



18 February 2019

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

12.00 PM WEDNESDAY, 27 FEBRUARY 2019

QUORUM: Three Panel members.

APOLOGIES: By e-mail to WLPP@waverley.nsw.gov.au

OR

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

AGENDA

WLPP-1902.A Apologies

WLPP-1902.DI Declarations of Interest

The Chair will call for any declarations of interest.

WLPP-1902.1 PAGE 5 6 St Thomas Street, Bronte – Demolition of dwelling and construction of a new three storey dwelling house including new pool, deck, terrace and associated landscaping (DA-369/2018)

Report dated 14 February 2019 from the Development and Building Unit.

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

WLPP-1902.2 PAGE 58 56 Ramsgate Avenue, Bondi Beach – Alterations and additions to an existing residential flat building, including attic addition, deck and associated works (DA-91/2018)

Report dated 15 February 2019 from the Development and Building Unit.

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

WLPP-1902.3 PAGE 124 33 Wallis Parade, North Bondi – Alterations to semi-detached dwelling including partial demolition to accommodate a hardstand car space (DA-420/2018)

Report dated 16 January 2019 from the Development and Building Unit.

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

WLPP-1902.4

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62 Military Road, Dover Heights – Modification to approved development consent including the extension of stairs and lift to lower ground floor and new basement level (DA-286/2017/A)

Report dated 11 February 2019 from the Development and Building Unit.

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

WLPP-1902.5

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54 Wallangra Road, Dover Heights – Demolition of dwelling and construction of a two storey plus basement dual occupancy, in ground swimming pools and strata subdivision (DA-140/2018)

Report dated 14 February 2019 from the Development and Building Unit.

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

WLPP-1902.6

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75 Hardy Street, Dover Heights – Demolition of existing dwelling and the construction of a three storey dwelling plus secondary dwelling, both with vehicle garaging, fencing and associated works (DA-112/2018)

Report dated 14 February 2019 from the Development and Building Unit.

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

WLPP-1902.7

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16 Owen Street, North Bondi – Demolition of existing dwelling and construction of two storey dual occupancy with strata subdivision (DA-327/2018)

Report dated 22 January 2019 from the Development and Building Unit.

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

62 Gilgandra Road, North Bondi – Demolition of existing dwelling and erection of new single dwelling and swimming pool (DA-216/2018)

Report dated 13 February 2019 from the Development and Building Unit.

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



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



Report to Waverley Local Planning Panel

Application number	DA-369/2018
Site address	6 St Thomas Street, BRONTE
Proposal	Demolition of dwelling and construction of a new three storey dwelling house including new pool , deck , terrace and associated landscaping
Date of lodgement	16 October 2018
Owner	Ms R Fernando
Applicant	Ms R Fernando
Submissions	Two submissions received
Cost of works	\$2,750,140
Issues	Non-compliance with FSR
Recommendation	That the application be APPROVED subject to conditions of consent



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 26 April 2018.

The site is identified as Lot 2 in DP 102958, known as 6 St Thomas Street, Bronte. The site is rectangular in shape with a frontage to St Thomas Street measuring 15.24m. The site has an area of 557.2m² and it falls from its street frontage towards the east to its rear boundary by approximately 6.84m.

The site is occupied by a two storey dwelling house with vehicular access provided from St Thomas Street and a double garage located at the front of the site.

The subject site is adjoined by a three storey dual occupancy development to the north at 4 St Thomas Street, a three storey dwelling house to the south at 8 St Thomas Street and two x two storey dwelling houses to the east at 51 and 53 Gardyne Street. The locality is characterised predominantly by low density residential development, including dwelling houses and dual occupancy developments.



Figure 1: Site viewed from St Thomas Street, looking east



Figure 2: Rear building line of adjacent buildings, looking north-east from the adjoining dwelling house to the south of the site at 8 St Thomas Street

1.2 Relevant History

A development application, known as DA-568/2017, sought development consent for alterations and additions to the existing two storey dwelling including an upper floor addition. The application was approved by the then Waverley Development Assessment Panel on 25 July 2018. Design changes to the proposal were required by condition 2 of the development consent, which are extracted from the consent as follows:

2. **GENERAL MODIFICATIONS**

The proposal shall be amended as follows:

- (a) *In order to maintain adequate visual privacy for adjoining properties, the external spiral stair connected to the rear terraces is not approved and shall be deleted.*
- (b) *In order to reduce visual bulk related impacts upon the adjoining development to the south of the site, the southern side screen/nib wall to the rear terrace on Level 1 is not approved and shall be deleted.*
- (c) *Any exhaust fan to the laundry and the bathroom on level 0 be exhausted to the eastern elevation of the dwelling.*

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

There is no evidence to suggest that the applicant has acted upon this development consent.

1.3 Proposal

The application seeks development consent for demolition of existing structures (with the exception of part of the front fence) and the construction of a new dwelling house, comprising:

- living area, bedroom, bathroom and laundry on lower ground floor level (known as L0)
- open plan kitchen/dining and living room, two car garage, bin store, rumpus on ground floor level (known as L1)
- four bedrooms, bathroom and ensuite bathroom on first floor level (known as L2).

The application also seeks development consent for the following:

- swimming pool
- part rebuild of front fence and pedestrian gates
- new southern side boundary fence
- solar panels on the roof.

The scope of the proposed works that form part of this application are effectively identical to that of DA-568/2017, with the exception that the subject application is classified as a 'new build' rather than 'alterations and additions'. This application has come about as the applicant sought structural engineering advice prior to certification works, which revealed the existing dwelling was deemed structurally unsound to accommodate and support the approved alterations and additions.

The general modification requirements set out in condition 2 of DA-568/2017 (extracted in sub-section 1.2 of this report) have been met in this application.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	Satisfactory.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as alterations and additions to a 'dwelling house', which is permitted with consent in the R2 zone. The proposal meets the relevant zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The overall building height of the proposed development is determined by the 'L2 eave' level of the northern-eastern corner of the uppermost floor level of the development, which is at RL59.500. The overall building height of the proposal is 8.38m measured directly above existing ground level of RL51.120.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 (Max GFA = 278.6m²) 	No	The proposed development comprises an overall gross floor area of 325.2m ² , which achieves a floor space ratio of 0.58:1. The development exceeds the development standard by 17%.
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.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site contains Class 5 acid sulfate soils, however it is not within 500m of other classes of acid sulfate soils and the proposal will not excavate 5m below the AHD.
6.2 Earthworks	Yes	Limited excavation works are proposed. These works are not considered to cause any discernible impact.

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

Council is able to grant consent to a development that contravenes any development standard in 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)(iii) - 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.*

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio (FSR) of 0.584:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 of Waverley LEP 2012 by 46.6m² in gross floor area or 16%.

The relevant objectives of the FSR development standard set out under clause 4.4(1) of Waverley LEP 2012 are extracted as follows:

- (b) to provide an appropriate correlation between maximum building heights and density controls,*
- (c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,*
- (d) to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality.*

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 gross floor area that exceeds the FSR development standard is equivalent to the area that has been excavated for the subfloor area of the dwelling, specifically for lift and stair access. Therefore, this area of the development does not add to bulk and scale of the dwelling house and will not give rise to amenity impacts.
- The massing of the building steps down the site and responds well to the topography of the site.
- In relation to case law that informs consideration of clause 4.6 written requests, the area of non-compliance is centred on part of the upper floor level of the proposed development. The upper floor level has been designed to minimise any overshadowing, view loss, loss of privacy and visual impacts for neighbouring properties as it achieves an appropriate transition in built form and land use intensity as envisaged by the objectives of the FSR development standard.

The proposal is considered to be consistent with the desired character of the locality and the surrounding buildings and public areas will continue to receive satisfactory exposure to sky and sunlight.

- The development as a whole will be perceived to be predominately below the maximum FSR for the development from the street and surrounding neighbours. This application demonstrates that the proposed development will minimise any amenity impacts upon adjoining properties, the street and public reserves.
- The building bulk and scale of the proposed development is considered to be consistent with the desired future character of the locality and provides an appropriate correlation between height and density.
- The non-compliance does not raise any matters of State and regional significance as the proposal is consistent and compatible with the neighbouring sites in terms of its bulk, scale and character and there is no public benefit in maintaining the development standard.
- The proposal is consistent with the objectives of the FSR development standard and the R2 zone and is therefore considered to be in the public interest.

The arguments presented in the written request are generally well-founded to support the non-compliance with the development standard in terms of the matters outlined in clauses 4.6(3) and (4) of Waverley LEP 2012. The arguments focus on impacts arising from the area of the development that does not comply with the FSR development standard, that being part of the upper most floor level of the development. The applicant has demonstrated through adequate view loss and overshadowing analyses that the development will not result in unreasonable amenity impacts. Further, the design and height of the development responds appropriately to the sloping terrain of the site, which is demonstrated by the development complying with the height of buildings development standard of 8.5m. Further, the upper floor level is appropriately set back from the side and rear boundaries and is well articulated to offset its perceived building bulk and scale. These matters are specifically assessed against relevant controls in Waverley DCP 2012 later in this report.

The assessment made on the associated impacts of the non-compliance with the FSR development standard and the reasons, circumstances and legal precedents cited in the written request are deemed sufficient and adequate to justify the non-compliance. The breach of the FSR development will not manifest in adverse environmental impacts on the amenity of adjoining properties, in terms of visual impact, overshadowing, view loss and visual and acoustic privacy impacts. Further, the non-compliance will not be overly discernible from the street and public domain as the perceived overall building height, scale and bulk are similar to those of adjacent buildings to the north and south of St Thomas Street. Further, this application effectively seeks development consent for the same building envelope approved by the former Waverley Development Assessment Panel in July 2018 for the previous scheme that involved alterations and additions to the existing development on the site (i.e. DA-568/2017).

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The resultant non-compliance will not contravene the relevant objectives of the FSR development standard and the R2 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	<ul style="list-style-type: none"> A Site Waste and Recycling Management Plan has been submitted. Bins will be stored within the front double garage and out of sight of the street.
2. Energy and water conservation	Yes	<ul style="list-style-type: none"> A BASIX Certificate has been submitted. The proposed development satisfactorily addresses passive design in terms of energy and water efficiency and thermal comfort. The proposal includes green roofs. A condition of consent is recommended to restrict usage of these roofs to maintenance purposes only and for certain vegetation to be planted on these roofs.
5. Tree preservation	N/A	The site does not contain any tree that would be protected by Council's Tree Preservation Order.
6. Stormwater	No (resolved by condition)	Council's Manager, Design (Creating Waverley) found the stormwater plans submitted with the application unsatisfactory. A condition of consent is recommended to require the stormwater plans to be amended so that they conform to Council's Stormwater Policy.
8. Transport	Yes	The proposal does not change the existing vehicular access and off-street car parking arrangements of the site.
10. Safety	Yes	Satisfactory.

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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	N/A	The proposal utilises a non-traditional and asymmetrical pitched roof. Therefore, this control does not apply to the assessment of this application.
1.1.2 External wall height <ul style="list-style-type: none"> Maximum external wall height of 7m 	Yes	The upper floor level of the development steps in from the sides, rear and front building lines of the lower ground and ground levels of the development. In this regard, the overall external wall height of the development is measured to the parapet of the roof of over the ground floor

Development Control	Compliance	Comment
		level of the development, being RL57.290. The overall wall height is therefore 6.65m.
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> • The proposal maintains the location and siting of the existing front double garage, which establishes the front building line of the development. The proposed upper floor level is appropriately set back from the front (street) boundary of the site in that it is set behind the adjoining development to the north of the site and extends slightly forward of the adjoining development to the south of the site. • The proposal is appropriately set back from the rear boundary of the site. The rear setbacks increase on each ascending floor level and adequately align with the predominant rear building lines established by surrounding development to the north and south of the site. The proposed uppermost floor level of the development (measured to the external rear eastern wall line) is behind the rear external wall lines of the adjoining development to the northern of the site and the balustrade on the eastern edge of the uppermost rear balcony of the adjoining development to the south of the site. • The proposal reflects the general modification requirements set out in condition 2(b) of DA-568/2017 in that there is no blade/nib wall protruding from the rear (eastern) external wall of ground floor level along the southern edge of the rear ground floor terrace. The applicant has reissued the relevant floor plan to not show a blade/nib wall along the southern edge of the terrace (this appeared ambiguous in the original form of plans submitted and exhibited to the public).
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> • Minimum of 1.5m (for all levels of a new three storey dwelling) 	<p>No (acceptable on merit)</p>	<ul style="list-style-type: none"> • The lower ground and ground floor levels of the development are set back 1.206m and 0.9m from the northern and southern side boundaries of the site, respectively. While non-compliant, the development complies with the height of buildings development standard and the maximum external wall height control. The southern and northern side elevations are appropriately articulated.

Development Control	Compliance	Comment
		<p>These non-compliant side setbacks are deemed to not cause discernible amenity and visual bulk impacts upon the adjoining properties. Further, these setbacks reflect those of the existing approved scheme on the site.</p> <ul style="list-style-type: none"> The upper floor level of the development is set back 3.623m from the northern side boundary. The southern edge of the upper floor level is effectively a pitched or mansard roof edge, which pitches approximately 1.3m from the southern side boundary of the site. Given that the southern edge of the proposed upper floor level is not strictly a building wall, the side setback control of 1.5m does not apply to the southern side of the upper floor level.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The additional excavation is contained within the centre of the site and set back at least 0.9m from the side boundaries of the site.
1.4 Streetscape and visual impact		
	Yes	The overall building bulk, scale and aesthetics of the proposed development are consistent with the prevailing built form character of St Thomas Street.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The proposal maintains the existing front fence and replaces the pedestrian gate. The proposal includes new side boundary fences along the southern side boundary and part of the northern side boundary. The fence will be 1.8m above existing ground level on the boundaries (as outlined on the elevation drawings).
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> 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. External stairs are not acceptable. 	Yes	<ul style="list-style-type: none"> The windows across the northern and southern side elevations of the development are minimal. The windows that are substantial in size and are located above the side boundary fence across the southern elevation, known as 'W05' and 'W06', are non-traditional in that they comprise gaps in brickwork (known as 'hit and miss brickwork screen') and horizontal glass louvres on the outside of the wall. This type of window is depicted in the external finishes board on Architectural Drawing No. DA16. These windows are unlikely to cause privacy

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		<p>impacts upon the adjoining property to the south of the site as they significantly obscure sightlines. The size of these window openings are lesser than that of the same windows in the existing approval (i.e. DA-568/2017) and are considered to be an improvement on the visual privacy of the adjoining property to the south of the site.</p> <ul style="list-style-type: none"> The size of the balconies and decks of the development are as follows: <ul style="list-style-type: none"> The raised deck at the rear on Level 0 has a trafficable area of 15.4m² and a depth of 2.2m. The exceedance of the maximum size controls has no consequence on visual privacy of adjoining properties given that adequate privacy screens are provided to the sides of the deck. The rear terrace on Level 1 has a trafficable area of 33.4m² and an overall depth of 3.2m. The terrace comprises privacy screens across its northern and southern edges as well as a planter on the southern side. These are considered satisfactory in terms of directing sightlines away from the adjoining properties to the north and south of the site. Occupants of the terrace are likely to look eastward towards the views of the ocean and the coastline and not directly across the side boundaries of the site. Therefore, the size and design of the terrace are not expected to compromise the visual privacy of adjoining properties. The rear (east) terrace on Level 2 has a trafficable area of 9.8m² and an overall depth of 2.5m. The terrace is accessed from bedrooms, which are rooms of low and passive use. The edges of these terraces are lined with planters or a green roof that will assist to control sightlines across the side boundaries of the site. The front (west) terrace on Level 2 has a trafficable area of 11.7m² and an overall depth of 2.7m. The terrace is primarily oriented to St

Development Control	Compliance	Comment
		Thomas Street and out of direct sight of window openings of adjoining dwellings.
1.9 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> • The principal private open space areas, being the rear terraces and the rear yard are expected to receive the minimum amount and duration of sunlight during mid-winter. • The shadow diagrams are in the form of angle of sun diagrams at 9am, 12pm and 3pm on 21 June. These diagrams compared the building envelopes of the existing development against the proposed development to determine the extent of additional overshadowing caused by the proposal. The diagrams reveal that the north-facing windows on the ground floor level of the dwelling house will be overshadowed by the proposal. This is expected for any additional floor level to the existing development. The development is set back appropriately (for the most part, it is compliant with minimum setback controls) and complies with the height of buildings development standard and external wall height control. In this regard, the additional overshadowing is caused by the proposed additions to the existing building are considered reasonable, and will therefore not cause adverse overshadowing impacts upon the adjoining property to the south of the site.
1.10 Views		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes	The proposed development is not expected to result in unreasonable view loss impact. The view loss impact of the existing approval on the site was comprehensively examined in the assessment for DA-568/2017, which was found to be reasonable subject to the southern blade/nib wall being deleted from the middle level rear terrace (and enforced by condition of consent). The subject development reflects this requirement, and is therefore consistent with the outcome of the view loss impact analysis undertaken in the previous assessment for this site.

Development Control	Compliance	Comment
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms 	Yes	Two spaces are proposed. The development comprises more than three bedroom so this car parking number is accepted.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	No (acceptable on merit)	The proposal is for a new build and the DCP specifies that car parking should be located behind the front building line for new dwellings. The proposal maintains the location of the existing garages on the site, which was the same for the existing approval on the site. The adjoining development on either side of the site comprises car parking forward and within the front building setback areas. Therefore, the proposed garage on the site is considered contextually appropriate and will not result in undue streetscape impacts.
1.11.3 Design	Yes	The design of the garage is considered satisfactory.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The internal dimensions of the garage are sufficient to accommodate two off-street car parking spaces.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	Yes	The existing driveway is being maintained and modified where necessary. The proposal therefore has no discernible impact on the supply of on-street car parking.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes Yes	<ul style="list-style-type: none"> • Overall open space area: 352.79m² (63% of site area). • Overall landscaped area: 160m² (29% of site area). • The private open space area is more than 25m². • The front open space area is 63.271m² (52% of front building setback area). • The front landscaped area is 35.78m² (57% of front open space area).
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	The swimming pool is located in the rear yard of the site. Adequate screening is provided between the pool and adjoining properties in order to protect the visual and acoustic privacy of these properties.

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*.

Two submissions were received from and on behalf of the following properties in Bronte:

- 8 St Thomas Street
- 51 Gardyne / 2A St Thomas Street.

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

Issue: *Plan discrepancy of southern blade/nib wall across the southern edge of the middle level rear terrace.*

Response: Agreed. The applicant resubmitted the relevant floor plan and elevations to show no blade/nib wall across the southern edge of the middle level rear terrace.

Issue: *Recommendation of a suite of conditions of consent*

Response: Noted. Conditions of consent have been recommended that are appropriate to the type and intensity of the proposed development.

Issue: *Information on eastern boundary wall and fence*

Response: The existing retaining wall and timber fence above on the eastern boundary of the site are shown to remain as existing. A secondary fence is proposed approximately 1m from the eastern boundary of the site, which acts as part of the safety fence around the swimming pool. This secondary fence has a height of approximately 1.4m and appears to have a light-weight and palisade constitution, though not specified on the plans. The fence is not expected to be imposing upon adjoining properties.

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 Creating Waverley – Driveways

Council's Professional Engineer (Creating Waverley) did not object to the application, subject to conditions.

3.2 Creating Waverley – Stormwater

Council's Manager, Design from the Creating Waverley department objected to the stormwater plans. A condition of consent is recommended to require the stormwater plans to be amended to conform to Council's Stormwater Policy prior to the issue of a construction certificate.

4. SUMMARY

The application seeks development consent for demolition of existing structures and construction of a new dwelling house at 6 St Thomas Street, Bronte. This application is almost identical to that of DA-568/2017, which was approved by the former Waverley Development Assessment Panel in July 2018 for alterations and additions to the existing development on the site. That existing approval (i.e. DA-568/2017) achieves a dwelling house that has a building envelope and overall appearance that are substantially same as that of the proposed development (i.e. this development application).

The main issue in the assessment of the application is non-compliance with floor space ratio development standard. The assessment finds these issues acceptable on planning merit and with regard to clause 4.6 of Waverley LEP 2012. The applicant's written request to vary the FSR development standard is well founded and justified.

The application attracted two submissions and the issues raised in the submissions have been addressed in the body of this assessment report.

The application is referred to the Waverley Local Planning Panel given that it seeks to exceed a development standard by more than 10%.

The application has been assessed against the matters for consideration under section 4.15 of the Act, and 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:**

Ben Magistrale
Senior Development Assessment Planner

Paul Yachmennikov
**Acting Manager, Development Assessment
(North/South)**

Date: 11 February 2019

Date: 14 February 2019

Reason for referral:

State Government Criteria:

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) Architectural Plans identified and described in the table below:

Plan No.	Revision No / Date	Date received by Council
DA02	01/ 16 October 2018	16 October 2018
DA04	01/ 16 October 2018	16 October 2018
DA05	02/ 16 January 2019	17 January 2019
DA06	01/ 16 October 2018	16 October 2018
DA07	01/16 October 2018	16 October 2018
DA08	01/ 16 October 2018	16 October 2018
DA09	01/ 16 October 2018	16 October 2018
DA10	01/16 October 2018	16 October 2018
DA11	01/16 October 2018	16 October 2018
DA12	01/16 October 2018	16 October 2018
DA13	01/16 October 2018	16 October 2018
DA15	01/16 October 2018	16 October 2018
DA16	01/16 October 2018	16 October 2018

(b) Landscape Plan No. L1000 (Revision C) and documentation prepared by Spirit Level Designs Pty Ltd, dated 20 October 2017, and received by Council on 16 October 2018;

(c) BASIX and NatHERs Certificate (including the Energy Compliance Report, prepared by Northern Aspect Energy Consultants (James Cross), Job Number: NAEC #1055, dated 12 October 2018 and received by Council on 16 October 2018);

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

Except where amended by the following conditions of consent.

2. SURRENDER DEVELOPMENT CONSENT

Development application DA-568/2017 is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. The surrender is to be received by Council prior to the relevant construction certificate being released associated with this development consent (i.e. DA-369/2018). The surrender of the DA consent takes effect when Council receives the notice.

3. DOMESTIC HEATERS

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

4. USE OF DWELLING

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

5. 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.

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/

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

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

8. LONG SERVICE LEVY

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

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

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

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

- (a) a Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with the Environmental Planning & Assessment Act, 1979 and 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.

10. HOARDING REQUIRED

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

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

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 stormwater management Plans prepared by INLINE Hydraulic Services, Project No. 2017-0424, DWG No. HDA01 to HDA07 (Revision P5), Dated 11 October 2018 are not satisfactory with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

The following shall be submitted to the satisfaction of the Executive Manager, Creating Waverley prior to the issue of a construction certificate:

- (a) An updated stormwater management plan including above details along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.
- (b) To design the pump capacity and determine the storage volume requirements, a full hydraulic design is required for a range of events up to and including 1 in 100 ARI storm. Refer to section 3.1.4 of Water Management Technical Manual.

14. SYDNEY WATER QUICK CHECK

You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

15. 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.

16. 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.

17. 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:

- (a) Be drawn at a scale of 1:25
- (b) Include reduced levels (RL's) of the St Thomas Street carriageway, the kerb and gutter, footpath, paving within the property and the garage floor.
- (c) Include existing and design levels.
- (d) 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.
- (e) 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.
- (f) Show all paving on Council's land being sloped/ drained towards the roadway.

18. 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.

19. 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*.

20. GREEN ROOF

The green roofs of the development shall comprise plants selected from the 'Grasses/Sedges' and 'Climbers/Groundcovers' tables in the Planting List in Annexure B2-1 of Part B of Waverley Development Control Plan 2012. The plants shall have a maximum maturity height of 200mm above the roof level.

The green roofs are non-trafficable areas and must be irrigated and generally maintainable without requiring frequent access. The irrigation system/process is to be nominated on a landscape plan as part of the Construction Certificate documentation. A balustrade at the perimeter is not, and will not be, permitted to address any safety or other implications from accessing the area for infrequent maintenance purposes.

Direct access to the area (e.g. a gate or door from the same level, or a fixed stair from the level below) must not be incorporated into the design in order to discourage frequent use.

21. 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.

The TPO application shall be supported by an Arborist report prepared by an Arborist with AQF level 5 qualification or above, certifying that the affected trees will be maintained in a healthy manner after the pruning works, to the satisfaction of Council's Tree Management Officer.

A valid TPO for the works to the above listed trees is to be presented to the Certifying Authority prior to the issue of the relevant Construction Certificate and prior to any pruning of trees.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

22. PRIOR TO SITE WORKS

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

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

23. HOME BUILDING ACT

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

24. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

25. 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.

26. EXCAVATION TO BE LIMITED

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

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

27. 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.

28. TOILET FACILITIES

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

25. OBSTRUCTION TO PUBLIC AREAS

- (a) 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:
- (b) 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;
- (c) 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
- (d) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

29. 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.

30. USE OF FILL ON SITE

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

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

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

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

31. 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.

32. DEMOLITION AND 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.

33. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. BUILDING CODE OF AUSTRALIA

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

41. 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; and
- (f) 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. NO WORKS BEYOND BOUNDARIES

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

51. SIDE FENCE HEIGHT

The proposed new side and/or rear boundary fencing around the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

52. 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 the Environmental Planning and Assessment Act, 1979 have been satisfied.

53. STREET NUMBER

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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the car space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

60. 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.

61. 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.

DRAWING LIST

DRAWING NO.	TITLE	SCALE
DA01	COVER PAGE	
DA02	SITE ANALYSIS	NTS
DA03	PLANNING DIAGRAMS	1:400
DA04	PLAN L0	1:100
DA05	PLAN L1	1:100
DA06	PLAN L2	1:100
DA07	PLAN ROOF	1:100
DA08	ELEVATION - NORTH	1:100
DA09	ELEVATION - SOUTH	1:100
DA10	ELEVATION - EAST	1:100
DA11	ELEVATION - WEST	1:100
DA12	SECTION A-A	1:100
DA13	SECTION B-B	1:100
DA14	SHADOW DIAGRAMS	
DA15	SWRMP	1:100
DA16	EXTERNAL FINISHES + BASIX	
DA17	NEIGHBOUR VIEW STUDY A	
DA18	NEIGHBOUR VIEW STUDY B	
DA19	NEIGHBOUR VIEW STUDY C	



ST THOMAS STREET EAST

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EASTERN VIEW FROM LEVEL 2

CONSULTANTS

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 - CCS - CONFIRM ON SITE
 - IF IN DOUBT ASK

CAD File: 181008_MAS_Revised
 DA_CURRENT.pln

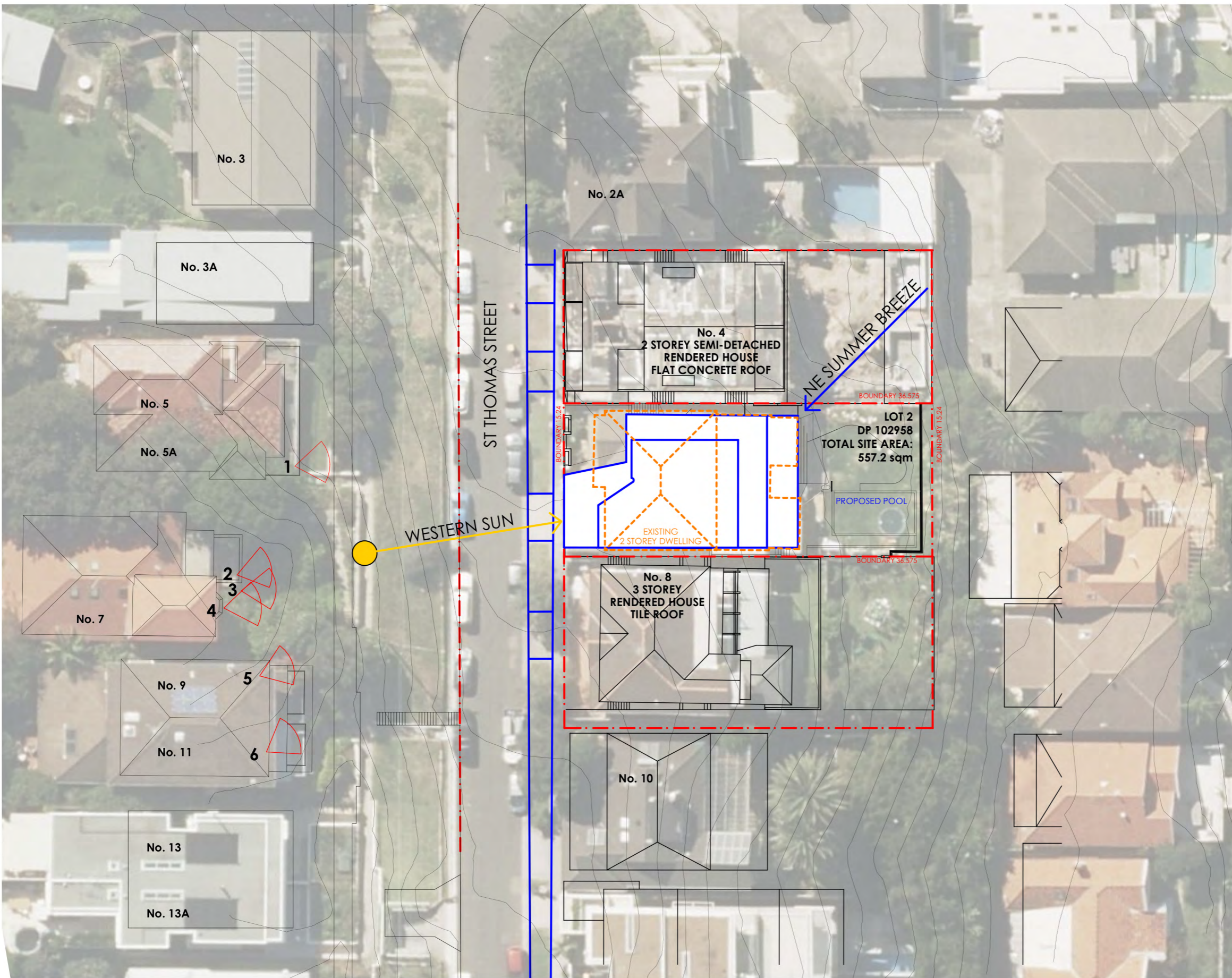
ISSUE	DATE	REVISION
01	16/10/2018	Issue for DA

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BRONTE HOUSE **NEESON_MURCUTT_ARCHITECTS_PTY_LTD**
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958 L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510
 FOR Brett Mason + Renuka Ferrando NOMINATED ARCHITECT: RACHEL NEESON No. 6692

NO	REV	TITLE	PHASE	SCALE	DATE
DA01	01	COVER PAGE	DA	1:1 @A3	16/10/2018

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SITE ANALYSIS PLAN

- view # ◁ (refer to Statement of Environmental Effects for neighbour view studies)
- line of proposed alterations + additions
- - - line of existing building
- - - boundary line

CONSULTANTS

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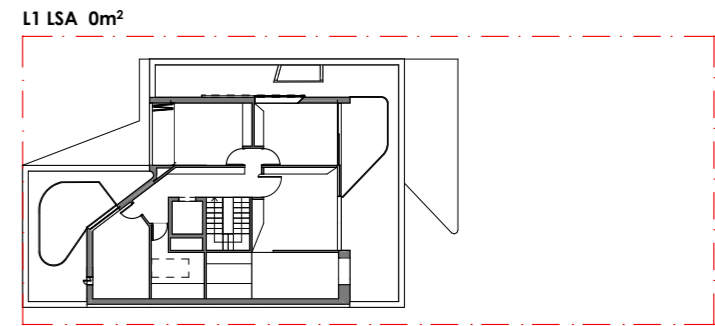
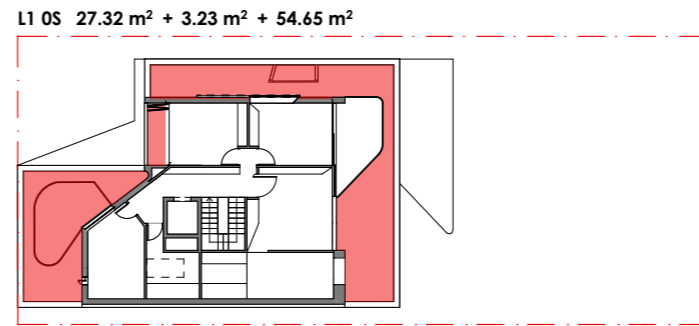
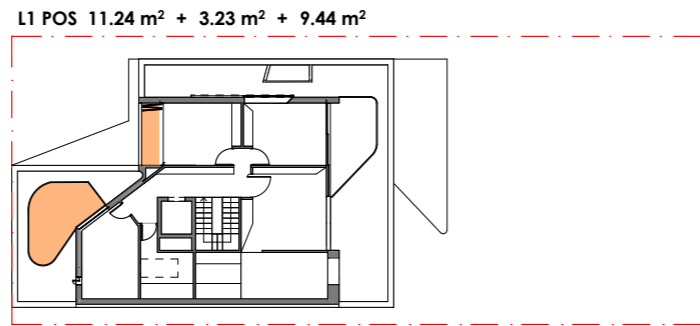
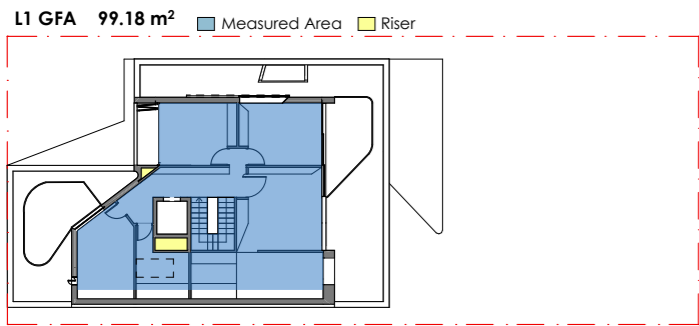
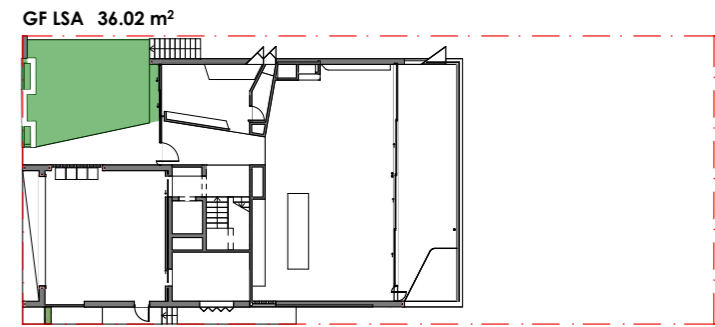
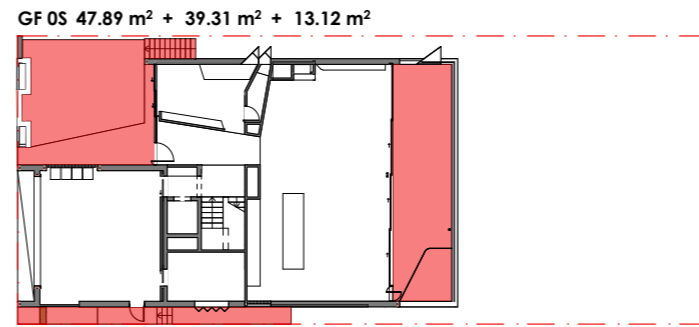
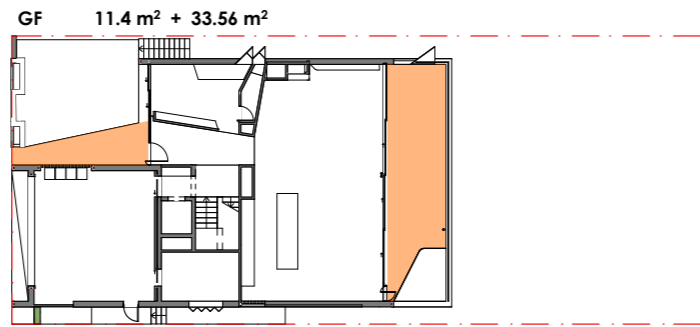
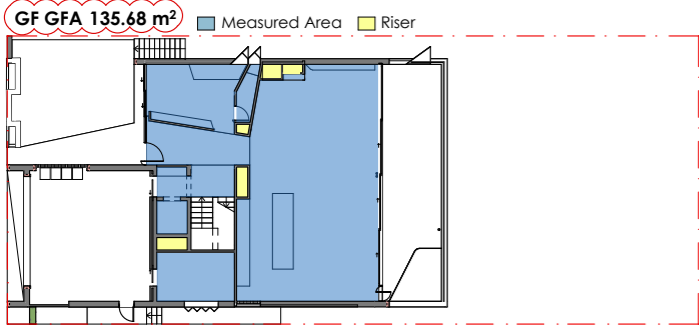
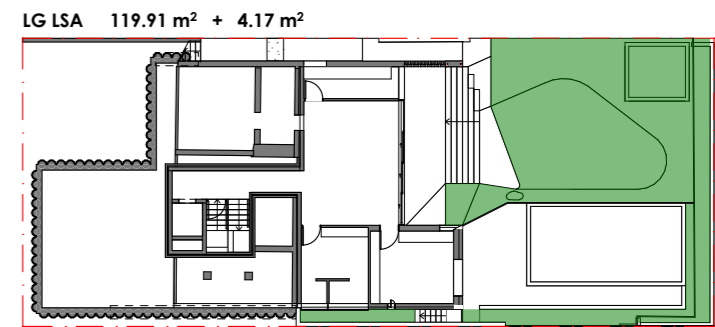
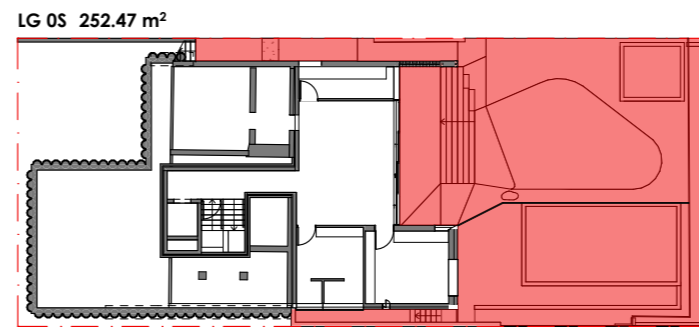
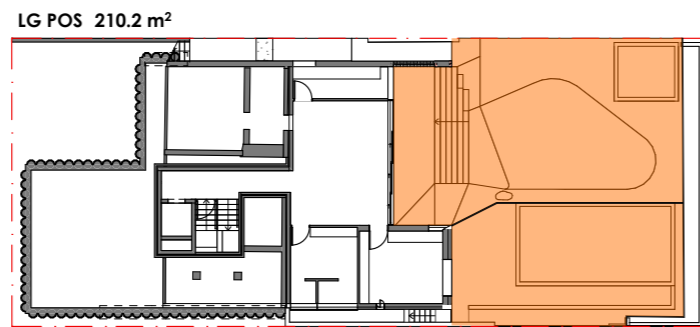
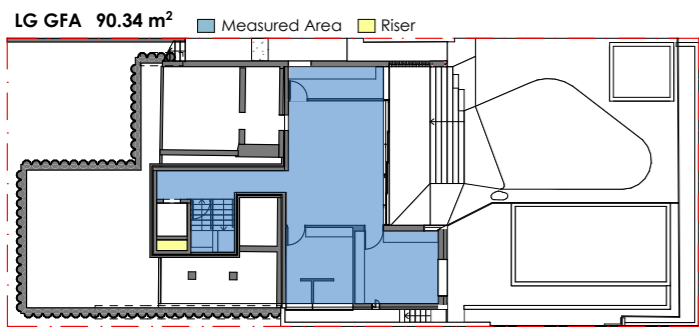
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ISSUE	DATE	REVISION
01	16/10/2018	Issue for DA

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BRONTE HOUSE		NEESON_MURCUTT_ARCHITECTS_PTY_LTD	
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958		L2_9 ROSLYN ST POTIS POINT 2011 T: 8297 3590 F: 8297 3510	
FOR Brett Mason + Renuka Ferrando		NOMINATED ARCHITECT: RACHEL NEESON No. 6692	
NO	REV	TITLE	PHASE SCALE DATE
DA02	01	SITE ANALYSIS	DA 1:1 @A3 16/10/2018

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Total GFA : 325.2 m²
 Site Area (by calc) : 557.2 m²
 FSR : 0.58:1 (max allowable FSR 0.5:1)

Total POS : 297.07 m²
 Site Area (by calc) : 557.2 m²
 POS% : 53.3% (DCP min 25% = 139.3m²)

Total OS : 437.99 m²
 Site Area (by calc) : 557.2m²
 OS% : 78.6% (DCP min 40% = 222.88m²)

Total LSA : 160.01m²
 Site Area (by calc) : 557.2m²
 LSA : 28.7% (DCP min 15% = 83.58m²)

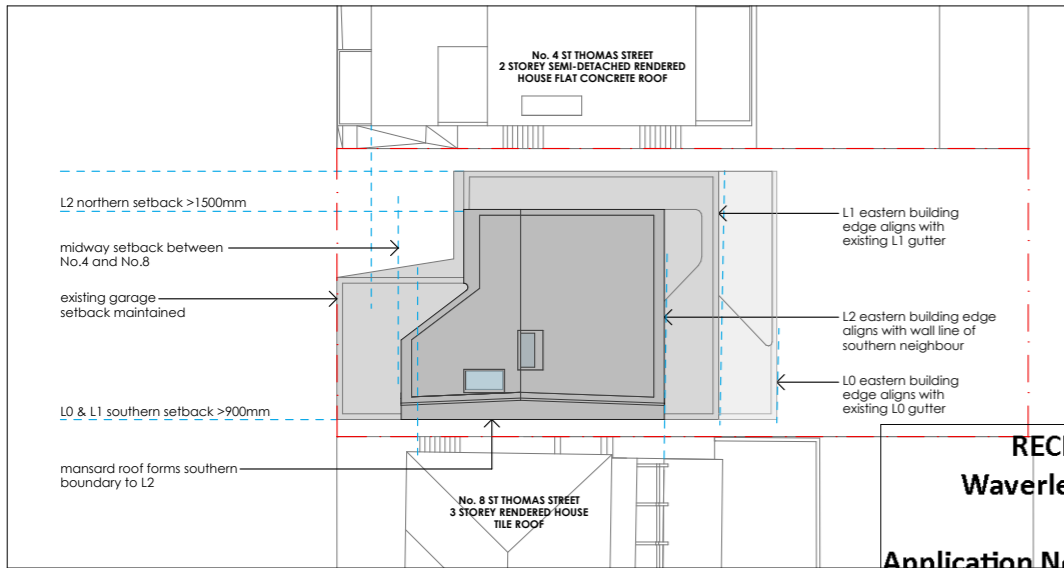
GFA/FSR

PRIVATE OPEN SPACE

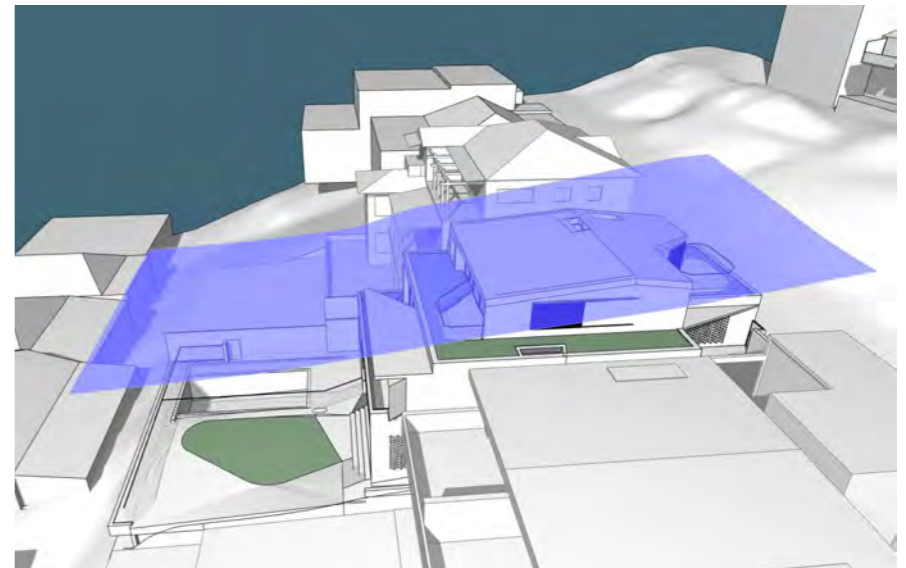
OPEN SPACE

LANDSCAPED AREA

AMENDED PLANS



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 Date Received: 11/02/2019



BUILDING ALIGNMENT + SETBACKS

LEP MAX. BUILDING HEIGHT CONTROL 8.5m

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ISSUE	DATE	REVISION
01	16/10/18	Issue for DA
02	18/01/19	DA - areas amended

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BRONTE HOUSE
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958
 FOR Brett Mason + Renuka Ferrando

NEESON_MURCUTT_ARCHITECTS_PTY_LTD
 L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510
 NOMINATED ARCHITECT: RACHEL NEESON No. 6692

NO	REV	TITLE	PHASE	SCALE	DATE
DA03	02	PLANNING DIAGRAMS	DA	1:400 @A3	17/11/19

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**No. 4 ST THOMAS STREET
2 STOREY SEMI-DETACHED RENDERED HOUSE
FLAT CONCRETE ROOF**

9.416 retaining wall

5.457

1.200

4.126

3.072

13.304

Ex low block wall

RL +51.62

RL+49.95

RL 49.12

LAWN

RL+49.44

combined
stormwater +
rainwater tank
system below

refer to
landscape
plans for details

LINE OF GROUND
FLOOR ABOVE

EX SUB FLOOR

EX SUB FLOOR

LAUNDRY
TIL

GARDEN LIVING
CON

FFL+50.64

HALL
CON

LIFT
1.1x1.4m

BATH
CON

BED 5
CON

POOL TERRACE
ST

FFL +49.44

POOL

EX SUB FLOOR

Beam over

13.744

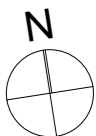
3.548

11.072

4.982

**No. 8 ST THOMAS STREET
3 STOREY RENDERED HOUSE
TILE ROOF**

B
DA13



LEGEND

BK	BRICK/ MASONRY	PV	PHOTOVOLTAIC PANEL	---	EXISTING ELEMENTS TO BE DEMOLISHED	---	TIMBER
BG	BOX GUTTER	RWO	RAINWATER OUTLET	---	EXISTING (RETAIN)	---	CERAMIC TILE
EX-FL	EXISTING FLOORING	SC	STEEL COLUMN	---	BRICK	---	STONE
CONC	NEW CONCRETE	SK	SINK	---	CONCRETE	---	GLASS
CPT	NEW CARPET	ST	NEW STONE	---	STEEL/ALUMINIUM	---	GARDEN BED
CTP	COOKTOP	TC	NEW TERRACOTTA TILE	---	GARDEN BED		
DP	DOWNPIPE	TDK	TIMBER DECK				
FR	FRIDGE	TF	TIMBER FLOOR				
FW	FLOOR WASTE	TIL	NEW CERAMIC TILE				
JU	JOINERY UNIT						

CONSULTANTS

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ISSUE

01	16/10/2018	Issue for DA
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BRONTE HOUSE

6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

FOR Brett Mason + Renuka Ferrando

NEESON_MURCUTT ARCHITECTS PTY LTD

L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510

NOMINATED ARCHITECT: RACHEL NEESON No. 6692

DA04 01 PLAN L0

DA

1:100 @A3

16/10/2018

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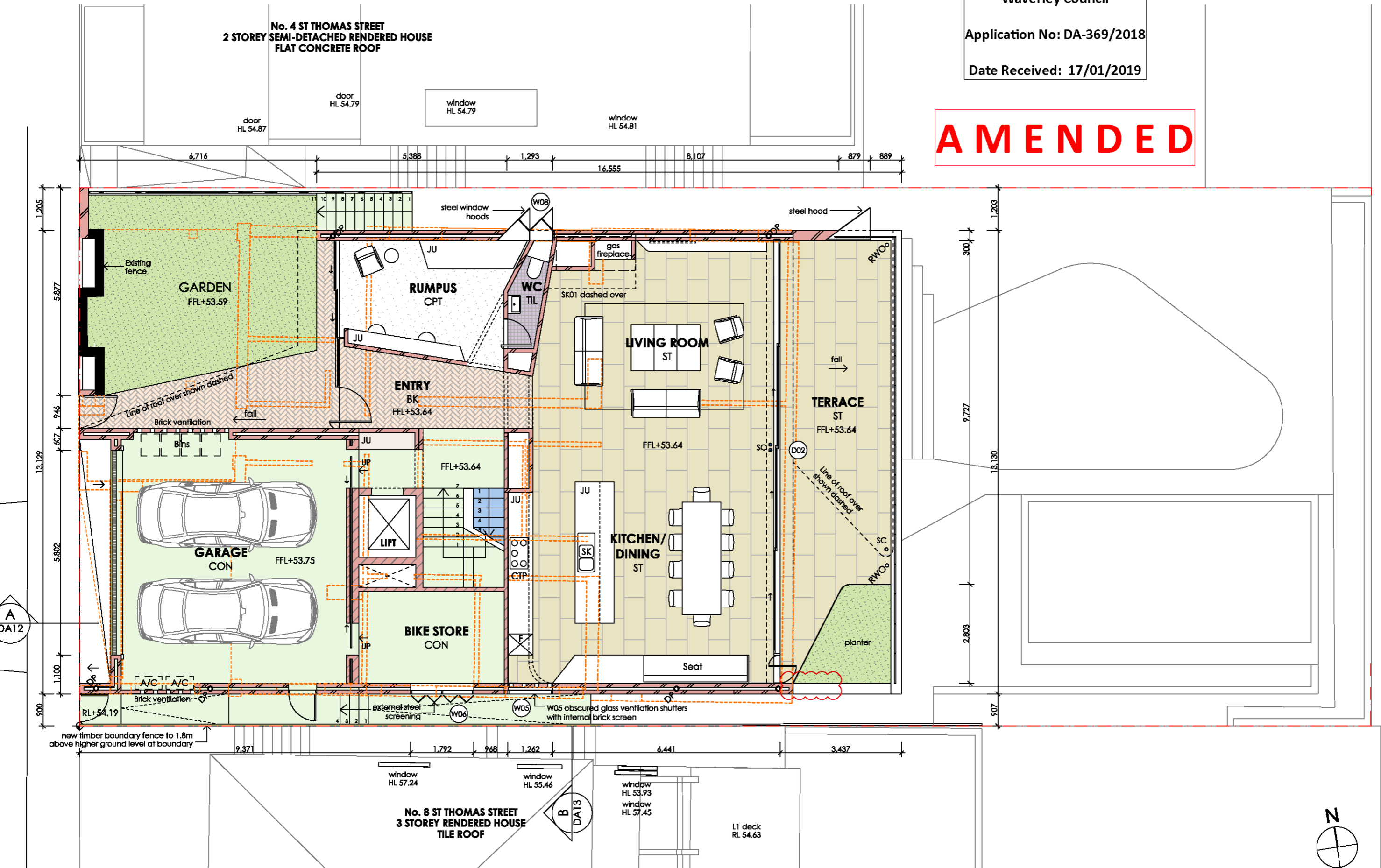
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Waverley Council

Application No: DA-369/2018

Date Received: 17/01/2019

AMENDED

**No. 4 ST THOMAS STREET
2 STOREY SEMI-DETACHED RENDERED HOUSE
FLAT CONCRETE ROOF**



**No. 8 ST THOMAS STREET
3 STOREY RENDERED HOUSE
TILE ROOF**

LEGEND

BR	BRICK / MASONRY	PV	PHOTOVOLTAIC PANEL	---	EXISTING ELEMENTS TO BE DEMOLISHED	---	TIMBER
BG	BOX GUTTER	RWO	RAINWATER OUTLET	---	EXISTING (RETAIN)	---	CERAMIC TILE
EX-FL	EXISTING FLOORING	SC	STEEL COLUMN	---	BRICK	---	STONE
CONC	NEW CONCRETE	SK	SINK	---	CONCRETE	---	GLASS
CPT	NEW CARPET	ST	NEW STONE	---	STEEL/ALUMINIUM	---	
COOKTOP	COOKTOP	TC	NEW TERRACOTTA TILE	---	GARDEN BED		
DN	DOWNPIPE	TDK	TIMBER DECK				
FR	FRIDGE	TF	TIMBER FLOOR				
FW	FLOOR WASTE	TIL	NEW CERAMIC TILE				
JU	JOINERY UNIT						

CONSULTANTS

- COMPY WITH RELEVANT AUTHORITIES REQUIREMENTS	- IF DISCREPANCY EXISTS NOTIFY ARCHITECT
- COMPY WITH THE BUILDING CODE OF AUSTRALIA	- COB - CONFORM ON B/E
- COMPY WITH ALL RELEVANT AUSTRALIAN STANDARDS	- IF IN DOUBT ASK
- DIMENSIONS IN MILLIMETERS	
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- DO NOT SCALE	

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ISSUE	DATE	REVISION
01	16/10/18	Issue for DA
02	16/01/19	DA - southern balcony wall revised

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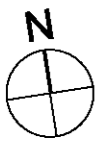
BRONTE HOUSE
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

NEESON_MURCUTT ARCHITECTS PTY LTD
L2 9 ROSLYN ST. POINTS POINT 2011 T: 8297 3590 F: 8297 3510
NOMINATED ARCHITECT: RACHEL NEESON No. 6692

FOR Brett Mason + Renuka Ferrando

NO	REV	TITLE	PHASE	SCALE	DATE
DA05	02	PLAN L1	DA	1:100 @A3	16/1/19

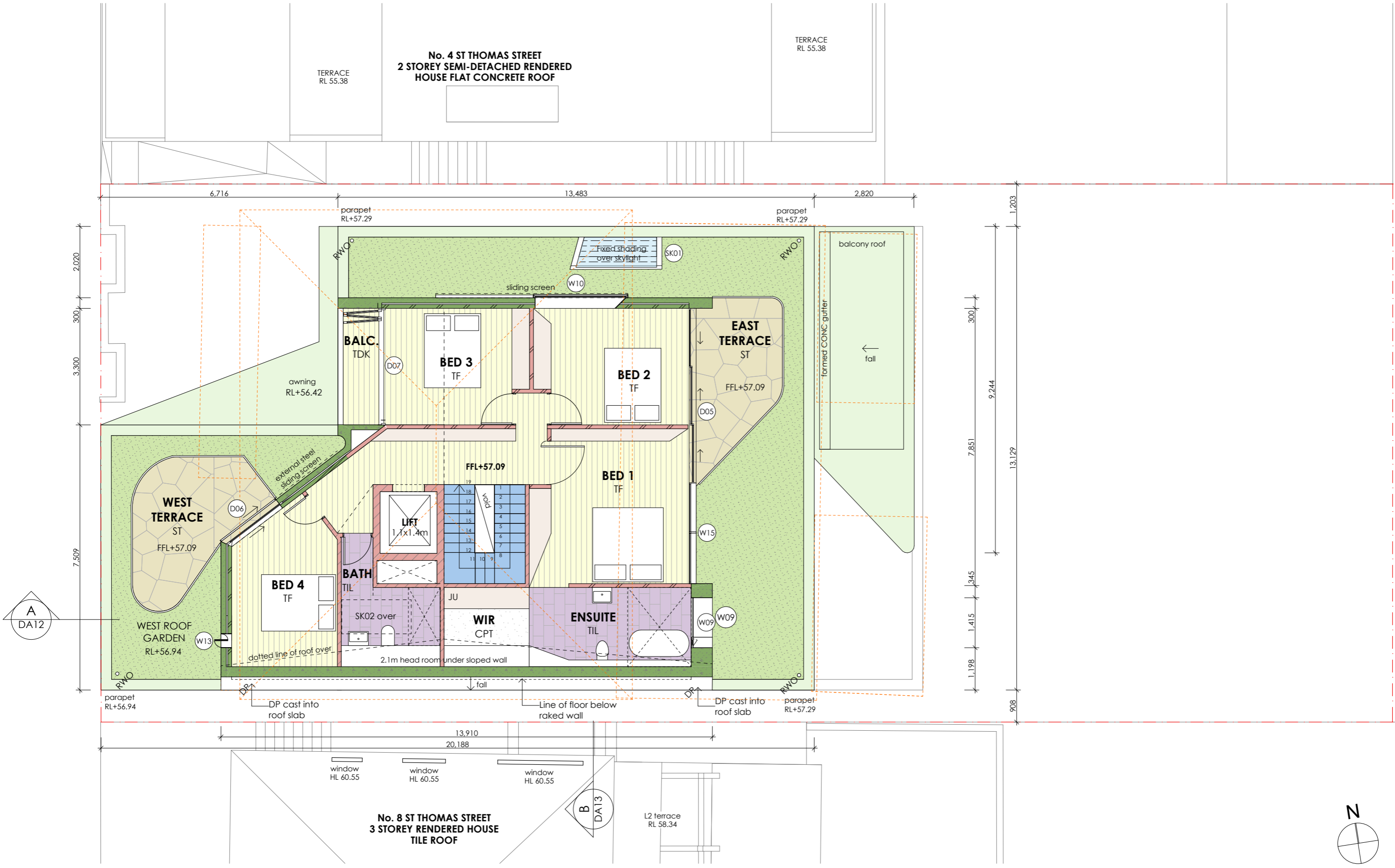
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**No. 4 ST THOMAS STREET
2 STOREY SEMI-DETACHED RENDERED
HOUSE FLAT CONCRETE ROOF**

TERRACE
RL 55.38

TERRACE
RL 55.38



**No. 8 ST THOMAS STREET
3 STOREY RENDERED HOUSE
TILE ROOF**

L2 terrace
RL 58.34

LEGEND

BK BRICK/ MASONRY	PV PHOTOVOLTAIC PANEL	--- EXISTING ELEMENTS TO BE DEMOLISHED	--- EXISTING (RETAIN)	--- TIMBER
BG BOX GUTTER	RWO RAINWATER OUTLET	--- BRICK	--- CERAMIC TILE	--- CERAMIC TILE
EX-FL EXISTING FLOORING	SC STEEL COLUMN	--- CONCRETE	--- STONE	--- STONE
CONC NEW CONCRETE	SK SINK	--- STEEL/ALUMINIUM	--- GLASS	--- GLASS
CPT NEW CARPET	ST NEW STONE	--- GARDEN BED		
CCT COOKTOP	TC NEW TERRACOTTA TILE			
DP DOWNPIPE	TDK TIMBER DECK			
FR FRIDGE	TF TIMBER FLOOR			
FW FLOOR WASTE	TIL NEW CERAMIC TILE			
JU JOINERY UNIT				

CONSULTANTS

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01	16/10/2018	Issue for DA

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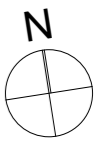
BRONTE HOUSE
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

NEESON_MURCUTT ARCHITECTS PTY LTD
L2 9 ROSLYN ST POTIS POINT 2011 T: 8297 3590 F: 8297 3510
NOMINATED ARCHITECT: RACHEL NEESON No. 6692

FOR Brett Mason + Renuka Fernando

NO	REV	TITLE	PHASE	SCALE	DATE
DA06	01	PLAN L2	DA	1:100 @A3	16/10/2018

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No. 4 ST THOMAS STREET
2 STOREY SEMI-DETACHED RENDERED
HOUSE FLAT CONCRETE ROOF

PARAPET RL 59.51

PARAPET RL 58.51

10,600

1,203

2,021

3,900

3,004

4,206

11,108

908

RIDGE RL +60.34

RL +59.50

ROOF
CONC

8 deg
7 deg

formed CONC gutter

RL +59.52

formed CONC gutter

Fixed shading
over skylights

SK03

approx 40m² area available for PV array

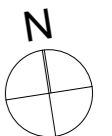
SK02

72 deg

13,910

No. 8 ST THOMAS STREET
3 STOREY RENDERED HOUSE
TILE ROOF

B
DA13



LEGEND

BK	BRICK / MASONRY	PV	PHOTOVOLTAIC PANEL	---	EXISTING ELEMENTS TO BE DEMOLISHED	---	TIMBER
BG	BOX GUTTER	RWO	RAINWATER OUTLET	---	EXISTING (RETAIN)	---	CERAMIC TILE
EX-FL	EXISTING FLOORING	SC	STEEL COLUMN	---	BRICK	---	STONE
CONC	NEW CONCRETE	SK	SINK	---	CONCRETE	---	GLASS
CPT	NEW CARPET	ST	NEW STONE	---	STEEL/ALUMINIUM	---	GARDEN BED
CPT	COOKTOP	TC	NEW TERRACOTTA TILE	---	GARDEN BED		
DP	DOWNPIPE	TDK	TIMBER DECK				
FR	FRIDGE	TF	TIMBER FLOOR				
FW	FLOOR WASTE	TIL	NEW CERAMIC TILE				
JU	JOINERY UNIT						

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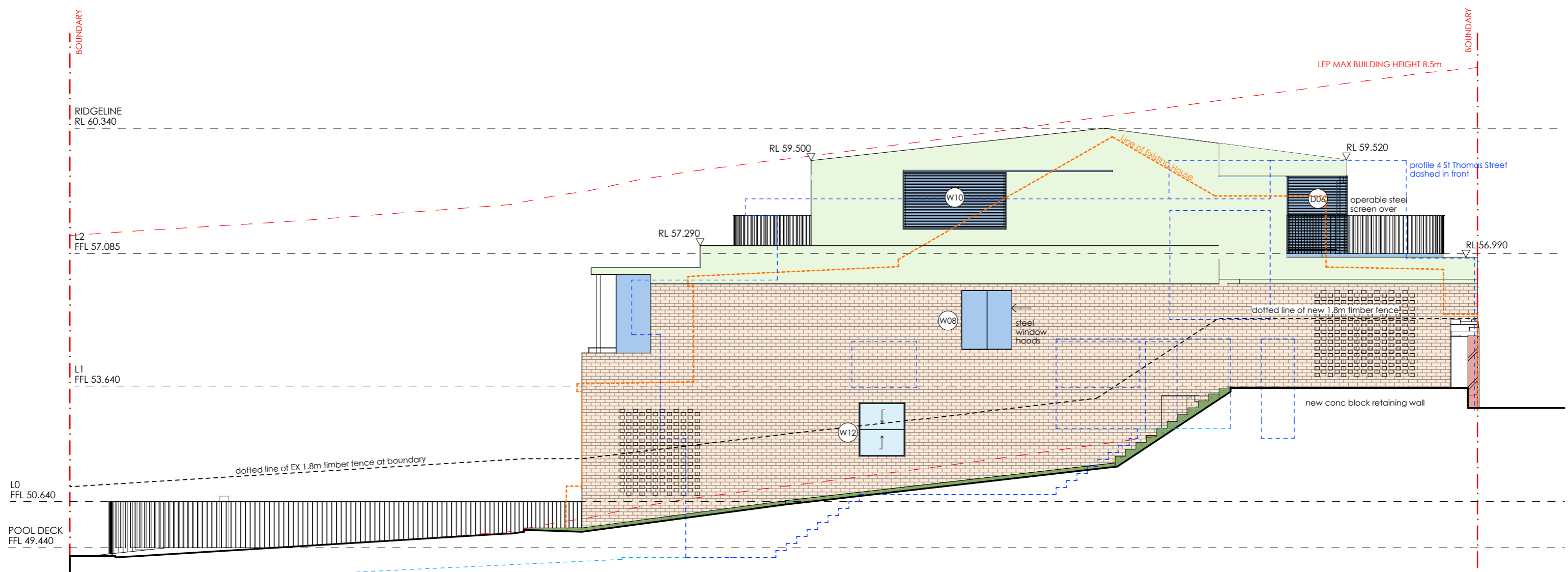
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ISSUE	DATE	REVISION
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6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958		L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510			
FOR Brett Mason + Renuka Fernando		NOMINATED ARCHITECT: RACHEL NEESON No. 6692			
NO	REV	TITLE	PHASE	SCALE	DATE
DA07	01	PLAN ROOF	DA	1:100 @A3	16/10/2018

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LEGEND	
BK	BRICK / MASONRY
BG	BOX GUTTER
EX-FL	EXISTING FLOORING
CONC	NEW CONCRETE
CPT	NEW CARPET
CTP	COOKTOP
DP	DOWNPIPE
FR	FRIDGE
FW	FLOOR WASTE
JU	JOINERY UNIT
PV	PHOTOVOLTAIC PANEL
RWO	RAINWATER OUTLET
SC	STEEL COLUMN
SK	SINK
ST	NEW STONE
TC	NEW TERRACOTTA TILE
TDK	TIMBER DECK
TF	TIMBER FLOOR
TIL	NEW CERAMIC TILE
---	EXISTING (RETAIN)
---	BRICK
---	CONCRETE
---	STEEL/ALUMINIUM
---	GARDEN BED
---	TIMBER
---	CERAMIC TILE
---	STONE
---	GLASS

CONSULTANTS	
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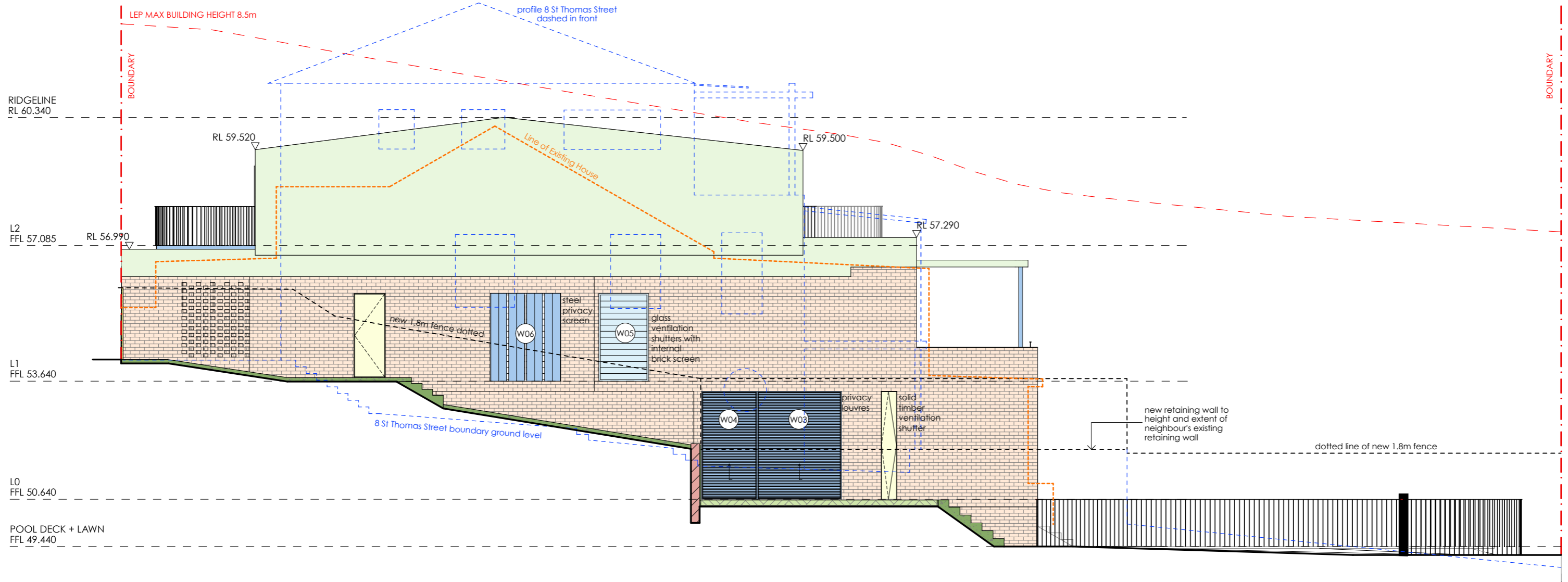
ISSUE	DATE	REVISION
01	16/10/2018	Issue for DA

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6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958		L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510	
FOR Brett Mason + Renuka Ferrando		NOMINATED ARCHITECT: RACHEL NEESON No. 6692	
NO	REV	TITLE	DATE
DA08 01		ELEVATION - NORTH	16/10/2018
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LEGEND	
BK	BRICK/ MASONRY
BG	BOX GUTTER
EX-FL	EXISTING FLOORING
CONC	NEW CONCRETE
CPT	NEW CARPET
CPT	COOKTOP
DP	DOWNPIPE
FR	FRIDGE
FW	FLOOR WASTE
JU	JOINERY UNIT
PV	PHOTOVOLTAIC PANEL
RWO	RAINWATER OUTLET
SC	STEEL COLUMN
SK	SINK
ST	NEW STONE
TC	NEW TERRACOTTA TILE
TDK	TIMBER DECK
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TIL	NEW CERAMIC TILE
---	EXISTING ELEMENTS TO BE DEMOLISHED
---	EXISTING (RETAIN)
---	BRICK
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---	GARDEN BED
---	TIMBER
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---	STONE
---	GLASS

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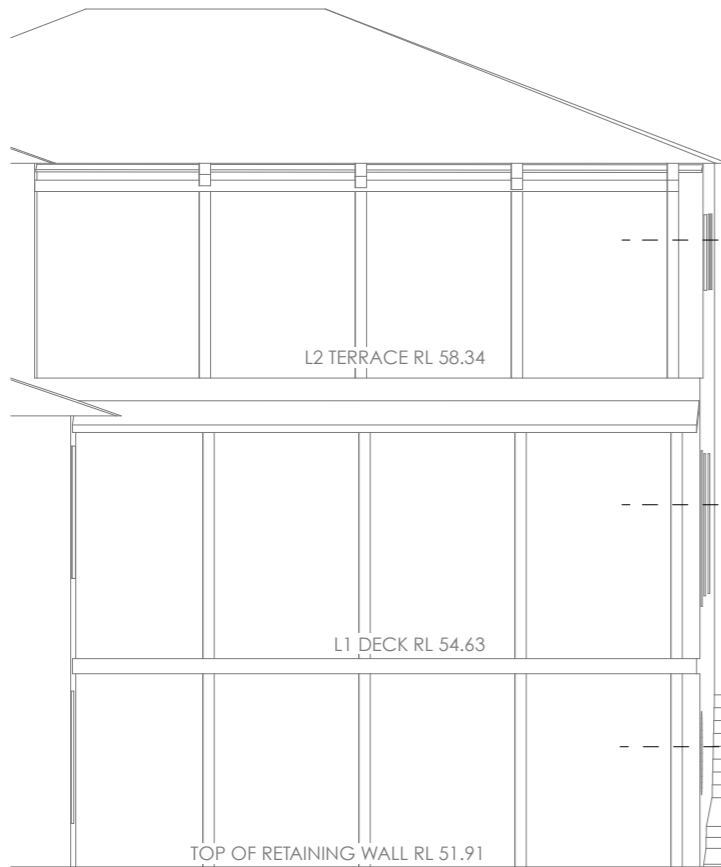
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NO	REV	TITLE	DATE
DA09	01	ELEVATION - SOUTH	16/10/2018
DA		SCALE	DATE
		1:100 @A3	16/10/2018

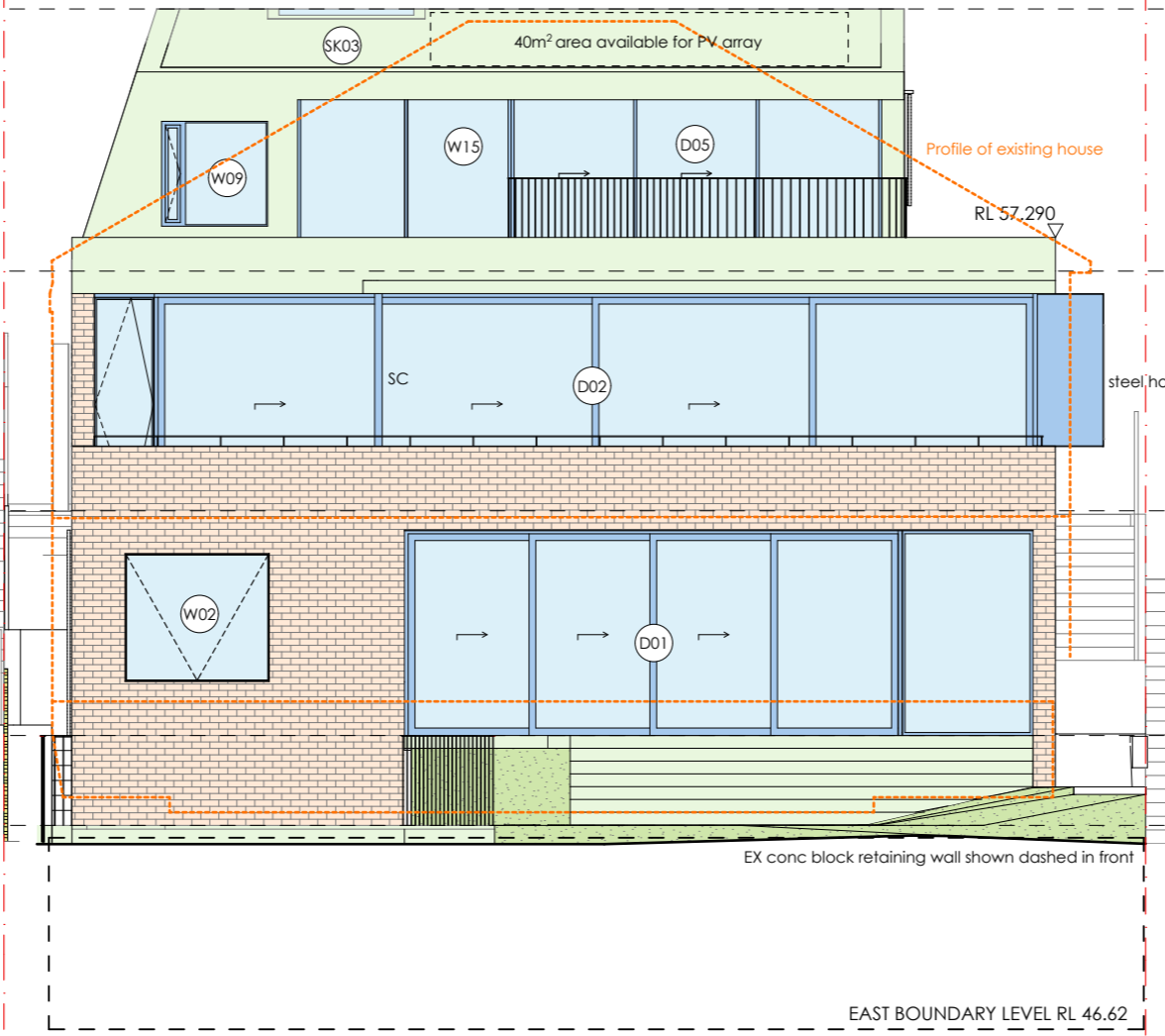
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**No. 8 ST THOMAS STREET
3 STOREY RENDERED HOUSE
TILE ROOF**



L2 TERRACE RL 58.34
L1 DECK RL 54.63
TOP OF RETAINING WALL RL 51.91
L0 PATIO & LAWN RL 51.00
BOTTOM OF RETAINING WALL RL 49.82
EAST BOUNDARY LEVEL RL 48.94

**No. 4 ST THOMAS STREET
2 STOREY SEMI-DETACHED RENDERED HOUSE
FLAT CONCRETE ROOF**



FFL 60.340 RIDGE LINE
PARAPET RL 59.51
FFL 56.840 L2
L2 TERRACE RL 55.38
FFL 53.640 L1
L1 RL 52.27
FFL 50.640 L0
FFL 49.440 POOL DECK
L0 RL 49.14
EAST BOUNDARY LEVEL RL 48.52

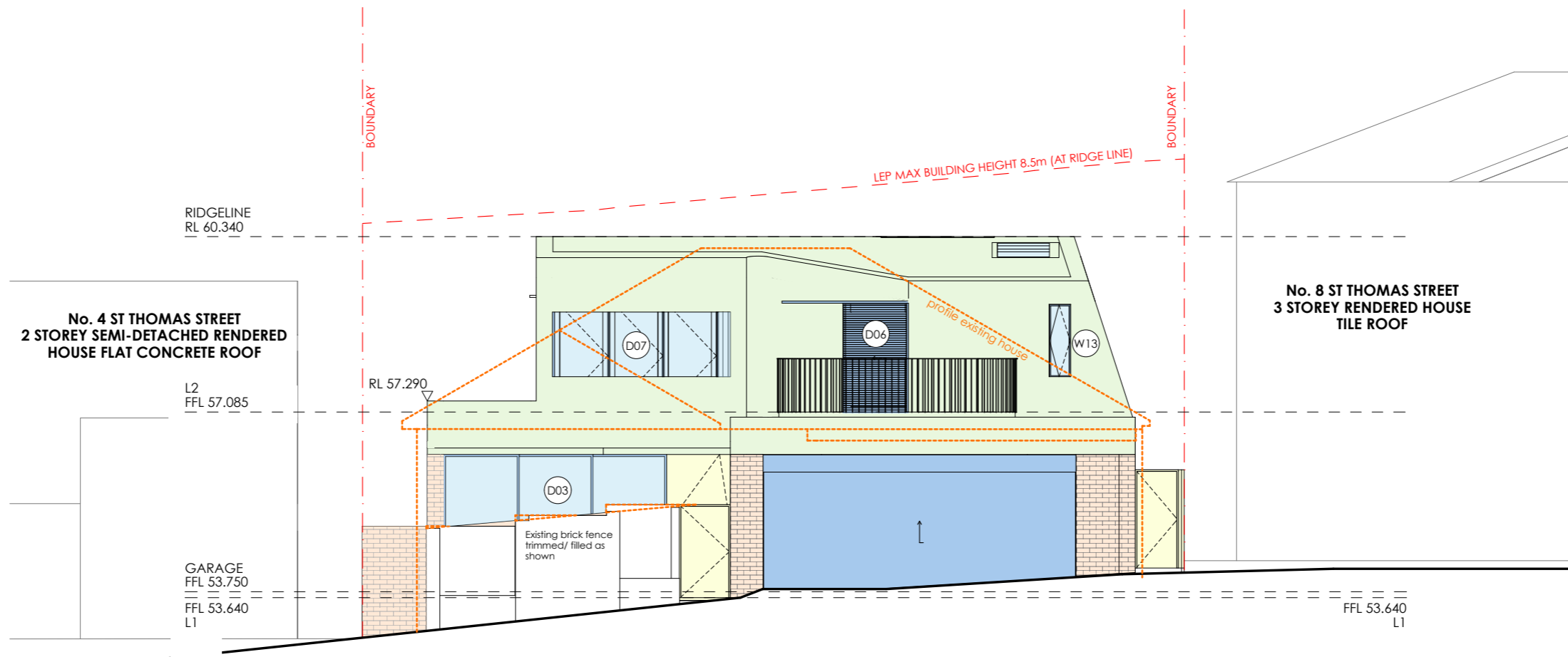
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EX-FL	EXISTING FLOORING
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DA10	01	ELEVATION - EAST	DA 1:100 @A3 16/10/2018
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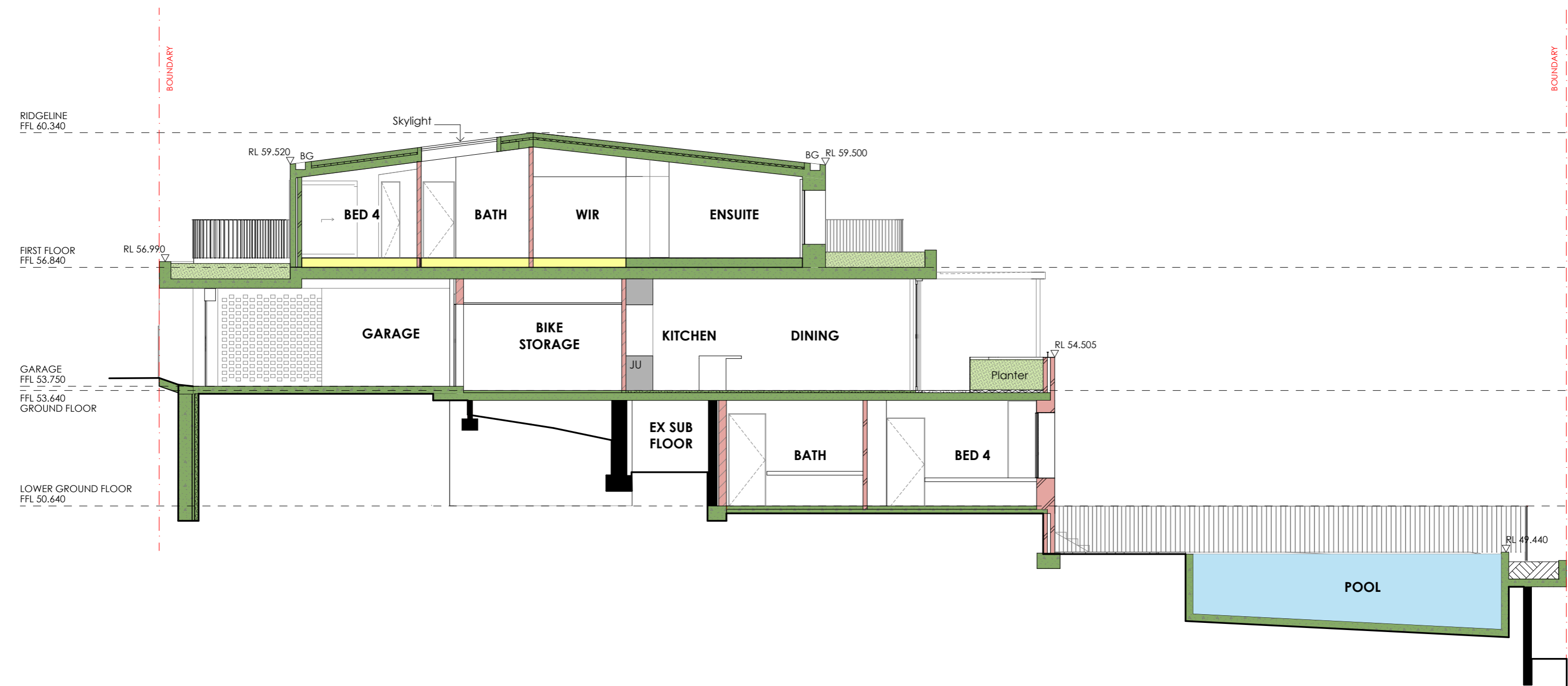
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DA11	01	ELEVATION - WEST	DA 1:100 @A3 16/10/2018
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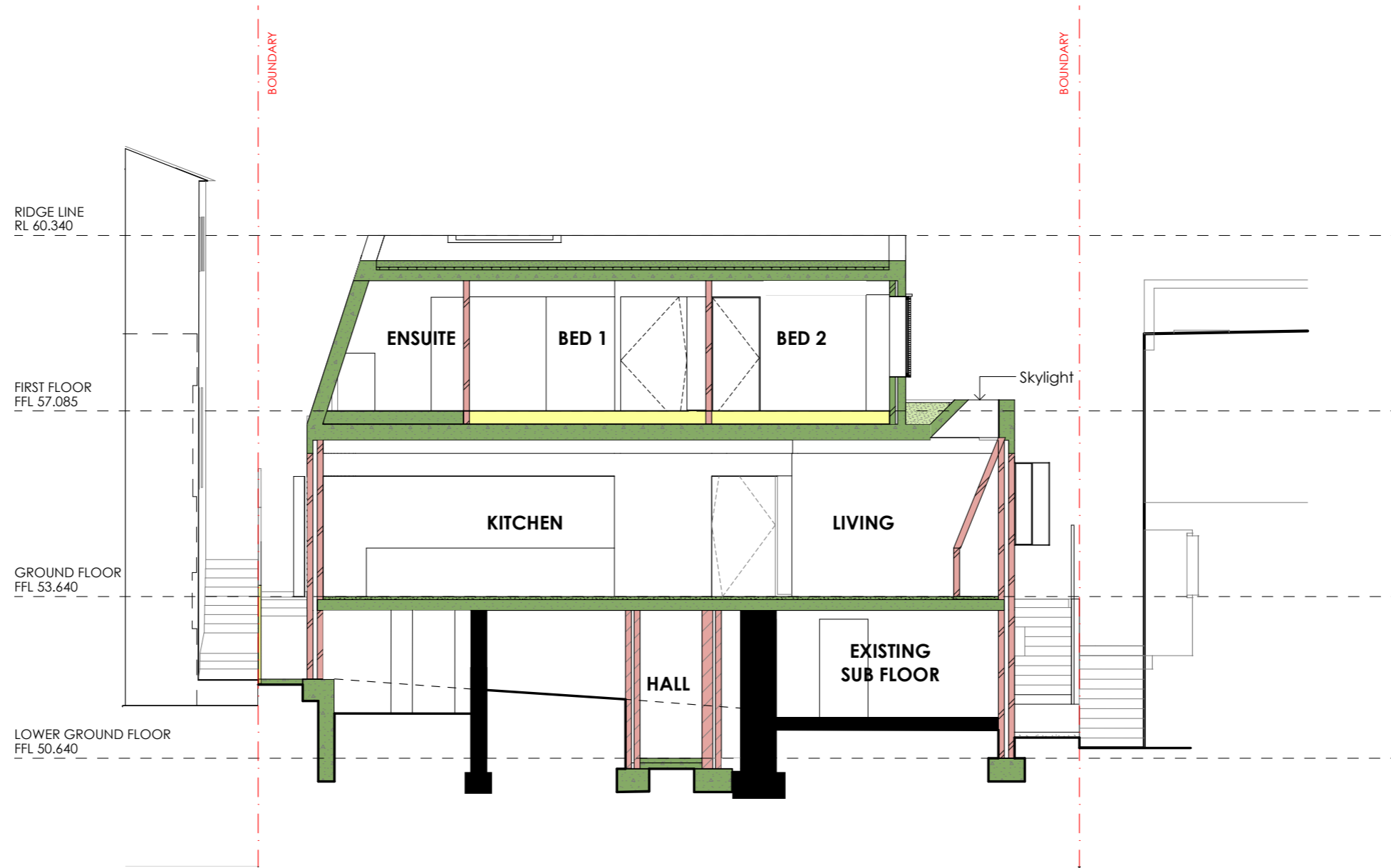
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DA12	01	SECTION A-A	DA
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DA13	01	SECTION B-B	DA 1:100 @A3 16/10/2018
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SCHEDULE OF EXTERNAL FINISHES



recycled brickwork



sandstone paving



hit and miss brickwork screen



off form concrete



aluminium framed sliding doors



external sliding timber screen



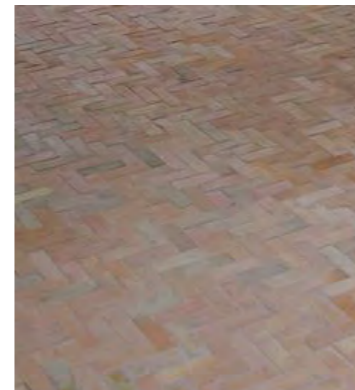
sandstone block wall to be retained



steel window hood



steel balustrade



terracotta paving

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Application No: DA-369/2018
Date Received: 16/10/2018

BASIX COMMITMENTS

In accordance with BASIX certificate number 968772S

RAINWATER TANK Minimum size 1500L, must meet and be installed in accordance with, the requirements of all applicable regulatory authorities

POOL Located outdoors with maximum capacity of 47kL

HOT WATER Gas instantaneous with performance of 4.5 stars

LIGHTING 'primary type of artificial lighting' must be fluorescent or LED lamps

FIXTURES All shower heads - minimum 3 star water rating (<= 7.5L/min)

All toilets - minimum 4 star water rating

All taps - minimum 5 star water rating

INSULATION as per Energy Compliance Report prepared by Northern Aspect Energy Consultants 12.10.18 (submitted with this Development Application)

WINDOWS as per Energy Compliance Report prepared by Northern Aspect Energy Consultants 12.10.18 (submitted with this Development Application)

SKYLIGHTS as per Energy Compliance Report prepared by Northern Aspect Energy Consultants 12.10.18 (submitted with this Development Application)

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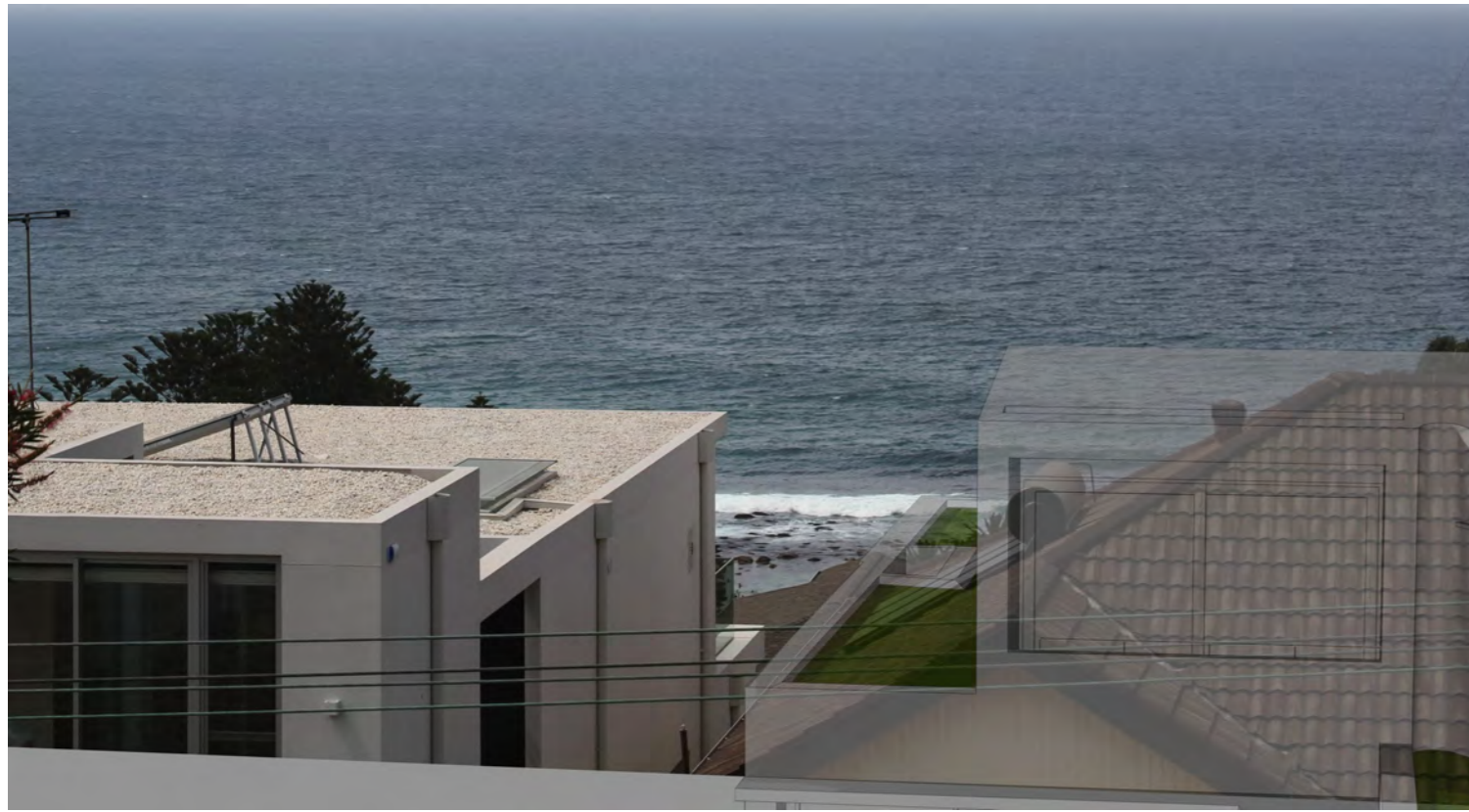
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DA16	01	EXTERNAL FINISHES + BASIX	DA	1:1 @A3	16/10/2018

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1. VIEW FROM No. 5 ST THOMAS ST. LEVEL 1 DECK, SOUTHERN END (STANDING)



2. VIEW FROM No. 7 ST THOMAS ST. LEVEL 1 DECK SOUTHERN END (STANDING)

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BRONTE HOUSE
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

NEESON_MURCUTT_ARCHITECTS_PTY_LTD
 L2 9 ROSLYN ST POTTS POINT 2011 T: 8297 3590 F: 8297 3510
 NOMINATED ARCHITECT: RACHEL NEESON No. 6692

FOR Brett Mason + Renuka Fernando

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3. VIEW FROM No. 7 ST THOMAS ST. LEVEL 0 ON PROPOSED PATIO, SOUTHERN END (STANDING)



4. VIEW FROM No. 7 ST THOMAS ST. LEVEL 1 WINDOW (STANDING)

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DA18	01	NEIGHBOUR VIEW STUDY B	16/10/2018

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5. VIEW FROM No. 9 ST THOMAS ST. LEVEL 2 WINDOW (SITTING)



6. VIEW FROM No. 11 ST THOMAS ST. LEVEL 2 WINDOW (STANDING)

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DA19	01	NEIGHBOUR VIEW STUDY C	DA		16/10/2018

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Montage from St Thomas Street

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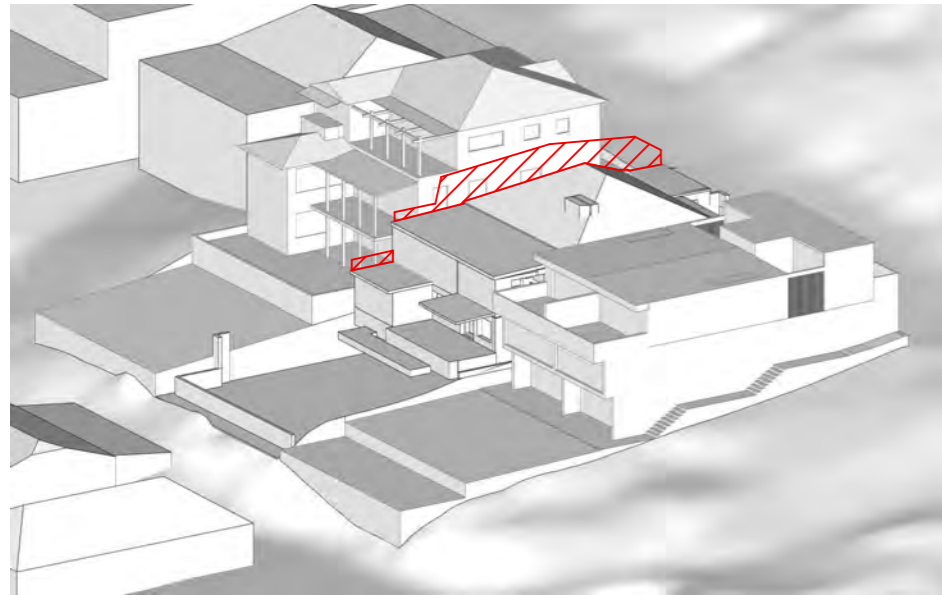
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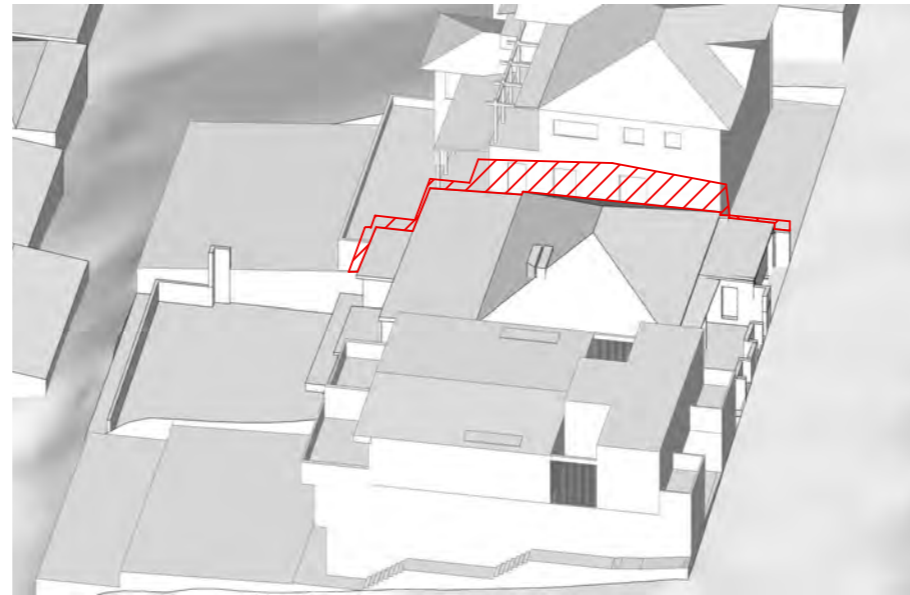
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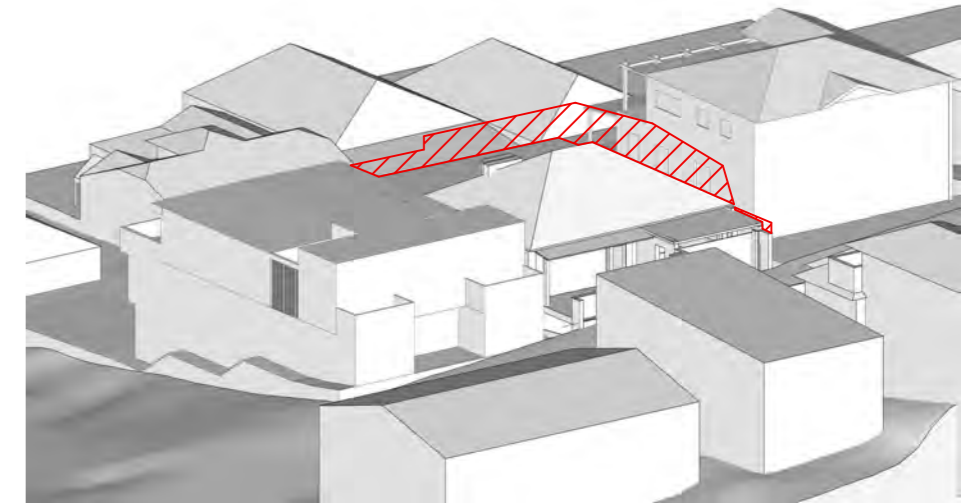
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Date Received: 16/10/2018



21 JUNE 9AM EXISTING



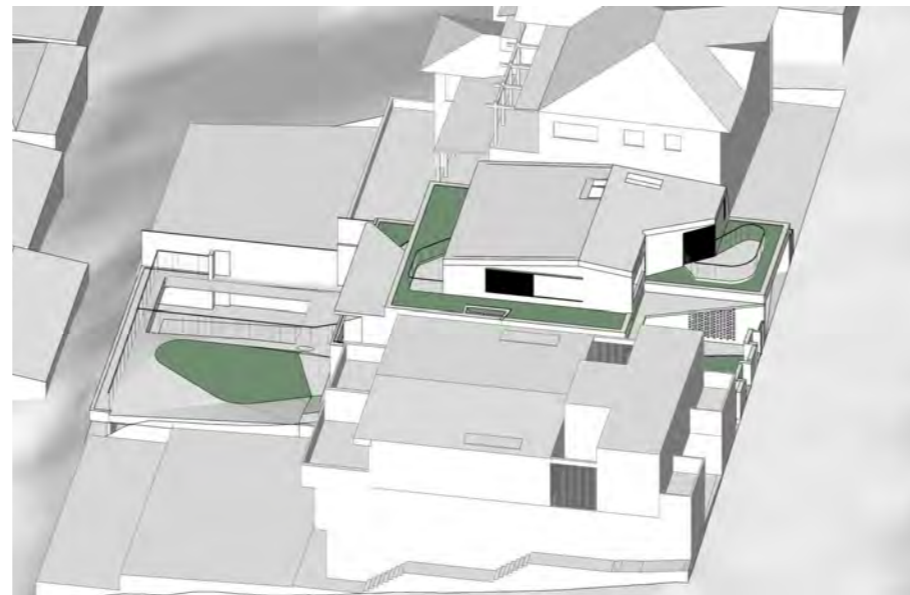
21 JUNE 12PM EXISTING



21 JUNE 3PM EXISTING



21 JUNE 9AM PROPOSED



21 JUNE 12PM PROPOSED



21 JUNE 3PM PROPOSED

 Additional shadows cast by proposed new dwelling

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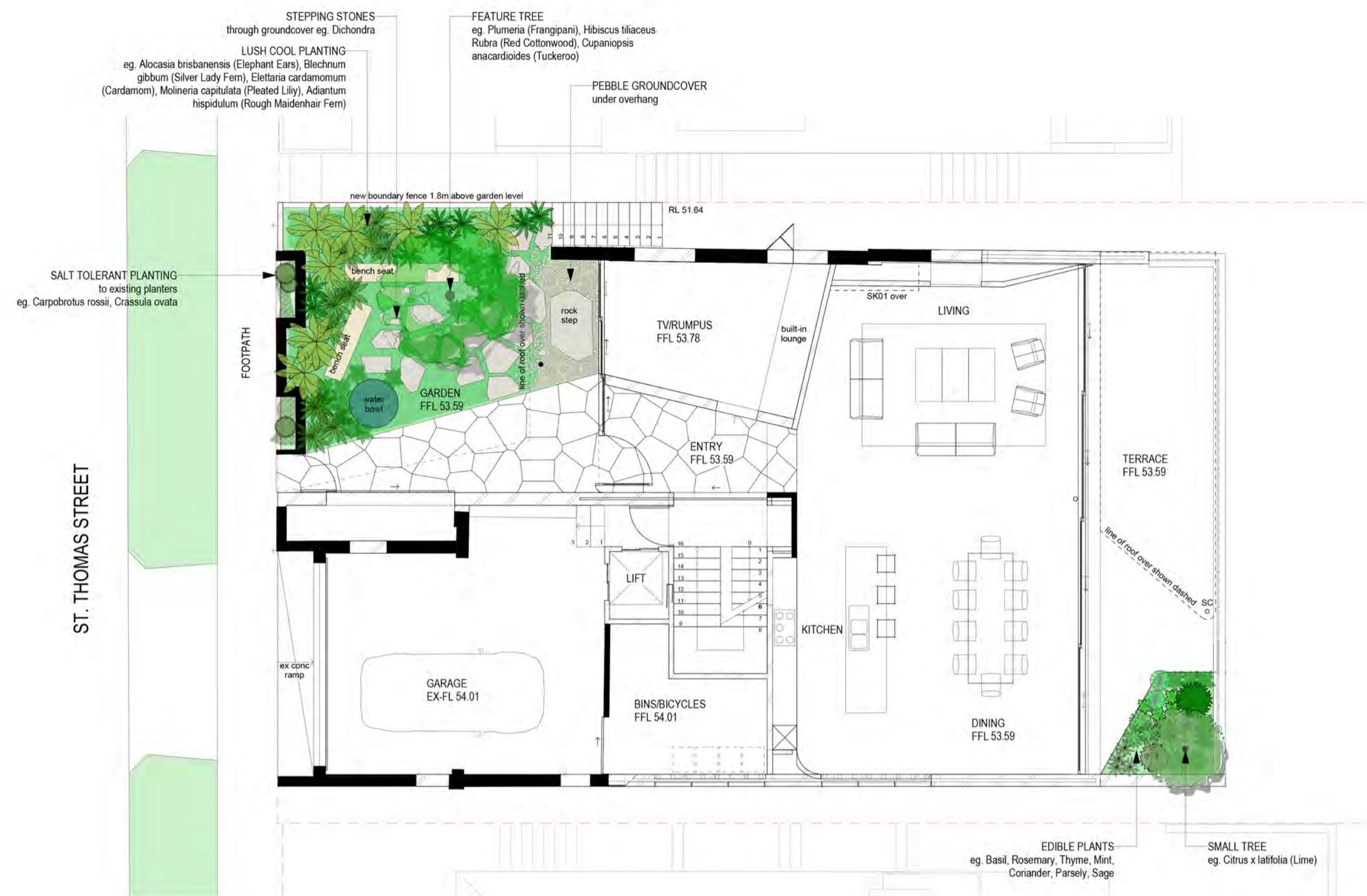
BRONTE HOUSE
6 ST. THOMAS STREET, BRONTE - LOT 2 DP 102958

NEESON_MURCUTT_ARCHITECTS_PTY_LTD
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NOMINATED ARCHITECT: RACHEL NEESON No. 6692

FOR Brett Mason + Renuka Ferrando

NO	REV	TITLE	PHASE	SCALE	DATE
DA14	01	SHADOW DIAGRAMS	DA	@A3	16/10/2018

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02 Landscape Concept Plan - Level 1
1:100 @ A1



03 Landscape Concept Plan - Level 2
1:100 @ A1



01 Landscape Concept Plan - Ground Level
1:100 @ A1

INDICATIVE PLANT LIST

TREES	Latin Name	Common Name	Pot Size	Mature Height	Mature Spread
B.if	<i>Banksia integrifolia fastigiata</i> 'Sentinel'	Banksia 'Sentinel'	25L	1 - 3m	1 - 1.2m
C.ar	<i>Cupaniopsis anacardioides</i>	Tuckeroo	75L	6 - 8m	3.5 - 6m
C.it	<i>Citrus x latifolia</i>	Lime	25L	1.5 - 3m	2.0 - 3.5m
E.sp-1	<i>Eucalyptus ficifolia</i>	Red flowering gum	45L	5 - 10m	3.5 - 6m
H.fr	<i>Hibiscus bilaceus</i>	Bronze Cottonwood	75L	6 - 8m	5 - 7m
P.pe	<i>Pandanus pedunculatus</i>	Pandanus	ground dug	5 - 10m	2.0 - 3.5m
P.ru	<i>Plumeria rubra var acutifolia</i>	Frangipani	100L	4 - 6m	3.5 - 5m
SHRUBS					
A.br	<i>Alcaesia brisbanensis</i>	Elephant's Ear	200mm	0.9 - 1.5m	1.2 - 2.0m
A.ze	<i>Alonia zerumbet</i>	Shell Ginger	200mm	1.5 - 3m	0.9 - 1.2m
C.ds	<i>Carissa 'Desert Star'</i>	Natal Plum	200mm	0.8 - 1.0m	0.9 - 1.2m
E.ca	<i>Elettaria cardamomum</i>	Cardamon	200mm	0.9 - 1.5m	0.6 - 0.9m
L.le	<i>Leptospermum laevigatum</i>	Coast Tea Tree	200mm	1.5 - 3m	1.2 - 2.0m
S.ch	<i>Santolina chamaecyparissus</i>	Cotton Lavender	140mm	0.75 - 0.9m	0.6 - 0.8m
W.fr	<i>Westringia fruticosa</i>	Coastal Rosemary	140mm	0.9 - 1.5m	0.9 - 1.2m
GROUNDCOVERS					
G.gl	<i>Carpobrotus glaucescens</i>	Pigface	140mm	0.0 - 0.3m	1.2 - 2.0m
D.re	<i>Dichondra repens</i>	Kidney Weed	100mm	0.0 - 0.3m	0.9 - 1.2m
P.na	<i>Pennisetum alopecuroides 'Nafay'</i>	Dwarf Fountain Grass	140mm	0.6 - 0.75m	0.3 - 0.6m
P.sb	<i>Poa Suggan Buggan</i>	Blue Tussock Grass	140mm	0.6 - 0.75m	0.3 - 0.6m
SUCCULENTS					
A.ar-1	<i>Aeonium arboreum</i>	Tree Aeonium	140mm	0.4 - 0.5m	0.1 - 0.2m
A.sp	<i>Aloe 'Fairy Pink'</i>	Aloe	140mm	0.2 - 0.3m	0.8m
A.az	<i>Aeonium arboreum 'Zwartkop'</i>	Black Aeonium	140mm	0.4 - 0.5m	0.1 - 0.2m
C.ov	<i>Crassula ovata</i>	Jade Plant	200mm	1.5 - 3m	1.2 - 2.0m
K.be	<i>Kalanchoe beharensis</i>	Felt Bush	200mm	1.5 - 3m	1.2 - 2.0m
S.ma	<i>Senecio mandraliscae</i>	Chalk Sticks	100mm	0.0 - 0.3m	0.0 - 0.3m
FERNS					
A.hi	<i>Adiantum hispidulum</i>	Rough Maidenhair Fern	140mm	0.75 - 0.9m	0.9 - 1.2m
B.gi	<i>Blechnum albidum</i>	Silver Lady Fern	140mm	0.9 - 1.2m	0.6 - 0.9m
CLIMBERS					
T.ja	<i>Trachelospermum jasminoides</i>	Star Jasmine	140mm	3 - 4m	2.0 - 3.5m
OTHER					
M.ca	<i>Molineria capitulata (C. capitulata)</i>	Weevil Lily	200mm	0.9 - 1.5m	0.0 - 0.3m

REVISION	DATE	REVISION NOTE	BY
C	20/12/17	Revised issue - DA	BP
B	13/12/17	Revised issue	BP
A	01/01/17	Preliminary - For Discussion	BP

THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

PROJECT
Proposed Alterations & Additions
 ADDRESS
6 St Thomas Street, Bronte
 CLIENT
Renuka Fernando + Brett Mason
 DRAWING
Landscape Concept Plan

spirit level
 spirit level designs pty ltd
 1st floor 722 Bourke Street Redfern NSW 2016
 tel: 02 8399 0660 fax: 02 8399 0554
 email: inspired@spiritlevel.com.au

PROJECT #	1355	DWG STATUS	
DWG DATE	30/11/17	CAD FILE NAME	L1 Landscape plan Bronte.vwx
PLOT DATE	20/12/17	DWG #	REVISION
ORIGINAL SHEET SIZE	A1		
SCALE @ SHEET SIZE	1:100		
DRAWN	BP	CHKD	HM



L100 C
 OF - 57



Report to the Waverley Local Planning Panel

Application number	DA-91/2018
Site address	56 Ramsgate Avenue, BONDI BEACH
Proposal	Alterations and additions to an existing residential flat building, including attic addition, deck and associated works
Date of lodgement	28 March 2018 (amended on 16 October 2018)
Owner	Lasse Family Pty Ltd, M May, P M Power & L J McGee
Applicant	Vaughan Milligan Development Consulting Pty Ltd
Submissions	Four submissions received
Cost of works	\$1,582,811
Issues	Height of building and FSR development standards non-compliance.
Recommendation	That the application be APPROVED subject to conditions of consent.



