



15 October 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, 24 OCTOBER 2018

QUORUM: Three Panel members.

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

OR

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

AGENDA

WLPP-1810.A **Apologies**

WLPP-1810.DI **Declarations of Interest**

The Chair will call for any declarations of interest.

WLPP-1810.1 **PAGE 4** **6 Pacific Avenue, Tamarama – Review of previous decision for demolition of existing dwelling and construction of 2 x semi-detached dwellings fronting Pacific Avenue and 1 x detached dwelling fronting Silva Street (DA-471/2017/A)**

Report dated 12 October 2018 from the Development and Building Unit.

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

WLPP-1810.2 **PAGE 44** **70 Watson Street, Bondi – Modification to erect a roof terrace to dwelling (retrospective works) (DA-369/2000/B)**

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

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

WLPP-1810.3 **PAGE 73** **14 Notts Avenue, Bondi Beach – Demolition of existing dwelling and construction of a new 3 storey dwelling with garage and outdoor swimming spa (DA-469/2017)**

Report dated 12 October 2018 from the Development and Building Unit.

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

WLPP-1810.4

PAGE 144

46-48 Glasgow Avenue, Bondi Beach – Demolition of existing pair of semi-detached dwellings and construction of a two-storey detached dwelling with integrated double garage, swimming pool and landscaping works (DA-171/2018)

Report dated 11 October 2018 from the Development and Building Unit.

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

WLPP-1810.5

PAGE 189

Units 13, 14, 15, 16, 17 and 18 at 101 Ramsgate Avenue, North Bondi – Alterations and additions to the existing residential flat building, including an attic addition (DA-77/2018)

Report dated 11 October 2018 from the Development and Building Unit.

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

WLPP-1810.6

PAGE 226

16 Loombah Road, Dover Heights – Alterations and additions to existing dwelling (DA-215/2018)

Report dated 11 October 2018 from the Development and Building Unit.

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

WLPP-1810.7

PAGE 264

89 Macpherson Street, Bronte– Alterations and additions to existing flat building to provide 2 additional units (total 6 units), four car parking spaces and communal open space (DA-11/2018)

Report dated 12 October 2018 from the Development and Building Unit.

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



Section 8.3 Review



Report to the Waverley Local Planning Panel

Application number	DA-471/2017/1
Site address	6 Pacific Avenue, TAMARAMA
Proposal	Review of previous decision for demolition of existing dwelling and construction of 2 x semi-detached dwellings fronting Pacific Avenue and 1 x detached dwelling fronting Silva Street
Date of lodgement	30 August 2018
Owner	Rajeep Singh Kooner
Applicant	Molnar Freeman Architects
Submissions	6
Cost of works	\$4,206,545
Issues	Height, FSR, view loss, amenity impacts
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit for the original development application was carried out on 13 March 2018.

The site is identified as Lot 25 in DP 836507, known as 6 Pacific Avenue, TAMARAMA. The site has an area of 689.9sqm. It is located on the northern side of Pacific Avenue.

The site is irregular in shape with a north (rear) boundary to Silva Street measuring 13.9m, east boundary measuring 55.4m, west boundary measuring 53.4m and a south (front) boundary to Pacific Avenue measuring 12.3m. The site is occupied by a single storey dwelling with lower ground floor garage, fronting Pacific Avenue.

The subject site is adjoined to the east by a 3 storey (plus parking level) residential flat building and to the west by a 3 storey dwelling at 7 Pacific Avenue and a 3 storey dwelling at 12 Silva Street. To the south of the site (opposite) on the lower side of Pacific Avenue is Tamarama Beach and foreshore public reserve. The locality is characterised by a variety of residential developments including semi-detached dwellings, single dwellings and residential flat buildings.



Figure 1: Subject site frontage on Pacific Avenue



Figure 2: Site viewed from the opposite side of Tamarama Beach



Figure 3: Site viewed from Silva Street (site boundary where bins are located in above photo)

1.2 Relevant History

DA-501/2015: Consent was granted on 11 May 2016 to demolition of the existing dwelling and Torrens Title subdivision of the site into 3 lots. Indicative plans were submitted as part of the application for subdivision to provide guidance as to the acceptable built form on the site. These indicative plans were prepared by Molnar Freeman Architects (the same architect as the subject development application). The indicative plans are discussed in further details in the Issues section below. Condition 1 states:

“Note: The building envelopes for future development of Lots 1, 2 and 3 is to have regard to plans DA-02 Land subdivision plan; DA-05 Elevations Sheet 1 and DA-06 Elevations Sheet 2, all prepared by Molnar Freeman Architects, dated Oct 2015”.

DA-471/2017: This application sought consent for demolition of the existing dwelling and construction of 2 x semi-detached dwellings fronting Pacific Avenue and a detached dwelling fronting Silva Street, was lodged with Council on 3 November 2017. The application was publicly notified for 14 days and 4 submissions were received.

The application was deferred on 18 April 2018, and amended plans were required to be submitted by 8 May 2018. Amended plans were not received and the applicant was given the opportunity to withdraw the application before 10 May 2018. The applicant did not take up this offer, so the application was ultimately refused on 21 May 2018 for the following reasons:

1. *The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:*
 - a. *Clause 4.3 as the proposal will exceed the maximum height permitted for the site and have unacceptable impacts*
 - b. *Clause 4.4 as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.*
 - c. *Clause 4.6 as a written request has not been submitted to vary the height and FSR development standard.*
2. *The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:*
 - a. *Clause 1.1 Height, as the proposed dwellings exceed 7.5m in height.*
 - b. *Clause 1.2 Setbacks, as the proposed front and rear setback exceed the predominant building lines within the streetscape. Further, the side setbacks do not comply with the minimum control.*
 - c. *Clause 1.3 Excavation, as the proposed development includes excessive excavation with non-compliant setbacks.*
 - d. *Clause 1.4 Streetscape and Visual Impact, as the proposed pedestrian entrance does not provide a sense of place and is convoluted.*
 - e. *Clause 1.7 Fences, as the proposal does not adequately show the height of boundary fences.*
 - f. *Clause 1.8 Visual and Acoustic Privacy, as the proposal results in adverse privacy impacts on neighbouring properties due to the extent of glazing and minimal side setbacks. Further, the rooftop terrace has an adverse impact on visual and acoustic privacy and does not comply with Clause 1.8(e).*

- g. *Clause 1.9 Solar Access, as the proposed open space at all three dwellings will be overshadowed on the winter solstice. The documentation does not provide enough detail about overshadowing of the living room windows at neighbouring properties.*
- h. *Clause 1.10 Views, as the proposed development does not allow for equitable access to views from neighbouring properties. The view loss is particularly attributed to the non-compliant roof terraces, building height and protrusion beyond the predominant front building line.*
- i. *Clause 1.11 Car Parking, as the proposed driveways on Pacific Avenue result in the loss of two on street car parking spaces.*
- j. *Clause 1.12 Landscaping and Open Space, as the proposed development includes predominantly hard surfaces to the front of the site.*
- k. *Clause 1.13 Swimming Pools and Spa Pools, as the proposed plans do to clearly show the location of pool plant equipment, Clause 1.13(g) requires pool equipment to be enclosed within an acoustically treated structure.*

1.3 Proposal

The subject Section 8.3 application seeks a review of the determination made under DA-471/2017 and seeks the demolition of the existing dwelling and construction of 2 x 4storey semi-detached dwellings fronting Pacific Avenue and a 3storey detached dwelling fronting Silva Street.

In a response to the refusal of the application, the applicant has made the following amendments:

1. The rooftop terrace and access stair have been deleted from the 2 x semi-detached dwellings fronting Pacific Avenue. The rooftop terrace and access stairs remain at the detached dwelling fronting Silva Street.
2. The front balconies to the semi-detached dwellings on Pacific Avenue have been reduced in size to provide a slightly larger setback from the front boundary. No changes have been made to the rear and side setbacks of the semi-detached dwellings.

Overall, the current proposal in summary seeks the following:

Dwelling 1 and 2 (semi detached pair of dwellings fronting Pacific Avenue)

(Note: according to architectural plans, dwelling 1 is on east, dwelling 2 is on west – opposite identification to approved subdivision plan, where lot 1 is on west and lot 2 is on east)

Each dwelling comprises of:

Level 0 (Pacific Avenue street level):

- 2 car garage with turntable and separate driveways, accessed from Pacific Avenue
- Pedestrian access to dwelling via garage
- Laundry, waste storage, plant and services
- Lift and stair access to levels above.

Level 1:

- 2 x bedrooms, each with ensuite.
- Front balcony to Bed 2 fronting Pacific Avenue
- Laundry, plant (A/C and pool) and services
- Lift and stair access to other levels above and below.

Level 2:

- Open plan living, kitchen and dining, WC
- Front balcony to living area fronting Pacific Avenue
- Covered outdoor area, landscaped area, swimming pool and cabana
- Lift and stair access to other levels above and below.

Level 3:

- Master bedroom with ensuite
- Front balcony to Bed 1 fronting Pacific Avenue
- Void areas, lift and stair access to other levels below.
- Green planted roof to rear.

Dwelling 3 (fronting Silva Street):

Basement level (level 0):

- 2 bedrooms, 1 bathroom,
- Laundry, plant (A/C and pool) and services
- Lift and stair access to levels above.
- Covered outdoor area, landscaped area and swimming pool

Level 1 (Silva Street level):

- 2 car integrated garage with vehicular access from Silva Street, waste storage
- Open plan living, kitchen and dining, WC and pedestrian entry
- Balcony to rear accessed from dining area
- Lift and stair access to other levels above and below.
- Landscaping to front

Level 2:

- Master bedroom with ensuite and walk in robe
- Lift and stair access to other levels below.
- Balcony to rear
- Separate external stairs providing access to roof terrace above

Roof level:

- Roof terrace

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 was submitted with the original development application. A BASIX Certificate has not been lodged with the subject Section 8.3 Review.

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP (Coastal Management) 2018

SEPP (Coastal Management) 2018 applies to the subject site as it is wholly located within a coastal management area. The site is located within a Coastal Use Area and is therefore subject to the controls in Division 4 Clause 14, which states:

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

The proposal is not considered to have taken into account the surrounding coastal and built environment, and is not considered to be of an appropriate bulk and scale in accordance with Clause 14(c).

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
2.6 Subdivision – consent requirements	Yes	Subdivision is permissible with consent. Consent has been granted under DA-501/2015 (yet to be registered).
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as a new semi-detached dwelling and detached dwelling, which is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.1 Minimum subdivision lot size <ul style="list-style-type: none"> • 232m² 	Yes Yes No	DA-501/2015 approved the subdivision of the parent lot into the following lot sizes: Lot 1 (dwelling 2): 232sqm Lot 2 (dwelling 1): 232sqm Lot 3 (dwelling 3): 225.9sqm (non-compliance of 6.1sqm or 2.6%). A written request under Clause 4.6 to vary the development standard was submitted and approved in the previous development application. As such, this has not been discussed below this table.
4.3 Height of buildings <ul style="list-style-type: none"> • 9.5m 	No	The applicant has used the interpolated ground level to indicate that the development is largely within the 9.5m control, albeit a portion of the south-western corner of the western semi-detached dwelling. The assessing officer does not agree that the height of the building should be measured from the interpolated ground level. Given the majority of the subject site is undisturbed (i.e. the natural ground level exists), the building height should be measured from the ground level (existing) of the subject site, as per the WLEP 2012 definition for <i>building height</i> . This results in a maximum building height of 10.8m, which exceeds the development standard by 1.3m or 13.68%.
4.4 Floor space ratio <ul style="list-style-type: none"> • 0.6:1 	No	Based on the parent lot, the maximum FSR control is 0.6:1. It is acknowledged that consent has been granted for subdivision of the site into three lots, however, to benefit

Provision	Compliance	Comment
		<p>from the WLEP 2012 Clause 4.4A, this subdivision must be executed prior to any development consent relying on Clause 4.4A.</p> <p>The proposed development has a total GFA of 570sqm, which equates to a FSR of 0.82:1. This is a non-compliance of 156.06sqm or 37.7%.</p> <p>The applicant has calculated the FSR based on the subdivided lot sizes, and therefore calculates the development as being compliant with the FSR development standard. This is further discussed below this table.</p>
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is class 5 and the proposal includes excavation. A geotechnical report has been submitted with the original application which indicates there is a low probability of Acid Sulfate Soils on site.
6.2 Earthworks	No	The proposal includes excessive excavation with nil setbacks.

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 10.8m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 1.3m or 13.68%.

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

- If the height is measured from the existing ground interpolated from the lowest and highest points within the subject site, as is “preferred” by O’Neill C in *Bettar v Council of the City of Sydney [2014] NSWLEC 1070 at Par. 41* on the grounds that it “*bears a relationship to the context and the overall topography that includes the site and remains relevant once the existing building is demolished*”, the majority of the building is within the height limit with

the exception of a negligible portion of the south-western corner of the western semi-detached dwelling; and

- If existing ground is measured as that which has been excavated to enable the construction of the existing building (described by O’Neill C in *Bettar* as relating “only relates to a building that is to be demolished and has no relationship to the context of the site”):
 - a. The portion of the proposed development exceeding the maximum permissible height is limited to (see Figures 7 and 8):
 - i. Minor portion of Level 3 and roof structure over proposed semi-detached dwellings
 - ii. Minor portion of roof structure and glass balustrade to rooftop terrace over proposed detached dwelling.
 - b. Strict compliance with the maximum permissible height will not result in:
 - i. Reduced view loss from 7 Pacific Avenue or 8 Silva Street
 - ii. Significant reduction in overshadowing impacts to habitable rooms or private open spaces associated with neighbouring dwellings;
 - iii. Any improvement in visual or acoustic privacy of habitable rooms or private open spaces associated with neighbouring dwellings; or
 - iv. Improved streetscape outcome
 - c. Whilst strict compliance with the maximum permissible height will result in minor reduction in view loss from 12 Silva Street, impacts are acceptable on the grounds that views to the land-water interface at the Tamarama southern headland and beyond are retained whilst only a minor portion of the interface is lost, achieving view sharing in accordance with the test set out in *Tenacity Consulting v Warringah [2004] NSWLEC 140* is achieved.

The arguments in the applicant’s written request is not considered to sufficiently address the requirements of Clause 4.6(3) as if fails to demonstrate sufficient environmental planning grounds to justify contravening the maximum height of building development standard for the following reasons:

- The majority of the subject site is undisturbed and therefore the height should be measured from the ground level (existing) as specified in the WLEP 2012 definition of *building height*.
- The applicant has stated that there are view loss impacts to 12 Silva Street, which are directly attributed to the height non-compliance. As such, there is no environmental planning grounds to justify contravention of the control.
- The applicant also states that “strict compliance with the maximum height will not result in significant reduction in overshadowing impacts”, no additional documentation or shadow elevations have been provided to substantiate this claim.
- The proposed development is non-compliant with almost all controls in WDCP 2012 Part C1 (as discussed in the tables below). The cumulative impacts of the height non-compliance, coupled with the non-compliant front, rear and side setbacks, excessive excavation and excessive glazing results in a development that has significant amenity impacts on neighbouring properties.

The written request fails to demonstrate that compliance is unreasonable or unnecessary in the circumstances. The request does not provide sufficient environmental planning grounds to justify contravening the height development standard for this particular proposal. The proposed development would not be in the public interest because it is inconsistent with the objectives of the

height development standard and the R3 medium density zone. In accordance with Clause 4.6(4), development consent cannot be granted and as such, the proposal is recommended for refusal.

Clause 4.4 Floor space ratio

The applicant has based the floor space ratio calculations on the subdivided allotment sizes by utilising Clause 4.4A of Waverley LEP 2012 to calculate the maximum allowable floor space ratio (i.e 0.849:1 for the front two lots and 0.856:1 for the rear lot). While it is acknowledged that subdivision has been approved under DA-501/2015, this consent has not been activated. Additionally, Condition 1 of DA-501/2015 required future development to have regard to the indicative plans provided by Molnar Freeman Architects. While DA-471/2017 and DA-471/2017 have been prepared by the same architect, the proposal is grossly overdevelopment when compared to the original indicative plans.

Further concern is raised over the calculation of gross floor area within all dwellings. The basement bathrooms and laundries have not been included. In addition, only one level of stair have been included. There are large voids within the semi-detached dwellings that minimise gross floor area but do not reduce the bulk and scale of the dwelling. These voids do not provide any tangible benefit with regards to minimise the GFA, as it does not alleviate the impacts of the development on neighbouring properties, and they may be filled with little to no impact at a later stage.

The applicant has not provided a written request pursuant to Clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. Notwithstanding the absence of a written request, the proposal is considered an overdevelopment of the site, having unacceptable and unreasonable impacts on the amenity of the adjoining properties and the locality. The proposal does not demonstrate the desired future character of the area.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A site waste and recycling management plan has been submitted, including a demolition plan. Standard conditions of consent are recommended should the application be supported.
2. Energy and water conservation	Yes	A BASIX Certificate was submitted with the original application.
4. Coastal risk management	Yes	The site is located within a Coastal Use Area. The proposal is not considered to have taken into account the surrounding coastal and built environment, and is not considered to be of an appropriate bulk and scale in accordance with Clause 14(c).

Development Control	Compliance	Comment
6. Stormwater	Yes	The application was referred to Council's Stormwater Engineers who advised that the proposal is satisfactory with regards to stormwater.

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

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	The proposed dwellings exceed 7.5m in height.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	No	The proposed front and rear setback exceed the predominant building lines within the streetscape. The indicative plans provided for the subdivision approval DA-501/2015 include a minimum front setback of 5.5m from Pacific Avenue. The proposed balconies extend beyond the front building line at each level. It is noted that the front balconies have been reduced under this Section 8.3 Review, however the proposed building does not set back at level 2 in line with the neighbouring property. The rear top level of the semi-detached dwellings cantilevers of Level 2, and protrudes beyond the rear setback at 7 Pacific Avenue, which significantly adds to the bulk of the development.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of: 0.9m for 1-2 storeys 1.5m for 3 storeys 	No	The setbacks for all three dwellings do not comply with the minimum setback requirements. The semi-detached dwellings have setbacks between 450mm and 900mm. Portions of the detached dwelling fronting Silva Street have nil setback.
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	No	The extent of excavation for all three dwelling is excessive and is proposed within 900mm of the boundaries. All three dwellings include a habitable room with an external wall below the existing ground level, which does not comply.
1.4 Streetscape and visual impact		

Development Control	Compliance	Comment
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. 	No	<p>The proposed development is considered to dominate the streetscape. This is attributed to the excessive excavation, non-compliant setbacks, additional height and front balconies protruding beyond the predominant front building line.</p> <p>From Pacific Avenue, the pedestrian entrance to the dwelling is through the basement to the rear stairs. This is not favoured as it does not provide a sense of place and is somewhat convoluted. The proposal includes predominantly hard surfaces to the front of the site, leaving little room for soft landscaping.</p>
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	No	<p>The annotations indicate new fences are 1.8m in height, however it is not clear where this is measured from. Clause 1.7(d) requires side and rear boundary fences to not exceed 1.8m above the existing ground level of adjoining properties and are to taper down from the front building line.</p> <p>No front fence is shown on the plans.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: <i>10m² in area</i> <i>1.5m deep</i> 	No	<p>The proposal includes extensive glazing and minimal side setbacks which results in adverse privacy impacts. The proposal is heavily reliant on external louvered screens for privacy. The roof terrace from the semi-detached dwellings have been deleted. However, the proposal retains a roof terrace to the detached dwelling fronting Silva Street. This roof terrace is not supported as there is not a contiguous pattern of roof terrace in the vicinity. Furthermore, the roof terrace is accessed via “screened” external stairs which span the front facade of the dwelling.</p> <p>All balconies exceed 1.5m in depth.</p>
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to living areas and principal open space areas on 21 June Minimum of three hours of sunlight maintained to living areas and principal 	No	<p>The proposed open space at all three dwellings will be overshadowed on the winter solstice, which does not comply. Given the non-compliant setbacks and excessive bulk and scale of the proposed development, shadow elevation diagrams at both the subject site and neighbouring properties were requested. These</p>

Development Control	Compliance	Comment
open space areas of adjoining properties on 21 June		shadow elevations have not been provided. Given that insufficient documentation has been provided, the full impact of the proposed development cannot be assessed.
1.10 Views		
<ul style="list-style-type: none"> Views from the public domain are to be maintained Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	No	The proposed development does not comply with WDCP 2012 C1 Park 1.10 as it does not allow for equitable access to views from 7 Pacific Avenue and 12 Silva Street. See discussion below.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 2 spaces for 3 or more bedrooms 	Yes	Each of the three dwellings provides car parking for 2 cars within a garage. The semi-detached dwellings fronting Pacific Avenue also include a car turntable in each dwelling.
1.11.2 Location <ul style="list-style-type: none"> Behind front building line for new dwellings Consistent with hierarchy of preferred car parking locations 	Yes	The car parking is located at the front of the building, but is considered to be integrated into the design of the dwellings and is consistent with the streetscape.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes No	The size of the proposed garage at the detached dwelling fronting Silva Street complies. The width of the garages at the two semi-detached dwellings fronting Pacific Avenue is only 4.3m for 2 cars, which does not comply.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	No	The proposal includes a driveway to each semi-detached dwelling off Pacific Avenue. The original application resulted in the loss of two on-street car parking spaces which was not supported. It was recommended that a shared driveway be provided in the centre of the two dwellings. While not clearly shown on the plans as an amendment, the current Section 8.3 Review plans slightly alter the driveway to the eastern semi-detached dwelling to allow for a kerbside space of approximately 4.5m. This was discussed with Council's Traffic engineers who advised that a minimum length of 5m for an on-

Development Control	Compliance	Comment
		street car parking space is required. As such, the proposed driveway location on Pacific Avenue is not supported.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposal includes a total of 304.69sqm of open space across the entire site, which equates to 44%.</p> <p>The overall landscaped area is 98.65sqm, which equates to 14%. The applicant has included planter boxes, which are not at ground level and are not considered to meet the requirements for landscaped area.</p> <p>The two semi-detached dwellings have private open space in the rear garden measuring 52-53sqm each. The detached dwelling has private open space on the basement level measuring 59sqm, which complies.</p> <p>All three dwellings provide 100% open space in the front building setback area.</p> <p>The two semi-detached dwellings provide 28% and 30.5% of the front open space as landscaped area. The detached dwelling provides 19.7% as landscaped area. All three dwellings have significantly less landscaped area within the front setback than required under the controls.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property All pool equipment must be enclosed within an acoustically treated structure. 	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>The pools are located in the rear of each lot.</p> <p>The plans submitted with this Section 8.3 Review indicate that the swimming pool equipment for the two semi-detached dwellings is located in the plant rooms to the rear of level 1, which is sufficient.</p> <p>The swimming pool equipment for the detached dwelling has not been shown on the plans. Clause 1.13(g) requires pool equipment to be enclosed within an acoustically treated structure.</p>

View loss

The proposed development does not comply with WDCP 2012 C1 Part 1.10 as it does not allow for equitable access to views from 7 Pacific Avenue and 12 Silva Street. The view loss impact is specifically attributed to the roof top terraces (which were deleted from the semi-detached dwelling

under this Section 8.3 Review). However, the non-compliance with the height development standard (when correctly measured from the existing ground level), and the non-compliance with the predominant front setback also results in view loss impacts. A further view analysis was requested when the original development application was deferred, but this has not provided. It is acknowledged that the front balconies have been reduced, which results in some improvement in the view loss impacts for 7 Pacific Avenue, however this has not be qualified by any photomontage. Images are provided below of the existing views from 7 Pacific Avenue and 12 Silva Street.



Figure 4: View from balcony at 7 Pacific Ave showing existing roof of the dwelling at the subject site



Figure 5: View from balcony at 7 Pacific Ave towards Taramara Surf Club



Figure 6: Internal view from 7 Pacific Avenue across subject site



Figure 7: View from balcony at 12 Silva Street showing existing roof of the dwelling at the subject site



Figure 8: View from inside 12 Silva Street



Figure 9: Subject site viewed from side boundary of 12 Silva Street

Previous approval for subdivision

As discussed above under 'Relevant History' DA-501/2015 granted consent for demolition of the existing dwelling and Torrens Title subdivision of the site into 3 lots. Indicative plans were submitted as part of the application for subdivision to provide guidance as to the acceptable built form of future development on the site. These indicative plans were prepared by Molnar Freeman Architects (the same architect as the subject development application). Condition 1 requires that building envelopes for future development have regard to the indicative plans provided under DA-501/2015. The indicative plans and proposed plans are provided below:

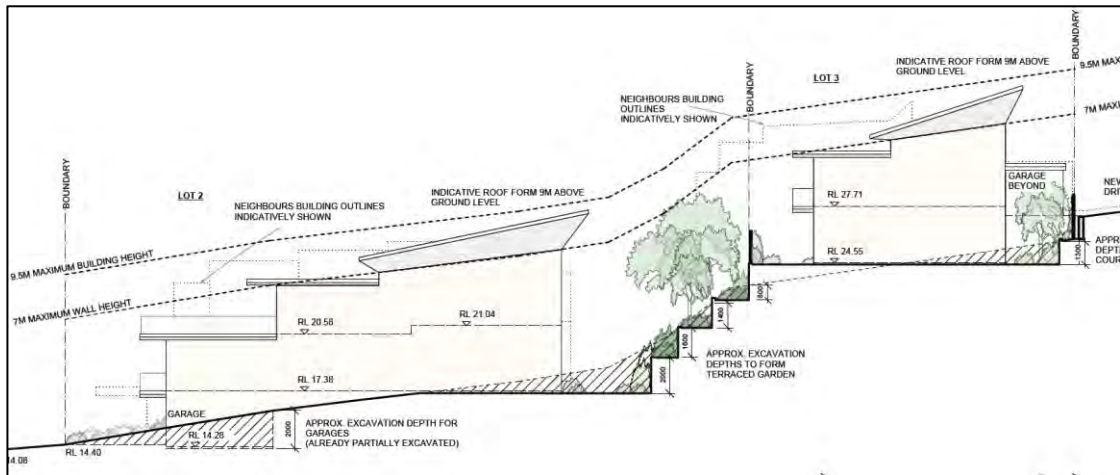


Figure 10: 'Potential built form diagram – South eastern elevation' DA-05

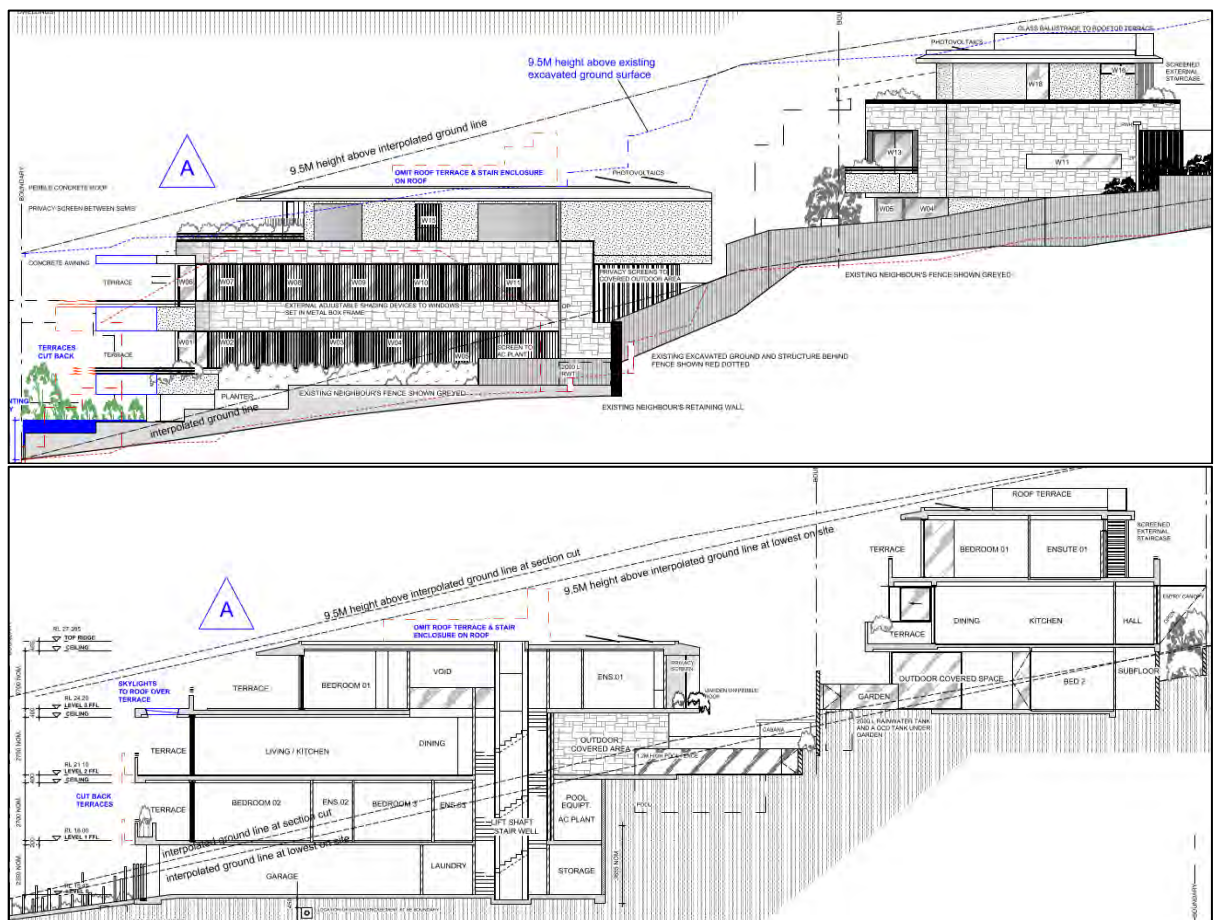


Figure 11: Proposed S-E elevation and long section submitted with subject review application

The subdivision application was approved based on the indicative plans accommodating a semi-detached dwelling on Lots 1 and 2 and a detached dwelling on Lot 3. The Planner’s Assessment report for DA-501/2015 notes “This indicative plan shows building forms with setbacks and open space capable of complying with the DCP controls”, the report also states that the indicative built form shows compliance with the maximum 9.5m building height and 7m wall height across all lots. At the time of approving DA-501/2015, Council was satisfied that the subdivision was in accordance with the objectives of the Planning Principle (relating to subdivision and design of a future building) and that future built forms can be designed to not have significant adverse impacts to the amenity of neighbouring properties. The applicant has presented a proposal that does not provide any consideration to the assessment or indicative plans of the subdivision application. As such, the application is recommended for refusal.

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 a significant detrimental effect relating to environmental, social or economic impacts on the locality, and as such the application is recommended for refusal.

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

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

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

Table 4: Summary of property addresses that lodged a submission

Property
7 Pacific Avenue
9 Pacific Avenue
12 Silva Street
8 Silva Street
6 Carlisle Street
8 Carlisle Street

Issue: *Non-compliance with height control, incorrect calculation of FSR and results in an overdevelopment of the site*

Response: Agreed. The application is recommended for refusal

Issue: *The proposal has amenity impacts on neighbouring properties including view loss, overshadowing and privacy.*

Response: Agreed. The application is recommended for refusal.

Issue: Impacts during construction

Response: The application is recommended for refusal. However, should the application be approved, appropriate conditions would be including relating to construction traffic management plans and hours of work and noise to minimise impacts.

Issue: Noise and visual impact of the rooftop terrace on the detached dwelling

Response: Agreed. The rooftop terrace is not supported as developments contiguous to the subject site do not include roof terraces. The application is recommended for refusal.

Issue: The application results in the loss of on-street car parking spaces

Response: Agreed. This has been discussed in the DCP compliance table above. The application is recommended for refusal.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, and is recommended for refusal.

3. REFERRALS

The application was referred to Council's Stormwater Engineers, Tree Management Officer and Traffic Engineers. No responses were received. Should the application be approved, further comments would be sought by Council's engineers.

4. SUMMARY

The application seeks a review of the determination made under DA-471/2017. The original application sought consent for 2 x semi-detached dwellings fronting Pacific Avenue and a detached dwelling fronting Silva Street with excavated basement levels and rooftop terraces. The application was deferred for a number of reasons, and amendments were not made to the application. As a result, the application was ultimately refused on 21 May 2018.

In response to the refusal, the applicant has lodged a S8.3 Review of the determination and amended the scheme by deleting the rooftop terrace from the 2 semi-detached dwellings (the rooftop terrace and external stairs remain on the detached dwelling fronting Silva Street), and the front balconies to the semi-detached dwellings have been reduced in size.

DA-501/2015 granted consent on 11 May 2016 to demolition of the existing dwelling and Torrens Title Subdivision. Indicative plans were submitted as part of the application for subdivision to provide guidance as to the acceptable built form on the site. These indicative plans were prepared by Molnar Freeman Architects (the current applicants). The subject proposal has little consideration for the indicative plans.

The proposal does not comply with the height development standard and there is concern about the calculation of the gross floor area (and therefore compliance with the FSR development standard). The development results in non-compliant front, rear and side setbacks, and has privacy, overshadowing and view loss impacts.

6 submissions were received. The application is recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Development Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

Report prepared by:

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

Emma Finnegan
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 5/10/2018

Date: 12/10/18

Reason for referral:

- 3 - Departure from any development standard in an EPI by more than 10%
- Review of refusal application

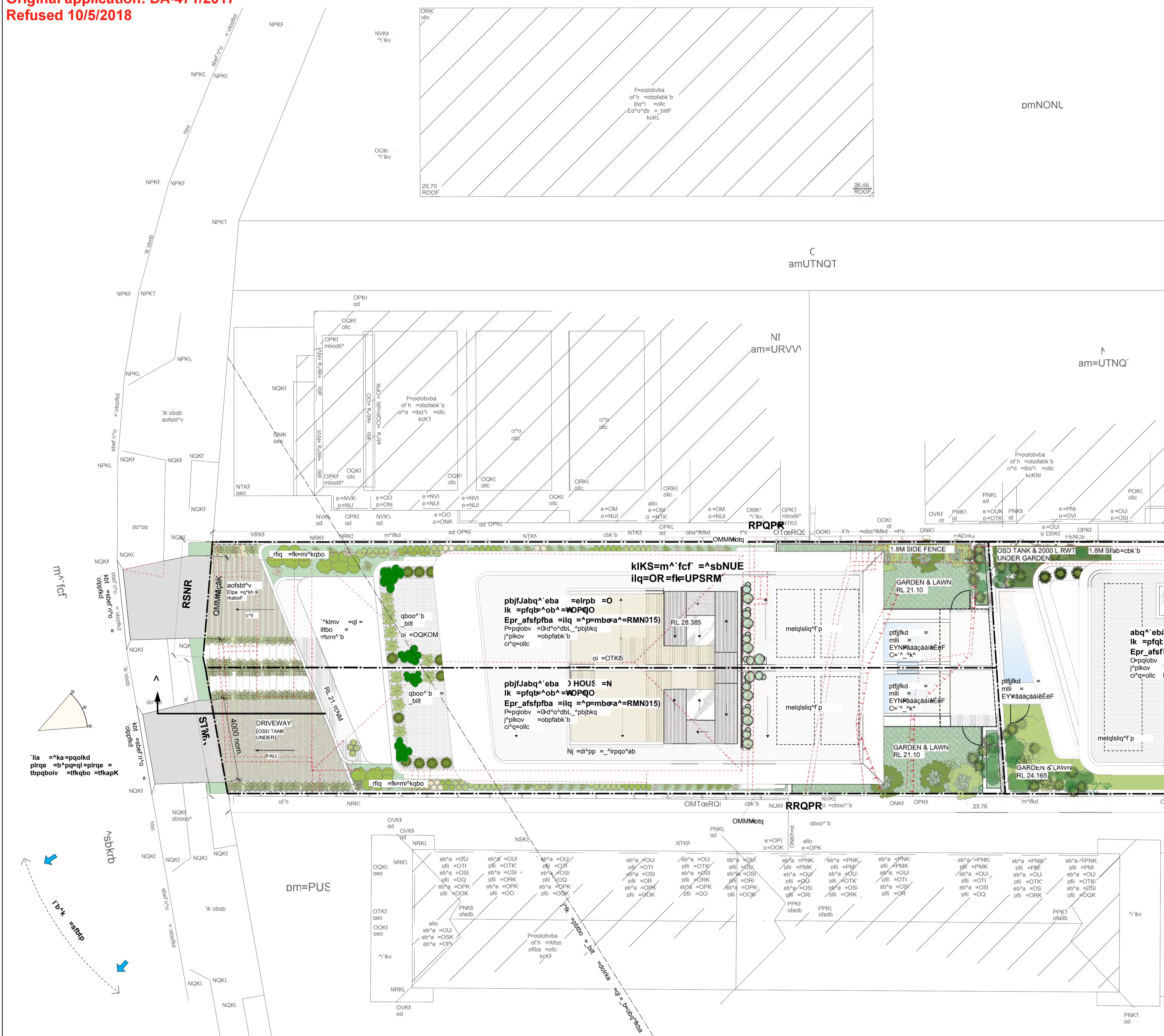
APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not promote good design and amenity of the built environment in accordance with Environmental Planning and Assessment Act 1979 Clause 1.3(g).
2. The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3 as the proposal will exceed the maximum height permitted for the site and have unacceptable impacts
 - b. Clause 4.4 as the proposal will exceed the maximum FSR permitted for the site and have unacceptable impacts.
 - c. Clause 4.6 as a written request has not been submitted to vary the FSR development standard.
3. The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Clause 1.1 Height, as the proposed dwellings exceed 7.5m in height.
 - b. Clause 1.2 Setbacks, as the proposed front and rear setback exceed the predominant building lines within the streetscape. Further, the side setbacks do not comply with the minimum control.
 - c. Clause 1.3 Excavation, as the proposed development includes excessive excavation with non-compliant setbacks.
 - d. Clause 1.4 Streetscape and Visual Impact, as the proposed pedestrian entrance does not provide a sense of place and is convoluted.
 - e. Clause 1.8 Visual and Acoustic Privacy, as the proposal results in adverse privacy impacts on neighbouring properties due to the extent of glazing and minimal side setbacks. Further, the rooftop terrace has an adverse impact on visual and acoustic privacy and does not comply with Clause 1.8(e).
 - f. Clause 1.9 Solar Access, as the proposed open space at all three dwellings will be overshadowed on the winter solstice. The documentation does not provide enough detail about overshadowing of the living room windows at neighbouring properties.
 - g. Clause 1.10 Views, as the proposed development does not allow for equitable access to views from neighbouring properties. The view loss is particularly attributed to the non-compliant building height and protrusion beyond the predominant front building line.
 - h. Clause 1.11 Car Parking, as the proposed driveways on Pacific Avenue result in the loss of two on street car parking spaces and could be minimised.
 - i. Clause 1.12 Landscaping and Open Space, as the proposed development includes predominantly hard surfaces to the front of the site.
 - j. Clause 1.13 Swimming Pools and Spa Pools, as the proposed plans do to clearly show the location of pool plant equipment, Clause 1.13(g) requires pool equipment to be enclosed within an acoustically treated structure.
4. The proposed development does not satisfy section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse impact upon the amenity of the locality and surrounding built environment.

5. The proposal is contrary to 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.
6. The proposal is contrary to 4.15(1)(d) as the proposal will result in unreasonable amenity impacts to adjoining properties having regard to the issues raised in the submissions.

Original application: DA-471/2017
 Refused 10/5/2018



REFUSED

DA-471/2017

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DEVELOPMENT APPLICATION

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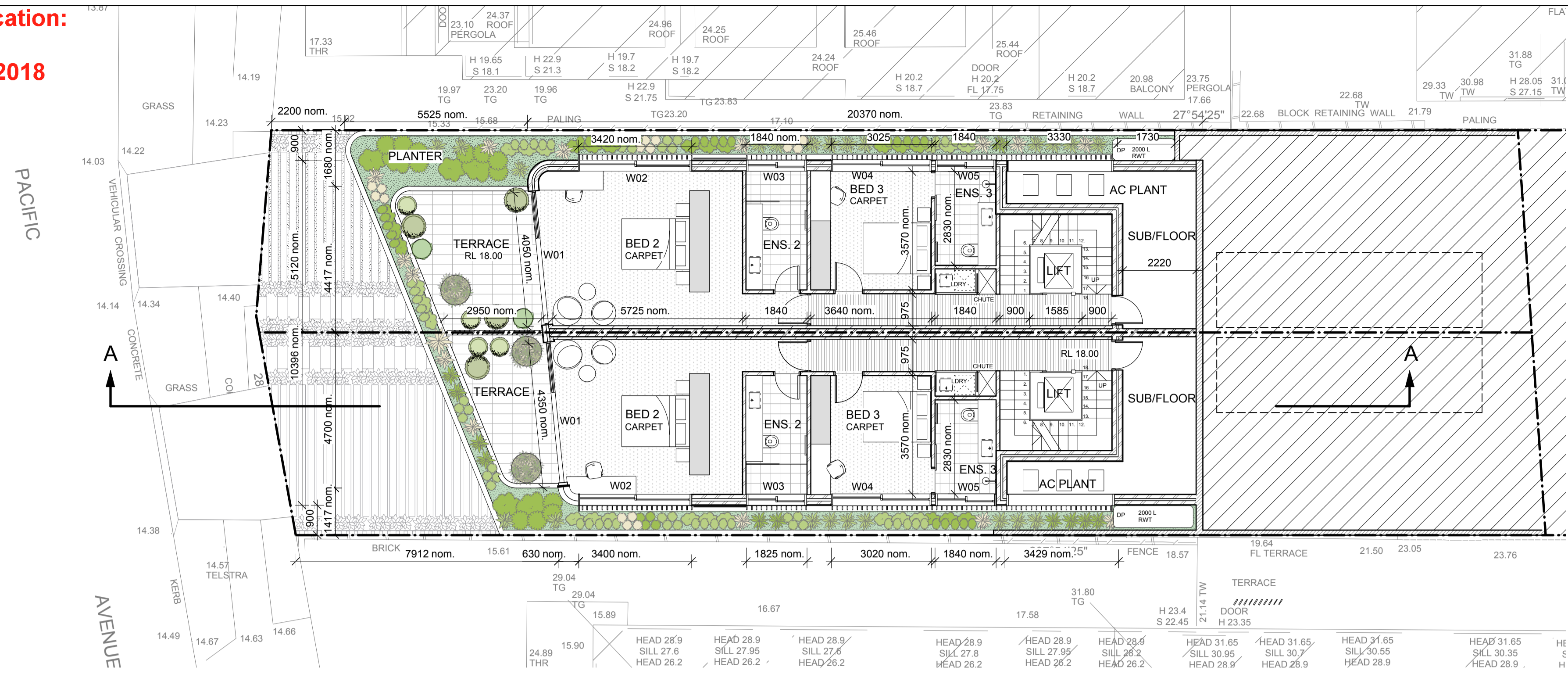
MOLNAR FREEMAN ARCHITECTS

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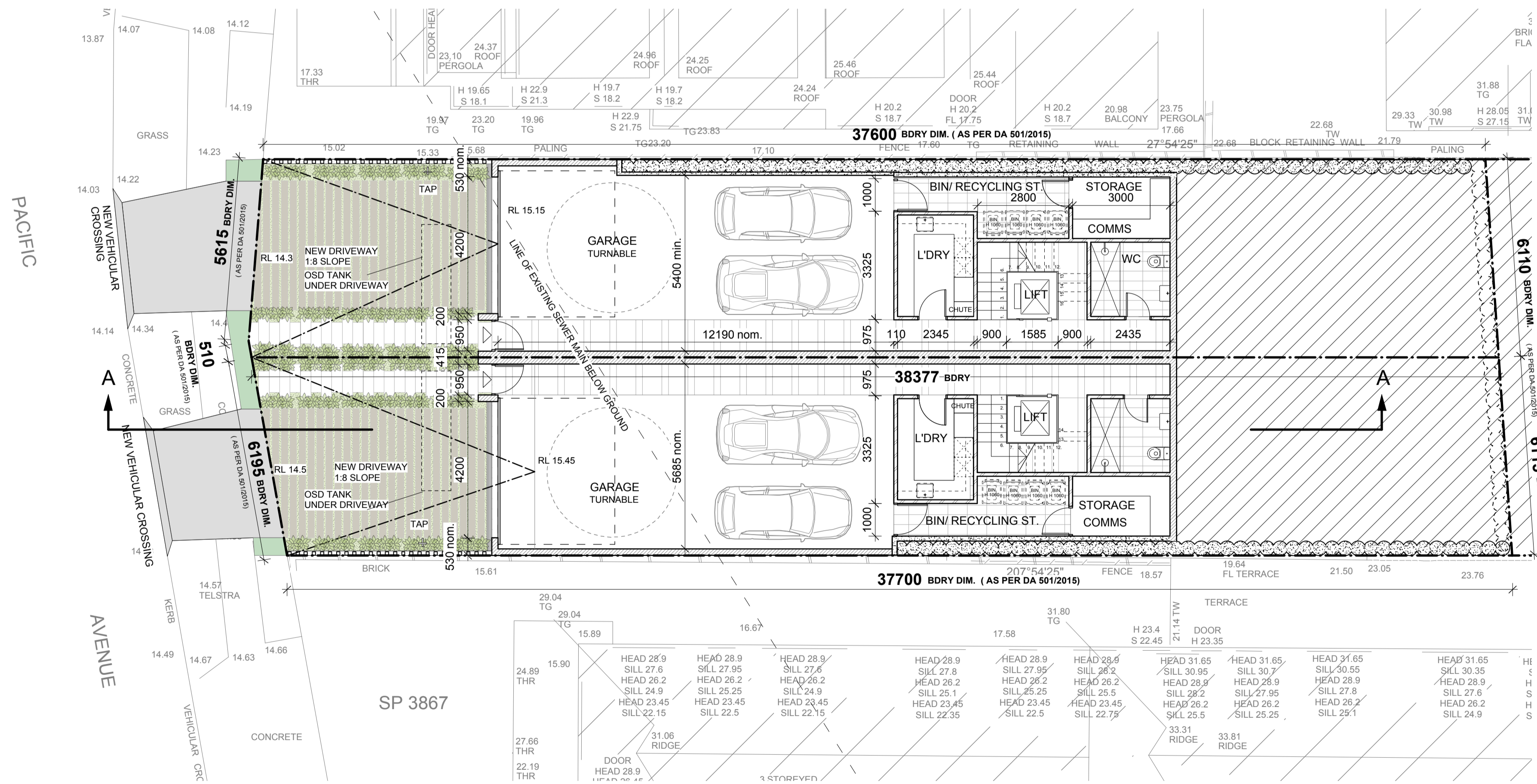
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Original application:
DA-471/2017
Refused 10/5/2018



PROPOSED SEMI-DETACHED HOUSES - LEVEL 1

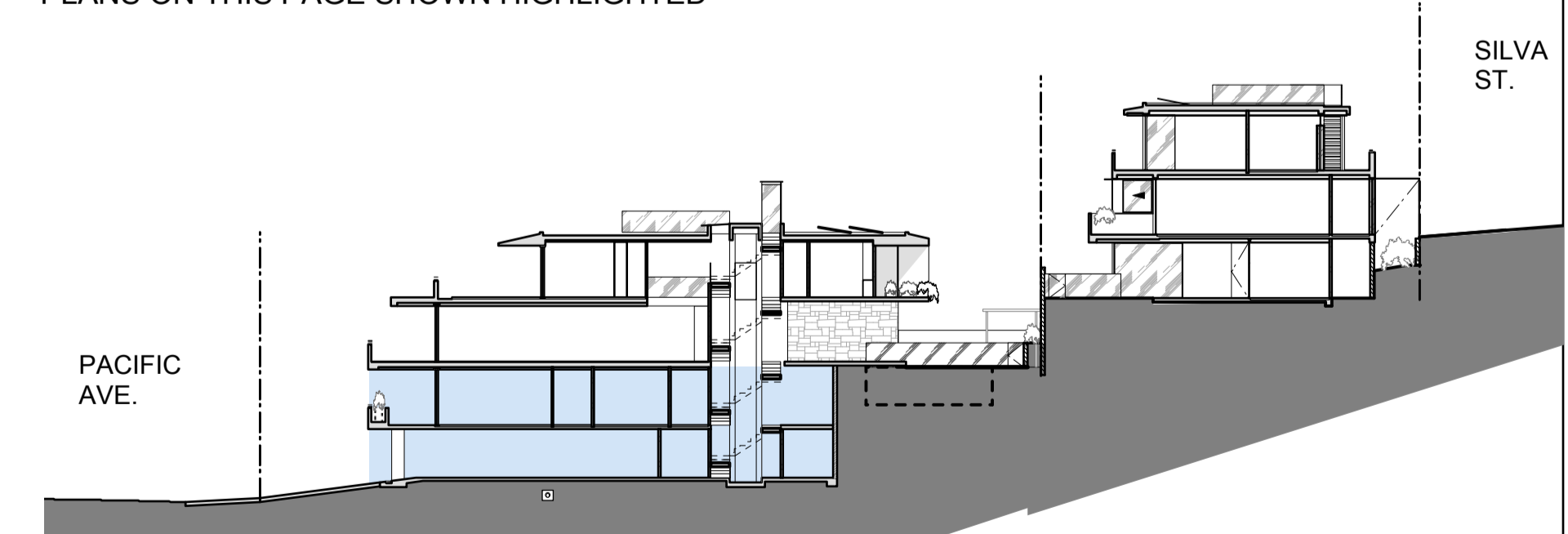


PROPOSED SEMI-DETACHED HOUSES - LEVEL 0 (PACIFIC AVENUE ENTRY)

REFUSED

DA-471/2017

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NO.	DESCRIPTION	DATE

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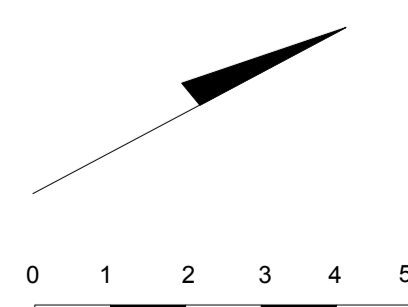
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STORMWATER DESIGN- REFER TO QUANTUM ENGINEER'S DRAWINGS

BASIX REQUIREMENTS- REFER TO DA-15, DA-16 & DA-17

GEOTECHNICAL SITE INVESTIGATION- REFER TO GEO-TECHNICAL REPORT BY CROZIER

NORTH



IF THE CONTRACTOR IS IN ANY DOUBT AT ANY TIME THEY ARE TO ASK THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK ON SITE.

DEVELOPMENT APPLICATION

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Architects Registration: 6125

client **RAJI KOONER**

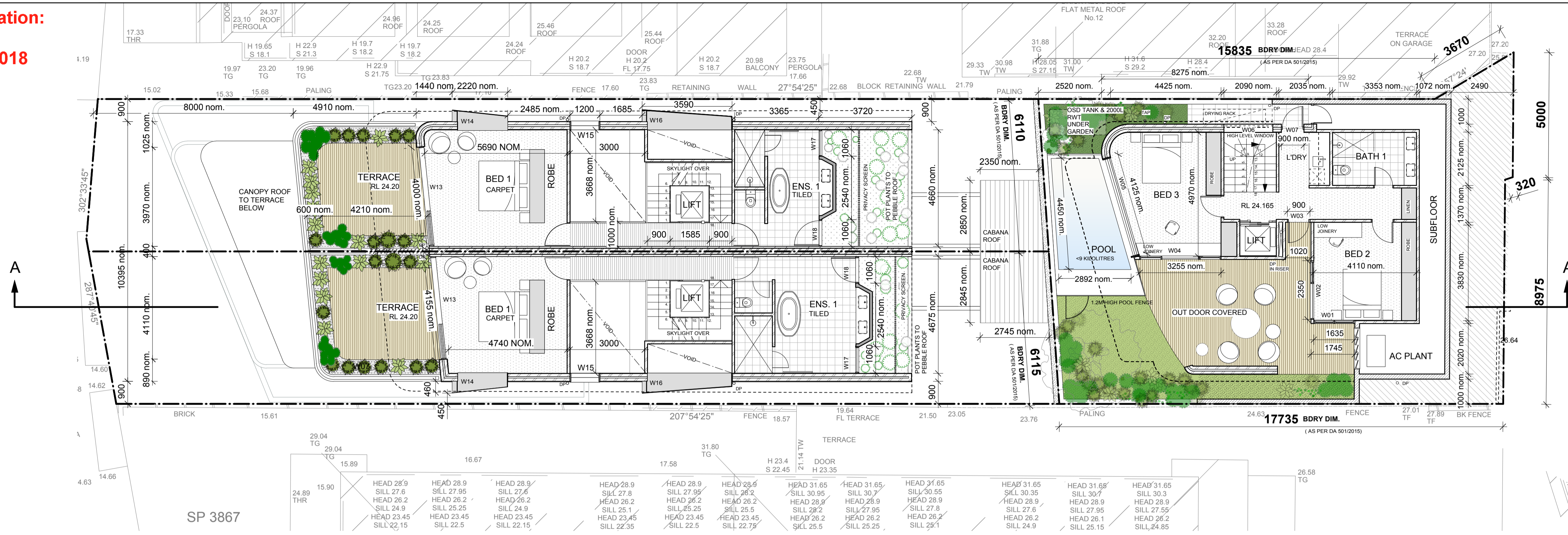
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drawing title **PROPOSED PLANS LEVEL 0 & LEVEL 1 (SEMI-DETACHED)**

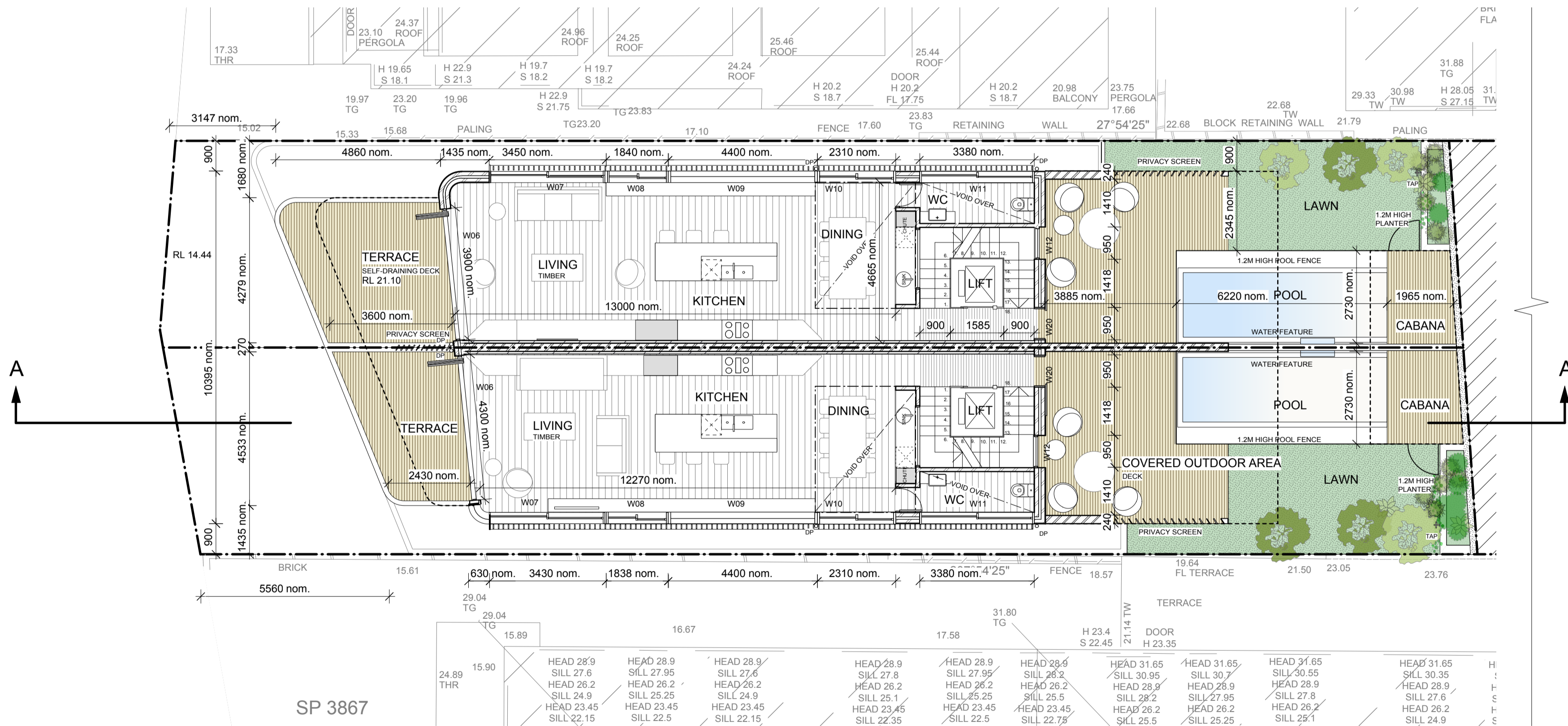
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date **OCT 2017** scale **1:100 @ A1** revision

Original application:
DA-471/2017
Refused 10/5/2018



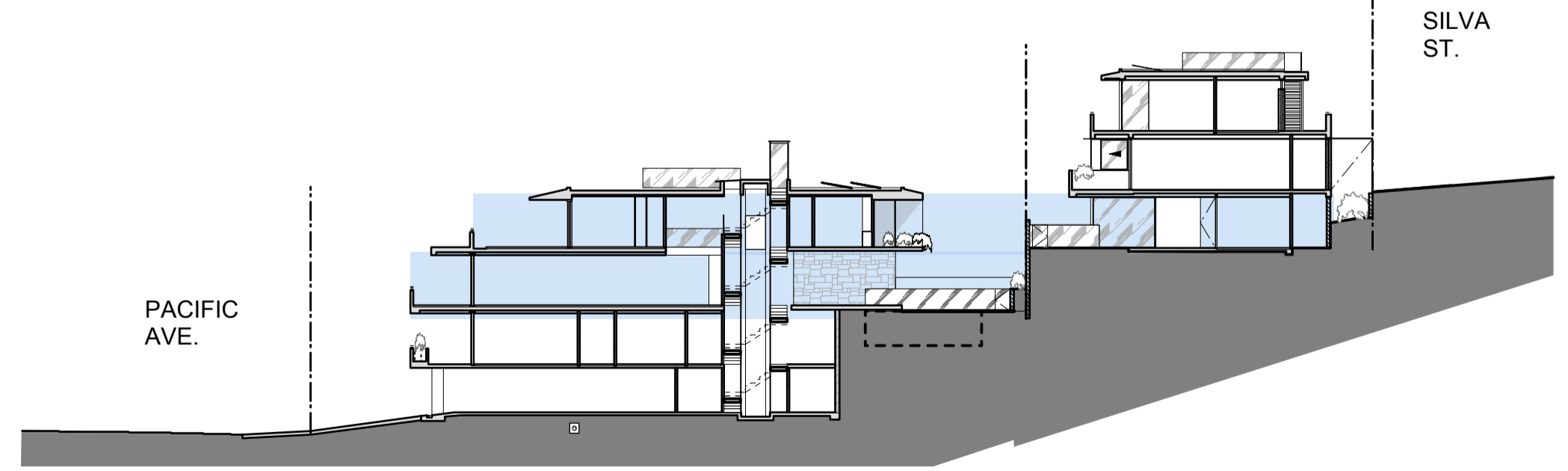
PROPOSED SEMI-DETACHED HOUSES - LEVEL 3 / PROPOSED DETACHED HOUSE - BASEMENT LEVEL



PROPOSED SEMI-DETACHED HOUSES - LEVEL 2

REFUSED
DA-471/2017

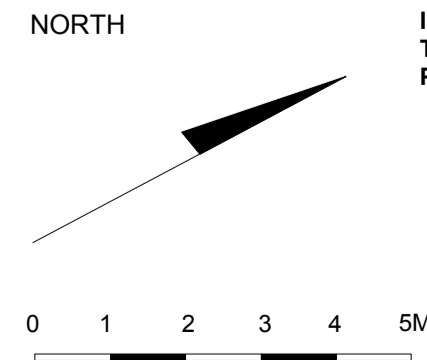
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DEVELOPMENT APPLICATION

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Architects Registration: 6125

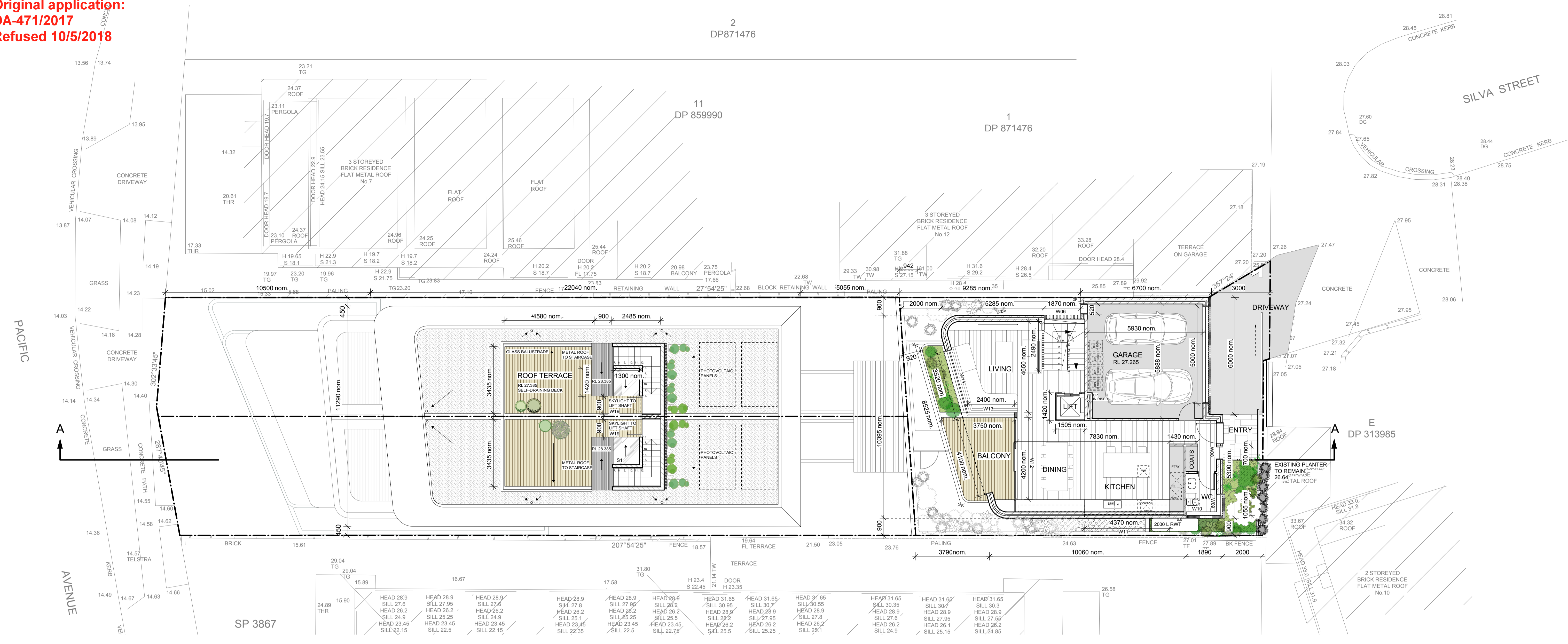
client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**
drawing title **PROPOSED PLANS LEVEL 2 & LEVEL 3 (SEMI-DETACHED) BASEMENT (DETACHED)**
project number **439** dwg number **DA-04**
date **OCT 2017** scale **1:100 @ A1** revision

Original application:
DA-471/2017
Refused 10/5/2018

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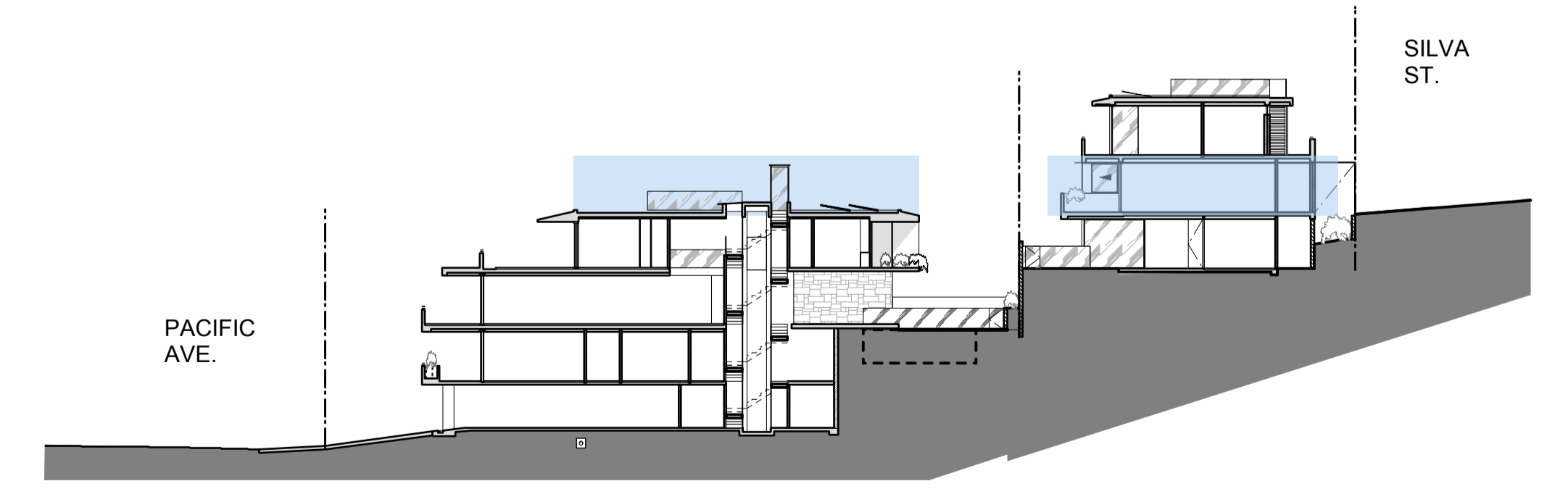


PROPOSED SEMI-DETACHED HOUSES - ROOF PLAN / PROPOSED DETACHED HOUSE - LEVEL 0 (SILVA STREET ENTRY)

REFUSED

DA-471/2017

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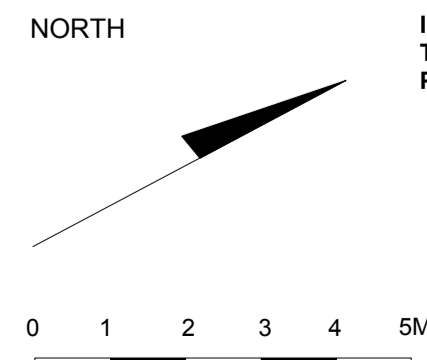
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GEOTECHNICAL SITE INVESTIGATION- REFER TO GEO-TECHNICAL REPORT BY CROZIER



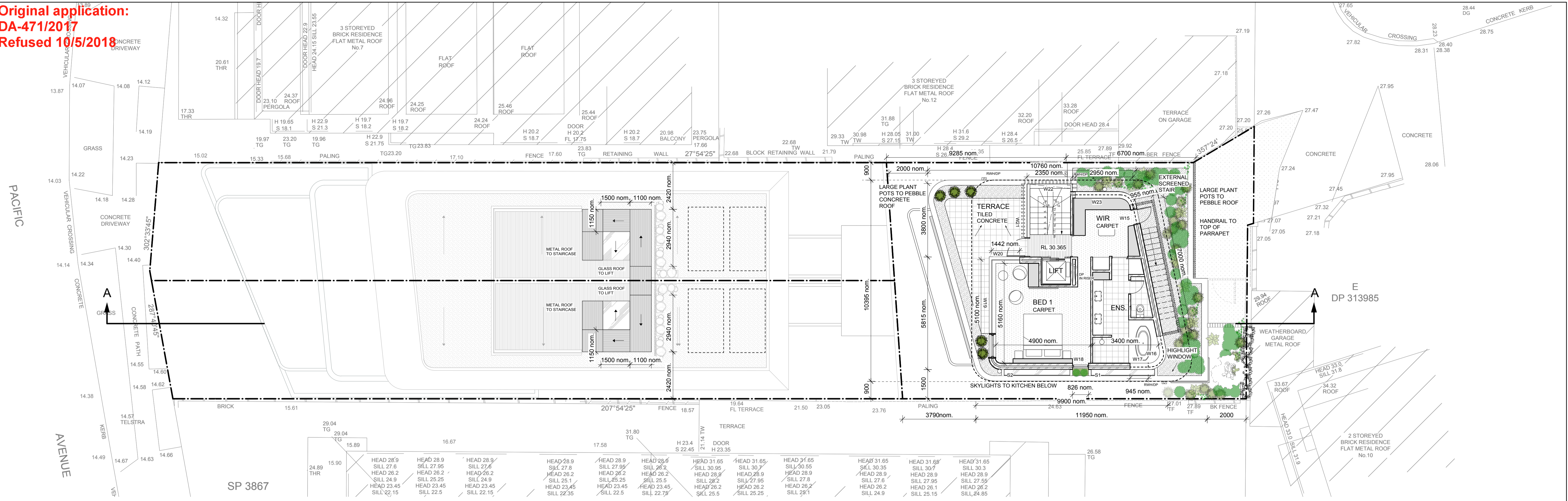
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DEVELOPMENT APPLICATION

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Architects Registration: 6125

client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**
drawing title **PROPOSED ROOF PLAN (SEMI-DETACHED) & LEVEL 0 (DETACHED)**
project number **439** dwg number **DA-05**
date **OCT 2017** scale **1:100 @ A1** revision

Original application:
DA-471/2017
Refused 10/5/2018

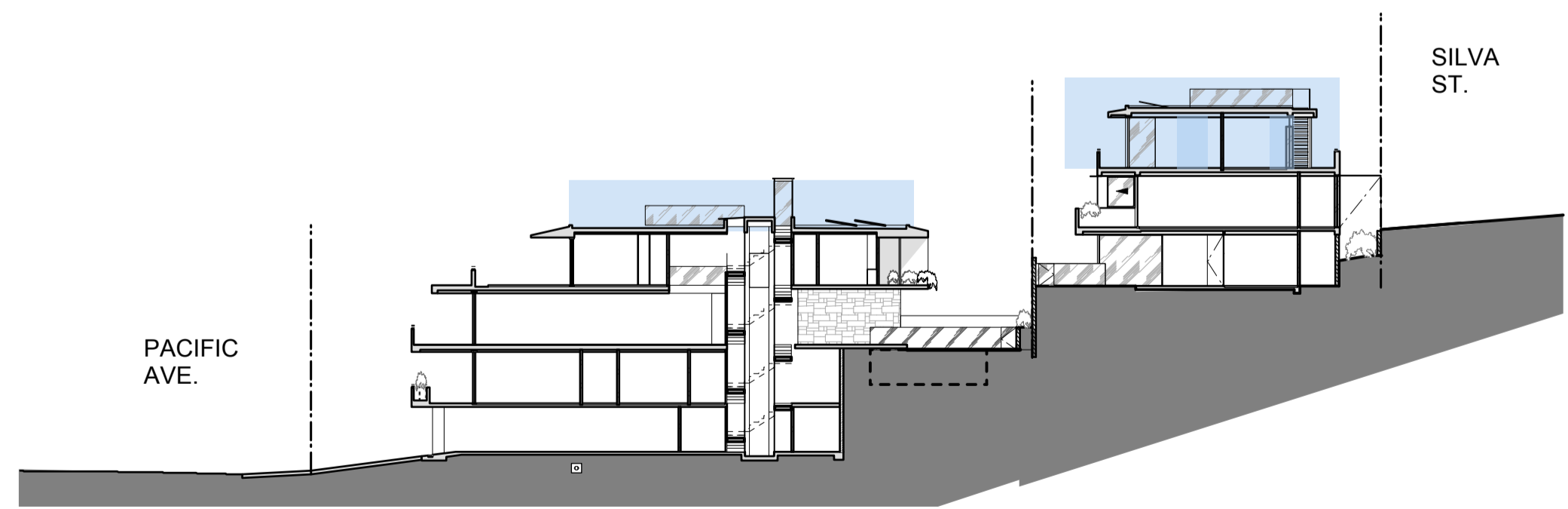


PROPOSED SEMI-DETACHED HOUSES - ROOF PLAN & PROPOSED DETACHED HOUSE - LEVEL 1

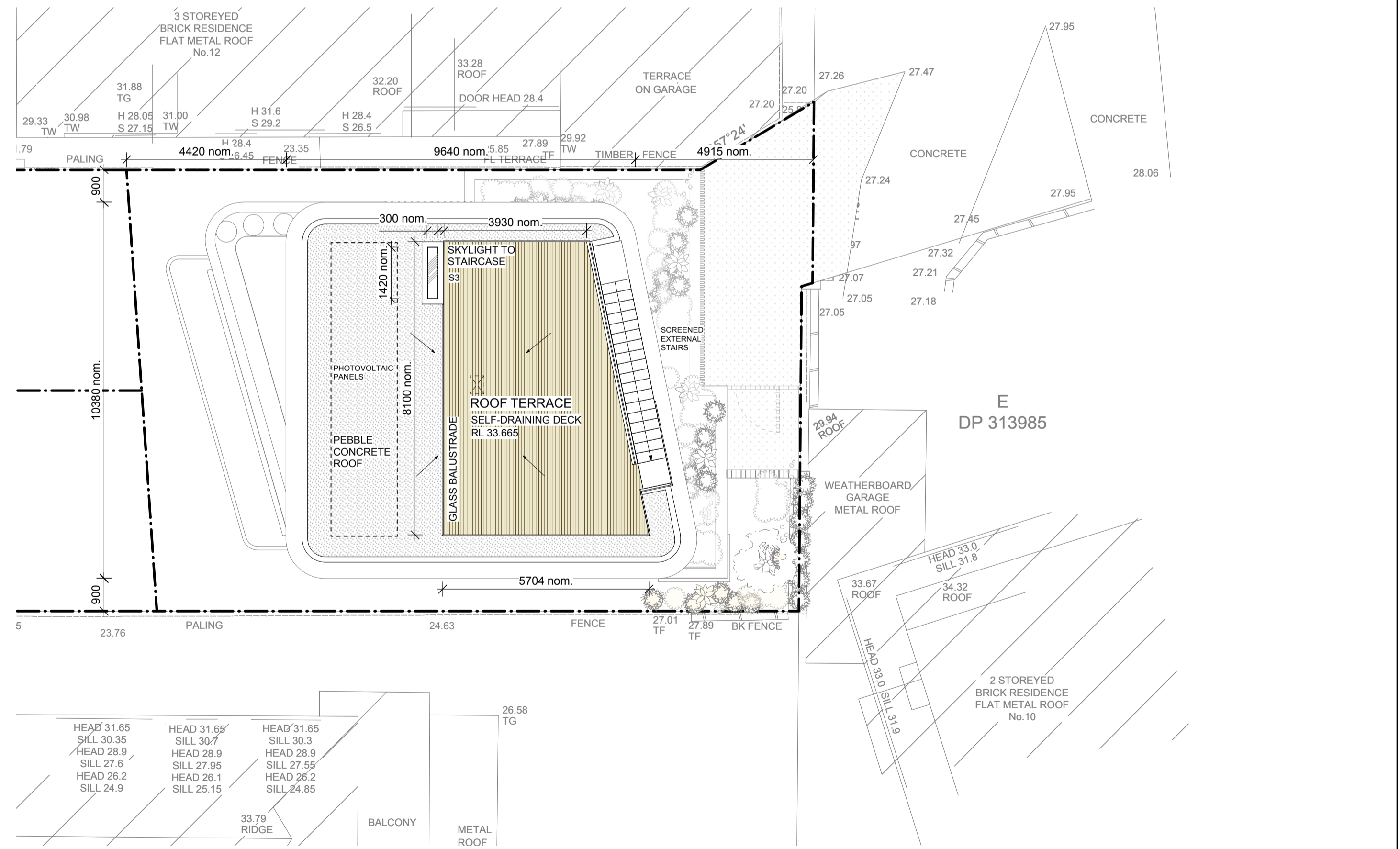
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PROPOSED DETACHED HOUSE - ROOF PLAN



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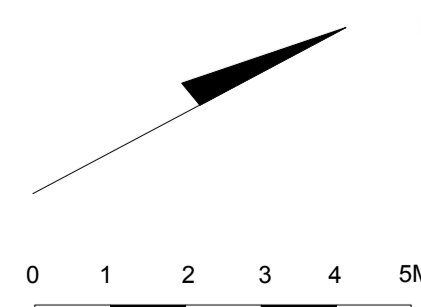
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NORTH



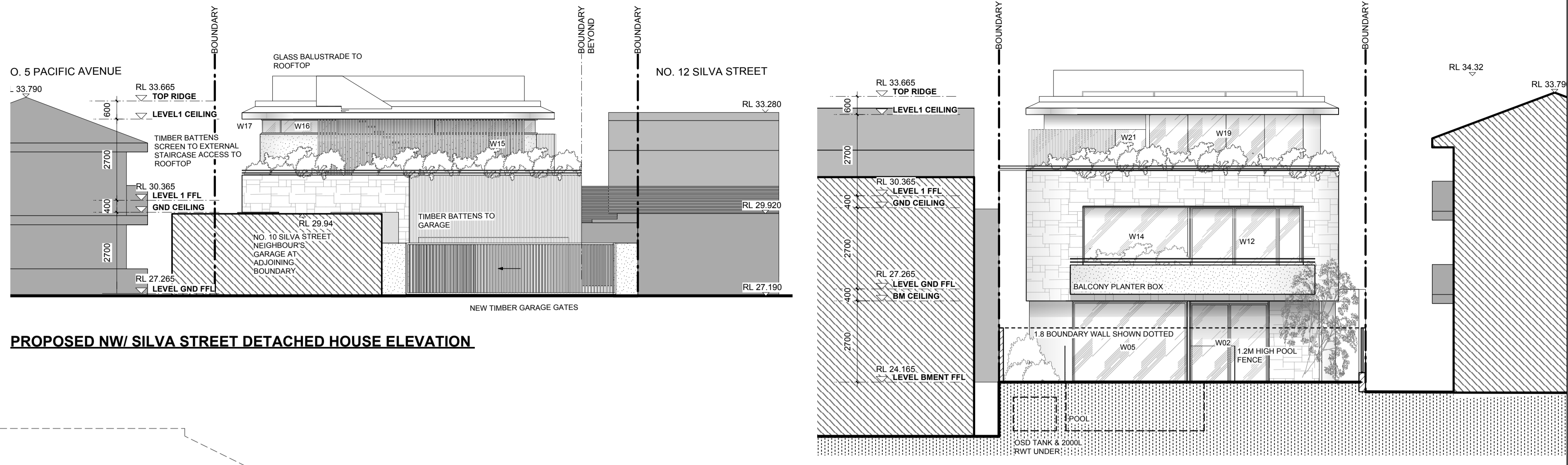
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DEVELOPMENT APPLICATION

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Architects Registration: 6125

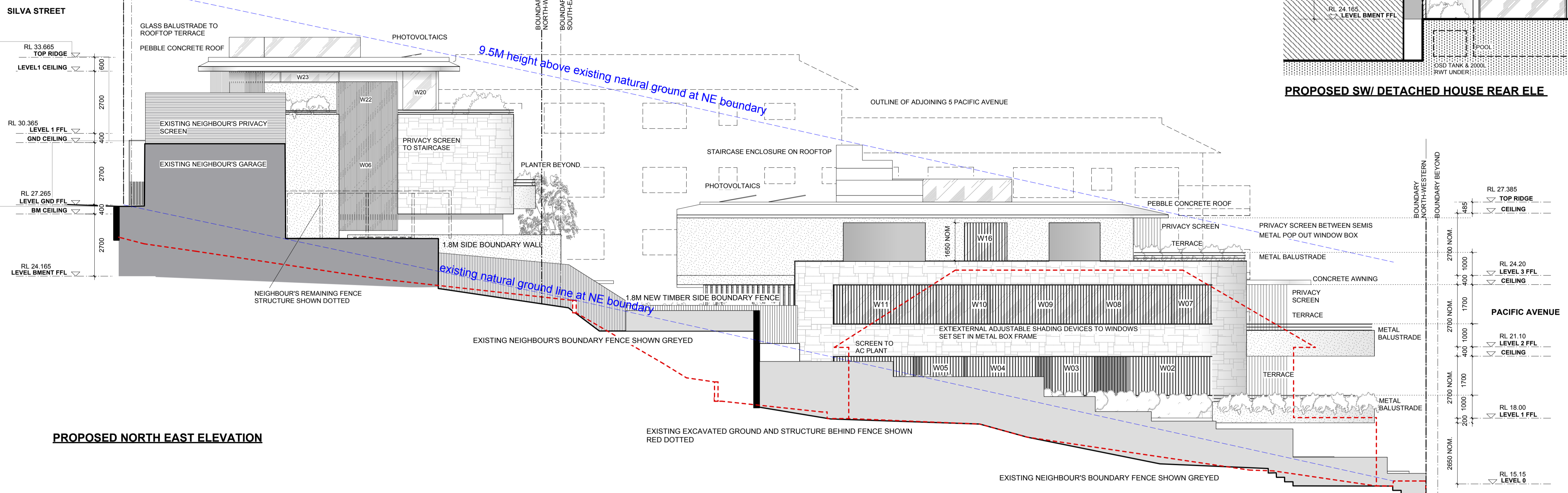
client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**
drawing title **PROPOSED ROOF PLAN & LEVEL 1 (DETACHED HOUSE)**
project number **439** dwg number **DA-06**
date **OCT 2017** scale **1:100 @ A1** revision

Original application:
DA-471/2017
Refused 10/5/2018



PROPOSED NW/ SILVA STREET DETACHED HOUSE ELEVATION

PROPOSED SW/ DETACHED HOUSE REAR ELE



PROPOSED NORTH EAST ELEVATION

NOTE:
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ENGINEER'S DRAWINGS

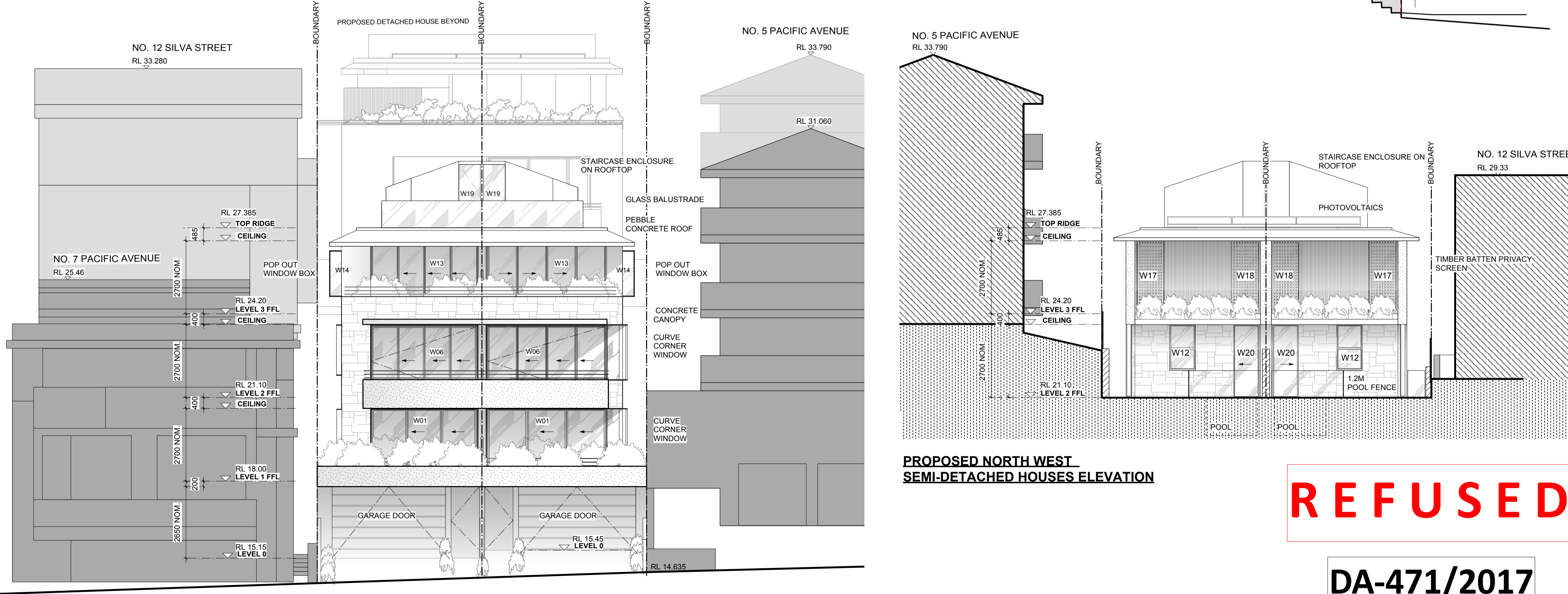
BASIX REQUIREMENTS- REFER TO DA-15, DA-16 &
DA-17

GEOTECHNICAL SITE INVESTIGATION- REFER TO
GEO-TECHNICAL REPORT BY CROZIER

- EXTERNAL FINISHES LEGEND**
- GLASS
 - TILES - PATTERN INDICATIVELY SHOWN
 - PAINTED RENDER
 - SOLID METAL SHEET
 - EXTERNAL ADJUSTABLE METAL SCREEN
 - EXTERNAL FIXED TIMBER BATTEN CLADDING OR SCREEN

REVISIONS

NO.	DESCRIPTION	DATE
	DEVELOPMENT APPLICATION	



PROPOSED NORTH WEST SEMI-DETACHED HOUSES ELEVATION

PROPOSED PACIFIC AVENUE STREET SOUTH-WEST ELEVATION

REFUSED

DA-471/2017

18 Glebe St Edgecliff NSW 2027
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mfa@molnarfreeman.com | www.molnarfreeman.com

ABN: 11 091 248 761
Architects Registration: 6125

client	RAJI KOONER		
project	6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507		
drawing title	PROPOSED ELEVATIONS		
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project number	439	dwg number	DA-08
date	OCT 2017	scale	1:100 @ A1

**Subject application:
DA-471/2017/1**

RECEIVED
Waverley Council
Application No: DA-471/2017/1
Date Received: 30/8/2018



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NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	14/8/18

IF THE CONTRACTOR IS IN ANY DOUBT AT ANY TIME THEY ARE TO ASK THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK ON SITE.

