with consent in an RE1 Public Recreation zone provided that it meets the definition under WLEP 2012 being:

*“Kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.”*

The maximum area of a permissible kiosk is set out under Clause 5.4(6) of WLEP 2012 which sets controls for miscellaneous permissible uses. Clause 5.4(6) reads as follows:

*“(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.”*

The proposed kiosk area as noted on the Architectural Drawings prepared by CHROFI as part of the DA have a GFA of approximately 12.25m<sup>2</sup> which complies with the provisions of Clause 5.4(6) of WLEP 2012.

The proposal is permitted with consent in under WLEP 2012.

### **Heritage (Clause 5.10)**

The site is within the ‘Bondi Beach Cultural Landscape’, which is a State item listed under the State Heritage Register (Listing Number 1786).

The site is also within the ‘Bondi Beach and Park Landscape Conservation Area’, labelled C25 on the Heritage Map, identified as having local heritage significance and listed under Schedule 5 of WLEP 2012.

The application was assessed against the provisions of Clause 5.10 of WLEP 2012 and referred to Council’s Heritage Adviser.

Council’s Advisor provided preliminary comments on the proposed works for matters including:

- The proposed development is substantially within the existing built form of the promenade in the Conservation Area. This will result in limited visual impact on the overall promenade and the extended visual curtilage. This impact will be acceptable if the extent of work is limited to that shown and not extended by ancillary signage,

lighting masts, bollards, external fixtures, unnecessary or excessive signage or other poorly resolved elements.

- Functional issues may arise with storm ingress to the lower storage and office work areas opening to the beach. [Equipment stored in the southern groyne in the 1990's was washed out to sea in a storm. Expected rises in sea level and storm activity can be expected to repeat this event].
- The raised roof of the amenities pavilion to the southern end of the promenade will have some visual impact on the continuity of the open surface. However, this area is normally interrupted by a line of parked vehicles so the alternative of a low level raised form will, subject to refined detailing, have limited increase in visual impact.
- The key issue with the raised upper level of the amenities pavilion is the close matching of external concrete to the existing 'soft' weathered grey of the existing promenade. This had been an issue on other exposed concrete works at Bondi and nearby beaches. The worst outcome is a hard 'glazed' finish resulting from plastic coated formwork. Sample concrete finishes should be provided before construction of the exposed concrete.
- Signage should be submitted for approval prior to construction with signs prominent but limited in extent and able to withstand vandalism. Regular replacement of weathered signage should be anticipated in operational maintenance.
- Detailing of glazed skylight to the works has not been sighted and may introduce injury risk due to covering metal strips or other raised /sharp edges and slip risk when wet.

The applicant was advised of the above issues with a Request for Additional Information letter and the DA was subsequently amended. The amended DA was forwarded to the Council's Heritage Advisor who provided further comments. The Heritage Advisor is supportive of the proposal and has provided the following recommendations which have been addressed as conditions of consent:

- To maintain cohesion with the existing contributory fabric it is recommended that:
  - All external concrete finishes are closely matched to the appearance of existing concrete work in the promenade walls and to avoid high glaze, slow weathering finishes. Provision of a sample panel is recommended.
  - Means of improving outlook from the Lifeguard Tower should be further addressed including a potential CCTV camera mounted high on the roof to improve vision over waves along the break zone.
  - Male and Female Toilet Signage should be clearly provided at the two (2) way entry to the change area noted as a location for art works.

It is considered that the development satisfies the provisions of Clause 5.10 of WLEP 2012. These remaining aspects will be considered within the recommended conditions of consent.

#### **Acid Sulfate Soils (Clause 6.1)**

The site is identified as being within Class 4 and Class 5 areas on the Acid Sulfate Soils Map. The Geotechnical Investigation submitted with the DA reviews the soil conditions on site includes the following comments:

*"... bulk excavation up to 3 m deep is expected to intersect filling and sandy soils. Excavation in these materials should be readily achievable using conventional earthmoving*



*equipment such as an excavator with bucket attachment. Excavation in rock will not be required.*

*The groundwater levels and depths of hole collapse, which is often close to the groundwater table, were measured at least 2 - 3 m below the proposed floor levels at the test locations. The groundwater levels are potentially transient and may be affected by climatic conditions and rising sea levels.*

*Therefore the bulk excavations are expected to be above the groundwater table. The groundwater table may be intersected by the deeper shoring/foundation piles.*

*Acid sulphate soils are typically found in low-lying, water-logged, alluvial soil deposits below RL 5 m AHD. The sandy soils above and below the groundwater table are not expected to be ASS due to their wind-blown deposition. The residual clayey soils below the sand deposits are also not expected to be ASS. Development works should therefore not have to be undertaken with any special precautions in relation to ASS."*

Council's Environmental Health Officer has reviewed the DA and raised no concern with respect to Acid Sulfate Soils.