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 22 May 2018.

The site is identified as Lot 1 in DP 188348, known as 56 Ramsgate Avenue, BONDI BEACH. It is located on the north-eastern side of Ramsgate Avenue between Wairoa Avenue and Campbell Parade.

The site is rectangular in shape with a north-eastern rear boundary measuring 12.19m, south-eastern side boundary measuring 39.165m, south-western frontage measuring 12.19m and north-western side boundary measuring 39.165m. The site has an area of 477.42m² and falls from the rear towards the street by approximately 2m.

The site is occupied by a three storey residential flat building with vehicular access provided from Ramsgate Avenue to three garages located at the front of the site.

The subject site is adjoined to its sides by a place of worship to the north-west and residential flat building to the south-east. The locality is characterised by a variety of low and medium density residential development comprising residential flat buildings, semi-detached and dwelling houses.



Figure 1: Subject site frontage

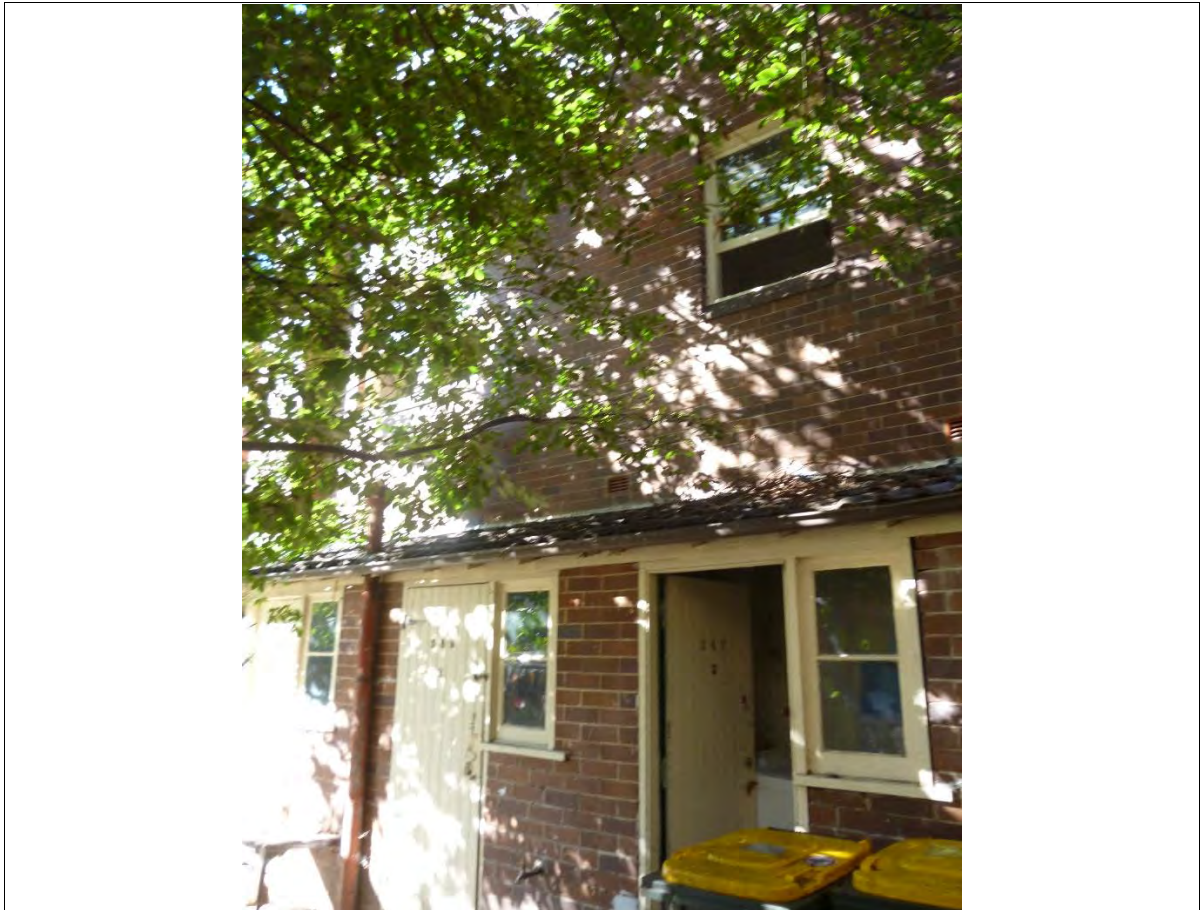


Figure 2: Rear of building

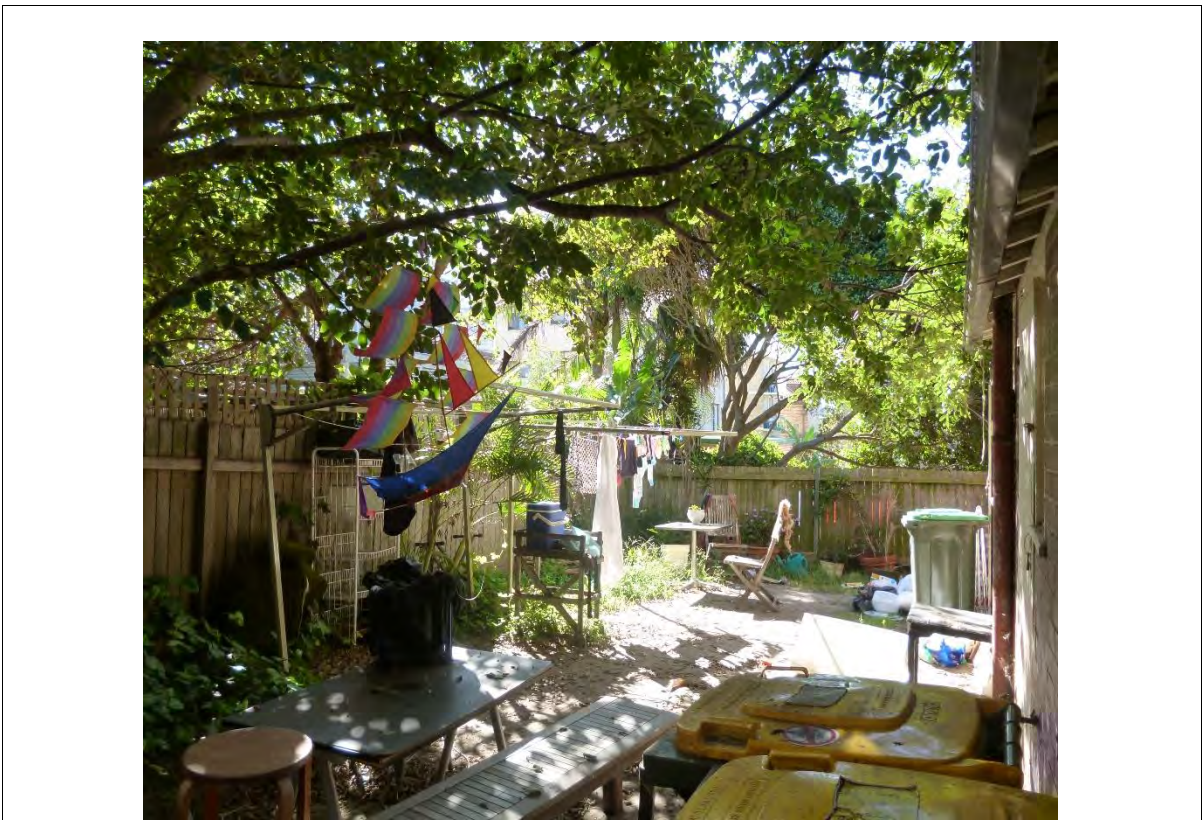


Figure 3: Rear of site

1.2 Relevant History

Pre-DA advice, **PD-45/2017**, was provided to the Applicant on 12 December 2017 in relation to a scheme which included alterations and additions, including new attic level to an existing residential flat building. The provided advice was that the proposed scheme was non-compliant with a number of controls within both the LEP 2012 and DCP 2012, with the main non-compliances being in regard to the FSR and height development standard of the LEP 2012. The Applicant was advised that as the existing building is already over capacity with an FSR of 1.28:1 any further floor space will be considered based only upon strict compliance with Section 2.9 Attic and Roof Design of Part C1 – Multi Unit and Multi Dwelling Housing of the DCP 2012. It was advised that the attic must be fully contained within the roof form with the pitched roof form being the major visual element, must be connected to the unit below, must not exceed 50% of the floor area of the floor below, and cannot contain a single expansive dormer extending the entire length of the building. Dormer windows should be small flat roofed dormers which respond to the character of the existing Inter War flat building on the site. In addition to bulk and scale, the Applicant was asked to consider view impact, car parking/vehicular access and Building Code of Australia requirements.

The subject application, **DA-91/2018**, was lodged on 28 March 2018. The application was deferred by Council on 27 July 2018 to enable the Applicant to respond to concerns relating to:

- FSR;
- building design and streetscape appearance;
- private and communal open space; and
- Building Code of Australia requirements.

The deferral also requested the provision of additional information pertaining to materials and finishes, stormwater management and fire safety. Amended plans and additional information were received by Council on 16 October 2018.

1.3 Proposal

The proposal (as amended on 16 October 2018) seeks consent for alterations and additions, including a new attic level to the existing residential flat building at the site.

The proposal maintains the current number of units at nine (9), whilst providing additional floor area within the attic level for unit 9 located below.

In summary, the proposal includes:

- Ground: replacement of garage doors;
- Level 1: units 1 – 3 revised open plan layout and new windows;
- Level 2: units 4 – 6 revised open plan layout and new windows;
- Level 3: units 7 – 8 reconfigured bedrooms, revised open plan layout and new windows; unit 9 reconfigured bedrooms and new internal access stairs to the attic level;
- Level 4: unit 9 m² additional floor area and terrace/deck associated with unit 9; and
- External works: demolition of external laundry, new roof cladding (no change to the existing height with dormer windows introduced), roof-mounted solar photovoltaic system, bin store, pedestrian access gate, letterboxes, deck associated with unit 3 and the establishment of a 43m² communal area to the rear of the building which is protected from the elements via a fixed awning. The proposal also includes the installation of a lift accessing all levels, resurfacing of the driveway and minor site works.

The proposal provides 8 x 2-bedroom units and 1 x 3-bedroom unit, none of which will be provided as affordable housing.

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 application was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel on 21 May 2018. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 is set out in **Table 1** below. Note, comments set out in Table 1 below relate to the original scheme; the amended proposal was not referred to the Design Review Panel as it was considered by Council officer that it had addressed the main points and recommendations made by the Panel.

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

Principle	Panel's Comment
1. Context & Neighbourhood	<p><i>The built context is a mix of residential flat buildings and single dwellings on predominantly long and thin east-west running sites. No. 37 Ramsgate is an exception. It is an area that will continue to redevelop as the amenity of the area is exceptional. Public transport, schools and shops are nearby. Bondi Beach is also only a short walk from the subject site.</i></p> <p><i>The proposed additional floor space is generally accommodated in the existing roof space with the addition of 4 protruding rooms and roofs. The impact of these protrusions appears to be minimal in the street context however this is not easily understood from the drawings provided and more information is required for review.</i></p> <p><i>The building is not a heritage item, however the site is adjacent to the Bondi Beach heritage urban conservation area on the opposite side of Ramsgate Ave. How this proposal responds and contributes to the conservation area is an important contextual consideration.</i></p>

Principle	Panel's Comment
	<p><i>The proposal for new window boxes along the sides of the building may reduce the amenity and light to the tight spaces between the buildings. Consideration could be given to a different method of weather protection to these windows. Specific BCA advice should be sought as there may also be other methods of assessing fire risk between neighbouring windows.</i></p>
<p>2. Built form & Scale</p>	<p><i>The Panel supports upgrading the amenity of the existing building stock and understands that the additional floor space being sought will assist in the affordability of the renovation. The Panel however has the following concerns in relation to scale and built form:</i></p> <ul style="list-style-type: none"> • <i>The size, style and grouping of new windows tends to change the nature of the retained building, losing its original character. The Panel would like to see investigation of options for the new windows. One would be to replace the painted timber windows with new timber windows. Some good precedents might also be useful to research. Measured drawings of the side and rear elevations should be provided. Privacy to the windows facing the street should be part of the reappraisal, and some lower panelling or frosted glazing should be considered.</i> • <i>The proportions of the original building with its brick banding and parapet detail should be considered. The strongly vertical proportions of the street elevation, with vertical boxes over 3 floors, is out of scale with the character of buildings adjoining and in the conservation area. Possible approaches may include horizontal sliding or folding shutters or fixed panels between the window openings, or window hoods, to maintain the existing horizontal façade proportions.</i> • <i>The added visual bulk of the building created by the deep side window boxes is a concern. Considering that the side windows have been there for many decades is there a need to now surround them completely? As noted above the fire issues for existing windows should be investigated further.</i> • <i>The structural implications of the proposed works might require extra columns, beams and the like. This should be investigated as it may cause the need for design changes. 1:20 wall sections should be provided showing roof edges, gutter details, openings, weather protection, fire protection and other details.</i> • <i>The lift size, overrun and requirements for acoustic separation from bedrooms needs to be confirmed to ensure that the bedroom sizes shown can be achieved. (Noting that the bedroom sizes are already below that recommended in the ADG).</i> • <i>The stair design needs to take into account handrails requirements and distances beyond the last riser.</i> • <i>The proposed new rear terrace stair with the splayed design would have difficulty complying with stair dimensional requirements – this area is discussed further under Amenity below.</i>

Principle	Panel's Comment
	<ul style="list-style-type: none"> • <i>The new upper floor – the design of the roof over the outdoor deck is unconvincing. The deck should have some weather protection and the windows adjacent the door opening could sit below the existing roof structure. There also needs to be allowance for the drainage of this deck, and how adequate falls and overflows will be integrated.</i> • <i>Appropriate roof thicknesses need to be shown, indicating structure, insulation and roofing.</i> • <i>There does not appear to be any indication of services meters, and these should be shown to clarify adequacy of space any impacts on the building appearance.</i>
3. Density	<p><i>Any argument for increased floor space and density needs to be supported by excellent urban design, appropriate response to the context, high quality architectural and landscape design, good amenity to all dwellings, appropriate communal outdoor space and reasonable impacts on neighbours.</i></p>
4. Sustainability	<p><i>The retention of the existing building is to be commended. The Panel suggest the following improvements:</i></p> <ul style="list-style-type: none"> • <i>solar hot water or photovoltaics could be considered for the roof</i> • <i>ceiling fans in all habitable rooms</i> • <i>window operation to optimise natural ventilation. Large areas of unprotected fixed glass are not supported by the Panel. The south west windows in particular will have large heat loads in summer afternoons. Review of the roof cover over W14 should also resolve the awkward window configuration.</i> • <i>Operable windows to the entry foyer and each lobby</i> • <i>Roof skylights should be ventilating skylights or paired with turbo vents to reduce summer heat gain.</i> • <i>The durability of the new building elements needs to be considered. Steel used in a high salt environment should ideally be hot dip galvanised or stainless steel. Powder coating or other paint systems are generally less durable.</i>
5. Landscape	<p><i>The Panel does not support the loss of communal outdoor space and considers that this should be maintained in the rear yard. Some private area to the north could still be accommodated however the communal space should be well landscaped and provide shade, play area and seating.</i></p> <p><i>The fence and bin enclosure design could look more at the local context of stone walls, colours and materials.</i></p> <p><i>Any trees that could be provided in the front yard to reduce the impact of the driveways should be investigated. The provision of street trees should be discussed with Council.</i></p> <p><i>A landscape plan by a Landscape Architect is required.</i></p>
6. Amenity	<p><i>The proposal has the potential to provide good amenity. Improvements to the internal layout are supported.</i></p>

Principle	Panel's Comment
	<p><i>Communal outdoor space should be retained.</i></p> <p><i>The ability to operate and clean the windows to the common stair should be considered.</i></p> <p><i>The Panel supports the passive solar performance of the apartments rather than any inclusion of air conditioning. The building has performed well for decades without air conditioning.</i></p>
7. Safety	<i>Satisfactory</i>
8. Housing Diversity and Social Interaction	<i>The housing diversity is retained. The potential for social interaction needs to be increased with better landscape design.</i>
9. Aesthetics	<i>A materials and colour sample board should be provided to the Panel for review. The highly contrasting dark windows and doors should be reconsidered along with the maintenance of the building's subtle façade features.</i>

The amendments to the proposal are considered to largely address the above.

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

Clause 6A of SEPP 65 requires that development controls plans (DCPs) 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 DCP 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
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: 	Yes (on merit)	The existing building is set back 1.4m from side boundaries and 6.9m from the rear boundary. Although set back from side boundaries less than the sought 6m for habitable rooms, a

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Up to 12m (4 storey) – 6m habitable & 3m non-habitable 		<p>collective setback of 2.4m – 2.8m is provided between buildings.</p> <p>Proposed attic level dormer windows are set back 3m from side boundaries and achieve collective setbacks between buildings of 4.2m – 4.5m.</p> <p>The proposal is considered to provide a reasonable level of separation between buildings to achieve visual privacy objectives of the ADG.</p>
4A Solar and daylight access		
<ul style="list-style-type: none"> Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter. 	Yes (on merit)	<p>The proposed attic has a dual aspect and as such will receive some direct sunlight mid-winter. The proposal will not discernibly affect the amount and duration of solar access received by the existing units within the building.</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"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects. In this regard, 100% of the units are capable of being naturally cross ventilated. <p>The proposal uses a combination of full height openable doors and/or windows to achieve appropriate cross ventilation.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 2 storey units – 2.7m main level (living) & 2.4m upper floor where its area does not exceed 50% of the unit area Attics – 1.8m at edge of room with a 30° min ceiling slope 	Yes (on merit)	<p>The ceiling heights of existing Units 1 to 8 range between 2.68m and 2.7m.</p> <p>Unit 9, which incorporates the attic addition, is the only 2 storey unit and satisfies minimum ceiling heights for attics.</p> <p>The internal amenity of all units is reasonable.</p>

Design Criteria	Compliance	Comment
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> • <i>Studio = 35 m²</i> • <i>1 Bed = 50 m²</i> • <i>2 Bed = 70 m²</i> • <i>3 Bed = 90 m²</i> • <i>Add 5m² for each additional bathroom (above 1)</i> • <i>Add 12m² for each additional bedroom</i> <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>	<p>Yes (on merit)</p>	<p>Units 1 to 8 all comprise 2 bedrooms and except for units 1, 2, 3 and 6, have internal areas in excess of the minimum ADG requirements.</p> <p>Units 1, 2, 3 and 6 measure between 59.6m² to 67.9m², as opposed to the required 70m².</p> <p>Unit 9 comprises 3 bedrooms and has an internal area of 124.1m² which exceeds the minimum ADG requirement.</p> <p>Notwithstanding the shortfall in internal areas for Units 1, 2, 3 and 6, overall, unit sizes and layout are considered acceptable.</p> <p>The Applicant states the proposal achieves compliance with the minimum glazed area to each habitable room.</p> <p>All bedrooms meet the minimum requirements in terms of dimensions and area.</p> <p>All fitted robes are a minimum of 1.5m.</p> <p>All units have an open plan layout which does not exceed 8m in depth from a window.</p> <p>The proposal is consistent with the objectives of this part of the ADG.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> • 3+bed - 12m² & 2.4m depth • Ground level, min 15m² & 3m depth 	<p>Yes (on merit)</p>	<p>Existing units do not have balconies.</p> <p>Units 1, 2 and 4 to 8 remain without balconies.</p> <p>Unit 9 is provided with a roof terrace which is 3.6m in depth and measures 20.5m² in area.</p> <p>Ground level Unit 3 is provided an area of private open space which is directly accessible from a habitable room and includes a 1.5m in depth deck which measures 6.42m² in area.</p> <p>The proposed rear deck and roof terrace are integrated into, and contributes to, the architectural form and detail of the building. Finishes are consistent with the contemporary</p>

Design Criteria	Compliance	Comment
		palette of materials and contribute positively to the building. Notwithstanding numerical variances, the proposal is consistent with the objectives of this part of the ADG.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	The maximum number of units accessed off a circulation core on a single level is three (3).
4G Storage		
In addition to kitchens, bathrooms and bedrooms, the following is provided: <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	Yes (subject to condition)	The proposal increases storage where currently no storage exists, however minimum requirements are not achieved. Conditions are imposed to ensure compliance in this respect.

2.1.4 SEPP (Affordable Rental Housing) 2009

Part 3 – Retention of existing affordable rental housing

Cl.47 of SEPP (Affordable Rental Housing) defines affordable rental housing as a dwelling that (at any time in the 24 month period prior to the lodgement of a development application to which this Part applies) was let at a rental not exceeding the median rental level for that time (as specified in the Rent and Sales Report) in relation to a dwelling of the same type, having the same number of bedrooms and located in the same local government area.

Based on the information submitted by the applicant, the existing dwellings satisfy the definition of affordable rental housing.

Cl.50(2)(a) of the SEPP applies to as there is likely to be a reduction in affordable housing on land to which this application relates. The applicant acknowledges that all existing dwellings are affordable rental housing, and that the proposal results in no affordable rental housing units, therefore a reduction in affordable rental housing is proposed.

Pursuant to the calculations of cl.51(3), a \$869,903 contribution is required to mitigate the loss of low rental housing. Relevant conditions of consent are included in Appendix A.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal achieves the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Zone	Yes	The proposal is defined as residential accommodation, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	The proposal does not increase the overall height of the existing building, which measures 12.91m in height. The sought variance is 410mm or 3.2%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 	No	The proposal results in an FSR of 1.418:1, a variance of 57.5%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR and height of building development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	N/A	The subject site is not identified as a Heritage Item or being located within a Conservation Area, however it is located opposite the Bondi Beach Conservation Area – General (C2). The proposal largely retains the pitched roof form and original street elevation of the existing residential flat building. On this basis, the proposal is unexpected to result in any material impact on the adjacent conservation area.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The subject site is identified as containing Class 5 Acid Sulfate Soils, however the proposed works are not expected to encounter and disturb acid sulfate soils.

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 12.91m, which exceeds the height of buildings development standard of 12.5m prescribed under clause 4.3 of Waverley LEP 2012 by 410mm or 3.2%. Note, the cl.4.6 refers to the variance as being 0.32% in error.

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:

- When measured to the external ground levels, the new works to the building will be only 410mm above the height control or 0.32% above the standard. It is significant in this instance that the overall ridge height of RL 34.900 will remain unchanged.
- The development will achieve a better outcome in this instance as the site will provide for alterations and additions to an existing building and is consistent with the stated Objectives of the R3 Medium Density Zone.
- The proposal will be consistent with and complement the existing residential development within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks maintain compatibility with the existing surrounding development.
- The proposal does not have any unreasonable impact on long distance views.
- The proposed development will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.
- It is unreasonable and unnecessary to require strict compliance with the development standard as the proposal provides for additions and alterations to an existing residential flat building, which are constrained by the siting of the existing building and the sloping topography of the site.
- The proposed height and the overall scale of the new works will maintain amenity and appropriate solar access for the subject site and neighbouring properties.
- The variation to the height is inconsequential as it is of negligible impact to the streetscape and the amenity of neighbouring properties.
- The non-compliance will not affect the proposal being consistent with the relevant objectives of the development standard and zone.

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

cl.4.3 (1) The objectives of this clause are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*

- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Objectives (b) and (c) do not apply to the proposal.

The breach in height limit occurs for a limited section towards the rear of the building; however, it is agreed that the 410mm breach is existing and is not being exacerbated by the development.

The proposal is not inconsistent with the pattern of development displayed within the locality and will not adversely impact upon neighbouring properties with regards to general amenity impacts. Accordingly, it is considered that compliance with the height of building development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has adequately demonstrated that compliance with the height of buildings development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The resultant non-compliance will not contravene the relevant objectives of the height of buildings development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the height of buildings development standard to achieve the desired future character of the locality. The non-compliance is therefore supported and satisfies specifically clauses 4.6(3) and (4) of Waverley LEP 2012.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.418:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4A of Waverley LEP 2012 by 247.34m² in gross floor area or 57.5%.

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 development will achieve a better outcome in this instance as the site will provide for alterations and additions to an existing dwelling which is consistent with the stated Objectives of the R3 Medium Density Residential Zone.
- The proposal will be consistent with and complement the existing varied style of residential development within the locality.
- The proposed development respects the scale and form of other new development in the vicinity and therefore complements the locality.
- The setbacks are compatible with the existing surrounding development.
- It is considered that the site may be developed with a variation to the prescribed maximum floor space ratio control, whilst maintaining consistency with the zone objectives.
- Despite the variation to the floor space ratio control, the proposed alterations and additions to the existing residential flat building are considered to be in keeping with the bulk and scale of development in the locality and the desired future character of the locality.
- The proposed development will not result in any unreasonable impacts on adjoining properties in terms of views, privacy or overshadowing.
- It is unreasonable and unnecessary to require strict compliance with the development standard as the proposal provides for the construction of alterations and additions to an existing residential flat building including a new attic.

- The proposed bulk and scale of the dwelling is considered to be in keeping with the streetscape appearance of development along Ramsgate Avenue.
- The proposed attic level is largely within the existing roof form and will not exceed the existing overall height of the building.
- The proposed overall bulk and scale of the new works will maintain amenity and appropriate solar access for the subject site and neighbouring properties.
- The variation to the floor space ratio control is inconsequential as it is of negligible impact to the streetscape and the amenity of neighbouring properties and is in keeping with the extent of development in the locality.
- The non-compliance will not affect the proposal being consistent with the relevant objectives of the development standard and zone.

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

cl.4.4 (1) The objectives of this clause are as follows:

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

Notwithstanding a variance of 57.5%, the additional gross floor area is largely contained within the pitched roof form of the building with dormers and protrusions out of the roof being perceived as minor, sympathetic and subservient to the pitched roof form of the building. In this regard, the proposal will maintain the perceived overall building bulk, height and scale of the existing building and will be commensurate in scale with surrounding properties. Further, the proposal will not adversely impact upon neighbouring properties through view loss, overshadowing or visual bulk.

Accordingly, it is considered that compliance with the FSR development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant has adequately demonstrated that compliance with the FSR development standard is deemed unreasonable and unnecessary given the unique characteristics of the site and its context. The resultant non-compliance will not contravene the relevant objectives of the FSR development standard and the R3 zone given it will not manifest in adverse and unreasonable streetscape and amenity impacts. In this regard, the development will not be contrary to the public interest and undermine the integrity of the FSR development standard to achieve the desired future character of the locality. The non-compliance is therefore supported and satisfies specifically clauses 4.6(3) and (4) of Waverley LEP 2012.

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	N/A	The proposal does not change the level of waste generation given the same amount of units in the building remain unchanged.
2. Energy and water conservation	Yes	The application was accompanied by a BASIX Certificate. The proposal is consistent with the objectives and controls of this part of the DCP.
5. Tree preservation	Yes	Existing trees on the land are either listed on Council's Exempt Tree Species list or display no outstanding attributes worthy of retention. Refer Heading 3 of this report for further discussion.
6. Stormwater	Yes	The stormwater plans were referred to Council's Stormwater Engineer, whom advised that the plans are satisfactory.
8. Transport	Yes	No changes are proposed to vehicle access.

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

Development Control	Compliance	Comment
2.1 Special character areas		
<ul style="list-style-type: none"> North Bondi Special Character Area 	Yes (on merit)	<p>The proposal accords with the Desired Future Character Objectives, which seek to: maintain the streetscape rhythm; improve the amenity for residents without detracting from the amenity of adjacent buildings; and allow minor alterations and additions in the roof space.</p> <p>Roof terraces are generally discouraged, the proposed terrace is not considered a 'roof terrace' and the size and siting of the terrace appropriately minimise visual and acoustic impacts upon adjoining properties.</p>

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m 	No (existing)	The existing site has a 12.19m frontage which is not being altered by the proposal.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 9.5m 	No (existing)	The existing building has a maximum external wall height of 10.5m, a variance of 1m or 10.5% which is not being altered by the proposal.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	Remains unchanged at 5.29m.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 4.5m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	No (existing) Yes No (existing)	The existing building is setback from side boundaries and currently provides no deep soil along side boundaries. The existing situation remains unchanged.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m 	No (existing) Yes	The existing building is 26.5m in length. The proposal results in units with a maximum internal depth of 16.3m.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	The proposal maintains the essential architectural elements of the existing building, including the pitched roof form.
2.9 Attic and roof design		
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation Must be connected to unit below 	Yes (on merit)	<ul style="list-style-type: none"> The proposed attic includes a kitchen, toilet, study and day bed which each do not achieve a minimum 3m dimension; however, the living area has a minimum dimension of 4.18m. Floor to ceiling height requirements are achieved. Dormer windows are set 300mm below the ridge and are less than 50% of the roof elevation. The attic is connected to unit 9 below.
2.10 Fences and walls		
<i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes	Proposed internal fencing measures 1.8m in height.

Development Control	Compliance	Comment
		Proposed fencing forward of the building measures 1.65m in height and provides screening to the bin storage area or separation between the driveway and pedestrian entry path. Solid fencing of 1.65m is supported as 70.5% of the frontage remains open. Furthermore, the proposal is comparable with fencing within Ramsgate Avenue.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design 	Yes	Existing vehicular access and parking remains unchanged.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level 	No (existing)	The existing pedestrian entry is to the eastern side of the building and is to remain unchanged.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 143.2m² 50% of the above is to be deep soil: 238.7m² 	Yes (on merit)	<p>The proposal increases the existing amount of landscaping from 12% to 15% or 73.6m². Additional landscaping is achievable due to the demolition of minor structures to the rear of the building. The achievement of the required amount of landscaping would require a significant reduction in the building footprint, which is not proposed as part of the development.</p> <p>Notwithstanding the shortfall, the proposal provides adequate landscaping to achieve landscaping objectives.</p>
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 73.6m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight Accessible 	<p>Yes Yes</p> <p>Yes (on merit)</p>	<p>The proposal increases the existing amount of communal open space from 12% to 15% or 73.6m², with a minimum dimension of 6.98m.</p> <p>Communal open space is located to the rear of the building and orientated north-east to maximise solar access. Shadow diagrams indicate a minimum of 3 hours sunlight is provided to the majority of the area of communal open space between the hours of 9am and 3pm on 21 June.</p> <p>The communal open space is located at ground level and directly accessible via the pedestrian access path.</p>

Development Control	Compliance	Comment
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice • Adjoining properties to retain minimum of three hours of sunlight during winter solstice 	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. The shadow diagrams show that the proposed attic addition will not result in discernible additional overshadowing of adjoining properties in mid-winter.
2.17 Views and view sharing		
<ul style="list-style-type: none"> • Minimise view loss 	Yes	The proposal does not impact upon views of neighbouring properties.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development • Minimise overlooking of adjoining properties 	Yes	The proposed dormer windows and terrace are set back sufficiently from the side boundaries to adequately protect visual privacy of adjoining properties.
2.22 Acoustic privacy		
<ul style="list-style-type: none"> • Internal amenity by locating noisy areas away from quiet areas 	Yes (on merit)	Central circulation areas and lift are located adjacent to noise-sensitive bedrooms; however, the proposal includes the use of acoustic treatments to comply with BCA acoustic separation requirements.
2.24 Building services		
<ul style="list-style-type: none"> • Must have a minimum of 2m setback from the building edge 	No (existing)	The existing services are located within the front building setback and are to remain; however, the proposal seeks to screen these services from view by creating a 1.65m high service court which includes bin store.

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*.

Four (4) submissions were received from within the subject residential flat building.

In accordance with Part A3 – *Re-notification Procedures*, the amended proposal was notified for 14 days. Re-notification did not result in the receipt of any additional submissions.

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

Issue: Affordable housing

Response: The loss of affordable housing is discussed in detail under Heading 2.1.4 of this report. This issue is resolved via condition.

Issue: Design and appearance

Response: The proposal has been amended to address design and appearance concerns. This issue is considered to be resolved. Refer discussion under Heading 2.1.6 of this report.

Issue: Built form and scale

Response: The built form and scale of the proposal are in keeping with the character of the streetscape. This issue is considered to be resolved. Refer discussion under Heading 2.1.6 of this report.

Issue: Landscaping

Response: The provided amount of landscaped areas is less than sought by the relevant control, however the total amount of landscaping is increased from existing by 15.4m². This issue is considered to be resolved. Refer discussion under Heading 2.1.6 of this report.

2.5 Public Interest

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

3. REFERRALS

3.1 SEPP 65 Design Review Panel

Comments discussed under Heading 2.1.3 of this report.

3.2 Urban Design and Heritage – Shaping Waverley

Council's Urban Design and Heritage team in the Shaping Waverley department commented on the proposal and advised the proposal is acceptable subject to following design changes:

- Retention of face brick exterior to the street elevation without render, paint or other covering.

- Changes to the front roof slope, retaining the upper section of the front hip roof down to the head of the proposed glazed doors
- Provision of unglazed terracotta Marseilles tile roofing.

The above mentioned design change recommendations will be adopted by way of conditions of consent.

3.3 Strategic Planning – Shaping Waverley

The application was referred to Council’s Strategic Planning team in the Shaping Waverley department and the following commentary was provided from that team:

- (a) The units were previously leased at rates below the median rate for their bedroom size (8 two bedroom units and 1 three bedroom unit) and as such the proposed development needs to be assessed against the ARH SEPP 2009.*
- (b) Under the calculations of Clause 51(3) of the ARHSEPP, \$869,903 is required as a contribution to mitigate the loss of five low rental dwellings.*
- (c) Should the application be supported, conditions regarding affordable housing contribution shall be imposed.*

Recommended conditions are included in Appendix A.

3.4 Fire Safety – Building Waverley

The application was referred to Council’s Fire Safety team in the Building Waverley department, advising that a BCA report should be submitted prior to determination of the application. The application was deferred in part to ask for such report. Following receipt of the report, Council’s Fire Safety Officer advised the following:

- (a) An assessment of the proposal revealed that there may be a number of non-compliances with the BCA including, but not limited to:*
 - (i) Possible fire separation issues between building sole occupancy units and common areas; and*
 - (ii) Fire resistance levels of building elements and protection of openings, (ie Section C of BCA);*

As identified in the submitted BCA Assessment and Fire Safety Upgrade Report Ref: 2018-0003-r2 dated 15 October 2018 prepared by Sean Connolly of Consult Code Solutions.

- (b) The BCA Report however concludes that “Assessment of the Architectural design documentation against the provisions of the Building Code of Australia, 2016 (BCA) has revealed the documentation complies or is capable of complying (as outlined in this report) with that code” and “we conform that any modifications and advancement in the level of details required for the proposed design in order to satisfy the requirements of the BCA will not necessitate the need for any significant design changed that in turn would necessitate the submission of an application under Section 4.55 of the Environmental Planning & Assessment Act 1979”.*

(c) *A condition should be included in the development consent requiring fire safety upgrading of the existing building in accordance with the BCA Assessment and Fire Safety Upgrade Report and additional upgrading works identified by Council.*

(d) *Recommend the imposition of conditions.*

Appropriate conditions of consent are recommended to this effect in Appendix A.

3.5 Stormwater – Creating Waverley

The submitted stormwater plans were referred to Council’s Stormwater Engineers and were considered satisfactory. Recommended conditions are included in Appendix A.

3.6 Tree Management Officer – Open Spaces, Clean & Attractive Waverley

Comments includes:

- (a) On inspection, it was noted that on site there were two trees, the trees possess no outstanding attributes worthy of retention (due to weed species, poor health) and their **removal is supported**.
- (b) The two *Celtis sinensis* (Hackberry) in the rear of the property are on our Exempt Tree Species list and should be removed, the applicant **may remove the trees** on the following conditions:
 - (i) In line with Council’s policy to maintain and increase tree cover in the Council area, all trees where consent has been given to remove are to be replaced with a local native tree of minimum container size of 45 litres and shall be maintained until they attain a mature height of at least five (5) metres, or whereby they will be protected by Council’s Tree Preservation Order.

Given the subject trees are Exempt Tree Species, the imposition of conditions regarding their replacement is not warranted, and therefore the recommended condition is not included in Appendix A.

4. SUMMARY

The proposal seeks consent for alterations and additions, including new attic level to the existing residential flat building at the site known as 56 Ramsgate Avenue, Bondi Beach.

In summary, the proposal includes:

- Ground: replacement of garage doors;
- Level 1: units 1 – 3 revised open plan layout and new windows;
- Level 2: units 4 – 6 revised open plan layout and new windows;
- Level 3: units 7 – 8 reconfigured bedrooms, revised open plan layout and new windows; unit 9 reconfigured bedrooms and new internal access stairs to the attic level;
- Level 4: unit 9 m² additional floor area and rooftop deck associated with unit 9;
- External works: demolition of external laundry, new roof cladding (no change to the existing height with dormer windows introduced), roof-mounted solar photovoltaic system, bin store, pedestrian access gate, letterboxes, deck associated with unit 3 and the establishment of a 43m² communal area to the rear of the building which is protected from the elements via a fixed awning. The proposal also includes the installation of a lift accessing all levels, resurfacing of the driveway and minor site works.

The proposal provides 8 x 2-bedroom units and 1 x 3-bedroom unit, none of which will be provided as affordable housing.

The proposal exceeds both the height of buildings and FSR development standards. Non-compliances are supported as the considerations of Clause 4.6 are satisfied.

The overall building height is 12.91m, which exceeds the height of buildings development standard of 12.5m prescribed under clause 4.3 of Waverley LEP 2012 by 410mm or 3.2%.

The FSR is 1.418:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4A of Waverley LEP 2012 by 247.34m² in gross floor area or 57.5%. The application is referred to the Waverley Local Planning Panel for determination on this basis.

Four (4) submissions were received and are discussed under Heading 2.4 of this report. The issues raised have been addressed through amended plans, by conditions of consent, or are unreasonable and unjust.

No Councillor submissions were received.

The proposal is considered to represent an economic and orderly development that is substantially compliant with the objectives of relevant SEPPs, the ADG, LEP and DCP and is supported subject to the imposition of conditions.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Fiona Koutsikas
Senior Development Assessment Planner

Ben Magistrale
**Acting Manager, Development Assessment
(Central)**

Date: 14 February 2019

Date: 15 February 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Amended Architectural Plans prepared by Ian Bennet Design Studio:

Title	Drawing No.	Dated	Received by Council
Site Plan	A.03[D]	8 October 2018	16 October 2018
Level One	A.04[D]	8 October 2018	16 October 2018
Level Two	A.05[D]	8 October 2018	16 October 2018
Level Three	A.06[D]	8 October 2018	16 October 2018
Attic	A.07[D]	8 October 2018	16 October 2018
Section X + BASIX Notes	A.08[D]	8 October 2018	16 October 2018
Section Y + Floor Space	A.09[D]	8 October 2018	16 October 2018
South – West Elevation	A.10[D]	8 October 2018	16 October 2018
North – East Elevation	A.11[D]	8 October 2018	16 October 2018
South – East Elevation	A.12[D]	8 October 2018	16 October 2018
North – West Elevation	A.13[D]	8 October 2018	16 October 2018
Materials Schedule	A.17	October 2018	16 October 2018
Window Details	A.20[D]	8 October 2018	16 October 2018

- (b) Amended Landscape Plan prepared by Selena Hannan Landscape Design, drawing no. LP01 – A, dated 4 September 2018 (Issue A), received by Council on 16 October 2018;
- (c) Certificate of Existing Structural Adequacy prepared by Northern Beaches Consulting Engineers Pty Ltd, dated 9 October 2018, received by Council on 16 October 2018;
- (d) BCA Assessment and Fire Safety Upgrade report prepared by Consult Code Solutions, dated 15 October 2018, received by Council on 16 October 2018;
- (e) BASIX Certificate; and
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Retention of face brick exterior to the street (south-west) elevation of the building without render, paint or other covering;

- (b) The front roof slope shall be amended to retain the upper section of the front hip roof down to the head of the proposed glazed doors, so as to limit alterations to the existing roof form; and
- (c) New roof tiling shall be of unglazed terra cotta Marseilles tile, so as to complement the existing tiles.

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

3. APPROVED DESIGN - RESIDENTIAL FLAT DEVELOPMENT

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

4. ARCHITECT TO SUPERVISE DESIGN

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

5. NEW DEVELOPMENT APPLICATION REQUIRED

This consent is for alterations and additions to the existing building only and should during the course of certification or construction a significant amount of the remaining fabric of the building be removed, a new development application will be required and need to comply with the relevant planning controls including BASIX.

6. DOMESTIC HEATERS

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

7. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

8. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate

and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

9. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. AFFORDABLE HOUSING CONTRIBUTION

The Affordable Housing Contribution is as follows:

- (a) Pursuant to clause 51(2) of State Environmental Planning Policy (Affordable Rental Housing) 2009, the applicant must provide a monetary contribution towards the provision of affordable housing as the proposed development will or is likely to reduce the availability of affordable housing within the area.
- (b) The contribution of \$869,903 payable for the provision of affordable housing under s7.33 of the Environmental Planning and Assessment Act 1979 for the purposes of mitigating the loss of low-rental accommodation proposed by the subject DA, shall be paid in one complete payment to Waverley Council prior to the issuance of a Construction Certificate.

11. SUFFICIENT NOTICE OF DISPLACEMENT

The owner/developer must provide tenants with a notice to displace so that they have sufficient time to source alternative comparable accommodation options. Prior to the issuance of a Construction Certificate, the owner/applicant must provide evidence to Council of a dated letter to tenants proving that they have been provided sufficient notice.

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

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

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

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

13. SECTION 7.12 CONTRIBUTION

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

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
 - (1) Where the total development cost is less than \$500,000:
"Waverley Council Cost Summary Report"; or,

- (2) Where the total development cost is \$500,000 or more:
"Waverley Council Registered Quantity Surveyor's Detailed Cost Report".

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

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

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

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

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

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. SECURITY DEPOSIT

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

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

16. 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.

17. HOARDING REQUIRED

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

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

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

18. EROSION & SEDIMENT CONTROL

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

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

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

19. SITE WASTE AND RECYCLING MANAGEMENT PLAN

Demolition and excavated material to be reused and/or recycled wherever possible and detailed in a Site Waste and Recycling Management Plan (SWRMP) Checklist 2 which is to be submitted to the

Principal Certifying Authority for approval in accordance with Waverley DCP 2012 prior to the issue of the Construction Certificate.

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

20. ESSENTIAL SERVICES - EXISTING BUILDING

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

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

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

21. NOISE ATTENUATION IN RESIDENTIAL FLAT BUILDINGS

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

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

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

22. BCA – PROTECTION OF EXTERNAL OPENINGS

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

23. FIRE SAFETY UPGRADING WORKS

In addition to all new works fully complying with the Building Code of Australia, pursuant to Clause 94 of the Environmental Planning and Assessment Regulations 2000, the existing building must be fire and life safety upgraded to comply with the provisions of Sections C, D & E of the Building Code of Australia (BCA) in accordance with the Fire Safety Upgrading recommendations of the BCA Assessment and Fire Safety Upgrade Report Ref: 2018-0003-r2 dated 15 October 2018 prepared by Sean Connolly of Consult Code Solutions including the following works to be completed in conjunction with the new works:

- (i) The top floor units must be fire separated from all adjoining sole occupancy units and internal common areas including exit stairways and roof voids by building elements that comply with the fire resistance performance requirements set out in Specification C1.1 of the Building Code of Australia for a building of Type A Fire Resisting Construction. Details being included in the Construction Certificate documentation;
- (ii) Provide fire separation between all floor levels of the building in accordance with Section C of the Building Code of Australia for a building Type A Fire Resisting Construction. Details being included in the Construction Certificate documentation;
- (iii) The electrical installations serving the premises must be inspected by a suitably qualified electrician and certified. The certificate should include the following:
 - (a) That a visual examination of wiring, fittings and accessories was undertaken and were found to be in sound condition;
 - (b) That an insulation resistance test was undertaken pursuant to clause 1.5.2 of AS 3000 and was found to be satisfactory;
 - (c) That circuit protection devices used have been examined and found to be satisfactory pursuant to clause 2.4 of AS 3000.

24. ENGINEERING DETAILS

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

25. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

26. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

27. ARCHITECT TO SUPERVISE DESIGN - CONSTRUCTION CERTIFICATE DOCUMENTATION

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

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

28. 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.

29. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council's Executive Manager, Building Waverley prior to the issue of the relevant Construction Certificate.

Details to be shown on a 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, including dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

30. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

31. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Comply with the requirements of SEPP (Exempt Development) with regards to location.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (a) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (b) Have sufficient manual or automated controls so it is used only when required;
- (c) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (d) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (e) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

32. 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.

33. SERVICE AUTHORITIES

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

34. PRIOR TO SITE WORKS

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

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

35. HOME BUILDING ACT

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

36. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

37. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

38. COMPLIANCE WITH SAFE WORK NSW

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

39. DEMOLITION & SITE PREPARATION

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

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

40. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

41. ASBESTOS REMOVAL

- (a) All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a Licence in accordance with the requirements of SafeWork NSW. Fire damaged asbestos materials can only be cleaned up by licensed asbestos removalists with a Class A (friable) asbestos removal licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by SafeWork NSW and Waverley's Asbestos Policy.
- (b) All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.
- (c) No asbestos products are to be reused on site.
- (d) Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.
- (e) No asbestos laden skips or bins are to be left in any public place without the approval of Council.

42. EXCAVATION TO BE LIMITED

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

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

43. 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.

44. 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.

45. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

46. 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.

47. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

48. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

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

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

49. NATIONAL CONSTRUCTION CODE (NCC)

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

50. FIRE SAFETY UPGRADE WORKS

Fire safety upgrading works are to be undertaken in accordance with condition 23 of this consent.

51. CONSTRUCTION INSPECTIONS

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

52. 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.

53. 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.

54. 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.

55. 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.

56. NO WORKS BEYOND BOUNDARIES

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

57. SIDE AND REAR FENCE HEIGHT

Proposed new southern side and/or rear boundary fencing is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

58. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

59. FIRE SAFETY UPGRADING WORKS

Prior to the issue of an Occupation Certificate by an accredited certifier, all fire safety upgrading works are to be completed and certified by a licenced installer and a Final Fire Safety Certificate is to be issued with the Occupation Certificate, certifying that each essential fire safety measure:

- (a) Has been assessed by a competent fire safety practitioner; and
- (b) Has been found, when it was assessed, to be capable of performing to or at least the standard required by the current Fire Safety Schedule for the building for which the Certificate is issued.

Note: The provisions of Clause 94 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of the proposed development.

60. NOISE ATTENUATION CERTIFICATE

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

- (a) Engage and an Australian Association Acoustic Consultant to conduct a test for noise attenuation to classify the buildings performance on the National Star Rating Table and to confirm compliance with condition 21 of this consent; and
- (b) Lodge with Council for public record, the noise attenuation star rating results.

61. ARCHITECT TO SUPERVISE DESIGN - OCCUPATION CERTIFICATE DOCUMENTATION

In accordance with clause 154A of the Environmental Planning and Assessment Regulations 2000, the Principal Certifying Authority must not issue an occupation certificate to authorise a person to commence occupation or use of the development unless it has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued.

62. STRATA SUBDIVISION

Consent is required for strata subdivision of the development.

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

63. FINAL OCCUPATION CERTIFICATE

Prior to occupation or use of the development, the Principal Certifying Authority must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be

satisfied that the requirements of the Environmental Planning & Assessment Act, 1979 have been satisfied.

64. SLIP TESTS OF COMMON AREAS

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

65. TACTILE NUMBER IN LIFT

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

66. STORMWATER MANAGEMENT

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

Under the current design, the orifice diameter to be 38mm.

67. 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.

68. 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.

69. NOISE - MECHANICAL PLANT

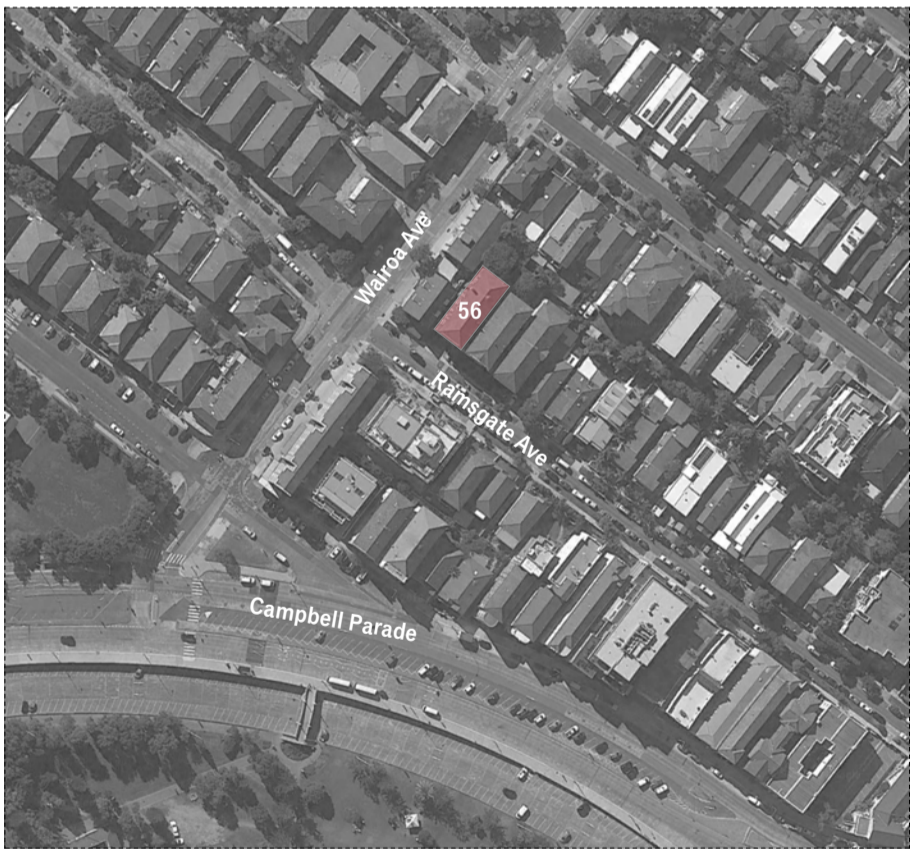
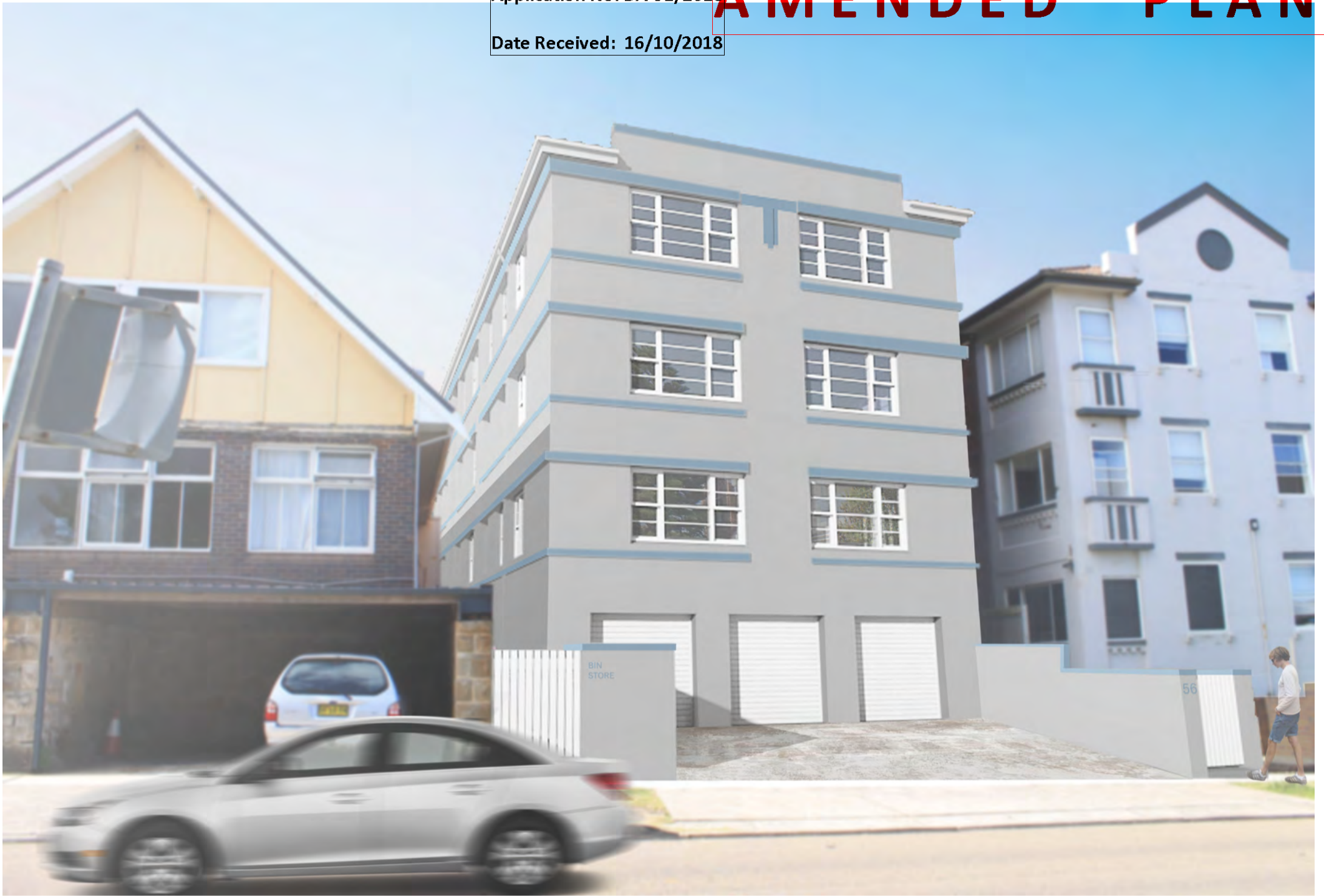
Noise associated with mechanical plant shall not give rise to any one or more of the following:

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

- (d) A Certificate is to be submitted at the completion of all work and prior to the issue of an Occupation Certificate, from a suitably qualified Acoustic Engineer. The Certificate is to certify all plant and equipment complies with the terms of approval in relation to noise.

RECEIVED
Waverley Council
Application No: DA-91/2018
Date Received: 16/10/2018

AMENDED PLANS



BONDI BEACH APARTMENTS

LOT 1 | DP 188348

No.56 Ramsgate Avenue

BONDI BEACH | NSW | 2026

Architectural Documentation to accompany Development Application:
Alterations + Additions to an existing Residential Flat Building

DRAWING REGISTER

DRAWING NO.	ISSUE	SCALE	DRAWING NAME
A. 01	D	1:500 @ A3	Site Analysis Plan
A. 02	D	NTS @ A3	Streetscape Site Analysis
A. 03	D	1:200 @ A3	Site Plan + Landscape Plan
A. 04	D	1:100 @ A3	Level One Plan
A. 05	D	1:100 @ A3	Level Two Plan
A. 06	D	1:100 @ A3	Level Three Plan
A. 07	D	1:100 @ A3	Attic Plan
A. 08	D	1:100 @ A3	Section X + BASIX Notes
A. 09	D	1:200 @ A3	Section Y + Floor Space Drawings
A. 10	D	1:200 @ A3	South - West Elevation
A. 11	D	1:200 @ A3	North - East Elevation
A. 12	D	1:100 @ A3	South - East Elevation
A. 13	D	1:200 @ A3	North - West Elevation
A. 14	D	1:200 @ A3	Shadow Diagrams: Winter Solstice 9am
A. 15	D	1:200 @ A3	Shadow Diagrams: Winter Solstice 12pm
A. 16	D	1:200 @ A3	Shadow Diagrams: Winter Solstice 3pm
A. 17	D	NTS @ A4	Colours + Finishes Schedule
A. 18	D	1:200 @ A3	Notification: Site Plan
A. 19	D	1:200 @ A3	Notification: Elevations
A. 20	D	1:5 @ A3	Window details
A. 21	D	1:100 @ A3	Existing NE + SW elevations
A. 22	D	1:100 @ A3	Existing SE elevations
A. 23	D	1:100 @ A3	Existing NW elevations



Certificate no.: 0003242510
Assessor Name: Chad Whittaker
Accreditation no.: 55430
Certificate date: 11 October 2018
Dwelling Address: 56 Ramsgate Ave Bondi Beach, NSW 2026

 Certificate no.: 0002480259-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 1, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480275-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 2, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480267-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 3, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480333-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 4, 56 Ramsgate Ave Bondi Beach, NSW 2026
 Certificate no.: 0002480341-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 5, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480358-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 6, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480390-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 7, 56 Ramsgate Ave Bondi Beach, NSW 2026	 Certificate no.: 0002480416-01 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 09 Oct 2018 Dwelling Address: 8, 56 Ramsgate Ave Bondi Beach, NSW 2026
 Certificate no.: 0002480432-02 Assessor Name: Chad Whittaker Accreditation no.: 55430 Certificate date: 11 Oct 2018 Dwelling Address: 9, 56 Ramsgate Ave Bondi Beach, NSW 2026			

AMENDED PLANNING

WAVERLEY COUNCIL LEP + DCP CONTROLS

Waverley LEP	Required	Existing	Proposed	Compliance
4.3 Height of Buildings	Max 12.5m	13.15m	13.15m	No
4.4 Floor Space Ratio	0.90:1 429.7m ²	1.26:1 601.6m ²	1.39:1 664.6m ²	No
Waverley DCP				
2.3 Height	9.5m	11.2m	11.2m	No
2.4 Excavation	1.2	0	0	Yes
2.5 Setbacks	5.2m	RECEIVED 5.2m	5.2m	Yes
2.5.2 Side and Rear Setback	Rear:6m Side:1.4m	Rear:6.9m Side:1.4m	Rear:6.9m Side:1.4m	Yes/No
2.6 Length of Building	24m	9.4m	9.4m	Yes
2.6 Depth of Building	18m	17m	17m	Yes
2.7 Building Separation	1.5m	1.5m	1.5m	No
2.9 Attic and Roof Design	50% of F.A / 114.9m ²	N/A	61.8m ²	Yes
2.13 Landscaping	30% of F.A / 165.1m ²	12% 58.2m ²	9% 43.0m ²	No
2.14 Communal Open Space	15% 71.61m ²	12% 58.2m ²	9% 43.0m ²	No

DA - SITE PLAN

Project Number : 1707

Date : OCT 2018

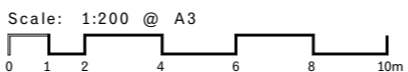
Drawing No. : **A.03**

Issue : **10D**

Date	Is	Description
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21.09.18	C	FURTHER AMENDMENTS FROM CONSULTANT INPUT
30.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
19.03.18	A	DA SUBMISSION

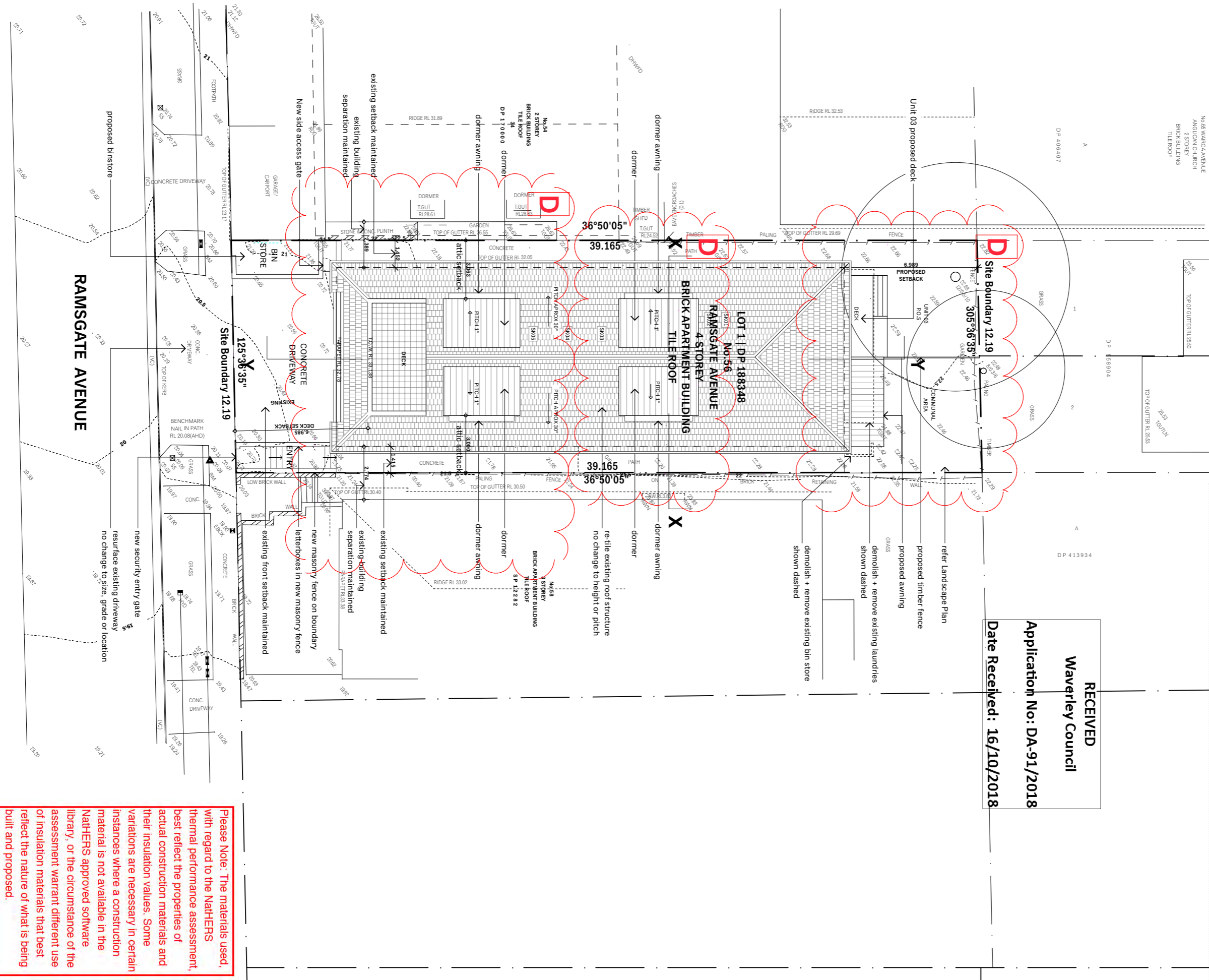


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 No. 56 Ramsgate Avenue
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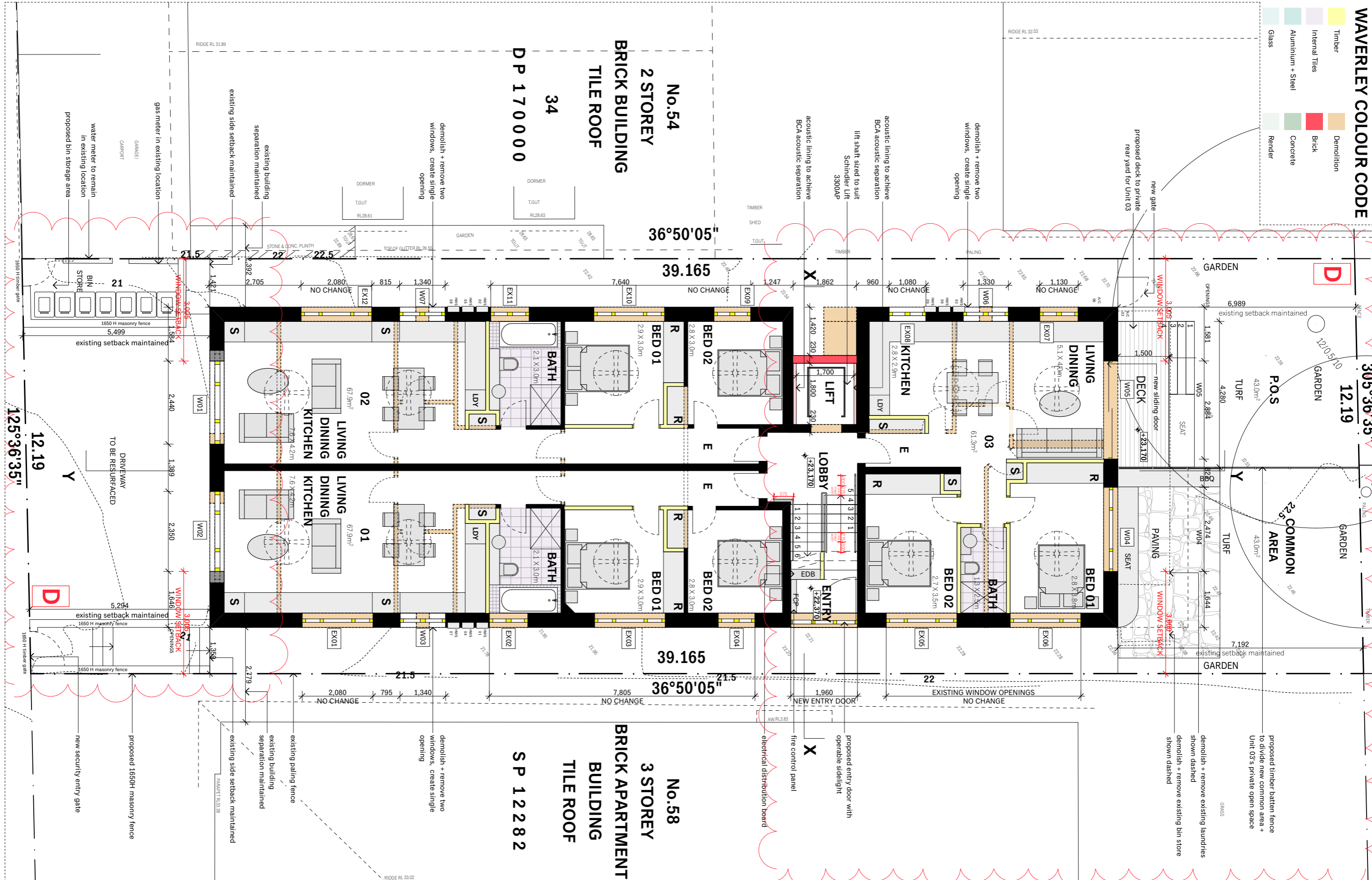
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Please Note: The materials used, with regard to the NatHERS thermal performance assessment, best reflect the properties of actual construction materials and their insulation values. Some variations are necessary in certain instances where a construction material is not available in the library, or the circumstance of the assessment warrant different use of insulation materials that best reflect the nature of what is being built and proposed.

WAVERLEY COLOUR CODE

- Timber
- Internal Tiles
- Aluminium + Steel
- Glass
- Demolition
- Brick
- Concrete
- Render



DA - LEVEL ONE

Project Number : 1707 Date : OCT 2018

Drawing No. : **A.04** Issue : **103D**

Date	Is.	Description
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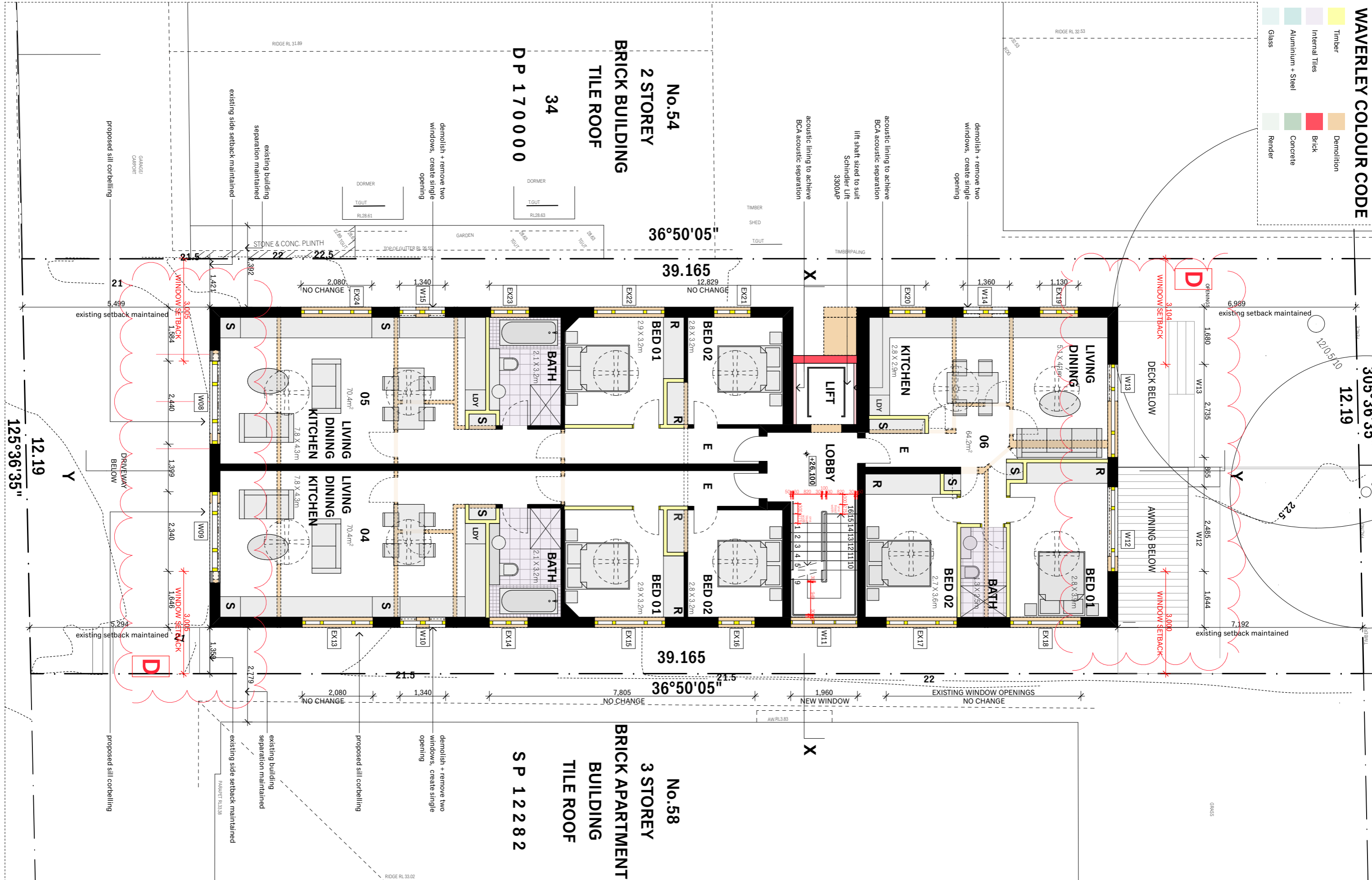
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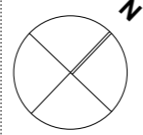
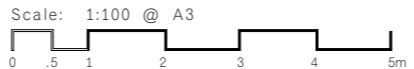
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DA - LEVEL TWO

Project Number : 1707

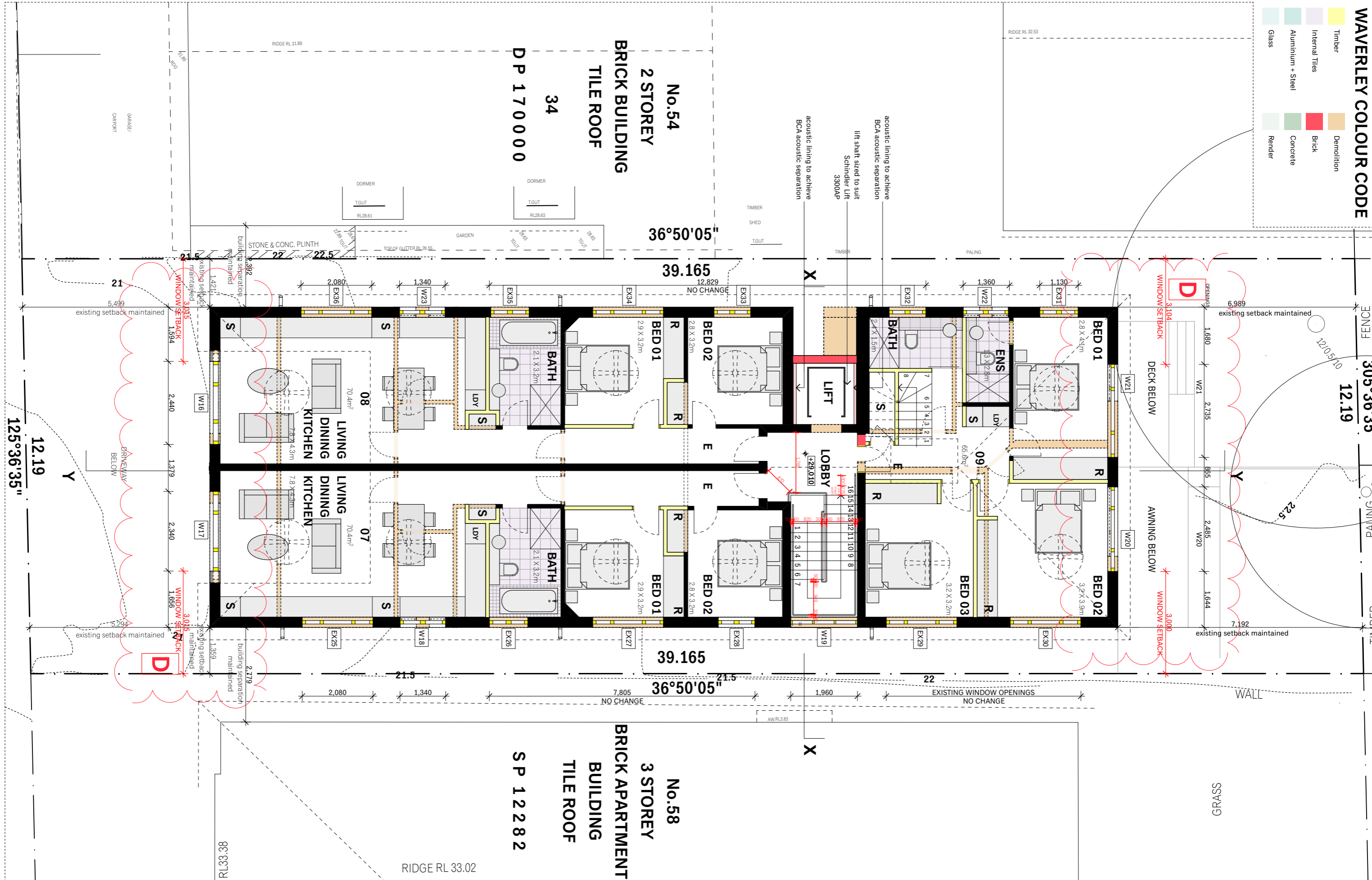
Date : OCT 2018

Drawing No. : **A.05**

Issue : **104D**

WAVERLEY COLOUR CODE

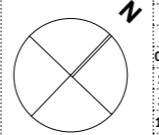
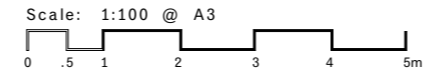
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DA - LEVEL THREE

Project Number : 1707

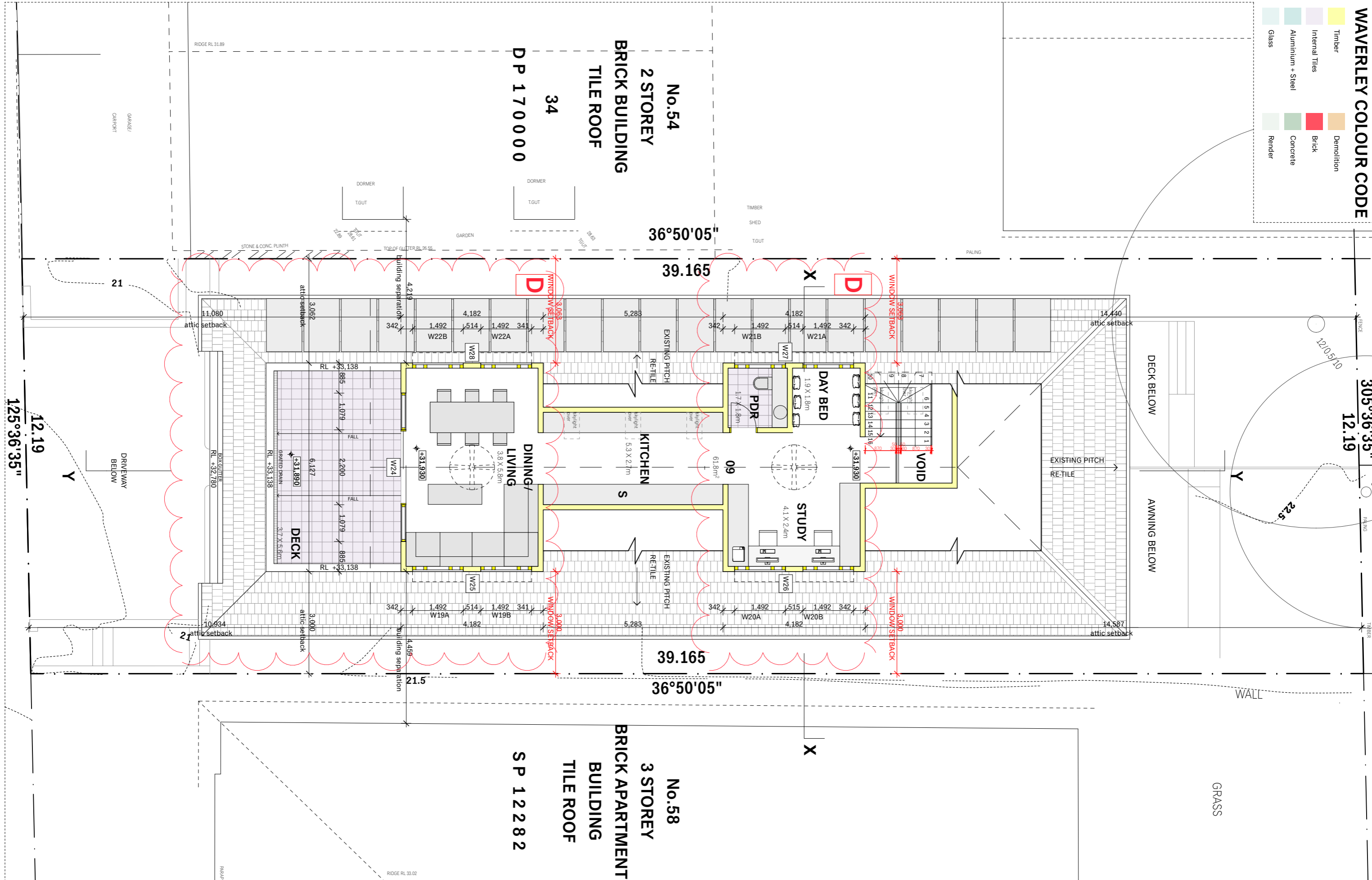
Date : OCT 2018

Drawing No. : **A.06**

Issue : **105D**

WAVERLEY COLOUR CODE

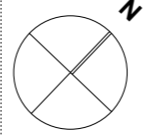
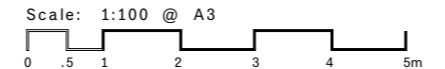
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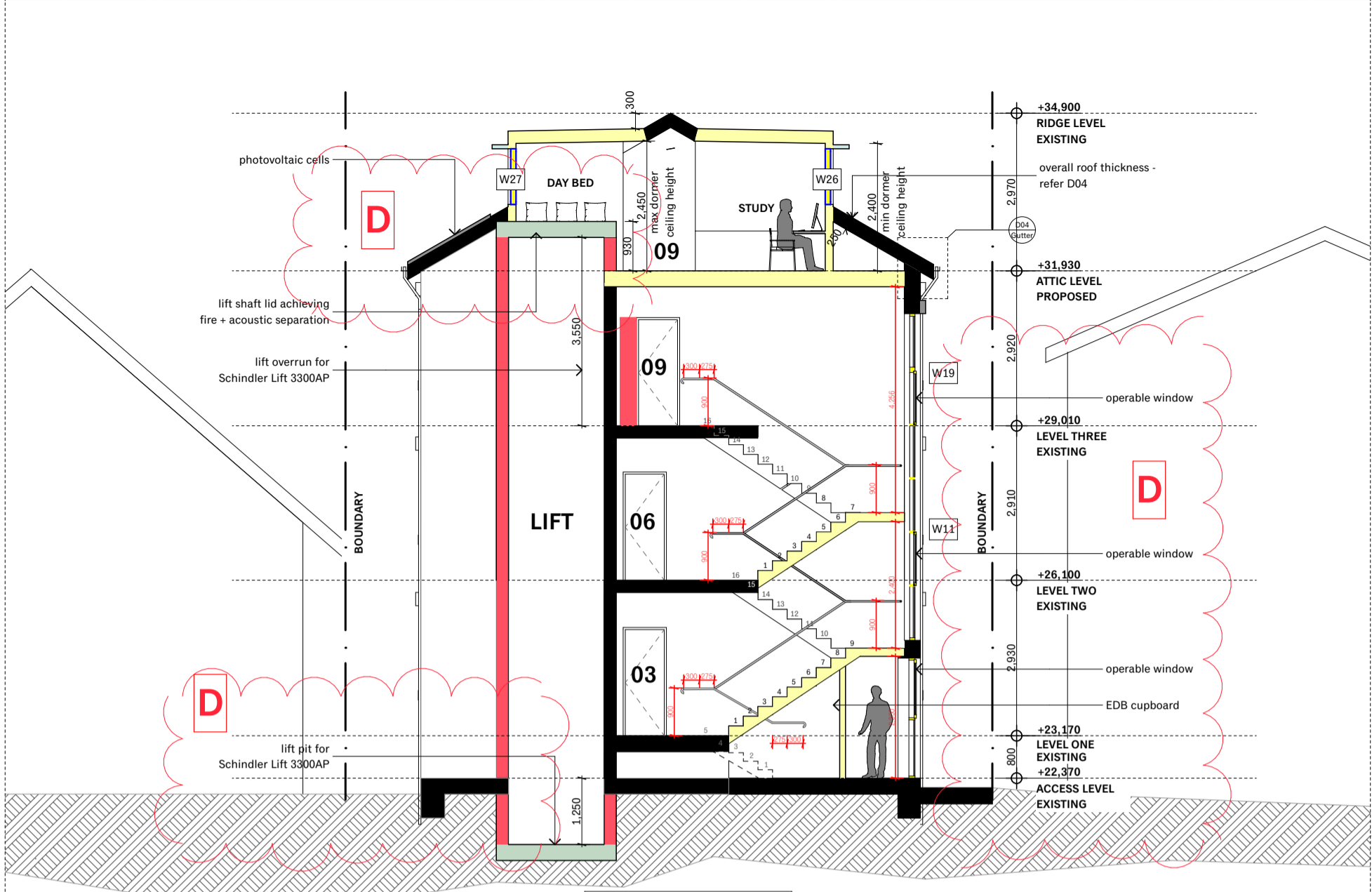
DA - ATTIC

