



18 September 2018

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

**12.00 PM WEDNESDAY, 26 SEPTEMBER 2018**

**QUORUM:** Three Panel members.

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

OR

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

## AGENDA

### **WLPP-1809.A Apologies**

### **WLPP-1809.DI Declarations of Interest**

The Chair will call for any declarations of interest.

### **WLPP-1809.1 PAGE 4 148 Wellington Street, Bondi Beach – Demolition of front fence and construction of a hardstand car space, front boundary fencing and associated landscaping (DA-130/2018)**

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

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

### **WLPP-1809.2 PAGE 38 11 Barracluff Avenue, Bondi Beach – Delete condition 2(a) of DA-96/2017 to allow for a hardstand car space in the front yard of a semi-detached dwelling (DA-96/2017/A)**

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

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

### **WLPP-1809.3 PAGE 51 17 Murriverie Road, North Bondi – Demolish existing dwelling and construct two storey attached dual occupancy with basement parking, two in-ground swimming pools, Strata division to create two lots from one, and the removal of a Canary Island Date palm (Pheonix canariensis) located within the adjacent verge (DA-61/2018)**

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

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

**WLPP-1809.4**

**PAGE 98**

**83A Brighton Boulevard, Bondi Beach – Section 8.3 review of refusal determination to a proposal for alterations and additions, including an additional storey to the semi-detached dwelling (DA-435/2017/1)**

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

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

**WLPP-1809.5**

**PAGE 137**

**249-251 Bronte Road, Waverley – Review of refusal for a change of use to funeral home including internal alterations and signage (DA-524/2017/1)**

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

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



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-130/2018
<b>Site address</b>	148 Wellington St, Bondi Beach
<b>Proposal</b>	Demolition of front fence and construction of a hardstand carspace , front boundary fencing and associated landscaping
<b>Date of lodgement</b>	17 April 2018
<b>Owner / Applicant</b>	Mr M Smith/ Mr M Smith
<b>Submissions</b>	Two – In support of the application
<b>Cost of works</b>	\$35,000
<b>Issues</b>	Development Application history of refusing previous development applications
<b>Recommendation</b>	That the application be APPROVED, subject to conditions



# 1. PREAMBLE

## 1.1 Site And Surrounding Locality

A site visit was carried out on 11 August 2018.

The site is identified as Lot 1 in DP 654276, known as 148 Wellington Street, Bondi Beach. The site is located on the eastern side of Wellington Street, on the corner of where Hall Street intersects Wellington Street. The site is rectangular in shape with a north western rear and south eastern front boundary measuring 9.145m, and south western and north eastern side boundaries measuring 30.48 m. The site has an area of 278.74 m<sup>2</sup>.

The site is occupied by a two storey detached dwelling with no existing vehicular access. The site is surrounded by a variety of residential developments including semi-detached and detached dwellings and residential flat buildings.



Figure 1: Subject site (148 Wellington St)

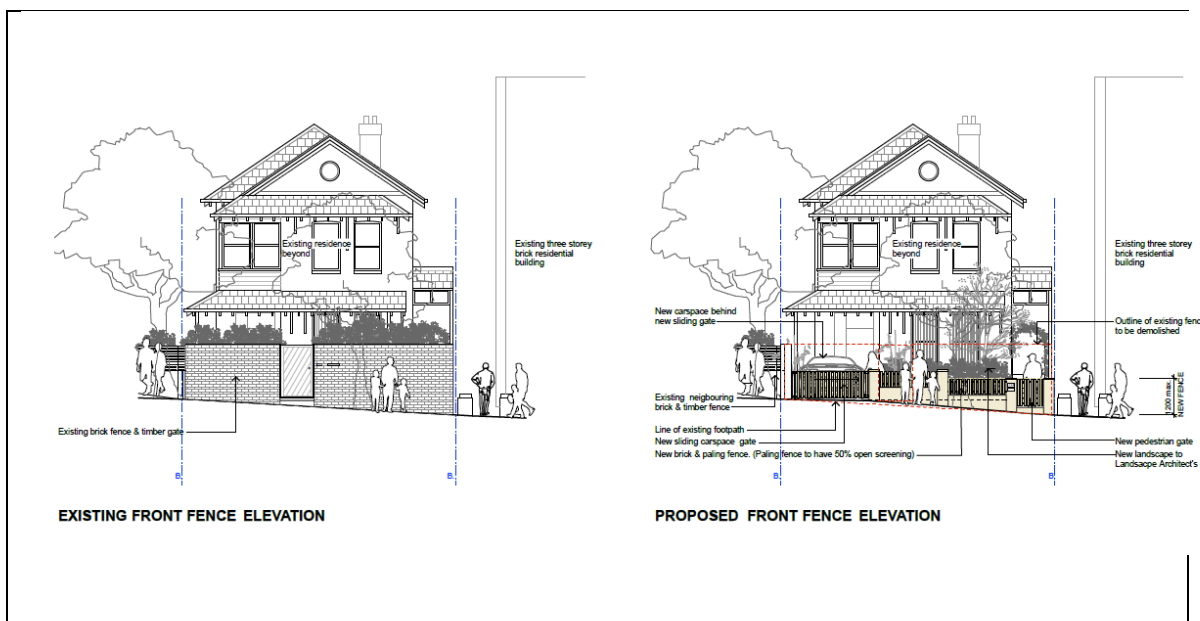


Figure 2: Streetscape diagrams of existing and proposed development.



**Figure 3:** Front entry in 2014. Structurally unstable due to rot in structural members. Hence the temporary support posts.



**Figure 4:** Front entry 2018 with dwarf wall and timber support post removed and new support post relocated to the southern side boundary.

**Note:** This work would have required consent from council, however no evidence of any consent can be found on council's records. A recommendation of this matter being referred to Council's Compliance Division for investigation is contained in Appendix B.

## 1.2 Relevant History

A review of Council's records indicates the most recent applications on the site are:

- **DA-368/2013:** Development application seeking alterations to the front verandah and construction of a new single hardstand space within front setback and new front gate – refused by the Development Building Unit (DBU) on 13 November 2013 for the following reasons:
  1. *The proposal is considered to be inconsistent with the relevant objectives of the zone under Waverley LEP 2012, as it is considered unlikely to maintain and improve the amenity and existing characteristics of the locality.*
  2. *The proposed development is contrary to the Waverley Development Control Plan 2012 Part C1, in respect to the following provisions of the DCP:*

Vehicular Access and Parking:

    - (a) *The proposal does not satisfy control 1.10 (i) in that it seeks to demolish part of the building to accommodate parking;*
    - (b) *The public interest due to a loss of on-street parking.*
  3. *The new driveway crossing will have a detrimental impact on the health of the existing tree on the nature strip.*

4. *No details have been provided with regards to levels inside and outside the site to ascertain the impact of the proposal with regards to the vehicle being able to access the hardstand without footpath and boundary levels being raised.*
- A subsequent review of the refusal (pursuant to S82A) was lodged **DA-368/2013/1**, however, soon rejected as it did not satisfy the 6 month review period.
  - **DA-349/2014**: Development application seeking alterations to the front verandah and construction of a new single hardstand space within front setback and new front gate – refused by Waverley Development Assessment Panel (WDAP) on 10 December 2014 for the following reasons:
    1. *The proposal does not satisfy Waverley Local Environmental Plan (WLEP) 2012, having regard to section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 and the following provisions:*
      - a. *Clause 1.2(2)(f) in that the proposal does not preserve the natural environment through protecting existing trees.*
      - b. *Clause 5.9 of WLEP 2012 relating to tree preservation.*
    2. *The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
      - a. *Part B5 – Tree Preservation;*
        - i. *Objective (b) as the development will impact the health of street trees and trees onsite under section 5.1 General Provision.*
      - b. *Part B8 – Transport;*
        - i. *Objective (a) in relation to streetscape and control (g) in relation to preservation of significant trees and vegetation in the surrounding streetscape through parking and driveway design under section 8.4 Urban Design.*
      - c. *Part C1 – Dwelling House and Dual Occupancy Development;*
        - i. *Objective (a) in relation to the development does not respond appropriately to the architectural style and character of the existing built environment, under section 1.5 Streetscape and Visual Impact.*
        - ii. *Objectives (a), (b) and (d) in relation to design, location and impact on the streetscape of the proposed hardstand space under section 1.10 Car Parking.*
        - iii. *Control (b)(i) and (iii) in relation to the impact on street character, significant trees, and vehicle and pedestrian movements under section 1.10.1 Parking Rates.*
        - iv. *Control (d)(iv) in relation to minimum front setbacks, under section 1.10.2 Car Parking Location.*
        - v. *Control (c) in relation to the partial demolition of the front verandah is required which consists of original fabric of the building, including posts and tessellated tiles, to accommodate car parking, contrary to section 1.10.3 Car Parking Design.*

- vi. *Objective (d) relating to minimisation of offsite stormwater runoff and does not comply with control (f) in terms of front setback open space under section 1.11 Landscaping and Open Space.*
3. *The proposed development will have an adverse environmental impact in the locality due to the undesirable and unacceptable impact on the street tree.*
4. *The subject site does not provide a suitable building setback due to the location of the existing building and proposed hardstand to ensure pedestrian safety is maintained and therefore is not considered to be suitable development for the subject site. In this regard, the proposal fails to adequately respond to the conflict between vehicle and pedestrian safety.*
5. *In the circumstances of the case, approval of the development application is not considered to be in the public interest.*

Accordingly, the current application has been submitted as a **new development application**, though ultimately is a review of previous refusal decisions.

The subject development application outlines in the submitted Statement of Environmental Effects a response to each of the previous reasons for refusal, as follows:

*The subject proposal has overcome all previous reasons for refusal. It fundamentally differs from previous proposals in the following ways:*

- *A new landscape front garden is now proposed. Open space and deep soil landscaping provision now complies with DCP requirements*
- *New separate pedestrian entry is now proposed*
- *New compliant front fencing is now proposed significantly improving the visibility of the dwelling house and its appearance in the streetscape*
- *No trees are proposed to be removed and an arborist's report now recommends appropriate measures to ensure health of the main street tree in contention.*
- *Car parking access and space dimensions comply with DCP 2012 and AS 2890 requirements*
- *No alteration to the dwelling house is now required or proposed to enable parking provision.*

*The following section provides a detailed assessment of the new planning situation in addressing each of the contentions identified above.*

#### **Contention 1: Tree Preservation**

*An Arborist's report prepared by McArdle Arboricultural Consultancy Pty Ltd is now submitted with this application, addressing all previous concerns regarding tree preservation and recommending appropriate measures to ensure protection of the street trees.*

*The new proposal will include a deep soil buffer between the proposed driveway and the existing main tree of concern (corner street tree) to the width of 900mm. Initial root mapping documented in the submitted Arborist's Report show that there are no significant roots within that a 900mm to 1 metre buffer zone (based on a 200mm excavation finding no roots greater than 5mm).*

*The arborist recommends retaining the existing street trees (with the appropriate tree protections during construction), eliminating any risks to the protection of the main tree of concern. Furthermore, no existing tree (street tree or private tree) is sought for removal under this proposal.*



*With these protections in place, the proposed development will not adversely impact on the health of any other trees in that location. Subsequently, the proposal seeks for the recommendations found in the Arborist's Report to be included within Council's conditions of consent. Therefore, the new plans will allow for the protection of all existing trees in the locality.*

**Contention 2: Streetscape**

*The Council Officer Report to the WDAP per the previous DA made the following comments concerning DCP Section C1.1.5 Streetscape and Visual Impact:*

*"The alterations to the verandah including the relocation of the supporting posts and part demolition of the verandah floor (which exhibits tessellated tiles), is considered to be contrary to the architectural integrity of the dwelling and is not supported. The application is thus recommended for refusal".*

*A major point of difference between the old and new plan is that under the new proposal, no alteration to the dwelling house is required or proposed to enable parking provision. Subsequently, the new DA would fulfil Council's concerns in relation this Section of the DCP.*

*The new DA also proposes a new landscaped front garden along with compliant front fencing that significantly improves the visibility of the dwelling house and its appearance in the streetscape.*

**Contention 3: Car Parking**

*The previous DA did not meet the minimum dimension requirements and was not supported by Council in accordance with Section 1.10.1(b) of the DCP. Under the new arrangement, car parking access and space dimensions comply with DCP 2012 and AS 2890 requirements.*

*No alteration to the dwelling house is now required or proposed to enable parking provision, which addresses the concern raised in relation to Section 1.10.3 Car Parking Design under the previous DA.*

**Contention 4: Landscaping and Open Space**

*In terms of Council not supporting the original DA under DCP Section 1.12 Landscaping and Open Space, the original Council Officer Report to the WDAP made the following comment:*

*"The front setback will be retained as open space, however only 40% will be retained as landscaped. This is non-compliant and not supported as it will decrease opportunities for on-site stormwater filtration".*

*The new proposal however provides 86% of the front yard as open space area, therefore compliant with the minimum requirement under Section 1.12 Landscaping and Open Space.*

*Furthermore, open space and deep soil landscaping provision now complies with DCP requirements, as indicated in the assessment against DCP controls in Section 8.1 below.*

*These changes will subsequently provide for the maximisation of on-site stormwater infiltration and minimisation of off-site stormwater runoff in accordance with Object (d) of this Section.*

**Contention 5: Pedestrian Safety**

*The proposal address the refusal contention around pedestrian safety by offering a new separate pedestrian entry comprising:*

- *New pedestrian access gate on north-eastern side of site*

- New steps and paved pathway linking new pedestrian gate to existing paved pathway on the north-eastern boundary, with access to front door on northern side of dwelling.
- Pathway from hardstand to pedestrian entry pathway on northern side.

**Contention 6: Public Interest**

The proposal is now in the public interest as the overall visibility of the dwelling, it's setting and its appearance in the streetscape is improved its new design including new landscaped front garden, new compliant low front fencing and car parking access and space dimensions compliant with the DCP and Australian Standards, as described above. In addition, the proposal provides public benefit with a net gain in one off street parking space.

**Planning History – Locality**

Council's Development Application tracking tool indicates a number of surrounding sites with recent planning histories relating to off-street parking. Details of one such DA example within 100 metres of the subject site which closely resembles the proposal with a corner block driveway is as follows: (Refer to image below):

**DA-375/2013:** Development Application - Hardstand carparking space & driveway.

**Address:** 7A Simpson Street BONDI BEACH NSW

**Approved:** 19/12/2013 by Development and Building Unit



*Photo: Hardstand Carparking and driveway at No. 7A Simpson Street (Source: Saul Smith 2018)*

**1.3 Proposal**

The proposal seeks to undertake the following works:

- Demolish existing high brick front fence and gate and replace with new 1.2m low brick and paling fence.
- New landscaped of the front garden comprising:
  - Various vegetation will fill the main landscaped area including a tree, perennials/grasses, and shrubs/hedges.
  - Stepping-stone pathway surrounded by decomposed granite linking hardstand parking to pedestrian entry pathway on northern side.

- New selected stone entry and steps with stepping-stone pathway linking new pedestrian gate to existing paved pathway on the north-eastern boundary, with access to front door on northern side of dwelling.
- New pedestrian access gate on north-eastern side of site.
- New single hard-stand car parking space (5.4 x 2.5m) on south eastern side comprising selected stone paved wheel strips, deep landscaped (*microlaenea stipoides*) centre and climbers between the new space and the south-west boundary.
- New crossover driveway in accordance with Australian Standards.
- New remote-controlled sliding gate over new driveway.
- New garbage storage area for the bins will be provided on the southern corner of the dwelling near the new hard stand space.
- Retention of the 2 street trees (Arborist Report submitted).

## 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of this plan.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R3 Med Density Residential Zone	Yes	The proposal is associated with alterations including hardstand carspace, front fencing and associated landscaping to a dwelling, which is permitted with consent in the R3 zone.

Provision	Compliance	Comment
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"> <li>8.5m</li> </ul>	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 unchanged.

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

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

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


Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste and Recycling Management Plan has been submitted with the application and satisfies this section.
2. Energy and water conservation	Yes	A BASIX Certificate is not required to be submitted.
5. Tree preservation	Yes	No trees required to be removed. See Arborist Report prepared by McArdle Arboricultural Consultancy dated 23 March 2018
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 carspace will not result in any change to the quantity of on-street parking, as the proposed vehicular driveway access to the proposed hardstand carspace is within a “No Standing” zone.

**Table 3: Waverley DCP 2012 – Part C1 Dwelling House and Dual Occupancy Development Compliance Table**

Development Control	Compliance	Comment
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> </ul>	Yes	There are no changes proposed to the front setback of the dwelling.

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Predominant rear building line at each floor level</li> </ul>	N/A	
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>1-2 storeys: 900mm</li> </ul>	Yes	The existing side setbacks of the dwelling are unchanged.
<b>1.4 Streetscape and visual impact</b>		
General Controls	Yes	The proposal is generally in keeping with the existing character of the streetscape. Therefore, the proposal with an open hardstand carspace and low front boundary fencing and associated landscaping within the front yard area is considered suitable in the context of this site.
<b>1.7 Fences</b>		
<ul style="list-style-type: none"> <li>Front fences to be limited to 1.2m high and open design</li> </ul>	Yes	The existing high brick front fence is sought to be replaced with a low scale (1.2m high) fence with an open design, considered to be an improvement to the existing scenario. Existing side fencing to be maintained.
<ul style="list-style-type: none"> <li>Side and rear boundary fences are not to exceed 1.8m above the existing ground level of adjoining properties.</li> </ul>	Yes	
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June</li> <li>Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	The proposal will not have unsuitable shadowing impacts on the neighbouring dwellings.
<b>1.11 Car parking</b>		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	The proposal seeks to construct a single hardstand carspace located partially within the envelope of the building and partially within the front yard area.
1.11.2 Location <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> </ul>	No	

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>Consistent with hierarchy of preferred car parking locations</li> </ul>	Yes	Least preferred option.
1.11.3 Design	Yes	<p>The proposed hardstand carspace is consistent with a number of sites along Wellington St.</p> <p>The SEE also contained a “Wellington Street Study” argues the following;</p> <p><i>Analysis was performed on Wellington Street to determine if there is a predominance of parking forward of the front building line within the surrounding streetscape. The study included all 23 Wellington Street residential properties within 100 metres of the subject site, i.e.:</i></p> <ul style="list-style-type: none"> <li><i>132 to 166 Wellington Street on the western side</i></li> <li><i>105 Wellington Street to No. 1 Roscoe Street on the eastern side</i></li> </ul> <p><i>The following sites were found to contain parking forward of the front building line:</i></p> <p><i>North of the subject site (6/14)</i></p> <ul style="list-style-type: none"> <li><i>• No. 113: Three garage</i></li> <li><i>• No. 154: One part-covered concrete hard stand space</i></li> <li><i>• No. 156: One part-covered concrete hard stand space</i></li> <li><i>• No. 162: One uncovered concrete hard stand space</i></li> <li><i>• No. 164: One part-covered concrete hard stand space</i></li> <li><i>• No. 166: One part-covered concrete hard stand space</i></li> </ul> <p><i>South of the subject site (Total: 6/9)</i></p> <ul style="list-style-type: none"> <li><i>• No. 145 Hall Street (corner of Wellington Street): Single car garage</i></li> <li><i>• No. 107: Three concrete hard stand spaces (one covered, two uncovered)</i></li> <li><i>• No. 140: One uncovered concrete hard stand space</i></li> <li><i>• No. 142: One uncovered concrete hard stand space and single garage</i></li> <li><i>• No. 134: One uncovered gravel hard stand space</i></li> </ul>

Development Control	Compliance	Comment
		<p>• <b>No. 128:</b> Two uncovered concrete hard stand spaces  One such example of the abovementioned sites is shown in photo below.</p> <p><i>In total, 12 out of the 23 properties on Wellington Street within 100 metres of the subject site were found to contain parking forward of the front building line. This represents 52% of the surrounding streetscape. Hence it can be concluded that there is a predominance of this form of off-street car parking in the immediate vicinity of the subject site.</i></p>  <p><i>Photo: No. 166 Wellington Street (Source: Saul Smith 2018)</i></p> <p>The applicant has provided a detailed analysis of parking precedence within the immediately surrounding locality which finds that close to half (52%) have parking forward of the building line and close to half (48%) don't exhibit parking within the front setback.</p>
1.11.4 Dimensions <ul style="list-style-type: none"> <li>• 5.4m x 2.4m per vehicle</li> </ul>	Yes	The existing carspace enables sufficient width for one car being 5.4m x 2.6m.
1.11.5 Driveways <ul style="list-style-type: none"> <li>• Maximum of one per property</li> <li>• Maximum width of 3m at the gutter (excluding splay)</li> </ul>	Yes	Single cross-over required.
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• Minimum area of 25m<sup>2</sup> for private open space</li> </ul>	Yes  Yes	41.25m <sup>2</sup>  86% (35.61m <sup>2</sup> )

Development Control	Compliance	Comment
<ul style="list-style-type: none"> <li>• Front open space: 50% of front building setback area</li> <li>• Front landscaped area: 50% of front open space provided</li> </ul>	Yes	50.2% (17.9m <sup>2</sup> )

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

### **Car Parking**

Section 1.11.2 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.

The proposal does comply with the controls of the DCP with regards to the location of the hardstand, carports and garages forward of the building line, albeit, it is the least preferred option. However, a large number of properties within Wellington St have off-street parking, predominantly in the form of hardstand carspaces.

Effectively, the streetscape is comprised of parking/driveways in front of the building line used to park vehicles. In this regard, the proposal, although technically the least preferred option within the DCP controls, will effectively be not dissimilar to the pattern of parking within the street. For this reason, the hardstand carspace forward of the building-line is supported in principle.

Also, the proposed hardstand carspace will not result in any change to the quantity of on-street parking, as the proposed vehicular driveway access to the proposed hardstand carspace is mostly (though not entirely) within a “No Stopping” zone.

Further, no trees, either within the subject site or on council’s property, will be removed to construct the hardstand carspace and vehicular access driveway.

Overall, on balance, it is considered that the proposal would not result in any loss of positive streetscape elements and is acceptable in this regard (See Figure: 2).

The proposed hardstand carspace, front fence and associated landscaping is considered reasonable on merit and supported with regards to the objectives and controls contained in clause 1.11 Vehicular access and parking in Part C1 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*.

Two submissions, of support for the proposal, were received.

### **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 Manager – Traffic and Transport who raised no objection subject to standard conditions being imposed.

#### **Street Trees – Open Spaces, Clean and Attractive Waverley**

The application was referred to Council’s Strategic Tree Planning Officer who made the following comments:

*New driveway and hardstand application and associated impact on the structural root zones and tree protection zones of two mature Irish Strawberry Trees (Arbutus unedo) on the naturestrip.*

*Comments from arborist report from McArdle Arboricultural Consultancy dated 23 March 2018 have been considered.*

*Application supported, and standard conditions to be imposed should the application be supported.*

## **4. SUMMARY**

The proposal at 148 Wellington St, Bondi Beach is seeking a review of previous refusal decision to carry out alterations to the front verandah and construction of a new single hardstand space within front setback and new front gate

The issues associated with the previous applications have been carefully considered by the applicant who has provided a detailed analysis in response to each reason for refusal of the previous applications. On balance, the amended application has sought to address these issues, while still proposing a hardstand carspace at the front of the property that is considered suitable in the context of the site.

No submissions were received against the proposal, whilst two submissions in support of the proposal were received, during the notification and assessment of this application.

In light of the assessment made throughout this report, the proposal is recommended for approval, subject to conditions.

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

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

**Report prepared by:**

**Application reviewed and agreed on behalf of the Development and Building Unit (MR, AF, AR) by:**

Paul Yachmennikov  
**Senior Development Assessment Planner**

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

**Date: 5 September 2018**

**Date: 17 September 2018**

**Reason for referral:**

4(a) Review of previous refusal by the Waverley Development Assessment Panel.

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

### **A. APPROVED DEVELOPMENT**

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

The development must be in accordance with:

(a) Architectural Plans:

<b>Drawing Number and Description</b>	<b>Date of Drawing</b>	<b>Author of Drawing</b>	<b>Received by Council Date</b>
DA 01 – Site Plan, Site Analysis & Development Data	06/04/18	STUDIO[R]	17 April 2018
DA 02 – Ground floor, Erosion & Stormwater Plan	06/04/18	STUDIO[R]	17 April 2018
DA 03 – Longitudinal Driveway Section	06/04/18	STUDIO[R]	17 April 2018
DA 04 – Existing & Proposed Front Fence Elevations	06/04/18	STUDIO[R]	17 April 2018
LS01 – Landscape Plan: Front yard & Driveway	11/04/18	Melissa Wilson Landscape Architects	17 April 2018

(b) Arborist Report, prepared by McArdle Arboricultural Consultancy dated 23 March 2018 and received by Council on 17 April 2018.

Except where amended by the following conditions of consent.

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

The proposal shall be amended as follows:

(a) The tessellated tiles to the front verandah shall be retained and restored and incorporated into the design of the carspace, particularly with the gradient levels (and long section details required in condition 17).

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

## **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/](http://www.waverley.nsw.gov.au/publications/)

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

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.11 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 2006 may be inspected at Waverley Council Customer Service Centre.

#### Advisory Note

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

### **4. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of **\$2000** 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. TREE BOND**

A bond of **\$4000 (being \$2000 per tree)** is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and of the 2 street trees on the front verge adjacent to 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.

In the event either tree is found damaged, dying or dead because of works at any time during the construction period or due to negligence/damage by the applicant/agent/contractor, the full bond amount or part thereof will be forfeited.

#### **7. 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.

#### **8. 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.

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

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

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

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

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

**11. 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.

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

A Certificate of Adequacy prepared by a practicing Structural Engineer, certifying the adequacy of the existing building structure to carry the extra load of the proposed additions is to be provided to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

**13. SERVICE AUTHORITIES**

The applicant is to seek approval from all relevant authorities regarding any possible modification to the service authority's infrastructure prior to the issue of a Construction Certificate.

**14. STORMWATER MANAGEMENT**

(a) 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.

(b) The hardstand carspace is to be drained to the existing stormwater system.

**15. 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.

**16. VEHICULAR ACCESS**

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the issue of the Construction Certificate.

**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:

1. Be drawn at a scale of 1:25
2. Include reduced levels (RL's) of the Wellington Street carriageway, the kerb and gutter, footpath and paving within the property and the hardstand.
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 the footpath on Council's land being sloped/ drained towards the roadway.

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

### **18. PRIOR TO SITE WORKS**

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

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

### **19. HOME BUILDING ACT**

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

### **20. CONSTRUCTION SIGNS**

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

### **21. OBSTRUCTION TO PUBLIC AREAS**

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

a hoarding 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.

### **22. TOILET FACILITIES**

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



**23. COMPLIANCE WITH SAFEWORK NSW REQUIREMENTS**

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

**24. 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.

**25. 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.

**26. FOOTPATH PROTECTION**

The footpath and driveway must have a protective cover e.g. duckboards or plates to ensure these are not damaged during the course of demolition and/or construction. The protective measure is to be installed prior to the commencement of any works on the site.

**27. 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.

**28. 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.

**29. 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.

**30. BUILDING CODE OF AUSTRALIA**

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

**31. 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.

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.

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

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

**33. 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.

**34. 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.

**35. 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.

### **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 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.

### **37. 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.

### **38. NEW VEHICLE CROSSING**

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

### **39. VEHICULAR ACCESS - FINISHED LEVEL**

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

### **40. DRIVEWAY LAYBACK**

The overall length of the layback at the proposed driveway is not to exceed the width as advised by Council's Executive Manager, Creating Waverley.

**41. PROTECTION OF STREET TREES**

- (a) Tree protection in the form of either upright boards strapped to the trees or a tree protection fence. This protection work must be completed prior to commencement of building works and be in accordance with AS 4970 Protection of Trees on Development Sites. Compliance by an AQF level 5 arborist prior to demolition and construction and for the duration of the project. A final certificate to be issued on the completion of the project so that Tree Protection can be removed prior to occupation and use.
- (b) Any roots greater than 40mm diameter within the TPZ (Tree Protection Zone) of either tree will need to be cut cleanly under the supervision of an AQF Level 5 arborist
- (c) Appropriate tree protection signage in accordance with AS 4970 to be installed prior to works commencing.
- (d) Precautions shall be taken when working near trees, shrubs or vegetation on the subject or neighbouring properties to ensure their retention, including the following:
  - i. Do not store harmful or bulk materials or spoil under or near trees;
  - ii. Prevent damage to bark and root system;
  - iii. Do not use mechanical methods to excavate within root zones;
  - iv. Do not add or remove topsoil from under the drip line;
  - v. Do not compact ground under the drip line;
  - vi. Do not mix or dispose of liquids within the drip line of the tree; and
  - vii. All trees marked for retention must have a protective fence/guard placed around a nominated perimeter

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

### **42. 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.

### **43. 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.

### **44. LANDSCAPE PLAN**

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

### **45. 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.

### **46. 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.

### **47. VEHICLE TO BE PARKED WITHIN THE SITE**

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

### **48. GATES TO OPEN WHOLLY WITHIN THE SITE**

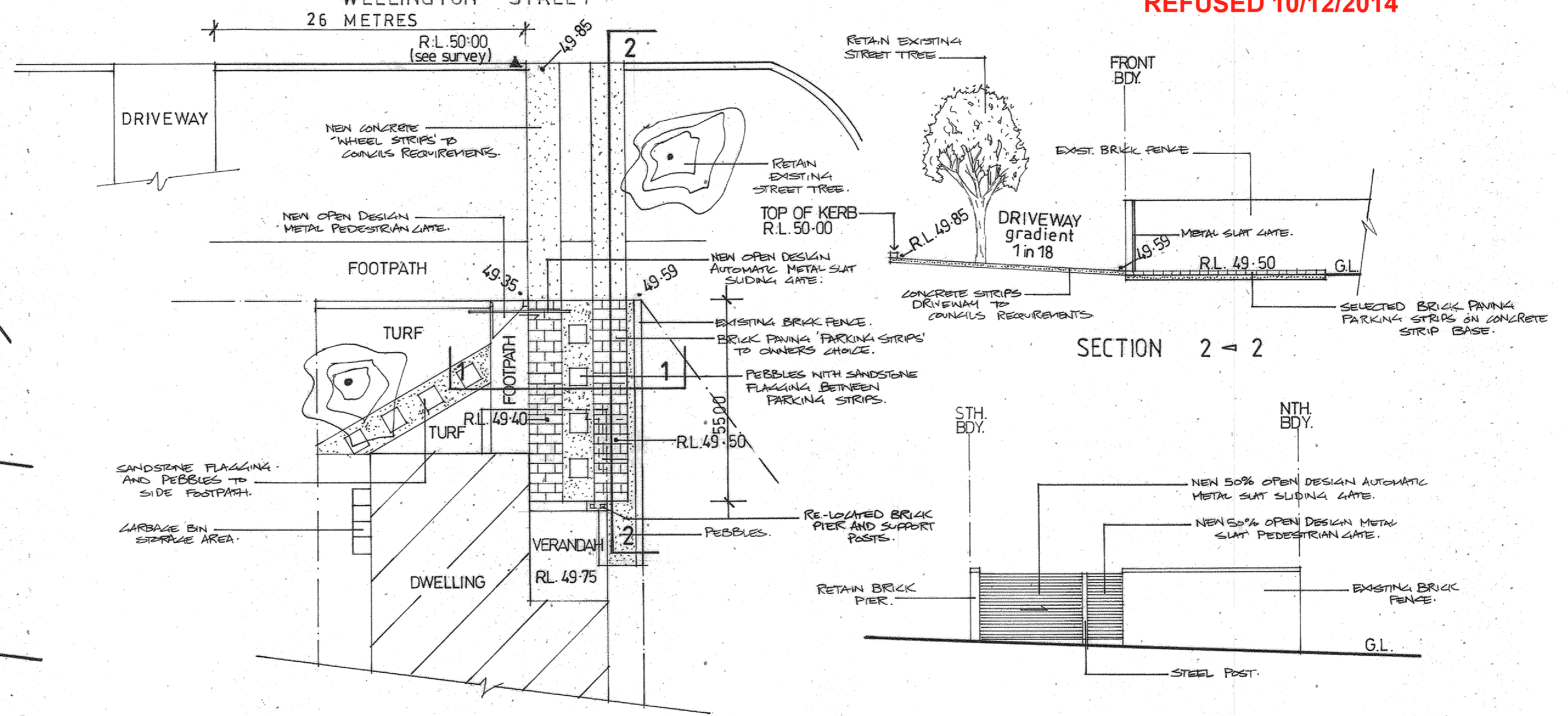
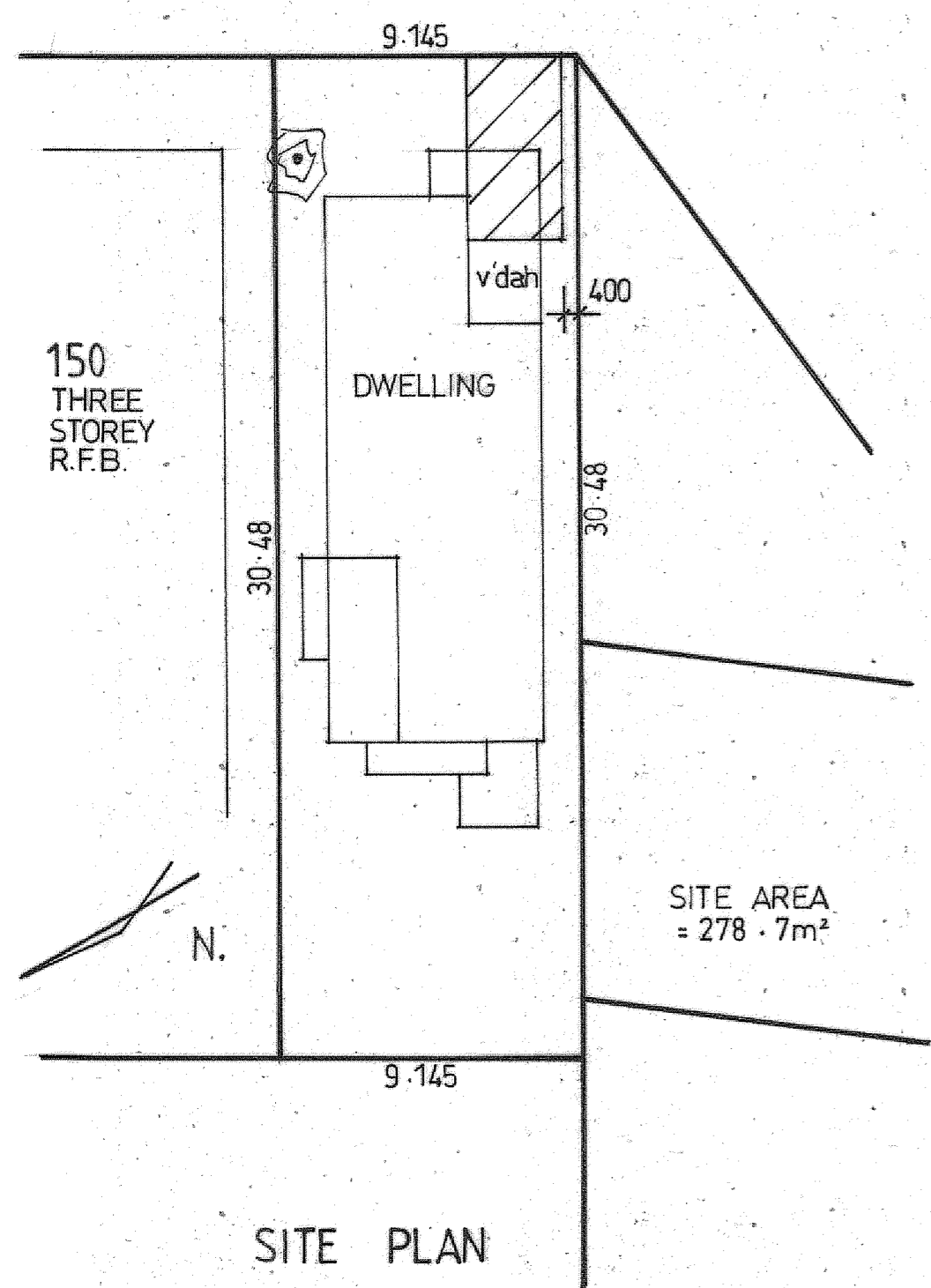
Any vehicle or pedestrian gates are to open wholly within the site, so as not to encroach over the public footway at any time.

## **APPENDIX B – REFERRAL TO COMPLIANCE DIVISION**

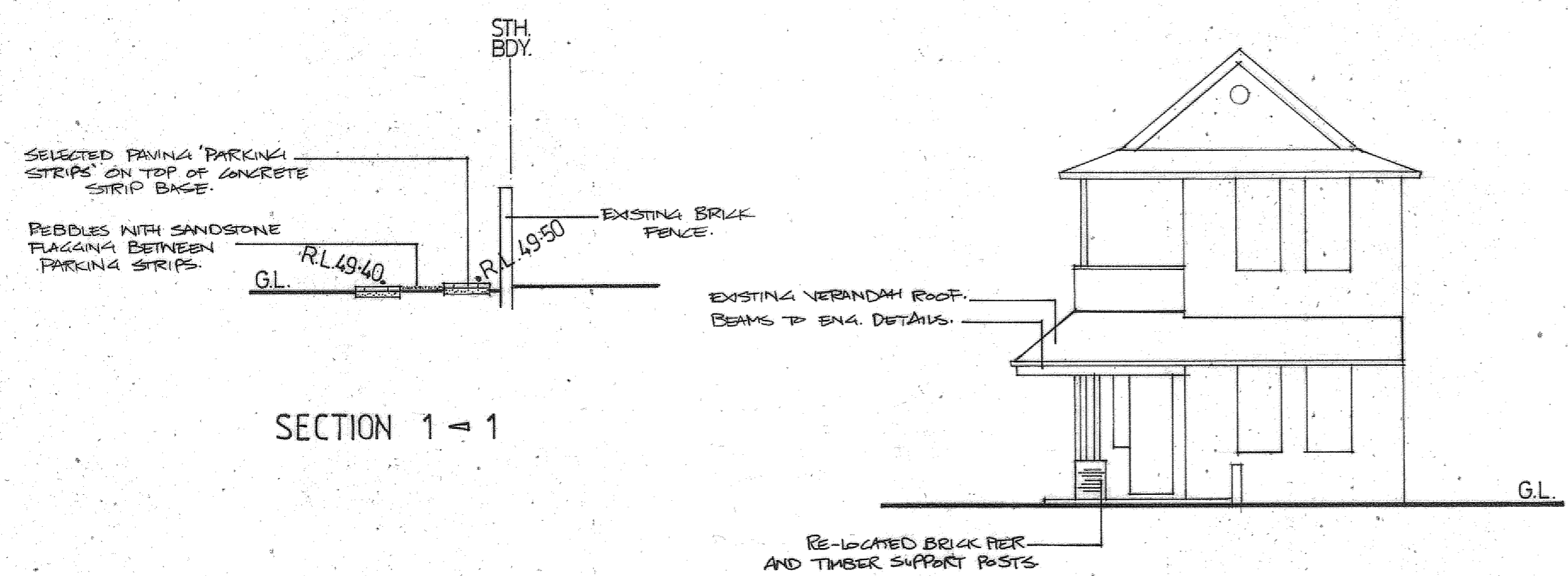
It is recommended that this matter shall be referred to Council’s Building Compliance Division for investigation, having regard to works carried out without prior development consent, specifically relating to the front verandah.

WELLINGTON STREET

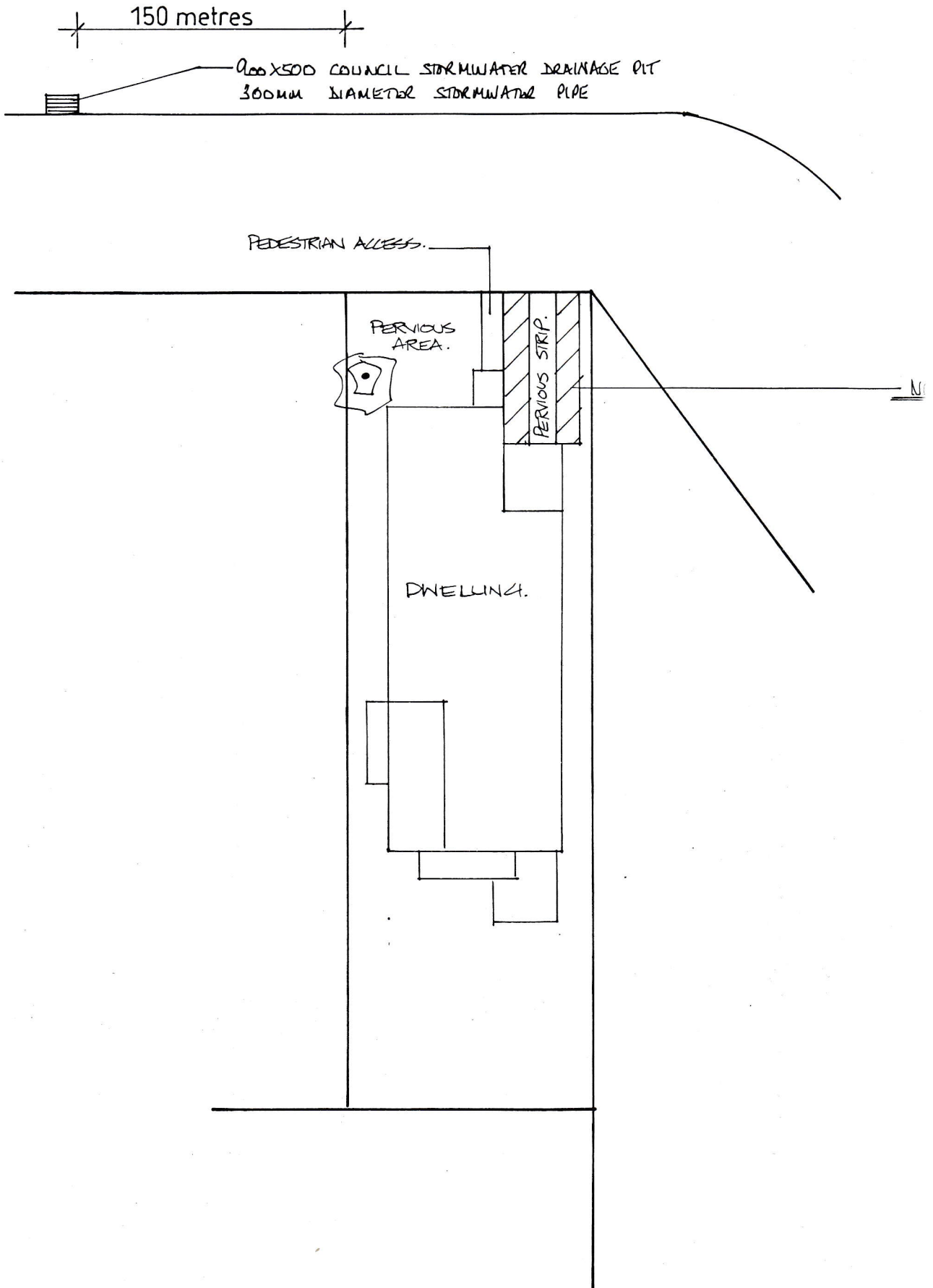
WELLINGTON STREET



FRONT ELEVATION



PROPOSED PARKING STRIPS  
148 WELLINGTON STREET BONDI  
SCALE: 1:200 1:100 DWG.No: 22/13A  
DESIGNED: PETER BANFIELD PH: 9662 8287 DATE: 23/5/14  
NOTE: ALL LEVELS AND DIMENSIONS ARE TO BE VERIFIED ON SITE BY BUILDER PRIOR TO COMMENCEMENT.



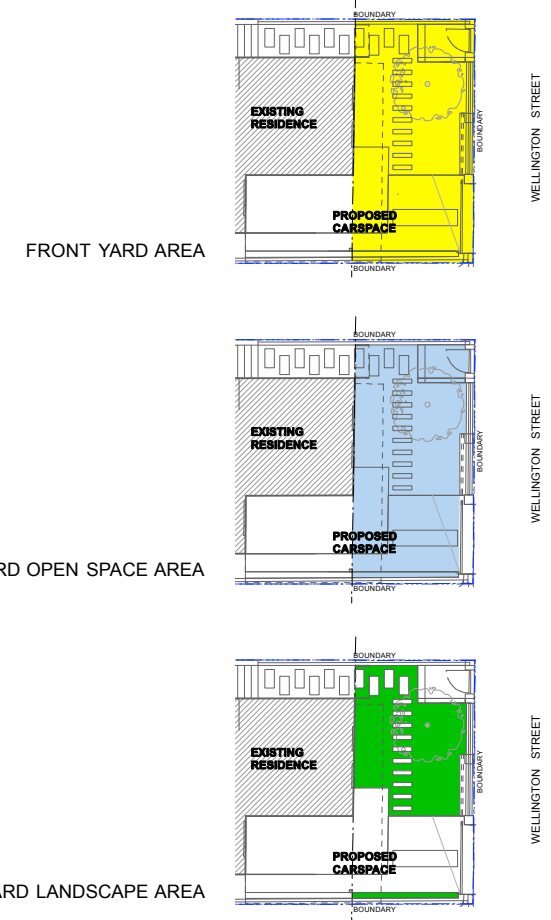
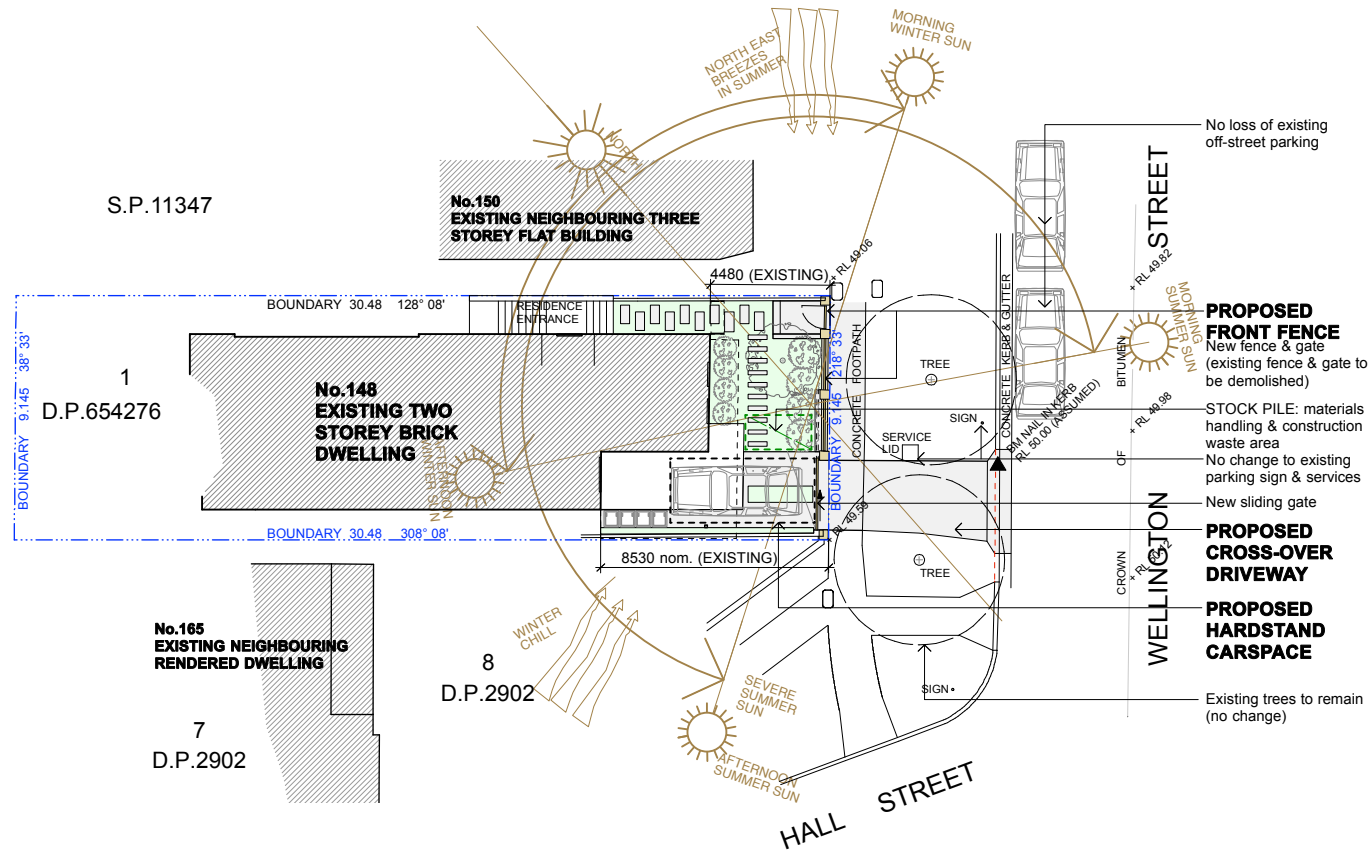
SITE PLAN  
SCALE 1 : 200



# SUBJECT APPLICATION DA-130/2018

## DEVELOPMENT DATA

FRONT YARD AREA (AREA BETWEEN THE FRONT OF THE BUILDING & THE STREET ALIGNMENT)	41.25 sqm	
OPEN SPACE PROVIDED (50% FRONT YARD AREA REQUIRED: 20.625 sqm. MIN. REQ.)	86% 35.61 sqm	
LANDSCAPE AREA PROVIDED (50% MIN. OPEN SPACE AREA: 17.8 sqm. MIN. REQ.)	50.2% 17.9 sqm	



**LEGEND:**

(E) RL	- Existing Reduce Level
(N) RL	- New Reduce Level
(E&N) RL	- Existing & New Reduce Level

### SITE PLAN & SITE ANALYSIS

AMENDMENT		
A	10/4/18	ISSUE FOR DA SUBMISSION
3	06/04/18	FINAL DRAFT FOR REVIEW
2	28/01/18	DRAFT
1	25/01/18	DRAFT

**NOTES**

WORK TO FIGURED DIMENSIONS - DO NOT SCALE FROM DRAWINGS

CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ARCHITECT

ALL ASPECTS OF CONSTRUCTION TO COMPLY WITH BCA AND RELEVANT AUSTRALIAN STANDARDS

DRAWINGS TO BE READ IN CONJUNCTION WITH THE TOTAL PACKAGE

BUILDER TO ARRANGE ALL NECESSARY INSPECTIONS

**STUDIO [R]**  
Architecture + Design Pty Ltd  
w: www.studior.net.au  
e: rigolisc@bigpond.com

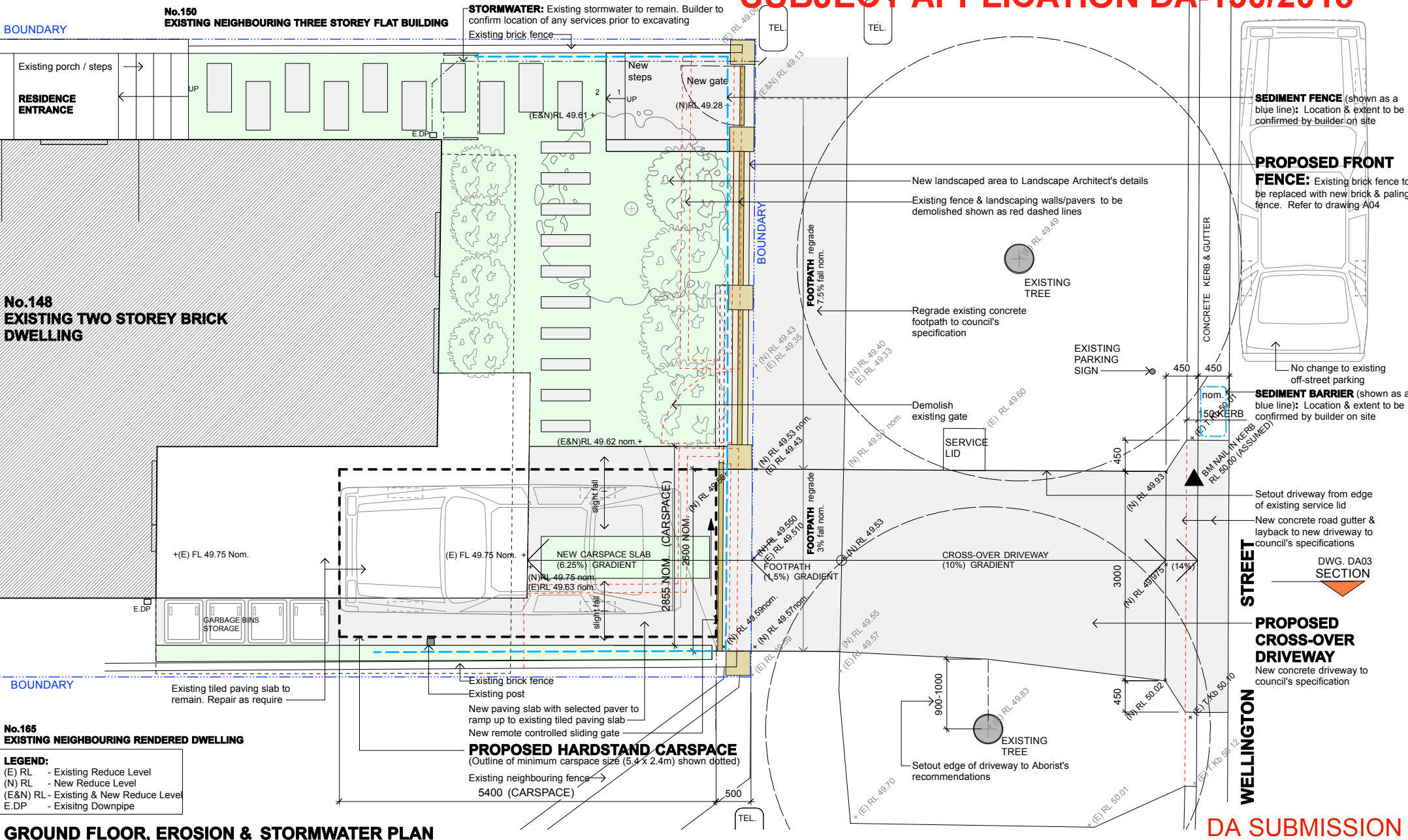
ULTIMO NSW 2007 AUSTRALIA

SAM RIGOLI: m.0408 006 141  
CATHY RIGOLI: m.0419 243 373

CLIENT MR M. SMITH				
PROJECT NEW CARPARKING SPACE, DRIVEWAY & FRONT FENCE 148 WELLINGTON STREET, BONDI BEACH LOT1 DP 654276				
DRAWING Site Plan, Site Analysis & Development Data				
CHECKED SR	DRAWN BY CR	PROJECT No 17191	SCALE / S 1:200 (@ A3 SHEET)	DATE JANUARY'18