The proposal complies with clause 6.1 of WLEP 2012

#### **Design Excellence (Clause 6.9)**

The northern boundary of the site is located within a designated 'Key Sites' area under WLEP 2012. However, the development is not proposing a new building or works to an existing building greater than 15m in height and therefore is not subject to the provisions of Clause 6.9 of WLEP 2012.

#### **Earthworks (Clause 6.2)**

The proposal includes excavation for the proposed southern amenities block as well as excavation for the proposed lifeguard facilities behind (under the promenade).

A Geotechnical Investigation Report prepared by Douglas Partners was submitted with the DA. In addition to the Geotechnical Investigation a further report was prepared which outlined investigations carried out by Douglas Partners Pty Ltd (DP) in assessing the geometry of the existing retaining wall for the proposed South Bondi amenities at Queen Elizabeth Drive (QED), Bondi Beach.

Preliminary structural engineer's drawings have also been prepared by SDA Structures Pty Ltd which demonstrate structural construction of the proposed southern amenities.

Council's engineering officers have reviewed the submitted information and raised no concerns subject to the implementation of the recommended conditions of consent.

The proposal satisfies the provisions of Clause 6.2.

### **2.6.6 Waverley Development Control Plan 2012 – Amendment No. 6 (WDCP 2012)**

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

Development Control	Compliance	Comment
<b>Part B General Provisions</b>		
1. Waste	Yes	The proposal was referred to Council's Sustainable Waste Officer. Subject to conditions of consent addressing the allocated waste pickup points for each of the facilities, the application complies.
2. Ecologically sustainable Development	Yes	The proposal was referred to Council's Sustainable Waverley department who supported the development subject to conditions of consent including that the development achieve Green Star certification.
3. Landscaping and Biodiversity	Yes	<p>The amended proposal was referred to Council's Biodiversity and Open Space Planning departments who supported the development subject to conditions of consent including the provision of amended Landscape Plans prior to the issue of any CC.</p> <p>The proposal was also referred to Council's Tree Management and Open Space Planning department who support the development subject to conditions of consent including that architectural and landscape plans for construction be approved by Councils Open Space and Recreation Infrastructure Services Team on the 50% and 100% detailed design prior to CC and documentation stages of the development of works and construction packages</p>
5. Tree preservation	Yes	No tree removal proposed.
6. Stormwater	Yes	The proposal was referred to Council's Stormwater Engineer who supported the proposed amended development subject to conditions of consent.
7. Accessibility and adaptability	Yes	The proposal was referred to Council's Public Domain officer and Council's Manager, Older People and Disability Services Community Programs who supported the development subject to conditions of consent.
8. Transport	Yes	The proposal was referred to Council's Traffic & Development Manager who supported the development subject to conditions of consent.
9. Heritage	Yes	Council's Heritage Advisor has reviewed the proposal and is supportive of the proposal, subject to conditions of consent.
10. Safety	Yes	A CPTED Report was submitted with the amended DA and the proposal does not contravene the objectives of this part of the DCP. The Police have provided commentary on the safety and security of the facilities which are recommended to be addressed via the imposition of conditions.

Development Control	Compliance	Comment
11. Design Excellence	N/A	The original application and the amended proposal were reviewed by Council's Urban Design expert who supported the overall design and provided comments that the designs are of a high quality and integrate the complex programs of each facility in an efficient and considered manner. In particular, the Southern Amenities create a unique internal experience whilst creating a place for people along Queen Elizabeth Drive.
14. Excavation	Yes	Excavation is proposed. Conditions have been recommended relating to excavation and the support of structures in the proximity of excavation.
15. Advertising and Signage	N/A	The amended application deletes signage from the proposal and indicates a future comprehensive DA for wayfinding signage and the like for the broader park will be forthcoming.
16. Public Domain	Yes	The application was referred to Council's Urban Design and Heritage and Public Domain Teams who were supportive of the proposal subject to recommended conditions of consent.
<b>Part D1 Commercial and Retail Development</b>		
The development proposes a small kiosk facility adjacent as part of the new southern amenities. The fitout and use of the kiosk will be the subject of future DAs. A condition has been recommended requiring a separate DA for the fit-out and use of commercial premises.		

**Table 3:** Waverley DCP 2012 Compliance Table

### Heritage

The site of the proposed works is part of the Bondi Beach precinct, an area of national significance and located within the 'Bondi Beach Cultural Landscape', a state heritage item.

A Heritage Impact Statement (HIS) prepared by City Plan was submitted with the DA. The report assessed the proposed works and found the work development proposal acceptable from a heritage impact perspective.

The application was referred to Council's Heritage Advisor and the Heritage Council NSW for assessment and comment.

Council's Heritage Advisor inspected the site with an Officer from the Office of Environment and Heritage on the 28<sup>th</sup> of February 2020.