Project Number : 1707

Drawing No. : **A.07**

Date : OCT 2018

Issue : **106D**



SECTION X

DA - SECTION X + BASIX NOTES
 Project Number: 1707
 Date: OCT 2018
 Issue: D
 Drawing No.: A.08

10.10.18	D	ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
21.09.18	C	FURTHER AMENDMENTS FROM CONSULTANT INPUT
30.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
10.03.18	A	DA SUBMISSION
Date	Iss	Description

Dwelling no.	Fixtures				Appliances				Individual pool		Individual spa			
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	no	3.5 star	3.5 star	-	-	-	-	-	-	-

Dwelling no.	Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control	
All dwellings	gas instantaneous 5 star	no mechanical ventilation (ie, natural)	-	individual fan, not ducted	manual switch on/off	natural ventilation only, or no laundry	-	

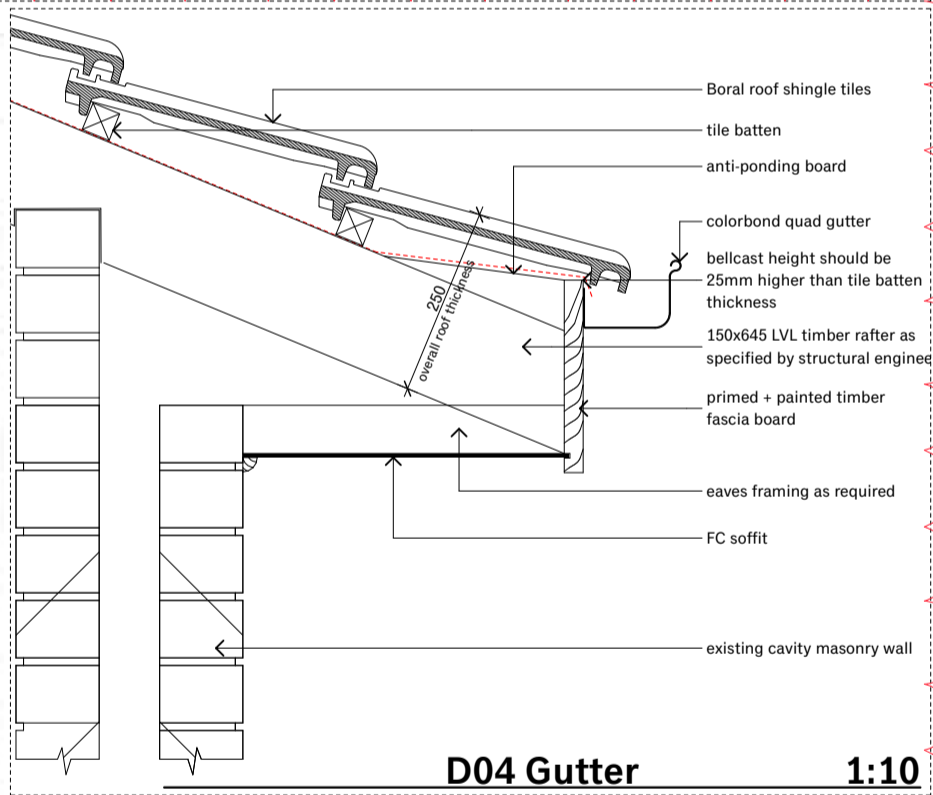
Dwelling no.	Cooling		Heating		Artificial lighting				Natural lighting			
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
09	ceiling fans + 1-phase airconditioning 5.5 Star	ceiling fans	1-phase airconditioning 5.5 Star	-	3 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	2	yes
All other dwellings	ceiling fans + 1-phase airconditioning 5.5 Star	ceiling fans	1-phase airconditioning 5.5 Star	-	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	no	yes (dedicated)	0	yes

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
03	-	-	-	-	gas cooktop & electric oven	4 star (new rating)	yes	4 star	4.5 star	5.5 star	yes	yes
All other dwellings	-	-	-	-	gas cooktop & electric oven	4 star (new rating)	yes	4 star	4.5 star	5.5 star	yes	no

Dwelling no.	Thermal loads	
	Area adjusted heating load (in mJ/m ² /yr)	Area adjusted cooling load (in mJ/m ² /yr)
01	33.4	16.6
02	28.3	16.6
03	34.7	24.5
04	34.4	21.0
05	29.5	21.5
06	28.4	23.4
07	31.6	27.8
08	30.2	27.1
All other dwellings	33.8	28.5

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

Common area	Common area ventilation system		Common area lighting		
	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Lift car (No. 1)	-	-	light-emitting diode	connected to lift call button	No
Ground floor lobby type (No. 1)	no mechanical ventilation	-	light-emitting diode	time clocks	No
Hallway/lobby type (No. 1)	no mechanical ventilation	-	light-emitting diode	time clocks	No
Hallway/lobby type (No. 2)	no mechanical ventilation	-	light-emitting diode	time clocks	No



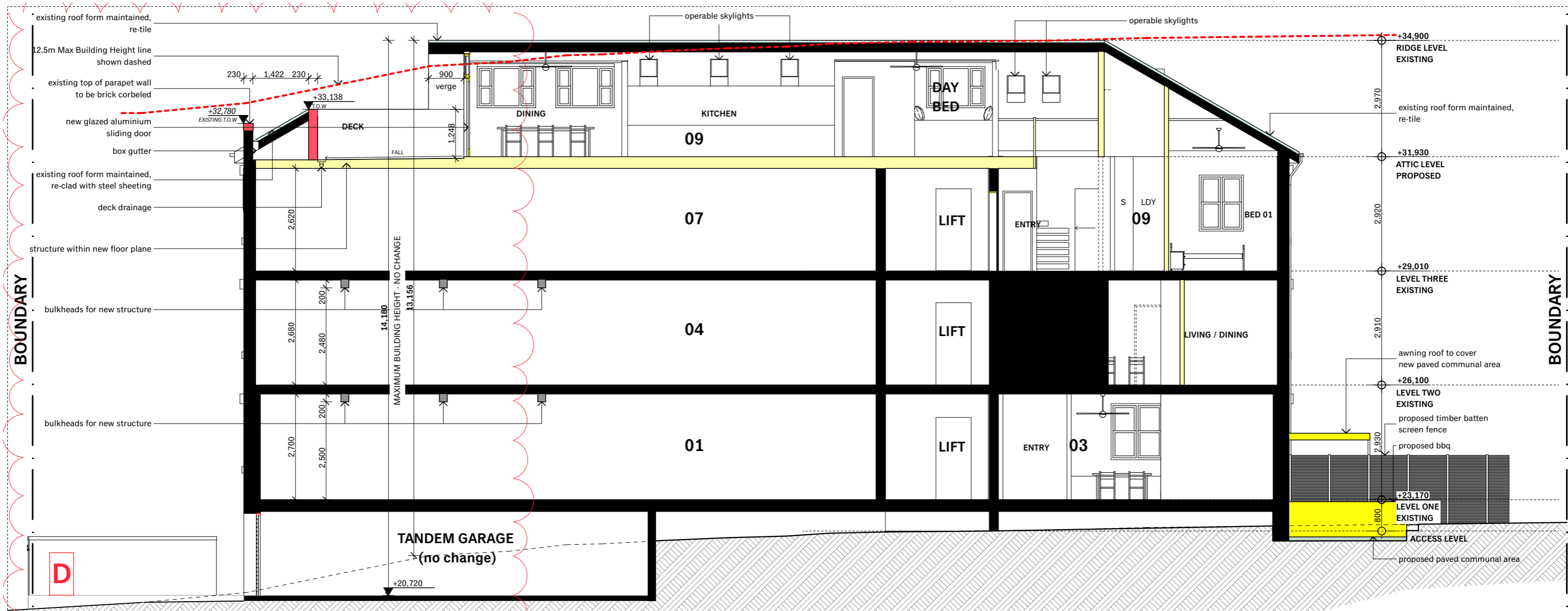
D04 Gutter 1:10

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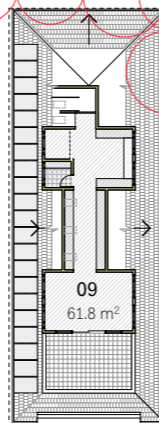
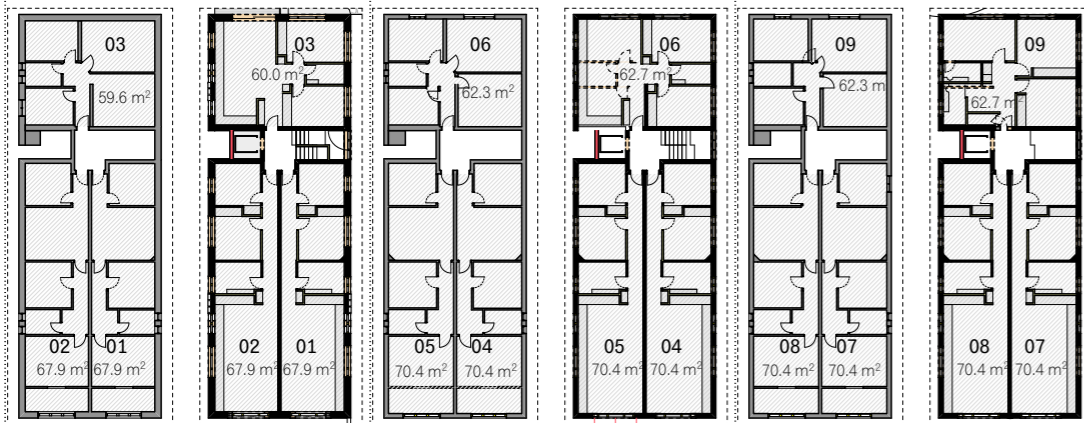
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D



FLOOR SPACE DRAWINGS - 1:500

LEVEL ONE			LEVEL TWO			LEVEL THREE			ATTIC			TOTAL		
UNIT NO.	EX.	PR.	UNIT NO.	EX.	PR.	UNIT NO.	EX.	PR.	UNIT NO.	EX.	PR.	LEVEL NO.	EX.	PR.
01	67.9m ²	67.9m ²	04	70.4m ²	70.4m ²	07	70.4m ²	70.4m ²	09	-	61.8m ²	01	195.4m ²	195.8m ²
02	67.9m ²	67.9m ²	05	70.4m ²	70.4m ²	08	70.4m ²	70.4m ²				02	203.1m ²	203.5m ²
03	59.6m ²	60.0m ²	06	62.3m ²	62.7m ²	09	62.3m ²	62.7m ²				03	203.1m ²	203.5m ²
TOTAL	195.4m ²	195.8m ²	TOTAL	203.1m ²	203.5m ²	TOTAL	203.1m ²	203.5m ²	TOTAL		61.8m ²	ATTIC	-	61.8m ²
												TOTAL	601.6m ²	664.6m ²
												FSR	1.26:1	1.39:1



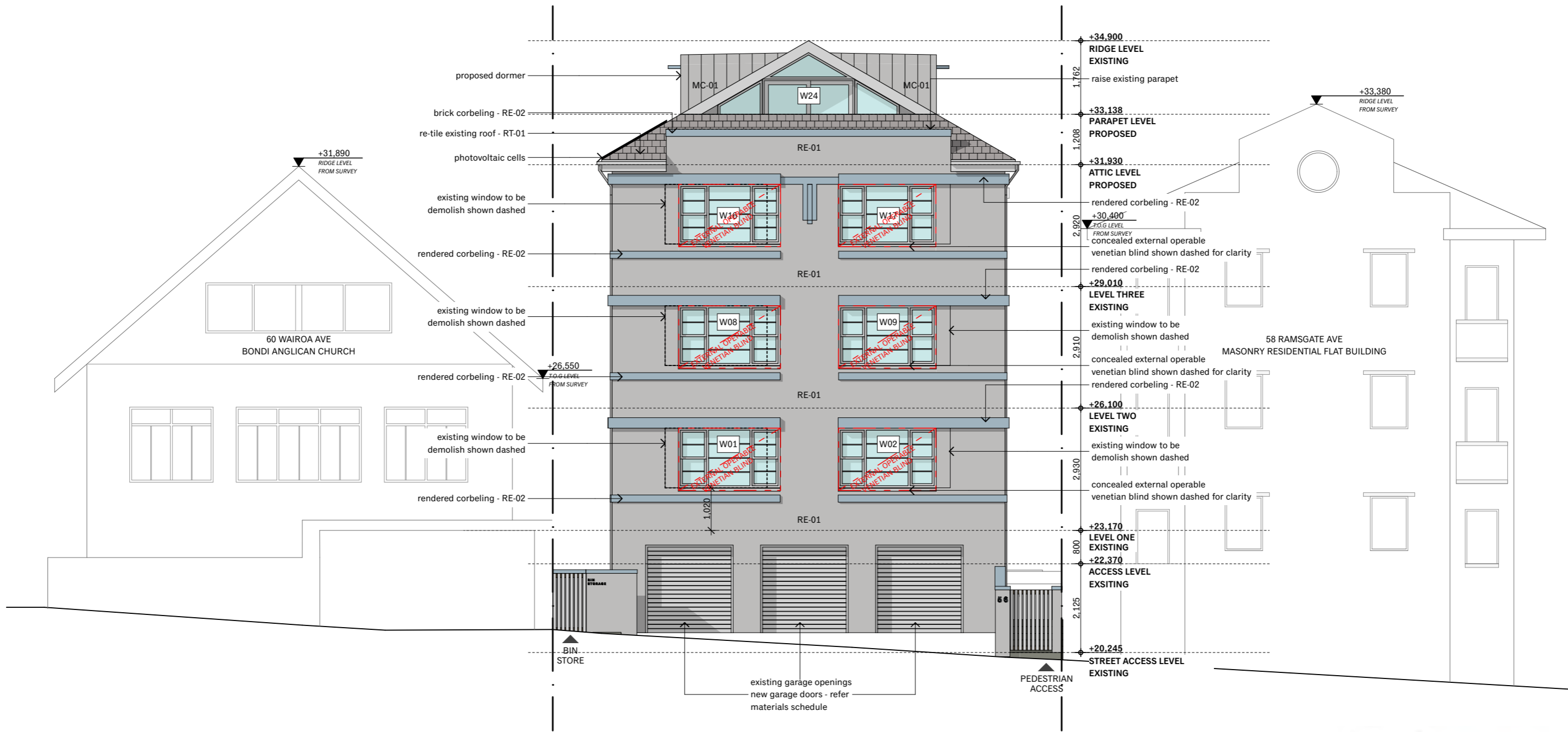
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DA - SECTION Y + FLOOR SPACE DRAWINGS
 Project Number : 1707
 Date : OCT 2018
 Drawing No. : **A.09**
 Issue : **108D**



STREETSCAPE ELEVATION



Certificate no.: 002480410
 Assessor Name: Chad Whitaker
 Accreditation no.: 20428
 Certificate date: 21 February 2016

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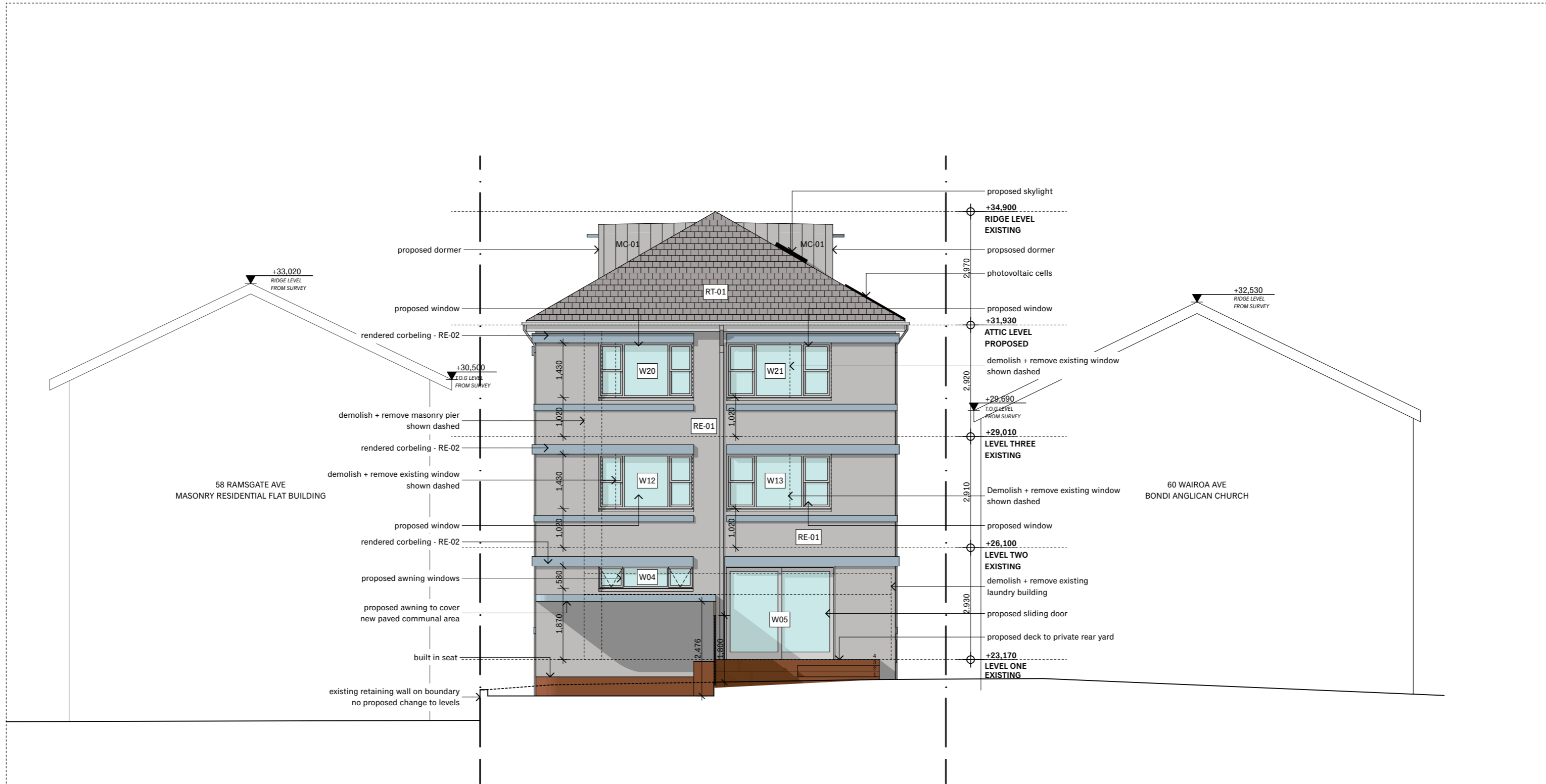
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DA - SOUTH - WEST ELEVATION

Project Number : 1707 Date : OCT 2018

Drawing No. : **A.10** Issue : **109D**



REAR ELEVATION



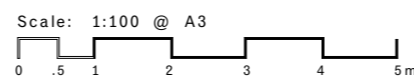
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Date Iss. Description

DA - NORTH - EAST ELEVATION

Project Number : 1707 Date : OCT 2018

Drawing No. : **A.11** Issue : **110D**



SIDE ELEVATION

NOTE: All windows with an "EX" code denote existing window openings refitted with new windows. Windows with a "W" code denote new window openings with new windows



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DA - SOUTH - EAST ELEVATION

Project Number : 1707 Date : OCT 2018

Drawing No. : **A.12** Issue : **111D**



SIDE ELEVATION

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Lasse Family Pty Ltd
BONDI BEACH APARTMENTS
 LOT 1 | DP 188348
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 BONDI BEACH | NSW | 2026

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Date	Is.	Description
08.10.18	D	ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
21.09.18	C	FURTHER AMENDMENTS FROM CONSULTANT INPUT
08.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
19.03.18	A	DA SUBMISSION

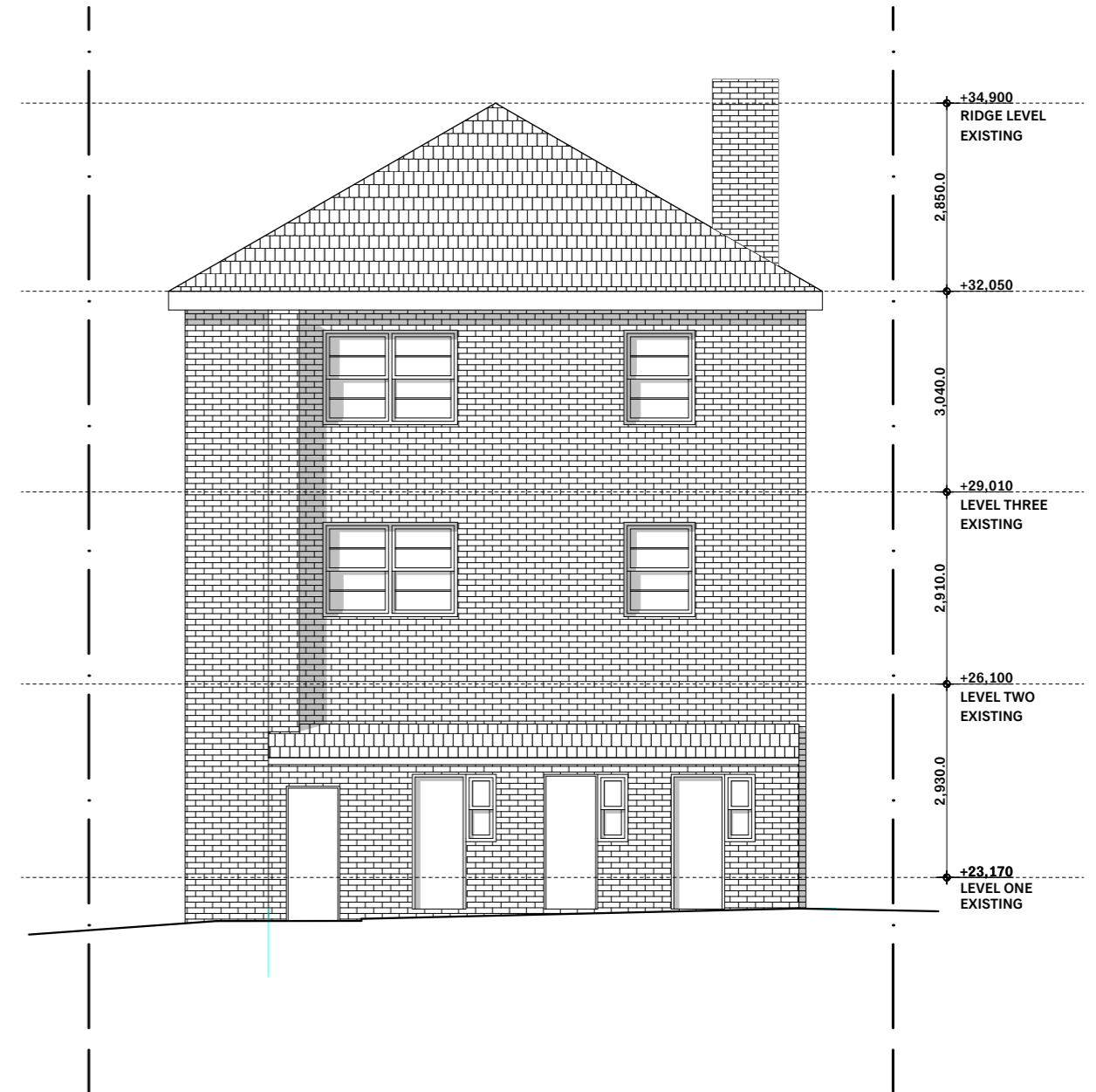
DA - NORTH - WEST ELEVATION
 Project Number : 1707
 Date : OCT 2018
 Drawing No. : **A.13**
 Issue : **112D**

AMENDED PLANS

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Waverley Council
Application No: DA-91/2018
Date Received: 16/10/2018



SOUTH-WEST ELEVATION



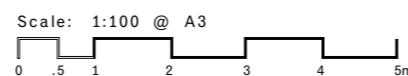
NORTH-EAST ELEVATION

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19.03.18	A	DA SUBMISSION

Date Iss. Description

DA - EXISTING NE + SW ELEVATIONS

Project Number : 1707

Date : OCT 2018

Drawing No. : **A.21**

Issue : **113D**

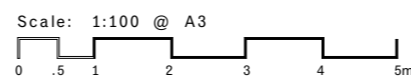


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Lasse Family Pty Ltd
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19.03.18	A	DA SUBMISSION

Date |s. Description

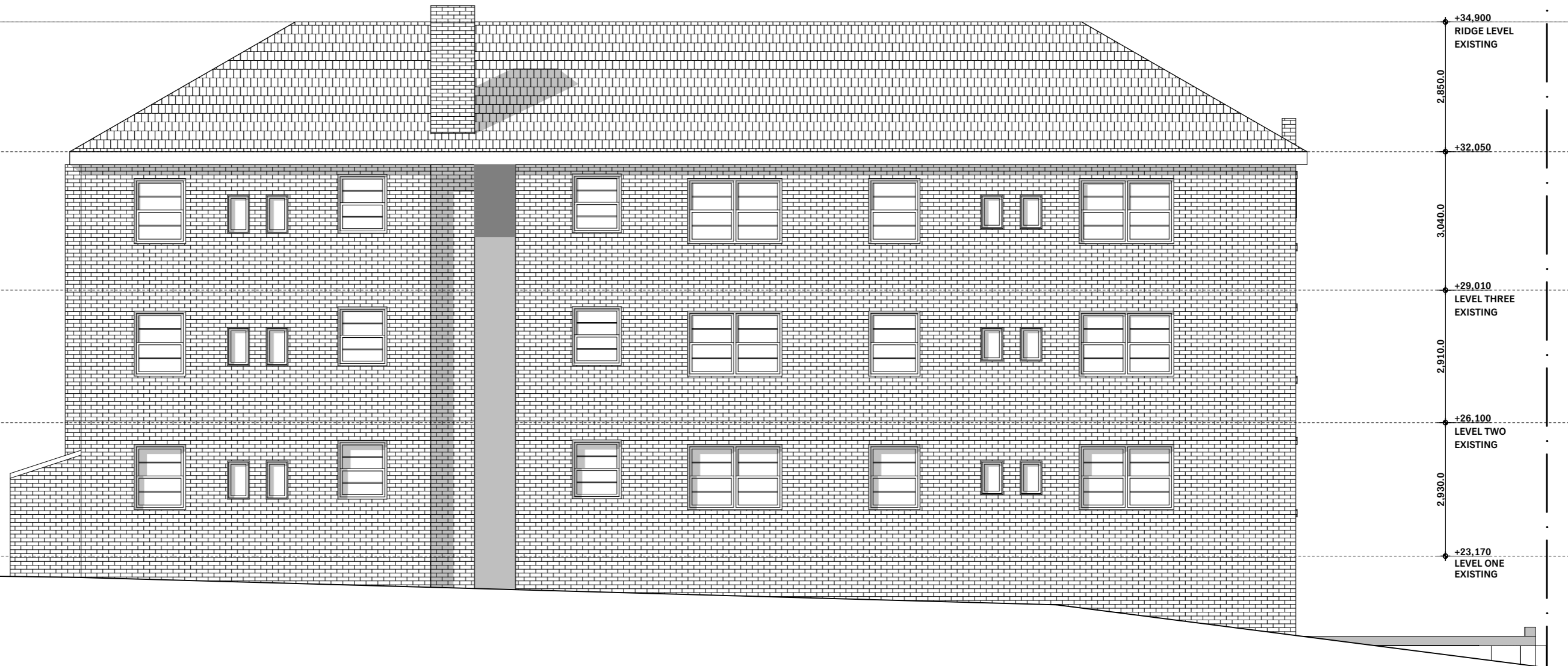
DA - EXISTING SE ELEVATION

Project Number : 1707

Date : OCT 2018

Drawing No. : **A.22**

Issue : **114D**

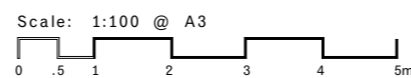


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19.03.18	A	DA SUBMISSION

Date Iss. Description

DA - EXISTING NW ELEVATION

Project Number : 1707

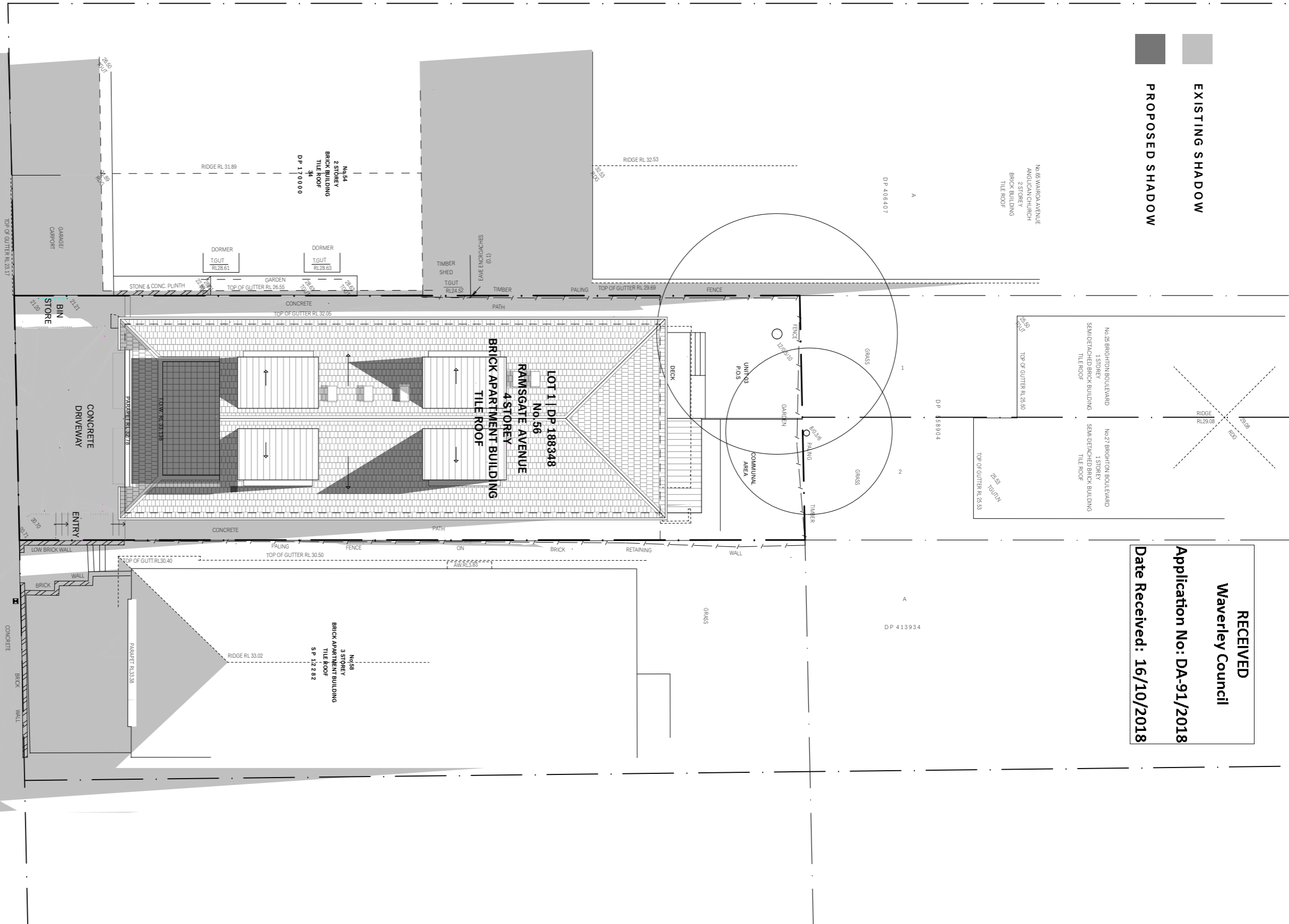
Date : OCT 2018

Drawing No. : **A.23**

Issue : **115D**

EXISTING SHADOW
 PROPOSED SHADOW

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 Waverley Council
 Application No: DA-91/2018
 Date Received: 16/10/2018



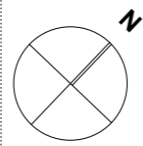
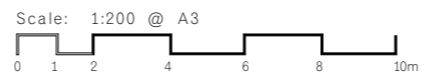
DA - SHADOWS DIAGRAM 9AM

Project Number : 1707 Date : OCT 2018
 Drawing No. : **A.14** Issue : **116D**

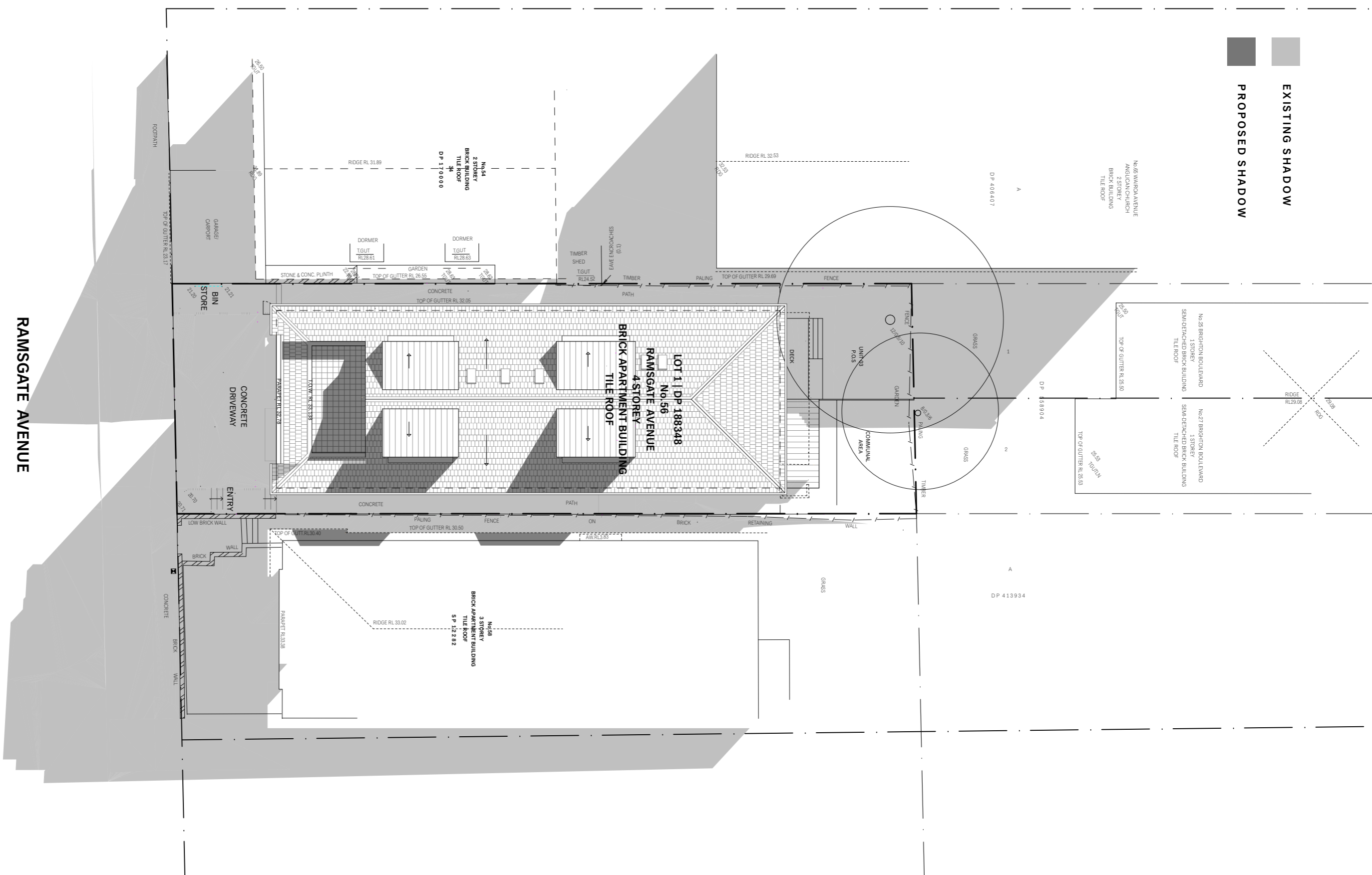
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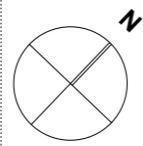
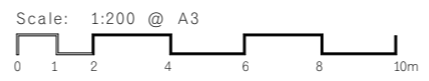
Date	Is	Description
08.10.18	D	ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
21.09.18	C	FURTHER AMENDMENTS FROM CONSULTANT INPUT
30.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
19.03.18	A	DA SUBMISSION



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Lasse Family Pty Ltd
BONDI BEACH APARTMENTS
 LOT 1 | DP 188348
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 BONDI BEACH | NSW | 2026

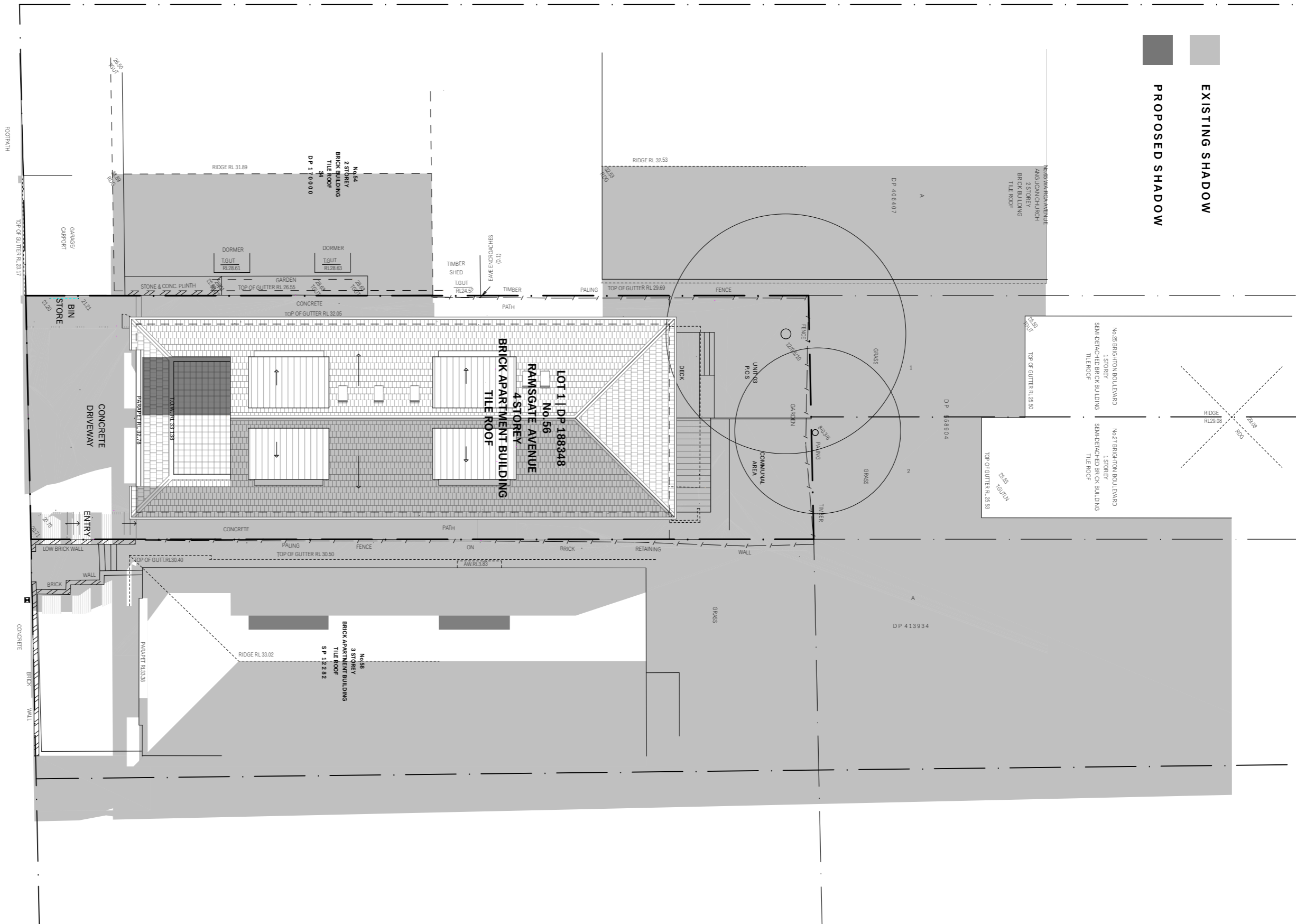
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Date	Is	Description
08.10.18	D	ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
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30.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
19.03.18	A	DA SUBMISSION

DA - SHADOWS DIAGRAM 12PM

Project Number : 1707
 Drawing No. : **A.15**
 Date : OCT 2018
 Issue : **117D**

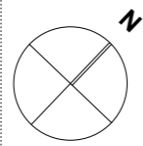
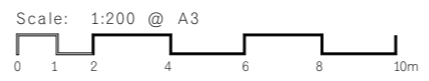


RAMSGATE AVENUE

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Date	Is.	Description
23.02.18	A	DA SUBMISSION
05.12.17	5	RE DESIGN OF ATTIC SPACE
02.10.18	D	ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
25.09.18	C	FURTHER AMENDMENTS FROM CONSULTANT INPUT
30.08.18	B	AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
18.03.18	A	DA SUBMISSION CONCEPT

DA - SHADOWS DIAGRAM 3PM

Project Number : 1707

Date : OCT 2018

Drawing No. : **A.16**

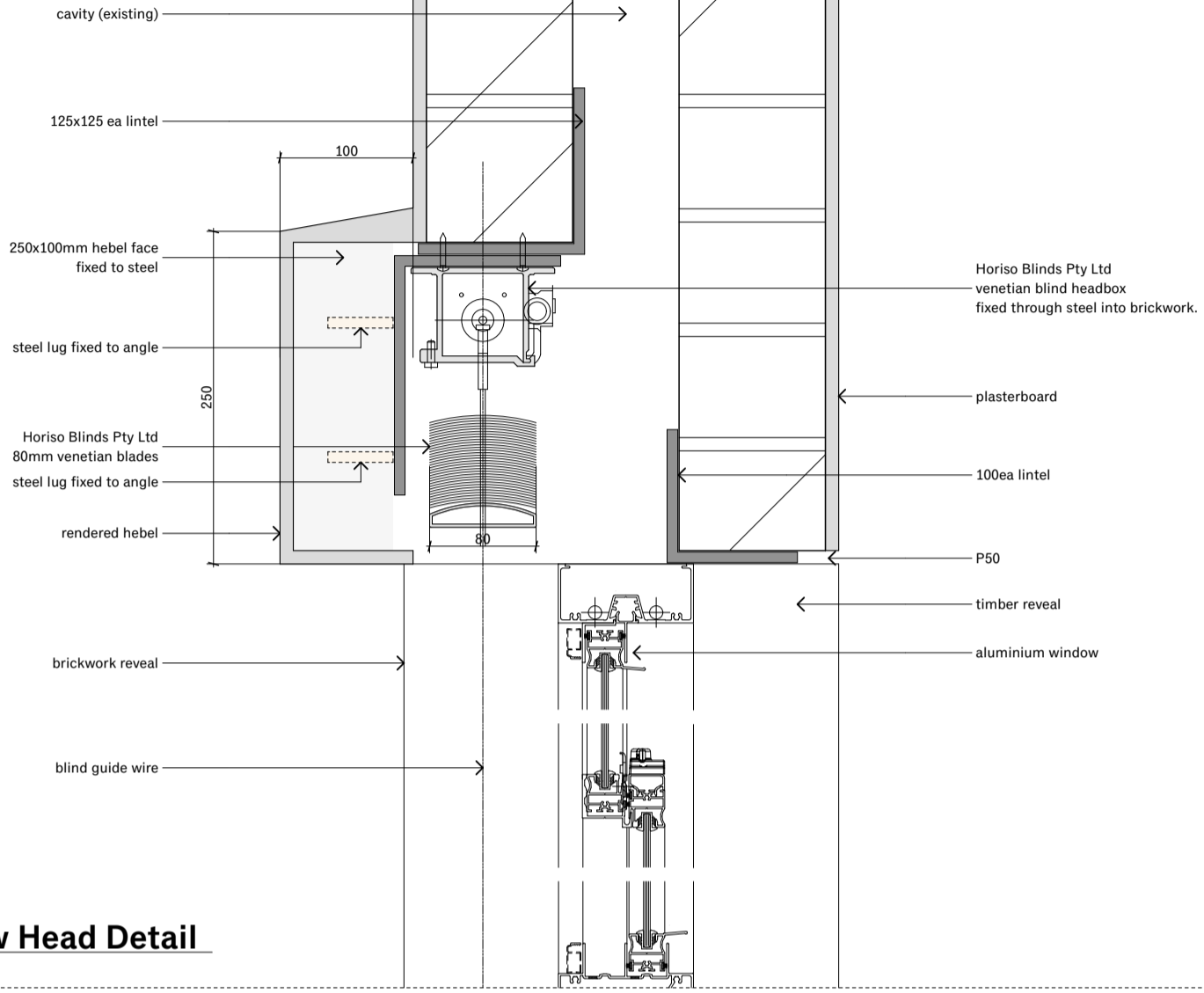
Issue : **118D**

AMENDED PLANS

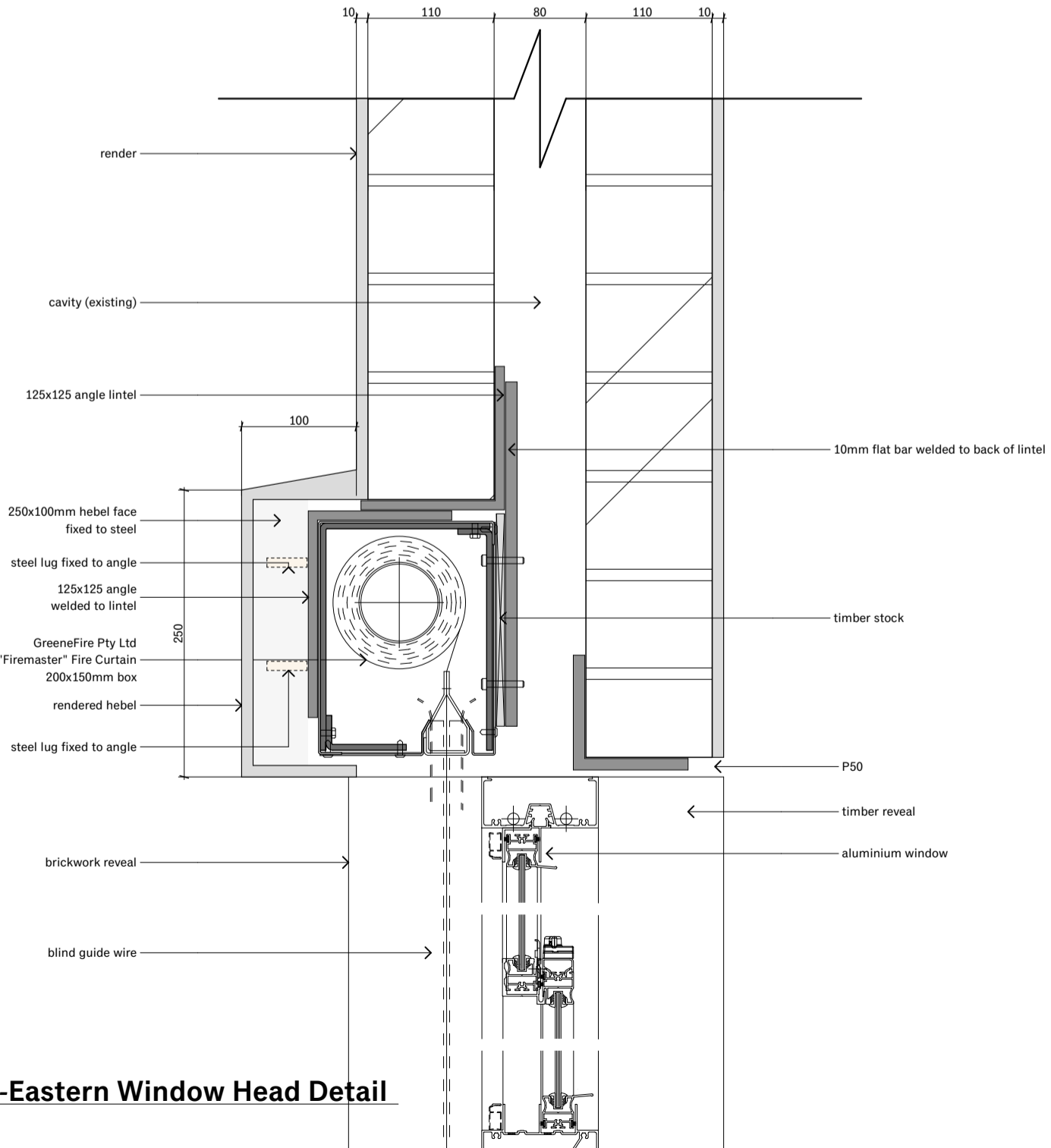
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Waverley Council

Application No: DA-91/2018

Date Received: 16/10/2018



South-Western Window Head Detail
Scale 1:5



North-Western + South-Eastern Window Head Detail
Scale 1:5

DA - WINDOW DETAILS

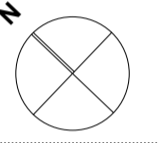
Project Number: 1707

Drawing No.: A.20

Date: OCT 2018

Issue: D

Date	Description
08.10.18	D ADDITIONAL INFORMATION AS REQUESTED BY COUNCIL
21.09.18	C FURTHER AMENDMENTS FROM CONSULTANT INPUT
30.08.18	B AMENDMENTS FROM COUNCIL NOTES FOR CONSULTANTS
19.03.18	A DA SUBMISSION



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Scale: 1:5 @ A3

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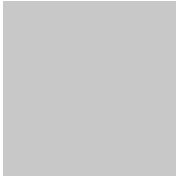

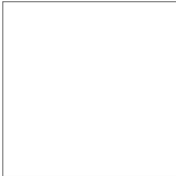


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Date Received: 16/10/2018

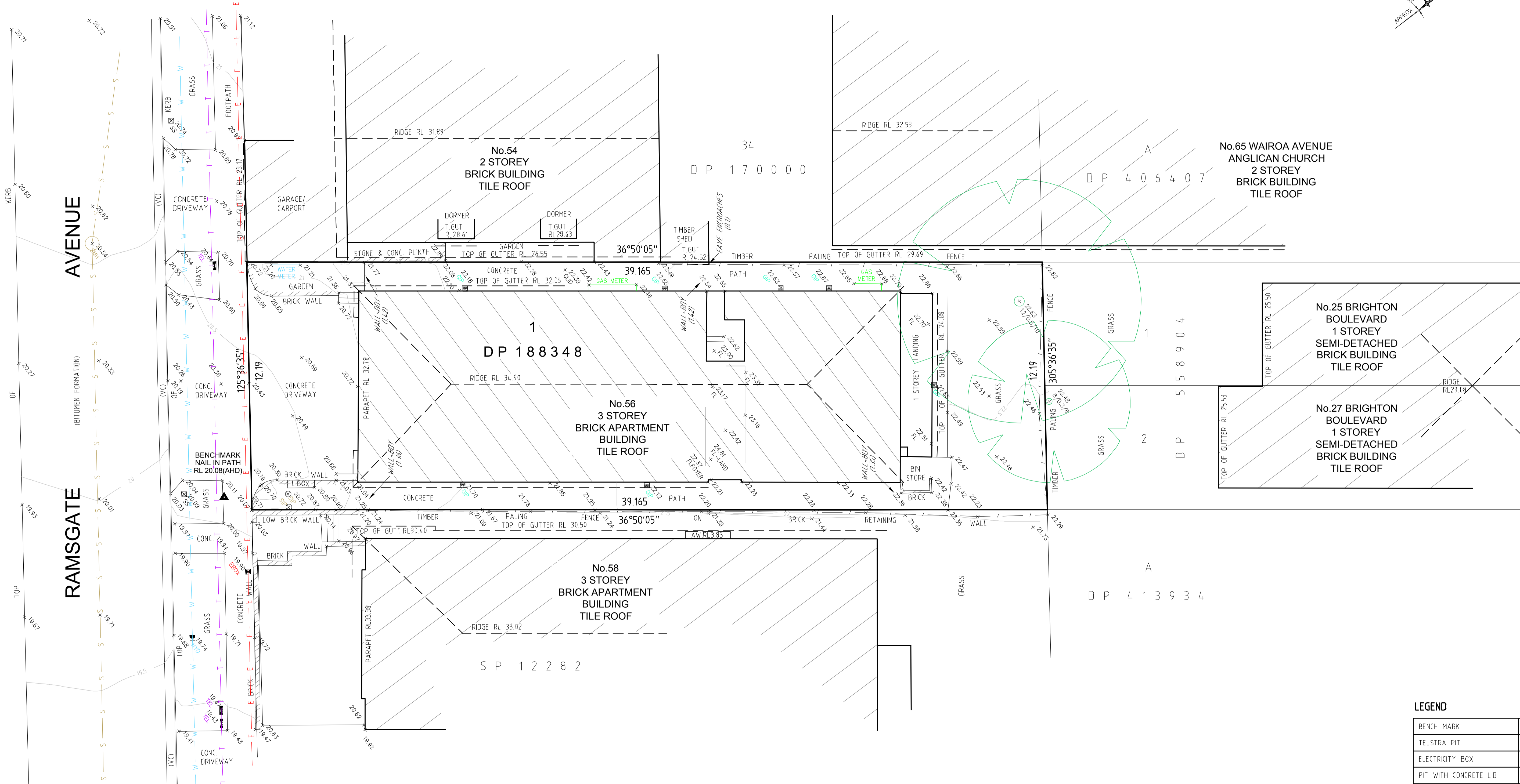
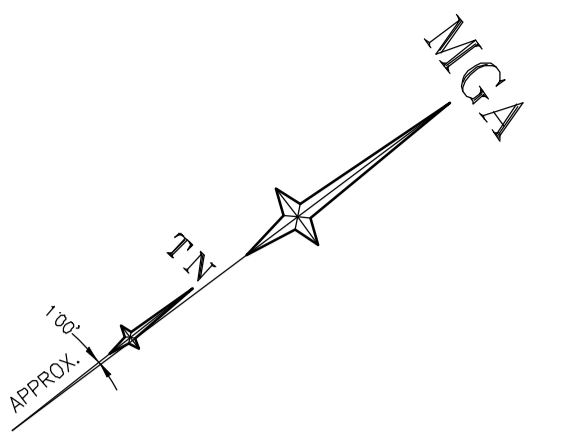
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MATERIALS SCHEDULE

Lasse Family Pty Ltd
BONDI BEACH APARTMENTS
 LOT 1 | DP 188348
 No.56 Ramsgate Avenue
 BONDI BEACH | NSW | 2026

Project No. 1707
 Date. OCT. 2018
 Project status. DA
 Drawing No. A.17

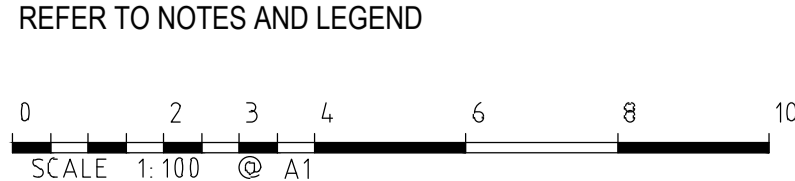
CODE	SAMPLE	SPECIFICATION	REV.
RE-01		Rendered Masonry Resene Triple Concrete N79-002-103 or similar	D
RE-02		Rendered Hebel Resene Nepal B72-023-237 or similar	D
WINDOWS FRAMES		Anodised Aluminium Off White	D
RT-01		Roof tiles Boral. Shingle Asphalt (Matt)	D
RC-02 MC-01		Lysaght Longline 305 Colorbond Basalt	D



- NOTES**
1. THE BOUNDARIES HAVE NOT BEEN MARKED
 2. ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE BY THE OFFICE OF LAND & PROPERTY INFORMATION (NSW) AND ARE SUBJECT TO FINAL SURVEY
 3. ORIGIN OF LEVELS ON A.H.D. IS TAKEN FROM **PM 1814** R.L. **23.601** (A.H.D.) IN WAIROA AVENUE
 4. CONTOUR INTERVAL **0.5 m**
 5. CONTOURS ARE INDICATIVE ONLY. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
 6. ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION
 7. KERB LEVELS ARE TO THE TOP OF KERB UNLESS SHOWN OTHERWISE
 8. FLOOR LEVELS SHOWN ARE THRESHOLD LEVELS. NO INVESTIGATION OF INTERNAL FLOOR LEVELS HAS BEEN UNDERTAKEN
 9. NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. SERVICES HAVE BEEN PLOTTED FROM RELEVANT AUTHORITIES INFORMATION AND HAVE NOT BEEN SURVEYED. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE
 10. 8/4/7 DENOTES TREE SPREAD OF 8m, TRUNK DIAMETER OF 0.4m & APPROX HEIGHT OF 7m
 11. BEARINGS SHOWN ARE MGA (MAP GRID OF AUSTRALIA) ADD APPROX. 1°00' FOR TRUE NORTH

LEGEND

BENCH MARK	▲
TELSTRA PIT	TEL
ELECTRICITY BOX	EBOX
PIT WITH CONCRETE LID	CLID
GRATED INLET PIT	GIP
SEWER MANHOLE	SMH
HYDRANT	HYD
VEHICLE CROSSING	(VC)
WINDOW	W
DOOR	D
HEAD/SILL	H/S
FLOOR TO CEILING	F-C
TELSTRA (OBYD)	T
WATER (OBYD)	W
STORMWATER (OBYD)	SW
SEWER (OBYD)	S
ELECTRICITY (UGROUND) (OBYD)	E

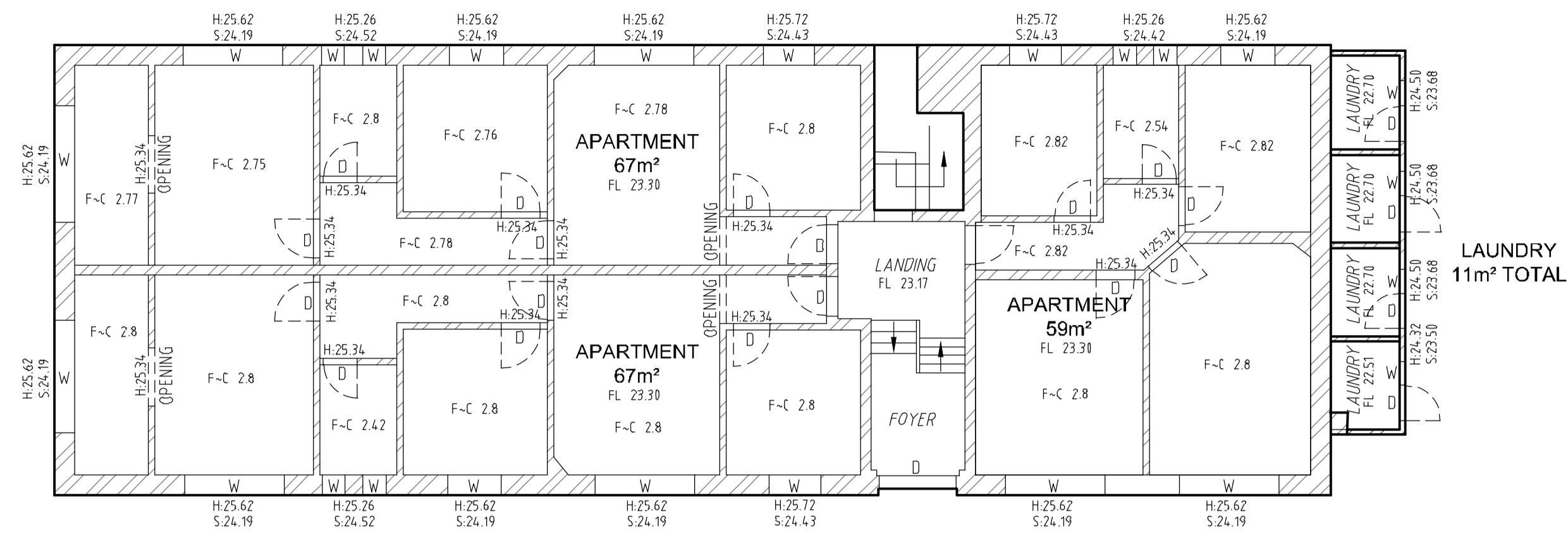
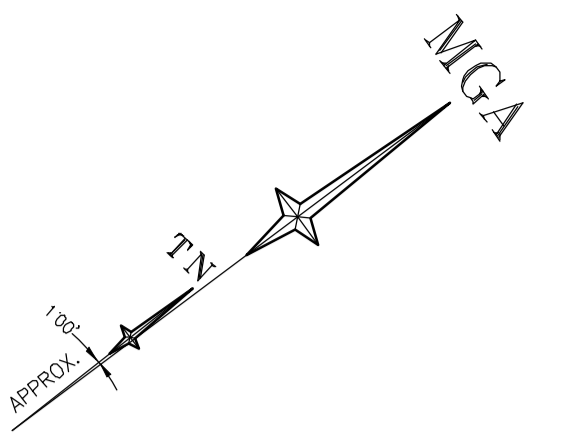


D	00/00/00	-	00	THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: 28-02-2017
C	00/00/00	-	00	
B	00/00/00	-	00	
A	00/00/00	-	00	
Revision	Date	Description	Reference	

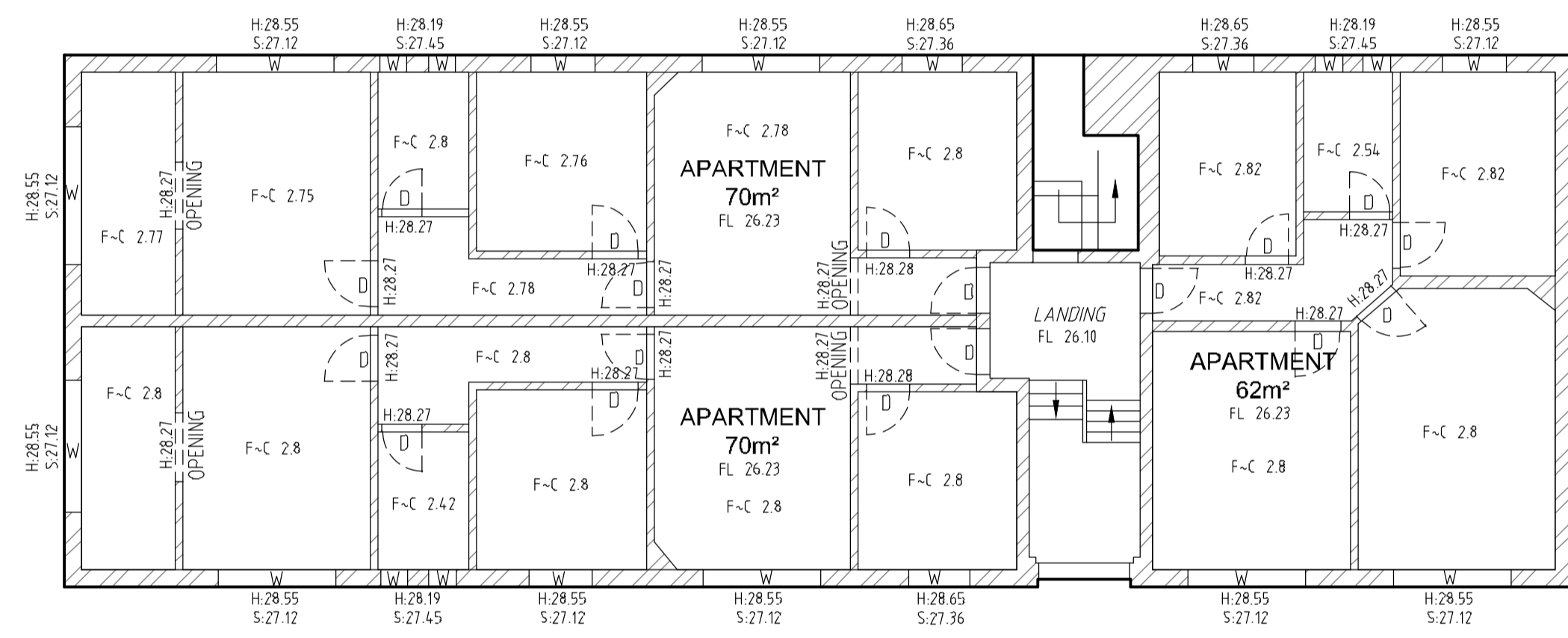


Client **MILESTONE BUILDING PTY LTD**
 Drawing title **PLAN OF DETAIL AND LEVELS OVER LOT 1 DP 188348 No.56 RAMSGATE AVENUE, BONDI BEACH**

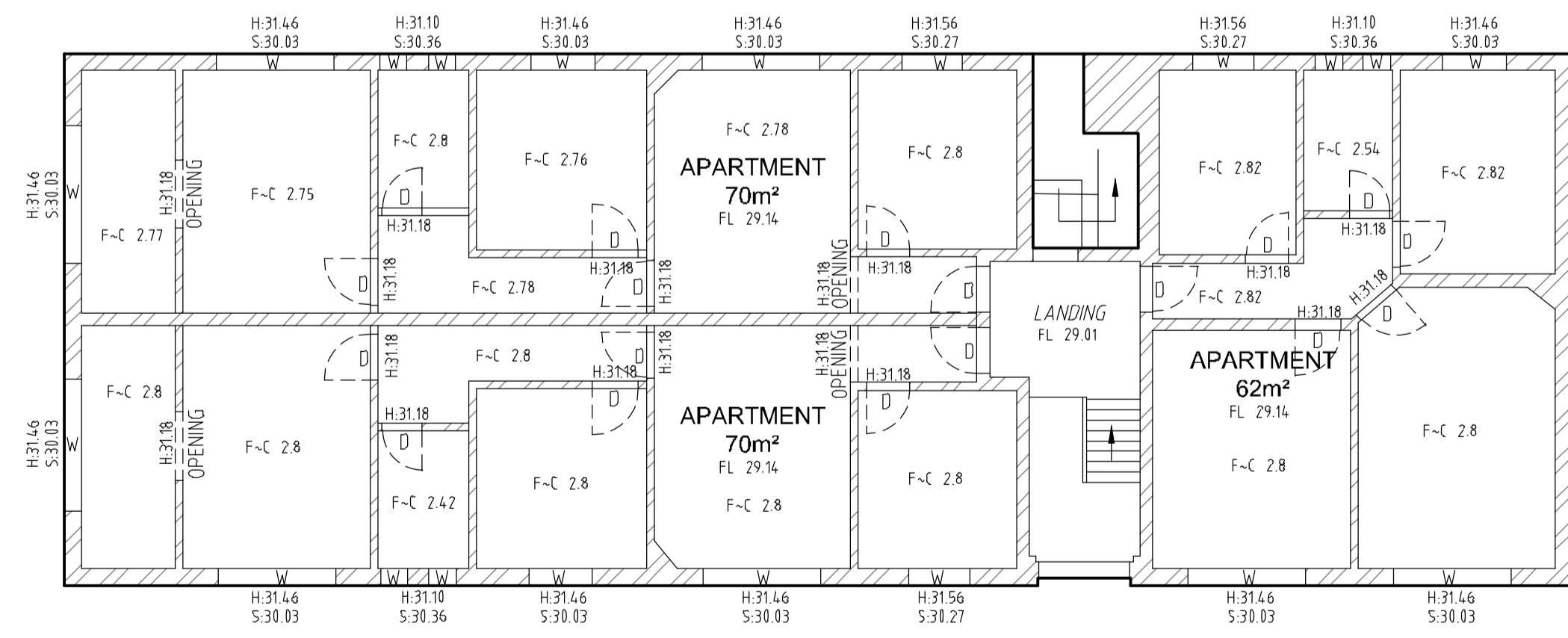
datum **AHD** project number **-** reference number **44270DT**
 site Area **477.4m²(Survey)** scale **1:100 @A1** date of survey **2017**
 LGA **WAVERLY** SHEET **2** OF **2** SHEETS



GROUND FLOOR



FIRST FLOOR

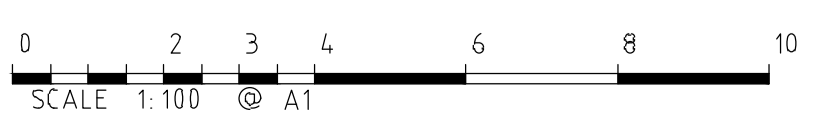


SECOND FLOOR

SEE SHEET 1 FOR NOTES AND LEGEND



REFER TO NOTES AND LEGEND



Revision	Date	Description	Reference
D	00/00/00	-	00
C	00/00/00	-	00
B	00/00/00	-	00
A	00/00/00	-	00

THIS IS THE PLAN REFERRED TO IN MY LETTER DATED: 28-02-2017



Suite 1, Level 1
810 Pacific Highway
Gordon NSW 2072
Locked Bag 5
Gordon NSW 2072
P 1300 587 000
F 02 9499 7760

Client MILESTONE BUILDING PTY LTD
Drawing title
PLAN OF DETAIL AND LEVELS OVER LOT 1 DP 188348
No.56 RAMSGATE AVENUE, BONDI BEACH

datum	AHD	project number	-	reference number	44270DT
site Area	477.4m²(Survey)	scale	1:100 @A1	date of survey	20/09/17
LGA	WAVERLY	SHEET	2		

RAMSGATE AVENUE

SOFTWARES SPECIFICATION

PRELIMINARY

1. STEPPING STONES IN PLANTING – PERMEABLE SURFACE

MATERIALS

Stepping stones to be stone or concrete (or as otherwise specified) 30mm or 40mm thick, to be 400 x 400mm or 500mm x 500mm approximately. Note that centre to centre spacing of stone for paths to be 650 – 700mm or as agreed for comfortable walking stride. Mulch to be leaf litter. Refer MULCH.

LAYING

Excavate soil to establish required levels. All of the areas shown to be stepping stone and planting are to be permeable to water. Lightly compact subgrade (topsoil) allowing for stepping stones to be laid on 50mm thick sand bed, *or individual mortar bed, over topsoil, with sand/mortar level to finish 30mm - 50mm below top of stone depending on stone thickness. Install sand bed to 50mm depth, screed and compact (*lay on mortar bed to individual stones if this is preferred by contractor).

PLANTING BETWEEN STEPPING STONES

Where planting is shown between stones, note that it is the intention that the groundcovers will grow and spread through the mulch. Top-up mulching MAY be required periodically to ensure that there is always either mulch or plant material filling the gaps between stones.

Provide 20mm depth of topsoil between stepping stones. (Soil levels to be approx. 20mm below top of stepping stone). Plant into soil. Top up with mulch to level of stepping stone (20mm). The plant will spread through the mulch.

2. MULCHES

LEAF LITTER ORGANIC MULCH

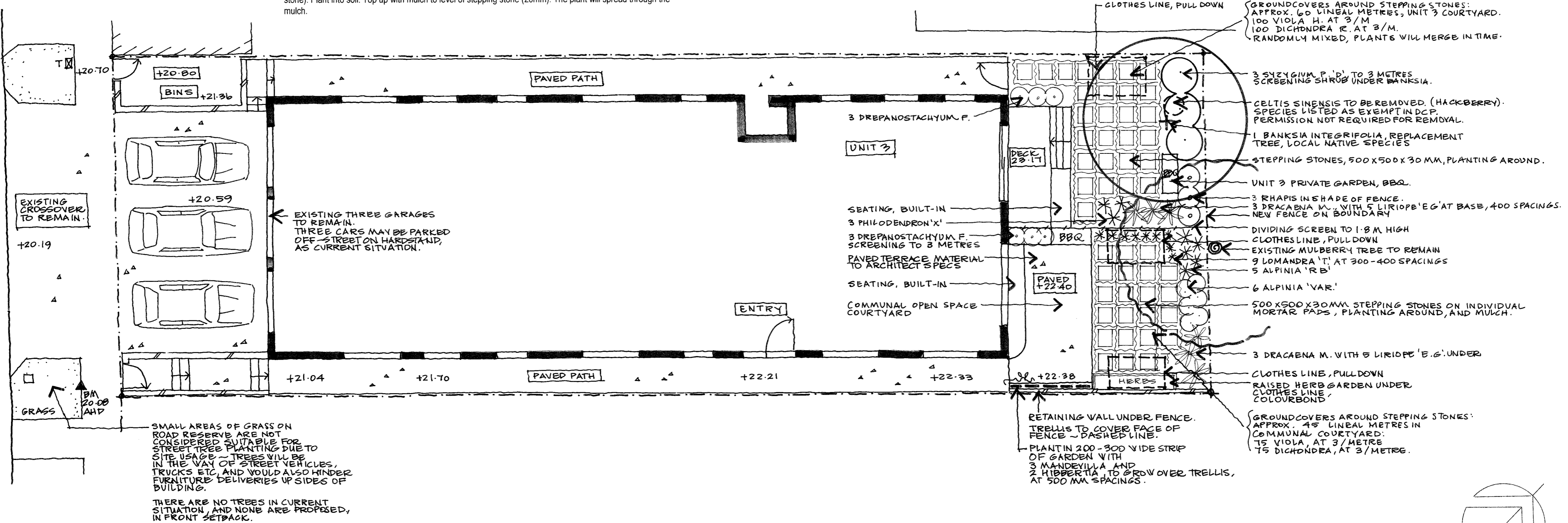
Unless shown to be pebble mulch, mulch all garden areas to be planted with processed Leaf Litter or other Organic Mulch, processed from native trees, to pieces not larger than 75 x 50 x 15mm. Mulch to be free of weed species such as Privet, Celtis, Camphor Laurel, Coral Tree. Generally, use mulch that conforms to AS 4454, that is free of deleterious material such as soil, weeds, and sticks. Spread evenly to thickness a thickness of 75 mm, after planting and fertilising. Ensure that mulch is not placed in contact with plant stems. Apply mulch to all bare soil so that after settling it is smooth and evenly graded between design surface levels. Avoid using wood chip so as to deter termites.

3. IRRIGATION (Performance)

All gardens areas shall be provided with irrigation system on automatic timer. Micro spray heads for gardens.

Hand watering for establishment: All newly planted areas may be required to be watered by hand until established, especially in times of little or no rain. This is best achieved by hand with a spray nozzle on hose, on approved days and times. Hand watering to be once weekly, for at least six months after planting, for establishment, unless rain occurs during the week. Hand watering shall achieve soaking of the root ball. A Landscape Designer/Horticulturist should be consulted to assess when this hand watering may cease.

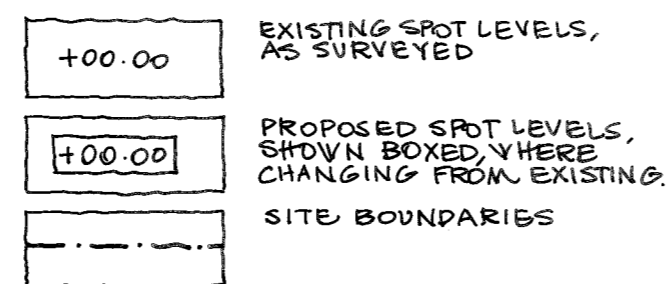
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Application No: DA-91/2018
Date Received: 16/10/2018



PLANT SCHEDULE

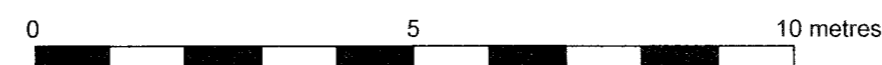
Botanical Name	Common Name	Height x Spread at Maturity (mm)	Pot Size, minimum	Quantity
locally native canopy tree				
Banksia integrifolia	Coastal Banksia	8000 x 6000	300mm	1
shrubs and screening plants				
Alpinia caerulea 'Red Back'	Native Ginger	2000 x 800	200mm	5
Alpinia zerumbet 'Variegata'	Variegated Ginger	2000 x 800	200mm	6
Dracaena marginata	Dracaena	3000 x 2000	300mm	6
Drepanostachyum falcatus	Blue Bamboo	3000 x 1000	300mm	6
Rhapis excelsa	Lady Palm	2000 x 1200	300mm	3
Syzygium paniculatum 'Dwarf'	Weeping Lillypilly	3000 x 1500	45L	3
groundcovers and climbers				
Dichondra repens	Dichondra	30 x 500	100mm	175
Hibbertia scandens	Golden Glory Vine	2000 x 1000	150mm	2
Liriope muscari 'Evergreen Giant'	Turf Lily 'Evergreen Giant'	500 x 500	150mm	10
Lomandra 'Tanika'	Dwarf Mat Rush	400 x 400	150mm	9
Mandevilla sanderi	Mandevilla	3000 x 1000	150mm	3
Philodendron 'Xanadu'	Dwarf Philodendron	700 x 700	150mm	3
Viola hederacea	Native Violet	50 x 500	100mm	175

LEGEND



REFERENCED DOCUMENTS

- Survey prepared by LTS Lockley, ref. 44270DT, dated 20/03/2017.
- Architectural documentation prepared by Ian Bennett Design Studio, dated August 2018.



Client	Lasse Family Pty Ltd	
Project	56 Ramsgate Avenue, Bondi, NSW	
Title	LANDSCAPE PLAN	
Date of Issue	Scale	Drawing No
Issue A: 4.9.2018	1:100 @ A2	LP01- A
Reason for Issue	Issue A: DEVELOPMENT APPLICATION	

Selena Hannan
Landscape Designer, Consulting Arborist (AQF5) & Horticulturist, Member AILDM
PO Box 419, Avalon Beach, NSW 2107
Phone 02 8919 0553 Mobile 0403 041 187
Email selena@selenalandscape.com.au

SELENA HANNAN LANDSCAPE DESIGN



Dwelling House Partial Demolition to Accommodate Hardstand

Report to the Waverley Local Planning Panel

Application number	DA-420/2018
Site address	33 Wallis Parade, North Bondi
Proposal	Alterations to semi-detached dwelling including partial demolition to accommodate a hardstand car space
Date of lodgement	16 November 2018
Owner / Applicant	Mr S Breslin and Ms A Breslin
Submissions	Nil
Cost of works	\$22,000
Issues	DCP – Car Parking within the front setback
Recommendation	That the application be APPROVED, subject to conditions

Site Plan



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 18 December 2018.

The subject site is located on the northern side of Wallis Parade, North Bondi towards the end of the street adjacent to the Wairoa Avenue intersection. The site is rectangular in shape, relatively narrow, has a site area of 223.8m², and a frontage to Wallis Parade of approximately 6m.

Existing on site is a single storey semi-detached dwelling house, with the attached semi to the west (No.35 Wallis Pde) being the other dwelling in the pair which already has an existing hardstand parking space within the front setback. The pair of semis are flanked by four storey residential flat buildings on either side.



Figure 1: Subject site (33 Wallis Pde). Current unlawful use of the front yard area for car parking.



Figure 2: Existing double hardstand car parking at the adjoining semi-detached dwelling at 35 Wallis Pde.



Figure 3: Existing double hardstand car parking (undersized car spaces) at the adjoining semi-detached dwelling at 35 Wallis Pde.

1.2 Relevant History

A search of Council's building and development records found the following relevant applications to the subject site;

DA-159/2011 – Alterations and additions to dwelling including rear first floor addition and hardstand carspace, approved 6 June 2011.

The approval was subject to modification to delete the proposed hardstand parking space to the front setback of the site, with Condition No.2 of the consent reading as follows:

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) *The hardstand car parking space and all associated works to the front setback, including the partial demolition of the front verandah, are not approved and shall be deleted.*

The reason for this condition is that the parking provision would not be consistent with Council controls or the predominant pattern of parking within the street.

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

DA-159/2011/1 - Review of determination to allow parking provision within front setback

On 27 Sept 2011 the Development Control Committee (DCC) refused the application for review of determination for the following reasons

1. *The proposed development is contrary to Council's Local Environmental Plan 1996, with particular regard to:-*

The Specific Aims of Part 1: Clause 3 – traffic and transport, as the proposal does not encourage the land use to reduce the need to travel by motor vehicle;

The Objectives under Part 2 of the Residential 2(a) Zone – Low Density, as the proposal does not maintain or improve the amenity of the locality.

2. *The proposed development is contrary to Council's Development Control Plan No. 2010 – Part D1: Dwelling House and Dual Occupancy Development in respect to the following provisions:-*

- (a) *The objectives of Part 5.7 – Vehicular Access and Parking, as the proposal would unreasonably detract from the appearance and quality of the dwelling-house, in particular loss of part of existing front verandah and front boundary wall which provides consistency with adjacent semi-detached pair, on the subject site and the streetscape in general; and*

3. *The proposed development is contrary to Council's Development Control Plan 2010 – Part I: Land Use & Transport in respect to the following provisions:-*
 - (a) *The controls contained in Part 5.2 – Design of parking and access, as the car accommodation would not be located behind the front building line of the dwelling;*
 - (b) *The controls contained in Part 5.2 – Design of parking and access, as the proposal would result in demolition of part of the dwelling to primarily provide for car parking; and*
 - (c) *The controls contained in Part 5.3 – New vehicle crossings, as there is no car parking on the original lot and off-street parking is not characteristic, therefore vehicular access from the street is not permitted.*
4. *The proposal would create an unacceptable precedent within the existing residential area should approval be granted.*

DA-159/2011/A – Modification of first floor addition to dwelling. Approved 13/10/2011.

DA-159/2011/B - Modification including new hardstand carspace and changes to existing facade, new bin storage, letter box and timber path. Refused by the WDAP on 11 December 2013 for the following reasons;

1. *The proposal fails to satisfy the objective and controls in the Waverley Development Control Plan 2012, with respect to the following provisions:*
 - a. *Part C1, Section 1.5 Streetscape and Visual Impact, given the disruption of the front facade of the semi-detached dwelling.*
 - b. *Part C1, Section 1.10 Vehicular Access and Parking, with respect to the size, location, orientation and presentation of the car space.*
 - c. *Part C1, Section 1.11 Landscaping and Open Space, with respect to the lack of landscaping within the front yard area.*
2. *The proposal results in an unacceptable streetscape outcome.*
3. *The proposal results in a reduction in kerbside parking where parking is at a premium.*
4. *Given the above, the proposal is not in the public interest.*

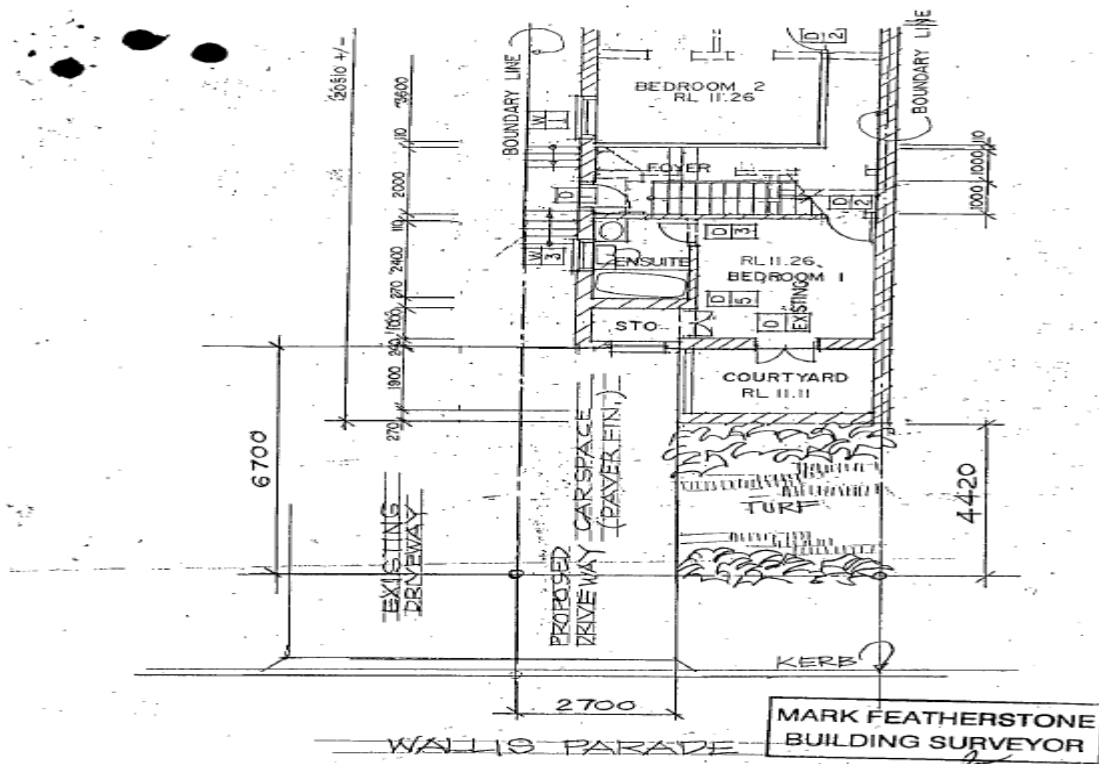
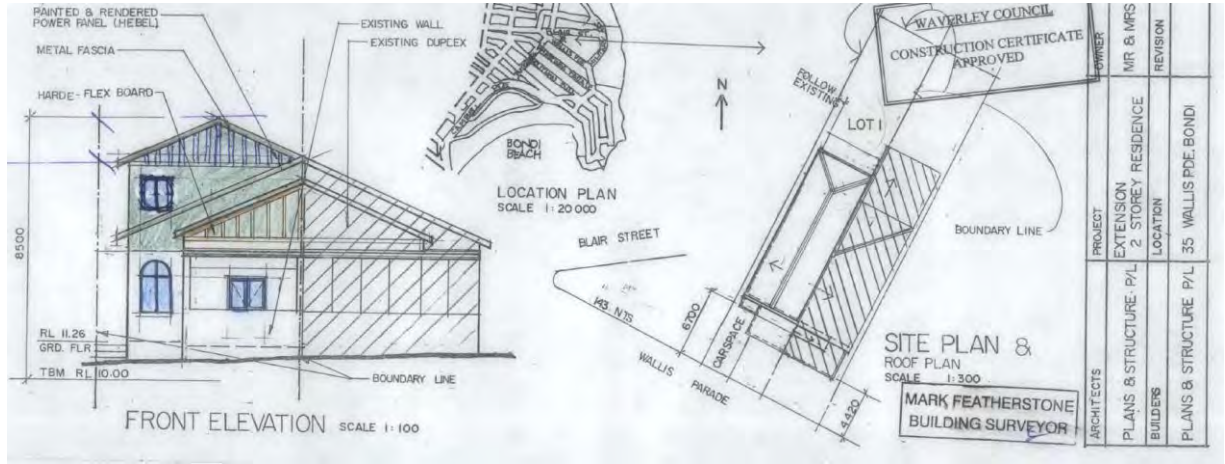
All conditions for Development Consent DA-159/2011, dated 6 June 2011, are reaffirmed.

DA-145/2018 - Alterations and additions including hardstand carspace, facade and various other alterations to existing dwelling – Withdrawn 14/8/2018 pending the LEC determination of 129 Blair St, North Bondi (DA-284/2017 - Case no. 2018/00117749)

Other relevant development applications have been considered on adjoining sites as follows;

No. 35 Wallis Parade, North Bondi (Adjoining semi-detached dwelling to the west of the subject site)

- L-44/1999 – Second storey addition & hardstand carspace in the front yard area.



CAR SPACE PLAN
SCALE 1:100 M

OWNER	CONTENTS		SHEET NO.
MR & MRS J. HOLDEN	PART PLAN		4
REVISION	DATE	SCALE	
	10/1/99	AS ABOVE	

- L-44/1999 /A – Second storey addition & hardstand carspace in the front yard area.
- Modification to maintain the front façade and provide a double hardstand carpark.

No. 129 Blair Street, North Bondi_(Located to the rear of 33 Wallis Pde)

- **DA-284/2017** - Hardstand car parking space and driveway to semi-detached dwelling.
- Refused by WDAP on 25/10/2017.
- **Approved by Land & Environment Court (Case no. 2018/00117749) on 30/10/2018, subject to inter alia and the following condition;**

2. GENERAL MODIFICATIONS

To minimise the visual dominance of the hardstand area, minimise the loss of landscaping and increase opportunities for stormwater infiltration on the site, the proposal shall be amended as follows:

- (a) The hardstand parking area is to be amended to be permeably paved wheel strips within an otherwise soft landscaped (lawn) area OR in lieu of paved wheel strips, the entire carspace is to be grass driveway blocks, grasscell, grasspave, or the like.

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

1.3 Proposal

The proposal seeks to undertake the following works:

- Modification to front façade of a semi-detached dwelling to accommodate hard stand car space.
- New bin storage area, letter box and timber path.

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 Section 4.15 (1)(a) Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate is not required to be submitted with the development application.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Residential Zone	Yes	The proposal is associated with alterations and additions to a dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> • 12.5m 	Yes	No increase in roof height of the existing dwelling.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio	Yes	The FSR is slightly reduced, so as to accommodate the hardstand carspace.

2.1.4 Waverley Development Control Plan 2012 - Amendment No 6 (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 and satisfies this section.
5. Tree preservation	Yes	No trees required to be removed.
6. Stormwater	Yes	The proposal is capable of complying with this section of the DCP, and standard conditions will be placed on the consent.
8. Transport	Yes	The proposed hardstand will not result in a loss of more than one on-street parking space.

Table 3: Waverley DCP 2012 – Part C2 Dwelling House and Dual Occupancy Development Compliance Table

Development Control	Compliance	Comment
2.2 Setbacks		
2.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line 	Yes Yes	The changes proposed are to increase the front setback of the dwelling. The front building line is maintained.
1.2.2 Side setbacks <ul style="list-style-type: none"> • 1-2 storeys: 900mm 	Yes	The proposed modifications to the front of the dwelling will maintain the existing 900mm side setback.
2.3 Streetscape and visual impact		
General Controls	Yes	The proposal is generally in keeping with the existing character of the streetscape. Therefore, the proposed hardstand carspace at the front boundary is considered suitable in the context of this site.
2.4 Fences		
<ul style="list-style-type: none"> • Side and rear boundary fences are not to exceed 1.8m above the existing ground level of adjoining properties. 	N/A	No fencing proposed.
2.8 Car parking		
2.8.2 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms 	Yes	The proposal seeks to construct a single hardstand carspace.
2.8.3 Location <ul style="list-style-type: none"> • Consistent with hierarchy of preferred car parking locations 	Yes	Least preferred option.
2.8.4 Design	Yes	The proposal whilst not complying with section 2.8.4 (c) which requires that no element of the street façade/frontage of a building be removed or demolished in order to accommodate car parking, the proposed hardstand carspace is consistent with the existing double hardstand carspaces (albeit undersized) of the adjoining

Development Control	Compliance	Comment
		<p>semi-detached dwelling at 35 Wallis Pde and a number of sites along Wallis Pde.</p> <p>A condition shall be imposed to maintain the design integrity of the front façade an additional window is to be installed within the proposed storeroom, being of similar size to that proposed to bed 2. Access to the storeroom is to be from the side passageway</p>
<p>2.8.5 Dimensions</p> <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	5.5m x 4.0m.
<p>2.8.6 Driveways</p> <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	Single driveway proposed.
2.9 Landscaping and open space		
<ul style="list-style-type: none"> Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>No</p> <p>(Acceptable on merit)</p>	<p>The proposal fails to provide sufficient soft landscaping at the front of the site in accordance with the DCP. However the applicant has justified the landscaping noting that the existing paving at the front of the site will be replaced with hardwood timber sleepers laid on new turf to provide a semi permeable ground treatment to improve stormwater absorption and be in keeping with the beach character of the area.</p> <p>It is noted that a small planter box have been proposed adjoining the new entry pathway to improve landscaping within the front yard area. Whilst this is considered a positive step, it is also considered that another planter box be provided adjoining the western side boundary to improve streetscape appearance. A condition is to be imposed in this regard.</p>

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

Car Parking

The parking controls in Part C2 have been modified providing more flexible controls for off street parking. The most significant include allowing modifications to dwellings for off street parking where it is sympathetically integrated into the design of the dwelling and the introduction of a hierarchy for the most favoured car parking arrangement to the least favoured parking arrangement.

Section 2.8.3 of the DCP states that the location of car spaces should adhere to the hierarchy set out below:

- Located at the rear of the site with access from a rear lane;
- Located at the side of the dwelling behind the building alignment; or
- Located forward of the building line.

The hardstand carspace cannot be accommodated to the rear of the site due to the inability of rear access. The applicant is seeking to construct the hardstand carspace forward of the building line.

Wallis Parade has a number of dwellings with off street parking within the front building line. The hard stand would also match the attached semi in the pair (No.35 Wallis Pde), which already has an existing hardstand parking area to the front setback approved in 1999. That parking space however only 4.3m in length is and would not comply with current controls. The proposed demolition of the portion of the existing front enclosed verandah is required to meet this standard of 5.4m.

The application was previously refused as the demolition of the front portion of the dwelling would impact upon the existing consistent presentation of the dwelling and its' attached pair (No.35 Wallis Pde) to the streetscape of Wallis Parade. However, a modern first floor addition has been approved at No.33 Wallis Parade, in contradiction to the traditional first floor addition of the adjoining semi at No.35. The symmetry between the pair has effectively been removed. Further, the originally approved single hardstand carspace was amended by LD-44/1999/A so as to retain the enclosed front sunroom and provide for an undersized double hardstand car parking space in the front yard area. In addition it is agreed that the proposal will be more sympathetic to the presentation of the dwelling with the approved modern additions. A condition can be imposed requiring the installation of an additional window to the storeroom, on the front façade, so as to maintain the existing window façade.

The bin storage area is proposed over the side boundary of the property and infers that the storage area will be built for the adjoining property. Works to the adjoining property are not considered to be substantially the same in terms of this DA. For the neighbour at No.35 to pursue such works, as separate DA will be required to be lodged. The adjoining owner has granted consent to works over the boundary, however this would require the creation of an easement for access. Given that there is adequate space for the bin storage area within the property without compromising the width of the car space, it is recommended that the bin storage area be constructed wholly within the property boundary. This can be addressed via condition.

In terms of soft landscaping, the proposal doesn't provide soft landscaping for 50% of front of the site as required in the DCP. The applicant has justified the landscaping noting that the existing paving at the front of the site will be replaced with hardwood timber sleepers laid on new turf to provide a semi permeable ground treatment to improve stormwater absorption and be in keeping with the beach character of the area.

Overall it is considered that the proposal would not result in any loss of positive streetscape elements and is acceptable in this regard.

The proposed front façade modifications and hardstand are considered reasonable on merit and supported with regards to the objectives and controls contained in clause 2.8 Car Parking in Part C2 of the Waverley DCP 2012.

2.2 Section 4.15(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 4.15(1)(c) – Suitability of the Site for the Development

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

2.4 Section 4.15(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*.

No submissions were received.

Table 4: Summary of property addresses that lodged a submission

Property
N/A

2.5 Section 4.15(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 application was referred internally to Council’s Creating Waverley Department who have advised that the application is recommended for approval, subject to conditions.