DRAWING No  
**331**  
ISSUE  
**A**

DA SUBMISSION



## GROUND FLOOR, EROSION & STORMWATER PLAN

DA SUBMISSION

AMENDMENT		
A	10/4/18	ISSUE FOR DA SUBMISSION
2	06/04/18	FINAL DRAFT FOR REVIEW
1	25/01/18	DRAFT

**NOTES**

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CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ARCHITECT

ALL ASPECTS OF CONSTRUCTION TO COMPLY WITH BCA AND RELEVANT AUSTRALIAN STANDARDS

DRAWINGS TO BE READ IN CONJUNCTION WITH THE TOTAL PACKAGE

BUILDER TO ARRANGE ALL NECESSARY INSPECTIONS

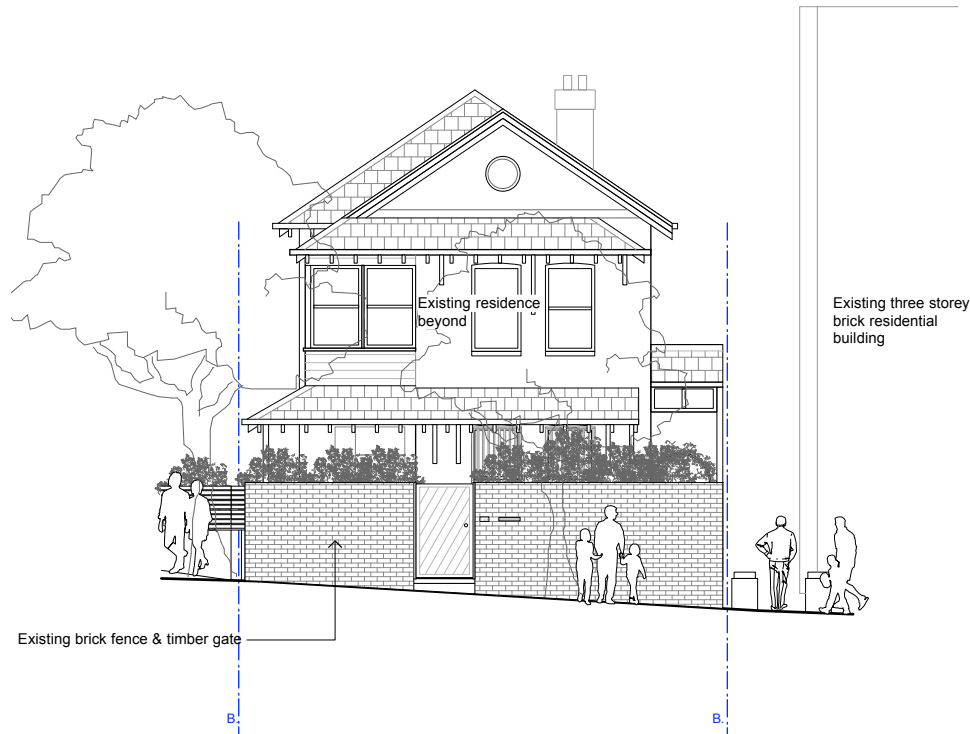
**STUDIO [R]**  
 Architecture + Design Pty Ltd  
 w: www.studior.net.au  
 e: rigolisc@bigpond.com

ULTIMO NSW 2007 AUSTRALIA

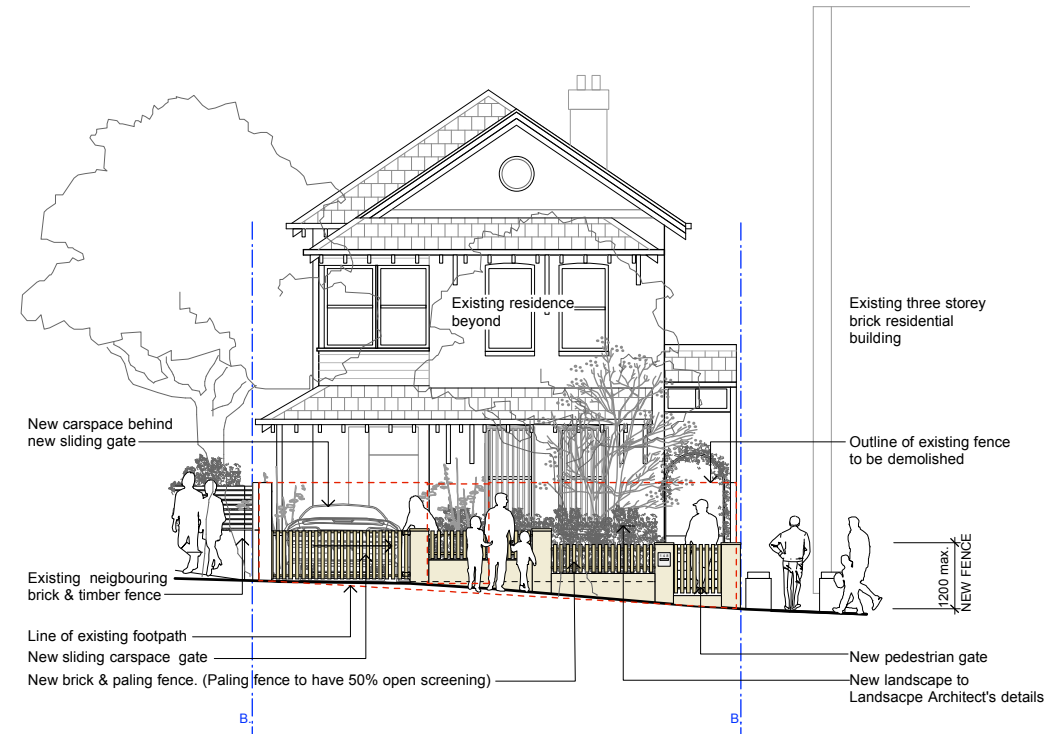
SAM RIGOLI: m.0408 006 141  
 CATHY RIGOLI: m.0419 243 373

CLIENT		MR M. SMITH	
PROJECT		NEW CARPARKING SPACE, DRIVEWAY & FRONT FENCE 148 WELLINGTON STREET, BONDI BEACH LOT1 DP 654276	
DRAWING Ground Floor, Erosion & Stormwater Plan			
CHECKED SR	DRAWN BY CR	PROJECT No 17191	SCALE / S 1:50 (@ A3 SHEET)
DATE JANUARY'18		ISSUE A	

DRAWING No  
34  
 ISSUE  
A



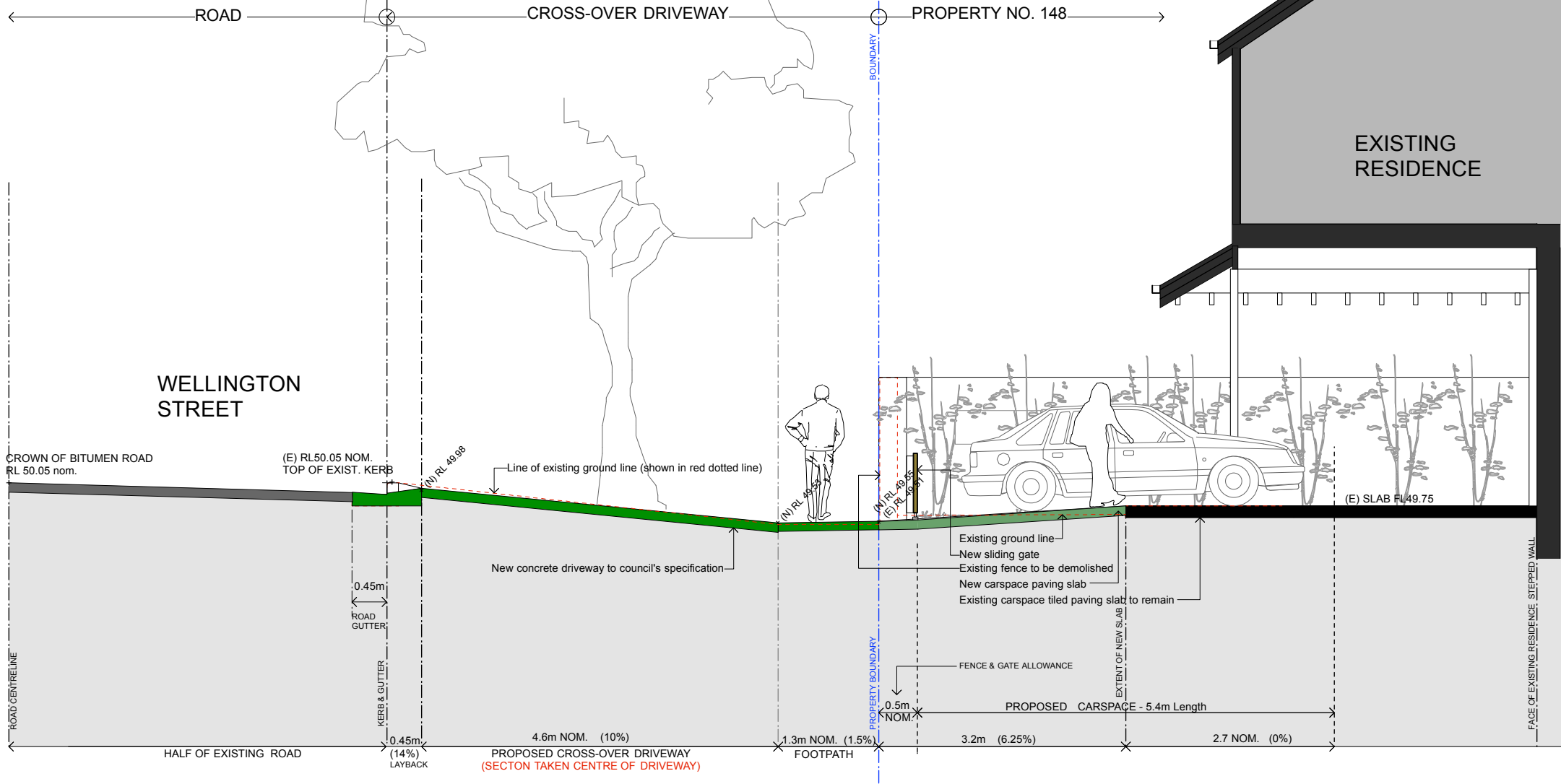
**EXISTING FRONT FENCE ELEVATION**



**PROPOSED FRONT FENCE ELEVATION**

DA SUBMISSION

AMENDMENT			NOTES		STUDIO [R]		CLIENT				
A	10/4/18	ISSUE FOR DA SUBMISSION	WORK TO FIGURED DIMENSIONS - DO NOT SCALE FROM DRAWINGS				MR M. SMITH				
			CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ARCHITECT		Architecture + Design Pty Ltd w: www.studior.net.au e: rigolisc@bigpond.com		PROJECT NEW CARPARKING SPACE, DRIVEWAY & FRONT FENCE				
			ALL ASPECTS OF CONSTRUCTION TO COMPLY WITH BCA AND RELEVANT AUSTRALIAN STANDARDS		ULTIMO NSW 2007 AUSTRALIA		148 WELLINGTON STREET, BONDI BEACH LOT1 DP 654276				
			DRAWINGS TO BE READ IN CONJUNCTION WITH THE TOTAL PACKAGE				DRAWING Existing & Proposed Front Fence Elevations				DRAWING No
2	06/04/18	FINAL DRAFT FOR REVIEW	BUILDER TO ARRANGE ALL NECESSARY INSPECTIONS				35				
1	25/01/18	DRAFT			SAM RIGOLI: m.0408 006 141 CATHY RIGOLI: m.0419 243 373	CHECKED SR DRAWN BY CR PROJECT No 17191 SCALE / S 1:100 (@A3 SHEET) DATE JANUARY 2018	ISSUE A				



## LONGITUDINAL DRIVEWAY SECTION

DA SUBMISSION

AMENDMENT		
A	10/4/18	ISSUE FOR DA SUBMISSION
2	06/04/18	FINAL DRAFT FOR REVIEW
1	25/01/18	DRAFT

**NOTES**

WORK TO FIGURED DIMENSIONS - DO NOT SCALE FROM DRAWINGS

CONTRACTOR TO VERIFY SITE CONDITIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO ARCHITECT

ALL ASPECTS OF CONSTRUCTION TO COMPLY WITH BCA AND RELEVANT AUSTRALIAN STANDARDS

DRAWINGS TO BE READ IN CONJUNCTION WITH THE TOTAL PACKAGE

BUILDER TO ARRANGE ALL NECESSARY INSPECTIONS

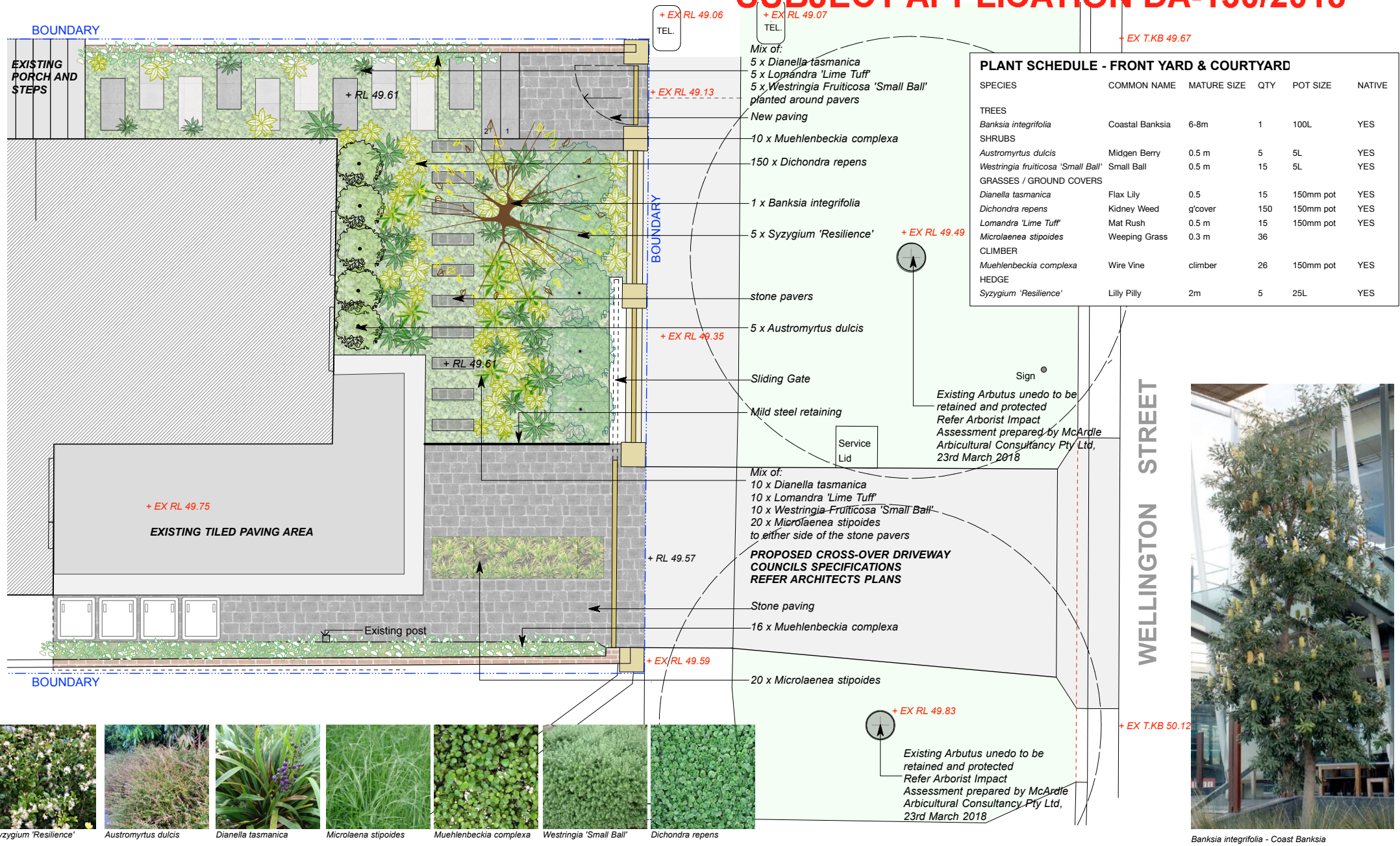
**STUDIO [R]**  
 Architecture + Design Pty Ltd  
 w: www.studior.net.au  
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ULTIMO NSW 2007 AUSTRALIA

SAM RIGOLI: m.0408 006 141  
 CATHY RIGOLI: m.0419 243 373

CLIENT		MR M. SMITH		DRAWING No 36
PROJECT		NEW CARPARKING SPACE, DRIVEWAY & FRONT FENCE 148 WELLINGTON STREET, BONDI BEACH LOT1 DP 654276		
DRAWING		Longitudinal Driveway Section		
CHECKED SR	DRAWN BY CR	PROJECT No 17191	SCALE / S 1:50 (@ A3 SHEET)	DATE JANUARY 2018
				ISSUE A

# SUBJECT APPLICATION DA-130/2018



PLANT SCHEDULE - FRONT YARD & COURTYARD					
SPECIES	COMMON NAME	MATURE SIZE	QTY	POT SIZE	NATIVE
<b>TREES</b>					
<i>Banksia integrifolia</i>	Coastal Banksia	6-8m	1	100L	YES
<b>SHRUBS</b>					
<i>Austromyrtus dulcis</i>	Midgen Berry	0.5 m	5	5L	YES
<i>Westringia fruticosa</i> 'Small Ball'	Small Ball	0.5 m	15	5L	YES
<b>GRASSES / GROUND COVERS</b>					
<i>Dianella tasmanica</i>	Flax Lily	0.5	15	150mm pot	YES
<i>Dichondra repens</i>	Kidney Weed	g'cover	150	150mm pot	YES
<i>Lomandra 'Lime Tuff'</i>	Mat Rush	0.5 m	15	150mm pot	YES
<i>Microlaenea stipoides</i>	Weeping Grass	0.3 m	36		
<b>CLIMBER</b>					
<i>Muehlenbeckia complexa</i>	Wire Vine	climber	26	150mm pot	YES
<b>HEDGE</b>					
<i>Syzygium 'Resilience'</i>	Lilly Pilly	2m	5	25L	YES



Banksia integrifolia - Coast Banksia



Syzygium 'Resilience'   Austromyrtus dulcis   Dianella tasmanica   Microlaenea stipoides   Muehlenbeckia complexa   Westringia 'Small Ball'   Dichondra repens

**melissa wilson**  
landscape architects

Level 1, 216-218 Crown Street  
Surry Hills NSW 2010  
p. 9281 4305  
m. 0416 112 862  
e. melissa@melissawilson.com.au

ARCHITECT  
**STUDIO [R]**

Architecture + Design Pty Ltd  
w: www.studio[r].net.au  
e: rigolisc@bigpond.com  
ULTIMO NSW 2007 AUSTRALIA

ISSUE	AMENDMENT	DATE
A	COMMENT	19.03.18
B	COMMENT	20.03.18
C	FOR FINAL COMMENT	20.03.18
D	FOR CO-ORDINATION	29.03.18
E	FOR DA SUBMISSION	04.04.18
F	FOR DA SUBMISSION	11.04.18

PROJECT  
**148 WELLINGTON STREET, BONDI BEACH**

CLIENT  
Mr S. Smith

DRAWING TITLE  
**LANDSCAPE PLAN: FRONTYARD & DRIVEWAY**

SCALE@ A1 1:50@A3	DRAWN MWW/RM	PROJECT NO. 1810	DWG NO. <b>LS01</b>	SHEET
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SCALE BAR  
0 1 2 3 4 5

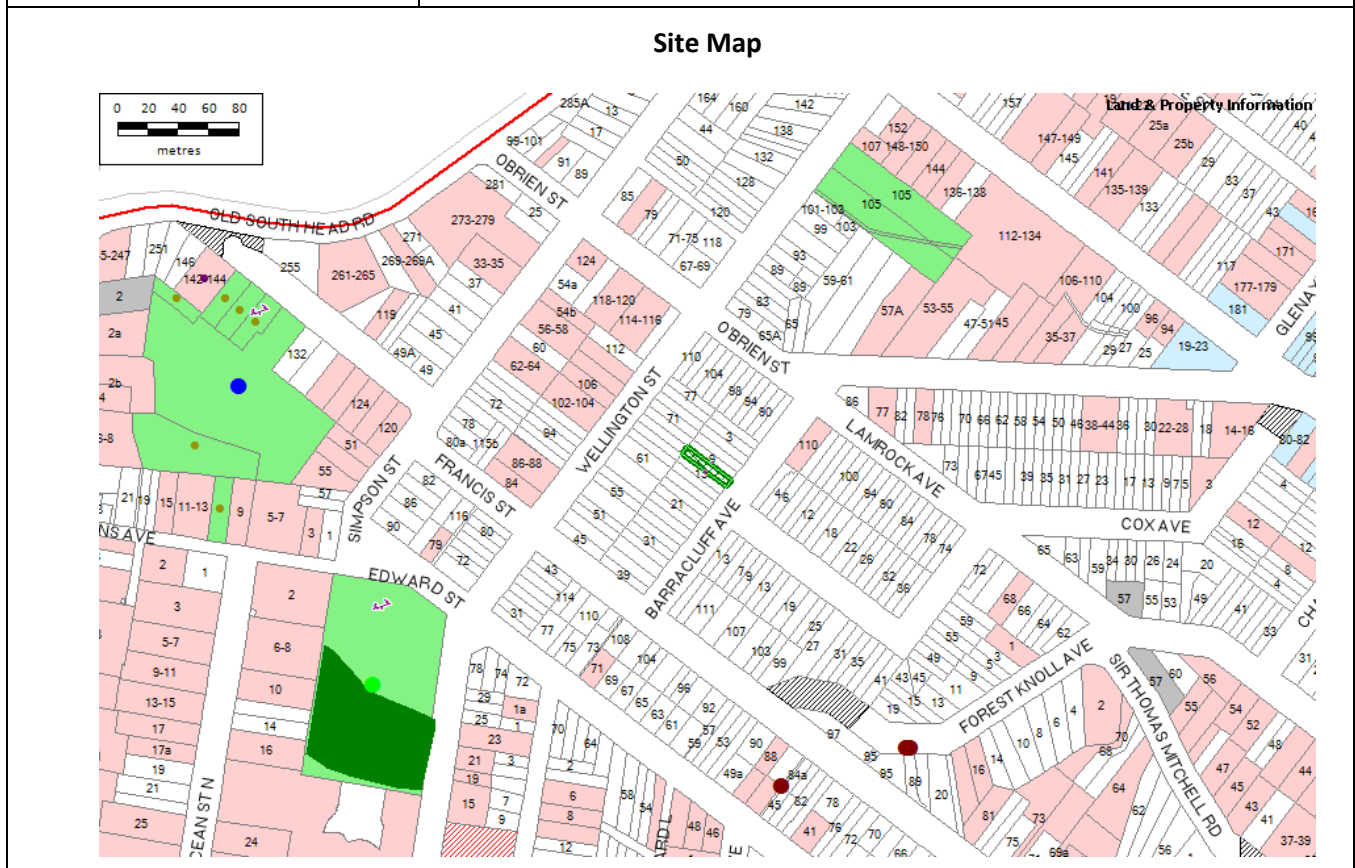
ISSUE  
**F**

NOTES:  
REFER TO DETAIL SURVEY FOR SITE IDENTIFICATION, BOUNDARY INFORMATION & LEVELS.  
ALL LEVELS AND DIMENSIONS TO BE CONFIRMED ON SITE. IF ANY DISCREPANCIES OCCUR PLEASE NOTIFY THE LANDSCAPE ARCHITECT



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-96/2017/A
<b>Site address</b>	11 Barracluff Avenue Bondi Beach
<b>Proposal</b>	Delete condition 2(a) of DA-96/2017 to allow for a hardstand car space in the front yard of a semi-detached dwelling
<b>Approved development description</b>	First floor addition to semi-detached dwelling
<b>Date of lodgement</b>	31 January 2018
<b>Owner</b>	Horneville Properties No.2
<b>Applicant</b>	Matthew Hourn
<b>Submissions</b>	Nil
<b>Issues</b>	DCP controls, streetscape, loss of kerbside parking
<b>Recommendation</b>	That the application be REFUSED



## 1. PREAMBLE

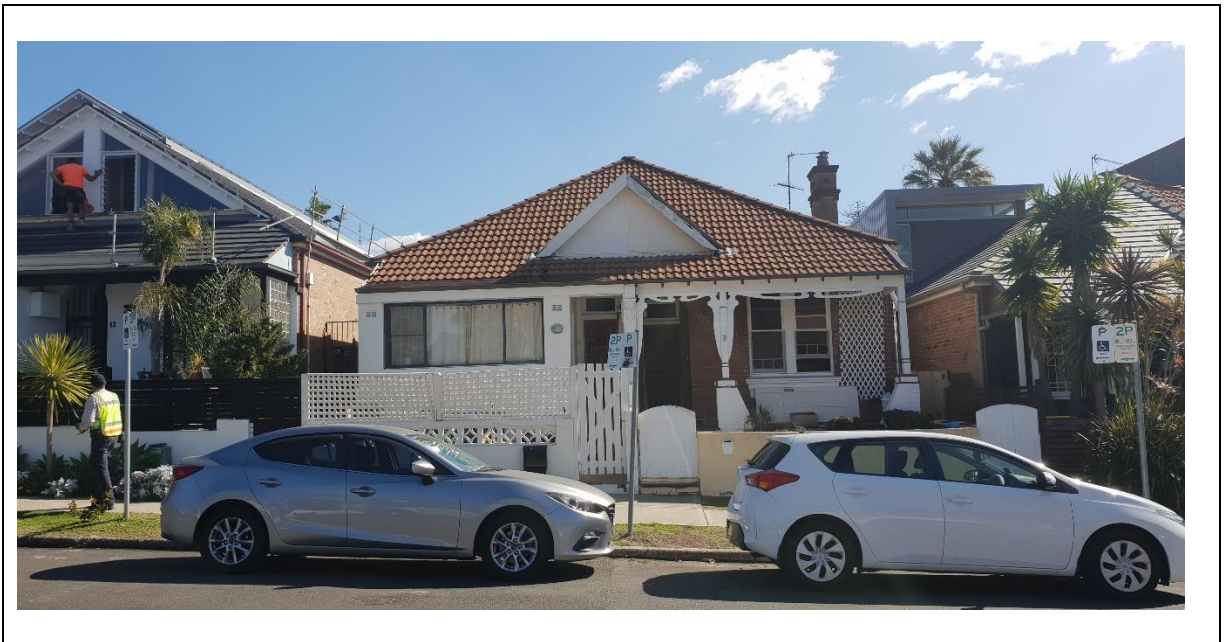
### 1.1 Site and Surrounding Locality

A site visit was carried out on 1 August 2018.

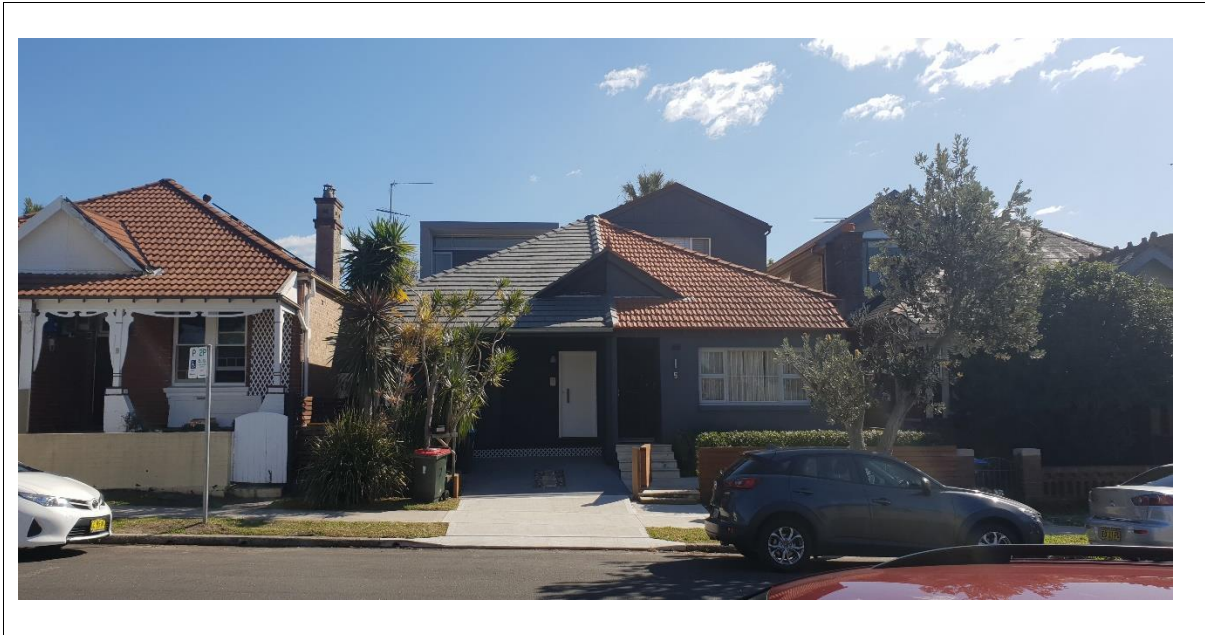
The site is identified as Lot 2 in DP 203542, known as 11 Barracluff Avenue, Bondi Beach. The site is rectangular in shape with northern and southern side boundaries measuring 36.89m, and eastern and western front and rear boundaries measuring 6.075m. The site has an area of 221.3m<sup>2</sup> and the site falls from the east towards the west by approximately 1.7m.

The site is occupied by a single storey semi-detached dwelling with no vehicular access to the site.

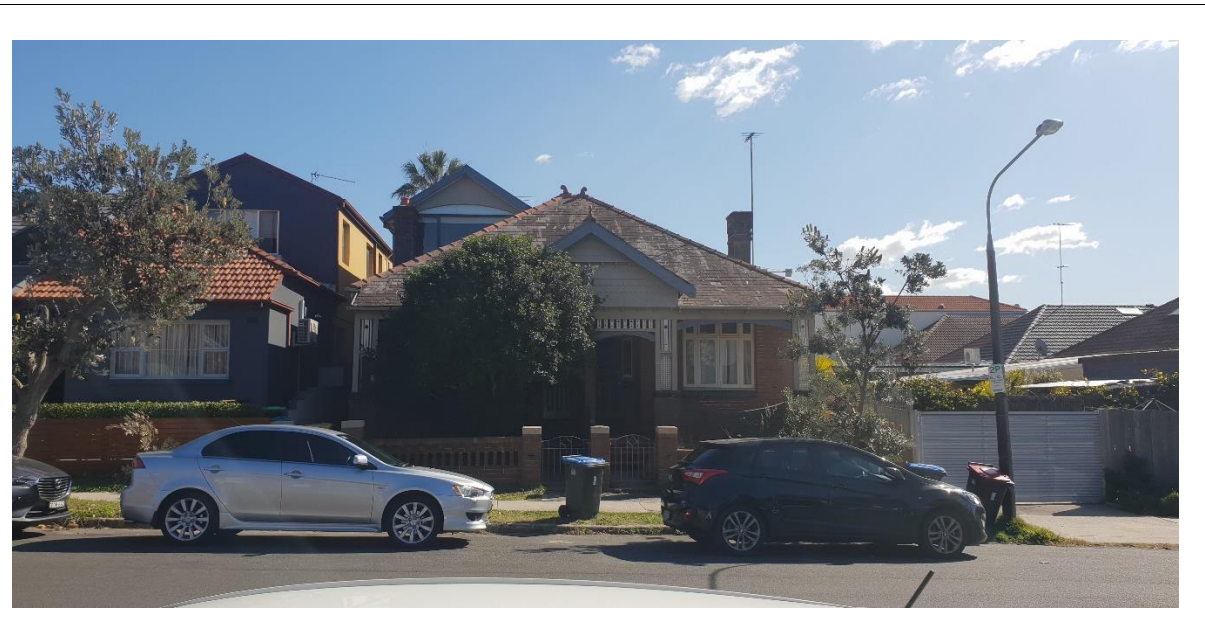
The subject site is adjoined by a semi-detached dwelling on either side. The locality is characterised by a variety of residential developments including semi-detached dwellings and residential flat buildings.



**Figure 1:** Subject site frontage (the subject semi is on the left with the lattice front screen).



**Figure 2:** Adjoining properties to the right (north) – Nos 9 and 7 Barracluff Avenue

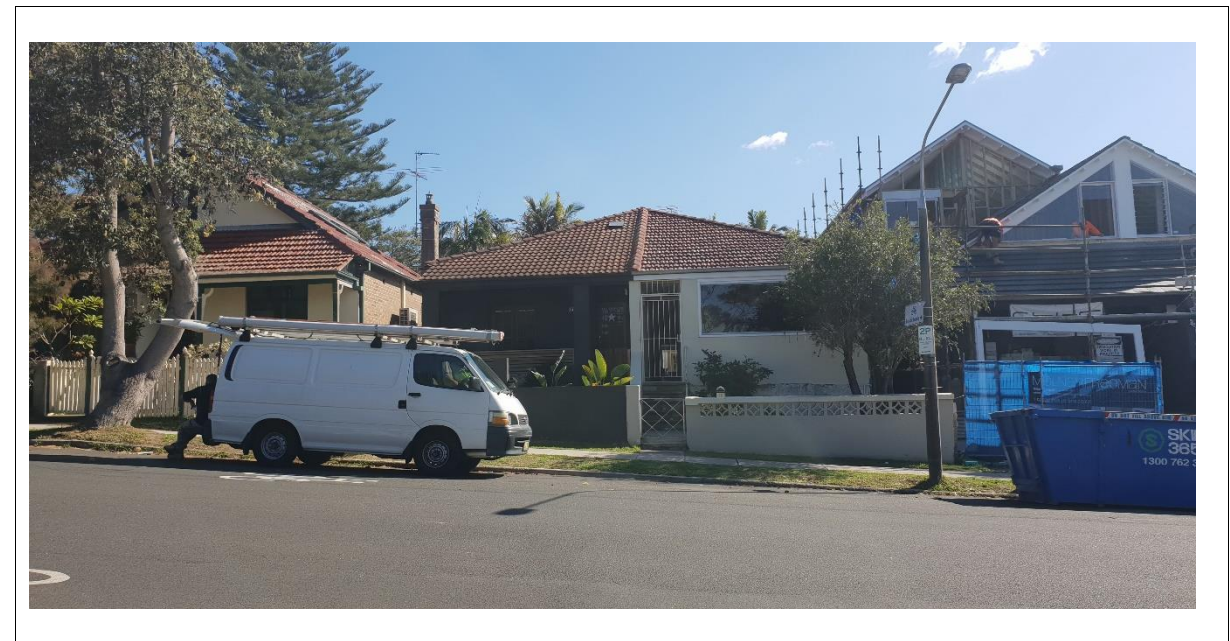


**Figure 3:** Further to the north, Nos 5 and 3 Barracluff Avenue





**Figure 4:** Adjoining properties to the left (south) – Nos 15 and 17 Barracluff Avenue



**Figure 5:** Further to the south, Nos 19 and 21 Barracluff Avenue

## 1.2 Details of Approved Development

- **DA-96/2017** approved first floor additions to the semi-detached dwelling. Part of the application was the provision of a hardstand space in the front yard. That component of the application was not approved, and a condition of consent was included in the determination:

### **2. GENERAL MODIFICATIONS**

*The proposal shall be amended as follows:*

*(a) The proposed driveway and hardstand parking space/wheel strips are not approved as part of this application. All works associated with the proposed driveway and parking space are to be removed from the plans including, but not limited to, removal of the front façade of the dwelling, new columns and detailing to front of dwelling, driveway and crossover, and wheel strips.*

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

The assessment report made the following observation about the proposed hardstand:

*The proposed single driveway, whilst only resulting in the loss of one on-street parking space at present, is likely to create a precedent for the character of off-street parking in this section of Barracluff Avenue. The section of Barracluff Avenue ranging from numbers 1 – 31 comprises pairs of semi-detached dwellings with no vehicular access or off-street parking at present. The pair of dwellings at 5 and 7 Barracluff Avenue have approval for a single width centralised driveway which splays out to provide one hardstand parking space for each dwelling. Whilst this is yet to be constructed, this would be a more desirable outcome in regard to off-street parking design and on-street parking availability. Provision of centralised driveways to each pair of semi-detached dwellings in the street would enable the retention of at least one on-street parking space in between each paired centralised driveway. The current proposal includes one single driveway accessing only no. 11 Barracluff Avenue which, if repeated for each dwelling along Barracluff Avenue, would result in the loss of all on-street parking available on this section of Barracluff Avenue*

*... and in an area which is comprised of numerous pairs of semi-detached dwellings with no pattern of vehicular access yet established, there is an opportunity to create a pattern of shared centralised driveways for each pair of semi-detached dwellings which would enable the retention of a greater amount of on-street parking and therefore improved car parking public benefit.*

The hardstand at No.7 has since been constructed, however not yet in conjunction with No. 5 as originally required. The result is a temporary situation where a single crossover appears in front of No.7 until such time as No. 5 completes the remainder of the work and a new centralised crossover is constructed on Council's footpath.

### 1.3 Proposal

The application has been lodged as a section 4.55 (1A) application and provides for the deletion of condition 2(a) which would then allow for the construction of a hardstand car space at the front of the site.

## 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 (1A) applications** - The application has been compared to the essential nature of the development as originally approved and it is considered to be *substantially the same development*. The application has been notified and no submissions were received.

### 2.2 Planning Instruments and Development Control Plans

The following is an assessment against relevant legislation, environmental planning instruments,

#### 2.2.1 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
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal meets the aims of the LEP.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table R2 Low Density Residential	Yes	The proposal is defined as a semi-detached dwelling, which is permitted with consent.

## 2.2.2 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	No	The SEE states that the bins would be placed on the side of the dwelling however this is not shown on the plans and the proposal introduces steps that would need to be navigated with the bins.
8. Transport	No	See discussion following the DCP tables.

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

Development Control	Compliance	Comment
<b>1.7 Fences</b>		
<i>Front:</i> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul>	Yes	There is no front fence proposed
<b>1.11 Car parking</b>		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	The proposal is for 1 space. The controls allow for a nil provision and a maximum of 2 spaces.
1.11.2 Location <ul style="list-style-type: none"> <li>Consistent with hierarchy of preferred car parking locations</li> </ul>	No	See discussion following the DCP tables.
1.11.3 Design	No	See discussion following the DCP tables.
1.11.4 Dimensions <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	5.4m x 2.4m proposed
1.11.5 Driveways <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter</li> </ul>	Yes Yes	1 driveway proposed Width of less than 3m at the gutter
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Front open space: 50% of front building setback area</li> <li>Front landscaped area: 50% of front open space provided</li> </ul>	Yes Yes	100% open space More than 50%

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

### **Parking**

The proposed parking in the form of a hardstand car space, facilitated by the removal of the front wall of the semi-detached dwelling, is the precise form of parking accommodation that the DCP seeks to restrict. The proposal fails against a number of controls, being contrary to the underlying principle stated in the DCP:

*The provision of private (on-site) and public (on-street) parking must be managed in an equitable and environmentally sensitive manner that benefits the community as well as the individual.*

The following controls are breached (in italics), with planning comments below:

*Part B8 – 8.4(a) Where off street parking is not characteristic of the street, vehicular access from the street is not permitted.*

The applicant's own documentation demonstrates that this form of parking is not characteristic of the street:



**Figure 6:** The Statement of Environmental Effects includes a parking survey (excerpt above), showing that the predominant character on the western side of the street is a nil parking provision (in yellow, erroneously described as 'off-street').

*Part C1- 1.11.2(d) A hardstand (in the form of wheel strips) or carport forward of the building line may be permitted where:*  
*(iv) The distance between the building and the front property boundary is a minimum of 5.4m;*

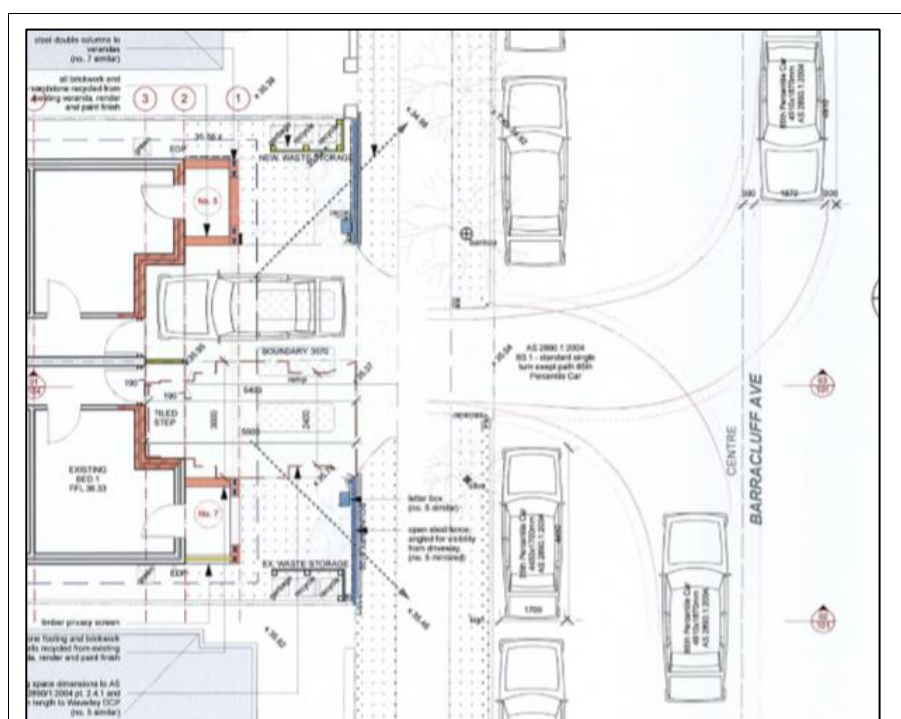
This distance is not achieved and the proposal therefore includes demolishing and removing the front portion of the dwelling in order to accommodate the car parking.

*Part C1- 1.11.2(d) cont...*

(vi) There is a predominance of this form of off-street car parking in the immediate vicinity of the site;

There is a single example in the immediate vicinity of the site. Notwithstanding, the example is also distinctly different to this application. The example at the adjoining pair of semis is an unfinished project under a single Development Application that allows for a singular crossover providing shared access to 2 hardstand spaces benefitting two semi-detached dwellings. If there were to be a reasonable emerging pattern in Barracluff Avenue that meets the underlying principles of the DCP controls, then the approval at Nos. 5 and 7 Barracluff would be satisfactory.

That approval removes 1 parking space from the street for the benefit of two properties having on-site parking. If this pattern were continued through Barracluff Avenue there would be a less than 50% reduction in kerbside parking and each property would have 1 space on site. In contrast, if the format proposed in this application were to be accepted, there would be a 100% removal of public parking on this side of the street. That would be a poor planning outcome that can be avoided through alternative design like that approved at Nos. 5 and 7 Barracluff Avenue.



**Figure 7:** The approved plans for Nos. 5 and 7 Barracluff Avenue. The existing hardstand at No.7 will, when the DA is completed, be shared with No.5 to provide 2 on-site spaces at the expense of only 1 kerbside space.

*Part C1 – 1.11.3 (b) Car parking is to be sympathetically integrated into the design of residences and to be secondary in area and appearance to the primary residence and related site.*

The presentation of the front yard would be an open space that has been set aside for the primary purpose of parking a vehicle, with limited landscaping opportunities to soften this appearance. It would neither be secondary nor sympathetically integrated into the design of the dwelling.

*Part C1 – 1.11.3 (c)* No element of the street façade/frontage of a building, including verandahs and window awnings are to be removed or demolished in order to accommodate car parking.

The purpose of this control is to specifically restrict the form of development proposed in this application. The front of the dwelling is being removed for the primary purpose of accommodating parking. Whilst the proposal aims to demonstrate an improvement to the visual aesthetic of the dwelling, by removing the intrusive elements foreign to the original integrity of the semi's design (the lattice fence, aluminium windows and verandah infill), this is not accurate because the proposal does *not* include restoring the original façade of the dwelling. The new front wall is set artificially deep into the building, undermining its relationship with its twin semi and the verandah itself would be removed. It would present distinctly different and uncomplimentary to the semi twin.

### **Conclusion**

The proposed parking arrangement for the site is not acceptable having regards to the controls. It would introduce a poor planning outcome and set a bad precedent for the remainder of the street whereby a better alternative has been demonstrated in the approval at Nos. 5 and 7. The best opportunity this property has for providing parking in the front setback is to combine with their semi twin and make a joint application for a shared driveway and a consistent front facade.

If that were to occur it would be far more palatable having consideration for the DCP controls. Notwithstanding, Council would also need to be mindful of the conditions imposed on such an approval to ensure there isn't a repeat of the temporary outcome at Nos 5 and 7 Barracluff and should require the entire consent to be completed as a singular project.

### **2.3 Other Impacts of the Development**

The proposed development is capable of complying with the BCA.

It is considered that the proposal will a detrimental social impact if it were to set a precedent for the remaining semi-detached dwellings as it would remove all public kerbside parking options from the street to the benefit of the property owners only.

No significant environmental or economic impacts on the locality are expected.

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

The site is not suitable for the development as proposed for the reasons discussed above.

### **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 would be detrimental to the public interest, removing kerbside parking opportunities at an inequitable rate and being contrary to the underlying principles of the parking controls.

### 3. REFERRALS

No internal or external referral comments were sought.

### 4. SUMMARY

The application has been made under Section 4.55(1a) and seeks to delete a condition imposed by the Development and Building Unit (DBU) that rejected the hardstand parking component of an application that also included a first floor addition to a semi-detached dwelling. The application is in effect a review of the decision to reject the hardstand.

The proposal is contrary to a number of DCP controls and relies heavily on the supposed precedent set by Nos.5 and 7 Barracluff Avenue. Whilst the outcome at that property appears relevant, it must be noted that it is part of an unfinished project, that when finished will provide for shared parking for two properties at the expense of 1 kerbside space, and a consistent aesthetic to both semis. This cannot be said of the proposal for this property.

The proposal includes the removal of the front wall of the dwelling and does not demonstrate a sympathetic or integrated approach to providing on-site parking.

No submissions were received during the notification period and no Councillor submissions have been made.

The application is being referred to the Waverley Local Planning Panel as it is in effect a review of a decision by the DBU and is therefore being elevated to a higher determining authority for review.

The recommendation is to refuse the application.

### 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

**Report prepared by:**

Lee Kosnetter | LK Planning  
**Consultant Planner**

**Date: 16 September 2018**

**Reason for referral:**

4(a) Review of previous refusal by the Development Building Unit.

**Application reviewed and agreed on behalf of  
the Development and Building Unit (MR, AF, AR)  
by:**

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

**Date: 17 September 2018**

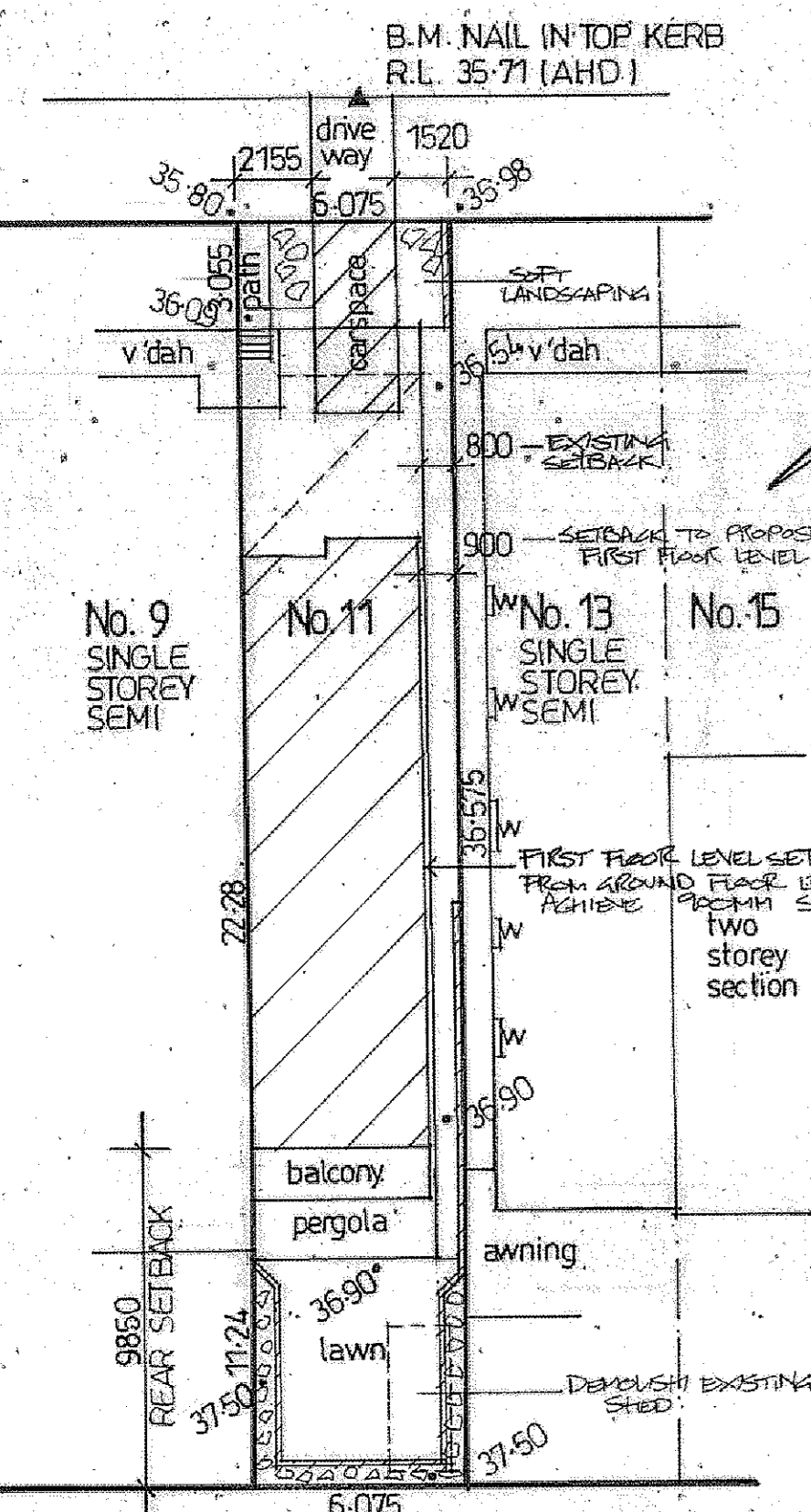


## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to section 4.15(1) of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - a. Part B8 - Transport
    - i.* Clause 8.4(a) as off-street parking is not characteristic of the street, and therefore vehicular access from the street is not permitted.
  - b. Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-Detached Dwelling and Terrace Development
    - i.* Clause 1.11.2(d)(iv) as the distance between the building and the front property boundary is not a minimum of 5.4m;
    - ii.* Clause 1.11.2(d)(vi) as there is no predominance of this form of off-street parking in the immediate vicinity of the site;
    - iii.* Clause 1.11.3(b) as the parking is not sympathetically integrated into the design of the dwelling nor is it secondary in area and appearance to the site; and
    - iv.* Clause 1.11.3(c) as the façade/frontage of the dwelling is being demolished and removed for the primary purpose of providing parking.
2. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including :
  - a. The proposed location of the bin storage area and the direct passage of the bins to the kerbside collection area without the need for traversing stairs.
3. The proposed development does not satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse social impact in the locality as it removes kerbside parking space at an unsustainable rate, noting a better alternative has been demonstrated at nearby properties.
4. The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979.