Both Council's Heritage Advisor and the OEH provided preliminary comments including requests for additional information and minor design changes. These were relayed to the applicant.

The issues raised related to:

- the requirement for new concrete surfaces to closely match existing 'soft' concrete surfaces.
- Information on signage.
- Details about the proposed glazed skylights.
- Potential for water ingress in periodic storms.
- The need for the facilities.
- Clarification of openings in the groyne.
- Clarification as to the extent of impact to the seawall and measures to ensure its stability during and post excavation.

The amended proposal has generally addressed the request for additional information and the minor design amendments. Both Council's Heritage Advisor and the OEH are supportive of the amended DA subject to their recommended conditions and the General Terms of Approval issued by the Delegate of the Heritage Council on 12 August 2020.

The works are satisfactory for approval under the provisions of the NSW Heritage Act 1977.

### **Urban Design**

Matters relating to urban design in this instance are interconnected with heritage, landscaping, public domain and access issues.

The applicant was requested by letter from Council dated 25 March 2020 to address a series of matters relating to the design of above southern amenities and also to a lesser degree, aspects of the lifeguard tower and northern groyne works.

A summary of the key matters raised is provided below:

- Visual impact (bulk and scale) of roof podium and built structures for the southern amenities block.
- Changes to the species of proposed plants with planting of podium garden beds of the southern facilities limited to low growing groundcovers of less than 300mm in mature height to maintain views over planters.
- The character of new walls to planter boxes to be sympathetic to existing and contemporary walls used in the park.
- The alignment and symmetry of the northern pedestrian crossing section to align centrally with the Hall Street path to provide a more visually direct connection.
- Replacement of single hung windows to the northern groyne.
- Soft surface treatments to be used for low clearance areas in the lifeguard tower
- Materials and finishes to the promenade to be waterproof and of high-quality.
- Signage to be deleted and considered within a comprehensive strategy that details the types of signage and location zones proposed with any new signage required as part of a separate development application.
- Lighting details to be provided with any lighting design to reference Waverley Council's Creative Lighting Strategy and the Bondi Park Lighting and Electrical Masterplan 2018.

- Provision of a Crime Prevention Through Environmental Design (CPTED) report to address CPTED issues, mitigation processes include consideration of the proposed inclusion of unmonitored lockers in a publicly accessible area the length of hallways within the subterranean amenities building where natural surveillance is obscured; and management of vehicle speeds at pedestrian crossings and pedestrian gathering areas around the roof podium.

The amended plans and additional information has generally addressed the above key urban design and related matters.

In particular the key amendments and additional information to the DA are as follows;

- Visual impacts reduced by redesign of planter boxes including reduction in height to 600mm to allow seating on top of wall as well as raking the planter boxes with the alignment of the Queen Elizabeth Drive balustrade behind (to the east).
- Revised alignment of pedestrian crossing as requested.
- Changes to species of planting.
- Demonstration of planter wall material consistent with character of walls used in the park.
- Replacement of northern groyne windows.
- Soft surface treatments identified in areas in the lifeguard tower.
- Suitable materials and finishes provided as requested.
- Signage deleted.
- Submission of an electrical services site plan, with location of electrical conduits to be provided under grated bridge gutter drain. Queen Elizabeth Drive light pole and pit locations to be provided for co-ordination at detailed design.
- Submission of a CPTED Report.

The amended DA has been reviewed by Council's Urban Design expert, Heritage Advisor, Open Space Planning team, Public Domain team and the Biodiversity team and all have provided supported subject to the recommended conditions of consent.

Importantly it is considered that the facilities will not cause adverse visual impacts to the heritage significance or the visual character of Bondi Park. The proposed works will not interfere with public views to or from the beach or to or from important visual elements within the Park.

The proposed facilities have been designed to have minimal visual and heritage impact.

### **Traffic and Vehicle Impact**

The proposal includes the removal of 16 car park spaces along Queen Elizabeth Drive to accommodate the new public amenities building. A Traffic Impact Statement prepared by Traffix was submitted with the DA. The report identified that the removal of the 16 spaces could be supported from a traffic and parking impact perspective.



It is noted that the recently approved development of the adjacent Bondi Pavilion (DA-105/2019) included the removal of 29 car park spaces. Between the two (2) there will be a combined loss of 45 existing vehicle spaces.