3.2 Stormwater – Creating Waverley

The application was referred internally to Council’s Creating Waverley Department who have advised that the application is recommended for approval, subject to conditions.

4. SUMMARY

The application seeks consent for demolition of part of the front of the existing dwelling to accommodate a hardstand car space in the front setback of the site.

This has been assessed against the relevant controls within the Waverley DCP 2012 and the hardstand is supported. The main non-compliance is associated with the removal of building fabric to accommodate the space. As discussed in the report, it is considered that this non-compliance results in an appropriate design outcome, subject to design modifications imposed as general modification conditions of development consent.

The original application was assessed under Waverley DCP 2010, and modifications have been made to the car parking controls under the current DCP 2012.

The modifications to the parking controls in the Part C2 provide for more variation in accommodating onsite parking. The most significant include the introduction of a hierarchy for the most favoured car parking arrangement to the least favoured parking arrangement.

In the circumstances of this case, where onsite parking already exists for adjoining semi and that the symmetry of the pair of semi-detached dwellings have been compromised due to contemporary additions, the proposed new hard stand is considered acceptable. Further, a recent Land and Environment Court ruling at 129 Blair St (LEC Case no. 2018/00117749), which is located to the rear of the subject site, approved a similar proposal.

Accordingly, the application has been assessed against the Waverley LEP 2012, Waverley DCP 2012 and the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the application is recommended for approval.

5. DETERMINATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

Paul Yachmennikov
**Senior Development Assessment
Planner**

Date: 2 January 2019

Application determined by:

Arif Faruqi
Manager, Development Assessment (North)

Date: 16 January 2019
**(Reviewed and agreed on behalf of the
Development and Building Unit)**

Reason for referral:

4. Applications for review of decisions made by the Panel

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan/Dwg Nos: A1075/CC05 issue B, A1075/CC06 issue B2, A1075/CC07 issue B2 and A1075/CC08 issue B2 prepared by Farnan Findlay Architects Pty Ltd, and received by Council on 16 November 2018,
- (b) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012 received by Council on 16 November 2018.

Except where amended by the following conditions of consent

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) To maintain the design integrity of the front façade an additional window is to be installed within the proposed storeroom, being of similar size to that proposed to bed 2. Access to the storeroom is to be from the side passageway.
- (b) The bin storage structure is to be relocated so as to be wholly within the property boundary. No works are approved to No. 35 Wallis Parade. Should this be sought a separate development application is to be lodged for assessment.
- (c) A new planter box measuring approximately 0.9m by 2.0m is to be provided within the front setback alongside the western boundary adjacent to the bin storage area so as to improve landscaping in the front yard area.

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. 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/

- (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 7.11 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 2012 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 **\$1500** 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 81A(2) of the Environmental Planning & Assessment Act, ; 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 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.

7. HOARDING REQUIRED

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

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

8. 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.

9. STORMWATER MANAGEMENT

The alterations are to be connected to the existing stormwater system.

10. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

11. 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.

12. 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.

13. 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.

14. OBSTRUCTION TO PUBLIC AREAS

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

a hoarding 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;

- (a) 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
- (b) a hoarding, fence or awning is to be removed when it is no longer required for the purpose it was provided.

15. TOILET FACILITIES

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

16. NO USE OF ORGANOCHLORIN PESTICIDES

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

17. COMPLIANCE WITH SAFEWORK NSW REQUIREMENTS

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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. BUILDING CODE OF AUSTRALIA

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

24. 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 stormwater drainage connections; and
- (f) 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.

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.

25. 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.

26. 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.

27. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **hardstand**. 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. RELOCATE/MODIFY STORMWATER PIT REQUIRED

An existing Council stormwater pit will need to be relocated/modified to provide vehicular access to the property. All work associated with relocating/modifying the stormwater pit will be carried out by Council at the applicant/owner's expense and payment for this work is to be received before the crossing is constructed and the refund of the security deposit.

The proposed driveway is in conflict with the existing stormwater pit located outside No.33 Wallis Parade North Bondi. The application is recommended for approval subject to the conditions stated below:

- (a) The existing Council stormwater pit and lintel is to be relocated/modified to provide vehicular access to the property. The stormwater system is to be relocated/modified in an easterly direction to the western corner in front of 31 Wallis Parade. The proposed works to the stormwater pit will be carried out by Council at the applicant/owner's expense. Payment will be required prior to any works being undertaken.
- (b) The existing inlet pit outside 33 Wallis Parade is to be modified to be a grated inlet pit. All grates to be Weldlok Grate GG50D.
- (c) The works are to be coordinated with Waverley Council's Maintenance & Construction Manager who can be contacted during business hours on 0420 998 427.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

29. FINAL OCCUPATION CERTIFICATE

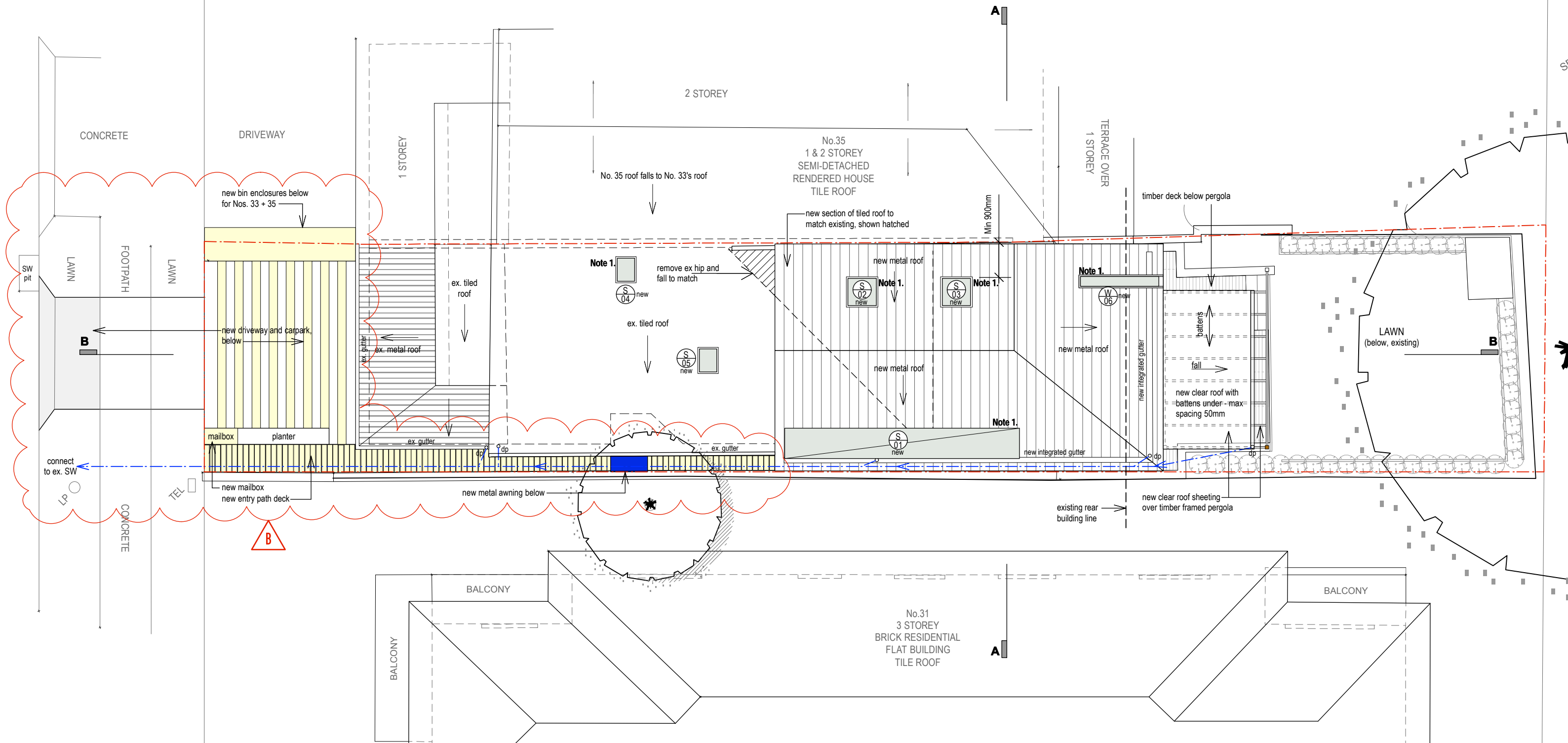
The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning & Assessment Act,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

30. LIGHTING

- (a) 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.

31. 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.



.01: PROPOSED ROOF/SITE PLAN: scale 1:100

ISSUE	REV	REVISION DESCRIPTION
A		For Construction Certificate - Not for Construction
B		S96 Application

CLIENT
Andrea and Stuart Breslin
33 Wallis Parade
NORTH BONDI NSW 2026

PROJECT DESIGN CONSULTANT
FARNAN FINDLAY ARCHITECTS PTY LTD
65/61 Marlborough Street Surry Hills NSW 2010
T (612) 9310 2516 F (612) 9310 2517
E studio@farnanfindlay.com.au
FARNAN FINDLAY ARCHITECTS PTY LTD ACN 108 453 505
PRINCIPALS Joel Farnan B Arch (Hons) Michelle Findlay B Arch (Hons)
Nominated Architect Joel Farnan #7236

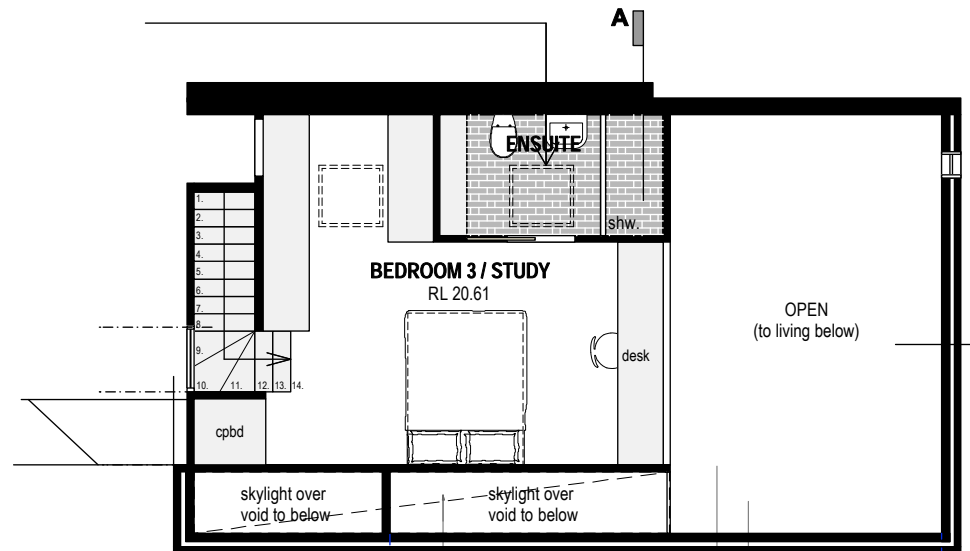
DRAWN	CHECKED	APPROVED	CLIENT APPROVED
BY FG	BY JF	BY	BY

SCALE BAR
0 1 2 3 4 5m

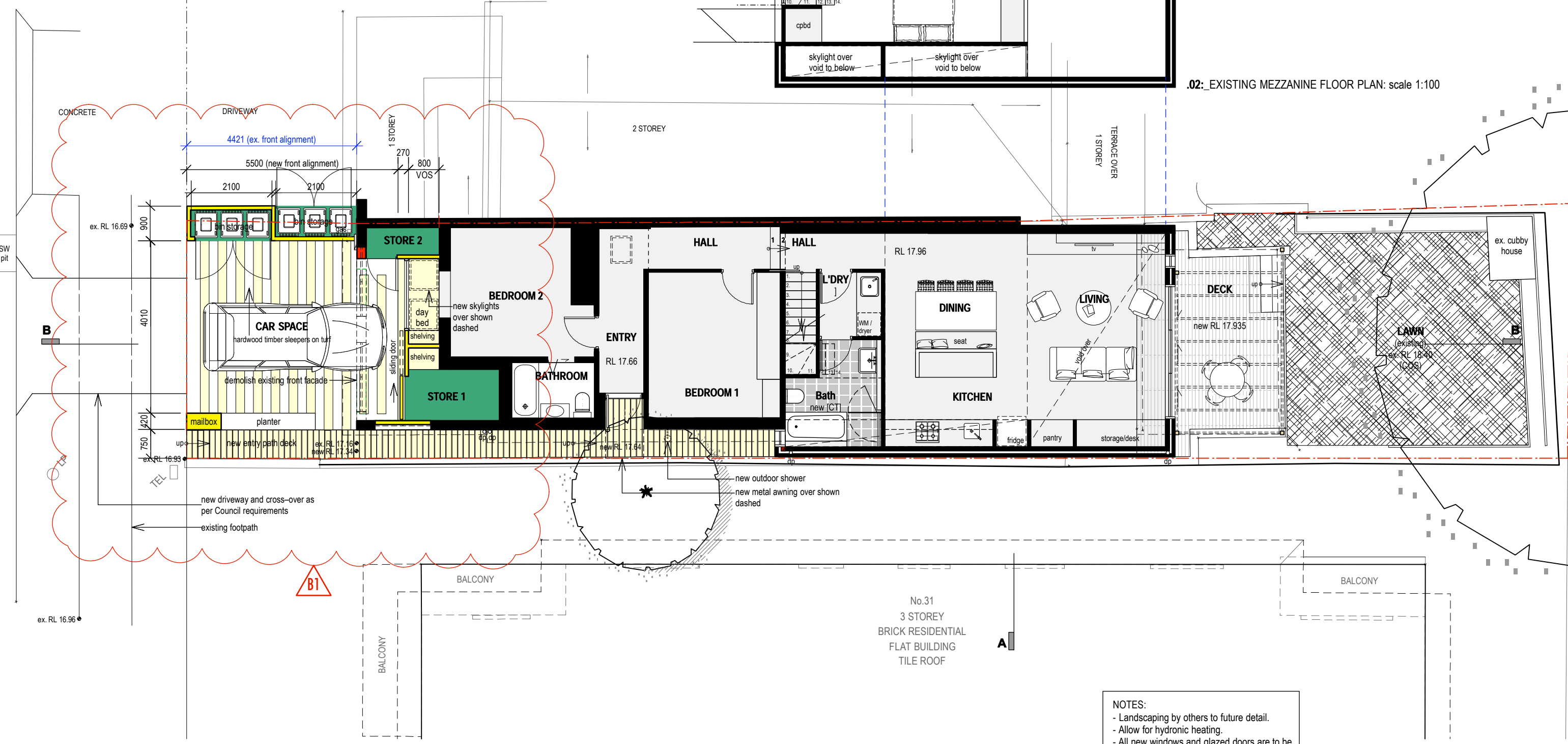
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PROJECT	DRAWING	SHEET	SCALE	DRAWING NO.	ISSUE
Breslin House, 33 Wallis Parade, North Bondi	Proposed Roof/Site Plan	A3	1:100	A1075/CC05	144

NOTES: Application No: DA-420/2018
 1. New or Altered light fixtures must be min 40% fluorescent, LED light sources
 2. New or altered light fixtures must be min 40% fluorescent, LED light sources
 3. New or altered toilets max 4 litres average flush volume
 4. New or altered taps to have maximum flow rate of 9 litres/minute
 Date Received: 16/11/2018



.02: _EXISTING MEZZANINE FLOOR PLAN: scale 1:100



.01: _PROPOSED GROUND FLOOR PLAN: scale 1:100

NOTES:
 - Landscaping by others to future detail.
 - Allow for hydronic heating.
 - All new windows and glazed doors are to be timber framed with low-e glazing.

ISSUE	REV	REVISION DESCRIPTION
A		For Construction Certificate - Not for Construction
B		S96 Application
B	1	Bin Storage amended
B	2	Greyed area removed

CLIENT
 Andrea and Stuart Breslin
 33 Wallis Parade
 NORTH BONDI NSW 2026

PROJECT DESIGN CONSULTANT

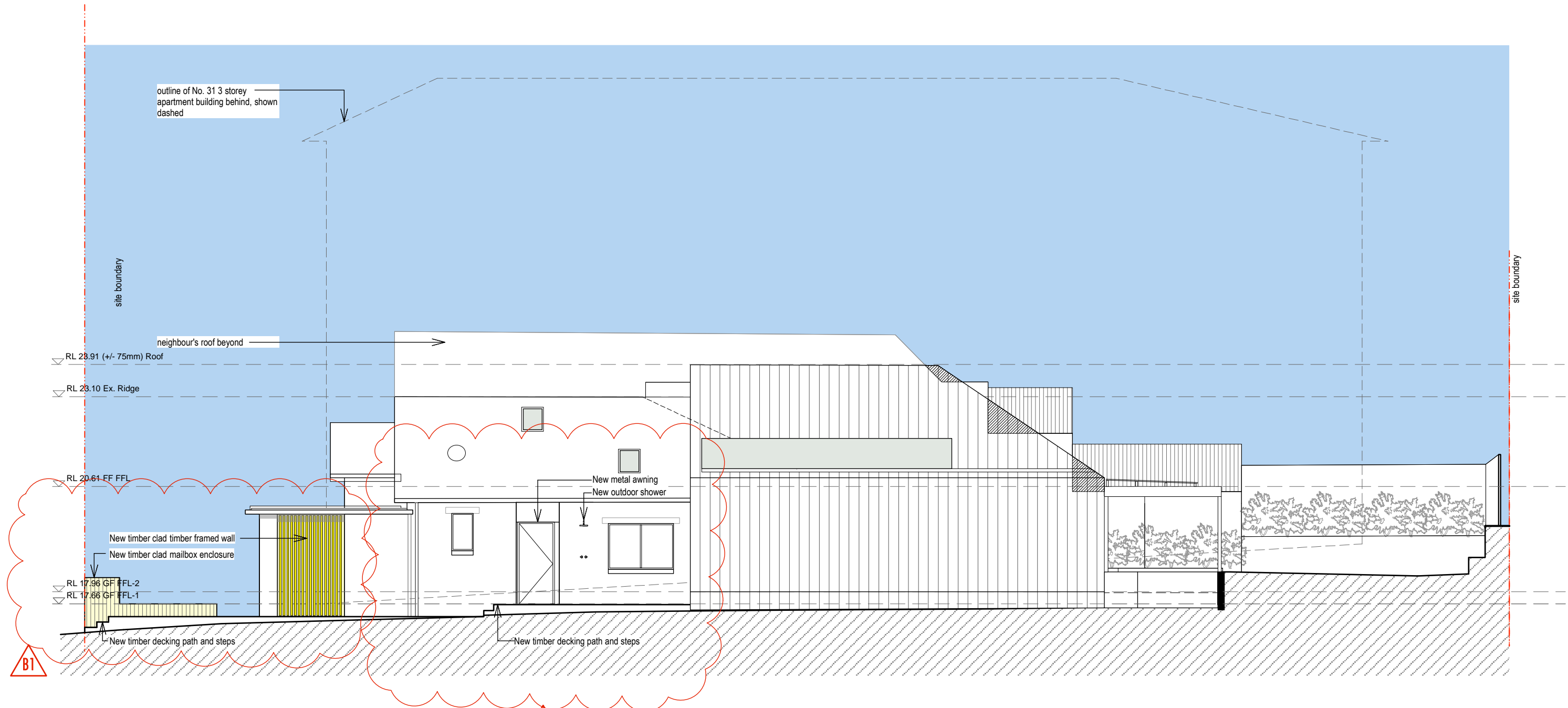
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DRAWN	CHECKED	APPROVED	CLIENT APPROVED
BY FG	BY JF	BY	BY

SCALE BAR
 0 1 2 3 4 5m

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PROJECT	DRAWING	SHEET	SCALE	DRAWING NO.	ISSUE
Breslin House, 33 Wallis Parade, North Bondi	Proposed Floor Plans	A3	1:100	A1075/CC06	B2



.01: PROPOSED EAST ELEVATION: scale 1:100

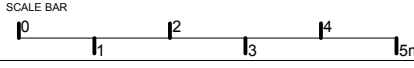
ISSUE	REV	REVISION DESCRIPTION
A		For Construction Certificate - Not for Construction
B		S96 Application
B	1	Bin Storage amended
B	2	Greyed area removed

CLIENT
Andrea and Stuart Breslin
33 Wallis Parade
NORTH BONDI NSW 2026

PROJECT DESIGN CONSULTANT

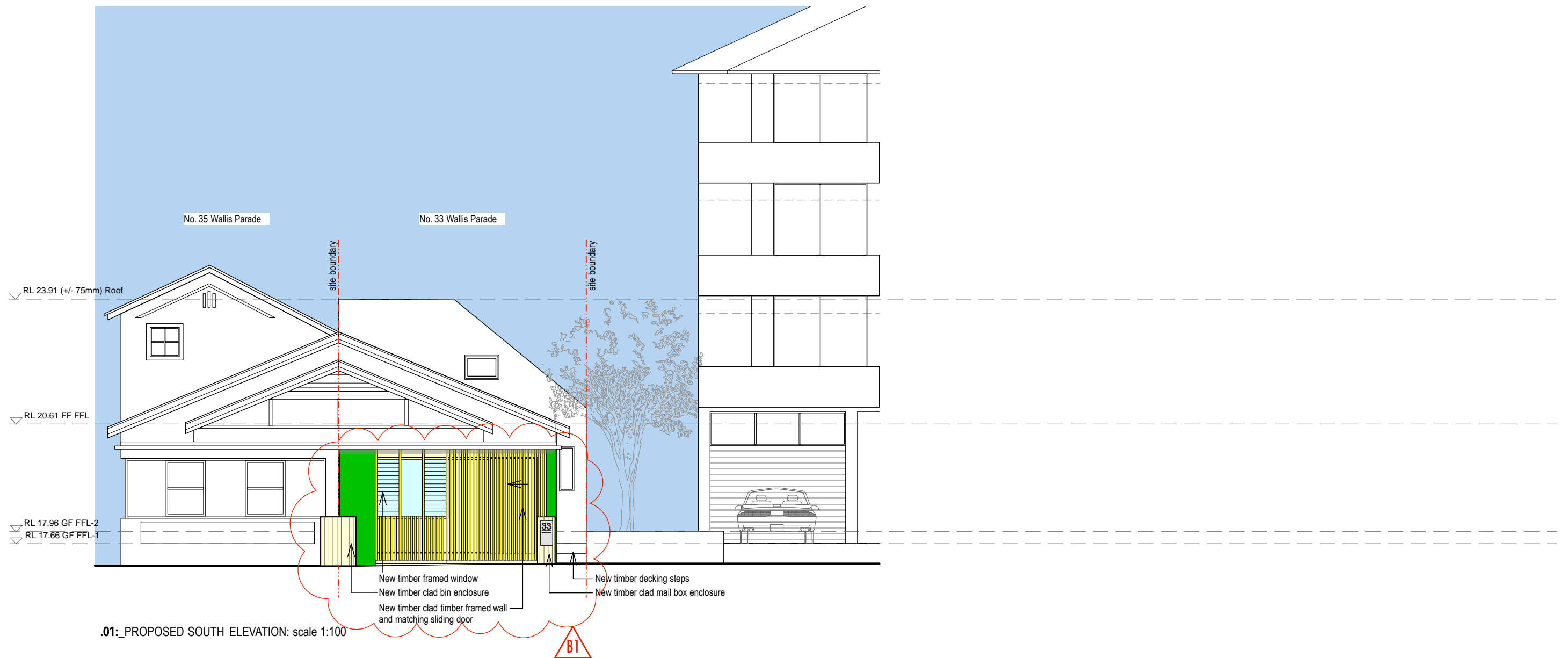
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DRAWN	CHECKED	APPROVED	CLIENT APPROVED
BY FG	BY JF	BY	BY

SCALE BAR


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PROJECT			
Breslin House, 33 Wallis Parade, North Bondi			
DRAWING			
Proposed East Elevation			
SHEET	SCALE	DRAWING NO.	ISSUE
A3	1:100	A1075/CC08	B2



ISSUE	REV	REVISION DESCRIPTION
A		For Construction Certificate - Not for Construction
B		S96 Application
B	1	Bin Storage amended
B	2	Greyed area removed

CLIENT

Andrea and Stuart Breslin
33 Wallis Parade
NORTH BONDI NSW 2026

PROJECT DESIGN CONSULTANT

FARNAN FINDLAY ARCHITECTS

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Nominated Architect Joel Farnan #7236

DRAWN	CHECKED	APPROVED	CLIENT APPROVED
BY FG	BY JF	BY	BY

SCALE BAR

0 1 2 3 4 5m

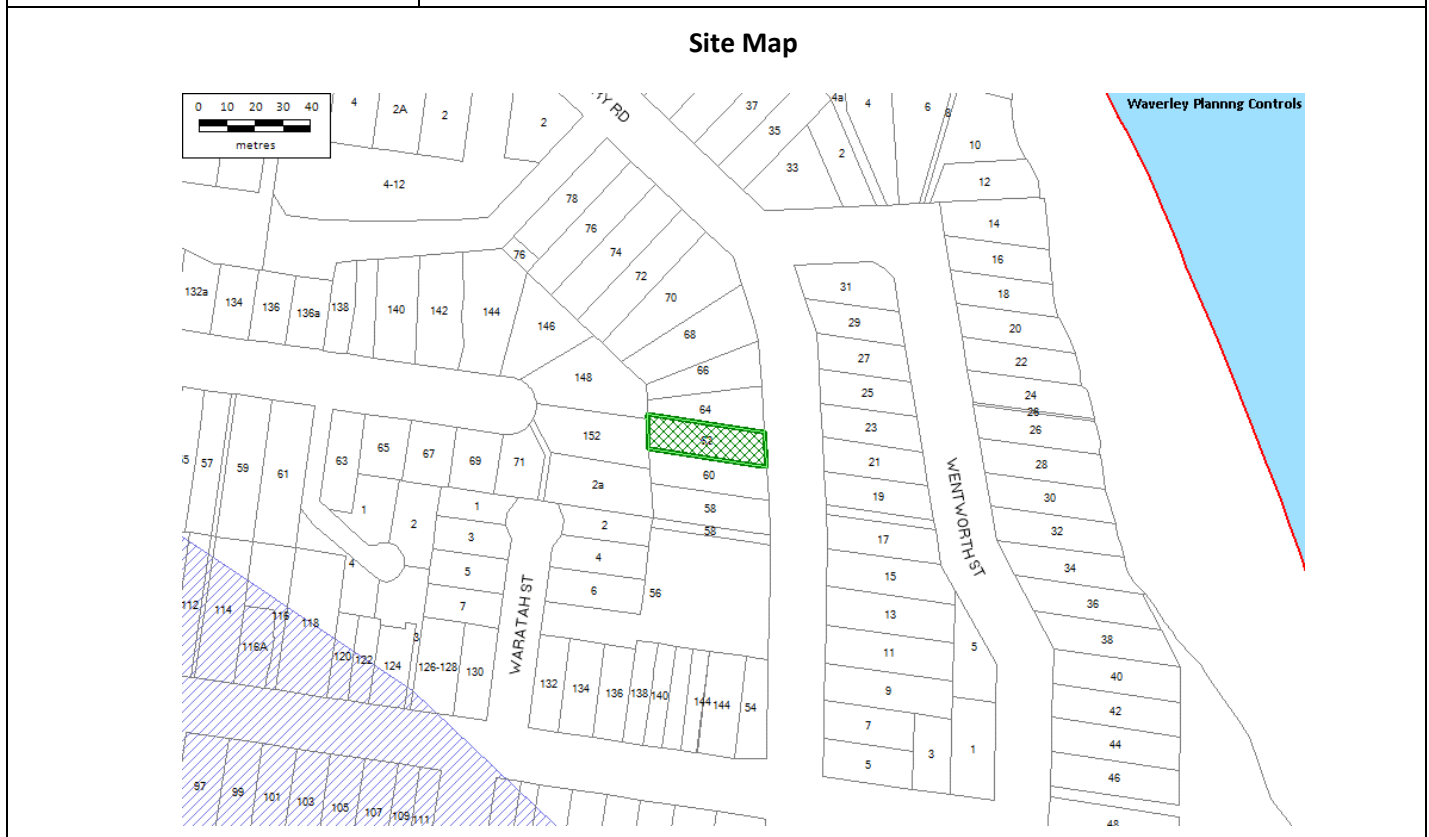
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PROJECT			
Breslin House, 33 Wallis Parade, North Bondi			
DRAWING			
Proposed North & South Elevations			
SHEET	SCALE	DRAWING NO.	ISSUE
A3	1:100	A1075/CC07	B2



Report to the Waverley Local Planning Panel

Application number	DA-286/2017/A
Site address	62 Military Road, Dover Heights
Proposal	Modification to approved development consent including the extension of stairs and lift to lower ground floor and new basement level
Approved development description	Demolition of existing dwelling and construction of a three-storey attached dual occupancy development with swimming pool.
Date of lodgement	18-Jul-2018
Owner	Mr M Gajic and Ms J Gajic
Applicant	Mr P Zaverdinos
Submissions	Nil
Issues	Nil
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 21 November 2018.

The site is identified as Lot 13 in DP 10090, known as 62 Military Road, DOVER HEIGHTS. The site is rectangular in shape with northern and southern side boundaries measuring 42.365m, and an eastern street frontage and western rear boundary measuring 12.190m. The site has an area of 499.5m² (by DP) and the site falls from the east towards the west by approximately 13.5m.

The site is occupied by a one and two storey detached dwelling with vehicular access to the south-eastern corner of the site provided with a carport gaining access from Military Road. The property owners were recently granted approval from Council (DA-286/2017) to demolish the existing dwelling and construct a new dual occupancy attached development. Further details of the approved development are provided throughout the report.

The subject site is adjoined by detached dwellings on either side. The locality is characterised by a variety of residential developments including semi-detached and detached dwellings, dual occupancies and residential flat buildings.



Figure 1: Site viewed from Military Road



Figure 2: Site viewed from the rear

1.2 Details of Approved Development

DA-286/2017, demolition of existing dwelling and construction of a part 2, part 3 storey attached dual occupancy with swimming pools and garages approved 23 May 2018. The application was determined by the Waverley Local Planning Panel. The following conditions were imposed in the consent:

2. GENERAL MODIFICATIONS (DA-286/2017)

- (a) The first floor balcony is to extend no further to the rear than the rear building line of the ground floor below.*
- (b) The entry forecourt to each dwelling is to be reconfigured to relocate the meter boxes to behind the first set of stairs, the gate is to be relocated to adjacent the garage and the area previously occupied by the gate and meter box is to be landscaped appropriately, including the planting of the canopy tree. The front fence and gate adjoining the garages are to be lowered to a height of 1.2m.*
- (c) Privacy screening is to be provided between the balconies of each dwelling to a height of 1.7m and are to be of a lightweight material or obscure glazing.*
- (d) Side and rear boundary fencing is not to exceed 1.8m in height above the existing ground level.*
- (e) The swimming pool equipment is to be housed within an acoustically treated structure.*
- (f) The concrete decks, stairs and planter boxes (below the pool deck) located in the rear portion of the town houses are to be deleted and replaced with deep soil landscaped terraces at or near existing ground level.*

1.3 Proposal

The application has been lodged as a section 4.55 (1A) application and provides for the following modifications to the approved development:

- Extension of internal stairs from ground floor to lower ground floor and basement level
- New basement level including pool cabana and laundry
- New external stairs to pool area
- Additional 20m² of soft landscaping
- Increase size of swimming pool to 33.5m²

Note: There are no changes on the modified plans reflecting conditions 2 (a) to (e) imposed under DA-286/2017 therefore these conditions will be reimposed in the modified consent.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (2) applications - the modifications if approved are substantially the same development as the original consent. Council has notified the application and considered submissions as discussed further in the report.

2.2 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.

2.2.1 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.

2.2.2 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.

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as alterations and additions to a dual occupancy (attached), which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	NA	The overall height of the building remains as the approved height under DA-286/2017.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> Site area 505.6m² 0.556:1 or 281.1m² 	No	Existing non-compliance: <ul style="list-style-type: none"> 0.635:1 (321m²) Variation of 39.9m² or 14.2% The proposed increase in floor area of 108.76m ² for the basement level results in a further non-compliance of: <ul style="list-style-type: none"> 0.85:1 (429.76m²) Variation of 108.76m² or 37%
4.6 Exceptions to development standards	See discussion	The modification to increase the FSR of the approved development does not require consideration under clause 4.6 of Waverley LEP 2012. Notwithstanding, the non-compliance is considered under section 4.55(2) of the Act with regard to whether the approved development, as proposed to be modified, is substantially the same as the development for which the consent was originally granted. Refer to discussion below this table of the non-compliance against the objectives of the FSR development standard set out under clause 4.4 of Waverley LEP 2012.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal involves further excavation to expand the basement level of the development. Conditions are currently included in the consent that require preparation of a Geotechnical Engineers Report and details of shoring and piling being provided prior to the issue of a construction

Provision	Compliance	Comment
		certificate. These conditions will ensure that the proposed excavation minimises disturbance to the stability of the site and its surrounds and will address the additional excavation sought in this application.

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

Floor Space Ratio

The proposed modifications result in additional gross floor area, specifically a net increase of 108.76m², which increases the floor space ratio (FSR) to 0.85:1. While the proposal further increases the variation to the FSR development standard, the additional gross floor area will not be visible to surrounding properties as it is contained within the basement level of the site addressing the rear yard. It will not increase the perceived building envelope of the approved development when viewed from Military Road and adjoining properties. The proposed basement level will not increase the approved maximum height of 11.4m as the non-complaint height to the rear was considered within the original assessment of DA-286/2017. In this regard, the additional gross floor area is considered acceptable.

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

The relevant matters to be considered under the Waverley DCP 2012 for the proposal 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 was submitted and approved under the original application which is considered satisfactory for the modification works described in the subject application.

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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	NA	The proposal does not alter the previously approved building height of 11.4m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	NA	The proposal does not alter the front and rear setbacks.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 900mm for two-storey and 1500mm for three-storey 	Yes	Basement level: 900mm Lower ground floor: 900mm No changes to first floor
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	Excavation is required to construct the basement level to the rear of the site. The excavation will occur 0.9m from both side boundaries which is acceptable. Conditions related to excavation were imposed in the original consent.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context 	Yes	The proposed modifications do not significantly alter the overall building envelope, architecture and aesthetics of the development. The proposed basement level will not alter the

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Development must not dominate the streetscape 		character of the streetscape as the modifications are not visible from Military Road.
1.8 Visual and acoustic privacy		
<p>(a) 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.</p> <p>(b) External stairs are not acceptable.</p>	Yes	<p>New glass sliding doors are proposed to the eastern elevation at basement level. The glass doors do not directly face windows to habitable rooms of adjoining properties and are not expected to result in additional privacy impacts.</p> <p>The proposed external stairs contravenes condition 2(f) of DA-286/2017 imposed by the WLLP however the stairs have been relocated from the side of the pool to the rear of the site to enable access to the rear yard which is considered acceptable as the stairs are set in 2m from the side boundaries and the proposal provides adequate soft landscaping at ground level.</p> <p>Condition 2(f) states the following: <i>“The concrete decks, stairs and planter boxes (below the pool deck) located in the rear portion of the town houses are to be deleted and replaced with deep soil landscaped terraces at or near existing ground level.”</i></p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p> <p>NA</p>	<ul style="list-style-type: none"> No changes to overall open space (52%) Proposed landscaped area: 84m² or 16.6% No changes to private open space (268m²) No changes to front open space (<50%) No changes to front landscaped area (10.5%)
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The approved swimming pools are proposed to be increased to approximately 33m ² which is considered acceptable as the overall combined decking and pool area has decreased. Standard

Development Control	Compliance	Comment
		conditions relating to swimming pools were imposed in the original consent which are considered appropriate for the modified pools. The swimming pool maintains the screening proposed in the original consent.

2.3 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.

2.4 Suitability of the Site for the Development

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

2.5 Any Submissions

The modification 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*.

No submissions were received.

2.6 Public Interest

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

3. SUMMARY

The application seeks consent to modify development application DA-286/2017. The proposal includes a new basement level, relocation of external stairs and additional landscaping.

The new basement level results in a further FSR non-compliance which is considered acceptable as the additional gross floor area will not increase the perceived building envelope of the approved development when viewed from Military Road, does not add to the bulk and scale of the building and is not expected to result in adverse impacts to the amenity of adjoining properties.

The proposed external stairs contravenes condition (2)(f) imposed under the original development consent however this is considered acceptable as the stairs are proposed to be relocated to the rear of the deck providing access to the rear yard and adequate landscaping has been provided.

The proposal was notified for 14 days and no submissions were received.

The proposal is considered to satisfy the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and is supported subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification 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:**

Bianca Fyvie
Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

Date: 7 February 2019

Date: 11 February 2019

Reason for referral:

Change of condition previously imposed by the Waverley Local Planning Panel.

APPENDIX A – CONDITIONS OF CONSENT TO BE MODIFIED

A. Amended / deleted conditions

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan Nos DA01, DA02, DA03, DA04, DA05, DA09, DA10, DA11, DA12, DA13, tables and documentation prepared by Archicorp, and received by Council on date 16 April 2018;

(i) As amended by Architectural Plan Nos S05 to S11 prepared by Archicorp, dated July 2018 and received by Council on 18 July 2018; (AMENDED BY DA-286/2017/A)

(b) Landscape Plan prepared by Bill Muir Landscape Architect, dated April 2017, and received by Council on 16 April 2018;

(i) As amended by Architectural Plan No S07 prepared by Archicorp, dated July 2018 and received by Council on 18 July 2018; (AMENDED BY DA-286/2017/A)

(c) BASIX Certificate;

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) The first floor balcony is to extend no further to the rear than the rear building line of the ground floor below.

(b) The entry forecourt to each dwelling is to be reconfigured to relocate the meter boxes to behind the first set of stairs, the gate is to be relocated to adjacent the garage and the area previously occupied by the gate and meter box is to be landscaped appropriately, including the planting of the canopy tree. The front fence and gate adjoining the garages are to be lowered to a height of 1.2m.

(c) Privacy screening is to be provided between the balconies of each dwelling to a height of 1.7m and are to be of a lightweight material or obscure glazing.

(d) Side and rear boundary fencing is not to exceed 1.8m in height above the existing ground level.

(e) The swimming pool equipment is to be housed within an acoustically treated structure.

~~(f) The concrete decks, stairs and planter boxes (below the pool deck) located in the rear portion of the town houses are to be deleted and replaced with deep soil landscaped terraces at or near existing ground level. (DELETED BY DA-286/2017/A)~~

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

APPENDIX B – FULL SET OF CONDITIONS

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) Architectural Plan Nos DA01, DA02, DA03, DA04, DA05, DA09, DA10, DA11, DA12, DA13, tables and documentation prepared by Archicorp, and received by Council on date 16 April 2018;

(ii) As amended by Architectural Plan Nos S05 to S11 prepared by Archicorp, dated July 2018 and received by Council on 18 July 2018; (AMENDED BY DA-286/2017/A)

(b) Landscape Plan prepared by Bill Muir Landscape Architect, dated April 2017, and received by Council on 16 April 2018;

(ii) As amended by Architectural Plan No S07 prepared by Archicorp, dated July 2018 and received by Council on 18 July 2018; (AMENDED BY DA-286/2017/A)

(c) BASIX Certificate;

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

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

(a) The first floor balcony is to extend no further to the rear than the rear building line of the ground floor below.

(b) The entry forecourt to each dwelling is to be reconfigured to relocate the meter boxes to behind the first set of stairs, the gate is to be relocated to adjacent the garage and the area previously occupied by the gate and meter box is to be landscaped appropriately, including the planting of the canopy tree. The front fence and gate adjoining the garages are to be lowered to a height of 1.2m.

(c) Privacy screening is to be provided between the balconies of each dwelling to a height of 1.7m and are to be of a lightweight material or obscure glazing.

(d) Side and rear boundary fencing is not to exceed 1.8m in height above the existing ground level.

(e) The swimming pool equipment is to be housed within an acoustically treated structure.

~~(f) The concrete decks, stairs and planter boxes (below the pool deck) located in the rear portion of the town houses are to be deleted and replaced with deep soil landscaped terraces at or near existing ground level. (DELETED BY DA-286/2017/A)~~

Amended by WDAP 23/5/18

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. STRATA SUBDIVISION

Should Strata Subdivision be sought, a separate approval will be required.

Amended by WDAP 23/5/18

4. DOMESTIC HEATERS

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

5. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

6. USE OF DWELLING

Each dwelling within the dual occupancy is to be used only as a single unit dwelling house.

7. 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.

8. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

9. SECTION 94A CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

10. 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.

11. ADDITIONAL DA FEE REQUIRED

Council considers the estimated cost of the proposed building work is under-valued. In this regard, an additional development application fee relating to the updated cost of works outlined in the Quantity Surveyor's Detailed Cost Report is to be paid, prior to the issue of the Construction Certificate.

12. LONG SERVICE LEVY

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

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

13. NO BUILDING 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.

14. SERVICE AUTHORITIES

If required, the applicant is to seek approval from any relevant authority regarding any possible modification to the service authorities infrastructure prior to the issue of a Construction Certificate.

15. HOARDING REQUIRED

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

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

16. 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.

The recommendations outlined in the Geotechnical Report prepared by Dougal Partners and received by Council on 16 April 2018 are to be implemented throughout construction.

17. 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.

18. 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.

19. 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.

20. STORMWATER MANAGEMENT

The stormwater plans submitted with the application are considered not satisfactory with regard to stormwater. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council Water Management Technical Manual and the following items are required to be provided to the satisfaction of the Executive Manager Design – Creating Waverley:

- The location of the proposed development falls outside the infiltration zone. Disposal of stormwater by infiltration is not allowed (Refer to section 3.1.1 & Annexure B, Water Management Technical Manual).
- 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.
- 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.

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.

21. 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.

22. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

23. 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 Military Road carriageway, the kerb and gutter, footpath and paving within the property and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show 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.

24. SWEPT 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 the garages from Hardy 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 Military Road both opposite and to the immediate north and south of the proposed driveway.
3. To minimise the loss of on street parking, show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages. Note, shared use of a portion of the driveway apron may be required to minimise the length of the layback.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel paths.
5. Accurately show the length of the Council's kerb and gutter remaining between the southern side wing of the existing driveway at No.64 and the northern side wing of the proposed driveway at No.62

25. 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.

26. 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*.

27. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. TOILET FACILITIES

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

35. 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.

36. USE OF FILL ON SITE

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

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

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

The only waste derived fill material that may be received at the development site is:

- (a) virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*), or
- (b) any other waste derived material the subject of a resource recovery exemption under cl. 51A of the *Protection of the Environmental Operations (Waste) Regulations 2005* that is permitted to be used as fill material.

Any waste derived material the subject of resource exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to the Principal Certifying authority on request.

37. 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.

38. 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.

39. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. BUILDING CODE OF AUSTRALIA

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

48. 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.

49. 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.

50. 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.

51. IN-SINK WASTE DISPOSAL SYSTEMS

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

52. ENCROACH BEYOND THE BOUNDARIES

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

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. STREET TREES

The applicant may remove the Banksia street tree on the condition that a replacement tree is planted. The tree is to be a Tuckeroo (*Cupaniopsis anacardioides*) and must be a minimum pot size of 45 litres. The tree is to be planted by a qualified horticulturist (AQF Level 3), and must be planted on the northern side of the nature strip midway between the proposed driveway and the boundary with No. 64 Military Road.

60. TREE PRESERVATION

A tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

61. 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.

62. NEW VEHICLE CROSSING

The existing vehicle crossing is to be demolished and a new crossing constructed to access the proposed **garages**. 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.

63. VEHICULAR ACCESS - FINISHED LEVEL

The finished level at the property boundary on **both** sides of the vehicle crossing is to be **30mm above** the existing concrete footpath.

64. 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.

65. 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.

66. 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.

67. REAR, SIDE AND INTERNAL DIVIDING FENCE HEIGHT

Any side boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property.

Any rear boundary fencing on site is not to exceed a maximum height of 1.8m above the existing ground level of the subject property.

Any internal dividing fencing on site is not to exceed a maximum height of 1.8m above the proposed ground level of the subject property.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

68. SYDNEY WATER

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

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

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

69. OCCUPATION CERTIFICATE

The Principal Certifying Authority prior to occupation or use of the development must issue a 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.

70. 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.

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.

76. LANDSCAPE PLAN

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

77. LIGHTING

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

Advice to Applicant

Your Construction Certificate will not be issued until all the conditions of consent are satisfied.

Sydney Water Requirements

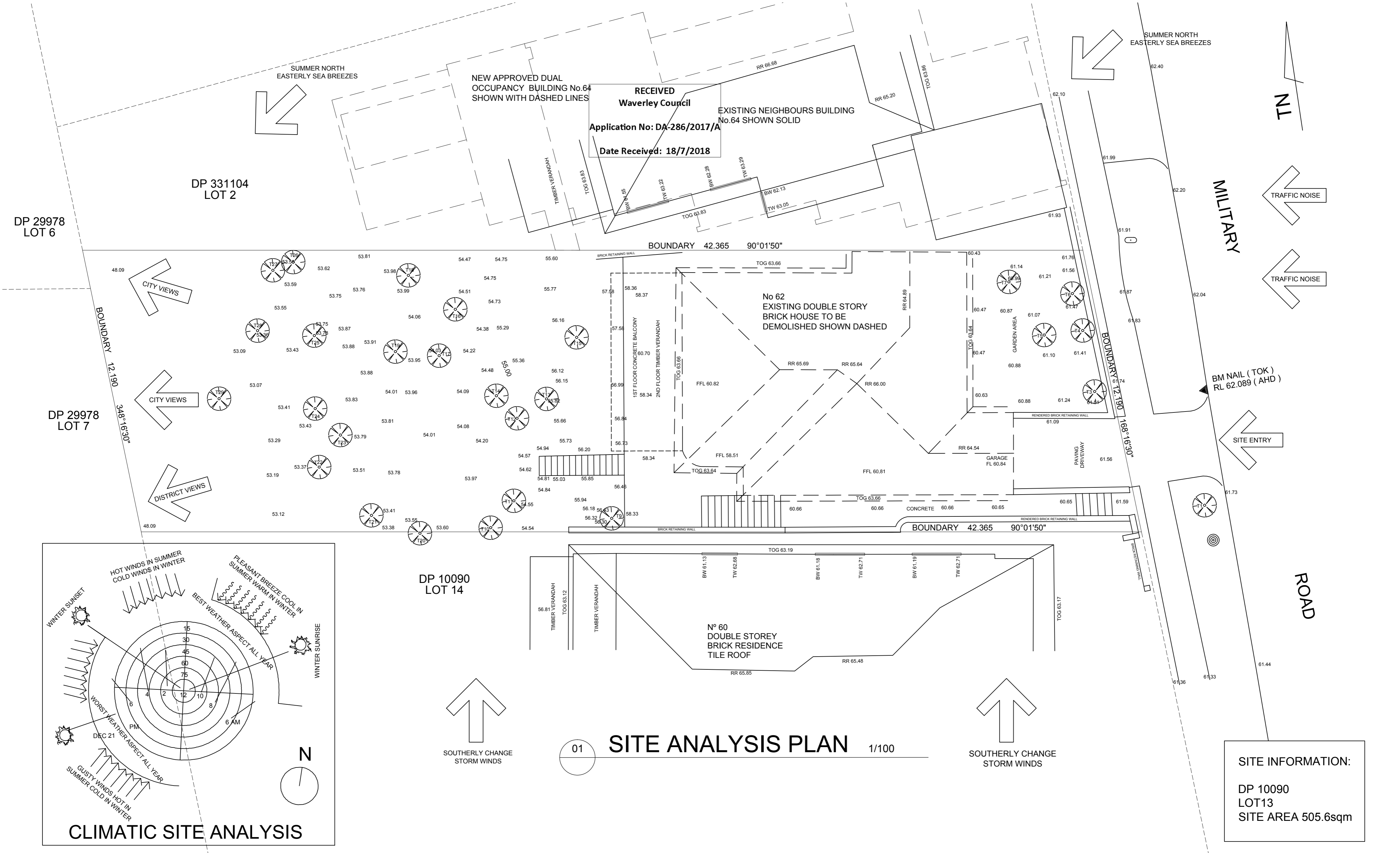
You are required to submit your plans to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements.

Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.



SITE INFORMATION:
 DP 10090
 LOT 13
 SITE AREA 505.6sqm

DATE :	REVISIONS :

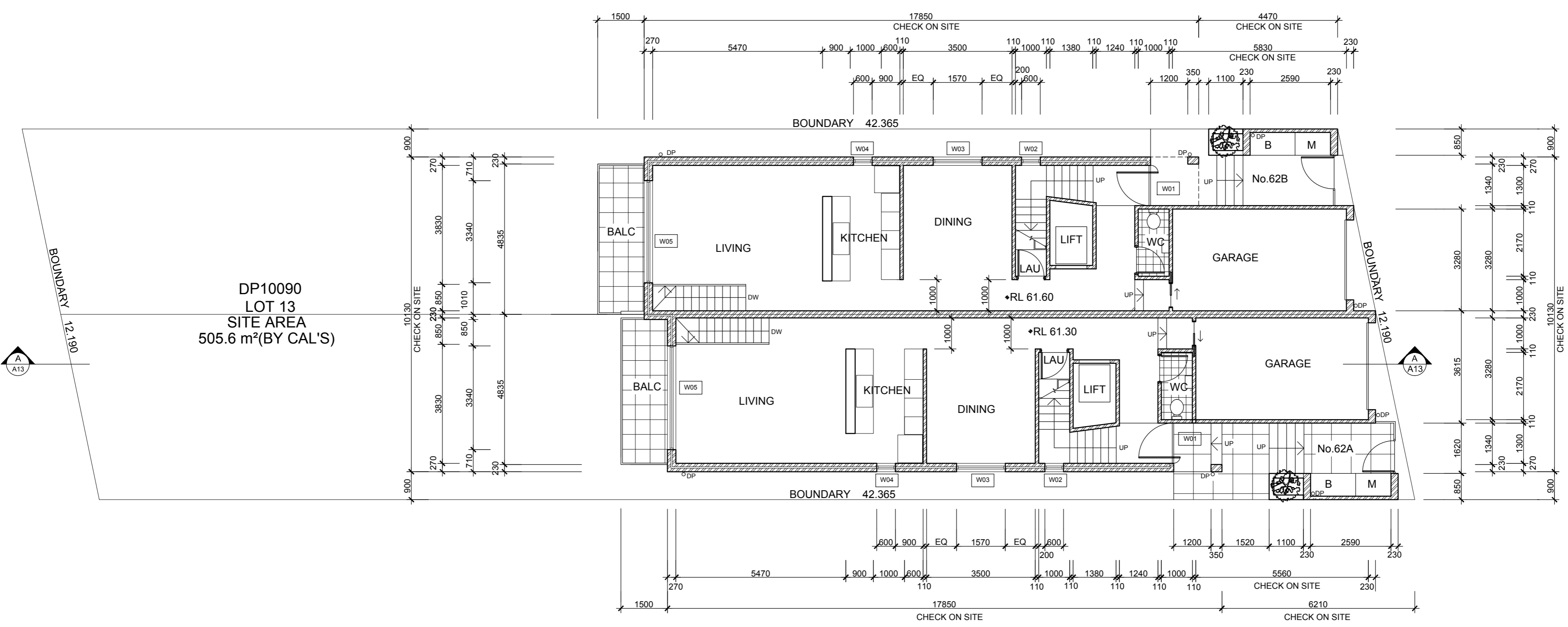
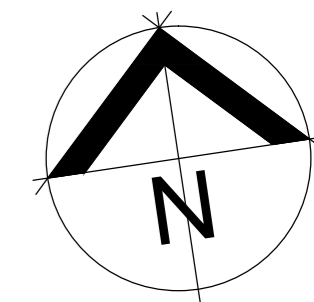
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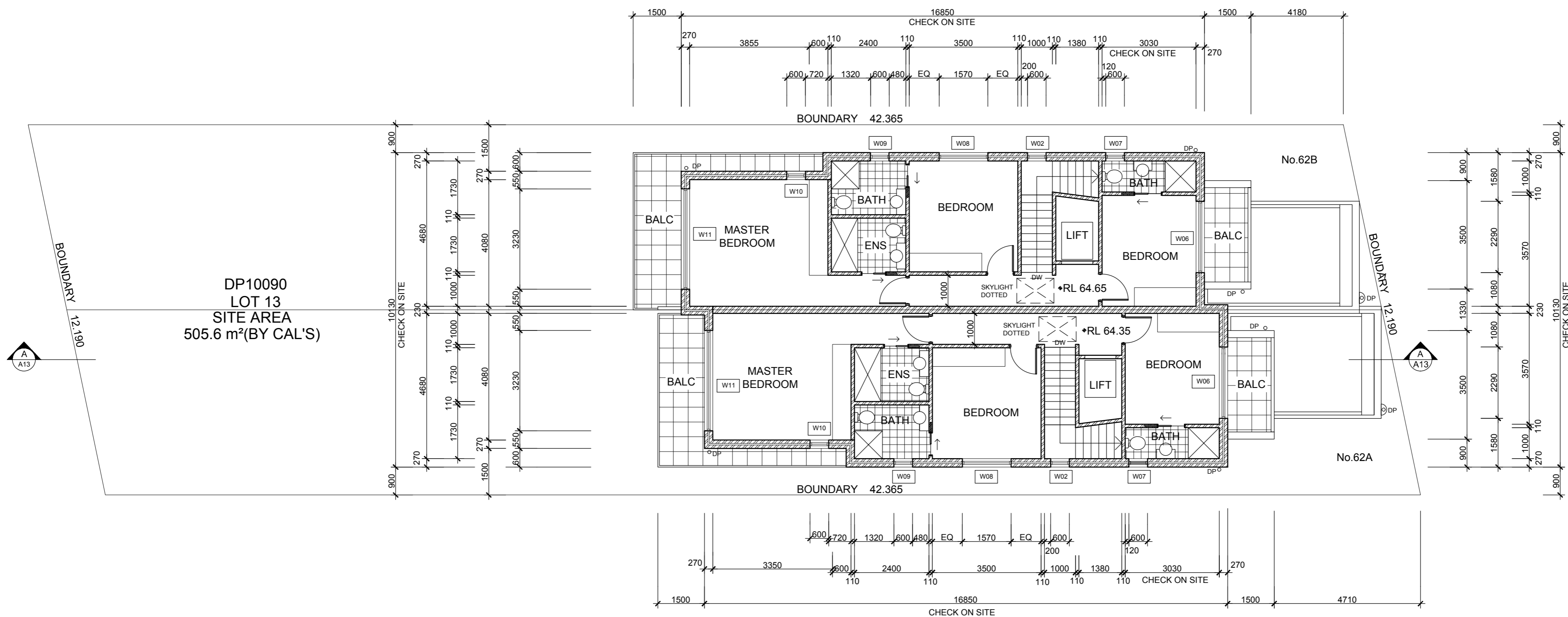
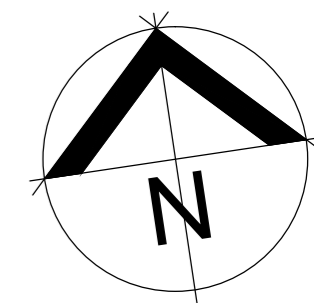
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01 APPROVED GROUND FLOOR PLAN 1/100

NOTES:
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				SCALE : 1 / 100	SHEET No.: S02



01

APPROVED FIRST FLOOR PLAN

1/100

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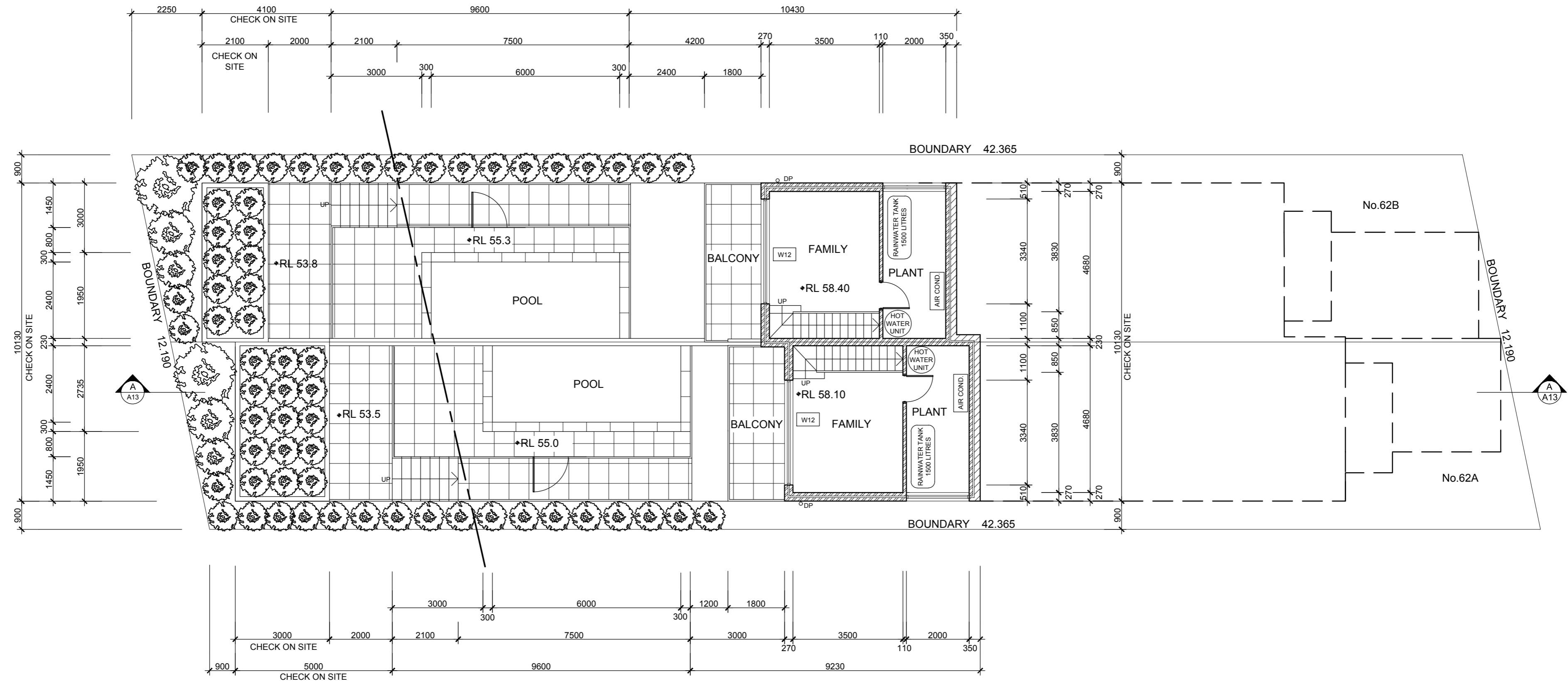
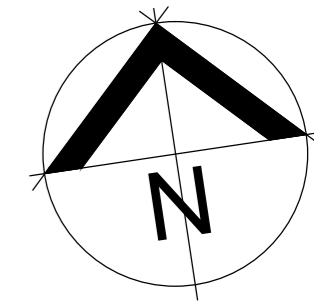
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JULY 18

JOB No :
1604

SCALE :
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SHEET No.:
S03



01 APPROVED LOWER GROUND FLOOR PLAN 1/100

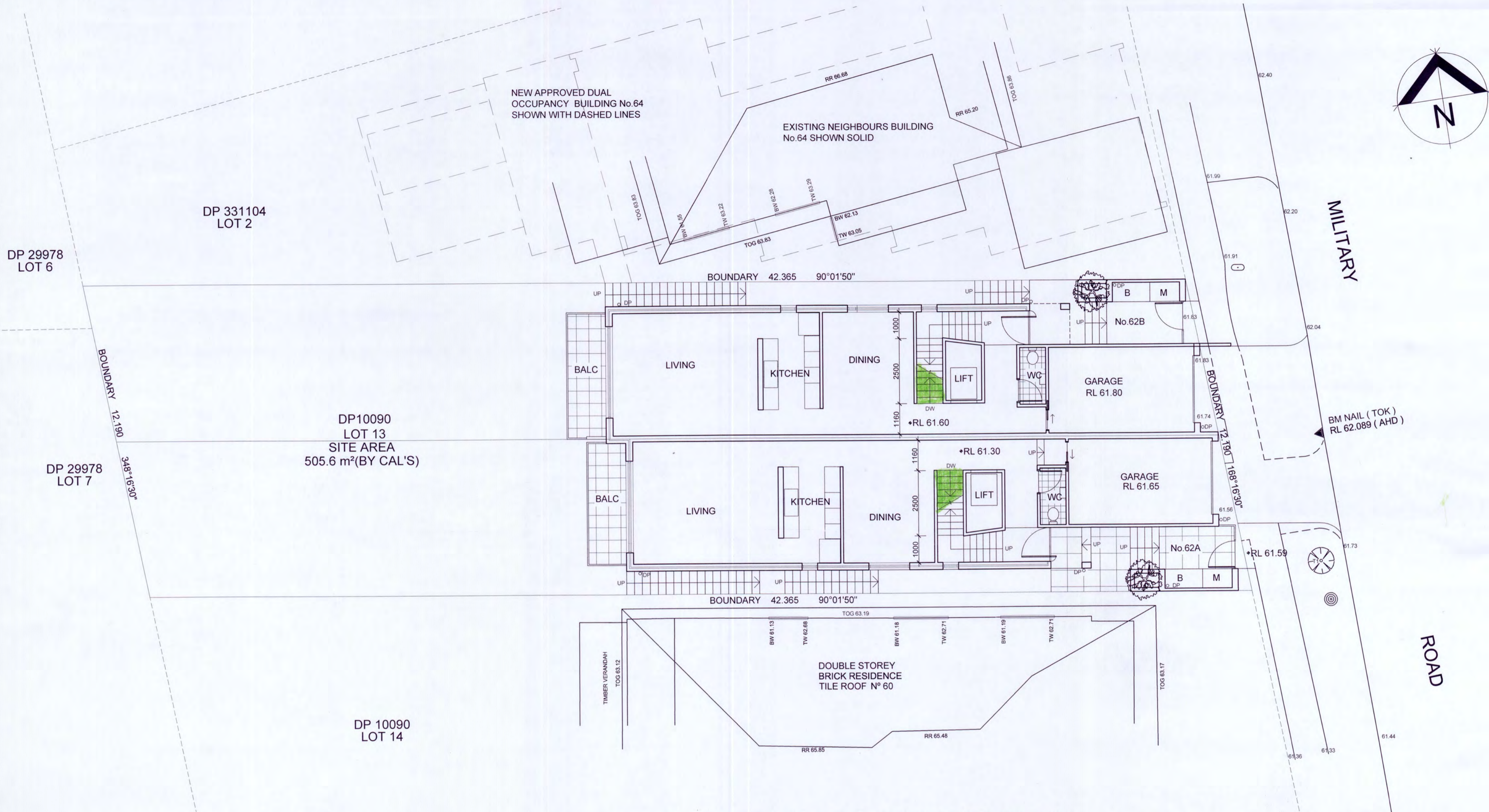
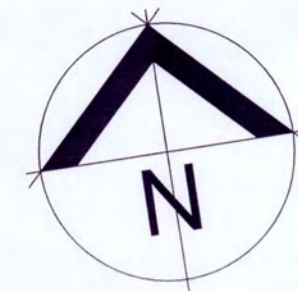
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01 AMENDED GROUND FLOOR PLAN 1/100

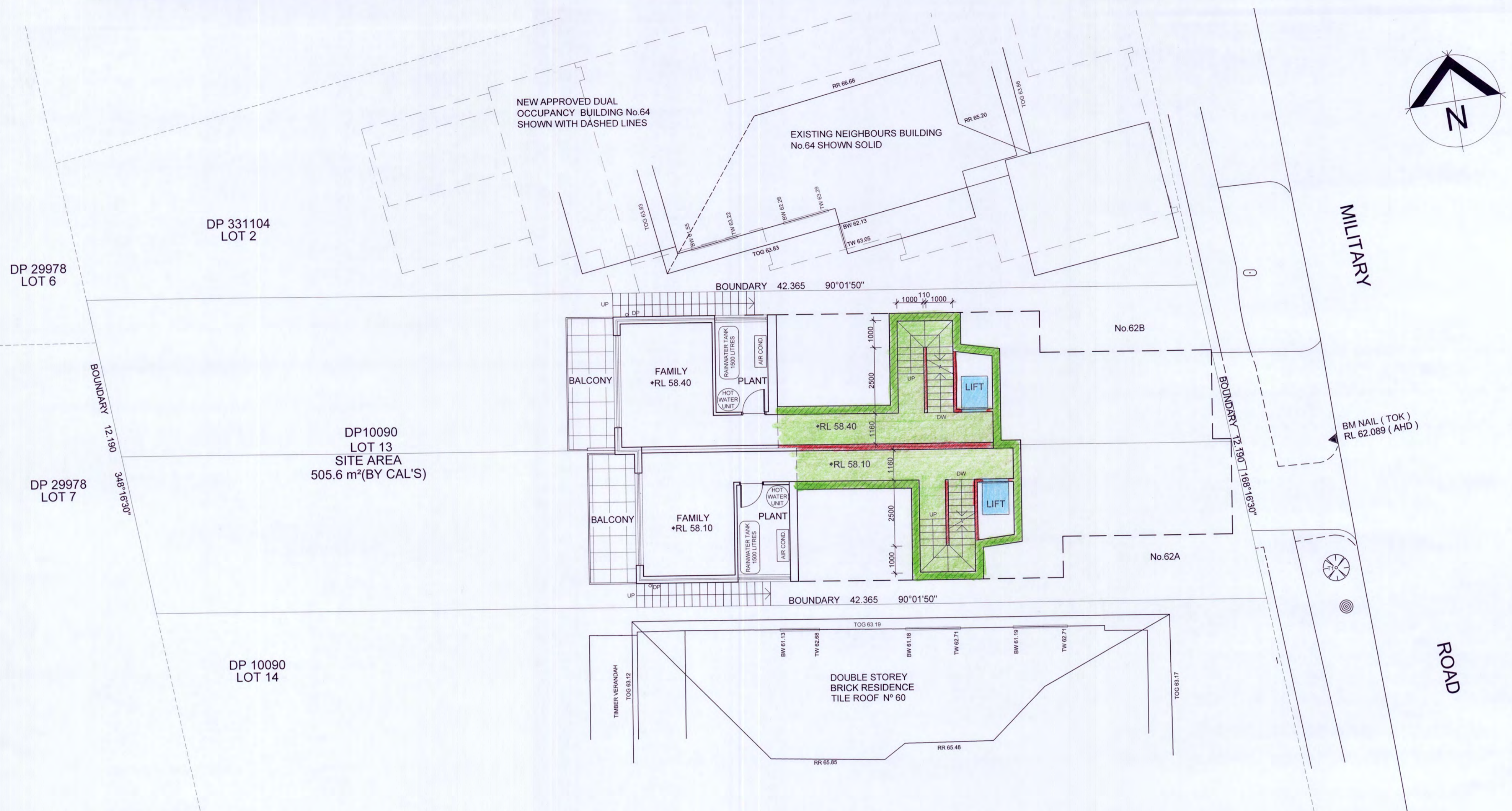
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01 AMENDED LOWER GROUND FLOOR PLAN 1/100

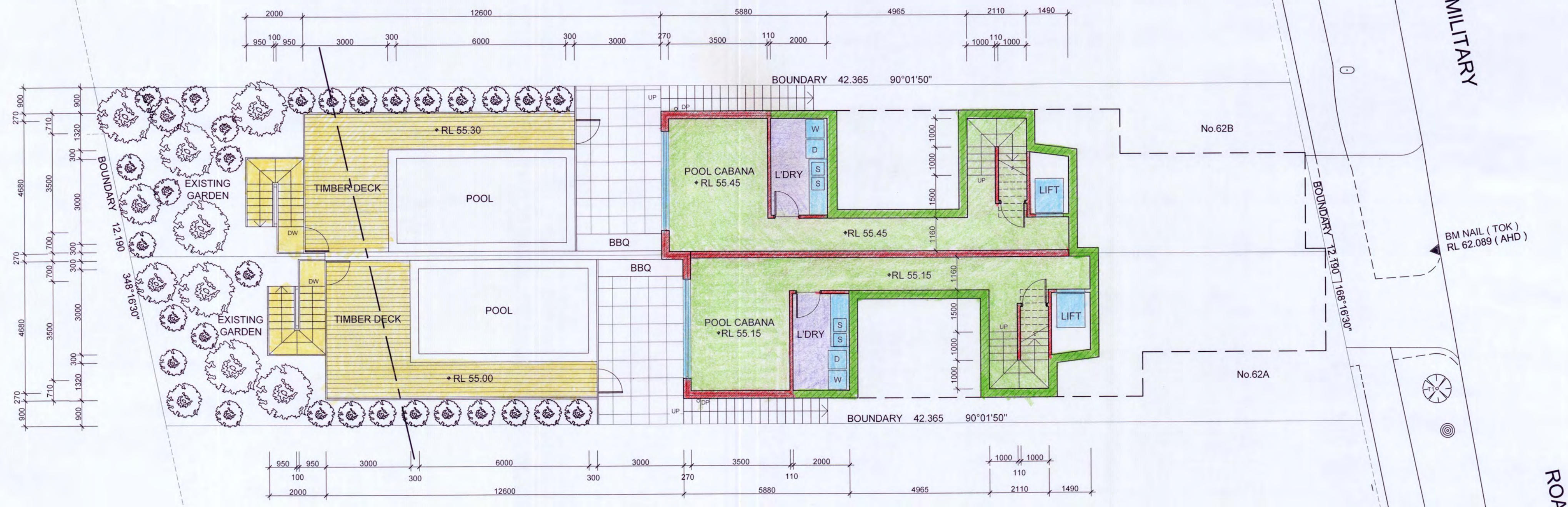
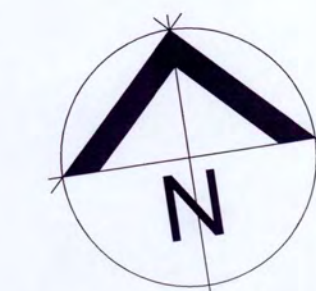
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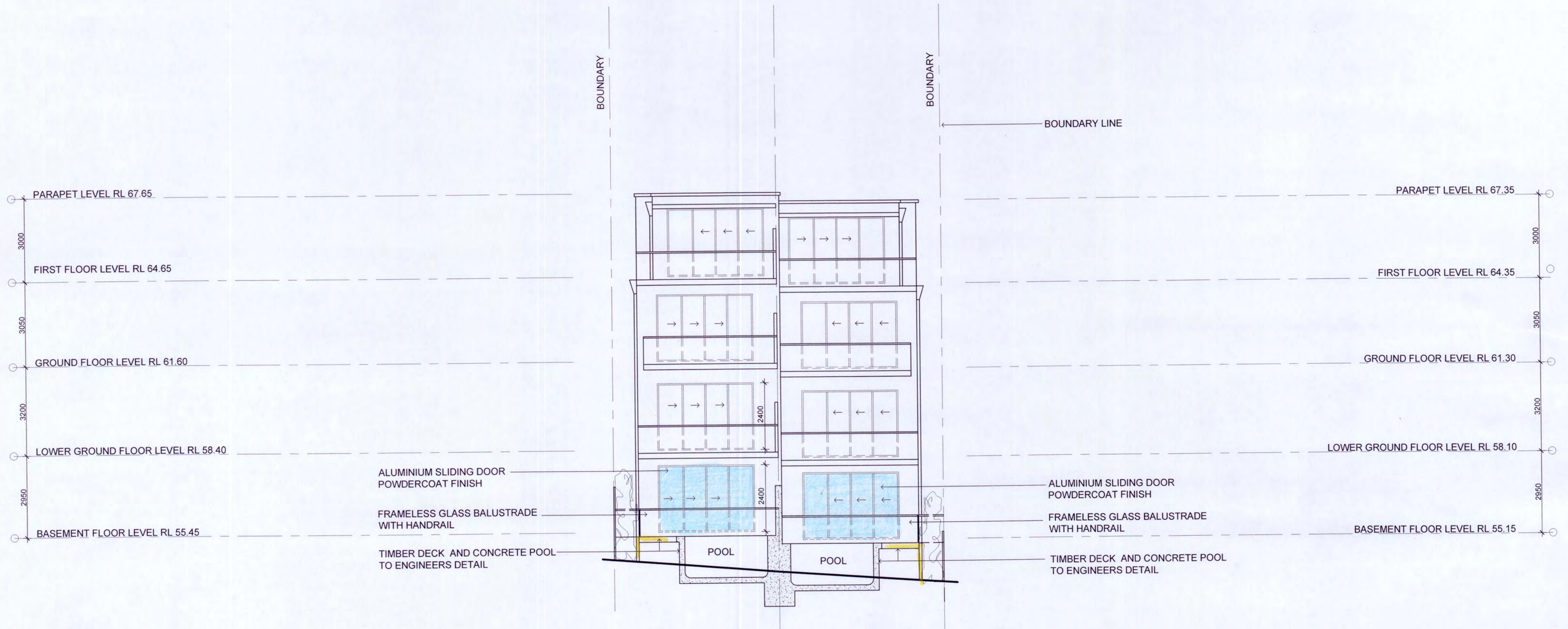
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01 AMENDED BASEMENT FLOOR PLAN 1/100

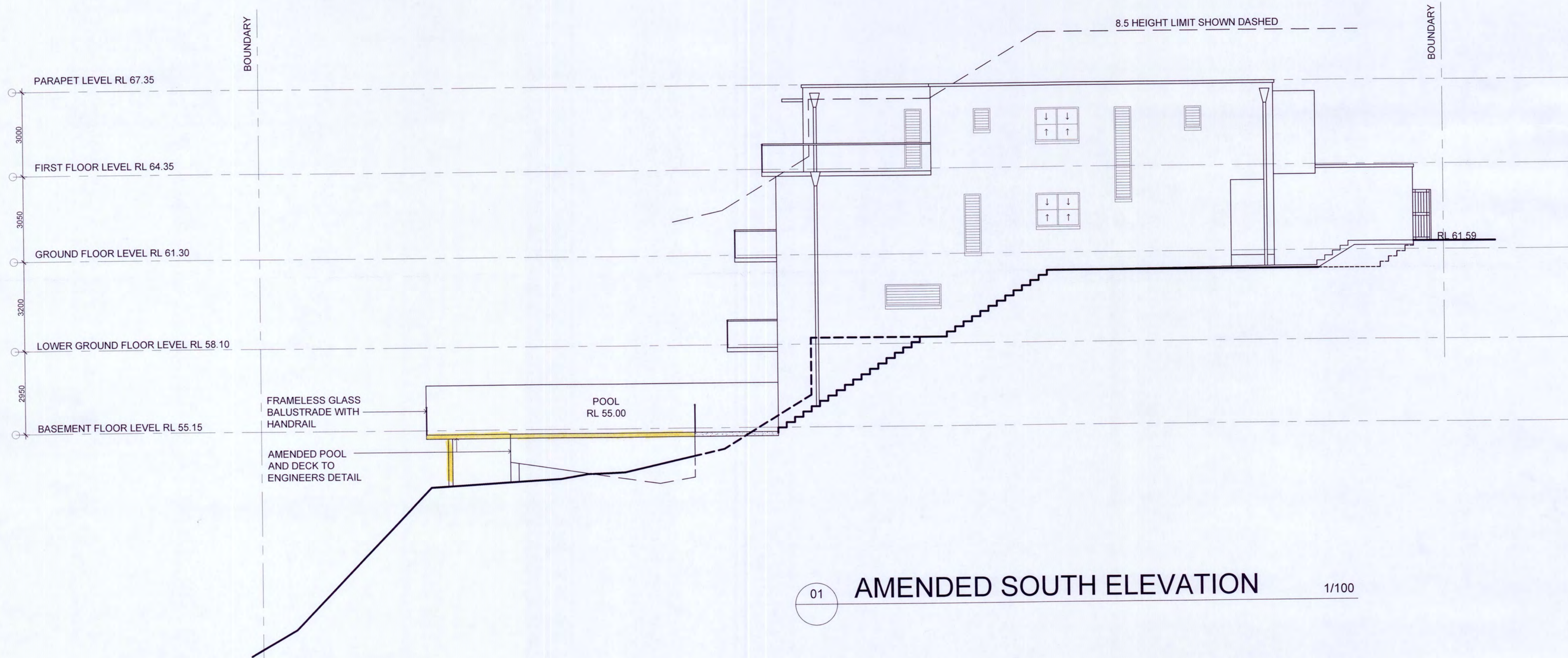
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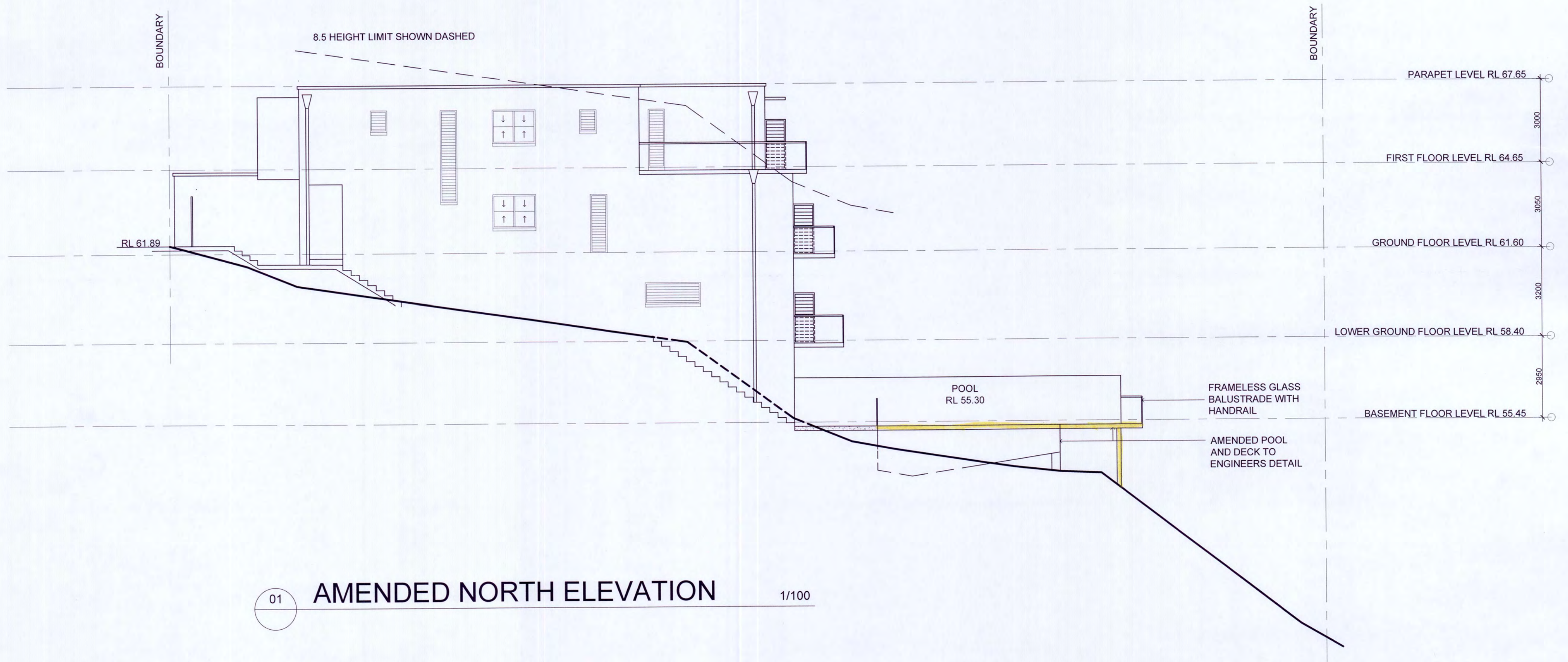
01 AMENDED WEST ELEVATION 1/100

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01 AMENDED SOUTH ELEVATION 1/100

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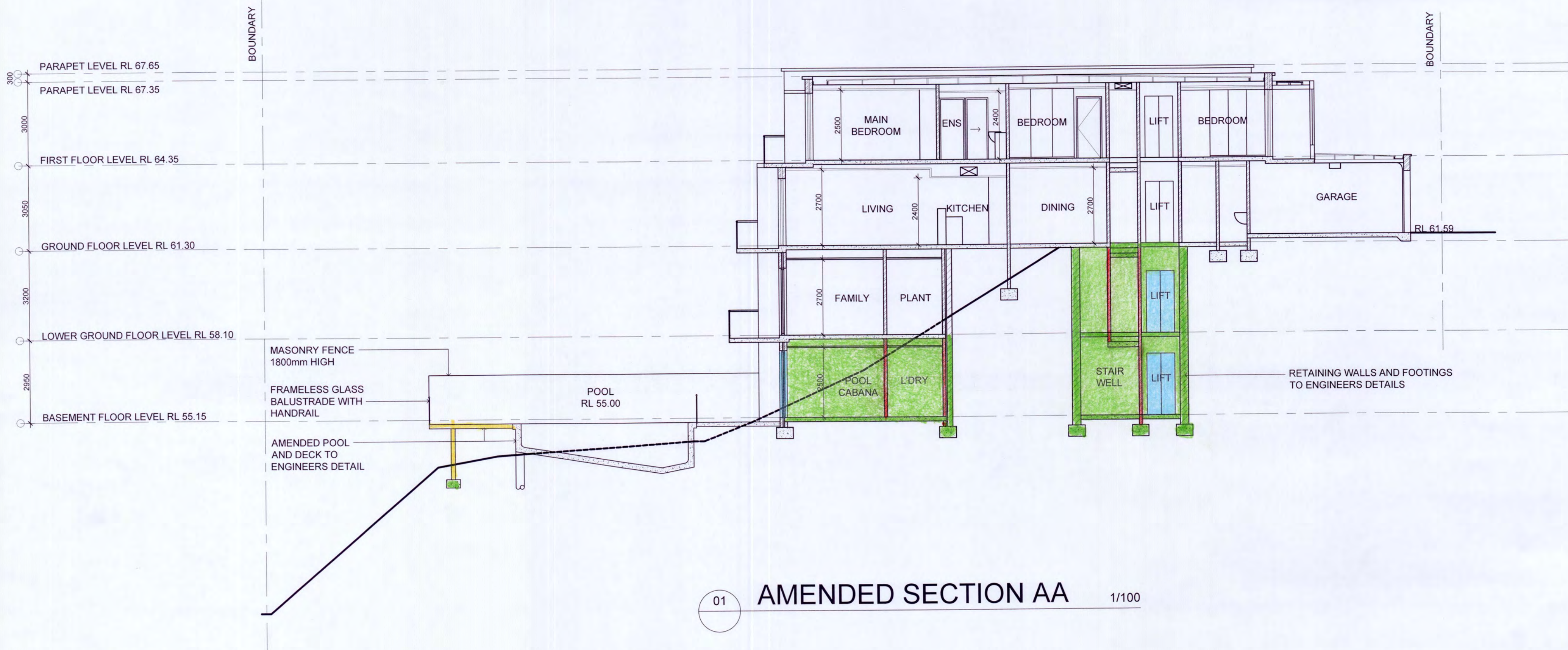
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01 AMENDED SECTION AA 1/100

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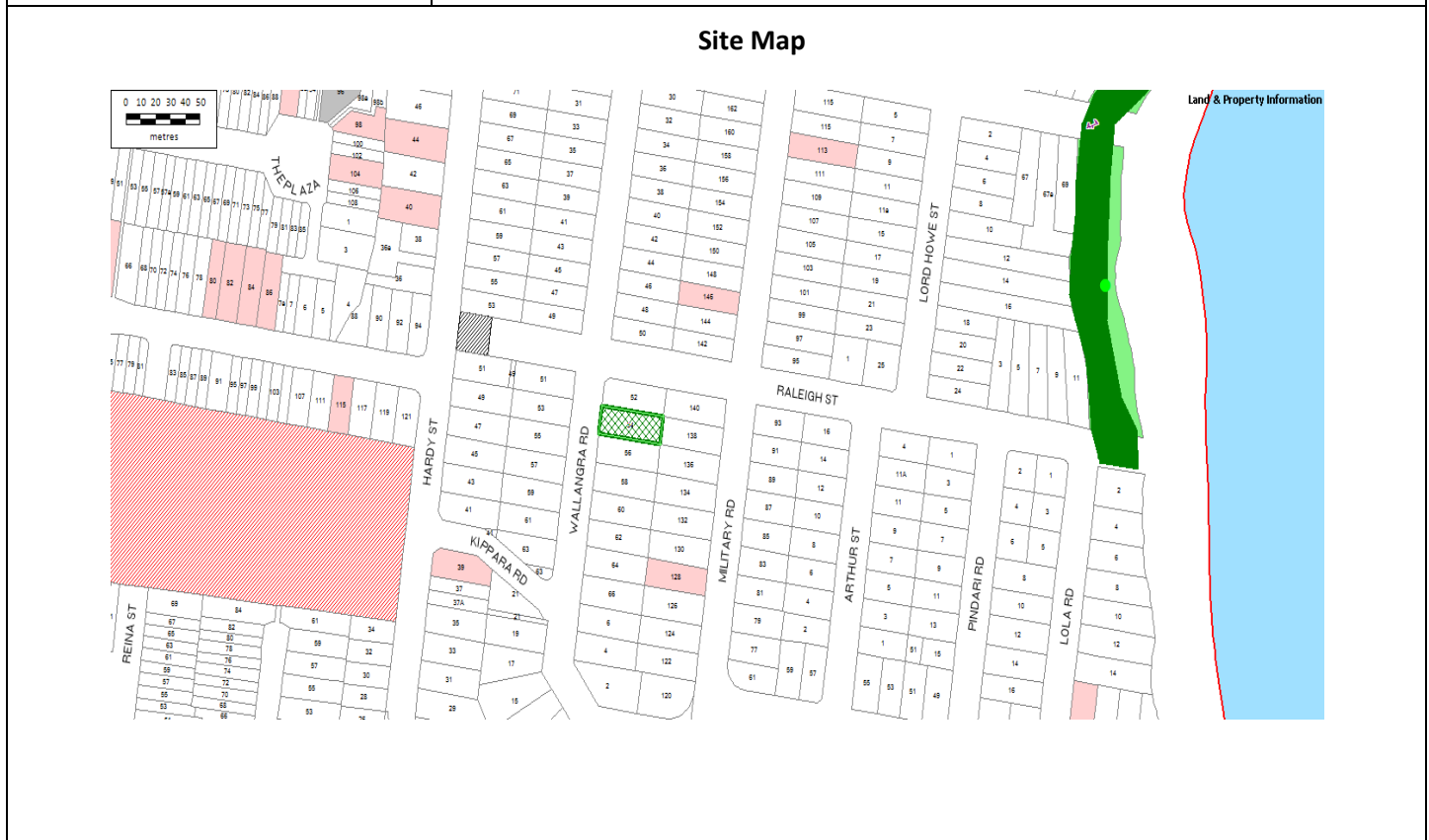


Dwelling House, Dual Occupancy, Secondary Dwelling,
Semi-Detached Dwelling and Terrace Development



Report to the Waverley Local Planning Panel

Application number	DA-140/2018
Site address	54 Wallangra Road, Dover Heights
Proposal	Demolition of dwelling and construction of a two storey plus basement dual occupancy, in-ground swimming pools and strata subdivision
Date of lodgement	20 April 2018
Owner	M A Kapulsky, L R Manser & L R Manser
Applicant	ANT Residential Design
Submissions	Four (4)
Cost of works	\$2,245,000
Issues	Floor space ratio; view loss; access
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 23 August 2018.

The site is identified as Lot 21 in DP 9941, known as 54 Wallangra Road, DOVER HEIGHTS. The site is rectangular in shape with a north side boundary measuring 41.25m, east rear boundary measuring 15.24m, south side boundary measuring 41.25m and west front boundary measuring 15.24m. The site has an area of 628.72m² and falls from the rear towards the street by approximately 2m.

The site is occupied by a single storey dwelling house with vehicular access provided from Wallangra Road to a hardstand located to the north of the dwelling.

The subject site is adjoined by detached dwelling houses on either side. The Locality is characterised by predominantly detached dwelling houses, although examples of dual occupancies exist.



Figure 1: Site viewed from Wallangra Road



Figure 2: Rear of site



Figure 1: Photomontage (prior to proposal being amended) (Source: ANT Residential Design)

1.2 Relevant History

No relevant previous development applications exist.

The subject application was deferred on 2018 to allow the applicant an opportunity to address concerns relating to:

- Height of building;
- Vehicular access;
- Landscaping; and
- Street tree.

Amended plans and/or additional supportive information to address the above have been submitted. These plans form the basis of the assessment within this report.

Amended plans have not been re-notified as the amendments are individually considered to result in a lesser impact.

1.3 Proposal

The application seeks consent to demolish all existing structures on the land and construct a two storey plus basement dual occupancy together with Strata subdivision.

Specific details of the proposal are as follows:

- Demolition of single storey dwelling house, carport, outbuilding and fencing;
- Removal of 4 x *Syagrus romanzoffiana* trees located to the rear of the site;
- Removal of 2 x *Cupressus macrocarpa* trees located to the front and side of the site;
- Removal of 2 x *Cupressus leylandii* trees located to the front and side of the site;
- Removal of 1 x *Melaleuca quinquenervia* (Paperbark) tree located within the adjacent road verge;
- Reinstatement of vehicle access crossing to kerb;
- Construction of a two storey dual occupancy, each comprising basement garage parking for two vehicles along with various storage areas, internal lift, three and four bedrooms, 15m² rooftop terraces, solar photovoltaic system (not greater than 300mm above roof) and in-ground swimming pools;
- Fencing;
- Pedestrian entry canopy;
- Landscaping;
- Replacement plantings within adjacent verge; and
- Creation of new vehicle crossing.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements <ul style="list-style-type: none"> 450m² 	Yes	The subject land measures 628.72m ² , thereby exceeding the minimum site area required for two attached dwellings.
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dual occupancy, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal does not exceed 8.5m in height above ground level (existing).
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 Site: 628.72m² 	No	The proposal has an FSR of 0.69:1, exceeding the development standard by 121m ² or 38.6%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.

Provision	Compliance	Comment
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	Yes	Refer discussion under Heading 3 of this report.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The proposal includes excavation to a maximum depth of approximately 2.2m to accommodate the garage, laundry, store and services areas at basement level, setback a minimum distance of 1.5m from allotment boundaries. The submission of a geotechnical report is included in Appendix A of this report as a condition of 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 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.69:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by 121m² in gross floor area or 38.6%.

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 proposal has a two storey appearance (above a garage level) when viewed from the street, which is typical of the existing development along the eastern side of Wallangra Road. The impact of the additional areas is minimised by its location within the proposal.
- The proposed density is compatible with several adjacent properties on Wallangra Road, being two to three storey dwellings, with exception to No. 57 Wallangra which is a dual occupancy development with FSRs exceeding the floor space ratio control. The table in Figure 1 below lists properties in close proximity to the subject site along with the approved (or estimated) FSR.

Address	DA	FSR approved
38 Wallangra Rd	143/2013	0.73:1
52 Wallangra Rd	269/2006	0.57:1
56 Wallangra Rd	Not known	Estimated 0.7:1
57 Wallangra Rd	60/2014	0.66:1
58 Wallangra Rd	Not known	Estimated 0.8:1

Figure 1: FSR table of existing development on Wallangra Road

- Although the proposal exceeds the FSR development standard, the proposed development represents an appropriate bulk and scale within the context of the locality.
- The development is fully compliant with the 8.5 metre maximum building height development standard. The additional GFA does not discernibly contribute to the visual bulk of the bulking when viewed from the public domain. Accordingly, in our opinion the proposal satisfies objective (b).
- The existing streetscape was a key consideration in the design of the proposed dwelling and how it is presented to the street. The proposed FSR is in keeping with the existing bulk, scale and character of the locality. The proposed dual occupancy will replace a dwelling that is ageing and inconsistent with the form of development in the locality. The proposal will provide a two storey built form that has been designed to relate to the constraints of the subject site. The proposal has also been designed to incorporate a high level of articulation to break up the bulk of the building and provide visual relief to neighbouring dwellings and the streetscape. Importantly, the proposal will present a form that is consistent with the desired future character of the area and responds to the character of existing development in the locality. Accordingly, in our opinion, the proposal is compatible with the bulk, scale, streetscape and existing character of the locality and is consistent with objective (c).
- The dwellings have been designed to minimise potential environmental amenity impacts on neighbouring properties. Potential privacy impacts have been minimised by orientating habitable rooms and private open space away from neighbouring properties to the north and south. Existing and proposed landscaping will also provide natural screening. As adjoining properties either have limited windows facing side boundaries, the proposed north and south facing windows at No. 54 Wallangra Road will not result in overlooking. The shadow diagrams that accompany the submission also indicate that there are no unreasonable impacts in respect of solar access, notwithstanding the east-west orientation of existing allotment. In addition, there are not likely to be any views that are impeded as a result of the proposal. Accordingly, in our opinion, the proposal will preserve the environmental amenity of the surrounding neighbouring properties and the locality and satisfies objective (d).
- The consistency with the objectives of the standard, and the absence of any environmental impacts, demonstrates that strict compliance with the maximum FSR standard is both unreasonable and unnecessary in this instance.
- The proposed dwelling is of a similar built form and character to development in the locality. A dwelling with a smaller FSR may have a reduced presentation to the street, which would be incongruous with surrounding development and represent a poor urban design outcome. Accordingly, in our opinion, the proposed FSR is an appropriate and necessary response to the context of the locality and compliance with the development standard is unnecessary.
- The Standard has not been abandoned or destroyed, however, there are numerous examples of developments including new dwellings and dual occupancies in the Waverley LGA and in the vicinity of the site, which have been approved with non-compliances with the FSR Development Standard. On 27 July 2017, Council approved Da 544/2015 for a dual occupancy development at 29 Bayview Street, Bronte with an FSR of 0.73:1 (based on a maximum allowable FSR of 0.55:1). In addition, this approval comprised a height non-compliance of 1.7m or 20% (which was supported as it was lower than existing building). No. 13 Hunter Street, Dover Heights was approved under the same LEP with an approximate FSR of 0.8:1

(DA 316/2014). In supporting this DA, the Council's officer's report included the following further examples:

1. 7 – 9 Hunter St: DA305/2012 – Approved FSR 0.8:1 (excluding basement 0.65:1)
2. 147 Military Rd: DA167/2012 – Approved FSR 0.67:1
3. 113 Military Rd: DA323/2012 – Approved FSR 0.72:1
4. 137 Military Rd: DA024/2013 – Approved FSR 0.68:1
5. 57 Blake St: DA345/2013 – Approved FSR 0.74:1
6. 6 Douglas Pde: DA236/2014 – Approved FSR 0.63:1

Accordingly, in addition to Figure 1 which lists the approved FSR of development within close proximity to the subject site, the above list indicated DA's within the Waverley LGA which have been supported by Council staff and the Panel and subsequently approved with FSR on similar arguments as those made in this Clause 4.6 Variation.

- The proposal is consistent with the relevant zone objective and satisfies a number of the 'unreasonable and unnecessary' tests established by the Court in *Wehbe*. Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and future planning objectives for the locality. For these reasons outlined above, it is our opinion that there are sufficient planning grounds to justify contravening the development standard in the circumstances of the case.
- For these reasons it is our opinion that the variation is appropriate, consistent with the intent of Clause 4.6 and should be supported.

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

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

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

Whilst the proposal exceeds the maximum permissible floor space ratio of, in this case 0.5:1, the variation in floor area (additional 121m²) does not result in any significant detrimental amenity impacts upon adjoining properties. Further, the proposal is of a built form which is commensurate with the scale of development within Wallangra Road and the wider locality. Accordingly, strict adherence to the development standard is unnecessary and the non-compliance is supported on merit.

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

The proposal is considered to comply with the objectives of the floor space ratio development standard, as the building is compatible with the height, bulk and scale of adjoining buildings, and environmental amenity impacts upon neighbouring properties are minimised. Accordingly, sufficient planning grounds exist to justify contravening the standard.