BARRACLUFF AVE



SITE AREA = 221.3m<sup>2</sup>

**F.S.R. CALCS.**

SITE AREA	= 221m <sup>2</sup>
GROUND FLOOR AREA	= 101.74m <sup>2</sup>
FIRST FLOOR AREA	= 77.63m <sup>2</sup>
TOTAL FLOOR AREA	= 179.37m <sup>2</sup>
F.S.R.	= 81:1

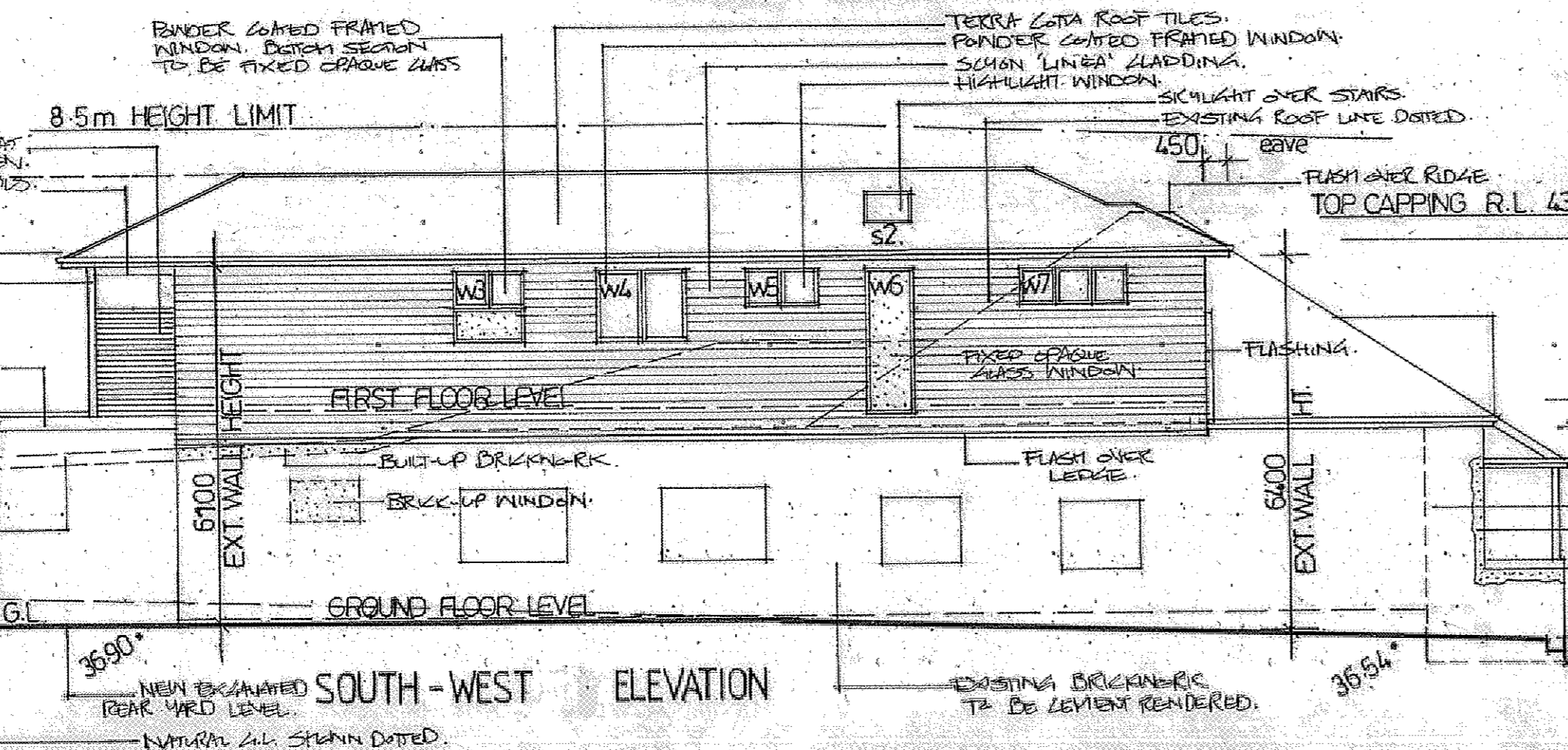
**WINDOW SCHEDULE**

WINDOW NO'S	SIZE (H x W)
N1	1.2 x 1.5m
N2	1.7 x 1.7m
N3	1.2 x 1.2m
N4	0.6 x 1.2m
N5	2.5 x 0.8m
N6	0.6 x 1.5m
N7	2.1 x 2.4m
N8	2.4 x 3.6m

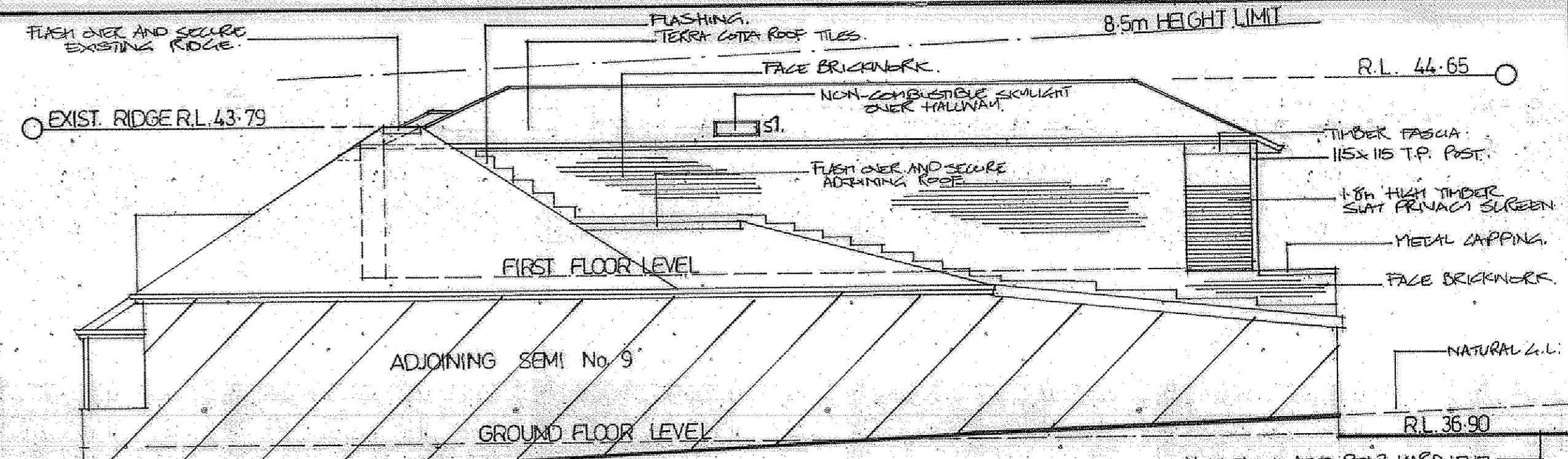
NOTE: FOR THE PURPOSES OF THE BASIC CERTIFICATE DOORS ARE NUMBERED AS WINDOWS.

EXISTING GROUND FLOOR PLAN

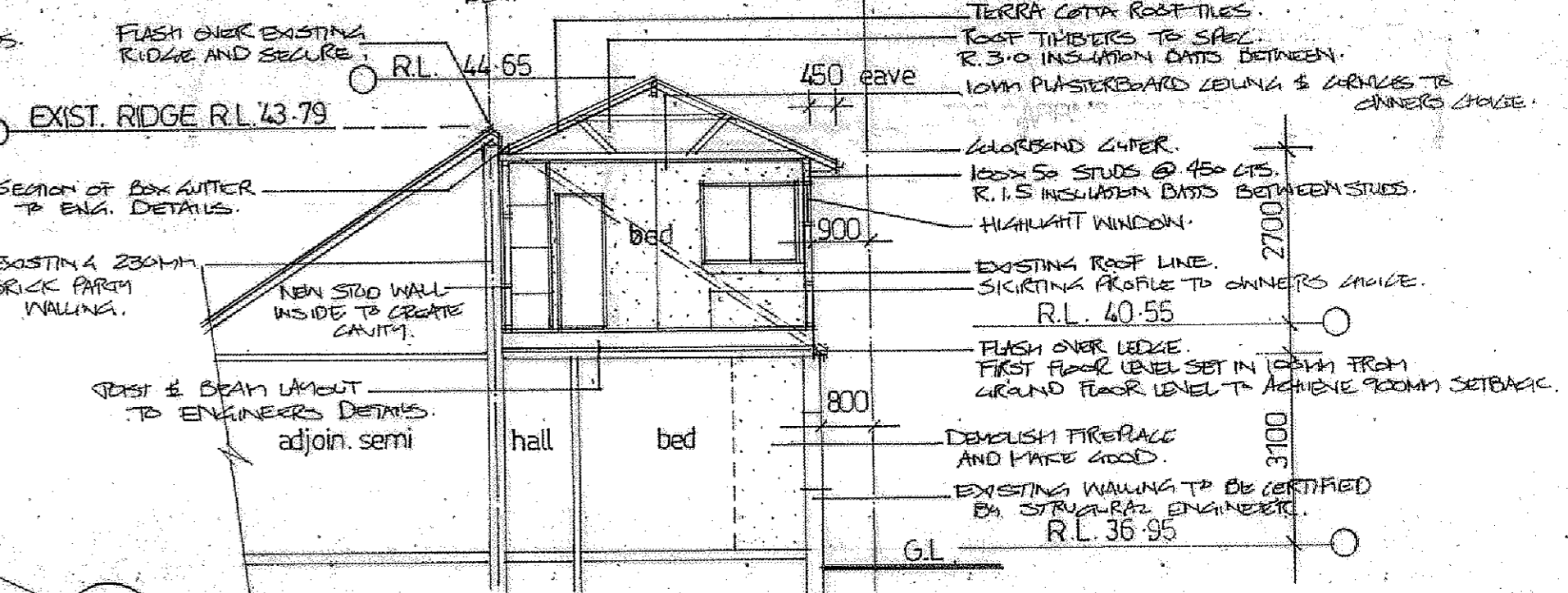
PROPOSED GROUND FLOOR PLAN



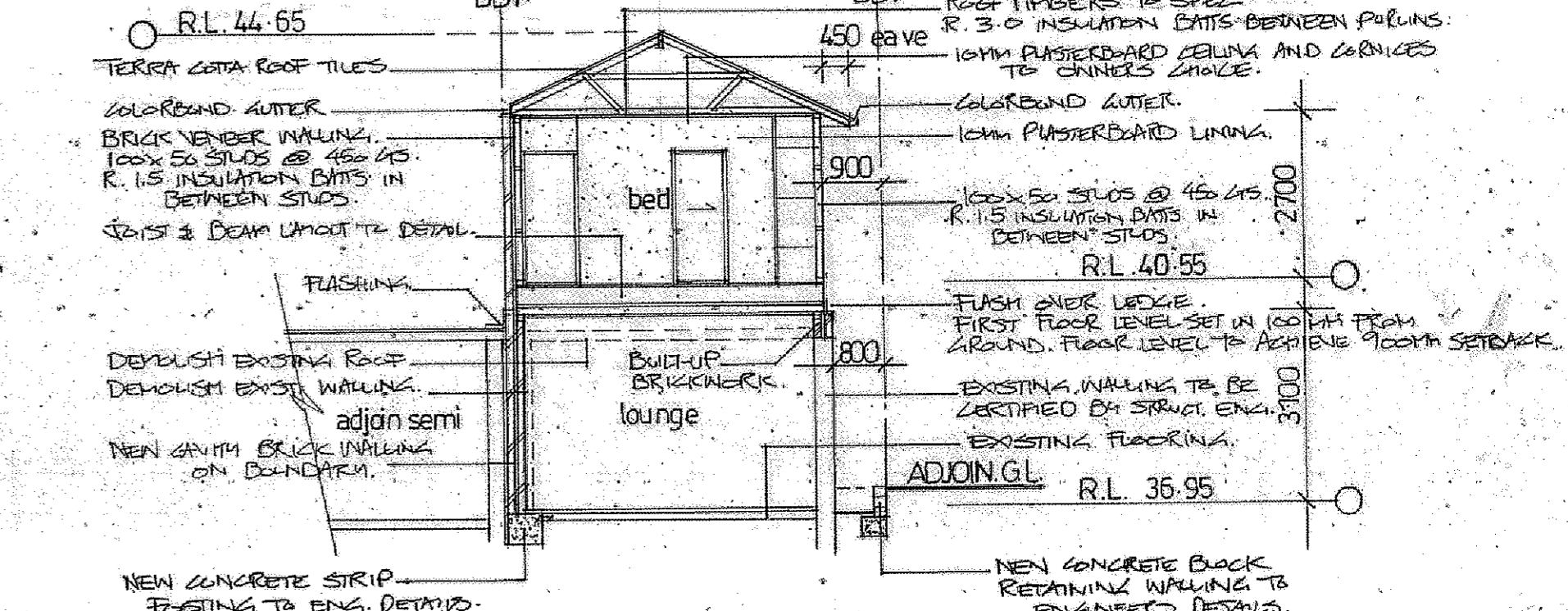
PROPOSED GROUND FLOOR PLAN



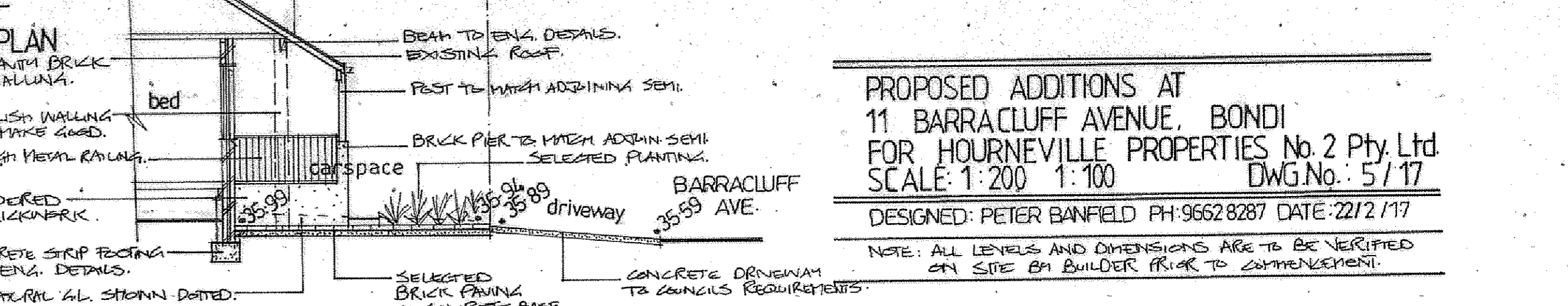
NORTH - EAST ELEVATION



SECTION 1 - 1



SECTION 2 - 2

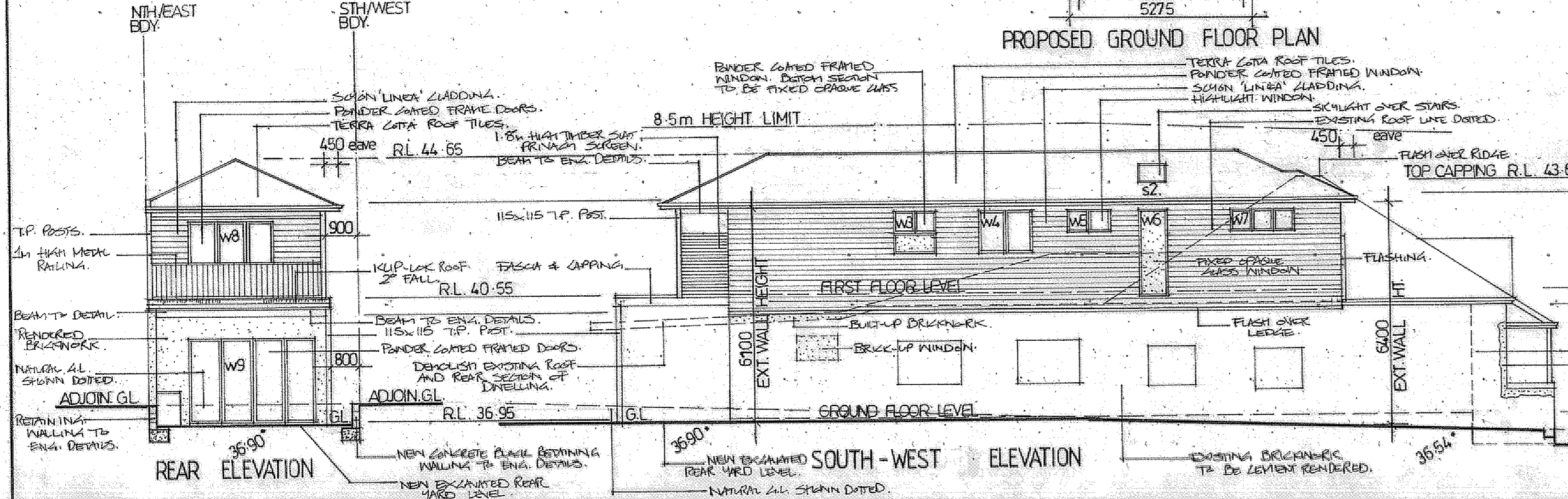


SECTION 3 - 3

PROPOSED ADDITIONS AT 11 BARRACLUFF AVENUE, BONDI FOR HOUNEVILLE PROPERTIES No. 2 Pty Ltd SCALE: 1:200 1:100 DWG No.: 5/17

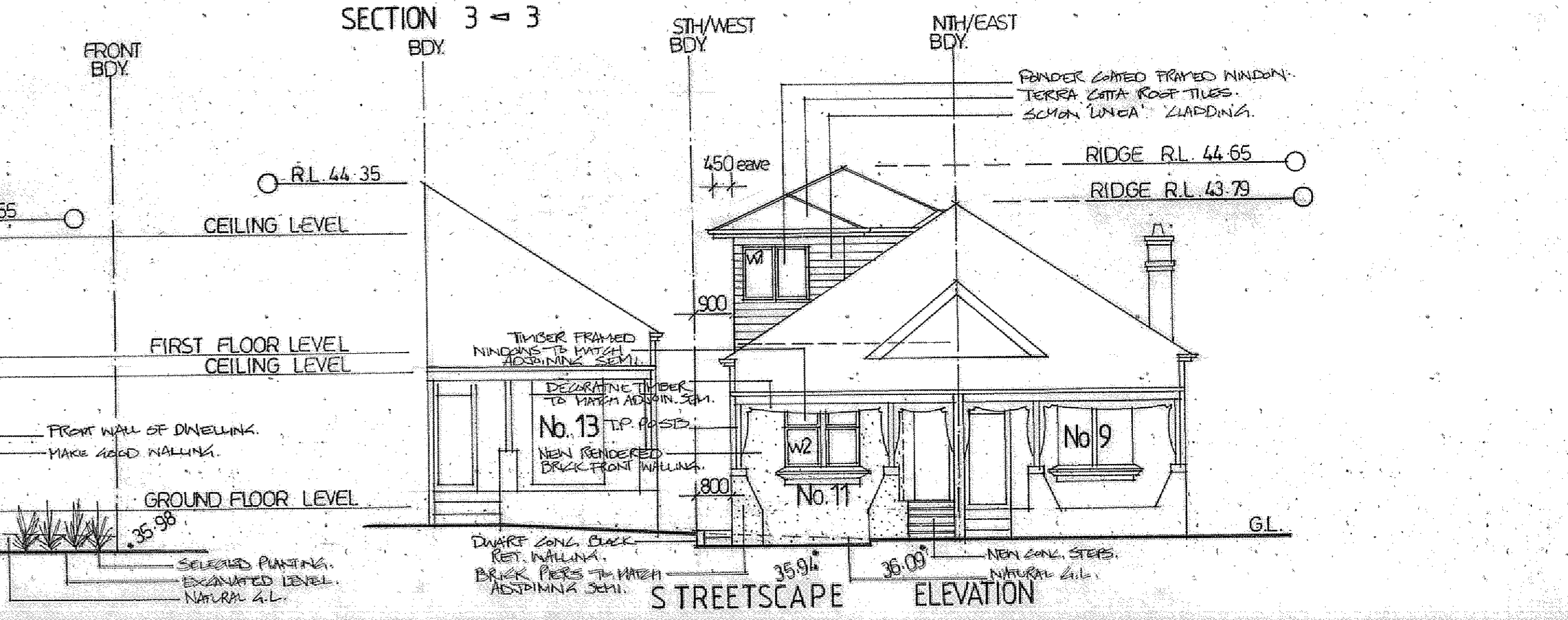
DESIGNED: PETER BANFIELD PH: 9662 8287 DATE: 2/12/17

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



REAR ELEVATION

NEW EXCAVATED SOUTH - WEST ELEVATION

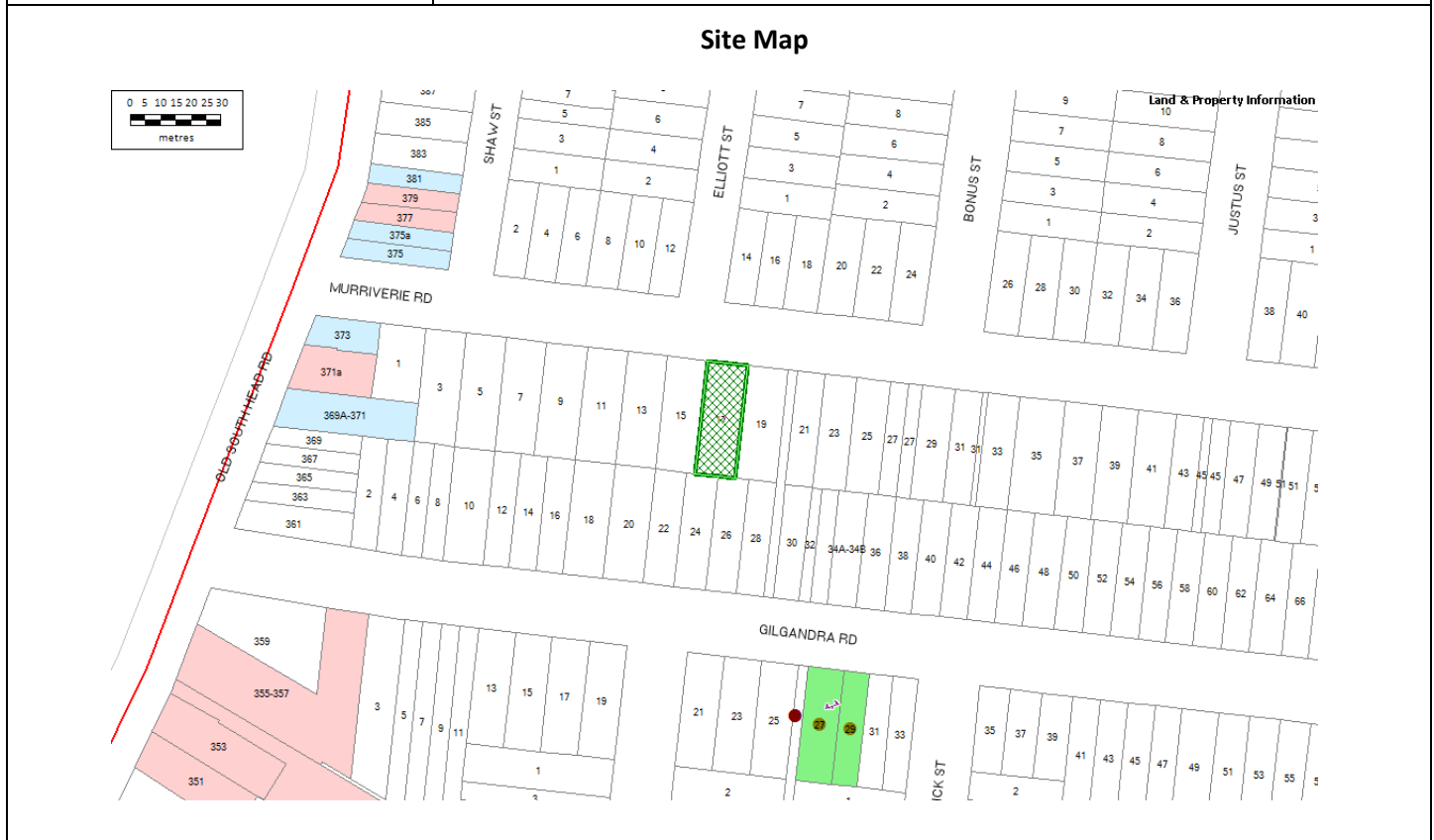


STREETSCAPE ELEVATION



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-61/2018
<b>Site address</b>	17 Murriverie Road, North Bondi
<b>Proposal</b>	Demolish existing dwelling and construct two storey attached dual occupancy with basement parking, two in-ground swimming pools, Strata division to create two lots from one, and the removal of a Canary Island Date palm (Phoenix canariensis) located within the adjacent verge.
<b>Date of lodgement</b>	8 March 2018
<b>Owner</b>	M Caspary
<b>Applicant</b>	Uri T Design
<b>Submissions</b>	One
<b>Cost of works</b>	\$1,000,000
<b>Issues</b>	Floor space ratio
<b>Recommendation</b>	That the application be APPROVED



## 1. PREAMBLE

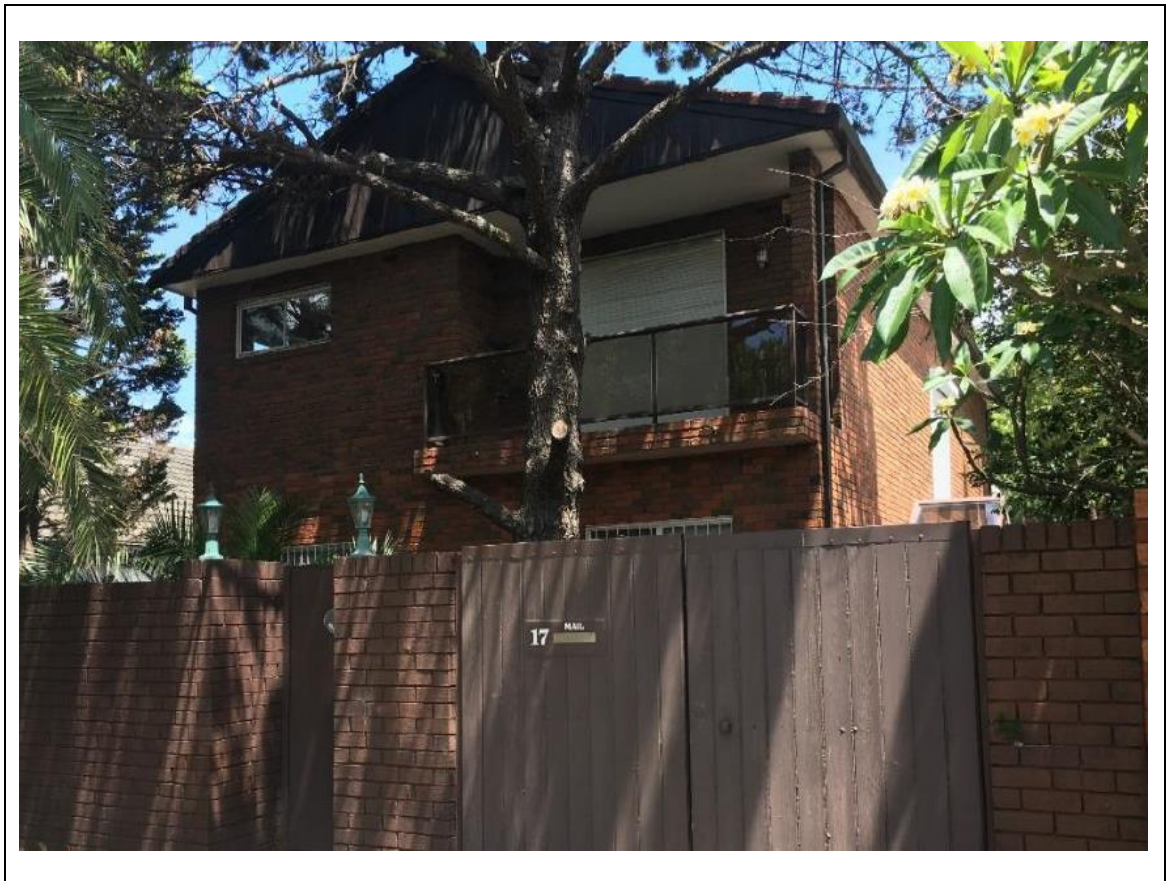
### 1.1 Site and Surrounding Locality

A site visit was carried out on 22 June 2018.

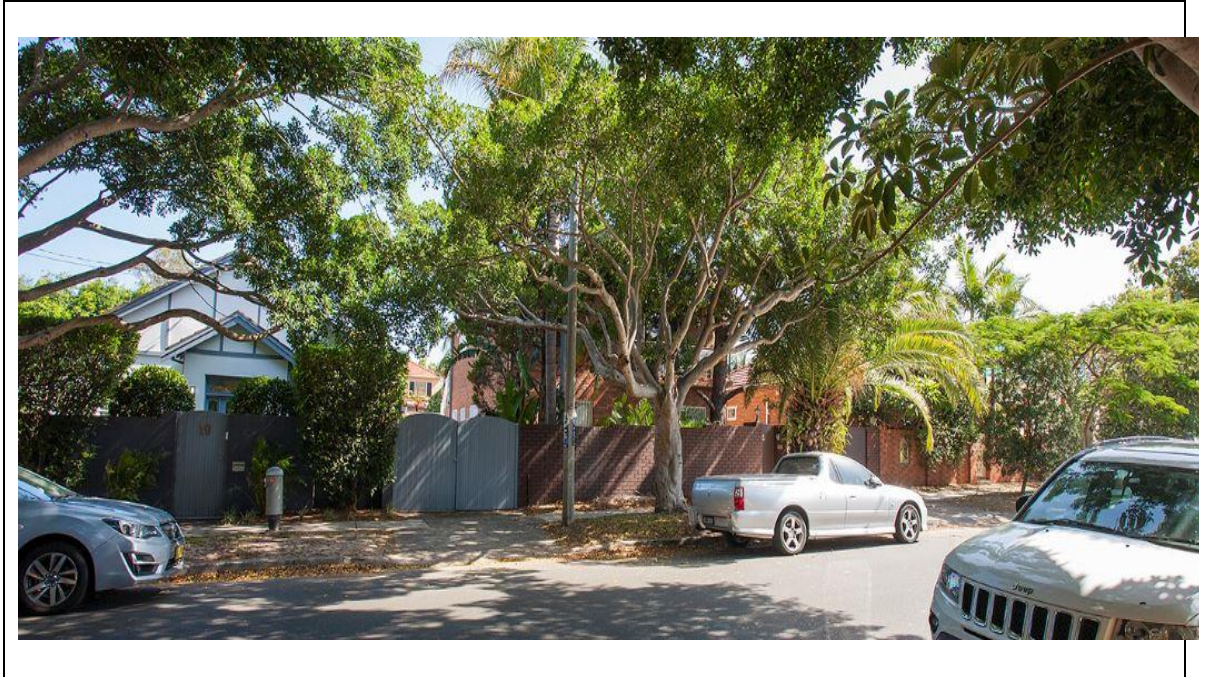
The site is identified as Lot 69 in DP 7758, known as 17 Murriverie Road, NORTH BONDI. The site is rectangular in shape with a north frontage measuring 13.26m, east side boundary measuring 36.57m, south rear boundary measuring 13.26m and west side boundary measuring 36.57m. The site has an area of 484.98m<sup>2</sup> and is generally flat with an average fall across the site of approximately 0.11m.

The site is occupied by a two storey dwelling house with vehicular access provided from Murriverie Road and a garage located at the rear of the site.

The subject site is adjoined by dwelling houses on either side. The Locality is characterised by a variety of residential developments which are predominantly detached in form, although attached dual occupancy developments are an emerging trend.



**Figure 1:** View of the existing dwelling



**Figure 2:** View of the existing dwelling and its setting within the streetscape



**Figure 3:** The rear of the existing dwelling



**Figure 4:** View to the rear of the site from the existing upper level balcony



**Figure 5:** Street trees adjacent the site

## **1.2 Relevant History**

L-330/2002 – Alterations and additions – Approved 20 June 2002.

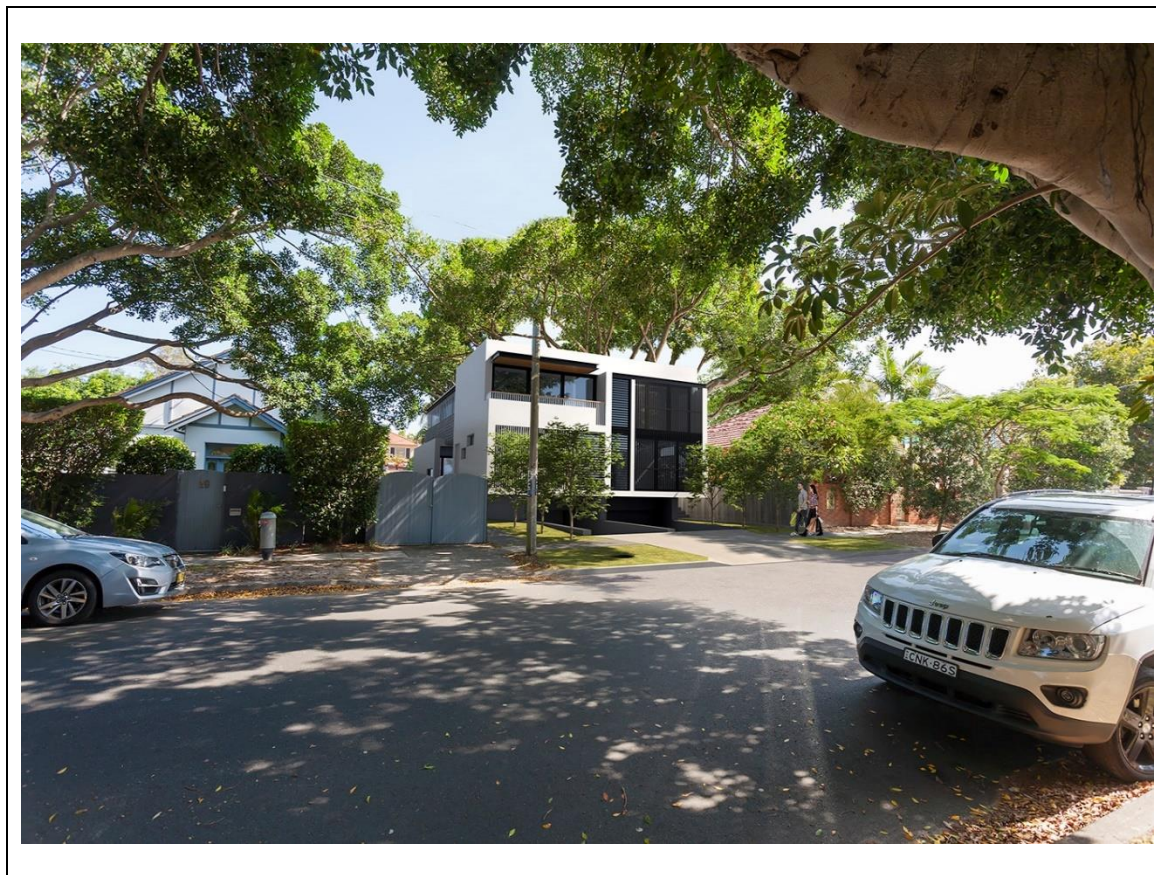
No relevant history.

## **1.3 Proposal**

The application seeks permission to demolish the existing dwelling and ancillary domestic structures and to construct an attached dual occupancy which is two storeys in height plus basement. Each dwelling comprises 3 x bedrooms, study, living areas, in-ground swimming pool and basement garage.

The application also seeks a Strata division creating 2 lots from 1, the removal of various trees located within the site and the removal of a Canary Date Palm (*Phoenix canariensis*) located within the adjacent verge.

A photomontage of the proposal is below.



**Figure 1:** Photomontage of the proposal provided by the architect – street trees not shown

## **2. ASSESSMENT**

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

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

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

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

A BASIX Certificate has been submitted with the development application.

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

### 2.1.2 SEPP 55 Remediation of Land

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

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

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

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		
2.6 Subdivision – consent requirements	Yes	The proposal seeks permission for a Strata subdivision of the attached dual occupancy. There is no minimum standard for strata subdivision and the strata plan is considered to be satisfactory
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.
<b>Part 4 Principal development standards</b>		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> <li>• 325m<sup>2</sup></li> </ul>	NA	The proposal does not seek a Torrens Title subdivision.
4.3 Height of buildings <ul style="list-style-type: none"> <li>• 8.5m</li> </ul>	Yes	The proposal is within the height limitations of the standard.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> <li>• 0.57:1</li> </ul>	No	The proposal has a GFA of 325m <sup>2</sup> which results in a FSR of 0.67:1; a 47.83m <sup>2</sup> or 17.25% exceedance of the development standard.  See discussion below.
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 (WLEP) to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.



Provision	Compliance	Comment
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The subject land is located in a Class 5 Acid Sulfate Soil area.  The proposal does not include any works within 500m of an adjacent Class or land that is below 5m AHD; accordingly, an Acid Sulfate Soil Management Plan has not been provided/requested.
6.2 Earthworks	Yes	Conditions of consent are recommended to ensure the stability of the subject and surrounding sites, and to address the provisions of Clause 6.2 of the WLEP.
6.3 Flood planning	Yes	The subject land is identified within the WLEP as being within a 'Flood Planning Area'; accordingly, the provisions of Clause 6.3 of the WLEP apply and are considered to be satisfied.  Council's Stormwater Engineers have reviewed the proposal and advised their support of the development subject to the imposition of conditions 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 0.67:1, which exceeds the floor space ratio development standard of 0.57:1 prescribed under clause 4.4A of Waverley LEP 2012 by 47.83m<sup>2</sup> in gross floor area or 17%.

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

- *The proposed dual occupancy is compliant with the Building Height Development Standard and all of the DCP controls that apply to the site.*
- *The SEE demonstrates the proposal is unlikely to cause impacts to nearby residents and will positively contribute to Murriverie Road.*

- *The development standard's underlying purpose is to control bulk, scale and residential density in the R2 zone. The proposal complies with the height and setback controls contained with the LEP and DCP resulting in a compliant building envelope.*
- *In our opinion, the requirement to comply with the maximum FSR control is unnecessary in this circumstances as the proposal is contextually compatible with the surrounding developments and does not result in unreasonable amenity impacts to neighbouring properties.*
- *Refusing the proposal would be inconsistent with the desired future character and contradictory to the recent approvals of dual occupancy development non-compliant with the FSR control. In our opinion, strict compliance with the maximum FSR requirement is unreasonable in the context of the adjacent approvals and will prevent the orderly and economic use and development of the subject land.*
- *Council has accepted variations to the maximum FSR standard in the past, such as the following examples:*

*On 23 June 2016, Waverley Council approved DA 28/2016 No. 7 Murriverie Road, North Bondi, with a FSR of 0.64:1 with a development standard of 0.57:1.*

*On 22 November 2016, the Land and Environment Court approved DA 139/2016 for a new dual occupancy at No. 13 Murriverie Road, North Bondi with an FSR of 0.73:1. The maximum FSR was 0.57:1.*

*Other proposals include, No. 26 Clyde Street, North Bondi (DA 251/2016) with a maximum FSR of 0.62:1 and an approved FSR of 0.89:1; No. 10 Roe Street (DA 599/2014) with a maximum FSR of 0.61:1 and an approved FSR of 0.70:1 and No. 29 Owen Street (DA 34/2015) with a maximum FSR of 0.64:1 and an approved FSR of 0.76:1.*

- *The proposal is permissible within the R2 Low Density Residential zone and complies with all the DCP controls. It also satisfies four of the 'unreasonable and unnecessary' tests established by the Court in Wehbe.*
- *In our opinion the proposal is in the public interest, as it is consistent with the objectives of the development standard and the Zone. This satisfies Tests 1 to 4 in Wehbe and Clause 4.6(4)(a)(ii) as the objectives are achieved, despite the non-compliance.*

On balance, it is considered that the Applicant's argument demonstrates, in accordance with sub clauses (3) and (4), that compliance with the FSR development standard is unreasonable or unnecessary in this instance and that there are sufficient environmental planning grounds to justify dispensation.

The proposal is in the public interest as it is consistent with objectives of the development standard and R2 Low Density Residential 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 which generally complies with the objectives and controls relating to waste removal and management, subject to amendments detailed within the recommended condition of consent.
2. Energy and water conservation	Yes	The application is BASIX certified; accordingly, the application is consistent with relevant energy and water conservation objectives, including those specified in the Waverley Development Control Plan 2012 (WDCP).
5. Tree preservation	Yes	The site contains no trees which display attributes worthy of retention and therefore their removal is supported.  Situated within the adjacent verge are two street trees, one of which is to be retained the other removed. Included in the recommendation are conditions of consent relating to the retention and protection of the street tree to be retained.
6. Stormwater	Yes	Provided plans are considered satisfactory with respect to stormwater details.  Conditions of consent are recommended.
8. Transport	Yes	The proposal complies with transport and parking controls.

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

Development Control	Compliance	Comment
<b>1.1 Height</b>		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> <li>Maximum overall building height of 7.5m</li> </ul>	Yes	The proposal does not exceed the 7.5m height limitation for flat roof dwellings; the maximum building height is 7.38m at RL17.34 above existing ground level.

Development Control	Compliance	Comment
1.1.2 External wall height <ul style="list-style-type: none"> <li>Maximum external wall height of 7.5m</li> </ul>	Yes	The proposal does not exceed the 7.5m external wall height limitation; maximum wall heights measure 7.38m above existing ground level.
<b>1.2 Setbacks</b>		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> <li>Predominant front building line</li> <li>Predominant rear building line at each floor level</li> </ul>	Yes  Yes	The proposal is positioned on the land to provide a transition between the adjoining buildings on either side. No part of the proposed building extends forward or beyond the shallowest setback of adjoining buildings.
1.2.2 Side setbacks <ul style="list-style-type: none"> <li>Minimum of 0.9m</li> </ul>	Yes	The proposal is setback between 0.9m – 2.18m from side boundaries.
<b>1.3 Excavation</b>		
<ul style="list-style-type: none"> <li>Minimum setback of 0.9m from side boundaries</li> </ul>	Yes	All excavation is setback in excess of 0.9m of side boundaries and complies with the objectives of the control.
<b>1.4 Streetscape and visual impact</b>		
<ul style="list-style-type: none"> <li>New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area.</li> <li>Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.</li> <li>Maintain the established character of the building in terms of significant landscaping. Existing ground levels and significant landscaping is to be maintained.</li> </ul>	Yes  Yes  Yes	<p>The proposal incorporates a flat roof which is in-keeping with the emerging character of the area.</p> <p>The proposal, which replaces a substantial building, is appropriate in its siting on the land and bulk and scale to minimise its visual dominance within the streetscape. Furthermore, the proposed form, bulk and scale are in-keeping with the emerging character of the area.</p> <p>Verge landscaping that is consistent within the character of other street plantings is to be maintained. The removal of the Canary Island Date Palm from within the verge is supported as it is out of character with other plantings and therefore its removal will be to the betterment of the streetscape.</p>

Development Control	Compliance	Comment
<b>1.5 Dual occupancy development</b>		
<p><i>Minimum lot size:</i></p> <ul style="list-style-type: none"> <li>450m<sup>2</sup> for attached</li> </ul>	Yes	The proposed attached dual occupancy has a land area of 484.98m <sup>2</sup> and exceeds the minimum requirement.
<b>1.7 Fences</b>		
<p><i>Front:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.2m</li> <li>Solid section no more than 0.6m high</li> </ul> <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> <li>Maximum height of 1.8m</li> </ul>	Yes	<p>Existing side and rear boundary fencing are to remain.</p> <p>Proposed internal fencing shall not exceed 1.8m in height.</p>
<b>1.8 Visual and acoustic privacy</b>		
<ul style="list-style-type: none"> <li>Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design.</li> <li>Maximum size of balconies: 10m<sup>2</sup> in area 1.5m deep</li> </ul>	Yes	<p>Windows to ground level living areas are located to minimise overlooking impacts.</p> <p>Direct views from upper level side windows are minimised through the inclusion of a timber batten privacy screening device. Rear facing upper level habitable room windows are treated with the same privacy screening device, however screening does not extend above balcony balustrading. Given the extent of views currently afforded from the existing unscreened upper level balcony and associated external stairs into the private open spaces of neighbouring properties, a lack of screening to rear balconies with not exacerbate overlooking impacts.</p> <p>Proposed balconies do not exceed 10m<sup>2</sup> in area or a depth of 1.5m.</p>
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	Yes	Submitted shadow diagrams demonstrate that on 21 June, a minimum of three hours of sunlight is maintained to the living and principal open space areas of adjoining properties. Further, the proposal will not result in additional overshadowing impacts to adjoining properties.
<b>1.10 Views</b>		
<ul style="list-style-type: none"> <li>Views from the public domain are to be maintained</li> <li>Lower density residential accommodation is to be designed and sited so as to enable a sharing of</li> </ul>	Yes	The proposal will not impact upon views from/to the public domain. Views are district in nature.

Development Control	Compliance	Comment
views with surrounding dwellings particularly from habitable rooms and decks.		
<b>1.11 Car parking</b>		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> <li>• 2 spaces for 3 or more bedrooms</li> </ul>	Yes	Each dwelling comprises three bedrooms and is provided covered parking for two vehicles in accordance with the control.
1.11.2 Location <ul style="list-style-type: none"> <li>• Behind front building line for new dwellings</li> <li>• Consistent with hierarchy of preferred car parking locations</li> </ul>	Yes	The garages are incorporated in to the design of the proposal and do not extend forward of the front building alignment.
1.11.3 Design	Yes	The garages are designed and sited to complement the building façade and is partially excavated to not form a dominate visual element within the streetscape. Further, the proposal incorporates a shared access way, as sought by the WDCP.
1.11.4 Dimensions <ul style="list-style-type: none"> <li>• 5.4m x 2.4m per vehicle</li> </ul>	Yes	Minimum required dimensions per vehicle are achieved.
1.11.5 Driveways <ul style="list-style-type: none"> <li>• Maximum of one per property</li> <li>• Maximum width of 3m at the gutter (excluding splay)</li> </ul>	Yes	The proposal includes one 3m wide driveway per dwelling which are centrally located and accessible via a shared crossover.  Conditions of consent relating to driveway location, crossing and swept wheel path are included in the recommendation.
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>• Overall open space: 40% of site area</li> <li>• Overall landscaped area: 15% of site area</li> <li>• Minimum area of 25m<sup>2</sup> for private open space</li> <li>• Front open space: 50% of front building setback area</li> <li>• Front landscaped area: 50% of front open space provided</li> </ul>	Yes	The proposal provides: 270m <sup>2</sup> or 55.7% of the site as open space; 147m <sup>2</sup> or 30.3% as landscaped area; 79m <sup>2</sup> or 32% private open space per dwelling; 34.7m <sup>2</sup> or 52.1% front setback open space; and 34.7m <sup>2</sup> or 52.1% front setback landscaped area.

Development Control	Compliance	Comment
<b>1.13 Swimming pools and spa pools</b>		
<ul style="list-style-type: none"> <li>Located in the rear of property</li> </ul>	Yes	<p>The proposed in-ground swimming pools are both located to the rear of the property and away from side and rear boundaries of adjoining properties.</p> <p>Conditions of consent relating to noise from ancillary pool equipment are included in the recommendation.</p>

## 2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

## 2.3 Suitability of the Site for the Development

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

## 2.4 Any Submissions

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

One submission was received. The issues raised in the submission are summarised and discussed below.

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

Property
North Bondi Precinct Committee

**Issue: Increase in density**

**Response:** The proposal is of a density envisaged within the R2 Low Density Residential Zone.

**Issue: Exceeds FSR**

**Response:** The proposal exceeds the FSR standard by 17.25%. This matter has been discussed in the report.

**Issue: Presentation to the street**

**Response:** The proposal is in-keeping with the emerging character derived by dual occupancy development. This matter has been discussed in the report.

***Issue: Privacy***

***Response:*** The proposal includes screening devices to upper level side and rear facing windows. This matter has been discussed in the report.

***Issue: Loss of on-street vehicle parking***

***Response:*** The proposal maintains the number of on-street vehicle parking spaces adjacent the site, as the existing crossover is to be reinstated.

***Issue: Removal of street tree***

***Response:*** The street tree proposed for removal presents in average condition and is out of character with other street plantings.

## **2.5 Public Interest**

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

## **3. REFERRALS**

### **3.1 Driveways – Creating Waverley**

The application was referred internally to Council’s Traffic and Development Manager, who recommends approval subject to conditions.

Recommended conditions are included in Appendix A of this report and have been imposed to ensure alterations to Council’s infrastructure is undertaken to the reasonable satisfaction of Council.

### **3.2 GIS ePlanning – Waverley Digital**

The application was referred internally to Council’s GIS and ePlanning Officer, who recommends the imposition of conditions should the application be granted development consent.

Recommended conditions are included in Appendix A of this report.

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

The application was referred internally to Council’s Manager Design, who advised that the submitted stormwater drainage plans prepared by AKY Civil Engineering, Project No. 18002, Drawing No. H-01 (revision D0, dated 27 August 2018 have been checked and are considered satisfactory with respect to stormwater details.

Recommended conditions are included in Appendix A of this report and have been imposed to ensure the stormwater system has been constructed in accordance with the approved stormwater management plans and to best engineering practice.

The subject site is located within a Flood Planning Area. Selected floor levels satisfy Council requirements.



### 3.4 Strategic Tree Planning – Clean and Attractive Waverley

The application was referred internally to Council’s Strategic Tree Planning Officer, who advised:

- Situated on the nature strip are two trees:
  1. A Canary Island Date palm (*Phoenix canariensis*) in average condition. The tree is 6 metres in height and is a single specimen out of character with the other street plantings. Removal is supported; and
  2. A mature Hill’s Fig tree (*Ficus macrocarpa* var ‘Hillii’). The tree is 7 metres with an 8 metre wide canopy. The tree is in average condition however it is the first tree in a distinctive row of Hill’s Fig trees that starts from this section of Murriverie Road. Retention and protection required.

Recommended conditions are included in Appendix A of this report and have been imposed to ensure the retention of a street tree deemed to display attributes worthy of protection.

### 3.5 Sustainable Waste – Sustainable Waverley

The application was referred internally to Council’s Sustainable Waste Officer, who recommends the imposition of conditions should the application be granted development consent.

Recommended conditions are included in Appendix A of this report.

## 4. SUMMARY

The proposal seeks consent to demolish the existing dwelling and its ancillary domestic structures, the construction of a two storey attached dual occupancy development with basement garages, in-ground swimming pools (2), Strata subdivision and the removal of one Canary Island Date palm (*Phoenix canariensis*) located within the adjacent verge.

Notwithstanding its non-compliance with the FSR development standard, the proposal accords with the objectives of the controls, is comparable with recent developments within the streetscape and consists no adverse environmental impacts. The FSR non-compliance is supported as it satisfies the considerations of Clause 4.6; therefore, support of the variation would not be against the public interest.

Public notification resulted in the receipt of one submission. Raised issues have either been addressed through the imposition of conditions of consent or do not have sufficient planning merit to warrant rejection of the proposal. No Councillor submissions were received.

The proposal is considered to satisfy 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 reviewed and agreed on behalf of  
the Development and Building Unit by:**

Fiona Koutsikas  
**Development Assessment Planner**

**Date: 6 September 2018**

Arif Faruqi  
**Manager, Development Assessment (North / South)**

**Date: 10 September 2018**

**Reason for referral:**

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

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

### **A. APPROVED DEVELOPMENT**

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

The development must be in accordance with:

- (a) Architectural Plan Nos DA-1001 to DA-1004, DA-2001 to DA-2004, DA-3001 (all Revision A) dated 6 March 2018, prepared by Uri T Design and received by Council on 8 March 2018,
- (b) Draft Strata Plan with Surveyor Ref 10017SP;
- (c) Landscape Plan and documentation prepared by Woodside Plants and Design (Revision B), dated 6 March 2018 and received by Council on 8 March 2018;
- (d) BASIX Certificate;
- (e) Stormwater Details and documentation prepared by AKY Civil Engineering (Drawing No. H-01, Revision D, dated 27 August 2018 and received by Council on 27 August 2018;
- (f) Schedule of external materials and colour, Plan No DA-4002 (Revision A) dated 6 March 2018, prepared by Uri T Design and received by Council on 8 March 2018; and
- (g) 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. DOMESTIC HEATERS**

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

#### **3. 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.

#### **4. 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).

**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. 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.

**7. USE OF EACH DWELLING**

Each dwelling is to be used only as a single unit dwelling house.

**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 7.12 CONTRIBUTION**

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### **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. 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 *Ficus macrocarpa* var 'Hillii' (Ficus tree) on the naturestrip. 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.

## **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. 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](http://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.

## **14. 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 & the 197 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.

**15. 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.

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

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

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

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

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

**18. 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.

## **19. STORMWATER MANAGEMENT**

Prior to the 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.

## **20. 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.

## **21. LONG SECTION OF DRIVEWAY**

Long sections drawn along both edges of both the 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 Murriverie Road carriageway, the kerb and gutter, footpath and paving within the property and the garage floor.
3. Include existing and design levels.
4. Include ground clearance of the B85 design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
5. Show all paving on Council's land being sloped/drained towards the roadway.

## **22. SWEPT 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 Murriverie 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 Murriverie 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 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 western side wing of the existing driveway at No.19 and the western side wing of the proposed driveway at No.17.
6. Show the driveway having a 3m clearance from the street tree to avoid the structural root zone as per Council's tree Officer advice.

### **23. 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.

### **24. BASIX**

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

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

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

### **25. 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**

### **26. 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.

### **27. 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.

### **28. 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.

### **29. 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.

### **30. 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.

### **31. 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.

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

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

- (a) Separate collection bins or areas for the storage of waste is to be provided (giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) A 100% re-use of sandstone is required.
- (c) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (d) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (e) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (f) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (g) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.
- (h) Records are to be retained on-site demonstrating lawful disposal of waste.

- (i) Easy vehicular access to waste and recycling material storage areas must be provided.
- (j) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (k) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

**33. TOILET FACILITIES**

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

**34. 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.

**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. 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.

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

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

### **38. 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.

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

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

### **40. STOCKPILES**

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

**41. LOCATION OF BUILDING OPERATIONS**

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

**42. TEMPORARY DIVERSION OF ROOF WATERS**

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame will not occur until this is completed.

**43. 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.

**44. 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.

**45. BUILDING CODE OF AUSTRALIA**

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

**46. 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.

#### 47. **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.

**48. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground, upper floor/s and finished ridge levels is to be submitted to the Principal Certifying Authority during construction and prior to continuing to a higher level of the building.