As such the matter of the cumulative loss of car spaces between both developments has been considered as part of this assessment. In that regard it is noted that Council's Service Manager, Traffic and Transport, has reviewed the application and advised the following:

*"The parking spaces in the vicinity of both buildings are within a general use carpark provided by Waverley Council. It is for use by visitors to the beach precinct and buildings as well as surrounding businesses. It is a metered carpark which does not provide exclusive use to one particular development.*

*The Bondi Beach Parking Area currently contains 505 timed meter parking spaces which are available at:*

- *Queen Elizabeth Drive (zone number 20160002) - 287 timed meter parking spaces.*
- *Park Drive North (zone number 20160004) - 218 timed meter parking spaces.*

*The removal of 45 spaces will result in some re-distribution of parking patterns. The changes to parking availability are offset by enhancements to bus services between the city / Bondi Junction and the beach. State Transit services have increased in recent years to address the need to reduce parking demands at Bondi Beach in order to achieve a sustainable environment accessible to all people. One of the new bus services is the 333 route. This service runs every three minutes between Bondi Beach and Circular Quay during peak times.*

*The key issue in the assessment of the proposed developments in relation to parking is to understand the need to get a balance between private travel and public transport alternatives. The alternatives include bus, taxi, and Uber style services. The take-up of these services has increased significantly in the Bondi Beach area and will continue. The reduction in private car parking at Bondi Beach helps achieve mode shift goals to the benefit of the community.*

*It is my advice that the replacement of 49 existing car parking spaces at Bondi Beach with improved amenities is a net benefit in relation to achieving reducing reliance on public transport. This is supported by the Waverley "People, Movement and Places" document. Pedestrians are placed first in the transport hierarchy, bicycles are second, and buses are third. Use of private cars is placed last (8th) in the hierarchy.*

*In summary, the cumulative impacts of the resumption of parking are not significant due to the makeup and usage of the surrounding areas."*

Further and on review of the Traffic Impact Statement submitted with the DA, it is apparent that the proposed development will not of itself generate any additional traffic as the facilities being upgrade and provided are to meet the needs of patrons and visitors who are already in the locality and attending the Bondi Park.

Additionally, the loss of 16 parking spaces as a result of the development will in effect reduce traffic generation along Queen Elizabeth Drive itself, if only marginally. This is considered a positive planning outcome that will assist in improving transport sustainability and reduce pedestrian and vehicle conflict at the site.

Subject to the recommendation which requires the submission of construction details and a Construction Traffic Management Plan (CTMP), the proposed development is satisfactory with respect to traffic and vehicle impacts.

### **Stormwater Drainage**

The proposal includes the realignment of stormwater pipes in the vicinity of the southern amenities building. The amended proposal identifies in detail the existing and proposed stormwater pipes on the Site Plan Southern Amenities (DA-SO-101). The information includes the dimensions of the pipes and the distance from built structures including the stairwell and seawall at various locations.

The proposal (indicative design) has been reviewed by Council's stormwater engineer and found it to be acceptable subject to recommended conditions of consent.

Additionally, the applicant has confirmed the Sydney Water Requirements and initiated design commencement via Water Servicing Co-ordinator.

Subject to the recommended conditions of consent, the application is unlikely to result in adverse stormwater drainage impacts.

### **Hazardous Building Materials**

A Hazardous Building Materials (HBM) Survey prepared by Douglas Partners has identified the presence of lead paint within Tunnel 2 of the northern groyne. The report also noted it should be assumed that within accessible areas of the site, hazardous materials could be present. The report has provided recommendations for the removal and disposal of HBM from the site.

Further comment was sought from Council's Environmental Health Officer to assess whether the recommendations are sufficient for the management of HBM on site. The Environmental Health Officer has advised that the application is acceptable subject to the implementation of the recommendations in the Douglas Partners HBM Survey. The Environmental Health Officer has also provided standard recommendations conditions of consent relating to asbestos removal.

Subject to the recommended conditions of consent the proposal is satisfactory with regard to hazardous building materials.

### **Coastal Risk**

A Coastal Risk Report prepared by Royal Haskoning DHV was submitted with the DA. The report assessed proposed development regarding the potential impact from coastal risks including elevated water levels, wave inundation and sand damage.

The report has provided recommendation for the management of coastal risk and also nominated proper materials for use along the beach.

Council's engineers have reviewed the DA and support the development subject to recommended conditions of consent, including the provision of an updated Coastal Risk Assessment to Council for approval prior to CC, including any requirements or

recommendations for building openings and shut-out systems to support a worst-case scenario. The recommended condition also requires all recommendations within the Coastal Risk Report, prepared by Royal Haskoning DHV, to be considered and that building egress to be provided in the case of an emergency to any area of the buildings affected by flooding or coastal inundation. shall be considered.

Subject to implementation of the recommended conditions of consent the proposal is satisfactory with respect to coastal inundation impacts and coastal risks.

### **Structural Safety and Excavation**

The proposed works include works to an existing tunnel under Queen Elizabeth Drive and excavation to accommodate the new southern amenities block. A Geotechnical Investigation Report prepared by Douglas Partners was submitted with the DA. The report provides recommendations for construction including the use of shoring walls. The report also notes that any off-site disposal will require assessment for re-use or classification in accordance with relevant Australia waste classification standards.

In addition to the Geotechnical Investigation a further report was prepared which outlined investigations carried out by Douglas Partners Pty Ltd (DP) in assessing the geometry of the existing retaining wall for the proposed South Bondi amenities at Queen Elizabeth Drive (QED), Bondi Beach.