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

The applicant’s written request adequately addresses the matters required under subclause 3.

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

The proposal complies with the objectives of the floor space ratio development standard, along with the objectives of the R2 Low Density Residential zone in providing housing in a form that is compatible with its low density residential environment. Accordingly, the proposal is deemed to be in the public interest and the variation in floor space ratio is supported.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A SWRMP has been submitted and is deemed satisfactory.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate. The proposal is consistent with the objective and controls of this part of the DCP.
5. Tree preservation	Yes	Council’s Strategic Tree Planning Officer has advised that the proposal is satisfactory subject to the imposition of conditions. Refer discussion under Heading 3 of this report.
6. Stormwater	Yes	Council’s Stormwater Engineer has advised that the proposal is satisfactory with respect to stormwater collection, retention and disposal. Standard conditions of consent are included in Appendix A of this report.
8. Transport	Yes	The proposal includes alterations to the existing crossover, which is supported by Council’s Traffic Engineers subject to the imposition of conditions of consent.

Development Control	Compliance	Comment
10. Safety	Yes	Each dwelling is provided a clearly identifiable entry which is visible from the street. Furthermore, each dwelling consists a balcony and windows which overlook the street frontage. Accordingly, the proposal is consistent with the objectives and controls of this part of the DCP.

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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Yes	Except for a minor variance towards the front of the building, the proposal (excluding rooftop terrace balustrading) does not exceed 7.5m in height above ground level (existing).
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The proposal is setback from front and rear boundaries to provide a transition between adjoining buildings. Upper levels are setback at each level to accord with the building line of adjoining buildings.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The proposal includes side boundary setbacks of 0.9m for the lower ground and 1.5m for the ground and first floor, which is compliant with the control.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	A minimum side boundary setback of 0.9m for excavation is achieved.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. 	Yes	<ul style="list-style-type: none"> The proposal is designed to incorporate balconies across the building's façade and a flat roof, which is in keeping with the emerging character of the area.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. New development as well as alterations and additions to existing dwellings are to maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The proposal will not dominate the streetscape as the building is compatible with adjoining buildings with respect to setbacks, height, bulk and scale. The proposal is in keeping with the character of the surrounding area as viewed from within the public realm. The proposal includes landscaping forward of building and replaces the existing street tree with two (2) advanced trees to the betterment of the streetscape.
1.5 Dual occupancy development		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> 450m² for attached <p><i>Appearance:</i></p> <ul style="list-style-type: none"> Attached dual occupancy development should be designed so as to have the appearance from the street of a single dwelling. 	<p>Yes</p> <p>Yes</p>	<ul style="list-style-type: none"> The subject site has a lot size of 626m². From the street, the proposed building has the appearance of a single dwelling.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>On merit</p> <p>Yes</p>	<ul style="list-style-type: none"> Except for the pedestrian entry canopies, which measure 2.4m in height, the front fence does not exceed 1.2m in height above ground level, of which the portion greater than 600mm above ground level is open in nature. Entry canopies are compatible in height with examples on adjoining properties to the south. Existing side and rear fencing are to be replaced with 1.8m high fencing.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of 	<p>Yes</p>	<ul style="list-style-type: none"> Proposed habitable room windows are located to not directly align with the habitable room windows of adjoining buildings. Upper level side facing windows consist louvre screens and where located

Development Control	Compliance	Comment
<p>neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</p> <ul style="list-style-type: none"> External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> Roof terrace: Development contiguous to the site include a roof terrace; Do not exceed 15m² in area; Provided for casual or infrequent activity; Any access must be provided within the envelope of the main building and there are no access hoods or lift overruns proposed above the main roof level. 		<p>within 1.8m above FFL translucent glazing or louvre screening continues to FFL.</p> <ul style="list-style-type: none"> External stairs are located adjacent the sites side boundaries and provides pedestrian access from the lowest point of the site (the front) to the ground floor entries, which measure up to 900mm above adjacent ground level (existing). Proposed balconies measure 4.99m² in area, with a depth of 1m. Development contiguous to the site includes a roof terrace. Each roof terrace measures 15m² in area. The proposed roof terraces are for casual use and are not an extension of private open space or entertainment areas of each dwelling. Access is via an access hatch which extend no higher than 300mm above the roof.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The amount of shadow cast upon neighbouring properties is typical of a two storey dwelling having regard to the orientation of the site and lay of the land.</p> <p>Shadow diagrams illustrate that the rear open space of the property to the south will receive the minimum solar access requirements.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of 	Yes (on merit)	<p>In their submissions to Council, Objectors have raised concern regarding the potential for loss of views as a result of the development.</p> <p>Refer discussion below table.</p>

Development Control	Compliance	Comment
views with surrounding dwellings particularly from habitable rooms and decks.		
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms 	Yes	Each dwelling is provided 2 spaces.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	Yes	Garage doors are setback 1m behind the front building line, i.e. balcony, and consistent with the hierarchy of preferred car parking locations.
1.11.3 Design	Yes	The siting and design of garages complements the style of the building and the streetscape.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are achieved.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	Yes	The proposal utilises one central driveway for both dwellings. Council's Traffic Engineers raise no objection to the siting of the driveway subject to the imposition of conditions of consent. Refer discussion under Heading 3 of this report.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes	<ul style="list-style-type: none"> • Overall open space is 50% of site area • Overall landscaped area is 18% of site area • 72m² of private open space is provided to the rear of the building for each dwelling • 100% of front building setback area is open space • 24% of provided front open space is landscaped
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	Proposed in-ground swimming pools are sited to the rear of the building and not within 900mm of side or rear boundaries.

Development Control	Compliance	Comment
		Ancillary pool equipment is located within acoustic enclosures.

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

View Loss

An inspection of 136 Military Road, i.e. property to the rear confirmed that they currently enjoy views across the subject site (from their rear) of the Harbour, Harbour Bridge and Opera House (refer Figures 4 and 5 below).

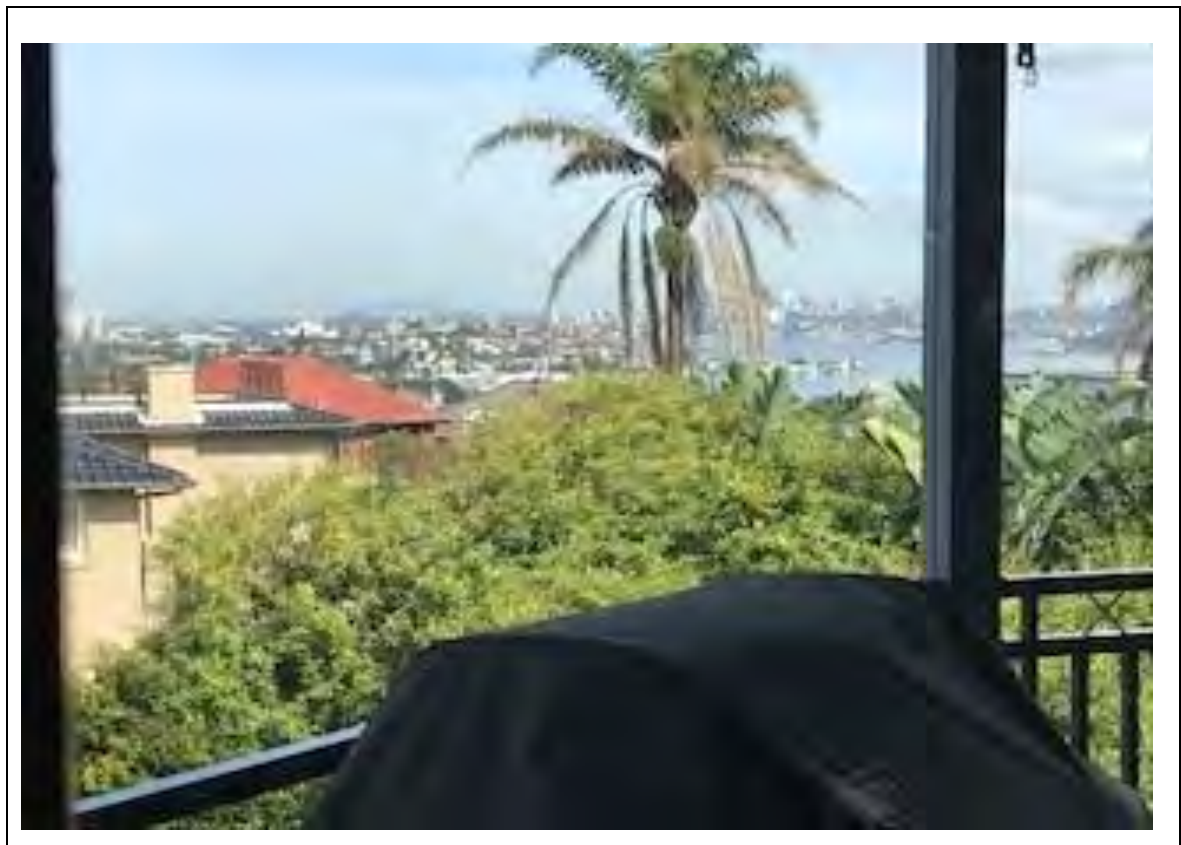


Figure 4: View from rear first floor balcony of 136 Military Road



Figure 5: View from rear first floor living area of 136 Military Road

The subject site is located on the eastern side of Wallangra Road, on a site that slopes from its rear towards its street frontage.

View sharing objectives encourages views to be shared, providing equitable access. This objective provides a general guide when assessing potential view loss and is further expanded by guiding principles of the Land and Environment Court.

The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four-step assessment on view sharing:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Current views are of the Harbour, Harbour Bridge and Opera House, and extend across to views of the North Head headlands.

2. *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views are obtained across the rear boundary over the development site and are viewed from both a sitting and standing position.

- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

Views are provided from the rear first floor kitchen, dining and living area windows and balcony, which spans the entire width of the building's rear facade. Views from side windows are not affected by the proposal.

The proposed ridgeline (RL 77.98) measures 530mm above the ridgeline of the existing building. In comparison, the adjoining development at 52 Wallangra Road (i.e. property to the north) has RL's of between 78.38 and 79.28, therefore the proposal is 400mm to 1.3m lower in overall building height.

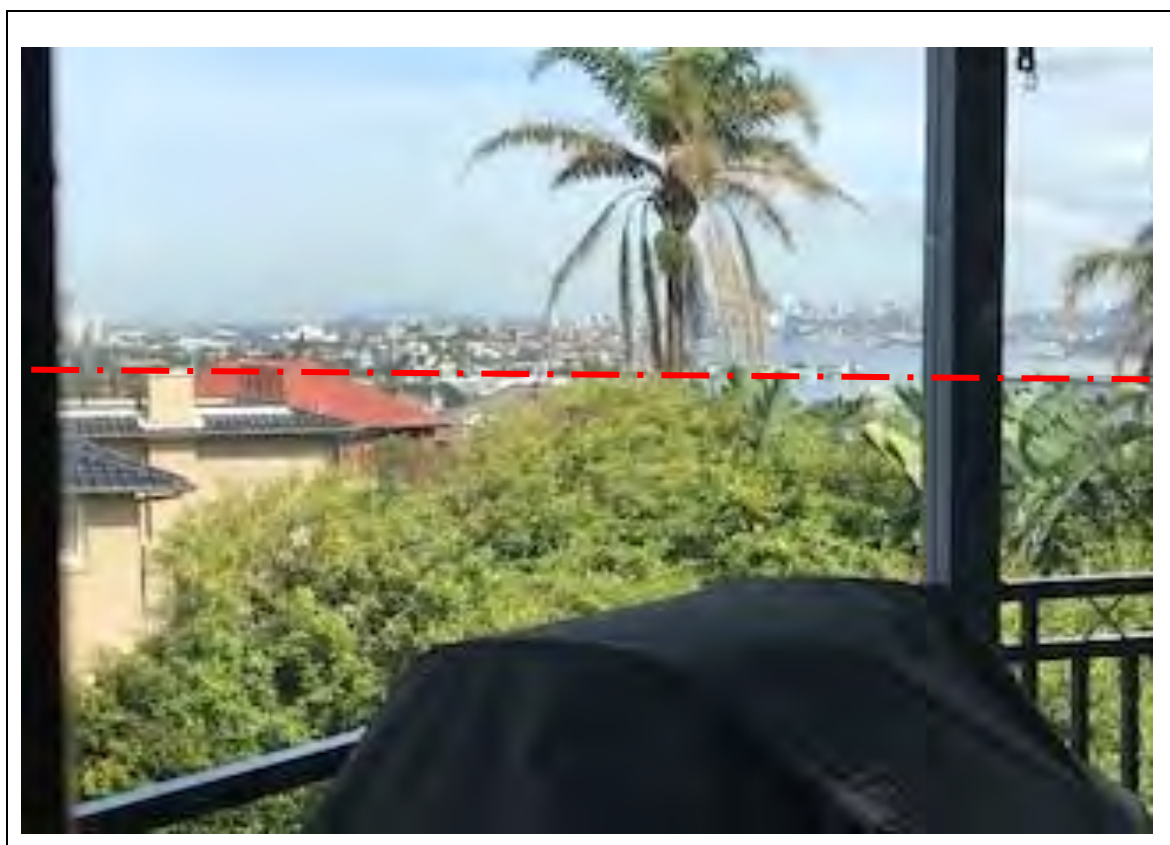


Figure 6: Height of 52 Wallangra Road from rear first floor balcony of 138 Military Road

Given that the proposal is between 400mm and 1.3m lower in height than 52 Wallangra Road, the extent of view loss is considered to be low; views of the Harbour Bridge and Opera House are maintained, with view to the Harbour reduced in part.

- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more*

reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The proposal is generally compliant with side setback and wall height controls. The dwelling itself is not excessive in height and is comparable with developments displayed within the locality with respect to height of building, bulk and FSR. Furthermore, the proposal complies with the height of building development standard as detailed in the LEP, i.e. 8.5m.

Subsequently, the question that is left to be asked is whether a more skilful design could provide the applicant with the same development potential and amenity, whilst reducing the views of neighbours. In this regard, the proposed building envelope is comparable with adjoining development, consists a flat roof form, and floor to ceiling heights which are not excessive. Accordingly, view sharing is reasonably maintained.

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*.

Four 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
52 Wallangra Road, Dover Heights
56 Wallangra Road, Dover Heights
136 Military Road, Dover Heights
138 Military Road, Dover Heights

Issue: Clarification required

Response: The objector requested clarification/additional information regarding building height, roof top structures/services and materials and finishes. The amended plans provide sufficient detail to

form a considered view with respect to building height, roof top structures/services, materials and finishes. This issue is considered to be resolved.

Issue: Support development subject to amendments

Response: The objector has indicated support for the development subject to amendments relating to: setbacks; reduced length of void; air conditioning units being roof-mounted; and pool equipment being located within an acoustic enclosure.

Amended plans confirm that ancillary pool equipment is to be located within an acoustic enclosure. Remaining points are at odds with relevant DCP controls, and therefore not supported.

Issue: View loss

Response: This matter has been discussed under Heading 2.1.4 of this report and is considered to be resolved.

Issue: Rooftop dividing wall and acoustic enclosure

Response: The objector is concerned that the height and solid nature of the dividing wall, together with the roof-mounted acoustic enclosure may restrict or impede views. The proposal has been amended to delete the dividing wall and replace with a 1m high glass balustrade. This issue is considered to be resolved.

Issue: Accuracy of the statement of environmental effects

Response: Amended plans have been checked to ensure accuracy. This issue is considered to be resolved.

Issue: Excavation

Response: The objector has requested that a geotechnical assessment be undertaken, and the report be provided in conjunction with a dilapidation report to ensure the structural integrity/condition of the immediately adjoining buildings is protection/maintained. Included in the recommendation are standard conditions requiring the provision of geotechnical and dilapidation reports prior to the issuance of a Construction Certificate. This issue is considered to be resolved.

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

Comments included:

- (a) Vehicular access with a B85 Standard Design Vehicle is not possible to the site using the existing driveway or the one proposed in a similar location (1-2m away).

- (b) It should be noted that the existing driveway has had additional concrete poured in the gutter to try and improve access. This additional concrete looks to be placed without Council approval.
- (c) We believe the best way to access the site would be via a centrally located driveway and lowering of the footpath by some 400mm to ensure vehicular scraping does not occur.

In addition to the above, standard driveway/vehicular access conditions were recommended, and are included in Appendix A.

3.2 Stormwater – Creating Waverley

Comments included:

- (a) The stormwater management plans prepared by NB Consulting Engineers, Job Number 180263, Drawing No. D01 to D04 (Issue A), dated 08/03/2018 have been checked and considered satisfactory with respect to stormwater details.
- (b) Under the current design, the orifice diameter to be 50mm.

In addition to the above, the imposition of a standard stormwater condition was recommended, and are included in Appendix A.

3.3 Tree Technical Officer – Clean & Attractive Waverley

Comments included:

- (a) The trees located within the property boundary are of low value.
- (b) Private trees may be removed and replaced.

In addition to the above, the imposition of a condition regarding the engagement of a qualified landscape/arboricultural consultant during construction was recommended, and is included in Appendix A.

3.4 Strategic Tree Planning Officer – Clean & Attractive Waverley

Comments included:

- (a) The removal of the street tree is supported subject to replacement trees being planted with one sited 2m north from the edge of the proposed driveway, and the other 2m south from the edge of the proposed driveway.
- (b) Replacement trees are to be planted prior to the issue of the occupation certificate.
- (c) The replacement trees are to be a super advanced, *Metrosideros thomasi* (New Zealand Christmas Bush) of a minimum pot size of 200 litres and grown to Natspec standard.
- (d) The replacement trees must be planted by a qualified horticulturalist experienced in planting super advanced trees.
- (e) A bond of \$6,000 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 two (2) newly planted New Zealand Christmas Bush trees within the verge adjacent the site. The bond is to be lodged prior to the issuance of a Construction Certificate. The bond will be refunded after 24 months on condition that the New Zealand Christmas Bush trees are maintained in good condition as determined by Council's Tree Officer. If the trees require replacing within the bond period, the tree must be replaced within one (1) month of notification from Council and not at the end of the bond period.

Recommended conditions are included in Appendix A.

4. SUMMARY

The proposal seeks consent for demolition of the existing dwelling and structures on the land, construction of a dual occupancy development together with garages, roof terraces, in-ground swimming pools and Strata subdivision.

The proposal complies with the height of buildings development standard; however, it breaches the FSR development standard by 38.6%. The FSR non-compliance is supported as the considerations of Clause 4.6 are satisfied.

Four submissions were received and are discussed under Heading 2.4 of this report. The issues raised have been addressed through amended plans, by conditions of consent, or are unreasonable and unjust.

No Councillor submissions were received.

The proposal is considered to represent an economic and orderly development that is substantially compliant with the objectives of the LEP and DCP and is supported subject to the imposition of conditions.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Fiona Koutsikas
Senior Development Assessment Planner

Paul Yachmennikov
**Acting Manager, Development Assessment
(North / South)**

Date: 8/02/2019

Date:14/02/2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Amended Architectural Plans prepared by ANT Residential Design:

Title	Drawing No.	Dated	Received by Council
Roof Plan	1054-DA-02[C]	January 2019	15 January 2019
Basement Floor Plan	1054-DA-03[C]	January 2019	15 January 2019
Ground Floor Plan	1054-DA-04[B]	April 2018	29 May 2018
First Floor Plan	1054-DA-05[B]	April 2018	29 May 2018
East & North Elevation	1054-DA-06[C]	January 2019	15 January 2019
West & South Elevation	1054-DA-07[C]	January 2019	15 January 2019
Street Elevation	1054-DA-08[B]	January 2019	15 January 2019
Sections	1054-DA-09[B]	January 2019	15 January 2019
Sections	1054-DA-10[B]	January 2019	15 January 2019

- (b) Amended Landscape Plan prepared by Place Design Group, dated January 2019 (Revision B), received by Council on 17 January 2019;
- (c) BASIX Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

3. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's

assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

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

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

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

5. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

6. 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.

7. SECURITY DEPOSIT

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

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

8. LONG SECTIONS OF DRIVEWAYS

Long sections, drawn along both edges of the new 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 Wallangra Road carriageway, the kerb and gutter, footpath, paving within the property and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/ drained towards the roadway.
6. Show Council's footpath having a 2% crossfall away from the property boundary
7. Include a separate drawing of any adjustments required to Councils footpath area to provide suitable vehicular access to and from the garages.

9. 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 the garages from the new centrally located driveway in Wallangra Road 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 Wallangra Road both opposite and to the immediate north and south of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garages.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.
5. Accurately show the length of the Council's kerb and gutter remaining between the northern side wing of the existing driveway at No.56 and the southern side wing of the proposed driveway at No.54.

10. 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.

11. HOARDING REQUIRED

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

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

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

12. EROSION & SEDIMENT CONTROL

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

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

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

13. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

14. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

15. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

16. ENGINEERING DETAILS

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

17. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

18. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

19. 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.

20. 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.

21. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

22. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

23. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Comply with the requirements of SEPP (Exempt Development) with regards to location.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.

- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (a) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (b) Have sufficient manual or automated controls so it is used only when required;
- (c) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (d) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (e) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

24. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

25. 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.

26. SERVICE AUTHORITIES

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

27. 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.

28. 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.

29. 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.

30. OBSTRUCTION TO PUBLIC AREAS

If a public place or pedestrian vehicular traffic may be obstructed because of the carrying out of work involved in the erection or demolition of a building; or a public place is required to be enclosed in connection with the erection or demolition of a building then a hoarding, fencing or awning must be provided to prevent injury and appropriately lit between sunset and sunrise.

31. COMPLIANCE WITH SAFE WORK NSW

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

32. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

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

33. DEMOLITION & SITE PREPARATION

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

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

34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

35. ASBESTOS REMOVAL

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

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

36. EXCAVATION TO BE LIMITED

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

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

37. 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.

38. 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.

39. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

40. 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.

41. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

42. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

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

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

43. NATIONAL CONSTRUCTION CODE (NCC)

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

44. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

45. 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.

46. 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.

47. 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.

48. STREET TREE REMOVAL/REPLACEMENT

1. A replacement trees are to be planted one (1) 2 metres North from the edge of the proposed driveway, and one (1) 2 metres to the South from the edge of the proposed driveway.
2. The trees are to be planted prior to the issue of the occupation certificate.
3. The trees are to be a super advanced, *Metrosideros thomasi* (New Zealand Christmas Bush) of a minimum pot size of 200 litres and grown to Natspec standard.
4. The trees must be planted by a qualified horticulturist experienced in planting super advanced trees
5. A bond of \$6000 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 two (2) **newly planted New Zealand Christmas Bush**, 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 24 months on condition that the New Zealand Christmas Bush trees are 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.

49. NEW VEHICLE CROSSING LOCATION

A new centrally located vehicle crossing is to be provided to access the proposed **garages**. 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.

50. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

51. 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.

52. NO WORKS BEYOND BOUNDARIES

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

53. SIDE AND REAR FENCE HEIGHT

Proposed new southern side and/or rear boundary fencing is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

54. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

55. FINAL OCCUPATION CERTIFICATE

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

56. STORMWATER MANAGEMENT

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

57. 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.

58. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-address numbers:

- No. 75 - primary address site number
- Hardy Street - primary address location.

The following sub-addressing will apply:

- Nos. 1/75 Hardy Street for the sub-addresses within the building correlating with lower ground floor residence on the floor plans for the building,
- No. 2/75 Hardy Street for the sub-addresses within the building correlating with Nos. first floor residence on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The sub-address numbering and primary address location for each premises shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the pedestrian entry points and be clearly visible from Liverpool Street.

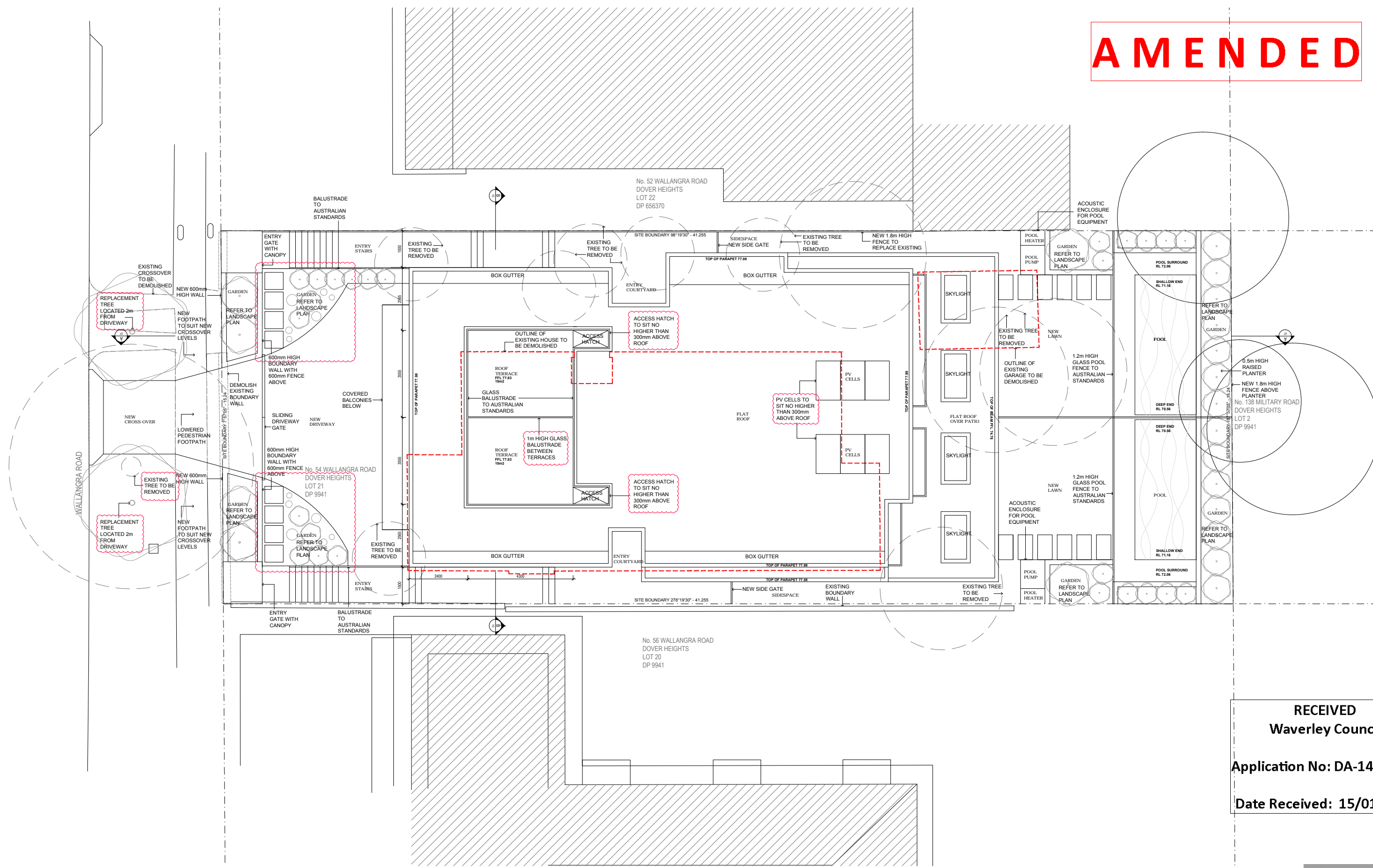
The sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

59. STREET NUMBER/S

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

AMENDED

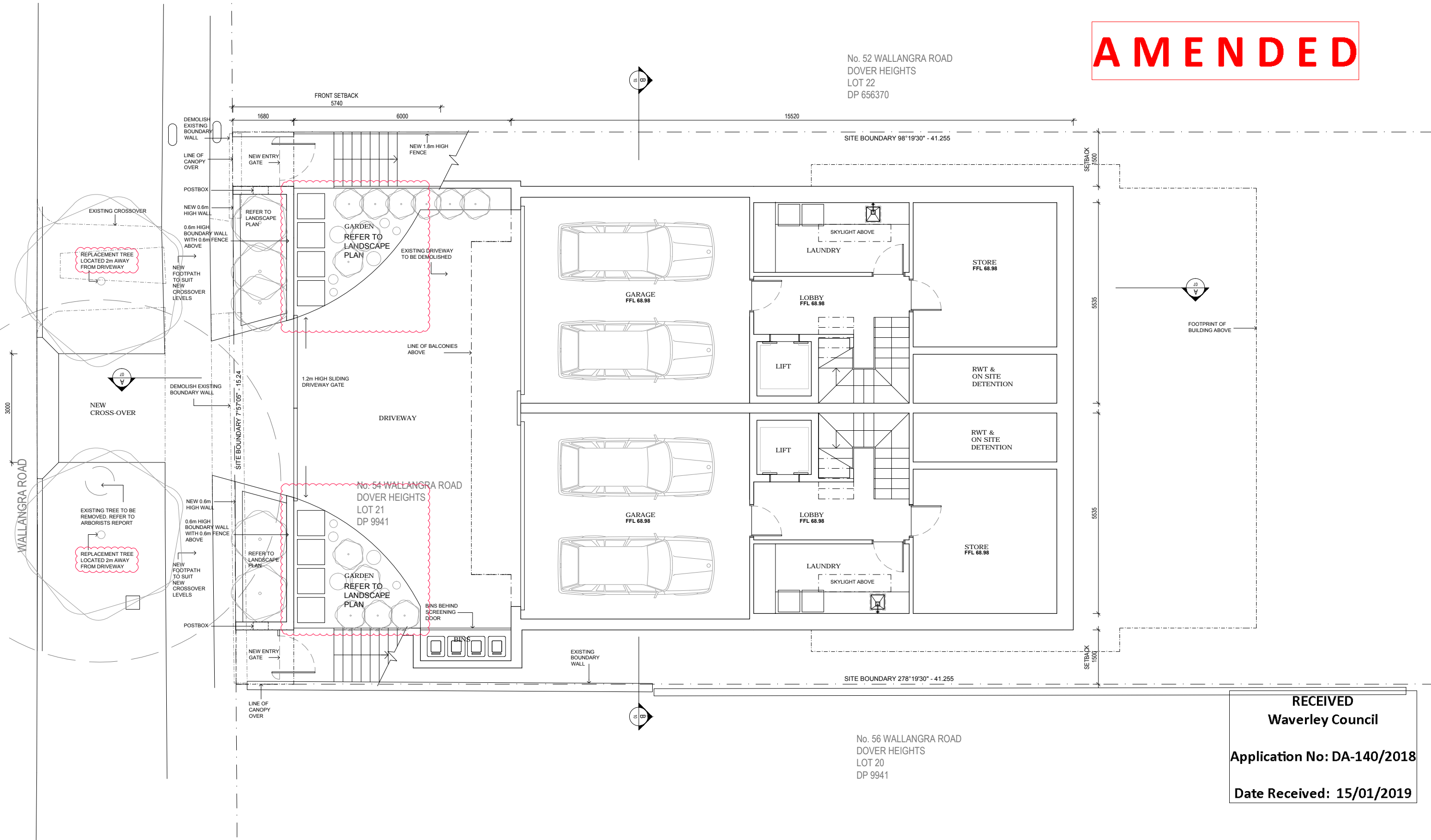


RECEIVED
Waverley Council
Application No: DA-140/2018
Date Received: 15/01/2019



AMENDED

No. 52 WALLANGRA ROAD
DOVER HEIGHTS
LOT 22
DP 656370



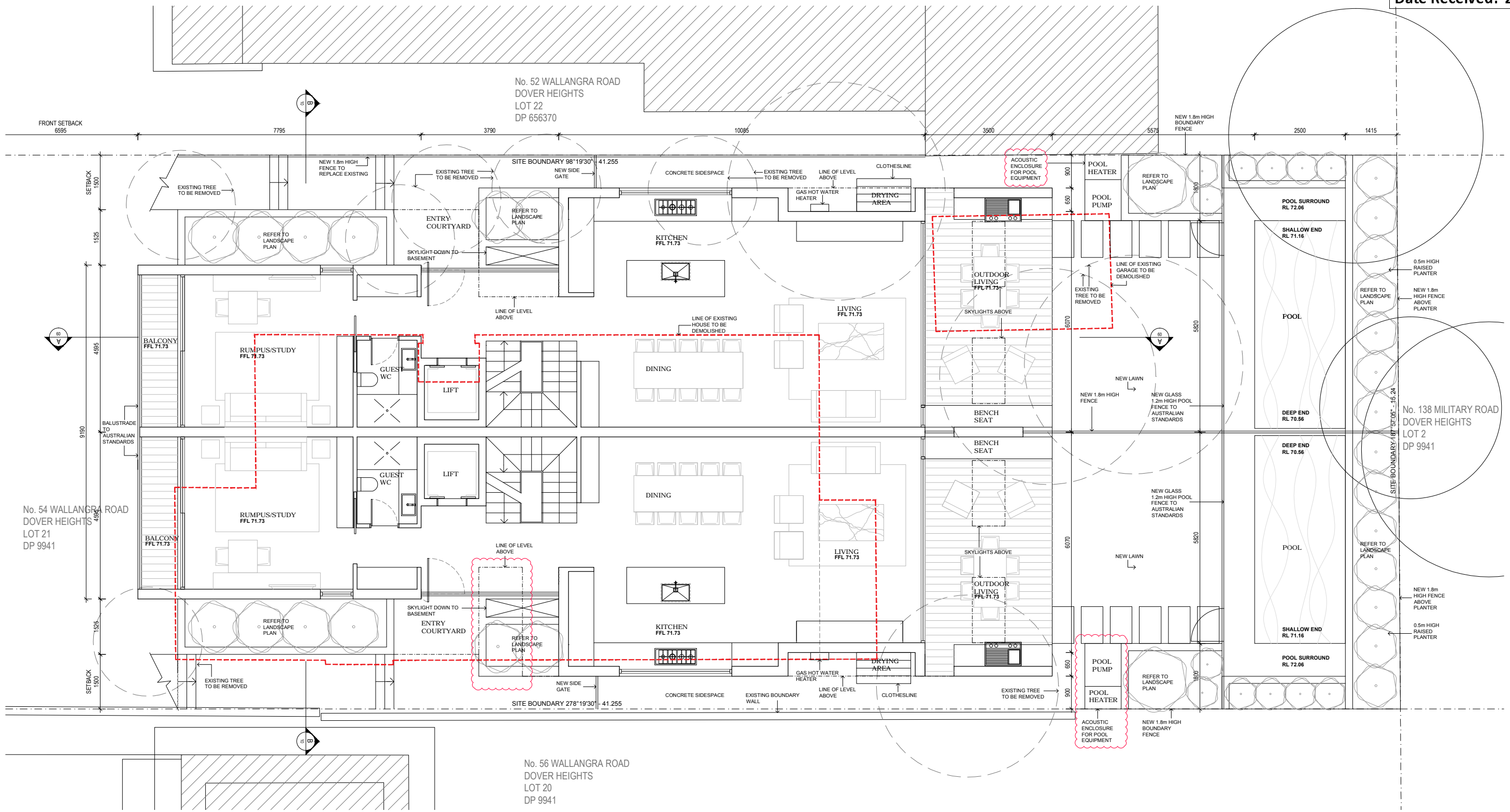
No. 56 WALLANGRA ROAD
DOVER HEIGHTS
LOT 20
DP 9941

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Waverley Council

Application No: DA-140/2018

Date Received: 15/01/2019

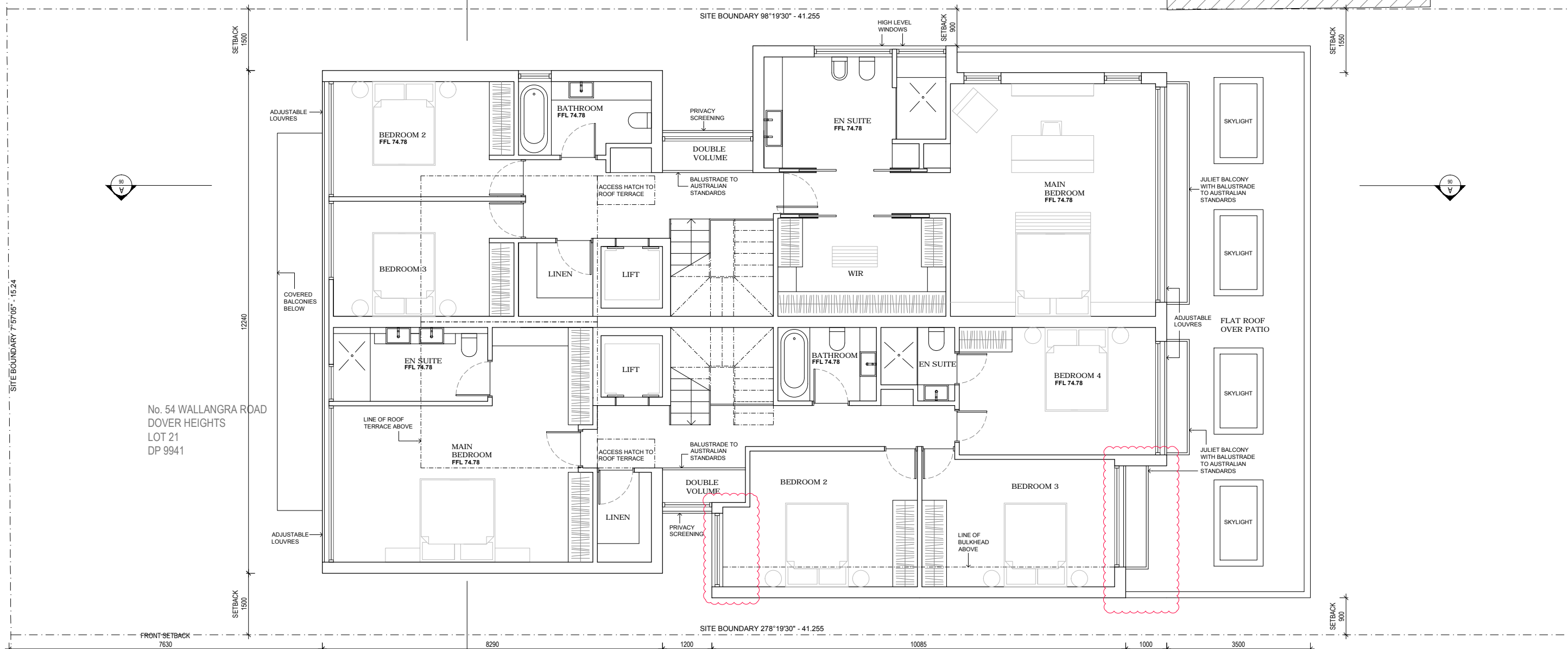




AMENDED

No. 52 WALLANGRA ROAD
DOVER HEIGHTS
LOT 22
DP 656370

SITE BOUNDARY 98°19'30" - 41.255



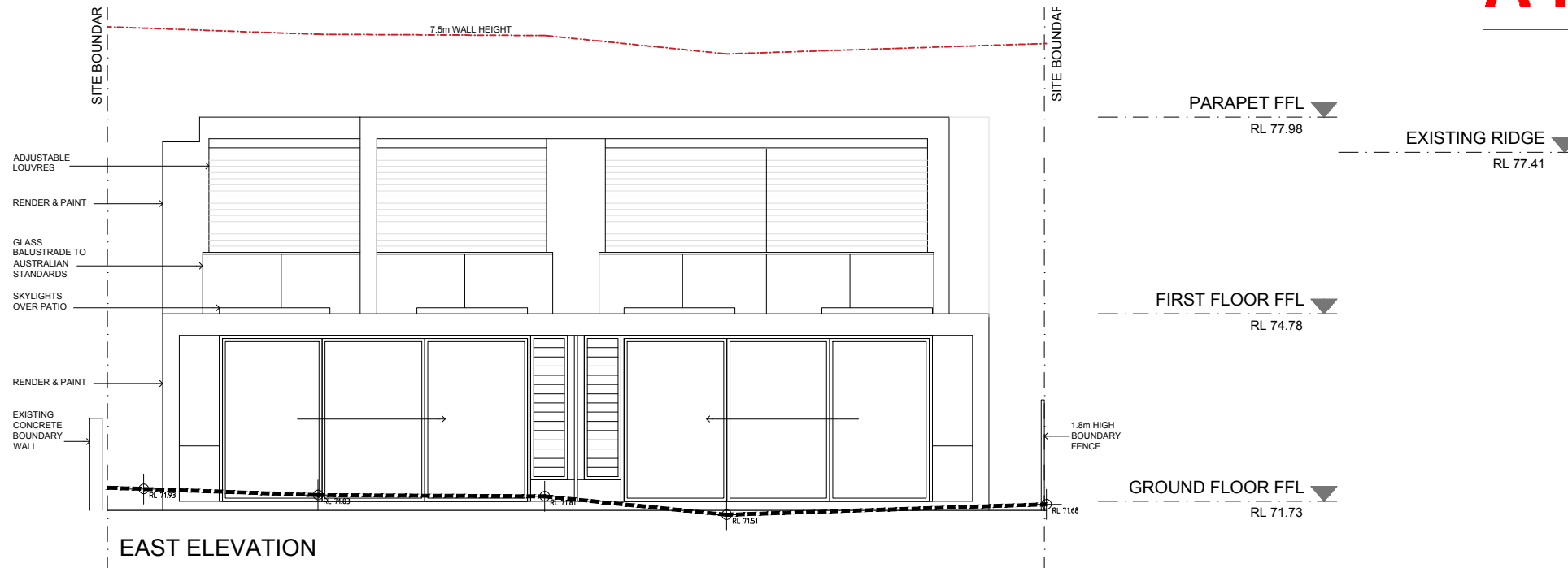
No. 54 WALLANGRA ROAD
DOVER HEIGHTS
LOT 21
DP 9941

SITE BOUNDARY 278°19'30" - 41.255

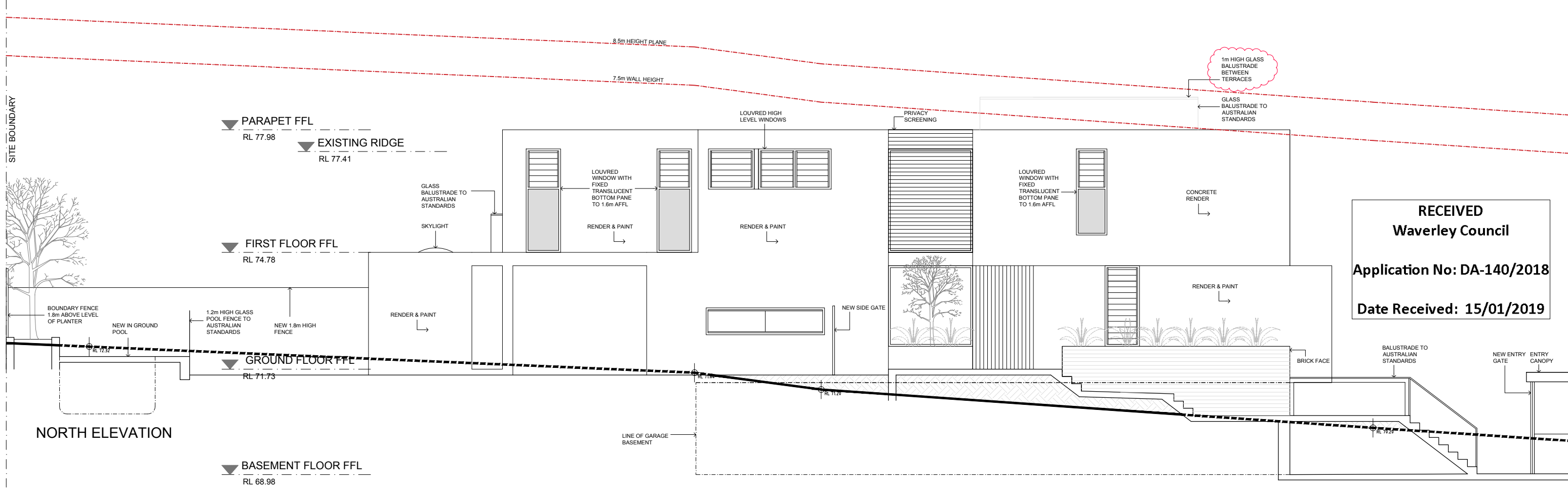
No. 56 WALLANGRA ROAD
DOVER HEIGHTS
LOT 20
DP 9941



AMENDED



EAST ELEVATION

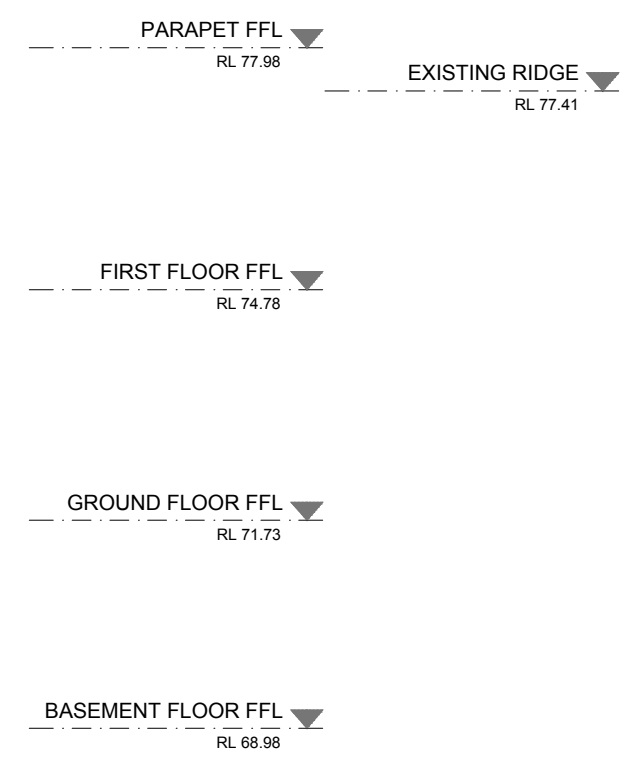
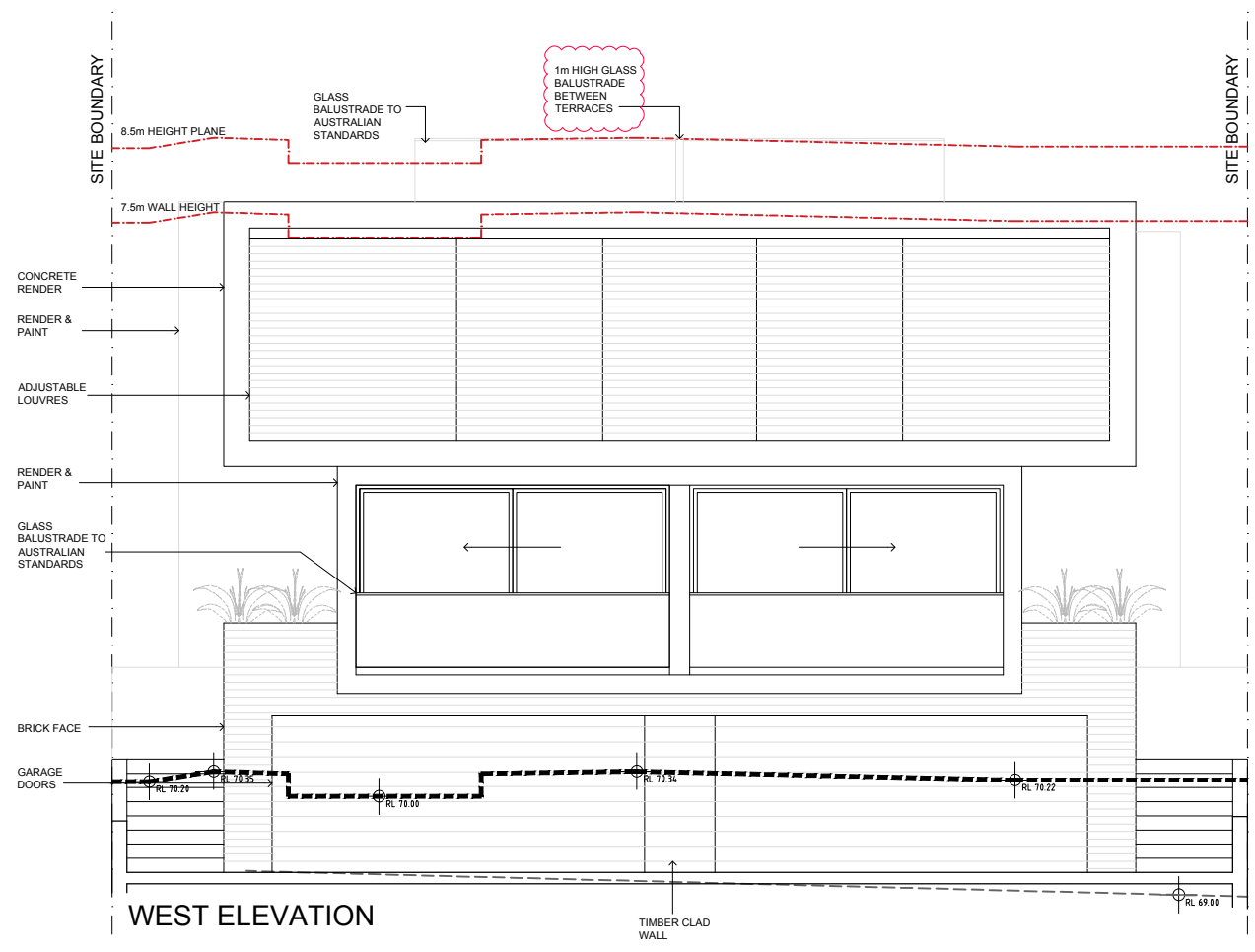


NORTH ELEVATION

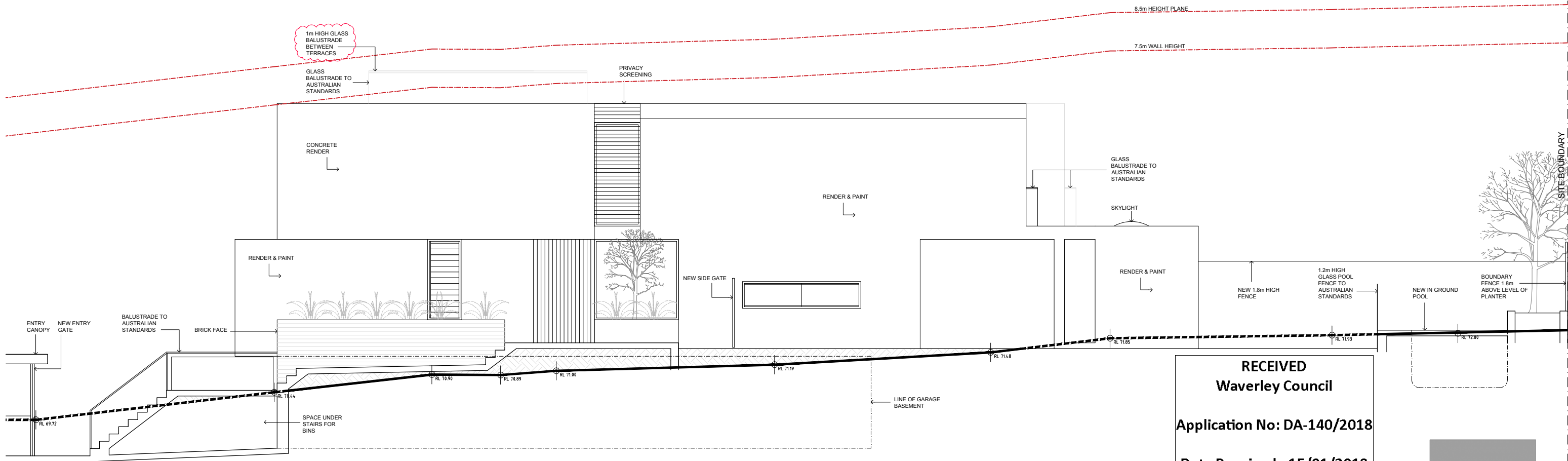
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AMENDED



WEST ELEVATION



SOUTH ELEVATION

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Waverley Council
Application No: DA-140/2018
Date Received: 15/01/2019

ant residential design

54 wallangra road, dover heights

1054-DA-07[C]

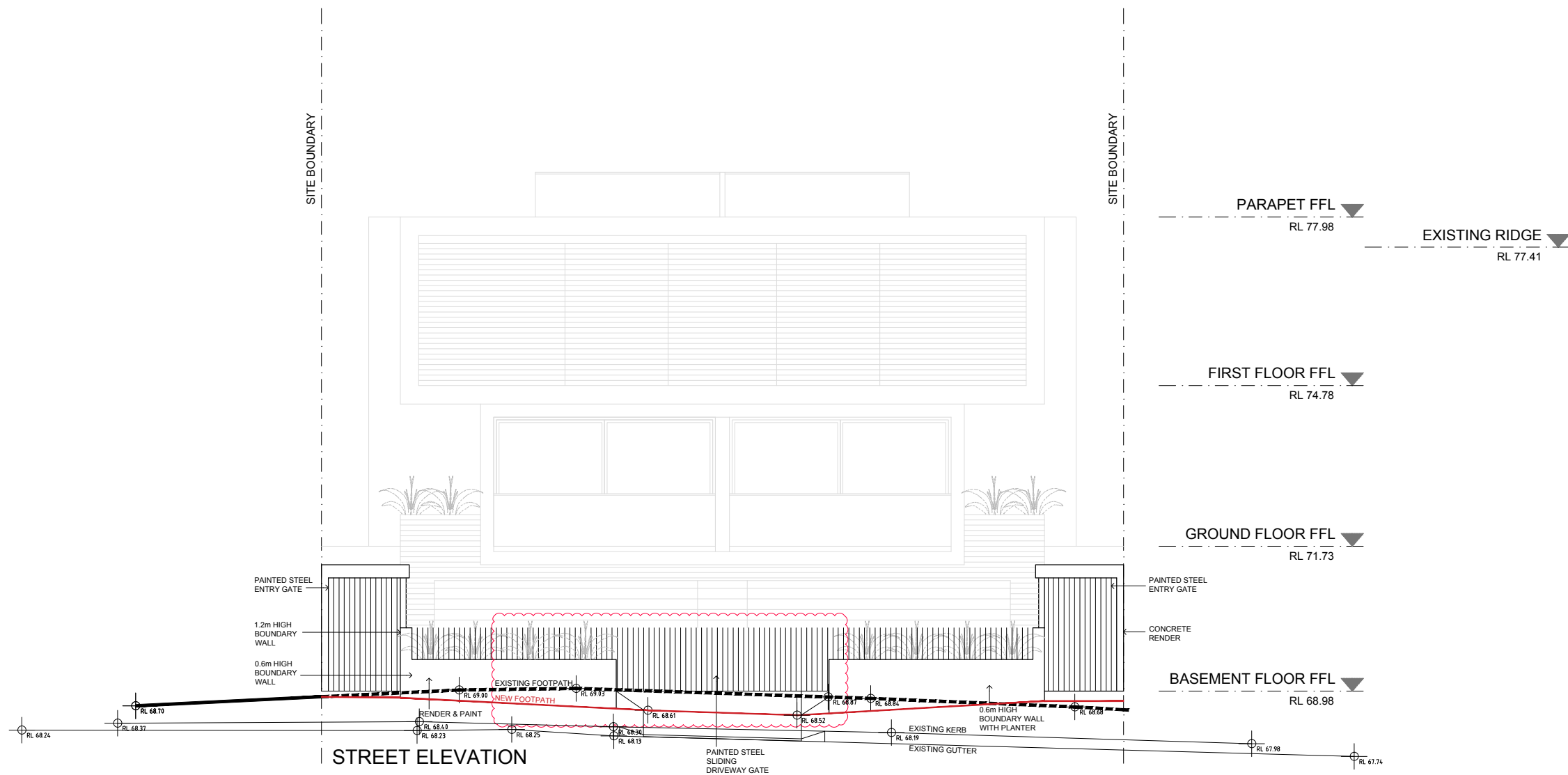
t 93283133 e anna@antresidential.com.au
a suite 1, 24 bay st, double bay 2028

new dual occupancy
development application january 2019

west and south elevations
1:100 @ A3



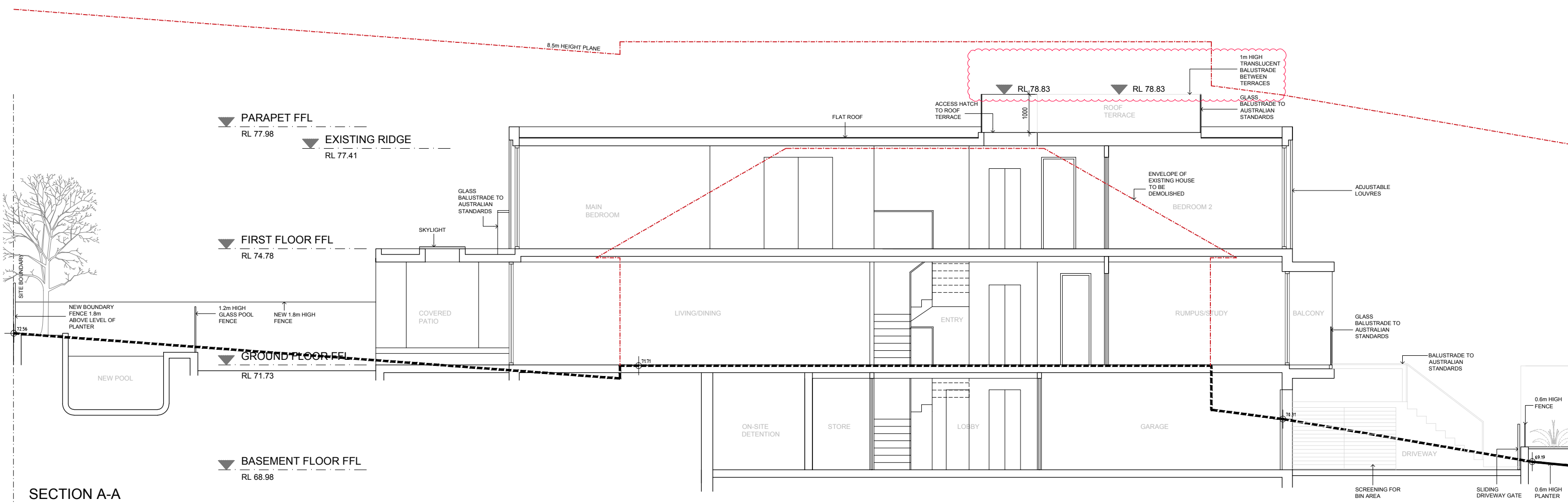
AMENDED



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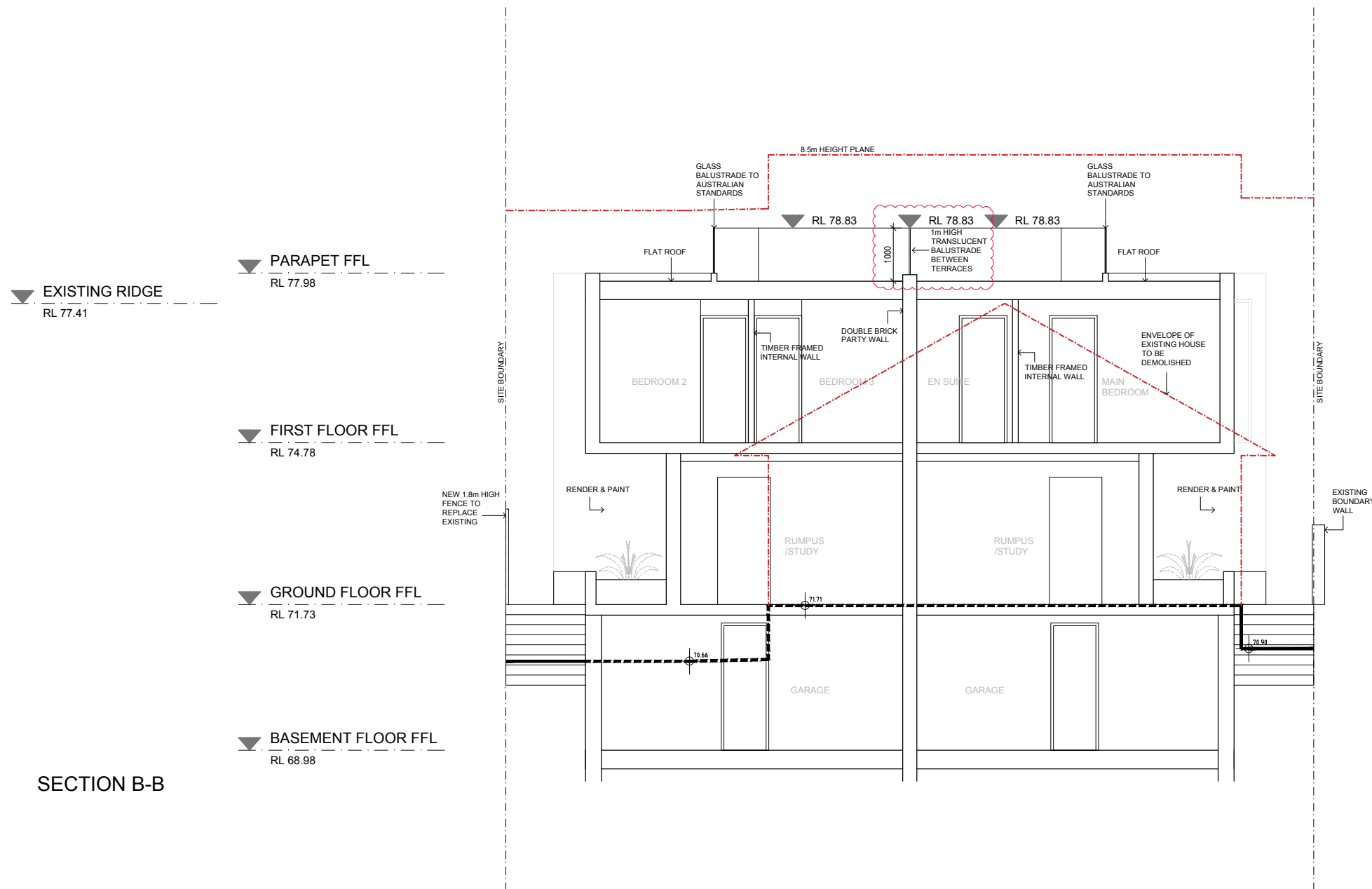
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Application No: DA-140/2018
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Application No: DA-140/2018
Date Received: 15/01/2019





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



Report to the Waverley Local Planning Panel

Application number	DA-112/2018
Site address	75 Hardy Street, Dover Heights
Proposal	Demolition of existing dwelling and the construction of a three storey dwelling plus secondary dwelling, both with vehicle garaging, fencing and associated works
Date of lodgement	9 April 2018
Owner	Ms A Bezos
Applicant	Ms A Bezos
Submissions	Two (2)
Cost of works	\$700,000
Issues	Height of building; floor space ratio; rear building line; view loss
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 6 December 2018.

The site is identified as Lot 14 in DP 11822, known as 75 Hardy Street, DOVER HEIGHTS. The site is rectangular in shape with a northern side boundary measuring 45.175m, eastern rear boundary measuring 12.845m, southern side boundary measuring 44.83m and western front boundary measuring 13.08m. The site has an area of 583.4m². The site falls from the rear towards the west (Hardy Street) by approximately 9.09m.

The site is occupied by a two storey dwelling house with vehicular access provided from Liverpool Street (secondary frontage) to a garage.

The subject site is adjoined by dwelling houses. The Locality is characterised by a variety of residential developments including dual occupancies, however the predominant form is that of dwelling houses.



Figure 1: Site viewed from the intersection of Hardy and Liverpool Streets



Figure 2: Subject site (75 Hardy St) with a recent approved development to the south (73 Hardy St).



Figure 3: Rear of subject site.



Figure 4: Rear boundary viewed from within the site (south-east corner)



Figure 5: Rear boundary viewed from within the site (north-east corner)



Figure 6: Liverpool Street verge located to the north of the subject site.

1.2 Relevant History

Council records show no recent development history for the site other than that two (2) relating to the removal of trees located within the subject land; the most recent application being TPO-212/2017, which was approved on 29 September 2017.

Following an initial assessment, on 7 September 2018 the application was deferred for the following reasons:

- **Height of building**

The proposal does not adequately satisfy the heads of consideration under Clause 4.6 of WLEP to justify why it should exceed the height of buildings development standard.

The proposal also does not comply with the overall building height and external wall height controls of the WLEP and WDCP.

- **Floor space ratio**

The proposal does not adequately satisfy the heads of consideration under Clause 4.6 of WLEP to justify why it should exceed the floor space ratio (FSR) development standard.

It is proposed to develop the site to a FSR of 0.65:1, whereas the FSR standard as outlined in the WLEP is 0.5:1. The proposal must be reduced in size to better reflect the control and to reduce the overall bulk and scale of the development.

- **Bulk and scale**

The extent of works proposed to both Street frontages adds to the overall bulk and scale of the proposal. Further information is required to determine the impact of the proposed new driveway, fencing and pedestrian entry area within the context of the streetscape.

This information should include the proposal and its contextual relationship to the street and adjoining dwellings.

- **Setbacks**

Part C1 1.2.2 of the WDCP states, a three storey dwelling is to be setback from side boundaries a minimum distance of 1.5m; the proposed dwelling is sited within 1.2m of the south side boundary, which does not comply.

- **View loss**

View loss from the adjoining and adjacent properties has not been addressed in your application including an assessment against the Land and Environment Court "Tenacity" Planning Principle.

- **Visual privacy**

The extent of glazing to the south and east elevations impacts upon the visual privacy of adjoining properties to the south and east. Part C1 1.1.8 states 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.

- **Overshadowing**

The provided shadow diagrams do not enable a proper assessment of the shadow impacts of the proposal as they do not clearly differentiate shadows from the existing dwelling to be demolished and those forecast for the proposed building.

- **Stormwater management**

Stormwater management plans have been checked and are considered to not comply with the WDCP in reference to Council's Water Management Technical Manual. On-site stormwater detention (OSD) tank and its details are required e.g. dimensions, cross and long sections, top water level, details of orifice plate including orifice diameter and depth of water above centreline of orifice etc. An updated stormwater management plan including OSD and its details along with completed mandatory checklist as set out in page 22 of Council's Water Management Technical Manual is required.

Amended plans were received on 22 October 2018, which include a reduction in the height of the building, reduction in FSR, increased setbacks and other minor amendments. These plans form the basis of the assessment within this report. Requested height poles have not been installed.

1.3 Proposal

The proposal seeks consent for the demolition of an existing dwelling on the site and the construction of a part two and three storey building containing a dwelling house plus attached secondary dwelling, and associated works.

The principal dwelling provides five bedrooms over two levels whilst the secondary dwelling consists one bedroom. Each dwelling is provided garaging for two vehicles.

The proposal maintains the existing vehicle crossing at the intersection of Hardy and Liverpool Streets, whereas the existing crossing from Liverpool Street is to be closed and a new crossing created. The number of vehicle crossings remains at two.

An existing in-ground swimming pool in the rear yard is to remain.

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 (Affordable Rental Housing) 2009

The proposal includes a secondary dwelling and therefore, the provisions of SEPP (Affordable Rental Housing) 2009 (the SEPP) apply.

The SEPP specifies that the consent authority, in this case Council, must not consent to development unless the following provisions are met:

1. Division 2, cl.22 (2): *A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

Cl.22 (2) of the SEPP is satisfied.

2. Division 2, cl.22 (3): A consent Authority must not consent to development to which this Division applies unless:

(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument; and

(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

The proposal exceeds the maximum total floor area permissible for a dwelling house on the land under cl.4.4A of the LEP (i.e. 291.7m²) by 48.5m² or 16.6%. The applicant has submitted a written request pursuant to cl.4.6 of the LEP to vary the floor space ratio development standard and is discussed in greater detail under heading 2.1.4 of this report.

Cl.5.4 (9) of the LEP states the total floor area of the secondary dwelling (excluding any area used for parking) must not exceed either 60m² or 30% of the total floor area of the principal dwelling, whichever is the greater. The total floor area of the secondary dwelling is 65.93m², which equates to 25.9% of the total floor area of the principal dwelling.

Cl.22 (3)(b) of the SEPP is satisfied. Further, the objective of Cl.22 (3)(a) are satisfied.

In addition to the above, the proposal satisfies minimum site area and vehicle parking requirements. Accordingly, the proposal is deemed to satisfy the SEPP.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	Both dwelling houses and secondary dwellings are permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	No	The proposal has a maximum height of 10.6m, exceeding the development standard by 2.1m or 24.7%.

Provision	Compliance	Comment
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.5:1 	No	The proposal has an FSR of 0.58:1, exceeding the development standard by 48.49m ² or 16.6%.
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 of building and FSR development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.4 Secondary dwellings <ul style="list-style-type: none"> The total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: <ol style="list-style-type: none"> 60m²; or 30% of the total floor area of the principal dwelling. 	Yes	The total floor area of the secondary dwelling is 65.93m ² , which equates to 25.9% of the total floor area of the principal dwelling.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	The site slopes steeply from the rear towards Hardy Street. The proposal incorporated a garage at the lower ground floor level, taking advantage of the lay of the land. Appropriate conditions in relation to excavation are included 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 building height of 10.6 m, which exceeds the height of buildings development standard of 8.5 m prescribed under clause 4.3 of Waverley LEP 2012 by 2.1 m or 24.7%.

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

- Compliance with the standard is unreasonable and unnecessary as the proposed development has no impact on perceived bulk or scale, having no impact on the public domain or adjacent sites.
- The additional height is centred in the building footprint. The
- Shadow diagrams demonstrate that this additional envelope does not detrimentally impact the amenity of adjacent sites and the public domain.
- The built form also steps down with the topography, reducing perceived bulk and scale. This is in contrast to the clear pattern of development of un-stepped built form in the Dover Heights locality.
- Many examples can be found along Wallangra and Hardy Street, including the immediate neighbour at 73 Hardy Street.
- Strict compliance with the control would not comply with the underlying objective of the control as: the proposed exceedance does not impact the amenity of adjacent sites or the public domain; and the proposed development will be compatible with the height, bulk and scale of the existing character of the locality when viewed in the context of neighbouring developments and the topography of the locality.

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

cl.4.3 (1) The objectives of this clause are as follows:

- (a) to establish limits on the overall height of development to preserve the environmental amenity of neighbouring properties,*
- (b) to increase development capacity within the Bondi Junction Centre to accommodate future retail and commercial floor space growth,*
- (c) to accommodate taller buildings on land in Zone B3 Commercial Core of the Bondi Junction Centre and provide an appropriate transition in building heights surrounding that land,*
- (d) to ensure that buildings are compatible with the height, bulk and scale of the existing character of the locality and positively complement and contribute to the physical definition of the street network and public space.*

Objectives (b) and (c) do not apply to the proposal.

The breach in height limit occurs for a limited section towards the front of the building.

The proposal responds to the lay of the land and is not inconsistent with the height of buildings along the eastern side of Hardy Street and those to the rear fronting Wallangra Road, many of which themselves exceed the height of buildings development standard. When compared to the adjacent building to the south (i.e. 73 Hardy Street), the proposed maximum RL of 63.70 measures 250mm above the parapet height and 750mm below the height of the rooftop terrace balustrading which has an RL of 64.45. Therefore, the proposal would not be inconsistent with the pattern of development displayed within the locality.

Whilst scope exists to reduce the overall height of the building through a reduction in floor to ceiling heights to the minimum required by the Building Code of Australia, i.e. 2.4m for habitable rooms, however the proposed floor to ceiling heights of between 2.7m to 2.9m are consistent with recent construction practices which commonly include floor to ceiling heights of 2.7m to 2.9m. A 25mm reduction in building height would not significantly alter view over the site towards the Harbour, Opera House and Harbour Bridge (refer discussion under heading 2.1.5 of this report) or alter solar access to neighbouring properties.

Accordingly, it is considered that compliance with the height of building development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal is in the public interest as it is consistent with the objectives of the development standard and those of the R2 Low Density Residential Zone.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.58:1, which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4 or 4.4A of Waverley LEP 2012 by 48.49m² in gross floor area or 16.6%.

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:

- Compliance with the standard is unreasonable and unnecessary as the proposed development has little impact on perceived bulk or scale or impact on the public domain or adjacent sites.
- The additional floor area increases the overall amenity and living nature of the house.
- Finished floor levels have been derived from existing constraints, such as the pool and vehicular access, as well as the odd nature of the topography of Liverpool Street.
- The floor space covered by the lowest level mostly contains access which has no impact to the external building environment. As such the additional FSR is having a negligible impact on the perceived bulk and scale of the development.
- Strict compliance with the control would not comply with the underlying objective of the control as: the envelope is consistent with the desired character of the locality; the proposed form is approved and contributes to a well-articulated building form; the visual appearance of the volume is consistent with the street due to its scale and location; and the scale of the development will not result in detrimental impacts to the adjacent sites or public domain.
- Strict compliance with the standard would serve no purpose that should outweigh the positive outcomes of the proposed development.

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

cl.4.4 (1) The objectives of this clause are as follows:

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

The proposal has an FSR of 0.58:1. Notwithstanding a 16.6% variance, the proposal is well articulated and commensurate in scale with surrounding properties, with adjacent development at 73 Hardy Street (property to the south) and 29 Wallangra Road (property to the rear) both having an FSR of 0.64:1 or a variance to the development standard of 22%.

Accordingly, it is considered that compliance with the FSR development standard is unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal is in the public interest as it is consistent with the objectives of the development standard and those of the R2 Low Density Residential Zone.

2.1.5 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The proposal is consistent with the objectives and controls of this part of the DCP.
2. Energy and water conservation	Yes	The application was accompanied by a BASIX Certificate. The proposal is consistent with the objectives and controls of this part of the DCP.
6. Stormwater	Yes (by condition)	The stormwater plans were referred to Council's Stormwater Engineer, whom advised that the plans are not satisfactory. A condition is included in Appendix A in this regard.
8. Transport	Yes	The proposal generally complies with relevant transport objectives and controls. Refer Table 3 for more details.
10. Safety	Yes	Each dwelling is provided a clearly identifiable entry which is visible from the street. Furthermore, each dwelling consists a terrace/balcony and windows which overlook both street frontages. Accordingly, the proposal is consistent with the objectives and controls of this part of the DCP.

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
1.1 Height		
1.1.1 Flat roof dwelling house	No	The proposal has a maximum wall height of 10.6m, however the wall height is comparable with the adjoining building to the south.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum overall building height of 7.5m 		
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes (on merit)	<p>The proposal is setback 12.58m from the Hardy Street property boundary. Whilst 3.2m forward of the adjoining building, the proposal is positioned in-line with the building at 71 Hardy Street and the relatively consistent pattern of development displayed within the streetscape.</p> <p>Refer discussion below table.</p> <p>The proposal provides a rear setback which is consistent with the predominant rear building line of surrounding properties.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 1.5m 	Yes (on merit)	<p>The proposal is setback a minimum 1.42m from side boundaries.</p> <p>Refer discussion below table.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	Excavation is 1.42m from side boundaries.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. 	Yes	<p>The proposal provides a contemporary flat-roofed building which will contribute to the character of surrounding buildings. Garage doors are incorporated into the design of the building and comprise materials and finishes which carry throughout the building's façade. Overall, the proposal is considered comparable with the streetscape character and will make a positive contribution to its surrounds.</p>
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes (on merit)	<p>Proposed fencing to street frontages varies in height from 1.8m to 2.2m due to the slope of the land across both frontages. The fence is well articulated and steps with the slope of the street. Further, the proposed fence is consistent in height and its solid nature with those displayed within the subject section of Hardy Street (eastern side).</p>

Development Control	Compliance	Comment
		The height, design and material of proposed fencing are considered acceptable as it will not adversely affect the streetscape.
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> • 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. • External stairs are not acceptable. • Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	Yes	<p>Visual and acoustic privacy between properties is considered acceptable.</p> <p>Side-facing habitable room windows are appropriately sited and designed to minimise overlooking.</p> <p>Rear-facing habitable room windows are satisfactory in the context of its domestic setting.</p> <p>Balconies and terraces are located to the front of the building and provide an outlook over both Hardy and Liverpool Streets. Proposed balconies exceed the maximum size criteria set out in the control, however they are consistent with examples displayed within the locality.</p> <p>The proposal does not include a roof top terrace.</p>
1.9 Solar access		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The amount of shadow cast upon neighbouring properties is typical of a three storey dwelling having regard to the orientation of the site and lay of the land.</p> <p>Shadow diagrams illustrate that the rear open space of the property to the south will receive the minimum solar access requirements.</p>
1.10 Views		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	Yes (on merit)	<p>In their submissions to Council, the properties to the rear (i.e. 27 & 29 Wallangra Road) have raised concern regarding the potential for loss of views as a result of the development.</p> <p>Refer discussion below table.</p>

Development Control	Compliance	Comment
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms 	Yes	Each dwelling is provided 2 spaces.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking location 	Yes	The proposed garages are integrated into the design of the building and align with the front building line.
1.11.3 Design	Yes	The siting and design of garages complements the style of the dwelling and the streetscape.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are achieved.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	Yes (on merit)	The proposal includes two driveways, one to each dwelling. Currently, two vehicular crossings are provided to the site; the one adjacent the intersection of Hardy and Liverpool Streets is to remain unchanged, whilst the crossing from Liverpool Street is to be closed and a new crossing created.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	On merit Yes Yes Yes Yes	<ul style="list-style-type: none"> • Overall open space is 38% of site area • Overall landscaped area is 24% of site area • 25m² of private open space is provided to the rear of the building • 50% of front building setback area is open space • 50% of provided front open space is landscaped
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	The proposal retains an existing swimming pool located to the rear of the site.

Development Control	Compliance	Comment
		New 1.2m high pool fencing is proposed, as no existing fence exists.
1.16 Secondary dwellings and ancillary buildings		
1.16.1 Secondary dwellings <ul style="list-style-type: none"> Affordable Rental Housing SEPP 	Yes	The proposal satisfies the requirements of the Affordable Rental Housing SEPP.

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

Setbacks

The proposal is positioned on the site to align with the dwelling located at 71 Hardy Street and designed so that the first floor aligns with the existing hipped roof and the front building line of the adjoining building at 73 Hardy Street (refer Figure 5 below).



Figure 5: Front building line

The position of the proposed building in relation to its Hardy Street frontage is considered reasonable as it reflects the emerging setbacks of recent developments.

With respect to side boundaries, the proposal achieves 1.42m and 1.479m setbacks. Whilst short of the 1.5m sought for 3 storey buildings in cl.1.2.2 of Part C1 of the DCP, the variance is minimal and results in separation between buildings which are commensurate with those displayed in the locality.

View Loss

Properties to the rear of the development site were inspected and as illustrated in Figures 6 and 7 below, currently enjoy views across the subject site (from their rear) of the Harbour, Harbour Bridge and Opera House.



Figure 5: View from rear ground floor raised balcony of 27 Wallangra Road



Figure 7: View from rear ground floor of 29 Wallangra Road

Cl.1.10 Views in Part C1 of the DCP outlines the objectives and controls relating the assessment of views and view loss.

The subject site is located on the eastern side of Hardy Street, on a site that slopes from its rear towards Hardy Street.

View sharing objectives encourages views to be shared, providing equitable access. This objective provides a general guide when assessing potential view loss and is further expanded by guiding principles of the Land and Environment Court.

The judgement in *Tenacity Consulting v Warringah Council (2004)* resulted in a four-step assessment on view sharing:

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Current views are of the Harbour, Harbour Bridge and Opera House, and extend across to views of the North Head headlands.

2. *The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more*

difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views are obtained across the rear boundary over the development site and are viewed from both a sitting and standing position.

- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

In the case of 27 Wallangra Road, an under-developed site, views are provided from the rear ground floor raised balcony and kitchen window. Views from side windows are not affected by the proposal. The proposed building measures 250mm higher than the parapet of the adjoining building; Figure 8 below provides an indication of the extent of views from 27 Wallangra Road which are impeded by the proposal.



Figure 8: View loss from rear ground floor raised balcony of 27 Wallangra Road

The extent of view loss is considered low.

In the case of 29 Wallangra Road, a part two to three storey recently developed dwelling, views across the development site are provided from the rear windows, balconies, terraces and open space

of all three levels. Impeded views are from the lower ground floor and open space. Figure 9 below provides an indication of the extent of views from the ground floor principal living areas of 29 Wallangra Road impeded by the proposal.



Figure 9: View loss from the rear ground floor principal living areas of 29 Wallangra Road

The views lost from lower ground level are from a bedroom, media room and raised terrace. Retained views are from the ground floor kitchen, dining, living and balcony, along with first floor master bedroom and balcony.

The extent of the view loss is considered to be low.

4. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposal is non-compliant with side setback, building height and FSR controls. The dwelling itself is not excessive in height and is comparable in setbacks and FSR with developments displayed within the locality. It is unreasonable to expect that the entire extent of current views be maintained from objector's properties, noting that 27 Wallangra Road is currently single storey and not developed to its maximum potential and 29 Wallangra Road exceeds the height of building development standard.

Subsequently, the question that is left to be asked is whether a more skilful design could provide the applicant with the same development potential and amenity, whilst at the same time reducing the impact on the views of neighbours. The proposal has provided a building envelope which is comparable to the established setbacks and overall building heights displayed within the locality. Further, the proposed development includes a flat roof form with reasonable floor to ceiling heights. View loss would have been greater if the proposal provided a traditional pitched roof.

Whilst it is acknowledged that there will be a level of view loss from the neighbouring properties in question, the proposal is still considered to be reasonable as views would be retained from the ground and first floors.

Accordingly, view sharing is maintained.

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*.

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
27 Wallangra Road, Dover Heights
29 Wallangra Road, Dover Heights

Issue: Height of building

Response: The proposal has an overall height of 10.6m, which exceeds the parameters set out in cl.4.3 of the LEP, i.e. 8.5m. The applicant has submitted a written request pursuant to cl.4.6 of the LEP to vary the development standard. This issue is considered to be resolved. Refer discussion under Heading 2.1.4 of this report.

Issue: FSR

Response: The proposal has an FSR of 0.58:1, which exceeds the parameters set out in cl.4.4A of the LEP, i.e. 0.5:1. The applicant has submitted a written request pursuant to cl.4.6 of the LEP to vary the development standard. This issue is considered to be resolved. Refer discussion under Heading 2.1.4 of this report.

Issue: Wall height

Response: The proposal consists wall heights which at the front of the building exceed the maximum 7.5m referred to for flat roof dwellings in cl.1.1.2 in Part C1 of the DCP. Notwithstanding this, the proposal is comparable in wall height and overall building height with that of adjoining buildings. This issue is considered to be resolved.

Issue: Front setback

Response: The proposal extends forward of the adjoining building to the south; however, it is consistent with the wide predominant building line. This issue is considered to be resolved. Refer discussion under Heading 2.1.5 of this report.

Issue: Streetscape character

Response: The proposal is visually compatible with surrounding residential buildings and incorporates elements into its design which are reflected in the locality. The proposal is supported with regards to streetscape and visual impact objectives. This issue is considered to be resolved.

Issue: Visual privacy

Response: The proposal has been designed to mitigate overlooking through the design and siting of windows, although the rear façade is heavily glazed. Rear-facing upper level windows are associated with bedrooms, which are considered to be low usage rooms not expected to compromise the privacy between properties. This issue is considered to be resolved.

Issue: View loss

Response: The proposal provides for the sharing of views between properties. Refer discussion under Heading 2.1.5 of this report.

Issue: Inadequacy of documentation

Response: Amended documentation is considered adequate to make an informed decision regarding the merits of the proposal.

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

Concern was raised regarding:

- (a) Details regarding public domain works including footpath levels in Liverpool Street;
- (b) Detail to determine if vehicular access is possible without vehicles scraping at one or both of the driveways;
- (c) Waverley DCP 2012 – Residential Development (C1) clause 1.11.5(b) requires a maximum of one (1) vehicle crossing per property. This application proposed two (2) vehicular crossings into the property.
- (d) A check of AS 2890.1-2004 – Off Street Car parking Facilities shows the existing western driveway adjacent to the Liverpool Street/Hardy Street intersection does not comply with the requirements of the standard with regard to the setback from the intersection. The driveway is to be demolished and a new driveway constructed at a right angle to Liverpool

Street to be more compliant with the requirements of the Standard. A Council stormwater pit will need to be relocated to cater for the new driveway location.

Conditions were provided and are included in Appendix A, except those relating to the closure and re-construction of the western vehicle crossing adjacent to the intersection of Hardy and Liverpool Street.

The recommended closure and re-construction of the western vehicle crossing is not considered to be necessary given it is a continuation of an existing situation.

3.2 Stormwater – Creating Waverley

The submitted stormwater plans were referred to Council's Stormwater Engineers and were considered unsatisfactory. Conditions regarding stormwater are included in Appendix A.

3.3 Strategic Tree Planning – Clean & Attractive Waverley

Conditions were provided and are included in Appendix A.

4. SUMMARY

The proposal seeks consent for the demolition of an existing dwelling on the site and the construction of a part two and three storey building containing a dwelling house plus attached secondary dwelling, and associated works.

The principal dwelling provides five bedrooms over two levels whilst the secondary dwelling consists one bedroom. Each dwelling is provided garaging for two vehicles.

The proposed uses are permissible with consent within the R2 Low Density Residential Zone.

The proposed secondary dwelling complies with the Affordable Rental Housing SEPP.

Exceedances in FSR and height of building are supported in the circumstances of the case.

Objections were received from immediate adjoining neighbours to the rear whom raised concerns regarding: height of building; wall height; front setback; streetscape character, visual privacy; view loss; and the adequacy of submitted documentation. Issues of concern have been addressed through amendment or are deemed unreasonable.

No Councillor submissions were received.

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

Subject to conditions of consent, Approval is recommended.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Fiona Koutsikas
Senior Development Assessment Planner

Paul Yachmennikov
**Acting Manager, Development Assessment
(North / South)**

Date: 8/02/2019

Date:14/02/2019

Reason for referral: Delete rows to leave only the relevant reason. Leave numbering (1-4) on the side

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED PLANS AND DOCUMENTATION

The development must be in accordance with:

- (a) Amended Architectural Plan Nos DA1.02 – DA1.7, prepared by Stubbs Design Tribe, dated 18 October 2018 and received by Council on 22 October 2018.
- (b) Landscape Plan;
- (c) BASIX Certificate; and
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. APPROVED USE - DWELLING HOUSE WITH SECONDARY DWELLING

This application approves the use of the principle dwelling on site a single unit dwelling house. The secondary dwelling is permitted in accordance with SEPP (Affordable Rental Housing). In accordance with Clause 25 of the SEPP, consent will not be granted for the subdivision of a lot on which there is secondary dwelling.

3. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

4. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. PUBLIC DOMAIN WORKS – LIVERPOOL STREET

Detailed drawings of the works proposed to be carried to change levels of the Council's nature strip area on Liverpool Street shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the Issue of the Construction Certificate.

The drawings shall include but not be limited to the following:

1. Cross sections, drawn at 5m intervals along the entire Liverpool Street (northern) boundary, showing existing and proposed levels.
2. Long sections of the kerb line on Liverpool Street and a long section of existing and proposed levels along the Liverpool Street boundary.
3. Details of the fill material and compaction requirements.
4. Full engineering details, prepared by a suitably qualified and experienced engineering consultant, of all retaining walls proposed at the Liverpool Street property boundary
5. The extent of cut/fill proposed at Council's street trees.
6. Details of the tree protection measures for the two street trees located within the site frontage on Liverpool Street.
7. Show the existing vehicle crossing adjacent to the Liverpool Street/Hardy Street intersection being demolished and reconstructed at a right angle to the Liverpool Street kerb alignment.

6. LONG SECTIONS OF DRIVEWAY

Long sections, drawn along both edges of both driveways, 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 Liverpool Street carriageway, the kerb and gutter, footpath and paving within the property and the garage floors.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/ drained towards the roadway.

7. 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.

8. 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 a vehicle entering and exiting the garages from Liverpool 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 Liverpool 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 garages.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

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

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

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

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

10. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

(b) As legislated in section 25K of the Environmental Planning and Assessment Regulation 2000, the levy must be paid in accordance with the following;

(a) A development valued at \$100,000 or less will be exempt from the levy.

(b) A development valued at \$100,001 - \$200,000 will attract a levy of 0.5% OR

(c) A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

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

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

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

11. 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.

12. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ **15,400** 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.

13. HOARDING REQUIRED

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

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

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

14. EROSION & SEDIMENT CONTROL

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

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

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

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

16. GEOTECHNICAL ENGINEERS REPORT

A Geotechnical Engineers Report is to be submitted which assesses the following;

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- (b) the effect of the development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The report must make recommendations and conclude that damage should not occur to any adjoining premises as a result of the proposed bulk excavation, driven type piles and shoring works.

The report is to be submitted to the Principal Certifying Authority, Council and the owners of adjoining premises prior to the issue of a Construction Certificate and commencement of any such works on the site.

17. DETAILS OF EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

18. ENGINEERING DETAILS

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

19. ENGINEERING DETAILS - CERTIFICATE OF ADEQUACY

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

20. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

21. 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.

22. 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.

23. ON-SITE STORMWATER DETENTION DETAILS

On-Site Stormwater Detention (OSD) tank and its details are required to be submitted and approval by Council prior to the issue of a Construction Certificate. Details to include dimensions, cross & long sections, top water level, details of discharge control pit, orifice plate including orifice diameter and depth of water above centreline of orifice etc.

24. BASIX

The undertakings provided in the BASIX Certificate and NatHERS documentation shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate.

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

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

The above condition is a prescribed condition under the Environmental Planning and Assessment Regulation 2000 clause 97A and the above BASIX commitments are mandatory and cannot be modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

25. INSTALLATION OF AIR CONDITIONING

To ensure that the ecological sustainable objectives of the Waverley DCP 2012 – Amendment 6 are met, any air conditioning unit(s) installed within the building shall:

- (a) Comply with the requirements of SEPP (Exempt Development) with regards to location.
- (b) Be located behind the front building line and if visible suitable screened and located in an appropriate location.
- (c) Not be adjacent to neighbouring bedroom windows.
- (d) Not reduce the structural integrity of the building.
- (e) Not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
- (a) Not provide noise emissions that exceed 5dBA above the ambient background noise level measured at the property boundary at any other time outside of (e).
- (b) Have sufficient manual or automated controls so it is used only when required;
- (c) Be an energy efficient reverse cycle air conditioning system that achieves as a minimum one star less than the maximum possible under the Australian Government air conditioning energy rating standard.
- (d) New or replacement air conditioning units are to have a minimum 2-star rating for cooling only. Reverse cycle air conditioning units are to have a minimum of 2-star rating on one cycle and 2-star rating on the alternate cycle.
- (e) Dehumidification from air conditioning systems must be harvested and reused on site provided it is treated to an adequate level suitable for the reuse application, otherwise a piped connection to Council's stormwater drainage system is required and there is to be no discharge to the footpath.

26. SOLID FUEL HEATING

In accordance with the Part B2 of the Waverley DCP 2012 – Amendment 6 the use of solid fuel heating is not permitted to ensure that the renewable energy and energy efficiency targets of the Council are met.

27. 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.

28. SERVICE AUTHORITIES

The applicant is to seek approval from the relevant service authorities regarding any possible modification to the existing infrastructure within the vicinity of the site prior to the issue of a

Construction Certificate. This includes, but not limited to, power poles, pits or other underground services.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

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

33. COMPLIANCE WITH SAFE WORK NSW

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

34. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

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

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

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

35. DEMOLITION & SITE PREPARATION

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

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

36. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

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

37. ASBESTOS REMOVAL

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

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

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

38. EXCAVATION TO BE LIMITED

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

During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

39. 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.

40. 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.

41. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2014. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

42. 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.

43. CONSTRUCTION HOURS

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

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends; and
- (b) Sundays and public holidays
- (c) Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

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

44. STOCKPILES, STORAGE OF MATERIALS AND LOCATION OF BUILDING OPERATIONS

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

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

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

45. NATIONAL CONSTRUCTION CODE (NCC)

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

46. CONSTRUCTION INSPECTIONS

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

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

The specified **MANDATORY** inspections for a **DWELLING HOUSES including (Class 1 and 10 Buildings)** are:

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

The following additional inspections are required (if relevant to the development) to be undertaken by the PCA:

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

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

47. 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.

48. 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.

49. 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.

50. TREE PROTECTION

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

- (a) To minimise disturbance to the root zone of the tree, the area between the tree and the side boundary must not be altered in depth or soil level.
- (b) The applicant is to construct an elevated driveway using pier and beam construction or similar. Placement of the posts for the above work must not damage any tree roots over 75mm in diameter.
- (c) A root mapping report from a consulting arborist in conjunction with an engineer's report must be submitted prior to the commencement of works for approval by Council. The report must show pier locations sited to minimise any damage to the tree's root system.
- (d) A bond of \$5000 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 Coastal Banksia tree in the sideline in Liverpool Street. The bond is to be lodged prior to the issue of a Construction Certificate.

An application for refund of this bond may be made to Council (12) months from the issue of the Final Occupation Certificate. In the event that the specified tree is found damaged, dying or dead at any time during the construction and bond period, the bond may be forfeited to Council.

Any replacement of dead or defective trees shall re-start the (12) month maintenance from the date of replacement.

51. NEW VEHICLE CROSSING

A new vehicle crossing is to be provided to access the proposed **garages associated with the principal dwelling**. 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.

Note: Prior to the submission of the vehicle crossing application, works as executed drawings shall be submitted to Council for the approval of the Executive Manager Creating Waverley confirming the finished levels of the internal driveway between the property boundary and the garage floor comply with the approved driveway long sections.

52. REDUNDANT VEHICLE CROSSING

The existing, redundant, paver type vehicle crossing and adjacent Arris post and rail fencing on Liverpool Street are to be demolished and the kerb and gutter and turf made good. All work associated with the removal of the crossing is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

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. NO WORKS BEYOND BOUNDARIES

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

55. SIDE AND REAR FENCE HEIGHT

Proposed new southern side and/or rear boundary fencing is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property, unless otherwise agreed by the affected neighbour.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

56. FINAL OCCUPATION CERTIFICATE

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

57. STORMWATER MANAGEMENT

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

58. 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.

59. ALLOCATION OF STREET NUMBER

The redevelopment of the property has led to the following allocation of primary and sub-address numbers:

- No. 75 - primary address site number
- Hardy Street - primary address location.

The following sub-addressing will apply:

- Nos. 1/75 Hardy Street for the sub-addresses within the building correlating with lower ground floor residence on the floor plans for the building,
- No. 2/75 Hardy Street for the sub-addresses within the building correlating with Nos. first floor residence on the floor plans for the building.

The address number for a sub-address site shall not consist of the primary address number on its own.

The address number for a sub-address site shall not consist of the primary address number with an alpha suffix.

Sub-address numbers shall be applied in a logical sequence and within a primary address site shall be unique regardless of the type of the address.

The sub-address numbering and primary address location for each premises shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the pedestrian entry points and be clearly visible from Liverpool Street.