**DEVELOPMENT
APPLICATION**

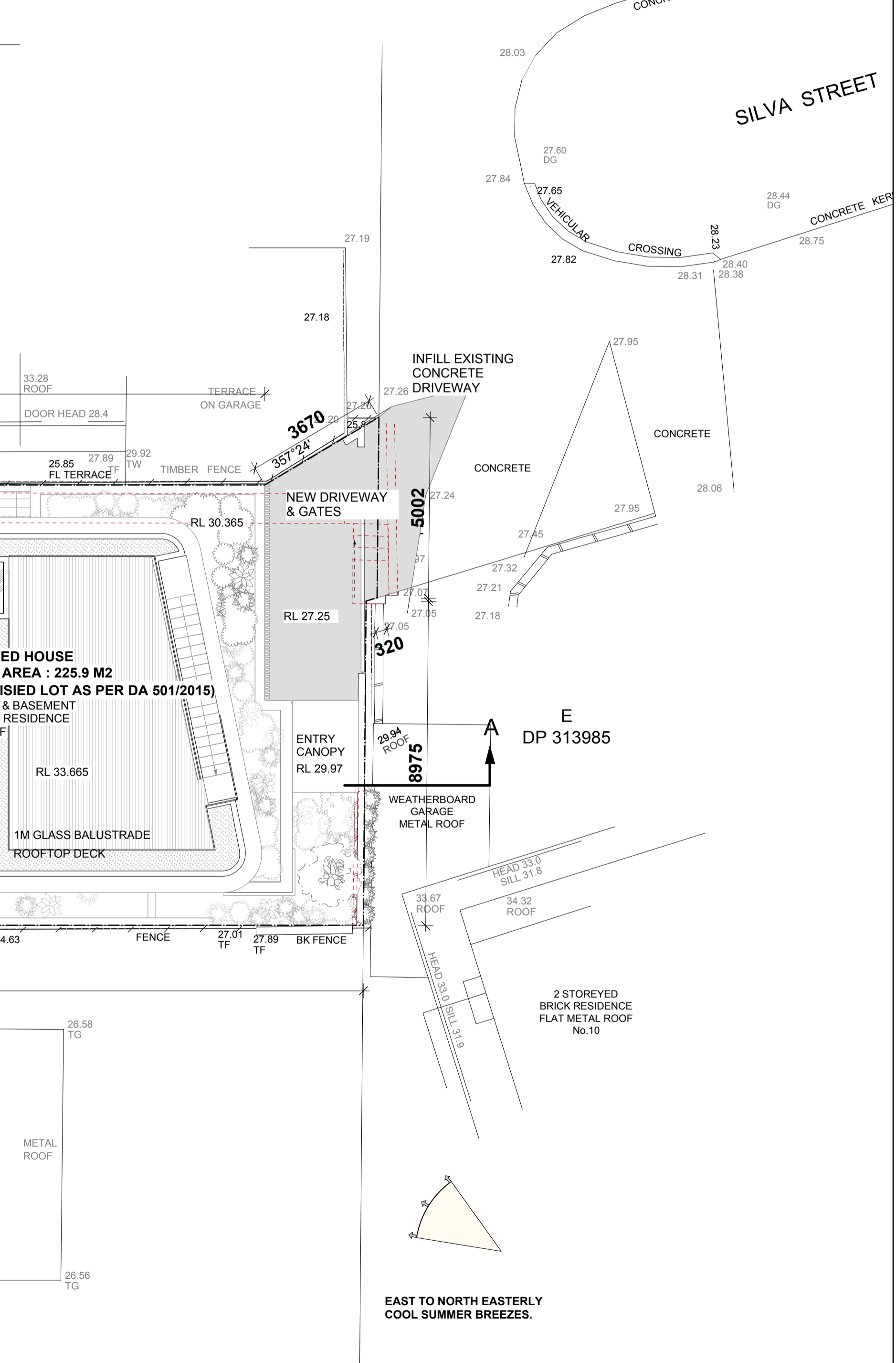
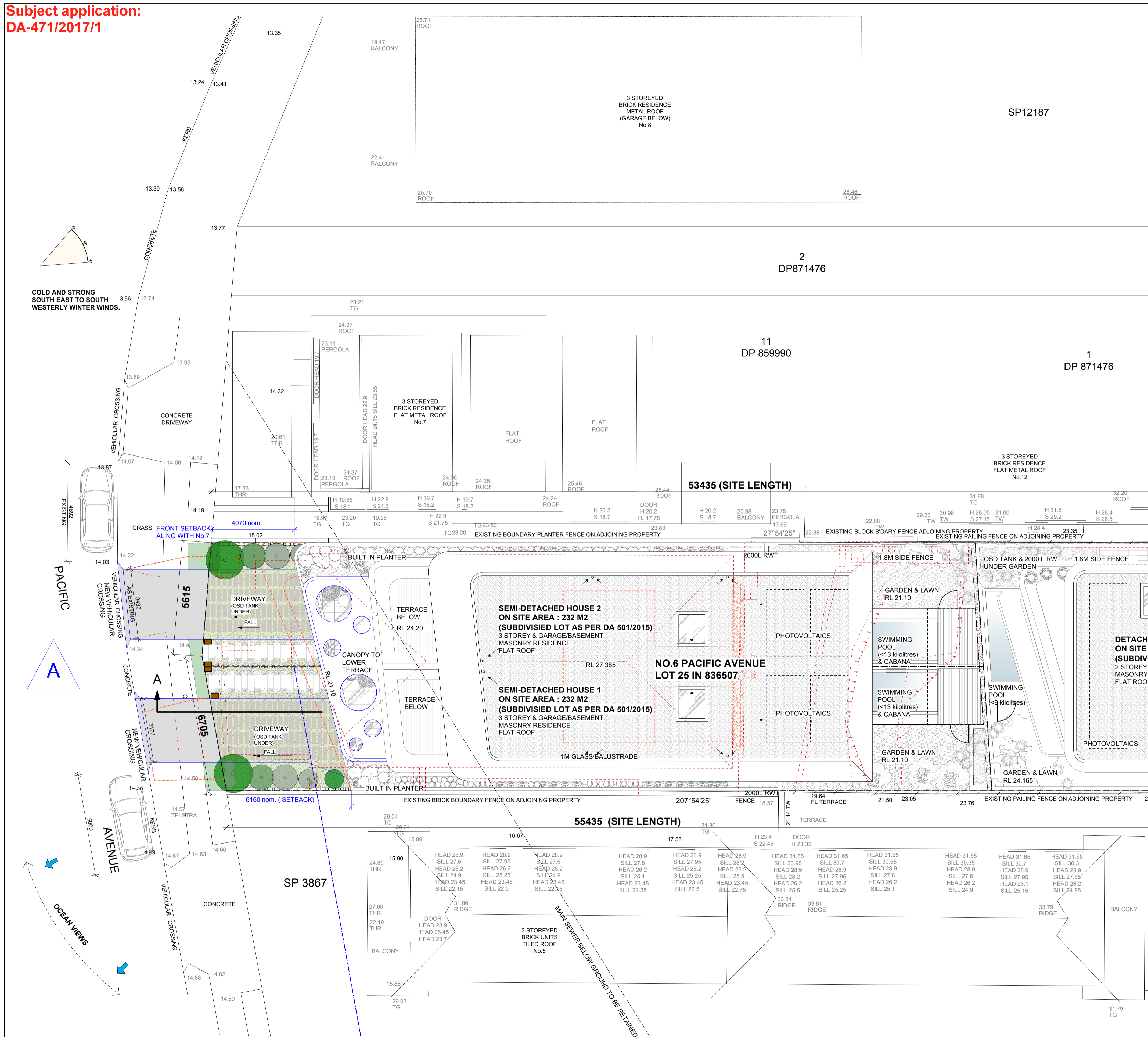
architect
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T: 02 9327 1926 | F: 02 9327 1946
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ABN: 11 091 248 761
Architects Registration: 6125

client	RAJI KOONER		
project	6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507		
drawing title	PHOTOMONTAGE		
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date	OCT 2017	scale	NA
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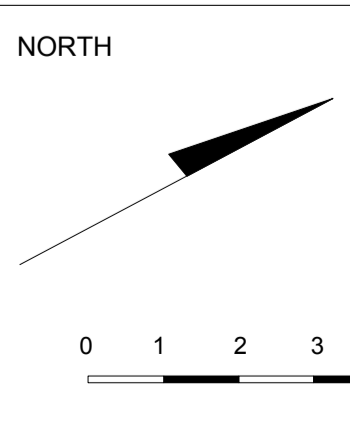
Subject application:
DA-471/2017/1



REVISIONS		
NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	5/7/18

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 - - - - - EXISTING STRUCTURE TO BE REMOVED
 - - - - - PROPOSED DEMOLITION SHOWN IN RED
 - - - - - PROPOSED AMENDMENTS TO PREVIOUS SCHEME SHOWN IN BLUE
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 BASIX REQUIREMENTS- REFER TO DA-15, DA-16 & DA-17
 GEOTECHNICAL SITE INVESTIGATION- REFER TO GEO-TECHNICAL REPORT BY CROZIER

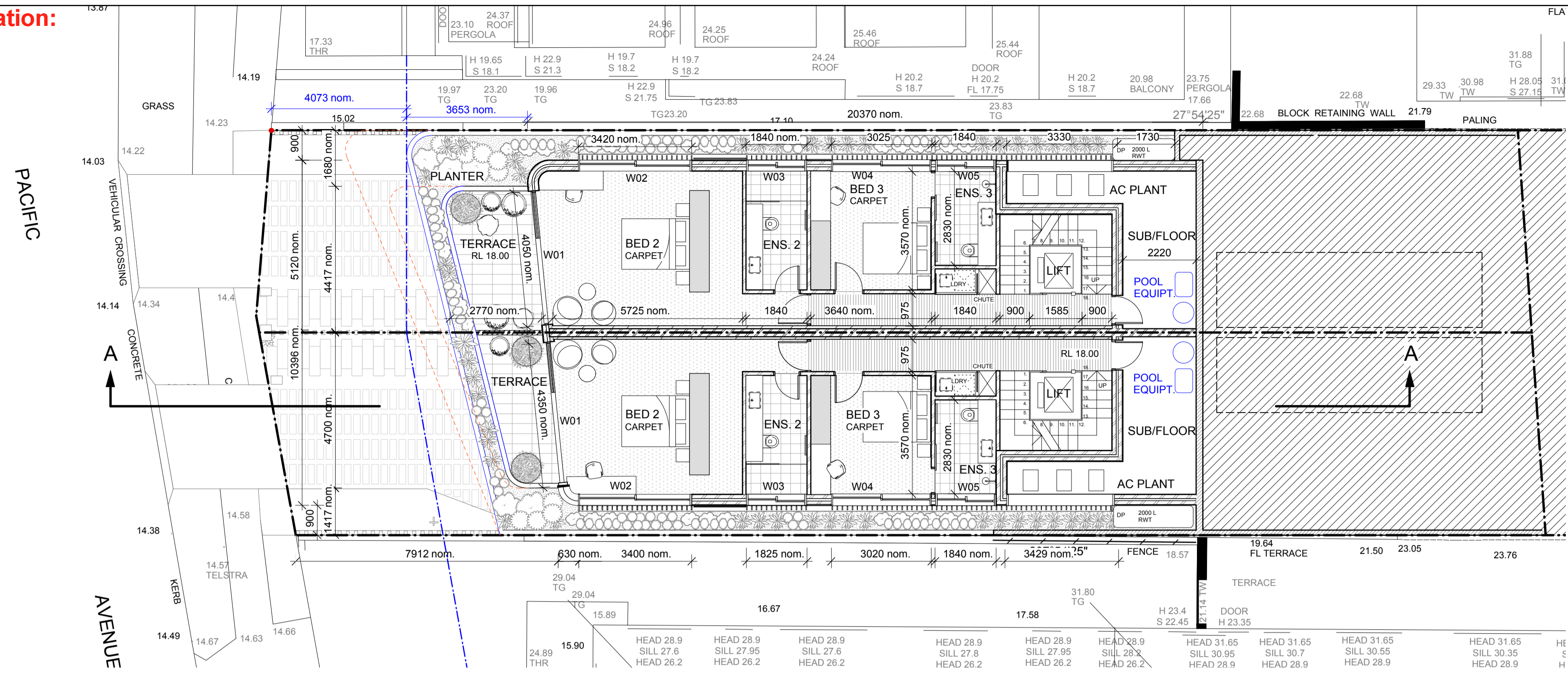


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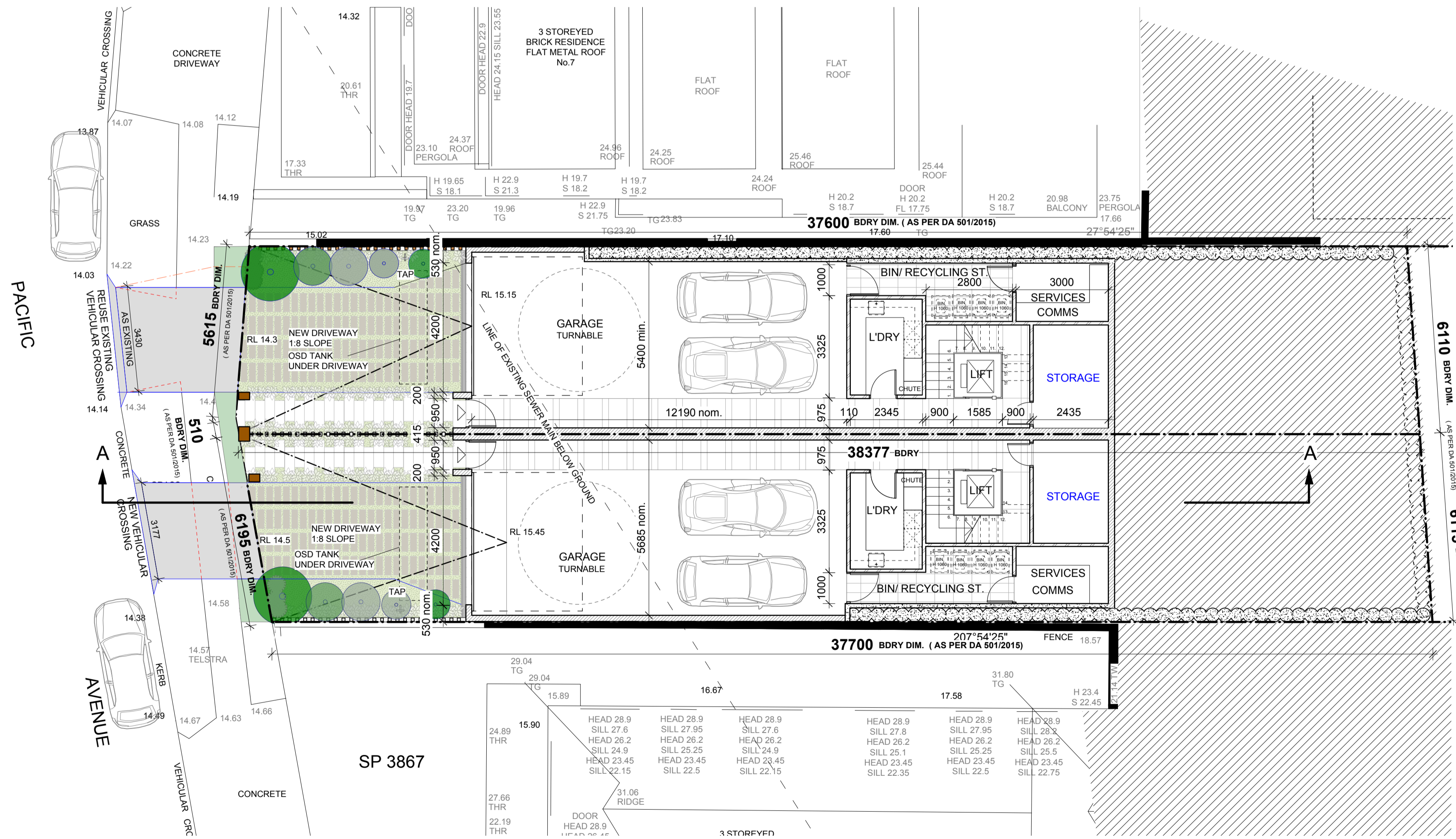
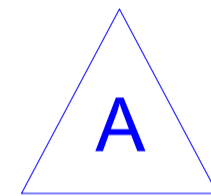
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project	6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507		
drawing title	PROPOSED SITE PLAN		
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project number	439	dwg number	DA-01
date	OCT 2017	scale	1:100 @ A1

Subject application:
DA-471/2017/1



PROPOSED SEMI-DETACHED HOUSES - LEVEL 1

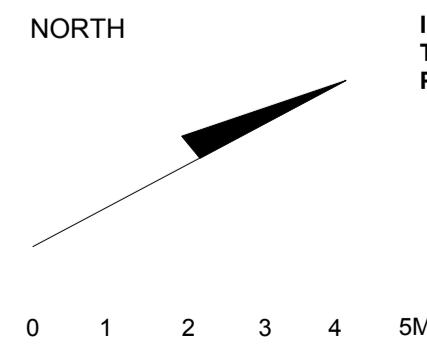


PROPOSED SEMI-DETACHED HOUSES - LEVEL 0
(PACIFIC AVENUE ENTRY)

NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	5/7/18

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- LINE OF PREVIOUS PROPOSED SCHEME SHOWN IN ORANGE

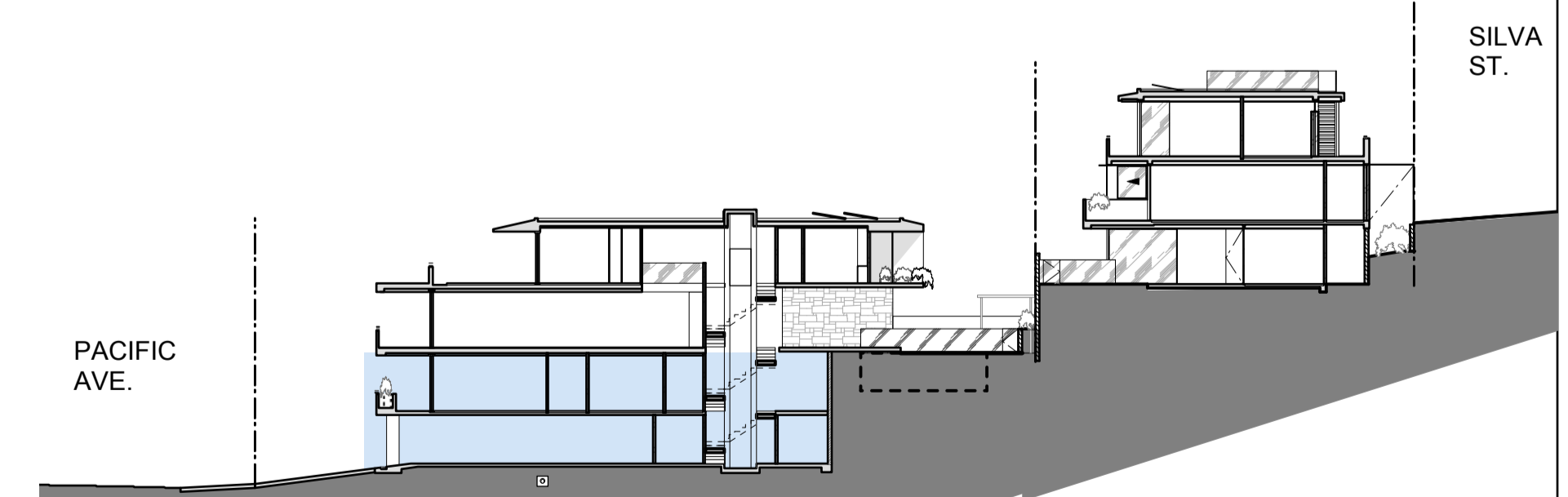
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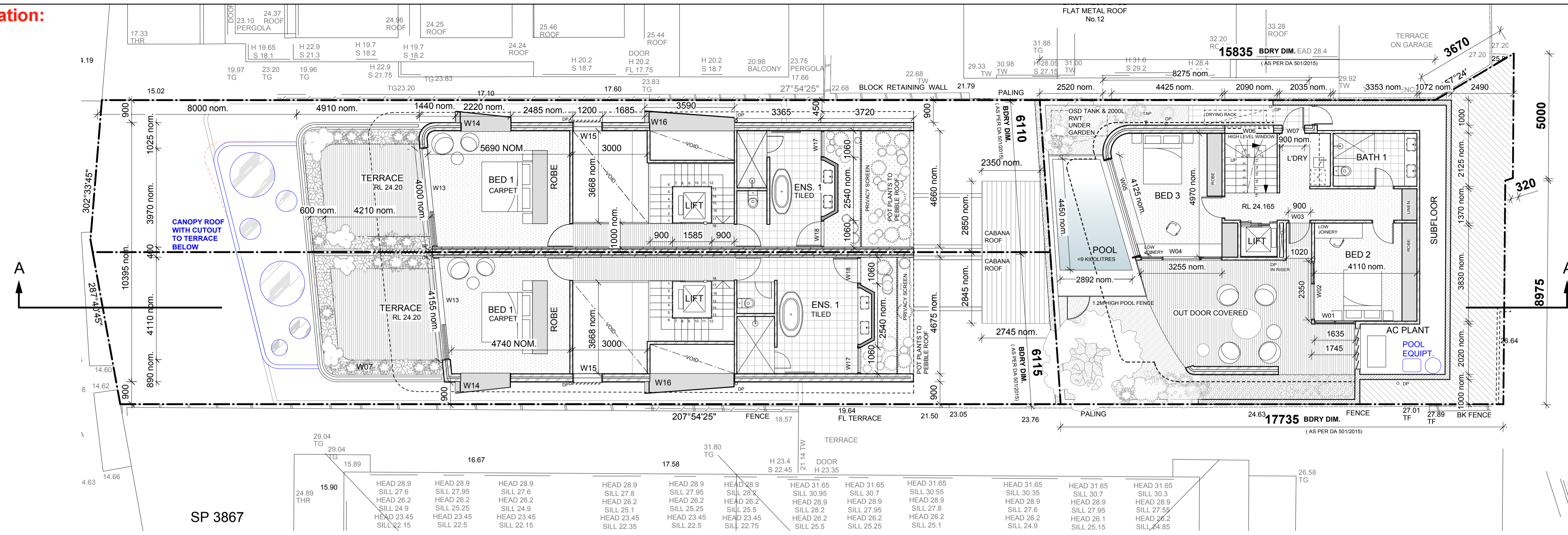
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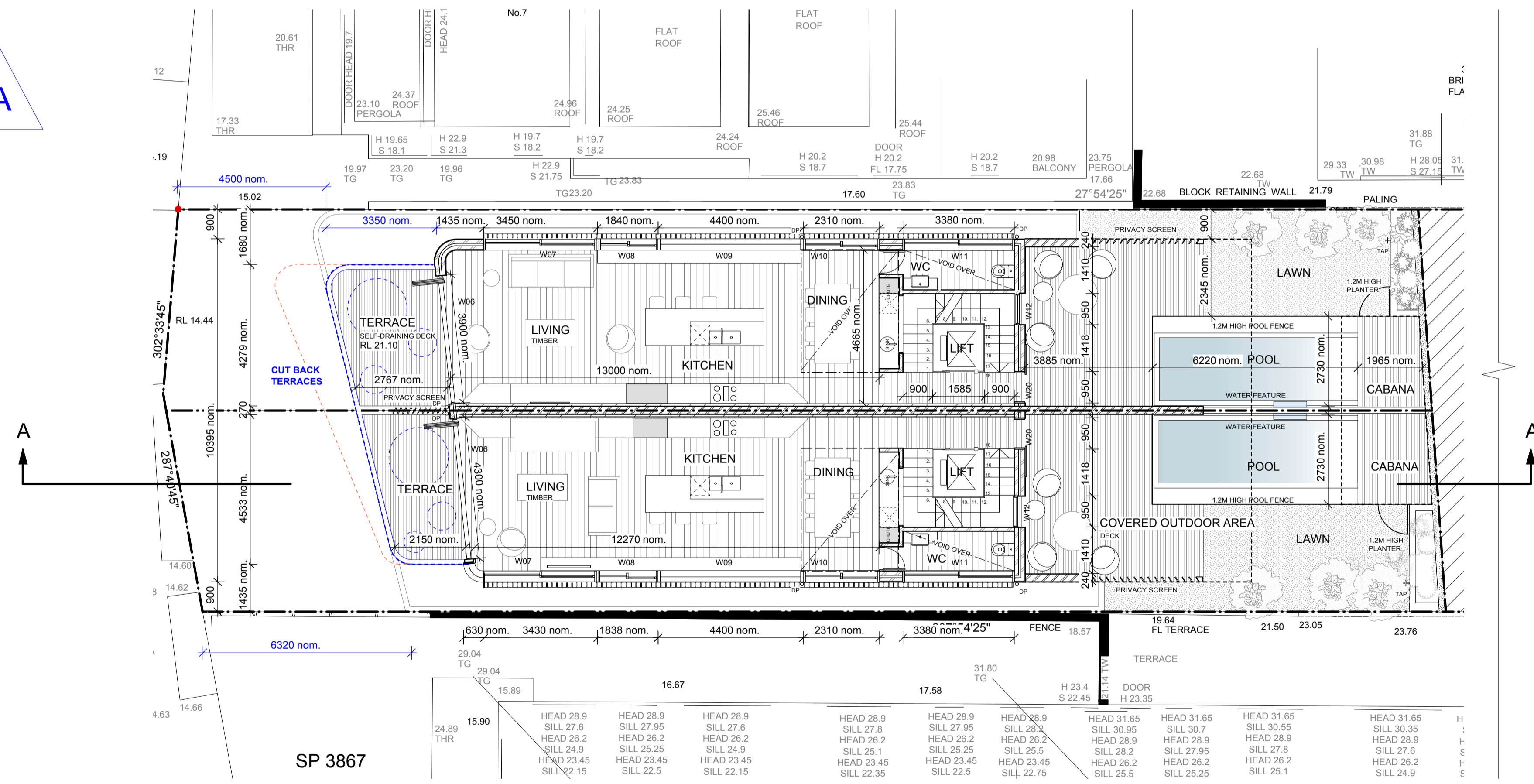
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client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**
drawing title **PROPOSED PLANS LEVEL 0 & LEVEL 1 (SEMI-DETACHED)**
project number **439** dwg number **DA-03**
date **OCT 2017** scale **1:100 @ A1**

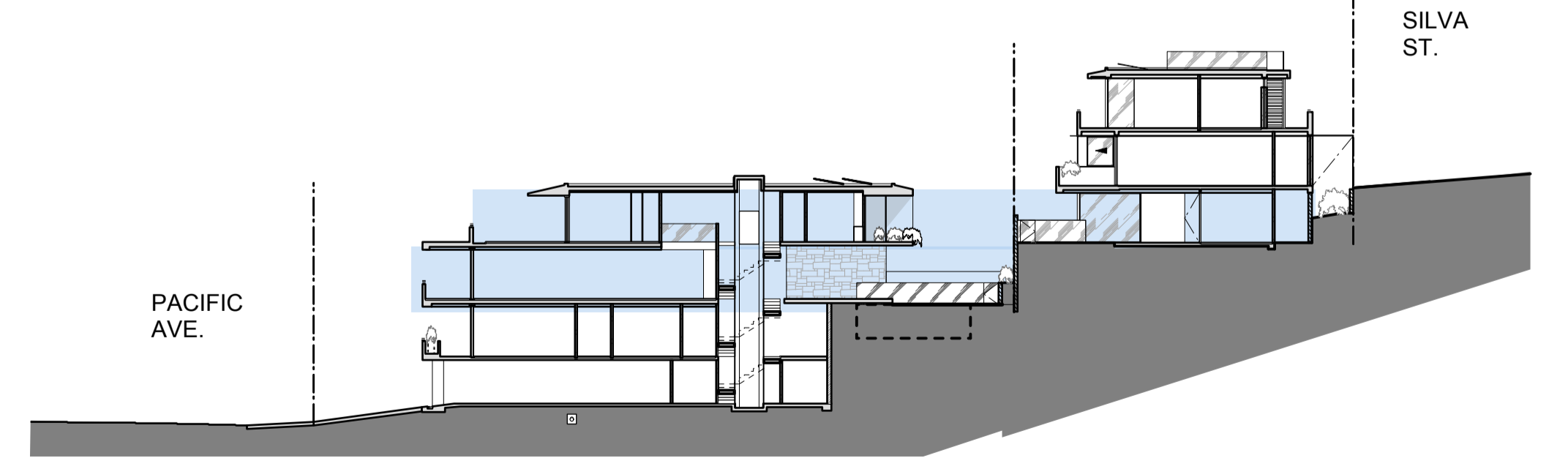
**Subject application:
DA-471/2017/1**



PROPOSED SEMI-DETACHED HOUSES - LEVEL 3 / PROPOSED DETACHED HOUSE - BASEMENT LEVEL



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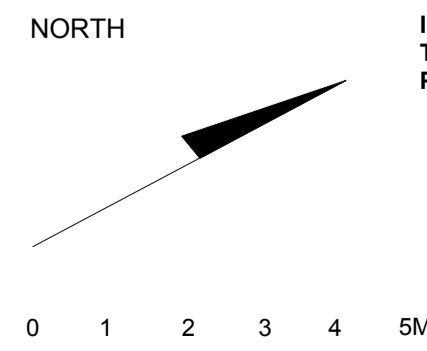


PROPOSED SEMI-DETACHED HOUSES - LEVEL 2

REVISIONS		
NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	5/7/18

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 drawing title **PROPOSED PLANS LEVEL 2 & LEVEL 3 (SEMI-DETACHED)/ BASEMENT (DETACHED)**
 project number **439** dwg number **DA-04**
 date **OCT 2017** scale **1:100 @ A1**

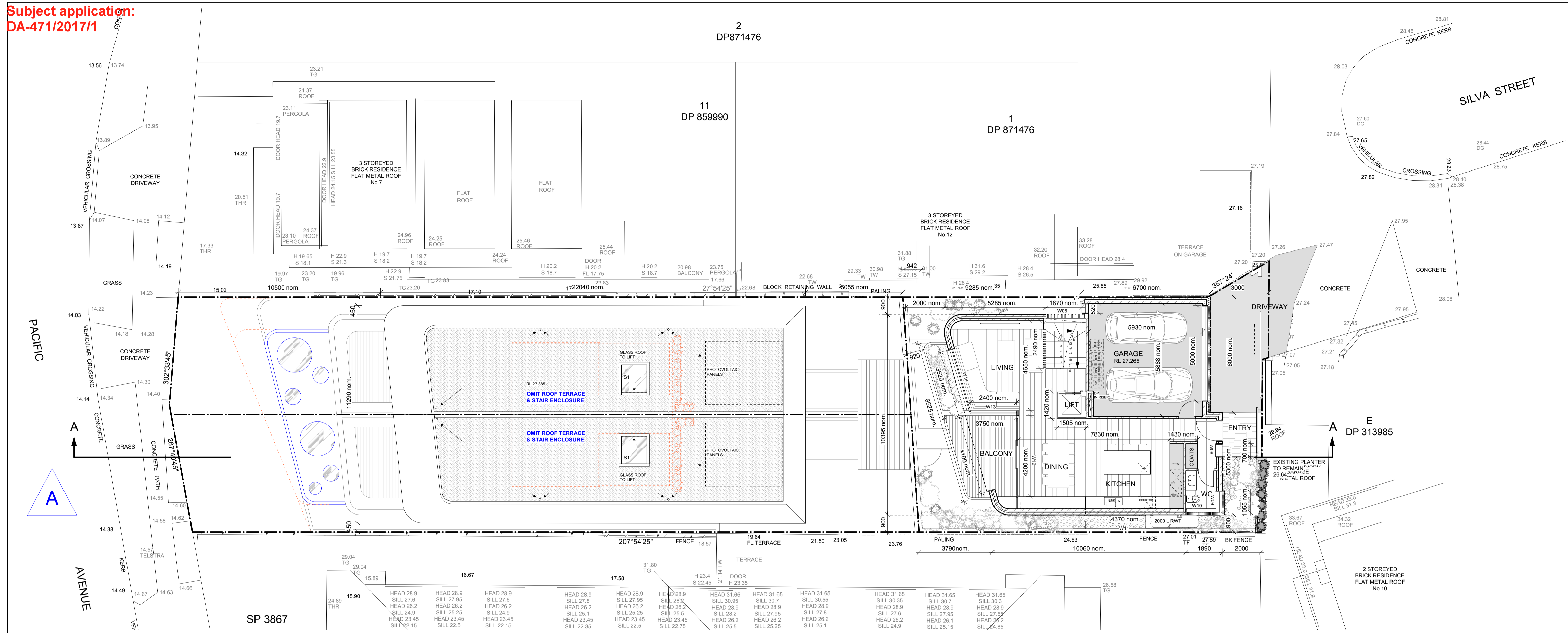
Subject application:
DA-471/2017/1

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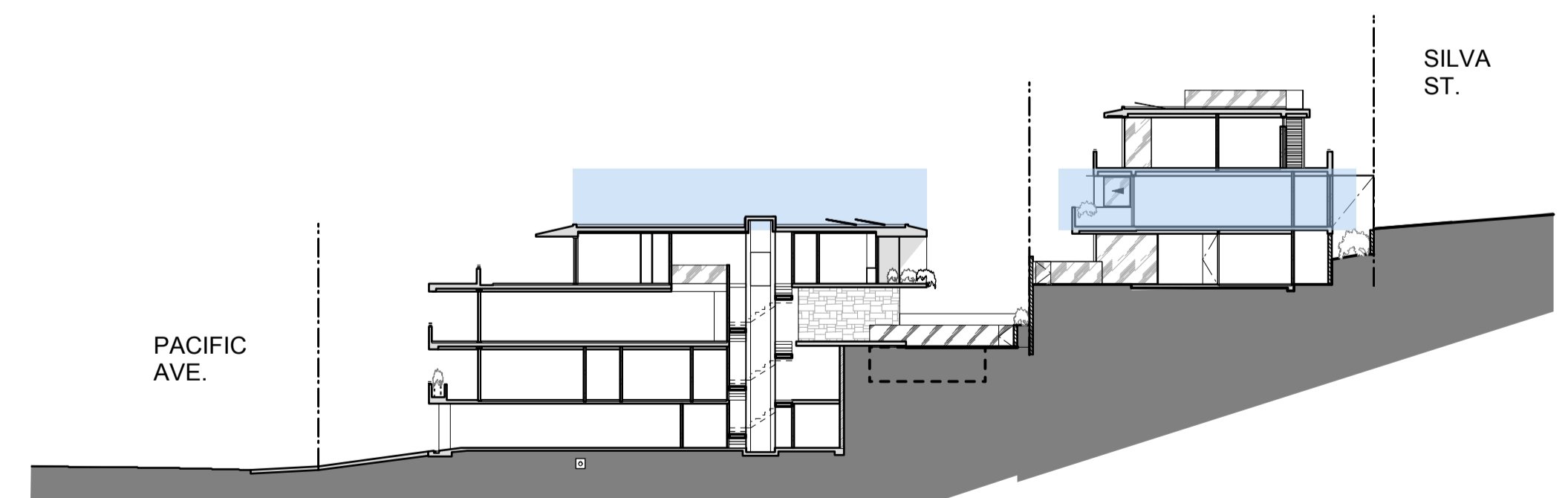
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PROPOSED SEMI-DETACHED HOUSES - ROOF PLAN / PROPOSED DETACHED HOUSE - LEVEL 0 (SILVA STREET ENTRY)

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NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	5/7/18

----- SITE BOUNDARY

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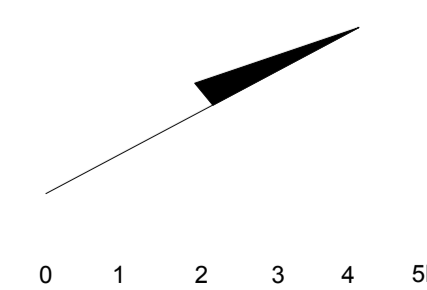
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STORMWATER DESIGN- REFER TO QUANTUM ENGINEER'S DRAWINGS

BASIX REQUIREMENTS- REFER TO DA-15, DA-16 & DA-17

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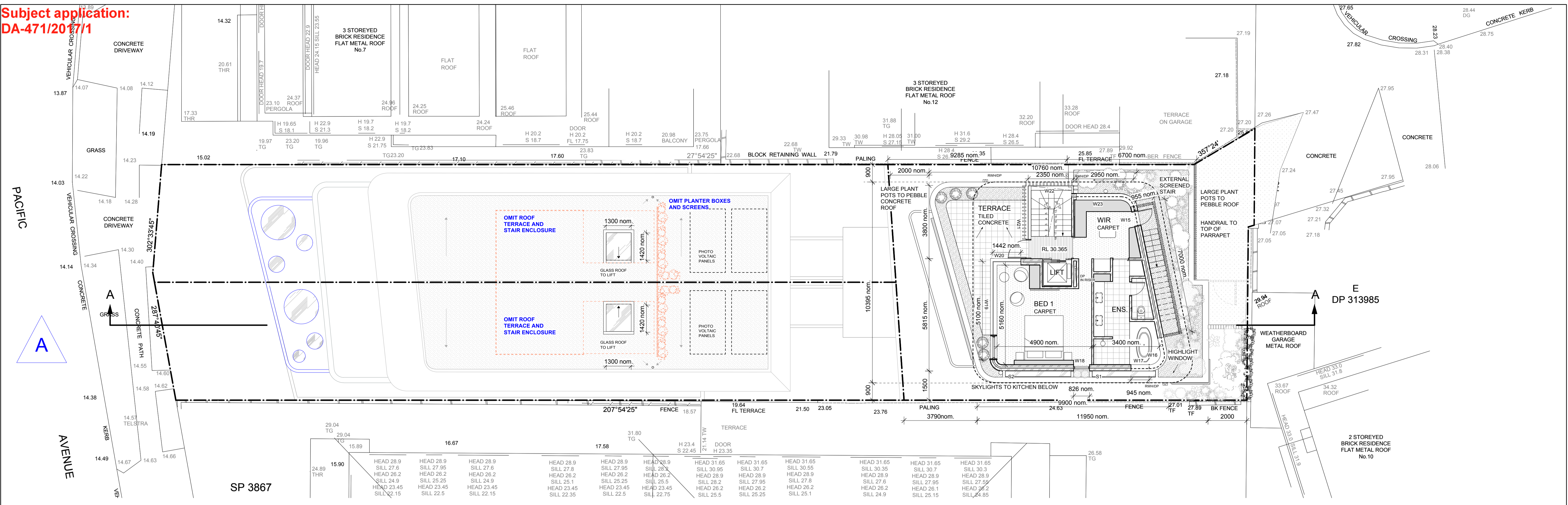
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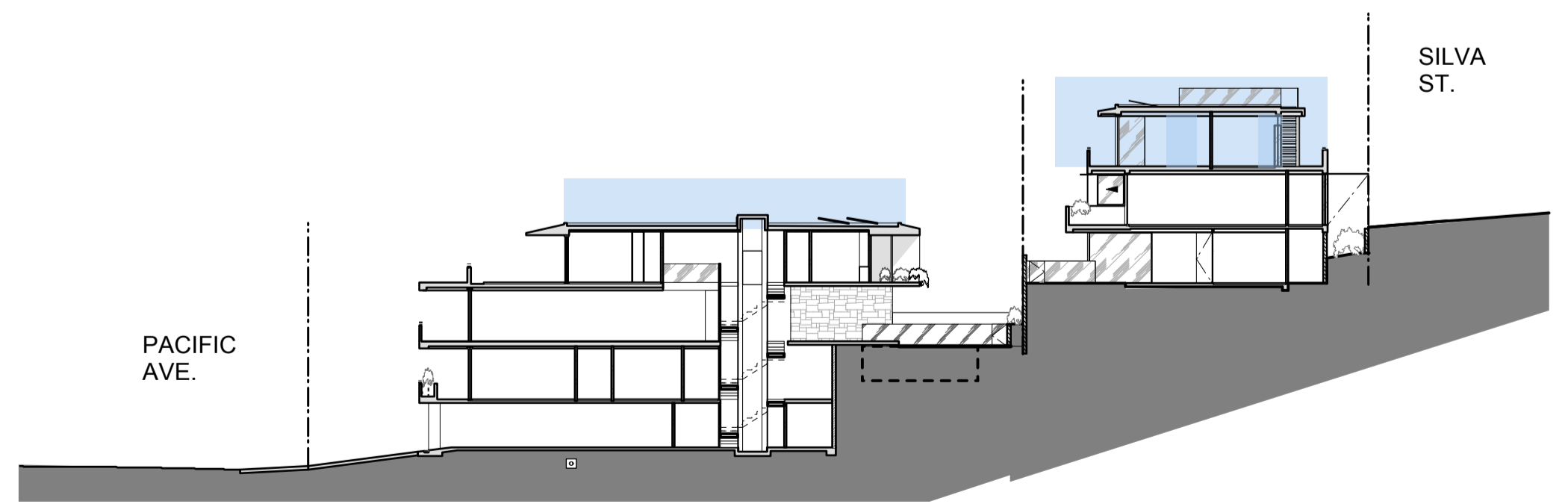
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project	6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507		
drawing title	PROPOSED ROOF PLAN (SEMI-DETACHED) & LEVEL 0 (DETACHED)		
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project number	439	dwg number	DA-05
date	OCT 2017	scale	1:100 @ A1

**Subject application:
DA-471/2017/1**

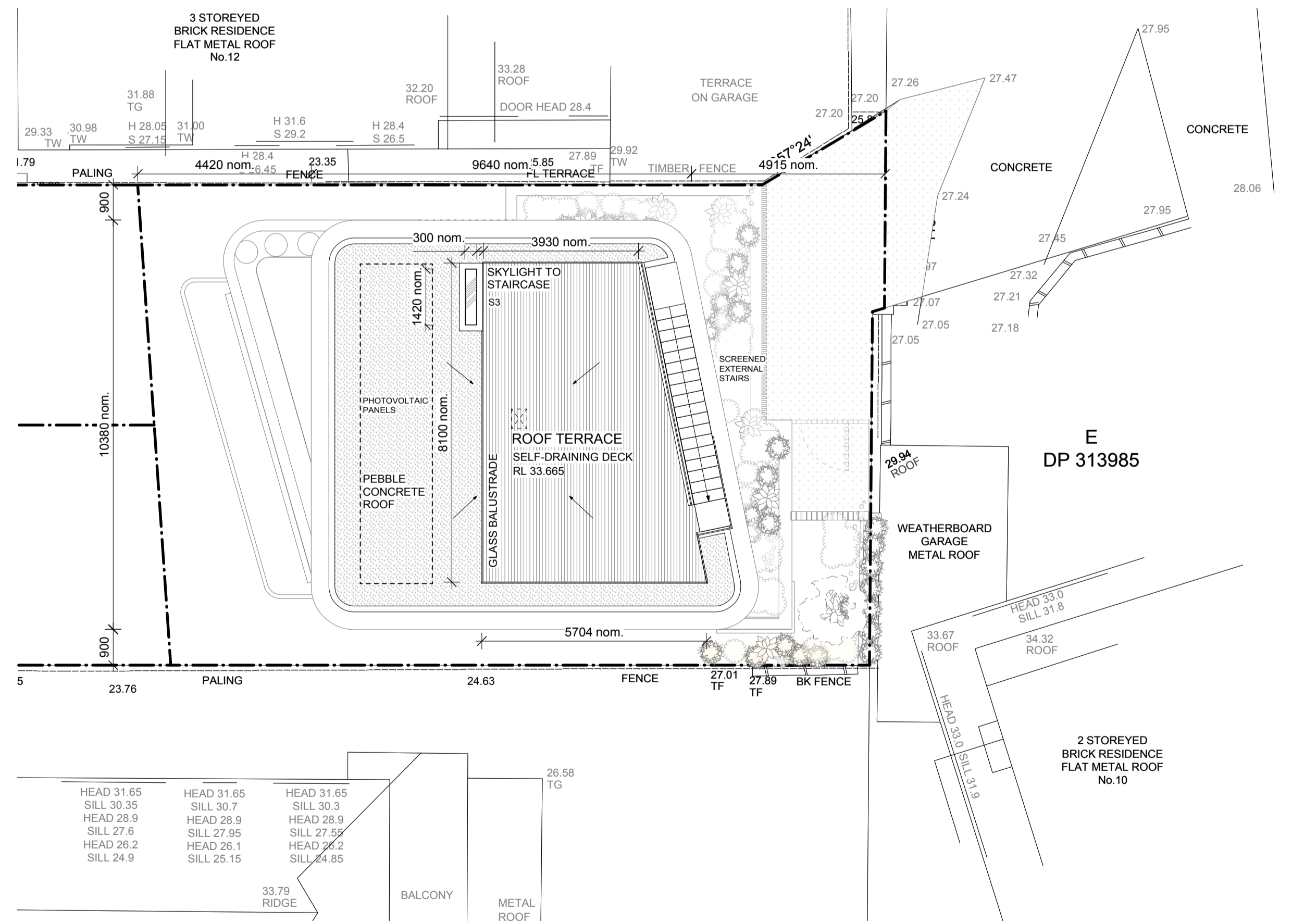


PROPOSED SEMI-DETACHED HOUSES - ROOF PLAN & PROPOSED DETACHED HOUSE - LEVEL 1

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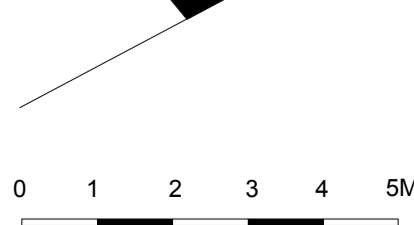


PROPOSED DETACHED HOUSE - ROOF PLAN



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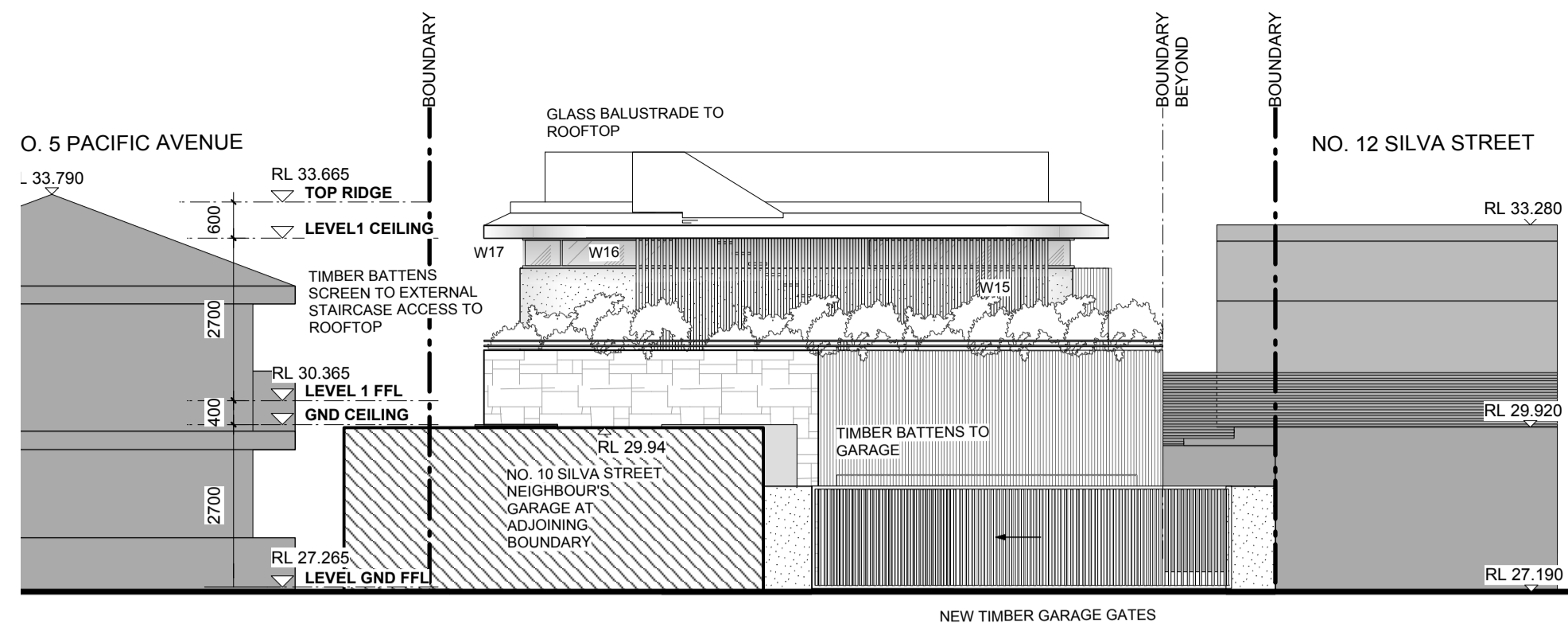
client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**

drawing title **PROPOSED ROOF PLAN & LEVEL 1 (DETACHED HOUSE)**

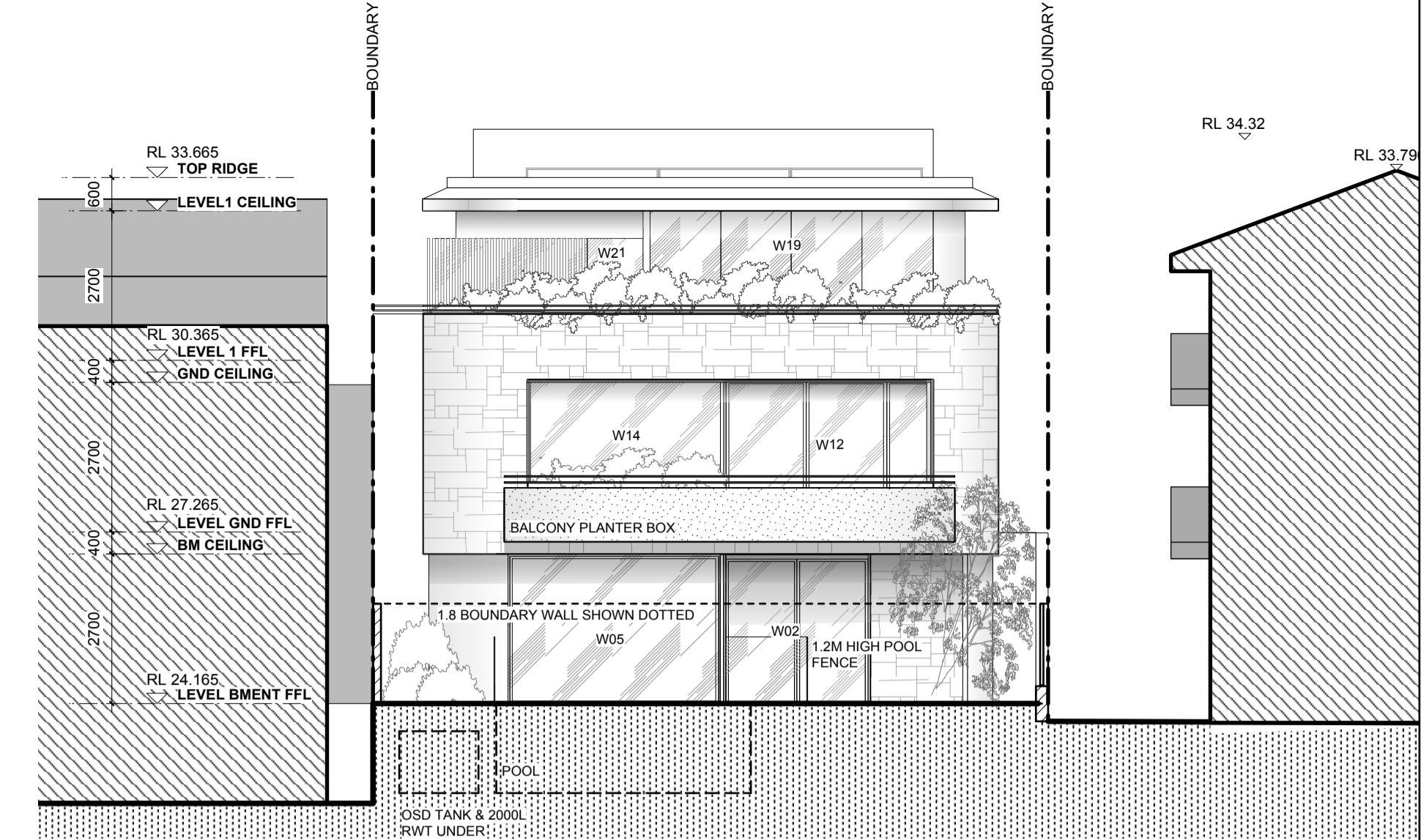
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date **OCT 2017** scale **1:100 @ A1** revision

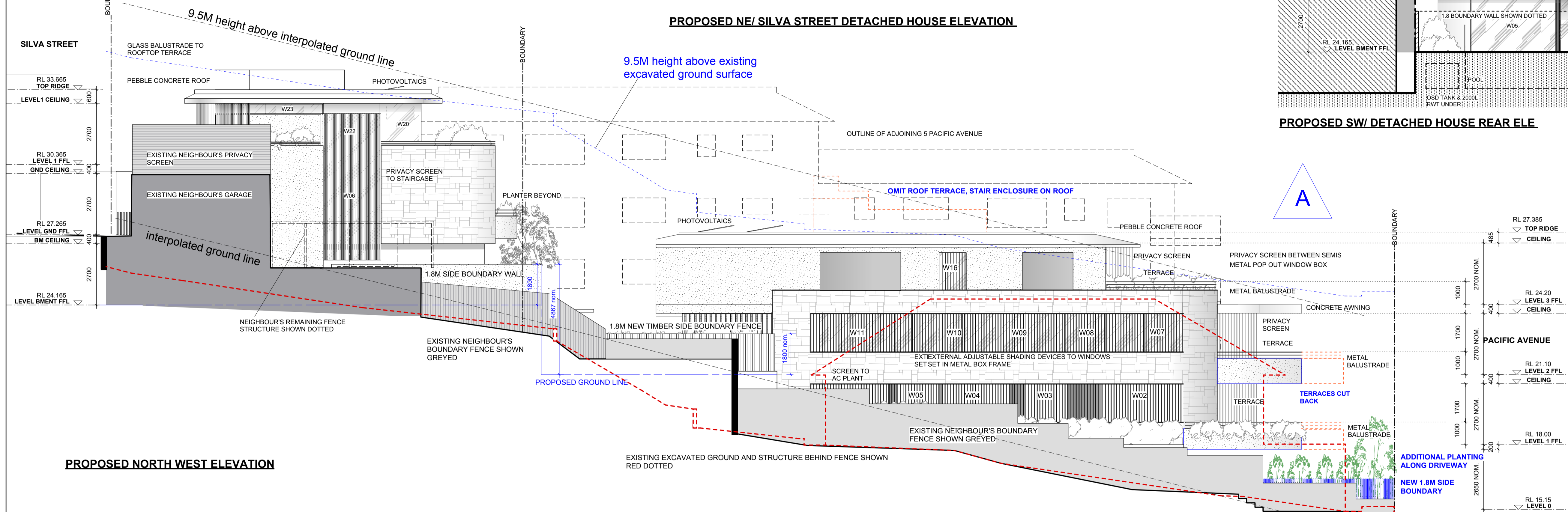
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DA-471/2017/1**



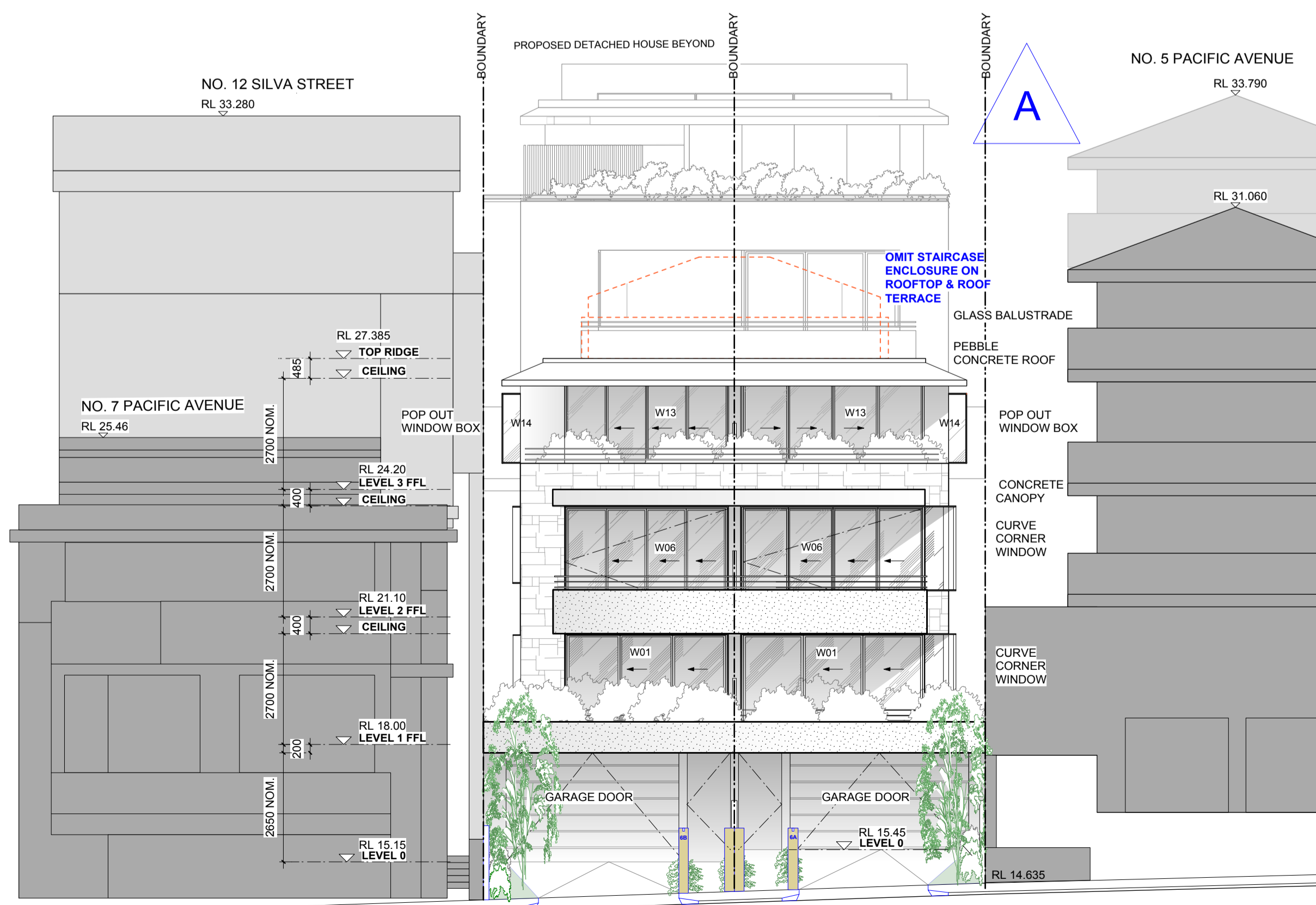
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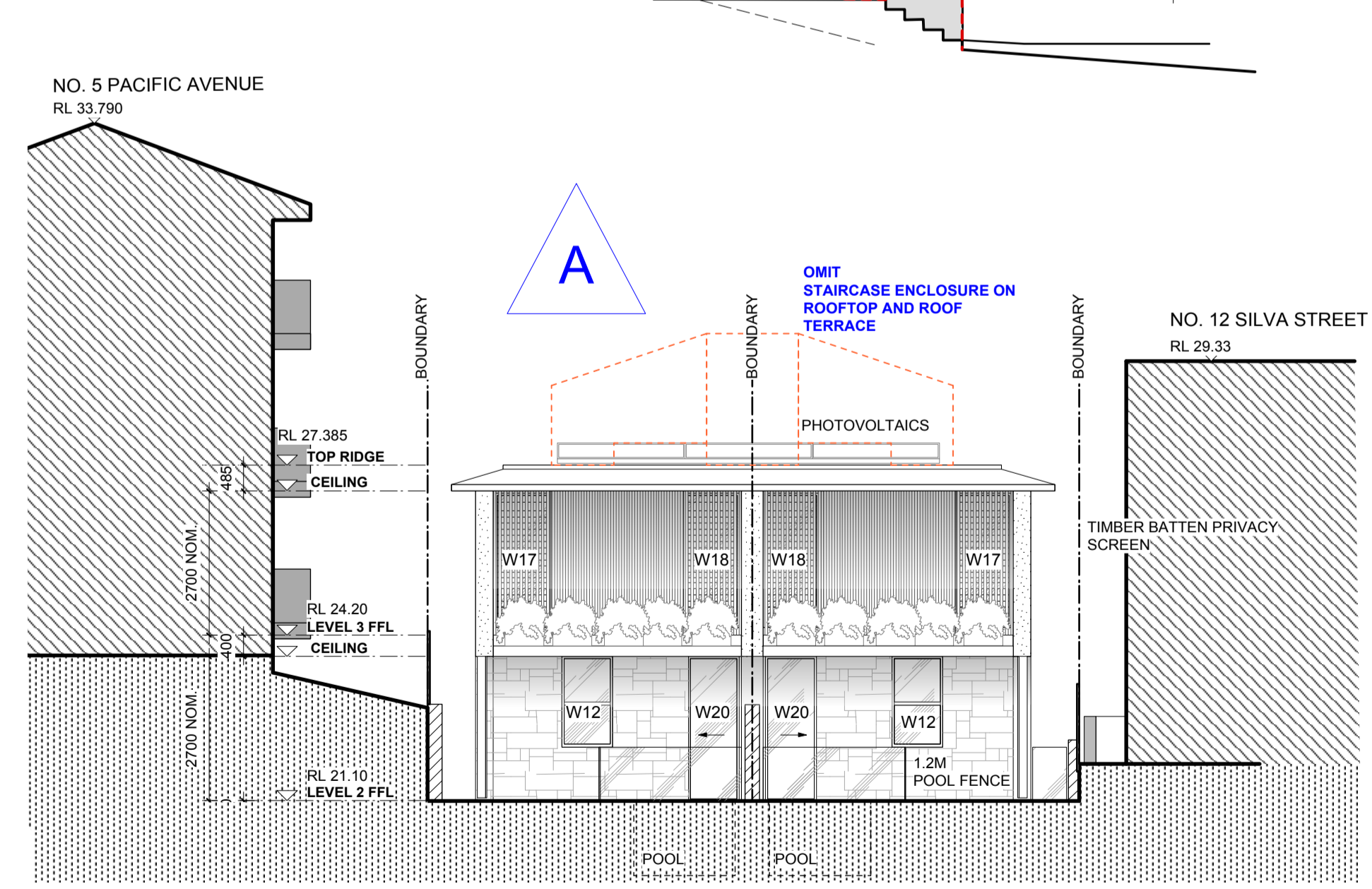
PROPOSED SW/ DETACHED HOUSE REAR ELE



PROPOSED NORTH WEST ELEVATION



PROPOSED PACIFIC AVENUE STREET SOUTH-WEST ELEVATION



PROPOSED NORTH EAST SEMI-DETACHED HOUSES ELEVATION

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PROPOSED DEMOLITION SHOWN IN RED
PROPOSED REDUCTION TO PREVIOUS SCHEME SHOWN IN ORANGE

- EXTERNAL FINISHES LEGEND**
- GLASS
 - TILES - PATTERN INDICATIVELY SHOWN
 - PAINTED RENDER
 - SOLID METAL SHEET
 - EXTERNAL ADJUSTABLE METAL SCREEN
 - EXTERNAL FIXED TIMBER BATTEN CLADDING OR SCREEN

DEVELOPMENT APPLICATION

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NO.	DESCRIPTION	DATE
A	S82a Review Amended Scheme	15.08.2018

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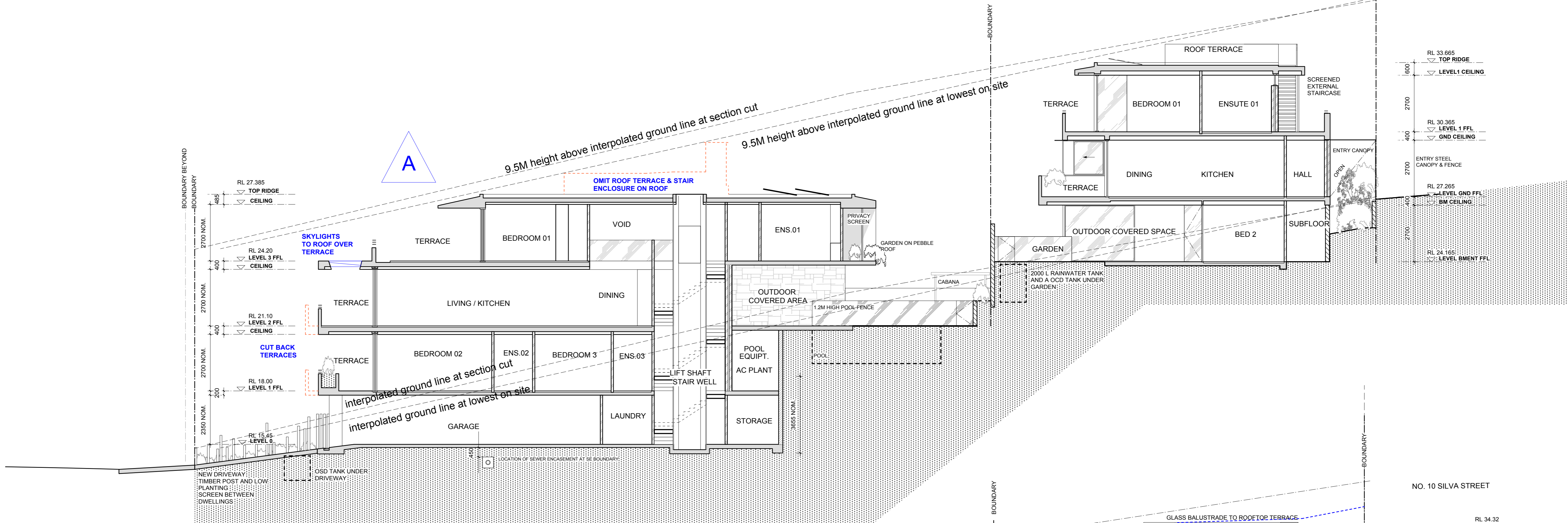
client **RAJI KOONER**
project **6 PACIFIC AVENUE, TAMARAMA NSW 2026 LOT 25 DP 836507**

drawing title **PROPOSED ELEVATIONS**

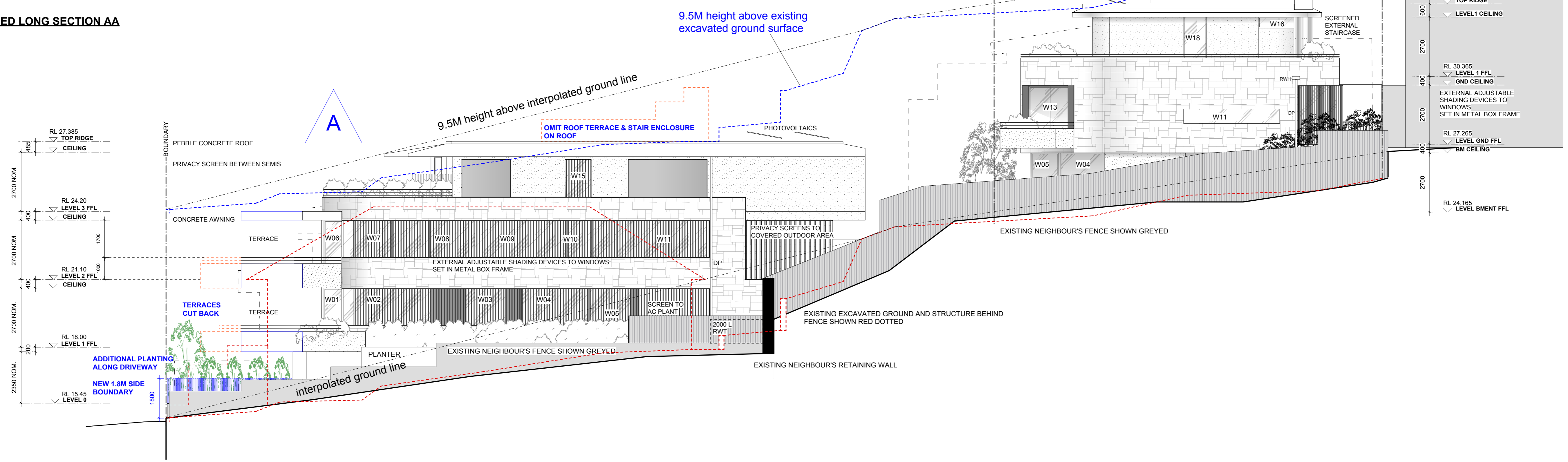
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date	OCT 2017	scale	1:100 @ A1

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PROPOSED LONG SECTION AA



PROPOSED SOUTH-EAST ELEVATION

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A	S82a Review Amended Scheme	15/8/18

EXTERNAL FINISHES LEGEND	
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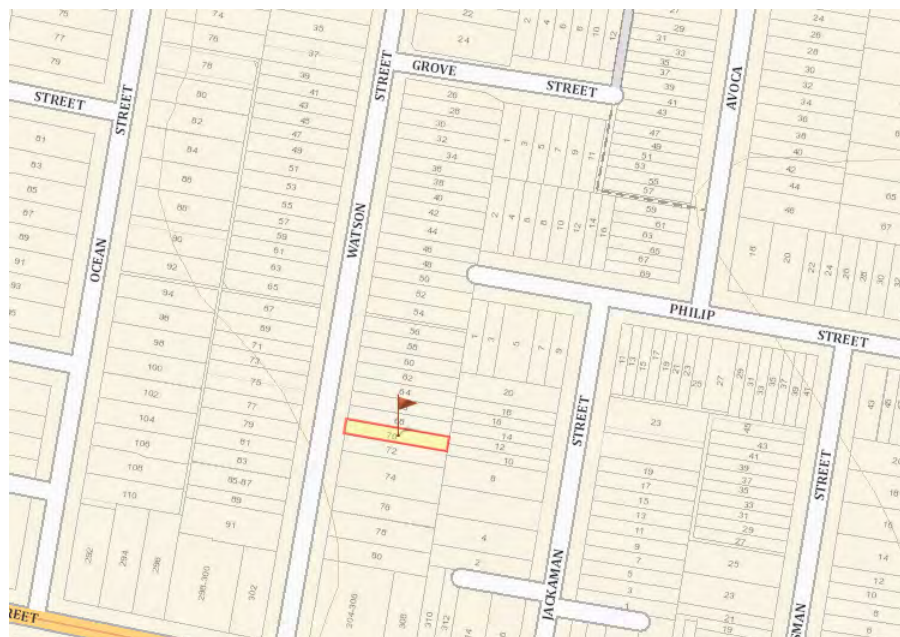
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project number	439	dwg number	DA-07
date	OCT 2017	scale	1:100 @ A1



Report to the Waverley Local Planning Panel

Application number	DA-369/2000/B
Site address	70 Watson Street, Bondi NSW 2026
Proposal	Modification to erect a roof terrace to dwelling (retrospective works)
Previous development application history	DA-369/2000 – Alterations and additions including an additional storey with roof terrace approved 2 February 2001. Note: Council records demonstrate that the roof terrace was not supported and to be deleted from the plans. Amended plans were received from the applicant that demonstrated no roof terrace. DA-369/2000/A - Construction of a roof terrace including glass balustrade and timber terrace refused 15 September 2018 (retrospective works)
Date of lodgement	15 September 2017
Owner	Mr D P S Stemler
Applicant	Mr D P S Stemler
Submissions	1
Issues	Privacy, noise, size and unauthorised works
Recommendation	That the application be REFUSED

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 27 September 2018.