Further information was also provided preliminary structural engineers drawings prepared by SDA Structures Pty Ltd which demonstrate structural construction of the proposed southern amenities.

Council's engineering officers have reviewed the submitted information and raised no concerns subject to the implementation of the recommended conditions of consent.

### **Accessibility**

An Access Report prepared by Obvius Access has assessed the proposed works against relevant BCA and DDA legislation and Australian Standards for accessibility. The report has identified areas of non-compliance with Disability Discrimination Law and provides prioritised recommendations to improving access for people using the new facilities.

Clarification and additional information was requested by Council in its letter to the Applicant on 25 March 2020 with regard to the matters:

- Access ramp to southern amenities block.
- Further information on the application of DDA and Disability Access to Premises Standards for the requirements of the Class 10a building and the requirements for a continuous accessible path of travel, quantity and location of disabled car park spaces.
- Location of disabled carparking.
- Promenade accessibility.
- Future pedestrian access connections.
- Emergency vehicles.
- Storage of beach wheelchair and Roll N Stow equipment.

The applicant responded with amendments to the proposed drawings and a further letter prepared by Obvius Access which combined with the amendments to the plans addressed the above matters.

The information was referred to Council's Manager Older People and Disability Services Community Programs who has provided the following comments:

*"The additional information provided by Obvious Access Consultants is noted and supported."*

The following recommendations were also provided:

***"Access to the promenade from Queen Elizabeth Drive***

*It is recommended that current works include upgrade of the following infrastructure to the greatest extent possible.*

- *At least one of the ramps located either side of the stairs leading from the Pavilion and Queen Elizabeth Drive to improve access to the promenade near to the lifeguard tower and a path of travel in either direction along the promenade.*
- *Upgrade of the staircase closest to the new proposed amenities including nosing contrast to the stairs; installing Tactile Ground Surface Indicators (TGSIs) and compliant handrails*

***Longer term improvements***

*A disability action plan as recommended by Obvius Access is supported. A plan could set out the specific targets and timeframes to improve infrastructure, wayfinding signage, lighting and other actions to support the commitment as set out in the Bondi PoM to progressively improve access.*

***Beach access***

*The proposed future ramp from the promenade to the beach located at the lifeguard tower as shown in the updated architectural plans is noted and supported. People with disability have told us that ramp access located close to the lifeguard tower, first aid facilities and Pavilion is a good location.*

***Accessible parking***

*The two proposed accessible parking bays, with a shared transfer space, close to the new proposed amenities block is noted and supported. This should not reduce the number of accessible parking spaces at other locations on Queen Elizabeth Drive.*

***Storage***

*The proposed storage area as shown in the updated architectural plans for the purpose of storing beach wheelchairs and a roll and stow within the lifeguard tower at beach level is noted and supported. We agree with Obvius Access that the current infrastructure such as the existing stairs leading from the promenade, and other infrastructure including ramps are subject to the complaints - based mechanism of the Disability Discrimination Act 1992.*

*Access improvements should be made to the fullest extent possible, so as many people as possible, with a diverse range of disabilities, can benefit. Any upgrades to infrastructure that improve access for more people with disability is supported."*

It is noted that the upgrade of the ramps and provision of a new ramp adjacent to the lifeguard tower is not specifically proposed as part of the current DA. The ramp shown on drawing DA-LF-201 is an indicative future ramp only. The upgrade of ramps as part of this application are not required under the provisions of the Disability (Access to Premises – buildings) Standards 2010 (Premises Standards) and therefore the no condition of consent requiring this has been recommended.

It is noted that the upgrade is part of an ongoing strategy by Council aimed at improving access to Bondi Park as a whole. The option to develop a Disability Action Plan under Section 61 of the DDA, is open to Council although it is not required as a result of the current application and therefore has not been included within the recommended conditions of consent.

Subject to the inclusion of conditions of consent requiring the upgrade of the staircase closest to the new proposed amenities (including nosing contrast to the stairs; installing Tactile Ground Surface Indicators (TGSIs) and compliant handrails) and conditions relating to the proposed accessible parking and wheel chair storage location, the proposed development as amended is satisfactory with respect to accessibility.

## **2.7 Other Impacts of the Development**

### **Construction Period Impact**

It is noted that the proposed works will require the closing of the sections of the Bondi Park for a period of time including section of the promenade and potentially Queen Elizabeth Drive.

The applicant has not identified temporary management measures during the construction period. It is considered that comprehensive Construction Management Plan is required and should identify how access to the surrounding Bondi Park and to Bondi Beach will be managed during the construction period.

Subject to the implementation of the recommended conditions of consent, it is considered that the proposal is acceptable when considering environmental, social and economic impacts. The temporary impacts as a result of the construction period are considered reasonable to permit the upgrading and improvement of the site.

