



9 April 2019

A meeting of the **WAVERLEY LOCAL PLANNING PANEL** will be held on level 3, Waverley Council Chambers, Cnr Bondi Road and Paul Street, Bondi Junction at:

**12.00 PM WEDNESDAY, 17 APRIL 2019**

**QUORUM:** Three Panel members.

**APOLOGIES:** By e-mail to [WLPP@waverley.nsw.gov.au](mailto:WLPP@waverley.nsw.gov.au)

OR

Late notice by telephone to the WLPP Co-ordinator on 9083 8273.

## AGENDA

### **WLPP-1904.A** **Apologies**

### **WLPP-1904.DI** **Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-1904.1** **PAGE 4** **71 York Road, Queens Park – Alterations and additions to dwelling including new front balcony, and rear studio over an existing rear lane garage (DA-287/2018)**

Report dated 3 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

### **WLPP-1904.2** **PAGE 50** **150 Carrington Road, Waverley - Alterations and additions to a heritage listed building including conversion from one dwelling into five units, and the reconfiguration of an approved rear residential flat building to the rear from three units to four units (DA-262/2018)**

Report dated 5 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

### **WLPP-1904.3** **PAGE 116** **1 Darling Street, BRONTE - Alterations and additions to dwelling including rear balcony extension (DA-434/2018)**

Report dated 5 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.



**WLPP-1904.4**

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**16 Thompson Street, Tamarama - Demolition of dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls (DA-181/2018)**

Report dated 5 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.

**WLPP-1904.5**

**PAGE 219**

**43-45 Hall Street, Bondi Beach - Partial demolition of mixed use buildings, retention and refurbishment of the listed heritage item and construction of five storey shop top housing development with integrated basement car parking (DA-391/2018)**

Report dated 3 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be refused in accordance with the reasons contained in the report.

**WLPP-1904.6**

**PAGE 288**

**5/127 Hastings Parade, NORTH BONDI - Alterations and additions to residential unit including internal reconfiguration and attic level addition with bedroom, ensuite and study (DA-457/2018)**

Report dated 5 April 2019 from the Development and Building Unit.

**Recommendation:** That the application be approved in accordance with the conditions contained in the report.



Dwelling House, Dual Occupancy, Secondary Dwelling,  
Semi-Detached Dwelling and Terrace Development



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-287/2018
<b>Site address</b>	71 York Road, Queens Park
<b>Proposal</b>	Alterations and additions to dwelling including new front balcony, and rear studio over an existing rear lane garage
<b>Date of lodgement</b>	15 August 2018
<b>Owner / Applicant</b>	Mr N O'Connell
<b>Submissions</b>	Two submissions
<b>Cost of works</b>	\$121 000
<b>Issues</b>	FSR; Heritage; Laneway development
<b>Recommendation</b>	That the application be APPROVED

**Site Map**



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 15 November 2018.

The site is identified as Lot 17 Sec 10 in DP 4600, known as 71 York Road, Queens Park. The site is generally rectangular in shape with an angled front boundary to York Road and secondary frontage to York Lane. The site has north (rear) and south (front) boundaries measuring 12.192m and 12.935m respectively. The eastern and western side boundaries measure 52.026m and 47.701m respectively. The site has an area of 607.8m<sup>2</sup> and falls from the north (rear) towards the south (front) by approximately 3m.

The site is occupied by a two-storey freestanding dwelling with vehicular access provided from York Lane at the rear to an existing single storey garage with studio.

The subject site is adjoined by freestanding dwellings on either side. The locality is characterised by predominantly semi-detached and detached dwellings, many having secondary frontages to rear lanes. In recent years, rear lane development has been occurring within the rear lanes with studios over garages providing a presence and activation of laneways within the area.



**Figure 1:** Site viewed from York Road





**Figure 2:** Existing garage/storage viewed from York Lane at the rear



**Figure 1:** Rear of the site looking from the dwelling toward the existing rear garage/storage

## 1.2 Relevant History

**BA-301/1997** to construct alterations and additions including a new garage was approved on 26/08/1997.

After initial assessment, the subject application, **DA-287/2018**, was deferred on 13 December 2018 for the following reasons:

- **Rear lane development**

*The bulk of the rear lane development is excessive and out of character with the area. Waverley Development Control Plan 2012 (DCP) provides extensive controls for rear lane development including that they incorporate hipped or gable ended roof forms particularly in conservation areas. Please redesign to have regard to the built form controls within Part C1, Section 1.14 Laneway Development of the DCP.*

*Please clarify the use of the rear lane structure, as either a studio or a secondary dwelling. If a secondary dwelling is proposed please address State Environmental Planning Policy (Affordable Rental Housing) 2009.*

- **Heritage**

*The following recommendations were provided by Council's Heritage Architect:*

*To avoid impact upon the Conservation Area and the setting, including the Centennial Parklands opposite it is recommended that the application is amended. Amendments should:*

- *Limit any balcony to the first floor frontage to a form of scale, detail and massing compatible with the setting and the form of adjoining residences.*
- *Provide a garage studio compliant with Councils DCP and the scale and form of garage studios in the context and Conservation Area.*

Amended plans were received on 18 January 2019. Further information was requested in regards to shadow diagrams which indicate the overshadowing when considered against the approved (although not yet built) rear lane structure at No. 73 York Road and correction of the 'Clause 4.6 Objection to a Development Standard'. Amended plans/information was subsequently submitted to Council on 27 March 2019 and form the subject of the assessment within this report.

## 1.3 Proposal

The proposal seeks consent for alterations and additions to the existing dwelling including the construction of a studio/room (ie, not a secondary dwelling) over the existing garage at the rear. The ground level rear garage will be retained and the existing studio attached altered to a storage room. Internal stairs will be provided where existing storage is currently located. The studio above will contain six dormer windows, three dormers on the front roof slope and three on the rear roof slope.

The proposal also includes the construction of a balcony on the front elevation of the dwelling accessed via the first floor living area.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

#### 2.1.2 SEPP 55 Remediation of Land

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

#### 2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.  The proposal is consistent with the objectives of the zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"><li>8.5m</li></ul>	Yes	The proposed laneway development has a maximum height of 6m complying with the development standard. The proposed new balcony is also within the height development standard.

Provision	Compliance	Comment
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.5:1	No	The proposal has an FSR of 0.62:1 exceeding the development standard by 75m <sup>2</sup> or 24.7%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	No	Refer to section following this table for detailed discussion.

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

### Exceptions to Development Standards

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 0.62:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 75m<sup>2</sup> in gross floor area or 24.7%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- Strict compliance with the floor space control will reduce useability of the available space currently within the existing development.
- The extent of non-compliance will not have any significant adverse impact upon the neighbouring properties or upon the public domain.
- The proposal remains consistent with the LEP objectives and the objectives relating to floor space.
- The distribution of the additional gross floor area will be imperceptible from the existing streetscape being entirely contained within the loft and results in excellent amenity for occupants, no adverse visual impact on the streetscape (front or back) and good amenity for adjoining developments through adequate building separation.
- The proposal will be consistent with the future streetscape and compatible with the varying built forms of neighbouring properties.

The objectives of the FSR development standard within the LEP are:

#### *Clause 4.4 Floor Space Ratio*

*(1) The objectives of this clause are as follows:*

- (a) to ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,*
- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

Objective (a) is not relevant to this site.

The additional floor space is contained within the proposed laneway structure as the existing dwelling on the site complies with the FSR development standard. The additional floor space, being contained at the rear of the site, will not be visible within the York Road streetscape or from Centennial Park opposite. The additional floor space is contained within a pitched roof form (ie, loft) and provides a positive contribution to an otherwise non-descript laneway. The proposal is considered to be consistent with objective (b).

Within this part of York Lane, there are only four properties with secondary frontage to the laneway (excluding 49 Ashton Street opposite whose side boundary adjoins the laneway). With the exception of the subject site, one property has a simple single-storey garage structure, one has approval for a two-storey rear laneway development containing a secondary dwelling with a design similar to the subject proposal, and one is a two-storey contemporary dwelling addressing Birrell Lane. Although the approved laneway development at No. 73 York Road has not yet been constructed (though its consent has been activated), the proposal has been redesigned to be consistent with this structure and the DCP controls for this type of development. The amended proposal is considered to be in character with the surrounding properties and the desired future character by reflecting the controls within the DCP for rear lane development. The proposal is considered to be consistent with objective (c).

Variations to the FSR development standard will be considered in relation to the objectives of the FSR development standard including additional amenity impacts upon surrounding properties. The proposal has been designed to ensure that overlooking impacts are inhibited through the use of obscure glazing and raised sills (refer to Section 2.1.4 of this report for detailed discussion of privacy impacts). Overshadowing of adjoining sites is also considered reasonable (refer to Section 2.1.4 of this report for detailed discussion of overshadowing impacts). The additional floor space will not unreasonably impact upon the amenity of surrounding properties or the locality consistent with objective (d).

The arguments in the written request are considered valid and reasonable. Accordingly, in accordance with subclauses (3) and (4), it is considered that compliance with the FSR development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal will be in the public interest as it is consistent with the objectives of the development standard and the zone.

### **Heritage conservation**

The site is located within the Queens Park Conservation Area (C14 in WLEP 2012) however the site itself is not heritage listed. The site is also opposite Centennial Park which is listed on the State Heritage Register.



Amendments were made in response to comments from Council's Heritage Architect in regards to the original application (refer to Section 3 – REFERRALS of this report for full comments). The amended proposal was subsequently referred to Council's Heritage Architect and the following comments/recommendations were provided:

- 1. The first floor balcony has been set back to a line near that of the adjacent gable front. The leading edge of the balcony should be set back from the gable front and not aligned or projecting past the gable front.*
- 2. The proposed supporting column has introduced a further style of classical architecture detracting from the limited cohesion of the existing aesthetics. Any support column should be a neutral form continuing the detailing evident in the attached piers to the street front wall.*
- 3. The proposed studio over the rear garage remains out of scale with all elements of the rear lane. It is recommended that the outer gable ends are reduced in scale by amendment to hipped gable ends.*

Matter 1 has been addressed in the amended plans. Matter 2 will be addressed via recommended conditions of consent included in Appendix A. In terms of the third criteria, it is noted that there is an approval for a similar structure at 73 York Road to the east of the site. DA-443/2012 includes a secondary dwelling above a rear garage and is an active consent.

The submitted plans have been amended to demonstrate the approved rear laneway structure at No. 73 York Road for comparison purposes. The approved structure will have a gable end built up to the shared boundary with No. 71 York Road to a height of 5.88m. The subject proposal seeks a gable-end roof similar to that proposed on the adjoining property. The proposal will not result in unreasonable overshadowing of adjoining properties (as discussed later in this report) and a gable-ended design is consistent with the most recent approval within this group of dwellings. Accordingly it is considered that the requirement to provide a hipped roof is unnecessary and out of keeping with the future character of the laneway.

Given the above analysis, it is considered that the proposal will not result in unreasonable impacts upon the conservation area, subject to conditions as discussed.

#### 2.1.4 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	Existing waste storage and disposal practices will continue as part of this application. There is sufficient storage for bins with direct access to the kerbside for collection.
2. Energy and water conservation	Yes	<p>A BASIX Certificate was provided with the application.</p> <p>Appropriate openings are provided on all elevations for adequate cross ventilation and solar access.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP.</p>
6. Stormwater	Yes	Council’s Stormwater Engineers advised that OSD is not required for development and the submitted stormwater plans are satisfactory. A condition to this effect is included in Appendix A.
9. Heritage	Yes	Refer to Table 1 of this report.
10. Safety	Yes	<p>The proposed laneway development will provide passive surveillance of the rear laneway and will provide a use and activity at the rear which increases the security of the laneway.</p> <p>The front balcony overlooks the street and Centennial Park beyond also providing causal surveillance and an increased sense of security to these area.</p> <p>The proposal is consistent with the objectives and relevant controls in this part of the DCP.</p>

**Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	<p>The proposed balcony is contained behind the front building line of the dwelling.</p> <p>The proposed studio at the rear of the site sits over the existing ground level garage structure. In this regard, the existing rear setback is already established and the proposal does not alter this.</p>
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>• Minimum of 0.9m</li> </ul>	No	<p>The proposed rear lane studio will be built up to both side boundaries with a nil setback. This is consistent with the existing ground level garage structure and with the pattern of rear lane developments within the area.</p> <p>The side boundary setbacks of the proposal are considered acceptable being a continuation of the ground floor level. The nil side boundary setbacks will not unreasonably impact upon surrounding properties and provides an acceptable streetscape appearance within the laneway.</p>
<b>1.4 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>• Visually compatible with the streetscape context</li> </ul>	Yes	<p>The proposed balcony provides articulation to the front façade of the dwelling improving the streetscape appearance on York Road and when viewed from within Centennial Park opposite.</p> <p>The proposed studio provides a traditional rear lane structure consistent with the character of the dwelling, surrounding properties and the conservation area. The amended design is more responsive to the setting and is considered an improvement to the streetscape within York Lane.</p>
<b>1.8 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>• Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures</li> </ul>	Yes	<p>The proposed new balcony at the front of the dwelling will overlook the front setback of the site and the adjoining property to the east. The front setback of the adjoining property to the east is open to York Road and is an area which has low privacy levels, given the views available into the site from the street. The privacy impacts from the proposed balcony upon this property are therefore considered reasonable.</p>

Development Control	Compliance	Comment
<p>are incorporated into the design.</p> <ul style="list-style-type: none"> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>		<p>The rear studio contains three dormers on both roof slopes. The dormers on the northern roof slope overlook York Lane and are opposite windows on the side elevation of 49 Ashton Street to the north. The proposed dormer windows have raised sill heights of 1550mm reducing privacy impacts upon the windows of the property at the rear.</p> <p>The windows on the southern roof slope of the studio are oriented in toward the site with outlook toward the main dwelling. The lower portion of these windows will be tinted/translucent glazing up to 1500mm sill height. This will reduce overlooking of the adjoining properties rear elevations and rear yards. In order to ensure that privacy impacts are not experienced when the windows are open, a condition is recommended requiring that the lower panes are fixed with only the upper panes being operable.</p> <p>Given the above analysis, it is considered that the proposal will not result in unreasonable privacy impacts on surrounding properties.</p>
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposal does not overshadow the living area windows of the main dwelling retaining full solar access to the rear elevation. The proposal will increase overshadowing of the pool however the patio at the rear of the main dwelling will be unaffected. The pool is unlikely to be highly utilised in mid-winter and as such, this is considered acceptable.</p> <p>The submitted shadow diagrams indicate that the proposal will result in additional overshadowing of part of the rear yard and rear elevation of the property to west, No. 69 York Road, in the morning hours however sufficient solar access (ie, 3 hours) is retained to this property in the afternoon between 12pm and 3pm.</p> <p>In terms of the property to the east, No. 73 York Road, shadow diagrams have been submitted which show the overshadowing as the property now stands and further shadows were submitted</p>

Development Control	Compliance	Comment
		<p>showing the property with the approved rear lane development (refer to Section 1.2 of this report). Both shadow diagrams show that there will be increased overshadowing of the rear yard of No. 73 York Road in the afternoon hours however the shadows will not fall on the rear elevation, and associated windows, of this property.</p> <p>No. 73 York Road is likely to be heavily overshadowing in the morning hours due to laneway structures to the east on Birrell Lane (not shown on shadow diagrams).</p> <p>The shadow diagrams showing the approved laneway structure indicate a significant portion of the rear open space will be retained in full sunlight (ranging from 64% of the rear yard at 1pm to 41% at 3pm, being the most impacted). Notwithstanding that in the morning hours, 73 York Road is overshadowed by other structures, the property will still maintain 3 hours of solar access from 11am to 2 pm to the majority of the rear yard.</p> <p>In this regard, the proposed rear lane development does not result in unreasonable additional overshadowing impacts upon adjoining properties.</p>
<b>1.11 Car parking</b>		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> <li>• 1 space for 2 or less bedrooms</li> <li>• 2 spaces for 3 or more bedrooms</li> </ul>	N/A	The proposal retains two parking spaces at the rear accessed from York Lane.
<b>1.14 Laneway development</b>		
<p>1.14.1 General design provisions</p> <ul style="list-style-type: none"> <li>• Maximum external wall height of 3.6m</li> <li>• Maximum overall height of 6m to the roof ridge</li> <li>• Dormer and roof projections: <ul style="list-style-type: none"> <li>○ set a minimum of 0.6m from outer garage walls;</li> </ul> </li> </ul>	Yes	Refer to section following this table for detailed discussion.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>○ set a minimum of 0.3m below the garage ridgeline; and</li> <li>○ not have a maximum combined width exceeding 50% of associated roof width.</li> </ul>		
1.14.2 Laneway development in conservation areas	Yes	The proposal has been amended to provide a design that is more consistent with the conservation area and the character of surrounding development. The proposal is considered to provide a positive contribution to the laneway and has been designed to have a traditional appearance with a pitched roof form and dormer windows. The proposed laneway development is supported.

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

### Rear Laneway Development

The wall height of the proposal is a maximum of 3.44m except where the dormers on the southern roof slope protrude, where the wall height to the top of the dormers is 5.85m. The dormers on the southern slope are not set back from the lower edge of the roof and as such these technically form part of the wall height. The same is true for the gable ends on the eastern and western side boundaries, both exceeding the wall height to the apex of the roof. These are technical non-compliances that will not result in greater unreasonable impacts upon surrounding properties. The design of the proposal with a lower wall height to the bulk of the structure is consistent with the controls of the DCP.

The dormer windows are evenly spaced and consistent with the design overall. As previously discussed, privacy measures have been incorporated to ensure that there are no unreasonable privacy impacts upon adjoining properties.

The DCP requires that the orientation of the gable ends on side boundaries must take into consideration impacts upon surrounding properties. As previously discussed, the overshadowing of the proposal upon surrounding properties is not considered unreasonable. The adjoining property to the east, No. 73 York Road, has approval for a similarly designed structure with a gable end built up to the shared boundary. The design of the subject proposal will be generally consistent with the future structure at 73 York Road.

The maximum overall height of the laneway development is 5.965m complying with the DCP control. The laneway development has been designed to be consistent with the DCP controls and will not be viewed from the primary street frontage. The proposal retains the existing footprint of the ground floor garage which is built up to the street alignment with no trees or vegetation. To introduce some greenery to the laneway streetscape the proposal includes a green wall and hanging planter on the York Lane elevation.

The DCP requires that a separate pedestrian door to the laneway is incorporated into the laneway elevation. The provision of a doorway is considered contextually appropriate, particularly given the width of the site and a condition to this effect is included in Appendix A.

The proposed laneway development has been assessed against the controls of the DCP and is considered to be appropriate.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

The original application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. One submission was received.

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

The issues raised in the submissions to the amended proposal are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
69 York Road, Queens Park
73 York Road, Queens Park

***Issue: The FSR is excessive and will exceed the development standard.***

***Response:*** This issue has been discussed in detail previously in this report.

***Issue: Loss of privacy***

***Response:*** This issue has been discussed in detail previously in this report.

***Issue: Overshadowing***

***Response:*** This issue has been discussed in detail previously in this report.

***Issue: Inconsistent with neighbouring properties on York Road.***

***Response:*** This issue has been discussed in detail previously in this report.

## 2.5 Public Interest

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

## 3. REFERRALS

### 3.1 Heritage – Shaping Waverley

The following comments were provided by Council’s Heritage Architect in response to the **original** proposal:

*The building set within a location of notable Federation and Inter War Residences appears to have replaced or extensively altered a previous residence highly contributory to the setting and Conservation Area. The residence relies on setback of the existing first floor and screening by planting to the front boundary to reduce the impact of the later construction on the significance of the Conservation Area and Centennial Parklands opposite.*

#### **Proposed Development**

*The application proposes construction of a large first floor balcony extending forward of the first floor gable front and a studio above the existing rear lane garage.*

#### **Comments**

- *The applicant’s heritage report provides no details as to the history of the existing house or what steps have been taken to mitigate the impact of the proposed works on the setting and Conservation Area. Examples of recent works included in the heritage report all demonstrate aspects of cohesion with the setting that are not provided in the proposed works.*
- *The proposed balcony demonstrates none of the characteristics of Federation residences in the immediate context and is not cohesive with the scale and massing of the ground floor gable front that it abuts.*
- *The balcony is not supported.*
- *The proposed studio over the rear garage is not cohesive with the setting and conservation area. There appears no compliance with Council’s DCP controls for rear lane studios.*

#### **Recommendations**

*To avoid further impact upon the Conservation Area and the setting, including the Centennial Parklands opposite it is recommended that the application is amended. Amendments should:*

- *Limit any balcony to the first floor frontage to a form of scale, detail and massing compatible with the setting and the form of adjoining residences.*
- *Provide a garage studio compliant with Councils DCP and the scale and form of garage studios in the context and Conservation Area.*

The application was deferred in response to the above comments and the **amended** plans were referred to Council’s Heritage Architect who provided the following comments:

- *The applicant’s submission has been amended. The following comments and recommendations are provided in relation to the amended application.*



- *The first floor balcony has been set back to a line near that of the adjacent gable front. The leading edge of the balcony should be set back from the gable front and not aligned or projecting past the gable front.*
- *The proposed supporting column has introduced a further style of classical architecture detracting from the limited cohesion of the existing aesthetics.*
- *Any support column should be a neutral form continuing the detailing evident in the attached piers to the street front wall.*
- *The proposed studio over the rear garage remains out of scale with all elements of the rear lane. It is recommended that the outer gable ends are reduced in scale by amendment to hipped gable ends.*

**Recommendations**

*To avoid further impact upon the Conservation Area and the setting, including the Centennial Parklands opposite it is recommended that the amended application is refined to incorporate the following:*

- *The leading edge of the balcony should be set back from the gable front and not aligned or projecting past the gable front.*
- *Any support column should be a neutral form continuing the detailing evident in the attached piers to the street front wall.*
- *The outer gable ends to the garage/studio are to be reduced in scale by amendment to hipped gable ends.*

This issue has been discussed previously in this report under Section 2.1.3.

**3.2 Stormwater – Creating Waverley**

Stormwater engineers advised that the submitted stormwater plan is deemed satisfactory and that OSD is **not** required for this development application.

**4. SUMMARY**

The proposal seeks consent for alterations and additions including a new front balcony on the existing dwelling and rear studio over an existing rear lane garage.

The proposal complies with the height development standard and exceeds the FSR development standard of the LEP by 75m<sup>2</sup> or 24.7%. The proposal has been amended to be consistent with the desired future character within the laneway and generally with the controls for rear laneway development within the DCP. The proposal will not result in unreasonable amenity impacts upon surrounding properties and is supported.

The original proposal was notified and one submission was received. Upon the amended application being notified, two submissions were received raising issues relating to overshadowing, FSR and privacy impacts. These issue have been discussed in detail within this report.

The proposal is recommended for approval.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

**Report prepared by:**

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

Kylie Lucas  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 27 March 2019**

**Date: 3 April 2019**

**Reason for referral:**

3 Departure from any development standard in an EPI by more than 10%

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

- (a) Architectural Plan Nos A095, A100, A101, A102, A105, A106, A210, A211, A212, A250, A251, all Issue 3 prepared by Building Design & Draft, dated 2018 and received by Council on date 26 March 2019,
- (b) BASIX Certificate;
- (c) The Concept Stormwater Plan and Sediment Control Plan prepared by Building Design & Draft, Project No. 71Y, Drawing No. A280 (Issue 1), dated 2018 received by Council on 15 August 2018;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

- (a) The lower panes of the windows on the 'Studio\_South Elevation' (as identified by the approved plans) shall be non-openable (ie, fixed panes) to a sill height of 1500mm above the finished floor level to ensure the privacy of the adjoining properties is mitigated. Only the upper panes shall be operable/openable.
- (b) A separate pedestrian door shall be provided from the rear lane structure into the laneway on the 'Studio\_North Elevation (as defined by the approved plans).
- (c) The support column/s to the front balcony shall be amended to a neutral form (in lieu of a feature column) continuing the detailing evident in the attached piers to the street front wall.

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

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council (accompanying the Construction Certificate documentation).

#### **3. APPROVED USE -DWELLING HOUSE**

This application approves the use of the building/s on the site for single dwelling house. In this regard, no consent is granted for the use of the rear laneway structure as a secondary dwelling, without separate development consent.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **4. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **5. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

## **6. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$3300 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **7. 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.

## **8. HOARDING REQUIRED**

To ensure the site is contained during construction, a hoarding may be required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority 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.

## **9. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **10. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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.

## **11. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **12. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **13. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

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 is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

#### **14. STORMWATER MANAGEMENT**

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

#### **15. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation 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 Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **16. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

The builder and all subcontractors shall comply with the approved SWRMP Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste 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.

#### **17. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **18. 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.

### **19. 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.

### **20. 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.

### **21. 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 hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **22. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **23. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water



spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

#### **24. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

#### **25. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

#### **26. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

## **27. 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; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

## **28. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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.

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

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.

## **29. 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.

## **30. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

### 31. CONSTRUCTION INSPECTIONS

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (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 National Construction Code 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 for **DWELLING HOUSES including (Class 1 and 10 Buildings)** 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 (if relevant to the development) to be undertaken by the PCA:

- (a) sediment control measures prior to the commencement of building work;
- (b) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (c) steel reinforcement, prior to pouring concrete;
- (d) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (e) 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 National Construction Code and standards of construction.

### 32. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

### 33. 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.

### 34. TREATMENT OF BOUNDARY WALLS

The wall/s approved on the eastern and western boundary with the neighbouring properties are to be finished to the same high standard as the remaining building and not left unfinished to ensure a pleasing aesthetic to adjoining buildings.

### **35. TREE PROTECTION**

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

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

### **36. 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.

### **37. NO WORKS BEYOND BOUNDARIES**

No portion of the proposed works, including the footings, is to encroach beyond the boundaries of the subject property.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **38. FINAL OCCUPATION CERTIFICATE**

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

### **39. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

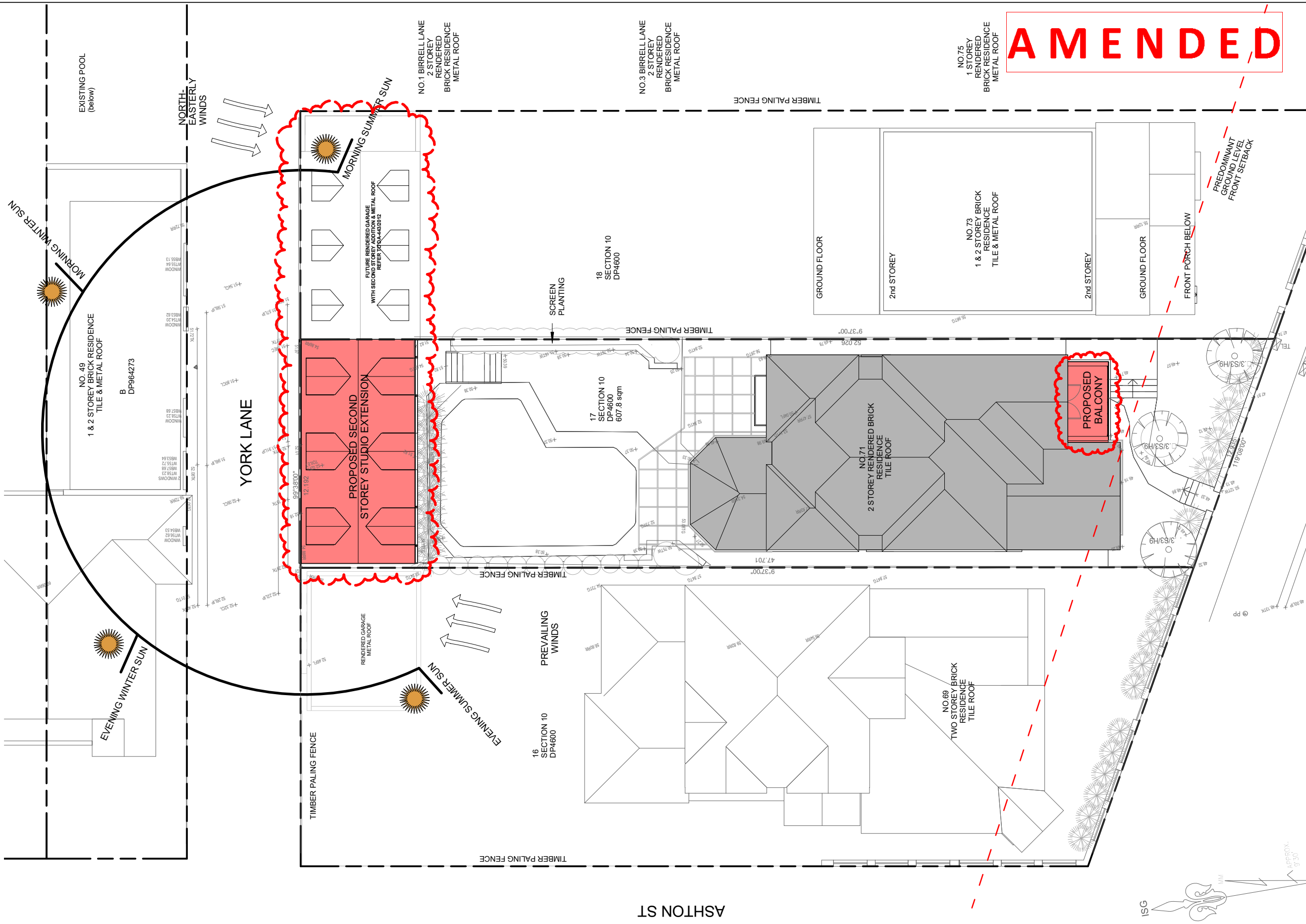
### **40. LIGHTING**

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.

### **41. 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.

**AMENDED**



COMPLIANCE SCHEDULE	
DWELLING	179 sqm
EXISTING GROUND FLOOR AREA	123 sqm
REAR LANE DEVELOPMENT	27 sqm
EXISTING GROUND FLOOR	302 sqm
<b>TOTAL</b>	<b>50 sqm</b>
REAR LANE DEVELOPMENT	379 sqm
PROPOSED STUDIO	607.8 sqm
<b>TOTAL</b>	<b>0.62:1</b>
DEEP SOIL AREA	91.2 sqm (15.0%)
EXISTING SITE COVERAGE	271.6 sqm (44.7%)
PROPOSED SITE COVERAGE	271.6 sqm (44.7%)
PRIVATE OPEN SPACE	COMPLIES

RECEIVED  
Waverley Council  
Application No: DA-287/2018  
Date Received: 26 March 2019

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Architect  
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Mobile: +61422 340 444

GENERAL NOTES:

2ND STOREY STUDIO - REAR LANE & BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW

Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work.  
All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

PROPOSED SITE PLAN

PROJECT NUMBER	71Y
DATE	2018
DRAWN BY	MN
CHECKED BY	MN

Scale

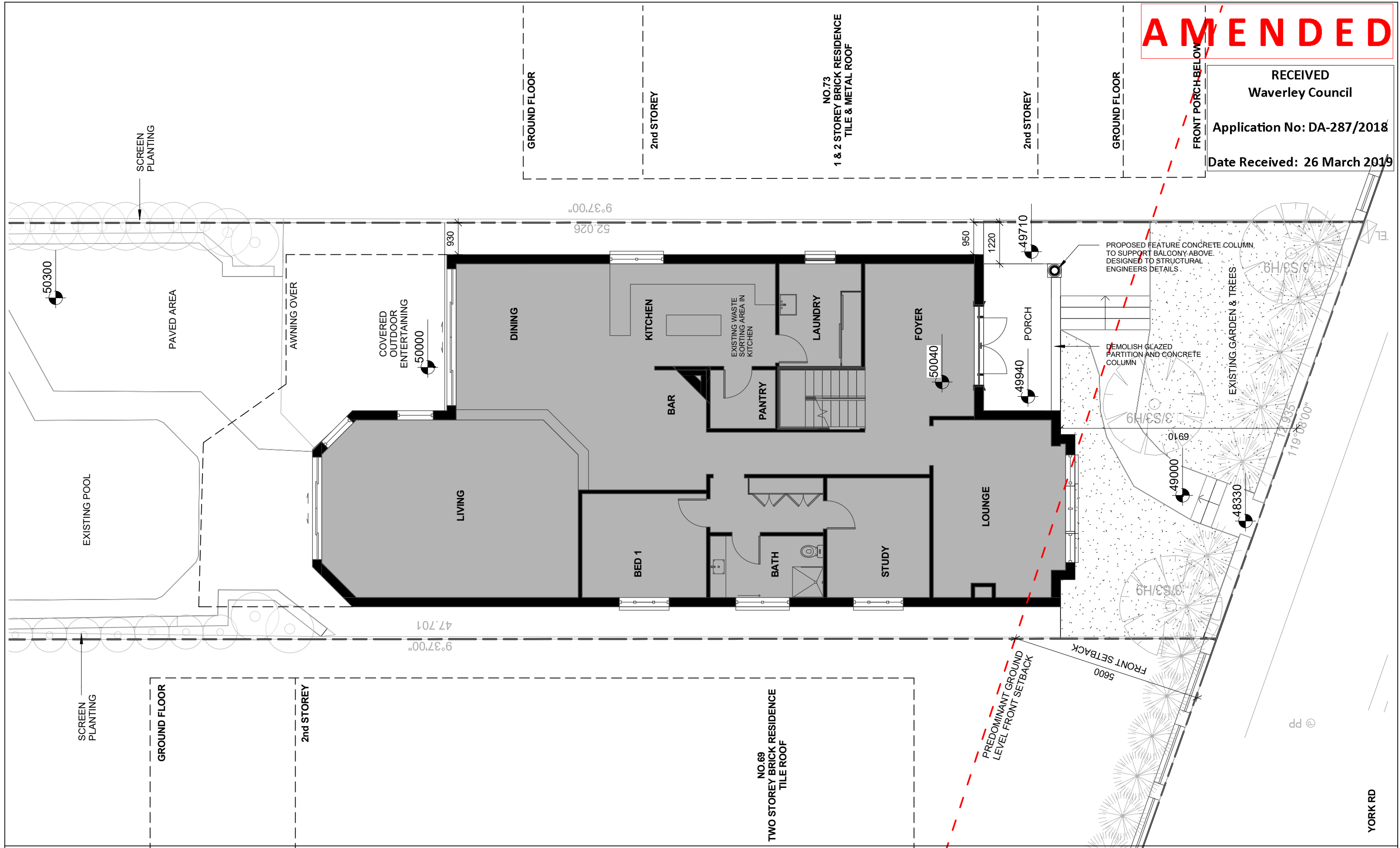
A095

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1 : 200

**AMENDED**

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Application No: DA-287/2018  
Date Received: 26 March 2019



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Architect  
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 Mobile: +61422 340 444

GENERAL NOTES:

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Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

PROPOSED GROUND FLOOR PLAN

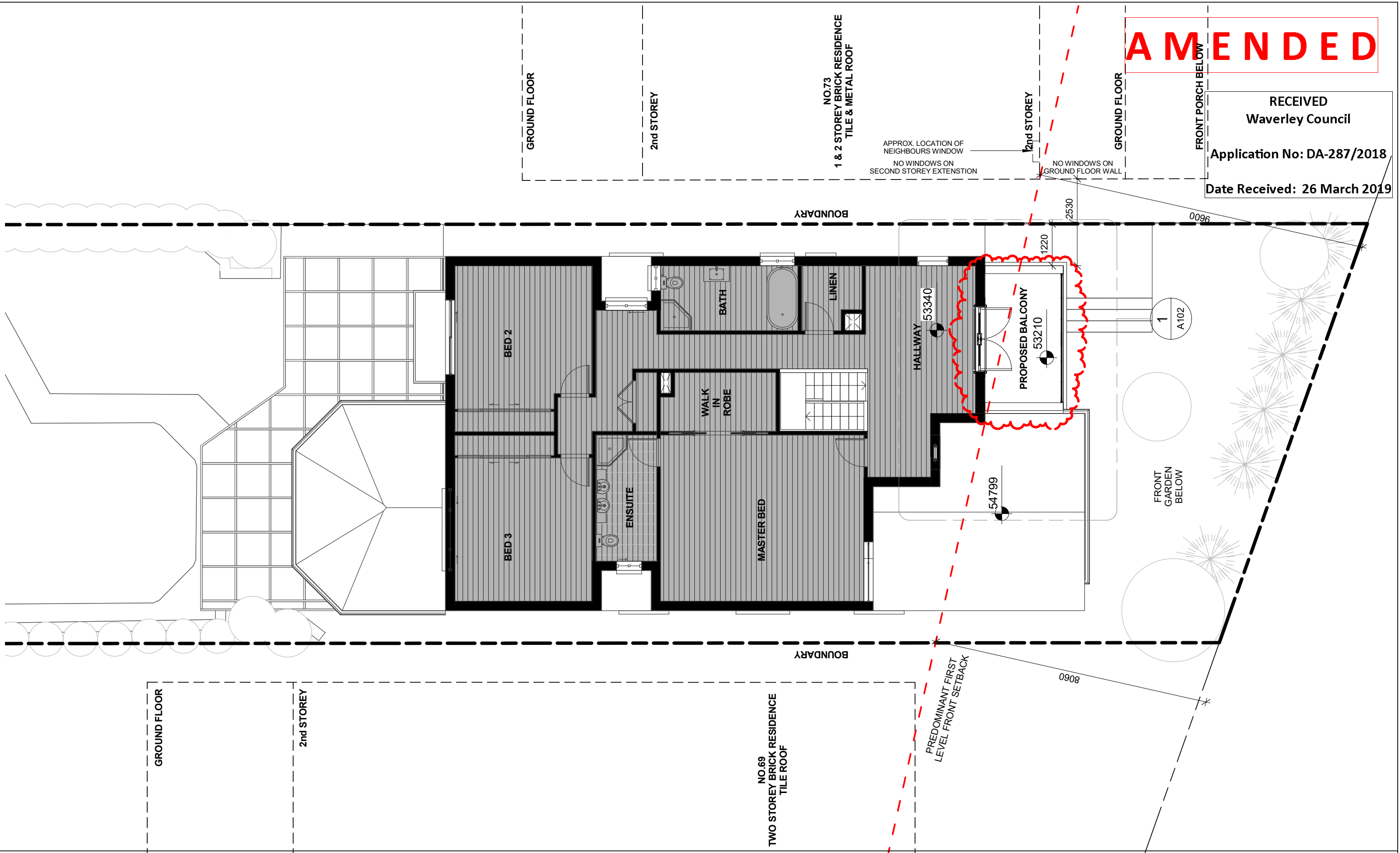
PROJECT NUMBER	71Y	<b>A100</b>	<b>3</b>
DATE	2018		
DRAWN BY	MN		
CHECKED BY	MN		
Scale		1 : 100	

**AMENDED**

RECEIVED  
Waverley Council

Application No: DA-287/2018

Date Received: 26 March 2019



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DESIGN &  
DRAFT**

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Architect  
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Mobile: +61422 340 444

GENERAL NOTES:

2ND STOREY STUDIO - REAR LANE  
& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW



Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

PROPOSED FIRST FLOOR PLAN

PROJECT NUMBER	71Y
DATE	2018
DRAWN BY	MN
CHECKED BY	MN

A101

3

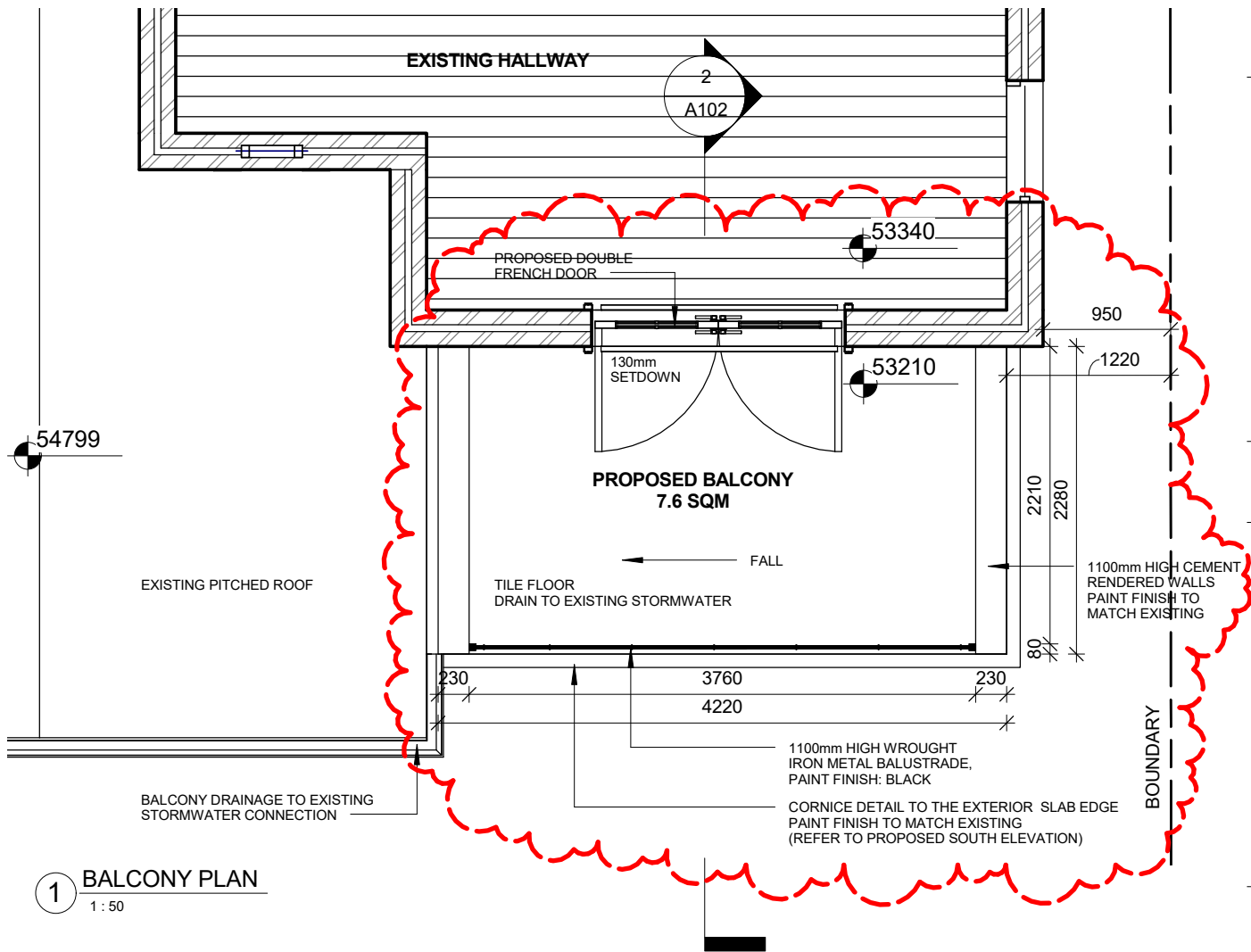
Scale

1 : 100



# AMENDED

RECEIVED  
Waverley Council  
Application No: DA-287/2018  
Date Received: 26 March 2019



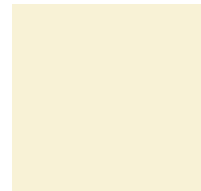
1 BALCONY PLAN  
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ALUMINIUM RAILINGS & STEEL POSTS  
COLORBOND MONUMENT



DOOR FRAME  
DULUX LEXICON QUARTER

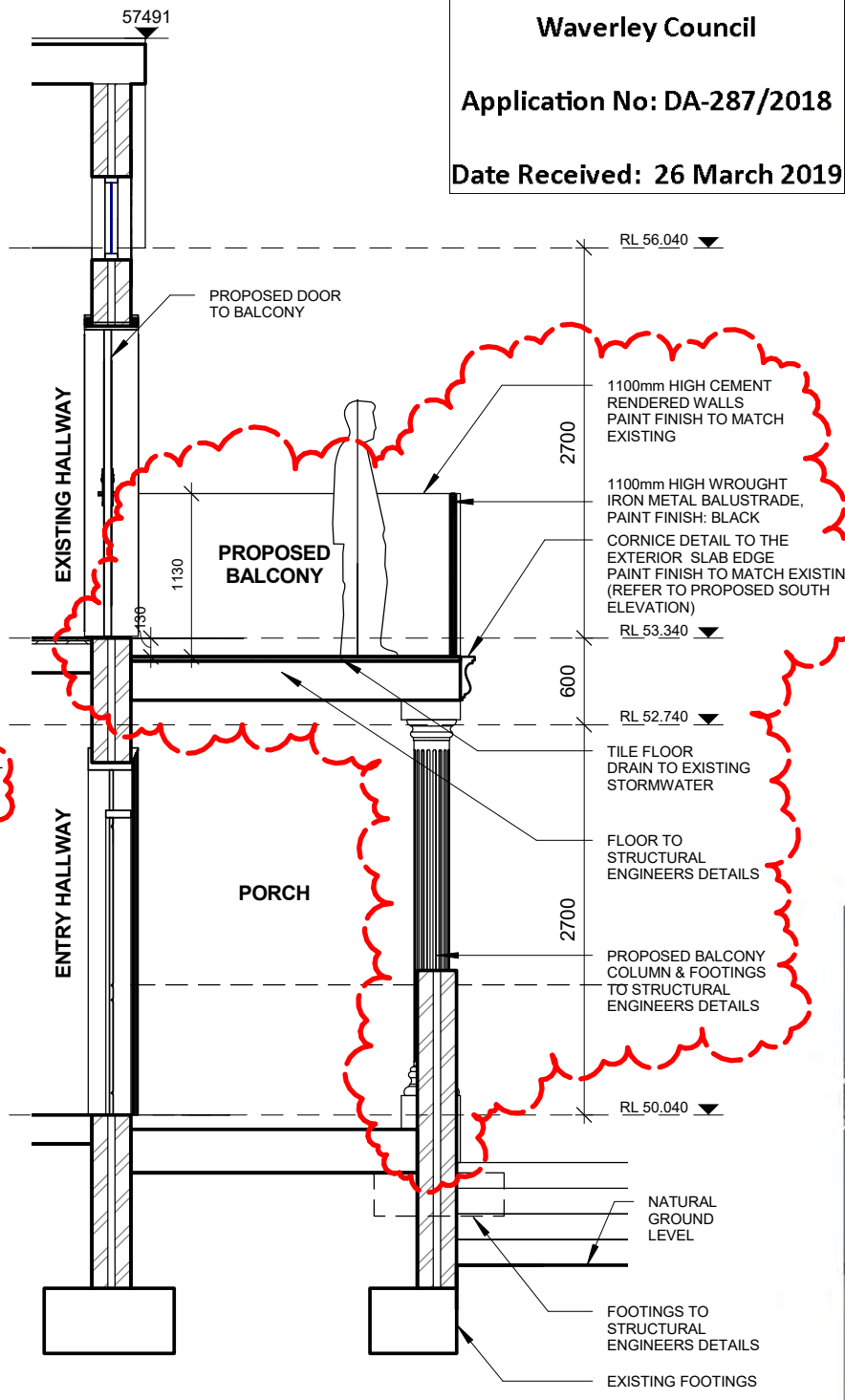


FEATURE RENDER & PAINT  
COLOUR MATCH EXISTING



WROUGHT IRON BALUSTRADE  
PAINT FINISH, BLACK

SCHEDULE OF FINISHES



2 SECTION  
1:50



4 PROPOSED BALCONY PERSPECTIVE



5 PROPOSED BALCONY PERSPECTIVE - ALTERNATIVE VIEW

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Reg No: 9456 (NSW)  
Email: nasirymm@gmail.com  
Mobile: +61422 340 444

GENERAL NOTES:

2ND STOREY STUDIO - REAR LANE  
& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW



Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

PROPOSED BALCONY DETAILS

PROJECT NUMBER	71Y	A102	3
DATE	2018		
DRAWN BY	MN	Scale	As indicated
CHECKED BY	MN		



**AMENDED**



1 PROPOSED - WEST ELEVATION



2 PROPOSED - EAST ELEVATION

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Application No: DA-287/2018  
Date Received: 26 March 2019

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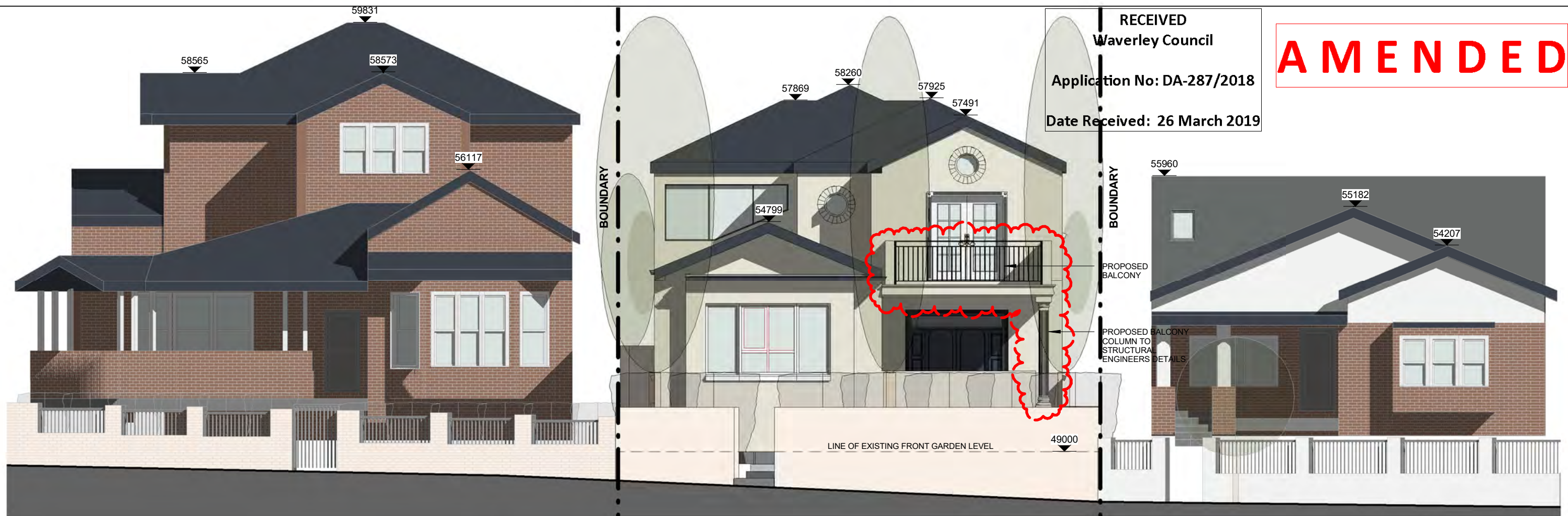
GENERAL NOTES:

2ND STOREY STUDIO - REAR LANE  
& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW

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PROPOSED ELEVATIONS - DWELLING			
PROJECT NUMBER	71Y	A105	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 100
CHECKED BY	MN		





1 PROPOSED SOUTH ELEVATION  
1 : 100



2 PROPOSED - NORTH ELEVATION  
1 : 100

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**GENERAL NOTES:**

2ND STOREY STUDIO - REAR LANE  
 & BALCONY TO PRIMARY DWELLING  
 71 YORK RD, QUEENS PARK NSW

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**PROPOSED ELEVATIONS - DWELLING**

PROJECT NUMBER	71Y	A106	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 100
CHECKED BY	MN		



**AMENDED**

NO. 49 ASHTON ST  
1 & 2 STOREY BRICK & CLAD  
RESIDENCE  
TILE & METAL ROOF

KERB & GUTTER

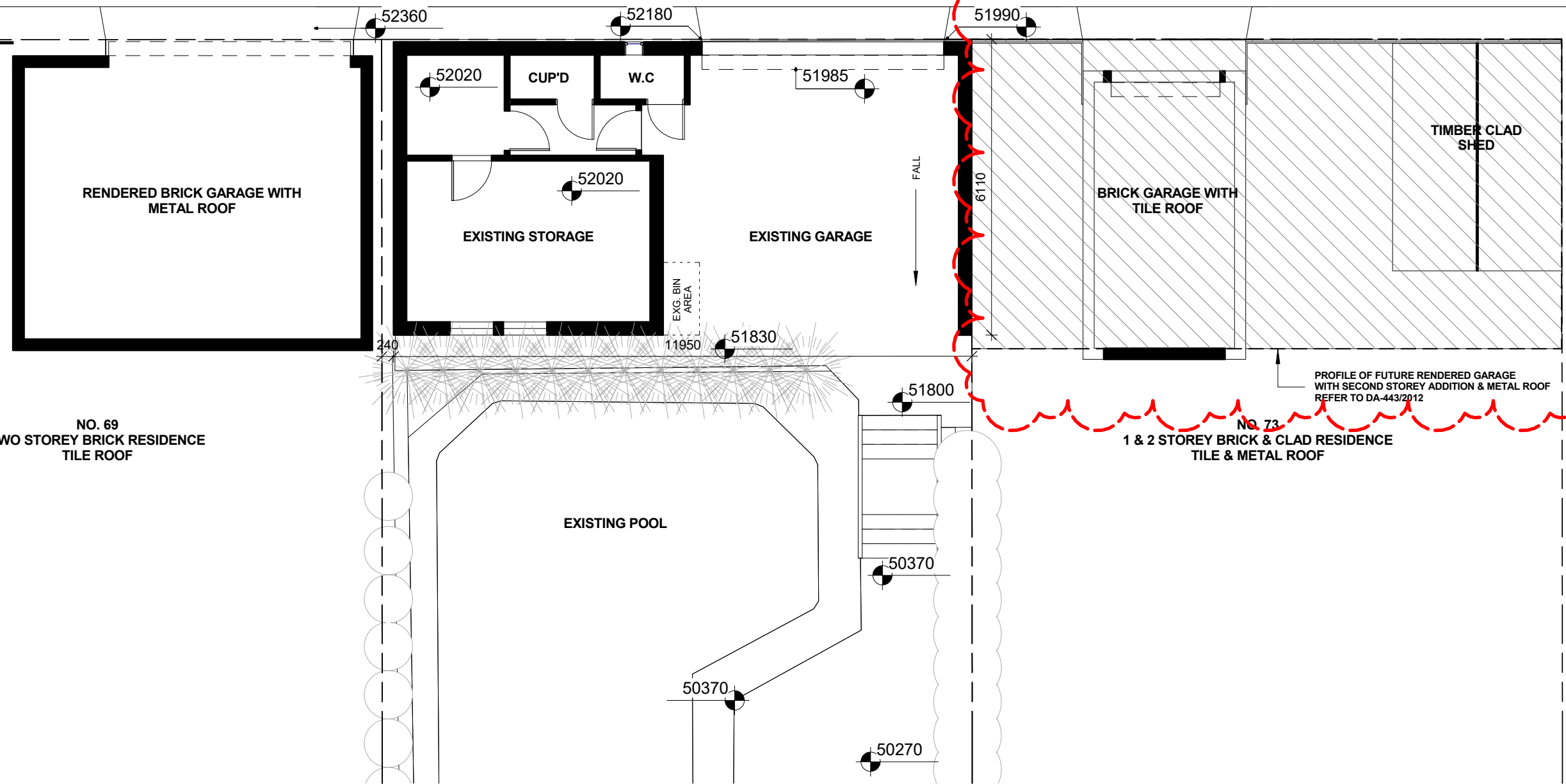
RECEIVED  
Waverley Council  
Application No: DA-287/2018  
Date Received: 26 March 2019

YORK LANE

FALL →



KERB & GUTTER



PROFILE OF FUTURE RENDERED GARAGE WITH SECOND STOREY ADDITION & METAL ROOF REFER TO DA-443/2012

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71 YORK RD, QUEENS PARK NSW

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EXISTING LANEWAY LEVEL PLAN			
PROJECT NUMBER	71Y	A200	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 100
CHECKED BY	MN		

**AMENDED**

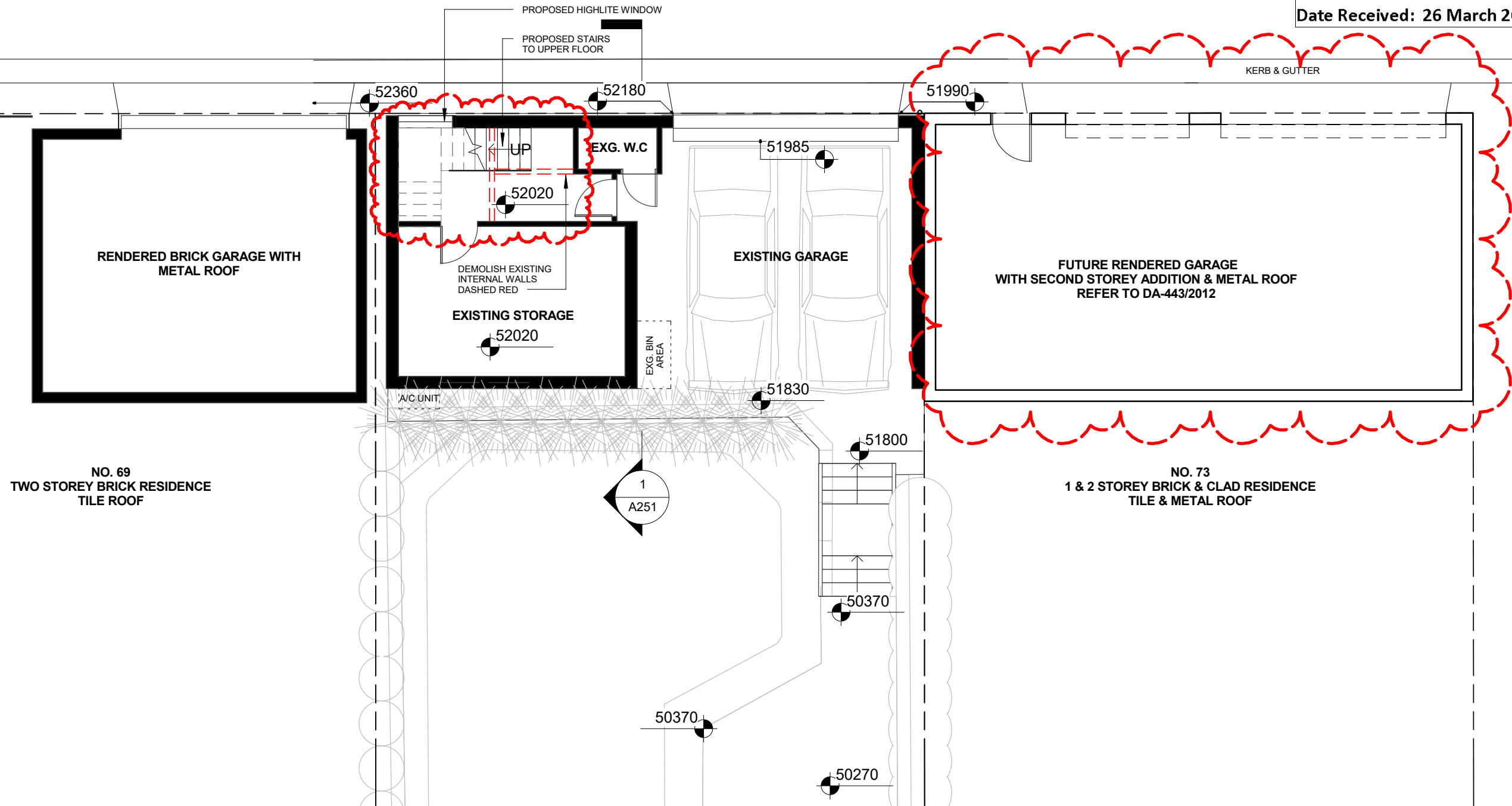
NO. 49 ASHTON ST  
1 & 2 STOREY BRICK & CLAD  
RESIDENCE  
TILE & METAL ROOF

KERB & GUTTER

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YORK LANE

FALL →



NO. 69  
TWO STOREY BRICK RESIDENCE  
TILE ROOF

NO. 73  
1 & 2 STOREY BRICK & CLAD RESIDENCE  
TILE & METAL ROOF

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& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW



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PROPOSED LANEWAY LEVEL PLANS

PROJECT NUMBER	71Y	A210	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 100
CHECKED BY	MN		

**AMENDED**

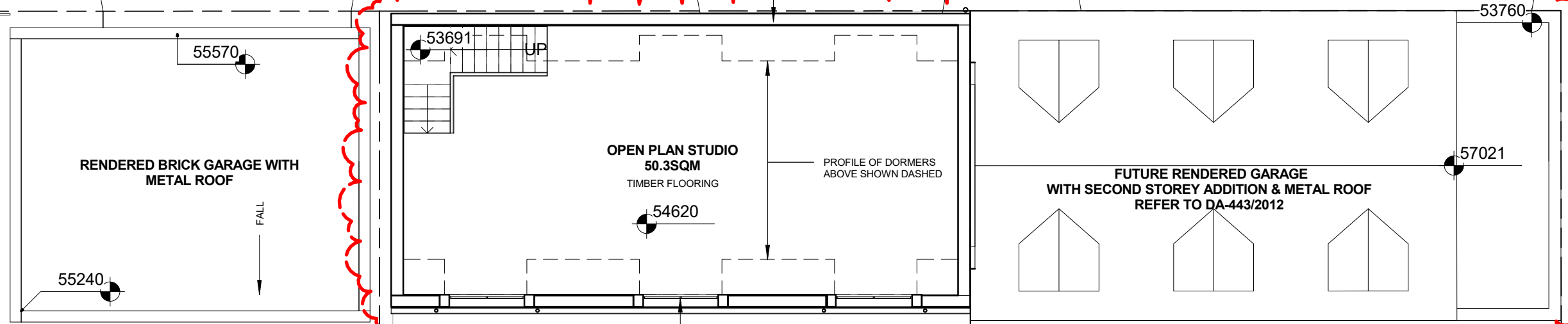
NO. 49 ASHTON ST  
1 & 2 STOREY BRICK & CLAD  
RESIDENCE  
TILE & METAL ROOF

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Date Received: 26 March 2019

YORK LANE

FALL →

EXTERNAL INSULATED FACADE PANEL  
FINISH: COLORBOND DUNE  
COLOR MATCH EXISTING GARAGE

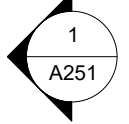


NO. 69  
TWO STOREY BRICK RESIDENCE  
TILE ROOF

NO. 73  
1 & 2 STOREY BRICK & CLAD RESIDENCE  
TILE & METAL ROOF

EXISTING POOL BELOW

PAVED AREA



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2ND STOREY STUDIO - REAR LANE  
& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW



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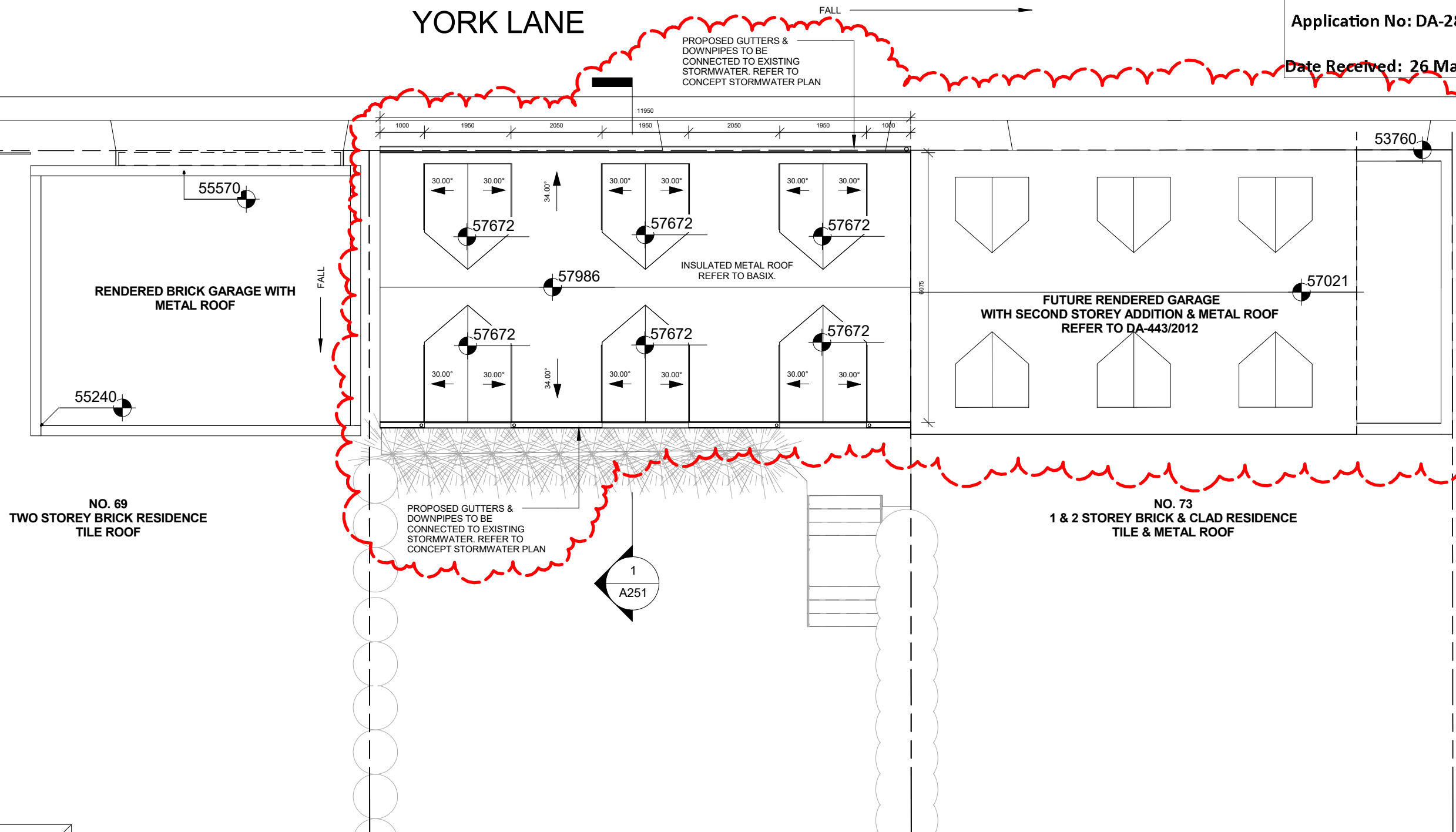
PROPOSED LANEWAY ATTIC LEVEL			
PROJECT NUMBER	71Y	A211	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 10
CHECKED BY	MN		

**AMENDED**

NO. 49 ASHTON ST  
1 & 2 STOREY BRICK & CLAD  
RESIDENCE  
TILE & METAL ROOF

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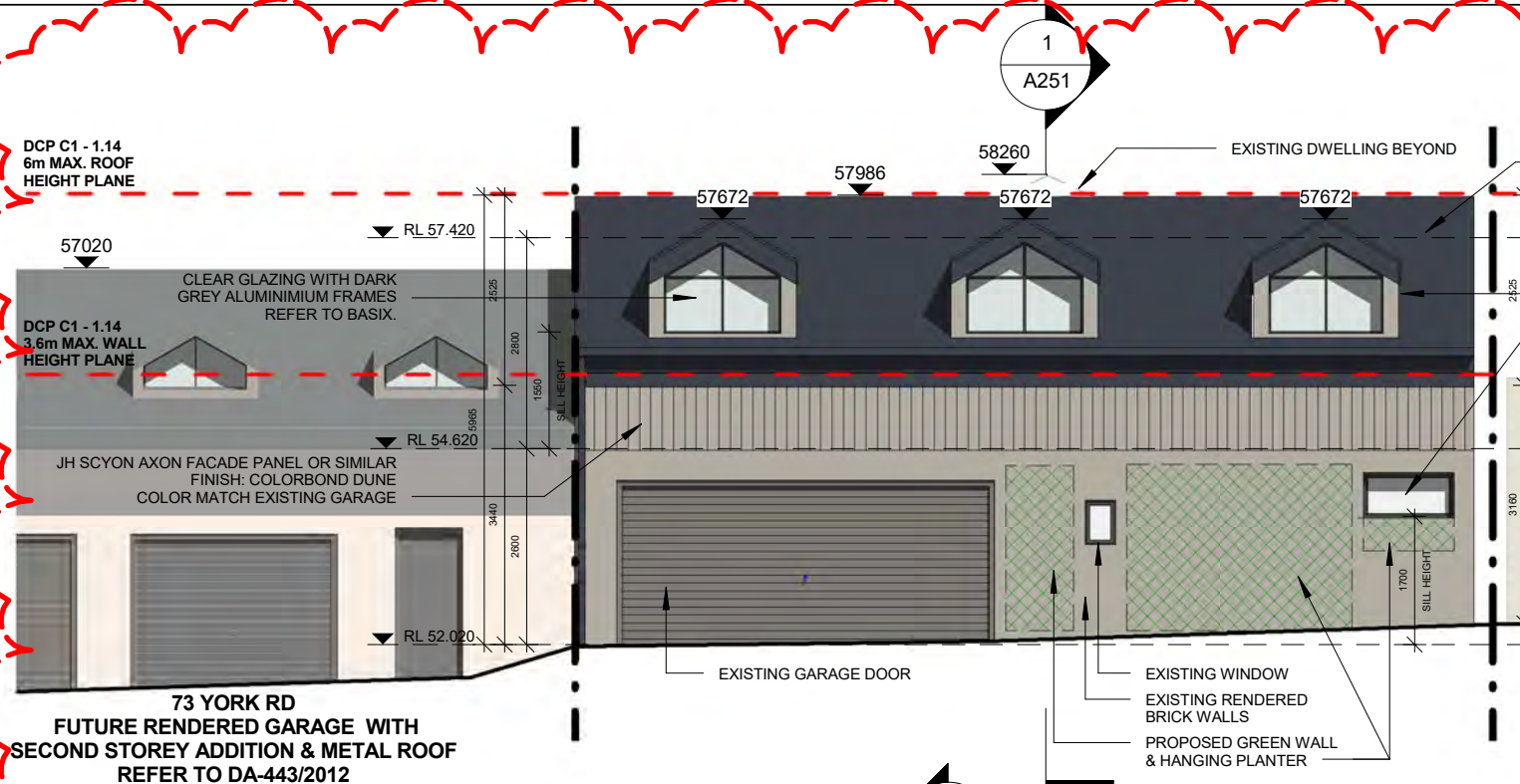
PROPOSED LANEWAY ROOF PLAN

PROJECT NUMBER	71Y
DATE	2018
DRAWN BY	MN
CHECKED BY	MN

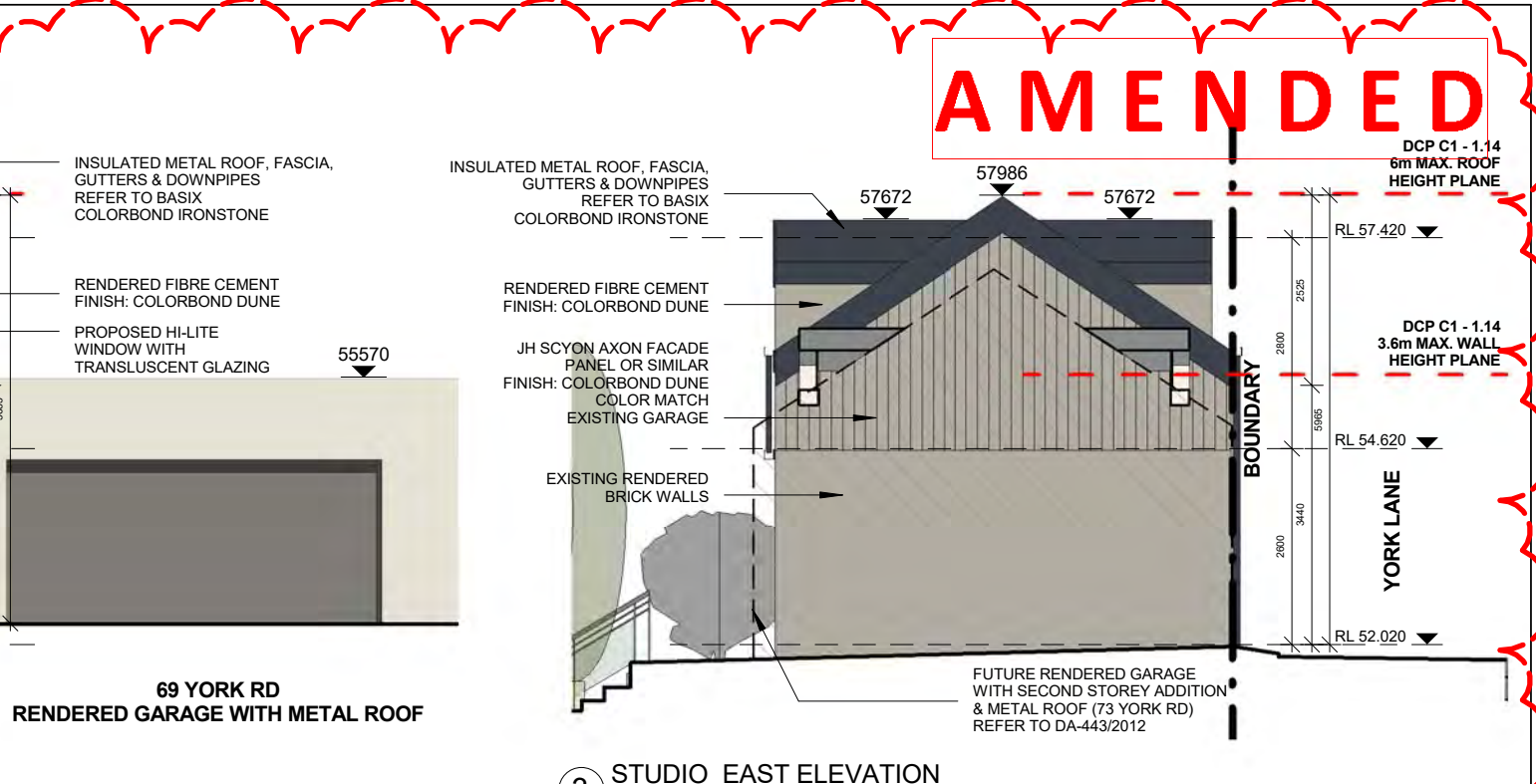
A212	3



# AMENDED



**2 STUDIO NORTH ELEVATION**  
1:100



**3 STUDIO EAST ELEVATION**  
1:100



**4 STUDIO SOUTH ELEVATION**  
1:100



**5 STUDIO WEST ELEVATION**  
1:100

**SCHEDULE OF FINISHES**

					
EXTERNAL WALLS JAMES HARDIE SCYON AXON CLADDING 133mm SMOOTH FINISH	EXTERNAL WALLS COLORBOND DUNE OR SIMILAR, COLOR MATCH EXISTING WALLS	ROOF, DOWNPIPES, GUTTERS, FASCIA COLORBOND IRONSTONE	DARK GREY ALUMINIUM FRAMES	GREEN WALL ENGLISH IVY	HANGING PLANTER Senecio rowleyanus (String of Pearls)

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**Date Received: 26 March 2019**

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**GENERAL NOTES:**

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71 YORK RD, QUEENS PARK NSW

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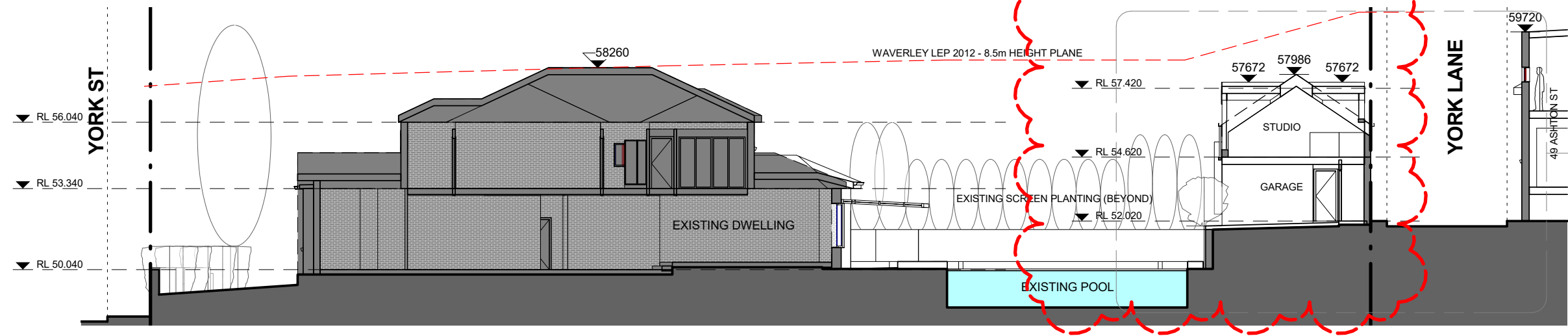
**PROPOSED ELEVATIONS**

PROJECT NUMBER	71Y	A250	3
DATE	2018		
DRAWN BY	MN		
CHECKED BY	MN	Scale	As indicated

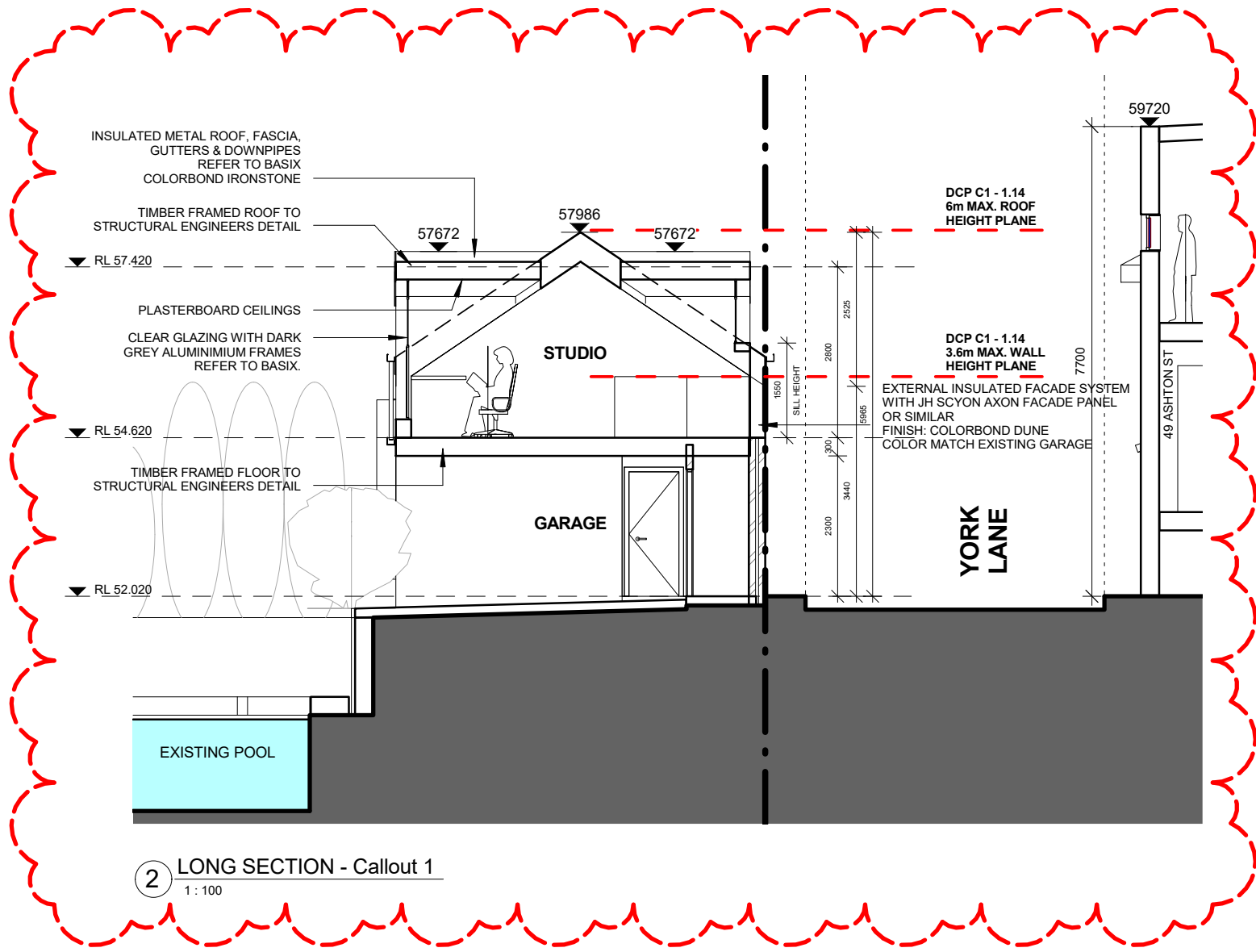


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Application No: DA-287/2018  
Date Received: 26 March 2019

2  
A251



1 LONG SECTION  
1:200



2 LONG SECTION - Callout 1  
1:100

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GENERAL NOTES:

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71 YORK RD, QUEENS PARK NSW

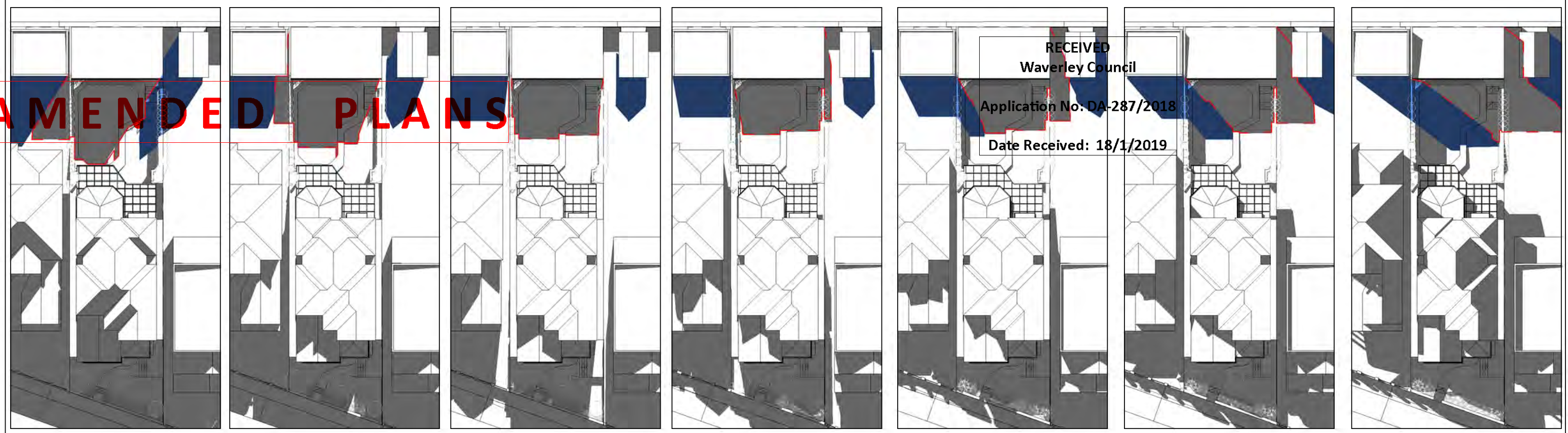
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PROPOSED SECTIONS			
PROJECT NUMBER	71Y	A251	3
DATE	2018		
DRAWN BY	MN	Scale	As indicated
CHECKED BY	MN		

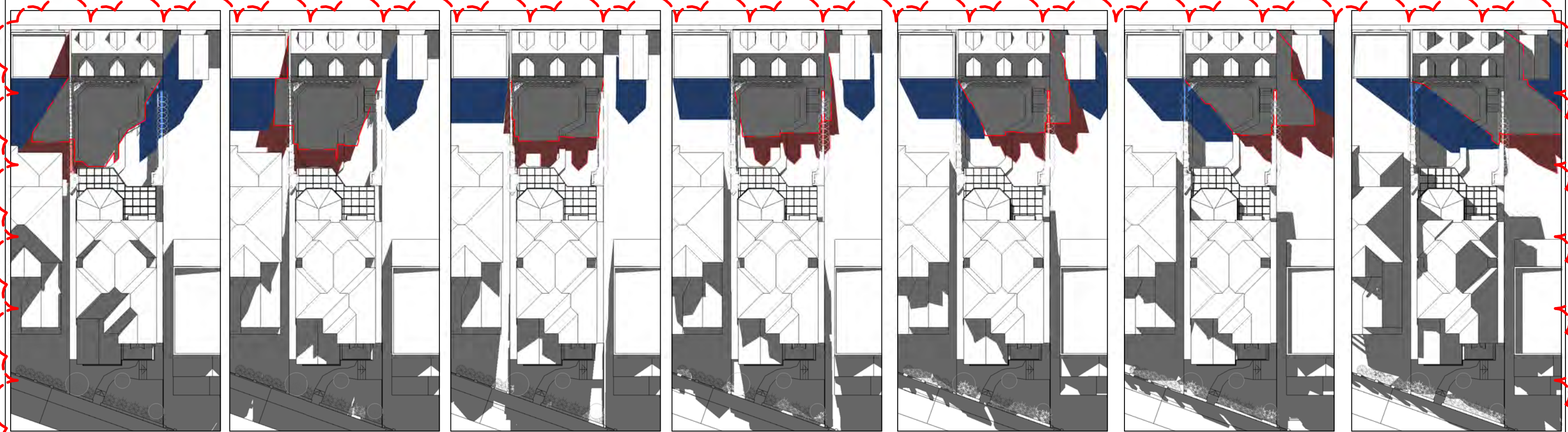


# AMENDED PLANS

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Application No. DA-287/2018  
Date Received: 18/1/2019



1 EXG SHADOW\_JUNE 21\_9AM 1:500 2 EXG SHADOW\_JUNE 21\_10AM 1:500 3 EXG SHADOW\_JUNE 21\_11AM 1:500 4 EXG SHADOW\_JUNE 21\_12PM 1:500 5 EXG SHADOW\_JUNE 21\_1PM 1:500 6 EXG SHADOW\_JUNE 21\_2PM 1:500 7 EXG SHADOW\_JUNE 21\_3PM 1:500



8 NEW SHADOW\_JUNE 21\_9AM 1:500 9 NEW SHADOW\_JUNE 21\_10AM 1:500 10 NEW SHADOW\_JUNE 21\_11AM 1:500 11 NEW SHADOW\_JUNE 21\_12PM 1:500 12 NEW SHADOW\_JUNE 21\_1PM 1:500 13 NEW SHADOW\_JUNE 21\_2PM 1:500 14 NEW SHADOW\_JUNE 21\_3PM 1:500

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**GENERAL NOTES:**

KEY	
	EXISTING 71 YORK GARAGE SHADOW PROFILE
	EXISTING NEIGHBOURING GARAGE SHADOW PROFILES
	PROPOSED STUDIO SHADOW PROFILE

**2ND STOREY STUDIO - REAR LANE & BALCONY TO PRIMARY DWELLING**  
71 YORK RD, QUEENS PARK NSW

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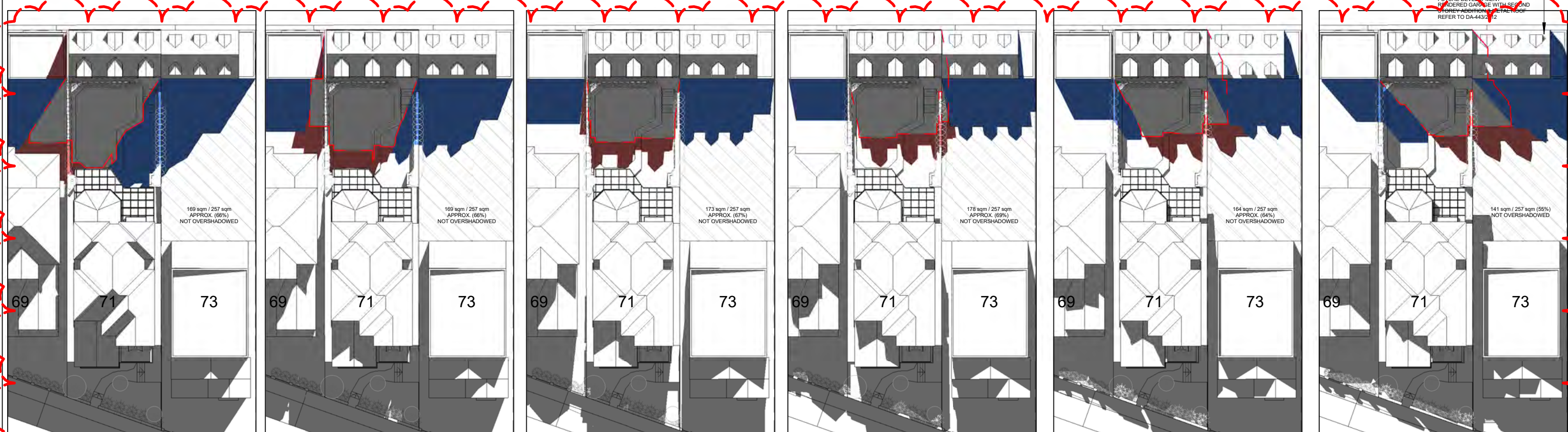


SHADOW PLANS			
PROJECT NUMBER	71Y	A260	2
DATE	2018		
DRAWN BY	MN	Scale	As indicated
CHECKED BY	MN		





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7 NEW SHADOW\_JUNE 21\_9AM 1:500    8 NEW SHADOW\_JUNE 21\_10AM 1:500    9 NEW SHADOW\_JUNE 21\_11AM 1:500    10 NEW SHADOW\_JUNE 21\_12PM 1:500    11 NEW SHADOW\_JUNE 21\_1PM 1:500    12 NEW SHADOW\_JUNE 21\_2PM 1:500

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GENERAL NOTES:  
**RECEIVED**  
**Waverley Council**  
 Application No: DA-287/2018  
 Date Received: 26 March 2019

**KEY**

- EXISTING 71 YORK GARAGE SHADOW PROFILE
- EXISTING NEIGHBOURING GARAGE SHADOW PROFILES
- PROPOSED STUDIO SHADOW PROFILE

**2ND STOREY STUDIO - REAR LANE & BALCONY TO PRIMARY DWELLING**  
 71 YORK RD, QUEENS PARK NSW

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**SHADOW PLANS**

PROJECT NUMBER: 71Y  
 DATE: 2018  
 DRAWN BY: MN  
 CHECKED BY: MN

AMENDED

A260	3
Scale	As indicated

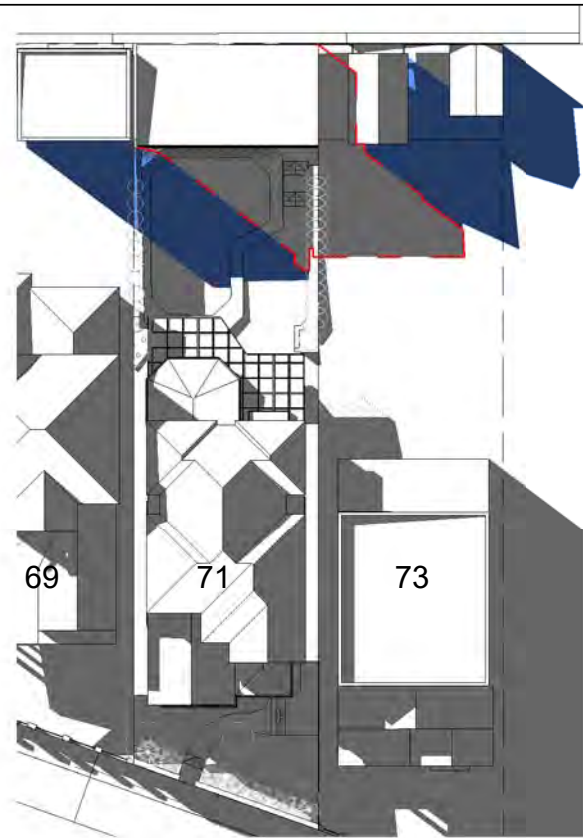


# AMENDED

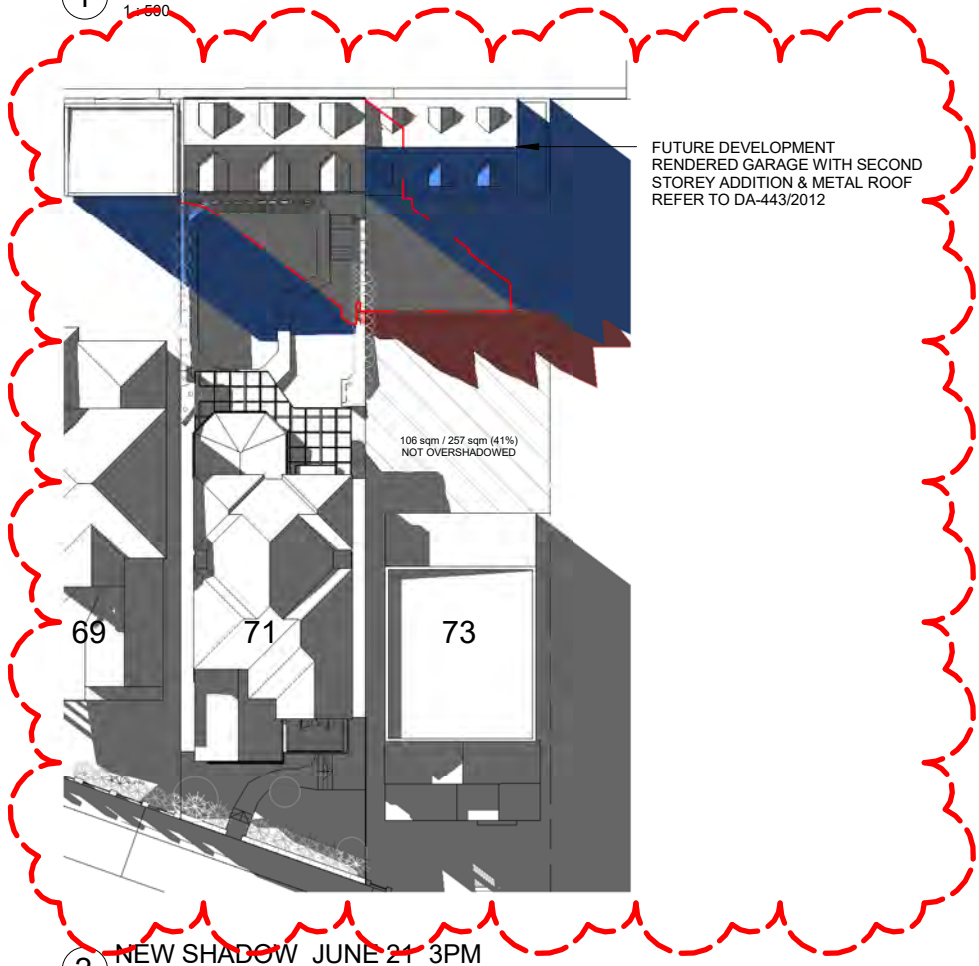
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Application No: DA-287/2018

Date Received: 26 March 2019



① EXG SHADOW JUNE 21 3PM  
 1 : 500



② NEW SHADOW JUNE 21 3PM  
 1 : 500

KEY	
- - -	EXISTING 71 YORK GARAGE SHADOW PROFILE
■	EXISTING NEIGHBOURING GARAGE SHADOW PROFILES
■	PROPOSED STUDIO SHADOW PROFILE

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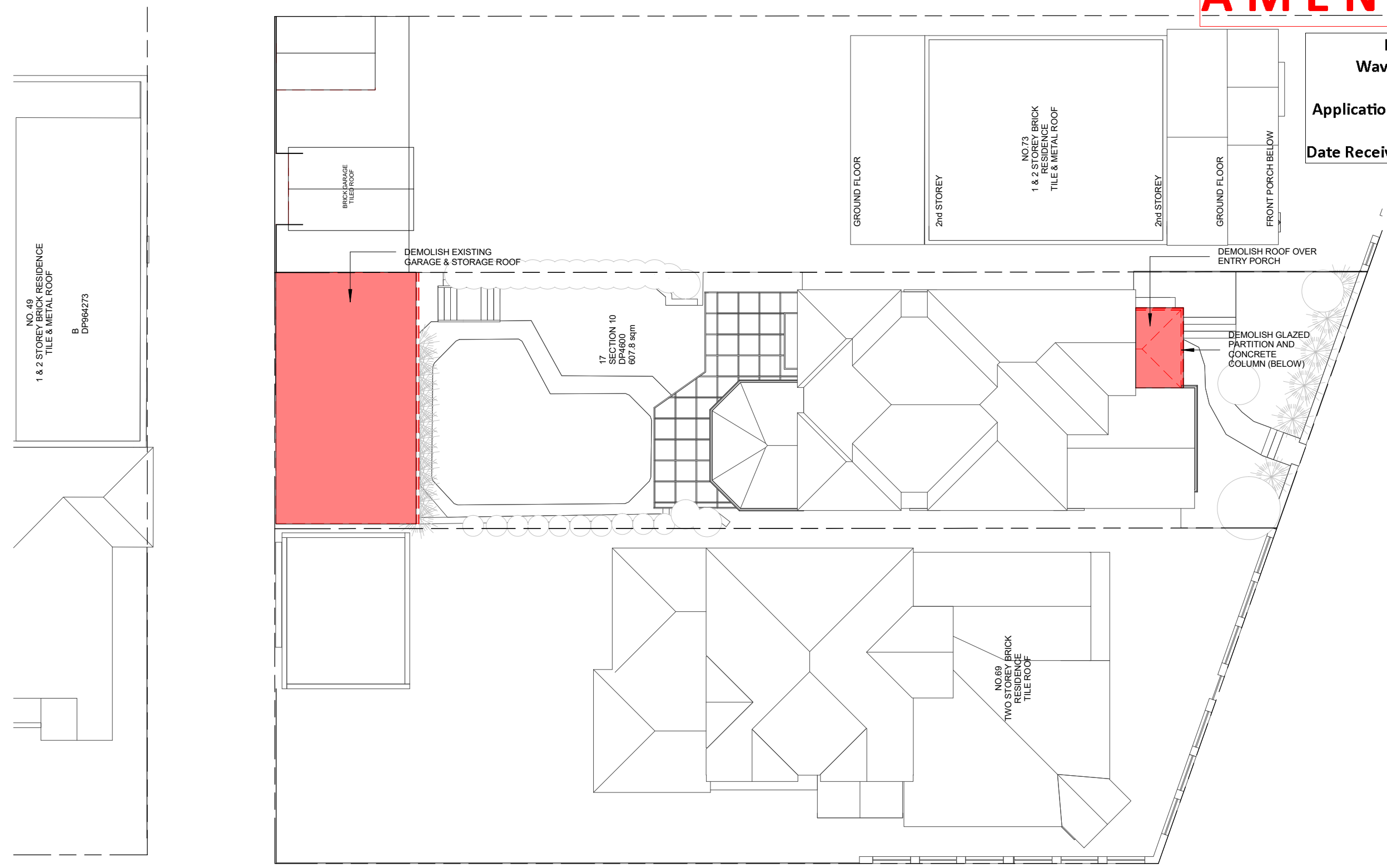
**SHADOW PLANS**

PROJECT NUMBER	71Y	<b>A261</b>	<b>3</b>
DATE	2018		
DRAWN BY	MN		
CHECKED BY	MN	Scale	As indicated

Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

# AMENDED

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**Waverley Council**  
**Application No: DA-287/2018**  
**Date Received: 26 March 2019**



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**GENERAL NOTES:**

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 71 YORK RD, QUEENS PARK NSW

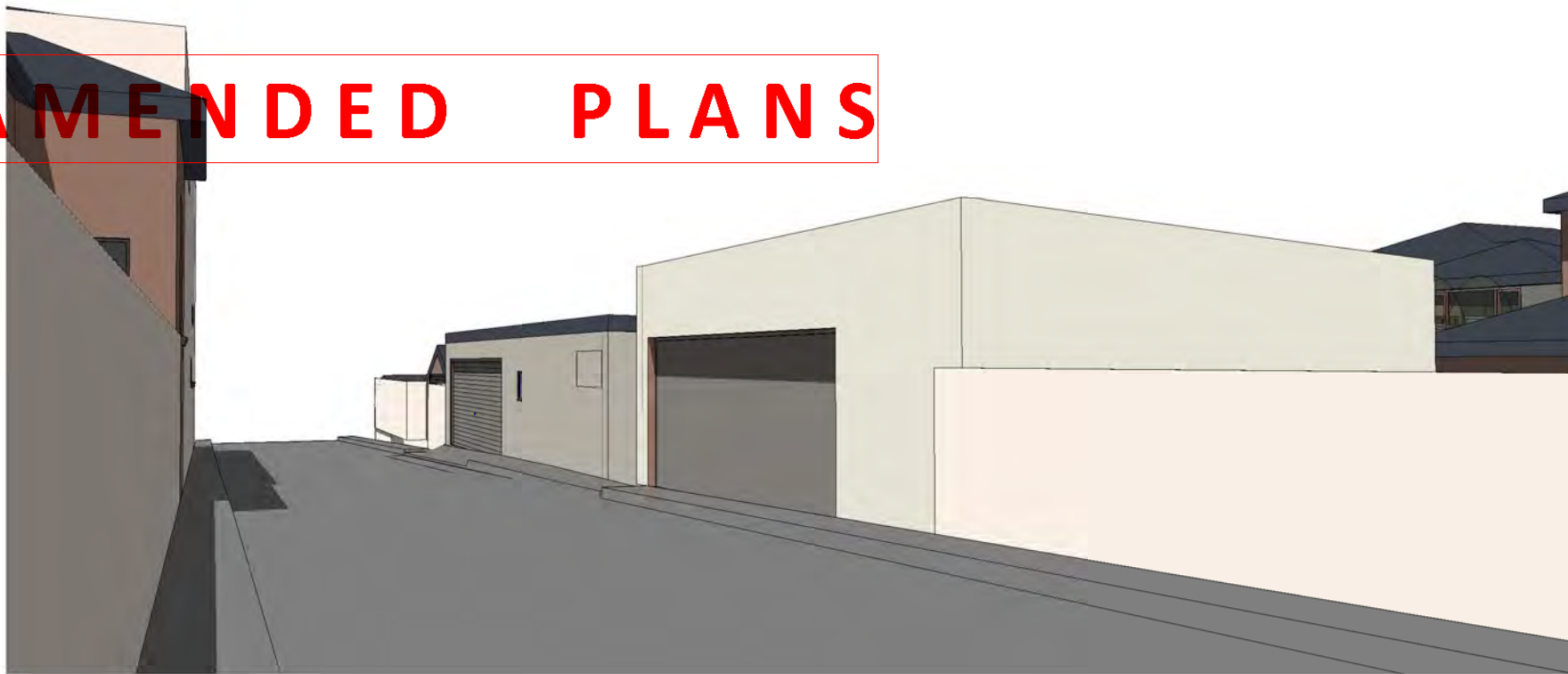
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DEMOLITION PLANS			
PROJECT NUMBER	71Y	A270	3
DATE	2018		
DRAWN BY	MN	Scale	1 : 20
CHECKED BY	MN		

# AMENDED PLANS

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Waverley Council  
Application No: DA-287/2018  
Date Received: 18/1/2019



1 EXISTING VIEW FROM YORK LANE



2 EXISTING VIEW FROM YORK RD



3 PROPOSED VIEW FROM YORK LANE



4 PROPOSED VIEW FROM YORK RD

**BUILDING  
DESIGN &  
DRAFT**

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Architect  
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GENERAL NOTES:

2ND STOREY STUDIO - REAR LANE  
& BALCONY TO PRIMARY DWELLING  
71 YORK RD, QUEENS PARK NSW

Figured dimensions are to be taken in preference to scaled dimensions. Contractors shall verify all dimensions on the job before preparing shop drawings or commencing work. All materials are to be used in accordance with manufacturer's specifications and instructions, and to comply with relevant regulations, BCA & Australian Standards.

3D VIEWS

PROJECT NUMBER	71Y	A290	2
DATE	2018		
DRAWN BY	MN		
CHECKED BY	MN	Scale	



RECEIVED  
Waverley Council

Application No: DA-287/2018

Date Received: 26 March 2019

**AMENDED**



1 EXISTING VIEW FROM YORK LANE

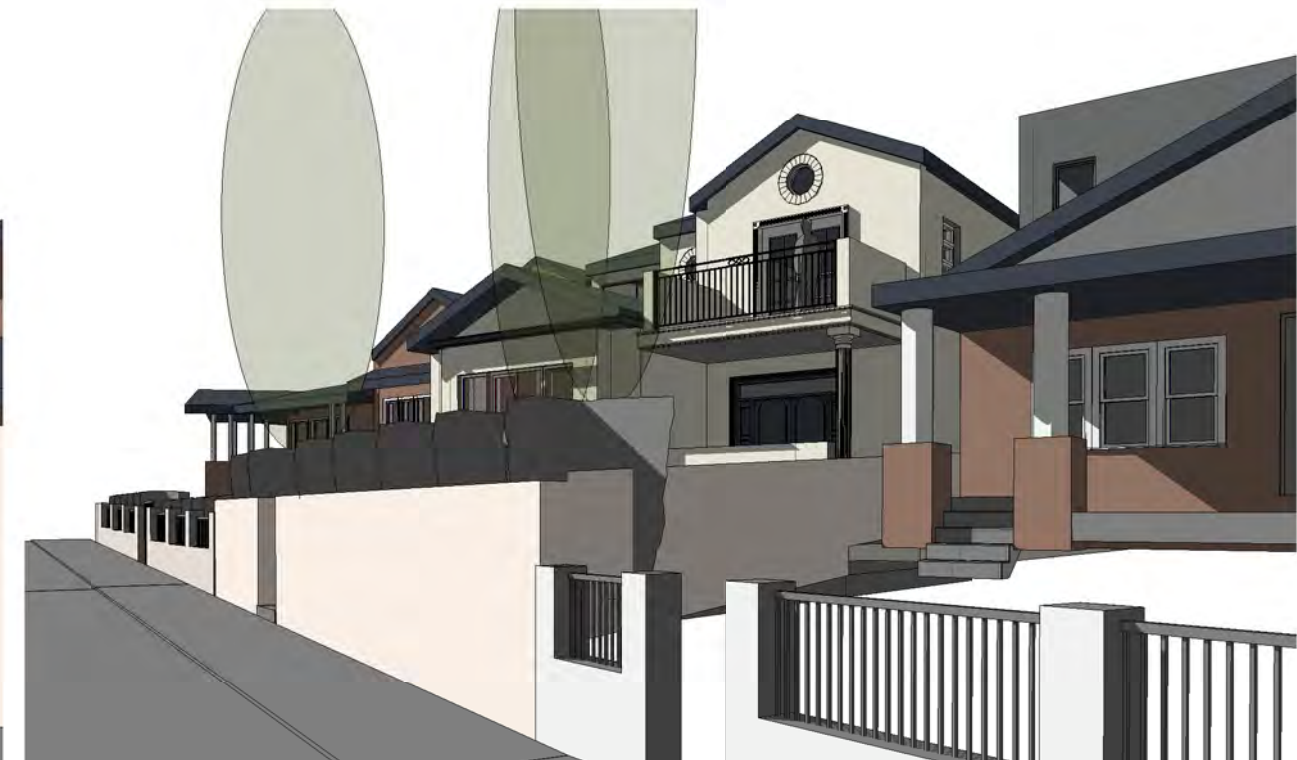


2 EXISTING VIEW FROM YORK RD



FUTURE RENDERED GARAGE WITH SECOND STOREY ADDITION & METAL ROOF REFER TO DA-443/2012

3 PROPOSED VIEW FROM YORK LANE



4 PROPOSED VIEW FROM YORK RD

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3D VIEWS

PROJECT NUMBER	71Y	A290	3
DATE	2018		
DRAWN BY	MN		
CHECKED BY	MN	Scale	



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-262/2018
<b>Site address</b>	150 Carrington Road, Waverley
<b>Proposal</b>	Alterations and additions to a heritage listed building including conversion from one dwelling into five units, and the reconfiguration of an approved rear residential flat building to the rear from three units to four units
<b>Date of lodgement</b>	13 July 2018
<b>Owner</b>	Azul No. 1 Pty Ltd & Nacho No. 1 Pty Ltd
<b>Applicant</b>	A77 Designs Pty Ltd (G Cerutti)
<b>Submissions</b>	Nine (9)
<b>Cost of works</b>	\$1,420,679
<b>Issues</b>	FSR
<b>Recommendation</b>	That the application be APPROVED

**Site Map**





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 14 November 2018.

The site is identified as Lot 2 in DP 313451, known as 150 Carrington Road, WAVERLEY.

Located on the eastern side of Carrington Road at the intersection of Carrington Road, Darley Road and Macpherson Street, the site is rectangular in shape with a north side boundary measuring 45.23m, east rear boundary measuring 14.63m, south side boundary measuring 45.23m and west frontage to Carrington Road measuring 14.63m. The site has an area of 661.7m<sup>2</sup> and falls from its rear towards its frontage to Carrington Road by approximately 3 metres.

The site is occupied by a single storey detached Inter war Californian Bungalow with vehicular access provided from Carrington Road to a single carport located adjacent the north side boundary, and hardstand parking located between the front setback of the site to Carrington Road.

The subject site is surrounded by residential flat buildings to the north, east and south. Queens Park playing fields are located opposite across Carrington Road. The locality includes the recently constructed BUPA Aged Care (seniors living) facility and St Catharine's school and college. The site is within proximity to the Charing Cross mixed use retail and commercial precinct, and approximately 1.2 kilometres from Bondi Junction.



Figure 1: Subject site frontage



Figure 2: Site viewed from rear boundary



Figure 3: Rear of site

## 1.2 Relevant History

- **PD-6/2013:** On 11 August 2013, Pre DA advice was provided by staff regarding alterations and additions to the existing heritage listed dwelling and construction of a detached three storey residential flat building or detached dual occupancy at the rear of the site.
- **PD-13/2015:** On 5 August 2015, Pre DA advice was provided by staff regarding alterations and additions to existing heritage listed dwelling and construction of the three storey residential flat building behind the heritage dwelling, and associated site works.
- **DA-593/2015:** on 28 September 2016, the Waverley Development Assessment Panel granted Approval subject to conditions of consent for, alterations and additions to the existing heritage listed dwelling and construction of a three storey residential flat building behind the heritage dwelling, and associated site works. Imposed conditions included modification requiring: the north facing windows to the living and kitchen areas of apartment 2 to be frosted below 1.5m from finished floor level; to minimise view loss and reduce the height of the building, the sun scoops over apartments 2 and 3 are to be deleted and replaced with skylights in the 5 degree pitch of the main plane of the roof; and the landscape plan to be amended to minimise view impacts on adjacent residential units to the east, the Eucalyptus citriodora (Lemon Scented Gum) situated in the northeast rear corner of the site is to be deleted and replaced by an alternative native tree with a maximum mature size (height) of 6m. The consent has not been activated.

The subject application amends particulars of DA-593/2015.

- **PD-25/2017:** On 21 July 2017, Pre DA advice was provided by staff regarding the demolition of the heritage listed building and the construction of a boarding house. Advice identified concern regarding: bulk, scale and view sharing. It was advised that the replacement building display exceptional merit, innovation, sustainability and design quality; setbacks from side boundaries; car parking and vehicular access.
- **DA-48/2018:** An application for alterations and additions to the existing heritage listed building and new residential flat building to the rear. The proposal included significant alterations to the heritage listed building, including additional storey, basement and conversion from one dwelling into five (5) units. The application was withdrawn on 25 July 2018 prior to determination.
- **DA-262/2018:** The subject application, lodged on 13 July 2018, seeks consent for alterations and additions to a heritage listed building, including its conversion from one dwelling into five (5) units and the reconfiguration of the approved residential flat building at the rear (DA-593/2015) from three (3) units into four (4) units. The application was publicly notified, resulting in the receipt of nine (9) submissions.

## 1.3 Proposal

The proposal seeks consent for alterations and additions to a heritage listed building, resulting in five (5) units, and the reconfiguration of the approved residential flat building at the rear (DA-593/2018) from three (3) units into four (4) units. The proposal results in a total of nine (9) units on the land.



Except for two (2) introduced dormer windows towards the rear of the heritage listed building and an increase in height of 170mm for the rear building above that approved per the imposed general modification condition, both building envelopes largely remain.

The specifics include:

#### **Heritage listed building**

- Reconfiguration of the existing floor plan to create 4 x studio units;
- Upper level addition within roof-space to create 1 x 1 bedroom unit;
- External alterations to the create individual entries to each unit;
- Altered roof form, including two new dormer windows.

#### **Residential flat building**

- Reconfiguration of the approved ground floor plan to convert the 3 bedroom unit into 2 x 1 bedroom units;
- Adjustment of floor to ceiling heights to achieve ADG compliance;
- Increase in building height by 170mm to comply with ceilings height requirements of the ADG;
- Deletion of sun scoops, as required per condition 1A (b) of DA-593/2015;
- Deletion of communal open space.

#### **General**

- Revised landscaping;
- Relocation of bin store adjacent northern side boundary to adjacent the southern side boundary;
- Two additional motorbike parking spaces;
- Additional storage for 15 bicycles; and
- The modification of conditions of consent ancillary to DA-593/2015, specifically 1, 1A (b), 2, 3, 50 and 70.



**Figure 4:** Photomontage (Source: Hill Thalys Architecture + Urban Projects Pty Ltd, 10/07/18)



**Figure 5:** North elevation of previously approved DA-593/2015



**Figure 6:** Proposed North elevation

The proposal is not an application to modify DA-593/2015 per Section 4.55 of the Environmental Planning and Assessment Act, 1979, as it is not substantially the same development; the reconfiguration of the heritage listed building and its conversion from one dwelling into separate units dwellings did not form part of DA-593/2015.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 SEPP 65 Design Quality of Residential Flat Development

The provisions of SEPP 65 apply to the proposal.

The application was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel on 17 September 2018. The Panel’s comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment are set out in **Table 1** below:

**Table 1: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Panel’s Comment	Planning Comment
1. Context & Neighbourhood	<p><i>The site overlooks Queens Park to the west and is surrounded by two, three and four storey residential flat buildings to the north, east and south.</i></p> <p><i>Further to the east is St Catherine’s School. To the north, along Carrington Street, is an aged care facility, while further north is the Charing Cross mixed use retail and commercial precinct. Bondi Junction is approximately 1.2km further to the north. The area has high amenity, services and access to public transport and is therefore very suitable for increased housing options.</i></p> <p><i>The retention of substantial elements of the heritage-listed building on the subject site will provide a continuing contribution to the neighbourhood character.</i></p>	Agreed.
2. Built form & Scale	<p><i>The proposal provides for an extension of the existing roof structure and form to create sufficient roof space for a one-</i></p>	Variations to the DCP with respect to site frontage and wall height are considered acceptable as, the 14.63m frontage is existing and the increase in

Principle	Panel's Comment	Planning Comment
	<p><i>bedroom apartment. The proposed changes also include a number of north-facing dormer windows set into the existing roof line. It is noted the 15m minimum frontage (14.63m) and 7.5m maximum external wall height (7.9m) controls in the Waverley DCP 2010 were not met in the approved DA. The current proposal increases the wall height by some 170mm. The additional built form is well handled but will rely on quality detailing. Detailed sections should be provided.</i></p>	<p>wall height by 170mm to 8.8m does not result in the overall building height which exceeds the LEP maximum of 9.5m.</p>
<p>3. Density</p>	<p><i>The permissible FSR in the Waverley LEP 2012 for the site is 0.6:1. The current proposal will increase FSR to 0.726:1, effectively a variation of around 21% however the proposed housing mix is supported for this well-located site. The Panel supports some intensification of use on this site along with the retention of the heritage house.</i></p>	<p>Agreed.</p>
<p>4. Sustainability</p>	<p><i>All units are cross-ventilated with 8 out of 9 receiving more than 2 hours of sunlight in mid-winter. There is no provision for PV panels or the capture and reuse of storm water for irrigation. Parking for 15 bicycles is provided. Ceiling fans should be provided in all habitable rooms and clearly shown on the plans. Ventilation options to Unit 9 Bedroom 1 could be improved with a window to the east. Some ridge ventilation could be considered to increase stack-effect cooling for Unit 7 situated in the roof space.</i></p>	<p>Agreed.</p>
<p>5. Landscape</p>	<p><i>The proposed development retains landscaping and deep soil zones around the building footprint with local native species contributing to the site's location within a habitat corridor. The previously approved communal open space in the north west corner of the site has been deleted and</i></p>	<p>Agreed.</p>

Principle	Panel's Comment	Planning Comment
	<p><i>replaced by a north-western ground floor unit with the rear setback area allocated to private open space for adjacent units. As a consequence the minimum 25% communal area requirement is not met.</i></p> <p><i>Supporting documentation indicates that 30% of site area is landscaped of which 70% is deep soil.</i></p> <p><i>It is noted that substantial sectors of the side boundary setbacks are paved to provide direct pedestrian access to individual units.</i></p> <p><i>The provision of landscaped area and communal space is considered adequate given the site's immediate proximity to Queens Park.</i></p>	
6. Amenity	<p><i>The approved DA provides for one car parking space against the seven spaces plus one visitors space required under the Waverley DCP 2012.</i></p> <p><i>The proposed changes increase the DCP car parking requirement to 8 spaces plus two visitor spaces. No further provision is indicated in the DA documentation. Two motorbike spaces are provided in the front parking area. The Panel supports the non-provision of parking for this site given its proximity to excellent public transport, Bondi Junction, the City and to parklands.</i></p> <p><i>Room sizes and ceiling heights exceed ADG requirements.</i></p> <p><i>Every unit has access to a private open space, is cross-ventilated and includes storage.</i></p> <p><i>The reconfiguration of the units in the heritage-listed building provides a high level of amenity with each apartment accessed individually (akin to a townhouse).</i></p> <p><i>All apartments have generous individual balconies/porches.</i></p> <p><i>Bathrooms in Units 1-4 (studio apartments) of the heritage building are internalized which allows bed alcoves to achieve cross ventilation. Similarly the bathroom in Unit 5 of</i></p>	<p>The proposal is a high quality design which will provide the occupants of the development with a high level of amenity.</p> <p>Unit entries and window openings are located to maximise amenity whilst associated visual and acoustic impacts.</p>



Principle	Panel's Comment	Planning Comment
	<p><i>the rear building is internalized. Bulkheads for plumbing will need to comply to ADG ceiling height requirements.</i></p> <p><i>The Panel debated the alternative ways in which the studio units could have been configured such that the studio spaces were maximized with bathrooms located to the perimeter. On balance the retention of existing windows to provide light and ventilation to bedroom alcoves was regarded as an acceptable outcome. The layout of Unit 2 may be improved by the kitchen being placed in the entry (some components of the kitchen such as pantry may need to turn the corner), then the interlocking bathrooms rotated, lengthways north-south and washing machines included. The remaining space can be allocated to a much larger wardrobe area. The amenity for Unit 2 could be further improved is the wall at the end of the bed was removed so that occupants did not have to walk through the living room to make the bed.</i></p> <p><i>The change in use of the heritage building from a dwelling to a residential flat building increases the required DCP side setback from 900mm to 3m. The existing northern side setback does not comply but the variation is marginal with new entrance porches providing both a greater setback to the building edge and lesser setback to the porch/stair structures.</i></p> <p><i>The 12m ADG minimum building separation between the heritage-listed building and habitable rooms in the adjoining RFB to the rear is not met with the adjoining RFB providing only a 1m setback and the heritage-listed building less than 3m.</i></p> <p><i>Given the increased number of unit entrances along the northern boundary a review of sight lines to the adjacent development should be</i></p>	

Principle	Panel's Comment	Planning Comment
	<i>undertaken to ensure privacy requirements are addressed.</i>	
7. Safety	<i>Private open spaces overlook public areas of the site and the street. Entrances are clearly defined and well lit.</i>	Agreed.
8. Housing Diversity and Social Interaction	<i>The approved development provided for two x 2-bedroom apartments and 2 x three-bedroom apartments. The amended DA proposal provides a mix of 4 x studios, 3 x one-bedroom and 2 x two-bedroom apartments. The DA approved communal open space has been deleted but social interaction will be fostered by the primary pedestrian access link to units along the northern boundary.</i>	Agreed.
9. Aesthetics	<i>The proposal provides for the adaptive re-use of a heritage listed building for apartment living with a sensitive extension of the existing roof form and a series of new stairs and porch entrances to ground level studio units. Existing windows have been retained where possible and new window/entries located to reflect previous windows The residential flat building at the rear is well set back and designed to complement the heritage qualities of the listed building.</i>	Agreed.

