



21 August 2018

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, 29 AUGUST 2018**

**QUORUM:** Three Panel members.

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

OR

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

## **AGENDA**

### **WLPP-1808.A Apologies**

### **WLPP-1808.DI Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-1808.1 PAGE 4 3 Cuthbert Street, Queens Park – Alterations and additions including first floor addition and new garage with attic above (DA-496/2017)**

Report dated 16 August 2018 from the Development and Building Unit.

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

### **WLPP-1808.2 PAGE 40 7 Gardyne Street, Bronte – Demolition and construction of new dwelling-house with integrated double garage and swimming pool at frontage (DA-424/2017)**

Report dated 7 August 2018 from the Development and Building Unit.

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

### **WLPP-1808.3 PAGE 91 1/19 Wonderland Avenue, Tamarama – Alterations to existing dwelling including window changes, and BBQ area (DA-35/2018)**

Report dated 14 August 2018 from the Development and Building Unit.

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



**WLPP-1808.4****PAGE 117**

**37 Edward Street, Bondi Beach – Demolition of existing dwelling and erection of part two- and three-storey dwelling and carport (DA-385/2017)**

Report dated 15 August 2018 from the Development and Building Unit.

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

**WLPP-1808.5****PAGE 171**

**59 Brighton Boulevard, Bondi Beach – Demolition of existing building and construction of a three-storey residential flat building with basement car parking, plus strata subdivision (DA-402/2017)**

Report dated 17 August 2018 from the Development and Building Unit.

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

**WLPP-1808.6****PAGE 222**

**101 Hastings Parade, North Bondi – Demolition of existing dwelling and construction of a part two-part three-storey semi-detached dwelling development with integrated garages and Torrens title subdivision (DA-314/2017)**

Report dated 10 August 2018 from the Development and Building Unit.

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

**WLPP-1808.PP****Planning Proposals**

The Panel will provide confidential advice on any planning proposals presented at the meeting.



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-496/2017
<b>Site address</b>	3 Cuthbert Street, QUEENS PARK
<b>Proposal</b>	Alterations and additions including first floor addition and new garage with attic above
<b>Date of lodgement</b>	22 November 2017
<b>Owner</b>	Mr J Gordon and Mrs C Gordon
<b>Applicant</b>	Christie Gordon
<b>Submissions</b>	Six
<b>Cost of works</b>	\$713,393
<b>Issues</b>	Height and FSR non-compliance
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

**Site Map**



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 14 March 2018.

The site is identified as Lot B in DP 444940, known as 3 Cuthbert Street, QUEENS PARK. The site is rectangular in shape with a northern street frontage measuring 6.145m, an eastern side boundary measuring 50.495m, a southern rear boundary facing Bourke Lane measuring 6.235m, and a western side boundary measuring 50.465m. The site has an area of 311.9m<sup>2</sup> and the site falls from the north towards the south by approximately 4m.

The site is occupied by a part one, part two-storey semi-detached dwelling with vehicular access provided from Bourke Lane at the rear in the form of a single vehicle garage.

The subject site is adjoined by semi-detached dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings. The site is located within the Queens Park Heritage Conservation Area however, is not a heritage listed item.

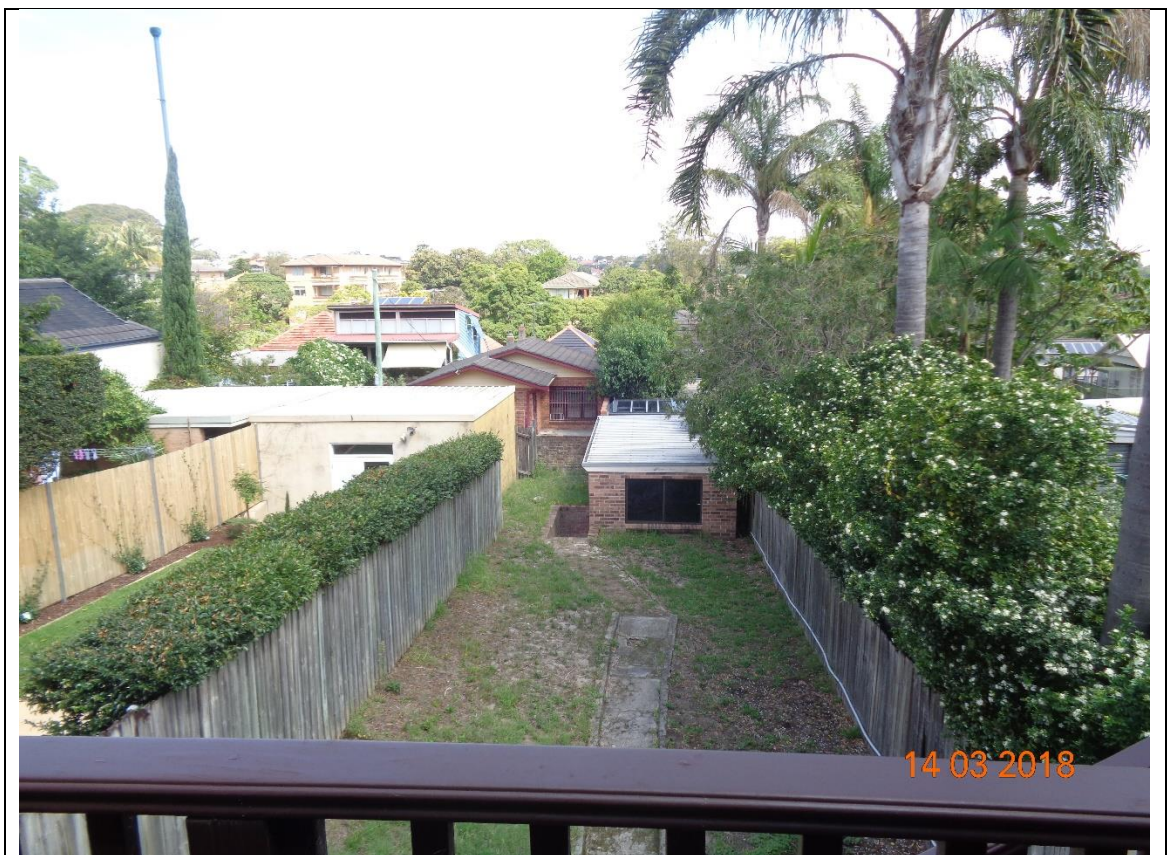


**Figure 1:** Site viewed from Cuthbert Street





**Figure 2:** Existing dwelling viewed from the rear



**Figure 3:** The rear of site and existing garage

## 1.2 Relevant History

### Site history:

A search of Council's building and development records did not find any recent applications relating to the site.

### Application history:

Additional information was requested throughout the assessment process to provide the following documents:

- **Architectural plans**
  - *A roof plan showing the boundaries of the site and roof details of the proposed dwelling and laneway development.*
  - *All floor plans, sections and elevations are to show the boundaries of the site in order to calculate setbacks.*
  - *The proposed rear balcony extending from the living room on ground floor level is to be reduced in depth to 1.5m.*
- **Shadow diagrams**
  - *Shadow diagrams are to be updated to show the boundaries of the sites affected by shadows.*
  - *Please clarify the existing and proposed shadowing – it appears the shadows are reduced from the existing at the front, however this is inaccurate.*
- **Heritage**
  - *Eaves details are to match those of the first floor additions to No. 1 Cuthbert Street including the width of eaves and the use of exposed rafters to eaves.*
  - *Glazed balustrades are to be deleted from the rear balconies/decks and replaced with vertical metal balustrading or solid balustrading.*
  - *The horizontal window to the eastern side gable addition (in the raised section of the existing roof) is to be vertically proportioned and not a horizontal slit window. The vertical slit window to the eastern side elevation is to be divided into separate vertical panels at the existing ground floor eave line, the division matching the height of proposed window sashes.*
  - *New roof tiles are to closely match those of the existing roof.*
  - *To balance the impact of the proposed additions, schedules of maintenance /conservation works to existing detailing and fabric are to be provided.*
- **Survey details**
  - *The proposed plans indicate a maximum height in RLs that varies from the maximum building height approved at the adjoining semi-detached dwelling (1 Cuthbert Street). Clarification is required in regard to the built height of No. 1 Cuthbert Street.*

Additional information has since been submitted to address the above matters. It should be noted that the survey provided by the Applicant has been verified as correct by the surveyor and it appears that the RL's on the plans for the adjoining development at 1 Cuthbert Street were incorrect.

### 1.3 Proposal

The application seeks approval for alterations and additions to the semi-detached dwelling at 3 Cuthbert Street including a first floor addition and new garage with studio above. The works are detailed below.

#### Lower ground floor:

- Excavation to increase the depth of the lower ground floor level to the front of the site, and further extension of the floor level to the rear to include storage, rumpus room and bathroom.
- Demolition of garage and construction of new double garage with attic level above providing a studio at the rear.

#### Ground floor:

- Reconfiguration of floor level and extension to the rear.

#### First floor addition:

- New first floor level comprising two bedrooms including one master bedroom with walk-in robe, ensuite and balcony at the rear.

## 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 does not contravene the aims of this plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a semi-detached dwelling, 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>	No	The proposal reaches a maximum building height of 9.56m which exceeds the maximum height of buildings permitted under this clause.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.76:1</li> </ul>	No	The proposal has a gross floor area of 243.28m <sup>2</sup> equating to an FSR of 0.78:1 which exceeds the maximum FSR permitted under this clause.
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 and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The site is located within the Queens Park Conservation Area. The application has been referred to Council's Heritage Advisor to provide comments; further discussion is provided at the 'Referrals' section of this report.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is located within an area classified as class 5 acid sulfate soils. The proposed works are unlikely to have adverse impacts on the soil given the depth of excavation and relatively minor nature of works.
6.2 Earthworks	Yes	The application seeks approval for excavation at the lower ground floor level. The works are consistent with the development at No. 1 Cuthbert Street (the adjoining semi) and are unlikely to disturb adjoining sites subject to relevant conditions being imposed on the consent.

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 proposal has an overall building height of 9.56m, which exceeds the height of buildings development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.06m or 12.5%.

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 bulk and scale of the proposal is consistent with the nature of development in the immediately surrounding locality.
- The proposed height non-compliance is a direct reflection of the adjoining semi-detached dwelling and therefore will maintain consistency between the pair of dwellings and streetscape.
- The proposal is consistent with the required solar access and privacy controls and does not have any unreasonable adverse amenity impacts to neighbouring properties.
- The height non-compliance is predominantly at the rear of the dwelling and is a direct result of the sloping topography of the site.
- The proposal achieves the objectives of the *Height of Buildings* development standard and of the R2 Low Density Residential zone.

The applicant's written request satisfies subclause (3) and (4) of clause 4.6 of the WLEP 2012 as discussed below.

Implementation of the maximum height of buildings development standard is considered unreasonable and unnecessary on this site given the proposed works seek to match the height and bulk of the semi-detached dwelling at No. 1 Cuthbert Street which forms the subject dwelling's pair. Works to pairs of semi-detached dwellings are encouraged to remain consistent with each other in regard to height, bulk, setbacks and architectural design. The proposal achieves these outcomes via the proposed height. Given the steep topography of the site and the fall towards the rear, the non-compliance is not perceived as being excessive from the Cuthbert Street frontage, and the height is a technical non-compliance at the rear of the dwelling.

In this regard, there are sufficient planning grounds to justify the non-compliance and it is considered that the proposal is in the public interest given the consistency with the objectives outlined in both the height development standard and the zoning. That is, the proposal is compatible with the height, bulk and scale of the desired future character of the locality and contributes to the physical definition of the street network by providing consistency between the pair of semi-detached dwellings. The proposal provides for the housing needs of the community within the low density residential environment.

Accordingly, the variation to the height development standard is supported.



#### *Clause 4.4 Floor space ratio*

The proposal has an overall floor space ratio of 0.78:1, which exceeds the floor space ratio development standard of 0.76:1 prescribed under clause 4.4A of Waverley LEP 2012 by 6.2m<sup>2</sup> in gross floor area or 2.6%.

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 bulk and scale of the proposal is consistent with the nature of development in the immediately surrounding locality.
- The proposed FSR non-compliance is a direct reflection of the adjoining semi-detached dwelling and therefore will maintain consistency between the pair of dwellings and streetscape.
- The proposal is consistent with the required solar access and privacy controls and does not have any unreasonable adverse amenity impacts to neighbouring properties.
- The FSR non-compliance is a direct result of the sloping topography of the site and the provision of a two-storey dwelling facing Cuthbert Street and a three storey presentation to the rear lane.
- The proposal achieves the objectives of the FSR development standard and of the R2 Low Density Residential zone.

The applicant's written request satisfies subclause (3) and (4) of clause 4.6 of the WLEP 2012 as discussed below.

Implementation of the FSR development standard is considered unreasonable and unnecessary on this site given the proposed works seek to match the bulk and scale of the semi-detached dwelling at No. 1 Cuthbert Street which forms the subject dwelling's pair. Any works to pairs of semi-detached dwellings are encouraged to remain consistent with each other in regard to height, bulk, setbacks and architectural design. The proposal achieves these outcomes via the proposed FSR. Given the site's steep topography and fall towards the rear, the non-compliance is not perceived as being excessive from the street frontage of the building, and a large portion of the bulk comes from the partially below ground floor level (lower ground floor) which is consistent with the character of development at the adjoining dwelling and other dwellings in this row along Cuthbert Street.

In this regard, there are sufficient planning grounds to justify the non-compliance and it is considered that the proposal is in the public interest given the consistency with the objectives outlined in both the FSR development standard and the zone. That is, the proposal provides an appropriate correlation between the maximum building height and density controls, the building is compatible with the bulk, scale, streetscape and desired future character of the locality, and the proposal ensures retention of environmental amenity of neighbouring properties in light of the north-south running site resulting in minimal overshadowing to neighbouring dwellings on either side and ensuring reasonable retention of privacy. The proposal provides for the housing needs of the community within the low density residential environment.

Accordingly, the variation to the FSR development standard is supported.

#### 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	A Site Waste and Recycling Management Plan has been submitted with the application which is satisfactory with regard to this clause, subject to relevant conditions recommended in Appendix A.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application which is satisfactory with regard to this clause, subject to relevant conditions recommended in Appendix A.
5. Tree preservation	Yes	The application does not seek to remove any trees. Relevant conditions are recommended in Appendix A to ensure protection of nearby trees during construction.
6. Stormwater	Yes	The proposal has been reviewed by Council's Creating Waverley Design Engineer who has confirmed the application is satisfactory with regard to stormwater. Further discussion is provided at the 'Referrals' section of this report, and relevant conditions are recommended in Appendix A.
8. Transport	Yes	The proposed car parking is generally consistent with the objectives and controls of this section of the DCP. Further detailed discussion of the car parking is provided at table 3 of this report.
9. Heritage	Yes	Council's Heritage Advisor has provided comments at the 'Referrals' section of this report. The proposal is generally consistent with the objectives and controls of this section.

**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>	Yes - merit	The proposal reaches a maximum flat roof height of 9.56m at the very rear of the dwelling. Whilst this exceeds the allowable height control for flat roofs, it is consistent with the adjoining semi-detached dwelling and a reduced height to comply would result in the pair of dwellings not being cohesive and appearing clumsy when viewed from the rear. In this regard, it is expected that any additions to the subject dwelling would result in the height of the additions to generally match those at No. 1 Cuthbert Street, and therefore the height non-compliance is supported on merit.
1.1.2 External wall height <ul style="list-style-type: none"> <li>Maximum external wall height of 7m</li> </ul>	Yes - merit	The external wall height at the front portion of the dwelling where the roof is comprised of a pitched form is 7.9m at the maximum. As discussed above, whilst this exceeds that allowable for pitched roof forms, the proposal seeks to match the works that have already been undertaken at the adjoining semi, and therefore the non-compliance is supported on merit to ensure the pair of dwellings appear symmetrical.
<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	All three floor levels do not extend beyond the front and rear of the corresponding levels at the adjoining semi in the pair, No. 1 Cuthbert Street. These building lines are generally consistent with Nos. 5 and 7 Cuthbert Street which are in the same row of dwellings. It is considered suitable that the proposal aligns with the setbacks of the adjoining semi (no. 1 Cuthbert Street).
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	Yes	The outer side setbacks of the dwelling are in excess of 900mm at the lower ground, ground and first floor levels.
<b>1.3 Excavation</b>		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	Yes	The proposal seeks to extend the lower ground floor level including excavation towards the front of the site. The excavation is set back 900mm from side boundaries. The proposed use of the lower ground floor level is for rumpus, shower and storage which do not require a high level of amenity. The lower ground floor level



Development Control	Compliance	Comment
10m <sup>2</sup> in area 1.5m deep		<p>and west. The proposed balcony at the first floor level complies with the maximum size of balconies.</p> <p>Given the sufficient separation distance between the subject property and the dwellings located on the opposite side of Bourke Lane (to the south), the proposed balconies and new windows on the rear elevations are considered acceptable having regard to privacy impact. There is an established character of balconies at the ground and first floor levels of the dwellings located along this part of Cuthbert Street.</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> </ul>	Yes	<p>The living area windows and balconies are on the southern side of the building which does not enable solar access during 9am and 3pm. The rear open space is already overshadowed by the subject site and the three-storey height/bulk of adjoining properties. Unfortunately this is a result of the orientation of the site and as it is an existing constraint of the site, it is considered acceptable.</p>
<ul style="list-style-type: none"> <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	<p>The rear of the site and the adjoining properties are orientated to the south and due to the three-storey scale of the adjoining buildings, the rear yard, balconies and any associated windows on the rear elevation presently receive little solar access on the winter solstice. Given the orientation of the site, the additional overshadowing is likely to fall within existing shadows and any additional overshadowing is not considered unreasonable given the scale of the adjoining properties which already overshadow the subject site and themselves. In this regard, the overshadowing impacts of the proposal are considered acceptable.</p> <p>Overshadowing from the laneway structure will predominantly fall on the laneway and given that this a low height structure, this is not considered unreasonable.</p>

<b>1.11 Car parking</b>		
<b>1.11.1 Parking rates</b> <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	The proposal seeks approval for a double vehicle garage which is consistent with this clause.
<b>1.11.2 Location</b> <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	The location of the existing car parking is retained at the rear of the site gaining access from Bourke Lane.
<b>1.11.3 Design</b> <ul style="list-style-type: none"> <li>Car parking is to complement the style, massing and detail of the dwelling</li> </ul>	Yes	The proposed garage replaces the existing garage in the same location. The proposed garage is consistent with the character of car parking along Bourke Lane.
<b>1.11.4 Dimensions</b> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	The garage has dimensions of 5.8m x 6.07m which is sufficient to accommodate two vehicles.
<b>1.11.5 Driveways</b> <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	The proposal has one driveway located in the same position as the existing which is characteristic of the car parking located along this stretch of Bourke Lane.
<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</li> <li>Front open space: 50% of front building setback</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes	Overall open space: 164m <sup>2</sup> (52%)
	Yes	Overall landscaped area: 93m <sup>2</sup> (30%)
	Yes	Private open space: > 25m <sup>2</sup>
	N/A	No change to existing front setback
	N/A	No change to existing front setback
<b>1.14 Laneway development</b>		
<b>1.14.1 General design provisions</b> <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	The proposed laneway development measures up to 5.9m in height with an external wall height of 3.6m.
	Yes	The proposed dormer windows on the eastern and western roof slopes are set down 300mm from the ridgeline but are only 187mm from the outer garage walls. The width of the dormers does not exceed 50% of the width of the associated roof.
	No	
	Yes	Whilst the proposed dormers are only set back 187mm from the outer side garage walls, given

<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> <li>• The windows to above garage accommodation and storage areas are to incorporate privacy screening, translucent glazing, offset windows or other discrete detailing to maintain neighbours privacy</li> </ul>	Yes	<p>the narrow width of the dormers and the absence of windows, they do not have any unreasonable impacts on neighbouring properties.</p> <p>Amended garage floor and roof plans demonstrate that the proposed attic room complies with the minimum required ceiling heights for attics in accordance with the Building Code of Australia.</p> <p>The proposed dormers and roof design are supported on merit.</p> <p>The proposed skylight/velux windows located on the side roof elevations of the laneway structure (attic room) will not have unreasonable visual privacy impacts upon neighbouring properties as the outlook is oblique and predominantly to the sky. The windows on the front and rear elevation of the laneway structure similarly do not have unreasonable impacts being with raised sill heights.</p>
<p>1.14.2 Laneway development in conservation areas</p> <ul style="list-style-type: none"> <li>• Roof forms to reflect those of the Conservation Area</li> <li>• The massing and roof line are to align with garage/studios on neighbouring sites</li> </ul>	<p>Yes</p> <p>Yes</p>	<p>The proposed garage and attic built form generally reflect those at Nos. 9 and 15 Cuthbert Street. The garage and attic aligns with the predominant building line established along this section of Cuthbert Street, and the built form represents a suitable bulk and scale having regard to the existing laneway development in the vicinity of the site.</p>

## 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*.

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

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

Property
1 Cuthbert Street
5 Cuthbert Street
7 Cuthbert Street
4 Bourke Lane
2 Arnold Street
6 Arnold Street

***Issue: Overshadowing***

**Response:** An assessment of the overshadowing impacts is provided at section 1.9 of table 3 of this report, and the impacts are considered reasonable.

***Issue: Loss of visual and acoustic privacy***

**Response:** The proposal provides a built form comprising balconies and windows that reflect the character of development in the locality, and the proposal does not result in unreasonable visual or acoustic privacy impacts as discussed at section 1.8 of table 3 of this report.

***Issue: Non-compliance with FSR and height standards and overall bulk***

**Response:** A clause 4.6 written request has been submitted for both the FSR and height of buildings development standards which are discussed throughout this report. The proposal is generally consistent with the bulk and scale established at the adjoining semi-detached dwelling and other dwellings in the locality.

***Issue: Loft to be used for Airbnb or dual occupation and associated density impacts (ie traffic and parking)***

**Response:** The proposed attic room above the garage is not approved as a secondary dwelling. Therefore if this use is sought, a further application will be required to be submitted to Council. In regards to renting or letting of a room this does not warrant refusal of the application.

***Issue: Structural stability of neighbouring properties***

**Response:** Relevant conditions will be imposed on the consent to ensure stability of adjoining sites.

***Issue: Development is inconsistent with the character of the existing streetscape***

**Response:** The proposed development matches the additions at the adjoining semi-detached dwelling (No. 1 Cuthbert Street). The proposed additions are set back from the street frontage of the dwelling and are cohesive with the character of the existing dwelling and the pair of semi-detached dwellings.



***Issue: All easements and covenants should be maintained***

**Response:** As per clause 1.9A of the WLEP 2012, any covenants, agreements and instruments not imposed or required by Council do not apply. Further, a condition is imposed on the consent ensuring that all works are within the boundaries of the subject site and therefore ownership and access to the neighbouring site should not be required or affected.

***Issue: Side facing windows on the garage/studio structure***

**Response:** The proposal does not provide windows on the dormers located on the side elevations of the studio/garage structure. The proposed skylights/velux windows located on the side roofing will not unreasonably impact upon the privacy of adjoining properties as previously discussed in this report.

***Issue: Use of brick on top level inappropriate material***

**Response:** The materiality of the proposal is considered suitable for the site and proposed development.

***Issue: Incorrect drawing of plans***

**Response:** The architectural plans are based on survey information supplied by the applicant and undertaken by a registered surveyor.

***Issue: No. 1 Cuthbert built form should not be replicated at the subject site***

**Response:** The built form at No. 1 Cuthbert Street has been approved by Council and the proposed works match that at No. 1 Cuthbert Street which form a pair of semi-detached dwellings. The built form is considered suitable and is consistent with the expected future character of development for this site.

## **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 Driveways – Creating Waverley**

The application has been reviewed by Council's Driveways Engineer and the comments received are summarised below.

The plans have been examined and the application is considered suitable with respect to driveways, subject to relevant conditions being imposed on the consent.

In light of the above comments, relevant conditions will be imposed on the consent.

### **3.2 Stormwater – Creating Waverley**

The application has been reviewed by Council’s Design Engineer and the comments received are summarised below.

The plans have been examined and are considered satisfactory with respect to the stormwater details, subject to relevant certification prior to the issue of an Occupation Certificate.

In light of the above comments, relevant conditions will be imposed on the consent.

### **3.3 Heritage – Shaping Waverley**

The application has been reviewed by Council’s Heritage Advisor and the comments received are summarised below.

To maintain the contributory value of the existing residence and the symmetry of the paired residences at 1&3 Cuthbert Street it is recommended that:

- Eaves details are to match those of the first floor additions to No. 1 Cuthbert Street including the width of eaves and the use of exposed rafters to eaves.
- Glazed balustrades are to be deleted from the rear balconies/decks and replaced with vertical metal balustrading or solid balustrading.
- The horizontal window to the eastern side gable addition [in the raised section of the existing roof] is to be vertically proportioned and not a horizontal slit window. The vertical slit window to the eastern side elevation is to be divided into separate vertical panels at the existing ground floor eave line, the division matching the height of proposed window sashes.
- Where windows align with those to the adjacent residence at 5 Cuthbert Street these should be relocated or deleted.
- New roof tiles are to closely match those of the existing roof.
- To balance the impact of the proposed additions, schedules of maintenance/conservation works to existing detailing and fabric are to be provided.

In light of the above comments, the application was deferred to address the issues raised above. The amended plans generally satisfy these issues subject to conditions of consent. The proposal retains the glazed balustrades on the rear balconies which is considered acceptable given there is no consistency with the style of balustrades on the rear balconies along this row of dwellings in Cuthbert Street.

#### 4. SUMMARY

The application seeks approval for alterations and additions to the semi-detached dwelling at 3 Cuthbert Street, Queens Park including a first floor addition and new garage with attic room above.

The proposal exceeds the permissible FSR and height of buildings development standards stipulated in the WLEP 2012. However, the proposed built form is consistent with that of the adjoining dwelling (No. 1 Cuthbert Street) and generally reflects the character of development in the locality.

The application was notified and received six submissions which have been discussed throughout this report.

In light of the assessment made throughout this report, the application is 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:**

Alice Hanigan  
**Development Assessment Planner**

Kylie Lucas  
**Acting Manager, Development Assessment**

**Date: 18 June 2018**

**Date: 16 August 2018**

**Reason for referral:**

- 1 Development Applications for Class 1 and 10 buildings that receive 4 or more unresolved objections.

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

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan No 18/17A sheet 1 prepared by Peter Banfield and received by Council on date 30 April 2018 and Architectural Plan No 18/17A sheet 2 prepared by Peter Banfield and received by Council on date 1 June 2018,
- (b) BASIX Certificate;
- (c) Stormwater Details and documentation; 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. HERITAGE**

To balance the impact of the proposed additions, schedules of maintenance/conservation works to existing detailing and fabric are to be provided.

#### **3. DOMESTIC HEATERS**

The provision of solid fuel heating/cooking appliances is prohibited.

#### **4. USE OF DWELLING**

The premises, including the rear studio/laneway development are to be used only as a single unit dwelling house. In this regard, the use of the rear studio/laneway development as a secondary dwelling requires separate development consent.

#### **5. FENCING**

No consent is granted for new fencing. Any new front or side boundary fencing shall be subject to a separate development application unless the fence design meets the Exempt and Complying development criteria specified under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 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 may be obtained from Waverley Council Customer Service Centre or downloaded from: [www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

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

(c) Should a section 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 Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### 7. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$15,000** 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. 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 Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days notice in writing of the intention to commence the building works.

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

**10. 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.

**11. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

**12. 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 to the satisfaction of the Executive Manager, Creating Waverley.

### **13. ENGINEERING DETAILS**

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

### **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 Council or the Accredited Certifier prior to the issue of a Construction Certificate.

### **15. EXISTING PARTY WALL IS TO BE EXTENDED**

If required, the existing separating wall is to be extended to the underside of the roof in accordance with the requirements of the National Construction Code. The plans are to be notated accordingly prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority.

All work to the separating wall must be contained within the boundaries of the subject site only.

However, in the case of an agreement between neighbours for work affecting both sides of a separating wall, written consent of all owners of all properties upon which work will take place must be obtained. The consent must clearly stipulate if approval is granted for works to the separating wall OR if approval is granted for vertical or lateral support use of the separating wall. It is the responsibility of the applicant to determine the relevance of any cross easements affecting the separating wall.

Where it is not possible to obtain the adjoining owners' consent, it must then be demonstrated that the works are to be supported independently of the separating wall and do not rely on the separating wall for lateral or vertical support. Detailed plans must be accompanied by a certificate from a qualified and practising Structural Engineer. It is not sufficient for a Structural Engineer to state that the works will impose no additional load on the separating wall.

These details are to be supplied to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Separating wall consent does not prevent you and your neighbour entering into any private agreement. For example, to make good any damage from the works. This is a civil matter between neighbours.

### **16. EXTERNAL FINISHES**

A schedule of external finishes shall be submitted for Council's consideration and approval prior to the issue of the Construction Certificate. The schedule shall include details of proposed external walls and roofing materials in the form of either trade brochures or building samples. Where specified, the

schedule shall also include window fenestration and window frame colour details, as well as fencing, paving and balustrading details and guttering colour and profile.

#### **17. ROOFWATER GUTTERING**

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

#### **18. BASIX**

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

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

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

#### **19. 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 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.



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

### **20. 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.

### **21. 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.

### **22. 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.

### **23. OBSTRUCTION TO PUBLIC AREAS**

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

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

### **24. TOILET FACILITIES**

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

## **25. 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.

## **26. 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 WorkCover 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.

## **27. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

## **28. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to SSROC's Soil and Water Management Brochure and the NSW Environment Protection Authority (EPA) Managing Urban Stormwater: Soils and Construction. This Plan shall be

implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.

**29. STOCKPILES**

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

**30. LOCATION OF BUILDING OPERATIONS**

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

**31. 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.

**32. ALL BUILDING MATERIALS STORED ON SITE**

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

**33. 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

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

**34. BUILDING CODE OF AUSTRALIA**

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

**35. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the

Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

### **36. 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.

### **37. STRUCTURAL STABILITY OF ADJOINING SEMI-DETACHED DWELLING'S ROOF**

If the party wall is to be extended, adequate measures are to be undertaken to ensure structural stability and water proofing of the existing roof over the adjoining semi-detached dwelling having particular regard to the following:

- (a) adequate measures are undertaken to secure the existing rafters and ridge to the brickwork of the party wall; and

- (b) adequate measures are undertaken to ensure that the roof where it abuts the extended party wall is water proofed.

### **38. WATER PROOFING**

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

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

### **39. SERVICE PIPES**

All new 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.

### **40. 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.

### **41. NEW VEHICLE CROSSING**

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **garage**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

### **42. LONG SECTION 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 Bourke Lane carriageway, the kerb and gutter, footpath and the garage floor.
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 paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete gutter at all points across the door opening.

**43. 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.

**44. EXCAVATION TO BE LIMITED**

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

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

### **45. FINAL OCCUPATION CERTIFICATE**

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

### **46. STORMWATER MANAGEMENT**

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

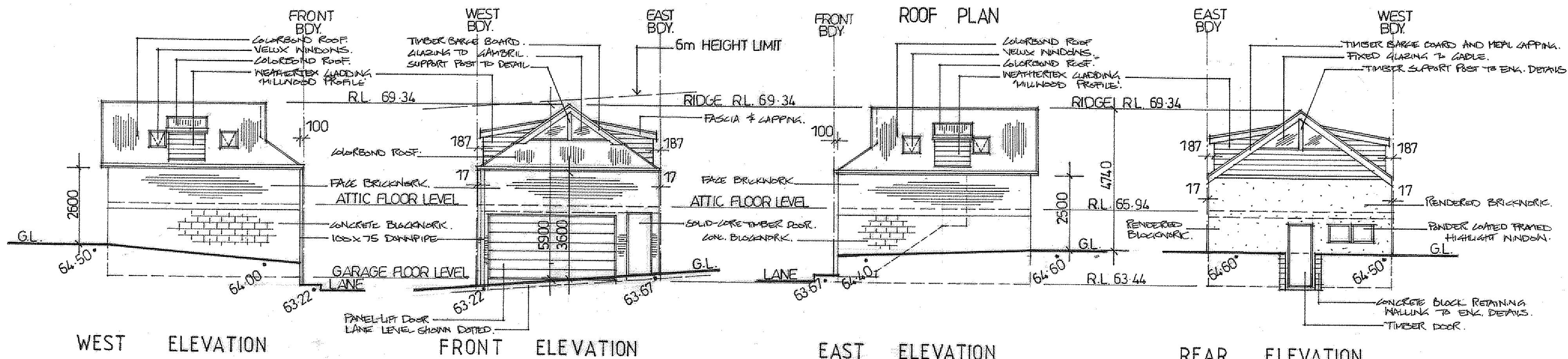
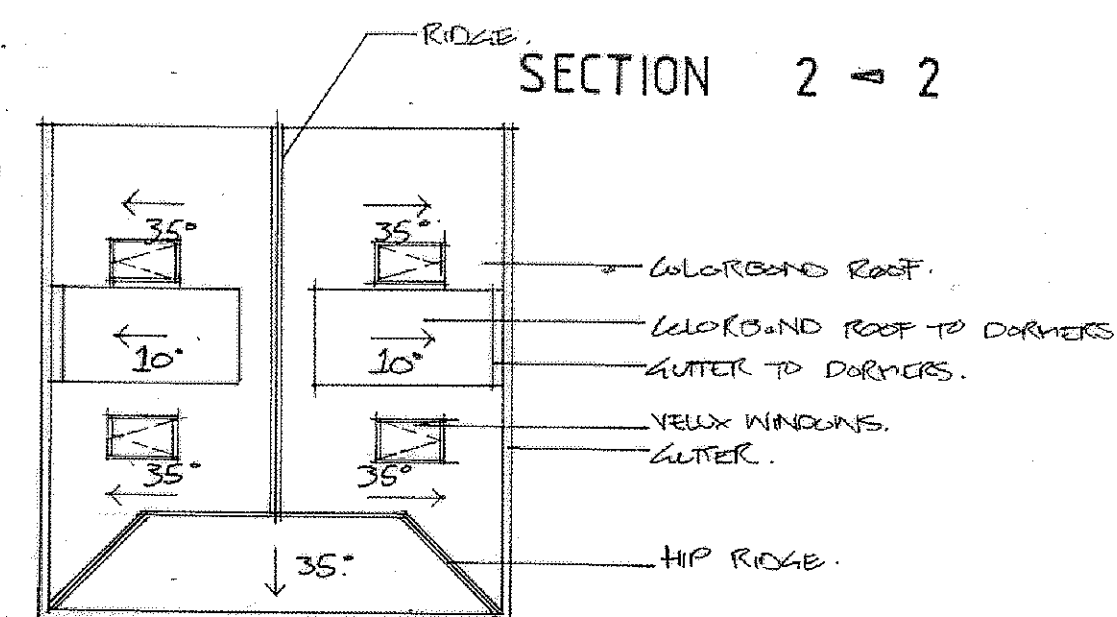
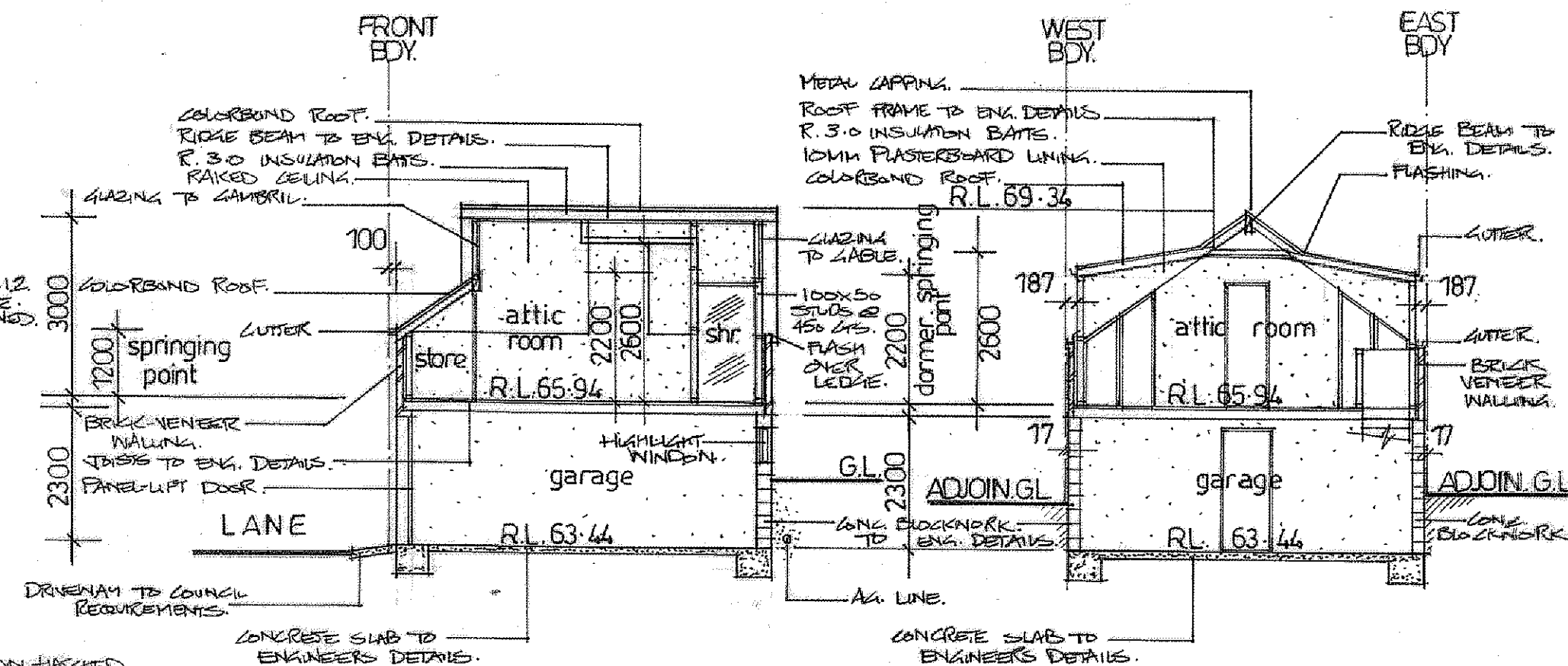
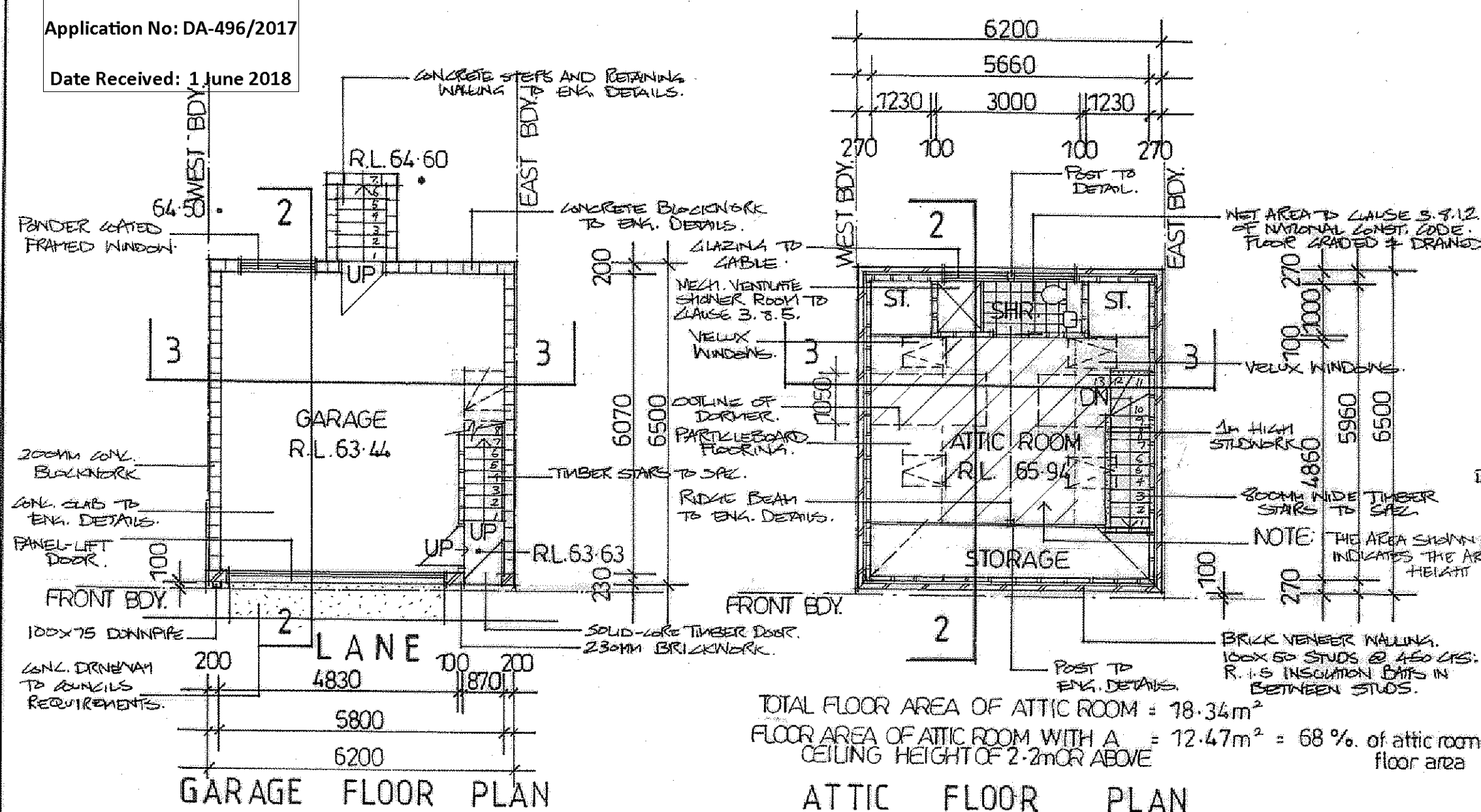
### **47. LIGHTING**

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.









SHEET 2 OF 2

PROPOSED GARAGE AND ATTIC ROOM

3 CUTHBERT STREET QUEENS PARK

SCALE 1:100

DWG. No: 18/17A

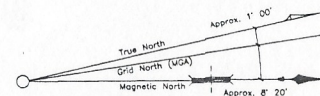
NOTE: ALL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE BY BUILDER AND SITE BOUNDARIES TO BE VERIFIED BY SURVEYOR PRIOR TO COMMENCEMENT.



RECEIVED  
Waverley Council

Application No: DA-496/2017

Date Received: 1 June 2018

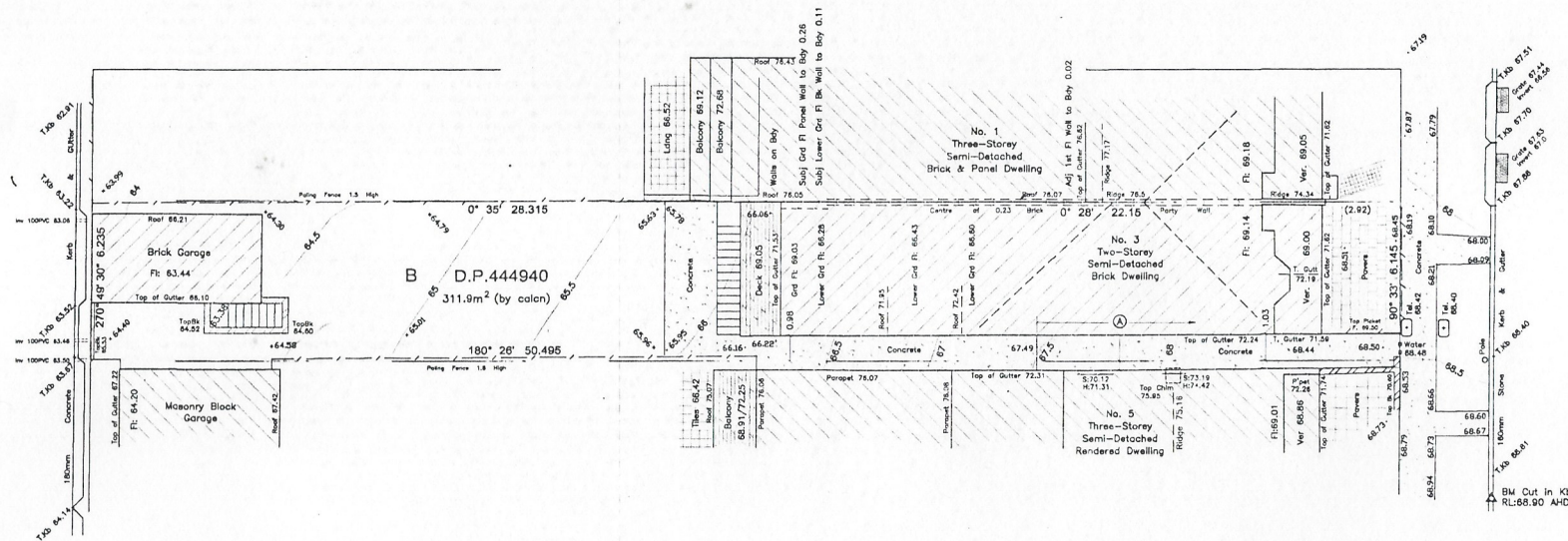


NOTE: Bearings on this plan refer to Magnetic North. The bearings have been adopted from plane on public record with Department of Lands NSW and will differ to current magnetic compass bearings. The depiction of UGA Grid North and True North hereon is diagrammatic and the values shown are approximate.

BOURKE LANE

CUTHBERT STREET

BOURKE LANE



(A) Shown as Rights of Way Variable Width in D.P.438035 and D.P.444940. Referred to as Right of Footway limited in height to 2.44 metres above ground in Dealing C29303.  
Computer Folio A/438035 notes that the adjoining land (No. 5) is burdened and benefited by the Right of Footway.  
Computer Folio B/444940 notes that the subject land is burdened by the Right of Footway but does not note that the land is benefited.  
The Rights of Footway were created in 1954, before the subdivision in D.P.444940 (1959), and it is possible that the beneficial rights were not carried through to the subject land with the subdivision. Legal advice may reveal whether those rights can be reinstated.  
It should also be noted that there are no notations on Folio B/444940 confirming the existence of cross easements for support of the party wall on the common boundary of the subject and adjoining (No. 1) properties.

NOTE: If it is intended to build on or near the boundaries of the property further survey should be made to mark the boundaries concerned.  
Dimensions and areas shown hereon have been compiled from information obtained from the Land Titles Office. Detail shown is diagrammatic and should not be used to determine setbacks from boundaries.  
Full details of all services should be obtained from the relevant authorities prior to any demolition, excavation or construction.  
All distances are in metres.  
We warrant only the original CAD survey data as retained by this practice. Copies of this data may be corrupted through transfers or interference by others for which we take no responsibility.



PLAN SHOWING SELECTED LEVELS AND DETAIL TO ACCOMPANY APPLICATION FOR PROPOSED WORKS  
3 CUTHBERT STREET, QUEENS PARK  
LOT B IN D.P.444940  
L.G.A.: WAVERLEY  
Prepared for Ms Cristle Gordon

Scale 1:100 (A1) Datum: A.H.D. Source: SSM 35542 (RL75.144) S.C.I.M.S.

PAUL A. LAWSON  
SURVEYOR REGISTERED UNDER THE SURVEYING AND SPATIAL INFORMATION ACT 2002  
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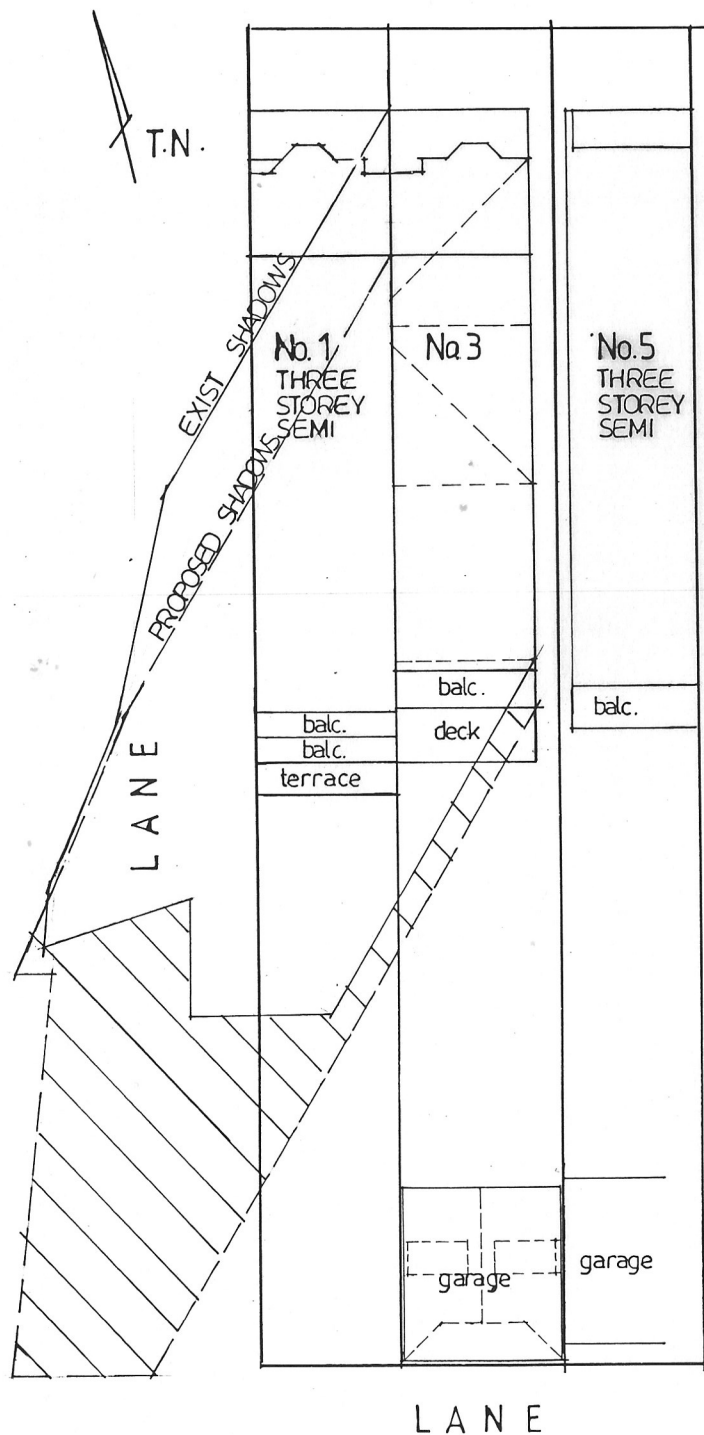
Date: 10 February 2017

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RECEIVED  
Waverley Council

Application No: DA-496/2017

Date Received: 1 June 2018



CUTHBERT STREET

KEY:

PROPOSED SHADOWS — — — — —

EXISTING SHADOWS —————

NOTE: THE AREA SHOWN HATCHED DISPLAYS THE  
ADDITIONAL SHADOW CAST BY PROPOSAL.

9:00 A.M. SHADOWS

SHADOW DIAGRAMS ON THE 21st of JUNE  
AT 3 CUTHBERT STREET, QUEENS PARK  
SCALE: 1: 200

DRAWN: PETER BANFIELD PH: 96628287 DATE: 18/9/17

LANE  
SITE PLAN

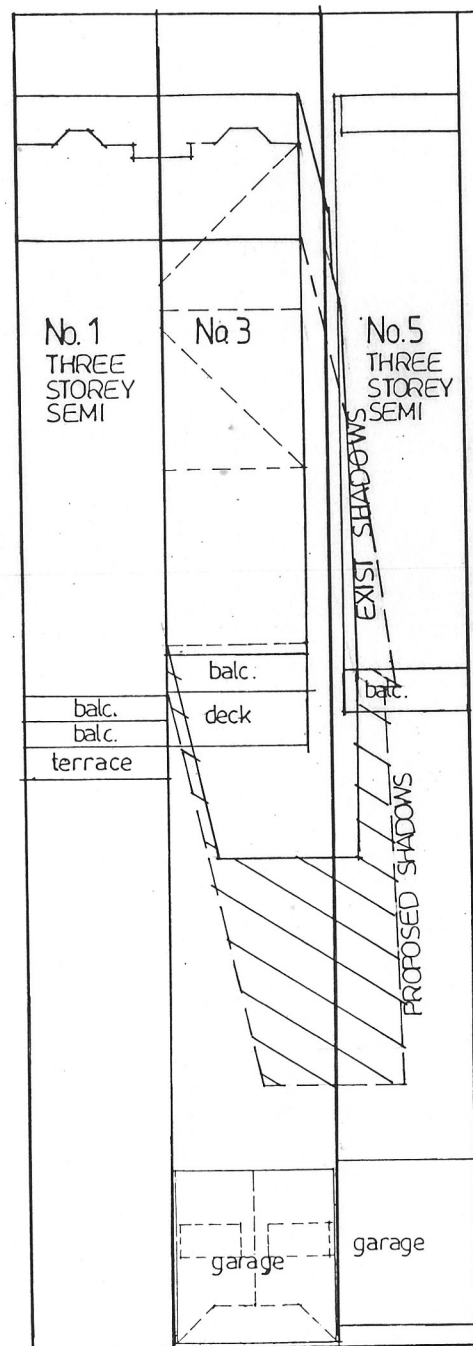
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Application No: DA-496/2017

Date Received: 1 June 2018



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CUTHBERT STREET

KEY:

PROPOSED SHADOWS — — — — —

EXISTING SHADOWS — — — — —

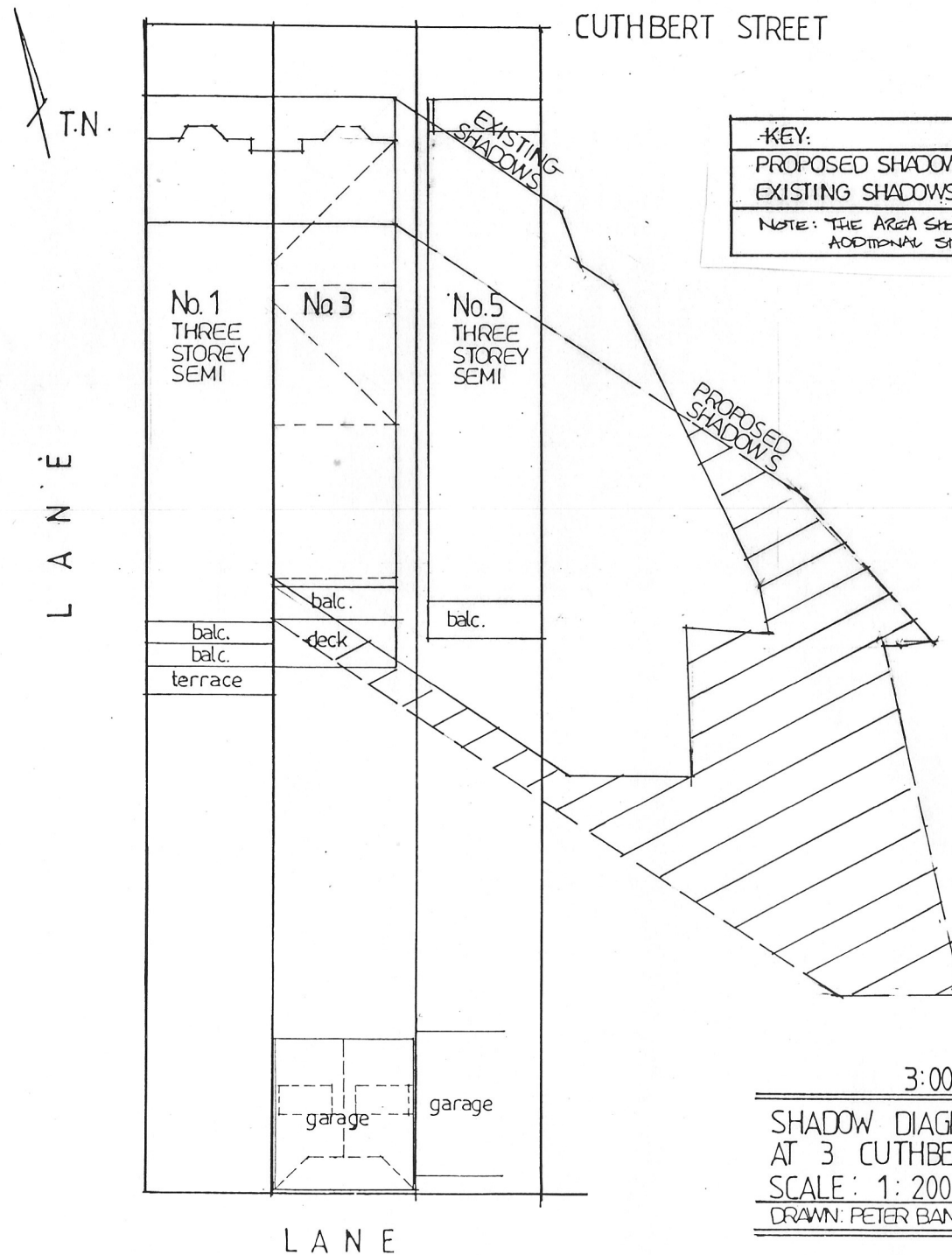
NOTE: THE AREA SHOWN HATCHED DISPLAYS THE  
ADDITIONAL SHADOW CAST BY PROPOSAL.

12:00noon SHADOWS

SHADOW DIAGRAMS ON THE 21st of JUNE  
AT 3 CUTHBERT STREET, QUEENS PARK  
SCALE: 1:200

DRAWN: PETER BANFIELD PH: 96628287 DATE: 18/9/17

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SITE PLAN

3:00 P.M. SHADOWS

SHADOW DIAGRAMS ON THE 21st of JUNE  
AT 3 CUTHBERT STREET, QUEENS PARK  
SCALE: 1:200  
DRAWN: PETER BANFIELD PH: 9662 8287 DATE: 18/9/17

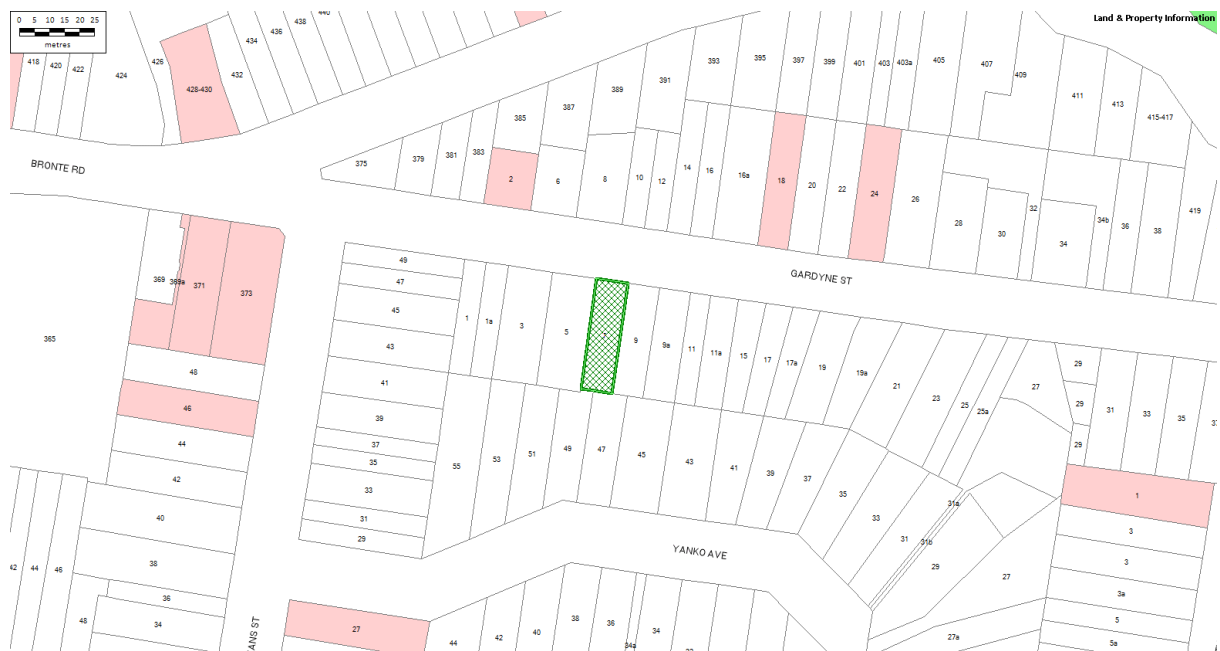




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-424/2017
<b>Site address</b>	7 Gardyne Street, Bronte
<b>Proposal</b>	Demolition and construction of new dwelling-house with integrated double garage and swimming pool at frontage
<b>Date of lodgement</b>	6 October 2017
<b>Owner</b>	Mrs A J King
<b>Applicant</b>	Redgen Mathieson Architects
<b>Submissions</b>	Three (original), Two (amended)
<b>Cost of works</b>	\$1,569,577.38
<b>Issues</b>	Variation to FSR control, overall height control (WDCP), rear building line
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

**Site Map**



## **1. PREAMBLE**

### **1.1 Site and Surrounding Locality**

A site visit was carried out on 21 December 2017.

The site is identified as Lot A DP311890, known as 7 Gardyne Street, Bronte. The site is generally regular in shape with a north front boundary length of 10.565m to Gardyne Street, a east side boundary of 36.98m, a south rear boundary of 10.565m and a west side boundary of 36.995m. The site has a total area of 390.8m<sup>2</sup>. The site falls from the rear southern boundary to the front by approximately 8 metres. Stone retaining walls are located within the frontage of the property and along both side boundaries.

The site is occupied by a part one part two storey dwelling house with off street car parking for one vehicle within a single storey garage to Gardyne Street. The height of the existing pitched roof dwelling is to RL79.36. The site is the subject of an approved and activated development consent for demolition and construction of a new part two part three storey dwelling house with double garage and swimming pool within the frontage (DA200/2012).

The subject site is adjoined to the west by a two storey pitched roofed dwelling at No.5 Gardyne Street and to the east by a part two part three storey dwelling at 9 Gardyne Street, to the rear by a single storey dwelling at 49 Yanko Avenue and a two storey dwelling at 47 Yanko Avenue.

The locality is characterised by predominantly residential dwellings and semi-detached dwellings with the occasional residential flat building. Design is of varying sizes and architectural styles. To the north-east of the site and within walking distance is Bronte Park and Beach.



**Figure 1:** Site viewed from Gardyne Street





**Figure 2:** Streetscape view from Gardyne Street



**Figure 3:** View towards the rear of the subject site (south)



## 1.2 Relevant History

A search of Council's building and development records found the following applications for the subject site:

- DA-449/2008 – Alterations and additions to the existing dwelling and relocation of an existing pool approved on 3 December 2008;
- DA-200/2012 – Demolition of the dwelling and construction of two storey dwelling with basement car parking and pool at front approved on 4 May 2013 (deferred commencement);
- DA-200/2012/A – Section 96 modification to the approved demolition of the dwelling and construction of two storey dwelling with basement car parking and pool at front approved on 27 August 2013;
- CCB-149/2018 – Stage 1 construction certificate for partial demolition of garage wall and pouring of footing issued on 1 May 2018.

The application the subject of this assessment report was deferred on 13 February 2018 to give the applicant an opportunity to submit amended plans and additional information to address issues raised in the preliminary assessment of the application. These matters related to the front setback, rear building line setback, streetscape impact, building bulk and massing. The full terms of the deferral are outlined in a letter sent to the applicant on 13 February 2018 and a copy of the letter is on the file.

Amended plans were submitted on 21 May 2018 to address these matters, which are the subject of this assessment report.

## 1.3 Proposal

The application seeks consent for demolition of the existing dwelling-house and the construction of a new part two part three storey detached dwelling with integrated garage car parking at the frontage and swimming pool within the front setback above the garage. Details of the proposal are as follows:

### *Demolition and Site Clearing*

- Demolition of all existing structures on the site including the existing two storey dwelling and garage.
- Earthworks.

### *Basement Floor (street level) – RL64.2*

- Two car garage;
- Entry;
- Hall and lift access;
- Plant and equipment;
- Underside of pool.

### *Lower Ground floor – RL67.19-67.76*

- Lobby;
- Rumpus room;
- Ensuite;
- Pool terrace and pool;

*Ground floor plan – RL70.42*

- Master bedroom with ensuite;
- Three bedrooms;
- Ensuite to Bedroom 4;
- Bathroom;
- Laundry.

*First floor plan – RL73.65*

- Open plan dining, kitchen, living area;
- Large balcony area at north elevation with roof over;
- Study area;
- Rumpus;
- WC.

*Associated site works*

- Construction of new driveway crossover from Gardyne Street;
- New rear garden perimeter walls;
- Rear garden terrace and lower level terrace;
- Garden store;
- External stairs to rear of dwelling to access first floor;
- Landscaping.

The dwelling is to be constructed of masonry with metal deck roofing. The overall height to parapet is RL77.49.



**Figure 4:** Perspective of proposed dwelling to Gardyne Street. (Source: Lockrey Planning & Development Solutions Pty Ltd.)

## 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 considered to be consistent with 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.
2.7 Demolition	Yes	Proposal to demolish the existing dwelling, pool and garage. Permitted with consent
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 8.5m	Yes	The amended proposal has a height of 8.498m from existing ground level
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	No, see discussion	Basement: 21.1m <sup>2</sup> Lower ground: 49m <sup>2</sup> Ground: 121.3m <sup>2</sup>

Provision	Compliance	Comment
<ul style="list-style-type: none"> <li>0.675:1 (263.8m<sup>2</sup>)</li> <li>Site: 390.8m<sup>2</sup></li> </ul>		First: 110.6m <sup>2</sup> Total: 302m <sup>2</sup> FSR 0.77:1 This is a maximum variation of 38.2m <sup>2</sup> or 14.5% A request to vary the development control has been submitted. Refer below for discussion.
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 floor space ratio development standard. A detailed discussion of the variation to the development standard is presented below this table.
<b>Part 5 Miscellaneous provisions</b>		
5.9 Preservation of trees or vegetation	Yes	The application has been reviewed by Council's Tree Management Officer who has advised the proposal is satisfactory.
5.10 Heritage Conservation	Yes	The site is located within the Gardyne Street Landscape conservation area. See further comments below under 'Heritage'.
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is identified as class 5 acid sulfate soils. Standard conditions will be imposed accordingly.
6.2 Earthworks	Yes	The proposal includes excavation of approximately 6.4m depth to accommodate the lower ground floor level, garage and swimming pool at basement level. The application is accompanied by a geotechnical investigation report, with identified recommendations. All standard conditions of consent are included in the Appendix A of this report which are considered to address the provisions of clause 6.2 Earthworks.

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

### Exceptions to Development Standards

#### **Clause 4.4 Floor space ratio (FSR)**

The relevant objectives of the FSR development standard under Waverley LEP 2012 is to provide an appropriate correlation between maximum building heights and density controls, to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality, 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.