**49. 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.

**50. IN-SINK WASTE DISPOSAL SYSTEMS**

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

**51. NO WORKS BEYOND BOUNDARIES**

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

**52. 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.

**53. 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.

**54. 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.

**55. 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.



**56. 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.

**57. STREET TREES**

No existing street trees shall be removed without Council approval, (other than those shown for approval in this consent, where relevant). A 1.8m high chain link wire fence or the like shall be erected around the existing street trees to protect them from damage during construction. Where approval is granted for the removal of a street tree the applicant is to pay for its replacement with a super advanced tree of a species nominated by Council.

**58. TREE PROTECTION**

Species	Location	Action
Hill's Fig tree ( <i>Ficus macrocarpa</i> var 'Hillii')	Street tree	Protect & retain as below

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.

**59. NEW VEHICLE CROSSING**

A new 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.

**60. 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.

**61. 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.

**62. 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.

**63. 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.

**64. 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.

**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) The finished level of the proposed pool is not to exceed a maximum height of **[state]** mm above the existing natural ground level;
- (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.

**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.

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

### **67. SUBDIVISION**

A Subdivision Certificate must be obtained from Council in accordance with section 109C(d) of the Environmental Planning and Assessment Act, 1979 prior to the registration of the subdivision plans.

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

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

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

### **69. 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.

### **70. 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.

### **71. 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 subdivision dual occupancy:

- No. 17 – primary address site number;
- Murriverie Road – primary address location.

The following sub-addressing will apply;

- No. 1/17 for the sub-addresses within the building correlating with western allotment being proposed Lot 1 on the floor plans for the building,
- Nos. 2/17 for the sub-addresses within the building correlating with the eastern allotment being proposed Lot 2 on the floor plans for the building.

The address number for a sub-address site shall consist of the sub-address followed by the number of the primary address site.

The address number for a sub-address site shall not consist of the primary address number on its own. 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 primary premises and sub-address numbers for the properties shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundaries located near the entry points and clearly visible from Murrivierie Road. The primary and sub-address numbers are to be positioned on the site prior to the issue of the Occupation/Subdivision Certificate.

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

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

The proposed fibreglass pool is to be constructed in accordance with the consulting engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a certificate has been submitted by the pool construction manufacturer to the principal certifying authority.

## **73. 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.

## **74. 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.

## **75. 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.

## **76. 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.

## **77. WASTE AND RECYCLING STORAGE AND COLLECTION**

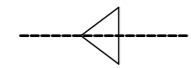
(a) The proposal must have a bin storage point for a minimum;

- **Residential**
  - 2 x 140L Mobile garbage bins (MGB) for general waste
  - 2 x 140L MGBs for container recycling
  - 2 x 140L MGBs for paper and cardboard recycling

- 2 x 140L MGBs for garden organics should this type of waste be generated at the property
- (b) All waste and recycling storage rooms must be built to meet all appropriate design requirements set in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan 2012.
- (c) All waste and recycling must be inside Council approved bins, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.
- (d) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (e) Waste and recycling storage areas must be designed and located to avoid adverse impacts on the amenity of adjoining sites including noise and odour.
- (f) Composting facilities which meet all design requirements set in Annexure B1-5 of the Waverley Council Development Control Plan must be provided at this development.
- (g) Clear and easy signs identifying the different MGBs and where the MGBs should be stored in the storage area(s) must be displayed.
- (h) All waste and recycling receptacles are to be presented for collection no earlier than the previous night before collection and must be removed from the kerb-side as soon as possible on the same day as the collection. The storage and/or presentation of bins on the kerbside on public land and kerbside is not permitted at any time.



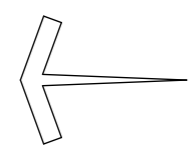
EXISTING VEHICULAR CROSSING - TO BE RETAINED



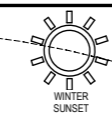
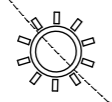
NEIGHBOURS' WINDOWS FACING SITE (UNOBSTRUCTED)



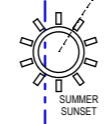
VIEWS



SOLAR PATH



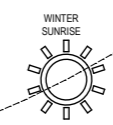
WINTER SUNSET



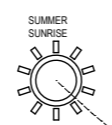
SUMMER SUNSET



MURRIVERIE ROAD



WINTER SUNRISE



SUMMER SUNRISE

URI T DESIGN

PO BOX 7368 BONDI BEACH, NSW 2026 PH: 0416 321 982

uri@uridesign.com

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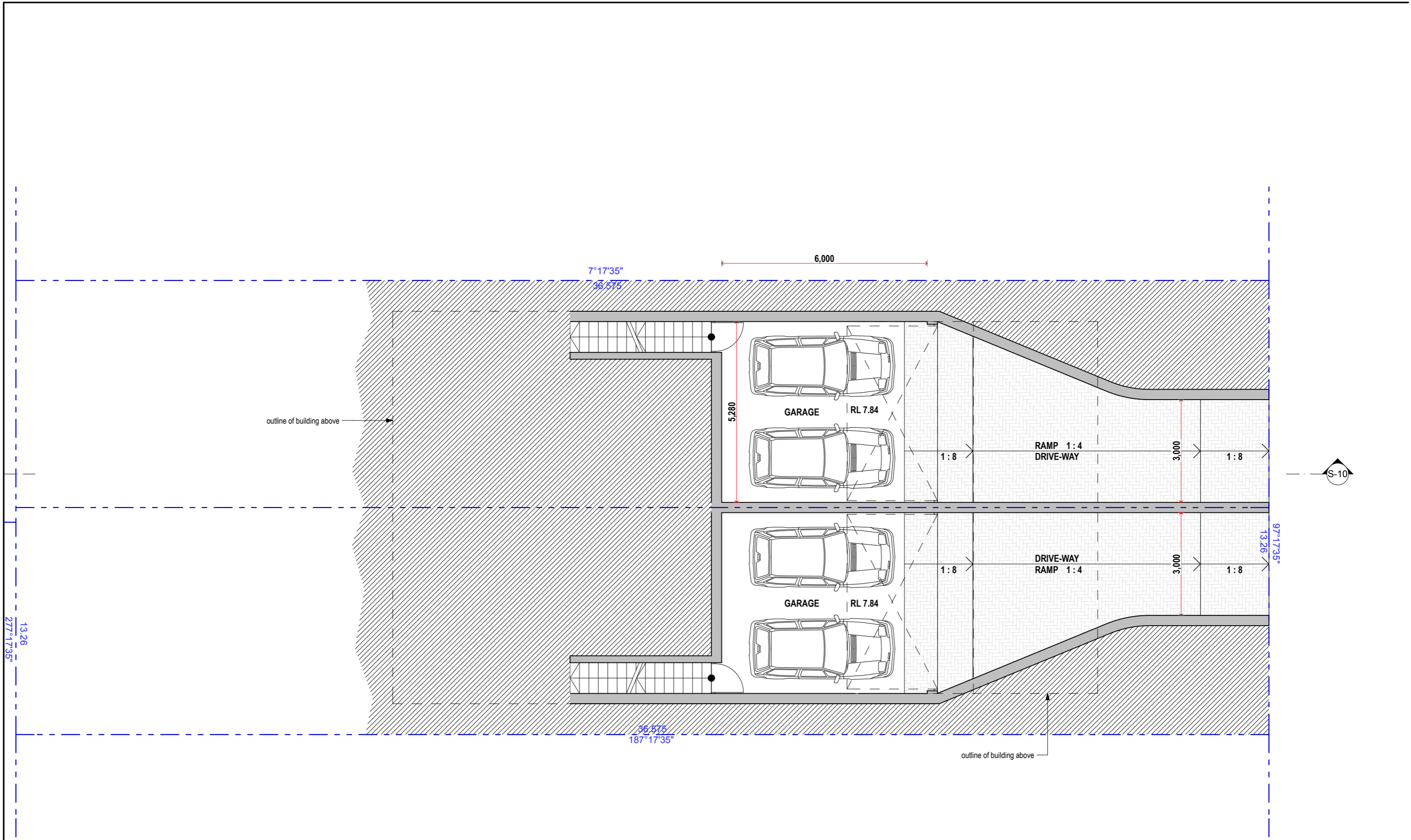
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PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-1001
	NORTH BONDI NSW 2026	REVISION	REV A

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SCALE: 1:200 @ A3 PLOTTED: 6/03/2018



87



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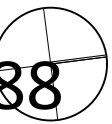
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REV A

DRAWING LOWER GROUND FLOOR  
PROJECT NEW BUILDING  
17 MURRIVERIE ROAD  
NORTH BOND NSW 2026

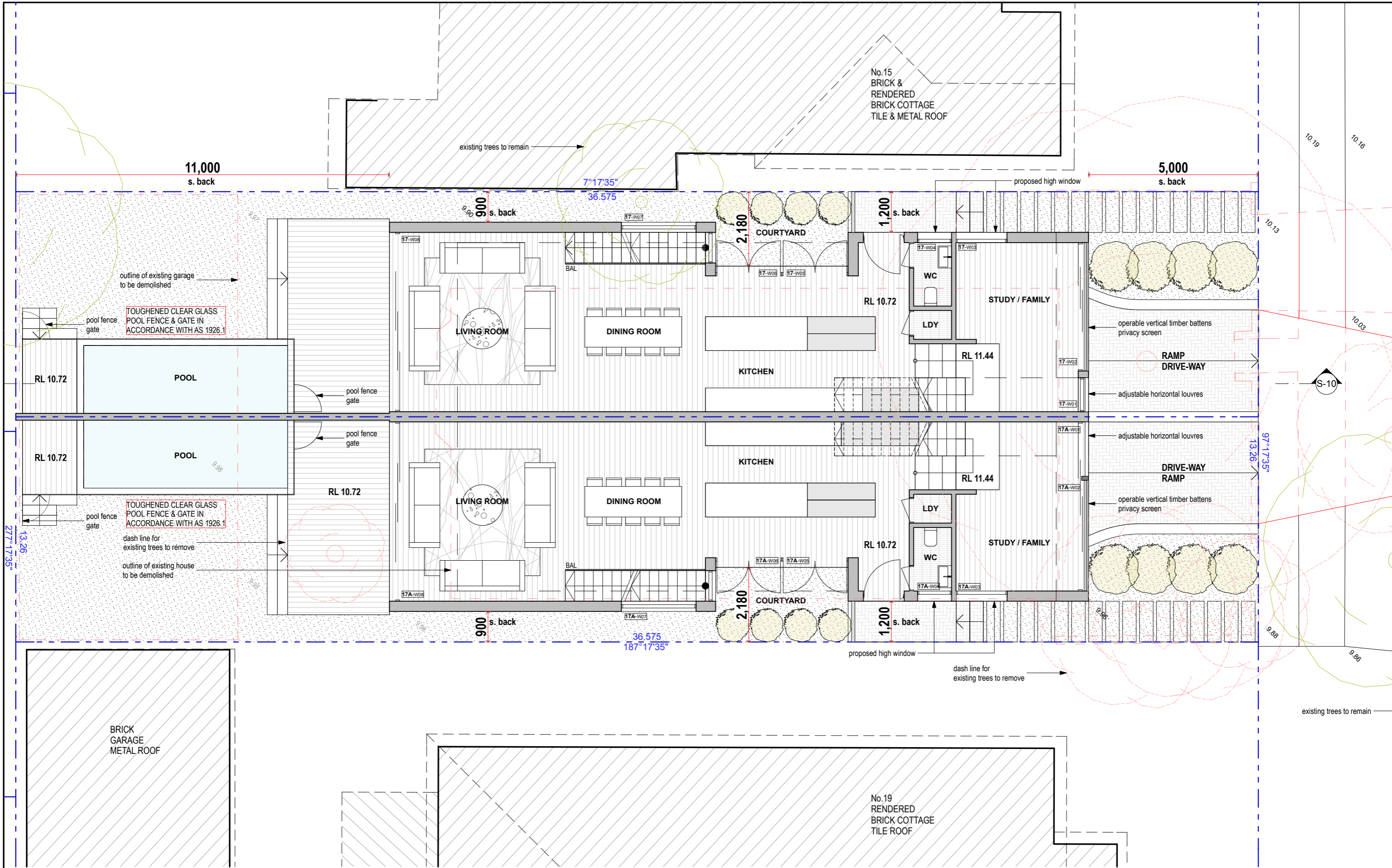
DRAWN BY UT  
JOB NO DA-M17  
DRAWING NO DA-1002  
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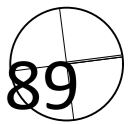
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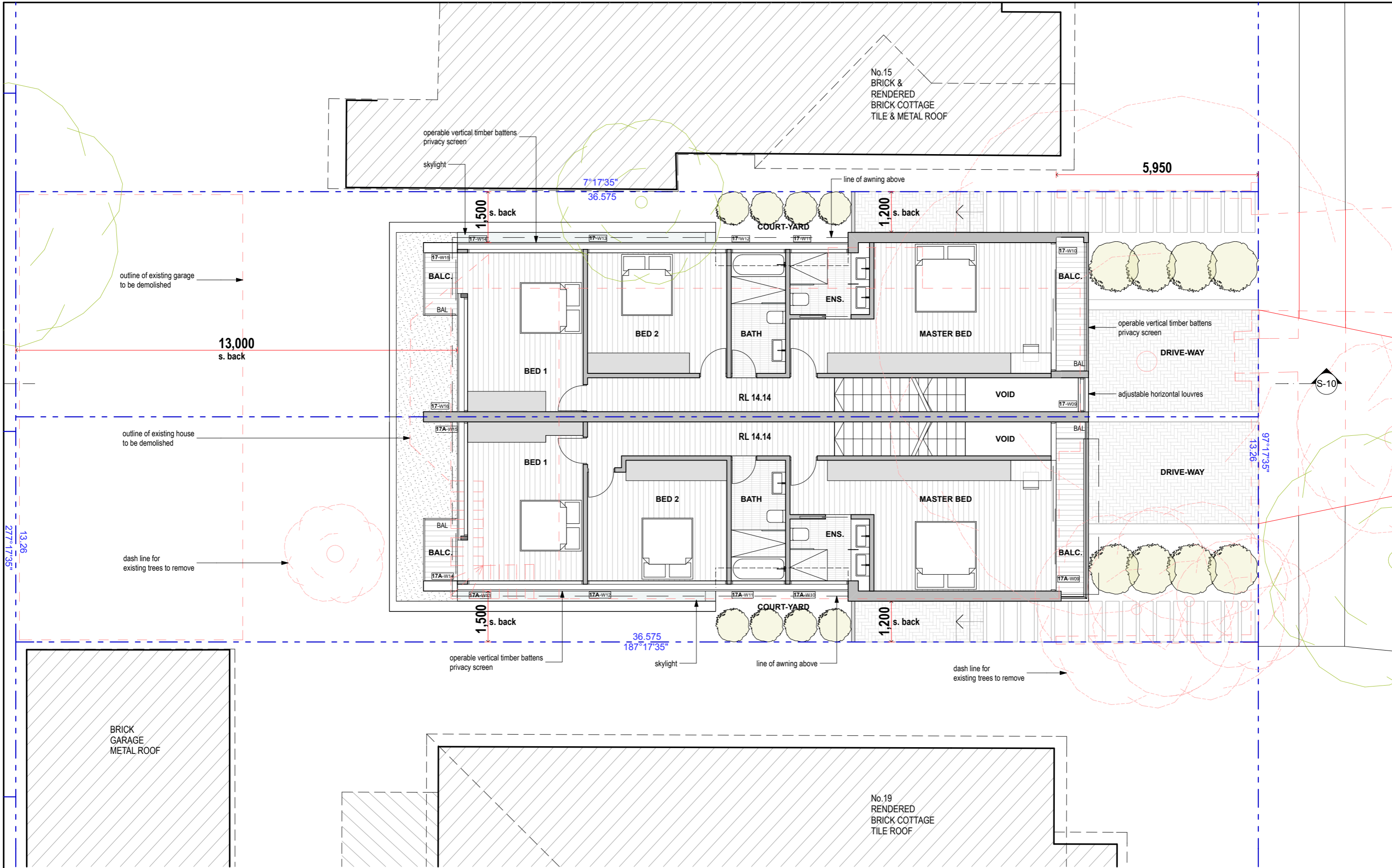
REVISIONS  
REV A

DRAWING	GROUND FLOOR PLAN	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-1003
	NORTH BONDJ NSW 2026	REVISION	REV A

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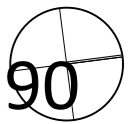
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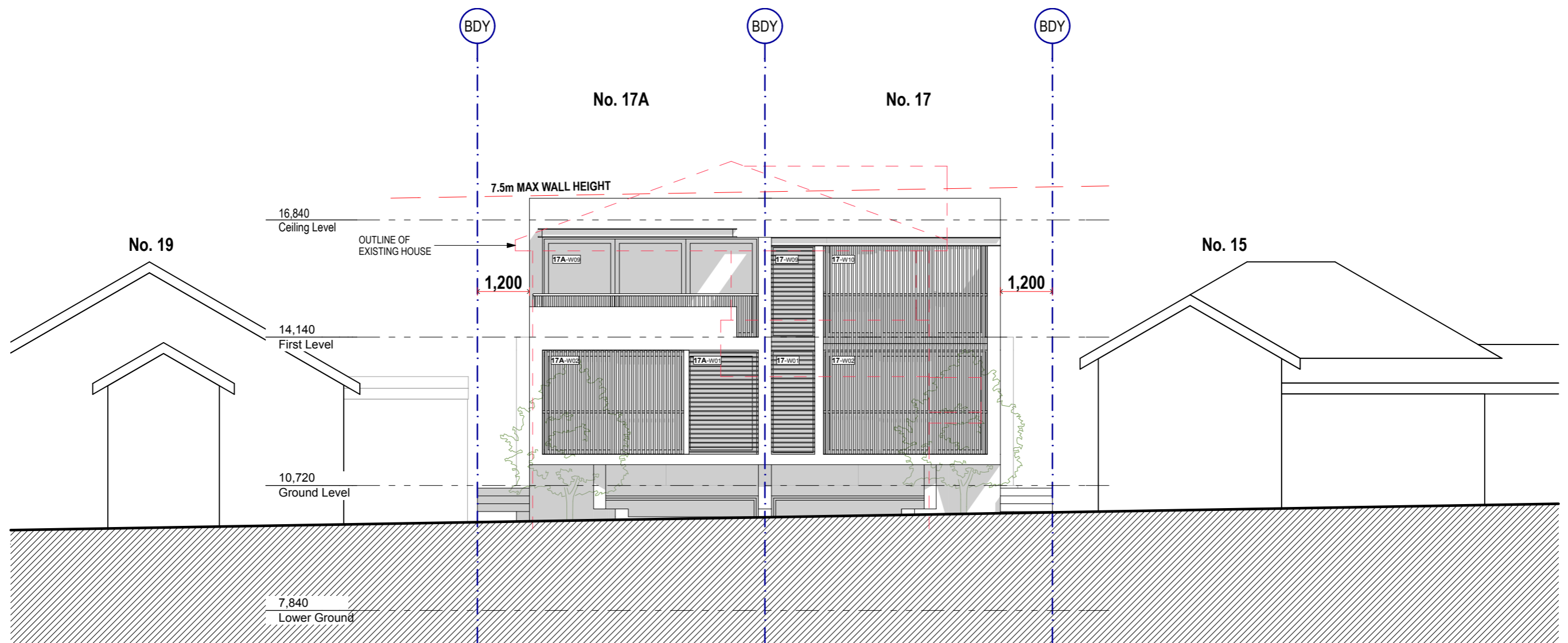
REVISIONS  
REV A

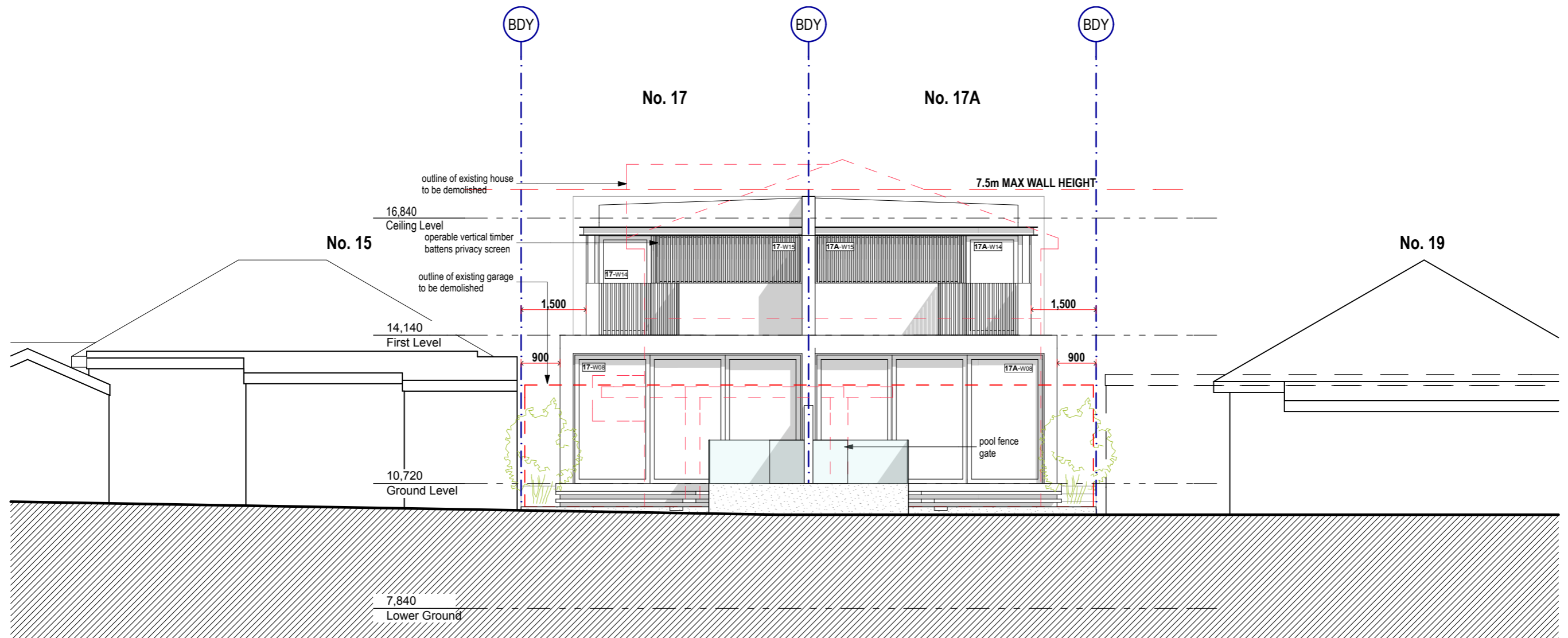
DRAWING	FIRST FLOOR PLAN	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-1004
	NORTH BONDI NSW 2026	REVISION	REV A

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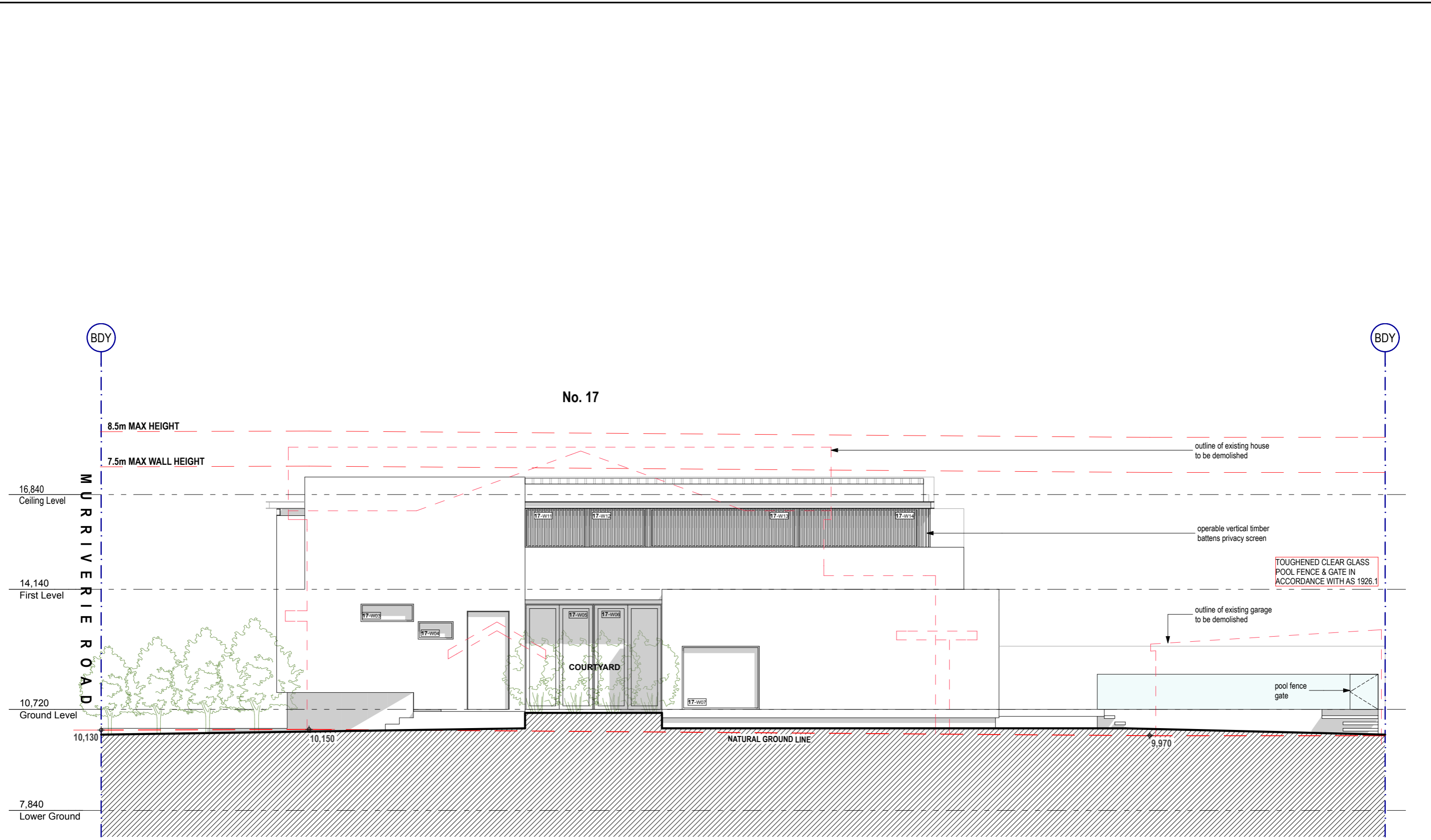
REVISIONS  
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DRAWING SOUTH ELEVATIONS  
PROJECT NEW BUILDING  
17 MURRIVERIE ROAD  
NORTH BONDI NSW 2026

DRAWN BY UT  
JOB NO DA-M17  
DRAWING NO DA-2003  
REVISION REV A

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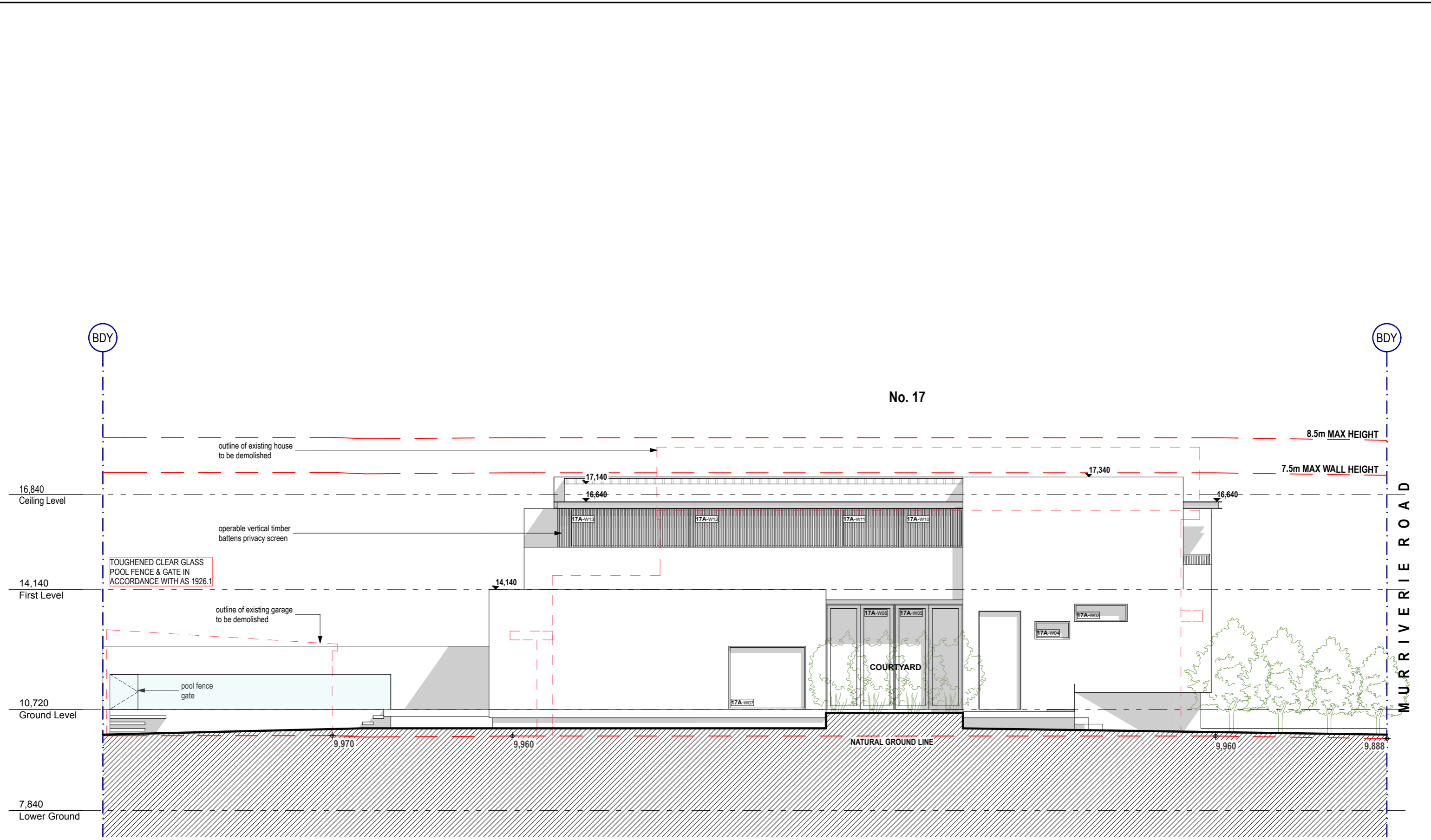
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 uri@uritdesign.com

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DRAWING	WEST ELEVATION	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-2004
	NORTH BONDI NSW 2026	REVISION	REV A

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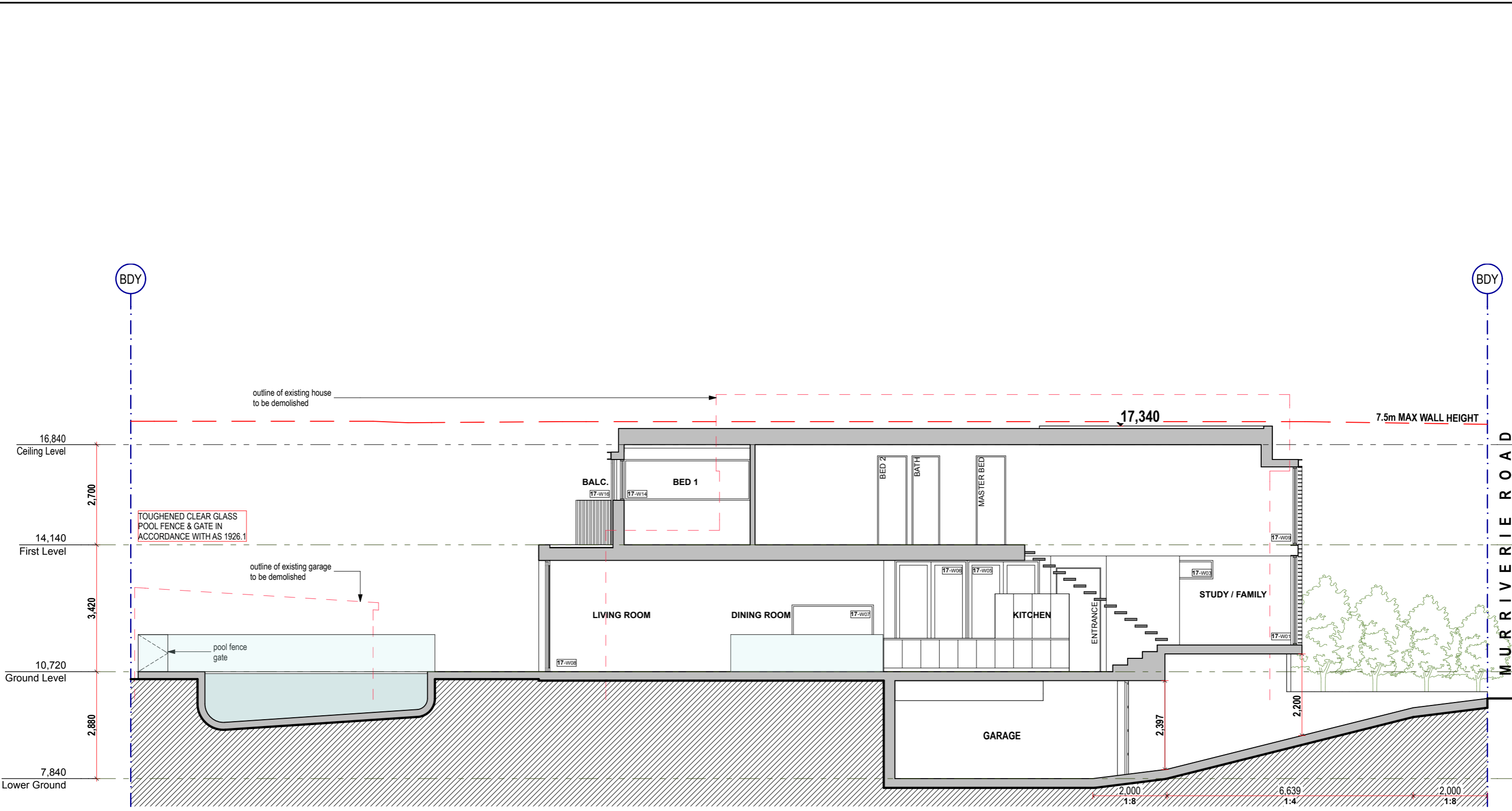
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DRAWING	EAST ELEVATION	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-2002
	NORTH BOND NSW 2026	REVISION	REV A

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SCALE: 1:100 @ A3 PLOTTED: 6/03/2018



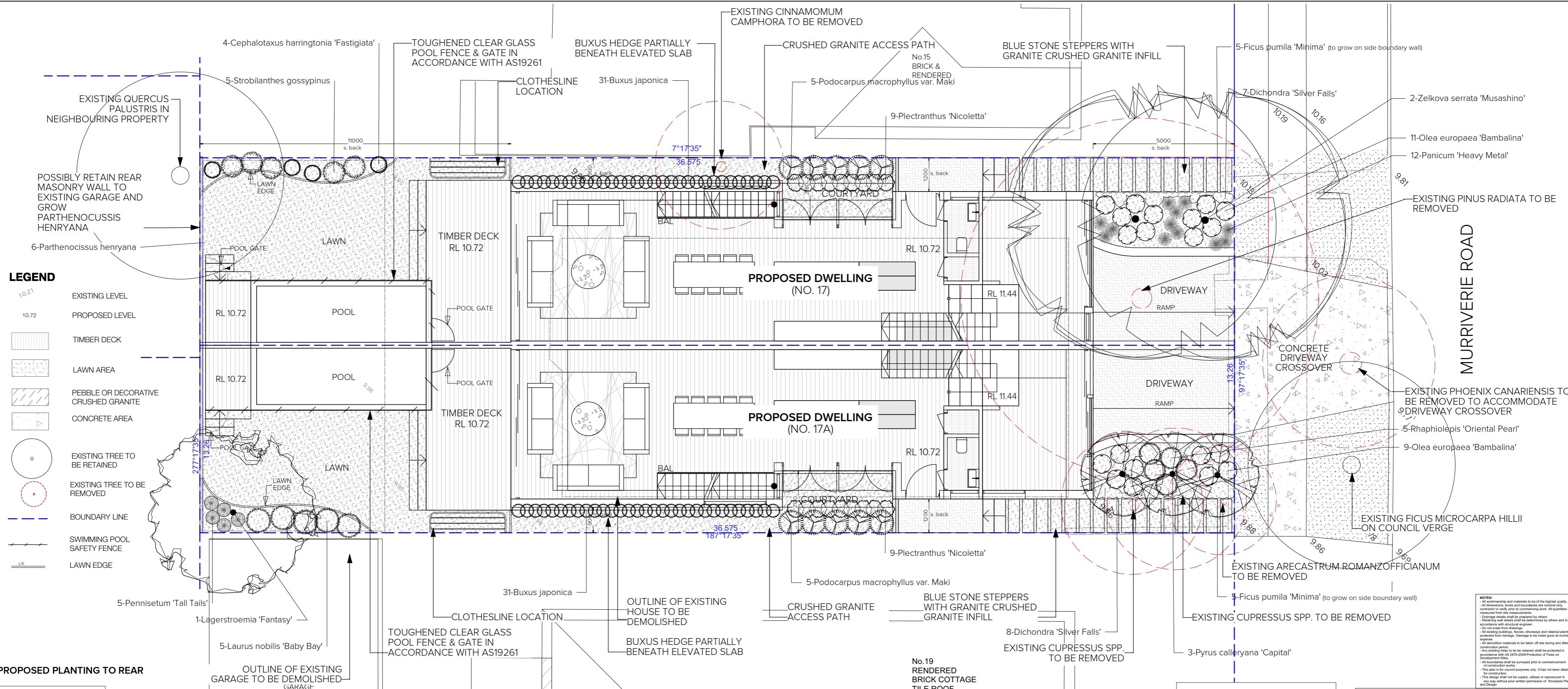
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DRAWING	SECTIONS AA	DRAWN BY	UT
PROJECT	NEW BUILDING	JOB NO	DA-M17
	17 MURRIVERIE ROAD	DRAWING NO	DA-3001
	NORTH BONDI NSW 2026	REVISION	REV A

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SCALE: 1:100 @ A3 PLOTTED: 6/03/2018



**LEGEND**

- 10.21 EXISTING LEVEL
- 10.72 PROPOSED LEVEL
- TIMBER DECK
- LAWN AREA
- PEBBLE OR DECORATIVE CRUSHED GRANITE
- CONCRETE AREA
- EXISTING TREE TO BE RETAINED
- EXISTING TREE TO BE REMOVED
- BOUNDARY LINE
- SWIMMING POOL SAFETY FENCE
- LAWN EDGE

**PROPOSED PLANTING TO REAR**



**PLANTING SCHEDULE**

ID	Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
BJ	Buxus japonica	Japanese Box	62	200mm	500	500
CeHa	Cephalotaxus harringtonia 'Fastigiata'	Plum Yew	4	300mm	600	2000
DiSi	Dichondra 'Silver Falls'	Silver Falls	15	140mm	800	100
FP	Ficus pumila 'Minima'	Creeping Fig	10	140mm	2000	1500
LaFa	Lagerstroemia 'Fantasy'	White Flowering Crepe Myrtle	1	100lt	6000	9000
LaNoB	Laurus nobilis 'Baby Bay'	Dwarf Sweet Bay	5	200mm	900	2000
OiBa	Olea europaea 'Bambalina'	Bambalina Olive	20	200mm	700	2000
PHM	Panicum 'Heavy Metal'	Heavy Metal Switch Grass	12	140mm	500	1000
PaHe	Parthenocissus henryana	Silver vein Creeper	6	200mm	2000	3000
PeTa	Pennisetum 'Tall Tails'	Fountain Grass cvr.	5	140mm	500	1000
PINe	Plectranthus 'Nicoletta'	Plectranthus	18	140mm	600	300
PoMaMa	Podocarpus macrophyllus var. Maki	Dwarf Plum Pine	10	200mm	900	2500
PvCa	Pyrus calleryana 'Capital'	Capital Flowering Pear	3	45lt	3000	8000
RaOr	Raphiolepis 'Oriental Pearl'	Indian Hawthorn cvr.	5	200mm	800	900
STG	Strobilanthes gossypinus	Strobilanthes	5	200mm	800	1000
ZeSeM	Zelkova serrata 'Musashino'	Japanese Zelkova (upright form)	2	75lt	10000	4000

**PROPOSED PLANTING TO FRONT**



**NOTES:**

- All workmanship and materials to be of the highest quality.
- All dimensions, levels and boundaries are indicated only.
- Contractor to verify prior to commencing work. All quantities to be confirmed from site measurements.
- Planting details shall be completed by others.
- Planting work details shall be checked by others and in accordance with structural program.
- Do not scale from drawings.
- All existing buildings, fences, driveways and related plants to be protected from damage. Damage to be made good at contractor's expense.
- All construction materials to be stored off site during and after construction period.
- Any existing trees to be retained shall be protected in accordance with AS 2310-2009 Protection of Trees on Development Sites.
- All excavations shall be surveyed prior to commencement.
- Site plan to be revised to show any changes not shown on this drawing.
- The design shall not be copied, utilized or reproduced in any way without prior written permission of Woodside Plants and Design.

**woodside**  
PLANTS & DESIGN

PO BOX 7 MANLY NSW 1655  
ABN: 26 868 680 754  
M: 0417 417 012  
E: jo@woodsideplantsanddesign.com.au  
W: www.woodsideplantsanddesign.com.au

Project: RESIDENTIAL DEVELOPMENT  
17 MURRIVERIE ROAD  
NORTH BONDI NSW 2026

Dwg: LANDSCAPE PLAN

Date: 5/2/18 Scale: 1:100 @A2

Job Ref: 17.207 Sheet No: 1 of 2

Issue: B

Contractors to check and verify all dimensions, levels and boundaries prior to commencement of any work on site. Check location of all underground services prior to excavations or drilling. All workmanship to be in accordance with current trade practice, new standards, specifications and local authority bylaws. Seek resource and building consents as required.

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Revisions:  
A (5/02/18) - PRELIMINARY ISSUE  
B (6/3/18) - ISSUE FOR DA



## GENERAL LANDSCAPE NOTES

All landscape works to be undertaken in accordance with Council approved documentation

### Initial Site Preparation:

All existing trees and vegetation to be retained shall be preserved and protected from damage of any sort during the execution of landscape works. In particular, any root system of existing plants must not be disturbed if possible. Any site works under the dripline of existing trees should be carried out under the supervision of an experienced arborist with a minimum qualification of Australian Qualification Framework (AQF) Level 5 in Arboriculture.

Install tree protection measures such as tree protection fencing, trunk protection and ground protection as specified by others prior to any commencement of landscape works. Trees shall not be lopped or removed unless specific written approval to do so is given or is indicated on plan. Storage of materials, or mixing of materials, vehicle parking, disposal of liquids, machinery repairs, storage sheds and the lighting of fires shall not occur within the dripline of any existing trees to be retained on or adjacent to the site. Do not stockpile soil, rubble or other debris cleared from the site or building materials within the dripline of existing trees. Changes to soil level beneath canopy of trees to be retained shall not be permitted unless under direct supervision of a qualified arborist. Existing trees shall be pruned to qualified arborist onsite instructions.

Verify all dimensions and levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services and ensure no damage occurs to them throughout the course of the works. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained and weeds from site. Levels indicated on plan are nominal only and are derived from architectural plans, surveys and drawings by others. Final structural integrity of all items shall be the sole responsibility of Contractor.

### Soil Preparation:

All proposed planting areas shall be cultivated (by hand under dripline of trees) to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. In areas where fill is required gain required shapes and levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow.

### Lawn Edging:

Contractor shall install lawn edge as shown on Lawn Edge Detail. Top of edging shall finish flush with surrounding finished surfaces.

### Planting:

Planting shall be carried out using accepted horticultural practices with all plants conforming to the species, size and quantities indicated on the Landscape Plan and Plant Schedule. Plants shall be thoroughly soaked through immersion in water prior to planting and if the planting soil is very dry then the planting hole is also to be filled with water and allowed to drain completely. All plants shall be appropriately hardened off in the nursery. Use plants with the following characteristics: Large healthy root systems with no evidence of root curl or pot bound restriction or damage, vigorous, well established, free from disease and pests and of good form, consistent with the species or variety. Planting holes for shrubs and groundcovers are to be of minimum size 75mm larger than the planting pot in all directions. Semi-advanced tree planting holes are to be the same depth as the rootball and 2-3 times its diameter, with the top of the rootball being at grade. A 75mm high berm is to be constructed at edge of root-ball to hold water. All plants are to be thoroughly watered after planting and slow release fertiliser added at the quantities specified by the manufacturer.

### Mulching:

Mulch is to be supplied to all raised planters and is to be an organic type laid to a minimum depth of 75mm, consisting of woodchip mulch. Following installation of mulch all planted areas are to be thoroughly soaked with water. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be stockpiled and thoroughly weathered prior to delivery. All mulch is to be sloped towards plant stems but shall be kept back 100mm from the stems of all plants to prevent collar rot.

### Lawn:

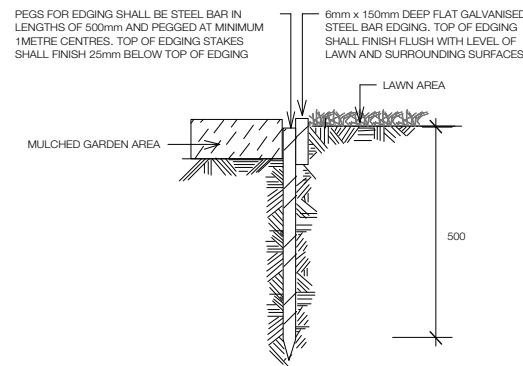
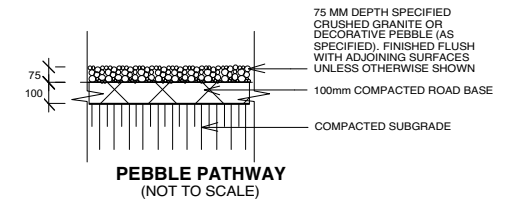
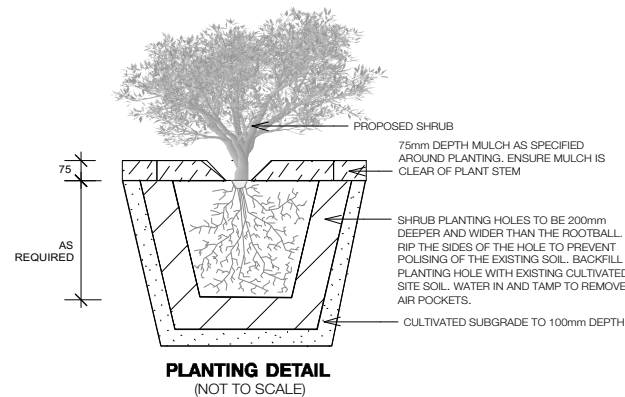
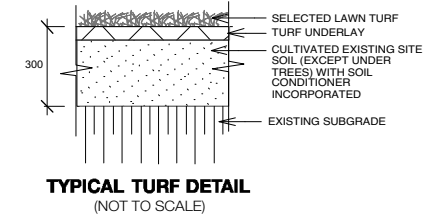
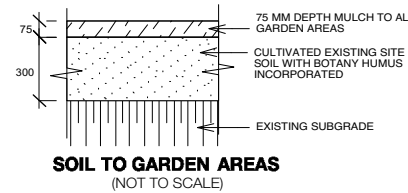
Prepare for, level & lay cultivated Palmetto Buffalo or as otherwise specified turf to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Allow to retrim and returf councils nature strip as required.

### Engineering:

All structural details (such as retaining walls, paving) and hydraulic details shall be to Engineer's details.

### Plant Establishment Period:

There shall be a 13 weeks Plant Establishment Period following the approval of Practical Completion by the responsible authority. During this period the landscape contractor shall make good all defects in his/her scope of works. Maintenance and Establishment means the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. This shall include, but shall not be limited to watering, fertilising, weeding, pruning, pest and disease control, cultivation, re-staking and replacement of any plants that fail with plants of the same species and size.



**NOTES**

- All workmanship and materials to be of the highest quality.
- All dimensions, levels and boundaries are nominal only, contractor to verify prior to commencing work. All quantities to be measured from site measurements.
- Contractor details shall be prepared by others, in accordance with structural engineer.
- Retaining wall details shall be determined by others and in accordance with structural engineer.
- All site works shall be completed.
- All existing buildings, fences, driveways and retained plants to be protected from damage. Damage to be made good at contractors expense.
- All demolition materials to be taken off site during and after construction period.
- Any existing trees to be retained shall be protected in accordance with AD 2070-2009 Protection of Trees and Development Code.
- All infrastructure shall be surveyed prior to commencement of construction works.
- This plan is for contract purposes only. It has not been intended for distribution.
- This design shall not be copied, utilised or reproduced in any way without prior written permission of Woodside Plants and Design.

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PLANTS & DESIGN

PO BOX 7 MANLY NSW 1555  
ABN: 26 868 680 754  
M: 0477 417 112  
E: joff@woodsideplantsanddesign.com.au  
W: www.woodsideplantsanddesign.com.au

Project: RESIDENTIAL DEVELOPMENT  
17 MURRIVERIE ROAD  
NORTH BONDI NSW 2026

Dwg: LANDSCAPE NOTES

Date: 6/3/18 Scale: N/A

Job Ref: 17.207 Sheet No: 2 of 2

Issue: B

Contractors to check and verify all dimensions, levels and boundaries prior to commencement of any work on site. Check location of all underground services prior to excavation or digging. All workmanship to be in accordance with current trade practice, new standards, specifications and local authority bylaws. Seek resource and building consents as required.

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Revisions:  
A (15/01/18) - PRELIMINARY ISSUE  
B (6/3/18) - ISSUE FOR DA SUBMISSION

97



## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-435/2017/1
<b>Site address</b>	83A Brighton Boulevard, BONDI BEACH
<b>Proposal</b>	Section 8.3 review of refusal determination to a proposal for alterations and additions, including an additional storey to the semi-detached dwelling
<b>Date of lodgement</b>	8 August 2018
<b>Owner</b>	A Coleman and S Fong
<b>Applicant</b>	Andrew Coleman
<b>Submissions</b>	1
<b>Cost of works</b>	\$1,120,765.00
<b>Issues</b>	Previous refusal and current DCP non compliances
<b>Recommendation</b>	That the application be REFUSED



## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

A site visit was carried out on 4 and 5 September 2018.

The site is identified as Lot 1 DP 858602, known as 83A Brighton Boulevard, Bondi Beach. The subject site is located on the south-western side of Brighton Boulevard between Wairoa Ave to the north-west and Campbell Parade to the south-east. The site is irregular in shape with a north-eastern front and south-western boundary measuring 6.095m, and side boundaries measuring 39.165m. The site has an area of 238.6m<sup>2</sup> and the site falls from the front towards the rear by approximately 0.85m.

The site is occupied by a two storey semi-detached dwelling with vehicular access provided from the street to a hardstand parking space located at the front of the site.

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



Figure 1: Subject site frontage (83A is dwelling on left)



**Figure 2:** Site viewed from rear



**Figure 3:** Side view

## 1.2 Relevant History

Development consent was refused to the proposal on 9 May 2018. The application was refused for the following reasons:

1. *The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
  - a. *Part B8 - Transport*
    - i. *Clause 8.4 Urban Design, specifically objective (a) and control (f), as the proposed parking structure dominates the streetscape.*
  - b. *Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-detached Dwelling and Terrace Development*
    - i. *Clause 1.1 Height, specifically objective (b) and (d), and clause 1.1.1 Flat roof dwellings, specifically control (a) as the proposal exceeds maximum overall flat roof height of 7.5m and result in unacceptable impacts.*
    - ii. *Clause 1.2 Setbacks, specifically objective (b) and clause 1.2.1 Front and rear building lines, specifically control (a) as the extension of the ground floor rear verandah will intrude established rear building line and result in adverse amenity impacts to neighbours.*
    - iii. *Clause 1.4 Streetscape and visual impact, specifically controls (a), (c) and (e) as the proposal encloses existing balconies fronting the street and the proposed works are considered to be visually incompatible with the streetscape context and dominates the streetscape.*
    - iv. *Clause 1.6 Semi-detached dwellings and terrace style development, specifically objective (a) and (b) as the alterations do not visually read as an inclusive part of the existing dwelling from the streetscape and the materials and detailing does not reference existing architectural features.*
    - v. *Clause 1.6.1 Built form, specifically objective (a), control (a), (b) and (d) as the alterations destroy the original style of the semi and proposes works that dominate the pair of dwellings including the removal of the existing roof form to accommodate a top floor and enclosure of the existing verandah form. The works removes cohesion between the dwellings.*
    - vi. *Clause 1.6.3 Material finishes and detail for semi-detached dwellings, specifically objective (a) and control (a), (d) and (f) as the proposal removes the existing roof form and the new roof form, building envelope and finishes cause strong disparity with the attached semi.*
    - vii. *Clause 1.6.4 Interface with adjoining semi-detached dwellings, specifically objective (a), controls (c), (d) as the proposed interface between the semis is awkward and results in an unacceptable visual impact to the street.*
    - viii. *Clause 1.7 Fences, specifically objective (b) and (d), and control (d) as the high boundary wall within the front setback is considered excessive and will dominate*

*the streetscape as well as resulting in adverse impacts to the adjoining neighbour in terms of visual impact and sightlines. The excessive enclosure of the works within the front setback also obscures the ground floor front façade for the street.*

- ix. Clause 1.9 Solar access, specifically objective (c) and control (b) as the proposed bulk and scale appears to result in adverse shadow impacts on the adjoining development which may be attributed to the numerous non-compliances.*
2. *The proposed development does not satisfy section 4.15(1) (b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.*
3. *The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979.*

It is worthy to note, that at the time of the original application, DA-435/2017, the adjoining semi detached dwelling (No 83 Brighton Boulevard) also had a concurrent application under assessment (DA-485/2017). This adjoining application sought reconfiguration of the ground floor level, replace existing carport with a landscaped roof terrace, and altering of the front first floor balcony to provide access to the carport roof terrace. No second storey addition was proposed.