## **2.8 Suitability of the Site for the Development**

The site has a long history of community use, and the proposed works seek to upgrade and maintain the existing facilities. The site is considered to be suitable for the proposed development. The uses of Bondi Park will be maintained and continue to be suitable within the context of the site.

## **2.9 Any Submissions**

The application was advertised and notified for 30 days and a site notice erected on the site, in accordance with WDCP 2012, Part A – Advertised and Notified Development.



No submission were received.

## **2.10 Public Interest**

The proposal relates to the upgrade of a Council owned and operated community facility which is also a State heritage item of State significance. Bondi Park is held in high regard within the Waverley LGA and also nationally. The proposed development includes upgrading of the famous Bondi lifeguard tower. The tower is clearly in need of an upgrade and the development will significantly improve the facilities, providing improved observation and first aid elements, as well as contemporary office and amenities for the lifeguards.

The upgrade of the lifeguard tower and the first aid facilities will help maintain and improve the delivery of this critical service provided by Waverly Council to the benefit of the wider community and the many beachgoers.

The provision of a new amenities building at the southern end of the beach is also of significant community benefit. The new facilities will add to the service, enjoyment and amenity of Bondi Park.

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed. Instead it is considered the upgrading of existing facilities and construction of new amenities will improve the overall community facility to the benefit of the public.

## **3. REFERRALS**

### **3.1 Office and Environment Heritage (OEH)**

DA-312/2019 was referred to the Heritage Council of NSW. Initial comments were provided by a Senior Heritage Assessment Officer from the OEH on 29 January 2020.

The applicant was provided with the OEH comments, along with other comments. The DA was subsequently amended and the additional information was referred back to OEH for comment.

OEH provided a response on 14 August 2020 offering support for the proposed works subject to the applicant satisfying General Terms of Approval (GTAs) issued by OEH. The GTAs have been incorporated into the recommended conditions of consent.

### **3.2 NSW Police**

The application was referred to the NSW Police who raised various issues for consideration in the assessment of the application. These comments in summary include:

- First Aid room:
  - Considering that the room will contain equipment including medical stores it is the Police view that adequate security of the structure be in place. The positioning of the room is concealed from natural levels of surveillance. This creates opportunity for unlawful access to the room especially during night time hours when the beachfront is largely unattended. Police would request the installation of screens / gated structures that would minimise the opportunity for unlawful access.

- Appropriate signage / markings at Queen Elizabeth Drive may also be useful for emergency services when responding to incidents if patients will be triaged in the First Aid room / area.
- Security: Police would seek security arrangements for these areas to ensure unlawful access is not easily obtained. A back-to-base alarm system or similar would supplement these security arrangements. The installation of appropriate CCTV encompassing the surrounds (including low light capabilities) would be necessary to ensure that any unlawful activity is captured and appropriate response is enabled.
- Southern toilet block:
  - Public toilet facilities provide additional amenity to members of the public. These facilities however can be utilised for varying crime types and can play host to serious offences due to the closed spaces and knowledge that internal areas will be void of CCTV. These facilities have lockable stalls enabling a degree of privacy which can be utilised by individuals involved in crime including but not limited to sexual assault, drug use, anti-social behaviour and dealing with the proceeds of crime (beach stealing). Police would request that the area is adequately treated to minimise the opportunity for crime. This would include the installation of CCTV that encompasses the entry and exit points to the facility and a distance on approach in both a southerly and northerly direction. That the immediate area is subject to a suitable lighting scheme which enables users to identify all persons in proximity to the facility during darkened hours. This would include graduated lighting on approach if necessary to broaden the distance of reconnaissance. It should be recognised that the proposed facilities are on the promenade level which is significantly lower than the roadway. Casual surveillance of the area is again hampered and this should be recognised in developing appropriate conditions to minimise harms.
  - Police harbour the view that the facilities should not operate beyond daylight hours due to the increased risk of harms. Appropriate screening / security gates should be in place to prevent unlawful access to the facilities. Signage displaying opening hours should be clearly displayed in the vicinity to ensure users are not inadvertently attending the area if Council is of the mind to restrict hours.
- Southern kiosk:
  - Police have no objection to the introduction of kiosk facilities provided adequate spacing will be enabled to allow the free and unimpeded movement of pedestrians along the promenade. It would be considered that the premises develop a plan of management to ensure aspects such as queuing / loitering of patrons / congregation of patrons / hours etc are addressed. Police would seek constrained trading hours consistent with core patronage of the beach areas. It would be the Police view that hours are conservative (restricted to daylight hours) with closure in advance of the sun setting. Again the proposed location is without natural surveillance and activity at the premises has increased risk during later hours (robbery etc). Due to the location storing goods and equipment appropriate security arrangements are necessary including screening / security gates. Police would request that as with the other areas such security measures are opaque to ensure persons can not identify what is stored inside. CCTV encompassing the area would again be sought including low-light capabilities. A back-to-base alarm system would supplement these security measures and ensure there is a prompt response for unlawful entry.
  - Police would not support the sale / supply of liquor from this location even if outdoor dining is proposed. As such Police seek a condition that prohibits the sale / supply and consumption of liquor in any area provided for on-premises activity.