The site is identified as Lot 84 in DP 2584, known as 70 Watson Street, BONDI NSW 2026. It is located on the east side of Watson St.

The site is rectangular in shape with a northern boundary measuring 42.59m, eastern boundary measuring 6.095m and southern boundary measuring 42.67m and western boundary measuring 6.095m. The site has an area of 259m² and is generally flat.

The site is occupied by a part one and two-storey detached dwelling with no vehicular access or car parking provided on the site.

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



Figure 1: Subject site frontage (roof terrace balustrading visible from pedestrian view)

1.2 Details of Approved Development

Roof Terrace History

- DA-369/2000

The original DA-369/2000 sought alterations and additions to the dwelling including an additional storey and roof deck.

As part of the assessment of this application, Council issued a formal letter dated 29 September 2000 to the owner/applicant Mr D Stemler & Ms J Van Heyst requesting a number of amendments to DA-369/2000 including deletion of the roof terrace as it was considered an overdevelopment of the site and would negatively impact the adjoining properties.

The applicant responded to Council with a signed letter confirming that the roof terrace had been deleted. Amended plans were received by Council on 13 December 2000 which demonstrated that the roof terrace had been removed however it should be noted that the date and revision details (title box) were not updated from the original plans.

The application was approved on 2 February 2001 based on the amended plans received by Council.

- May 2017

Council's Building (Compliance) team identified that a roof terrace has been constructed at 70 Watson Street without development consent and issued a 'Notice of Intent to Serve an Order' seeking to remove the structure (Notice Ref #3504). The owners (according to Council records, same persons as the year 2000) responded to Council's Notice, indicating that they hold stamped and approved plans by an independent building certifier and have proceeded to build according to those plans. The owner's letter to Council also stated that the roof terrace was constructed 2 years ago (in 2015). It's alleged that the plans provided to the certifier for sign off were the original plans which included the roof terrace rather than the amended plans that deleted the roof terrace, specifically as both sets of architectural plans reference the same date without a revision number.

- DA-369/2000/A

The owners lodged a modification application DA-369/2000/A seeking consent for the constructed roof terrace with a total area of 33.6m² including glass balustrade and access hatch (retrospectively). The application was notified in accordance with the DCP and 3 submissions were received, 1 in support and 2 objections from neighbouring properties. The DBU conducted a site visit and subsequently resolved to not support the application due to adverse impacts to streetscape, adjoining properties, non-compliance to DCP controls and will set an undesirable precedence.

DA—369/2000/A was refused on 18 January 2018 for the following reasons:

Having regard to section 79C(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 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in respect to the following provisions:*
 - a. *Clause 1.2 Aims of plan, specifically clause (2)(c) as the proposal adversely affects the housing needs of a low density residential area.*

2. *The proposal does not satisfy section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012 5th Amendment, in respect to the following provisions:*
 - a. *Part C1 – Dwelling House, Dual Occupancy, Secondary Dwellings, Semi-detached Dwelling and Terrace Development.*
 - i. *Clause 1.2.2 Side Setbacks, specifically control (a) as the proposal exceeds the minimum setback allowable for two-storey dwellings and may result in undesirable impacts to adjoining properties.*
 - ii. *Clause 1.4 Streetscape and Visual Impact, specifically controls (a) and (c) as the proposal is not visually compatible with its streetscape.*
 - iii. *Clause 2.8 Visual and Acoustic Impact, specifically controls (e) (i) (ii) (iii) and (v) as the proposal exceeds the maximum area allowable for roof terraces, the site is not contiguous to other sites with roof terraces, and the proposal will result in unacceptable impacts to surrounding properties.*
3. *The proposed development does not satisfy section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as the proposal will have an adverse impact upon the amenity of the locality and surrounding built environment.*
4. *The proposal is contrary to 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.*
5. *The proposal is contrary to 79C(1)(d) as the roof terrace results in undesirable privacy and acoustic impacts to adjoining properties for reasons outlined in public submissions.*
6. *The proposal is not considered to be in the public interest for the reasons outlined above, contrary to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979.*

- DA-369/2000/B – subject application

The owners/applicant lodged a subsequent modification application DA-369/2000/B to obtain approval for a modified roof terrace which reduced the total area to 14.6m². The application was notified in accordance with the DCP and received 1 submission. This report considers the merits of the revised scheme as detailed below.

1.3 Proposal

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

- The applicant seeks retrospective approval for the construction and use of a roof terrace.
- The proposal includes a 4.475m by 3.263m (14.6m²) timber roof terrace with a hatch accessed from the first floor level of the dwelling.
- The balustrade is constructed of clear glass panels.

2. ASSESSMENT

The following matters are to be considered in the assessment of this modification application under sections 79C and 96 of the *Environmental Planning and Assessment Act 1979* (the Act).

2.1 Section 4.55 Considerations

Section 4.55 (1A) applications - the modification is considered to have a negative impact on the streetscape and amenity of surrounding properties. The subject application has been compared to the plans and documentation of the originally approved development which revealed that the roof terrace was not supported and subsequently deleted (via lodgement of amended plans). The modification application DA-369/2000/A to obtain retrospective approval for the roof terrace was refused in 2017. The subject proposal is an amended form of the roof terrace that formed part of the previous applications. Subsequently, the subject proposal is considered to be substantially the same.

2.2 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.

2.2.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate is not required for this development.

BASIX excluded development includes alterations, enlargements or extensions that result in a space that cannot be fully enclosed (for example, a verandah that is open or enclosed by screens, mesh or other materials that permit the free and uncontrolled flow of air).

2.2.2 SEPP 55 Remediation of Land

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

2.2.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan (c) to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community	No	The proposed roof terrace is inconsistent with the aims of this plan as the proposal seeks consent to allow a roof terrace in a low density residential zone. It should be noted that no other roof terraces were identified within Watson Street.
Part 2 Permitted or prohibited development		
Land Use Table R2 Zone	Yes	The proposal is defined as a roof terrace to dwelling which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings • 8.5m	Yes	The addition of the roof terrace glass balustrading raises the building height to 7.9m thus maintains compliance.
4.4 Floor space ratio	NA	The roof terrace is an open (unenclosed) structure, therefore does not contribute to floor space for the dwelling.

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

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

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

Development Control	Compliance	Comment
1. Waste	NA	A Site Waste and Recycling Management Plan is not required as the proposal was erected in 2015, no further construction activities are proposed.

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

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> • Maximum overall building height of 7.5m 	No	The modification application demonstrates a roof terrace with glass balustrade approximately 1.0m high, therefore the total building height is approximately 7.9m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> • Predominant front building line • Predominant rear building line at each floor level 	Yes	The front and rear setbacks are acceptable. The roof terrace does not exceed the front building line.
1.2.2 Side setbacks <ul style="list-style-type: none"> • Minimum of 0.9m 	No	The proposed roof terrace provides the following setbacks to adjoining properties: Setback to 68 Watson St = approx. 0.85m Setback to 72 Watson St = approx. 1.3m
1.4 Streetscape and visual impact		
(a) 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. (c) Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.	No	The roof terrace is not compatible with its streetscape context. The street comprises of one and two-storey detached dwellings that do not contain roof terraces. Further details provided below the table. The roof terrace is visible from the street and although the structure is not a dominant feature of the street it sets an undesirable precedent in the immediate area. In this regard, the development is not supported.
2.8 Visual and acoustic privacy		
e) Roof tops are to be non-trafficable and not capable of being used as roof terraces or as entertainment areas, except in the following circumstances: (i) Developments contiguous to the subject	No	Both adjoining properties do not contain a roof terrace.

Development Control	Compliance	Comment
<p>site include a roof terrace;</p> <p>(ii) They will not result in unreasonable amenity impacts such as overlooking and loss of privacy and acceptable noise;</p> <p>(iii) They are not to exceed 15m² in area;</p> <p>(iv) They are provided for casual and infrequent activity and not as an extension of private open space or entertaining areas; and</p> <p>(v) Any access must be provided within the envelope of the main building and there are to be no access hoods or lift overruns proposed above the main roof level. Operable skylights and hydraulic lifts are acceptable where they finish generally flush with the roof level.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>The proposal is inconsistent with CI 2.8 amenity controls of the DCP. The roof terrace does not maintain the established character of Watson Street as there are no existing roof terraces visible from a pedestrian or aerial view in the immediate vicinity. The proposal will allow a trafficable area of 14.6m² which can result in noise impacts to the surrounding properties.</p> <p>The modification application reduces the roof top terrace area to 14.6m².</p> <p>The applicant advised that the roof terrace is used as “a quiet private place” one a week or weekends in the warmer seasons.</p> <p>The roof terrace is accessed from within the building via a hinged hatch on the southern area of the roof terrace. Access hoods are not permitted on the main roof level, therefore this access structure cannot be supported.</p>
1.10 Views		
<p>(d) Where views are enjoyed by a neighbouring property across a proposed deck, balcony or deck, it is accepted that privacy is of lesser value than the retention of views and it may not be appropriate to erect a privacy screen.</p>	<p>N/A</p>	<p>A view analysis was not provided as part of this application and therefore it is difficult to determine if view loss occurs. However, given the application is not supported on other grounds, this has not been addressed as part of this application.</p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area 	<p>Yes</p>	<p>The roof terrace increases the overall open space available on the site. However, the approved development already meets the requirements for open space and private open</p>

Development Control	Compliance	Comment
<ul style="list-style-type: none"> • Overall landscaped area: 15% of site area • Minimum area of 25m² for private open space • Front open space: 50% of front building setback area • Front landscaped area: 50% of front open space provided 		space on the site and does not propose any changes to landscaping.

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

Streetscape

The Assessment Officer conducted a site visit to assess the surrounding properties and was not able to identify any other roof terraces in the immediate vicinity. The subject street comprises of mostly one and two-storey pitched roof detached dwellings. The subject property is adjoined by two-storey detached dwellings that do not contain roof terraces. A streetscape analysis is provided below.

Streetscape analysis:

- There are no roof terraces visible from a pedestrian view (other than the subject property) in the immediate vicinity
- The subject roof terrace is visible from a pedestrian view on the western footpath of Watson Street.
- The roof terrace could result in a trafficable area to the front of the building likely to cause negative visual and acoustic impacts to surrounding properties when in use.

Adjoining properties:

- 68 Watson Street, Bondi Beach does not contain a roof terrace
- 72 Watson Street, Bondi Beach does not contain a roof terrace

In this regard, the roof terrace is considered an overdevelopment, results in privacy and acoustic issues and sets an undesirable precedent for the street.

Visual and Acoustic Impact

The subject site is not contiguous to any development with a roof terrace which does not comply with Control (e)(i) of Section 1.8 Visual and Acoustic Privacy stipulated in the Waverley Development Control Plan 2012. The applicant's justification in the Statement of Environmental Effects states that "it tends to be used as a quiet private place that we can escape to, away from activities inside". This statement is not sufficient as the terrace is readily available to be used as an entertaining area which can result in noise disturbance to surrounding properties. In addition, objections were received in regards to noise and parties at the subject property.

A roof terrace is likely to generate unreasonable acoustic impacts to nearby residential properties, which is highly undesirable for the street. The roof terrace is considered unreasonable, it is within close proximity to adjoining properties and there are no roof terraces on contiguous sites. In this regard, the roof terrace is not supportable.

It should be noted that the site contains an existing large rear balcony with an area of 20m² approved under DA-369/2000 and a rear yard over 60m², considered to provide ample private open space for the occupants of the dwelling.

Unauthorised works

A roof terrace has been constructed unlawfully without prior development consent. As such, Council cannot 'approve' the works already carried out, but only those works remaining to occur and any future ongoing use of this structure. The proposal does seek to modify the form of the roof terrace from its constructed form (reduction in size). In addition, the use of the development may generate unacceptable noise and visual impacts to surrounding properties and create an undesirable precedent for the street.

2.9 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 a detrimental effect relating to environmental, social or economic impacts on the locality, and cannot be supported.

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

The site is not suitable for the proposed development.

2.11 Section 4.15(1)(d) – 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*.

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
72 Watson Street, Bondi

Issue: Noise

Response: Discussion has been provided in regard to the visual and acoustic privacy impacts of the development under Table 4. The roof terrace is not supported on these grounds.

Issue: Safety

Response: If the roof terrace were to be supported, a Building Certificate would be required to legitimise the structure and as part of that process associated engineering certification required.

2.12 Section 4.15 (1)(e) – Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, therefore the roof terrace cannot be supported.

3. SUMMARY

The application seeks consent for a roof terrace measuring 14.6m² in area with glass balustrading around the perimeter of the terrace. The WDCP 2012 stipulates strict controls relating to the location and design of roof terraces. The subject site is not contiguous to any other sites with a roof terrace and no other roof terraces were identified within Watson Street.

The roof terrace is accessed using a hinged hatch which contravenes Section 2.8 Visual and privacy of the WDCP 2012. The roof terrace is considered to result in adverse visual and acoustic impacts to surrounding properties and sets an undesirable precedent for Watson Street.

One (1) submission was received throughout the notification period. The main concerns raised in the objection were related to noise and safety which were addressed throughout the report.

Given the significant non-compliance with Council's controls and the adverse impacts associated with the proposal, the application is not supported and recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

That the Section 4.55 Modification Application be **REFUSED** by the Waverley Local Planning Panel for the following reasons:

Report prepared by:

Bianca Fyvie
Development Assessment Planner
Date: 5 October 2018

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

Angela Rossi
Manager, Development Assessment (Central)
Date: 10 October 2018

Reason for referral to WLPP:

Referred by DBU – review of refusal

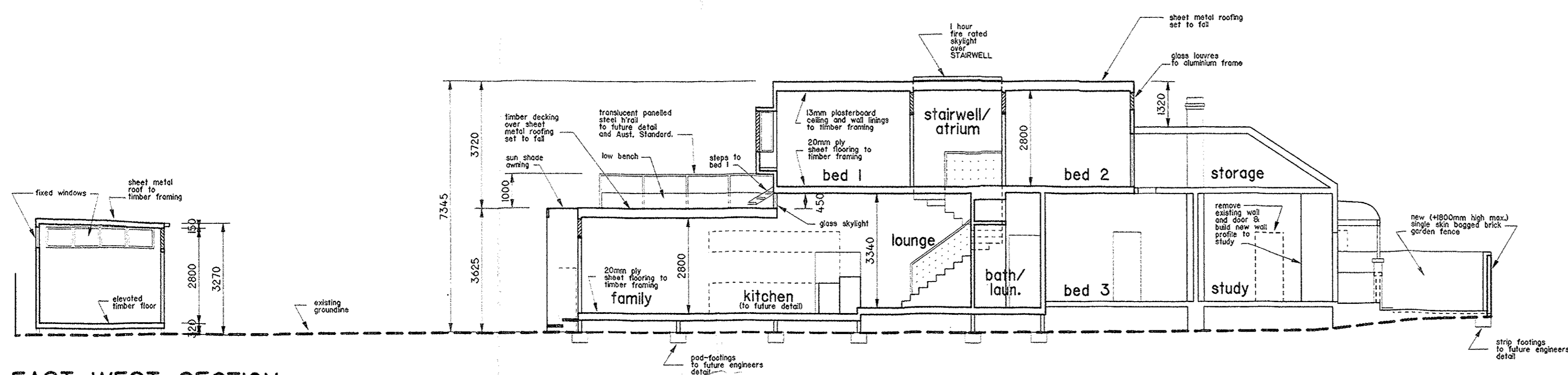
APPENDIX A – REASONS FOR REFUSAL

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

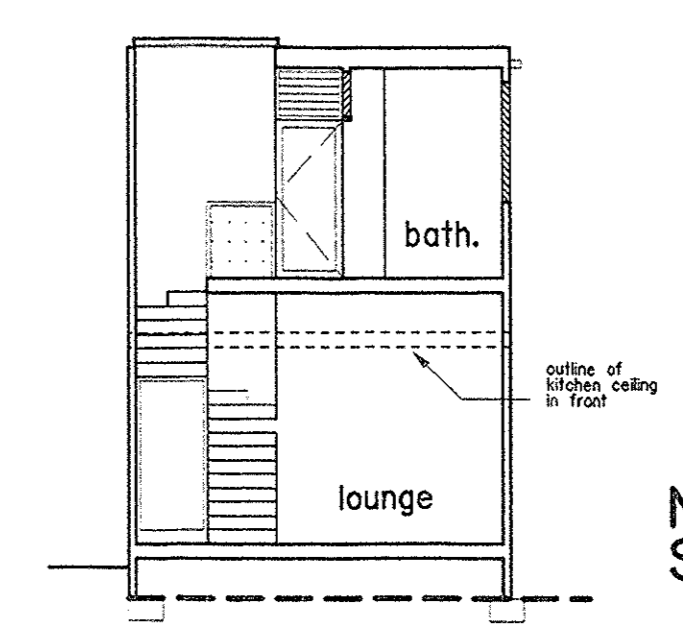
1. The proposal does not satisfy section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as the proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in respect to the following provisions:
 - a. *Clause 1.2 Aims of plan, specifically clause (2)(c) as the proposal adversely affects the housing needs of a low density residential area.*
2. The proposal does not satisfy section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as the proposed development is contrary to Waverley Development Control Plan 2012 5th Amendment, in respect to the following provisions:
 - a. *Part C1 – Dwelling House, Dual Occupancy, Secondary Dwellings, Semi-detached Dwelling and Terrace Development.*
 - i. *Clause 1.2.2 Side Setbacks, specifically control (a) as the proposal exceeds the minimum setback allowable for two-storey dwellings and may result in undesirable impacts to adjoining properties.*
 - ii. *Clause 1.4 Streetscape and Visual Impact, specifically controls (a) and (c) as the proposal is not visually compatible with its streetscape.*
 - iii. *Clause 2.8 Visual and Acoustic Impact, specifically controls (e) (i) (ii) and (v) as the site is not contiguous to other sites with roof terraces, and the proposal will result in unacceptable impacts to surrounding properties.*
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 impact upon the amenity of the locality and surrounding built environment.
4. The proposal is contrary to 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, as the development has unacceptable impacts on the amenity of surrounding built environment and is therefore considered unsuitable for the site.
5. The proposal is contrary to 4.15(1)(d) as the roof terrace results in undesirable privacy and acoustic impacts to adjoining properties for reasons outlined in public submissions.

APPENDIX B – REFERRAL TO COMPLIANCE DIVISION

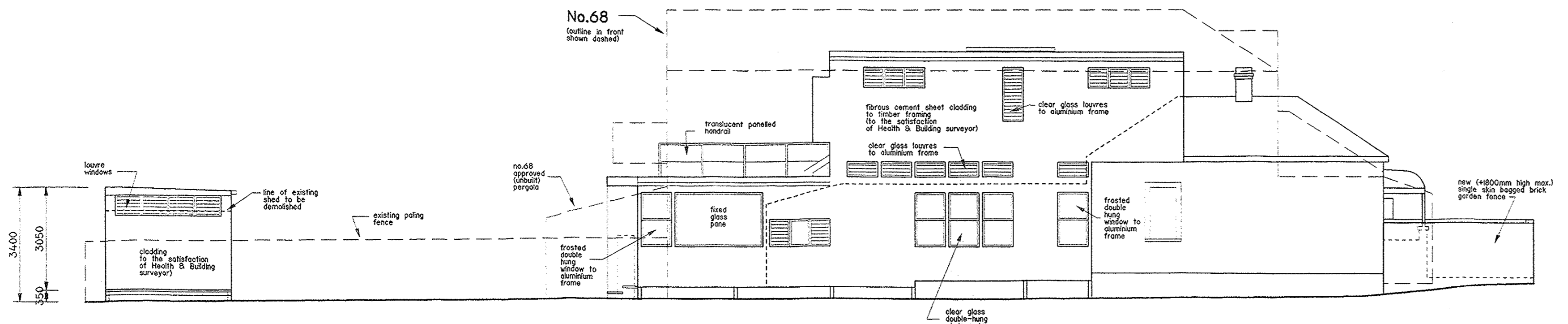
The application be forwarded to Council's Compliance Division for investigation and appropriate action to be undertaken.



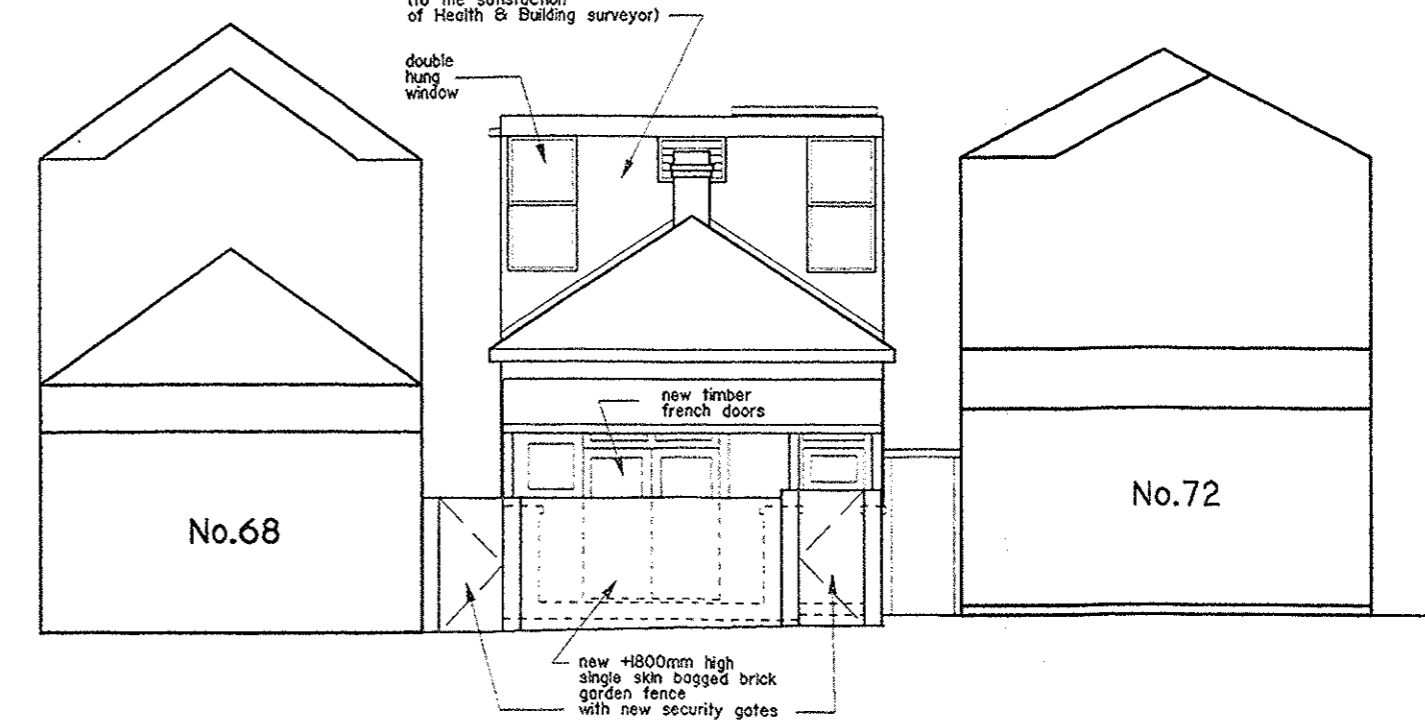
EAST-WEST SECTION



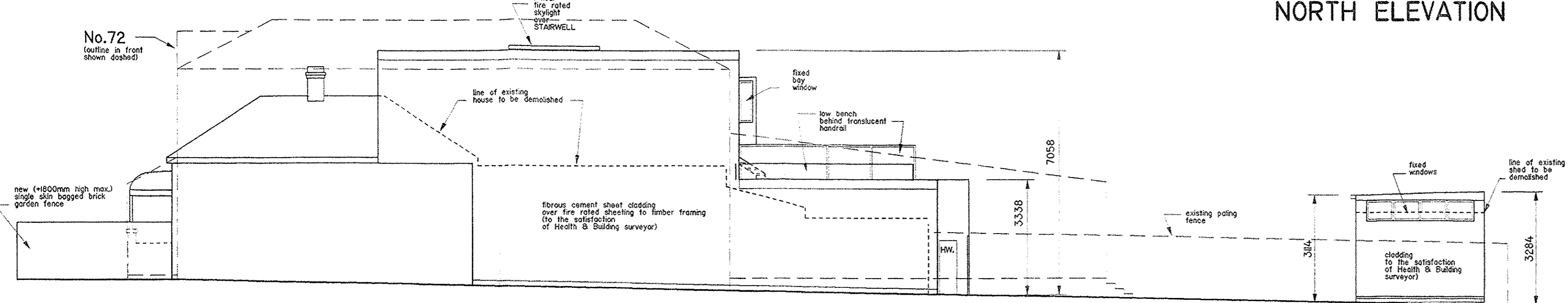
NORTH-SOUTH SECTION



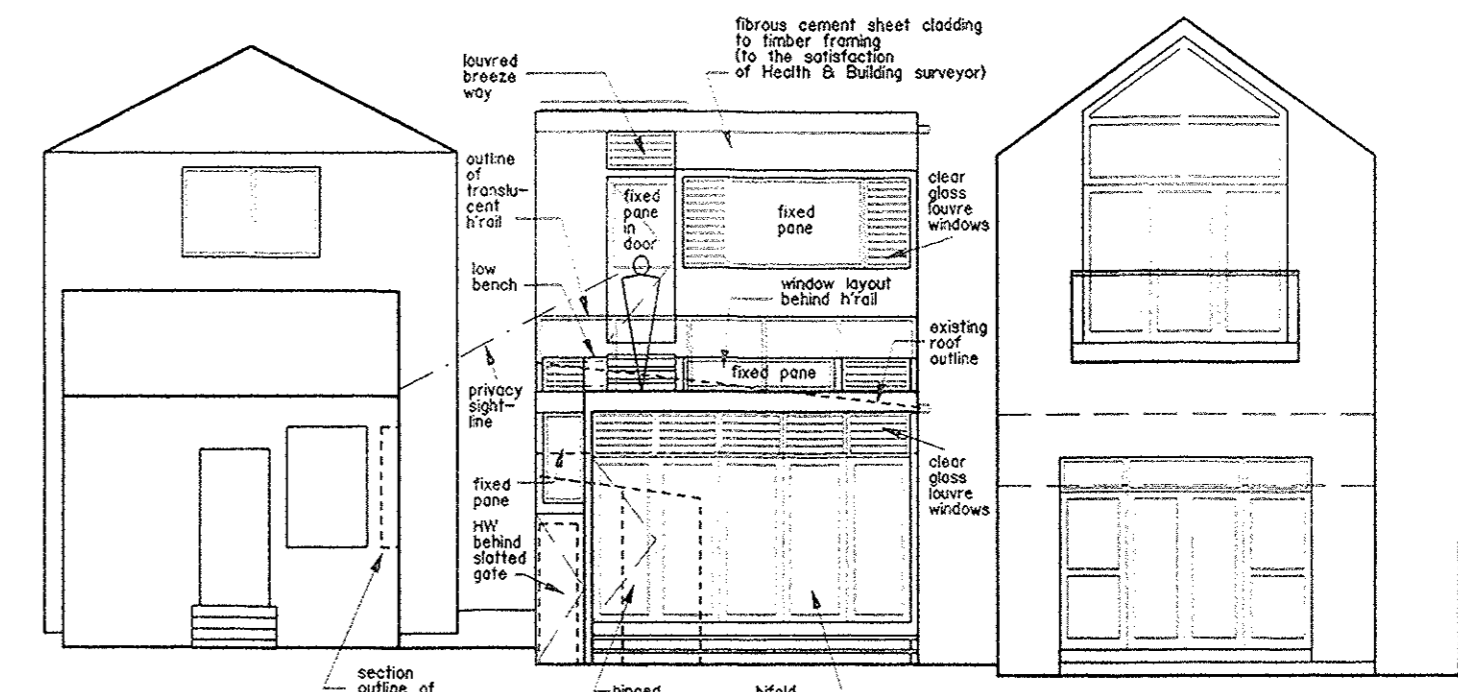
NORTH ELEVATION



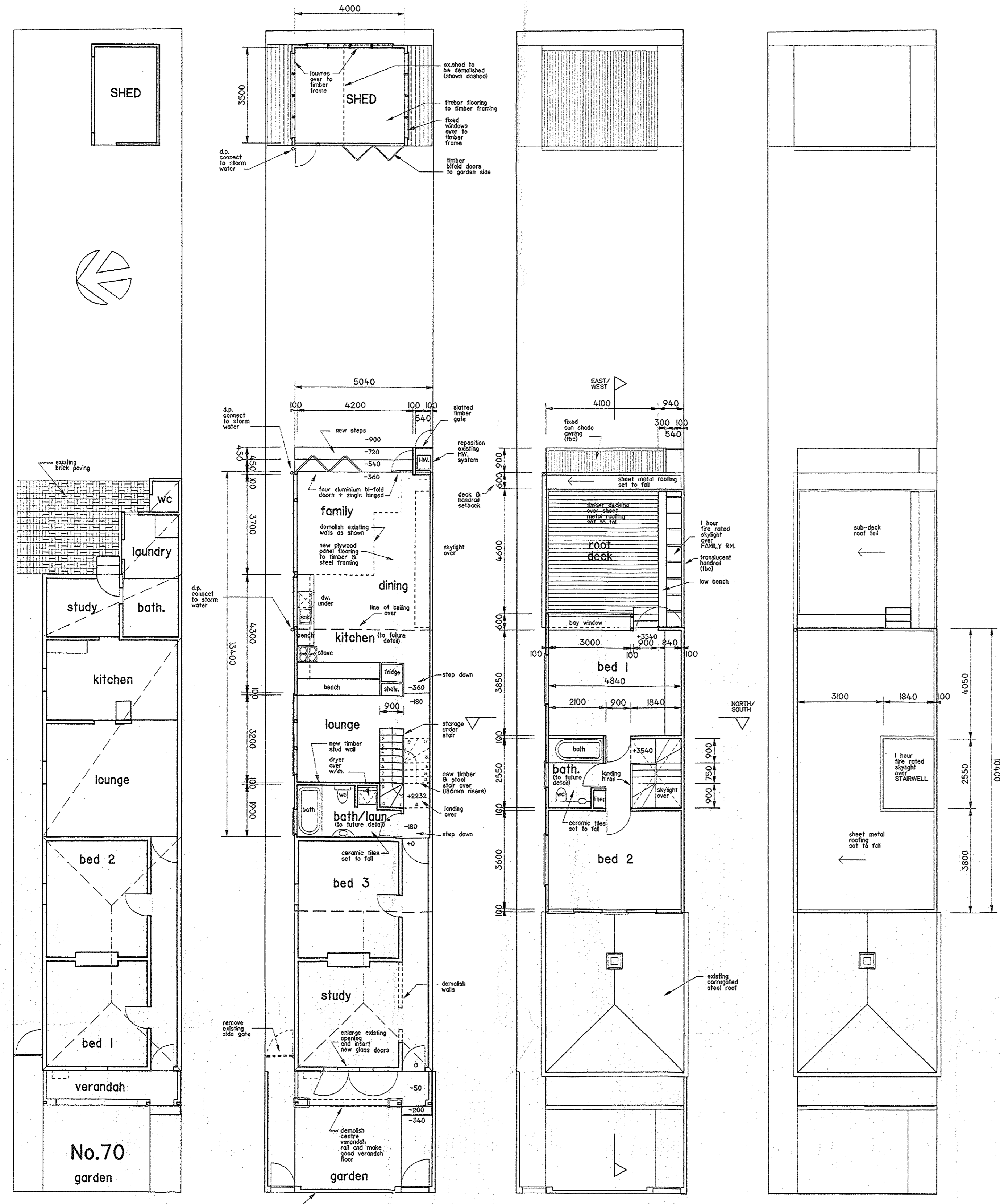
WEST ELEVATION (front)



SOUTH ELEVATION



EAST ELEVATION

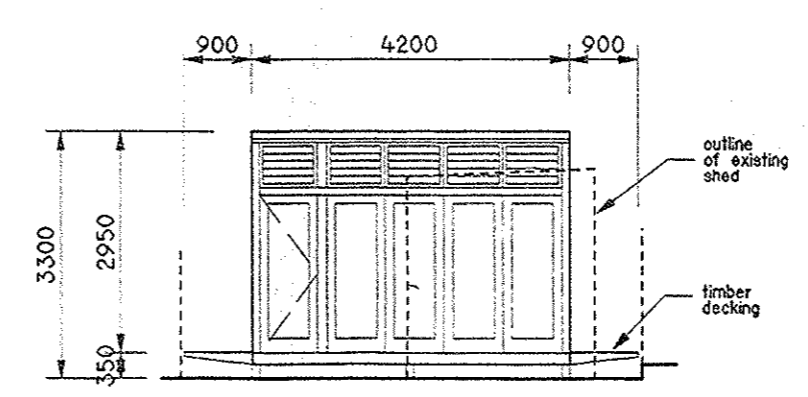


EXISTING

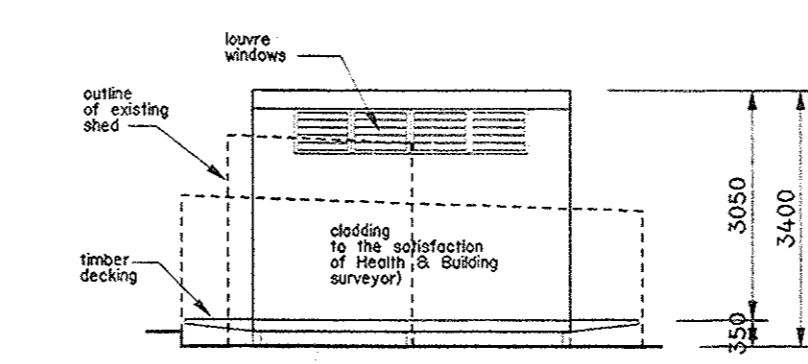
proposed GROUND

proposed 2ND STOREY

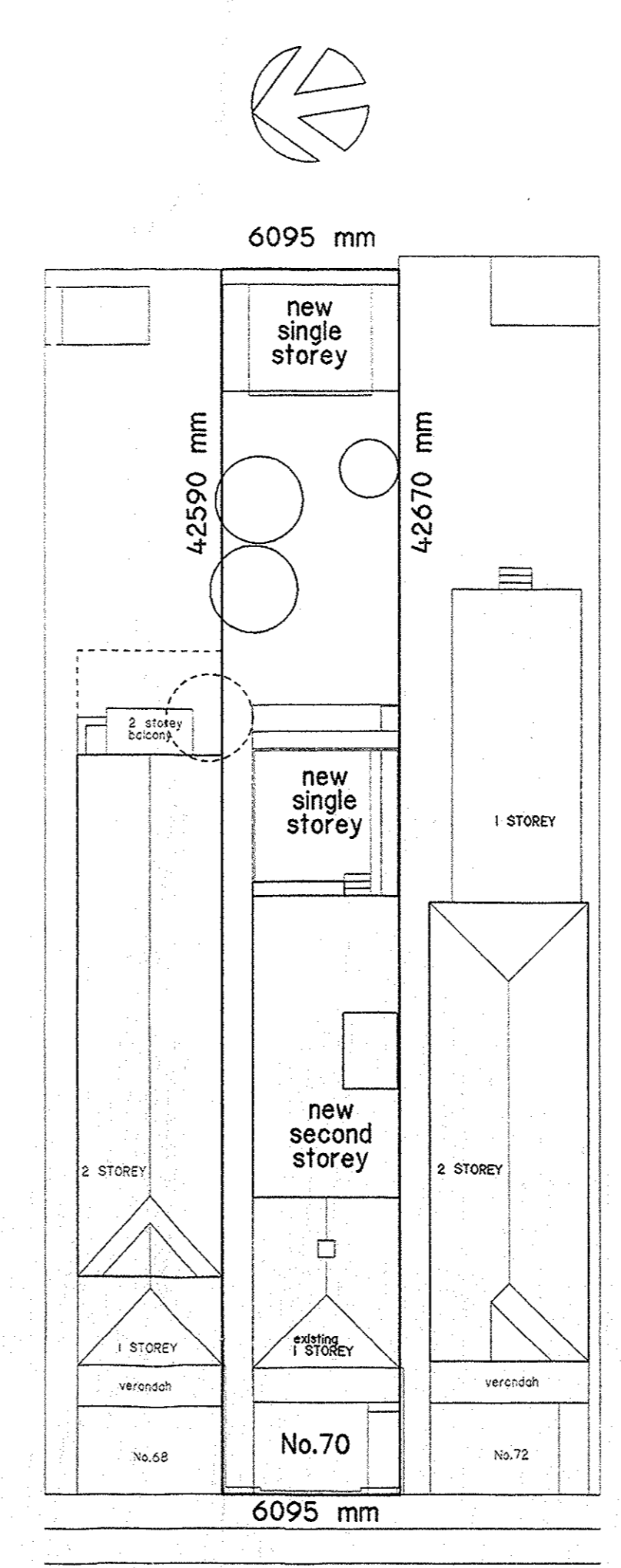
proposed ROOF



SHED WEST ELEVATION



SHED EAST ELEVATION



WATSON ST
SITE PLAN - 1:200
site area = 259.8 metres square
Lot 84 - DP. 2584

*amended 8/12/00
- REDUCED LOWER DECK
- LIVING ROOM SKYLIGHT ADDITION
- ROOF DECK REMOVAL
- CLADDING CHANGED

job:
PROPOSED ALTERATIONS
& ADDITIONS TO RESIDENCE
AT No. 70 WATSON ST, BONDI

client:
MR D. STEMLER & MS J. van HEYST

scale:
1:100 (unless stated otherwise)

date:
20/4/2000

Duncan Stemler (B.ARCH hons.)



SITE PLAN - 1:200

70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler



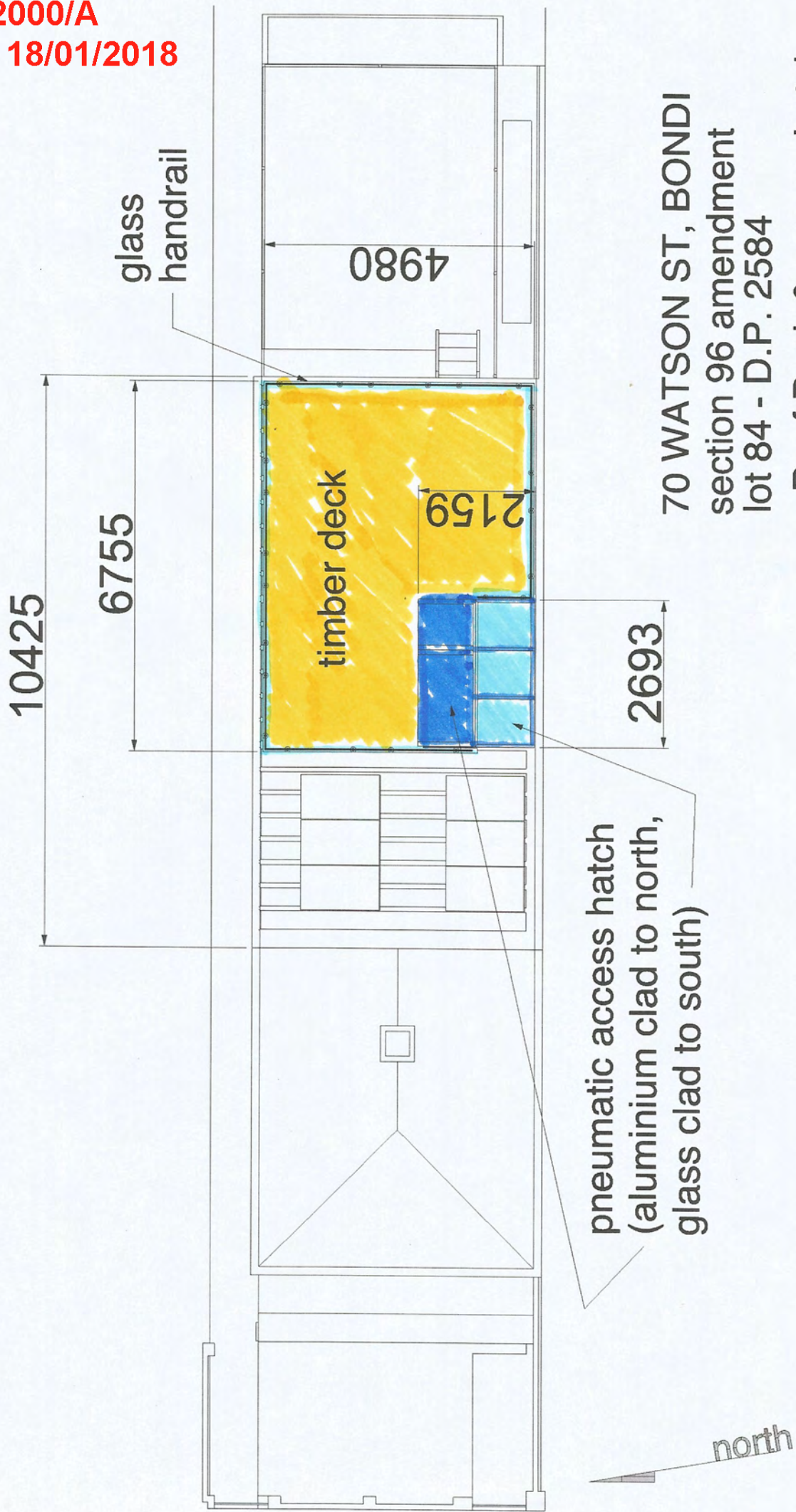
PLAN - 1:100
[hatch open]

stairs down

70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler



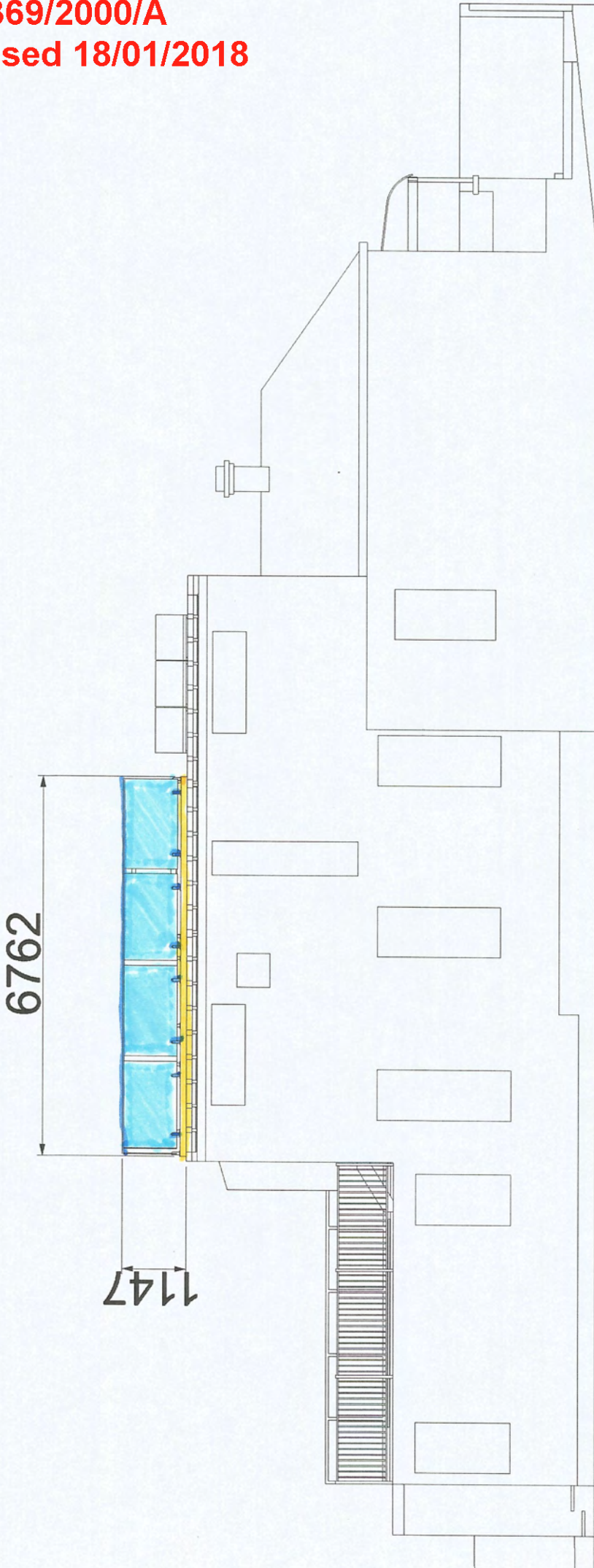
70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler

PLAN - 1:100

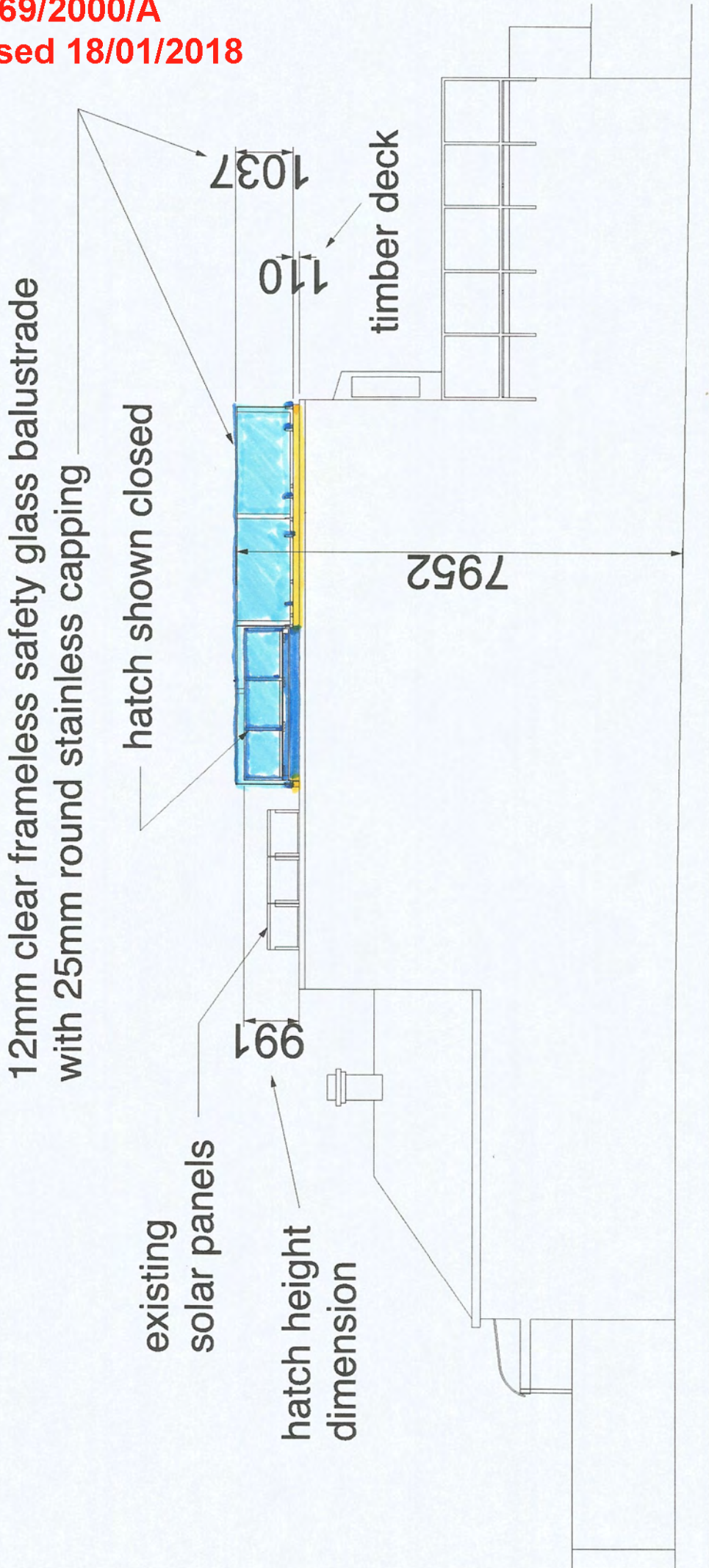
Previous Proposal
DA-369/2000/A
Refused 18/01/2018



NORTH ELEVATION - 1:100

70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584
- Roof Deck & access hatch

28/8/2017 - Duncan Stemler



SOUTH ELEVATION - 1:100

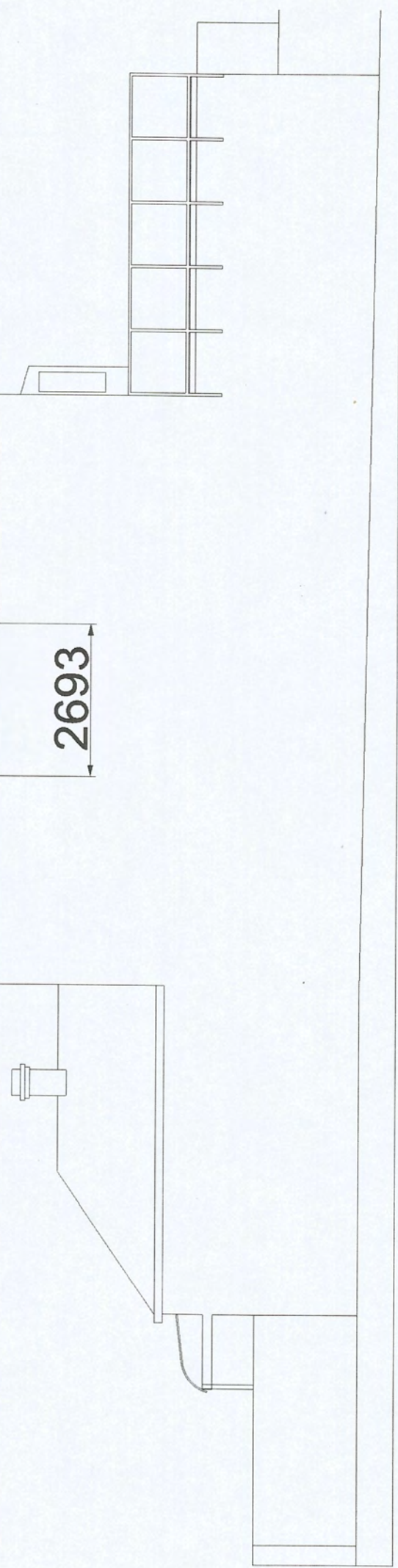
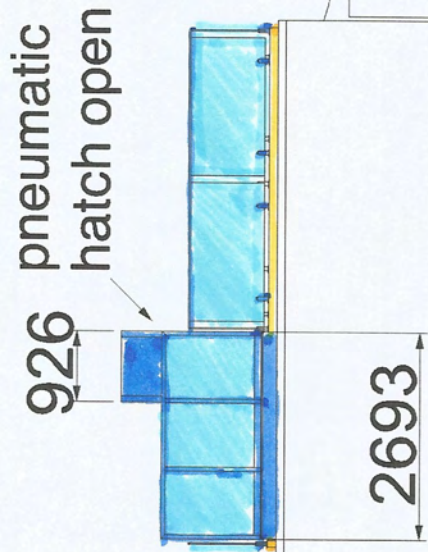
70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584
- Roof Deck & access hatch

28/8/2017 - Duncan Stemler

70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler



SOUTH ELEVATION - 1:100

[hatch open]

**Previous Proposal
DA-369/2000/A
Refused 18/01/2018**



**WEST ELEVATION - 1:100
[front]**

**70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584**

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler



**EAST ELEVATION - 1:100
[rear]**

twin pneumatic
gas struts hold
hatch open

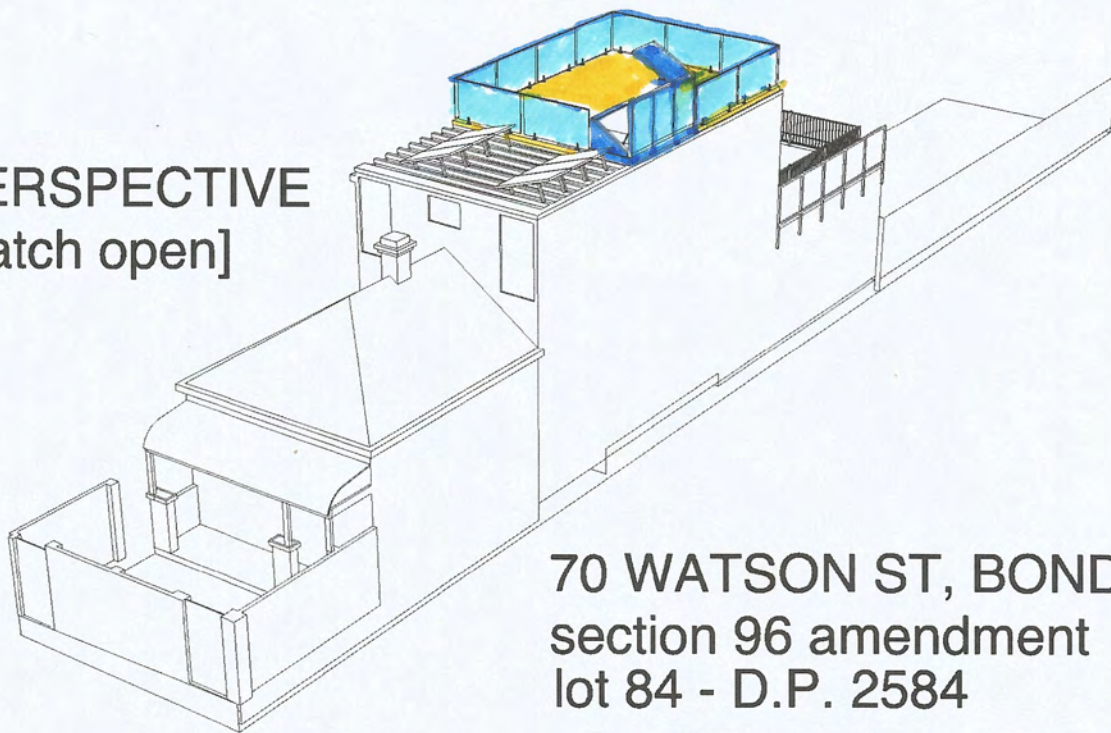


WEST ELEV 1-100
[hatch open]



EAST ELEV 1-100
[hatch open]

PERSPECTIVE
[hatch open]



70 WATSON ST, BONDI
section 96 amendment
lot 84 - D.P. 2584

- Roof Deck & access hatch

28/8/2017 - Duncan Stemler

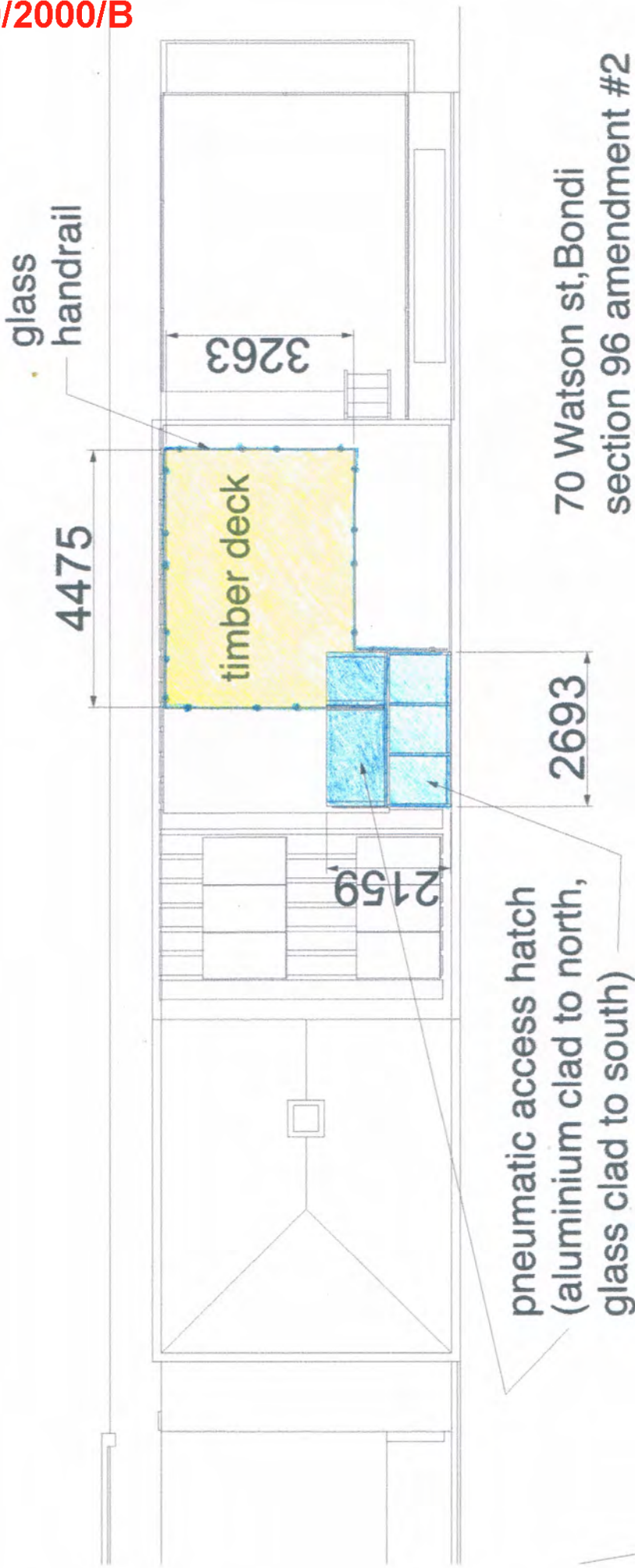


70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584

SITE PLAN - 1:200

Roof Deck & Access Hatch

12/3/2018 - Duncan Stemler

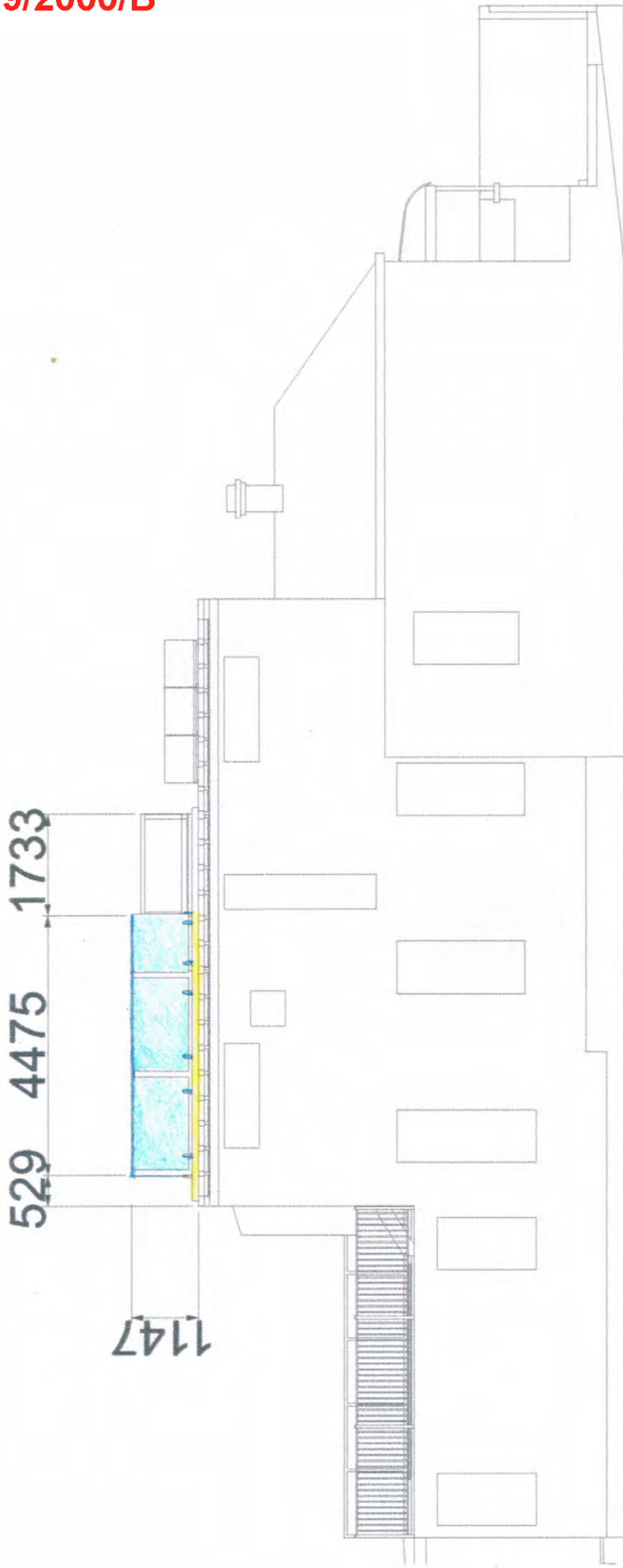


70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584

Roof Deck & Access Hatch

12/3/2018 - Duncan Stemler

PLAN - 1:100

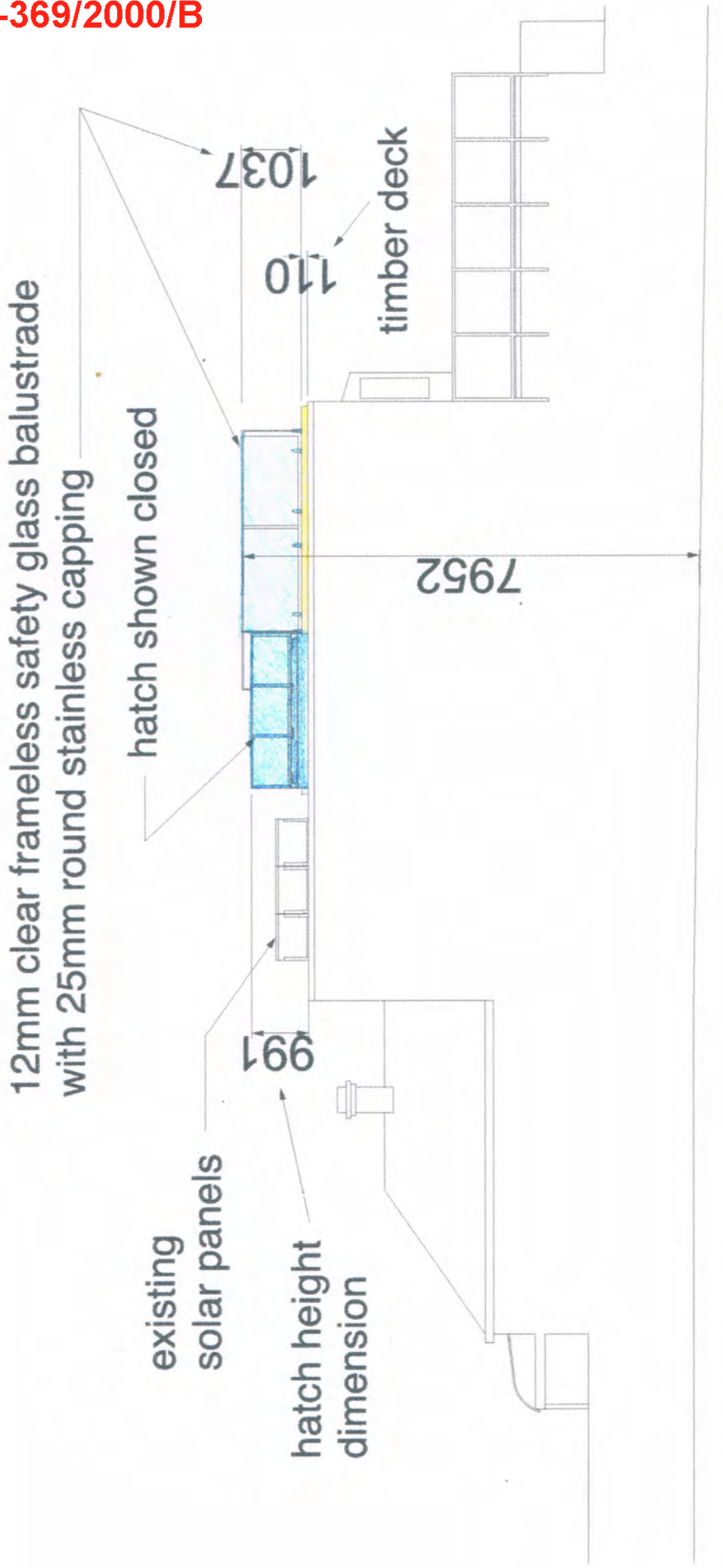


70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584

Roof Deck & Access Hatch

12/3/2018 - Duncan Stemler

NORTH ELEVATION - 1:100



70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584

SOUTH ELEVATION - 1:100

Roof Deck & Access Hatch

12/3/2018 - Duncan Stemler



**WEST ELEVATION - 1:100
[front]**

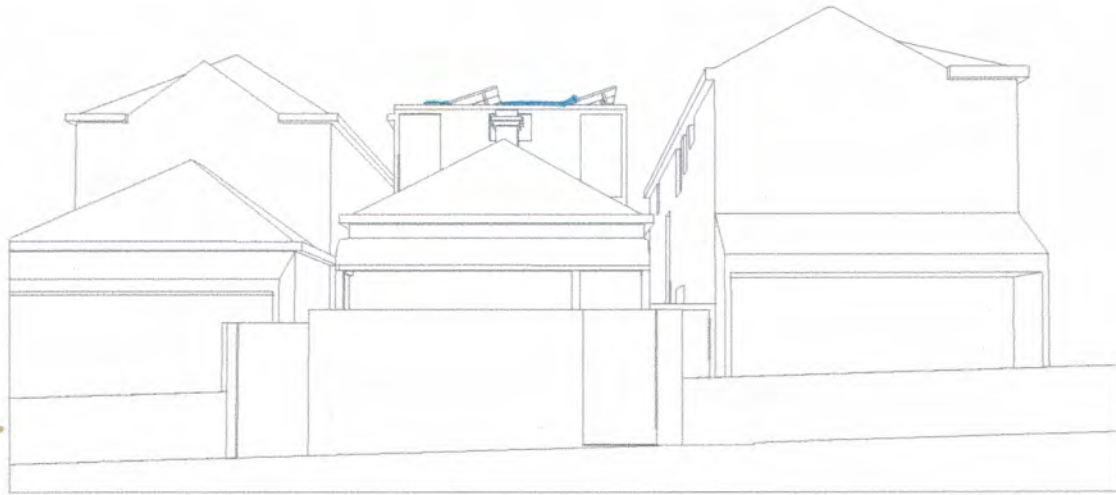
**70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584**

Roof Deck & Access Hatch

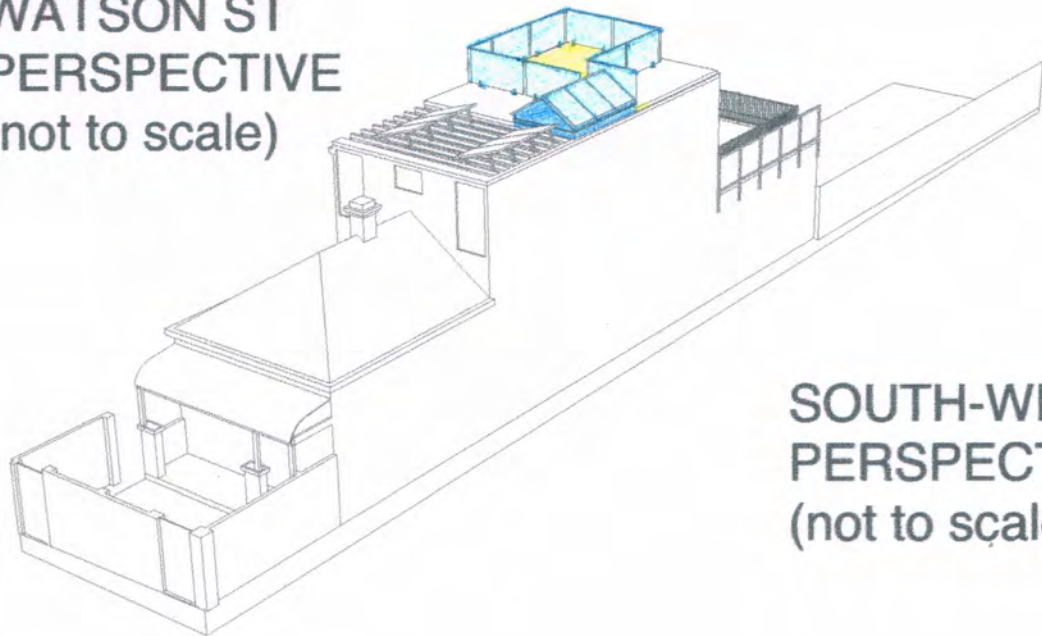
12/3/2018 - Duncan Stemler



**EAST ELEVATION - 1:100
[rear]**



**WATSON ST
PERSPECTIVE
(not to scale)**



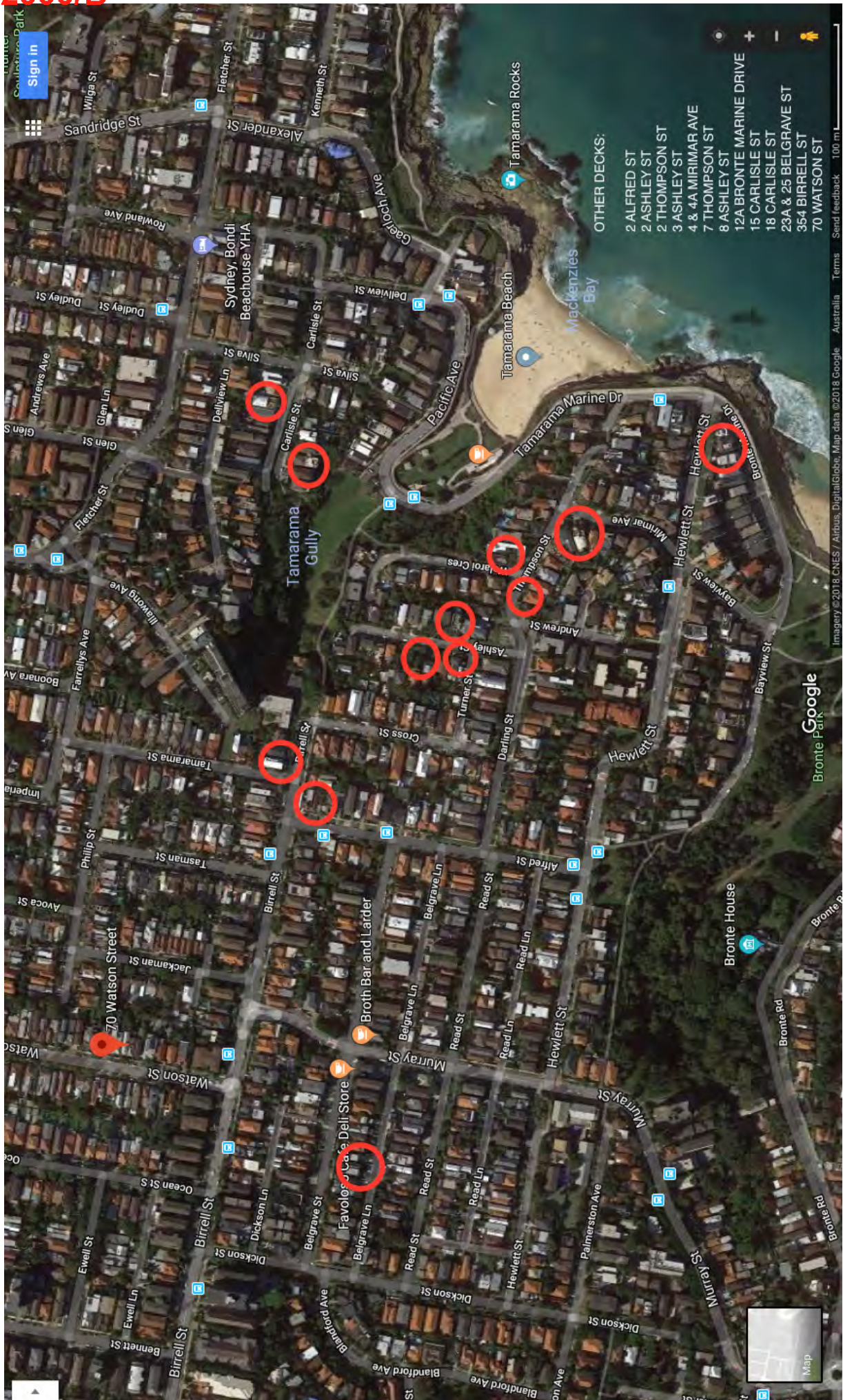
**SOUTH-WEST
PERSPECTIVE
(not to scale)**

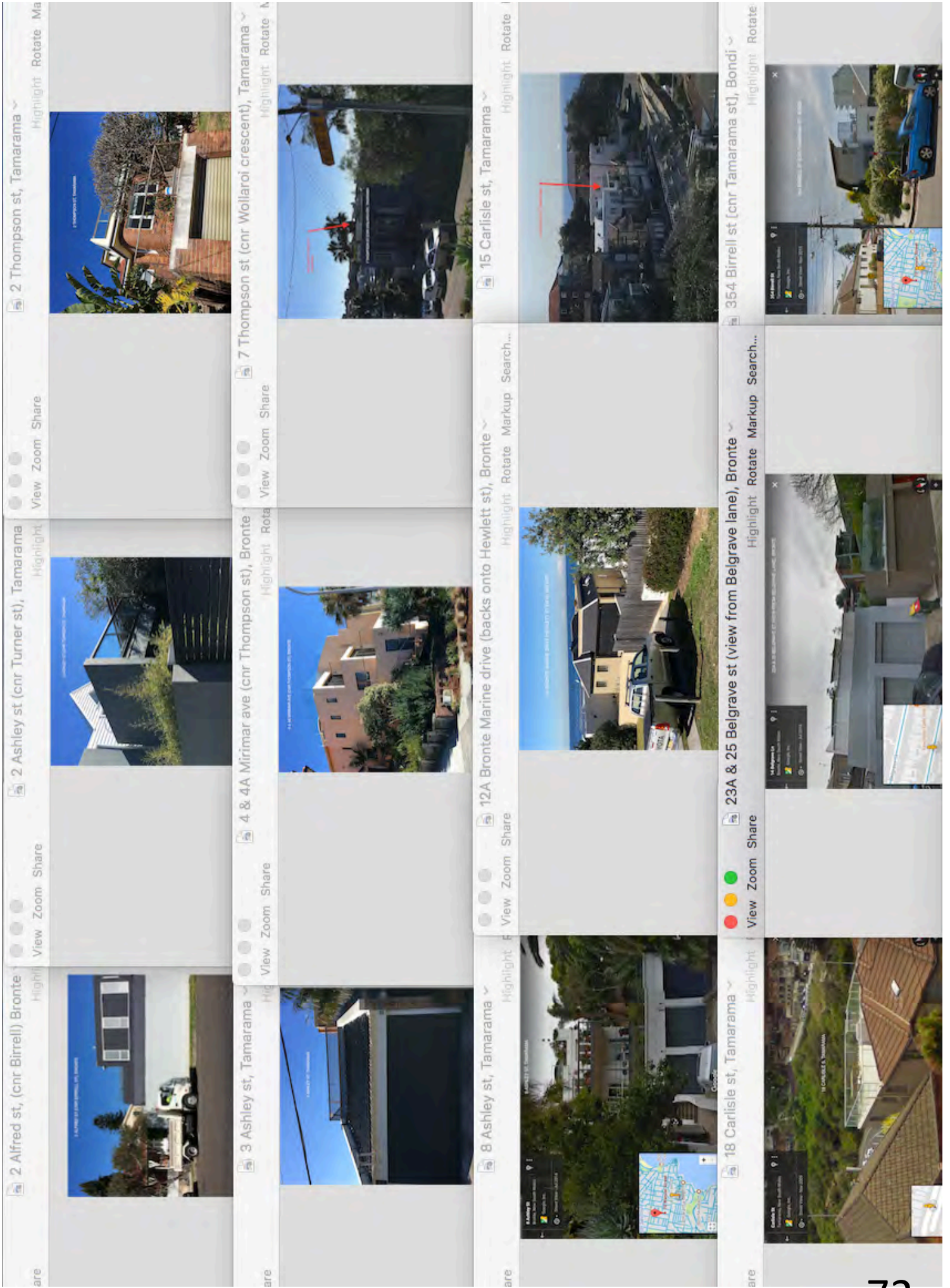
**70 Watson st, Bondi
section 96 amendment #2
lot 84 - D.P. 2584**

Roof Deck & Access Hatch

12/3/2018 - Duncan Stemler

Subject application DA-369/2000/B







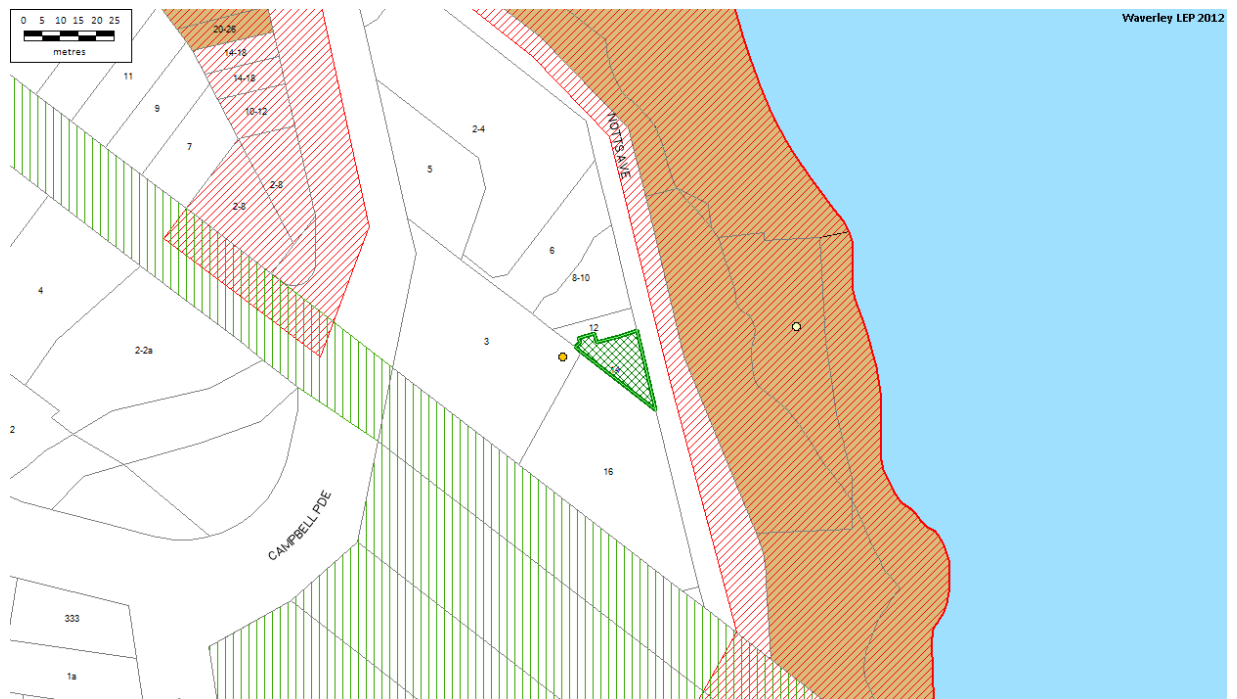
Dwelling House, Dual Occupancy, Secondary Dwelling,
Semi-Detached Dwelling and Terrace Development



Report to the Waverley Local Planning Panel

Application number	DA-469/2017
Site address	14 Notts Avenue, Bondi Beach
Proposal	Demolition of existing dwelling and construction of a new 3 storey dwelling with garage and outdoor swimming spa.
Date of lodgement	2 November 2017
Owner	Maureen Nunez
Applicant	Maureen Nunez c/o Derek Chin, Smart Design Studio
Submissions	8 submissions to original plans, submissions from 3 properties to the latest amended plans
Cost of works	\$5, 063 589.00
Issues	View loss, FSR, Vehicular access
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 28 February 2018.