The proposed dwelling has a gross floor area of 302m<sup>2</sup> equating to an FSR of 0.77:1 which exceeds the maximum FSR 0.675:1 development standard by approximately 38.2m<sup>2</sup> or 14.5%. The application is accompanied by a Clause 4.6 Exception to a development standard for the FSR non-compliance, a brief summary of which is detailed below:

- *The resultant height, bulk and scale of the dwelling is similar to that already considered environmentally acceptable under DA 200/2012.*
- *It has been designed to minimise impacts and has had regard to site users and neighbours in terms of visual appearance, overshadowing, traffic generation, parking and streetscape.*
- *The visual catchment contains several buildings that will present a similar bulk and scale and which set the character. The non-compliance with the standard does not result in a scale of building that is out of character with the surrounding development.*
- *These properties (including the site) 'benefit' from steeply sloping land which enables excavation to create additional subterranean floorspace. These areas are generally screened from the public domain by the sandstone or similar structure retaining walls at the Gardyne Street frontages as well as established perimeter landscaping.*
- *The proposed built form provides a consistent vertical and horizontal modulation that has been established within this part of Bronte. The proposed height, bulk and scale of the dwelling sits comfortably within this established built form context. There is an appropriate transition in height between the site and its higher property at 9 Gardyne Street (ridge RL 79.93) located to the east (with larger and taller dwellings further east) and that at 5 Gardyne Street (ridge RL77.60) which is lower and located to the site's west.*
- *The site is well located to provide additional floor space above that technically permitted. It is within walking distance of existing infrastructure.*
- *The proposal will not result in any adverse traffic or pedestrian generation impact that would lead to the unacceptable performance of the surrounding road network.*
- *The proposal provides a high quality modern, contemporary and architecturally designed dwelling house use on the site befitting the site's prestigious location and which is consistent with the residential built form character of the area.*
- *It develops a built form that defines and addresses the street character and positively contributes to the quality (enhancement) of the public domain.*
- ***Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

The proposal results in a non-compliance of approximately 38.2m<sup>2</sup> above the development standard. Excavation is proposed in order to accommodate floor space below the existing ground level. The amended proposal reduces the overall height of the building and lightens the architectural expression at the Gardyne Street frontage.

The applicant in their Clause 4.6 has provided the following justification that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and summarised as follows:

- *238m<sup>2</sup> of the dwelling's GFA is located above ground level existing (i.e. the proposed ground and first floor level). This equates to an FSR of 0.61:1 which complies.*
- *The proposal complies with the landscaped and open space area requirement of DCP 2012. The proposed built form sits within a garden like setting;*
- *Approval of the FSR as proposed on the site for a building envelope that has an acceptable environmental performance (and was assessed as such under DA 200/2012) but which at the same*

*time exceeds that prescribed for the locality in LEP 2012 will not set a precedent for other nonconforming applications;*

- *The proposed redevelopment is a high quality piece of modern architecture and a well-considered design that pays due regard to the site's built form locational context;*
- *The dwelling's actual bulk and scale when viewed from the surrounding public domain (i.e. Gardyne Street) is a built form which is generally expected given its adjacent built form context;*
- *The density proposed produces a building of similar scale and appearance (improved architectural quality) of nearby development and that expected given the site's prestigious Bronte location;*
- *The proposed development's FSR is considered appropriate within the locality providing a building which fits within the context of surrounding building forms and residential uses.*

It is considered that the material impact of the proposed new dwelling is not unreasonable and does not impact on the integrity of the development standard. The proposed development is contemporary and is characteristic of the emerging development in this area. The new dwelling is well sited and is consistent and compatible with adjoining development. The proposal does not result in any unreasonable impacts in regards to visual bulk or overshadowing subject to amending the rear built form with the removal of the blade walls and garden store (see further discussion below). In regards to Clause 4.6(3), the design results in a positive outcome for the site, providing an improved design and amenity for the occupants.

The applicant's justification has demonstrated that compliance with the development standard is unreasonable or unnecessary. The proposed building has addressed the objectives of clause 4.4 Floor space ratio providing an appropriate correlation between the maximum building heights and density controls, acceptable building bulk and scale within the existing streetscape and character of the locality, and preserves the environmental amenity of surrounding properties and the amenity of the locality.

It is noted that the emerging character of development in the immediate area is of a similar bulk and scale to that proposed under this DA. As indicated, the site currently enjoys an active development consent where an FSR of 0.73:1 (288m<sup>2</sup>) as calculated under the current Waverley LEP 2012, was approved.

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

The proposal has established sufficient environmental planning ground to justify the FSR variation.

- ***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 has adequately addressed the matters required under subclause 3 and the variation to the FSR development standard is supported.

- ***Clause 4.6(4)(a)(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***

As outlined above the proposal is consistent with the objectives of clause 4.4 Floor space ratio and the objectives of the R2 Low Density Residential zone. The proposed variation to the FSR development standard will not undermine the integrity of the floor space ratio development standard and the application is recommended for conditional approval.

#### 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	A SWRMP has been submitted which is satisfactory
2. Energy and water conservation	Yes	A BASIX Certificate was submitted with the application, which satisfies this section of the DCP.
5. Tree preservation	Yes	Refer to LEP table above and referral comments below
6. Stormwater	Yes	The application has been reviewed by Council's Stormwater Engineer who has advised the plan is satisfactory. Conditions have been included within this report.
8. Transport	Yes	It is proposed to provide a new driveway access to a double car garage integrated into the dwelling. The proposal was referred to Council's Traffic Engineers who raised no objections subject to conditions.
9. Heritage	Yes	The site is not an identified Heritage item but is located within the Gardyne Street Landscape conservation area. See comments below under the 'Referrals' section 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	Proposed height of 8.498m from existing ground level (see discussion)
<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> <li>First floor level setback from rear building line at ground floor level</li> </ul>	Yes  No, condition  No, acceptable on merit	See discussion below

Development Control	Compliance	Comment
<b>1.2.2 Side setbacks</b> <ul style="list-style-type: none"> <li>Minimum of 900mm for height up to 8.5m</li> </ul>	Yes	Minimum 900mm setback proposed for compliant height
<b>1.3 Excavation</b>		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	No, acceptable on merit	The proposed excavation is within 900mm from the eastern side boundary. The excavation works are required to accommodate the new garage. A Geotechnical Report has been prepared by eiAustralia dated 20 September 2017 with recommendations included. Any approval to be conditioned accordingly.
<b>1.4 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>To enhance the built form by encouraging quality design that corresponds harmoniously with the surrounding environment</li> </ul>	Yes	The proposed dwelling incorporates a high quality architectural design and materials/finishes that will complement the existing and emerging streetscape character. See further discussion below.
<b>1.7 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>	<p>N/A</p> <p>No, acceptable on merit</p>	<p>No front fencing is proposed. Garage and dwelling entry to address street.</p> <p>Boundary walls to be reconstructed. Given sloping nature of site, walls are higher than 1.8m including up to 3m at the rear. Given sloping topography, this is not unreasonable.</p>
<b>1.8 Visual and acoustic privacy</b>		
Location of habitable room windows not to face directly into adjoining habitable rooms or open space or screening required	No, condition	See discussion below
Elevated balconies to have screening	No, acceptable on merit	See discussion below
Elevated/ visually prominent balcony Maximum size of balconies: <ul style="list-style-type: none"> <li>10m<sup>2</sup> in area</li> <li>1.5m deep</li> </ul>	No, acceptable on merit	First floor balcony measures 8.19m x 2.85m a total of 23.3m <sup>2</sup> in area. See discussion below
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to minimum of 50% of living areas</li> </ul>	Yes	The living areas and private open space areas face north and south given the orientation of the allotments. Solar access is satisfactory



Development Control	Compliance	Comment
and principal open space areas on 21 June <ul style="list-style-type: none"> <li>Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	The site is north-south oriented and the shadow diagrams indicate that surrounding residential buildings and open space will not result in unreasonable shadow impacts.
<b>1.10 Views</b>		
Minimise impact on existing views and vistas enjoyed from existing residential development and the public domain	Yes	No unreasonable impacts identified (see discussion under '2.4 Any Submissions' below)
<b>1.11 Car parking</b>		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	Two spaces proposed to be provided within garage
1.11.3 Design	Yes	Proposal has been amended to reuse/ incorporate sandstone into the garage elevation design.
1.11.5 Driveways	Yes	Proposed amended vehicle driveway access. Council's Traffic Engineers raise no objection subject to conditions.
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area: 156.32m<sup>2</sup></li> <li>Overall landscaped area: 15% of site area: 58.62m<sup>2</sup></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> </ul>	Yes	Open space: 235m <sup>2</sup> or 60%
	Yes	Landscape: 107m <sup>2</sup> or 27%
	Yes	The site contains in excess of 25m <sup>2</sup> of private open space.
	No, acceptable on merit	Despite the variation to the frontage landscaped area control due to the location of the garage, the proposed building will enhance the streetscape setting of the site and surrounding neighbourhood. The siting of the garage at the frontage is consistent with development along this section of Gardyne Street.
<b>1.13 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> </ul>	No, acceptable on merit	Proposed swimming pool is located within the front setback area. See discussion below

The following is a discussion of the issues identified in the Waverley DCP 2012 compliance table.

### ***Overall height***

It is proposed to construct the new dwelling to an overall height of 8.498m at the Gardyne Street frontage due to the steep sloping nature of the site at this location. The overall height then reduces to 7.9m above existing ground level as it moves further into the site and then reduces to 7.1m towards the rear of the dwelling. Although the proposed new roof is of a less height than the existing pitch roof, its bulk does extend further across the site.

The amended maximum height of the proposed dwelling is less than that approved and activated under development consent DA-200/2012 with an approved RL of RL78.06. The proposed overall height is also less than that on the adjoining property to the east at No.9 Gardyne Street which is at RL79.93.

The bulk and massing of the main walls of the dwelling have been appropriately articulated with use of panel cladding to the upper floor and glazing. The dwelling is also contextually appropriate having regard to the prevailing and emerging character of development in the area. The proposed new dwelling does not result in unreasonable overshadow or view loss impact. The variation to the overall height control of the Waverley DCP 2012 is considered reasonable and can be supported.

### ***Front and Rear Building Line***

The pattern of development in the immediate locality is predominantly single detached dwellings on large allotments (refer to Figure 5).

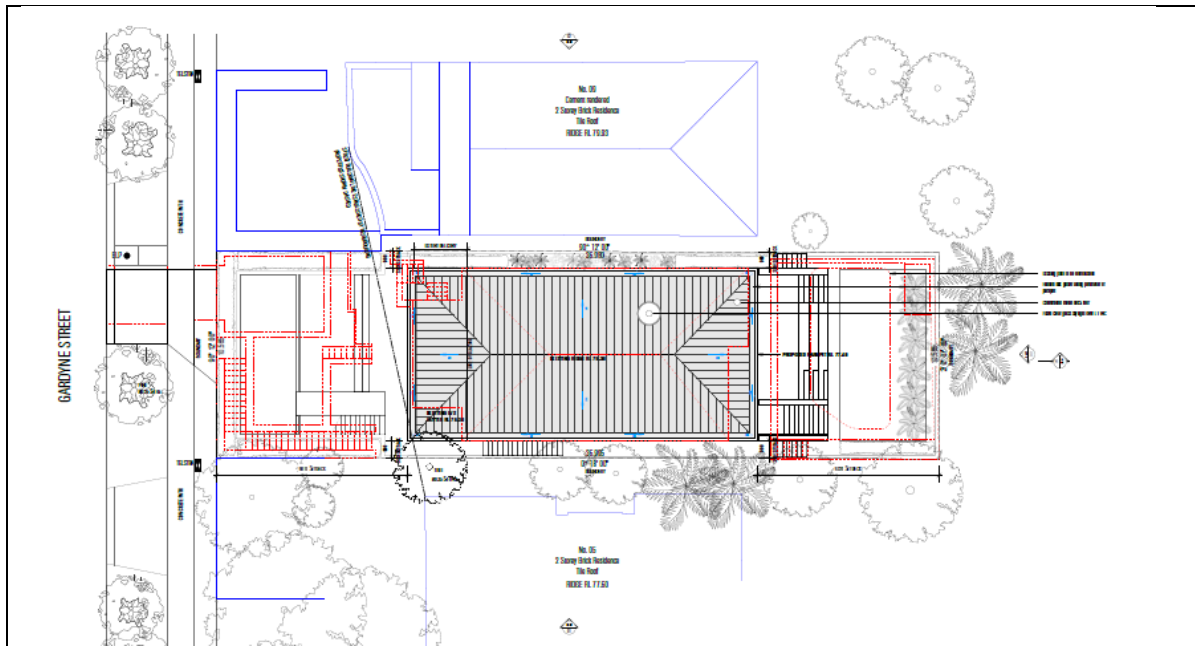


**Figure 5:** Subject site showing relationship of building line to adjoining properties

The subject site contains an existing dwelling that has a nil setback to the front property boundary (garage). At the lower level, the existing dwelling is setback 10m from the front boundary to the verandah. The existing dwelling is setback approximately 9.7m from the rear boundary.

### Front Building Line and Streetscape

The proposed new double garage is to be sited on the front boundary, which will be the main element visible from Gardyne Street. The pedestrian entry to the dwelling is located to the west of the garage. Both adjoining dwellings to the east and west have garages built to the frontage. The design of the garage as it presents to Gardyne Street is domestic in scale with the amended proposal incorporating sandstone into its finish.



**Figure 6:** Proposed site plan

A front setback of 9.81m is proposed to the main walls of the dwelling. The adjoining property to the east at No.9 Gardyne Street has a front setback to the ground floor level curved balcony of 8.411m at the side of the subject property and curving out to a setback of 6.767m, with a setback of 10m to the first floor level balcony. The adjoining property to the west at No.5 Gardyne Street has a front setback of 10.5m.

The original submission proposed a box like balcony form at first floor level protruding over the ground level resulting in a dominating structure within this streetscape setting. Following discussions with the applicant, the first floor balcony has since been amended to provide a more open balcony form at first floor level which is consistent with the emerging character of new development. It is considered that the amended proposal with the revised front elevation of the dwelling to provide a lighter architectural expression is appropriate in the context of the streetscape.

### Rear Building Line

A setback of 9.325m is proposed from the rear southern boundary to the main wall of the dwelling and 5.62m to the proposed garden store, external stairs and double masonry blade walls that extend out from the east and west elevations and beside the external stairs, to a height of 4m and for a length of 3.6m. The applicant has provided the following justification for the provision of the blade walls:

*'At the East boundary due to our site levels the blade wall will actually be screened/ lower than the existing neighbouring fence at no.9 Gardyne. The West elevation of No.9 also provides*

*minimal interface with our site to the rear. At the West boundary the blade wall will be screened from view by the neighbouring planting and the proposed boundary fence along the side access. Here they form the balustrade to the stairs providing access from the level 1 living area to the garden. The blade walls have been designed to terminate in line with the change in material from render to metal cladding on the dwelling. The blade walls are physically detached from the building proper & form the balustrade from the ground floor garden access to the rear garden lawn pad. The blade walls are not enclosed East West, rather acting as freestanding elements. The blade walls do not add to the perceived height, bulk and scale of the dwelling and do not impact the neighbouring properties in any way.'*

Part C1.2.1 outlines rear building line controls requiring that new buildings to extend no further than the rear predominant building line.

The proposed 9.325m rear setback to the main wall of the dwelling is adequate and consistent with adjoining properties, however, the extension of 4m high blade walls to within 5.62m of the rear boundary is considered to be unacceptable, extending beyond the predominant rear building line which is not supported. The existing boundary fencing partially screens these walls when viewed from adjoining properties, however, the excessive height and length of these walls adds the appearance of an extra room from the rear of the property at lower ground floor level creating a new rear building line, which is unacceptable. The rear also includes a garden store and external stairs encroaching within the rear building line. It is recommended that the blade walls and garden store be deleted and the proposed external stairs with masonry balustrading be modified to provide a lighter architectural expression. If balustrading is required to the courtyard stairs as the applicant contends in support of the 4m high blade walls, than lightweight balustrading can be provided to the minimum height and material standard required by the NCC. Any approval recommendation to be conditioned accordingly.

It should be noted that the development consent issued for the previous and activated development under DA200/2012 was conditioned requiring that the rear edge of the building be setback from the rear boundary in alignment with the rear deck of the adjoining property at No.9 Gardyne Street, which is setback 9.31m from the rear boundary.

### **Visual and acoustic privacy**

Part C1 1.8 Visual and Acoustic Privacy of Waverley DCP 2012, details all objectives and controls relevant to windows, openings and elevated external balconies.

The proposed rear of the first floor level incorporates floor to ceiling sliding glass doors off the Rumpus Room with glass balustrading. A setback of 9.31m is proposed to this level from the rear boundary. To address privacy concerns, it is recommended that translucent glazing be provided to the glass balustrading to address overlooking from this living space. There is also considered to be an adequate separation distance from the rear of adjoining properties to ameliorate impacts from overlooking and Kentia palms which have a mature growth height of 15m are also proposed to be planted along the rear boundary.

It is acknowledged that the first floor balcony to Gardyne Street does not comply with the controls relating to the depth and size of elevated balconies under Waverley DCP 2012, however, the location of the upper level balcony will not result in unreasonable impacts on the adjoining properties and can be supported.

The proposed windows to the detached dwelling have been considered with regards to Clause 1.8 Visual and Acoustic Privacy in Part C1 of the Waverley DCP 2012 and supported on merit, subject to the recommended conditions of consent.

### ***Swimming Pool***

Part C1 1.13 Swimming Pools and Spa Pools of Waverley DCP 2012 requires that swimming pools be located at the rear of the property. DA200/2012 was approved on 4 May 2013 which incorporated a swimming pool in the front yard. This DA has since been activated with the submission and approval of a construction certificate for stage 1 of works on site.

The DA the subject of this assessment report proposes a swimming pool within the front setback above the garage. The proposed pool is to be setback 1.2m from the front boundary and screened with pool walling and planting. This application does not propose to change the location or size of the approved pool but seeks to integrate it into the new design of the dwelling. It is considered that the overall design concept is appropriate with any approval recommendation including a condition which surrenders the previous development consent DA-200/2012.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the NCC.

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*. Three submissions were received during notification of the original plans.

On receipt of the amended plans, the application was notified for 14 days and two submissions were received.

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

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

Property
5 Gardyne Street, Bronte (original)
47 Yanko Avenue, Bronte (original and amended)
49 Yanko Avenue, Bronte (original and amended)

### ***Issue: Bulk, scale and overshadowing***

**Response:** This issue has been discussed above under Part 2.1.3 and 2.1.4

***Issue: View loss impacts***

**Response:** The neighbour to the south at 49 Yanko Avenue raised concerns regarding the loss of filtered views from this property. Attempt was made to contact the owner of this property to gain access however, this was unsuccessful. Notwithstanding this, the dwelling at 49 Yanko Avenue has limited views across the subject site with the submission referring to the impact on 'filtered view'. Having regard to assessment under the Tenacity Principle, limited views are obtained from the neighbouring site to the rear, with no unreasonable impacts identified from the redevelopment of the subject site.

***Issue: Visual and acoustic privacy***

**Response:** This issue has been discussed above under Part 2.1.4

***Issue: Excavation and dilapidation reports***

**Response:** This issue has been discussed above under Part 2.1.3 and 2.1.4. Any approval conditioned accordingly. Does not warrant a refusal of the application.

***Issue: Construction impacts and hours***

**Response:** Standard conditions imposed accordingly. Does not warrant a refusal of the application.

***Issue: Tree removal on adjoining property***

**Response:** Condition imposed requiring deletion to any reference to removal of trees on the adjoining property to the west at No.5 Gardyne Street, Bronte.

***Issue: Siting of swimming pool at front***

**Response:** Consent was issued under DA200/2012 which included the construction of the swimming pool at the Gardyne Street frontage. This consent has been activated and the proposed pool is to be sited in the same location.

## **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 has been reviewed by Council's Stormwater Engineer who raised no objections.

### **3.2 Traffic and Development – Creating Waverley**

The application has been reviewed by Council's Traffic and Development Engineer who raised no objection subject to conditions.

### 3.3 Tree Management – Clean and Attractive Waverley

The application was reviewed by Council’s Tree Management Officer who raised no objections subject to conditions.

### 3.4 Heritage

The original plans were referred to Council’s Heritage Adviser who provided the following comments and recommendations:

**Comments**

*The existing stone wall, stair and garage entry are considered key elements of the listed landscape Conservation Area. The removal of this fabric is not supported.*

*The proposed basement area indicates the potential for two car spaces accessed through the existing vehicle entry with splayed or angled parking and a turntable to facilitate forward exit from the garage. This would enable retention of the existing stone street front wall, garage frontage and entry stairs.*

**Recommendations**

*To maintain the heritage significance of the site and related Landscape Conservation Area it is recommended that the existing street front wall, stair and garage entry be retained. Vehicle entry should be limited to the existing garage entry with amended parking set out and possible turn table providing the desired two vehicle spaces.*

Amended plans have been submitted which provide a double car entry, but seek to reuse the existing sandstone to the garage façade, which is consistent with the emerging streetscape character. This is considered to be satisfactory.

## 4 SUMMARY

The application seeks consent for demolition of the existing dwelling house and construction of a part two part three storey dwelling with integrated garage and swimming pool. The proposal is defined as a dwelling house which is permissible with consent in the R2 low density residential zone. The proposal provides for a contemporary dwelling that is compatible with the streetscape.

The application seeks to vary the FSR development standard. The proposed FSR non-compliance is considered to be acceptable with no unreasonable impacts on view loss or overshadowing identified.

The application was reviewed by Councils Stormwater Engineer, Traffic Engineer and Tree Officer and recommended conditions are included in this report.

The notification of the original application attracted submissions from three properties and two submissions during the notification of the amended proposal. The issues raised are discussed in this report and are not considered to warrant refusal of the amended application.

Accordingly, the application has been assessed against the Waverley LEP, DCP and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the application 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 determined by:**

Jo Zancanaro  
**Senior Development Assessment Planner**

Arif Faruqi  
**Manager, Development Assessment**

**(Reviewed and agreed on behalf of the  
Development and Building Unit)**

**Date:** 2 August 2018

**Date:** 7 August 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 DEVELOPMENT**

The development must be in accordance with:

- (a) Amended architectural plans prepared by 'Redgen Mathieson' and stamp date received by Council on 21 May 2018 and including as follows:

<b>Drawing No.</b>	<b>Stamp Date Received</b>
DA.02 Revision B Plan Basement dated 11 May 2018	21 May 2018
DA.03 Revision B Plan Lower Ground Floor dated 11 May 2018	21 May 2018
DA.04 Revision B Plan Ground Floor dated 11 May 2018	21 May 2018
DA.05 Revision B Plan Level 1 dated 11 May 2018	21 May 2018
DA.06 Revision B Plan Long Section dated 14 May 2018	21 May 2018
DA.07 Revision B Plan Elevation N-S dated 11 May 2018	21 May 2018
DA.08 Revision B Plan Elevations E-W dated 11 May 2018	21 May 2018
DA.09 Revision B Plan Roof Plan dated 11 May 2018	21 May 2018

- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012
- (c) BASIX Certificate no.848273S, dated 27 September 2017, as updated to reflect the amended plans identified in Condition 1(a) above;
- (d) Arboricultural Impact Assessment Report prepared by Martin Peacock Tree Care dated 7 August 2017;
- (e) Geotechnical Report prepared by eiaustralia dated 20 September 2017;
- (f) Landscape plan prepared by Outdoor Establishments Landscape artists. Drawing No.L101:Rev; B. dated 5 September 2017 as amended by the Architectural Plans identified in Condition 1(a) above.

Except where amended by the following conditions of consent

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

The proposal shall be amended as follows:

- (a) Deletion of all of the proposed blade walls at the rear of the dwelling, extending from the eastern and western sides of the proposed dwelling at Ground Floor level (including adjoining the proposed lower terrace, garden store and external stairs leading from Level 1). These blade walls are not approved and are to be deleted from all plans, sections and elevations.
- (b) The deletion of the proposed garden store at Ground Floor level as shown on drawing No.DA04 Revision B Project No16009 titled 'Plan Ground Floor' and drawn by Redgen Mathieson dated 11 May 2018 and stamp date received by Council on 21 May 2018. Any reference to the proposed garden store on all plans, sections and elevations is to be deleted.

- (c) The proposed external stairs from first floor level at the rear of the dwelling are to be redesigned to incorporate lightweight balustrading such as timber, steel or glass. A 1.7m high privacy screen as measured above finished floor level of the stair landing is to be provided at the western side of the external stair landing at first floor level that is of lightweight material such as timber, steel or opaque glass.
- (d) Removal of outdoor shower at the eastern side boundary and realignment of the boundary wall at this location to align with the eastern side wall of the dwelling with a setback of 900mm from the eastern side boundary required to be provided.
- (e) The rear glass balustrading to the first floor level rumpus room is to be of translucent glazing.
- (f) Deletion of any reference to the removal of any trees from the adjoining property to the west at No.5 Gardyne Street, Bronte.

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

### **3. SURRENDER OF DEVELOPMENT CONSENT**

The previous development consent, known as DA-200/2012 (and subsequent amendments), applying to the land are to be surrendered by the applicant, in accordance with the requirements of Clause 97 of the *Environmental Planning and Assessment Regulation 2000*.

The surrender is to be received by Council prior to the release of an Occupation Certificate. The surrender of the DA consents takes effect when Council receives the notice.

### **4. HEIGHT OF PROPOSED BUILDING**

The proposed height of the dwelling is limited to RL77.49 to top of parapet.

Heights are to be certified by a Registered Surveyor certifying lower ground, ground, upper floors and finished roof levels and submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

### **5. LANDSCAPING WORKS AND BOUNDARY WALL CHANGES BETWEEN ADJOINING PROPERTIES**

The proposed construction and landscaping works adjacent to all side boundaries and the rear boundary of the site are likely to impact on the retaining walls. Additional plans and documentation are to be submitted indicating the full extent of the impacts on the retaining walls and the levels of boundary walls/fences relative to levels of the adjoining properties. No trees to be pruned or removed from the neighbouring properties without all relevant landowner consents and approval/s (if required).

The additional plans and documentation are to be approved by Council prior to the issue of a Construction Certificate. In the event adjoining land owners cannot reach agreement Council reserves the right to approve the detail of landscaping and boundary walls within the boundary of the subject site.

**6. USE OF DWELLING**

The premises are to be used only as a single unit dwelling house.

**7. NOISE FROM BUILDING WORKS - RESTRICTED ACTIVITIES**

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

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

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

**8. DOMESTIC HEATERS**

The provision of solid fuel heating/cooking appliances is prohibited.

**9. EXCAVATION TO BE LIMITED**

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 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 a compliance action against the development for breach of its consent.

**10. SWIMMING POOLS**

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

**11. MATURE LANDSCAPING**

The proposed hedge and screen planting to the front and sides of the proposed swimming pool identified as *Westringia fruticosa* 'Narisa' on the submitted landscape plan prepared by Outdoor Establishments and dated 5 September 2017 are to be planted at a minimum height of 1.2 metres at the time of planting.

The proposed Kentia Palms *Howea forsteriana* located along the rear boundary of the site are to be planted at a minimum height of 6m at the time of planting.

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

### **12. SECTION 7.12 CONTRIBUTION**

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### **13. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** 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.

**14. 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.

**15. 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 Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- b. A Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- c. Council is given at least two days notice in writing of the intention to commence the building works.

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

**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. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

**18. ENGINEERING DETAILS**

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

**19. GEOTECHNICAL ENGINEERS REPORT**

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

**20. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION**

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

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

**21. ROOFWATER GUTTERING**

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

**22. BASIX**

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **23. USE OF RENEWABLE TIMBERS**

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

## **24. 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.

## **25. SWEEP WHEEL PATH DRAWINGS**

Prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting each side of the garage from Gardyne Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Gardyne Street both opposite and to the immediate east and west of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.

4. Accurately show the length of the Council's kerb and gutter remaining between the eastern side wing of the existing driveway at No.5 and the western side wing of the proposed driveway at No.7

## **26. 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 Gardyne Street carriageway, the kerb and gutter, footpath and the garage floor.
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 paving on the garage floor at entry being sloped to follow the longitudinal fall on the Council's concrete pathway at all points across the door opening.
6. Show all paving on Council's land being sloped/ drained towards the roadway.

## **27. RECONSTRUCT VEHICLE CROSSING**

The existing vehicle crossing is to be demolished and a new crossing constructed to provide access to the proposed **garage**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

## **28. STORMWATER MANAGEMENT**

- (a) The plans prepared by ITM Design, Job No. 17/88, Drawing No. H-DA-00, H-DA-01 and H-DA-02 (Rev A) dated 27 September 2017, have been checked and are considered satisfactory with respect to the stormwater details.
- (b) 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.

Under the current design, the orifice diameter must be 75mm.



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

### **29. 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.

### **30. 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.

### **31. 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.

### **32. OBSTRUCTION TO PUBLIC AREAS**

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

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

### **33. HOARDING REQUIRED**

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

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

### **34. 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.

### **35. 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 WorkCover 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.

**36. DEMOLITION & SITE PREPARATION**

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.

**37. ASBESTOS REMOVAL**

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

No asbestos products are to be reused on site.

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.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

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.

**38. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

**39. SOIL AND WATER MANAGEMENT PLAN**

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

**40. STOCKPILES**

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

**41. LOCATION OF BUILDING OPERATIONS**

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

**42. 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.

**43. ALL BUILDING MATERIALS STORED ON SITE**

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

**44. CONSTRUCTION HOURS**

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays;

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

**45. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

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

**46. BUILDING CODE OF AUSTRALIA**

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

**47. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS  
(DWELLING HOUSES CLASS 1 AND 10)**

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

**48. 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.

**49. TOILET FACILITIES**

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

**50. DILAPIDATION REPORTS**

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

These properties must include any properties identified to be in the zone of influence in the Dilapidation Survey.

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

Please note the following:

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

**51. SMOKE ALARM SYSTEM**

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

**52. 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.

### 53. 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.

### 54. 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.

### 55. STREET TREES

To ensure maximum street tree canopy and continuity of the streetscape the applicant may remove the Casuarina tree but must plant a replacement tree. The following conditions will apply:

- A replacement tree is planted on the nature strip 2 m from the boundary and 1 m from the curb.
- The tree is to be a **Cupaniopsis anacardioides (tuckeroo)** of minimum container size of 75 litres and grown to Natspec standard. Suitable trees are available from Trees Impact (0242342700)
- The tree must be planted by a qualified horticulturist experienced in planting trees.
- A bond of \$1000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the **newly planted tuckeroo** tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate. The bond will be refunded after 12 months on condition that the **tuckeroo** tree is maintained in good condition as determined by Council's Tree Officer. If the tree requires replacing within the bond period the tree must be replaced within one month of notification from Council and not at the end of the bond period.

### 56. TREE PRUNING ON ADJOINING PROPERTIES

Any pruning of trees on adjoining properties required for the erection of scaffolding and/or the construction of the building will require consent under a separate Tree Preservation Order (TPO) application for works to the trees. No works can occur to these trees without a valid TPO.

### 57. IN-SINK WASTE DISPOSAL SYSTEMS

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

**58. WATER PROOFING**

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

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

**59. HOT TAP WATER SCALDING**

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

**60. 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.

**61. 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 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

**62. MANAGEMENT OF ACIDIC SOIL**

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

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



occupation of the building (or Occupation Certificate being issued), the Principal Contractor / Developer shall submit to Waverley Council a copy of the aforementioned Certificate.

### **63. CONSTRUCTION OF SWIMMING POOLS**

The following applies to the construction of swimming pools:

- (a) Reinforcement 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 being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

### **64. POOL DRAINAGE**

Waste waters from the proposed pool being 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.

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

### **65. FINAL OCCUPATION CERTIFICATE**

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

### **66. STORMWATER MANAGEMENT**

Prior to issuance of 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.

### **67. LANDSCAPE PLAN**

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

### **68. 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.

### **69. 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.

### **70. 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.

### **71. POOL MANUFACTURER'S CERTIFICATION**

The proposed 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.

**72. POOL SIGN**

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council's Planning & Environmental Services Department.

**73. INSPECTION OF POOL**

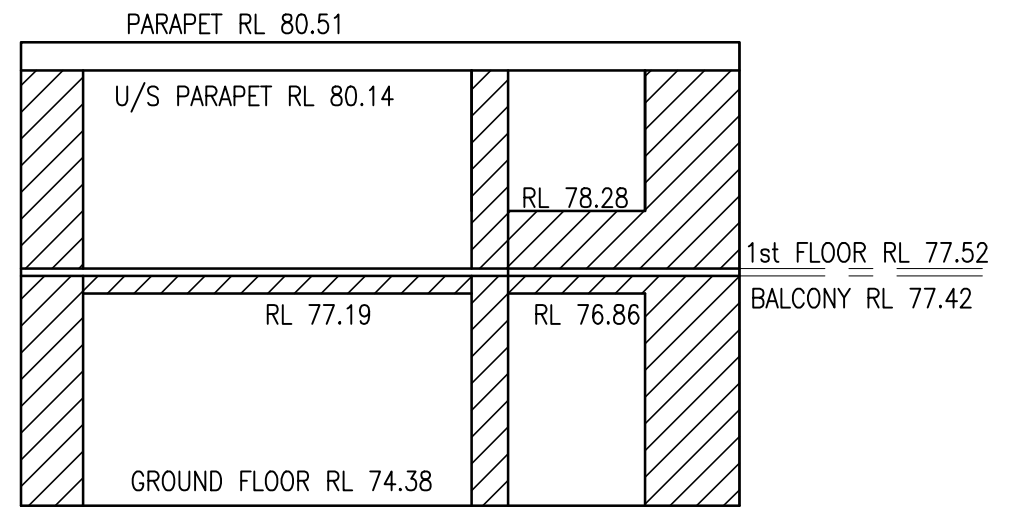
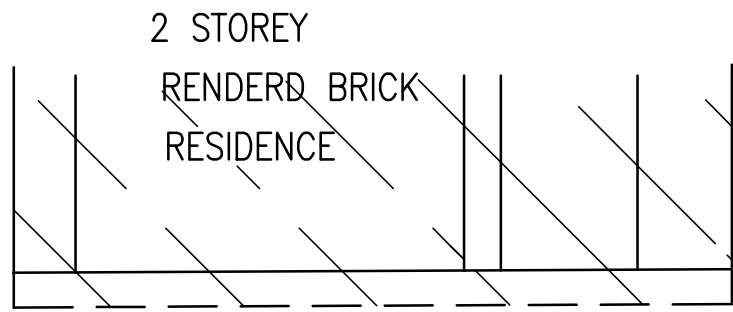
A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

**74. SWIMMING/SPA POOL PUMP - RESTRICTIONS**

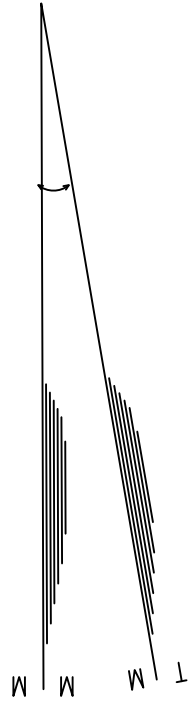
Swimming/spa pool pumps are restricted from being used and operated between 8pm to 7am weekdays and Saturdays, 8pm to 8am on Sundays and public holidays in accordance with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2008. On the spot fines may be imposed should breaches occur.

**75. SWIMMING POOL REGISTRATION**

The swimming pool 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.

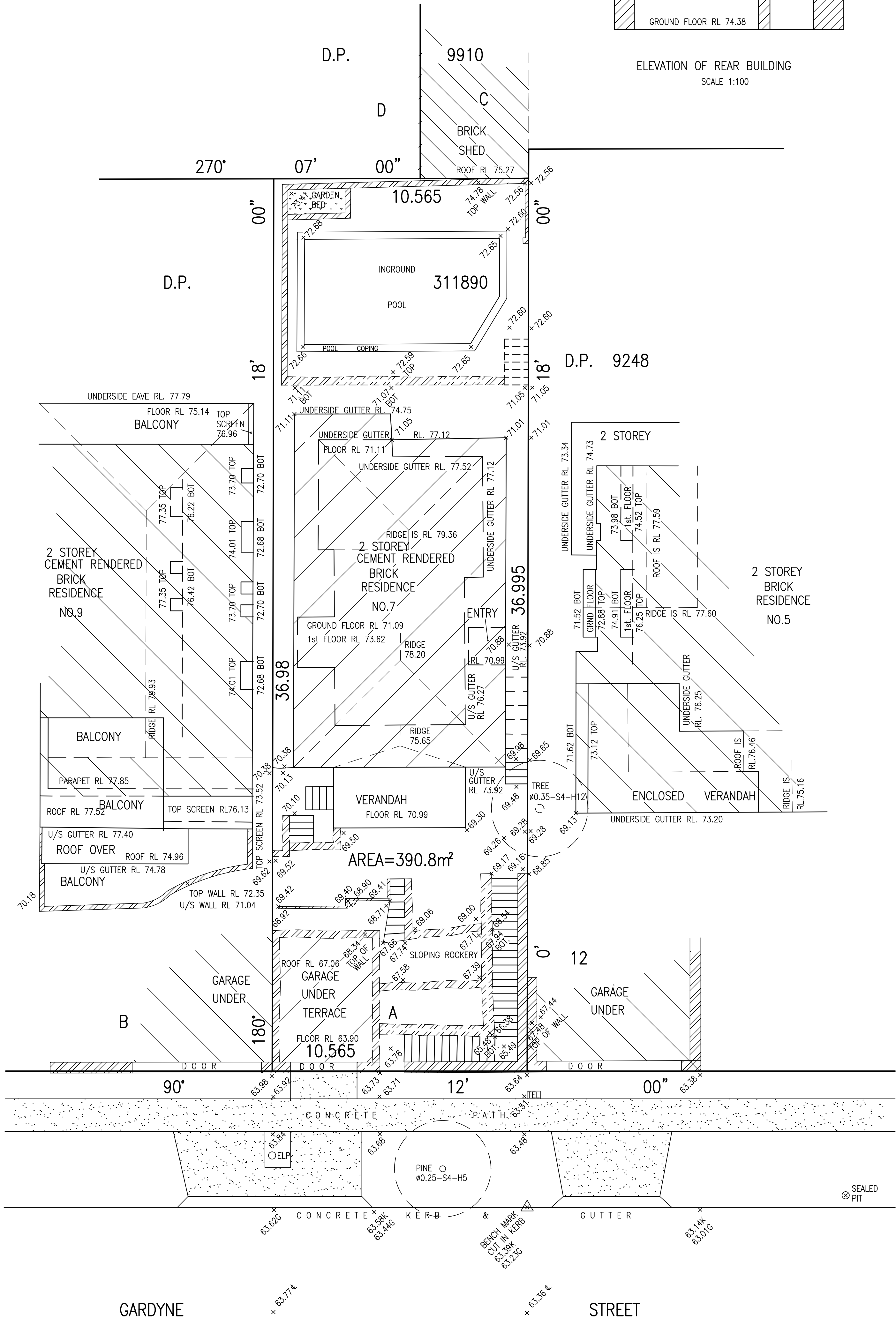


ELEVATION OF REAR BUILDING  
SCALE 1:100



APPROX.  
9°30'

M M BEARING SHOWN



16/3/2012 - WINDOW LEVELS NO.9 AMENDED EXTRA DETAIL ADDED

NOTE: No underground services search has been carried out. You are advised to "Dial 1100 Before You Dig" before carrying out any building work.

PLAN OF LEVELS AND DETAILS AT  
7 GARDYNE STREET, BRONTE  
FOR GAVIN KAREN ZOELLNER

Boundaries have not been surveyed.  
Dimensions and areas compiled from  
information obtained from the L.T.O.  
Improvements shown are diagrammatic  
only and shown for plotting purposes only.

Contours are approximate and preference  
should be given to spot levels.  
No services search has been made and  
only those visible at time of survey have  
been located. Levels under buildings unknown.  
Adjoining building details shown are approx.  
only due to restricted access.

DATUM	A.H.D.
REDUCTION RATIO	1:100
REFERENCE NO.	202435-2
DATE OF SURVEY	24/2/2012
SURVEYED BY	V.M/P.B/L.S/D.M
DRAWN BY	VAL BQ

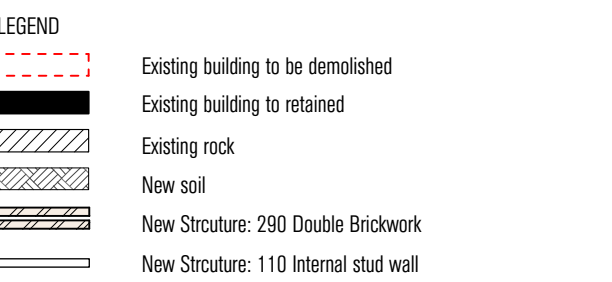
**W. BUXTON PTY LTD**  
A.C.N. 002 678 819  
**REGISTERED SURVEYORS**  
76 WILLISON ROAD  
CARLTON 2218  
TEL (02) 9553 9800  
FAX (02) 9588 5793

	'BASIX' TARGETS	DWELLING RESULTS
'WATER'	(40 POINTS)	40
'THERMAL COMFORT' NatHERS	(PASS)	PASS
'ENERGY'	(40 POINTS)	50

<b>LANDSCAPE</b>	75m2 lawn + garden
<b>RAINWATER TANK</b>	Collected from total roof area = 136m2 Water to be used for garden + pool + toilets
<b>POOL</b>	Volume must be less than 20 kilolitres

- \* R1.0 insulation blanket to underside of metal deck roof
- \* R1.0 insulation around vertical edges of the perimeter of slab, underneath the slab if it is a suspended floor.
- \* R3.5 Insulation to all ceilings with roof directly above (Except garage)
- \* 'Light' coloured external walls; 'Light' coloured roof

COOLING	Air-conditioned, 1 phase, 6 'Star' Zoned 'daylight' to Living & Bed areas
HEATING	Air-conditioned, 1 phase, 6 'Star' Zoned 'daylight' to living & Bed areas
WATER HEATING	Gas instantaneous, 60 l'st
LIGHTING	Fluorescent, compact fluorescent or LED to 4 bedrooms/3 living/dining kitchen all bathrooms/laundry hallways
COOKING	cooktop, electric oven
VENTILATION	Kitchen, Bathrooms & Laundry: exhaust ducted, manual switch 'on' & 'off'
POOL	Solar pool heating; timers to pumps.
REFRIGERATION SPACE	Well ventilated
CLOTHES DRYING LINES	Indoor lines and outdoor lines



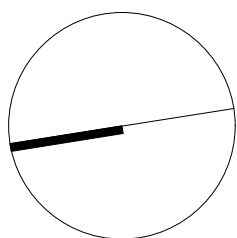
	Previously Approved DA	Proposed (inc. stairs + lift)	Additional Area
Basement	46.69 sqm	21.1 sqm	23 sqm (plant)
Lower Ground Floor	44.86 sqm	49 sqm	
Ground Floor	149.7 sqm	121.3 sqm	
1st Floor	142 sqm	110.6 sqm	
<b>Total</b>	<b>383.3 sqm</b>	<b>302 sqm</b>	
Site Area	392 sqm	382 sqm	
FSR	0.98:1	0.77:1	

Landscaped Area	58.8sqm	101.3 sqm
Open Space	156.8sqm	141 sqm
Swimming Pool		23.3 sqm
Parking		39.4 sqm

[illegible][illegible]

PROJECT	KING RESIDENCE
ADDRESS	7 GARDYNE STREET
	BRONTE- LOT A, DP 311890
DOCUMENT	DEVELOPMENT APPLICATION

DRAWING	PLAN		
BASEMENT			
DATE	22.08.17	SCALE	1:100
DRAWN	MDS	PROJECT NO.	16009
DRAWING NO.	DA.02	REV NO.	B



ALL WORKS TO BE IN ACCORDANCE WITH AUSTRALIAN STANDARDS, THE BUILDING CODE OF AUSTRALIA, OTHER RELEVANT CODES AND WITH MANUFACTURERS' RECOMMENDATIONS AND INSTRUCTIONS. DO NOT SCALE FROM DRAWINGS. VERIFY ALL DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM REDGEM MATHIESON P/L, NOMINATED ARCHITECT, PHILLIP MATHIESON 6440 (NSW) 2412 (ACT).



### FLOORSPACE RATIO CALCULATIONS

SITE COVERAGE CALCULATIONS	
Landscaped Area	58.8sqm
Open Space	156.8sqm
Swimming Pool	23.3 sqm
Parking	39.4 sqm

## NOTES

[illegible]

PROJECT KING RESIDENCE

ADDRESS 7 GARDYNE STREET

BRONTE- LOT A, DP 311890

DOCUMENT DEVELOPMENT APPLICATION

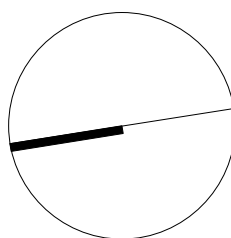
DRAWING PLAN

### LOWER GROUND FLOOR

DATE 22.08.17 SCALE 1:100

DRAWN MDS PROJECT NO. 16009

DRAWING NO. DA.03 REV NO. B



**DISCLAIMER**

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## **'BASIX' ASSESMENT RESULTS**

	'BASIX' TARGETS	DWELLING RESULTS
'WATER'	(40 POINTS)	40
'THERMAL COMFORT' NatHERS	(PASS)	PASS
'ENERGY'	(40 POINTS)	50

## WATER COMMITMENTS

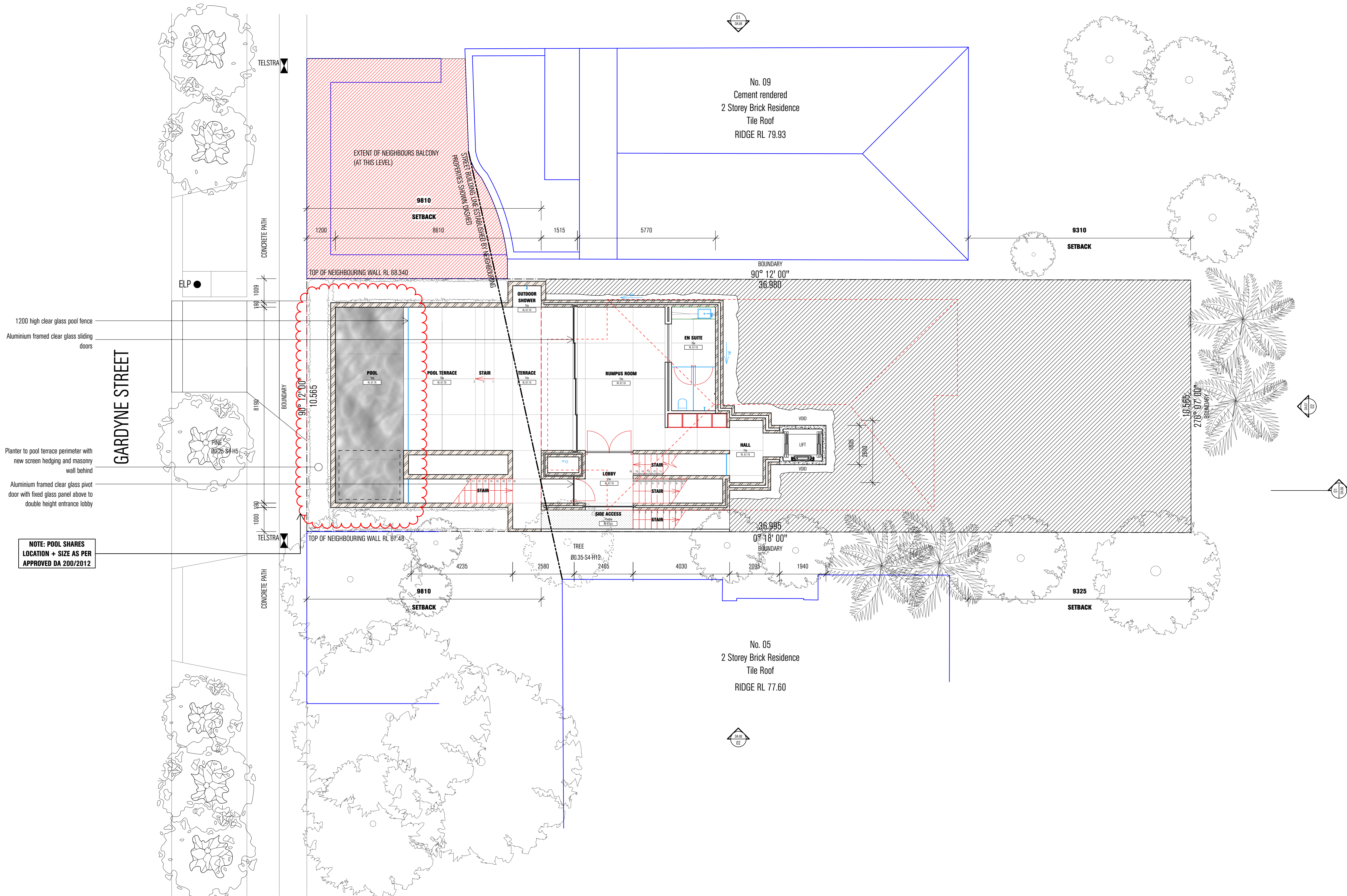
<b>LANDSCAPE</b>	75m2 lawn + garden
<b>RAINWATER TANK</b>	Collected from total roof area = 136m2 Water to be used for garden + pool + toilets
<b>POOL</b>	Volume must be less than 20 kilolitres

## THERMAL COMFORT COMMITMENTS

- \* R1.0 insulation blanket to underside of metal deck roof
- \* R1.0 insulation around verticle edges of the perimeter of slab, underneath the slab if it is a suspended floor.
- \* R3.5 insulation to all ceilings with roof directly above (Except garage)
- \* 'Light' coloured external walls; 'Light' coloured roof

## ENERGY COMMITMENTS

<b>COOLING</b>	Air-conditioner, 1 phase, 6 'Star' Zoned 'daylighting to Living & Bed areas
<b>HEATING</b>	Air-conditioner, 1 phase, 6 'Star' Zoned 'daylighting to Living & Bed areas
<b>WATER HEATING</b>	Gas Instantaneous, 6.0 'Star'
<b>LIGHTING</b>	Fluorescent, compact fluorescent or LED to 4 bedrooms/sundry 3 living/dining kitchen all bathrooms/toilets sundry hallways
<b>COOKING</b>	cooktop, electric oven
<b>VENTILATION</b>	Kitchen, Bathrooms & Laundry: exhaust ducted, manual switch 'on' & 'off'
<b>POOL</b>	Solar pool heating; timers to pumps.
<b>REFRIGERATION SPACE</b>	Well ventilated
<b>CLOTHES DRYING LINES</b>	Indoor lines and outdoor lines



## 01 PLAN

Lower Ground floor  
Scale 1:100



Existing building to be demolished  
Existing building to be retained  
Existing rock  
New soil  
New Structure: 290 Double Brick wall  
New Structure: 110 Internal stud wall

### FLOORSRSPACE RATIO CALCULATIONS

	Previously Approved DA	Proposed (inc. stairs + lift)	Additional Area
Basement	46.69 sqm	21.1 sqm	23 sqm (plant)
Lower Ground Floor	44.88 sqm	49 sqm	
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First Floor	142 sqm	110.6 sqm	
<b>Total</b>	<b>383.3 sqm</b>	<b>302 sqm</b>	
Site Area	392 sqm	392 sqm	
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### SITE COVERAGE CALCULATIONS

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Open Space	156.8sqm	141 sqm
Swimming Pool		23.3 sqm
Parking		39.4 sqm

## NOTES

[illegible][illegible]

PROJECT KING RESIDENCE

ADDRESS 7 GARDYNE STREET

BRONTE- LOT A, DP 311890

DOCUMENT DEVELOPMENT APPLICATION

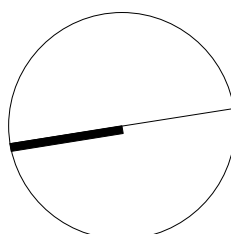
DRAWING PLAN

### GROUND FLOOR

DATE 22.08.17 SCALE 1:100

DRAWN MDS PROJECT NO. 16009

DRAWING NO. DA.04 REV NO. B



DISCLAIMER

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## WATER COMMITMENTS

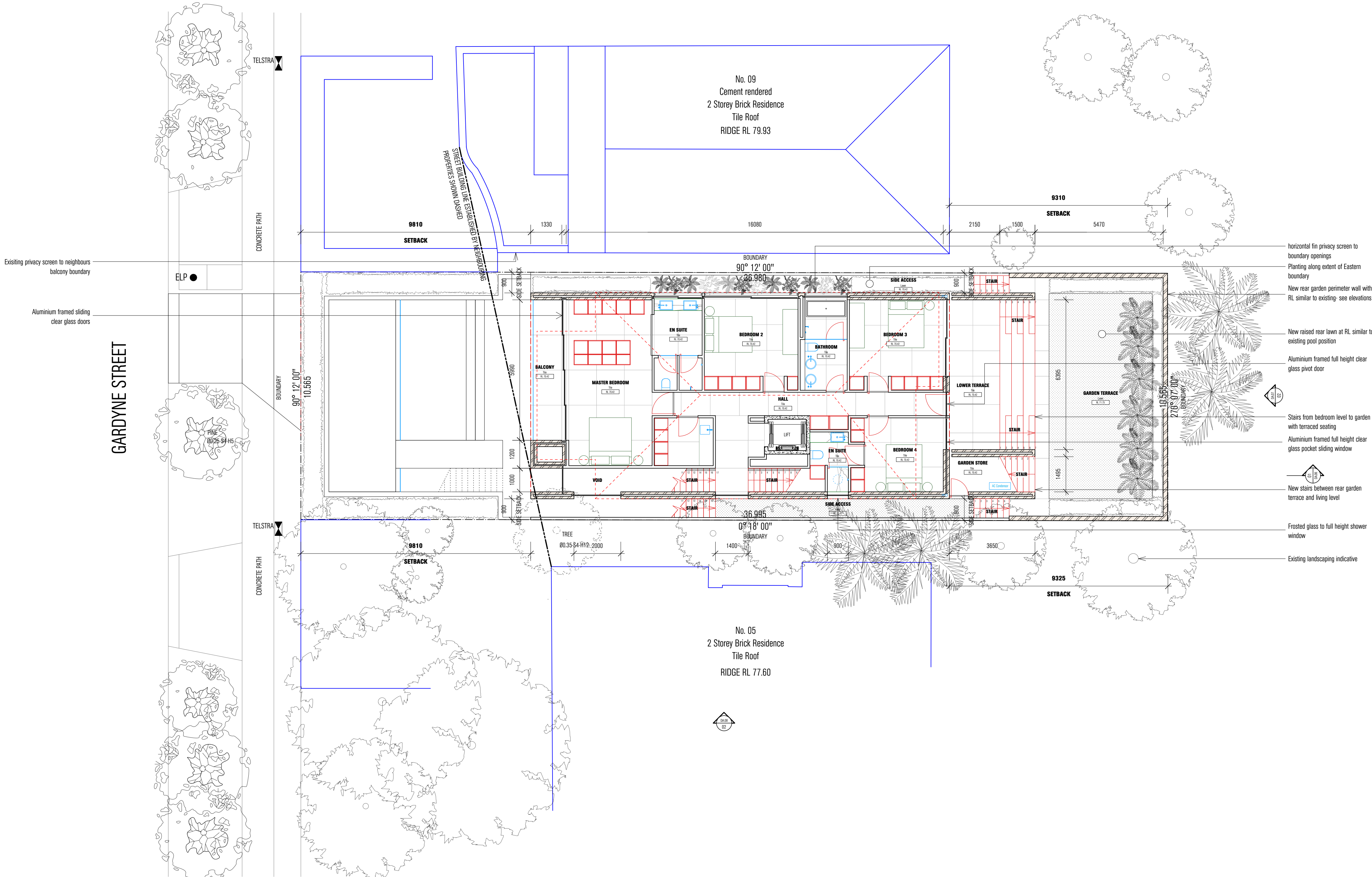
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HEATING	Air-conditioner, 1-phase, 6 'Star' Zoned 'daylight' to living & Bed areas
WATER HEATING	Gas Instantaneous, 6.0 'Star'
LIGHTING	Fluorescent, compact fluorescent or LED to 4 bedrooms; study 3 living/dining kitchen all bathrooms/toilets landry hallways
COOKING	cooktop, electric oven
VENTILATION	Kitchen, Bathrooms & Laundry / exhaust ducted, manual switch 'on' & 'off'
POOL	Solar pool heating; timers to pumps.
REFRIGERATION SYSTEM	Well ventilated
CLOTHES DRYING LINES	Indoor lines and outdoor lines



GARDYNE STREET

## 01 PLAN

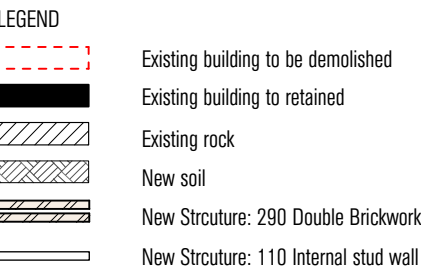
Ground Floor  
Scale 1:100



	'BASIX' TARGETS	DWELLING RESULTS
'WATER'	(40 POINTS)	40
'THERMAL COMFORT' NATHERS	(PASS)	PASS
'ENERGY'	(40 POINTS)	50

<b>LANDSCAPE</b>	75m2 lawn + garden
<b>RAINWATER TANK</b>	Collected from total roof area = 136m2 Water to be used for garden + pool + toilets
<b>POOL</b>	Volume must be less than 20 kilolitres

COOLING	Air-conditioner, 1 phase, 6 "Star" Dated 'daylighting to living & Bed areas
HEATING	Air-conditioner, 1 phase, 6 "Star" Dated 'daylighting to living & Bed areas
WATER HEATING	Gas Instantaneous, 6.0 "Star"
LIGHTING	Fluorescent, compact fluorescent or LED to 4 bedrooms/study 3 living/dining kitchen all bathrooms/toilets laundry hallways
COOKING	cooktop, electric oven
VENTILATION	Kitchen, Bathrooms & Laundry : exhaust duct, manual switch 'on' & 'off'
POOL	Solar pool heating; timers to pumps.
REFRIGERATION SPACE	Well ventilated
CLOTHES DRYING LINES	Indoor lines and outdoor lines



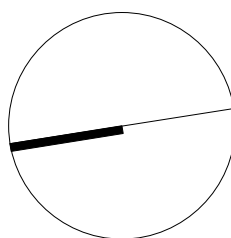
	Previously Approved DA	Proposed (inc. stairs + lift)	Additional Area
Basement	46.69 sqm	21.1 sqm	23 sqm (plant)
Lower Ground Floor	44.86 sqm	49 sqm	
Ground Floor	149.7 sqm	121.3 sqm	
First Floor	142 sqm	110.6 sqm	
<b>Total</b>	<b>383.3 sqm</b>	<b>302 sqm</b>	
Site Area	392 sqm	392 sqm	
FSR	0.98:1	0.77:1	

Landscaped Area	58.8sqm	101.3 sqm
Open Space	156.8sqm	141 sqm
Swimming Pool		23.3 sqm
Parking		39.4 sqm

[illegible]

PROJECT	KING RESIDENCE
ADDRESS	7 GARDYNE STREET BRONTE- LOT A, DP 311890
DOCUMENT	DEVELOPMENT APPLICATION

DRAWING	PLAN		
LEVEL 1			
DATE	22.08.17	SCALE	1:100
DRAWN	MDS	PROJECT NO.	16009
DRAWING NO.	DA.05	REV NO.	B



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Existing building to be demolished  
Existing building to be retained  
Existing rock  
New soil  
New Structure: 290 Double Brickwork  
New Structure: 110 Internal stud wall

	'BASIX' TARGETS	DWELLING RESULTS
'WATER'	(40 POINTS)	40
'THERMAL COMFORT' NATHERS	(PASS)	PASS
'ENERGY'	(40 POINTS)	50

<b>LANDSCAPE</b>	75m2 lawn + garden
<b>RAINWATER TANK</b>	Collected from total roof area = 136m2 Water to be used for garden + pool + toilets
<b>POOL</b>	Volume must be less than 20 kilolitres

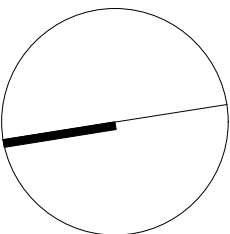
- \* R1.0 insulation blanket to underside of metal deck roof
- \* R1.0 insulation around verticle edges of the perimeter of slab, underneath the slab if it is a suspended floor.
- \* R3.5 insulation to all ceilings with roof directly above (Except garage)
- \* 'Light' coloured external walls; 'Light' coloured roof

<b>COOLING</b>	Air-conditioner, 1 phase, 6 'Star' Zoned 'daylighting to Living & Bed areas
<b>HEATING</b>	Air-conditioner, 1 phase, 6 'Star' Zoned 'daylighting to Living & Bed areas
<b>WATER HEATING</b>	Gas Instantaneous, 6.0 'Star'
<b>LIGHTING</b>	Fluorescent, compact fluorescent or LED to 4 bedrooms/sundry 3 living/dining kitchen all bathrooms/toilets laundry hallways
<b>COOKING</b>	cooktop, electric oven
<b>VENTILATION</b>	Kitchen, Bathrooms & Laundry: exhaust ducted, manual switch 'on' & 'off'
<b>POOL</b>	Solar pool heating; timers to pumps.
<b>REFRIGERATION SPACE</b>	Well ventilated
<b>CLOTHES DRYING LINES</b>	Indoor lines and outdoor lines

[illegible]

PROJECT	KING RESIDENCE
ADDRESS	7 GARDYNE STREET
	BRONTE- LOT A, DP 311890
DOCUMENT	DEVELOPMENT APPLICATION

DRAWING	PLAN		
ROOF PLAN			
DATE	22.08.17	SCALE	1:100
DRAWN	MDS	PROJECT NO.	16009
DRAWINGS NO.	DA.09	REV NO.	B



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**NOTES**

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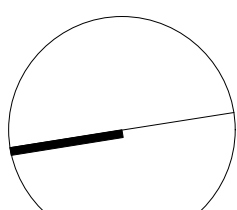
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PROJECT	KING RESIDENCE
ADDRESS	7 GARDYNE STREET
	BRONTE- LOT A, DP 311890
DOCUMENT	DEVELOPMENT APPLICATION





DRAWING	STREET VIEWS DIAGRAM		
LONG SECTION			
DATE	22.08.17	SCALE	1:100
DRAWN	MDS	PROJECT NO.	16009
DRAWING NO.	DA.20	REV NO.	A

**LEGEND**

-  Existing building to be demolished
-  Existing building to be retained
-  Existing rock
-  New soil
-  New Structure: 290 Double Brickwork
-  New Structure: 110 Internal stud wall

	Previously Approved DA	Proposed (inc. stairs + lift)	Additional Area
Basement	46.69 sqm	21.1 sqm	23 sqm (plant)
Ground Floor	44.86 sqm	49 sqm	
1st Floor	149.7 sqm	121.3 sqm	
2nd Floor	142 sqm	110.6 sqm	
<b>Total</b>	<b>383.3 sqm</b>	<b>302 sqm</b>	
Site Area	392 sqm	392 sqm	
SR	0.98:1	0.77:1	

NOTES

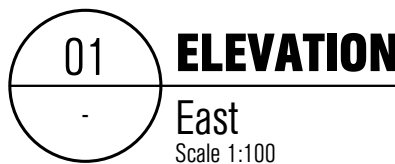
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DOCUMENT DEVELOPMENT APPLICATION

ELEVATIONS E-W

DRAWING NO. DA.08 REV NO. B

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**LEGEND**

	Existing building to be demolished
	Existing building to be retained
	Existing rock
	New soil
	New Structure: 290 Double Brickwork
	New Structure: 110 Internal stud wall

	Previously Approved DA	Proposed (inc. stairs + lift)	Additional Area
Basement	46.63 sqm	21.1 sqm	23 sqm (plant)
Lower Ground Floor	44.86 sqm	49 sqm	
Ground Floor	149.7 sqm	121.3 sqm	
First Floor	142 sqm	110.6 sqm	
<b>Total</b>	<b>393.3 sqm</b>	<b>302 sqm</b>	
Site Area	392 sqm	392 sqm	
FSR	0.98:1	0.77:1	

SITE COVERAGE CALCULATIONS	Required	Proposed
Landscaped Area	58.8sqm	101.3 sqm
Open Space	156.8sqm	141 sqm

Swimming Pool	23.3 sqm
Parking	39.4 sqm

NOTES

[illegible]PROJECT KING RESIDENCE

ADDRESS 7 GARDYNE STREET

BRONTE- LOT A, DP 311890

DOCUMENT DEVELOPMENT APPLICATION

DRAWING PLAN

ELEVATIONS N-S

DATE 22.08.17 SCALE 1:100

DRAWN MDS PROJECT NO. 16009

DRAWING NO. DA.07 REV. NO. B

DISCLAIMER

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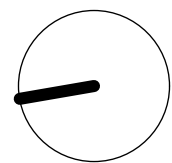


KEY

- EXISTING TREE RETAINED
- EXISTING TREE REMOVED
- PROPOSED PLANTING - REFER PLANT SCHEDULE L102

KING RESIDENCE

Landscape Plan - Ground Floor



OUTDOOR ESTABLISHMENTS  
LANDSCAPE ARTISTS

Project No. 170803  
Stage Development Application

Client Steven & Amanda King  
Address 7 Gardyne Street, BRONTE NSW 2024

Drawn By SW  
Checked By MH

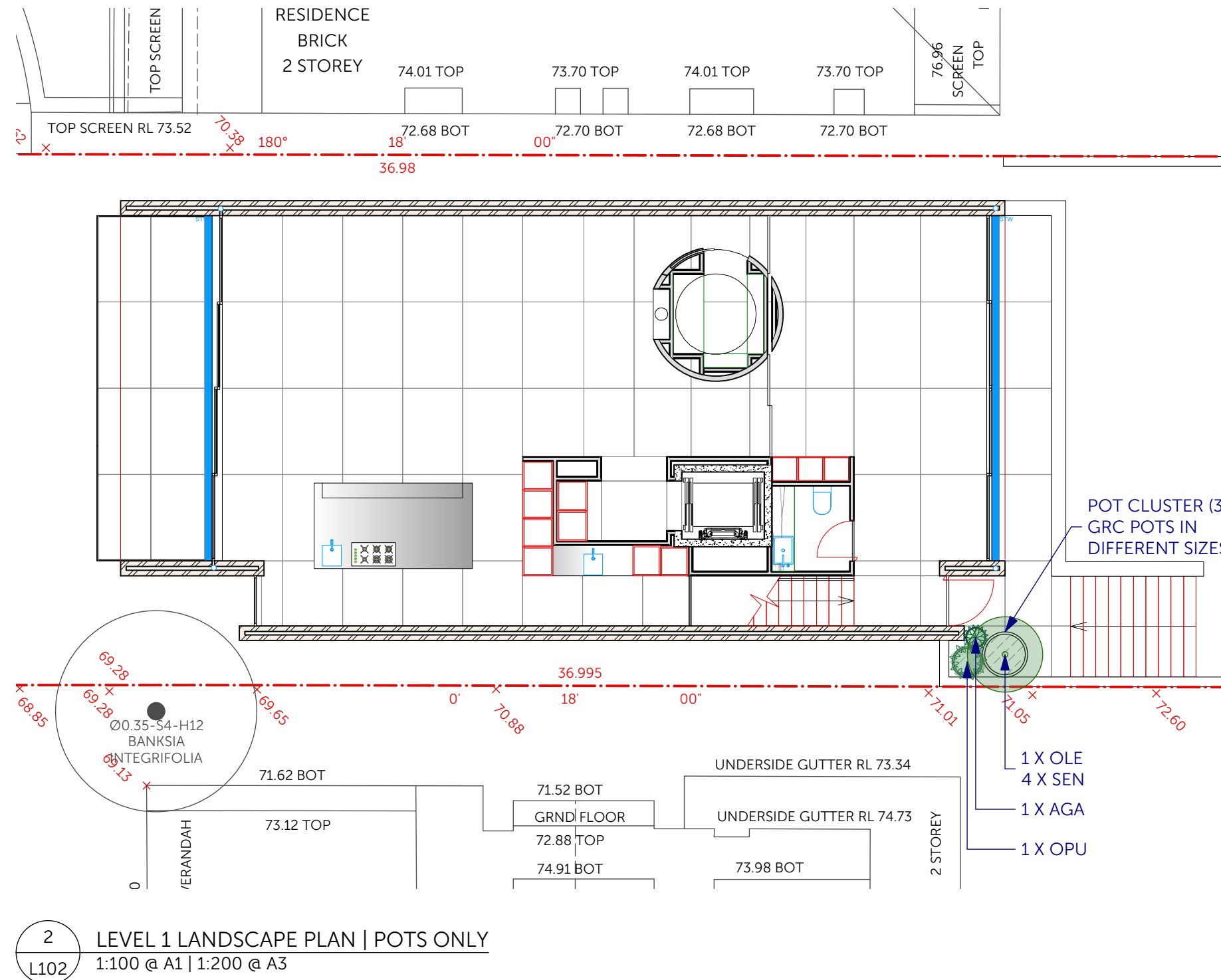
Scale 1:100 @ A1 | 1:200 @ A3  
Date 05/09/17

Drawing No. L102  
Rev # B

PLANT SCHEDULE

LOWER GROUND FLOOR						
TREES						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
HOW	Howea forsteriana	Kentia Palm	up to 15m	native	min. 200Lt	1
HEDGE & SCREEN PLANTING						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
DOD	Dodonaea viscosa 'Mr Green Sheen'	Green Hop Bush	1-2m	native	200mm	9
WES	Westringia fruticosa 'Naringa'	Coastal Rosemary	1.2-2m	native	200mm	19
SHRUBS, GRASSES & SUCCULENTS						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
ALO	Aloe plicatilis	Fan Aloe	up to 1.5m	exotic	500mm	1
CAR	Carissa macrocarpa 'Emerald Star'	Prostrate Natal Plum	0.5-1m	exotic	200mm	6
GROUNDCOVERS & CLIMBERS						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
CAS	Casuarina 'Cousin It'	Prostrate She Oak	300mm	native	200mm	12
DR	Dichondra repens	Kidney Weed	100mm	indigenous	100mm	20
MYO	Myoporum insulare 'Coastal Carpet'	Coastal Carpet	150mm	native	200mm	4
ROS	Rosmarinus officinalis Prostratus	Creeping Rosemary	400mm	exotic	200mm	10
TRA	Trachelospermum jasminoides	Star Jasmine	climber	exotic	200mm	5
GROUND FLOOR						
TREES						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
BAN	Banksia integrifolia fastigiata 'Sentinel'	Dwarf Coastal Banksia	up to 2.5m	native	400mm	8
CYA	Cyathea cooperi	Lacy Tree Fern	5-20m	indigenous	45Lt	1
HOW	Howea forsteriana	Kentia Palm	up to 15m	native	min. 200Lt	5
HEDGE & SCREEN PLANTING						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
HEL	Heliconia 'Hot Rio Nights'	Hot Rio Nights	3-4m	exotic	300mm	5
STN	Strelitzia nicolai	Giant Bird of Paradise	5-6m	exotic	300mm	5
STR	Strelitzia reginae	Bird of Paradise	up to 1.5m	exotic	200mm	6
SHRUBS, GRASSES & SUCCULENTS						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
DIA	Dianella caerulea 'Little Jess'	Blue Flax Lily	400mm	native	140mm	23
HYM	Hymenosporum flavum 'Lushious'	Dwarf Native Frangipani	0.5-0.6m	native	200mm	8
LEP	Leptospermum 'Fore Shore'	Dwarf Tea Tree	0.5-0.6m	native	200mm	14
GROUNDCOVERS						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
DR	Dichondra repens	Kidney Weed	100mm	indigenous	100mm	45
VH	Viola hederacea	Native Violet	150mm	indigenous	140mm	5
LEVEL 1						
POTS						
Symbol	Botanical Name	Common Name	Height	Type	Pot Size	Quantity
AGA	Agave victoriae-reginae	Queen Victoria Agave	300mm	exotic	200mm	1
OLE	Olea europaea 'Tolley's Upright'	European Olive (sterile)	3m in pot	exotic	100Lt	1
OPU	Opuntia 'Burbank Spineless'	Burbank Spineless (sterile)	1.5m in pot	exotic	400mm	1
SEN	Senecio serpens	Dwarf Blue Chalksticks	140mm	exotic	140mm	4

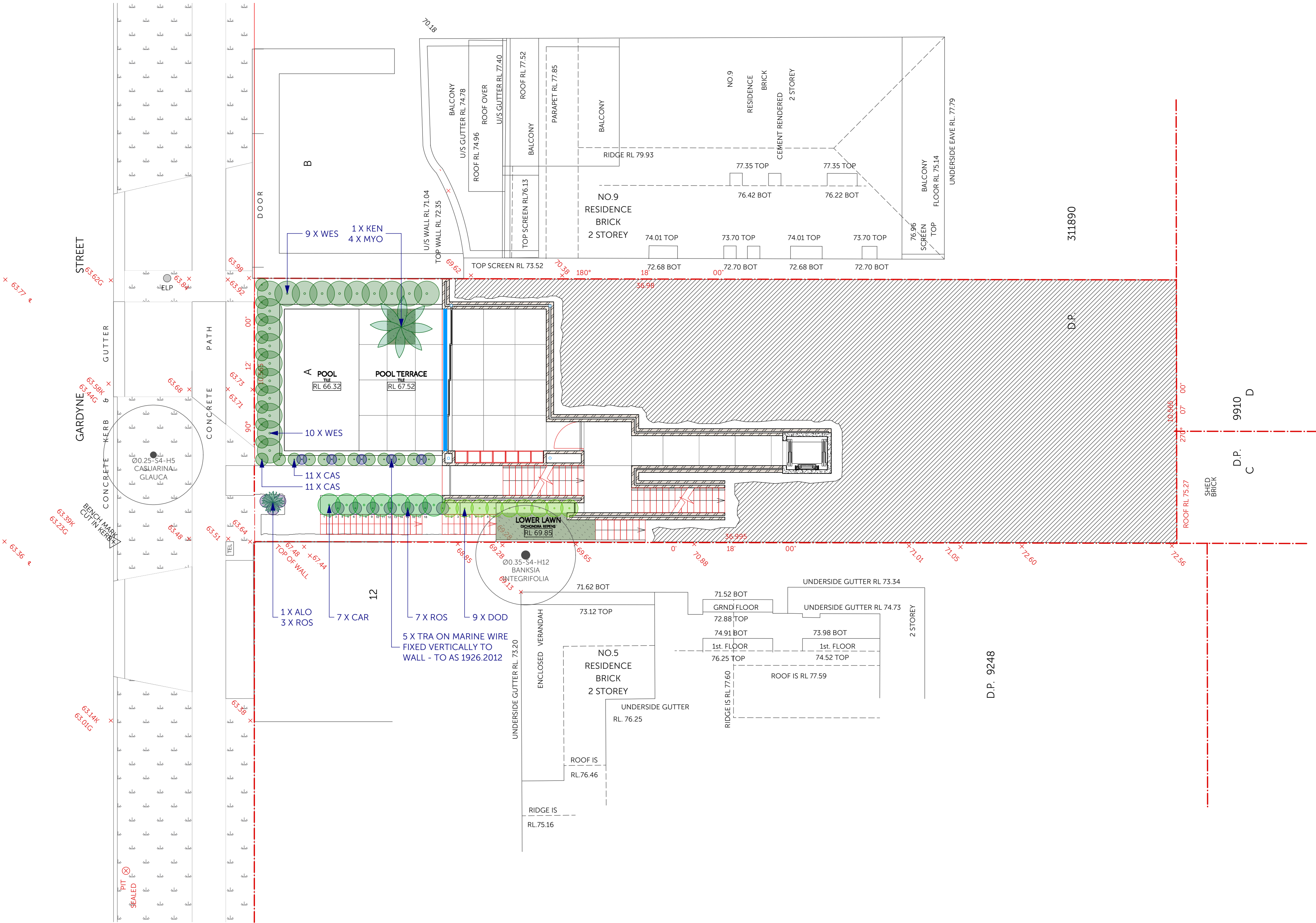
1 GROUND FLOOR LANDSCAPE PLAN  
1:100 @ A1 | 1:200 @ A3



2 LEVEL 1 LANDSCAPE PLAN | POTS ONLY  
1:100 @ A1 | 1:200 @ A3

FOR DEVELOPMENT APPLICATION ONLY





1 LOWER GROUND FLOOR LANDSCAPE PLAN  
L101 1:100 @ A1 | 1:200 @ A3

KEY

- EXISTING TREE RETAINED
- EXISTING TREE REMOVED
- PROPOSED PLANTING - REFER PLANT SCHEDULE L102

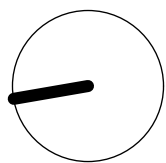
KING RESIDENCE  
Landscape Plan - Lower Ground Floor

GENERAL NOTES

WAVERLEY DEVELOPMENT CONTROL PLAN 2012

PART B GENERAL DESIGN PROVISIONS  
3. BIODIVERSITY

- 3.1 REMNANT VEGETATION
- The site does **NOT** fall within an area identified as remnant vegetation or land adjoining remnant vegetation.
- 3.2 HABITAT CORRIDORS & RECOGNISED HABITAT
- The site does **NOT** fall within an area identified as recognised habitat, a habitat corridor or habitat buffer.