- **Traffic management:** The southern toilet block introduces a new pedestrian crossing to Queen Elizabeth Drive, in an area that during peak/summer days is congested with beach users (pedestrians) and traffic movements, with vehicles regularly extending up and beyond the roundabout entry point of Campbell Parade. The steady stream of pedestrian movement at this new crossing and associated impact on traffic build up will need to be carefully considered. Furthermore, it is acknowledged the north / western side of parked vehicles along Queen Elizabeth Drive require motorists to pass a space, then reverse into parking bays. Police would consider the parking arrangement along this section instead could be improved through simple line /direction changes, and modified to allow forward park (ie drive in and reverse out) arrangement instead, to assist congestion.

Conditions are recommended for imposition to address these issues. Altering of traffic arrangements will require the approval of the Traffic Committee, which is included also as a condition of consent.

### **3.3 Fire Safety Assessment Officer**

The application was referred to Council's Fire Safety Officer and no objection was raised subject to all new works complying with the provisions of the Building Code of Australia.

Given that the proposed works involve significant alterations and additions, it was considered reasonable for the existing lifeguard tower and tunnels be upgraded to fully comply with the provisions of the Building Code of Australia.

The Fire Safety Officer has provided recommended conditions which have been included in the conditions recommended in this Assessment Report.

### **3.4 Caring Waverley – Community Development**

The application was referred to Council's Manager Older People and Disability Services Community Programs who has provided support for the application and also recommended several conditions of consent.

It is noted that several of the recommendations from Council's Manager Older People and Disability Services Community Programs do not strictly apply to the subject development, but to broader access within Bondi Park. The recommendations that apply specifically to the proposed development have been adopted as part of the recommended conditions of this Assessment Report.

### **3.5 Creating Waverley – Stormwater, Traffic and Parking**

#### **Stormwater and Flooding**

Council's engineer has reviewed the application and did not raise any objections to the proposed works.

Approval from Sydney Water is required since a Sydney Water assess will be affected. A condition has been recommended which requires that the approval is received prior to the issue of a CC.

Council's standard conditions relating to stormwater management have also been recommended as well as conditions relating to coastal risk assessment and emergency egress.

### **Traffic and Parking**

Council's Traffic Engineer reviewed the proposed development and did not raise any objections to the removal of 16 public vehicle parking spaces to accommodate the works.

Appropriate conditions of consent will be imposed to address Council comments.

## **3.6 Shaping Waverley – Urban Design and Heritage**

The application was referred to Council's Urban Design and Heritage teams. The following summary of comments is provided below:

### **Urban Design**

Council's Urban Design team provided comments regarding:

- Built Form;
- Materials; and
- Landscape.

The applicant addressed these comments in a response to Council received 15 May 2020. The response and amended documentation were provided to Council's Urban Design Team.

Further comments were received in support of the amended proposal as detailed below:

*"In summary, there is general support for the proposed works for the Southern Amenities, Lifeguard Facilities and the First Aid Facilities. The designs are of a high quality and integrate the complex programs of each facility in an efficient and considered manner. In particular, the Southern Amenities create a unique internal experience whilst creating a place for people along Queen Elizabeth Drive."*

### **Heritage**

Council's Heritage Advisor provided comments regarding:

- Functional issues
- Urban design and visual impacts
- Materials
- Signage

The applicant addressed these comments with amended plans submitted to Council on 15 May 2020. Further comment was provided by the Heritage Advisor. The comments support the application and recommended conditions of consent generally relate to the approved materials. Refer to section 2.6.5 of this report for more details.

## **3.7 Sustainable Waverley – Water and Energy Assessment**

### **Green Infrastructure**

The application was referred to Council's Sustainable Energy Coordinator.

The proposal does not incorporate an Energy Assessment Report or proof of registration for a Green Star Design and/or Green Star Design & As-Built Rating for the proposed development.

As such, conditions requiring the submission of an Energy Assessment Report to satisfy the provisions of Part 2.6 of the DCP for approval by Council prior to the issue of a construction certificate for the development have been incorporated into the recommended conditions of consent.

### **Biodiversity**

The proposal was referred to Council's Biodiversity Officer who commented that amended landscape plans with more detail regarding planting and layout were required.

An amended landscape plan was provided by the applicant on 15 May 2020. The amended plans were subsequently referred to the Council's Biodiversity Officer who commented that further information was required relating to a planting schedule for the new development.

A condition of consent has been recommended which requires a detailed landscape plan to be submitted and approved by Council's Biodiversity Officer prior to the issue of a CC.