#### **Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide**

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. DCP 2012 contains

provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from Table 5 relating to the DCP as they are no longer relevant.

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>Min separation distances from buildings to side and rear boundaries:</li> <li>Up to 12m (4 storey) – 6m habitable &amp; 3m non-habitable</li> </ul>	Yes (on merit)	<p>Separation distances accord with those approved per DA-593/2015.</p> <p>A separation distance in the order of 4.8m is achieved between the proposal and the residential flat building to the north. North-facing windows are limited to minimise visual and acoustic impacts upon the neighbouring residential flat building; accordingly, the 1.2m variance is considered reasonable and appropriate.</p>
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Yes	<ul style="list-style-type: none"> <li>88% of units receive at least 2 hours mid winter.</li> <li>All units are dual aspect and as such all receive some direct sunlight mid-winter.</li> </ul> <p>The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory and incorporating shading in the warmer months.</p>
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> <li>Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> <li>At least 60% of units naturally ventilated</li> </ul> </li> </ul>	Yes	<ul style="list-style-type: none"> <li>All habitable rooms are provided with at least one window for natural ventilation.</li> <li>All units have dual aspects.</li> <li>In this regard, 100% of the units can be naturally cross ventilated.</li> </ul> <p>The proposal uses a combination of full height openable doors, windows and skylights to achieve appropriate cross ventilation.</p>
<b>4C Ceiling heights</b>		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> <li>2 storey units – 2.7m main level (living) &amp; 2.4m upper floor where its area does not exceed 50% of the unit area</li> </ul>	Yes	<p>Minimum floor to ceiling heights for individual units are as follows:</p> <ul style="list-style-type: none"> <li>Units 1 – 4: 2.7m</li> <li>Units 5 &amp; 6: 2.74m</li> <li>Unit 7 (attic): 1.95m</li> <li>Units 8 &amp; 9 (dual level): 2.7m</li> </ul>

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>Attics – 1.8m at edge of room with a 30<sup>0</sup> min ceiling slope</li> </ul>		<p>Non-habitable floor to ceiling heights of all units comply with the minimum requirement.</p> <p>Accordingly, floor to ceiling heights of all units comply with the minimum requirement.</p>
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>Studio = 35 m<sup>2</sup></li> <li>1 Bed = 50 m<sup>2</sup></li> <li>2 Bed = 70 m<sup>2</sup></li> <li>3 Bed = 90 m<sup>2</sup></li> <li>Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> </ul> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</p>	Yes	<p>All units have internal areas which exceed the minimum ADG requirements.</p> <p>The internal areas of individual units are as follows:</p> <ul style="list-style-type: none"> <li>Units 1 – 4 (studios): 35 – 39.55m<sup>2</sup></li> <li>Units 5 – 7 (1 bed): 50.5 – 56.5m<sup>2</sup></li> <li>Units 8 &amp; 9 (2 bed, 2 bathrooms): 75.8 – 81.7m<sup>2</sup></li> </ul> <p>In this regard, the proposed units are of a size and layout which is acceptable.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All kitchens are separate to the circulation spaces.</p> <p>All robes are a minimum width of 1.5m.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> <li>Ground level, min 15m<sup>2</sup> &amp; 3m depth</li> </ul>	Yes (on merit)	<p>The area of balconies and terraces of individual units are as follows:</p> <ul style="list-style-type: none"> <li>Units 1 – 4 (ground level studios): 4.75 – 12.9m<sup>2</sup></li> <li>Unit 5 (ground level, 1 bed): 32.35m<sup>2</sup></li> <li>Unit 6 (ground level, 1 bed): 48.9m<sup>2</sup></li> <li>Unit 7 (1 bed): 12m<sup>2</sup></li> <li>Units 8 &amp; 9 (2 bed): 10.5m<sup>2</sup></li> </ul> <p>Units 1 to 4 do not achieve the minimum area; however, the variance is supported as the site is located opposite a substantial public recreational space.</p>

Design Criteria	Compliance	Comment
		The design of the balconies is integrated into and contributes towards the architectural form and detail of the building. Finishes are consistent with the contemporary palette of materials in the building overall.
<b>4F Common circulation and spaces</b>		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	All units are provided individual access.
<b>4G Storage</b>		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> <li>1-bed – 6m<sup>3</sup></li> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	Yes	The proposal provides separate storage within each apartment which meets the requirements and objectives of the ADG. Condition are imposed to ensure compliance in this respect.

SEPP 65 seeks residential apartment development which achieves better design and amenity benefits to its occupants and the wider community. As demonstrated in the above Table, when assessed against the objectives and design criteria in the ADG, the proposal substantially complies.

On merit, the proposal is considered to be a well resolved in-fill development which responds appropriately to its contextual setting.

#### 2.1.4 SEPP (Vegetation in Non-Rural Areas) 2017

As the site contains a heritage item, pursuant to Section 10 (3) of the SEPP, Council must be satisfied that the removal of vegetation is of a minor nature, for maintenance reasons, and/or does not affect the significance of the heritage item.

Vegetation to be removed is consistent with that approved per DA-593/2015.

#### 2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is defined as residential flat building development, which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	Yes	The proposal has an overall building height of 8.85m, which complies with the development standard.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.6:1</li> </ul>	No	The proposal has a gross floor area of 481.83m <sup>2</sup> , which equates to a floor space ratio of 0.72:1, a variance of 84.81m <sup>2</sup> or 21.36% above the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The subject site is identified as heritage item no. 471. Refer discussion below this table.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	In addition to earthworks required for the construction of the residential flat building to the rear of the heritage listed building, the proposal includes excavation to create the basement storage areas ancillary to Units 3 and 4 contained within the envelope of the heritage listed building.  The extent of earthworks is considered minor and unlikely to have a detrimental impact upon the heritage listed building.

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

### Exceptions to Development Standards

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 0.728:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 84.81m<sup>2</sup> in gross floor area or 21.36%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The variation is caused predominantly by an increased utilisation of the heritage building at the front of the site as compared to the previous approval on the site which complied with the development standard. A ground floor void is proposed to be removed and the existing high roof space is being transformed into an independent unit. The scale of the building

remains unchanged with the exception of new discrete dormer windows towards the rear of the building.

- The proposal remains under the maximum building height development standard and provides for additional floor space within an already approved envelope through greater utility of the existing roof space of the heritage item. The extent of the numerical non-compliance does not accurately represent the physical additions to the heritage building in terms of its scale, which are modest and respectful of views, the streetscape and solar access.
- The increased density on the site is achieved through the reconfiguration of units more so than the increase in floor space, preferring smaller apartments compared to the previous approval.
- The density controls and building height controls maintain an appropriate correlation.
- The scale of the buildings on the site is largely unchanged by the proposal despite the non-compliance with the standard. The bulk, scale and footprint of the rear building is the same as the previous approval.
- The scale of the existing heritage building is retained and continues to be compatible with the streetscape and existing character of the location, as it is being essentially retained in its historic form.
- The locality contains buildings of varying scale and architectural quality, ranging in height from 1 to 5 storeys. The predominant material and finish in most of the nearest buildings, including the subject site, is a dark exposed brick with tile roof. The existing heritage building shares this character and this will be retained.
- The desired future character as envisaged by the DCP controls is for modest 2 to 3 storey buildings that are predominantly residential in nature. The proposal is consistent with this character.
- As compared with the surrounding developments, including the 4 storey residential flat building to the rear of the site, the block edge residential building on the opposite side of Carrington Road and the BUPA site to the north, the scale of this building is modest and underwhelming.
- The additions have been specifically sculpted to ensure there are no material impacts upon the environmental amenity of the neighbouring properties in relation to views, solar access, visual bulk or privacy. There are no impacts upon the amenity of the locality attributable to the non-compliance.
- The proposal provides for 9 apartments of varying size, consistent with the objectives of the R3 medium residential zone.
- The scale of the development is appropriate in this context, as it predominantly maintains the existing scale of the heritage building with modest additions and provides for a new 3 storey component in the rear yard area that complies with the height development standard and is considerably lower than its neighbouring building to the rear.

- If compliance was required it would only serve to defeat the objectives of providing a greater variety of housing opportunities on the site without any benefit to the amenity of the locality or adjoining properties.
- The development standard has not been abandoned or destroyed by the Council's actions. There are, however, numerous examples of additions to existing residential flat buildings in the LGA that have been supported by the Council despite a non-compliance with the FSR development standard when they are contained either wholly within the roof form or include modest dormer window extensions subject to there being no material impacts on adjoining properties, particularly with respect to privacy and view impacts.
- Strict compliance with the development standard would be unnecessary as the proposed additions meet the objectives of the zone and the development standard. Strict compliance would not significantly alter the appearance, scale, bulk, density or heritage character of the development but it would unnecessarily hinder an improved utilisation and configuration of the heritage building for smaller apartments that will be inevitably more affordable and will provide opportunities for more residents to benefit from this location that has excellent connections to recreational facilities and services.
- Strict compliance is unreasonable as it would hinder the attainment of an improved environmental planning outcome for the site that allows greater utility of the existing building where the non-compliance relates to an existing built form with minor additions that has no material impact and preserves the amenity of the locality.
- Strict compliance is unnecessary as the objectives of the zone and the development standard are met despite the non-compliance, and in this particular case, the heritage quality of the existing building, including its large vaulted roof space, is uniquely able to accommodate additional floor area in a non-intrusive and non-impactful way.
- The environmental planning grounds justifying the variation are: the scale of the heritage building is less than all of its surrounding neighbours; the additions facilitate an opportunity to enhance the heritage quality of the existing building; the limited alteration to the roof scape of the heritage dwelling provides visual interest from the street and has a high level of architectural integrity and design resolution; the reconfiguration of the dwelling into units accommodates additional residents in an area that has excellent access to recreational, transportation and employment opportunities; that despite the non-compliance, the building satisfies the objectives of the development standard and the zone.
- This statement demonstrates that in this particular case a variation pursuant to clause 4.6 of the LEP is justified as there are sufficient environmental planning grounds to exceed the standard and that strict compliance would be unreasonable and unnecessary. As such, the consent authority can be satisfied that the above justification adequately addresses clause 4.6(3) of the LEP, as required by clause 4.6(4)(a)(i).
- The proposal will be in the public interest because it is consistent with the objectives of the FSR standard and the objectives of the R3 zone and provides a better environmental planning outcome for the site, satisfying clause 4.6(4)(a)(ii).
- There are no matters of State or regional planning significance as a result of the non-compliance, satisfying clause 4.6(5)(a). There is also no public benefit in maintaining the development standard in this particular case given the proposal meets the zone and



development standard objectives and has no unreasonable impact on the amenity of the locality generally or the adjoining properties, satisfying clause 4.6(5)(b).

- The variation therefore is acceptable having regards to the considerations under clause 4.6 of the LEP.

Relevant matters to be considered in accordance with subclauses (3) and (4) are addressed below:

***Clause 4.6(3)(a), that compliance is unreasonable or unnecessary in the circumstances of the case***

The objectives of the floor space ratio development standard are to: achieve a correlation between maximum building height and density controls; ensure buildings are compatible with the bulk, scale, streetscape and desired future character of the locality; and establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Additional floor area proposed within the existing heritage listed building does not alter the height, bulk and scale of the building, as the building envelope (with the exception of dormer windows) is unchanged. Further, alterations to the previously approved building do not result in the exacerbation of environmental impacts upon adjoining properties. Accordingly, strict adherence to the development standard is unnecessary and the non-compliance is supported.

***Clause 4.6 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard; and***

The objectives of the floor space ratio development standard are considered to be achieved, as the building envelope is commensurate with the existing approval and is compatible with the height, bulk and scale of adjoining buildings. Accordingly, sufficient environmental planning grounds exist to justify contravention of the development standard.

***Clause 4.6 4(a)(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The submitted written request is robust and adequately addresses the matters required under subclause 3.

***Clause 4.6 4(a)(ii) the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.***

The proposal complies with the objectives of the development standard and R3 Medium Density Residential zone in providing housing in an envisaged form that is compatible with both the desired future character and its surrounds. Further, the proposal retains the heritage listed building. Accordingly, the proposal is deemed to be in the public interest.

The variation in floor space ratio is supported.

### **Heritage Conservation**

The provisions of clause 5.10 Heritage Conservation are applicable to the proposal as the subject site contains a heritage item, i.e. Inter war Californian Bungalow identified in Schedule 5 of the LEP as item no. 471.

The application was referred to Council's Heritage Architect to review the proposal with regards to the heritage significance of the building and the provisions set out in clause 5.10. The recommendations provided by Council's Heritage Architect are summarised below.

**Recommendations**

*The current application is supported subject to:*

- *A Heritage Deed of Agreement linked to a detailed schedule of restoration / conservation works being part of any development consent.*
- *The first floor balcony within the front roof slope being set in sufficiently to eliminate any balustrade railing being exposed above the line of roof tiling.*

The recommendations of Council's Heritage Architect are supported and included as conditions of consent in Appendix A of this report.

The proposal is considered to address the provisions of clause 5.10 Heritage Conservation as set out in the WLEP 2012.

**2.1.6 Waverley Development Control Plan 2012**

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

**Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table**

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted which nominates onsite waste management during construction. Bin storage is nominated as being adjacent the southern boundary in an area that is readily accessible by all residents.
2. Energy and water conservation	Yes	The application is BASIX Certified. Energy and water conservation measures are incorporated into the proposal.
5. Tree preservation	Yes	Tree preservation provisions were considered as part of DA-593/2015; the current proposal does not seek the removal of additional plantings, and detailed landscape plans have been submitted.
6. Stormwater	Yes	Council's Stormwater Engineer has indicated support for the stormwater management as approved in DA-593/2018.
7. Accessibility, adaptable dwellings & Universal Housing Design	NA	The proposed does not activate the requirements for the provision of an accessible residential unit.
8. Transport	Yes (on merit)	The proposal includes on-site parking for one vehicle, 2 motorcycles and 15 bicycles. The proposal has an undersupply in on-site car parking of 9 spaces, an increase of 2 from DA-593/2015. Refer discussion below this table.

Development Control	Compliance	Comment
9. Heritage	Yes	Discussed under Heading 2.1.5 of this report.
10. Safety	Yes	The proposal provides each unit with an entry that is clearly identifiable from the street. Further, balconies and windows provide an outlook towards the street.

## Transport and Car Parking

For the purposes of determining applicable car and bicycle parking rates, the subject site is located within Parking Zone 2 as delineated in Part B8 clause 8.1.1 Transport of the DCP, which applies the following rates (to residential flat building(s)):

### Car Parking

- Studio: 0.5
- 1 bed: 1.0
- 2 bed: 1.5
- Visitor: 1 space per 5 units

### Bicycle Parking

- Resident: 1 space per unit
- Visitor: 1 space per 10 units

Based on the above, the proposal generates a demand for:

- Resident car parking: 8 spaces
- Visitor car parking: 2 spaces
- Resident bicycle parking: 9 spaces
- Visitor bicycle parking: 1 space

The proposal provides on-site parking for 1 car, 2 motor cycles and 15 bicycles, which equates to a shortfall of 9 car spaces. Bicycle parking spaces exceed the requirement by 5.

The proposal increases the previously approved shortfall of 7 car spaces by 2.

The numerical shortfall in car parking spaces is supported as the proposal is constrained by the heritage listed building, its setback from boundaries and pedestrian access. Further, the variance in car parking is unlikely to create additional demand for on-street parking within the surrounding road network as the site is within walking distance of well serviced public transport routes.

Notwithstanding this, on-street parking is available within Carrington and Darley Roads. Accordingly, the proposal is considered reasonable when assessed against the objectives and controls in Part B8 Transport.

A condition is recommended to be included restricting the use of the car parking space for loading and unloading and deliveries, rather than allocating the car parking space to one of the units. Restricting the space as a loading zone will provide a space for residents to be dropped off and picked up, as well as deliveries and removalists. It is expected that providing a loading zone on site will better serve all residents of the development, rather than a single unit benefiting from the sole car parking space.

**Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>Minimum frontage: 15m</li> </ul>	No (existing)	The existing site has a frontage of 14.63m.
<b>2.3 Height</b>		
<ul style="list-style-type: none"> <li>Maximum external wall height: 7m / 7.5m</li> </ul>	No	The proposal does not alter the external wall height of the heritage listed building, which is within the control, however, the building to the rear is to be increased 170mm to 8.885m (RL87.155) as opposed to its approved height via condition (RL86.985). Notwithstanding this, the proposal does not exceed the height of building development standard of 9.5m.
<b>2.5 Setbacks</b>		
2.5.1 Street setbacks <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	Yes	The proposal does not alter the existing setback between the building and street frontage.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 3m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil along side boundary min 2m wide</li> </ul>	On merit  Yes  No (existing)	The proposal maintains side setbacks approved per DA-593/2015, which includes a southern side setback of 1.2m.  The proposal maintains the 6m rear setback approved per DA-593/2015.  Whilst considerable landscaping, including deep soil areas are provided across the site, deep soil with a minimum 2m dimension along side boundaries are not provided. This concurs with DA-593/2015.
<b>2.6 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Maximum unit depth: 18m</li> <li>Maximum depth of single aspect unit: 8m</li> </ul>	Yes  Yes  NA	Both the existing heritage listed building and the building to the rear measure less than 24m in depth.  No units exceed 18m in depth.  The proposal does not include single aspect units.
<b>2.7 Building separation</b>		
<ul style="list-style-type: none"> <li>Minimum 12m btw habitable and habitable</li> </ul>	No (existing)	The existing heritage listed building is set 3m from the northern side boundary, with the adjoining residential flat building setback approximately 1m from their common boundary. The variance of approximately 8m, whilst significant in a numerical sense, is supported as the existing separation between buildings is maintained.
<b>2.8 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> </ul>	Yes Yes	The proposal incorporates into its design high quality materials and finishes which are

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Sympathetic external finishes</li> </ul>		sympathetic to the heritage listed building and contribute positively towards the existing and desired streetscape character.
<b>2.9 Attic and roof design</b>		
<ul style="list-style-type: none"> <li>Minimum room width: 3m</li> <li>Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m</li> <li>Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation</li> <li>Must be connected to unit below – existing bldg</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>Habitable rooms located within the attic achieve a minimum 3m dimension.</p> <p>Minimum floor to ceiling height requirements are achieved for 2/3 of the floor area; the maximum height is 2.7m.</p> <p>Dormer windows are set 300mm below the main ridge and equal less than 50% of the roof elevation.</p> <p>The attic level (Unit 7) of the heritage listed building is not connected to the unit below, rather it is a single level unit which is, except for dormer window protrusions, contained wholly within the existing roof form.</p>
<b>2.10 Fences and walls</b>		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height 1.2m</li> </ul> <p><i>Side fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul> <p><i>Rear fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	<p>Existing</p> <p>Yes</p> <p>Yes</p>	<p>The existing masonry plinth and pier with timber picket infill front fence is to be restored as part of the proposal; the overall height and solid component are to remain.</p> <p>Existing side fencing is to remain.</p> <p>Existing rear fencing is to remain.</p>
<b>2.11 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Integrated into the design</li> <li>Secondary to pedestrian entrance</li> <li>Maximum of 1 x 2-way driveway</li> <li>Pedestrian safety</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Existing vehicular access and parking is incorporated into the proposal.</p> <p>A separate pedestrian entry is provided from the street frontage (adjacent southern side boundary).</p> <p>The proposal maintains the existing single width driveway.</p> <p>The proposal has been amended to enable vehicles to entry and exit the site in a forward manner. Pedestrian access and bin store areas separated from vehicle movement areas to improve safety.</p>
<b>2.12 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level</li> <li>Accessible entry</li> <li>Legible, safe, well-lit</li> </ul>	<p>Yes (on merit)</p>	<p>Whilst not all units are provided entry at street level, they all consist an individual entry which is clearly defined and accessible from ground level.</p>

Development Control	Compliance	Comment
<b>2.13 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 198.5m<sup>2</sup></li> <li>50% of the above is to be deep soil: 99.25m<sup>2</sup></li> </ul>	Yes	30% or 198.5m <sup>2</sup> of the site is landscaped.
	Yes	70.2% or 139.35m <sup>2</sup> of the landscapes area is deemed to be deep soil.
<b>2.14 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum 15% communal (R3 zone)</li> <li>Minimum dimensions: 6m x 6m</li> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> <li>Accessible</li> </ul>	On merit	<p>Previously approved areas of communal open space are proposed to be removed and replaced with private open spaces.</p> <p>A lack of communal open space is not considered fatal to the merits of the proposal as the site is directly opposite Centennial Park, a large public reserve.</p>
<b>2.16 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice</li> <li>Adjoining properties to retain minimum of three hours of sunlight during winter solstice</li> </ul>	Refer to Table 2 (ADG)	The DCP controls as they relate to solar access to the development itself are of no effect as the ADG applies.
<b>2.17 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss</li> </ul>	Yes	<p>Except for the introduced dormer windows and 170mm increase in height of the rear building, the proposed building envelope is as approved per DA-593/2015.</p> <p>The assessment of DA-593/2015 included numerous view loss inspections from units located to the rear of the site, i.e. 49 Albion Street, which led to view sharing arrangements, including lowering the height of the building via condition, being considered appropriate when assessed against views and view sharing objectives and controls in the DCP and NSW Land and Environment Court View Loss Planning Principles.</p> <p>The addition of dormer windows and a 170mm increase in height of the rear building will not restrict views over the site towards Queens Park and Sydney City beyond.</p>
<b>2.18 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>Prevent overlooking of more than 50% of private open space of lower level</li> </ul>	Refer to Table 2 (ADG)	The DCP controls as they relate to solar access are of no effect as the ADG applies.



Development Control	Compliance	Comment
dwellings in same development <ul style="list-style-type: none"> <li>Minimise overlooking of adjoining properties</li> </ul>		
<b>2.22 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes (on merit)	The proposal appropriately separates noise sensitive areas, or where bedrooms adjoin living areas of other units, acoustic insulation is indicated.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Nine (9) submissions were received. The issues raised in the submissions are summarised and discussed below.

**Table 6: Summary of property addresses that lodged a submission**

Property
4 / 146 – 148 Carrington Road, Waverley
49 Albion Street, Waverley
6 / 49 Albion Street, Waverley
20 / 49 Albion Street, Waverley
21 / 49 Albion Street, Waverley
27 / 49 Albion Street, Waverley
32 / 49 Albion Street, Waverley
49 - 54 Albion Street, Waverley
24 / 49 - 54 Albion Street, Waverley

### **Issue: Description of proposal**

**Response:** The proposal has been appropriately described as development in the form of a residential flat buildings.

***Issue: Notice received outside of notification period***

***Response:*** The Objector whom received the written notice outside of the notification period resides outside of Australia; the notice was sent to the overseas address.

***Issue: History and consideration of previous DA's***

***Response:*** It is appropriate to have regard to the previous consent in determining the merits of the proposal.

***Issue: Visual privacy***

***Response:*** Refer discussion under Heading 2.1.3 of this report.

***Issue: Parking***

***Response:*** Refer discussion under Heading 2.1.6 of this report.

***Issue: Integrity of the heritage listed building***

***Response:*** Council's Heritage Architect is satisfied that subject to compliance with conditions, the proposal retains the integrity of the heritage listed building. Recommended conditions are included in Appendix A of this report.

***Issue: Floor space ratio***

***Response:*** Refer discussion under Heading 2.1.5 of this report.

***Issue: Bulk, scale and siting***

***Response:*** Refer discussion under Headings 2.1.3 and 2.1.6 of this report.

***Issue: Landscape and open space***

***Response:*** Refer discussion under Headings 2.1.3 and 2.1.6 of this report.

***Issue: Amenity***

***Response:*** Refer discussion under Heading 2.1.3 of this report.

***Issue: View loss***

***Response:*** Refer discussion under Heading 2.16 of this report.

***Issue: Loss of light***

***Response:*** Refer discussion under Heading 2.1.3 of this report.

**Issue: Emergency access**

**Response:** Concern was raised regarding access by emergency service vehicles to the rear of the site should the northern side setback be affected by an incident.

The proposal maintains a 3m setback from the northern side boundary, adequate separation for access by emergency services noting that the setback is not utilised for vehicular access.

**Issue: Compliance with aim of the plan**

**Response:** The proposal is a residential development that is in a form which is envisaged within the R3 zone.

**Issue: Information not provided**

**Response:** The application is accompanied by appropriate information to enable a complete and accurate assessment of the merits of the application.

## 2.5 Public Interest

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

## 3. REFERRALS

### 3.1 SEPP 65 Design Review Panel

Comments discussed under Heading 2.1.3 of this report.

### 3.2 Heritage – Shaping Waverley

The application was referred to Council’s Heritage Architect, whom advised:

*The current application is supported subject to:*

- *A Heritage Deed of Agreement linked to a detailed schedule of restoration / conservation works being part of any development consent.*
- *The first floor balcony within the front roof slope being set in sufficiently to eliminate any balustrade railing being exposed above the line of roof tiling.*

The above recommendations are included in Appendix A of this report.

### 3.3 Driveways – Creating Waverley

The application was referred to Council’s Traffic Engineers, whom advised:

*The proposed hardstand area (facing north/south) is not supported for the following reasons:*

- *Given that a vehicle will not be perpendicular to the footpath when exiting the parking spaces, pedestrian safety is reduced due to vehicle blind spots and a compromised field of view of the footpath.*
- *The location of the front fence will further diminish the driver’s view of pedestrians along the footpath.*

- *Due to the unorthodox vehicular manoeuvres required when exiting the driveway, it will be difficult for pedestrians on the footpath to anticipate for a vehicle exiting the driveway. This as a result will reduce pedestrian safety.*

*It is recommended that the proposed hardstand space be **REFUSED**, deleted from the plans and replaced with soft landscaping.*

*Following the above changes, the proposal is acceptable subject to the imposition of conditions.*

Due consideration has been given to the above comments; however, in this instance, allowing for the retention of the existing vehicle access and hardstand with a restriction on the space to be used only for loading, unloading and deliveries will provide amenity for future residents.

Except for those relating to the access and hardstand, recommended conditions are included in Appendix A of this report.

### **3.4 Land Information Officer – Digital Waverley**

The application was referred to Council's Land Information Officer, whom provided conditions in the event of approval.

Recommended conditions are included in Appendix A of this report.

### **3.5 Biodiversity - Sustainable Waverley**

The application was referred to Council's Urban Ecology Co-ordinator, whom advised that the landscape plans be accepted as compliant subject to the imposition of a condition requiring inspection of the land post plantings to ensure compliance with the approved landscape plan.

A condition of this kind is unnecessary as plantings are to be in accordance with the landscape plans included in Appendix A of this report as approved documents.

### **3.6 Waste – Sustainable Waverley**

The application was referred to Council's Sustainable Waste Co-ordinator, whom generally supports the proposal subject to recommended conditions of consent.

Recommended conditions are included in Appendix A of this report.

### **3.7 Stormwater – Creating Waverley**

The application was referred to Council's Stormwater Engineers, whom advised:

*Since the changes are minimal with minor style changes to the roof structure, the 2015 approval could be used as approval for Stormwater Management. If this is so, I have no objection for the 2015 DA approved stormwater management to be considered.*

Recommended conditions are included in Appendix A of this report.

### **3.8 Building Fire Safety Officer – Building Waverley**

The application was referred to Council's Fire Safety Officer, whom generally supports the proposal subject to recommended conditions of consent.

Recommended conditions are included in Appendix A of this report.

## **4. SUMMARY**

The proposal seeks consent for alterations and additions to the heritage listed building, comprising five (5) units and the reconfiguration of the approved residential flat building (DA-593/2018), including the conversion of three (3) units into four (4) units.

Except for two (2) introduced dormer windows towards the rear of the heritage listed building and an increase in height of 170mm for the rear building, both building envelopes largely remain.

The proposal addresses relevant provisions of SEPP 65 and the Apartment Design Guide. Further, the proposed land use is permissible with consent in the R3 Medium Density Residential zone and the development substantially complies with relevant objectives and controls, including heritage provisions of the LEP and DCP.

Exceedances in FSR are supported in the circumstances of the case.

The proposal is of a bulk and scale which is consistent with the existing and desired future character of Carrington Road and the wider locality.

Notification resulted in the receipt of nine (9) submissions from immediate adjoining neighbours whom raised concern regarding: description of proposal; notice received outside of notification period; history and consideration of previous DA's; visual privacy; parking; integrity of the heritage listed building; floor space ratio; bulk, scale and siting; landscape and open space; amenity; view loss; loss of light; emergency access; compliance with aim of the plan; and information not provided. Issues of concern relate to the previously approved development DA-395/2015 or are deemed unreasonable.

No Councillor submissions were received.

There are no declared conflicts of interest for which the assessing officer was aware at the time of writing this report.

The proposal is considered to represent an economic and orderly development that is substantially compliant with the objectives of the Waverley LEP 2012 and Waverley DCP 2012 and therefore, deemed to be in the public interest.

Accordingly, subject to conditions of consent, Approval is recommended.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

**Report prepared by:**

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

Fiona Koutsikas  
**Senior Development Assessment Planner**

Emma Finnegan  
**Acting Manager, Development Assessment  
(North / South)**

**Date: 28 March 2019**

**Date: 5 April 2019**

**Reason for referral:**

- 3 Departure from any development standard in an EPI by more than 10%
- 4 Sensitive development:
  - (a) SEPP 65 development



## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Hill Thalys Architecture + Urban Projects Pty Ltd:

<b>Plan description</b>	<b>Revision No / Date</b>	<b>Date received by Council</b>
DA 2.01 Street Elevation	C / 10 July 2018	13 July 2018
DA 3.00 Demolition Drawings	B / 10 July 2018	13 July 2018
DA 3.01 Site Plan	C / 10 July 2018	13 July 2018
DA 3.02 Ground Plan + Level 1	E / 10 July 2018	13 July 2018
DA 3.03 Level 2 + Roof Plan	D / 10 July 2018	13 July 2018
DA 3.04 Silver Level Compliance	B / 10 July 2018	13 July 2018
DA 4.00 North South Elevations	D / 10 July 2018	13 July 2018
DA 4.01 East West Elevations	D / 10 July 2018	13 July 2018
DA 5.00 Sections	D / 10 July 2018	13 July 2018
DA 7.00 Material Selection	B / 10 July 2018	13 July 2018

(b) Landscape Plan No. LS01 – LS05 (inclusive) and documentation prepared by Melissa Wilson Landscape Architects and Hill Thalys Architecture + Urban Projects Pty Ltd dated 3 July 2018 and received by Council on 13 July 2018;

(c) BASIX and NatHERs Certificate;

(d) Stormwater Details and documentation prepared by AJ Whipps Consulting Group and Hill Thalys Architecture + Urban Projects Pty Ltd dated 22 September 2015, and received by Council on 13 July 2018;

(e) Schedule of external finishes and colours; and

(f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. HERITAGE CONSERVATION STRATEGY AND HERITAGE DEED OF AGREEMENT**

A Heritage Conservation Strategy prepared by a suitably qualified heritage consultant is to be provided to the satisfaction of Council for works to the listed building, with significant detailing identified and retained in an interpretable manner. In this regard, a detailed schedule of restoration / conservation works is to be provided to the satisfaction of Council. This Strategy is to be approved by Council prior to the issue of a Construction Certificate and will become the 'approved heritage works'.

During the course of design development and implementation of works to the heritage item in accordance with the above, the applicant is to retain the services of a suitably qualified Heritage

Architect to advise as an expert. The Heritage Architect shall be empowered by the applicant to discuss matters directly with Council's Heritage Architect.

Prior to the issue of a Construction Certificate, the Heritage Architect is to certify that the works are to be carried out in accordance with the Conservation Strategy.

Prior to the issue of an Occupation Certificate, the Heritage Architect is to certify that the works have been completed in accordance with the Conservation Strategy.

The owner(s) of the premises shall enter into and execute a Deed of Agreement with and acceptable to Waverley Council to ensure that the 'approved heritage works' to 150 Carrington Road, Waverley are completed. The Deed of Agreement shall ensure that:

- (a) Any future owner of the site is also required to enter into the Deed of Agreement;
- (b) Measure by which the heritage item is to be protected during the construction process and a commitment to remediation works in the event of any damage.
- (c) The Council has a right at any time to inspect the property for the purposes of investigating the measures by which the heritage item is being protected from damage and the way in which the works in the Conservation Strategy are being carried out; and
- (d) The Deed of Agreement must be prepared and executed prior to the issue of a Construction Certificate for any part of the development. The cost of the preparation and registration of all legal and associated expenses is to be met by the owner(s) or applicant. The Deed must be acceptable to Council.

### **3. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments:

- (a) The first floor balcony within the front roof slope shall be set in sufficiently to eliminate any balustrade railing being exposed above the line of roof tiling.

The amendments are to be approved by the **Area Manager, Building Waverley** prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council for review.

### **4. CARE TO BE TAKEN DURING CONSTRUCTION**

The proposed works are to be carried out in a manner that minimises demolition, alterations, and new penetrations/fixings to the significant fabric of the existing building, which is listed as a Heritage Item.

### **5. ON-SITE PARKING**

The hardstand car parking space on site shall not be allocated for private use. It is to be restricted to use for loading and unloading of vehicles and deliveries only.

## **6. 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 buildings without the approval of Council.

## **7. USE OF COMMON PROPERTY**

No exclusive use of common property (other than for approved storage) shall occur without the prior consent of Council.

## **8. INSTALLATION OF AIR CONDITIONING**

Air conditioning unit(s) installed within the building shall:

- (a) Be located a minimum of 1.5 metres from a boundary and not located more than 1.5 metres above natural ground level.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (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).

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **9. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **10. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

#### **11. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$26,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

#### **12. LONG SERVICE LEVY**

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

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

#### **13. EXTERNAL FINISHES FOR HERITAGE BUILDING OR BUILDINGS OF CHARACTER**

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.

In this regard, materials and finishes are to be restricted to the range of heritage colours sympathetic to the historical character of the area with the applicant to confer with Council prior to the preparation of the samples.

#### **14. HOARDING REQUIRED**

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority 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.



## **15. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **16. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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.

## **17. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012 (amendment 5).

- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## 18. WASTE AND RECYCLING STORAGE AND COLLECTION

- (a) The proposal must have a bin storage point for a *minimum*;
  - **Residential** (weekly collection of general waste and fortnightly collection of recycling)
    - 2 x 240L Mobile Garbage Bins for general waste
    - 2 x 240L MGB for container recycling
    - 2 x 240L MGB for paper and cardboard recycling
    - A minimum of 1 x 240L MGB for excess waste
    - 1 x 140L MGB for garden organics should this type of waste be generated at the property
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012 (amendment 5). All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- (c) A minimum of 5 m<sup>2</sup> floor space is required for the storage of unwanted household items, problem wastes and excess waste awaiting a council clean-up collection. This area must be clearly marked or gated and appropriate signage provided.
- (d) The proposal must have a method for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- (e) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (f) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas and booking and transporting bulky

waste for Council pick up must be outlined in contracts with the building manager, cleaners and tenants.

(g) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.

(h) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.

#### **19. 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 of Section 4.55 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 compliance action against the development for breach of its consent.

#### **20. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **21. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **22. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to the Principal Certifying Authority and Council prior to the issue of a Construction Certificate.

#### **23. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

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 is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

#### **24. STORMWATER MANAGEMENT**

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

#### **25. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation 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 Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **26. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley.

The CVPPM shall:

- (a) Show the size and number of trucks to be used during the various stages of the development.
- (b) Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, 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 in the vicinity of the site, the trucks may not be approved for use.

- (c) Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - (ii) It is illegal to park a truck exceeding 4.5 tonnes on a roadway for more than one (1) hour unless signs are installed allowing such.
  - (iii) It is illegal to barricade / reserve a section of roadway without the prior approval of Council.
- (d) Indicate the number of and where it is proposed to part light vehicles associated with staff/employees/contractors working on the site.

## **27. ESSENTIAL SERVICES – EXISTING BUILDING**

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

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

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

## **28. 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.



## 29. BCA – PROTECTION OF EXTERNAL OPENINGS

The proposed new openings in the external walls located within 3m of a fire source feature must be protected in accordance with Section C of the Building Code of Australia. Details of compliance with the above requirements are to be included in the Construction Certificate plans.

## 30. FIRE SAFETY UPGRADING WORKS

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, all existing areas of the building must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
- (i) Fire resistance and stability – Part C1;
  - (ii) Compartmentation and separation – Part C2;
  - (iii) Protection of openings – Part C3
  - (iv) Provision for escape – Part D1;
  - (v) Construction of exits – Part D2;
  - (vi) Access for people with a disability – Part D3;
  - (vii) Fire fighting equipment – Part E1;
  - (viii) Smoke hazard management – Part E2;
  - (ix) Lift installations – Part E3;
  - (x) Emergency lighting, exit signs and warning systems – Part E4;
  - (xi) Sanitary and other facilities – Part F2;
  - (xii) Room heights – Part F3;
  - (xiii) Light and ventilation – Part F4; and
  - (xiv) Sound transmission and insulation - Part F5.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 4.55 of the Act to be lodged with Council to amend this consent.

## 31. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

### **32. POSITIVE COVENANT – ON-SITE DETENTION SYSTEM (OSD)**

A covenant to the approval of Council is to be placed on the Certificate of Title of the property acknowledging that the site has an on-site detention system (OSD) and that the implementation and the management of the system shall be at the responsibility of the building owners. Council is neither responsible nor liable to any damages caused as a result of any flooding of the property and/or neighbouring properties. Evidence of the creation of the covenant is to be submitted to Council prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979. The covenant shall not be revoked or modified without prior approval of Council. Any costs associated with the covenant are to be borne by the applicant.

### **33. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **34. 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.

### **35. 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.

### **36. 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.

### **37. 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 hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **38. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **39. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water

spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

#### **40. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

#### **41. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

#### **42. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

#### **43. 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 modification application.

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.

#### **44. EXCAVATION AND BACKFILLING**

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

#### **45. 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.

#### **46. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED 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 2014. 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.



#### **47. 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;
- (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, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

#### **48. 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.

#### **49. ALL BUILDING MATERIALS STORES 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.

#### **50. 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; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

#### **51. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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.

All building materials and any other items associated with the development are to be stored within the

the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

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.

#### **52. 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.

#### **53. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

#### **54. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (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 National Construction Code 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.

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 National Construction Code and standards of construction.

#### **55. 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.

#### **56. 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.

## **57. 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.

## **58. VEHICULAR ACCESS – FINISHED LEVEL**

The finished level at the property boundary on both sides of the vehicle crossing is to match the level of the existing concrete footpath.

## **59. NO WORKS BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

## **60. TREE PROTECTION**

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

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **61. 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](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92.**

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

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

### **62. STRATA SUBDIVISION**

Consent is required for strata subdivision of the development.

In respect to the allocation of car parking and storage spaces, those spaces are not permitted to be subdivided as individual allotments and are to be part lots allocated to individual residential or commercial allotments or identified as common property. Parts allotments are to be generally allocated in accordance with the parking and storage requirements of Waverley Development Control Plan 2012.

### **63. FINAL OCCUPATION CERTIFICATE**

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

### **64. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **65. 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.

### **66. ALLOCATION OF STREET NUMBER**

The redevelopment of the property has led to the following allocation of primary and sub-premises numbering:

- No. 150 - primary address site number
- Carrington Road primary address location.

The primary premises number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level and be clearly visible on the site boundary that fronts Carrington Road.



NaTHERS specs

**Windows & Skylights**

Single Glazed - Aluminium Frame - U Value=6.70 - SHGC=0.70

**External Walls**

Cavity Brick (or wall system equivalent), Insulation R2.0, Medium Colour,

**Internal Walls**

Plasterboard, no insulation

**Floors**

Concrete, no insulation  
Framed (upper floor units 8+9), no insulation

**Ceilings**

Plasterboard, insulation R2.5 for ceilings to roof

**Roof**

Metal, insulation R1.0 + foil, colour medium

BASIX Commitments

Dwelling no.	Fixtures				Appliances			Individual pool			Individual spa			
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	4 star	5 star	5 star	-	-	4 star	-	-	-	-	-	-	-

Alternative water source									
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up	
None	-	-	-	-	-	-	-	-	-

Dwelling no.	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous 5 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, not ducted	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
5, 7	1-phase airconditioning EER 3.0 - 3.5	-	1-phase airconditioning EER 3.0 - 3.5	-	1	1	yes	yes	yes	yes	1	yes
8, 9	1-phase airconditioning EER 3.0 - 3.5	-	1-phase airconditioning EER 3.0 - 3.5	-	2	1	yes	yes	yes	yes	2	yes
All other dwellings	1-phase airconditioning EER 3.0 - 3.5	-	1-phase airconditioning EER 3.0 - 3.5	-	1	1	yes	yes	yes	yes	0	yes

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	4 star	-	2 star	yes	yes

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Plant or Storage	ventilation supply only	interlocked to light	fluorescent	manual on / manual off	No



# PROPOSED MULTI-RESIDENTIAL HOUSING DEVELOPMENT

## 150 Carrington Road, Waverley

NO.	DRAWING NAME	SCALE
DA1.00	Cover Page + Drawing List	NTS
DA2.00	Area Calculations	1:250 / A1
DA2.01	Street Elevation - Carrington Rd	1:100 / A1
DA3.00	Demolition Drawings	1:100 / A1
DA3.01	Site Plan	1:100 / A1
DA3.02	Ground Plan + Level 1 Plan	1:100 / A1
DA3.03	Level 2 Plan + Roof Plan	1:100 / A1
DA3.04	LHDG - Silver Level Compliance	1:50 / A1
DA4.00	Elevations - North + South	1:100 / A1
DA4.01	Elevations - East + West	1:100 / A1
DA5.00	Sections	1:100 / A1
DA6.00	Solar Access - Mid Winter	1:200 / A1
DA6.01	Solar Access - Equinox	1:200 / A1
DA6.02	Massing Analysis	NTS
DA6.03	View Loss - 49-53 Albion St Bldg 1	NTS
DA6.04	View Loss - 49-53 Albion St Bldg 2	NTS
DA7.00	Material Selection	1:25 / A1
DA8.00	Photomontage	NTS

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- Comply with the Building Code of Australia  
- Comply with all relevant Australian Standards  
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REV	DATE	BY	AMENDMENTS
A	13/7/18	JK	Issue for Submission to Council

LEGEND	DH - Double Hung Window	O - Opaque Glass Window
AFD - Aluminium Framed Door	DP - Downpipe	RC - Reinforced Concrete
AHD - Powdercoated Hood	DR - Sprinkler Protected Opening	RTF - Terracotta 'Marseille' Roof Tiles
AWN - Awning Window	FG - Fixed Glass Window	SCR1 - Aluminium Privacy Screens
BAL1 - Metal Balustrade	FSH - Fire Shutter	SCR2 - Metal Louvre
BAL2 - CFC with Metal HR	GU - Gutter	SCR3 - Timber Shale Screen
BRK(E) - Existing Brick	HR - Handrail	SDH - Sashless Double Hung Windows
BRK(I) - Brick (Old Sydney Common)	LB - Letterboxes	SLD - Aluminium Framed Sliding Door
BRK(G) - Metallic Brick	LV - Glass Louvers	SK - Skylight
CFC - Compressed Fibre Cement Sheet	MF - Metal Fence	SST - Existing Sandstone Block
(Expressed Fixed)	MG - Metal Gate	TD - Timber Docking
CW - Existing Casement Window	MR - Metal Roof Sheeting	TR - Translucent Roof Sheeting

HYDRAULIC	PLANNER	NCC/ACCESS	LANDSCAPE
AJ Whiggin Consulting 2/101 Union Street McMahons Point NSW 2060 T (02) 9663 9444	UK Planning T (02) 9576 6258	BCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9281 4305 F (02) 9003 9205	Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205

HERITAGE	BASIX	TRAFFIC	SURVEYOR
Level 23, Darling Park Tower 2 201 Sussex Street, Sydney NSW 2000 T (02) 9690 9000	Daniam O'Toole Town Planning Pty Ltd Shuko 9, Level 5, 35 Buckingham Street Sunny Hills, NSW 2010 T (02) 9690 0464 F (02) 9690 0463	Stanbury Traffic Planning 10 Tomsett Road Cherry, NSW 2037 T (02) 9560 6384	Project Surveyors Suite 405, Level 4, 14 Lexington Drive Bella Vista, NSW 2115 T (02) 8233 1000

ARCHITECTS	PROJECT	DRAWING										
<b>hill thalis</b> ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 60-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285	<b>Proposed Multi-Residential Housing Development</b> FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024	<b>Cover Page + Drawing List</b> <table border="1"> <thead> <tr> <th>DRAWN</th> <th>CHECKED</th> <th>DWG DATE</th> <th>PLOT DATE</th> <th>JOB NO</th> </tr> </thead> <tbody> <tr> <td>JK</td> <td>PT</td> <td>Jan 2018</td> <td>13/7/18</td> <td>17.53</td> </tr> </tbody> </table>	DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO	JK	PT	Jan 2018	13/7/18	17.53
DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO								
JK	PT	Jan 2018	13/7/18	17.53								

PACKAGE	SCALE	DRAWING NO	REV
DEVELOPMENT APPLICATION	NTS	DA 1.00	A



# 150 Carrington Road

## Site Statistics

Site Area	<b>661.7m<sup>2</sup></b>	(from survey)
Site Frontage	14.63m	Carrington Rd (from survey)
Site Depth	45.23m	(from survey)

## Site Controls & DCP Setback Requirements

Maximum height: **9.5m**

(roof elements can extend above height limit)

Front setback:	in line with existing street setback
Rear setback:	<b>6m</b>
Side setbacks:	<b>3m</b>
	<b>2m minimum deep soil on single side</b>

Maximum FSR permissible: **0.6:1**  
 Maximum GFA permissible: **397.02m<sup>2</sup>**

Minimum landscape area: 30%  
 Minimum deep soil area: 50% of landscape area

## Calculated Areas

New GFA = **481.83m<sup>2</sup>**  
 FSR = **0.728:1**

Front setback: 7.7m  
 Rear setback: 6m  
 Side setbacks: 3m (north) & 1.1m (south)

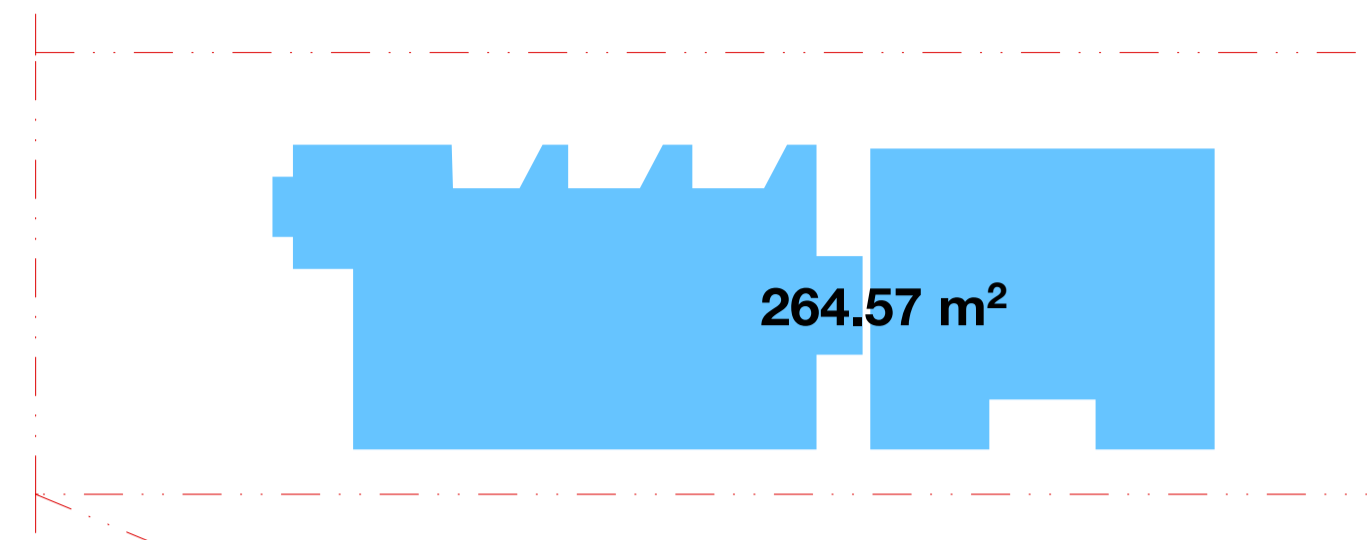
Landscape Area: = 198.50m<sup>2</sup> (30%)  
 Deep soil: = 139.35m<sup>2</sup> (70.2% of landscape area)

## Unit Mix

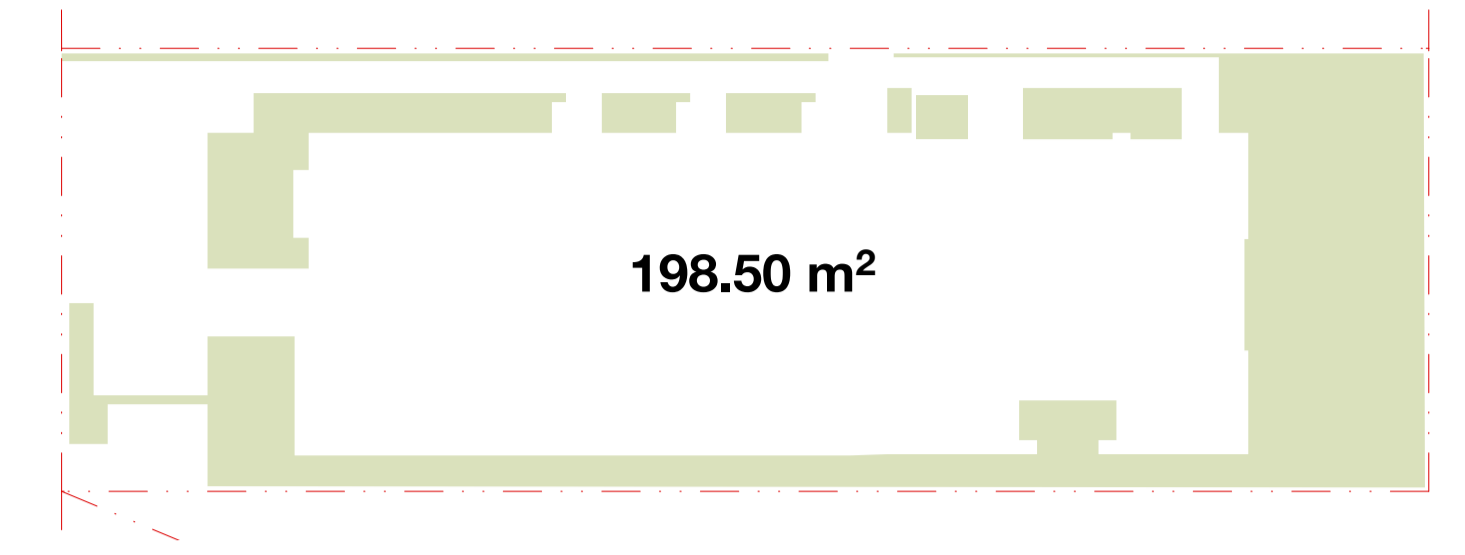
Studio	4
1 Bedroom	2
2 Bedroom	3
<b>Total</b>	<b>= 9 units</b>

## Parking Facilities

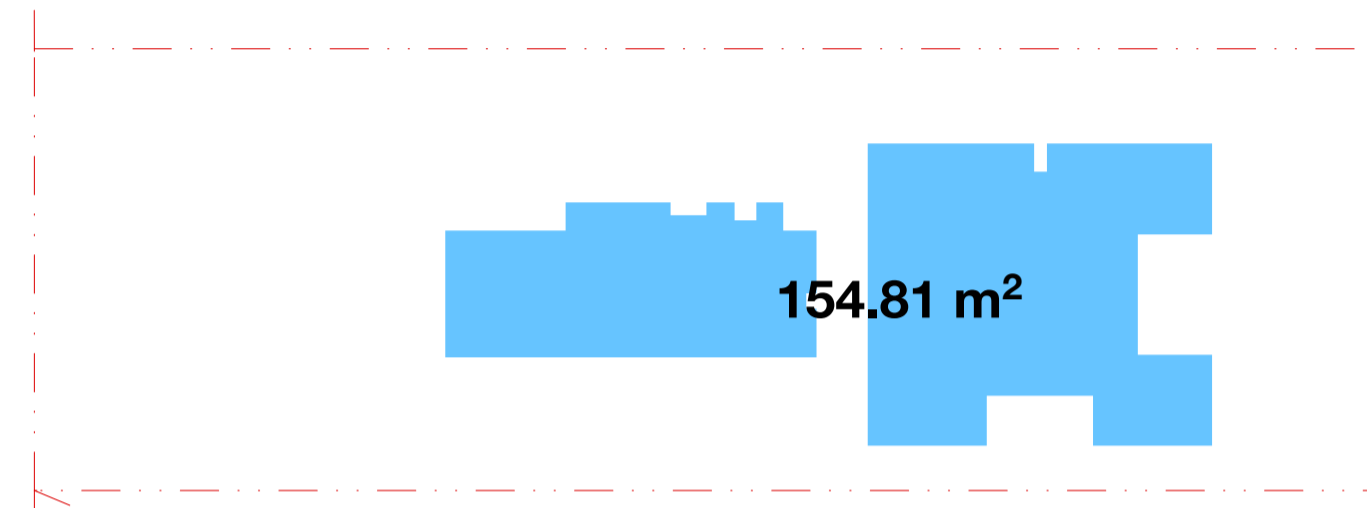
Car = 1 space  
 Motor Cycle = 2 spaces  
 Cycle = 15 spaces



Ground Level



Landscape Area



Level 1



Deep Soil

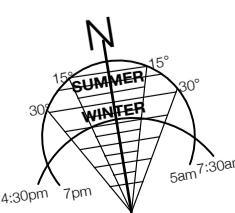


Level 2

## SCHEDULE OF REVISIONS

1. Replace single 3 bedroom dwelling in ground floor of existing house with four studio units. New balconies and openings provided for each.
2. Additional 1 bedroom unit in roof space of existing house proposed. New dormer windows to permit sun and allow ventilation.
3. Adjust extent of existing roof at rear. Introduce openings and skylights to studio units below as shown.
4. Insert gable into roof face along Carrington Rd to allow balcony for new unit.
5. Replace single 3 bedroom ground floor unit of new residential flat building (RFB) with two 1 bedroom units. New openings provided to revised plan.
6. Revised roof form to new RFB as per conditions of consent.
7. Revised common landscaping to provide expanded bin storage area and include additional bicycle and motorcycle parking spaces.
8. Revised private landscaping to ground floor units in RFB.
9. Revised RL's of RFB to achieve; a compliant walkway grade to access ground floor rear units, and ADG compliant ceiling heights throughout.

**NOT FOR CONSTRUCTION**



REV	DATE	BY	AMENDMENTS
A	21/6/18	JK	Issue for Consultant Co-ordination
B	22/6/18	JK	Issue for Co-ordination
C	10/7/18	JK	Issue for Submission to Council

LEGEND
AFD - Aluminium Framed Door
AHD - Powdercoated Hood
AWN - Awning Window
BAL1 - Metal Balustrade
BAL2 - GFC with Metal HR
BRK(E) - Existing Brick
BRK(I) - Brick (Old Sydney Common)
BRK(G) - Metallic Brick
CFC - Compressed Fibre Cement Sheet (Expressed Fixed)
CW - Existing Casement Window
DP - Downpipe
DR - Sprinkler Protected Opening
FG - Fixed Glass Window
FSH - Fire Shutter
GU - Gutter
HR - Handrail
LB - Letterboxes
LV - Glass Louvers
MF - Metal Fence
MG - Metal Gate
MR - Metal Roof Sheeting
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OP - Opaque Glass Window
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RTF - Terracotta 'Marseille' Roof Tiles
SCR1 - Aluminium Privacy Screens
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SLD - Aluminium Framed Sliding Door
SK - Skylight
SST - Existing Sandstone Block
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TR - Translucent Roof Sheeting

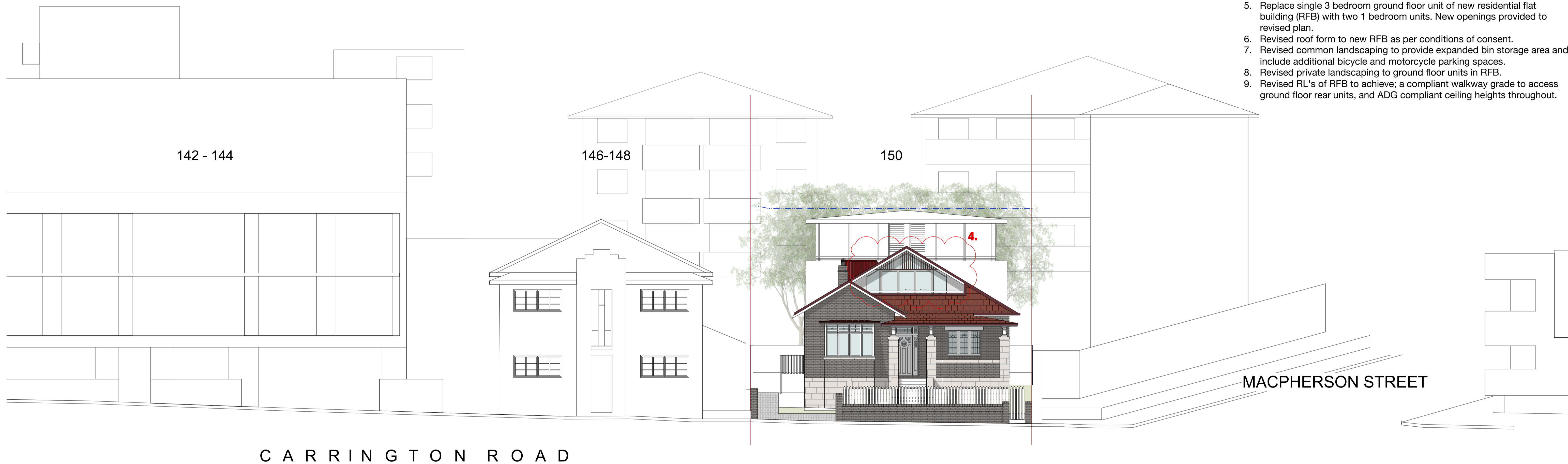
HYDRAULIC	PLANNER	NCCI/ACCESS	LANDSCAPE	ARCHITECTS
AJ Whippet Consulting 2/101 Union Street McMahons Point NSW 2060 T (02) 9653 9444	UK Planning T (02) 9576 6258	BCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360	Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205	ARCHITECTURE + URBAN PROJECTS PTY LTD
HERITAGE Urbis Level 23, Darling Park Tower 2 201 Sussex Street, Sydney NSW 2000 T (02) 8233 9000	BASIX Danian O'Toole Town Planning Pty Ltd Studio 9, Level 5, 35 Buckingham Street Sunny Hills, NSW 2010 T (02) 9690 0464 F (02) 9690 0463	TRAFFIC Stanbury Traffic Planning 9 Tomsett Road Cherry, NSW 2037 T (02) 9560 6384	SURVEYOR Project Surveyors Suite 405, Level 4, 14 Lexington Drive Bella Vista, NSW 2150 T (02) 9056 1000	LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E admin@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalal #6780 Sarah Hill #5285

PROJECT	DRAWING
<b>Proposed Multi-Residential Housing Development</b>	<b>Area Calculations</b>
FOR AZUL NO1 PTY LTD	
PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024	DRAWN JK
PACKAGE <b>DEVELOPMENT APPLICATION</b>	CHECKED PT
	DWG DATE Jan 2018
	PLOT DATE 10/7/18
	JOB NO 17.53
	SCALE <b>1:250 @ A1</b>
	DRAWING NO <b>DA 2.00</b>
	REV <b>C</b>



**SCHEDULE OF REVISIONS**

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142-144 Carrington Road



146 - 148 Carrington Road



158 Carrington Road

150 Carrington Road

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HYDRAULIC	HERITAGE
AJ Whiggin Consulting 2/101 Union Street McMahons Point NSW 2060 T (02) 9663 9444	Urban Level 23, Darling Park Tower 2 201 Sussex Street, Sydney NSW 2000 T (02) 8233 9000

PLANNER	BASIX
UK Planning T (02) 9576 6258	Danien O'Toole Town Planning Pty Ltd Studio 9, Level 5, 35 Buckingham Street Sunny Hills, NSW 2010 T (02) 9690 0464 F (02) 9690 0463

NCC/ACCESS	TRAFFIC
BCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360	Starbury Traffic Planning 10 Tonteh Road Cahoon, NSW 2037 T (02) 9560 6384

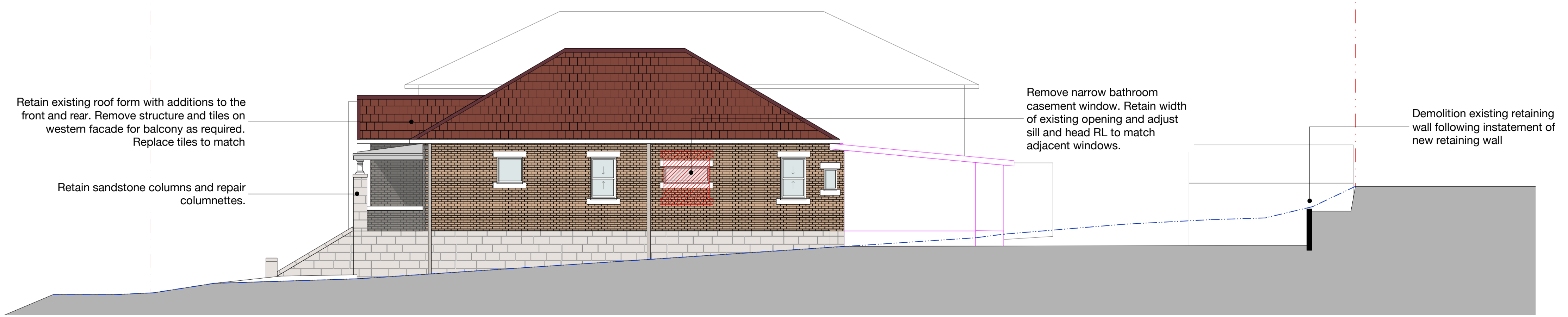
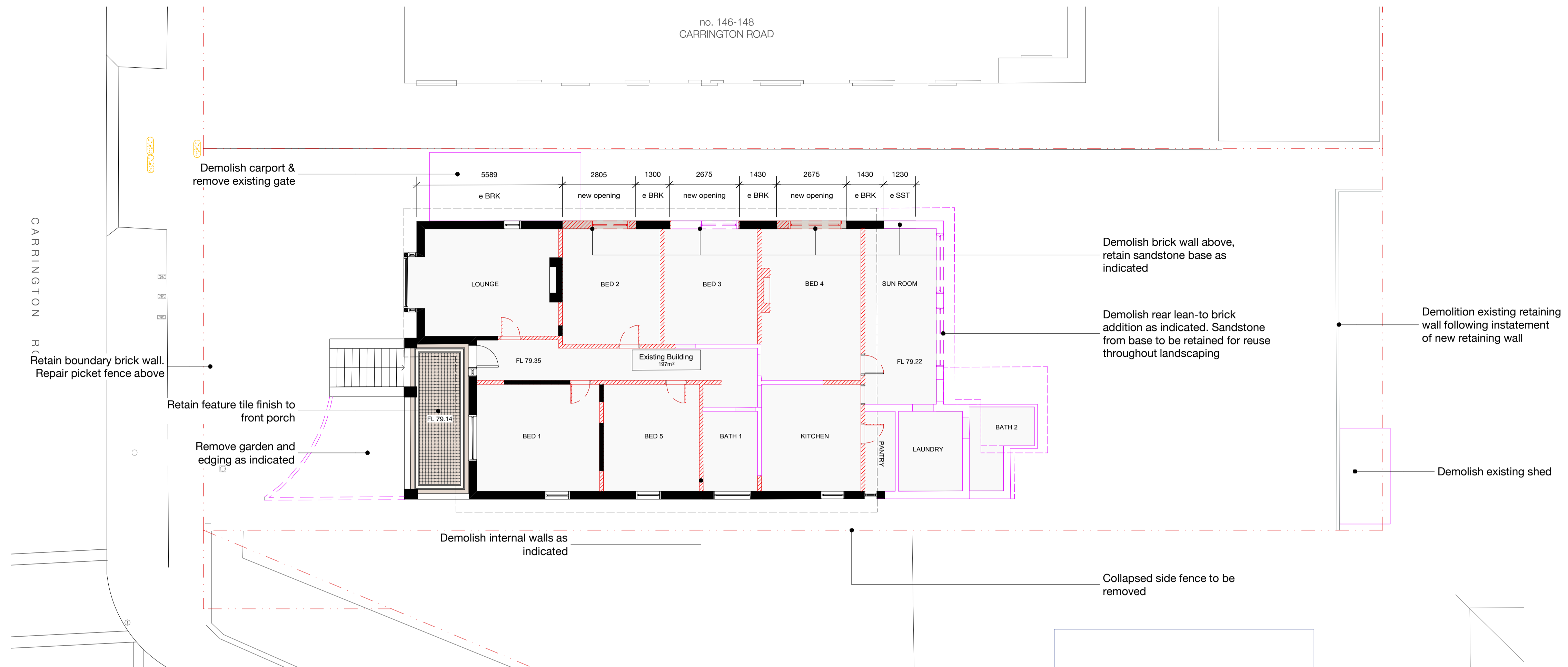
LANDSCAPE	SURVEYOR
Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205	Project Surveyors Suite 405, Level 4, 14 Lexington Drive Bella Vista, NSW 2115 T (02) 9056 1000

ARCHITECTS
<p><b>hill thalis</b></p> <p>ARCHITECTURE + URBAN PROJECTS PTY LTD</p> <p>LEVEL 5, 68-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E info@hillthalys.com.au www.hillthalys.com.au Nominated Architects: Philip Thalys #6780 Sarah Hill #5285</p>

PROJECT	FOR AZUL NO1 PTY LTD
<p><b>Proposed Multi-Residential Housing Development</b></p> <p>150 Carrington Road, Waverley NSW 2024</p>	<p>PROJECT ADDRESS</p> <p>150 Carrington Road, Waverley NSW 2024</p>
<p>PACKAGE</p> <p><b>DEVELOPMENT APPLICATION</b></p>	<p>PROJECT NO</p> <p>17.53</p>

DRAWING				
Street Elevation - Carrington Road				
DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO
JK	PT	Jan 2018	10/7/18	17.53
SCALE	DRAWING NO	REV		
1:100 @ A1	DA 2.01	C		

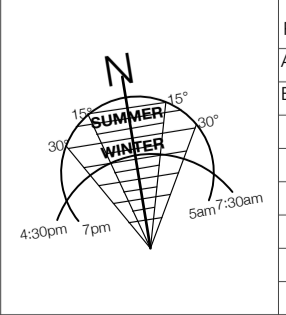




Demolition approved from previous DA  
 Additional demolition proposed

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REV	DATE	BY	AMENDMENTS
A	22/6/18	JK	Issue for Co-ordination
B	10/7/18	JK	Issue for Submission to Council

LEGEND	
AFD - Aluminium Framed Door	DH - Double Hung Window
AHD - Powdercoated Hood	RC - Reinforced Concrete
AWN - Awning Window	DR - Sprinkler Protected Opening
BAL1 - Metal Balustrade	FG - Fixed Glass Window
BAL2 - CFC with Metal HR	FSH - Fire Shutter
BRK(E) - Existing Brick	GU - Gutter
BRK(I) - Brick (Old Sydney Common)	HR - Handrail
BRK(M) - Metallic Brick	LB - Letterboxes
CFC - Compressed Fibre Cement Sheet (Expressed Fixed)	LV - Glass Louvers
CW - Existing Casement Window	MF - Metal Fence
	MG - Metal Gate
	MR - Metal Roof Sheeting
	O - Opaque Glass Window
	RF - Terracotta 'Marseille' Roof Tiles
	SCR1 - Aluminium Privacy Screens
	SCR2 - Metal Louvre
	SCR3 - Timber Shade Screen
	SDH - Seamless Double Hung Windows
	SLD - Aluminium Framed Sliding Door
	SK - Skylight
	SST - Existing Sandstone Block
	TD - Timber Docking
	TR - Translucent Roof Sheeting

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PLANNER
LK Planning T (02) 9576 6258

NCCI/ACCESS
ESCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360

LANDSCAPE
Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205

SURVEYOR
Project Surveyors Suite 405, Level 4, 14 Lexington Drive Bella Vista, NSW 2115 T (02) 9056 1000

ARCHITECTS
<b>hill thalis</b> ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6276 F (02) 9281 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

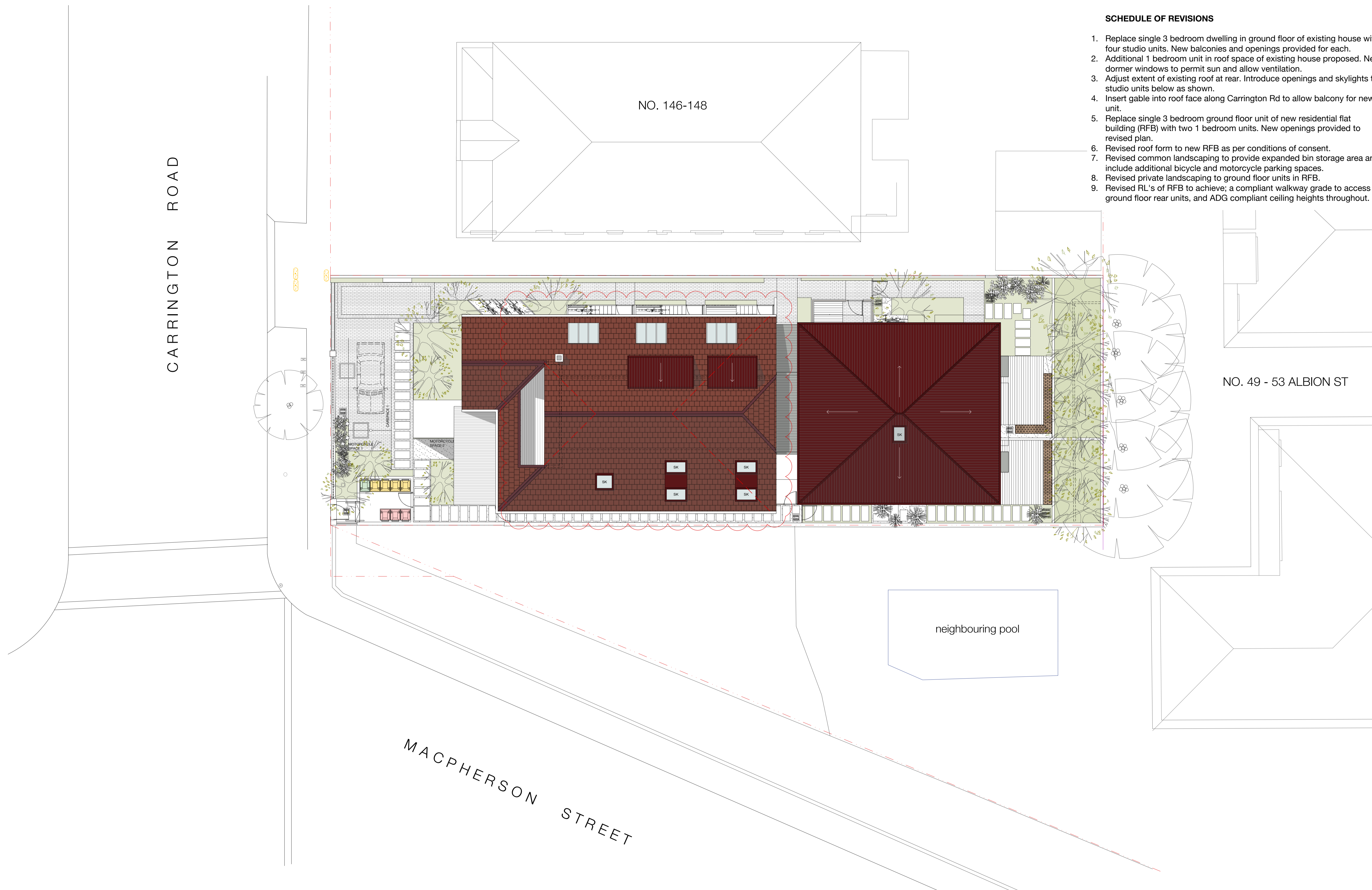
PROJECT
<b>Proposed Multi-Residential Housing Development</b>
<b>FOR AZUL NO1 PTY LTD</b>
<b>PROJECT ADDRESS</b> 150 Carrington Road, Waverley NSW 2024
<b>PACKAGE</b> <b>DEVELOPMENT APPLICATION</b>

DRAWING				
Demolition Drawings				
DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO
JK	PT	Jan 2018	10/7/18	17.53
SCALE	DRAWING NO		REV	
1:100 @ A1	DA 3.00		B	



**SCHEDULE OF REVISIONS**

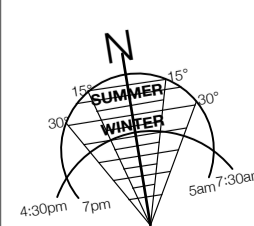
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8. Revised private landscaping to ground floor units in RFB.
9. Revised RL's of RFB to achieve; a compliant walkway grade to access ground floor rear units, and ADG compliant ceiling heights throughout.



NO. 49 - 53 ALBION ST

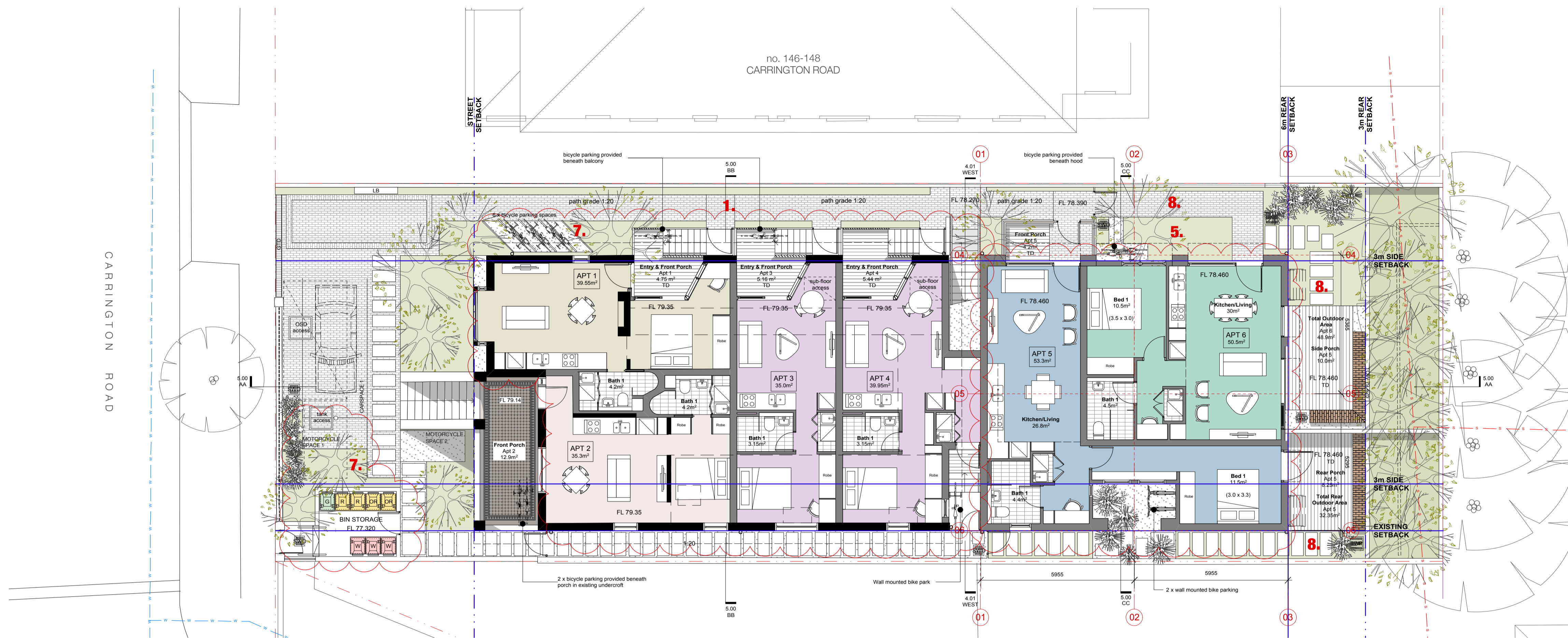
neighbouring pool

**NOT FOR CONSTRUCTION**

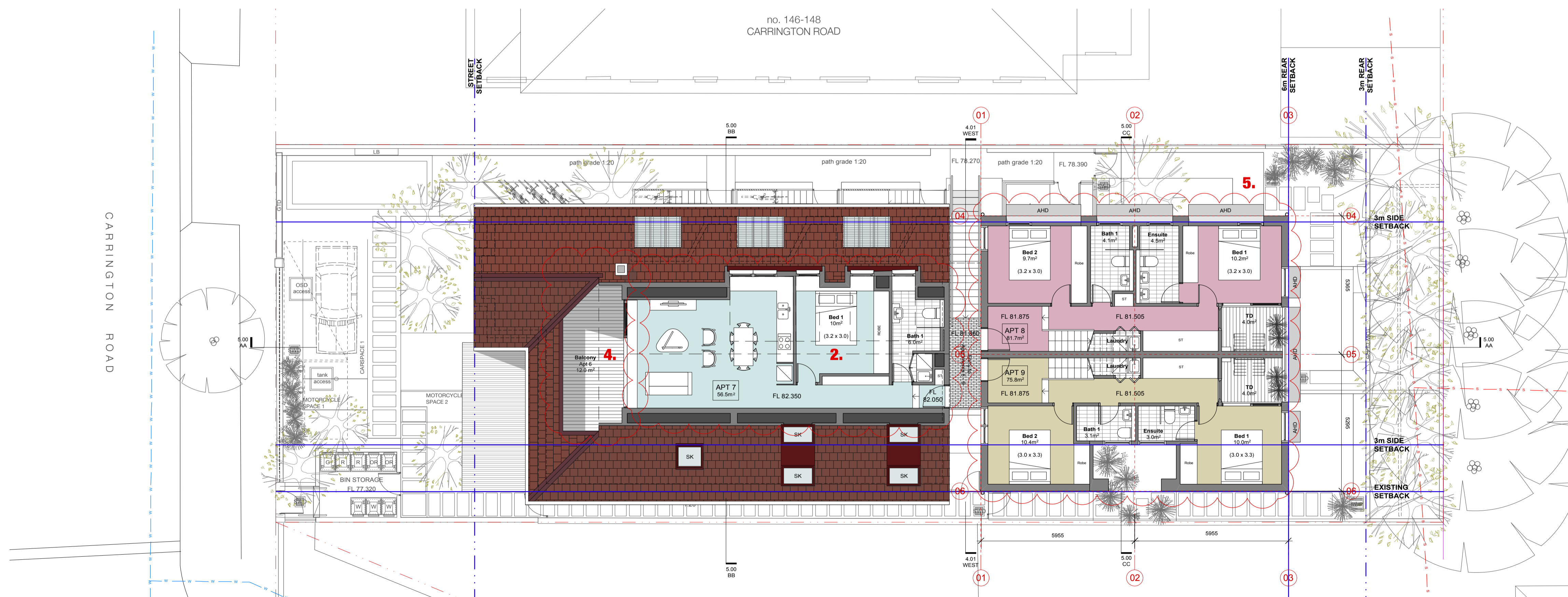


REV	DATE	BY	AMENDMENTS	LEGEND		HYDRAULIC	PLANNER	NCCI/ACCESS	LANDSCAPE	ARCHITECTS	PROJECT	DRAWING				
A	21/6/18	JK	Issue for Consultant Co-ordination	AFD - Aluminium Framed Door	DH - Double Hung Window	O - Opaque Glass Window	AJ Whiggin Consulting	BCA Logic	Melissa Wilson Landscape Architects	<b>hill thalis</b> ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285	<b>Proposed Multi-Residential Housing Development</b> FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024 PACKAGE DEVELOPMENT APPLICATION	DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO
B	22/6/18	JK	Issue for Co-ordination	AHD - Powdercoated Hood	DP - Downpipe	RC - Reinforced Concrete	UK Planning	Suite 1, Level 6/210 Clarence Street	PROJECT ADDRESS			DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO
C	10/7/18	JK	Issue for Submission to Council	AWN - Awning Window	DR - Sprinkler Protected Opening	RTF - Terracotta 'Marseille' Roof Tiles	T (02) 9576 6258	Sydney, NSW 2000	PROJECT ADDRESS	SCALE	1:100 @ A1	DA 3.01	REV	C		
				BAL1 - Metal Balustrade	FG - Fixed Glass Window	SCR1 - Aluminium Privacy Screens	T (02) 9281 4305 F (02) 9003 9205	Sydney, NSW 2000	PROJECT ADDRESS							
				BAL2 - CFC with Metal HR	FSH - Fire Shutter	SCR2 - Metal Louvre	T (02) 9411 5360	Sydney, NSW 2000	PROJECT ADDRESS							
				BRK(E) - Existing Brick	GU - Gutter	SCR3 - Timber Shake Screen			PROJECT ADDRESS							
				BRK(I) - Brick (Old Sydney Common)	HR - Handrail	SDH - Seamless Double Hung Windows			PROJECT ADDRESS							
				BRK(O) - Metallic Brick	LB - Letterboxes	SLD - Aluminium Framed Sliding Door			PROJECT ADDRESS							
				CFC - Compressed Fibre Cement Sheet (Expressed Fixed)	L/V - Glass Louvres	SK - Skylight			PROJECT ADDRESS							
				CW - Existing Casement Window	MF - Metal Fence	SST - Existing Sandstone Block			PROJECT ADDRESS							
					MG - Metal Gate	TD - Timber Docking			PROJECT ADDRESS							
					MR - Metal Roof Sheeting	TR - Translucent Roof Sheeting			PROJECT ADDRESS							





Ground Plan



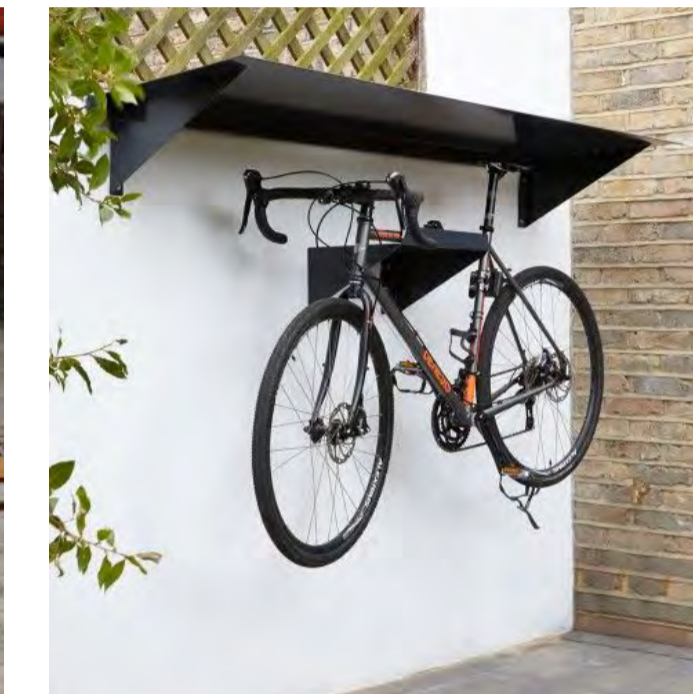
Level 1 Plan

**SCHEDULE OF REVISIONS**

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External bike racks



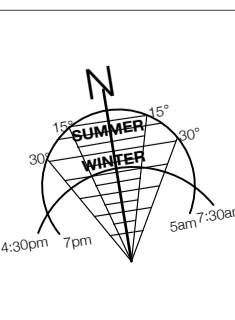
Wall hung bike storage



no. 49-53 ALBION STREET

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REV	DATE	BY	AMENDMENTS
A	19/6/18	JK	Issue for Information
B	21/6/18	JK	Issue for Consultant Co-ordination
C	22/6/18	JK	Issue for Co-ordination
D	4/7/18	JK	Issue For Co-ordination
E	10/7/18	JK	Issue for Submission to Council

LEGEND
AFD - Aluminium Framed Door
AHD - Powdercoated Hood
AWN - Awning Window
BAL1 - Metal Balustrade
BAL2 - CFC with Metal HR
BRK(E) - Existing Brick
BRK(I) - Brick (Old Sydney Common)
BRK(M) - Metallic Brick
CFC - Compressed Fibre Cement Sheet
CW - Existing Casement Window
DH - Double Hung Window
DP - Downpipe
DR - Sprinkler Protected Opening
FG - Fixed Glass Window
FSH - Fire Shutter
GU - Gutter
HR - Handrail
LB - Letterboxes
L/V - Glass Louvers
MF - Metal Fence
MG - Metal Gate
MR - Metal Roof Sheeting
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RC - Reinforced Concrete
RTF - Terracotta 'Marseille' Roof Tiles
SCR1 - Aluminium Privacy Screens
SCR2 - Metal Louvre
SCR3 - Timber Shade Screen
SDH - Seamless Double Hung Windows
SLD - Aluminium Framed Sliding Door
SK - Skylight
SST - Existing Sandstone Block
TD - Timber Docking
TR - Translucent Roof Sheeting

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UK Planning
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Sydney, NSW 2000
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LANDSCAPE
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T (02) 9211 6276 F (02) 9281 3171
E info@halthalis.com.au www.halthalis.com.au
Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

PROJECT
<b>Proposed Multi-Residential Housing Development</b>
FOR AZUL NO1 PTY LTD
PROJECT ADDRESS
150 Carrington Road, Waverley NSW 2024
PACKAGE
<b>DEVELOPMENT APPLICATION</b>

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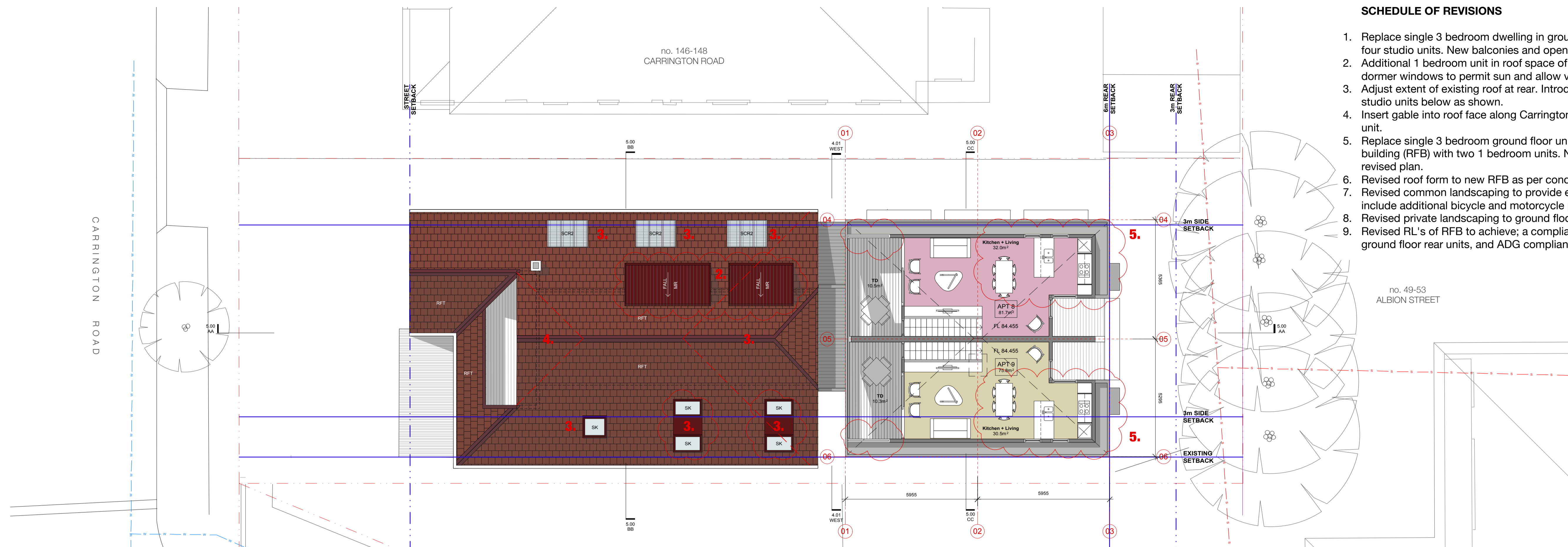
PROJECT
<b>Proposed Multi-Residential Housing Development</b>
FOR AZUL NO1 PTY LTD
PROJECT ADDRESS
150 Carrington Road, Waverley NSW 2024
PACKAGE
<b>DEVELOPMENT APPLICATION</b>

DRAWING
<b>Ground Plan + Level 1</b>
DRAWN
JK
CHECKED
PT
DWG DATE
Jan 2018
PLOT DATE
10/7/18
SCALE
1:100 @ A1
DRAWING NO
DA 3.02
JOB NO
17.53
REV
E

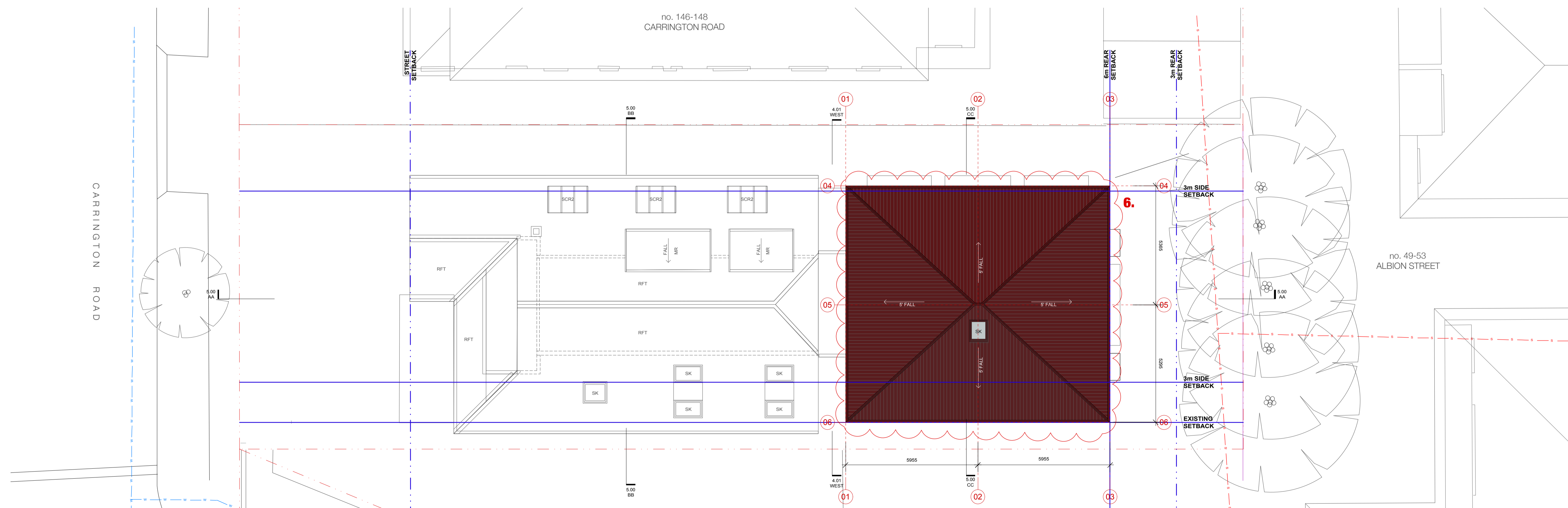


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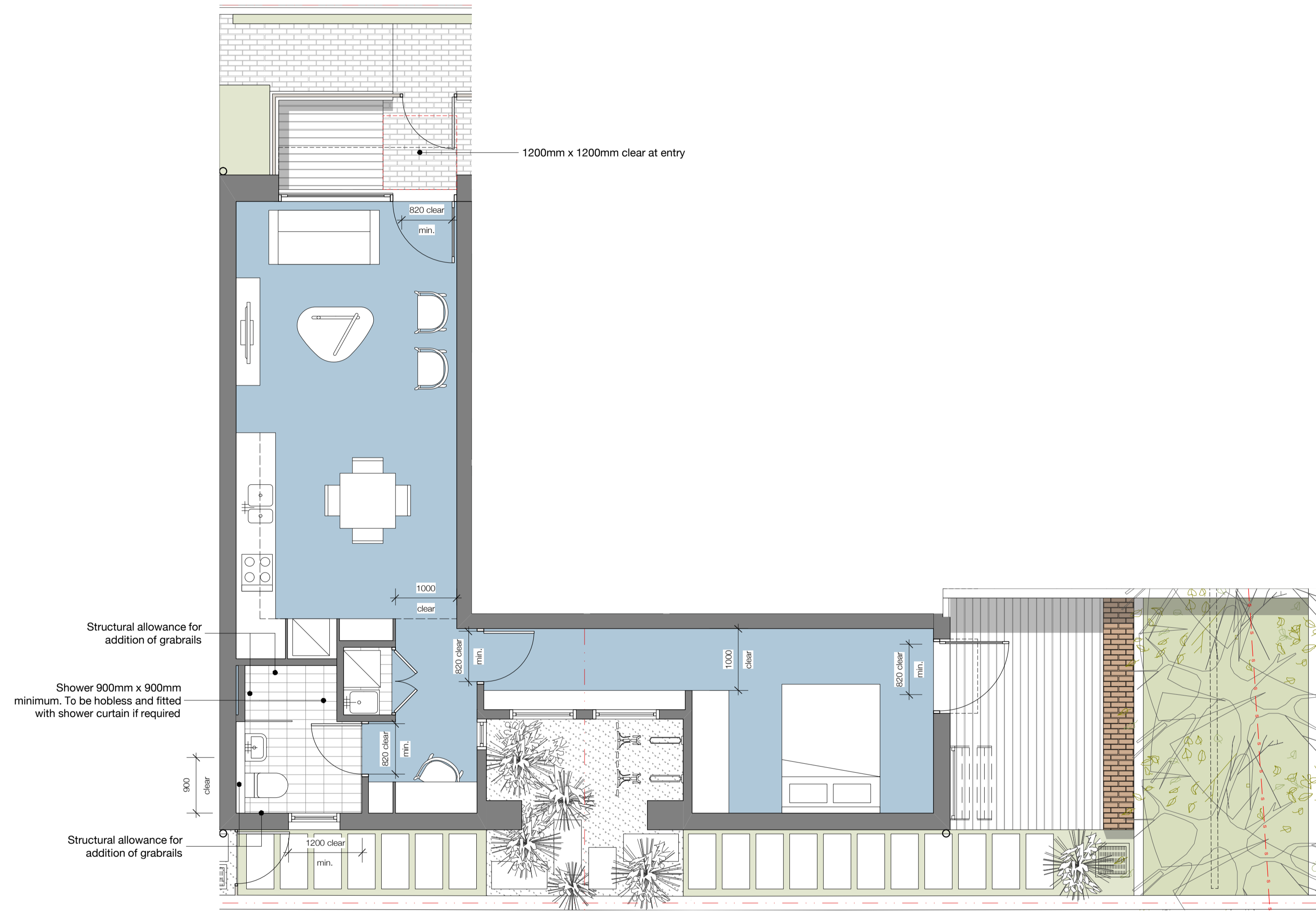
Level 2 Plan



Roof Plan

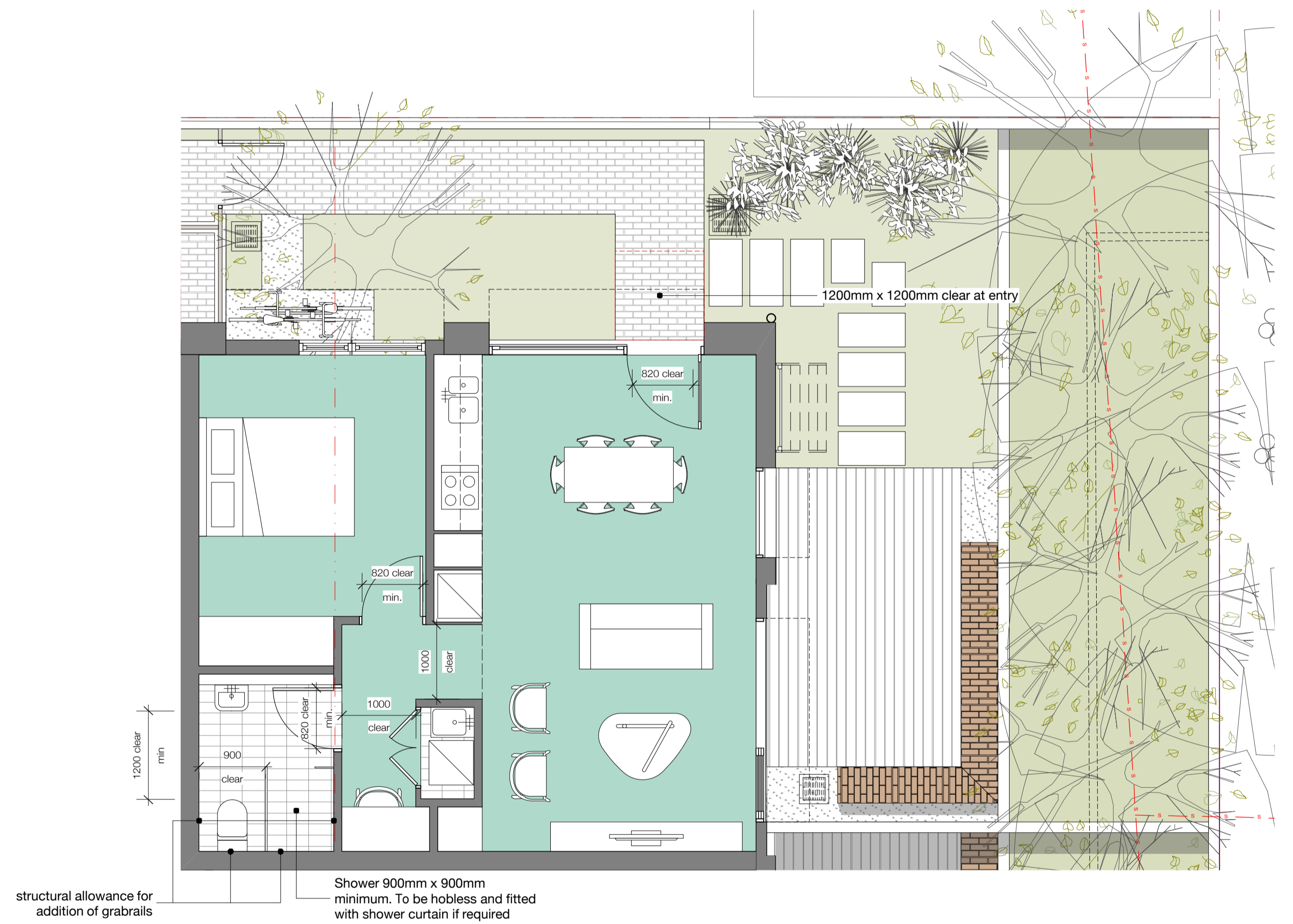
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		<p>FOR AZUL NO1 PTY LTD</p> <p><b>PACKAGE</b> <b>DEVELOPMENT APPLICATION</b></p>	<p>DRAWN JK CHECKED PT DWG DATE Jan 2018 PLOT DATE 10/7/18 SCALE 1:100 @ A1 JOB NO 17.53 DRAWING NO <b>DA 3.03</b> REV <b>D</b></p>									





**Apartment 5**

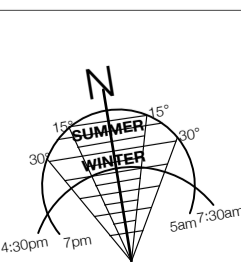
Livable Housing Design Guidelines  
Silver Level Compliance



**Apartment 6**

Livable Housing Design Guidelines  
Silver Level Compliance

**NOT FOR CONSTRUCTION**



REV	DATE	BY	AMENDMENTS
A	22/6/18	JK	Issue for Co-ordination
B	10/7/18	JK	Issue for Submission to Council

LEGEND	
AFD - Aluminium Framed Door	DP - Downpipe
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AWN - Awning Window	FG - Fixed Glass Window
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BAL2 - CFC with Metal HR	GU - Gutter
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BRK(O) - Metallic Brick	LV - Glass Louvers
CFC - Compressed Fibre Cement Sheet	MF - Metal Fence
CW - Existing Casement Window	MG - Metal Gate
	MR - Metal Roof Sheeting

DH - Double Hung Window	Q - Opaque Glass Window
RC - Reinforced Concrete	RTF - Terracotta 'Marseille' Roof Tiles
SCR1 - Aluminium Privacy Screens	SCR2 - Metal Louvre
SCR3 - Timber Shade Screen	SDH - Sashless Double Hung Windows
SLD - Aluminium Framed Sliding Door	SK - Skylight
SST - Existing Sandstone Block	TD - Timber Docking
TR - Translucent Roof Sheeting	

HYDRAULIC	
AJ Whiggy Consulting	2/101 Ulson Street
McMahons Point NSW 2060	T (02) 8623 9444

PLANNER	
UK Planning	T (02) 9576 6258

NCC/ACCESS	
BCA Logic	Suite 1, Level 6/210 Clarence Street
Darlinghurst, NSW 2000	T (02) 9281 4305 F (02) 9003 9205

LANDSCAPE	
Melissa Wilson Landscape Architects	PO Box 1320
Darlinghurst, NSW 1300	T (02) 9281 4305 F (02) 9003 9205

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hill thalis	ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 5, 69-72 Wentworth Ave	Sunny Hills NSW 2010 Australia
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Nominated Architects: Philip Thalis #6780 Sarah Hill #5285	

SURVEYOR	
Project Surveyors	Suite 405, Level 4, 14 Lexington Drive
Bella Vista, NSW 2115	T (02) 9056 1000

TRAFFIC	
Starbury Traffic Planning	10 Tontoth Road
Cherry, NSW 2037	T (02) 9560 6384

PROJECT	
<b>Proposed Multi-Residential Housing Development</b>	
FOR AZUL NO1 PTY LTD	
PROJECT ADDRESS	
150 Carrington Road, Waverley NSW 2024	
PACKAGE	
<b>DEVELOPMENT APPLICATION</b>	

DRAWING				
<b>LHDG - Silver Level Compliance</b>				
DRAWN	CHECKED	DWG DATE	PLOT DATE	JOB NO
JK	PT	Jan 2018	10/7/18	17.53
SCALE	1:100 @ A1		DRAWING NO	REV
			<b>DA 3.04</b>	<b>B</b>

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North Elevation

**SCHEDULE OF REVISIONS**

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South Elevation

--- PREVIOUS DA SUBMISSION

<b>NOT FOR CONSTRUCTION</b>	REV DATE BY AMENDMENTS	<b>LEGEND</b> AFD - Aluminium Framed Door AHD - Powdercoated Hood AWN - Awning Window BAL 1 - Metal Balustrade BAL 2 - CFC with Metal HR BRK(E) - Existing Brick BRK(I) - Brick (Old Sydney Common) BRK(2) - Metallic Brick CFC - Compressed Fibre Cement Sheet CW - Existing Casement Window DH - Double Hung Window DP - Downpipe DR - Sprinkler Protected Opening FG - Fixed Glass Window FSH - Fire Shutter GU - Gutter HR - Handrail LB - Letterboxes LV - Glass Louvers MF - Metal Fence MG - Metal Gate MR - Metal Roof Sheeting O - Opaque Glass Window RC - Reinforced Concrete RTF - Terracotta 'Marseille' Roof Tiles SCR1 - Aluminium Privacy Screens SCR2 - Metal Louvre SCR3 - Timber Shade Screen SDH - Seaflex Double Hung Windows SLD - Aluminium Framed Sliding Door SK - Skylight SST - Existing Sandstone Block (Expressed Fixed) MG - Metal Gate MR - Metal Roof Sheeting TR - Translucent Roof Sheeting	<b>HYDRAULIC</b> AJ Whiggin Consulting 2/101 Urson Street McMahons Point NSW 2060 T (02) 8863 9444	<b>PLANNER</b> LK Planning T (02) 9576 6258	<b>NCC/ACCESS</b> ECA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360	<b>LANDSCAPE</b> Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205	<b>ARCHITECTS</b> Architecture + Urban Projects Pty Ltd LEVEL 5, 68-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E admin@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285	<b>PROJECT</b> <b>Proposed Multi-Residential Housing Development</b> <b>FOR AZUL NO1 PTY LTD</b> PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024 PACKAGE <b>DEVELOPMENT APPLICATION</b>	<b>DRAWING</b> <b>North South Elevations</b> DRAWN JK CHECKED PT DWG DATE Jan 2018 PLOT DATE 10/7/18 SCALE 1:100 @ A1 DRAWING NO <b>DA 4.00</b> JOB NO 17.53 REV <b>D</b>
	A 19/6/18 JK Issue for Information B 21/6/18 JK Issue for Consultant Co-ordination C 22/6/18 JK Issue for Co-ordination D 10/7/18 JK Issue for Submission to Council								

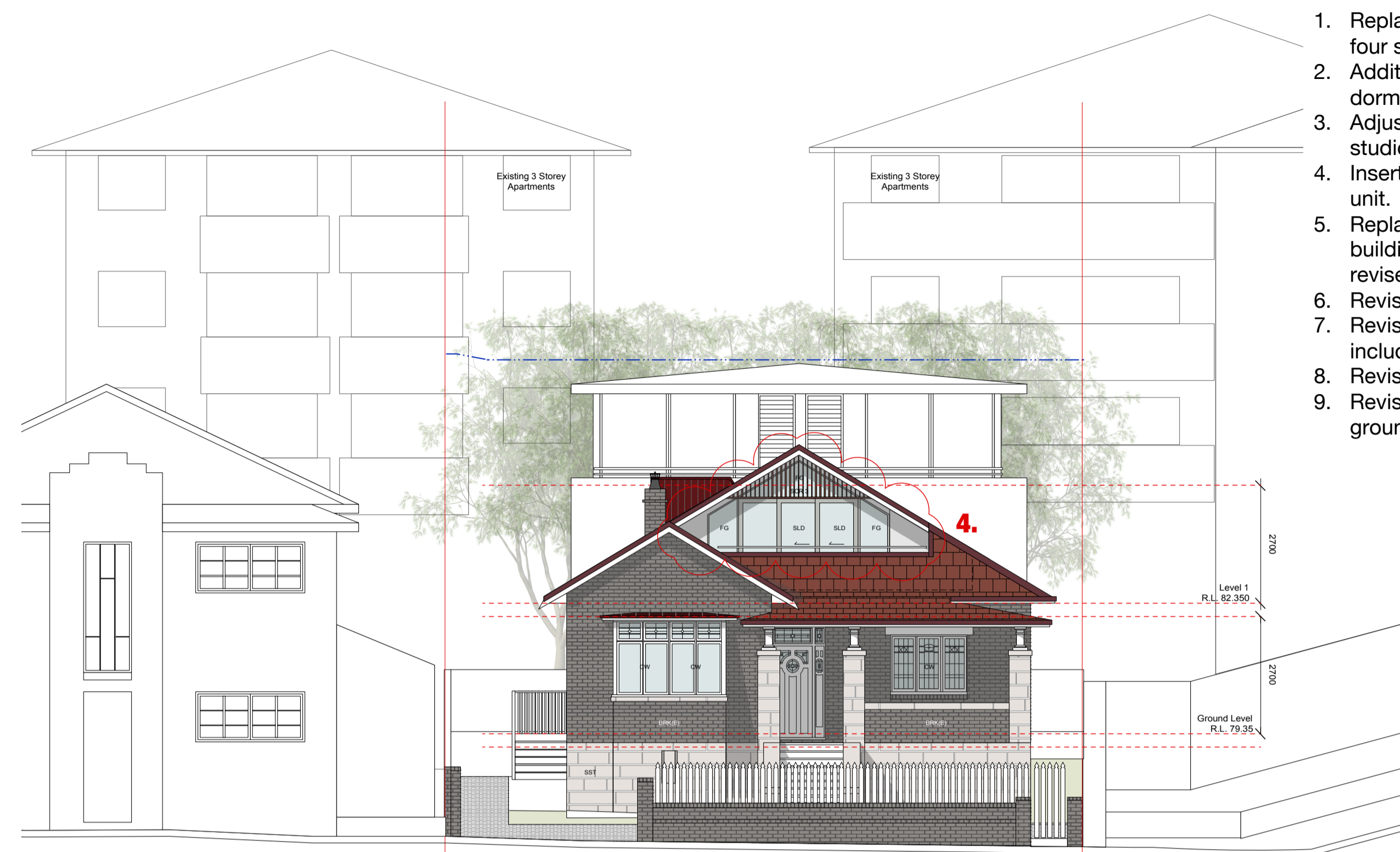


**SCHEDULE OF REVISIONS**

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West Elevation - existing heritage



West Elevation - proposed



East Elevation



West Elevation - rear building

--- PREVIOUS DA SUBMISSION

**NOT FOR CONSTRUCTION**

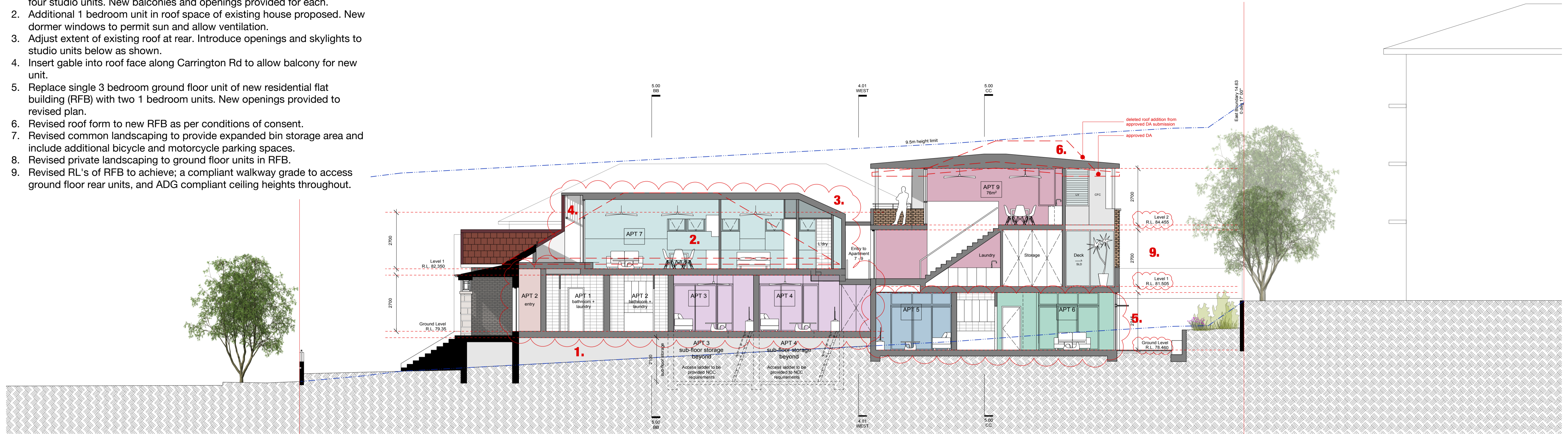
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REV	DATE	BY	AMENDMENTS	LEGEND	HYDRAULIC	PLANNER	NCC/ACCESS	LANDSCAPE	ARCHITECTS	PROJECT	DRAWING	
A	19/6/18	JK	Issue for Information	ALD - Aluminium Framed Door AHD - Powdercoated Hood AWN - Awning Window BAL1 - Metal Balustrade BAL2 - CFC with Metal HR BRK(E) - Existing Brick BRK(I) - Brick (Old Sydney Common) BRK(O) - Metallic Brick CFC - Compressed Fibre Cement Sheet CW - Existing Casement Window	DP - Downpipe DR - Sprinkler Protected Opening FG - Fixed Glass Window FSH - Fire Shutter GU - Gutter HR - Handrail LB - Letterboxes LV - Glass Louvers MF - Metal Fence MG - Metal Gate MR - Metal Roof Sheeting	Q - Opaque Glass Window RC - Reinforced Concrete RTF - Terracotta 'Marseille' Roof Tiles SCR1 - Aluminium Privacy Screens SCR2 - Metal Louvre SCR3 - Timber Shade Screen SDH - Sashless Double Hung Windows SLD - Aluminium Framed Sliding Door SK - Skylight SST - Existing Sandstone Block TD - Timber Docking TR - Translucent Roof Sheeting	AJ Whiggin Consulting 2/101 Urson Street McMahons Point NSW 2060 T (02) 9576 6258	ESCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360	Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205	hill thalys ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E admin@hillthalys.com.au www.hillthalys.com.au Nominated Architects: Philip Thalys #6780 Sarah Hill #5285	FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024 PACKAGE DEVELOPMENT APPLICATION	DRAWN JK CHECKED PT DWG DATE Jan 2018 PLOT DATE 10/7/18 JOB NO 17.53 SCALE 1:100 @ A1 DRAWING NO DA 4.01 REV D



**SCHEDULE OF REVISIONS**

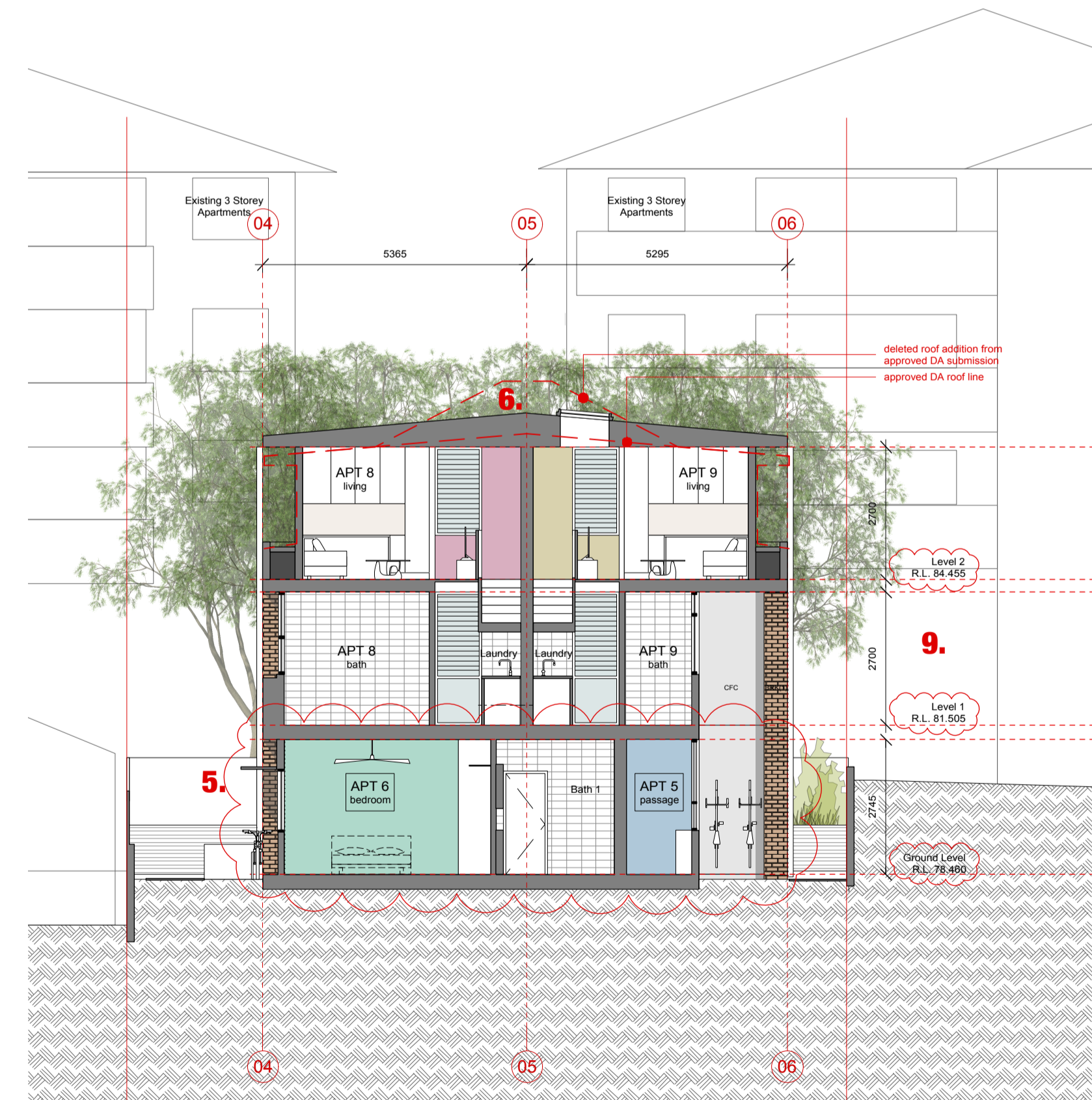
1. Replace single 3 bedroom dwelling in ground floor of existing house with four studio units. New balconies and openings provided for each.
2. Additional 1 bedroom unit in roof space of existing house proposed. New dormer windows to permit sun and allow ventilation.
3. Adjust extent of existing roof at rear. Introduce openings and skylights to studio units below as shown.
4. Insert gable into roof face along Carrington Rd to allow balcony for new unit.
5. Replace single 3 bedroom ground floor unit of new residential flat building (RFB) with two 1 bedroom units. New openings provided to revised plan.
6. Revised roof form to new RFB as per conditions of consent.
7. Revised common landscaping to provide expanded bin storage area and include additional bicycle and motorcycle parking spaces.
8. Revised private landscaping to ground floor units in RFB.
9. Revised RL's of RFB to achieve; a compliant walkway grade to access ground floor rear units, and ADG compliant ceiling heights throughout.