Project No. 170803  
Stage Development Application

Client Steven & Amanda King  
Address 7 Gardyne Street, BRONTE NSW 2024

Drawn By SW  
Checked By MH

Scale 1:100 @ A1 | 1:200 @ A3  
Date 05/09/17

Drawing No. L101  
Rev # B

SPECIFICATION NOTES

FOR DEVELOPMENT APPLICATION ONLY - NOT FOR CONSTRUCTION

PRELIMINARIES  
1.01 GENERAL

- The landscape plans should be read in conjunction with the Architectural Plans, Engineer Plans and Survey prepared for the proposed development.
- Do not scale from drawings.
- All work to be carried out in accordance with the Landscape Technical Specification.
- All discrepancies or conflict to be brought to the attention of the Landscape Architect before construction or installation.
- All dimensions in mm unless stated otherwise.
- Use figured dimensions only.
- Verify all dimensions on site before the commencement of any works.
- Service location on plans are indicative only. Contractor shall locate and protect all services prior to construction.
- All work shall be carried out in accordance with current versions of Australian Standards, BCA and Local Government Regulations.
- Structural details shall be subject to Engineer's Specifications.
- Drainage shall be subject to Hydraulic Engineer's Specifications.
- All work shall be carried out in a professional manner by Qualified Tradesperson according to the Drawings & Specifications.
- This Landscape Drawings are copyright to Outdoor Establishments Pty Ltd.

1.02 PROTECTION OF ADJACENT FINISHES

The Contractor shall take all precautions to prevent damage to all or any adjacent finishes by providing adequate protection to these areas / surfaces prior to the commencement of the works.

1.03 PROTECTION OF EXISTING TREES

Existing trees identified to be retained shall be done so in accordance with NATSPEC Guide 2 'A Guide to Assessing Tree Quality'. Where general works are occurring around such trees, or pruning is required, a qualified Arborist shall be engaged to oversee such works and manage tree health. Existing trees designated on the drawing for retention shall be protected at all times during the construction period. Any soil within the drip-line of existing trees shall be excavated and removed by hand only. No stockpiling shall occur within the root zone of existing trees to be retained. Any roots larger in diameter than 50mm shall only be severed under instruction by a qualified arborist. Roots smaller than 50mm diameter shall be cut cleanly with a saw. Temporary fencing shall be installed around the base of all trees to be retained prior to the commencement of landscape works. Where possible this fencing will be located around the drip line of these trees, or a minimum of 3m from the trunk. The fencing shall be maintained for the full construction period.

1.04 EROSION & POLLUTION CONTROL

The Contractor shall take all proper precautions to prevent the erosion of soil from the subject site. The Contractor shall install erosion & sediment control barriers and as required by council, and maintain these barriers throughout the construction period. Note that the sediment control measures adopted should reflect the soil type and erosion characteristics of the site.

- Erosion & pollution control measures shall incorporate the following:
- Construction of a sediment trap at the vehicle access point to the subject site
  - Sediment fencing using a geotextile filter fabric in the location indicated on the erosion control plan or as instructed on site by the Landscape Architect.
  - Earth banks to prevent scour of stockpiles.
  - Sandbag kerb sediment traps.
  - Straw bale & geotextile sediment filter.
  - Exposed banks shall be pegged with an approved Jute matting in preparation for mass planting.

SOFTWORKS  
1.05 DRAINAGE

- All drainage works shall be constructed and stabilised as early as possible during development.
- Install new pits and grates to accommodate runoff from hard surfaces and connected to existing stormwater system to control flows.
- Subsoil drainage and ag. lines to be used in all garden beds.

1.06 IRRIGATION

- Irrigation is to comply with Council Conditions of Consent and Water Authorities.
- All turf and garden beds within the site boundary are to be irrigated unless stated otherwise.
- Irrigation spaced at min. 300mm centres and adjusted according to plant setout to provide adequate irrigation to all plants.
- Drip irrigation is to be fully concealed by 75mm min. of mulch.

1.07 MAINTENANCE

The consolidation and maintenance period shall be 12 months beginning from the approved completion of the specified construction work (Practical Completion). A qualified landscape maintenance contractor shall undertake the required landscape maintenance works. Consolidation and maintenance shall mean the care and maintenance of Contracted works by accepted landscaping or horticultural practices, ensuring that all plants are in optimum growing conditions and appearance at all times, as well as rectifying any defects that become apparent in the contracted works.

- This shall include, but not be limited to, the following items where and as required:
- Watering all planting and lawn areas / irrigation maintenance.
  - Clearing litter and other debris from landscaped areas.
  - Removing weeds, pruning and general plant maintenance.
  - Replacement of damaged, stolen or unhealthy plants.
  - Make good areas of soil subsidence or erosion.
  - Topping up of mulched areas.
  - Spray / treatment for Insect and disease control.
  - Fertilizing with approved fertilizers at correct rates.
  - Mowing lawns & trimming edges each 14 days in summer or 18 days in winter.
  - Adjusting ties to stakes.
  - Maintenance of all paving, retaining and hardscape elements.

On the completion of the maintenance period, the landscape works shall be inspected and at the satisfaction of the Superintendent or Landscape Architect, the responsibility will be signed over to the client.

FOR DEVELOPMENT APPLICATION ONLY

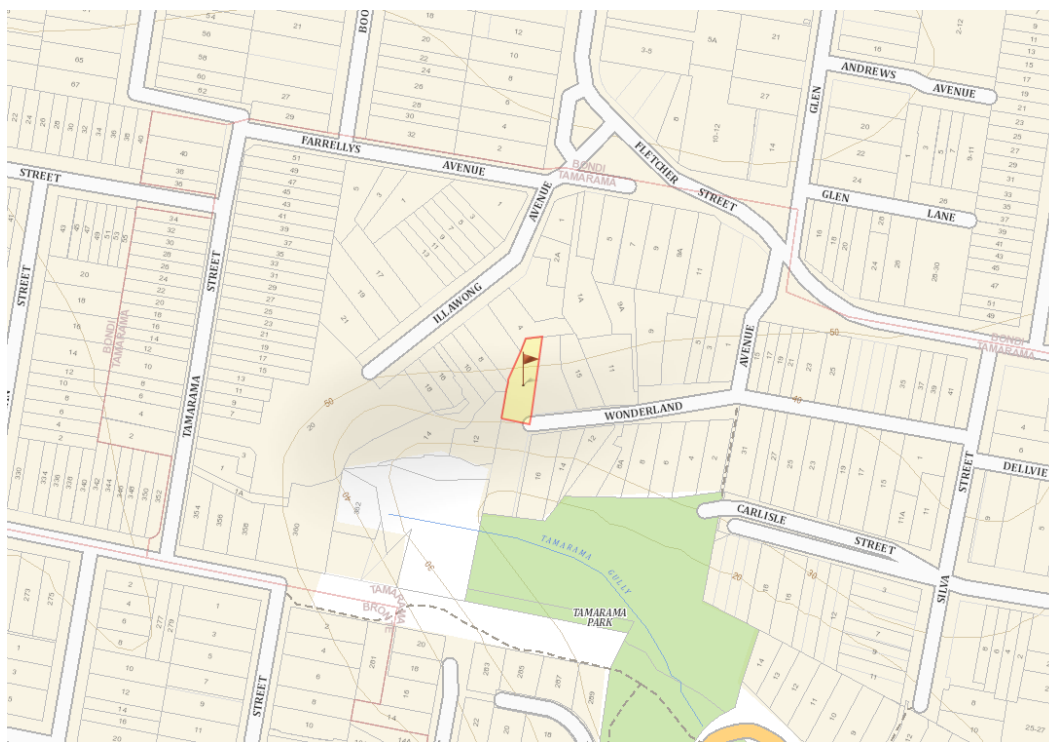




## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-35/2018
<b>Site address</b>	1/19 Wonderland Avenue Tamarama
<b>Proposal</b>	Alterations to existing dwelling including window changes, and BBQ area (The originally proposed swimming pool has been removed from the application)
<b>Date of lodgement</b>	13 February 2018
<b>Owner</b>	Mr M R Jenkinson and Mr H M So
<b>Applicant</b>	Mr M R Jenkinson and Mr H M So
<b>Submissions</b>	5 objections
<b>Cost of works</b>	\$250,000 (original – with pool)
<b>Issues</b>	Swimming pool (now deleted), FSR variation under clause 4.6, acoustic privacy
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions

### Site Map



## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 7 May 2018.

The site is identified as Lot 1 SP 78881, known as 1/19 Wonderland Avenue Tamarama. The site is irregular in shape with a north rear boundary of 8.42m, east boundary to 17 Wonderland Avenue of 39.815m, a south boundary to 18 Wonderland Avenue of 14.85m and an angled west boundary to various Illawong Avenue properties with a total length of 43.11m. Access to the site is via a perpendicular section of the eastern side boundary from a cul-de-sac. The site has an area of 522.1m<sup>2</sup> and has a significant fall from the rear to the front of around 9.5m.

The subject site is adjoined by a variety of residential development including semi-detached dwellings, detached dwellings and residential flat buildings

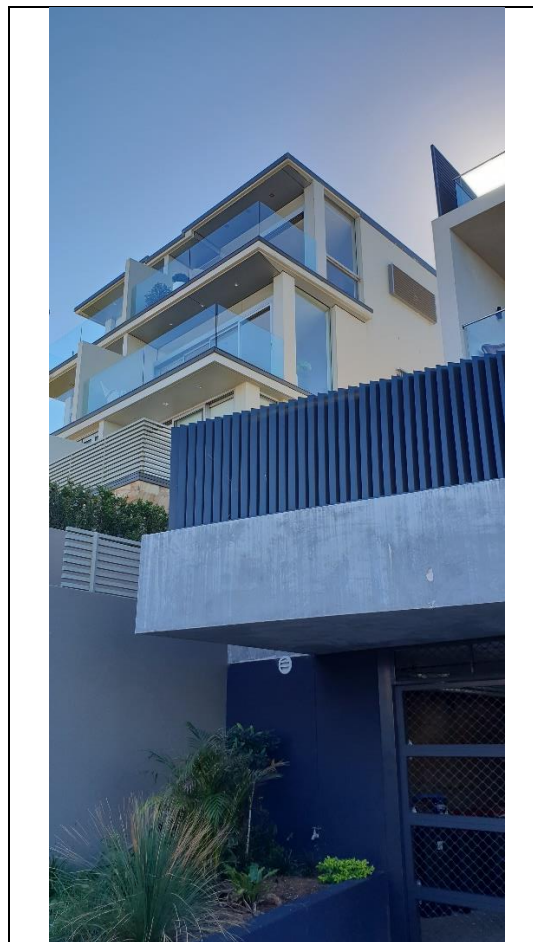
The site is occupied by an awkwardly strata subdivided, multi-level dual occupancy, as shown below:



**Figure 1:** Site viewed from the courtyard at the front of the site over the garage. The awkward subdivision has the entire basement level allocated to Lot 1 (which currently contains plant and equipment), with a regular 'semi-detached' arrangement above with the exception of the uppermost floor, where the dwellings 'cross over' each other.



**Figure 2:** The view from the top floor balcony of Unit 1 looking down to the terrace. The whole terrace area is allocated to Unit 1, but underneath there are separate garages for each of the lots.



**Figure 1:** Site viewed from south east. A new window is proposed at the uppermost level on the side elevation and a new opening is proposed to the basement level (only just visible in the photo behind the hedge planting) on the front elevation.



## 1.2 Relevant History

The proposal was lodged on 13 February 2018 and sought three main alterations to the dwelling:

1. A new swimming pool in the front courtyard area;
2. Conversion of the basement storage area into a 'rumpus' space with separate toilet, accessed via new sliding or panel lift doors, with a BBQ bench and hood outside; and
3. A new window to the top floor living area on the side elevation.

The application was notified and five submissions were received. The principal concern raised was the acoustic impacts from the swimming pool and BBQ area.

The site was inspected on 7 May 2018 and following discussion with the Council's Development and Building Unit (DBU) it was determined that the swimming pool was not acceptable in the proposed location and that the works to the basement level raised concern about future utility as a separate domicile, could result in GFA breaches that were undocumented and may not have sufficient internal ceiling heights. The proposed window at the top floor raised no concern.

The applicant was advised of these issues on 31 May 2018 and invited to address the following:

1. *The location of the swimming pool in the front of the property is not supported following an assessment against the Waverley Development Control Plan 2012 objectives and controls for swimming pools. The pool would introduce an acoustically sensitive recreational use into an otherwise quieter context of the street frontage of surrounding dwellings.*
2. *The proposed bathroom and new glazing/panel lift doors to the basement area convert the area into calculable floor space. This area must be included in an overall assessment of the dwelling's compliance with the Development Standard for Floor Space Ratio (clause 4.4A of the Waverley Local Environmental Plan 2012) and may require a clause 4.6 variation to the Development Standard if breached. A schedule of areas and a statement is required to address the Gross Floor Area calculations.*
3. *Given that the area is isolated from the floors above, concerns are raised that this area could constitute an additional dwelling (granny flat) which would have insufficient amenity given its subterranean location. To address this issue, the area should be integrated into the overall built form of the dwelling, connected internally by stairs to the floor above.*

Amended plans were received on 22 June 2018. The swimming pool was removed from the proposal. A clause 4.6 variation to the floor space development standard was also submitted, however it was not adequate and an improved statement was requested. In relation to the basement level alterations, the internal ceiling heights were shown to be insufficient (at 2300mm) for standard habitable rooms and the applicant was asked to address this.

Further amended plans were received on 29 June 2018 with an altered usage for the basement level, being a laundry room (there is only a cupboard laundry in the main part of the house), a cellar where the ceiling height is particularly low and then a 'tasting' area towards the proposed door which is essentially a component of the cellar. The applicant stated they had "*checked with our certifier to make sure that he is comfortable that it will comply as non-habitable space. He said that if there are any issues we can get an alternative solution to the room height requirements from a BCA consultant.*" This is accepted as the described uses do not require 2400mm ceiling heights under the National Code of Construction.

On 9 July 2018 a new clause 4.6 variation was submitted that is adequate.

### 1.3 Proposal

Having regard to the relevant history, the application is now for two areas of work:

1. Conversion of the basement storage area into a 'laundry, cellar and tasting area', accessed via new sliding or panel lift doors, with a BBQ bench and hood outside; and
2. A new window to the top floor on the side elevation and replacement of the front sliding doors.

## 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 meets the aim of the plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Medium Density Residential	Yes	The proposal is defined as a dual occupancy, which is permitted with consent.

Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> <li>9.5m</li> </ul>	N/A	The height of the building is unchanged
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.53:1 (276.7m<sup>2</sup>)</li> </ul>	No	Existing non-compliance: <ul style="list-style-type: none"> <li>0.55:1 (287.2m<sup>2</sup>)</li> <li>Variation of 10.5m<sup>2</sup> or 3.8%</li> </ul> Proposed increase in calculable floor area of 41.7m <sup>2</sup> creates a further non-compliance of: <ul style="list-style-type: none"> <li>0.63:1 (328.9m<sup>2</sup>)</li> <li>Variation of 52.2m<sup>2</sup> or 18.9%</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 floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The area is in a class 5 acid sulfate area. No further recommendations are made in this regard.
6.2 Earthworks	Yes	There is no physical excavation as part of the works. The basement level is already existing with a partly uneven ground level housing plant and equipment and some household storage items. The works to the ground will be limited to providing a level surface.

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 0.63:1, which exceeds the floor space ratio development standard of 0.53:1 prescribed under clause 4.4A of Waverley LEP 2012 by 41.7m<sup>2</sup> in gross floor area or 18.9%.

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 proposal is to utilise an existing storage space below the existing dwellings as a laundry, cellar and tasting room. The conversion of the parts of the basement storage space to non-habitable, but GFA inclusive, uses complies with the objectives of the standard*
- The proposal will retain the current correlation between building height and density*



- *Making use of the unused space does not impact on the desired future character of the area in relation to bulk, form and scale, and does not reduce the amount of existing landscaped area.*
- *The proposal does not alter the bulk, scale, streetscape or desired future character of the locality. The building is, and will remain, compatible with its surrounds.*
- *The proposal has no impact on the environmental amenity of neighbouring properties or the locality as there is no change to the bulk or scale of the existing building. The proposal does not adversely impact on other properties or the locality as a result of the non-compliance.*

The applicant's justification for the variation is supported.

The breach in FSR is essentially 'definitional' as the area already exists as a subterranean storage space with a single door and no window and is therefore not calculated as floor space. The introduction of larger openings to the front façade of the basement, replacing the existing sandstone base of the dwelling, recharacterises the area as 'calculable floor space', generating a numerical non-compliance.

The alterations themselves do not add to the visual bulk or scale of the building and in this particular case they do not adversely emphasise the perceived height of the building by presenting more 'storeys' to the streetscape.

Had the overall appearance of the building significantly altered from three-storeys to four-storeys when viewed more widely in the streetscape, then the visual scale of the building would have been excessive. However in this case, the front elevation is disguised behind a raised garage and there will be no discernible difference in scale from the street.

Strict compliance with the development standard is therefore unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal is not contrary to the public interest as it is consistent with the objectives of the development standard and applicable zone.

The variation is therefore supported.

### 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:

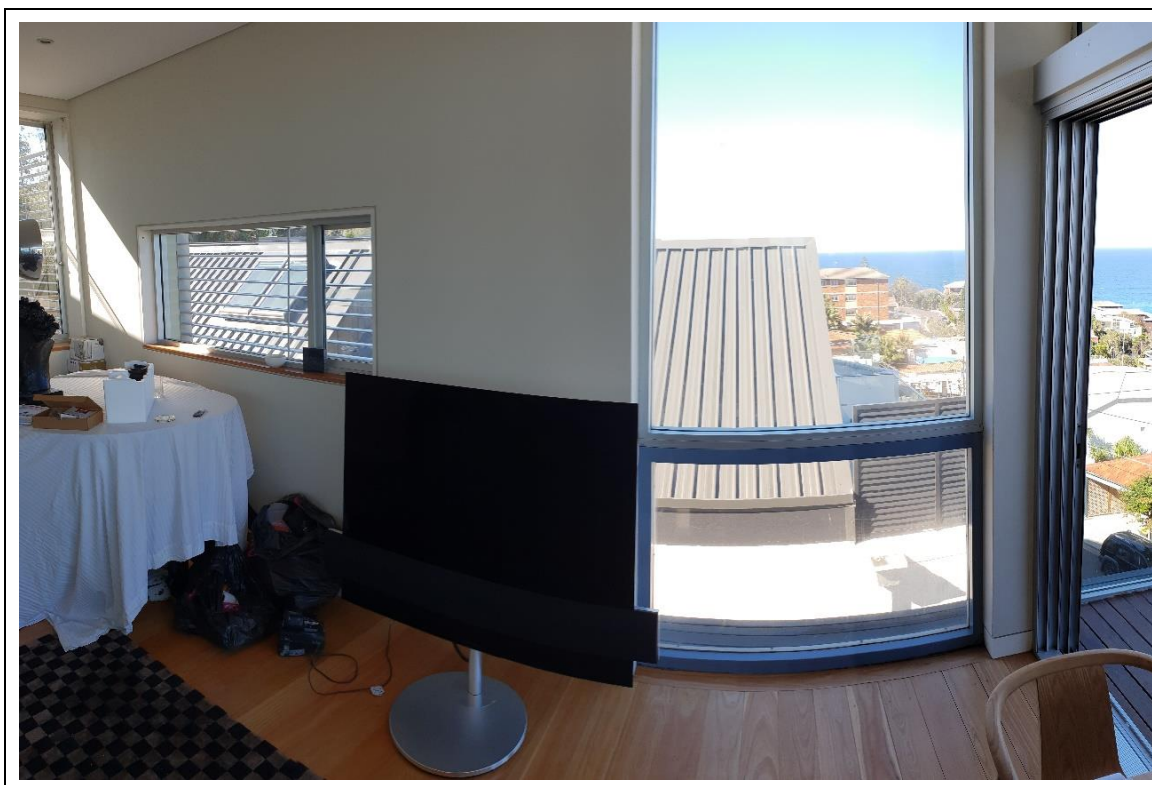
**Table 2: Waverley DCP 2012 – Part B General Provisions Compliance Table**

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan (SWRMP) was submitted with the application and the garbage collection arrangements remain unchanged.
2. Energy and water conservation	Yes	A BASIX certificate was submitted with the application demonstrating compliance with the relevant standards for energy efficiency and water conservation. An amended BASIX certificate will be required as a condition of consent given the removal of the pool and the changes to the usage of the basement level.
6. Stormwater	No	Council's stormwater engineers reviewed the stormwater plans and concluded that there was not sufficient documentation to assess the application. A condition of consent is imposed to address this, noting the removal of the swimming pool component of the application significantly simplifies stormwater issues.

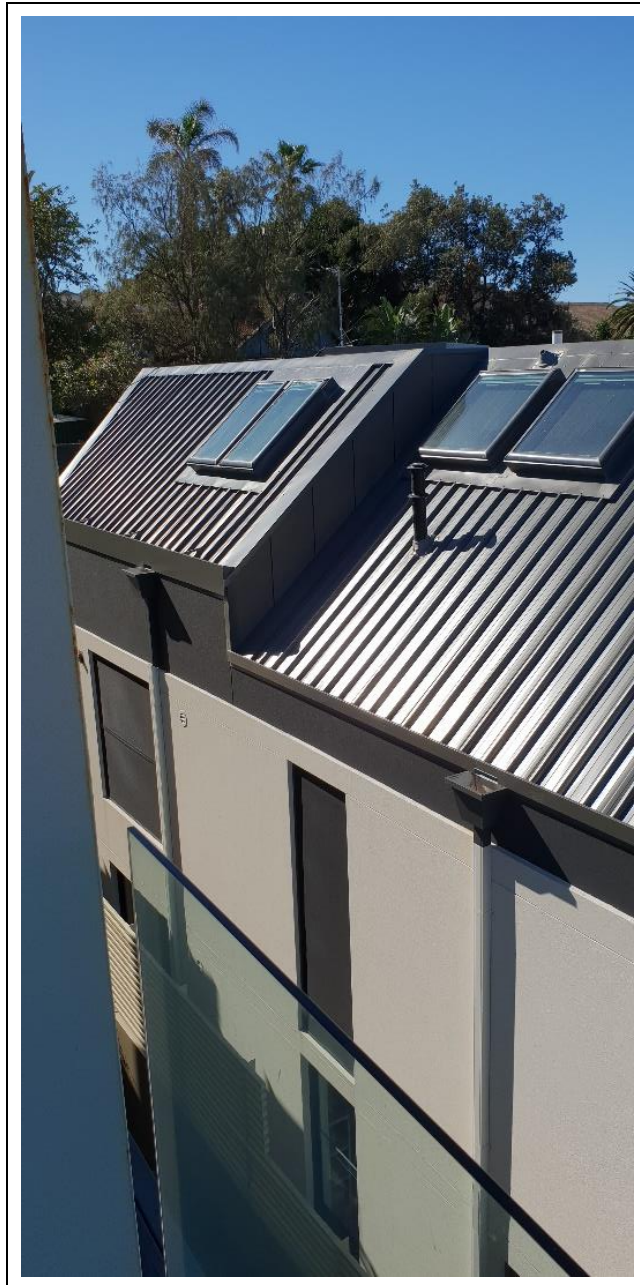
**Table 3: Waverley DCP 2012 – Part C1 Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development Compliance Table**

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>	N/A	The alterations do not affect the overall height of the building.
<b>1.6 Semi-detached dwellings and terrace style development</b>		
1.6.6 Streetscape and visual impact controls for terraces	Yes	<p>This is an awkward version of a semi-detached dwelling however the overall design of the building is cohesive. The changes to the basement level façade extend across the width of the building and therefore are well integrated with the architectural expression of the building.</p> <p>The larger opening proposed at the top floor level on the side elevation does not detract from the appearance of the building.</p>

Development Control	Compliance	Comment
<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> </ul>	Yes	<p>The proposed new window opening to the top floor level replaces two existing windows. The view out of those windows is shown in Figure 4 (standing aspect from the living area) and Figure 5 below (standing at the edge of the balcony adjacent to the window and specifically looking back and around to the adjoining dwelling, ie, a 'worst case scenario' for overlooking).</p> <p>The aspect is primarily out to the ocean, and at an oblique angle standing close to the glass, it is possible to view the roof of the neighbouring dwelling only. There are no sightlines into the dwelling itself from either the existing window or the new window that is proposed in a similar location.</p> <p>The BBQ area is located on the terrace above the garage which already has screening on the side elevation. The plans propose 'new screening' slightly higher than the existing and both of these prevent direct overlooking of the adjoining properties.</p>



**Figure 4:** Existing outlook from the upstairs living room towards the east. The proposal removes the smaller window and extends the existing full height window to the north (left in this photo)



**Figure 5:** An oblique ‘worst case’ outcome of overlooking demonstrated by standing at the existing balcony edge and peering backward towards the adjoining property. The proposed new window would provide less overlooking than this situation.

## **2.2 Other Impacts of the Development**

The proposed development is capable of complying with the BCA, with particular attention given to the utility of the converted basement level.

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*. Five (5) submissions were received. The issues raised in the submissions are summarised and discussed below.

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

Property
2/19 Wonderland Avenue Tamarama (referred to by the owners as '19 Wonderland Ave')
<i>Note, in this strata plan (and in the submission): 1/19 Wonderland Ave is the subject site and is referred to as 'No.19A'; and 2/19 Wonderland Ave is the objector/neighbour and is referred to as 'No.19'</i>
1/16 Wonderland Avenue Tamarama
2/16 Wonderland Avenue Tamarama
3/16 Wonderland Avenue Tamarama
12 Illawong Avenue Tamarama

***Issue: Impacts from the pool (noise, water spillage, privacy, outlook) upon 12 Illawong Avenue***

**Response:** The pool has been deleted from the proposal, removing all associated impacts upon 12 Illawong Avenue.

***Issue: Visual impact from pool***

**Response:** The pool has been deleted from the proposal, removing the potential visual impact of the structure upon the streetscape.

***Issue: Noise impacts from pool and BBQ area***

**Response:** The potential noise impacts from the pool are no longer relevant. The potential noise impacts from the BBQ area are acceptable as it is proposed to utilise an existing entertaining terrace already used by 1/19 Wonderland Avenue. Had the proposed structures not been 'built-in' to the courtyard, a portable BBQ and/or outdoor furniture in this area would not have required any Council approval.

## 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 original application was referred to Council's stormwater engineers who requested additional information. The removal of the swimming pool component of the application significantly simplifies stormwater issues and a condition is imposed to ensure the mandatory stormwater checklist is submitted with the CC documentation.

A specific note was raised about a sewer main running through the property requiring a Sydney Water Quick Check Agent assessment. This is included as a condition.

#### **4. SUMMARY**

The proposal originally sought alterations to a duplex that included works to the basement level, window changes to the top level, and works to the front courtyard area including a new BBQ area and swimming pool.

The application attracted five objections and the common concern raised was the acoustic privacy impacts from the BBQ area and in particular, the proposed new swimming pool.

Following a site inspection it was determined that the swimming pool was not acceptable in the proposed location and the works to the basement level raised concern about future utility as a separate domicile, could result in GFA breaches that were undocumented and may not have sufficient internal ceiling heights. The proposed window at the top floor raised no concern.

The applicant was advised of these issues and made changes to the plans to delete the swimming pool from the proposal and provided new documentation to support the basement level changes, which are now supported. The changes respond to the main concern of the objectors. Their submission that the BBQ area would have an unacceptable impact is not supported as the existing courtyard is vast in size and can accommodate a variety of active uses without consent, and a BBQ area is a reasonably expected use.

The use of the basement of the building as a laundry room and cellar with tasting room changes the overall calculable gross floor area of the development to the extent that it results in a variation to the LEP development standard for Floor Space Ratio in clause 4.4A. The numerical variation is 41.7m<sup>2</sup> in gross floor area, or 18.9%. The applicant has requested a variation to the standard as facilitated by clause 4.6 and this is supported. Being greater than 10%, the application is required to be determined by the Waverley Local Planning Panel.

No submissions or representations were received from Councillors.

The recommendation is to approve the application.

**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:**



Lee Kosnetter | LK Planning  
**Consultant Town Planner**

**Date: 2 August 2018**

**Reason for referral:**

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

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

Kylie Lucas  
**Acting Manager, Development Assessment  
(Central)**

**Date: 14 August 2018**

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

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos 0014-101, 0014-102 and 0014-103, all Issue 4, all dated 21 June 2018, prepared by RAA Architects Pty Ltd.

Except where amended by the following conditions of consent.

#### **2. AMENDED BASIX CERTIFICATE**

An amended BASIX certificate is required reflecting the plans referenced in condition 1.



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

### **3. 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 may be obtained from Waverley Council Customer Service Centre or downloaded from: [www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 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 Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### **4. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$2,500 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

**5. 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.

**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 Section 6.6 of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 6.6 of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days Notice in writing of the intention to commence the building works.

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

**7. HOARDING REQUIRED**

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

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

**8. 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.

## **9. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

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

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

The CVPPM shall provide details of the following:

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

- the location and type of proposed hoardings;
- the location of existing street lighting.

## **11. 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.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

## **12. ENGINEERING DETAILS**

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

## **13. BASIX**

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and can not be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

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

### **14. 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.

### **15. 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.

### **16. 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.

### **17. EXCAVATION AND BACKFILLING**

All excavations and backfilling 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.

### **18. 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.

## **19. OBSTRUCTION TO PUBLIC AREAS**

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

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

## **20. TOILET FACILITIES**

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

## **21. 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 WorkCover 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.

## **22. STOCKPILES**

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

## **23. LOCATION OF BUILDING OPERATIONS**

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

**24. ALL BUILDING MATERIALS STORED ON SITE**

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

**25. 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

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

**26. BUILDING CODE OF AUSTRALIA**

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

**27. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (RESIDENTIAL FLAT DEVELOPMENT AND OTHER RESIDENTIAL CLASS 2, 3 AND 4)**

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 2, 3 and 4 building:

- (a) at the commencement of the building work;
- (b) prior to covering of waterproofing in any wet area for a minimum of 10% of rooms with wet area within a building;
- (c) prior to covering any stormwater drainage connections; and
- (d) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

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

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;

- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns; and
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls).

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

## **28. 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.

## **29. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) 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.



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

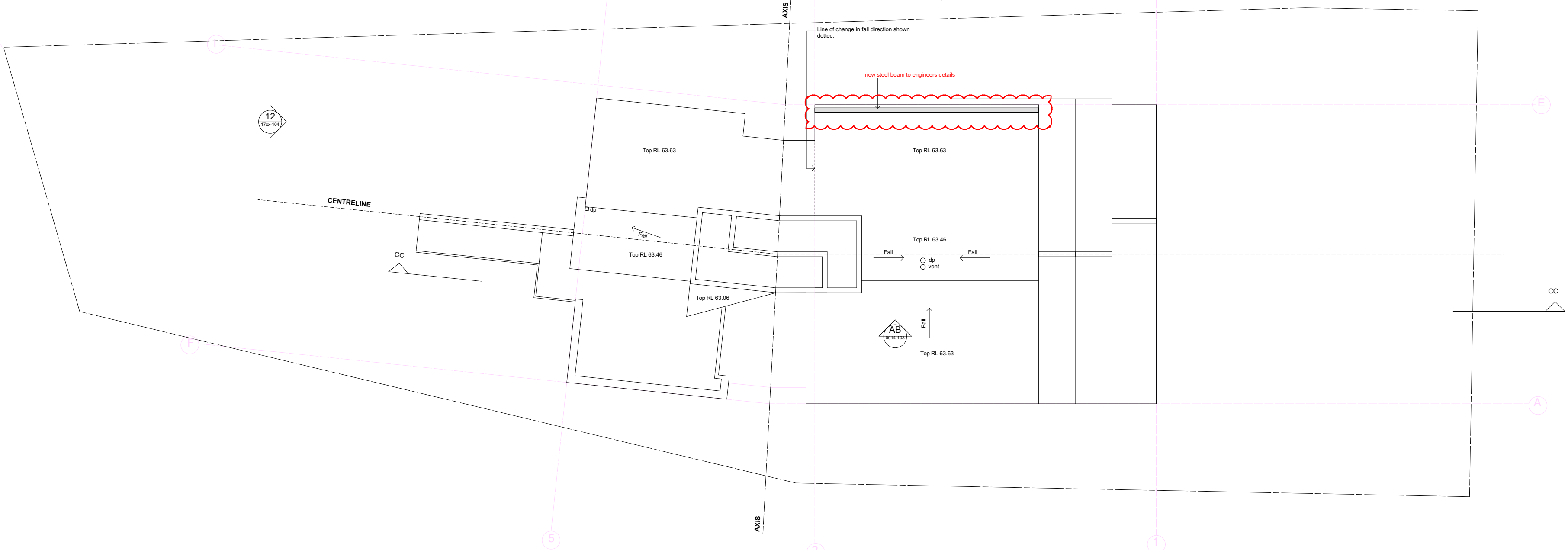
### **30. FINAL OCCUPATION CERTIFICATE**

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

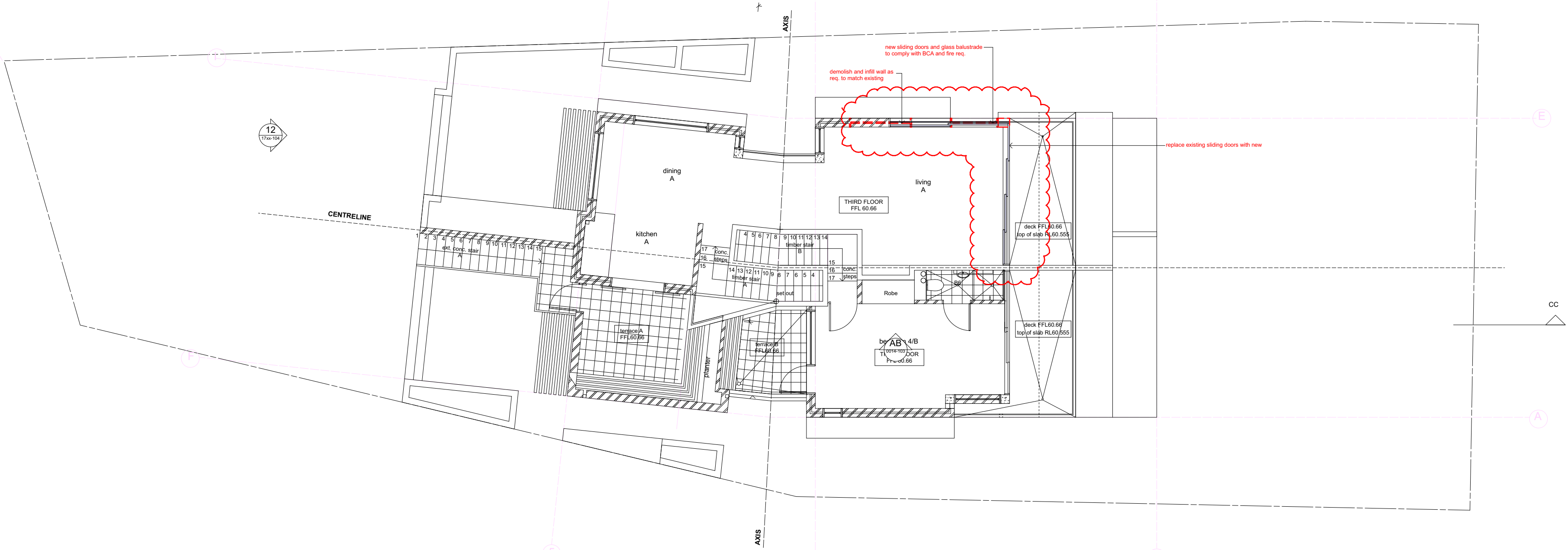
### **31. LIGHTING**

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.

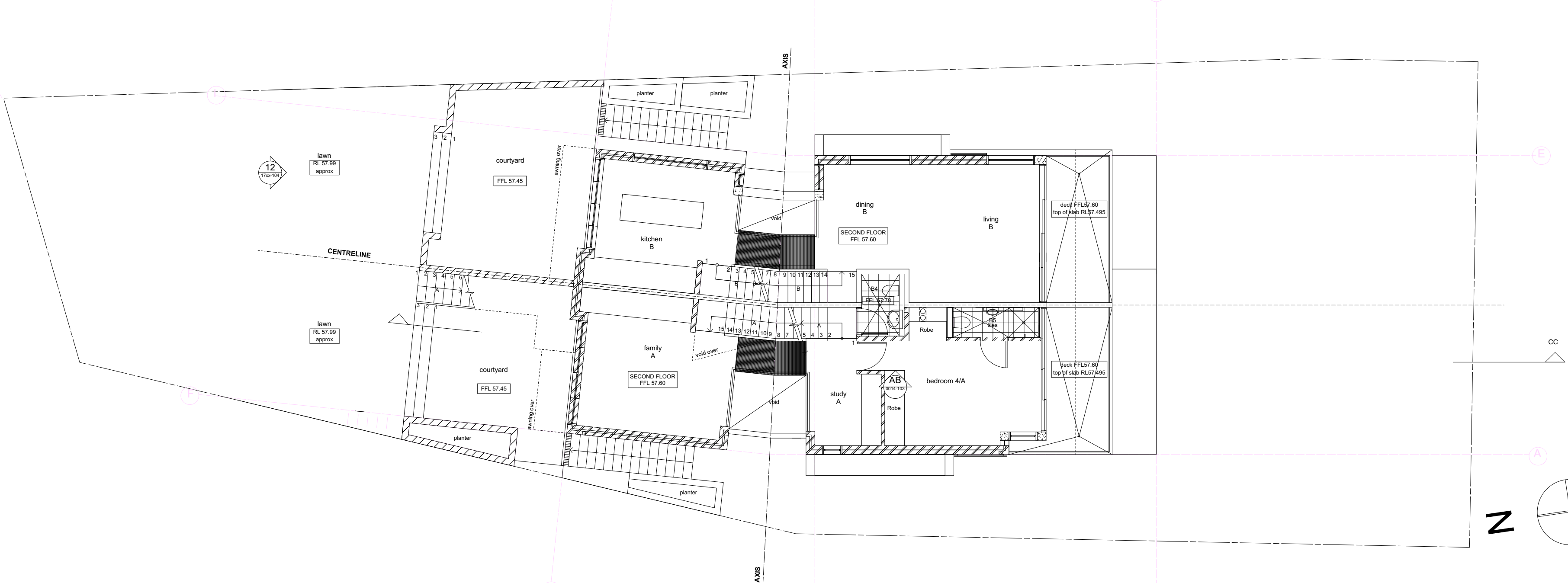
5 roof



4 level 4



3 level 3



4	21 JUNE 2018	Revised DA issue
2	7 FEB 2018	DA issue
1	3 NOV 2017	for client approval
	DATE	AMENDMENTS

Alterations to existing duplex  
19A Wonderland Ave  
Tamarama NSW 2026  
for  
S So and M Jenkinson  
plans

DWG NO. 0014-102 ISSUE 4  
DATE 21 June 2018 SCALE 1:100  
STATUS CHECKED BY  
PROJECT NAME 0014 Wonderland  
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253 Oxford Street Darlinghurst NSW 2010

2017-11-16 14:00:00 RAA Architects Pty Ltd 0014-102 Wonderland - Revised DA issue 20180602

2

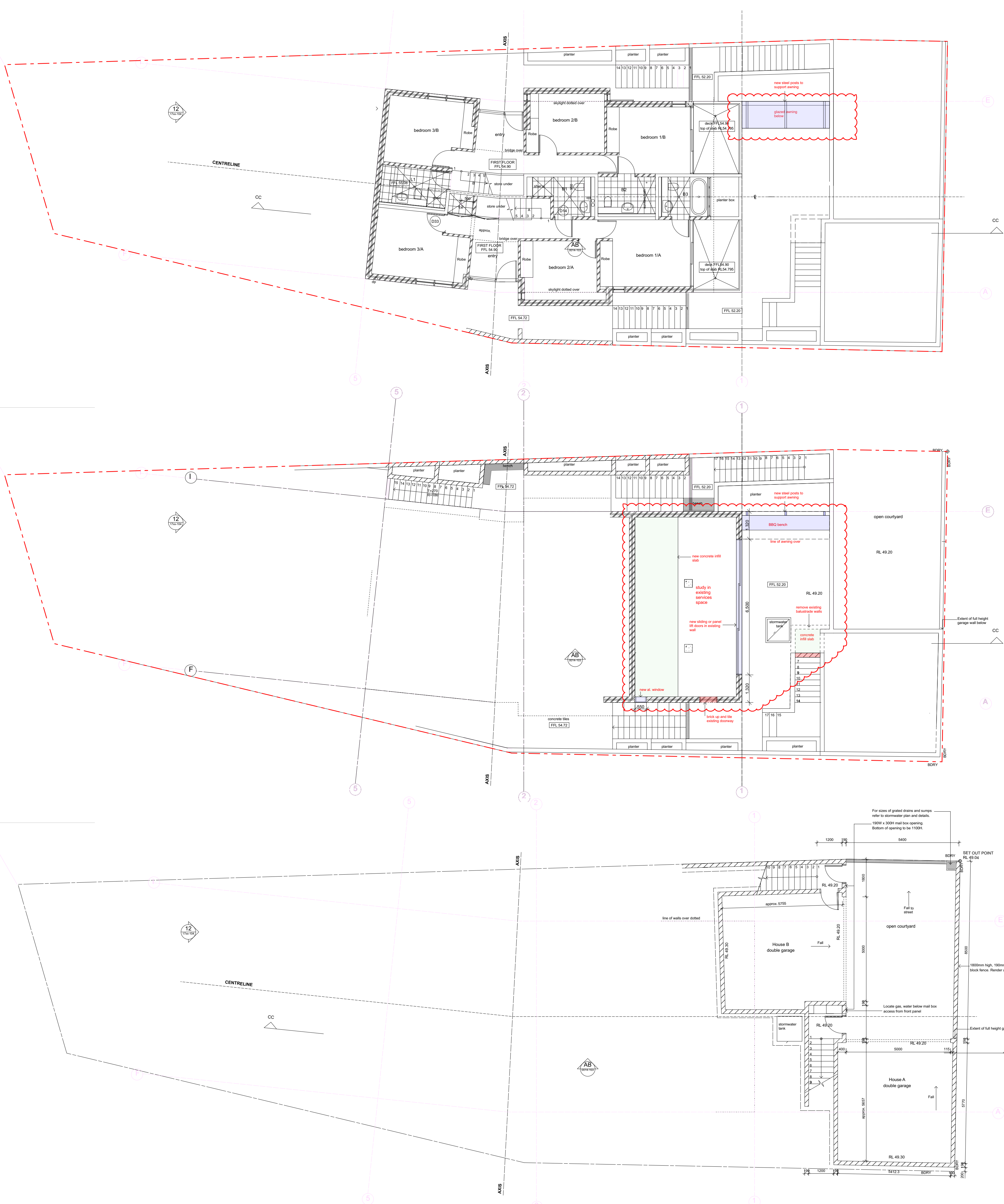
level 2

1

level 1

0

level 0



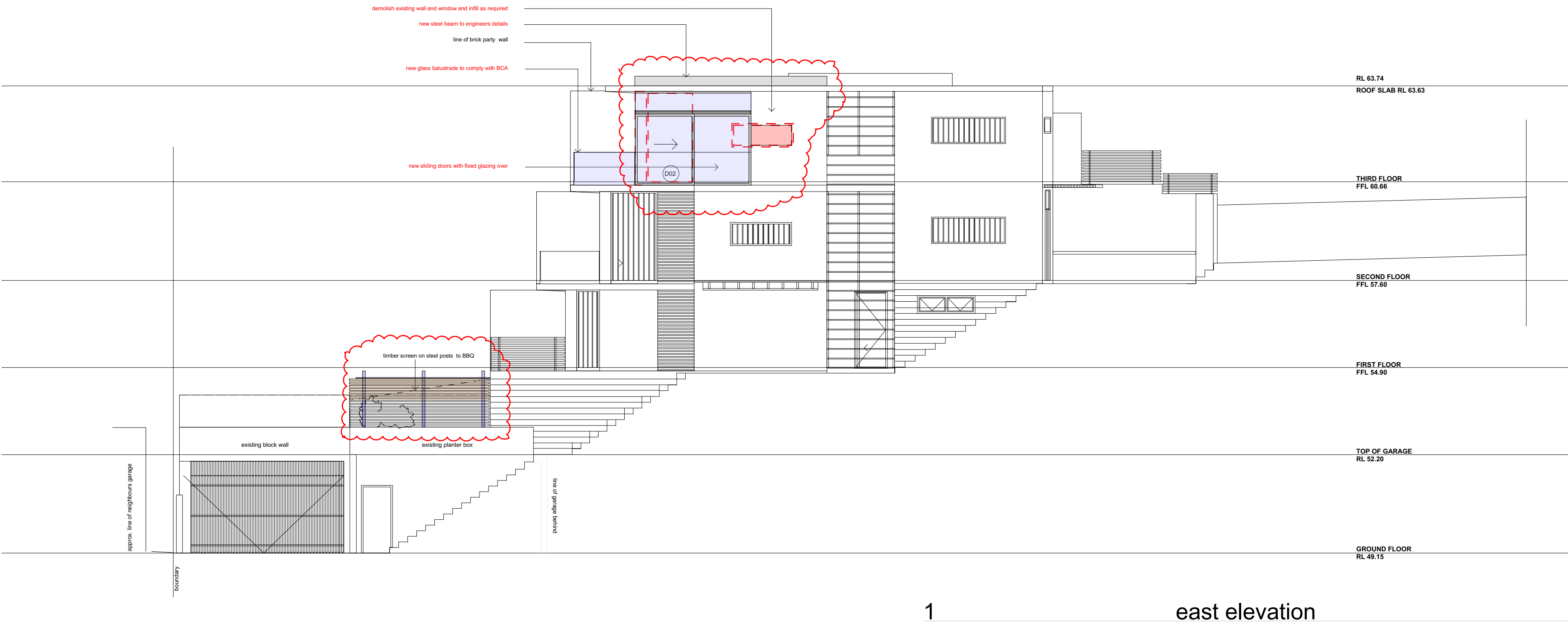
4	21 JUNE 2018	Revised DA issue			
3	15 DEC 2018	DA issue			
2	15 DEC 2017	Preliminary DA issue			
1	3 NOV 2017	for client approval			
	DATE	AMENDMENTS			

Alterations to existing duplex  
19A Wonderland Ave  
Tamarama NSW 2026  
for  
S So and M Jenkinson  
plans

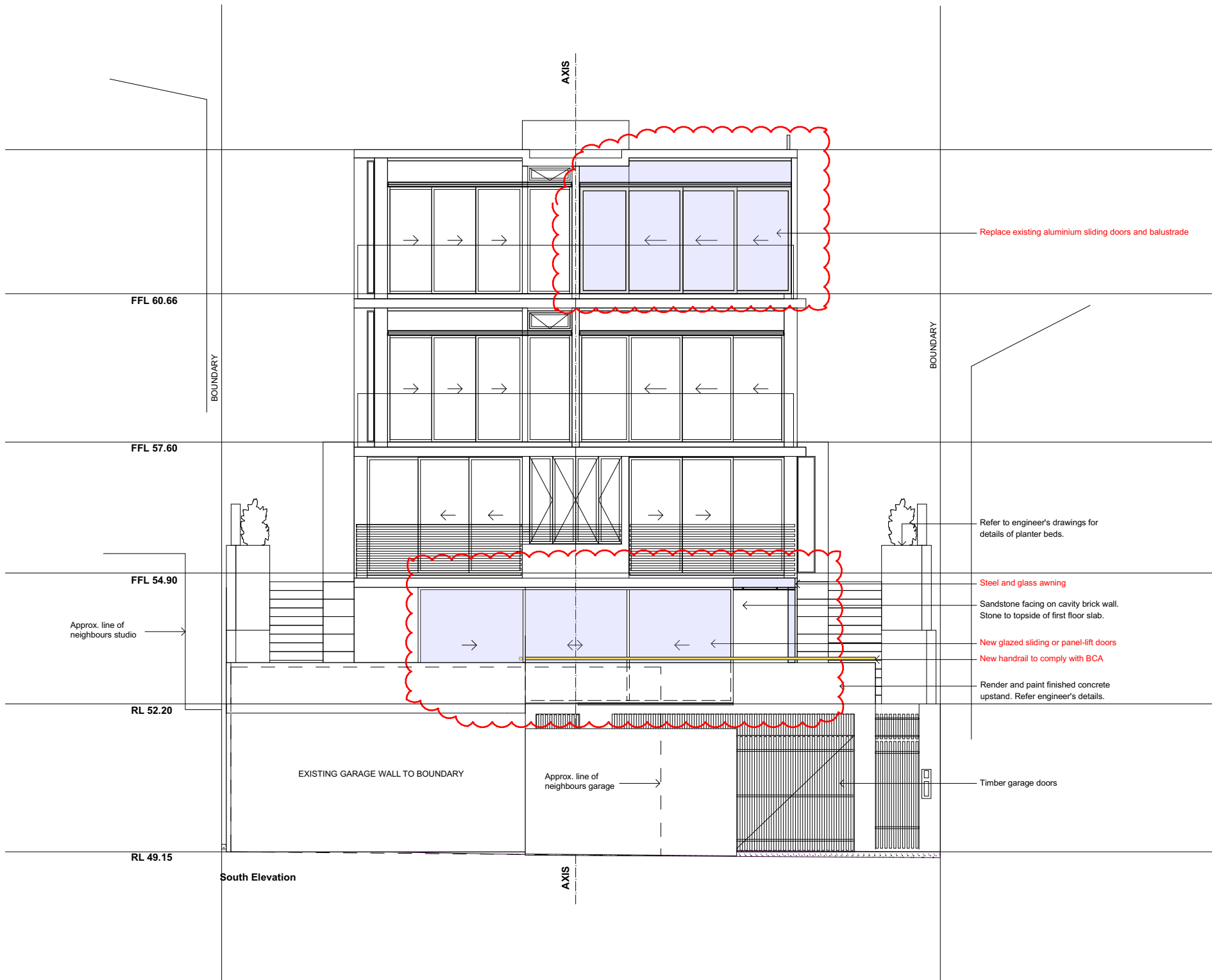
DWG NO.	0014-101	ISSUE	4
DATE	21 June 2018	SCALE	1:100
STATUS		CHECKED BY	
PROJECT NAME	0014 Wonderland		

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east elevation



south elevation

### Materials Schedule

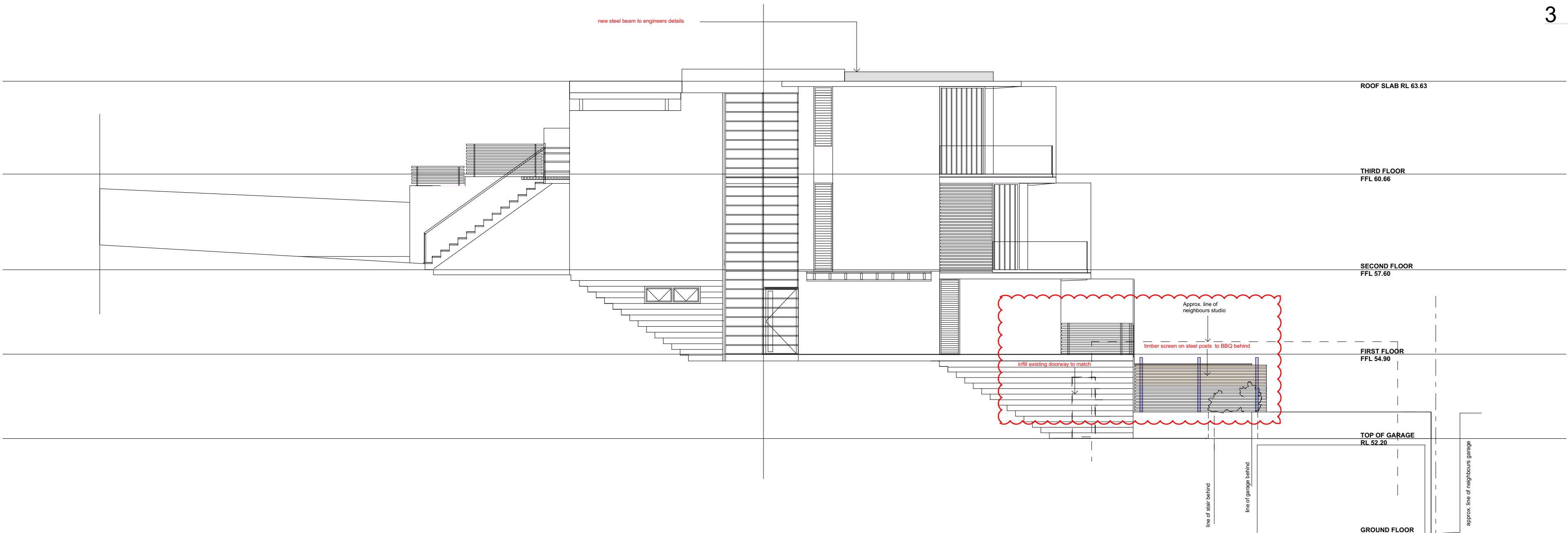
All colours to match existing



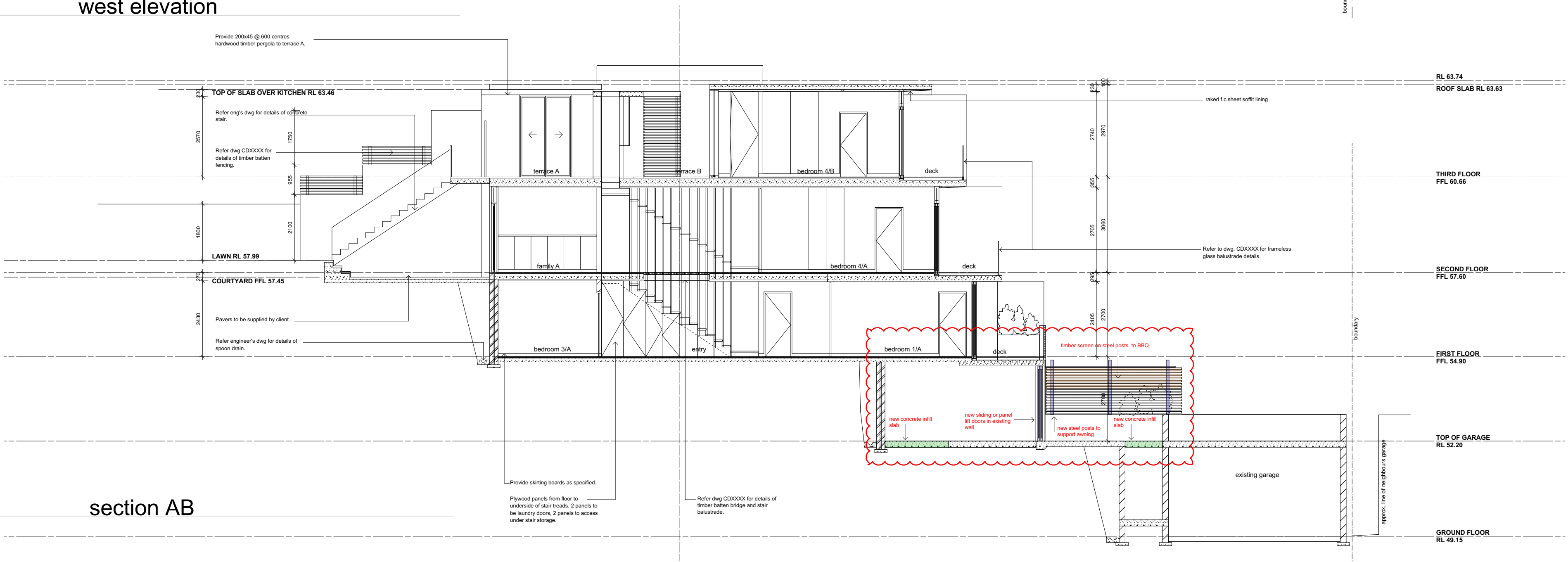
timber screens

metal framed glass awning

aluminium framed windows & glazed doors



west elevation



section AB

NO CHANGE TO  
NORTH  
ELEVATION

ALL BUILDING WORK TO  
COMPLY WITH BCA,  
AUSTRALIAN  
STANDARDS AND POOL  
CODE

DATE	AMENDMENTS
21 JUNE 2018	Revised DA issue
7 FEB 2018	DA issue
15 DEC 2017	Preliminary DA issue
3 NOV 2017	for client approval

Alterations to existing duplex  
19A Wonderland Ave  
Tamarama NSW 2026  
for  
S So and M Jenkinson  
site plan

DWG NO.	0014-103	ISSUE	4
DATE	21 June 2018	SCALE	1:100
STATUS		CHECKED BY	
PROJECT NAME	0014 Wonderland		

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## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-385/2017
<b>Site address</b>	37 Edward Street, Bondi Beach
<b>Proposal</b>	Demolition of existing dwelling and erection of part two and three-storey dwelling and carport
<b>Date of lodgement</b>	14 September 2017
<b>Owner</b>	Mr R J Henderson
<b>Applicant</b>	The Shed Collective
<b>Submissions</b>	Five submissions
<b>Cost of works</b>	\$1,100,000
<b>Issues</b>	Height, FSR, setbacks
<b>Recommendation</b>	That the application be <b>APPROVED</b> subject to conditions





## 1. PREAMBLE

### 1.1 Site And Surrounding Locality

A site visit was carried out on 18 January 2018.