### **Environmental Health**

The proposal was referred to Council's Environmental Health Officer who commented that the proposal is satisfactory subject to recommended conditions of consent. The conditions related to:

- Noise emissions
- Asbestos removal
- Hazardous building material removal
- Mechanical ventilation systems
- Food premises

## **3.8 Parks and Open Space**

The development includes works to existing facilities and proposed new facilities within a Council park (open space) and the application was referred to Council's Service Manager, Open Space and Recreation Infrastructure Services. It is noted that the Open Space Team will be responsible for the ongoing maintenance and upkeep of the facilities and have been involved in design discussions.

Initial comments from the Open Space Team were provided to the applicant. The amended DA was then referred back to the Open Space Team upon receipt.



Council's Open Space Team has provided further comments noting that the landscape and architectural plans have been amended taking into consideration a number of points raised during the DA assessment and through the design process.

The Open Space Team also commented that Option Two planting on the subterranean level is the preferred option and that walling surrounding the seating should be angled to create a shadow line similar to the seating walls at the picnic shelters and soon to be built Pavilion courtyards and as such conditions have been recommended which require as much.

A recommendation was also provided seeking a condition to be imposed that the architectural and landscape plans are to have written approval from Councils Open Space and Recreation Infrastructure Services Team on the 50% and 100% detailed design and documentation stages of the development of works and construction packages.

It is considered that it is outside the scope of Section 4.17 (Imposition of conditions) of the EP&A Act to impose a condition requiring Councils Open Space and Recreation Infrastructure Services Team approval for 50% complete detail design drawings. It is noted however that a condition has been recommended which requires the approval of Councils Open Space and Recreation Infrastructure Services Team on the architectural plans and landscape plans prior to the issue of a CC in order to confirm that the proposed design changes have been included in the CC drawings.

### **3.9 Environmental Sustainability**

The application was referred to Council's Sustainable Waste Officer who commented that a revised Site Waste and Recycling Management Plan (SWRMP) was required to provide further detail regarding the anticipated waste generation and appropriate waste storage and management for the relevant proposed facilities.

The applicant provided and amended SWRMP for the lifeguard tower, first aid facilities and one (1) for the southern amenities.

The amended proposal was referred back to the Sustainable Waste Officer for further comment.

The Officer has indicated that the amended reports address some of the issues, though further information is required in the SWRMPs clarifying the 'allocated collection points'.

It is considered that these matters can be dealt with as conditions of consent and subsequently conditions providing for waste management, including the provision of a SWRMP to be approved by Council's Waste Officer prior to the issue of a CC, have been included in the recommended conditions.

### **3.10 Public Domain**

The application was referred to Council's Public Domain Engineer who commented that the door width to the accessible toilet is to be a minimum of 1050mm.

Subject to the recommended conditions of consent the Public Domain Engineer raised no objections to the approval of the application.

## **4. SUMMARY**

The application proposes upgrade of existing facilities and construction of new facilities at Bondi Beach, including a new amenities block, new first-aid facilities and upgrade of the existing lifeguard tower.

The works involve some minor demolition and excavation as well as landscaping and ancillary services and infrastructure works. The proposal is Integrated Development under the *Heritage Act 1977*.

The development complies with the relevant planning controls. The main issues for consideration are in regard to the site's heritage significance and urban design and landscaping outcomes. Issues raised have been addressed through amended plans and via recommended conditions of consent.

No submissions were received for the proposal.

Overall, it is considered that the proposed works will improve the Bondi Park facilities through considerable upgrading works and the addition of a new well designed amenities facility at the southern end of the beach. The DA will help facilitate the continued use and enjoyment of Bondi Park and will benefit the public via significant improvements to the lifeguard tower and thereby the ongoing service provided by the Bondi (Waverley Council) lifeguards.

Accordingly, the application is recommended for approval.

#### **DBU Decision**

The application and assessment report was reviewed by the DBU at the meeting on 25 August 2020 and the DBU determined:

- (a) *The application is acceptable and should be approved in accordance with conditions in Appendix A.*

DBU members: A Rossi, B McNamara, E Finnegan

#### **5. RECOMMENDATION TO SYDNEY EASTERN CITY PLANNING PANEL**

That the Development Application be **APPROVED** by the Sydney Eastern City Planning Panel subject to the Conditions in Appendix A:

**Report prepared by:**

Paul Judge / Stuart Gordon  
Consultant Planners  
(SJB Planning)

**Date: 17 August 2020**

**Reason for referral to SECPP:**

**Application reviewed and agreed on behalf  
of the Development and Building Unit by:**



Angela Rossi  
Manager, Development Assessment  
(Central)

**Date: 25 August 2020**

- Council related development with a capital investment of more than \$5 million. It therefore is classified as regionally significant development under Schedule 7 of the State and Regional Development SEPP 2011.