Section AA



Section BB



Section CC

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REV	DATE	BY	AMENDMENTS
A	19/6/18	JK	Issue for Information
B	21/6/18	JK	Issue for Consultant Co-ordination
C	22/6/18	JK	Issue for Co-ordination
D	10/7/18	JK	Issue for Submission to Council

LEGEND	
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AHD - Powdercoated Hood	DR - Sprinkler Protected Opening
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BAL1 - Metal Balustrade	FSH - Fire Shutter
BAL2 - CFC with Metal HR	GU - Gutter
BRK(E) - Existing Brick	HR - Handrail
BRK(I) - Brick (Old Sydney Common)	LB - Letterboxes
BRK(M) - Metallic Brick	LV - Glass Louvers
CFC - Compressed Fibre Cement Sheet	MF - Metal Fence
EW - Existing Casement Window	MG - Metal Gate
	MR - Metal Roof Sheeting

DH - Double Hung Window	Q - Opaque Glass Window
DR - Sprinkler Protected Opening	RC - Reinforced Concrete
FG - Fixed Glass Window	RTF - Terracotta 'Marseille' Roof Tiles
FSH - Fire Shutter	SCR1 - Aluminium Privacy Screens
GU - Gutter	SCR2 - Metal Louvers
HR - Handrail	SCR3 - Timber Shale Screen
LB - Letterboxes	SDH - Seamless Double Hung Windows
LV - Glass Louvers	SLD - Aluminium Framed Sliding Door
MF - Metal Fence	SK - Skylight
MG - Metal Gate	SST - Existing Sandstone Block
MR - Metal Roof Sheeting	TD - Timber Decking
	TR - Translucent Roof Sheeting

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NCC/ACCESS	
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Sydney, NSW 2000	T (02) 9411 5360

LANDSCAPE	
Melissa Wilson Landscape Architects	PO Box 1320
Darlinghurst, NSW 1500	T (02) 9281 4305 F (02) 9003 9205

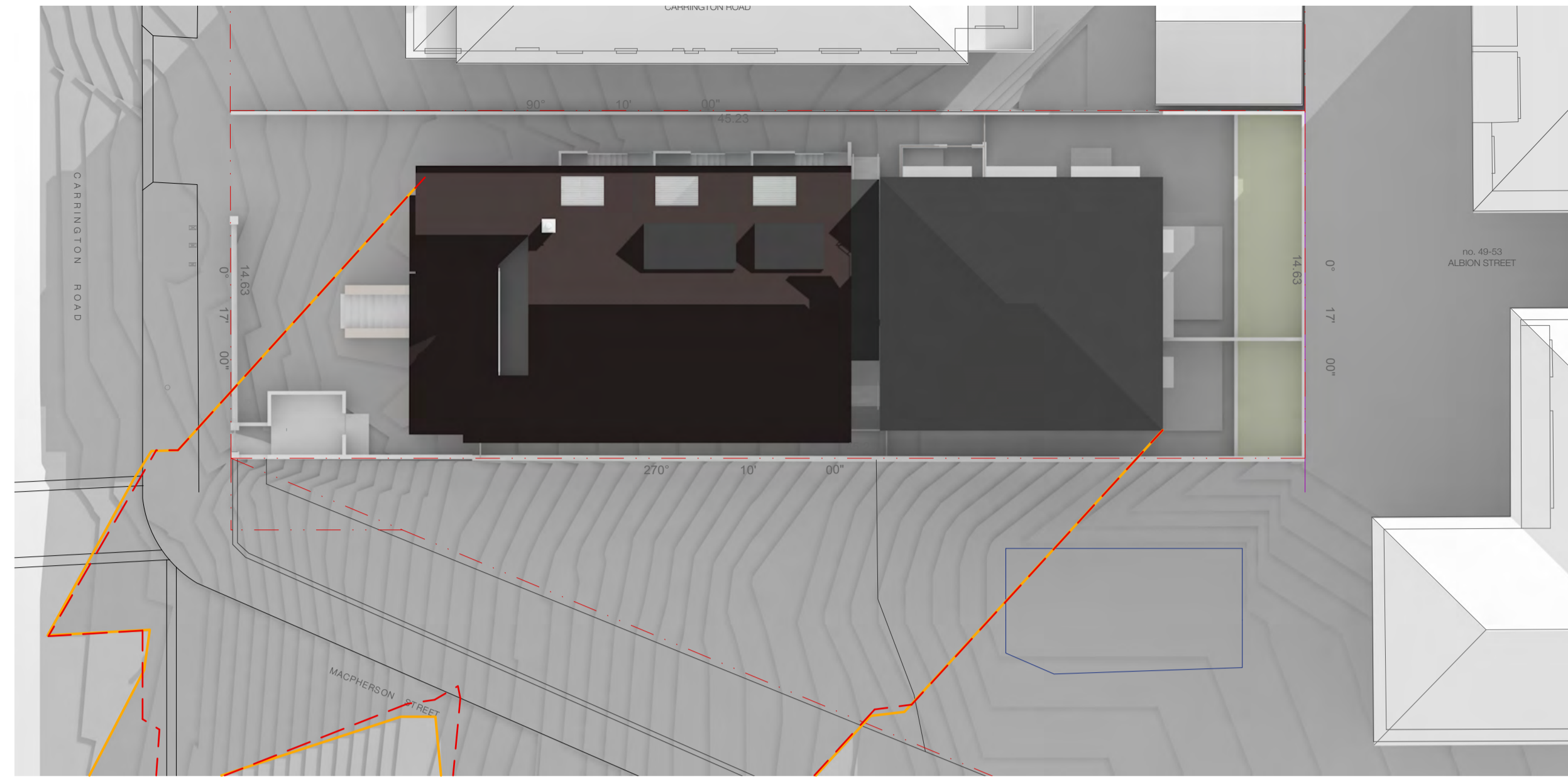
ARCHITECTS	
hill thalys	ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 5, 68-72 Wentworth Ave	Sunny Hills NSW 2010 Australia
T (02) 9211 6276 F (02) 9281 3171	E info@hillthalys.com.au www.hillthalys.com.au
Nominated Architects: Philip Thalys #6780 Sarah Hill #5285	

PROJECT	
<b>Proposed Multi-Residential Housing Development</b>	
FOR AZUL NO1 PTY LTD	
PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024	
PACKAGE <b>DEVELOPMENT APPLICATION</b>	

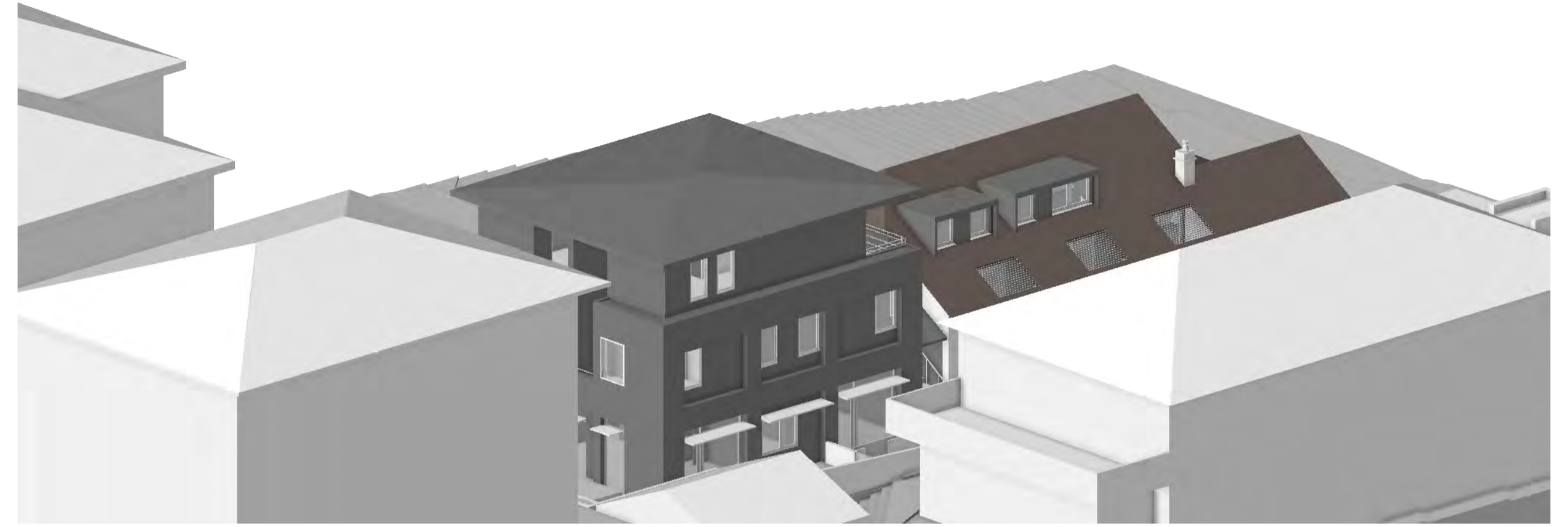
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<b>Sections</b>	
DRAWN	CHECKED
JK	PT
DWG DATE	PLOT DATE
Jan 2018	10/7/18
SCALE	DRAWING NO
1:100 @ A1	DA 5.00
JOB NO	REV
17.53	D



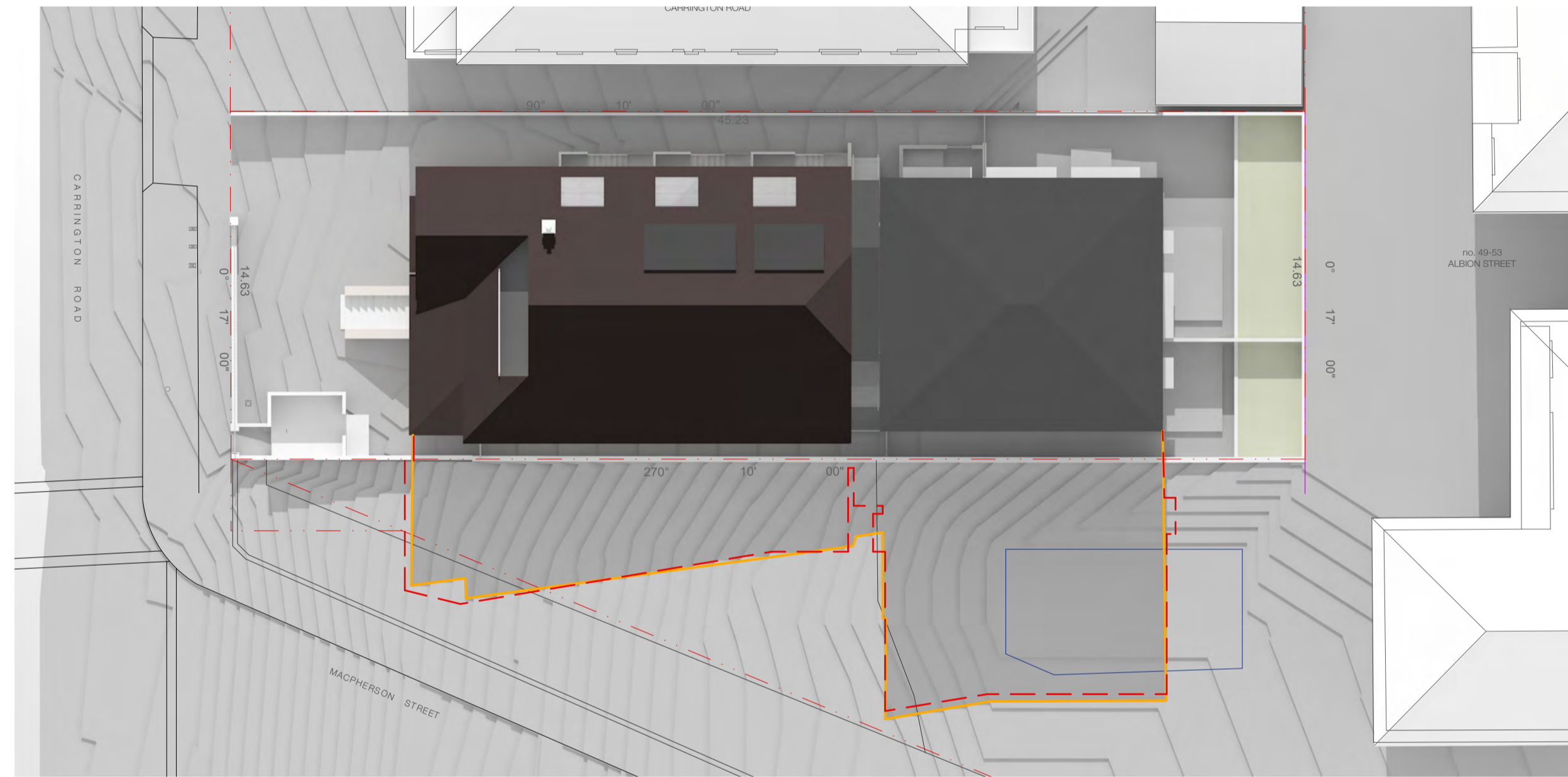
9 AM



Solar Access  
Axonometric  
9 AM



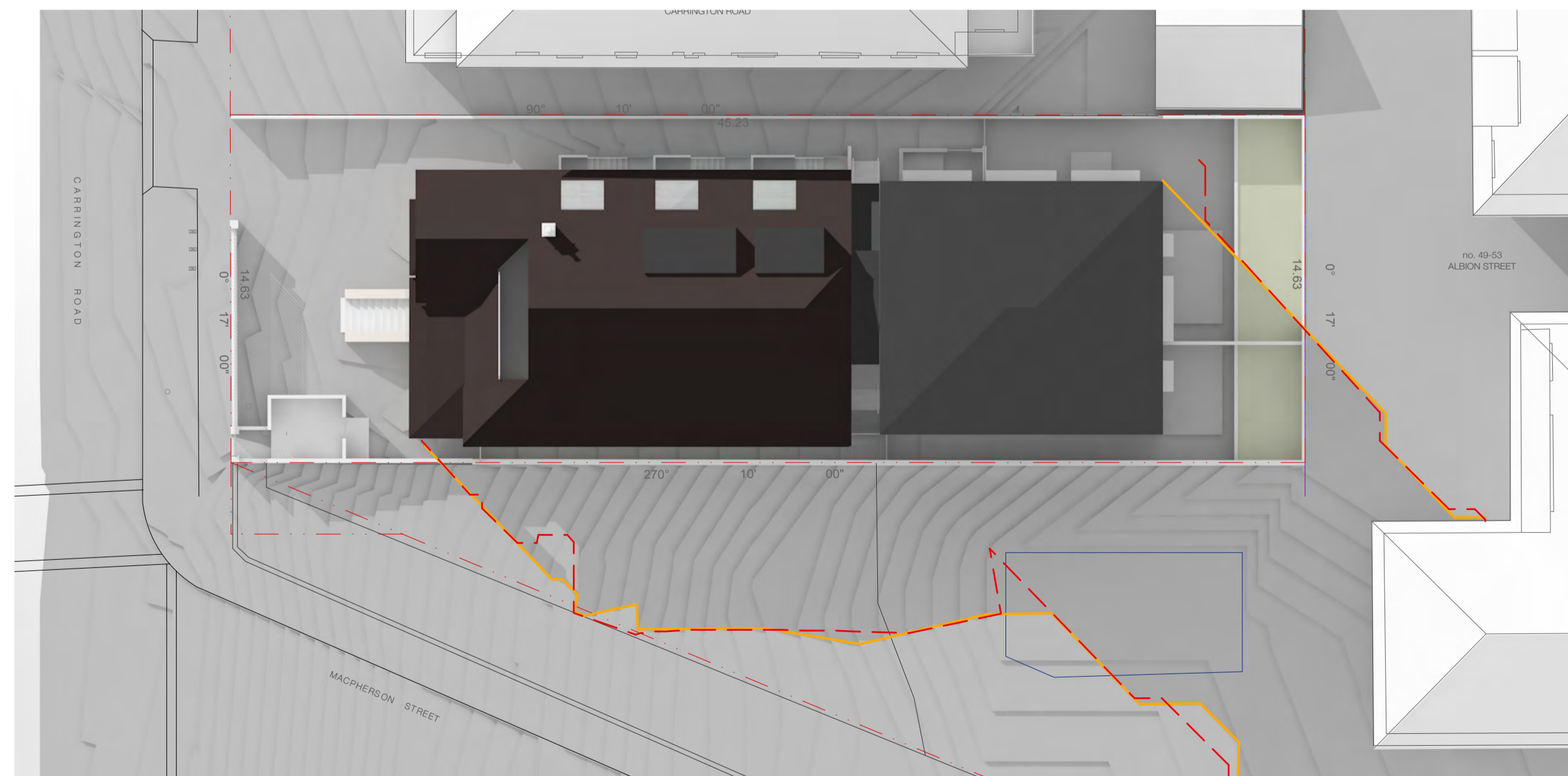
12 PM



Solar Access  
Axonometric  
12 PM



3 PM



Solar Access  
Axonometric  
3 PM

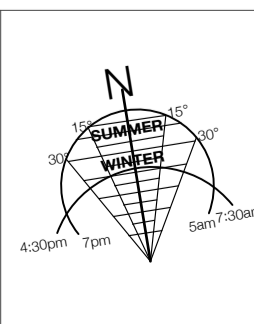


Proposed DA

Approved DA

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B	10/7/18	JK	Issue for Submission to Council

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CW - Existing Casement Window	MF - Metal Fence
	MG - Metal Gate
	MR - Metal Roof Sheeting
	O - Opaque Glass Window
	RC - Reinforced Concrete
	RTF - Terracotta 'Marseille' Roof Tiles
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	SCR3 - Timber Shale Screen
	SDH - Sashless Double Hung Windows
	SLD - Aluminium Framed Sliding Door
	SK - Skylight
	SST - Existing Sandstone Block
	TD - Timber Decking
	TR - Translucent Roof Sheeting

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LANDSCAPE
Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9261 4305 F (02) 9003 9205

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hill thalys ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9261 3171 E info@hillthalys.com.au www.hillthalys.com.au Nominated Architects: Philip Thalys #6780 Sarah Hill #5285

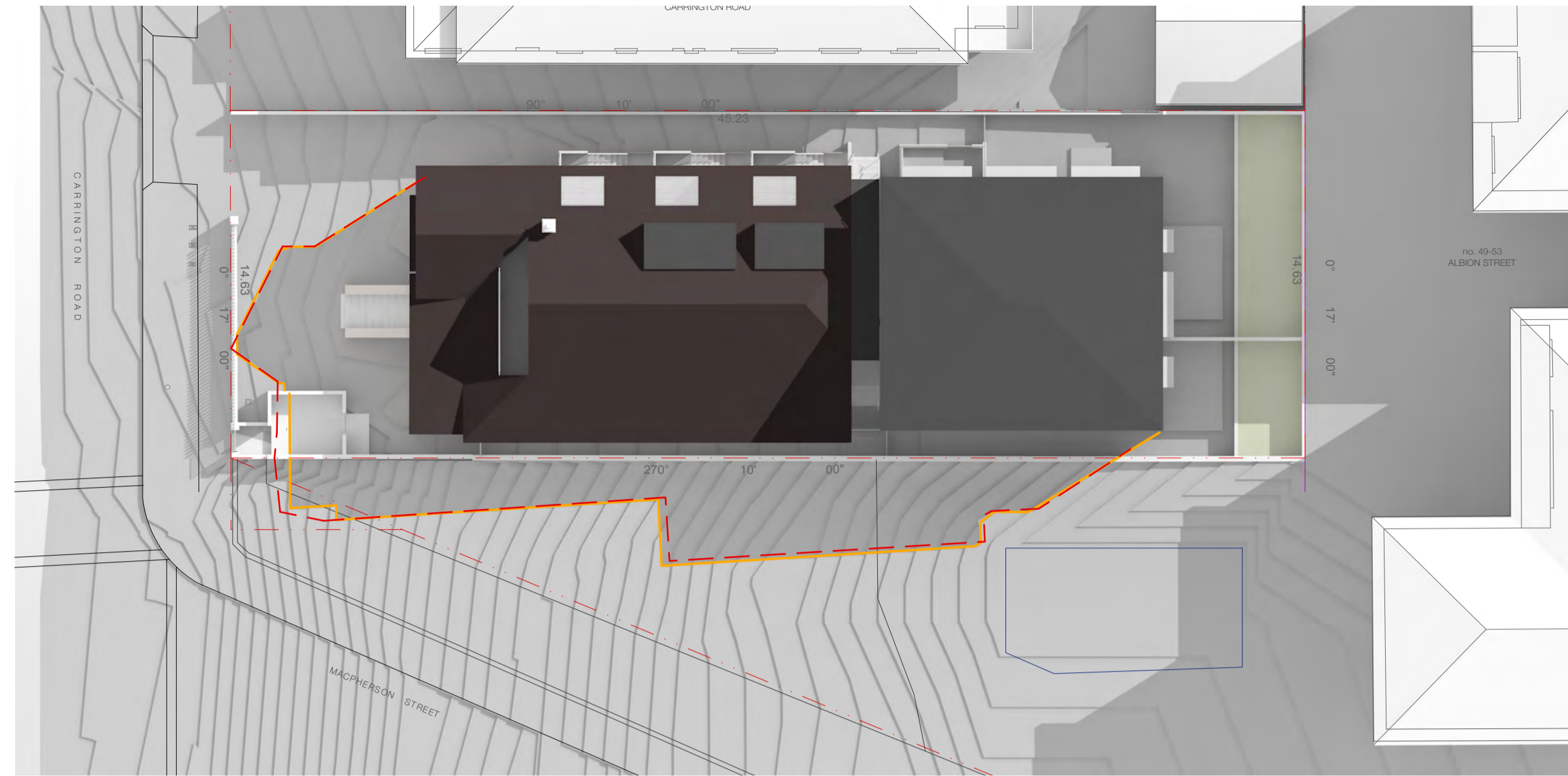
PROJECT
<b>Proposed Multi-Residential Housing Development</b> FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024

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<b>Solar Access - 21 June (Solstice)</b> DRAWN JK CHECKED PT DWG DATE Jun 2018 PLOT DATE 10/7/18 JOB NO 17.53 SCALE 1:200 @ A1 DRAWING NO DA 6.00 REV B

PACKAGE
<b>DEVELOPMENT APPLICATION</b>

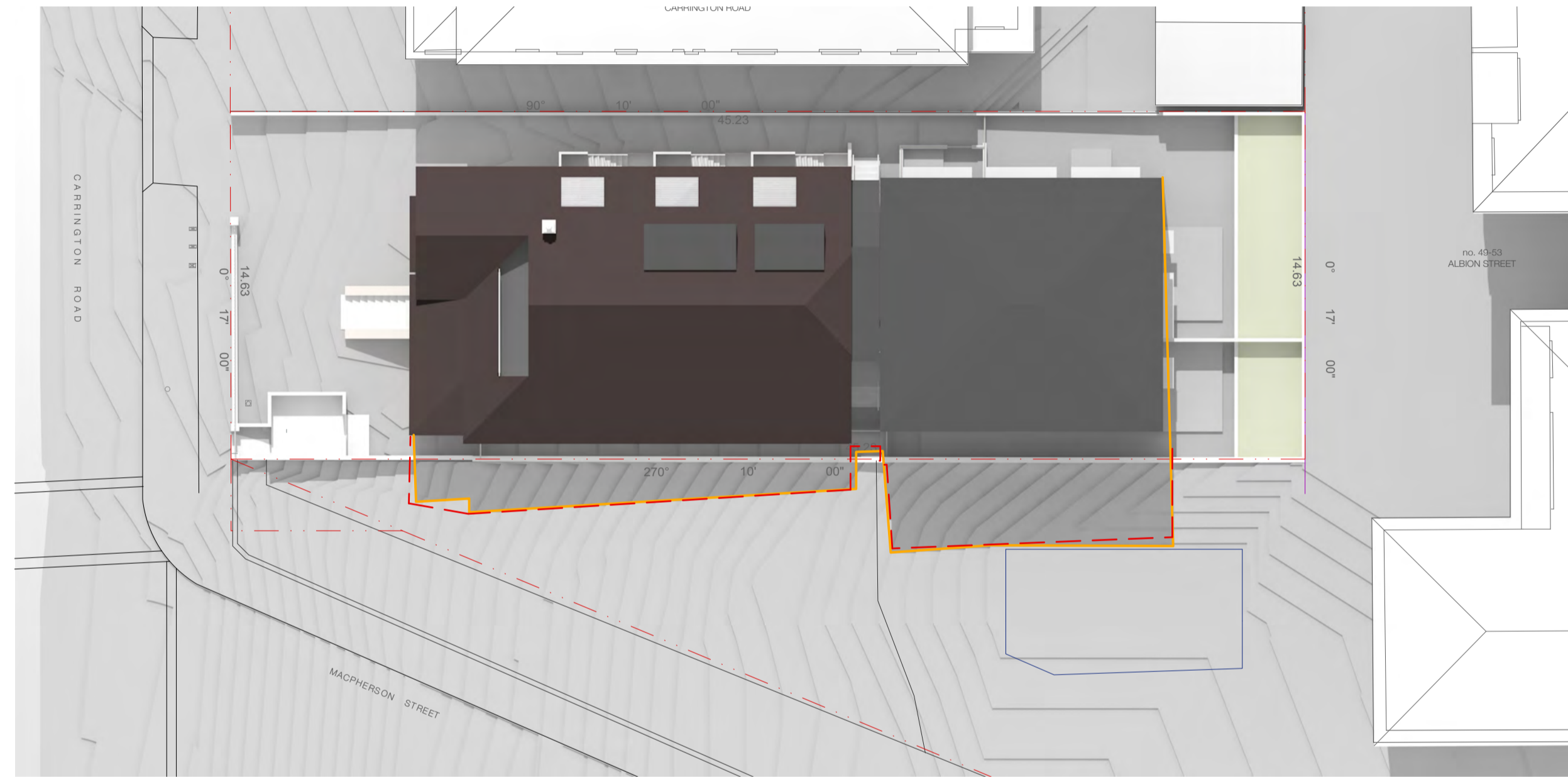


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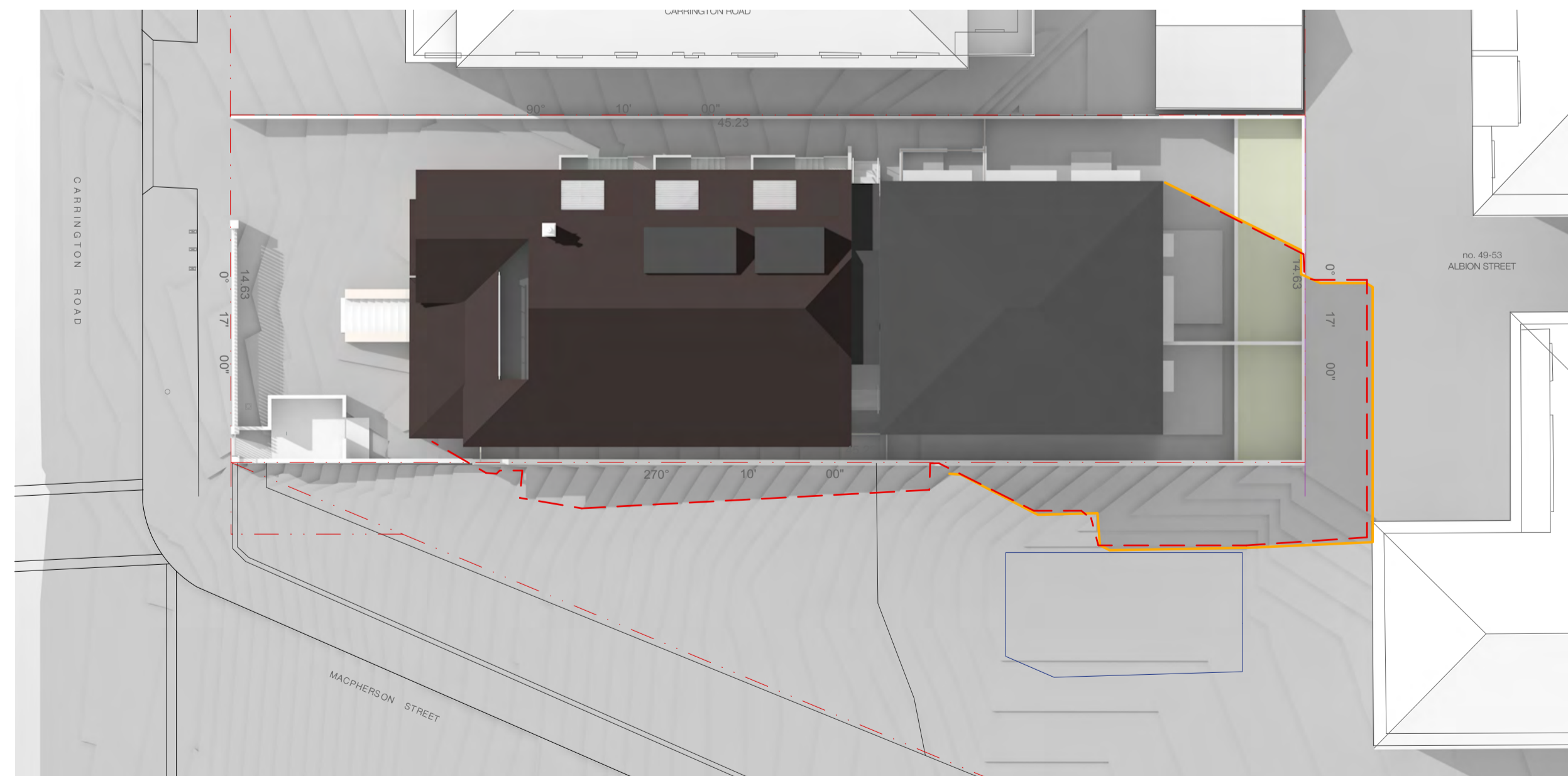
Solar Access  
Axonometric  
9 AM

12 PM



Solar Access  
Axonometric  
12 PM

3 PM



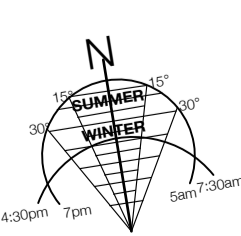
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Axonometric  
3 PM

Proposed DA

Approved DA

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GU - Gutter	SCR3 - Timber Shale Screen
HR - Handrail	SDH - Stainless Double Hung Windows
LB - Letterboxes	SLD - Aluminium Framed Sliding Door
LV - Glass Louvers	SK - Skylight
MF - Metal Fence	SST - Existing Sandstone Block
MG - Metal Gate	TD - Timber Decking
MR - Metal Roof Sheeting	TR - Translucent Roof Sheeting

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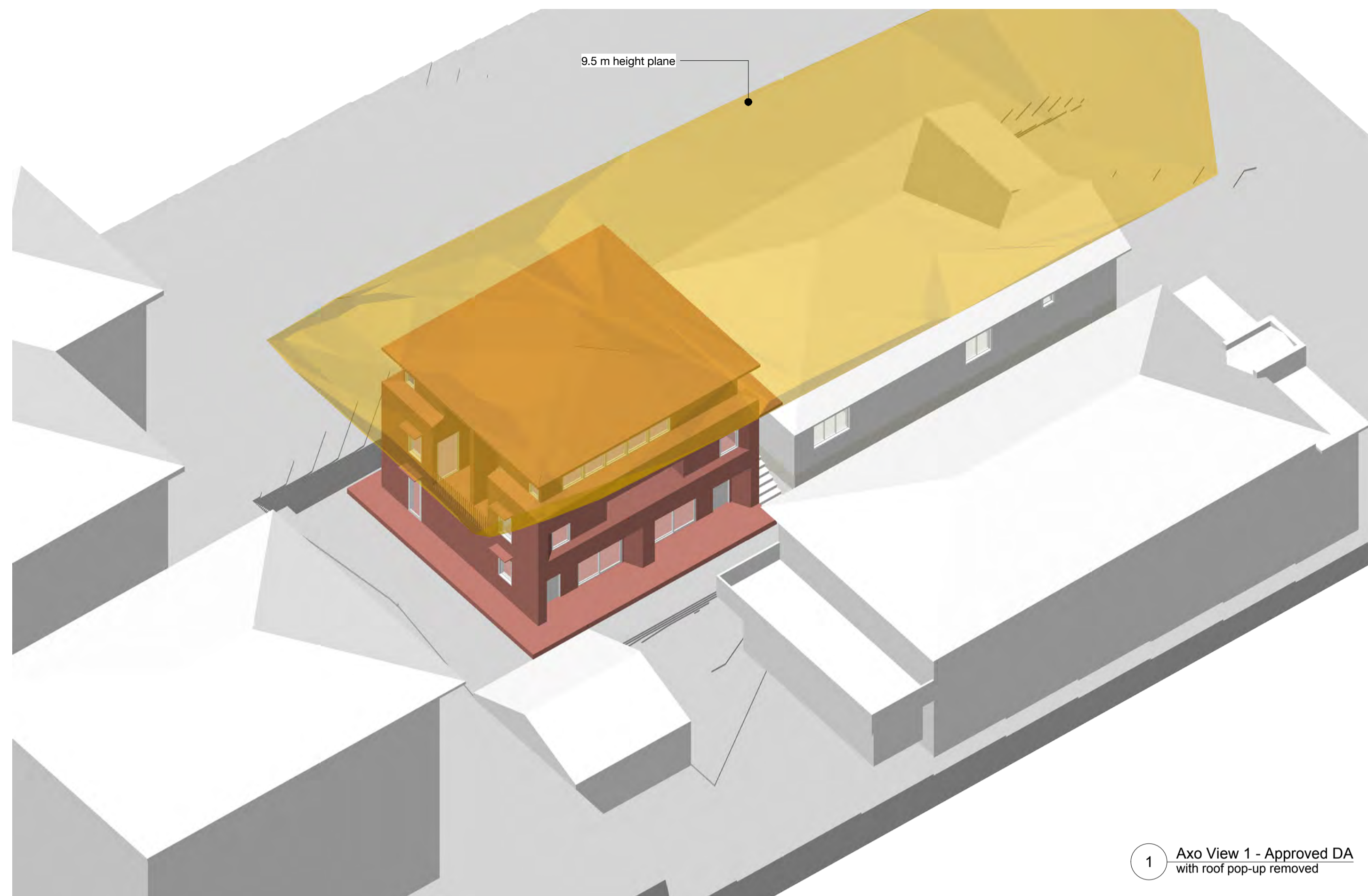
ARCHITECTS
<b>hill thalis</b> ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

PROJECT
<b>Proposed Multi-Residential Housing Development</b> FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024

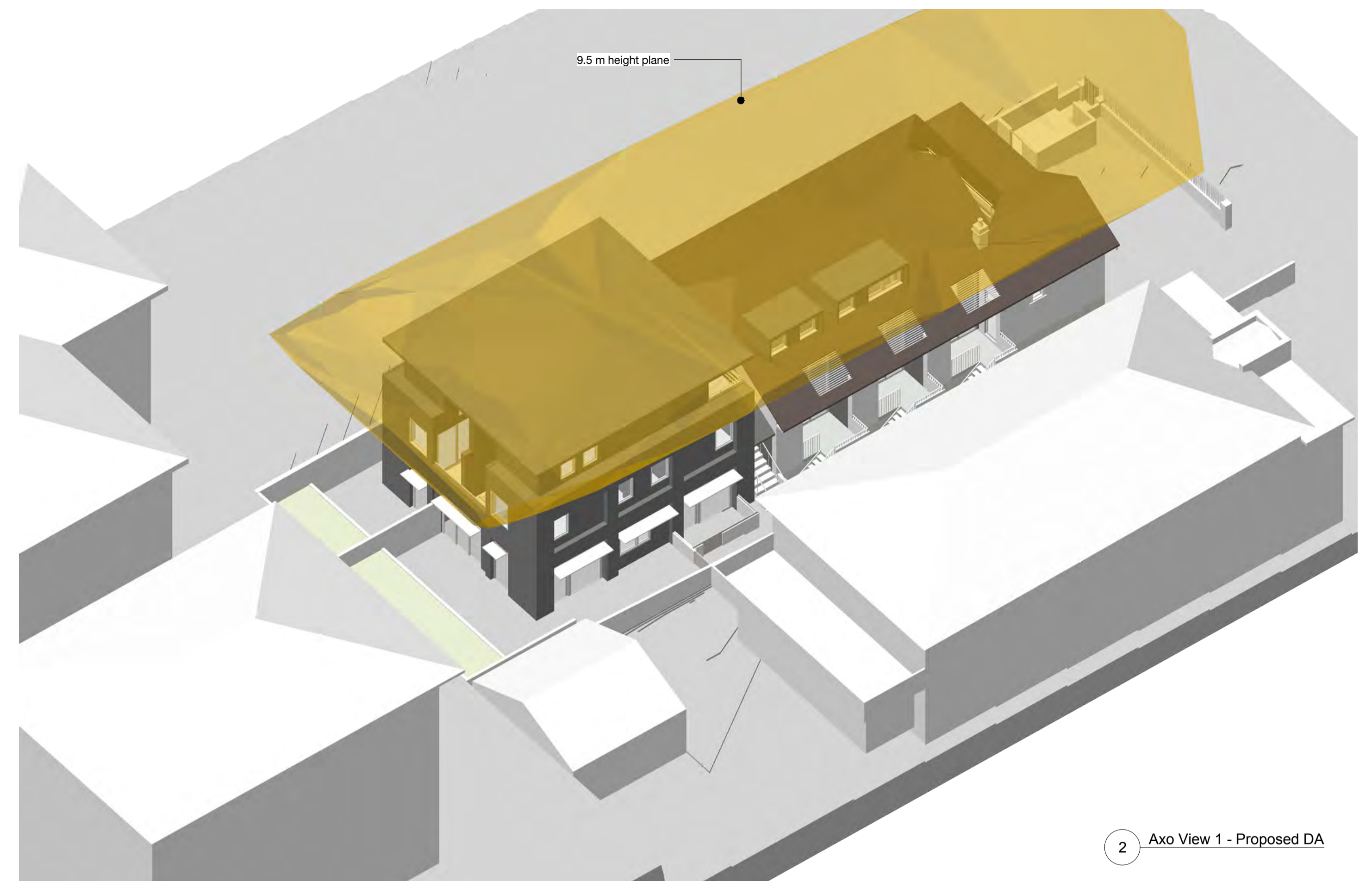
DRAWING
<b>Solar Access - 23 September (Equinox)</b> DRAWN JK CHECKED PT DWG DATE Jan 2018 PLOT DATE 10/7/18 JOB NO 17.53 SCALE 1:200 @ A1 DRAWING NO DA 6.01 REV B

PACKAGE
<b>DEVELOPMENT APPLICATION</b>

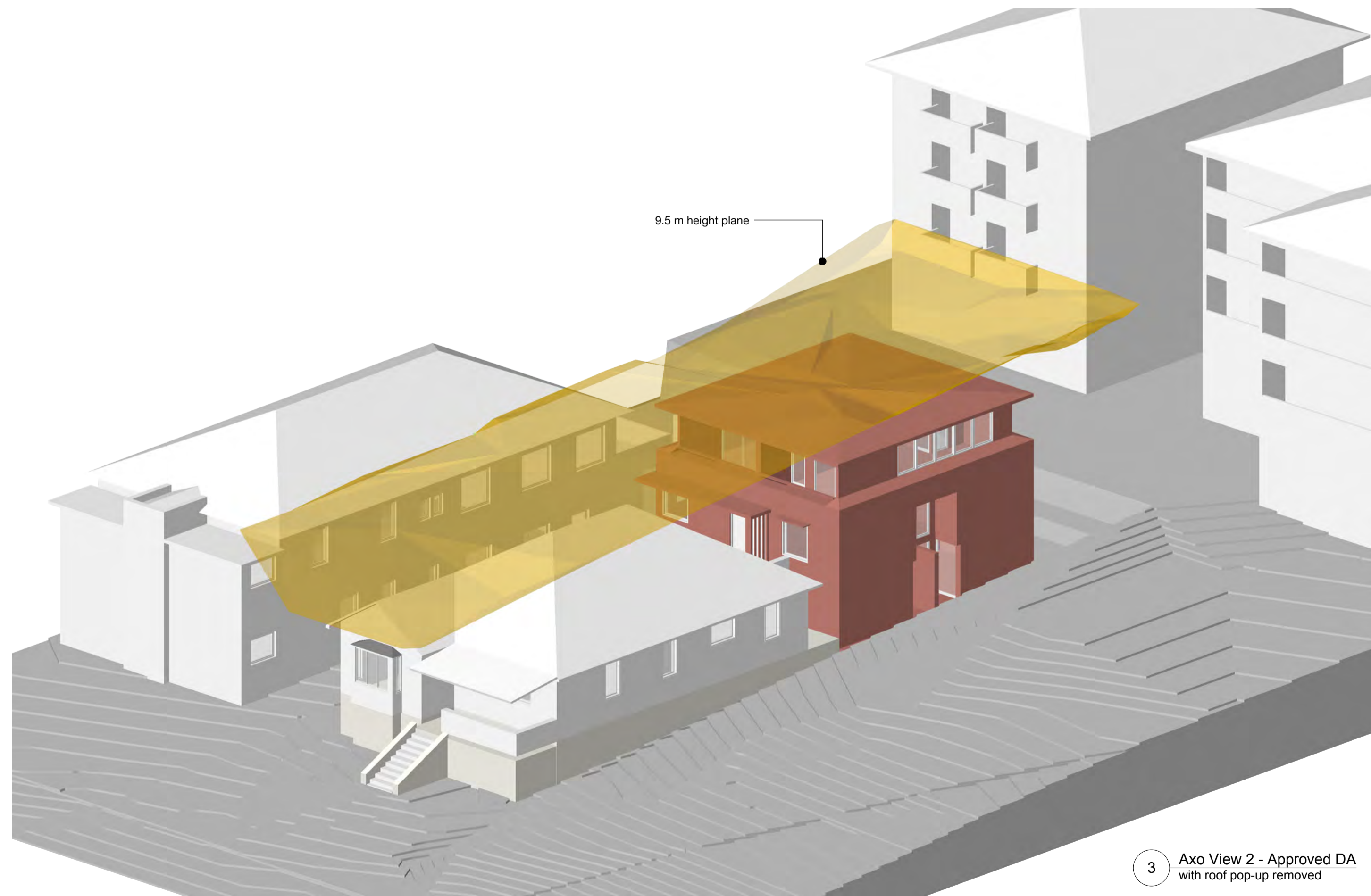




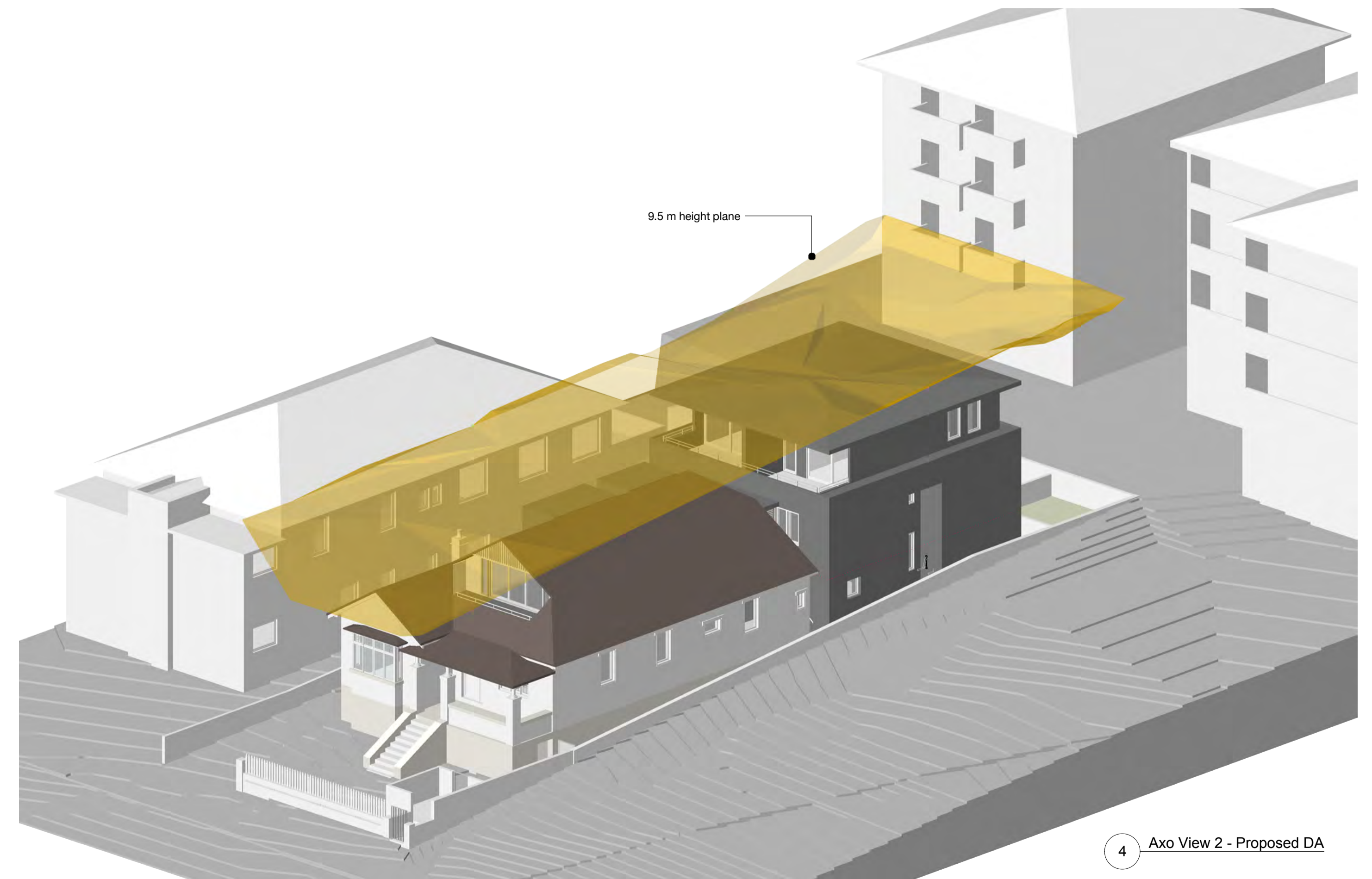
1 Axo View 1 - Approved DA with roof pop-up removed



2 Axo View 1 - Proposed DA



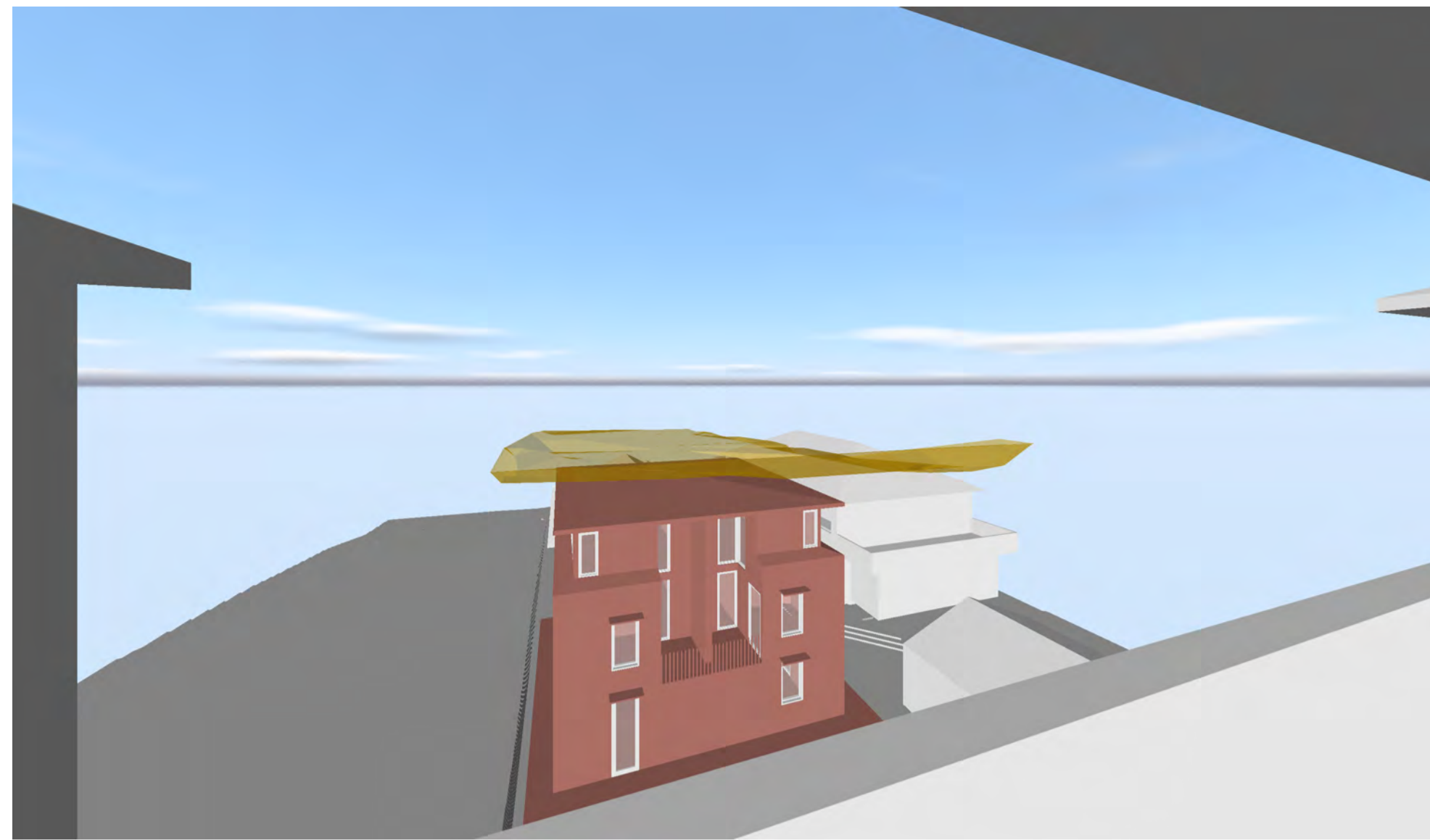
3 Axo View 2 - Approved DA with roof pop-up removed



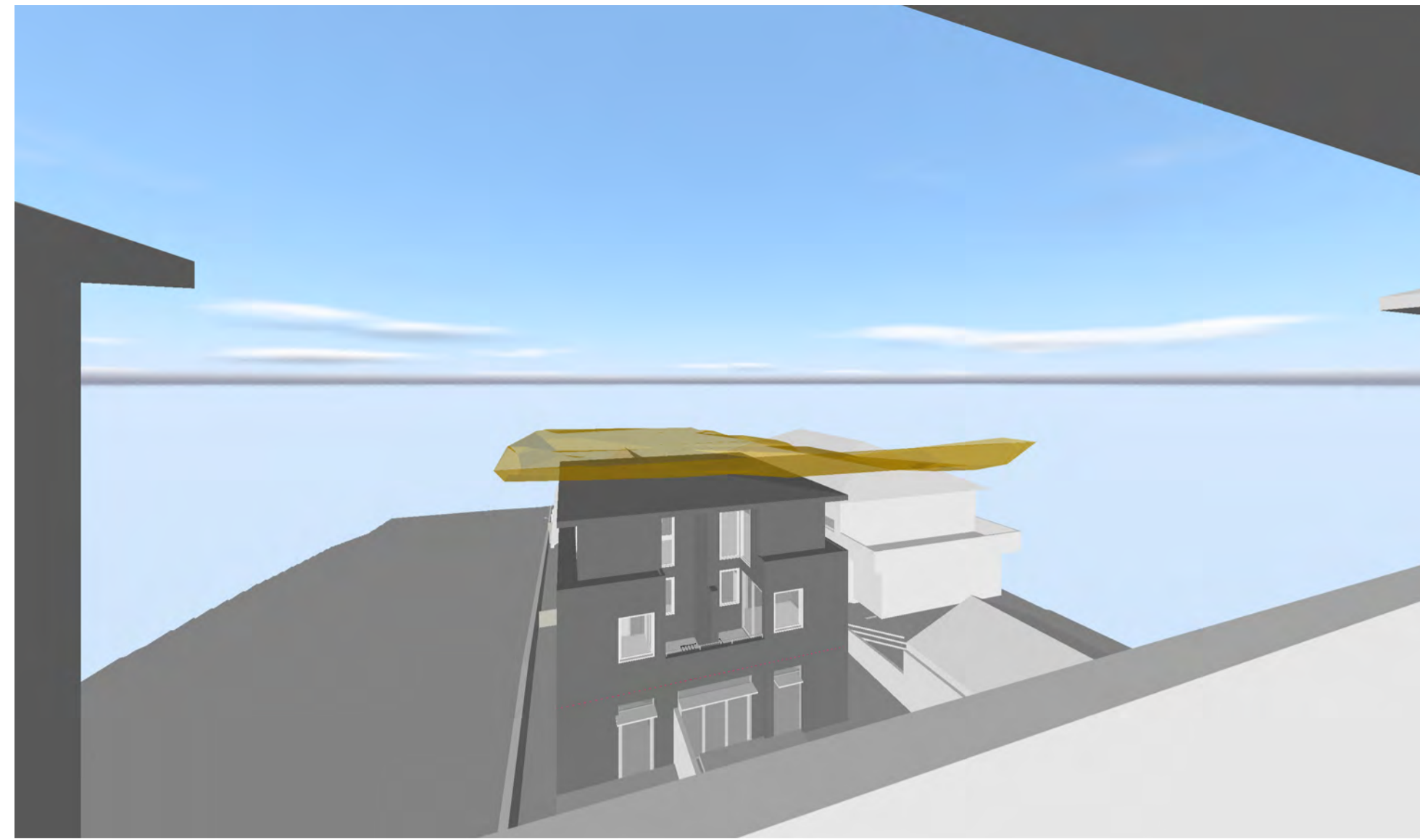
4 Axo View 2 - Proposed DA

<b>NOT FOR CONSTRUCTION</b>	REV DATE BY AMENDMENTS	<b>LEGEND</b> AFD - Aluminium Framed Door AHD - Powdercoated Hood AWN - Awning Window BAL1 - Metal Balustrade BAL2 - CFC with Metal HR BRK(E) - Existing Brick BRK(I) - Brick (Old Sydney Common) BRK(M) - Metallic Brick CFC - Compressed Fibre Cement Sheet (Expressed Fixed) CW - Existing Casement Window DH - Double Hung Window DP - Downpipe DR - Sprinkler Protected Opening FG - Fixed Glass Window FSH - Fire Shutter GU - Gutter HR - Handrail LB - Letterboxes LV - Glass Louvers MF - Metal Fence MG - Metal Gate MR - Metal Roof Sheeting O - Opaque Glass Window RC - Reinforced Concrete RTF - Terracotta 'Marseille' Roof Tiles SCR1 - Aluminium Privacy Screens SCR2 - Metal Louvre SCR3 - Timber Shade Screen SDH - Stainless Double Hung Windows SLD - Aluminium Framed Sliding Door SK - Skylight SST - Existing Sandstone Block TD - Timber Docking TR - Translucent Roof Sheeting	<b>HYDRAULIC</b> AJ Whiggin Consulting 2/101 Union Street McMahons Point NSW 2060 T (02) 9553 9444	<b>PLANNER</b> UK Planning T (02) 9576 6258	<b>NCCI/ACCESS</b> ECA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5360	<b>LANDSCAPE</b> Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1300 T (02) 9261 4305 F (02) 9003 9205	<b>ARCHITECTS</b> <b>hill thalis</b> ARCHITECTURE + URBAN PROJECTS PTY LTD LEVEL 5, 69-72 Wentworth Ave Surry Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9261 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285	<b>PROJECT</b> <b>Proposed Multi-Residential Housing Development</b> FOR AZUL NO1 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024	<b>DRAWING</b> <b>Massing Analysis - South West Axonometric</b>
	A 22/6/18 JK Issue for Co-ordination B 10/7/18 JK Issue for Submission to Council								

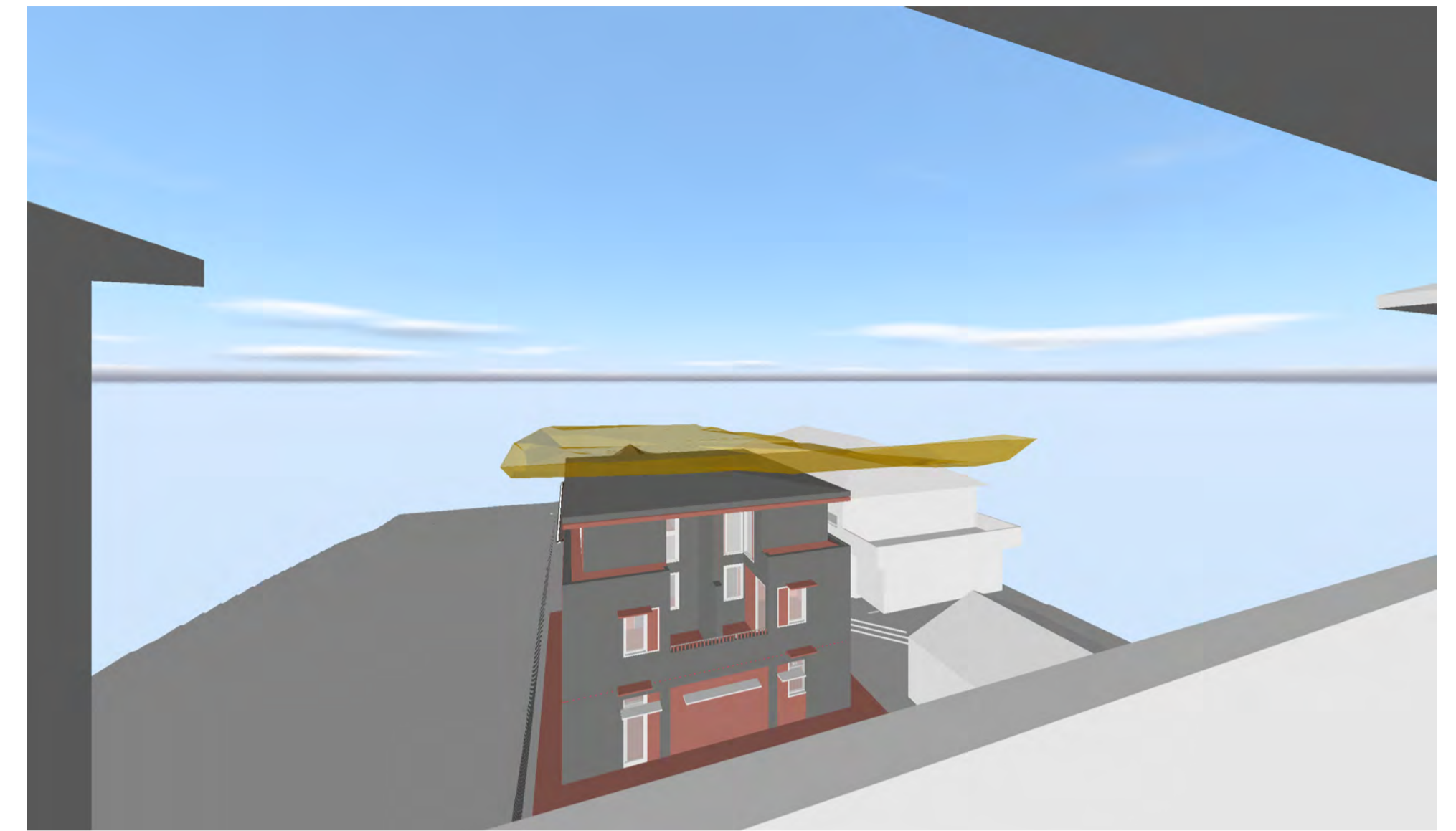




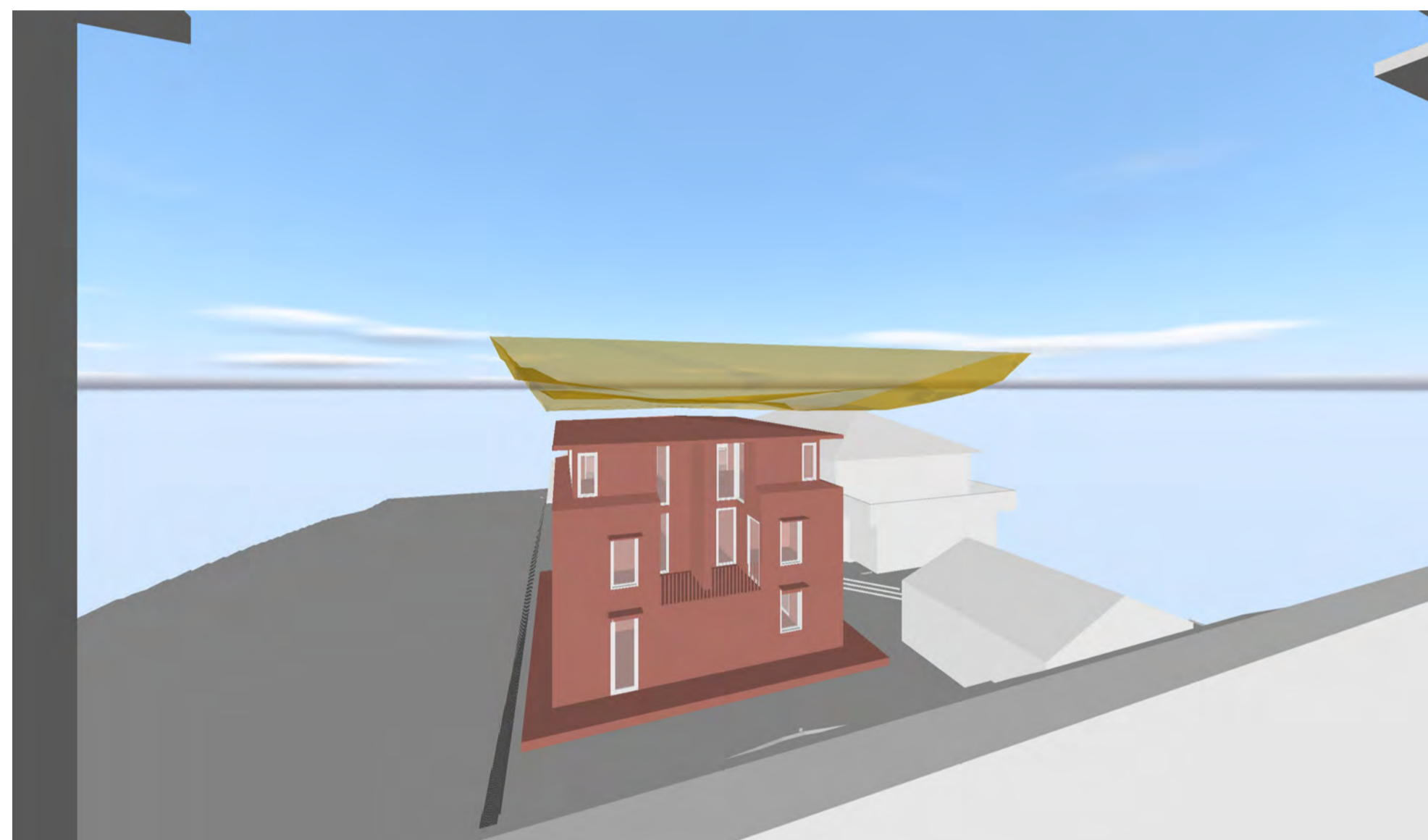
View from Top Floor - Approved DA



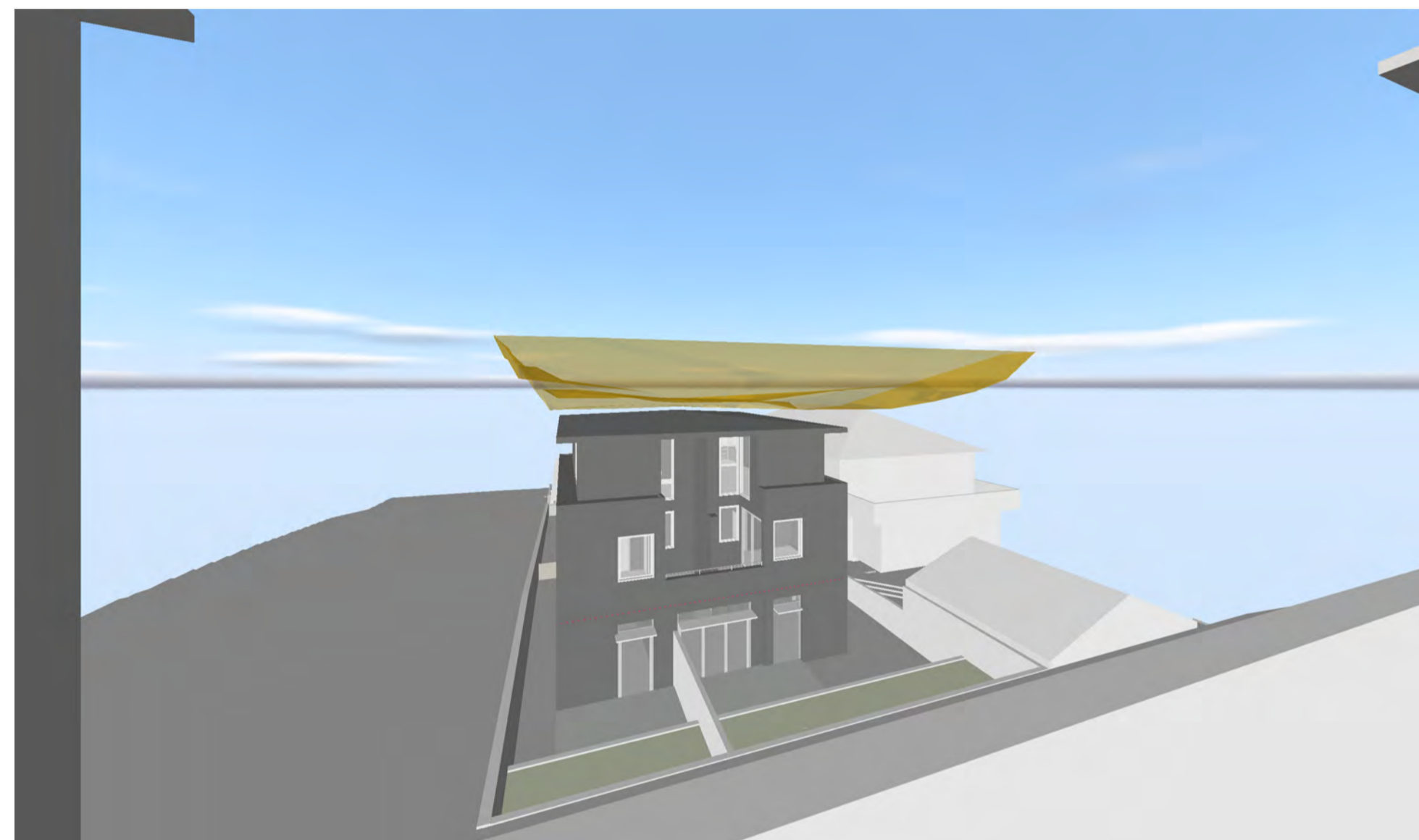
View from Top Floor - Proposed Envelope



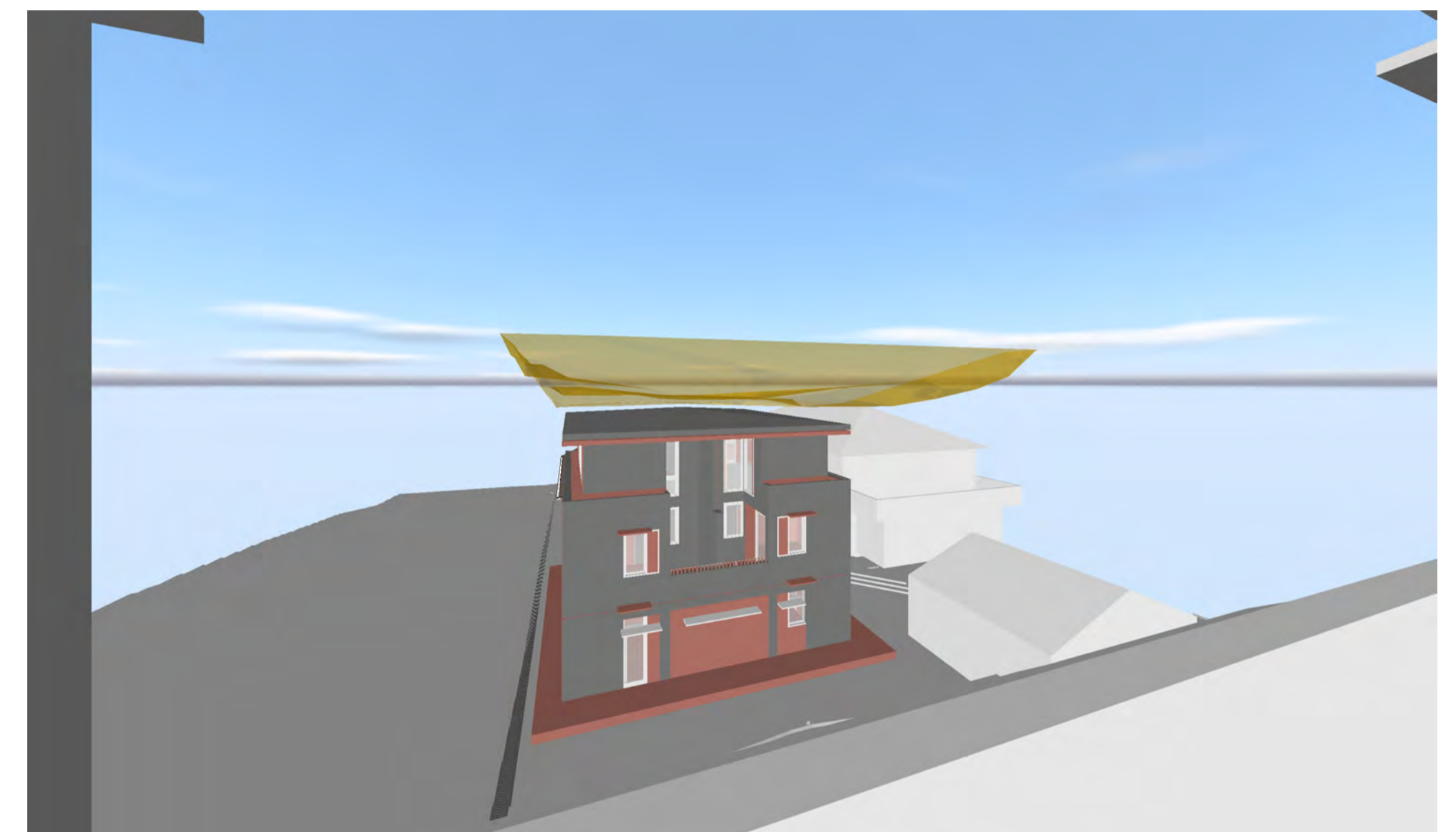
View from Top Floor - Proposed over Approved DA



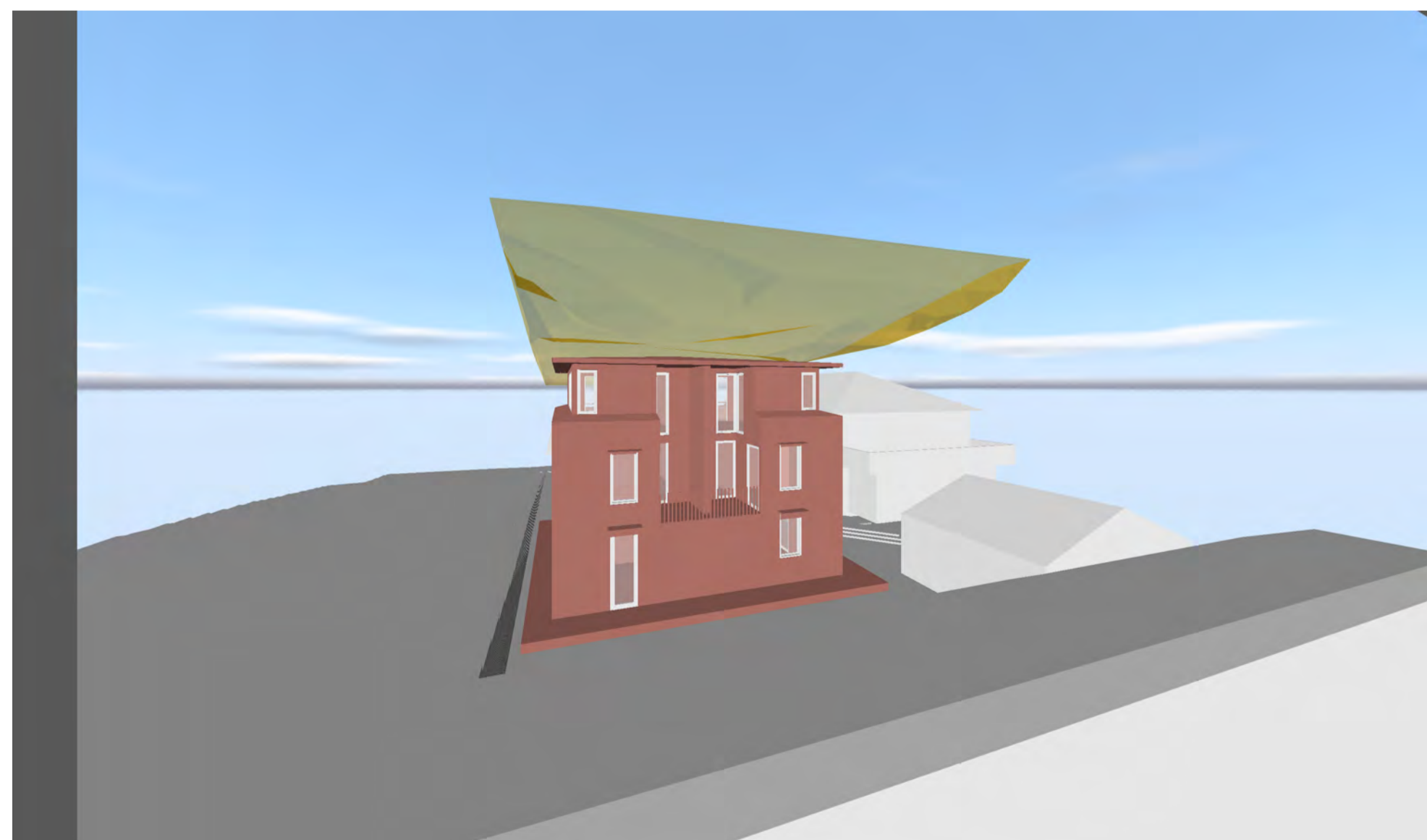
View from Middle Floor - Approved DA



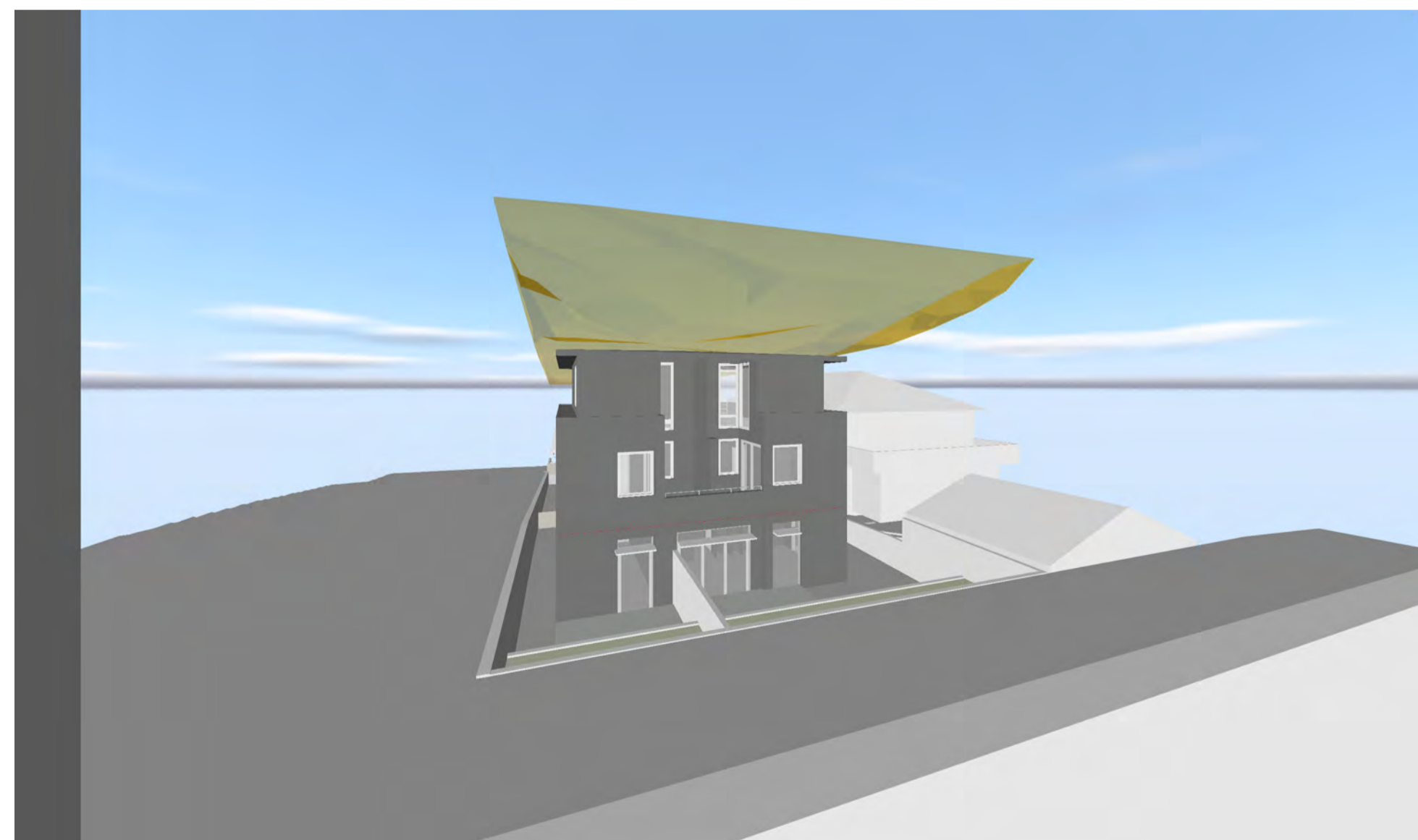
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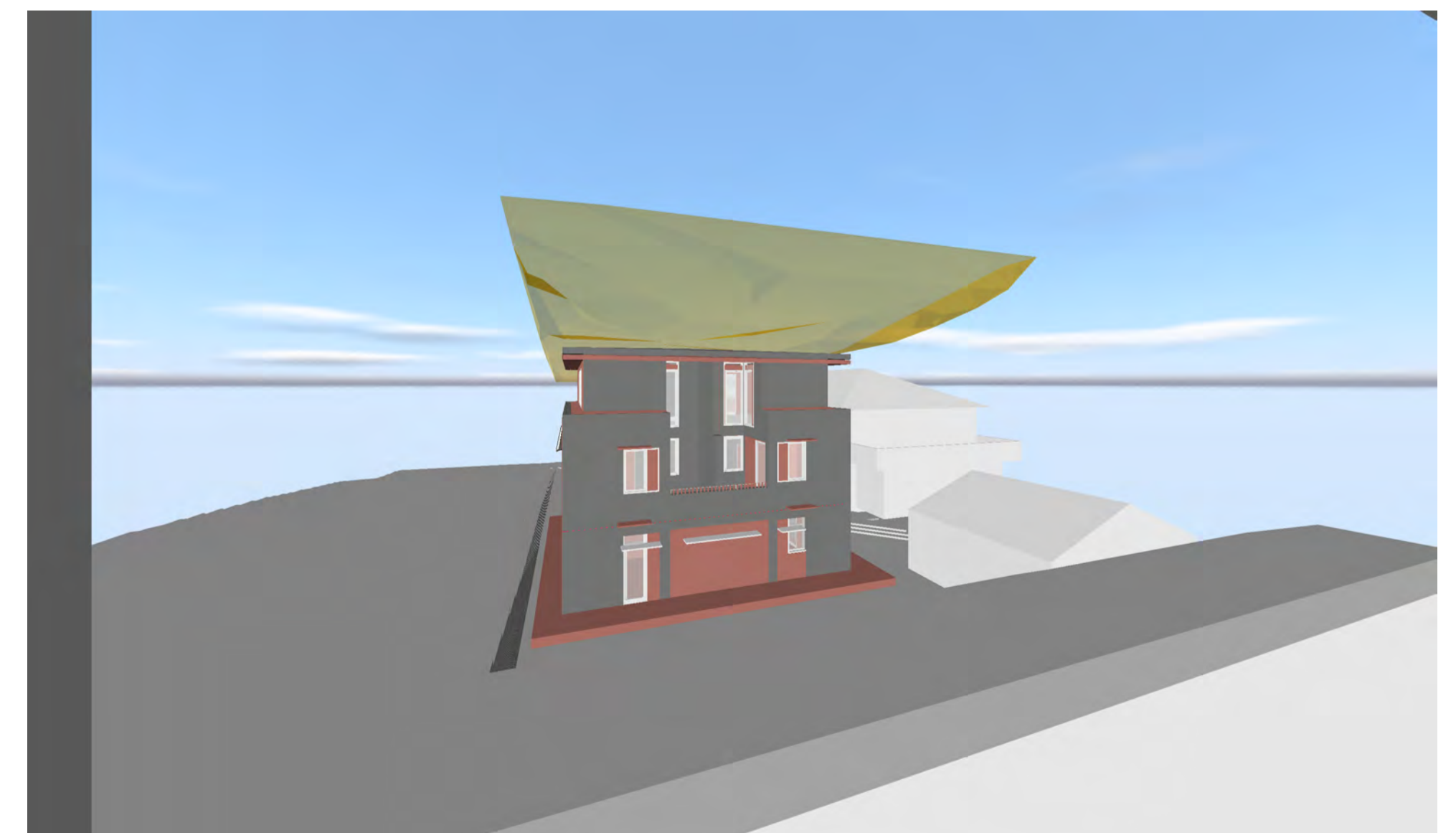
View from Middle Floor - Proposed over Approved DA



View from Lower Floor - Approved DA



View from Lower Floor - Proposed Envelope



View from Lower Floor - Proposed over Approved DA

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A	22/6/18	JK	Issue for Co-ordination
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PLANNER
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Sydney, NSW 2000
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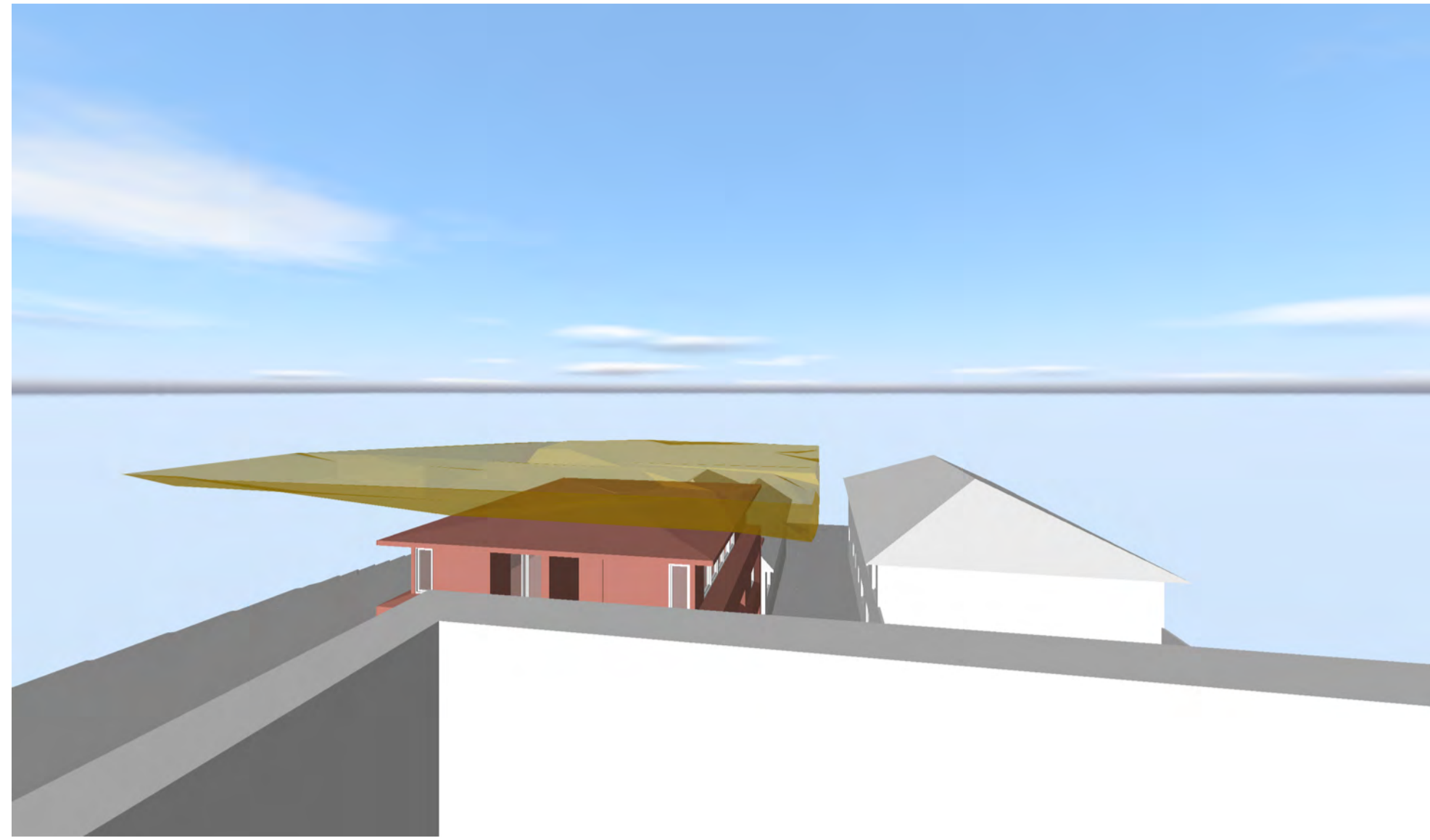
LANDSCAPE
Melissa Wilson Landscape Architects
PO Box 1320
Darlinghurst, NSW 1500
T (02) 9281 4305 F (02) 9003 9205

ARCHITECTS
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ARCHITECTURE + URBAN PROJECTS PTY LTD
LEVEL 5, 69-72 Wentworth Ave
Sunny Hills NSW 2010 Australia
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E info@hillthalis.com.au www.hillthalis.com.au
Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

PROJECT
<b>Proposed Multi-Residential Housing Development</b>
FOR AZUL NO1 PTY LTD
PROJECT ADDRESS
150 Carrington Road, Waverley NSW 2024
PACKAGE
<b>DEVELOPMENT APPLICATION</b>

DRAWING
<b>View Loss Analysis - 49-53 Albion St Bldg 1</b>
DRAWN
JK
CHECKED
PT
DWG DATE
Jan 2018
PLOT DATE
10/7/18
JOB NO
17.53
SCALE
NTS @ A1
DRAWING NO
<b>DA 6.03</b>
REV
<b>B</b>





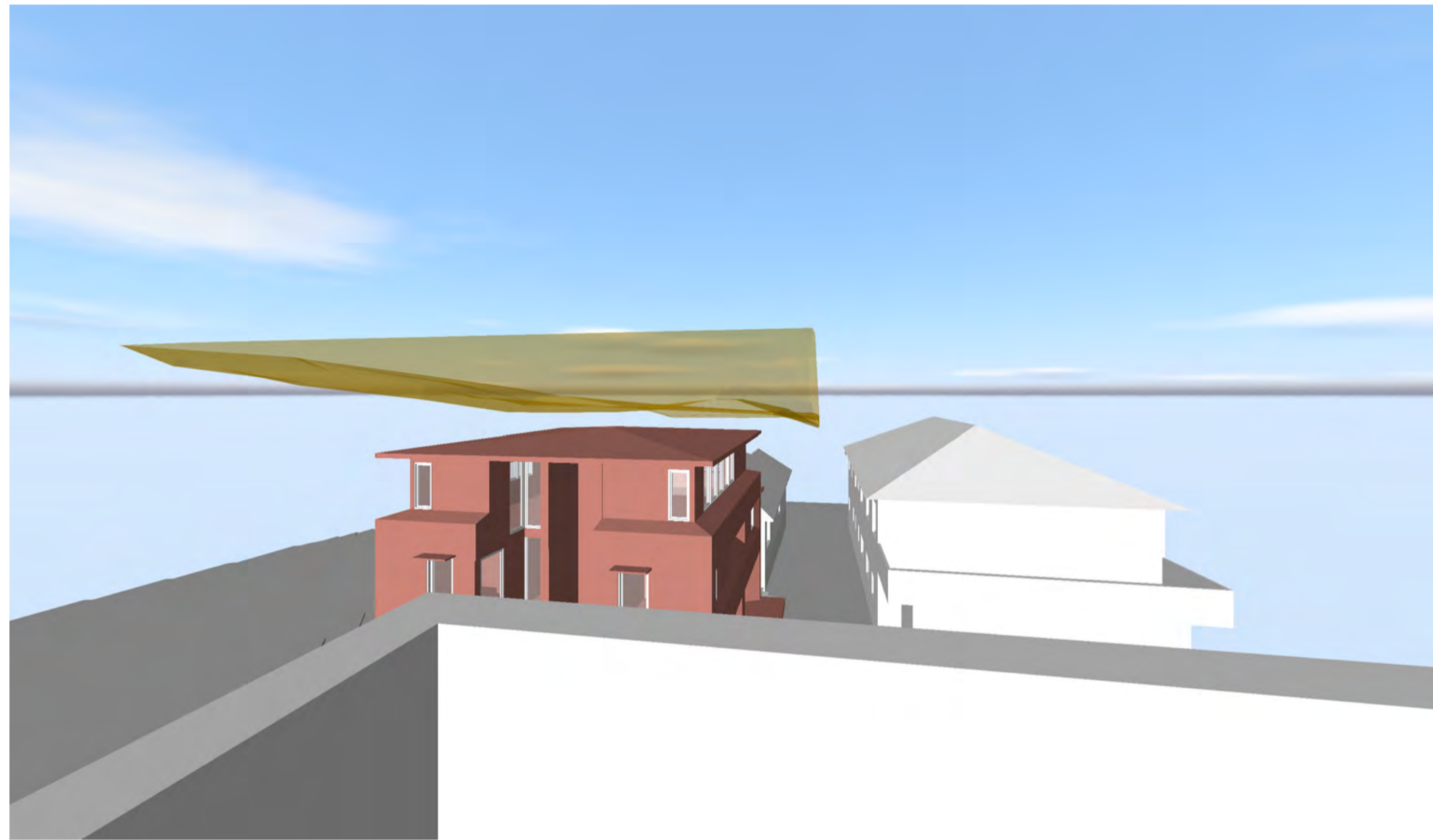
View from Top Floor - Approved DA



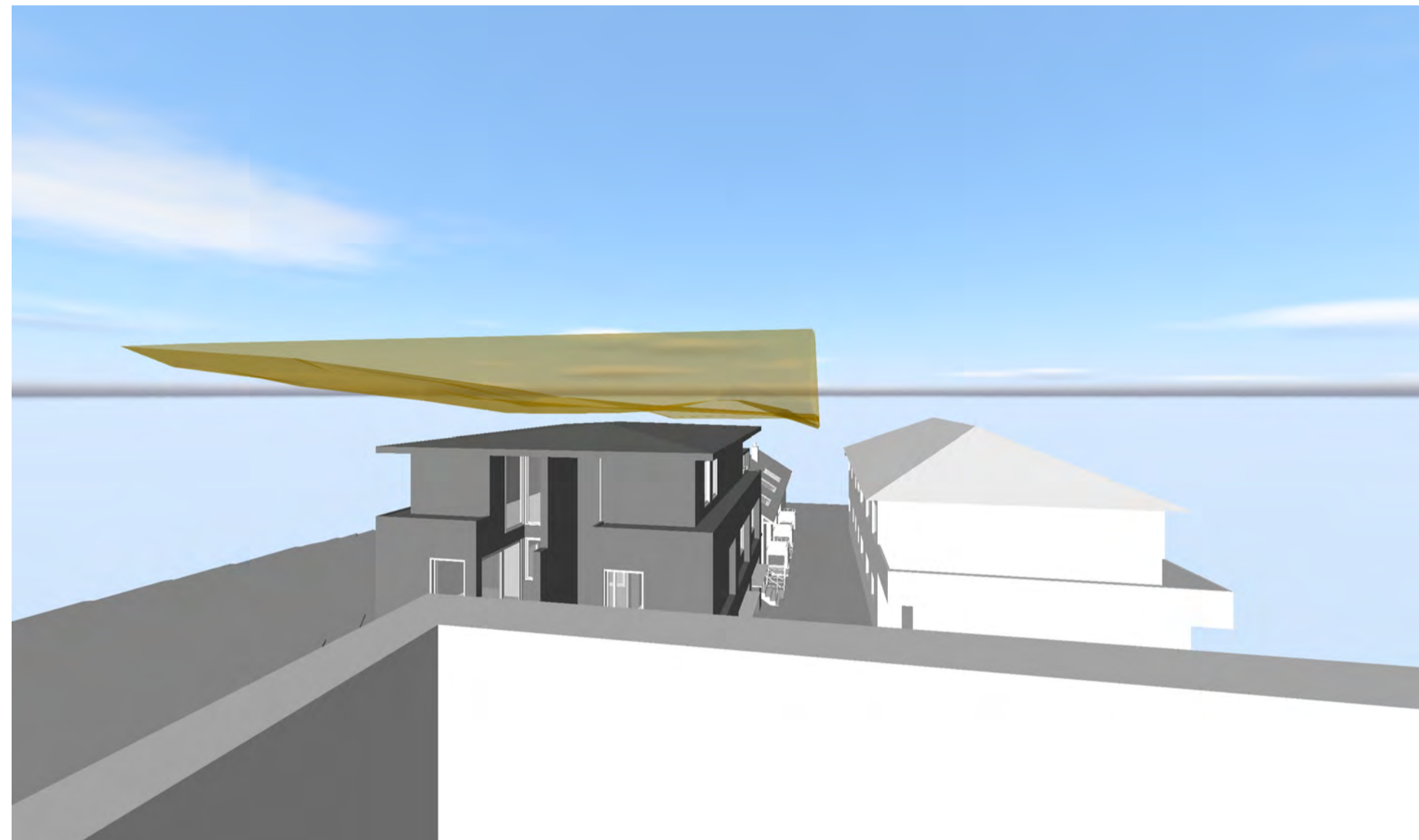
View from Top Floor - Proposed Envelope



View from Top Floor - Proposed over Approved DA



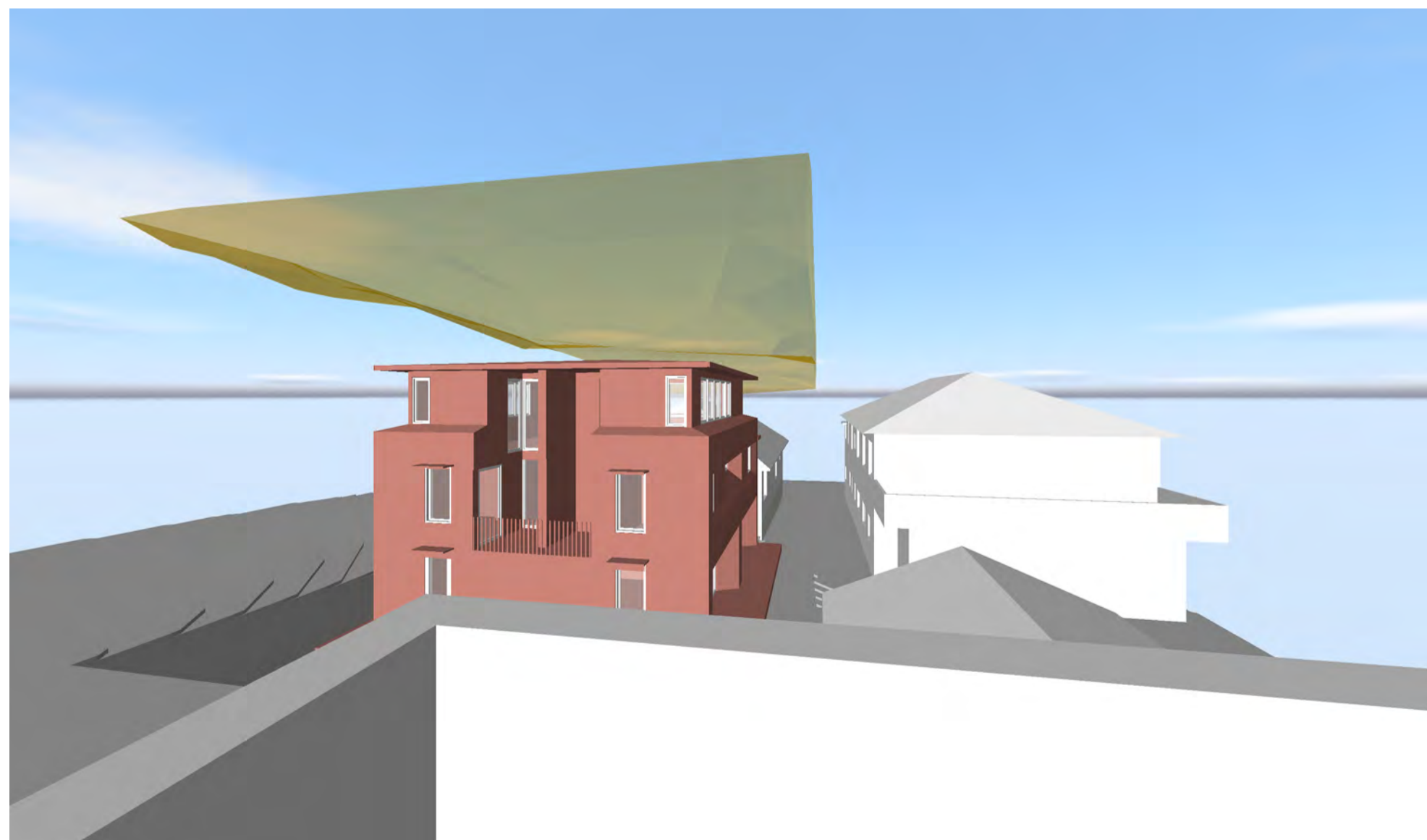
View from Middle Floor - Approved DA



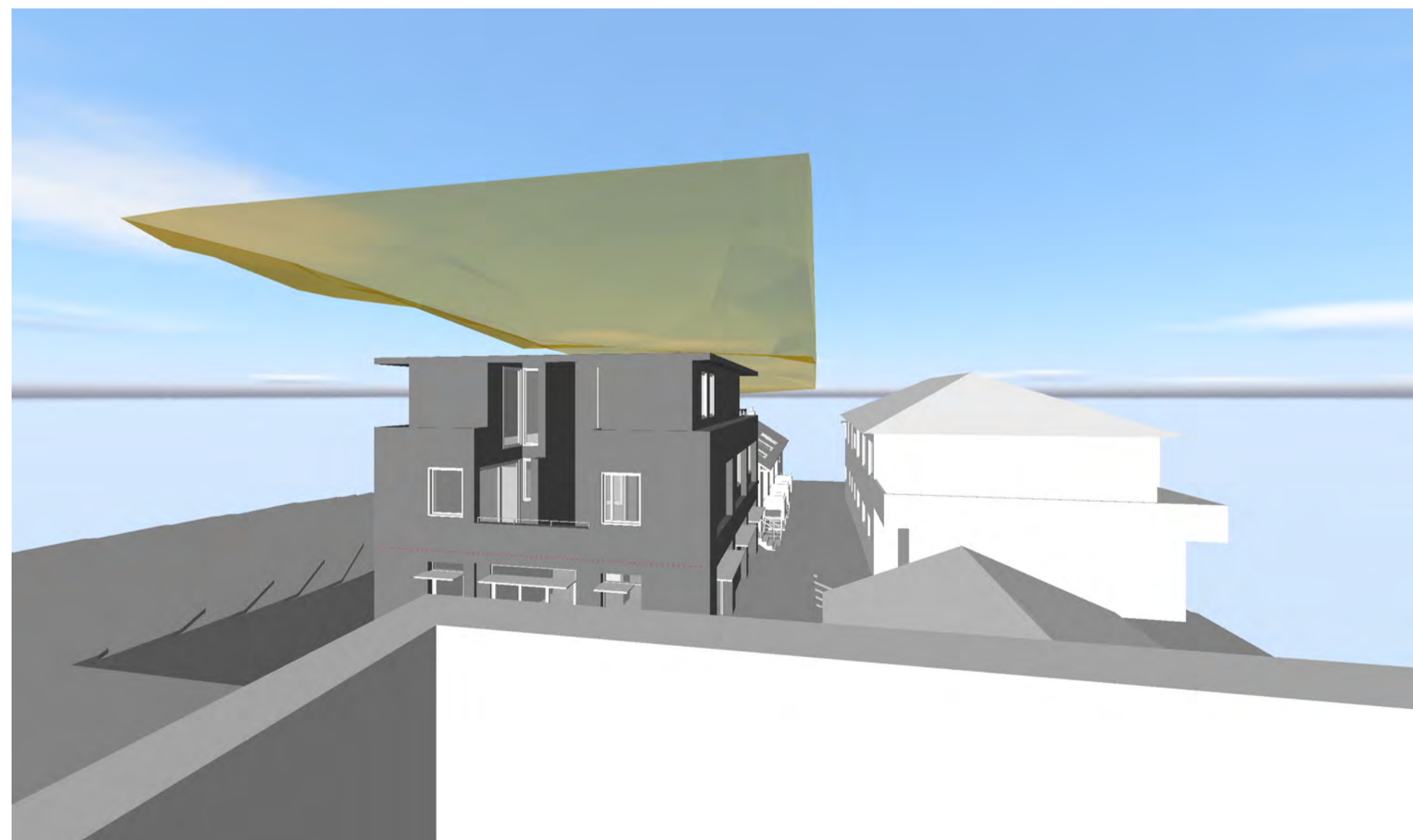
View from Middle Floor - Proposed Envelope



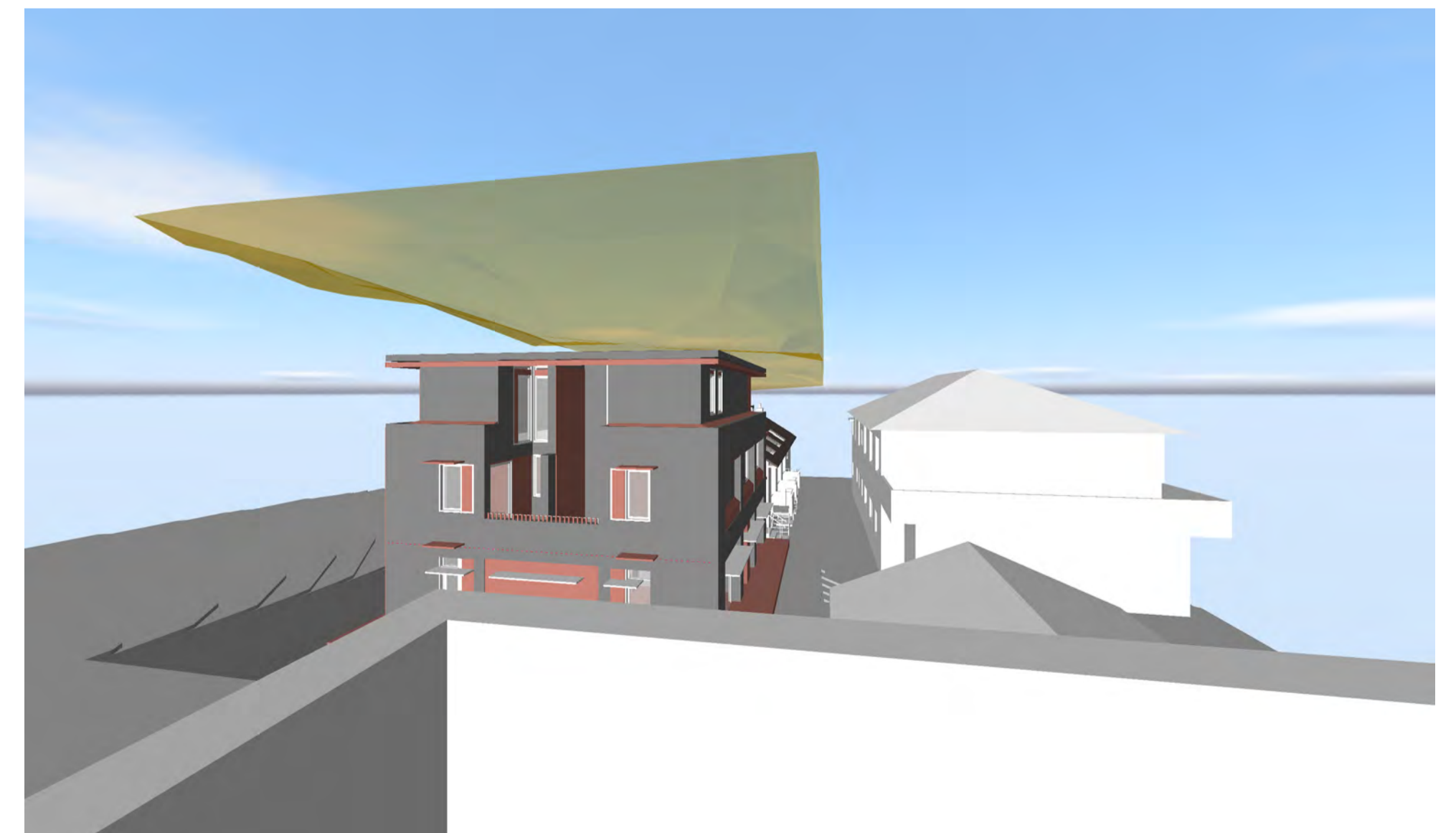
View from Middle Floor - Proposed over Approved DA



View from Lower Floor - Approved DA



View from Lower Floor - Proposed Envelope



View from Lower Floor - Proposed over Approved DA

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- Comply with the Building Code of Australia  
- Comply with all relevant Australian Standards  
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REV	DATE	BY	AMENDMENTS
A	22/6/18	JK	Issue for Co-ordination
B	10/7/18	JK	Issue for Submission to Council

LEGEND
AFD - Aluminium Framed Door
AHD - Powdercoated Hood
AWN - Awning Window
BAL1 - Metal Balustrade
BAL2 - CFC with Metal HR
BRK(E) - Existing Brick
BRK(I) - Brick (Old Sydney Common)
BRK(M) - Metallic Brick
CFC - Compressed Fibre Cement Sheet (Expressed Fixed)
CW - Existing Casement Window

DH - Double Hung Window
DP - Downpipe
DR - Sprinkler Protected Opening
FG - Fixed Glass Window
FSH - Fire Shutter
GU - Gutter
HR - Handrail
LB - Letterboxes
LV - Glass Louvers
MF - Metal Fence
MG - Metal Gate
MR - Metal Roof Sheeting

O - Opaque Glass Window
RC - Reinforced Concrete
RTF - Terracotta 'Marseille' Roof Tiles
SCR1 - Aluminium Privacy Screens
SCR2 - Metal Louvre
SCR3 - Timber Shale Screen
SDH - Seamless Double Hung Windows
SLD - Aluminium Framed Sliding Door
SK - Skylight
SST - Existing Sandstone Block
TD - Timber Decking
TR - Translucent Roof Sheeting

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PLANNER
UK Planning
T (02) 9576 6258

NCCI/ACCESS
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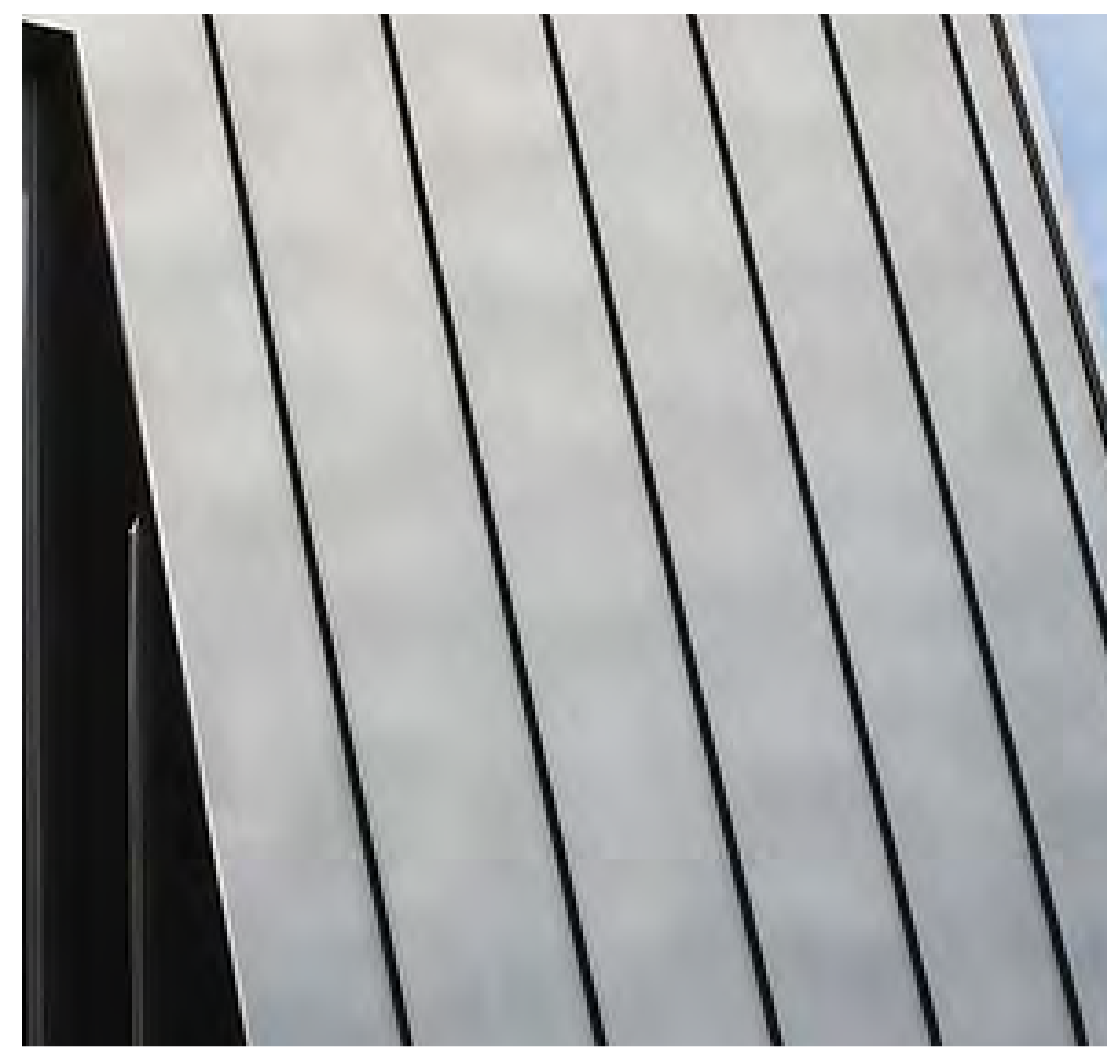
LANDSCAPE
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ARCHITECTS
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E info@hillthalis.com.au www.hillthalis.com.au
Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

PROJECT
<b>Proposed Multi-Residential Housing Development</b>
FOR AZUL NO1 PTY LTD
PROJECT ADDRESS
150 Carrington Road, Waverley NSW 2024
PACKAGE
<b>DEVELOPMENT APPLICATION</b>

DRAWING
<b>View Loss Analysis - 49-53 Albion St Bldg 2</b>
DRAWN
JK
CHECKED
PT
DWG DATE
Jan 2018
PLOT DATE
10/7/18
JOB NO
17.53
SCALE
NTS @ A1
DRAWING NO
<b>DA 6.04</b>
REV
<b>B</b>





**MR** - Metal roof sheeting, Lysaght 'Longline 305', finish Colorbond 'Manor Red'  
**DP** - Downpipes to match existing copper downpipes



**CFC** - Equitone CFC sheet with exposed fixings



**BRK1** - D\Dry Pressed Old Sydney Common Brick to match existing brick



**AHD** - 450mm White Powdercoated aluminium hood



**RTF** - Marseille Terracotta Roof Tile - Colour Monier 'Tanbark' or similar



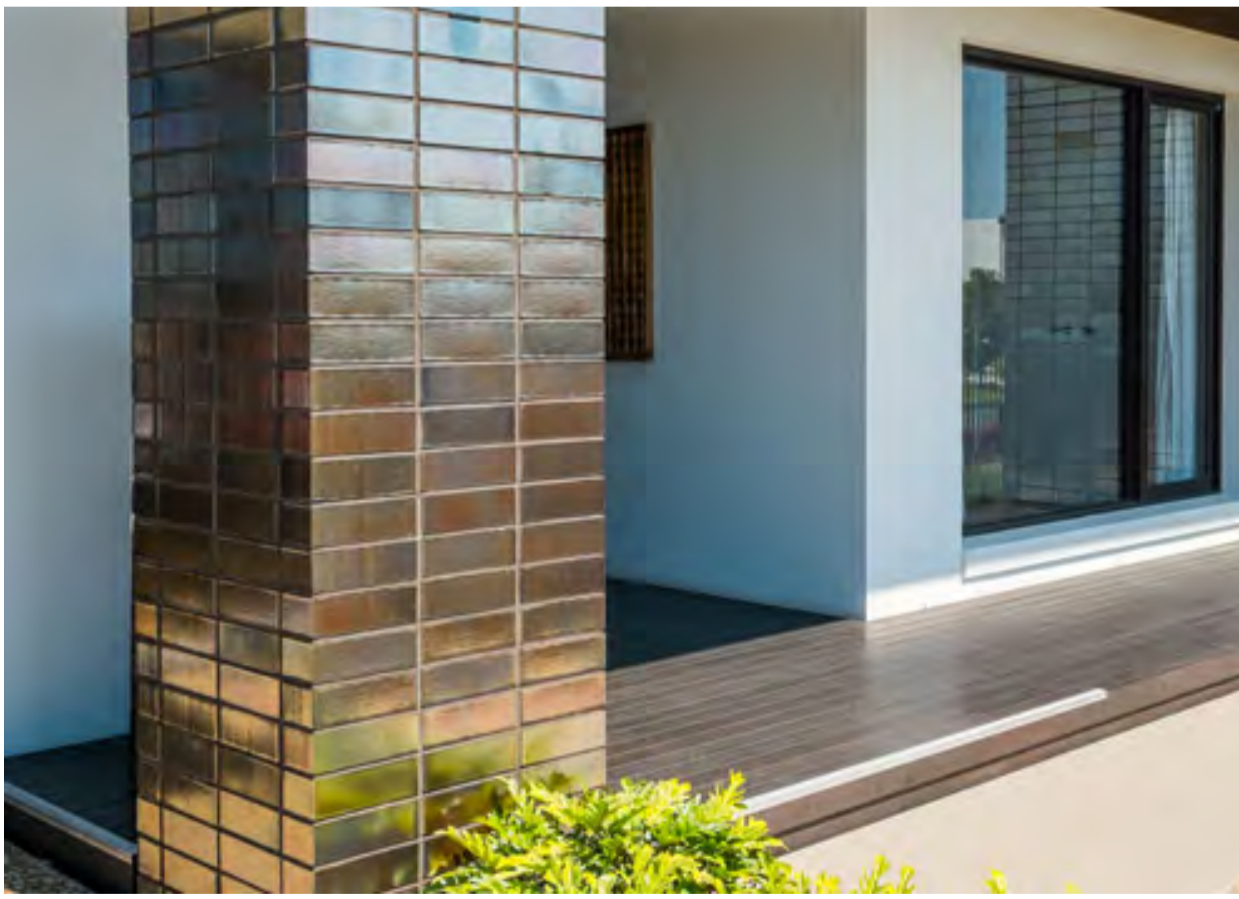
**SCR 1** - Metal screen



**AFW/ AFD** - Aluminium framed windows / doors  
 \* upper levels in **MR** dormer to be powdercoated to match **MR**  
 \*\* windows within brickwork to be white powdercoated



**BAL 1** - Metal Balustrade, Angled Stanchions



**BRK2** - PGH Urban Metal Collection - silver spark

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 - Do not scale.  
 - Comply with relevant Authorities' requirements  
 - Comply with the Building Code of Australia  
 - Comply with all relevant Australian Standards  
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REV	DATE	BY	AMENDMENTS
A	22/6/18	JK	Issue for Co-ordination
B	10/7/18	JK	Issue for Submission to Council

LEGEND	HYDRAULIC	PLANNER	NCCI/ACCESS	LANDSCAPE	ARCHITECTS
AHD - Aluminium Framed Door AWN - Awning Window BAL 1 - Metal Balustrade BAL 2 - CFC with Metal HR BRK(E) - Existing Brick BRK(1) - Brick (Old Sydney Common) BRK(2) - Metallic Brick CFC - Compressed Fibre Cement Sheet CW - Existing Casement Window	DP - Downpipe DR - Sprinkler Protected Opening FG - Fixed Glass Window GU - Gutter HR - Handrail LB - Letterboxes LV - Glass Louvers MF - Metal Fence MG - Metal Gate MR - Metal Roof Sheetting	AJ Whiggin Consulting 2/101 Urson Street McMahons Point NSW 2060 T (02) 9663 9444	BCA Logic Suite 1, Level 6/210 Clarence Street Sydney, NSW 2000 T (02) 9411 5260	Melissa Wilson Landscape Architects PO Box 1320 Darlinghurst, NSW 1500 T (02) 9281 4305 F (02) 9003 9205	LEVEL 5, 69-72 Wentworth Ave Sunny Hills NSW 2010 Australia T (02) 9211 6270 F (02) 9281 3171 E info@hillthalis.com.au www.hillthalis.com.au Nominated Architects: Philip Thalis #6780 Sarah Hill #5285

HERITAGE	BASIX	TRAFFIC	SURVEYOR
Urbis Level 23, Darling Park Tower 2 201 Sussex Street, Sydney NSW 2000 T (02) 8233 9000	Danien O'Toole Town Planning Pty Ltd Shuko 9, Level 5, 35 Buckingham Street Sunny Hills, NSW 2010 T (02) 9690 0464 F (02) 9690 0463	Starbury Traffic Planning 10 Tomsett Road Glebe, NSW 2037 T (02) 9560 6384	Project Surveyors Suite 405, Level 4, 14 Lexington Drive Bella Vista, NSW 2153 T (02) 9056 1900

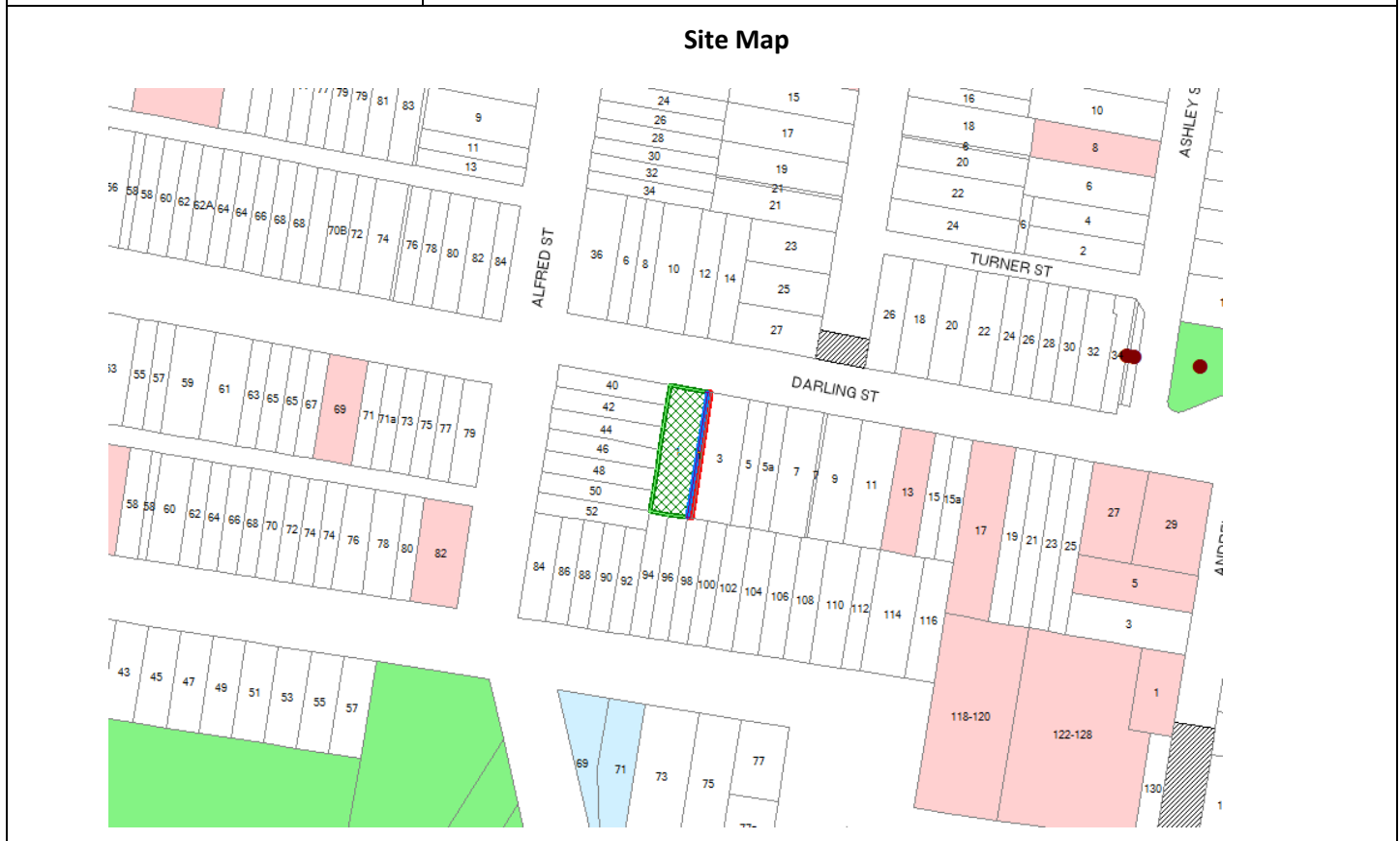
PROJECT	DRAWING
<b>Proposed Multi-Residential Housing Development</b>	<b>Material Selection</b>
FOR AZUL N01 PTY LTD PROJECT ADDRESS 150 Carrington Road, Waverley NSW 2024	DRAWN JK CHECKED PT DWG DATE Jan 2018 PLOT DATE 10/7/18 JOB NO 17.53
PACKAGE DEVELOPMENT APPLICATION	SCALE 1:25 @ A1 DRAWING NO DA 7.00 REV B





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-434/2018
<b>Site address</b>	1 Darling Street, BRONTE
<b>Proposal</b>	Alterations and additions to dwelling including rear balcony extension
<b>Date of lodgement</b>	22 November 2018
<b>Owner</b>	Mr M Cawley & Ms I Anderson
<b>Applicant</b>	Mr M Cawley
<b>Submissions</b>	One (1)
<b>Cost of works</b>	\$100,000
<b>Issues</b>	FSR non-compliance, Building Height non-compliance
<b>Recommendation</b>	That the application be <b>APPROVED</b>



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 18 February 2019.