The site is identified as Lot B in DP 309224, known as 37 Edward Street, BONDI BEACH. The site is rectangular in shape with a north-eastern rear boundary measuring 10.611m, a south-eastern side boundary measuring 24.638m, a south-western front boundary measuring 10.611m, and a north-western side boundary measuring 24.632m. The site has an area of 259.3m<sup>2</sup> and the site falls from the south-west towards the north-east by approximately 4m.

The site is occupied by a part one, part two-storey dwelling with no vehicular access provided.

The subject site is adjoined by a detached dwelling to the north-west and a residential flat building to the south-east. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings and residential flat buildings.



**Figure 1:** Site viewed from Edward Street



**Figure 2:** Site viewed from the rear facing west towards No. 35 Edward Street



**Figure 3:** Site viewed from the rear facing east towards No. 39 Edward Street



## 1.2 Relevant History

### Site history:

A search of Council's building and development records found no applications relating to the site.

### Application history:

The application was deferred on 24 January 2018 to address a number of non-compliances including side setbacks and car parking located forward of the building line. The applicant chose not to amend the plans, however additional information to respond to the deferral letter was submitted on 27 March 2018. Further additional information to satisfy clause 4.6 of the WLEP in relation to height and FSR was received by Council on 17 May 2018.

## 1.3 Proposal

The application seeks approval for the demolition of the existing dwelling, and construction of a part two, part three-storey dwelling and carport. The proposed works are detailed below.

### Lower ground floor

- Front portion of dwelling: two bedrooms, bathroom, laundry
- Rear portion of dwelling: games room, study nook, WC, kitchenette
- Internal courtyard and grassed area separating the front and rear portions of the dwelling
- Grassed area and garden shed/store room at the rear

### Ground floor

- Single vehicle carport at the front of the dwelling accessing Edward Street
- Study
- Guest WC
- Kitchen and breakfast area
- Living/dining room at the rear
- Planted roof over the lower ground floor roof at the rear
- Fireplace

### First floor

- Parents retreat room with walk-in robe, ensuite and study
- Balcony at the rear

## 2. ASSESSMENT

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

### 2.1 Section 79C (1)(a) 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 VEGETATION SEPP

The application proposes tree removal in the rear yard of the site. The application has been referred to Council's Tree Management Officer for approval. Discussion is provided at the 'Referrals' section of this report.

### 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 does not contravene the aims of this 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, 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>	No	The proposal reaches a maximum building height of 9.3m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>0.82:1</li> </ul>	No	The proposal results in a gross floor area of 218m <sup>2</sup> , equating to an FSR of 0.84:1.
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 <i>Height of Buildings</i> and <i>FSR</i> development standards. A detailed discussion of the variation to the development standards is presented below this table.

Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposed excavation aims to reinstate the natural ground line. Any excavation will be minor and associated with the footings of the building and levelling of the rear yard. The proposal is satisfactory with regard to the clause and all standard conditions are recommended in Appendix A.

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 proposal has an overall height of 9.3m, which exceeds the height development standard of 8.5m prescribed under clause 4.3 of Waverley LEP 2012 by 0.8m in height or 9.4%.

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 proposal predominantly complies with the maximum building height standard with the exception of a small portion of the building at the front, and presents a reasonable built form and urban design.
- The proposal presents an appropriate transition in built form and height between Nos. 35 and 39 Edward Street and has an acceptable height and visual bulk outcome on the streetscape character.
- The site encompasses a steep slope and the proposal appropriately responds to the topography by siting the first floor addition at the street frontage of the building and lowering the built form along the slope of the site.
- Strict compliance with the height standard would prove unreasonable in this case as the street frontage of the building complies with the height standard and the non-compliance is predominantly associated with the skillion roof component of the 'parents retreat'.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

#### **Clause 4.6 (3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.**

The objective of the height of building standard is to establish limits on overall development to preserve the environmental amenity of adjoining properties, to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement the street network and public space.

Due to the steep sloping nature of the site, the proposal results in a non-compliance with the height standard at the first floor level which incorporates the parents retreat (ie, main bedroom). The variation to the standard is 0.8m. The site is built upon a steep hill and slopes approximately 4m from the front to the rear. This steep slope partly causes the proposed variation to the height control at the front of the dwelling. The non-compliant built form is not visible from the street, with the mass



of the dwelling then stepping down into the site. Since the building is stepped down with the slope of the land from the street, the proposal does not present an unreasonable height to the street, and the non-compliance is a direct result of the drop-off of the site's topography to the rear.

The site is surrounded by buildings that are two to three-storeys in scale similar to the subject proposal. The proposed dwelling is below the ridge height of the directly neighbouring building at No. 35 Edward Street, and it is considered that the proposal will appear of a height that is consistent with surrounding development. The proposal essentially presents to the street as a two-storey dwelling with the lower ground floor level being below the level of the street. The proposal will result in a comparable shadowing impact relative to a compliant design and a reduced impact at some areas of the development demonstrated in the shadow analysis submitted as additional information (see further discussion at section 1.9 of table 3 of this report).

Having regard to the above, compliance with the standard is considered unreasonable and unnecessary and the variation to the control is supported.

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

The proposal is considered able to comply with the objectives of the height of buildings development standard as environmental amenity is maintained for adjoining properties and the building has a compatible height and scale with surrounding properties. The proposed built form is of a high architectural aesthetic which is consistent with the emerging character of the area. Accordingly it is considered there are sufficient planning grounds to justify contravening the standard.

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

The applicant's written request is considered to have adequately addressed the matters required under subclause 3 and the variation to the height of building development standard is supported.

*Clause 4.6(4)(a)(ii) that 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*

The proposed development is consistent with the objectives of the height of buildings development standard, as discussed above. The development is also consistent with the objectives of the R2 Low Density Residential zone providing housing in a form that is compatible with the low density residential environment. Accordingly the proposal is considered to be in the public interest and the variation is supported.

***Clause 4.4 Floor space ratio***

The proposal has an overall floor space ratio (FSR) of 0.84:1, which exceeds the FSR development standard of 82:1 prescribed under clause 4.4A of Waverley LEP 2012 by 5.4m<sup>2</sup> in gross floor area or 2.7%.

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:

- The proposed development will be in keeping with the diverse character of the locality in relation to building bulk, form and scale.
- A substantial portion of the floor space of the dwelling is located at the rear of the site which will have minimal visual impact when viewed from Edward Street and adjoining properties.
- The proposed FSR does not prevent the provision of new soft and hard landscaped areas on the site that will provide a positive and high quality outlook for the surrounding area and occupants on the site.
- The proposed development features a highly modulated envelope and articulated elevations that have the effect of minimising visual bulk implications and provide access to sunlight commensurate with the surrounding area.
- The proposal demonstrates compliance with the EP&A Act and results in an orderly and economic use of the land, promoting good design and amenity of the built environment.
- Strict compliance with the FSR standard would prove unreasonable in this case as the street frontage of the building does not present excessive bulk or scale nor is the development out of scale with the character of surrounding development.

The relevant objectives of the FSR development standard under Waverley LEP 2012 is to provide an appropriate correlation between maximum building heights and density controls, to ensure that buildings are compatible with the bulk, scale, streetscape and existing character of the locality, 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.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

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

The proposal results in a non-compliance of approximately 5.4m<sup>2</sup> above the development standard. The proposed development is capable of complying with the FSR development standard given the setback non-compliances at the side and rear of the building (discussed in detail later in this report). By reducing bulk at the side of the first floor level and rear of the ground floor level, the proposal will have reduced visual bulk as viewed from the public domain and neighbouring buildings. This will also improve the streetscape appearance of the building by setting in the upper level.

During the assessment of the application, the applicant was given the opportunity to amend the plans, however this was not acted upon. Whilst it is acknowledged that the proposed development has architectural merit and reduced impacts at the ground floor level, the overall development is capable of complying with the FSR development standard particularly in regards to the setbacks at the upper floor level and the rear and it is considered that a better design outcome could be achieved by enforcing the standard on this site. Accordingly a condition is recommended to increase the first floor setback by 1m from both side boundaries and to align the ground floor level with the lower ground floor level at the rear.

In this regard, the written request is not accepted in this instance as the proposed development is non-compliant with Council's side and rear setback controls. The bulk associated with the additional FSR and non-compliant setbacks is not considered suitable given that it is a new building and is expected to comply with this standard and the relevant DCP controls. Notwithstanding, the application is not recommended for refusal, rather a condition of consent (refer to Appendix A) is recommended to rectify this issue which will result in a reduction in GFA of approximately 8m<sup>2</sup> resulting in the proposal's compliance with the development standard.

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

Given the proposal exceeds the minimum side and rear setback allowances in the WDCP 2012 and presents a three-storey bulk along the south-eastern side boundary having unreasonable visual bulk to the neighbouring property, it is considered that there are insufficient planning grounds to justify the contravention of the standard.

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

The applicant's written request does not adequately address the matters required under subclause 3 and the variation to the FSR development standard is not supported.

Clause 4.6(4)(a)(ii) that 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

The proposal is not in the public interest as the placement of the excess FSR has unreasonable amenity impacts on the neighbouring property to the south-east. The proposal is inconsistent with the objectives of the FSR development standard, specifically that the proposed bulk of the building resulting from the nil side setback is not compatible with the desired future character of the locality. Whilst it is acknowledged the existing building has a nil side boundary setback along the south-eastern boundary, it is expected that new buildings are to be consistent with Council's current objectives and controls and to not expand on existing non-compliances.

In this regard, the contravention of the FSR development standard is not supported given the ability of the site to comply with the FSR development standard via an alternative design which can also achieve all outcomes proposed by the current design.

### 2.1.5 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	A Site Waste and Recycling Management Plan has been submitted with the application which is satisfactory with regard to this clause. Relevant conditions are provided in Appendix A.
2. Energy and water conservation	Yes	A BASIX Certificate has been submitted with the application which is satisfactory with regard to this clause. Relevant conditions are provided in Appendix A.
5. Tree preservation	Yes	The site is located adjacent to a street tree and as such relevant conditions will be imposed on the consent to ensure retention of the tree and protective measures are implemented throughout construction. Further discussion is provided at the 'Referrals' section of this report.
6. Stormwater	No	The plans have been reviewed by Council's Design Engineer and the application does not comply with the relevant stormwater provisions. This is discussed at the 'Referrals' section of this report, and relevant conditions are provided in Appendix A.
8. Transport	Yes	The proposal generally complies with the relevant objectives and controls relating to transport and on-site car parking. See further discussion regarding parking design under Part C1.11 of the DCP table below.

**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	<p>The proposal reaches a maximum height of 9.3m at the highest point of the first floor level. Whilst this exceeds the maximum flat roof control, the site's steep topography make it difficult to achieve a maximum height of 7.5m along the entire length of the site whilst also achieving a reasonable development capacity anticipated by the controls. It is noted that the majority of the dwelling and particularly the rear section, will comply with the wall height control given the reduced two-storey scale at the rear.</p> <p>The suitability of the height has been discussed in detail previously in this report, and the non-compliance with this height control is considered acceptable given the absence of any additional or unreasonable amenity impacts and in light of the consistency with the height of other buildings within the streetscape.</p>
1.1.2 External wall height <ul style="list-style-type: none"> <li>Maximum external wall height of 7m</li> </ul>	Yes	The rear portion of the development with a pitched roof is below the permissible 7m external wall height.
<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  No	<p>The proposal is generally consistent with predominant front building lines for each level established in the row of buildings from Nos. 31 – 39 Edward Street.</p> <p>The lower ground floor is positioned in line with the predominant rear building line, however the ground floor level extends beyond what is considered to be the predominant rear building line for the ground floor level. This non-compliance is discussed below.</p> <p>The proposed first floor level is setback significantly from the floor levels below at the rear, being contained at the front of the site, and is sited to minimise impact on the neighbouring properties.</p>



1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	No	The proposed lower ground, ground and first floor levels have a nil side setback along the eastern boundary. This non-compliance is discussed below.
<b>1.3 Excavation</b>		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	Yes	The proposed excavation aims to reinstate the natural ground line. Any excavation will be minor and associated with the footings of the building and levelling of the rear yard. Minor excavation may occur within the 900mm side setback, however given the minor nature of the excavation, it is considered unlikely to detrimentally affect the surrounding sites subject to relevant conditions being imposed on the consent.
<b>1.4 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development is to be visually compatible with its streetscape context</li> <li>Development must not dominate streetscape</li> <li>Maintain established character of the building in terms of significant landscaping</li> </ul>	Yes  Yes  Yes	<p>The proposed dwelling will present as a two-storey dwelling from Edward Street and will not dominate the streetscape. The proposal is generally consistent with the bulk and scale of buildings in the locality, subject to design amendments associated with the side setback (discussed below this table) and the proposal responds to the siting of the existing building and neighbouring buildings.</p> <p>The proposal introduces additional landscaping to the front setback of the site and the existing street tree is to be retained which softens the impact of the development.</p> <p>Whilst the proposal presents a modern architectural design, the overall scale of the development and design merit satisfy the objectives of this clause.</p>
<b>1.7 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	<p>The existing front fence is proposed to be removed and a step down into the property which will be landscaped is to be provided along the front boundary (where there is no carport).</p> <p>The application does not propose any side and rear fences.</p>

1.8 Visual and acoustic privacy		
<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>Maximum size of balconies: <i>10m<sup>2</sup> in area</i> <i>1.5m deep</i></li> </ul>	Yes	The proposed windows located on the south eastern and north western elevations at ground and first floor levels are either offset from windows located on the adjacent buildings at Nos. 35 and 39 Edward Street or are associated with non-habitable, low use rooms that are not expected to encourage sustained overlooking that would impact on the visual privacy of adjoining properties.
	Yes	<p>The windows located at the rear elevation on ground floor level from the dining room are a sufficient distance from the dwelling located to the rear at No. 68 Francis Street (greater than 9m) and the existing significant trees in this location are retained to ensure obscured sight lines between these properties.</p> <p>The proposed balcony located at the rear of the first floor level measures approximately 6m<sup>2</sup> in area with a depth of 0.7m. Given the narrow depth of the balcony and the significant setback from the rear of the site, there are no expected privacy and overlooking impacts associated with this balcony. Further, it is accessed via the master bedroom and study which are not considered highly trafficable rooms that would result in unreasonable privacy impacts.</p>
1.9 Solar access		
<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	The proposed development achieves a minimum of 3 hours of sunlight to living areas and principal open space on June 21.
	Yes	Shadow diagrams prepared by the applicant demonstrate an increase in solar access to the windows of the directly neighbouring development at No. 35 Edward Street. Further to this, additional information has been requested from the applicant to demonstrate a shadow analysis comparison between a development with a compliant side setback (900mm on lower ground floor and ground floor levels and 1500mm on the first floor level) and the proposal. The shadow analysis demonstrates that the proposal has no quantifiable additional overshadowing to the windows of the development at 35 Edward Street between 12pm and 3pm. The proposal does increase overshadowing to the private open space of the



1.11.5 Driveways <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	The proposal includes one vehicle crossing measuring 3m in width at the gutter.
<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</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	The proposal achieves the minimum landscaped and open space controls required under this clause. The design places a large focus on the quality of landscaping on the site, aiming to reintroduce original natural rock, and encourage green roofs and landscaping where possible to soften the impact of the development. The proposal meets the objectives and controls under this clause.

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

### Setbacks

The WDCP 2012 outlines objectives and controls relating to the front, side and rear setbacks for low density residential development. Section C1.2.1 of the DCP states in control (a) that *'new buildings and extensions to existing buildings are to extend no further than the front and rear predominant building lines'*, and further states in control (b) that *'the predominant rear building line is determined separately for each floor level. In most circumstances development at first floor level and above shall be setback from the rear building line of the ground floor level in order to minimise bulk and scale impacts'*.

Given the nature of the sloping site, the proposed ground floor level appears as a first floor level at the rear of the development and cantilevers over the lower ground floor level below. The ground floor level extends beyond the rear predominant building line which is established by buildings at Nos. 31 – 39 Edward Street. The extent of the ground floor level that cantilevers over the floor level below at the rear is inconsistent with controls (a) and (b) and creates an undesirable rear building line beyond that already established. In this regard, a condition will be imposed on the consent limiting the extent of the ground floor level to the footprint of the floor level below at the rear.

The DCP states that for buildings of 1-2 storeys a minimum side setback of 900mm applies, and for 3-storeys a minimum side setback of 1500mm applies. The application seeks a variation to these controls by proposing a nil side setback to the lower ground, ground and first floor levels on the south-eastern boundary.

The applicant's justification to vary the side setback is partially based on the existing nil side setback for the dwelling and partially based on an impact assessment. The extent of the nil setback of the existing dwelling is accepted given that no further impacts are expected in terms of bulk and overshadowing and at the ground floor level the bulk is reduced from the existing dwelling by providing an increased setback for the rear portion of this floor level. However, the nil setback for

the proposed three storey dwelling presents additional bulk to the side boundary that regardless of shadowing impacts is not reasonable for a new dwelling. Further to this, whilst it is acknowledged that the building at the adjoining site (No. 35) is setback from the boundary by approximately 2.6m, it is unreasonable to 'borrow' space from the neighbouring site as the site may be redeveloped in the future and utilise this side boundary setback.

Given that the lower ground and ground floor levels provide some level of improvement to the existing bulk and overshadowing to the neighbouring property at No. 35, the nil side setbacks on the lower ground and ground floor are considered acceptable on merit. However, a condition is recommended in Appendix A requiring the first floor level to have a 1000mm side setback on the south-eastern side boundary to remain consistent with that proposed on the north-western boundary. The 1000mm side setback is considered appropriate given that the dwelling presents to the street as a two storey dwelling and to the side boundaries as a three storey dwelling, therefore the 1000mm provides a compromise of the required 1500mm control whilst still achieving the intent of that control.

Similarly, the 1000mm side setbacks provided at the lower ground, ground and first floor levels on the north-western boundary achieve the intent of the side setback control to provide ventilation, solar access and reduce bulk to neighbouring properties and the public domain.

### **Car Parking**

The proposed car parking comprises a hardstand parking space with carport over located forward of the dwelling. The parking hierarchy stipulated in the DCP states that the preferable location for parking is at the rear; if rear access is not provided then parking is to be provided along the side setback of the dwelling; and if neither of these options are available then parking may be provided forward of the dwelling subject to satisfaction of relevant criteria which is discussed below.

The site does not provide rear access or sufficient space along the side of the dwelling to accommodate car parking. The proposed car space consumes approximately 38% of the site frontage, which complies with the maximum 45% permitted under control (d)(ii) of section C1.11.2 of the WDCP 2012. The car parking and street survey submitted with the application demonstrates that there is a predominance of this form of off-street parking in the vicinity of the site, and the proposal does not adversely affect public views or pedestrian, cyclist and vehicular safety. In this regard, the proposed hardstand is considered an appropriate form of parking on the site. The proposed parking presents a lesser bulk and dominance of the streetscape than the existing garage located directly adjacent at No. 39 Edward Street and the proposal only results in the loss of one on-street parking space in accordance with control (d) of section C1.11.5 of the WDCP 2012.

Section C1.11.3 of the WDCP 2012 outlines controls relating to the design of off-street car parking in low density residential areas. The height and lightweight structure of the carport minimise the impact of the car parking on the streetscape and ensure it appears secondary to the main residence in accordance with control (b). The style and massing of the carport is complimentary to the proposed dwelling and the proposed landscaping and planters minimise the bulk of the built form. Given that this is a predominant form of parking in the locality, and the proposal remains consistent with the form of car parking directly adjacent to the site, it is considered reasonable in the circumstances of the site.



## 2.2 Section 79C(1)(b) – 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 Section 79C(1)(c) – Suitability of the Site for the Development

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

## 2.4 Section 79C(1)(d) – 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*.

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

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

Property
1/35 Edward St
2/35 Edward St
3/35 Edward St
39 Edward St
70 Francis St

### ***Issue: Non-compliant nil side setbacks***

**Response:** Discussion of the proposed nil side setbacks is provided below Table 3 of this report. The nil setback along the first floor level is not supported and will be increased via condition.

### ***Issue: Non-compliant rear building line***

**Response:** Discussion of the proposed rear setback of the ground floor level is provided below Table 3 of this report. The rear setback at this floor level is not supported and will be increased via condition.

### ***Issue: Non-compliant height***

**Response:** Discussion of the proposed height non-compliance is provided at the 'Exceptions to development standards' section of this report. The height non-compliance is supported on merit, and is consistent with the character of development in the locality.

### ***Issue: Excessive FSR***

**Response:** Discussion of the proposed FSR non-compliance is provided at the 'Exceptions to development standards' section of this report. The FSR non-compliance is not supported, and conditions imposed on the consent will bring the development into compliance with the FSR.

***Issue: Overshadowing to units at 35 Edward Street***

**Response:** A shadow analysis has been submitted in response to submissions received demonstrating the existing shadows compared to the proposed. A further request was made from Council to demonstrate shadow analysis of the proposal against a side setback compliant design. The information submitted demonstrates that the proposal has reduced overshadowing to the majority of the north-western windows of the building at No. 35 from the existing conditions, with negligible additional overshadowing during the early afternoon comprising a very minor portion of the upper floor bedroom window to unit 3 at midday. There is also a marginally greater impact on the deck abutting Units 1 and 2 at ground floor level, however the deck still receives sunlight for at least three hours. Subject to the conditions being imposed on the consent relating to the side and rear setbacks, the development is not expected to have any unreasonable adverse impact on the solar access of the neighbouring property's living space and private open space.

***Issue: Timing of notification during school holidays***

**Response:** The application was notified in accordance with the requirements of the WDCP 2012.

***Issue: Timeframe and process for construction***

**Response:** This is not a matter to be addressed under this planning assessment. If the application is approved, the consent will be valid for five years. Details of the construction will be provided with the Construction Certificate.

***Issue: Upper floor roof gardens being used as roof terrace and associated visual and acoustic impacts***

**Response:** The proposed planted roof is not accessible via the internal floor area, and a condition will be imposed to ensure it is not used as a roof terrace / balcony or outdoor entertainment area.

***Issue: Roof form is not in keeping with character of locality***

**Response:** Whilst the proposed flat roof form is not characteristic of the area, the proposal is considered generally consistent with the bulk and scale of the locality and does not dominate the streetscape. The proposed flat roof form is considered suitable having regard to the objectives and controls of the WDCP 2012 in relation to streetscape.

***Issue: Site visit requested at No. 1/35 Edward St regarding solar access***

**Response:** A site inspection is not required to assess solar access impacts, and given the relevant controls in Council's DCP, a site inspection would not provide any accurate insight unless undertaken on the winter solstice at 9am, 12pm and 3pm. However it should be noted that detailed shadow diagrams were provided, including in elevation form, which more accurately demonstrates the overshadowing impact from the existing building on the site and the proposal.

***Issue: Impact on the tree of neighbouring property (No. 35)***

**Response:** The application has been referred to Council's Tree Management Officer who has provided comments at the 'Referrals' section of this report. The recommendations provided will be enforced via conditions of consent and suitable tree protection measures will be implemented throughout construction.

## **2.5 Section 79C(1)(e) – 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 Driveways – Creating Waverley**

The proposal is considered suitable subject to recommended conditions which are included in Appendix A.

### **3.2 Stormwater – Creating Waverley**

The stormwater plans were referred to Council’s Engineers and they were found to be unsatisfactory. Accordingly a condition is recommended at Appendix A to address the matters raised.

### **3.3 Tree Management – Open Spaces, Clean and Attractive Waverley**

Internal referral comments have been sought from Council’s Tree Management Officer with comments summarised below:

*The trees proposed for removal possess no outstanding attributes worthy of retention and their removal is supported. The trees located at No. 35 Edward Street may be affected by the proposed works; in this regard permission for pruning any tree over 5m in height must be obtained from the owners of the site.*

*The existing paperbark tree situated on the nature strip must be retained and protected via the imposition of a bond and conditions on the consent.*

In light of the comments received, the relevant conditions will be imposed on the consent.

## **4. SUMMARY**

The application seeks approval for the demolition of the existing building and associated structures, and construction of a new part two, part three-storey dwelling with single carport located at the front of the site.

The application exceeds the height and floor space ratio development standards, does not comply with the side and rear setback controls stipulated in the WDCP 2012 and provides car parking forward of the building line contrary to the DCP parking controls. The written request pursuant to clause 4.6 of the WLEP 2012 submitted for FSR is not supported and amendments limiting side and rear boundary setbacks are required via conditions of consent to bring the development into compliance with the FSR. The written request pursuant to clause 4.6 of the WLEP 2012 submitted for height is considered suitable as detailed in the assessment made throughout this report.

The application received five submissions throughout the public notification period which have been addressed throughout this report or via conditions of consent. In light of the assessment made throughout this report, and subject to conditions of consent, the application 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:**

Alice Hanigan  
**Development Assessment Planner**

Kylie Lucas  
**Acting Manager, Development Assessment  
(Central)**

**Date: 18 May 2018**

**Date: 15 August 2018**

**Reason for referral:**

- 1 Development Applications for Class 1 and 10 buildings that receive 4 or more unresolved objections.

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

### **A. APPROVED DEVELOPMENT**

#### **1. APPROVED DEVELOPMENT**

The development must be in accordance with:

- (a) Architectural Plan Nos DA 000, DA 002, DA 003, DA 004, DA 005, DA 006, DA 007, DA 008, DA 009, DA 010, DA 011, DA 012, DA 013, DA 014, DA 015, tables and documentation prepared by The Shed Collective, dated 7 September 2017, and received by Council on date 14 September 2017,
- (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. GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) The first floor level and associated roof is to be set back from both side boundaries by 1000mm.
- (b) The ground floor level is to be set back at the rear in line with the floor level below. A lightweight awning may extend beyond the revised rear external wall by no more than 500mm.
- (c) The proposed driveway is to be angled further towards the north-west boundary away from the street tree (Paperbark) and sited closer to the boundary with No. 39 to ensure no impacts on the existing street tree.

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. PLANTED ROOF AREAS**

The planted roof is not to be utilised by the occupants of the development as a balcony or entertainment area. As such no balustrades or similar barriers may be erected and access is only permitted for the purposes of maintenance.

#### **4. SOLAR PANELS**

The proposed solar panels are to comply with the relevant provisions of the Statement Environmental Planning Policy (Infrastructure) 2007.

#### **5. DOMESTIC HEATERS**

The provision of solid fuel heating/cooking appliances is prohibited.



## 6. INSTALLATION OF AIR CONDITIONING

This consent does not approve any air conditioning units that do not comply with the Development Standards specified under the State Environmental Planning Policy (Exempt and Complying Development) 2008.

## B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### 7. SECTION 7.11 CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 7.11 of the *Environmental Planning and Assessment Act 1979* and Waverley Council Development Contributions Plan 2006 in accordance with the following:

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

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

**"Waverley Council Cost Summary Report"; or,**

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 94A contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

## 8. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$25,000** 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.

## **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. 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 Section 81A(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 81(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (d) Council is given at least two days notice in writing of the intention to commence the building works.

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

## **11. 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.

## **12. EROSION, SEDIMENT AND POLLUTION CONTROL**

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

### **13. STORMWATER MANAGEMENT**

The water management plan does not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. The following details are required to be submitted and approved by Executive Manager, Creating Waverley:

- On-Site Stormwater Detention (OSD) tank and its details are required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.
- The stormwater disposal system is to be designed for 1 in 100 years storm, as the slope of the development area is towards neighbouring properties.
- An updated Stormwater Management Plan including On-site Stormwater Detention (OSD) and its details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual.

Note: Since a sewer main runs through the property, plans must also be presented to a Sydney Water Quick Check Agent for their approval.

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.

### **14. ENGINEERING DETAILS**

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

### **15. BASIX**

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Act Regulations clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

### **16. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying

Authority prior to the issue of the Construction Certificate. Where the applicant is to use timbers not recommended in Council's Policy, reasons are to be given why the alternative timbers recommended cannot be used.

#### **17. LANDSCAPE BOND**

A bond of **\$5,000** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the Paperbark tree on the naturestrip of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

The sum will be forfeited to the Council at its discretion for a breach of these requirements, and will be refunded twelve (12) months from the issue of the Occupation Certificate subject to the satisfaction of Council

### **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. 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.

## **22. OBSTRUCTION TO PUBLIC AREAS**

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

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

## **23. TOILET FACILITIES**

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

## **24. 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 WorkCover 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.

## **25. DEMOLITION & SITE PREPARATION**

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

- (a) Work Health & Safety Act 2011;
- (b) Work Health & Safety Regulation 2011;
- (c) Protection of the Environment Operations Act 1997 (NSW) and
- (d) NSW EPA Waste Classification Guidelines 2009.



**26. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

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

**27. STOCKPILES**

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

**28. LOCATION OF BUILDING OPERATIONS**

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

**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. ALL BUILDING MATERIALS STORED ON SITE**

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

**31. 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

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

**32. BUILDING CODE OF AUSTRALIA**

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

**33. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the Building Legislation (Quality of Construction) Act 2002 and the Environmental Planning and Assessment Regulations. Also, documentary evidence of compliance with

the relevant terms of conditions of development consent and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

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

#### **34. 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.

#### **35. 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.

#### **36. IN-SINK WASTE DISPOSAL SYSTEMS**

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

**37. WATER PROOFING**

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

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

**38. SMOKE ALARM SYSTEM**

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

**39. SERVICE PIPES**

All new 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.

**40. ASBESTOS REMOVAL**

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561) 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.

**41. STREET TREES**

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. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

**42. STREET TREE PRUNING**

Council's Tree Supervisor must be notified a minimum of 48 hours in advance if any pruning of the street tree is required.

**43. 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.

**44. NEW VEHICLE CROSSING**

A new vehicle crossing is to be provided to access the proposed **carport**. A separate application is required for the vehicle crossing, with all work to be carried out with the approval of and in accordance with the requirements of Council.

**45. VEHICULAR ACCESS - FINISHED LEVEL**

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **50mm above** the existing concrete footpath.

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

**46. FINAL OCCUPATION CERTIFICATE**

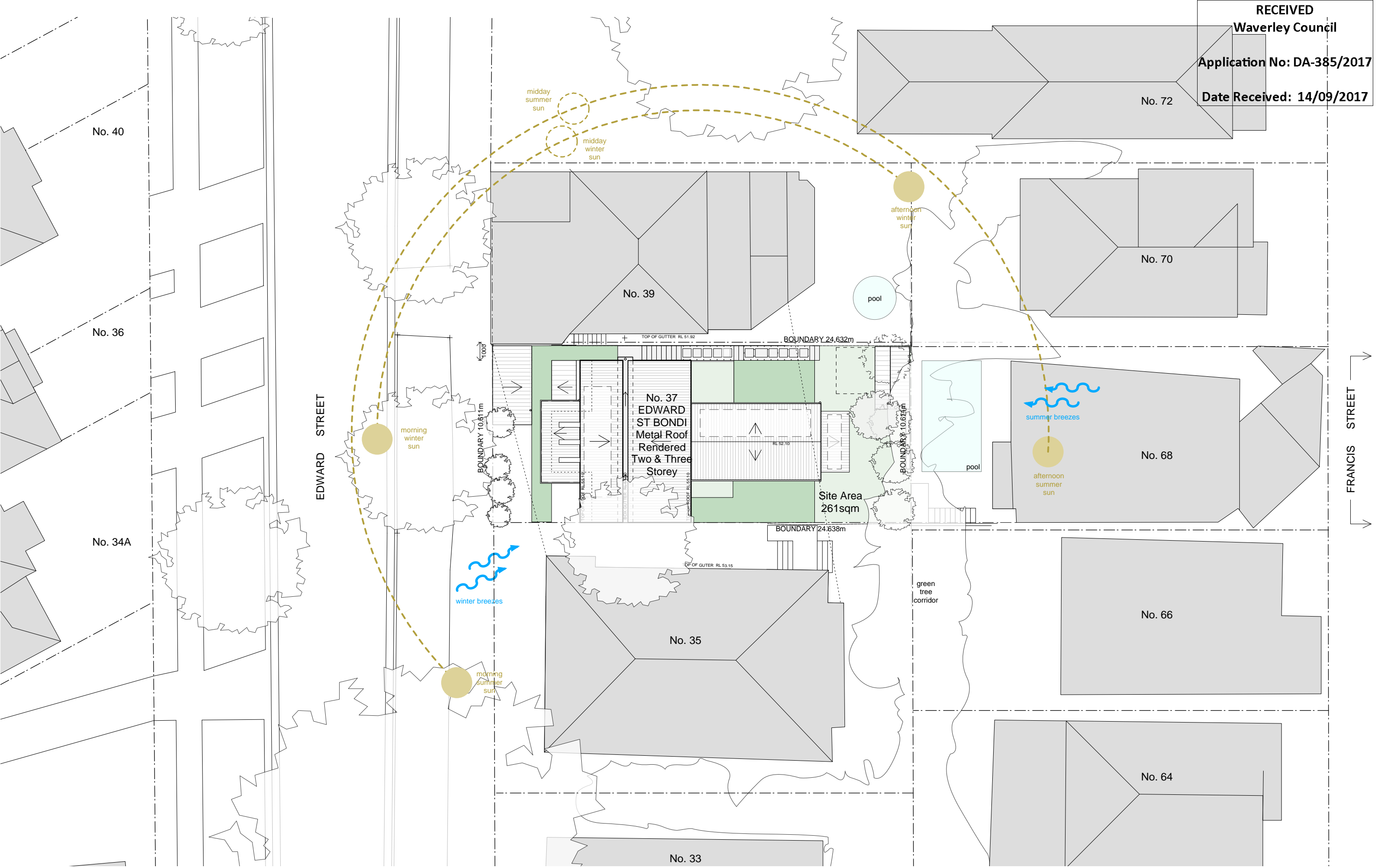
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act,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

**47. STORMWATER MANAGEMENT**

Prior to issuance of 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 submitted to satisfy conditions and to best engineering practice.

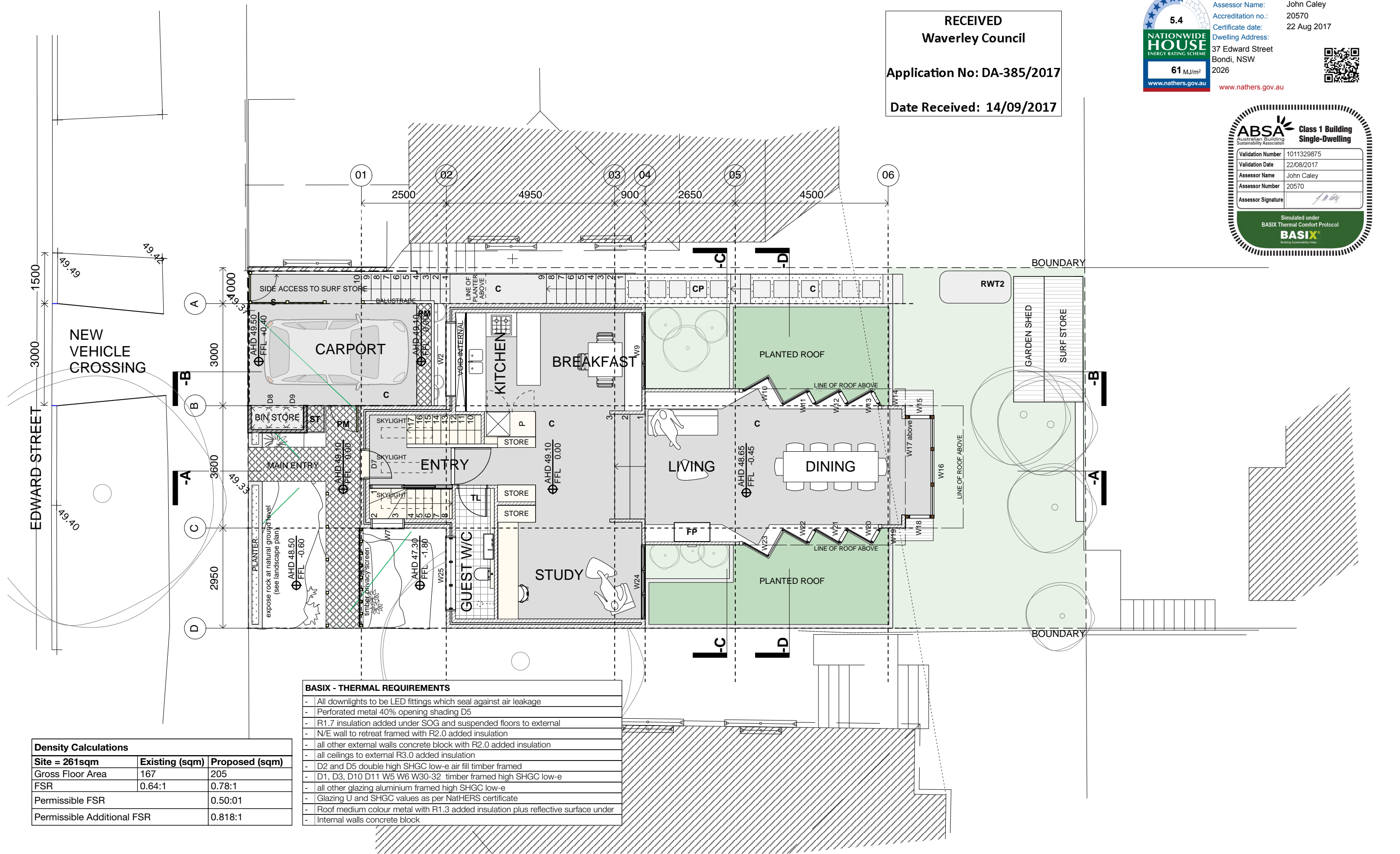
**48. LIGHTING**

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.









Density Calculations		
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FSR	0.64:1	0.78:1
Permissible FSR		0.50:01
Permissible Additional FSR		0.818:1

BASIX - THERMAL REQUIREMENTS	
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-	Perforated metal 40% opening shading D5
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-	all other glazing aluminium framed high SHGC low-e
-	Glazing U and SHGC values as per NatHERS certificate
-	Roof medium colour metal with R1.3 added insulation plus reflective surface under
-	Internal walls concrete block

## Henderson Project

37 Edward Street, Bondi

do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

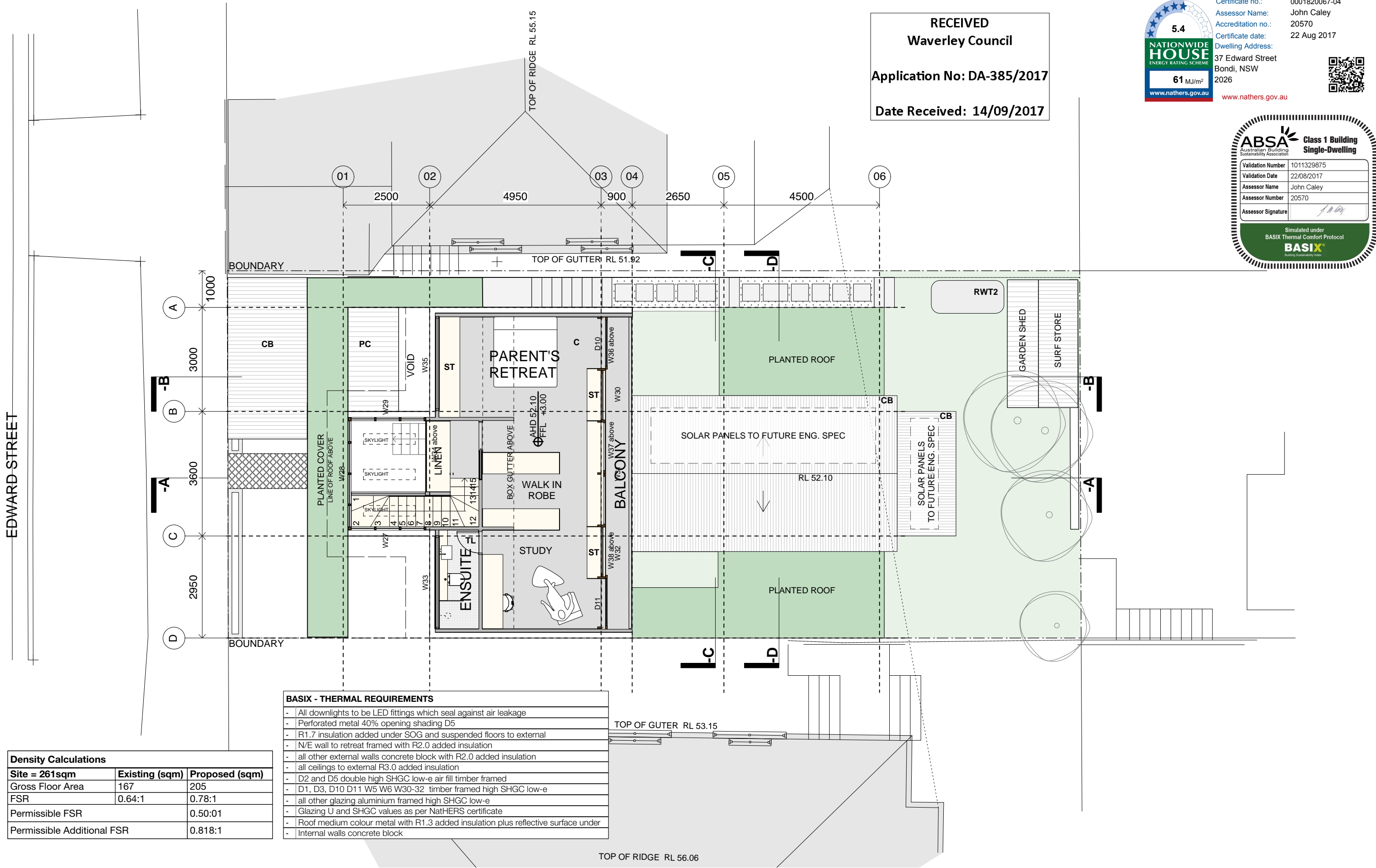
job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 003  
dwg desc: **GROUND FLOOR PLAN**  
scale : 1:100 @ A3

MATERIAL LEGEND			
S	Screen	ST	Joinery storage
T	Timber flooring	DP	Downpipe
CP	Concrete paver	PC	Poly carbonate roof sheeting
C	Finished concrete	RS	Permeable river stones
TD	Timber decking	PM	Perforated metal
FP	Gas fire place	B	Exposed brick
PL	Panel lift door to schedule	OSD	Onsite detention pit
FC	Fibrous cement sheet	R	Cement render
RWT	Slimline Rain water tank	CB	Marine grade, custom orb, colorbond finish to approved reflectivity index

GLAZING LEGEND	
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ofg	Obscure fixed glass
clg	Louvre glass
olq	Obscure louvres
SK	Double Glazed, fixed clear glass skylight as per BASIX





**Henderson Project**  
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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 004  
dwg desc: **FIRST FLOOR PLAN**  
scale: 1:100 @ A3

**MATERIAL LEGEND**

S	Screen	ST	Joinery storage	PL	Panel lift door to schedule
T	Timber flooring	DP	Downpipe	OSD	Onsite detention pit
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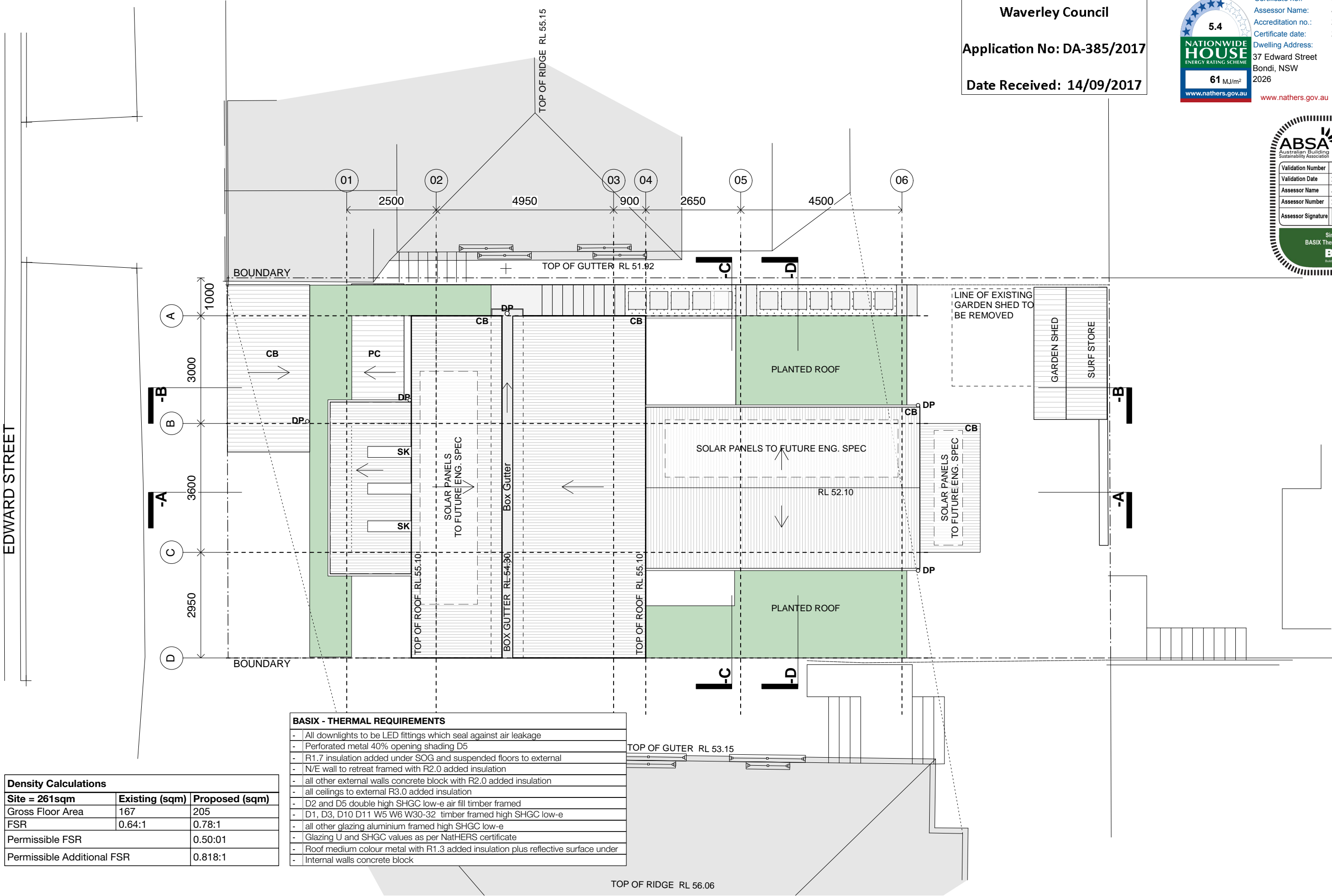
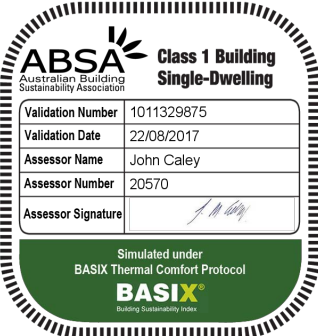
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Application No: DA-385/2017  
Date Received: 14/09/2017



Certificate no.: 0001820067-04  
Assessor Name: John Caley  
Accreditation no.: 20570  
Certificate date: 22 Aug 2017  
Dwelling Address: 37 Edward Street  
Bondi, NSW  
2026  
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Henderson Project  
37 Edward Street, Bondi

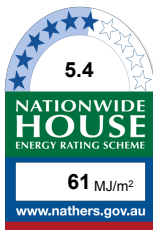
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The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job #: MAR 01  
date: 07/09/17  
issued: 07/09/17  
dwg #: DA 005  
dwg desc: ROOF PLAN  
scale: 1:100 @ A3

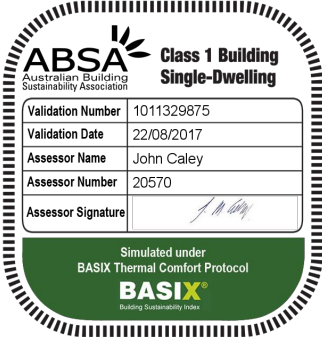
MATERIAL LEGEND			
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T	Timber flooring	DP	Downpipe
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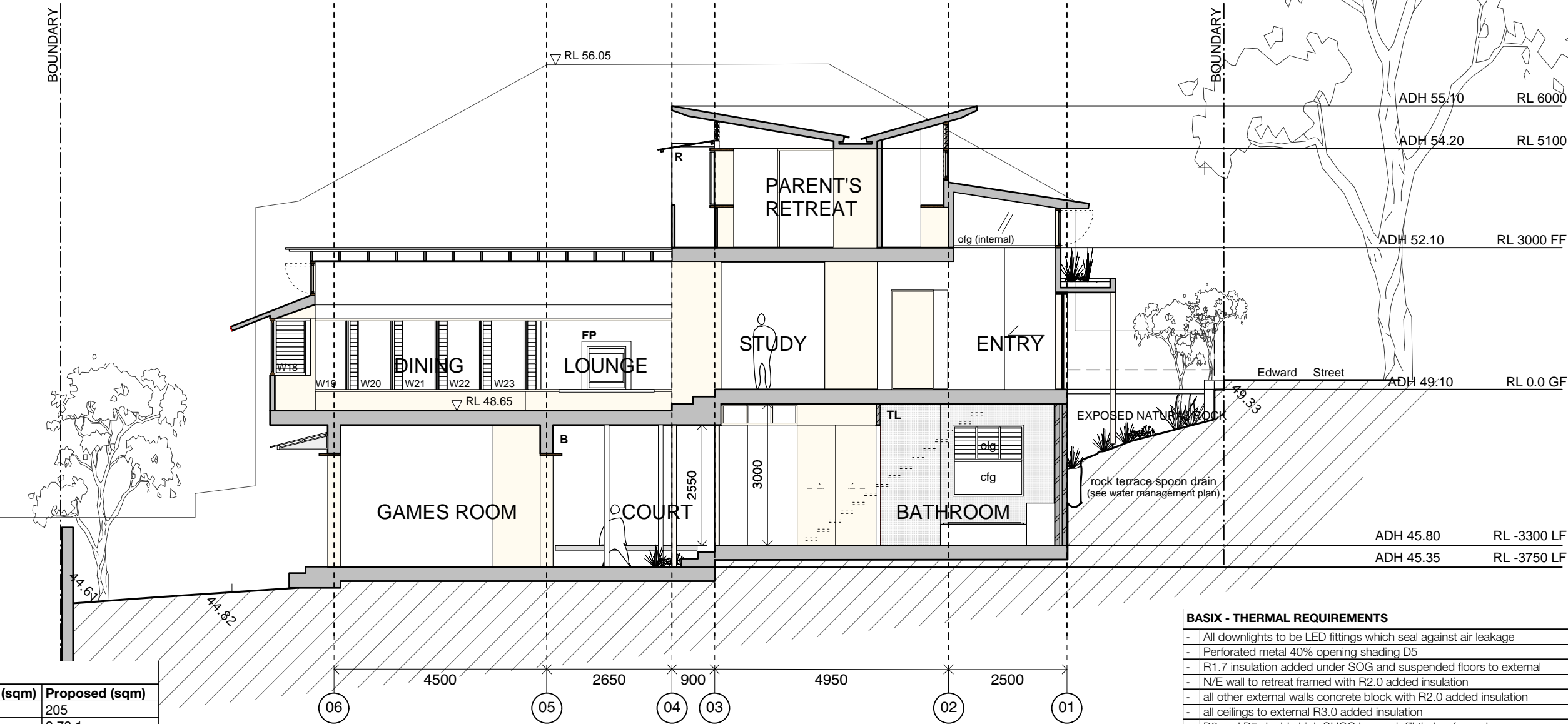




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Henderson Project  
37 Edward Street, Bondi

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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17  
dwg #: DA 006  
dwg desc: SECTION A-A  
scale: 1:100 @ A3

MATERIAL LEGEND			
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5.4

NATIONWIDE  
HOUSE

ENERGY RATING SCHEME

61 MJ/m²

2026

www.nathers.gov.au

Certificate no.:

Assessor Name:

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Certificate date:

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John Caley

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Application No: DA-385/2017

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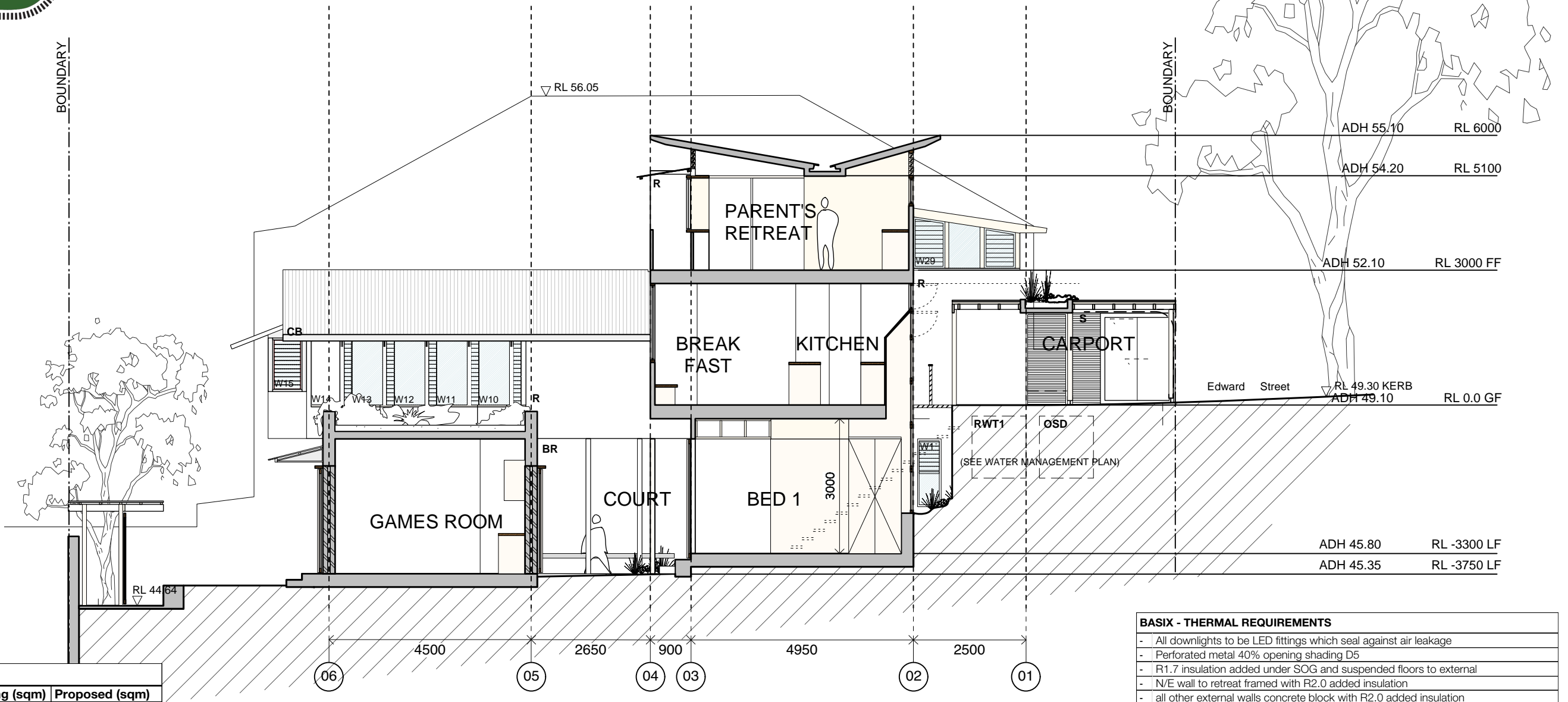
ABSAAustralian Building Sustainability Association

Class 1 Building  
Single-Dwelling

Validation Number	1011329875
Validation Date	22/08/2017
Assessor Name	John Caley
Assessor Number	20570
Assessor Signature	

Simulated under  
BASIX Thermal Comfort Protocol

**BASIX**  
Building Sustainability Index



Density Calculations		
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Henderson Project

37 Edward Street, Bondi

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The Shed Collective

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job # : MAR 01

date : 07/09/17

issued : 07/09/17

dwg # : DA 007

dwg desc: **SECTION B-B**

scale : 1:100 @ A3

MATERIAL LEGEND				GLAZING LEGEND	
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				SK	Double Glazed, fixed clear glass sl



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NATIONWIDE HOUSE ENERGY RATING SCHEME

61 MJ/m²

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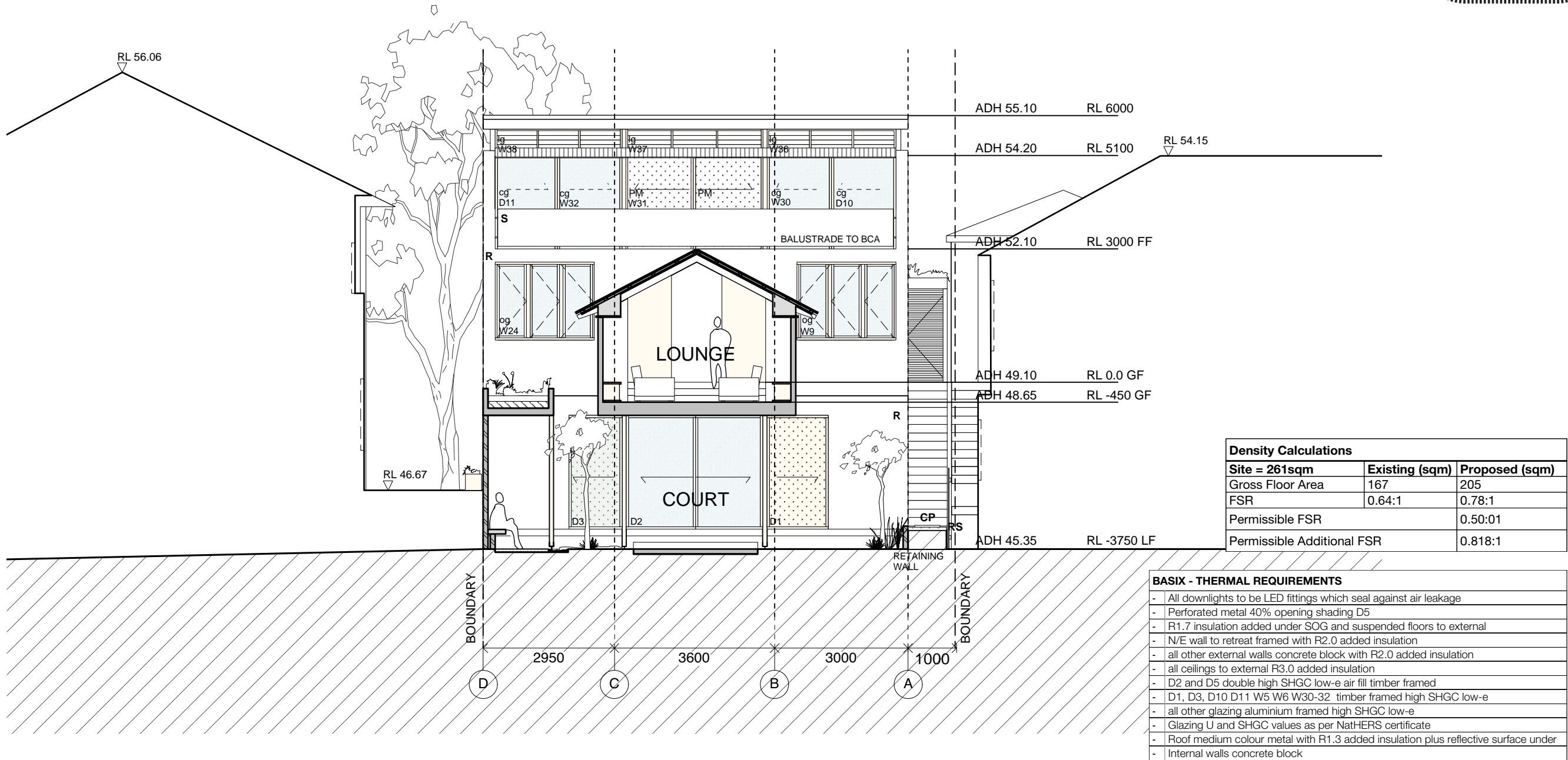
Certificate no.: 0001820067-04  
Assessor Name: John Caley  
Accreditation no.: 20570  
Certificate date: 22 Aug 2017  
Dwelling Address: 37 Edward Street  
Bondi, NSW 2026  
www.nathers.gov.au

ABSAAustralian Building Sustainability Association

Class 1 Building Single-Dwelling

Validation Number	1011329875
Validation Date	22/08/2017
Assessor Name	John Caley
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Assessor Signature	

Simulated under  
BASIX Thermal Comfort Protocol  
**BASIX**  
Building Sustainability Index



**Henderson Project**  
37 Edward Street, Bondi

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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

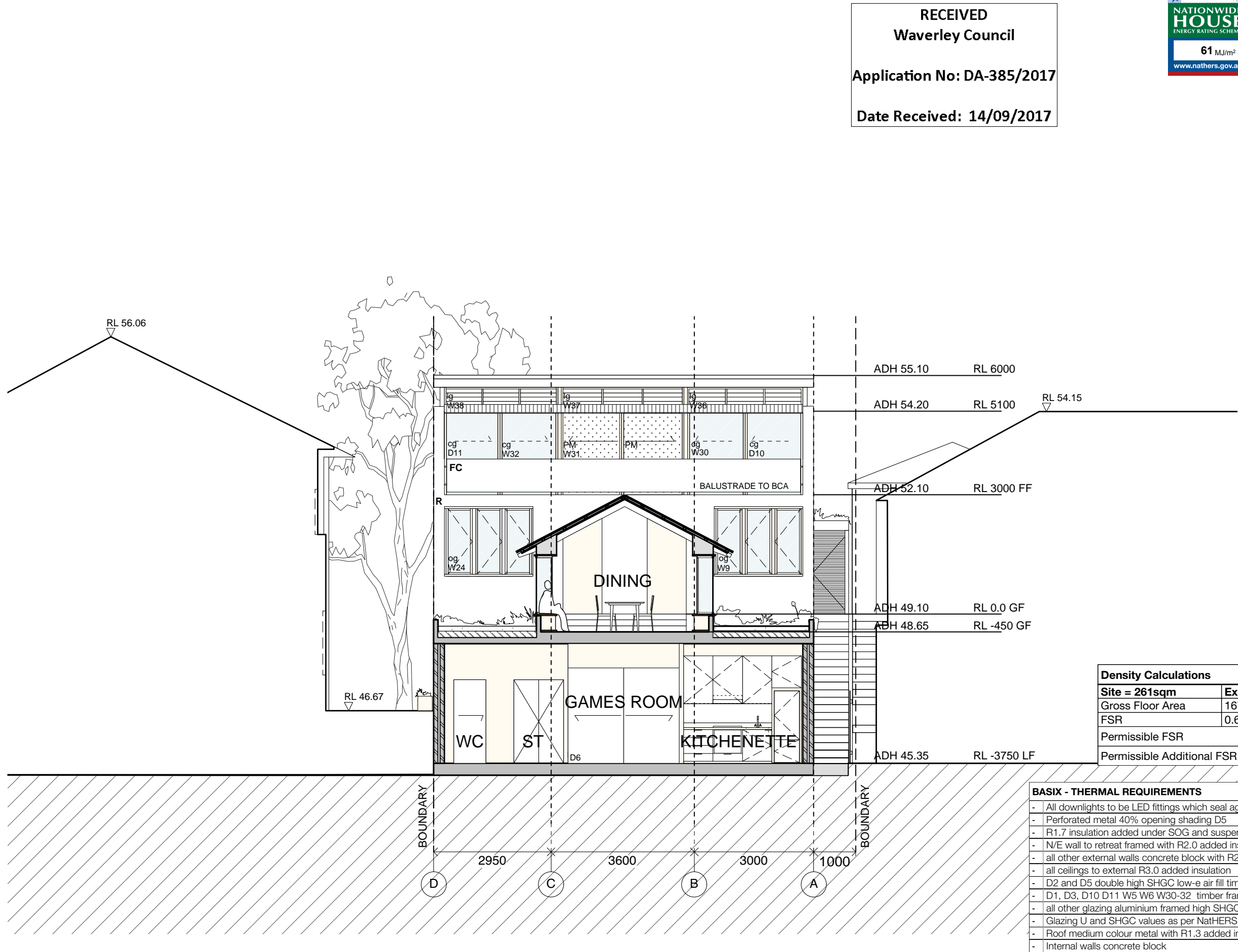
dwg #: DA 008  
dwg desc: **SECTION C-C**  
scale: 1:100 @ A3

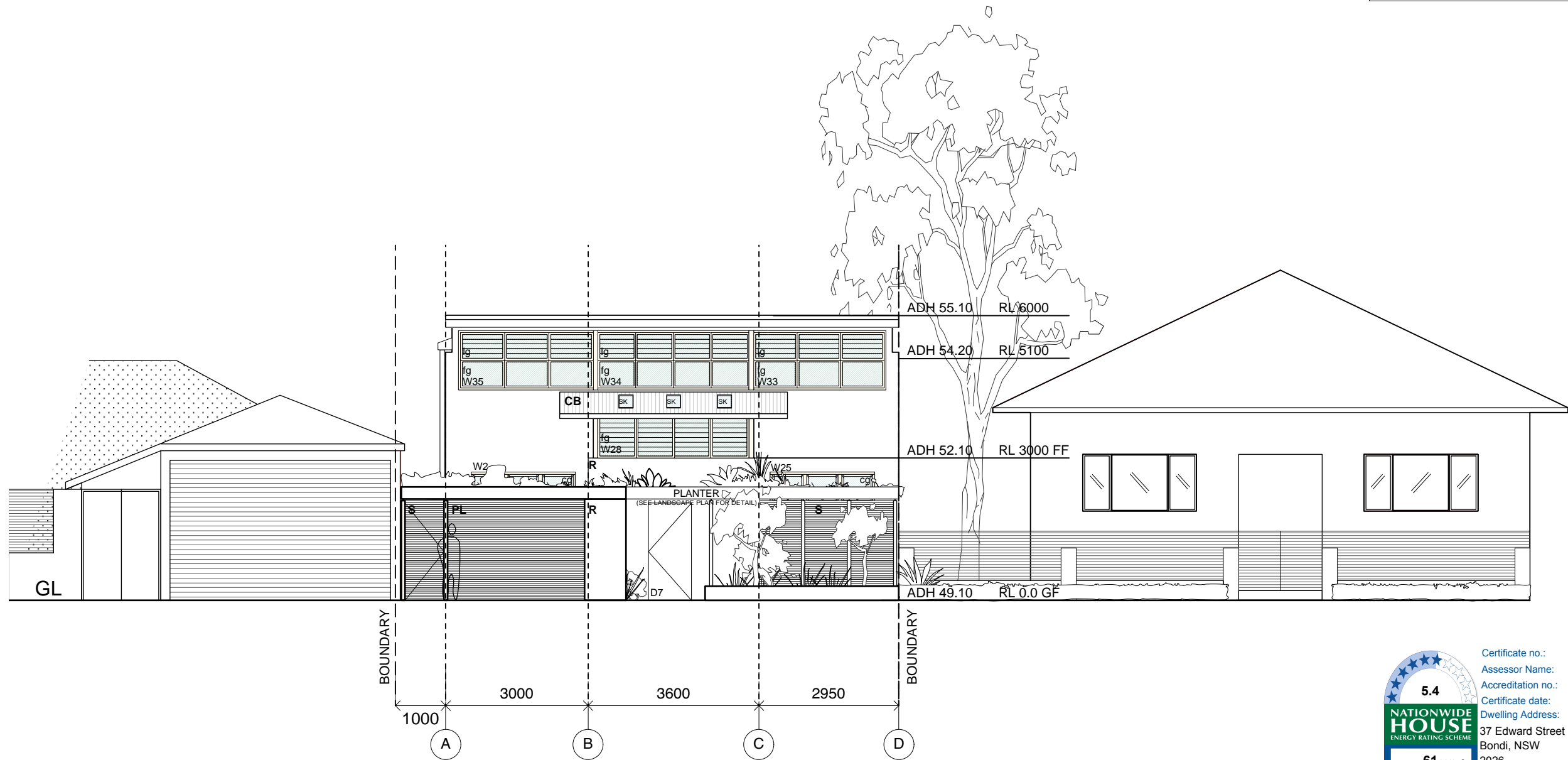
- MATERIAL LEGEND**

  - S Screen
  - T Timber flooring
  - CP Concrete paver
  - C Finished concrete
  - TD Timber decking
  - FP Gas fire place
  - ST Joinery storage
  - DP Downpipe
  - PC Poly carbonate roof sheeting
  - RS Permeable river stones
  - PM Perforated metal
  - B Exposed brick
- GLAZING LEGEND**