The site is identified as Lot D in DP 442145, known as 14 Notts Avenue, Bondi Beach. The site is irregular in shape with an area of 210.7m² and falls from the rear towards the front by approximately 5m.

The site is occupied by a three-storey semi-detached dwelling with a garage level accessed from Notts Avenue. The front door of the dwelling and the pedestrian entry is located at the ground level accessed via a raised public footpath above the garages at street level. The existing dwelling is constructed of rendered brick with a flat concrete roof and front balconies/decks with expansive Bondi Beach and ocean views.

The site is located on the western side of Notts Avenue opposite the Bondi Icebergs Club and is surrounded by a mixture of attached dwellings and large scale residential flat buildings.



Figure 1: Aerial view of the site (google maps)



Figure 2: Site viewed from Notts Avenue



Figure 1: Site viewed from the RFB building to the rear (16 Notts Avenue).

1.2 Relevant History

A search of Council's building and development records found the following applications relating to the site.

BA-512/1995 was approved on 10 January 1997 for the construction of a new two storey semi-detached dwelling with double garage. Subsequent minor Section 96 applications have been approved in 1997 and have been constructed. Included in this approval was a lease to use the land underneath Council's footpath to access the garages underneath the site.

DA-201/2013 approved alterations and additions to the existing dwelling including ground and first floor extensions and internal alterations on 14 August 2013 subject to the following conditions of Deferred Commencement:

- 1) *The proposed extension of the building at the first floor level is not approved due to view impacts from adjoining properties. That part of the proposal shall be deleted from the plans and the internal layout of the first floor level amended accordingly. The associated new privacy screen at this level is also to be deleted. This condition does not allow any changes to approved or existing openings (doors/windows etc).*
- 2) *The roof garden on the first floor level roof is to be deleted due to potential view impacts.*

DA-201/2013/A was a Section 96 modification application for the deletion of deferred commencement conditions to allow a smaller and lower extension at the first floor level and deletion of the roof garden. This was approved on 4 December 2014.

DA-242/2014 sought permission for alterations and additions to dwelling including ground and first floor extensions, new roof and internal alterations and was approved on 15 December 2014. This consent has not yet been activated and expires on 15 December 2019.

DA-242/2014/A sought permission for modifications to the approved works, including additional excavation, change of finished floor level and reconfiguration to internal layout and was approved on 20 September 2016.

DA-480/2016 sought permission for alterations and additions to a dwelling, addition of a spa to the first floor and modified window opening and was approved on 23 December 2016. That consent has not yet been activated.

1.3 Background to this application

The application was deferred on 26 March 2018 to address the following matters:

- Shadow diagrams
- Front building line
- Bulk and scale in relation to views
- Landscaping and the palm tree
- Garage works, loss of on street parking and ownership details
- Plan details.

Amended plans were submitted to address these issues on 24 April 2018, further amendments were submitted on 18 September 2018 and 4 October 2018. The amendments submitted on 4 October only corrected the reference to the previous approval referred to for the garage works.

1.4 Proposal

This application, as amended by Revision C and Revision D plans, seeks permission for the demolition of existing dwelling and construction of a new 3 storey dwelling with garage and spa including;

- Ground level parking for four cars, bin and bike storage, WC, stair and lift to the upper levels'. This application does not propose works to the existing vehicular access to the existing, and is relying on works approved in DA consent DA-242/2014.
- Mezzanine level containing a plant room for A/C, pool plant and floor heating;
- First floor containing three bedrooms, three bathrooms and laundry, lift and stair (to ground level and 2nd level) and main entrance to the building from Notts Avenue elevated footpath;
- Second floor containing an open plan living areas leading to open balcony and spa.

A digital 3D model representation of proposal is below, excluding the garage/ground level façade.



2. ASSESSMENT

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

2.1 Section 79C (1)(a) Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

The subject site has historically been used for residential purposes. The Geotechnical Report submitted with the application notes that;

“A waste classification will need to be assigned to any soil excavated from the site prior to offsite disposal. Subject to the appropriate testing, material can be classified as Virgin Excavated Natural Material (VENM), General Solid, Restricted Solid or Hazardous Waste”.

This matter will be address as a condition of consent.

2.1.3 SEPP (Coastal Management) 2018

This DA was lodged to Council on 2 November 2017 and SEPP 71 – Coastal Protection was repealed on 2 April 2018, however the SEPP has no savings provision.

The SEPP applies to the subject site as it is wholly located within the Coastal environment area (Clause 13) and a Coastal use area (Clause 14) according to the SEPP.

Clause 13 states that development within the coastal environment area, must not be granted development consent unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
- (b) coastal environmental values and natural coastal processes,*
- (c) the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

- (f) *Aboriginal cultural heritage, practices and places,*
- (g) *the use of the surf zone.*

The proposal is not anticipated to have an impact on the any of the above environmental considerations.

Clause 14 states that development consent must not be granted for development on land within the coastal use area unless the consent authority;

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
 - (iv) *Aboriginal cultural heritage, practices and places,*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Council has considered the proposal against the above criteria and the proposal is not considered to have any adverse impacts on aboriginal heritage, access to the foreshore, views from public spaces, additional wind tunnelling or scenic qualities of the coast. Additionally, as detailed in the body of the report, the proposal is not considered to be out of keeping with the coastal and built environment, in relation to the bulk, scale and size.

2.1.4 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal does not contravene the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 – Medium Density Residential Zone	Yes	The proposal is defined as a dwelling house, which is permitted with consent in the zone.
Part 4 Principal development standards		

Provision	Compliance	Comment
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	Yes	The proposal is within the 12.5 LEP height limit.
4.4 Floor space ratio 0.9:1, however, Clause 4.4A applies for dwelling houses. 4.4A Exceptions to floor space ratio for dwelling houses Site Area: 210.7m ² FSR: 0.87:1 Permitted GFA: 183m ²	No	The applicant's GFA figures on drawing DA 110 indicate that the GFA for the proposal is 240.3m ² , excluding the majority of the whole ground floor garage plan. This results in an FSR of 1.14:1. However, Council's calculations include 2 of the garages in the proposed ground floor plan, as the GFA definition excludes; "Car parking to meet any requirements of the consent authority". The DCP allows a maximum of 2 car parking spaces for a 3 or more bedroom dwelling, therefore the 3 rd and 4 th carparking within the garage is therefore NOT excluded in the GFA calculations. Council's calculations include an additional 36m ² of GFA, a total of 276.3m ² and an FSR of 1.3:1 which is 93m ² over the maximum control a 51% breach.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.10 Heritage conservation	Yes	The site is not heritage listed or located within a conservation area. However, across the road from the site, is the Bondi Beach foreshore which is listed as a Heritage Conservation Area. The proposal will not harm the significance of the conservation area.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is designated as Class 5 land on the Acid Sulfate Soils Map and the proposal includes excavation. The proposal is unlikely to disturb or expose acid sulphate soils which cause environmental damage. However all standard conditions regarding acid sulfate soils are included within the recommended conditions.
6.2 Earthworks	Yes	The modifications include excavation at the ground/road level. The excavation will be located behind the existing garages. A Geotechnical Report has been submitted with the DA with recommendations as well as

Provision	Compliance	Comment
		additional geotechnical investigations. These are recommended in the 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.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 1.3:1, which exceeds the floor space ratio development standard of 0.87:1 prescribed under 4.4A of Waverley LEP 2012 by 93m² in gross floor area or 51%.

The applicant's figures indicate that the FSR for the development is 1.14:1 with a GFA of 240.3m² which exceeds the LEP development standard by 58m², a breach of 32%. The discrepancies between the applicant and Council's GFA figures lie within the ground floor level and the applicant's exclusion of all of the ground floor garage level.

A written request pursuant to clause 4.6 of Waverley LEP 2012 has been made, seeking to vary the development standard and will be provided to the Planning Panel to review as a whole document. The justification presented in the written request is summarised as follows:

- *The proposal is consistent with the relevant objectives of the development standard relating to FSR.*
- *The proposed variation to the maximum FSR development standard does not hinder the proposal's ability to satisfy the relevant objectives of the R3 Medium Density Residential Zone.*
- *The FSR standard seeks to control the bulk and scale of development, intensity of development, and impacts on surrounding properties. The proposal provides a maximum FSR less than what has previously been approved on the site, and a building height that is less than the maximum building height standard, a density that is consistent with the character of the area, and there are no unreasonable environmental impacts from the proposal.*
- *On review of recent development consents within the locality it is evident that there have been a number of recent departures from the FSR development standard. Notably, 2-4 Notts Avenue (FSR breach of 80%) and 2-8 Campbell Parade (FSR breach of 13%).*
- *The site has a recent, active, development consent which granted approval for a residential dwelling with an FSR of 1.16:1 which breaches the FSR standard applicable to the site. The Council approved this on the basis that the variation had sufficient planning grounds, merit, and would not create any unreasonable impacts on surrounding properties.*
- *As a positive response, this proposal seeks to reduce the overall FSR comparative to that approval (to 1.14:1), and with further refinement, amendments and a reduced density, provide a built form response that improves the outcome of that approval.*
- *While the proposal is still technically above the maximum FSR standard applicable to the site, consistent with a key objective of the FSR standard, the proposal will provide a more*

appropriate “correlation between maximum building heights and density controls” by providing a maximum building height of approximately 1.7m less than the height standard, to ensure that view loss is minimised.

- *A slightly higher floor space, but lower building height is suitable especially where views of Bondi Beach are enjoyed across properties closer to the coastline. Extensive view analysis (prepared by Smart Design Studio) has been updated to reflect further amendments to the design (including reduced height and FSR), and this demonstrates that the proposed FSR variation, in combination with a reduced building height, will have an acceptable impact on views enjoyed by surrounding properties.*
- *The view analysis by Smart Design Studio indicates that the proposal will be generally consistent with the approved development, and in some circumstances provides some extra beach views from certain view positions. Views are also improved to some degree by the removal of an existing palm tree which currently obstructs views towards Bondi Beach from properties behind the site. In terms of the view sharing principles established by the NSW Land and Environment Court, the proposal is considered reasonable as panoramic views of Bondi Beach (including the land/water interface), North Bondi, Ray O’Keefe Reserve and the ocean are retained from affected properties.*
- *The shadow diagrams submitted to support the proposal demonstrate the additional shadow impacts that arise. The limited additional shadow is confined to Notts Avenue or the roof of 12 Notts Avenue. These impacts are considered minor as they do not constitute usable private or public space (refer to Section 5.5 of the SEE).*
- *Due to the topography of the site, and orientation of the dwelling towards the coastline, the proposed development will not result in any adverse visual or acoustic privacy impacts.*
- *The proposal incorporates high quality external materials and finishes and is an appropriate contextual fit. There are no adverse visual impacts as a result of the development.*

The consent authority must not accept a variation under Clause 4.6 unless the applicant has adequately addressed subclause (3) and must also consider whether the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone (which is subclause 4).

The statement submitted with the development application provides a detailed assessment against the considerations of subclause (3), available for review.

In consideration of the objectives of the development standard for FSR, objective (c) *is to ensure that buildings are compatible with the bulk, scale, streetscape and desired future character of the locality* and objective (d) *to establish limitations on the overall scale of development to preserve the environmental amenity of neighbouring properties and minimise the adverse impacts on the amenity of the locality*; are the most relevant in this case.

There is a disagreement on the GFA figures, as the applicant has excluded the whole ground floor garage level, Council’s calculations includes 2 of the 4 proposed garages in the ground floor plan, as the GFA definition only excludes; *“Car parking to meet any requirements of the consent authority”*. The DCP allows a maximum of 2 car parking spaces for a 3 or more bedroom dwelling, therefore according to the GFA definition, the 3rd and 4th car spaces within the garage are therefore NOT excluded in the GFA calculations.

Council’s calculations include an additional 36m² of GFA, a total of 276.3m² and an FSR of 1.3:1 which is 93m² over the maximum control a 51% breach. The applicant’s figures indicate an FSR of 1.14:1 and a 32% breach. Whether it is 51% or 32%, the same merits of the non-compliance remain the same.

In consideration of whether the development is compatible with the bulk and scale and streetscape, it has been successfully demonstrated that the proposed dwelling is similar in bulk and scale, apart from architectural expression to the building it proposed to replace. The bulk is contained to the western side of the site to facilitate view corridors over the site to the beach. The building sits comfortably within the topography of the land and is similar in form to the pair of dwellings to the west of the site at 12 and 10 Notts Avenue. Although the site is zoned R3 for medium density residential which anticipates medium density development, the proposed dwelling is not out of character with the other dwellings within the street. For this reason, the proposal is not considered to contravene objective (c).

Due to the similar form of the building in terms of bulk and scale to the existing, there are minimal additional amenity impacts in relation to overshadowing and visual and acoustic privacy, satisfying objective (d). This is explained in further detail in the consideration of the DCP clauses later in this report.

Views are a contention in this iconic part of Bondi and this matter is discussed in further detail within the body of this report. It is concluded however, that the views from properties behind the site are not unreasonably impacted, giving considering to the view sharing principles established in the planning principle of Tenacity vs Warringah Council.

The zone objectives for the R3 zone that apply to this development are “to provide a variety of housing types within a medium density residential environment” and “to provide for the housing needs of the community within a medium density residential environment”. Given that the proposal is for a replacement dwelling house, amongst a street with both medium density development in the form of residential flat buildings, singular dwelling houses and the Bondi Icebergs Club, it is considered that the variety in the street remains the same, and therefore does not contravene this objective.

It is considered therefore that the proposal, despite the non-compliance with the FSR development standard still meets the objectives of the both the FSR development standard and the objectives of the R3 zone and therefore is in the public interest satisfying the considerations of Clause 4.6. This is for the Panel’s consideration as the consent authority.

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A waste storage area is proposed within the ground level garage area. Conditions of consent are recommended for the management of waste during construction.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application to satisfy this section of the DCP.

Development Control	Compliance	Comment
3. Biodiversity	Yes	The site is located within the habitat corridor, but has limited vegetation on the site. The palm tree on the site has been previously approved for removal and is in this application also. A standard condition of consent is to be imposed to ensure that the replacement species are native, given that it is located in habitat corridor.
5. Tree preservation	Yes	The palm tree on site has been previously approved for removal and this application also proposes this.
6. Stormwater	No	The Plans prepared by Smart Design Studio, Project No. 1712, Drawing No. DA000 to DA401 (REV A) 2017 are not satisfactory with respect to stormwater details. The drawings do not comply with the Waverley Development Control Plan 2012 in reference to Waverley Council's Water Management Technical Manual. This matter can be addressed as a condition of consent.
7. Accessibility and adaptability	Yes	A lift is provided within the house to aid accessibility throughout the 3 storey dwelling.
8. Transport	Yes	The urban design controls in this part of the DCP state that car parking and vehicular access should not dominate the streetscape and that car parking should be provided behind the front building line. Provided that the garage openings remain predominantly the same as existing, the proposal will meet these urban design 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
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No	The dwelling exceeds the 7.5m height limit for flat roof dwellings. This matter is discussed in the issues section below.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line 	Yes	The front of the dwelling will provide a transition between the retaining wall to the car parking/driveway area to 16 Notts Avenue to the east and 12 Notts Avenue to the east. Although some of the articulation of the proposed building is slightly forward of the existing building alignment, in the context of the street this is

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Predominant rear building line at each floor level 	Yes	<p>considered acceptable, still meeting the objectives of the DCP control.</p> <p>The dwelling will be predominantly be set on the rear boundary which adjoins 16 Notts Avenue and 1 Campbell Parade. The existing building is currently set approximately 900mm from this boundary. Given that this adjoins a concrete car parking area to 16 Notts Avenue, and in consideration of what the objective of the rear setback control seeks to achieve, it is considered that this proposal will still meet that objective.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m or 1.5m 	Yes	<p>The site is a triangular shape and as such there is only one “side” boundary being the northern side to 12 Notts Avenue.</p> <p>The existing building already has a nil setback to the northern boundary, therefore given that the proposal will meet the objectives of the side setback control this side setback is accepted on merit.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	No	<p>Excavation is proposed within 900mm from the boundary, however this does not result in the objectives of the controls not being met. Conditions of consent are recommended to ensure the stability of the site.</p>
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context, responding to essential elements that make up the character of the surrounding area. Development must not dominate the streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean. 	<p>Yes</p> <p>Yes</p>	<p>The proposed materials are described as white concrete, black anodised aluminium and clear glazing, which whilst simply is in keeping with the palette of surrounding buildings and compatible with the coastal conditions which can be problematic for less durable materials.</p> <p>The bulk and scale of the proposed dwelling sits comfortably within the topography of the land with a similar building envelope to the existing building and other additions approved on the site and consequently will not dominate the streetscape when viewed from a public space or the ocean.</p>
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m <p><i>Side and Rear:</i></p>	<p>N/A</p> <p>Yes</p>	<p>No front fencing is proposed, as the building is proposed to the front boundary.</p>

Development Control	Compliance	Comment
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 2 spaces for 3 or more bedrooms 	No	The application proposes 4 car parking spaces within the ground floor garage which exceeds the maximum. Three garage door openings already exist to Notts Avenue, providing a double garage behind a singular door, and 2 separate single garage doors which are currently used for storage. Therefore provided that there is no further loss of on street parking, no issues are raised to the number of car spaces.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	Yes	The DCP prefers that the garaging be not forward of the building line and incorporated into the design of the dwelling. The proposal achieves this.
1.11.3 Design <ul style="list-style-type: none"> • 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. • Exposed natural rock faces and heritage listed sandstone walls must not be removed for any car parking. 	No	This application does not seek permission to change presentation of the front garages to Notts Avenue, rather only modifications within the property boundary. It is noted on the plans that the application seeks to rely on the approval issued under DA-242/2014 which maintains the existing garage door opening, apart from the demolition of a column on Council's land underneath the footpath to facilitate a larger opening. This matter is discussed in the issues section below.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	The area behind the property boundary (excluding the area underneath Council's footpath) can accommodate the length of a standard vehicle 5.5m. It is recommended that a surveyor mark the area within the garage to delineate between the private property and road reserve.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	No	No new driveways are proposed. There is an existing driveway crossing to the singular vehicle crossing on the west side of the property and two crossings to two singular garages to the east of the site. Council has no record of these garages having consent. This matter is discussed in the issues section of this report.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area 	No	The proposal provides 65m ² or 31% of open space and insufficient deep soil landscaping to comply with the DCP. Now there is a landscaped

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 		<p>area provided at the front of the site, given its elevation above street level.</p> <p>The deck area at second level is the only private open space for the site, and is 44m² to benefit from the views from the site.</p> <p>The non-compliance with landscaping is discussed in the issues section below.</p>
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property Exposed pool structures must be screened if visible above ground. 	Yes	A spa is proposed on the first floor deck of the dwelling, but will be screened from the street by the balustrade and fence to the residential flat building to the rear. Standard conditions of consent are recommended regarding noise from the spa equipment.

Table 4: Waverley DCP 2012 - Part E2 Bondi Beachfront Area Compliance Table

Development Control	Compliance	Comment
2.1 General Controls		
2.1.3 Built Form	Yes	The proposed form of the dwelling is commensurate with the bulk of the building it proposed to replace and those in Notts Avenue to the east of the site.
2.1.5 Views	Yes	<p>The proposal will have an impact on the views from the public domain.</p> <p>By maintaining a similar bulk and scale to the existing building, the views from adjoining properties will be reasonably retaining, acknowledging that views are to be shared.</p>
2.1.6 Heritage conservation	Yes	As noted previously, the proposal will not detract from the adjacent heritage conservation area.
2.2 Character Areas – Notts Avenue		
<p>The relevant controls are summarised below</p> <ul style="list-style-type: none"> Max 3 storeys External Wall height 10m No blank or unarticulated facades No highly reflective materials Light to mid colours to be used. 	Yes	<p>The proposal is limited to 3 storeys and has a maximum 10m wall height limit when viewed from the street.</p> <p>The building is to be concrete which is not considered a reflective material with light colours, to match the coastal palette of Notts Avenue.</p> <p>The proposal maintain the residential character of the area and will not have a dissimilar bulk and</p>

Development Control	Compliance	Comment
		scale to the existing dwelling and building approved under the previous DA for the site.

2.1.6 Issues

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

Height

The DCP requires that dwelling houses have a maximum height of 7.5m. The dwelling sits above the road level, accessed either through the excavated garage or the elevated pedestrian footpath which is elevated above the land. The dwelling reads in the streetscape as being at the same level as the raised footpath. The majority of the dwelling complies with the DCP height control and sits within the topography of the land.

However, given that the ground level is excavated to be level with the road, this results in a technical non-compliance with the control. This is best illustrated on the section plan 01. Importantly the dwelling complies with the control at the rear of the site where views are most likely to be affected.

In consideration of the objectives of the control, the height and scale of the dwelling relates to the topography and street character, sitting neatly into the topography and not being more than 3 storeys, satisfying objective (b). The ground level of the property at the rear is much higher than the subject site and as such, the ground floor level sits below the ground level of the property behind, having single storey rise from the property at the rear with no unreasonable shadowing impacts, satisfying objective (d). Given the orientation and location of the site, there will be no view loss from public places.

Objective (c) relates to views and this is discussed further in the section below. Based on the above refusal of the application on the grounds of not complying with the DCP height control is unreasonable, when the building complies with the overarching statutory LEP control of 12.5m

However, it is noted that in the revision C plans which reduce the height of the roof of the building to overcome Council's concerns regarding views, the top of the sculptural skylight on the roof and louvres has actually been increased from RL 27.28 to RL 27.32 with no justification provided. To ensure that the bulk of the building is reduced as intended by the amended plans, a condition is recommended that reduces the height of this skylight to no higher than RL 28.28 to minimise any bulk associated with the roof.

Loss of Views

The NSW Land and Environment Court has articulated general principles with regard to views (see *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140). In this case, a four-step assessment criteria was established to decide whether or not view sharing is reasonable. They are summarised below.

1. *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Whole views are valued more highly than partial views, eg a water view in*

which the interface between land and water is visible is more valuable than one in which it is obscured.

- 2. The second step is to consider from what part of the property the views are obtained. Sitting views are more difficult to protect than standing views.*
- 3. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them).*
- 4. The fourth step is to assess the reasonableness of the proposal that is causing the impact.*

Site visits were conducted at Unit 4 and Unit 5 of the property to the rear of the site at No. 16 Notts Avenue and Unit 1B at 3 Campbell Parade, as objections were lodged in relation to view loss from these properties.

It was concluded that the view from 1B/3 Campbell Parade will not be impacted and will maintain reasonable views over the site, due to the building being at a higher level than the site.

The views from Units 4 and 5 of 16 Notts Avenue which are the lower level units of the building behind the site will be impacted by the proposal. The views are from the front balconies, living area and kitchen windows, over the subject site to Bondi Beach and are caused by the second floor level of the proposed building.

The views impacts are a result of a non-compliance with the FSR development standard. Although there is a discrepancy between the applicant's FSR calculations and the Council's, this is a result of whether space within the ground level is included in the calculations of GFA. The applicant argues that the FSR above the ground level is the same as previously approved and this matter is not contended.

Given that this is the part of the building that can impact views, this is the part of the building which has been closely scrutinised as a part of this assessment.

The Revision C/D plans are the 3rd set of revisions provided to Council in this Development Application. To date in previous plan revisions, Council has not been satisfied that the view impact of the proposed new dwelling to the 2 units behind were satisfactory, given that the previous alterations and additions approved on the existing dwelling resulted in lesser impacts than this proposal. In accordance with Principle 4, it was not considered that the impacts were reasonable, as it was clearly demonstrated in the previous approval, that an alternative design (or a more skilful design, as described in the principle) could provide the same development potential and amenity and reduce the impact on the views of neighbours.

The applicant has provided a view study of the proposal and also indicated on the elevations, the difference between the current proposal, compared to the existing building (in red) and previously approved additions (in blue). That design previously approved, by a different architect had a more sculptural roof form with a slope, compared to this more simplified roof form. The figure below is an extract of the 3D model provided by the applicant which provides a comparison of the previously approved building under DA-242/2014 shown with the blue building envelope (excluding the garages, as that is not correctly depicted) and the proposed dwelling represented by the yellow building envelope. This comparison shows that the roof form has been predominantly lowered and the most eastern corner of the second floor of the dwelling tapered to maintain a view corridor over the site.



To address the individual units which lodged objections regarding view loss, Unit 4 is located more directly behind the second floor of the proposed dwelling with the best views enjoyed from a standing position on the balcony and a standing position from the kitchen. Other views are also contained from the unit from a sitting position in the lounge area. The proposal has been amended to reduce those view impacts from the new dwelling to be no more significant than those previously approved in 2014. According to the view studies, the interface between the sand and water will be improved with this amended scheme. Given that the proposal is lower than the height of the previously approved building and significant views from the property will be retained, the proposal is considered satisfactory.

The view analysis demonstrates that views from both units will be gained due to the removal of the palm tree, providing views to Ben Buckler, including the interface between the land and water.

Unit 5 is also located behind the proposed dwelling, but further east than unit 4. The removal of the palm tree provides significant additional views from this property. As noted above, due to the proposed building having a similar envelope to the previously approved scheme in 2014, the views lost are considered not dissimilar to the previous scheme, with improvements to views from the balcony over the proposed dwelling, compared to the approved dwelling.

It is accepted that a building with the same FSR as previously approved, can be supported despite the non-compliance with the development standard, provided that the design does not result in further view impacts from the surrounding properties.

The amended design is considered to have minimal additional impacts on units 4 and 5 of 16 Notts Avenue on what is an expansive panoramic view to Bondi Beach and Ben Buckler and is offset by views gained in other areas. Additionally, it should be noted that the zoning of the land does permit a 12.5m medium density development on the site. Accordingly, based on the analysis above, and review of the

comprehensive 3D model provided, the view impact from the development is not considered unreasonable and the amended application is supported.

Balcony size

The proposed second floor balcony is 65m² and 3.5m wide exceeding the minimum dimensions in the DCP (10m² and 1.5m wide). The balcony area is the primary open space for the proposed dwelling and is located at the front of the site, similar to the location of the balcony on the current dwelling. The DCP restricts the size of balconies for residential dwellings in order to not unreasonably impact upon existing residential or other properties due to unacceptable loss of privacy or generation of noise. Given that the deck will not overlook the adjoining property to the east or the adjoining residential flat building to the rear, the size is acceptable on merit, as it meets the objective of the control, despite the numerical non-compliance.

Landscaping

The proposal doesn't provide sufficient landscaped area or private open space to meet the DCP controls. The purpose of the controls are to;

- (a) To enhance the amenity and visual setting of the site, streetscape, and surrounding neighbourhood;*
- (b) To ensure the provision of open space in a size and arrangement that meets user requirements for recreation, service and storage needs, solar access and is well integrated with living areas;*
- (c) To retain and increase remnant populations of endemic flora and fauna;*
- (d) To maximise on site stormwater infiltration and minimise off site stormwater runoff;*

The existing dwelling does not meet the landscaping requirements, being predominantly covered with the building envelope, with a small area of deep soil plating the eastern triangular part of the site. It is proposed to remove an existing palm tree in this garden, which was also approved under the previous approval for the site. The removal of this palm tree will also improve views to the properties to the rear of the site, however it should be noted that this application would not support the removal of the tree if the only reason was related to the views.

To enhance the streetscape, the proposal provides planters to the front of the site along the street boundary to soften the appearance of the dwelling from the street and provide privacy. There are sufficient areas of private open space on the terrace area of the dwelling, and arguably the alternative recreational space for the residents is the Bondi Beach front across the road. Any new plantings should be at least 50% native to the area, as the area is located in a habitat corridor. The disposal of stormwater will be similar to the current arrangement on the site. Accordingly, despite the proposal not meeting all the controls, it is considered to satisfy the objective and is supported.

Ground Level Garage

In the initial plans submitted to Council, the applicant sought demolition works to the land underneath Council's footpath that adjoins the road to widening the openings to the proposed garage of the dwelling.

The documentation failed to acknowledge that the area beneath the footpath was Council's land and permission for those works from the land owner (Council) would be required. What ensued was a discovery that the applicant has a lease (from 1996) to use the land underneath Council's footpath for the most western garage and that no such agreement exists for the most eastern garages which are currently use for storage purposes only.

The plans demonstrate that there is sufficient space (ie. a car length) on the ground floor plan to park a car behind the front property boundary and wholly within the proposed garage on private property.

To overcome Council's concerns regarding the ownership and permission to do works underneath the footpath, the applicant has retracted the proposed works to access the garage from Notts Avenue, noting that this is to be in accordance with a previous approval for the site. This is shown in a block orange notation on the plans. The revision D version of the plans makes the correct reference to that DA approval DA-242/2014 (the revision C plans incorrectly identified a different consent) which approved alterations and additions the dwelling, including modifications to the garage door openings at ground floor level.

The applicant has not shown those approved works on these plans. A copy of that plan has been provided to the panellists for consideration. Of concern in that application is the demolition of the pillar in between the garages. This pillar is Council's property and provides support to the public footpath above. The applicant has had engineering advice that there are structural issues associated with this support under the footpath, and therefore Council considers that these should be properly addressed within this consent.

In order to facilitate the works to the garage, it is recommended that the vehicular access to the garage be included as a plan amendment in condition 2 for the approval of Council and following that, DA-242/2014 be surrendered.

To be clear, the intention is not to delete the approved vehicular access to the garages permitted under DA-242/2014, but to incorporate those works into this consent, so the structural issues associated with the footpath can be properly dealt with. It may be the case, that to facilitate these works that the public footpath may have to be rebuilt and as such would be at the applicant's expense and only as approved by Council. The applicant/owner should also be required to liaise with Council's Executive Manager of Facilities to see what written documentation would be required to use Council's land under the public footpath. Conditions reflect this Appendix A.

2.2 Section 79C(1)(b) – Other Impacts of the Development

The proposed development is capable of complying with the BCA.

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

2.3 Section 79C(1)(c) – Suitability of the Site for the Development

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

2.4 Section 79C(1)(d) – Any Submissions

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

Eight (8) submissions were received during the initial notification period from two adjoining properties, being 3 Campbell Parade, located behind the site to the south/east and 16 Notts Avenue, directly behind the site to the south/east.

The second set of amended plans were notified for 14 days and 2 submissions were received.

The latest amendments were notified to 16 Notts Avenue and 3 Campbell Parade only, given that the modifications were in response to matters related to the objections related to views. Submissions were received from the Owners Corporation of 16 Notts Avenue and Units 4 and 5/16 Notts Avenue.

The issues raised in the most recent submissions related to the amended plans are summarised and discussed below.

Table 5: Summary of property addresses that lodged a submission

Property
6/16 Notts Avenue
16 Notts Avenue – Executive Committee - Strata plan
5/16 Notts Avenue
4/16 Notts Avenue
Units 1 and 2, 16 Notts Ave
17/16 Notts Avenue
3 Campbell Parade
1A/3 Campbell Parade

Issue: Concerns regarding height of the spa and impacts on adjoining residential flat building to the rear

Response: The swim spa is located on lower ground than the adjoining residential flat building to the rear. The spa does not propose a roof over and therefore the site itself will be overlooked from the adjoining residential flat building. All plant for the spa (although noted as pool on the plans) is located at the mezzanine level, underneath 2 levels above, therefore it is considered that noise from the spa operation will be appropriately mitigated.

Issue: Loss of outlook from the car parking area of 16 Notts Avenue due to the high fence on rear boundary adjacent to spa

Response: Concerns have been raised throughout all versions of the plans regarding the loss of outlook currently enjoyed from the car parking area in front of the garages of the adjoining residential flat building to the rear. According to the levels provided on the plan, the fence on the rear boundary which adjoins the driveway of 16 Notts Avenue has a level of 24.98 RL and will be 2.22m high, however this is lower than the proposed house which is on the boundary and will stand at 4.39m. Given that the wall is to a car parking area, and privacy would be required for the private balcony, this is acceptable on merit. An outlook from a car parking area is not one which would be considered valuable which would require retention. Council is satisfied that a pleasant outlook to the ocean and Ben Buckler (over the Icebergs building) will be retained from the pedestrian entry to the building, an area used by residents to come to and from home. Loss of the view from the car parking area is not a matter which would warrant refusal of the application.

Issue: Height of front wall along the front boundary and impact on streetscape

Response: The height of the wall on the front boundary has been considered in terms of front setbacks of the dwelling. Given the streetscape and existing wall on the front boundary, it is not considered that the setback of the first floor level to the boundary is unreasonable. As shown in section drawing 02, the wall will be articulated with sculptural elements which will have green

planting which will be above the footpath, as well as with landscaping next to the footpath area, as oppose to a blank, unarticulated wall. The setback of the dwelling to the front boundary is not considered to have an unreasonable impact on pedestrians using the footpath, or the street below.

Issue: Excessive FSR, bulk and scale

Response: This matter is discussed within the body of this report and is not considered a sufficient reason for refusal.

Issue: Height of the dwelling and view impacts

Response: Matters relating to view loss are discussed in detail within the body of this report. The objector's solicitor notes in the submission that the roof form should be flat to match the existing character of the area and lower than the height of the existing building and contain no protruding elements on the roof.

The proposed roof form is predominantly flat (ie not pitched) with a slight fall for water drainage, (apart from the articulated structure around the sky light on the roof) which is in keeping with more contemporary flat roof design in the area. The solar panels on the roof are proposed to be flush with the roof and a condition will be imposed to this effect.

The objection also suggests that the floor to ceiling heights should also be reduced to 2.4m from 2.7m however, given that the proposal is lower than the previously approved scheme in 2014 (which can still be activated should this application be refused), the height of the building and roof form is considered satisfactory.

Issue: View impacts to Units and common area of 16 Notts Avenue and 3 Campbell Parade

Response: This matter is discussed in detail within the body of this report.

Issue: Concerns regarding traffic management during construction

Response: A construction vehicle and pedestrian plan of management is required as a condition of consent, in consultation with Council's Manager Creating Waverley to ensure that the construction works do not unreasonably impact vehicular and pedestrian movements around this popular area.

Issue: Demolition, dust, noise, asbestos, excavation and stormwater management

Response: To address these concerns relating to construction, standard conditions of consent are recommended.

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

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

3. REFERRALS

3.0 Traffic, Driveways and Development – Creating Waverley

Based on the documentation provided by the applicant, Council's Creating Waverley Department are concerned regarding the stability of the footpath in front of the proposed dwelling and above the proposed garage works.

This DA requires amendments to the garage, but relies on the works to the vehicular access point approved under DA-242/2014 which proposes removal of the central support column between the two existing garage doors. Council is concerned of any possible structural ramifications in the upper level footpath area. Conditions are recommended in this consent to combine the garage access works into this development consent to facilitate the new garage works.

3.1 Stormwater – Creating Waverley

The Concept Drainage Plans prepared by Smart Design Studio, Project No. 1712, Drawing No. DA101 (Rev A), dated 30 October 2017 have been reviewed and not satisfactory with respect to stormwater details.

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

- An updated Stormwater Management Plan is required which contains details of Rainwater Tank (RWT) according to BASIX requirement e.g. volume, location of RWT, connection details of RWT with down pipes, overflow system.
- Connection details of Council's Stormwater Drainage System or Gutter being Kerb & Gutter or underground system are required.

A condition shall be imposed ensuring compliance in this respect.

4. SUMMARY

The application seeks demolition of the existing dwelling and construction of a new 3 storey dwelling with 4 car parking spaces in its place. Previous alterations and additions have been approved on the site. The most recent significant alterations and additions in 2014. This application seeks approval for a new dwelling with a similar building envelope to the existing approval in order to primarily mitigate view impacts to the residential flat building to the rear.

A Clause 4.6 statement has been submitted seeking a variation to the FSR development standard in the LEP. The statement is considered to be well founded as it successfully demonstrates that strict compliance with the development standard in this case is unreasonable, as it does not result in unreasonable amenity impacts and despite the variation achieves the objectives of the development standard and the zone.

The variations sought to the DCP controls occur to the circumstances and constraints of the site and are found acceptable as the development will meet the intent of those controls and present a contextually appropriate building. Strict application of all the DCP controls (ie. side, rear and front setbacks) would result in a building that would be out of context with its surrounds, additional impacts to adjoining properties and inferior streetscape presentation. By maintaining similar setbacks and building envelope to the current dwelling, minimises additional impacts to the adjoining properties and facilitates view sharing.

The substantial works proposed at the garage level in the initial scheme did not recognise that any structures surrounding the vehicular access to the site (ie. underneath the footpath) are on Council's land and have an impact on the raised public footpath in front of the dwelling. To overcome this, the applicant has opted to rely on the works approved under DA-242/2104, as noted on the plans. These

plans predominantly maintain the same garage openings to Notts Avenue, but seek to remove a pillar in between one of the garage, which on the structural advice provided by the applicant, causes concerns for the stability of Council's footpath. This consent recommends incorporating those works outside the property boundary into this consent, so they can be properly addressed.

Eight submissions were received to the original DA, and 3 to the latest amended plans. The issues related to views and the FSR have been discussed within this report and amendments were sought to address issues related to view sharing. Other matters raised relating to the noise, dust, and vehicle management during construction have been addressed by conditions of consent. There are no outstanding matters which would warrant refusal of the application on grounds of the public interest. The application is recommended for approval, subject to conditions of consent.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Beth Matlawski
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 9 October 2018

Date: 12 October 2018

Reason for referral:

- 1 Development Applications for Class 1 and 10 buildings that receive 4 or more unresolved objections.
- 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 prepared by Smart Design Studio, DA 000 (rev C), DA 100 (Rev C), DA 101 (Rev D) DA 102 (Rev C), DA 103 (Rev C), DA 104 (Rev C), DA 105 (Rev C), DA 110 (Rev C), DA 200 (Rev D), DA 201 (Rev C), DA 400 (Rev C) and DA 401 (Rev C), and received by Council on date 4.10.18.

* Revision C plans are dated 14.09.18 and Revision D plans are dated 4.10.18

- (b) BASIX Certificate
- (c) Schedule of external finishes and colours received by Council on 7 November 2018;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) The works associated with access to the proposed garages and as shaded in orange on drawing DA 101, DA200 and DA 401 are to be amended to show those works approved on Council's land underneath the footpath in DA-242/2014/A.

The purpose of this condition is to incorporate those works which are required to facilitate vehicular access to the site into this consent, to ensure that the works can be completed in conjunction with the new dwelling.

- (b) The top of the sculptural skylight on the roof and louvres over is to be reduced to RL 27.28 (in line with what was proposed on the revision B plans) in order to reduce the bulk of the roof.

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

3. USE OF COUNCIL LAND

This consent accepts the new garage doors being located outside the property boundary, provided that the owner/applicant liaise with Council's Executive Manager, Facilities to get written consent either in the form of a lease arrangement or alternative agreement prior to the issue of a Construction Certificate.

4. SURRENDER OF DEVELOPMENT CONSENT

Following the approval of the plan amendments requested in condition 2 of this consent which incorporate the works to facilitate vehicular access to the site, Development Application DA-242/2014 is to be surrendered by the applicant, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

The surrender is to be received by Council prior to the issue of any Construction Certificate associated with this consent. The surrender of the DA consent takes effect when Council receives the notice.

5. USE OF DWELLING

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

6. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 450mm from a boundary.
- (b) Be located behind the front building line and if visible suitably 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).

7. 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*.

8. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

9. 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.

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. SECTION 7.12 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of \$ 100, 000 must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

12. LONG SERVICE LEVY

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

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

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

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

- (a) Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 4.19(A)(2) of the Environmental Planning & Assessment Act, 1979; and
- (b) a Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 4.19(A)(2)(b) of the Environmental Planning & Assessment Act, 1979 and Form 7 of Schedule 1 of the Regulations; and
- (c) Council is given at least two days' notice in writing of the intention to commence the building works.

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

14. SERVICE AUTHORITIES

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

Please note, no services are permitted to be installed outside of the property boundary on Council's land, including underneath the raised footpath.

15. HOARDING REQUIRED

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

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

16. GEOTECHNICAL ENGINEERS REPORT

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

17. DETAILS OF BULK EXCAVATION, SHORING OR PILE CONSTRUCTION

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

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

18. SITE WASTE AND RECYCLING MANAGEMENT PLAN

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

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

19. EROSION, SEDIMENT AND POLLUTION CONTROL

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

20. STORMWATER MANAGEMENT

- (a) The stormwater plans do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual. The following detail is required to be submitted, along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual:-
 - i) An updated Stormwater Management Plan is required which contains details of Rainwater Tank (RWT) according to BASIX requirement e.g. volume, location of RWT, connection details of RWT with down pipes, overflow system.
 - ii) Connection details of Council's Stormwater Drainage System or Gutter being Kerb & Gutter or underground system are required.
- (b) Amended plans are to be submitted to Creating Waverley Department of Council for approval detailing compliance with the above mentioned controls and polices prior to the issue of a Construction Certificate.

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

21. ENGINEERING DRAWINGS – NOTTS AVENUE PUBLIC DOMAIN WORKS

As the development proposes the removal of the central support column between the two existing garage doors outside the property boundary, Council is concerned of any possible structural ramifications in the upper level footpath area. Therefore Council requires the footpath area over the garage entries outside the site be reconstructed in order to facilitate the new garage works, at the applicants cost.

As such, detailed engineering drawings of the works to be undertaken in the Council's road reserve to provide vehicular access shall be submitted to Council for the approval of the Executive Manager, Creating Waverley prior to the issue of a Construction Certificate.

The detailed engineering drawings shall:

- (a) Be prepared by a suitably qualified and experienced structural or civil engineering consultant at the applicant's expense.
- (b) Show details of but not be limited to the following;
 - (i) Modifications to be carried out to the existing concrete upper level footpath and retaining walls.
 - (ii) All proposed reinforcement details and joints on the structures.
 - (iii) All hand railing.
- (c) Show all structures on Council land being separate elements and not cast into any of the concrete slabs on the property. This is to ensure that in any future maintenance on Council land, work will not compromise the structural integrity of the house.
- (d) Include long sections drawn along both edges of the driveway. The long sections shall:
 - (i) Be drawn at a scale of 1:25.
 - (ii) Include reduced levels (RLs) of the road centreline, kerb and gutter, property boundary and car parking spaces.
 - (iii) Include ground clearances of the B85 standard design vehicle using the ground clearance template contained in Appendix C of AS 2890.1: 2004 Off Street Car Parking.
 - (iv) Include proposed vehicular head clearances.
 - (v) Show the section of driveway between the Notts Avenue gutter and outer edge of the footpath bridge being sloped and drained to the roadway.
- (e) Include profiles drawn along both the front and back edges the Council's upper level footpath showing existing and proposed levels and any extent to which the footpath will need to be adjusted transitioning to the north and south of the proposed footpath bridges.
- (f) Show the upper level footpath having a crossfall to the road not exceeding 2%.

22. 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.

NOTE: PRIOR TO THE PREPATATION OF THE CVPPM, the applicant or his or her representative shall:

- Make contact with Council's Senior Traffic Engineer to discuss information required at (a) to (d) above.
- Be aware swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, may need to be submitted to Council for all truck movements that are to take place within the Council area prior to an approval being issued for the CVPPM.
- Be aware of and take into account the cumulative effect that truck movement from the development site and other development sites in the vicinity that are either under construction or have development approval will have on roads leading to and from the site.

23. 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.

24. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

25. LANDSCAPE PLAN AND PLANTINGS IN A HABITAT CORRIDOR

A landscape plan is to be submitted and approved by Council with a plant species list, showing the botanical and common names of plants, pot size of plants and number of plants. A minimum of 50% of

the proposed plantings (not including turfed areas) are to be indigenous or local native plants listed in Annexure B2 - 1 of the Waverley DCP.

26. BASIX

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

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

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

27. NO ENCROACHMENT OF BOUNDARIES

No portion of the proposed fencing or building, including the footings or eaves are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the encroachment of the boundary is to be submitted to Council prior to the issue of a Construction Certificate.

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

28. PRIOR TO SITE WORKS

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

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

29. HOME BUILDING ACT

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

30. CONSTRUCTION SIGNS

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

31. 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. 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.

33. CONTAMINATING MATERIAL REQUIRED TO BE REMOVED

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

- (a) Hazardous dust is not to be allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended. Any existing accumulations of dust (eg: ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particle air (HEPA) filter. All dusty surfaces and dust created from work are to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.
- (b) All contractors and employees directly involved in the removal of hazardous dusts and substances are to wear protective equipment conforming to Australian Standard AS1716 Respiratory Protective Devices. They shall also adopt work practices in accordance with the requirements of Safe Work Australia's National Standard for the Control of Inorganic Lead at Work (NOHSC: 1012 (1994) and NOHSC: 2015(1994).
- (c) All lead-contaminated materials being disposed of in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines 2009 and the Protection of the Environment Operations Act 1997 (NSW).

34. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

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

Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

35. DEMOLITION & SITE PREPARATION

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

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

36. DEMOLITION REQUIREMENTS

Following demolition activities the soil must be tested by a person with suitable expertise, to ensure the soil lead levels are below acceptable health criteria for residential areas. The soil investigation being carried out in accordance with the NSW Environment Protection Authority (EPA) "Guidelines for Consultants Reporting on Contaminated Sites". An approved NSW Environment Protection Authority (EPA) Auditor, in accordance with the NSW EPA's "Guidelines" shall issue a Site Audit Statement at the completion of the investigation, for the NSW Site Auditor Scheme.

37. CLASSIFICATION OF WASTE/ DISPOSAL OF EXCAVATED SOILS

That prior to the exportation of waste (including fill or soil) from the site the material must be classified in accordance with the provisions of the Protection of the Environment Operations Act, 1997 and the NSW EPA Waste classification guidelines 2009. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the NSW EPA.

38. 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.

39. POTENTIAL DEWATERING OF THE SITE

Should dewatering of the site be required, the onus is on the developer to:

- (a) Undertake the necessary site investigations prior to construction;
- (b) Prove that a water table is present or absent;
- (c) Assess the feasibility of alternative construction methods;
- (d) Assess the potential contaminated site, acid sulphate soil and saline intrusion issues;
- (e) Design an appropriate and safe dewatering system;
- (f) Apply for a dewatering licence,
- (g) Provide a detailed geotechnical and hydrogeological report regarding construction dewatering and monitoring;
- (h) Design and implement a monitoring program;
- (i) Monitor, analyse, interpret and report on dewatering to Council. DWE and possibly DECC throughout construction;
- (j) Inform Council of unexpected site conditions (such as water tables or high seepage rates) and subsidence issues.

40. ASBESTOS REMOVAL

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

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

41. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

42. TOILET FACILITIES

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

43. 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.

44. 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.

45. 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.

46. 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.

47. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new development application or Section 4.55 application to modify the approved development.

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

48. EXCAVATION TO BE MANAGED BY STRUCTURAL ENGINEER

Bulk excavation is to be managed by a practising structural engineer, in accordance with the specification for shoring and support, as detailed in the approved Construction Certificate.

49. 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.

50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

58. 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.

59. 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.

60. TREATMENT OF BOUNDARY WALLS

All walls built to the boundary are to be finished to the same standard as the remaining building to ensure an acceptable aesthetic to the adjoining properties.

61. TREE REPLACEMENT

Consent is granted for the removal of the Palm tree on-site subject to a replacement tree of local native species, 100L in pot size being planted on site prior to the issue of an Occupation Certificate.

62. TREE PROTECTION

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

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

63. WORK OR SERVICES 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.

Please note, no services are permitted to be installed outside of the property boundary on Council's land, including underneath the raised footpath.

64. NEW VEHICLE CROSSINGS & FOOTPATH

The existing vehicle crossings and upper level footpath are to be demolished and new crossings/footpath be constructed in accordance with a design approved by the Council, to access the proposed **garages**. A separate application is required, with all work to be carried out with the approval of and in accordance with the requirements of Council.

65. VEHICLE TO BE PARKED WITHIN THE SITE

Any vehicle utilising the garages are to be parked fully within the confines of the site. Vehicles parked within the garages shall not encroach into the area under Council's footpath at any time. A surveyor must mark the property boundary within each of the garages.

66. 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.

67. 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.

68. 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.

69. SERVICE PIPES

All new plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

70. IN-SINK WASTE DISPOSAL SYSTEMS

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

71. SPA/POOLS

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

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.

- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

72. CONSTRUCTION OF SWIMMING POOLS AND OUTDOOR SPAS

The following applies to the construction of swimming pools and outdoor spas:

- (a) Reinforcement of the swimming pool/outdoor spa is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool/spa is to be installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The swimming pool/outdoor spa water is to be treated by an approved water treatment and filtration unit.
- (d) To prevent noise nuisance to surrounding properties, the swimming pool/outdoor spa filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.
- (e) The finished level of the swimming pool/outdoor spa is not to exceed a height of 23.38 RL above the second floor terrace;
- (f) Waste waters from the swimming pool/outdoor spa are to be discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen **(14) days prior** to commencement of building operations.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

73. 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.

74. 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.

75. 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.

76. STREET NUMBER

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

77. LANDSCAPE PLAN

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

78. NOTTS AVENUE PUBLIC DOMAIN WORKS COMPLETED

All works set out in this consent for the Notts Avenue public domain works are to be completed to the agreed design and standard for the satisfaction of the Executive Manager, Creating Waverley prior to the issue of an Occupation Certificate.

79. 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.

80. PARKING PERMITS

Having regard to the number of parking spaces available on-site, in accordance with Council's Policy, Residents Preferred Parking permits will **not** be issued for this development when completed.

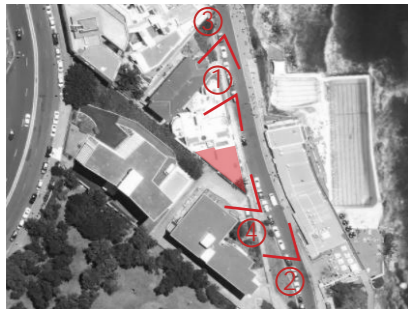
81. POOL/SPA CERTIFICATION

The following must be provided to the Principal Certifying Authority prior to the swimming pool/outdoor spa being filled with water and prior to use;

- (a) The swimming pool/outdoor spa is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and is not to be filled with water until a Certificate has been submitted by the construction or consulting engineers design.
- (b) The swimming pool/outdoor spa equipment is to be enclosed in a sound proof enclosure to prevent adverse impacts to adjoining properties.
- (c) An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool/outdoor spa, prior it being filling with water. Signs are available from Council.
- (d) 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.
- (e) The swimming pool/outdoor spa is to be registered on the State Government Swimming Pool Register (<http://www.swimmingpoolregister.gov.au>) and a Certificate of Compliance obtained for the pool barrier is required to be submitted to Council prior to the issue of an Occupation Certificate.
- (a) The swimming pool/outdoor spa is to be fitted with a cover that shall be fitted when the swimming pool/outdoor spa is not in use to minimise evaporation and conserve water.
- (f) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority to ensure all the above is complied with.

82. ROOF PLANT

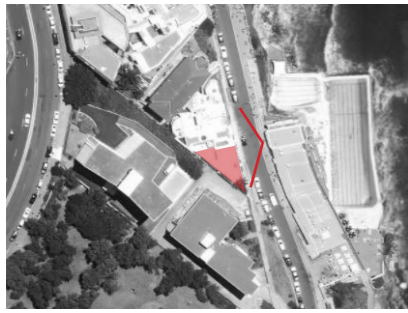
The solar panels and heating coils on the roof must be mounted flush and not at any angle, as demonstrated on the approved plans to ensure that views over the site are not unnecessarily interrupted.



AN OPPORTUNITY TO IMPROVE THE STREETScape

The existing building provides little conversation with the streetscape but is a repetition of the existing street vernacular. In addition to this, the lack of maintenance has resulted in erosion of its fabric due to the aggressive marine environment.





EXISTING FRONT SETBACKS

The raised pedestrian footpath ramps up from the north towards the south of Notts Ave elevating all of the properties from No. 10 through to No.16 Notts Ave.

Properties to the north have boundary fence walls at a consistent height however abruptly steps up at No.12 Notts Ave's private terrace.

South of the subject site, the sheer blank retaining wall with balustrading at No.16 Notts Ave is 1.5 storey tall which from the elevated carpark driveway, overlooks No.14 Notts Ave.



1.5 storey sheer wall and balustrade to No.16 Notts Ave's open carpark and driveway

Low level boundary wall

1.5 storey tall boundary fence and balustrading with timber privacy screens to side walls of No.12 Notts Ave's terrace

Low level boundary fence and entry gate for No.10 Notts Ave

Boundary wall becomes a single storey tall at low point of pedestrian ramp for No.10 Notts Ave

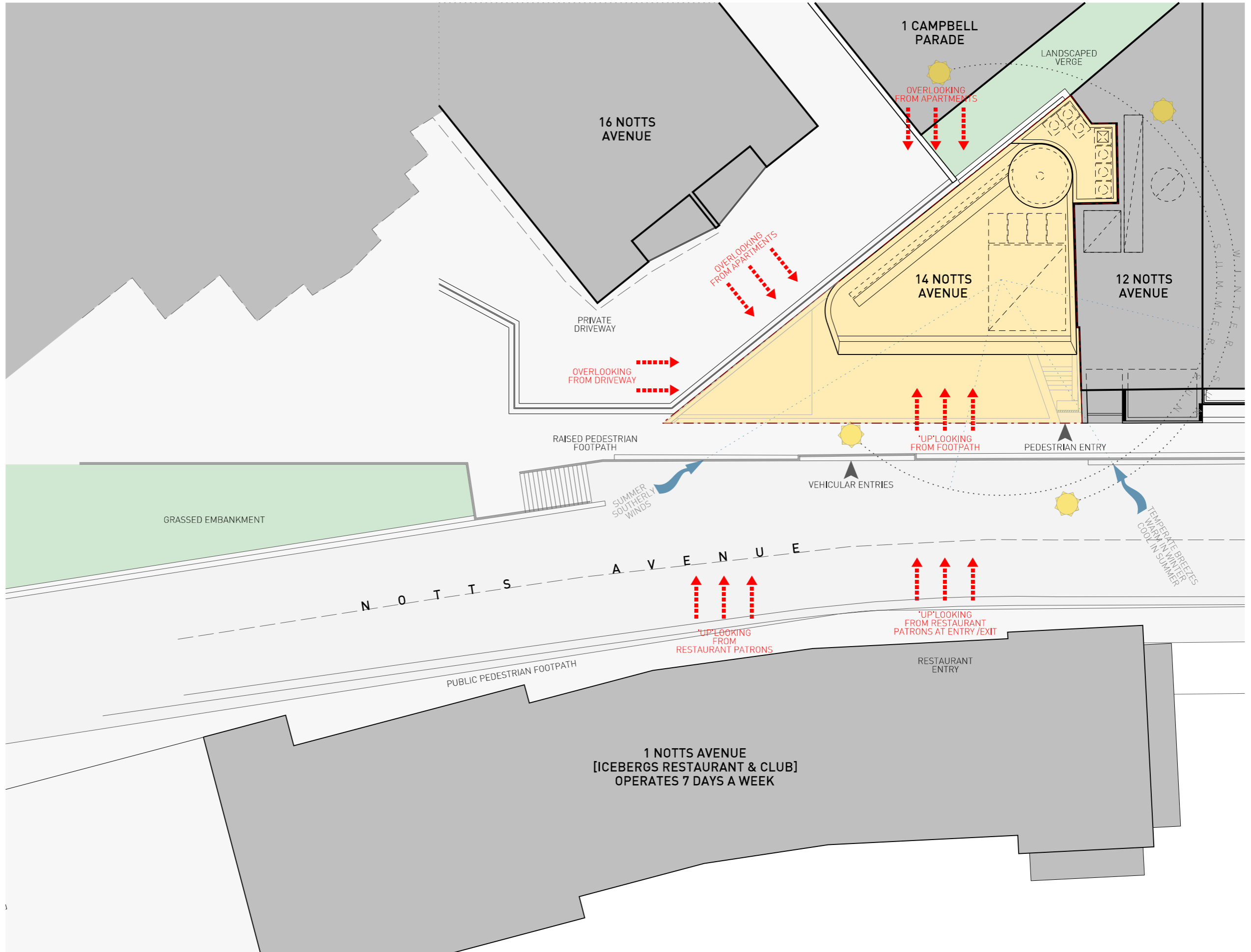
View from No.16 Notts Ave's carpark towards No.14 Notts Ave. highlighting issues of privacy and security for the subject site



PRIVACY

The subject site experiences a number of issues with privacy as it is overlooked from the taller multi-unit apartments to its west. To the south, the common driveway of No.16 Notts Ave currently overlooks into the property as there is no rear boundary wall nor screening to the SW corner of the site.

Pedestrian and vehicular traffic along Notts Ave to the east can easily look 'up' into the bedrooms and open space of the existing house. This is in addition to the location of the Icebergs restaurant which with its entry directly opposite the house further compounds the lack of privacy for the subject site. Furthermore, with the restaurant trading 7 days a week until 11pm, there is little reprieve for the occupants from the public's eyes.

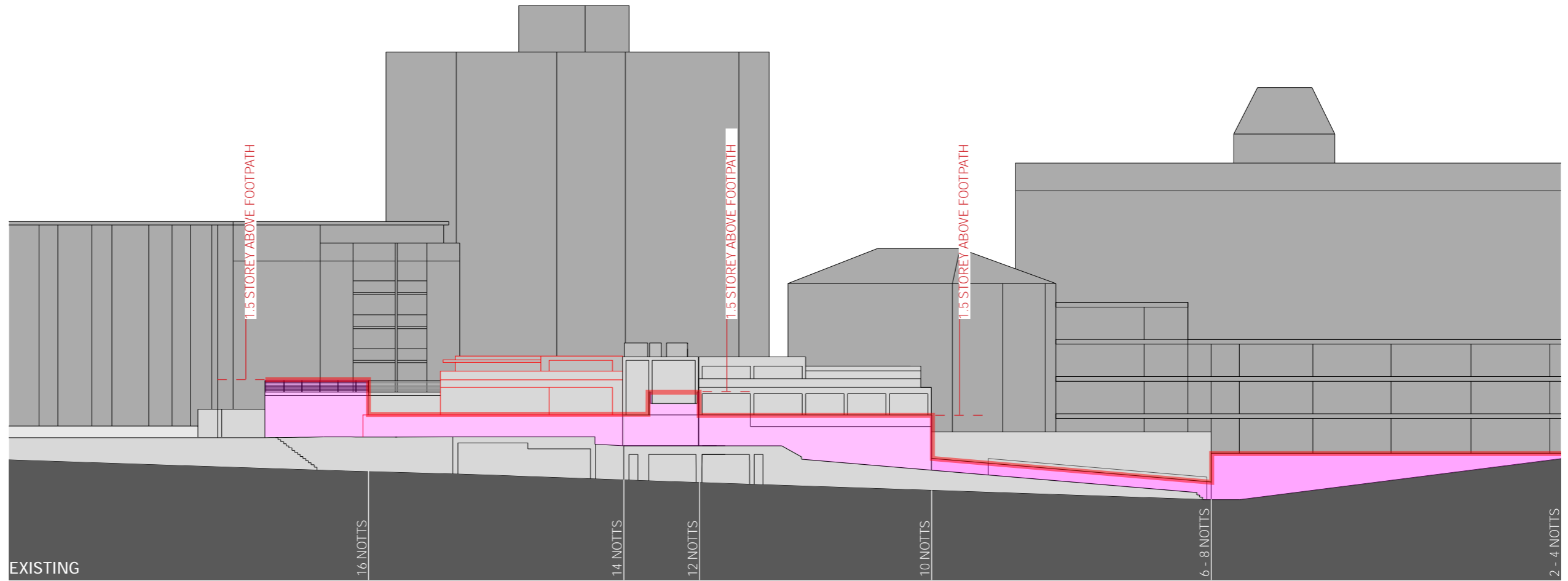


FRONT SETBACK DIAGRAMS

- PREDOMINANT ELEMENTS AT BDY
- EXISTING HEIGHTS AT BDY
- PROPOSED INFILL

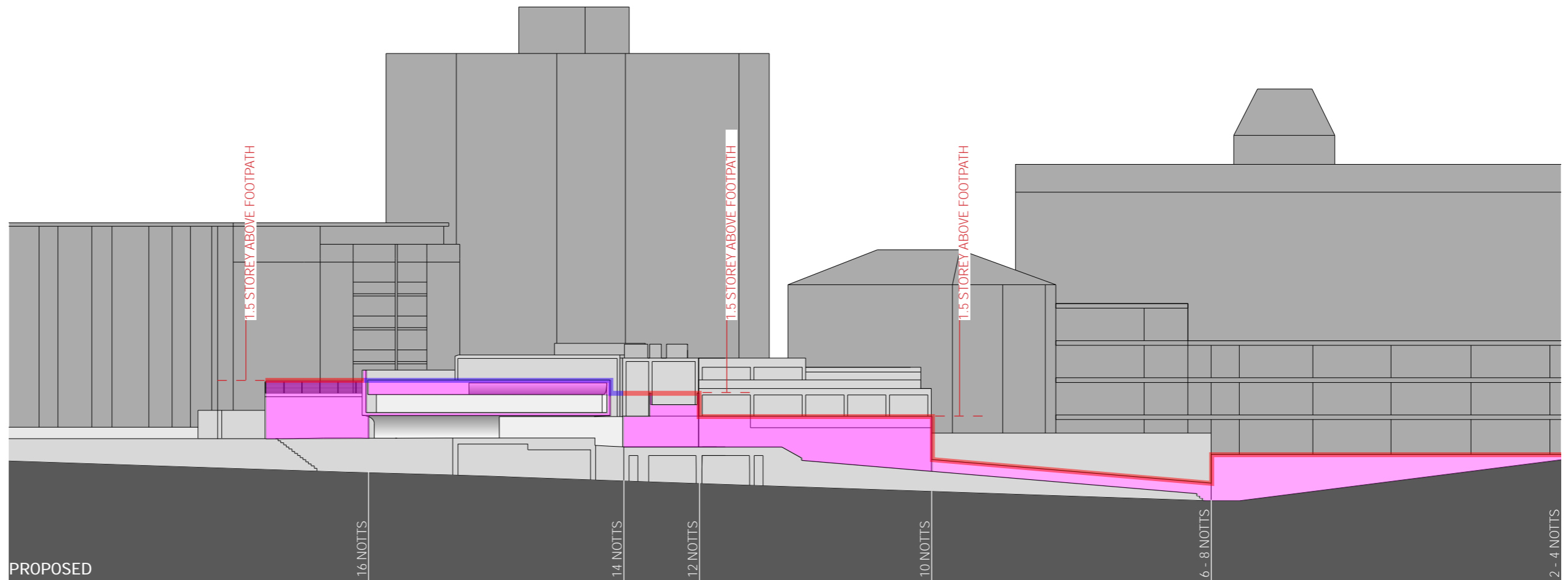
EXISTING FRONT SETBACKS

The existing boundary alignments for buildings along Notts Avenue vary in height at the boundary and ranges from dwarf walls at No. 6 - 8 Notts Ave to 1.5 storey high walls for No.10, 12 and 16 Notts Avenue and moderately tall fences in between. This results in an irregular rhythm of setbacks to the streetscape.



PROPOSED FRONT SETBACKS

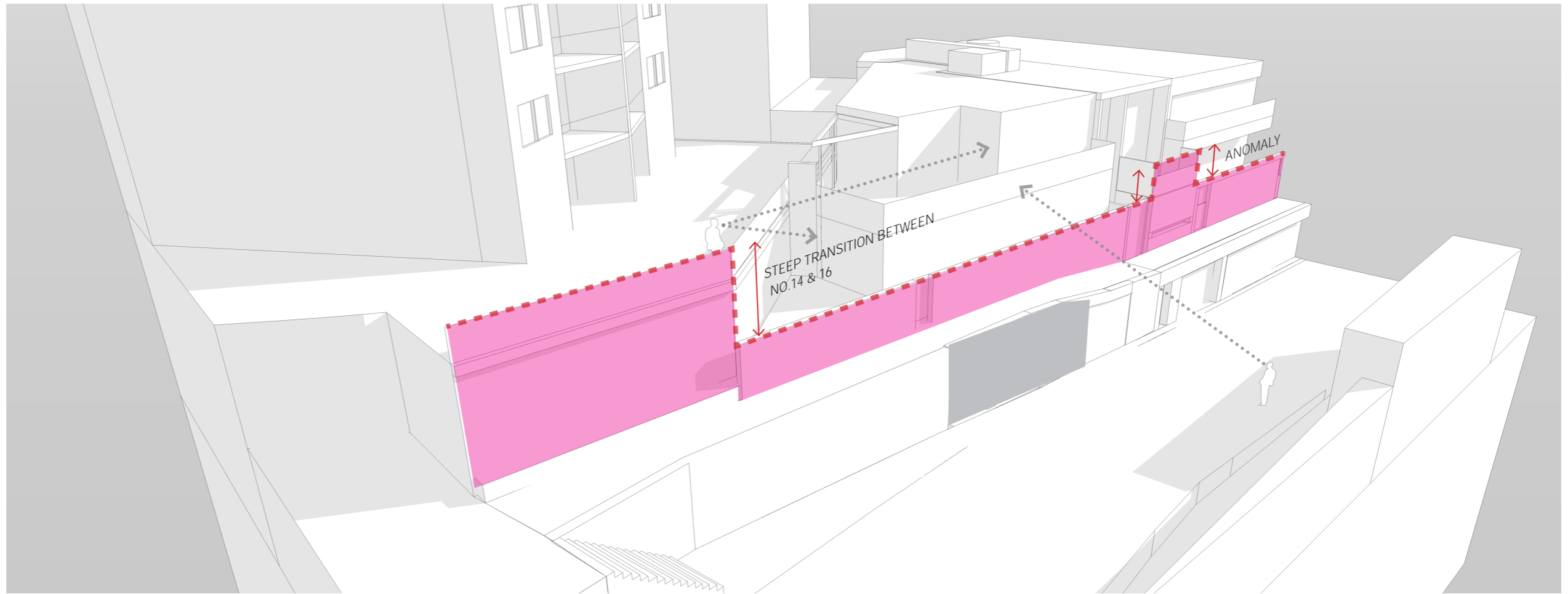
The proposed infill creates a gentle and gradual transitioning of 1.5 storey boundary alignments which when considered in the entire street terraces up from the north to the south reflecting the level changes of the ramped pedestrian footpath. This then produces a consistent rhythm for the character of the street.



EXISTING FRONT SET BACK

The subject site is bookend by No.16 Notts Ave to the south which has a 1.5 storey presence (consisting of a sheer wall with a balustrade top) and No.12 Notts Avenue to the north which also has a 1.5 storey presence against No.10 Notts Ave (consisting of the front fence with a balustrade & timber privacy screens for a private terrace that is above the level of the front fence). Further towards the north, the front alignment and front setbacks is limited to the boundary fence with the predominant building forms set back from the boundary.

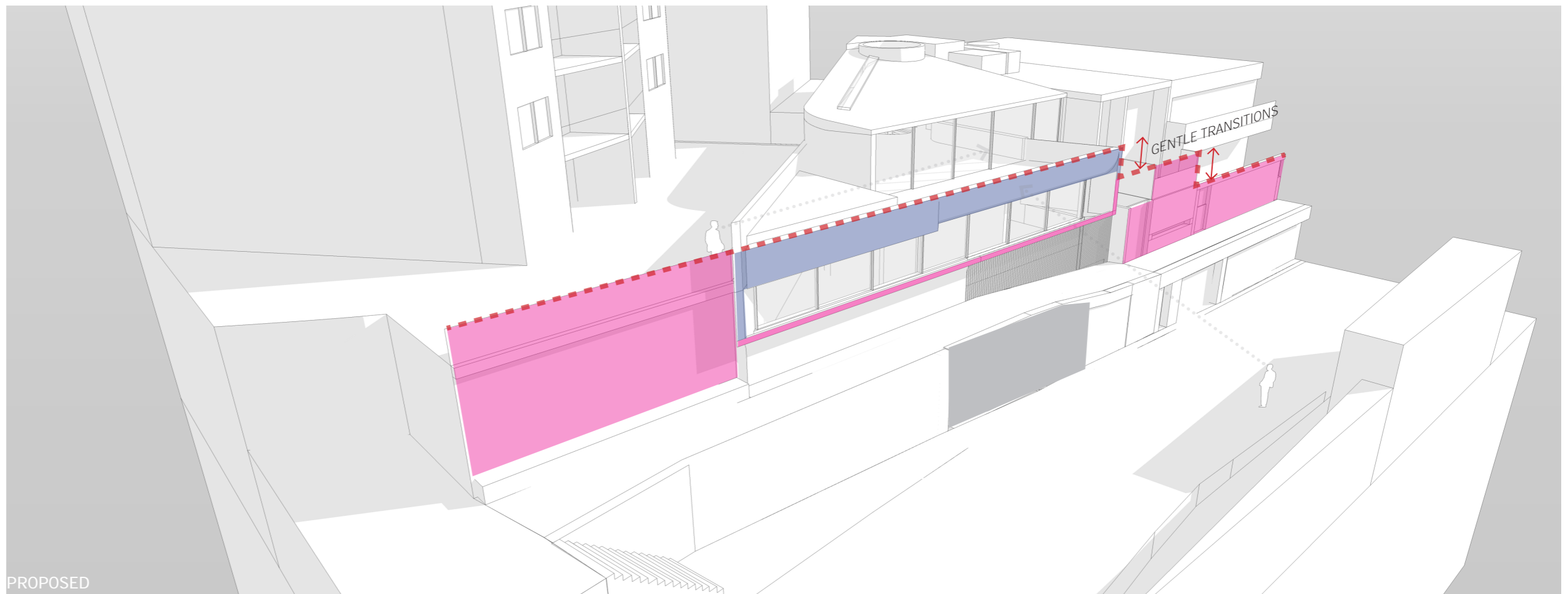
The height difference between existing front fence of No. 14 Notts Ave and that of No.16 Notts Ave's elevated carpark is approximately 1 storey. This level difference has resulted in an overbearing retaining wall which is visually detracting for the street and No.14 Notts Ave. The elevation of the open carpark has also created privacy concerns for the No. 14 Notts whose only 'private' open space at both the lower and upper levels is easily overlooked from the carpark.



PROPOSED FRONT SET BACK

The proposed infill development seeks to provide a gradual transition of the existing predominant front setback alignments. From the sheer 1.5 storey retaining wall of No.16 Notts Ave, the proposed development provides a gradually transition down to the north and completes the rhythm set up along the street.

The proposed solid balustrade of the upper level terrace is consistent with No.16 Notts Ave's carpark balustrade providing a visual alignment that gives privacy from the street to the occupants at the upper level as well as passively shield the windows of lower level bedrooms from the sun.



PROPOSED

DRAWING SCHEDULE

Table listing drawing codes and titles: DA:000 Legend, DA100 Site Plan, DA101 Ground Floor Plan, DA102 Mezzanine Floor Plan, DA103 First Floor Plan, DA104 Second Floor Plan, DA105 Roof Plan, DA110 Area Calculation Plans, DA200 Eastern Elevation, DA201 Southern Elevation, DA400 Section 01, DA401 Section 02

RECEIVED
Waverley Council
Application No: DA-469/2017
Date Received: 4/10/2018

DA-469/2017

NOTES

- 1 All dimensions to be verified on site.
2 Report any discrepancies or omissions to SDS prior to construction.
3 Refer to architect for ambiguous details or when clarification is required.
4 All drawings to be read in conjunction with specification.
5 All drawings to be read in conjunction with consultants' drawings.
6 All structure to structural engineer's details.

ABBREVIATIONS

Table of abbreviations and their meanings, including AC (Air Conditioning), INS (Insulation - Thermal / Acoustic), U/S (Underside), and many others.

BASIX REQUIREMENTS

Thermal Comfort

Concrete floor, wall and roof structures throughout.
R2.5 insulation to external roof of second floor.
R1.1 insulation to external roof (terrace areas), below external covering of Bedrooms 1, 2 and 3 (excluding below pool)
R1.0 insulation to southern wall of bed 3, first floor baths, laundry, study and kitchen level (inc WC)
R1.0 insulation to remaining external walls of Second Floor WC and area adjacent lift
R1.0 insulation to remaining walls of study
R1.0 insulation to external surface adjacent planter of street facade, of beds 1, 2 and 3
R1.0 insulation to external perimeter walls of lift shaft (all levels)
R1.0 insulation to external of garage & mezzanine level stair and WC
R1.3 insulation to shared walls between Stair & WC, with garage
R1.0 insulation under floor slabs of entry level and kitchen level that are outside of lower level footprints
R1.2 soffit insulation to ceiling of garage/mezzanine levels under habitable rooms above.
Glazing to meet performance Uw: 3.6, SHGCw: 0.47 (sliding, fixed), or Uw: 3.6, SHGCw:4.7 (hinged entry door) typical of generic double glazing with clear glass in thermally broken aluminium frames
Glazing to skylight to be equivalent of double glazed clear
Draft seals to all external doors and windows
Unvented, insulation coverable downlights throughout - Australian Standard IC rated, allocation: GF- WC:2.
FF- Laundry, Baths, Study:2, Bed 1:5, Bed 1 WC:1, Bed 1 Ens:3 Bed 2, Bed 3:3. SF- WC & anteroom:3, Upper Kit/Liv:9
Exhaust fans throughout to be sealed units (ie, self closing dampers included) allocated to each wet area and kitchen range.

Water Savings

Total 9m2 landscaping area, of which a minimum 9m2 is indigenous/low water use.
3 Star rated showerheads with high range flow rate ->6L/min & <=7.5L/min
4 Star rated toilets throughout
4 star minimum rated kitchen taps throughout
4 star basin taps throughout
16kL swimming pool capacity, heated. Pool cover installed.
162,000L (minimum) individual rainwater tank, serviced by 90m2 roof area. Reuse connected to landscaping and pool top up.

Energy Savings

Electric heat pump hot water system, min RECS 31
3 phase AC unit installed, COP/EER min 3.0. Zoned.
Mechanical exhausts to kitchen rangehood, ducted to roof/facade, with manual controls.
Mechanical exhausts to at least one bathroom, ducted to roof/ facade, with manual controls
Mechanical exhausts to laundry, ducted to roof/facade, with manual controls.
Gas cooktop & electric oven
LED or fluorescent lighting throughout dwelling
Installation of sheltered clothes line
Installation of a solar energy system to the dwelling, minimum peak output of system to be 1.15 kW.
Electric heat pump heating to swimming pool.
Swimming pool pump to have timer installed.

PRELIMINARY
NOT FOR CONSTRUCTION

Table with columns: ISSUE, REASON, DATE. Contains revision notes A, B, and C.