The site is identified as Lot 34 in DP 1231 and Lot A in DP 321928, known as 1 Darling Street, BRONTE. The site is rectangular in shape with a northern (front) boundary measuring 13.105m, eastern (side) boundary measuring 40.235m and southern (rear) boundary measuring 13.105m and western (side) boundary measuring 40.235m. The site has an area of 527.51m<sup>2</sup> and falls from Darling Street towards the rear by approximately 2.8m.

The site is occupied by a part-two part-three storey dwelling with vehicular access provided from Darling Street to a double garage located at the front of the site. The site is located within a habitat corridor.

The subject site is adjoined by a single dwelling house and a semi-detached dwelling on either side. The locality is characterised by a variety of residential developments including semi-detached dwellings and single dwelling homes.



**Figure 1:** Site viewed from Darling Street.





**Figure 2:** Existing front entrance to dwelling.



**Figure 3:** Existing rear elevation.



## 1.2 Relevant History

A review of Council's records revealed the following relevant history of the subject site:

- **DA-136/2008** A Development Application for the reconstruction and extension of the existing deck at the rear of the property was approved on 17 April 2008.
- **DA-272/2009** A Development Application for an addition to the front of the dwelling was approved on 30 June 2009.
- **DA-13/2010** A Development Application for alterations and additions to the dwelling including a new western window & internal reconfiguration was approved on 16 February 2010.

The history of the subject development application is provided below:

- **22 November 2018** The subject application was lodged with Council.
- **23 November 2018** The application was referred to Council's Stormwater Design (Creating Waverley) department who advised that OSD is not required for this development.
- **5 December 2018** The application was notified to surrounding for a period of fourteen (14) days. One (1) submission was received.
- **18 February 2019** A site inspection of the property was conducted by the assessing officer.
- **6 March 2019** The application was referred to Council's Strategic Tree Planning Officer who supported the tree removal, subject to conditions recommending four (4) replacement trees be planted.

## 1.3 Proposal

The proposal involves alterations and additions to dwelling including rear balcony extension, window door replacement and various alterations as described below:

### Lower Ground Floor

- Installation of new sliding doors from the laundry and bath area and landscaping as well as the construction of new steps and planters at the eastern elevation to provide side access to the dwelling.
- Modification to the rear building wall from the games room to incorporate a window seat.

### Ground Floor

- Internal alterations and additions to create a new glass enclosed entry from the existing courtyard.
- Internal alterations to delete existing walls to create a family room, study and linen closet.
- Modification to the rear building wall from the family room to incorporate a window seat.
- Extension of the existing dining room towards the eastern side boundary.

## First Floor

- Internal alterations and additions to extend Bedroom 3 over the existing roof form and construct a balcony with a metal pergola. This includes extending the existing roof and wall structure.
- Internal alterations to construct a void over the living space on the ground floor level below.
- Internal alterations to create a new ensuite and wardrobe for Bedroom 1.
- Installation of a privacy screen on the western elevation of the rear balcony.

## External Works

- Demolition of the existing rear deck construction of a new deck with a vergola, incorporating new piers, a spiral staircase and retractable sun blind.
- Installation of five (5) skylights.
- Demolition of the highlite roof and reinstate the tile roof plane.
- Removal of four (4) trees.
- Relocation of the existing swimming pool fence.

## **2. ASSESSMENT**

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

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

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

#### **2.1.1 SEPP (Building Sustainability Index – BASIX) 2004**

A BASIX Certificate has been submitted with the development application.

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

#### **2.1.2 SEPP 55 Remediation of Land**

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

#### **2.1.3 SEPP (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP) regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016.

In accordance with Part 3 of the Vegetation SEPP, a permit is required from Council to clear any vegetation in an area identified:

- as 'Biodiversity' on the Terrestrial Biodiversity Map in WLEP 2012; and/or*

ii. as 'Biodiversity Habitat Corridor' in WDCP2012.

The site is located within a habitat corridor and the proposal involves the removal of four (4) significant trees on site. The Applicant has applied for the removal of these trees as part of this development application. The application has been referred to Council's Tree Management Officer and Biodiversity Department who have reviewed the proposal. Council's Tree Management Officer recommends that the trees be removed, subject to their replacement. Conditions of consent are recommended to ensure that four (4) replacement trees are provided on site to the satisfaction of Council and that the landscape plan be amended to demonstrate the planting of replacement trees as well as demonstrate a planting schedule that includes native vegetation suitable for the site and surrounds. Therefore, the proposal is considered to be satisfactory, subject to recommended conditions.

### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012) – Amendment 6

(In force 1 November 2018)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Zone	Yes	The proposal involves alterations and additions to a dwelling house that is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	No Clause 4.6 submitted	The building has an existing height of approximately 9.6m that breaches the maximum height limit. The maximum height of the proposed works is approximately 9.1m that is above the permitted height limit and is non-compliant.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.524739:1</li> <li>276.8m<sup>2</sup></li> <li>SA: 527.51m<sup>2</sup></li> </ul>	No Clause 4.6 submitted	<p><b>Existing</b></p> <ul style="list-style-type: none"> <li>GFA: 315.86m<sup>2</sup></li> <li>FSR: 0.599:1</li> <li>Variation: 39.06m<sup>2</sup> (14.11%)</li> </ul> <p><b>Proposed</b></p> <ul style="list-style-type: none"> <li>GFA: 322.86m<sup>2</sup></li> <li>FSR: 0.612:1</li> <li>Variation: 46.06m<sup>2</sup> (16.64%)</li> </ul>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and building height development standards. A detailed discussion of the variations to the development standards is presented below this table.



Provision	Compliance	Comment
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is identified as having Class 5 acid sulfate soils however, the site is not adjacent to any Class 1, 2, 3 or 4 land that is below 5m AHD. The works would involve the disturbance of less than 1 tonne of soil and are unlikely to lower the water table.

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

### Exceptions to Development Standards

#### *Clause 4.3 Height of Buildings*

The maximum height of the proposed works is 9.1m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 600mm or 7.05%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The existing development has a maximum overall height of 9.6m that represents a 12.9% variation to Council's maximum building height control.
- The proposal does not increase the height of the existing building.
- The elements above the height limit do not contribute to perceived bulk as viewed from the adjoining properties or the public domain.
- No adverse impacts upon amenity of adjoining properties or the character of the area are anticipated with the proposal.
- The proposal is compatible with the surrounding low density land uses and is consistent with the desired future character of the surrounding area.

It is noted that the Applicant has prepared the Clause 4.6 statement based on the existing building height of the dwelling however, the proposed works only extend to 9.1m of the overall building height due to the sloping topography of the land.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The dwelling represents an existing non-compliance with Council's maximum building height development standard of 8.5m however, the maximum height of the new works is only 9.1m and does not change the overall height of the existing building. Therefore, compliance with Council's maximum building height development standard is both unreasonable and unnecessary in the circumstances of the case.

- The proposed works above Council's maximum building height control would not adversely impact upon the streetscape presentation of the dwelling to Darling Street and is not considered to add undesirable bulk and scale to the existing built form of the dwelling. The proposal is considered to be within the desired future character of the area.
- The proposed elements above the maximum building height limit would not adversely impact upon the residential amenity of surrounding properties with regards to overshadowing and privacy.

The proposal will be not be against the public interest because it is consistent with the objectives of the floor space ratio development standard and the R2: Low Density Residential Zone and therefore, in accordance with Clause 4.6 (3) and (4), the non-compliance may be supported.

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 0.612:1, which exceeds the floor space ratio development standard of 0.52:1 prescribed under clause 4.4A of Waverley LEP 2012 by 46.06m<sup>2</sup> in gross floor area or 16.64%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The existing dwelling comprises a total GFA of 315.86m<sup>2</sup> that is a 14.11% variation to Council's control and the maximum variation sought under this application is 46.06m<sup>2</sup> that represents a 16.6% variation to Council's control. The additional GFA proposed under this application is only 7m<sup>2</sup>.
- The parts of the building that exceed the FSR development standard are appropriately setback and sited within the existing building height and therefore do not result in excessive bulk or scale of the building.
- The proposal is designed to be compatible with the existing and desired future character of the area and would not adversely impact upon environmental amenity of neighbouring properties or surrounding area. The proposal will enhance the existing streetscape.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The site has an existing non-compliance with Council's FSR control of 0.599:1 (14.11%) and the proposal results in only 7m<sup>2</sup> of additional GFA. The additional GFA is largely provided within the existing building footprint and therefore does not result in excessive bulk and scale. Therefore, strict compliance with the FSR development standard is both unreasonable and unnecessary in the circumstances of this case.
- It is considered that the balcony structure on the first floor level would enhance the streetscape presentation of the dwelling to Darling Street. Furthermore, those elements proposed outside of the building footprint for the construction of the new entry and window seats at the rear would not be visible from the primary streetscape. The proposal is within the desired future character of the area.

- The additional GFA does not result in adverse amenity impacts upon neighbouring properties or the surrounding locality with regards to overshadowing and privacy.

The proposal will be not be against the public interest because it is consistent with the objectives of the floor space ratio development standard and the R2: Low Density Residential Zone and therefore, in accordance with Clause 4.6 (3) and (4), the non-compliance may be supported.

### 2.1.5 Waverley Development Control Plan 2012 (Amendment 6)

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

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste & Recycling Management plan has been submitted with the application to address waste disposal during construction. Condition of consent will be imposed regarding ongoing waste on site.
2. Ecologically sustainable Development	Yes	The proposal incorporates passive design, contains solar panels and a condition will be imposed to ensure that solid fuel heating is not used. Given the low scale of this development, these mechanisms are considered to address the objectives of Part B2 of the DCP.
3. Landscaping and Biodiversity	Yes Recommended Conditions	The site is located in Habitat Corridor and application was referred to Council's Biodiversity Officer for comment and conditions shall be imposed with regards to landscaping on site.
5. Tree preservation	Yes Recommended Conditions	The application proposes the removal of four (4) large trees on site and the application was referred to Council's Tree Management Officer for comment. It is noted that no Arborist report has been submitted with the application however, Council's Tree Management Officer supported the proposed tree removal, subject to four (4) replacement trees being planted on site. Conditions shall be imposed for a revised landscape plan and replacement tree detail to be provided to the satisfaction of Council prior to the issue of a Construction Certificate.
6. Stormwater	Yes	The stormwater plans submitted with the application are satisfactory.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.



**Table 3: Waverley DCP 2012 – Part C2 Low Density Residential Development Compliance Table**

The proposal is defined as a “Dwelling House” in the LEP.

Development Control	Compliance	Comment
<b>2.0 General Objectives</b>		
<ul style="list-style-type: none"> <li>• Appropriate scale</li> <li>• Does not detract from amenity of other dwellings or view corridors</li> <li>• ESD has been considered</li> <li>• Alterations &amp; additions are sympathetic in bulk &amp; scale to the character of the area</li> <li>• High design standard</li> </ul>	Yes	The proposal does not contravene the general objectives of this part of the DCP.
<b>2.1 Height</b>		
Flat roof dwelling house <ul style="list-style-type: none"> <li>• Maximum wall height of 7.5m</li> </ul>	Yes	The proposal does not change the existing wall height of the dwelling and is acceptable.
<b>2.2 Setbacks</b>		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>• Predominant front building line</li> <li>• Predominant rear building line at each floor level</li> </ul>	Yes	<p><i>Front Building Line</i></p> <p>The proposal modifies the front building line of the existing entrance that is recessed from the double garage fronting Darling Street. This is considered to be suitable, given that the high masonry wall is to be retained at the front of the property that obscures visibility of the proposed entry from the Darling Street streetscape. Furthermore, the proposed works to the entry would remain behind the existing front building line of the adjoining property at No. 3 Darling Street. Furthermore, the proposed balcony above the garage from the first floor level would not protrude beyond the first floor front building line of the dwelling at the adjoining property at No. 3 Darling Street.</p> <p><i>Rear Building Line</i></p> <p>The proposal modifies the existing rear building line of the dwelling with the proposed window seats on the lower ground and ground floor level of the building. This is considered to be suitable in the site context due to the subdivision pattern of the properties to the west and the existing rear building line of the adjoining property to the east at No. 3 Darling Street.</p>

Development Control	Compliance	Comment
2.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	Yes	The proposal maintains the existing side setbacks of the dwelling and is therefore acceptable.
<b>2.3 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development to be compatible with streetscape context</li> <li>Replacement windows to complement the style &amp; proportions of existing dwelling</li> <li>Significant landscaping to be maintained.</li> <li>Porticos only permitted where a character of the streetscape</li> </ul>	Yes  Recommended Conditions	<p>The proposal involves the construction of a balcony above the garage on the first floor level of the dwelling fronting Darling Street that is considered to enhance and positively contribute to the streetscape presentation of the dwelling, given that the presence of a high masonry front fence, pedestrian gate and significant landscaping currently obscure part of the dwelling from the street.</p> <p>While the proposal involves the removal of the two (2) significant trees within the front setback area, a condition is recommended for replacement trees to be planted to the satisfaction of Council in order to maintain the landscaped character of the area.</p> <p>Therefore, the proposal is considered to respond to the existing architectural style, scale, materials and character of the building and surrounding environment and is suitable in the site context, subject to recommended conditions.</p>
<b>2.4 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <i>Side and Rear:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	N/A	No works to the existing fences are proposed with this application.
<b>2.5 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>External stairs are not acceptable.</li> </ul>	Yes  Recommended Conditions	The proposal is considered to maintain visual and acoustic privacy for the surrounding properties, subject to recommended conditions as discussed below.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> <li>Roof tops to be non-trafficable unless predominant in the immediate vicinity</li> </ul>		
<b>2.6 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	Shadow diagrams have been submitted with the application that demonstrate some minor additional overshadowing from the proposal during the winter solstice. The application is not considered to result in adverse overshadowing impacts.
<b>2.7 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Development to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes	It is considered unlikely that the proposal would result in the loss of any significant views present from surrounding properties, given that the proposal is largely contained within the existing built form and does not increase the existing height of the building.
<b>2.9 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> <li>Outdoor clothes drying area to be provided</li> </ul>	Yes	The proposal maintains the existing landscaped area on the site as the minor additions are to be constructed over existing paved areas. The new glass entry would decrease the total open space provided within the front setback area by 1.9m <sup>2</sup> however, landscaping is retained and a condition shall be imposed to ensure two (2) replacement trees are planted within the front setback area.
<b>2.10 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> </ul>	Yes	The proposal does not seek to alter the existing swimming pool on site.



Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Pool decks on side boundaries must consider visual privacy</li> </ul>		

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

### Visual & Acoustic Privacy

The proposal is considered to maintain visual and acoustic amenity for the surrounding residential areas as discussed below:

- *Rear Deck/Terrace*

The proposal involves the demolition of the existing elevated deck/terrace at the rear of the site that is considered to be suitable, given that a site inspection revealed it is in partial dilapidated condition. A new deck with an area of approximately 25m<sup>2</sup> is to be constructed at the same height as the existing, of which the staircase will be internalised as a spiral staircase that is considered to improve acoustic amenity to surrounding properties. Furthermore, the new deck is to be extended approximately 600mm from the original floor that is suitable, given that the extension would partially infill the area of the deck currently occupied by the staircase leading to and from the open space area at the rear of the site and the ground floor level of the dwelling.

The design of the proposed deck is considered to maintain visual and acoustic amenity given the proposed retractable sun blinds however, the proposed masonry wall to the eastern elevation of the deck is considered to result in unreasonable visual bulk to the residents of the adjoining property at No. 3 Darling Street. Therefore, it is recommended that a condition be imposed to for this elevation of the deck to be of open construction whereby the blank masonry wall shall be replaced with a privacy lattice, similar to that as existing on site.

- *Windows & Openings*

- *Lower Ground Floor Level*

The application involves the construction of new sliding doors and steps on the eastern elevation of the dwelling that would lead from the bathroom and laundry area on the lower ground floor level to the eastern side setback of the dwelling. This is considered to be satisfactory with regards to maintaining visual and acoustic amenity for the residents of the adjoining property at No. 3 Darling Street as the proposal maintains compliance with Council's side setback controls. Furthermore, the bathroom and laundry are considered to be passive non-habitable spaces within the dwelling that are unlikely to generate unreasonable noise impacts when in use. Additionally, W23 on this eastern elevation is unlikely to result in any unreasonable overlooking due to the sloping topography of the site and the presence of a 1.8m high side boundary fence.

The doors and windows on the southern (rear) elevation of the lower ground floor level largely replace the existing windows and would not result in any amenity impacts for the surrounds. Furthermore, the windows on the western elevation are for a store room and the sub-floor area that do not achieve a minimum ceiling height to be classified as a

habitable space under the BCA. These windows are also concealed by the presence of the existing side boundary fence.

- *Ground & First Floor Levels*

Majority of the windows and doors on the ground and first floor levels are to be contained within existing openings and are not considered to result in any adverse amenity impacts. A privacy screen is proposed on the western elevation of the existing first floor balcony at the rear that is considered to be suitable in maintaining privacy for the residents of the subject site. Furthermore, no adverse amenity impacts are anticipated to arise as a result of the proposed balcony on the first floor level of the dwelling fronting Darling Street.

Therefore, the proposal is considered to maintain visual and acoustic amenity for surrounding properties, subject to recommended conditions of consent relating to the replacement of the masonry wall of the rear deck with a privacy lattice.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

The application was notified for 14 days in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. One (1) submission was received. The issues raised in the submissions are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
44 Alfred Street

**Issue: Privacy and noise.**

**Response:** The proposal is not considered to result in any adverse visual or acoustic privacy impacts to surrounding properties. Due to the orientation of the site and subdivision pattern, the dwelling on the objecting property is also noted to be located a considerable distance away from the subject site. Refer to discussion above for further comments.

## 2.5 Public Interest

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

### **3. REFERRALS**

#### **3.1 Tree Management Officer – Clean & Attractive Waverley**

The application was referred to Council's Tree Management Officer who supported the proposed removal of the four (4) trees, subject to conditions involving the submission of an amended landscape plan demonstrating the planting of four (4) replacement trees on site to the satisfaction of Council.

#### **3.2 Biodiversity – Sustainable Waverley**

The application was referred to Council's Urban Ecology Co-ordinator however, the landscape plan submitted with the application did not contain a planting schedule. Given that the site is located in a habitat corridor, a condition of consent is recommended to be imposed for an amended landscape plan to be submitted and approved by Council with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

#### **3.3 Stormwater – Creating Waverley**

The application was referred to Council's Manager Design with regards to stormwater details and the application was considered to be satisfactory.

### **4. SUMMARY**

The application seeks consent for alterations and additions to dwelling including rear balcony extension, window door replacement and various other alterations. The site is in a habitat corridor and the proposal also involves the removal of four (4) significant trees on site. The main issues are detailed below:

- The proposal results in a further non-compliance with Council's FSR development standard, due to the reconfiguration of the floor levels and minor additions to the dwelling. This non-compliance is considered to be acceptable in the site circumstances, given that the additional gross floor area (7m<sup>2</sup>) and is largely contained within the existing building footprint, does not add unreasonable bulk to the building and would not result in any adverse impacts to the streetscape. The proposal is considered to be within the desired future character of the locality.
- The existing dwelling breaches Council's maximum building height development standard and the application proposes works to the existing built form above the permissible height limit. The proposal is considered to be satisfactory, given that the works would not increase the height of the existing building or result in any adverse amenity or streetscape impacts.
- The application proposes the removal of four (4) significant trees on site that is considered to be acceptable, subject to the imposition of a condition for a revised landscape plan to be submitted detailing the planting of four (4) replacement trees to the satisfaction of Council.
- The application proposes the construction of a masonry wall to the eastern elevation of the rear deck that is considered to result in unreasonable visual bulk to the residents of the adjoining property at No. 3 Darling Street. A condition is recommended that for this elevation of the deck to be of open construction whereby the blank masonry wall shall be replaced with a privacy lattice, similar to that as existing on site.



The application was notified and one (1) submission was received with regards to the noise generated from the proposed deck. However, the size of the deck is similar to the existing and its design is considered to improve visual and acoustic amenity for surrounding residents.

Therefore, the proposal is recommended for approval, subject to conditions.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

**Report prepared by:**

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

Judith Elijah  
**Development Assessment Planner**

Emma Finnegan  
**A/ Manager, Development Assessment (North/South)**

**Date: 2 April 2019**

**Date: 5 April 2018**

**Reason for referral:**

3 Departure from any development standard in an EPI by more than 10%

## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans:

<b>Dwg. No.</b>	<b>Rev.</b>	<b>Title</b>	<b>Date</b>	<b>Date Received by Council</b>
DA-01A	A	Site Plan	14.3.19	18 March 2019
DA-02	-	Lower Level Plan	Nov 2018	21 November 2018
DA-03	-	Ground Level Plan	Nov 2018	21 November 2018
DA-04	-	Upper Level Plan	Nov 2018	21 November 2018
DA-05	-	Roof Plan	Nov 2018	21 November 2018
DA-06A	A	Sections	14.3.19	18 March 2019
DA-07	-	N+S Elevations	Nov 2018	21 November 2018
DA-08	-	E+W Elevations	Nov 2018	21 November 2018

(b) BASIX Certificate;

(c) Stormwater Details prepared by Valdis Macens Architects P/L, Drawing No. DA-01 to DA-08, dated November 2018, and received by Council on 21 November 2018;

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The application is approved subject to the following plan amendments;

(a) The eastern wall of the deck is to be amended to be of an open construction to minimise visual bulk and scale to the residents of the adjoining property at No. 3 Darling Street. This may be done by way of replacing the masonry wall with a privacy lattice or similar fitting.

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

#### **3. AMENDED LANDSCAPE PLAN & PLANTINGS IN A HABITAT CORRIDOR**

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

(a) An amended landscape plan is to be submitted and approved by Council's Tree Management Officer and Manager Development Assessment (North/South), demonstrating the planting of four (4) replacement trees on site to maintain the ecological, environmental and aesthetic significance of the locality. The amended plan is to provide a tree species list, showing the botanical and common names of plants and pot size of plants.

- (b) An amended landscape plan is to be submitted and approved by Council's Urban Ecology Co-Ordinator with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

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

#### **4. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

#### **5. APPROVED USE - DWELLING HOUSE**

This application approves the use of the building/s on the site for single dwelling house.



## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### 7. SECTION 7.12 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.

Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

#### **8. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$3,400.20** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

#### **9. LONG SERVICE LEVY**

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

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

#### **10. HOARDING REQUIRED**

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority 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.

#### **11. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

## **12. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 (amendment 6) 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 at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and 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.

## **13. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **14. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

## **15. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

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 is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.



## **16. STORMWATER MANAGEMENT**

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

## **17. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation 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 Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **18. SOLID FUEL HEATING**

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

## **19. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

## **20. TREE PLAN**

A landscape plan is to be submitted with the Construction Certificate showing the location of all trees on the land in relation to the proposed development, including trees to be removed. All trees and shrubs identified for retention and within 7.5m of the building work are to be provided with a tree guard and a notice on each guard indicating "This tree is the subject of a Tree Preservation Order by Waverley Council." This notice is to be in place prior to commencement of any building or demolition work. Only trees with the approval of Council for removal may be removed from the site.

All trees to be protected in accordance with AS4970-2009 'Protection of Trees on Construction Sites' and to be certified by an Arborist with AQF level 5 qualification or above.

## **21. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **22. 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.

### **23. 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.

### **24. 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.

### **25. 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 hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **26. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **27. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water



spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

## **28. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

## **30. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

### **31. 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 modification application.

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.

### **32. EXCAVATION AND BACKFILLING**

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

### **33. EXCAVATION BELOW FOOTINGS**

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

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

### **34. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED 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 2014. 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.

### **35. 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.

### **36. 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; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

### **37. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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.

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

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.

### **38. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

### **39. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (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 National Construction Code 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 for **DWELLING HOUSES including (Class 1 and 10 Buildings)** 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 (if relevant to the development) 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); and
- (g) swimming pool fencing prior to filling pool.

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 National Construction Code and standards of construction.

#### 40. CERTIFICATE OF SURVEY – LEVELS

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

#### 41. 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.

#### 42. TREES PERMITTED TO BE REMOVED

The following trees are permitted to be removed as a part of this development application;

##### Trees to be Removed

Tree No	Species	Location
1	<i>Lophostemon confertus</i> (Brush Box)	On-site rear yard
2	<i>Lophostemon confertus</i> (Brush Box)	On-site rear yard
3	<i>Eucalyptus species</i>	On-site front yard
4	<i>Robinia pseudoacacia</i> (Black Locust)	On-site front yard

No other trees other than those specified above are permitted to be removed as a part of this development application.

#### **43. LANDSCAPE CONSULTANT**

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

#### **44. STREET TREES TO BE RETAINED**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). 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.

#### **45. TREE PROTECTION**

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

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

#### **46. 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.

#### **47. NO WORKS BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **48. OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

### **49. STORMWATER MANAGEMENT**

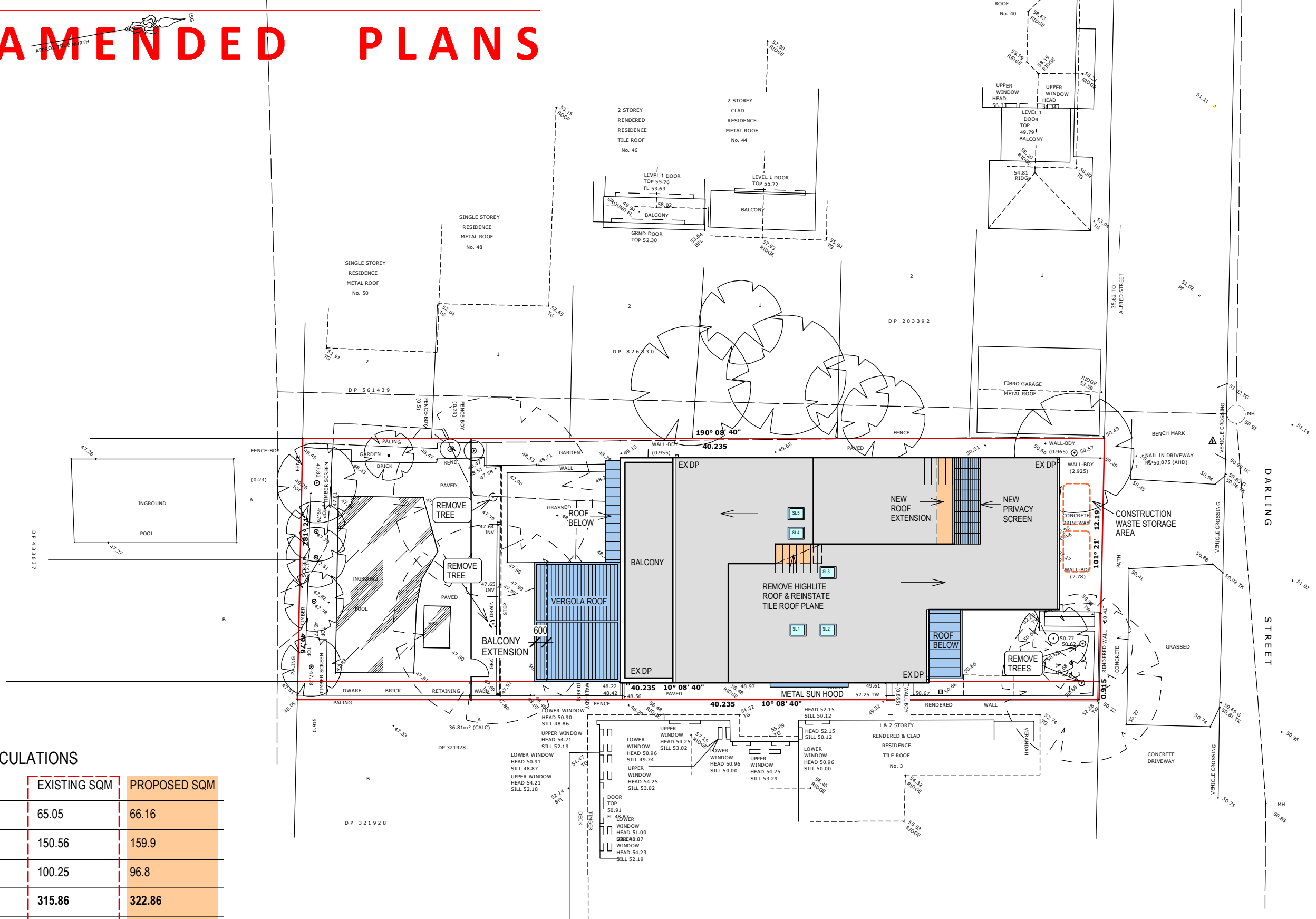
Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **50. 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.



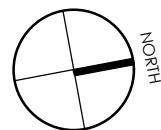
# AMENDED PLANS



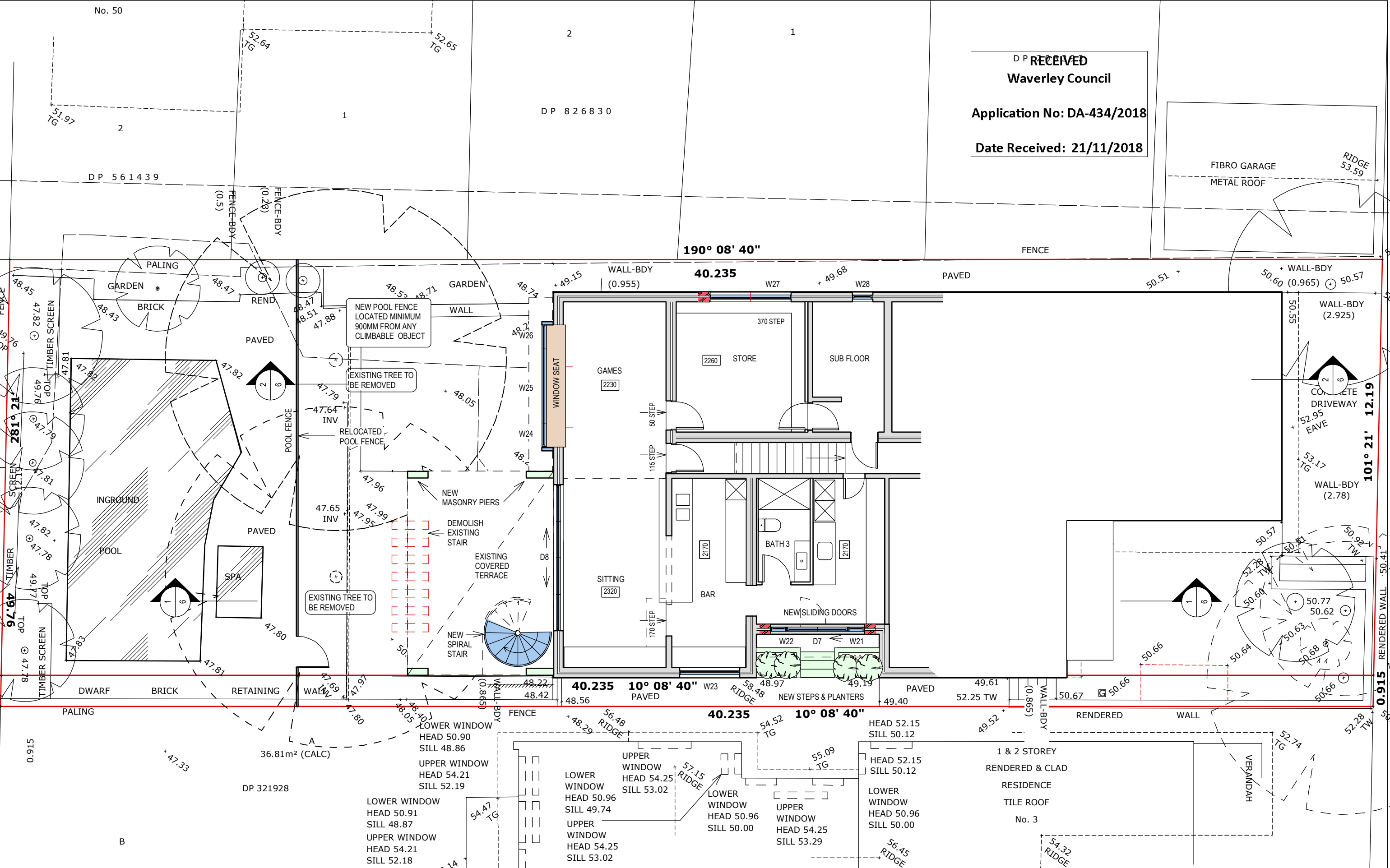
### FLOOR SPACE CALCULATIONS

	EXISTING SQM	PROPOSED SQM
LOWER GROUND FLOOR-	65.05	66.16
GROUND FLOOR-	150.56	159.9
1ST FLOOR-	100.25	96.8
<b>TOTAL</b>	<b>315.86</b>	<b>322.86</b>

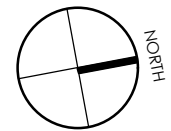
SITE AREA- 527.51 SQM  
FSR under LEP clause 4.4A = 0.524:1 = 276.8 SQM



DP RECEIVED  
**Waverley Council**  
 Application No: DA-434/2018  
 Date Received: 21/11/2018



AMENDMENT



CLIENT  
**MICHAEL + INGRID CAWLEY**

Figured dimensions shown on the drawings shall be followed in preference to scaled dimensions. Check and verify dimensions with prevailing conditions on the site and progressively on the site before commencing any work, before ordering, supplying or fabricating any item. Any discrepancies on site or in the documents shall be reported to the Architect prior to the commencement of the works.

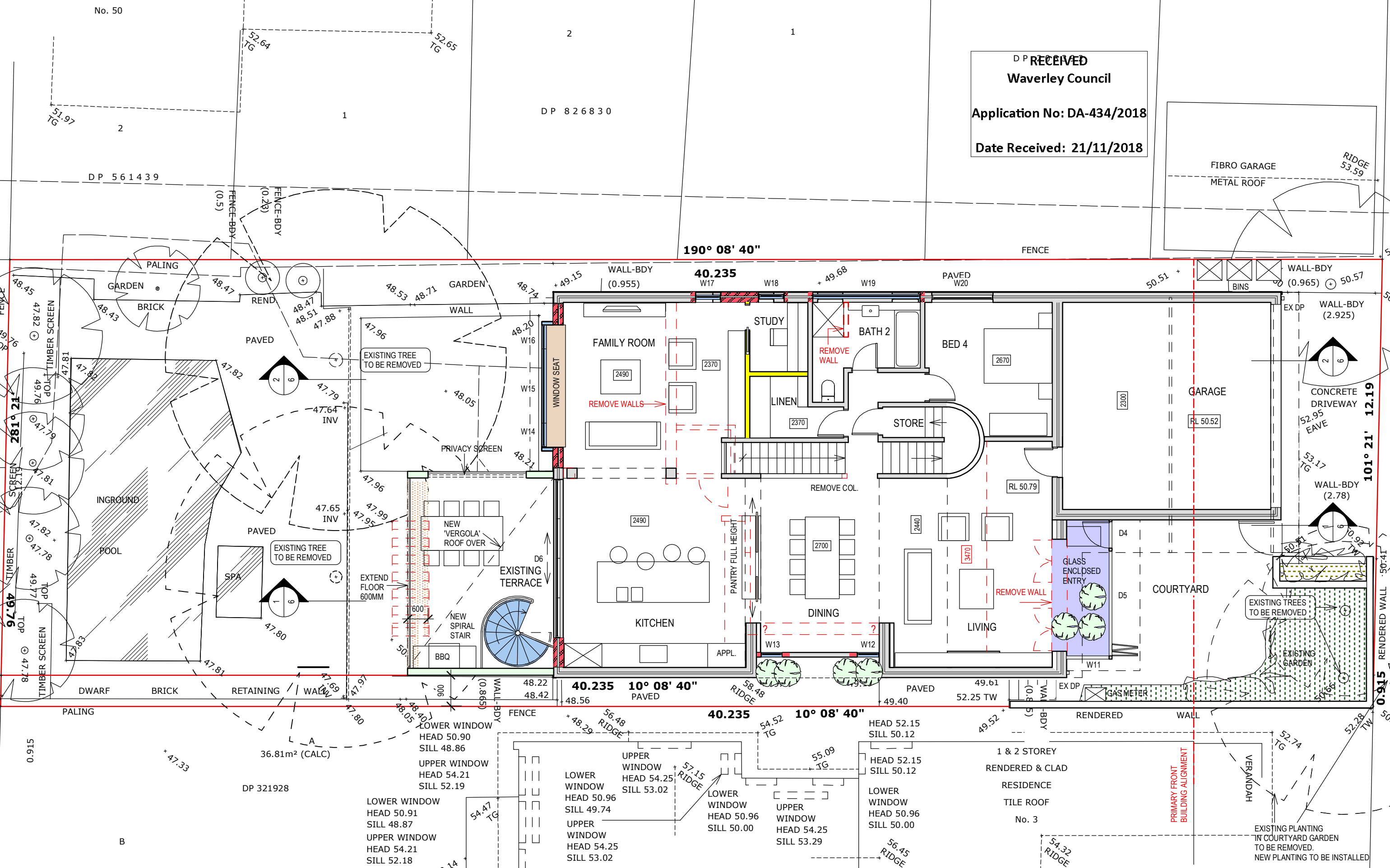
ARCHITECT  
**VALDIS MACENS ARCHITECTS P/L**  
 145 OBERON STREET, COOGEE NSW 2034  
 MOB: 0438 007 019 EMAIL: valdismacens@inet.net.au

PROJECT  
**ALTERATIONS & ADDITIONS**  
 1 DARLING STREET  
 BRONTE

DRAWING  
**LOWER LEVEL PLAN**

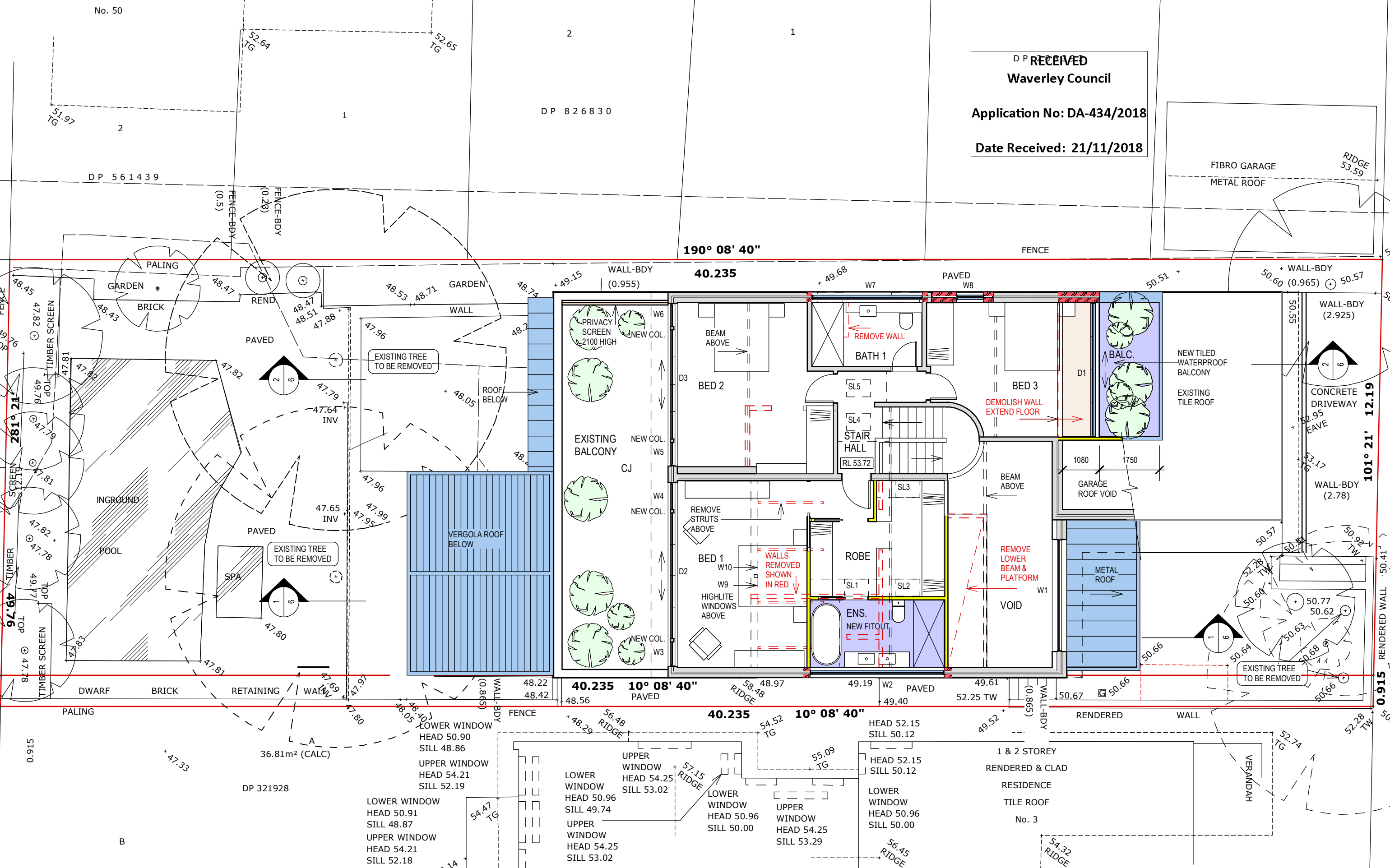
SCALE 1:100 @ A3  
 DATE NOV 2018  
 DRAWN VM  
 DWG NO. **DA-0247**

DP RECEIVED  
**Waverley Council**  
 Application No: DA-434/2018  
 Date Received: 21/11/2018





DP RECEIVED  
**Waverley Council**  
 Application No: DA-434/2018  
 Date Received: 21/11/2018



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**MICHAEL + INGRID CAWLEY**

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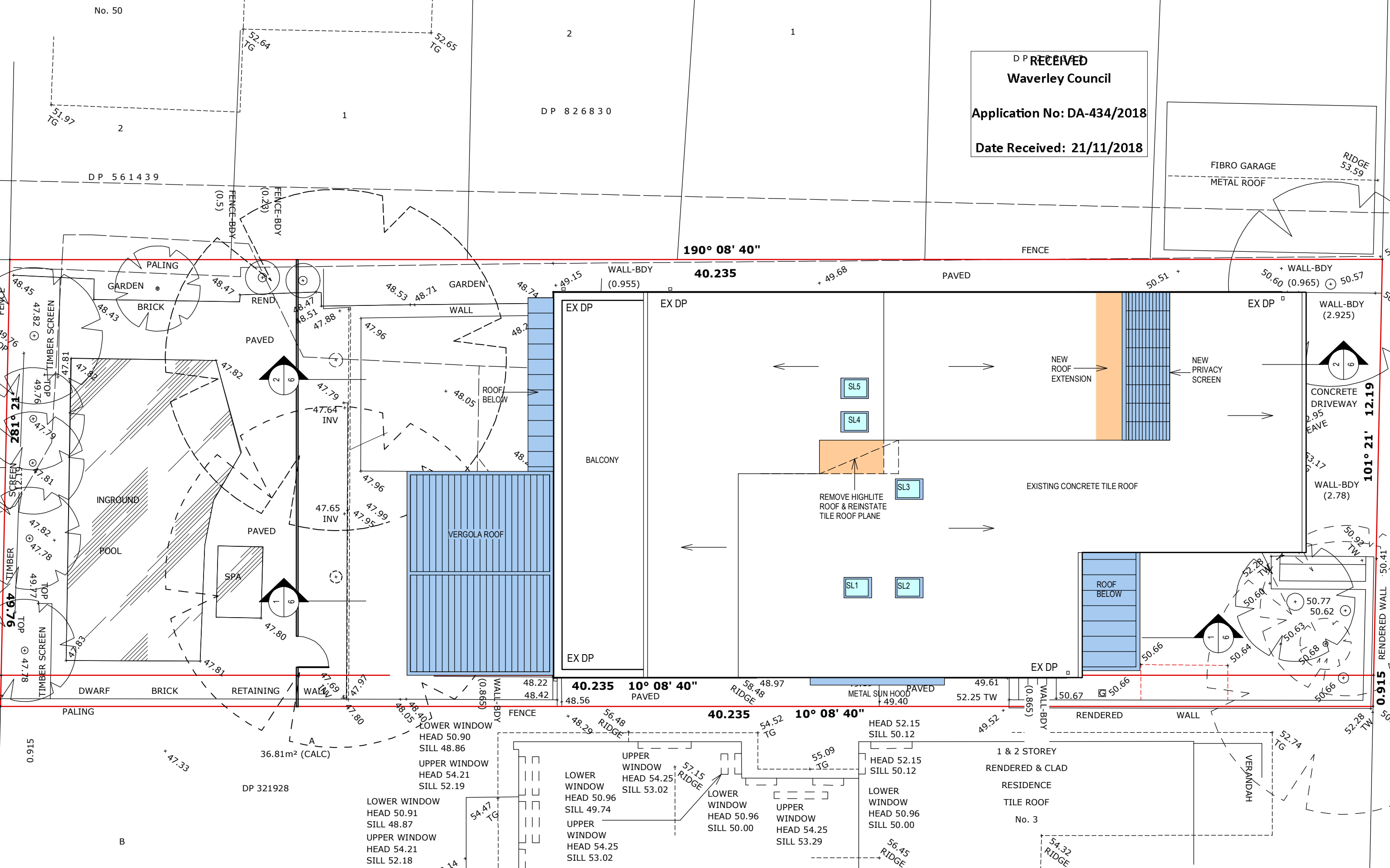
ARCHITECT  
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PROJECT  
**ALTERATIONS & ADDITIONS**  
 1 DARLING STREET  
 BRONTE

DRAWING  
**UPPER LEVEL PLAN**

SCALE 1:100 @ A3  
 DATE NOV 2018  
 DRAWN VM DWG NO. **DA-149**

DP RECEIVED  
**Waverley Council**  
 Application No: DA-434/2018  
 Date Received: 21/11/2018



AMENDMENT  


CLIENT  
**MICHAEL + INGRID CAWLEY**  
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PROJECT  
**ALTERATIONS & ADDITIONS**  
 1 DARLING STREET  
 BRONTE

DRAWING  
**ROOF PLAN**  
 SCALE 1:100 @ A3  
 DATE NOV 2018  
 DRAWN VM DWG NO. **DA-150**

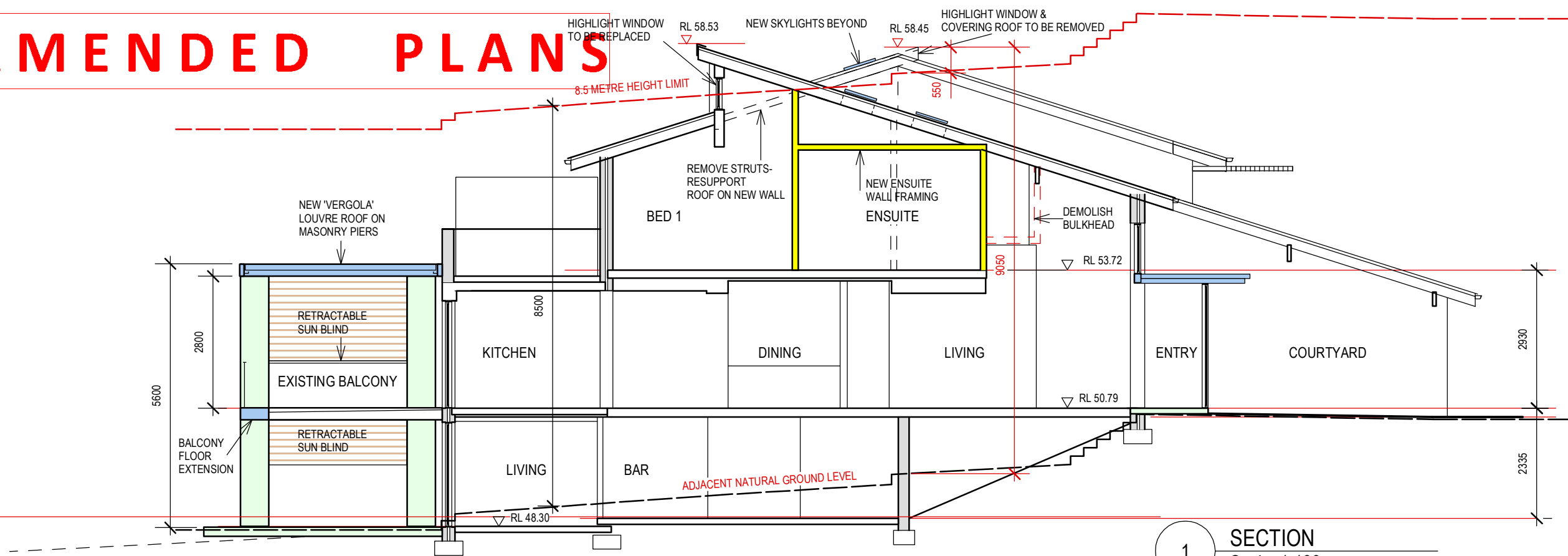
RECEIVED

Waverley Council

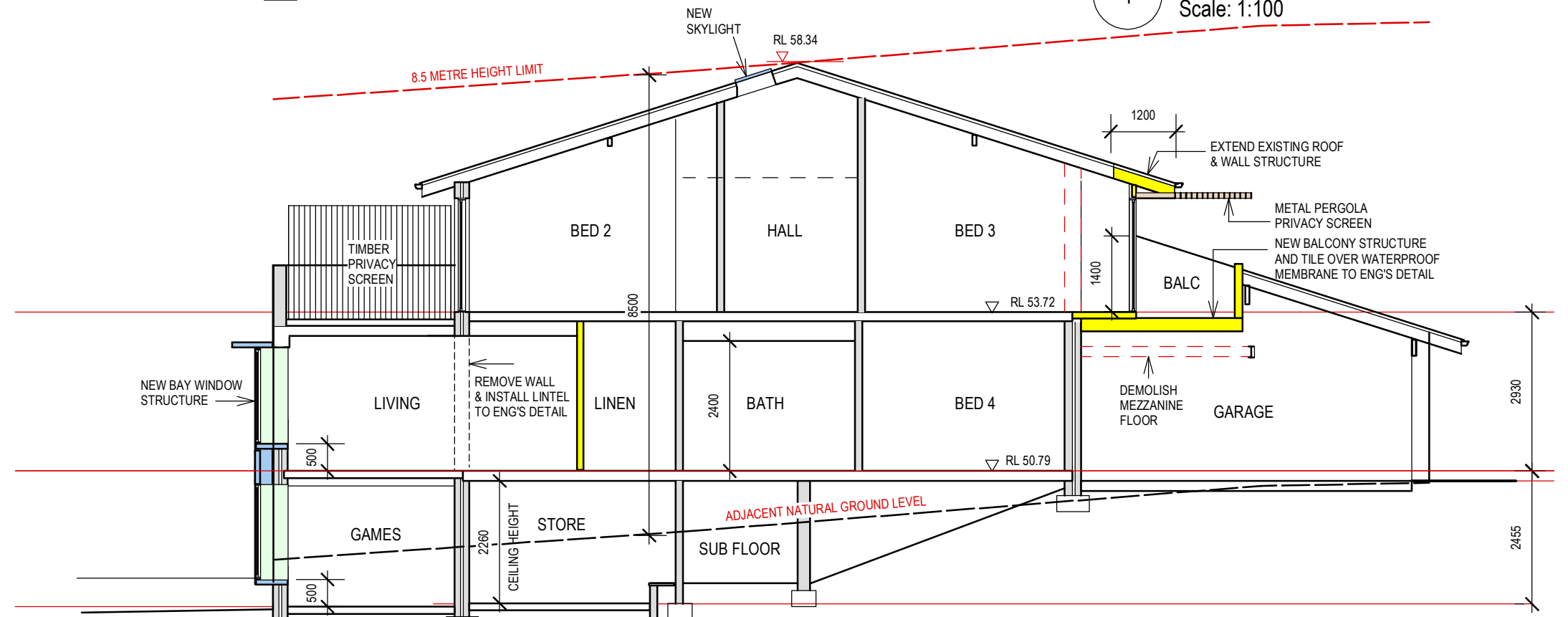
Application No: DA-434/2018

Date Received: 18/03/2019

# AMENDED PLANS



1 SECTION  
Scale: 1:100



2 SECTION  
Scale: 1:100

AMENDMENT  
A NATURAL GROUND LINES, MAXIMUM HEIGHT LIMIT CONTROL ADDED 14.3.19

CLIENT  
**MICHAEL + INGRID CAWLEY**

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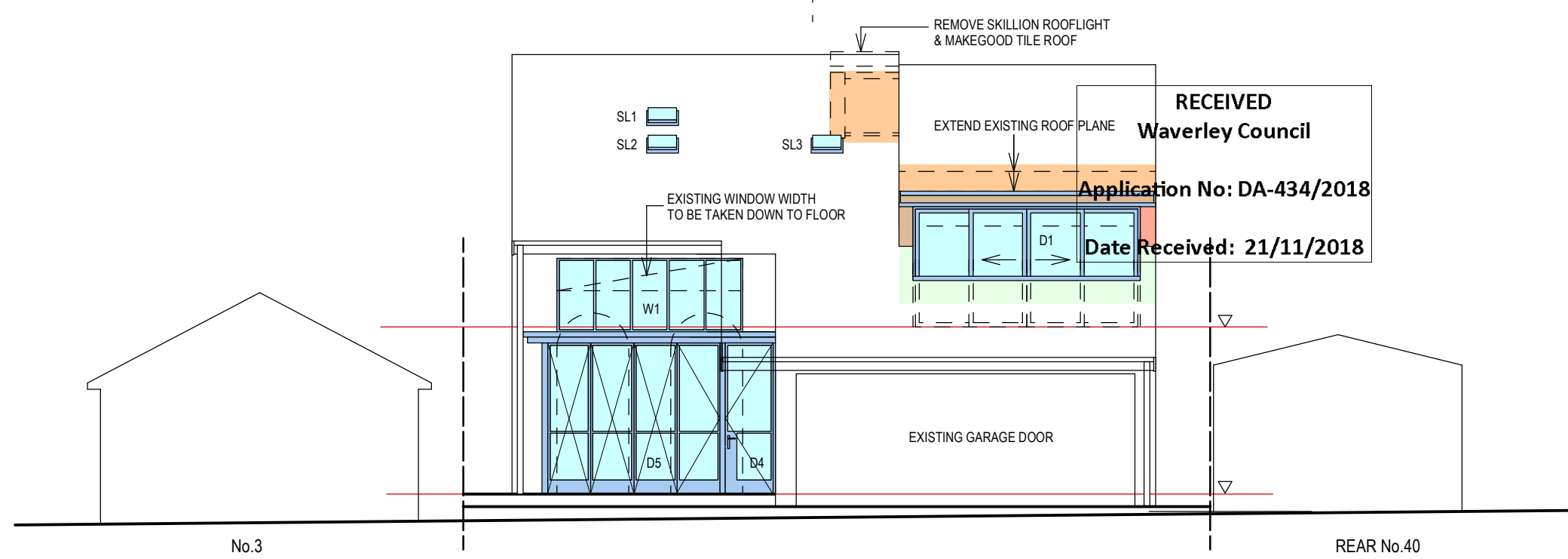
PROJECT  
**ALTERATIONS & ADDITIONS**  
1 DARLING STREET  
BRONTE

DRAWING  
**SECTIONS**

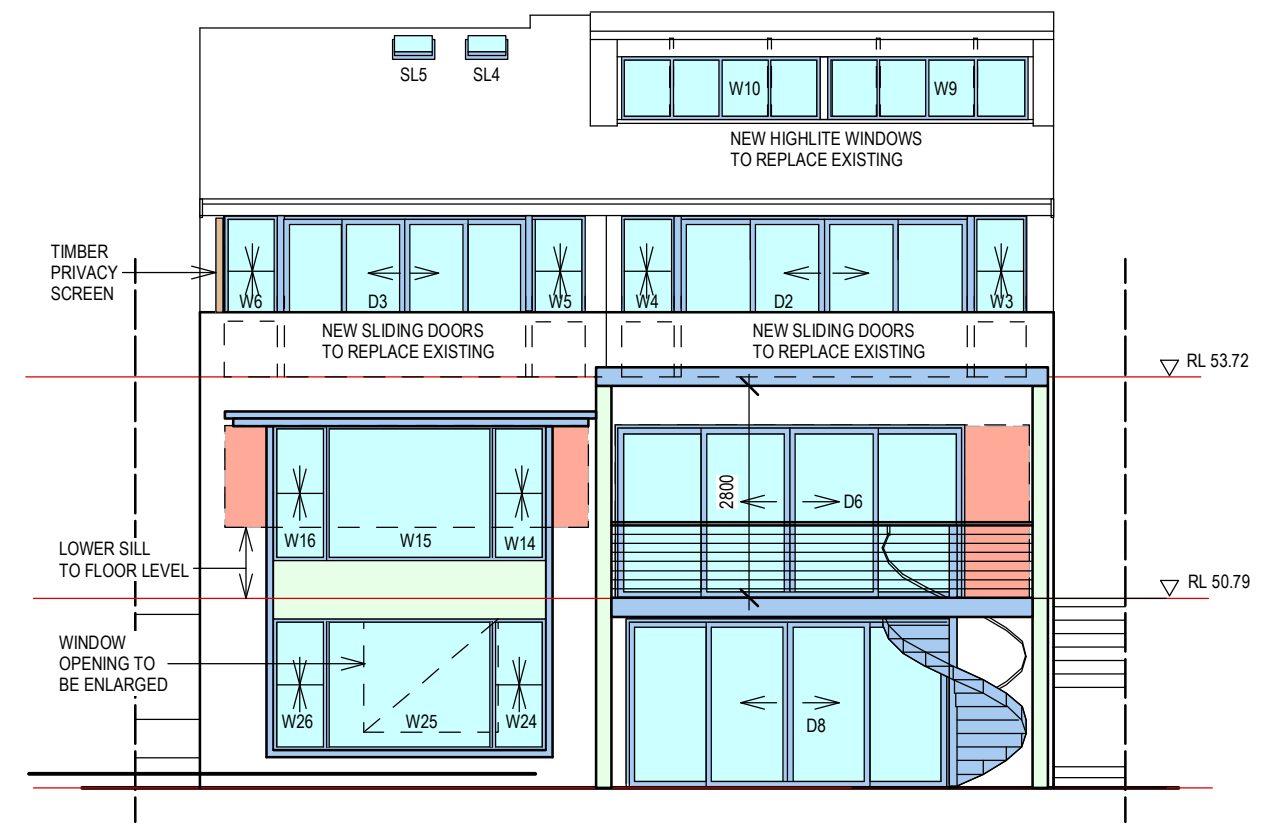
SCALE 1:100 @ A3  
DATE NOV 2018  
DRAWN VM DWG NO.

**DA-1431**





1 NORTH ELEVATION  
Scale: 1:100



2 SOUTH ELEVATION  
Scale: 1:100

AMENDMENT

CLIENT  
**MICHAEL + INGRID CAWLEY**

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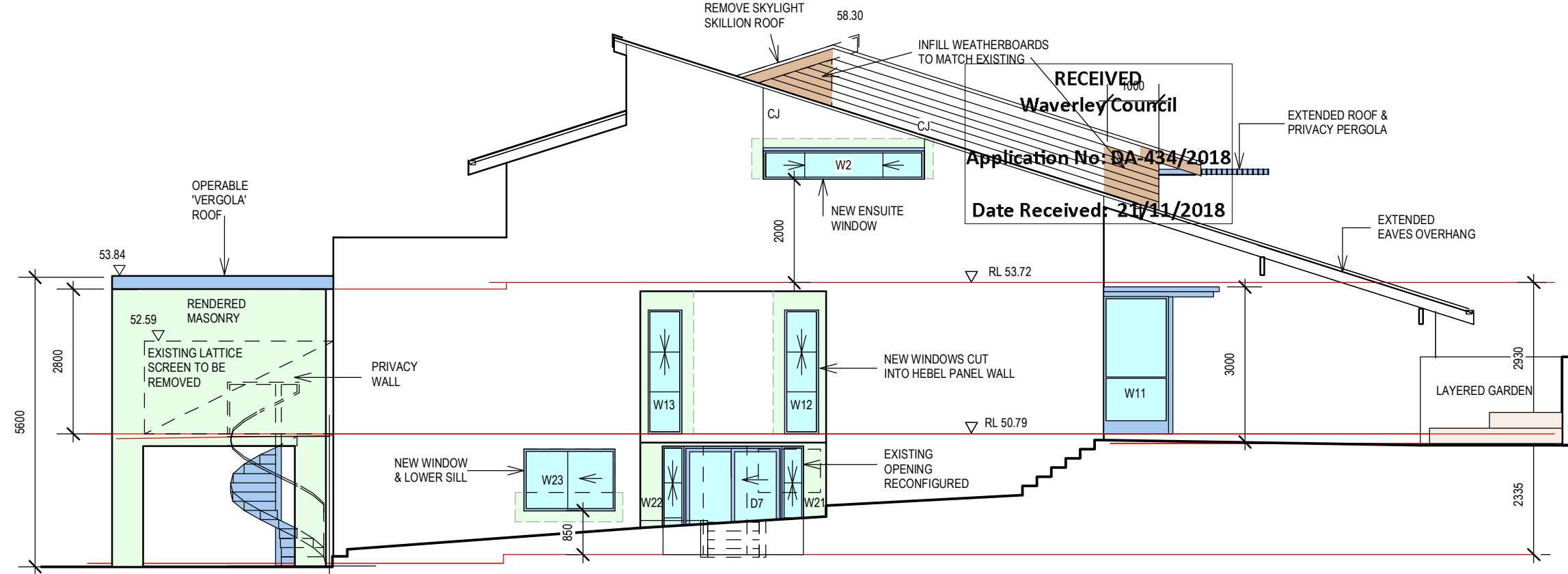
ARCHITECT  
**VALDIS MACENS ARCHITECTS P/L**  
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MOB: 0438 007 019 EMAIL: valdismacens@inet.net.au

PROJECT  
**ALTERATIONS & ADDITIONS**  
1 DARLING STREET  
BRONTE

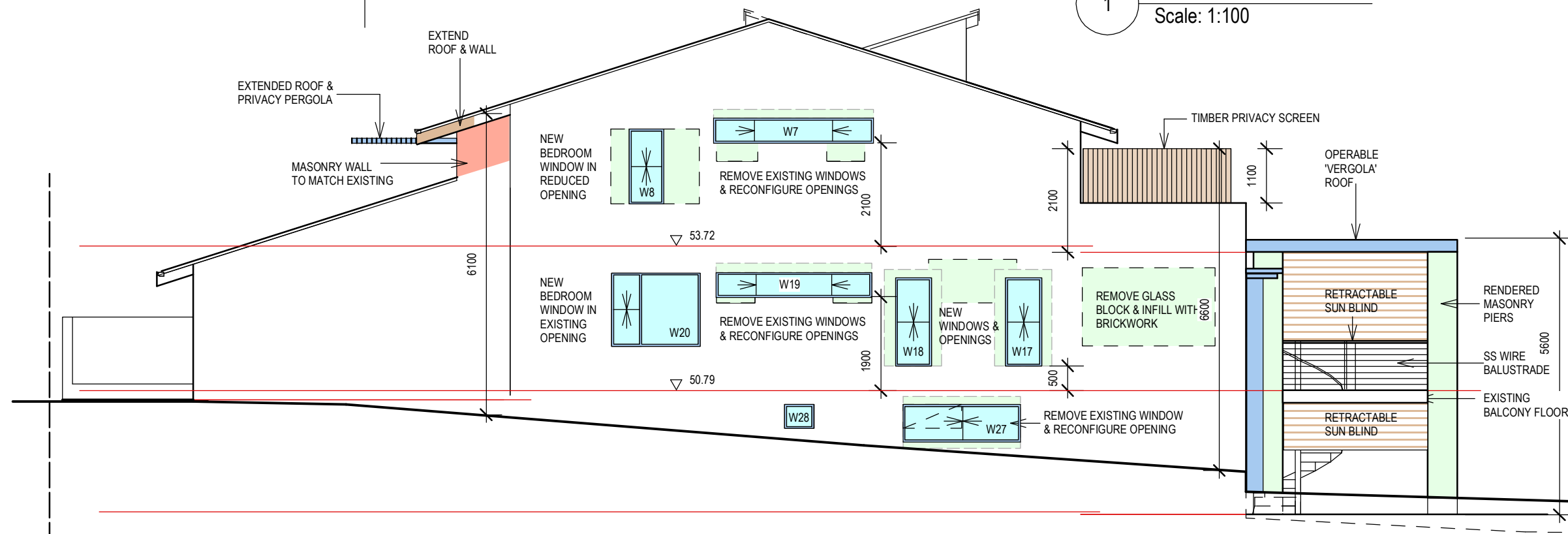
DRAWING  
**N+S ELEVATIONS**

SCALE 1:100 @ A3  
DATE NOV 2018  
DRAWN VM DWG NO.

**DA-152**



1 EAST ELEVATION  
Scale: 1:100



2 WEST ELEVATION  
Scale: 1:100

AMENDMENT

CLIENT  
**MICHAEL + INGRID CAWLEY**

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MOB: 0438 007 019 EMAIL: valdismacens@inet.net.au

PROJECT  
**ALTERATIONS & ADDITIONS**  
1 DARLING STREET  
BRONTE

DRAWING  
**E+W ELEVATIONS**

SCALE 1:100 @ A3  
DATE NOV 2018  
DRAWN VM DWG NO. **DA-153**



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-181/2018
<b>Site address</b>	16 Thompson Street, Tamarama
<b>Proposal</b>	Demolition of dwelling and ancillary structures, and the construction of a three storey plus basement dwelling house, in-ground swimming pool and retaining walls
<b>Date of lodgement</b>	30 May 2018
<b>Owner</b>	S C Smith
<b>Applicant</b>	Steven Craig Smith
<b>Submissions</b>	Original scheme: 8 Amended scheme: 6
<b>Cost of works</b>	\$2,215,000
<b>Issues</b>	FSR, wall height, view loss, public domain works, garage presentation
<b>Recommendation</b>	That the application be APPROVED





## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 13 September 2018 and 11 March 2019.

The site is identified as Lot 11 in DP 17140, known as 16 Thompson Street, TAMARAMA. The site is irregular in shape with a north front boundary measuring 12.19m, east side boundary measuring 42.67m, south rear boundary measuring 14.985m and west side boundary measuring 43.605m. The site has an area of 564.9m<sup>2</sup> and falls towards the rear of the site by approximately 3.36m. The site has a significant fall from west down to east as well as a cross fall from the front of the site down to the rear.

The site is occupied by a three storey dwelling with vehicular access provided from Thompson Street and a garage located at the front of the site.

The subject site is adjoined by detached dwellings on either side. The Locality is generally characterised by low density residential developments ranging from one to three storeys in height, in a mix of older and contemporary styles.



**Figure 1:** Site viewed from Thompson Street



**Figure 2:** Rear of building



**Figure 3:** Photomontage (source: Madeleine Blanchfield Architects, 1/02/2019)

## 1.2 Relevant History

No previous development applications of relevance exist.

The subject application, DA-181/2018, was deferred (7/12/18) to enable the applicant an opportunity to address concerns regarding: height of building; front and rear building lines; extent of excavation; visual and acoustic privacy; views; car parking; bulk and scale; and works within the public domain. Amended plans which reduced the building height by 2m+, reduced excavation, increased side and rear setbacks and relocated the in-ground swimming pool were received on 1 February 2019. The amended proposal was subsequently re-notified, resulting in the receipt of 6 submissions.

Following further assessment, further amendments were sought (13/3/19) to reduce the size of the basement and delete works within the public domain, i.e. existing access stairs. These plans have not been notified as the amendments are minor in nature and do not alter the external appearance of the proposal.

## 1.3 Proposal

The amended proposal seeks consent for the demolition of the existing dwelling and its ancillary structures, the construction of a three storey plus basement dwelling house, in-ground swimming pool, retaining walls, landscaping and associated works.

Specific details of the proposal are as follows:

- Demolition of dwelling house, garage, in-ground swimming pool, fencing and retaining walls;
- Construction of a three storey plus basement dwelling house comprising, six bedrooms, 2 living areas, storage, internal lift, terraces and in-ground swimming pool;
- Internal retaining walls;
- Landscaping;
- Parking for two (2) vehicles within double width garage located at ground level; and
- Overall building height RL44.37.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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



### 2.1.2 SEPP 55 Remediation of Land

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

### 2.1.3 SEPP (Coastal Management) 2018

The SEPP applies to the subject site as it is wholly located within a Coastal use area (Clause 14); it is not located within the Coastal environment area (Clause 13), and therefore an assessment against cl 13 is not required.

*Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;*

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:*
  - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) Aboriginal cultural heritage, practices and places,*
  - (v) cultural and built environment heritage, and*
  
- (b) is satisfied that:*
  - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
  - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposal does not: impact upon existing access to and/or along the nearby foreshore, beach, headland or rock platform; significantly alter existing shadow, wind funnelling and view loss outcomes; reduce visual amenity of the coastal area; or impact upon Aboriginal cultural heritage, as the site is not identified as being of Aboriginal Heritage sensitivity. Accordingly, part (a) of cl 14 is satisfied.

The proposal replaces an existing building of similar siting and footprint and responds to the topography of the land to minimise excavation. Further, the proposal is of a bulk, scale and size which is commensurate to its surrounds. Accordingly, part (c) of cl 14 is satisfied.

***Clause 15 states that development in coastal zone generally is not to increase risk of coastal hazards.***

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

The application is accompanied by a geotechnical investigation report prepared by a suitably qualified engineer. Based on the findings/recommendations of the report, design options exist to minimise risk. Accordingly, cl 15 is satisfied.

Included in Appendix A of this report are conditions relating to geotechnical hazards.

### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 1: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal achieves the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the R2 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	Yes	The proposal has a maximum height of 8.5m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.5:1</li> </ul>	No	The proposal has a gross floor area of 385m <sup>2</sup> , which equates to a floor space ratio of 0.68:1, a variance of 102.55m <sup>2</sup> or 36.3%.  NB. Proposal reduces the gross floor area compared to existing building by 49.5m <sup>2</sup> .
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The subject land is identified as being Class 5 Acid Sulfate Soil and is located within 100m of land identified as Class 4.  Standard related conditions are included in Appendix A of this report.
6.2 Earthworks	Yes	The proposal does not result in additional excavation within 900mm of boundaries. The basement level is located a minimum of 1.28m from a boundary and is contained within the building footprint.  Standard related conditions are included in Appendix A of this report.

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

### **Exceptions to Development Standards**

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 0.68:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 102.55m<sup>2</sup> in gross floor area or 36.3%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. Note, the document refers to Revision B of the architectural plans, however the plans under assessment are Revision D; the amendments contained in Revision D do not alter gross floor area or floor space ratio calculations. The justification presented in the written request is summarised as follows:

- The proposed GFA is 49.5m<sup>2</sup> less than that of the existing dwelling.
- The proposed dwelling presents a built form which is carefully designed to make a positive contribution to the streetscape while minimising impacts on neighbours. The FSR allows a quality outcome that will contribute to meeting the demand for housing in the area. Importantly the extent of FSR exceedance is not likely to result in any significant amenity impacts on neighbouring properties.
- While the proposal has an FSR of 0.68:1 and exceeds the development standard, it improves the existing and is generally compatible with development in the locality. The proposal will provide a well-articulated, contemporary dwelling that is compatible with the bulk and scale of surrounding development. It is noted that numerous DAs with non-compliant FSRs have recently been supported in the locality. These include, inter alia:
  - No. 12 Mirimar Avenue, Bronte – DA-338/2015 – FSR 0.76:1 (0.2 over allowable FSR);
  - No. 21 Thompson Street, Tamarama – DA-365/2014/A – FSR 1:2:1 (0.7 over allowable FSR).
- The proposal will maintain compatible proportions and it is our opinion that the proposed correlation between height and density is appropriate and the proposal satisfies Objective (b).
- The proposal will present a built form that is consistent with the desired future character of the area and sympathetically responds to the residential character of existing development. Accordingly, it is our opinion that the development is consistent with other development in the locality and is appropriate in the context of the streetscape.
- Regardless of the FSR non-compliance, the shadow diagrams indicate that the proposed development complies with Council's DCP provisions for 3 hours sunlight to the private open space and solar collectors of the adjoining properties.
- The proposed bulk has been reduced under the revised proposal to maximise view corridors for neighbouring properties.



- Potential privacy impacts have been minimised by orientating habitable room windows and private open space towards the eastern and rear elevations, away from adjoining properties to the west.
- The proposal will preserve the environmental amenity of neighbouring properties and the locality and satisfies Objective (d).
- In our opinion, the underlying purpose of the development standard is to present a building that is compatible with the height, context and character of the locality whilst preserving the amenity of adjoining properties. Enforcing strict compliance would thwart this objective by inhibiting the redevelopment of the site within a generally compliant building envelope. The proposed FSR facilitates a quality proposal to replace an unarticulated building that is reaching the end of its useful life.
- The area is characterised by large dwellings on difficult sites. Lots are often narrow and the underlying topography slopes dramatically towards the ocean. As a function of this, many dwelling designs exceed the control without representing an overdevelopment or appearing incompatible.
- The proposal provides more than double the required landscaping across the site. The floor space contributes to a proposal which is an appropriate response to the sloping site and subdivision pattern constraints.
- The non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning ground to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).
- In our opinion the proposal satisfies both tests as outlined in *Initial Action* and *Al Maha*. It is consistent with both the objectives of the Development Standard, as already demonstrated; and the R2 Low Density Residential Zone, as discussed in the revised SEE. From this, we consider the proposal is in the public interest.
- The public benefit of maintaining the development standard is less relevant given the existing non-compliance and character of the area.
- Accordingly, the proposal is consistent with the matters required to be taken into consideration before concurrence can be granted.

Relevant matters to be considered in accordance with subclauses (3) and (4) are addressed below:

***Clause 4.6, 3(a) that compliance is unreasonable or unnecessary in the circumstances of the case***

The objectives of the floor space ratio development standard are to: achieve a correlation between maximum building height and density controls; ensure buildings are compatible with the bulk, scale, streetscape and desired future character of the locality; and establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.

Whilst the proposal exceeds the maximum permissible floor space ratio of, in this case 0.5:1, the variation in floor area (additional 102.55m<sup>2</sup>) does not result in any significant detrimental amenity

impacts upon adjoining properties. The site exhibits a significant slope, whereby the design will attempt to taper with the topography of the site. Further, the proposal is of a built form which is commensurate with the scale of development within Thompson Street and the wider locality, including Hewlett Street. Accordingly, strict adherence to the development standard is unnecessary and the non-compliance is supported on merit.

***Clause 4.6 3(b) that there are sufficient environmental planning grounds to justify contravening the development standard; and***

The proposal is considered to comply with the objectives of the floor space ratio development standard, as the building is compatible in height, bulk and scale to adjoining buildings, and environmental amenity impacts upon neighbouring properties are minimised. Accordingly, sufficient planning grounds exist to justify contravening the standard.

***Clause 4.6 4(a)(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)***

The applicant’s written request is considered to be robust and adequately addresses the matters for consideration required under subclause 3.

***Clause 4.6 4(a)(ii) the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.***

The proposal complies with both the objectives of the floor space ratio development standard and those of the R2 Low Density Residential zone, in providing housing in a form that is compatible with its low density residential environment. Accordingly, the proposal is deemed to be in the public interest and the variation in floor space ratio is supported.

### 2.1.5 Waverley Development Control Plan 2012

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

**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted and is deemed satisfactory.
2. Energy and water conservation	Yes	The proposal is consistent with the objectives and controls of this part of the DCP.  Standard relevant conditions are included in Appendix A of this report.
6. Stormwater	No	Council’s Stormwater Engineer has reviewed the submitted stormwater management plans and advised that they are not satisfactory. Refer discussion under Heading 3.2 of this report.  Standard relevant conditions are included in Appendix A of this report.

Development Control	Compliance	Comment
8. Transport	Yes	The proposal utilises existing vehicle access. Standard relevant conditions are included in Appendix A of this report.

**Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Height</b>		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum overall building height of 7.5m</li> </ul>	No, acceptable on merit	The proposal has an overall building height of 8.5m in compliance with the maximum permissible under clause 4.3 of the LEP.
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes, acceptable on merit	The proposal aligns appropriately with the front and rear building line of adjoining buildings having regard to each floor level. The subject and adjoining sites are irregular in shape and the pattern of development in relation to front and rear boundaries is somewhat varied.
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 1.5m</li> </ul>	No, acceptable on merit	The proposal is setback 0.515m – 2.47m from side boundaries. Whilst less than the sought dimension, the proposal increases existing shallow setbacks by approximately 300mm – 600mm to achieve separation between buildings which is commensurate with those displayed within the locality.
<b>1.3 Excavation</b>		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	Yes	Excavation associated with the basement is setback a minimum distance of 1.28m from an allotment boundary.
<b>1.4 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area.</li> <li>Development must not dominate the streetscape, particularly when viewed from a public place such as</li> </ul>	Yes (via condition)	<p>The proposal is of a contemporary flat roof design, which is in keeping with the emerging character of the area.</p> <p>When viewed from within the public realm, the proposal is of a bulk, height and scale that is consistent with development displayed within the locality. However, the car parking on-site on the lower level occupies the majority of the frontage, therefore dominating the streetscape presentation at pedestrian level. Accordingly, a condition will be imposed requiring the garage to be reduced, increased landscaping and clear delineation between vehicles and pedestrians.</p>



Development Control	Compliance	Comment
<p>parks, reserves, beach or the ocean.</p> <ul style="list-style-type: none"> <li>New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping.</li> </ul>		<p>Landscaping forward of the building line is located within planters or outside of the site.</p> <p>Existing vegetation to the rear of the site will, where possible, remain and or be increased.</p>
<b>1.7 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	NA	Existing to remain.
<b>1.8 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>External stairs are not acceptable.</li> <li>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>	Yes, accepted on merit	Refer discussion below table.
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	Provided shadow diagrams illustrate that on 21 June, a minimum of 3 hours sunlight is afforded to the living and principal open spaces of adjoining properties.
<b>1.10 Views</b>		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks.</li> </ul>	Yes, accepted on merit	<p>The proposed building sits lower on the site than the existing dwelling and except for a small portion to the rear upper level, it is contained within the existing footprint.</p> <p>The proposal has been amended to address concerns for view loss whereby the amended scheme provides for the sharing of views, as encouraged.</p> <p>Refer to detailed analysis in following section of report.</p>
<b>1.11 Car parking</b>		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	The proposal provides on-site parking for 2 vehicles.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Consistent with hierarchy of preferred car parking locations</li> </ul>	Yes, accepted on merit	The proposed garage is in-line with the front building line and maintains the alignment of the existing garage.
<p>1.11.4 Dimensions</p> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	Minimum dimensions are achieved.
<p>1.11.5 Driveways</p> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> </ul>	Yes, accepted on merit	The existing driveway crossing is to be maintained, albeit approximately 6.5m in width.
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area</li> <li>Overall landscaped area: 15% of site area</li> <li>Minimum area of 25m<sup>2</sup> for private open space (POS)</li> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes, accepted on merit	<ul style="list-style-type: none"> <li>Open space 55.2%</li> <li>Landscaped area 31.7%</li> <li>POS &gt;25m<sup>2</sup></li> <li>Front setback open space 0%</li> <li>Front landscaped area 0% as the area between the building and street frontage is utilised for vehicle access. Notwithstanding this, an area of 15.6m<sup>2</sup> is provided at first floor level (above garage).</li> </ul>

Development Control	Compliance	Comment
<b>1.13 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> </ul>	Yes	The proposed in-ground swimming pool is located to the rear of the building and a minimum distance of 1.3m from a property boundary. Due to the topography of the site, it is elevated in parts.

The following is a detailed discussion of the issues identified in the compliance tables above in relation to the Waverley DCP 2012.

### Setbacks

Part C1, 1.2 of the WDCP 2012 details objectives and controls for building setbacks and separation.

The proposal fails to comply with the numeric side setback control of 1.5m for 3 storey low density residential development. Despite the variation in side boundary setbacks, the setbacks are supported as the proposed building will not result in unreasonable privacy impacts on surrounding properties, will not obstruct natural ventilation to surrounding buildings and the proposal increases existing side setbacks. Notwithstanding the non-compliance, the proposal is considered to address the objectives of clause 1.2.

### Visual and Acoustic Privacy

Part C1, 1.8 of the WDCP 2012, detail objectives and controls to achieve appropriate visual and acoustic privacy.

The proposal mitigates views in a westerly direction through the limitation of windows and/or the inclusion of fixed screening. East facing windows will provide views across the roofline of the adjoining dwelling, i.e. 18 Thompson Street. While south facing windows are substantial, and except for a small section, are clear and openable, and provide views over the rear of the site and across into neighbouring properties. The level of overlooking is expected to be comparable with that currently provided, noting similar views are currently afforded from within the rear yard.

The proposed windows and openings are considered appropriate and unlikely to unreasonably impact on the visual privacy of neighbouring properties.

The private open spaces to the rear of the site are screened by boundary fencing and vegetation (existing and proposed). Accordingly, the proposed private open spaces are considered reasonable and supported.

The proposed first floor balcony is accessed via the master bedroom and associated living area and is not envisaged to impact significantly upon the visual or acoustic privacy of neighbouring properties as it is located off low use areas. No unreasonable visual or acoustic privacy impacts are envisaged due to the balcony.

When assessed against the relevant objectives and controls in Part C1, 1.8 of the WDCP 2012, the proposal is reasonable and supportable.

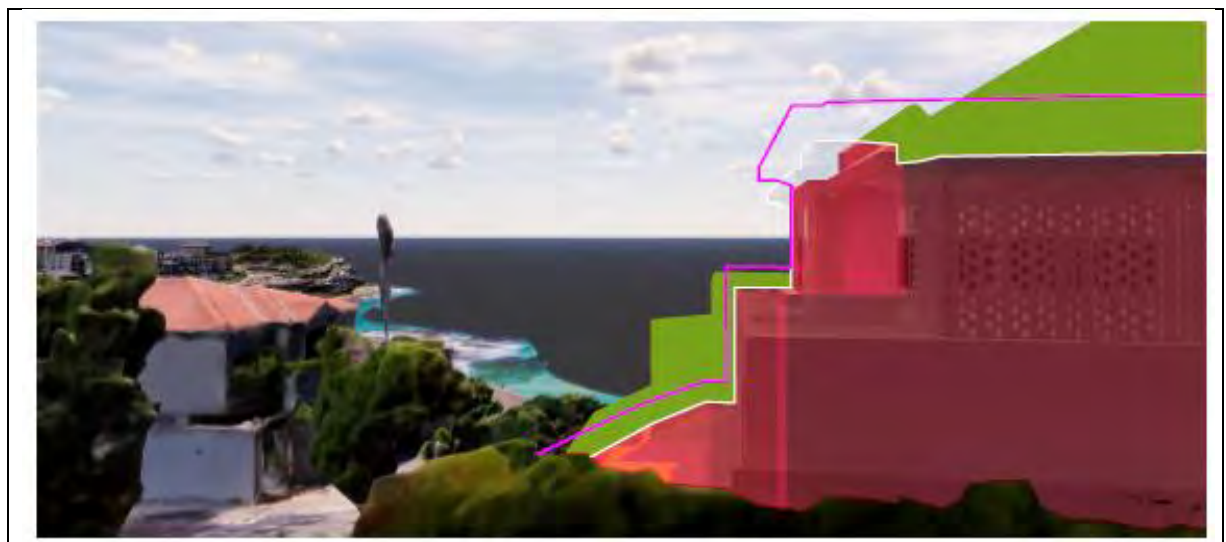
### View Loss



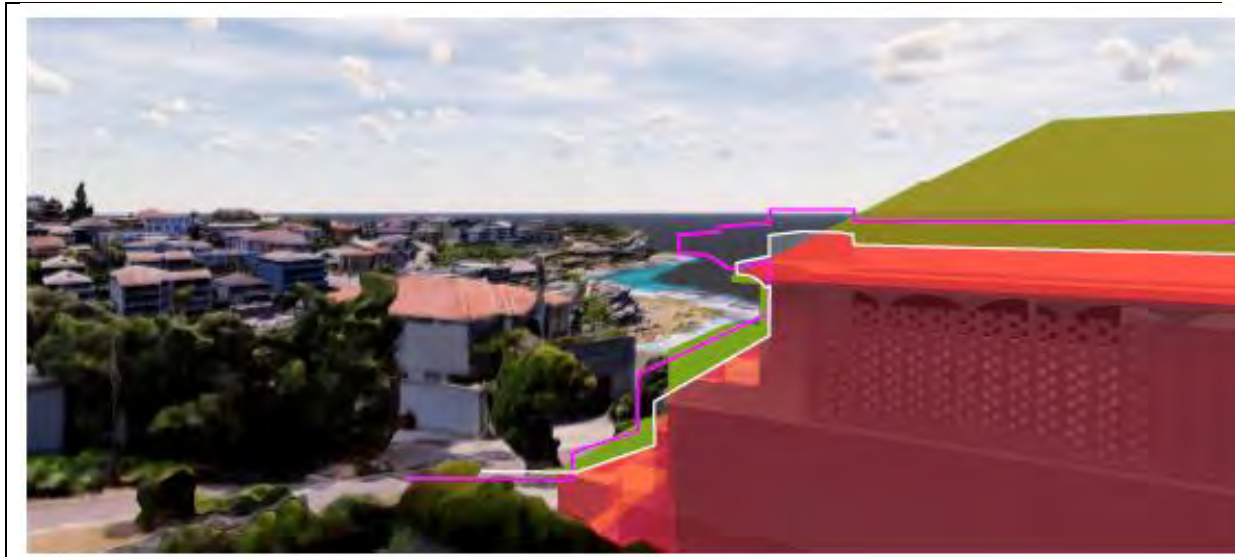
Part C1, 1.10 details objectives and controls for views and view sharing that are considered in parallel with the *Tenacity Principles*.

During the assessment of the application, view loss inspections were undertaken from the properties to the west (high side) of the site, that is, 1, 3 and 7 Mirimar Avenue. It was deemed by Council Officer's assessment, that views from those properties would be adversely affected from the proposal. While the proposal would reduce the overall height of the building from existing (existing pitched roof form to be flat roof design). Subsequently, the application was deferred seeking the applicant to consider the view impacts and provide additional view analysis of the proposal.

Figures 4 to 7 have been prepared by the applicant's architect as part of the amended proposal's view analysis. The modelling is using 3D imaging whereby the survey details of the subject site and adjoining properties are utilised to prepare this imaging. The pink outline is the original proposal's building envelope. The white line (difficult to see) is the amended proposal's building envelope. Red (together with green) represent the existing building envelope. Green is reflecting the reduction in envelope of the amended scheme, that is, the green highlights the views/outlook that will be gained back from the amended proposal (compared to existing views enjoyed). Therefore, where there is a difference (or gap) between the red shaded area and white outline is where additional view loss will occur as a result of the amended proposal.



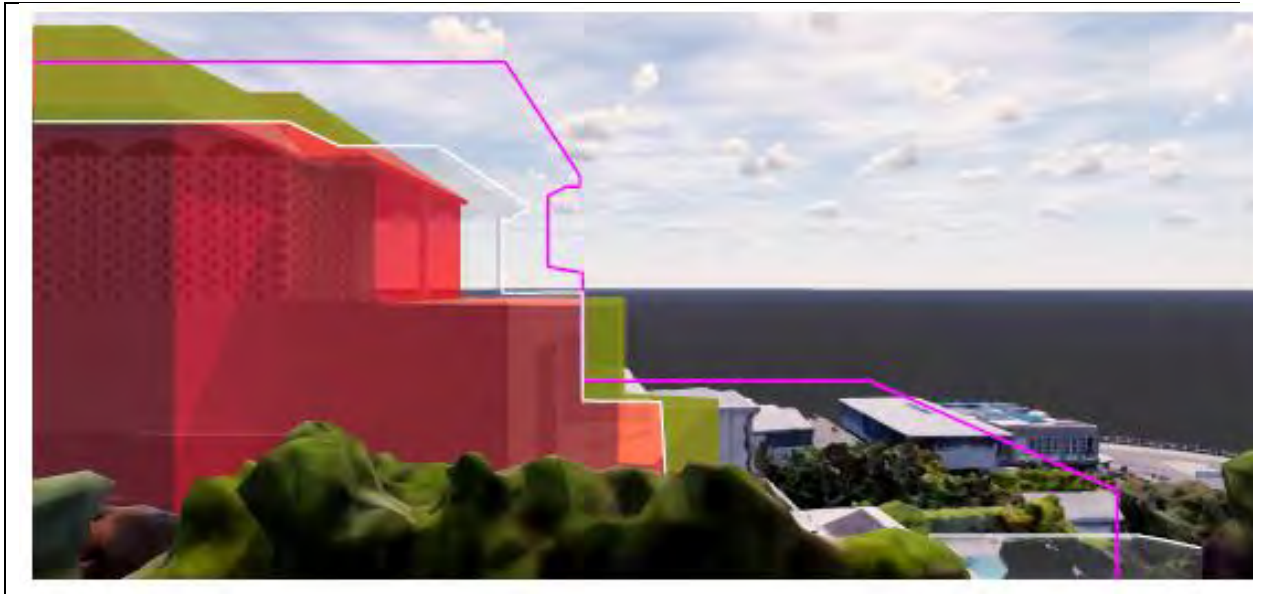
**Figure 4:** View loss analysis from 1 Mirimar Avenue overlooking front section of amended proposal (Source: provided by applicant)



**Figure 5:** View loss analysis from 3 Mirimar Avenue overlooking front section of proposal (Source: provided by applicant)

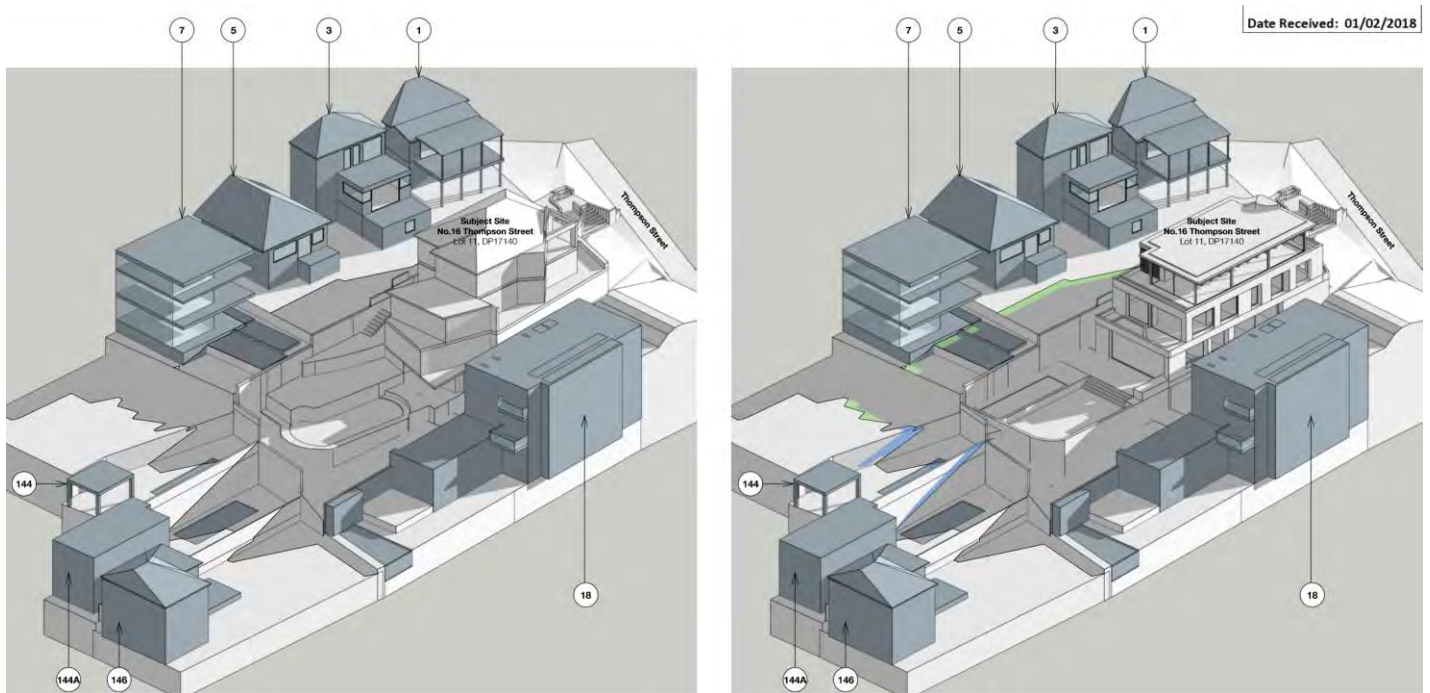


**Figure 6:** View loss analysis from 3 Mirimar Avenue overlooking rear section of amended proposal (Source: provided by applicant)



**Figure 7:** View loss analysis from 5 Mirimar Avenue, overlooking rear section of amended proposal (Source: provided by applicant)

To assist with the comprehension of topography of the site and immediate vicinity, the shadow diagrams prepared also in 3D are worth referencing (numbers in circles represent their street number of subsequent street). These diagrams indicate the topography, scale of neighbouring buildings, number of storeys and also those that have balconies to the rear. The existing building is on the left and the amended proposal is on the right.



**Figure 8:** Subject site and adjoining properties in 3D form. The existing building is on the left and the amended proposal is on the right. (Source: shadow diagrams provided by applicant).



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

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

- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views achieved from dwellings to the west (1, 3, 5 and 7 Mirimar Avenue) are views of the Pacific Ocean, horizon interface with the ocean and some land and water interface. These views are considered to be iconic view however they are not whole views having regard to obstructions from existing building forms.

- 2. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

All views achieved are from rear elevations of the objector's properties (that front Mirimar Avenue) over the side, front and rear boundaries of the subject site. All analysis has been taken from a standing position.

- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

For some objector's properties the views are from living areas and for others, the views are from terraces connected to living areas and bedrooms. It should also be noted that the views are obtained over the subject site and some of the properties affected (fronting Mirimar Avenue) are undeveloped according to current development standards).

The amended proposal improves the quality of views (primarily due to the proposed form being less in height than existing), however it will result in a minor increase in the level of obstruction of ocean views enjoyed over the front and rear sections of the proposed dwelling. On balance, the view impacts of the proposed development have been assessed as 'moderate'.

- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one*

*or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The amended proposal complies with height of buildings development standard, and having regard to the design, will be much lower than the pitched roof form of the existing building. The proposal does not comply with the Floor Space Ratio (FSR) development standard, however this is largely due to the topography of the site and the existing envelope of the building which presently is also significantly over on FSR. In effect, the amended proposal reduces the FSR from the existing building and provides a building form that is less in height than existing. Therefore, the scale is comparable to surrounding developments and is consistent with the desired future character of the area.

The proposal is considered to appropriately address view and view sharing objectives and controls in Part C1, 1.10 of the WDCP 2012 and having regard to the Tenacity Principles for view loss. The view impacts from the existing building form, compared to those of the amended proposal are considered to be on balance, justified. There will be minor view loss towards the front and rear sections of the dwelling (enjoyed from dwellings to the west), however there will be also views gained from the reduction in overall scale of the building form. Accordingly, the proposal is not unreasonable having regard to view impacts.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

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

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

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

## **2.4 Any Submissions**

The initial application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

Eight submissions were received in response to the original notification and 6 submissions in response to the re-notification of the amended scheme. The issues raised in the submissions are summarised and discussed below.

**Table 4: Summary of property addresses that lodged a submission**

Property
<b>Original:</b>
18 Thompson Street, Tamarama
27 Thompson Street, Tamarama
144 Hewlett Street, Bronte
144A Hewlett Street, Bronte
146 Hewlett Street, Bronte
148 Hewlett Street, Bronte
1 Miramar Avenue, Tamarama
3 Miramar Avenue, Tamarama
<b>Re-notification (Amended):</b>
18 Thompson Street, Tamarama
144A Hewlett Street, Bronte
146 Hewlett Street, Bronte
1 Miramar Avenue, Tamarama
3 Miramar Avenue, Tamarama
7 Miramar Avenue, Tamarama

***Issue: Completeness of application***

**Response:** The application is accompanied by appropriate information to enable a complete and accurate assessment of the merits of the proposal.

***Issue: Building Height***

**Response:** Refer to discussion under Heading 2.14 and 2.1.5 of this report.

***Issue: Damage to Adjacent Properties during Construction***

**Response:** Standard dilapidation conditions are included in Appendix A of this report.

***Issue: Design and Appearance***

**Response:** Refer to discussion under Heading 2.1.5 of this report.

***Issue: Earthworks***

**Response:** Refer to discussion under Heading 2.1.4 of this report.

***Issue: Floor Space Ratio***

**Response:** Refer to discussion under Heading 2.1.4 and 2.1.5 of this report.

***Issue: Geotechnical Adequacy***

**Response:** The application is accompanied by a geotechnical assessment. Furthermore, standard conditions relating to geotechnical assessment/reporting are included in Appendix A of this report.



***Issue: Landscaping Design***

**Response:** Landscaping across the site is considered reasonable in greening the site, whilst not impeding upon views across the site.

***Issue: Loss of Light***

**Response:** Refer to discussion under Heading 2.1.5 of this Report.

***Issue: Materials and Finishes***

**Response:** Selected materials and finishes are contemporary in the application and compatible with surrounding development.

***Issue: Setbacks***

**Response:** Refer to discussion under Heading 2.1.5 of this report.

***Issue: Stormwater Management***

**Response:** Refer discussion under Heading 3.1 of this report.

***Issue: Traffic and Parking***

**Response:** Refer discussion under Headings 2.1.5 and 3.1 of this report. Related conditions are included in Appendix A of this report.

***Issue: Use of Public Domain for Access***

**Response:** Existing stairs located adjacent the site are proposed to be used to provide pedestrian access from the public domain to the site. Refer discussion under Heading 3.1 of this report. Related conditions are included in Appendix A of this report.

***Issue: View Loss***

**Response:** Refer discussion under Heading 2.1.5 of this report.

***Issue: Visual and Acoustic Privacy***

**Response:** Refer discussion under Heading 2.1.5 of this report.

**2.5 Public Interest**

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

**3. REFERRALS**

**3.1 Engineering Design – Creating Waverley**

The application was referred to Councils Design Engineer for comments relating to public domain works, principally the pedestrian access to the dwelling from the street. Advice received indicated that the stairs and associated works constructed on Council land may remain subject to their modification to not look part of the adjoining property. Lights are to be removed from Council land, painting to be modified and handrail changed to white timber post and rail. Works are to be done by the applicant at their expense to the satisfaction of Council.

The resultant effect will be to modify the public domain to be more in line with Council's public domain guidelines, rather than present as a 'privatised' access to the subject dwelling as presently occurs.

Recommended conditions are included in Appendix A of this report.

### **3.2 Stormwater – Creating Waverley**

The application was referred to Councils Design Engineer for comments. The referral comments indicated that the proposed onsite stormwater design is inconsistent with Councils requirements. Standard related conditions are included in Appendix A of this report.

### **3.3 Traffic and Development – Creating Waverley**

The application was referred to Councils Traffic Engineer for comments. Support subject to imposition of conditions; construction vehicle and pedestrian plan of management; long sections of driveway; Thompson St road reserve; new vehicle crossing; building materials stored on-site.

Recommended conditions are included in Appendix A of this report.

### **3.4 Green Infrastructure – Sustainable Waverley**

At the time of preparing this report, referral comments had not been received.

## **4. SUMMARY**

The proposal seeks consent for the demolition of the existing dwelling and its ancillary structures, the construction of a three storey plus basement dwelling house, in-ground swimming pool, retaining walls, landscaping and associated works.

The proposed development is permissible within the zone, consistent with the zone objectives and complies with the height development standard of the WLEP 2012. The proposal does exceed the floor space ratio development standard, however, is supported in the circumstances of the case, especially as the resultant building form is less gross floor area than the existing building (though still non compliant).

Accordingly, the proposal is supported with regards to all relevant provisions of the WLEP 2012 and the WDCP 2012.

The matters raised in submissions have been addressed through amendments or do not warrant amendment given the contextual setting, relevant controls for the subject site and desired future character of the area.

No Councillor submissions were received.

The development application is supported and recommended for approval subject to conditions of consent.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

**Report prepared by:**

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

Fiona Koutsikas  
**Senior Development Assessment Planner**

Angela Rossi  
**Manager, Development Assessment (Central)**

**Date: 29/03/2019**

**Date: 5/04/2019**

**Reason for referral:**

- 3 Departure from any development standard in an EPI by more than 10%



## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans prepared by Madeleine Blanchfield Architects, as detailed below:

<b>Plan description</b>	<b>Revision No / Date</b>	<b>Date received by Council</b>
DA.101 Site Pan	D / 6 March 2019	6 March 2019
DA.301 Basement Floor Plan	D / 6 March 2019	6 March 2019
DA.302 Ground Floor Plan North	D / 6 March 2019	6 March 2019
DA.303 Ground Floor Plan South	D / 6 March 2019	6 March 2019
DA.304 First Floor Plan	D / 6 March 2019	6 March 2019
DA.405 West Elevation – Sheet 1	D / 6 March 2019	6 March 2019
DA.406 West Elevation – Sheet 2	D / 6 March 2019	6 March 2019
DA.501 Longitudinal Section A – Sheet 1	D / 6 March 2019	6 March 2019
DA.502 Longitudinal Section A – Sheet 2	D / 6 March 2019	6 March 2019
DA.503 Cross Section B	D / 6 March 2019	6 March 2019

(b) Amended Landscape Plans;

(c) BASIX and NatHERs Certificate; and

(d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

(a) Amended landscape plans to accord with the architectural plans herein approved shall be submitted, taking into consideration the requirements of subclause (c) below.

(b) Updated BASIX Certificate to accord with the architectural plans herein approved shall be submitted.

(c) To reduce the dominance of parking to the streetscape, the garage door width shall be reduced to a maximum of 6m and the remaining frontage of this elevation finished in a solid material that correlates with the design of the dwelling. The driveway shall be reduced

accordingly, so that a landscape strip is provided (between garage entry and stairs to public domain) and there shall be a clear delineation between vehicle and pedestrian access.

The amendments are to be submitted for the approval of Council to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. An electronic copy of the amended plans or additional information (see website for electronic document requirements) addressing this condition, including a covering letter shall be provided to Council.

### **3. APPROVED USE - DWELLING HOUSE**

This application approves the use of the building/s on the site for single dwelling house.

### **4. INSTALLATION OF AIR CONDITIONING**

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

- (a) Be located a minimum of 450mm from a boundary.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (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).

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **5. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **6. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.



Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

## **7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$26,000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **8. 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.

## **9. PUBLIC DOMAIN WORKS – THOMPSON STREET ROAD RESERVE**

- A. Public domain works to the frontage of the site are required to restore this public area to a presentation that aligns with Council Public Domain Guidelines, rather than be finished in materials and scheme that reflect the design of the adjacent dwelling of No 16 Thompson Street. On this basis, the pedestrian access to the dwelling (No 16), the stairs and associated works may remain subject to:
- i. Removal of lighting from Council land;
  - ii. Restoration of stairs and associated works to meet Council's Public Domain Improvements Manual;
  - iii. Painting to be modified to a style and colour chosen by Council;
  - iv. Handrail to be replaced with a white timber post and rail.
  - v. Clear delineation between vehicles and pedestrians at the front of the site.
  - vi. Introduction of increased landscaping forward of garage (upon garage door being reduced in width).

All pavement treatments and works shall be approved by Council.

Works to be done by the applicant at their expense and to the satisfaction of Council.

- B. Prior to the issue of the Construction Certificate, detailed drawings of the works proposed within the Thompson Street road reserve shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The detailed engineering drawings shall show the full extent of the upgrading / reconstruction proposed to the existing driveway, bounding walls, lighting and pedestrian stairs.

## **10. LONG SECTIONS OF DRIVEWAY**

Long sections, drawn along both edges of the driveway, shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to issue of the Construction Certificate.

The long section drawings shall:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Thompson Street carriageway, the kerb and gutter, footpath and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/ drained towards the roadway.
6. Include a separate drawing of any adjustments required to the level of Councils road reserve to provide suitable vehicular access to and from the site.

## **11. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

Prior to the issue of a Construction Certificate, the applicant is to submit a "Construction Vehicle and Pedestrian Plan of Management" (CVPPM) for the approval of the Executive Manager, Creating Waverley

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, 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 in the vicinity of the site, the trucks may not be approved for use.
- c. Show the location and length of any proposed Works/Construction Zones.

Note:

- (i) Such zones require the approval of the Waverley Traffic Committee and Council prior to installation.
  - (ii) It is illegal to park a truck exceeding 4.5tonnes on a roadway for more than one (1) hour unless signs are installed allowing such and illegal to barricade/ reserve a section of roadway without the prior approval of Council.
- d. Indicate the number of and where it is proposed to park light vehicles associated with staff/employees/contractors working on the site.

## **12. HOARDING REQUIRED**

To ensure the site is contained during construction, a hoarding is required for the approved works which is to be designed and constructed in accordance with the requirements of **Safe Work NSW**.

The hoarding is to be erected on the street alignments of the property prior to the commencement of building operations and be maintained during the course of building operations. Details of the hoarding are to be provided to Council for record and be to the satisfaction of the Principal Certifying Authority 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.

### **13. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book). A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be included in the plan for any construction site with vehicles entering and existing the site.

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

### **14. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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.

### **15. GEOTECHNICAL ENGINEERS REPORT**

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.



The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

#### **16. DETAILS OF 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.

#### **17. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **18. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

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 is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

#### **19. STORMWATER MANAGEMENT**

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

## **20. ON-SITE STORMWATER DETENTION DETAILS**

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approved by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

## **21. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation 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 Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **22. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

## **23. 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.

## **24. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **25. 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.

### **26. 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.

### **27. 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.

### **28. 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 hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **29. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **30. TREE PRESERVATION**

A tree preservation order exists in the Waverley Local Government Area. Any trees not identified in this application have not been assessed and separate consent will be required. The application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

### **31. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**



The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

### **32. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

### **33. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

### **34. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A

(friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.

- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

### **35. 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 modification application.

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.

### **36. 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.

### **37. 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.

### **38. 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.

### 39. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED 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 2014. 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.

### 40. 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 Concrete & Aggregates Australia Technical Note TN68 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.

### 41. 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;
- (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, and possibly NSW EPA throughout construction;**
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

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

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

#### **43. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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.

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

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.

#### **44. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

#### **45. CONSTRUCTION INSPECTIONS**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation Amendment (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 National Construction Code 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 for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** 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 (if relevant to the development) 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); and
- (g) swimming pool fencing prior to filling pool.

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 National Construction Code and standards of construction.

#### **46. 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.

#### **47. 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.

#### **48. 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.

#### **49. EXISTING VEHICLE CROSSING IS TO BE MODIFIED**

The existing vehicle crossing is to be modified to provide access to the proposed **garage**. A separate application is required for the modified vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

#### **50. 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.

## 51. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the proposed pool/spa is not to exceed a maximum height of RL 34.22;
- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

## 52. NO WORKS BEYOND BOUNDARIES

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property.

## 53. DOMESTIC HEATERS

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

## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **54. FINAL OCCUPATION CERTIFICATE**

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

### **55. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **56. PUBLIC DOMAIN WORKS COMPLETED**

All footpath upgrades and public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

### **57. SWIMMING POOL/OUTDOOR SPA CERTIFICATION**

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (e) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.

- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

**58. POOL MANUFACTURER'S CERTIFICATION**

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

**59. LIGHTING**

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

**60. 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.

**61. INTRUDER ALARM**

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

**62. PARKING ON-SITE**

In accordance with Council policy, parking on-site is limited to 2 vehicles.



# A M E N D E D

## DEVELOPMENT APPLICATION

**16 THOMPSON STREET, TAMARAMA**

PREPARED ON BEHALF OF:

CRAIG & KATE SMITH

<b>DRAWING SCHEDULE :</b>		<b>SCALE :</b>
DA.100	Cover Sheet	NTS
DA.101	Site Analysis Plan	1:200
DA.301	Basement Floor Plan	1:100
DA.302	Ground Floor Plan - North	1:100
DA.303	Ground Floor Plan - South	1:100
DA.304	First Floor Plan	1:100
DA.305	Second Floor Plan	1:100
DA.306	Roof Plan	1:100
DA.401	North Elevation - Thompson Street	1:100
DA.402	East Elevation - Sheet 1	1:100
DA.403	East Elevation - Sheet 2	1:100
DA.404	South - Rear	1:100
DA.405	West Elevation - Sheet 1	1:100
DA.406	West Elevation - Sheet	1:100
DA.501	Longitudinal Section A - Sheet 1	1:100
DA.502	Longitudinal Section A - Sheet 2	1:100
DA.503	Cross Section B	1:100
DA.701	Materials Board	NTS
DA.702	Site Waste & Recycling Management Plan	1:200
DA.703	Area Calculations	1:200
DA.801	View Analysis Studies - 1 Mirimar Ave	NTS
DA.802	View Analysis Studies - 3 Mirimar Ave View 01	NTS
DA.803	View Analysis Studies - 3 Mirimar Ave View 02	NTS
DA.804	View Analysis Studies - 5 Mirimar Ave	NTS
DA.805	View Analysis Studies - 7 Mirimar Ave View 01	NTS
DA.806	View Analysis Studies - 7 Mirimar Ave View 02	NTS
DA.850	9am June Shadow Studies - View 1	NTS
DA.851	12pm June Shadow Studies - View 1	NTS
DA.852	3pm June Shadow Studies - View 1	NTS
DA.853	9am June Shadow Studies - View 2	NTS
DA.854	12pm June Shadow Studies - View 2	NTS
DA.855	3pm June Shadow Studies - View 2	NTS
DA1001	Photomontage	NTS

**LOCATION PLAN 1:3000**



### BASIX COMMITMENTS:

Commitments to be read in conjunction with the BASIX Certificate prepared by Aspect Z

#### WATER COMMITMENTS

##### Fixtures

The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.  
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.  
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.  
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.

##### Alternative water - rainwater tank

The applicant must install a rainwater tank of at least 5000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

The applicant must configure the rainwater tank to collect rain runoff from at least 175 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).

The applicant must connect the rainwater tank to:

- the cold water tap that supplies each clothes washer in the development
- at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)
- a tap that is located within 10 metres of the swimming pool in the development

##### Swimming pool

The swimming pool must not have a volume greater than 44 kilolitres.