  - fg Clear fixed glass
  - ofg Obscure fixed glass
  - clg Louvre glass
  - olq Obscure louvres
  - SK Double Glazed, fixed clear glass sl
- OTHER LEGEND**

  - PL Panel lift door to schedule
  - OSD Onsite detention pit
  - FC Fibrous cement sheet
  - R Cement render
  - RWT Slimline Rain water tank
  - CB Marine grade, custom orb, colorbond finish to approved reflectivity index





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Class 1 Building  
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BASIX Thermal Comfort Protocol

Henderson Project  
37 Edward Street, Bondi

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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 010  
dwg desc: **ELEVATION A - SOUTH**  
scale: 1:100 @ A3

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NATIONWIDE  
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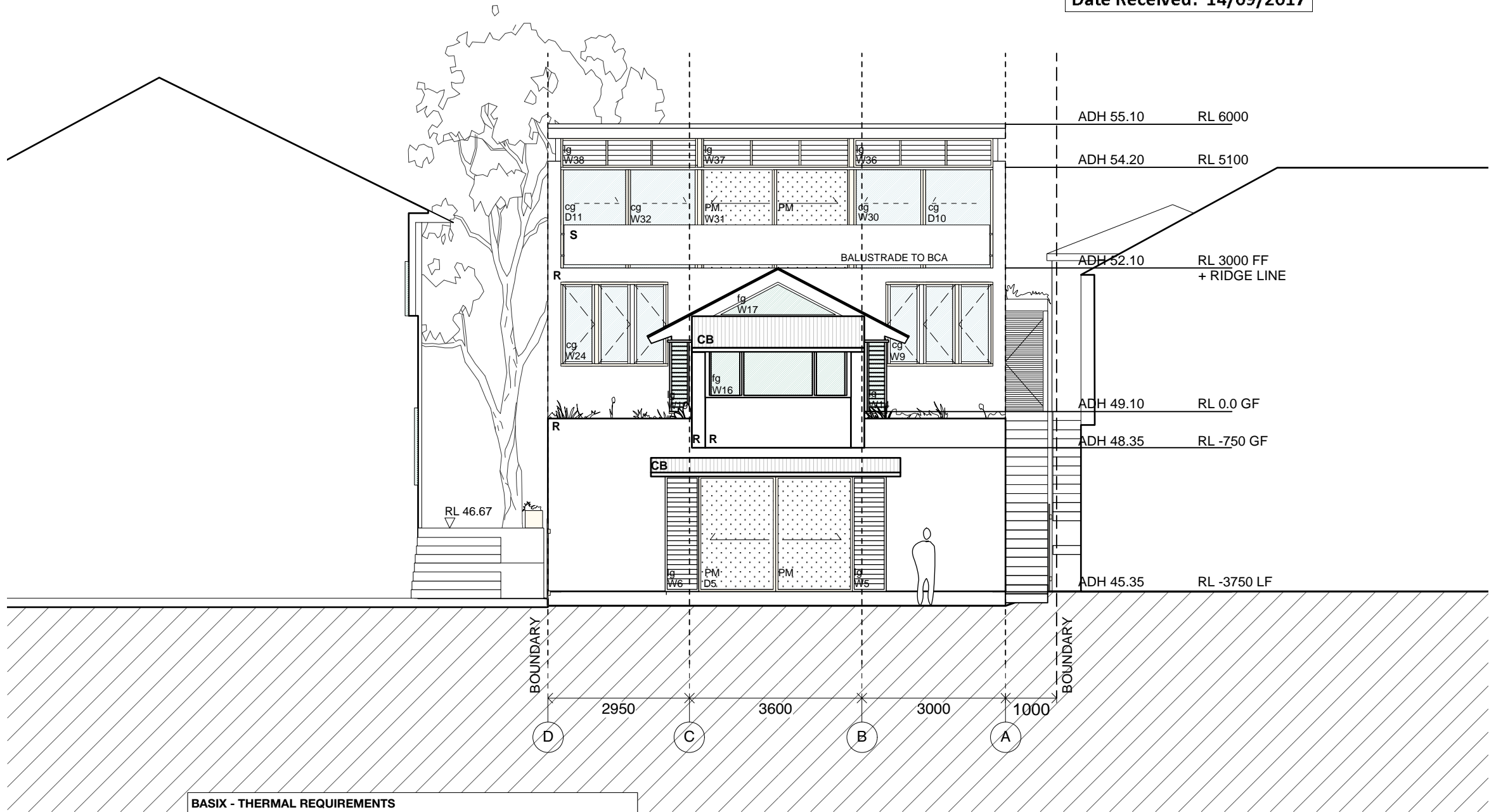
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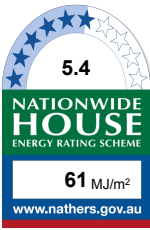
job #: MAR 01  
date: 07/09/17  
issued: 07/09/17  
dwg #: DA 011  
dwg desc: ELEVATION B - NORTH  
scale: 1:100 @ A3

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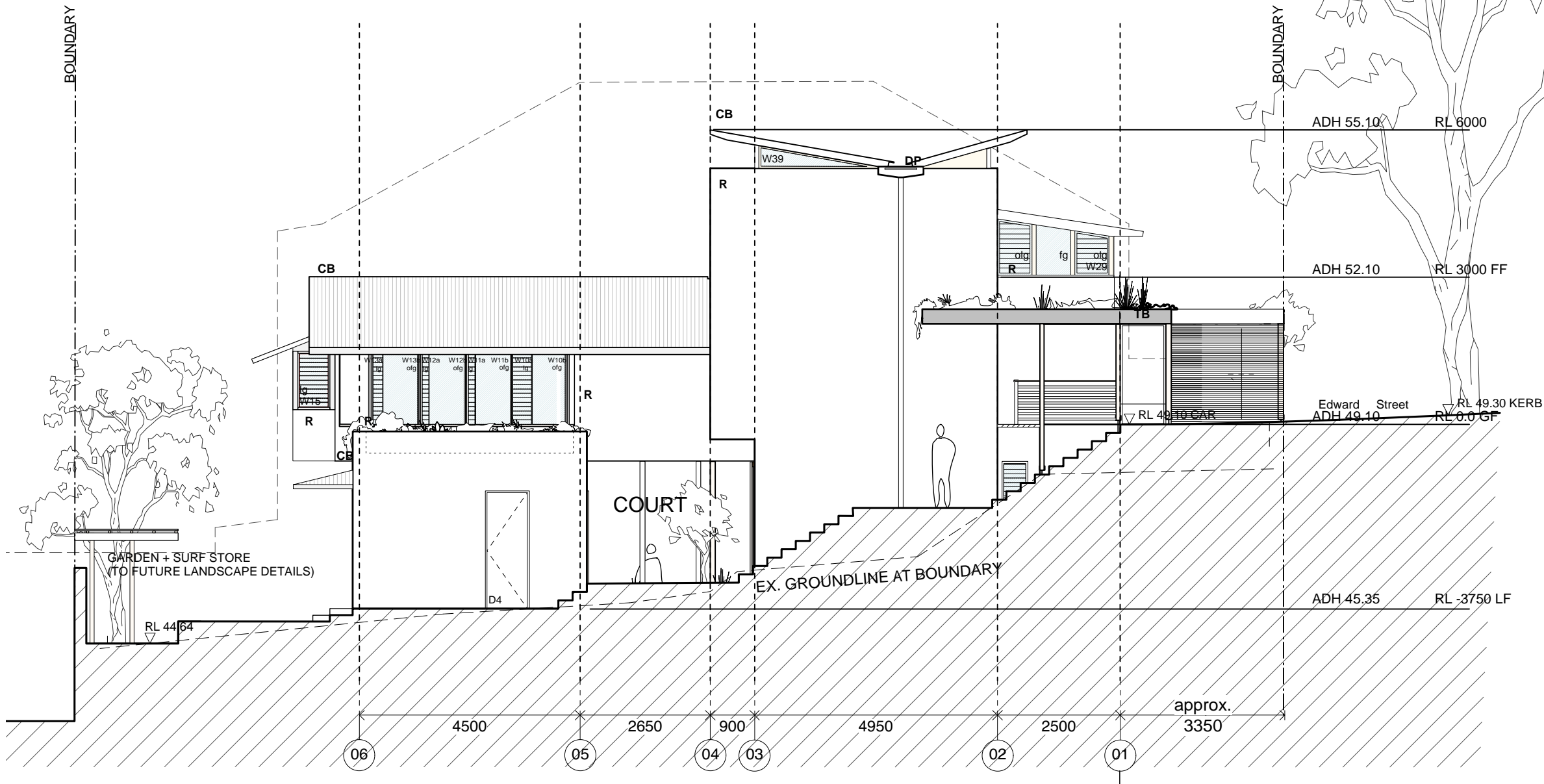
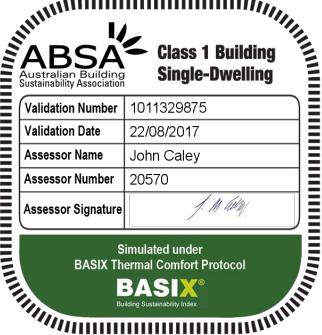


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-	all other glazing aluminium framed high SHGC low-e
-	Glazing U and SHGC values as per NatHERS certificate
-	Roof medium colour metal with R1.3 added insulation plus reflective surface under
-	Internal walls concrete block



## Henderson Project

37 Edward Street, Bondi

do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 012  
dwg desc: **ELEVATION C - WEST**  
scale: 1:100 @ A3

### MATERIAL LEGEND

**S** Screen  
**T** Timber flooring  
**CP** Concrete paver  
**C** Finished concrete  
**TD** Timber decking  
**FP** Gas fire place

**ST** Joinery storage  
**DP** Downpipe  
**PC** Poly carbonate roof sheeting  
**RS** Permeable river stones  
**PM** Perforated metal  
**B** Exposed brick

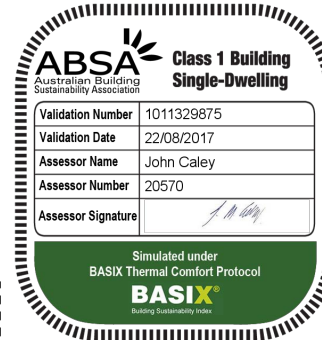
**PL** Panel lift door to schedule  
**OSD** Onsite detention pit  
**FC** Fibrous cement sheet  
**R** Cement render  
**RWT** Slimline Rain water tank  
**CB** Marine grade, custom orb, colorbond finish to approved reflectivity index

### GLAZING LEGEND

**fg** Clear fixed glass  
**ofg** Obscure fixed glass  
**clg** Louvre glass  
**olq** Obscure louvres  
**SK** Double Glazed, fixed clear glass skylight as per BASIX

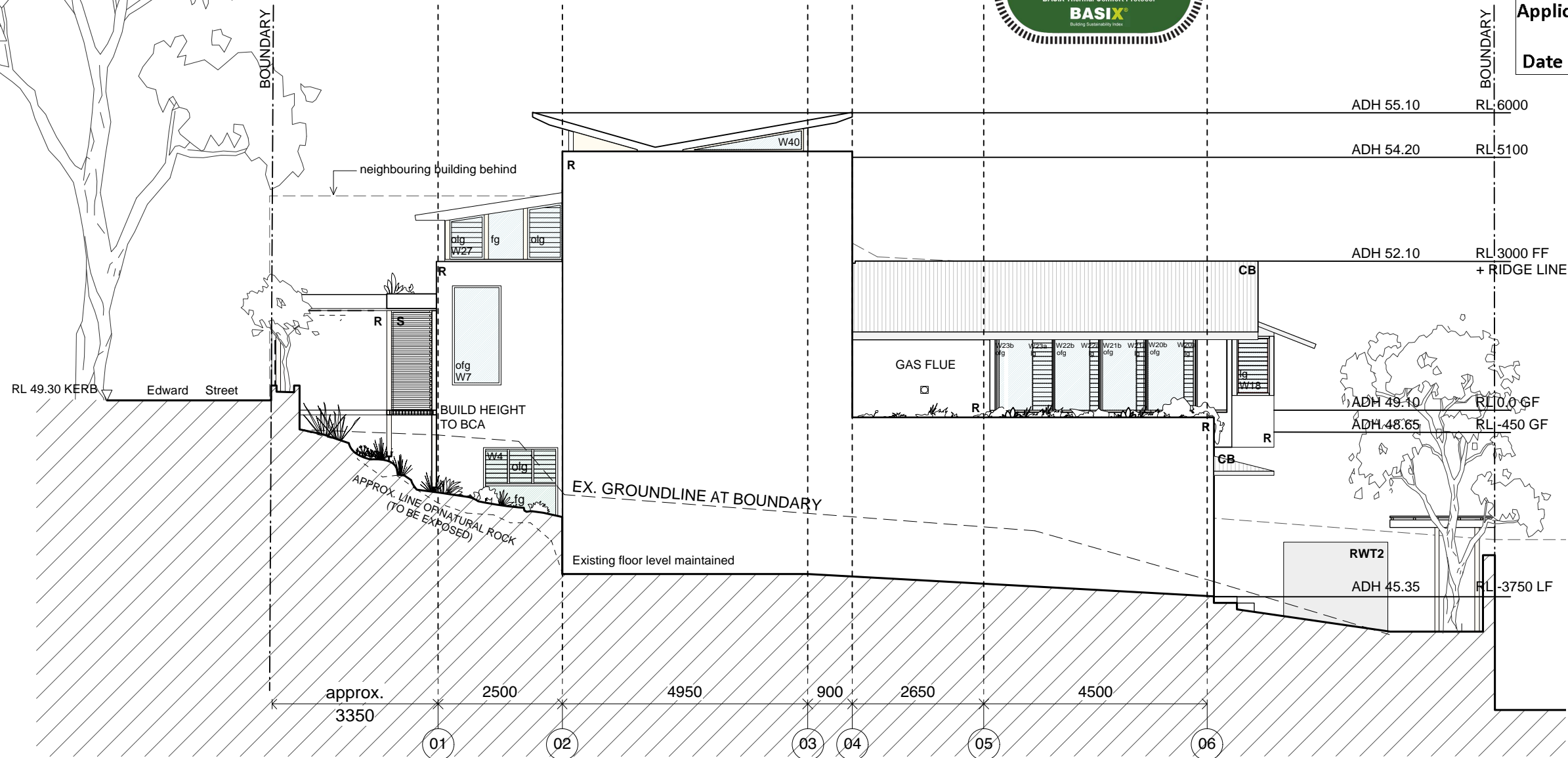


Certificate no.: 0001820067-04  
Assessor Name: John Caley  
Accreditation no.: 20570  
Certificate date: 22 Aug 2017  
Dwelling Address: 37 Edward Street  
Bondi, NSW 2026  
www.nathers.gov.au



BASIX - THERMAL REQUIREMENTS	
-	All downlights to be LED fittings which seal against air leakage
-	Perforated metal 40% opening shading D5
-	R1.7 insulation added under SOG and suspended floors to external
-	N/E wall to retreat framed with R2.0 added insulation
-	all other external walls concrete block with R2.0 added insulation
-	all ceilings to external R3.0 added insulation
-	D2 and D5 double high SHGC low-e air fill timber framed
-	D1, D3, D10 D11 W5 W6 W30-32 timber framed high SHGC low-e
-	all other glazing aluminium framed high SHGC low-e
-	Glazing U and SHGC values as per NatHERS certificate
-	Roof medium colour metal with R1.3 added insulation plus reflective surface under
-	Internal walls concrete block

RECEIVED  
Waverley Council  
Application No: DA-385/2017  
Date Received: 14/09/2017



Density Calculations		
Site = 261sqm	Existing (sqm)	Proposed (sqm)
Gross Floor Area	167	205
FSR	0.64:1	0.78:1
Permissible FSR		0.50:01
Permissible Additional FSR		0.818:1

## Henderson Project

37 Edward Street, Bondi

do not scale off drawings

The Shed Collective  
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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 013  
dwg desc: **ELEVATION C (EAST BOUNDARY)**  
scale: 1:100 @ A3

### MATERIAL LEGEND

S Screen  
T Timber flooring  
CP Concrete paver  
C Finished concrete  
TD Timber decking  
FP Gas fire place

ST Joinery storage  
DP Downpipe  
PC Poly carbonate roof sheeting  
RS Permeable river stones  
PM Perforated metal  
B Exposed brick

PL Panel lift door to schedule  
OSD Onsite detention pit  
FC Fibrous cement sheet  
R Cement render  
RWT Slimline Rain water tank  
CB Marine grade, custom orb, colorbond finish to approved reflectivity index

### GLAZING LEGEND

fg Clear fixed glass  
ofg Obscure fixed glass  
clg Louvre glass  
olg Obscure louvres  
SK Double Glazed, fixed clear glass sl



NATURAL GROUND LEVEL  
Permeable cover to assist infiltration  
Couch lawn (Cynodon dactylon CT2)

Bank of Broad Leaved Paperbarks  
(Melaleuca quinquenervia) to screen  
landscaped, front courtyard

Low indigenous, low water grasses and shrubs  
beneth bank of trees inc. Dodonaea triquetra (Hop  
Bush), Dianella Congesta (Blue Flax lily) and Isolepis  
Nodosa (Knobby Club-rush).

RECEIVED  
Waverley Council  
Application No: DA-385/2017  
Date Received: 14/09/2017

Perforated steel path over  
exposed natural rock above  
(outline marked with dashed  
lines).

Bank of Broad Leaved  
Paperbarks (Melaleuca  
quinquenervia) to screen  
landscaped, front courtyard

Soil and mulch under

Indigenous, low water grasses  
and shrubs beneth bank of  
trees inc. Dodonaea triquetra  
(Hop Bush), Dianella Congesta  
(Blue Flax lily) and Isolepis  
Nodosa (Knobby Club-rush).

NATURAL GROUND LEVEL  
(Expose existing rock)

Indigenous, low-water grasses,  
shrubs and scramblers amongst  
natural rock oucrop inc.  
Carpobrotus Glaucescens (Pig  
Face), Viola Banksii (Native Violet),  
Dodonaea triquetra (Hop Bush),  
Dianella Congesta (Blue Flax lily)  
and Isolepis Nodosa (Knobby  
Club-rush).

EXISTING MATURE GUM TREE

General Notes

1. Existing/Proposed Open Space: 94sqm / 105 sqm
2. Existing/Proposed Landscaped Area: 94sqm / 122sqm
3. 40% of the total site area provided as open space.
4. 54% of total site areas is provided as landscaped area (includes 14% of green roof )
5. Garden area in BASIX report excludes roof gradens.

Permeable concrete paving  
with planting between for  
infiltration

Existing non-native tree to  
be removed.

New semi-covered garden  
store to future landscape  
detail.

EXISTING TREE. Natives to  
remain

NATURAL GROUND LEVEL  
existing Couch lawn  
(Cynodon dactylon CT2)

Permeable river stones for  
on-site infiltration

Bank of Broad Leaved  
Paperbarks (Melaleuca  
quinquenervia)

Permeable concrete paving  
with planting between for  
infiltration

Henderson Project  
37 Edward Street, Bondi

do not scale off drawings  
The Shed Collective  
A. 1c Wateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 014  
dwg desc: LANDSCAPE PLAN- GROUND  
scale : 1:100 @ A3

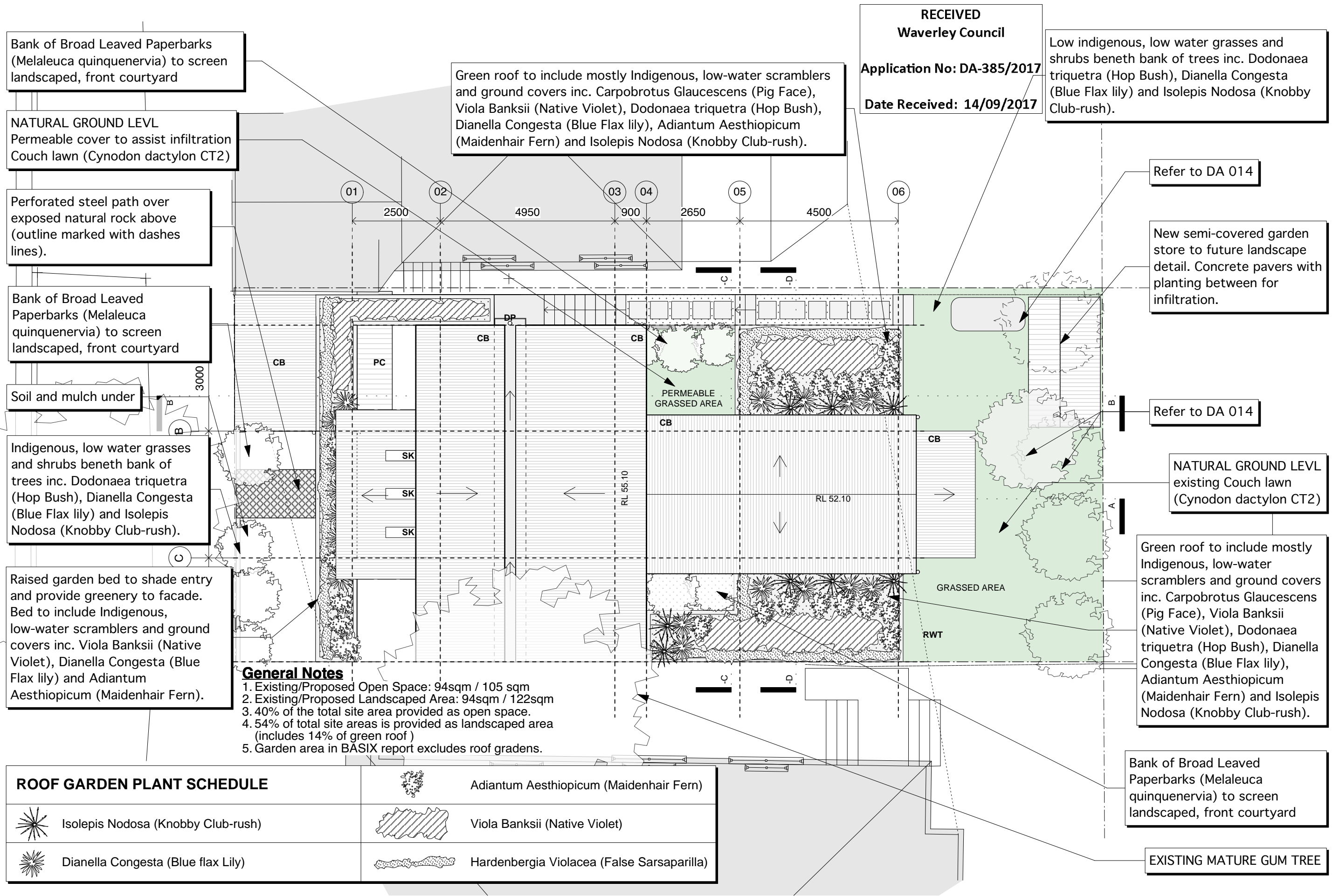
MATERIAL LEGEND

S	Screen	ST	Joinery storage	PL	Panel lift door to schedule
T	Timber flooring	DP	Downpipe	OSD	Onsite detention pit
CP	Concrete paver	PC	Poly carbonate roof sheeting	FC	Fibrous cement sheet
C	Finished concrete	RS	Permeable river stones	R	Cement render
TD	Timber decking	PM	Perforated metal	RWT	Slimline Rain water tank
FP	Gas fire place	B	Exposed brick	CB	Marine grade, custom orb, colorbond finish to approved reflectivity index

GLAZING LEGEND

fg	Clear fixed glass
ofg	Obscure fixed glass
clg	Louvre glass
olq	Obscure louvres
SK	Double Glazed, fixed clear glass skylight as per BASIX





**Henderson Project**  
37 Edward Street, Bondi

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job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 015  
dwg desc: **LANDSCAPE PLAN - ROOF**  
scale: 1:100 @ A3

**MATERIAL LEGEND**

<b>S</b>	Screen	<b>ST</b>	Joinery storage
<b>T</b>	Timber flooring	<b>DP</b>	Downpipe
<b>CP</b>	Concrete paver	<b>PC</b>	Poly carbonate roof sheeting
<b>C</b>	Finished concrete	<b>RS</b>	Permeable river stones
<b>TD</b>	Timber decking	<b>PM</b>	Perforated metal
<b>FP</b>	Gas fire place	<b>B</b>	Exposed brick

<b>PL</b>	Panel lift door to schedule	<b>RWT</b>	Slimline Rain water tank
<b>OSD</b>	Onsite detention pit	<b>CB</b>	Marine grade, custom orb, colorbond finish to approved reflectivity index
<b>FC</b>	Fibrous cement sheet		
<b>R</b>	Cement render		

**GLAZING LEGEND**

<b>fg</b>	Clear fixed glass
<b>ofg</b>	Obscure fixed glass
<b>clg</b>	Louvre glass
<b>olq</b>	Obscure louvres
<b>SK</b>	Double Glazed, fixed clear glass skylight as per BASIX







EXISTING NEIGHBOUR  
No. 39

PROPOSED DESIGN  
No. 37

EXISTING NEIGHBOUR  
No. 35

## Henderson Project

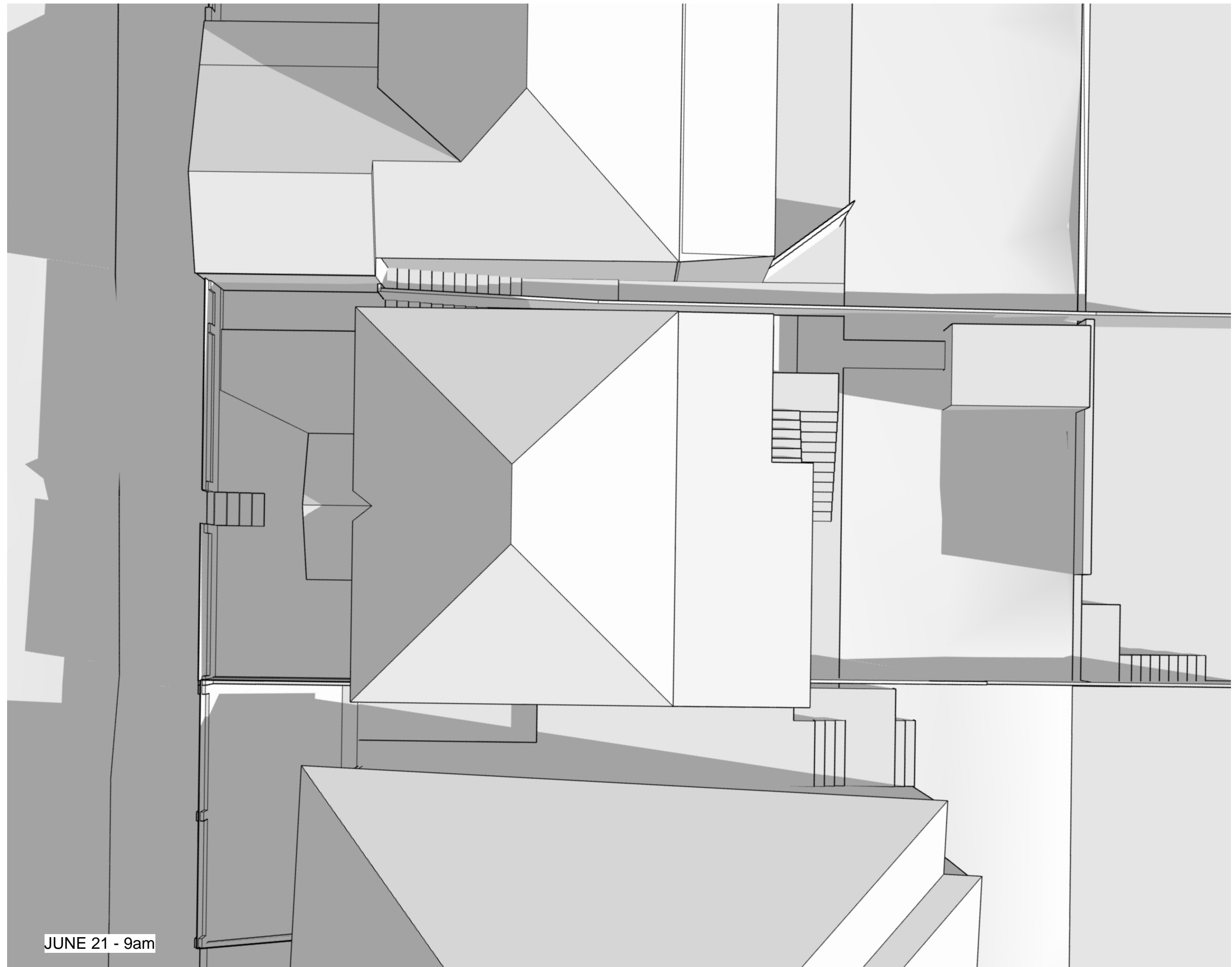
37 Edward Street, Bondi

do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job #: MAR 01  
date: 23/3/18  
issued: 23/3/18

dwg #: **STREET ELEVATION MATERIAL FINISHES PALETTE**  
dwg desc: POST SUBMISSION\_COUNCIL REQUESTED  
scale: NA @ A3



**Henderson Project**  
37 Edward Street, Bondi

do not scale off drawings

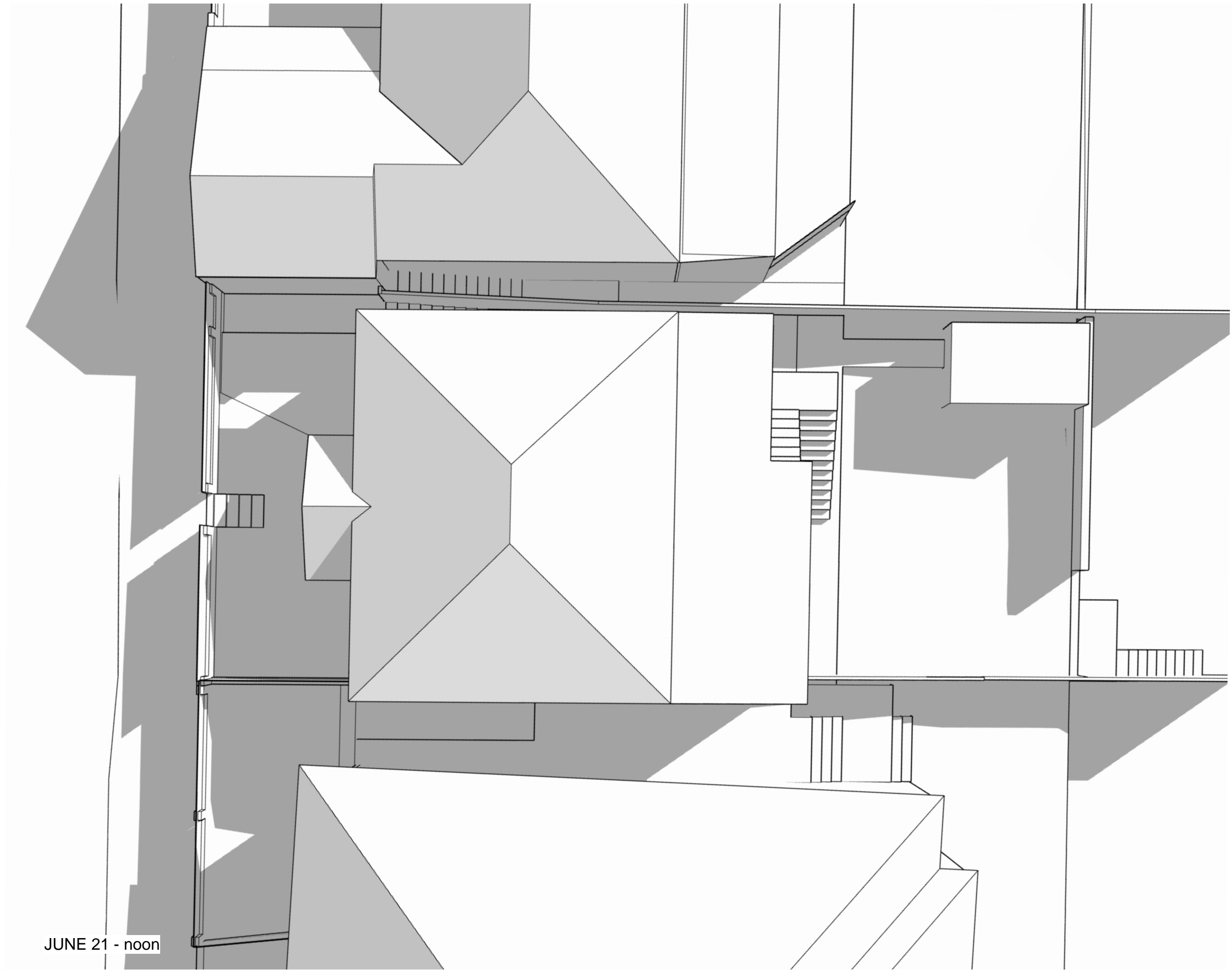
The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 018  
dwg desc: **SHADOW DIAGRAM - EXISTING**  
scale : 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - 9am**  
*EXISTING DWELLING*





JUNE 21 - noon

**Henderson Project**  
37 Edward Street, Bondi

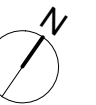
do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

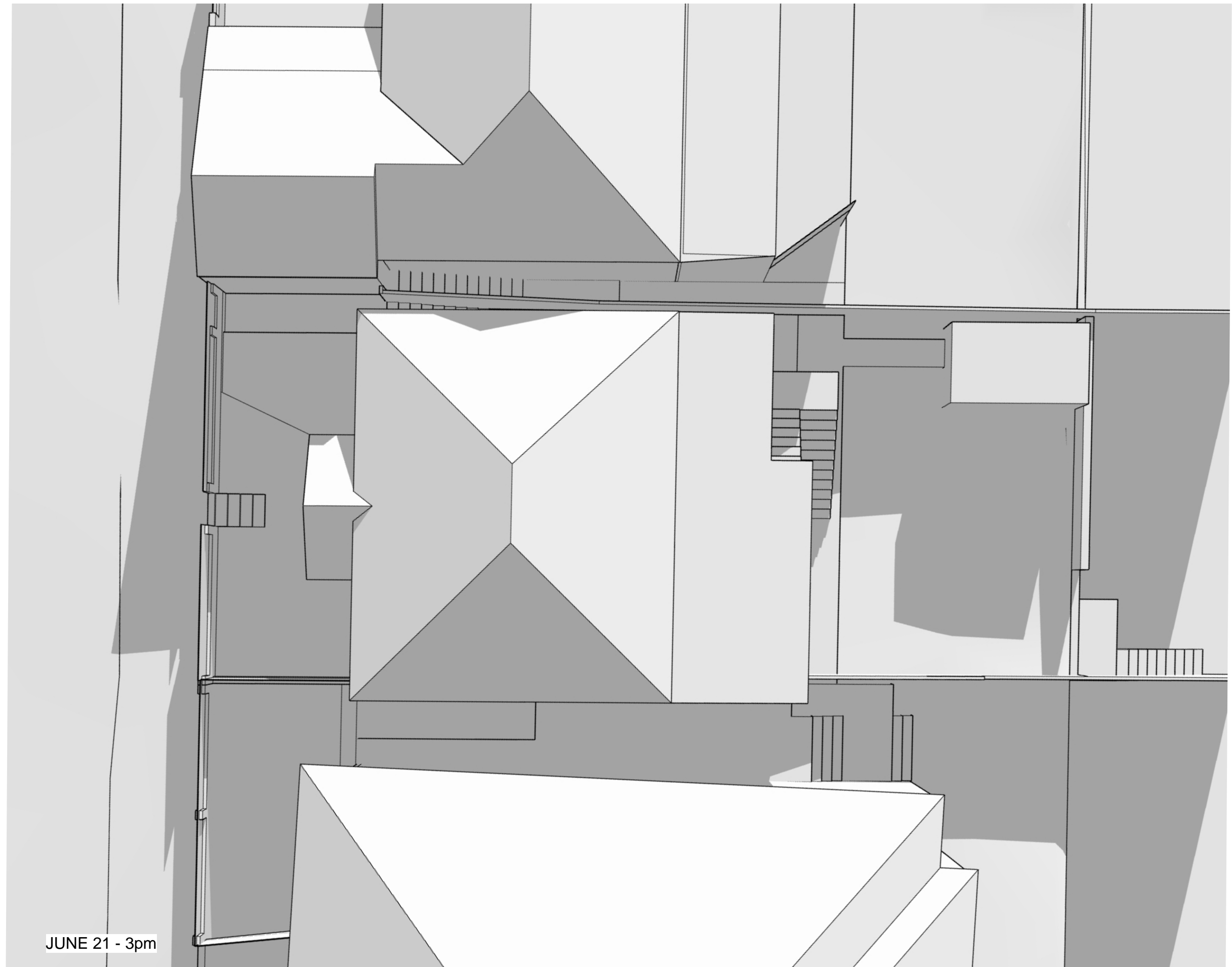
job #: MAR 01  
date: 07/09/17  
issued: 07/09/17

dwg #: DA 019  
dwg desc: **SHADOW DIAGRAM - EXISTING**  
scale: 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - NOON**  
*EXISTING DWELLING*







JUNE 21 - 3pm

**Henderson Project**  
37 Edward Street, Bondi

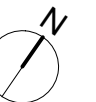
do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 020  
dwg desc: **SHADOW DIAGRAM - EXISTING**  
scale : 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - 3PM**  
*EXISTING DWELLING*





**Henderson Project**  
37 Edward Street, Bondi

do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 021  
dwg desc: **SHADOW DIAGRAM - PROPOSED**  
scale : 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - 9am**  
*PROPOSED DWELLING*





JUNE 21 - noon

**Henderson Project**  
37 Edward Street, Bondi

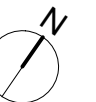
do not scale off drawings

The Shed Collective  
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job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 022  
dwg desc: **SHADOW DIAGRAM - PROPOSED**  
scale : 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - NOON**  
*PROPOSED DWELLING*





**Henderson Project**  
37 Edward Street, Bondi

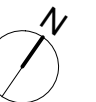
do not scale off drawings

The Shed Collective  
A. 1c Whateley Street, Newtown | PH. (02) 9550 3891 | E. hg@theshedcollective.com

job # : MAR 01  
date : 07/09/17  
issued : 07/09/17

dwg # : DA 023  
dwg desc: **SHADOW DIAGRAM - PROPOSED**  
scale : 1:100 @ A3

**JUNE 21 (WINTER SOLSTICE) - 3PM**  
*PROPOSED DWELLING*



# ELEVATION SUN STUDIES

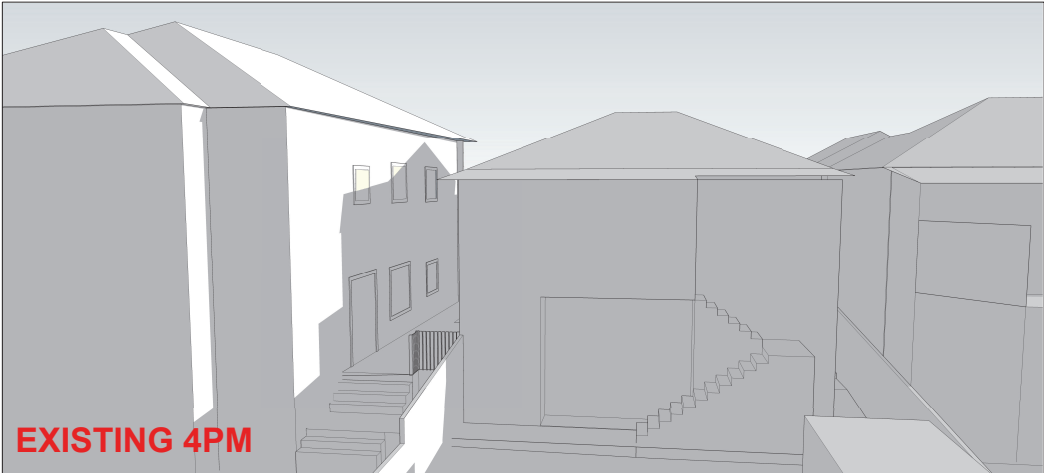
These are sun studies taken at the most critical time of year June 21st

NB: Neighbour window and door sizes and locations taken from survey

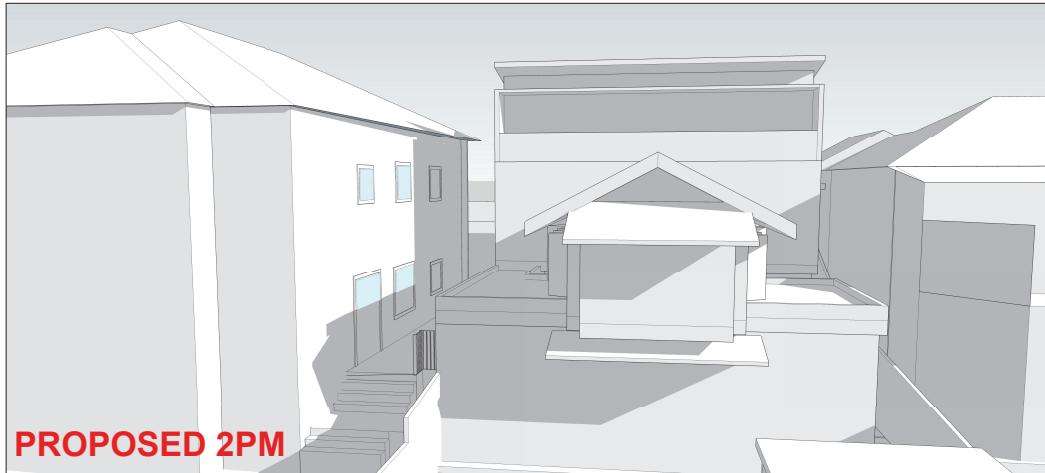
- Existing surface area with solar access
- Proposed surface area with solar access
- Total Existing Window/Door Area NNW Elevation of Neighbour No.35 15sqm



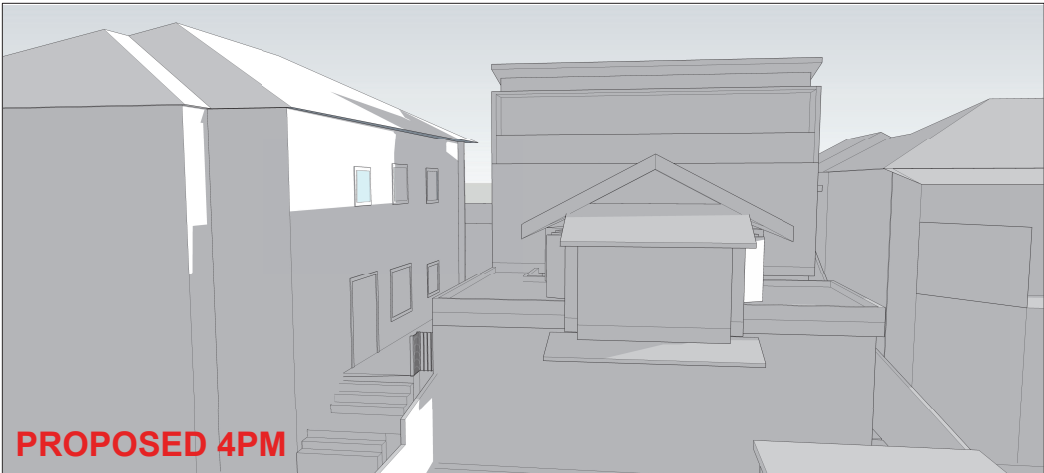
7.425sqm =50% of total



1.078sqm =7% of total



8.079sqm =54% of total  
Additional Solar Access Provided by Proposed Design 0.654sqm



1.300sqm =8.5% of total  
Additional Solar Access Provided by Proposed Design 0.222sqm

Henderson Project  
37 Edward Street, Bondi

do not scale off drawings  
The Shed Collective  
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job #: MAR 01  
date: 23/3/18  
issued: 23/3/18

dwg #: SUN STUDY DIAGRAMS  
dwg desc: POST SUBMISSION\_COUNCIL REQUESTED  
scale: NA @ A3





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-402/2017
<b>Site address</b>	59 Brighton Boulevard , Bondi Beach
<b>Proposal</b>	Demolition of existing building and construction of a three-storey residential flat building with basement car parking, plus strata subdivision
<b>Date of lodgement</b>	18 September 2017, amended plans and documentation received 13 April 2018
<b>Owner / Applicant</b>	AF1 Services Pty Ltd
<b>Submissions</b>	Nine (original) and three (amended)
<b>Cost of works</b>	\$1,822,278
<b>Issues</b>	Excavation, setbacks, visual and acoustic privacy, landscaping
<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 5 July 2018.

The site is identified as Lot 48 Section 2 in DP 9177, known as 59 Brighton Boulevard , Bondi Beach. It is located on the south-western side of Brighton Boulevard between Wairoa Avenue to the west and Campbell Parade to the east.

The site is rectangular in shape with north (front) and south (rear) boundaries measuring 12.19m, and east and west side boundaries measuring 39.17m. The site has an area of 477.4m<sup>2</sup> and falls from the front to the rear by approximately 1.4m.

The site is occupied by a two-storey residential flat building containing four two-bedroom units. The site does not have a kerb and gutter crossing from Brighton Boulevard however it was noted on site that the front concreted setback is being utilised for vehicular parking possibly accessed from neighbouring driveways.

The subject site is adjoined by a three-storey residential flat building above basement parking to the west, being 55-57 Brighton Boulevard , and a four-storey residential flat building (including ground level parking) to the east, being 63 Brighton Boulevard . The locality is characterised by a variety of residential development, including semi-detached and detached dwellings and medium scale residential flat buildings.



Figure 1: Subject site frontage





**Figure 2:** Site viewed from the rear



**Figure 3:** Site viewed from the front showing adjoining development at 55-57 Brighton Boulevard



**Figure 4:** Site viewed from the front showing adjoining development at 63 Brighton Boulevard

## 1.2 Relevant History

Council has no records of recent development history for the subject site.

After initial assessment of the subject development application, DA-402/2017, was deferred on 8 March 2018 for the following reasons:

### 1. Floor Space Ratio / Gross Floor Area

*The application seeks to exclude the terraces and lobby floor areas at ground, first and second floors from calculable gross floor areas as these areas are claimed to be open.*

*To enable Council to further assess this, additional detail is required and is to include:*

- *Detail of the pre cast concrete privacy screening, at a scale of 1:50. The screens should be at least 50% open.*
- *If these areas are open, confirmation that the walls and flooring will be appropriately waterproofed and preliminary detail that this has been considered as part of the design submitted.*

*It is advised that if the above cannot be demonstrated to the satisfaction of Council the terraces and lobby areas will be included as gross floor area and a clause 4.6 exception to a development*



*standard is required. Should non compliance with this development be sought, consideration to the Planning Agreement policy should be given.*

## **2. Setbacks**

### Side

*The proposal does not comply with the minimum side setback requirements set out in Part C2 Section 2.5 Control (c) of the WDCP 2012 that states that development in R3 zones with a building height of greater than 9.5m is to provide a minimum side setback of 3m for the entire building. There is a greater side setback along the western elevation than the eastern elevation at all levels and the site is capable of supporting a development with greater setbacks on both sides. It is recommended that the proposed design is reviewed and amended in accordance with the controls to incorporate an even setback distribution at all levels.*

*This will also permit a landscaped and deep soil zone area to be provided along the side of the site. A landscaped/ deep soil zone of 2m is to be provided along one side boundary at a minimum to enable significant tree planting, to improve privacy and screening between adjoining properties.*

*As discussed further in the letter, it is recommended that the carparking be amended to be contained wholly within a basement level (that is, below existing ground level), and the car entry/ramp be integrated into the building envelope to provide greater opportunity for increased side setbacks and landscaping.*

### Rear:

*The proposed rear setback does not comply with the relevant requirements in the WDCP 2012, Part C2 Section 2.5 Control (a). The proposed rear building alignment shall be amended to be in keeping with the predominant rear alignment of the adjoining buildings. In this regard, the rear building wall line and the outer edge of rear balconies need to better align with adjoining properties, determined separately for each level.*

## **3. Building height**

*A review of the plans submitted indicates that the proposal will depart from the 12.5m maximum height limit as a result of the roof services (air-conditioning system and associated screening on the roof). The departure is measured at 12.85m at the southern elevation, at a distance of 8.5m from the rear boundary. As such a clause 4.6 document outlining why compliance with the development standard is unreasonable or unnecessary in this case is required to be submitted.*

*The external wall height of the proposal is measured at maximum 11.5m along the west elevation. The 2m non-compliance is not supported and should be reduced to a height of 9.5m. This can be achieved by amending the proposed basement car park, which is currently positioned primarily at estimated existing ground level and above. It is recommended that the proposed car park be amended in design to provide a basement carpark contained within the envelope of the building, that is, set lower than the existing position, no further than the existing rear building line, to accommodate the car spaces, bicycle parking, waste room, storage and services. This will achieve the desired outcome of parking spaces and services under ground and better utilise the space at and above existing ground level for floor space, whilst achieving a more compliant external wall height and providing greater opportunity for deep soil landscaping.*



#### **4. Proposed landscaping and balconies/terraces**

*The proposed balconies/terraces are to be reconsidered in conjunction with the amended envelope. Front and rear balconies are not to extend further than the front and rear building alignments of the adjoining developments. The proposed balcony along the western elevation at second floor is excessive and should be reconsidered within the amendment to the envelope. With an amended envelope, it is recommended that consideration be given to redesigning that balconies at each level in order to achieve greater private open space amenity, while mitigating potential privacy impacts to adjoining properties.*

*An amended carpark level will also provide greater opportunity for better connection and amenity for units by connecting with the rear landscape area.*

Amended plans were received on 13 April 2018 and renotified to surrounding properties. These plans form the subject of the assessment within this report.

### **1.3 Proposal**

The proposal seeks consent for the demolition of the existing two-storey residential flat building and construction of a new four-storey residential flat building comprised of the following:

- A car park located at the lower ground floor level providing six vehicular spaces including a double car stacker, five storage cages, five bicycle lockers, two visitor bicycle racks and a garbage bin/plant storage room. The car park will be partially excavated below ground at the front of the site and rising above the existing ground level at the rear by 3.1 metres. An open driveway will be provided from Brighton Boulevard along the western side boundary of the site with each individual space being provided with garage doors.
- The proposal provides three residential levels above the car park containing four two-bedroom units and one three-bedroom unit. On the ground and first floor levels each floor will contain two-bedroom units oriented toward the street and the rear separated by an open lobby with lift. At the second floor level one three-bedroom penthouse unit is proposed.
- Strata subdivision into five allotments.

## 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 original proposal was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel on 16 October 2017. 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
<b>Principle 1: Context and Neighbourhood</b>
<i>The Panel acknowledged the diverse mix of the highly urbanised environment which is characterised by a mix of housing forms including duplexes, 3 and 4 storey residential flat buildings, as well as single and two storey semi-attached and detached dwellings. The streetscape is impacted by garages and hard standing areas. Prevailing roof forms are generally pitched for both residential dwellings and residential flat buildings however interspersed with buildings with parapets and flat roofs. Landscape has been provided to the street frontage which will be a great improvement to the existing condition.</i>
<b>Principle 2: Built Form and Scale</b>
<i>The Panel formed the view that the clarity of the design concept and subtle echoing of adjacent built form elements meant that the proposed development could readily fit within the urban context.</i>
<i>The linear built form effectively addresses the narrow 12m width of the subject site and also takes advantage of the 2m fall from Brighton Boulevard to the rear of the site to provide for basement garaging.</i>

*The 3-storey linear form is articulated by a 4.5m high elevated punctured screen which is wrapped around the mid-level of the building on the northern, western and southern facades.*

*The subject development complies with the 12.5 maximum building height control but exceeds the 9.5m maximum wall height control by approximately 1m at the Brighton Boulevard frontage and by up to 2m at the rear. The eastern stair could be modified at the top in order to reduce its wall height and the two storage zones on the top floor east elevation could possibly be reduced in height also.*

*Given the flat roof form that has been adopted, the overall building profile broadly matches the adjacent development at 55-57 Brighton Boulevard.*

*The building setback from the northern boundary reflects the existing built form, while the setbacks from both the eastern and western boundaries have been slightly increased. The Panel considered that the proposed rear setback was appropriate but recommended that measures be taken to protect the privacy of the property at 90 Ramsgate Avenue.*

*The Panel questioned the relevance and usefulness of the proposed communal open space against the southern boundary which would be impacted significantly by the mass of the proposed garage structure and 3-storey built form above.*

*Appropriate landscaping to assist in providing privacy to 90 Ramsgate Avenue should be pursued, together with the introduction of a planter in the terrace area associated with Apartment 1B on the elevated ground floor.*

*Privacy for the lower and upper terraces of 55-57 Brighton Boulevard needs to be demonstrated more clearly in section.*

*The drawings, design and structure need to be coordinated with the landscape intent. More detail for a viable landscape over the driveway needs to be provided.*

*The Panel considers that the combination of materials in the northern hardscape could be rationalized rather than having both sandstone and off form concrete. A small common area for sitting in the sun could be considered adjacent to the entry path.*

*The stormwater infiltration tank should be placed entirely under the driveway and not protrude into the deep soil area.*

**Planning comment:** The amended plans address some of the matters raised above. Notwithstanding, the proposal is inconsistent with the built form of surrounding properties, in particular in regards to side and rear setbacks. Recent development within the street incorporates adequate setbacks to ensure visual and spatial separation between buildings.

### **Principle 3: Density**

*The Panel was advised that the proposed development matched the permissible FSR of 0.9:1.*

*The Panel noted that Apartment 1A at 72.5m<sup>2</sup> was slightly less than the ADG minimum of 75m<sup>2</sup>, and questioned whether a minor extension (northward) had been considered to ensure compliance with SEPP 65.*

**Planning comment:** The amended proposal has decreased the front setback to increase the size of this apartment to comply with the ADG requirement.

#### **Principle 4: Sustainability**

*The proposed development incorporates a rainwater tank under the driveway. This water could be used for irrigation. Permanent irrigation should be noted for all planter beds.*

*Roof mounted photovoltaics should also be investigated.*

*The design generally provides for good solar and cross-ventilation, although the level of solar access to the rear apartments at ground and first level will be limited.*

*The Panel questioned whether the scale of the opening windows to the bedrooms at the ground and first floor levels provided for the appropriate level of ventilation.*

*Ceiling fans should be provided in living and sleeping areas and clearly shown on the plans. Top floor internal bathrooms should be provided with ventilating skylights.*

*Window types should be investigated for better cross ventilation options. Full height casements will have limited openings for safety which impacts poorly on ventilation. Casements also cannot open if covered with louvres. Perhaps louvre windows would be a better solution.*

**Planning comment:** The amended proposal provides solar panels on the roof. Ceiling fans are now shown on all plans and the top floor internal bathrooms have been provided with skylights.

#### **Principle 5: Landscape**

*The development incorporates a number of landscape spaces that generally mark the entry sequence to the building (by car and by foot), the common garden area to the rear of the subject site, as well as a number of planters within the lobbies and integrated with structural elements that traverse the entry to the basement garages.*

*As noted previously, the utility of the common garden at the rear of the site was questioned by the Panel and the potential use of appropriate landscape to provide greater privacy to the adjacent property at 90 Ramsgate Avenue should be considered, together with the introduction of a planter across the full width of the terrace to Apartment 1B.*

*The Panel also questioned the effectiveness and practicality of the structural 'pergola' elements that traverse the entry to the basement garages. In particular, the Panel noted that much of the 'pergola' structure would be partially overshadowed by upper level terraces (which should be clearly dotted over on the Basement Plan).*

*An existing street tree (Tuckeroo) is shown on the site analysis but has been omitted from drawing A.101\_A. As the new driveway will reduce planting area in the verge the Panel recommends the provision of an additional Tuckeroo be discussed with Council.*

*The provision of a small area of soil along the entry and east boundary could allow for vines to grow on the fence which would greatly improve the amenity of the entry.*

**Planning comment:** The amended plans provides the rear setback as landscaped area with screen planting along the boundary. A landscape planter has been introduced to the raised

balcony at the rear ground floor level. However, the proposal provides insufficient landscaping by 39% and is deficient in deep soil by 24%.

#### **Principle 6: Amenity**

*The Panel questioned the substantial extent of terracing at Level 2, particularly given that the western terraces were within 1.5m of the adjacent boundary and approximately 3m from substantial parallel existing terraces at the same level at 55-57 Brighton Boulevard.*

*The Panel suggested that consideration be given to rationalizing the extent of level 2 terracing with a focus toward maintaining north and south terraces and the potential introduction of planters and/or non-accessible areas to enhance privacy between the subject site and 55-57 Brighton Boulevard.*

*As noted previously, the potential to meet the ADG spatial requirements for ground level Apartment 1A should be explored, which would enhance the overall amenity of that apartment.*

**Planning comment:** The terraces at Level 2 have been reduced although not to the extent anticipated by the Panel. The ground level apartment 1A has been increased in size in the amendments through a minor reduction to the front boundary setback.

#### **Principle 7: Safety**

*The Panel questioned the treatment of the retaining wall against the western boundary which appeared to be dependent on a series of columns associated with the garage basement 'pergola' structure.*

*The Proponent acknowledged that there would be a need for a retaining wall which may impact on the location and scale of the proposed pergola columns.*

*There is a need to ensure that the provision of the retaining wall structure does not impact adversely on the vehicle swept paths and that adequate access and egress to the individual garages is maintained.*

*The Panel also questioned the width of the proposed driveway between the northern boundary and Brighton Boulevard. The proposed driveway appeared to be wider than required, rather than being consistent with the ramp that provided access to the carpark basement level and could potentially lead to part of the access-way being occupied by a parked vehicle.*

*The proposed precast screen will need to comply with earthquake codes. As this has the potential to change the visual nature of the screen. Some preliminary information on the structure of the screen would assist in its review. If fire shutters are required for windows behind the screen this should also be indicated.*

**Planning comment:** Earthquake codes are not a matter for consideration under Section 4.15 of the EP&A Act. Kerbing is provided adjoining the driveway to ensure that a vehicle does not park on the driveway. The width of the driveway is due to the layout of the parking level with each parking space requiring manoeuvring area on the driveway itself to enter and exit each space.

#### **Principle 8: Housing Diversity and Social Interaction**

*There is a minor diversity of apartment product with four two-bedroom apartments with slightly different configurations and minor differences in floor area, together with a 113m<sup>2</sup>, single level apartment at level 2 which provides for two bedrooms and a study.*



*The provision of generous lobbies at ground and level 1 will help facilitate potential social interaction.*

#### **Principle 9: Aesthetics**

*The Panel supported the design approach that had been adopted and the introduction of a substantive punctured screen wall which effectively wrapped around the northern, western and southern facades of the building.*

*The Panel suggested that there was a need to ensure the punctured screen walls (precast concrete privacy screens) met earthquake design criteria and that consideration was given to the way in which such structures could be readily cleaned and maintained.*

*The Panel questioned the sandstone cladding identified on the planter set against the northern boundary and suggested that the potential extension of off-form concrete associated with the terraced planter to Apartment 1A would be more appropriate.*

#### **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>	<b>No</b>	<ul style="list-style-type: none"> <li>Rear setback is 4.535m to balcony.</li> <li>Eastern side setback is 1460mm.</li> <li>Western side setback is 1645mm.</li> </ul> <p>This issue is discussed in detail following this table.</p>

4A Solar and daylight access		
<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>All units receive at least 2 hours mid-winter to living area windows.</li> <li>All units are dual aspect and as such all receive some direct sunlight mid-winter.</li> </ul> <p>Due to the orientation of the site, the rear balconies will receive limited solar access. However given that this is due to orientation and the protection of privacy of adjoining properties by locating balconies on the front and rear elevations, this is considered acceptable.</p> <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>
4B Natural ventilation		
<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 therefore, 100% of the units can be naturally cross ventilated.</li> </ul> <p>The proposal uses a combination of full height openable doors, louvre windows and skylights to achieve appropriate cross ventilation within the building.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> <li>Habitable rooms – 2.7m</li> <li>Non-habitable rooms – 2.4m</li> </ul>	Yes	The ceiling heights within all units comply with the minimum requirement.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> <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> <li>Add 12m<sup>2</sup> for each additional bedroom</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 comply with the minimum ADG requirements. In this regard, the proposed units sizes and layout are acceptable.</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>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
All apartments provide primary balcony as follows:	Yes	100% of the units are provided with a balcony or courtyard accessed from the main living areas

<ul style="list-style-type: none"> <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>		<p>that meets the minimum requirements of the ADG in terms of area. The 3-bedroom unit at Level 2 provides balconies with a minimum depth of only 2m which is slightly substandard in terms of the ADG however this level provides 81m<sup>2</sup> of balconies which is well in excess of the minimum requirement.</p> <p>The design of the balconies and courtyards is integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall. However, for other reasons outlined in this report, the application is recommended for refusal.</p>
<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	The lobby on each level provides access to a maximum of 2 units per floor.
<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>	Yes	The proposal provides a storage cage and a bicycle storage locker allocated to each unit within the basement car park. The storage provided meets the requirements and objectives of the ADG.

The following is a detailed discussion of the issues identified in the compliance table above in relation to the SEPP 65 ADG.

### Visual privacy

The proposal is deficient in terms of visual separation with only 4.535m to the rear boundary, 1460mm to the eastern side boundary and 1645mm to the western side boundary. Given that the ADG Part 3F requires a minimum separation distance to the boundary of 6m for habitable rooms and 3m for non-habitable rooms, the non-compliance is considered significant.

Although the proposal incorporates a perforated screen on the western elevation, this screening only wraps around the mid-level of the building. The proposal provides multiple windows to habitable and non-habitable rooms on all elevations and insufficient separation distances have been provided to all boundaries except the front. The proposal is considered to have significant privacy impacts, directly attributed to the non-compliant setbacks. Therefore, the site is not suitable for the proposed development, and the application is recommended for refusal.

### Parking

SEPP 65 specifies that the amount of car parking spaces provided on site cannot be used as grounds for refusal if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the ADG.

Under the provisions of the SEPP the proposal cannot be refused for the reason of car parking if it provides seven resident spaces and one visitor space. The proposal provides six resident spaces and no visitor spaces representing a variation of two spaces (it is noted that this is less than the amount required by the WDCP being eight resident spaces and one visitor space however the ADG overrides the provisions of the WDCP).

The applicant was provided with the opportunity to amend the plans to provide the parking within a basement car park which would enable compliance with the ADG design criteria for parking. However, the applicant chose to provide the parking in a semi-basement and, given the substandard width of the site, this results in non-compliances with the parking space requirements of the ADG, and excavation, setback and landscaping controls of the WDCP.

The surrounding area is within proximity of Bondi Beach and on-street parking is in short supply as a consequence of the locality. Given the demand for on-street parking in the area, full compliance with the parking provision should be provided. In this regard, the proposal is not supported.

#### **2.1.4 SEPP (Affordable Rental Housing) 2009 (SEPP ARH)**

The provisions of Part 3 - *Retention of existing affordable rental housing* of the SEPP ARH apply to the subject proposal given that three of the four units within the existing residential flat building have been previously leased at rates below the median rate for their bedroom sizes (two bedroom units).

The application was referred to Council's Housing Officer who provided conditions in the event of approval including a contribution amount of \$274,704 for the loss of affordable accommodation. For other reasons outlined in this report, the application is recommended for refusal. Should the application be supported, a condition is required to be included.

### 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	No	The proposal is not considered to be consistent with the aims of the plans as the subject site is not suitable for the proposed development.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	Yes	The proposal includes the strata subdivision of the building.
Land Use Table R3 – Medium Density Residential Zone	Yes	The proposal is defined as a ‘residential flat building’, which is permitted with consent in the R3 zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>12.5m</li> </ul>	Yes	The proposal has a maximum height of 12.33m complying with the development standard.
4.4 Floor space ratio <ul style="list-style-type: none"> <li>0.9:1</li> </ul>	Yes	<p>The FSR of the proposal is 0.89:1 complying with the development standard.</p> <p>The original application excluded the lobby floor areas as these areas were claimed to be open. As discussed in Part 1.2 of this report, the application was deferred and additional details of the screening were requested. The applicant provided additional details of the pre-cast concrete screening to show that it has an open area of 54.7% and therefore the lobby areas on each level were not calculable gross floor areas. Should this open screening be replaced with a solid enclosure, the proposal would exceed the maximum FSR of 0.9:1.</p> <p>Whilst the FSR of the proposed development technically complies as a result of excluding the central lobbies, the bulk of the car parking and minimal setbacks result in a building that is considered to be an overdevelopment of the site. The proposal is recommended for refusal.</p>



Provision	Compliance	Comment
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is classified as 'Class 5' on the Acid Sulfate Soils Map. In the event of approval of the application a relevant condition of consent would be imposed.
6.2 Earthworks	No	The proposal involves excavation in association with the parking level of the proposal. The extent of excavation and fill on the site is considered excessive. This is discussed in further detail under the DCP table below.