SCALE 1:1 @ A3

LEGEND

- STUD WALL / PARTITION
- CONCRETE WALL
- BLOCK WALL
- BRICK WALL
- EXISTING WALL RETAINED
- WALL TO BE DEMOLISHED

RECEIVED
Waverley Council

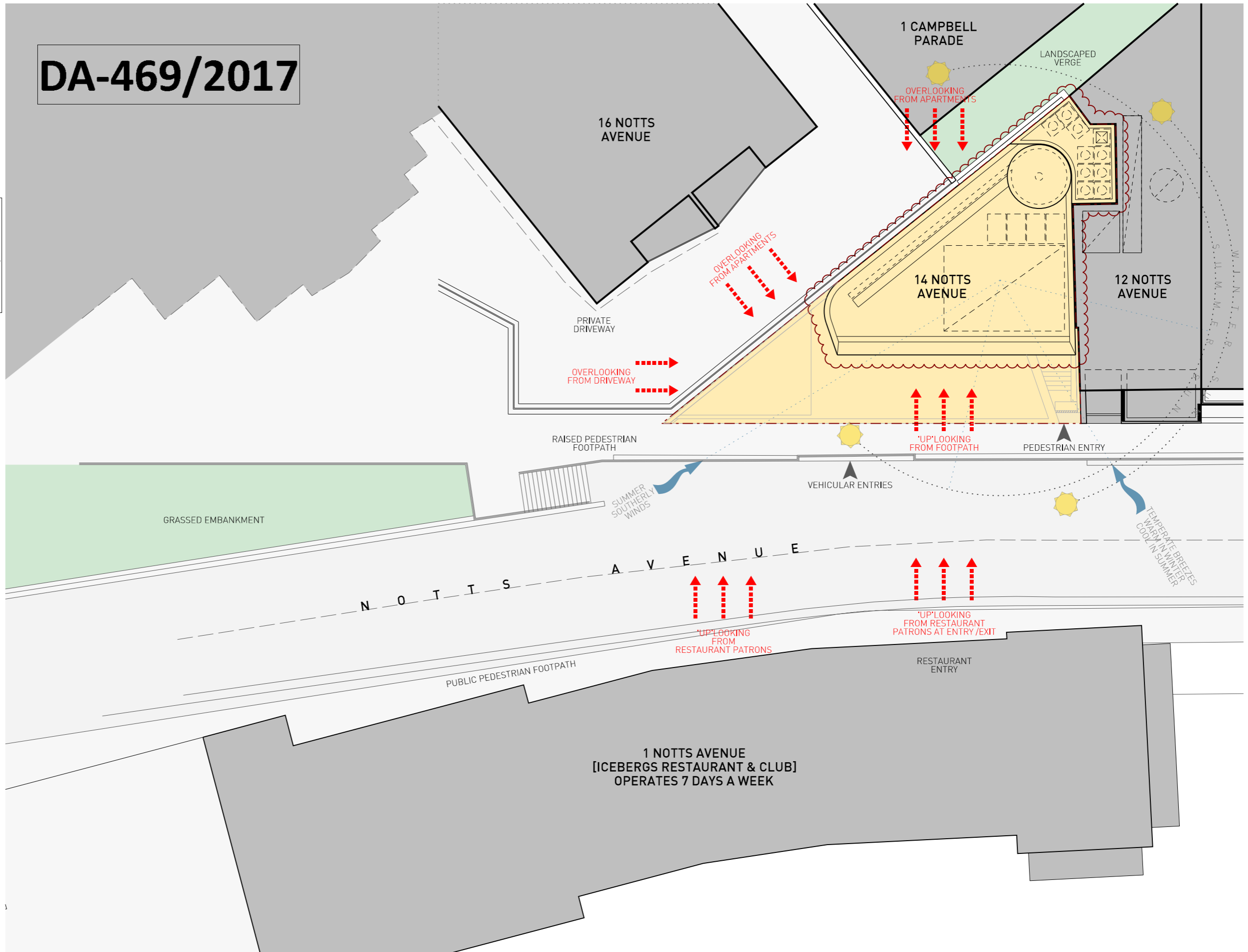
Application No: DA-469/2017

Date Received: 4/10/2018

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C	DA AMENDED-2	14.09.18



LEGEND

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Waverley Council

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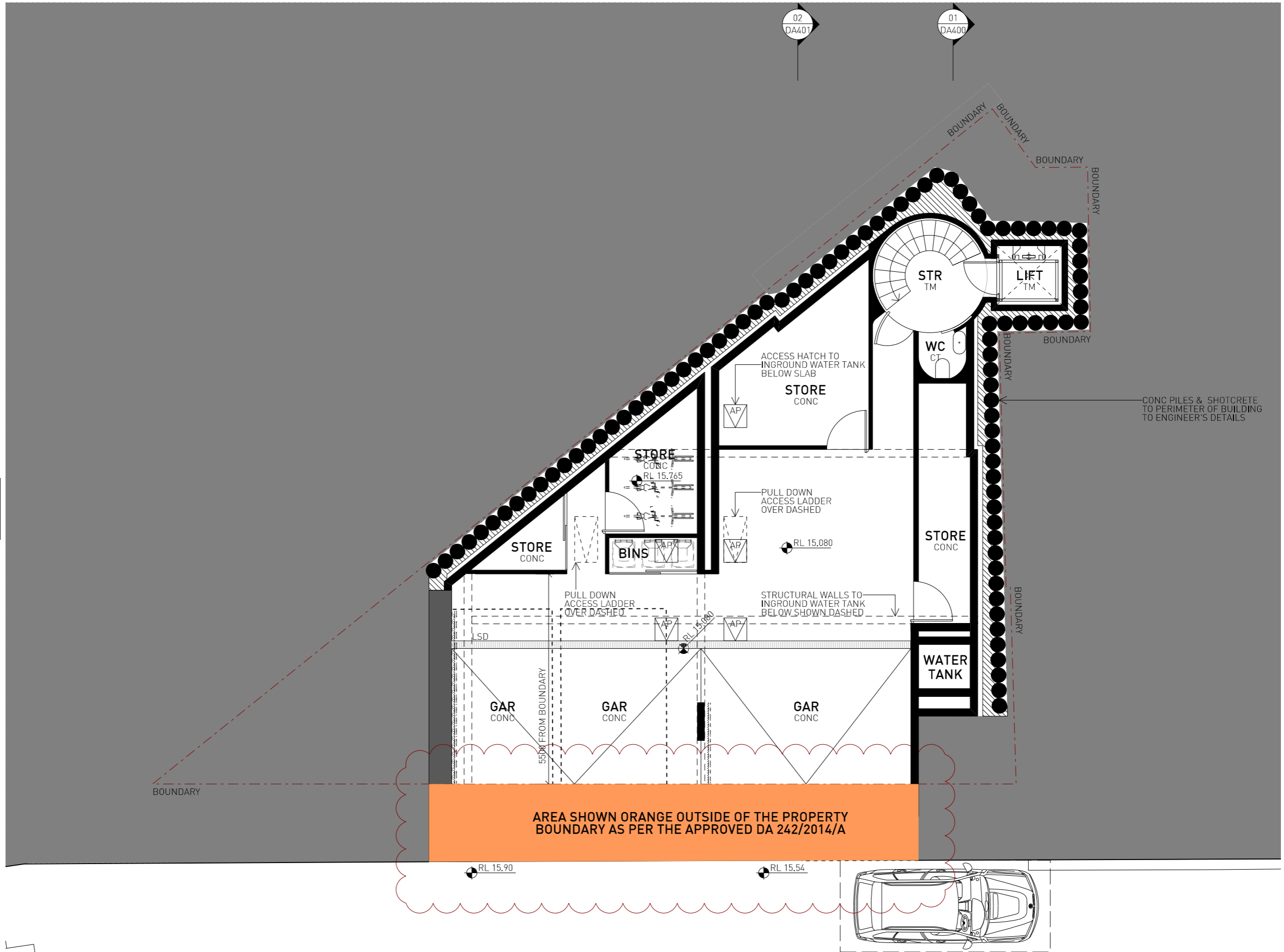
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LEGEND

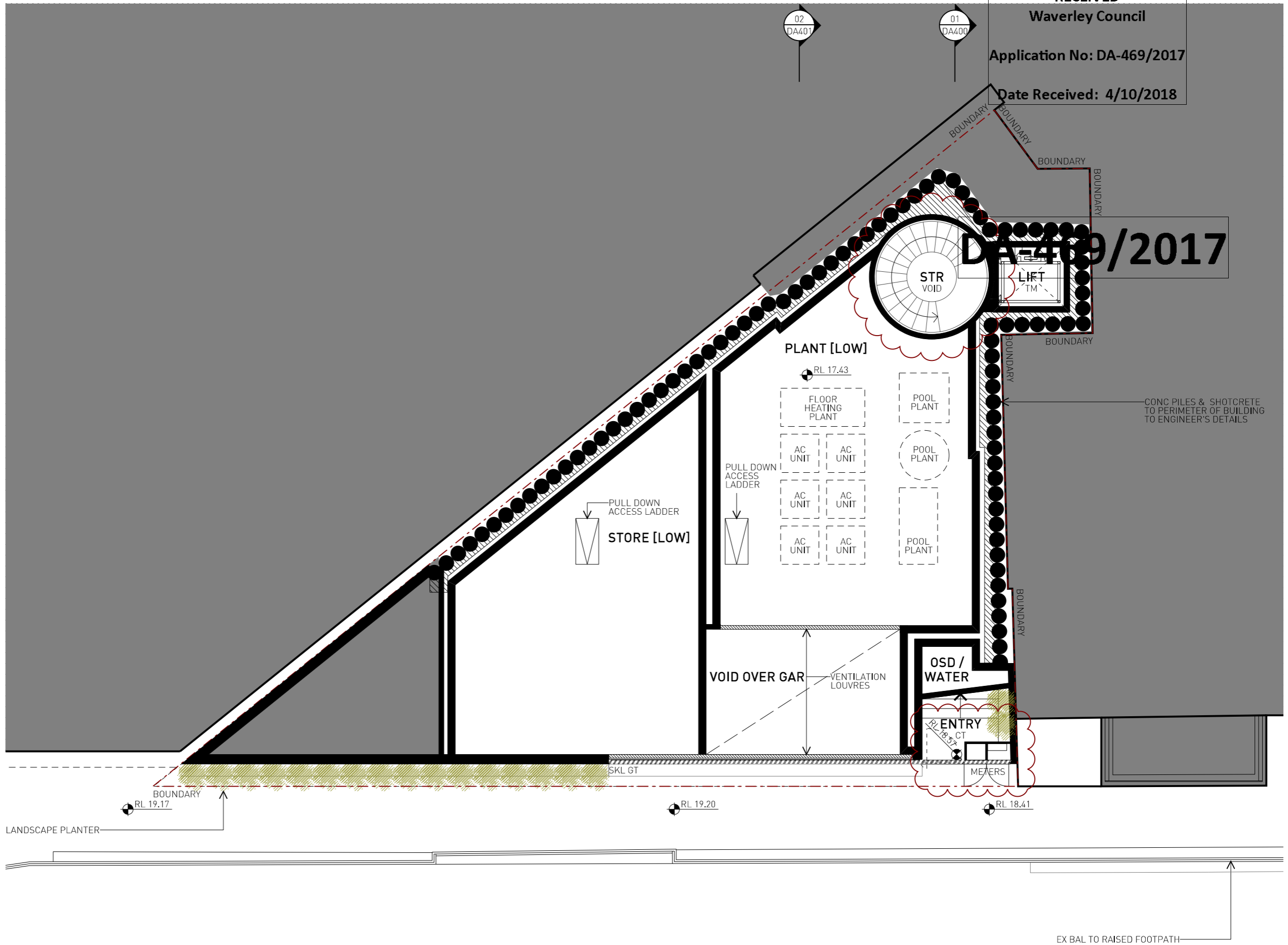
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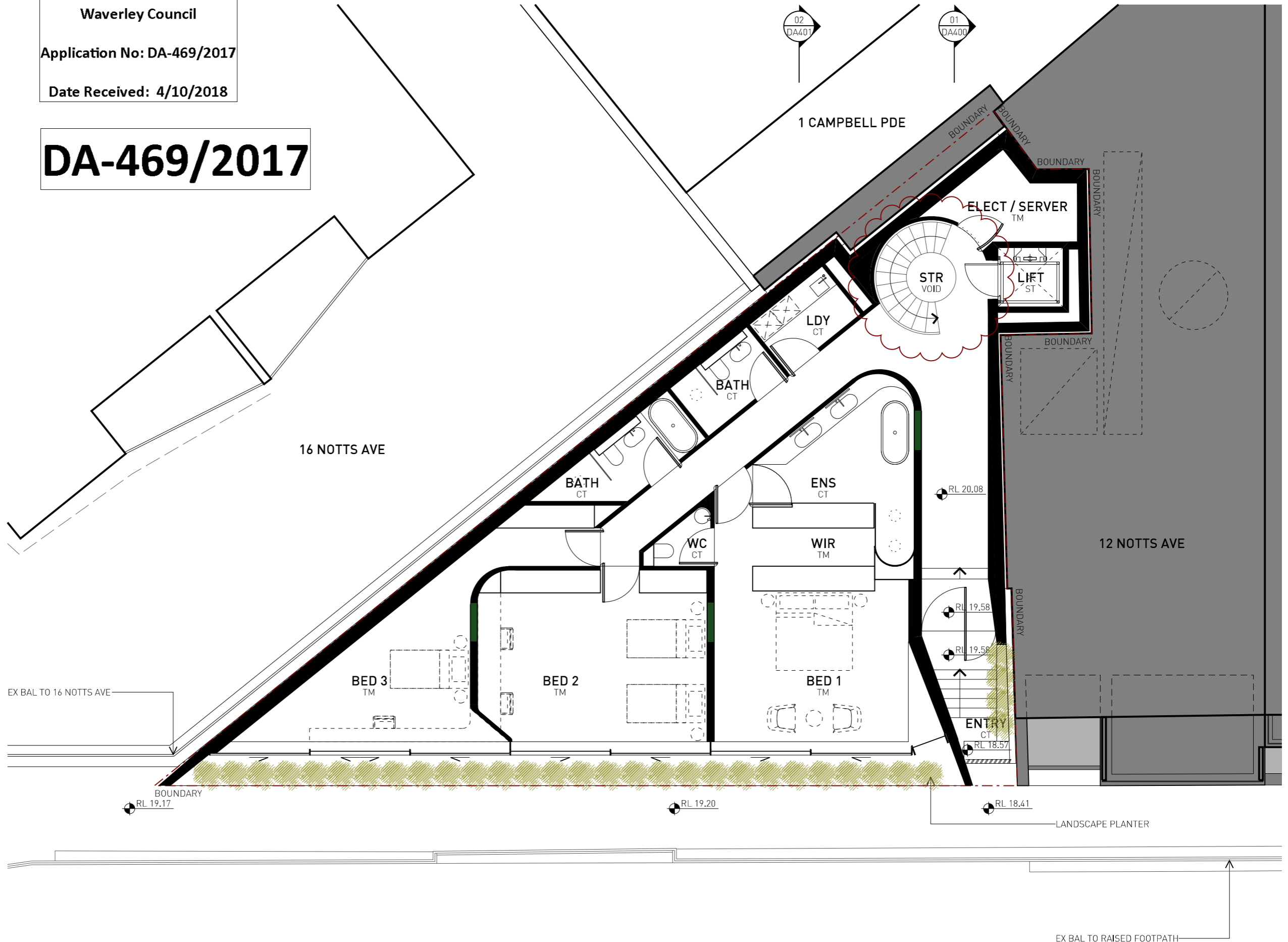
DA-469/2017

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DA-469/2017

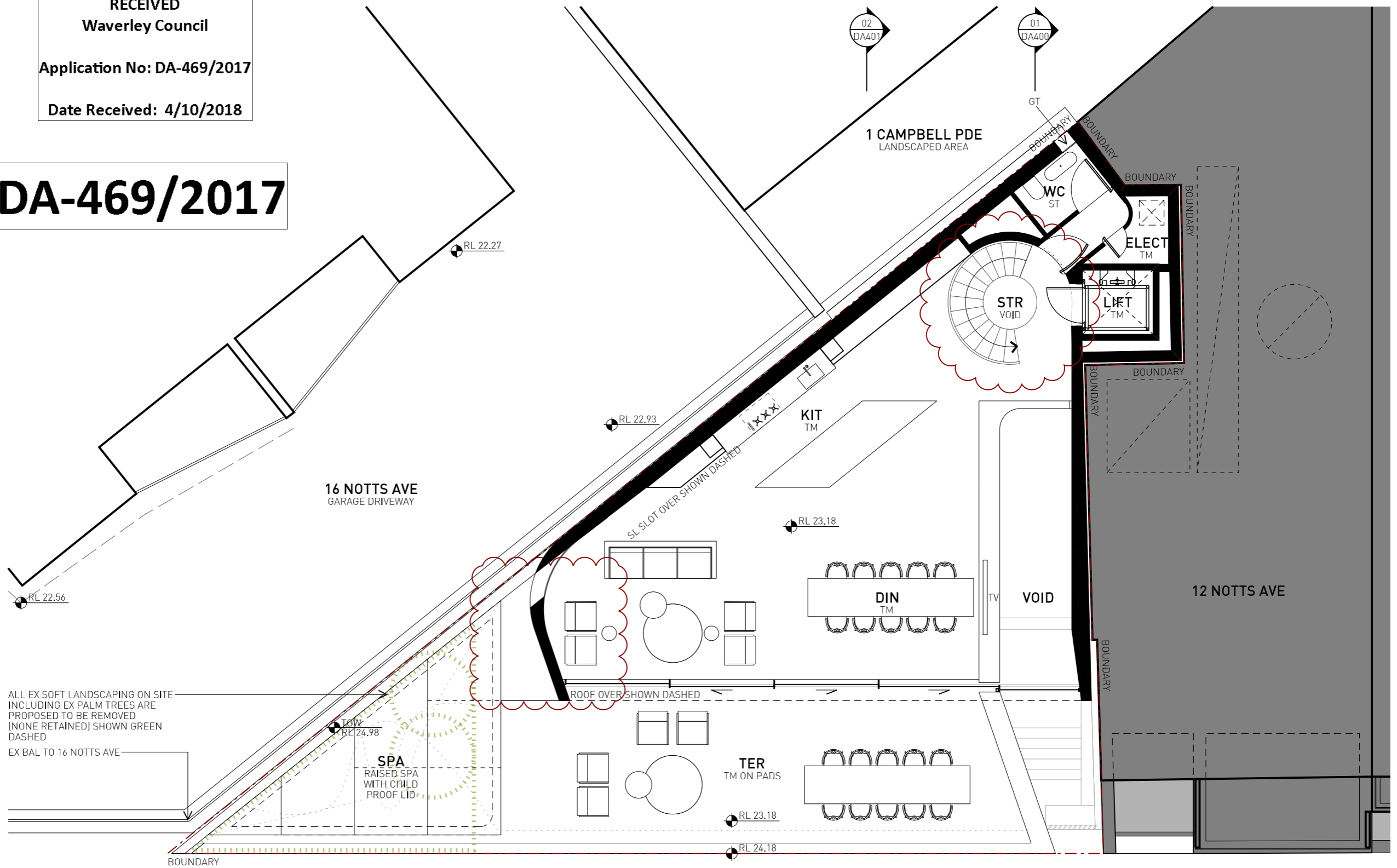
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ALL EX SOFT LANDSCAPING ON SITE INCLUDING EX PALM TREES ARE PROPOSED TO BE REMOVED [NONE RETAINED] SHOWN GREEN DASHED
 EX BAL TO 16 NOTTS AVE



LEGEND

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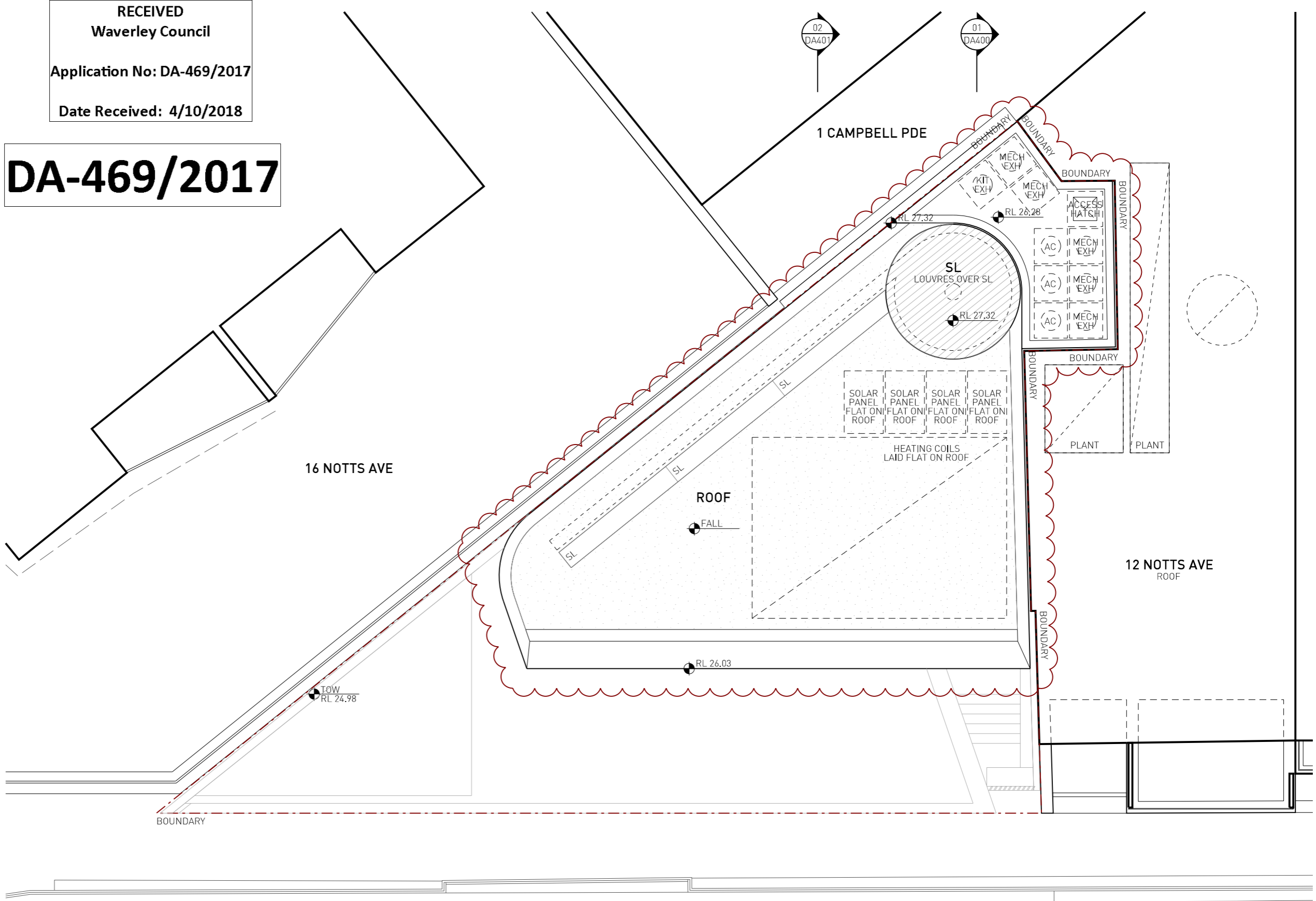
DA-469/2017

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B	DA AMENDED-2	14.09.18



LEGEND

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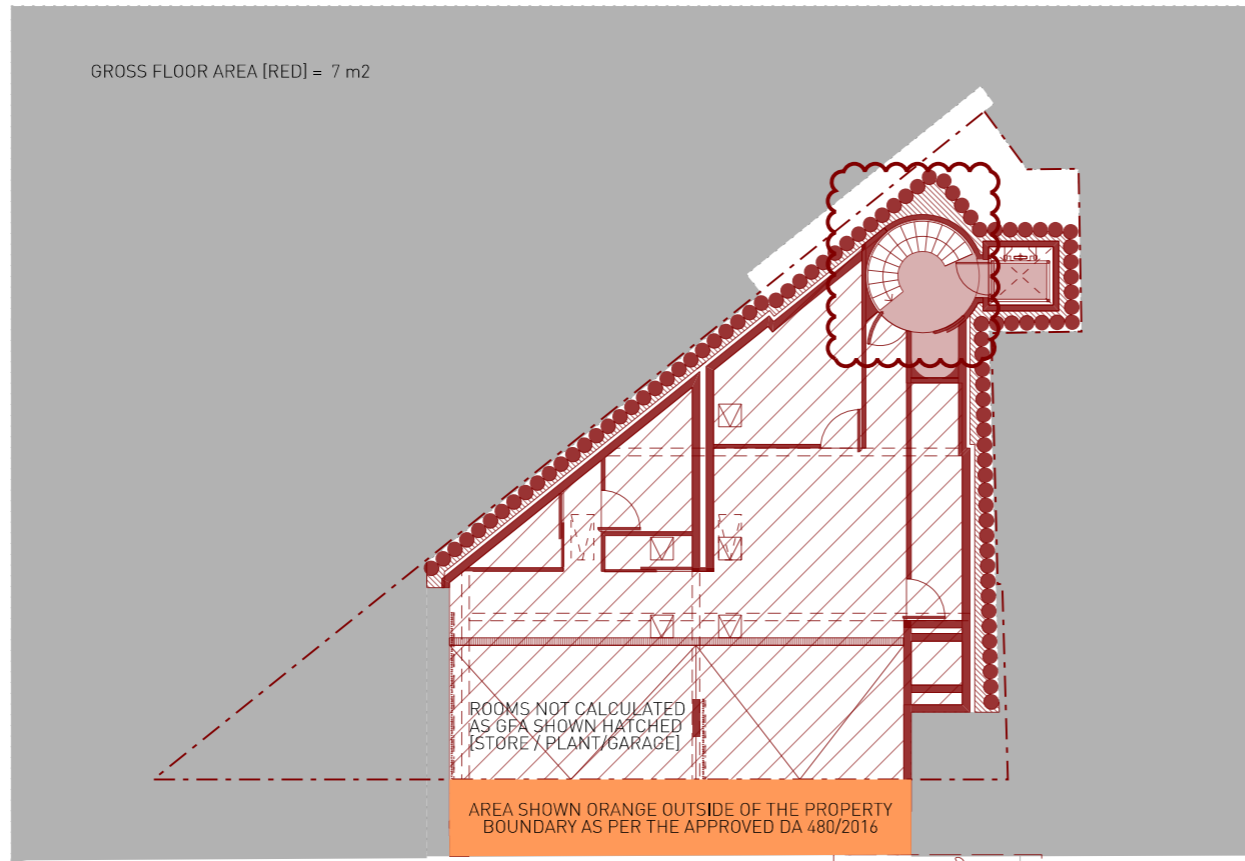
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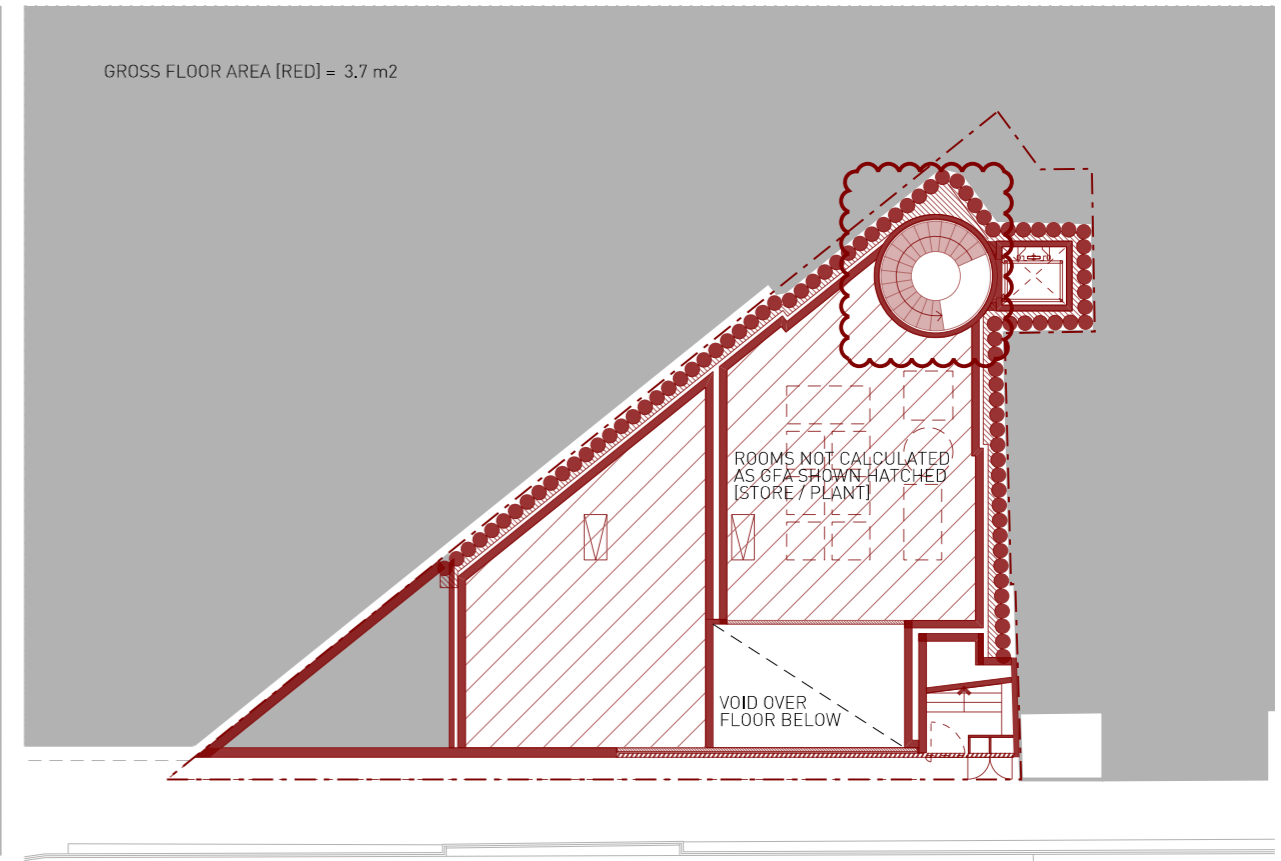
Date Received: 4/10/2018

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1 GROUND FLOOR PLAN

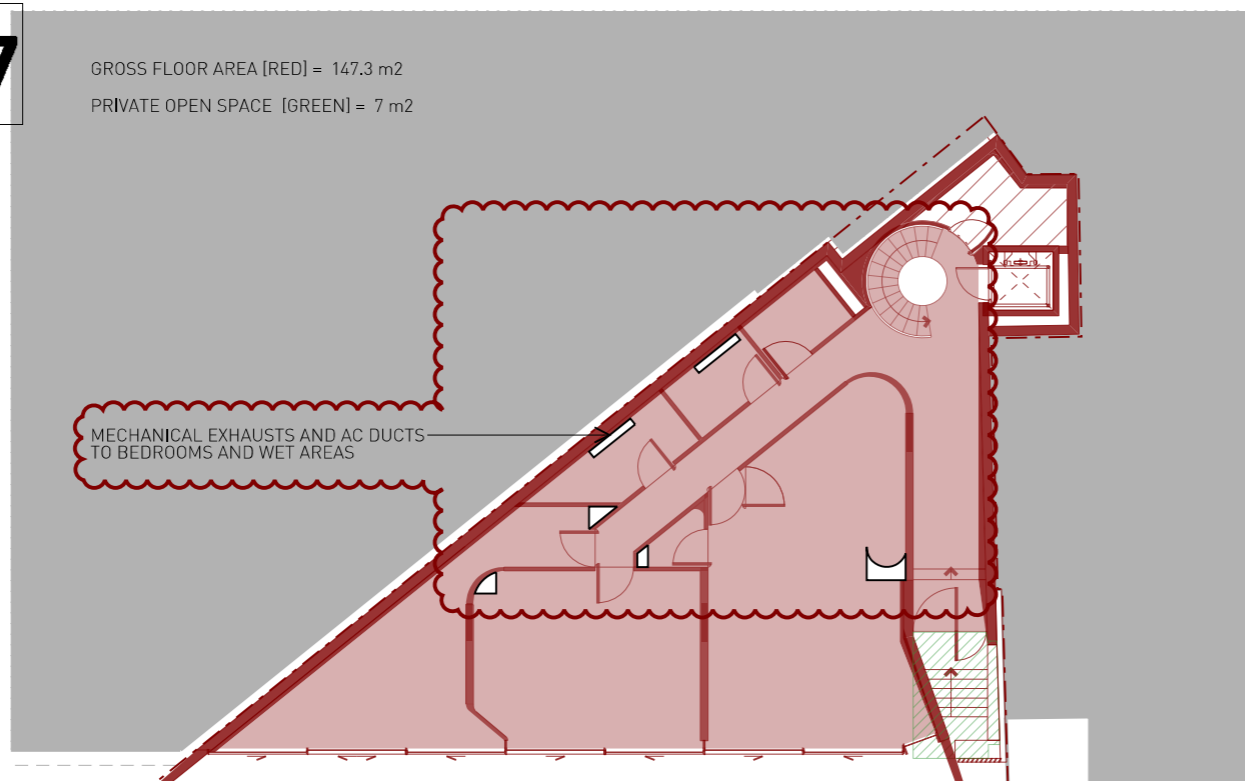


2 MEZZANINE FLOOR PLAN

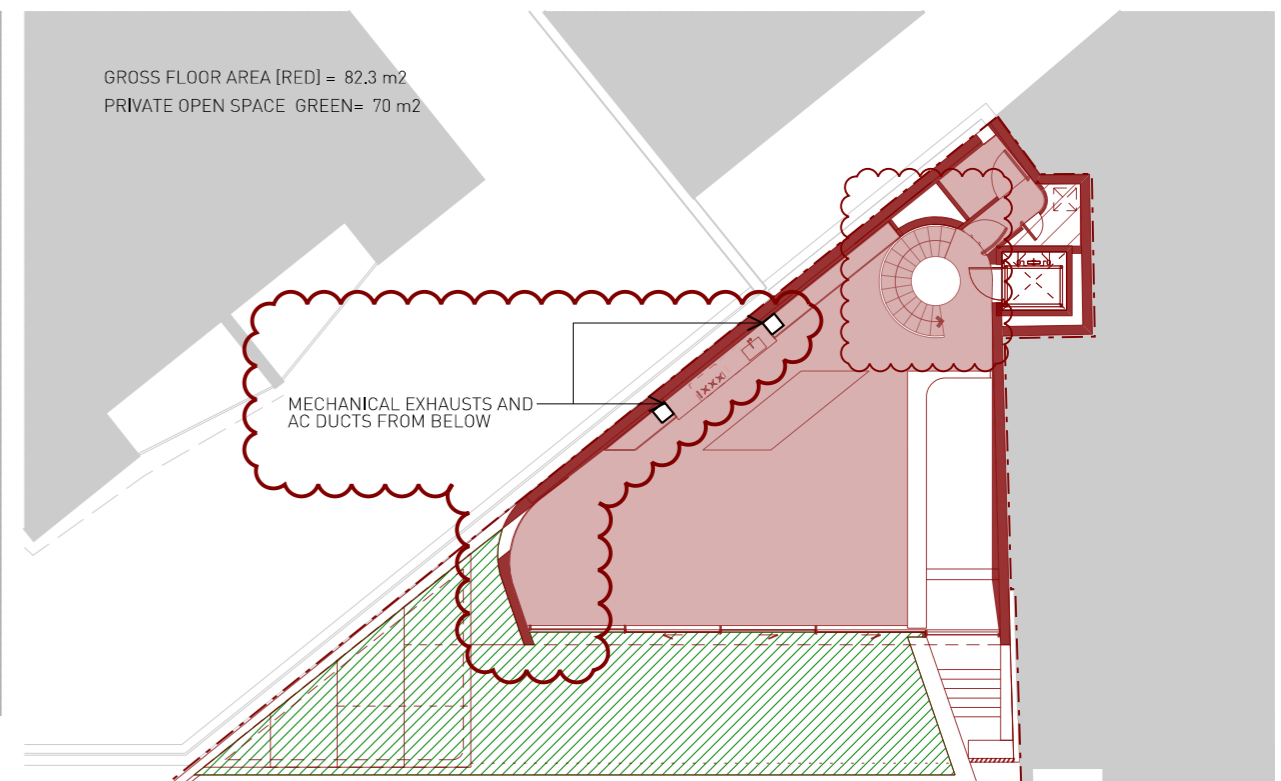
DA-469/2017

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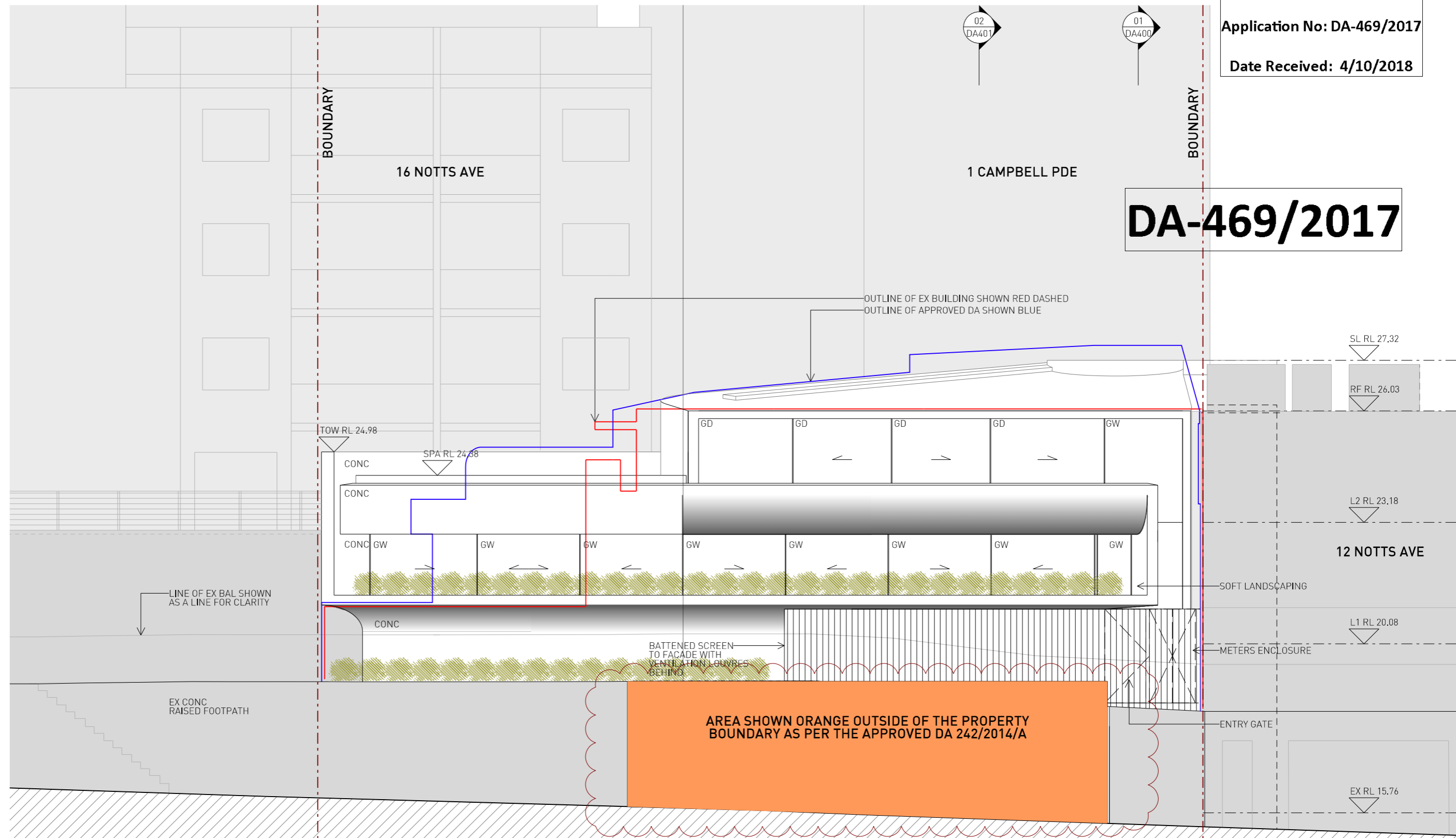
3 LEVEL 1 PLAN



4 LEVEL 2 PLAN

RECEIVED
Waverley Council
Application No: DA-469/2017
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DA-469/2017



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STUD WALL / PARTITION	BRICK WALL
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PRELIMINARY
NOT FOR CONSTRUCTION

632 BOURKE STREET
SURREY HILLS NSW 2010
TEL +61 2 8332 4333
NOM ARCH WILLIAM SMART 6381

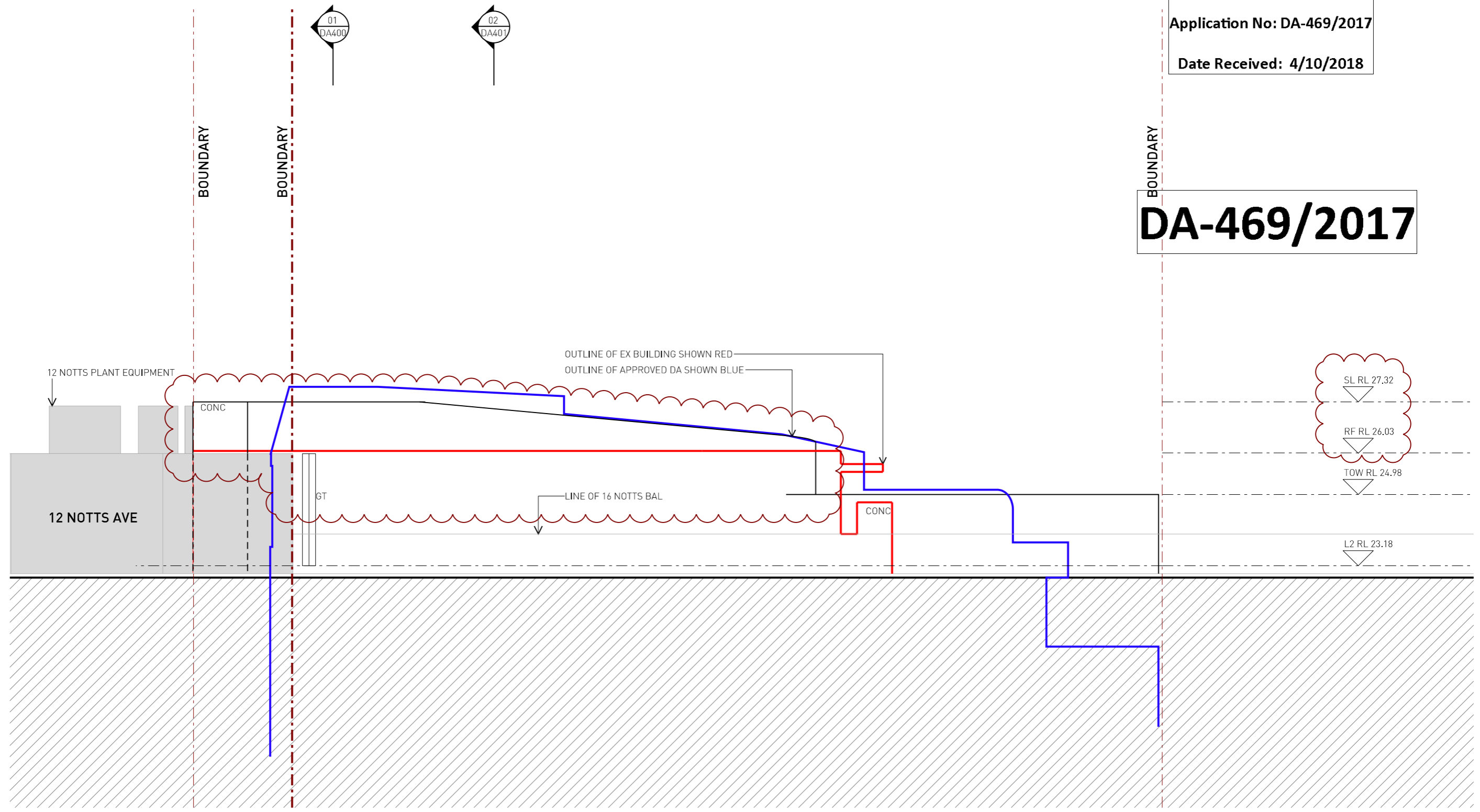
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PROJECT
1712 NOTTS 14
DRAWN SENIOR QA APP'D
BJS - -

DWG TITLE
EASTERN ELEVATION
DWG NO REV
DA200 D

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Waverley Council
Application No: DA-469/2017
Date Received: 4/10/2018

DA-469/2017



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- | | |
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ISSUE	REASON	DATE

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PROJECT
1712 NOTTS 14
DRAWN SENIOR QA APP'D
BJS - -

DWG TITLE
SOUTHERN ELEVATION
DWG NO REV
DA201 C

LEGEND

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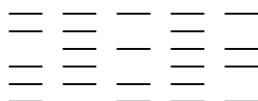
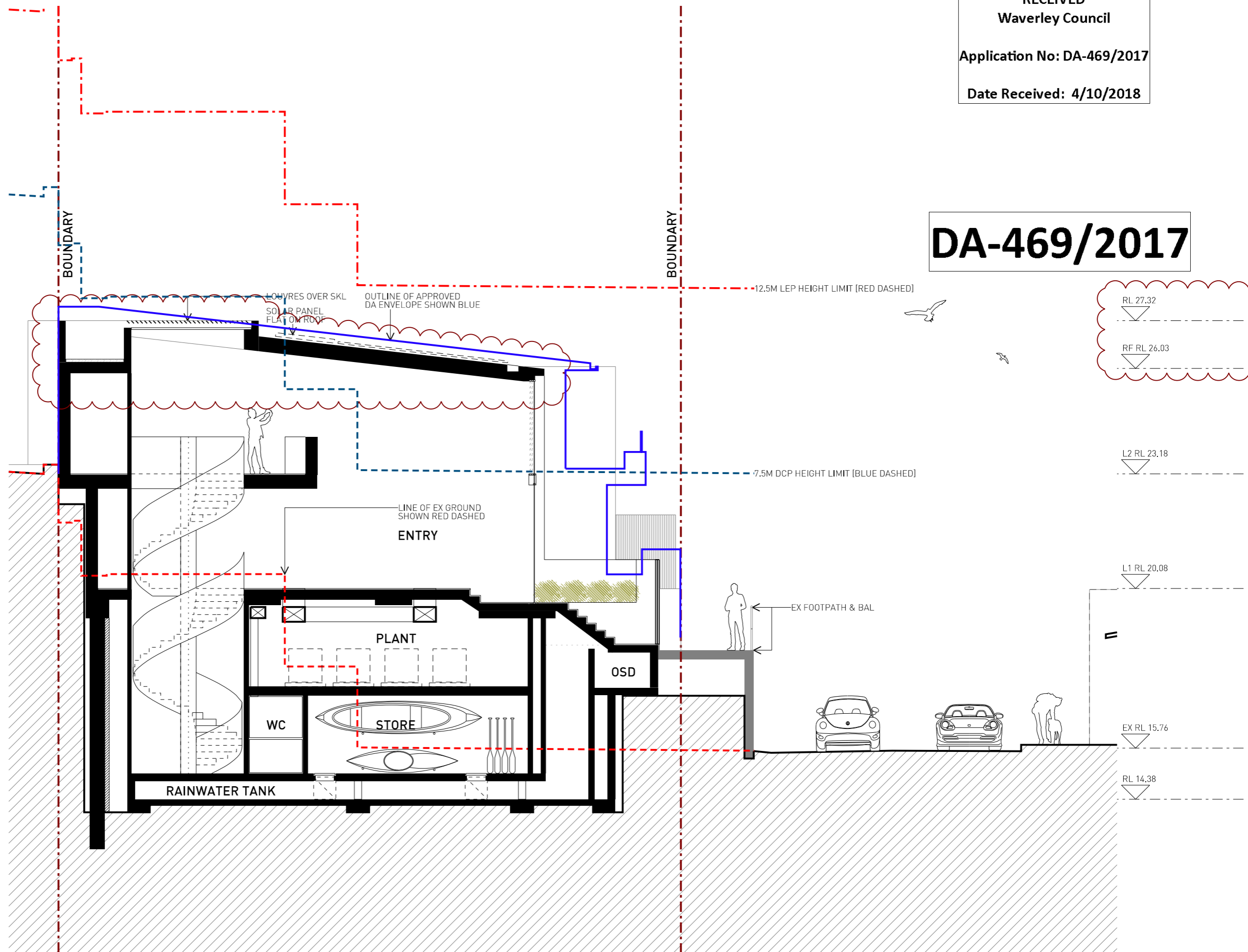
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PROJECT
1712 NOTTS 14
DRAWN SENIOR QA APP'D
DC - -

DWG TITLE
SECTION 01
DWG NO REV
DA400 C

LEGEND

STUD WALL / PARTITION
CONCRETE WALL
BLOCK WALL
BRICK WALL
EXISTING WALL RETAINED
WALL TO BE DEMOLISHED

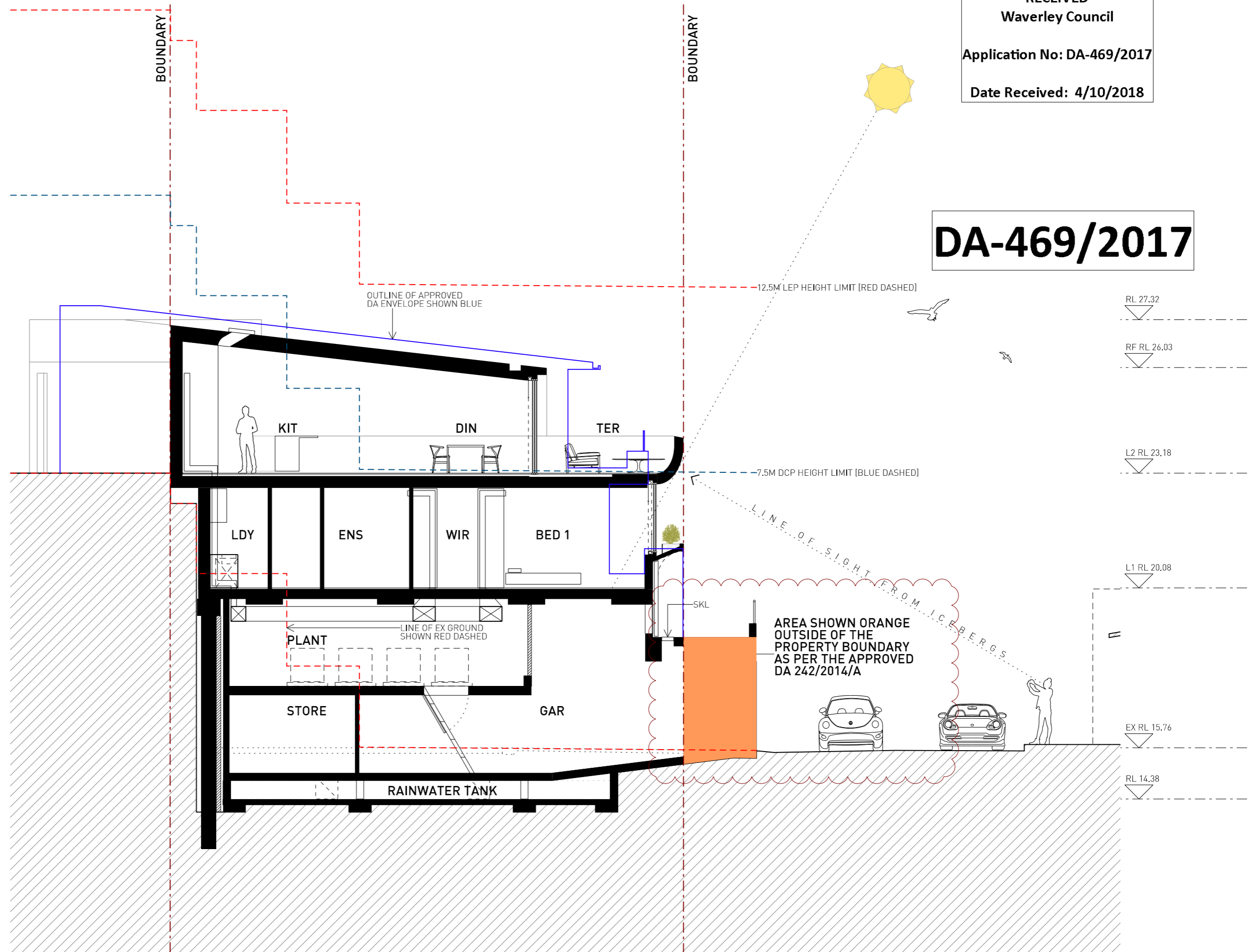
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DA-469/2017

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SCALE
1:100 @ A3

A RESIDENTIAL CONTEXT

14 Notts Ave is a north - south orientated site with a triangular footprint on an active avenue in Bondi. The street is characterised by a mix of single dwellings and apartment blocks. A blend of local residential commercial activities including the famous Icebergs Restaurant and Swimming Club complement and enrich the diverse character of the area.

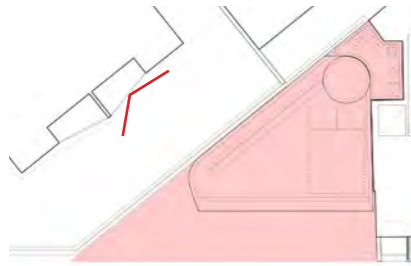
Panoramic views to Bondi Beach, the Bondi Pavillion, Ben Buckler and the open ocean beyond towards the south west is available for the subject site and its neighbours.





1 EXISTING PANORAMIC VIEW FROM UNIT 4 BALCONY - 1.6M EYE HEIGHT

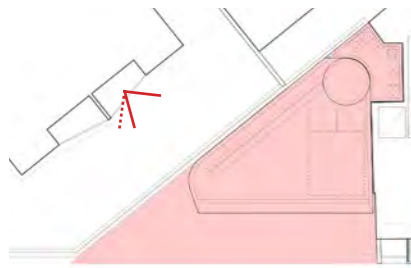
EXISTING PANORAMIC VIEW
UNIT 4 / 16 NOTTS AVENUE





VIEW FROM EDGE OF BALCONY - 1.6M EYE HEIGHT

VIEW ANALYSIS
UNIT 4 / 16 NOTTS AVENUE



- APPROVED DA OUTLINE
- PROPOSED DA OUTLINE
- VIEW INCREASE



A - VIEW FROM BALCONY DOOR - 1.6M EYE HEIGHT

B - INSET PHOTO INDICATING OCEAN VIEWS BEHIND WALL

VIEW ANALYSIS
UNIT 4 / 16 NOTTS AVENUE

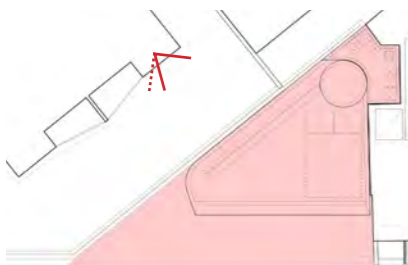


- APPROVED DA OUTLINE
- PROPOSED DA OUTLINE
- VIEW INCREASE

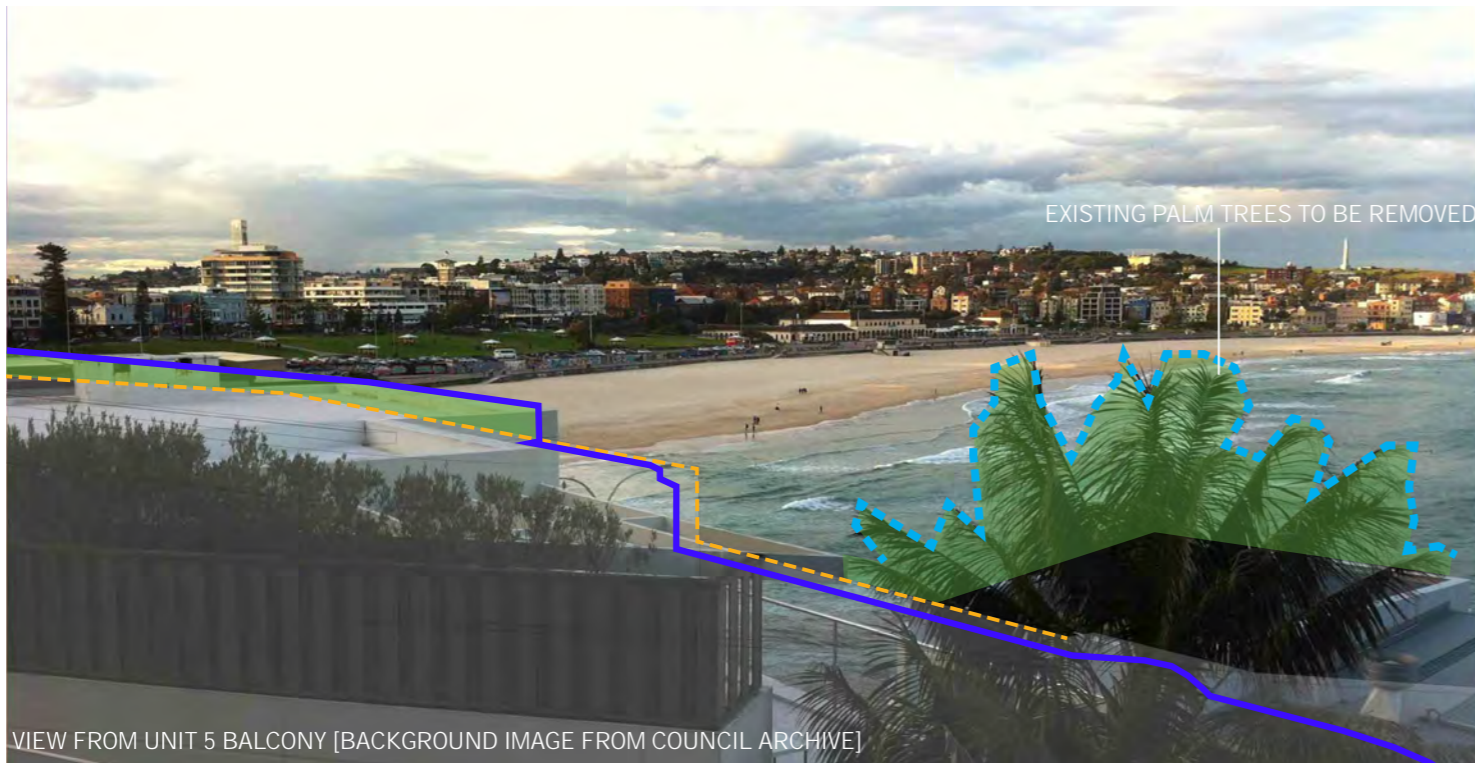


VIEW FROM KITCHEN WINDOW - 1.6M EYE HEIGHT

VIEW ANALYSIS
UNIT 4 / 16 NOTTS AVENUE



- APPROVED DA OUTLINE
- PROPOSED DA OUTLINE
- VIEW INCREASE

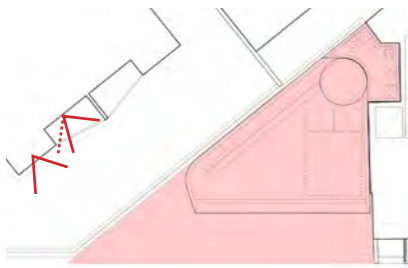


VIEW FROM UNIT 5 BALCONY [BACKGROUND IMAGE FROM COUNCIL ARCHIVE]



INSET PHOTO VIEWED FROM A DIFFERENT VANTAGE POINT INDICATING EXTENT OF PANORAMIC VIEW

VIEW ANALYSIS
UNIT 5 / 16 NOTTS AVENUE



- APPROVED DA OUTLINE
- PROPOSED DA OUTLINE
- VIEW INCREASE



VIEW FROM UNIT 5 BALCONY



VIEW FROM UNIT 5 BALCONY



VIEW FROM UNIT 5 KITCHEN



VIEW FROM UNIT 5 FRONT BEDROOM



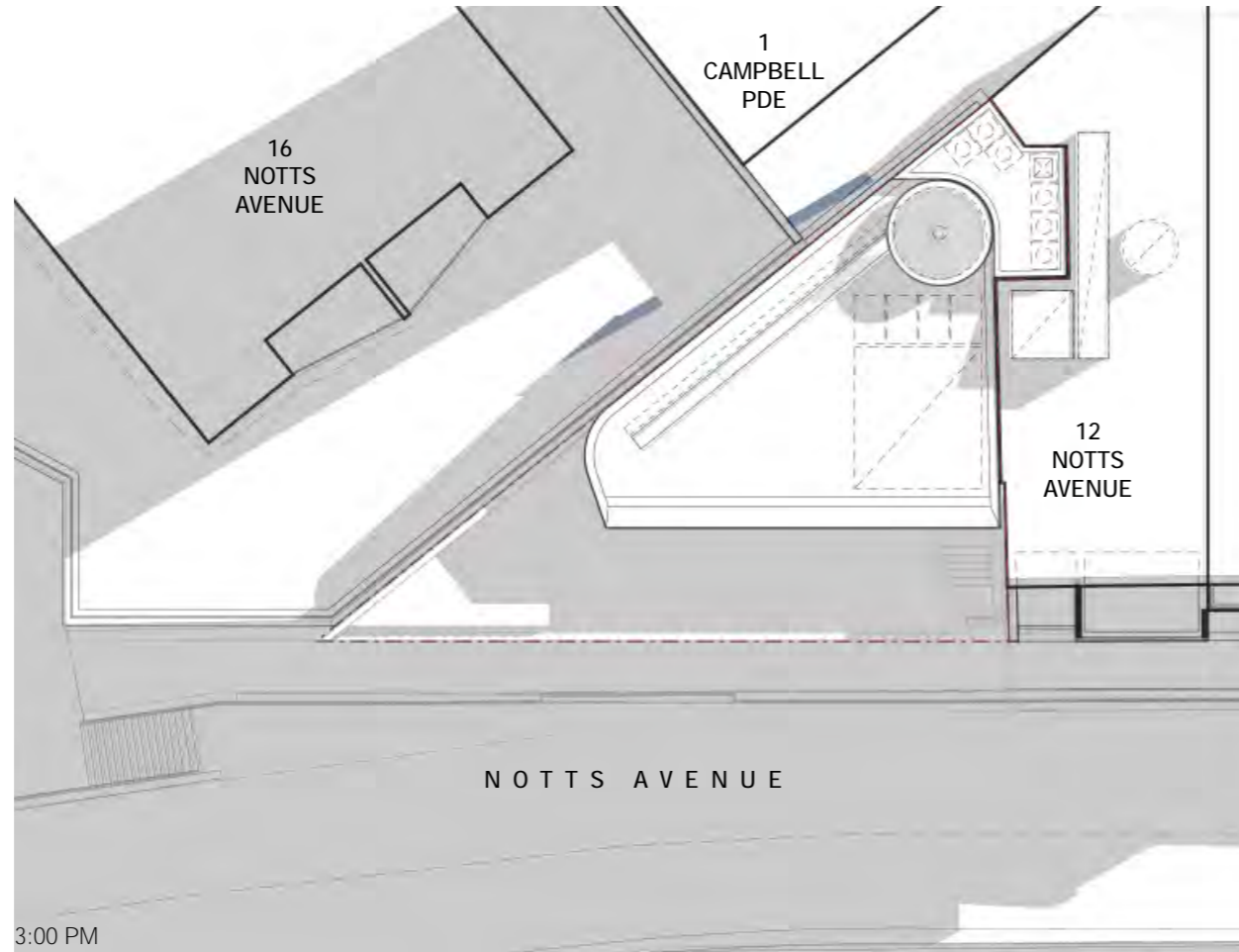
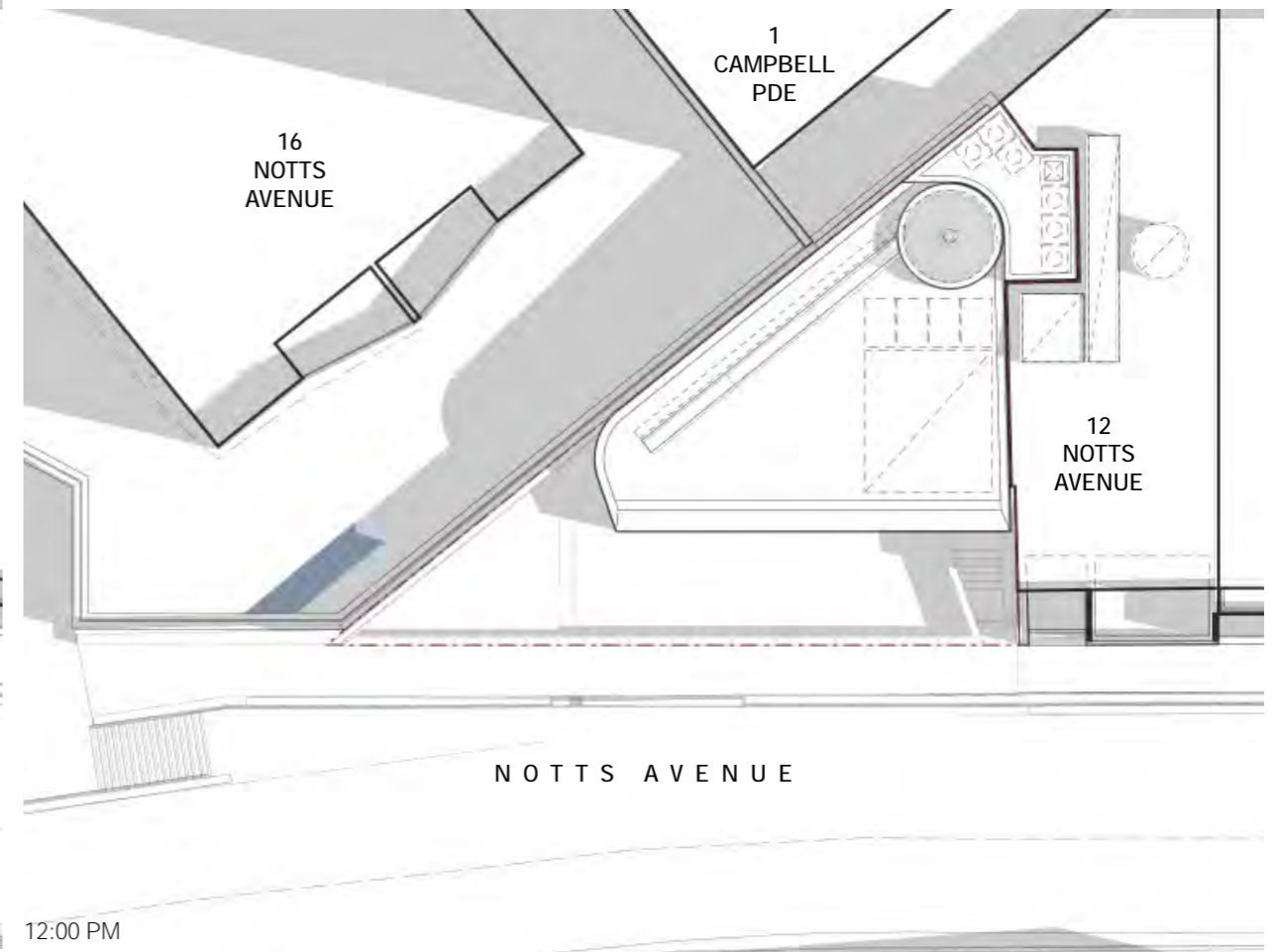
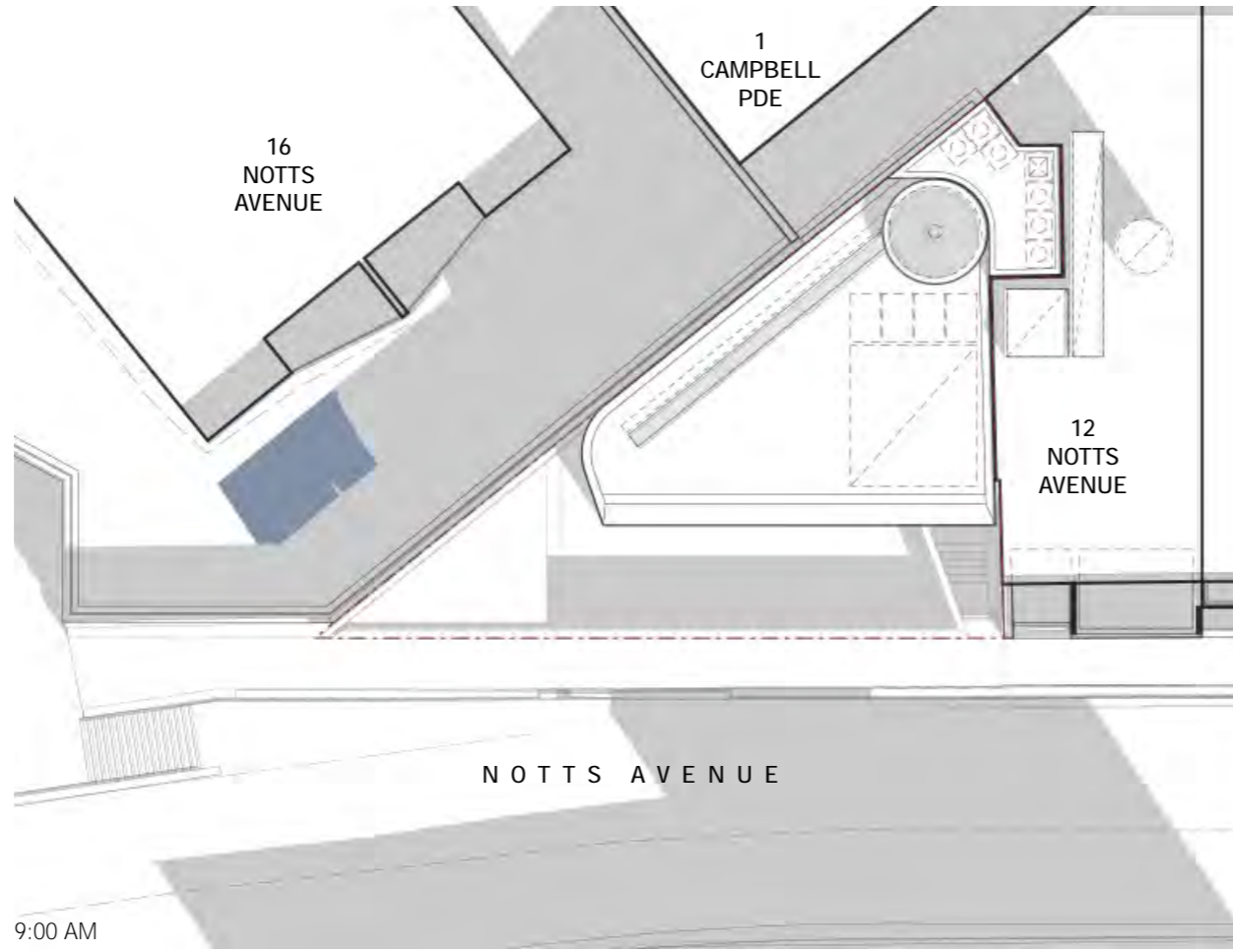
VIEW FROM UNIT 5 BATHROOM

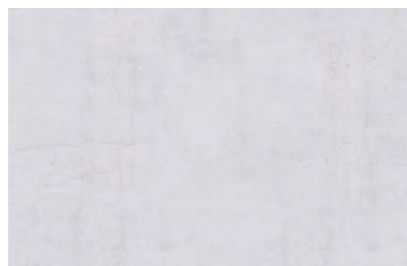


VIEW FROM UNIT 5 REAR BEDROOM

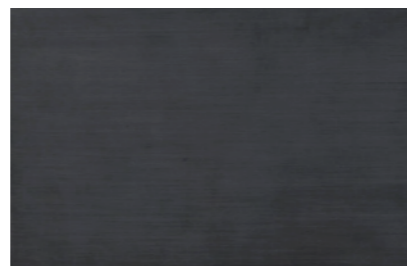
SHADOW ANALYSIS
JUNE 21ST

- EXISTING SHADOWS
- NEW SHADOWS OVER APPROVED DA

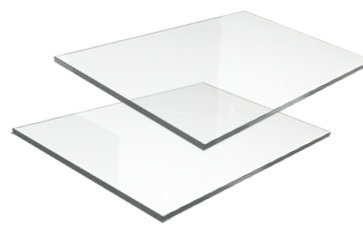




WHITE CONCRETE



BLACK ANODISED ALUMINIUM



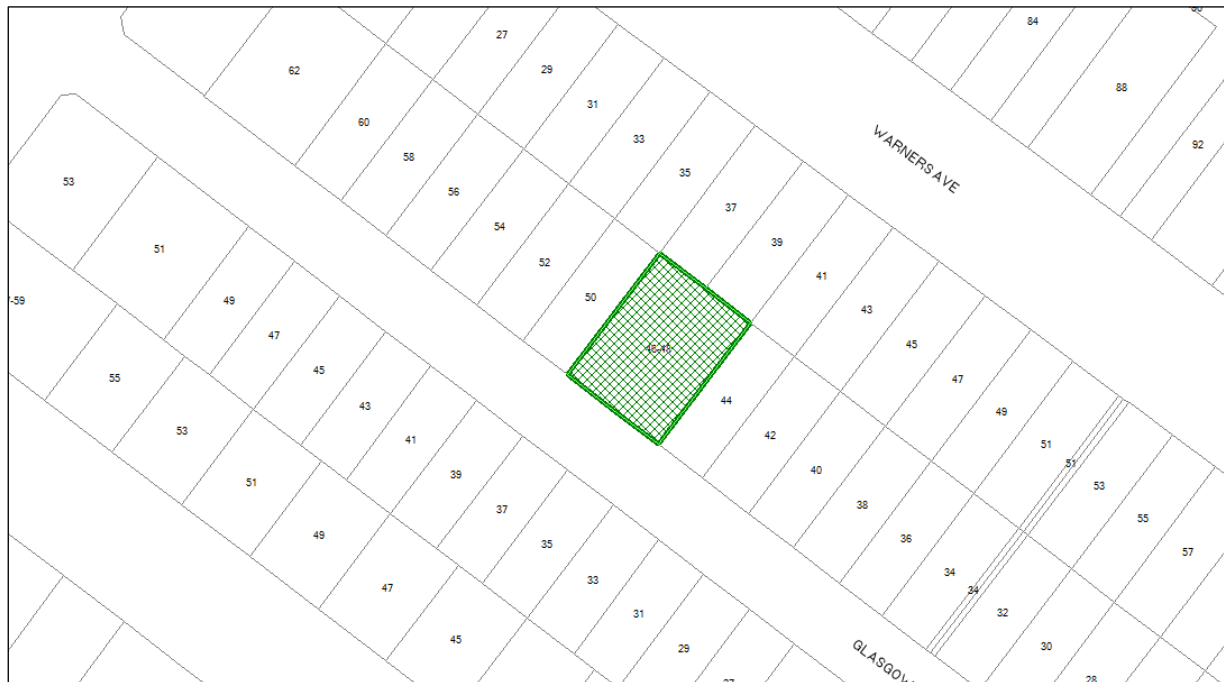
CLEAR LOW E GLAZING



Report to the Waverley Local Planning Panel

Application number	DA-171/18
Site address	46-48 Glasgow Avenue Bondi Beach
Proposal	Demolition of existing pair of semi detached dwellings and construction of a two-storey detached dwelling with integrated double garage, swimming pool and landscaping works.
Date of lodgement	18 May 2018
Owner	Mr Daniel Hendler
Applicant	Mr Daniel Hendler
Submissions	12 (5 unique, 7 proforma)
Cost of works	\$888,218
Issues	Submissions, variances to DCP controls relating to building height for flat roof dwellings, balcony dimensions and garage alignment.
Recommendation	That the application be APPROVED

Site Map



1. PREAMBLE

1.1 Site And Surrounding Locality

A site visit was carried out on 29 August 2018.

The site is identified as Lot 31 in DP 12561, known as 46-48 Glasgow Avenue, BONDI BEACH. The site is rectangular in shape with a front (southern) and rear (northern) boundary of 18.29m respectively, and eastern and western boundaries measuring 23.9m.

The site has an area of 436.3m² and site falls from the rear northern boundary towards the front southern boundary by approximately 1.2m.

The site is occupied by a single storey pair of semi-detached dwellings with vehicular access provided for each dwelling from Glasgow Avenue, adjacent eastern and western side boundaries, with garages located adjacent to the rear boundary. No. 46 to the right (south-east) and no 48 on the left (north-west). The pair of dwellings are identified on a single Torrens lot.

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



Figure 1: Site viewed from Glasgow Avenue.



Figure 2: Alternate view of subject site from Glasgow Avenue



Figure 3: Rear yard of existing dwelling – facing west towards existing carport.

1.2 Relevant History

There are no previous development applications recorded for this site.

In regards to the subject application, the application was deferred (13/9/10) to address concerns regarding the dominance of the front façade, particularly the garage. The consensus of the Development Building Unit was that the solid balustrade to the balcony above the garage contributes to this, as such Council sought an amended design to soften this element of the building. A suggested design alternative would be to include a planter box with hanging plants (similar to what is shown on the rear elevation, adjacent to Ensuite 1). Accordingly, the applicant amended the scheme and additional documentation submitted 4 October 2018. The application is assessed having regard to these amendments.

1.3 Proposal

The application proposes the demolition of the existing pair of semi detached dwellings and construction of a two-storey detached dwelling, including two-car integrated garage and associated landscape works. Specifically, the development involves the following:-

Ground Floor

The ground floor of the proposed dwelling comprises, a double garage, an entry lobby and foyer which leads to an open plan living area, comprising a kitchen dining and sunken lounge, which opens onto a covered patio area. A multi-purpose room, laundry and powder room are provided within the western portion of the dwelling.

First Floor

The first floor of the proposed dwelling comprises, four bedrooms, each containing an ensuite bathroom. Each bedroom also has access to a private balcony.

External

Landscape works will comprise a combination of lawn, shrubs and trees. Stone paving will be used for the driveway, side pathway and rear yard. An above-ground pool swimming pool will be located in the rear yard. An alfresco area is proposed to be located within the north-western corner of the rear yard.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	Proposal contributes to the provision of a range of housing types to meet the needs of the community.
Part 2 Permitted or prohibited development		
Land Use Table R2 Low Density Residential Zone	Yes	The proposal is defined as dwelling house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	Maximum building height is approximately 7.8m at the south western corner.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio <ul style="list-style-type: none"> 0.62:1 	Yes	0.62:1 (based on calculated GFA of 273m ² and a site area of 436.3m ²) GFA has been calculated based on the LEP definition and has excluded all voids. Terrace 2 on the ground floor, as well as the 'planting' areas between the Master Bedroom and the concrete screen and Bedroom 4, on the first floor are not counted as GFA, as they are not enclosed by a solid wall. A condition of consent will be imposed to ensure Terrace 2 cannot be used as calculable gross floor area.
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The land is identified as containing class 5 acid sulphate soils. Water table will not likely be lowered below 1m as minimal excavation is proposed.