The swimming pool must be outdoors.

#### THERMAL COMFORT

- R1.2 insulation to all external walls of ground and first floor level. 300mm concrete walls simulated generally.
- R1.2 insulation to all walls that are not screened to level 2.
- R1.4 on top of roof insulation, to level 2 roof.
- R1.4 on top of roof insulation to external roof/terrace areas of other levels.
- R1.4 insulation to internal ceiling of basement garage (ie, floor soffit of ground floor above)
- R1.2 insulation to internal ceiling of ground floor garage/shaft/storage areas
- R2.5 insulation to suspended ceilings of lounge and other rooms on ground and first floor below roof areas. No insulation to first floor ceiling.
- R1.0 insulation below slab to ground floor where on ground.
- R2.0 insulation to framed internal walls adjacent garage and storage space on ground level.
- Glazing throughout to meet the following performance (glass and frame): U<sub>w</sub> equal or lower than 4.3, SHGC<sub>w</sub> within 10% of 0.53 (for sliding, double hung, fixed and louvre units). U<sub>w</sub> equal or lower than 4.3, SHGC<sub>w</sub> within 10% of 0.47 (for hinged units). Generally, this is equal in performance to aluminium frames with double glazed, low e, high solar gain glazing\*\*
- Glazing to the level 2 screen has been simulated as 50% of each individual wall. Glass to be equal in performance to clear double glazing (or glass brick equivalents). U<sub>w</sub>: 4.8, SHGC<sub>w</sub>: 0.59\*\*
- Glass door to ground floor powder room (WG07) to be standard clear (or opaque if preferred) in aluminium frames U<sub>w</sub>: 6.7, SHGC<sub>w</sub>: 0.57 (hinged).
- Sunshading has been modelled as per your plan details.
- Draft seals to all external doors and windows
- Floor coverings simulated as per plans
- Unvented, insulation coverable downlights to ground and first floor levels - Australian Standard IC rated. Allocations as per your correspondence.
- Exhaust fans throughout to be sealed units (ie, self closing dampers included) – one each to ensuite, bath, wc, and laundry.
- Sunshading has been modelled as per your plan details.
- Draft seals to all external doors and windows
- Floor coverings simulated as per plans
- Unvented, insulation coverable downlights to ground and first floor levels - Australian Standard IC rated. Allocations as per your correspondence.
- Exhaust fans throughout to be sealed units (ie, self closing dampers included) – one each to ensuite, bath, wc, and laundry.

#### ENERGY COMMITMENTS

##### Hot water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.

##### Cooling System

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 4 Star

The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 4 Star

The cooling system must provide for day/night zoning between living areas and bedrooms. Heating System

##### Heating System

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning; Energy rating: 4 Star

The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning; Energy rating: 4 Star

The heating system must provide for day/night zoning between living areas and bedrooms.

##### Ventilation

The applicant must install the following exhaust systems in the development:

At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off

Kitchens: individual fan, ducted to façade or roof; Operation control: manual switch on/off

Laundry: individual fan, ducted to façade or roof; Operation control: manual switch on/off

##### Artificial Lighting

The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:

- at least 7 of the bedrooms / study;
- at least 4 of the living / dining rooms;
- the kitchen;
- all bathrooms/toilets;
- the laundry;
- all hallways;

##### Natural Lighting

The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) in the development for natural lighting.

##### Swimming Pool

The applicant must install the following heating system for the swimming pool in the development (or alternatively must not install any heating system for the swimming pool): solar only

The applicant must install a timer for the swimming pool pump in the development.

##### Alternative energy

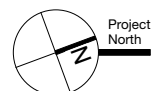
The applicant must install a photovoltaic system with the capacity to generate at least 1.12 peak kilowatts of electricity as part of the development. The applicant must connect this system to the development's electrical system.

##### Other

The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.

The applicant must install a fixed outdoor clothes drying line as part of the development.

The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.



## FOR DEVELOPMENT APPLICATION ONLY

	<p>Madeleine Blanchfield Architects Pty Ltd Registered Architect 7308 ABN 51 140 481 518 83 Paddington St Paddington NSW 2021 office@madeleineblanchfield.com www.madeleineblanchfield.com +61 2 9212 3343</p>	<p>General Notes : All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions. This Drawing Is Copyright And May Not Be Used Without Written Consent. Do Not Scale Off Drawing. Verify All Dimensions On Site Prior To Construction. To Be Read In Conjunction With All Other Consultant's Drawings. The Architect To Be Immediately Notified Of Any Discrepancies.</p>	<p>Project <b>3040 - SMITH RESIDENCE</b> 16 THOMPSON STREET, TAMARAMA LOT 11, DP 17140</p>	<p>Drawing <b>COVER SHEET</b> DEVELOPMENT APPLICATION</p>
<p>Scale 1:200 @ A3</p>		<p>Date MARCH 2018</p>		<p>194 Drawing DA 100</p>
<p>Project <b>3040 - SMITH RESIDENCE</b> 16 THOMPSON STREET, TAMARAMA LOT 11, DP 17140</p>		<p>D FOR COUNCIL - DBU FEEDBACK AB 6/3/19 B FOR COUNCIL - REVISED DA SUBMISSION AB 1/2/19 A FOR COUNCIL - DA SUBMISSION AB 23/5/18 REV. FOR DRAWN DATE</p>		<p>Scale 1:200 @ A3</p>





Photomontage prepared by Atelier Illume

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 A FOR COUNCIL - DA SUBMISSION  
 REV. FOR

AB 1/2/19  
 AB 23/5/18  
 DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

Drawing  
**PHOTOMONTAGE**  
 DEVELOPMENT APPLICATION

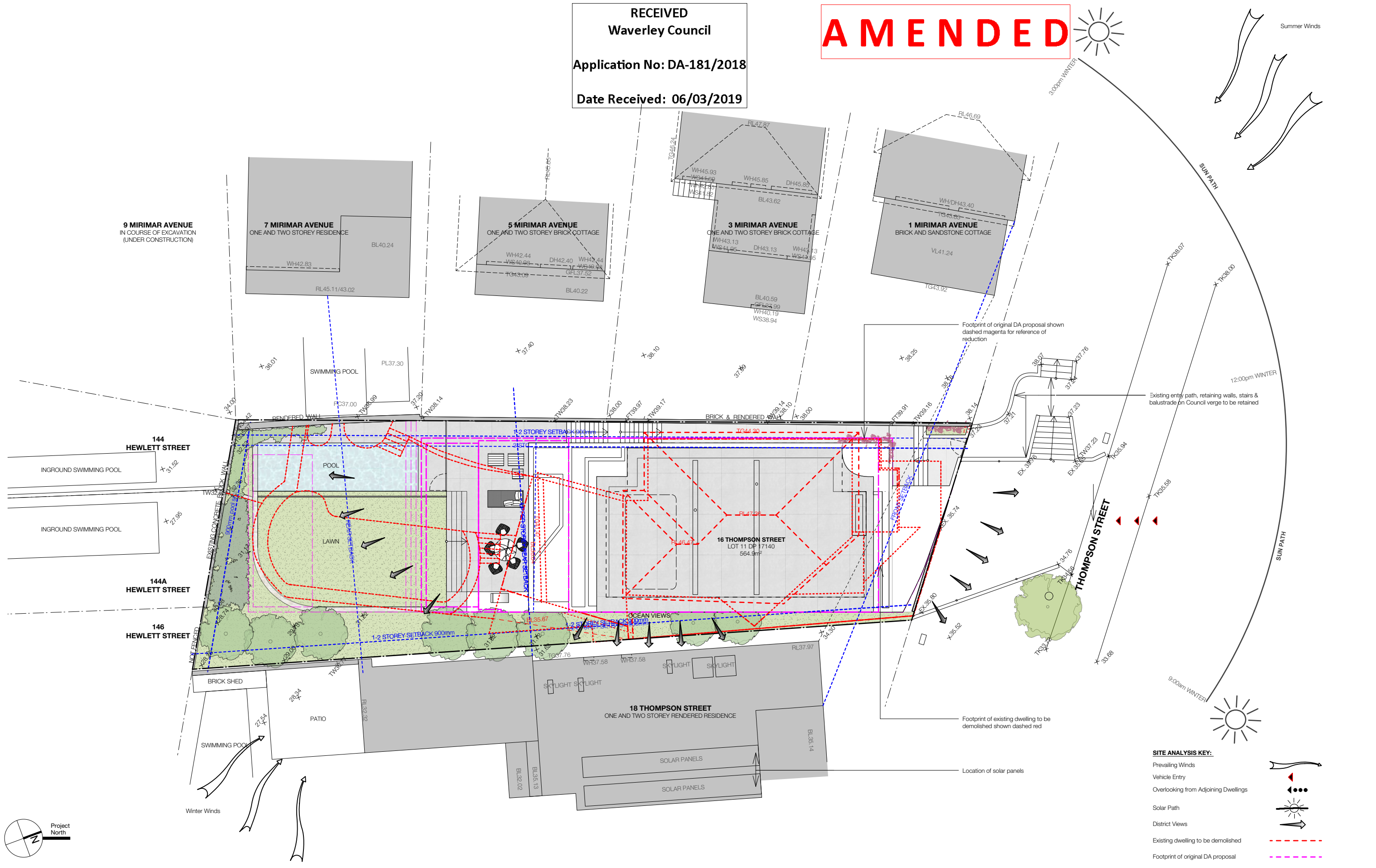
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Date  
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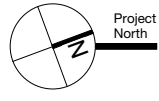


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Date Received: 06/03/2019

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- SITE ANALYSIS KEY:**
- Prevailing Winds
  - Vehicle Entry
  - Overlooking from Adjoining Dwellings
  - Solar Path
  - District Views
  - Existing dwelling to be demolished
  - Footprint of original DA proposal



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REV.	FOR	DRAWN	DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

Scale  
 1:200 @ A3

Date  
 MARCH 2018

Drawing  
**SITE PLAN**  
 DEVELOPMENT APPLICATION

Scale  
 1:200 @ A3

Date  
 MARCH 2018

196

5 MIRIMAR AVENUE  
ONE AND TWO STOREY BRICK COTTAGE

3 MIRIMAR AVENUE  
ONE AND TWO STOREY BRICK COTTAGE

1 MIRIMAR AVENUE  
BRICK AND SANDSTONE COTTAGE

**AMENDED**

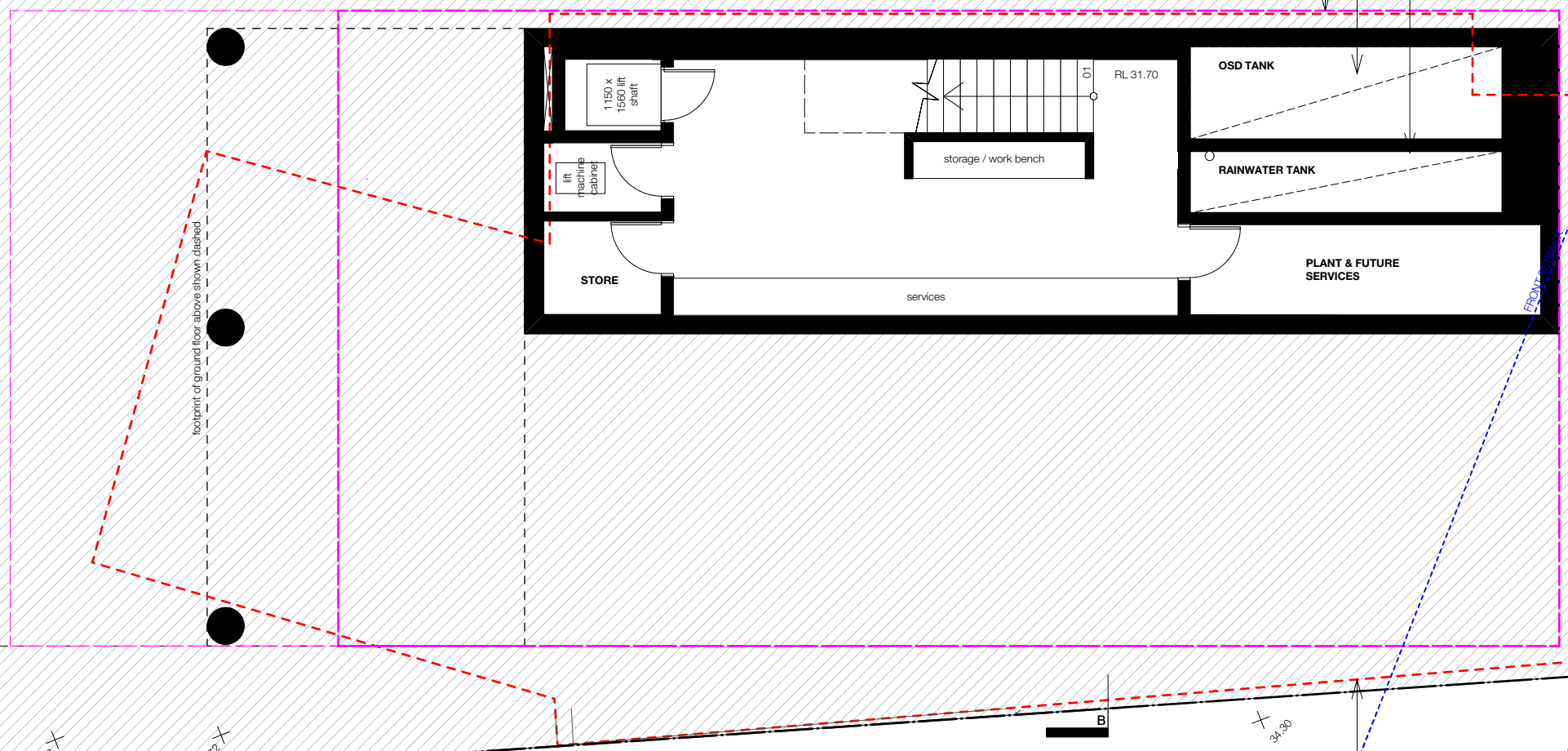
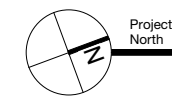
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Application No: DA-181/2018

Date Received: 06/03/2019

Footprint of original DA proposal shown dashed magenta for reference of reduction  
Location of overslung OSD tank refer to stormwater engineer's documentation for details  
Location of rainwater tank to meet BASIX requirements

footprint of ground floor above shown dashed



**KEY**  
 - - - - - FOOTPRINT OF EXISTING DWELLING TO BE DEMOLISHED  
 - - - - - FOOTPRINT OF EXISTING BALCONY AND EAVE TO BE DEMOLISHED  
 - - - - - FOOTPRINT OF ORIGINAL DA PROPOSAL

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Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

D FOR COUNCIL - DBU FEEDBACK AB 6/3/19  
 B FOR COUNCIL - REVISED DA SUBMISSION AB 1/2/19  
 A FOR COUNCIL - DA SUBMISSION AB 23/5/18  
 REV. FOR DRAWN DATE

Scale  
 1:100 @ A3

Date  
 MARCH 2018

10mm [500 |1000 |1500 |2000 |2500 |3000 |3500 |4000 |4500 |5000mm]

Drawing  
**BASEMENT FLOOR PLAN**  
 DEVELOPMENT APPLICATION

197

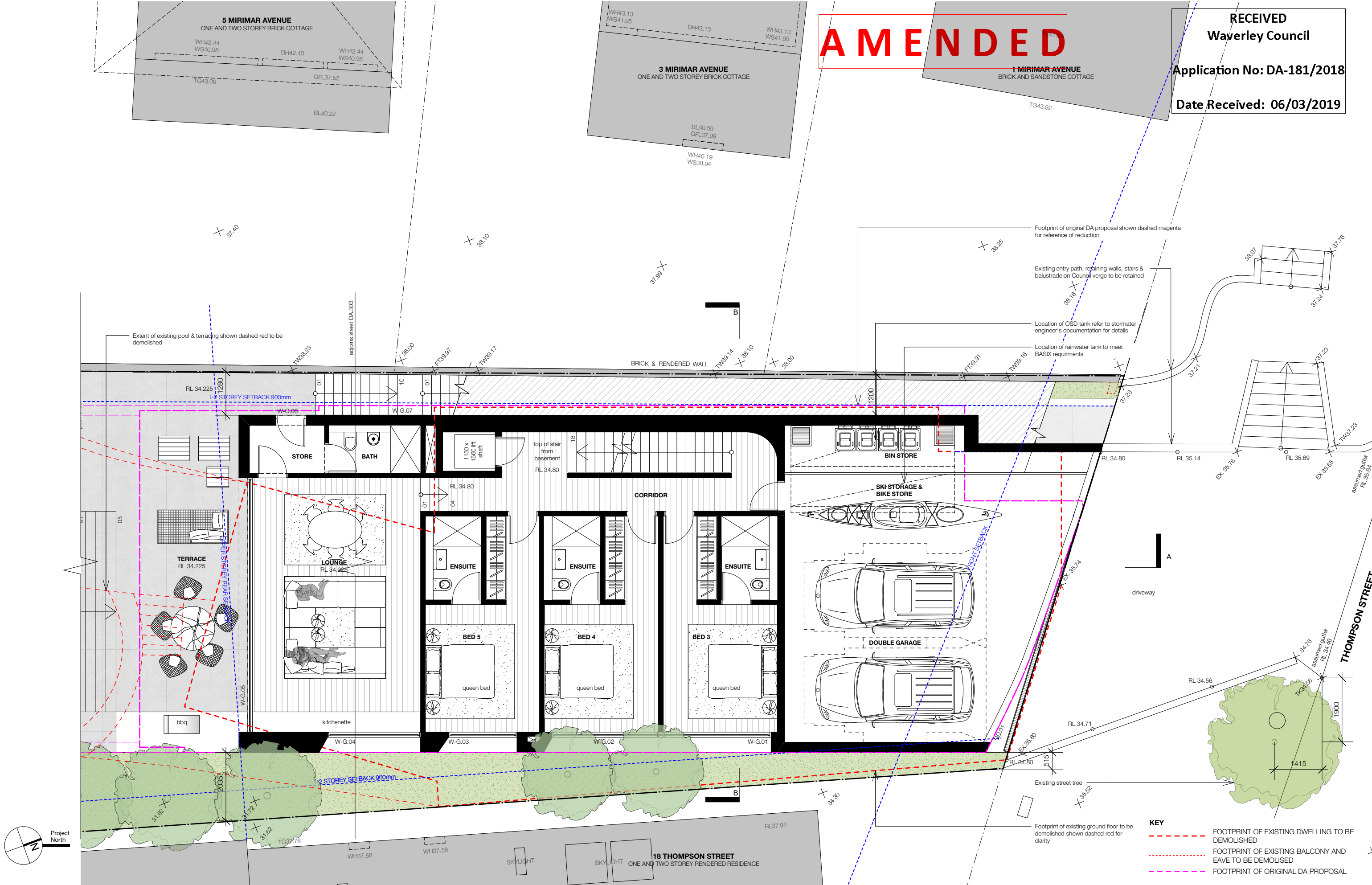


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**Project:**  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

**Revision Table:**

D	FOR COUNCIL - DBU FEEDBACK	AB	6/3/19
B	FOR COUNCIL - REVISED DA SUBMISSION	AB	1/2/19
A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

Scale: 1:100 @ A3  
 Date: MARCH 2018  
 Drawing No: 198

**198**  
 DA-181/2018

9 MIRIMAR AVENUE  
IN COURSE OF EXCAVATION  
(UNDER CONSTRUCTION)

7 MIRIMAR AVENUE  
ONE AND TWO STOREY RESIDENCE

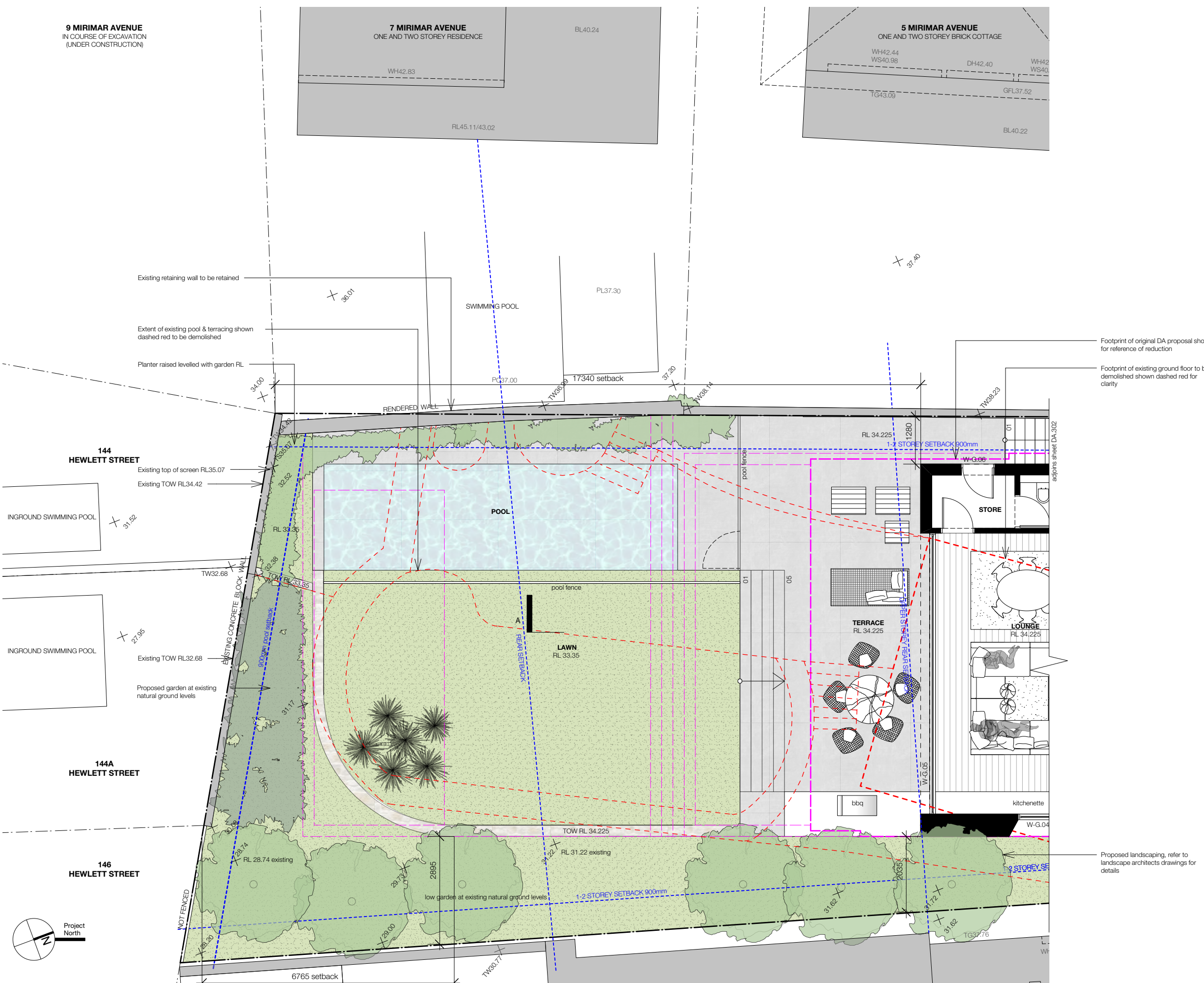
5 MIRIMAR AVENUE  
ONE AND TWO STOREY BRICK COTTAGE

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Application No: DA-181/2018

Date Received: 06/03/2019



Footprint of original DA proposal shown dashed magenta for reference of reduction

Footprint of existing ground floor to be demolished shown dashed red for clarity

Proposed landscaping, refer to landscape architects drawings for details

**KEY**  
- - - FOOTPRINT OF EXISTING DWELLING TO BE DEMOLISHED  
..... FOOTPRINT OF EXISTING BALCONY AND EAVE TO BE DEMOLISHED  
- - - FOOTPRINT OF ORIGINAL DA PROPOSAL

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B FOR COUNCIL - REVISED DA SUBMISSION  
A FOR COUNCIL - DA SUBMISSION  
REV. FOR

AB 6/3/19  
AB 1/2/19  
AB 23/5/18  
DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140  
Scale  
1:100 @ A3  
Date  
MARCH 2018  
Drawing  
199

Drawing  
**GROUND FLOOR PLAN - SOUTH**  
DEVELOPMENT APPLICATION  
Scale  
1:100 @ A3  
Date  
MARCH 2018  
Drawing  
199

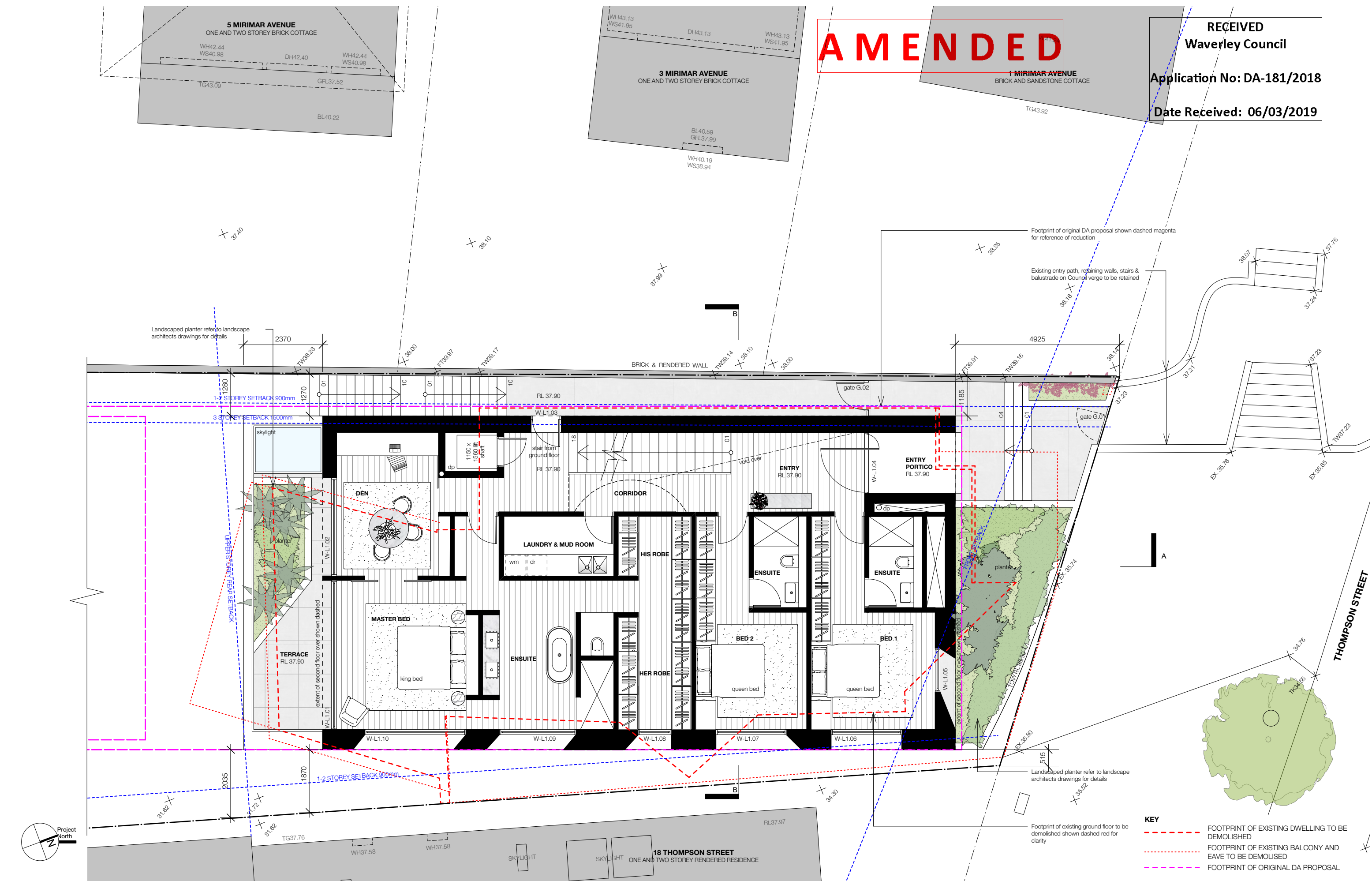


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**Revisions:**

D	FOR COUNCIL - DBU FEEDBACK	AB	6/3/19
B	FOR COUNCIL - REVISED DA SUBMISSION	AB	1/2/19
A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

**Project:**  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

**Scale:** 1:100 @ A3  
**Date:** MARCH 2018  
**Drawn:** DA-181/2018  
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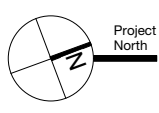
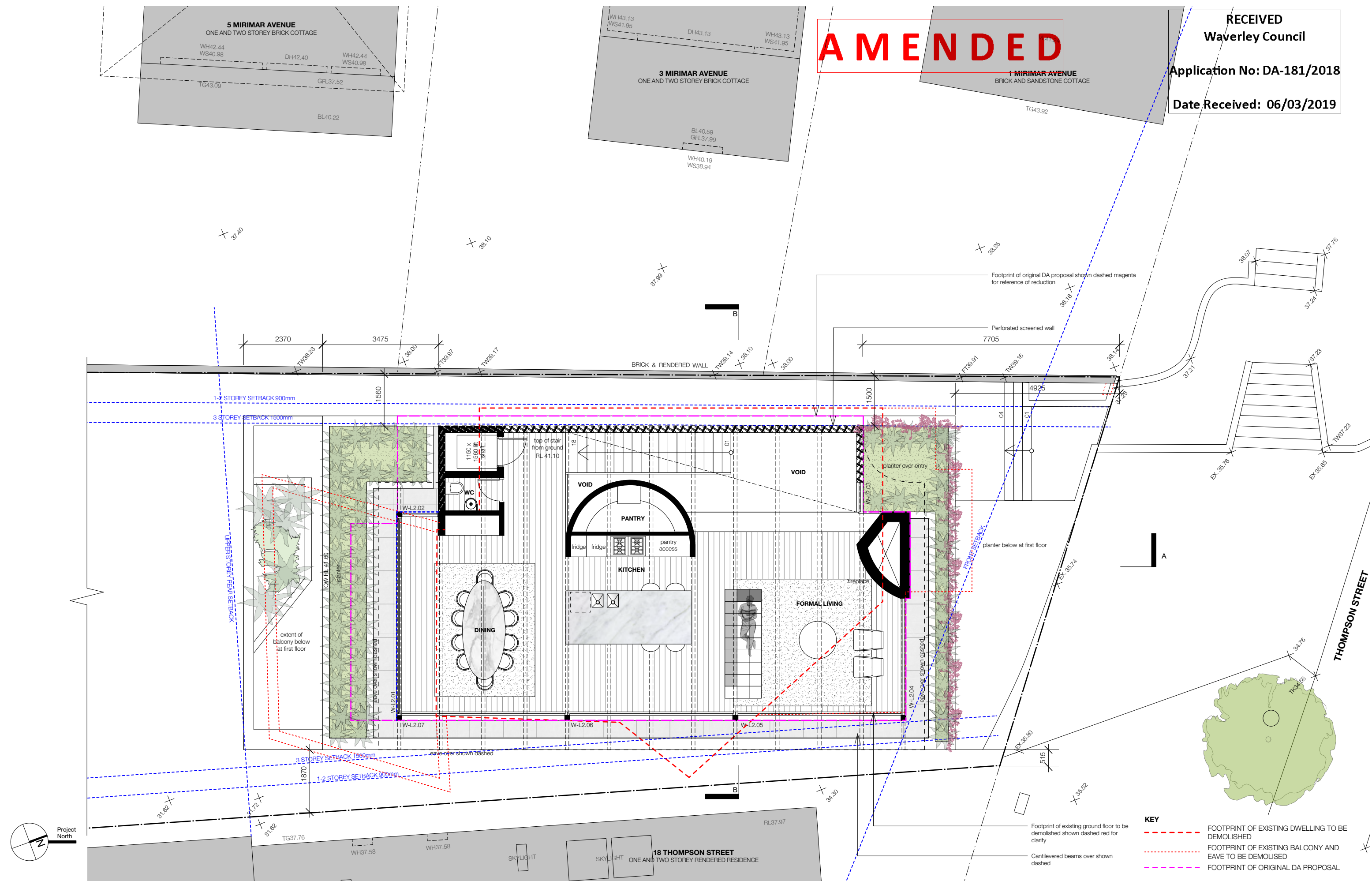
**200**  
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 Drawing: DA-181/2018

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C	FOR COUNCIL - LEVEL 2 PLANTER INCREASED	AB	19/2/19
B	FOR COUNCIL - REVISED DA SUBMISSION	AB	1/2/19
A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

Scale  
 1:100 @ A3

Date  
 MARCH 2018

Project Scale  
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Drawing  
**SECOND FLOOR PLAN**  
 DEVELOPMENT APPLICATION

Scale  
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Date  
 MARCH 2018

201

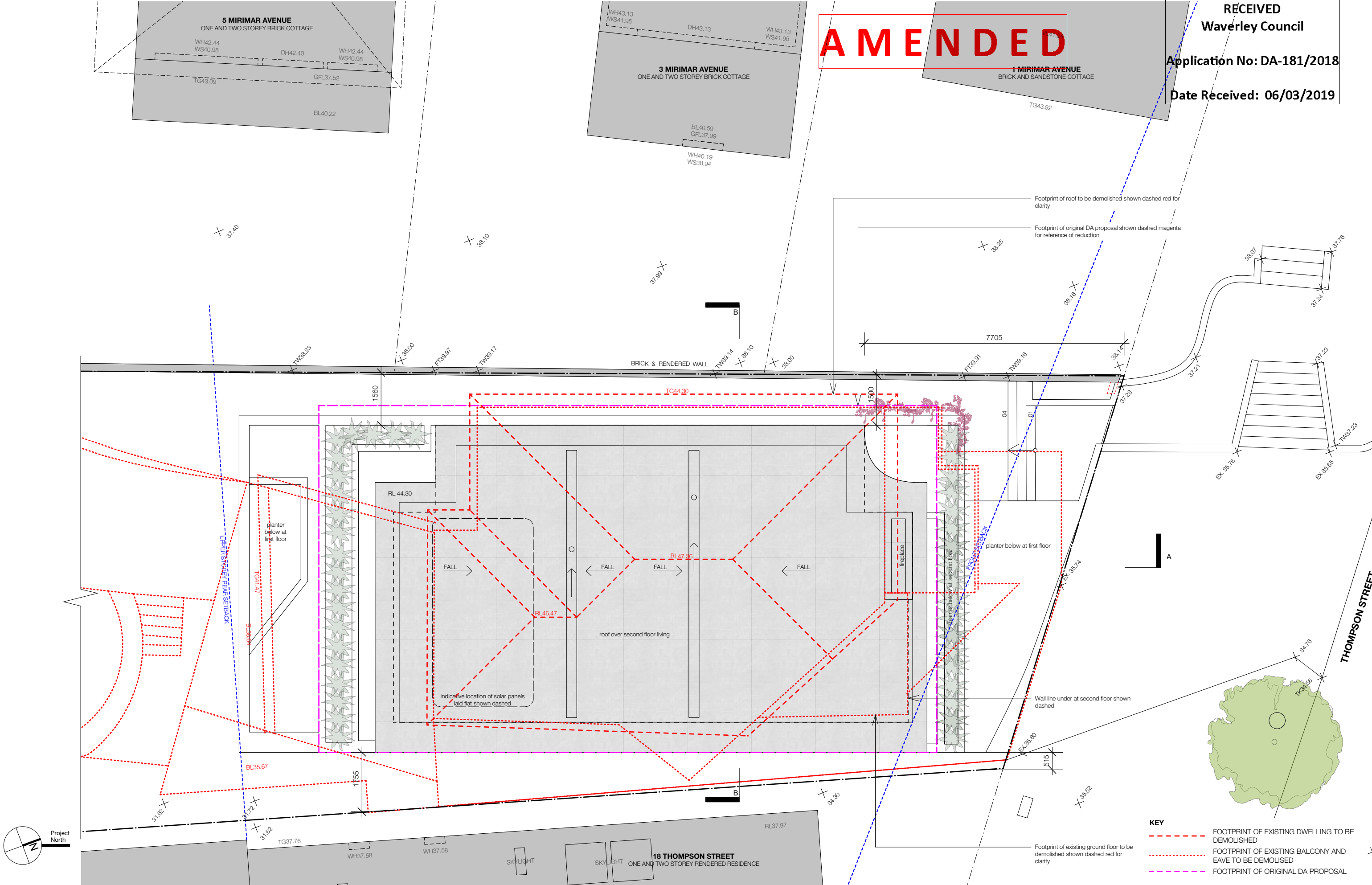


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**Project**  
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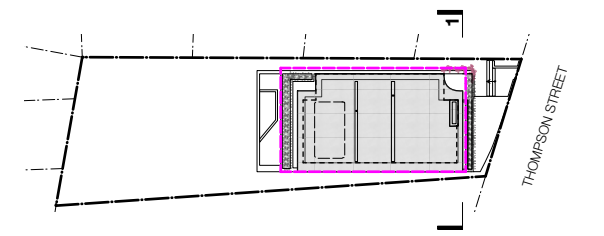
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 Date: MARCH 2018

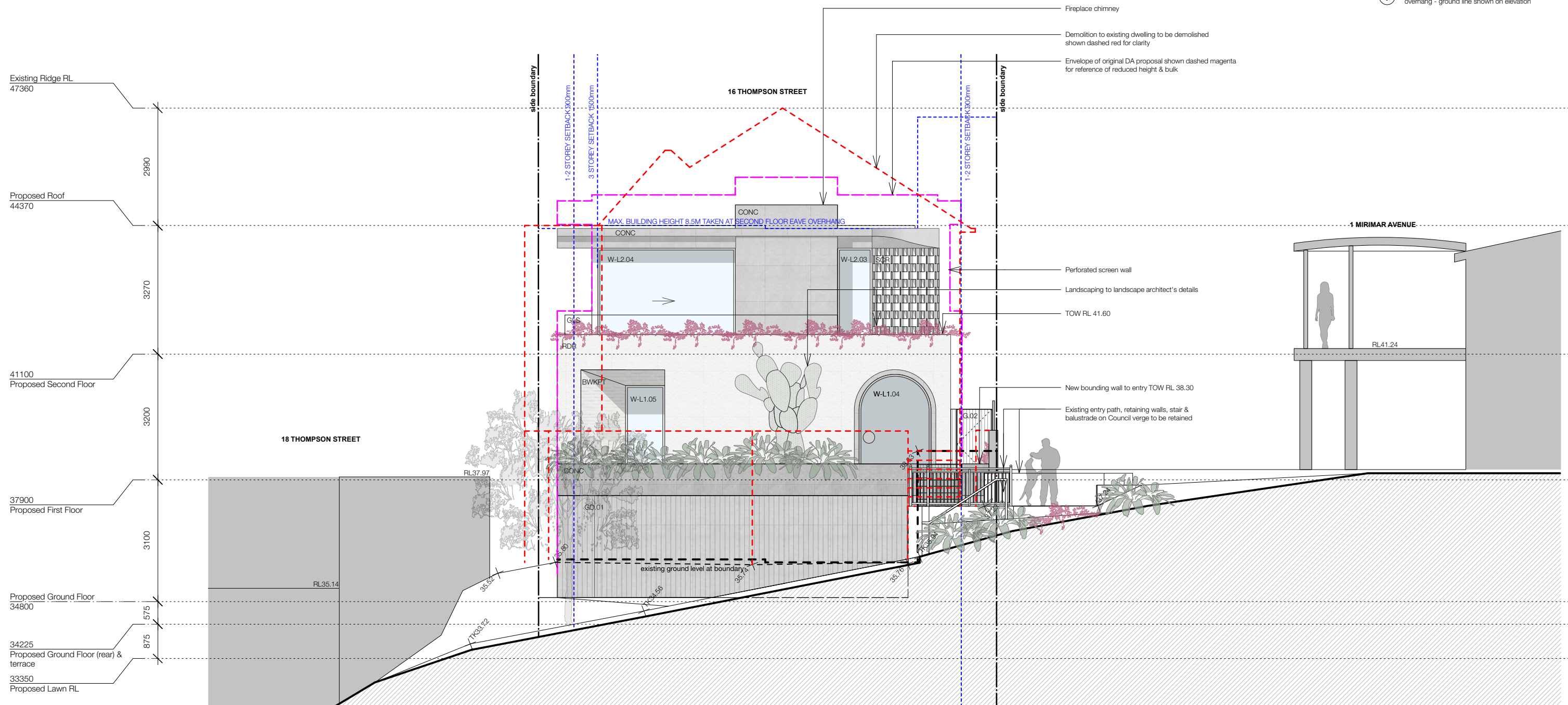
**202**  
 Drawing No: DA-181/2018

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Date Received: 06/03/2019

**AMENDED**



1 section through proposed second floor roof overhang - ground line shown on elevation



**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
CONC	Concrete off-form	SCR	Screen - perforated
GLS	Glass	STN	Sandstone

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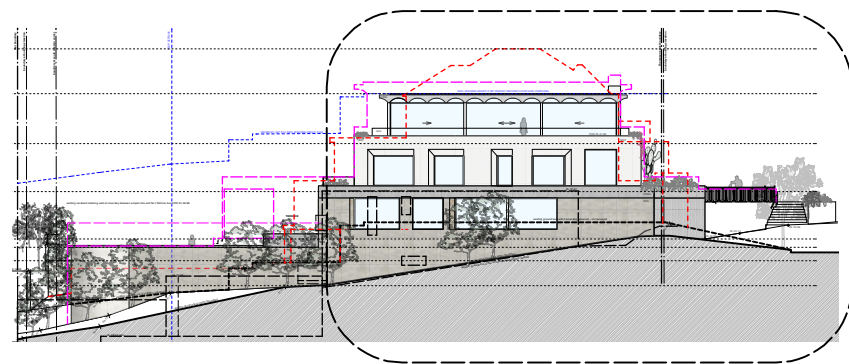
Scale  
1:100

Date  
MARCH 2018

Drawn  
**203**

Drawing  
**NORTH ELEVATION - THOMPSON STREET**  
DEVELOPMENT APPLICATION

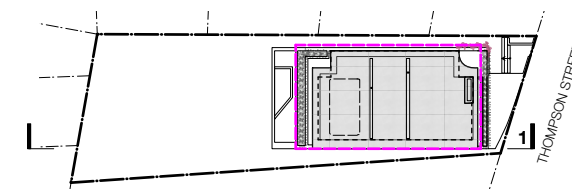




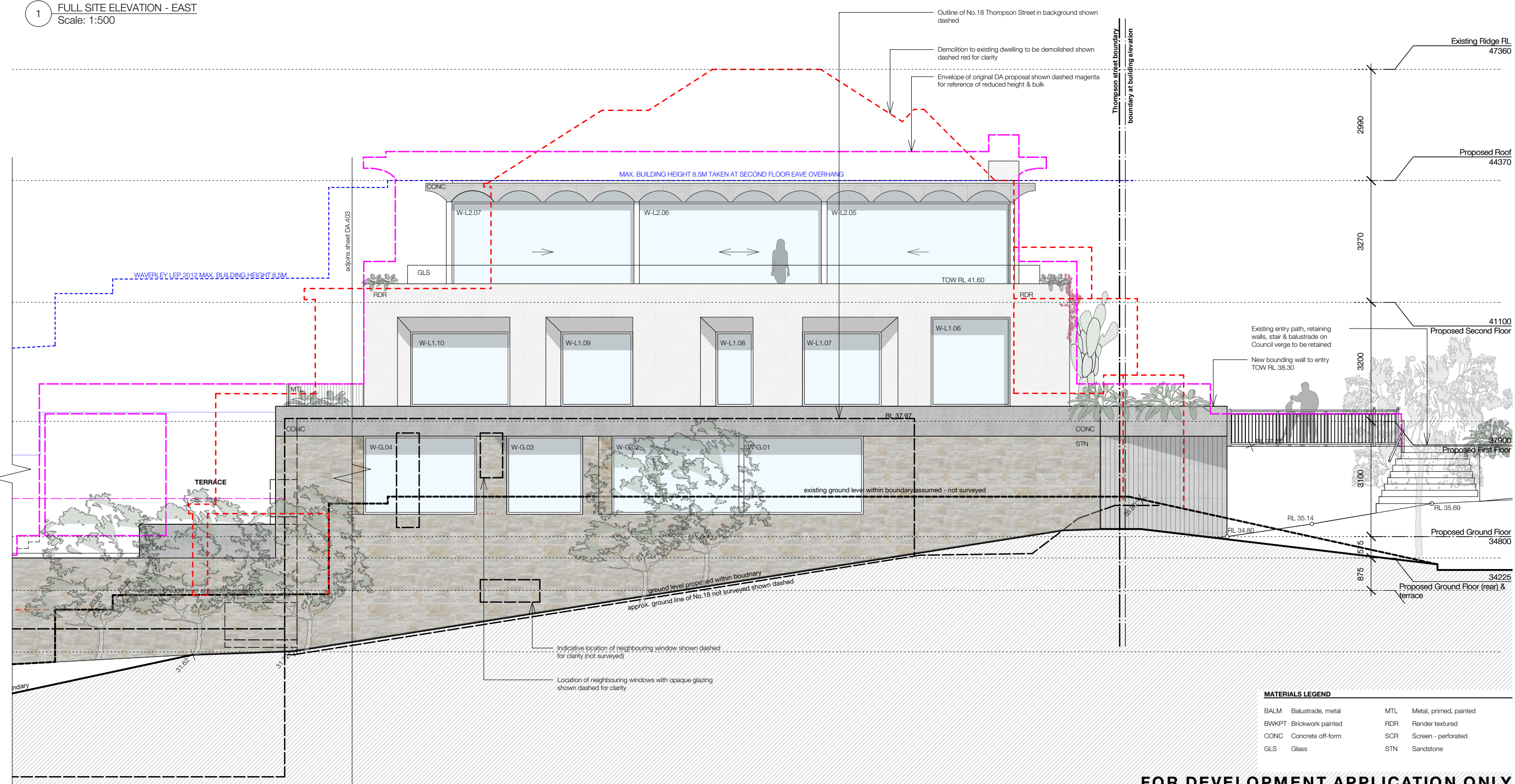
1 FULL SITE ELEVATION - EAST  
Scale: 1:500

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Application No: DA-181/2018  
Date Received: 06/03/2019

**AMENDED**



1 section through proposed second floor roof overhang - ground line shown on elevation



**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
CONC	Concrete off-form	SCR	Screen - perforated
GLS	Glass	STN	Sandstone

**FOR DEVELOPMENT APPLICATION ONLY**

**madeleine blanchfield architects**  
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D	FOR COUNCIL - DBU FEEDBACK	AB	6/3/19
B	FOR COUNCIL - REVISED DA SUBMISSION	AB	1/2/19
A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

Scale  
1:100

Date  
MARCH 2018

Drawings  
DA 402

Drawing  
**EAST ELEVATION - SHEET 1**  
DEVELOPMENT APPLICATION

Scale  
1:100

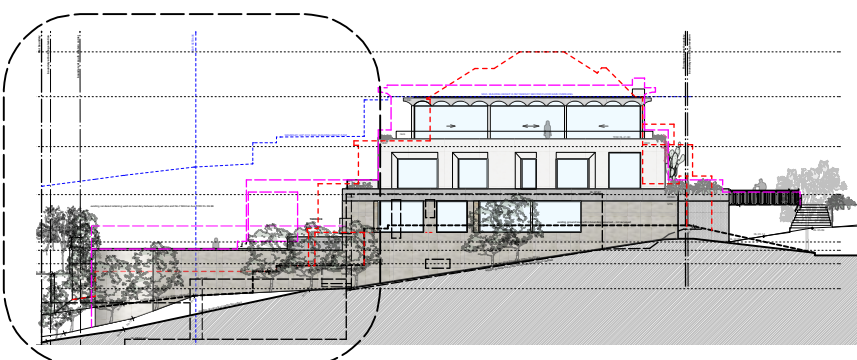
Date  
MARCH 2018

Drawings  
DA 402

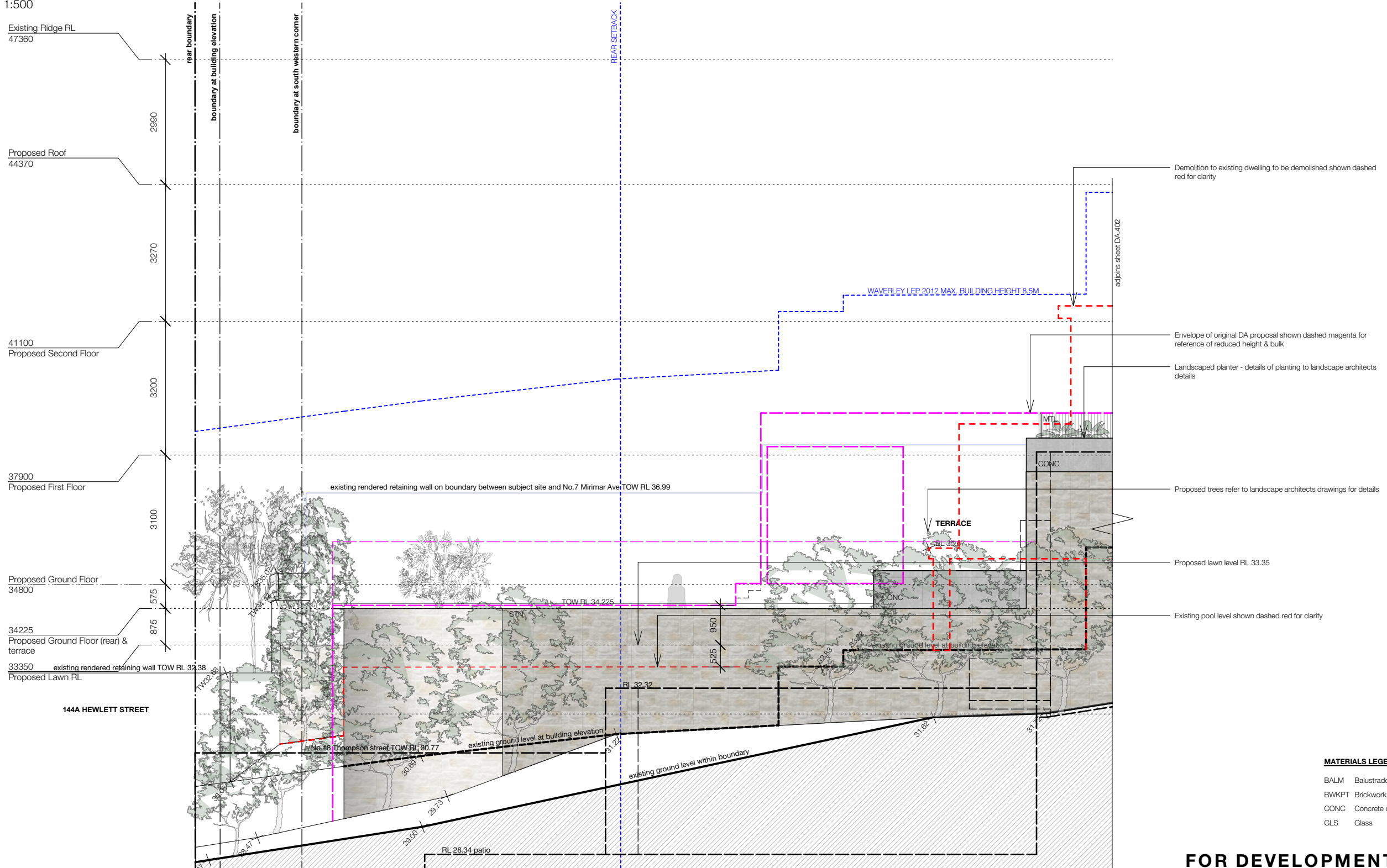
**204**

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Application No: DA-181/2018  
Date Received: 06/03/2019



1 FULL SITE ELEVATION - EAST  
Scale: 1:500



**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
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Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

D	FOR COUNCIL - DBU FEEDBACK	AB	6/3/19
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A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

Scale  
1:100

Date  
MARCH 2018

10mm | 500 | 1000 | 1500 | 2000 | 2500 | 3000 | 3500 | 4000 | 4500 | 5000mm

Drawing  
**EAST ELEVATION - SHEET 2**  
DEVELOPMENT APPLICATION

Scale  
1:100

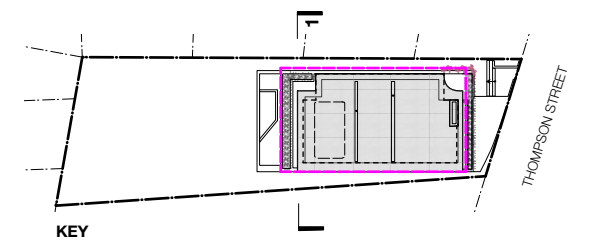
Date  
MARCH 2018

205

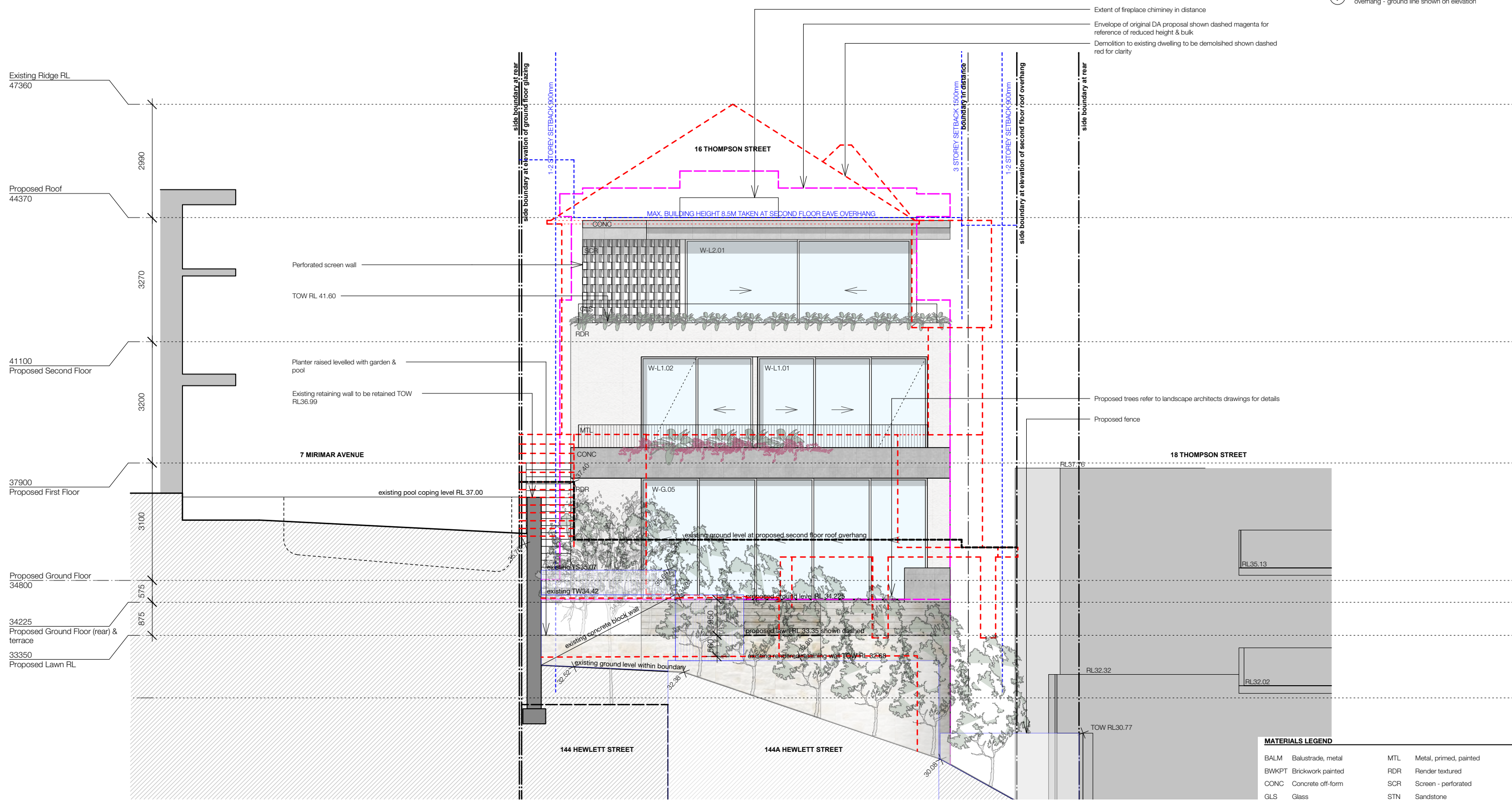


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1 section through proposed second floor roof overhang - ground line shown on elevation



Extent of fireplace chimney in distance  
Envelope of original DA proposal shown dashed magenta for reference of reduced height & bulk  
Demolition to existing dwelling to be demolished shown dashed red for clarity

Proposed trees refer to landscape architects drawings for details  
Proposed fence

**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
CONC	Concrete off-form	SCR	Screen - perforated
GLS	Glass	STN	Sandstone

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A FOR COUNCIL - DA SUBMISSION AB 23/5/18  
REV. FOR DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

Scale  
1:100

Date  
MARCH 2018

10mm | 500 | 1000 | 1500 | 2000 | 2500 | 3000 | 3500 | 4000 | 4500 | 5000mm

Drawing  
**SOUTH ELEVATION - REAR**  
DEVELOPMENT APPLICATION

Scale  
1:100

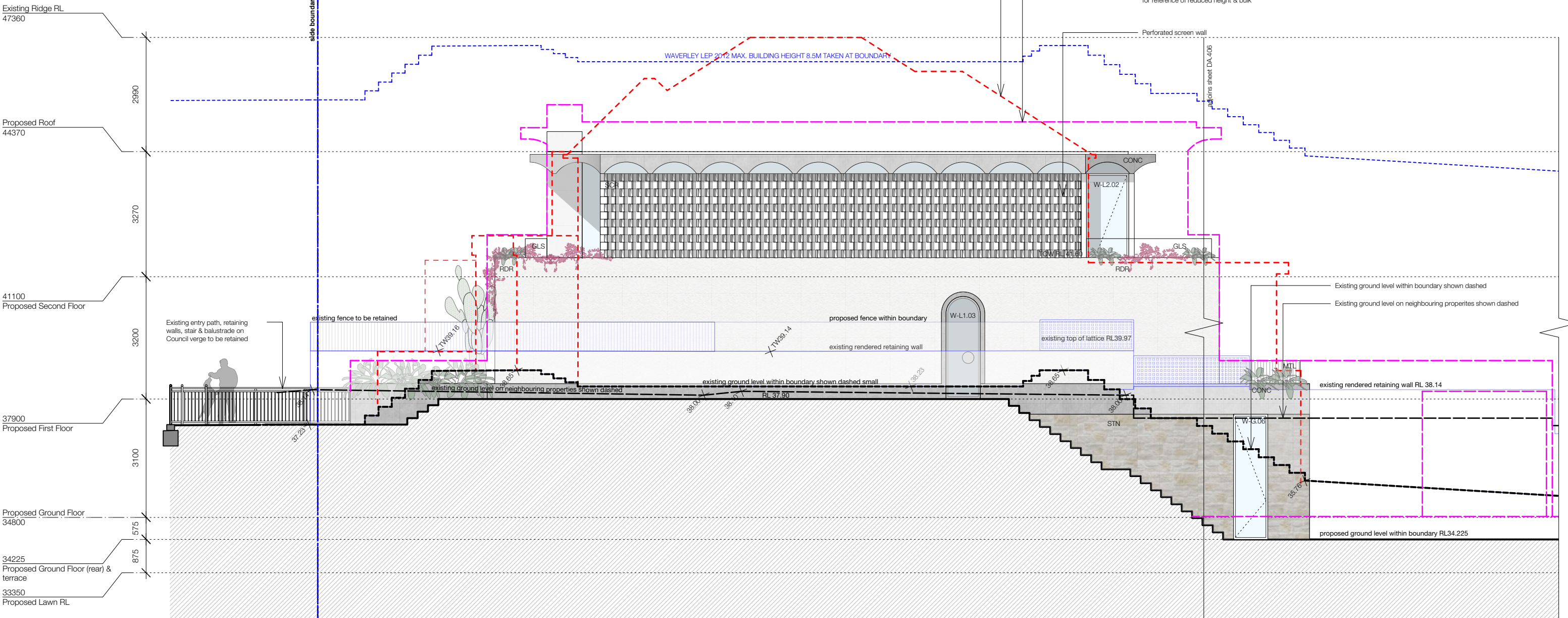
Date  
MARCH 2018

206

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Waverley Council  
Application No: DA-181/2018  
Date Received: 06/03/2019

2 FULL SITE ELEVATION - WEST  
Scale: 1:400



**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
CONC	Concrete off-form	SCR	Screen - perforated
GLS	Glass	STN	Sandstone

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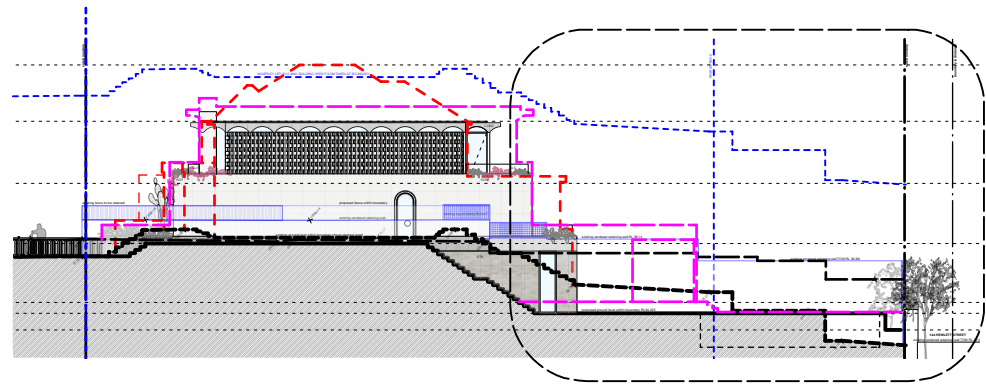
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Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

D	FOR COUNCIL - DBU FEEDBACK	AB	6/3/19
B	FOR COUNCIL - REVISED DA SUBMISSION	AB	1/2/19
A	FOR COUNCIL - DA SUBMISSION	AB	23/5/18
REV.	FOR	DRAWN	DATE

Scale  
1:100  
Date  
MARCH 2018  
Drawing  
**WEST ELEVATION - SHEET 1**  
DEVELOPMENT APPLICATION

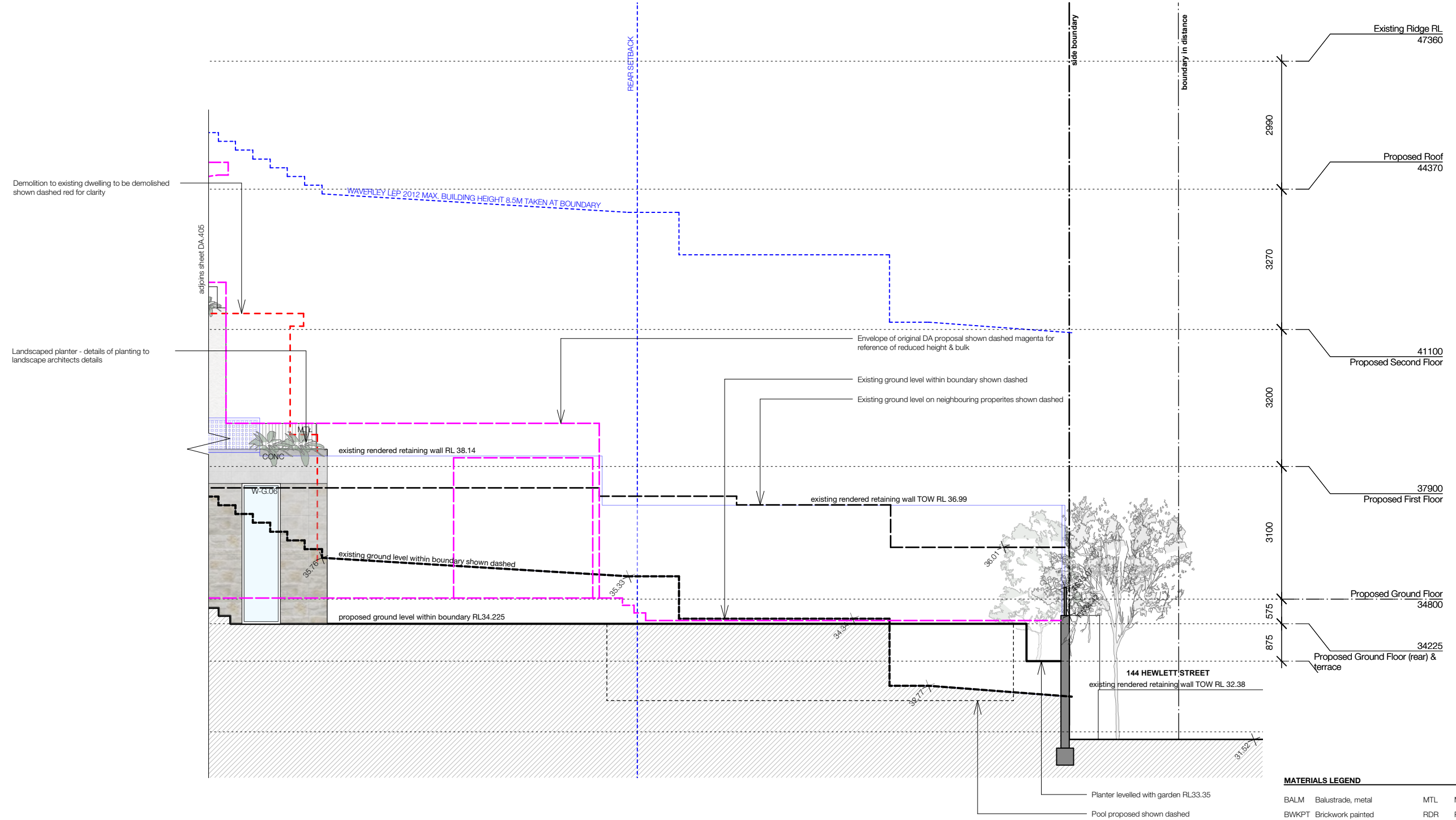
Scale  
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Date  
MARCH 2018  
Drawing  
**WEST ELEVATION - SHEET 1**  
DEVELOPMENT APPLICATION



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 Date Received: 06/03/2019

2 FULL SITE ELEVATION - WEST  
 Scale: 1:400



**MATERIALS LEGEND**

BALM	Balustrade, metal	MTL	Metal, primed, painted
BWKPT	Brickwork painted	RDR	Render textured
CONC	Concrete off-form	SCR	Screen - perforated
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REV.	FOR	DRAWN	DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

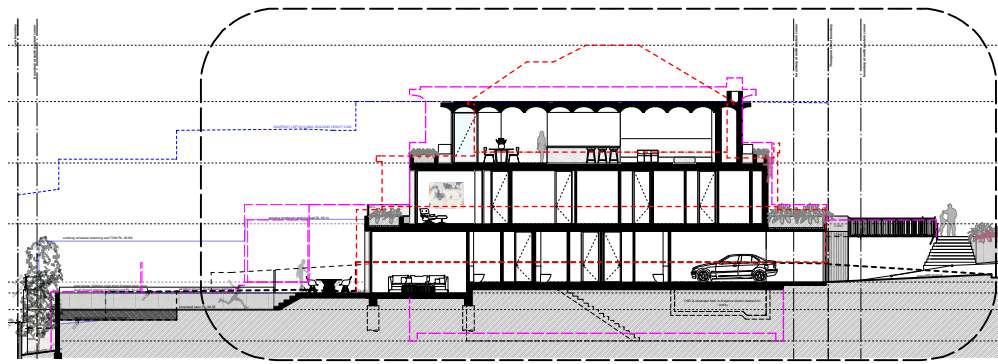
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 Date: MARCH 2018

Drawing  
**WEST ELEVATION - SHEET 2**  
 DEVELOPMENT APPLICATION

Scale: 1:100  
 Date: MARCH 2018

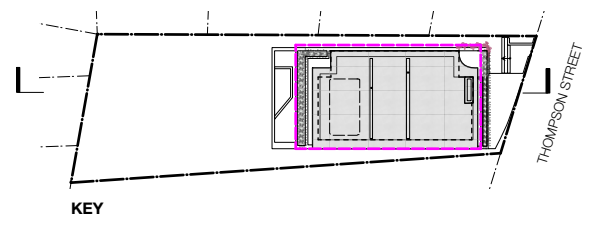
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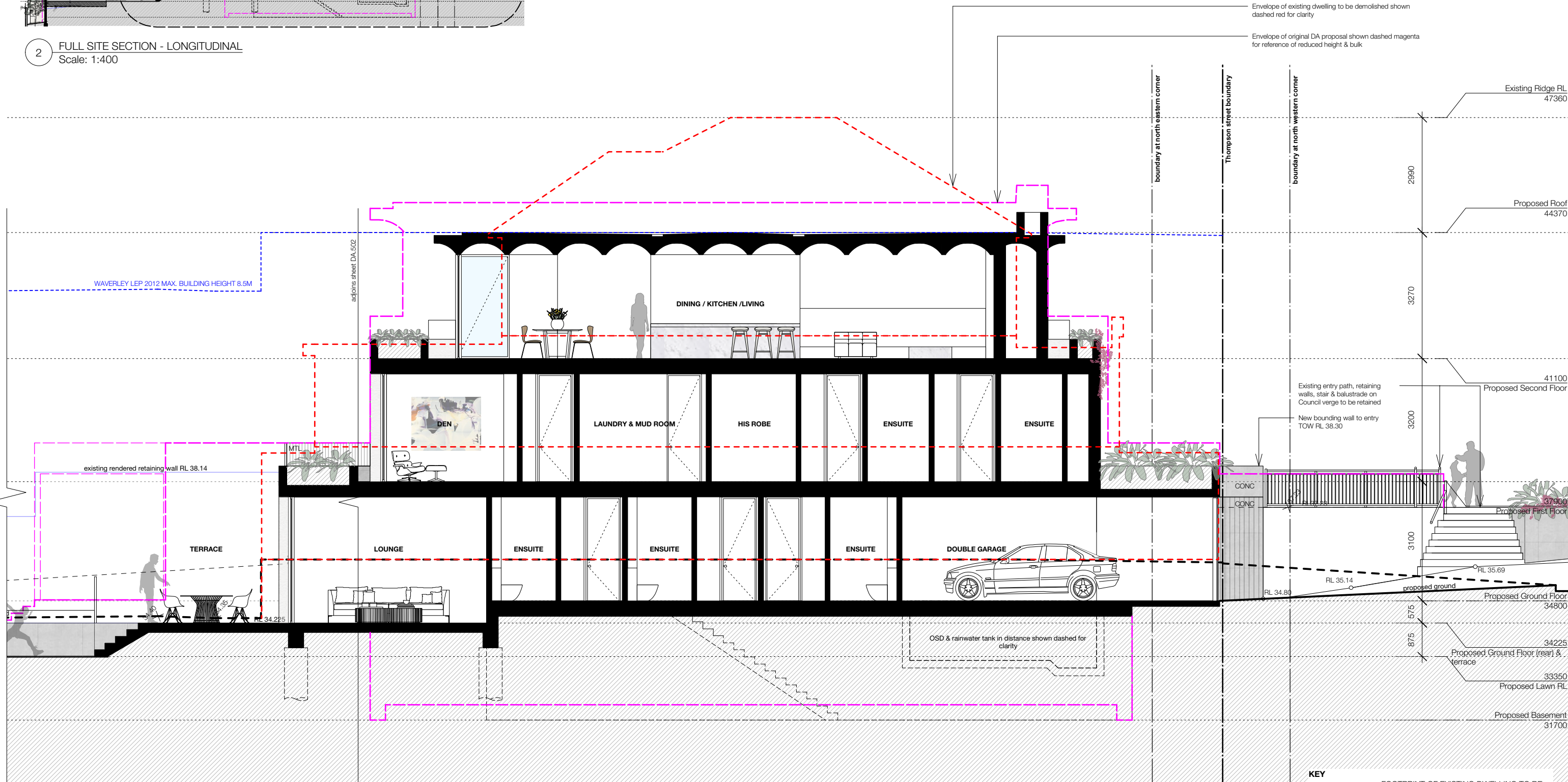


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2 FULL SITE SECTION - LONGITUDINAL  
Scale: 1:400



**KEY**

- FOOTPRINT OF EXISTING DWELLING TO BE DEMOLISHED
- FOOTPRINT OF EXISTING BALCONY AND EAVE TO BE DEMOLISHED
- FOOTPRINT OF ORIGINAL DA PROPOSAL

**FOR DEVELOPMENT APPLICATION ONLY**

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AB 1/2/19  
AB 23/5/18  
DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

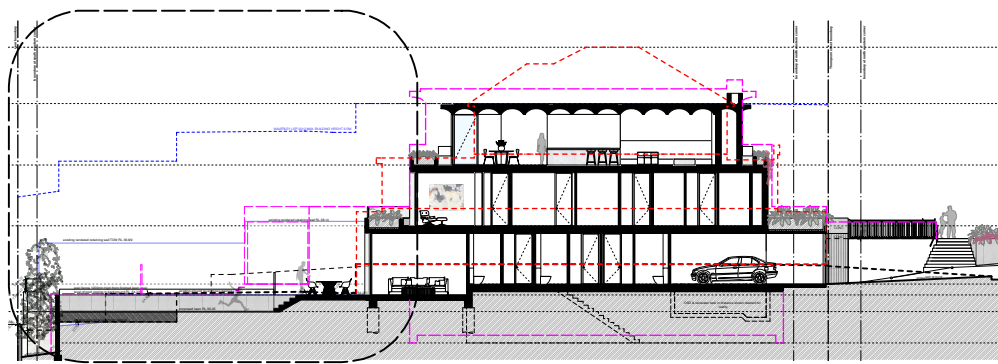
10mm | 500 | 1000 | 1500 | 2000 | 2500 | 3000 | 3500 | 4000 | 4500 | 5000mm

Drawing  
**LONGITUDINAL SECTION A - SHEET 1**  
DEVELOPMENT APPLICATION

Scale  
1:100 @ A3

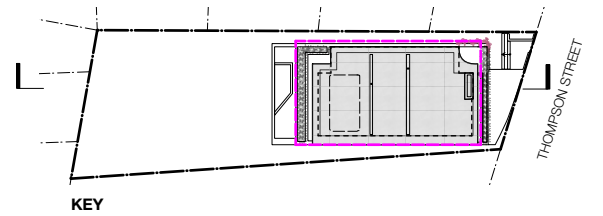
Date  
MARCH 2018

209

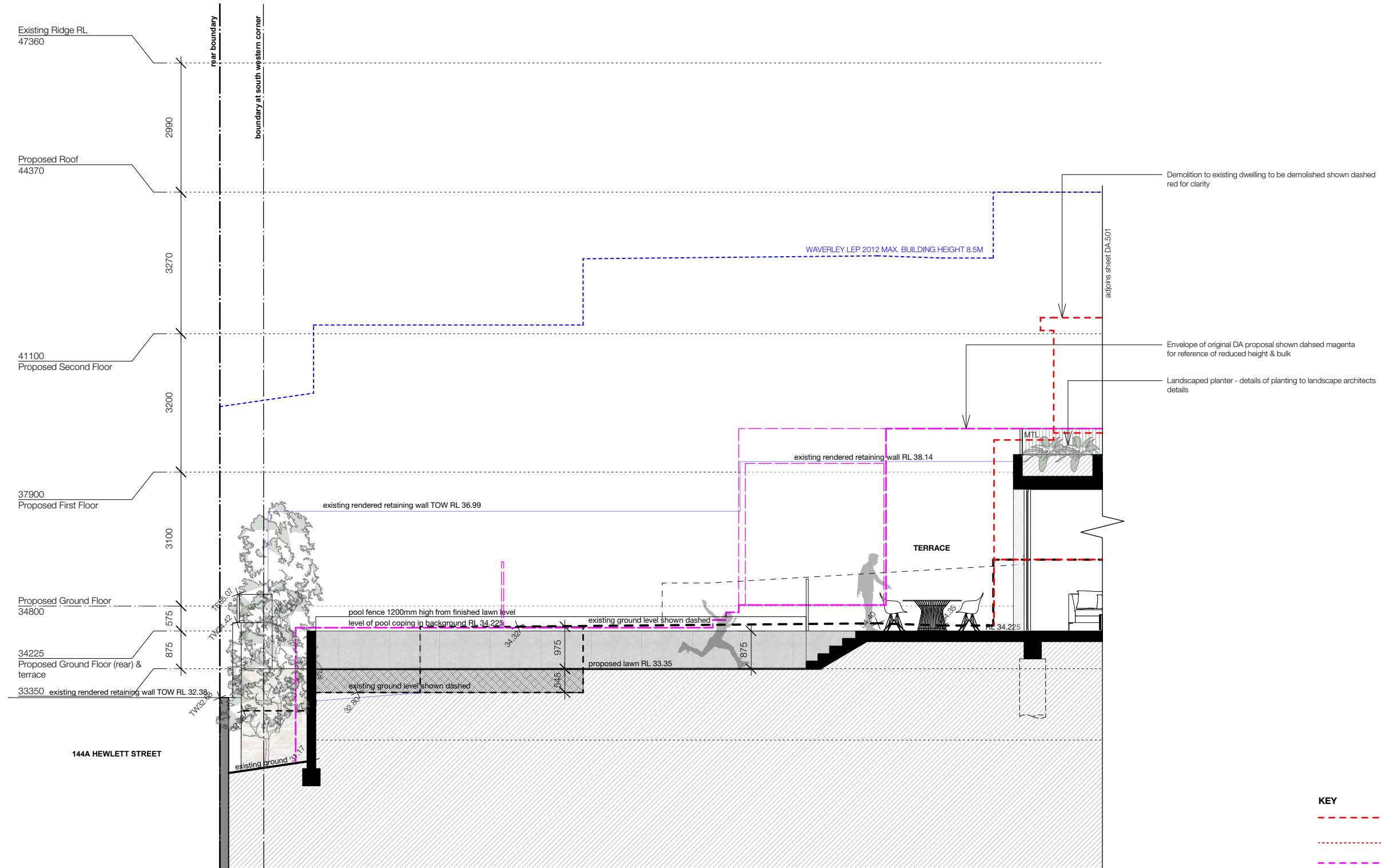


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Application No: DA-181/2018  
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2 FULL SITE SECTION - LONGITUDINAL  
Scale: 1:400



- KEY**
- - - FOOTPRINT OF EXISTING DWELLING TO BE DEMOLISHED
  - ..... FOOTPRINT OF EXISTING BALCONY AND EAVE TO BE DEMOLISHED
  - - - FOOTPRINT OF ORIGINAL DA PROPOSAL

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REV. FOR DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
16 THOMPSON STREET, TAMARAMA  
LOT 11, DP 17140

10mm | 500 | 1000 | 1500 | 2000 | 2500 | 3000 | 3500 | 4000 | 4500 | 5000mm

Drawing  
**LONGITUDINAL SECTION A - SHEET 2**  
DEVELOPMENT APPLICATION

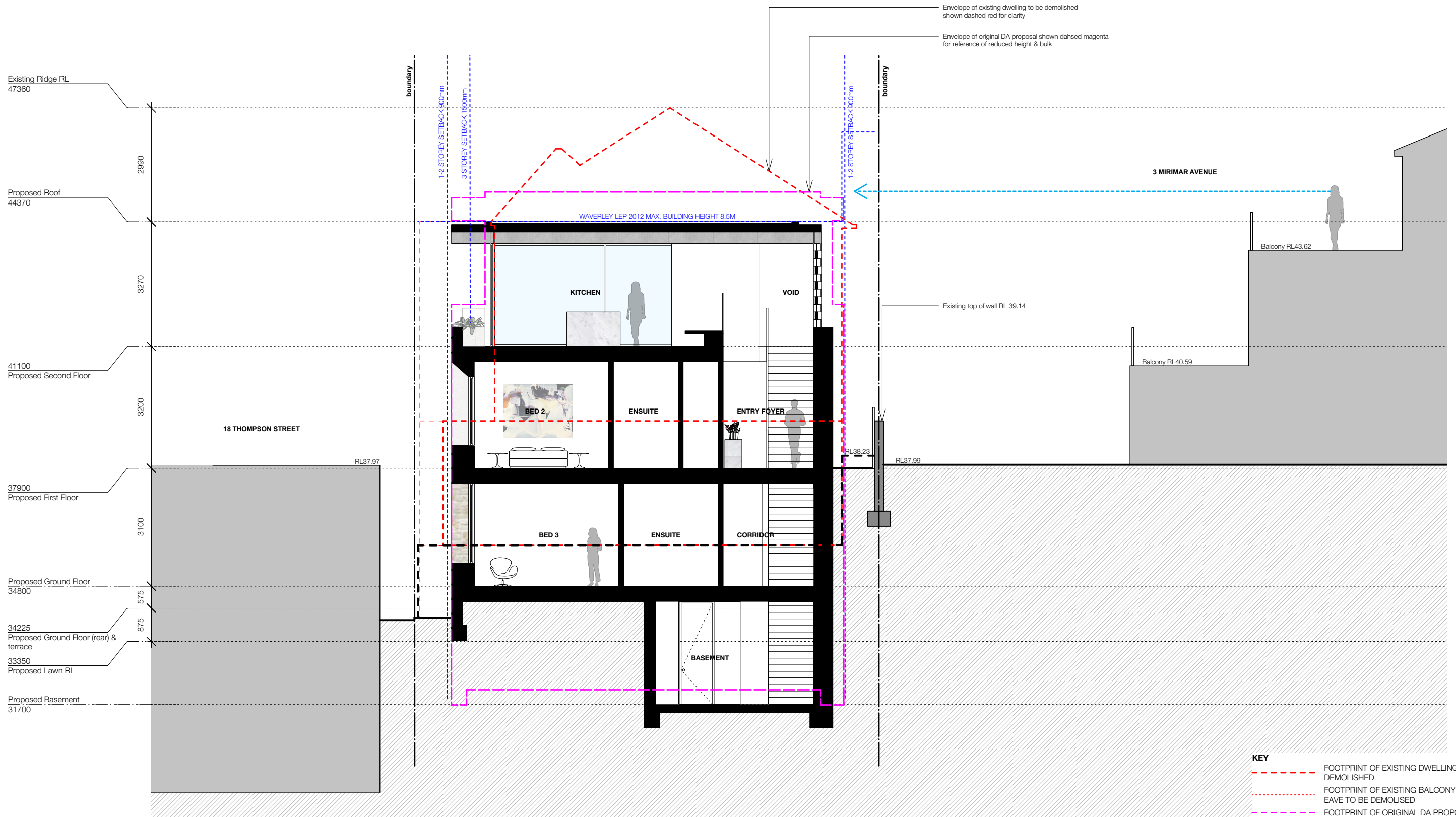
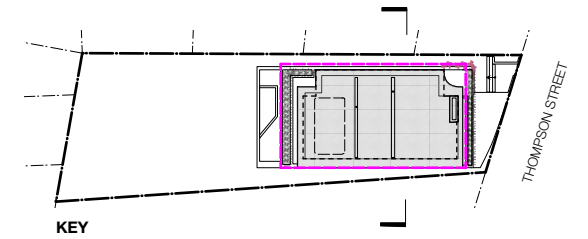
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Date  
MARCH 2018

210  
Drawing Ref  
DA 502 D

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**KEY**

- FOOTPRINT OF EXISTING DWELLING TO BE DEMOLISHED
- FOOTPRINT OF EXISTING BALCONY AND EAVE TO BE DEMOLISHED
- FOOTPRINT OF ORIGINAL DA PROPOSAL

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 REV. FOR

AB 6/3/19  
 AB 1/2/19  
 AB 23/5/18  
 DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

10mm | 500 | 1000 | 1500 | 2000 | 2500 | 3000 | 3500 | 4000 | 4500 | 5000mm

Drawing  
**CROSS SECTION B**  
 DEVELOPMENT APPLICATION

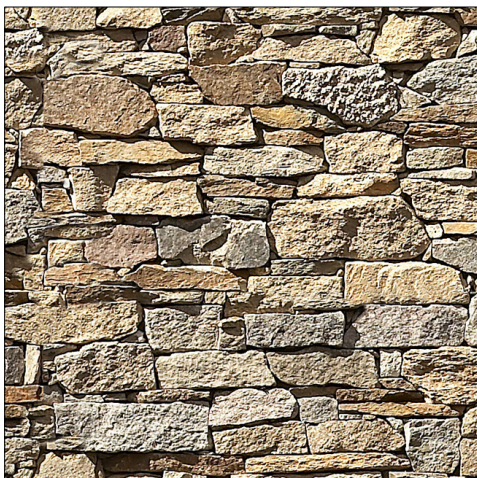
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Date  
 MARCH 2018

211  
 Rev. DA 503



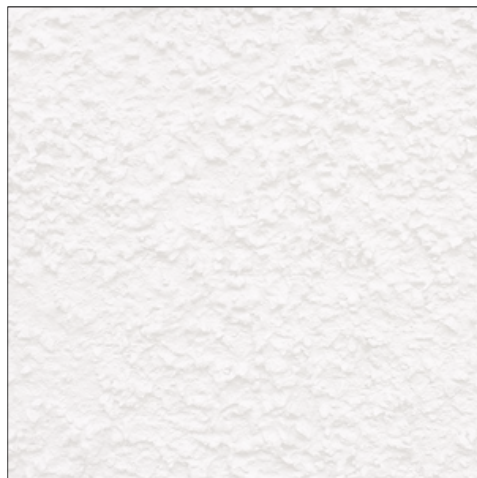
**A M E N D E D**



**STN**  
SANDSTONE



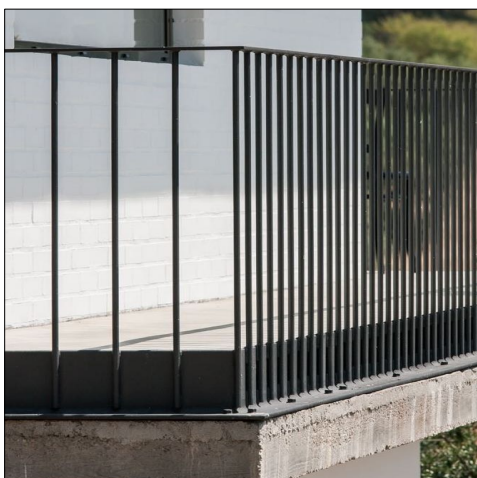
**SCR**  
SCREEN



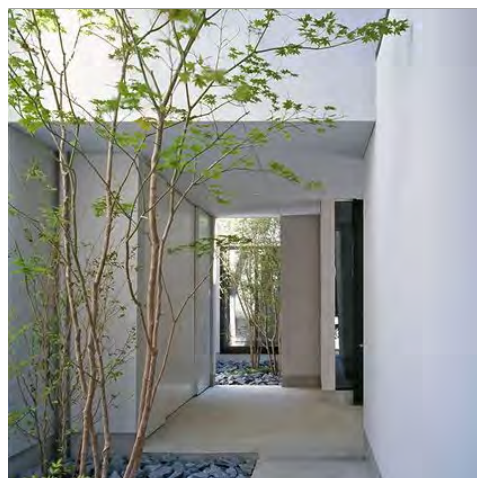
**RDR**  
RENDER - TEXTURED



**CONC**  
OFF-FORM CONCRETE



**BALM**  
BALUSTRADE METAL



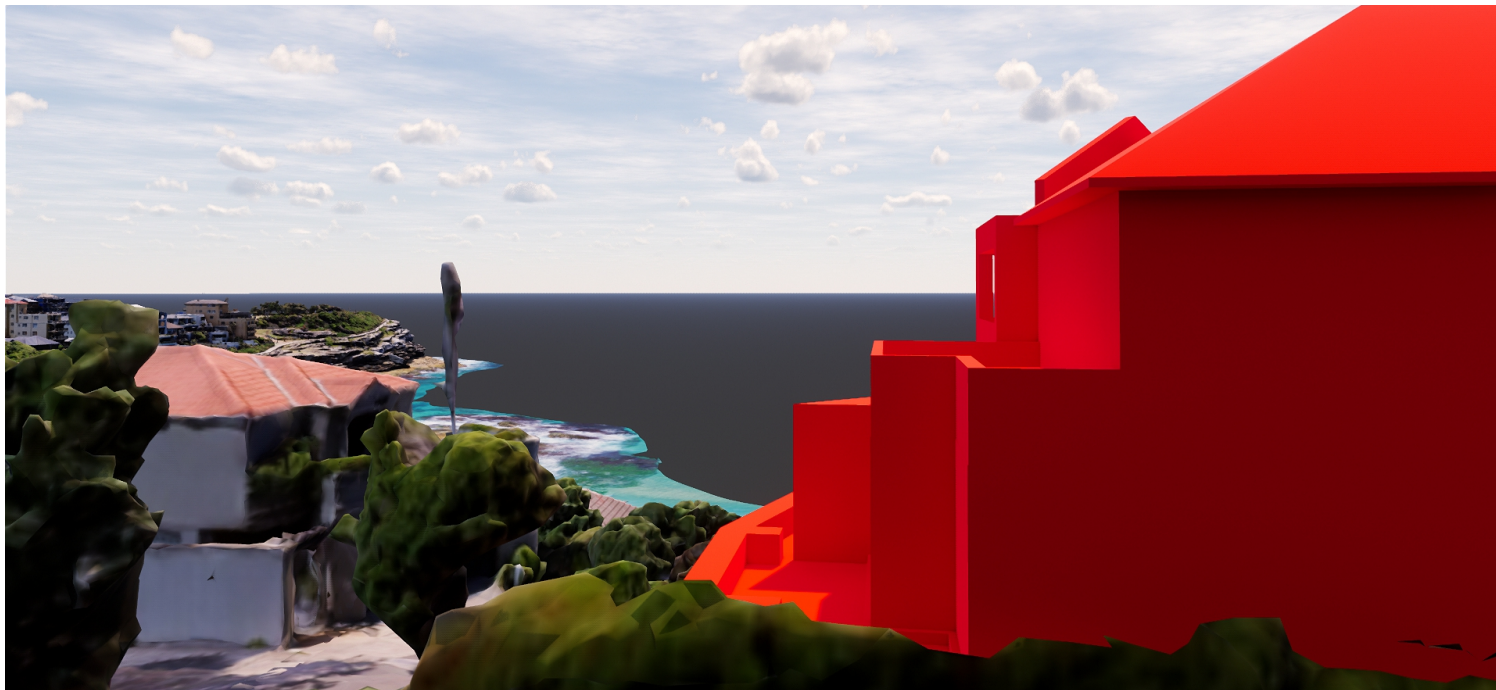
**RDRS**  
RENDERED WALLS - SMOOTH



**W**  
WINDOWS ALUMINIUM

**FOR DEVELOPMENT APPLICATION ONLY**

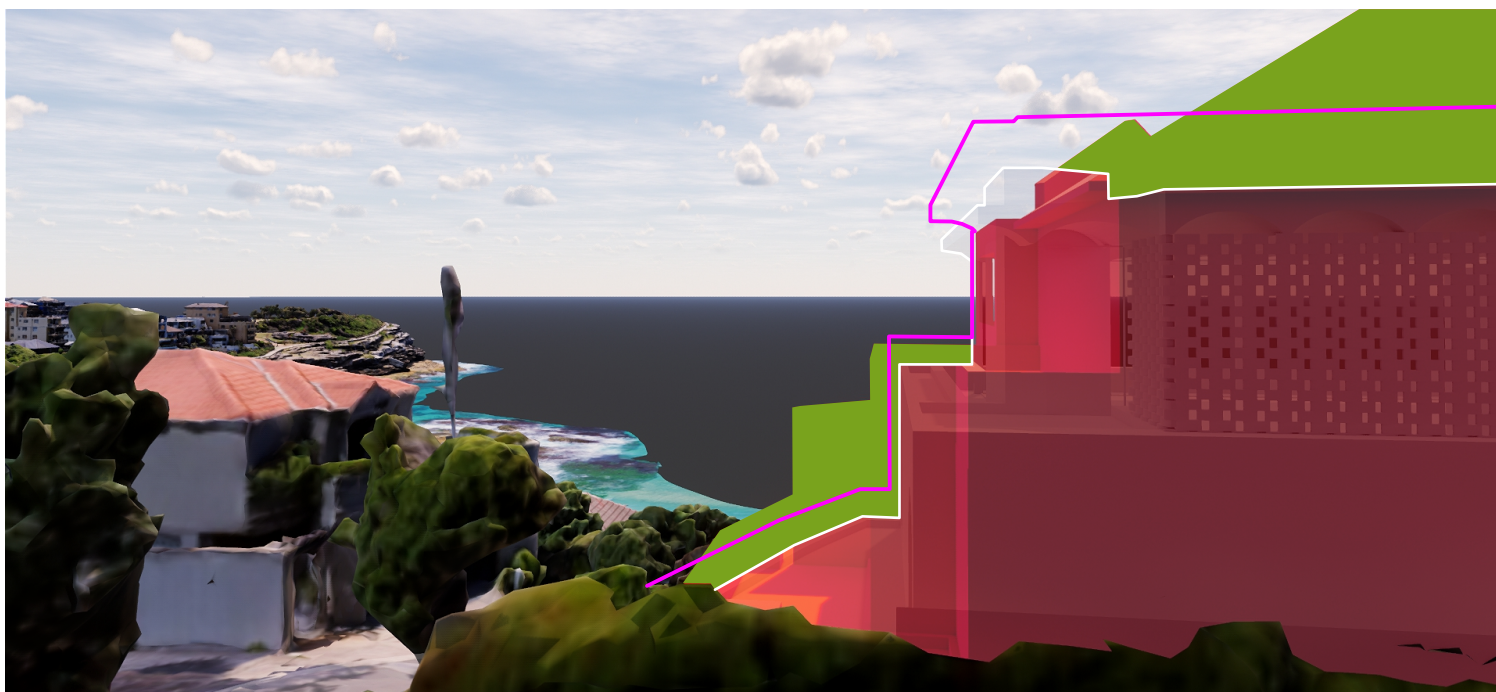




1 VIEW ANALYSIS EXISTING - VIEW FROM NO.1 MIRIMAR AVE BALCONY  
Scale: NTS



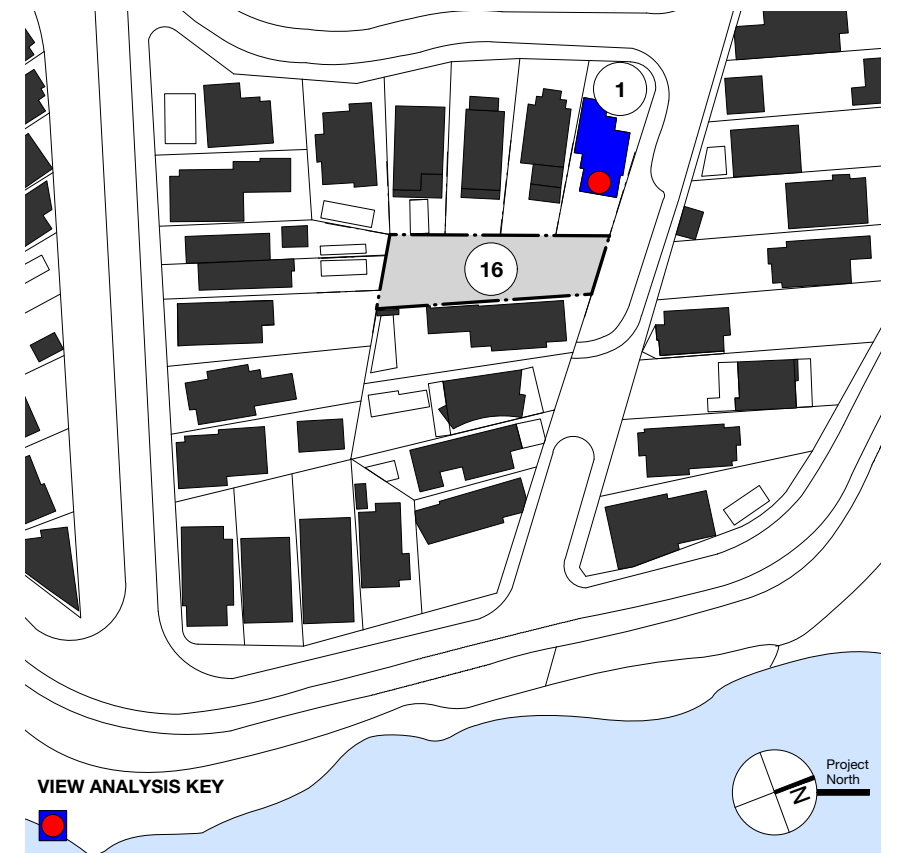
2 VIEW ANALYSIS PROPOSED - VIEW FROM NO.1 MIRIMAR AVE BALCONY  
Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.1 MIRIMAR AVE BALCONY  
Scale: NTS

**KEY**

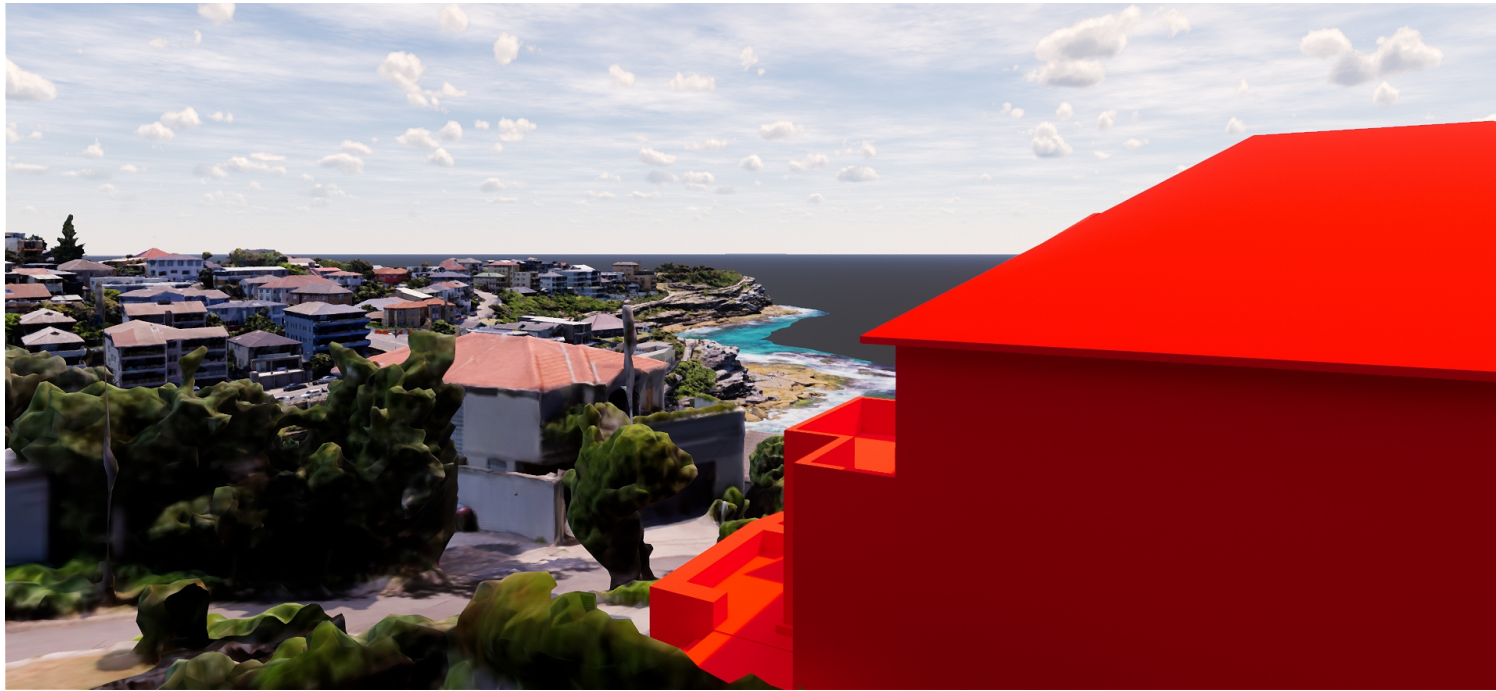
- █ Existing building envelope
- █ Reduction to existing building envelope
- █ Envelope of original DA proposal shown magenta for reference of reduced height & bulk
- Envelope of revised DA proposal



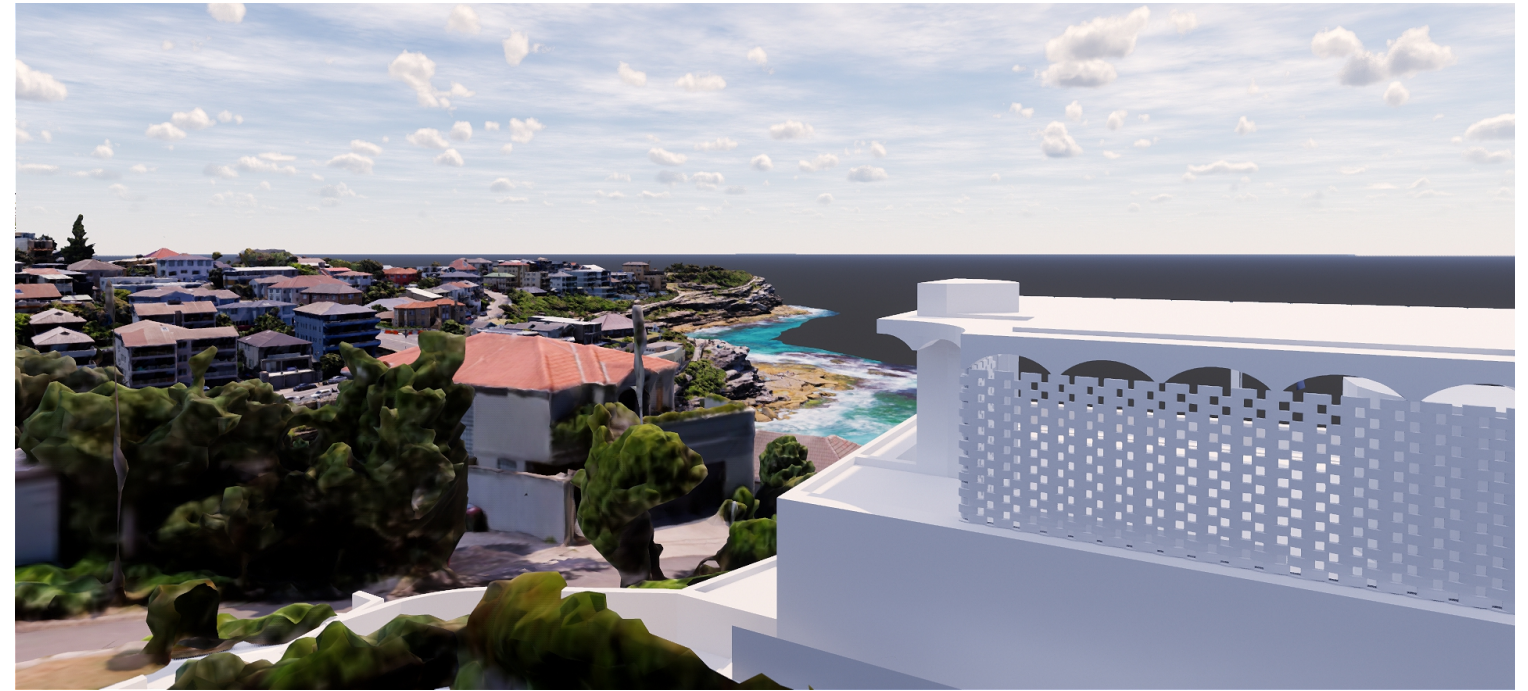
**Disclaimer:** The view analysis studies are visual aids only to assist in the proposed massing of the subject site and assess potential view impact. These visualisations were created using the 3D point cloud context survey carried out by Aerometrex on October 30th 2017.