The two applications, affecting 83 and 83A Brighton Blvd sought alterations to the front façade that were generally of a similar style, however for the reasons contained in their assessment reports, were not supported and subsequently refused on 9 May 2018.

The current request for review of the determination of DA-435/2017 was submitted on 8 August, 2018. The plans submitted with the review request included a redesign of the proposal. The following report contains details of the proposal's numerical compliance and other relevant matters. A copy of the original architectural plans are attached at the end of the report.

Only 83A Brighton Boulevard has sought a review of the refusal of previous application. The adjoining semi detached dwelling at 83 Brighton Boulevard has obtained a Complying Development Certificate from a Private Certifying Authority (CD-9/2018 and subsequent modification CD-9/2018/A) on 17 January 2018 and 29 March 2018 respectively, for alterations and additions including window changes and internal changes. No review application has been lodged (at the time of finalising this report) relating to works contained in DA-485/2017 at 83A Brighton Boulevard.

### **1.3 Proposal**

The proposal remains an application to carry out alterations and additions to the existing 2 storey semidetached dwelling, and still includes an upper level addition, resulting in a third storey. The addition is now setback behind the main hip of the building.

The current proposal seeks:

Ground Floor:

- Provision of a hardstand car space in the front of the dwelling (existing but in a slightly different location)

- The front yard to be “crazy paving” with planting in between
- Erection of a bin storage and meter area adjoining the eastern boundary
- Internal alterations
- Relocation of front door and openings in side wall
- Erection of a rear deck with privacy screen and vergola type cover

First floor:

- Internal alterations
- Relocation of openings in side wall
- Infill of existing rear balcony and provision of an additional bedroom
- Retain front balcony and replace balustrade with a planter

Second Floor:

- Provision of an addition level containing a bedroom, dressing room and ensuite.

## 2. ASSESSMENT

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

### 2.1 Planning Instruments and Development Control Plans

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

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

A BASIX Certificate has been submitted with the development application.

The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal.

#### 2.1.2 SEPP 55 Remediation of Land

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

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

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

**Table 1: Waverley LEP 2012 Compliance Table – Amended proposal**

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
<b>Part 2 Permitted or prohibited development</b>		

Provision	Compliance	Comment
Land Use Table R3 – Medium Density Zone	Yes	The proposal is defined as a semidetached dwelling, which is permitted with consent in the zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings • 12.5m	Yes	The proposal has a maximum height of 9.6m
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio • 0.84:1	Yes	The proposed FSR is 0.84:1 (199.5m <sup>2</sup> )
<b>Part 5 Miscellaneous provisions</b>		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority
<b>Part 6 Additional local provisions</b>		
6.1 Acid sulfate soils	Yes	The site is located in a zone 5 acid sulfate soil zone. The proposal involves minimal soil disturbance therefore this is not considered to be a significant issue.

#### 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 original application contained a Site Waste Management Plan
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application.
5. Tree preservation	Yes	No trees impacted by the proposal.
6. Stormwater	Yes	Conditions provided by the Engineers.
8. Transport	Yes	Parking has been provided in the form of a hardstand car space. The original proposal was considered more of a garage design.

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

Development Control	Compliance	Comment
<b>1.1 Height</b>		
1.1.2 External wall height • Maximum external wall height of 7m	Merit	The roof structure retains the basic springing point for the existing roof form and contains the addition in what would appear to be a mansard style addition. The wall height is therefore considered satisfactory.



Development Control	Compliance	Comment
<p>1.2.1 Front and rear building lines</p> <ul style="list-style-type: none"> <li>• Predominant front building line</li>   <li>• Predominant rear building line at each floor level</li> </ul>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The ground floor front building line is being maintained as the previously proposed front carport/ garage structure has been deleted.</p> <p>The rear building line complies as the rear addition has been reduced to line up with adjoining sites.</p> <p>In terms of the top floor, this is not supported as there are no three storey dwelling houses or semidetached dwellings in the immediate vicinity, nor does the proposal align with the adjoining dwelling forming this pair of semi detached dwellings. The form is designed to have the bulk of a third storey, as opposed to appearing to be contained in an attic roof form.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> <li>• Minimum of 1.5m</li> </ul>	<p>Yes</p>	<p>Existing ground and first floor side setbacks remain as existing. The new top floor incorporates a 2.02m side setback.</p>
<p><b>1.4 Streetscape and visual impact</b></p>		
<p>New development to be compatible with streetscape context</p>	<p>No</p>	<p>The proposal is considered to be visually inappropriate and unsympathetic to the streetscape due to the proposed design, bulk and scale.</p>
<p><b>1.6 Semi-detached dwellings and terrace style development</b></p>		
<p>1.6.1 Built form</p>	<p>No</p>	<p>The objectives and controls seek to maintain the original style, form and detail of the semidetached dwellings to provide cohesion. The amended proposal is setback behind the main roof hip, however introduces a high and visually dominant roof form out of character with the pair of semidetached dwellings.</p> <p>The additional level creates further disparity with the semi cohesion by introducing a third storey which contributes excessively to the visual bulk of the building and does not maintain any cohesion in the semi pair.</p>
<p>1.6.3 Material finishes and detail for semi-detached dwellings</p>	<p>No</p>	<p>The proposed additions are not cohesively related to the existing semidetached dwelling and have drastically changed the building envelope. The works to the roof and the addition of a second floor do not complement the adjoining attached semi and the choice of materials and finishes do not reflect the style and character of the original building.</p>

Development Control	Compliance	Comment
1.6.4 Interface with adjoining semi-detached dwellings	No	<p>The proposal bears no resemblance to either the existing adjoining attached semidetached dwelling or the works approved at 83 Brighton Boulevard (CD-9/2018).</p> <p>There remains a strong asymmetry in the proposed works to the pair with this proposal seeking a three storey form whilst the adjoining attached semi remains 2 storey with the original roof form. This results in an awkward interface between the dwellings.</p>
<b>1.7 Fences</b>		
<p>Front:</p> <ul style="list-style-type: none"> <li>• Maximum height of 1.2m</li> <li>• Solid section no more than 0.6m high</li> </ul> <p>Side and Rear:</p> <ul style="list-style-type: none"> <li>• Maximum height of 1.8m</li> </ul>	<p>No</p> <p>Yes</p>	<p>The objectives aim to promote a streetscape where the ground floor façade is visible from the street and ensure front fences do not dominate. The proposal is for a 1.5m timber slat fence. Whilst the plans are ambiguous, it is assumed that the timber boundary fence is no higher than 1.5m within the front building line, and not the 3.5m which it would appear in the elevation, and that this refers to the building cladding not the fence.</p>
<b>1.8 Visual and acoustic privacy</b>		
<p>Maximum size of balconies:</p> <ul style="list-style-type: none"> <li>• 10m<sup>2</sup> in area</li> <li>• 1.5m deep</li> </ul>	No	<p>The rear elevated ground floor verandah exceeds the controls but is of a similar size to the original. The deck proposed in the current proposal is 2.7m deep and 5m wide.</p> <p>The deck on the rear of no. 83 has been enclosed in the past and provided with a 1.5m deep x 5m wide deck (CD-9/2018).</p> <p>Privacy has been addressed by the side privacy screens and no windows to the living room side wall.</p> <p>Visual and acoustic privacy considerations between windows of adjoining buildings is considered acceptable between properties. The first floor windows are appropriately screened and the changes to the ground floor window have attempted to offset the location with adjoining windows and will generally improve privacy by providing narrower windows.</p>
<b>1.9 Solar access</b>		
<ul style="list-style-type: none"> <li>• Minimum of three hours of sunlight to minimum of 50% of living areas</li> </ul>	Yes	Due to the orientation of the site, the front family room will receive the required sunlight, the living room at the rear will not receive the

Development Control	Compliance	Comment
<p>and principal open space areas on 21 June</p> <ul style="list-style-type: none"> <li>Minimum of three hours of sunlight maintained to minimum of 50% of living areas and principal open space areas of adjoining properties on 21 June</li> </ul>	No	<p>minimum hours of sunlight. However, the majority of the rear private open space will receive the minimum of three hours of sunlight after 12pm.</p> <p>The adjoining neighbour at 85 Brighton Boulevard does not receive solar access with the existing building to their western side windows.</p> <p>Their rear open space receives the required amount and will receive slightly more than with the original proposal.</p>
<b>1.11 Car parking</b>		
<p>1.11.1 Parking rates</p> <p>Maximum rates:</p> <ul style="list-style-type: none"> <li>1 space for 2 or less bedrooms</li> <li>2 spaces for 3 or more bedrooms</li> </ul>	Yes	A single parking space is proposed.
<p>1.11.2 Location</p> <ul style="list-style-type: none"> <li>Behind front building line for new dwellings</li> <li>Consistent with hierarchy of preferred car parking locations</li> </ul>	Yes	An existing hardstand parking space is located within the front setback.
1.11.3 Design	Yes	The hardstand retains the status quo.
<p>1.11.4 Dimensions</p> <ul style="list-style-type: none"> <li>5.4m x 2.4m per vehicle</li> </ul>	Yes	A 6.1 x 2.96m parking envelope is retained for the parking of one vehicle.
<p>1.11.5 Driveways</p> <ul style="list-style-type: none"> <li>Maximum of one per property</li> <li>Maximum width of 3m at the gutter (excluding splay)</li> </ul>	Yes	No objection or conditions required by Council's Engineers.
<b>1.12 Landscaping and open space</b>		
<ul style="list-style-type: none"> <li>Overall open space: 40% of site area (95.5m<sup>2</sup>)</li> <li>Overall landscaped area: 15% of site area (35.8m<sup>2</sup>)</li> <li>Minimum area of 25m<sup>2</sup> for private open space</li> <li>Front open space: 50% of front building setback area (18.3m<sup>2</sup>)</li> <li>Front landscaped area: 50% of front open space provided (9m<sup>2</sup>)</li> </ul>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Unclear</p>	<p>&gt;40% open space</p> <p>&gt;15% landscaped area</p> <p>More than 25 m<sup>2</sup> of private open space is retained.</p> <p>The entire front setback is maintained as open space</p> <p>The existing front setback does not have any landscaping and if approved a condition should require a minimum of 9m<sup>2</sup> of contributing</p>

Development Control	Compliance	Comment
		landscaped area be provided. This may require the bin area to be relocated to the rear.

### Streetscape

The DCP requires new development to be compatible with streetscape context. As with the previous proposal, the proposal is considered to be visually inappropriate and unsympathetic to the streetscape due to the proposed design, bulk and scale.

In terms of the top floor, this is not supported as there are no three storey dwelling houses or semidetached dwellings in the immediate vicinity. The design presents as an additional level to the dwelling, rather than an attic addition contained within a sympathetic roof form. The resultant effect provides a visually intrusive design that is not in keeping with the surrounding streetscape context or adjoining semi detached dwelling within this pair.

### Built Form

The objectives and controls seek to maintain the original style, form and detail of the semidetached dwellings to provide cohesion. The amended proposal is setback behind the main roof hip, however introduces a high and visually dominant roof form out of character with the pair of semidetached dwellings.

The additional level creates further disparity with the semi cohesion by introducing a third storey which contributes excessively to the visual bulk of the building and does not maintain any cohesion in the semi pair.

### Materials and Finishes for semidetached dwellings

The proposed additions are not cohesively related to the existing semi-detached dwelling and have drastically changed the building envelope. The works to the roof and the addition of a second floor do not complement the adjoining attached semi and the choice of materials and finishes do not reflect the style and character of the original building. While, contemporary redesigns can be acceptable, the choice of materials and presentation should relate to the other semi detached dwelling, where there is a pair. The intention of this is to ensure the streetscape presentation is in keeping with one another rather than competing against one another.

In this instance, better cohesion of the pair of semi detached dwellings is required.

### Interface with adjoining semidetached dwelling

The proposal bears no resemblance to either the existing adjoining attached semidetached dwelling or the works approved at 83 Brighton (CD-9/2018) which included enclosure of the rear ground floor deck, an additional rear deck 1.5m deep and 5m wide with stairs to the rear yard and internal work.

There remains a strong asymmetry in the proposed works to the pair with this proposal seeking a three storey form whilst the adjoining attached semi remains 2 storey with the original roof form. This results in an awkward interface between the dwellings.

Originally, the pair of semi detached dwellings, 83 and 83A Brighton Boulevard were assessed concurrently (DA-435/2017 and DA-485/2017), with the façade of the pair resembling similar materials. However, as both applications were refused and only 83A Brighton Boulevard has sought a review of this decision, Council's approach in assessment is to consider the subject application on its own, having regard to the existing pair of dwellings. While the materials proposed in the current application are modern, in the absence of a joint venture between the pair, the cohesion of the dwellings requires

further refinement to ensure the symmetry of the pair is in keeping with the objectives contained in the DCP. The current application in this regard, fails to respond to the streetscape objectives of this pair of dwellings.

### **Privacy**

The rear elevated ground floor verandah exceeds the controls but is of a similar size to the original. The deck proposed in the current proposal is 2.7m deep and 5m wide.

The deck on the rear of no 83 has been enclosed in the past and provided with a 1.5m deep x 5m wide deck (CD-9/2018).

Privacy has been addressed by the side privacy screens and no windows to the living room side wall.

Visual and acoustic privacy considerations between windows of adjoining buildings is considered acceptable between properties. The first floor windows are appropriately screened and the changes to the ground floor window have attempted to offset the location with adjoining windows and will generally improve privacy by providing narrower windows. Had the application been supported, then privacy screening along the side elevations would be recommended for imposition via condition.

### **Solar Access**

The adjoining neighbour at 85 Brighton Boulevard does not receive solar access with the existing building to their western side windows. Their rear open space receives the required amount according to the DCP. In this regard, it is noted that the impact of the original application to that currently proposed has been improved, to reduce the associated impact to this neighbour.

### **Front Fence**

The DCP limits front fences to 1.2m. The proposal is for a 1.5m height front fence which is a comparable height, albeit a different design to the existing. The surrounding locality has a mixture of fences and no objection is raised to this aspect of the proposal, subject to conditions maintaining an open design, should the application be supported.

### **Landscaped area**

There is currently no landscaped area at the front of the building with the entire area being paved. The proposal introduces landscaping mixed in with "crazy paving". The paving is not classed as landscaped area. Given the modifications proposed on the site, a minimum of 9m<sup>2</sup> landscaped area should be provided.

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

The proposed development is capable of complying with the BCA.

The proposal would impact upon the existing built environment and would not be considered as acceptable. The likely impacts of the development have been assessed in the report above.

## **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 for reconsideration of the determination 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*.

2 letters on behalf of 1 property (calculated as 1 submission for the purpose of delegations) was received to the current proposal (one from owner and one from their real estate agent). The issues raised in the submissions are summarised and discussed below.

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

Property
85 Brighton Boulevard, Bondi Beach

**Issue:** Loss of solar access

**Response:** This has been addressed in the preceding report.

**Issue:** Loss of views

**Response:** There would appear to be no views affected other than a general outlook into neighbouring yards from the objector’s property.

**Issue:** Loss of sale price

**Response:** This is not a consideration by Council.

**Issue:** Development too large and out of keeping with area

**Response:** Agreed. This report suggests that a three storey semidetached dwelling on a 6.095m wide block is an overdevelopment of the site.

Three submissions were received to the original proposal within DA-435/2017 that was refused.

## 2.5 Public Interest

It is considered that the proposal is considered to have a detrimental impact on the public interest, due to non-compliances with Council’s controls and an objection has been received to the proposal.

## 3. REFERRALS

### 3.1 Driveways – Creating Waverley

In the event the application is approved conditions of consent have been provided.

### 3.2 Stormwater – Creating Waverley

In the event the application is approved conditions of consent have been provided.

## 4. SUMMARY

The proposal seeks a review of the refusal determination issued by Council on 9 May 2018, pursuant to section 8.2 of the Environmental Planning and Assessment Act. The applicant has amended the proposal, which is permitted by Section 8.3(3) of the Act.

The proposal is of a similar floor space but different external design. The amendments do not fully address the original concerns of the overall building design and as such is not favoured.

One submission (2 letters from single property) were received and their issues have been discussed within the report. No Councillor submissions were received.

For the reasons discussed in the report, the application remains unsupported.

## 5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application is **REFUSED** by the Waverley Local Planning Panel for the reasons contained in Appendix A:

**Report prepared by:**

Peter Thomas  
**Senior Development Assessment Planner**

**Date: 5 September 2018**

**Application reviewed and agreed on behalf of  
the Development and Building Unit (MR, AF,  
AR) by:**

Angela Rossi  
**Manager, Development Assessment - Central**

**Date: 17 September 2018**

**Reason for referral:**

4.(a) Review of previous refusal by the DBU .

*O:\Building Waverley\Development Assessment\DA Assessment Team Reports\Brighton Blvd, 83A\DA-435-2017-1\WLPP Report - 83A Brighton Blvd - DA-435-2017-1.docx*

## **APPENDIX A – REASONS FOR REFUSAL**

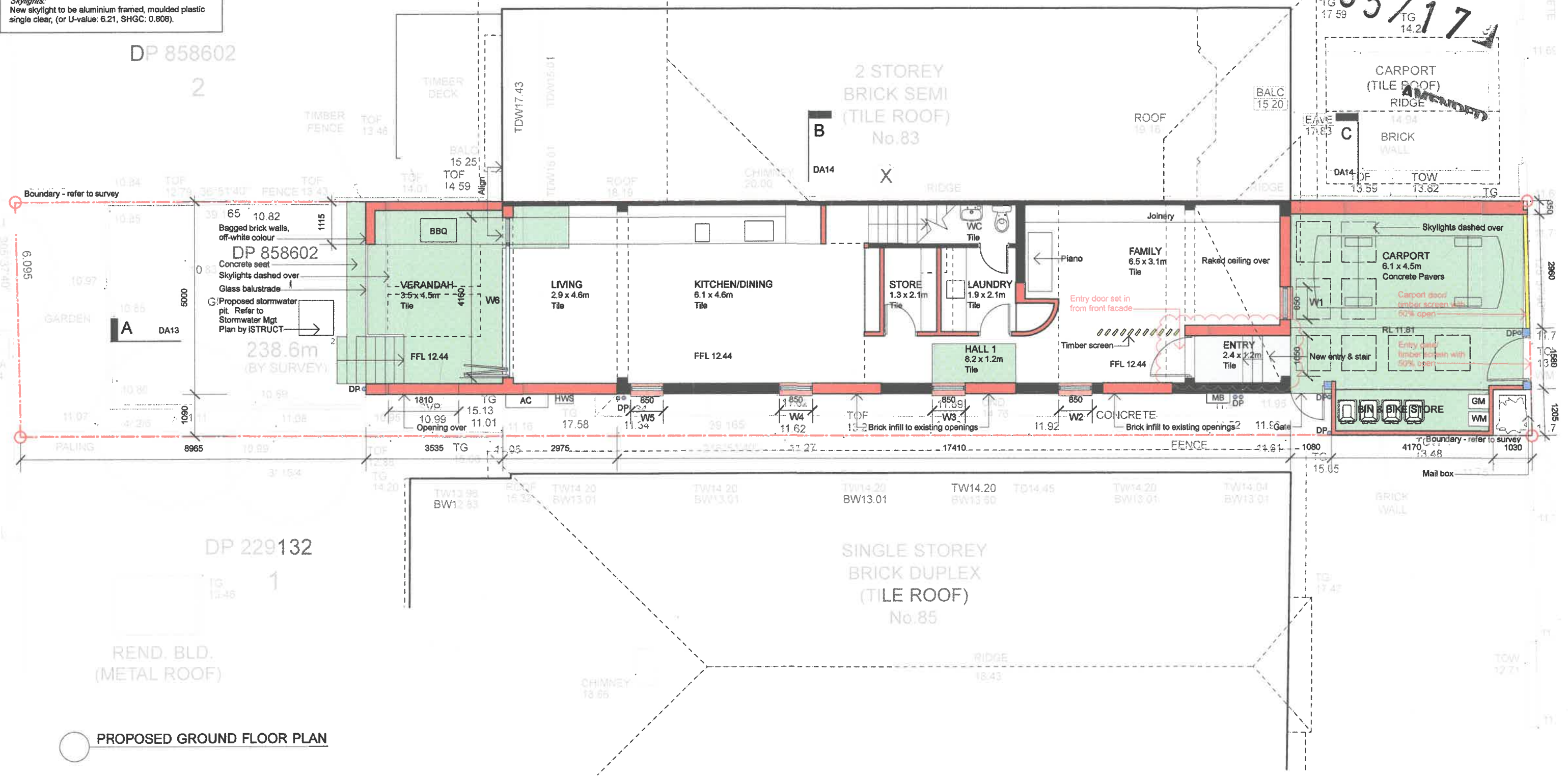
Having regard to the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15(1) (a) (iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
  - (a) Part C1 – Dwelling House, Dual Occupancy, Secondary Dwelling, Semi-detached Dwelling and Terrace Development:
    - i. Clause 1.4 Streetscape and visual impact, specifically controls (a), (b) and (c) as the proposed works are considered to be visually incompatible with the streetscape context and dominates the streetscape.
    - ii. Clause 1.6 Semi-detached dwellings and terrace style development, specifically objective (a) and (b) as the alterations do not visually read as an inclusive part of the existing dwelling from the streetscape and the materials and detailing does not reference existing architectural features.
    - iii. Clause 1.6.1 Built form, specifically objective (a), control (a) as the alterations remove the original style of the semi and proposes works that dominate the pair of dwellings including the new roof form to accommodate a top floor. The works removes cohesion between the dwellings.
    - iv. Clause 1.6.3 Material finishes and detail for semi-detached dwellings, specifically objective (a) and control (a), (d) and (f) as the proposal removes the existing roof form and the new roof form, building envelope and finishes cause strong disparity with the attached semi.
    - v. Clause 1.6.4 Interface with adjoining semi-detached dwellings, specifically objective (a), controls (c), (d) as the proposed interface between the semis is awkward and results in an unacceptable visual impact to the street.
    - vi. Clause 1.9 Solar access, specifically objective (c) and control (b) as the proposed bulk and scale appears to result in adverse shadow impacts on the adjoining development which may be attributed to the numerous non-compliances.
2. The proposed development does not satisfy section 4.15(1) (b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse environmental impact in the locality as it represents an overdevelopment of the subject site, is excessive in terms of bulk and scale, undesirable and unacceptable impact on the streetscape, and would adversely impact upon the amenity of the locality and surrounding built environment.
3. The proposal is not considered to be in the public interest for the reasons outlined above and for the reasons outlined in public submissions, contrary to Section 4.15(1) (e) of the Environmental Planning and Assessment Act, 1979.



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05 MAR 2018  
WAVERLEY COUNCIL  
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**BASIX Commitments**  
*Insulation requirements:*  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking  
*Windows & glazed doors:*  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)  
*Skylights:*  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



**PROPOSED GROUND FLOOR PLAN**

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	24.07.17	Consultant Information
P3	15.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**  
 \* All work to relevant Australian Standards, BCA & Council Codes.  
 \* Verify all dimensions on site before fabrication or construction.  
 \* Use figured dimensions only. Do not scale.  
 \* If discrepancy exists please advise Architect.  
 \* This drawing is for DA Purposes only.  
 \* This drawing is copyright and must not be retained, copied or used without written permission from Josephine Hurley Architecture.

**Legend / Notes**

	Existing to be retained		Glass
	Demolition		Concrete
	Timber		FC sheets
	Tiles		Down pipe
	Brick		Gas meter
	Steel/Aluminium		Hot water system
			Meter box
			Water meter

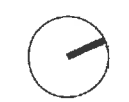
JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
 ABN 82 102 352 457  
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 PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230  
 Telephone 0423 177 290  
 Email mail@josephinehurley.com  
 www.josephinehurley.com

**Project**  
**Bondi Beach House**  
 Client  
**Stephanie Fong & Andrew Colman**  
 Address  
**83A Brighton Boulevard**  
**NORTH BONDI 2026**  
 Lot 1 DP 858602

**Drawing**  
**Proposed Ground Floor Plan**

**Job Number**  
1610  
**Issue**  
DA  
**Scale**  
1:100  
**Date**  
05.03.18  
**Drawing Number**  
DA07  
**Revision**  
B



**113**

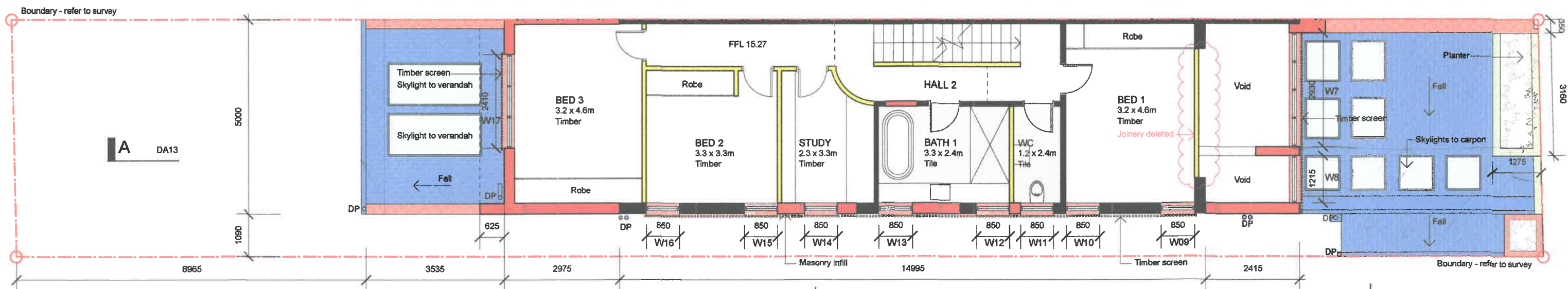
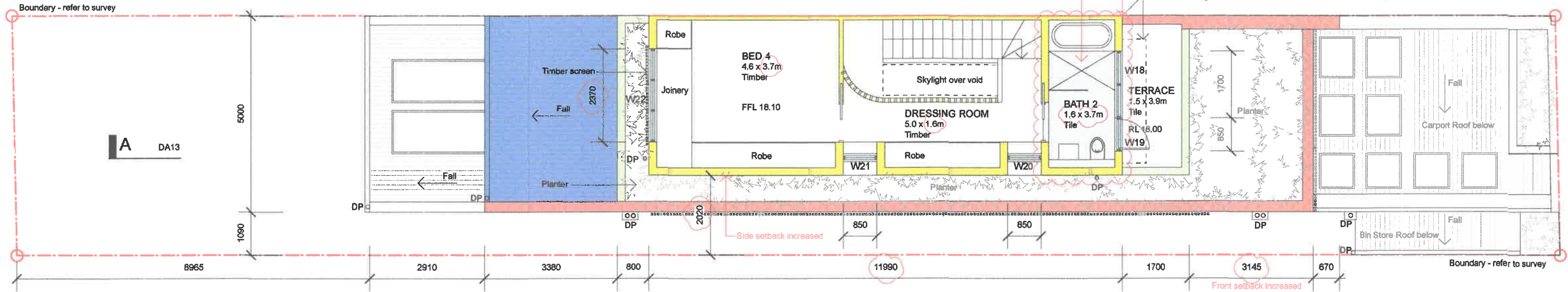
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**BASIX Commitments**

**Insulation requirements:**  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

**Windows & glazed doors:**  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)

**Skylights:**  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	24.07.17	Consultant Information
P3	17.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**

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- Verify all dimensions on site before fabrication or construction.
- Use figured dimensions only. Do not scale.
- If discrepancy exists please advise Architect.
- This drawing is for DA Purposes only.
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**Legend / Notes**

	Existing to be retained		Glass
	Demolition		Concrete
	Timber		FC sheets
	Tiles	DP	Down pipe
	Brick	GM	Gas meter
	Steel/Aluminium	HWS	Hot water system
		MB	Meter box
		WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
ABN 52 102 352 457  
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PO Box Q538  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
www.josephinehurley.com

**Project**  
Bondi Beach House

**Client**  
Stephanie Fong & Andrew Colman

**Address**  
83A Brighton Boulevard  
NORTH BONDI 2026  
Lot 1 DP 858602

**Drawing**  
Proposed First & Second Floor Plans

**Job Number**  
1610

**Scale**  
1:100

**Drawing Number**  
DA08

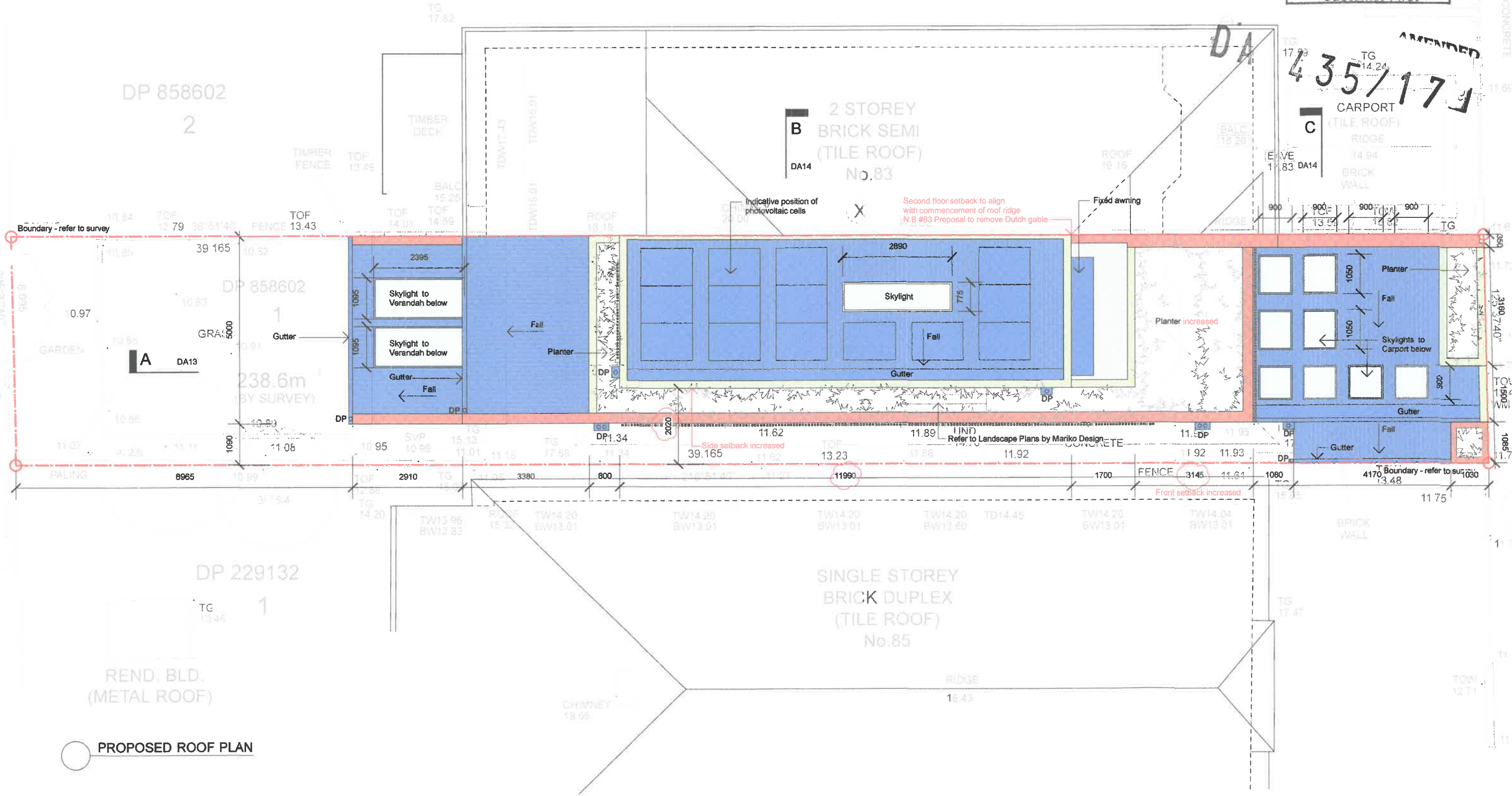
**Issue**  
DA

**Date**  
05.03.18

**Revision**  
B **114**

**RECEIVED**  
05 MAR 2018  
WAVERLEY COUNCIL  
Customer First

**AMENDED**  
435/17



Issue	Date	Revision
P1	24.07.17	Consultant Information
P2	17.08.17	Issued for DA Pricing
P3	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**

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- \* If discrepancy exists please advise Architect.
- \* This drawing is for DA Purposes only.
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Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
	DP Down pipe
	GM Gas meter
	HWS Hot water system
	MB Meter box
	WM Water meter

JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
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PO Box Q538  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
www.josephinehurley.com

**Project**  
**Bondi Beach House**

**Client**  
**Stephanie Fong & Andrew Colman**

Address  
**83A Brighton Boulevard**  
**NORTH BONDI 2026**

Lot 1 DP 858602

**Drawing**  
**Proposed Roof Plan**

Job Number  
**1610**

Scale  
**1:100**

Drawing Number  
**DA09**

**Issue**  
**DA**

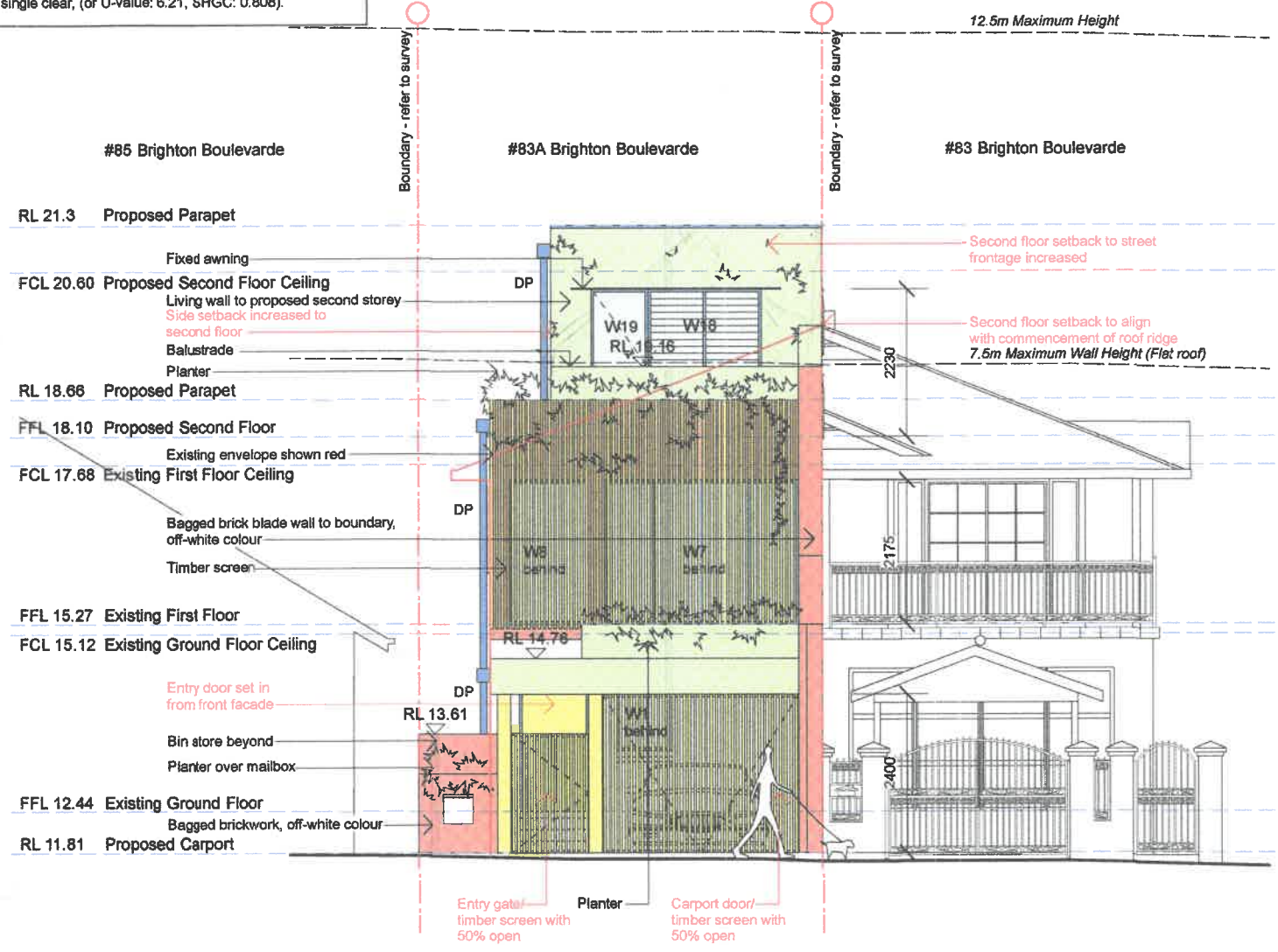
**Date**  
**05.03.18**

**Revision**  
**B 115**

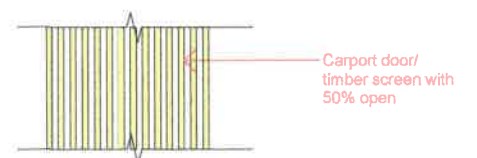
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**D/A**  
**435/17** AMENDED

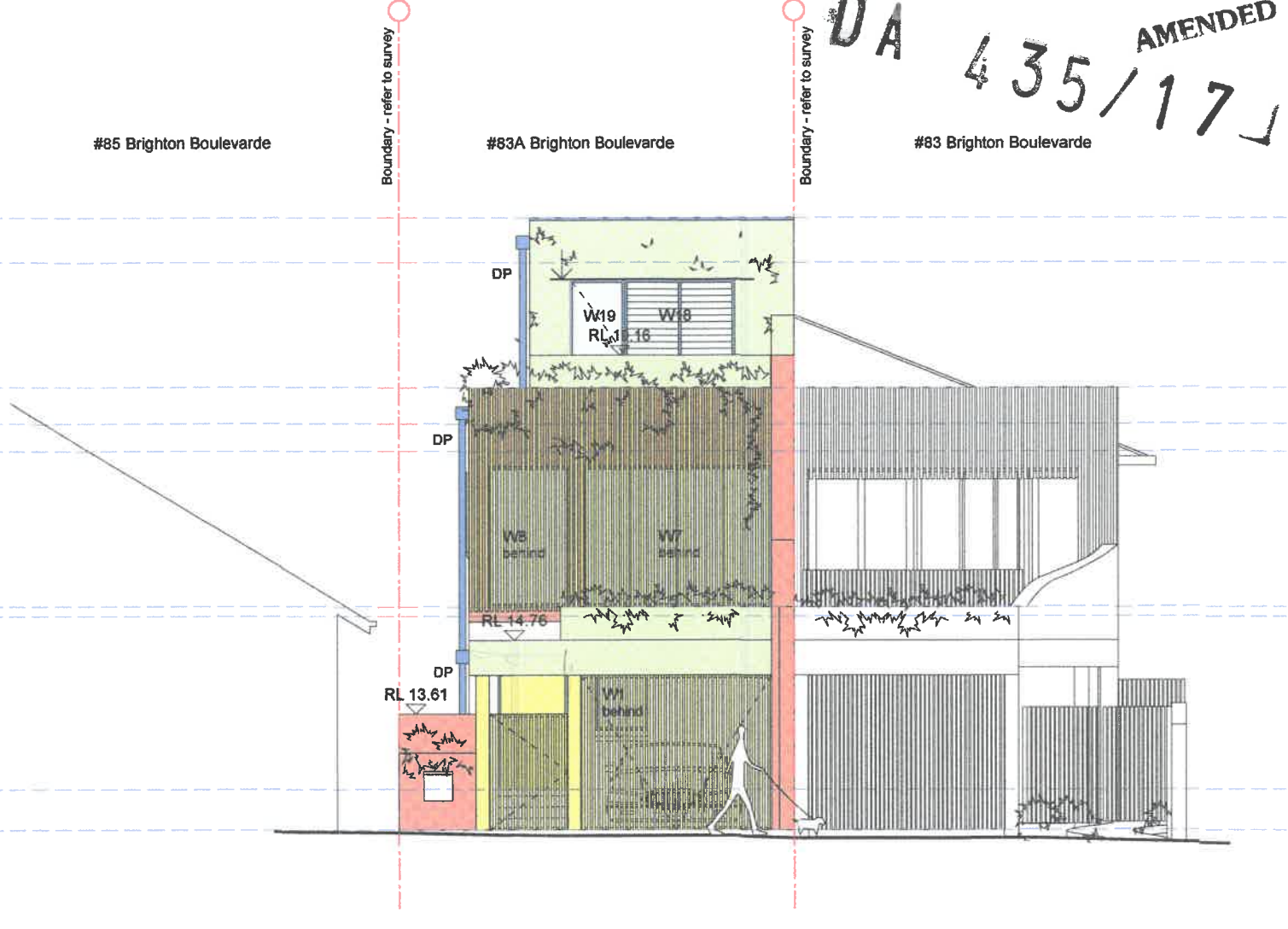
**BASIX Commitments**  
*Insulation requirements:*  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorbance >0.475: ceiling: R1.82 (up), roof: foil/sarking  
*Windows & glazed doors:*  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)  
*Skylights:*  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



**1 PROPOSED NORTH ELEVATION SHOWING #83 AS EXISTING**



**3 GATE & CARPORT DETAIL**



**2 PROPOSED NORTH ELEVATION SHOWING #83 AS PROPOSED BY DANNY KIDRON ARCHITECTS**

Issue	Date	Revision
P1	17.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**  
 \* All work to relevant Australian Standards, BCA & Council Codes.  
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 \* Use figured dimensions only. Do not scale.  
 \* If discrepancy exists please advise Architect.  
 \* This drawing is for DA Purposes only.  
 \* This drawing is copyright and must not be retained, copied or used without written permission from Josephine Hurley Architecture.

Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
	DP Down pipe
	GM Gas meter
	HWS Hot water system
	MB Meter box
	WM Water meter

JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
 ABN 52 102 352 457  
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 PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230  
 Telephone 0423 177 290  
 Email ma@josephinehurley.com  
 www.josephinehurley.com

**Project**  
**Bondi Beach House**  
 Client  
 Stephanie Fong & Andrew Colman  
 Address  
 83A Brighton Boulevard  
 NORTH BONDI 2026  
 Lot 1 DP 858602

**Drawing**  
**Proposed North Elevation**

**Job Number**  
1610

**Scale**  
1:100

**Drawing Number**  
DA10

**Issue**  
DA

**Date**  
05.03.18

**Revision**  
B **116**

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DA  
435/17  
12m Maximum Height

**BASIX Commitments**

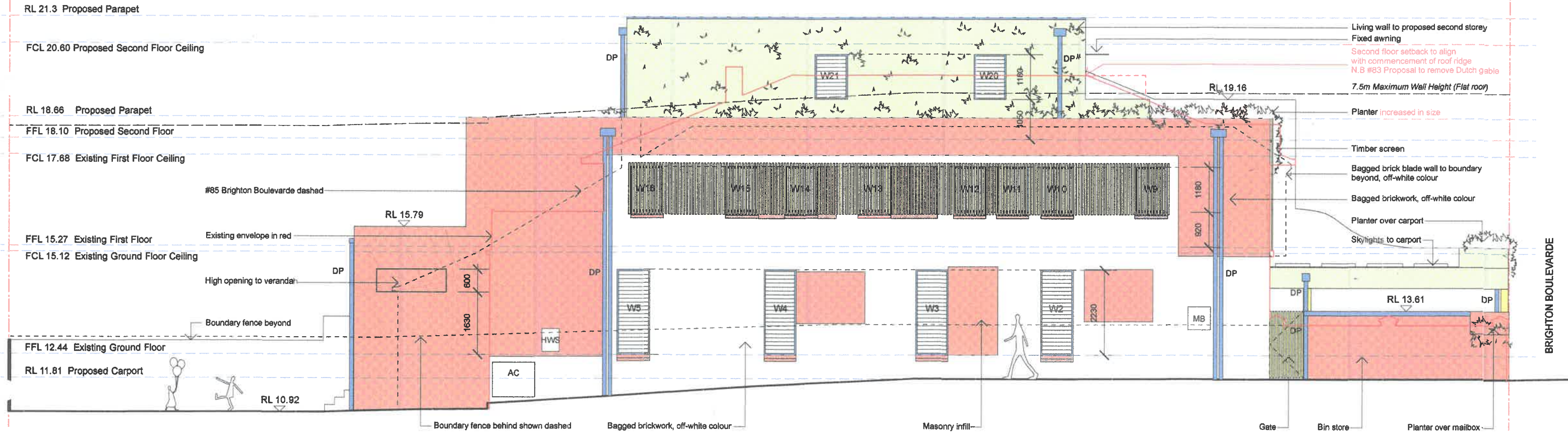
**Insulation requirements:**  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorbance >0.475: ceiling: R1.82 (up), roof: foil/sarking

**Windows & glazed doors:**  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)

**Skylights:**  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).

Boundary - refer to survey

Boundary - refer to survey



**PROPOSED EAST ELEVATION**

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**

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- \* Use figured dimensions only. Do not scale.
- \* If discrepancy exists please advise Architect.
- \* This drawing is for DA Purposes only.
- \* This drawing is copyright and must not be retained, copied or used without written permission from Josephine Hurley Architecture.

Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
ABN: 52 102 352 457  
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PO Box Q536  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 280  
Email mail@josephinehurley.com  
www.josephinehurley.com

**Project**  
**Bondi Beach House**  
Client  
**Stephanie Fong & Andrew Colman**  
Address  
**83A Brighton Boulevard NORTH BONDI 2026**  
Lot 1 DP 858602

**Drawing**  
**Proposed East Elevation**

Job Number	Issue
1610	DA
Scale	Date
1:100	05.03.18
Drawing Number	Revision
DA11	B

117

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AMENDED

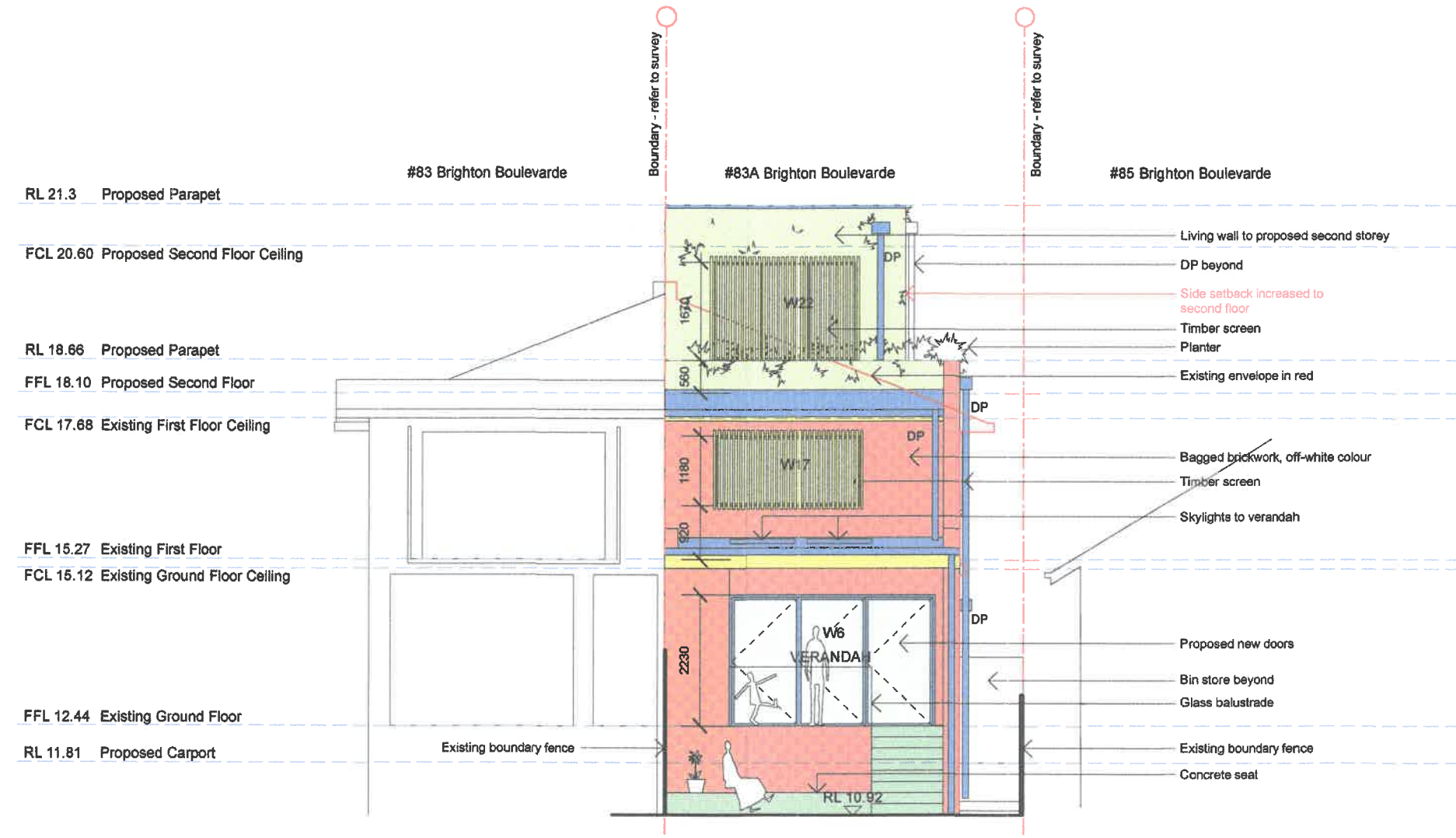
DA 435/17

**BASIX Commitments**

*Insulation requirements:*  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorbance >0.475: ceiling: R1.82 (up), roof: foil/sarking

*Windows & glazed doors:*  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)

*Skylights:*  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



PROPOSED SOUTH ELEVATION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**

- All work to relevant Australian Standards, BCA & Council Codes.
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- If discrepancy exists please advise Architect.
- This drawing is for DA Purposes only.
- This drawing is copyright and must not be retained, copied or used without written permission from Josephine Hurley Architecture.

Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

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ABN 52 102 352 457  
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PO Box Q536  
Queen Victoria Building  
Sydney NSW 1230

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Email mail@josephinehurley.com  
www.josephinehurley.com

Project  
**Bondi Beach House**  
Client  
**Stephanie Fong & Andrew Colman**  
Address  
**83A Brighton Boulevard  
NORTH BONDI 2026**  
Lot 1 DP 858602

Drawing  
**Proposed South Elevation**

Job Number	Issue
1610	DA
Scale	Date
1:100	05.03.18
Drawing Number	Revision
DA12	B 118

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05 MAR 2018  
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Customer First

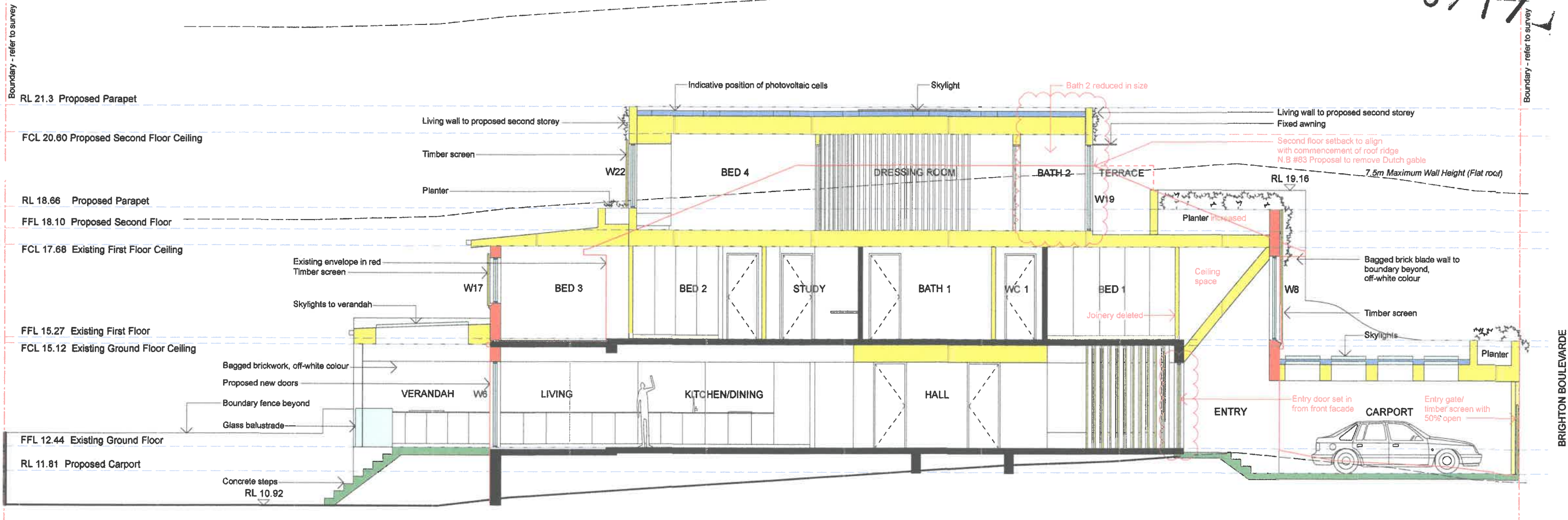
AMENDED  
DA 435/17  
12.5m Maximum Height

**BASIX Commitments**

**Insulation requirements:**  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorbance >0.475; ceiling: R1.82 (up), roof: foil/sarking

**Windows & glazed doors:**  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)

**Skylights:**  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



PROPOSED SECTION A

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	20.07.17	Consultant Information
P3	15.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

**Notes**

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Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

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PO Box Q536  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
www.josephinehurley.com

Project  
**Bondi Beach House**  
Client  
**Stephanie Fong & Andrew Colman**  
Address  
**83A Brighton Boulevard  
NORTH BONDI 2026**  
Lot 1 DP 859602

Drawing  
**Proposed Section A**

Job Number  
1610

Scale  
1:100

Drawing Number  
DA13

Issue  
DA

Date  
05.03.18

119

B

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05 MAR 2018  
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AMENDED

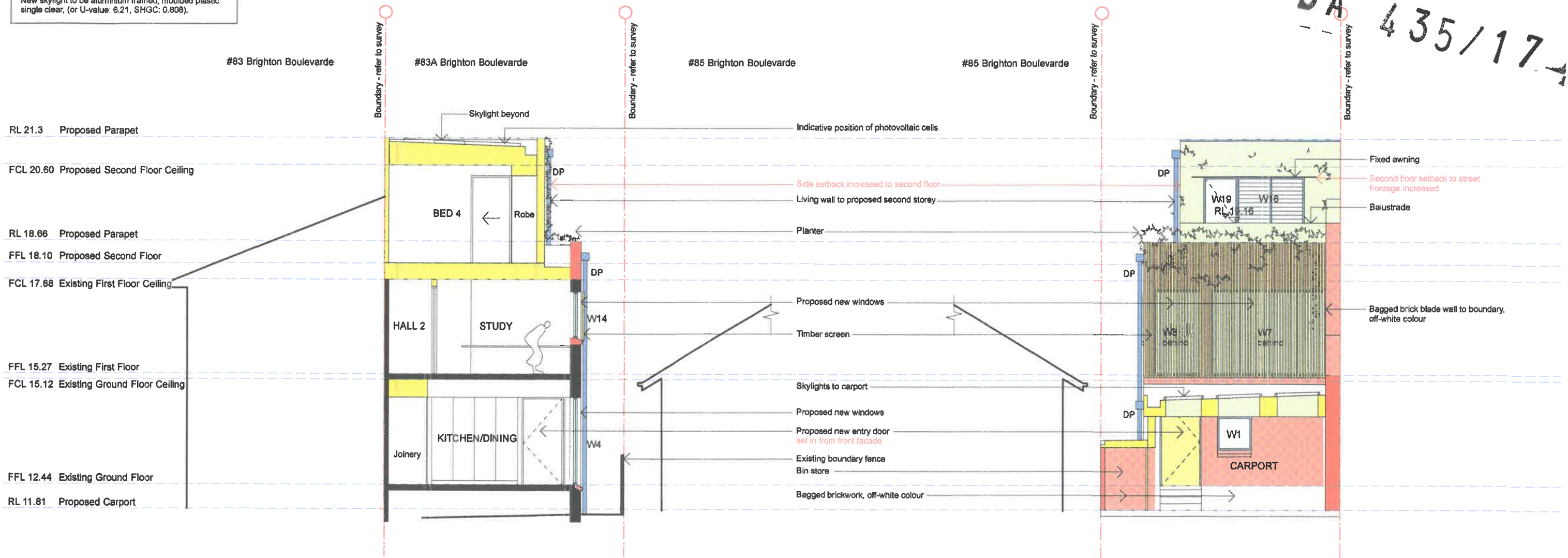
DA 435/17

**BASIX Commitments**

**Insulation requirements:**  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorbance >0.475: ceiling: R1.82 (up), roof: foil/ferking

**Windows & glazed doors:**  
W1 - W5, W18 & W19: Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57)  
W6 - W17 & W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47)

**Skylights:**  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



1 PROPOSED SECTION B

2 PROPOSED SECTION C

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	24.07.17	Consultant Information
P3	15.08.17	Issued for DA Pricing
F4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red

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**Legend / Notes**

	Existing to be retained		Glass
	Demolition		Concrete
	Timber		FC sheets
	Tiles		
	Brick		
	Steel/Aluminium		

DP Down pipe  
GM Gas meter  
HWS Hot water system  
MB Meter box  
WM Water meter

JOSEPHINE HURLEY ARCHITECTURE

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Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
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**Project**  
**Bondi Beach House**  
Client  
**Stephanie Fong & Andrew Colman**  
Address  
**83A Brighton Boulevard NORTH BONDI 2026**  
Lot 1 DP 858602

Drawing  
**Proposed Sections B & C**

Job Number	Issue
1610	DA
Scale	Date
1:100	05.03.18
Drawing Number	Revision
DA14	B

120





No. 89 Brighton Boulevard  
2 storey brick & weatherboard,  
semi-detached dwelling

No. 87 Brighton Boulevard  
2 storey brick, semi-detached  
dwelling

No. 85 Brighton Boulevard  
1 storey brick, semi-detached  
dwelling

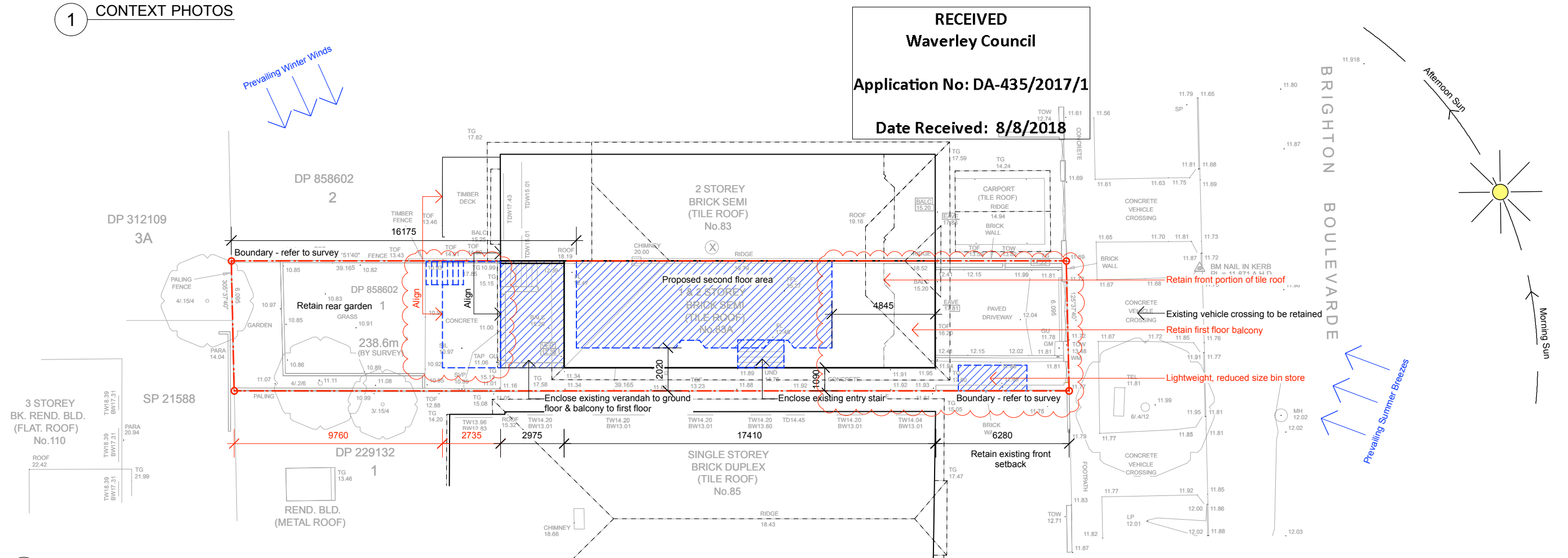
No. 83A Brighton Boulevard  
2 storey brick, semi-detached  
dwelling

No. 83 Brighton Boulevard  
2 storey brick, semi-detached  
dwelling

No. 81 Brighton Boulevard  
2 storey brick rendered apartments

No. 77-79 Brighton Boulevard  
3 Storey brick apartments

**1 CONTEXT PHOTOS**



**2 SITE & CONTEXT ANALYSIS PLAN**  
Refer to survey No. 59118001A prepared by Hill & Blume Consulting Surveyors

Issue	Date	Revision	Notes
P1	15.08.17	Issued for DA Pricing	
A	21.09.17	Development Application	
B	05.03.18	Amendments clouded	
C	01.08.18	Review of DA	

**Notes**

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**Legend / Notes**

	Existing building footprint
	Proposed new enclosed area
	Proposed timber deck

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**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

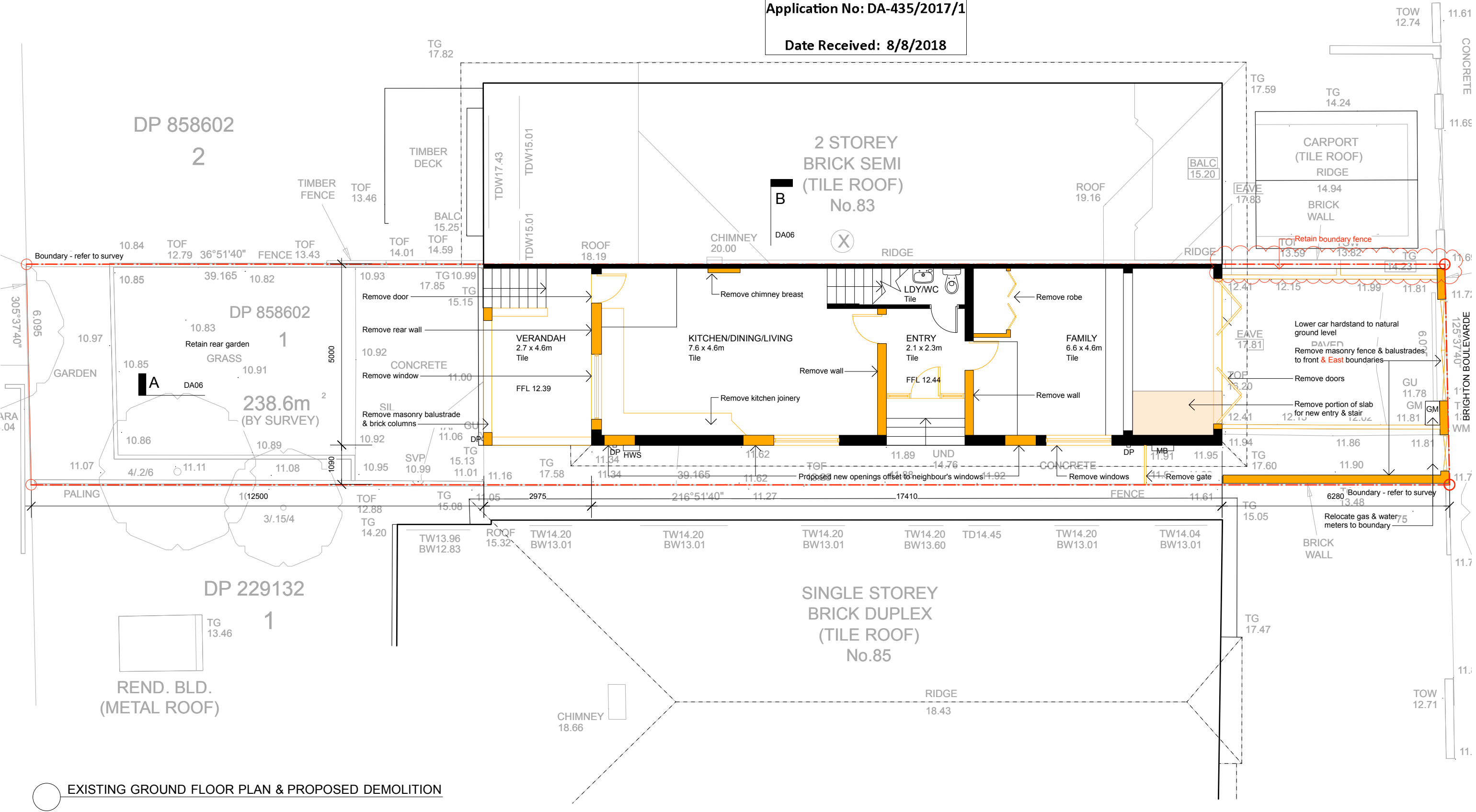
Address  
**83A Brighton Boulevard  
NORTH BONDI 2026**

Lot 1 DP 858602

Drawing  
**Site & Context Analysis Plan**

Job Number	Issue
1610	DA
Scale	Date
1:200	01.08.18
Drawing Number	Revision
DA01	C <b>121</b>

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 Waverley Council  
 Application No: DA-435/2017/1  
 Date Received: 8/8/2018



EXISTING GROUND FLOOR PLAN & PROPOSED DEMOLITION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

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Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

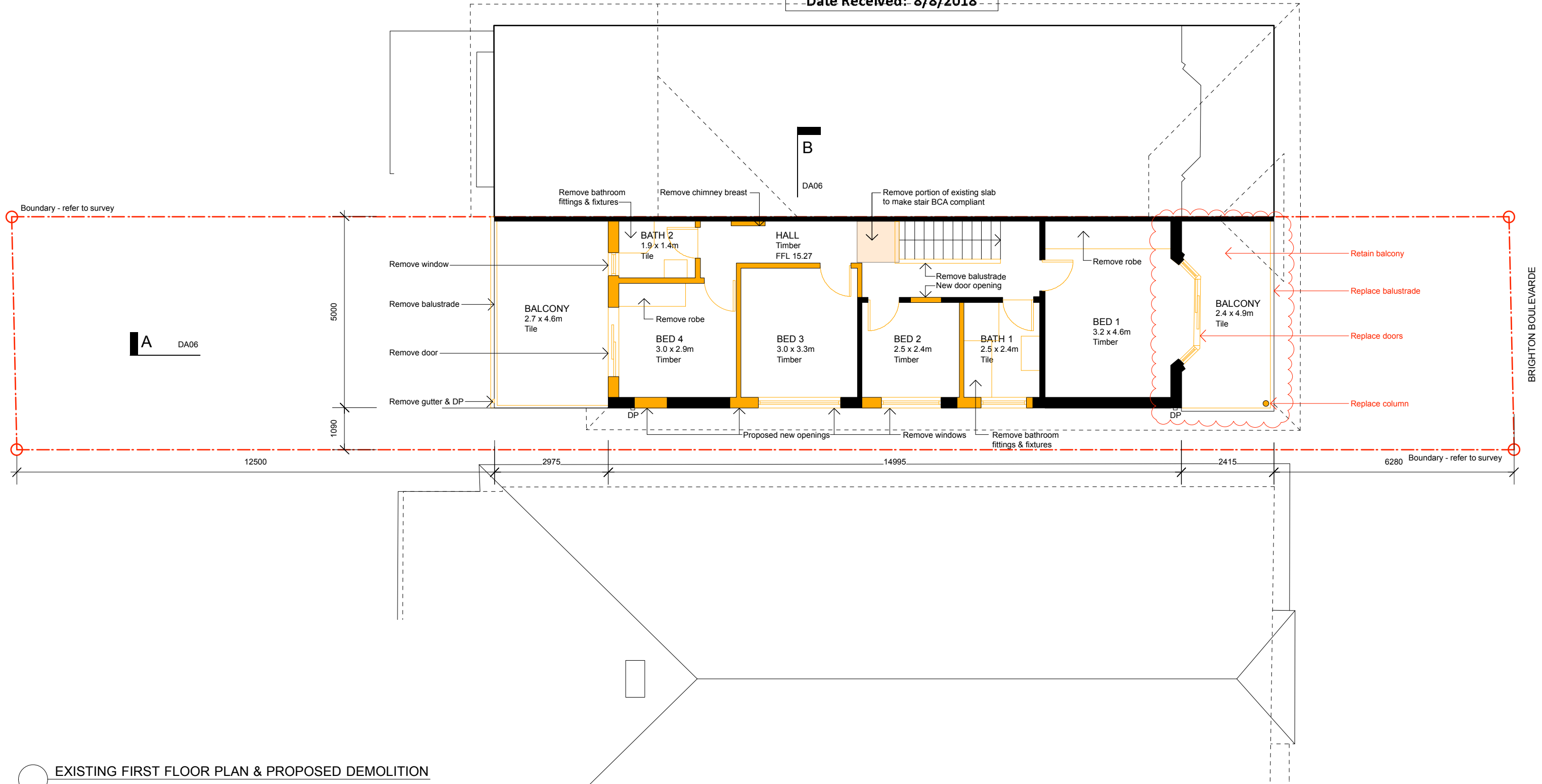
Architect: Josephine Hurley NSW 8252  
 ABN 52 102 352 457  
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 Queen Victoria Building  
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 Telephone 0423 177 290  
 Email mail@josephinehurley.com  
 www.josephinehurley.com

**Project**  
 Bondi Beach House  
 Client  
 Stephanie Fong &  
 Andrew Colman  
 Address  
 83A Brighton Boulevard  
 NORTH BONDI 2026  
 Lot 1 DP 858602

**Drawing**  
 Existing Ground Floor  
 Plan & Proposed  
 Demolition

Job Number	Issue
1610	DA
Scale	Date
1:100	01.08.18
Drawing Number	Revision
DA02	B

RECEIVED  
Waverley Council  
Application No: DA-435/2017/1  
Date Received: 8/8/2018



EXISTING FIRST FLOOR PLAN & PROPOSED DEMOLITION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

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- \* Verify all dimensions on site before fabrication or construction.
- \* Use figured dimensions only. Do not scale.
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**Legend / Notes**

<span style="display: inline-block; width: 15px; height: 10px; background-color: black; border: 1px solid black;"></span> Existing to be retained
<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Demolition
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Timber
<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Tiles
<span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Brick
<span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Steel/Aluminium

<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Glass	DP	Down pipe
<span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> Concrete	GM	Gas meter
<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> FC sheets	HWS	Hot water system
	MB	Meter box
	WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

Architect: Josephine Hurley NSW 8252  
ABN 52 102 352 457  
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PO Box Q536  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
www.josephinehurley.com

**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

Address  
**83A Brighton Boulevard  
NORTH BONDI 2026**

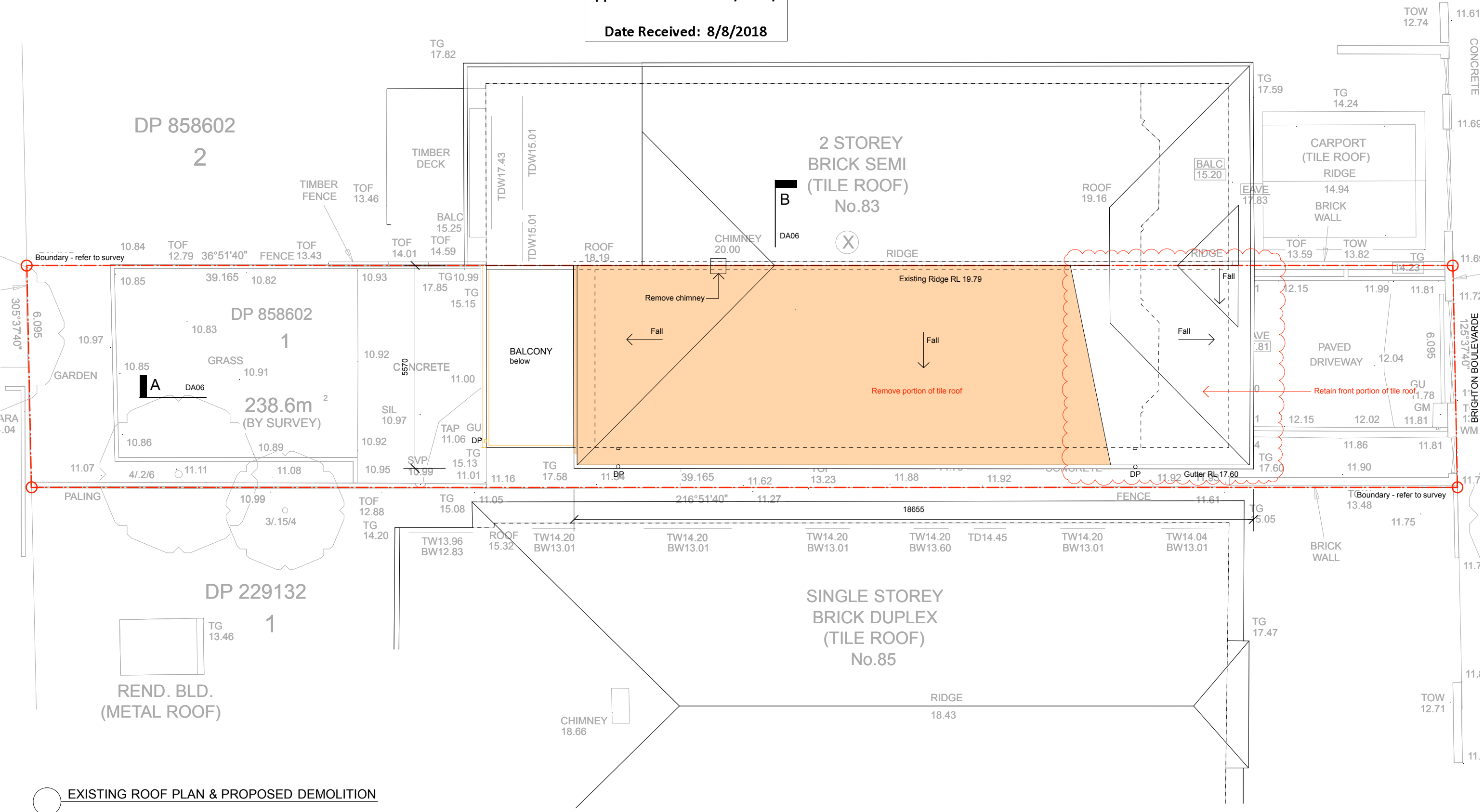
Lot 1 DP 858602

Drawing  
**Existing First Floor  
Plan & Proposed  
Demolition**



Job Number 1610	Issue DA
Scale 1:100	Date 01.08.18
Drawing Number DA03	Revision B <b>123</b>

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Application No: DA-435/2017/1  
Date Received: 8/8/2018



EXISTING ROOF PLAN & PROPOSED DEMOLITION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

- \* All work to relevant Australian Standards, BCA & Council Codes.
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- \* This drawing is for DA Purposes only.
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**Legend / Notes**

	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium

	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

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 Queen Victoria Building  
 Sydney NSW 1230

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 Email mail@josephinehurley.com  
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**Project**  
**Bondi Beach House**

Client  
 Stephanie Fong &  
 Andrew Colman

Address  
 83A Brighton Boulevard  
 NORTH BONDI 2026

Lot 1 DP 858602

Drawing  
**Existing Roof Plan &  
 Proposed Demolition**

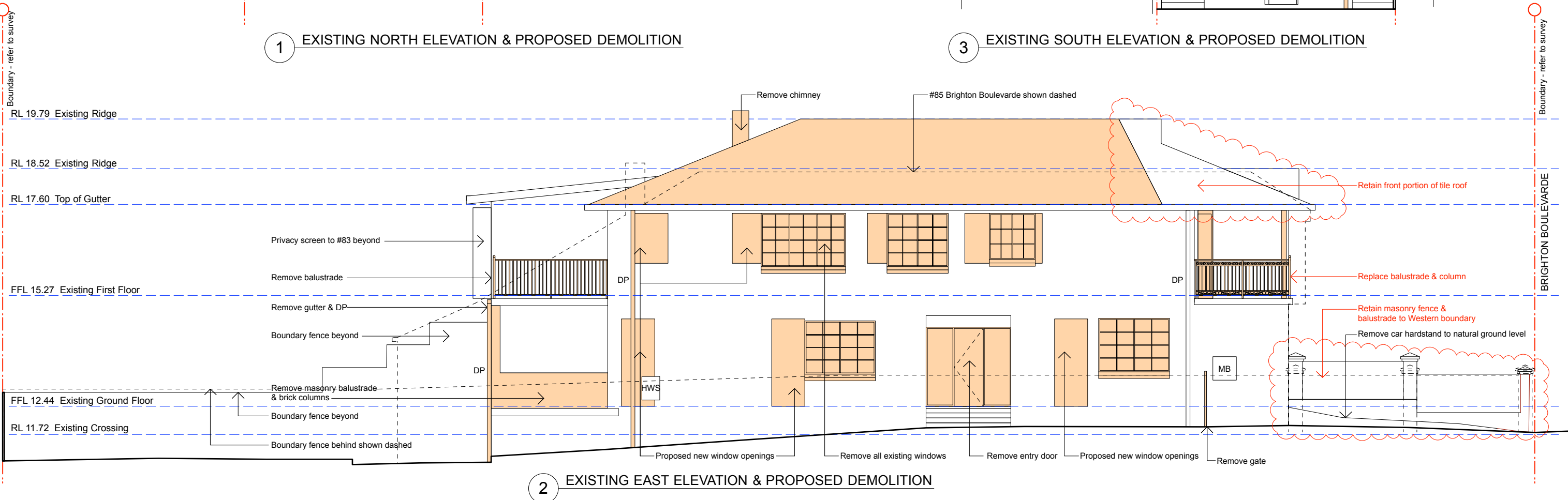
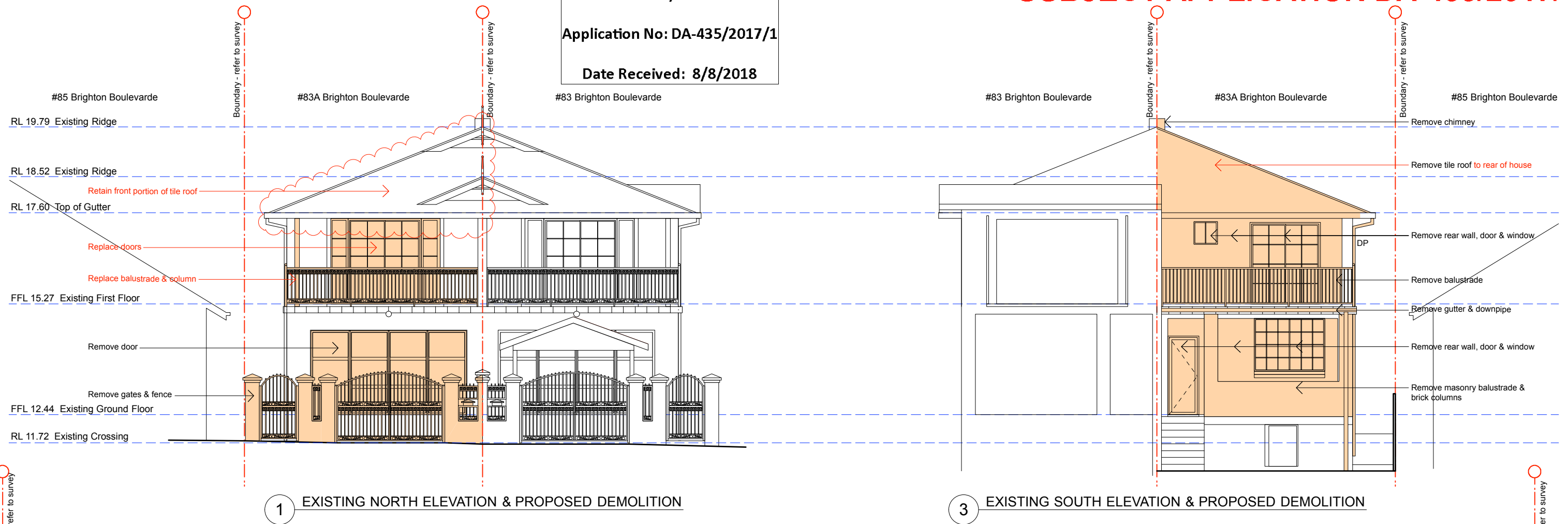


Job Number	1610	Issue	DA
Scale	1:100	Date	01.08.18
Drawing Number	DA04	Revision	B

124

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**Waverley Council**  
**Application No: DA-435/2017/1**  
**Date Received: 8/8/2018**

# SUBJECT APPLICATION DA-435/2017/1



Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

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**Legend / Notes**

<span style="display: inline-block; width: 15px; height: 15px; background-color: black; border: 1px solid black;"></span> Existing to be retained
<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> Demolition
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> Timber
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> Tiles
<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> Brick
<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> Steel/Aluminium

<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> Glass	DP	Down pipe
<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> Concrete	GM	Gas meter
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> FC sheets	HWS	Hot water system
	MB	Meter box
	WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

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 Queen Victoria Building  
 Sydney NSW 1230

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 Email mail@josephinehurley.com  
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**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

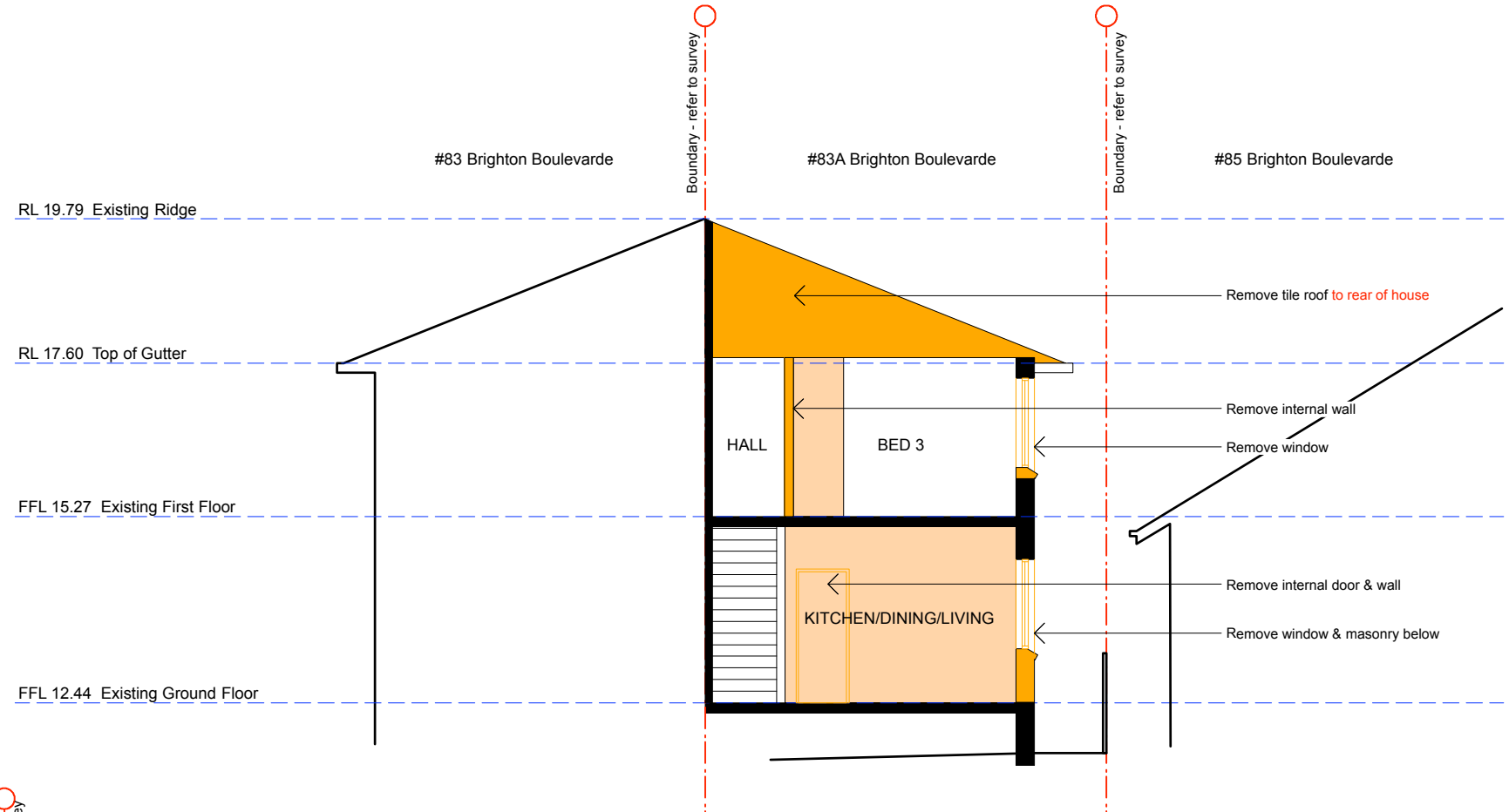
Address  
**83A Brighton Boulevard**  
**NORTH BONDI 2026**

Lot 1 DP 858602

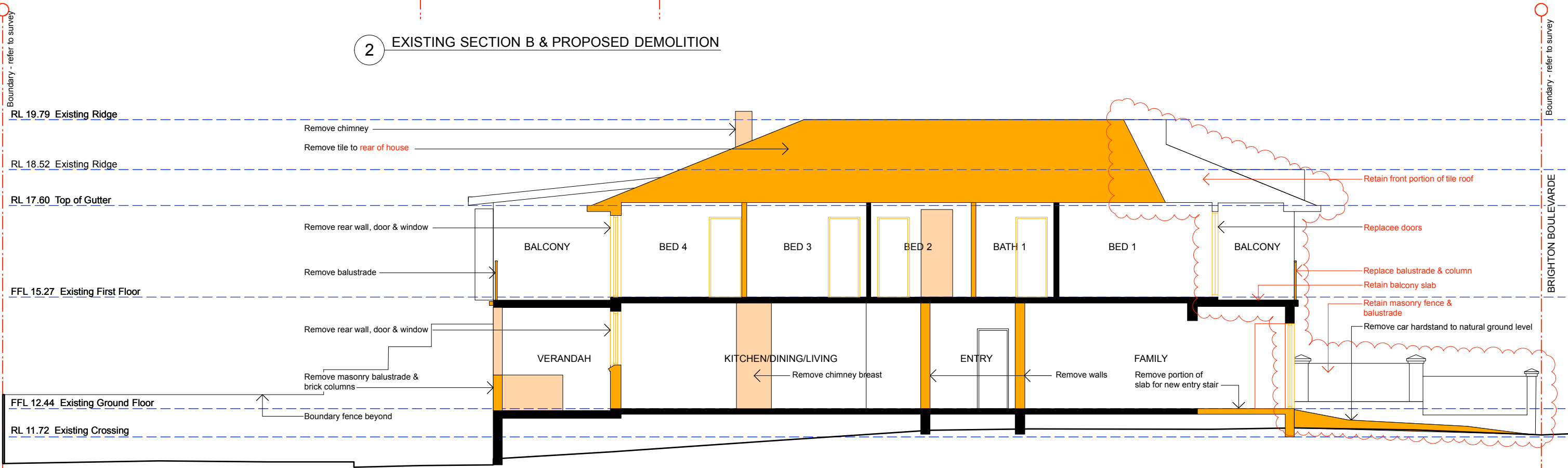
**Drawing**  
**Existing North, East & South Elevations & Proposed Demolition**

Job Number	Issue
1610	DA
Scale	Date
1:100	01.08.18
Drawing Number	Revision
DA05	B <b>125</b>

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 Application No: DA-435/2017/1  
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**2** EXISTING SECTION B & PROPOSED DEMOLITION



**1** EXISTING SECTION A & PROPOSED DEMOLITION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

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**Legend / Notes**

	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium

	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

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 ABN 52 102 352 457  
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PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230

Telephone 0423 177 290  
 Email mail@josephinehurley.com  
 www.josephinehurley.com

**Project**  
**Bondi Beach House**

Client  
 Stephanie Fong &  
 Andrew Colman

Address  
 83A Brighton Boulevard  
 NORTH BONDI 2026

Lot 1 DP 858602

**Drawing**  
**Existing Sections**  
**A & B &**  
**Proposed Demolition**

Job Number	1610	Issue	DA
Scale	1:100	Date	01.08.18
Drawing Number	DA06	Revision	B <b>126</b>

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 Application No: DA-435/2017/1  
 Date Received: 8/8/2018



Issue	Date	Revision
A	21.09.17	Development Application
B	01.08.18	Review of DA

**Notes**

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**Legend / Notes**

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 Queen Victoria Building  
 Sydney NSW 1230

Telephone 0423 177 290  
 Email mail@josephinehurley.com  
 www.josephinehurley.com

**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

Address  
**83A Brighton Boulevard  
 NORTH BONDI 2026**

Lot 1 DP 858602

Drawing  
**3D Render**

Job Number	Issue
1610	DA
Scale	Date
NTS	01.08.18
Drawing Number	Revision
DA19	B <b>127</b>

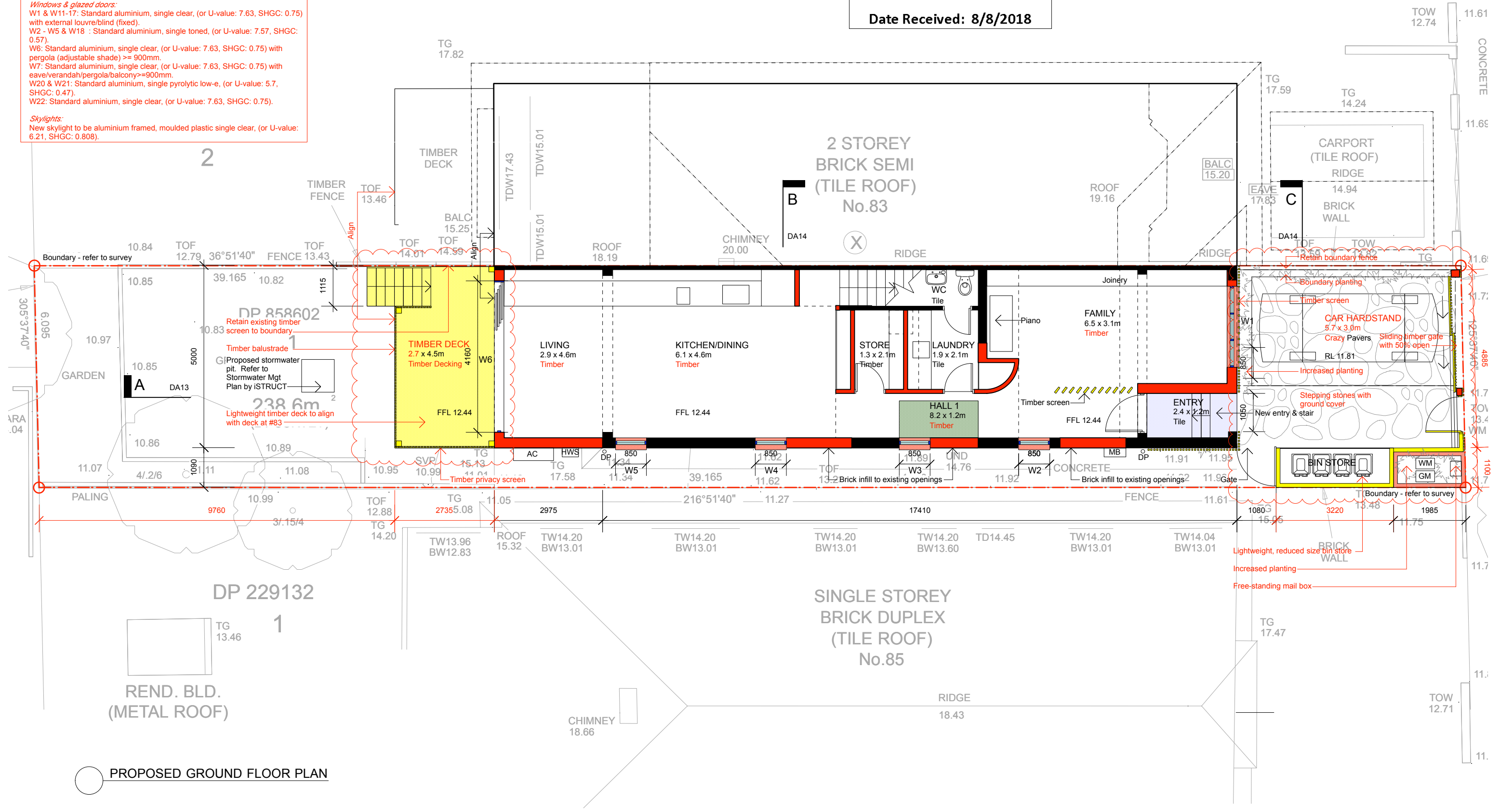
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 Application No: DA-435/2017/1  
 Date Received: 8/8/2018

**BASIX Commitments**

*Insulation requirements:*  
 Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

*Windows & glazed doors:*  
 W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
 W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
 W6: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with pergola (adjustable shade) >= 900mm.  
 W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony>=900mm.  
 W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
 W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).

*Skylights:*  
 New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



Issue	Date	Revision	Notes
P1	20.07.17	Consultant Information	
P2	24.07.17	Consultant Information	
P3	15.08.17	Issued for DA Pricing	
P4	13.09.17	Consultant Information	
A	21.09.17	Development Application	
B	05.03.18	Amendments clouded/red	
C	01.08.18	Review of DA	

Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

Architect: Josephine Hurley NSW 8252 ABN 52 102 352 457 © COPYRIGHT JOSEPHINE HURLEY ARCHITECTURE 2018  PO Box Q536 Queen Victoria Building Sydney NSW 1230  Telephone 0423 177 290 Email mail@josephinehurley.com www.josephinehurley.com	Project <b>Bondi Beach House</b> Client Stephanie Fong & Andrew Colman Address 83A Brighton Boulevard NORTH BONDI 2026 Lot 1 DP 858602	Drawing <b>Proposed Ground Floor Plan</b>  Job Number 1610  Scale 1:100  Drawing Number DA07	Issue DA  Date 01.08.18  Revision C <b>128</b>
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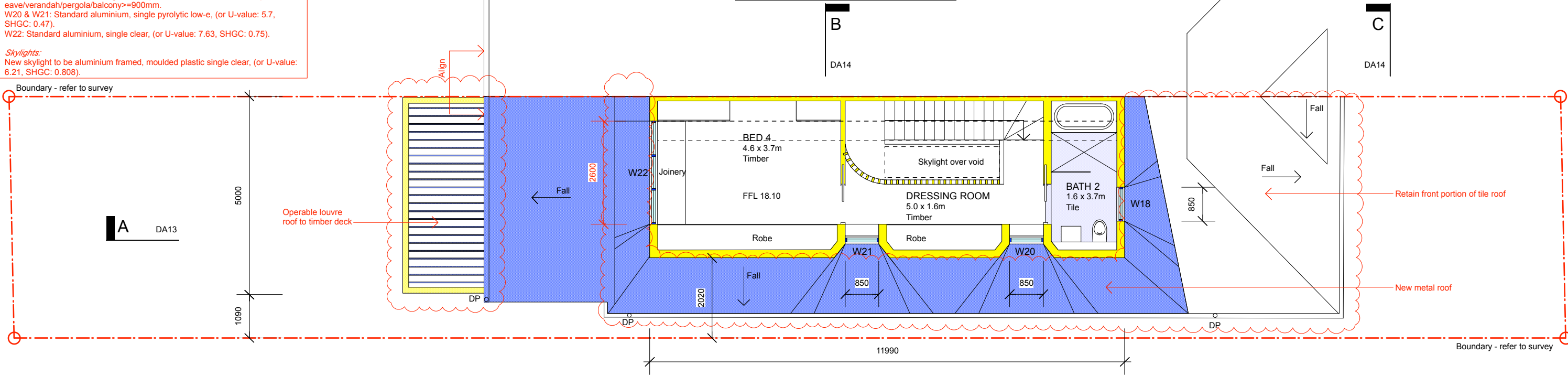
**BASIX Commitments**

**Insulation requirements:**  
 Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

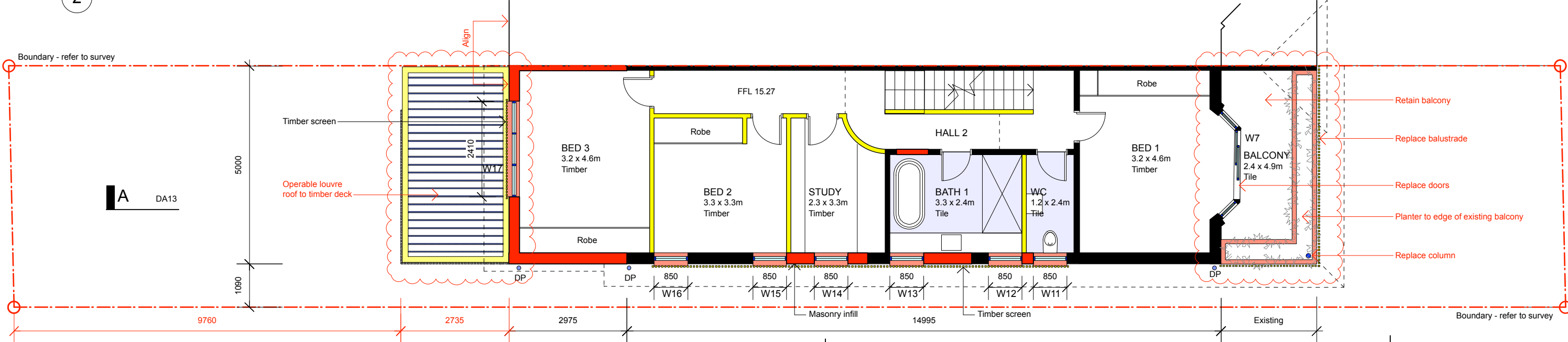
**Windows & glazed doors:**  
 W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
 W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
 W6: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with pergola (adjustable shade) >= 900mm.  
 W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony>=900mm.  
 W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
 W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).

**Skylights:**  
 New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).

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**Application No: DA-435/2017/1**  
**Date Received: 8/8/2018**



**2 PROPOSED SECOND FLOOR PLAN**



**1 PROPOSED FIRST FLOOR PLAN**

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	24.07.17	Consultant Information
P3	17.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

**Notes**

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**Legend / Notes**

	Existing to be retained		Glass
	Demolition		Concrete
	Timber		FC sheets
	Tiles	DP	Down pipe
	Brick	GM	Gas meter
	Steel/Aluminium	HWS	Hot water system
		MB	Meter box
		WM	Water meter

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Architect: Josephine Hurley NSW 8252  
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 PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230  
 Telephone 0423 177 290  
 Email mail@josephinehurley.com  
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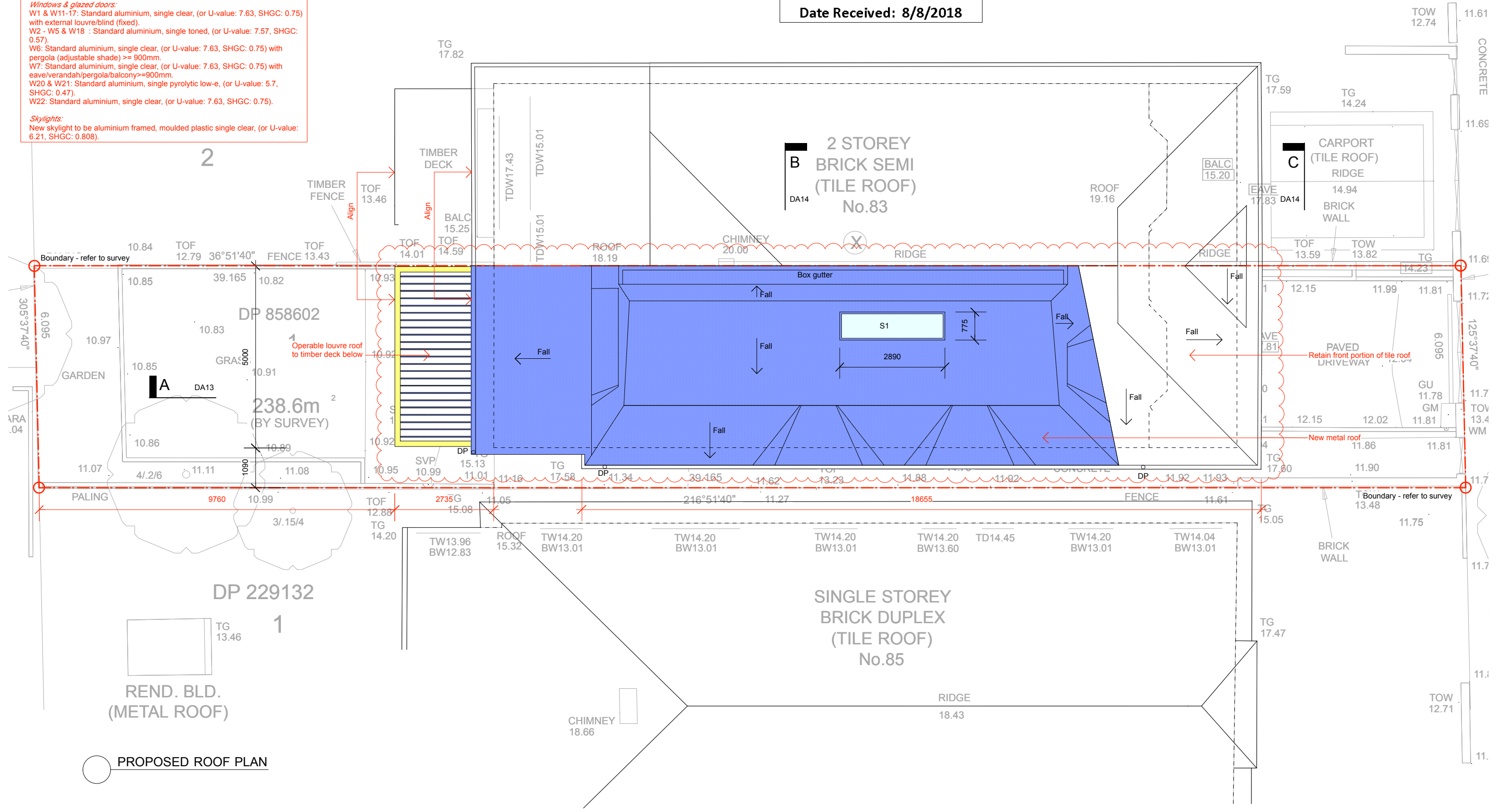
**Project**  
**Bondi Beach House**  
 Client  
**Stephanie Fong & Andrew Colman**  
 Address  
**83A Brighton Boulevard**  
**NORTH BONDI 2026**  
 Lot 1 DP 858602

**Drawing**  
**Proposed First & Second Floor Plans**

Job Number  
**1610**  
 Issue  
**DA**  
 Scale  
**1:100**  
 Date  
**01.08.18**  
 Drawing Number  
**DA08**  
 Revision  
**C 129**

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Application No: DA-435/2017/1  
Date Received: 8/8/2018

**BASIX Commitments**  
**Insulation requirements:**  
 Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking  
**Windows & glazed doors:**  
 W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
 W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
 W6: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with pergola (adjustable shade) >= 900mm.  
 W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony >= 900mm.  
 W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
 W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).  
**Skylights:**  
 New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



PROPOSED ROOF PLAN

Issue	Date	Revision
P1	24.07.17	Consultant Information
P2	17.08.17	Issued for DA Pricing
P3	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

**Notes**  
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Legend / Notes	
	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium
	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

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 ABN 52 102 352 457  
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 PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230  
 Telephone 0423 177 290  
 Email mail@josephinehurley.com  
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Project **Bondi Beach House**  
 Client **Stephanie Fong & Andrew Colman**  
 Address **83A Brighton Boulevard NORTH BONDI 2026**  
 Lot 1 DP 858602

Drawing **Proposed Roof Plan**  
 Job Number **1610**  
 Scale **1:100**  
 Drawing Number **DA09**

Issue **DA**  
 Date **01.08.18**  
 Revision **C 130**

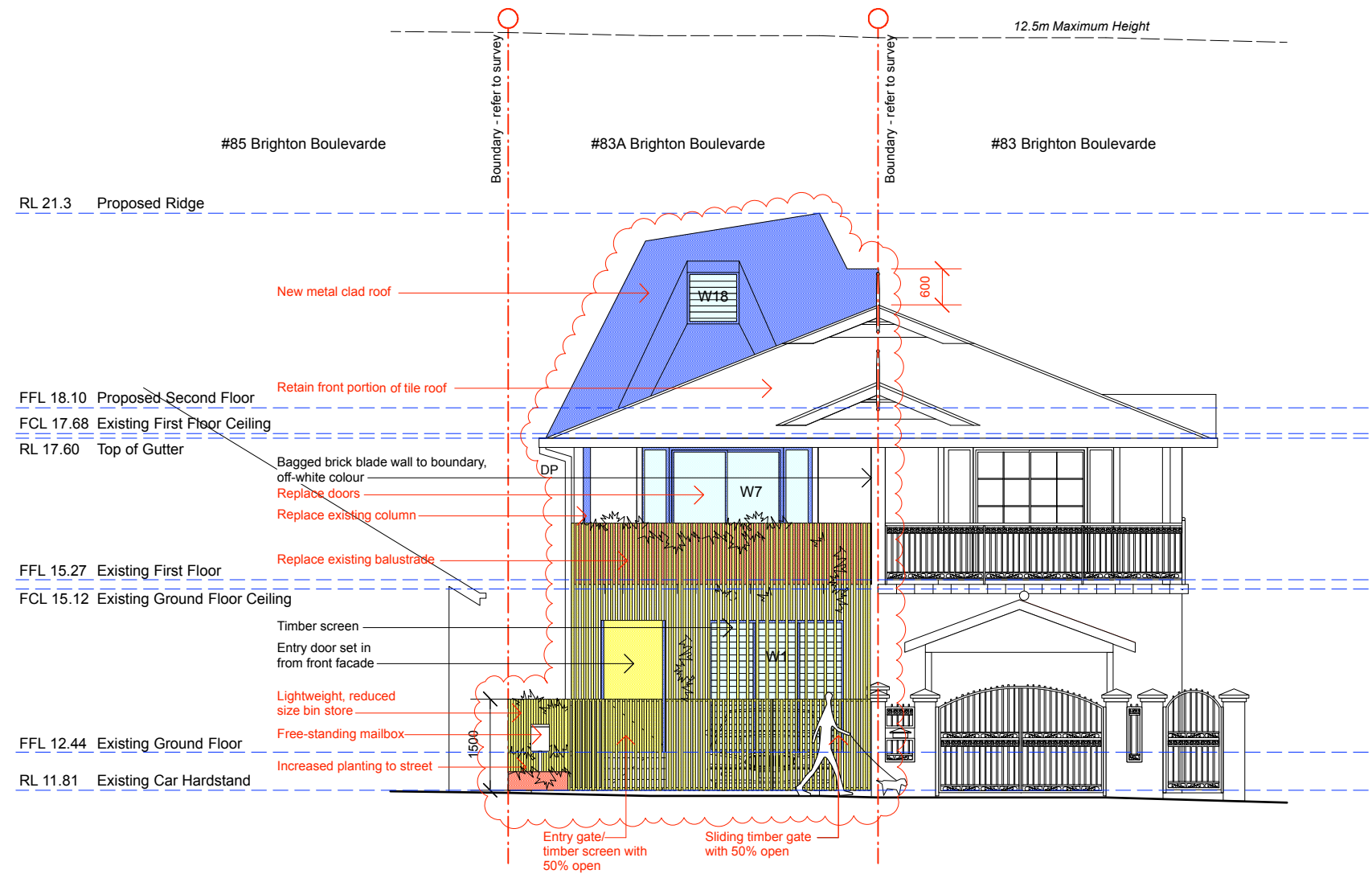
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**Waverley Council**  
**Application No: DA-435/2017/1**  
**Date Received: 8/8/2018**

**BASIX Commitments**

*Insulation requirements:*  
 Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

*Windows & glazed doors:*  
 W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
 W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
 W6: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with pergola (adjustable shade) >= 900mm.  
 W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony>=900mm.  
 W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
 W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).