2.1.4 Waverley Development Control Plan 2012

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

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

Development Control	Compliance	Comment
1. Waste	Yes	A waste management plan has been submitted with the application and conditions of consent are recommended with regards to waste disposal during and post construction.
2. Energy and water conservation	Yes	A BASIX certificate has been provided with the development application.
5. Tree preservation	Yes	No trees of significance will be affected by the proposed development. The large tree located within the front south western corner of the subject site is proposed to be retained and protected. Conditions will be imposed accordingly.
6. Stormwater	Yes	A stormwater management plan has been submitted with this development application. Council's stormwater engineer has advised that plans submitted to Council are not satisfactory. Conditions of consent will be imposed accordingly.
8. Transport	Yes	Two car parking spaces are required for 3 or more bedrooms. A double integrated garage is proposed, as such is compliant.
10. Safety	Yes	The location of on-site car parking will not obstruct pedestrian and bicycle access to the premises.

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

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	No; however acceptable on merit.	The overall building height is approximately 7.8m at the south western corner. Refer to detailed discussion below compliance table.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes	The front setback responds to the emerging alignment of two storey dwellings within the street, at the ground and first floor. The rear ground and first floor building line is consistent with the predominant building line within Glasgow Avenue. This includes the

Development Control	Compliance	Comment
		<p>proposed alfresco area within the rear portion of the site.</p> <p>The front building line has been measured from the street boundary to the supporting posts of Terrace 2 and the garage.</p> <p>It is noted that this form of development (where garages share a common wall with in the portion of the site) is prevalent along Glasgow Avenue, as such the provision of an alfresco area in place of a garage, will not disrupt the established pattern of development within the street.</p>
<p>1.2.2 Side setbacks</p> <ul style="list-style-type: none"> Minimum of 0.9m <p>The side setbacks may be reduced if the proposed dwelling or alteration adjoins another dwelling without a setback along the shared boundary. This applies only to that section of the boundary which the neighbouring dwelling is built to.</p>	<p>Yes</p> <p>Yes</p>	<p>Minimum 0.9m setback achieved for the ground and first floor.</p> <p>The exception to the above is the alfresco area within the rear north-western corner of the site, which comprises a solid wall adjacent to the side western property boundary. The alfresco area will replace an existing garage, which shares a common wall with the abutting garage at No. 50 Glasgow Avenue.</p>
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	N/A	No excavation proposed.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. It should contain or at least respond to essential elements that make up the character of the surrounding area. Development must not dominate the 	Yes	<p>It is acknowledged that the street comprises a variety of architectural styles, with the emergence of some contemporary, flat roof style residential development along the street. The predominant dwelling type is semi-detached dwellings.</p> <p>Overall, the proposal seeks a contemporary modern new dwelling that is considered to have a reasonable response to the existing streetscape context, as well as the emerging character. The siting of the dwelling is compatible with the surrounding development as front and rear setbacks are consistent with the predominant building lines along the street.</p> <p>As the form and siting of the dwelling is consistent with surrounding development, the proposal will</p>

Development Control	Compliance	Comment
<p>streetscape, particularly when viewed from a public place such as parks, reserves, beach or the ocean.</p> <ul style="list-style-type: none"> Existing ground levels and significant landscaping is to be maintained. 		<p>not dominate the streetscape. The two-storey element of the building has been set-in from the ground floor so as to minimise visual dominance when viewed from Glasgow Avenue. The front façade of the dwelling is articulated to provide depth and visual interest.</p> <p>Some minor excavation and fill is necessary due to the topography of the site, which has a fall of approximately 1.2m from the rear to the front of the site. The also site experiences an average cross-fall of approximately 0.3m. Existing site levels will otherwise be retained.</p>
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	<p>Yes</p> <p>Yes</p> <p>No, however acceptable on merit.</p>	<p>Palisade fencing to a maximum height of 1m is proposed along the front property boundary.</p> <p>Side fencing to a height of 1.8m is proposed. A 2.4m high masonry boundary wall is proposed along the rear property boundary, which will match the height of the existing fence.</p>
1.8 Visual and acoustic privacy		
<ul style="list-style-type: none"> Windows to habitable rooms are not to directly face windows to habitable rooms and / or open space of neighbouring dwellings unless direct views are screened or other appropriate measures are incorporated into the design. External stairs are not acceptable. Maximum size of balconies: 	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Large living area windows are orientated to the rear of the site at ground level, as such will not result in direct overlooking to neighbouring properties. Side facing windows at ground level have otherwise been limited.</p> <p>Side facing first floor windows have been minimised to prevent direct overlooking to neighbouring properties, with the exception of the large side facing window on the eastern elevation (W.13).</p> <p>The external screening proposed to the eastern and western elevations will not entirely prevent direct overlooking to neighbouring properties, as such a condition of consent will be imposed to reduce to the size of the Master Bedroom window on the eastern elevation (W.13), to maintain the privacy of the neighbouring property at No. 44 Glasgow Avenue.</p> <p>External stairs are not proposed.</p> <p>The dwelling comprises a total of 4 balconies. Balconies 1 & 2 are rear facing and balconies 3 &</p>

Development Control	Compliance	Comment
<p>10m² in area 1.5m deep</p>	<p>No, refer to discussion.</p>	<p>4 are front facing. Balconies 1, 3 & 4 propose compliant dimensions.</p> <p>Balcony 2 proposes a total area of 11.48m² with a depth of 2.8m.</p> <p>As the external screening, proposed to the eastern and western elevations of Balcony 1 & 2 respectively, will not entirely prevent direct overlooking to neighbouring properties, a condition of consent will be imposed to provide alternate form of privacy screens on the side elevations of the rear balconies (in lieu of the nominated concrete screen).</p>
<p>1.9 Solar access</p>		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to living areas and principal open space areas on 21 June • Minimum of three hours of sunlight maintained to living areas and principal open space areas of adjoining properties on 21 June 	<p>Yes</p>	<p>As demonstrated by the accompanying shadow diagrams prepared by the architect, the living areas within the subject dwelling will likely receive compliant solar access. The private open space will be receive partial sunlight throughout the day; which largely remains unchanged from the existing arrangement.</p> <p>The shadows prepared by the architect demonstrate that the western side elevation of the adjoining property (at No. 44 Glasgow Avenue) will receive some additional shadowing throughout the day. However, sunlight received to north facing windows and private open space will remain unchanged between 9am and 2pm.</p> <p>Overall, the proposal achieves the objectives of this control and reasonable levels of direct sunlight will be achieved to the subject site and adjoining dwellings.</p>
<p>1.10 Views</p>		
<ul style="list-style-type: none"> • Views from the public domain are to be maintained • Lower density residential accommodation is to be designed and sited so as to enable a sharing of views with surrounding dwellings particularly from habitable rooms and decks. 	<p>Yes</p>	<p>There are no iconic views available from the subject site or surrounding development.</p>
<p>1.11 Car parking</p>		

Development Control	Compliance	Comment
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> • 1 space for 2 or less bedrooms • 2 spaces for 3 or more bedrooms 	Yes	The proposed dwelling comprises 4 bedrooms as such 2 car parking spaces are required. A double garage is proposed, as such compliance is achieved.
1.11.2 Location <ul style="list-style-type: none"> • Behind front building line for new dwellings • Consistent with hierarchy of preferred car parking locations 	No. Refer to discussion below.	<p>The garage is aligned with the front building line of the proposed dwelling; however is considered acceptable in this instance. The front façade is well articulated and a variety of materials are proposed to create depth and visual interest.</p> <p>The proposal is consistent with the hierarchy of preferred car parking locations.</p>
1.11.3 Design	Yes	The garage has been adequately integrated into the design of the associated dwelling, as described above.
1.11.4 Dimensions <ul style="list-style-type: none"> • 5.4m x 2.4m per vehicle 	Yes	Minimum dimensions are achieved within the double garage.
1.11.5 Driveways <ul style="list-style-type: none"> • Maximum of one per property • Maximum width of 3m at the gutter (excluding splay) 	Yes No	<p>One driveway is proposed.</p> <p>Crossover exceeds 3m. Council’s traffic engineer has recommended a condition of consent to reduce the width of the proposed layback/gutter crossing. A separate application for the vehicle crossing will be required and assessed by Council’s traffic engineer.</p> <p>Notwithstanding the above, a condition of consent will be imposed to reduce the width of the driveway to 3m, when measured at the front property boundary.</p>
1.12 Landscaping and open space		
<ul style="list-style-type: none"> • Overall open space: 40% of site area 	Yes	Calculated open space = approximately 240m ² or 55% of the site.
<ul style="list-style-type: none"> • Overall landscaped area: 15% of site area 	Yes	Overall landscaped area = 75m ² or 17% of the site.
<ul style="list-style-type: none"> • Minimum area of 25m² for private open space 	Yes	The site has an area of at least 25m ² within the rear yard that can be used for recreation.
<ul style="list-style-type: none"> • Front open space: 50% of front building setback area 	Yes	At least 50% of the front setback area comprises open space.
	Yes	The front setback comprises approximately 64% of landscaped area. This based on a calculated

Development Control	Compliance	Comment
<ul style="list-style-type: none"> Front landscaped area: 50% of front open space provided 		landscaped area of 49m ² and an overall front setback area of 76m ² .
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	The proposed swimming pool is located within the rear yard. It is elevated above ground, however both the rear and side affected properties each have structures along the shared boundary reducing the privacy impact from the raised pool. Standard conditions shall be imposed relating to compliance with the Swimming Pool legislation and pool plant location.

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

Building Height

Section 1.1 in Part C1 of the DCP prescribes that the maximum overall building height is 7.5m above existing ground level. The maximum building height is approximately 7.8m at the south western corner of the building, and as such exceeds the prescribed height by 0.3m. It is noted that a significant portion of the building does not exceed 7.5m.

The minor exceedance in height is attributed to the topography of the site, which has a fall of approximately 1.2m from the rear to the front of the site and experiences an average cross-fall of approximately 0.3m.

There are no significant impacts to neighbouring properties resulting from this minor non-compliance, noting that the proposal maintains compliance with the building height development standard of 8.5m set out in the LEP.

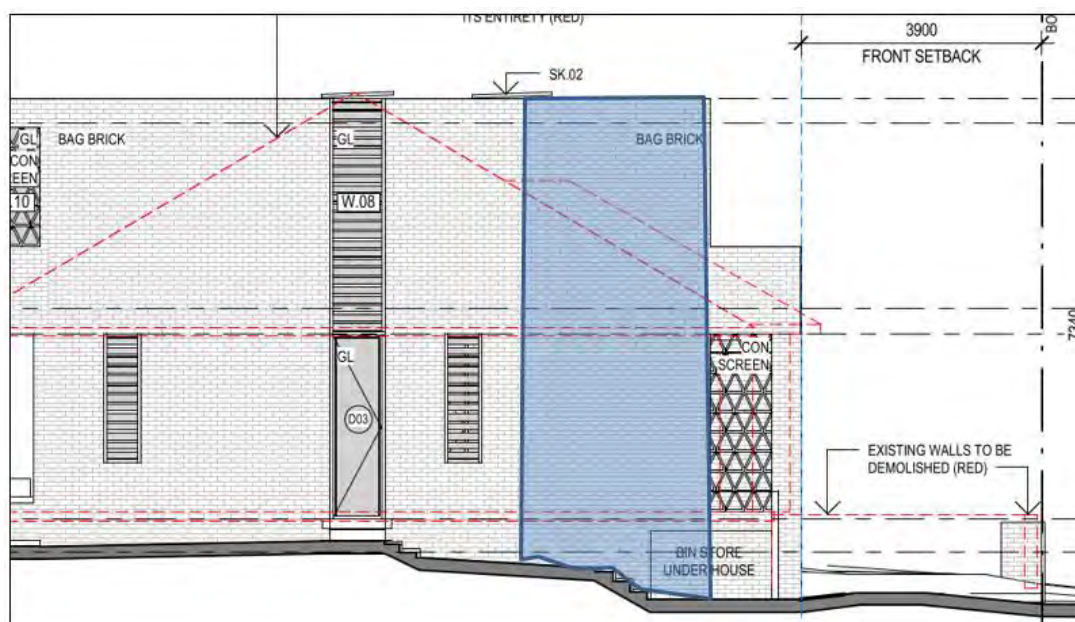


Figure 4: Extract from the architectural plans (western elevation), shows the approximate extent of non-compliance with the building height for flat roof dwellings.

Front & rear setbacks

The front and rear setbacks are consistent with the alignment of newer and established single and two storey dwellings, as demonstrated by the aerial photograph below (source: www.google.com/maps). The proposed dwelling sits comfortably within this envelope, as shown on the Site Plan (Drawing No. DA101).



Figure 5: Aerial image shows that there is a distinguishable front and rear building line on Glasgow Avenue.

Visual privacy

Balcony 2 exceeds the maximum depth and size prescribed by Section 1.8, Control (d) in Part C1 of the DCP. The overall area proposed is 11.48m² with a depth of 4.1m, which will result in adverse and unacceptable privacy impacts to neighbouring properties, as well as visual impact.

For this reason, a condition of consent will be imposed to reduce the size of Balcony 2, as shown on Figure 6 below.

Further to the above, as the external screening, proposed to the eastern and western elevations of Balcony 1 & 2 respectively, will not entirely prevent direct overlooking to neighbouring properties as it contains open designed concrete panelling. Therefore, a condition of consent will be imposed to provide improved privacy screens on the side elevations of the rear balconies (in lieu of the nominated concrete screen), which shall be designed to mitigate overlooking to adjoining properties.

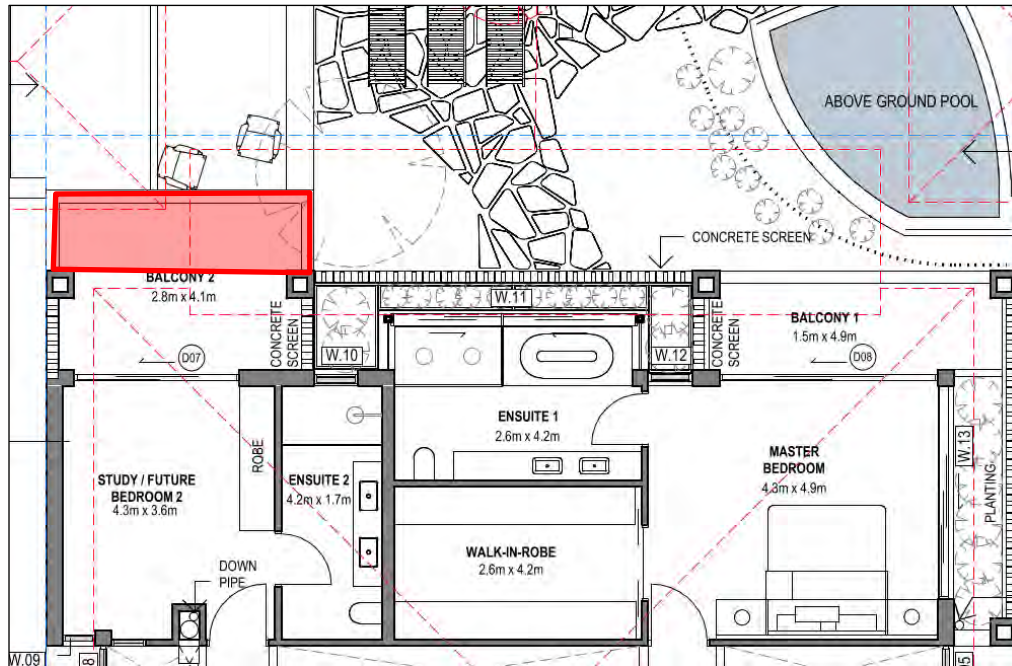


Figure 6: The area outlined in red shows the extent of balcony to be deleted (extract from the submitted architectural plans - first floor plan).

Location of garage

The garage is aligned with the front building line of the proposed dwelling; as such does not strictly comply with Section 1.11.2, Control (a) in Part C1 of the DCP, which requires all on-site car parking to be located behind the front building line for new dwellings. The siting of the garage meets the relevant objectives of the DCP for the following reasons.

The proposed garage will not dominate or adversely impact on the existing built character of the street. A planter has been incorporated into the balcony above the proposed garage, which will allow vegetation to grow over the concrete balustrade of the balcony above. This will soften the overall appearance of the garage and provide some visual relief to the white brick walls. Furthermore the garage door will comprise a timber finish, which will provide some depth against the white brick walls.

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*.

12 submissions were received, 5 are 'unique' and 7 are proforma letters. The issues raised in the submissions are summarised and discussed below.

Table 4: Summary of property addresses that lodged a submission

Property
29 Glasgow Avenue Bondi Beach
33 Glasgow Avenue Bondi Beach
36 Glasgow Avenue Bondi Beach
40 Glasgow Avenue Bondi Beach
41 Glasgow Avenue Bondi Beach
43 Glasgow Avenue Bondi Beach
44 Glasgow Avenue Bondi Beach
52 Glasgow Avenue Bondi Beach
58 Glasgow Avenue Bondi Beach
35 Warners Avenue Bondi Beach
39 Warners Avenue Bondi Beach
Address unknown

Issue: Privacy /Overlooking from rear balconies

Response: The dwelling comprises a total of 4 balconies. Balcony 1 & 2 are rear facing and Balcony 3 & 4 are front facing. The front facing balconies will not result in adverse privacy impacts as they primarily overlook the public domain.

Balcony 1 and Balcony 2 will incorporate screening on the side elevations to prevent direct overlooking to the adjoining properties (No. 44 & No. 50 Glasgow Avenue). A separation distance of approximately 8m will be maintained between Balcony 1 and 2 and the rear facing windows of (No. 37B and No. 39 Warners Avenue 9 (to the rear of the subject site),

It is acknowledged that a degree of overlooking is inherent with the area, which is attributed to smaller lots and minimal established setbacks. It is however noted that the proposed balconies will comply with rear setback controls and will comply with the prescribed dimensions. The exception to this is Balcony 2, for which a condition of consent is recommended to reduce the size to comply with DCP requirements relating to maximum area and depth.

Issue: Overshadowing

Response: As demonstrated by the accompanying shadow diagrams prepared by the architect, the living areas within the subject dwelling will likely receive compliant solar access. The private open space will be receive partial sunlight throughout the day; which largely remains unchanged from the existing arrangement.

The shadows prepared by the architect demonstrate that the western side elevation of the adjoining property (at No. 44 Glasgow Avenue) will receive some additional shadowing throughout the day. However, sunlight received to north facing windows and private open space will remain unchanged between 9am and 2pm.

Overall, the proposal achieves the objectives of this control and reasonable levels of direct sunlight will be achieved to the subject site and adjoining dwellings.

Issue: Noise impacts from swimming pool and associated mechanical equipment

Response: The swimming pool will be an ancillary use to the dwelling, as such it is not anticipated that the use of the pool will be unreasonable. Furthermore, a condition of consent will be imposed to prevent noise nuisance to surrounding properties from the pool filtration and pump unit.

Issue: Compatibility with the streetscape character

Response: Overall the proposal responds to the existing streetscape context, as well as the emerging character. The siting of the dwelling is compatible with the surrounding development as front and rear setbacks are consistent with the predominant building lines along the street. The proposal achieves compliant landscaped area within the site, as a whole, as well as within the front setback.

As siting of the dwelling is consistent with surrounding development, the proposal will not dominate the streetscape. The two-storey element of the building has been set-in from the ground floor so as to minimise visual dominance when viewed from Glasgow Avenue. The proposal does seek to replace a pair of semi detached dwellings with a contemporary single dwelling, and subsequently, the replacement building does seek a modern approach in its form and design. The front façade of the dwelling has been articulated to provide depth and visual interest and incorporates planting at first floor balcony level to soften the bulk and scale presentation of the dwelling. The retainment of the existing tree within the front setback will also soften the appearance of the dwelling and maintain the existing landscape character of the site.

In Project Venture Developments v Pittwater Council [2005] NSWLEC 191, Senior Commissioner Roseth summarised that compatibility, within an urban design context, means ‘capable of existing together in harmony’, which is different from sameness. In his judgement, Senior Commissioner Roseth stated, for new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping.

When having regard to the above planning principle, the proposed development is ‘capable of existing together in harmony’ with the surrounding area, for the reasons outlined above.

Issue: Proposed driveway will adversely affect the usability of adjacent driveways

Response: The following condition of consent will be imposed addressing this issue:-

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of vehicles entering and exiting both sides of the garage from Glasgow Avenue shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

Issue: Restrictive covenant on the site

Response: A private covenant dating back to 1925 was provided by an adjoining property owner indicating restrictions for this subject lot relating to setbacks and number of dwellings allowable to be built on the site. It also includes a clause that allows the covenant to be varied by Council.

Notwithstanding this, Clause 1.9A (1) of the Waverley Local Environmental Plan 2012 states:-

(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

When having regard to the above the covenant on the land has no effect, as it has not been imposed by Council (but rather private land owners).

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

Internal referral comments have been sought from Council’s Traffic and Development team; who have not raised any objections to the proposed development, subject to the imposition of conditions of consent.

3.2 Stormwater – Creating Waverley

Internal referral comments have been sought from Council’s Design team; the comments provided are summarised below.

The plans have been examined and are considered not satisfactory with regard to stormwater details, with respect to:-

- *The volume of OSD tank 0.6m³ is not adequate for 1 in 20 years ARI storm.*
- *Details of On-Site Stormwater Detention (OSD) is required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.*

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

4. SUMMARY

The application proposes a new two storey dwelling, including a double garage, in place of the existing single storey pair of semi detached dwellings. The proposal complies with the prescribed development standards of FSR and Building Height.

The proposal responds to the existing streetscape context, as well as the emerging character. The siting of the dwelling is compatible with the surrounding development as front and rear setbacks are consistent with the predominant building lines along the street. The proposal achieves compliant landscaped area within the site, as a whole, as well as within the front setback.

Overall the proposal is considered to be in accordance with the objectives of the LEP and DCP and is therefore recommended for approval.

Twelve submissions (5 unique, 7 pro forma letters) were received and have been addressed in Section 2.4 of this report.

5. RECOMMENDATION TO WAVERLEY DEVELOPMENT ASSESSMENT 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:**

Lauren Saunders
Senior Development Assessment Planner

Angela Rossi
Manager, Development Assessment (Central)

Date: 8 October 2018

Date: 11 October 2018

Reason for referral:

Contentious development (10 or more objections)

APPENDIX A – CONDITIONS OF CONSENT

A. APPROVED DEVELOPMENT

1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Architectural Plan Numbers, DA101, DA102, DA210, DA212, DA310, DA311, DA320, DA321, DA501 (all Rev A), tables and documentation prepared by Bruce Stafford Architects, received by Council on 18 May 2018 and Plan No DA211 (Rev B) dated 06.04.2018 and received by Council on 4 October 2018;
- (b) Landscape Schedule, Landscape Area Plan, Landscape Plan – Ground Floor, Landscape Plan – 1st Floor, prepared by 360, received by Council on 18 May 2018.
- (c) BASIX Certificate;
- (d) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist of Part B, Waverley DCP 2012.

Except where amended by the following conditions of consent.

2. GENERAL MODIFICATIONS

The proposal shall be amended as follows:

- (a) Balcony 2 is to be reduced in size to extend no further into the rear setback than Balcony 1, to mitigate overlooking to adjoining properties.
- (b) Privacy screens are to be provided on the side elevations of the rear balconies (in lieu of the nominated concrete screen) and designed to mitigate overlooking to adjoining properties. The privacy screens are to be of a light weight material (such as timber or obscure glazing) and be a minimum of 1.6m high when measured from the finished floor level of the balcony.
- (c) The Master Bedroom window located on the eastern elevation (W.13) shall be reduced in size by at least 50% of the overall size to mitigate overlooking to adjoining properties.
- (d) The width of the driveway shall be reduced to 3m at the front property boundary, and taper at an angle to garage entry with additional soft landscaping is to be provided within the front setback to reduce the dominance of the garage.

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

3. CONCRETE SCREENING TO REMAIN OPEN

The concrete screen on the southern and western elevation on Terrace 2 shall be at least 50% open and be appropriately waterproofed, to ensure this area is excluded from calculable gross floor area.

4. USE OF DWELLING

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

5. DOMESTIC HEATERS

The provision of solid fuel heating is prohibited.

6. 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.

7. INSTALLATION OF AIR CONDITIONING

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

- (a) Be located a minimum of 450mm from a boundary.
- (b) Be located behind the front building line and if visible suitably 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).

8. 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*.

9. DOMESTIC HEATERS

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

10. SECTION 7.12 CONTRIBUTION

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

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

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

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

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

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

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

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

(c) Should a section 4.55 modification result in any change to the total cost of the work, the Section 7.12 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.

11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$20,000** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

12. 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. TREE PRESERVATION BOND

A bond of \$5000 is to be lodged with Council either as cash or by way of an unconditional bank guarantee to ensure the protection and maintenance of the street tree at the front of the property. The bond is to be lodged prior to the issue of a Construction Certificate.

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

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

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

15. HOARDING REQUIRED

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

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

16. 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. STORMWATER MANAGEMENT

(a) The plans prepared by Civil Engineers and Project Managers (AT&L), Project No. 18-546, Drawing No. DAC001, DAC010, DAC015 & DAC030 (Issue A), Dated 18 May 2018 do not comply with the Waverley Development Control Plan 2012 and the Waverley Council Water Management Technical Manual. The following detail is required to be submitted, along with completed mandatory checklist as set out in page 22 of Waverley Council's Water Management Technical Manual:-

- i) The volume of OSD tank 0.6m^3 is not adequate for 1 in 20 years ARI storm.
- ii) Details of On-Site Stormwater Detention (OSD) is required e.g. dimensions, cross & long sections, top water level, details of orifice plate including orifice diameter & depth of water above centreline of orifice etc.

(b) Amended plans are to be submitted to Creating Waverley Department of Council for approval detailing compliance with the above mentioned controls and polices prior to the issue of a Construction Certificate.

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

19. CONSTRUCTION VEHICLE AND PEDESTRIAN PLAN OF MANAGEMENT

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

The CVPPM shall:

- a. Show the size and number of trucks to be used during the various stages of the development.
- b. Show the route to be taken by trucks in (a) above within the Waverley Council area when gaining access to and from the site. Note, if it is considered with the information submitted

that such vehicles cannot adequately and safely gain access to and from the site or where access into or out of the site may not be possible without the need to remove an unsatisfactory number of vehicles parked on the roadway in the vicinity of the site, the trucks may not be approved for use.

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

Note:

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

20. SWEEP WHEEL PATH DRAWINGS

In order to minimise the loss of on street parking, the proposed layback/gutter crossing shall be reduced in width. In this regard, prior to issue of the Construction Certificate, swept wheel path drawings, prepared by a suitably qualified and experienced traffic engineering consultant, showing the swept wheel path of a vehicle entering and exiting each side of the garage from Gilgandra Road shall be submitted to Council for the approval of the Executive Manager, Creating Waverley.

The swept wheel path drawings shall:

1. Be drawn for the B85, standard design vehicle as described in AS/NZS 2890.1: 2004 Part 1 Off Street Car Parking.
2. Accurately show the kerb and gutter, driveways and vehicles parked kerbside on Glasgow Avenue both opposite and to the immediate west of the proposed driveway.
3. Show the minimum length of driveway layback considered necessary to gain satisfactory access to and from the proposed garage.
4. Show the minimum length of opening and clearances required at the property boundary to cater for the design vehicle swept wheel path.

21. ENGINEERING DETAILS

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

22. LANDSCAPED SLABS

Details shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate indicating the proposed method of water-proofing and drainage of the concrete slabs over which landscaping is proposed.

23. BASIX

The undertakings provided in the BASIX Certificate shall be provided for in the Construction Certificate plans and documentation prior to the issue of the Construction Certificate. If required, a modified BASIX Certificate shall be provided that reflects the development as approved (eg addressing any modification required via conditions of consent). Any significant works (ie any works not able to be

considered as Exempt and Complying Development) that result from changes to the BASIX Certificate or conflict with conditions of consent require Council's consent.

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

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

24. FENCE NOT TO ENCROACH BEYOND BOUNDARIES

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

25. PRIOR TO SITE WORKS

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

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

26. HOME BUILDING ACT

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

27. CONSTRUCTION SIGNS

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

28. OBSTRUCTION TO PUBLIC AREAS

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

- (a) 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.

29. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan

prepared in accordance with Australian Standard AS 2601-2001, Demolition of Structure and a Hazardous Materials Assessment prepared by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice on how to safely remove asbestos published by 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.

30. DEMOLITION & SITE PREPARATION

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

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

31. ASBESTOS REMOVAL

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

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

32. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS

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

33. TOILET FACILITIES

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

34. 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.

35. 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.

36. 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.

37. 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.

38. 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.

39. 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.

40. ALL BUILDING MATERIALS STORED ON SITE

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

41. CONSTRUCTION HOURS

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

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

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

42. USE OF HEAVY EARTH MOVEMENT EQUIPMENT

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

43. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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

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

45. CERTIFICATE OF SURVEY - LEVELS

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

46. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the development consent plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

47. NEW VEHICLE CROSSING

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

48. EXISTING VEHICLE CROSSING TO BE CLOSED

The existing western vehicle crossing is to be closed and replaced with new kerb and gutter and turf. All work associated with the closure is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicants cost.

49. VEHICULAR ACCESS - FINISHED LEVEL

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

50. IN-SINK WASTE DISPOSAL SYSTEMS

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

51. ENCROACH BEYOND THE BOUNDARIES

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

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 new plumbing and drainage, including sewerage drainage stacks, ventilation stacks and water service pipes shall be concealed within the building. Plumbing other than stormwater downpipes shall not be attached to the external surfaces of the building.

56. 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.

57. TREE PROTECTION

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

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

58. WORK OUTSIDE PROPERTY BOUNDARY

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.

59. SWIMMING POOLS

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

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

60. CONSTRUCTION OF SWIMMING POOLS

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard AS 1926.1-2012 Swimming pool safety - Safety barriers for swimming pools. This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (d) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

61. OCCUPATION CERTIFICATE

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

62. STORMWATER MANAGEMENT

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

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

69. LANDSCAPE PLAN

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

70. 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.



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GENERAL NOTES

- Do not scale from drawings.
- All dimensions are to be checked on site before commencement of work.
- All discrepancies to be brought to the attention of the project architect.
- Larger scale drawings and written dimensions take preference.
- This drawing is copyright and the property of the author, it must not be retained, copied or used without the express authority of **Bruce Stafford Associates Pty Ltd.**

DEVELOPMENT APPLICATION
PHOTOMONTAGE - STREET
FRONTAGE

Drawing:
PHOTOMONTAGE -
STREET FRONTAGE
 Scale: @A3
 Drawn: JM
 Checked: BS
 Date: 06.04.2018

Project:
46-48 GLASGOW AVE
BONDI
 Project No. Stage Dwg No.
165 DA2177A

RECEIVED
Waverley Council

Application No: DA-171/2018

Date Received: 18/05/2018



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DEVELOPMENT APPLICATION
PHOTOMONTAGE - REAR FACADE

Drawing:
**PHOTOMONTAGE -
REAR FACADE**
Scale: @A3
Drawn: JM
Checked: BS
Date: 06.04.2018



Project:
**46-48 GLASGOW AVE
BONDI**

Project No. Stage Dwg No. Rev
165 DA215 178

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THERMAL COMFORT INCLUSIONS

WALLS

External walls:
 Cavity brick walls with no additional insulation.
External wall colour:
 Light (SA <0.475)
Internal walls:
 Single skin masonry, not lined.
 Single skin masonry, lined with R2.5 insulation to Garage walls between Living & Foyer.

WINDOWS

Aluminium framed performance glazing:
B – Sliding doors and windows, fixed glazing and louvres
 U-Value: 4.3 (equal to or lower than) SHGC: 0.53 (±10%)
 Given values are AFRC, total window system values (glass and frame)
 NOTE: Openability modelled as per BASIX Thermal Protocol - 4.14.2 and NatHERS Technical Note 1.2 – 10.11 with regard to restricted openings.

SKYLIGHTS

Double glazed opal skylight in timber or aluminium frame, with pergola shading device above.

CEILINGS

Plasterboard ceiling, with an R1.0 insulation (insulation value only) where concrete roof or balcony above Living.
 Plasterboard ceiling, with an R2.5 insulation (insulation value only) to Garage ceiling.

CEILING PENETRATIONS

Sealed LED downlights at a rate of 1 every 5m²
 NOTE: Loss of ceiling insulation has been accounted for in accordance with BASIX Thermal Protocol 4.13.1 and NatHERS Technical Note 1.2

ROOF

Concrete roof with an R2.5 polystyrene board insulation (insulation value only) above with pebble ballast on top.
External roof colour:
 Light (SA<0.475)

FLOOR COVERINGS

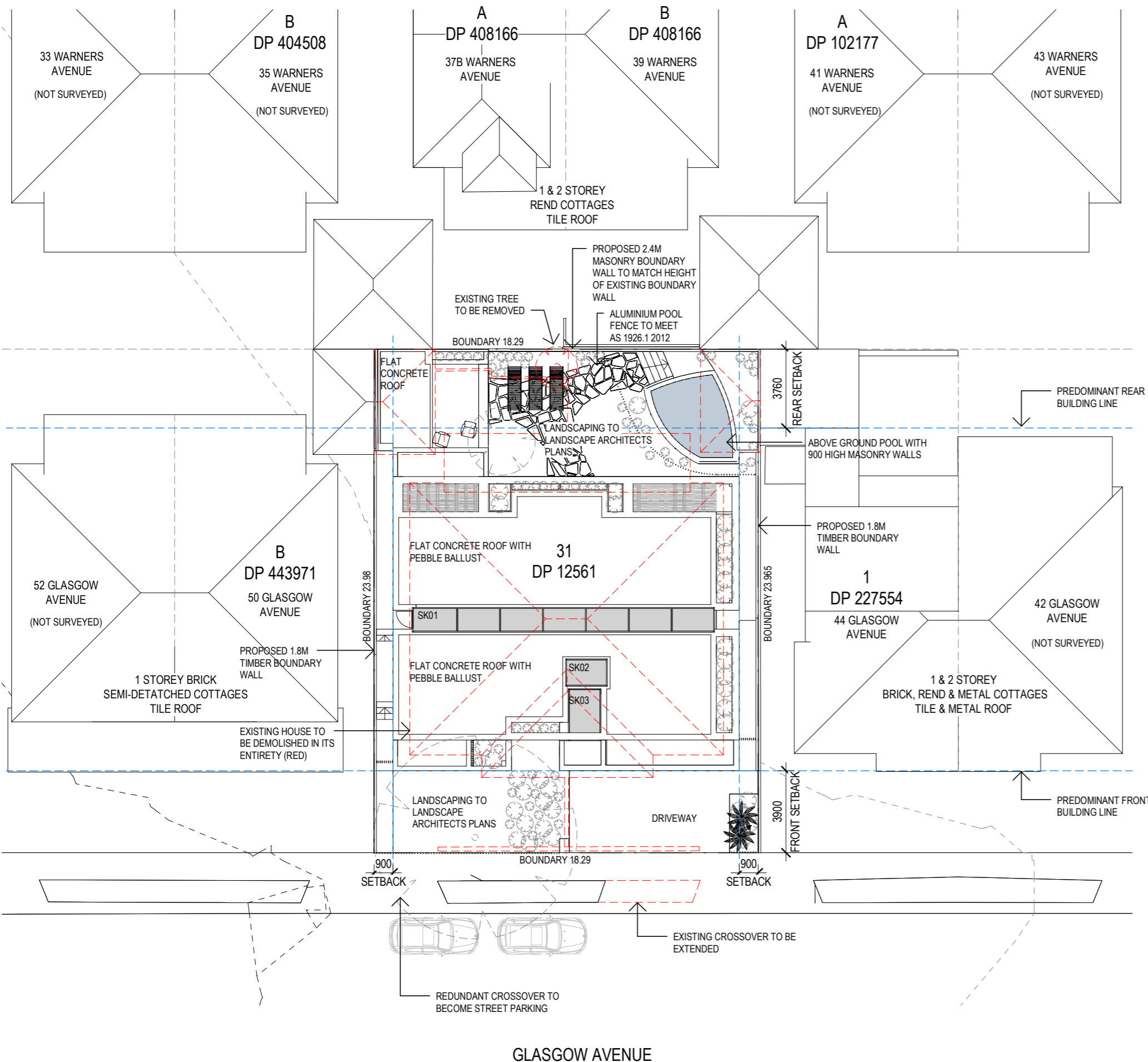
Tiles throughout to all areas, excluding Garage.

SHADING DEVICES

Shading as per stamped documentation.

VENTILATION

All external doors have weather seals, all exhaust fans and chimneys have dampers, any recessed down lights proposed will have sealed fittings.

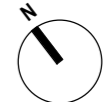


GLASGOW AVENUE

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DEVELOPMENT APPLICATION
SITE PLAN

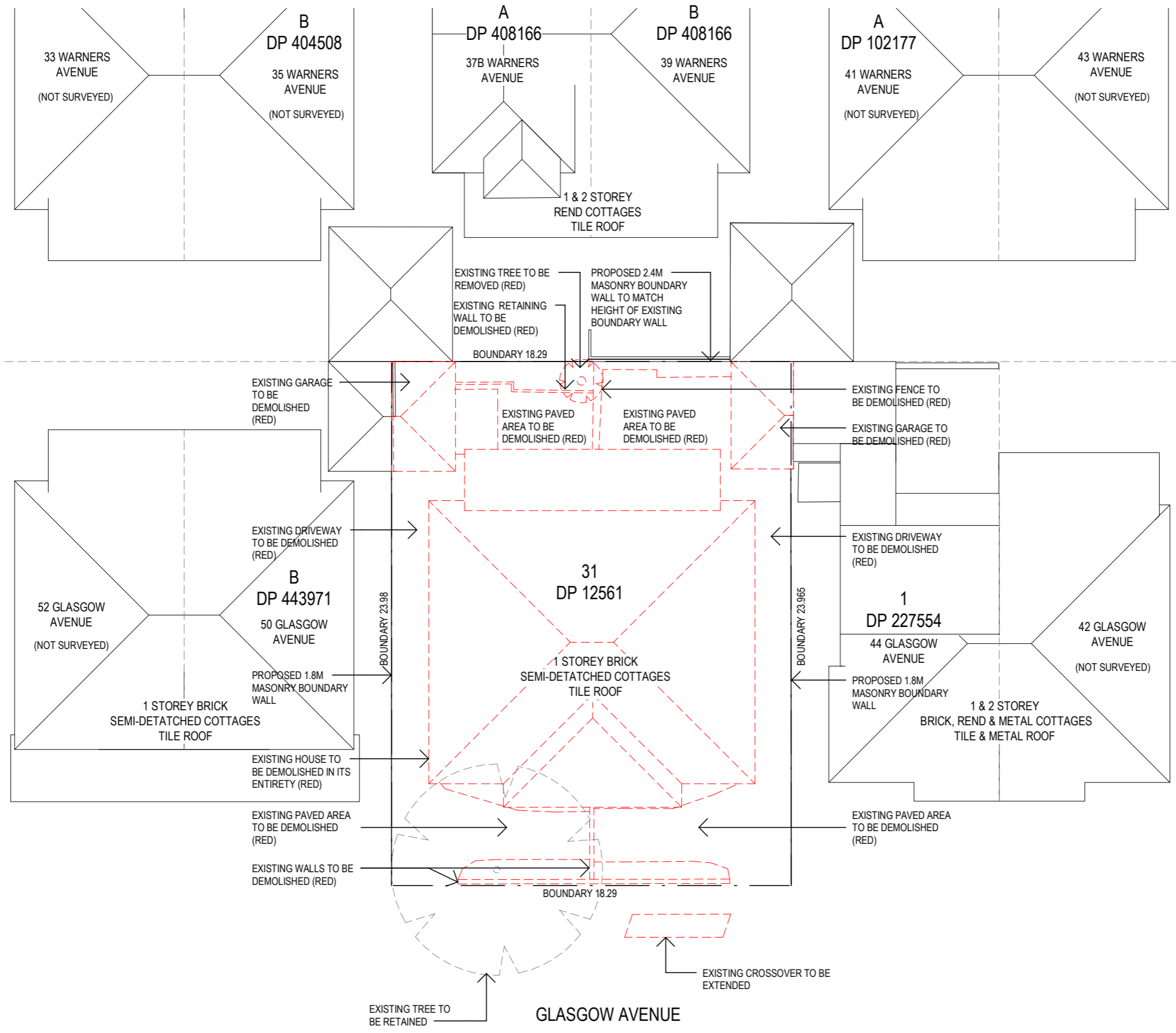
Drawing:
SITE PLAN
 Scale: 1 : 200 @A3
 Drawn: JM
 Checked: BS
 Date: 06



Project:
46-48 GLASGOW AVE BONDI
 Project No. Stage Dwn No. Rev
165 DA171

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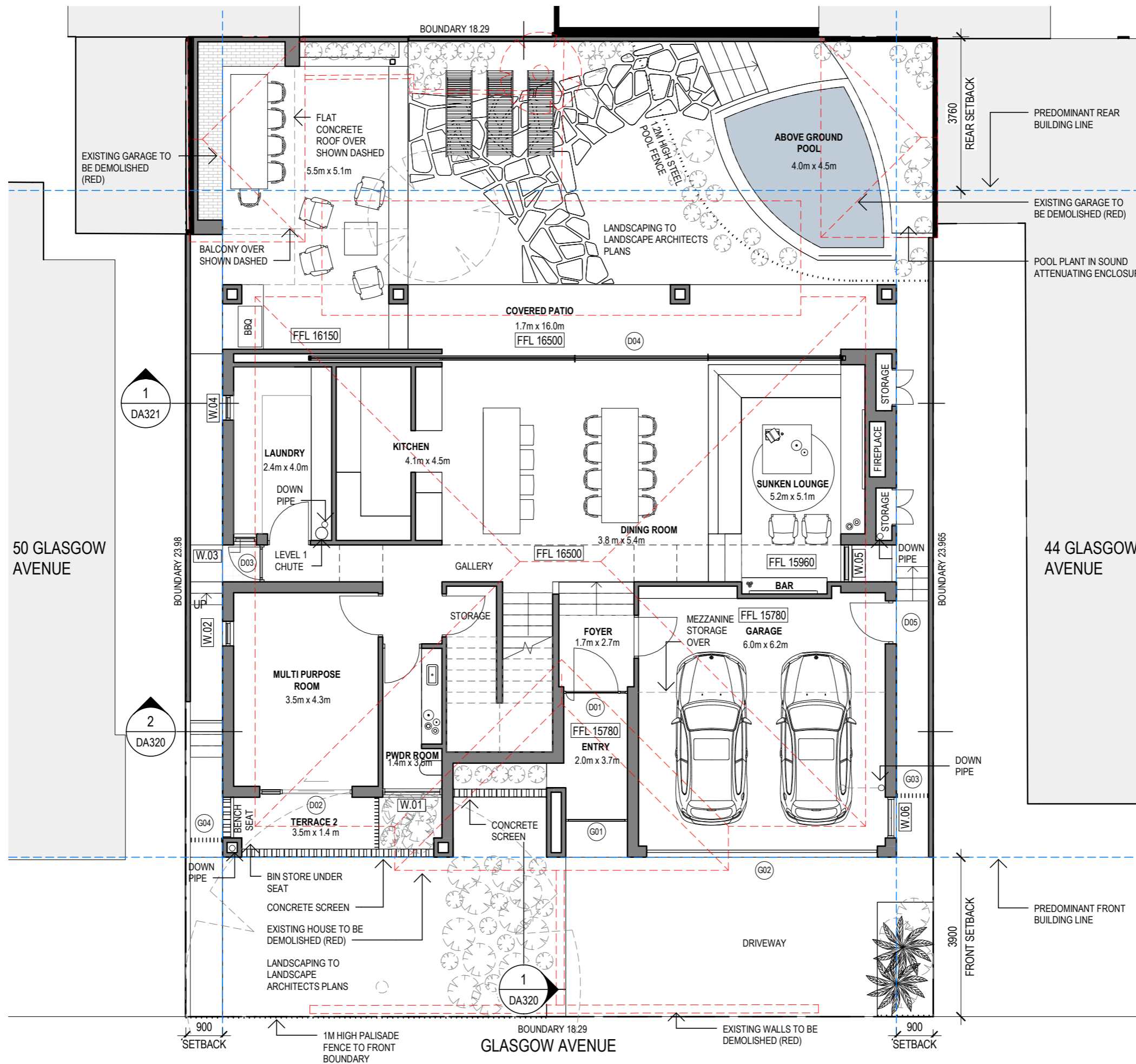


1 DEMOLITION PLAN
1 : 200

RECEIVED
Waverley Council

Application No: DA-171/2018

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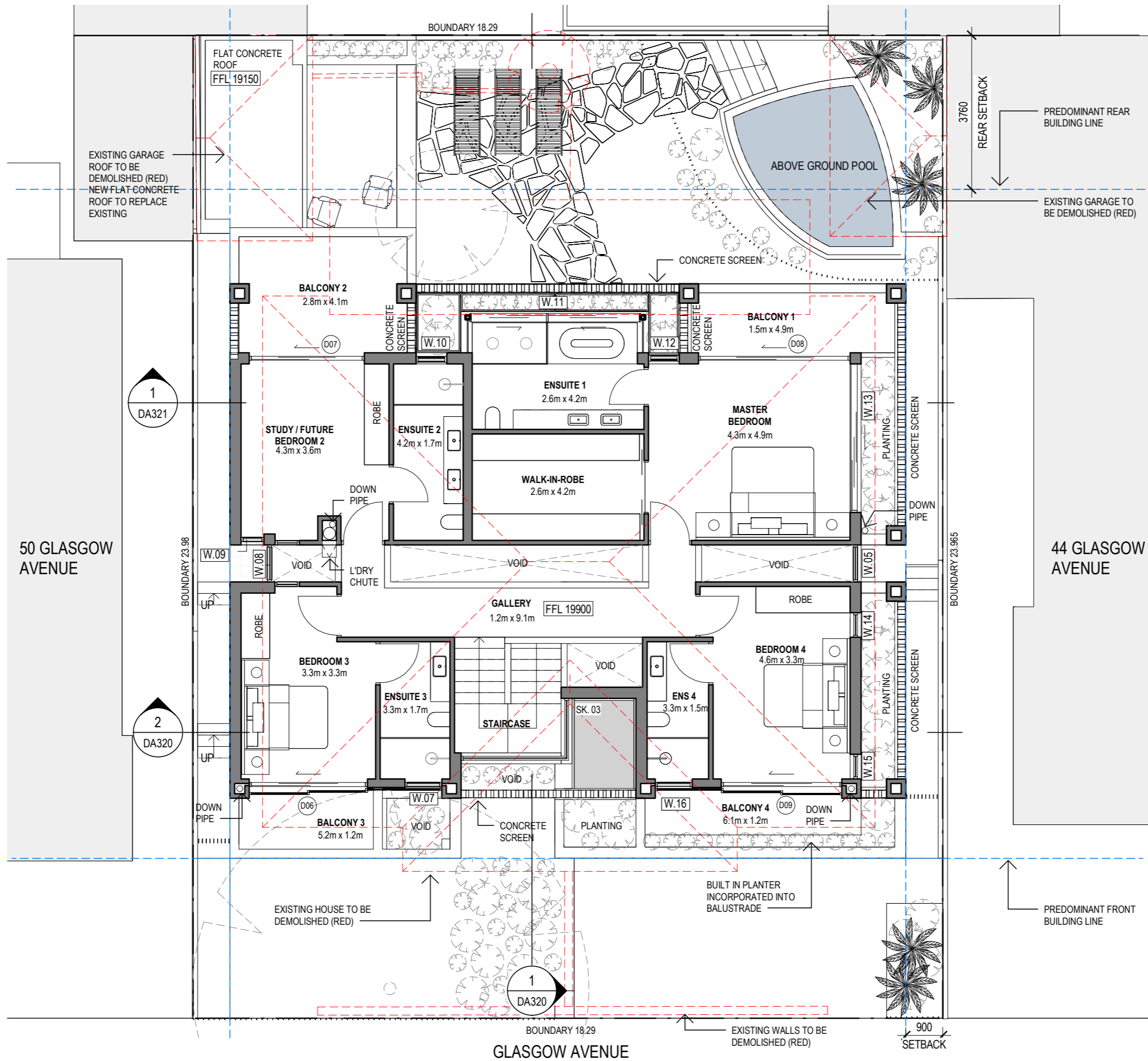
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DEVELOPMENT APPLICATION GROUND FLOOR PLAN

Drawing:
GROUND FLOOR PLAN
Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018



Project:
46-48 GLASGOW AVE
BONDI
Project No. Stage Dwg No. Rev
165 DA2181



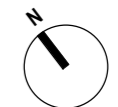
Bruce Stafford Architects
Suite 5, Level 2, 24 Bay Street, Double Bay, NSW 2028
T 02 9327 7889 F 02 9327 7665
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GENERAL NOTES

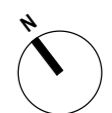
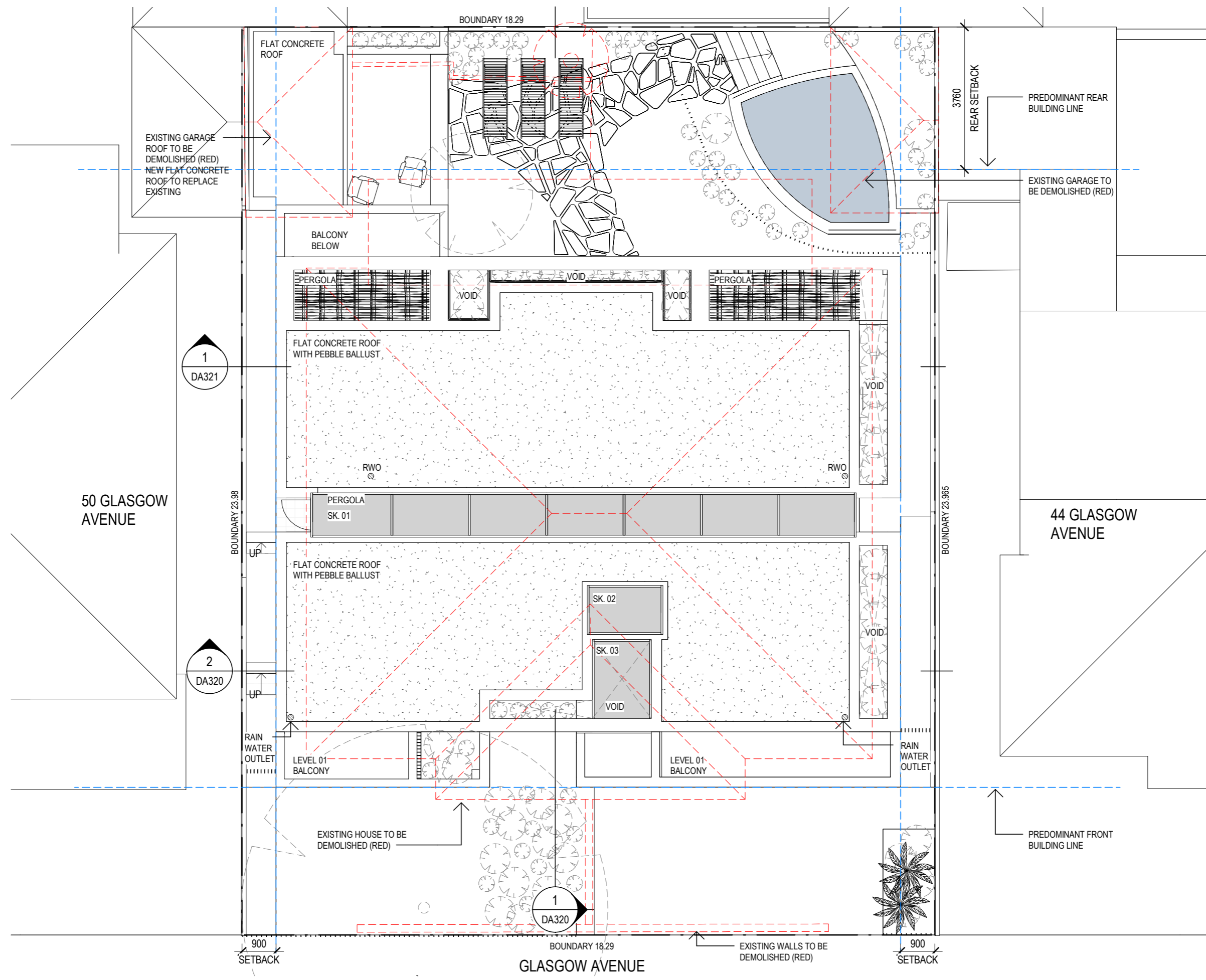
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DEVELOPMENT APPLICATION
FIRST FLOOR PLAN

Drawing: **FIRST FLOOR PLAN**
Scale: 1 : 100 @A3
Drawn: JM
Checked: BS
Date: 06.04.2018

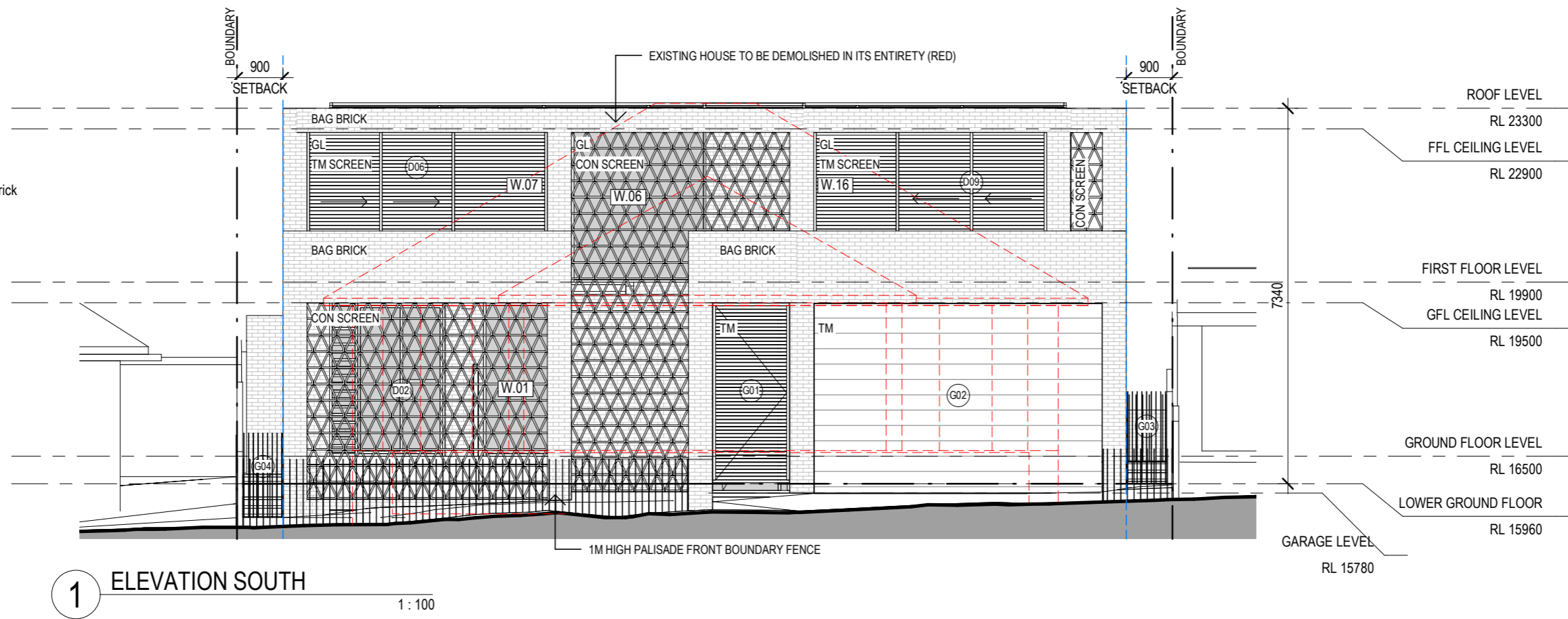


Project: **46-48 GLASGOW AVE BOND**
Project No. **165** Stage **DA2** Dwg No. **182**



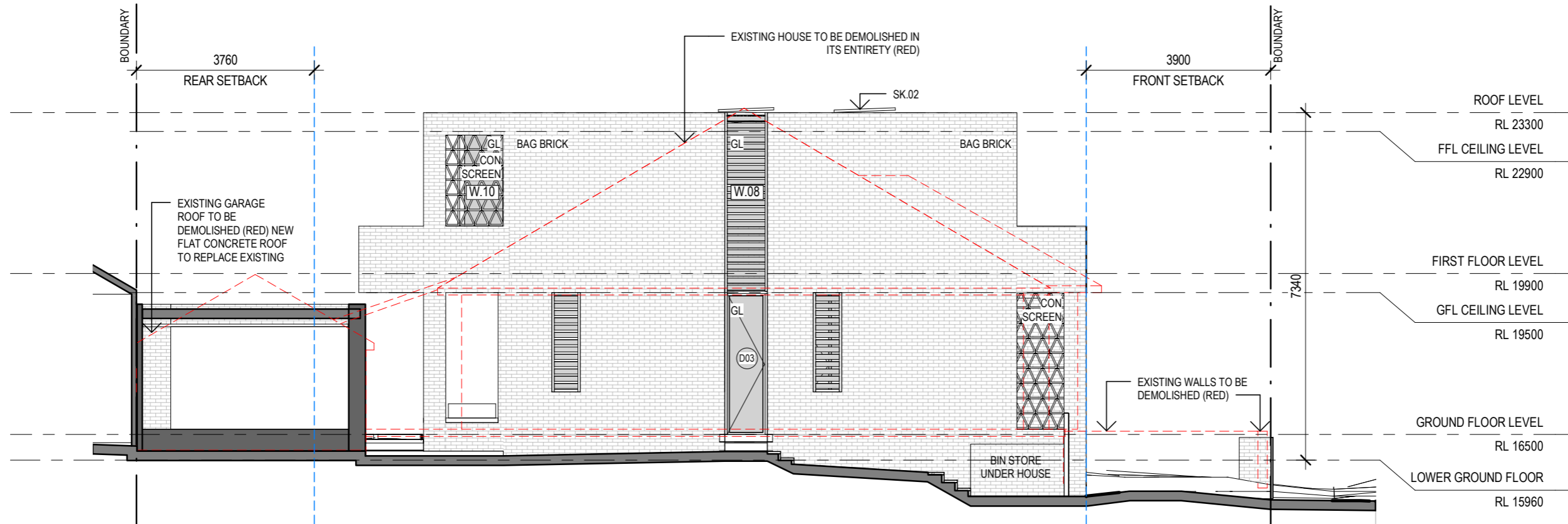
RECEIVED
 Waverley Council
 Application No: DA-171/2018
 Date Received: 18/05/2018

LEGEND:
 GL: Glass
 TM: Timber
 CON SCREEN: Concrete Screen
 BAG BRICK: Painted White Bagged Brick



1 ELEVATION SOUTH

1 : 100



2 ELEVATION WEST

1 : 100

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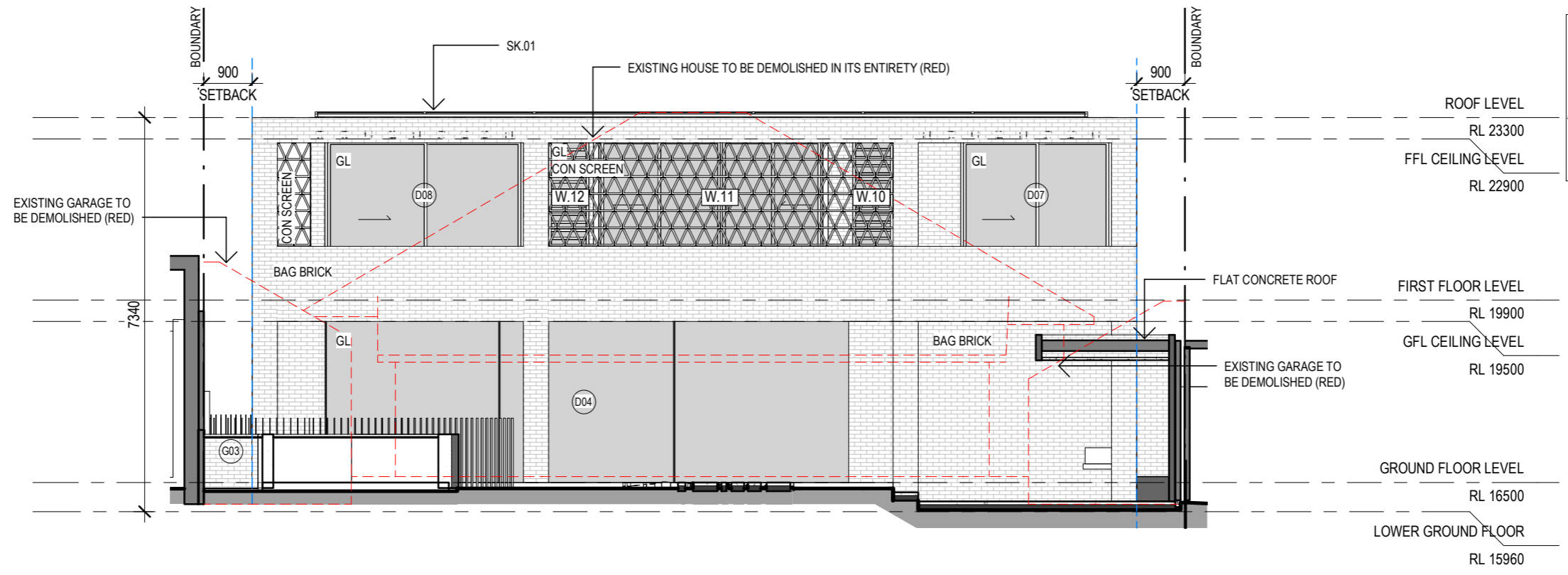
DEVELOPMENT APPLICATION
 ELEVATIONS - SOUTH & WEST

Drawing:
 ELEVATIONS - SOUTH & WEST
 Scale: As indicated
 Drawn: @A3
 Checked: BS
 Date: 06.04.2018

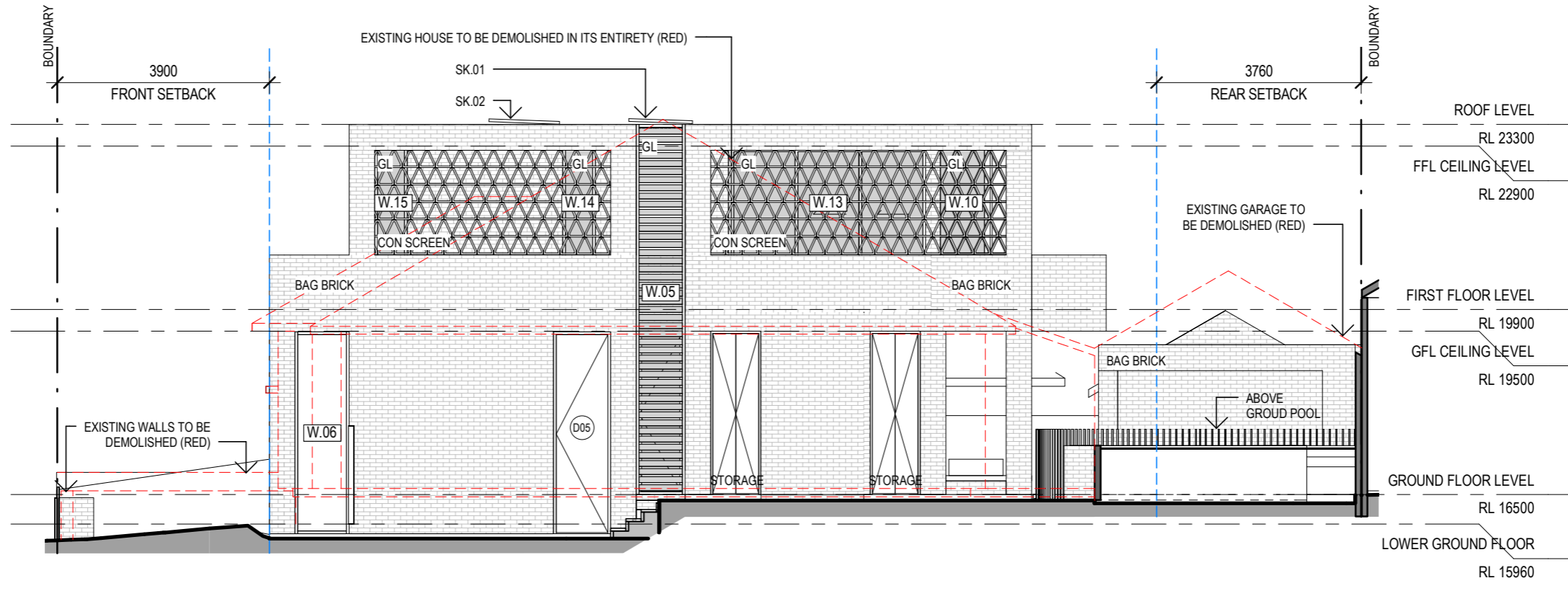
Project:
 46-48 GLASGOW AVE
 BONDI
 Project No. Stage Dwn No. Rev
 165 DA310 184

RECEIVED
Waverley Council
Application No: DA-171/2018
Date Received: 18/05/2018

LEGEND:
GL: Glass
TM: Timber
CON SCREEN: Concrete Screen
BAG BRICK: Painted White Bagged Brick



2 ELEVATION NORTH 1:100



1 ELEVATION EAST 1:100

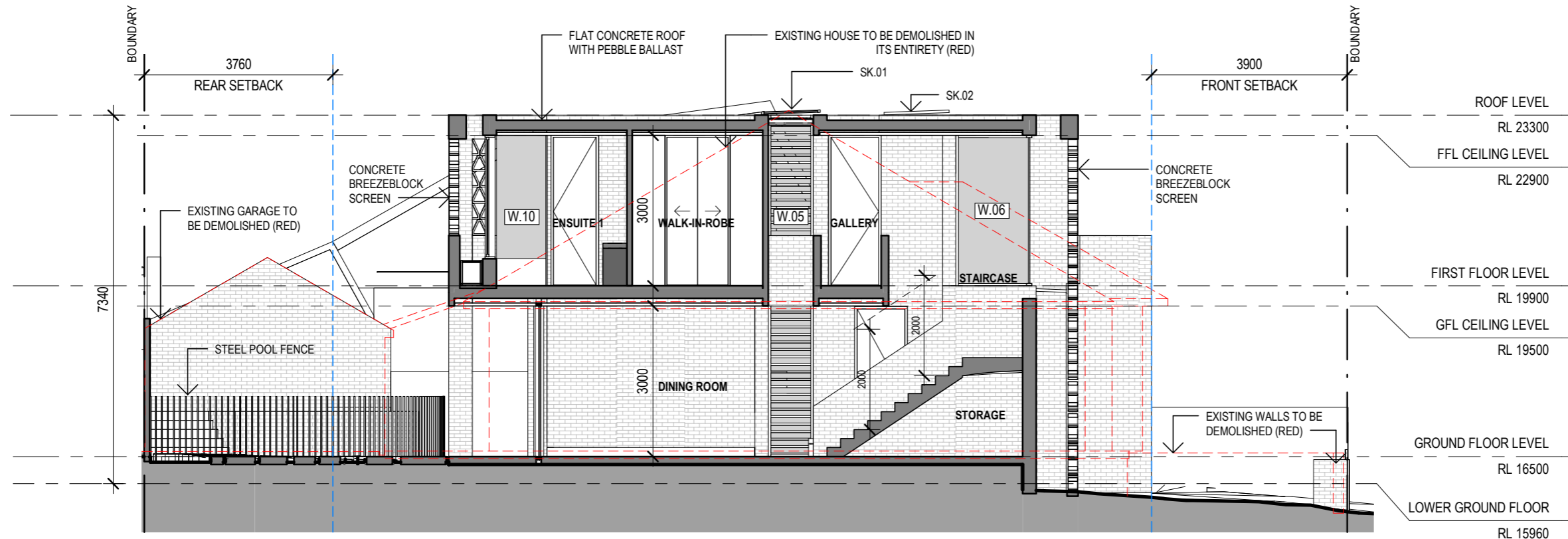
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DEVELOPMENT APPLICATION
ELEVATIONS - NORTH & EAST

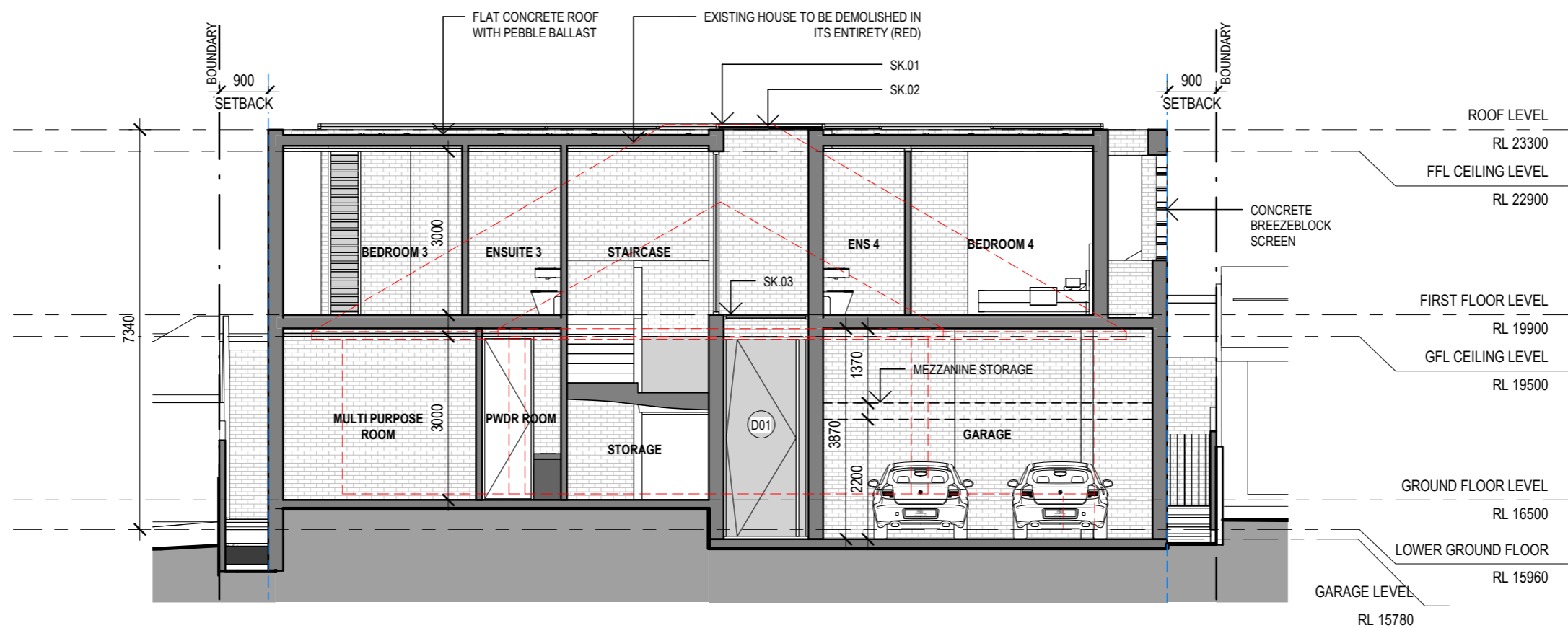
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Scale: As indicated
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Checked: BS
Date: 06.04.2018

Project: 46-48 GLASGOW AVE BOND
Project No. Stage Dwg No. Rev
165 DA3185



1 SECTION A

1 : 100



2 SECTION B

1 : 100



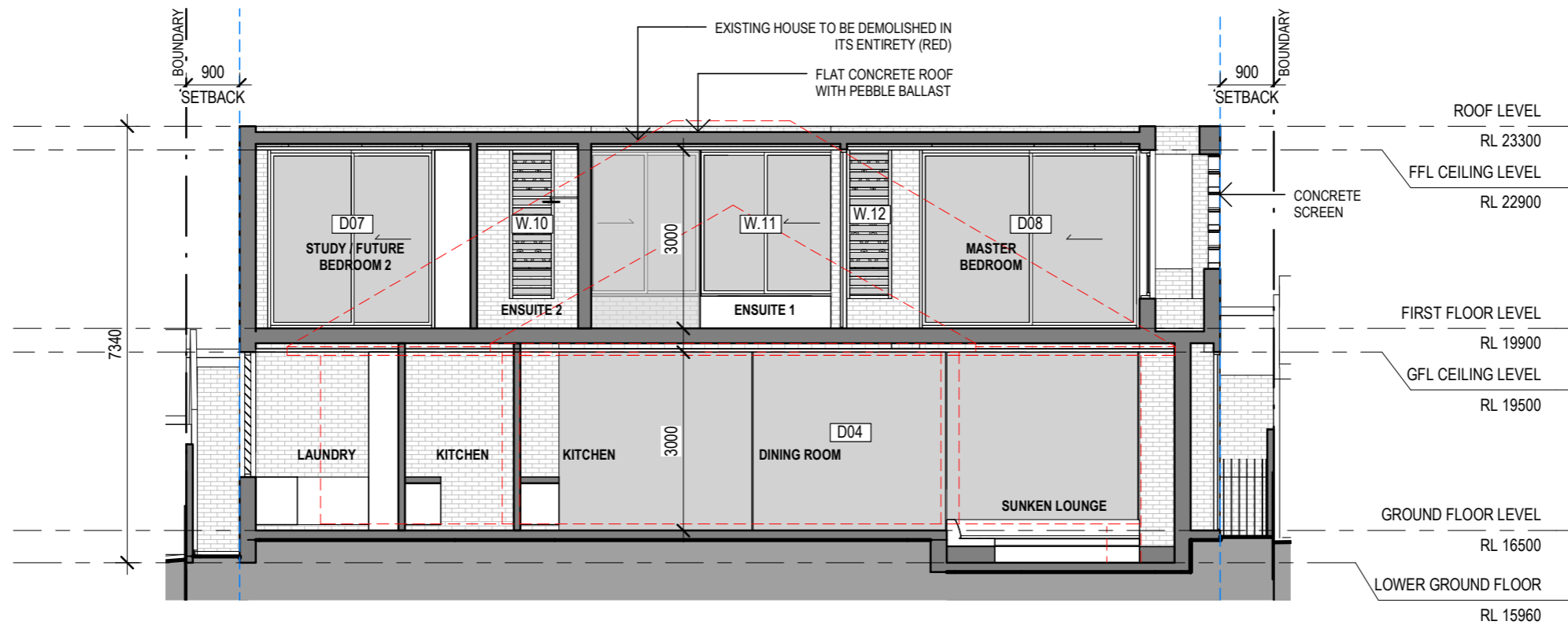
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DEVELOPMENT APPLICATION
SECTIONS - SHT 1

Drawing: SECTIONS - SHT 1
 Scale: 1 : 100 @A3
 Drawn: JM
 Checked: BS
 Date: 06.04.2018

Project: 46-48 GLASGOW AVE BOND
 Project No. Stage Dwg No. Rev
 165 DA310 186

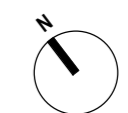


1 SECTION C
1 : 100

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DEVELOPMENT APPLICATION
SECTIONS - SHT 2

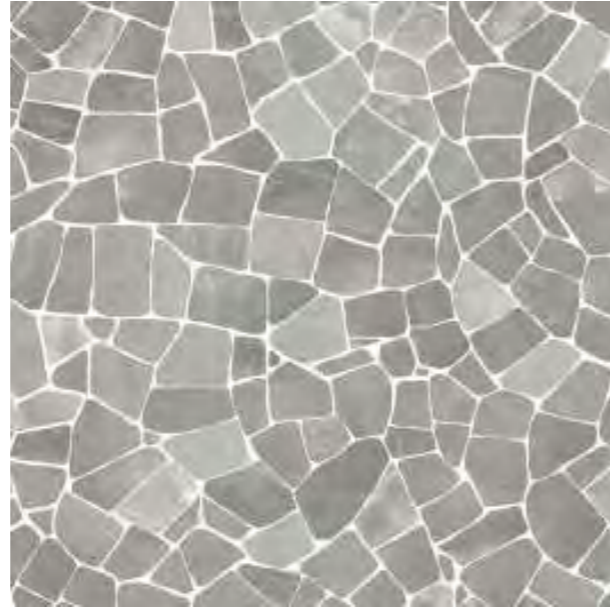
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 Scale: 1 : 100 @A3
 Drawn: JM
 Checked: BS
 Date: 06.04.2018



Project: 46-48 GLASGOW AVE BONDI
 Project No. Stage Dwg No. Rev
 165 DA3187



WHITE BAGGED BRICK:
ALL EXTERNAL WALLS



ENDICOTT CRAZY PAVE:
ALL FLOORS



LIGHT TIMBER:
GATES AND FRONT SLIDING SCREEN



LIGHT COLOURED PEBBLES:
ROOF COVERING

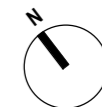
RECEIVED
Waverley Council
Application No: DA-171/2018
Date Received: 18/05/2018



CONCRETE SCREEN:
EXTERNAL WALLS (WHERE MENTIONED)



POWDER COAT WHITE ALUMINIUM:
WINDOW FRAMES





Report to the Waverley Local Planning Panel

Application number	DA-77/2018
Site address	Units 13,14,15,16,17 and 18 at 101 Ramsgate Avenue, North Bondi
Proposal	Alterations and additions to the existing residential flat building, including an attic addition.
Date of lodgement	19 March 2018
Owner	Sydney Property 14 Pty Ltd, A Edlinger, D McGregor, PFH(NSW) Pty Limited and P Oates
Applicant	Giles Tribe Architects
Submissions	Nil
Cost of works	\$400,000
Issues	LEP and DCP Compliance, previously approvals.
Recommendation	That the application be REFUSED .

Site Map



1. PREAMBLE

1.1 Site and Surrounding Locality

A site visit was carried out on 19 July 2018.

The site is identified as SP 16179 and known as 101 Ramsgate Avenue, North Bondi. The subject site is located on the western side of Ramsgate Avenue between Ramsgate Avenue East to the south and Biddigal Reserve to the north. The site is irregular in shape with an eastern front boundary measuring 20.73m, western rear boundary measuring 16.155m (with a north and south western splayed corner measuring 4.31m and 2.16m) and northern side boundary measuring 25.91 m and southern side boundary measuring 27.43 m. The site has an area of 594.5m² and the site falls from the street towards the rear by approximately 5.32m.

The site is occupied by a three (3) storey brick residential flat building with vehicular access around the site over a right of way to garages located on the rear of the site accessed from the south and to the north. The building originally contained one bedroom dwellings.