### 2.1.6 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	Yes	A bin storage room is located within the basement car park with access to the driveway and lift for transportation to the street for collection.
2. Energy and water conservation	Yes	<p>A BASIX Certificate was provided with the application. 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>
5. Tree preservation	Yes	The proposal includes the removal of a tree from the site which Council's Tree Preservation Officer accepted on the condition that a replacement tree was planted in the event of approval (for full comments refer to Section 3 of this report). Should the application be supported, appropriate conditions are to be imposed. However, for other reasons outlined in this report, the proposal is recommended for refusal.
6. Stormwater	Yes	The stormwater plans were referred to Council's stormwater engineers and were considered satisfactory (refer to Section 3 of this report).
<p>7. Accessibility, adaptable dwellings &amp; Universal Housing Design</p> <p>20% of units to incorporate Liveable Housing Design Guidelines</p>	Yes	<p>Level access to the lobby is provided along the eastern boundary of the site. A lift is provided for access to all levels. Level access is provided to the front door of all units within the development.</p> <p>No adaptable dwellings are required given that there is less than 9 units within the development.</p> <p>In the event of approval, a condition requiring that one unit is to be designed to incorporate Liveable Housing Design Guideline's silver level universal design would be applied. However, no such condition is included as the application is recommended for refusal.</p>

Development Control	Compliance	Comment
8. Transport  Parking Zone 2	No	<p>The DCP requires eight residential parking spaces and one visitor space for the subject proposal. The proposal provides six parking spaces on site including two spaces as part of a double stacker. This equates to a shortfall of three spaces.</p> <p>The provisions of the ADG override the DCP controls. This issue has been discussed in detail previously in this report.</p>
10. Safety	Yes	<p>The proposal provides balconies addressing the street for passive surveillance, open lobby area with limited number of units per floor and security doors to each parking space.</p> <p>The proposal is consistent with the objectives and controls within this part of the DCP. However, for other reasons the development is recommended for refusal.</p>

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

Development Control	Compliance	Comment
<b>2.1 Special character areas</b>		
<p>North Bondi Special Character Area</p> <ul style="list-style-type: none"> <li>Communal landscaped gardens for front setbacks</li> <li>POS allowed to encroach 2.5m into communal front setback when front setback min 6m</li> <li>Pitched roofs with red tiles</li> <li>Roof terraces discouraged</li> </ul>	No	<p>The proposal has a front setback at the ground floor level of 6m, the first 2.5m of which is communal landscaping with the remaining 3.5m being private terrace and courtyard to Unit 1A. While this front setback is acceptable, the front courtyard sits approximately 2m above the footpath level at the front of the site requiring fill to raise the level. This height difference requires high retaining walls within the front setback of the site. While the landscaping is supported, the raised levels and retaining wall within the front setback negates any positive streetscape impact. As such, the proposal is not supported.</p> <p>The proposal has a flat-roofed design however is located within part of the North Bondi Character Area where contemporary flat roofs are prevalent in recent developments. The proposal would not be out of character with the immediate context.</p> <p>The proposal does not include a roof terrace.</p>

2.2 Site, scale and frontage		
<ul style="list-style-type: none"> <li>Minimum frontage: 15m</li> </ul>	<b>No</b>	<p>The site has frontage to Brighton Boulevard of 12.19m, which does not comply. The proposed development does not comply with the building setback requirements and therefore the development is not considered suitable for the site and is contrary to the objectives of Part 2.2.</p> <p>Refer to discussion following this table.</p>
2.3 Height		
<ul style="list-style-type: none"> <li>Maximum external wall height: 9.5m</li> </ul>	<b>No</b>	<p>The proposal has a maximum wall height of 10.3m, which does not comply.</p> <p>Refer to discussion following this table.</p>
2.4 Excavation		
<ul style="list-style-type: none"> <li>No fill to raise levels</li> </ul>	<b>No</b>	<p>The proposal includes excavation to provide a car park with fill on the eastern side of the building to provide a level entry to the lobby of the building. This is a consequence of the raised ground floor level and results in high side boundary walls along the eastern boundary of the site. Fill is also used to raise the level of the front setback of the site.</p>
<ul style="list-style-type: none"> <li>Minimum setback of 1.5m from side boundaries</li> </ul>	<b>No</b>	<p>Excavation for the carpark level will be on the eastern boundary with nil setback.</p>
<ul style="list-style-type: none"> <li>Under building footprint except main access ramp</li> </ul>	<b>No</b>	<p>The excavation is predominantly under the footprint however encroaches on the setback on the eastern side boundary.</p>
<ul style="list-style-type: none"> <li>Basements no more than 1.2m out of the ground</li> </ul>	<b>No</b>	<p>The car park will be located above the ground level at the rear with a terrace to the ground floor rear unit located above. This results in a wall 3.9m high set back 3.15m from the rear boundary of the site.</p>
<ul style="list-style-type: none"> <li>Geotechnical report required when &gt; 3m in depth or 25% slope</li> </ul>	Yes	<p>A Geotechnical Report was provided with the application.</p> <p>Excavation is discussed in detail following this table.</p>
2.5 Setbacks		
<p>2.5.1 Street setbacks</p> <ul style="list-style-type: none"> <li>Consistent street setback</li> </ul>	<b>No</b>	<p>The front setback is consistent with setback of buildings within the immediate vicinity of the site and the broader streetscape. However, the raised fill for the courtyard as a result of the sub-basement car parking encroaches into this setback, which is not supported.</p>
2.5.2 Side and rear setbacks	<b>No</b>	<ul style="list-style-type: none"> <li>Eastern side setback is 1.46m</li> <li>Western side setback is 1.635m</li> </ul>

<ul style="list-style-type: none"> <li>• Minimum side setback: 4.5m</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>		<ul style="list-style-type: none"> <li>• The rear setback is 3.15m.</li> <li>• There is no deep soil zone along either side boundary.</li> </ul> <p>These issues are discussed in detail following this table.</p>
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2.6 Length and depth of buildings		
<ul style="list-style-type: none"> <li>Maximum building length: 24m</li> <li>Maximum unit depth: 18m</li> </ul>	Yes	<ul style="list-style-type: none"> <li>The building length at the street is 9.3m.</li> </ul>
	No	<ul style="list-style-type: none"> <li>The lower floor units comply with the maximum unit depth. The top floor unit is 29m in depth however windows are provided on all four aspects of this unit to ensure a high level of amenity to the top floor unit (notwithstanding the privacy impacts discussed in other areas of this report). The depth of this unit is therefore considered acceptable.</li> </ul>
<ul style="list-style-type: none"> <li>Maximum depth of single aspect unit: 8m</li> </ul>	N/A	<ul style="list-style-type: none"> <li>There are no single aspect units within the development.</li> </ul>
2.8 Building design and streetscape		
<ul style="list-style-type: none"> <li>Respond to streetscape</li> <li>Sympathetic external finishes</li> </ul>	Yes Yes	As detailed previously in this report by the Design Excellence Panel, the design of the building and the materials used are considered acceptable and responsive to the character of the street. However, for other reasons outlined in this report, the proposal is recommended for refusal.
2.10 Fences and walls		
<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>	Yes <b>No</b>	The front setback provides a boundary wall 800-1200mm high. The front boundary wall is solid off-concrete however it provides the retaining wall to a planter behind. This is not dissimilar to other residential flat buildings within the street and is accepted.
<p><i>Side fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	<b>No</b>	The proposal will result in high walls on the eastern boundary of the site adjoining 61-63 Brighton Boulevard due to the raised car park being built up to the boundary at the rear and fill used to raise the level of the land to provide access to the proposal. This impact is due to the car park being raised above ground level rather than within a basement and is not supported.
<p><i>Rear fence:</i></p> <ul style="list-style-type: none"> <li>Maximum height: 1.8m</li> </ul>	Yes	The rear fence is 1800mm high.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> <li>Integrated into the design</li> </ul>	Yes	The driveway and access to the parking on the lower ground level is along the western boundary of the site. The building cantilevers over the driveway at the first floor level to provide a more balanced streetscape appearance.
<ul style="list-style-type: none"> <li>Secondary to pedestrian entrance</li> </ul>	Yes	The pedestrian entry is along the eastern side of the building separated from the driveway.

<ul style="list-style-type: none"> <li>Maximum of 1 x 2-way driveway</li> </ul>	Yes	One single width driveway is provided at the entry becoming progressively wider at the rear to enable manoeuvring into and out of each parking space.
<ul style="list-style-type: none"> <li>From rear of side where possible</li> </ul>	Yes	The driveway is on the western side boundary.
<ul style="list-style-type: none"> <li>Pedestrian safety</li> </ul>	Yes	Due to the small amount of car spaces provided the volume of vehicles entering and exiting the site will be low and unlikely to arise in pedestrian safety impacts.
<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>	Yes Yes Yes	Pedestrian entry is provided along the eastern side boundary via a ramp to a central lobby.
<b>2.13 Landscaping</b>		
<ul style="list-style-type: none"> <li>Minimum of 30% of site area landscaped: 143m<sup>2</sup></li> </ul>	No	The proposal provides 18% (86.6m <sup>2</sup> ) of the site as landscaped.
<ul style="list-style-type: none"> <li>50% of the above is to be deep soil: 71.5m<sup>2</sup></li> </ul>	No	The proposal provides 54.4m <sup>2</sup> as deep soil.  This is discussed in detail following this table.
<b>2.14 Communal open space</b>		
<ul style="list-style-type: none"> <li>Minimum 15% communal (R3 zone): 71m<sup>2</sup></li> </ul>	No	The proposal provides 33m <sup>2</sup> or 7% of the site as communal open space.
<ul style="list-style-type: none"> <li>Minimum dimensions: 6m x 6m</li> </ul>	No	The rear communal space is 3m x 12m
<ul style="list-style-type: none"> <li>Minimum of 30% of communal area must receive three hours of sunlight</li> </ul>	No	The rear communal space receives limited solar access being south facing and adjoined by a high wall to the raised car park.
<ul style="list-style-type: none"> <li>Accessible</li> </ul>	Yes	The communal space can be accessed via the lift to the car park and the driveway.  Communal space is discussed in detail following this table.
<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> </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.
<ul style="list-style-type: none"> <li>Adjoining properties to retain minimum of three hours of sunlight during winter solstice</li> </ul>	No	The proposal will cast additional shadows on the property to the rear in the morning and on the adjoining property to the west at No. 61-63 Brighton Boulevard in the afternoon hours. The main living area windows and balconies are located on the front and rear elevations of the adjoining residential flat building at 61-63

		Brighton Boulevard . The windows on the western side elevation of No. 61-63 are to bathrooms and kitchens. The kitchen windows are secondary to the main living spaces with the main windows on the front and rear elevations being unaffected by the proposal. The rear facing apartments are oriented to the south. In this regard, the solar access these apartments receive are from the overshadowed elevation. Increasing the side setbacks may reduce impact to the affected apartments in the building. Shadow diagrams indicating a compliant setback building were not provided for comparison, nor were shadow elevations.
<b>2.17 Views and view sharing</b>		
<ul style="list-style-type: none"> <li>Minimise view loss</li> </ul>	N/A	No objections in regards to view loss were received and it is unlikely that views would be available over the site from surrounding properties. Notwithstanding, the proposal is recommended for refusal.
<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 dwellings in same development</li> <li>Minimise overlooking of adjoining properties</li> </ul>	<p>Yes</p> <p>Refer to Table 2 (ADG)</p>	<p>The perforated screening around the mid-level inhibiting views to the terrace/courtyard on the ground level.</p> <p>The non-compliant side and rear setbacks result in a heavy reliance on privacy treatments for the glazing. The proposal is not supported.</p>
<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	<p>The proposal complies with this control having a generally consistent layout on each level.</p> <p>However, there is potential for acoustic privacy impacts between sites as a result of the non-compliant setbacks. The proposal is not supported.</p>
<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	The roof plant is appropriately located and screened.

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

### Site frontage

WDCP 2012 Part 2.2 requires a minimum street frontage of 15m for residential flat building development in R3 zones. The subject site has a width of 12.19m which does not comply. The objective of this control is as follows:

- (a) To ensure lot size and dimension are able to accommodate the appropriate building envelope, landscaping and service requirements.*
- (b) To ensure development sites have adequate street frontage to meet side setback and building requirements.*
- (c) To have lot sizes and a building form appropriate to the streetscape.*
- (d) To encourage amalgamation of allotments to provide for improved design outcomes.*

As detailed in this report, the proposal is substandard in terms of excavation, side and rear setbacks, separation distances, open space and deep soil landscaping, parking and communal open space. All of these non-compliances can be attributed to the insufficient size and width of the site for the development. The cumulative impact of all of these non-compliances results in a substandard development that is not appropriate for the site. In this regard, the proposal is not supported.

### **Wall height**

Waverley DCP 2012 Part 2.3 permits a maximum external wall height of 9.5m. The majority of the proposed building has wall heights lower than 9.5m with the exception of the lobby, lift and stairs on the eastern elevation which has a maximum height of 10.3m. The non-compliant area of the building has a length of approximately 4.7m which is equivalent to approx. 15% of the length of the building overall.

WDCP 2012 Part 2.3 (c) states that where it is proposed to build beyond the maximum wall height, the onus is upon the applicant to justify the proposed wall height is appropriate. Matters to be addressed include:

- (i) Compliance with the FSR development standard
- (ii) Compliance with side setback controls;
- (iii) Visual aspect of the bulk and scale
- (iv) Amenity of adjacent properties; and
- (v) A high design quality is achieved.

The proposed development does not adequately address these matters, with particular concern raised about the compliance with the side setback controls, visual aspect of the bulk and scale and the amenity of adjacent properties. As such, the development is not supported and recommended for refusal.

### **Excavation**

The proposal fails to comply with the excavation controls of DCP 2012. The proposal was initially deferred to enable the parking level to be provided within a basement car park however the applicant declined to provide this, instead including a raised car park level. This results in the car park being raised above the ground level at the rear by 3.9m and set back 3.15m from the rear boundary.

The DCP requires basement car parking to be located fully below natural ground level. Where this cannot be achieved due to topographic constraints, a maximum protrusion above ground of 1.2m is permissible. Excavation should also not add to the visual bulk and scale of the building.

The car park located above the existing ground level increases the visual bulk and scale of the building by raising the ground floor level of the building at the front and rear. The front courtyard sits approximately 2m above the footpath level at the front of the site requiring fill at the front of the site to raise the level of the land. Additionally, the difference in height requires high retaining walls within the front setback of the site.

The parking level results in a high wall set minimally from the rear boundary and also results in a disconnect from the communal landscaped area within the rear setback. Access to the communal space is only from the driveway with no direct access from the building proper. The space at the rear is unlikely to be utilised to a great degree given it will be overshadowed by the high car park wall, has limited width and no direct access.

### **Setbacks (rear and side)**

In regards to the rear setback, the DCP requires that *'new buildings and extensions to existing buildings are to provide a minimum 6m rear setback, or extend no further to the rear than the predominant rear building line, whichever is the **greater** setback'*.

The proposal provides a rear setback of 3.15m which aligns with the setback of the adjoining RFB to the west however is greater than the adjoining RFB to the east. The controls stipulate that whichever is the greater of setbacks shall be applied and therefore the proposal must be set back 6m from the rear boundary. This also accords with the ADG separation distances which requires 6m from the rear boundary for habitable room windows and terraces.

The implications for the non-compliant setbacks are reduced visual and acoustic privacy for the property at the rear, visual bulk from the rear open space of adjoining properties and a reduced opportunity for meaningful communal open space.

### **Landscaping**

The proposal provides insufficient landscaping being deficient in landscaped area by 39% and deficient in deep soil by 24%. Sufficient deep soil is also not provided along one side boundary to provide vegetative screening for visual privacy. The lack of landscaping on site is indicative of the proposal being an overdevelopment of the site given the site's inadequate width and size for the proposal.

### **Communal open space**

Communal open space is provided at the rear of the site between the rear car park wall and the rear boundary of the site. The area will be heavily overshadowed, is deficient in size and dimensions, has no direct access from the building and is disconnected visually and spatially from the building. This is a direct result of the raised car park which does not enable the residential units to directly access the communal space. The DCP requires 15% of the site as communal space whereas the proposal provides only 7%. This non-compliance, coupled with the inadequate landscaping as described above, indicates that the site is inadequately sized for the proposed development.

## **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 significant detrimental effect relating to environmental, social or economic impacts on the locality, as such, the proposal is not supported.

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

The site is not considered to be suitable for the proposed development.



## 2.4 Any Submissions

The original 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*. Nine submissions were received.

The amended application was re-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*. Three submissions were received.

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

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

Property
55-57 Brighton Boulevard , Bondi Beach (Strata)
Unit 1/55-57 Brighton Boulevard , Bondi Beach
Unit 3/55-57 Brighton Boulevard
Unit 10/55-57 Brighton Boulevard , Bondi Beach
Units 3,4,6 & 10/55-57 Brighton Boulevard , Bondi Beach (one submission on behalf of)
55 Brighton Boulevard , Bondi Beach (unit not specified)
2/90 Ramsgate Avenue, Bondi Beach
3/90 Ramsgate Avenue Bondi Beach
42 Simpson Street, Bondi

**Issues:**

- **Visual and acoustic privacy**
- **Setbacks**
- **Height**
- **Insufficient landscaping and open space**
- **Overdevelopment of the site**
- **Loss of affordable housing**
- **Overshadowing**
- **Separation distances**
- **Non-compliances with the LEP and DCP**

**Response:** These issues were discussed in detail previously in this report and the application is recommended for refusal.

**Issue: No more demolition of dwellings for blocks of units.**

**Response:** A residential flat building is a permitted land use under the provisions of WLEP 2012.

**Issue: Construction issues – dust, noise, disturbance, structure, excavation, dilapidation reports etc**

**Response:** Standard conditions of consent would be imposed in the event of approval.

**Issue: No floor plan available**

**Response:** At the time of notification of the subject application, Council did not provide floor plans on line however full sets of the plans and documentation were available from Council's Customer Service Centre as advised in the notification letter to adjoining property owners/residents.

***Issue: Loss of on-street parking in front of the building***

**Response:** In the event of approval, the proposal would result in a net increase in parking by taking away one on-street space to provide six off-street spaces.

***Issue: Insufficient information provided***

**Response:** Sufficient information was provided to enable assessment of the application. Notwithstanding, the application is recommended for refusal.

## **2.5 Public Interest**

It is considered that the proposal will have a detrimental effect on the public interest, and is therefore not supported.

## **3. REFERRALS**

### **3.1 Strategic Planning (Housing) – Shaping Waverley**

Conditions were provided in the event of approval of the application in regards to the loss of affordable housing from the site.

### **3.2 Driveways – Creating Waverley**

Council's Traffic Engineers raised no objections to the proposal and conditions were provided in the event of approval.

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

The submitted stormwater plans were considered satisfactory. Conditions were provided in the event of approval.

### **3.4 GIS – Digital Waverley**

Conditions were provided in the event of approval.

### **3.5 Waste – Sustainable Waverley**

Conditions were provided in the event of approval.

### **3.6 Tree Management – Clean and Attractive Waverley**

The following comments were provided by Council's Tree Management Officer and in the event of approval, conditions were recommended:

*Impacts on Existing Trees and Vegetation:*

- *Situated on the above property were several species of trees, it was noted that the trees possess no outstanding attributes worthy of retention (due to poor health, poor structure and under 5 metres) and their removal is supported.*
- *Situated on the naturestrip is one young *Cupaniopsis anacardioides* (tuckeroo) the tree is 2 metres in height with a canopy width of 2 metres. The tree is in poor health.*

#### 4. SUMMARY

The proposal seeks consent for the demolition of the existing building and construction of a three-storey residential flat building with part-basement car parking, plus strata subdivision.

The proposal is inconsistent with the Apartment Design Guide (ADG) of SEPP65 in regards to separation distances and parking. Although compliant with the height and FSR development standards of WLEP 2012, the proposal is substandard in terms of excavation, side and rear setbacks, open space and deep soil landscaping and communal open space controls of WDCP 2012. All of these non-compliances can be attributed to the insufficient size and width of the site for the development. The cumulative effect of all of these non-compliances is a substandard development that is not appropriate for the site. In this regard, the proposal, in the current form, is not supported.

The original and amended proposal were notified and nine submissions were received to the original and three to the amended proposal. The matters raised are discussed in this report.

The application is recommended for refusal.

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

That the Development Application be **REFUSED** by the Waverley Development Assessment Panel for the reasons contained 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**

Emma Finnegan  
**Acting Manager, Development Assessment**

**Date: 16 August 2018**

**Date: 17 August 2018**

**Reason for referral:**

- 4 Sensitive development:
  - (a) SEPP 65 development

## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) the development application is refused for the following reasons:

1. The proposal does not satisfy Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not comply with State Environmental Planning Policy (SEPP) 65 *Design Quality of Residential Flat Development* as the proposal is not consistent with the following provisions of the Apartment Design Guide (ADG):
  - (a) Separation distances to satisfy the requirements of Part 3F. This non-compliance will result in visual and acoustic privacy impacts upon adjoining properties.
  - (b) Parking spaces to satisfy the requirements of Part 3J. This non-compliance will impact upon parking and traffic and indicates that the proposal is not suitable for the site.
2. The proposal does not satisfy Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - (a) Part C2 – *Multi Unit and Multi Dwelling Housing*;
    - i. Clause 2.2 *Site, Scale and Frontage*, specifically objectives (a), (b) and (c) and controls (b) and (d) as the proposal does not provide the minimum site frontage to enable the development to be sited to meet the site and building controls resulting in unacceptable impacts.
    - ii. Clause 2.3 *Height*, specifically objectives (a) and (b) and controls (b) and (c) as the proposal exceeds the maximum wall height control of 9.5m and does not respond to the scale and character of the street.
    - iii. Clause 2.4 *Excavation*, specifically objective (a) and controls (a), (b), (c), (d) as the proposal will result in an above ground car park level and subsequent raised ground floor level which impacts upon the visual bulk and scale of the building when viewed from adjoining properties, results in high boundary walls and provides little remaining site area for meaningful landscaping and separation from adjoining properties.
    - iv. Clause 2.5.2 *Side and Rear Setback*, specifically objectives (a), (b) and (d) and controls (a), (c) and (f) in that the proposal does not provide sufficient side and rear setbacks to provide visual relief between buildings, appropriate separation distances, and sufficient area for meaningful landscaping resulting in amenity impacts upon surrounding properties.
    - v. Clause 2.8 *Streetscape*, specifically objective (a) and control (a) as the proposal includes ground fill and retaining walls to allow for the partial basement level parking which results in unacceptable streetscape impacts.
    - vi. Clause 2.10 *Fences and Walls*, specifically control (e) as the proposed side boundary fencing exceeds 1.8m in height due to the level of excavation and fill on the site resulting in amenity impacts upon surrounding properties.
    - vii. Clause 2.13 *Landscaping*, specifically controls (a), (b) and (d) and controls (a), (b) and (c) in that the proposal provides insufficient landscaping and deep soil zones to assist the ease of drainage and to allow for effective deep soil planting to provide screening between building and improve the amenity of the development and the neighbouring properties.



- viii. Clause 2.14 *Communal Open Space*, specifically objectives (a), (c) and (d) and controls (a), (c), (g) in that the proposal does not provide sufficient and adequate communal open space for the use of residents and to provide a pleasant outlook for the development.
  - ix. Clause 2.16 *Solar Access and Overshadowing*, specifically control (c) in that the proposal will result in unacceptable additional overshadowing of adjoining properties.
- 3. The proposal does not satisfy Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:
  - (a) Shadow diagrams which indicate the solar access provided to the proposed units and communal open space taking into account surrounding existing and approved buildings.
  - (b) Shadow diagrams which adequately demonstrate the impact upon adjoining properties from a setback compliant built form and the subject proposal.
- 4. The proposed development does not satisfy Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, and has an undesirable and unacceptable impact on the streetscape in terms of insufficient side boundary setbacks, and would adversely impact upon the amenity of the locality and surrounding built environment.
- 5. The proposal is contrary to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, as the development is excessive in bulk and scale and is therefore considered unsuitable for the site.
- 6. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

AMENDED

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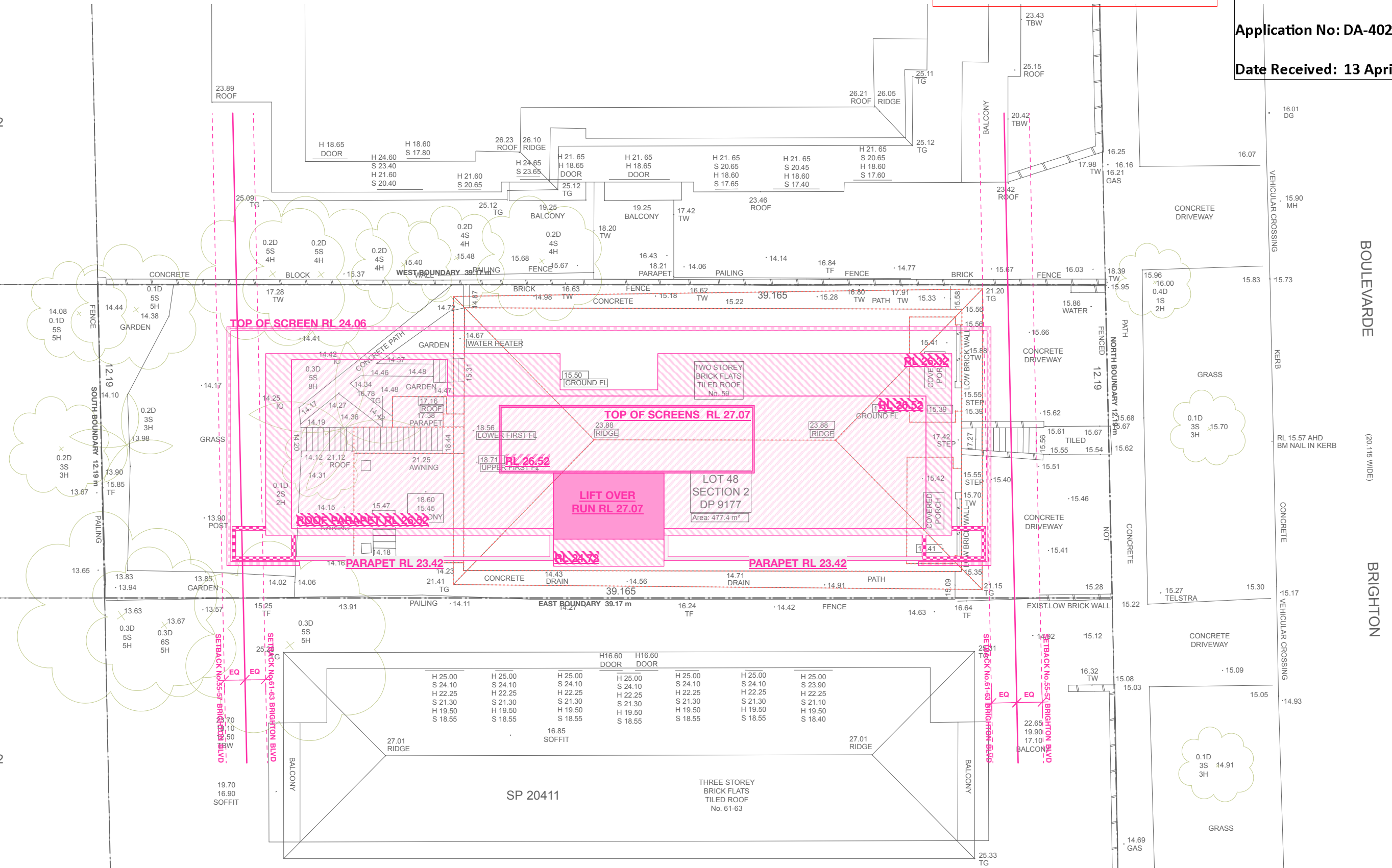
Date Received: 13 April 2018

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DP 9177

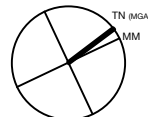
SP 4303

LOT 20  
SECTION 2  
DP 9177

01 SITE PLAN  
Scale 1:150



Certificate no.: 0001916260  
Assessor Name: David Gradwell  
Accreditation no.: VIC/BDAY/12/1451  
Certificate date: 15 September 2017  
Dwelling Address: 59 Brighton Boulevard  
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B	Issued for DA	12.04.2018
A	Issued for DA	15.09.2017
Revision	Description	Date

DEVELOPMENT APPLICATION  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

PROPOSED SITE PLAN / SURVEY

Scale	Drawn	Date	Project No.	Drawing
1:150@A3	LR	12.04.2018	3397	A.101-B

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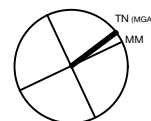
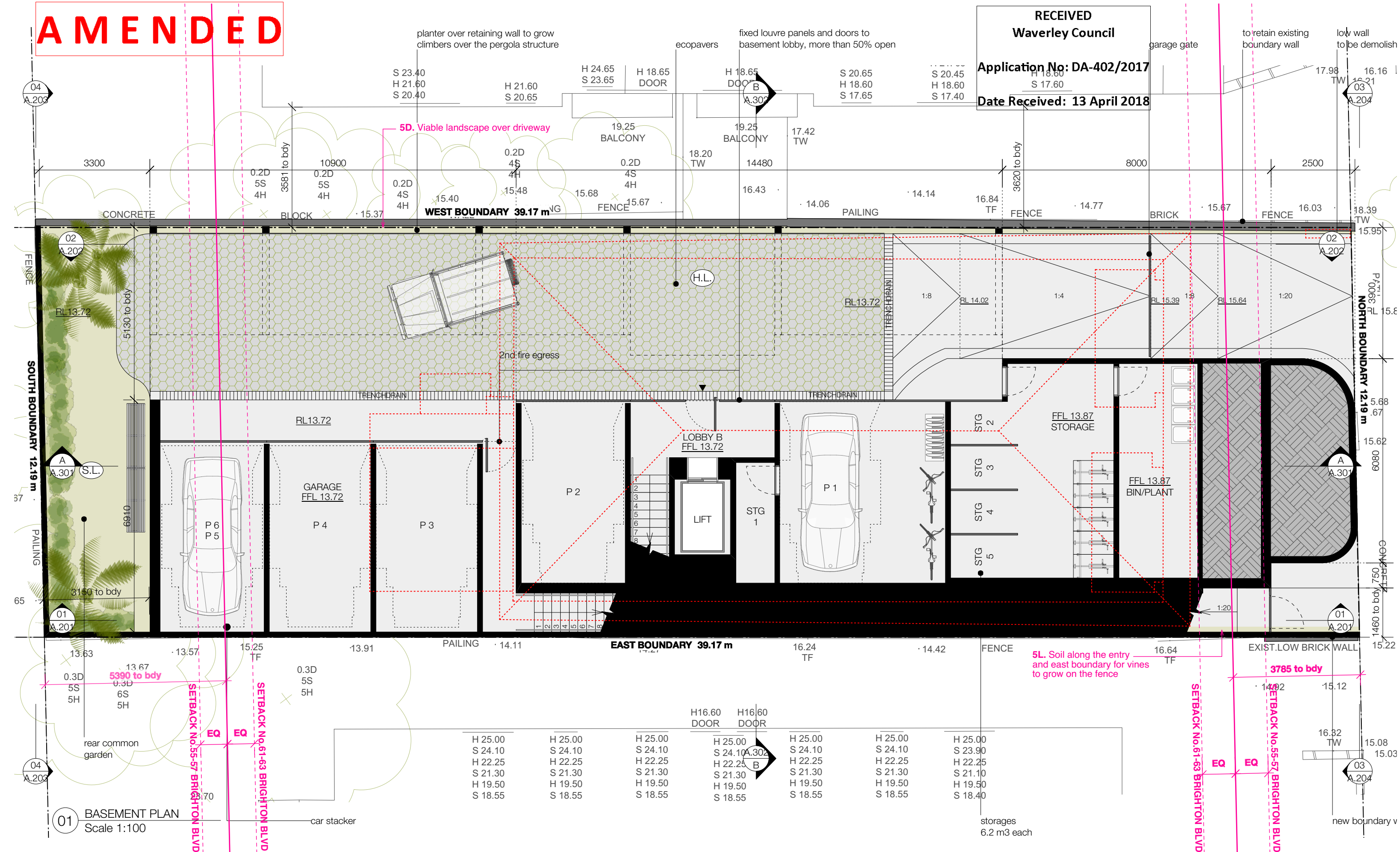
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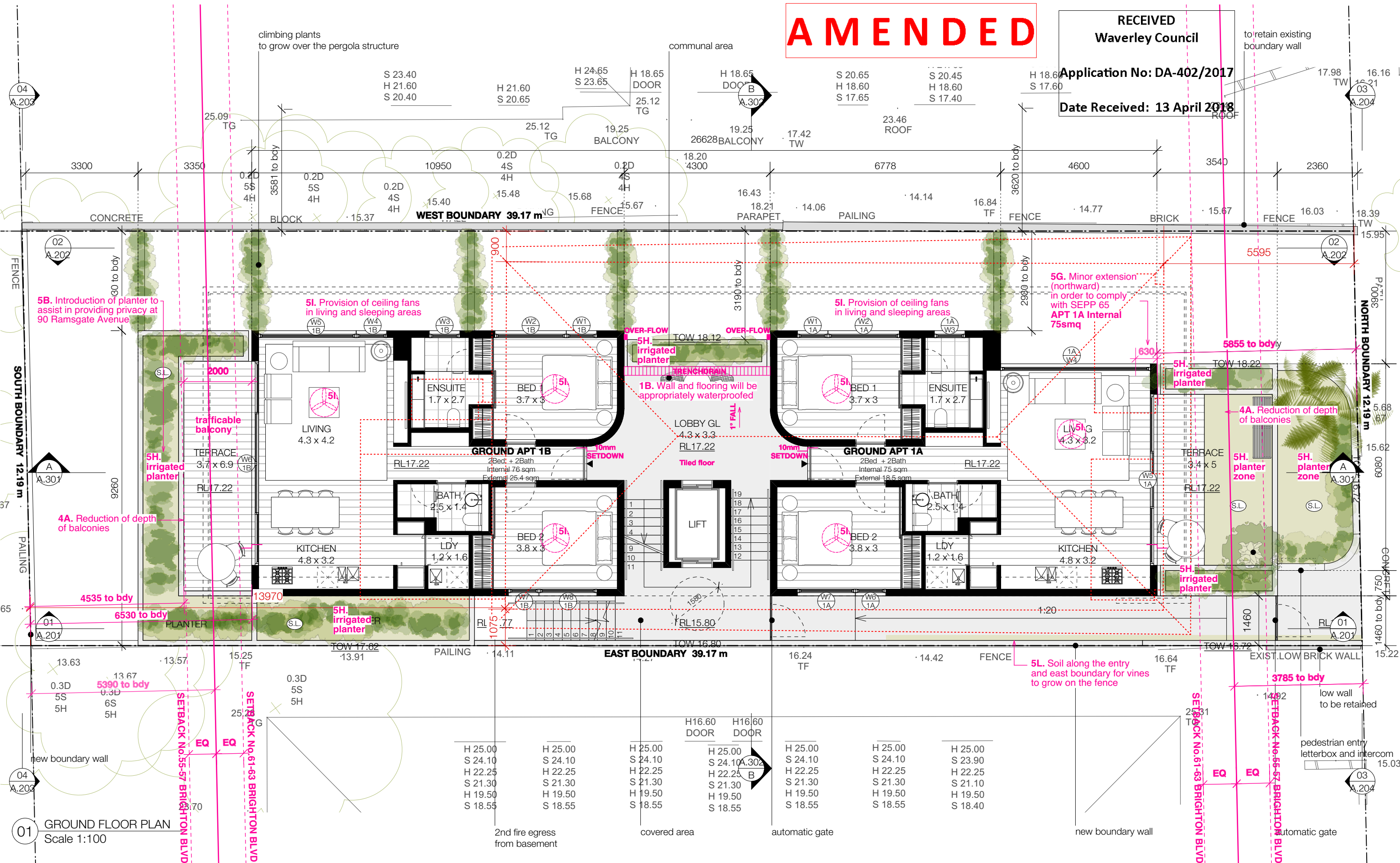


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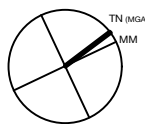
Date Received: 13 April 2018



01 GROUND FLOOR PLAN  
Scale 1:100



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DEVELOPMENT APPLICATION  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

GROUND FLOOR PLAN

Scale	1:100@A3	Drawn	LR	Date	12.04.2018	Project No.	3397	Drawing	A-103-B
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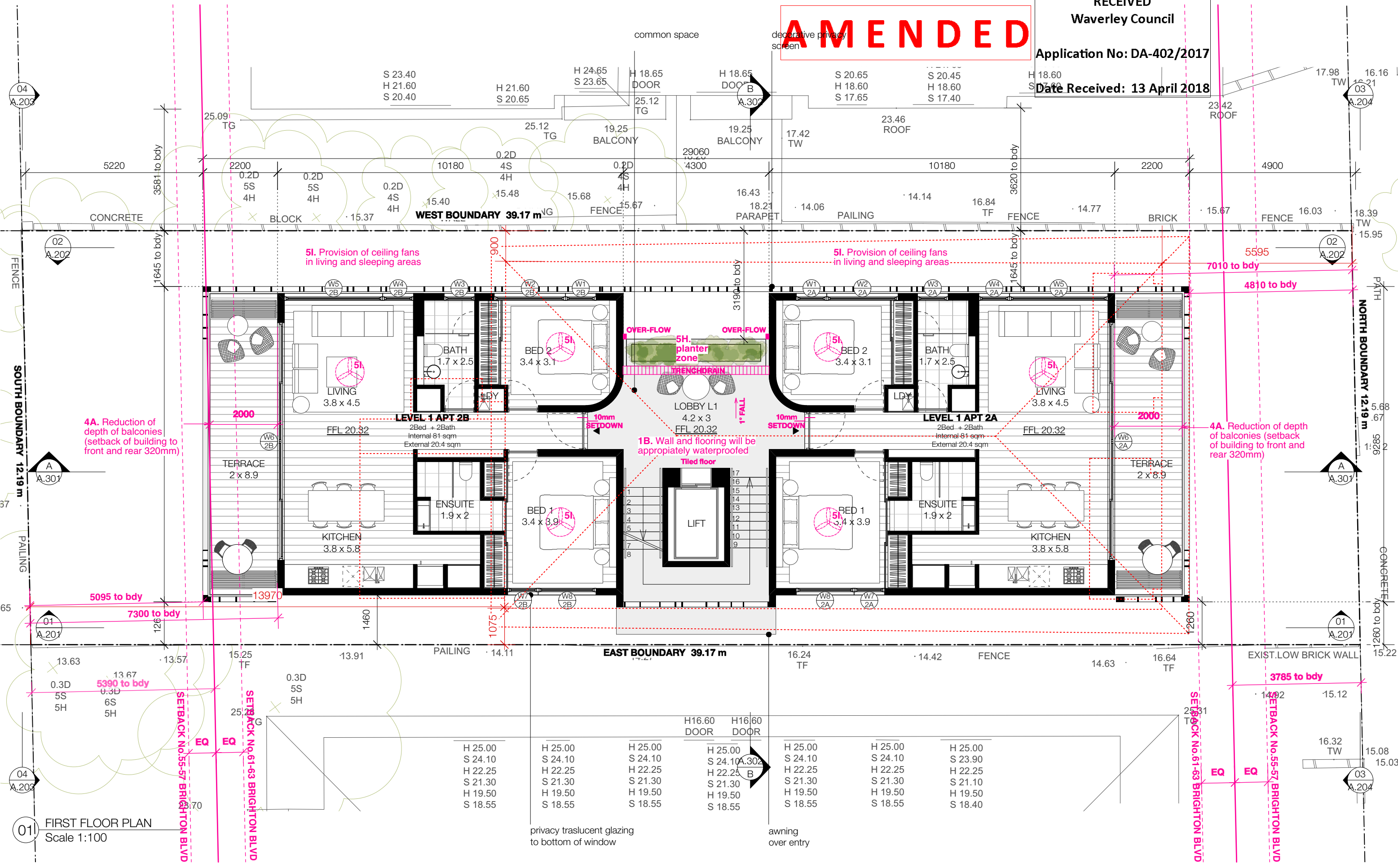
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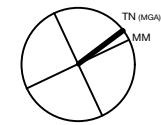
Application No: DA-402/2017  
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FIRST FLOOR PLAN  
Scale 1:100

**5.4**  
Average star rating  
**NATIONWIDE**  
ENERGY RATING SCHEME  
2026  
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**DEVELOPMENT APPLICATION**  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

**FIRST FLOOR PLAN**

Scale	1:100@A3	Drawn	LR	Date	12.04.2018	Project No.	3397	Drawing	A-104-B
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**Application No: DA-402/2017**

**Date Received: 13 April 2018**

### 3B. SCREENS LOWERED OF 360mm

## 1m HIGHT GLAZING BALAUSTRADE

1m HIGHT GLAZING  
—BALAUSTRADE

**4A. Reduction of depth of balconies (setback of building to front and rear 320mm)**

#### 4A. Reduction of depth of balconies

4A. Reduction of depth of balconies (setback of building to front and rear 320mm)

### 5J. Skylights to top floor internal bathrooms

### 51. Provision of ceiling fans in living and sleeping areas

SECOND FLOOR PLAN  
Scale 1:100

**DEVELOPMENT APPLICATION**  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

## 8 SECOND FLOOR PLAN

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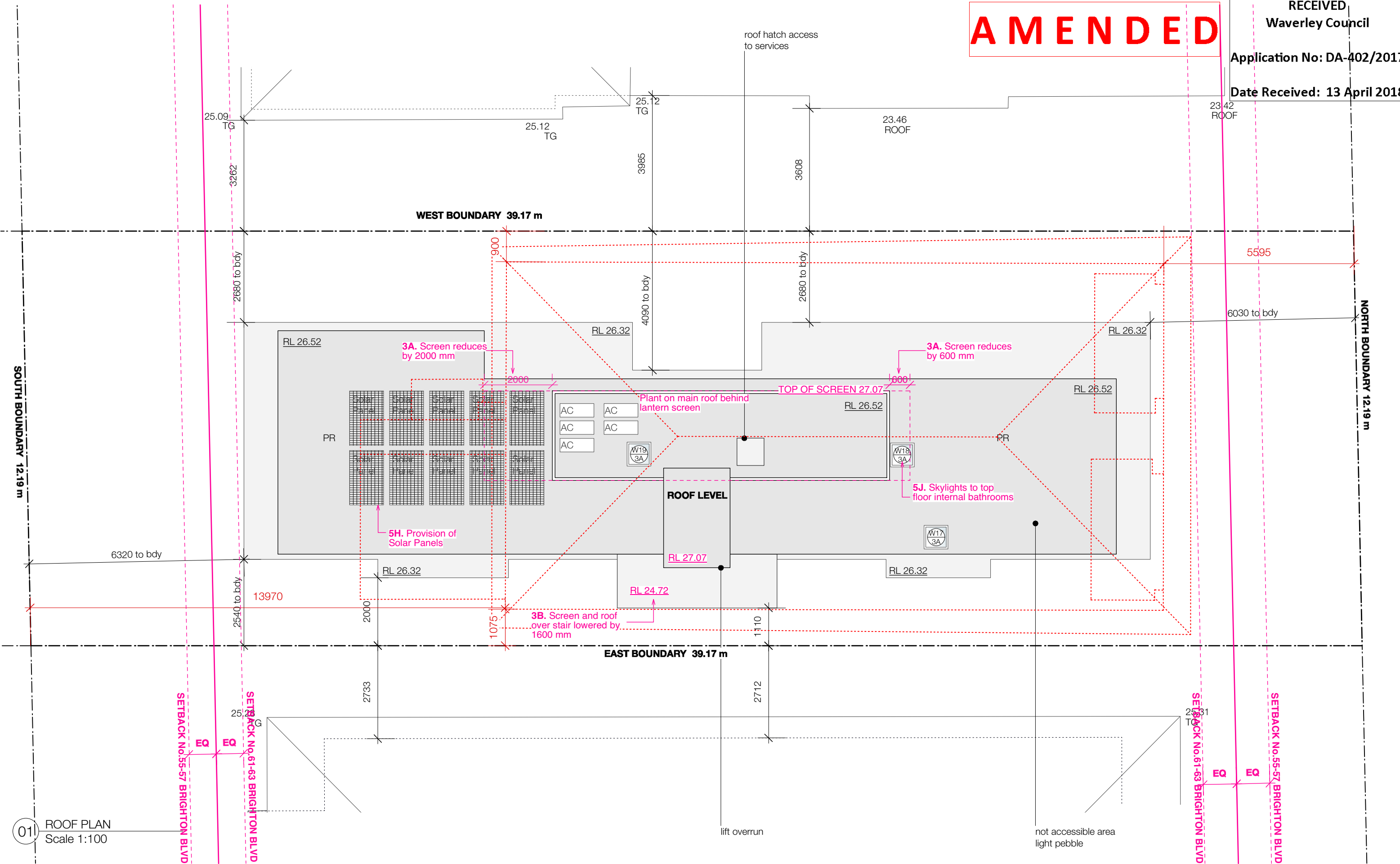
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Application No: DA-402/2017

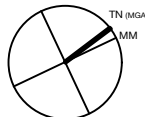
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01 ROOF PLAN  
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Certificate no.: 0001916260  
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Accreditation no.: VIC/BDV/12/1451  
Certificate date: 15 September 2017  
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ROOF PLAN

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.106-B

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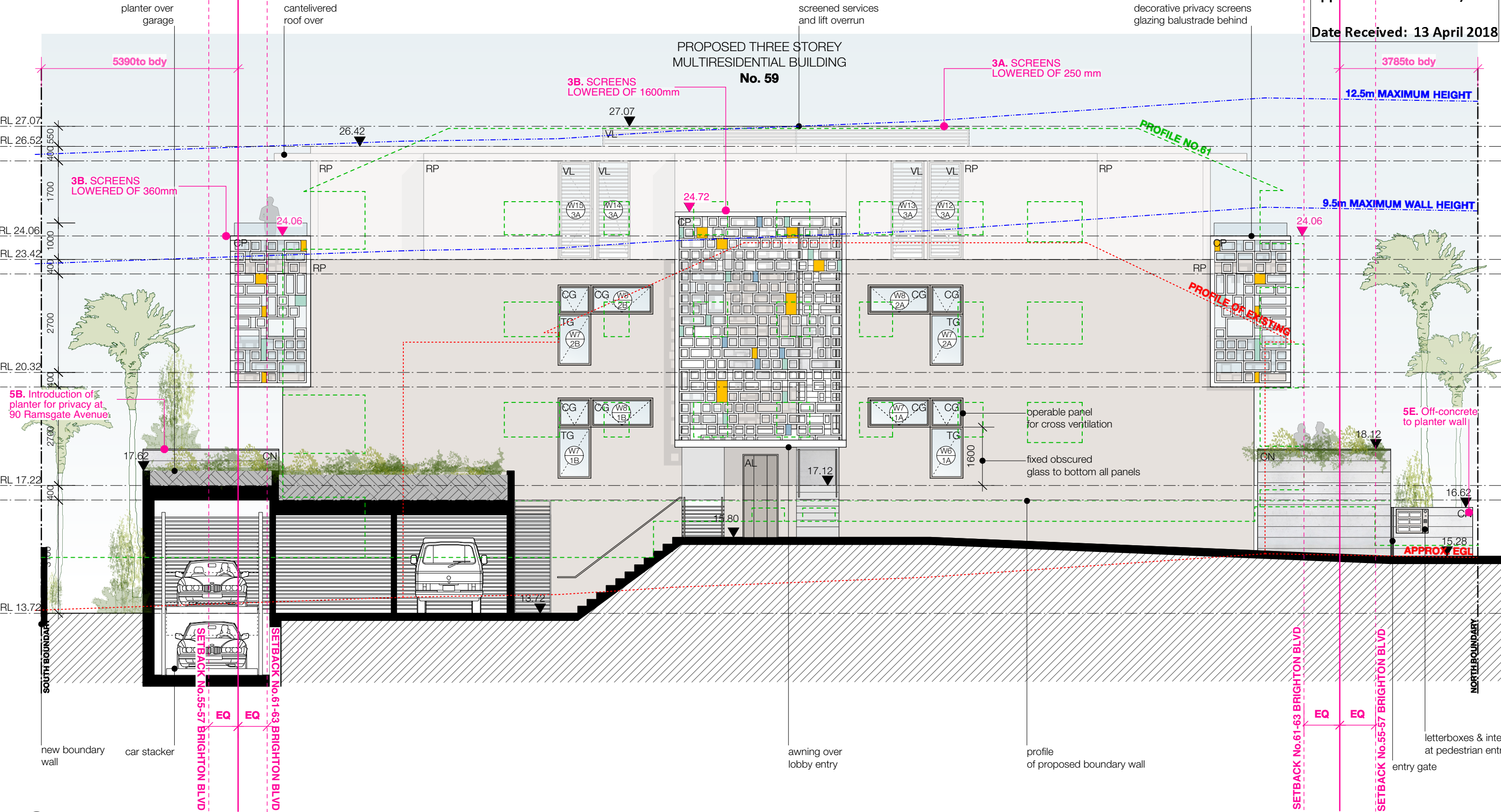
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2017

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01 EAST ELEVATION  
Scale 1:100

LEGEND : EXTERNAL FINISHES

AL	Aluminium Anodised	RP	Render and Paint
CG	Clear Glass	ST	Sandstone Cladding
CN	White Rendered Off-Form Concrete	TG	Translucent Glass
CP	Pre-Cast Concrete Privacy Screen	VL	Vental Aluminium Louvres
GB	Clear Glass Balustrade		
PR	Pebble Roofing		
PT	Painted Timber		



Certificate no.: 0001916260  
Assessor Name: David Gradwell  
Accreditation no.: VIC/BDAY/12/1451  
Certificate date: 15 September 2017  
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A	Issued for DA	15.09.2017
Revision	Description	Date

DEVELOPMENT APPLICATION  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

EAST ELEVATION

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.201-B

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LEGEND : EXTERNAL FINISHES

- |    |                                  |    |                          |
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| GB | Clear Glass Balustrade           |    |                          |
| PR | Pebble Roofing                   |    |                          |
| PT | Painted Timber                   |    |                          |



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WEST ELEVATION

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.202-B

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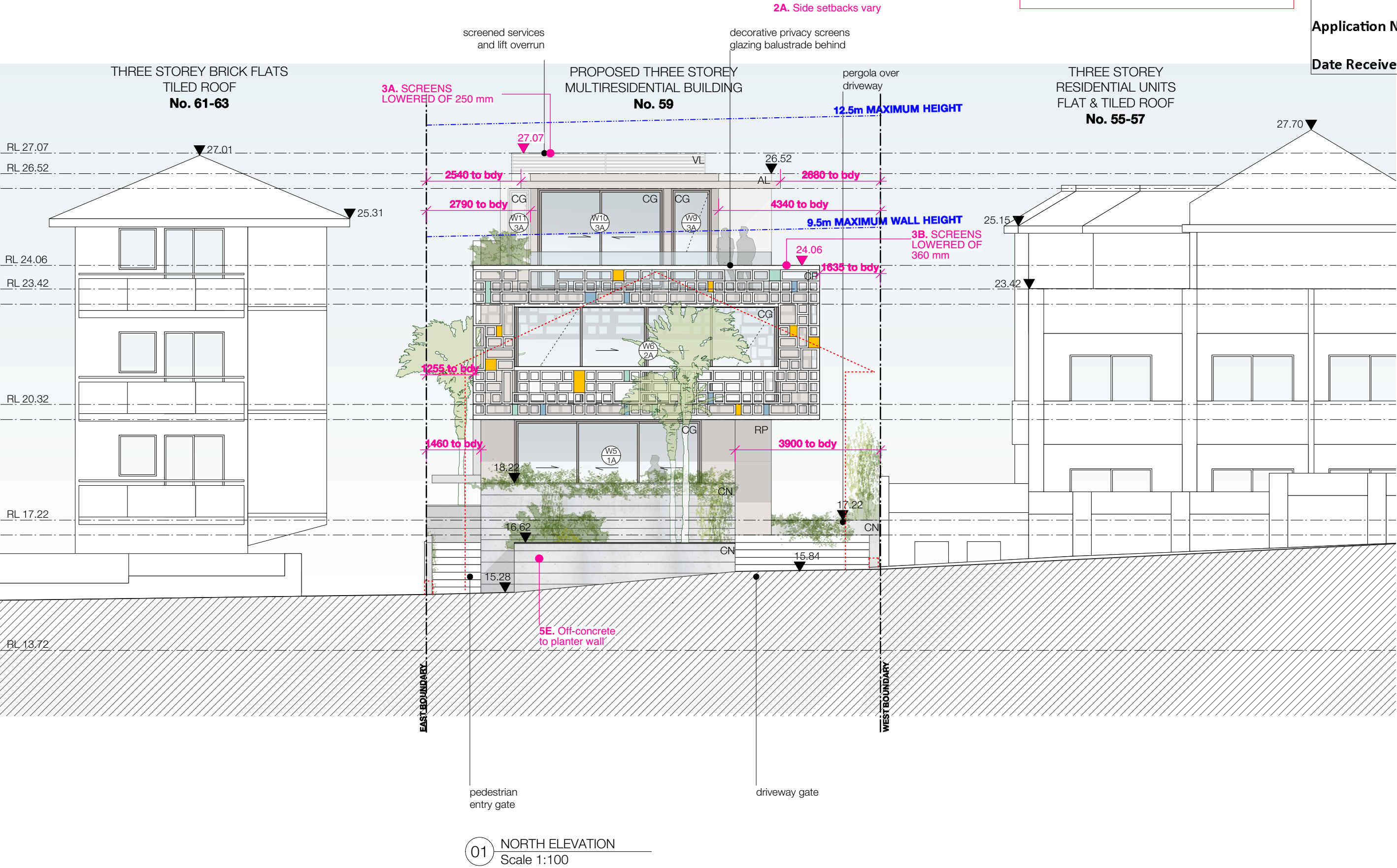
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LEGEND : EXTERNAL FINISHES

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CG	Clear Glass	ST	Sandstone Cladding
CN	White Rendered Off-Form Concrete	TG	Translucent Glass
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DEVELOPMENT APPLICATION

HAYCRAFT & PEARSON  
59 Brighton Boulevard  
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NORTH ELEVATION

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.203-B

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210

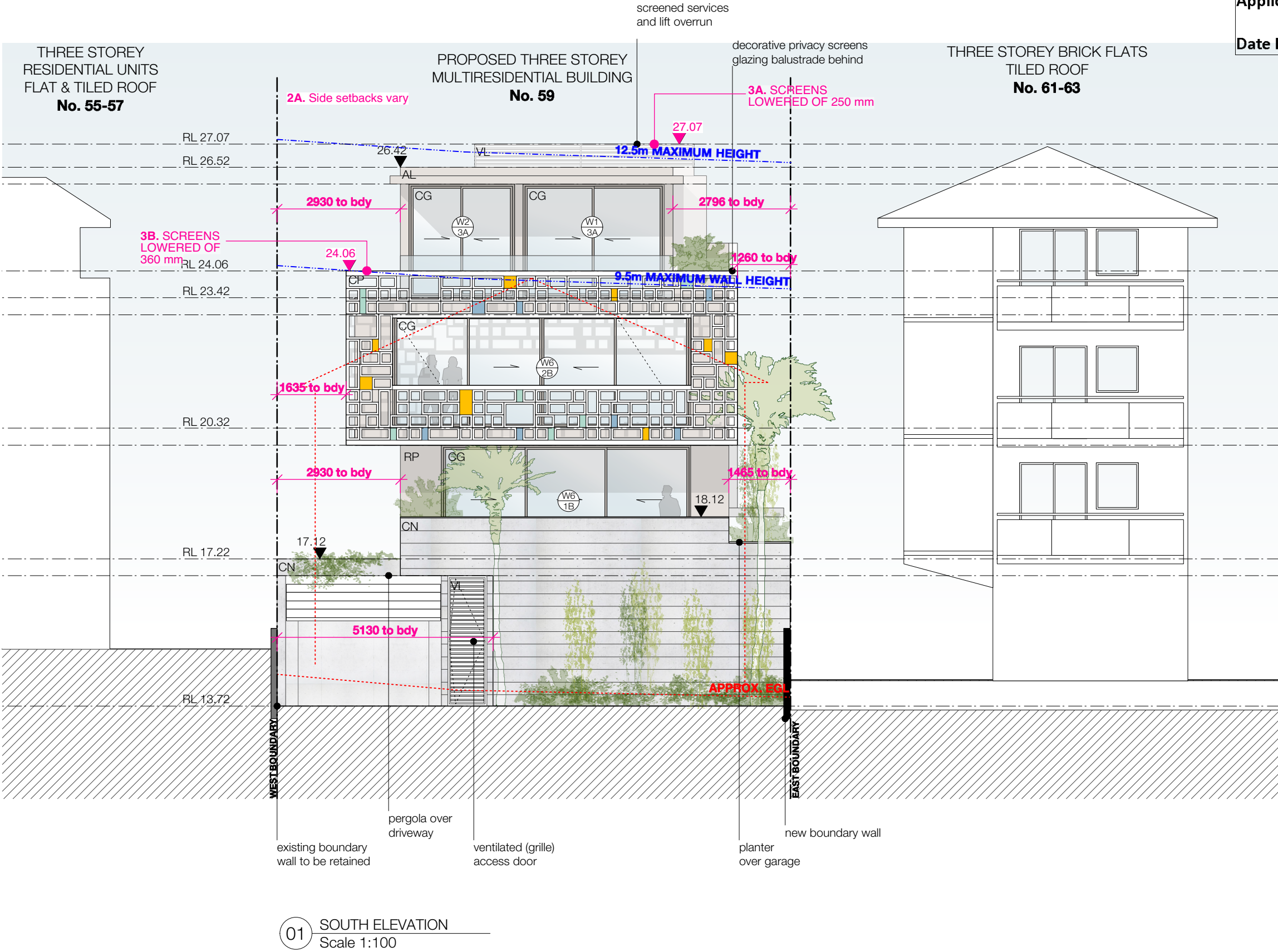


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01 SOUTH ELEVATION  
Scale 1:100

LEGEND : EXTERNAL FINISHES

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CG	Clear Glass	ST	Sandstone Cladding
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Revision	Description	Date

DEVELOPMENT APPLICATION

HAYCRAFT & PEARSON  
59 Brighton Boulevard  
North Bondi, NSW 2026

SOUTH ELEVATION

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.204-B

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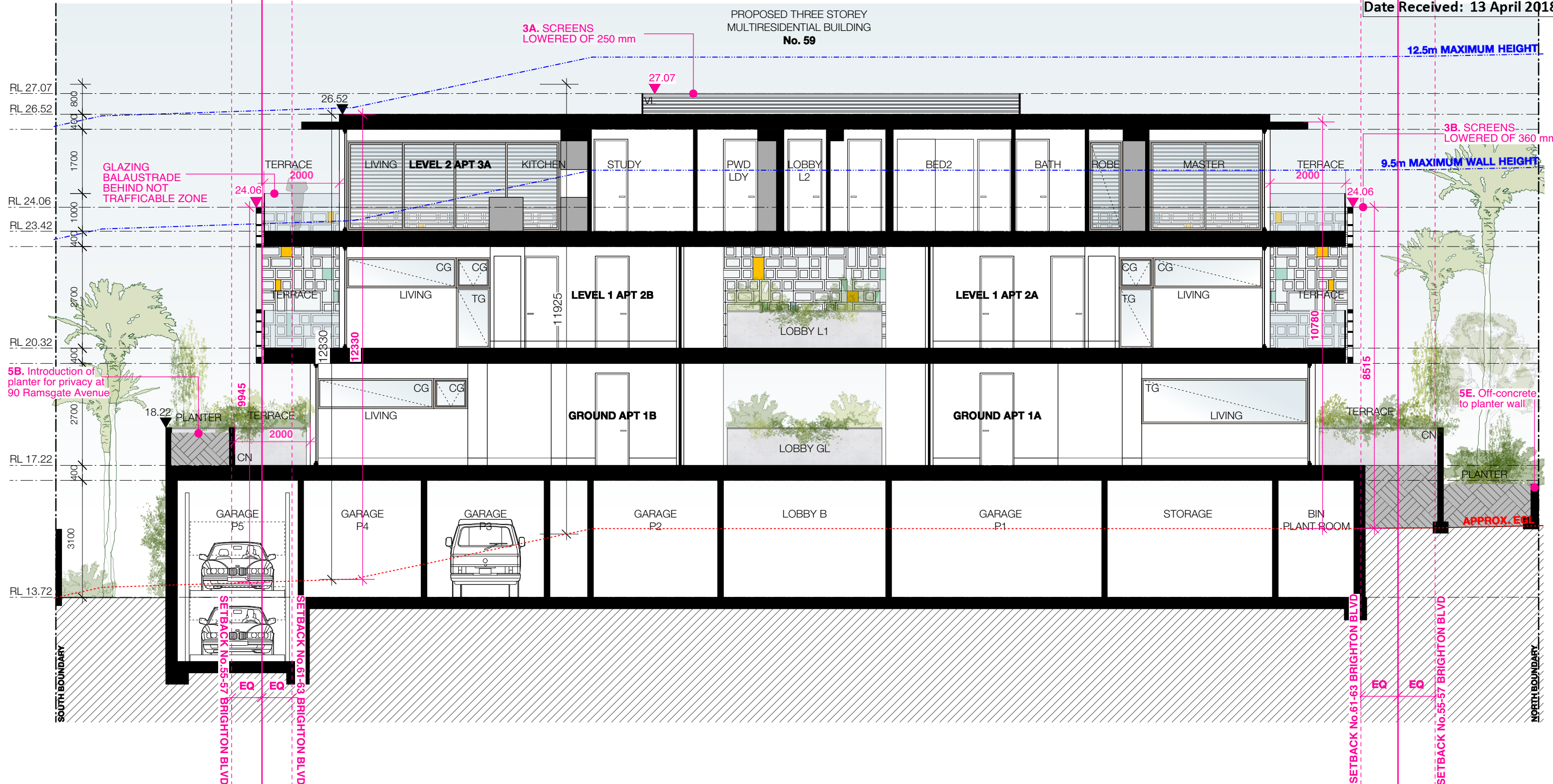
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01 SECTION A-A  
Scale 1:100

LEGEND : EXTERNAL FINISHES

- |    |                                  |    |                          |
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| AL | Aluminium Anodised               | RP | Render and Paint         |
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DEVELOPMENT APPLICATION  
HAYCRAFT & PEARSON  
59 Brighton Boulevard  
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SECTION A | thru entry doors

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.301-B

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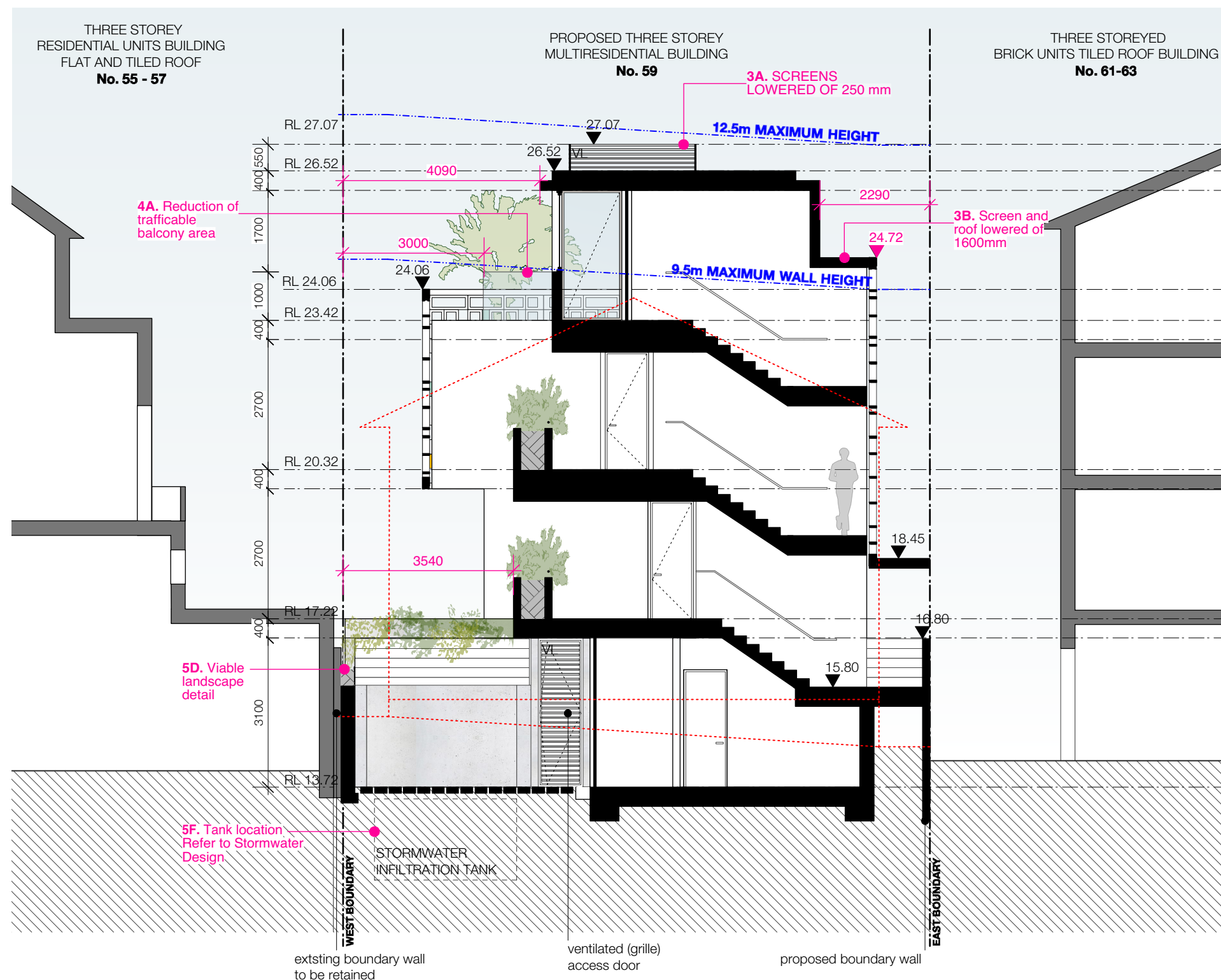
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01 SECTION B-B  
Scale 1:100

LEGEND : EXTERNAL FINISHES

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CG	Clear Glass	ST	Sandstone Cladding
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DEVELOPMENT APPLICATION

HAYCRAFT & PEARSON  
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SECTION B | thru distribution stair

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	LR	12.04.2018	3397	A.302-B

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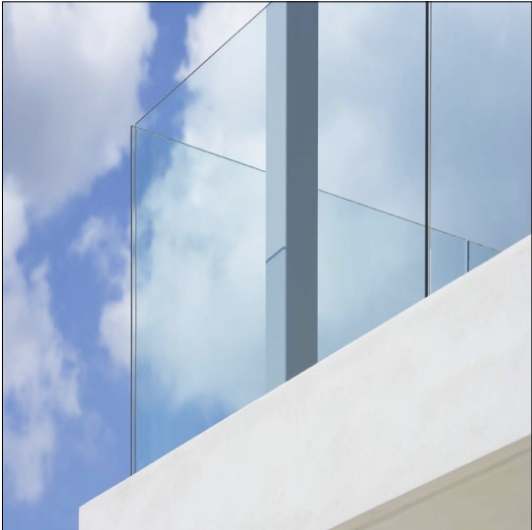