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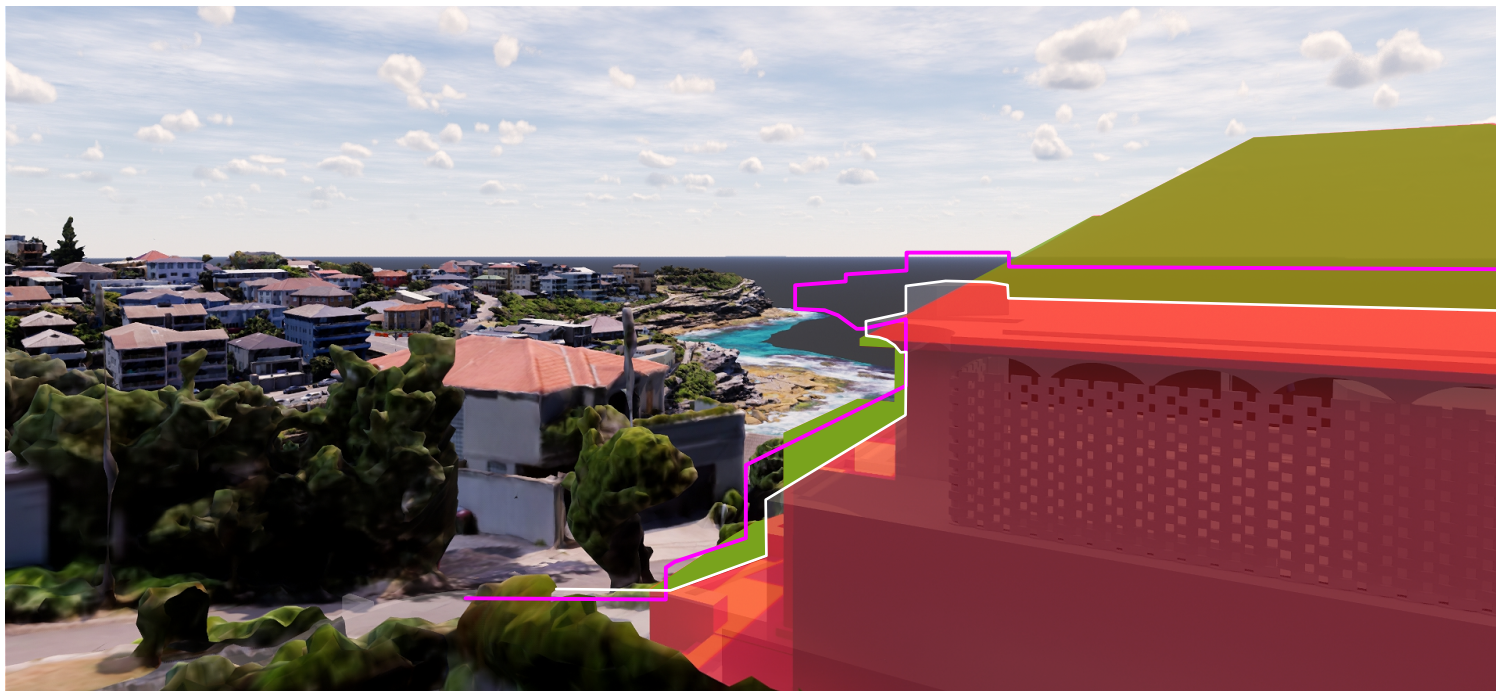




1 VIEW ANALYSIS EXISTING - VIEW FROM NO.3 MIRIMAR AVE TOP FLOOR BALCONY  
Scale: NTS



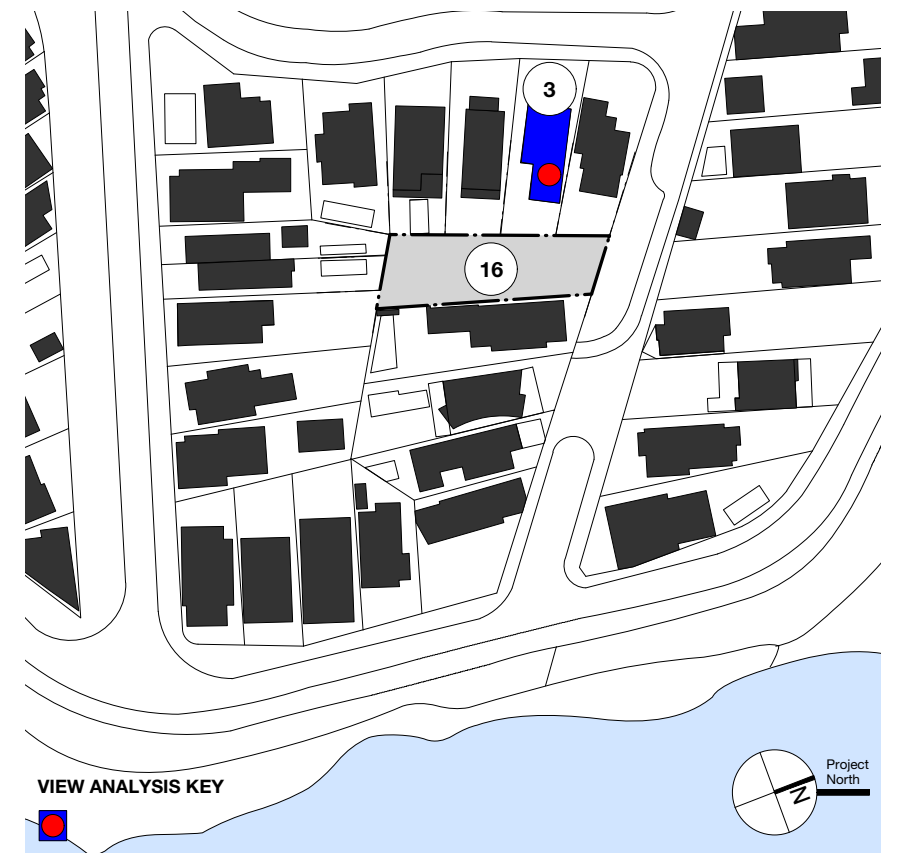
2 VIEW ANALYSIS PROPOSED - VIEW FROM NO.3 MIRIMAR AVE TOP FLOOR BALCONY  
Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.3 MIRIMAR AVE TOP FLOOR BALCONY  
Scale: NTS

**KEY**

- Existing building envelope
- Reduction to existing building envelope
- Envelope of original DA proposal shown magenta for reference of reduced height & bulk
- Envelope of revised DA proposal

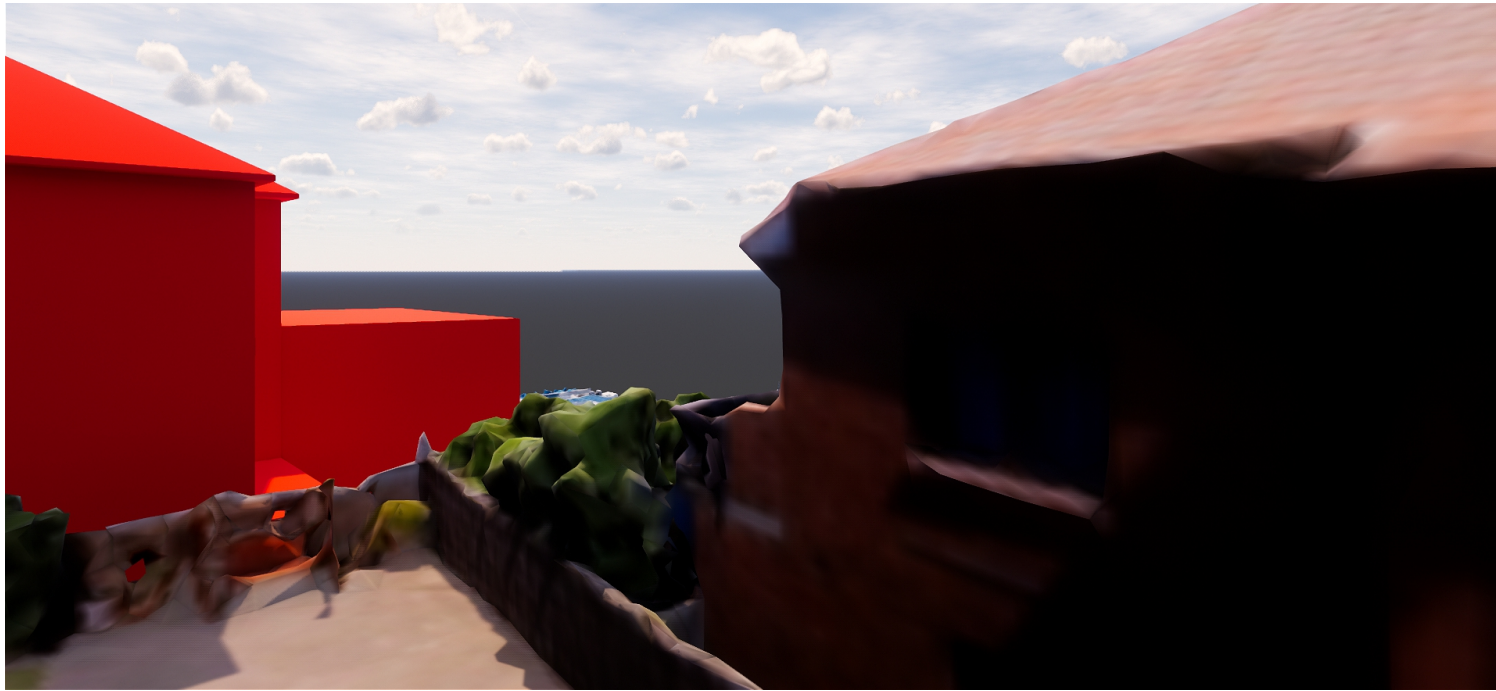


**VIEW ANALYSIS KEY**

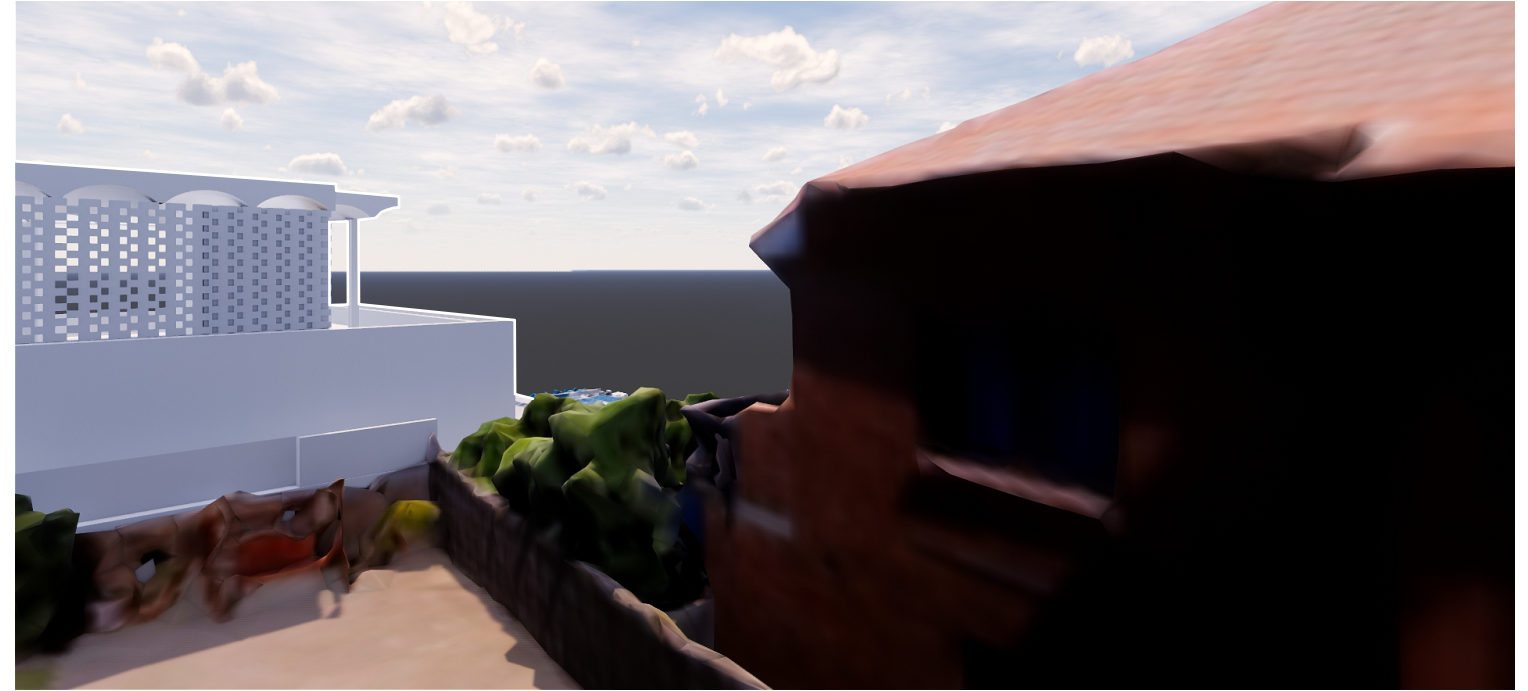
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1 VIEW ANALYSIS EXISTING - VIEW FROM NO.3 MIRIMAR AVE GROUND FLOOR  
Scale: NTS



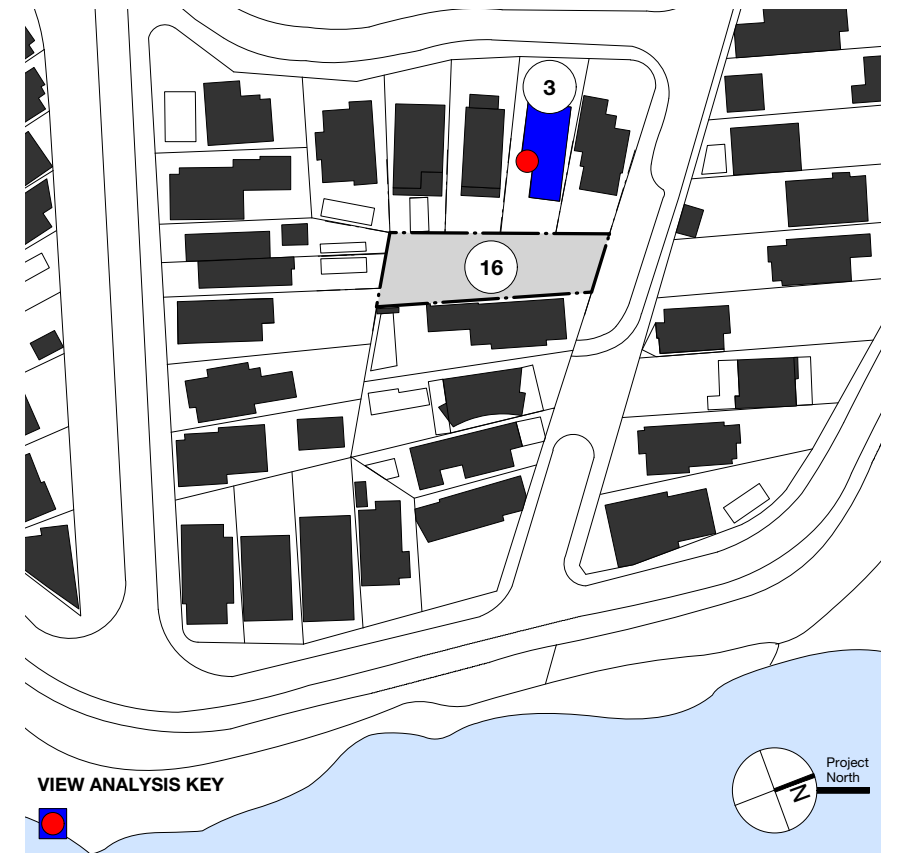
2 VIEW ANALYSIS PROPOSED - VIEW FROM NO.3 MIRIMAR AVE GROUND FLOOR  
Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.3 MIRIMAR AVE GROUND FLOOR  
Scale: NTS

**KEY**

- █ Existing building envelope
- █ Reduction to existing building envelope
- █ Envelope of original DA proposal shown magenta for reference of reduced height & bulk
- Envelope of revised DA proposal

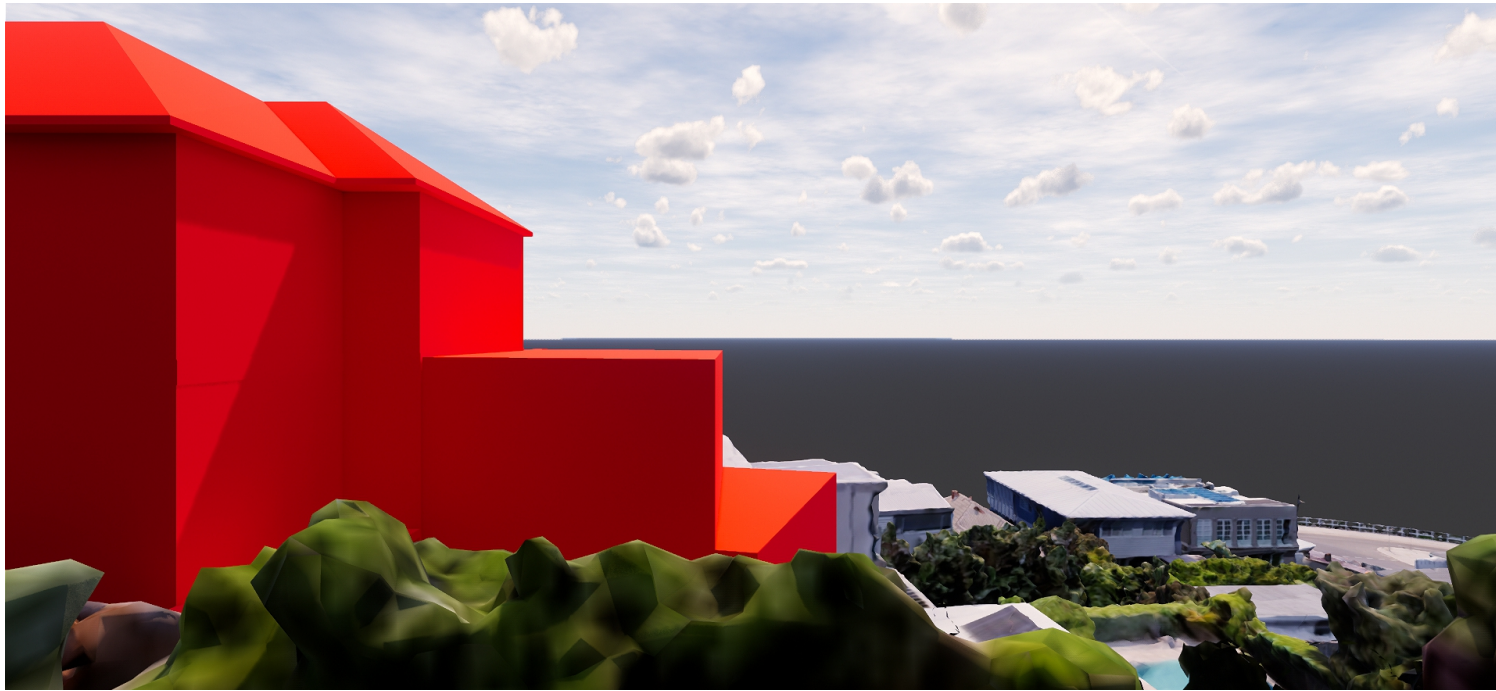


**VIEW ANALYSIS KEY**

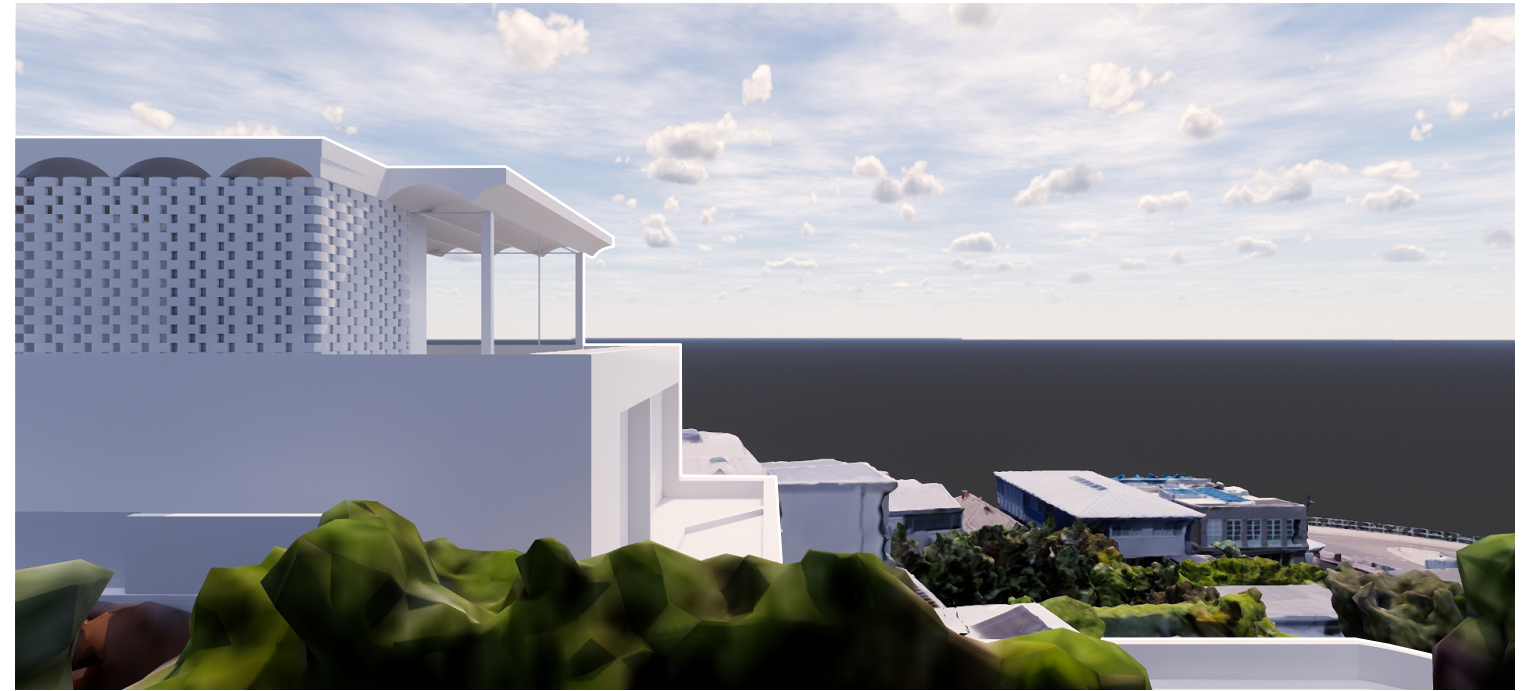
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**FOR DEVELOPMENT APPLICATION ONLY**

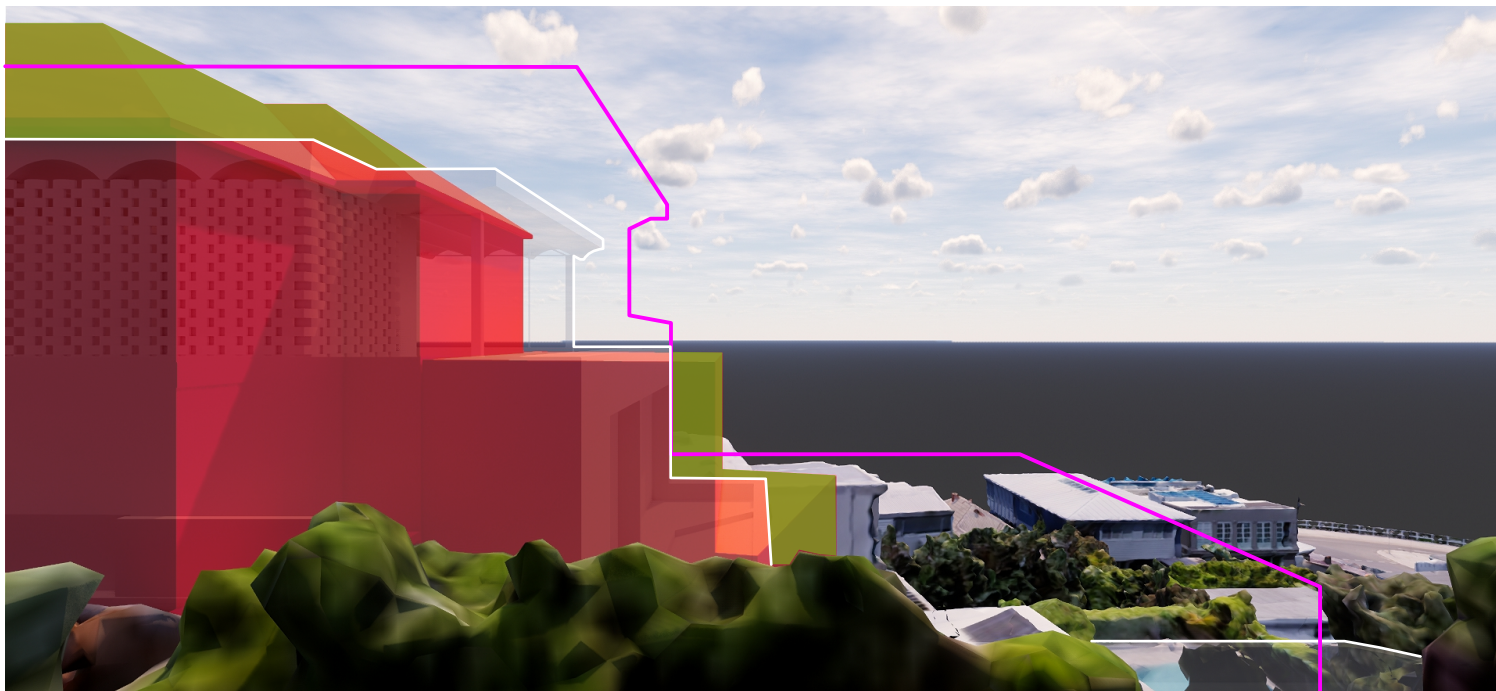




1 VIEW ANALYSIS EXISTING - VIEW FROM NO.5 MIRIMAR AVE BALCONY  
Scale: NTS



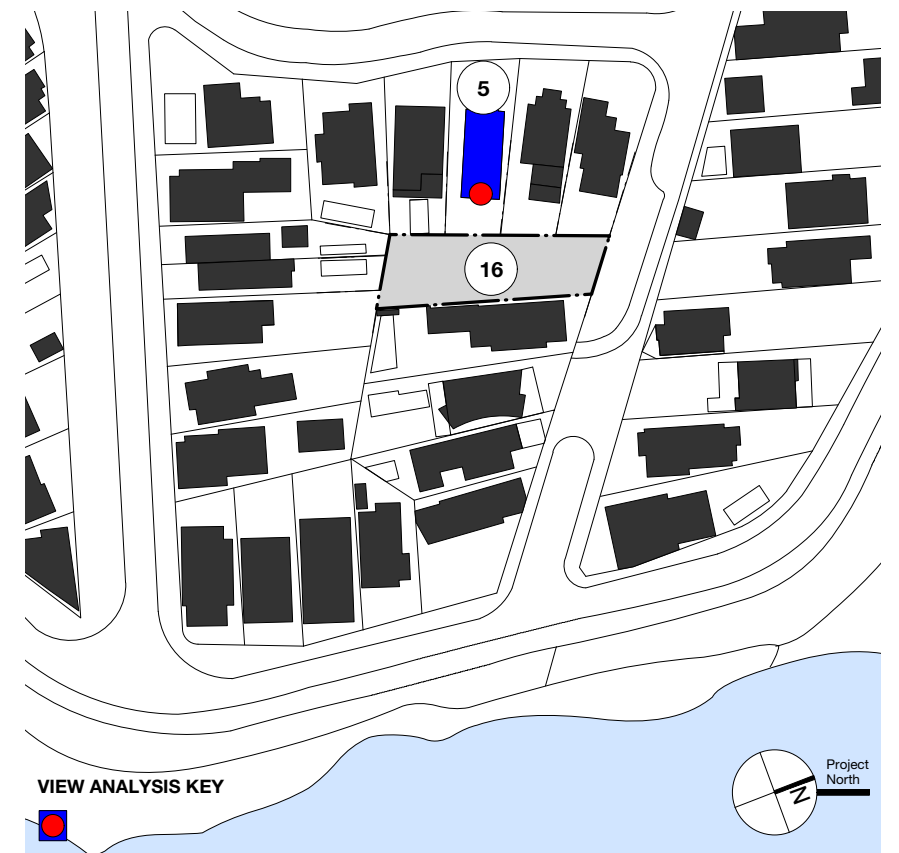
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Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.5 MIRIMAR AVE BALCONY  
Scale: NTS

**KEY**

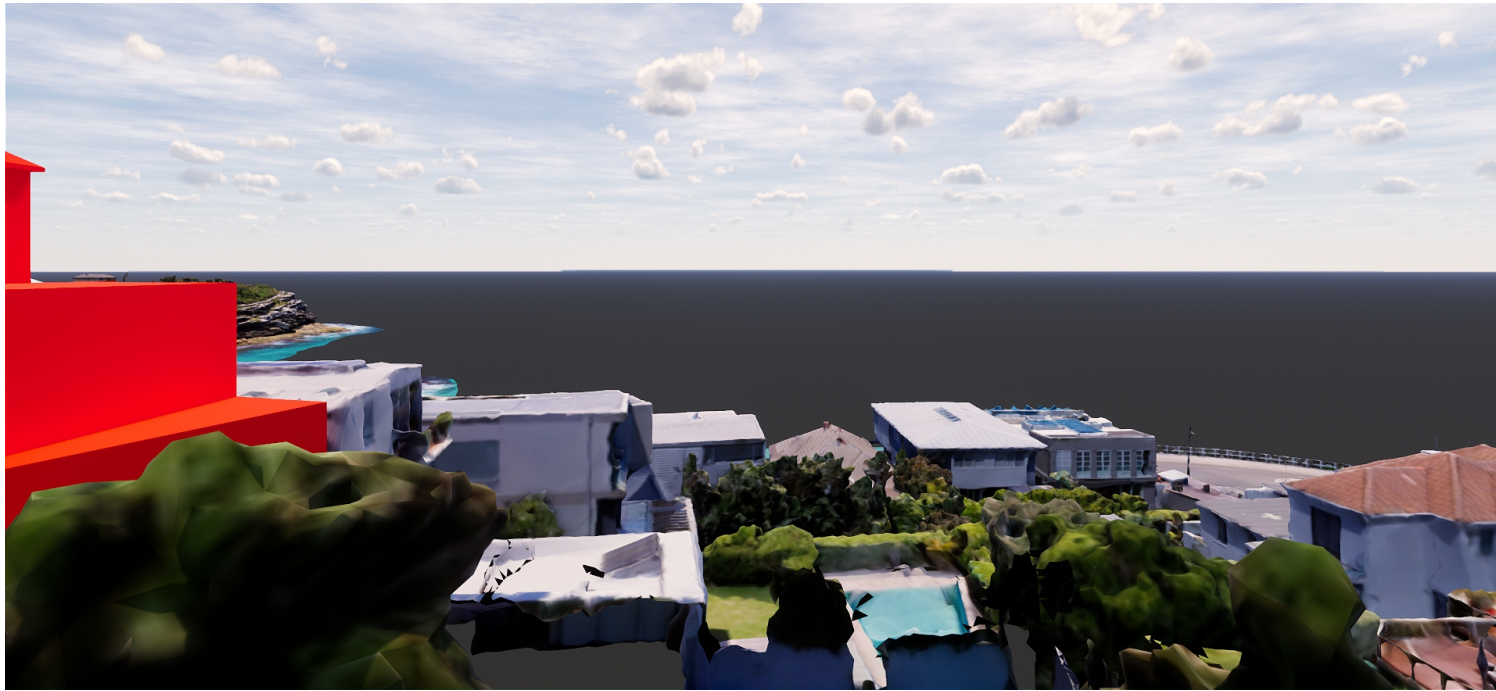
- █ Existing building envelope
- █ Reduction to existing building envelope
- █ Envelope of original DA proposal shown magenta for reference of reduced height & bulk
- Envelope of revised DA proposal



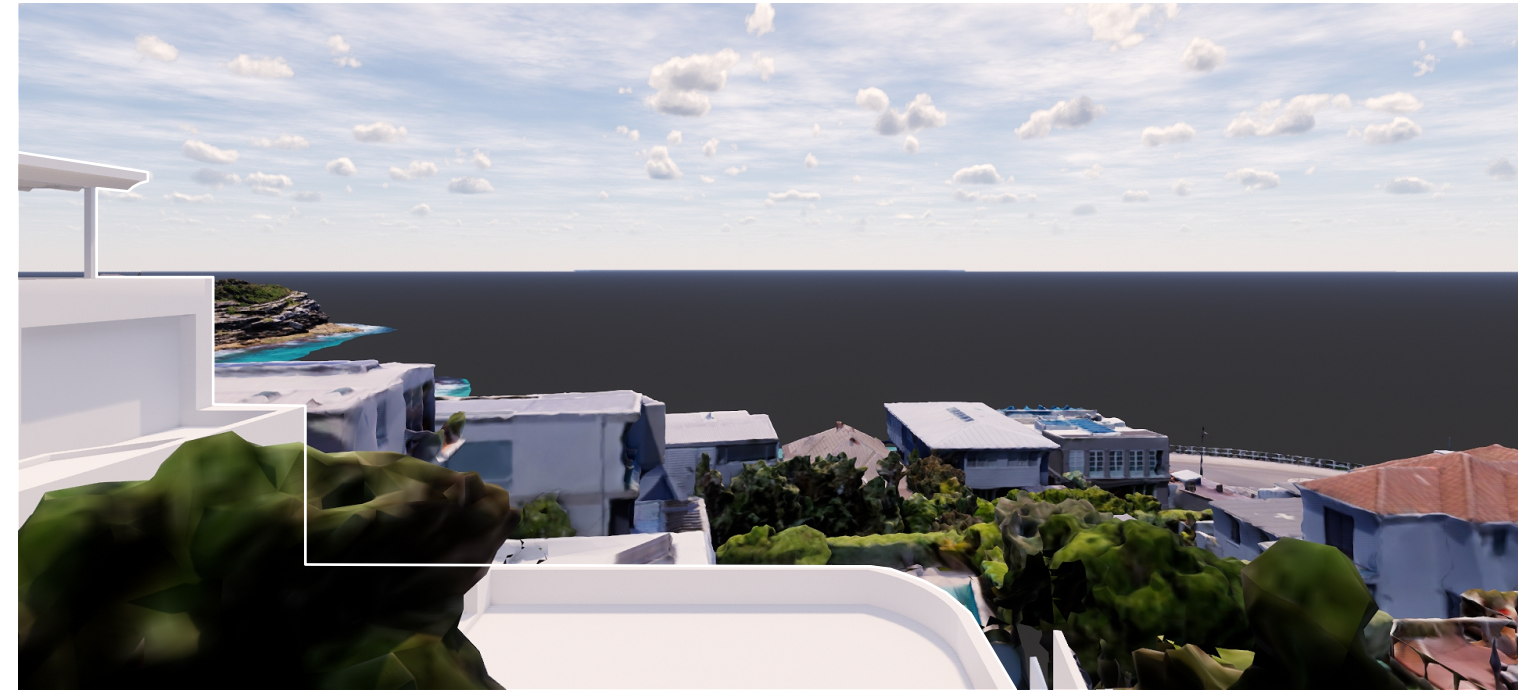
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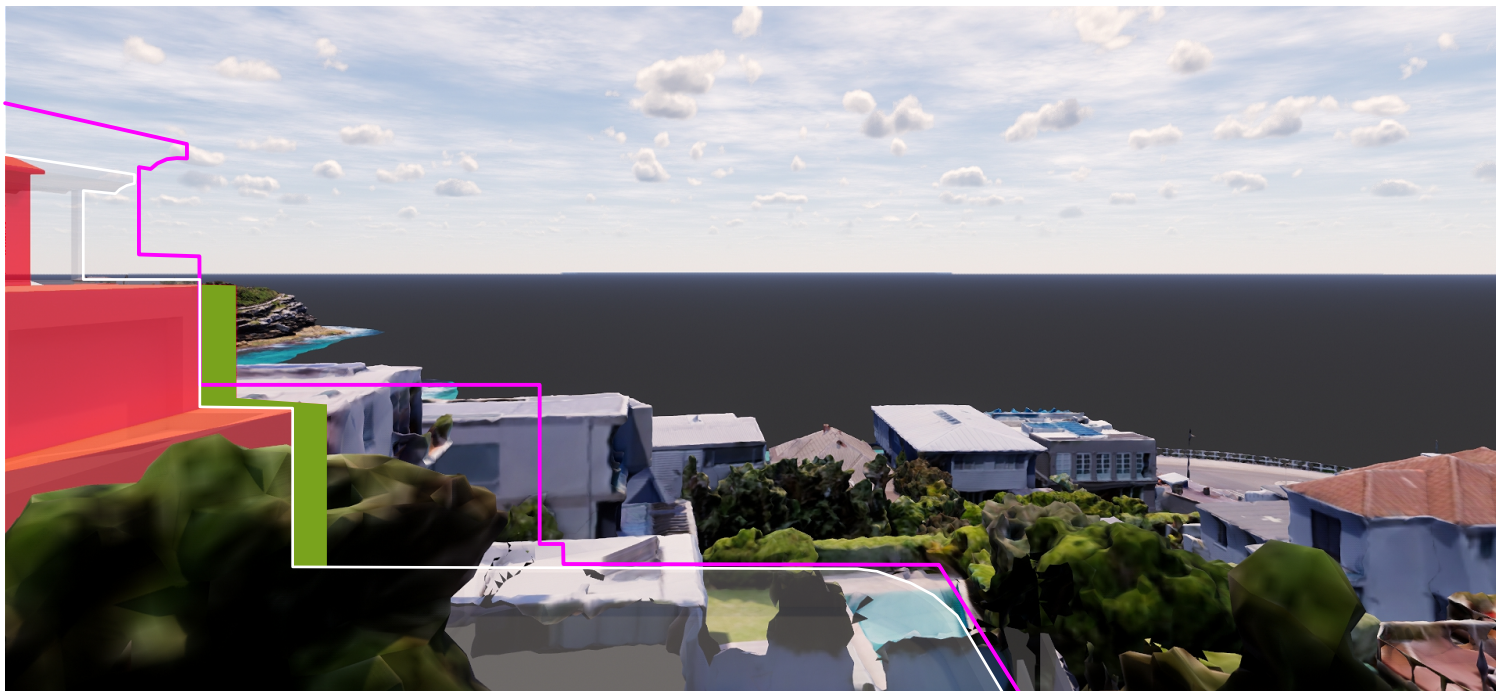




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Scale: NTS



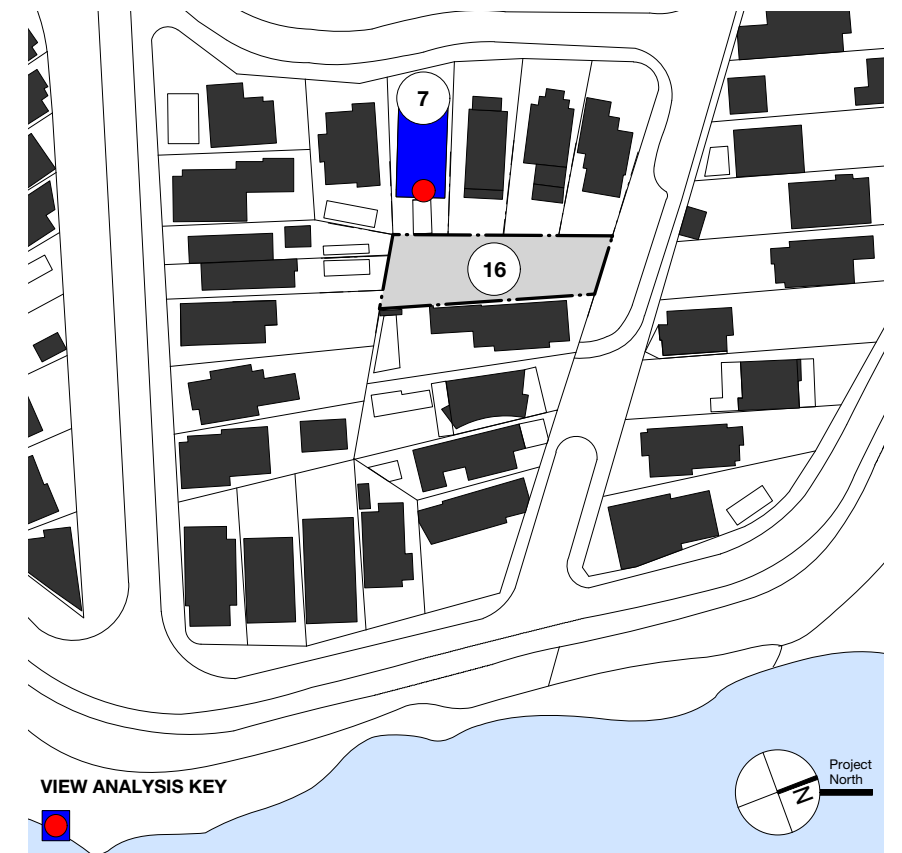
2 VIEW ANALYSIS PROPOSED - VIEW FROM NO.7 MIRIMAR AVE BALCONY  
Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.7 MIRIMAR AVE BALCONY  
Scale: NTS

**KEY**

- █ Existing building envelope
- █ Reduction to existing building envelope
- █ Envelope of original DA proposal shown magenta for reference of reduced height & bulk
- Envelope of revised DA proposal

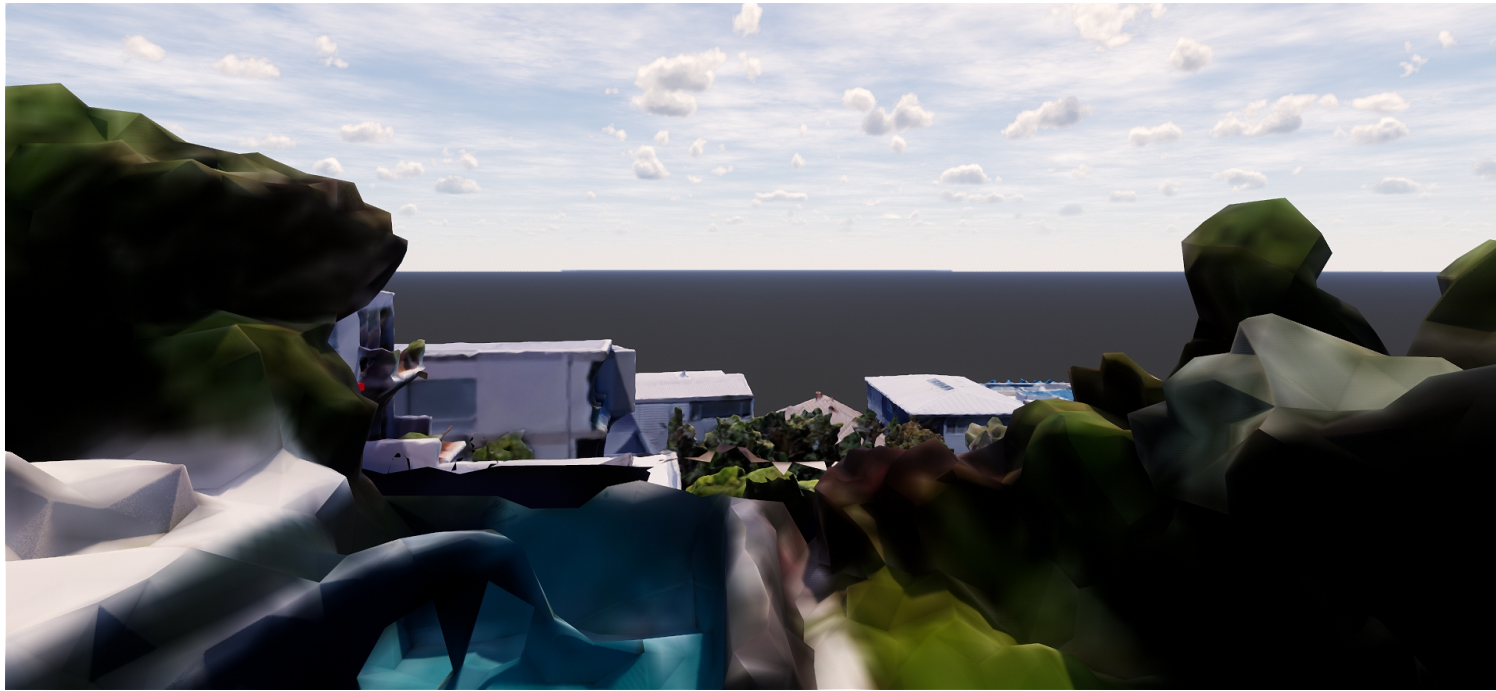


**VIEW ANALYSIS KEY**

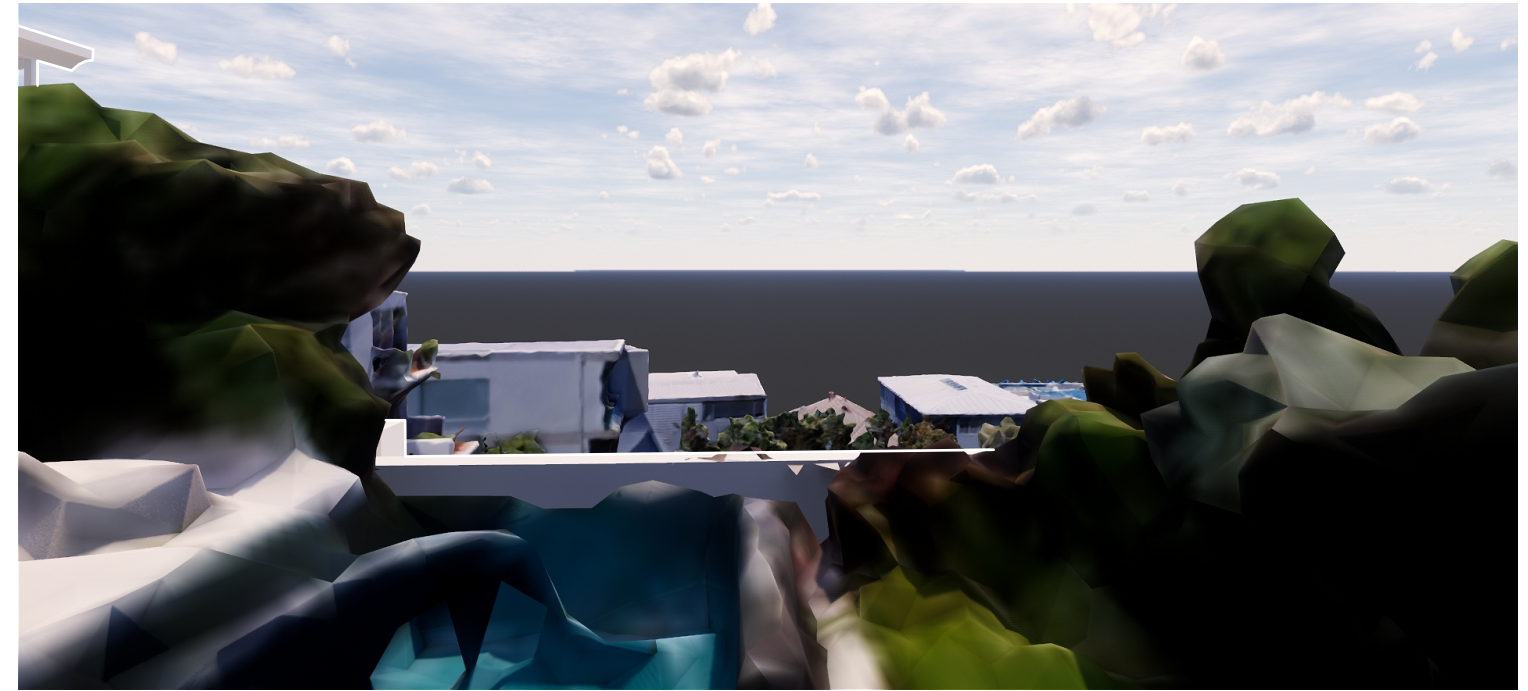
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**FOR DEVELOPMENT APPLICATION ONLY**

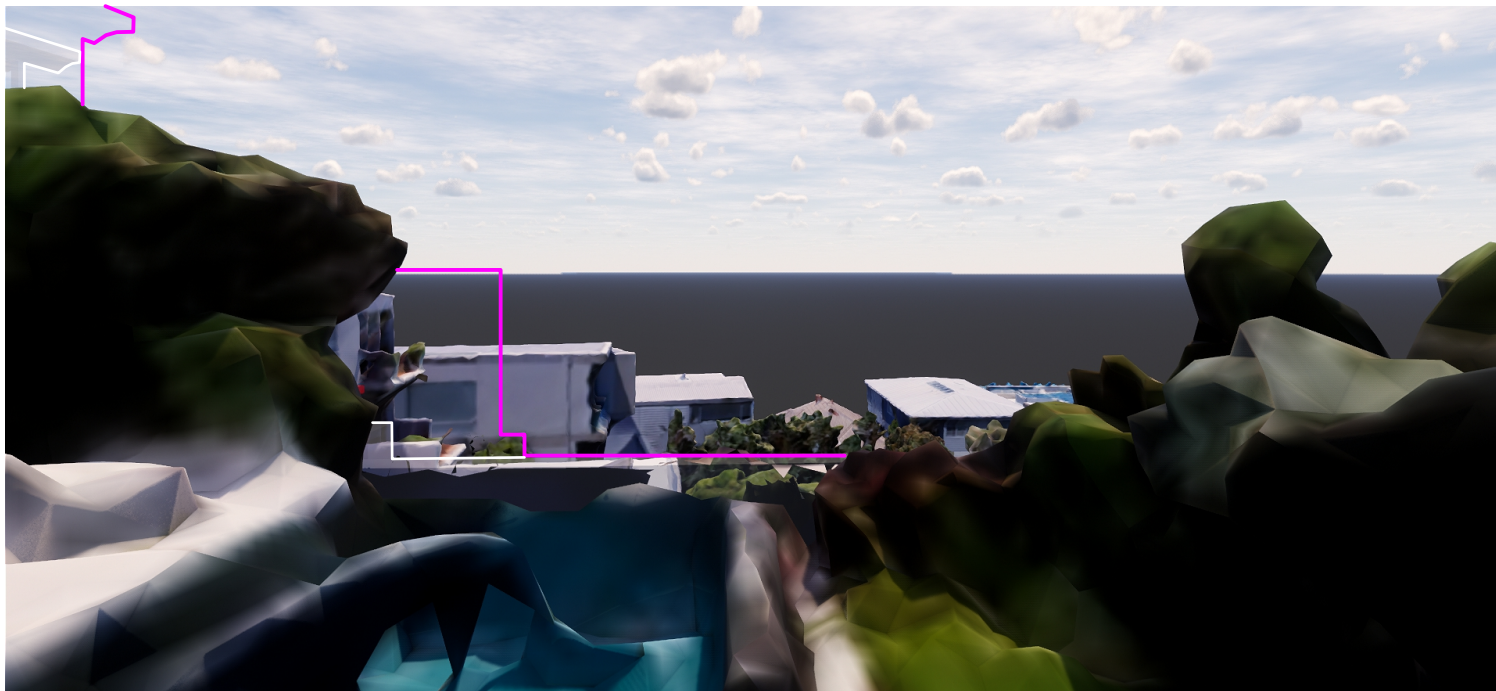




1 VIEW ANALYSIS EXISTING - VIEW FROM NO.7 MIRIMAR AVE GROUND TERRACE  
Scale: NTS



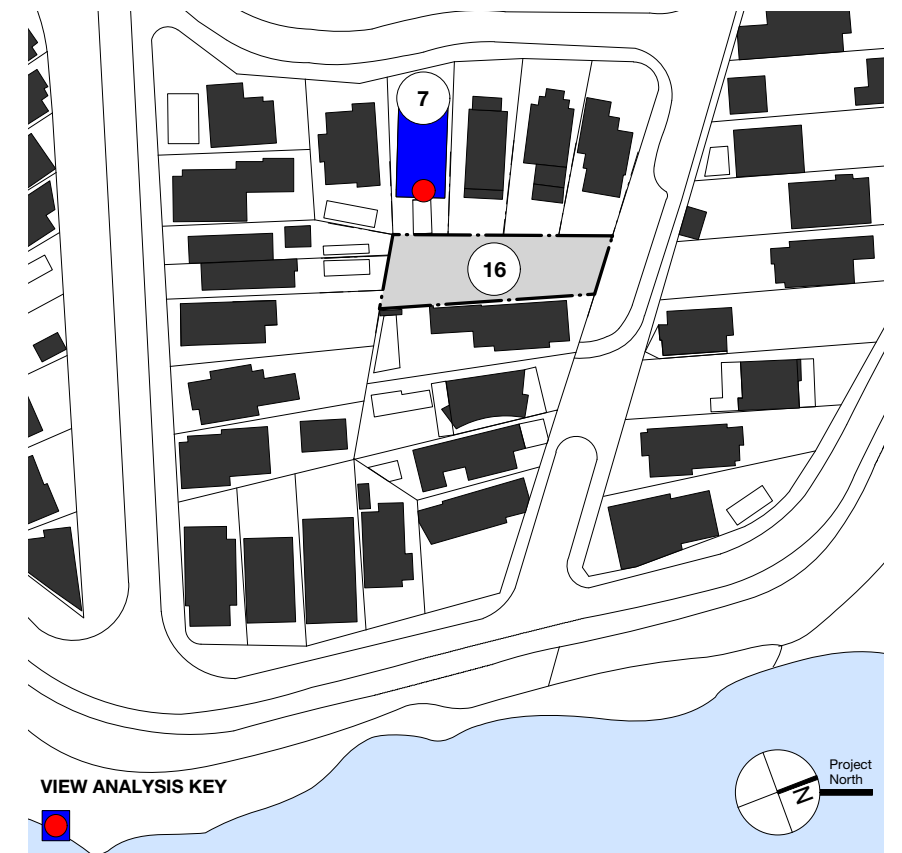
2 VIEW ANALYSIS PROPOSED - VIEW FROM NO.7 MIRIMAR AVE GROUND TERRACE  
Scale: NTS



3 VIEW ANALYSIS OVERLAY - VIEW FROM NO.7 MIRIMAR AVE GROUND TERRACE  
Scale: NTS

**KEY**

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**FOR DEVELOPMENT APPLICATION ONLY**

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**General Notes :**  
 All Works To Be In Accordance With Australian Standards, The Building Code Of Australia, Other Relevant Codes And With Manufacturers Instructions.  
 This Drawing Is Copyright And May Not Be Used Without Written Consent.  
 Do Not Scale Off Drawing. Verify All Dimensions On Site Prior To Construction.  
 To Be Read In Conjunction With All Other Consultant's Drawings.  
 The Architect To Be Immediately Notified Of Any Discrepancies.

B FOR COUNCIL - REVISED DA SUBMISSION  
 A FOR COUNCIL - DA SUBMISSION  
 REV. FOR

AB 1/2/19  
 AB 23/5/18  
 DRAWN DATE

Project  
**3040 - SMITH RESIDENCE**  
 16 THOMPSON STREET, TAMARAMA  
 LOT 11, DP 17140

Drawing  
**VIEW ANALYSIS - NO.7 MIRIMAR AVE VIEW 02**  
 DEVELOPMENT APPLICATION

Scale  
 NTS @ A3

Date  
 DECEMBER 2017

218  
 Drawing Re  
 DA 806 B





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-391/2018
<b>Site address</b>	43-45 Hall Street, Bondi Beach
<b>Proposal</b>	Partial demolition of mixed use buildings, retention and refurbishment of the listed heritage item and construction of five storey shop top housing development with integrated basement car parking
<b>Date of lodgement</b>	30 October 2018
<b>Owner</b>	Hall Street ABC Pty Ltd
<b>Applicant</b>	Mr Tal Silberman
<b>Submissions</b>	16
<b>Cost of works</b>	\$10,357,413
<b>Issues</b>	Height, heritage impacts, streetscape, visual bulk and scale, setbacks, visual and acoustic privacy, overshadowing
<b>Recommendation</b>	That the application be <b>REFUSED</b>



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 27 February 2018.

The site is identified as Lots 12 and 13, Sec 4, DP 747, known as 43-45 Hall Street Bondi Beach. It is located on the north-east side of Hall Street, between Gould Street to the south-east and O'Brien Street to the north-west.

The site is rectangular in shape with a south-west frontage to Hall Street of 24.38m and a length of 47.855m, having a total site area of 1,166m<sup>2</sup>. There is a fall across the site from the west to the east of 1.8m and from the front (south) to the rear (north) of approximately 3m.

No.43 Hall Street is occupied by a local heritage listed (No.1115) two storey residential building sited behind a later single storey retail addition. Parking is available on the site via a long driveway at the south-eastern side of the building, accessed from Hall Street. No.45 Hall Street is occupied by a two storey residential flat building. There is no parking available to this property.

The surrounding area is characterised by mixed use development and residential flat buildings. To the south-east of the subject site is a two storey commercial building. To the north-west is a part four part five storey mixed use retail/commercial and residential development. To the rear is a four storey residential flat building at 79 Roscoe Street and the three storey Norman Andrews House at 77 Roscoe Street.



**Figure 1:** No.43 Hall Street frontage. Sandstone heritage listed item is sited behind.





**Figure 2:** No.45 Hall Street frontage



**Figure 3:** Streetscape view looking north-west

## 1.2 Relevant History

A search of Council's Building and Development records found the following previous approvals for part of the site:

**DA-187/2017** for No.45 Hall Street for the change of use of residential unit 2 to a commercial office approved on 18 July 2017.

## 1.3 Proposal

The proposal is for a new part four (4) part five (5) storey shop top housing development containing 17 units, two (2) retail spaces and basement parking over two levels. The proposal includes;

- Demolition of the building at 45 Hall Street and partial demolition of the non-heritage components of 43 Hall Street, Bondi Beach.
- Restoration and adaptive reuse of the heritage listed sandstone cottage at 43 Hall Street as a commercial/retail tenancy with a contemporary light-weight glass structure in the forecourt.
- Construction of a four (4) storey building fronting Hall Street that extends to a five (5) storey building as the site slopes to the rear.
- The ground floor of the new building is a commercial/retail tenancy adjacent to a central residential entrance lobby, providing access to 17 residential apartments, with a mix of:
  - 4 x 1 bedroom units;
  - 7 x 2 bedroom units; and
  - 6 x 3 bedroom units.
- Two (2) basement levels accessed via vehicle access from Hall Street and a car lift. Carpark levels to include:
  - Parking comprising 27 residential car spaces (7 of which are on car stackers), 3 visitor car spaces, 7 retail car spaces, 24 bicycle spaces, and 3 motorbike spaces.
  - Internalised waste rooms, plant rooms, bulky store and residential storage areas.

Specific details of the development are as follows:

### Basement level 2 (RL8.25)

- 13 standard car parking spaces and 10 car spaces in a car stacking arrangement, car lift, residential storage, associated stairs and lift;

### Basement level 1 (RL12.25)

- 14 standard car parking spaces, car lift, three (3) motorcycle spaces, four (4) bicycle storage racks, waste room, bulky waste room, toilet facilities and plant room, associated vehicle access ramp, stairs and lift;

### Lower Ground Floor (RL15.05)

- Retail floor space (71m<sup>2</sup>) and storage (17m<sup>2</sup>) associated with ground floor retail tenancy;
- 1x1 Bedroom, 1x2 Bedroom and 1x3 Bedroom apartment and associated terraces;
- Plant room (38m<sup>2</sup>).

### Ground Floor (RL18.1)

- Two (2) x retail tenancies - 87m<sup>2</sup> and 164m<sup>2</sup>;
- Residential lobby;
- 1x1 Bedroom and 2x2 Bedroom apartments and associated balconies;



- OSD tank room.

Level 1 and Level 2 (RL21.5 and RL24.55)

- 1x1 Bedroom, 2x2 Bedroom and 1x3 Bedroom apartments and associated balconies.

Level 3 (RL27.6)

- 3x3 Bedroom apartments and associated balconies.



**Figure 4: Perspective view from Hall Street**

## **2. ASSESSMENT**

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

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

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

#### **2.1.1 SEPP (Building Sustainability Index – BASIX) 2004**

A BASIX and NatHERs Certificate has been submitted with the development application. The BASIX Certificate and NatHERs report lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

#### **2.1.2 SEPP 55 Remediation of Land**

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



### 2.1.3 SEPP 65 Design Quality of Residential Apartment Development

The application was referred to the Waverley SEPP 65 Design Excellence Panel on 18 December 2018. The Panel's comments of the proposed development with regard to the nine design quality principles under SEPP 65 are set out in **Table 1** below.

**Table 1: Assessment against the Nine Design Quality Principles under SEPP 65**

Principle	Panel's Comment
1. Context & Neighbourhood	<p><i>The built form context is comprised of 4 storey buildings to the west of the site and 2 storey and 1 storey buildings to the east of the site. Existing buildings have a range of building frontages, including ground level shopfronts with awnings to the east and ground levels offices and shops without awnings to the west.</i></p> <p><i>The proposal has an awning over the retail and driveway areas, which is reasonable within a mixed streetscape.</i></p> <p><i>It is proposed to demolish the existing Inter-War apartment building located at 45 Hall Street. The HIS generally notes that the four brick chimneys appear to date to the earlier 1908 semi-detached residences on the site. Internally, most of the Inter-War fabric of the building remains, the condition ranges from poor to good.</i></p> <p><i>43 Hall Street is listed as a 1915 local heritage item 'Federation style sandstone cottage' originally constructed as a pair of semi-detached residences and later converted to 4 flats with a ground floor street front 1960s addition.</i></p> <p><i>The proposal is to replace the ground floor addition to the 43 Hall St heritage item with a new ground floor addition. Whilst the proposal is for a fully enclosed glass addition (included as GFA), the new addition obscures the heritage item and this is a lost opportunity to fully reveal the heritage item when viewed from the street.</i></p> <p><i>The proposed overhanging curved built forms above conflict with the rectilinear plan form and pitched roofs of the heritage item and the rectilinear forms of other shoptop housing in close proximity to the site.</i></p>
2. Built form & Scale	<p><i>The proposal contains upper level residential apartments that cantilever up to 4m over the heritage item. These cantilevers conflict with the built form of the heritage item, intruding into its curtilage and diminishing its heritage status. It is recommended that no part of the proposed apartment building should cantilever over the heritage item.</i></p> <p><i>The side setbacks for the new apartment building are 3m from the side boundaries, with habitable rooms with continuous glazing addressing the side boundaries. Continuous 1m high spandrels and balustrades do not screen viewing across the side boundaries. They will result in both visual and acoustic impacts on the privacy of neighbours and on future inhabitants of the apartments. It was suggested at the meeting that the existing aluminium battens could be raised above eye height, however this would not resolve night-time privacy or acoustic issues, and would create a barred effect on the apartments. A different design approach is recommended, possibly involving splayed solid walls and angled windows or another method of protecting privacy within a distance of 6m from a side boundary.</i></p> <p><i>The building exceeds the height limit by approximately 2.5m (20%) and is 5 storeys high at the rear of the site. Compliance with the height limit at the rear of the site would make a built form transition of height to the 4 storey residential building at 77 Roscoe Street behind.</i></p> <p><i>The Panel also has a number of other concerns:</i></p>

Principle	Panel's Comment
	<ul style="list-style-type: none"> <li>- The glass structure and roof appear to be unvented and will create unnecessary heat loads. As an alternative a treed courtyard would help to reduce heat island effect</li> <li>- The glass structure and roof are a poor heritage response</li> <li>- The structure of the awning needs to be verified – the section on A0301 indicates a very fine concrete structure with no rainwater capture.</li> <li>- The rear setback of 6m should not be encroached with any structure. A preferred rear setback would align with that of 49 Hall St.</li> <li>- Larger deep soil area should be provided to the rear yard</li> <li>- The Lower Ground Floor lobby has no natural light or ventilation</li> <li>- 2 storey retail areas will require code compliant access and facilities</li> <li>- The lift has mixed residential and commercial use. Staff WCs are in the basement.</li> <li>- The building is overly bulky due to balconies on the east of Units 201 and 301</li> <li>- Apartment Floor-to-floor heights of less than 3100 making 2700 ceiling heights difficult</li> <li>- The transition of the street façade setback to 49 Hall Street is awkward. The balcony to the south western bedroom could be reduced (set in from the side boundary) with little loss of amenity.</li> </ul>
3. Density	<p>The proposed FSR of 1.99:1 is permissible. The typical FSR for sites in this street is 2:1, however sites typically do not contain a heritage item. The retention of the heritage item with a curtilage around it to all 4 sides of the item, and other privacy measures, will necessarily reduce the achievable FSR to substantially less than 2:1.</p>
4. Sustainability	<p>The fully glazed N-W walls of apartments LG01, G001, 102, 202 and 302 will receive sun at different times between 12 noon to 3pm at the equinoxes and in mid-winter. Whilst horizontal projecting slabs provide some protection in summer, the relatively large unprotected windows will receive heat load unless the windows are screened or reduced in size.</p> <p>Solar panels are recommended to reduce reliance upon the electricity grid.</p> <p>Ceiling fans should be provided in habitable rooms and clearly shown on the plans.</p>
5. Landscape	<p>The building has a high site coverage with only a 2m wide strip of deep soil at the rear boundary. A larger rear setback and deep soil area should be provided to support large trees. These will be necessary to reduce overlooking and increase amenity.</p> <p>The opportunity for more deep soil and a canopy tree in front of the heritage item in Hall Street has not been taken up. Outdoor dining in a landscaped setting would complement the heritage item and enhance Hall Street.</p>
6. Amenity	<p>No communal open space is provided. Whilst this is an urban site where the achievement of the 25% of site area for communal open space in the ADG may be reduced, some provision could be expected. This could be in front of the heritage item, possibly associated with the proposed café, or on the roof if the fifth floor at the rear of the site were replaced with communal open space.</p> <p>The sharing of the lift between residents and retail should be reviewed.</p>
7. Safety	<p>The deep, narrow entry space poses issues of crime prevention through environmental design (CPTED) at night. Deleting the glass box in front of the heritage item would allow for a gated entry to be provided at the S-W end of the heritage item, avoiding a long narrow public passageway from the street as is currently proposed.</p>

Principle	Panel's Comment
8. Housing Diversity and Social Interaction	<p><i>The range of apartment sizes is appropriate to this context, however there are a number of negative impacts including privacy to neighbours, deep soil areas and the lack of communal open space.</i></p> <p><i>The HIS recommends an archival photographic recording of the buildings and grounds of 43 and 45 Hall Street be prepared as well as a schedule of conservation works and a Heritage Interpretation Plan.</i></p>
9. Aesthetics	<p><i>With the redevelopment of the site, the existing heritage item has the potential to be re-discovered, respected and presented. The current design surrounds the heritage item on 3 sides and above with imposing forms that are alien to its character.</i></p> <p><i>The proposed curved forms with continuous balconies are representative of a building as a stand-alone object. This approach is out of character with a street of rectilinear buildings built to side boundaries and addressing the street with rectilinear main facades.</i></p> <p><i>To ensure clarity in the design and detail intentions, façade sections at 1:20 should be provided, and cross referenced to a material and finishes schedule.</i></p>

The Design Excellence Panel's summary of recommendations is as follows:

*It is recommended that no new work intrude into a curtilage of the heritage item that extends vertically up from its N-W, N-E and S-E external walls, and that there be no built form between it and Hall Street. This will necessarily require a reduction in FSR.*

*A new approach to the design of the side walls be taken to provide privacy to all habitable rooms and neighbouring developments, both existing and in the future. The proposal to have continuous glazing with batten screening should be replaced with an approach that strategically locates window openings and balconies to maintain privacy. This may require a reduction in FSR. The design motif of curved corners should be re-considered to create a built form that is better related to the rectilinear character of its setting.*

The comments and recommendations provided by the Design Excellence Panel indicate that the proposed development has failed to adequately address the provisions of SEPP 65. The Panel is particularly concerned by the impacts on the listed heritage item and the proposed non-compliances with the envelope controls resulting in an unacceptable building form, bulk and scale that is out of context within the locality. Council agrees with this critique.

#### **Clause 6A Development control plans cannot be inconsistent with Apartment Design Guide**

Clause 6A of SEPP 65 requires that DCP's cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation,
- (h) storage.



If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. WDCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the WDCP no longer have effect. An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from the WDCP table as they are no longer relevant.

**Table 2: Apartment Design Guide**

Design Criteria	Compliance	Comment
<b>3A Site Analysis</b>		
Objective: Design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	No	A site analysis has been provided. The design outcome proposed is contextually inappropriate and responds unreasonably to the sites opportunities and constraints. This is addressed in further detail throughout this assessment report.
<b>3B Orientation</b>		
Objectives: <ul style="list-style-type: none"> <li>• Building types and layouts respond to the streetscape and site while optimising solar access within the development</li> <li>• Overshadowing of neighbouring properties is minimised during mid-winter</li> </ul>	Yes	The building is orientated to the street and the rear responding to the streetscape pattern.
	Partial	Most impacted property is to the south-east with shadow impact from 11am. This site currently accommodates a two storey commercial development built to the common side boundary. This could be improved.
<b>3C Public Domain Interface</b>		
Objectives: <ul style="list-style-type: none"> <li>• Transition between private and public domain is achieved without compromising safety and security</li> <li>• Amenity of the public domain is retained and enhance</li> </ul>	Partial	Upper level balconies overlook the public domain. The proposed treatment of the heritage item as it presents to Hall Street with the construction of a glass box at its frontage provides limited opportunity for public interface. The provision of open space at this frontage would facilitate improved public interface and amenity with the heritage item.
<b>3D Communal and public open space</b>		
Objective: An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Design Criteria: <ul style="list-style-type: none"> <li>• Communal open space has a minimum area equal to 25% of the site</li> </ul>	No	No communal open space area is provided to the development

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>• Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter)</li> </ul>		
<b>3E Deep soil zones</b>		
7% of site area or 81.62m <sup>2</sup> with a minimum dimension of 3m	No	72m <sup>2</sup> or 6% of site area with a minimum dimension of 2m
<b>3F Visual privacy</b>		
<ul style="list-style-type: none"> <li>• Min separation distances from side boundaries</li> <li>– Up to 12m (4 storeys) – 6m (or 3m non-habitable)</li> <li>– Up to 25m (5-8 storeys) – 9m (or 4.5m non-habitable)</li> </ul>	No	<p>Required separation distances to habitable rooms and balconies from both side boundaries and the rear boundary is 6m for the first four storeys then 9m for the fifth storey. A nil north-western side setback is proposed at the front portion of the building at the location of the retail component and residential units above. A 3m setback is then proposed from both side boundaries and 4.6m from the rear boundary to ground level and 7.5m at the fifth storey.</p> <p>The proposed units oriented to the north-west have direct line of sight to the adjacent residential flat building located at 49 Hall Street. It is acknowledged that the circulation passages and entries to units to this building run along its south-eastern side, however, extensive glazing proposed along the subject developments north-western elevation coupled with reduced separation distances will result in unacceptable amenity impacts to units within the subject development and to the adjacent building. The reduced separation also results in unreasonable visual bulk and scale.</p> <p>The adjoining site to the south-east is currently underdeveloped at two storeys which incorporates a blank wall along its common boundary with the subject site extending for 2/3 the length of the common boundary. The non-compliant separation distance proposed would place a constraint on the future redevelopment of this adjoining site.</p>
<b>3G Pedestrian access and entries</b>		
Objective: Building entries and pedestrian access connects to	Partial	A long entry corridor is proposed to access the common residential lobby off Hall Street.

Design Criteria	Compliance	Comment
<p>and addresses the public domain</p> <ul style="list-style-type: none"> <li>• Building entries should be clearly identifiable and communal entries clearly distinguishable from private</li> </ul> <p>Objective: Access, entries and pathways are accessible and easy to identify</p> <ul style="list-style-type: none"> <li>• Building access areas including lift lobbies, stairwells and hallways should be clearly visible from public domain and communal spaces</li> </ul>		<p>Improved legibility could be provided through more considered design of the interface between the new building and the Heritage item.</p>
<p><b>3H Vehicle Access</b></p>		
<p>Objective: Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p> <ul style="list-style-type: none"> <li>• Integrated into the building's façade</li> <li>• Located behind the front building line</li> <li>• Located on secondary streets or lanes</li> </ul>	<p style="text-align: center;">Partial</p> <p style="text-align: center;">Not available</p>	<p>Vehicular access provided from Hall Street behind the front building line. Pedestrian and vehicle conflict will occur at the point of access.</p>
<p><b>3J Bicycle and Car Parking</b></p>		
<p>The applicable minimum car parking rates are as follows (using RMS Guide):</p> <ul style="list-style-type: none"> <li>• 0.4 spaces per one bedroom unit = 1.6</li> <li>• 0.7 spaces per 2 bedroom unit = 4.9</li> <li>• 1.2 spaces per 3 bedroom unit = 7.2</li> <li>• 1 visitor space per seven units = 2.43</li> <li>• Total minimum 14 residential spaces and 2 visitor spaces required</li> </ul>	<p style="text-align: center;">Yes</p>	<p>Basement parking provides for 37 car spaces including;</p> <ul style="list-style-type: none"> <li>• 27 residential spaces (including 3 accessible spaces)</li> <li>• 3 visitor spaces</li> <li>• 7 retail spaces</li> </ul>
<p>Bicycle: Refer to WDCP below</p>	<p style="text-align: center;">Yes</p>	<p>24 bicycle spaces</p>



Design Criteria	Compliance	Comment
<b>4A Solar and daylight access</b>		
<ul style="list-style-type: none"> <li>Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter</li> </ul>	Yes	77% of units receive at least 2 hours mid-winter.
<ul style="list-style-type: none"> <li>A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter.</li> </ul>	Yes	All of the units receive direct sunlight mid-winter
<b>4B Natural ventilation</b>		
<ul style="list-style-type: none"> <li>All habitable rooms are naturally ventilated</li> </ul>	Yes	All habitable rooms are provided with at least one window for natural ventilation.
<ul style="list-style-type: none"> <li>Layout of single aspect apartments to maximise natural ventilation</li> </ul>	Yes	Single aspect apartments have been appropriately designed to maximise natural ventilation
<ul style="list-style-type: none"> <li>60% units within the first 9 storeys to be cross ventilated</li> </ul>	Yes	77% of units are cross ventilated
<b>4C Ceiling heights</b>		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The building provides a minimum of 2.7m floor to ceiling height.
<ul style="list-style-type: none"> <li>3.3m for ground and first floor in a mixed use zone to promote future flexibility of use</li> </ul>	Partial	Minimum 3.5m ceiling height at ground floor level retail. 2.75m height ceiling for first floor level which is identified as residential which does not allow for flexibility of future use, contrary to the ADG.
<b>4D Apartment size and layout</b>		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <li>1 Bed = 50 m<sup>2</sup></li> <li>2 Bed = 70 m<sup>2</sup></li> <li>3 Bed = 90 m<sup>2</sup></li> <li>Add 5m<sup>2</sup> for each additional bathroom (above 1)</li> </ul> <p>Other controls:</p> <ul style="list-style-type: none"> <li>Rooms must have a window 10% of the floor area</li> <li>Room depths max 2.5 x ceiling height</li> <li>Bedrooms 9m<sup>2</sup> or 10m<sup>2</sup> depending on master or not</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	All apartments meet the minimum requirements.

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> <li>Width of living rooms</li> </ul>	Yes	
<b>4E Private open space and balconies</b>		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> <li>1-bed – 8m<sup>2</sup> &amp; 2m depth</li> <li>2-bed - 10m<sup>2</sup> &amp; 2m depth</li> <li>3+bed - 12m<sup>2</sup> &amp; 2.4m depth</li> </ul> <p>Ground level apartments – POS provided instead of balcony with minimum area of 15m<sup>2</sup> and a minimum depth of 3m</p>	<p>Yes</p> <p>Yes</p>	All apartments meet the minimum requirements
<b>4F Common circulation and spaces</b>		
<ul style="list-style-type: none"> <li>Max of 8 units accessed off a circulation core on a single level</li> </ul>	Yes	Up to 4 units accessed off a circulation core on a single level
<b>4G Storage</b>		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> <li>1-bed – 6m<sup>3</sup></li> <li>2-bed – 8m<sup>3</sup></li> <li>3+bed – 10m<sup>3</sup></li> </ul>	Insufficient details provided	The Statement of Environmental Effects and SEPP 65 Design Report states that each apartment will achieve adequate storage depending on their type, however the details have not been shown on the floor plans, or in the basement plans to verify that the plans reflect what is noted in the report.
<b>4K Apartment mix</b>		
<p>Objective:</p> <p>A range of apartment types and sizes to cater for different house hold types over time.</p>	Yes	The proposed development has a mix of one, two and three bedroom apartments that will support a variety of household types and sizes.
<b>4M Facades</b>		
<p>Objective: Building facades provide visual interest along the street while respecting the character of the local area</p> <ul style="list-style-type: none"> <li>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</li> </ul>	No	The proposal does not satisfy the objective for the design of facades due to the cantilevered form of the building over the listed heritage item, resulting in unacceptable bulk and massing in the streetscape. The proposed development does not respect the modest sandstone cottage on site or the character of the area.
<b>4N Roof design</b>		
<ul style="list-style-type: none"> <li>Relates to the street</li> <li>Breaking down massing of the roof</li> <li>Roof design proportionate to building bulk</li> <li>Service elements integrated</li> </ul>	No	Extent of roof protrusion over the listed heritage item is considered an unacceptable design outcome when viewed from the street resulting in unreasonable bulk and scale impacts.
<b>4O Landscape design and 4P Planting on structures</b>		

Design Criteria	Compliance	Comment
Objective Landscaping design is viable and sustainable Appropriate soil provides are provided for planting on structures.	Yes	Landscaping is proposed to side and rear boundaries and to upper floor level on structures.
<b>4Q Universal Design</b>		
20% of housing be incorporate silver level of universal design features	Yes	This matter is not addressed by the documentation submitted with the application, however should the application be approved, can be addressed by a condition of consent.
<b>4R Adaptive Reuse</b>		
Relevant Design Guidance: Additions to heritage buildings should be clearly identifiable from the original building	Yes	The glass box proposed at the front of the site achieves the differentiation between old and new.
<b>4S Mixed Use</b>		
Objective Residential levels of the building are integrated within the development and safety and amenity is maximised for residents.	Partial	The residential lobby is located between 2 commercial premises and would benefit for more defined entrance with more predominance to help legibility

#### 2.1.4 SEPP (Affordable Rental Housing) 2009

The existing building on site contains low cost rental housing, however, the applicant has been unable to demonstrate that the existing building contained low cost rental housing as at 28 January 2000 as required by the SEPP.

Under Part 3 Retention of Affordable Housing Clause 49(1) it states that this part is only applicable to those buildings that were low rental at 28 January 2000, and does not apply to any building that becomes low rental after that date. The applicant has provided a statutory declaration to outline that they are unable to provide any information confirming whether or not the building was low rental at that time. Council is unable to find any information providing evidence to say whether or not this building was low rental at that date.

Therefore, in accordance with Section 49(1) of the SEPP, the requirements for the retention of existing affordable rental housing do not apply.

#### 2.1.5 SEPP (Vegetation in Non-Rural Areas) 2017

The Vegetation SEPP regulates the clearing of vegetation. Section 9(2) of the SEPP confers the assessment criteria for the removal of vegetation to the Waverley DCP 2012. Furthermore, as the site incorporates a heritage listed item, Section 10(3) states that the Council must be satisfied that any removal *'is of a minor nature or is for the maintenance of the heritage item...'* and *'would not adversely affect the heritage significance of the heritage item...'*



The Waverley DCP 2012 requires consent for removal or pruning of trees of 5m in height or canopy spread and those listed on the Waverley Register of Significant Trees. A number of trees are proposed to be removed from the site and an Arborist Report accompanies the application.

The application was referred to Council's Tree Management Officer who raised no objection to the removal of trees subject to conditions. It is considered that the removal of trees or the landscaping proposed would not adversely affect the heritage significance of the item.

### 2.1.6 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 3: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	No	The proposal is not considered to satisfy the aims of the plan, in particular Clause 1.2(2)(d) which aims to identify and conserve the cultural, environmental, natural, aesthetic, social and built heritage of Waverley.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table - B4 Mixed Use Zone Zone objectives <ul style="list-style-type: none"> <li>To provide a mixture of compatible land uses.</li> <li>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.</li> </ul>	Yes	The proposal is defined as shop top housing which is permitted with consent in the zone.
2.7 Demolition	Yes	Proposed to partially demolish the existing buildings which is permitted with consent
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>13m</li> </ul>	No	15.9m (roof) and 17.05m (lift overrun)
4.4 Floor space ratio <ul style="list-style-type: none"> <li>2:1 or 2,332m<sup>2</sup></li> </ul>	Yes	
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development

Provision	Compliance	Comment
		standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	No	No.43 Hall Street contains a listed Federation style sandstone cottage (Item No.1115) (see further discussion below)
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils – Class 5	Yes	Should approval be granted, relevant conditions to be imposed accordingly in regards to the management of acid sulfate soils.
6.2 Earthworks	Yes	The proposal satisfies the provisions of Clause 6.2 as the earthworks are not considered to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The application is accompanied by a geotechnical investigation report which outlines mitigation measures to be undertaken during the construction phase. All standard conditions of consent regarding earthworks and dilapidation reports for neighbouring buildings should be included if the application is approved.
6.9 Design Excellence	No	This clause applies to development identified on the key sites map in the LEP and to development that has a building height equal to or greater than 15m. The maximum building height permitted for development on this site is 13m. This proposal if compliant with the height development standard would not require assessment under this Clause. See discussion below.

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

### Exceptions to Development Standards

The consent authority is able to grant consent to a development that contravenes a development standard of WLEP 2012 having regard to the provisions of clause 4.6 of WLEP 2012 after considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of WLEP 2012 for a development varying a development standard are as follows:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

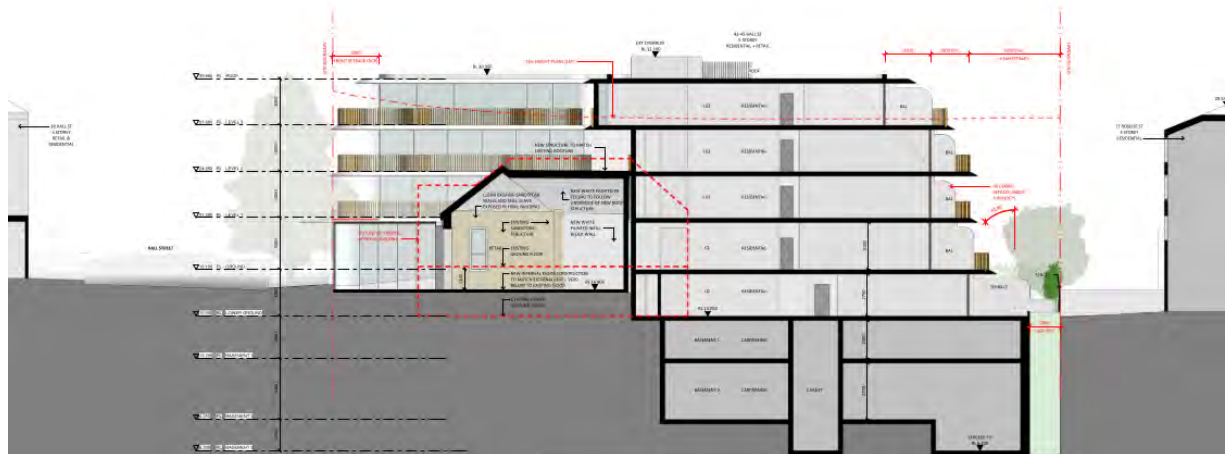
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
  - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Secretary has been obtained.

**Clause 4.3 Height of buildings**

The height of buildings map in the Waverley LEP states that the maximum building height for the site is 13m. The applicant submits that the proposal has an overall building height of 15.6m, however, this has not included the lift overrun which is required to be included in the calculation of height, as specified in the WLEP 2012 definition of *building*. Furthermore, the existing ground level was not shown on the submitted elevations or sections to accurately determine the height proposed. From the survey submitted, it is calculated that the height to roof parapet is at 15.9m and the height to the top of the lift overrun is 17.05m. Council considers that the proposal exceeds the height of buildings development standard of 13m prescribed under Clause 4.3 of Waverley LEP 2012 by 4.05m or 31%. The extent of non-compliance is demonstrated in the figure below.



**Figure 5: Section of the development looking north-west**

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made by the applicant for a height of 15.6m, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- *The environmental amenity of public spaces is preserved to the extent that the controls anticipate as the building presents to the street as a 4-storey mixed use building with its*



*uppermost floor set back from the street. This form of development is shown in the Waverley DCP as the desired future character of the Hall Street Town Centre.*

- *Half of the building has a significant setback from the street of approximately 19 metres as it sits behind a heritage listed cottage that is retained, restored and readapted as part of the proposed works. The generous setback to half of the building more than offsets the small edge of the building that exceeds the height limit near the front of the site. The area of height breach extends and increases along the length of the building as it continues level back into the sloping site, exacerbating the technical non-compliance despite visually appearing (and being) the same overall height. As a finished building, this edge cantilevered edge of the building will technically have a consistent height when measured from the new existing ground level.*
- *The environmental amenity of the adjoining properties is also preserved...A lack of environmental impacts does not in itself provide for sufficient environmental planning grounds to vary a standard, however it is noteworthy that the non-compliance does not cause unreasonable overshadowing, view loss, privacy or visual bulk impacts upon the adjoining properties and has no unreasonable impact on the streetscape or locality.*
- *The height, bulk and scale of the building is compatible with the desired future character of the locality as from the Hall Street frontage it entirely complies with the building envelope controls of the DCP, being a 4-storey building with its uppermost floor set back from the lower levels. The variation to the height standard is in contention at the rear of the site due to the sloping nature of the property, and in this respect the built form is consistent with the character of this section of Hall Street. There are 5-storey scale buildings adjoining the site to the west that eventually terminate with the high blank walls of the Adina Apartments development. These adjoining buildings present to the street as four storeys, as does the proposal.*
- *The generous setback of the building behind the restored sandstone cottage offers a unique interruption to the scale of the buildings in the street that positively contributes to the rhythm of buildings along Hall Street. The smaller sandstone cottage and proposed glass forecourt will provide the only break in the street wall along Hall Street, further emphasising the heritage significance of the cottage.*
- *The non-compliance with the height standard continues to provide a building that is compatible with the height, bulk and scale of the desired future character of the locality. As with all buildings along this section of Hall Street, it presents lower to the street and larger at the rear as the sites fall.*
- *The height of the development is appropriate in this context, as it predominantly maintains the 4-storey scale anticipated by the controls when viewed from the street and seeks to appropriately connect a new lower ground level at the rear of the site to connect with the lower rear yard. If compliance was required it would require the deletion of an entire level from the development that would then present as an out of scale three storey building to Hall Street.*
- *The environment planning grounds justifying the variation are:*
  - *The scale of the building is entirely consistent with the building envelope controls outlined in the DCP for the Hall Street Town Centre that dictate the future desired character of the area.*
  - *The scale of the building is consistent with the part 4/ part 5 storey buildings adjoining the site to the west.*
  - *The proposal facilitates the retention, restoration and readaptation of the heritage listed sandstone cottage that has been obscured from the public domain by an intrusive add-on at the Hall Street frontage.*
  - *The building demonstrates a high level of design excellence and has a refined design that accentuates the form of the sandstone cottage with an interesting and unique cantilevered building typology.*

- *That despite the non-compliance, the building satisfies the objectives of the development standard and the zone.*

**Council's response:**

The consent authority must not accept a variation under Clause 4.6 unless the applicant has adequately addressed subclause (3) and must also consider whether the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone which is subclause (4).

The Clause 4.6 statement is provided to the Panel for consideration. The applicant's statement addresses the matters required to be addressed in subclause (3) of Clause 4.6.

Whether the proposal satisfies Clause 4.6 (4) and is in the public interest is discussed below. Clause 4.3 of Waverley LEP 2012 detail the objectives of the height of building development standard which are as follows:

- (a) *to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views,*
- (b) *to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) *to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) *to ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

It is argued by the applicant that the height non-compliance occurs due to the preservation of the existing heritage item and the sites slope towards the rear. The applicant also argues that the amenity impacts that result are acceptable.

Objective (a) and (d) of the height development standard are applicable to this development.

Objective (a) is to *establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties and public spaces and, if appropriate, the sharing of views.*

The council does not consider that the proposal preserves the environmental amenity of neighbouring properties, as the design does not achieve compliance with the ADG and Waverley DCP 2012 (as discussed in the tables above and below) and the resultant impacts do not preserve the environmental amenity of the neighbouring properties.

In relation to objective (d) Council contends that the building is not compatible with the *height, bulk and scale of the desired future character of the locality as the design fails to respond to the sites cross fall with a level difference from north-west to south-east of over 1m, resulting from the breach to the height limit. The extent of the height non-compliance equates to nearly one whole floor level (refer to Figure 5) and is thereby exceeding the development standard is not in accord with the future desired character of the area which has been dictated by the height limitation.*

The overwhelming massing of the cantilevered form over the heritage item fails to positively complement and contribute to the physical definition of the street and public space. This matter is discussed in further detail later in this report.

The proposed height non-compliance is contrary to objectives (1)(a), (d) of the Height development standard and therefore approval of the proposal with this variation would be against the public interest.

With regards to the objectives of the B4 zone, the relevant objectives are to;

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage commercial uses within existing heritage buildings and within other existing buildings surrounding the land zoned B3 Commercial Core.*

Council contents that whilst the adaptive use of the heritage building for a commercial use meets the objective of the zone, it still conflicts with the objective 1(b) of Clause 4.6 which is to achieve better outcomes for and from development by allowing flexibility in particular circumstances. It is not considered that the proposal which has a breach to the height development standard will achieve a better outcome for the site.

The purpose of development standards are to stipulate the maximum development potential of a site and provide certainty to the public and facilitate economic and orderly use of land. The height control is a development standard in WLEP which has been through a statutory process involving exhibition and public comment. The height control reflects the preferences of the locality and the community and the height control should be given significant weight. In this regard, the proposal should not rely solely on the FSR development standard whilst disregarding the building height development standard when designing development.

As a general comment, Council disagrees with the applicant in that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case, and considers that there are not sufficient environmental planning grounds to justify the breach.

The non-compliance would not achieve a more superior outcome for the site and by virtue of the proposal not meeting the objectives of the development standard, and to a lesser extent the zone, approval of the development which contravenes the height development standard is not in the public interest. As such the Council does not consider the clause 4.6 exception to be well founded and refusal of the application is recommended on this basis.

#### **Clause 5.10 - Heritage Conservation**

The building at 43 Hall Street, the adjacent Inter War flat building at 45 Hall Street and the small caretaker's cottage to the rear of the site remain as rare elements of the original residential development of immediate beach front precinct following subdivisions of the Obrien Estate. The site and building identified as 43 Hall Street is listed as an item of local heritage significance in Waverley LEP 2012.

It is proposed to retain and upgrade the listed item as part of the redevelopment of the site. A Heritage Impact Statement prepared by Urbis, has been submitted with the development application. Subclause (4) of Clause 5.10 of the LEP requires the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The application was referred to Council's Heritage Adviser who made the following comments:



- *The proposed development provides a scale and setout of new construction that overwhelms rather than provides cohesion with the existing listed building.*
- *There is a need when combining a relatively modest structure with a much larger form to provide enhancement and identity to the retained smaller structure. This is not provided in the proposed development.*
- *The new works extend over the listed structure; remove substantial fabric from the original street elevation; and interior and extensively screen the street elevation.*
- *The glass enclosure does not serve to enhance the original building as the highly reflective glazed enclosure combined with furnishing, signage etc. will obscure the remaining original fabric.*
- *There is sufficient evidence to enable restoration of the street elevation of the original listed building. This should be undertaken as part of any works at the site in conjunction with exposure of the retained building in a meaningful way.*
- *Works to the listed building should enhance the building with minimal removal of original and early significant fabric.*
- *The building should not be treated as an emptied shell with unrelated openings but should be conserve 'in the round' and as originally seen from Hall Street.*
- *New works on the combined sites should be setback from the heritage listed building at 43 Hall Street and provided a cohesive interface with the listed building.*

Additionally Council's Urban Designer has noted the following

*The new building overpowers the heritage listed sandstone cottage through bulk and architectural treatment resulting in a relationship that is not sympathetic to the inherent qualities of the sandstone cottage.....*

*The development proposes to cantilever over the heritage cottage by extending slabs in response to the pitch of the cottage's roof. As mentioned above and outlined in the Internal Referral Heritage, it is argued that this compromises the integrity of the heritage item by crowding and overpowering the single storey structure. Given the nature of the medium scale development, the chosen heritage response is not supported. A greater curtilage should be given to the heritage item to ensure the integrity of the structure is not compromised.*

Separate to this, the Waverley Design Excellence Panel has made the following comment, extracted from the table earlier in this report.

*The proposal is to replace the ground floor addition to the 43 Hall St heritage item with a new ground floor addition. Whilst the proposal is for a fully enclosed glass addition (included as GFA), the new addition obscures the heritage item and this is a lost opportunity to fully reveal the heritage item when viewed from the street. The proposed overhanging curved built forms above conflict with the rectilinear plan form and pitched roofs of the heritage item and the rectilinear forms of other shoptop housing in close proximity to the site.*

As demonstrated by the above comments, Council's experts have conclusively not supported the proposal in respect to the uncomplimentary impacts on the heritage significance of the item, failing to meet the objective (b) of clause 5.10 of the LEP which seeks;

*to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*

This is a matter which warrants refusal of the application.

## Clause 6.9 - Design Excellence

The subject site is identified on Council's Key Sites Map as being subject to Clause 6.9 the objective of which is to *deliver the highest standard of sustainable architectural and urban design* if it is 15m or greater in height. The LEP limits height on this site to 13m, but this application proposes a building over 15m, therefore this clause applies given the breach to the building height development standard.

Council must not grant development consent unless the development exhibits design excellence. In consideration of design excellence, the following matters under Clause 6.9 subclause (4) are to be considered:

- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
- (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *how the development addresses the following matters:*
  - (i) *the suitability of the land for development,*
  - (ii) *existing and proposed uses and use mix,*
  - (iii) *heritage issues and streetscape constraints,*
  - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
  - (v) *bulk, massing and modulation of buildings,*
  - (vi) *street frontage heights,*
  - (vii) *environmental impacts such as overshadowing, wind and reflectivity,*
  - (viii) *the achievement of the principles of ecologically sustainable development,*
  - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
  - (x) *the impact on, and any proposed improvements to, the public domain,*
  - (xi) *the quality and integration of landscape design.*

In their submission, the applicant states that the *'form of this building is entirely unique to this area given the cantilevering of a new building over a restored heritage cottage. The building will make a significant contribution to the varied building fabric that makes up this town centre'*. Whilst acknowledging the applicants goal in retaining and upgrading the heritage item, transforming the site into a contemporary mixed use development with active street frontage and seeking to provide a positive contribution to the Hall Street Town Centre, the design approach undermines this intent by overwhelming the heritage item, the adjoining properties and the public domain.

The proposed form and external appearance of the development does not improve the quality and amenity of the public domain due to its dominance over the heritage item. Further design work is required which addresses the scale and massing of the proposed new building and its relationship to the listed item, adjoining properties and the streetscape. In this regard, the development does not result in design excellence being achieved in accordance with Clause 6.9 of the Waverley LEP 2012 due to its failure to address heritage issues (Clause 6.9(d)(i)), its poor relationship with other development (existing or proposed) on neighbouring sites in terms of separation, setbacks, amenity and urban form (Clause 6.9(d)(iv)), its unreasonable bulk, massing and modulation (Clause 6.9(d)(v)), its impact on and any proposed improvements to the public domain (Clause 6.9(d)(x)) and the inadequate provision of deep soil landscaping and common open space on site (Clause 6.9(d)(xi)).

### 2.1.7 Waverley Development Control Plan 2012 - Amendment No 5 (Waverley DCP 2012)

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

**Table 4: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	No	A SWRMP has been submitted with the application. The application was referred to Council's Waste Management officer who advised the plans are not satisfactory in regards to waste management. Further comment is provided below under the Referral section of this report. This matter would need to be addressed should the Panel seek to approve the application.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application which satisfies this section of the Waverley DCP 2012.
5. Tree preservation	Yes	Satisfactory
6. Stormwater	No	The proposal is unsatisfactory with regard to stormwater. This matter would need to be addressed should the Panel seek to approve the application
7. Accessibility and adaptability <ul style="list-style-type: none"> <li>• Must comply with DDA 1992, the relevant Australian Standards and the BCA.</li> <li>• 10% of the development to be adaptable and certified</li> </ul>	Yes	The proposed shop top housing development has incorporated accessibility and adaptability facilities including accessible car spaces, lifts, and adaptable accessible units.
<b>Zone 2</b> <u>Car parking - maximum</u> Residential: 27 spaces Visitor: 3 spaces Retail: 11 spaces <u>Motorcycle</u> 7 spaces required <u>Bicycle storage</u> Residential: 17 spaces Visitor: 2 spaces Retail: 2 spaces <u>Loading facilities</u> Not required	Yes     No   Yes	The proposal provides 27 residential parking spaces (including 3 accessible space), 3 visitor spaces, 7 retail spaces, 3 motorcycle spaces and 24 bicycle spaces.   Shortfall of 4 motorcycle spaces.  Sufficient bicycle storage areas have been provided.
9. Heritage	No	See discussion with regards to heritage conservation below.



Development Control	Compliance	Comment
10. Safety Design and management of the built environment to reduce the opportunity for crime.	Partial	The residential entry needs to be redesigned to reduce the length of the long narrow corridor to access the residential lobby to reduce opportunity for crime and anti-social behaviour.

**Table 5: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table**

Development Control	Compliance	Comment
<b>2.2 Site, scale and frontage</b>		
<ul style="list-style-type: none"> <li>Minimum frontage:</li> </ul>	Yes	Amalgamated site frontage of 24.38m
<b>2.3 Height</b>		
<ul style="list-style-type: none"> <li>Maximum external wall height: Compliance with the WLEP height development standard under Cl.4.3</li> </ul>	No	See discussion above under Section 2.1.6 of this report
<b>2.4 Excavation</b>		
<ul style="list-style-type: none"> <li>No fill to raise levels</li> <li>Minimum setback of 1.5m from side boundaries</li> <li>Under building footprint except main access ramp</li> <li>Basements no more than 1.2m out of the ground</li> <li>Geotechnical report required when &gt; 3m in depth or 25% slope</li> </ul>	Yes No Yes Yes Yes	A nil setback to basement level proposed at both side boundaries.
<b>2.5 Setbacks</b>		
2.5.1 Street setbacks <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	No	The development is proposed to have a front setback to Hall Street which is consistent with the development pattern for buildings to the south-east of the site but forward of those buildings located to the north-west at 49, 51, 53-55 and 57-59 Hall Street
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> <li>Minimum side setback: 3m or 4.5m or 6m</li> <li>Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback</li> <li>Deep soil along side boundary min 2m wide</li> </ul>	N/A	Not applicable to development in the B4 zone.  Superseded by the built form controls in Part E3 of the WDCP  Superseded by the built form controls in Part E3 of the WDCP

Development Control	Compliance	Comment
<b>2.6 Length and depth of buildings</b>		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Maximum unit depth: 18m</li> <li>Maximum depth of single aspect unit: 8m</li> </ul>	<p>Yes</p> <p>No, acceptable on merit</p> <p>No, acceptable on merit</p>	<p>North-eastern units on each level at 19.4m in depth. Dual aspect and adequately cross ventilated</p> <p>Single aspect units at 8.4m in depth. Satisfactory as north facing with sufficient width.</p>
<b>2.7 Building separation</b>		
<p>Up to 4 storeys (12m)</p> <ul style="list-style-type: none"> <li>12m btw habitable rooms</li> <li>9m btw habitable rooms &amp; non habitable rooms</li> <li>6m btw non-habitable rooms</li> </ul> <p>5-8 storeys (12m)</p> <ul style="list-style-type: none"> <li>12m btw habitable rooms</li> <li>9m btw habitable rooms &amp; non habitable rooms</li> <li>6m btw non-habitable rooms</li> </ul>	<p>No</p>	<p>The controls in the DCP align with the guidance of the ADG. The purpose of the controls is to ensure that there is appropriate massing and spaces between buildings, assist in providing residential amenity, privacy, ventilation, sunlight and daylight access and outlook.</p> <p>The distance separation provided to the adjoining north-western property is considered insufficient resulting in visual and acoustic privacy impacts both to the subject development and the adjoining property. The reduced separation also results in unreasonable visual bulk and massing. The adjoining site to the south-east is currently underdeveloped at two storeys which incorporates a blank wall along its common boundary with the subject site extending for 2/3 the length of the common boundary. The non-compliant setback proposed would place a constraint on the future redevelopment of this adjoining site.</p>
<b>2.8 Building design and streetscape</b>		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	<p>No</p> <p>Yes</p>	<p>The proposed building fails to address the provisions of Part C2 2.8 in particular objectives (a), (b) and (c), and controls (a) and (b). The proposed building design has failed to incorporate a scale and appearance which complements and contributes to the streetscape which is sympathetic and complimentary to the listed heritage item. In contrast, the design overwhelms the heritage item encroaching beyond its curtilage and providing an unacceptable transition of massing along this section of Hall Street.</p>
<b>2.10 Fences and walls</b>		
<p><i>Front fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height 1.2m</li> <li>Maximum 2/3 solid</li> </ul> <p><i>Side fence:</i></p>	<p>N/A</p>	<p>None proposed</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Maximum height: 1.8m <i>Rear fence:</i></li> <li>Maximum height: 1.8m</li> </ul>	<p>Yes</p> <p>Yes</p>	1.8m height masonry wall and 1.8m height aluminium and beam fencing
<b>2.11 Vehicular access and parking</b>		
<ul style="list-style-type: none"> <li>Integrated into the design</li> <li>Secondary to pedestrian entrance</li> <li>Maximum of 1 x 2-way driveway</li> <li>Pedestrian safety</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Partial</p>	The proposed vehicular access is at the western corner of the site and not clearly visible for pedestrians walking along Hall Street. Should the application be approved, safety measures could be installed to address this issue.
<b>2.12 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>Entry at street level</li> <li>Accessible entry</li> <li>Legible, safe, well-lit</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No</p>	Long narrow pedestrian entry which could have improved legibility with removal of the glass enclosure to the frontage of the heritage item.
<b>2.13 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 349.8m<sup>2</sup></li> <li>50% of the above is to be deep soil: 174.9m<sup>2</sup></li> </ul>	<p>No</p> <p>No</p>	<p>Only 146m<sup>2</sup> or 12.5% of the site is landscaped</p> <p>72m<sup>2</sup> of the site is proposed to be deep soil which is 103m<sup>2</sup> less than the requirement.</p>
<b>2.14 Communal open space – superseded by ADG controls</b>		
<b>2.15 Private open space – Superseded by the ADG</b>		
<b>2.16 Solar access and overshadowing</b>		
<ul style="list-style-type: none"> <li>Adjoining properties to retain minimum of three hours of sunlight during winter solstice</li> </ul>	Yes	North western wall and part of the rear of the adjoining property to the south-east at 41 Hall Street in part shadow from 11am.
<b>2.17 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss</li> </ul>	Yes	Submissions regarding view loss have been received from units within the Boheme development at 63 Hall Street. View impact analysis has been undertaken and site inspections from units within the Boheme Apartment development at 63 Hall Street have identified that there will be no unreasonable impacts on views as they higher than the proposed development. Submissions were also received from rear units at 51 Hall Street which adjoins the subject site to the north-west. A site inspection has not been undertaken from these units to



Development Control	Compliance	Comment
		ascertain extent of view impact, however, it is noted that this development sits below the Boheme apartment development at 63 Hall Street and views impacted by the proposed development are obtained across side boundaries of the subject site. The applicant has provided view impact analysis from the adjoining property at 49 Hall Street which indicates partial loss of sky/ water interface as a result of the non-compliant height as viewed across side boundaries.
<b>2.18 Visual privacy and security – superseded by ADG controls</b>		
<b>2.19 Apartment size and layout – superseded by ADG controls</b>		
<b>2.20 Ceiling heights – superseded by ADG controls</b>		
<b>2.21 Storage – superseded by ADG controls</b>		
<b>2.22 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Internal amenity by locating noisy areas away from quiet areas</li> <li>Using storage or circulation zones within an apartment to buffer noise from adjacent apartments, mechanical services or corridors and lobby areas and minimising the amount of party (shared) walls with other apartments</li> </ul>	<p>Yes</p> <p>No</p>	<p>The proposed units oriented to the north-west have direct line of sight to the adjacent residential flat building located at 49 Hall Street. It is acknowledged that the circulation passages and entries to units to this building run along its south-eastern side, however, extensive glazing proposed along the subject developments north-western elevation coupled with reduced separation distances will result in unacceptable acoustic amenity impacts to units within the subject development and to the adjacent building.</p>
<b>2.23 Natural ventilation – superseded by ADG controls</b>		
<b>2.24 Building services</b>		
<ul style="list-style-type: none"> <li>Must have a minimum of 2m setback from the building edge</li> </ul>	Yes	Building services are adequately setback from the site's side, front and rear boundaries. The proposed building services address the objectives and controls in clause 2.24 building services on merit.

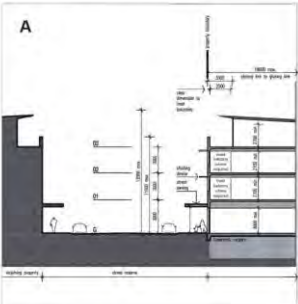
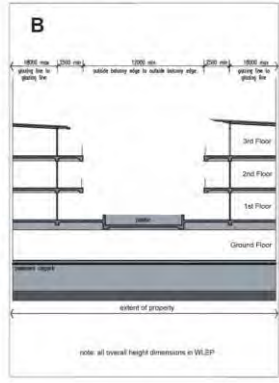
**Table 6: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Design</b>		
1.1.1 Frontages	No	The works proposed to the front of the heritage item do not create a visual connection between the heritage item and the public domain.
1.1.2 Lighting	Yes	Details regarding lighting can be resolved as a condition of consent if the DA is approved.

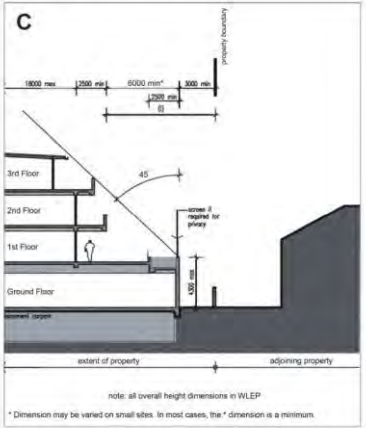
Development Control	Compliance	Comment
1.1.3 Amenity <ul style="list-style-type: none"> <li>Incorporate plant rooms and associated facilities required for future use</li> <li>Internal ventilation shaft</li> <li>Design of use to consider impact on residential</li> </ul>	Yes  Partial Yes	No details provided however, adequate space has been allocated  Shaft shown for retail unit 02 but not for unit 01 Residential units located adjoining and above the retail premises to be suitably designed to address any impacts. If approved, this could be addressed as a condition of consent.
<b>1.2 Noise</b>		
	Yes	Noise impacts associated with future tenancies will be subject to separate development applications for each use.
<b>1.3 Hours of operation</b>		
Base trading hours within the B4 zone are Monday to Saturday: 7.00am to 11.00pm and Sunday 7.00am to 10.00pm	Yes	Hours of operation associated with future tenancies to be the subject of separate development applications for each use.

**Table 7: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific controls</b>		
3.1.7 Hall Street Town Centre Objectives: <ul style="list-style-type: none"> <li>Maintain Hall Street and the southern end of Glenayr as a separate and discrete precinct within the wider Bondi Beach town centre with the role and character of providing local shops, services and residential accommodation for the local community.</li> <li>Manage the retail/commercial and residential interface in the centre</li> <li>Maintain and enhance accessibility to public open space</li> </ul>	Partial	Retail is proposed at ground level to activate the street frontage with residential behind and above. The works proposed to the front of the heritage item do not create a visual connection with the public space. The new works extend over the listed structure, remove substantial fabric from the original street elevation and interior and extensively screen the street elevation. The glass enclosure does not serve to enhance the original building as the highly reflective glazed enclosure combined with furnishing, signage etc. will obscure the remaining original fabric.
<b>3.2 Generic controls</b>		
3.2.1 Land uses <ul style="list-style-type: none"> <li>To provide for small shops and services to meet the daily needs of the community</li> <li>Promote mixed use development</li> </ul>	Yes  Yes	The proposal is consistent with the objectives in that it will provide for ground floor retail.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>To improve the quality of the built and pedestrian environment, particularly the interface between properties and land use</li> </ul>	No	<p>The development meets objective (d) in that it promotes mixed-use development.</p> <p>The proposed development overwhelms the heritage listed item and the streetscape providing an unreasonable massing within the context of the subject site and the pedestrian environment.</p>
<p>3.2.2 Public domain interface</p> <ul style="list-style-type: none"> <li>Create well defined local village centres</li> <li>Ensure ground level retail frontage to the street edge except for heritage listed items</li> </ul>	<p>Yes</p> <p>No</p>	<p>The proposed glass enclosure is to extend to the street edge masking the listed heritage item. Control (b) specifically states, where existing buildings are setback from the street and are to be refurbished, they are to be extended to the street edge at ground level, <b>except</b> listed heritage items and buildings of historic character.</p>
<p>3.2.3 Built form</p> <p>WDCP 2012 Clause 3.2.3 (a) requires development to be consistent with the planning controls relating to height, floor to ceiling heights and setback, outlined for the Hall Street Village Centre in Annexure E3-3 – four storeys with no rear lane.</p> <p>Four (4) storey street interface details and internal dimensions</p>  <p>Four (4) storey internal courtyard details</p> 	<p>No</p> <p>No</p>	<p>The proposal provides floor to ceiling heights of minimum of 3.5m on the ground floor and 2.7m for the floors above, which complies.</p> <p>Annexure E3-3 permits four storey development for the Hall Street Town Centre. The proposal provides a part four part five storey building, with the four storeys presenting to Hall Street and increasing to five storeys at the rear due to the sloping nature of the site. The typical diagrams for sites without a rear laneway indicate three storeys built to the front boundary (with inset balconies), with a fourth floor setback 3m from the boundary. The proposal includes a setback of 3m from the Hall Street property boundary at all levels above ground floor level with open balconies to the street alignment which cantilever over the listed heritage item. The building should be built as per the controls to align with the street wall established by 41 Hall Street and 73 Hall Street and maintain a curtilage around the heritage item.</p> <p>The controls also stipulate an internal courtyard which has not been included as part of the development proposal. It is acknowledged that typical developments along Hall Street are not designed with this configuration and the siting of the listed heritage building limits the placement of the new building.</p>



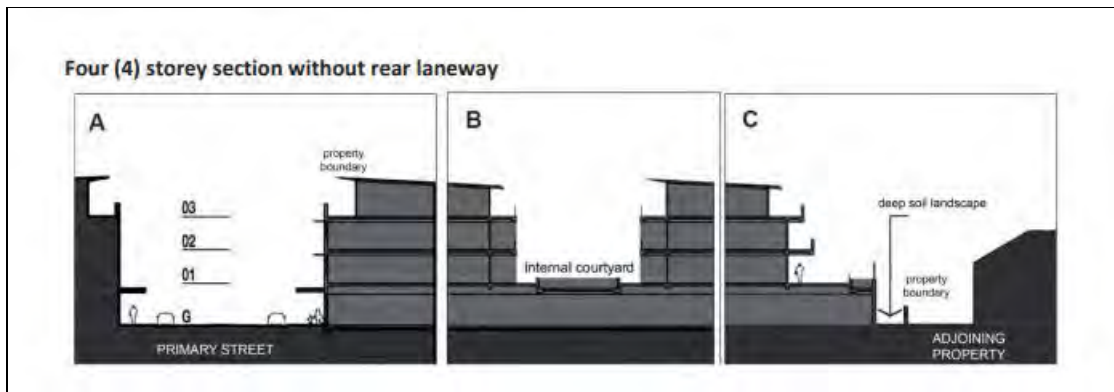
Development Control	Compliance	Comment
<p>Four (4) storey rear setback details without rear laneway</p>  <p>note: all overall height dimensions in WLEP * Dimension may be varied on small sites. In most cases, the * dimension is a minimum.</p>	No	<p>WDCP 2012 Clause 3.2.3 Control (d) requires a 3m deep soil zone within the rear setback area. The control diagrams also provide guidance for rear setbacks for development without a rear laneway which requires a 6m setback above a 4.3m height stepping back and contained within a 45 degree height plane for the upper floor levels. Further discussion is provided below.</p>
<p>3.2.4 Building facade articulation</p> <p>(a) New buildings should display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms.</p> <p>(b) New buildings should draw on the predominant pattern of the existing streetscape. They are to be open and glazed at the street level, have an emphasis toward a singular more enclosed building form at the upper levels and be capped by a lighter more articulated element.</p> <p>(c) Balconies to the street facade are to be recessed behind the principal building facade.</p> <p>(d) Balustrades to balconies fronting the street are to be predominantly solid with minimal or no glass.</p> <p>(e) Development directly adjoining buildings of historic character are to be designed so as to respect the hierarchy of the adjoining facade articulation.</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>The proposed built form overwhelms the adjoining properties, the listed heritage item and the streetscape. The proposal fails to respond to the desired future character objectives for the area, providing a building that dominates rather than cohesive.</p> <p>The proposed development is glazed at street level, however, the proposed building form at the upper levels provides for cantilevered concrete slabs extending over the curtilage of the heritage item with varied extent at each level which results in unreasonable impact on the heritage item and the streetscape.</p> <p>Vertical timber slat balcony balustrading is proposed which is partially open</p> <p>The proposed new building has been designed to be the dominant feature on site with the heritage listed sandstone building being secondary to the new contemporary form, which is an inappropriate design response.</p>
<p>3.2.5 Buildings of historic character</p>		

Development Control	Compliance	Comment
<p>(a) Identified buildings of historic character, as detailed in the planning controls for each of the individual local centres, are encouraged to be retained.</p> <p>(b) Where the building form, detailing or use of individual buildings of historic character have been inappropriately altered and changed, any application to upgrade or re-use the buildings must clearly demonstrate that the architectural and streetscape value of the building will be enhanced by the proposal.</p> <p>(c) N//A</p> <p>(d) New development adjacent to buildings of historic character must be sympathetic in scale, alignment, detailing and materials</p>	<p>Yes</p> <p>No</p> <p>N/A</p> <p>No</p>	<p>Controls (a) and (b) encourages buildings of historic character to be retained. Further, where buildings of historic character have been inappropriately altered and changed, any application to upgrade or re-use the buildings must clearly demonstrate that the architectural and streetscape value of the building will be enhanced by the proposal.</p> <p>The proposed development will result in the removal of unsympathetic, late alterations and additions to improve the building's presentation to the street. Notwithstanding this, the proposed development provides an overwhelming scale to the modest form of the heritage item. The heritage item is not enhanced by the proposed development.</p>
<p>3.2.6 Building services and site facilities</p>	<p>Partial</p>	<p>Residential garbage and recycling collection and storage areas, basement storage areas are proposed. The proposal has not provided details on the commercial waste and recycling storage.</p> <p>Mechanical ventilation and exhaust shaft for the ground floor retail tenancy 02 are included in the drawings but not for retail tenancy 01. These matters would need to be resolved if the Panel were inclined to support the application.</p>

Most of the DCP non compliances associated with the proposal have been discussed in the table above, however a key issue relating to the setback controls specific to Hall Street development are discussed in further detail below.

### Setbacks

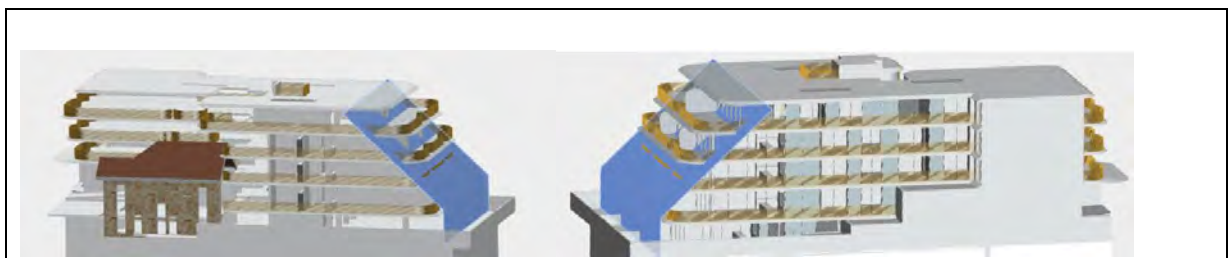
Part E3 3.2.3 Built form of Waverley DCP 2012 requires development to be consistent with the planning controls relating to height, floor to ceiling heights and setback, outlined for the Hall Street Town Centre in Annexure E3-3. The following diagram shows the built form required by the DCP.



**Figure 6: Annexure E3-3 Typical Built Form for Four Storey Centres of Waverley DCP 2012**

The proposed development is to have a nil front setback at ground floor level retail with the residential floors above setback 3m and provided with open balconies to the street. This results in a non-compliance with the built form controls outlined in Annexure E3-3, Part E3 of the Waverley DCP. The rationale for these setbacks is to be sympathetic to the prevailing setbacks to the north-west whilst transitioning to the heritage building. The building should be built as per the controls to align with the street wall established by 41 Hall Street and 73 Hall Street. Respecting the setback of the neighbouring property will only further continue this undesirable treatment along Hall Street.

Figure 7 below demonstrates the proposals breach of the envelope controls contained within Waverley DCP 2012 for the Hall Street Town Centre at the rear of the development.



**Figure 7: Modelling showing non-compliance with Waverley DCP when viewed from the south-east and north-west from applicant's SEE.**

The rear setback controls seek to break up the massing of the development when viewed from the rear in addition to reducing shadow impact. The overall visual bulk and massing of the development and length of the building as it presents through the site is unreasonable and is not supported. The proposed development is non-compliant with a number of controls in the ADG and Waverley DCP 2012 (as discussed in the tables above). The cumulative impacts of the height non-compliance, combined with the non-compliant setbacks, and the encroachment of the building into the curtilage of the heritage item results in a development that has significant amenity impacts on neighbouring properties and is not in accordance with the future desired character of the locality.



## 2.2 Other Impacts of the Development

Based on the discussion within this report, the proposal will have a detrimental impact on the locality.

## 2.3 Suitability of the Site for the Development

The proposal is considered unsuitable for the site for the reasons discussed within this report.

## 2.4 Any Submissions

The application was notified for 21 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

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

**Table 8: Summary of property addresses that lodged a submission**

Property
49 Hall Street, Bondi Beach
17/51 Hall Street, Bondi Beach
18/51 Hall Street, Bondi Beach
Shop 2, 40 Hall Street, Bondi Beach
5/63 Hall Street, Bondi Beach
12/63 Hall Street, Bondi Beach
23/63 Hall Street, Bondi Beach
31/63 Hall Street, Bondi Beach
33/63 Hall Street, Bondi Beach
39/63 Hall Street, Bondi Beach
42/63 Hall Street, Bondi Beach
44/63 Hall Street, Bondi Beach
404/63 Hall Street, Bondi Beach
Strata owners 61-67 Hall Street, Bondi Beach
63 Hall Street, Bondi Beach (no unit number given)
Bondi Beach Precinct

Summary of issues of objection:

- Excessive and unacceptable height
- Traffic and car parking impacts including siting of driveway
- View loss impacts
- Unreasonable impact on the streetscape
- Unreasonable impact on the heritage item
- Acoustic privacy impacts
- Overshadowing and solar access impacts on neighbouring buildings
- Overdevelopment
- Impact on property values
- Removal of trees
- Instability of site conditions and impact on heritage item during construction phase

The majority of issues raised by objectors are addressed in preceding sections of this report. Any outstanding objector issues are detailed and discussed below.

***Issue: Deterioration in property values***

***Response:*** Council is not supporting this application, however the objectors should have a reasonable expectation that this site will be developed in the future. A building that follows the statutory and DCP planning controls for the site which has acceptable streetscape and amenity impacts is likely to be supported.

***Issue: Noise and dust from construction***

***Response:*** Noise or dust from construction works is not a matter which would warrant refusal of the application. Should the application be approved, conditions of consent will be imposed regarding dust management, noise during construction, including construction hours, and the submission of a noise management plan to ensure that the noise does not exceed the acceptable limits during construction.

***Issue: Instability of site conditions and impact on heritage item during construction phase***

***Response:*** A preliminary Geotechnical Investigation Report has been submitted with the application. Should the application be approved, conditions of consent will be imposed regarding excavation on site. This matter does not warrant a refusal of the application.

## **2.5 Public Interest**

It is considered that the proposal will be against the public interest and should not be supported.

## **3. REFERRALS**

### **3.1 Shaping Waverley – Heritage**

The application was referred to Council's Heritage Adviser and those comments are noted in the consideration of the LEP Heritage Clause earlier in this report. The scheme was not supported and the following recommendations were suggested.

*To maintain and enhance the heritage significance of the listed building at 43 Hall Street and to provide cohesion of new works with the listed site and fabric it is recommended that the application is amended. Amendments should:*

- *Retain and conserve the original built form and fabric at 43 Hall Street and provide reinstatement of known early detail, particularly to the street elevation and interiors.*
- *Provide uninterrupted space forward of the original residence at 43 Hall Street preferably utilizing this as the main approach to the new apartment development with cohesive hard and soft landscaping.*
- *Not alter window and door openings unless to reinstate known earlier forms.*
- *Remove all elements of the new building extending over the original building.*
- *Provide setback to any new construction on the combined sites comparable to that originally separating the freestanding building at 43 Hall Street from adjacent buildings of Inter-War [1919-1939] or earlier construction.*
- *Provide cohesive signage and colour schemes to the retained and restored fabric.*
- *Not 'seal' external or internal exposed stonework as indicated on drawings.*

- Provide interpretive devices enabling understanding of the history of the site and retained fabric.
- Provide photographic archival records of all site features utilising and complying with guidelines for digital photographic recording provided by the NSW Heritage Branch Department of Environment and Heritage.

### 3.2 Building Waverley – Fire Safety

Council's Fire Safety officer has reviewed the proposal and provided the following comments:

*The subject application has been accompanied by a BCA Report. The report identifies a number of non-compliances that could potentially result in design changes. Further information detailing how compliance with the BCA will be achieved, is required to be submitted.*

### 3.3 Shaping Waverley – Strategic

The application was referred to Council's Strategic Planner for comment in regards to the loss of affordable housing which are outlined in the consideration of the SEPP (Affordable Rental Housing) 2009.

### 3.4 Sustainable Waverley – Waste

The application was referred to Council's Sustainable Waste Officer for comment. The following comments were provided:

*It is recommended that the applicant revisit their SWRMP as the waste and recycling generation rates have been largely underestimated according to current waste and recycling generation rates outlined in the Waverley Council Development Control Plan 2012.*

*It is to the benefit of the owner(s) of this property to adopt current waste and recycling generation rates to ensure best practice waste management at the property post-construction.*

*Council has a desire for all new properties to have a high standard for waste and recycling management in Waverley and ensure that bins are not overflowing and are serviced appropriately.*

*The main concern with this development is that the applicant has not outlined where the COMMERCIAL WASTE AND RECYCLING STORAGE will be located, the type of tenancies in order to estimate waste and recycling generation rates. This needs to be rectified before approval.*

### 3.5 Shaping Waverley – Urban Design

The application was referred to Council's Urban Designer for comment. A summary of comments is provided below with the detailed referral comments available on file:

**Recommendations:** *In summary, the proposed development is not supported due to the overall built form, the relationship to the street and the adaptive reuse of the sandstone cottage. The built form is characterised by insufficient side setbacks, a non-conforming street wall and additional storeys above the LEP height controls. The new building overpowers the heritage listed sandstone cottage through bulk and architectural treatment resulting in a relationship that is not sympathetic to the inherent qualities of the sandstone cottage. In addition, the large vehicular entry point disrupts the streetscape and results in an inactive and unappealing street frontage.*



### **3.6 Creating Waverley - Stormwater**

The application was referred to Council's Stormwater Design Engineer for comment. The following comments were provided:

*The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual in the following regard.*

- *The volume of proposed OSD tank is not adequate for 1 in 100 year design storm.*
- *Stormwater disposal system to be connected to the council's below ground drainage system as the site discharge is more than 25 l/s. The connection details are also required as per section 2.2.1 of Waverley Council's Water Management Technical Manual.*

*An undated stormwater management plan along with updated completed page 22 of Waverley Council's Water Management Technical Manual is required.*

### **3.7 Creating Waverley – Traffic and Development**

The application was referred to Council's Traffic and Development Engineer for comment. The following comments were provided:

*The plans for the above development have been assessed and it is considered the proposal is unsatisfactory and is not recommended for approval on the following grounds.*

- *The current arrangement of the car park will mean that some drivers will need to perform multiple maneuvers in order to enter/exist their respective car spaces due to the hairpin bend at the ramp and also at the car lift.*

### **3.8 Tree Management**

The application was referred to Council's Tree Management officer who raised no objection subject to conditions should the application be approved.

## **4. SUMMARY**

The application seeks consent for partial demolition of the existing buildings, retention and upgrade of the existing heritage listed building and construction of a new part four (4) part five (5) storey shop top housing development containing 17 units, two (2) retail spaces and basement parking over two levels.

The proposal results in a 31% exceedance of the LEP height development standard and does not meet the considerations of Clause 4.6, therefore approval of proposal would be against the public interest. In accordance with Clause 4.6 of the LEP development consent cannot be granted.

Clauses 5.10 and 6.9 of the Waverley LEP 2012 address Heritage Conservation and Design Excellence and the proposal does not adequately meet the objectives and controls of those clauses. A key issue that Council recommends refusal of the application is the proposed treatment of the heritage listed building on the site and the relationship of the proposed new building to the heritage building. Council's Heritage Architect, Urban Design and the Design Excellence Panel all agree that the proposal is unsatisfactory in this regard and the proposal requires a redesign to overcome this key issue.

The development also does not comply with provisions of the State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development including the 9 design principles and Apartment Design Guide with setbacks and landscaping being the main matters of contention, resulting in unacceptable amenity impacts.

The key amenity and built form controls specific to Hall Street in the Waverley DCP 2012 are also not complied with resulting a development which cannot be supported. The application was notified to surrounding properties and 16 objections were received raising matters which have been discussed within this report, some of which warrant refusal of the application.

All of the above factors result in a development with unreasonable impacts on the surrounding locality, contrary to Section 4.15(1)(b) and the proposal is therefore unsuitable for the site failing section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979. For the reasons cited within this report, approval of the application is considered to be against the public interest failing Section 4.15(1)(e). Council recommends that the application be refused.

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

**Report prepared by:**

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

Jo Zancanaro  
**Senior Development Assessment Planner**

Report Reviewed by:  
**Managers, Development Assessment**

**Date: 1/4/2019**

**Date: 3/4/2019**

### **Reason for referral:**

- 2 Contentious development (10 or more objections)
- 3 Departure from any development standard in an EPI by more than 10%
- 4 Sensitive development:
  - (b) SEPP 65 development
  - (c) Development involving the demolition of a heritage item

## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to section 4.15 of the Environmental Planning and Assessment Act 1979 (the Act), the development application is refused for the following reasons:

1. The proposed development is contrary to the provisions of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development, having regard to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in that:
  - (a) Clause 2 Aim, objectives etc, subclauses (3)(a)(ii) and (iii), (b) and (d) as the proposed development fails to achieve the objectives of urban planning policies of the local context, fails to provide an appropriate built form and aesthetic qualities to positively contribute to the streetscape, and fails to maximise the amenity for future occupants and the wider community.
  - (b) The proposed development is contrary to Part 4 Application of Design Principles, in particular Principles 1 Context and Neighbourhood, 2 Built Form and Scale, 6 Amenity, 7 Safety and 9 Aesthetics.
2. The proposed development is contrary to the following provisions of the Waverley Local Environmental Plan 2012, having regard to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979:
  - (a) Clause 1.2 Aims of plan subclause (2)(g) as the proposal fails to preserve the environmental, natural and built heritage of Waverley.
  - (b) Clause 4.3 Height of buildings (1)(a) and (d), and (2) as the proposal significantly breaches the height development standard which will not preserve the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the streetscape and amenity of adjoining properties and not be compatible with the desired future character of the area, contrary to objective (a) and (d) of the development standard.
  - (c) Clause 4.6 Exceptions to development standards (1)(b) as the proposed building will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to accurately calculate the exceedance of the height development standard and the proposed development is not consistent with the objectives of the development standard and therefore is not in the public interest.
  - (d) Clause 5.10 Heritage Conservation subclause (1)(b), and (4) as the proposed development will impact on the associated fabric, settings and views of the listed heritage item and would adversely affect the heritage significance of the heritage item.
  - (e) Clause 6.9 Design Excellence subclause (1) as the proposal fails to deliver the highest standard of sustainable architectural and urban design and subclause 4(a) as it does not achieve a high standard of architectural design, materials and detailing appropriate to the building type and location. The form and external appearance of the development does not improve the quality and amenity of the public domain in accordance with subclause 4(b) and does not address subclause 4(d)(i), (iii), (iv), (v), (x) and (xi).



3. The proposed development is contrary to the following sections of the Waverley Development Control Plan 2012, having regard to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979:

(a) Part B8 – Transport with respect to:

- i. 8.1.3 Motorcycle parking objectives (a) and (b) and control (b) as insufficient number of motorcycle parking spaces have been provided to meet the demand of the proposed development.
- ii. 8.4 Urban Design objective (a) and control (I) as some drivers will need to perform multiple maneuvers in order to enter/exit their respective car spaces due to the hairpin bend at the ramp and also at the car lift.

(b) Part B9 – Heritage with respect to:

- i. 9.2 Character objectives (a) and (b) as the proposed alterations and additions to the heritage item do not respect the contributory features and characteristics of the existing building and the streetscape and the proposed infill development fails to respect and harmonise with the existing character of the area.
- ii. 9.2 Character controls (a) and (c) as the development does not identify and respect the contributory features and characteristics of the item nor incorporate these features into the design. The proposed new building does not respect the visual curtilage of the item, encroaching into its curtilage and overwhelming the listed building.
- iii. 9.2 Character Infill development – The proposed new building is not secondary in prominence to the heritage item but dominates the modest sandstone building with the cantilevered form of the new building encroaching into its curtilage and sitting proud above the listed heritage item as opposed to being complementary or secondary to it.
- iv. 9.3 Scale and proportion objective (a), *Heritage items and contributory buildings* controls (a) and (b) as the alterations and additions to the heritage listed item and the construction of the glass enclosure to the front of the listed heritage item at ground floor level will obstruct the façade of the sandstone heritage building due to the reflective nature of the glass. This coupled with furniture, structure and other clutter will diminish the presence of the building along Hall Street.
- v. 9.3 Scale and proportion objective (b), *Infill development* controls (a), (b) and (d) as the proposed new building is not cohesive in scale, proportion and finish to the surrounding streetscape and buildings, does not maintain and enhance the skyline profiles of established settings and adequate setbacks have not been provided.
- vi. 9.4 Siting objectives (a), (b) and (c), *Heritage Items and Contributory Buildings* controls (a) and (c) as adequate curtilage is not provided to the heritage listed item with the siting of the alterations and additions to the listed item and the siting of the new building undermining the integrity of the heritage item and its setting.
- vii. 9.5 Materials and colour objective (a), controls (c) and (d) as the proposed glass enclosure to the front of the heritage item is not harmonious with the item.