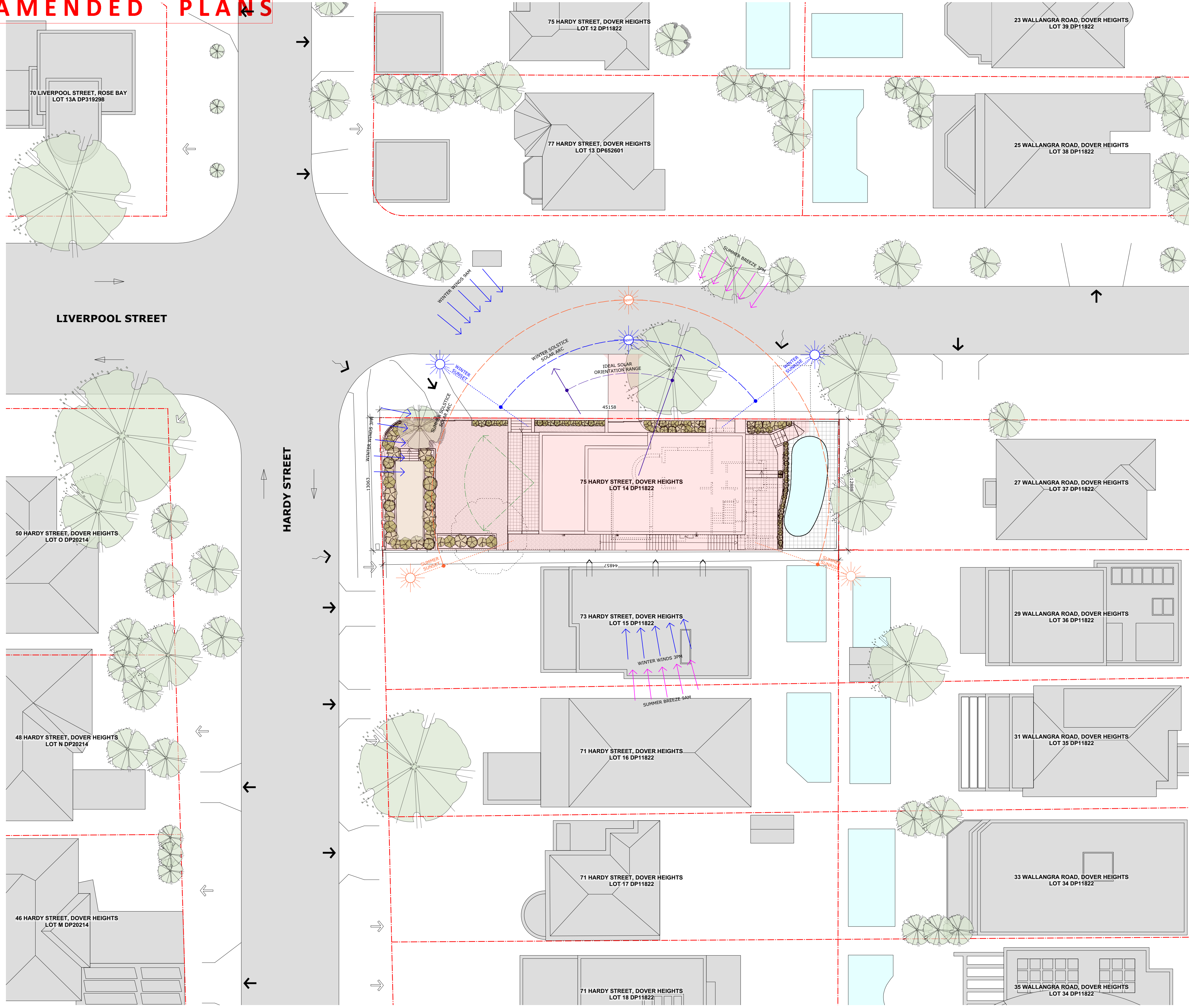
The sub-address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

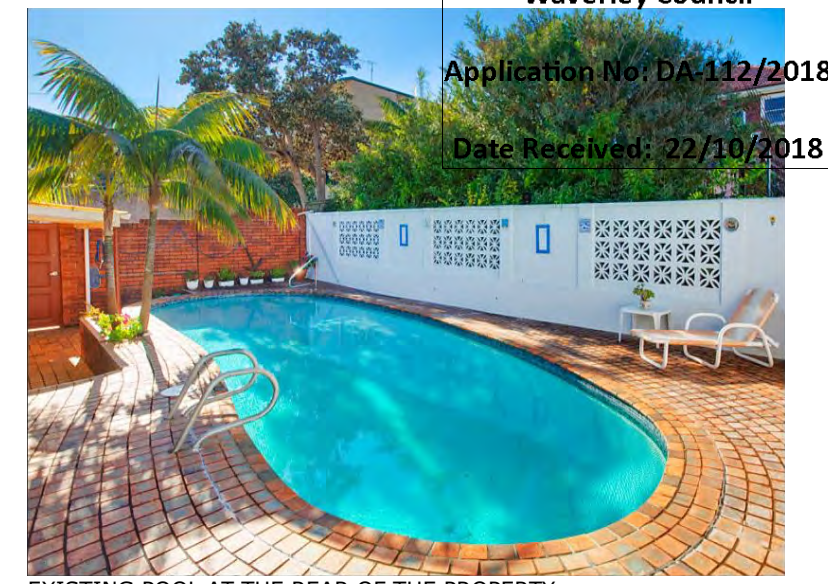
60. STREET NUMBER/S

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

AMENDED PLANS



EXISTING PROPERTY AS VIEWED FROM HARDY STREET INTERSECTION



EXISTING POOL AT THE REAR OF THE PROPERTY



NORTH-WESTERLY VIEWS FROM EXISTING BALCONY



CITY VIEWS FROM THE PROPERTY



EXISTING DRIVEWAY TO EXISTING PROPERTY



SIDE ACCESS ALONG EXISTING PROPERTY



EXISTING BASEMENT GARAGE



LIVERPOOL STREET ACCESS TO EXISTING PROPERTY

1 SITE CONTEXT ANALYSIS
Scale: 1:200

2 COMPLIANCE TABLE

CONTROL	REQUIRED	PROPOSED	COMPLIANCE
FSR (LEP)	0.5:1 (291.7m2)	0.58:1 (340.19m2)	X
HEIGHT (LEP)	8.5m / 7.5m (flat)	10.6m max.	X
LANDSCAPING	15% (87.51m2)	16% (90.86m2)	✓
OPEN SPACE	40% (233.36m2)	68% (401.38m2)	✓
PRIVATE OPEN SPACE	25m2	68.41m2	✓
FRONT SETBACK (HARDY ST)	CONSISTENT	12.3m min.	✓
SETBACK (NORTH)	-	1370mm	✓
SIDE SETBACK	1500mm	1500mm	✓
REAR SETBACK	ALIGNED	ALIGNED	✓

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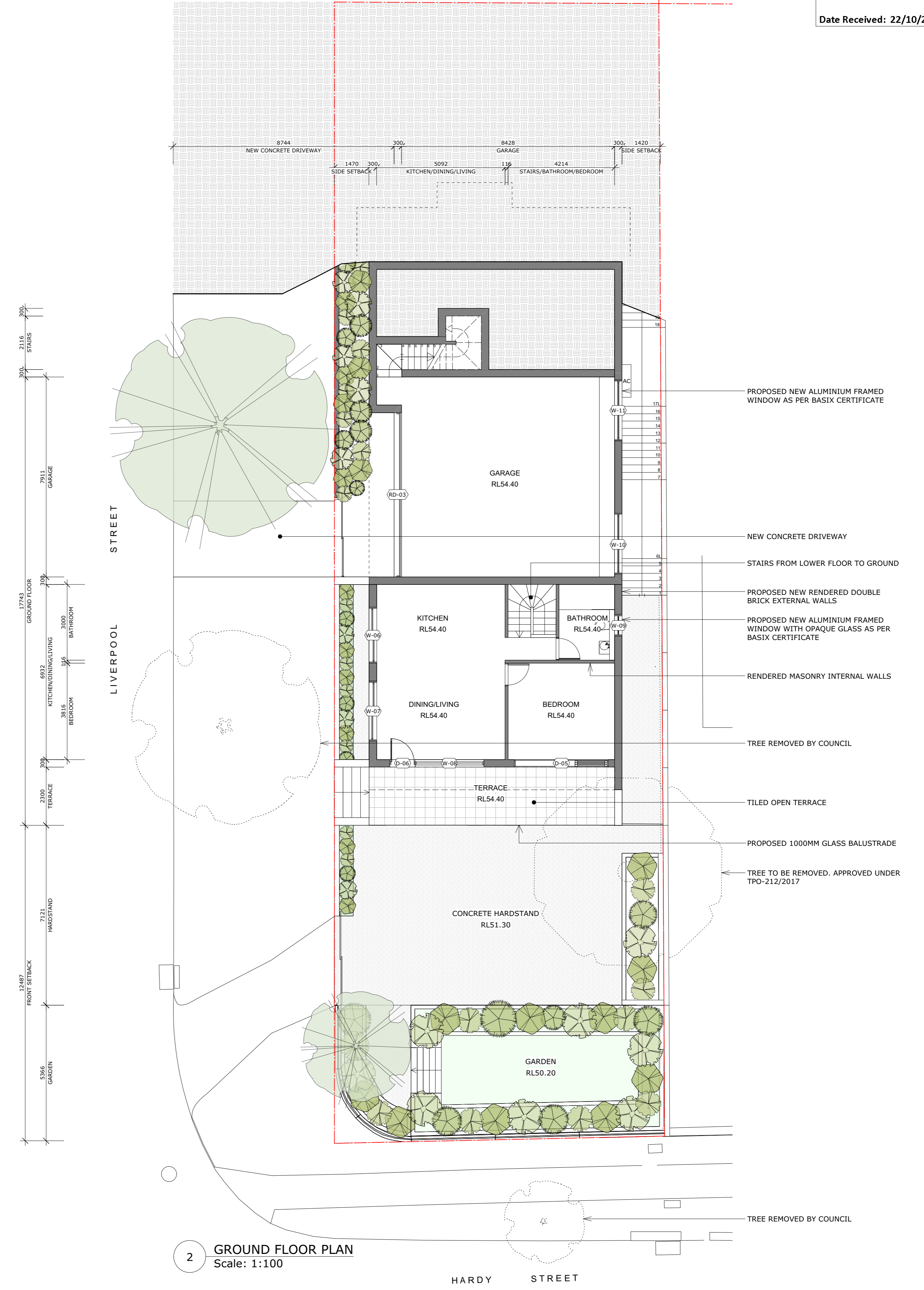
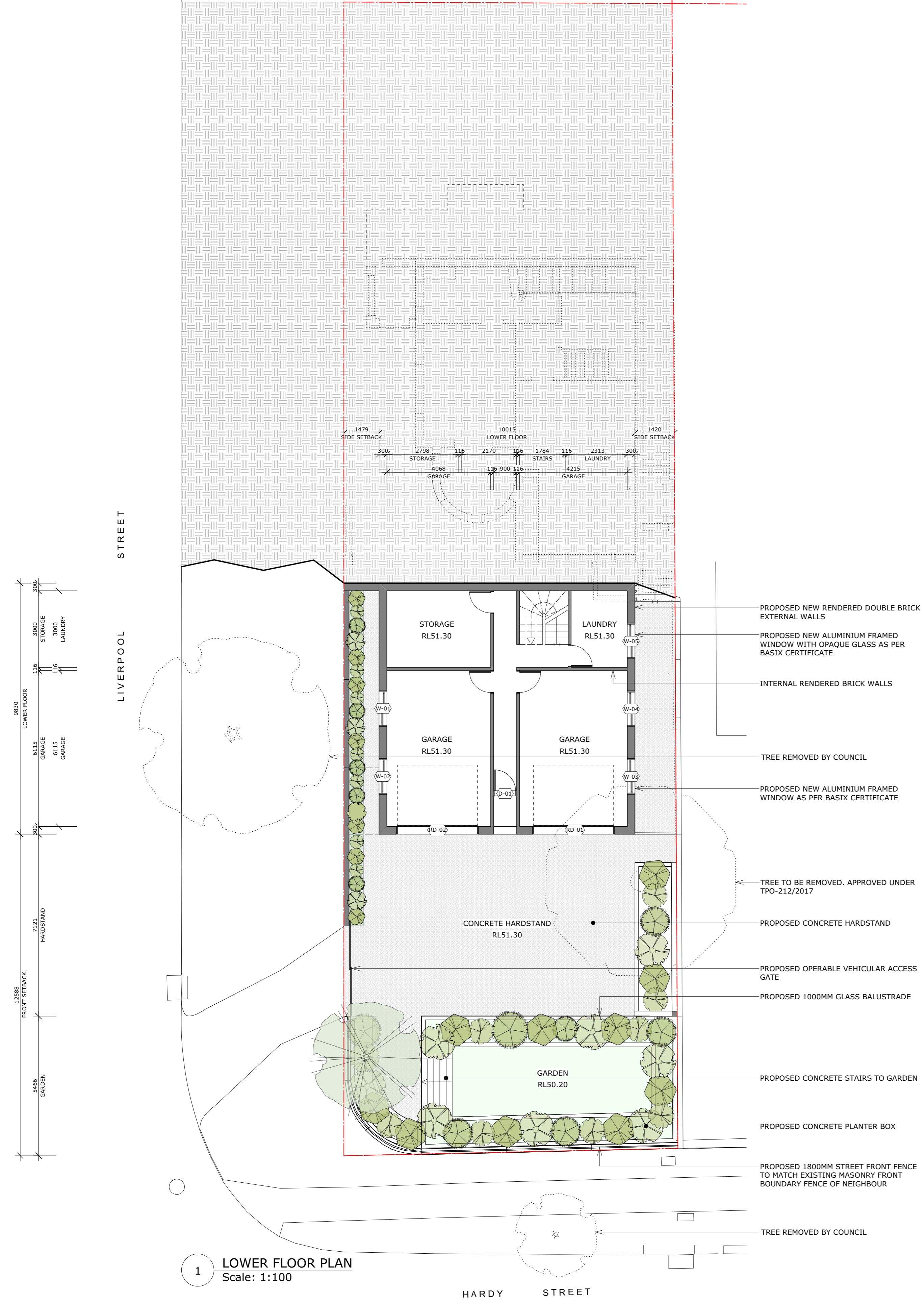
KEY

- DWELLING ENTRY
- NEIGHBOURING WINDOWS
- FALL OF AREA
- PREDOMINANT BREEZES
- PROPOSED NEW DWELLING
- VEHICULAR ENTRY
- PUBLIC TRANSPORTATION STOP
- SOLAR ANGLES
- EXISTING DWELLING TO BE DEMOLISHED
- NOISE SOURCE
- TRAFFIC FLOW
- DISTRICT VIEWS
- LOT BOUNDARIES

Scale: 1:200@A1

Rev	Date	Comment	By	Stage
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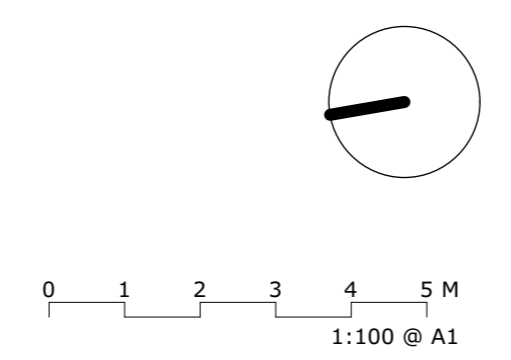
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75 HARDY STREET, DOVER HEIGHTS LOT 14 DP11822		1
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Client ARISTEA + RICHARD		Checked By FK
Dwg Date:	Plot Date:	Date
	18/10/18	



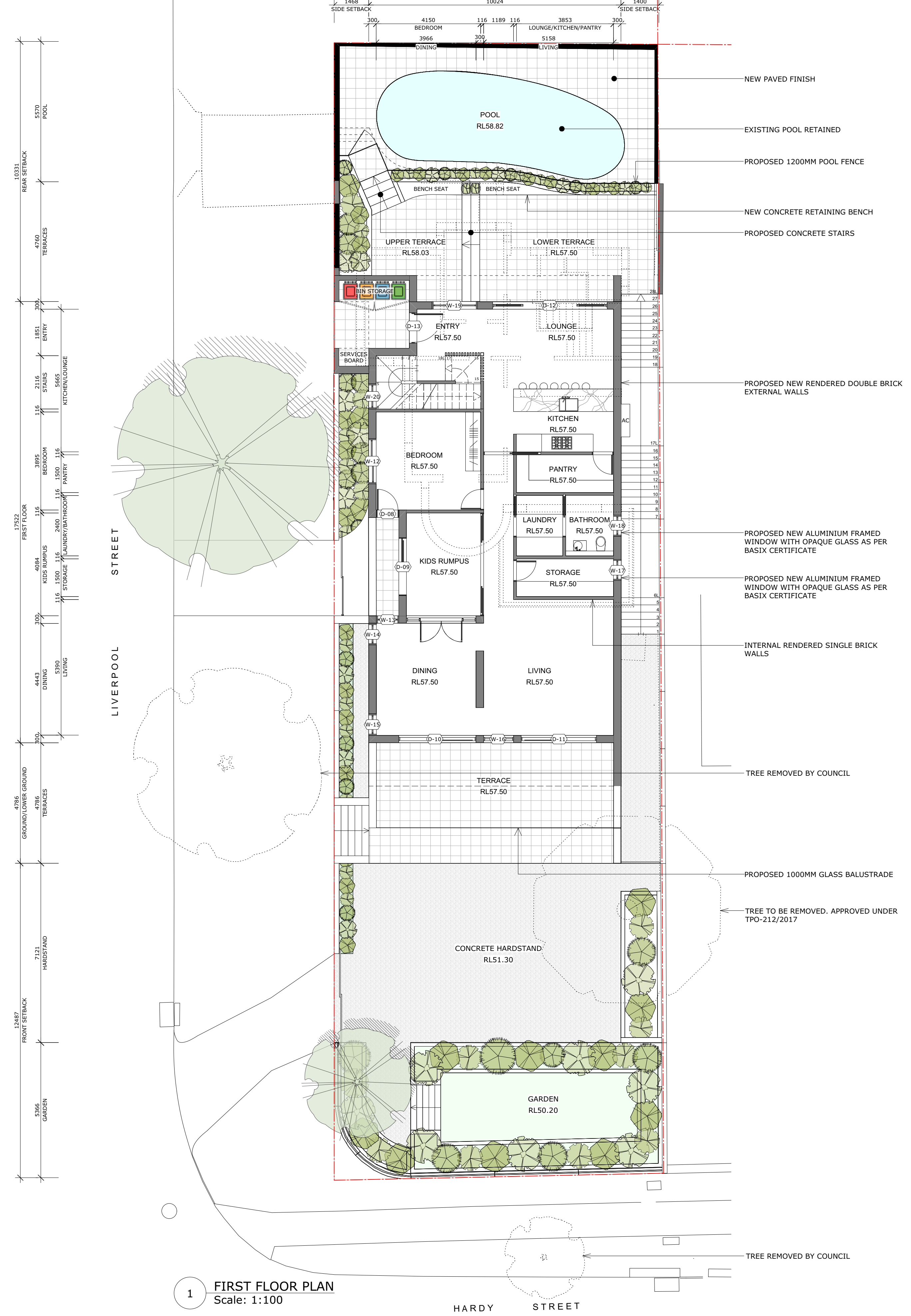
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KEY

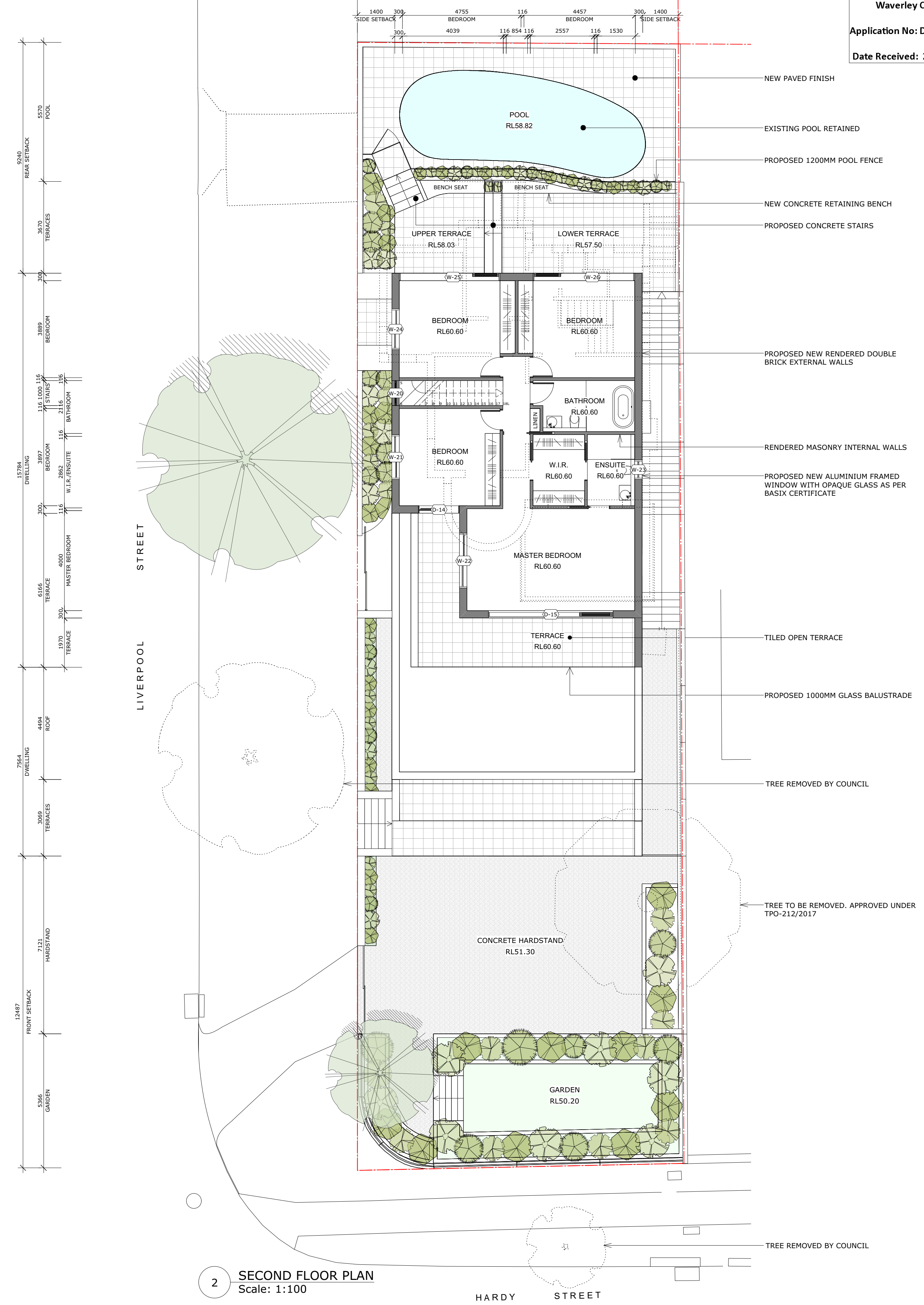
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PROPOSED NEW WALLS	
WALLS TO BE DEMOLISHED	
BOUNDARY LINE	



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Issue	Date	Comment	By	Site Address	Drawing Title	Scale
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				Client	Project No.	Drawn By
				ARISTEA + RICHARD	3016	LC
				Dwg Date:	Plot Date:	Checked By
				18/10/18	18/10/18	FK



1 FIRST FLOOR PLAN
 Scale: 1:100



2 SECOND FLOOR PLAN
 Scale: 1:100

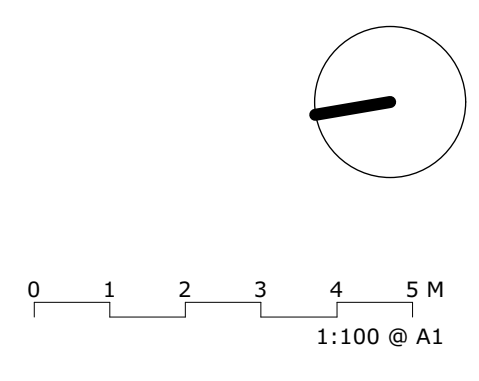
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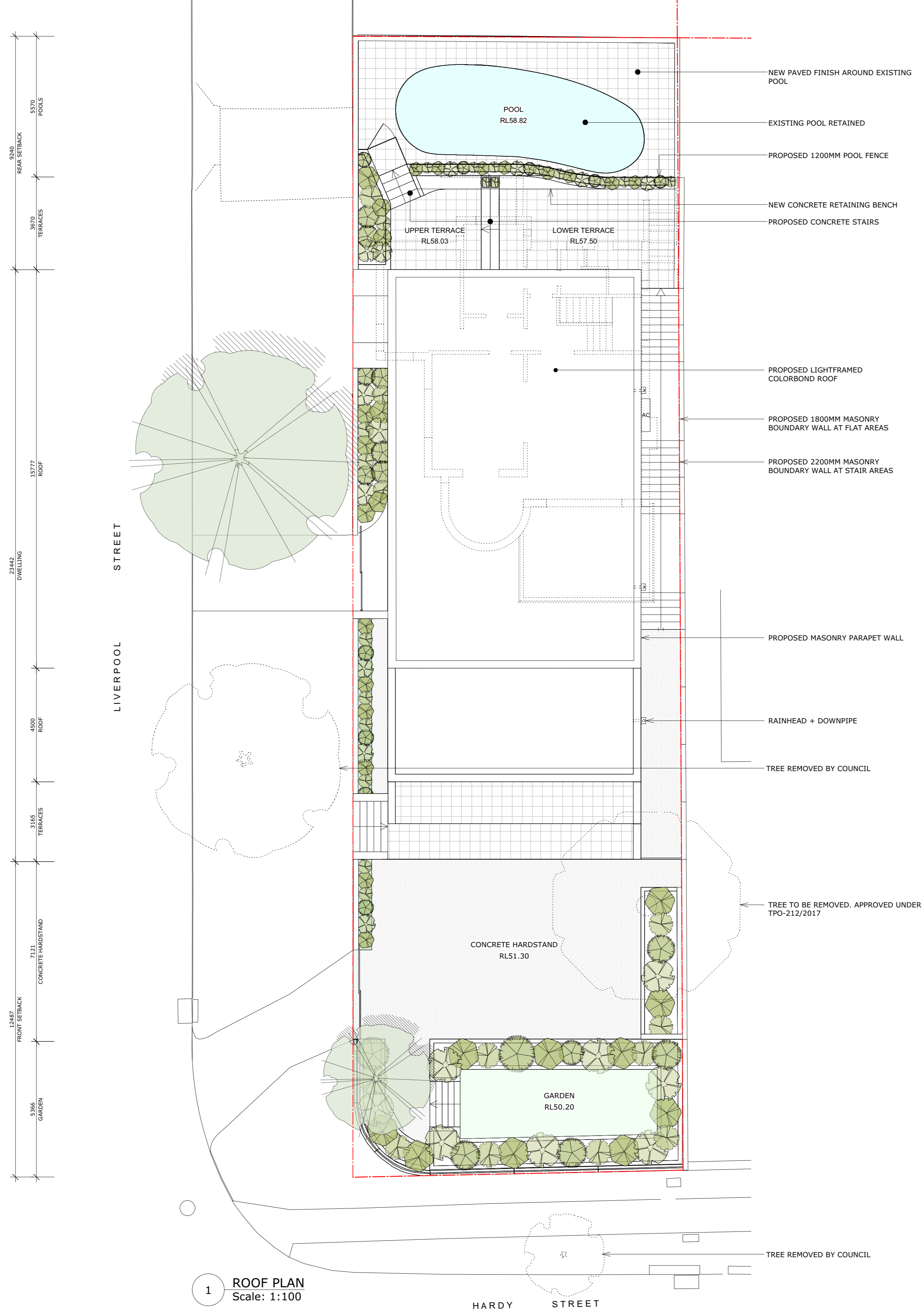
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KEY

EXISTING WALLS TO BE RETAINED	
PROPOSED NEW WALLS	
WALLS TO BE DEMOLISHED	
BOUNDARY LINE	



Rev	Date	Comment	By	Stage	75 HARDY	Drawing No.
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				Site Address	75 HARDY STREET, DOVER HEIGHTS	Scale
					LOT 14 DP11822	1:100
				Client	ARISTEA + RICHARD	Rev #
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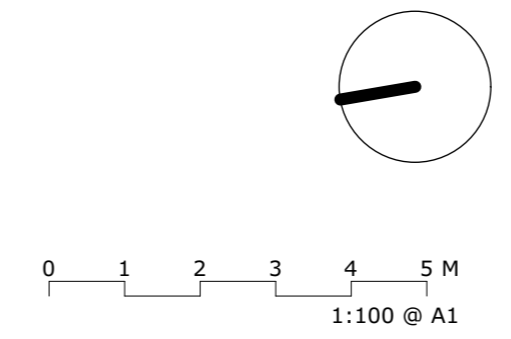


1 ROOF PLAN
 Scale: 1:100

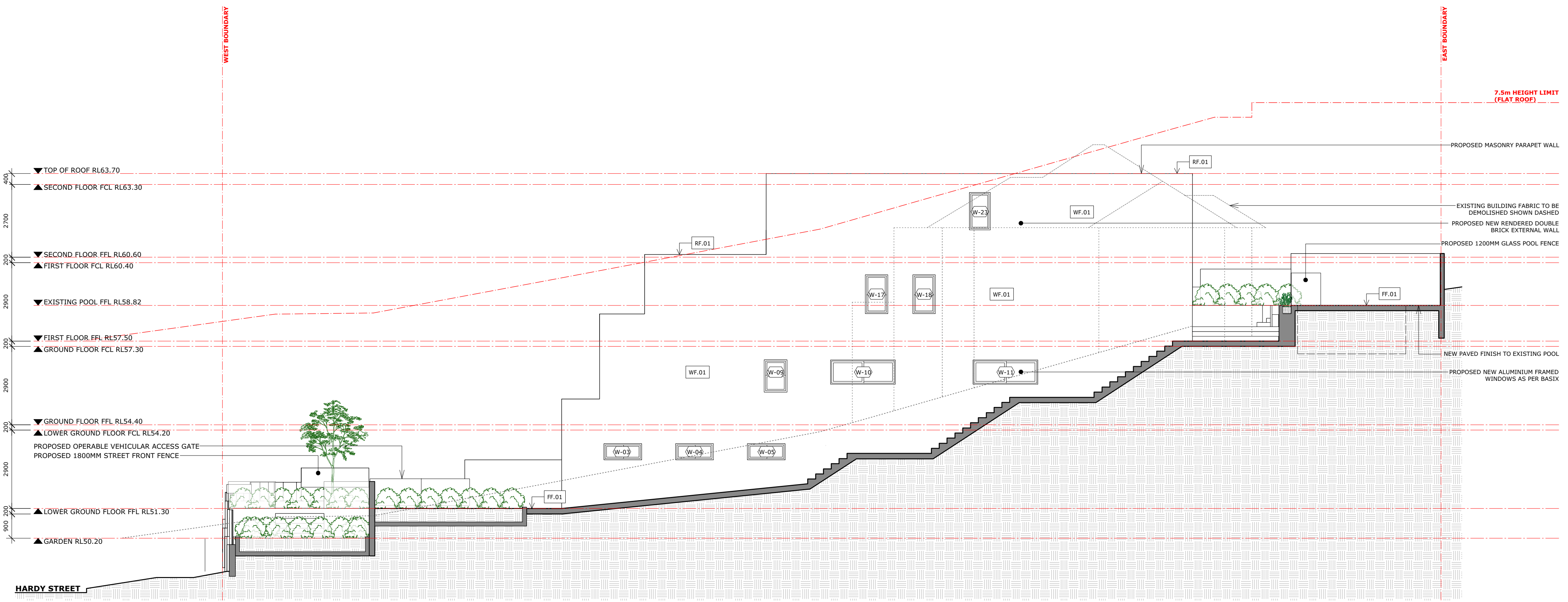


LEGEND

EXISTING WALLS TO BE RETAINED	
PROPOSED NEW WALLS	
WALLS TO BE DEMOLISHED	
BOUNDARY LINE	



Rev	Date	Comment	By	Stage	75 HARDY	Drawing No.
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				Site Address	75 HARDY STREET, DOVER HEIGHTS LOT 14 DP11822	Scale 1:100
				Client	ARISTEA + RICHARD	Rev #
				Project No.	Proj No.	Drawn By
				Dwg Date:	Plot Date:	Checked By
				Date	18/10/18	LC
						FK
						281



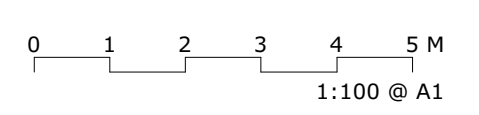
1 SOUTH ELEVATION
 Scale: 1:100



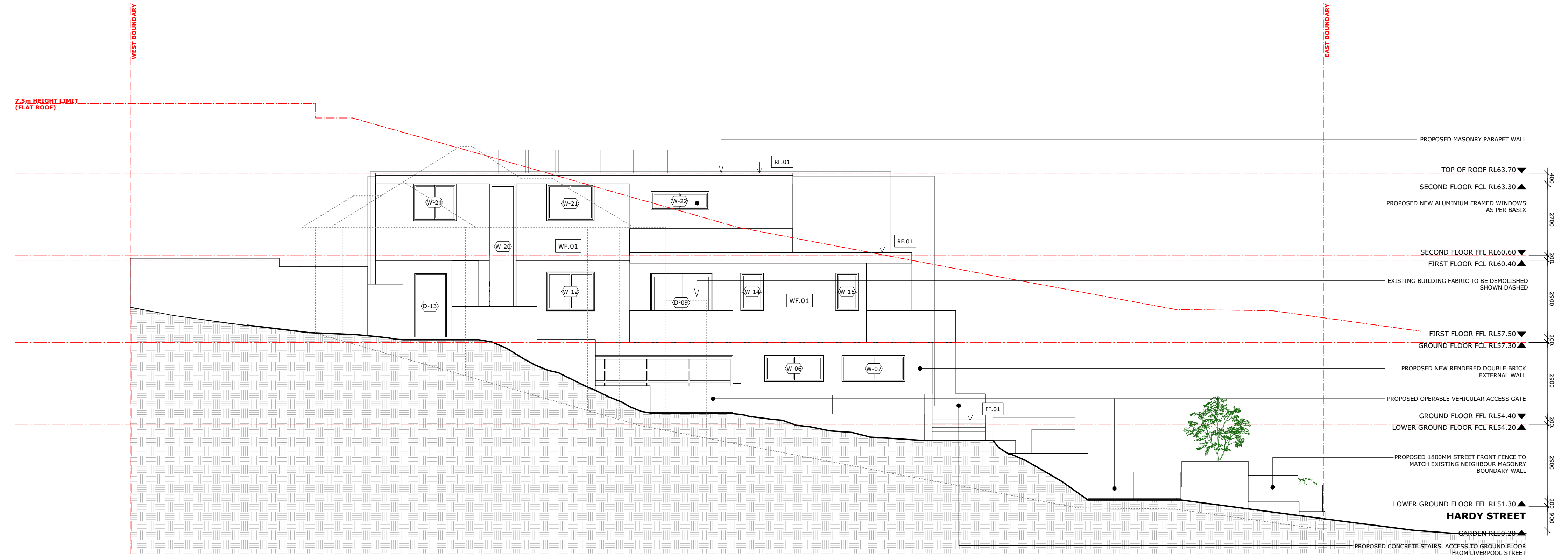
2 WEST ELEVATION
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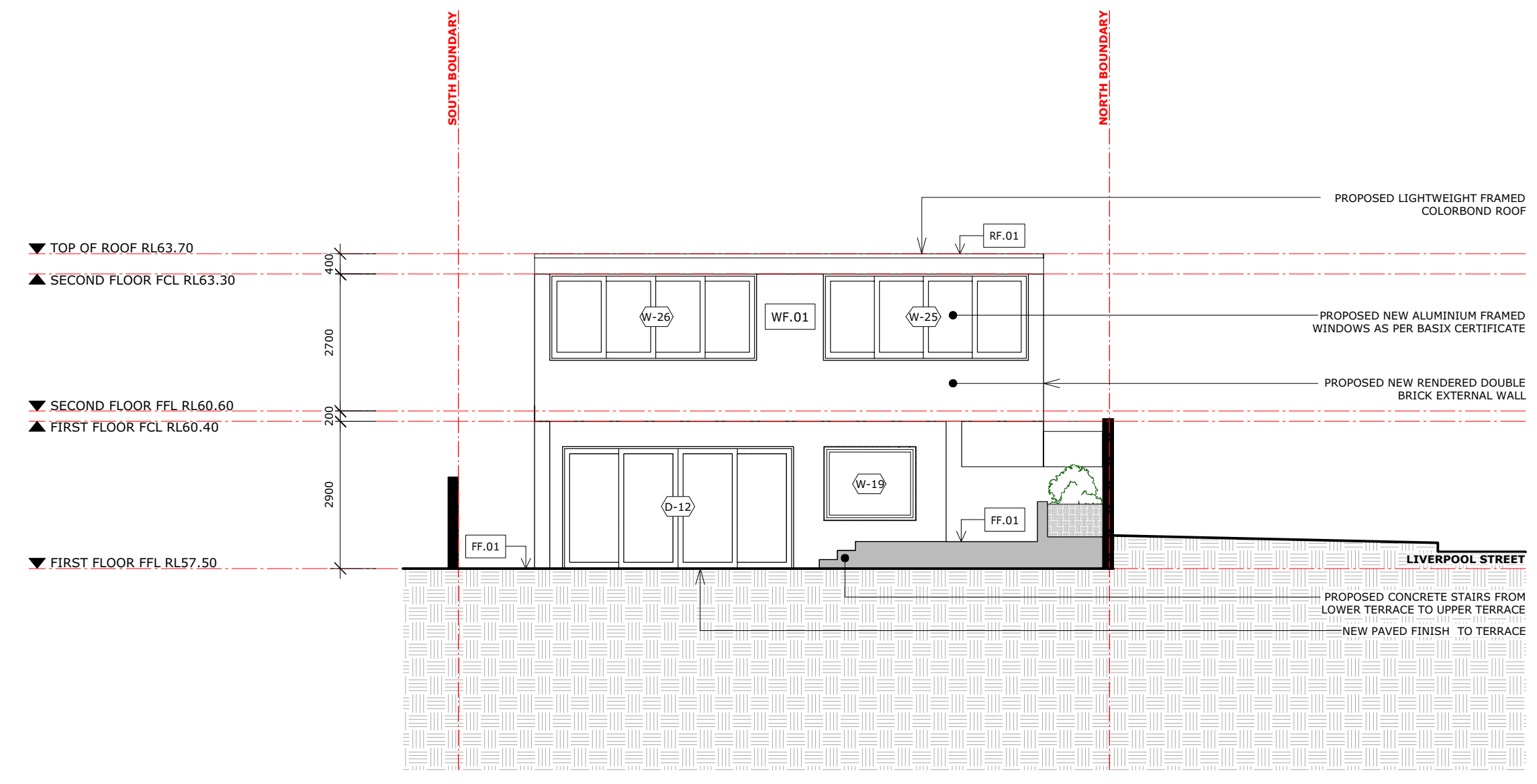
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PROPOSED NEW WALLS		RF.01	ROOF FINISH - CONCRETE
WALLS TO BE DEMOLISHED		FF.01	FLOOR FINISH - PAVERS
BOUNDARY LINE			



Rev	Date	Comment	By	Stage	75 HARDY	Drawing No.
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Issue	Date	Comment	By	Site Address	Drawing Title	Scale
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					Plot Date:	FK
					18/10/18	



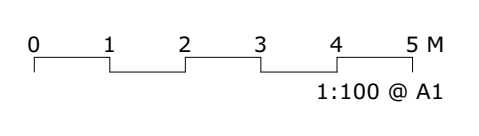
1 NORTH ELEVATION
 Scale: 1:100



2 EAST ELEVATION
 Scale: 1:100

KEY

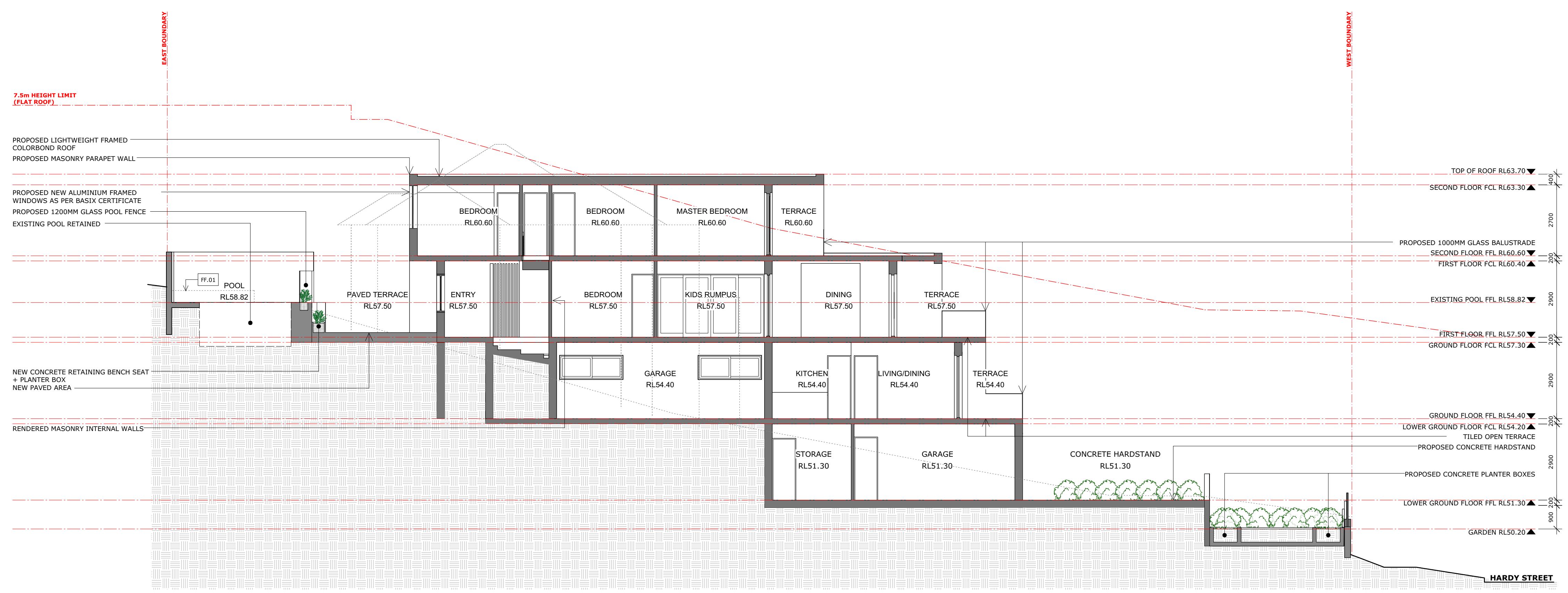
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PROPOSED NEW WALLS		RF.01	ROOF FINISH - CONCRETE
WALLS TO BE DEMOLISHED		FF.01	FLOOR FINISH - TILE
BOUNDARY LINE			



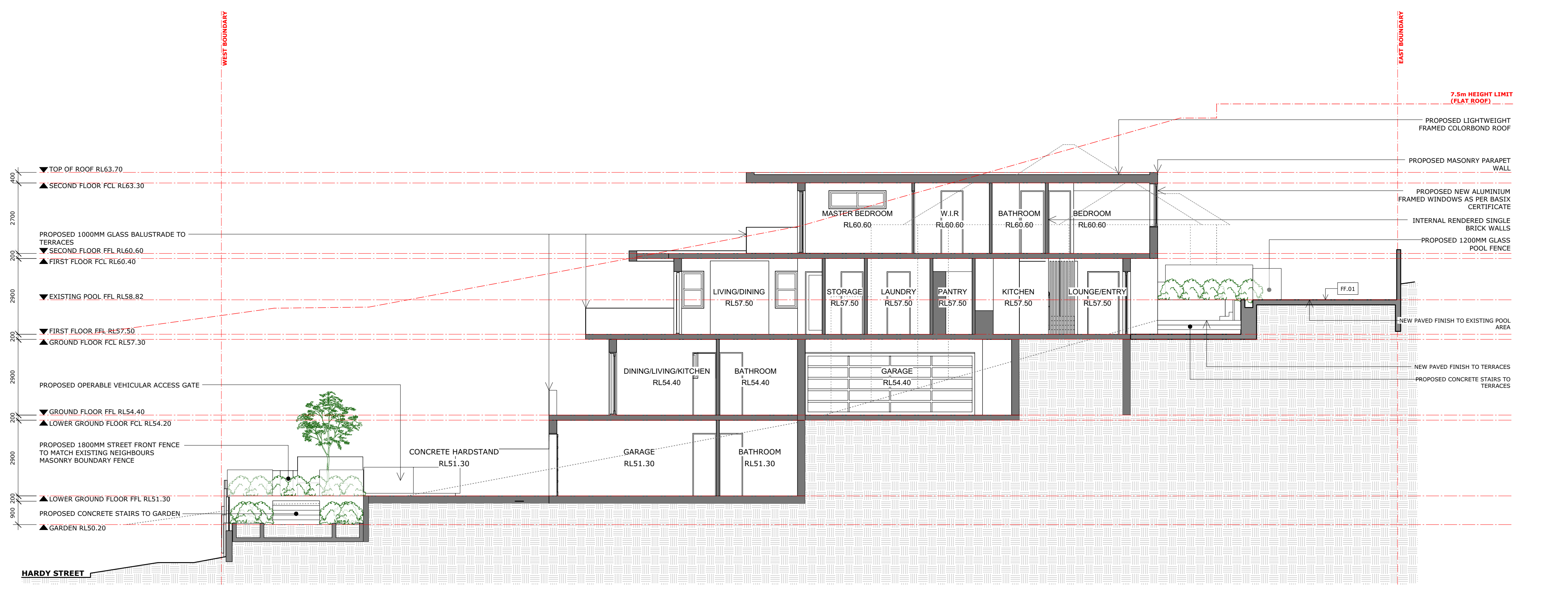
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				DEVELOPMENT APPLICATION	DA1.06	
				Site Address	75 HARDY STREET, DOVER HEIGHTS	Drawing Title
					LOT 14 DP11822	ELEVATIONS 2 OF 2
				Client	ARISTEA + RICHARD	Scale
				Project No.	3016	1:100
				Dwg Date:	Plot Date:	Rev #
				Date:	18/10/18	
				Drawn By	LC	Checked By
						FK

Architecture Interiors Landscapes

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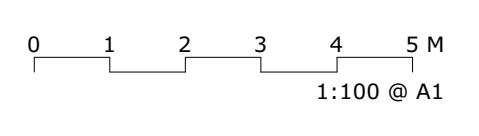
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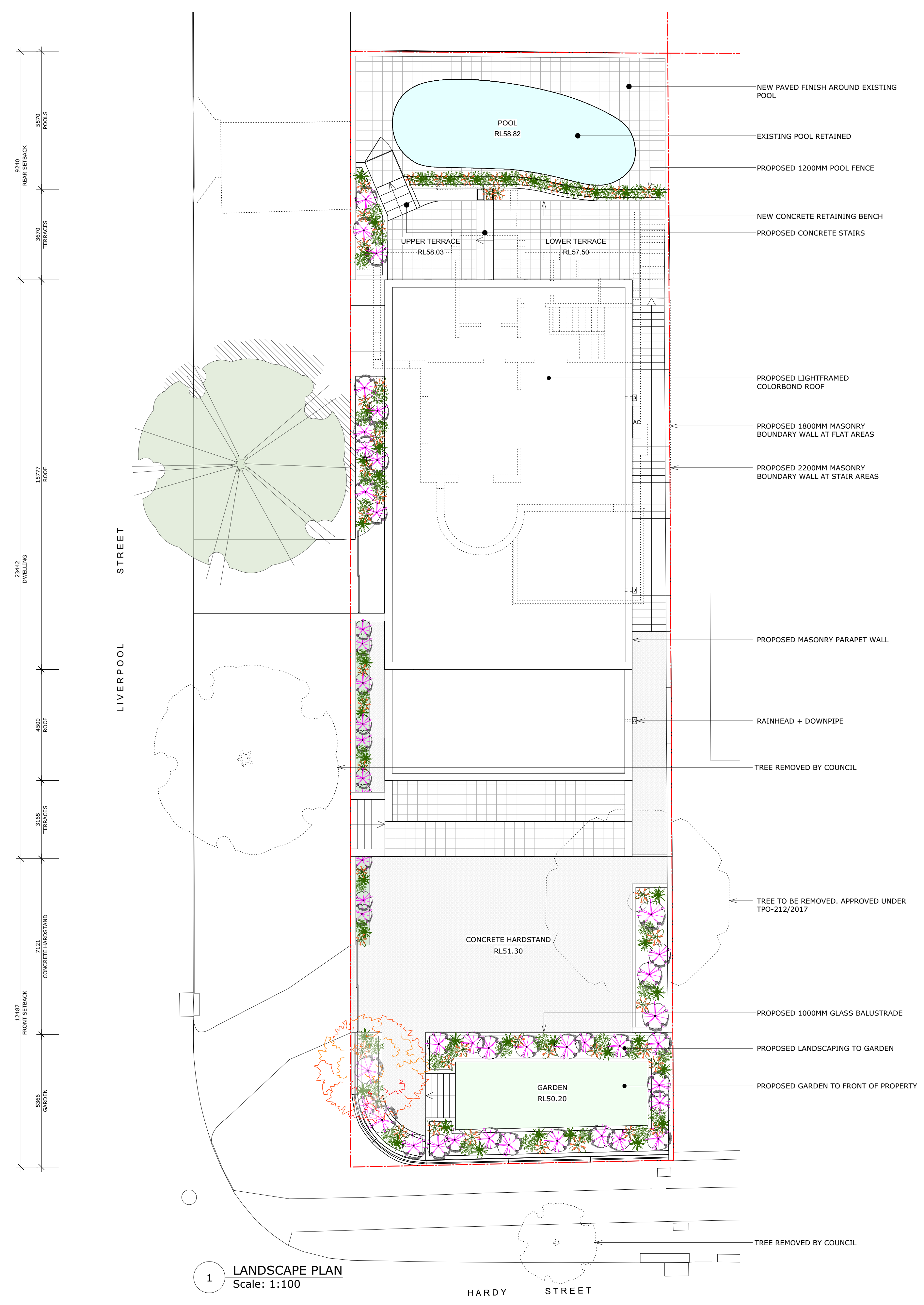
2 SECTION 02
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- KEY**
- EXISTING WALLS TO BE RETAINED
 - PROPOSED NEW WALLS
 - WALLS TO BE DEMOLISHED
 - BOUNDARY LINE



Rev	Date	Comment	By	Stage	75 HARDY	Drawing No.
1	18/10/18	DEVELOPMENT APPLICATION RESUBMISSION	LC	DEVELOPMENT APPLICATION	DA1.07	1
Issue					Site Address	Scale
1					75 HARDY STREET, DOVER HEIGHTS	1:100
Date					LOT 14 DP11822	Rev #
18/10/18					SECTIONS	
Comment					Project No.	Drawn By
DEVELOPMENT APPLICATION RESUBMISSION					3016	LC
By					Plot Date:	Checked By
LC					18/10/18	FK
Client					Date	
ARISTEA + RICHARD						

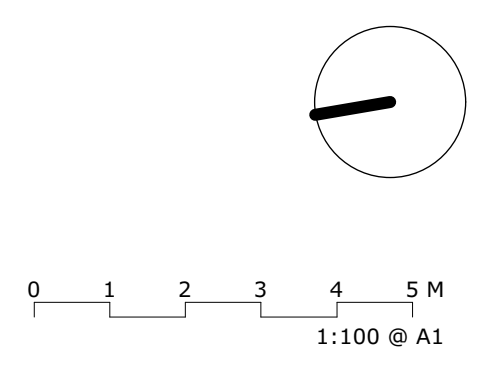


1 LANDSCAPE PLAN
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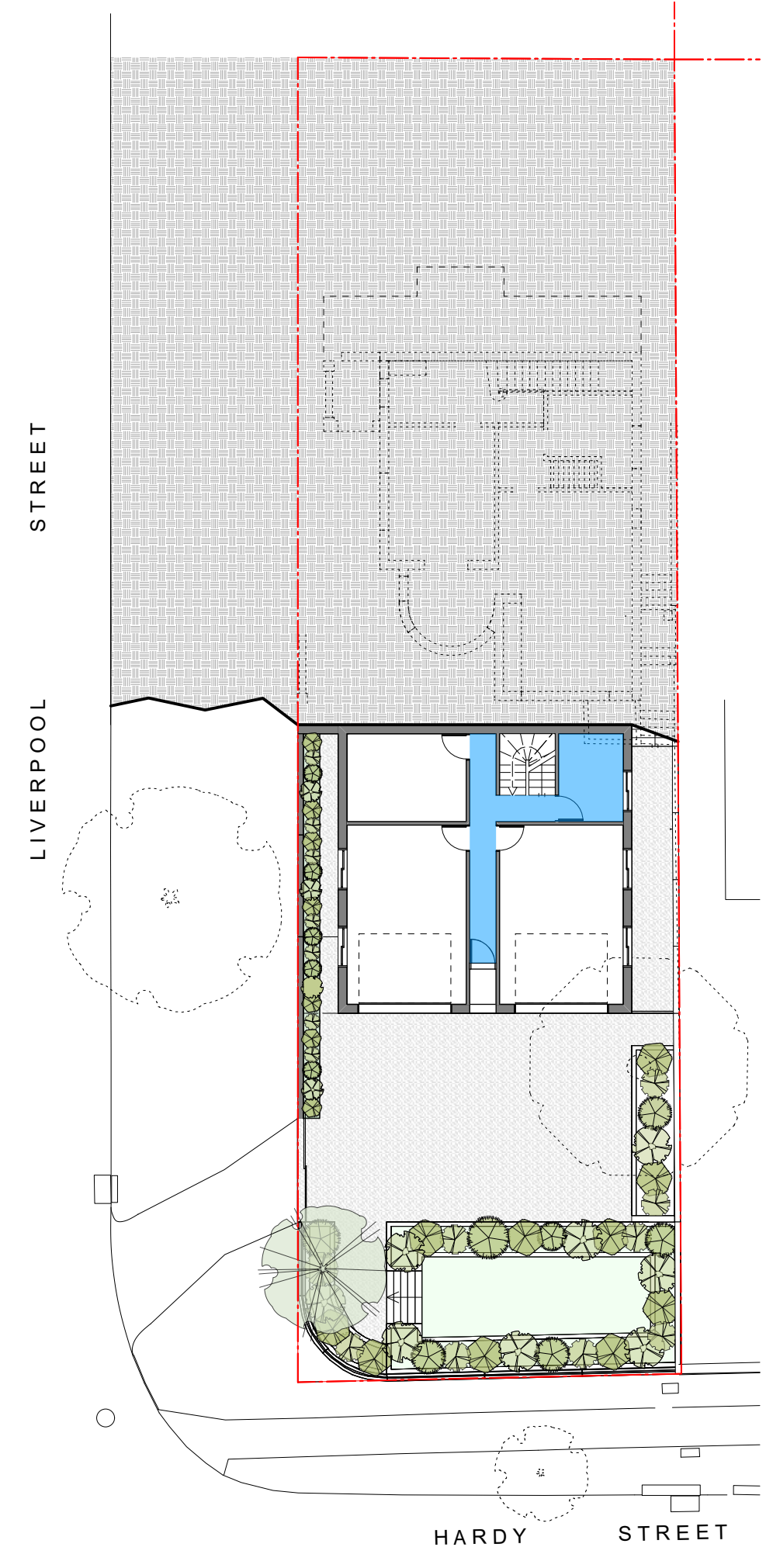
HARDY STREET

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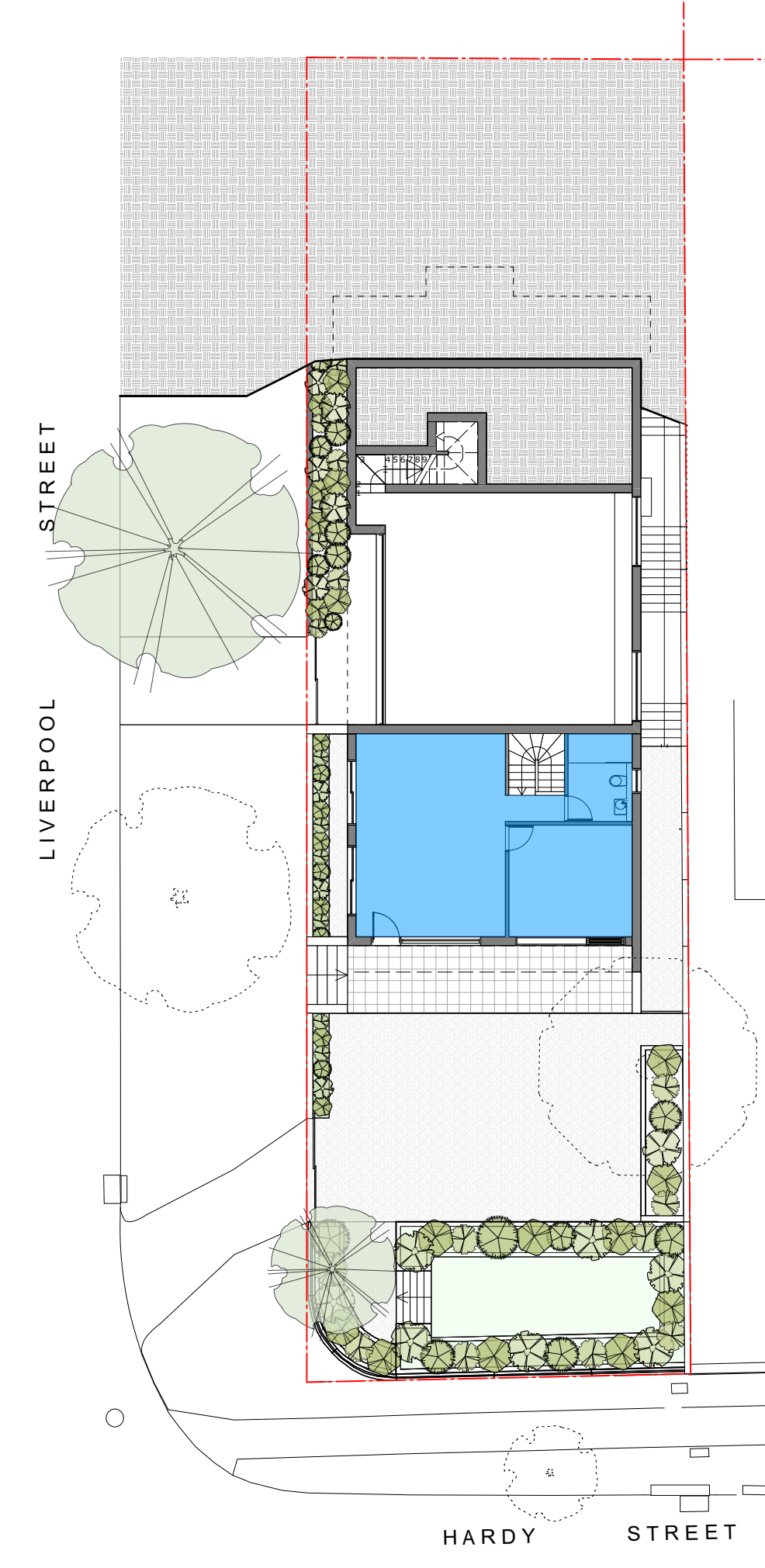
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Sr	Strelitzia Reginae	
Ye	Yucca Elephantipes	
Bd	Bouteloua dactyloides	
Ars	Acer Rubrum Scanlon	



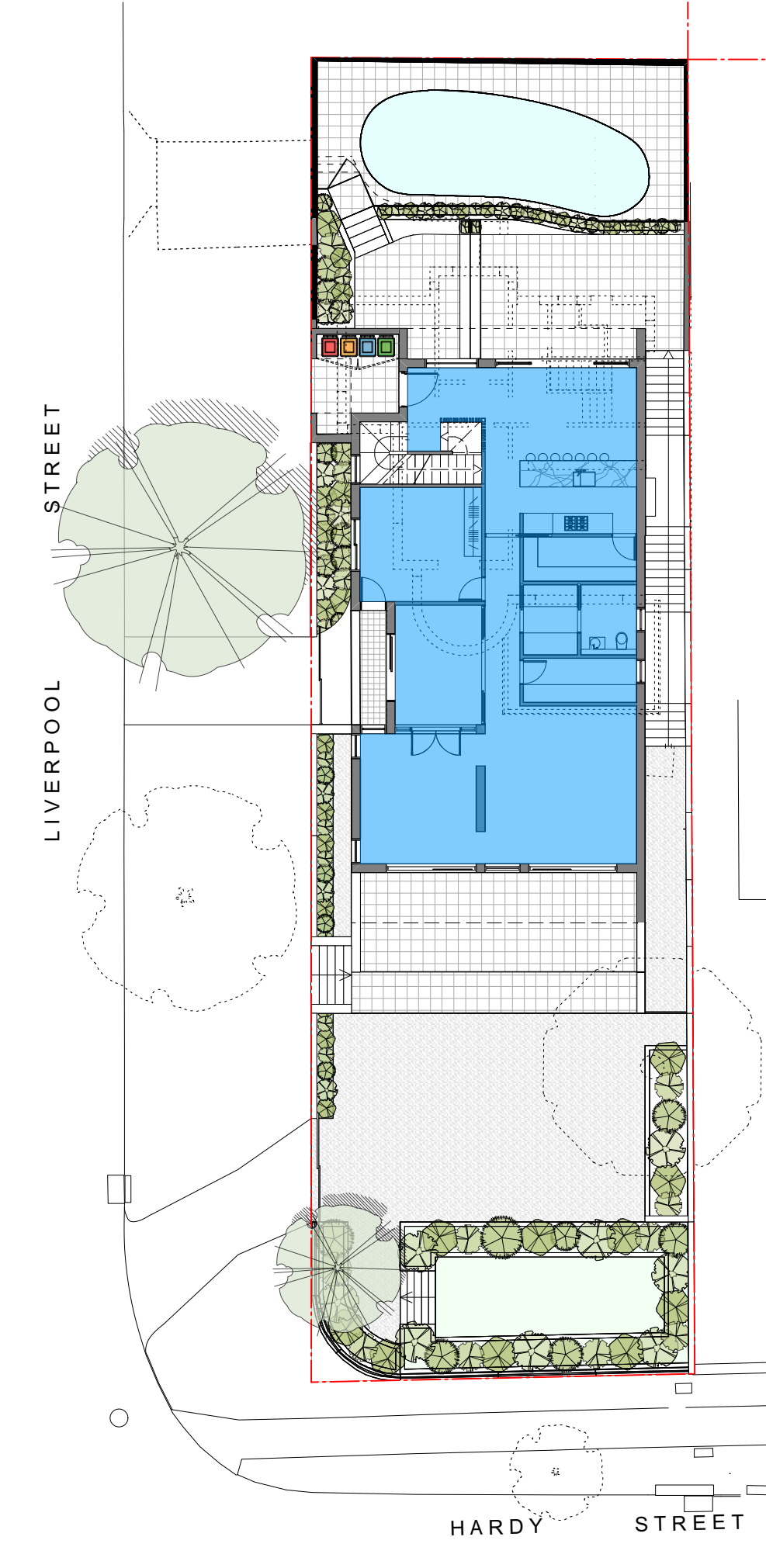
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Issue	Date	Comment	By	Site Address	Drawing Title	Scale
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				Client	Project No.	Rev #
				ARISTEA + RICHARD	3016	1
					Dwg Date:	Checked By
					Plot Date:	FK
					Date:	18/10/18



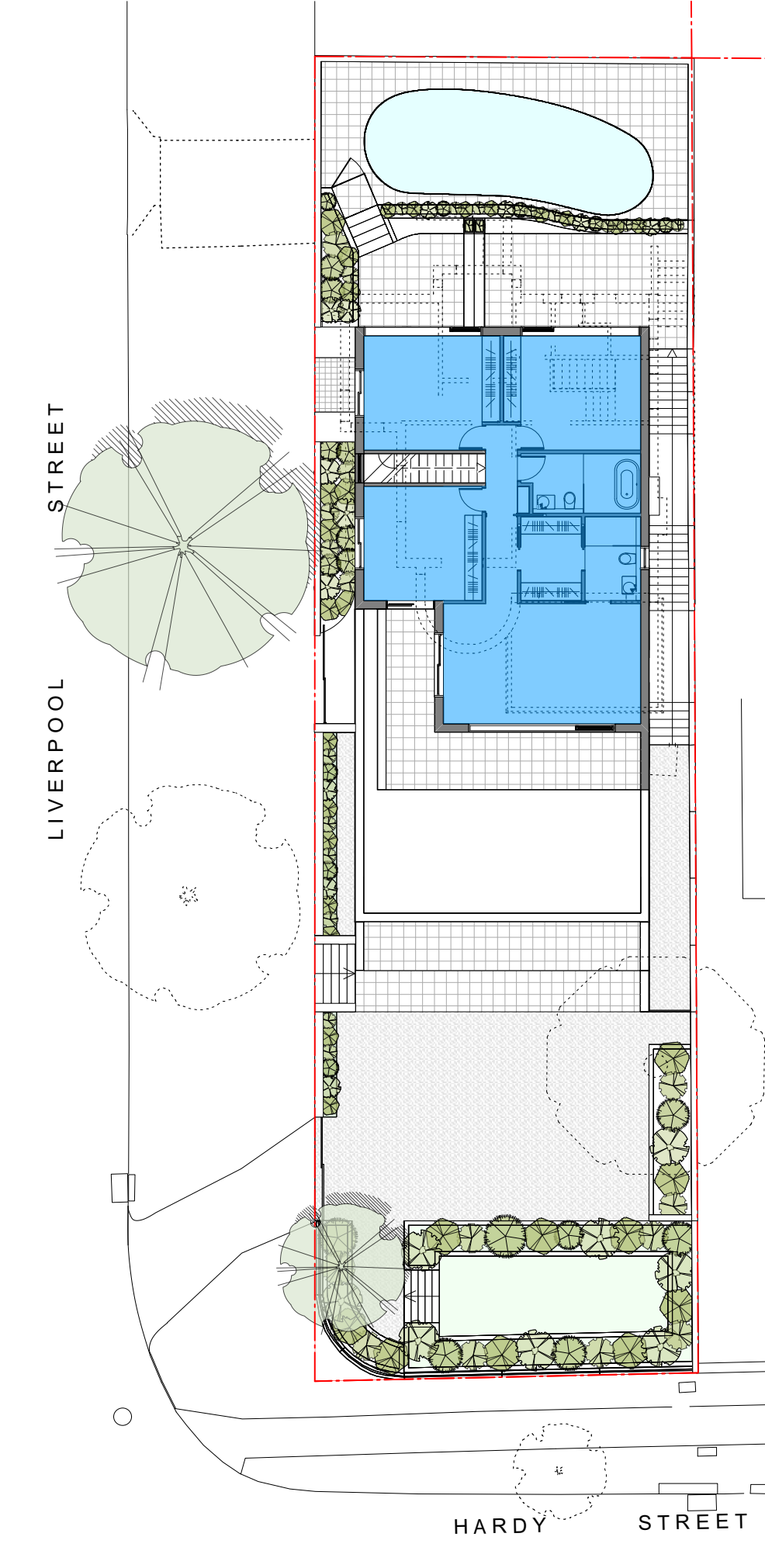
1 LOWER FLOOR PLAN
Scale: 1:200



2 GROUND FLOOR PLAN
Scale: 1:200



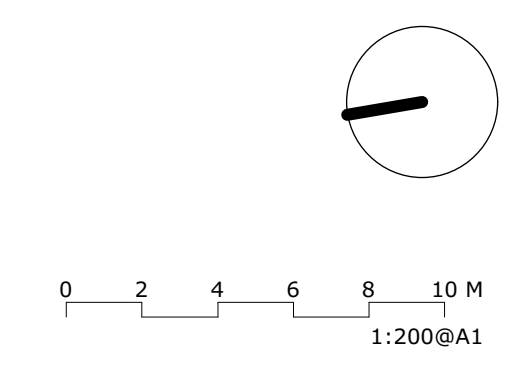
3 FIRST FLOOR PLAN
Scale: 1:200



4 SECOND FLOOR PLAN
Scale: 1:200

CALCULATIONS	
SITE AREA:	583.4m ²
LOWER GROUND FLOOR AREA:	15.56m ²
LOWER FIRST FLOOR AREA:	61.03m ²
UPPER GROUND FLOOR AREA:	142.92m ²
UPPER FIRST FLOOR AREA:	108.09m ²
TOTAL GROSS FLOOR AREA:	327.6m²

KEY
 FLOOR AREA



Rev	Date	Comment	By	Stage	75 HARDY	Drawing No.
				DEVELOPMENT APPLICATION		DA1.15
				Site Address	Drawing Title	Scale
				75 HARDY STREET, DOVER HEIGHTS	GROSS FLOOR AREA	1:200@A1
				LOT 14 DP11822	CALCULATIONS	Rev #
				Client	Project No.	3016
				ARISTEA + RICHARD	Dwg Date:	Plot Date:
					Date:	18/10/18
					Drawn By	Checked By
					LC	FK



Report to the Waverley Local Planning Panel

Application number	DA-327/2018
Site address	16 Owen Street, North Bondi
Proposal	Demolition of existing dwelling and construction of two storey dual occupancy with strata subdivision
Date of lodgement	13 September 2018 (Amended 13 Nov & 18 Dec 2018)
Owner	Mr A George & Mr O George
Applicant	Mr P Seaburg
Submissions	Seven submissions – all withdrawn (see council letter of confirmation dated 19 Nov 2018) as a result of discussions between the owners and all the objectors to amend the plans to retain the street tree and provide for a single vehicle crossing. Two letters of support, from both adjoining property owners, were submitted with the application.
Cost of works	\$1,113,121.00
Issues	FSR, Street Tree, Driveways
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 19 November 2018.

The site is legally known as Lot 10 in DP 8829 and is known as 16 Owen Street, North Bondi. The site has a width of 12.19m and length of 35.865m a total area of 437.2m². The site is occupied by a two storey dwelling and detached garage in the backyard.

The site is generally flat. The surrounding area is predominantly residential. The dwellings in the surrounding area include a mix of single and two storey dwellings, including dual occupancies. An attached two storey dual occupancy is located to the west of the site. A part one and part two storey semi-detached dwelling is located to the east of the site.

The site is not located within a heritage conservation area.

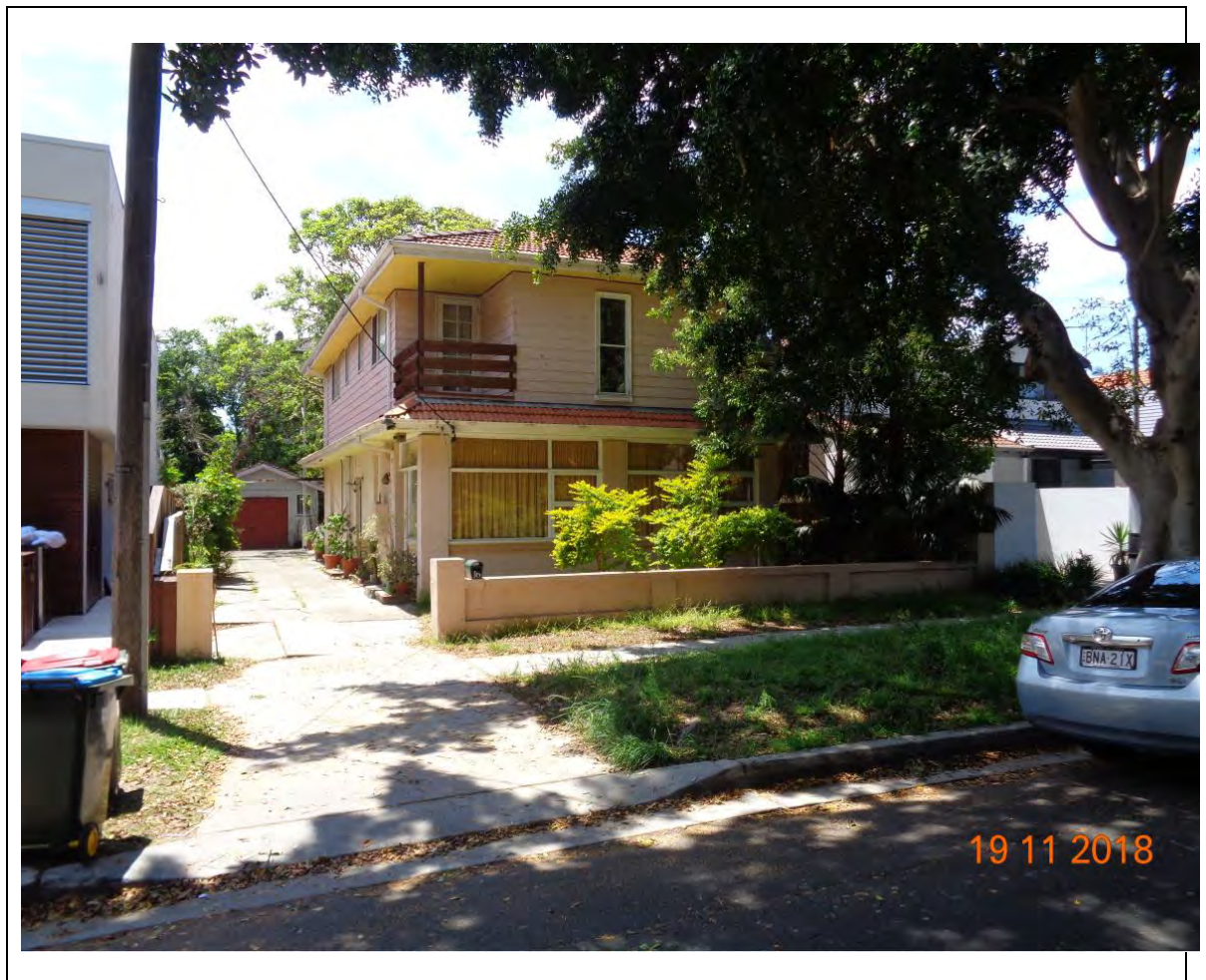


Figure 1: View of the existing dwelling on site viewed from the street.



Figure 2: View of the existing dual occupancy development at 14 Owen St, to the west of the site.

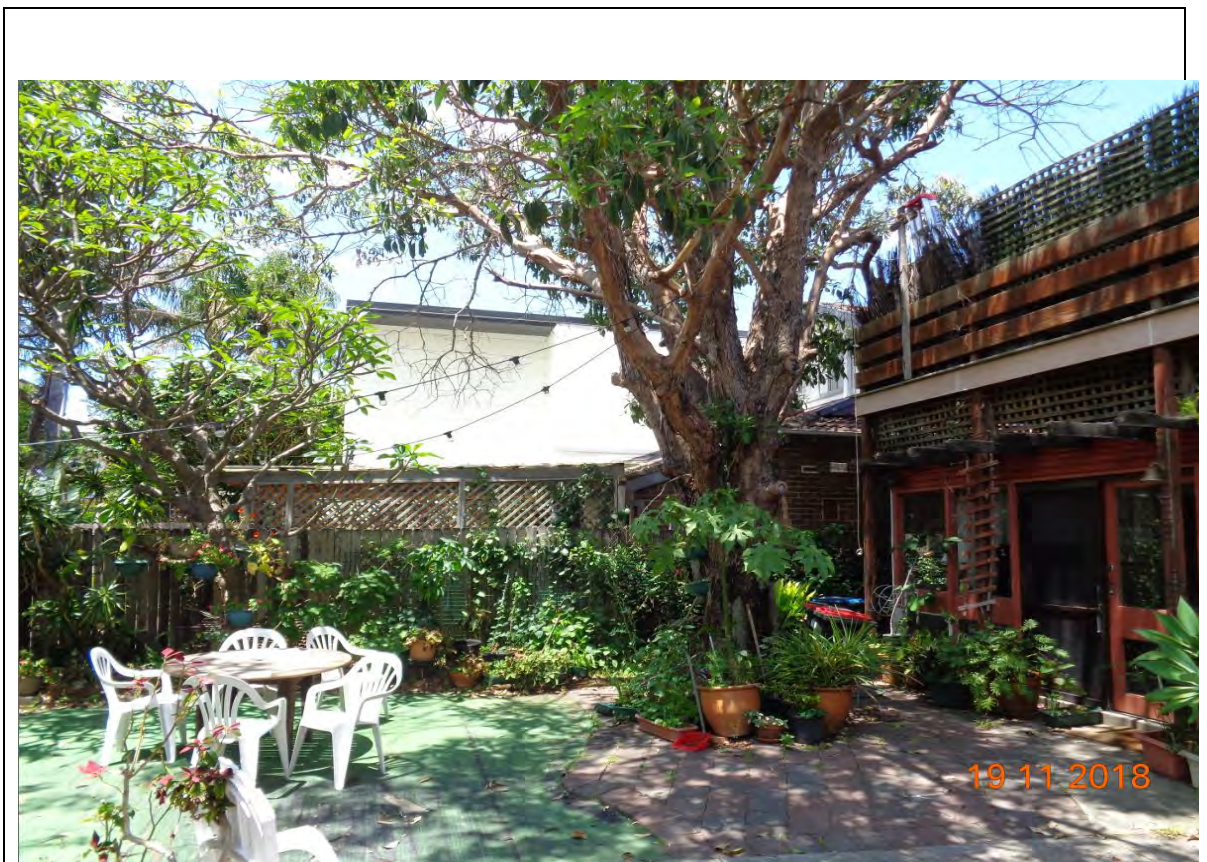


Figure 3: Existing rear elevation of the subject site and adjoining dwellings to the east of the site.

1.2 Relevant History

No development history for the subject site.

Subject DA history:

- 13 Sept 2018 - Application received and notified as per council policy.
- Seven submissions received, predominately objecting to the removal of the street tree and the provision of two vehicle crossings, which remove an on-site carspace.
- 13 Nov 2018 – Amended plans (providing retention of street tree and one vehicle crossing) received with letters from seven objectors withdrawing their objections to the proposal subject to the street tree remaining and only one vehicular crossing to be provided to the development.
- 19 Nov 2018 – Acknowledgement letter sent by council, to the objectors, noting withdrawal of their submissions to the proposal.
- 26 Nov 2018 – Deferral letter sent to applicant requesting additional information as follows;

“The proposal to Torrens Title subdivision of the proposal is not supported, as it falls well short of the required minimum size allotment requirement of 325m² per lot.

In this regard the application is to be amended to a Strata Subdivision proposal of the proposed dual occupancy development.

Should the amended proposal exceed the development standards, then a Cl 4.6 “Exception to Development Standard” application is to accompany the amended proposal”

- 18 Dec 2018 – Additional information lodged in compliance with Council’s deferral letter dated 26 Nov 2018.

Other Developments:

Development application history of dual occupancies (DO), alts and additional storeys (A+A) approved within Owen St on the northern side;

DA number	Address	FSR
DA-323/2008 – (DO)	2 Owen Street	.83:1
DA-324/2008 - (DO)	4 Owen Street	.83:1
DA-21/2016 - (DO)	8 Owen Street	.68:1
DA-374/2011 - (DO)	14 Owen Street	.79:1
DA-327/2018 – (DO)	16 Owen Street	.81:1 (Subject site)
DA-493/2014 - (A+A)	20 Owen Street	.79:1
DA195/2009 - (A+A)	30A Owen Street	.96:1
DA-529/2010 - (DO)	32 Owen Street	.9:1

1.3 Proposal

The application seeks permission for the demolition of existing dwelling and construction of an attached dual occupancy. Each dwelling comprises 3 x bedrooms, a study, living areas, swimming pool and garage. The application also seeks strata subdivision of the proposed development. A photomontage of the proposal is below.



Figure 4: Photomontage of the proposal provided by architect.

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 Section 4.15 (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 are to be 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

The subject site has historically been used for residential purposes. Accordingly, site land contamination from alternative uses 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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not against the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	This application seeks permission for strata subdivision of the attached dual occupancy.
Land Use Table R2 – Low density Residential Zone	Yes	The proposal is defined as an attached dual occupancy, which is permitted with consent in the Residential R2 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size • 325m ²	N/A	This application does not seek Torrens Title subdivision.
4.3 Height of buildings • 8.5m	Yes	The proposal provides for a 6.34m overall height development to the top of the parapet, which is well within the height limit.
4.4A Exceptions to floor space ratio Site Area: 437.2m ² Permitted FSR: 0.624:1 Permitted GFA: 272.8m ²	No	Proposed Gross Floor Area: 355.4m ² FSR: 0.81:1 Exceedance by 84.336m ² , a 30% departure from the control.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is located in a Class 5 acid sulfate area and excavation is proposed for the pool. According to the specifics of the clause further investigations are not required at DA stage. Conditions of consent are recommended should acid sulfate soils be discovered during excavation works.

Provision	Compliance	Comment
6.2 Earthworks	Yes	Conditions of consent are recommended to ensure the stability of the site and surrounding sites to address this Clause of the LEP.

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 0.81:1, which exceeds the floor space ratio development standard of 0.624:1 prescribed under clause 4.4A of Waverley LEP 2012 by 84.336m² in gross floor area or 30% (as proposed). Conditions are imposed to reduce the upper floor level, which in turn reduce the FSR variation down to 76m² or 27.8%.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard.

1. (i) Name of the applicable planning instrument which specifies the development standard:

Waverley Local Environmental Plan (LEP) 2012

(ii) The land is zoned:

R2 – Low Density Residential

(iii) The number of the relevant clause therein:

Clause 4.4 – Floor Space Ratio

This Clause 4.6 Exception to Development Standards should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by GSA Planning.

2. Specify the nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for variation relates is Clause 4.4A of the LEP - Exception to Floor Space Ratio. This clause operates in conjunction with the FSR Map which indicates a maximum FSR of 0.5:1 applies to the subject site. However, as the site is within zone R2 Low Density Residential and has a site area between 100m² to 550m², an exception to the 0.5:1 ratio is allowed as per Clause 4.4(A).

The proposed dwelling will have a gross floor area (GFA) of 355.4m² and a floor space ratio (FSR) of 0.81:1. The maximum FSR in this instance as per the Clause 4.4(A) calculation is 0.62:1. This represents a non-compliance of 84.336m².

The proposal will present a similar scale to surrounding developments and the adjoining approved built form at No. 14 Owen Street. It is not likely to result in significant amenity impacts to neighbouring dwellings. Importantly, the proposal complies with the 8.5m height control and minimum lot size.

3. Consistency with Objectives of Clause 4.6

It is noted that the objectives of Clause 4.6 seek to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. In the recent Court determination in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC118 (Initial Action), Preston CJ notes at [87,90]: Clause 4.6 Exceptions to Development Standards – FSR Page 3 Address 16 Owen Street, North Bondi - Job No. 18198

Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development...In any event, Clause 4.6 does not give substantive effect to the objectives of the clause in Clause 4.6(a) or (b). There is no provision that requires compliance with the objectives of the clause.

However, for abundant caution, it is still considered helpful to provide a preliminary assessment against the objectives of the Clause. The objectives of Clause 4.6 and our planning response are as follows:

Objective (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

Objective (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The proposal seeks flexibility in the application of the FSR development standard to the development in the circumstance of this particular case. It is our opinion that the proposed FSR is aligned with the emerging built form and precedent set by Council's recent approvals along Owen Street. The proposal still complies with the key envelope controls of building height and setbacks. Importantly, the proposal would be a compliant with the FSR development standards if the proposal was for the Torrens Title subdivision of the property. In our opinion, the scheme does not present an overdevelopment of the subject site.

The flexibility in these particular circumstances allows a better outcome for the development. The proposal will make a positive contribution to the area's character by replacing the existing aging dwelling with a high quality contemporary infill development. The proposed dual occupancy is consistent with the transitional residential character of the neighbourhood with a symmetrical design improving its appearance from the public domain. The proposed design is of a similar contemporary architectural design to the adjoining properties and therefore remains consistent with the character of the locality.

Although the proposal exceeds the FSR development standard, the dwelling represents an appropriate bulk and scale within the context of the locality and will make a positive contribution to the streetscape. Importantly, the proposal has been designed to ensure that there is minimal adverse impact on the amenity of neighbouring properties.

4. Justification of Variation to Development Standard

Clause 4.6(3) outlines that a written request must be made seeking to vary a development standard and that specific matters are to be considered. The clause is stated, inter alia:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

This written request justifies the contravention of the development standard by demonstrating that compliance is unreasonable or unnecessary in these circumstances; and there are sufficient environmental planning grounds to justify the non-compliance. These matters are discussed in the following sections. Clause 4.6 Exceptions to Development Standards – FSR Page 4 Address 16 Owen Street, North Bondi - Job No. 18198

4.1 Compliance with the Development Standard is Unreasonable and Unnecessary in the Circumstances of the Case

*Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ established five potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary. This is further detailed in *Initial Action* where Preston CJ states at [22]:*

These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way.

*It is our opinion that the proposal satisfies two of the five tests established in *Wehbe* and for that reason, the development standard is unreasonable and unnecessary in this instance. The relevant tests will be considered below.*

Test 1 - The objectives of the standard are achieved notwithstanding non-compliance with the standard;

*It is noted that under Clause 4.6(4)(a)ii, ‘achieved’ has been replaced by the lesser test of ‘consistent’. Commissioner Brown has considered the question of consistency in *Abrams v The Council of the City of Sydney* [2017] NSWLEC 1371, and at [26] held:*

*In considering the question of consistency, I have adopted approach of the former Chief Judge, Justice Pearlman in *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21 where, Her Honour expresses the following opinion [at 27]:*

The guiding principle, then, is that a development will be generally consistent with the objectives, if it is not antipathetic to them. It is not necessary to show that the development promotes or is ancillary to those objectives, nor even that it is compatible.

Despite the non-compliance, the proposal is consistent with the transitional character of the area. The proposal provides a bulk and scale that is consistent with that envisaged by Council’s controls and is consistent with the objectives of the FSR standard which will now be discussed.

(a) To ensure sufficient floor space can be accommodated within the Bondi Junction Centre to meet foreseeable future needs,

Not applicable.

(b) to provide an appropriate correlation between maximum building heights and density controls,
The proposal will present as a new two storey attached dual occupancy development under a strata subdivision. Each dwelling will comprise of four bedrooms, lounge, dining room, alfresco, rear balcony, kitchen, bathroom, laundry room and two bathrooms to give a total gross floor area (GFA) of 355.4m². The proposal is well below the maximum building height control, providing a flat roof which is consistent with the architectural styles along Owen Street. Clause 4.6 Exceptions to Development Standards – FSR Page 5 Address 16 Owen Street, North Bondi - Job No. 18198

Given the proposal's compliance with the LEP height standard and building envelope controls, it is our opinion that the proposal satisfies objective (b) as there is an appropriate correlation between the proposed building height and density.

(c) to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality,

The subject site is located within the R2 Low Density Residential Zone under the Waverley LEP. As addressed in the SEE, the locality is the transitional area between low to medium residential densities, comprising an eclectic mix of single and double storey attached and detached dual occupancies, residential flat buildings and detached dwelling houses. The character of the area is evolving with no single architectural style or era taking precedence. The proposal will result in a contemporary house that is compatible with the character of the locality.

The proposal complies with the height limit under the LEP and adopts front, side and rear setbacks that align with the DCP controls. It is considered that the proposal represents a similar level of bulk and scale to both adjoining properties. The proposal will also provide new landscaping and vegetation planting which softens any apparent bulk of the proposed building.

The existing streetscape was a key consideration in the design of the proposed dwelling. The proposal utilises a predominantly symmetrical design to present as a single dwelling house within the Owen Street streetscape and includes a flat roof and rear garden area, consistent with the objectives of the DCP. The proposal will therefore provide additional housing supply while maintaining a low density residential appearance from the streetscape.

Accordingly, in our opinion, the proposal is compatible with the bulk, scale, streetscape and existing character of the locality and is consistent with Objective (c).

Test 4 - the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

A number of developments within Owen Street have been approved in excess of maximum floor space ratio controls, setting a precedent for development in the area.

Of particular reference is Development Application (DA) No. 374/2011/1 relating to the adjoining property at No. 14 Owen Street for the construction of a dual occupancy which was approved with an FSR of 0.93:1, 0.11:1 above the control. The proposal is virtually identical to the adjoining approved dual occupancy in term of lot size, land use and built form.

Two additional DA's have recently been approved on Owen Street that exceed the FSR. These are DA34/2015 relating to No. 29 Owen Street to the south east, for the construction of an attached dual occupancy with strata subdivision was approved with an FSR of 0.76:1, 0.12:1 above the control.

DA27/2013 relating to No. 40 Owen Street to the east, for the construction of a dual occupancy and strata subdivision was approved with an FSR of 0.82:1, 0.19:1 above the control.

Accordingly, in circumstances where Council has approved other sites in Owen Street which exceed floor space ratio controls for dual occupancies, it can reasonably be stated that Council has abandoned the development standard for the locality and compliance with the standard is unreasonable. Clause 4.6 Exceptions to Development Standards – FSR Page 6 Address 16 Owen Street, North Bondi - Job No. 18198

4.2 There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

The proposal is permissible within the R2 Low Density Residential zone and is consistent with the relevant zone objective which is to provide for the housing needs of the community within a low density residential environment.

As demonstrated in the SEE, the proposal is consistent with the relevant zone objective and satisfies a number of the 'unreasonable and unnecessary' tests established by the Court in Wehbe.

The proposal is unlikely to result in adverse amenity impacts in terms of privacy, overshadowing or view loss, as discussed in detail in the submitted SEE. For these reasons, it is considered that the FSR non-compliance is unlikely to have adverse impacts and the proposal is in the public interest. As discussed, the proposal would remain compliant with the FSR development standard if a Torrens Title subdivision was proposed.

Accordingly, in our opinion, the non-compliance will not be inconsistent with existing and desired future planning objectives for the locality. For the reasons contained in this application, there are sufficient environmental planning ground to justify the minor variation to the development standard, as required in Clause 4.6(3)(b).

The justification presented in the written request is summarised as follows:

- *The Cl4.6 variation has adequately addressed both matters in Cl4.6(3) by providing a detailed justification in light of the relevant tests and planning considerations.*
- *The proposal is consistent with Tests 1 and 4 of Wehbe:*
 - *The objectives of the standard are achieved notwithstanding the non-compliance with the standard;*
 - *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*
- *Sufficient environmental planning grounds include, inter alia:*
 - *The proposed FSR facilitates a low density development consistent with the planning objectives of the area;*
 - *The development will positively contribute to the transitioning density along Owen Street;*
 - *The proposal is consistent with the recently approved adjoining properties, and therefore consistent within the streetscape; and*
 - *The proposal is compliant if a Torrens title subdivision was proposed.*
- *The proposed development is consistent with the objectives of the FSR standard as addressed under Test 1 of Wehbe. The proposal is also consistent with the objectives of the R2 Low Density Residential Zone, as addressed in the SEE.*

It is considered that the arguments in the applicant's written request demonstrate, in accordance with subclauses (3) and (4), that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.

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

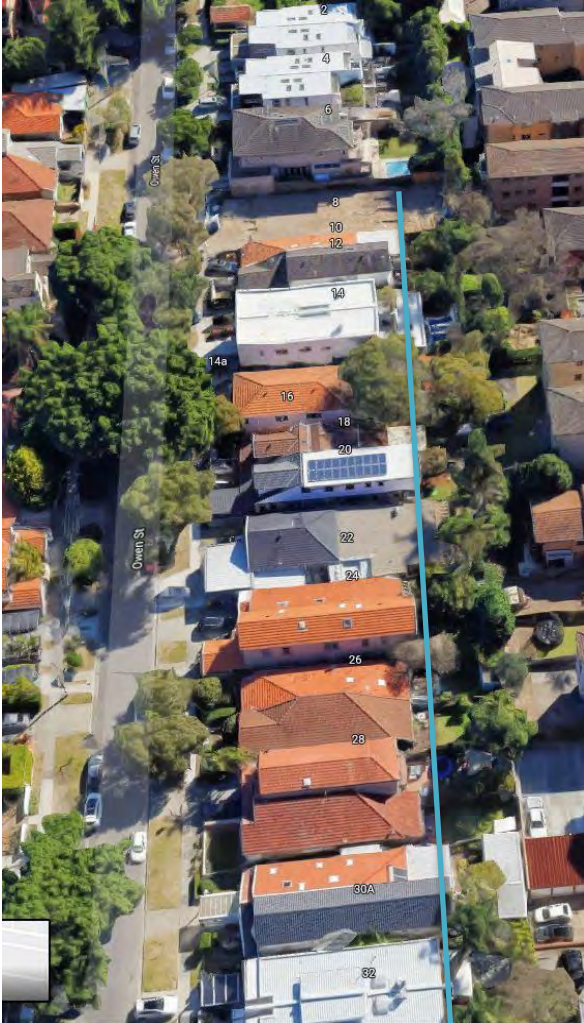
The relevant matters to be considered under the Waverley DCP 2012 for the proposed development are outlined below:

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

Development Control	Compliance	Comment
1. Waste	Yes	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. Accordingly, the application is consistent with all relevant energy and water conservation targets, including those specified in the WDCP 2012.
5. Tree preservation	Yes	See Tree Management Officer's comments and recommendations in Section 3.3.
6. Stormwater	Yes	The plans prepared by Australia wide Consulting services P/L, Dwg Nos. SW 01, SW 02 – A, dated 08/08/2018 & SW 03 & SW 04 - A, dated 11/9/2018 and received by council on 13 September 2018 are satisfactory with respect to the stormwater details. Conditions of consent are recommended.
8. Transport	Yes	The proposal generally complies with the relevant objectives and controls relating to transport and on-site car parking. Additional assessment is provided under Part C1 of the DCP and discussed in the Issues section of the 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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Yes	The dwelling does not exceed the 7.5m height limit for flat roof dwellings. Overall height is 7.34m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes No	The dwellings have a consistent front setback with the adjoining buildings on either side. The rear setback at ground floor level align with the adjoining developments.

Development Control	Compliance	Comment
	(Partial compliance)	<p>The rear setback at upper floor level extend beyond the upper floor alignment with the adjoining developments by 4.31m being the adjoining dual occupancy development.</p> <p>It is noted that the owners of both adjoining premises supplied letters of support for the proposed development.</p> <p>The proposed rear setback of 8.645m is not supportable as recent developments have approximate upper floor rear setbacks of 9.8m (32 Owen St) or more. See Google Maps image below:</p>  <p>A condition shall be imposed requiring that the upper floor rear setback be a minimum of 9.8m. — = 9.8m rear upper floor building line.</p>

Development Control	Compliance	Comment
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	The dwellings are setback 900mm from the side boundaries.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The proposal complies with the side setback objectives and controls.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. Maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained. 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal incorporates a flat roof which is in keeping with the emerging character of the area.</p> <p>The proposal does not dominate the streetscape having an appropriate setback, bulk and scale and in keeping with the emerging character of the area.</p> <p>The proposal maintains the street tree at the front of the site to the betterment of the streetscape.</p>
1.5 Dual occupancy development		
<i>Minimum lot size:</i> <ul style="list-style-type: none"> 450m² for attached 	No	The land area is 437.2m ² and therefore falls short with the minimum requirement.
1.7 Fences		
<i>Front:</i> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <i>Side and Rear:</i> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p>	<p>No front fencing proposed.</p> <p>No changes are proposed to the existing side and rear boundary fencing.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to 	Yes	The windows to living areas are located at ground floor and are not considered to cause unreasonable overlooking impacts given that the

Development Control	Compliance	Comment
habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or otherwise mitigated		dividing fence between properties will obscure direct views to the adjoining dwellings.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	Yes	<p>The living areas of the dwelling are located to the north, therefore direct sunlight is not restricted to these areas.</p> <p>The proposal will not result in additional unreasonable overshadowing impacts to the adjoining properties.</p>
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Each dwelling has 4 bedrooms (inclusive of the study), therefore the provision of a double garage for each is satisfactory, although on the plans, the garage is depicted as a singular garage.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The garages are incorporated into the design of the dwelling and do not interrupt the front building alignment of the street.
1.11.3 Design	Yes	<p>The garage complements the design of the dwelling and being partially excavated does not dominate the appearance of the property in the streetscape.</p> <p>The DCP requires dual occupancies to utilise shared access ways. Amended details received on 13 Nov 2018, provides for a single shared driveway.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Each garage has internal dimensions of 5.82m x 4.4m which is sufficient in size for a large single garage.