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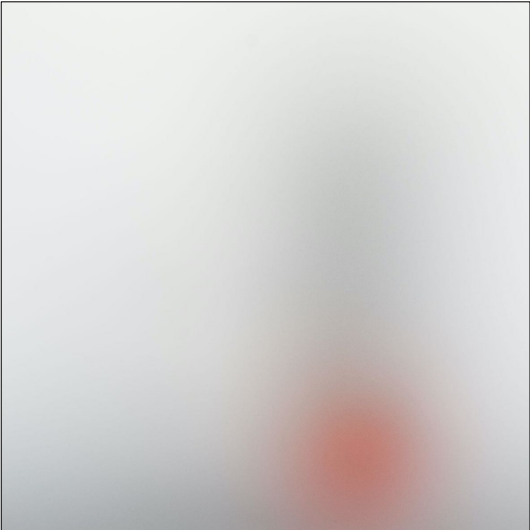
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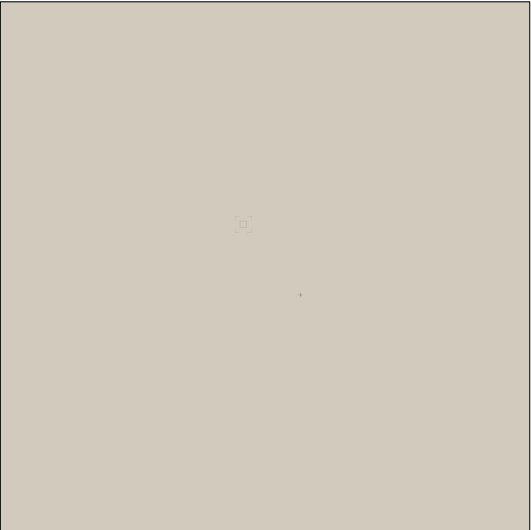
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GB - CLEAR GLASS BALUSTRADE



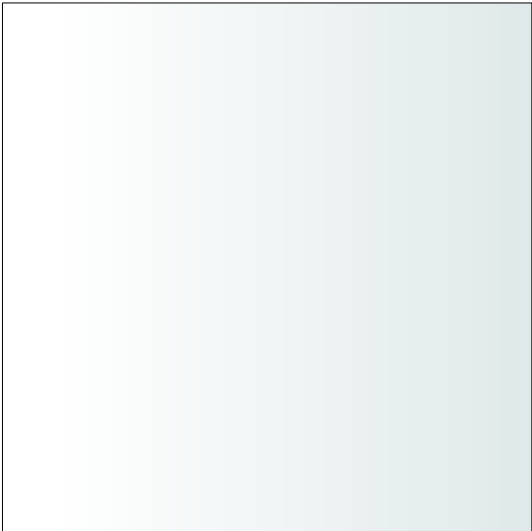
TG - TRANSLUCENT GLASS



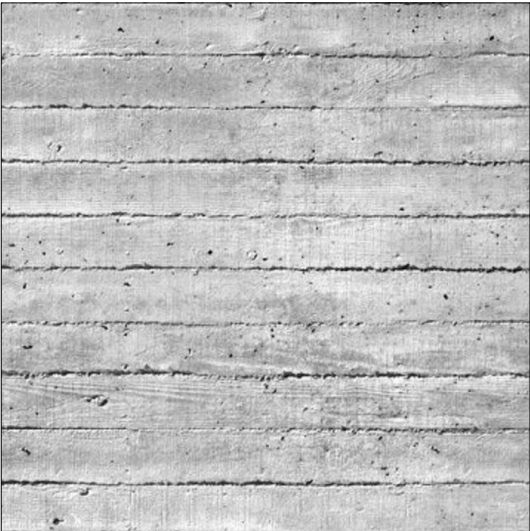
RP - RENDER + PAINT (White Duck Dulux)



VL - VENTAL ALUMINIUM LOUVRES



CG - CLEAR GLASS



CN - OFF-FORM CONCRETE



AL - ALUMINIUM (ANODISED)

Satin Quarry Beige



PR - PEBBLE ROOFING



PC - PRE-CAST CONCRETE PRIVACY SCREENS

LEGEND : EXTERNAL FINISHES

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PR	Pebble Roofing		
PT	Painted Timber		

DEVELOPMENT APPLICATION

HAYCRAFT & PEARSON  
59 Brighton Boulevard  
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SCHEDULE OF EXTERNAL FINISHES

B	Issued for DA	12.04.2018
A	Issued for DA	15.09.2017
Revision	Description	Date

Scale	Drawn	Date	Project No.	Drawing
	LR	12.04.2018	3397	A.500_B

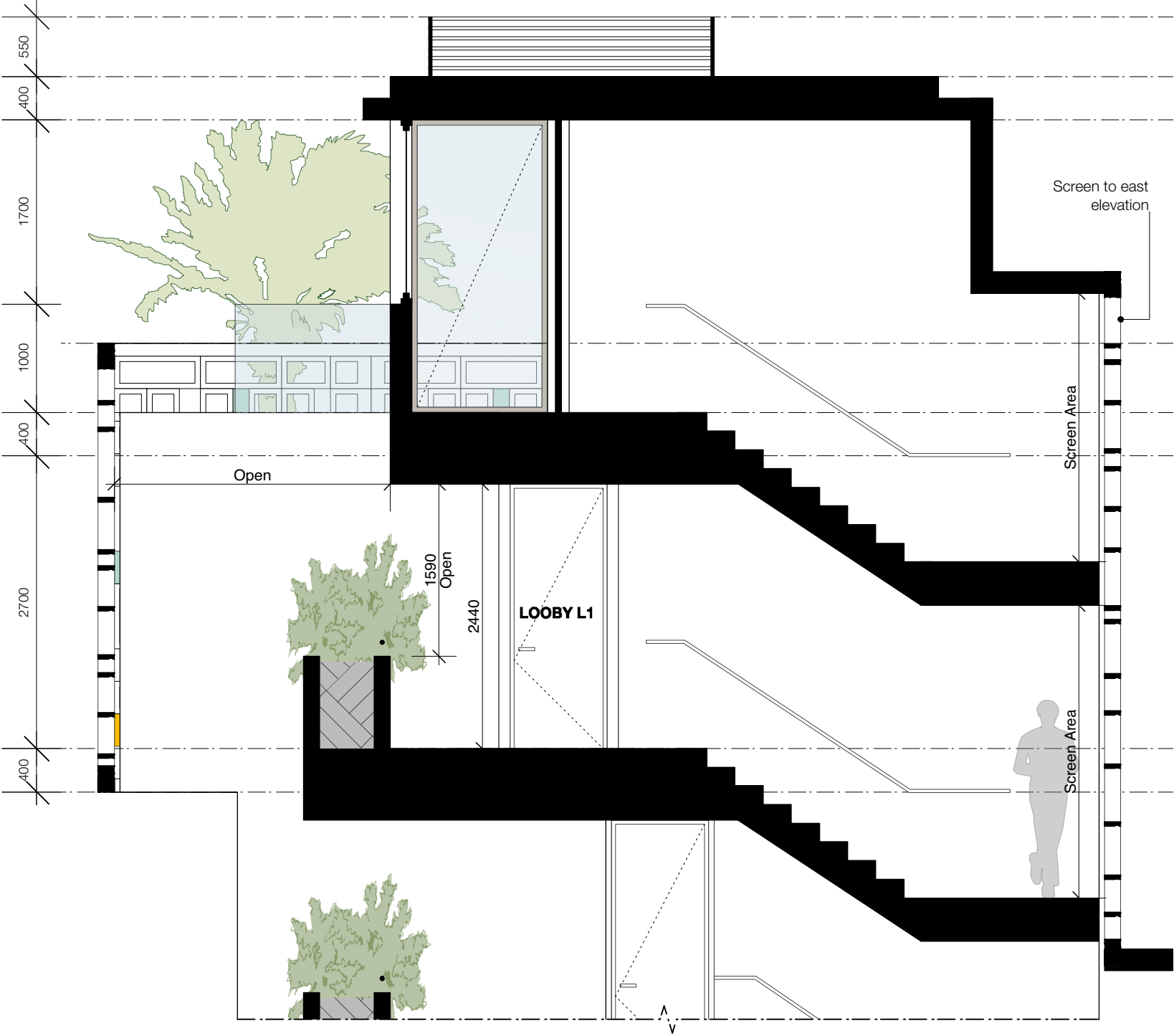


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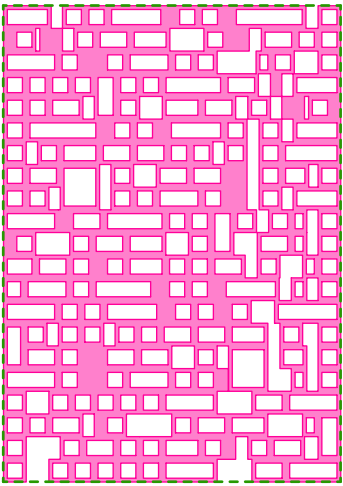
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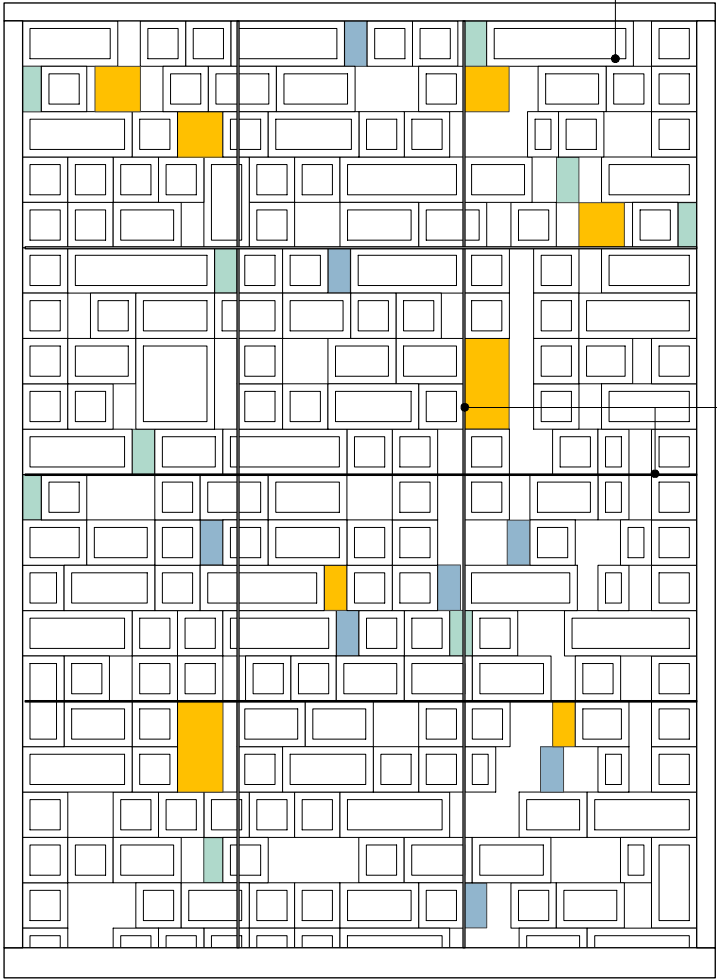
214



01 SECTION THROU STAIR  
Scale 1:50



100 : X = 28 sqm : 12.7 sqm  
--> Open area is the 54.7 %



02 EAST SCREEN TO STAIR  
Scale 1:50



Detail of fixing to concrete slab



Reference panels from "Rieder"

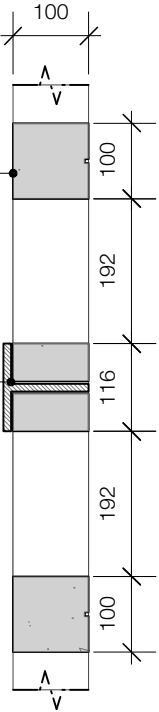
3-dimensional modular  
facades panel made  
of fibre reinforced  
concrete  
size 1500X1500X100mm

Panels are 50% opened  
and meet earthquake  
code requierments

Steel lintel  
to support  
3-dimensional  
cladding  
elements

Panel of fibre  
reinforced concrete

Steel lintel  
to support  
3-dimensional  
cladding  
elements



03 Detail Steel lintel / Panel  
Scale 1:10

LEGEND : EXTERNAL FINISHES

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PRECAST CONCRETE SCREEN ANALYSIS

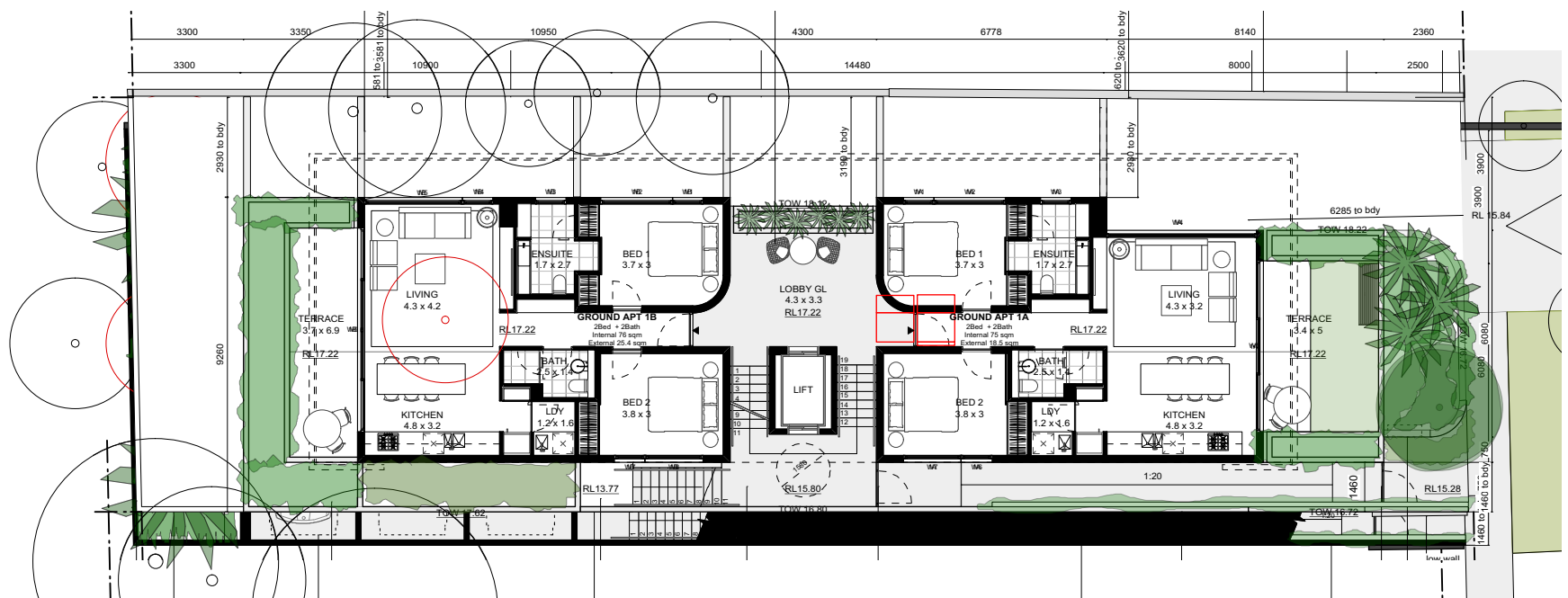
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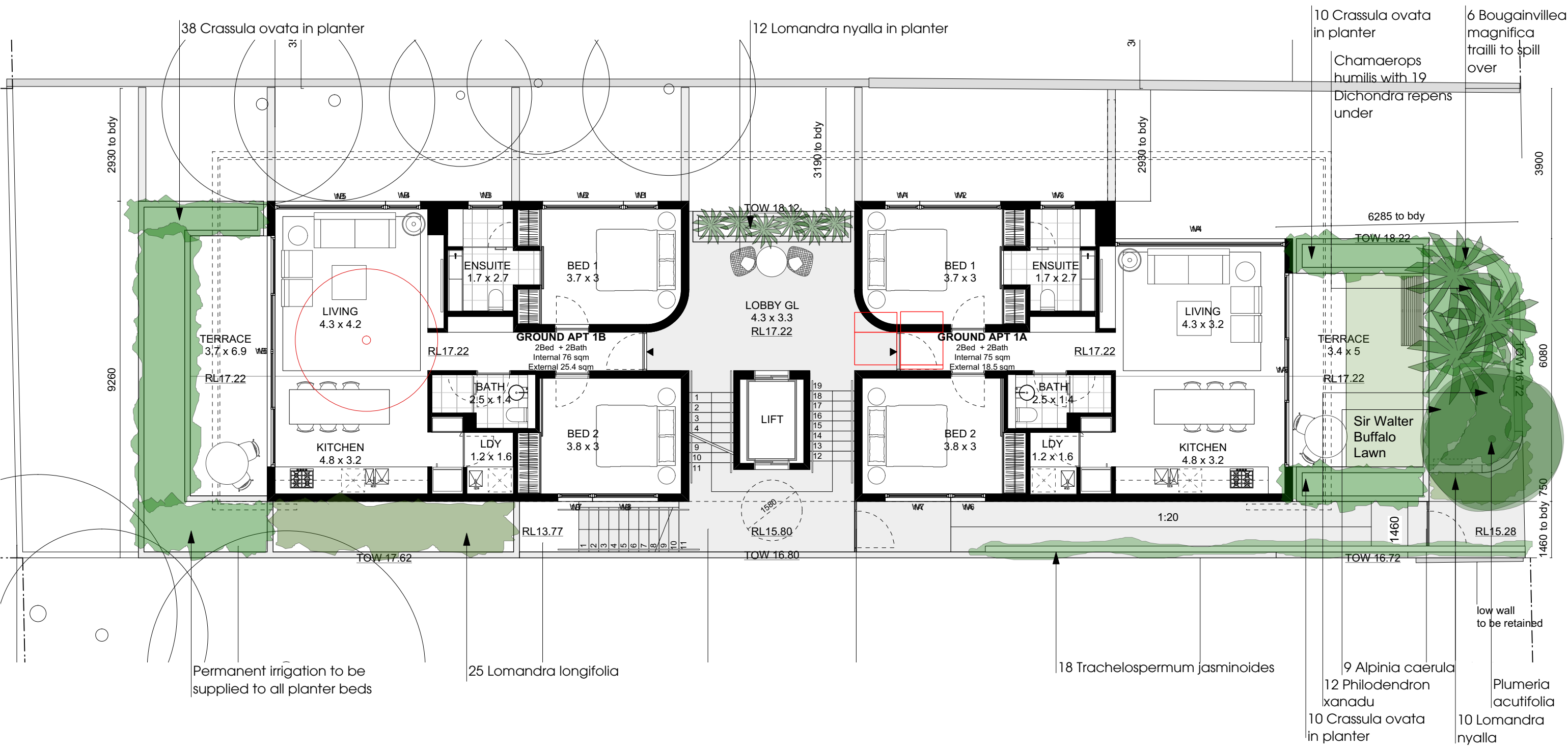


PLANT SCHEDULE				
Botanic Name	Common Name	Pot Size	Max Height (mm)	NO.
Anigozanthos sp.	Kangaroo Paw	200	700	14
Alpinia caerulea	Native Ginger	200	2000	9
Aptenia cordifolia	Heartleaf Ice Plant	140	ground cover	11
Bougainvillea Magnifica Trailli	Magnifica Bougainvillea	200	climber	6
Bambusa textilis gracilis	Slender Weaver Bamboo	300	6000	24
Casuarina Cousin It	Cousin It	140	ground cover	34
Chamaerops humilis	European Fan Palm	mature	4000	1
Cissus sp.	Kangaroo Vine	140	ground cover	13
Crassula ovata	Jade Plant	200	600	58
Dichondra repens	Kidney Weed	140	ground cover	19
Howea forsteriana	Kentia Palm	mature	10000	3
Lomandra nyalla	Lomandra	200	600	22
Lomandra longifolia	Spiny Head Mat Rush	200	800	25
Philodendron Xanadu	Xanadu	200	500	33
Plumeria acutifolia	Frangipani	matuer	5000	1
Trachelospermum jasminoides	Star Jasmine	200	climber	60

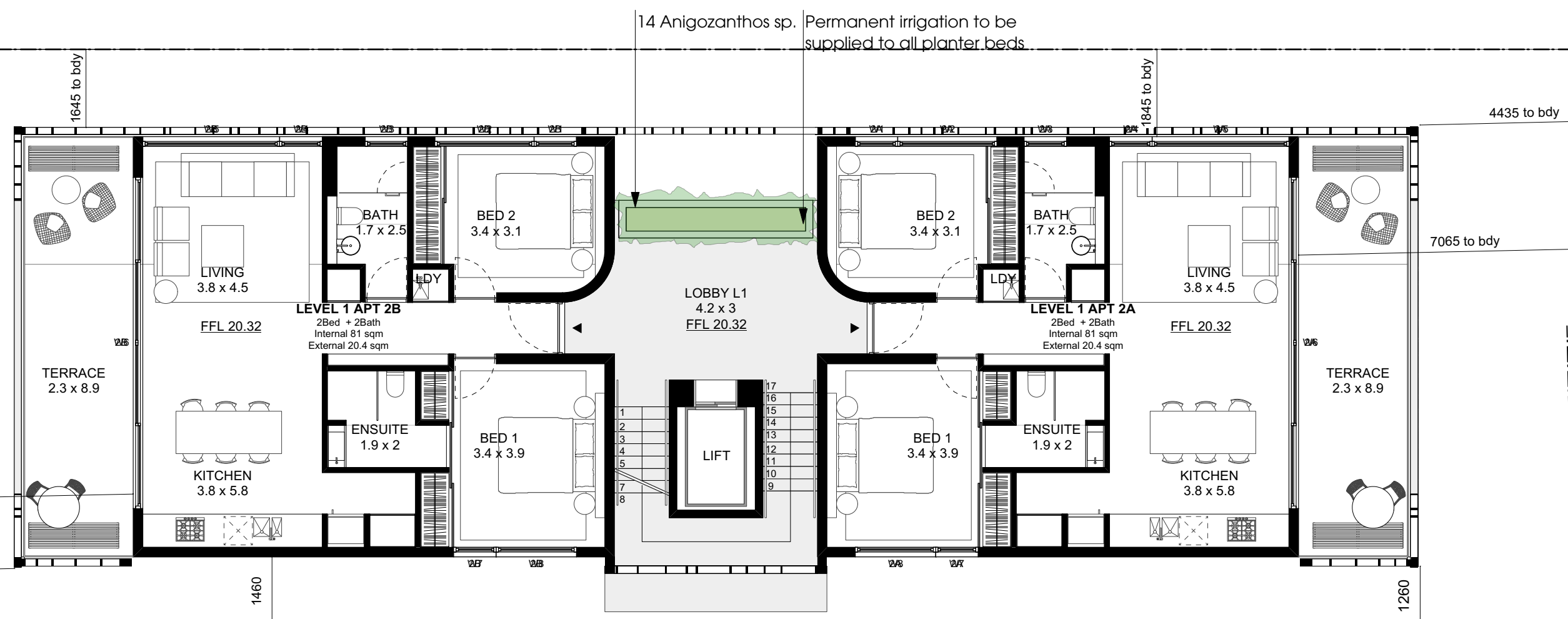
Site Location





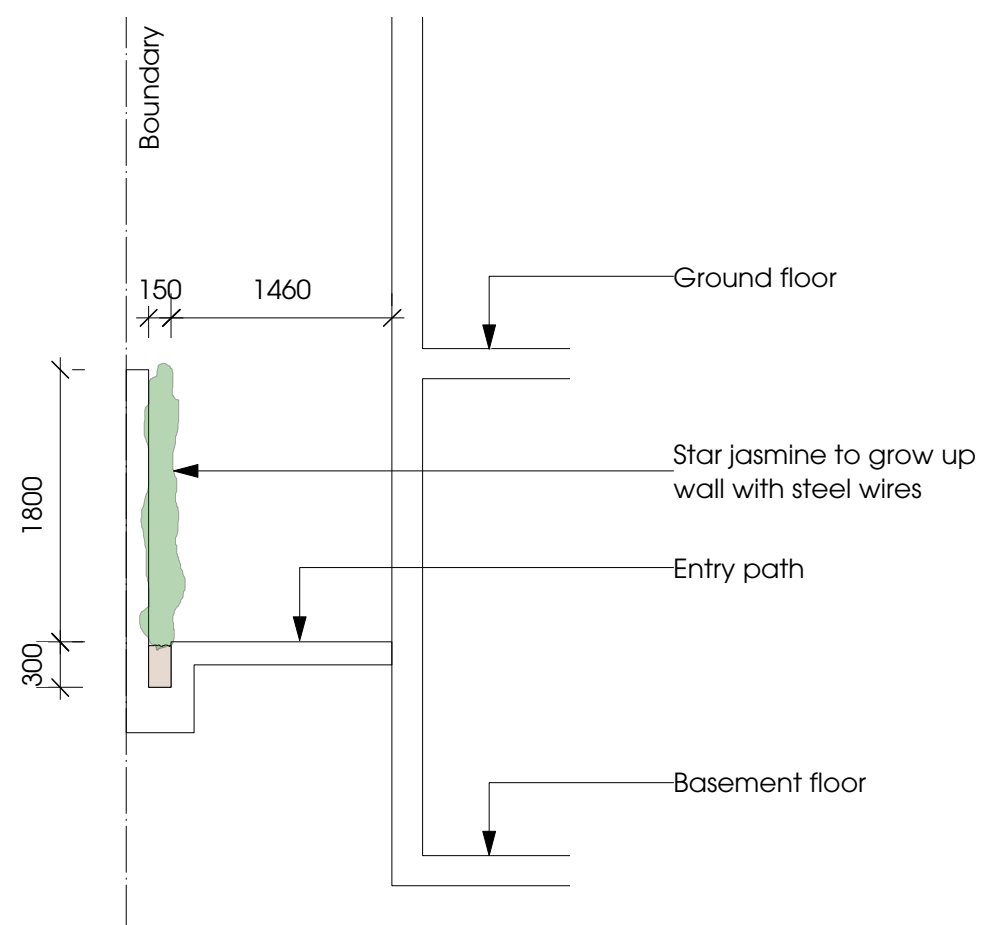




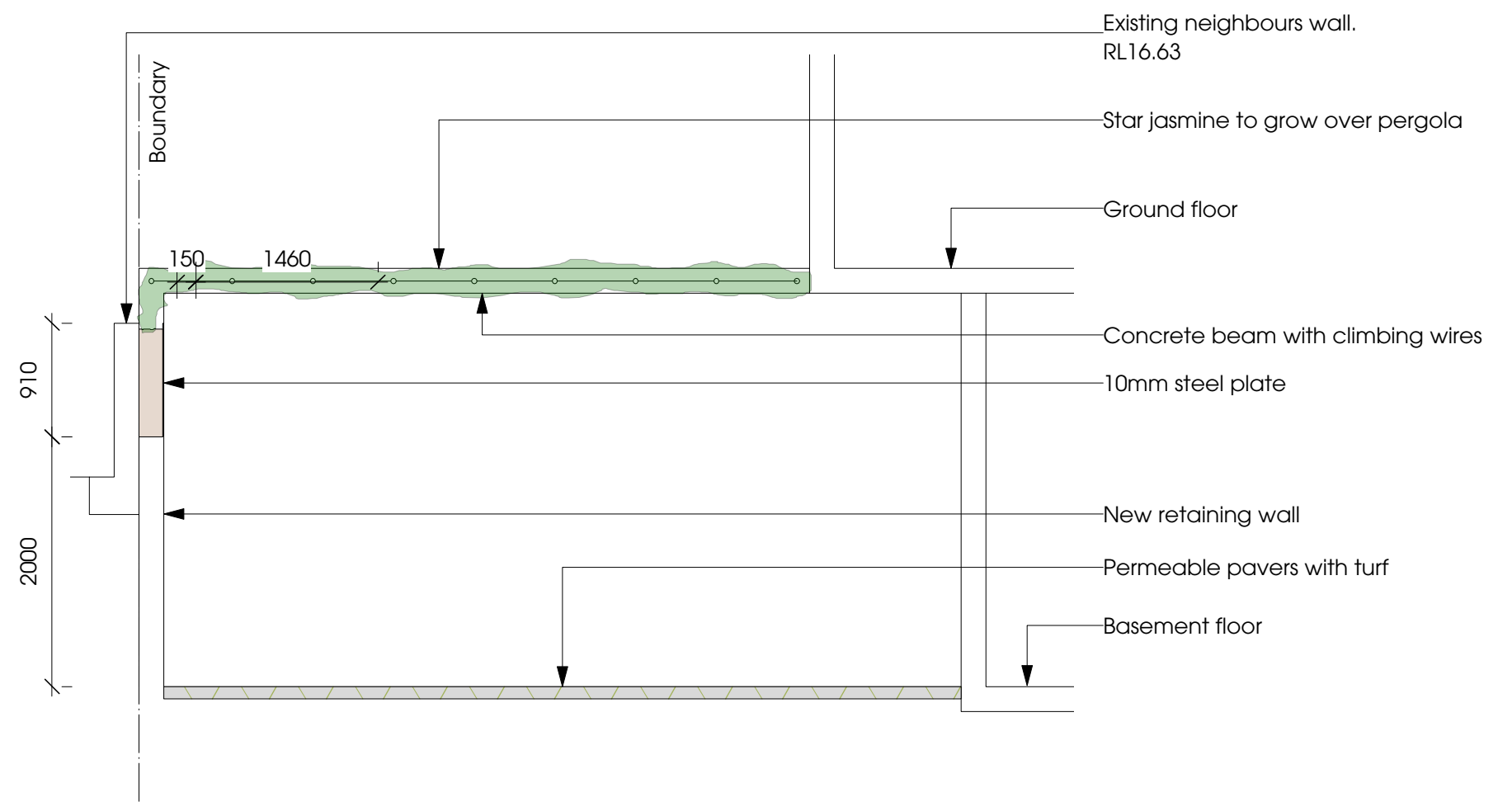








1 Entry path with planting - section  
Scale: 1:50



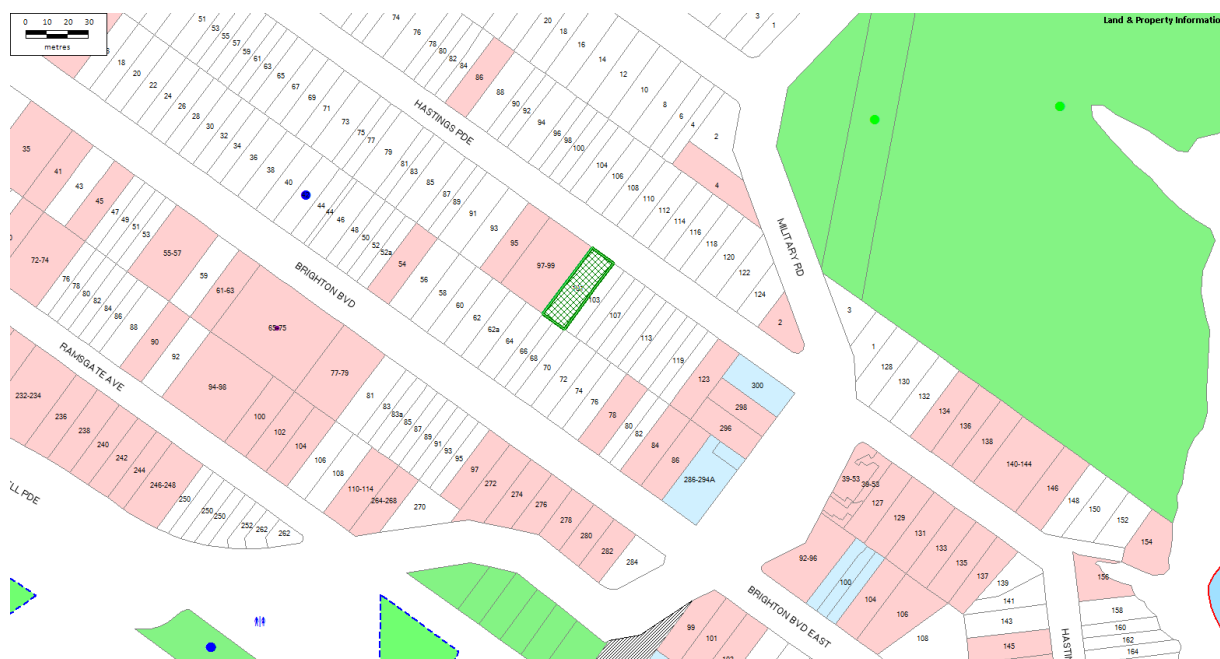
2 Pergola and driveway - section  
Scale: 1:50



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-314/2017
<b>Site address</b>	101 Hastings Parade, North Bondi
<b>Proposal</b>	Demolition of the existing dwelling and construction of a part two part three storey semi-detached dwelling development with integrated garages and Torrens title subdivision
<b>Date of lodgement</b>	2 August 2017
<b>Owner</b>	HSN 101 Pty Ltd
<b>Applicant</b>	Mr A S Williams
<b>Submissions</b>	Four
<b>Cost of works</b>	\$2,000,000
<b>Issues</b>	Allotment size, height, floor space ratio, visual bulk, overshadowing
<b>Recommendation</b>	That the application be <b>REFUSED</b>

### Site Map



## 1.1 SITE AND SURROUNDING LOCALITY

A site visit was carried out on 12 October 2017.

The site is identified as Lot 60 Section 3 DP9177, known as 101 Hastings Parade, North Bondi. The subject site is located on the southern side of Hastings Parade and is rectangular in shape with a north-eastern front boundary to Hastings Parade measuring 12.28m, a south-eastern and north-western side boundary measuring 39.165m and a rear south-western boundary measuring 12.28m. The site has an area of 480.9m<sup>2</sup> and falls from the front to the rear by approximately 2 metres.

The site is occupied by a single storey detached dwelling with vehicular access provided from Hastings Parade to a single carport.

The subject site is adjoined by a four storey residential flat building to the north-west and single storey semi-detached dwelling to the south-east. The locality is characterised by predominantly residential developments including dual occupancy developments, residential flat buildings and semi-detached and detached dwellings.



Figure 1: Subject site frontage





Figure 2: Streetscape view looking south-east



Figure 3: View of south-eastern side boundary from rear showing adjoining semi

## 1.2 RELEVANT HISTORY

A search of Council's building and development records found no recent applications for the subject site.

The application the subject of this assessment report was deferred on 19 October 2017 to give the applicant an opportunity to submit amended plans and additional information to address issues raised in the preliminary assessment of the application. These matters related to the proposed lot sizes, height, FSR, front setback, rear building line setback, streetscape impact, building bulk and massing. The full terms of the deferral are outlined in a letter sent to the applicant on 19 October 2017 and a copy of the letter is on the file.

Amended plans were submitted on 6 December 2017 to address these matters, however, were not considered to satisfactorily address the matters raised. Following discussions with the applicant, further amended plans were submitted on 23 May 2018 which are the subject of this assessment report.

## 1.3 PROPOSAL

The development application seeks Council consent to demolish the existing dwelling and construct an attached part two part three storey semi-detached housing development comprising two dwellings with Torrens title subdivision. The specifics of the proposal are as follows:

### *Demolition and Site Clearing*

Demolition of all existing structures on the site including the existing detached brick dwelling, driveway and removal of vegetation at the rear of the site. It is proposed to remove the Norfolk Island pine tree located at the rear of the site. The proposal will also involve earthworks on the site to accommodate the proposed development.

### *Subdivision*

- Torrens title subdivision into a Lot A (north-west) having a site area of 240.43m<sup>2</sup> and Lot B (south-east) having a site area of 240.43m<sup>2</sup>.

The following is proposed for each dwelling:

### *Lower ground floor level RL14.96-15.18*

Provision of two new vehicle cross overs from Hastings Parade to access lower ground car parking for two vehicles per dwelling with car turntable. Lower ground floor level is to also comprise storage area, bathroom, rumpus room and laundry. A swimming pool is proposed to the rear of each dwelling-unit.

### *Ground floor level RL17.88*

The ground level of each dwelling will comprise a lobby, combined kitchen, dining and living area with elevated balcony at rear, pantry and WC.



### *First floor RL20.88*

On the first floor are three (3) bedrooms, each with a built in wardrobe, ensuite to the master, separate bathroom. Balconies to the rear and side are also proposed.

The proposed development is to be constructed of masonry with metal sheet roofing. Roof design is a mix of pitched to front and flat roof to the rear. Proposed overall roof height is to RL24.81.

## **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.

#### **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**

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is not inconsistent with regards to clause 1.2 - Aims of plan.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	Yes	Subdivision is permissible as per subclause (1), with development consent.

2.7 Demolition	Yes	Demolition is permissible with consent.
Land Use Table	Yes	Semi-detached dwellings are permissible with consent.
R2 - Low Density Residential		
<b>Part 4 Principle development standards</b>		
4.1 Minimum subdivision lot size  Minimum lot size 325m <sup>2</sup>	No	The proposed Torrens title subdivision is non-compliant and results in undersized allotments (240.43m <sup>2</sup> each). A clause 4.6 Exception to the development standards is submitted and this is further discussed in the issues section below.
4.3 Height of Buildings <ul style="list-style-type: none"> <li>A maximum height of 8.5m is permitted.</li> </ul>	No	The proposed height is 8.7m. A Clause 4.6 Exception to the development standard has not been submitted for the height breach.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>A maximum FSR of 0.84:1 is permitted for each of the lots created &lt;500m<sup>2</sup></li> </ul>	No	The proposed FSR should the lots be approved for subdivision is 0.845:1 (Lot A) and 0.845:1 (Lot B) – (note – non-compliance also with FSR applicable to parent lot - see discussion below
4.6 Exceptions to development standards	Partial	The applicant has addressed Clause 4.6, and the non-compliant lot size and FSR is discussed in the issues section below. A Clause 4.6 has not been submitted for the non-compliant height
<b>Part 5 Miscellaneous provisions</b>		
5.9 Preservation of trees or vegetation	Yes	It is proposed to remove the Norfolk Island Pine tree located in the rear yard of the site. The application was referred to Council's Tree Management Officer who raised no objections.
<b>Part 6 Additional local provisions</b>		
6.2 Earthworks	Yes	It is proposed to undertake earthworks on site to accommodate the development. The proposal has been considered against the criteria of the Clause and is satisfactory, subject to conditions of consent.

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

### Exceptions to Development Standards

Council is able to grant consent to a development that contravenes a development standard of Waverley LEP 2012 having regard to the provisions of clause 4.6 of Waverley LEP 2012 and considering a written request by an applicant to vary such development standard. The heads of consideration under clause 4.6 of Waverley LEP 2012 for a development varying a development standard are as follows:

- *Clause 4.6(3)(a) - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*
- *Clause 4.6(3)(b) - that there are sufficient environmental planning grounds to justify contravening the development standard*
- *Clause 4.6(4)(a)(ii) - the proposed development will be in the public interest because it is consistent with objectives of the particular development standard and the objectives for development within the zone in which the development is proposed to be carried out.*
- *Clause 4.6(5)(a) - whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- *Clause 4.6(5)(b) - the public benefit of maintaining the development standard*
- *Clause 4.6(5)(c) – other relevant matters.*

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 (subclause (4)).

#### **Clause 4.1 Minimum subdivision lot size**

The size of the lots resulting from the proposed subdivision of the site are 240.43m<sup>2</sup> each, which is less than the minimum subdivision lot size development standard of 325m<sup>2</sup> prescribed under clause 4.1 of Waverley LEP 2012 by 84.57m<sup>2</sup> or 26% each.

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 Torrens title subdivision which is sought by this proposal, is both consistent with the historic pattern of semi-detached housing subdivision and compatible in frontage widths and shape to the adjoining allotments to the east and south, as well as allotments to the north and west.*
- *The adjoining row of lots at 103 – 121 Hastings Parade have a combined average lot size of 240.3m<sup>2</sup>, which is consistent with the proposed 240.45m<sup>2</sup> provided for Lot A and B of 101 Hastings Parade. Table below demonstrate a predominance of lot sizes that are substantially lower than LEP minimum lot size of 325m<sup>2</sup>, but which all reinforce the historic pattern, with a clustering around the subject site.*

<b>East</b>			<b>West</b>		
103 Hastings Parade	253m <sup>2</sup>	6.5m	81 Hastings Parade	228m <sup>2</sup>	6m
105 Hastings Parade	242m <sup>2</sup>	6.2m	83 Hastings Parade	249m <sup>2</sup>	6.1m
107 Hastings Parade	240m <sup>2</sup>	6.2m	87 Hastings Parade	256m <sup>2</sup>	6.5m
109 Hastings Parade	235m <sup>2</sup>	6m	89 Hastings Parade	229m <sup>2</sup>	5.8m
111 Hastings Parade	246m <sup>2</sup>	6.2m	<b>North</b>		
113 Hastings Parade	220m <sup>2</sup>	5.6m	96 Hastings Parade	244m <sup>2</sup>	6.2m
115 Hastings Parade	257m <sup>2</sup>	6.6m	98 Hastings Parade	233m <sup>2</sup>	5.9m
117 Hastings Parade	225m <sup>2</sup>	5.7m	100 Hastings Parade	239m <sup>2</sup>	6.2m
119 Hastings Parade	248m <sup>2</sup>	6.3m	102 Hastings Parade	239m <sup>2</sup>	6m
121 Hastings Parade	237m <sup>2</sup>	6m	<b>South</b>		
			66 Brighton Boulevard	243m <sup>2</sup>	6.2m
			68 Brighton Boulevard	241m <sup>2</sup>	6.1m

*Table provided by ABC Planning Pty Ltd in the Clause 4.6 Submission (on behalf of the applicant)*

- The proposal does not result in any unreasonable or adverse impacts on neighbouring amenity, particularly with respect to solar access, mutual privacy, and visual bulk.
- The proposal complies with objectives for height and FSR, therefore generating a built form that is anticipated by the controls and which is compatible with the desired future character of the locality.
- The proposed lot sizes achieve a high degree of consistency with other neighbouring lot sizes for semi-detached dwellings within the immediate vicinity of the subject site. The proposal includes an equal subdivision of the existing 480.9m<sup>2</sup> allotment, to create lot sizes of 240.45m<sup>2</sup>. The proposed 240.45m<sup>2</sup> lots are compatible with a number of neighbouring examples within close proximity of the subject site, including 103-121 Hastings Parade to the east, and 66-68 Brighton Boulevard to rear (south).
- Despite the numeric deviation from the required 325m<sup>2</sup> to 240.4m<sup>2</sup>, the proposed subdivision lots sizes are considered to reinforce the existing and predominate subdivision pattern for existing and semi-detached dwellings within the immediately vicinity, thus meeting the intent of the objective 1(a) for minimum lot size.
- The clustering of smaller lot sizes surrounding the subject site provides for a predominance of similar allotments and similar built forms, and therefore the existing character of the vicinity is reflected in this proposal.
- The unique circumstances and clustering of smaller allotments and semi-detached dwellings, ensures that an undesirable precedent will not be set and that the proposal is in keeping with, and reinforces, the predominant subdivision pattern within 60m of the subject site.

#### Council's response:

It is argued by the applicant that the non-compliance with minimum allotment size can be justified given the prevailing undersized lot sizes located immediately to the south-east of the site and in the vicinity of the site (see Figure 4 below).

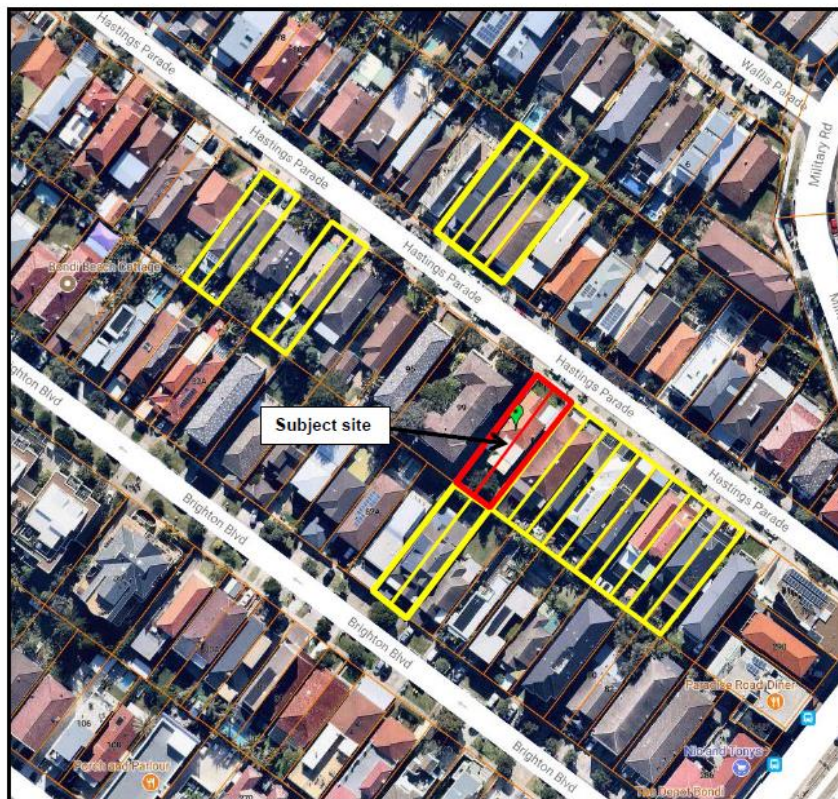


Figure 4: Aerial photograph from applicant's submission showing subdivision pattern

The objective of the minimum subdivision lot size is to ensure subdivisions reflect and reinforce the predominant subdivision pattern of the area and minimise likely impacts on the amenity of neighbouring properties.

Within proximity of the subject site immediately to the south-east numbers 103-121 Hastings Parade have lots sizes that range from 220 – 257m<sup>2</sup>. These lots are below the minimum lot size of 325m<sup>2</sup> and are of a similar size to the proposed allotments at 240.43m<sup>2</sup>. The subject site sits at the end of this row.

The proposal seeks a variation of 84.57m<sup>2</sup> per lot or 26%. It is acknowledged that the subdivision pattern immediately to the south-east presents as undersized lots similar to the proposed subdivision, however, these lots pre-date the current controls of Waverley LEP 2012 which prescribes a minimum allotment size of 325m<sup>2</sup> in this area. By granting consent to the proposed subdivision, it is essentially arguing that the subdivision control in this area has been abandoned, which having regard to the subject site and its adjoining neighbours to the north-west, this is not the case.

In assessing the prevailing character of the area in regards to the allotment sizes, for those lots fronting Hastings Parade extending from Military Road to Wairoa Avenue, 51% are compliant demonstrating that the development standard has not been abandoned. It is acknowledged that development consent was granted for the subdivision of an existing dual occupancy development at 94 Hastings Parade, North Bondi on 2 June 2017 (DA-103/2017) with approval granted for undersized lots of 231m<sup>2</sup> each. This development was an existing dual occupancy with a compliant floor space ratio (parent lot) and flanked on both sides by undersized allotments.

The proposed lot size non-compliance is contrary to clause 4.1 Minimum subdivision lot size (1)(a), (b) and (3) as the significant breach of the development standard fails to ensure that the subdivision reflects and reinforces the predominant subdivision pattern of the area and will result in unreasonable impacts on the amenity of neighbouring properties particularly given the massing of the development proposed on the non-compliant lots.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The proposed non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standards is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the minimum subdivision lot size development standard and is not in the public interest.

The lot size control is a development standard in Waverley LEP 2012 which has been through a statutory process involving exhibition and public comment. The control reflects the preferences of the locality and the community and the lot size control should be given a significant deal of weight. The 325m<sup>2</sup> allotment size preserves the current prevailing and desired future character of the area particularly in the context of the adjoining lots to the north-west. The non-compliant lots are considered to be inconsistent with the future context of the surrounding area. Council disagrees with the applicant in that the proposal, despite the non-compliance, would achieve the objectives of the development standard and the proposal does not present a more superior planning outcome for the site. As such the clause 4.6 exception is not considered to be well founded and the variation to the minimum lot size control is not supported.

#### ***Non-compliance with height control***

The proposal seeks a breach of the 8.5m height control applicable under clause 4.3 of Waverley LEP 2012, with a height of 8.7m to the top of the ridge proposed (see Figure 5 below).





*proposed FSR is therefore considered to be consistent with the height, bulk and scale generated by the suite of building envelope controls.*

- The proposal will present to Hastings Parade as a pair of 2-storey semi-detached dwellings which is consistent with the scale of development anticipated by the controls (DCP 7m wall height and LEP 8.5m overall height limit) whilst also being consistent with the scale of other 2-storey semi-detached dwellings along Hastings Parade to the east whilst being subservient to the 4-storey residential flat building to the west. The proposed FSR therefore has no adverse visual bulk impacts to the public domain.*
- When viewed from surrounding properties to the north (opposite side of Hastings Parade), west (from the adjoining flat building), from the east (from the side windows, rear deck and rear yard of the semi-detached dwelling at 103 Hastings Parade) and from the south (dwellings addressed to Brighton Boulevard), the proposed 2-3 storey scale of development will be visually compatible with other dwellings in the vicinity of the site, noting that most of the semis to the east are also of a 2-3 storey scale whilst being adjoining the 4-storey flat building to the west.*
- The proposed FSR is not responsible for any greater amenity impacts beyond that associated with a compliant FSR, in regard to overshadowing, privacy and view loss. It is reiterated that the proposed FSR is within a compliant building envelope.*
- The high quality design and reasonable/compliant and appropriate nature of the proposed height, bulk and scale of the dwellings ensure that the proposed FSR does not generate any unreasonable or adverse impacts to any surrounding property.*

#### **Council's response:**

The proposed FSR will significantly breach the FSR control applicable to the parent lot under Waverley LEP 2012. It is argued by the applicant that the proposed FSR is compliant should the lots be subdivided (minor breach of 1.2m<sup>2</sup>).

The proposed development results in a number of non-compliances with the side setback controls, height control of the Waverley LEP 2012 and the overall height control of the Waverley DCP 2012 despite the applicant's contention that the proposed FSR is within a compliant building envelope. The number of breaches with the development standards and controls of the Waverley LEP and DCP results in a development that is unreasonable and unacceptable for this site. The proposed FSR non-compliance is contrary to clause 4.4 Floor space ratio (1)(b), (c) and (d) and will result in unreasonable impacts on the amenity of neighbouring properties particularly given the visual bulk, massing of the development and overshadowing proposed.

The proposed noncompliance has failed to address clause 4.6 (1)(b), (3)(a) and (b), and (4)(a). The proposed non-compliance will result in an unacceptable outcome for the site, fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, does not establish sufficient environmental planning grounds to justify the breach, fails to address the objectives of the FSR development standard and is not in the public interest.

#### **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**

Provision	Compliance	Comment
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate which satisfies this section of the DCP.
5. Tree preservation	Yes	See discussion under cl.5.9 of the Waverley LEP above.
6. Stormwater management and Flooding	Yes	Council's Senior Design Team Leader has advised that the submitted plans are satisfactory.
8. Transport	Yes	The proposal generally complies with the objectives and controls detailed in Part B8 of WDCP 2012, subject to the imposition of standard conditions of consent.

**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 Height  Flat roof – max 7.5m	No	The proposal with the flat roof to the rear has a maximum height of 8.7m.
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant Front – Ground:4m-5m (existing house 4.9m) First – 4.5m-11m</li> <li>Predominant rear building line</li> <li>First floor level setback from rear building line at ground floor level</li> </ul>	Yes No Yes Yes	Front proposed minimum 4.9m (ground) Front proposed minimum 4.9m (first) Rear proposed lower ground – 10m Rear proposed first – 11.2m
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	No	Proposed side setback ranges from nil to 900mm. Proposed nil boundary setback at lower ground level to accommodate car turntable and parking to each dwelling for a boundary wall length of 6.305m and height to 2.8m.

1.3 Excavation		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	No	Excavation to be within 900mm from boundaries to accommodate lower ground level.
1.4 Streetscape and visual impact		
New development is visually compatible with streetscape context. Should respond to character of the surrounding area.	Partial	The existing streetscape contains an eclectic mix of dwelling designs including contemporary and more traditional built forms. The proposed streetscape elevation is considered satisfactory and compatible with development along this streetscape, however, the extent of the development through the site does not respond to the context of surrounding development with unreasonable visual bulk impacts.
1.6 Semi-detached dwellings and terrace style development		
	N/A	These controls relate mainly to alterations and additions to existing semi-detached dwellings
1.7 Fences		
<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>	No	The frontage is to remain generally open with stepped planter boxes for landscaping to a maximum height of 1.3m at the frontage.
	No	Wall on boundary to height of 2.8m at north-western side and 2m high wall on south-eastern boundary.
1.8 Visual and acoustic privacy		
Location of habitable room windows not to face directly into adjoining habitable rooms or open space or screening required	No	Balcony to first floor level side elevations off Bed 2 results in unacceptable privacy impacts and should be removed.
Elevated balconies to have screening	Yes	Balconies are proposed at ground floor level rear elevation and provided with screens to both sides. If approval is granted, it is recommended translucent glazing to balustrading to restrict views when seated in living area. 10m setback distance from boundary which is satisfactory. First floor rear balcony considered acceptable given 10m setback, planter boxes and off a bedroom.
<p>Elevated/ visually prominent balcony</p> <p>Maximum size of balconies:</p> <ul style="list-style-type: none"> <li>10m<sup>2</sup> in area</li> <li>1.5m deep</li> </ul>	No, acceptable on merit	<p>Proposed area Ground: 8m<sup>2</sup> each</p> <p>Proposed depth:2.2m each</p>

1.9 Solar access		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	<p>Yes</p> <p>No</p>	<p>Living areas and rear private open space will receive adequate sunlight.</p> <p>Shadow diagrams have been submitted which demonstrate an increase in overshadowing primarily to the adjoining properties to the south-east and south-west of the site. The greatest impact is to the adjoining property to the south-east at No.103 Hastings Parade. Part C1 1.9 control (c) states that where a variation to FSR, maximum building height, wall height or setbacks causes a reduction in direct sunlight to adjoining properties, any reduction may be considered unacceptable. It is considered that the extent of overshadowing proposed is unacceptable and is not supported.</p>
1.10 Views		
	Yes	No unreasonable impacts identified
1.11 Car Parking		
1.11.1 Two (2) spaces per dwelling	Yes	Two spaces per dwelling proposed
1.11.2 Location <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	Parking is accommodated within a basement accessed from driveway crossovers from Hastings Parade. The garage is integrated within the design of each dwelling which lessens the impact on the streetscape.
1.11.3 Design	Yes	The proposed garage is to be built with the same materials and finishes as the dwelling as it is incorporated within the design of the dwelling.
1.11.5 Driveways <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	It is proposed to retain and upgrade the existing crossover and construct an additional crossover. Car turntable is proposed to each dwelling to enable forward entry and exit.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area (192.4m<sup>2</sup>)</li> <li>Minimum 15% landscaped (72m<sup>2</sup>)</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Minimum 50% frontage and 50% landscaped frontage</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>54%</p> <p>27%</p> <p>&gt;25m<sup>2</sup></p>



1.13 Swimming Pools		
<ul style="list-style-type: none"> <li>Located at rear</li> <li>Pool equipment enclosed within acoustically treated structure</li> </ul>	Yes	It is proposed to provide each dwelling with a swimming pool located 1.14m from the rear boundary. Visual and acoustic privacy is proposed to be maintained to neighbours via proposed fencing and landscaping. Should the application be approved, any approval conditioned for equipment to be enclosed within a ventilated soundproof enclosure.

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

### Height

Part C1 1.1.1 Flat roof dwellings of Waverley DCP 2012 requires an overall building height control of 7.5m. The proposed height is 8.7m to the top of the roof parapet at the flat roof section at the rear. The non-compliance to the main flat roof height is located towards the rear of the site due to the sloping topography in this location (refer to Figure 6).

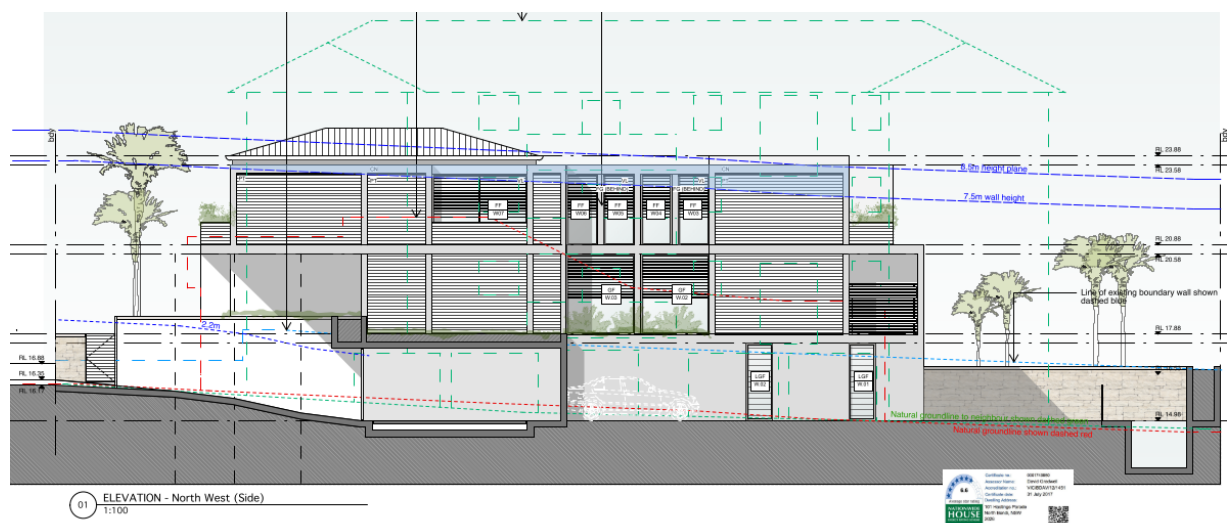


Figure 6: North-west elevation of proposed development

The massing of this wall and the proposed length of the development through the site will result in unreasonable impacts on the amenity of adjoining properties. The extent of overshadowing proposed on the adjoining property to the south-east is unacceptable and the visual bulk is unreasonable and is not supported.

### Side setback

Part C1 1.2 Setbacks of Waverley DCP 2012 states a side setback control of 900mm is applicable to the proposed development. The building is proposed to extend to both side boundaries at lower ground floor level for a wall length of 6.3m to a maximum height of 2.8m. The visual bulk impacts when viewed from the adjoining properties is unacceptable and the non-compliance with the side setback control is not supported.

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the NCC.

It is considered that the proposal will result in unreasonable impacts relating to environmental, social and economic impacts on the locality, and is not supported.

## 2.3 Suitability of the site for the development

The site is not 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*. The second set of amended plans were also notified for 14 days.

Three submissions were received during the original notification period and an additional one during the notification of the amended plans. The issues raised in the submissions are summarised and discussed below.

It is noted that the latest set of amended plans the subject of this assessment report were not notified.

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

Property
103 Hastings Parade, North Bondi (original)
105 Hastings Parade, North Bondi (original)
68 Brighton Boulevard, North Bondi (original)
110 Hastings Parade, North Bondi (Amended)

### ***Issue: Non-compliance with subdivision lot size***

**Response:** This issue has been addressed above under Part 2.1.3.

### ***Issue: Non-compliant height***

**Response:** This issue has been addressed above under Part 2.1.3 and 2.1.4.

### ***Issue: Streetscape and visual impact***

**Response:** This issue has been addressed above under Part 2.1.4.

### ***Issue: Overshadowing***

**Response:** This issue has been addressed above under Part 2.1.4.

***Issue: Visual and acoustic privacy impacts***

**Response:** Visual privacy issue has been addressed above under Part 2.1.4. Submission raise concern regarding the acoustic impact from car turntable and side courtyard areas. Should approval be granted, these matters can be addressed by conditions of consent removing side balconies and acoustic report being provided regarding the operation of the car turntable.

***Issue: Rear building line***

**Response:** This issue has been addressed above under Part 2.1.4.

***Issue: Traffic, increased congestion and waste due to increase in density***

**Response:** A dual occupancy development is permissible on the subject site. This matter does not warrant a refusal of the application.

***Issue: Construction impacts***

**Response:** Should approval be granted, standard conditions can be imposed.

## **2.5 Public Interest**

It is considered that the proposal will have detrimental effect on the public interest and is not supported.

## **3. REFERRALS**

### **3.1 Creating Waverley – Driveways**

Council's Manager Traffic and Development has advised that the submitted plans are satisfactory.

### **3.2 Creating Waverley - Stormwater**

Council's Senior Design Team Leader has advised that the submitted plans are satisfactory.

### **3.3 Clean and Attractive Waverley - Tree Management Officer**

The application was referred to Council's Tree Management Officer who provided the following recommendations, which are summarised as follows:

*Situated on the above property is one (1) Araucaria heterophylla (Norfolk Island Pine) located in the rear garden at the site, growing roughly centrally within the lawn area. The tree is in good physiological condition as indicated by its crown density (95-100%) and coloration of foliage. The structural condition of the tree is fair, because of the lopping at approximately 6m above grade. In response to lopping the tree has developed four (4) new leaders. The Useful Life Expectancy of the tree is reduced (15-40 years) by its fair structural condition. The tree is a relatively large specimen which can be viewed from neighbouring properties and has moderate landscape value. However, lopping has severely impacted the quality and arboricultural value of the tree.*

If approval is granted, approval to be conditioned accordingly.

### 3.5 Waverley Digital - GIS

The application was referred to Council's GIS officer who raised no objections subject to appropriate conditions being imposed regarding allocation of street numbers.

## 4. SUMMARY

The proposal seeks consent to demolish the existing dwelling and the subsequent construction of a part two part three storey semi-detached dwellings, garages and swimming pools. It is proposed to subdivide the land into two separate Torrens title lots.

Three submissions were received during notification of the original plans and an additional submission during notification of the amended proposal. The issues have been addressed throughout this assessment report.

The proposal results in a non-compliance with the allotment size development standard, height, FSR of Waverley LEP 2012 and the overall height and side setback controls of Waverley DCP 2012. The extent of these breaches and the resultant impacts are unreasonable and are not supported. The development application is recommended for refusal.

## 5. DETERMINATION – WAVERLEY LOCAL PLANNING PANEL

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

### Report Prepared by:

Jo Zancanaro  
**Senior Development Assessment Officer**

**Date:** 8 August 2018

### Reason for referral:

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

### Application determined by:

Arif Faruqi  
**Manager, Development Assessment – North**

**Date:** 10 August 2018

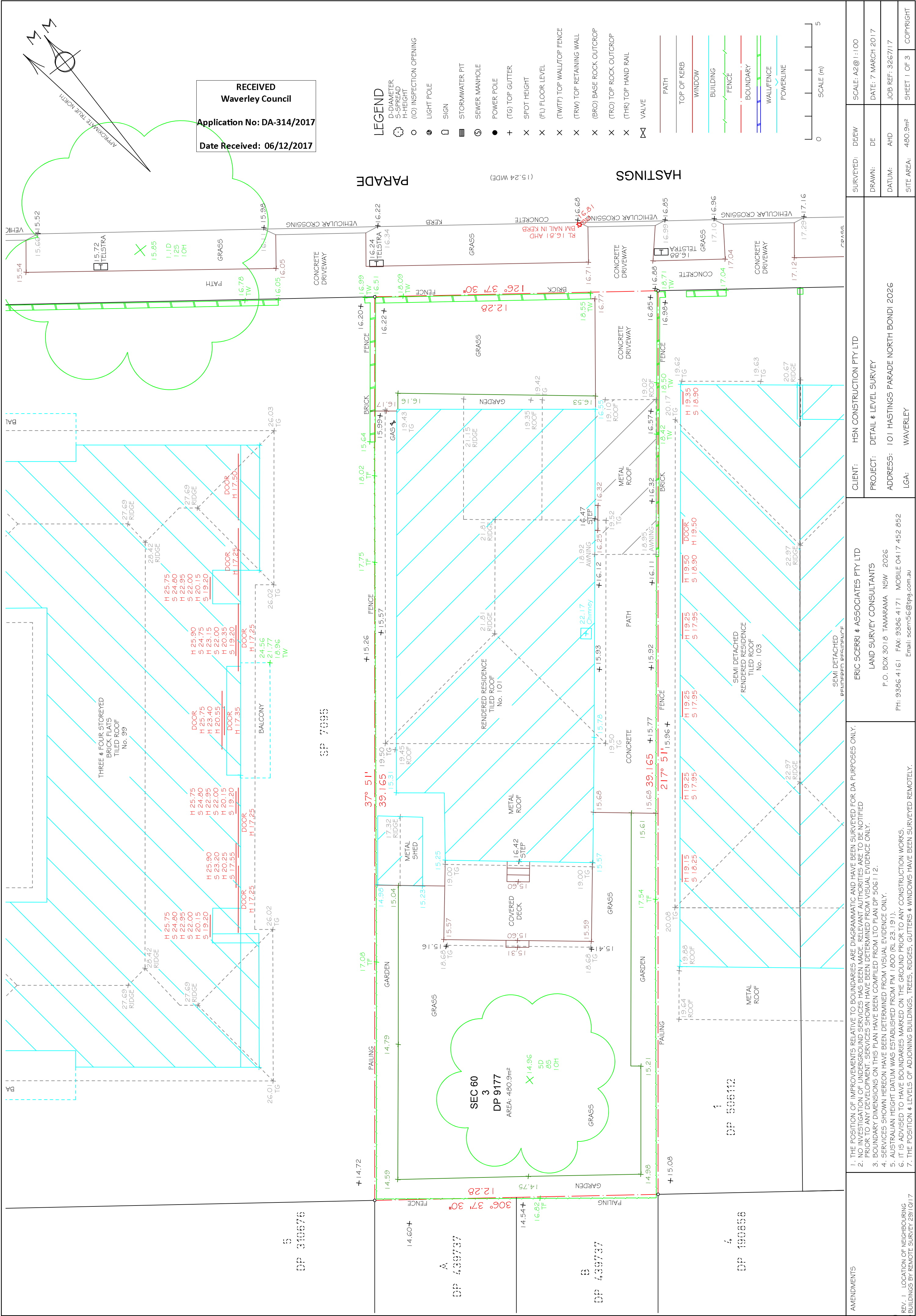
## **APPENDIX A – REASONS FOR REFUSAL**

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

1. 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, in that:
  - (a) Clause 4.1 Minimum subdivision lot size (1)(a) and (b), and (3) as the proposal significantly breaches the minimum lot size development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed subdivision does not reflect and reinforce the predominant subdivision pattern of the area and will result in adverse impacts on the streetscape and amenity of adjoining properties, contrary to objective (a) and (b) of the development standard.
  - (b) Clause 4.3 Height of buildings (1)(a) and (d), and (2) as the proposal breaches the height development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the amenity of adjoining properties, contrary to objective (a) and (d) of the development standard.
  - (c) Clause 4.4 Floor space ratio (1)(b),(c) and (d) as the proposal breaches the floor space ratio development standard which will diminish the environmental amenity of neighbouring properties and the locality. The proposed building will result in adverse impacts on the character of the locality and the amenity of adjoining properties, contrary to objective (c) and (d) of the development standard.
  - (d) Clause 4.6 Exceptions to development standards (1)(b), (3)(a) and (b), and (4)(a), as the proposed subdivision and building will not result in a better development outcome for the site. The applicant's clause 4.6 Exceptions to development standards fails to justify that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds that exist to justify the significant breaches to the minimum subdivision lot size and floor space ratio development standard. The proposed development is contrary to the objectives of the development standards and the proposal is not in the public interest.
2. 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 C1 – Dwelling house, dual occupancy, secondary dwelling, semi-detached dwelling and terrace development
    - i. Section 1.1 Height and 1.1.1 Flat Roof Dwellings, in particular objectives (a), (b) and (d), and control 1.1.1(a). The proposed development has failed to provide appropriate building heights and fails to ensure that the height and scale does not result in unreasonable overshadowing of neighbouring and nearby properties.
    - ii. Section 1.2 Setbacks, in particular objective (a) and Section 1.2.2 Side setbacks in particular control (a). The proposed side setbacks have failed to ensure the distance between buildings on adjacent properties allows adequate solar access, ventilation and privacy.