- viii. 9.9 Building Facades controls (c) as the proposed works are unsympathetic to and detract from the style and character of the building.
- (c) Part B10 – Safety with respect to:
- i. 10.1 Built form objectives (a) and (b), controls (e) and (f) as the proposed residential pedestrian entry is not clearly visible or easily identifiable from the street and creates opportunity for concealment and anti-social behaviour.
- (d) Part C2 – Multi unit and multi dwelling housing
- i. Section 2.8 Building Design and Streetscape, in particular objectives (a), (b) and (c), and control (a). The proposed building design has failed to incorporate a scale and appearance which complements and contributes to the streetscape.
  - ii. Section 2.16 Solar Access and Overshadowing in that the proposal results in unacceptable overshadowing impacts on surrounding allotments with unreasonable level of overshadowing generated by the unacceptable building form. Overshadowing arising out of poor design is unacceptable even if it satisfies numerical guidelines, which in this case it doesn't.
- (e) Part E3 – Local Village Centres Section 3.1 Specific Controls Section 3.1.7 Hall Street Town Centre
- i. Section 3.2.1 Land Uses objective (e) as the proposal fails to improve the quality of the built environment and pedestrian environment, particularly the interface between properties and land use.
  - ii. Section 3.2.2 Public Domain Interface control (b) as the addition of the glass enclosure to the front of the listed heritage item at ground floor level will obstruct the façade of the sandstone heritage building due to the reflective nature of the glass. This coupled with furniture, structure and other clutter will diminish the presence of the building along Hall Street.
  - iii. Section 3.2.3 Built Form objectives (a) and (b) as the proposed new buildings are not of an appropriate scale and design quality which does not achieve the desired future character of the town centre or ensures that the development conserves and enhances of historic character.
  - iv. Section 3.2.3 Built Form objectives (d) as the proposed development does not provide a high quality internal environment for the occupants and users of the building due to the inadequate separation distances between buildings on adjoining properties.
  - v. Section 3.2.3 Built Form objectives (e) as the proposed development is not of a complementary scale and form that enhances the character of the centre
  - vi. Section 3.2.3 Built Form control (a) as the proposed development does not comply with the planning controls relating to overall height, and setbacks outlined for the Hall Street Town Centre at Annexure 3-3 of Waverley DCP 2012
  - vii. Section 3.2.4 Building Façade Articulation objectives (a) and (d) as the building does not enhance the streetscape and achieve the desired future character of the Hall Street Town Centre, does not support excellence in contemporary design and does not respect the heritage listed item.
  - viii. Section 3.2.4 Building Façade Articulation controls (a) and (b) as the proposed development does not display proportions which respect and build upon proportions similar to the adjoining streetscape and building forms, and does not

- have an emphasis toward a singular more enclosed building form at the upper levels capped by a lighter more articulated element
- ix. Section 3.2.4 Building Façade Articulation controls (c) and (e) as the proposed balconies to the street façade are not recessed behind the principal building façade and balcony balustrades are not predominantly solid.
  - x. Section 3.2.5 Buildings of Historic Character objectives (a), (b), (c) and (d) controls (b) and (d) as the proposed development provides a scale and set out of new construction that overwhelms rather than provides cohesion with the existing listed building and fails to provide enhancement and identity to the retained smaller heritage item. The new works extend over the listed structure, remove substantial fabric from the original street elevation and interior and extensively screen the street elevation. The proposal is unsympathetic in scale, alignment, detailing and materials to the listed heritage item.
4. The proposal will have an adverse impact on the amenity (visual and acoustic privacy, visual bulk and scale, solar access, overshadowing) of surrounding properties and will have an unacceptable impact upon the existing streetscape, surrounding built environment and public domain, having regard to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
5. The proposal is not in the public interest contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.





NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
1	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

LEGEND
REVISION ON HOLD

KEY PLAN

CLIENT  
Hall Street ABC Pty Ltd  
45 CROSS ST  
DOUBLE BAY NSW 2028  
T 9632 8333

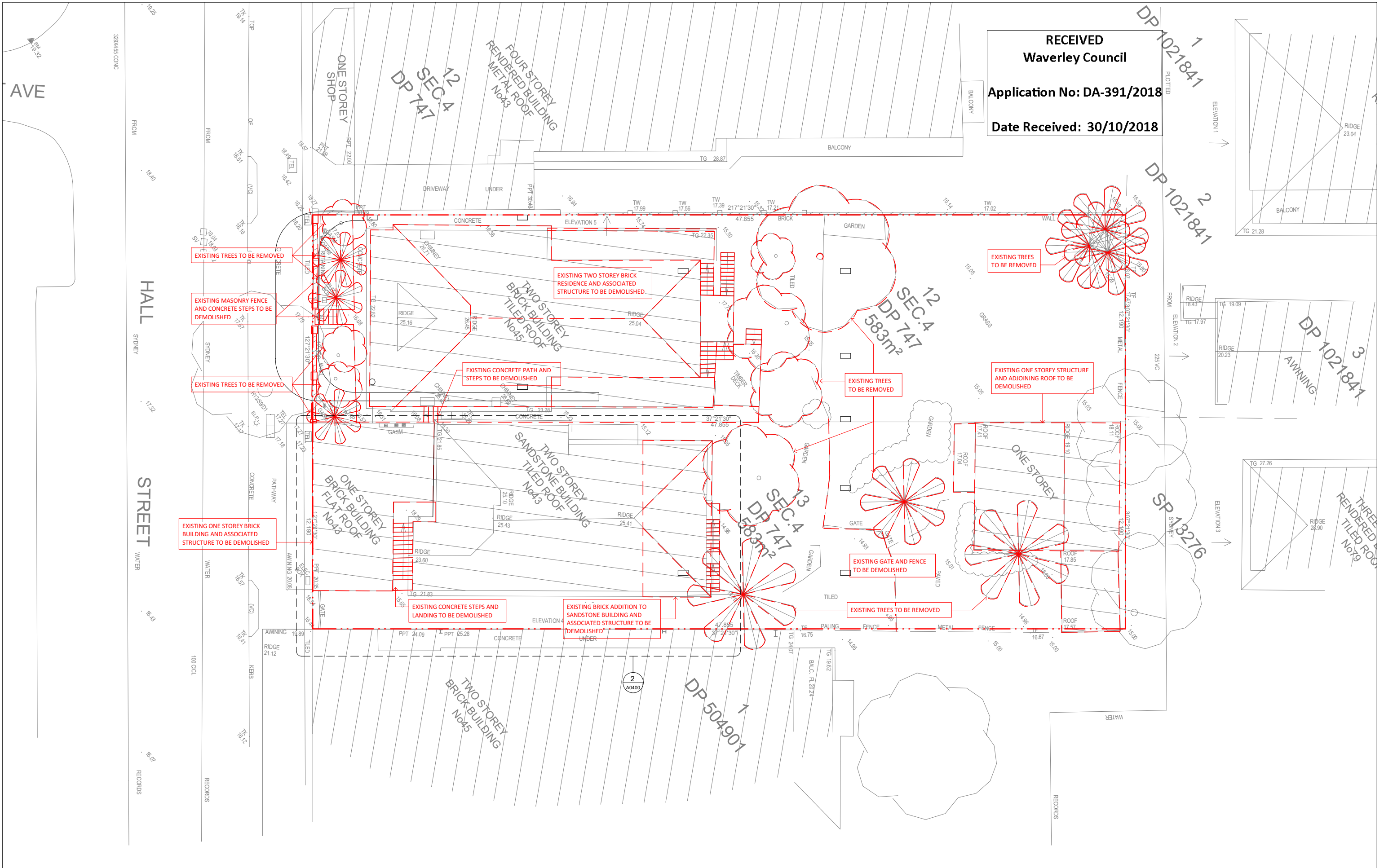
ARCHITECT  
KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Marlborough Street  
Surry Hills, NSW 2010  
T 02 9698 8510  
F 02 8209 4995  
www.koichitakada.com

**KOICHI TAKADA ARCHITECTS**

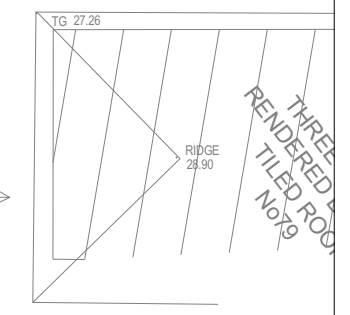
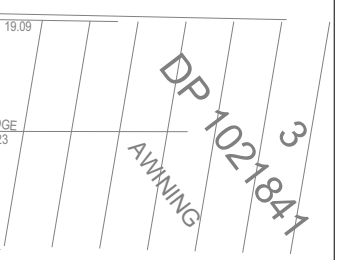
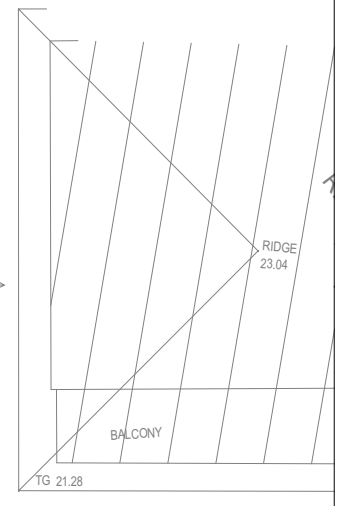
PROJECT  
HALL STREET  
43-45 HALL STREET, BONDI BEACH  
STATUS  
DEVELOPMENT APPLICATION  
DWG TITLE  
CONTEXT PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	NOT TO SCALE	CHECKED	RS
PROJ. NO.	18402	APPROVED	
DWG. NO.	A0010	REVISION	A
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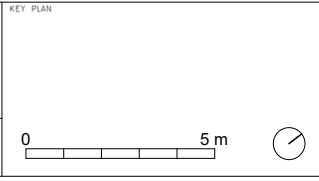


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A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



CLIENT  
 Hall Street ABC Pty Ltd  
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 DOUBLE BAY NSW 2028  
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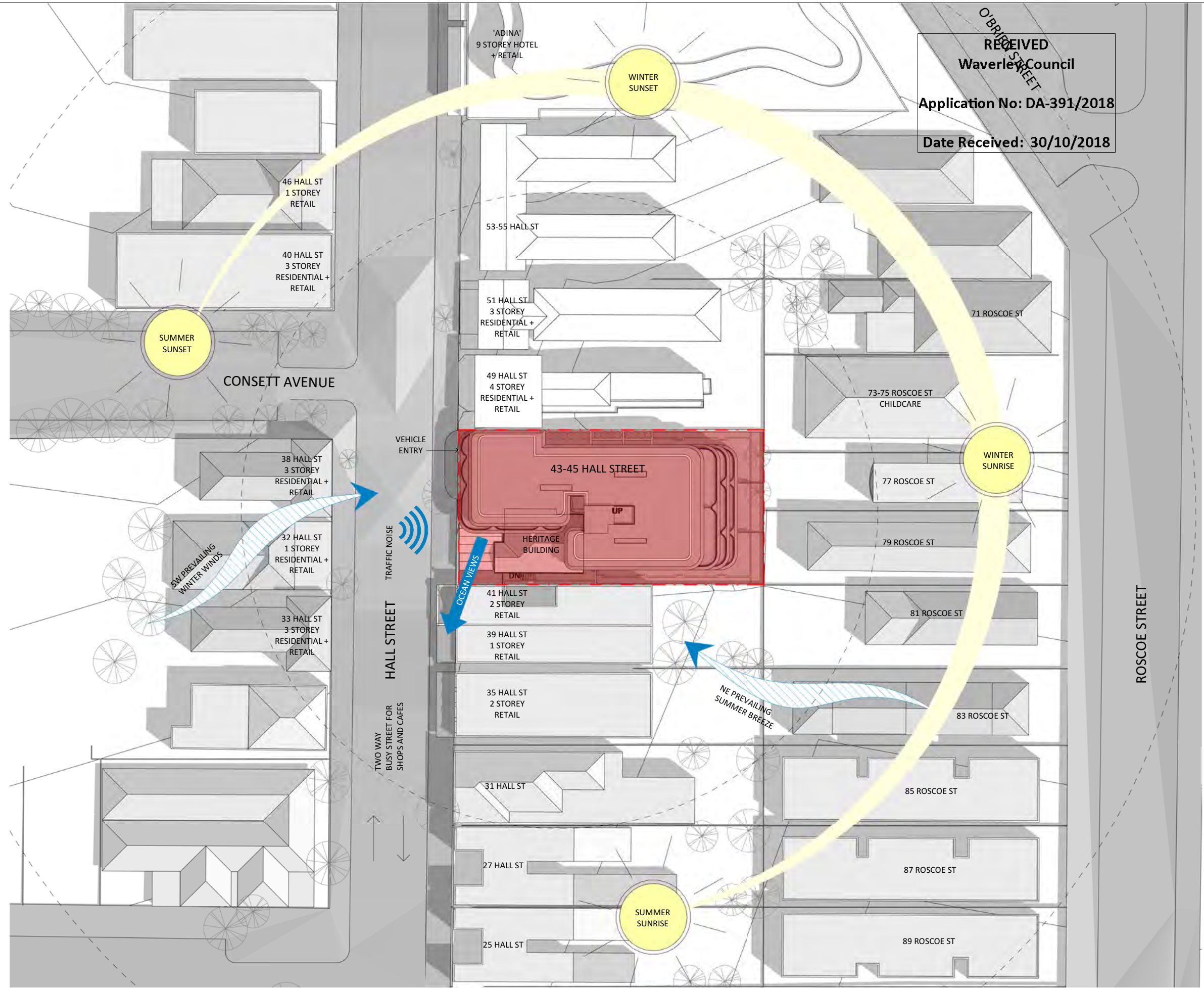
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 61 Marlborough Street  
 Surry Hills, NSW 2010  
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PROJECT  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 SITE/DEMOLITION PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0012	REVISION	A

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A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE

KEY PLAN  
 CLIENT  
 Hall Street ABC Pty Ltd  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

ARCHITECT  
 KOICHI TAKADA ARCHITECTS  
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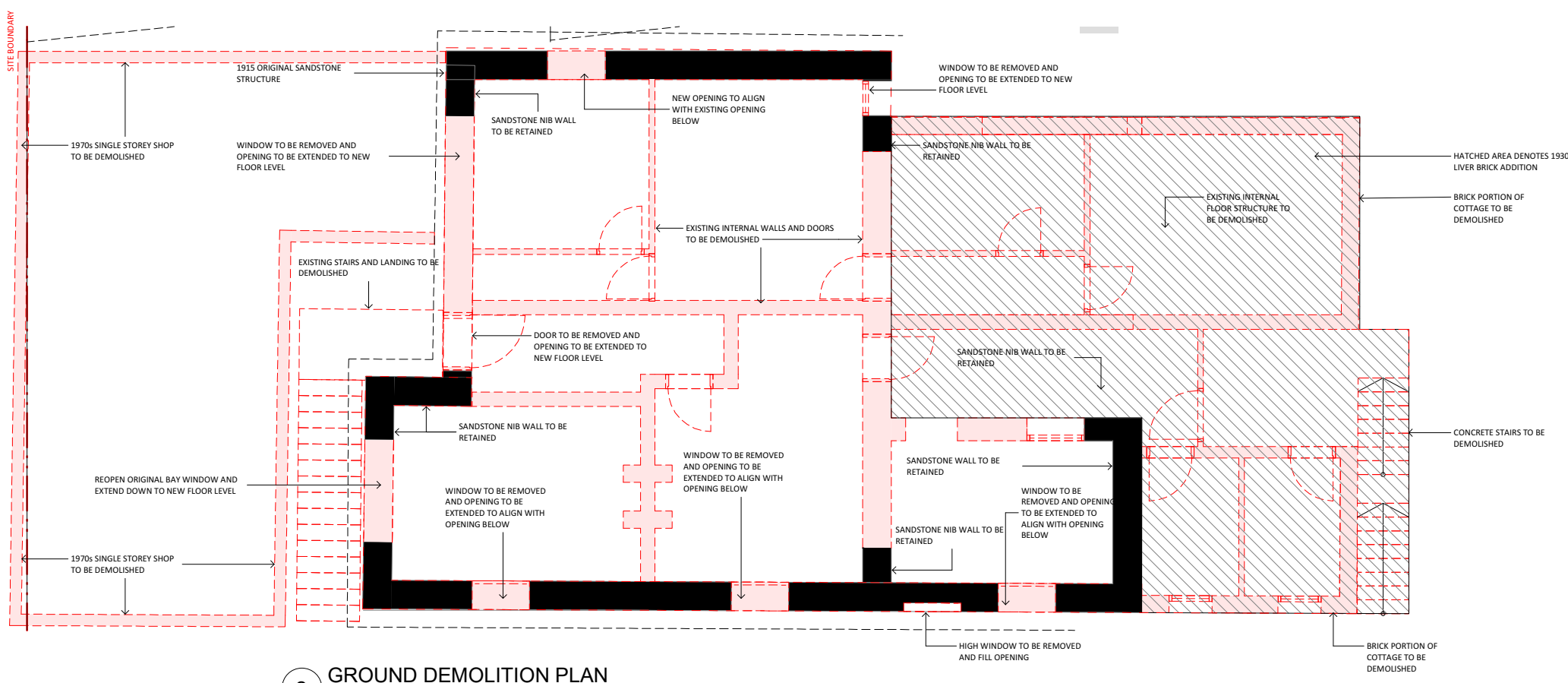
PROJECT  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 SITE ANALYSIS PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	NOT TO SCALE	CHECKED	RS
PROJ. NO.	18402	APPROVED	
DWG. NO.	A0015	REVISION	A

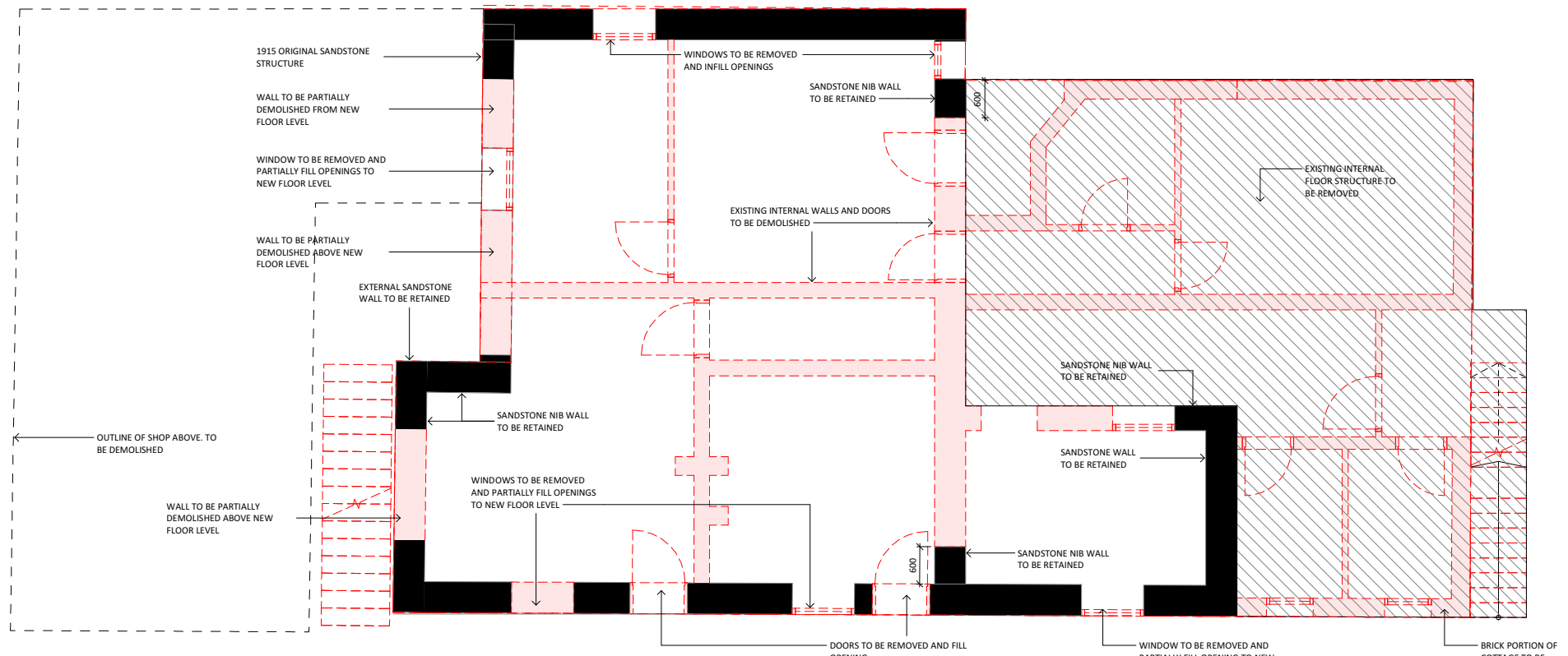
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Application No: DA-391/2018  
Date Received: 30/10/2018



2 GROUND DEMOLITION PLAN  
1 : 50



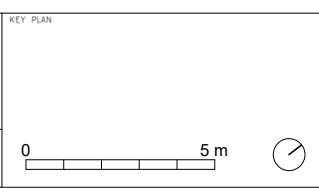
1 LOWER GROUND DEMOLITION PLAN  
1 : 50

LEGEND

	TO BE RETAINED
	TO BE DEMOLISHED
	BRICK PORTION OF COTTAGE TO BE DEMOLISHED

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



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DOUBLE BAY NSW 2028  
T 9632 8333

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**KOICHI TAKADA ARCHITECTS**

PROJECT  
HALL STREET  
43-45 HALL STREET, BONDI BEACH

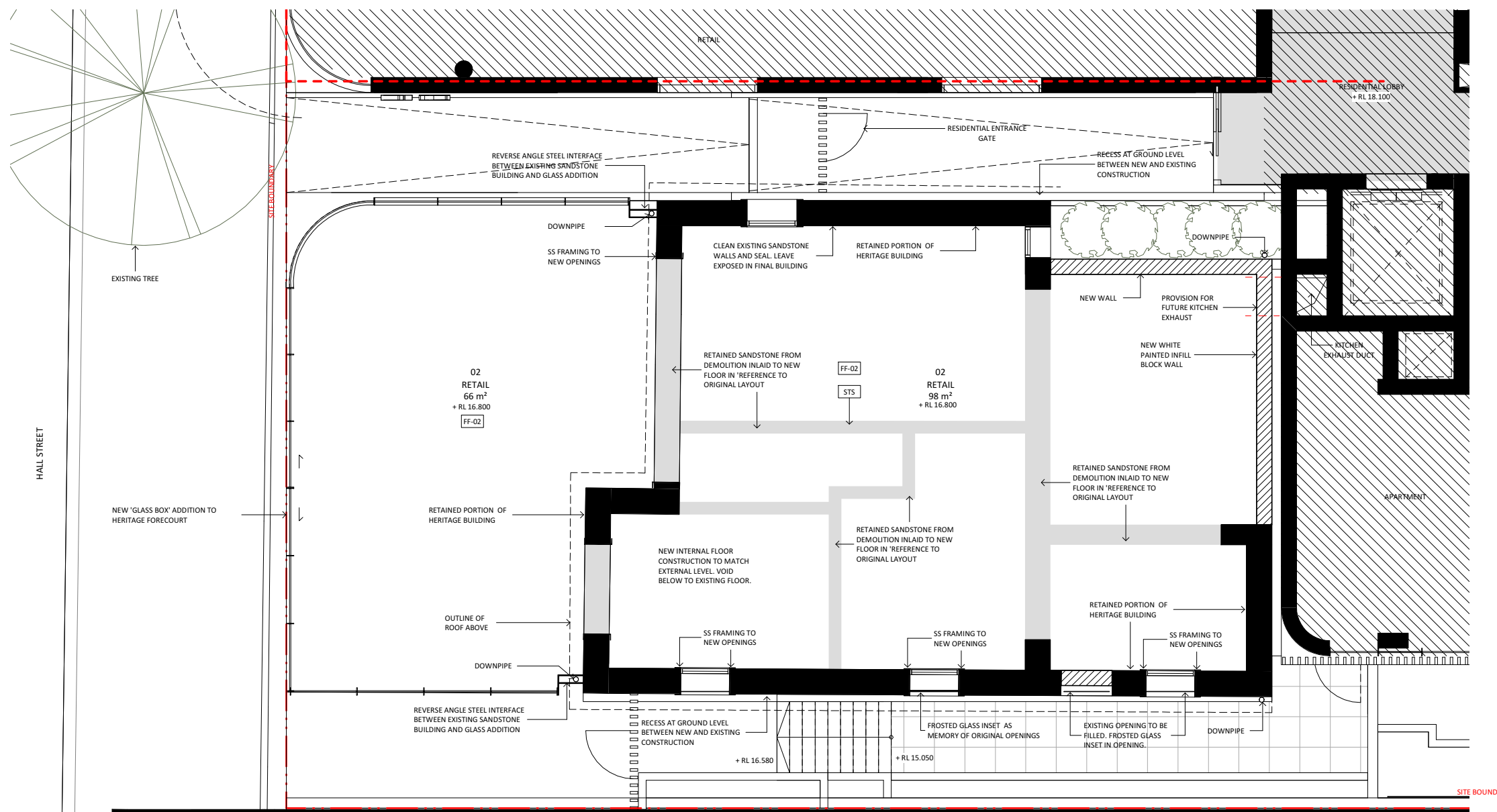
STATUS  
DEVELOPMENT APPLICATION

DWG TITLE  
HERITAGE DEMOLITION PLANS

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ. NO.	18402	APPROVED	Approver
DWG. NO.	A0400	REVISION	A

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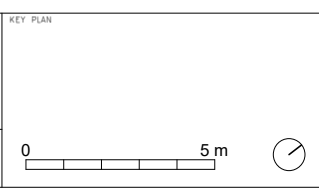




NOTE  
INTERNAL FITOUT TO BE SUBJECT OF SEPARATE DA

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18										

NO.	REVISION	BY	CHK	DATE



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PROJECT  
HALL STREET  
43-45 HALL STREET, BONDI BEACH  
STATUS  
DEVELOPMENT APPLICATION  
DWG NO.  
A0405  
DWG TITLE  
HERITAGE PROPOSED INTERNAL LAYOUT

DATE	SCALE	DRAWN
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18402 <td> <td>RS </td></td>	<td>RS </td>	RS
<td> <td>Approver</td> </td>	<td>Approver</td>	Approver
<td> <td>A</td> </td>	<td>A</td>	A

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Application No: DA-391/2018  
Date Received: 30/10/2018

**BASIS COMMITMENTS**

**THERMAL COMFORT**

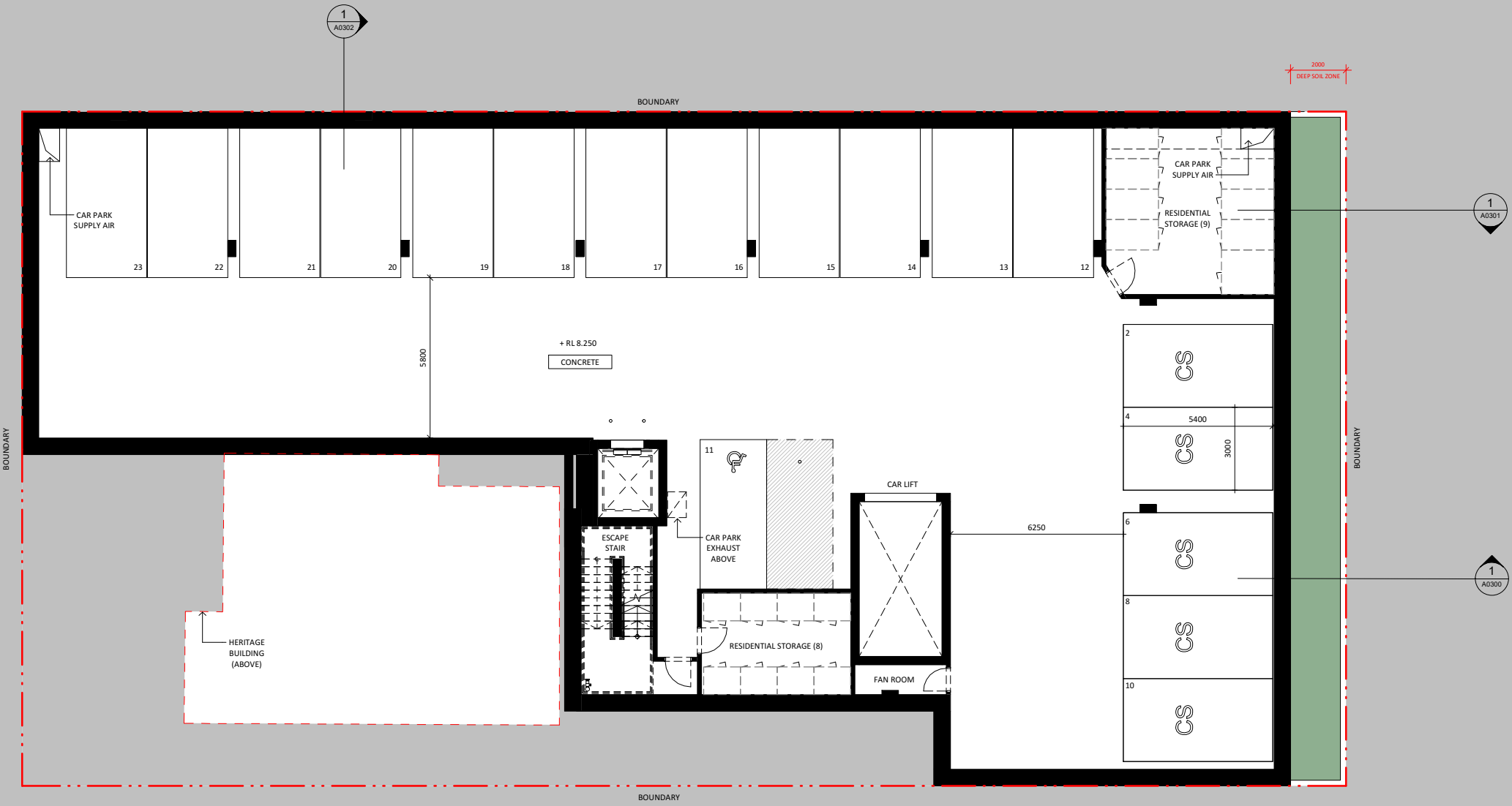
- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
- R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc.
- R2.5 insulation to shaftliner wall system between dwellings
- R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings.
- R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301
- R1.2 insulation to all ceilings of dwelling 201 (internal and external)
- R3.0 ceiling insulation (under roof or terrace areas) of dwellings
- No insulation required to top of roof slabs (ie, membranes only)
- Glazing generally dwellings G002, 103, 203, : Single clear glazing in standard aluminium frames: Uw<=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw<=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: ; Uw<=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings 202, 302 : Double low e glazing low solar gain in standard aluminium frames: ; Uw<=4.9, SHGCw:0.33 (+/-10%) (sliding, fixed)\*\*
- Skylights to dwellings 301 & 303 to be performance equivalent to double glazed clear
- Skylight to dwelling 302 to be performance equivalent to double glazed tinted.
- Draft seals to all external doors and windows
- Flooring as per plans
- All Exhaust fans to have dampers installed (ie, be sealed units).
- All daylight installations to be IC rated (sealed units).

**WATER SAVINGS**

- 7.5m2 common garden areas across the project. Private landscaping: LG 001: 30m2, LG 002: 16m2, LG 002: 42m2. No restrictions on plant species
- 3 Star rated showerheads throughout dwellings, with high range flow rate >7.5l/min & <=9l/min
- 3 Star rated toilets throughout dwellings
- 3 star minimum rated kitchen taps throughout
- 3 star minimum basin taps throughout
- 2 star minimum rated clothes washers to each dwelling
- 2 star minimum rated dishwashers to each dwelling
- 15000L central rainwater tank, serviced by 614m2 minimum roof area. Reuse connected to individual and common landscape irrigation/watering.

**ENERGY SAVINGS**

- Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (~32mm).
- Mechanical exhausts to bathrooms & laundries and kitchen range, ducted to roof/facade, with manual controls.
- Gas cooktop & electric oven to each dwelling
- LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
- Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating & cooling.
- Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)
- Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars
- Refrigerators to have an energy efficiency rating of at least 2.5 stars.
- Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.
- Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.
- Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
- Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
- Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
- Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output: 2.5kW.



**5.6**  
Average star rating  
NATIONWIDE HOUSE ENERGY RATING SCHEME  
www.nathers.gov.au

Certificate no.: 0003285220  
Assessor Name: Paula Zaia  
Accreditation no.: 20733  
Certificate date: 25 October 2018  
Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026  
www.nathers.gov.au

**BASEMENT 2 BREAKDOWN**

RESIDENTIAL CAR SPACE (STACKED)	10
RESIDENTIAL STANDARD CAR SPACES (INCLUDING 1 ACCESSIBLE)	13
BICYCLES	6

NOTE:  
CS = CAR STACKER

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	SCALE	DRAWN
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18								Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com	HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION DWG TITLE BASEMENT 2 PLAN	25/10/18 1:100@A1, 1:200@A3 18402 A0097	NZ RS APPROVED REVISION A	

LEGEND: REVISION (dashed circle), ON HOLD (dotted circle)

SCALE: 0 5m

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**BASIS COMMITMENTS**

**THERMAL COMFORT**

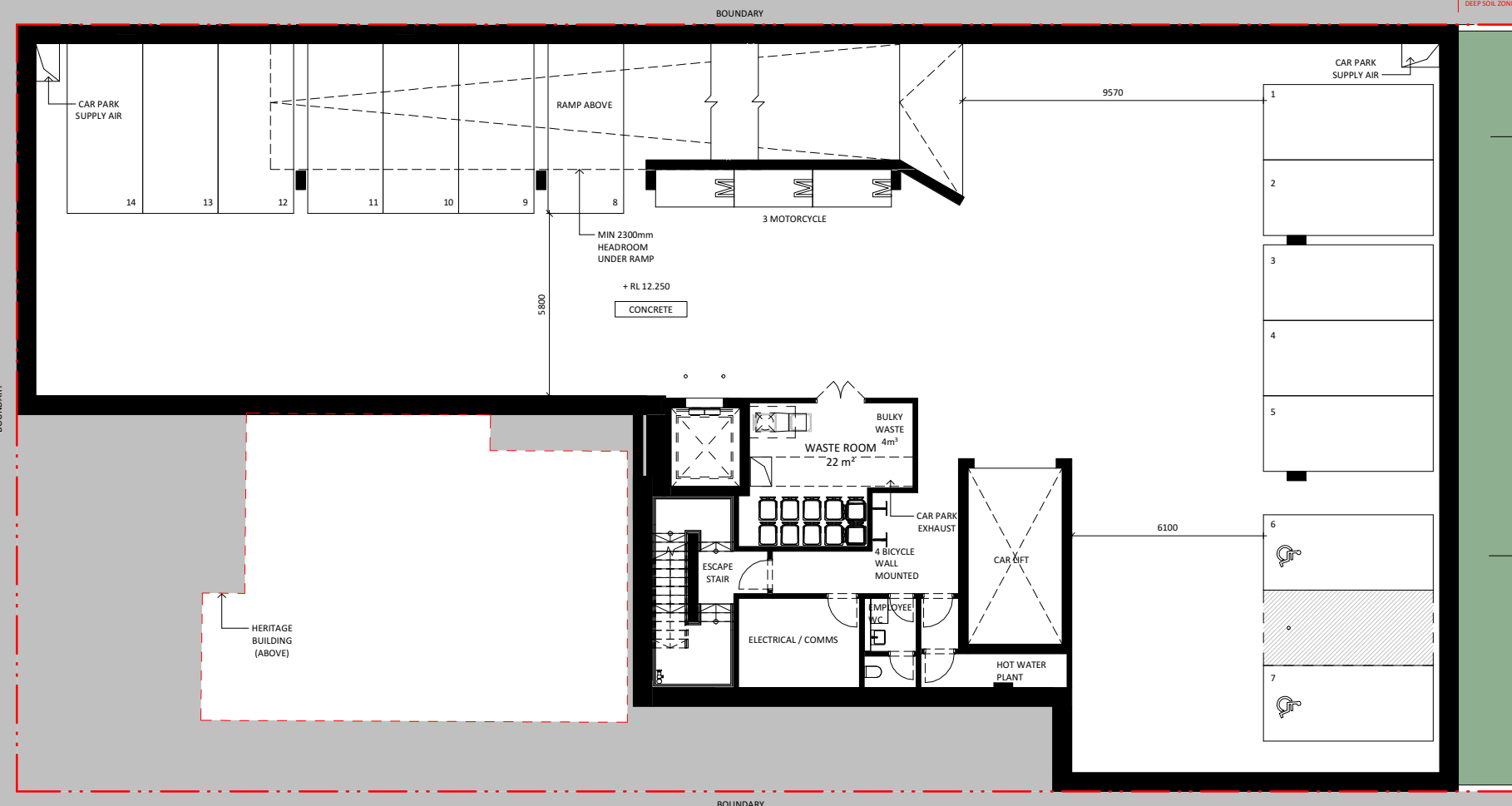
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- Gas cooktop & electric oven to each dwelling
- LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
- Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating & cooling.
- Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)
- Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars
- Refrigerators to have an energy efficiency rating of at least 2.5 stars.
- Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.
- Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.
- Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
- Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
- Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
- Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5KW.



**5.6**  
Average star rating  
**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
www.nathers.gov.au

Certificate no.: 0003285220  
Assessor Name: Paula Zaia  
Accreditation no.: 20733  
Certificate date: 25 October 2018  
Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026  
www.nathers.gov.au



BASEMENT 1 BREAKDOWN	
RESIDENTIAL STANDARD CAR SPACES (INCLUDING 2 ACCESSIBLE SPACES)	14
MOTORCYCLE SPACES	3
BICYCLES	6

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	SCALE	DRAWN
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18								Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com	HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION DWG TITLE BASEMENT 1 PLAN	25/10/18 1:100@A1, 1:200@A3 18402 A0098	NZ RS APPROVED REVISION A	



**RECEIVED**  
**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018

73-75 ROSCOE ST  
 1 STOREY  
 CHILDCARE

77 ROSCOE ST  
 COMMUNITY GARDEN

79 ROSCOE ST  
 4 STOREY  
 RESIDENTIAL

HALL STREET (ABOVE)

**BASIS COMMITMENTS**

**THERMAL COMFORT**

- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
- R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc.
- R2.5 insulation to shaftliner wall system between dwellings
- R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings.
- R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301
- R1.2 insulation to all ceilings of dwelling 201 (internal and external)
- R3.0 ceiling insulation (under roof or terrace areas) of dwellings
- No insulation required to top of roof slabs (ie, membranes only)
- Glazing generally dwellings G002, 103, 203, : Single clear glazing in standard aluminium frames: Uw<=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw<=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: , Uw<=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings 202, 302 : Double low e glazing low solar gain in standard aluminium frames: , Uw<=4.9, SHGCw:0.33 (+/-10%) (sliding, fixed)\*\*
- Skylights to dwellings 301 & 303 to be performance equivalent to double glazed clear
- Skylight to dwelling 302 to be performance equivalent to double glazed tinted.
- Draft seals to all external doors and windows
- Flooring as per plans
- All Exhaust fans to have dampers installed (ie, be sealed units).
- All downlight installations to be IC rated (sealed units).

**WATER SAVINGS**

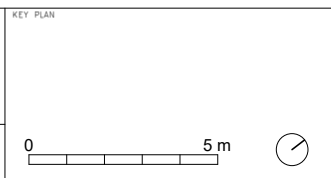
- 7.5m2 common garden areas across the project. Private landscaping: LG 001: 30m2, LG 002: 16m2, LG 003: 42m2. No restrictions on plant species
- 3 Star rated showerheads throughout dwellings, with high range flow rate >7.5l/min & <=9l/min
- 3 Star rated toilets throughout dwellings
- 3 star minimum rated kitchen taps throughout
- 3 star minimum basin taps throughout
- 2 star minimum rated clothes washers to each dwelling
- 2 star minimum rated dishwashers to each dwelling
- 15000L central rainwater tank, serviced by 614m2 minimum roof area. Reuse connected to individual and common landscape irrigation/watering.

**ENERGY SAVINGS**

- Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (~32mm).
- Mechanical exhausts to bathrooms & laundries and kitchen range, ducted to roof/facade, with manual controls.
- Gas cooktop & electric oven to each dwelling
- LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
- Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating & cooling.
- Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)
- Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars
- Refrigerators to have an energy efficiency rating of at least 2.5 stars.
- Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.
- Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.
- Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
- Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
- Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
- Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5kW.

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



**CLIENT**  
 Hall Street ABC Pty Ltd  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

**ARCHITECT**  
 KOICHI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
 61 Marlborough Street  
 Surry Hills, NSW 2010  
 T 02 9698 8510  
 F 02 8209 4995  
 www.koichitakada.com

**PROJECT**  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 LOWER GROUND FLOOR PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0099	REVISION	A

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**Certificate no.:** 0003285220  
**Assessor Name:** Paula Zaia  
**Accreditation no.:** 20733  
**Certificate date:** 25 October 2018  
**Dwelling Address:** 43-45 Hall Street, Bondi Beach, NSW 2026  
 www.nathers.gov.au

**Average star rating**  
**5.6**  
**NATIONWIDE HOUSE ENERGY RATING SCHEME**  
 www.nathers.gov.au



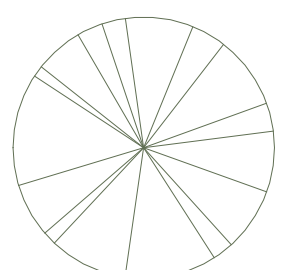
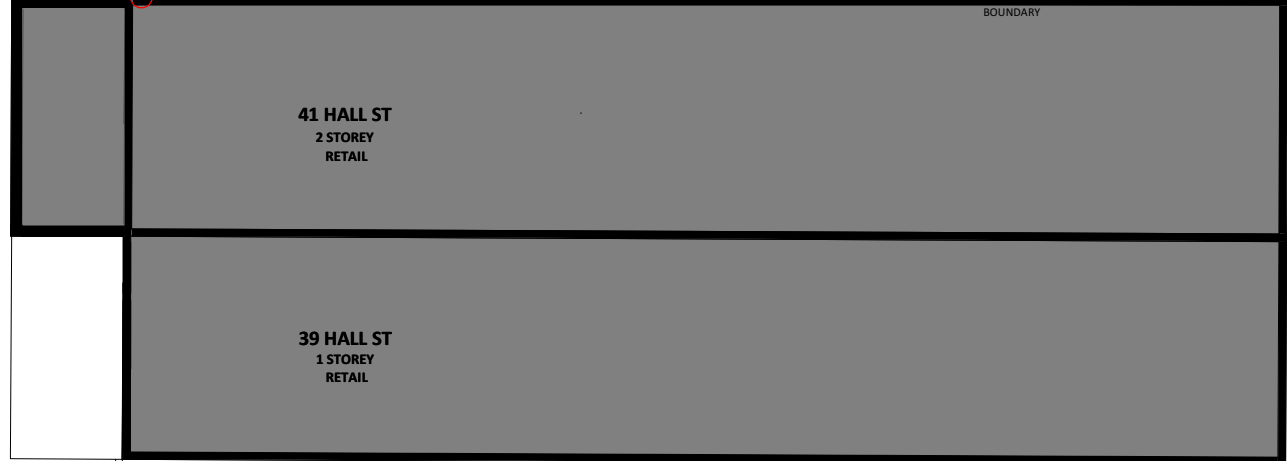
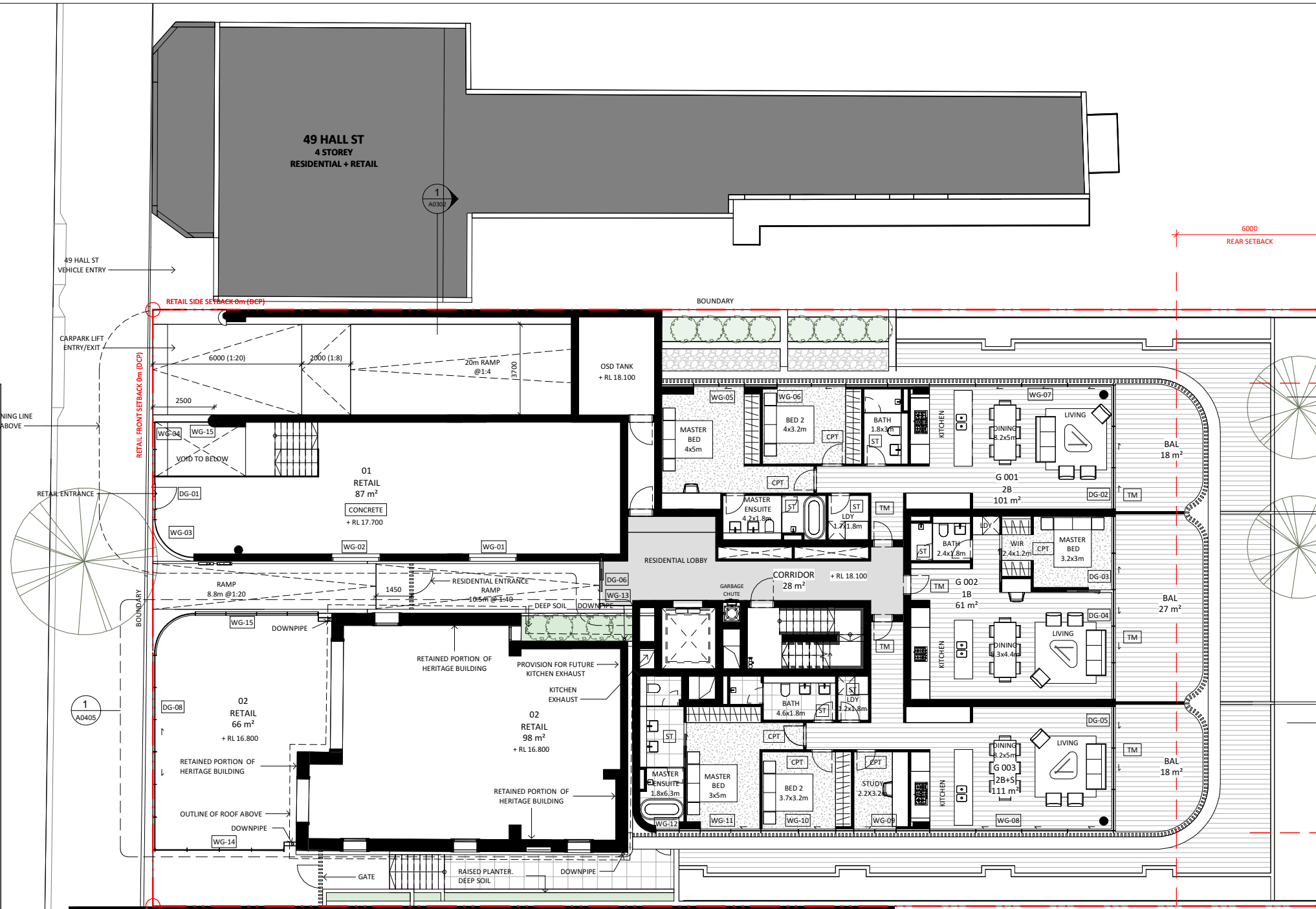
**RECEIVED**  
**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018

**73-75 ROSCOE ST**  
 1 STOREY  
 CHILDCARE

**77 ROSCOE ST**  
 COMMUNITY GARDEN

**79 ROSCOE ST**  
 4 STOREY  
 RESIDENTIAL

- BASIC COMMITMENTS**
- THERMAL COMFORT**
- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
  - R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc.
  - R2.5 insulation to shaftliner wall system between dwellings
  - R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings.
  - R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301
  - R1.2 insulation to all ceilings of dwelling 201 (internal and external)
  - R3.0 ceiling insulation (under roof or terrace areas) of dwellings
  - No insulation required to top of roof slabs (ie, membranes only)
  - Glazing generally dwellings G002, 103, 203, : Single clear glazing in standard aluminium frames: Uw<=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)\*\*
  - Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw<=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)\*\*
  - Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: Uw<=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)\*\*
  - Glazing generally dwellings 202, 302 : Double low e glazing low solar gain in standard aluminium frames: Uw<=4.9, SHGCw:0.33 (+/-10%) (sliding, fixed)\*\*
  - Skylights to dwellings 301 & 303 to be performance equivalent to double glazed clear
  - Skylight to dwelling 302 to be performance equivalent to double glazed tinted.
  - Draft seals to all external doors and windows
  - Flooring as per plans
  - All Exhaust fans to have dampers installed (ie, be sealed units).
  - All daylight installations to be IC rated (sealed units).
- WATER SAVINGS**
- 7.5m2 common garden areas across the project. Private landscaping: LG 001: 30m2, LG 002: 16m2, LG 003: 42m2. No restrictions on plant species
  - 3 Star rated showerheads throughout dwellings, with high range flow rate >7.5l/min & <=9l/min
  - 3 Star rated toilets throughout dwellings
  - 3 star minimum rated kitchen taps throughout
  - 3 star minimum basin taps throughout
  - 2 star minimum rated clothes washers to each dwelling
  - 2 star minimum rated dishwashers to each dwelling
  - 15000L central rainwater tank, serviced by 614m2 minimum roof area. Reuse connected to individual and common landscape irrigation/watering.
- ENERGY SAVINGS**
- Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (~32mm).
  - Mechanical exhausts to bathrooms & laundries and kitchen range, ducted to roof/facade, with manual controls.
  - Gas cooktop & electric oven to each dwelling
  - LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
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  - Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
  - Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
  - Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
  - Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5kW.



**5.6**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
 www.nathers.gov.au

Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address: 43-45 Hall Street, Bondi Beach, NSW 2026  
 www.nathers.gov.au



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	SCALE	DRAWN
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18								Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com	HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION DWG TITLE GROUND FLOOR PLAN	25/10/18	1:100@A1, 1:200@A3	NZ
																	CHECKED RS
																	APPROVED
																	REVISION A

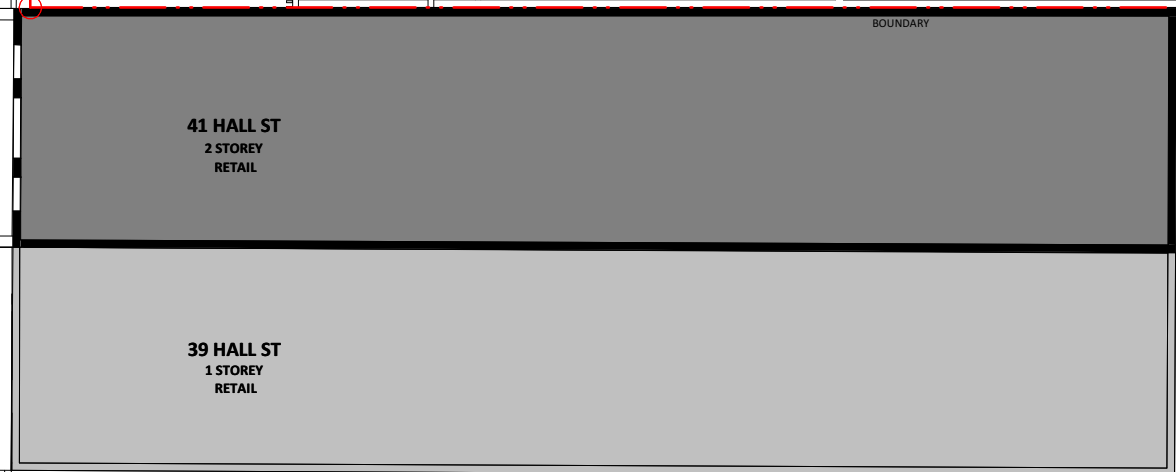
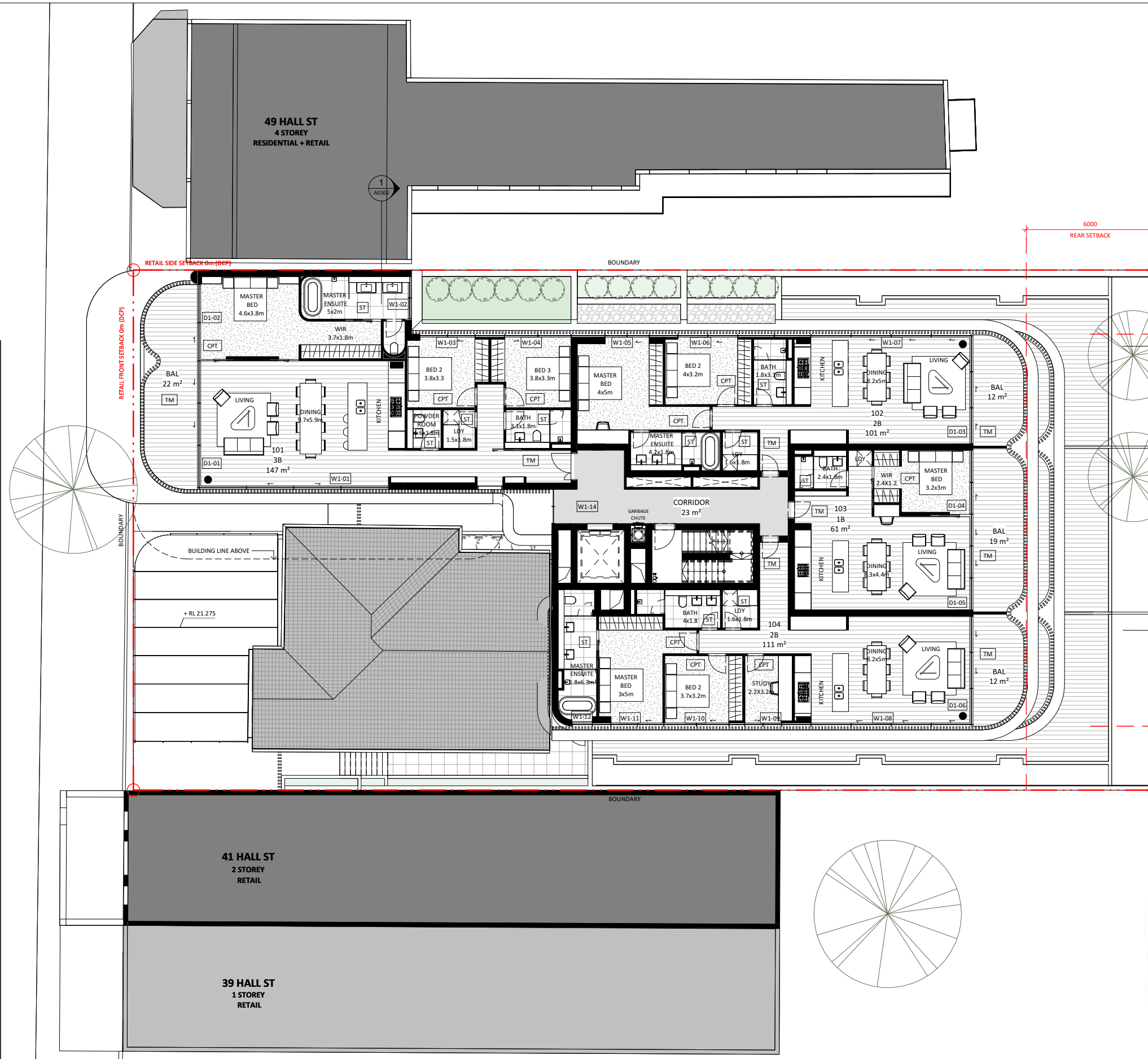
**RECEIVED**  
**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018

**73-75 ROSCOE ST**  
 1 STOREY  
 CHILDCARE

**77 ROSCOE ST**  
 COMMUNITY GARDEN

**79 ROSCOE ST**  
 4 STOREY  
 RESIDENTIAL

- BASIC COMMITMENTS**
- THERMAL COMFORT**
- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
  - R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc
  - R2.5 insulation to shaftliner wall system between dwellings
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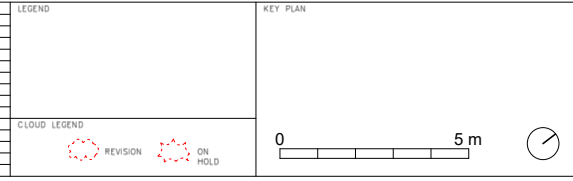


**5.6**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
 www.nathers.gov.au

Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					



CLIENT  
**Hall Street ABC Pty Ltd**  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
 61 Marlborough Street  
 Surry Hills, NSW 2010  
 T 02 9698 8510  
 F 02 8209 4995  
 www.koichitakada.com

PROJECT  
**HALL STREET**  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 LEVEL 01 PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0101	REVISION	A

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**RECEIVED**  
**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018

73-75 ROSCOE ST  
 1 STOREY  
 CHILDCARE

77 ROSCOE ST  
 COMMUNITY GARDEN

79 ROSCOE ST  
 4 STOREY  
 RESIDENTIAL

HALL STREET

**BASIC COMMITMENTS**

**THERMAL COMFORT**

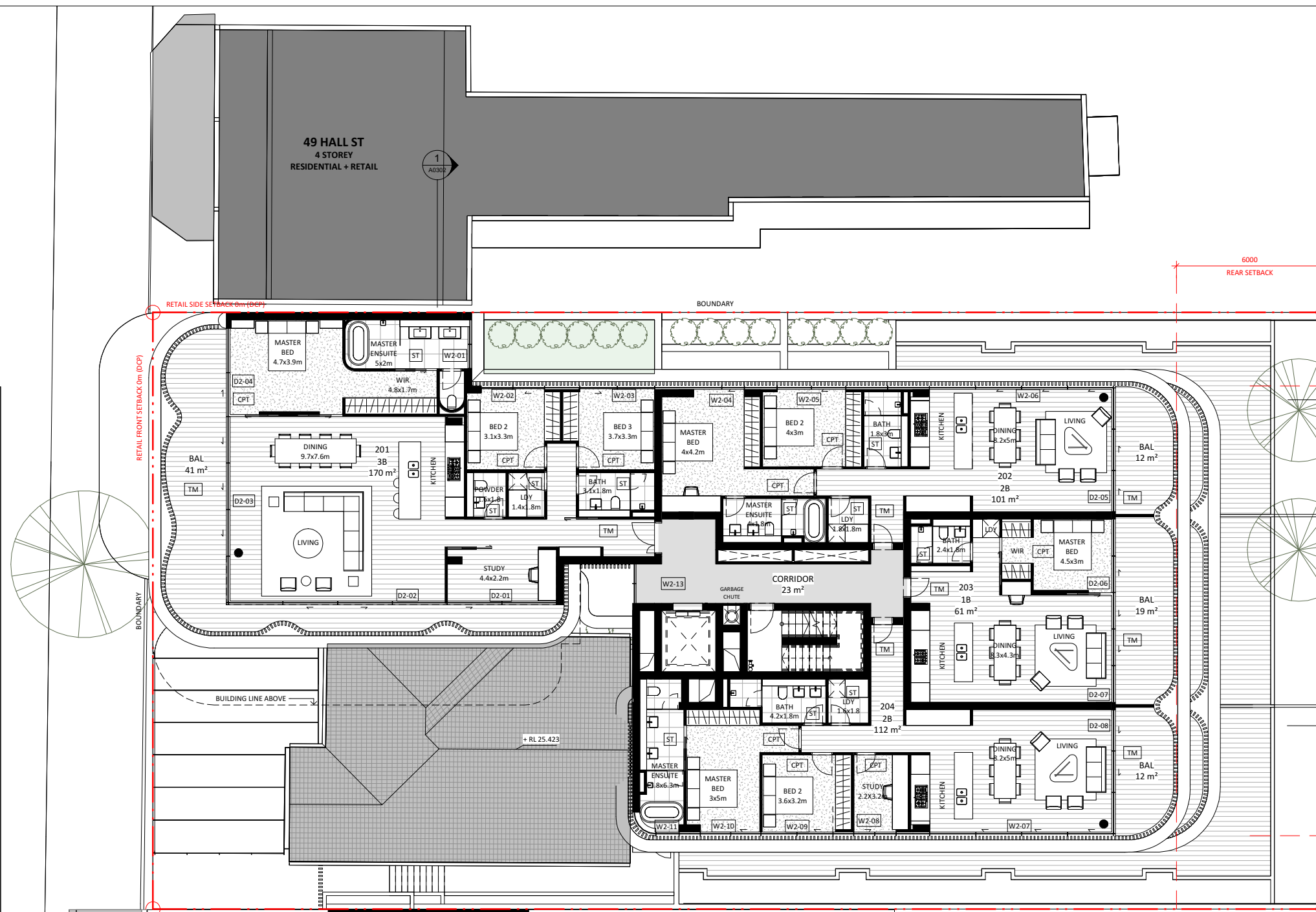
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- Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
- Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5KW.



41 HALL ST  
 2 STOREY  
 RETAIL

39 HALL ST  
 1 STOREY  
 RETAIL



Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address:  
 43-45 Hall Street  
 Bondi Beach, NSW  
 2026



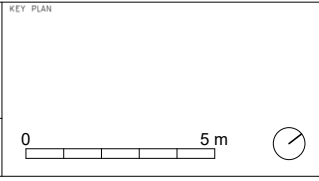
www.nathers.gov.au



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE



CLIENT  
**Hall Street ABC Pty Ltd**  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
 61 Marlborough Street  
 Surry Hills, NSW 2010  
 T 02 9698 8510  
 F 02 8209 4995  
 www.koichitakada.com

PROJECT  
**HALL STREET**  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 LEVEL 02 PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0102	REVISION	A

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**Waverley Council**  
 Application No: DA-391/2018  
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73-75 ROSCOE ST  
 1 STOREY  
 CHILDCARE

77 ROSCOE ST  
 COMMUNITY GARDEN

79 ROSCOE ST  
 4 STOREY  
 RESIDENTIAL

HALL STREET

**BASIC COMMITMENTS**

**THERMAL COMFORT**

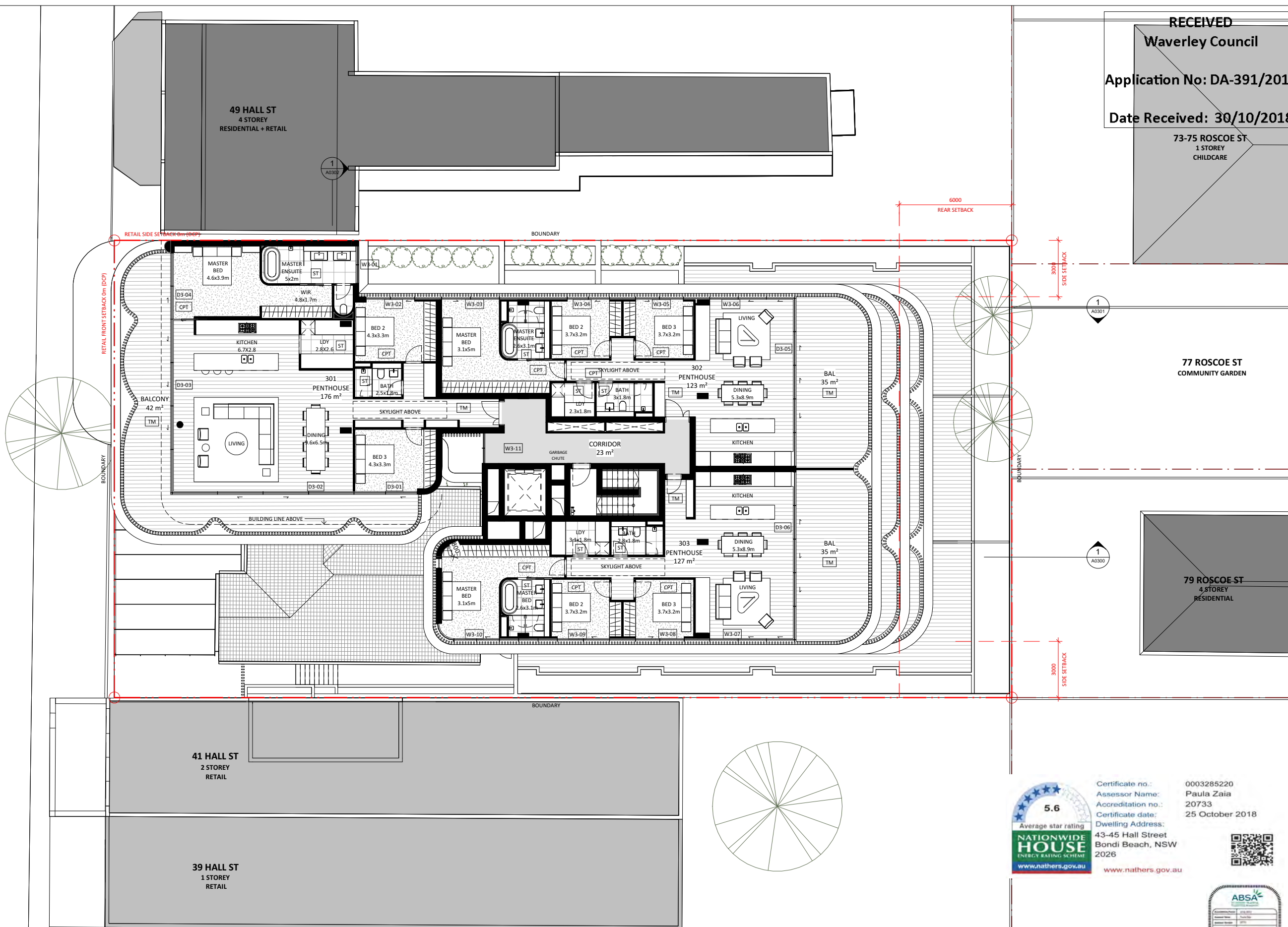
- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
- R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc.
- R2.5 insulation to shaftliner wall system between dwellings
- R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings.
- R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301
- R1.2 insulation to all ceilings of dwelling 201 (internal and external)
- R3.0 ceiling insulation (under roof or terrace areas) of dwellings
- No insulation required to top of roof slabs (ie, membranes only)
- Glazing generally dwellings G002, 103, 203, : Single clear glazing in standard aluminium frames: Uw:<=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw:<=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: Uw:<=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)\*\*
- Glazing generally dwellings 202, 302 : Double low e glazing low solar gain in standard aluminium frames: Uw:<=4.9, SHGCw:0.33 (+/-10%) (sliding, fixed)\*\*
- Skylights to dwellings 301 & 303 to be performance equivalent to double glazed clear
- Skylight to dwelling 302 to be performance equivalent to double glazed tinted.
- Draft seals to all external doors and windows
- Flooring as per plans
- All Exhaust fans to have dampers installed (ie, be sealed units).
- All downlight installations to be IC rated (sealed units).

**WATER SAVINGS**

- 7.5m2 common garden areas across the project. Private landscaping: LG 001: 30m2, LG 002: 16m2, LG 003: 42m2. No restrictions on plant species
- 3 Star rated showerheads throughout dwellings, with high range flow rate >7.5l/min & <=9l/min
- 3 Star rated toilets throughout dwellings
- 3 star minimum rated kitchen taps throughout
- 3 star minimum basin taps throughout
- 2 star minimum rated clothes washers to each dwelling
- 2 star minimum rated dishwashers to each dwelling
- 15000L central rainwater tank, serviced by 614m2 minimum roof area. Reuse connected to individual and common landscape irrigation/watering.

**ENERGY SAVINGS**

- Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (~32mm).
- Mechanical exhausts to bathrooms & laundries and kitchen range, ducted to roof/facade, with manual controls.
- Gas cooktop & electric oven to each dwelling
- LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
- Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating & cooling.
- Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)
- Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars
- Refrigerators to have an energy efficiency rating of at least 2.5 stars.
- Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.
- Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.
- Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
- Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
- Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
- Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5kW.



**5.6**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
 www.nathers.gov.au

Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address: 43-45 Hall Street, Bondi Beach, NSW 2026  
 www.nathers.gov.au



NO. REVISION	BY	CHK	DATE	NO. REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	SCALE	DRAWN
A										Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com	HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION DWG TITLE LEVEL 03 PLAN	25/10/18 1:100@A1, 1:200@A3 18402 A0103	NZ RS APPROVED REVISION A	

**RECEIVED**  
**Waverley Council**  
**Application No: DA-391/2018**  
**Date Received: 30/10/2018**

**73-75 ROSCOE ST**  
**1 STOREY**  
**CHILDCARE**

**77 ROSCOE ST**  
**COMMUNITY GARDEN**

**79 ROSCOE ST**  
**4 STOREY**  
**RESIDENTIAL**

HALL STREET

**BASIC COMMITMENTS**

**THERMAL COMFORT**

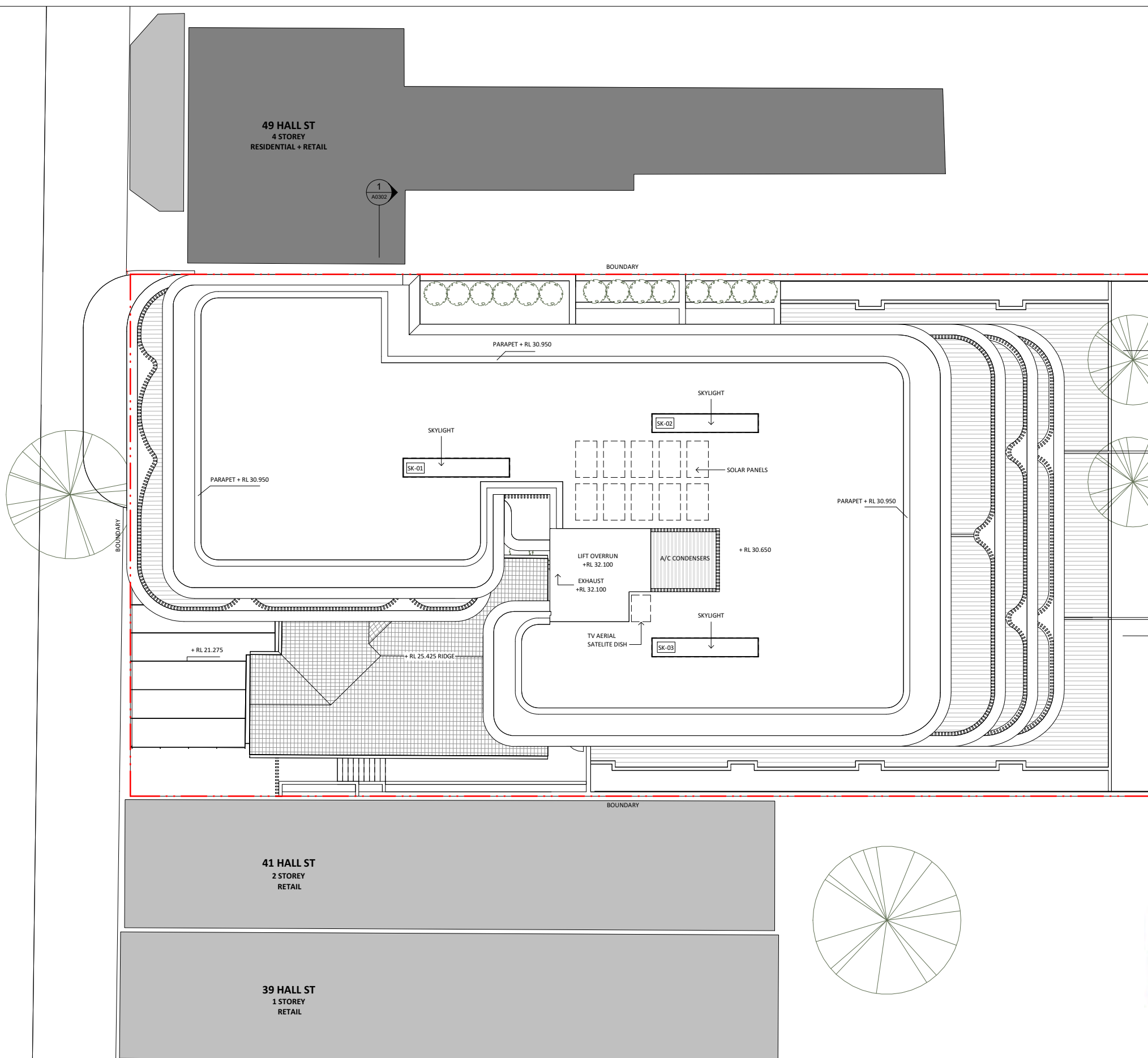
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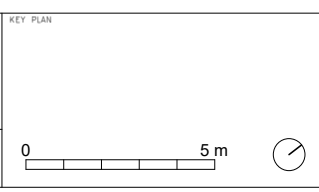
Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
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 Certificate date: 25 October 2018  
 Dwelling Address:  
 43-45 Hall Street  
 Bondi Beach, NSW  
 2026  
[www.nathers.gov.au](http://www.nathers.gov.au)



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE

NO.	REVISION	BY	CHK	DATE



**CLIENT**  
 Hall Street ABC Pty Ltd  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

**ARCHITECT**  
 KOICHI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
 61 Marlborough Street  
 Surry Hills, NSW 2010  
 T 02 9698 8510  
 F 02 8209 4995  
[www.koichitakada.com](http://www.koichitakada.com)

**PROJECT**  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 ROOF PLAN

DATE	SCALE	DRAWN
25/10/18	1:100@A1, 1:200@A3	NZ
PROJ NO. 18402	APPROVED	RS
DWG NO. A0104	REVISION	A

NOTES:  
 1. TO NOT SCALE FROM DRAWINGS.  
 2. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.  
 3. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT & ARCHITECT.



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**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018



**BASIS COMMITMENTS**

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**5.6**  
 Average star rating  
**NATIONWIDE HOUSE ENERGY RATING SCHEME**  
 www.nathers.gov.au

Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026  
 www.nathers.gov.au

**LEGEND**

AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOUR BACK GLASS		

NO. REVISION	BY	CHK	DATE	NO. REVISION	BY	CHK	DATE	NO. REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	SCALE	DRAWN		
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													CLOUD LEGEND	0 5 m							
													REVISION	ON HOLD							

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**Waverley Council**  
**Application No: DA-391/2018**  
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THERMAL COMFORT				ENERGY SAVINGS			
<ul style="list-style-type: none"> <li>R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)</li> <li>R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc</li> <li>R2.5 insulation to shaftliner wall system between dwellings</li> <li>R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings.</li> <li>R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301</li> <li>R1.2 insulation to all ceilings of dwelling 201 (internal and external)</li> <li>R3.0 ceiling insulation (under roof or terrace areas) of dwellings</li> <li>No insulation required to top of roof slabs (ie, membranes only)</li> <li>Glazing generally dwellings G002, 103, 203 : Single clear glazing in standard aluminium frames: Uw&lt;=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)**</li> <li>Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw&lt;=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)**</li> <li>Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: Uw&lt;=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)**</li> </ul>	<ul style="list-style-type: none"> <li>Glazing generally dwellings 202, 302 : Double low e glazing low solar gain in standard aluminium frames: Uw&lt;=4.9, SHGCw:0.33 (+/-10%) (sliding, fixed)**</li> <li>Skylights to dwellings 301 &amp; 303 to be performance equivalent to double glazed clear</li> <li>Skylight to dwelling 302 to be performance equivalent to double glazed tinted.</li> <li>Draft seals to all external doors and windows</li> <li>Flooring as per plans</li> <li>All Exhaust fans to have dampers installed (ie, be sealed units).</li> <li>All downlight installations to be IC rated (sealed units).</li> </ul>	<ul style="list-style-type: none"> <li>Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (+32mm).</li> <li>Mechanical exhausts to bathrooms &amp; laundries and kitchen range, ducted to roof/facade, with manual controls.</li> <li>Gas cooktop &amp; electric oven to each dwelling</li> <li>LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'</li> <li>Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating &amp; cooling.</li> <li>Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)</li> <li>Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars</li> <li>Refrigerators to have an energy efficiency rating of at least 2.5 stars.</li> <li>Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.</li> <li>Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.</li> <li>Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.</li> <li>Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.</li> <li>Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.</li> <li>Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5kW.</li> </ul>					

Average star rating  
**5.6**  
NATIONWIDE HOUSE  
ENERGY RATING SCHEME  
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LEGEND			
AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOUR BACK GLASS		

NO. REVISION	BY	CHK	DATE	NO. REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT	ARCHITECT	PROJECT	DATE	DRAWN
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NOTES:  
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274



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**BASIX COMMITMENTS**

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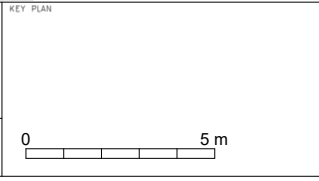
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[www.nathers.gov.au](http://www.nathers.gov.au)



**LEGEND**

AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
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CLIENT  
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 45 CROSS ST  
 DOUBLE BAY NSW 2028  
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ARCHITECT  
 KOICHI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
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 T 02 9698 8510  
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[www.koichitakada.com](http://www.koichitakada.com)

**KOICHI TAKADA ARCHITECTS**

PROJECT  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG NO.  
 A0202  
 DWG TITLE  
 NORTH WEST ELEVATION (SIDE)

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0202	REVISION	A

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**Waverley Council**  
**Application No: DA-391/2018**  
**Date Received: 30/10/2018**



- BASIC COMMITMENTS**
- THERMAL COMFORT**
- R2.0 insulation to all external concrete blockwork walls (including to wall sections behind glass spandrels)
  - R2.0 insulation to concrete blockwork shared walls with lobbies, stairs etc
  - R2.5 insulation to shaftliner wall system between dwellings
  - R2.0 soffit board insulation to ceiling of basement carpark and plant rooms under dwellings
  - R1.2 soffit insulation to floors suspended over air of dwelling 101, and all floors (internal and external) of dwellings 201 and 301
  - R1.2 insulation to all ceilings of dwelling 201 (internal and external)
  - R3.0 ceiling insulation (under roof or terrace areas) of dwellings
  - No insulation required to top of roof slabs (ie, membranes only)
  - Glazing generally dwellings G002, 103, 203, Single clear glazing in standard aluminium frames: Uw<=6.7, SHGCw:0.70 (+/-10%) (sliding, fixed)\*\*
  - Glazing generally dwellings LG 001, LG 002 : Single clear low e glazing in standard aluminium frames: Uw<=5.4, SHGCw:0.58 (+/-10%) (sliding, fixed)\*\*
  - Glazing generally dwellings LG 003, G 001, G 003, 101, 102, 104, 201, 204, 301, 303 : Double low e glazing high solar gain in standard aluminium frames: , Uw<=4.3, SHGCw:0.53 (+/-10%) (sliding, fixed)\*\*
- ENERGY SAVINGS**
- Central gas instantaneous hot water system servicing all dwellings. Internal piping R0.75 (~32mm).
  - Mechanical exhausts to bathrooms & laundries and kitchen range, ducted to roof/facade, with manual controls.
  - Gas cooktop & electric oven to each dwelling
  - LED or fluorescent lighting throughout dwellings as per lighting allocations and thermal comfort requirements. Fittings to be 'dedicated'.
  - Three phased air conditioning systems to living and bedrooms, zoned. Min 3.5 EER heating & cooling.
  - Installation of an internal/sheltered clothes drying space (retractable line or wall disk, drying cupboard, rack to balcony)
  - Dishwashers, Clothes washers and Clothes dryers to have an energy efficiency rating of at least 3.5 stars
  - Refrigerators to have an energy efficiency rating of at least 2.5 stars.
  - Basement Carpark: Ventilation supply and exhaust system, with carbon monoxide monitor and 2 speed fan. Fluorescent lighting with motion sensors.
  - Garbage room: Exhaust ventilation system only. Fluorescent lighting with motion sensors.
  - Switch and Plant Rooms: Exhaust ventilation only, interlocked to light. Fluorescent lighting with motion sensors.
  - Lobbies: Natural ventilation only. LED lighting with daylight and motion sensors.
  - Lift System: Gearless traction with VVVF motor, LED lighting connected to lift call button.
  - Installation of a photovoltaic cell solar energy supply system connected to the building. Min peak output 2.5kW.
- WATER SAVINGS**
- 7.5m2 common garden areas across the project. Private landscaping: LG 001: 30m2, LG 002: 16m2, LG 002: 42m2. No restrictions on plant species
  - 3 Star rated showerheads throughout dwellings, with high range flow rate >7.5l/min & <=9l/min
  - 3 Star rated toilets throughout dwellings
  - 3 star minimum rated kitchen taps throughout
  - 3 star minimum basin taps throughout
  - 2 star minimum rated clothes washers to each dwelling
  - 2 star minimum rated dishwashers to each dwelling
  - 15000L central rainwater tank, serviced by 614m2 minimum roof area. Reuse connected to individual and common landscape irrigation/watering.
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**5.6**  
Average star rating  
**NATIONWIDE HOUSE**  
ENERGY RATING SCHEME  
www.nathers.gov.au

Certificate no.: 0003285220  
Assessor Name: Paula Zaia  
Accreditation no.: 20733  
Certificate date: 25 October 2018  
Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026  
www.nathers.gov.au

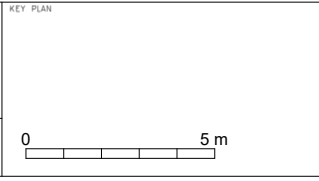
**LEGEND**

AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOUR BACK GLASS		

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE



CLIENT  
Hall Street ABC Pty Ltd  
45 CROSS ST  
DOUBLE BAY NSW 2028  
T 9632 8333

ARCHITECT  
KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Marlborough Street  
Surry Hills, NSW 2010  
T 02 9698 8510  
F 02 8209 4995  
www.koichitakada.com

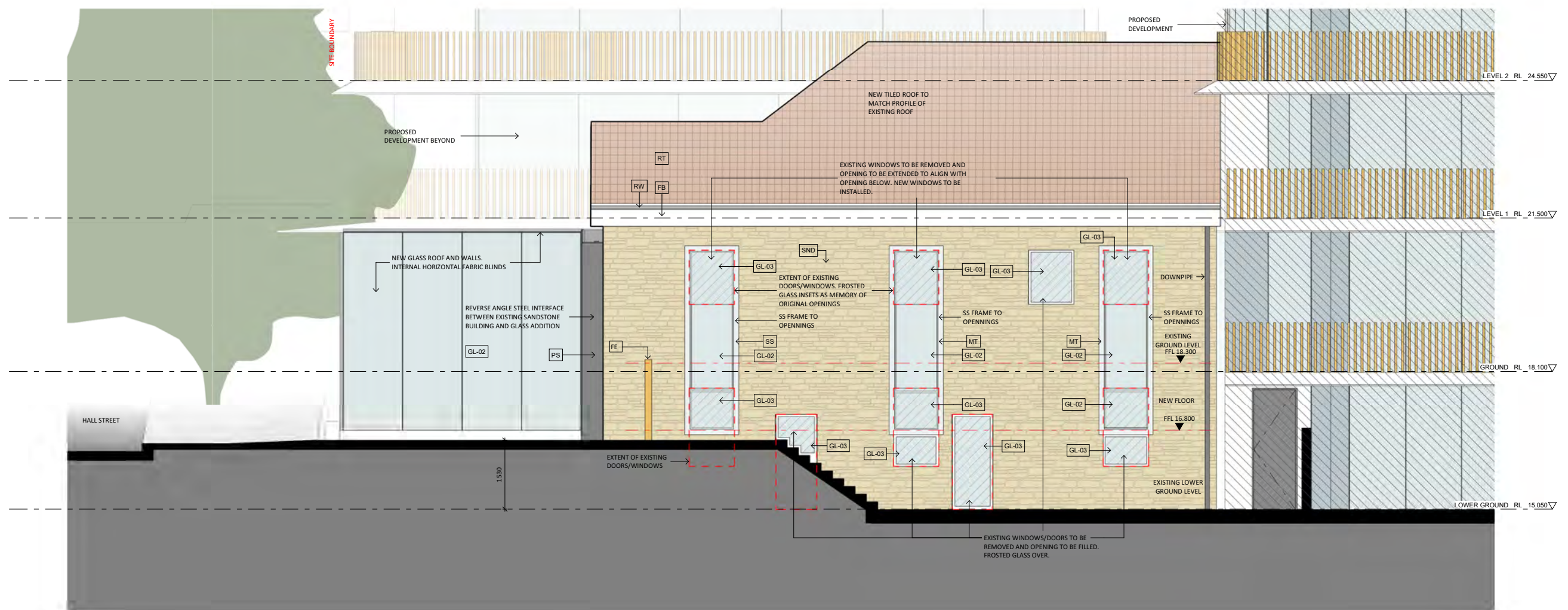
**KOICHI TAKADA ARCHITECTS**

PROJECT  
HALL STREET  
43-45 HALL STREET, BONDI BEACH  
STATUS  
DEVELOPMENT APPLICATION  
DWG TITLE  
NORTH EAST ELEVATION (REAR)

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	
DWG NO.	A0203	REVISION	A

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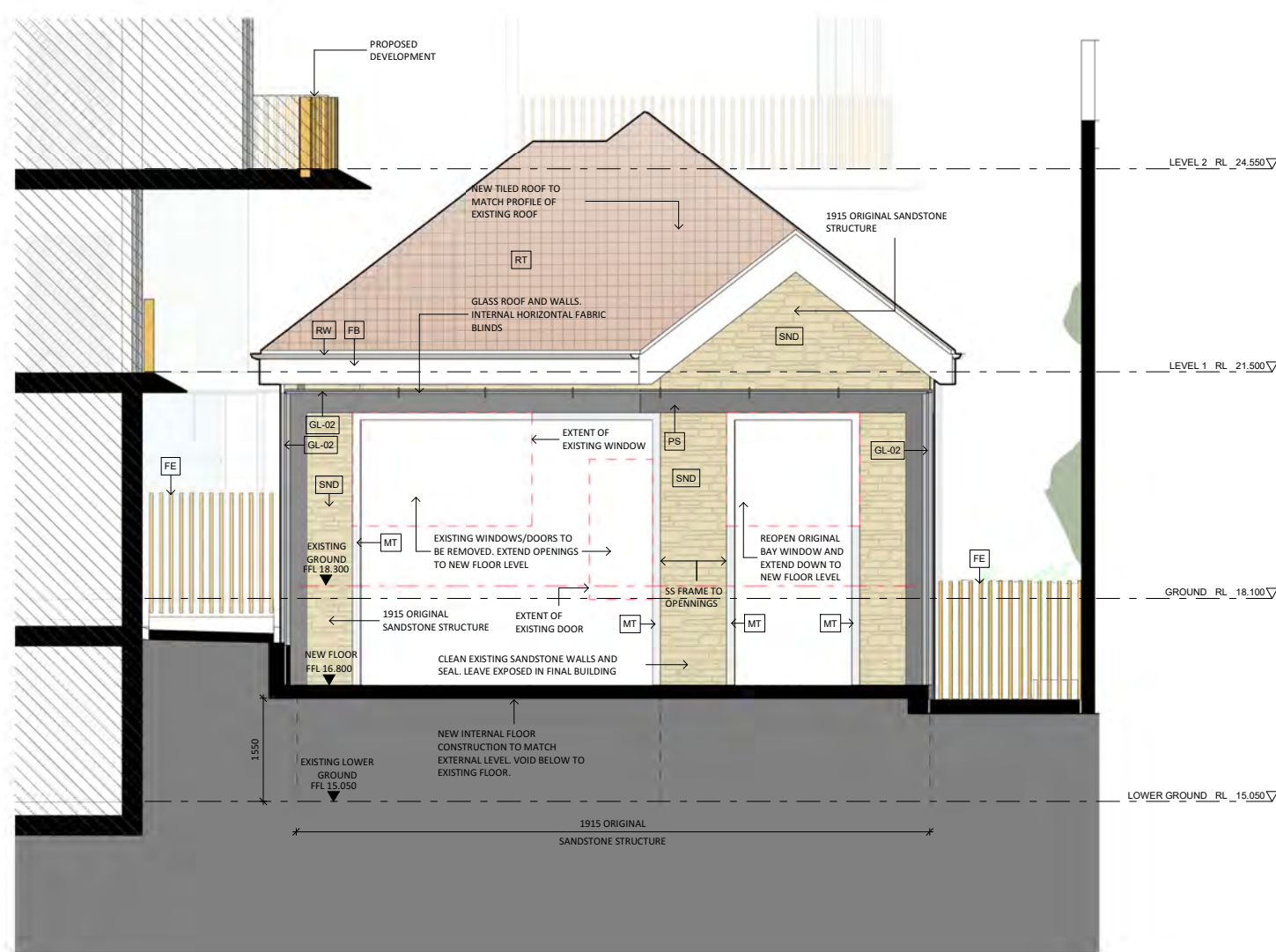
1 ELEVATION SOUTHWEST  
1 : 50

LEGEND			
AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOUR BACK GLASS		

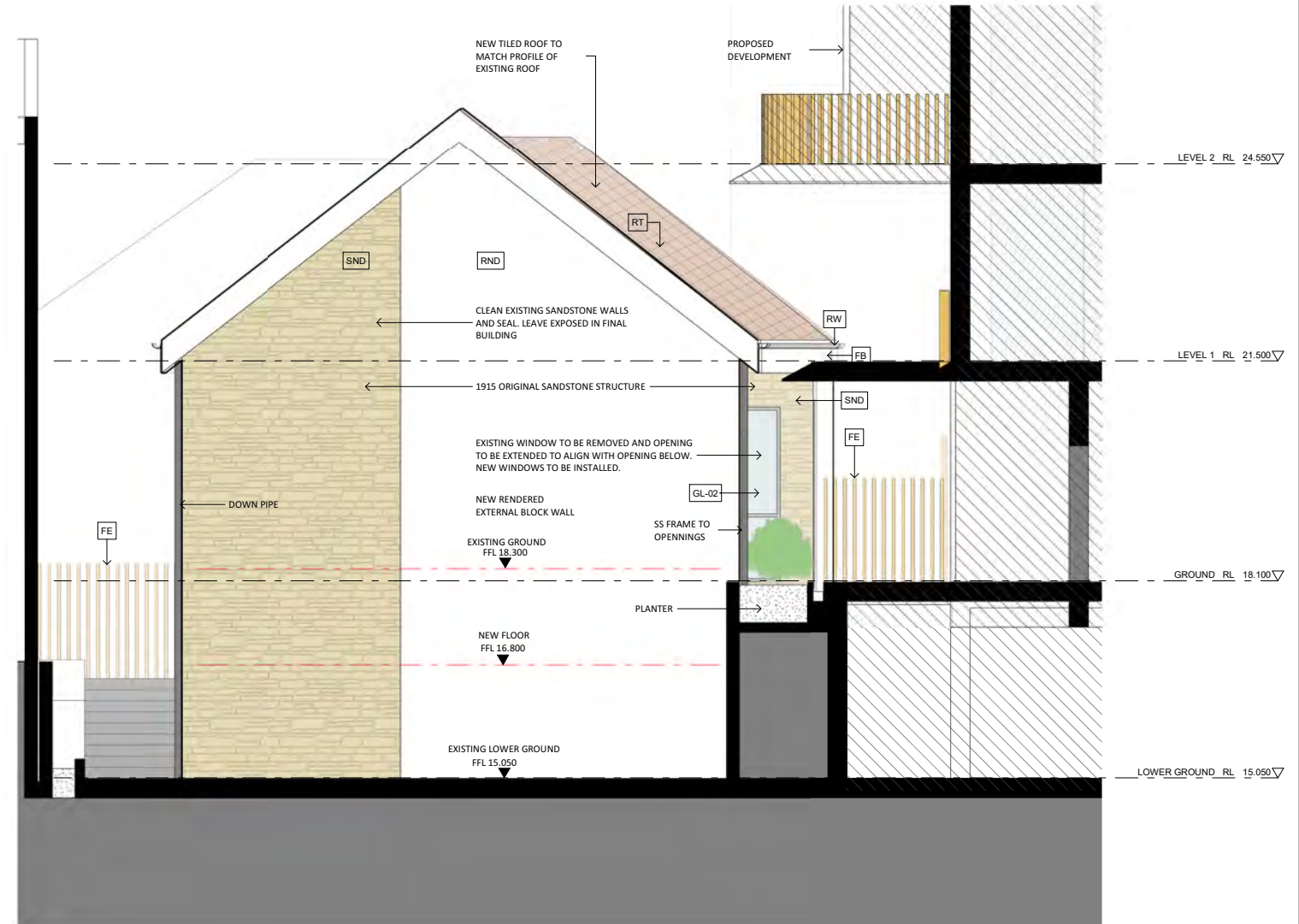
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1 ELEVATION NORTHEAST  
 1 : 50



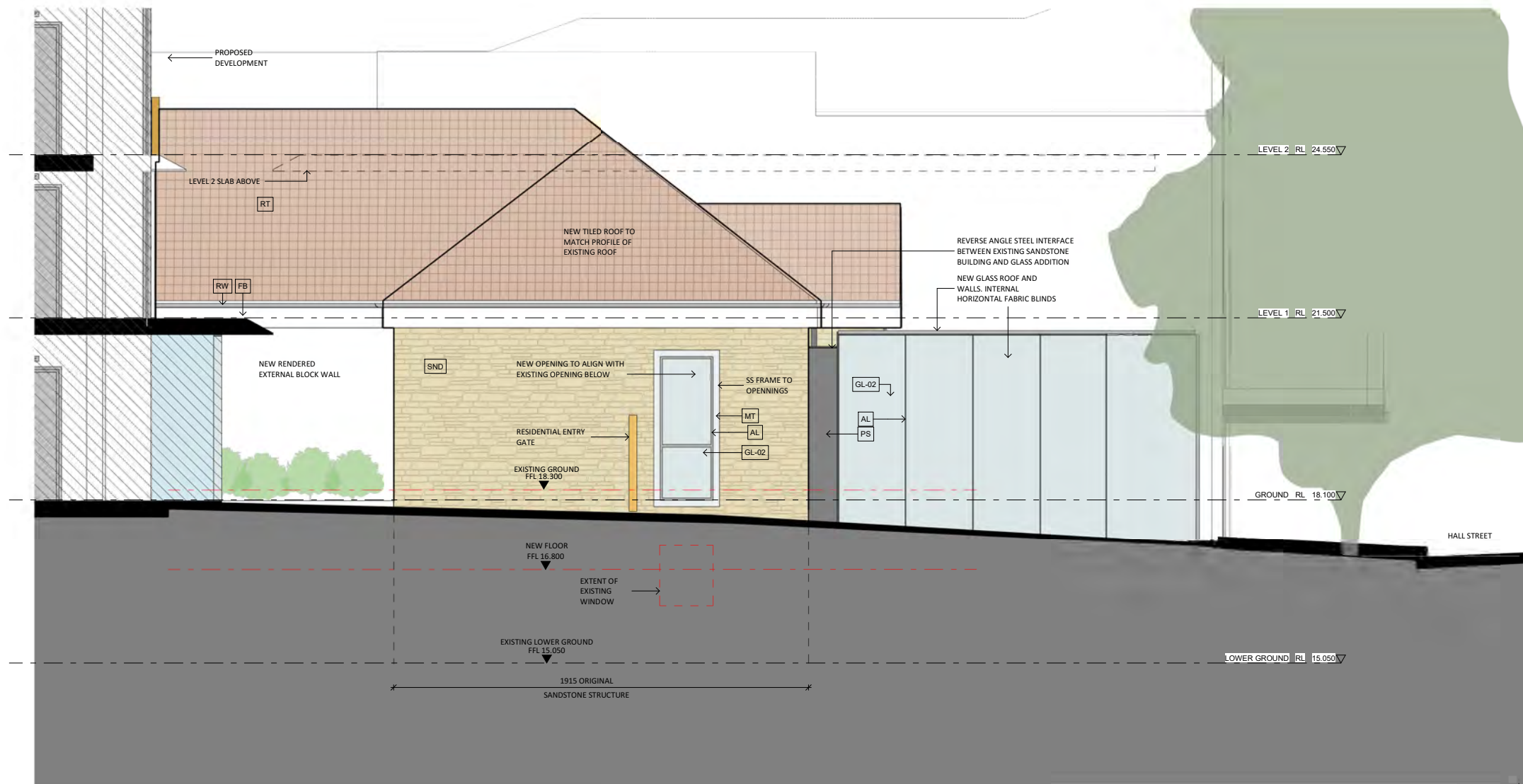
2 ELEVATION SOUTHEAST  
 1 : 50

LEGEND			
AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOUR BACK GLASS		

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NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE																																																														
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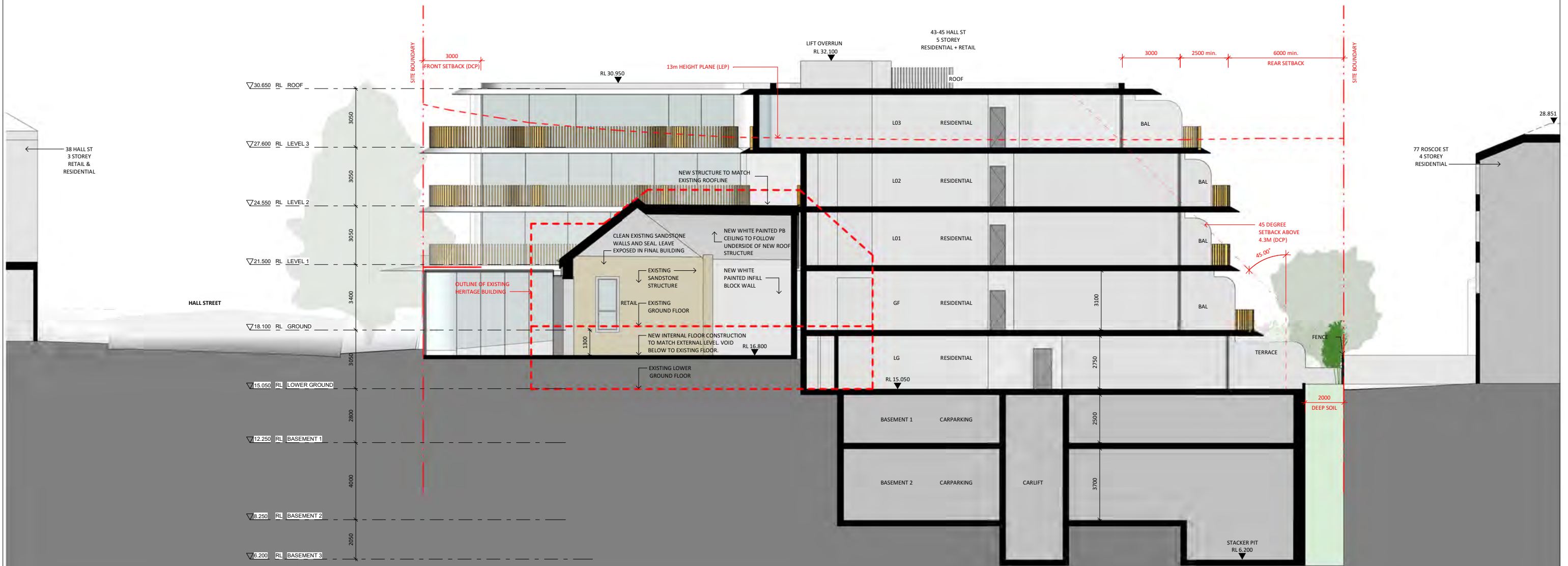


1 ELEVATION NORTHWEST  
1 : 50

LEGEND			
AL	ALUMINIUM FRAME	PS	DARK COLOURED POWERCOATED STEEL
CNC	CONCRETE	RND	LIGHT COLOURED RENDER
FB	TIMBER FASCIA BOARD TO MATCH EXISTING	RT	TERRACOTTA MARSEILLES ROOF TILES
FE	FEATURE ELEMENT, POWERCOATED ALUMINIUM.	RW	POWERCOATED ALUMINIUM RAINWATER GOODS
GL-01	RESIDENTIAL GLAZING	SND	EXISTING SANDSTONE
GL-02	COMMERCIAL GLAZING	MT	BRUSHED METAL FRAME
GL-03	FROSTED GLASS		
GL-04	COLOR BACK GLASS		

NO. REVISION FOR DEVELOPMENT APPLICATION	BY NZ	CHK RS	DATE 25/10/18	NO. REVISION	BY	CHK	DATE	NO. REVISION	BY	CHK	DATE	LEGEND	KEY PLAN	CLIENT Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	ARCHITECT KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com	PROJECT HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION DWG TITLE HERITAGE ELEVATION 03	DATE 25/10/18 SCALE 1:100@A1, 1:200@A3 PROJ NO. 18402 DWG NO. A0412	DRAWN NZ CHECKED RS APPROVED Approver REVISION A
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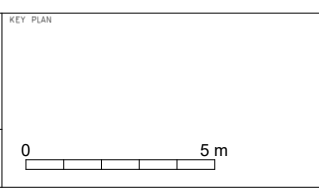
Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026

**5.6**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
 www.nathers.gov.au



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



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 DOUBLE BAY NSW 2028  
 T 9632 8333

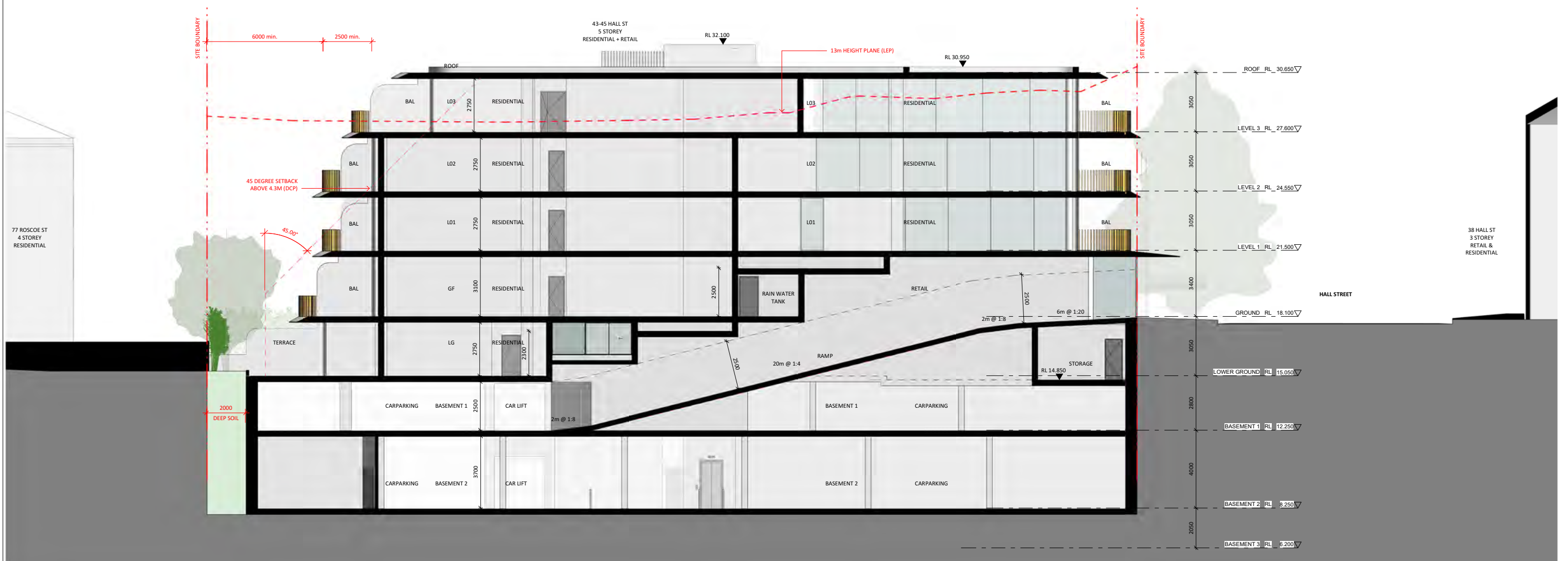
ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
 61 Marlborough Street  
 Surry Hills, NSW 2010  
 T 02 9698 8510  
 F 02 8209 4995  
 www.koichitakada.com

PROJECT  
**HALL STREET**  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 SECTION 01 - HERITAGE

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ. NO.	18402	APPROVED	
DWG. NO.	A0300	REVISION	A

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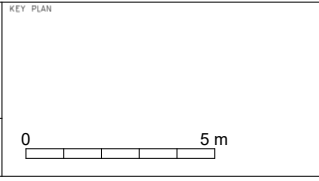



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A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



**CLIENT**  
 Hall Street ABC Pty Ltd  
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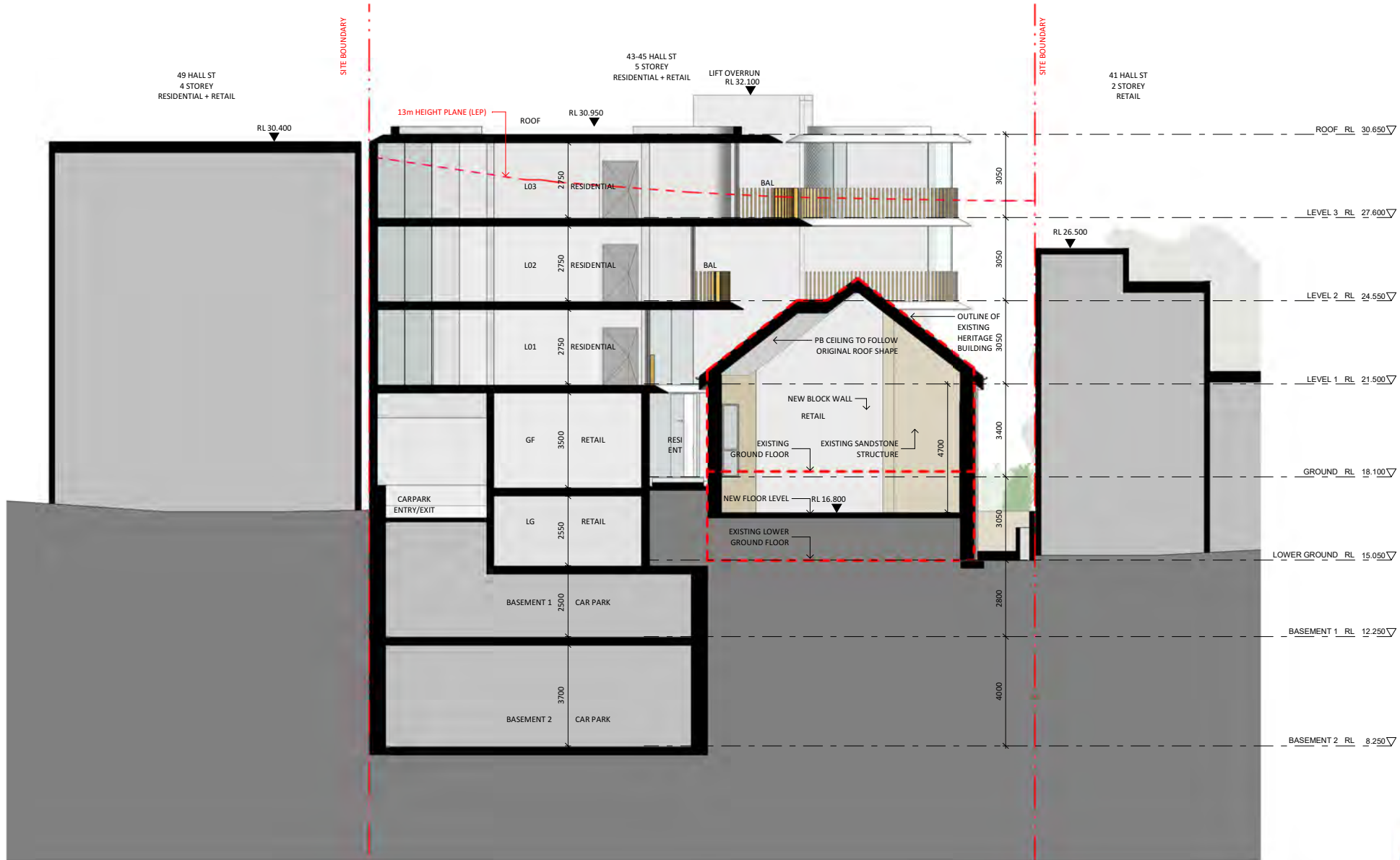
**ARCHITECT**  
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 T 02 9698 8510  
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[www.koichitakada.com](http://www.koichitakada.com)

**PROJECT**  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG NO.  
 A0301  
 DATE  
 25/10/18  
 SCALE  
 1:100@A1, 1:200@A3  
 PROJ NO.  
 18402  
 DRAWN  
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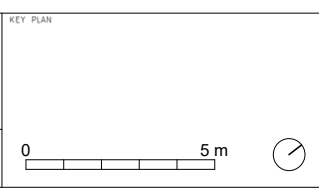


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A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE



CLIENT  
 Hall Street ABC Pty Ltd  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

ARCHITECT  
 KOICHI TAKADA ARCHITECTS  
 Suite 41 & 42, Level 4  
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 Surry Hills, NSW 2010  
 T 02 9698 8510  
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PROJECT  
 HALL STREET  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG NO.  
 A0302  
 DWG TITLE  
 SECTION 03 - CANTILEVER

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PROJ NO.	18402	APPROVED	Approver
DWG NO.	A0302	REVISION	A

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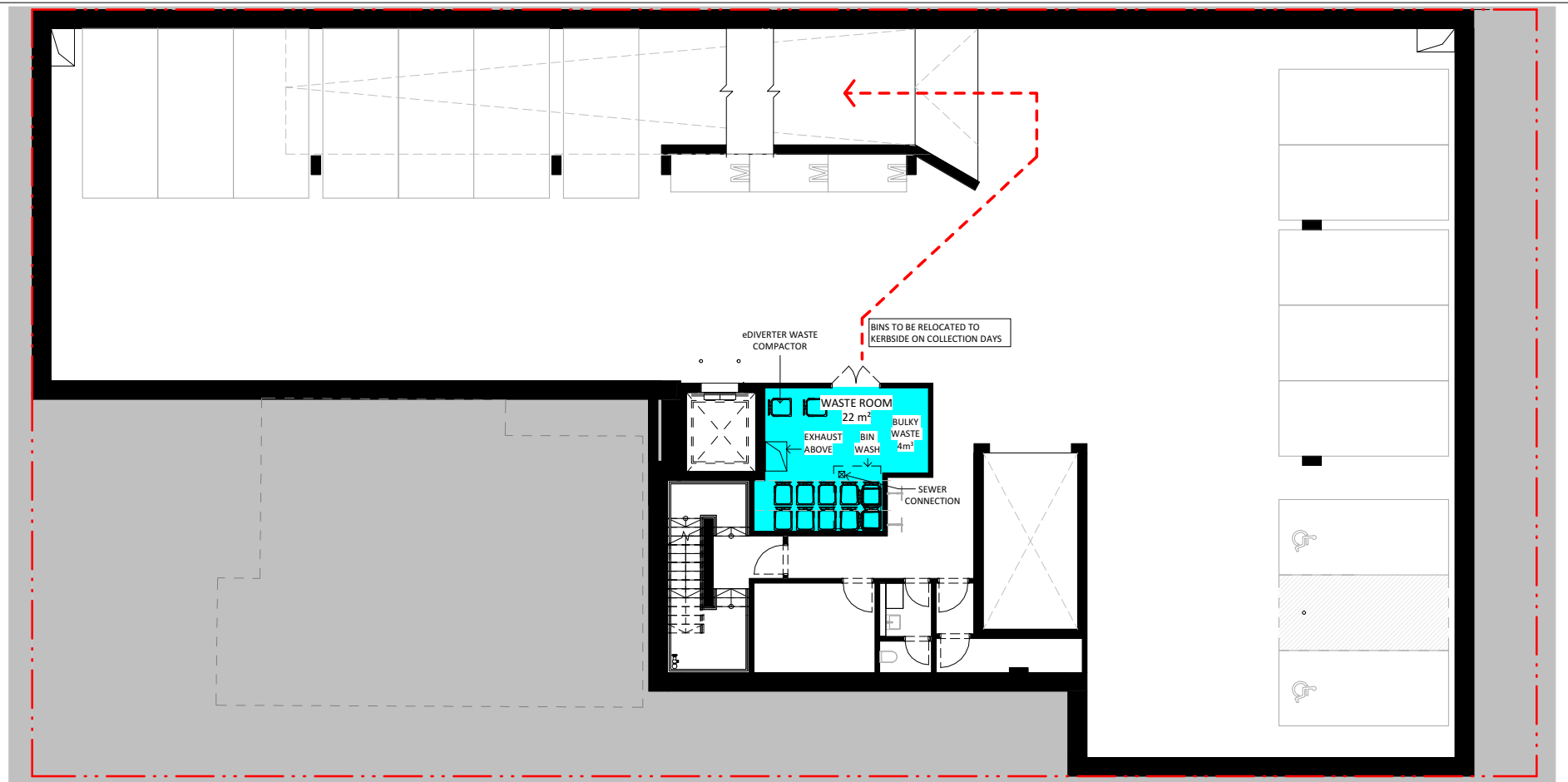




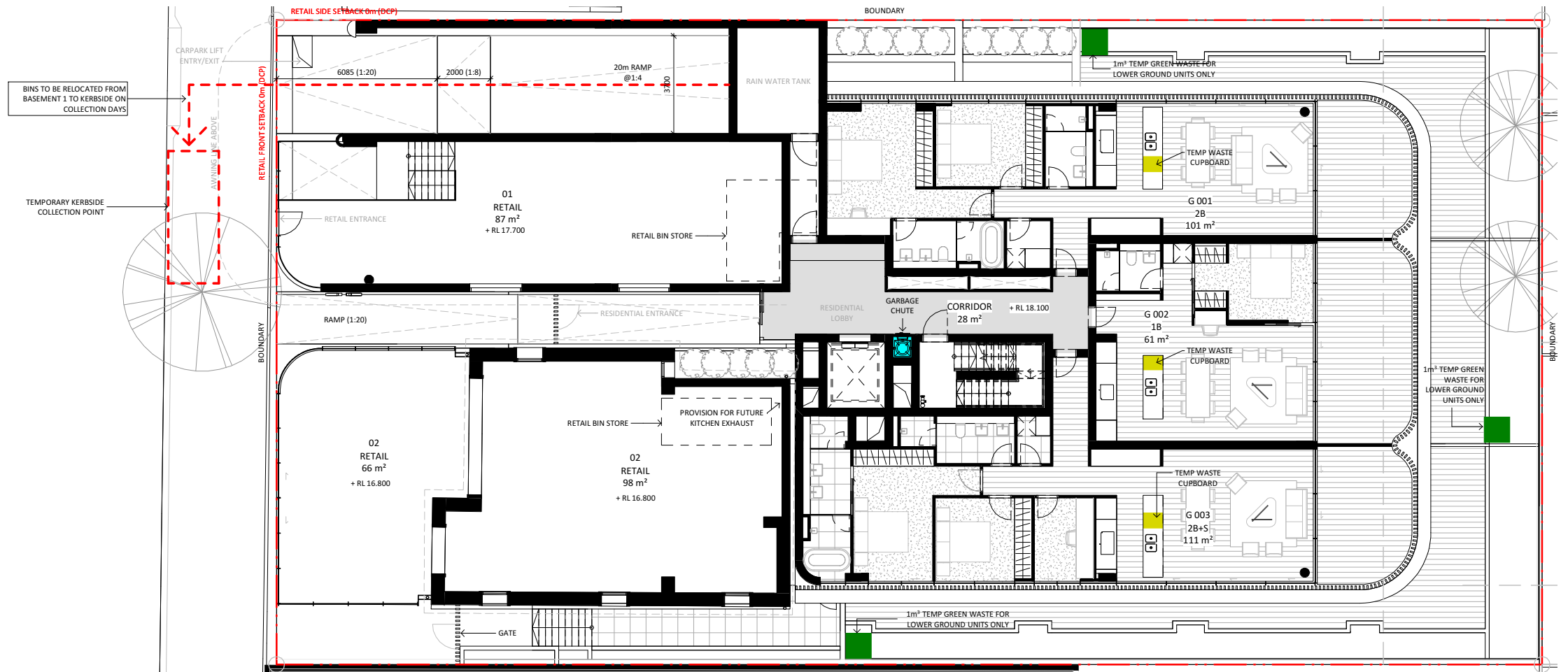


1 BASEMENT 1  
1 : 100

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Application No: DA-391/2018  
Date Received: 30/10/2018



2 GROUND FLOOR  
1 : 100



Certificate no.: 0003285220  
Assessor Name: Paula Zaia  
Accreditation no.: 20733  
Certificate date: 25 October 2018  
Dwelling Address: 43-45 Hall Street Bondi Beach, NSW 2026  
www.nathers.gov.au



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE

LEGEND  
 REVISION  
 ON HOLD

KEY PLAN  
 0 5m

CLIENT  
Hall Street ABC Pty Ltd  
45 CROSS ST  
DOUBLE BAY NSW 2028  
T 9632 8333

ARCHITECT  
KOICHI TAKADA ARCHITECTS  
Suite 41 & 42, Level 4  
61 Marlborough Street  
Surry Hills, NSW 2010  
T 02 9698 8510  
F 02 8209 4995  
www.koichitakada.com

**KOICHI TAKADA ARCHITECTS**

PROJECT  
HALL STREET  
43-45 HALL STREET, BONDI BEACH  
STATUS  
DEVELOPMENT APPLICATION  
DWG TITLE  
WASTE MANAGEMENT PLAN