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



Figure 1: Subject site frontage



Figure 2: Site viewed from rear



Figure 3: Site viewed from Ramsgate Avenue

1.2 Relevant History

A search of Council records revealed the following development history of the site and building:

- BA- 350/1995 – Approved 29 June 1995 for alteration to unit 11.
- BA- 640/1997 – Approved 15 October 1997 to increase the size of a window to unit 13.
- DA- 474/2003 – Refused 4 December 2003 for alterations and additions including balconies, windows, doors and privacy screens.
- DA- 296/2004 - Approved 2 April 2005 for alterations and additions including balconies, front fence and window changes.
- DA- 122/2010 – Approved 20 April 2010 for a window to unit 14.
- PD-1/2014 – Completed 19 February, 2014 for alterations and additions to the 4 storey residential flat building.
- DA- 383/2014 – Approved 25 February 2015 for alterations and additions to the residential flat building including balconies, courtyards, conversion of attic space, internal modifications and façade upgrades.
- PD- 21/2015 – Completed 1 September 2015 for addition of studios above the garages and strata subdivision
- DA- 75/2016 – Approved 14 July 2016 for alterations and additions to the existing residential flat building including conversion of ceiling voids of existing garage to units 16 and 17 into studio apartments.
- DA- 353/2017 – Approved 18 December 2017 for addition of 4 balconies to the front apartments and change of windows to doors to access the new balconies.

1.3 Proposal

Development consent is sought to carry out alterations and additions to the existing residential flat building including the following works:

- Apartment 13 (currently 1 bedroom) - internal alterations and addition of attic containing 1 bedroom and north facing balcony.
- Apartment 14 (currently 1 bedroom) – addition of stair to attic containing 1 bedroom.
- Apartments 15 and 16 – have been consolidated and form a 2 bedroom dwelling – approval has been granted for attic containing a bedroom, bathroom and study (DA-383/2014). Proposal seeks to carry out internal alterations at level 2, and increase the width of the attic and balcony.
- Apartment 15 and 16 – deletion of approved balconies. Skylights are deleted.
- Apartment 17 – has a previously approved 1 bedroom attic addition, proposal is to increase the room width by 1m and the balcony by 500mm.
- Apartment 18 – (currently 1 bedroom) - addition of attic containing a bedroom, bathroom and balcony.

The new proposed roof is weathered zinc sheeting.

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

BASIX Certificates have been submitted with the development application.

The BASIX Certificates 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 SEPP 71 Coastal Protection

As the application was lodged prior to 3 April 2018, SEPP 71 applies. Clause 8 of the SEPP outlines the matters for consideration in assessing a development application within the coastal zone. The matters for consideration are tabulated below:

Table 1: SEPP 71 Compliance Table

Matters for consideration	Compliance
<i>(a) the aims of this Policy set out in clause 2,</i>	The proposal is consistent with the aims of the Policy.
<i>(b) existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,</i>	The proposal will not impact on public access to or from the foreshore.
<i>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i>	The proposal by its nature is unable to facilitate new public access to the foreshore.
<i>(d) the suitability of development given its type, location and design and its relationship with the surrounding area,</i>	Development in the area is a mixture of styles and scales.
<i>(e) any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and</i>	The proposal is setback behind the front (waterside) properties and will not have an adverse impact.

Matters for consideration	Compliance
<i>any significant loss of views from a public place to the coastal foreshore,</i>	
<i>(f) the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,</i>	The proposal will not impact the scenic quality of the coast.
<i>(g) measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,</i>	By its nature the proposal will not impact threatened species or plants or their habitats.
<i>(h) measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats</i>	The proposal will not impact fish habitat.
<i>(i) existing wildlife corridors and the impact of development on these corridors,</i>	The proposal will not impact wildlife corridors.
<i>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</i>	The proposal will not impact coastal processes or hazards.
<i>(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,</i>	The proposal is contained mainly within an approved roof form and therefore will not result in a conflict between land based and water based activities.
<i>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</i>	The proposal will not impact aboriginal heritage.
<i>(m) likely impacts of development on the water quality of coastal waterbodies,</i>	The proposal will not impact on water quality.
<i>(n) the conservation and preservation of items of heritage, archaeological or historic significance,</i>	The proposal will not impact heritage issues.
<i>(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,</i>	N/A
<i>(p) only in cases in which a development application in relation to proposed development is determined:</i> <i>(i) the cumulative impacts of the proposed development on the environment, and</i> <i>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</i>	The proposal will not have a cumulative impact in terms of assessment under the SEPP.

2.1.4 SEPP 65 Design Quality of Residential Flat Development

It has been determined that SEPP 65 does not apply to the proposal give the nature of the alterations.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 2: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is considered consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3- Medium Density Zone	Yes	The proposal is permitted with consent in the R3 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 12.5m 	No	<ul style="list-style-type: none"> The existing (prior to any recent approval for alterations and additions) has an overall building height of 15.6m. The proposal has an overall building height of 15.9m and exceeds the height development standard of 12.5m by 3.4m or 28.3%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.9:1 (535m²) Original 2.05:1 (1218m²) 	No	<ul style="list-style-type: none"> The existing building (prior to any recent approval for alterations and additions) has an overall floor space ratio (FSR) of 2.05:1. The proposal increases the overall floor space ratio of the building to 2.16:1 (an addition of 68.6m² of gross floor area). It exceeds the FSR development standard by 749.12m² in gross floor area or 140%.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height and floor space ratio development standards. A detailed discussion of the variation to the development standards is presented below this table.
Part 5 Miscellaneous provisions		
5.1 Relevant consent authority	Yes	Waverley Council is the consent authority.
5.5 Development within the Coastal Zone	Yes	Complies. See comments above under SEPP 71.

Provision	Compliance	Comment
Part 6 Additional local provisions		
6.1 Acid sulfate soils	Yes	The site is in a Class 5 Acid Sulfate zone. The alterations and additions to the building will not result in excavation on the site.

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

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 15.9m, which exceeds the height of buildings development standard of 12.5m prescribed under clause 4.3 of Waverley LEP 2012 by 3.4m or 28.3%. It should be noted that the height of the building is marginally less than what has already been approved as part of DA-383/2014, which has an overall building height of 16m.

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

- The dormer style roof addition will improve amenity for residents.
- The proposed dormer height is marginally lower than the roof line approved.
- The roof top dormer is set back from the side of the building and its width positioned where the hip roof forms.
- The addition is mainly contained within the approved roof envelope.
- Neighbour and public amenity maintained.
- Addition is minimal over approved development.

There has already been consent granted for an upper floor addition to the building which altered the roof envelope. The additions are for the main part set into the roof with inset balconies and dormers.

The existing building exceeds the height development standard of 12.5m and the approved additions (DA-383/2014) further increase the height.

The additions are not contained wholly within the approved roof envelope, and as such, are not supported as they are well beyond the LEP height standard, have the potential to affect views and will set an undesirable precedent on a site as the development exceeds the development standards of the LEP. It is not considered that the proposal and cumulative impact of other similar developments set by the precedent would be in the public interest.

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 2.16:1, which exceeds the floor space ratio development standard of 0.9:1 prescribed under clause 4.4 of Waverley LEP 2012 by 749.12m² in gross floor area or 140%.

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

- The area being converted for floor space is roof space by way of an attic conversion and is 68m².

- The additional floor space is mainly contained in the roof envelope, with the exemption of the sides where the roof form is lower.
- The building bulk and scale will remain in context with neighbouring buildings and is compatible in terms of terms of height, scale and bulk.
- The proposal being centrally located will not increase overshadowing.

There has already been consent granted for an upper floor addition to the building which added a new roof envelope. The additions are for the main part set into the roof with inset balconies and dormer extrusions.

The existing building exceeds the FSR development standard of 0.9:1, with the existing having a FSR of 2.05:1. The most recent approved additions (DA-383/2014 and DA-75/2016) further increased the floor space in the building. The site has been developed far in excess of the LEP development standards and further departure from the FSR development standard of 0.9:1 is considered an overdevelopment of the site and is therefore considered contrary to the public interest.

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

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

Table 3: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	Yes	A Site Waste Management Plan was approved for the previous DA (DA-353/2017) and the current proposal would be incorporated into that plan.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted for the development.
4. Coastal risk management	Yes	See SEPP 71 comments
7. Accessibility, adaptable dwellings & Universal Housing Design	Yes	BCA compliance would be conditioned if the application were recommended for approval.
8. Transport	No	Additional bedrooms generate the need for additional parking which cannot be met on site. See discussion below.

Table 4: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.1 Special character areas		
Ben Buckler	Yes	The site is located in the “Ben Buckler Special Character Area”. The proposal addresses the desired future character objectives and controls and maintains the rhythm of building frontages respecting existing building characteristics and encourages view sharing. The proposal maintains side boundary setbacks allowing

Development Control	Compliance	Comment
		glimpses between buildings. The proposal is not contrary to the controls listed for this character area.
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: Max FSR 0.9:1 	No	The FSR exceeds the maximum for the site. See clause 4.6 comments.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 12.5m Max Wall Height 9.5m 	No Existing	The proposal exceeds the maximum height. See clause 4.6 comments.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The additions are set substantially within the approved roof envelope and as such are consistent with the street setback.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 6m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	Yes N/A N/A	The attic additions are set back a minimum of 6m The rear setback of DA-383/2014 is maintained. The proposal is an attic addition.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m Maximum depth of single aspect unit: 8m 	N/A N/A N/A	No change. No change. No change.
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 6m btw non-habitable Minimum 9m btw non-habitable and habitable Minimum 12m btw habitable and habitable 	N/A	The existing building does not comply. The separation resulting from the attic conversion is greater than the existing building.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape 	No	<ul style="list-style-type: none"> Buildings in the area are being upgraded and new contemporary designs introduced, however the form and design of the proposal do not demonstrate architectural unity with the existing building.
<ul style="list-style-type: none"> Sympathetic external finishes 	Yes	<ul style="list-style-type: none"> Materials and Finishes are sympathetic to the area.

Development Control	Compliance	Comment
2.9 Attic and roof design		
<ul style="list-style-type: none"> • Minimum room width: 3m 	Yes	A number of rooms are provided. Each dwelling has a room which exceeds 3m in width. Other secondary rooms are less, but are not necessary to be 3m in width.
<ul style="list-style-type: none"> • Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m 	Yes	A 2.4m ceiling height achieved for the majority of the level.
<ul style="list-style-type: none"> • Dormer windows set down 300mm from the main ridge and less than 50% of roof elevation 	No	Dormers are less than 50% of the roof elevations and set down 100mm in lieu of 300mm.
<ul style="list-style-type: none"> • Must be connected to unit below 	Yes	Attics are directly connected to dwellings below.
2.16 Solar access and overshadowing		
<ul style="list-style-type: none"> • Minimum of three hours of sunlight to a minimum of 70% of units during winter solstice 	Yes	The proposal will not increase overshadowing to adjoining sites, given its location mainly within the approved roof form.
<ul style="list-style-type: none"> • Adjoining properties to retain minimum of three hours of sunlight during winter solstice 		
2.17 Views and view sharing		
<ul style="list-style-type: none"> • Minimise view loss 	Yes	Views are obscured by buildings to the west. The extrusions may however impact views from properties further to the east.
2.18 Visual privacy and security		
<ul style="list-style-type: none"> • Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	Yes	The proposal will not result in an undue loss of privacy of adjoining sites, given the congested nature of this section of Ben Buckler.
<ul style="list-style-type: none"> • Minimise overlooking of adjoining properties 		

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

Parking

The site is located in Parking Zone 2 as identified in Waverley DCP 2012. In the current proposal there is an increase of three of the 1 bedroom dwellings to 2 bedroom. This would generate the need for 1.5 or 2 whole additional spaces, which cannot be provided.

The additional bedrooms would generate the need for additional parking on the site, above that provided. Additional parking cannot be physically provided on site. Council has previously acknowledged this fact and accepted the situation. The failure to achieve the parking required however reflects the extent of development on the site.

Dormer Design

The DCP requires the dormers to be set down 300mm from the building ridgeline. In this case, to do so would reduce internal (approved) ceiling heights. The design of the attic level is not in the form of traditional dormers, rather they are located 100mm from the ridge and provide an additional level on the building, rather than attics with skylights.

2.2 Other Impacts of the Development

The proposed development is capable of complying with the BCA.

2.3 Suitability of the Site for the Development

The site is considered to be suitable for the proposed development, however the extent of the development is an area of concern.

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*.

No submissions were received.

2.5 Public Interest

It is considered that the proposal will not be in the public interest given the significant deviations from the LEP development standards.

3. REFERRALS

No internal or external referral comments were sought.

4. SUMMARY

The proposal seeks to carry out alterations and additions to the existing residential flat building, which is currently undergoing renovations and alterations and additions previously approved. This application seeks to modify some of the approved building works as well as add on mainly in the roof area by enlarging the dwellings below and providing additional accommodation.

The application was notified and no objections were received. No Councillor submissions were received. The application is referred to the Waverley Local Planning Panel for determination as the application departs more than 10% from the height and FSR development standards of Waverley LEP 2012.

The proposal significantly exceeds the development standards for the site and as such the proposal is considered an overdevelopment of the site. It is therefore recommended for refusal.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Peter Thomas
Senior Development Assessment Planner

Ben Magistrale
**Acting Manager, Development Assessment
(North/South)**

Date: 2 October 2018

Date: 11 October 2018

Reason for referral:

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

APPENDIX A – REASONS FOR REFUSAL

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

1. The proposal does not satisfy section 4.15(a)(i) of the Act as the proposed development is contrary to the Waverley Local Environmental Plan 2012 (Waverley LEP 2012), in respect to the following provisions:

- Clause 4.3 Height of buildings
- Clause 4.4 Floor space ratio
- Clause 4.6 Exception to development standards.

The proposal's deviation from the height of buildings and floor space ratio development standards is considered to be an overdevelopment of the site. The deviation does not satisfy the objectives of these development standards in order for the proposal to be consistent with the desired future character of the Waverley local government area. Therefore, there are insufficient planning grounds to justify contravening the development standards.

2. The proposal does not satisfy section 4.15(a)(iii) of the Act as the proposed development is contrary to the Waverley Development Control Plan 2012 (Waverley DCP 2012), in respect to the following provisions:

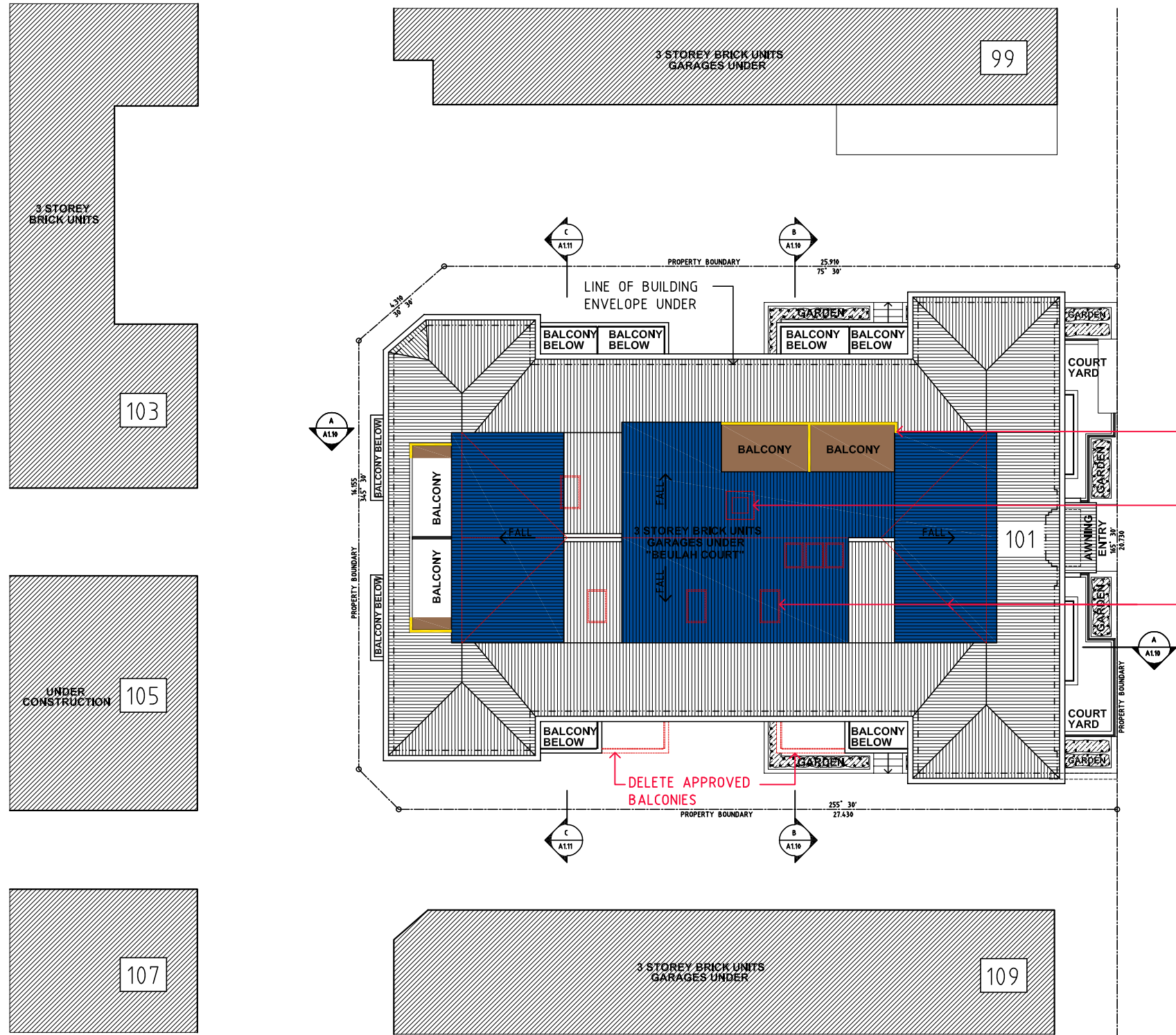
(a) Part B8 Transport. The proposal increases density on site and therefore generates the need for additional off-street car parking, which cannot be provided.

(b) Part C2 Multi Unit and Multi Dwelling Housing, with respect to the following matters:

- (i) The form and design of the proposal do not demonstrate architectural unity with the existing building. The proposal therefore does not comply with control (b) under section 2.8.
- (ii) The dormer windows of the proposal occupy more than 50% of the area of the roof elevation and do not set down by a minimum of 300mm below the main ridge line of the roof of the building, and therefore does not comply with controls (d) and (e) under section 2.9. These non-compliance will result in adverse streetscape impacts.

3. The proposal does not satisfy section 4.15(b) of the Act as it will set an undesirable precedent which will be contrary to the amenity of the locality and cause undue impacts on the natural and built environments of the locality.

4. The proposal does not satisfy section 4.15(e) of the Act as it is considered contrary to the public interest as the proposal significantly exceeds the relevant development standards and planning controls applying under Waverley LEP 2012 and Waverley DCP 2012, which will consequently undermine the intent of these standards and controls in achieving the desired future character of the Waverley local government area.

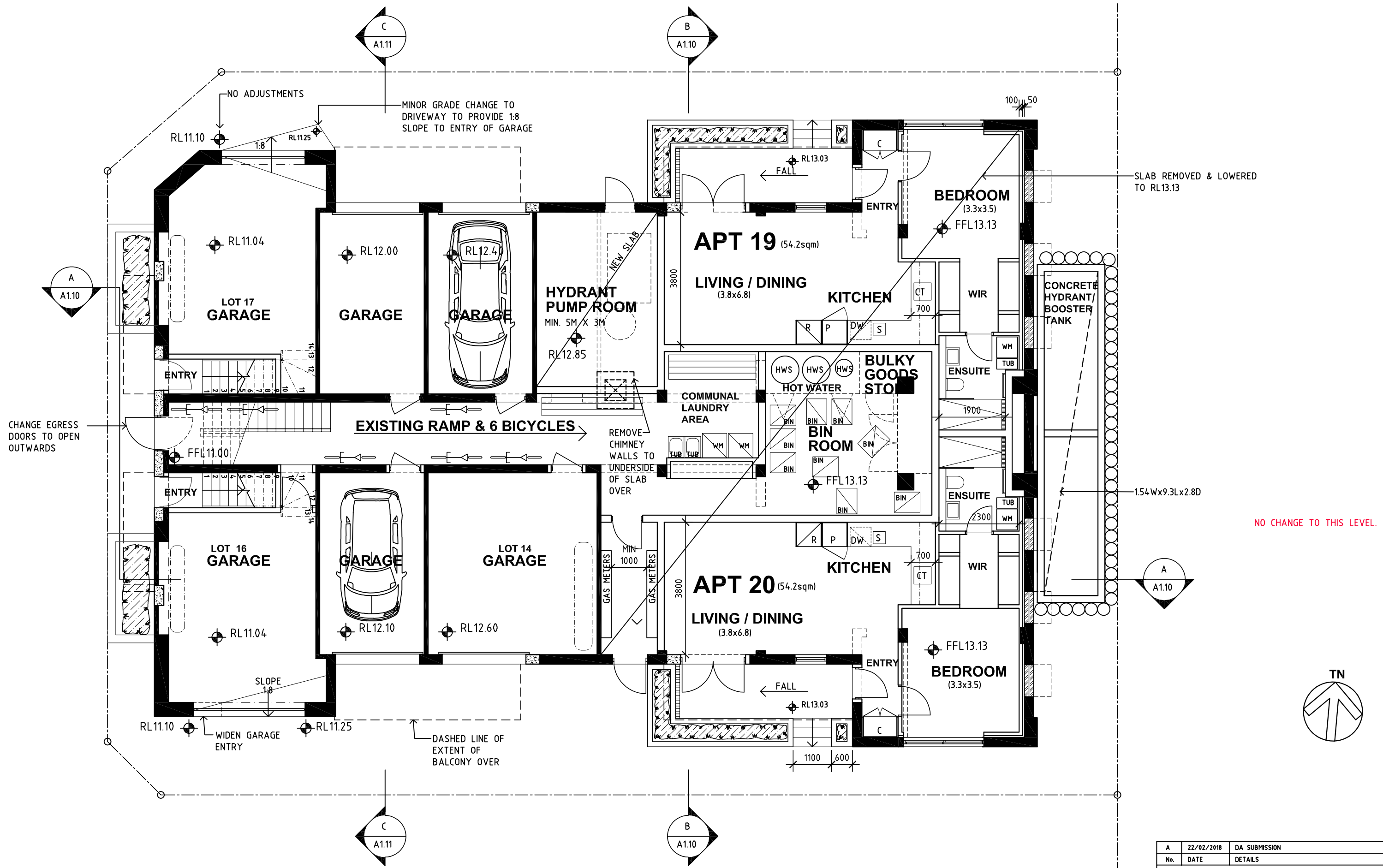


RAMSGATE AVENUE

- PROPOSED BALCONIES INSET INTO ROOF LINE
- EXISTING CHIMNEY TO BE REMOVED
- MODIFY EXISTING ROOF AND DELETE APPROVED SKYLIGHTS TO ALLOW FOR DORMER STYLE ROOF ADDITION



No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		



A	22/02/2018	DA SUBMISSION
No.	DATE	DETAILS
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
 Giles Tribe Pty Ltd ABN 50 001 259 507
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]
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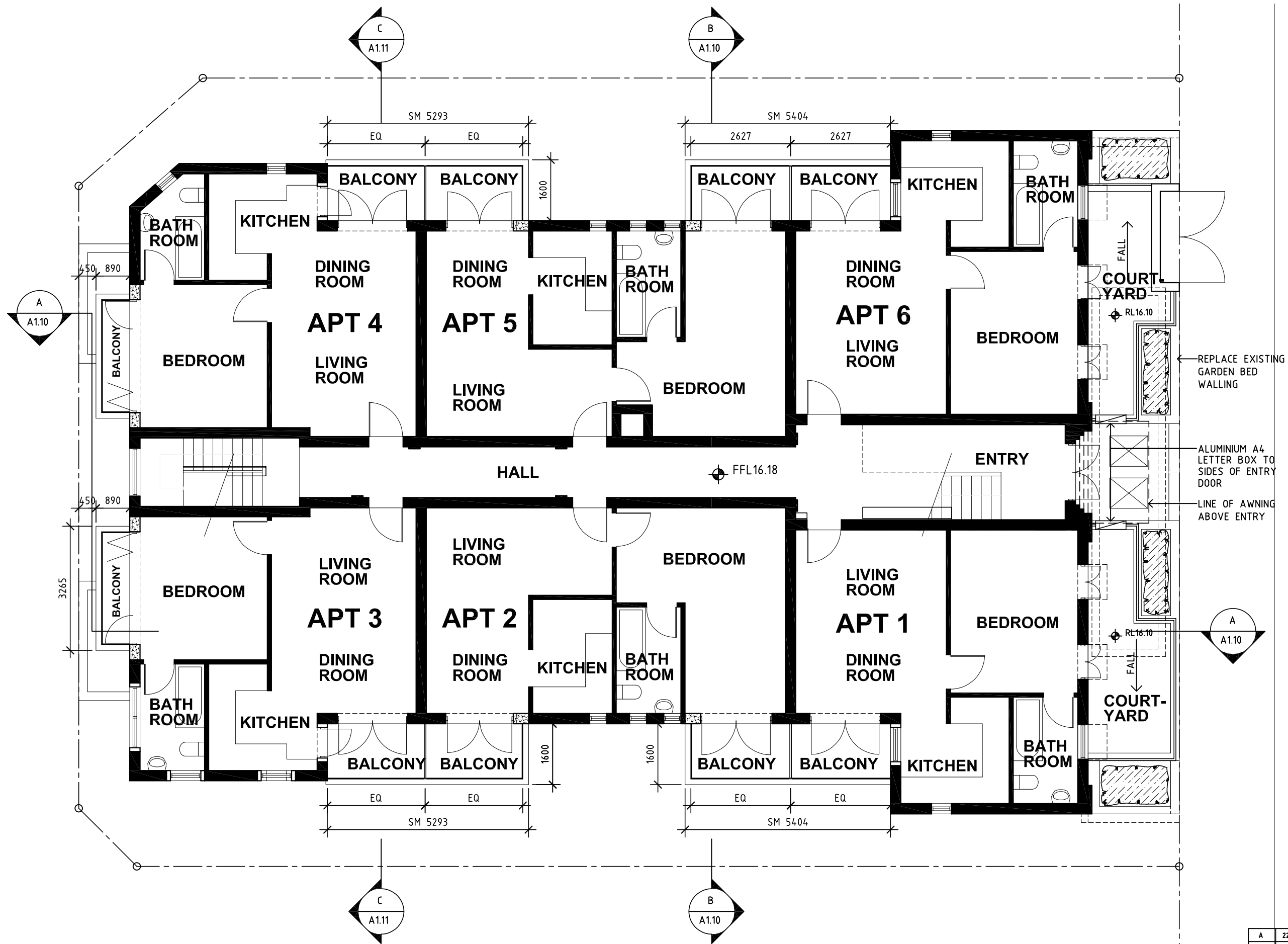
GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
 Date: 02/06/2017
 Drawn: JH
 Job Ref:
17009

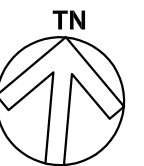
LOWER FLOOR PLAN

Drawing No:
2024



RAMSGATE AVENUE

NO CHANGE TO THIS LEVEL.



A	22/02/2018	DA SUBMISSION
No.	DATE	DETAILS
AMENDMENTS		

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Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

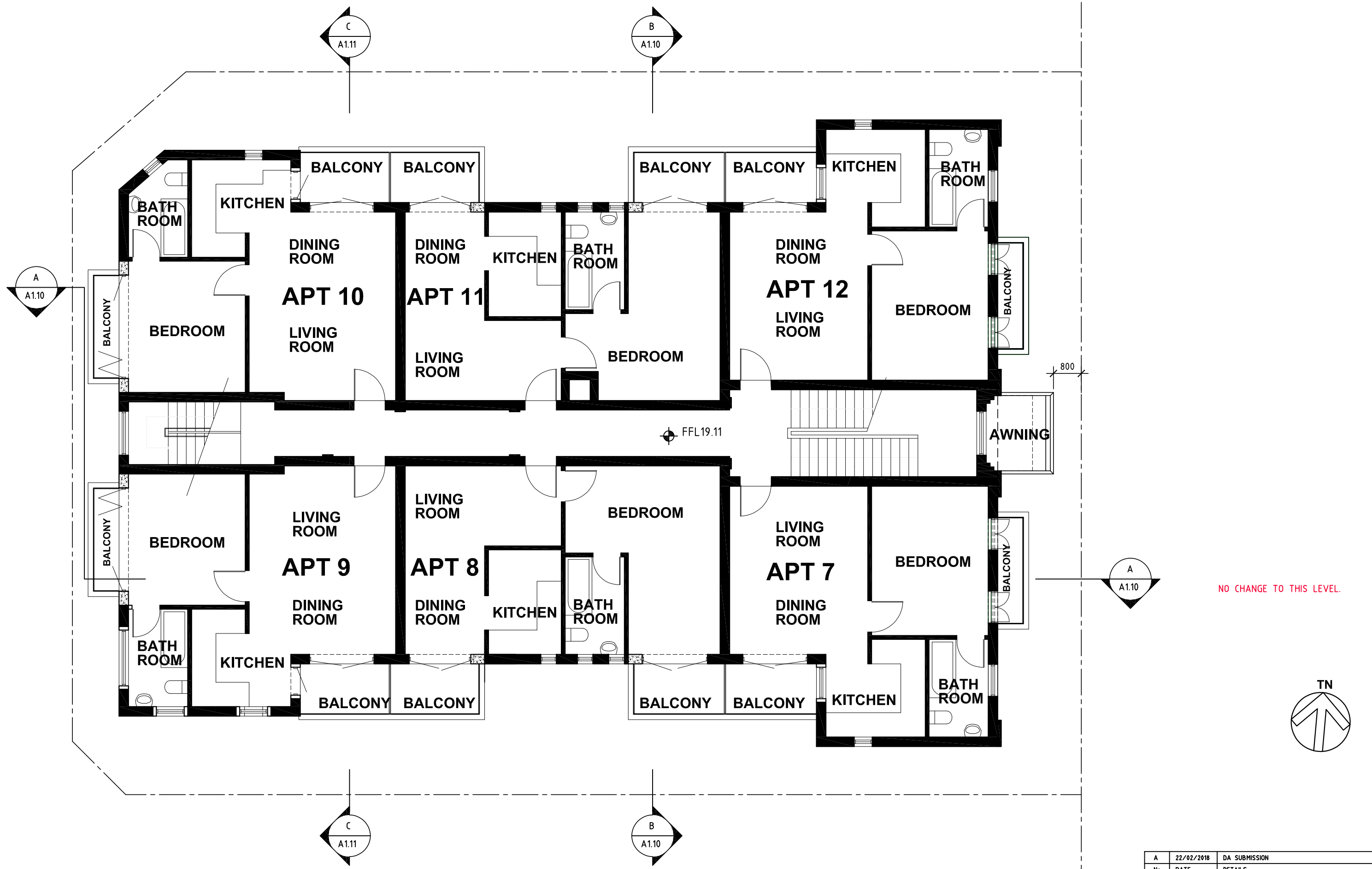
Scale: 1:100 @ A3
 Date: 02/06/2017
 Drawn: JH
 Job Ref:
17009

GROUND FLOOR PLAN

Drawing:

Drawing No:

A3 05A
205



No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
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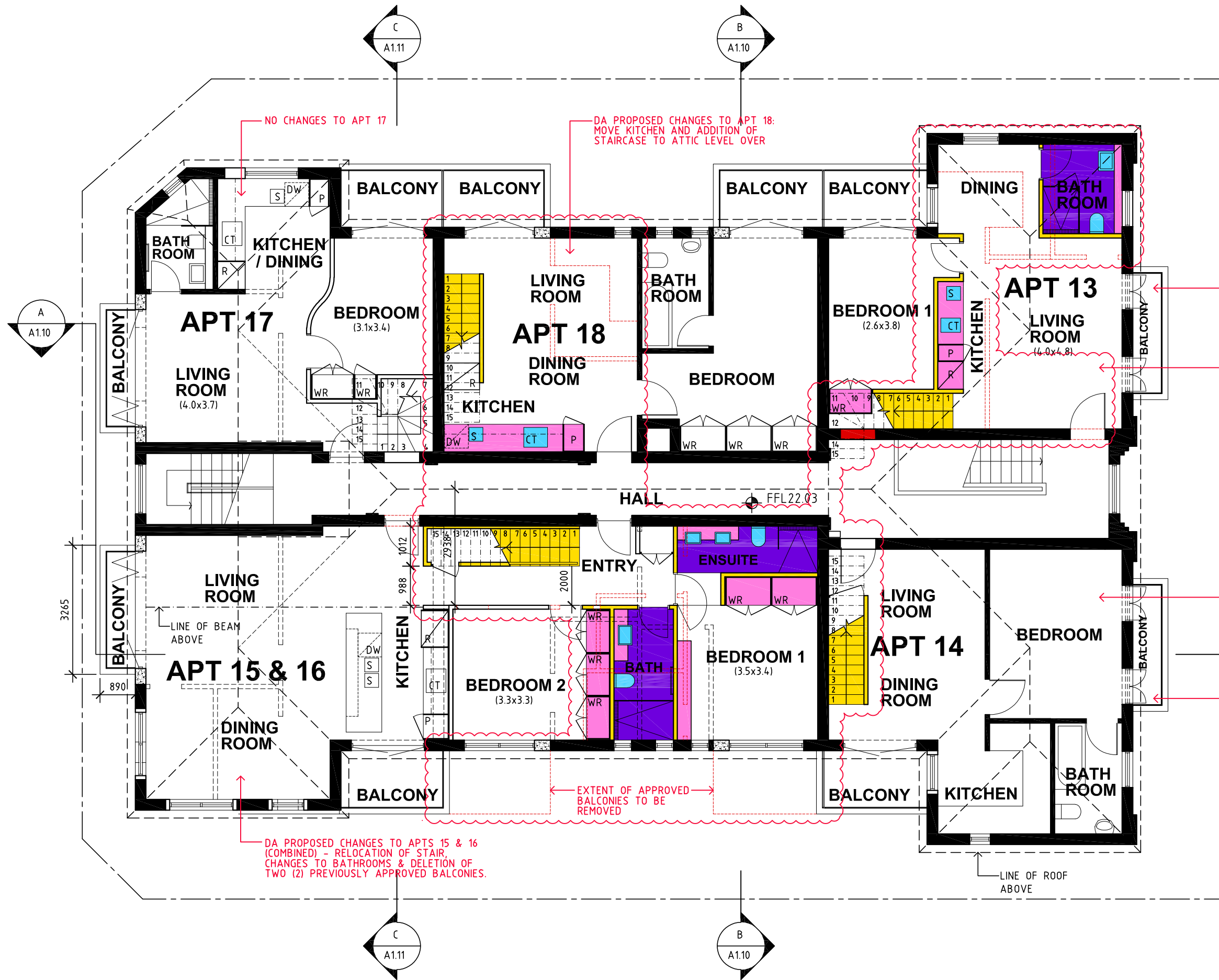
GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project: **ALTERATIONS AND ADDITIONS**
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
 Date: 02/06/2017
 Drawn: JH
 Job Ref: **17041**

FIRST FLOOR PLAN

Drawing No: **A3-06A**
206



NOTE:
 ONLY EXTERNAL CHANGE IS APTS 15 & 16 DELETION OF BALCONIES. THE WINDOWS OF BED 1 & 2 WILL REMAIN (REPLACED WITH COMMERCIAL-GRADE ALUMINIUM WINDOWS AS ALL WINDOWS ARE BEING REPLACED).

COLOURS USED ARE AS PER WAVERLEY COUNCIL'S "COLOUR CODE FOR PLANS" DOCUMENT.
 MATERIALS NOT IDENTIFIED IN COUNCIL'S DOCUMENT ARE:
 JOINERY = PINK
 SANITARY FITTINGS = FRENCH ULTRAMARINE (AS1100.301 - 1985)

BALCONY AND DOORS APPROVED BY DA 353/2017 - NO CHANGE

DA PROPOSED INTERNAL CHANGES TO APT 13: RELOCATION OF ENTRY DOOR, CHANGES TO BATHROOM, MOVE KITCHEN AND ADDITION OF STAIRCASE TO ATTIC LEVEL OVER.

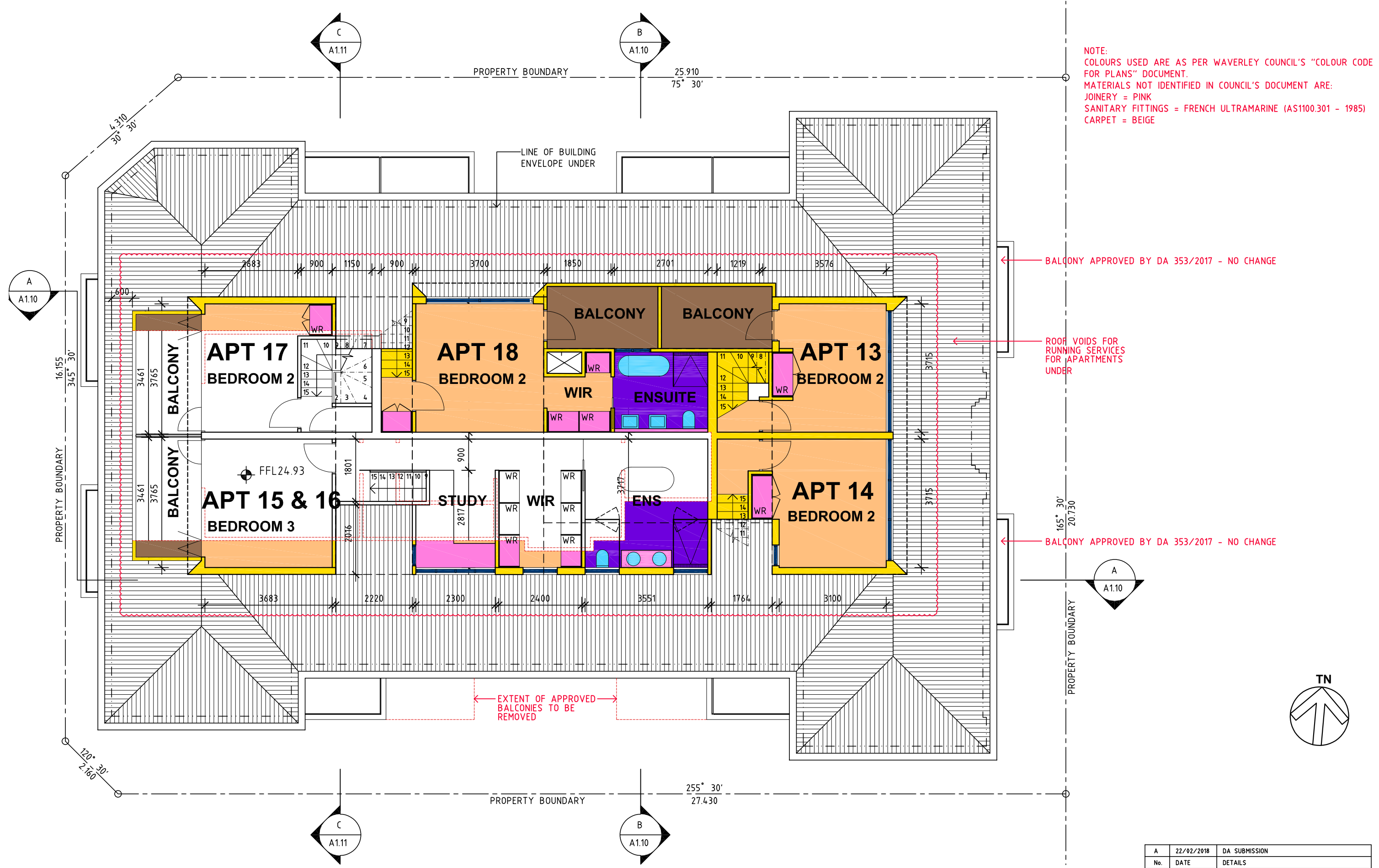
DA PROPOSED INTERNAL CHANGES TO APT 14: ADDITION OF STAIRCASE ONLY

BALCONY AND DOORS APPROVED BY DA 353/2017 - NO CHANGE

DA PROPOSED CHANGES TO APTS 15 & 16 (COMBINED) - RELOCATION OF STAIR, CHANGES TO BATHROOMS & DELETION OF TWO (2) PREVIOUSLY APPROVED BALCONIES.

EXTENT OF APPROVED BALCONIES TO BE REMOVED

No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		



No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000
 PO Box Q291 Queen Victoria Building 1230
 Giles Tribe Pty Ltd
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]
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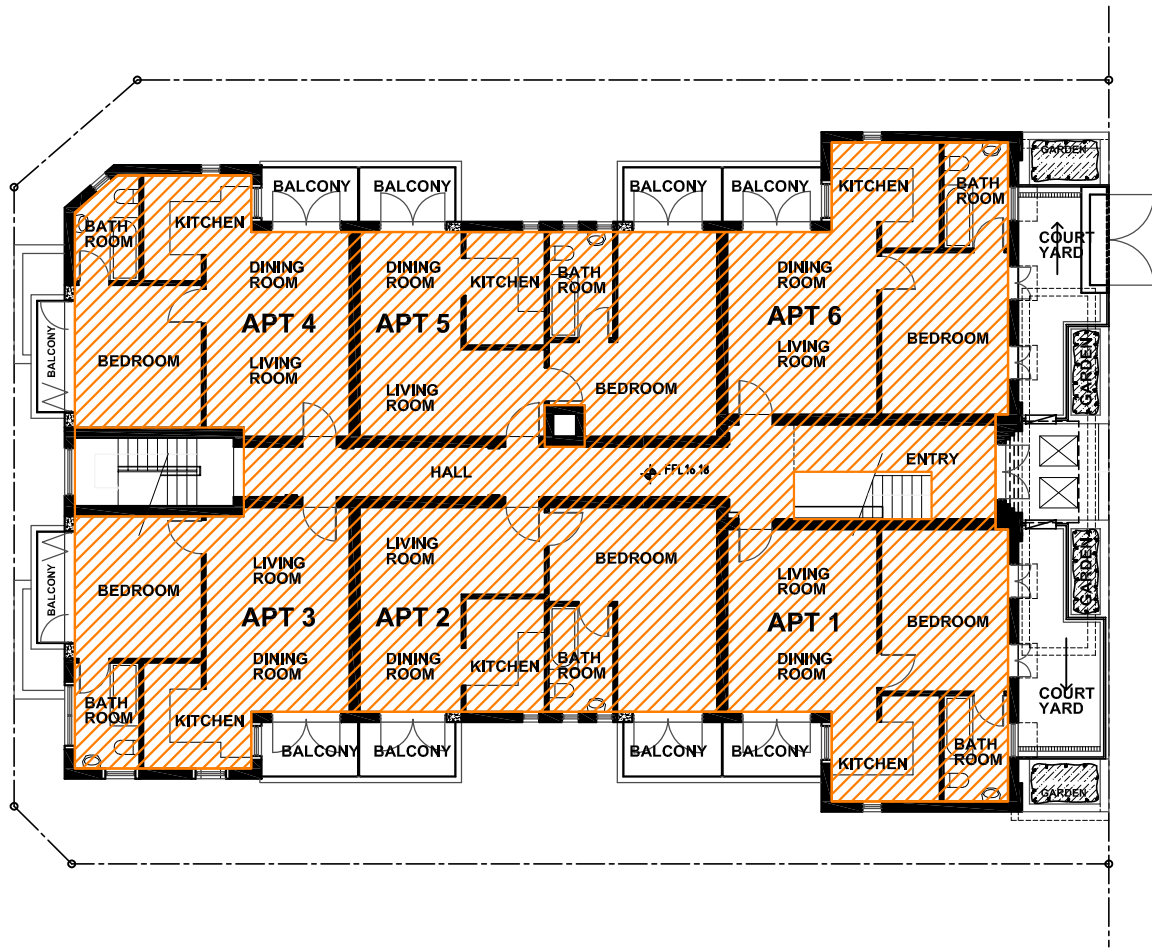
GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
 Date: 09/01/2017
 Drawn: AY
 Job Ref:
17009

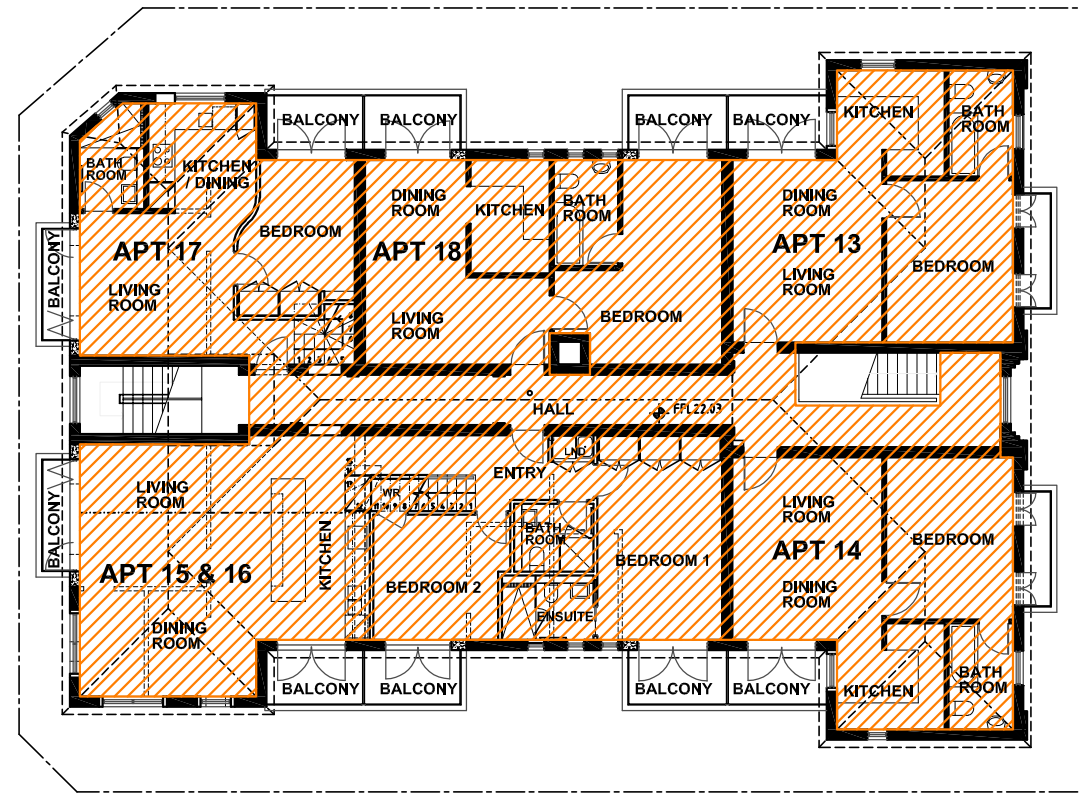
ATTIC FLOOR PLAN

Drawing No:
A3 08A
208

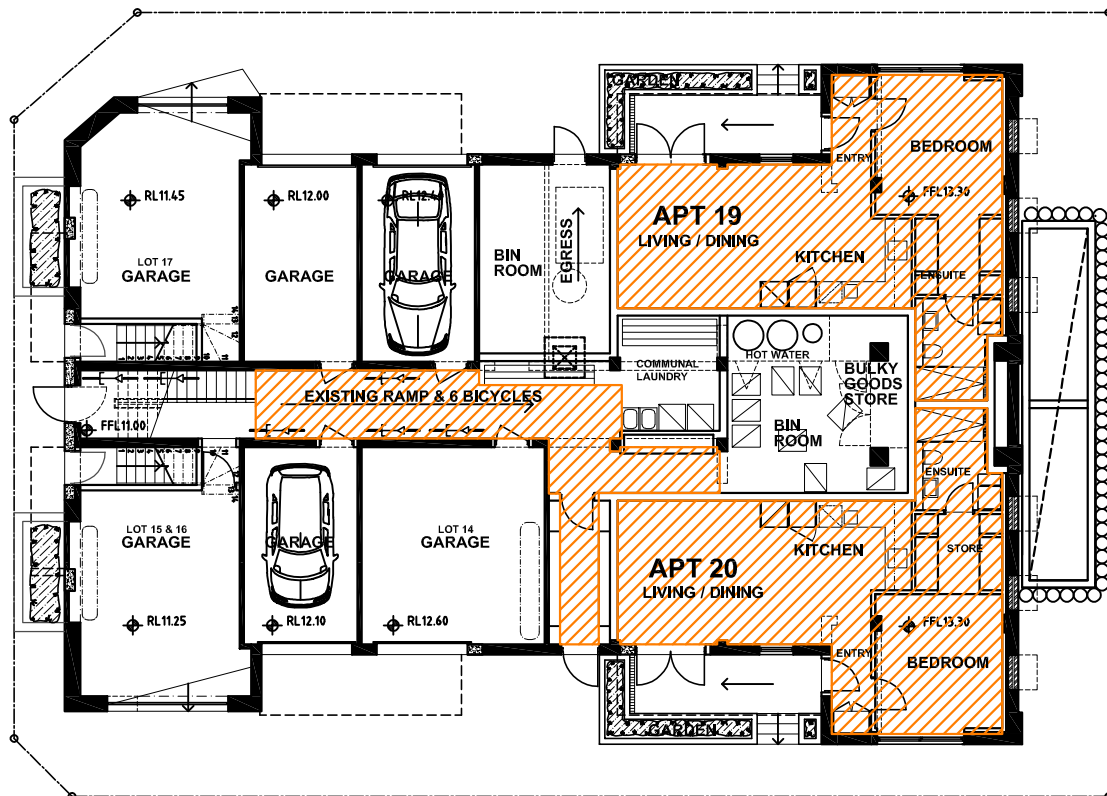


GROUND FLOOR PLAN
GFA= 331.5sqm

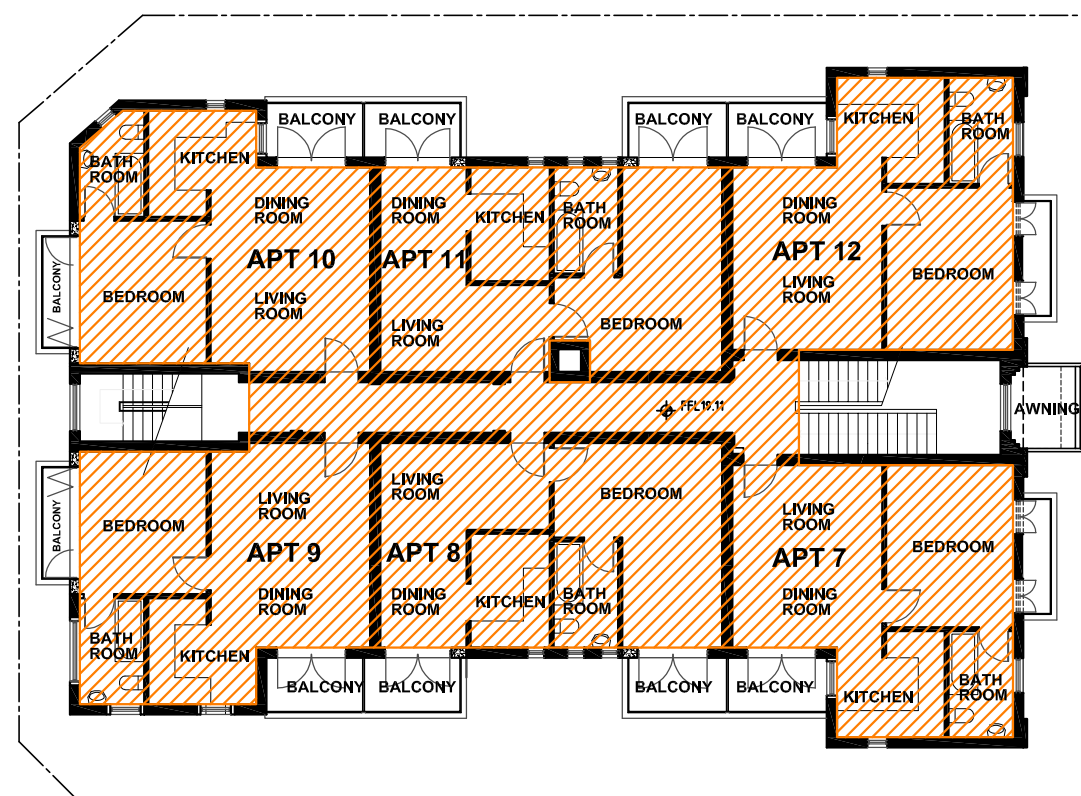
RAMSGATE AVENUE



SECOND FLOOR PLAN
GFA= 329.2sqm



LOWER FLOOR PLAN
GFA= 125.1sqm



FIRST FLOOR PLAN
GFA= 319.8sqm

LEGEND

- EXISTING WALLS RETAINED
- EXISTING WALLS REMOVED
- NEW WALLS OR INFILL
- AREA INCLUDED IN GFA CALCULATION



No	Date	Details
A	22/02/2018	DA SUBMISSION

GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

Level B 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box 0291 Queen Victoria Building 1230 E gtr@giles.com.au
 Giles Tribe Pty Ltd ABN 68 001 299 801
 Northcott Architects Mark G Broadley BSE28 Stuart D Hill BA591 Michael Avera BSO4

Project: **ALTERATIONS AND ADDITIONS**
101 RAMSGATE AVENUE

BONDI

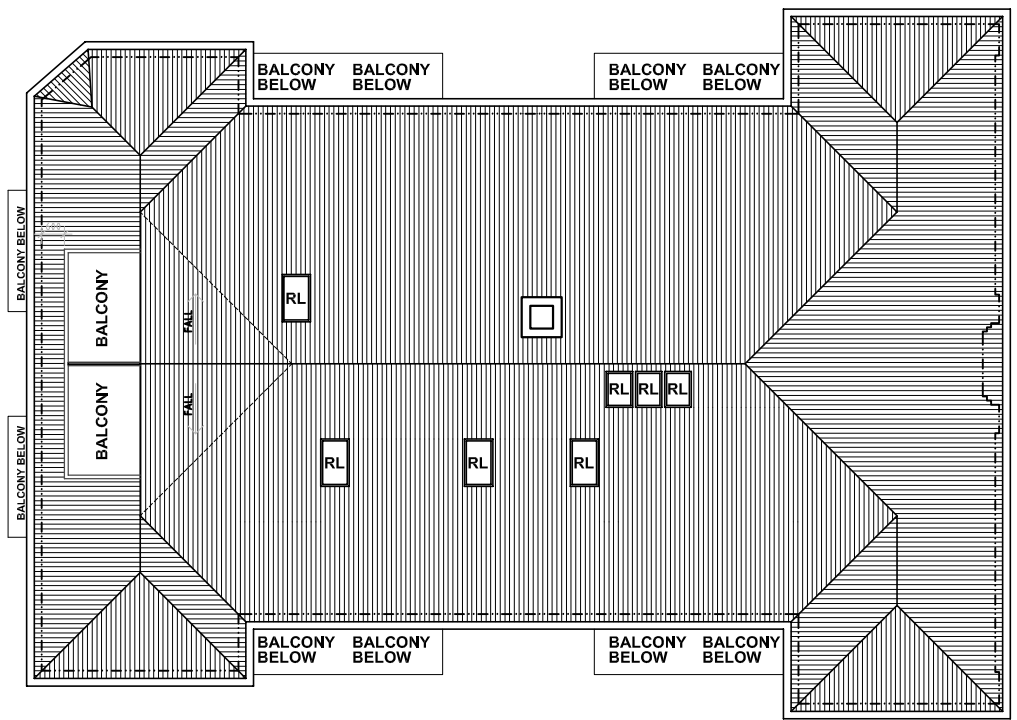
Drawing: **APPROVED GFA - SHEET 1**

Scale: 1/15 Job No. Drawing No.
 Date: 02/05/2017 17009209p1
 Drawn: JH

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LEGEND

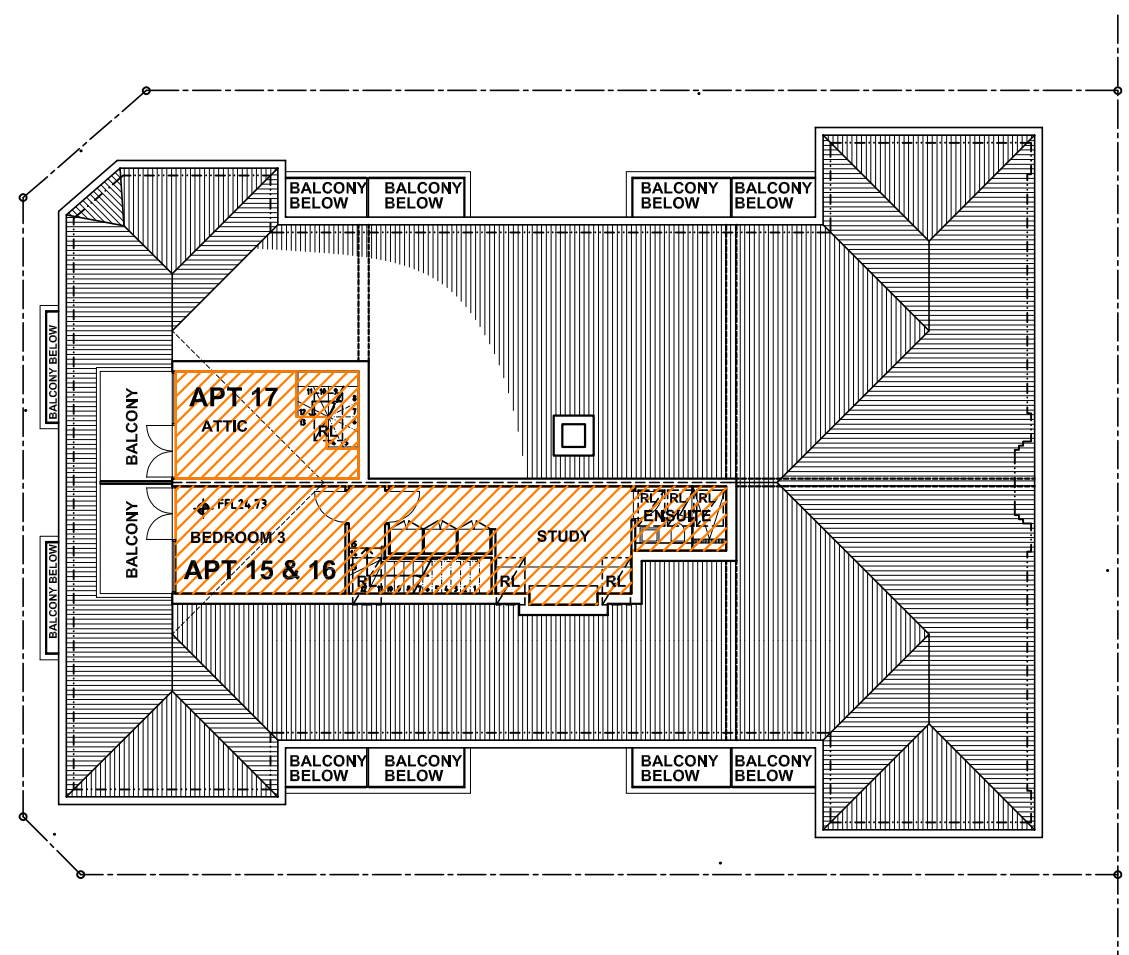
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- EXISTING WALLS REMOVED
- NEW WALLS OR INFILL
- AREA INCLUDED IN GFA CALCULATION



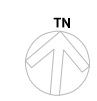
STUDIO - APT 21 (APPROVED BY DA75/2016)
PLAN NOT SHOWN
GFA= 28.7sqm

STUDIO - APT 22 (APPROVED BY DA75/2016)
PLAN NOT SHOWN
GFA= 29.2sqm

ROOF PLAN



ATTIC FLOOR PLAN
GFA= 45.9sqm



No	Date	Details
A	22/02/2018	DA SUBMISSION

Amendments

GILES TRIBE ARCHITECTS
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Level B 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box 02911 Queen Victoria Building 1230 E gtr@gilestribe.com.au
 Giles Tribe Pty Ltd ABN 68 001 299 801
 Non-related Architects Mark G Broadley F98238 Stuart D Hill 64591 Michael Aaron Vega B5054

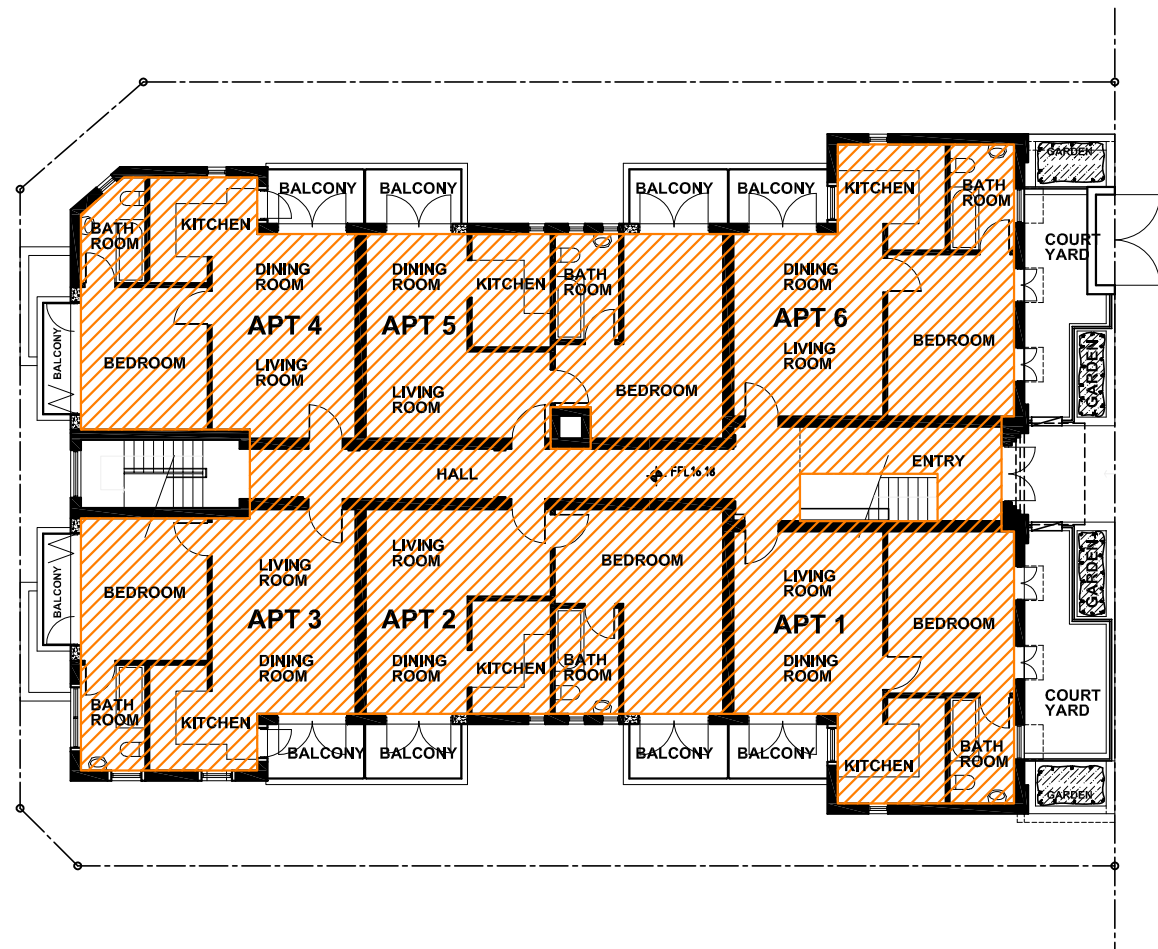
Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

BONDI

Drawing:
APPROVED GFA - SHEET 2

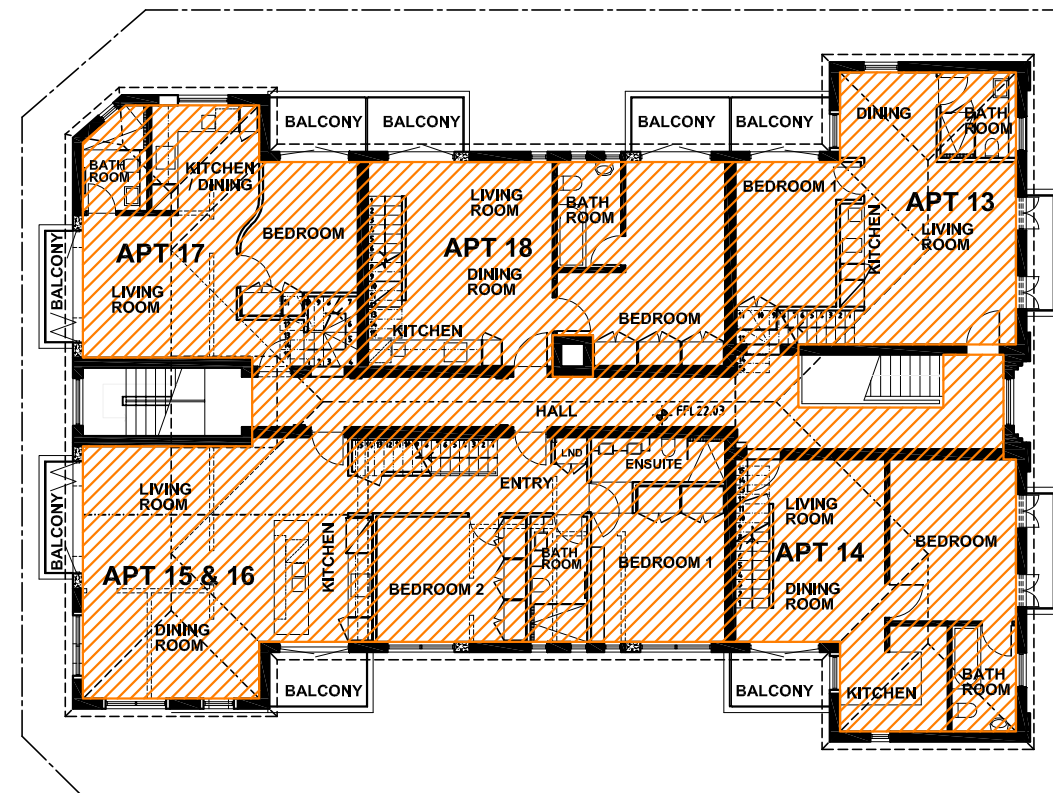
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 Date: 02/05/2017 **17009210P2**
 Drawn: JH

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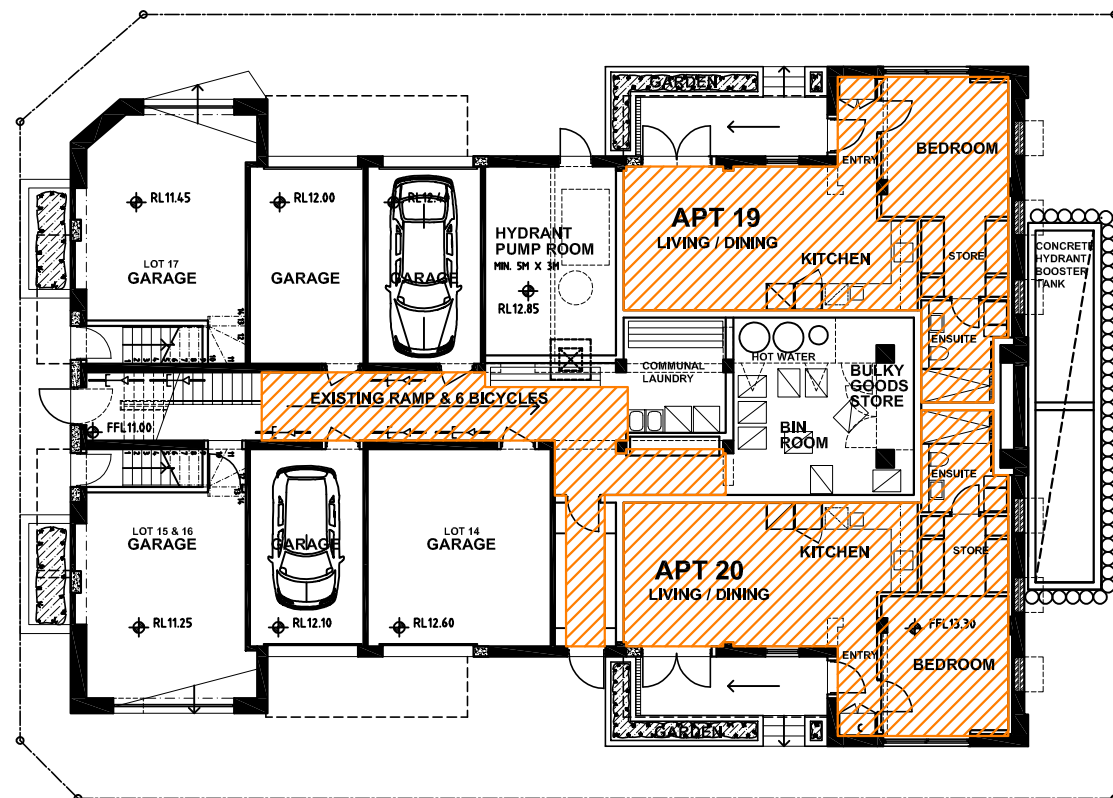


GROUND FLOOR PLAN
GFA= 331.5sqm (NO CHANGE)

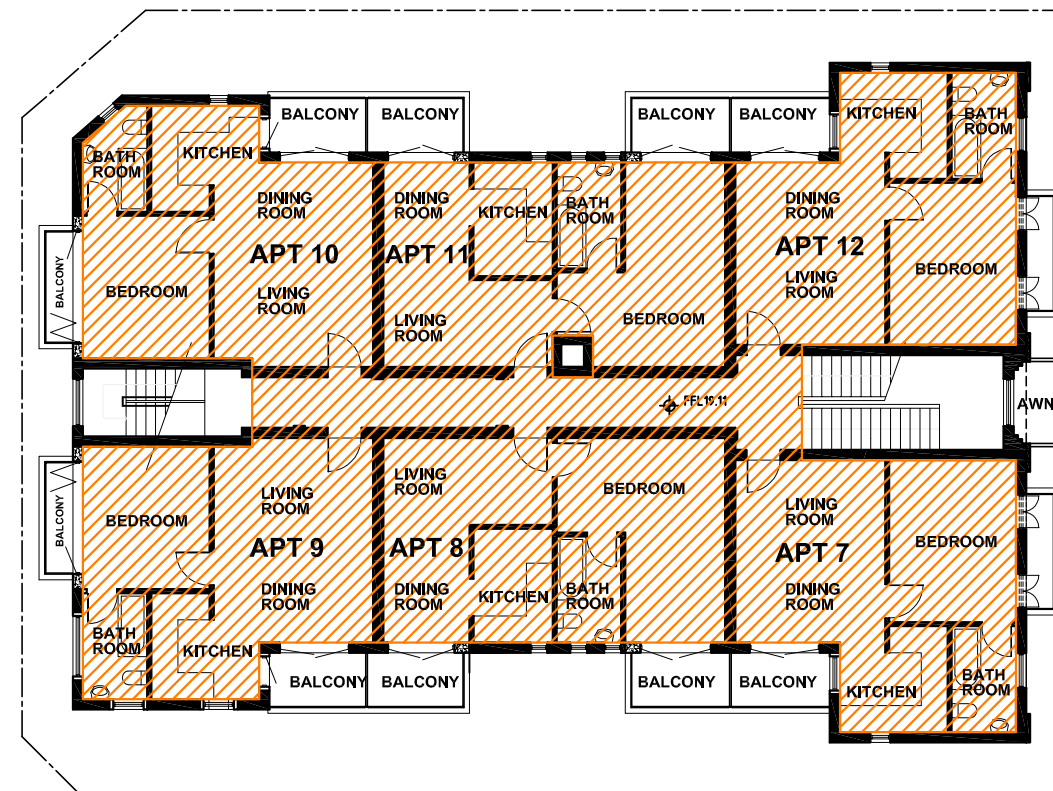
RAMSGATE AVENUE



SECOND FLOOR PLAN
GFA= 329.2sqm (NO CHANGE)



LOWER FLOOR PLAN
GFA= 134.2sqm (APPROVED BY DA383/2014/A - NO CHANGE)



FIRST FLOOR PLAN
GFA= 319.8sqm (NO CHANGE)

LEGEND

- EXISTING WALLS RETAINED
- EXISTING WALLS REMOVED
- NEW WALLS OR INFILL
- AREA INCLUDED IN GFA CALCULATION



No	Date	Details
A	22/02/2018	DA SUBMISSION

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Level B 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gtr@giles.com.au
 Giles Tribe Pty Ltd ABN 68 001 298 801
 Mark G Broadley (SE23) Stuart D Hill (BA19) Michael Avera (BA24)

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

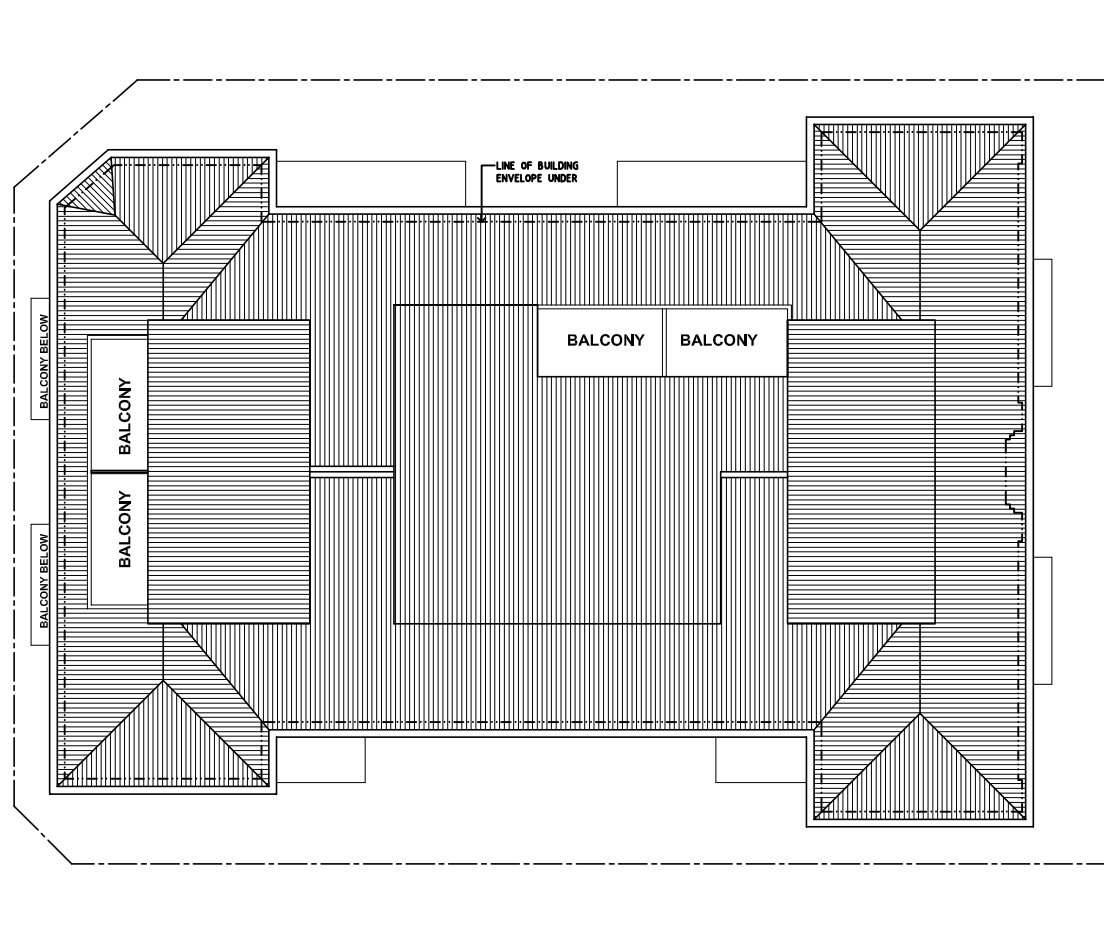
BONDI

Drawing:
PROPOSED GFA - SHEET 1

Scale: 1/15 Job No. Drawing No.
 Date: 17/10/2017 **17009211D3**
 Drawn: JH

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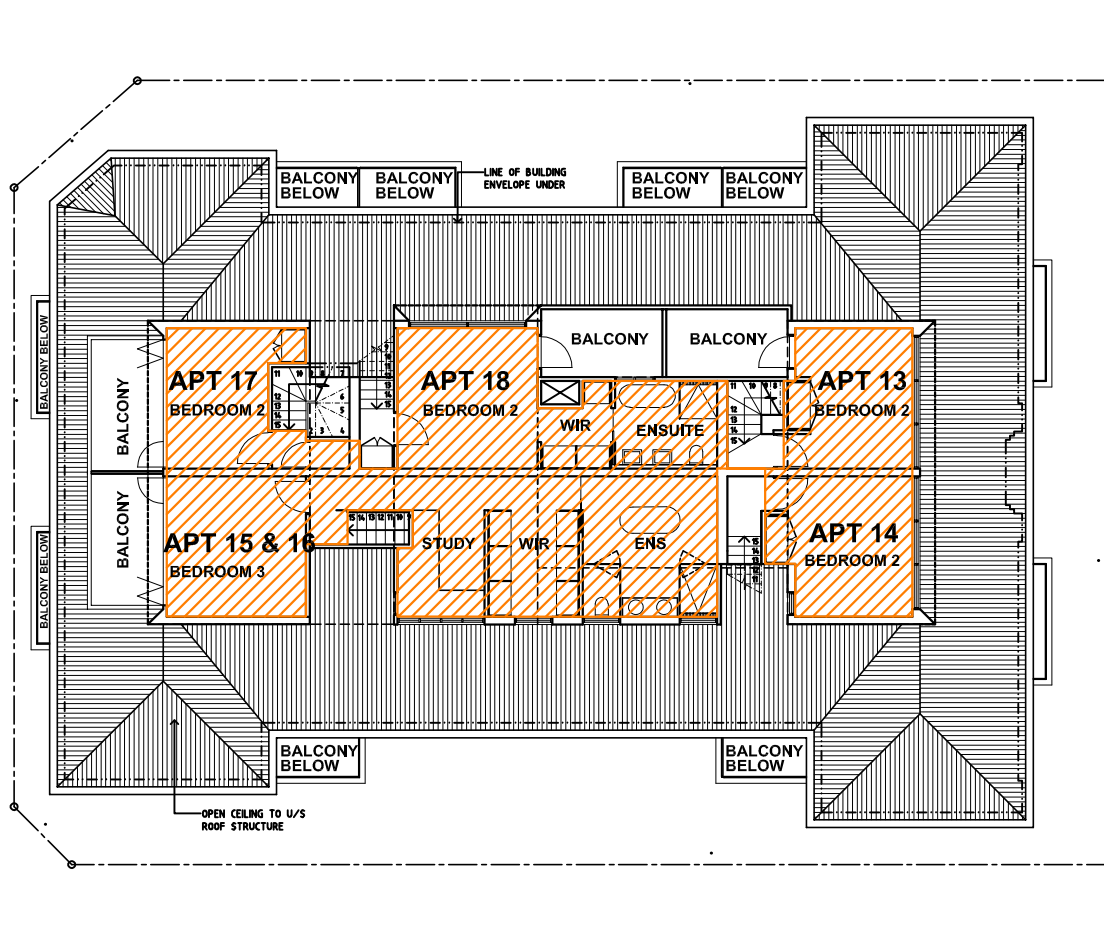
LEGEND	
	EXISTING WALLS RETAINED
	EXISTING WALLS REMOVED
	NEW WALLS OR INFILL
	AREA INCLUDED IN GFA CALCULATION



STUDIO - APT 21 (APPROVED BY DA75/2016)
PLAN NOT SHOWN
GFA= 28.7sqm (NO CHANGE)

STUDIO - APT 22 (APPROVED BY DA75/2016)
PLAN NOT SHOWN
GFA= 29.2sqm (NO CHANGE)

ROOF PLAN



ATTIC FLOOR PLAN
GFA= 114.5 sqm (ADDITIONAL GFA = 68.6sqm)



No	Date	Details
A	22/02/2018	DA SUBMISSION

Amendments

GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Level B 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q2911 Queen Victoria Building 1230 E gtr@giles.com.au
 Giles Tribe Pty Ltd ABN 68 001 258 601
 Non-Residential Architects Mark D Broadley (SE23) Stuart D Hill (BA19) Michael Aaron Vega (BA04)

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE

BONDI

Drawing:
PROPOSED GFA - SHEET 2

Scale: 1/15 Job No. Drawing No.