Development Control	Compliance	Comment
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • No loss of 2 or more spaces. 	Yes	The application proposes a shared driveway for each dwelling proposed in the dual occupancy development. No on - street car space will be lost as a result of the proposal.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 	Yes	47% (206m ²) Open Space 16% (70m ²) Landscaping More than 25m ² private open space is provided for each dwelling 100% open space 50% landscaped area
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> • Located in the rear of property 	Yes	Each pool is located at the rear of the property and away from the side and rear boundaries with adjoining properties. Conditions of consent are to be imposed regarding noise from the pool equipment.

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

Site Area for Dual Occupancies

Council's controls require a minimum site area of 450m² for attached dual occupancies. The site area is 437.2m² and therefore falls marginally below the minimum requirement. This level of non-compliance does not result in an unreasonable building form nor does it diminish the amenity provided to the future occupants of the site, and is supported.

2.2 Section 4.15(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 4.15(1)(c) – Suitability of the Site for the Development

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

2.4 Section 4.15(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*.

Seven (7) submissions were received during this time. All seven submissions were later withdrawn. All the issues which concerned the objectors were addressed by amended plans received 13 Nov 2018, which retain the street tree and provide for one vehicular crossing which translates to no loss of on-street parking.

Table 4: Summary of property addresses that lodged a submission

Property
N/A

2.5 Section 4.15(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 application was referred to Council’s Engineers on 14/09/2018, however no comments have been received at the time of this assessment.

Standard conditions relating to the construction of driveways on council property will be imposed, which require a separate application to be approved by Council’s Engineers.

3.2 Stormwater – Creating Waverley

The application was referred to Council’s Stormwater Engineers on 14/09/2018, however no comments have been received at the time of this assessment. The service standard states;

The service standard for internal referrals is 14 days. If no comment is received within 14 days it may be assumed that there are no outstanding issues and standard conditions of consent will be imposed.

It is therefore deemed that the hydraulic details submitted with the application are satisfactory.

3.3 Tree Management Officer – Clean and Attractive Waverley

Plans for the proposed development have been examined and the application is recommended for approval subject to the conditions.

- *Landscape plan prepared by Terra Flora Landscape Services, DWG; LP09818, issue 3; Date: 11/09/18 is satisfactory and **should be used** as the approved landscape plan.*
- *Situated on the nature strip is one (1) *Ficus microcarpa var hilli* (hills weeping fig). The tree is in good health. **Retain & protect**. The proposed double driveway proposal **is not supported**. Alternative single driveway design to be a minimum of 5 metres distance from the trunk of the street tree to be considered.*

Other standard tree management conditions also to be imposed as specified in the referral.

Note: Amended plans received on 13 November 2018 now provide for the retention of the street tree, as required by Council's Tree Management Officer, and the provision of a singular shared driveway.

4. SUMMARY

The proposal seeks consent for demolition of dwelling, construction of a dual occupancy development including garages, pools and strata subdivision.

The proposal complies with Council's height standards but it is noted that there is a breach in the FSR. The FSR non-compliance is supported, given it satisfies the considerations of Clause 4.6, meeting the objectives of the controls, the zone, with no adverse environmental impacts. To support the variation would therefore not be against the public interest. Further, the rear upper floor external wall setback is to be increased to 9.8m so as to comply with the rear upper floor building line and the objectives of the Waverley Development Control plan 2012 which will also marginally reduce the FSR of the development.

Seven submissions were received and later withdrawn and are discussed within the report. All the issues which concerned the objectors were addressed by amended plans received 13 Nov 2018, which retain the street tree and provide for one vehicular crossing which translates to no loss of on-street parking. The proposal satisfies the considerations of Section 4.15 of the Act, and is supported subject to the conditions below.

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:

Paul Yachmennikov
Senior Development Assessment Planner

Arif Faruqi
Manager, Development Assessment (North)

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

Date: 2 January 2019

Date: 22 January 2019

Reason for referral:

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

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

(a) The following plans:

Drawing Number and Description	Date of Drawing	Author of Drawing	Received by Council Date
Schedule of external finishes	undated	Third Wave Design	13/09/2018
B.01 - BASIX Commitments	06.08.18	Third Wave Design	13/09/2018
0.01 – Site Analysis Plan	06.08.18	Third Wave Design	13/09/2018
1.01 – Site Plan – Amd't B	25.10.18	Third Wave Design	13/11/2018
1.02 – Ground Floor - Amd't B	25.10.18	Third Wave Design	13/11/2018
1.03 – Level 1 Plan	06.08.18	Third Wave Design	13/09/2018
1.04 – Roof Plan	06.08.18	Third Wave Design	13/09/2018
2.01 – Section A & B	06.08.18	Third Wave Design	13/09/2018
3.01 – Elevations South & West	06.08.18	Third Wave Design	13/09/2018
3.02 – Elevations North & East	06.08.18	Third Wave Design	13/09/2018
SW01 – Cover Sheet Notes	08.08.2018	Australiawide Consulting Services P/L	13/09/2018
SW02_A – Erosion & Sediment Control Plan	08.08.2018	Australiawide Consulting Services P/L	13/09/2018
SW03 – Stormwater Drainage Plan	11.09.2018	Australiawide Consulting Services P/L	13/09/2018
SW04_A – Miscellaneous Detail Sheet	11.09.2018	Australiawide Consulting Services P/L	13/09/2018
Sheets 1 to 5 – Landscape Concept Plan	11.09.2018	Cerra Flora Landscape Services	13/09/2018
Sheets 1 to 3 – Draft Strata Plan	27.11.2018	Hannah Martin	18/12/2018

(b) The following written documents:

Document Description	Date of Document	Author of Document	Received by Council Date
BASIX Certificate	6 Aug 2018	The House Energy Rating Company of Aust.P/L	13/09/2018
Aboricultural Impact Statement	31 Aug 2018	Melanie Howden	13/09/2018

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The rear upper floor external wall setback is to be increased from 8.537m to a minimum setback of 9.80m and the associated balconies moved back respectively which are to remain at 1.5m depth, so as to comply with the objectives of the Waverley Development Control plan 2012.

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. DOMESTIC HEATERS

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

4. BONDI - ROSE BAY SAND BODY

This site is located within the Bondi - Rose Bay Sand Body as identified in Council's Aboriginal Cultural Heritage Study 2009. Should an object of potential Aboriginal or archaeological significance be discovered during the demolition, excavation or construction period associated with this development, works are to immediately cease and the NSW National Parks and Wildlife Service must be contacted. Works may resume on the site pending receipt of express written permission from the NSW National Parks and Wildlife Service. Waverley Council must be notified of any referral to the NSW National Parks and Wildlife Service and be provided with a copy of any subsequent response.

5. INSTALLATION OF AIR CONDITIONING

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

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

6. INTRUDER ALARM

Intruder alarm/s associated with the development must operate only in accordance with the requirements of Clause 53 of the *Protection of the Environment Operations (Noise Control) Regulation 2008* under the *Protection of the Environment Operations Act, 1997*.

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. USE OF EACH DWELLING

Each dwelling is to be used only as a single unit dwelling house.

9. EXCAVATION TO BE LIMITED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. SECTION 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/

- (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 2012 may be inspected at Waverley Council Customer Service Centre.

Advisory Note

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

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$20, 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

12. TREE PRESERVATION BOND

A bond of \$10,000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front 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.

13. 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.

14. STAMPING OF DEVELOPMENT APPLICATION PLANS BY SYDNEY WATER

The approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating
- or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

- ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- if there is a combined Development/Construction Certificate application, ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to works commencing on site.

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 ; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with the Environmental Planning & Assessment Act, 1979 and 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. HOARDING REQUIRED

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

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

17. 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.

18. 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.

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 4.5tonnes 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.

20. 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.

21. 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.

22. 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.

23. 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*.

24. 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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. PRIOR TO SITE WORKS

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

- (a) the name and contractor licence number of the licensee who has contracted to do, or intends to do, work ; or
- (b) the name and permit number of the owner/builder who intends to do the work; and

(c) any change to these arrangements for doing of the work.

26. HOME BUILDING ACT

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

27. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

28. 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.

29. 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.

30. 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.

31. TOILET FACILITIES

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

32. NO USE OF ORGANOCHLORIN PESTICIDES

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

33. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

34. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.

43. BUILDING CODE OF AUSTRALIA

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

44. 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.

45. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) ACT - INSPECTIONS

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

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

The specified **MANDATORY** inspections are:

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, where relevant:

- (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.

46. CERTIFICATE OF SURVEY - LEVELS

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

47. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

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

48. ENCROACH BEYOND THE BOUNDARIES

No portion of the proposed **works** including the footings and roof eaves, to encroach beyond the boundaries of the subject property.

49. 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.

50. 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.

51. 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.

52. TREE PRESERVATION

For trees not approved for removal, a tree preservation order exists in the Waverley Local Government Area. Before any site can be developed, an application must be made in writing to Council prior to removal of tree/trees. Should permission be granted, the applicant will receive a permit to proceed.

53. STREET TREES

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

54. TREE PROTECTION

The existing *Ficus microcarpa* var *hilli* (hills weeping fig), is to be protected for the duration of the construction works.

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.

Trunk protection as per AS 4970 – 2009, Section 4.5.3 is to be installed. Padding to be used shall be non-absorbing or free draining to prevent moisture build up around the part being protected. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8 metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with 2mm galvanised wire or galvanised hoop strap. The timbers shall be wrapped around the trunk (over the carpet underfelt), but not fixed to the tree to avoid mechanical injury or damage to the trunk. Trunk protection must be installed prior to any site works including demolition and maintained in good condition for the duration of the construction period.

55. EXISTING VEHICLE CROSSING IS TO BE CLOSED

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

56. NEW VEHICLE CROSSING

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

57. 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.

58. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the car space is to be parked fully within the confines of the site and is not to park over the public footway at any time.

59. DIVIDING FENCING

The proposed fence between the two dwellings of the dual occupancy is not to exceed 1.8m above the existing ground level of the subject property.

60. 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

61. 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

62. SUBDIVISION

A Subdivision Certificate must be obtained from Council in accordance with the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

63. SYDNEY WATER

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

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

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

64. 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.

65. LIGHTING

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

66. ALLOCATION OF STREET NUMBER – DUAL OCCUPANCY

The redevelopment of the property has led to the following allocation of primary address and sub-address numbering for a strata subdivisions dual occupancy:

The subdivision of the properties has led to the following allocation of primary address numbers:

- No. 16 Owen Street for the west allotment - proposed Lot 1;
- No. 16A Owen Street for the east allotment - proposed Lot 2.

The primary address numbers for the properties shall be a minimum of 75mm high, shall be positioned 600mm-1500mm above ground level on the site boundaries, located near the entry points and clearly visible from Owen Street. The primary address numbers are to be positioned on the site prior to the issue of the Occupation Certificate.

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

67. 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.

68. 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.

69. 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.

70. 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.

DEVELOPMENT APPLICATION FOR DEMOLITION OF EXISTING RESIDENCE CONSTRUCTION OF NEW DUAL OCCUPANCY & POOLS
16 OWEN STREET NORTH BONDI

RECEIVED
Waverley Council
Application No: DA-327/2018
Date Received: 13/09/2018



1. WHITE RENDER & 2. GLASS BALUSTRADING



3. TIMBER BATTENS



4. STONE WALL

'WATER' OPTIONS:

(selection of all 'options' will enable the 'WATER' target to be achieved)

Landscape vegetation:	<ul style="list-style-type: none"> ★ Dwelling A: Gardens + lawn = 34.5m², with 0m² low-water use species. ★ Dwelling B: Gardens + lawn = 36.5m², with 0m² low-water use species.
Rainwater tank:	<ul style="list-style-type: none"> ★ 3000 litres each. ★ Collecting from roof area = 50m² each. ★ Water to be used in: gardens + pools.
Pool / Spa:	<ul style="list-style-type: none"> ★ Pool: 11 kilolitres each, with no pool cover.
Toilets, Showerheads, Taps:	<ul style="list-style-type: none"> ★ Showerheads '3★' (6.0-7.5 L/min), Toilets '4★', Kitchen Taps '4★', Bathroom Taps '4★'.

'THERMAL COMFORT' (AccuRate) OPTIONS:

(selection of all 'options' will enable the 'THERMAL COMFORT' target to be achieved)

The following design options were included during the 4th Run of the AccuRate Assessment process.
Inclusion of ALL 'options' will enable the dwelling to achieve the AccuRate predicted energy values indicated below:

Roof:	<ul style="list-style-type: none"> ★ Metal deck + R1.0 insulation blanket to underside of roof. ★ 'Light' coloured roof.
Ceilings:	<ul style="list-style-type: none"> ★ Minimum R3.5 insulation to all ceilings with roof above. ★ Not rated with down-lights. Any down-lights proposed will have approved non-ventilated covers or shields to enable the installation of insulation with no gaps.
External Walls:	<ul style="list-style-type: none"> ★ Cavity brick to all external walls. ★ Dwelling A: R1.0 insulation to all external walls. ★ Dwelling B: R1.0 insulation to ground floor external walls only. ★ 'Light' coloured external walls.
Internal Walls:	<ul style="list-style-type: none"> ★ Cavity brick 'party' walls. ★ Plasterboard on stud within dwellings.
Glazing:	<ul style="list-style-type: none"> ★ AFRC: Uw = 6.70, SHGC = 0.70 to all glazing. eg Aluminium-framed single-glazed clear glass. ★ Double-glazed clear skylights.
Floors:	<ul style="list-style-type: none"> ★ Concrete floors throughout with timber & carpet coverings.

	'BASIX TARGETS' set for AccuRate	AccuRate 4th Run (av)
COOLING ENERGY (MJ/m ² /yr)	(< 26.0)	13.3 ✓
HEATING ENERGY (MJ/m ² /yr)	(< 40.7)	33.5 ✓

'ENERGY' OPTIONS:

(selection of all 'options' will enable the 'ENERGY' target to be achieved.)

Cooling:	<ul style="list-style-type: none"> ★ Air-conditioner; single-phase, 5.5 'star' to Living & Bed areas. ★ 'Day/night zoned' between Living & Bed areas.
Heating:	<ul style="list-style-type: none"> ★ Air-conditioner; single-phase, 5.5 'star'; to Living & Bed areas. ★ 'Day/night zoned' between Living & Bed areas.
Water Heating:	<ul style="list-style-type: none"> ★ Gas instantaneous; 6.0 'Star'.
Energy Efficient Lighting:	<ul style="list-style-type: none"> ★ Compact fluorescent or LED to: <u>All</u> rooms.
Cooking:	<ul style="list-style-type: none"> ★ Gas cook-top, electric oven.
Ventilation:	<ul style="list-style-type: none"> ★ Bathroom + Laundry: exhaust ducted & sealed; interlocked to light. ★ Kitchen: exhaust ducted & sealed; manual 'on / off'.
Refrigerator space:	<ul style="list-style-type: none"> ★ Well ventilated.
Clothes drying lines:	<ul style="list-style-type: none"> ★ No lines installed.
Swimming Pool:	<ul style="list-style-type: none"> ★ No pool heating; timers to pumps.
Alternative Energy Supply:	<ul style="list-style-type: none"> ★ N/A.

RECEIVED
Waverley Council
Application No: DA-327/2018
Date Received: 13/09/2018

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CLIENT PROJECT NO.
1824

ADDRESS
16 Owen St, Nth Bondi

1. DO NOT SCALE OFF THIS DRAWING
2. CONTACT T.W.D TO CONFIRM ANY DISCREPANCIES
3. ANY VARIATION OF THESE DRAWINGS REQUIRES WRITTEN PERMISSION FROM T.W.D

NOTE:
CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION
ALL BUILDING WORK TO COMPLY WITH AUSTRALIAN STANDARDS & THE BUILDING CODE OF AUSTRALIA

REVISION	DATE	AMENDMENT DESCRIPTION
A	06.08.18	Initial Issue

TITLE BASIX Commitments

SCALE N/A @ A3

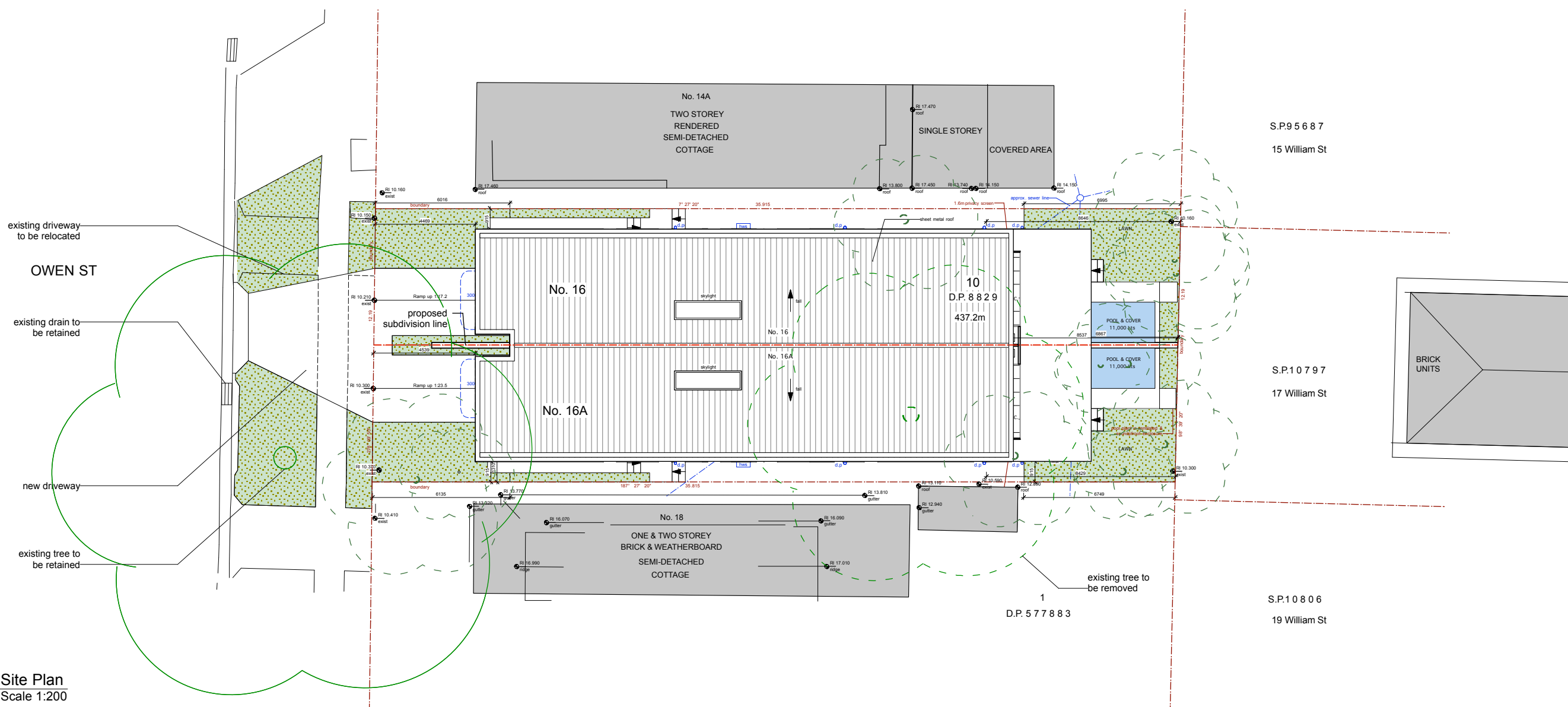
TYPE	NUMBER	AMENDT
	B.01	A
PURPOSE	Development Application	

AMENDED PLANS

RECEIVED
Waverley Council
Application No: DA-327/2018
Date Received: 13/11/2018



1 Indicative Draft State Subdivision Plan
Scale 1:200



2 Site Plan
Scale 1:200

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REVISION	DATE	AMENDMENT DESCRIPTION
A	06.08.18	Initial Issue
B	26/10/18	Driveway amd, Tree retained

TITLE Site Plan

SCALE 1:200 @ A3

TYPE	NUMBER	AMENDT
	1.01	B
PURPOSE	Development Application	

AMENDED PLANS

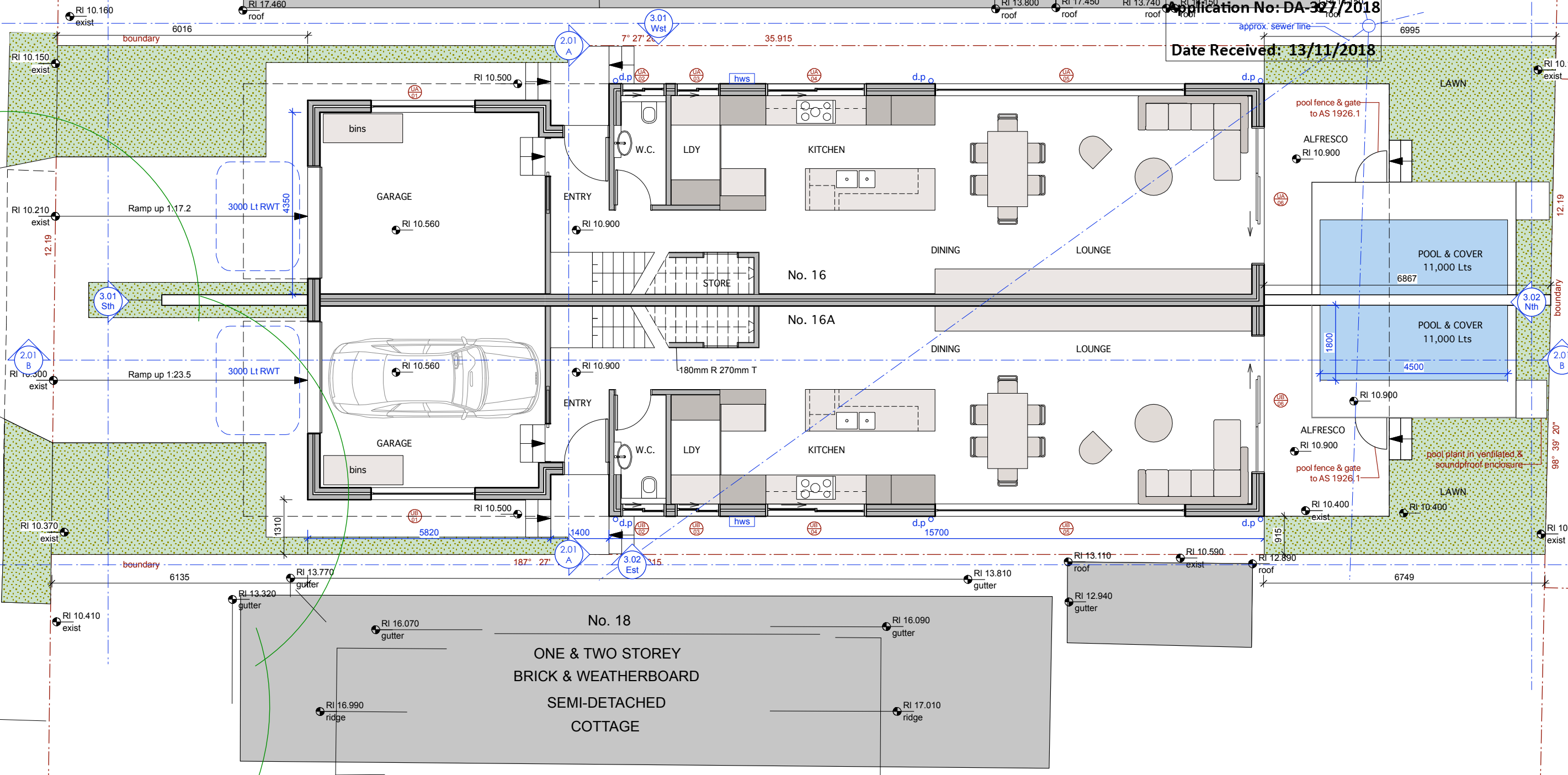
RENDERED
SEMI-DETACHED
COTTAGE

SINGLE STOREY

COVERED AREA
RECEIVED
Waverley Council

Application No: DA-327/2018

Date Received: 13/11/2018



BASIX NOTES

- Roof_ Metal Deck + R1.0 insulation blanket added to underside of roof, light coloured roof
- Ceilings_ R3.5 insulation added to all ceilings under external roof
- Ceilings_ All downlights to be LED fittings which seal against air leakage through the ceiling
- Ext. Walls_ R1.0 insulation added to all external walls of Unit A
- Ext. Walls_ R1.0 insulation added to ground floor external walls of Unit B, light coloured walls
- Internal walls_ Cavity brick party walls, plasterboard on stud within dwellings
- Glazing_ AFRC: Uw = 6.70, SHGC = 0.70 to all glazing
- Glazing_ Double-glazed clear skylights
- Concrete floors throughout with timber & carpet coverings

TO ENSURE PRINT IS TO SCALE CHECK THIS DIMENSION 50mm 40 30 20 10 0

CLIENT PROJECT NO.
1824

ADDRESS
16 Owen St, Nth Bondi

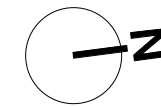
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ALL BUILDING WORK TO COMPLY WITH AUSTRALIAN STANDARDS & THE BUILDING CODE OF AUSTRALIA

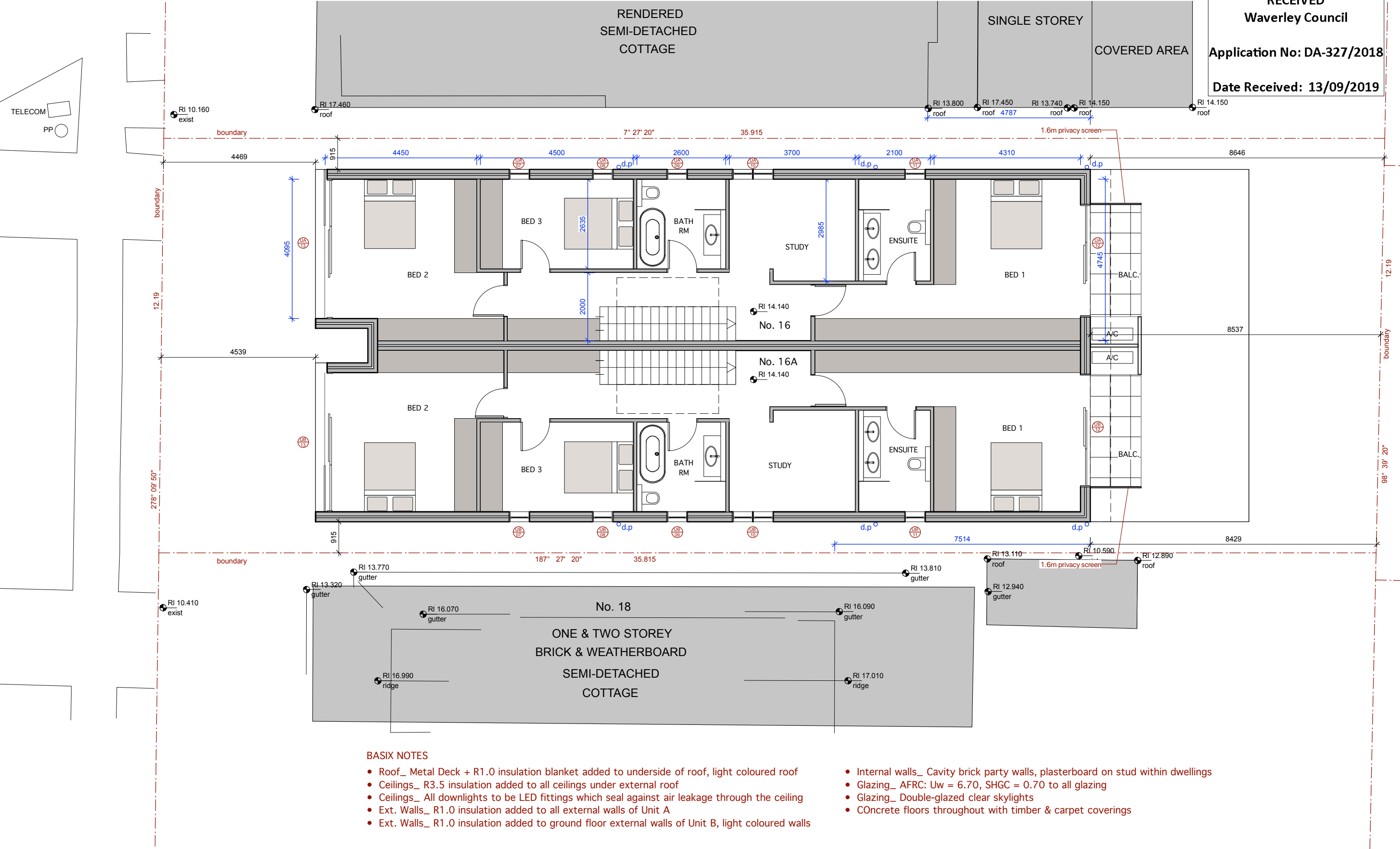
AMENDMENTS	REVISION	DATE	AMENDMENT DESCRIPTION
A	6/8/18	Initial Issue	
B	26/10/18	Driveway amd, Tree retained	

TITLE Ground Level Plan



SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	1.02	B
PURPOSE	Development Application	



BASIX NOTES

- Roof_ Metal Deck + R1.0 insulation blanket added to underside of roof, light coloured roof
- Ceilings_ R3.5 insulation added to all ceilings under external roof
- Ceilings_ All downlights to be LED fittings which seal against air leakage through the ceiling
- Ext. Walls_ R1.0 insulation added to all external walls of Unit A
- Ext. Walls_ R1.0 insulation added to ground floor external walls of Unit B, light coloured walls
- Internal walls_ Cavity brick party walls, plasterboard on stud within dwellings
- Glazing_ AFRC: Uw = 6.70, SHGC = 0.70 to all glazing
- Glazing_ Double-glazed clear skylights
- Concrete floors throughout with timber & carpet coverings

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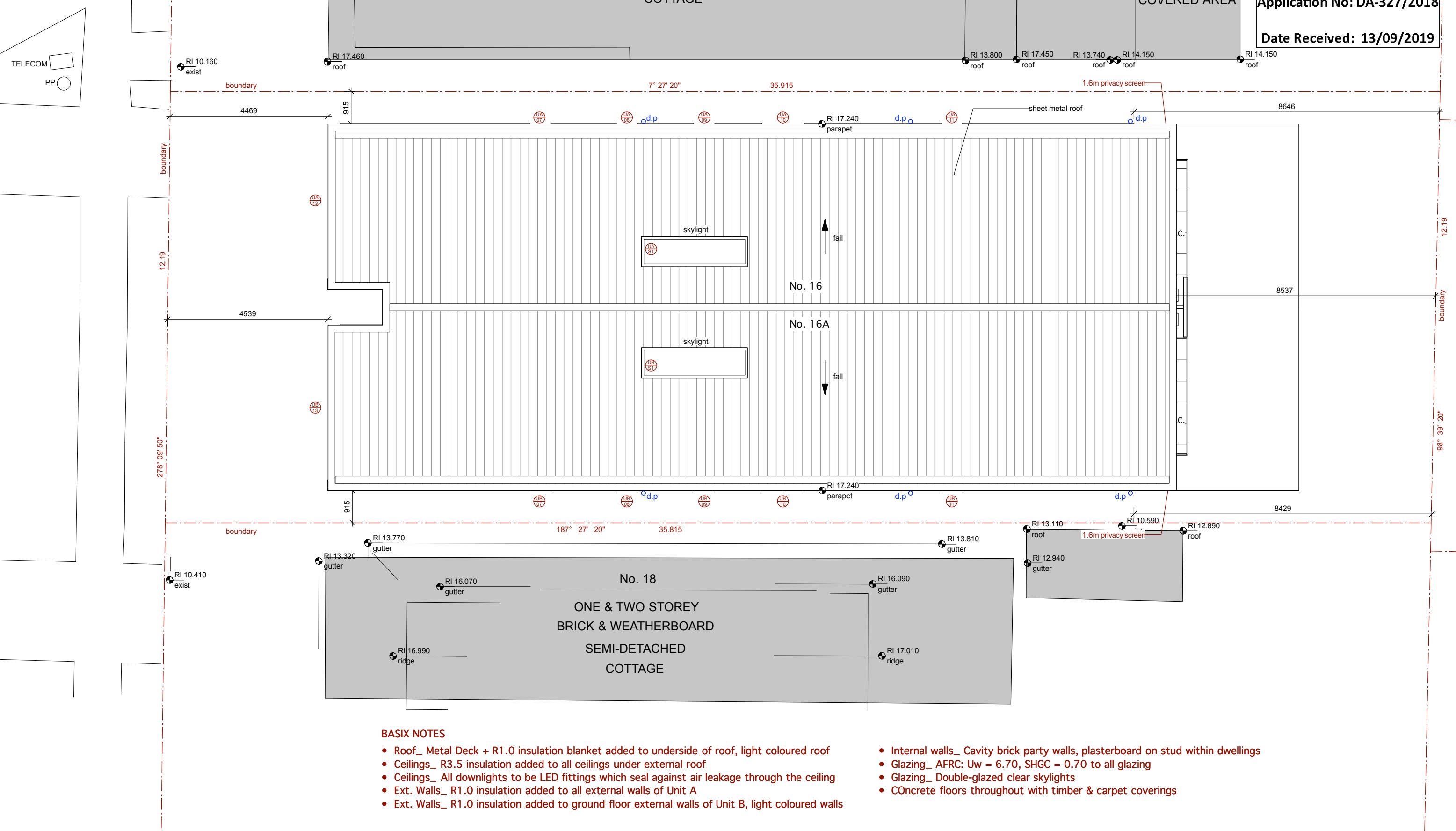
REVISION	DATE	AMENDMENT DESCRIPTION
A	06.08.18	Initial Issue

TO ENSURE PRINT IS TO SCALE CHECK THIS DIMENSION 50mm 40 30 20 10 0

TITLE Level 1 Plan
SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	1.03	A
PURPOSE	Development Application	





BASIX NOTES

- Roof_ Metal Deck + R1.0 insulation blanket added to underside of roof, light coloured roof
- Ceilings_ R3.5 insulation added to all ceilings under external roof
- Ceilings_ All downlights to be LED fittings which seal against air leakage through the ceiling
- Ext. Walls_ R1.0 insulation added to all external walls of Unit A
- Ext. Walls_ R1.0 insulation added to ground floor external walls of Unit B, light coloured walls
- Internal walls_ Cavity brick party walls, plasterboard on stud within dwellings
- Glazing_ AFRC: Uw = 6.70, SHGC = 0.70 to all glazing
- Glazing_ Double-glazed clear skylights
- Concrete floors throughout with timber & carpet coverings

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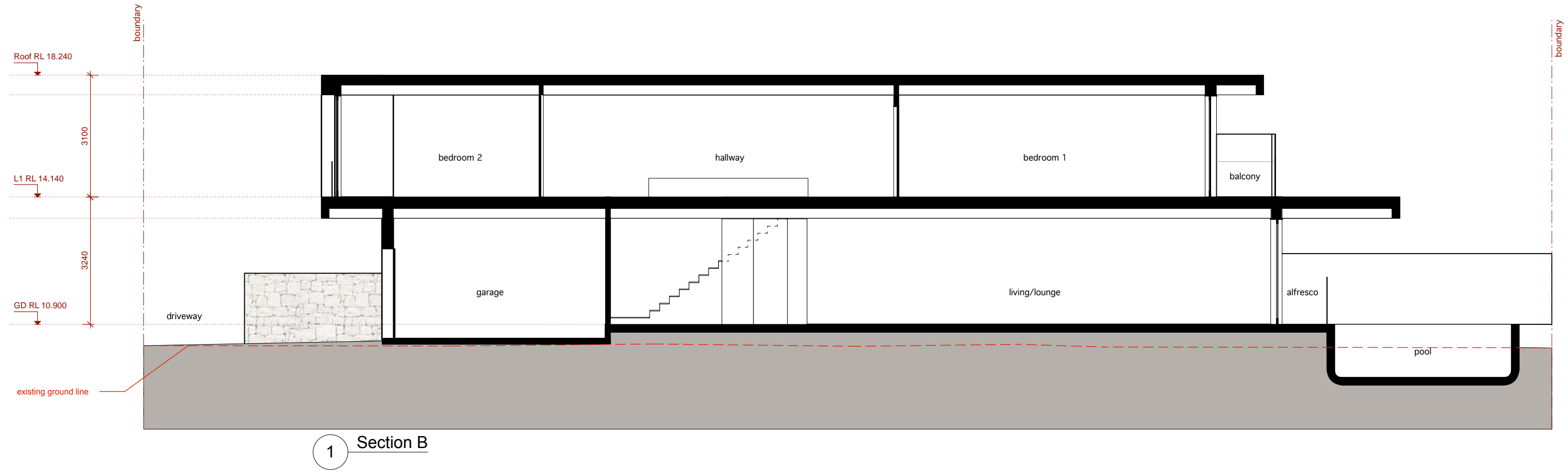
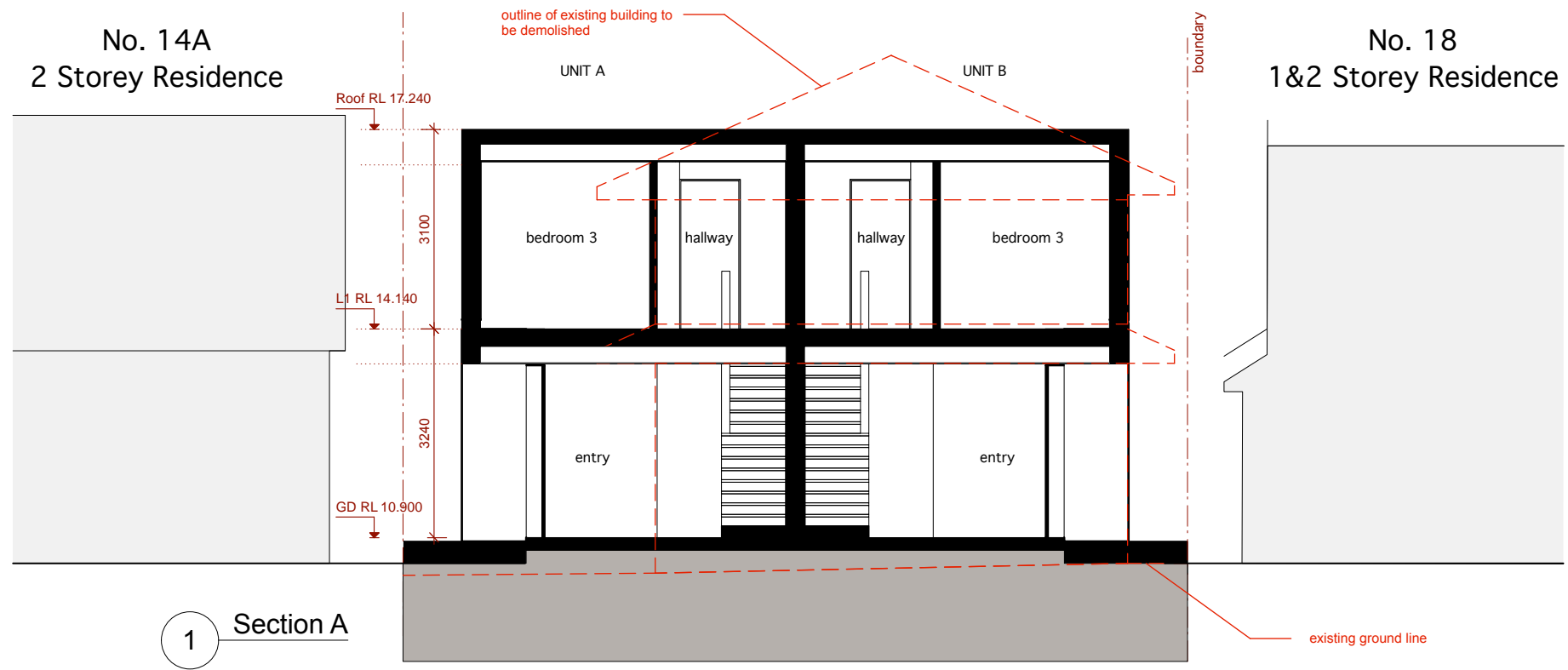
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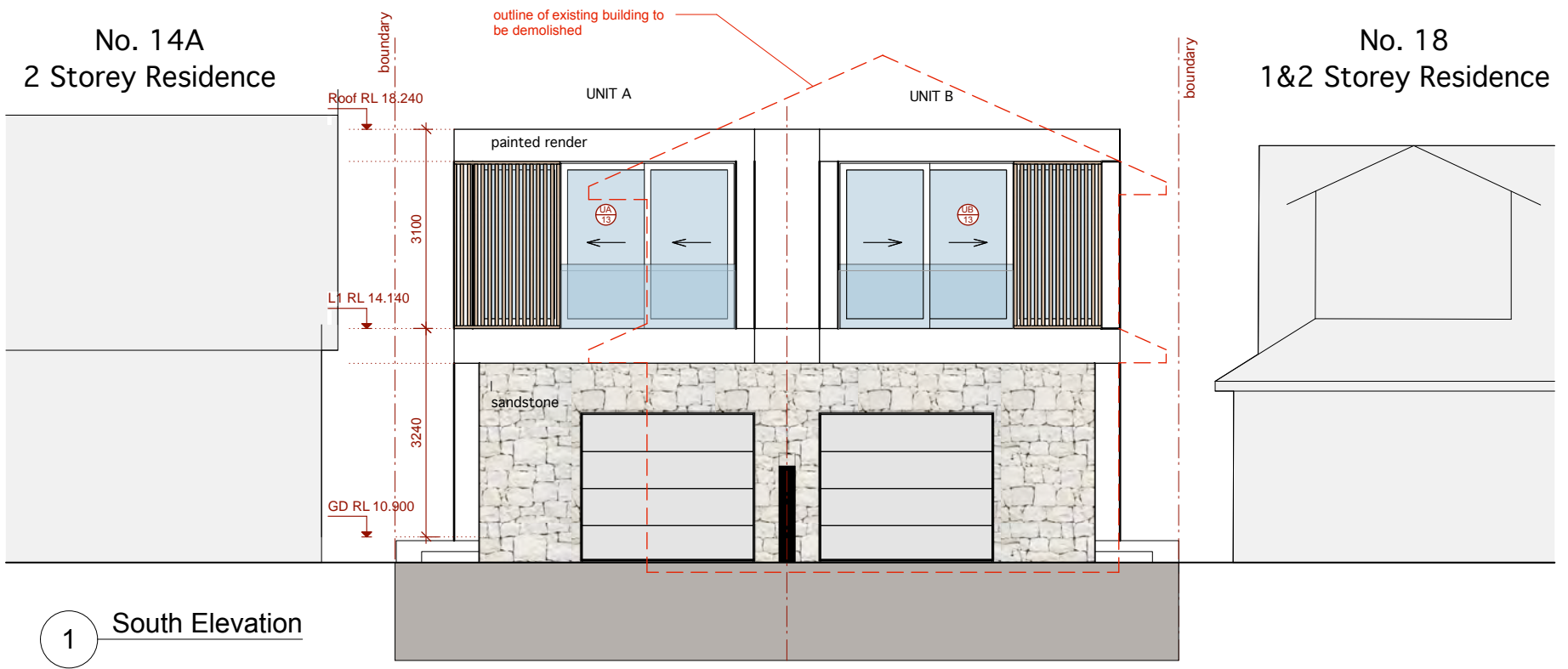
REVISION	DATE	AMENDMENT DESCRIPTION
A	06.08.18	Initial Issue

TITLE Roof Plan

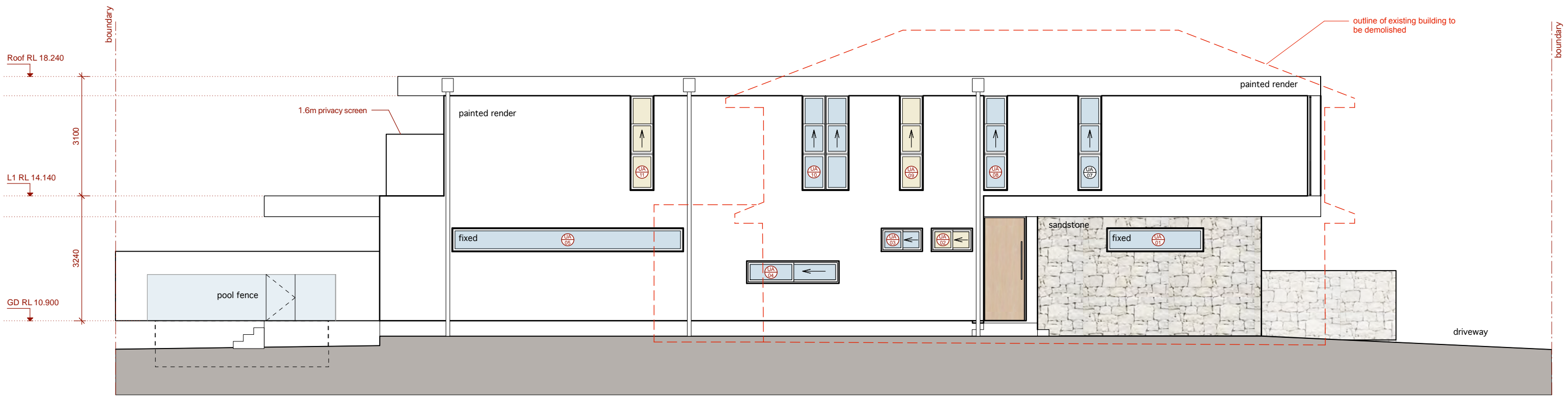
SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	1.04	A
PURPOSE	Development Application	





1 South Elevation

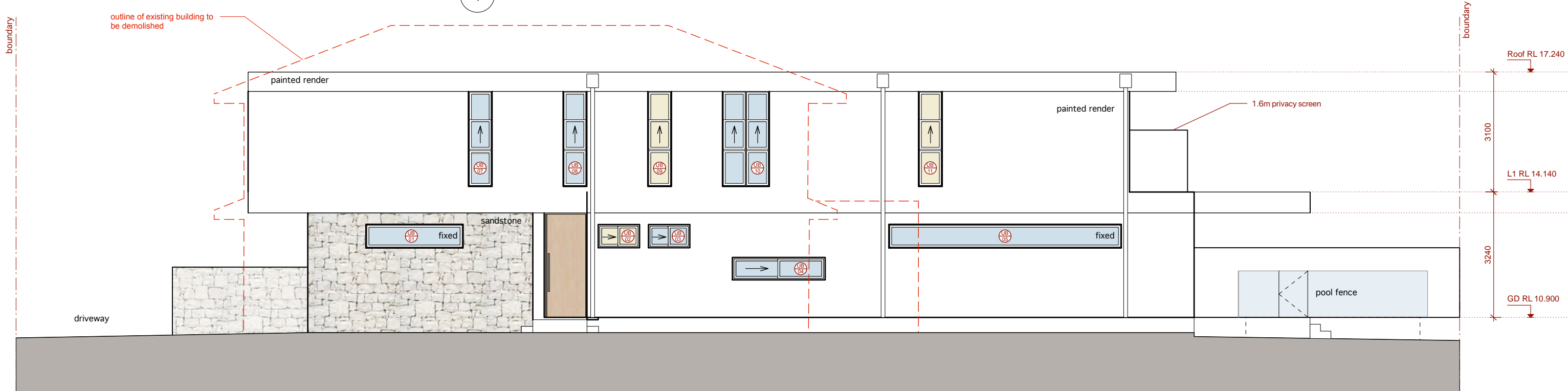


2 West Elevation

CLIENT		PROJECT NO. 1824	NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION ALL BUILDING WORK TO COMPLY WITH AUSTRALIAN STANDARDS & THE BUILDING CODE OF AUSTRALIA	REVISION A	DATE 06.08.18	AMENDMENT DESCRIPTION Initial Issue	TITLE Elevations South & West	TO ENSURE PRINT IS TO SCALE CHECK THIS DIMENSION 50mm 40 30 20 10 0				
ADDRESS 16 Owen St, Nth Bondi				AMENDMENTS					SCALE 1:100 @ A3	TYPE 3.01	NUMBER	AMENDT A
1. DO NOT SCALE OFF THIS DRAWING 2. CONTACT T.W.D TO CONFIRM ANY DISCREPANCIES 3. ANY VARIATION OF THESE DRAWINGS REQUIRES WRITTEN PERMISSION FROM T.W.D		ABN 32 140 405 287						PURPOSE Development Application				
THIRD WAVE DESIGN				T 61.0.413 489 582	E paul@thirdwavedesign.com.au	W thirdwavedesign.com.au	© Copyright - All rights reserved. No part of this design to be altered or reproduced without written permission					



1 North Elevation



2 East Elevation

TO ENSURE PRINT IS TO SCALE CHECK THIS DIMENSION 50mm 40 30 20 10 0

CLIENT PROJECT NO. 1824
 ADDRESS 16 Owen St, Nth Bondi
 1. DO NOT SCALE OFF THIS DRAWING
 2. CONTACT T.W.D TO CONFIRM ANY DISCREPANCIES
 3. ANY VARIATION OF THESE DRAWINGS REQUIRES WRITTEN PERMISSION FROM T.W.D

NOTE:
 CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION
 ALL BUILDING WORK TO COMPLY WITH AUSTRALIAN STANDARDS & THE BUILDING CODE OF AUSTRALIA

REVISION	DATE	AMENDMENT DESCRIPTION
A	06.08.18	Initial Issue

TITLE Elevations North & East

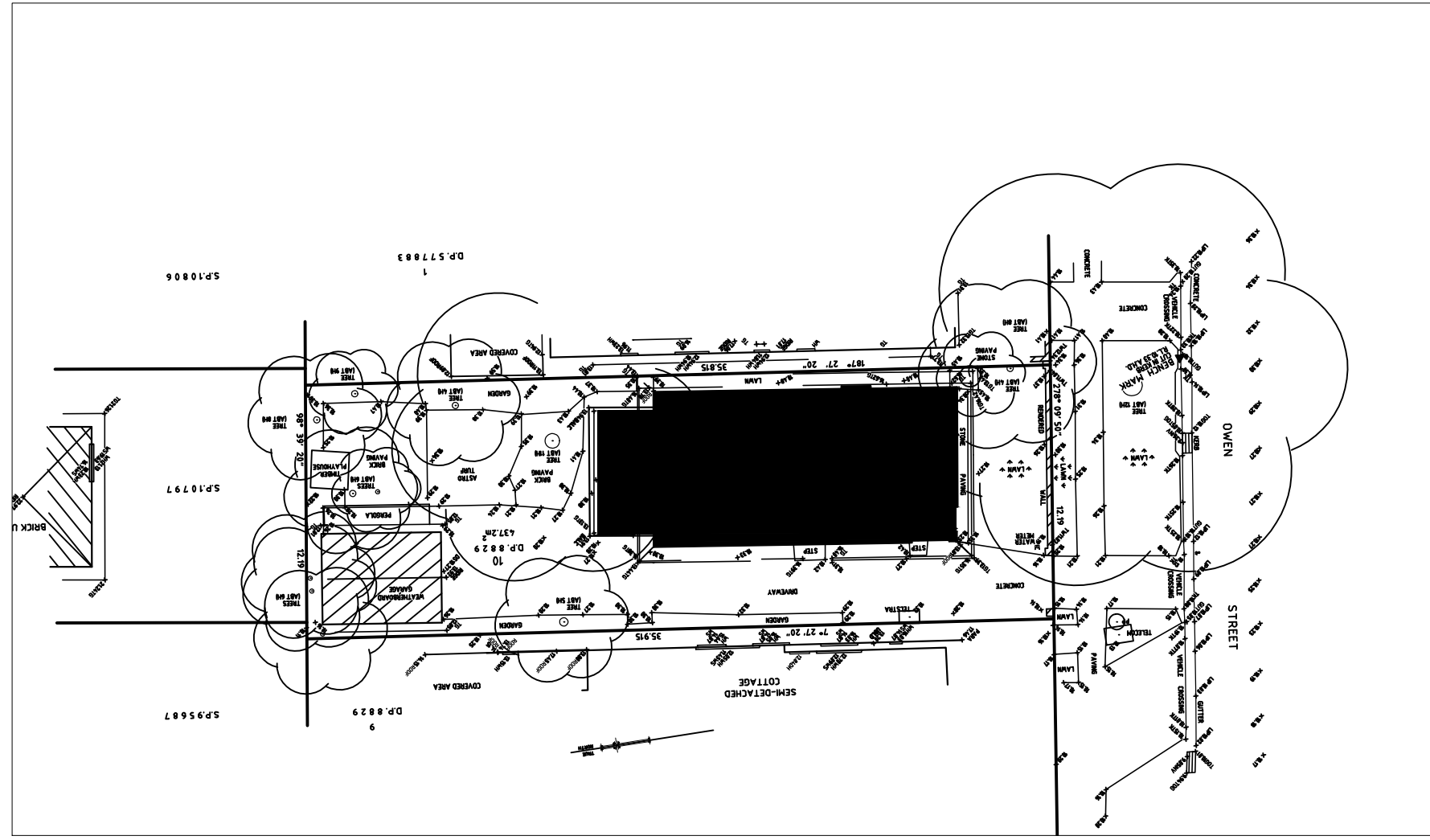
SCALE 1:100 @ A3

TYPE	NUMBER	AMENDT
	3.02	A
PURPOSE	Development Application	

RECEIVED
Waverley Council
Application No: DA-327/2018
Date Received: 13/09/2018

PROPOSED DEVELOPMENT AT 16 OWEN ST., NTH BONDI STORMWATER MANAGEMENT PLAN

GENERAL NOTES



1. ALL LINES TO BE Ø100 UPVC 1% GRADE UNLESS NOTED OTHERWISE. CHARGED LINE TO BE SEWER GRADE AND SEALED.
2. EXISTING SERVICES LOCATION SHOWN INDICATIVE ONLY. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL THE EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
3. ALL PIPES TO HAVE MIN 150 MM COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS TO BE 450X450 CONCRETE AND ALL PITS IN LANDSCAPE AREAS TO BE 450X450 PLASTIC.
5. PITS LESS THAN 600 MM DEEP MAY BE BRICK, PRECAST OR CONCRETE
6. ALL BALCONIES AND ROOFS TO BE DRAINED AND TO HAVE SAFETY OVERFLOWS IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. ALL EXTERNAL SLABS TO BE WATERPROOFED.
8. ALL GRADES TO HAVE CHILD PROOF LOCKS.
9. ALL DRAINAGE TO AVOID TREE ROOTS.
10. ALL DPs TO HAVE LEAF GUARDS.
11. ALL EXISTING LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION.
12. ALL WORKS WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION.
13. COUNCIL'S ISSUED FOOTWAY DESIGN LEVELS TO BE INCORPORATED INTO THE FINISHED LEVELS ONCE ISSUED BY COUNCIL.
14. ALL WORKS SHALL BE IN ACCORDANCE WITH BCA AND AS3500.3.
15. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
16. CARE TO BE TAKEN AROUND EXISTING SEWER. STRUCTURAL ADVICE IS REQUIRED FOR SEWER PROTECTION AGAINST ADDITIONAL LOADING FROM NEW PITS, PIPES, RETAINING WALLS AND OSD BASIN WATER LEVELS.
17. ALL WALLS FORMING THE DETENTION BASINS SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
18. OSD WARNING SIGN AND SAFETY FENCING SHALL BE PROVIDED TO ABOVE GROUND OSD STORAGE AREA IN ACCORDANCE WITH THE UPPER PARAMATTA RIVER CATCHMENT TRUST OSD HANDBOOK.
19. ENSURE THAT NONFLOATABLE MULCH IS USED IN DETENTION BASINS ie., USE DECORATIVE ROCK MULCH OR EQUIVALENT.
20. THE OSD BASIN/TANK IS TO BE BUILT TO THE CORRECT LEVELS AND SIZE AS PER THIS DEDSIGN. ANY VARIATION IS TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENT WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT OC STAGE OR IF A SOLUTION CAN NOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES.

PIPE NOTES

- Ø65 PVC @ MIN 1%
- Ø90 PVC @ MIN 1%
- Ø100 PVC @ MIN 1%
- Ø150 PVC @ MIN 1%
- Ø225 PVC @ MIN 1%
- Ø300 PVC @ MIN 1%
- UNLESS NOTED OTHERWISE

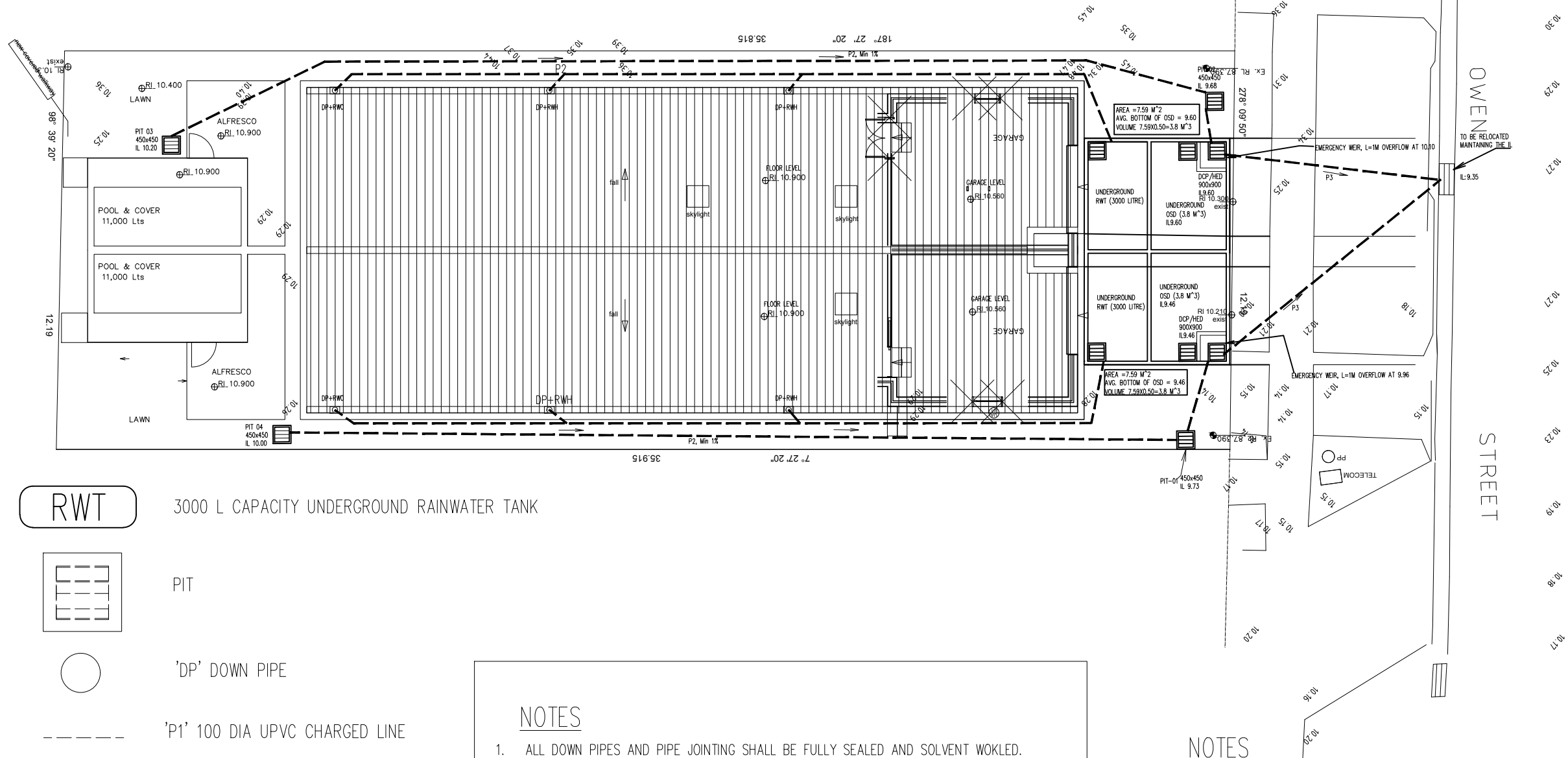
BUILDING NOTES


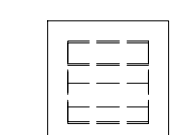




1. ALL PIPES IN BALCONIES TO BE Ø65 MM UPVC CAST IN CONCRETE SLABS
2. CONTRACTORS TO PROVIDE A BREAK/OPEN VOID IN RAIL/BALLUSTRADE FOR STORMWATER IMMERGENCY OVERFLOW.

DOWNPIPE NOTES

ALL DOWNPIPES ADJACENT TO THE BYPASS AREAS TO BE Ø100 MM AND ALL RELATIVE GUTTERS TO BE CONSTRUCTED TO ENSURE 100 YEAR ARI CAPACITY.

DRAWING INDEX	
DRAWING NO.	DESCRIPTION
SW01	COVER SHEET NOTES
SW02	EROSION AND SEDIMENT CONTROL PLAN
SW03	STORMWATER DRAINAGE PLAN
SW04	MISCELLANEOUS DETAIL SHEET



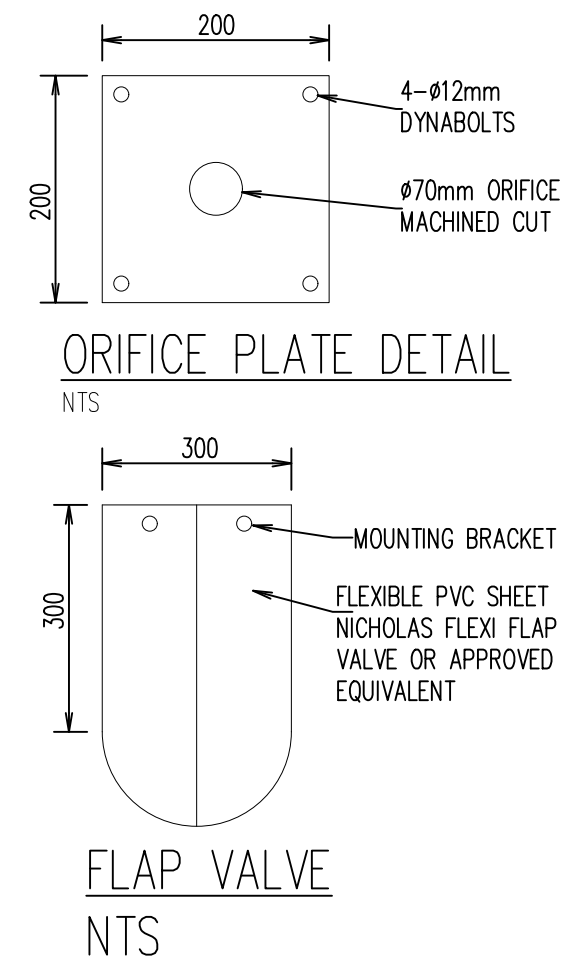
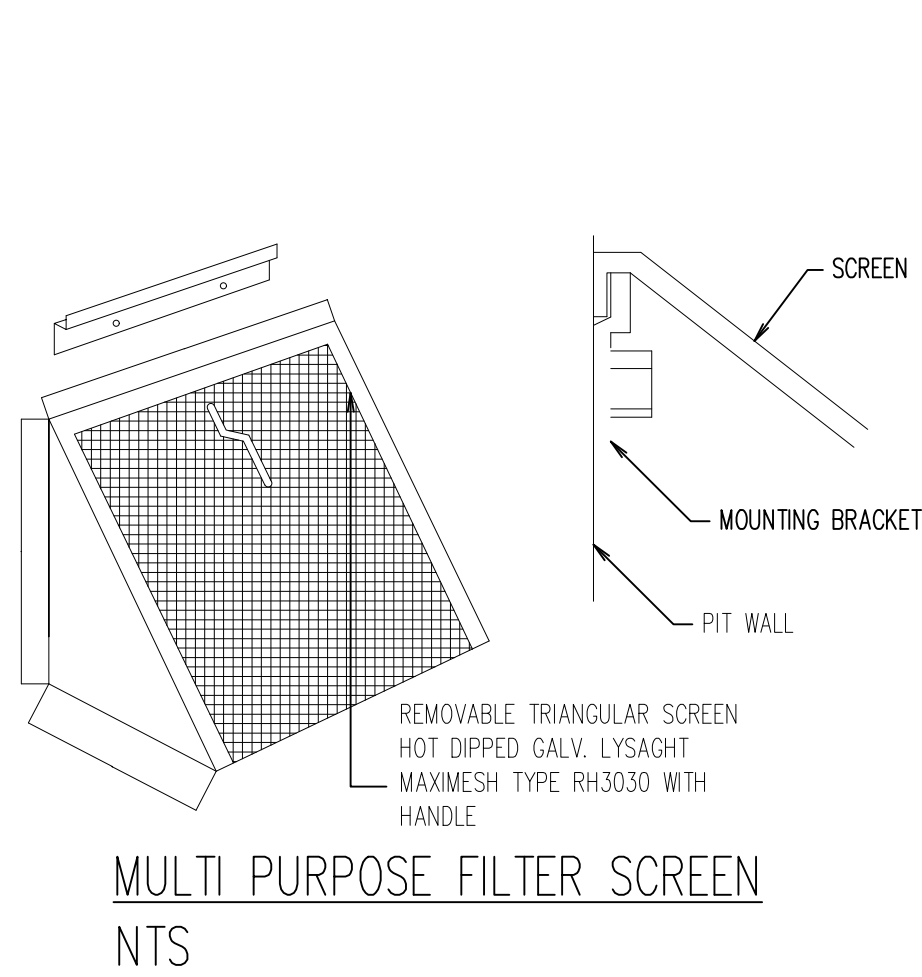
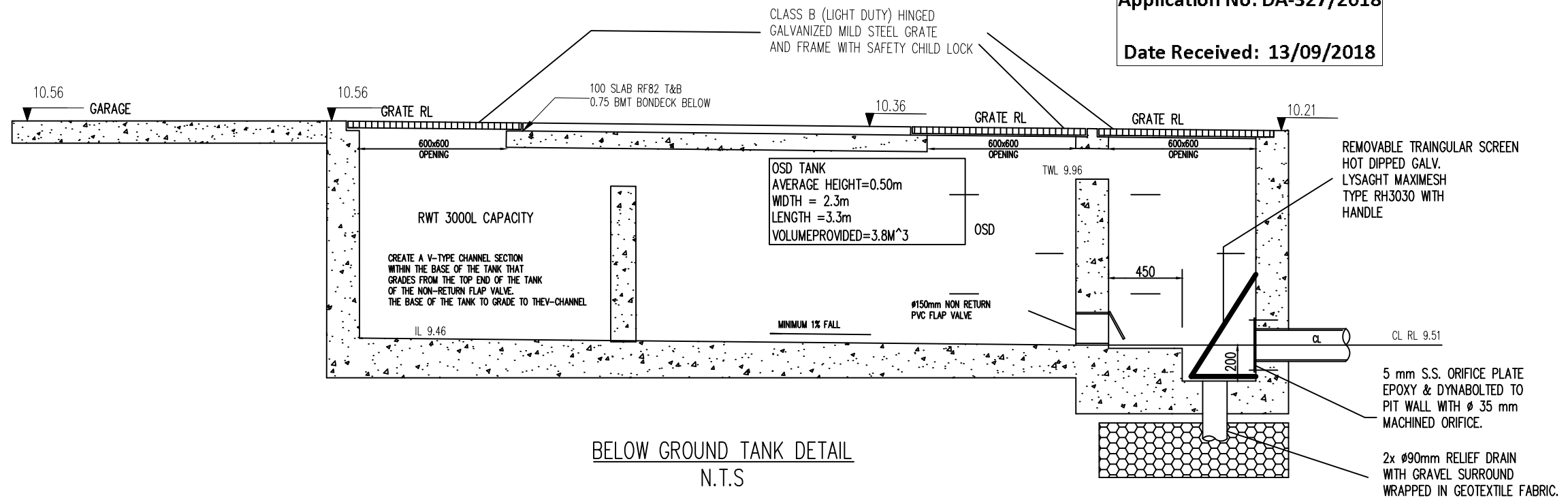
-  RWT 3000 L CAPACITY UNDERGROUND RAINWATER TANK
-  PIT
-  'DP' DOWN PIPE
-  'P1' 100 DIA UPVC CHARGED LINE
-  'P2' 100 DIA UPVC @1% MIN
-  'P3' 200X75RHS @1% MIN

NOTES

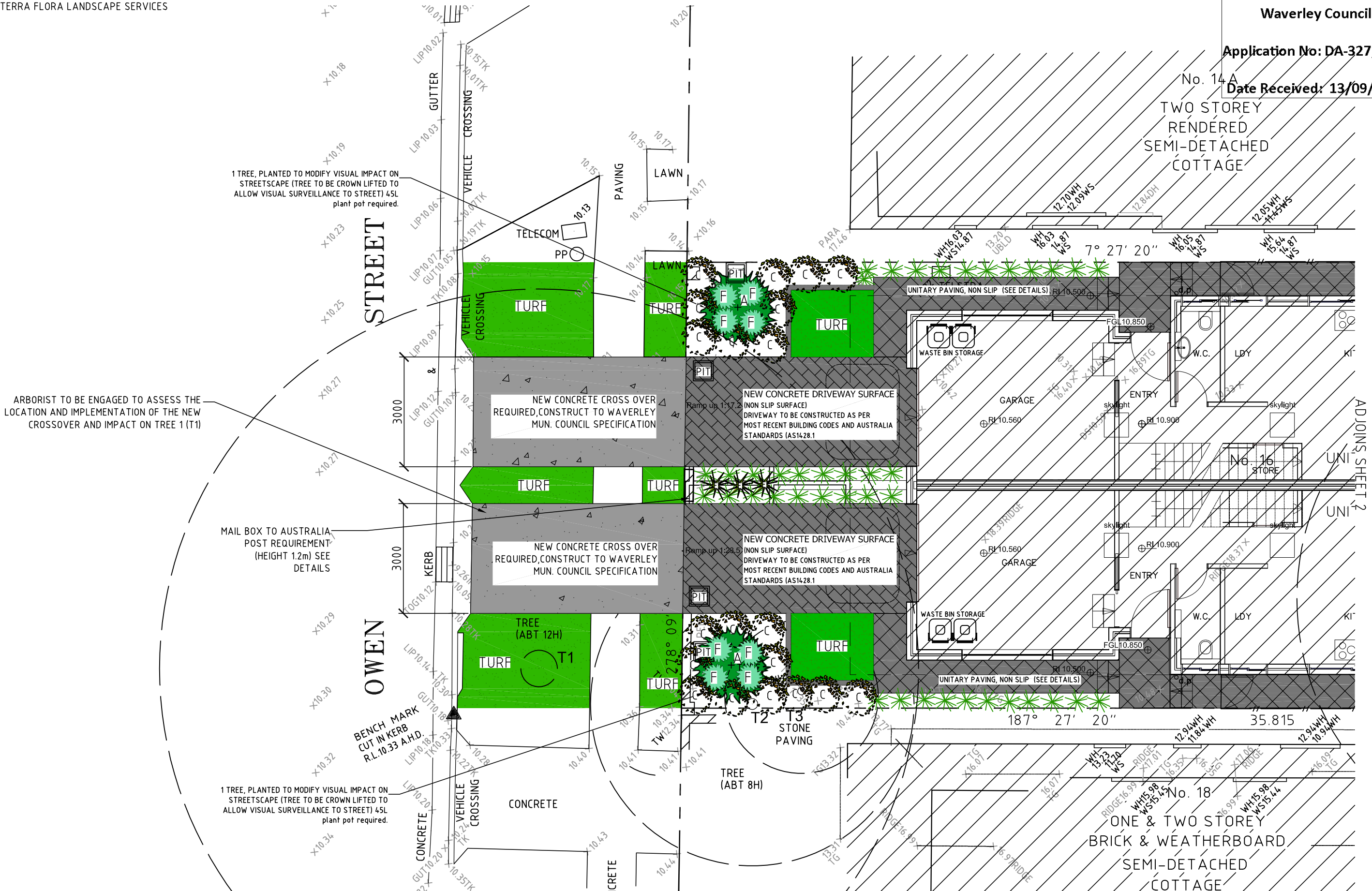
1. ALL DOWN PIPES AND PIPE JOINTING SHALL BE FULLY SEALED AND SOLVENT WOKLED.
2. GUTTER / LEAF GUARDS ARE TO BE INSTALLED IN ALL GUTTERS.
3. CLEANING INSPECTION EYES SHALL BE INSTALLED AT THE LOWEST POINT IN ALL CHARGED LINES IF REQUIRED

- NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND AS3500.3, COUNCILS STANDARD SPECIFICATIONS CODES.
 2. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, LANDSCAPE AND STRUCTURAL PLANS.
 3. MINIMUM GRADES FOR ALL PIPE SHOULD BE 1% MINIMUM.
 4. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
 5. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
 6. ANY DISCREPANCIES OR OMISSIONS SHALL BE REFERRED TO THE DESIGN ENGINEER FOR RESOLUTION.

Designed by:	E.C.	ERTAZ H, CHOWDHURY MIEAust., CPEng. NPER, Reg. No. 2214897	Australiawide Consulting Services P/L Civil & Structural Engineering and Project Management 1369 Canterbury Road, Punchbowl, NSW 2196 Mobile: 0420710548 Email: ertaz1@hotmail.com	Architect:	Client:	Project North:	Project:	Job:	Date:
Drawn by:	A.A.			THIRD WAVE DESIGN	Daniel Krimotat				
								Title: STORMWATER DRAINAGE CONCEPT PLAN	Scale @A3: 1:150 Drg No. 333



Designed by:	E.C.	ERTAZ H, CHOWDHURY MIEAust., CPEng. NPER, Reg. No. 2214897	Australiawide Consulting Services P/L Civil & Structural Engineering and Project Management 1369 Canterbury Road, Punchbowl, NSW 2196 Mobile: 0420710548 Email: ertaz1@hotmail.com	Architect:	Client:	Project North:	Project:	Job:	Date:
Drawn by:	A.A.			THIRD WAVE DESIGN	Daniel Krimotat				
								Title: MISCELLANEOUS DETAIL SHEET - UNIT A	Drg No. 304A



ARBORIST TO BE ENGAGED TO ASSESS THE LOCATION AND IMPLEMENTATION OF THE NEW CROSSOVER AND IMPACT ON TREE 1 (T1)

MAIL BOX TO AUSTRALIA POST REQUIREMENT (HEIGHT 1.2m) SEE DETAILS

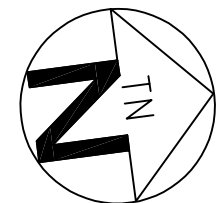
1 TREE, PLANTED TO MODIFY VISUAL IMPACT ON STREETSCAPE (TREE TO BE CROWN LIFTED TO ALLOW VISUAL SURVEILLANCE TO STREET) 45L plant pot required.

PLANT MIX; 90% AUSTRALIAN NATIVE, 10% EXOTIC.

SEE SHEET 3 FOR: LEGEND PLANT SCHEDULE ESTABLISHMENT MAINTENANCE	PLANTING PROCEDURE EXISTING TREE PROTECTION	SEE SHEET 4 FOR: DETAILS SOIL TEST RESULTS SITE CLIMATIC ANALYSIS	SEE SHEET 5 FOR: LANDSCAPE AREAS SUPPLEMENTARY PLAN NOTES SOIL DEPTH & SURFACE TREATMENT BRICK RETAINING WALL EXISTING TREE SCHEDULE
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3	Amend plan to include new architectural plan levels and layout	11/09/2018	THinchliffe	R.H.

ALL DIMENSIONS AND BEARINGS TO BE CHECKED ON SITE BY THE SURVEYOR
THE BUILDER TO ENSURE ALL DIMENSIONS ARE TO THE CURRENT COUNCIL REQUIREMENTS.
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ALL STRUCTURAL, HYDRAULIC, ARCHITECTURAL DETAILS TO ENGINEERING AND ARCHITECTS SPECIFICATIONS.



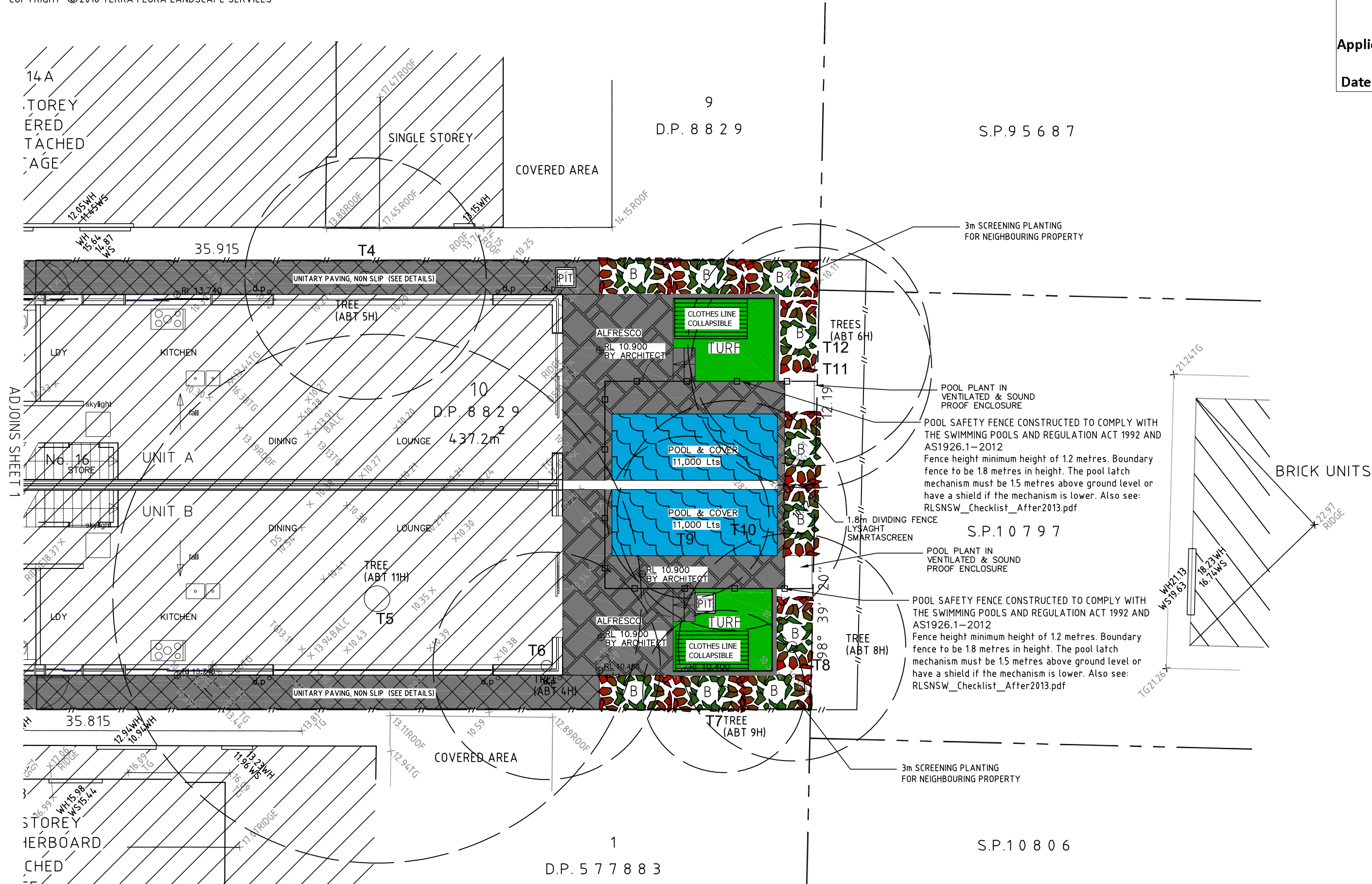
79 Ballandella Rd
TOONGABBIE NSW 2146

PROJECT:
PROPOSED RESIDENTIAL DUPLEX DEVELOPMENT
2026 Lot 10 DP 8829
L.G.A. : WAVERLEY MUN. COUNCIL
16 OWEN STREET
NORTH BONDI NSW 2026

CLIENT:
Mr. Daniel Krimotat
ARCHIT:
Third Wave Design
ENGINEER:
Australiawide Consulting
Service P/L

PLAN:
LANDSCAPE CONCEPT PLAN
ARCHITECTS JOB NO. 1824

DRAWING: LP090818-ISSUE 3
SHEET No: 1 of 5
DRAWN BY: Trevor. Hinchliffe
QUALIFICATION: ASS. DIP. LAND.
QUALIFICATION: MAILDM - 554
DATE: 11-09-2018
SCALE: 1: 100 (A1 SHEET SIZE)
SCALE: 1: 200 (A3 SHEET SIZE)

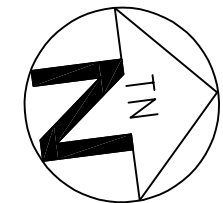


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79 Ballandella Rd
TOONGABBIE NSW 2146
EMAIL: terraflora@live.com.au PHONE/FAX: 0263089195

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PROPOSED RESIDENTIAL DUPLEX DEVELOPMENT
2026 Lot 10 DP 8829
L.G.A.: WAVERLEY MUN. COUNCIL
16 OWEN STREET
NORTH BONDI NSW 2026

CLIENT:
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Third Wave Design
ENGINEER:
Australiawide Consulting Service P/L

PLAN:
LANDSCAPE CONCEPT PLAN
ARCHITECTS JOB NO. 1824

DRAWING: LP090818-ISSUE 3
 SHEET No: 2 of 5
 DRAWN BY: Trevor. Hinchliffe
 QUALIFICATION: ASS. DIP. LAND.
 DATE: 11-09-2018
 SCALE: 1: 100 (A3 SHEET SIZE)
 SCALE: 1: 200 (A4 SHEET SIZE)

LEGEND

EXISTING TREES (REMOVED)
EXISTING TREES (RETAINED)
TURF PLANTS ('Sapphire') (SEE DETAILS)

Plants:
Ceratopetalum gummiferum (A) (SEE TYPICAL 45 L POT PLANTING SECTION)
Callistemon citrinus cv. (B)
Banksia spinulosa cv. 'Birthday Candles' (C)
Dianella caerulea 'DBB03' (D)
Lomandra 'Tanika' (E)
Agave attenuata (F)

Structures & Features:
WASTE BIN STORAGE
EXISTING CONTOUR LINES (57.00)
FENCE LINES
BRICK RETAINING WALL
BUILDING AREA
BOUNDARY LINES
TYPICAL ORNAMENTAL GRAVEL
TYPICAL 900 x 900 PAVING & GRAVEL AREA
TYPICAL 900 x 900 PAVING & GARDEN AREA (SEE DETAILS)
SURFACE DRAINAGE LINE

Levels & Pits:
FGL 10.000 FINISHED GROUND LEVEL
FFL 10.000 FINISHED FLOOR LEVEL OF STRUCTURE INDICATED
EXISTING DRAINAGE PITS
PROPOSED DRAINAGE PIT (SEE ARCHITECTURAL & ENGINEERING DETAILS)
DRAINAGE GRATE (NOMINAL)
GATE

Retaining & Paving:
SLOPING BRICK RETAINING WALL
RETAINING WALL SYSTEM
TYPICAL CONCRETE AREA TO ENGINEERS SPECIFICATIONS STENCILED COLOURED CONCRETE CHARCOAL COLOUR
TYPICAL CONCRETE AREA TO ENGINEERS SPECIFICATIONS NATURAL STONE RENDERED SURFACE, NATURAL COLOUR
TYPICAL BRICK EDGING (SEE DETAILS)
METAL GARDEN EDGING
MASONRY STEPS & DIRECTION OF RISE

Other Features:
UNITARY PAVING, CHARCOAL COLOUR, PERMEABLE SURFACE, NON SLIP PAVER AREA (SEE DETAILS)
TIMBER STEPS & DIRECTION OF RISE
ALL CONTOURS AT 0.5m INTERVALS BENCH MARK WILL BE MARKED ON ROAD KERB
1.8m LYSAGHT SMARTASCREEN
GLASS POOL FENCE 1.2m NATURAL IN COLOUR
0.9m HT TIMBER FRAME HANDRAIL GALVANISED WIRE INFILL 100mm SPACING
THE BRICK RETAINING WALLS AND FENCE LINE LOCATED ALONG A BOUNDARY WITH OUT AN EXISTING ERECTED FENCE WILL BE LINED UP WITH THE PROPERTY BOUNDARY SURVEY MARKERS.
ALL FENCE ALIGNMENTS WILL BE ALIGNED WITH EXISTING SURVEY MARKERS USING STRING LINES. THE BOUNDARY LINE WILL BE ALIGNED UP WITH THE CENTRE OF THE FENCE CROSS-SECTION.

EXISTING TREE PROTECTION

To preserve the the existing tree/s, no work shall commence until the trunks are protected by the placement of 2.0 metre long of 50 x 100mm hardwood timbers stakes spaced at 1500mm centres and secured by 2mm wire at 300mm spacings. The barrier will be install to the trees drip line or a minimum of 2m from the base of the trunk (which ever is greater) of the tree completely surround the trunks. The trunk protection shall be maintained intact until the completion of all building work on site. Any damage to the tree/s shall be treated immediately by an experienced Arborist, with minimum qualification of Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority.

Do not remove topsoil from areas within the drip line of trees to be retained. Do not cut roots exceeding 50mm diameter unless instructed by the qualified Arborist. Prevent compaction around the up to the drip line of the tree. No materials are to be stored or stockpiled, and spillage of harmful substances prohibited within the fenced area. In addition prevent windblown materials from harming. Trees should be assessed prior to occupation by an experienced Arborist. to access any safety issues.

PLANT SCHEDULE

SEE LEGEND FOR PLANT SYMBOLS

PLANT TYPE	SYMBOL ON PLAN	QUANTITY REQUIRED	BOTANICAL NAME	COMMON NAME	NATIVE (N)	POT TYPE / SIZE STANDARD TERM	MATURE SIZE	VOLUME OF POT [Litres]	SPACING IN M
MEDIUM/SMALL TREES	A	2	Ceratopetalum gummiferum	NSW Christmas Bush	LN	Plant Bag 45	5x2.5	45	N/A
MEDIUM/SMALL SHRUBS	B C	10 20	Callistemon citrinus 'Endeavour' Banksia spinulosa cv. 'Birthday Candles'	'Endeavour' Callistemon Hair Pin Banksia 'Birthday Candles'	N LN	Plant Pot 200 Plant Pot 140	3.0x2.5 0.7x0.5	5 1.4	1.5 0.5
GROUND COVERS	D E F	41 3 8	Dianella caerulea 'DBB03' Lomandra longifolia 'Tanika' Agave attenuata	Paroo lily (Cassa Blue) Spiny Mat Rush Agave	LN LN E	Plant Pot 200 Plant Pot 200 Plant Pot 200	0.5x0.5 0.8x1.0 0.8x1.0	5 5 5	0.5 0.6 0.8
NOTE: AREA OF PLANT SPECIES WITH LOW WATER USAGE, USED THROUGH OUT THE LANDSCAPE PLANTING: TOTAL 66.0m ² (MINIMUM SOIL DEPTH OF 900mm REQUIRED) NOTE: DRIP IRRIGATION SYSTEM NOT REQUIRE FOR THESE LOW WATER USE PLANT SPECIES. PLANT MIX; 90% AUSTRALIAN NATIVE, 10% EXOTIC.						NOTE: ALL 45L TREES TO BE STAKED IN THE METHOD AS PER DETAILS			
TURF PLANT	TURF	18.5/28.0	Stenotaphrum secundatum 'Sapphire' Soft Leaf Buffalo	'Sapphire' Soft Leaf Buffalo					Turf height 60mm and each turf role 0.4 m x 2.5 m Each role is approximately 1m ²

UNLESS STATED OTHERWISE ON THE PLAN THE PLANT SPACING WILL BE AS SHOWN ON THE SCHEDULE, SPACING MARKED "N/A" MEANS SCALE OFF PLAN
LOCAL INDIGENOUS SPECIES SHOWN AS (LN); AUSTRALIAN NATIVE PLANTS SHOWN AS (N); EXOTIC PLANTS SHOWN AS (E).
ALL TREES AND HEDGE PLANT ARE TO BE STAKED FOR THE FIRST YEAR OF GROWTH ONLY.
ALL LANDSCAPE WORKS MUST ENSURE THAT PLANTS ARE TAGGED, READY FOR COUNCIL INSPECTION.

PLANTING PROCEDURE

IN GROUND PLANTING PROCEDURE

- 1) REMOVE EXISTING GRASS PRIOR TO ANY WORKS.
- 2) LOOSELY BREAK-UP SOIL SURFACE WITH A ROTARY HOE.
- 3) APPLY 50mm OF DECOMPOSED COW MANURE OVER ALL PLANTER BEDS AND LOOSELY DIG IN TO SITE SOIL.
- 4) REST SOIL FOR AT LEAST 3 TO 4 WEEKS PRIOR TO PLANTING.
- 5) PLANTS SHOULD BE REMOVED FROM THEIR POTS AND PLANTED INTO PRE-DUG HOLE TWO TIMES THE SIZE OF THE POT, THE SOIL SURFACE SHOULD BE LEVEL WITH THE POTTING MIX SURFACE LEVEL. NO FERTILISER OR OTHER MATERIAL SHOULD BE INCLUDED PRIOR TO BACK FILLING. BACK FILL WITH SITE SOIL AND LIGHTLY COMPACT AROUND PLANT.
- 6) APPLY 100mm OF EUCALYPTUS MULCH.
- 7) APPLY UREA AT A RATE OF 5KG PER 100M² TO ALL BEDS.
- 8) SOIL MOISTURE SHOULD BE MAINTAIN AROUND TREES DURING THE ESTABLISHMENT PERIOD (FIRST 12 MONTHS). AFTER THAT PERIOD, TREES SHOULD BE ALLOWED TO HARDEN OFF. THE SOIL MOISTURE AROUND TREES AND SHRUBS WILL TO BE MAINTAINED DURING DRY PERIODS FOR THE CONTINUING HEALTH VIGOUR OF ALL PLANTS

NOTE GARDEN BEDS & TURF AREAS MUST HAVE MINIMUM SOIL DEPTH OF 900mm TO QUALIFY FOR DEEP SOIL LANDSCAPING

ESTABLISHMENT MAINTENANCE

CARRY OUT THE FOLLOWING TASKS FOR A TWELVE-MONTH PERIOD FROM THE DATE OF PRACTICAL COMPLETION:
ALL WORK TO BE TO THE HIGHEST INDUSTRY STANDARDS & LATEST AUSTRALIA STANDARD.

- × WATER ALL LAWN AND PLANTING AREAS (HAND WATERING)
- × MOW ALL TURFED AREA TO A MINIMUM HEIGHT OF 50mm
- × WEED ALL LAWN AND GARDEN AREAS
- × FERTILISE PLANTING AREAS IN SUMMER TO IMPROVE GROWTH
- × CONTROL PESTS AND DISEASES AS REQUIRED
- × REPLACE ANY FAILED TURF AREAS, WITH SAME TURF CVS.
- × REPLACE ANY FAILED PLANT MATERIAL, WITH SAME PLANT CVS. & POT SIZE.
- × ADJUST STAKES AND TIES AS REQUIRED.
- × PRUNE PLANTS AND TREE TO IMPROVE VIGOUR AND SHAPE, MAINTAIN FRONT HEDGE PLANT TO 600mm HEIGHT AND 500mm WIDTH, REGULAR PRUNING TWICE A YEAR. MAINTAIN REAR HEDGE PLANT TO 2m HEIGHT AND 1.2m WIDTH, REGULAR PRUNING TWICE A YEAR.
- × AERATE TURF AREA IF REQUIRED.
- × REINSTATE MULCH TO MAINTAIN 75mm DEPTH AT 12 MONTH INTERVALS

SEE SHEET 1 & 2 FOR: LANDSCAPE CONCEPT PLAN
SEE SHEET 4 FOR: DETAILS SOIL TEST RESULTS SITE CLIMATIC ANALYSIS
SEE SHEET 5 FOR: LANDSCAPE AREAS SUPPLEMENTARY PLAN NOTES SOIL DEPTH & SURFACE TREATMENT BRICK RETAINING WALL EXISTING TREE SCHEDULE

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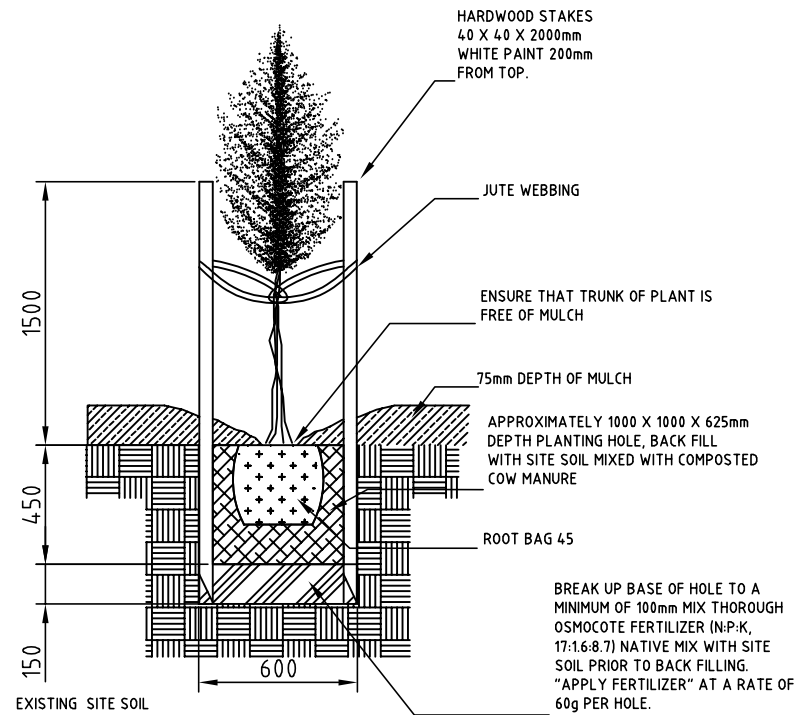
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PLAN: LANDSCAPE CONCEPT PLAN
ARCHITECTS JOB NO. 1824

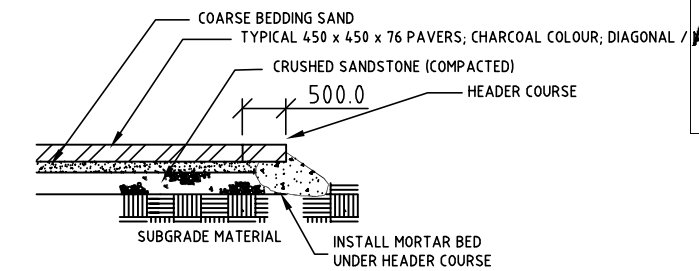
DRAWING: LP090818-ISSUE 3
SHEET No: 3 of 5
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SOIL TEST RESULTS

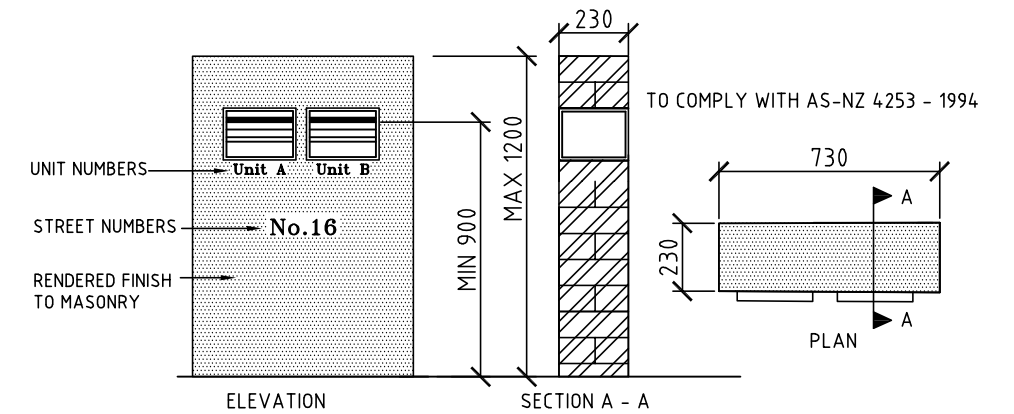
1. THE SITE SOIL STRUCTURE IS LIGHTLY PEDAL TO APEDAL, THIS SHOULD PROVIDE AN POOR GROWING MEDIA FOR PLANTS NOT ADAPTED TO THESE SOILS. THE SOIL TYPE IS A SANDY LOAM SOIL, WITH LIGHT CLAY SUB-SOIL. TOPSOIL HAS SOME DEPOSITIONAL MATERIAL MIX INTO THE SOIL PROFILE.
2. THE ORGANIC MATTER IS CONSISTENT WITH SOIL OF POOR FERTILITY, WITH LOW ORGANIC MATTER PERCENTAGE. THE SOIL WOULD HAVE A LOW BUFFERING CAPACITY AND LITTLE RESISTANCE TO EROSION BASED ON ORGANIC MATTER CONTENT.
3. IN THE A1 HORIZONS THE pH LEVELS [5.5-6.5] WOULD ALLOW PLANTS LIMITED ACCESS TO MINOR & MAJOR ELEMENTS. THERE WOULD BE NUTRIENT DEFICIENCIES THROUGHOUT AREA FOR PLANT NOT ADAPTED TO THIS SOIL TYPE. THE ADDITION OF LARGE AMOUNTS OF ORGANIC MATTER WOULD LARGELY REMEDY THE PROBLEM.
4. PARENT MATERIAL OF THE NATURAL SOIL WAS DETERMINED AS BEING HAWKESBURY SANDSTONE, THOUGH SOME DEPOSITION IS EVIDENT.
5. GENERALLY THE SOIL MOISTURE FOUND ON THE SITE IS MOIST IN MOST AREAS. THIS RESULT IS CONSISTENT WITH THE RESENT CLIMATIC CONDITIONS. EXCESSIVE SOIL MOISTURE MAY BE ASSOCIATED WITH POOR PLANT GROWTH, INSECT ATTACK AND FUNGAL DISEASE IN CERTAIN PLANT SPECIES.