DATE	25/10/18	DRAWN	NZ
SCALE	1:100@A1, 1:200@A3	CHECKED	RS
PRJ NO.	18402	APPROVED	Approver
DWG NO.	A0500	REVISION	A

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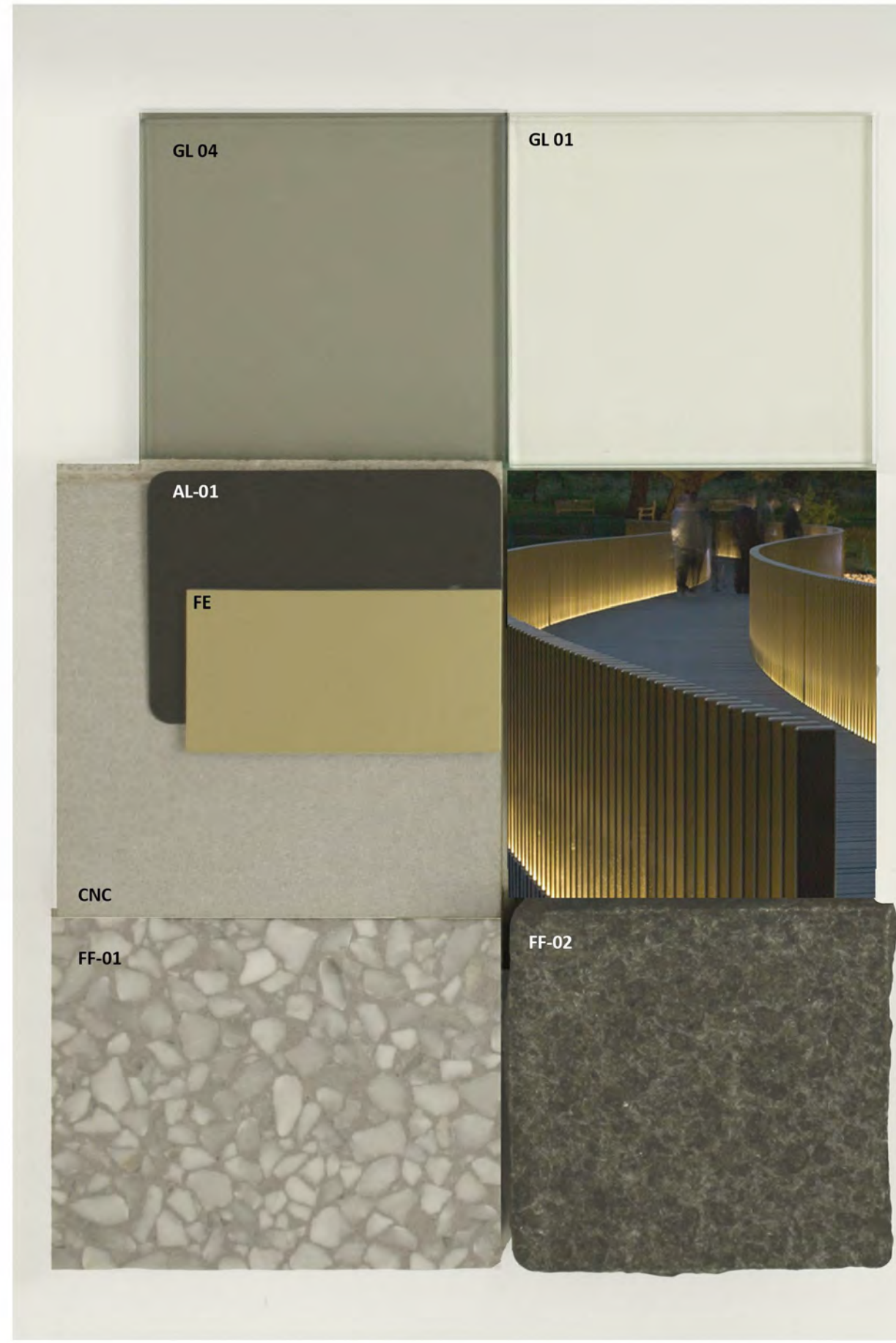


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 Bondi Beach, NSW  
 2026



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LEGEND	
AL	ALUMINIUM FRAME
CNC	CONCRETE
FE-01	FEATURE ELEMENT. POWERCOATED ALUMINIUM.
FF-01	FLOOR FINISH. TERRAZZO
FF-02	FLOOR FINISH. GRANITE
GL-01	RESIDENTIAL GLAZING
GL-02	COMMERCIAL GLAZING
GL-03	FROSTED GLASS
GL-04	COLOUR BACK GLASS
RT	TERRACOTA MARSEILLES ROOF TILES
SND	EXISTING SANDSTONE
MT	BRUSHED METAL FRAME

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	NZ	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE

NO.	REVISION	BY	CHK	DATE

CLIENT  
**Hall Street ABC Pty Ltd**  
 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

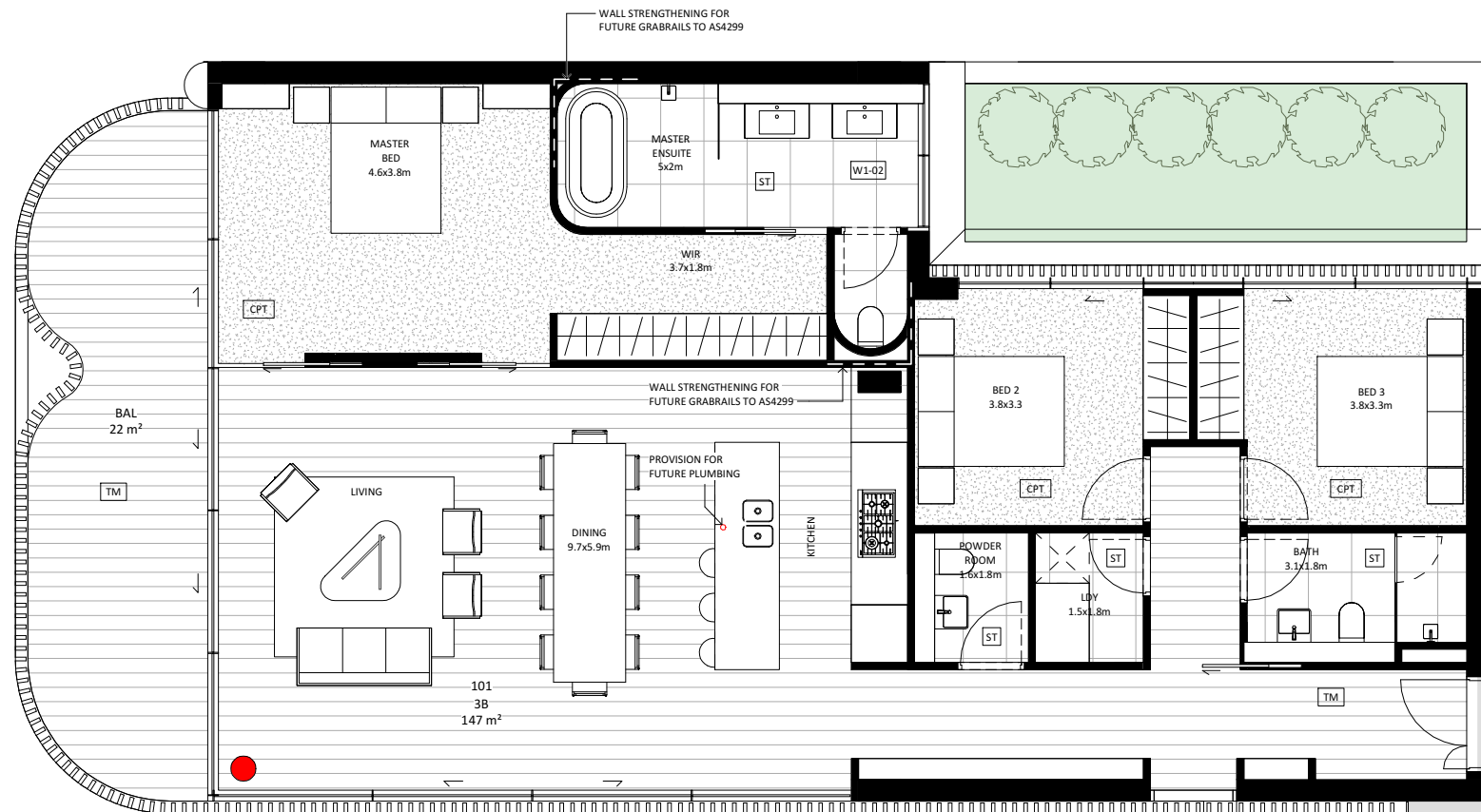
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PROJECT  
**HALL STREET**  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 EXTERNAL FINISHES AND MATERIALS SAMPLE BOARD

DATE	SCALE	DRAWN	CHECKED	APPROVED	REVISION
25/10/18		NZ	RS	Approver	A

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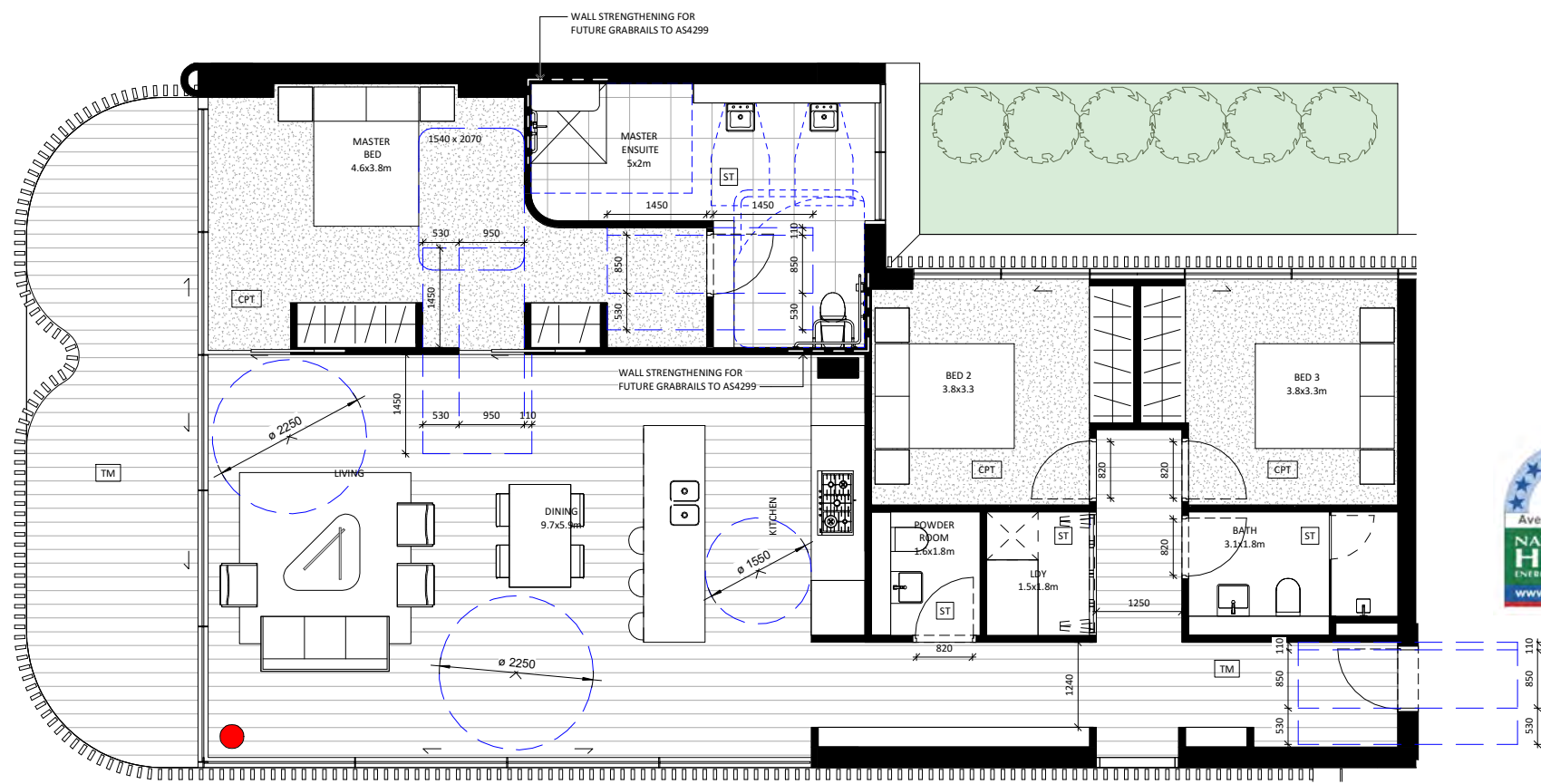


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Application No: DA-391/2018

Date Received: 30/10/2018

**1 LEVEL 1 - PRE-ADAPTABLE 3B APARTMENT**  
 1:50



**2 LEVEL 1 - POST ADAPTABLE 3B APARTMENT**  
 1:50



Certificate no.: 0003285220  
 Assessor Name: Paula Zaia  
 Accreditation no.: 20733  
 Certificate date: 25 October 2018  
 Dwelling Address:  
 43-45 Hall Street  
 Bondi Beach, NSW  
 2026



NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE
A	FOR DEVELOPMENT APPLICATION	EVD	RS	25/10/18					

NO.	REVISION	BY	CHK	DATE

NO.	REVISION	BY	CHK	DATE

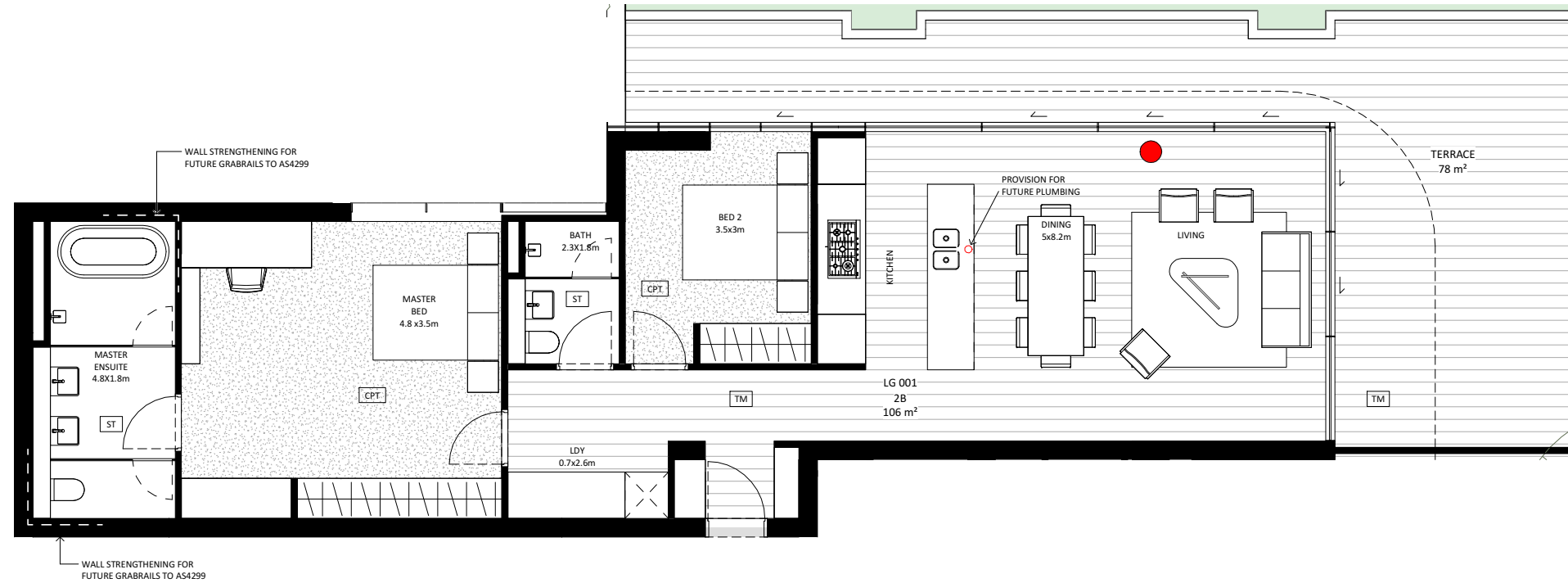
CLIENT  
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 45 CROSS ST  
 DOUBLE BAY NSW 2028  
 T 9632 8333

ARCHITECT  
**KOICHI TAKADA ARCHITECTS**  
 Suite 41 & 42, Level 4  
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PROJECT  
**HALL STREET**  
 43-45 HALL STREET, BONDI BEACH  
 STATUS  
 DEVELOPMENT APPLICATION  
 DWG TITLE  
 PRE & POST-ADAPTABLE 3B APARTMENT

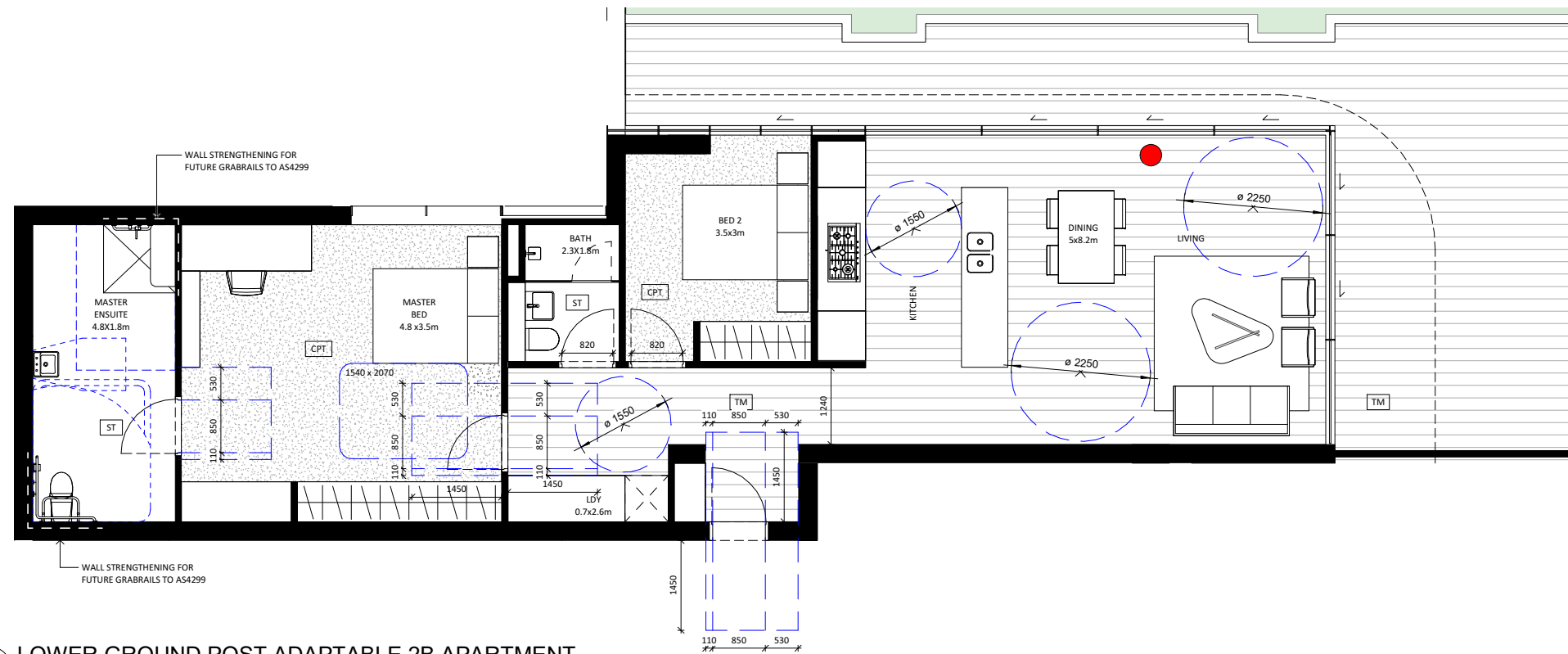
DATE	SCALE	DRWN	EVD
25/10/18	1:100@A1, 1:200@A3	RS	RS
PROJ NO. 18402		APPROVED	Approver
DWG NO. A0600		REVISION	A

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**Waverley Council**  
 Application No: DA-391/2018  
 Date Received: 30/10/2018

**1 LOWER GROUND PRE-ADAPTABLE 2B APARTMENT**  
 1 : 50



**2 LOWER GROUND POST ADAPTABLE 2B APARTMENT**  
 1 : 50

**5.6**  
 Average star rating  
**NATIONWIDE HOUSE**  
 ENERGY RATING SCHEME  
 www.nathers.gov.au

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A	FOR DEVELOPMENT APPLICATION		RS	25/10/18					

NO.	REVISION	BY	CHK	DATE	NO.	REVISION	BY	CHK	DATE

<b>LEGEND</b> REVISION ON HOLD	<b>KEY PLAN</b> 	<b>CLIENT</b> Hall Street ABC Pty Ltd 45 CROSS ST DOUBLE BAY NSW 2028 T 9632 8333	<b>ARCHITECT</b> KOICHI TAKADA ARCHITECTS Suite 41 & 42, Level 4 61 Marlborough Street Surry Hills, NSW 2010 T 02 9698 8510 F 02 8209 4995 www.koichitakada.com
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<b>PROJECT</b> HALL STREET 43-45 HALL STREET, BONDI BEACH STATUS DEVELOPMENT APPLICATION	<b>DATE</b> 25/10/18 <b>SCALE</b> 1:100@A1, 1:200@A3 <b>PROJ. NO.</b> 18402 <b>DWG. NO.</b> A0601	<b>DATE</b> 25/10/18 <b>CHECKED</b> RS <b>APPROVED</b> Approver <b>REVISION</b> A	<b>NOTES:</b> DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. COPYING OR THE REPRODUCTION OF THIS DRAWING IS STRICTLY PROHIBITED WITHOUT THE CONSENT OF THE CLIENT & ARCHITECT.
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# High Density Residential Development



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-457/2018
<b>Site address</b>	5/127 Hastings Parade, NORTH BONDI
<b>Proposal</b>	Alterations and additions to residential unit including internal reconfiguration and attic level addition with bedroom, ensuite and study.
<b>Date of lodgement</b>	10 December 2018
<b>Owner</b>	Ms I J M Cochran
<b>Applicant</b>	Ms I J M Cochran
<b>Submissions</b>	One (1)
<b>Cost of works</b>	\$230,000
<b>Issues</b>	FSR non-compliance
<b>Recommendation</b>	That the application be <b>APPROVED</b>



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

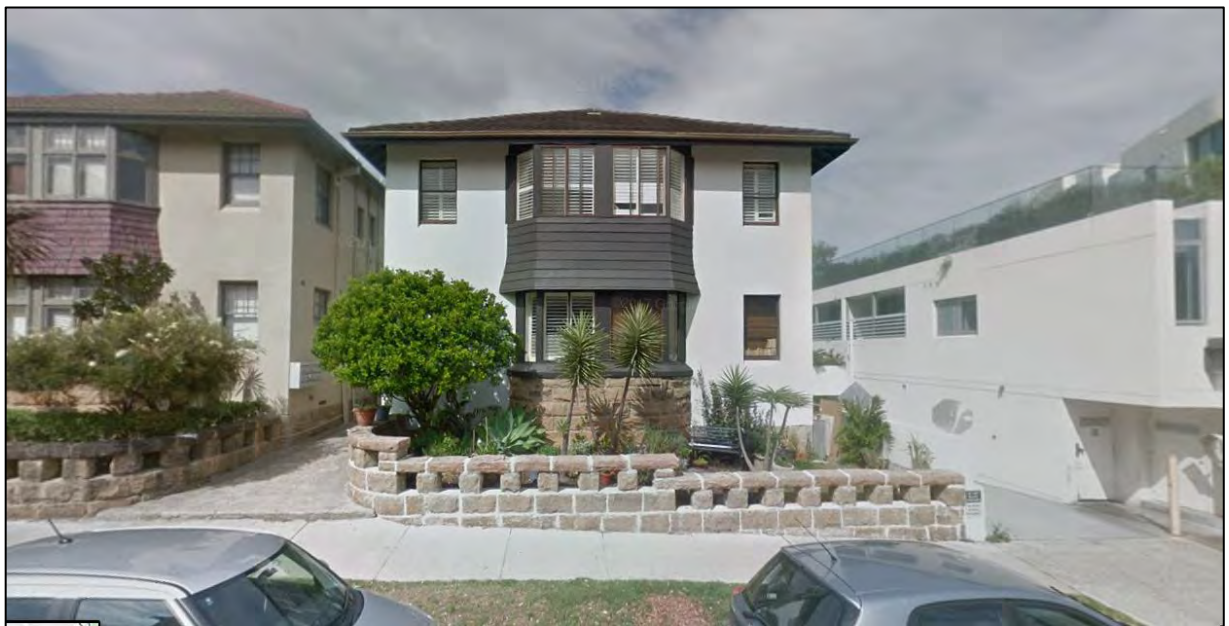
A site visit was carried out on 18 February 2019.

The site is located on the southern side of Hastings Parade, near the intersection with Campbell Parade and the Bus Interchange. Existing on the site is a two storey 'walk-up' residential flat building containing 8 units, 4 on each floor.

The subject unit (No. 5) is located on the top floor on the south-eastern corner of the building and contains 2 bedrooms. All other top floor units (Units 6-8) have approved attic level additions with terraces.

Surrounding development is typically residential along Hastings Parade, with mixed developments along Campbell Parade.

The site is not listed as a heritage item and is not located within a heritage conservation area, however borders the Bondi Beach Conservation Area.



**Figure 1:** Subject site frontage

### 1.2 Relevant History

A review of Council's records revealed no relevant development history for the subject unit.

The history of the subject development application is provided below:

**10 December 2018** The application was lodged with Council.

**12 December 2018** The application was referred to Council's Manager Design who deemed the plans unsatisfactory with regards to stormwater. A condition shall be placed for amended stormwater details to be submitted prior to the issue of a Construction Certificate.

- 13 December 2018** The application was notified to surrounding properties for a period of fourteen (14) days. One (1) submission was received with regards to acoustic privacy.
- 27 December 2018** The application was referred to Council’s Sustainable Waste Coordinator who supported the proposal, subject to conditions.
- 18 February 2019** A site inspection of the property was conducted by the assessing officer.
- 24 February 2019** Following a phone conversation with the Applicant’s architect, a diagram demonstrating the calculation of GFA for the residential flat building was submitted.
- 14 March 2019** A deferral letter was sent to the Applicant, requesting the submission of GFA calculations for the building, revised architectural plans to ensure the rear elevation of the terrace matched the terrace constructed at Unit 6 and a Clause 4.6 statement to address the variation to Council’s FSR control.
- 21 March 2019** The applicant submitted the information requested in Council’s letter. This report is based on the revised plans and documentation.
- 27 March 2019** The application was referred to Council’s Fire Safety Officer who raised no objection to the proposal, subject to recommended conditions.

A review of Council’s records of the other top floor units (Units 6, 7 and 8) within the building, revealed approved Development Applications proposing development similar to that of the current proposal.

The relevant applications are outlined in the table below:

**Table 1: Similar Approved Development Related to the Construction of Attic Levels**

Unit	DA	Comments	Date of Consent
Unit 6	DA-418/2014	Conversion of attic space into bedroom, study, ensuite, balcony and two dormer windows. General modification condition (Condition 2) as follows: <i>(a) The proposed rear attic balcony linked to the new study area is to be reduced to a maximum depth of 2m to match the existing balcony size of the adjoining unit 8 and in order to reduce potential noise impacts.</i>	17 February 2015
	DA-418/2014/A	Increase length of the approved upper floor level deck. General modification condition (Condition 2) amended to read as follows: <i>(a) The proposed rear attic balcony linked to the new study area is to be reduced to a maximum depth of 2.5m.</i>	20 April 2017
Unit 7	DA-108/2010	New attic room and balcony to an existing residential flat building.	27 July 2010



Unit	DA	Comments	Date of Consent
		Deferred commencement consent was issued for the following design modifications to be addressed: 1. <i>The attic addition shall be amended to present as three dormer type extensions, the third without a 'face' to allow for an open balcony to the rear. In this case, each 'dormer' shall be limited to a width of 2 metres, whereby the addition shall be setback/indented 500mm between each dormer to reduce the bulk, as had occurred to the attic addition at unit 8 (adjoining).</i> 2. <i>The rear balcony shall be reduced to a maximum depth of 2 metres and a privacy screen to a height of 1600mm shall be erected along the eastern side.</i>	(Deferred Commencement)
	<b>DA-108/2010/A</b>	Modification to amend condition of consent regarding balcony and dormer window sizes. Approved with General Modification Condition (Condition 2) for the following: (a) <i>The front most dormer (adjacent to stairwell) shall be reduced in width to 2 metres and the window openings to 1600mm width to better align with the front most dormer of unit 8.</i>	11 February 2011
<b>Unit 8</b>	<b>DA-667/2007</b>	Alterations to residential building to construct an attic level to Unit 8.	5 March 2008
	<b>DA-667/2007/A</b>	Modification to dormer and addition of storage room.	5 June 2009
	<b>DA-252/2017</b>	Alterations to attic level of unit in a residential flat building. Note: The works widened the existing dormer window to the attic bedroom by approximately 800mm to increase the useable floor space within the room.	25 July 2017

Note: It is noted that **L-349/2002** was approved on 30 July 2002 and proposed alterations and additions to the existing residential flat building to utilise the existing roof cavity to allow attic rooms Units 7 and 8. This involved the construction of three (3) dormer windows on each elevation and a balcony for these units fronting Hastings Parade. However, it is noted in the assessment report for **DA-667/2007**, works were not commenced by either unit and the consent lapsed on 30 July 2007.

### 1.3 Proposal

The proposal involves alterations and additions to the existing residential flat building including internal reconfiguration of the existing unit and the construction of an attic level to accommodate an additional bedroom (bedroom 3), ensuite and study with a balcony. Skylights are proposed on the roof.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

#### 2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

#### 2.1.2 SEPP 55 Remediation of Land

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

#### 2.1.3 SEPP 65 Design Quality of Residential Apartment Development

The proposal relates to alterations and additions to Unit 5 within an existing residential flat building, involving the addition of an attic level and minor alterations to the floor plan that results in a minor increase in floor space. However, the proposed development is within the existing building footprint and the addition is sited lower than the existing maximum building height. Therefore, given the nature and scale of the proposal, the development is not considered to involve a substantial redevelopment or refurbishment of the residential flat building and SEPP 65 does not apply.

#### 2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

**Table 2: Waverley LEP 2012 Compliance Table**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is not inconsistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Zone	Yes	The proposal is defined as residential flat building, which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	Yes	The proposed works have a maximum height of 9.1m and do not extend higher than the existing ridgeline of the residential flat building.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.6:1</li> <li>286.8m<sup>2</sup> (GFA)</li> </ul>	No See discussion	Site Area: 478m <sup>2</sup> Existing GFA: 573.6m <sup>2</sup> Proposed GFA: 600.6m <sup>2</sup> Existing FSR: 1.2:1 (as per <b>DA-418/2014</b> ) Proposed FSR: 1.25:1 Variation: 313.8m <sup>2</sup> (109%)
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The site adjoins a locally listed heritage item at the rear at No. 92-96 Campbell Parade as well as the Bondi Beach Conservation Area. No adverse impacts are anticipated to result to the heritage significance of this heritage item and conservation area.

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

### Exceptions to Development Standards

#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 1.25:1, which exceeds the floor space ratio development standard of 0.6:1 prescribed under clause 4.4 of Waverley LEP 2012 by 313.8m<sup>2</sup> in gross floor area or 109%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The existing development has a gross floor area of 597.5m<sup>2</sup> that equates to an FSR of 1.25:1. Therefore, the existing development is non-compliant with the development standard. The proposed works will result in a minor increase in GFA by 27m<sup>2</sup> for the attic room, bringing the total GFA of the building to 624.5m<sup>2</sup> for a FSR of 1.3:1, being only a 4.5% increase.
- The proposal will improve the amenity for the residents of the subject unit and is consistent with the amenity provided to the other top floor units within the building and therefore meets the objectives of the zone.



- The bulk and scale of the existing development is suitable for the site and surrounds as the structure is within the maximum building height control and is consistent with the design of the other attic additions within the building.
- The proposal will not visually dominate the streetscape or impose visual conflict with other properties.
- The proposal does not compromise visual or acoustic amenity for surrounding residential properties.

It is noted that the GFA calculation diagrams submitted with this application indicate that internal access to all units could not be gained however, this is not considered to be an issue, given the recent approvals for attic additions within the building that provided accurate calculations for GFA and FSR. Therefore, the minor discrepancies between Council's calculations of GFA and FSR and those provided by the Applicant are considered to be within an acceptable range in order to appropriately determine this application.

The applicant's written request is considered to demonstrate that compliance is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard in this particular case. In particular:

- The site has an existing non-compliance with Council's FSR control and the proposed additional floor area is minor and is to be contained within the existing building footprint. The proposal only provides for an additional 27m<sup>2</sup> in GFA for the construction of the attic level that is similar to the attic level developments of the other top floor units within the building. Therefore, compliance with Council's FSR development standard is both unreasonable and unnecessary in the circumstances of the case.
- The proposal does not result in any adverse additional bulk or change the scale of the building and is within the desired future character of the locality.
- The proposal does not result in adverse impact upon environmental amenity of neighbouring properties or cause any adverse impact on the amenity of the locality.

The proposal will be not be against the public interest because it is consistent with the objectives of the floor space ratio development standard and the R3: Medium Density Residential Zone and therefore, in accordance with Clause 4.6 (3) and (4), the non-compliance may be supported.

#### **2.1.5 Waverley Development Control Plan 2012**

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

**Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste 1.4.1.1 Storage 1.4.1.2 – Residential • 1.4.2 – Access and Collection • 1.4.3 – Amenity • 1.4.4- Management	Yes	Council’s Waste and Recycling Officer has reviewed the proposal and the waste management plan submitted with the proposal and raised no objections subject to the imposition of conditions.
2. Ecologically sustainable Development	Yes	Given the scale of the development, the proposal is considered to adequately consider the design of the building in relation to ecologically sustainable development and achieves the objectives of Part B2.
6. Stormwater	No, condition included	The stormwater plans submitted with the application are not satisfactory and do not comply with the Water Management Technical Manual. This matter can be addressed as a condition of consent.
7. Accessibility and adaptability	Yes	Conditions of consent are recommended to ensure that the proposed works comply with the access standards.
10. Safety	Yes	The proposal does not contravene the objectives of this part of the DCP.

**Table 4: Waverley DCP 2012 – Part C4 High Density Residential Development Compliance Table**

This part applies to development that is subject to State Environmental Planning Policy (SEPP) 65 – Design Quality of Residential Apartment Development, including the residential flat buildings, shop top house or mixed use developments that are 3 or more storeys and contain 4 or more dwellings.

Development Control	Compliance	Comment
<b>4.1 Site, scale and frontage</b>		
• Minimum frontage: 15m – R3 zone	Merit Assessment	The site has an existing frontage of 12.19m however, the proposal involves alterations and additions to the existing unit at the rear and would therefore have no impact upon the street frontage.
<b>4.2 Height</b>		
• Refer to the LEP	Yes	This matter is discussed above and meets the objectives of the DCP control.
<b>4.4 Streetscape</b>		
• Setbacks to be consistent with building line along the street	Yes	The proposed works are sited within the existing building footprint and therefore, the existing setbacks are maintained that are considered to be satisfactory.
• Maintain existing trees	Yes	The proposal does not impact upon any trees.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• Sympathetic external finishes</li> </ul>	Yes	The proposed attic level is to match the existing dormers of the subject building which is satisfactory.
<ul style="list-style-type: none"> <li>• Max building length to the street is 24m.</li> </ul>	Yes	The proposal does not change the existing length of the building.
<ul style="list-style-type: none"> <li>• Buildings to be articulated to respond to the streetscape.</li> </ul>	Yes	The subject unit is located at the rear of the property and is not visible from the Hastings Parade streetscape. The proposal is not considered to be inconsistent with the established character of the area or desired future character of the locality and would increase internal amenity for the occupants of the subject unit.
<b>4.5 Building Design and Streetscape</b>		
<ul style="list-style-type: none"> <li>• Building design is to respond to the existing streetscape character of the area.</li> </ul>	Yes	As previously discussed, the other units on the top floor of the existing residential flat building have constructed attic additions. Therefore, the proposal is consistent with the existing character of the building and responds to the existing streetscape character.
<ul style="list-style-type: none"> <li>• Alterations and additions should demonstrate architectural compatibility with the existing building.</li> </ul>	Yes	For the reasons discussed above, the proposal is considered to be architecturally compatible with the existing building.
<ul style="list-style-type: none"> <li>• The colour and finish of external finishes should be sympathetic to the street and contribute to the overall appearance of the building.</li> </ul>	Yes	The proposed attic level is to match the existing dormers of the subject building which is satisfactory.
<ul style="list-style-type: none"> <li>• The removal of original architectural details and finishes is not supported</li> </ul>	Yes	No original details and finishes are proposed for removal.
<b>4.8 Pedestrian access and entry</b>		
<ul style="list-style-type: none"> <li>• Entry at street level and respond to pattern within the street</li> <li>• Accessible entry</li> <li>• Separate to vehicular entry</li> <li>• Legible, safe, well-lit</li> </ul>	Yes	The proposal maintains pedestrian access and safety within the building and is acceptable in this regard.
<b>4.10- Views and view sharing</b>		
<ul style="list-style-type: none"> <li>• Minimise view loss through design</li> <li>• Views from public spaces to be maintained.</li> </ul>	Yes	The proposal is not considered to result in any adverse view loss impacts from the site or surrounding development.
<b>4.11 Visual privacy and security</b>		
<ul style="list-style-type: none"> <li>• Above ground open space must not overlook rooms</li> </ul>	Yes	The proposed terrace would have an area of approximately 7.4m <sup>2</sup> and is considered to be well



Development Control	Compliance	Comment
and private landscaped areas of adjoining properties or be screened		integrated with the existing roofscape and the design of the attic level and is not considered to result in any adverse visual privacy impacts upon surrounding residential properties and is therefore acceptable.
<ul style="list-style-type: none"> <li>Privacy be considered in relation to context density, separation use and design.</li> </ul>	Yes	The proposed attic addition and terrace maintains the existing building setbacks and is contained within the existing building footprint. The proposed dormers on the eastern elevation of the building are to passive living spaces (bedroom and study) and are therefore not considered to result in any adverse overlooking impacts. The development is considered to be suitable for the site context and is of an appropriate design therefore, visual privacy for residents and neighbours is maintained with the proposal.
<b>3.19 Acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Sound proofing through acoustic glazing</li> <li>Internal amenity by locating noisy areas away from quiet areas</li> </ul>	Yes	As previously demonstrated, all other top floor units within this residential flat building have constructed attic additions with terraces/balconies. The proposal maintains the existing building setbacks and is appropriately sited within the existing building footprint and roofscape. The terrace has an area of only 7.4m <sup>2</sup> and is not considered to be of a scale that would be capable of accommodating large scale outdoor entertaining. Therefore, the proposal is considered to be suitable with regards to the maintenance of acoustic amenity within the R3: Medium Density Residential Zone.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

### Original Application

The application was notified for 14 days and a site notice erected on the site, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. One (1) submission was received. The issues raised in the submissions are summarised and discussed below.

**Table 5: Summary of property addresses that lodged a submission**

Property
Unit 2, 129 Hastings Parade

**Issue: Noise from proposed terrace.**

**Response:** The proposed terrace is considered to be suitable with regards to the maintenance of acoustic amenity and is not considered to have any unreasonable impacts upon the common open space areas between the subject site and No. 129 Hastings Parade. *Refer to discussion under 3.19 Acoustic Amenity in Table 4 above.*

#### Revised Plans

Revised plans were submitted to Council on 21 March 2019 and 28 March 2019. However, due to the nature and scale of the proposed works, it was considered that any impacts from the proposal would be less than those generated by the original scheme. Therefore, the revised plans were not re-notified.

## **2.5 Public Interest**

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

## **3. REFERRALS**

### **3.1 Stormwater – Creating Waverley**

The application was referred to Council’s Manager Design (Creating Waverley) who commented that the proposal was not satisfactory with regards to stormwater details. Conditions are to be imposed.

### **3.2 Fire Safety – Building Waverley**

The application was referred to Council’s Fire Safety Officer who raised no objection to the proposal, subject to recommended standard conditions.

### **3.3 Waste & Recycling – Sustainable Waverley**

The application was referred to Council’s Sustainable Waste Coordinator who raised no objection to the proposal, subject to recommended conditions.

## **4. SUMMARY**

The application seeks consent for alterations and additions to Unit 5 within an existing residential flat building for the construction of an attic level and terrace. All other top floor units within the building have constructed attic additions similar to the proposed development.

The proposal results in a further non-compliance with Council’s FSR development standard, due to the construction of the attic level. This non-compliance is acceptable, as the new floor space is minor (27m<sup>2</sup>) and is within the existing building footprint, is located at the rear and does not add unreasonable bulk to the building. The proposal is considered to be within the desired future character of the locality.

The original application was notified and one (1) submission was received with regards to the noise generated from the proposed terrace. Revised plans were submitted to Council however, due to the scope and nature of the changes, the plans were not renotified. The terrace has an area of only 7.4m<sup>2</sup> and is not anticipated to result in any unreasonable amenity impacts to surrounding residents.

The proposal is recommended for approval, subject to conditions.

**5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL**

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

**Report prepared by:**

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

Judith Elijah  
**Development Assessment Planner**

Emma Finnegan  
**A/Manager, Development Assessment (North/South)**

**Date: 28 March 2019**

**Date: 4 April 2019**

**Reason for referral:**

3 Departure from any development standard in an EPI by more than 10%



## **APPENDIX A – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED PLANS AND DOCUMENTATION**

The development must be in accordance with:

(a) Architectural Plans:

<b>Dwg. No.</b>	<b>Rev.</b>	<b>Title</b>	<b>Date</b>	<b>Date Received by Council</b>
102	G	Floor Plans - Existing	21/03/2019	21 March 2019
103	G	Site Plan - Proposed	21/03/2019	21 March 2019
104	G	Floor Plans - Proposed	21/03/2019	28 March 2019
403	G	North & South Elevations - Proposed	21/03/2019	21 March 2019
404	G	East & West Elevations - Proposed	21/03/2019	21 March 2019
501	G	Sections	21/03/2019	21 March 2019

(b) BASIX Certificate;

(c) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

#### **2. STORMWATER DETAILS**

The Stormwater Management Plans do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. Amended stormwater details shall be submitted as follows:

a) On-site Stormwater Detention (OSD) and its details are required (e.g. Location, cross & long sections and dimensions of OSD tank, top water level, orifice centreline level) along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required. The proposed stormwater management system is to include the entire catchment site of the land to include pervious and impervious areas.

The amended stormwater details shall be submitted to **Council** for approval, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

#### **3. ALTERATIONS AND ADDITIONS ONLY**

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be required to be removed, works must cease immediately and a new development application will be required to be submitted for assessment. This will require compliance with the planning controls, including SEPP (Building Sustainability Index: BASIX) 2004.

#### **4. USE OF COMMON PROPERTY**

No exclusive use of common property shall occur without the prior consent of Council.

## **B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### **5. NO BUILDING OR DEMOLITION WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE**

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and Environmental Planning and Assessment Regulation 2000; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

### **6. SECTION 7.12 CONTRIBUTION**

A cash contribution is payable to Waverley Council pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

A copy of the required format for the cost reports are in the Waverley Council Contributions Plan 2006, available on Council's website.

- (b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;
  - (a) A development valued at \$100,000 or less will be exempt from the levy.
  - (b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR
  - (c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended.



Prior to the issue of the amended Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition OR that the cost of works is less than \$100,000.

## **7. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$6,300.40** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

## **8. 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.

## **9. CEILING HEIGHTS**

- a) Unit 5 attic room must be provided with a ceiling height that complies with the requirements of Clause F3.1 of the BCA. Detailed plans verifying compliance with this condition are to be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- b) If compliance with the deemed-to-satisfy provisions of the BCA and the matters listed in condition (a) above cannot be achieved, an alternative building solution in accordance with Part A0 of the BCA must be prepared by a suitably qualified and accredited person and be submitted to the Certifying Authority illustrating how the relevant performance requirements of the BCA are to be satisfied. Prior to a Construction Certificate being issued, the Certifying Authority must ensure that the building complies with the Building Code of Australia.
- c) The BCA matters identified in (a) above are not an exhaustive list of conditions to verify compliance or non-compliance with the BCA. Any design amendments required to achieve compliance with the BCA must be submitted to Council. Significant amendments may require an application under Section 96 of the Act to be lodged with Council to amend this consent.

## **10. FIRE SAFETY UPGRADING WORKS**

- a) In addition to all new works fully comply with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, **unit 6** must be upgraded to comply with the following provisions of the Building Code of Australia (BCA):
  - (i) The entire attic area (including roof void) of unit 6 must be separated from other adjoining sole occupancy units and internal common areas by building elements that comply with

the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.

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

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

#### **11. EROSION & SEDIMENT CONTROL**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Waverley Council's Water Management Technical Manual and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction (Blue Book).

This Plan shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved Soil and Water Management Plan must be kept on site, measures shall be implemented prior to commencement of any works or activities and maintained at all times. A copy of the Soil and Water Management Plan must be made available to the Principal Certifying Authority & Council officers on request.

#### **12. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) shall be submitted to the Principal Certifying Authority for approval in accordance with Waverley DCP 2012 (amendment 6) 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 at all times during demolition and construction. At least one copy of the SWRMP is to be available on site at all times during demolition and construction. Copies of demolition and construction waste docket that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on-site at all times during construction.

#### **13. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer in connection with all structural components of the approved works are to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **14. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY**

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to and be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.

#### **15. DILAPIDATION REPORTS**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken. This action is designed to assist all parties should damage occur and is not a preventative action. The dilapidation reports should be completed and submitted to the relevant owner of the affected property, Council and the Principal Certifying Authority prior to undertaking any works that may cause damage

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 is not a condition of consent and cannot be used to prevent the commencement of works or prevent neighbouring buildings being damaged by the carrying out of the development.
- (c) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- (d) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

#### **16. STORMWATER MANAGEMENT**

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

#### **17. ON-SITE STORMWATER DETENTION DETAILS**

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

#### **18. BASIX**

The undertakings provided in the BASIX Certificate and NatHERS documentation 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 Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **19. SOLID FUEL HEATING**

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

## **20. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

The applicant must ensure that the waste generated during the demolition and construction phase complies with the following;

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012 (amendment 6).
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.

- (h) Records are to be retained on-site demonstrating lawful disposal of waste.
- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## **21. SERVICE AUTHORITIES**

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a Construction Certificate.

## **C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION**

### **22. 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.

### **23. 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.

### **24. 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.

### **25. 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 hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

### **26. COMPLIANCE WITH SAFE WORK NSW**

All site works are to comply with the occupational health and safety requirements of SAFE WORK NSW.

### **27. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED**

The following requirements apply to demolition and construction works on site:

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water



spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

## **28. DEMOLITION & SITE PREPARATION**

Hazardous or intractable wastes arising from the demolition process are to be removed and disposed of in accordance with the requirements **SafeWork NSW** and the NSW Environment Protection Authority (EPA), and with the provisions of:

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2017;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2014;

## **29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

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

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

## **30. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the

licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

### **31. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED 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 2014. 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.

### **32. 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; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

### **33. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS**

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.

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

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.

#### **34. NATIONAL CONSTRUCTION CODE (NCC)**

All building work must be carried out in accordance with the requirements of the National Construction Code.

#### **35. CERTIFICATE OF SURVEY – LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans.

#### **36. 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.

#### **37. ESSENTIAL SERVICES - EXISTING BUILDING**

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

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

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



## **D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION**

### **38. OCCUPATION CERTIFICATE**

Prior to occupation or use of the development, the Principal Certifying Authority must issue an Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of the Environmental Planning & Assessment Act 1979 have been satisfied.

### **39. STORMWATER MANAGEMENT**

Prior to issue of an occupation certificate, certification is to be provided from a suitably qualified hydraulics engineer, that the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

### **40. 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.

### **41. WASTE AND RECYCLING STORAGE AND COLLECTION**

*Recommendation for the residential flat building at 127 Hastings Parade, NORTH BONDI NSW 2026 for any strata manager, property manager, strata committee, building manager, property owner for ongoing conditions of consent at the property.*

- a) All waste and recycling storage rooms must be built to meet all appropriate design requirements set of Waverley Council Development Control Plan 2012. All waste and recycling storage rooms must be graded and drained to the sewerage system and approved by Sydney Water.
- b) Waste, recycling and garden organics receptacles must be stored at all times within a building.
- c) A room or caged area with a minimum floor space of 5m<sup>2</sup> must be provided for the storage of discarded bulky items and problem waste, awaiting collection. The doorway of this storage area must be at least 1.5m.
- d) The proposal must have a method for the convenient transportation of waste and recyclables to the communal waste and recycling storage area (i.e. chute systems or a service lift dedicated for the transportation of waste).
- e) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas must be outlined in contracts with the building manager, cleaners and tenants.
- f) Ongoing management of the property is to be in accordance with the approved SWRMP to ensure that appropriate waste and recycling services are provided. Details of ongoing waste management strategy are to be documented within the SWRMP, and reviewed every 5 years to employ updated waste reduction strategies and technologies.

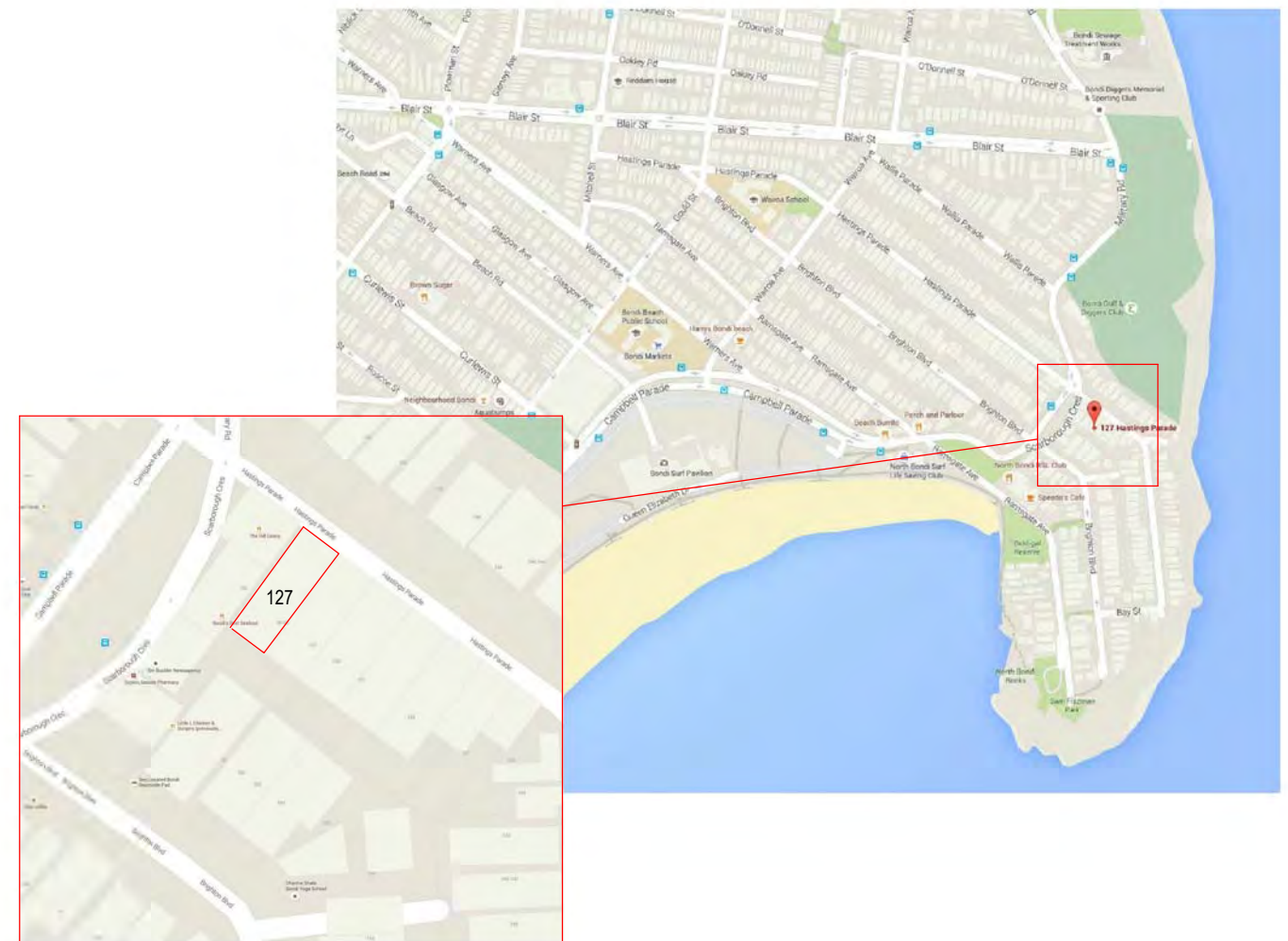
- g) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- h) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- i) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- j) Waste storage rooms or areas are to be located a maximum 10m from pick up point. Waste rooms are not to be used for any purpose other than the storage of waste.
- k) Waste and recycling storage rooms must be: (i) Enclosed to prevent noise, odour and visual impacts; (ii) Designed to store the entire fleet of bins plus 0.2m between bins to allow adequate manoeuvrability room.
- l) Waste generated by a development must not exceed the maximum permitted generation rates for the building use.
- m) Where a change of use, change of tenant or change in waste management practices will result in a variation to the SWRMP, an application is to be made to Council to revise the approved SWRMP.

# DEVELOPMENT APPLICATION

## 5/127 HASTINGS PARADE, NORTH BONDI 2026

RECEIVED  
Waverley Council  
Application No: DA-457/2018  
Date Received: 21/03/2019

# AMENDED PLANS



### DRAWING LIST

NUMBER	DRAWING	REVISION	ISSUE DATE
101	SITE PLAN- EXISTING	G	21/03/2019
102	FLOOR PLANS - EXISTING	G	21/03/2019
103	SITE PLAN- PROPOSED	G	21/03/2019
104	FLOOR PLANS - PROPOSED	G	21/03/2019
401	NORTH AND SOUTH ELEVATIONS - EXISTING	G	21/03/2019
402	EAST AND WEST ELEVATIONS - EXISTING	G	21/03/2019
403	NORTH AND SOUTH ELEVATIONS - PROPOSED	G	21/03/2019
404	EAST AND WEST ELEVATIONS - PROPOSED	G	21/03/2019
501	SECTIONS	G	21/03/2019
601	SHADOW DIAGRAMS	G	21/03/2019
602	SHADOW DIAGRAMS	G	21/03/2019

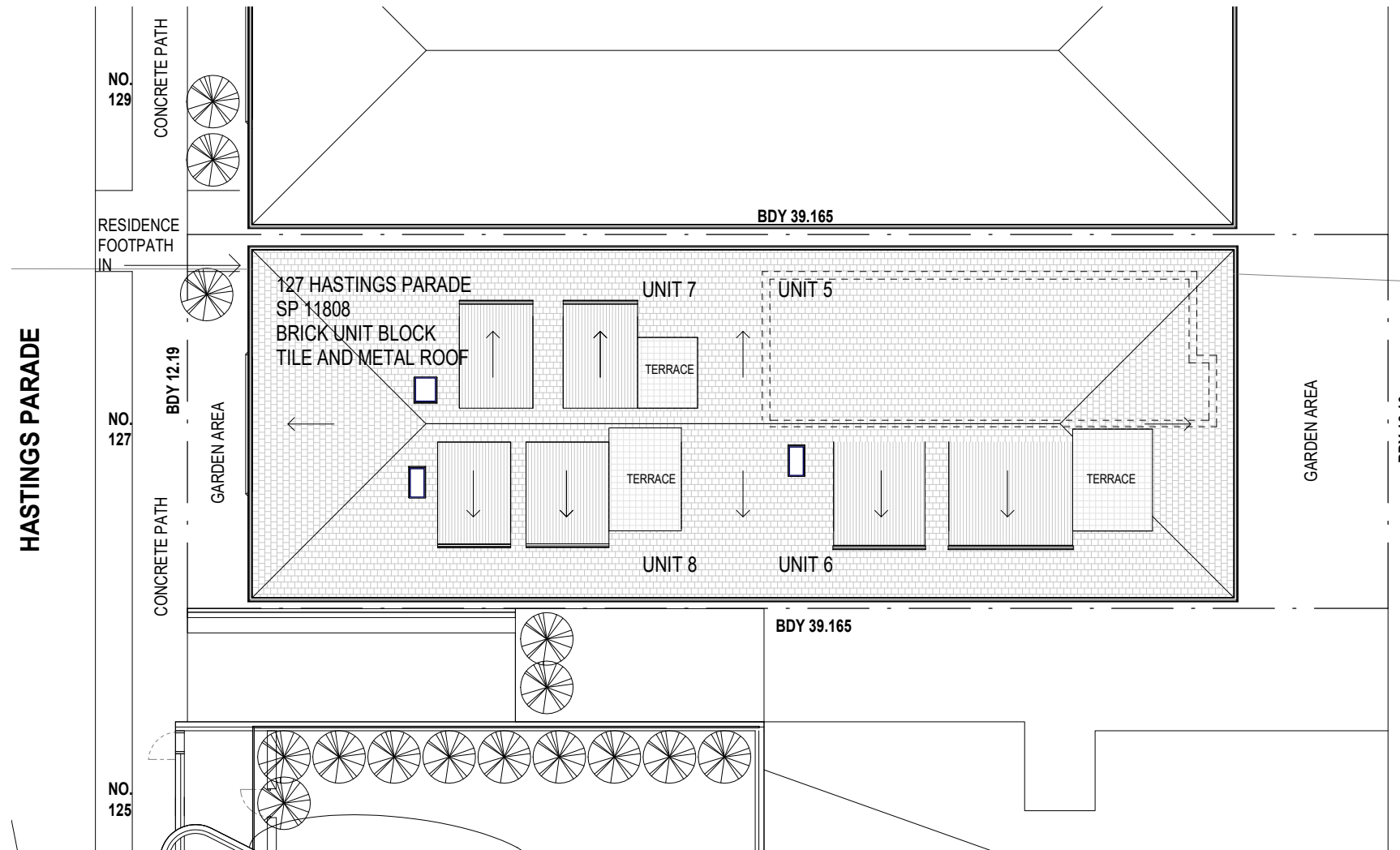


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Waverley Council

Application No: DA-457/2018

Date Received: 21/03/2019

# AMENDED PLANS



**1 SITE PLAN- EXISTING**  
1 : 200

**SITE AREA:** 477.4M<sup>2</sup>

GROUND FLOOR AREA (UNITS 1-4): 256M<sup>2</sup> (INTERNAL) + 19M<sup>2</sup> COMMON AREA OR 306M<sup>2</sup> (INCLUDING COMMON WALLS/AREA)

FIRST FLOOR AREA (UNITS 5-8): 256M<sup>2</sup> (INTERNAL) + 19M<sup>2</sup> COMMON AREA OR 306M<sup>2</sup> (INCLUDING COMMON WALLS/AREA)

ATTIC FLOOR AREA (UNITS 5-8): 85.5M<sup>2</sup> (INCLUDING NEW WALLS) OR 107.7M<sup>2</sup> (INCLUDING TERRACES)

**TOTAL FLOOR AREA (UNITS 1-8): 597.5M<sup>2</sup> + 22.2M<sup>2</sup> TERRACES**

FIRST FLOOR AREA (UNIT 5): 64M<sup>2</sup>

**TOTAL FLOOR AREA (UNIT 5): 64M<sup>2</sup>**



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DATE	REV	NOTES:	DATE	REV	NOTES:
5/09/2016	A	FOR STRATA APPROVAL	5/11/2018	F	FOR DA APPROVAL
6/07/2017	B	FOR STRATA APPROVAL - ADDITION OF PLATFORM FLOOR IN LIVING AREA	21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS
12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE			
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN			
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE			

CLIENT:  
I COCHRAN

PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING:  
**SITE PLAN- EXISTING**

SCALE: 1 : 200

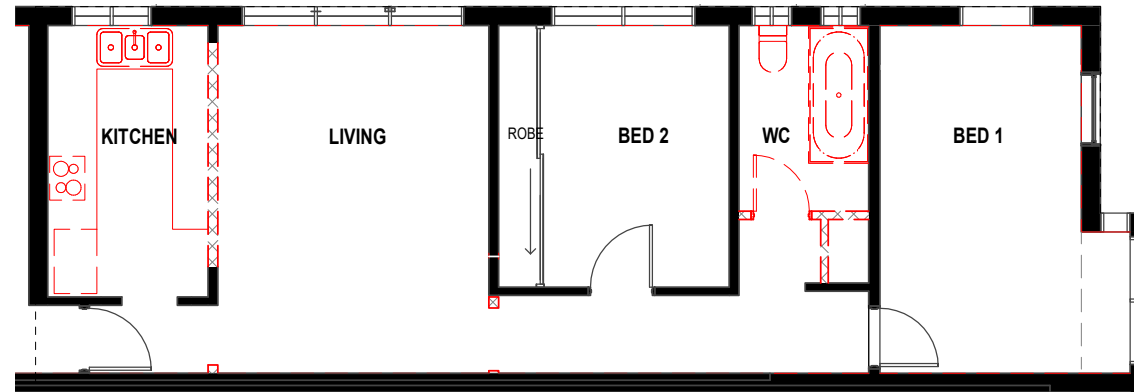
DRAWN BY: SJ

DATE: 21/03/2019

PROJECT: 16/01  
DRAWING: 101

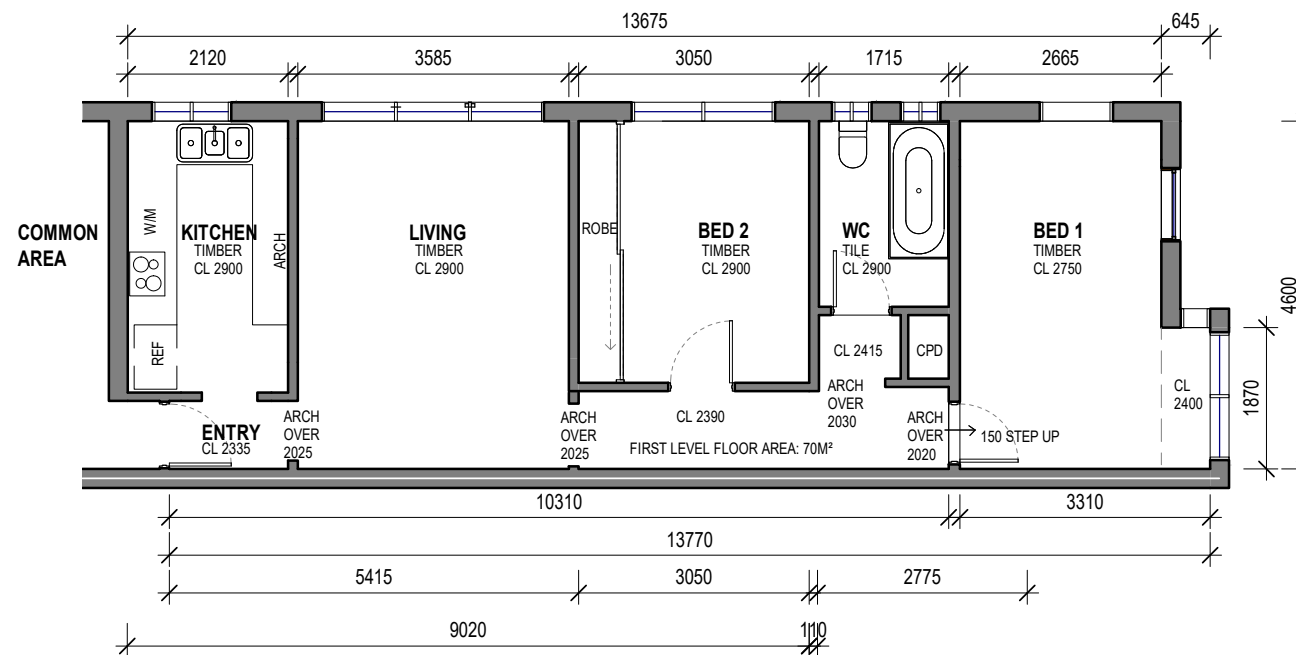
REVISION: **G DA**

# AMENDED PLANS



## 2 UNIT 5 - DEMOLITION

1 : 100



## 1 UNIT 5 - EXISTING

1 : 100



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DATE	REV	NOTES:
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6/07/2017	B	FOR STRATA APPROVAL - ADDITION OF PLATFORM FLOOR IN LIVING AREA
12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE

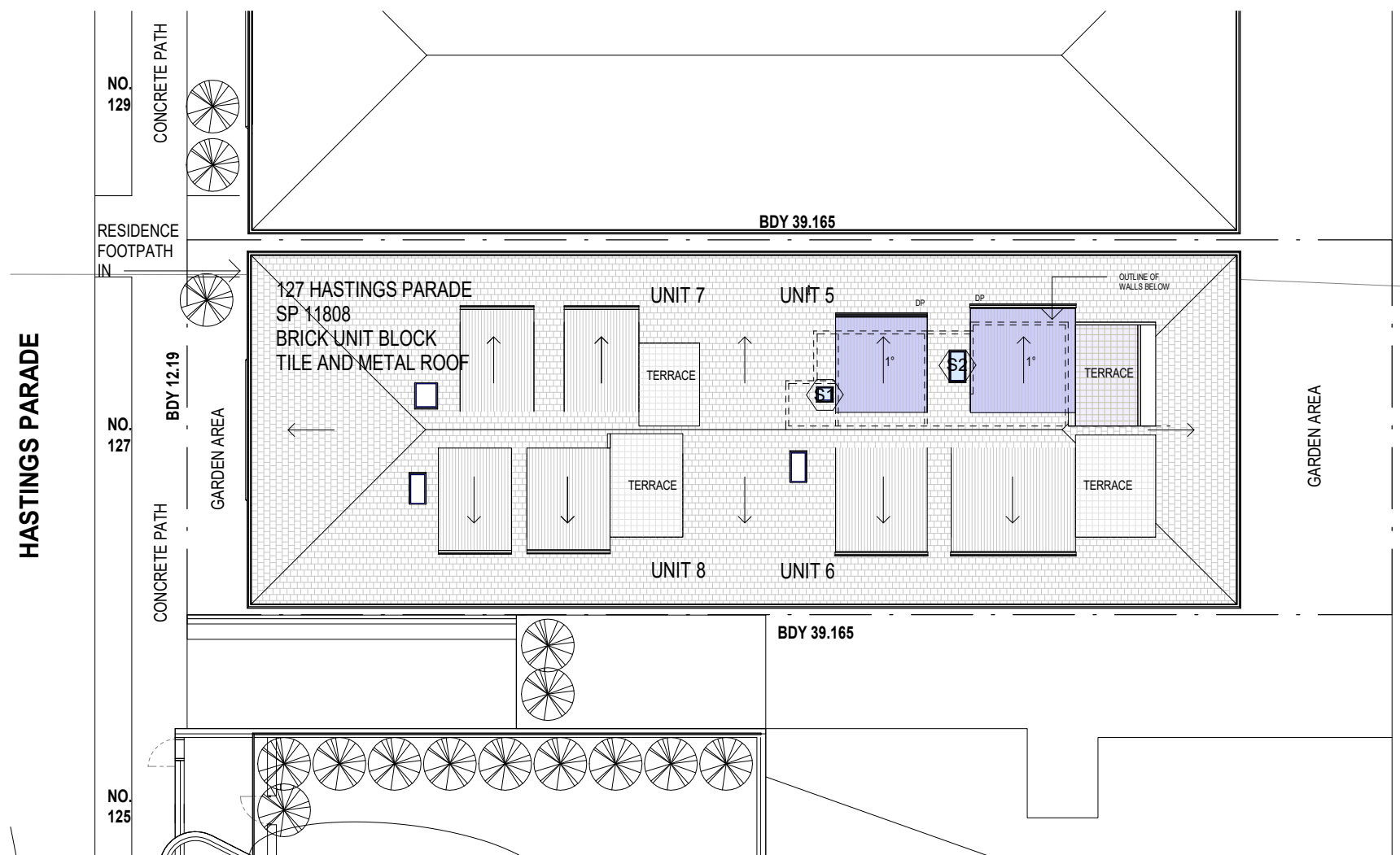
DATE	REV	NOTES:
5/11/2018	F	FOR DA APPROVAL
21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

CLIENT: I COCHRAN
PROJECT ADDRESS: UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING: FLOOR PLANS - EXISTING
SCALE: 1 : 100
DRAWN BY: SJ
DATE: 21/03/2019

PROJECT: 16/01	DRAWING: 102
REVISION: G	DA

# AMENDED PLANS



**1 SITE PLAN- PROPOSED**  
1 : 200

**SITE AREA:** 477.4M<sup>2</sup>

GROUND FLOOR AREA (UNITS 1-4): 256M<sup>2</sup> (INTERNAL) + 19M<sup>2</sup> COMMON AREA OR 306M<sup>2</sup> (INCLUDING COMMON WALLS/AREA)

FIRST FLOOR AREA (UNITS 5-8): 256M<sup>2</sup> (INTERNAL) + 19M<sup>2</sup> COMMON AREA OR 306M<sup>2</sup> (INCLUDING COMMON WALLS/AREA)

ATTIC FLOOR AREA (UNITS 5-8): 112.7M<sup>2</sup> (INCLUDING NEW WALLS) OR 142.3M<sup>2</sup> (INCLUDING TERRACES)

**TOTAL FLOOR AREA (UNITS 1-8): 624.7<sup>2</sup> (INTERNAL) + 29.6M<sup>2</sup> TERRACES**

FIRST FLOOR AREA (UNIT 5): 64M<sup>2</sup>

ATTIC FLOOR AREA (UNIT 5): 27.2M<sup>2</sup> (INCLUDING NEW WALLS)

**TOTAL FLOOR AREA (UNIT 5): 91.2M<sup>2</sup> + 7.4M<sup>2</sup> TERRACE**



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12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE			
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN			
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE			

CLIENT:  
I COCHRAN

PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING:  
**SITE PLAN- PROPOSED**

SCALE: 1 : 200

DRAWN BY: SJ

DATE: 21/03/2019

PROJECT: 16/01

DRAWING: 103

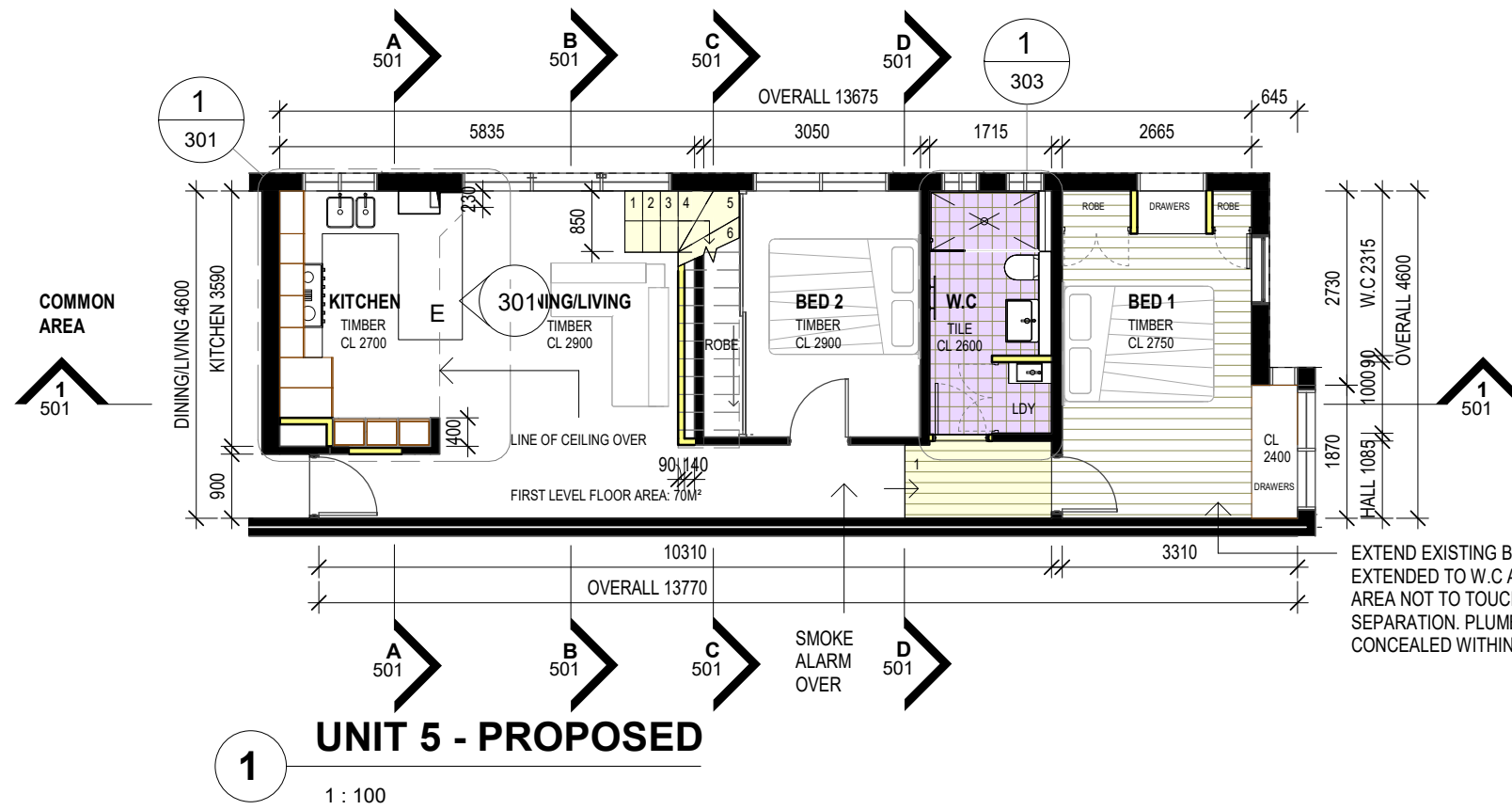
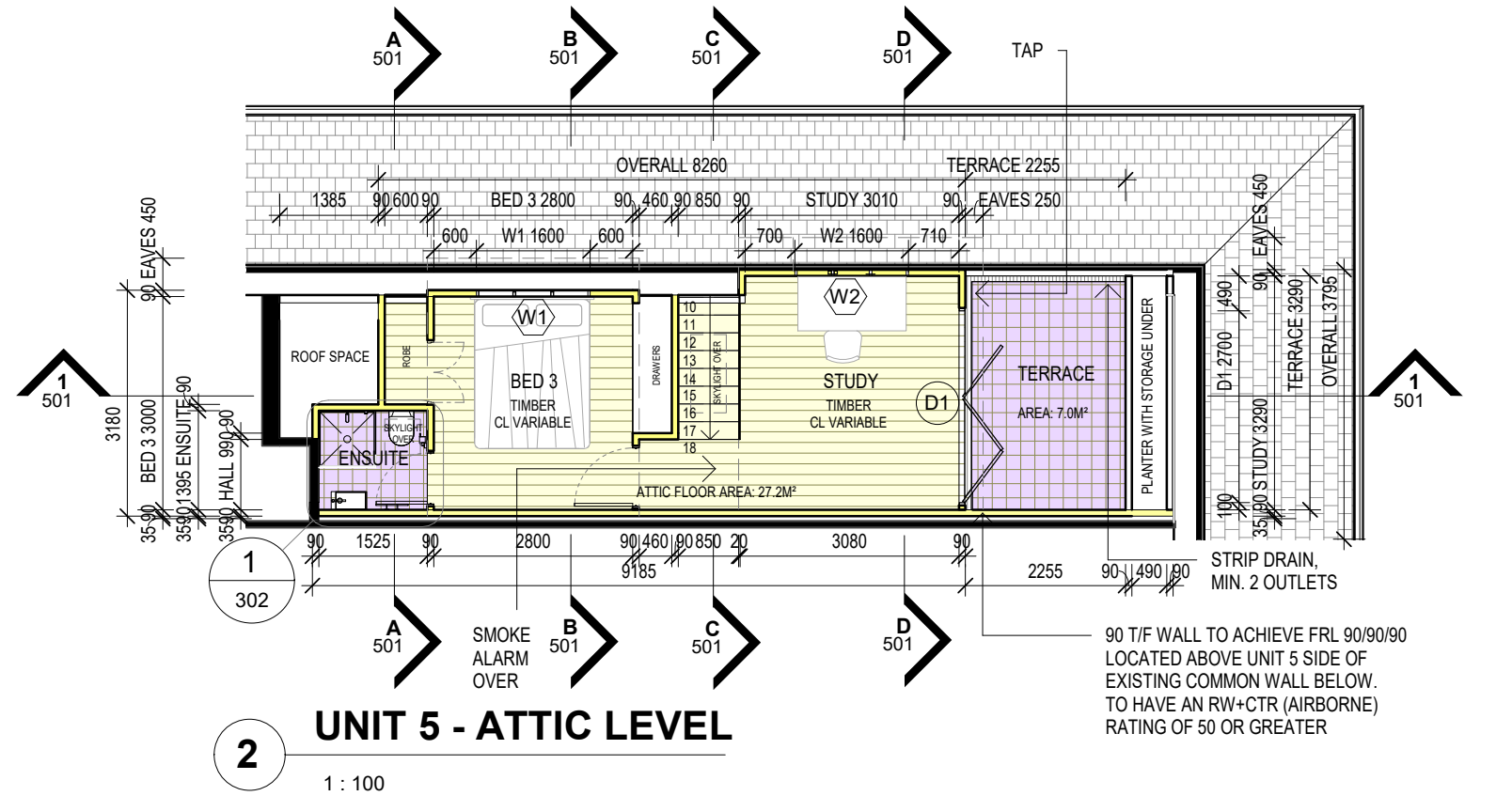
REVISION: **G DA**



# AMENDED PLANS

Application No: DA-457/2018

Date Received: 28/03/2019



**BASIX REQUIREMENTS:**

**LIGHTING:**  
MIN. 40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FLUORESCENT, COMPACT FLUORESCENT OR LED

**FIXTURES:**  
SHOWERHEADS TO HAVE A FLOW RATE NO GREATER THAN 9L PER MINUTE OR A 3 STAR WATER RATING  
TOILETS TO HAVE A FLOW RATE NO GREATER THAN 4L PER AVERAGE FLUSH OR A MIN. 3 STAR WATER RATING  
TAPS TO HAVE A FLOW RATE NO GREATER THAN 9L PER MINUTE OR MIN. 3 STAR WATER RATING

**INSULATION:**  
FLOOR ABOVE EXISTING DWELLING - NIL REQUIREMENT  
EXTERNAL WALLS = R1.30 (OR R1.70 INCLUDING CONSTRUCTION)  
RAKED CEILING WITH SKILLION ROOF - FOIL SARKING WITH R2.50 (UP) IN CEILING

**WINDOWS AND DOOR:**  
TO BE STANDARD ALUMINIUM FRAME WITH SINGLE CLEAR GLAZING (U VALUE 7.63, SHGC 0.75)

**SKYLIGHTS:**  
TO BE TIMBER WITH DOUBLE CLEAR GLAZING (U-VALUE 4.3, SHGC 0.5)



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12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE

DATE	REV	NOTES:
5/11/2018	F	FOR DA APPROVAL
21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

CLIENT:  
I COCHRAN

PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING:  
**FLOOR PLANS - PROPOSED**

SCALE: 1 : 100

DRAWN BY: SJ

DATE: 21/03/2019

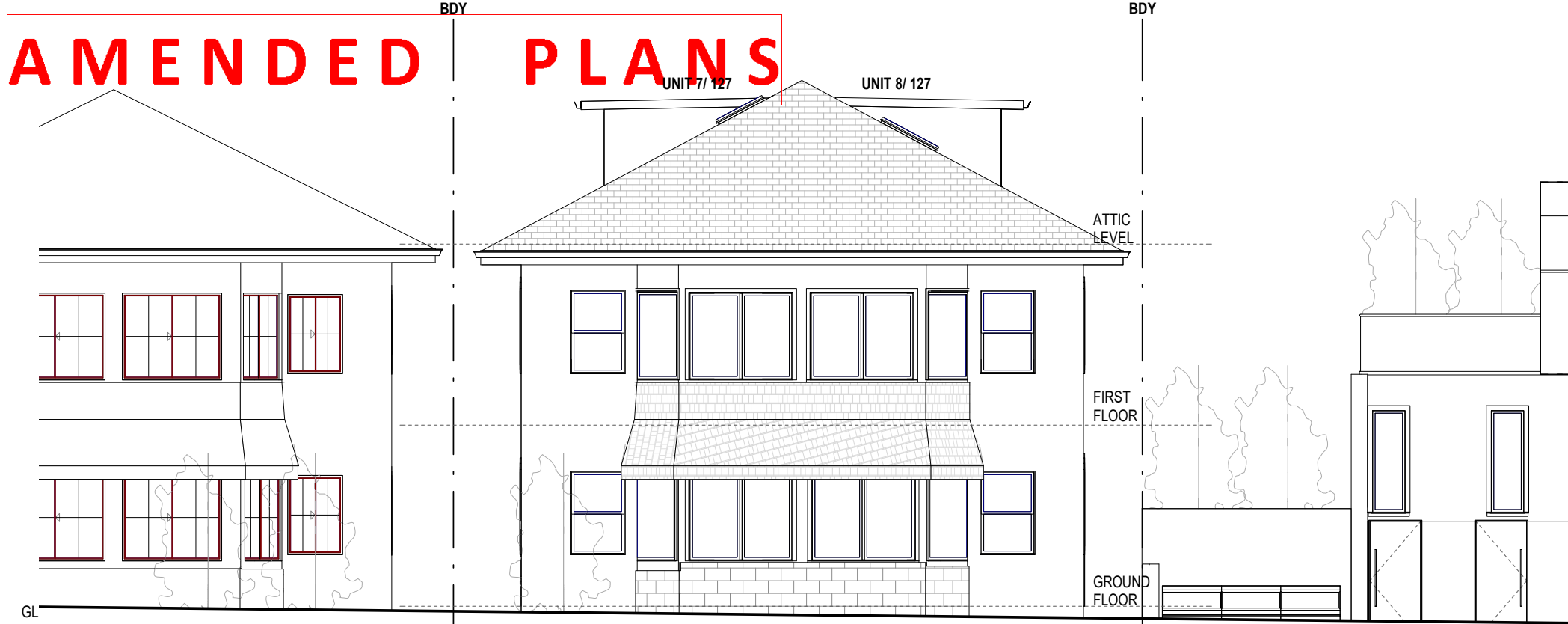
PROJECT: 16/01

DRAWING: 104

REVISION: G DA



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Application No: DA-457/2018  
Date Received: 21/03/2019



**1** NORTH ELEVATION - EXISTING  
1 : 100

NO 129

NO 127

NO 125




**2** SOUTH ELEVATION - EXISTING  
1 : 100

NO. 125

NO. 127

NO.129

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	5/09/2016	A	FOR STRATA APPROVAL	5/11/2018	F	FOR DA APPROVAL	I COCHRAN	NORTH AND SOUTH ELEVATIONS - EXISTING	16/01	401				
	6/07/2017	B	FOR STRATA APPROVAL - ADDITION OF PLATFORM FLOOR IN LIVING AREA	21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS	PROJECT ADDRESS:	SCALE: 1 : 100	REVISION:	G DA				
	12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE				UNIT 5, 127 HASTINGS PARADE, NORTH BONDI	DRAWN BY: SJ						
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN					DATE: 21/03/2019							
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE												

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BDY

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# AMENDED PLANS

UNIT 5/ 127

UNIT 7/ 127

Application No: DA-457/2018

Date Received: 21/03/2019

ATTIC LEVEL

FIRST FLOOR

GROUND FLOOR

GL

## 1 EAST ELEVATION - EXISTING

1 : 100

BDY

BDY

UNIT 8/ 127

UNIT 6/ 127

ATTIC LEVEL

FIRST FLOOR

GROUND FLOOR

GL

## 2 WEST ELEVATION - EXISTING

1 : 100

2



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DATE	REV	NOTES:
5/11/2018	F	FOR DA APPROVAL
21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

CLIENT:  
I COCHRAN  
  
PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

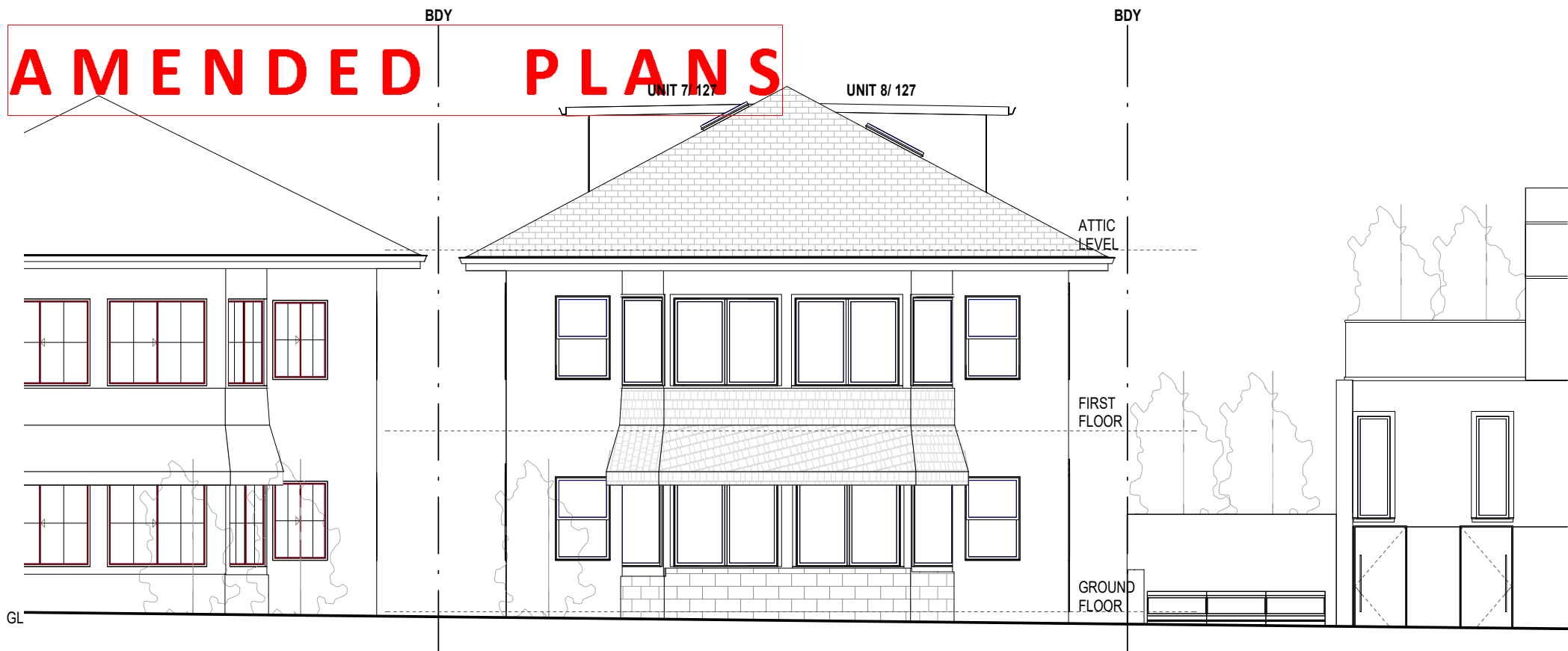
DRAWING:  
**EAST AND WEST ELEVATIONS - EXISTING**  
SCALE: 1 : 100  
DRAWN BY: SJ  
DATE: 21/03/2019

PROJECT: 16/01  
DRAWING: 402  
REVISION: **G DA**

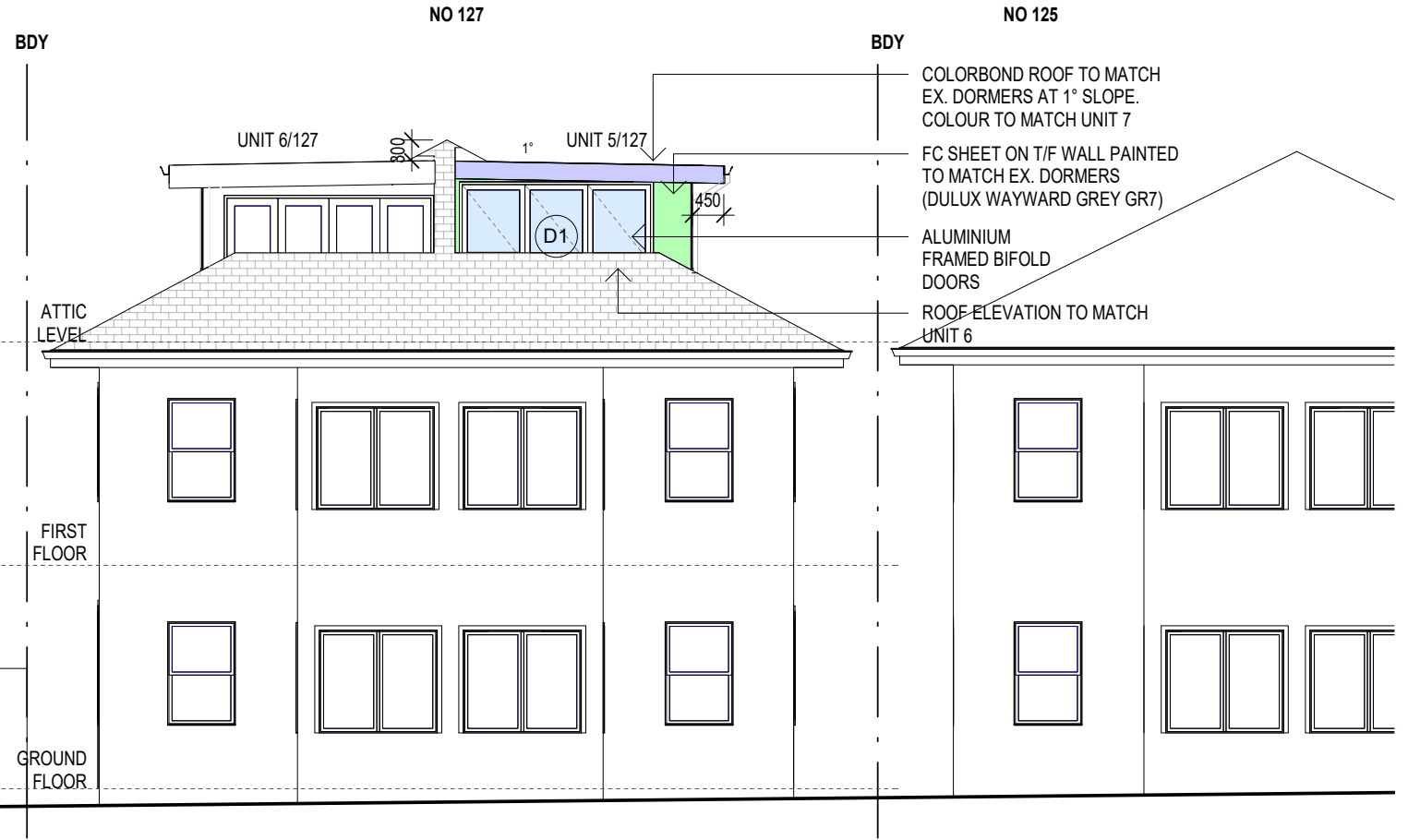
320



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Application No: DA-457/2018  
Date Received: 21/03/2019



**1** NORTH ELEVATION - PROPOSED NO.129  
1 : 100



**2** SOUTH ELEVATION - PROPOSED NO.125  
1 : 100

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	5/09/2016	A	FOR STRATA APPROVAL	5/11/2018	F	FOR DA APPROVAL	I COCHRAN	NORTH AND SOUTH ELEVATIONS - PROPOSED	16/01	403				
	6/07/2017	B	FOR STRATA APPROVAL - ADDITION OF PLATFORM FLOOR IN LIVING AREA	21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS	PROJECT ADDRESS:	SCALE: 1 : 100	REVISION:	G DA				
	12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE			UNIT 5, 127 HASTINGS PARADE, NORTH BONDI	DRAWN BY: SJ	DATE: 21/03/2019						

BDY

BDY

FC SHEET ON 90 T/F WALL PAINTED TO MATCH EX. DORMERS (DULUX WAYWARD GREY GR7)

FC SHEET ON 90 T/F WALL TREATED TO ACHIEVE FRL 90/90/90.

ALUMINIUM FRAMED WINDOWS WITH MAX. OPENING OF 125MM

ROOF ELEVATION AT REAR TO MATCH UNIT 6. APPROX. 1280 ABOVE FFL

INSTALL WINDOW SAFETY DEVICE TO MAX. 125 OPENING ON EXISTING WINDOWS

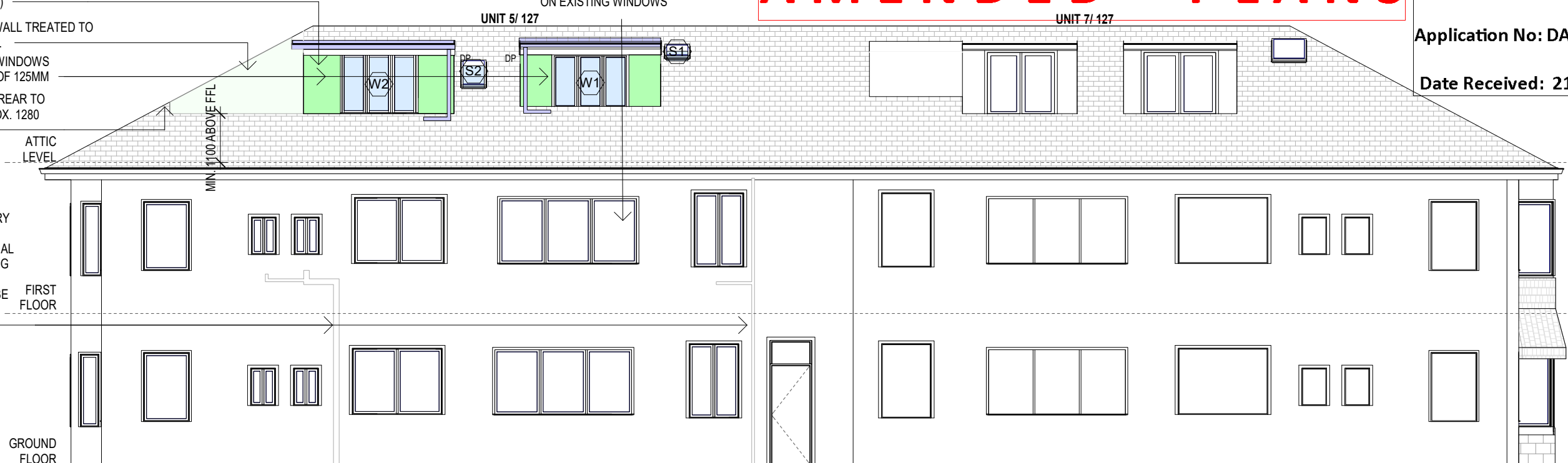
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PLUMBING FOR BATHROOMS, LAUNDRY AND KITCHEN TO CONNECT TO EXTERNAL PIPEWORK IN EXISTING LOCATIONS. UNUSED EXTERIOR PIPES TO BE REMOVED AND WALL MADE GOOD



## 1 EAST ELEVATION - PROPOSED

1 : 100

BDY

BDY

ATTIC LEVEL APPROVED, AS YET UNBUILT



## 2 WEST ELEVATION - PROPOSED

1 : 100

2



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DATE	REV	NOTES:
5/11/2018	F	FOR DA APPROVAL
21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

CLIENT:  
I COCHRAN  
PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING:  
EAST AND WEST ELEVATIONS - PROPOSED  
SCALE: 1 : 100  
DRAWN BY: SJ  
DATE: 21/03/2019

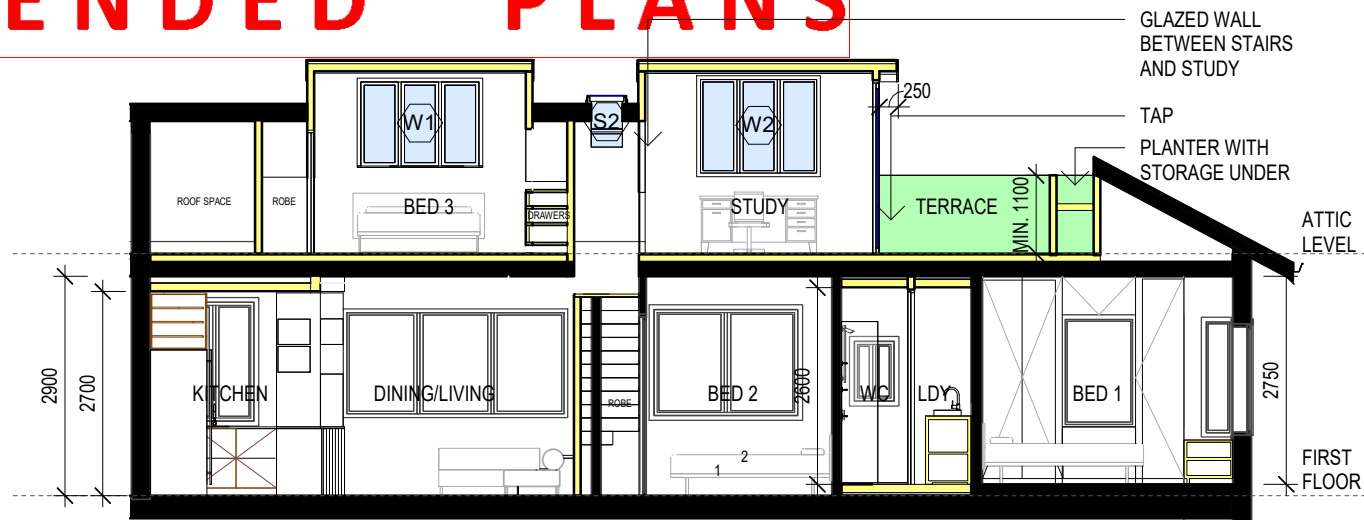
PROJECT: 16/01  
DRAWING: 404  
REVISION: G DA

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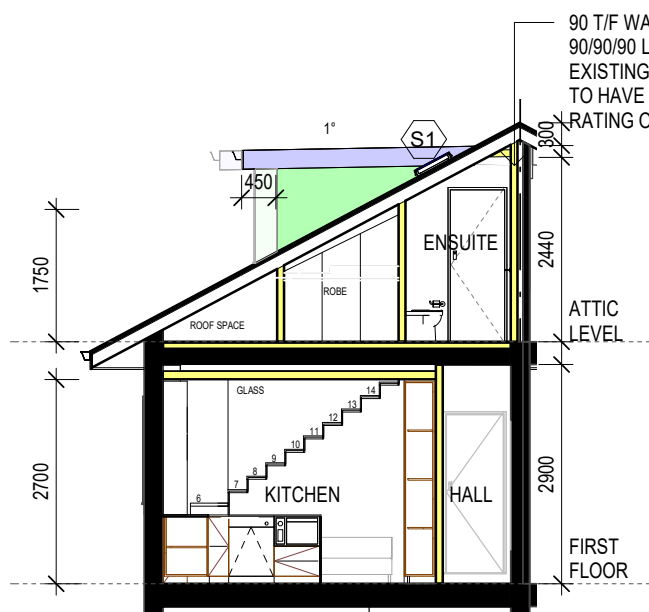
Application No: DA-457/2018

Date Received: 21/03/2019

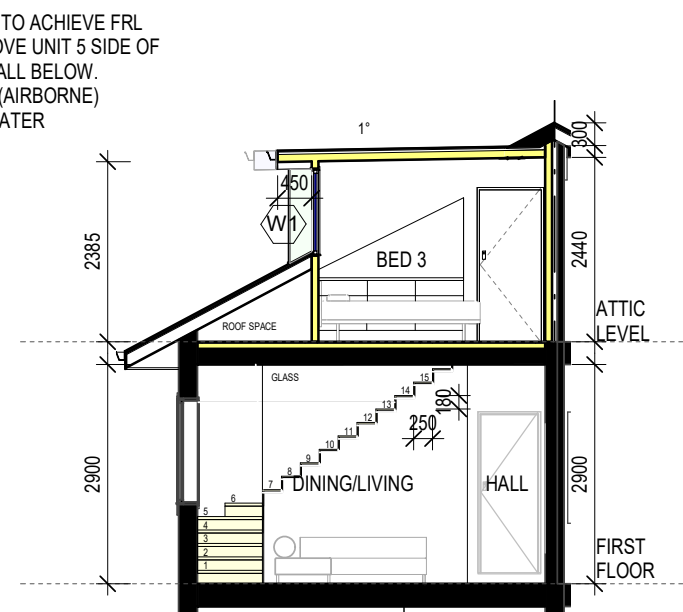
# AMENDED PLANS



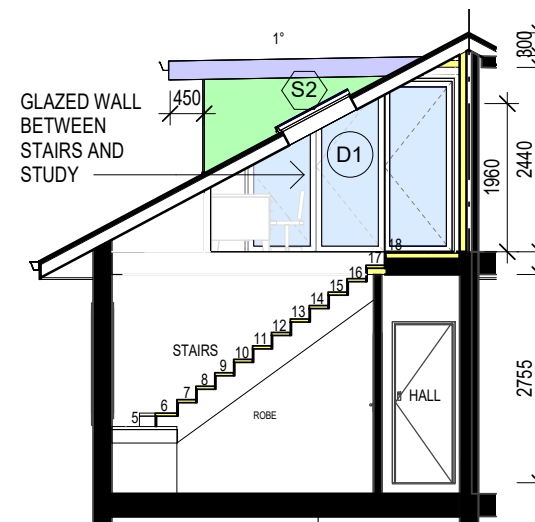
**1 SECTION 1-1**  
1 : 100



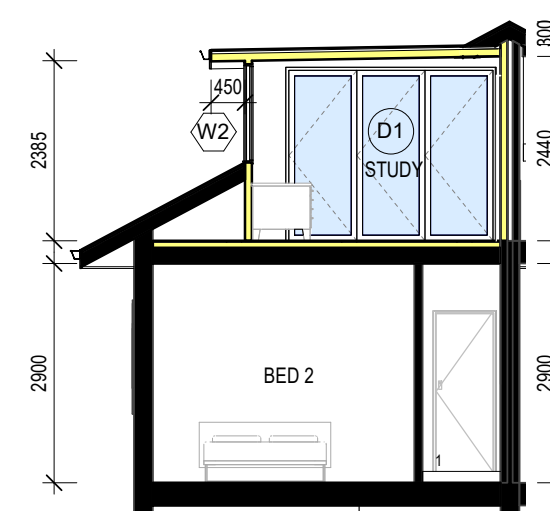
**A SECTION A-A**  
1 : 100



**B SECTION B-B**  
1 : 100



**C SECTION C-C**  
1 : 100



**D SECTION D-D**  
1 : 100



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DATE	REV	NOTES:
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21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

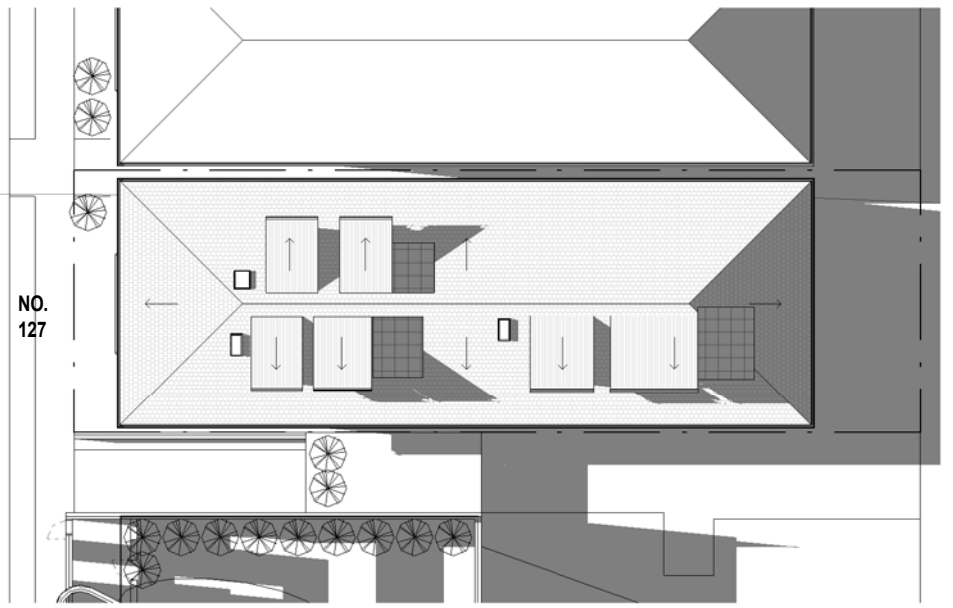
CLIENT: I COCHRAN
PROJECT ADDRESS: UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING: SECTIONS
SCALE: 1 : 100
DRAWN BY: SJ
DATE: 21/03/2019

PROJECT: 16/01	DRAWING: 501
REVISION: G	DA



HASTINGS PARADE



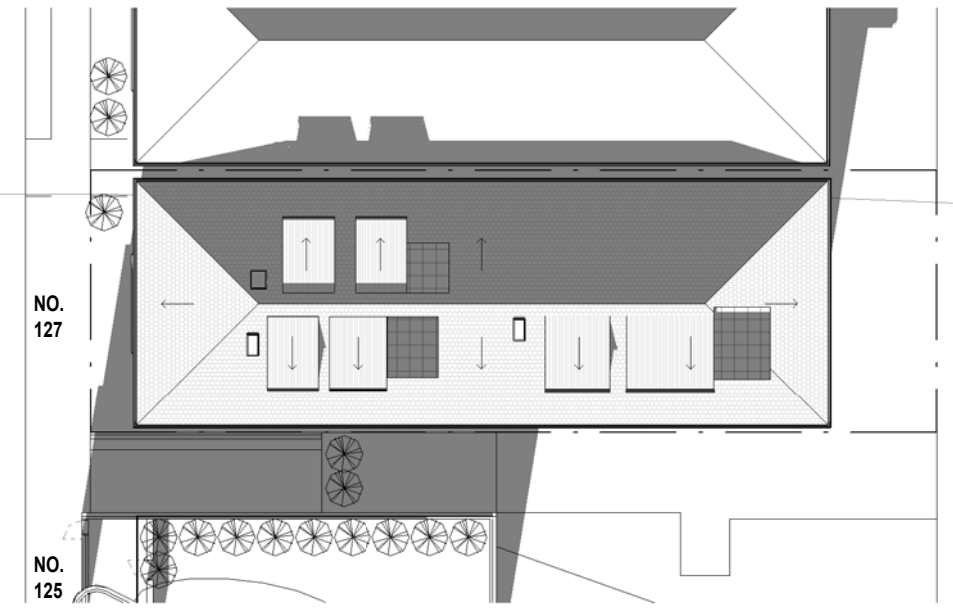
1 JUNE 21 9AM - EXISTING  
1 : 350

HASTINGS PARADE



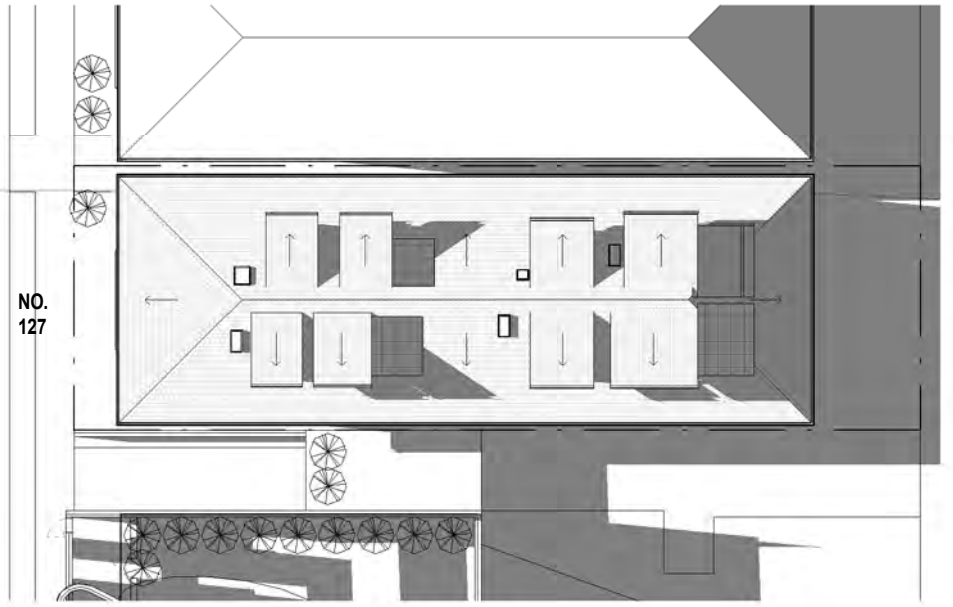
2 JUNE 21 12PM - EXISTING  
1 : 350

HASTINGS PARADE



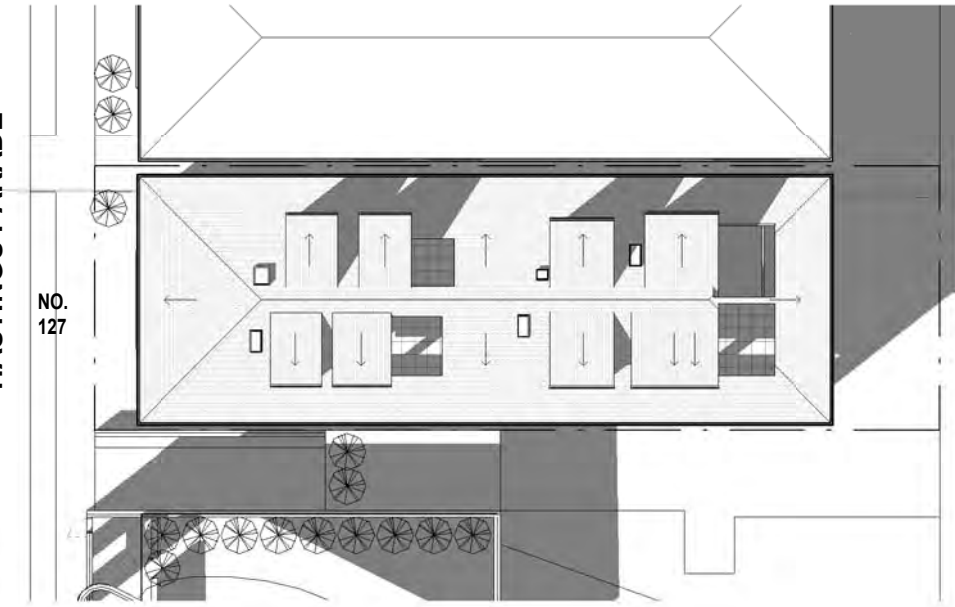
3 JUNE 21 3PM - EXISTING  
1 : 350

HASTINGS PARADE



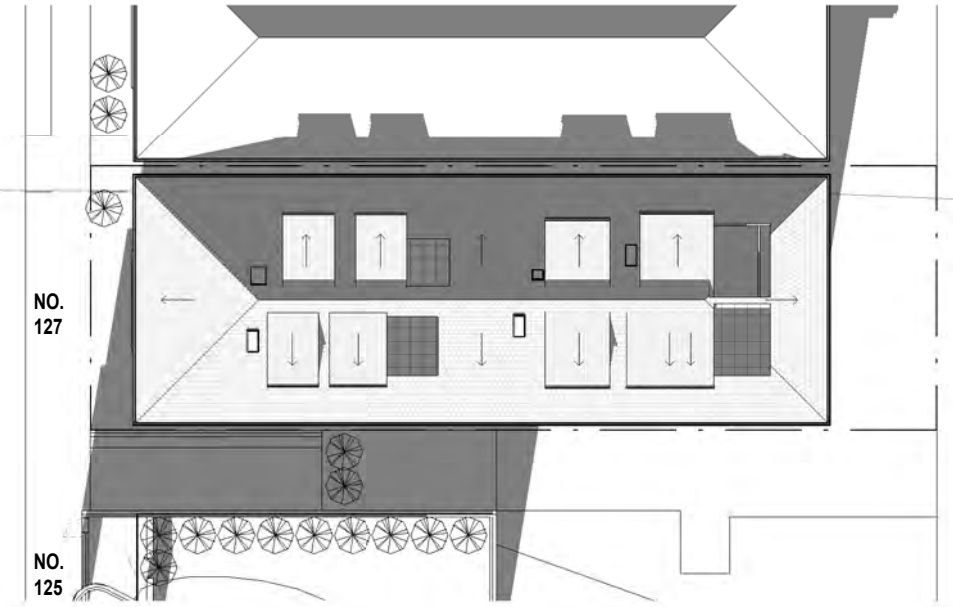
4 JUNE 21 9AM - PROPOSED  
1 : 350

HASTINGS PARADE



5 JUNE 21 12PM - PROPOSED  
1 : 350

HASTINGS PARADE



6 JUNE 21 3PM - PROPOSED  
1 : 350

# AMENDED PLANS

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Application No: DA-457/2018  
Date Received: 21/03/2019



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21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS

CLIENT:  
I COCHRAN  
PROJECT ADDRESS:  
UNIT 5, 127 HASTINGS PARADE, NORTH BONDI

DRAWING:  
SHADOW DIAGRAMS  
SCALE: 1 : 350  
DRAWN BY: SJ  
DATE: 21/03/2019

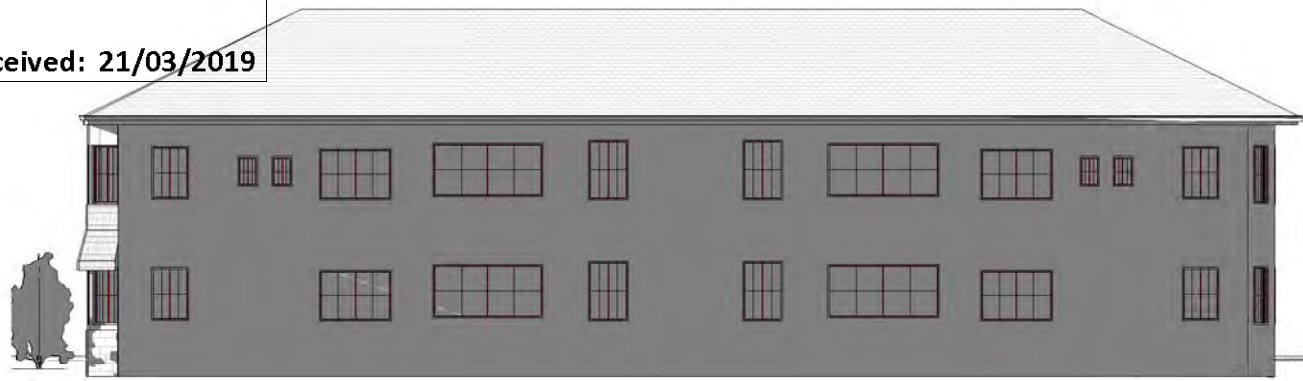
PROJECT:  
16/01 601  
REVISION:  
G DA

RECEIVED  
Waverley Council

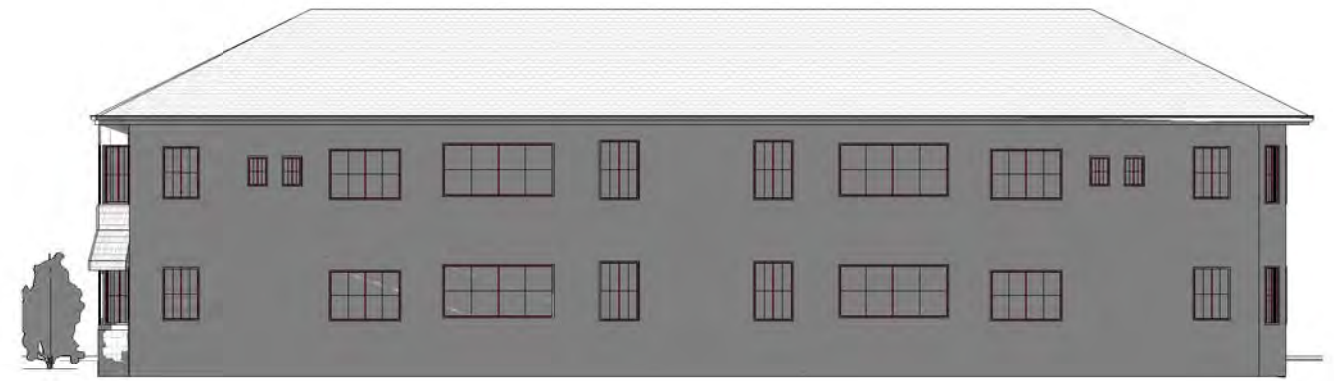
# AMENDED PLANS

Application No: DA-457/2018

Date Received: 21/03/2019



1 JUNE 21 9AM 129 HASTINGS ST - EXISTING



2 JUNE 21 9AM 129 HASTINGS ST - PROPOSED



3 JUNE 21 12PM 129 HASTINGS ST - EXISTING




4 JUNE 21 12PM 129 HASTINGS ST - PROPOSED



5 JUNE 21 3PM 129 HASTINGS ST - EXISTING



6 JUNE 21 3PM 129 HASTINGS ST - PROPOSED

 <p>structure BUILDING DESIGN</p>	<small>COPYRIGHT FOR ALL ARCHITECTURAL DRAWINGS AND INTELLECTUAL PROPERTY RESIDING IN THE DESIGN BELONG TO STRUCTURE BUILDING DESIGN AND MAY NOT BE REPRODUCED WITHOUT THE AUTHOR'S PERMISSION. FIGURED DIMENSIONS ARE TO BE USED IN PREFERENCE TO SCALING. LARGE SCALE DRAWINGS HAVE PREFERENCE OVER SMALL SCALE DRAWINGS.</small>				DATE	REV	NOTES:	DATE	REV	NOTES:	CLIENT:	DRAWING:	PROJECT:	DRAWING:
	5/09/2016	A	FOR STRATA APPROVAL	5/11/2018	F	FOR DA APPROVAL	I COCHRAN	SHADOW DIAGRAMS	16/01	602				
	6/07/2017	B	FOR STRATA APPROVAL - ADDITION OF PLATFORM FLOOR IN LIVING AREA	21/03/2019	G	MODIFICATION TO BALCONY AND FLOOR AREA CALCULATIONS	PROJECT ADDRESS:	SCALE:	REVISION:					
	12/10/2017	C	FOR STRATA APPROVAL - MODIFIED DORMER SIZE				UNIT 5, 127 HASTINGS PARADE, NORTH BOND	DRAWN BY: SJ	G	DA				
17/05/2018	D	FOR STRATA APPROVAL - NEW DESIGN					DATE: 21/03/2019							
25/09/2018	E	FOR STRATA APPROVAL - MODIFIED DORMER SIZE												