*Skylights:*  
 New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



○ PROPOSED NORTH ELEVATION

Issue	Date	Revision
P1	17.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

**Notes**

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Legend / Notes	
<span style="display: inline-block; width: 15px; height: 15px; background-color: black; border: 1px solid black;"></span>	Existing to be retained
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span>	Demolition
<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span>	Timber
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span>	Tiles
<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span>	Brick
<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span>	Steel/Aluminium
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span>	Glass
<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span>	Concrete
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span>	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

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PO Box Q536  
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 Sydney NSW 1230

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**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

Address  
**83A Brighton Boulevard**  
**NORTH BONDI 2026**

Lot 1 DP 858602

Drawing  
**Proposed North Elevation**

Job Number	Issue
1610	DA
Scale	Date
1:100	01.08.18
Drawing Number	Revision
DA10	C <b>131</b>

### BASIX Commitments

#### Insulation requirements:

Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

#### Windows & glazed doors:

W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
 W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
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 W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony>=900mm.  
 W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
 W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).

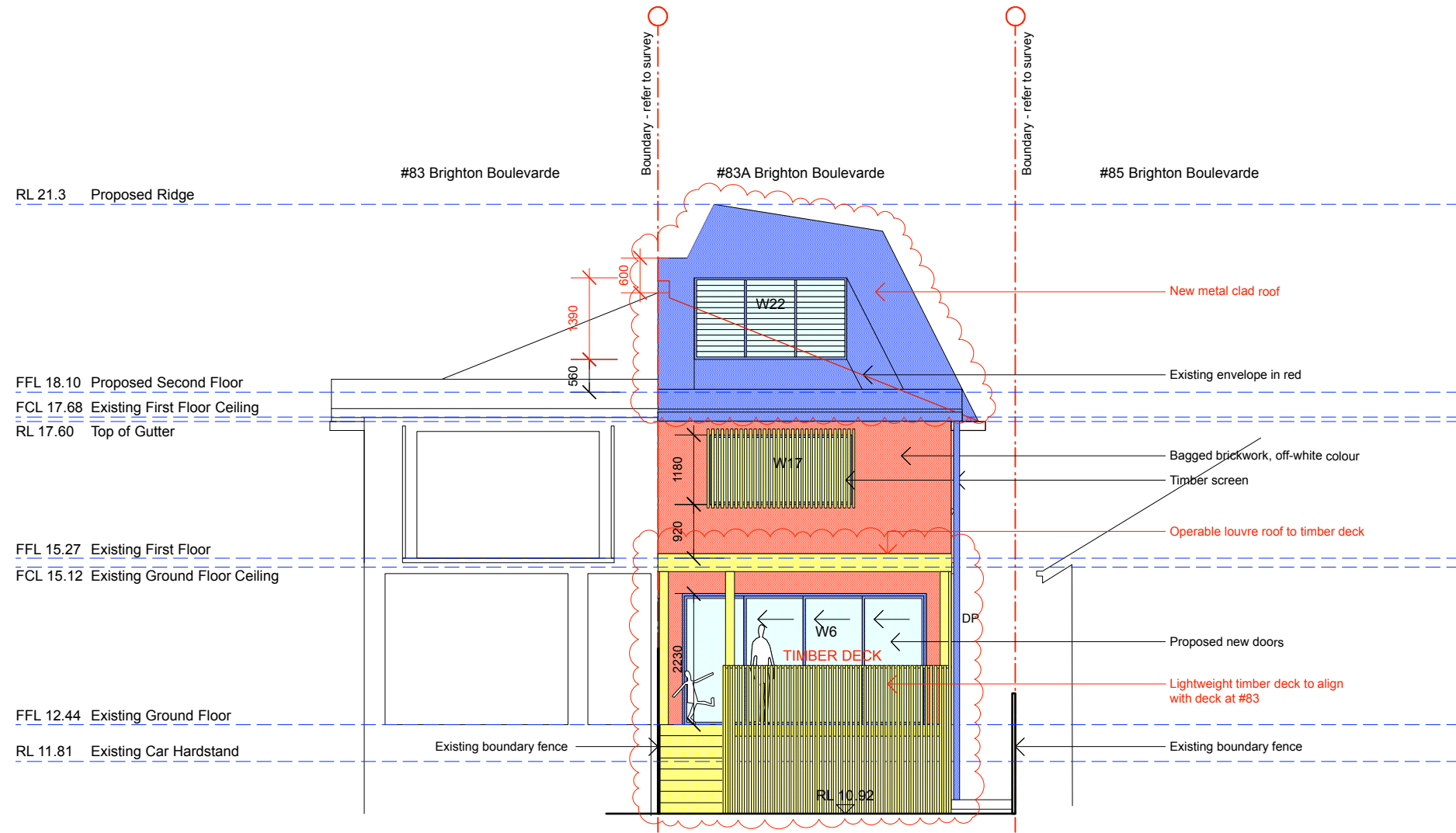
#### Skylights:

New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).

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**Waverley Council**

**Application No: DA-435/2017/1**

**Date Received: 8/8/2018**



○ PROPOSED SOUTH ELEVATION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

**Notes**

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Legend / Notes	
<span style="display: inline-block; width: 15px; height: 15px; background-color: black; border: 1px solid black;"></span>	Existing to be retained
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span>	Demolition
<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span>	Timber
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span>	Tiles
<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span>	Brick
<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span>	Steel/Aluminium
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span>	Glass
<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span>	Concrete
<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgrey; border: 1px solid black;"></span>	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

JOSEPHINE HURLEY ARCHITECTURE

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 ABN 52 102 352 457  
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PO Box Q536  
 Queen Victoria Building  
 Sydney NSW 1230

Telephone 0423 177 290  
 Email mail@josephinehurley.com  
 www.josephinehurley.com

**Project**  
**Bondi Beach House**

Client  
**Stephanie Fong & Andrew Colman**

Address  
**83A Brighton Boulevard  
 NORTH BONDI 2026**

Lot 1 DP 858602

Drawing  
**Proposed South Elevation**

Job Number	Issue
1610	DA
Scale	Date
1:100	01.08.18
Drawing Number	Revision
DA12	C

# 132

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Application No: DA-435/2017/1

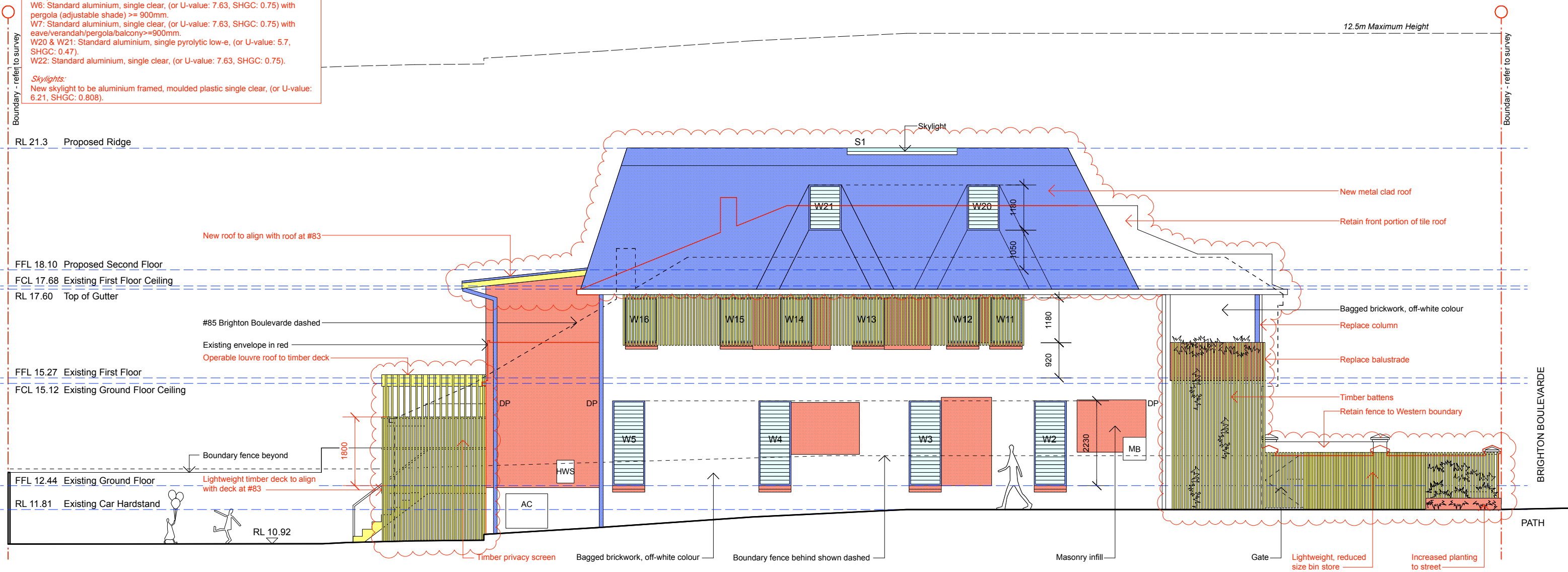
Date Received: 8/8/2018

**BASIX Commitments**

*Insulation requirements:*  
Floor above existing dwelling or building: nil  
External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
Flat ceiling, flat roof: framed - light solar absorptance >0.475: ceiling: R1.82 (up), roof: foil/sarking

*Windows & glazed doors:*  
W1 & W11-17: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with external louvre/blind (fixed).  
W2 - W5 & W18 : Standard aluminium, single toned, (or U-value: 7.57, SHGC: 0.57).  
W6: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with pergola (adjustable shade) >= 900mm.  
W7: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75) with eave/verandah/pergola/balcony>=900mm.  
W20 & W21: Standard aluminium, single pyrolytic low-e, (or U-value: 5.7, SHGC: 0.47).  
W22: Standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75).

*Skylights:*  
New skylight to be aluminium framed, moulded plastic single clear, (or U-value: 6.21, SHGC: 0.808).



PROPOSED EAST ELEVATION

Issue	Date	Revision
P1	15.08.17	Issued for DA Pricing
P2	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

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**Legend / Notes**

	Existing to be retained
	Demolition
	Timber
	Tiles
	Brick
	Steel/Aluminium

	Glass
	Concrete
	FC sheets
DP	Down pipe
GM	Gas meter
HWS	Hot water system
MB	Meter box
WM	Water meter

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ABN 52 102 352 457  
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PO Box Q536  
Queen Victoria Building  
Sydney NSW 1230

Telephone 0423 177 290  
Email mail@josephinehurley.com  
www.josephinehurley.com

**Project**  
**Bondi Beach House**

Client  
Stephanie Fong & Andrew Colman

Address  
83A Brighton Boulevard  
NORTH BONDI 2026

Lot 1 DP 858602

**Drawing**  
**Proposed East Elevation**

Job Number	Issue
1610	DA
Scale	Date
1:100	01.08.18
Drawing Number	Revision
DA11	C

**133**

**BASIX Commitments**

*Insulation requirements:*  
 Floor above existing dwelling or building: nil  
 External wall: framed (weatherboard, fibro, metal clad): R1.30 (or R1.70 including construction)  
 Flat ceiling, flat roof: framed - light solar absorbance >0.475: ceiling: R1.82 (up), roof: foil/sarking

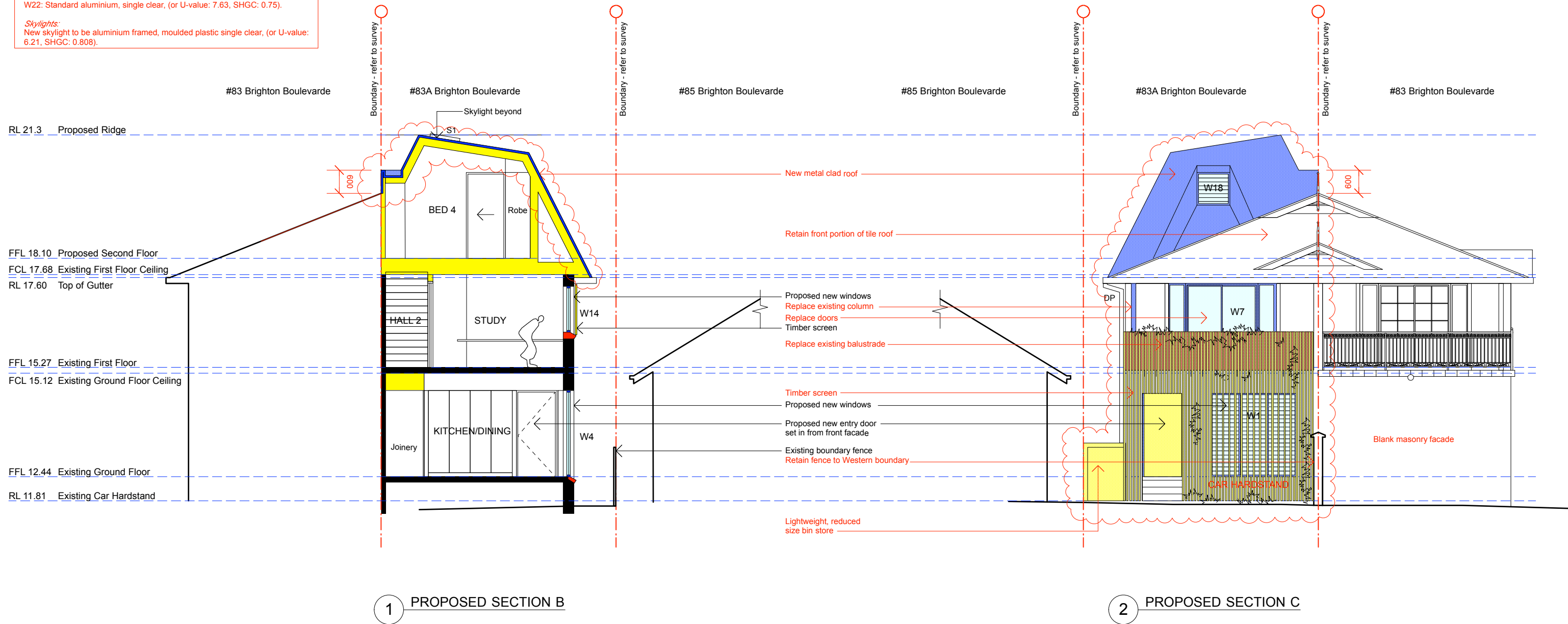
*Windows & glazed doors:*  
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*Skylights:*  
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**RECEIVED**  
**Waverley Council**

Application No: DA-435/2017/1

Date Received: 8/8/2018



1 PROPOSED SECTION B

2 PROPOSED SECTION C

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	24.07.17	Consultant Information
P3	15.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
B	05.03.18	Amendments clouded/red
C	01.08.18	Review of DA

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 NORTH BONDI 2026**  
 Lot 1 DP 858602

Drawing  
**Proposed Sections  
 B & C**

Job Number	1610	Issue	DA
Scale	1:100	Date	01.08.18
Drawing Number	DA14	Revision	<b>134</b>

**BASIX Commitments**

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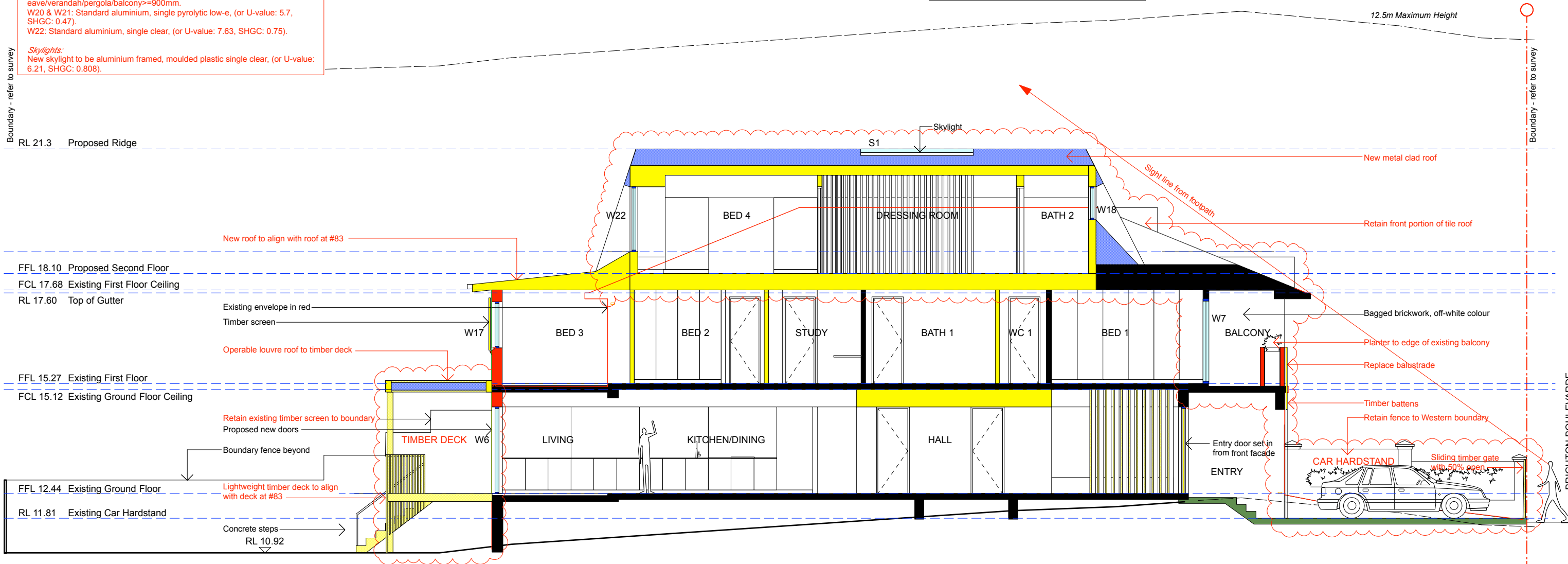
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**RECEIVED**  
**Waverley Council**

**Application No: DA-435/2017/1**

**Date Received: 8/8/2018**



PROPOSED SECTION A

Issue	Date	Revision
P1	20.07.17	Consultant Information
P2	20.07.17	Consultant Information
P3	15.08.17	Issued for DA Pricing
P4	13.09.17	Consultant Information
A	21.09.17	Development Application
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 NORTH BONDI 2026**

Lot 1 DP 858602

Drawing		Job Number	Issue
<b>Proposed Section A</b>		1610	DA
		Scale	Date
		1:100	01.08.18
		Drawing Number	Revision
		DA13	<b>135</b>



Crassula 'Bluebird'



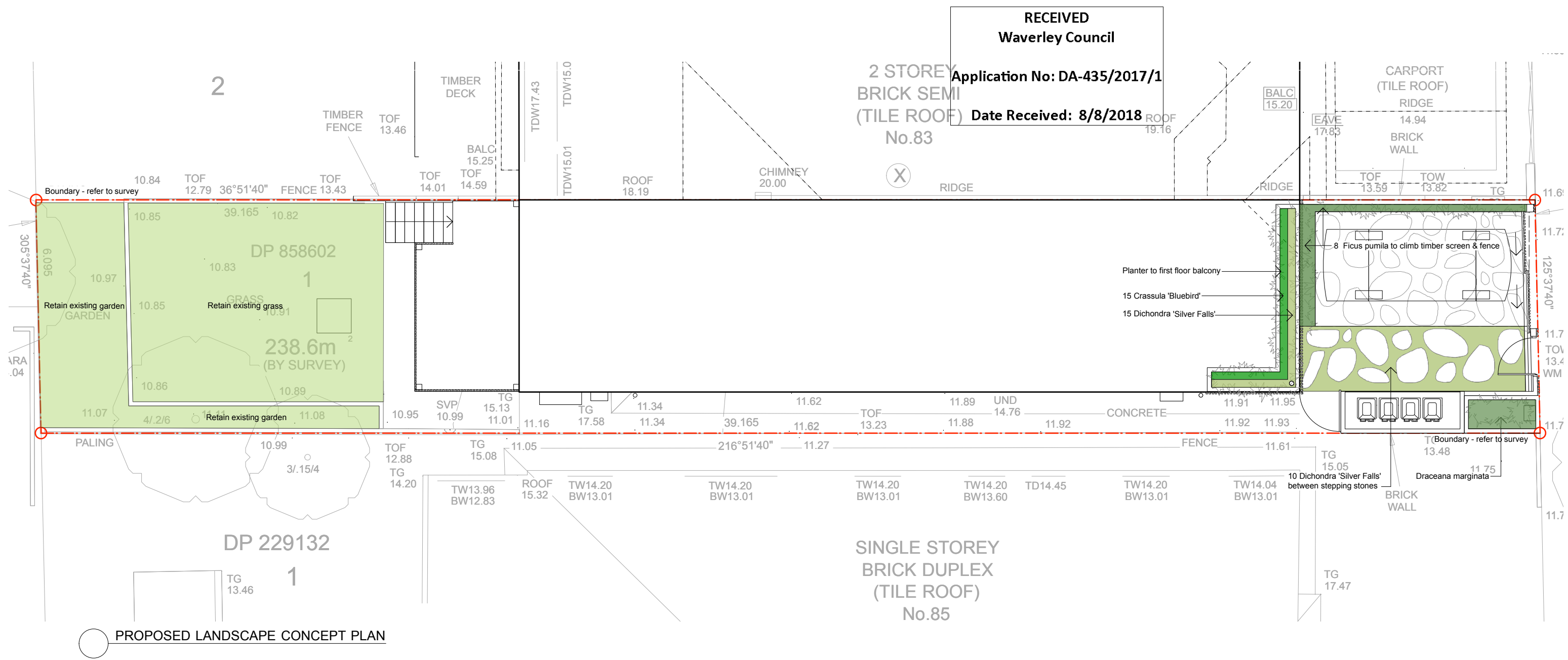
Dichondra 'Silver Falls'



Dracaena marginata



Ficus pumila



Issue	Date	Revision
A	01.08.18	Review of DA

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Legend / Notes				
PLANT SCHEDULE				
Botanic Name	Common Name	Mature H (mm)	Pot Size	No.
Crassula 'Bluebird'	Jade Tree 'Bluebird'	450	200	15
Dichondra 'Silver Falls'	Kidney Weed 'Silver Falls'	Ground cover	150	25
Dracaena marginata	Dragon Tree	3500	45L	1
Ficus pumila	Creeping Ficus	Climber	150	8

Proposed Landscaped Area = 66.1m<sup>2</sup> (27%)

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Drawing  
**Proposed Landscape Concept Plan**

Job Number  
1610

Scale  
1:100

Drawing Number  
DA21

Issue  
DA

Date  
01.08.18

Revision  
A **136**





## Report to the Waverley Local Planning Panel

<b>Application number</b>	DA-524/2017/1
<b>Site address</b>	249-251 Bronte Road, Waverley
<b>Proposal</b>	Review of refusal for a change of use to funeral home including internal alterations and signage
<b>Date of lodgement</b>	24 May 2018
<b>Owner</b>	Marko Investments Pty Limited
<b>Applicant</b>	Steven Robert Layman
<b>Submissions</b>	13 in support* and 12 objections* *The validity of these submissions is assessed in Section 2.4 of this report.
<b>Cost of works</b>	\$84,370
<b>Issues</b>	Traffic, parking, management, hours of operations, desirability of use
<b>Recommendation</b>	That the application be REFUSED

**Site Map**



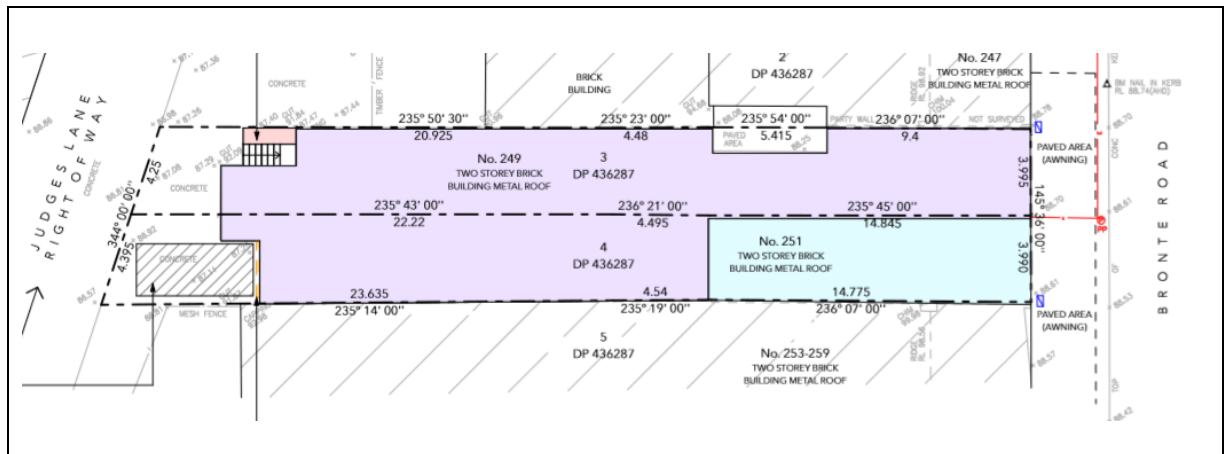
## 1. PREAMBLE

### 1.1 Site and Surrounding Locality

The site is identified as Lot 4 in DP 436287, known as 249-251 Bronte Road, Waverley. It is located on the western side of Bronte Road between Carrington Road and Albion Street.

The site is generally rectangular in shape with a 7.77m frontage to Bronte Road and rear access from Judges Lane.

The site is occupied by a two-storey commercial building, divided into two separate tenancies, whereby on the ground floor there is a small tenancy known as 251 Bronte Road and a larger tenancy that wraps around known as 249 Bronte Road. The whole first floor of the building, that is, the whole footprint over both ground floor tenancies, is part of the commercial tenancy known as 249 Bronte Road and can only be accessed internally via 249 Bronte Road.



**Figure 1:** The survey showing the ground floor plan. This application proposes only works to the purple coloured tenancy, being known as 249 Bronte Road, including the whole top floor over both tenancies.

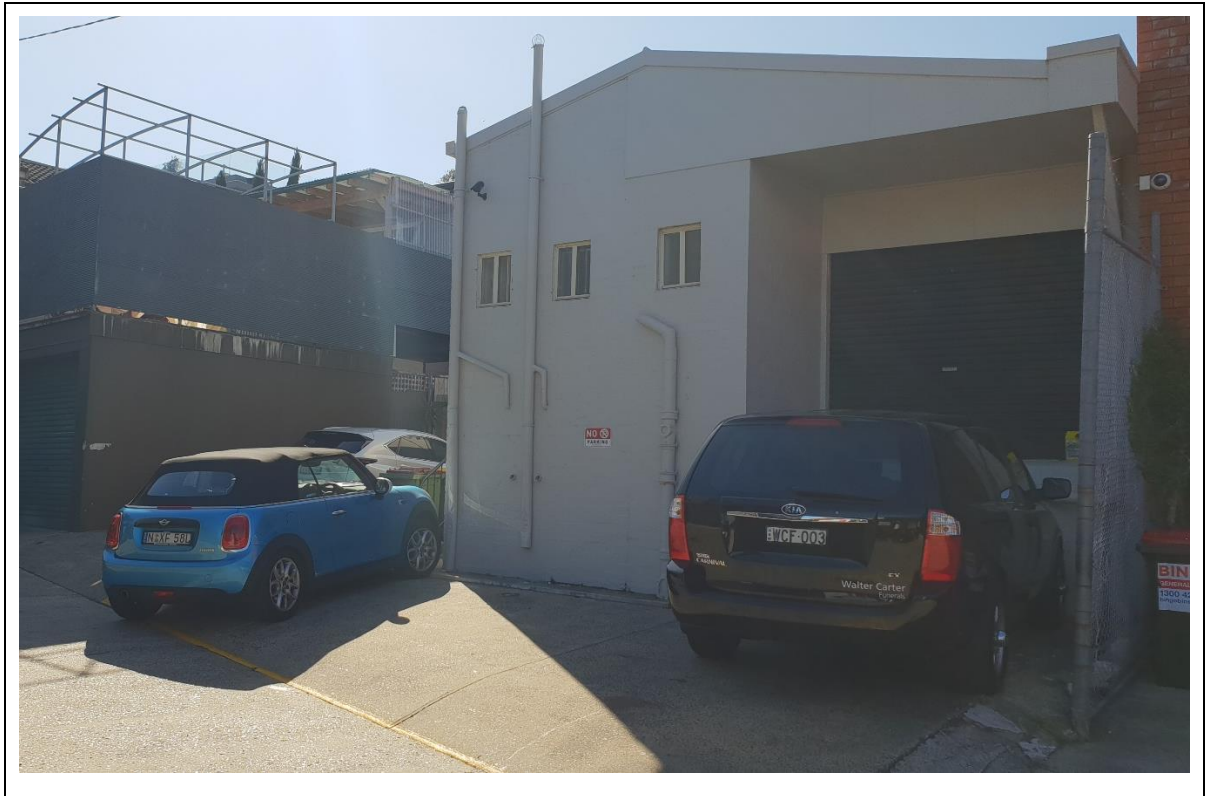
The tenancy is currently being used by Walter Carter Funeral Services for administrative services and has been fitted out with temporary work stations that are exempt from requiring Development Consent.

The building is identified in Schedule 5 of the LEP as a heritage item (I455) in a collective listing as 'Late nineteenth century commercial terraces'. The site is located within the Charing Cross Conservation Area.

The subject site is adjoined by mixed-use commercial and residential buildings on either side. The site is within the Charing Cross Small village and contains a diverse range of local shops and services.



**Figure 2:** Subject site frontage



**Figure 3:** Subject site from the rear

## 1.2 Relevant History

### Prior History

DA-162/1995	Extend cake shop into rear of premises - Approved
DA-117/2006	Change of use from cake shop to retail food outlet (ground floor shop) - Approved
DA-117/2006/a	Delete condition no. 17 regarding disabled access - Approved
DA-104/2011	Change of use to podiatry clinic - Approved
DA-342/2015	Re-instatement of the fire damaged building - Approved

### Current History

#### **DA-524/2017 - Change of use to funeral home including internal alterations and signage**

This application was lodged on 7 December 2017. During the notification period it attracted a petition with 232 signatures and 41 individual submissions objecting to the development. The issues related to the inappropriate use, traffic and pedestrian safety, parking and hours of operation.

A letter of deferral sought additional information from the applicant on 27 February 2018 offering a period of 30 days to respond. The applicant did not respond satisfactorily within that period and the application was determined under delegated authority on 13 April 2018, being refused for reasons essentially related to the application being incomplete, as follows:

- 1. The proposal does not satisfy section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, as insufficient information has been provided to conclude that the proposal is in accordance with the Waverley Local Environmental Plan (WLEP) 2012.*
- 2. The proposal does not satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as insufficient information has been provided to conclude that the proposal is in accordance with the Waverley Development Control Plan (WLEP) 2012.*
- 3. The application proposes operational hours which do not comply with the Waverley Development Control Plan (WLEP) 2012, failing to satisfy section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.*
- 4. The proposal does not satisfy section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy Schedule 1, Part 1 of the Environmental Planning and Assessment Regulation 2000, as insufficient documentation has been provided to properly assess the application, including but not limited to:*
  - a. Statement of Environmental Effects which details the operational aspects of the use*
  - b. Traffic and Parking Impact Assessment Report*
  - c. Waste Management Plan*
  - d. Incomplete plans*
- 5. Insufficient information has been provided to satisfy section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979 to conclude that the proposal will not have an adverse impact on the amenity of the locality and surrounding built environment.*
- 6. Insufficient information has been provided to satisfy section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, to conclude that the proposal is suitable for the site.*
- 7. The proposal, as presented in the application is not considered to be in the public interest contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.*

### 1.3 Proposal

This application is a request to review the determination made on 13 April 2018, and seeks permission for the change of use of the premises to a funeral home including internal alterations and signage.

Specifically, the proposal seeks:

1. Internal alterations to provide for:
  - (i) At ground floor level:
    - a. New partition walls creating a meeting room and holding area
    - b. Vehicle hoist (internal)
    - c. Internal ramp
    - d. Toilet facilities
  - (ii) At first floor level:
    - a. New partitioning creating an arranging room\* and toilet.
    - b. Demolition of a central wall

*\* An industry term for a meeting room where funeral arrangements are discussed with clients*
2. External alterations to the building are limited to:
  - (i) At the front to Bronte Road
    - a. New signage on fascia
    - b. New signage on door and fanlight above door
    - c. New signage on window
  - (ii) At the rear to Judges Lane
    - a. New tall roller door
    - b. Nominated bin storage area
3. Operation during the following hours:
  - (i) Monday to Saturday: 7.00am to 11.00pm; and
  - (ii) Sunday: 7.00am to 10.00pm.
  - (iii) Accepting a condition will be imposed by Council that ceremonies cannot be held on Saturday mornings between 9.30am and 11.30am to ensure that car parking demand does not overlap with the nearby mass times at Mary Immaculate Catholic Church.
4. Waste Management:

Office usage to generate the need for 2 bins (1 for general waste, 1 for recycled waste) to be emptied 2 times per week, to be serviced by Waverley Council. When holding a gathering from time to time (as proposed), an additional bin per week is required to accommodate food scraps and bottles. There is no throwing out of flowers or surgical waste from this location, as floral arranging and mortuary work is not proposed and will not be carried out at this tenancy.
5. Plan of Management
  - (i) Activities include:
    - a. Arrangement meetings – for the planning of funeral services
    - b. Funeral services – a limited number, maximum 50 attendees
    - c. Viewing – 30 minutes of viewing, typically 4 members of the family
    - d. Administrative office tasks
  - (ii) Maximum of 12 staff, typically 7 staff
  - (iii) Noise management – low music only
  - (iv) Food restrictions – no food preparation on site. Catering by other suppliers only.
  - (v) Deliveries – to the rear, typically twice a week.

## 1.4 Period for review

This review is sought under Section 8.3 of the Environmental Planning and Assessment Act 1979 and as such the application must be determined within 6 months of the original decision unless the applicant elects to extend that period by lodging an appeal to the Land and Environment Court (LEC). At the time of writing this report that option had not been exercised by the applicant.

The 6-month period concludes on 13 October 2018, and noting the Waverley Local Planning Panel (LPP) schedule for 2018, this means that if there is to be a determination by Waverley Council (as opposed to the LEC), it must be made at the LPP meeting of 26 September 2018. If no determination is made, for example if the Panel requires additional information, the application will simply expire on 13 October 2018 and cannot be processed unless an appeal has been lodged.

## 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 55 Remediation of Land

The proposal does not involve any earthworks which would reveal land contamination and therefore no further investigation is necessary.

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

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

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

Provision	Compliance	Comment
<b>Part 1 Preliminary</b>		
1.2 Aims of plan	Yes	The proposal is consistent with the aims.
<b>Part 2 Permitted or prohibited development</b>		
Land Use Table B4 Mixed Use Zone	Yes	The proposal is defined as a funeral home which is classified as a business use and is permitted with consent in the zone.
<b>Part 4 Principal development standards</b>		
4.3 Height of buildings <ul style="list-style-type: none"><li>9m</li></ul>	Yes	No changes are proposed to the existing height of the building.
4.4 Floor space ratio <ul style="list-style-type: none"><li>1:1</li></ul>	Yes	No additional calculable gross floor area is proposed within the existing building.

Provision	Compliance	Comment
<b>Part 5 Miscellaneous provisions</b>		
5.10 Heritage conservation	Yes	The proposal involves works to a heritage item. The original application included a Statement of Heritage Impact confirming there are no issues with the proposal on heritage grounds.
<b>Part 6 Additional local provisions</b>		
N/A		

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste Recycling and Management Plan was submitted with the application nominating the rear service area as having a dedicated bin area. The bins are brought to Bronte Road via a walkway between the terraces as currently occurs. The Plan of Management outlines the expected waste generation is low.
7. Accessibility and adaptability	Yes	The entrance to the building is ramped to the street and a new accessible ramp is proposed internally within the tenancy, providing an appropriate level of accessibility.
8. Transport and Parking	No – see comments below for parking	A Letter of Advice on traffic and transport issues was lodged with the application. Swept path analysis has been provided for a Ford Station Wagon and a Toyota Hi Ace Van demonstrating both are able to access the rear parking area with considerable clearance. The applicant has stated that these are the typical vehicles used and hearses would rarely be used at this premises. If they were, hearses are approximately 1m longer than the Ford Station Wagon and noting the considerable clearance shown in the swept path diagrams they would be able to navigate the back lane. It is relevant to note that St Vinnies (next door) have operated a mid-sized truck in the rear lane for at least 20 years and can navigate turning in this area.

Development Control	Compliance	Comment
8. Transport cont...		<p>The Letter of Advice notes that parking is most limited during the Mass times of the nearby church and the SEE then offers a condition of consent should the application be recommended for approval that ceremonies would not be held at this time (Saturday 9:30am-11:30am).</p> <p>The Letter of Advice also erroneously states that the opening hours are proposed as 24 hours, 7 days a week, whereas the SEE states opening hours are Monday to Saturday - 7.00am to 11.00pm; Sunday - 7.00am to 10.00pm. Should the application be recommended for approval a condition should be imposed to provide certainty that the hours are as per the SEE.</p> <p>Whilst there are no specific parking requirements given in the Waverley DCP for this particular use, the impact of this use on existing parking in the vicinity of the site has been considered in the report below under section 2.14</p>
9. Heritage	Yes	No additions are proposed to the building.

**Table 3: Waverley DCP 2012 – Part D1 Commercial and Retail Development Compliance Table**

Development Control	Compliance	Comment
<b>1.1 Design</b>		
1.1.1 Frontages	Yes	No changes are proposed to the front façade of the building.
1.1.2 Lighting	Yes	There is no excessive lighting proposed
1.1.3 Amenity	Yes	There is no mechanical plant proposed, no food preparation on site, and no direct service to the street frontage, complying with the amenity controls.
<b>1.2 Noise</b>		
	Yes	The Plan of Management dictates that only quiet/calm music may intermittently be played inside the premises and there are no unreasonable impacts anticipated on nearby residential properties.
<b>1.3 Hours of operation</b>		
General base trading hours: Monday to Saturday: 7am to 11pm Sunday: 7am to 10pm	Yes	The original application sought 24-hour trading, 7 days a week, however the amended documentation with this Review application seeks DCP compliant trading hours of:



Development Control	Compliance	Comment
		Monday to Saturday: 7am to 11pm Sunday: 7am to 10pm;  Should the application be approved it is considered that ceremonies are not to be held on Saturday mornings between 9.30am and 11.30am to ensure that car parking demand does not overlap with the nearby mass times at Mary Immaculate Catholic Church.

**Table 4: Waverley DCP 2012 – Part E3 Local Village Centres Compliance Table**

Development Control	Compliance	Comment
<b>3.1 Specific controls</b>		
Front windows shall be designed to promote an active street level frontage and have a display function.	Yes	The majority of the window is transparent and active, with limited skeletal signage as is appropriate.
<b>3.2 Generic controls</b>		
3.2.5 Buildings of historic character	Yes	The proposal does not affect the historic character of the building within the context of Charing Cross.
3.3 Charing Cross Small Village	Yes	There is nothing proposed in the application that affects the Desired Future Character Objectives for Charing Cross.

## 2.14 Parking

The applicant has conducted a traffic and parking study and has concluded and there is sufficient parking spaces available in the vicinity of the subject site and that a maximum of 50 patrons attending the funeral services will find parking space within easy walking distance of the subject site.

Whilst making the recommendations the traffic and parking report also makes the following assumptions that :

- People will use public transport to go to a funeral
- People will effectively car share (i.e. 3 attendees per car)
- People will know where there's parking around the site (200m radius for the report).

It is acknowledged that there is public transport available, however it is not common for people to use public transport when attending a funeral. Arriving at Bondi Junction which is 1.3-1.5km and then transferring to bus will not be a viable option for many attendees. Furthermore funeral services are generally held during work days and a high number of people leave work to attend so use their car (i.e. 1 person/car). Also people who are not travelling from other suburbs will not know where they can find

parking within 200m of the site. Only locals know this, and as such they will spend considerable time searching for parking adding to congestion to an already congested local commercial precinct.

With regards to the maximum number of attendees being kept at 50 persons, it is very difficult to predict how many attendees may turn up on the day. Once extra attendees arrive, it will not be possible for the management to turn them away given the sensitivity of the occasion.

## 2.2 Section 4.15 (1)(b) – Other Impacts of the Development

Whilst it is considered that the proposed internal building works will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, the proposed use itself as a funeral home in this location is considered to have unacceptable impacts on the amenity of the locality and surrounding built environment.

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

It is considered that the site is not suitable for the proposed use given that it is located in a small dense commercial precinct and the traffic and parking generated by this use will have adverse impacts within the immediate and surrounding areas.

## 2.4 Section 4.15 (1)(d) – Any Submissions

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

A total of 25 submissions were made – 13 letters of support and 12 letters of objection. The validity, relevance and value of these submissions is expanded on below.

### Support Letters

There were 13 letters of support received, however the validity of 9 of these is questionable as they have no address in 7 cases, and in the case of the 2 submissions from 43 Watson Street Bondi and 13/17a Cooper Park Road Bellevue Hill there is no impact upon those properties. Those 2 letters concentrate on a moral justification and acceptability of funeral associated services generally.

The 4 letters of support from a resident at 4/102 Carrington Road, businesses at 277 and 324 Bronte Road Charing Cross and the priest at Mary Immaculate Church are the only 4 that should reasonably be given any consideration.

**Table 5: Summary of addresses associated with a letter of support**

Property – Support Letters
4/102 Carrington Road Waverley
277 Bronte Road Waverley
324 Bronte Road Charing Cross
Mary Immaculate Church Charing Cross
13/17a Cooper Park Road Bellevue Hill
43 Watson Street Bondi
No specific address x 7 - S Cooper, Z Nakic, S Kaing, E Andrews, J Wills, H Oaks, S Stewart

## **Objection Letters**

There were 12 letters of objection received. They include 6 properties that are immediately within the vicinity of the site, 5 that are within a reasonably close proximity to the site and are concerned with the broader impact on Charing Cross and 1 with no address given.

**Table 6: Summary of property addresses that lodged an objection**

<b>Property – Objection letters</b>	
106 Carrington Road	15 Henry Street Queens Park
108A Carrington Road	18 Campbell Street
2 Judges Lane	1 Gibson Street Waverley
5 Judges Lane	40 Edmund Street Queens Park
247 Bronte Road	16 Cables Place Waverley
275 Bronte Road	A Jaeger and K Smith (no address)

Note - The original application attracted 41 submissions and a petition with 232 signatures.

### ***Issue: Parking***

**Response:** Parking within Charing Cross is time limited to allow for a rotation of patrons and customers for the whole precinct. In addition, from time to time there is always an influx of patrons/customers for certain occasions to all tenancies within the precinct (e.g lunch time is busy for cafes, gym class times are busy for the Legions Club, and trivia nights are busy at the pub). The proposed funeral home will have events, which will generate an increased parking demand having negative impact on parking within this small commercial strip.

Whilst the Plan of Management contemplates patrons being informed of parking opportunities at Westfields, it is highly unlikely this would ever be a realistic option given the distance to Westfields. It is more likely patrons will look for legitimate parking in nearby streets for the limited time that they visit the funeral home. The same occurs currently with the Mary Immaculate Church behind Charing Cross during Mass times or larger events. The time-limited impact and the low frequency of these events will have a reasonable and acceptable impact on the parking demand in the area.

### ***Issue: Traffic***

**Response:** The proposed use is expected to generate a significant level of traffic compared to other uses permissible on the site which will have a detrimental impact on the local commercial/residential area.

### ***Issue: Safety - Lane is used as recreational area for children***

**Response:** Whilst the lane is a shared zone, it is often occupied by moving vehicles and has a 'back of house' operation that has appropriately existed for a long time.

### ***Issue: History of operators smoking in lane***

**Response:** The conduct of staff in the rear lane cannot be reasonably regulated by Council to the extent of restricting smoking, as the laneway is a legally acceptable location for this to occur.

**Issue: Undesirable to have funeral services near eateries, boutiques and medical centres**

**Issue: Undesirable to have the deceased lying in a coffin in a family atmosphere such as Charing Cross**

**Response:** There remains a moral/emotional/sensitivity issue with the proposed use in this location, being one that is associated with death in an otherwise lively and vibrant commercial area. Whilst it is entirely understandable that some people will have this reaction, it is not a planning consideration and regrettably a factor of life that these operations exist. They do not require isolation from other properties or the general population as may be expected for other uses like gaols, waste facilities, reactors etc, as there is no material impact upon the surrounding properties other than it being unpleasant for some people.

**Issue: Property devaluation**

**Response:** This is not a planning consideration.

**Issue: Waste collection**

**Response:** Bins are located at the rear of the site and transported to the front via a narrow passageway, as currently exists. This remains an appropriate outcome for the property.

**Issue: Hours of operation**

**Response:** A number of submissions continued to raise concerns with the 24-hour trading originally applied for. As part of this review process, the proposal has been amended to request DCP compliant hours of operation, being Monday to Saturday - 7.00am to 11.00pm, and Sunday - 7.00am to 10.00pm. Whilst these hours may be acceptable for a typical commercial use, it is considered that the operation of a funeral home operating till 10pm and 11pm is unreasonable.

**Issue: Evacuation Procedures**

**Response:** A Fire Safety Certificate will be required as a condition of consent should the application be approved. The premises are like any other in this section of Bronte Road, in that if the premises are fully occupied and a fire occurs there will need to be appropriate exits and procedures in place. This is not an unusual issue and will be addressed via conditions.

## **2.5 Section 79C(1)(e) – Public Interest**

The proposal is not considered to be in the public interest.

### **3. REFERRALS**

#### **3.1 Sustainable Waverley - Waste Officer**

The application was referred to the Waste Officer, who recommended conditions of consent and offered the following assessment:

*The Site Waste Recycling Management Plan (SWRMP) is acceptable however, clarification regarding:*

- 1. The types of waste relating to funeral operations and how those will be managed on the premises is requested.*
- 2. The frequency of waste and recycling collection and other waste collected.*
- 3. The applicant will need to ensure that the waste storage area complies with the design requirements as set out in Part B, Section 1.2.1, Section 1.2.3 and Section 1.2.4 of Waverley Council Development Control Plan. It is not clear that the waste storage area is compliant from the drawing provided. The applicant may require the construction of a bin enclosure should the bins be stored outside the building.*

*Council recommends that the development has a Building Waste Management Plan that outlines the responsibilities for transporting bins to and from the storage points to the nominated collection area and the cleaning of waste receptacles and storage areas. This information also needs to be clearly outlined in contracts with cleaners/building managers/caretakers/service providers.*

*It is recommended that all commercial properties have an assigned property manager that ensures the conditions in the SWRMP are met and that this plan is kept on site at all times for reference purposes and to present this information during environmental compliance inspections.*

*Council has a desired outcome to keep our public space clean and clear of bins. As a result, bins should only be presented for collection the night before and brought into the property immediately following collection. Bins cannot remain on public land for extended periods. It is recommended that the applicant commission a contractor or property manager to ensure that this desired outcome is met.*

The waste storage area has sufficient room and currently operates in the rear lane consistent with the adjoining properties with bins located outside for easy access. This remains appropriate.

Should the application be recommended for approval standard conditions of consent are recommended, including a bin capacity of 2 x 240L Mobile Garbage Bins (MGBs) for general waste and 2 x 240L MGBs for co-mingled recycling.

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

The application was referred to Council's Manager for transport and development and the following comments were received.

*I have assessed the traffic and parking report prepared by McLaren Traffic Engineering ( Ref: 18086.01FA dated 19 April, 2018) and make the following comments with regard to the application:*

- 1. There is no evidence submitted with the application that the number of patrons attending a funeral will be around 50 at most. I would think it unlikely anyone would know how many*

- patrons might attend a funeral and as result, the on street parking demand from patrons could be substantially higher than envisaged.*
- 2. The use of public transport to attend a funeral I would consider is unrealistic particularly if after the service, patrons wish to proceed to the cemetery or some other location. It is also very unlikely patrons will park in the Westfield carpark over a kilometre away and catch a bus from there to the site.*
  - 3. As funerals are generally held during work hours with some patrons attending work first then proceeding to the funeral, it is likely there will for these patrons be one person/car, not up to 3 persons per car as indicated in the report. This therefore has the potential to increase the parking demand.*
  - 4. With a high on street parking demand in the general vicinity of the funeral home, it is likely those not familiar with the location will circulate continually in their vehicles searching for parking. This will start close to the parlour on Bronte Road thus increasing congestion in the already congested business precinct.*
  - 5. Streets within the 200m radius of the site are included in resident parking scheme areas to provide parking for residents, many of whom do not have off street parking. The influx of patrons vehicles into these streets, particularly those in close proximity to the site, will have an increased demand for parking to the detriment of residents.*
  - 6. Difficulties in finding parking in the general vicinity could lead to double parking on Bronte Road in the vicinity of the site to drop off/pick up. The double parking will further exacerbate traffic congestion on busy Bronte Road with a high number of STA bus services.*
  - 7. The assessed parking demand of some 17 vehicles on most days of the week will at times absorb nearly 50% of consultant assessed available parking. With higher patron numbers should that occur, there will be even fewer spaces for people to park to attend other businesses in the centre.*
  - 8. It is not clear if hearses currently belonging to the funeral home will be accessing the site via Judges Lane at the rear. The hearses are well in excess of the length of the B85 standard design vehicle used in the swept wheel path analysis. I would think it unlikely during an onsite inspection that the company's hearse would be able to access the lane in a forward direction at all times.*
  - 9. Judges Lane at the rear of the site during several inspections revealed many vehicles parked illegally outside other businesses. This illegal parking is difficult to control without constant patrolling and it is very likely that access for long hearses will be difficult.*
  - 10. On days when a large number of patrons arrive, there is likely to be a spill out of patrons onto the Council's footpath area inhibiting movements by the general public in this very busy pedestrian area.*

*Having regard to the above, the application is **not be supported on traffic and parking grounds.***

#### **4. SUMMARY**

This application is a review of a previous refusal for a change of use to a funeral home with associated fit-out and signage. The original application was refused on the basis of insufficient information following a request by Council for additional documentation that was not supplied within the timeframe requested.

The review application included additional information and reduced the requested hours of operation from 24 hours to DCP compliant hours, being Monday to Saturday - 7.00am to 11.00pm, and Sunday - 7.00am to 10.00pm.

The main issue with this application relates to the traffic and parking impacts of the use and the desirability of the premises in Charing Cross. These issues have been examined in the report and it is concluded that the impacts associated with the use are unreasonable and therefore the application cannot be supported.

A total of 25 submissions were received, including 13 in support and 12 objections. These numbers require qualification as not all are relevant to the proposal or valid. The matters raised in the submissions have been discussed in the report above.

No Councillor submissions were received.

The application is recommended for refusal for the reasons given in the report below.

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

That the Review of Development Application be **REFUSED** by the Waverley Local Planning Panel for the reasons given in Appendix A:

**Report prepared by:**

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

Arif Faruqi  
**Manager Development Assessment**

Mitchell Reid  
**Executive Manager, Building Waverley**

**Date: 14 September 2018**

**Date: 17 September 2018**

**Reason for referral:**

2 Contentious development (10 or more objections)



## **APPENDIX A – REASONS FOR REFUSAL**

Having regard to section 4.15 of the Environmental Planning and Assessment Act 1979 the development application is refused for the following reasons:

1. The proposal does not satisfy section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the change of use of the premises as a funeral home will have unacceptable negative impacts within the Bronte Road commercial strip with regards to additional traffic and parking generated by the new use which would also adversely impact upon the amenity of the locality and surrounding built environment.
2. The proposal does not satisfy section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 as the change of use of the premises as a funeral home is not suitable for the site given that the new use will generate additional parking demand in the area where on-street parking is already at a premium.
3. The proposal is not considered to be in the public interest for the reasons outlined above together with the number of submissions received and therefore contrary to section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

**Should the Waverley Local Planning Panel decide to approve the application, the following conditions as listed below are recommended to be imposed.**

## **APPENDIX B – CONDITIONS OF CONSENT**

### **A. APPROVED DEVELOPMENT**

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

The development must be in accordance with:

- (a) Architectural Plan Nos DA01, DA02, DA03, DA04, DA05 and DA06, all Issue 'C' prepared by Next Level Building Design, dated 21/05/18, and received by Council on 24/05/18,
- (b) 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. HOURS OF OPERATION AND USE**

##### **Hours**

The hours of operation for the indoor area of the premises are restricted to:

- Monday to Saturday: 7am to 11pm
- Sunday: 7am to 10pm; and

In addition to the hours above, ceremonies cannot be held on Saturday mornings between 9.30am and 11.30am to ensure that car parking demand does not overlap with the nearby mass times at Mary Immaculate Catholic Church.