- iii. Section 1.9 Solar Access 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.
- 3. The proposal will have an adverse impact on the amenity (solar access, overshadowing, visual bulk) of surrounding properties and will have an unacceptable impact upon the locality, having regard to section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
- 4. Insufficient information has been provided to properly assess components of the proposal, contrary to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979. This includes a Clause 4.6 statement to address height non-compliance under Clause 4.3 of Waverley Local Environmental Plan 2012.
- 5. The proposal is not in the public interest contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.



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Application No: DA-314/2017  
Date Received: 23/05/2018

SP 7095

37° 51'

39.165

SEC 60  
3  
DP 9177  
AREA: 480.9m²

Proposed  
Lot A

PROP AREA: 240.43m²

39.165

217° 51'

Proposed  
Lot B

PROP AREA: 240.43m²

39.165

217° 51'

1  
DP 506112

01 PLAN - SUBDIVISION PLAN  
1:100

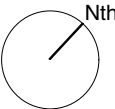
C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SUBDIVISION PLAN

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_03(C)



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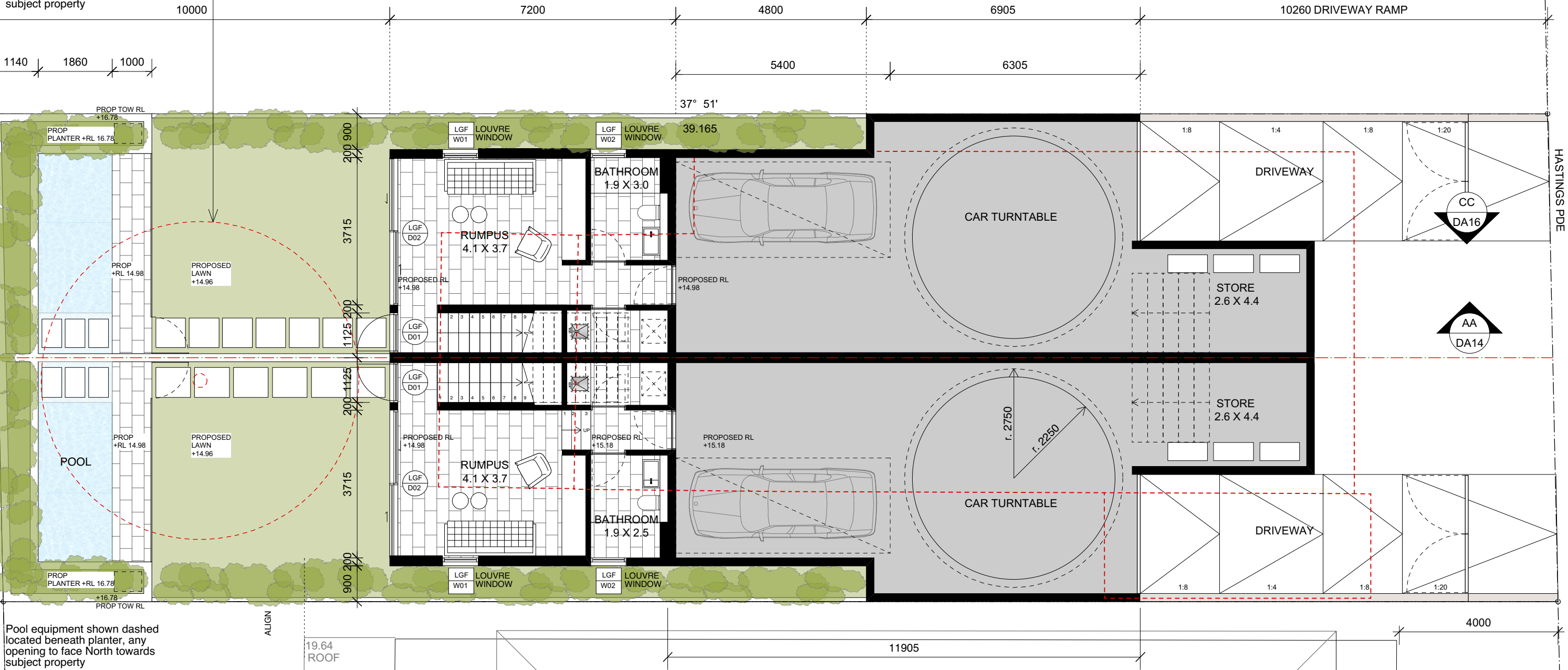
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Application No: DA-314/2017

Date Received: 23/05/2018

Tree to be removed - refer to arborist report for details  
Pool equipment shown dashed located beneath planter, any opening to face South towards subject property

AC plant and equipment location  
Any ventilation requirements provided by openings in garage door



01 PLAN - LOWER GROUND FLOOR  
1:100



Certificate no.: 0001749950  
Assessor Name: David Gradwell  
Accreditation no.: VIC/BDV/12/1451  
Certificate date: 31 July 2017  
Dwelling Address: 101 Hastings Parade North Bondi, NSW 2026  
www.nathers.gov.au



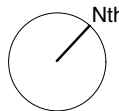
DEVELOPMENT APPLICATION

HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

LGF PLAN

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017
Revision	Description	Date

Scale	Drawn	Date	Project No.	Drawing
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Application No: DA-314/2017

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5870 SET BACK

BB  
DA15

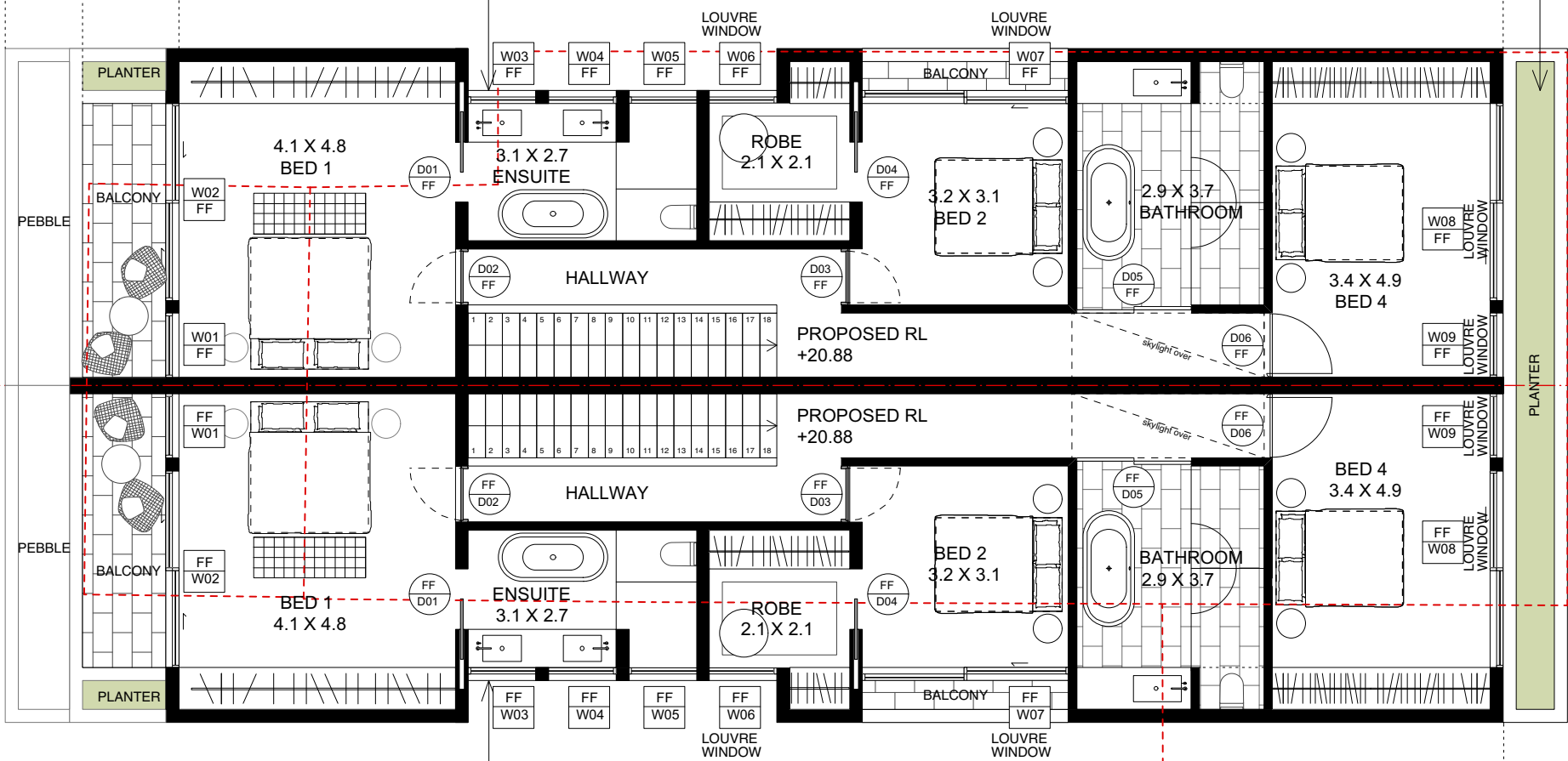
10000

1200

1500

Proposed planter

Obscured (frosted) Glazing To  
Windows Along Side Boundary



CC

DA16

AA

DA14

6125 SET BACK



Certificate no.: 0001749950  
Assessor Name: David Gradwell  
Accreditation no.: VIC/BDV/12/1451  
Certificate date: 31 July 2017  
Dwelling Address:  
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North Bondi, NSW  
2026



Obscured (frosted) Glazing To  
Windows Along Side Boundary

01

PLAN - FIRST FLOOR  
1:100

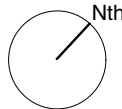
DEVELOPMENT APPLICATION

HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

L1 PLAN

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B	RVD DA ISSUE	05.12.2017
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1:100@A3	ASW	22 MAY 2018	3431	DA_06(C)



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Application No: DA-314/2017

Date Received: 23/05/2018

Outline Of Existing Dwelling  
Shown Demolished Dashed Red

1700 mm HEIGHT PRIVACY  
SCREENS

Obscured (frosted) Glazing To  
Windows Along Side Boundary  
With Adjustable VL Louvres  
In-front For Shading

1700 mm HEIGHT PRIVACY  
SCREENS

19.64  
ROOF

01 PLAN - GROUND FLOOR  
1:100

Obscured (frosted) Glazing To  
Windows Along Side Boundary  
With Adjustable VI Louvres  
In-front For Shading



Certificate no.: 0001749950  
Assessor Name: David Gradwell  
Accreditation no.: VIC/BDV/12/1451  
Certificate date: 31 July 2017  
Dwelling Address: 101 Hastings Parade  
North Bondi, NSW  
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www.nathers.gov.au



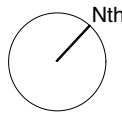
DEVELOPMENT APPLICATION

HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

GF PLAN

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
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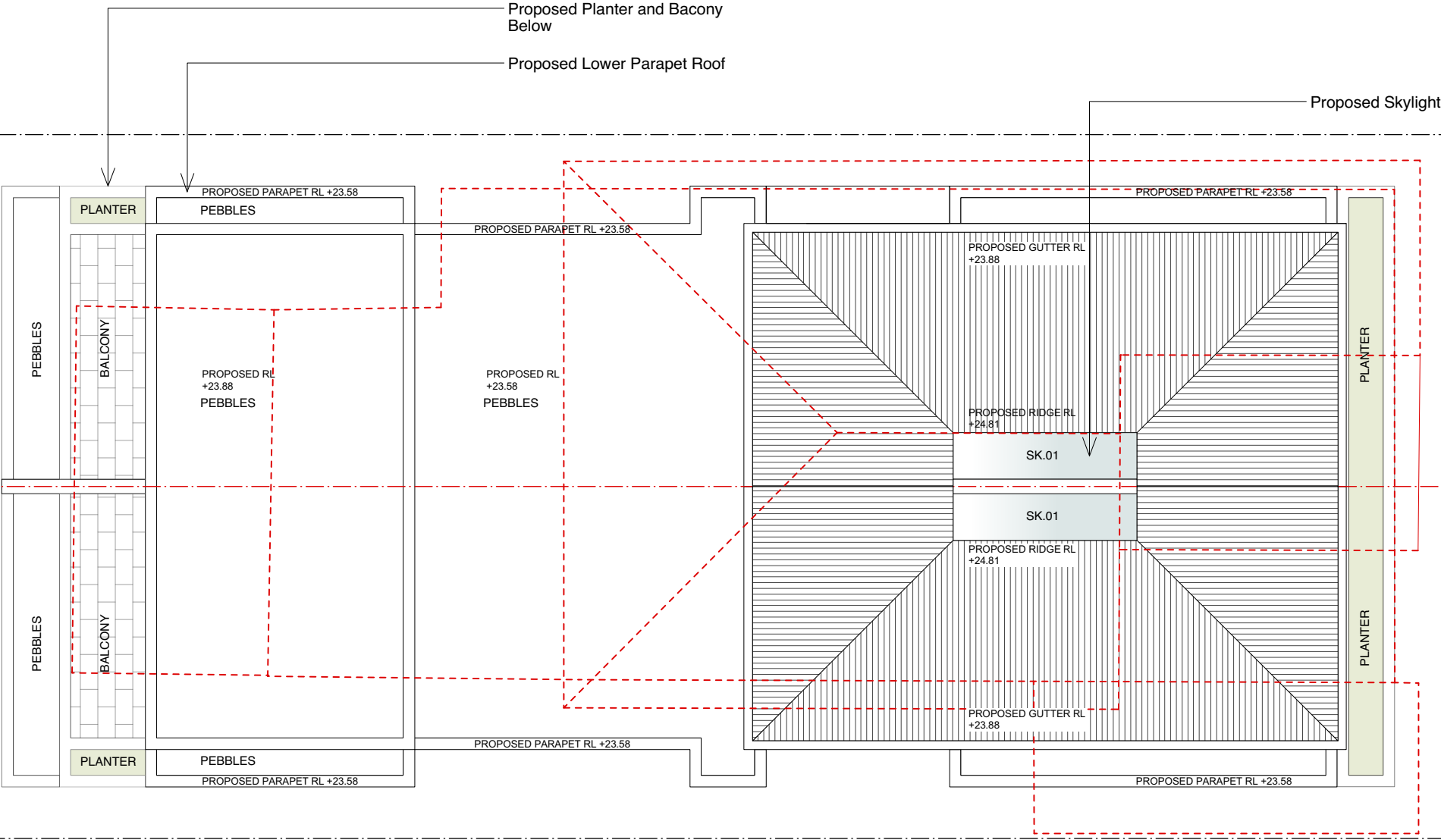
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Application No: DA-314/2017

Date Received: 23/05/2018



01 PLAN - ROOF  
1:100

Average star rating  
**6.6**

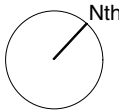
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Accreditation no.: VIC/BDV12/1451  
Certificate date: 31 July 2017  
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DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SITE/ROOF PLAN

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Revision	Description	Date

Scale	Drawn	Date	Project No.	Drawing
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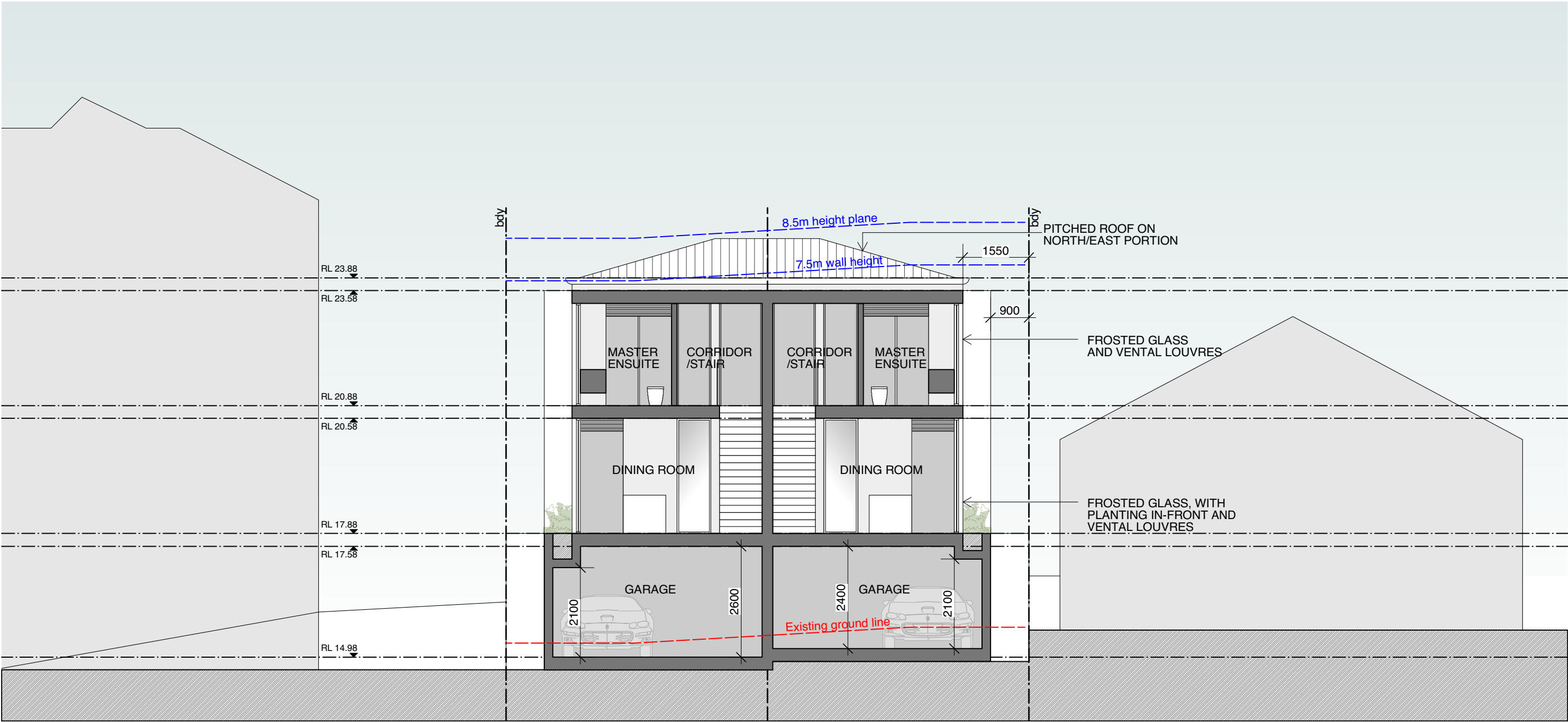
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01 SECTION - BB  
1:100

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date
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SECTION BB

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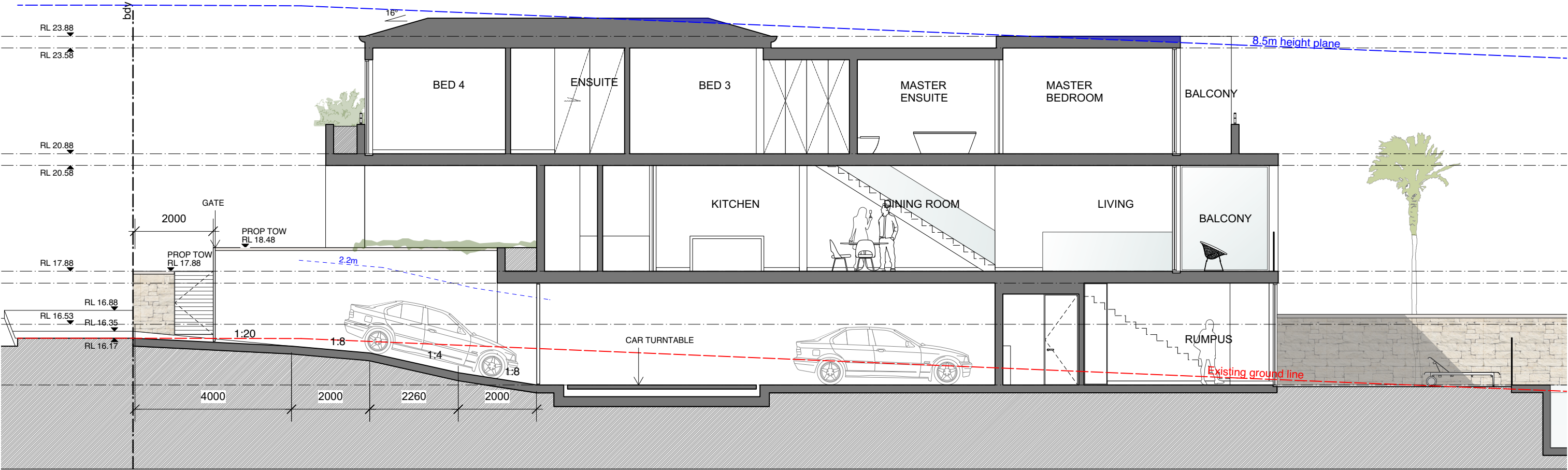
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01 SECTION - CC  
1:100

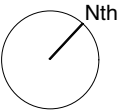
DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SECTION CC

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date
C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Scale	Drawn	Date	Project No.	Drawing
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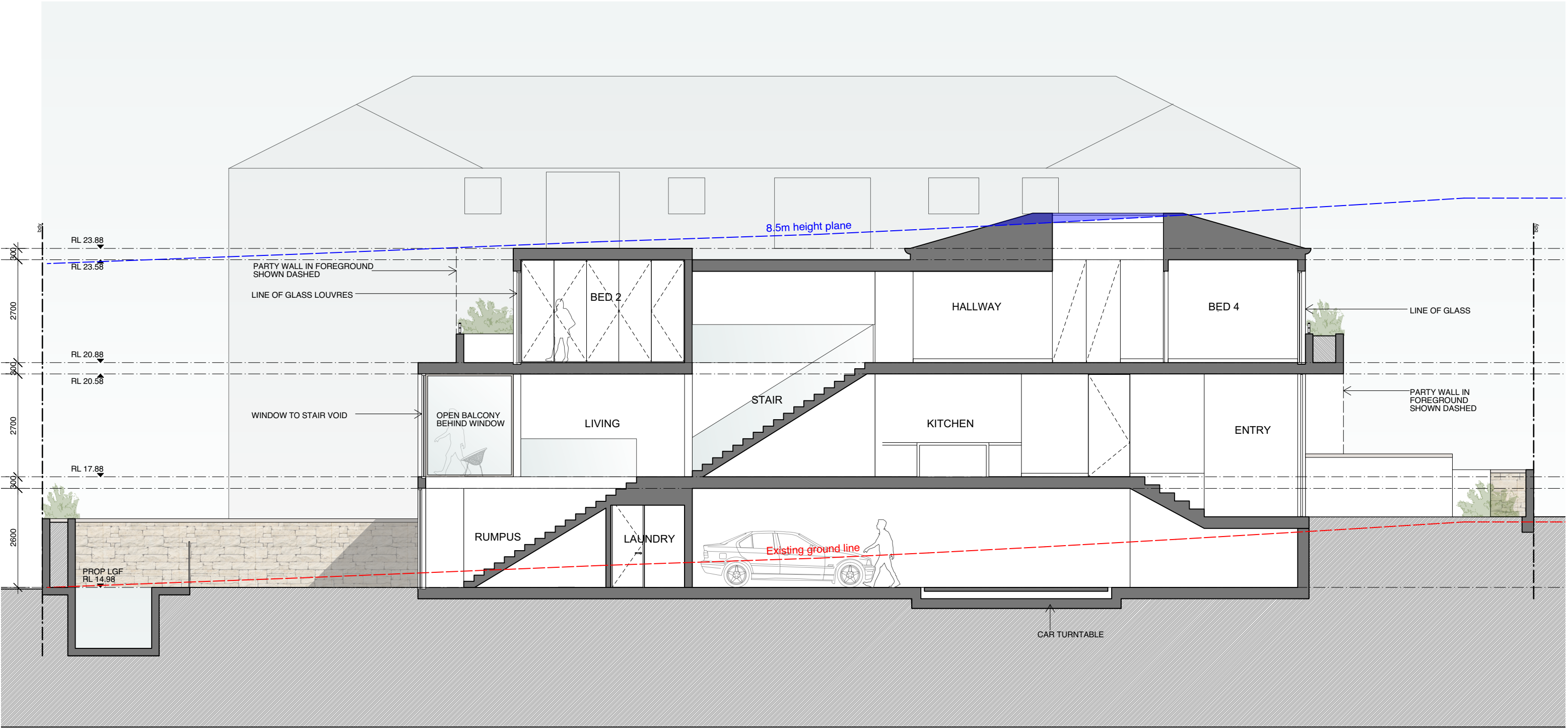
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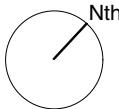


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B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017
Revision	Description	Date

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SECTION AA

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_16(C)



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**AMENDED**

Frosted glass with ventral louvres over to windows facing boundary

Outline of neighbouring Apt building opposite at 99 Hastings Parade shown dashed green

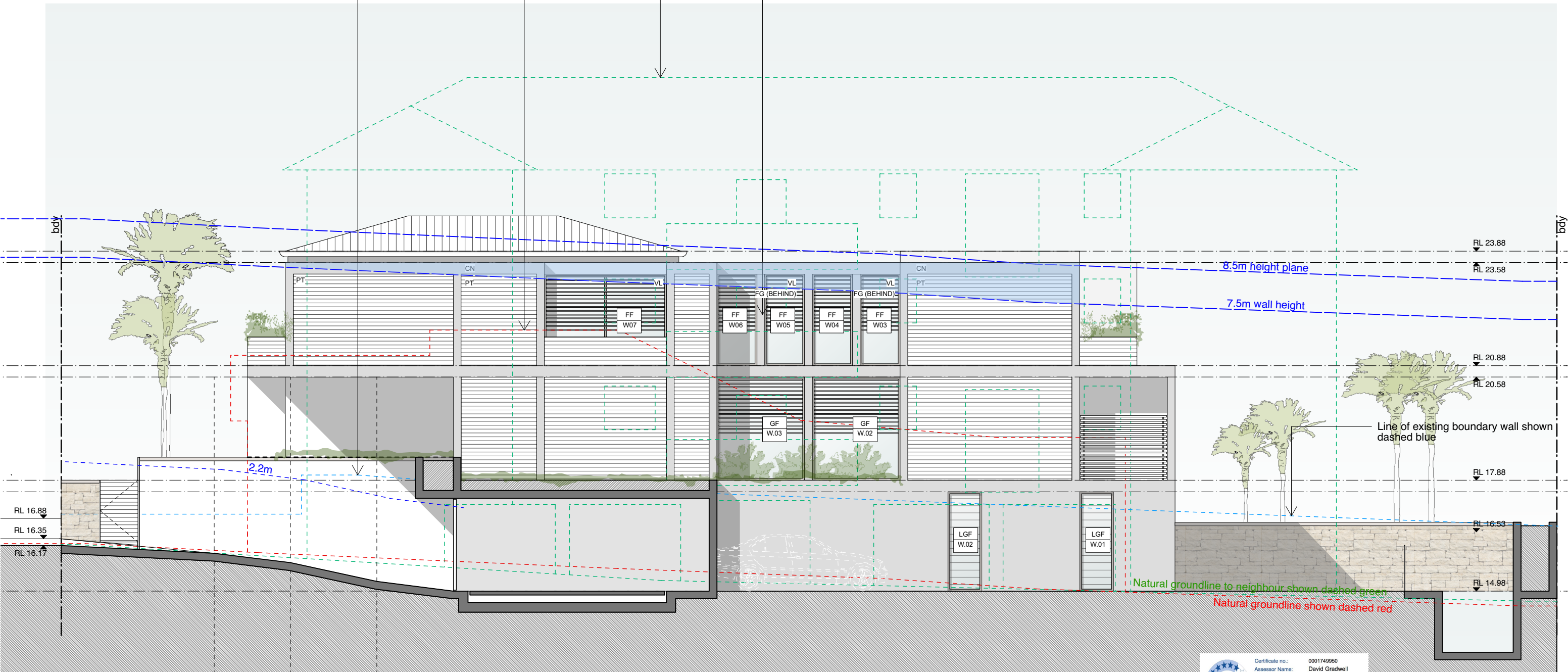
Outline of existing building shown to be demolished

Line of existing boundary wall shown  
dashed blue

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**Application No: DA-314/2017**

**Date Received: 23/05/2018**



01 ELEVATION - North West (Side)  
1:100



## EXTERNAL FINISHES

CN	CONCRETE	RP	RENDER + PAINT
PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER		
AL	ALUMINIUM		
CG	CLEAR GLASS		
TG	TRANSLUCENT (PRIVACY) GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

## DEVELOPMENT APPLICATION

HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

**ELEVATION NW**

C	RVD DA ISSUE	22.05.2018
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Certificate no.: 0001749950

Application No: DA-314/2017

Certificate date: 31 July 2017

Dwelling Address: 101 Hastings Parade

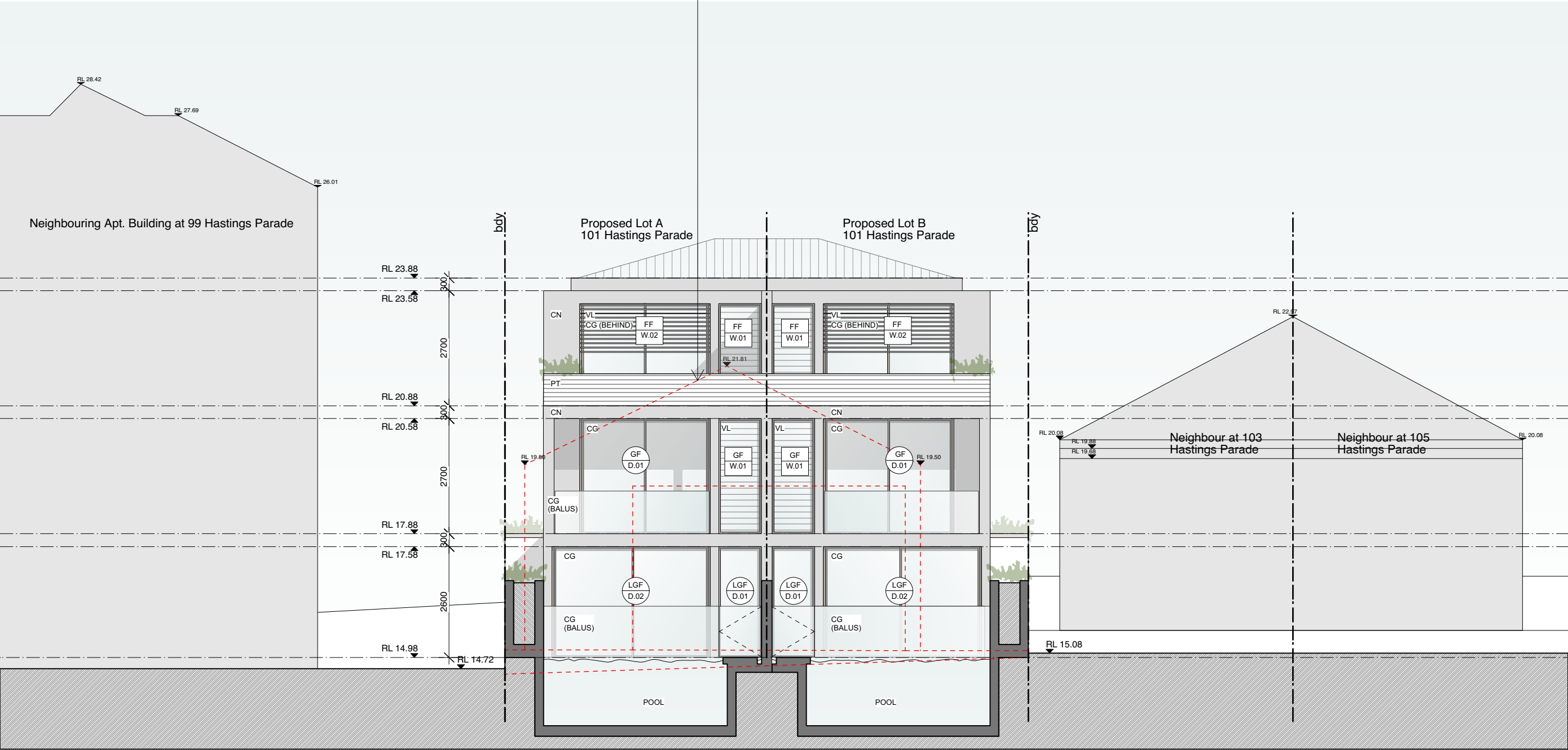
Received: 23/05/2018

Average star rating: 6.5

NATIONWIDE HOUSE ENERGY RATING SCHEME 2020

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Outline of existing building shown to be demolished



01 ELEVATION - South West (Rear)  
1:100

EXTERNAL FINISHES			
CN	CONCRETE	RP	RENDER + PAINT
PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER		
AL	ALUMINIUM		
CG	CLEAR GLASS		
TG	TRANSLUCENT (PRIVACY) GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

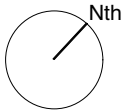
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B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date
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DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

ELEVATION SW

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_14(C)



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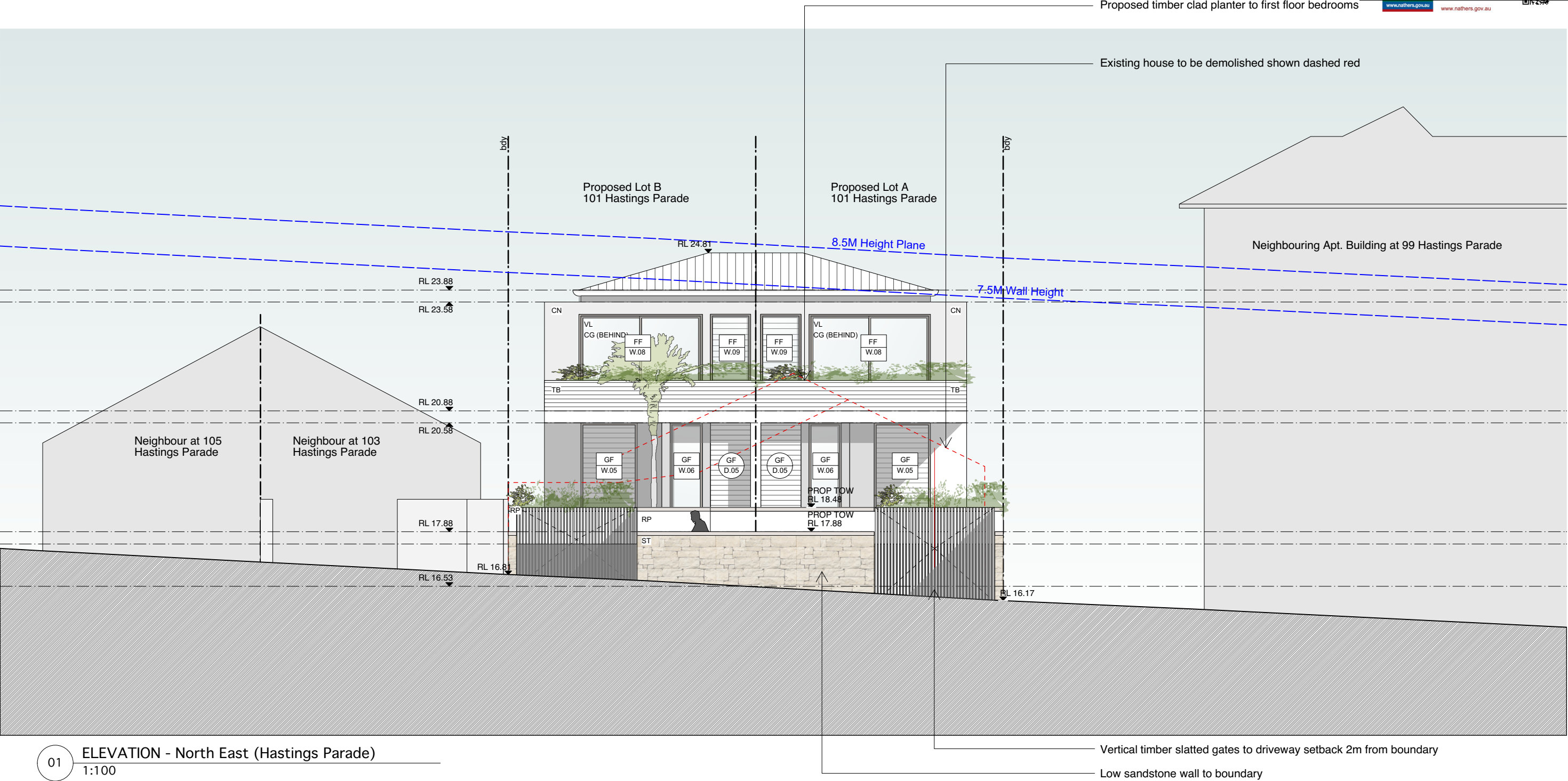
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EXTERNAL FINISHES			
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PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER		
AL	ALUMINIUM		
CG	CLEAR GLASS		
TG	TRANSLUCENT (PRIVACY) GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

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Revision	Description	Date
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DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
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ELEVATION NE

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_12(C)

bkh

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Outline of existing carport alongside boundary shown dashed red to be demolished

Outline of existing building shown to be demolished

Outline of neighbouring building opposite at 103 Hastings Parade shown dashed green

Fixed and frosted glass windows to dining room behind, setback 1550mm from boundary

Apartment building behind at 99 Hastings Parade

1700 mm height privacy screens

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Waverley Council

Application No. DA-314/2017

0001749950

31 July 2017

101 Hastings Parade

23/05/2018



01 ELEVATION - South East (Side)  
1:100

Existing boundary wall in foreground shown dashed green

EXTERNAL FINISHES			
CN	CONCRETE	RP	RENDER + PAINT
PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER	TB	TIMBER BATTENS
AL	ALUMINIUM		
CG	CLEAR GLASS		
TG	TRANSLUCENT (PRIVACY) GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_13(C)

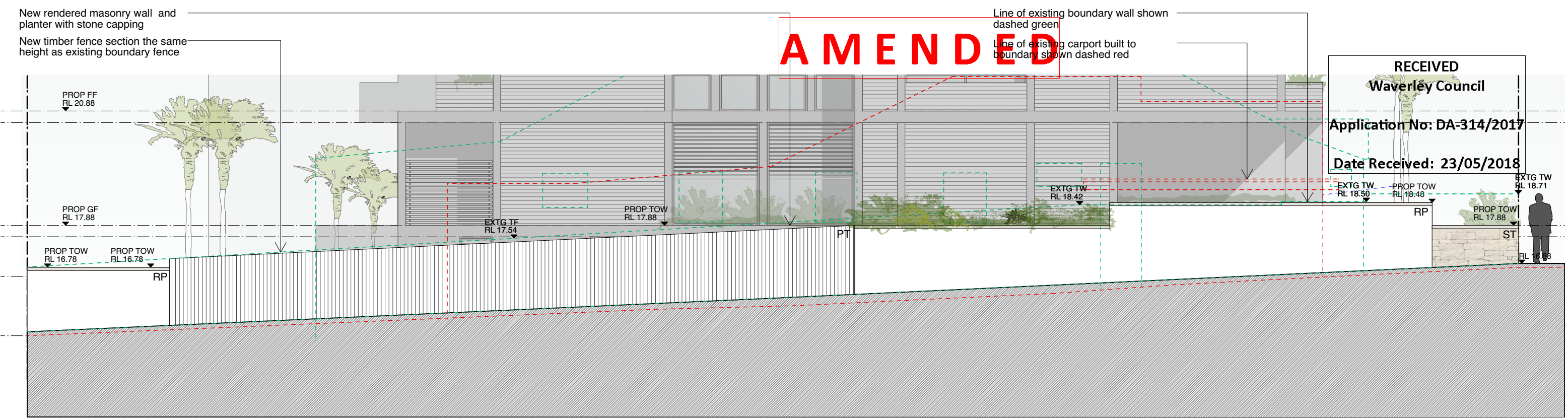
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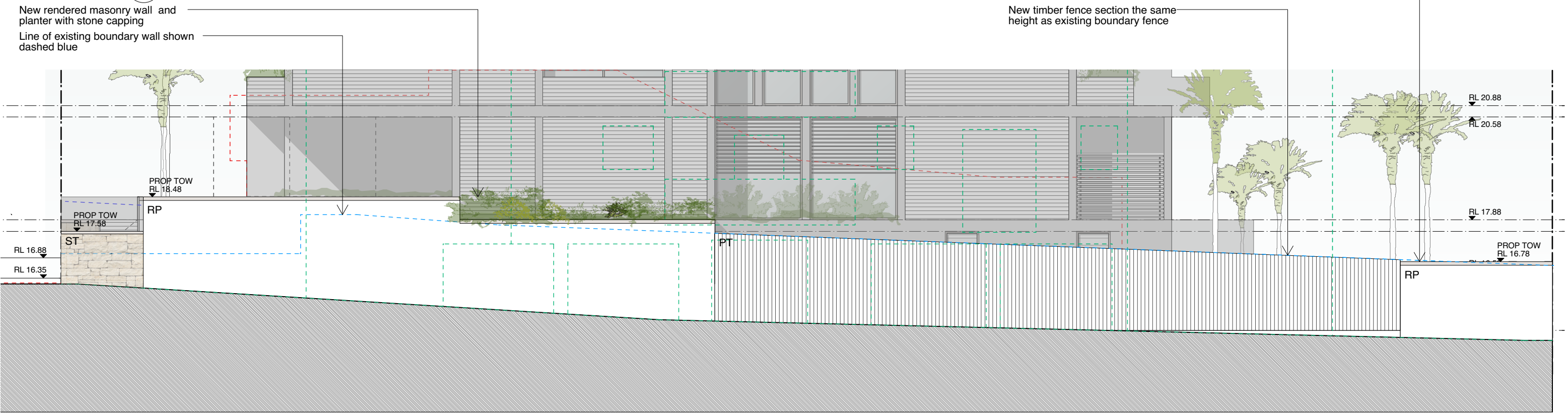
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01 ELEVATION - South East (Side)  
1:100



01 ELEVATION - North West (Side)  
1:100

EXTERNAL FINISHES			
CN	CONCRETE	RP	RENDER + PAINT
PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER		
AL	ALUMINIUM		
CG	CLEAR GLASS		
TG	TRANSLUCENT (PRIVACY) GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date
C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

**DEVELOPMENT APPLICATION**  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

**BOUNDARY ELEVATIONS**

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_15.1(C)

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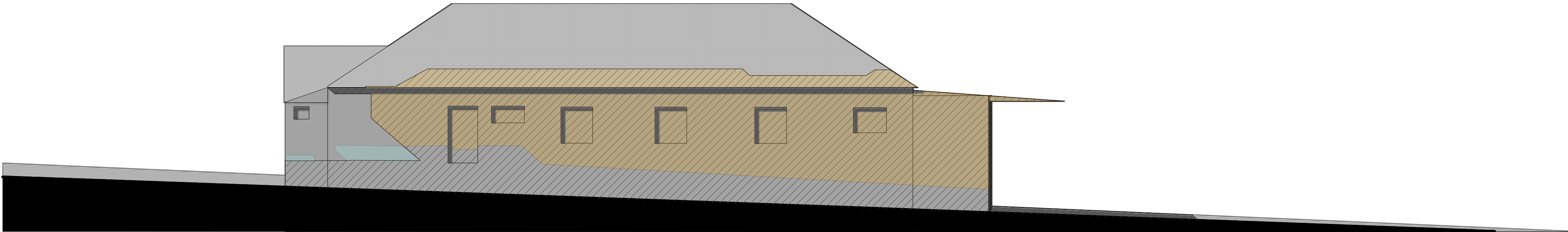
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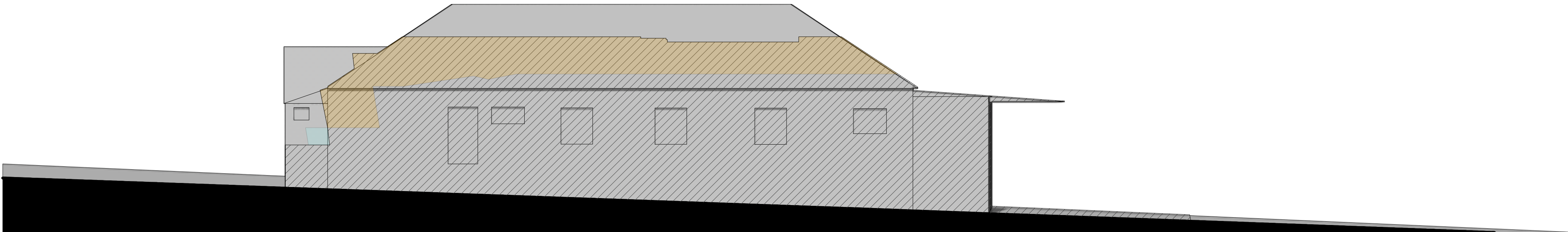


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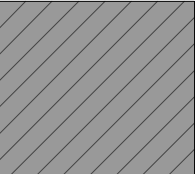
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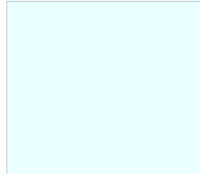
WINTER SOLSTICE 3pm



NO CHANGE  
EXISTING SHADOW



NEW SHADOW PAST  
SITE BOUNDARY



SHADOW REDUCTION

C	RVD DA ISSUE
B	RVD DA ISSUE
A	DA ISSUE

22.05.2018  
05.12.2017  
31.07.2017

Date

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SHADOW DIAGRAM ELEVATION  
ADJOINING PROPERTY 103 HASTING PDE

Scale: 1:100@A2  
Drawn: ASW  
Date: 22 MAY 2017  
Project No: 3431  
Drawing: DA\_24(C)

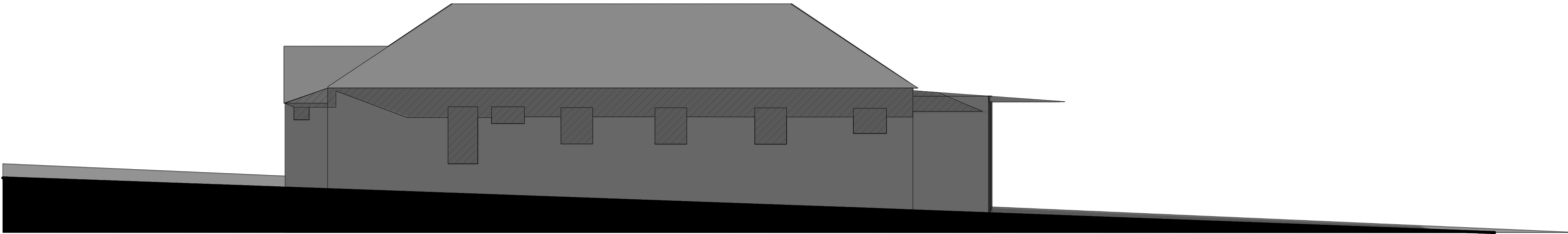


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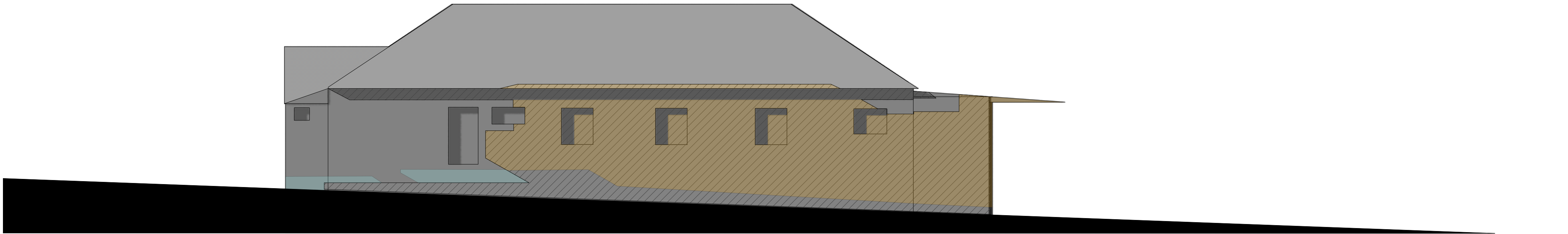
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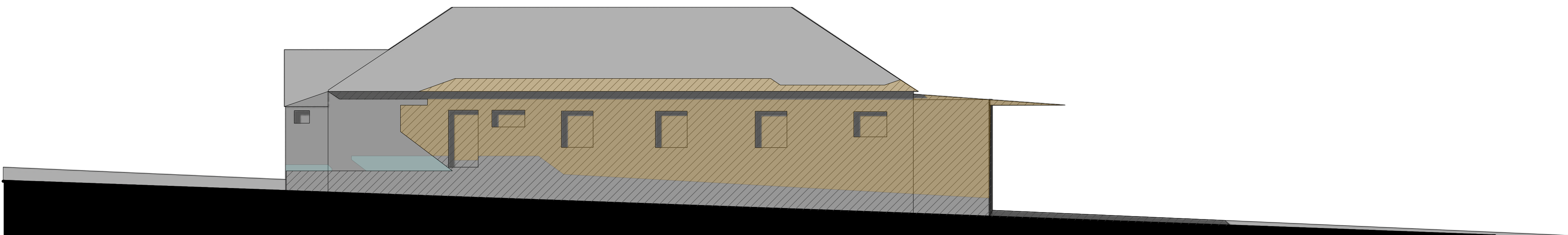
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Date Received: 23/05/2018



WINTER SOLSTICE 9AM



WINTER SOLSTICE 10AM



WINTER SOLSTICE 11AM



NO CHANGE  
EXISTING SHADOW



NEW SHADOW PAST  
SITE BOUNDARY



SHADOW REDUCTION

C	RVD DA ISSUE	22.05.2018
B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017
Revision	Description	Date

**DEVELOPMENT APPLICATION**  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

**SHADOW DIAGRAM ELEVATION**  
**ADJOINING PROPERTY 103 HASTING PDE**

Scale	Drawn	Date	Project No.	Drawing
1:100@A2	ASW	22 MAY 2017	3431	<b>DA_23(C)</b>

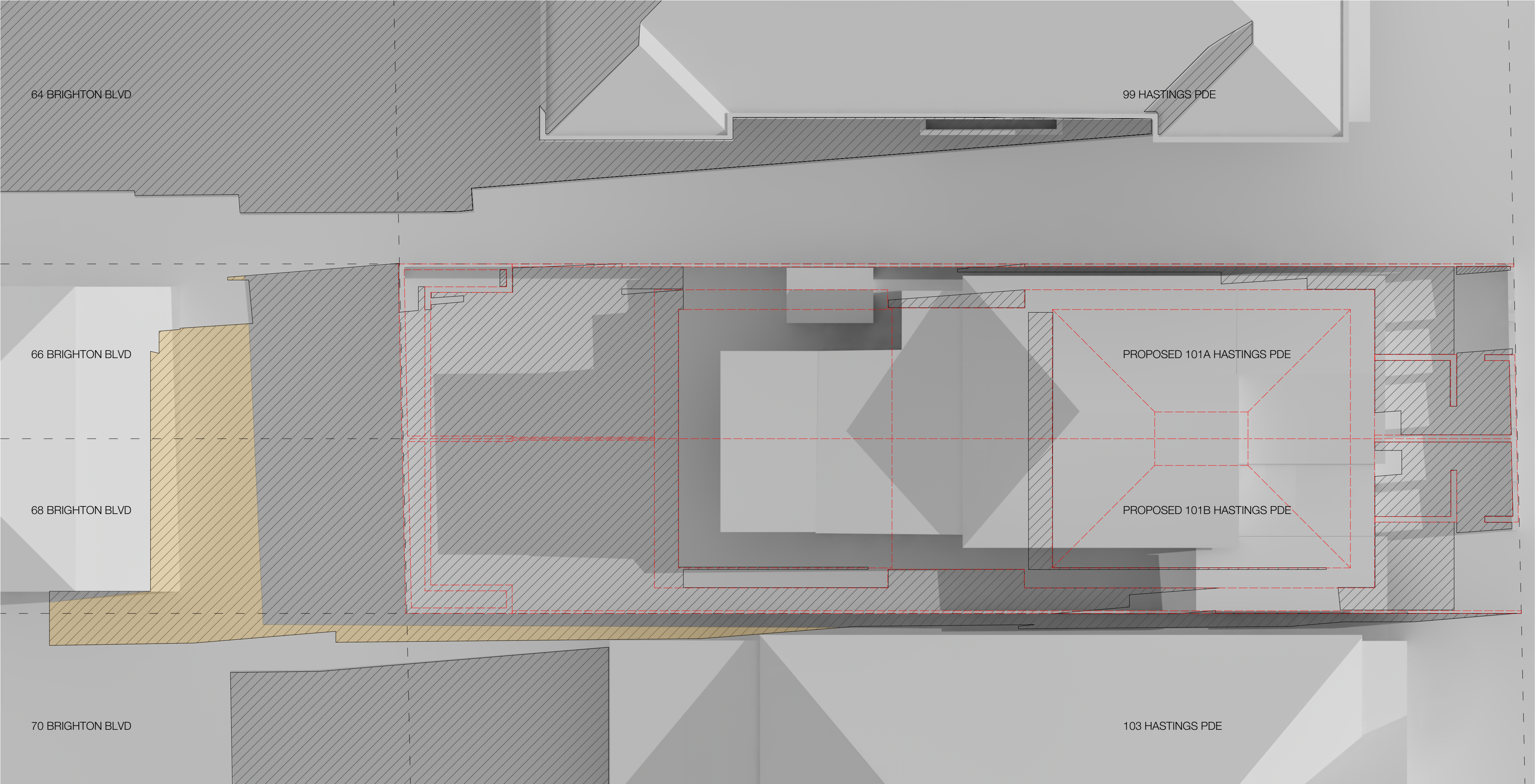


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B	RVD DA ISSUE
A	DA ISSUE

22.05.2018  
05.12.2017  
31.07.2017

Date

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SHADOW DIAGRAM  
WINTER SOLSTICE 9AM

Scale

Drawn

Date

Project No.

Drawn

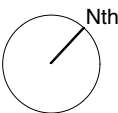
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ASW

22 MAY 2017

3431

DA\_20(C)



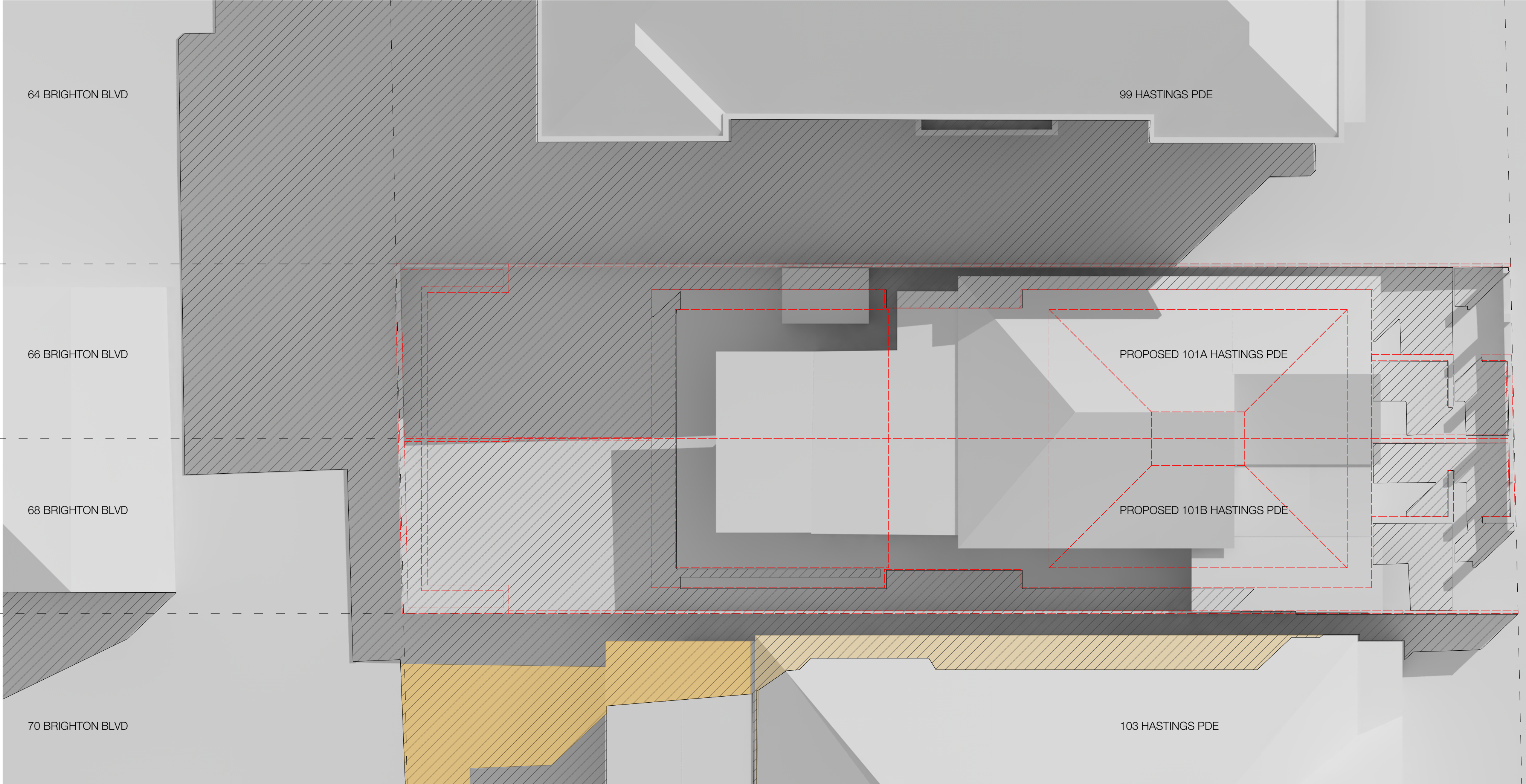
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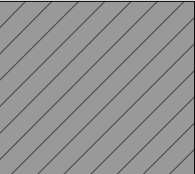


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WINTER SOLSTICE 12PM




NO CHANGE  
EXISTING SHADOW



NEW SHADOW PAST  
SITE BOUNDARY



NEW SHADOW WITHIN  
SITE BOUNDARY



ROOF PLAN OF  
PROPOSED BUILDING

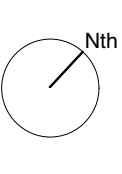
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B	RVD DA ISSUE	05.12.2017
A	DA ISSUE	31.07.2017

Revision	Description	Date
1:100@A2	ASW	22 MAY 2017

**DEVELOPMENT APPLICATION**  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

**SHADOW DIAGRAM**  
WINTER SOLSTICE 12PM

Scale	Drawn	Date	Project No.	Drawn
1:100@A2	ASW	22 MAY 2017	3431	DA_21(C)



Nth

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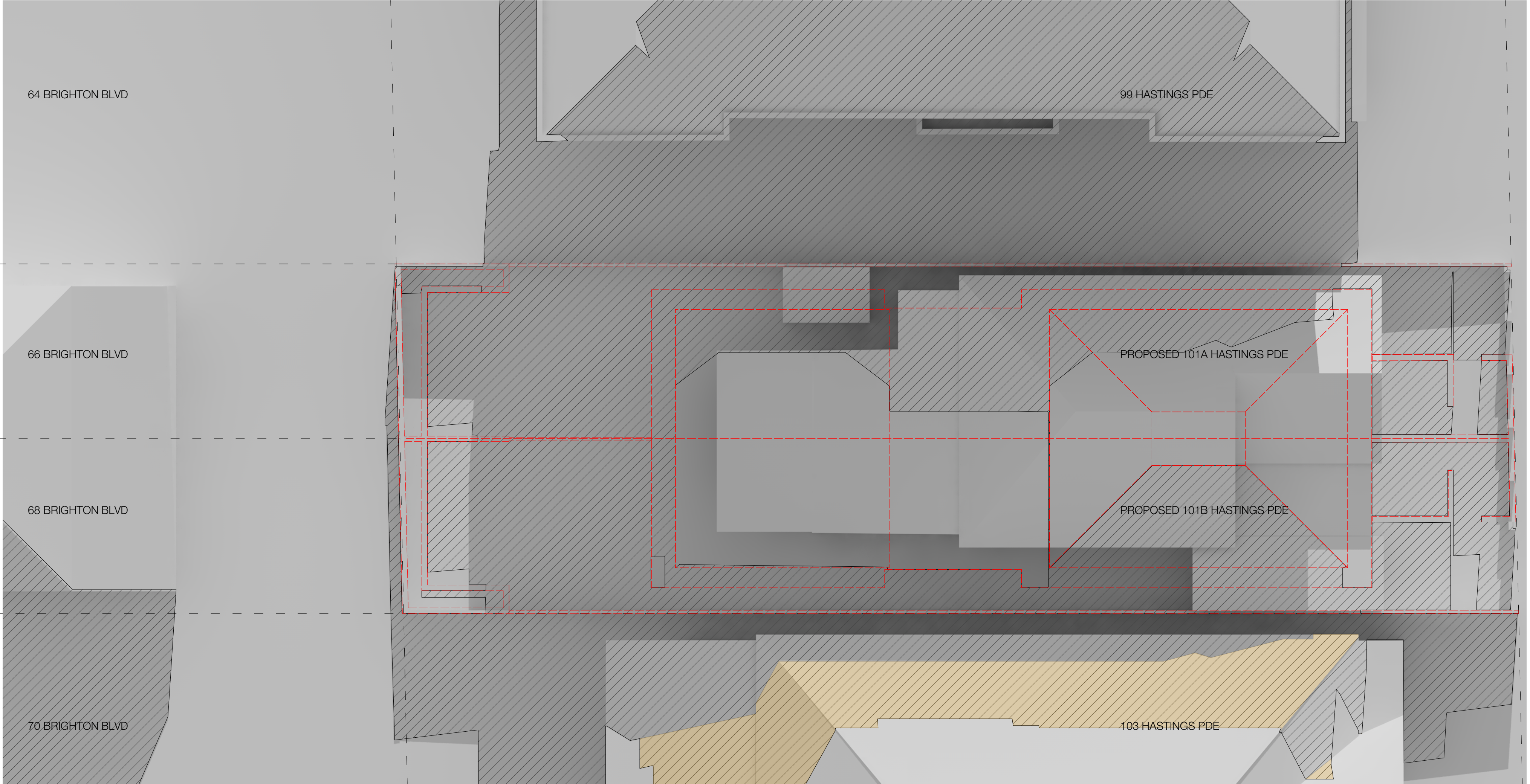
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259

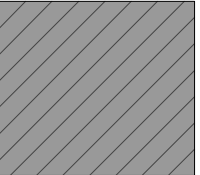


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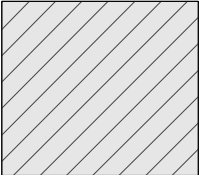
WINTER SOLSTICE 3PM



NO CHANGE  
EXISTING SHADOW



NEW SHADOW PAST  
SITE BOUNDARY



NEW SHADOW WITHIN  
SITE BOUNDARY



ROOF PLAN OF  
PROPOSED BUILDING

C RVD DA ISSUE  
B RVD DA ISSUE  
A DA ISSUE

Revision Description

22.05.2018  
05.12.2017  
31.07.2017

Date

DEVELOPMENT APPLICATION  
HSN CONSTRUCTIONS  
101 Hastings Parade  
North Bondi, NSW 2026

SHADOW DIAGRAM  
WINTER SOLSTICE 3PM

Scale

1:100@A2

ASW

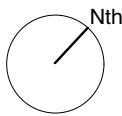
22 MAY 2017

Project No.

3431

Drawing

DA\_22(C)



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CN - WHITE COLOURED OFF-FORM CONCRETE



PT - PAINTED TIMBER (White)



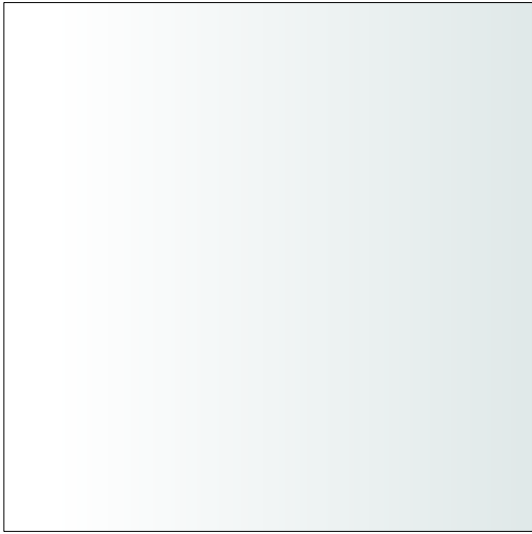
NT - NATURAL TIMBER



AL - ALUMINIUM (ANODISED)



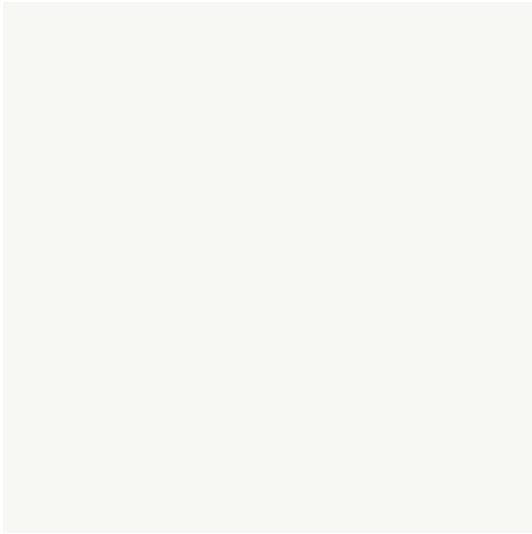
CG - CLEAR GLASS BALUSTRADE



CG - CLEAR GLASS



ST - SANDSTONE CLADDING



RP - RENDER + PAINT (White)



VL - VENTAL ALUMINIUM LOUVRES

EXTERNAL FINISHES

CN	CONCRETE	RP	RENDER + PAINT
PT	PAINTED TIMBER	MS	MILD STEEL
NT	NATURAL TIMBER		
AL	ALUMINIUM		
CG	CLEAR GLASS		
ST	SANDSTONE CLADDING		
VL	VENTAL ALUMINIUM LOUVRES		

C	RVD DA ISSUE	22.05.2018
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Revision	Description	Date

DEVELOPMENT APPLICATION

HSN CONSTRUCTIONS  
101 Hastings Parade  
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EXTERNAL FINISHES

Scale	Drawn	Date	Project No.	Drawing
1:100@A3	ASW	22 MAY 2018	3431	DA_10(C)

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