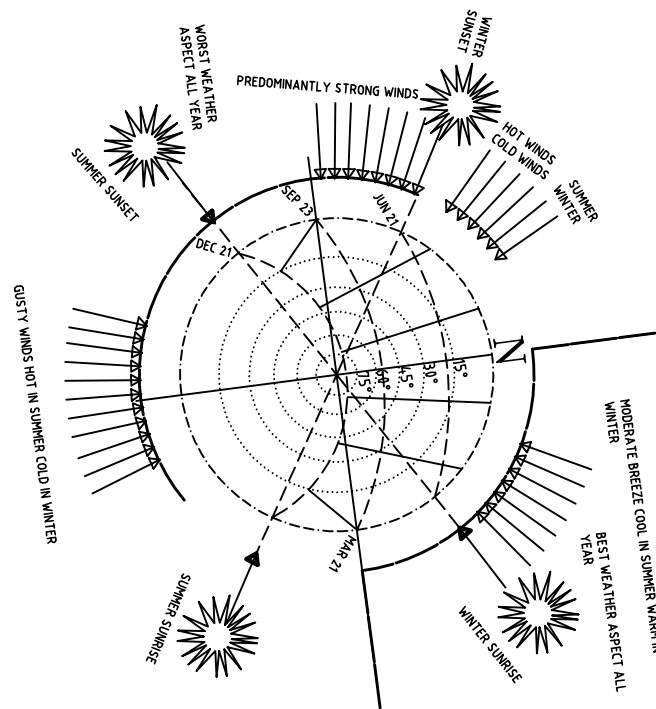
TYPICAL 45L POT PLANTING SECTION
scale NTS



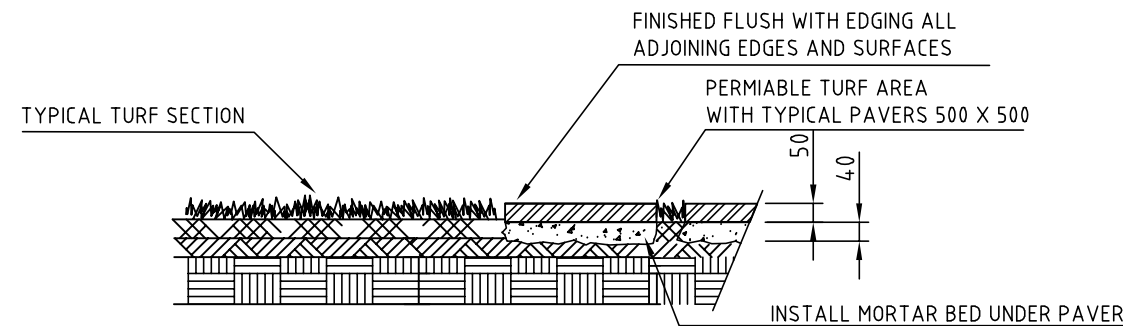
UNITARY PAVING AREA EDGE
RETENTION SECTION SCALE 1 : 40



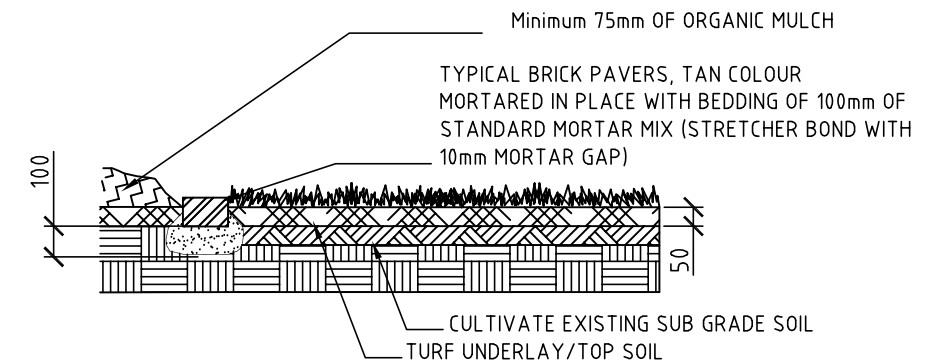
LETTERBOX DETAIL NTS



SITE CLIMATIC ANALYSIS



TYPICAL 500 x 500 PAVING & TURF AREA SECTION
Scale 1 : 20



TYPICAL BRICK EDGING STD SECTION
Scale 1 : 20

SEE SHEET 3 FOR:
LEGEND
PLANT SCHEDULE
ESTABLISHMENT MAINTENANCE

SEE SHEET 1 & 2 FOR:
LANDSCAPE CONCEPT PLAN
PLANTING PROCEDURE
EXISTING TREE PROTECTION

SEE SHEET 5 FOR:
LANDSCAPE AREAS
SUPPLEMENTARY PLAN NOTES
SOIL DEPTH & SURFACE TREATMENT
BRICK RETAINING WALL
EXISTING TREE SCHEDULE

RevNo	Revision note	Date	Signature	Checked
2	Amend plan to include information from arboricultural impact assessment	03/09/2018	THinchliffe	R.H.
3	Amend plan to include new architectural plan levels and layout	11/09/2018	THinchliffe	R.H.

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79 Ballandella Rd
TOONGABBIE NSW 2146
EMAIL: terraflora@live.com.au PHONE/FAX: 0263089195

PROJECT:
PROPOSED RESIDENTIAL DUPLEX DEVELOPMENT
2026 Lot 10 DP 8829
L.G.A. : WAVERLEY MUN. COUNCIL
16 OWEN STREET
NORTH BONDI NSW 2026

CLIENT:
Mr. Daniel Krimotat
ARCHIT:
Third Wave Design
ENGINEER :
Australiawide Consulting
Service P/L

PLAN:
**LANDSCAPE
CONCEPT PLAN**
ARCHITECTS JOB NO. 1824

DRAWING: LP090818-ISSUE 3
SHEET No: 4 of 5
DRAWN BY: Trevor. Hinchliffe
QUALIFICATION: ASS. DIP. LAND.
DATE: 11-09-2018
SCALE: 1 : 100 (A1 SHEET SIZE)
SCALE: 1 : 200 (A3 SHEET SIZE)

DESIGN STATEMENT

THE PRINCIPAL ELEMENTS OF THIS DESIGN AREA:

- PROVIDE A LANDSCAPE CONCEPT TO THE CLIENTS LIFESTYLE, REQUIREMENTS AND NEEDS.
- SCREEN / MODIFY VISUAL IMPACT OF THE PROPOSED HOUSE FROM THE STREETScape.
- MAINTAIN DESIGN CONSISTENCY WITH EXISTING STREETScape
- SCREEN REAR PRIVATE COURTYARDS
- ALLOW SUN ACCESS TO THE NORTH ASPECT WHILE MODIFYING THE SUN ACCESS TO THE WESTERN ASPECT.
- INSTALL & RETAIN TREES / SHRUB / GROUND COVERS THROUGH OUT THE SITE, TO INCREASE BIODIVERSITY IN COURT YARDS.
- PROVIDE FREEDOM ON MOVEMENT AND USEFUL RECREATIONAL AREAS WITH IN THE SITE
- PROVIDE SAFE MOVEMENT FOR VEHICLE TO REAR OF PROPERTY AND EXIT TO STREET
- PROVIDE TREES / OTHER PLANTS WITH LOW WATER REQUIREMENTS THROUGH OUT SITE.
- EXISTING SITE SOIL SHOULD BE STOCK PILED FOR USE IN GARDEN AND LANDSCAPE AREA.

SUPPLEMENTARY PLAN NOTES

- × PLANT GROWTH SHOWN ON THIS PLAN APPROXIMATES 15 YEARS OF GROWTH FROM DATE OF PLANTING..
- × THE EXTENT OF WORK IS THE AREA FROM WITHIN THE PROPERTY BOUNDARIES NOT INCLUDING THE BUILDING..
- × THE TYPICAL ORGANIC MULCH TO BE USED, WILL BE EUCALYPTUS MULCH. PLACED TO A DEPTH OF 100mm TO ALLOW FOR NORMAL COMPACTION DOWN TO 75mm FINAL DEPTH. GRAVEL MULCH ONLY TO OSD AREAS
- × ALL PAVEMENT BUTTING UP TO THE HOUSE WILL HAVE MINIMUM FALL OF 1 : 80 AWAY FROM THE HOUSE, UNLESS OTHERWISE STATED
- × ALL ENCLOSED GARDEN BEDS WILL HAVE AGG. DRAINAGE LINE INSTALLED AND DRAINED TO STORM WATER.

RETAINING EXISTING TOP SOIL

EXISTING SITE TOPSOIL IS TO BE STOCK PILED FOR USE IN GARDEN AND LANDSCAPE AREA. SOIL STOCK PILES SHOULD BE LOCATED AWAY FROM EXISTING TREES CANOPIES LINE AND SHRUBS TO BE RETAINED.

MIN. SOIL DEPTH (MIN. SOIL VOLUME) FOR EXCAVATED AREAS

TURFED AREAS 150-300mm depth.
GROUND COVER 300-450mm depth.
SHRUBS 500-600mm depth.
SMALL TREES (CANOPY UP TO 4m) 800mm (9m3).
MEDIUM TREE (CANOPY UP TO 8m) 1m (35m3).
LARGE TREE (CANOPY UP TO 16m) 1.3m (150m3).
(MINIMUM TOPSOIL DEPTH IN GARDEN BEDS THROUGH OUT SITE 300mm DEPTH)
SEE PCS3 LANDSCAPE DCP FOR FURTHER PLANTING & LANDSCAPE DETAILS

SURFACE TREATMENT

SURFACE	COLOUR	
TURF	DARK GREEN	'Sapphire' TURF
DRIVEWAY	STORM GREY	STENCILED COLOURED CONCRETE
UNITARY PAVING	CHARCOAL	PAVING
ORNAMENTAL GRAVEL	AUSSIE GOLD	20mm GRAVEL
GARDEN BEDS	NATURAL COLOUR	EUCALYPTUS MULCH
FENCE COLORBOND	GREY RIDGE	LYSAGHT SMARTASCREEN
CLOTHES LINE FOLDING	CHARCOAL	METAL POW. COATED

Application No: DA 327/2018

SCHEDULE

Date Received: 13/09/2018

EXISTING TREES SCHEDULE

SYB	BOTANICAL NAME	COMMON NAME	SIZE	ACTION	REASON
T1	Ficus microcarpa var. hillii	Hills weeping fig	18x22	Remove	Prox. to excavation
T2	Cinnamomum camphora	Camphor laurel	13 x 5	Remove	Prox. to house
T3	Howea forsteriana	Kentia Palm	4 x 4	Remove	Prox. to excavation
T4	Schinus molle var. areira	Peppercorn tree	7 x 8	Remove	Prox. to house
T5	Lophostemon confertus	Brush Box	14 x 15	Remove	Prox. to house
T6	Plumeria acutifolia	Frangipani	5 x 5	Remove	Prox. to house
T7	Cinnamomum camphora	Camphor laurel	12 x 6	Remove	Very large species
T8	Cinnamomum camphora	Camphor laurel	12 x 4	Remove	Very large species
T9	Persea americana	Avocado Tree	10 x 5	Remove	Prox. to pool
T10	Persea americana	Avocado Tree	9 x 4	Remove	Prox. to pool
T11	Celtis sinensis	Chinese hackberry	11 x 5	Remove	Prox. to pool
T12	Celtis sinensis	Chinese hackberry	9 x 5	Remove	Prox. to pool

Note: see arboricultural impact assessment for an in-depth assessment of existing trees

Protection for all existing tree covered by Australian Standard AS4970-2009 - Protection of trees on development sites.

LANDSCAPE AREAS

TOTAL SITE AREA 437.2 m² TOTAL LANDSCAPE AREA 206.0 m²
68.0% HARD SURFACE :32.0% SOFT LANDSCAPE (LAND. AREA)
TOTAL SITE 15.09% DEEP SOIL ZONE (PLANTING ZONE)
32.03 % DEEP SOIL LANDSCAPE ZONE % IN OPEN SPACE AREA
TOTAL DEEP SOIL AREA ON SITE 66.0 m² = 15.09 % OF SITE
TOTAL PERVIOUS AREA ON SITE 70.0 m² = 16.01 % OF SITE

LAWN - COUNCIL AREA 28.0 m²
DRIVE CROSS-OVER (CONCRETE) - COUNCIL AREA 35.0 m²
PATH (CONCRETE) - COUNCIL AREA 8.5 m²
LAWN AREA 18.5 m² 70.0 m² (LANDSCAPE AREA) PERVIOUS
GARDEN AREA 51.5 m²
DRIVEWAY (CONCRETE) AREA 38.0 m² (IMPERVIOUS)
PATH (PAVERS) AREA 50.0 m² (SEMIPEVIOUS).
ALFRESCO & POOL (CONCRETE REND.) AREA 30.5 m² (IMPER.)
SWIMMING POOL WATER 16.0 m²
OTHER HARD AREA 1.5 m² (IMPERVIOUS)

LOW WATER USAGE PLANTING AREA 66.0 m² OF SITE

Total external landscape area for site by calculation 168.0 m2
Not including driveways

Unit A- Total landscape area 82.0 m2
Total deep soil planting 23.0 m2
Total low water requirement plants 26.0 m2

Unit B- Total landscape area 86.0 m2
Total deep soil planting 22.65 m2
Total low water requirement plants 25.65 m2

SEE SHEET 3 FOR:
LEGEND
PLANT SCHEDULE
ESTABLISHMENT MAINTENANCE

SEE SHEET 4 FOR:
DETAILS
SOIL TEST RESULTS
SITE CLIMATIC ANALYSIS

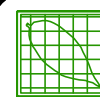
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Terra Flora Landscape Services

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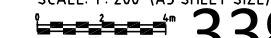
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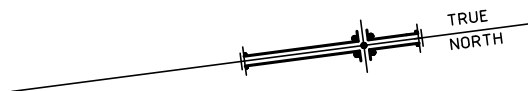
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LOCATION PLAN

DRAFT STRATA PLAN

27/11/2018 REVISION A



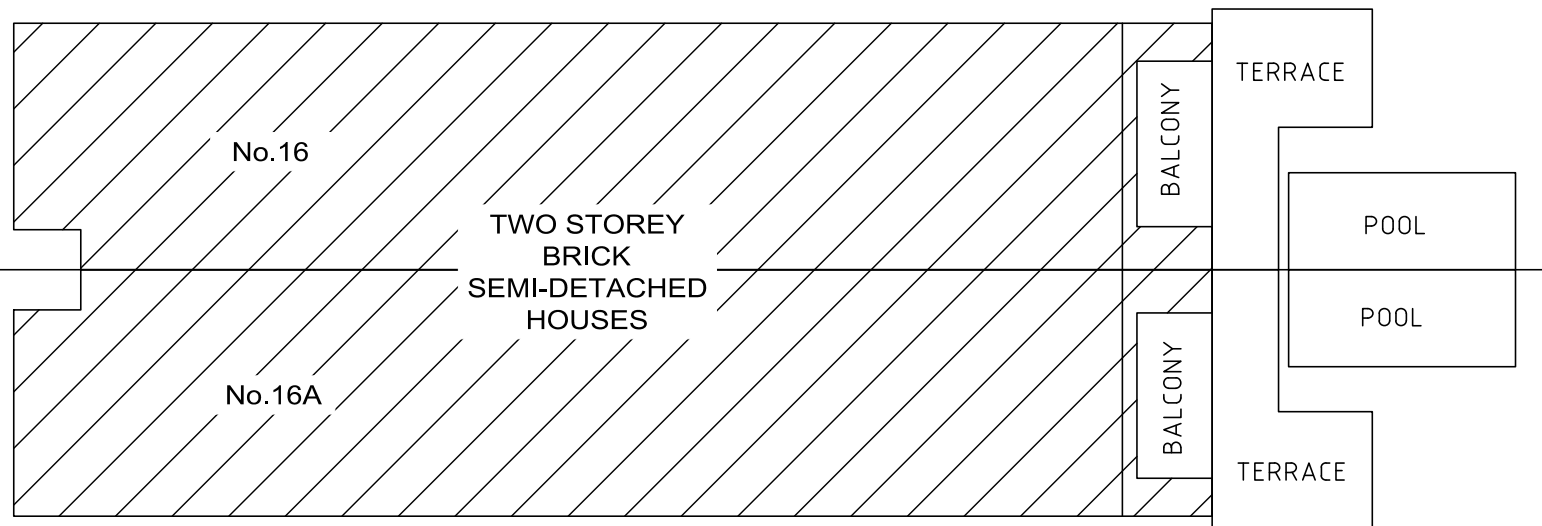
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Waverley Council
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STREET

OWEN

9
 D.P. 8 8 2 9

S.P.9 5 6 8 7



S.P.1 0 7 9 7

1
 D.P. 5 7 7 8 8 3

S.P.1 0 8 0 6

CAUTION

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ALL AREAS ARE APPROXIMATE

PRELIMINARY DRAFT STRATA PLAN PREPARED FROM ARCHITECTURAL PLANS:
 Owens DA_Ground Floor for Strata Plan.dwg
 Owens DA_Level 1 for Strata Plan.dwg

SURVEYOR
 Name: HANNAH MARTIN
 Date: 27.11.2018
 Reference: 1800964-DSP

PLAN OF SUBDIVISION OVER
 LOT 10 D.P.8829

L.G.A: WAVERLEY
 Locality: NORTH BONDI
 Reduction Ratio: 1:150
 Lengths are in metres

Registered

SP

340

SP FORM 3.01	STRATA PLAN ADMINISTRATION SHEET	
Office Use Only	Office Use Only	
Registered:	DRAFT STRATA PLAN	
PLAN OF SUBDIVISION OVER LOT 10 D.P.8829	LGA: WAVERLEY Locality: NORTH BONDI Parish: ALEXANDRIA County: CUMBERLAND	
This is a *FREEHOLD/*LEASEHOLD Strata Scheme		
Address for Service of Documents No. 16 OWEN STREET NORTH BONDI, NSW. 2026 Provide an Australian postal address including a postcode	The by-laws adopted for the scheme are: * Model by-laws for residential strata schemes together with: Keeping of animals: Option *A /*B Smoke penetration: Option *A /*B (see Schedule 3 Strata Schemes Management Regulation 2016) * The strata by-laws lodged with the plan.	
Surveyor's Certificate I <u>HANNAH MARTIN</u> <u>BEVERIDGE WILLIAMS incorporating DUNLOP THORPE</u> <u>of 447 KENT STREET, SYDNEY 2000</u> being a land surveyor registered under the Surveying and Spatial Information Act 2002, certify that the information shown in the accompanying plan is accurate and each applicable requirement of Schedule 1 of the Strata Schemes Development Act 2015 has been met. * The building encroaches on: * (a) a public place * (b) land other than a public place and an appropriate easement to permit the encroachment has been created by ^ Signature: Date: Surveyor ID: <u>9129</u> Surveyor's Reference: <u>1800964 - DSP</u> ^ Insert the deposited plan number of the instrument that created the easement	Strata Certificate (Accredited Certifier) I being an Accredited Certifier, accreditation number, certify that in regards to the proposed strata plan with this certificate, I have made the required inspections and I am satisfied the plan complies with clause 17 Strata Schemes Development Regulation 2016 and the relevant parts of Section 58 Strata Schemes Development Act 2015 (a) This plan is part of a development scheme. (b) The building encroaches on a public place and in accordance with section 62(3) Strata Schemes Development Act 2015 the local council has granted a relevant planning approval that is in force for the building with the encroachment or for the subdivision specifying the existence of the encroachment. (c) This certificate is given on the condition contained in the relevant planning approval that lot(s) ^ will be created as utility lots and restricted in accordance with section 63 Strata Schemes Development Act 2015. Certificate Reference: Relevant Planning Approval No.: issued by: Signature: Date: ^ Insert lot numbers of proposed utility lots.	

* Strike through if in applicable

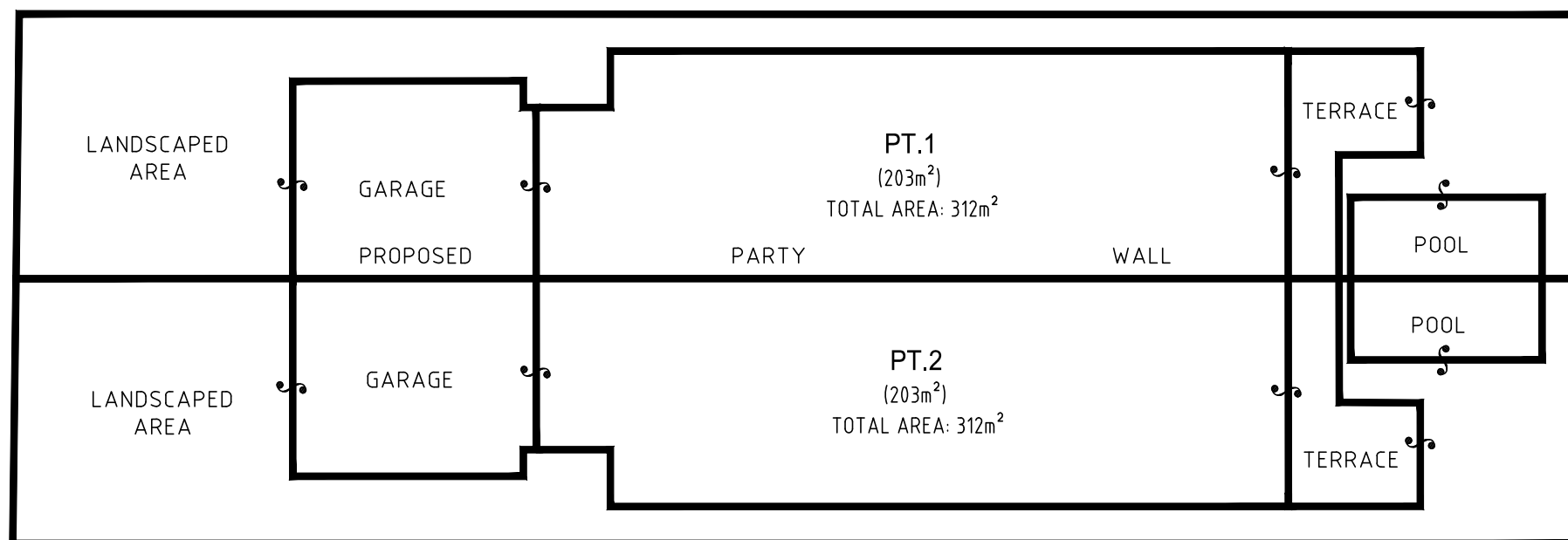
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Subdivision Certificate number	27/11/2018 REVISION A																								
Date of endorsement	This sheet is for the provision of the following information as required: • A Schedule of Unit Entitlements • Statements of intention to create and release affecting interests in accordance with section 88B Conveyancing Act 1919 • Signatures and seals - see 195D Conveyancing Act 1919 • Any information which cannot fit in in the appropriate panel of sheet 1 of the administration sheets.																								
SCHEDULE OF UNIT ENTITLEMENT																									
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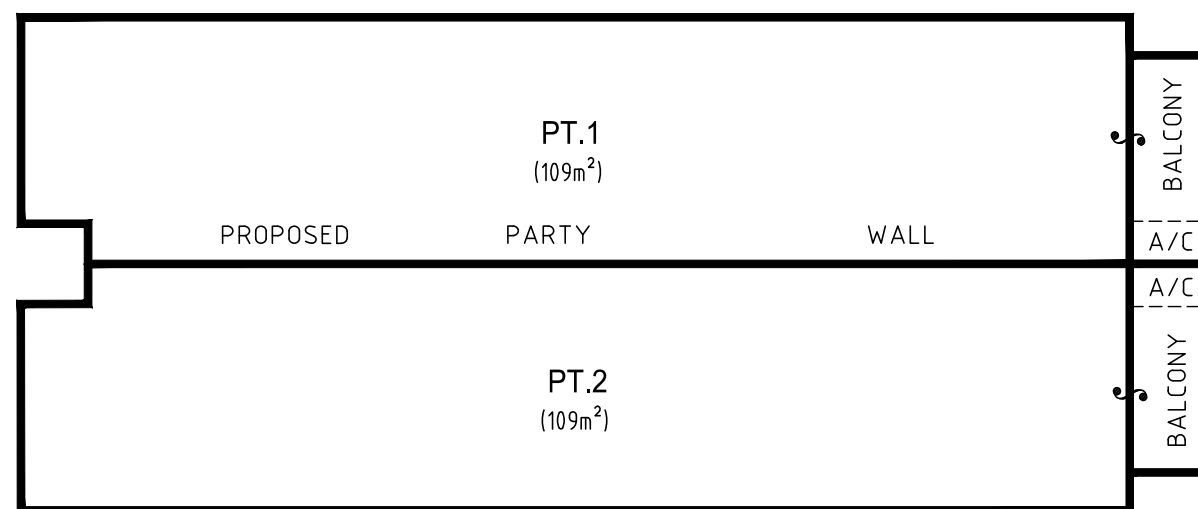
DRAFT STRATA PLAN

27/11/2018 REVISION A

RECEIVED
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 Application No: DA-327/2018
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GROUND



LEVEL ONE

ALL AREAS ARE APPROXIMATE

A/C DENOTES AIR CONDITIONING UNITS, PART OF LOTS.
 AIR CONDITIONING UNIT IS INCLUDED IN AREA OF BALCONY.

PRELIMINARY DRAFT STRATA PLAN PREPARED FROM
 ARCHITECTURAL PLANS:
 Owens DA_Ground Floor for Strata Plan.dwg
 Owens DA_Level 1 for Strata Plan.dwg

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SURVEYOR
 Name: HANNAH MARTIN
 Date: 27.11.2018
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PLAN OF SUBDIVISION OVER
 LOT 10 D.P.8829

L.G.A: WAVERLEY
 Locality: NORTH BONDI
 Reduction Ratio: 1:150
 Lengths are in metres

Registered

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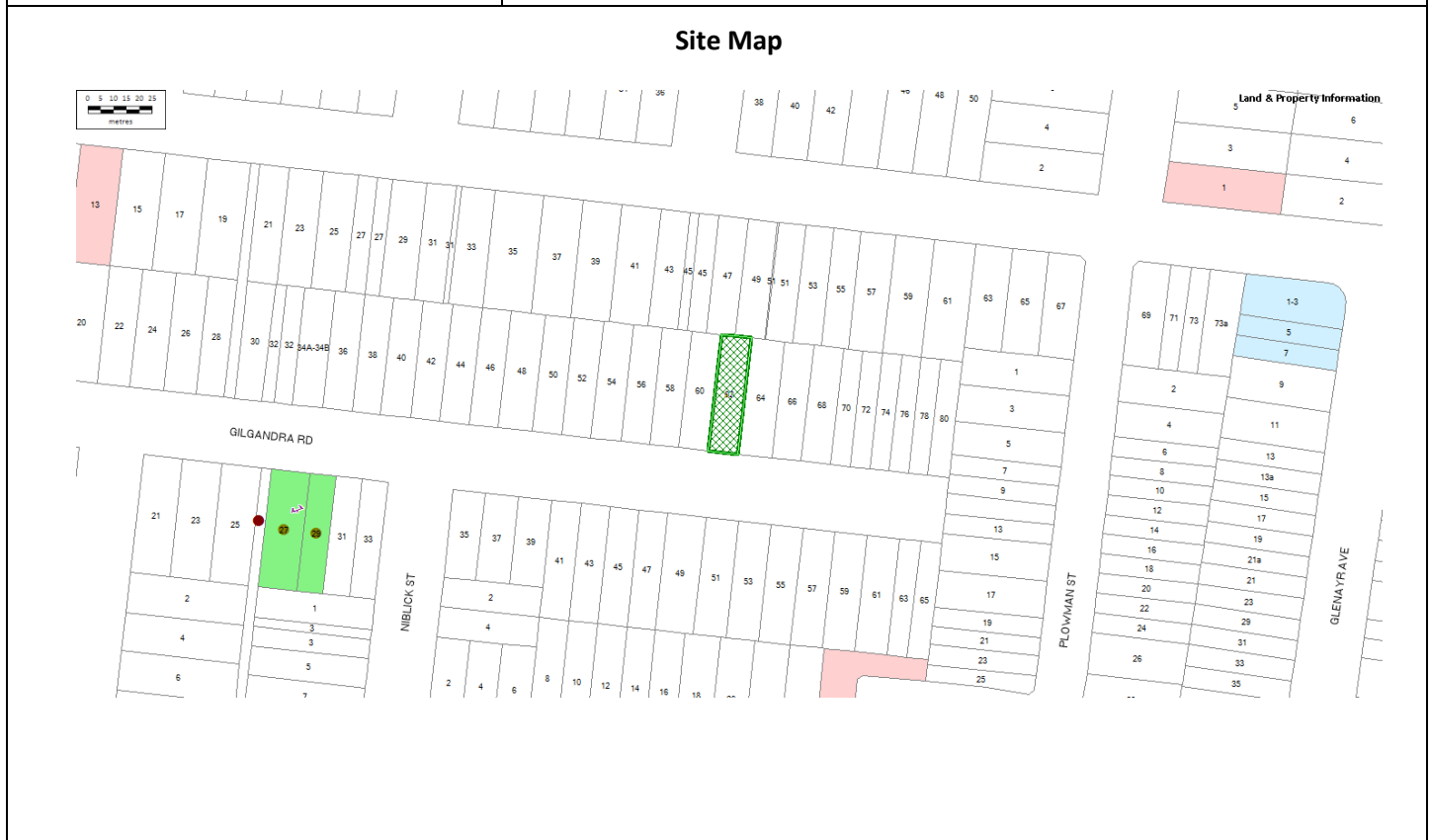


Dwelling House, Dual Occupancy, Secondary Dwelling,
Semi-Detached Dwelling and Terrace Development



Report to the Waverley Local Planning Panel

Application number	DA-216/2018
Site address	62 Gilgandra Road, North Bondi
Proposal	Demolition of existing dwelling and erection of new single dwelling and swimming pool
Date of lodgement	18 June 2018
Owner	J Brown
Applicant	MASQ Architecture
Submissions	Submissions from eleven properties
Cost of works	\$1.6 million
Issues	Wall height
Recommendation	That the application be APPROVED



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 27 September 2018.

The site is identified as Lot 1 in DP 962304, known as 62 Gilgandra Road, North Bondi. The site is rectangular in shape with north (rear) and south (front) boundaries measuring 9.145m, and east and west side boundaries measuring 36.575m. The site has an area of 334.5m² and falls from the front towards the rear by approximately 3.35m.

The site is occupied by a part one and two-storey detached dwelling with vehicular access provided from Gilgandra Road to carport within the front setback of the site.

The subject site is adjoined by a part two and three-storey building to the east and a part one and two-storey dwelling to the west. The western adjoining property at No. 60 Gilgandra Road has recently been granted approval (DA-162/2018) for demolition and construction of a two-storey dwelling. The locality is characterised by predominantly detached dwellings ranging in scale from one to three storeys.



Figure 1: Site viewed from Gilgandra Street



Figure 2: Site viewed from the rear



Figure 1: Rear boundary of site (properties fronting Murriverie Road in the background)

1.2 Relevant History

There is no record of recent development history for this site.

After an on-site meeting with the Architects the subject application, DA-216/2018, was deferred to address compliance with height and FSR development standards, wall height and setbacks. Amended plans were provided on 6 December 2018 and renotified to surrounding properties. Further amended plans were provided on 6 February 2019 which further reduced the FSR to comply with the development standard. These plans form the subject of the assessment within this report.

1.3 Proposal

The application seeks consent for the demolition of the existing dwelling on the site and the construction of a new part two and three-storey dwelling with four bedrooms, double garage and a swimming pool within the rear yard.

The proposed new dwelling will provide kitchen, living and dining area, powder room, and plant at the lower ground floor level with direct access to the rear yard. The ground floor level (mid-level) will provide entry to the building, the main bedroom with walk-in-robe and ensuite, guest bedroom with ensuite and laundry. The first floor level (top level) will provide two further bedrooms with ensuites and a rumpus room. Lift access will be provided to all levels of the dwelling.

The proposal includes a double garage with a bin storage area within the front setback of the site accessed from Gilgandra Road.

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
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the LEP.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the zone. The proposal is consistent with the zone objectives.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The proposal has a maximum height of 8.5m.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.74:1 (248m²) 	Yes	The FSR of the proposal is 0.74:1 (248m ²).
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated Class 5 on the Acid Sulfate Soils Map. The proposed works are unlikely to encounter acid sulfate soils.
6.2 Earthworks	Yes	The proposal includes excavation to provide the lower ground floor level. The excavation provides appropriate setbacks from side and rear boundaries. All standard conditions of consent are included in Appendix A.

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	<p>A bin storage area will be provided within the side setback accessed from the garage with direct level access to the street for collection.</p> <p>A Site Waste Management Plan (SWMP) has been submitted with the application and is considered satisfactory.</p> <p>The proposal is consistent with the relevant objectives and controls of this part of the DCP.</p>
2. Energy and water conservation	Yes	<p>A BASIX Certificate was provided with the application.</p> <p>Appropriate openings are provided on all elevations for adequate cross ventilation and solar access.</p> <p>The proposal is consistent with the relevant objectives and controls within this part of the DCP.</p>
5. Tree preservation	Yes	<p>The proposal includes the removal of several trees from the site and as such was referred to Council's Tree Preservation Officer who supported the removal of the trees (full comments in Section 3 of this report).</p> <p>A landscape plans was provided with the application which indicates that the site will be landscaped with perimeter planting with mature heights from 2.5m – 4m along the boundaries of the rear yard. Council's TMO considers the landscaping plan to be appropriate and it is included as a condition of consent.</p>
6. Stormwater	Yes (by condition)	<p>The submitted stormwater plans were referred to Council's Stormwater Engineers who assessed the plans as unsatisfactory. A condition is included in Appendix A to address this matter.</p>

10. Safety	Yes	<p>The proposed new dwelling will provide a clear and legible entry. Windows on the front elevation at first floor level will overlook the street providing passive surveillance.</p> <p>The proposal is consistent with the relevant objectives and controls of this part of the DCP.</p>
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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
1.1 Height		
<p>1.1.1 Flat roof dwelling house</p> <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	<p>The proposal provides an overall height of 8.5m consistent with the development standard of the LEP. The LEP is a higher order control and overrides the provisions of a DCP where there is conflict between the two.</p> <p>The proposal incorporates setbacks at the upper level to provide articulation to the building and reduce bulk when viewed from the side and rear. The height of the proposal is considered acceptable.</p> <p>It is worth noting that the new DCP (Amendment 6) control requires that the wall height of flat roofed dwellings cannot exceed 7.5m with which the subject proposal would comply as the upper level is set in from the level below.</p>
1.2 Setbacks		
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	<p>The proposal has been amended since it was first submitted to increase the front setback at the first floor level to align with the pattern of development within the street. The ground floor level is built up to the front boundary alignment which is consistent with the predominant front setback within the street.</p> <p>The proposal has been amended to increase the rear setbacks at all levels to align with the predominant building line at each level. Rear setbacks are discussed in more detail below this table.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m 	Yes	Although the proposal is three-storeys at the rear, the building complies with the height

Development Control	Compliance	Comment
		<p>development standard and as such, a 900mm side setback is required.</p> <p>The proposal provides a minimum 900mm side setback at all levels with only a minor encroachment at the ground floor level where the bin storage area extends to the side boundary within the front setback.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	The lower ground floor level is 900mm from side boundaries. All standard conditions are included in Appendix A.
1.4 Streetscape and visual impact		
Impact upon streetscape	Yes	Gilgandra Road has a variety of architectural styles with no uniform design to the streetscape. Recent development within the street incorporates flat roofed forms or parapets at the street frontage. There is a clear pattern of development in respect of front setbacks at the ground and first floor levels and the amended design respects this. The proposal provides a flat-roofed contemporary building with modern finishes that will not be out of character with the street.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes (on merit)	<p>The front fence exceeds the control however this is consistent with front fences within the street.</p> <p>No details regarding side and rear fences have been provided. An appropriate condition is included in Appendix A.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> 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. External stairs are not acceptable. 	Yes	<p>All windows to habitable rooms are orientated toward the front or the rear where there are sufficient separation distances from surrounding properties to ensure no unreasonable privacy impacts result. Other windows are to an internal lightwell and as such, do not directly face windows or the private open space of adjoining properties.</p> <p>The proposal does not provide balconies.</p> <p>All windows on the side elevations have been designed or placed to ensure that no</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 		<p>unreasonable privacy impacts are experienced at both adjoining properties.</p> <p>The proposal is for a single dwelling within a residential zone with windows and activity concentrated toward the front and rear. No unreasonable visual or acoustic privacy impacts are expected.</p>
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p> <p>Yes</p>	<p>The living area windows on the rear elevation and the principle area of private open space have an optimal northerly orientation.</p> <p>Shadow diagrams in plan and elevation form were provided which indicate that there will be some additional overshadowing of the side elevations of both adjoining properties. However, the proposal will not impact upon the rear elevations and principle areas of private open space of both of these dwellings which are also orientated to the north. The overshadowing impacts of the proposal are not considered unreasonable particularly given the compliance of the proposal with the height and FSR development standards of the LEP and the built form controls of the DCP.</p>
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p>	<p>The Sydney City skyline and harbour is located to the west of the site and as such any potential views would be from an easterly direction and across the side boundary of the site. Additionally, given that the proposal complies with the height and FSR development standards of the LEP and with the controls of the DCP, any potential view loss would be considered to be a reasonable impact. The proposal is consistent with the Tenacity Planning Principles.</p>
1.11 Car parking		
<p>1.11.1 Parking rates</p> <p><i>Maximum rates:</i></p> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	<p>Yes</p>	<p>The proposal provides two spaces within a front garage.</p>
<p>1.11.2 Location</p> <ul style="list-style-type: none"> Behind front building line for new dwellings 	<p>Yes</p>	<p>The front garage will be built up to the front boundary of the site however this is consistent with the pattern of development in the street</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Consistent with hierarchy of preferred car parking locations 		and the front building line at the ground floor level.
1.11.3 Design	Yes	<p>The garage has been designed to complement the style and massing of the dwelling with an integrated design.</p> <p>The proposal complies with this part of the DCP.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	The garage has dimensions of 5.45m x 5.6m (double) complying with this control.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	<p>One driveway is proposed with a width of 3m (excluding splays) at the street.</p> <p>The site has an existing driveway crossing that will be relocated further to the east. Survey data indicates that there will continue to be one on-street parking space retained between the new driveway location and the driveway to the east. This ensures that there is no loss of on-street parking as a result of the relocated driveway crossing.</p> <p>At present the site provides a single driveway to a single car space. The proposal will provide a single width driveway splaying to a double garage and will not result in the loss of on-street parking. In this regard, the proposal will provide a net gain of 1 parking space. This is considered acceptable and in accordance with the parking controls.</p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback Front landscaped area: 50% of front open space provided 	Yes Yes Yes Yes (on merit)	<ul style="list-style-type: none"> Open space is 49% of the site. Landscaped area is 23% of the site. The rear yard is 102m². The subject proposal is built up to the front boundary which is consistent with the predominant front building line within the street. Landscaping is included on either side of the garage structure to provide landscaping within the streetscape. Given the pattern of development within the street, with garages built up to the front

Development Control	Compliance	Comment
		boundary, this arrangement is considered acceptable.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The swimming pool is located within the rear yard.

Rear setbacks

The proposal has been amended to increase the rear setbacks at each level to generally align with setbacks on adjoining properties, noting that setbacks relate to structures not just the dwelling itself. In this regard, balconies, pergolas and covered outdoor areas are considered to form part of the predominant setback.



Figure 4: Setback diagram provided by the Applicant (showing only the upper floor level)

Figure 4 above was provided by the Applicant and shows the pattern of front and rear setbacks of properties within the vicinity of the site. The image shows only the top floor level however it is clear that the lower levels would still comfortably comply with the predominant rear setbacks.

As the subject proposal is for a three storey dwelling and the surrounding buildings are generally two storeys there is no predominant rear building line at the lower ground floor level. In this regard, the proposal was required to be amended to provide a stepped rear elevation increasing the rear setback of each level to reduce bulk from the adjoining properties to the side and the rear. The lower ground level is predominantly excavated and as such will have minimal impact in terms of bulk and scale on adjoining properties. The ground and first floor levels have then been designed to generally align with the adjoining properties on either side, particularly the recently approved dwelling at No. 60, at the corresponding upper level.

The proposed rear setbacks are considered appropriate and are supported.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Suitability of the Site for the Development

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

2.4 Any Submissions

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

The first amended application was notified for 21 days, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. Submissions were received from eleven properties.

The second amended plans received 7 February and subject to the assessment within this report were not renotified as the changes were minor and of lessor impact than the previously notified amended plans. This is in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*.

The eleven objections received to the amended plans are considered to still stand in relation to the final amended plans and the issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
45 Murriverie Road, North Bondi
47 Murriverie Road, North Bondi
49 Murriverie Road, North Bondi
51 Murriverie Road, North Bondi
47 Gilgandra Road, North Bondi
49 Gilgandra Road, North Bondi
50 Gilgandra Road, North Bondi
51 Gilgandra Road, North Bondi
56 Gilgandra Road, North Bondi
60 Gilgandra Road, North Bondi
64 Gilgandra Road, North Bondi

Issue:

- **Excessive height and FSR;**
- **Wall height non-compliance;Privacy;**
- **Setbacks inadequate;**
- **Overshadowing;**

- **Loss of view;**
- **Driveway will result in the loss of on-street parking;**

Response: These issues have been discussed previously in this report.

Issue: The removal of the large tree within the rear yard and replacement with inadequate vegetation for screening.

Response: Council's Tree Preservation Officer supports the removal of the tree within the rear yard. A landscape plans was provided with the application which indicates that the site will be landscaped with perimeter planting with mature heights from 2.5m – 4m along the boundaries of the rear yard. The replacement vegetation is considered appropriate for screening.

Issue: Excessive number of storeys.

Response: There are no number of storey controls for dwellings within the DCP. The height of the proposal has been previously discussed and is considered acceptable particularly given the compliance of the proposal with the height development standard of LEP 2012.

Issue: Rear setback; Loss of view due to setbacks.

Response: This issue was raised by No. 60 Gilgandra, adjoining to the west of the subject site. Significant views of the City Skyline are to the west and as such, the proposal could not obstruct views from the property. In this regard, it is more likely that the objector means that the proposal will result in loss of outlook. The DCP does not provide controls in relation to outlook however, outlook can be considered in relation to setbacks.

The proposal has been amended to increase the rear setbacks at each level to generally align with setbacks on adjoining properties, noting that setbacks relate to structures not just the dwelling itself. In this regard, balconies, pergolas and covered outdoor areas are considered to form part of the predominant setback.

Issue: The modification process should not be used to increase the building further.

Response: The application is not for a modification. Notwithstanding, Council cannot reject a modification outright and must consider all applications lodged.

Issue: The FSR calculation should apply to the underground section.

Response: The plant at the lower ground level is not included in FSR calculations as stipulated by the definition. The FSR is not a merit-based assessment and must be applied as stipulated within the definition. The remainder of the lower ground floor is included.

Issue: Excavation will impact surrounding properties; Construction issues.

Response: All standard engineering, excavation and construction conditions have been included in Appendix A.

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

Conditions were provided which are included in Appendix A.

3.2 Stormwater, Creating Waverley

Conditions are included in Appendix A.

3.3 Tree Preservation, Clean and Attractive Waverley

The following comments were provided:

A site inspection was carried out on the following day: 3 October 2018

Impacts on Existing Trees and Vegetation:

- *Situated on the above property were several species of trees/shrubs, it was noted that the trees/shrubs possess no outstanding attributes worthy of retention (due to poor health, poor structure and being under 5 metres) and their **removal is supported**.*
- *Situated in the rear of the above property is a semi mature Liquidambar tree of approximately 9 metres in height and a canopy spread of 7 metres. The tree is of average health and condition, it has a medium landscape significance and also a medium retention value rating, due to its unsuitable location in relation to the proposed swimming pool it's **removal is supported**.*

RECOMMENDATION

- *Landscape plan prepared by Adam Robinson Design, DWG; 465.18 CP, Date: 11/06/2018 is satisfactory and **should be used** as the approved landscape plan.*
- *Arborist Report prepared by Arbspec arboricultural assessment by Andrew Bouchier. Dated: 13/05/2018 is satisfactory and **should be used** as the approved arborist report.*

Appropriate conditions are included in Appendix A.

4. SUMMARY

The application seeks consent for the demolition of the existing dwelling on the site and the construction of a new part two and three-storey dwelling with four bedrooms and a swimming pool within the rear yard.

The proposal has been amended since it was first submitted to reduce the FSR, height and increase the front and rear setbacks. The amended proposal complies with the height and FSR development

standards of WLEP 2012 and generally with the controls of DCP 2012. The proposal fits contextually within the streetscape and will not unreasonably impact upon the amenity of surrounding properties.

The original and amended proposals were notified and submissions from 11 properties were received raising issues in relation to height, FSR, setbacks, loss of trees, number of storeys as discussed within the body of this report.

The amended 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:

Kylie Lucas
Senior Development Assessment Planner

Date: 7 February 2019

Application determined by:

Arif Faruqi
Manager, Development Assessment (North)

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

Date: 13 February 2019

Reason for referral:

- 2 Contentious development (10 or more objections)

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Nos A0.01, A1.01, A1.02, A1.03, A1.04, A2.01, A3.01, A3.02, A3.03, A3.04, all Revision E, tables and documentation prepared by MASQ Architecture, dated 7/02/2019, and received by Council on date 7 February 2019,
- (b) BASIX Certificate;
- (c) Arboricultural Impact Assessment Report prepared by Arbspec Arboricultural Assessment by Andrew Bouchier dated 13 June 2018 and received by Council on 18 June 2018.
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. AMENDED LANDSCAPE PLAN

The landscape plan shall be amended as follows:

- (a) The landscape plan shall be updated to reflect the approved plans and the amended footprint.

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. 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.

4. USE OF DWELLING

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

5. FENCING

All side and rear boundary fencing shall comply with State Environmental Planning Policy 2008 (Exempt and Complying Development Codes) or be subject to separate development consent.

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/

(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 \$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.

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 WORKS PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

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

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

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

10. HOARDING

If required, a standard A/B Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority shall be 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.

11. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be not possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.

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

12. SWEEP WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, 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 a vehicle entering and exiting each side of the garage from Gilgandra Road 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 Gilgandra Road 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 western side wing of the existing driveway at No.64 and the eastern side wing of the proposed driveway at No.62

13. 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.

14. 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.

15. SITE WASTE AND RECYCLING MANAGEMENT PLAN

A Site Waste and Recycling Management Plan (SWRMP) Checklist 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Part B1, 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.

16. 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.

17. STORMWATER MANAGEMENT

(a) The Stormwater Plan prepared by Zimmerman Engineers, Project No. 2526, Drawing No. 01 (Issue A), dated 12 June 2018 have been checked and considered ***not satisfactory*** with respect to stormwater details.

The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual.

- The stormwater from the rear of the property is to be collected and disposed via the proposed stormwater Management system.
- Rain Water Tank (RWT) to be installed separately as per BASIX requirement, and the overflow from the RWT to be directed to OSD tank.
- An updated Stormwater Management Plan along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual is required.

(b) Amended details addressing clause (a) are to be submitted and approved by Council's Executive Manager, Creating Waverley demonstrating compliance, prior to the issue of a Construction Certificate.

(c) 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.

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. 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*.

20. 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.

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.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

22. PRIOR TO SITE WORKS

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

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

23. HOME BUILDING ACT

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

24. CONSTRUCTION SIGNS

Prior to commencement of any works on the site and during construction a sign shall be erected on the main frontage of the site detailing the name, address and contact details (including a telephone number) of the Principal Certifying Authority and principal contractor (the coordinator of the building works). The sign shall be clearly legible from the adjoining street/public areas and maintained throughout the building works.

25. 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.

26. 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.

27. 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.

28. TOILET FACILITIES

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

29. NO USE OF ORGANOCHLORIN PESTICIDES

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

30. 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'.

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.

31. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

32. 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.

33. 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.

34. SKIPS AND BINS

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

35. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. CONSTRUCTION HOURS

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

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

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

43. 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.

44. BUILDING CODE OF AUSTRALIA

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

45. 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.

46. CERTIFICATE OF SURVEY - LEVELS

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

47. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to

certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

48. ENCROACH BEYOND THE BOUNDARIES

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

49. IN-SINK WASTE DISPOSAL SYSTEMS

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

50. 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.

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. 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.

54. 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) The finished level of the proposed pool is not to exceed a maximum height of RL 11.540 as indicated on the approved plans;
- (d) 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
- (e) 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.

55. 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.

56. 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.

57. VEHICULAR ACCESS - FINISHED LEVEL

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

58. WORK OUTSIDE PROPERTY BOUNDARY

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

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

59. 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.

60. 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*.

61. STREET NUMBER

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

62. 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. STORMWATER MANAGEMENT

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



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RECEIVED
Waverley Council
Application No: DA-216/2018
Date Received: 7 February 2019

PROJECT NO: 0858

DATE: 07.02.18

PROJECT: 62 GILGANDRA RD
NORTH BONDI

CLIENT: J AND J BROWN

ISSUE: FOR COUNCIL

DRAWING LIST:

- A0.00 COVER SHEET (THIS SHEET)
- A0.01 SITE PLAN

- A1.01 LOWER GROUND FLOOR PLAN
- A1.02 GROUND FLOOR PLAN
- A1.03 FIRST FLOOR PLAN
- A1.04 ROOF PLAN

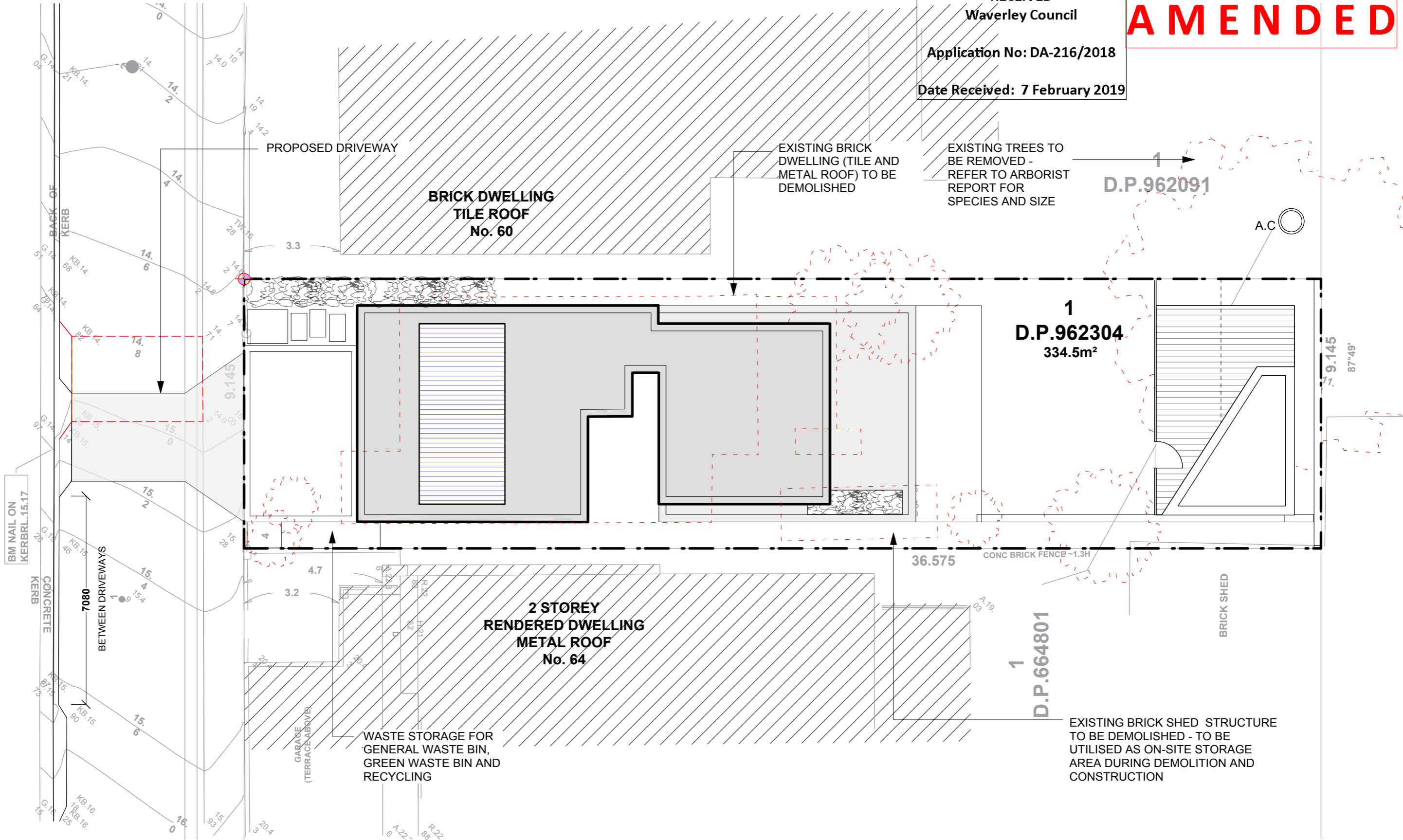
- A2.01 LONGITUDINAL SECTION

- A3.01 EAST ELEVATION
- A3.02 WEST ELEVATION
- A3.03 SOUTH ELEVATION
- A3.04 NORTH ELEVATION

- A6.01 EROSION, SEDIMENT AND POLLUTION CONTROL PLAN
- A6.02 COMPLIANCE TABLE
- A6.03 SITE FOOTPRINT CONTEXT

DRAWING LEGEND:

AW	AWNING WINDOW	SD	SLIDING DOOR
CR+P	CEMENT RENDER AND PAINT	SG	SIDE GATE
CT	CERAMIC TILE	SL	STRUCTURAL LEVEL
CPT	CARPET	SP	STONE PAVING
CONC	CONCRETE	TC	TIMBER CLADDING
DP	DOWNPIPE	TD	TIMBER DECK
GL	GLASS LOUVRES	TF	TIMBER FLOOR
GD	GARAGE DOOR	TS	TIMBER SCREEN
FD/T	FOLDING DOOR / TIMBER	FW	FIXED WINDOW
FD/A	FOLDING DOOR / ALUMINIUM	SMG	SLIDING METAL GATE
FG	FIXED GLASS	SD/A	SLIDING DOOR ALUMINIUM
FB	FACE BRICKWORK	CRT	CONCRETE ROOF TILES
FL	FLOOR LEVEL	STC	STONE CLADDING
LW	LAWN	RL	RELATIVE LEVEL
MRF	METAL RAIL FENCE	FFL	FINISH FLOOR LEVEL
MDR	METAL DECK ROOF	FCL	FINISH CEILING LEVEL
PF	PAINT FINISH		
RL	REDUCED LEVEL		



01 SITE PLAN
Scale: 1:125

NOTES	ISSUE	DATE	REVISION	BY	PROJECT:	DRAWING:	SCALE:	JOB NO:	
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture.	A	27/04/18	FOR CLIENT INFORMATION	TQ	62 GILGANDRA RD NORTH BONDI	SITE PLAN	AS SHOWN	0858	
	B	07/06/18	FOR CONSULTANTS	TQ					
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ					
	D	06/12/18	FOR COUNCIL	TQ					
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ					
<p>quinton margalit smuskowitz architects pty ltd Ted Quinton nominated architect. reg no 6880 313 77 dunning avenue rosebery nsw 2018 p 9662 3500 www.masqarchitecture.com</p>					CLIENT:				
					J AND J BROWN				
							DWG NO: A0.01	TYPE CODE: DA	REVISION: 3/5

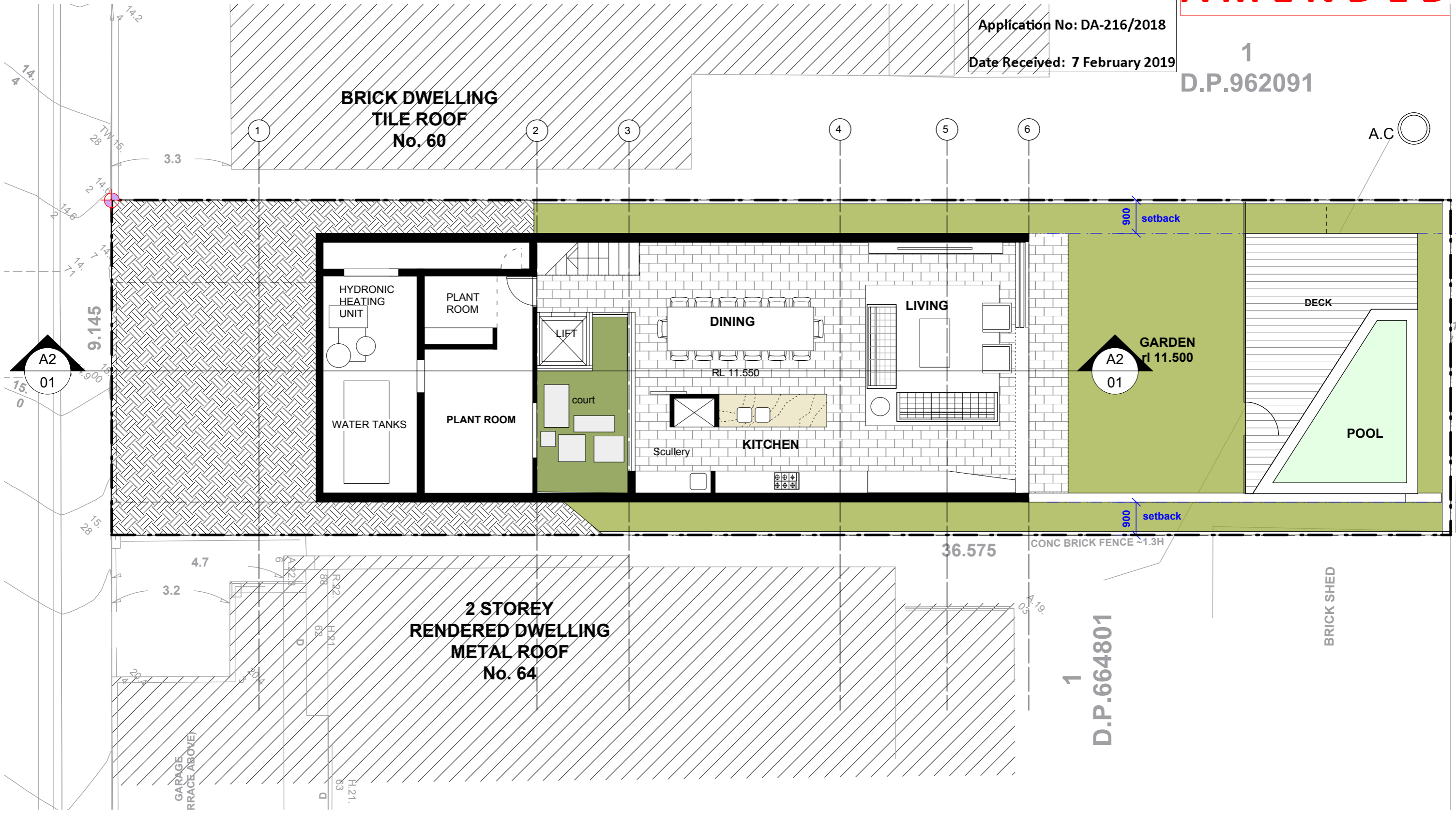
RECEIVED
Waverley Council

Application No: DA-216/2018

Date Received: 7 February 2019

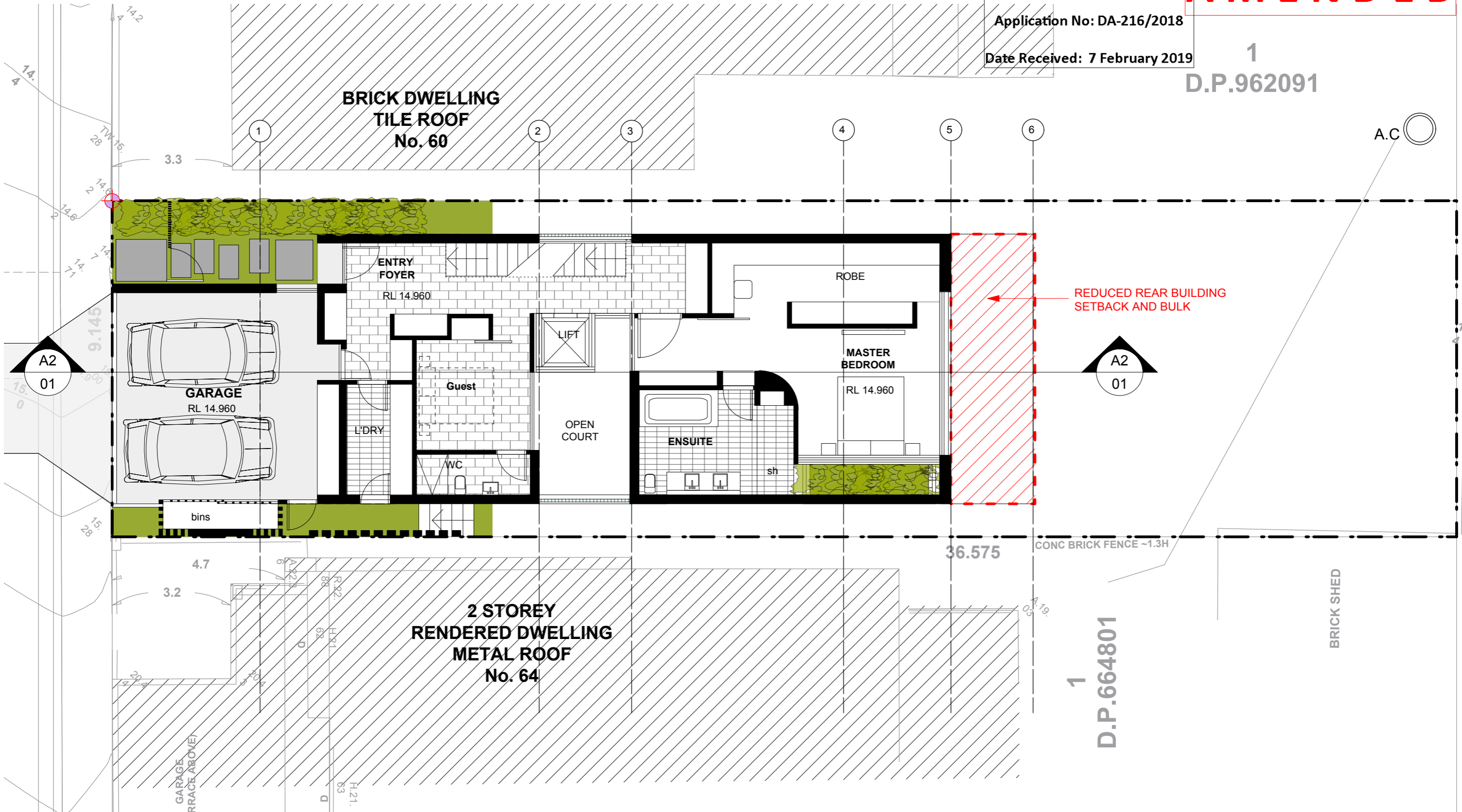
AMENDED

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D.P.962091



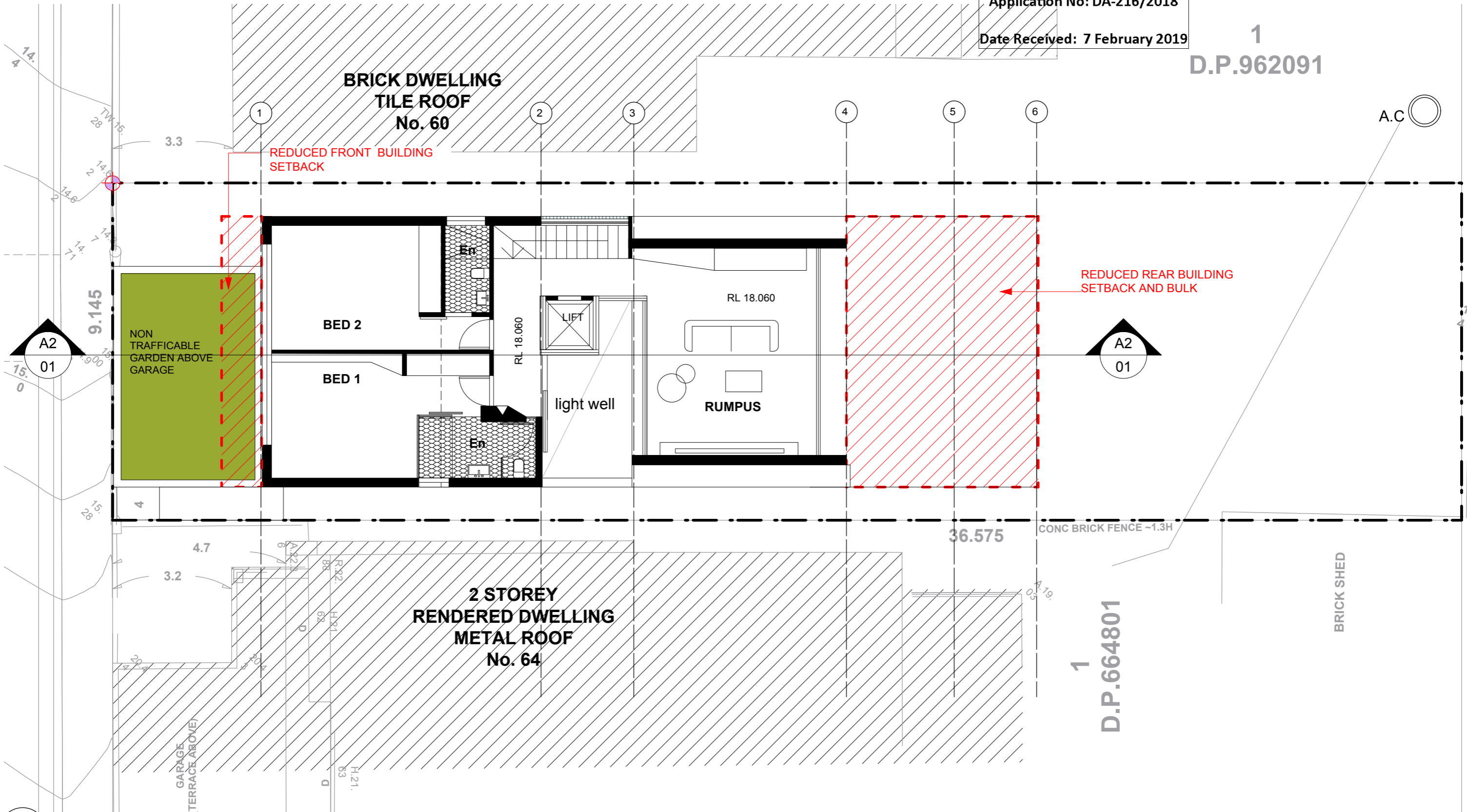
01 LOWER LEVEL PLAN
Scale: 1:100

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	B	07/06/18	FOR CONSULTANTS	TQ				
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ				
	D	06/12/18	FOR COUNCIL	TQ				
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ				
<p>quinton margalit smuskowitz architects pty ltd Ted Quinton nominated architect. reg no 6880 313 77 dunning avenue rosebery nsw 2018 p 9662 3500 www.masqarchitecture.com</p>					CLIENT:			
					J AND J BROWN			
							DWG NO: A1.01	REVISION: 37E
							TYPE CODE: DA	



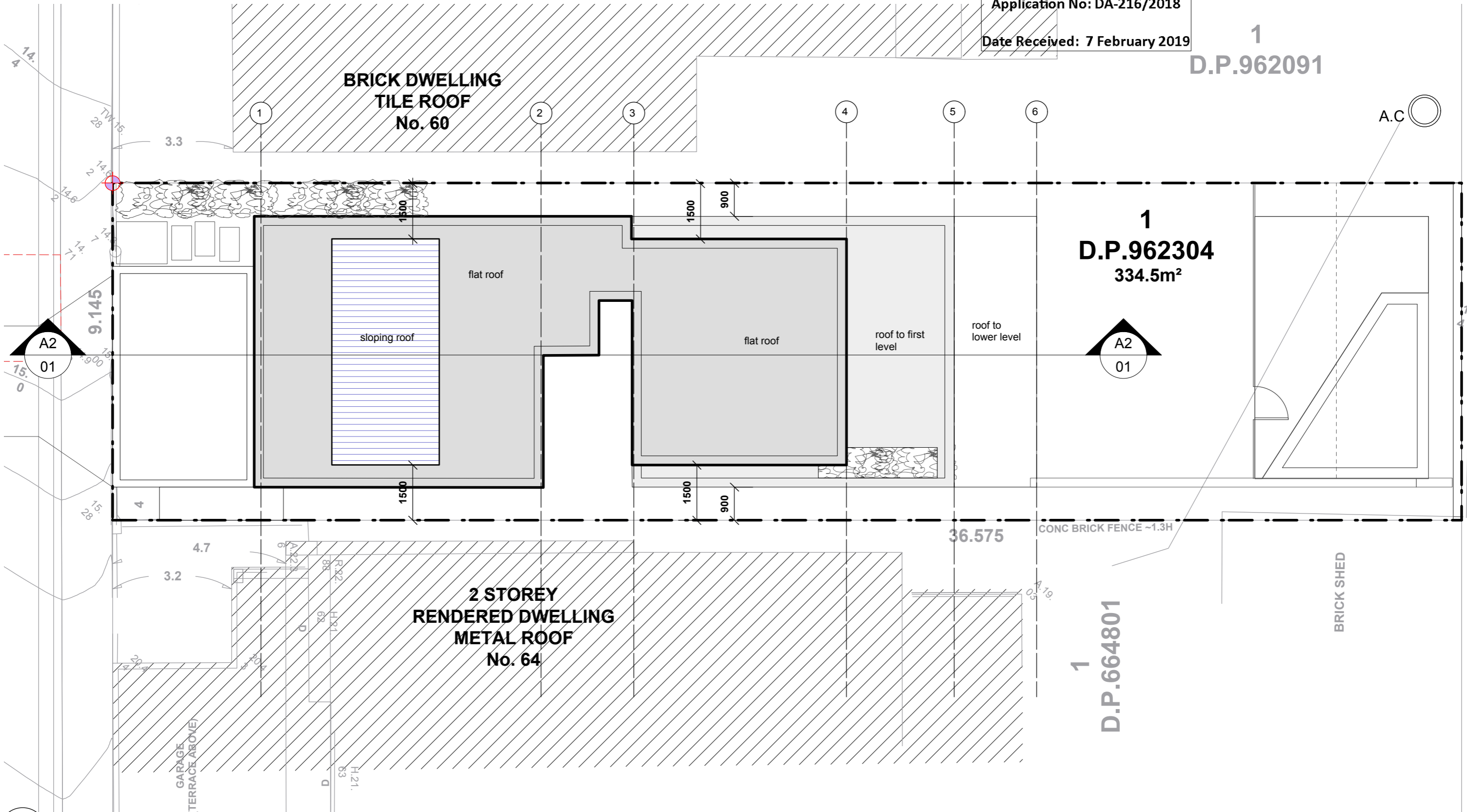
01 GROUND LEVEL PLAN
Scale: 1:100

NOTES	ISSUE	DATE	REVISION	BY	PROJECT:	DRAWING:	SCALE:	JOB NO:	
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture.	A	27/04/18	FOR CLIENT INFORMATION	TQ	62 GILGANDRA RD NORTH BONDI	GROUND FLOOR PLAN	1:100@A3	0858	
	B	07/06/18	FOR CONSULTANTS	TQ					
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ					
	D	06/12/18	FOR COUNCIL	TQ					
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ					
<p>quinton margalit smuskowitz architects pty ltd Ted Quinton nominated architect. reg no 6880 313 77 dunning avenue rosebery nsw 2018 p 9662 3500 www.masqarchitecture.com</p>					CLIENT:				
					J AND J BROWN				
							DWG NO: A1.02	TYPE CODE: DA	37/E



01 **FIRST FLOOR PLAN**
Scale: 1:100

NOTES	ISSUE	DATE	REVISION	BY	PROJECT:	DRAWING:	SCALE:	JOB NO:	
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture.	A	27/04/18	FOR CLIENT INFORMATION	TQ	62 GILGANDRA RD NORTH BONDI	FIRST FLOOR PLAN	1:100@A3	0858	
	B	07/06/18	FOR CONSULTANTS	TQ					
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ					
	D	06/12/18	FOR COUNCIL	TQ					
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ					
<p>quinton margalit smuskowitz architects pty ltd Ted Quinton nominated architect. reg no 6880 313 77 dunning avenue rosebery nsw 2018 p 9662 3500 www.masqarchitecture.com</p>					CLIENT:				
					J AND J BROWN				
							DWG NO: A1.03	TYPE CODE: DA	378

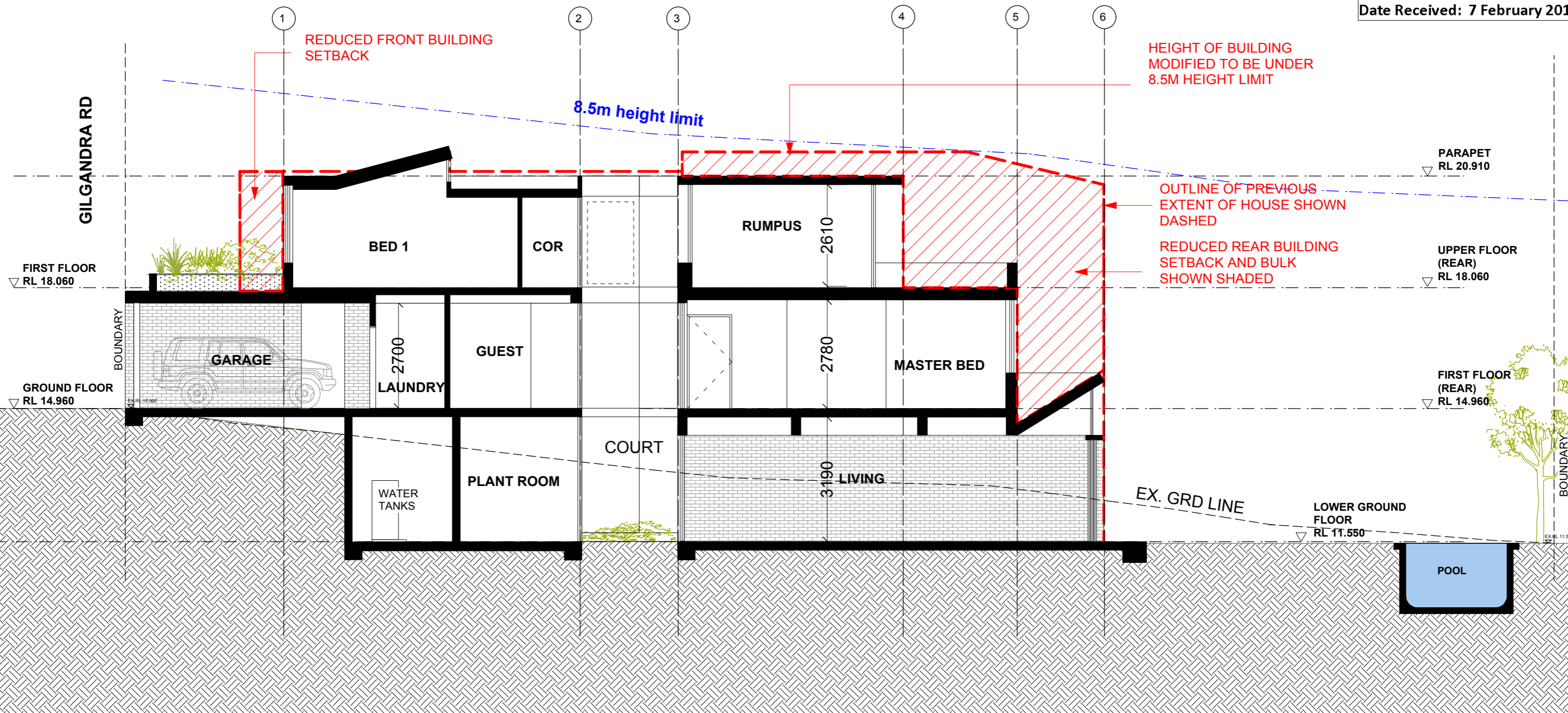


01 ROOF PLAN
Scale: 1:100

NOTES	ISSUE	DATE	REVISION	BY	PROJECT:	DRAWING:	SCALE:	JOB NO:	
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture.	A	27/04/18	FOR CLIENT INFORMATION	TQ	62 GILGANDRA RD NORTH BONDI	ROOF PLAN	1:100@A3	0858	
	B	07/06/18	FOR CONSULTANTS	TQ					
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ					
	D	06/12/18	FOR COUNCIL	TQ					
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ					
 quinton margalit smuskowitz architects pty ltd Ted Quinton nominated architect. reg no 6880 313 77 dunning avenue rosebery nsw 2018 p 9662 3500 www.masqarchitecture.com					CLIENT:				
					J AND J BROWN				
							DWG NO: A1.04	TYPE CODE: DA	REVISION: 379

AMENDED

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Waverley Council
Application No: DA-216/2018
Date Received: 7 February 2019



01 LONGITUDINAL SECTION
Scale: 1:100

NOTES	ISSUE	DATE	REVISION	BY	PROJECT:	DRAWING:	SCALE:	JOB NO:
Do not scale off this drawing. Use figured dimensions only. Verify all dimensions on site prior to any construction or manufacture.	A	27/04/18	FOR CLIENT INFORMATION	TQ	62 GILGANDRA RD NORTH BONDI	SECTION	1:100@A3	0858
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	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ				
	D	06/12/18	FOR COUNCIL	TQ				
	E	7/02/2019	AMENDED - FOR COUNCIL	TQ				
					CLIENT:			
					J AND J BROWN			
							DWG NO: A2.01	TYPE CODE: DA

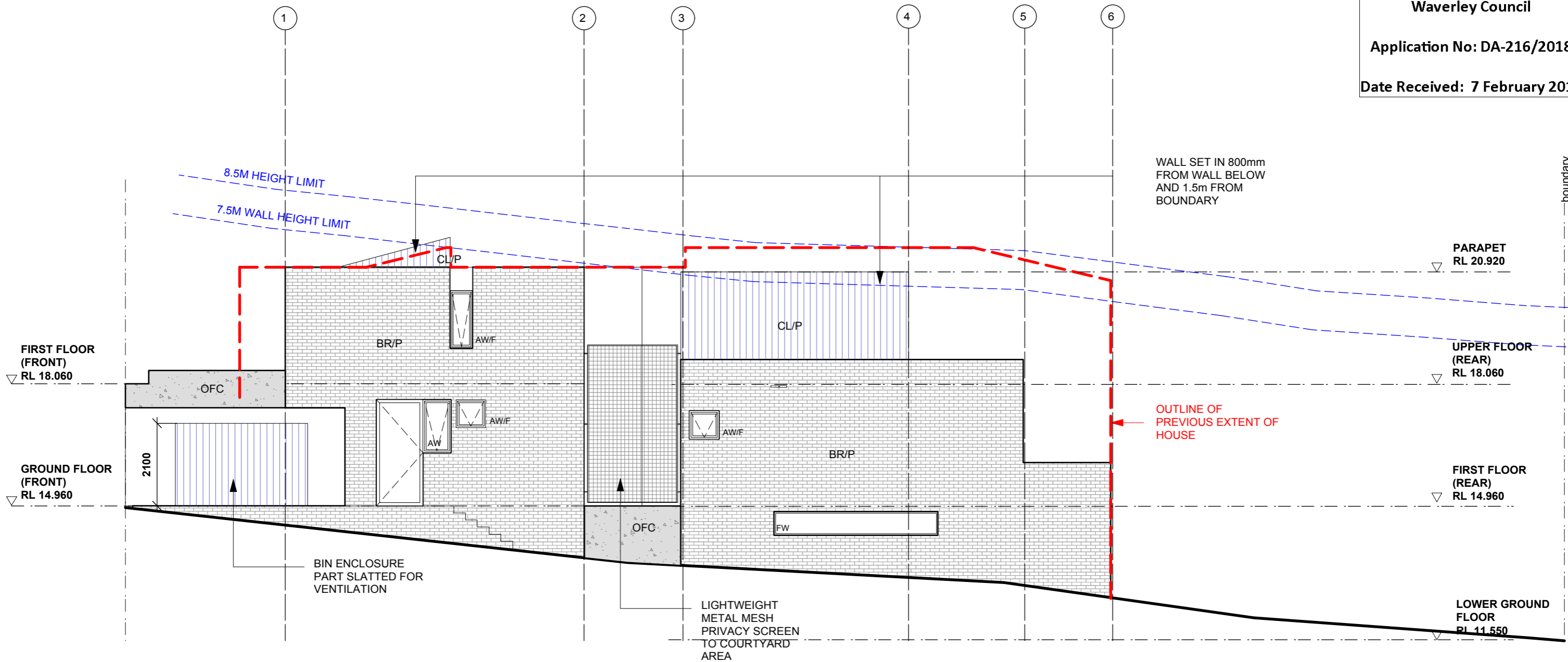


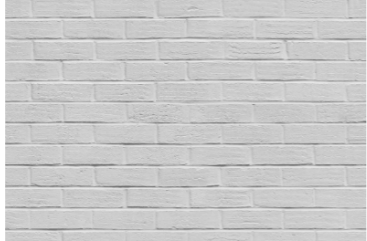



quinton margalit smuskowitz architects pty ltd
Ted Quinton nominated architect. reg no 6880
313 77 dunning avenue rosebery nsw 2018
p 9662 3500 www.masqarchitecture.com

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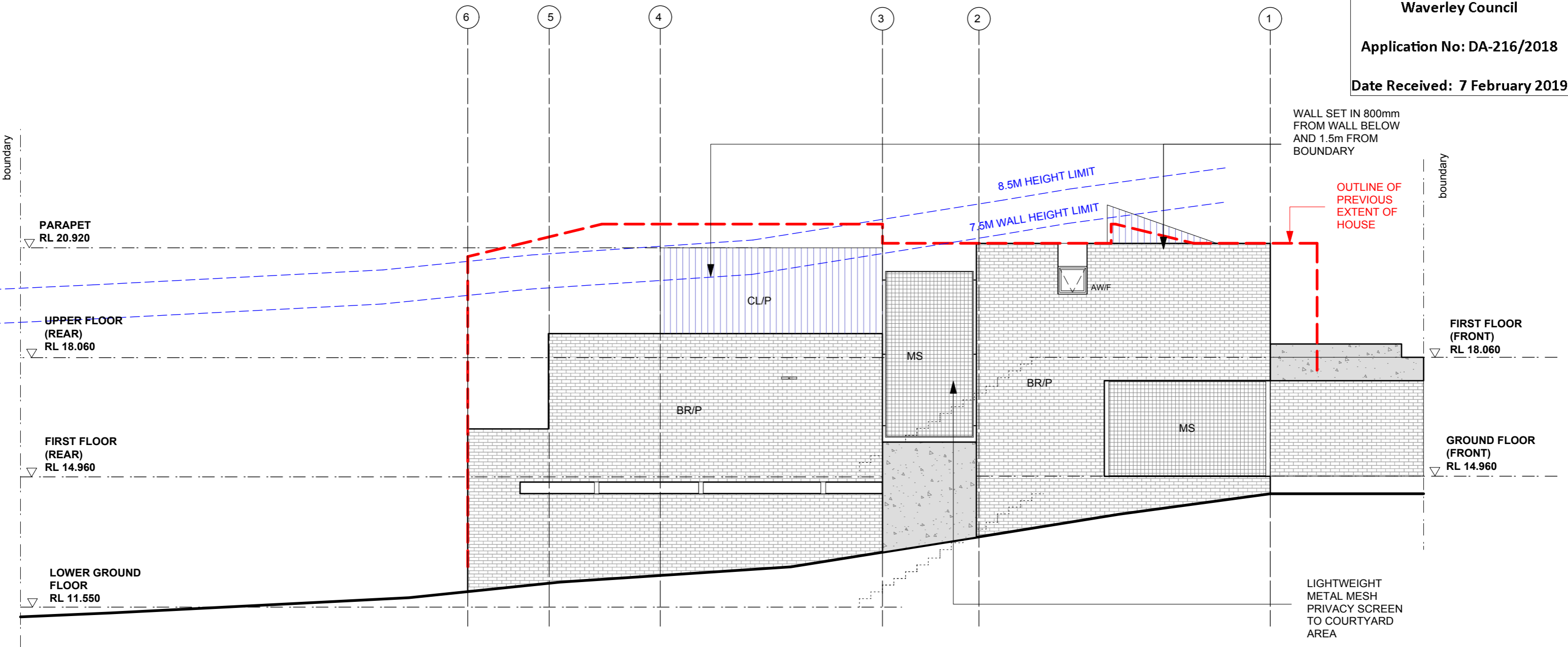


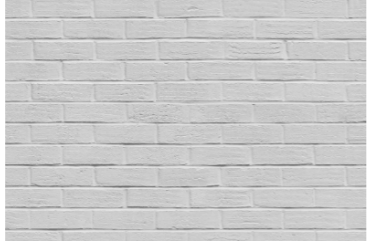



MATERIALS LEGEND AND IMAGES	BR/P PAINTED BRICK WHITE	OFC OFF FORM CONCRETE NATURAL FINISH	LIGHTWEIGHT METAL MESH PRIVACY SCREEN	CL/P SCYON CLADDING PAINTED WHITE
				

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	E	7/02/2019	AMENDED - FOR COUNCIL	TQ			DWG NO: A3.01	TYPE CODE: DA
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	B	07/06/18	FOR CONSULTANTS	TQ			DATE: 07.02.18	
	C	15/06/18	FOR DEVELOPMENT APPLICATION	TQ			DRAWN: TQ	
	D	06/12/18	FOR COUNCIL	TQ			CHECK: TQ	
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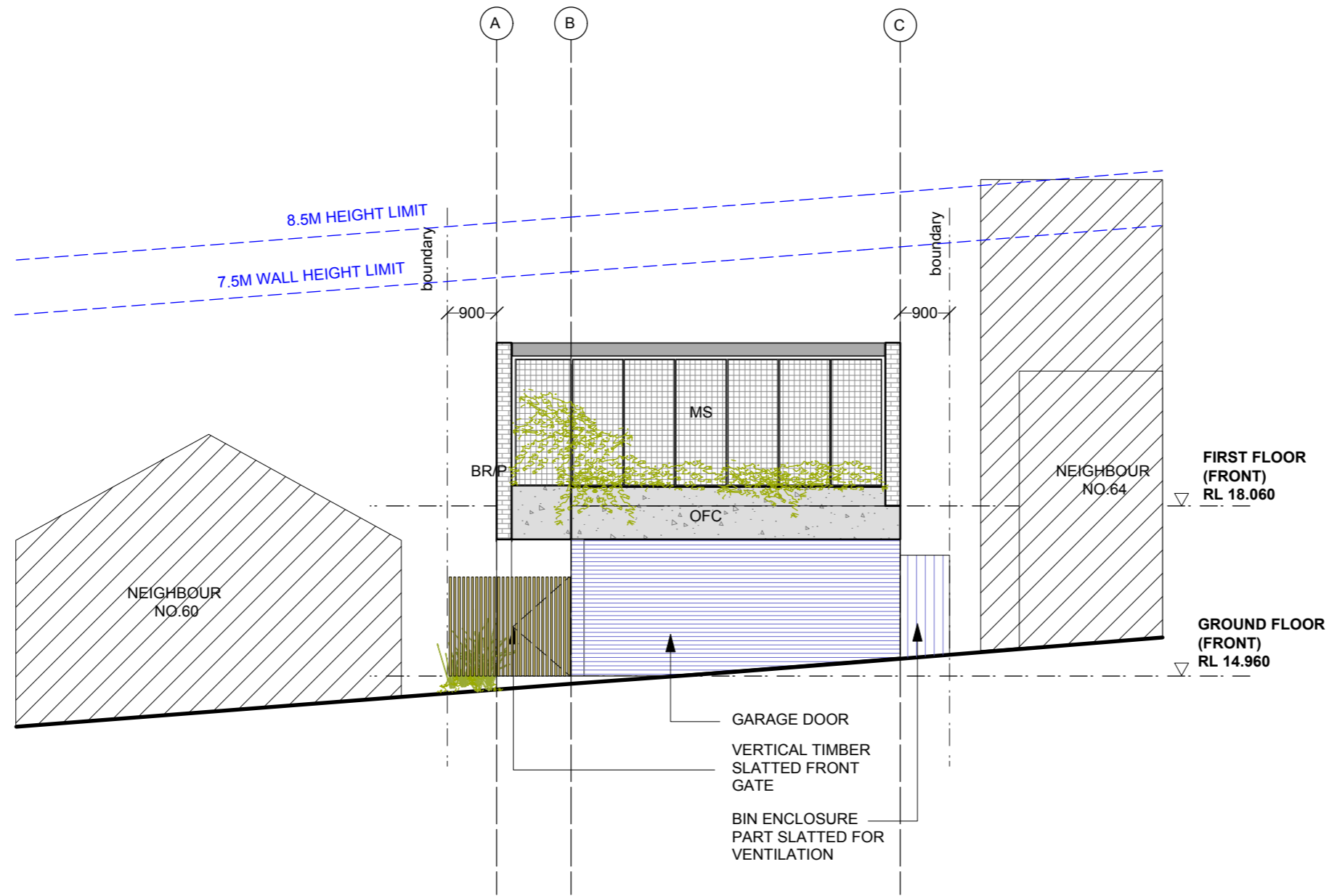
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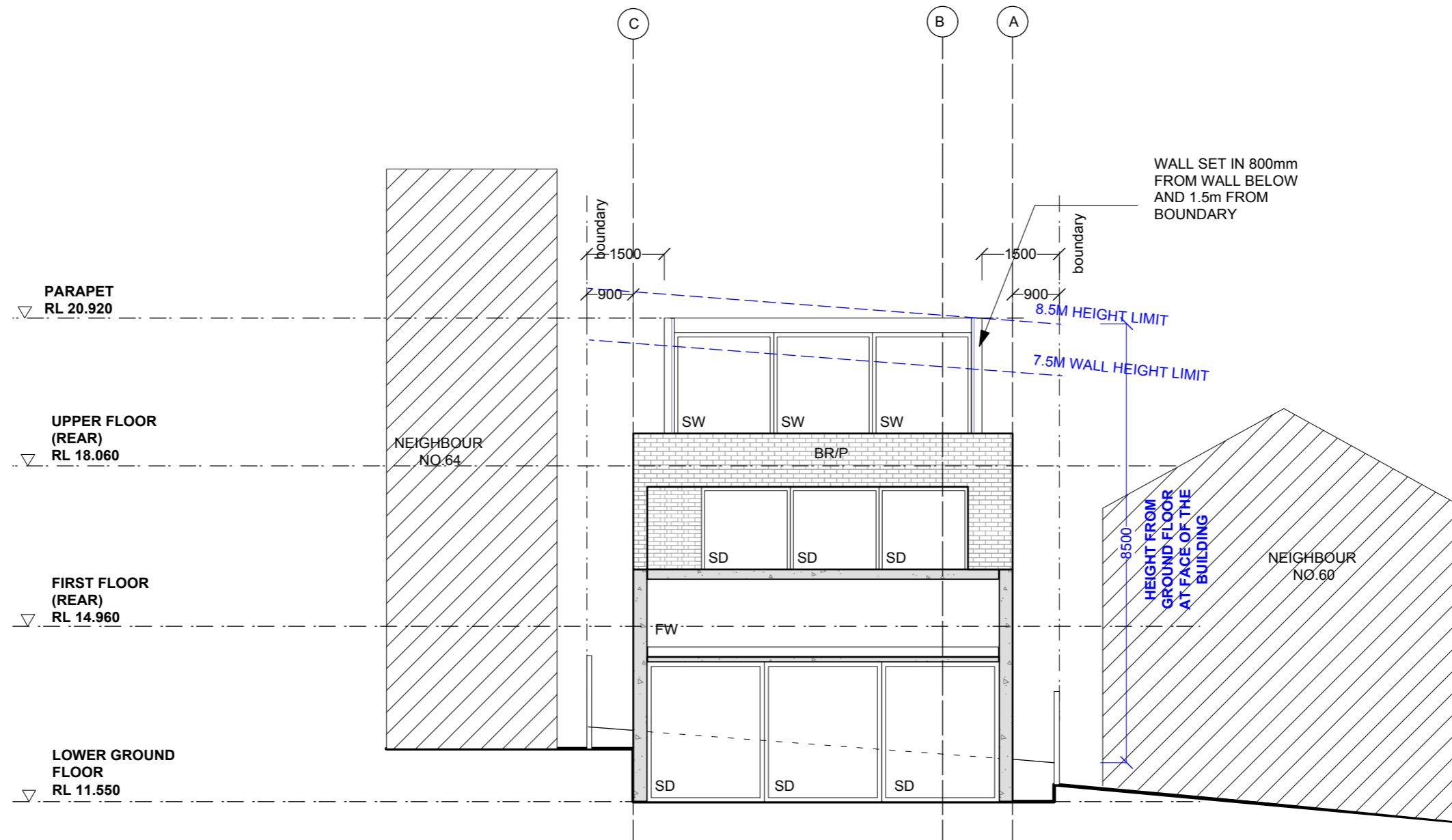


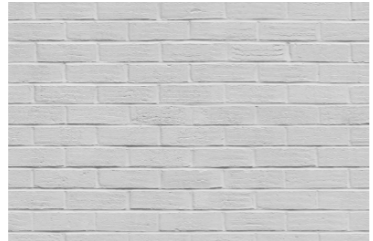


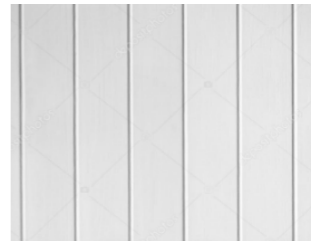

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	B	07/06/18	FOR CONSULTANTS	TQ						
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	D	06/12/18	FOR COUNCIL	TQ						
E	7/02/2019	AMENDED - FOR COUNCIL	TQ	CLIENT:	J AND J BROWN	DWG NO: A3.03	TYPE CODE: DA	REVISION: 383		

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