##### **Deliveries**

Deliveries must be made via Judges Lane for items required for a funeral service (flowers, catering and the like). No large deliveries (such as coffins, mortuary consumables) are permitted.

On the occasion a coffin is bought to the premises for a chapel service this must be via the rear access and it must be removed via the rear access.

##### **Services**

There is to be a maximum of 2 chapel services a week.

##### **Food Preparation**

There must be no food preparation on the premises.

#### **3. MAXIMUM CAPACITY**

The approved capacity for the premises is limited to a total of 12 staff, and a total of 50 patrons.

#### **4. VEHICLE MANAGEMENT**

All vehicles, whether permanently parked or otherwise stationary in the rear lane providing services to the rear of the property, are to be wholly located within the boundaries of the site as marked by the yellow line on the concrete. Vehicles are not to encroach outside of this area other than when entering or exiting the site.

The use of vehicles for the tenancy (e.g hearses) must consider and achieve compliance with the condition above.

#### **5. WASTE MANAGEMENT**

A Building Waste Management Plan is required that outlines the responsibilities for transporting bins to and from the storage points to the nominated collection area and the cleaning of waste receptacles and storage areas. This information must clearly outline any contracts with cleaners/building managers/caretakers/service providers. The plan is to be submitted to, and approved by, Waverley Council's Sustainable Waverley Program, prior to the issue of an Occupation Certificate.

There is to be no throwing out of flowers or surgical waste from this tenancy.

No bottle or glass sorting, recycling or collection shall take place between 8.00pm on any day and 8am Monday to Friday, 9am Saturday and 10am Sundays and Public Holidays.

#### **6. LITTER PATROLS**

Litter patrols are to be undertaken in the general vicinity of the premises. Such patrols will take place within 30 minutes of a ceremony and a final patrol conducted at the cessation of trade. A litter patrol Register must be maintained and kept on the premises at all times detailing date, time of patrol, staff member responsible, and manager's signature.

#### **7. NEIGHBOURHOOD AMENITY**

The management of the premises:

- (a) Shall ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- (b) Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations.
- (c) Shall record in a Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- (d) Shall respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s shall be recorded in the Register.

## **8. ENTERTAINMENT NOISE EMISSIONS**

- (a) No sound reproduction device nor any forms of entertainment operated within the premises are to exceed a noise level of 5dBA above background noise levels measured from any public place or other parts of the premises or adjoining premises.
- (b) No sound reproduction device shall be installed external to the building, but rather shall be confined to internal areas of the subject premises only. Such devices must not be placed so as to direct the sound towards the outdoor areas associated with the premises.
- (c) Sound reproduction devices (including music live or otherwise) shall be restricted to between 9am and 10pm, Monday to Saturday and from 9am to 9.30pm Sundays due to residential premises being located above and nearby.
- (d) The use of the premise must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.

## **9. NOISE EMISSIONS**

The use of the premises shall not give rise to:

- (a) Transmission of "Offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy;
- (b) A sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard 1055.

## **10. FIRE SAFETY UPGRADE REPORT REQUIRED**

A Fire Safety Upgrade Report/Building Code of Australia Report is required prior to the issue of a Construction Certificate. Particular attention is drawn to the relationship between the commercial premises at 251 Bronte Road directly beneath the cross over section of the first floor of 249 Bronte Road.

## **11. 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.

**12. SIGNAGE**

New signage to the awning fascia must be no higher than the existing fascia, being consistent with section over 251 Bronte Road.

**13. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

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

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

**14. DEMOLITION AND CONSTRUCTION WASTE MANAGEMENT**

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

- (a) Separate collection bins or areas for the storage of waste is to be provided, giving consideration to slope, drainage, vegetation, access and handling requirements including:
  - (i) Landfill waste;
  - (ii) Recyclable waste;
  - (iii) Materials to be re-used on-site; and / or
  - (iv) Excavation materials.See Annexure B1-1 of the Waverley DCP for common building materials re-use and recycling potential.
- (b) All storage areas/ containers are to be located within the property boundary and indicated on the site plans / drawings as part of the SWRMP.
- (c) Where space on a development is limited, approval may be granted by Council to place a skip on a footpath or other public area in line with Part B of Waverley DCP 2012.
- (d) Waste and recycling containers/skips may only be provided by persons/companies holding a current permit granted by Council.
- (e) Asbestos and other hazardous material is to be managed under the Protection of the Environment Operations Act. For further information go to Councils Asbestos Policy 2005 and [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) and [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).
- (f) Materials that cannot be reused or recycled should be disposed of at an 'approved' landfill and specified in the SWRMP.

- (g) Records are to be retained on-site demonstrating lawful disposal of waste.
- (h) Easy vehicular access to waste and recycling material storage areas must be provided.
- (i) Construction materials are to be stored away from waste and recycling materials to enable easy access for waste collectors.
- (j) All waste and recycling is to be stored to prevent damage by the elements, odour, health risks and windborne litter.

## **15. WASTE AND RECYCLING STORAGE AND COLLECTION**

- (a) The proposal must have a bin storage point for a minimum;
  - 2 x 240L Mobile Garbage Bins (MGBs) for general waste
  - 2 x 240L MGBs for co-mingled recycling
  - Extra space for storage of bulky items such as crates, cardboard and packaging to be provided
  - Collection frequencies to be adjusted to ensure efficiency of service
  - Other waste types must be managed appropriately according to relevant authorities (e.g. Sydney Water).
  - All waste information is to be included in a Waste Management Plan for the premises.
- (b) Waste and recycling receptacles must be stored at all times within the boundary of the site and screened from the public and commercial domains.
- (c) Sufficient space must be allocated on-site for the storage of reusable items such as crates and pallets.
- (d) Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover, bunded and drained to a grease trap.
- (e) Liquid waste from grease traps must only be removed by licensed contractors approved by Sydney Water and NSW EPA.
- (f) All businesses at this development must have written evidence, held on-site, of a valid and current contract with a licensed collector of waste and recycling.
- (g) Responsibilities for transporting bins from the storage points to the nominated collection area, cleaning of waste receptacles, cleaning of storage areas must be outlined in contracts with the building manager, cleaners and tenants.
- (h) Clear and easy signs identifying the different MGB and where the MGBs should be stored in the storage area(s) must be displayed.
- (i) The design of the waste and recycling management system must identify responsibility for cleaning of waste receptacles and storage areas and for the transfer of bins within the property, to the collection point and back to the storage areas.

- (j) The storage of bins on the kerbside on public land and kerbside is not permitted at any time.
- (k) All waste and recycling must be inside Council approved bins or skips, with lids closed to reduce littering, stormwater pollution, odour and vermin. Waste and recycling not presented in the correct manner will not be collected.

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

### **16. SECTION 7.12 CONTRIBUTION**

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

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

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

- (b) Prior to the issue of the Construction Certificate, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.
- (c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 contribution is to be revised and amended. Prior to the issue of the Construction Certificate, evidence must be provided that the revised levy has been paid to Council in accordance with this condition.

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

#### Advisory Note

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

### **17. SECURITY DEPOSIT**

A deposit or guarantee satisfactory to Council for the amount of \$2500 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

**18. 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.

**19. 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 the appointment in accordance with Section 81A(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 Principal Certifying Authority.

**20. 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.

**21. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT**

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

The CVPPM shall provide details of the following:



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

## **22. 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.

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

### **23. 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.

### **24. CONSTRUCTION SIGNS**

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

### **25. OBSTRUCTION TO PUBLIC AREAS**

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

- (a) 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.

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

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

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by WorkCover NSW (catalogue WC03561)
- (d) describe the method of demolition;

- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

**27. STOCKPILES**

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

**28. LOCATION OF BUILDING OPERATIONS**

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

**29. 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.

**30. 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.

**31. BUILDING CODE OF AUSTRALIA**

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

**32. BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION ACT) - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)**

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 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) 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.

### **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.

**D. COMPLIANCE PRIOR TO AN OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE**

**34. 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.

**35. STREET NUMBER**

The street number for the property must be displayed and 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.

**36. FUNERAL HOUSE- USE AND OPERATION**

The use and operation of the premises shall comply with the requirements of the Public Health Act, 1991 and Public Health (Disposal of Bodies) Regulation 2002. There is to be no preparation of bodies carried out on the premises.

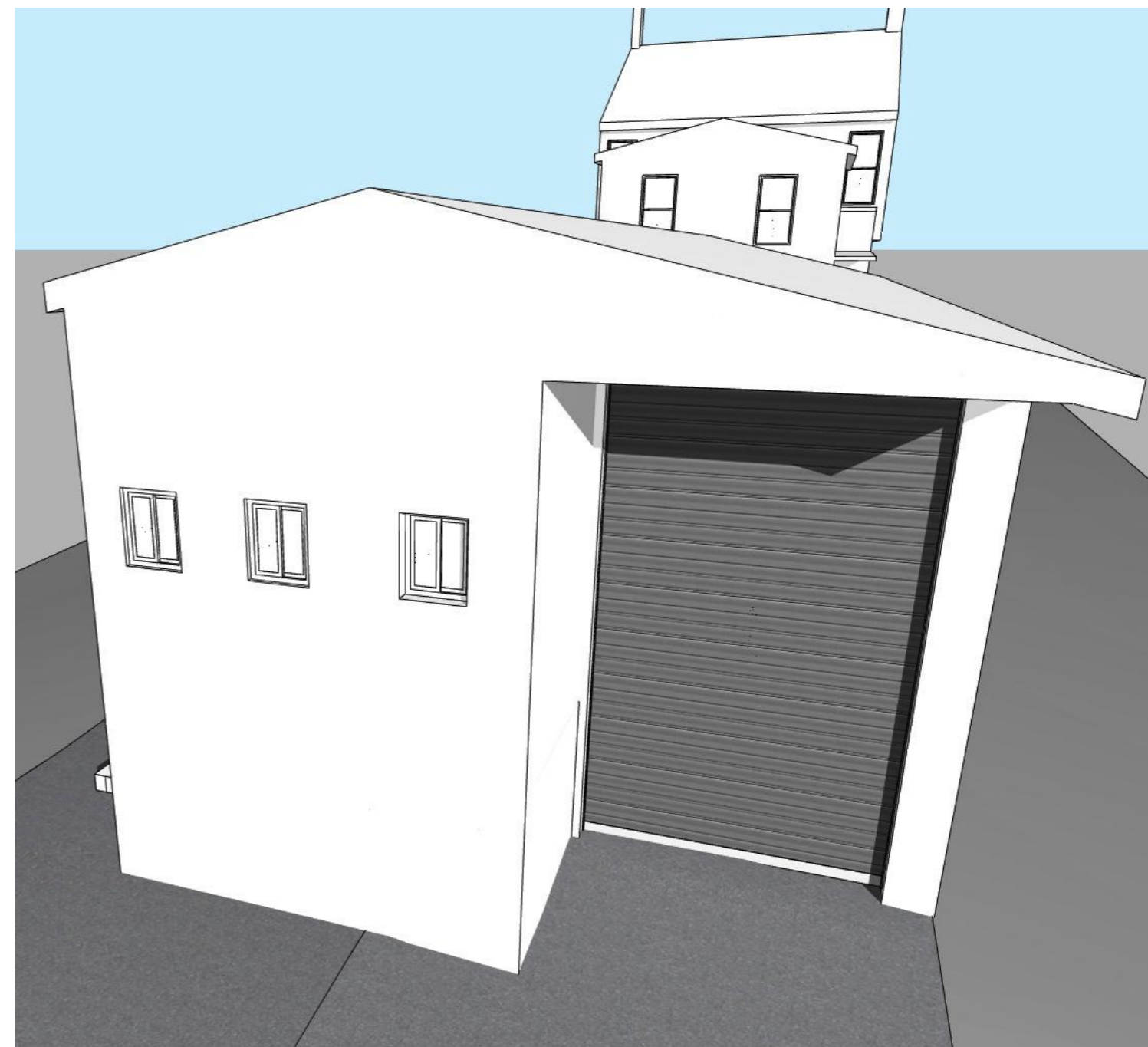
# PROPOSED ALTERATIONS & ADDITIONS - REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE 249 BRONTE ROAD WAVERLY 2024 - 3 DP 436287 FOR WALTER CARTER FUNERALS

## DA DRAWING SCHEDULE

Drawing No.	Description	Revision ID
DA00	COVER SHEET, DRAWING SCHEDULE & LOCATION PLAN	C
DA01	SITE PLAN	C
DA02	FLOOR PLANS	C
DA03	FLOOR PLANS	C
DA04	ELEVATIONS	C
DA05	ELEVATIONS	C
DA06	SECTIONS	C
NN01	NOTIFICATIONS	C
NN02	NOTIFICATIONS	C



LOCATION PLAN



REAR PERSPECTIVE (JUDGES LANE)

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18

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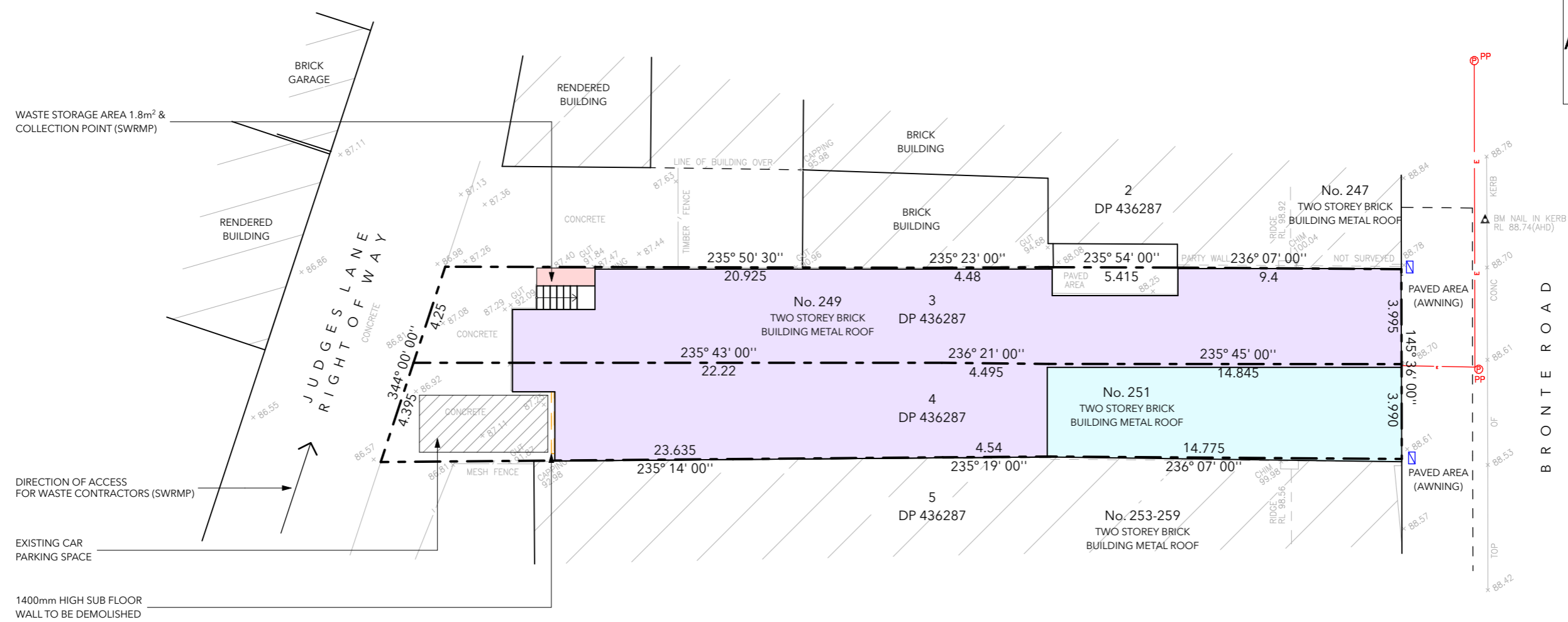
PROJECT DESC. PROPOSED ALTERATIONS & ADDITIONS  
REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE  
COUNCIL WAVERLY COUNCIL

CLIENT WALTER CARTER FUNERALS  
ADDRESS 249 BRONTE ROAD WAVERLY 2024

DRAWING COVER SHEET, DRAWING SCHEDULE & LOCATION PLAN  
DATE 21/5/18 SCALE AT A3 DRAWN 166 PA  
JOB 1017 REV C DW DA00

SITE INFORMATION	
SITE ADDRESS	249 BRONTE STREET, WAVERLY 2024
LOT# DP #	3 / DP 436287 & 4 / DP 436287
PARCEL SIZE	164.4m <sup>2</sup> (BY TITLE) / 170.7m <sup>2</sup> (BY TITLE)
FSR	1:1 (FSR NOT IMPACTED BY PROPOSED WORKS)
LAND ZONING	B4 - MIXED USE

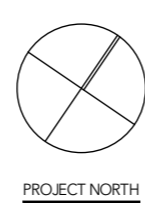
**RECEIVED**  
**Waverley Council**  
 Application No: DA-524/2017/1  
 Date Received: 24/05/2018



**SITE PLAN**

LEGEND	
	BENCH MARK
	COMMS PIT
	ELECTRICITY POWER LINE
	POWER POLE SERVICES
	TOP OF GUTTER
	PROPOSED AREA OF WORKS
	251 BRONTE ROAD
	SWRMP

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18



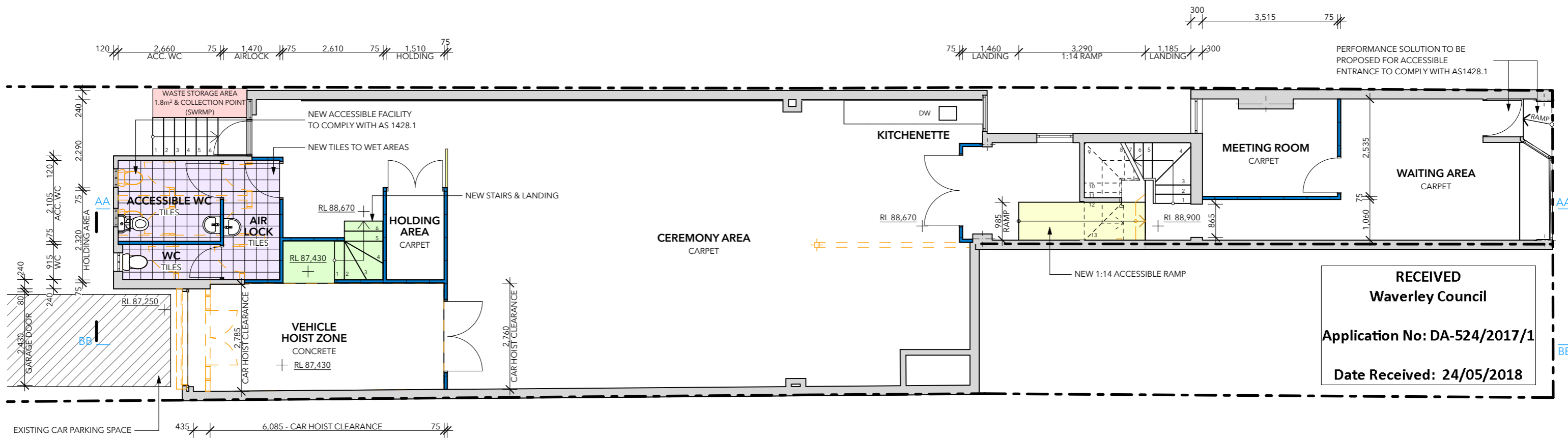
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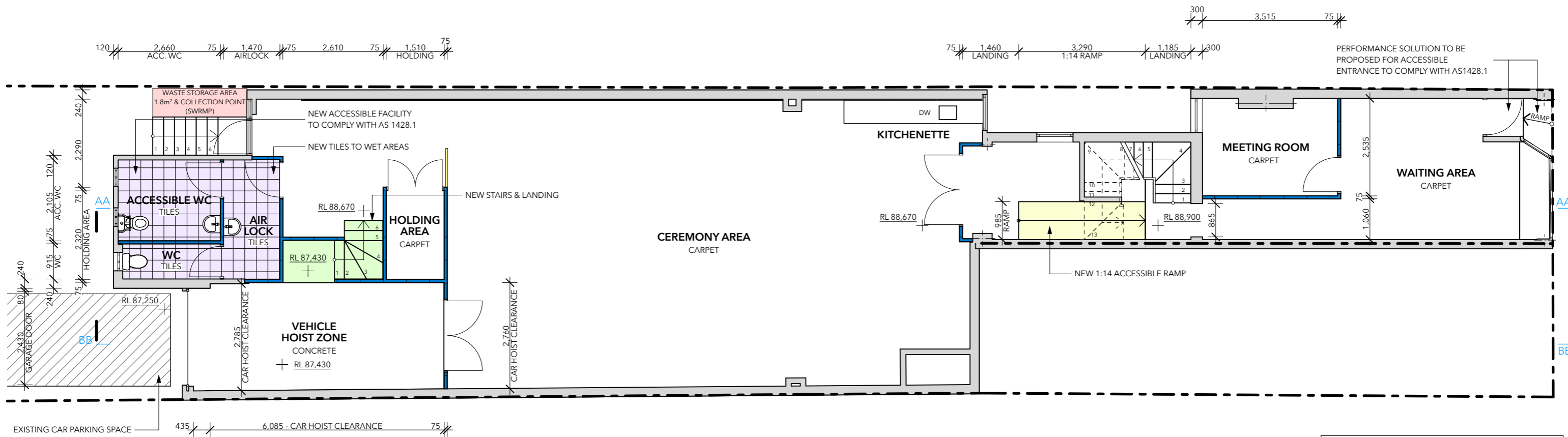
PROJECT DESC: PROPOSED ALTERATIONS & ADDITIONS  
 REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE  
 COUNCIL: WAVERLY COUNCIL

CLIENT: WALTER CARTER FUNERALS  
 ADDRESS: 249 BRONTE ROAD WAVERLY 2024

DRAWING: SITE PLAN  
 DATE: 21/5/18  
 SCALE AT A3: 1:200  
 DRAWN: 167 PA  
 JOB: 1017 REV: C  
 DWG: DA01

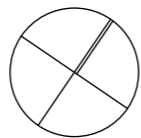


**GROUND FLOOR (DEMOLITION)**



**GROUND FLOOR**

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18



PROJECT NORTH

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PROPOSED ALTERATIONS & ADDITIONS  
REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE

WAVERLY COUNCIL

CLIENT  
WALTER CARTER FUNERALS

ADDRESS  
249 BRONTE ROAD  
WAVERLY 2024

DRAWING  
FLOOR PLANS

DATE  
21/5/18

SCALE AT A3  
1:100

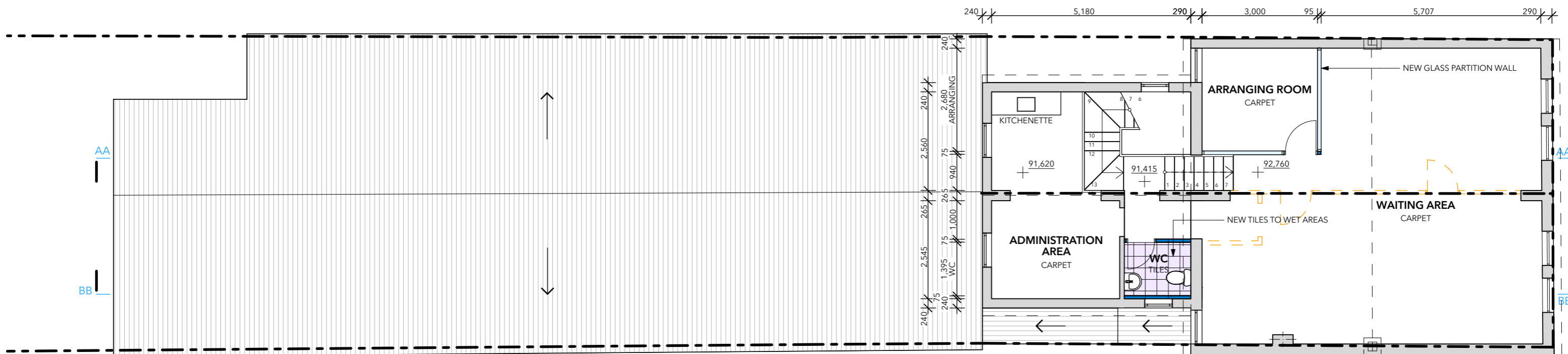
DRAWN  
168 PA

JOB  
1017

REV  
C

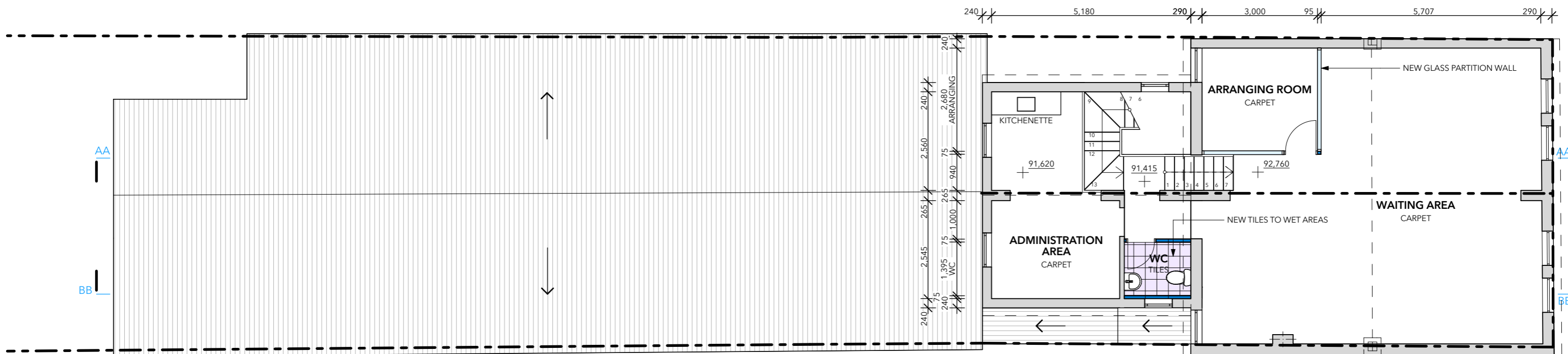
DWG  
DA02





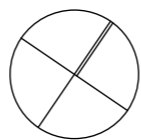
FIRST FLOOR (DEMOLITION)

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Waverley Council  
Application No: DA-524/2017/1  
Date Received: 24/05/2018



FIRST FLOOR

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
B	FIRST FLOOR AMENDMENT	20/12/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18



PROJECT NORTH

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PROPOSED ALTERATIONS & ADDITIONS  
REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE

WAVERLY COUNCIL

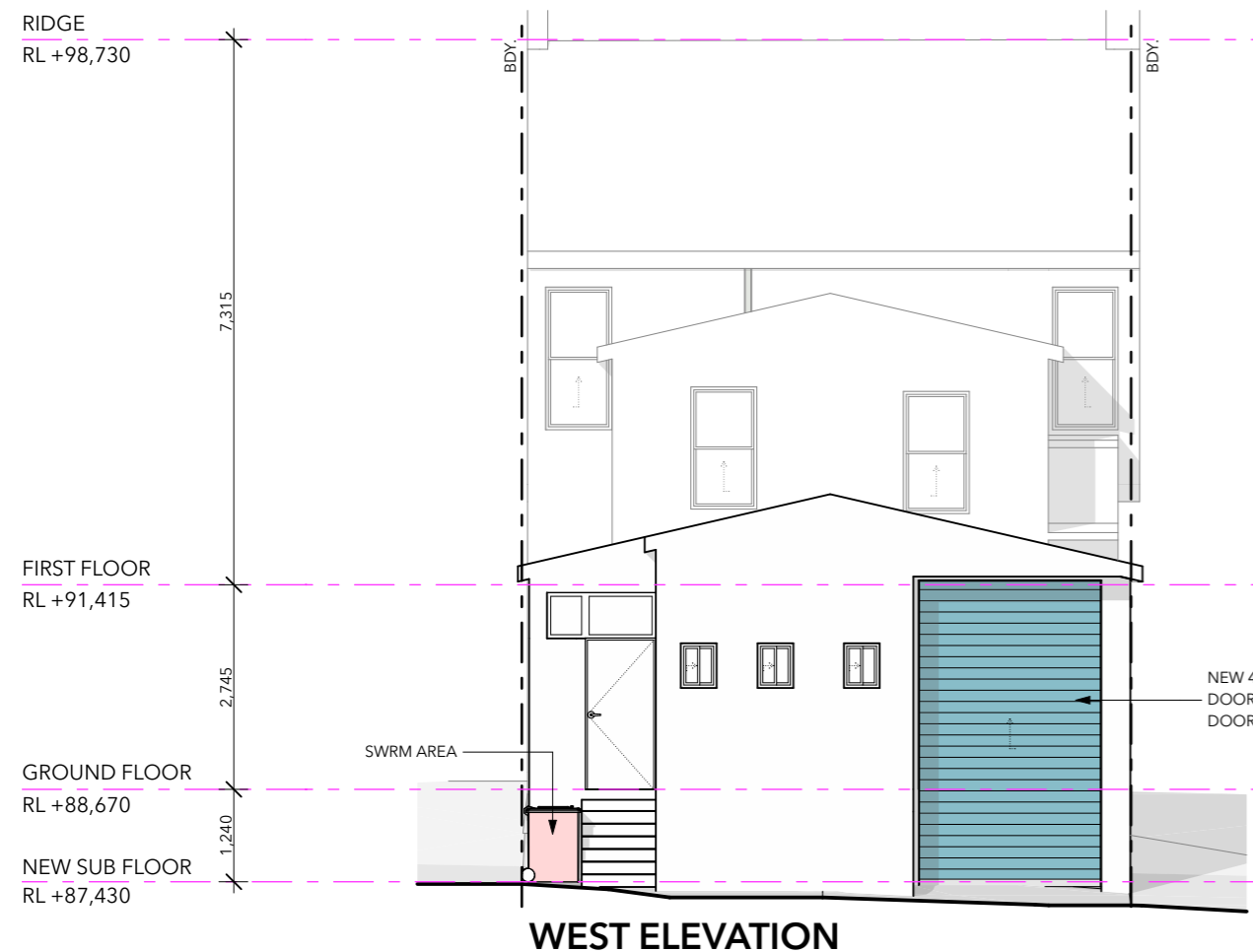
CLIENT WALTER CARTER FUNERALS

ADDRESS 249 BRONTE ROAD WAVERLY 2024

DRAWING FLOOR PLANS

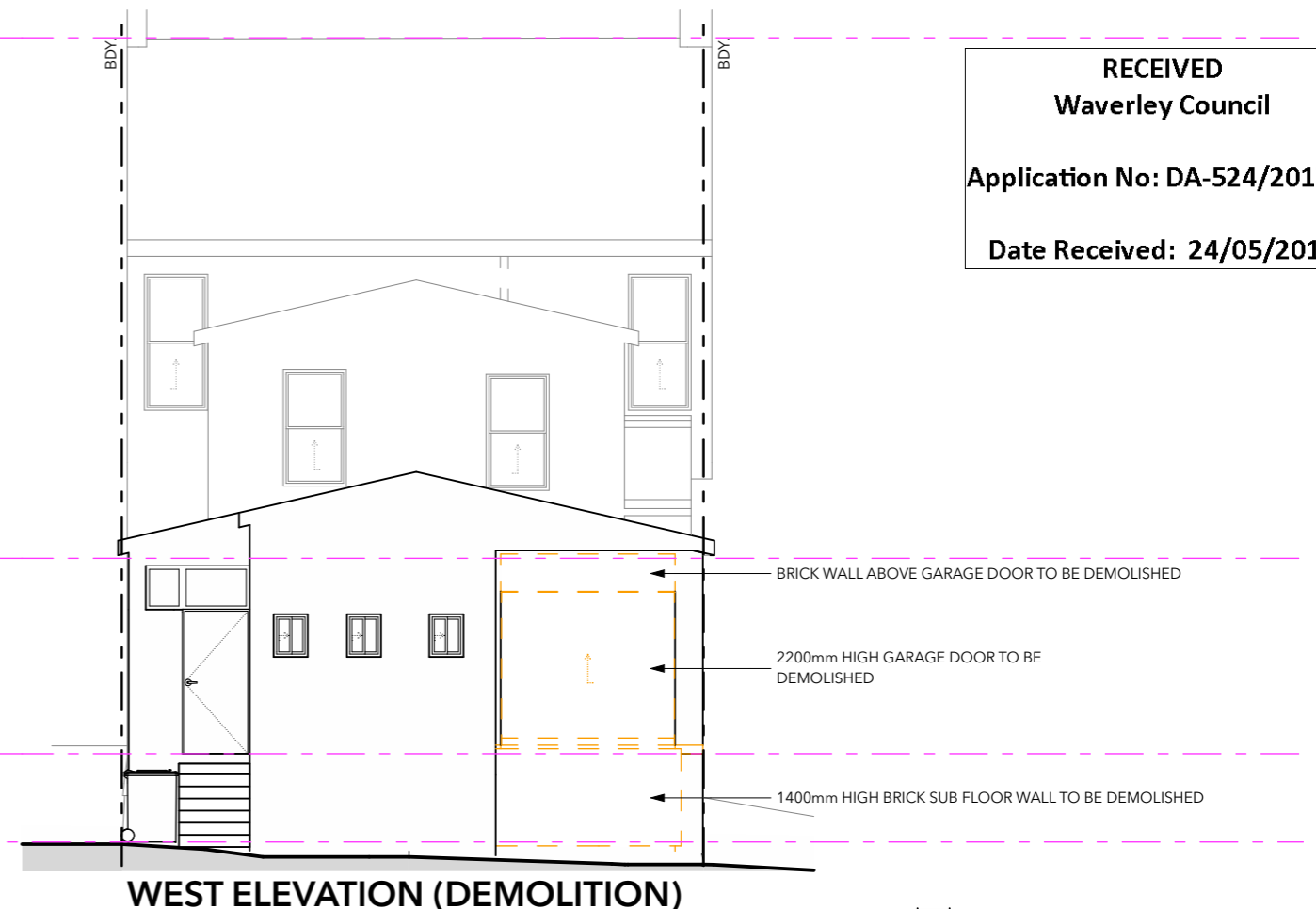
DATE 21/5/18 SCALE AT A3 1:100 DRAWN PA  
JOB 1017 REV C DWG DA03

RECEIVED  
Waverley Council  
Application No: DA-524/2017/1  
Date Received: 24/05/2018

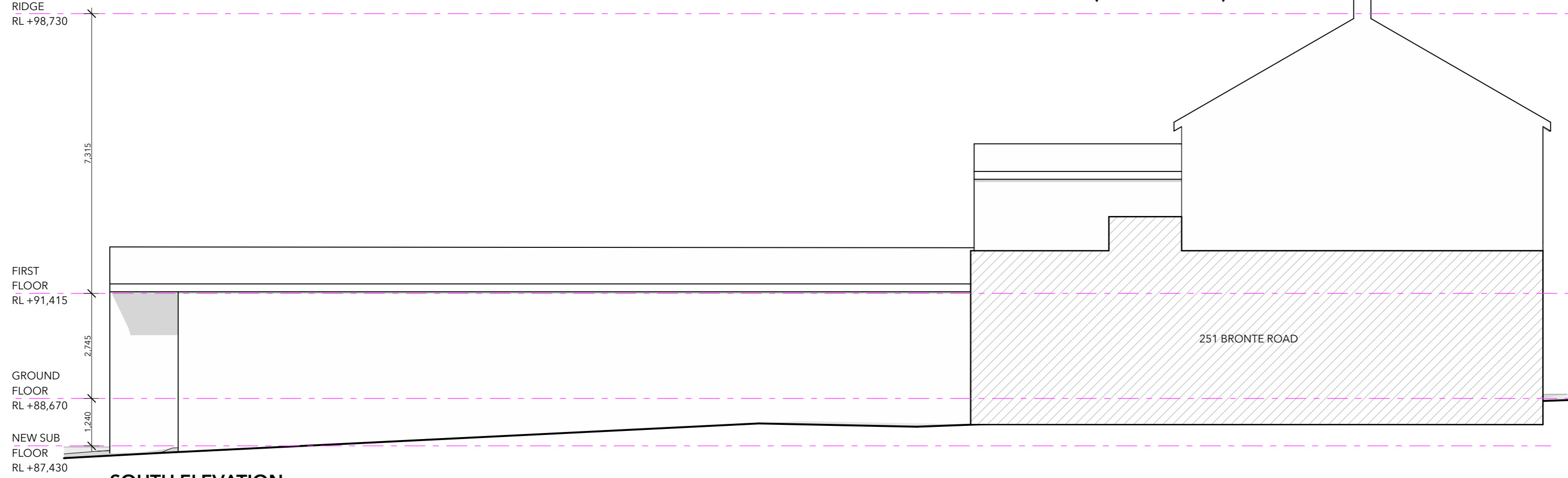


WEST ELEVATION

NEW 4100mm HIGH ALUMINIUM GARAGE DOOR TO REPLACE 2200mm HIGH GARAGE DOOR & 1400mm HIGH BRICK SUB FLOOR WALL



WEST ELEVATION (DEMOLITION)



SOUTH ELEVATION

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18

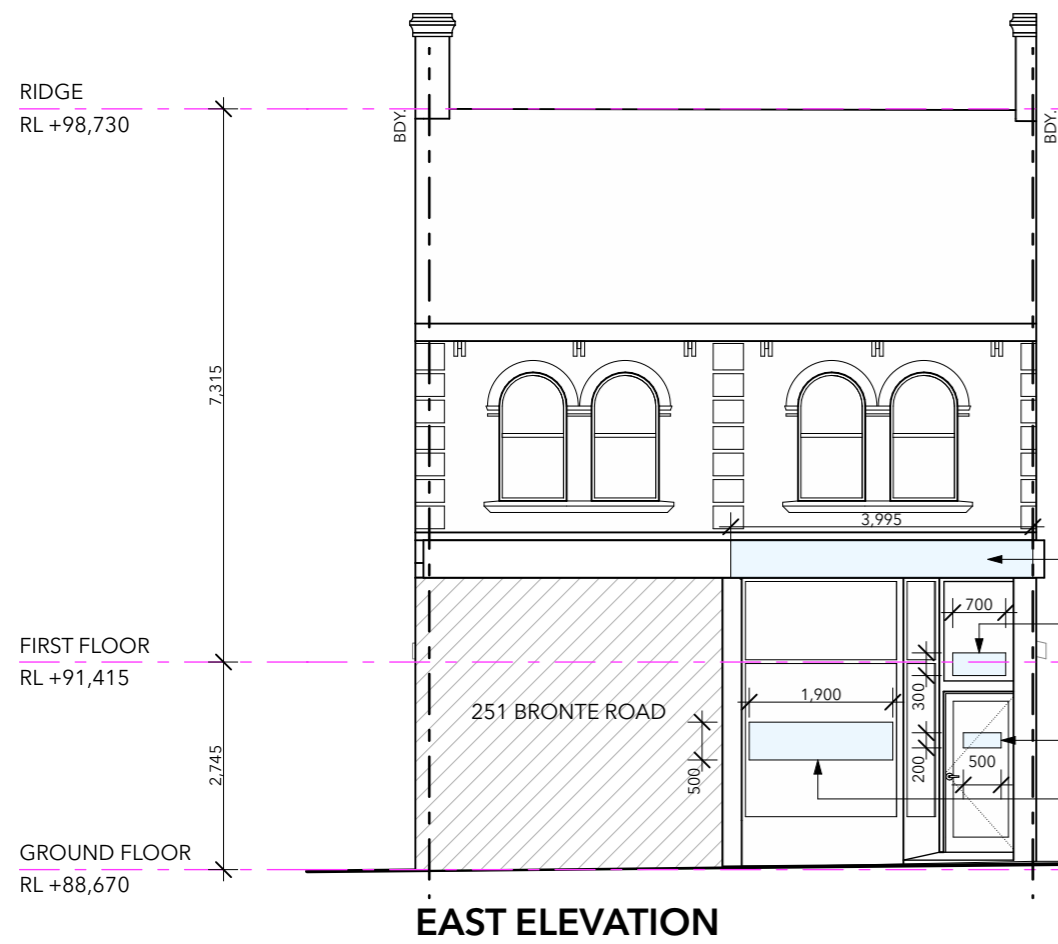
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PROJECT DESC: PROPOSED ALTERATIONS & ADDITIONS  
REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE  
COUNCIL: WAVERLEY COUNCIL

CLIENT: WALTER CARTER FUNERALS  
ADDRESS: 249 BRONTE ROAD WAVERLEY 2024

DRAWING: ELEVATIONS  
DATE: 21/5/18  
SCALE AT A3: 1:100  
DRAWN: 170 PA  
JOB: 1017 REV: C  
DWG: DA04



**EAST ELEVATION**

3.995m x 0.45m <sup>2</sup> = 1.8m <sup>2</sup>	
<b>No. 1</b>	<b>AWNING</b> Walter Carter FUNERALS
<b>No. 2</b>	<b>WINDOW</b> Walter Carter 1.9m x 0.5m = 0.95m <sup>2</sup>
<b>No. 3</b>	<b>ABOVE ENTRY DOOR</b> Walter Carter Funerals Pty Ltd 249 - 251 Bronte Road, Waverley waltercarterfunerals.com.au 0.3m x 0.7m = 0.21m <sup>2</sup>
<b>No. 4</b>	<b>ENTRY DOOR</b> Welcome 0.2m x 0.5m = 0.1m <sup>2</sup>
<b>No. 5</b>	<b>SEE WALL NEXT TO ENTRY DOOR</b> 0.9m x 1.4m = 1.26m <sup>2</sup>

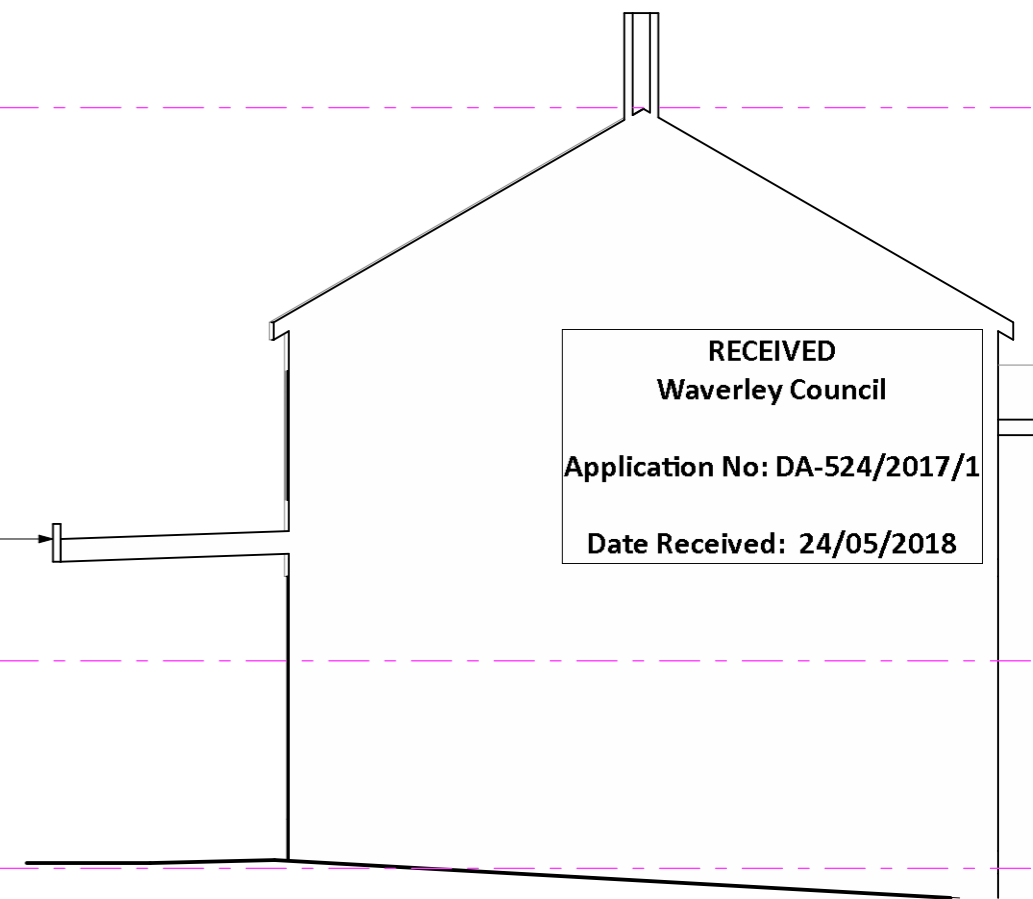
**COMPLIANCE**

- ALLOWABLE SIGNAGE = 4.4m<sup>2</sup> (3.995m x 1.1m<sup>2</sup>)
- PROPOSED SIGNAGE = 4.32m<sup>2</sup>

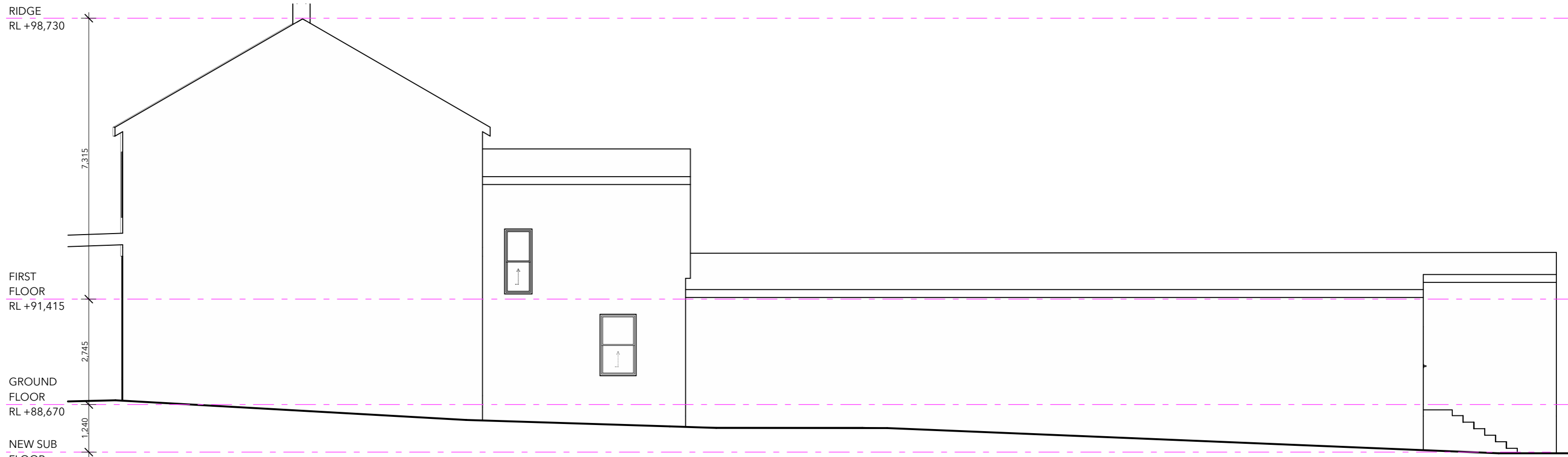
NEW SIGNAGE (No. 1) ON AWNING'S FASCIA (1.8m<sup>2</sup>)

NEW SIGNAGE (No. 3 & 4) & TRADING HOURS ON FRONT DOOR/ENTRANCE (0.31m<sup>2</sup>)

NEW SKELETAL FORM SIGNAGE (No. 2) ON EXISTING FRONT BAY WINDOW (0.95m<sup>2</sup>)



**NORTH ELEVATION (AWNING)**



**NORTH ELEVATION**

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18

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**PROPOSED ALTERATIONS & ADDITIONS**  
 REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE

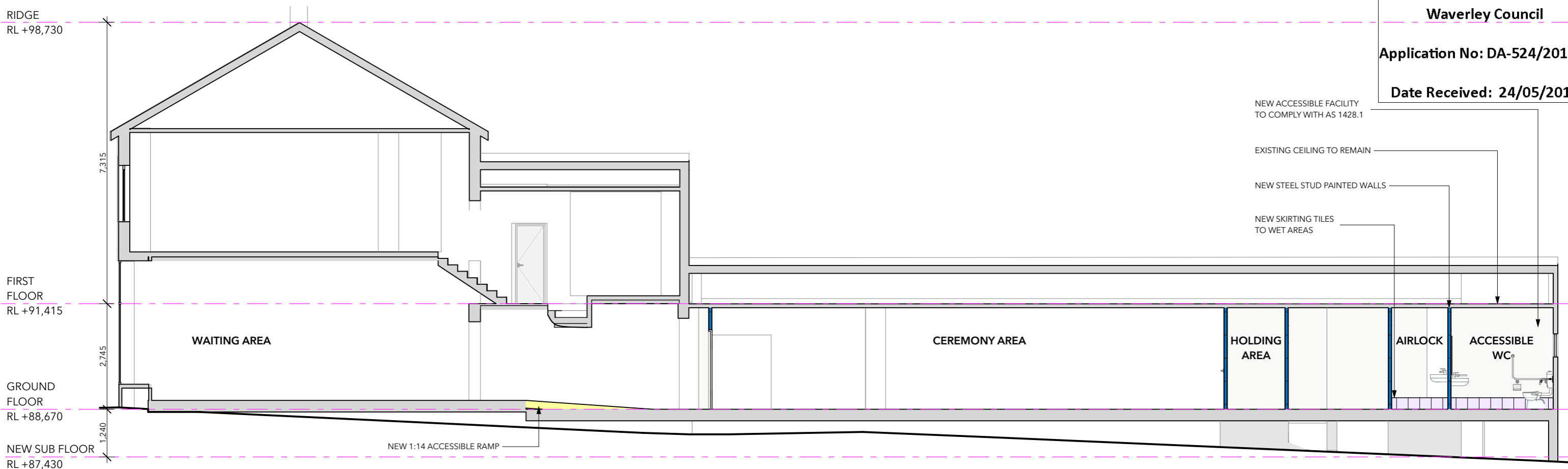
**WALTER CARTER FUNERALS**

**WAVERLY COUNCIL**

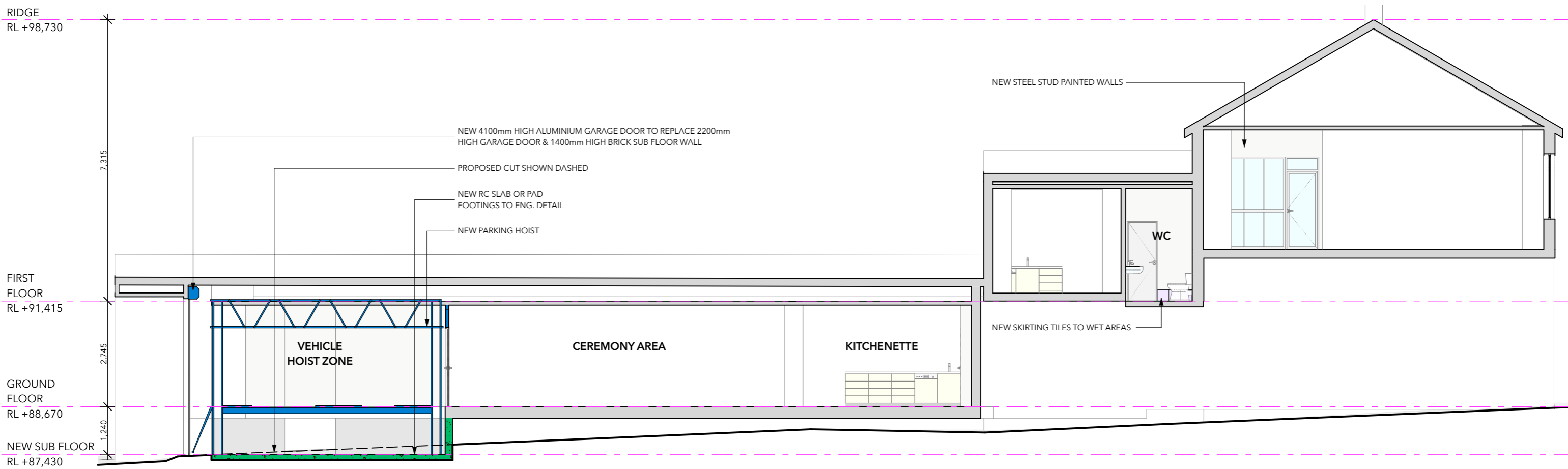
**249 BRONTE ROAD WAVERLY 2024**

**ELEVATIONS**

DATE: 21/5/18 | SCALE AT A3: 1:100 | DRAWN: PA  
 JOB: 1017 | REV: C | DWG: DA05



LONG SECTION A - A



LONG SECTION B - B

REV	ISSUANCE	DATE
A	ISSUED TO CLIENT FOR DA SUBMISSION	30/11/17
C	SIGNAGE AMENDMENT ISSUE	21/5/18

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PROJECT DESC: PROPOSED ALTERATIONS & ADDITIONS  
REPLACE GARAGE DOOR & INTERNAL WORKS, SIGNAGE & CHANGE OF USE  
COUNCIL: WAVERLY COUNCIL

CLIENT: WALTER CARTER FUNERALS  
ADDRESS: 249 BRONTE ROAD WAVERLY 2024

DRAWING: SECTIONS  
DATE: 21/5/18  
SCALE AT A3: 1:100  
DRAWN: PA  
JOB: 1017  
REV: C  
DWG: DA06