Date: 17/10/2017 **17009212D4**

Drawn: JH

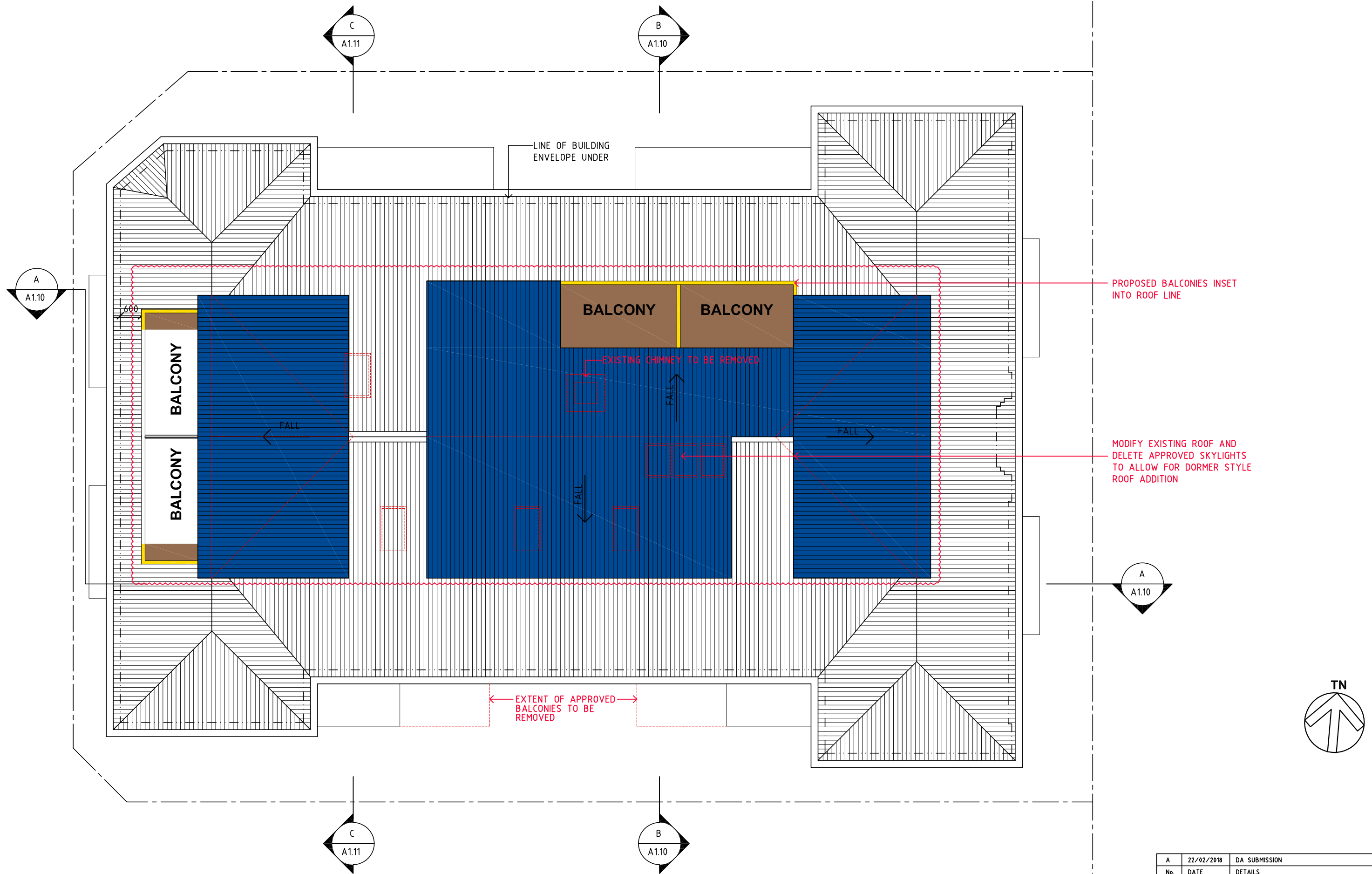
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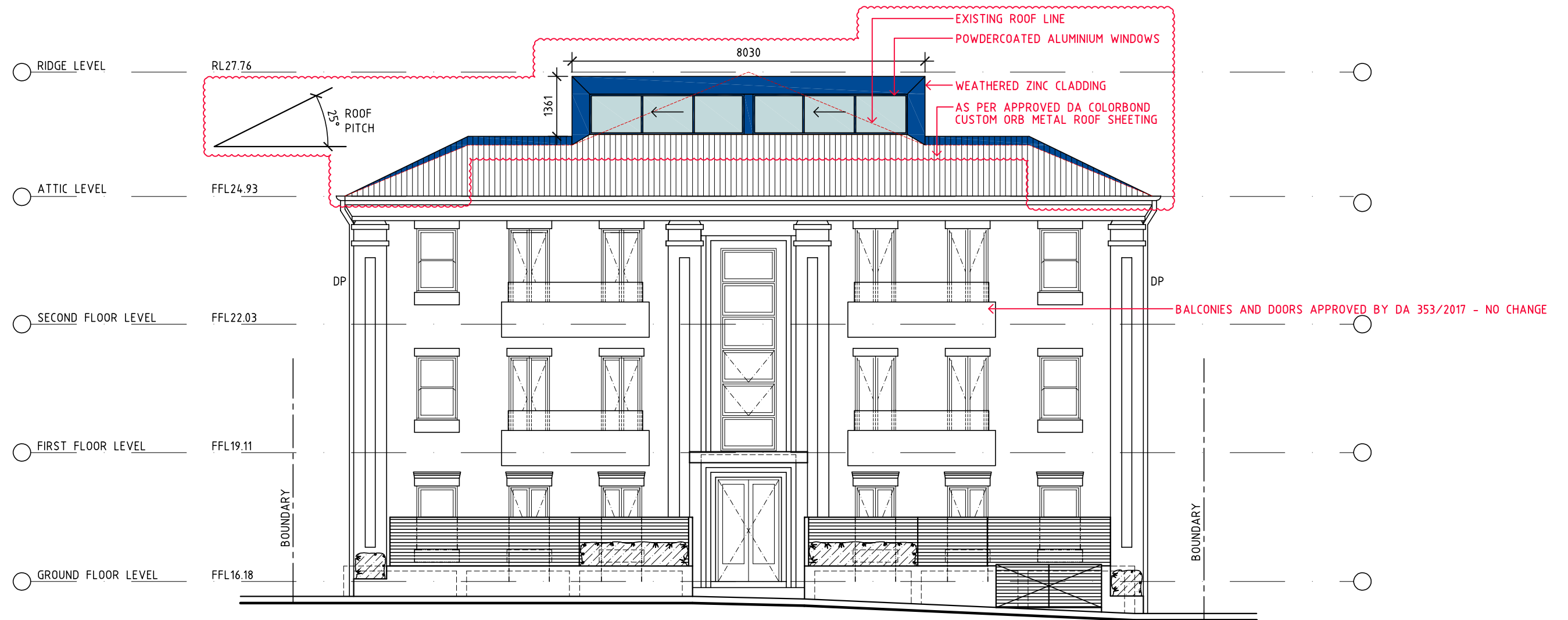
View 1 (prepared by Urbaine Architecture)



View 2 (prepared by Urbaine Architecture)

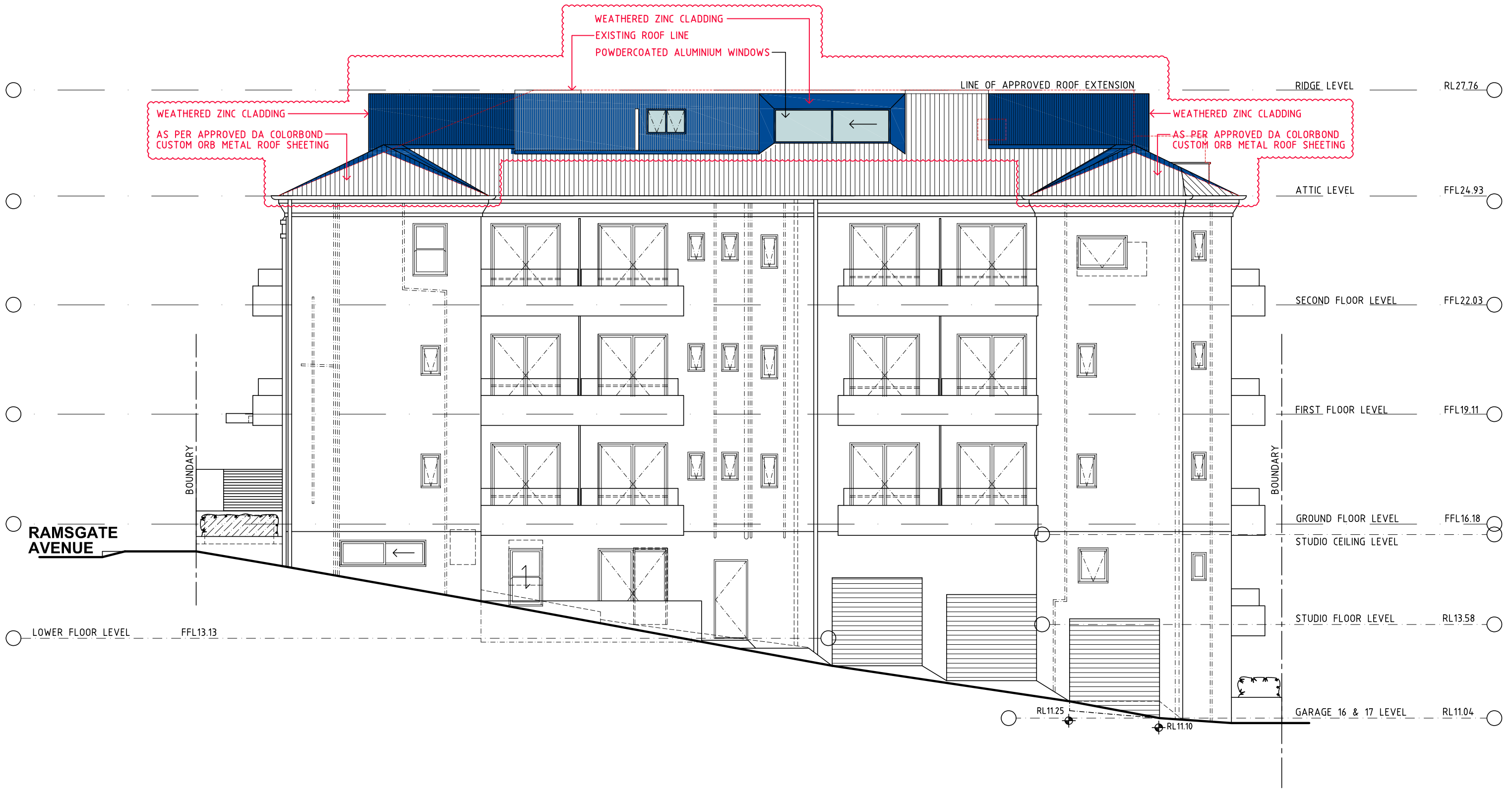


No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		



EAST ELEVATION RAMSGATE AVENUE ELEVATION

No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		



NORTH ELEVATION

NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH DA APPROVAL

No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
 Giles Tribe Pty Ltd ABN 50 001 259 507
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]
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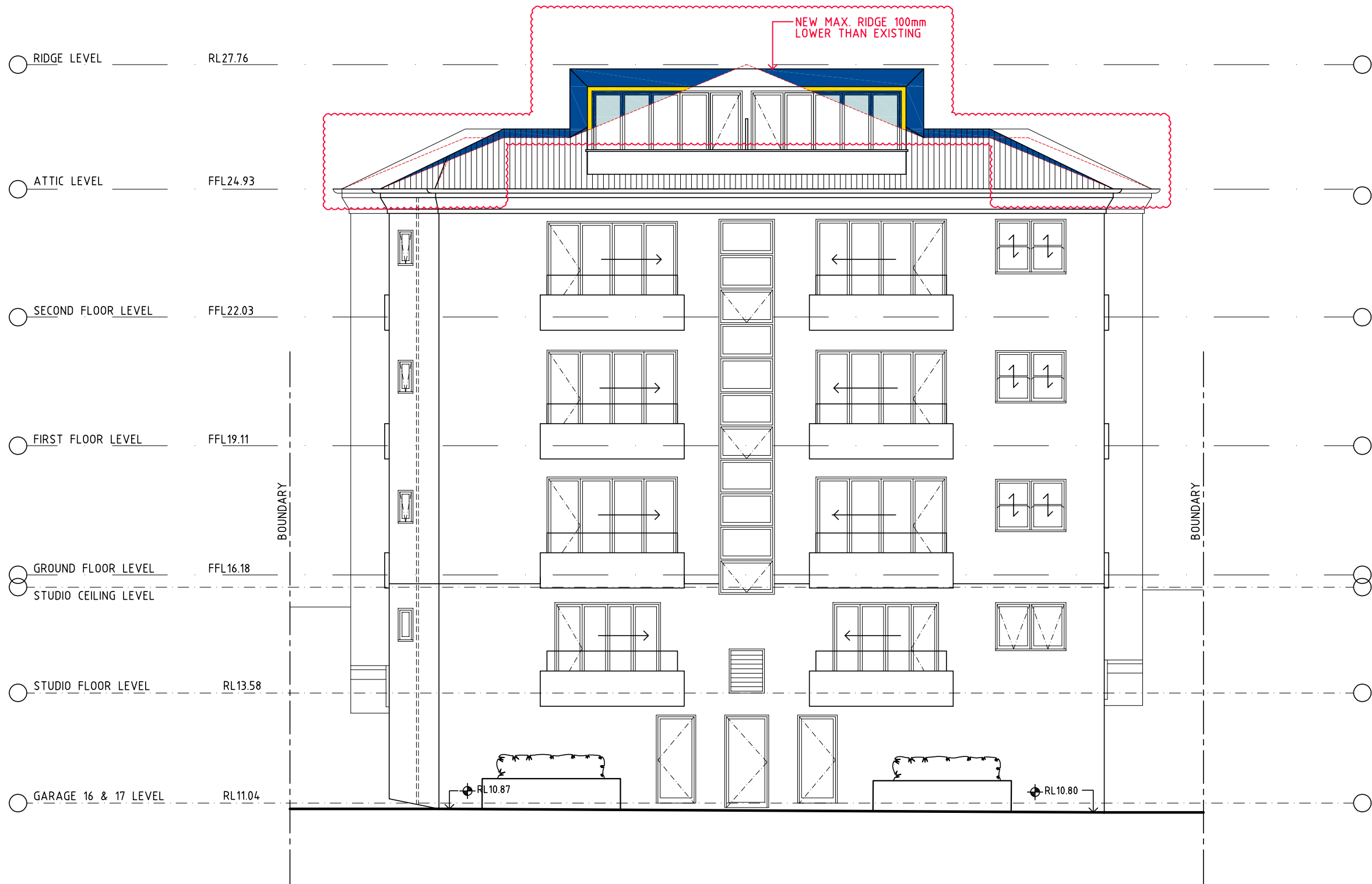
GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

Project: **ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI**

Scale: 1:100 @ A3
Date: 09/01/2017
Drawn: MS
Job Ref: **17009**

NORTH ELEVATION

Drawing No:
**2311A
216**



WEST ELEVATION

NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH DA APPROVAL

No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
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GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

Project:
**ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI**

Scale: 1:100 @ A3
Date: 09/01/2017
Drawn: MS
Job Ref:
17009

Drawing:
WEST ELEVATION

Drawing No:

A3.124
217



SOUTH ELEVATION

NEW COMMERCIAL GRADE POWDERCOATED ALUMINIUM
DOORS & WINDOWS TO MATCH DA APPROVAL

A	22/02/2018	DA SUBMISSION
No.	DATE	DETAILS
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
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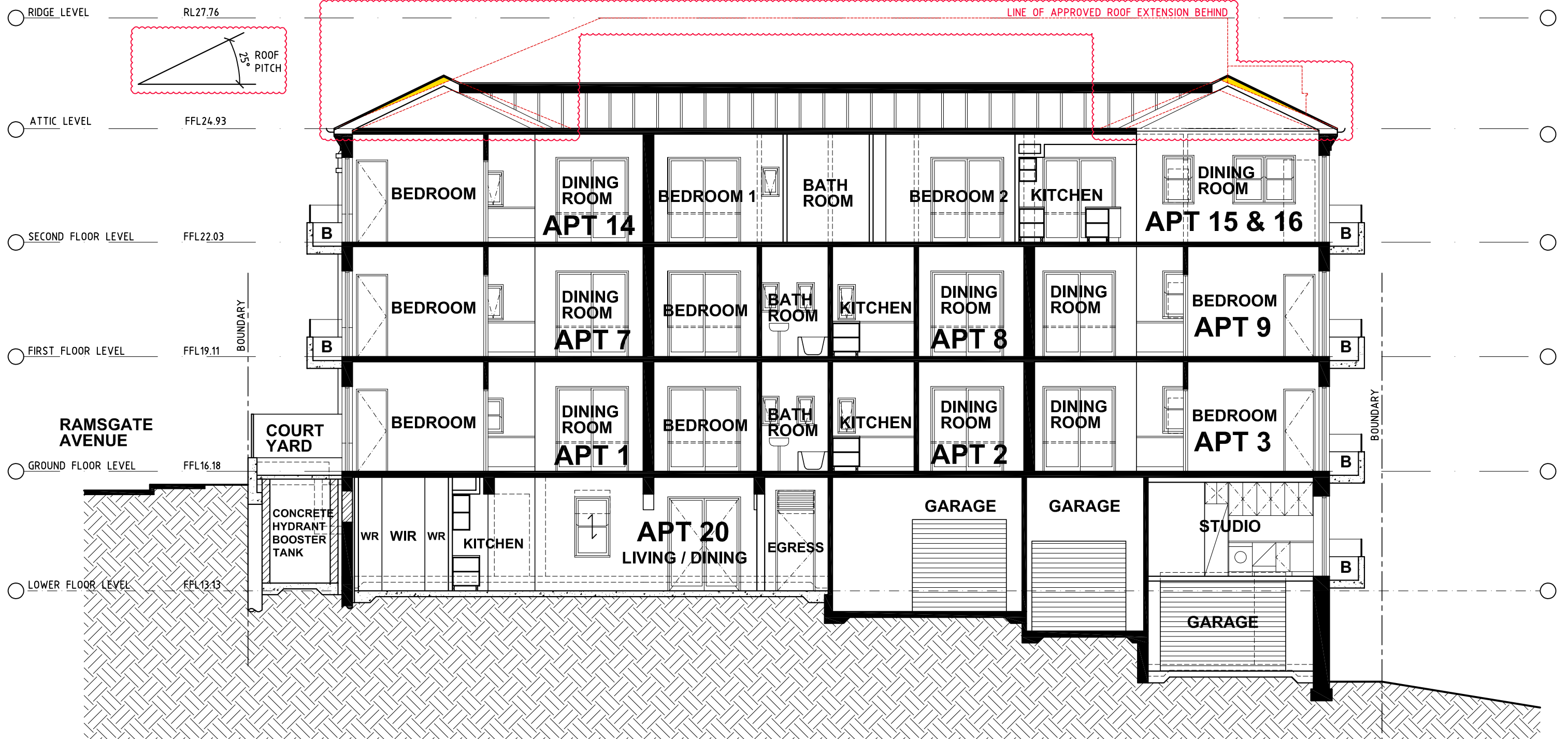
GILES TRIBE ARCHITECTS
ARCHITECTS & URBAN PLANNERS

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
Date: 09/01/2017
Drawn: MS
Job Ref:
17009

Drawing:
SOUTH ELEVATION

Drawing No:
218



SECTION A-A

A	22/02/2018	DA SUBMISSION
No.	DATE	DETAILS
AMENDMENTS		

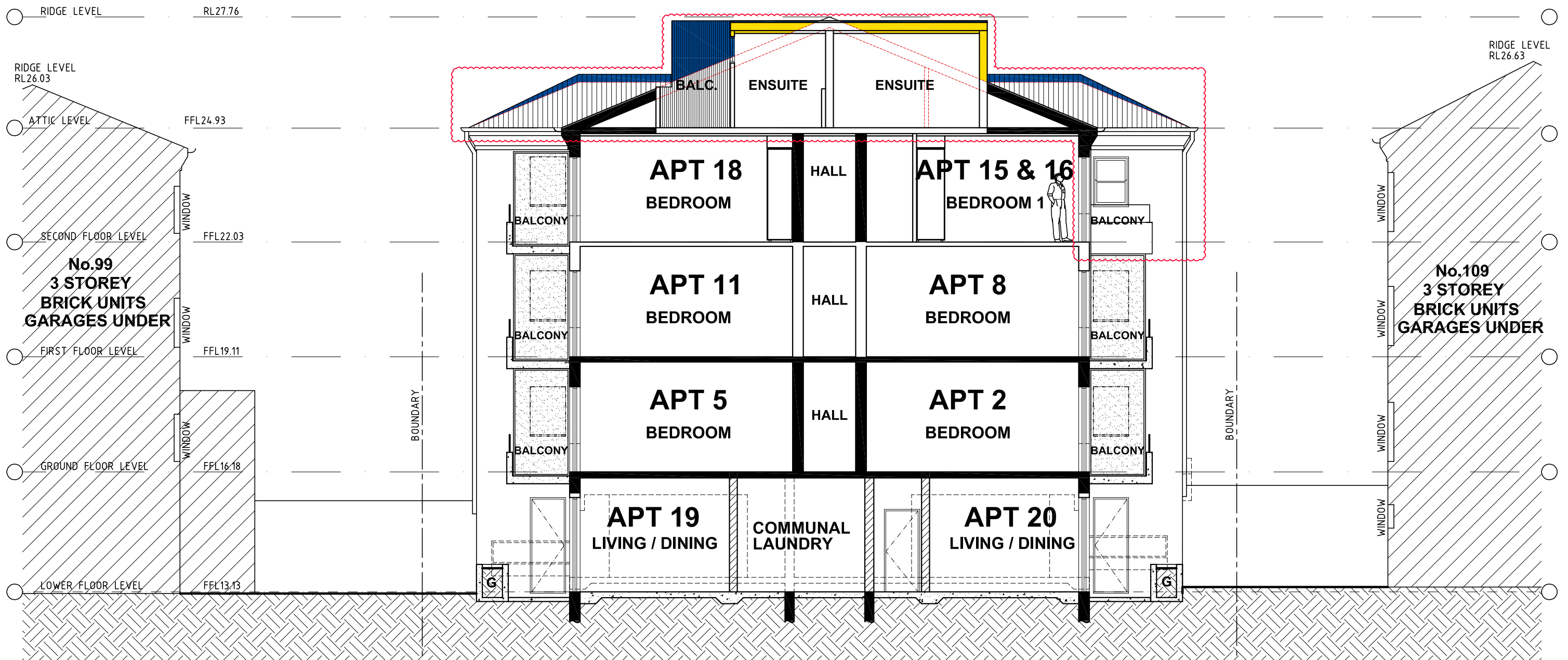
Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
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GILES TRIBE ARCHITECTS
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Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
 Date: 09/01/2017
 Drawn: MS
 Job Ref:
17009

Drawing:
SECTION A-A
 Drawing No:
219A



SECTION B-B

No.	DATE	DETAILS
A	22/02/2018	DA SUBMISSION
AMENDMENTS		

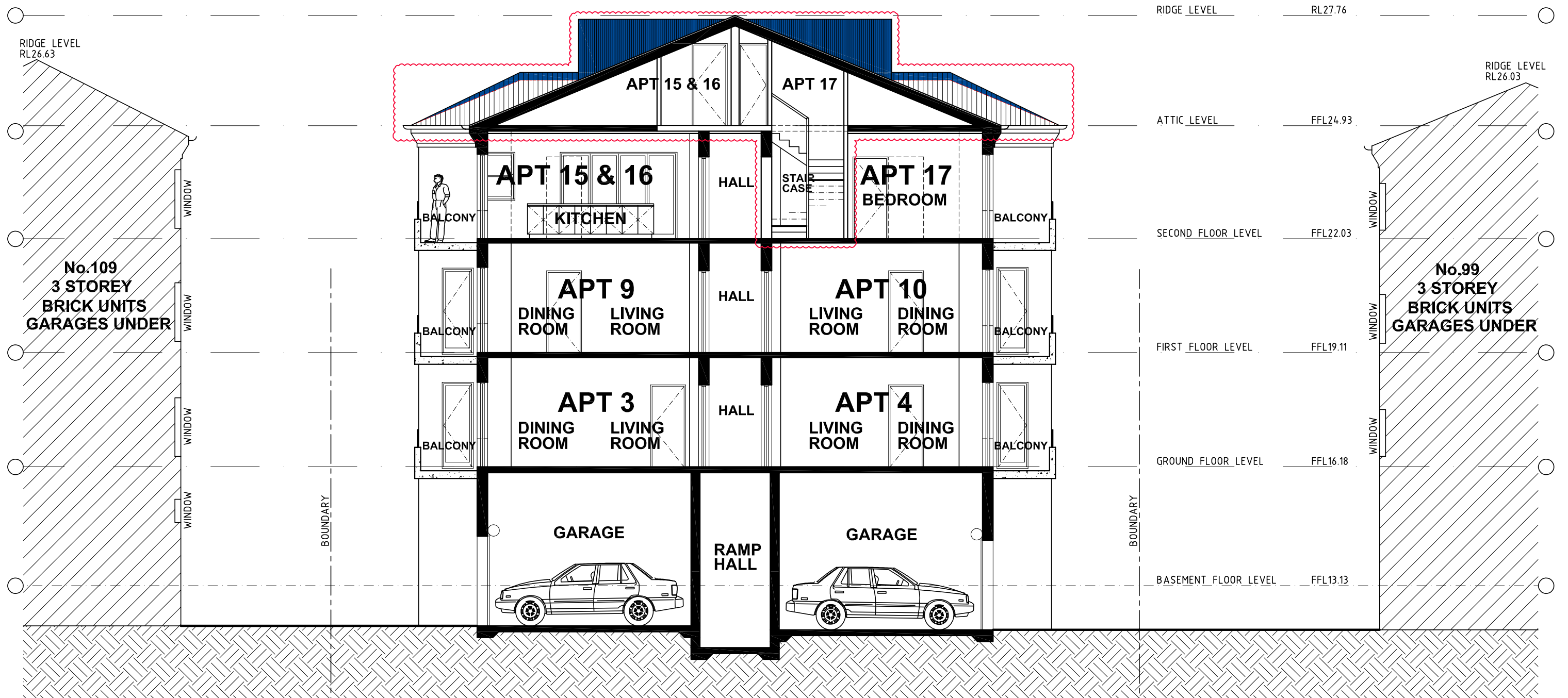
Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au
 Giles Tribe Pty Ltd ABN 50 001 259 507
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]
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GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI

Scale: 1:100 @ A3
 Date: 09/01/2017
 Drawn: MS
 Job Ref:
17009

Drawing:
SECTION B-B
 Drawing No:
220



SECTION C-C

A	22/02/2018	DA SUBMISSION
No.	DATE	DETAILS
AMENDMENTS		

Level 8 263 Clarence Street SYDNEY 2000 P 61 2 9264 5005 F 61 2 9264 9908
 PO Box Q291 Queen Victoria Building 1230 E gta@gilestribe.com.au

Giles Tribe Pty Ltd ABN 50 001 259 507
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]

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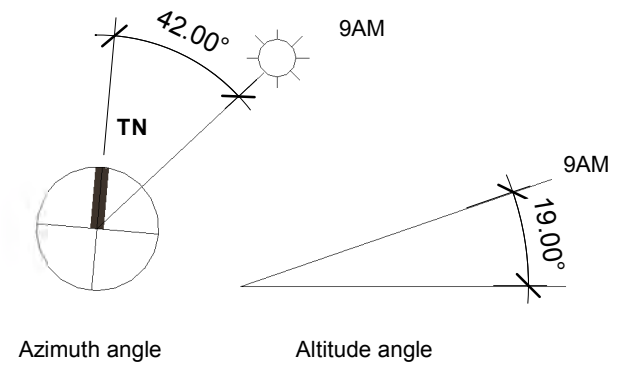
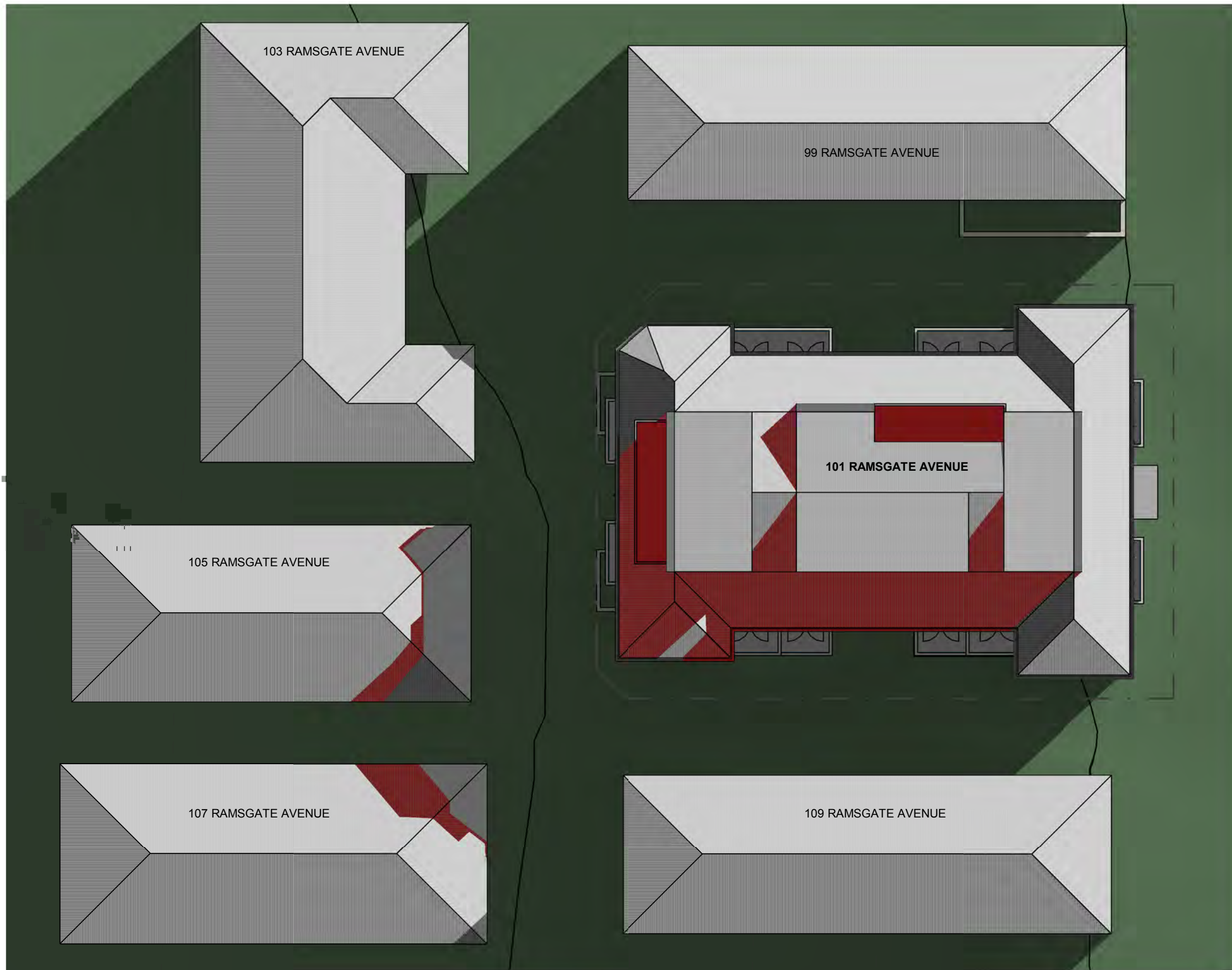
Project:
ALTERATIONS AND ADDITIONS
101 RAMSGATE AVENUE
BONDI


Scale: 1:100 @ A3
 Date: 09/01/2017
 Drawn: MS


Job Ref:
17009

Drawing:
SECTION C-C

Drawing No:
221



 SHADOW CAST BY EXISTING CONTEXT

 SHADOW CAST BY PROPOSAL

No.	Date	Description
A	22.02.2018	DA Submission

Amendments

Level 8 263 Clarence Street SYDNEY 2000
 PO Box Q291 Queen Victoria Building 1230
 Giles Tribe Pty Ltd
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]

P 61 2 9264 5005 F 61 2 9264 9908
 E gta@gilestribe.com.au
 ABN 50 001259 507

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GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
**ALTERATIONS AND ADDITIONS TO
 101 RAMSGATE AVENUE
 BONDI**



Status:
 FOR APPROVAL

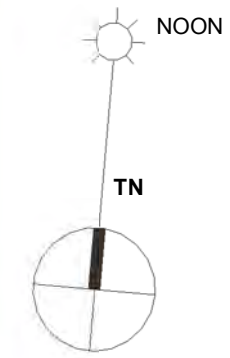
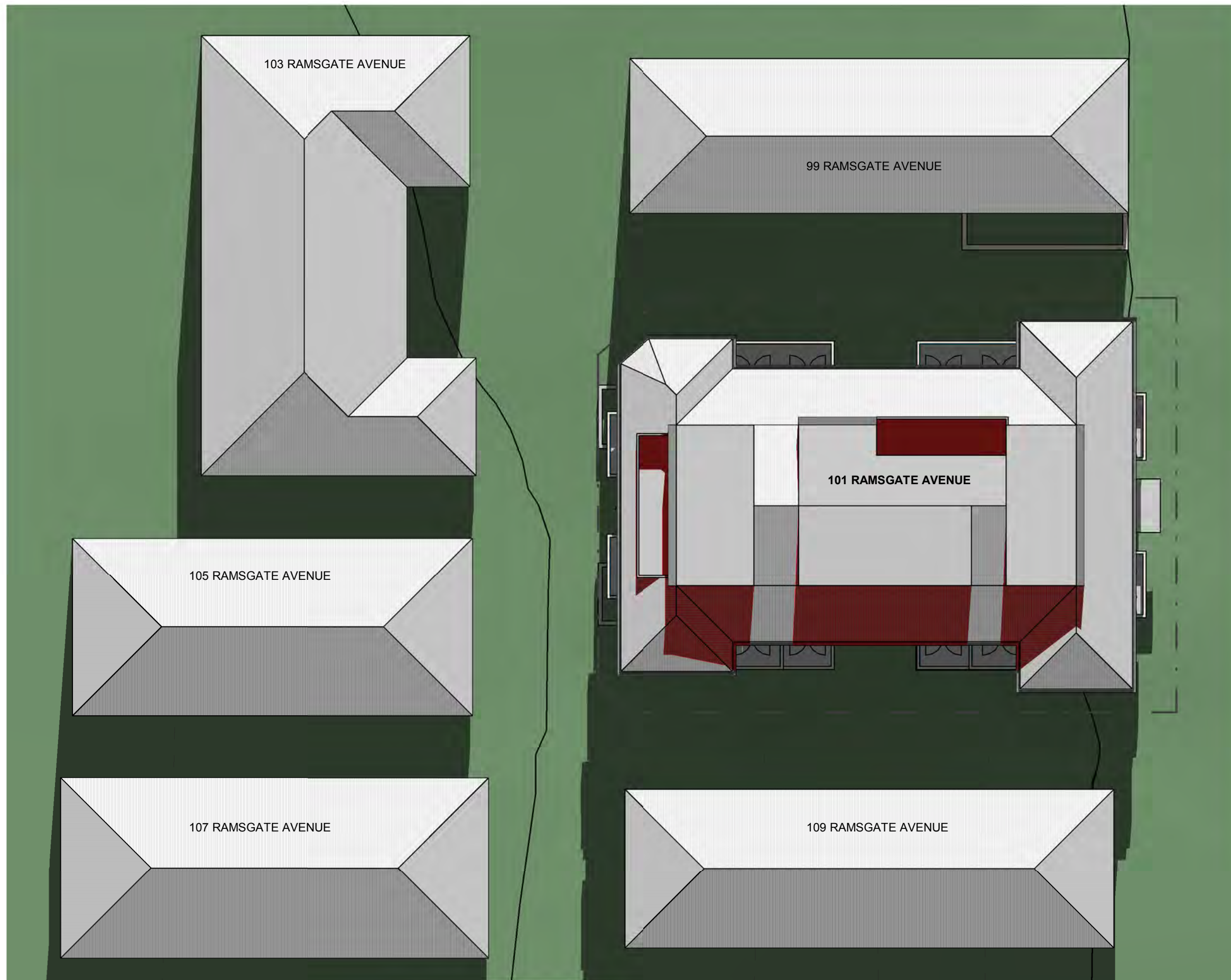
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Scale: 1 : 200
 Date: 26/02/18
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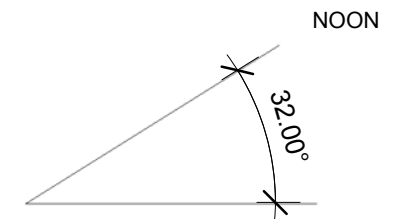
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Rev. 2

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Azimuth angle



Altitude angle

 SHADOW CAST BY EXISTING CONTEXT
 SHADOW CAST BY PROPOSAL

No.	Date	Description
A	22.02.2018	DA Submission

Amendments

Level 8 263 Clarence Street SYDNEY 2000
 PO Box Q291 Queen Victoria Building 1230
 Giles Tribe Pty Ltd
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]

P 61 2 9264 5005 F 61 2 9264 9908
 E gta@gilestribe.com.au
 ABN 50 001259 507

GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
**ALTERATIONS AND ADDITIONS TO
 101 RAMSGATE AVENUE
 BONDI**



Status:
 FOR APPROVAL

Job Ref:
17009

Scale: 1 : 200
 Date: 26/02/18
 Drawn: AM

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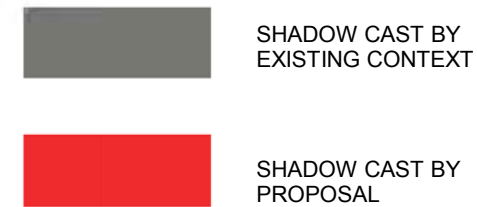
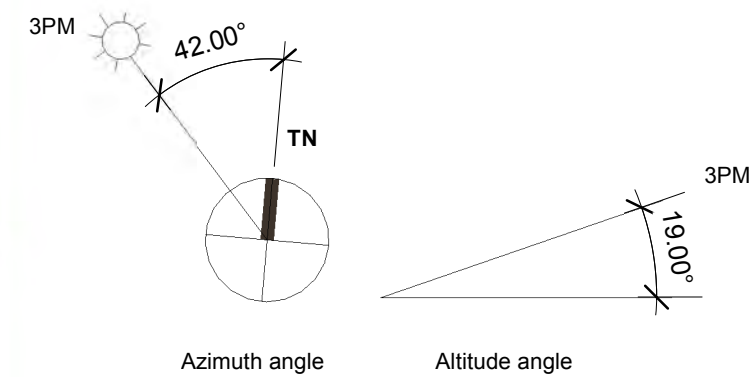
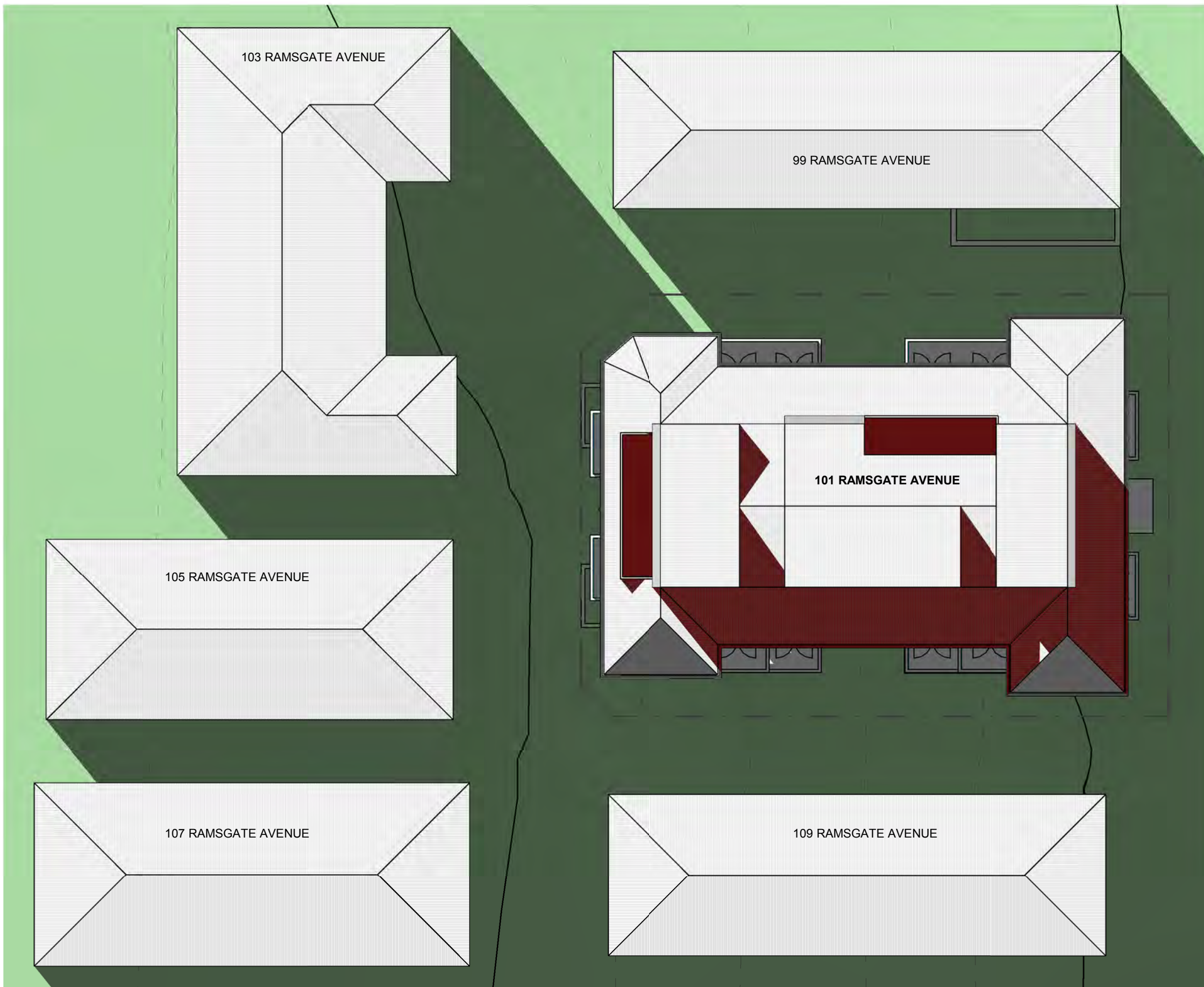
SHADOW DIAGRAM - 21 JUNE - NOON

Drawing:

Drawing No: Rev.

A318 3A

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No.	Date	Description
A	22.02.2018	DA Submission

Level 8 263 Clarence Street SYDNEY 2000
 PO Box Q291 Queen Victoria Building 1230
 Giles Tribe Pty Ltd
 Nominated Architects: Mark G Broadley [5823] Stuart D Hill [6459] Michael Aaron Vega [8004]

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GILES TRIBE ARCHITECTS
 ARCHITECTS & URBAN PLANNERS

Project:
**ALTERATIONS AND ADDITIONS TO
 101 RAMSGATE AVENUE
 BONDI**



Status:
FOR APPROVAL

Job Ref: **17009**
 Scale: 1 : 200
 Date: 02/28/18
 Drawn: JH

SHADOW DIAGRAM - 21 JUNE - 3PM

Drawing No: **2194**
 Rev: **4**

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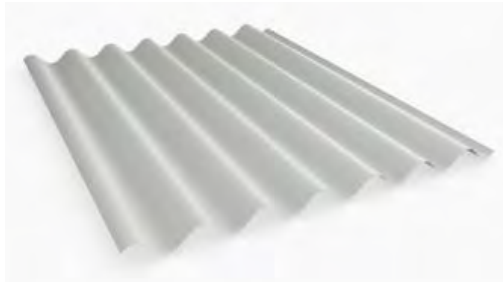
EXTERNAL FINISHES SCHEDULE

101 Ramsgate Avenue, Bondi

Job Ref: 17009



Colorbond Windspray roof cladding



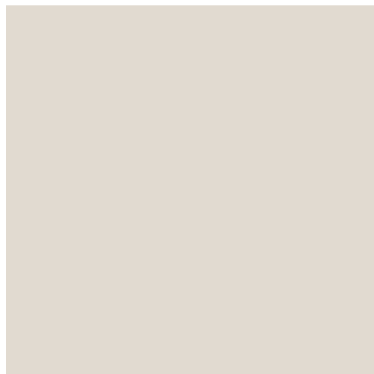
Custom Orb roof sheeting



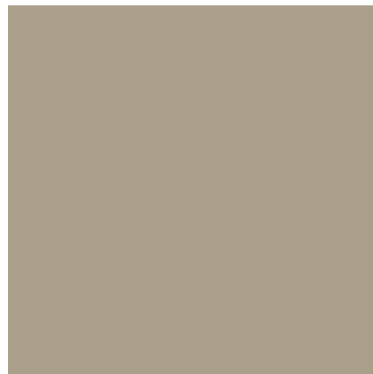
Half round gutter



Metal privacy screening/fencing – timber look



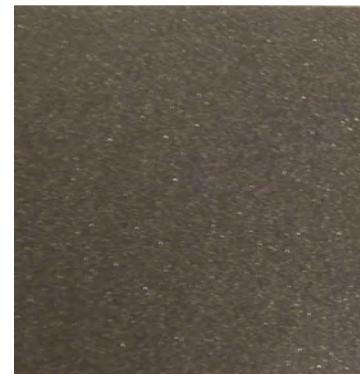
Upper wall render
Resene QuarterTea



Base wall render
Resene Triple Tea



Wall trim render
Resene Tea



Powdercoat for window
and door frames
Interpon Sable Brilliance



Courtyard tile
Skheme Gallerie Fawn



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



Report to the Waverley Local Planning Panel

Application number	DA-215/2018
Site address	16 Loombah Rd, DOVER HEIGHTS
Proposal	Alterations and additions to existing dwelling
Date of lodgement	18 June 2018
Owner	J & S Sher
Applicant	Ms M Ryan
Submissions	Nil
Cost of works	\$200,000
Issues	FSR
Recommendation	That the application be APPROVED subject to conditions of consent.



1. PREAMBLE

1.1 Site And Surrounding Locality

The site is identified as Lot 16 Section B in DP5491, known as 16 Loombah Road, Dover Heights. The site is rectangular in shape with a street frontage measuring 15.24m and east and west side boundaries each measuring 52.07m. The site has an area of 786.2m². The site is has a steep fall from north to south to approximately 12m.

The site is occupied by a six level dwelling house including a pool and various terraces, and with vehicular access provided from Loombah Road. The dwelling presents as a two storey dwelling with garage under, from Loombah Road.

The locality is characterised by a variety of low density residential developments, including dwelling houses which predominantly display a large-scale building form of traditional and contemporary architectural appearance.



Figure 1: Site viewed from the street (Source – aSquareplanning)

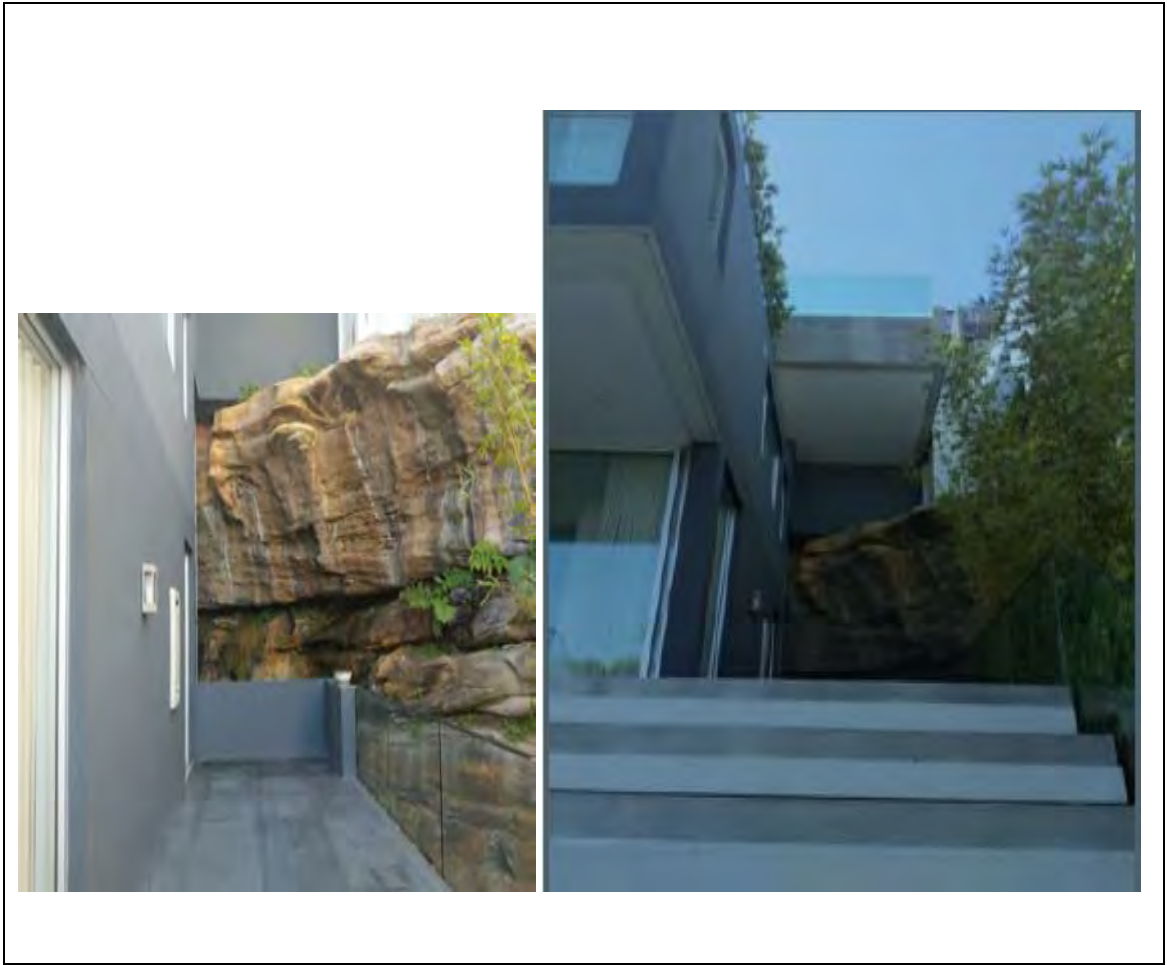


Figure 2: Subject site of proposed addition, on the existing terrace, looking north. Proposed addition's location looking north (Source – aSquareplanning)

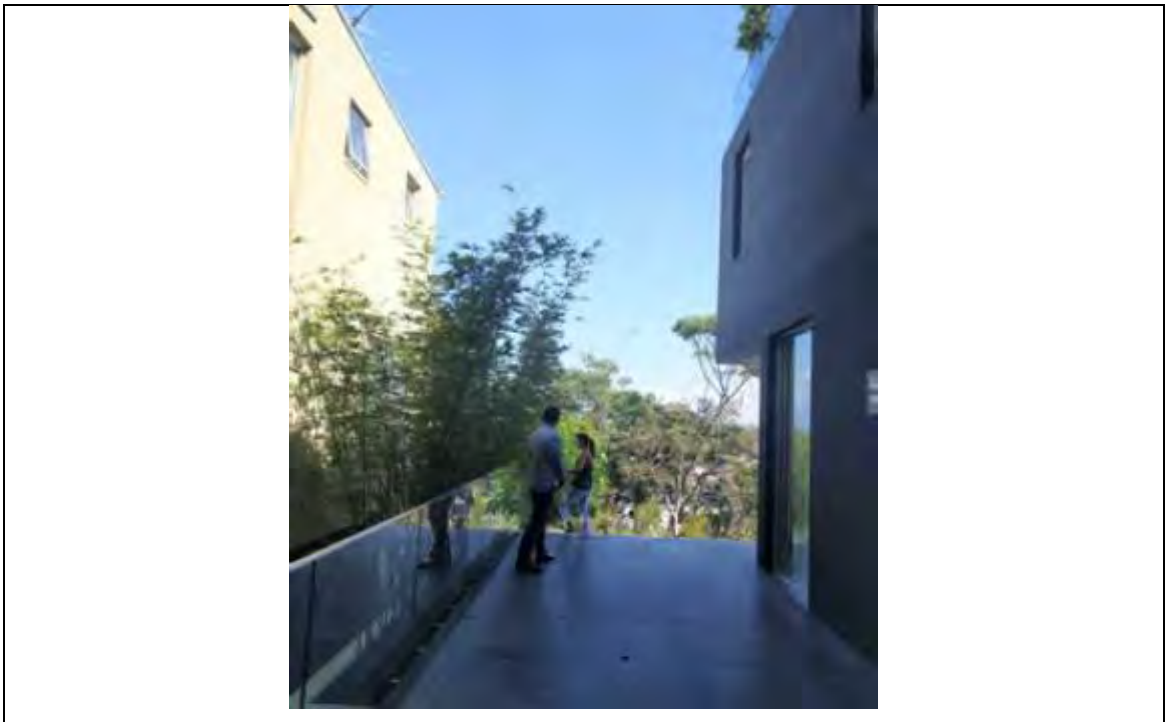


Figure 3: Proposed addition's location on the existing terrace, looking south. (Source – aSquareplanning)

1.2 Relevant History

A brief development history of the site is as follows:

- DA-480/2008 - Demolition of existing dwelling and erection of a new dwelling, swimming pool & landscaping, approved 5 Jan 2009.
- DA-480/2008/A - Modification to extend ground floor on northern side and add service deck to eastern side for pool maintenance, approved 20 Aug 2009.

1.3 Proposal

The application seeks consent for alterations and additions to the existing dwelling house for an addition to the eastern side of the second habitable level of the dwelling house above ground level (known as the 'parents level'), comprising an ensuite bathroom attached to an existing master bedroom.

2. ASSESSMENT

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

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

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 1: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	Yes	The proposal is not inconsistent with regards to clause 1.2 aims of plan.
Part 2 Permitted or prohibited development		
Land Use Table R2 – Low Density Residential	Yes	The proposal is defined as a dwelling-house, which is permitted with consent in the R2 zone.
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 8.5m 	Yes	The height of the existing dwelling is unchanged. The proposed height of the additions is 3m which is a compliant height. Therefore, the addition is no higher than the existing dwelling.
4.4 Floor space ratio and 4.4A Exceptions to floor space ratio (site= 786.2m ²) <ul style="list-style-type: none"> 0.5:1 or 393.1m² 	No	The gross floor area of the proposed addition is 19m ² . The total floor space of the proposed additions, and the existing floorspace of the dwelling will result in a total FSR of 0.64:1 or (503m ²), thereby not complying with the development standard. This represents a total combined (existing variation of the dwelling + proposed addition) variation of 109.9m ² or 27.9% variation from the development standard.
4.6 Exceptions to development standards	See discussion	The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the floorspace development standard. A detailed discussion of the variation to the development standard is presented below this table.
Part 5 Miscellaneous provisions		
5.9 Preservation of trees or vegetation	Yes	No trees are proposed to be removed.
Part 6 Additional local provisions		
6.2 Earthworks	Yes	No excavation proposed.

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

Exceptions to Development Standards

Clause 4.4 Floor space ratio

The proposal has an overall floor space ratio of 0.64:1 (503m²), which exceeds the floor space ratio development standard of 0.5:1 prescribed under clause 4.4A of Waverley LEP 2012 by a total of 109.9m², with the proposed addition comprising 19m², in gross floor area or 27.9%.

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

- The surrounding development predominantly comprises of multi-level dwellings of varying architectural design. The proposed density, scale and bulk of the development is appropriate and acceptable given the context of the locality and will not appear out of character when viewed in its context of other buildings in the vicinity.*
- The proposed works are located to the rear of the existing dwelling. Any additional bulk resulting from the FSR will be towards the rear of the site and not discernible from the street. The appearance of the development when viewed from the public domain will remain unchanged. The dwelling will still present as a two-storey dwelling from the street frontage.*
- The existing dwelling on the site has an FSR of 0.6:1 (484m²). The proposed works involve an additional 19sqm of GFA, resulting in a FSR of 0.64:1 (503m²), which is considered to be a minimal increase to the existing GFA of the dwelling.*
- The proposal will enhance the amenity of the existing dwelling on the site whilst also ensuring that the amenity of adjoining properties is not affected.*
- The proposed bulk and scale of the dwelling is compatible with the size and shape of the allotment.*
- The proposal additions to the Parents Level of the dwelling will be below the height limit for the site and comply with the DCP setback controls for the site.*
- The proposed development achieves compliance with the relevant underlying objectives of the standard and the objectives of the zone.*
- Non-compliance with the FSR standard does not contribute to adverse environmental or amenity impacts on adjoining developments in terms of overshadowing, privacy and view loss, having regard to Council's DCP requirements.*
- The proposed FSR, whilst exceeding the statutory control, is considered appropriate in the circumstances given the location of the subject site within close proximity to services and public transport. The site is located approximately 100m to the south and west of Military Road which contains bus stops.*

- *The proposed development represents an efficient and appropriate use of land that is compatible with the environmental capacity of the site and its R2 Low Density Residential Zoning.*
- *The proposed FSR would result in a better planning outcome for this site as it enables additional residential accommodation to be provided on the site whilst complying with all LEP and DCP objectives.*

The applicant has adequately argued that the non-compliance with the applicable floor space ratio development standard is acceptable in nature and will result in the proposed development being compatible with the height, bulk and scale of the existing character of the locality. It is acknowledged that exceedances in FSR have been supported for some surrounding newer development. Therefore, the applicant has demonstrated that:

- compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- there are sufficient environmental planning grounds to justify contravening the development standard; and
- the proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.

The proposal will be in the public interest because it is consistent with objectives of the development standard and applicable zone.



Figure 4: Aerial view of southern elevation of 16 Loombah Rd. (Source – Google Maps)

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

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

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

Development Control	Compliance	Comment
1. Waste	Yes	The application is accompanied by a SWRMP and the proposal generally complies with all relevant objectives and controls relating to waste removal and management.
2. Energy and water conservation	Yes	The application is accompanied by a BASIX certificate which satisfies this section of the DCP.
5. Tree preservation	Yes	No trees removed and a landscape plan has been submitted.
6. Stormwater	Yes	The existing dwelling and pool were newly constructed vide DA-480/2008, which included OSD in accordance with Council's policy. In this regard, the proposed 19m ² addition can be connected to the existing stormwater system.
8. Transport	Yes	The proposed development is generally consistent with the urban design objective and controls in section 8.4, Part B8 of Waverley DCP 2012 with regard to off-street car parking.

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

Development Control	Compliance	Comment
1.1 Height		
1.1.1 Flat roof dwelling house <ul style="list-style-type: none"> Maximum overall building height of 7.5m 	Yes	The existing building height is unchanged. The proposed addition has a height of 3m.
1.2 Setbacks		
1.2.1 Front and rear building lines <ul style="list-style-type: none"> Predominant front building line Predominant rear building line at each floor level 	Yes Yes	The existing front and rear building lines are maintained. The front building line is unaltered. The rear building line of the existing dwelling is unaltered as the proposed addition aligns with the current rear building line of the 'parents level' of the dwelling.
1.2.2 Side setbacks <ul style="list-style-type: none"> Minimum of 900mm 	Yes	Compliant minimum setbacks of 900mm is complied, with the proposed setback of the addition being 1.52m.

Development Control	Compliance	Comment
1.3 Excavation		
<ul style="list-style-type: none"> Minimum setback of 0.9m from side boundaries 	Yes	No excavation proposed.
1.4 Streetscape and visual impact		
<ul style="list-style-type: none"> New development should be visually compatible with its streetscape context. Development must not dominate the streetscape New development is to maintain the established character of the building in terms of significant landscaping. 	Yes	The proposed addition to the existing dwelling will not be visible from Loombah Road and is consistent with the existing architecture of the dwelling and the emerging character of the area. The existing streetscape contains an eclectic mix of dwelling designs including contemporary and more traditional built forms. Dwellings on both sides of the property present as large structures. The proposed dwelling is compatible with this prevailing built form. The proposal is consistent with the streetscape and visual impact objectives and controls in the WDCP 2012.
1.7 Fences		
<p><i>Front:</i></p> <ul style="list-style-type: none"> Maximum height of 1.2m Solid section no more than 0.6m high <p><i>Side and Rear:</i></p> <ul style="list-style-type: none"> Maximum height of 1.8m 	Yes	Existing fencing maintained.
	Yes	Existing side boundary fencing is maintained.
1.8 Visual and acoustic privacy		
Location of habitable room windows not to face directly into adjoining habitable rooms or open space or screening required	Yes	Visual privacy is generally considered acceptable between properties. No windows on side elevations have been proposed that look onto the adjoining site.
Elevated balconies to have screening	N/A	Location and size of the existing balconies and terraces remain unaltered.
Maximum size of balconies: <ul style="list-style-type: none"> 10m² in area 1.5m deep 	N/A	No new terraces or balconies proposed.
1.9 Solar access		
<ul style="list-style-type: none"> Minimum of three hours of sunlight to minimum of 50% of living areas and principal open space areas on 21 June 	Yes	No change to existing.
<ul style="list-style-type: none"> Minimum of three hours of sunlight maintained to minimum of 50% of 	Yes	It is noted that the development would result in no additional shadowing of the neighbouring property

Development Control	Compliance	Comment
living areas and principal open space areas of adjoining properties on 21 June		to the east, due to its unique location, being at the base of a cliff. Any shadow impact is considered to be typical having regard to the orientation of sites and is acceptable.
1.10 Views		
	Yes	No submissions received. No unreasonable impacts identified.
1.11 Car parking		
1.11.1 Parking rates <i>Maximum rates:</i> <ul style="list-style-type: none"> 1 space for 2 or less bedrooms 2 spaces for 3 or more bedrooms 	Yes	Existing car parking is maintained.
1.11.2 Location <ul style="list-style-type: none"> Consistent with hierarchy of preferred car parking locations 	Yes	The existing garaging will be maintained.
1.11.3 Design	Yes	Existing car parking is maintained.
1.11.4 Dimensions <ul style="list-style-type: none"> 5.4m x 2.4m per vehicle 	Yes	Existing car parking is maintained.
1.11.5 Driveways <ul style="list-style-type: none"> Maximum of one per property Maximum width of 3m at the gutter (excluding splay) 	Yes	The existing driveway is maintained, which will not result in the loss of on-street parking space.
1.12 Landscaping and open space		
<ul style="list-style-type: none"> Overall open space: 40% of site area Overall landscaped area: 15% of site area Minimum area of 25m² for private open space Front open space: 50% of front building setback area Front landscaped area: 50% of front open space provided 	Yes	No discernible change to the overall provision of open space. Unchanged.
	Yes	Unchanged.
	Yes	>25m ²
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
	Yes	Unchanged.
1.13 Swimming pools and spa pools		
<ul style="list-style-type: none"> Located in the rear of property 	Yes	Existing pool is maintained.

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, in accordance with *Waverley Development Control Plan 2012, Part A – Advertised and Notified Development*. No submissions 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

Nil required.

4. SUMMARY

The proposal seeks consent for additions to an existing six level dwelling, which presents as a two storey dwelling to the street. The addition is for an ensuite bathroom to an existing master bedroom to the rear of the dwelling.

The FSR non-compliance is supported given it satisfies the considerations of clause 4.6 of Waverley LEP 2012, meets the objectives of the controls and the zone and has no adverse environmental impacts. To support the variation would therefore not be against the public interest. The application is referred to the Waverley Local Planning Panel for determination as the application departs more than 10% from the FSR development standard of Waverley LEP 2012.

The notification of the application attracted no submission. No Councillor submission or representation were made.

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

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Paul Yachmennikov
Senior Development Assessment Officer

Ben Magistrale
**Acting Manager, Development Assessment
(North/South)**

Date: 15 September 2018

Date: 11 October 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) The following architectural plans prepared by 'M. Ryan';

Drawing No. & Description	Received by Council Date
Dwg no.A000 – Cover Page	18 June 2018
Dwg no.A101 – Site Plan	18 June 2018
Dwg no.A102 – Site Analysis	18 June 2018
Dwg no.A103 – Rumpus Level	18 June 2018
Dwg no.A104 – Parents Level	18 June 2018
Dwg no.A105 – Kids Level	18 June 2018
Dwg no.A106 – Garage Level	18 June 2018
Dwg no.A107 – Ground Level	18 June 2018
Dwg no.A108 – First Floor	18 June 2018
Dwg no.A109 – Roof Plan	18 June 2018
Dwg no.A201 – Section A	18 June 2018
Dwg no.A202 – Section B	18 June 2018
Dwg no.A301 – North Elevation	18 June 2018
Dwg no.A302 – South Elevation	18 June 2018
Dwg no.A303 – East Elevation	18 June 2018
Dwg no.A304 – West Elevation	18 June 2018
Dwg no.A400 – Waste Management Plan	18 June 2018

(b) The following written documents:

Document Description	Received by Council Date
BASIX Certificate prepared by: GAT & Associates	18 June 2018

Except where amended by the following conditions of consent

2. USE OF DWELLING

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

3. NEW DEVELOPMENT APPLICATION REQUIRED

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

B. COMPLIANCE PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

4. SECTION 7.11 CONTRIBUTION

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

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

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

"Waverley Council Cost Summary Report"; or,

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

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

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

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

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

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

Advisory Note

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

5. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council for the amount of **\$6,300.40** must be provided as security for the payment of the cost of making good any damage caused or unauthorised works that may be caused to any Council property as a consequence of this building work.

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

6. LONG SERVICE LEVY

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

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

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

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

- a. A Construction Certificate has been obtained from Council or an Accredited Certifier in accordance with Section 6.7 of the Environmental Planning & Assessment Act, 1979; and
- b. A Principal Certifying Authority has been appointed and Council has been notified of appointment in accordance with Section 6.6 of the Environmental Planning & Assessment Act, 1979 and 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. 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 Part 1 and 2 at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction. Copies of demolition and construction waste dockets that verify the facility that received the material for recycling or disposal and the quantity of waste received, must be retained on site at all times during construction.

9. EROSION, SEDIMENT AND POLLUTION CONTROL

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

10. 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.

11. 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.

12. BASIX

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

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

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

C. COMPLIANCE PRIOR TO AND DURING CONSTRUCTION

13. 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.

14. 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.

15. 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.

16. HOARDING REQUIRED

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

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

17. 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.

18. DEMOLITION & SITE PREPARATION

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

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

19. ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork 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 SafeWork NSW (catalogue no.WC03561) and Waverley's Asbestos Policy.

No asbestos products are to be reused on site.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

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

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email address.

20. COMPLIANCE WITH SAFEWORK NSW REQUIREMENTS

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

21. 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.

22. STOCKPILES

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

23. LOCATION OF BUILDING OPERATIONS

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

24. ALL BUILDING MATERIALS STORED ON SITE

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

25. CONSTRUCTION HOURS

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

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

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

26. 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.

27. BUILDING CODE OF AUSTRALIA

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

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

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

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

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

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

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.

29. 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.

30. 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.

31. 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.

32. 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.

D. COMPLIANCE PRIOR TO OCCUPATION OR DURING OCCUPATION

33. 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.

34. 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.

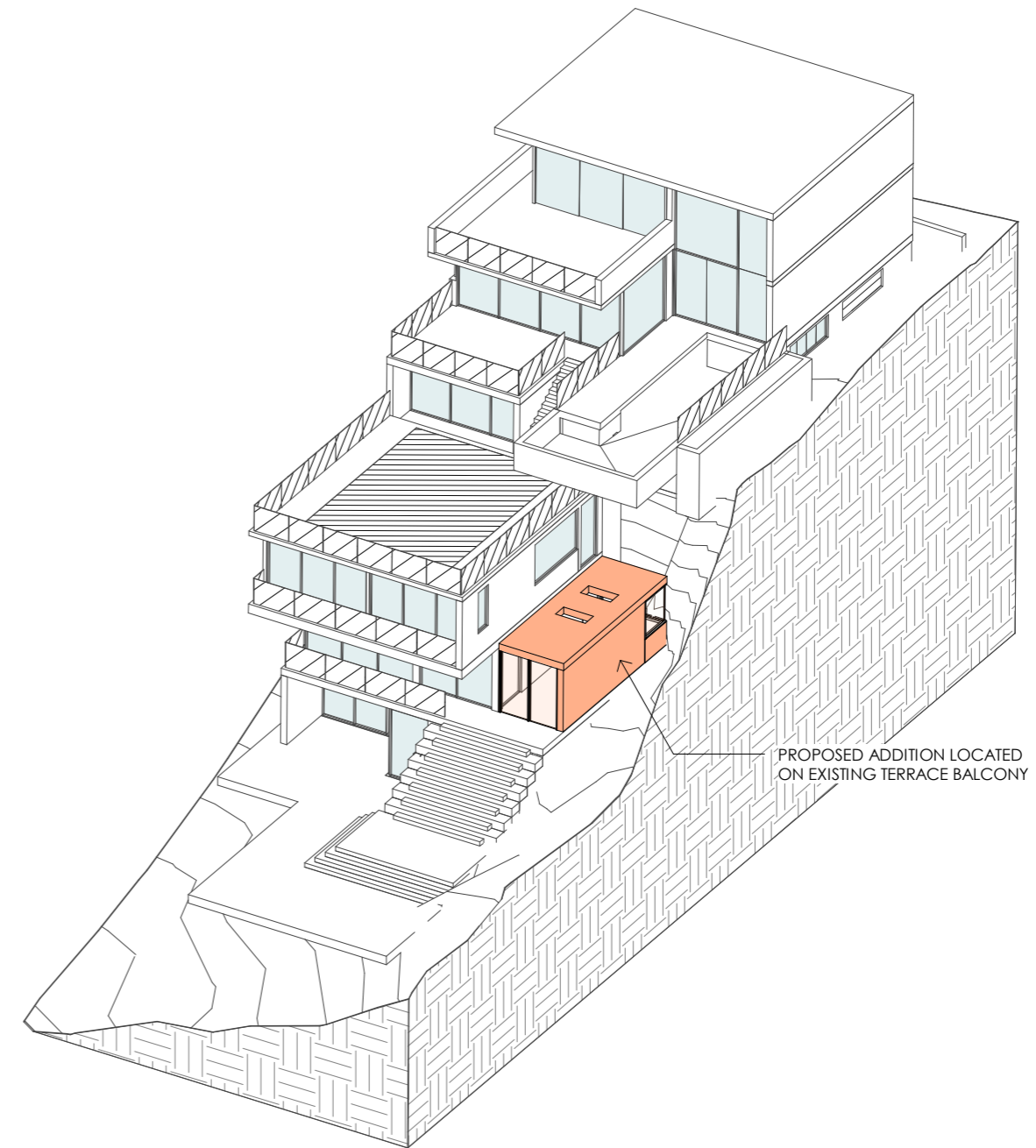
RECEIVED
Waverley Council
Application No: DA-215/2018
Date Received: 18/6/2018

DA Proposal

| 16 Loombah Road, Dover Heights

| 19sqm addition to an existing dwelling

Sheet No.	Sheet Name	Revision Date	Current Revision
A000	Cover Page	08.06.18	A
A101	Site Plan	08.06.18	A
A102	Site Analysis	08.06.18	A
A103	Rumpus Level	08.06.18	A
A104	Parents Level	08.06.18	A
A105	Kids Level	08.06.18	A
A106	Garage Level	08.06.18	A
A107	Ground Floor	08.06.18	A
A108	First Floor	08.06.18	A
A109	Roof Plan	08.06.18	A
A201	Section A	08.06.18	A
A202	Section B	08.06.18	A
A301	North Elevation	08.06.18	A
A302	South Elevation	08.06.18	A
A303	East Elevation	08.06.18	A
A304	West Elevation	08.06.18	A
A400	Waste Management Plan (as existing)	08.06.18	A
A500	FSR Calculations	08.06.18	A
A600	Shadow Diagrams - Winter Solstice	08.06.18	A



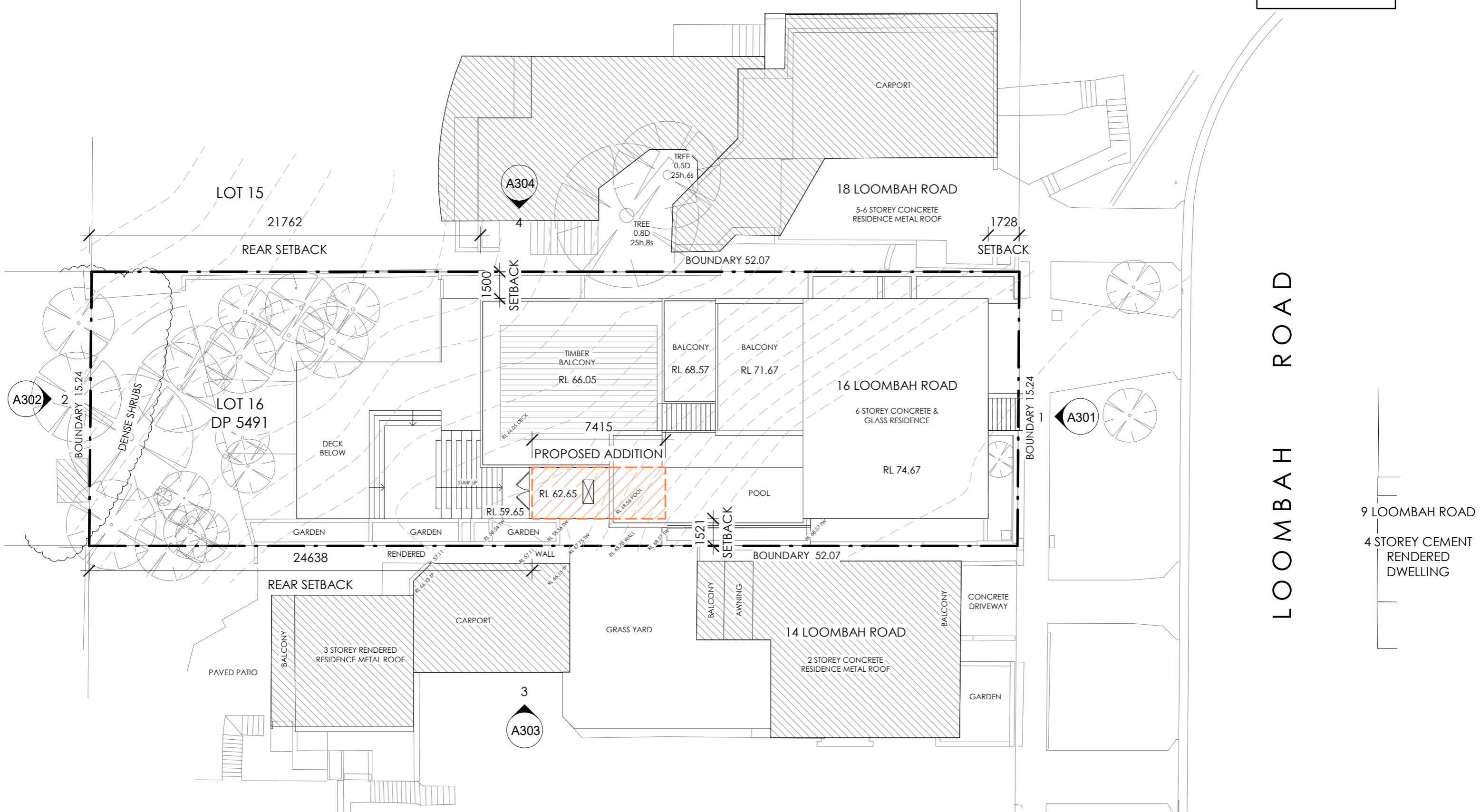
PROPOSED ADDITION LOCATED ON EXISTING TERRACE BALCONY

A000
 Cover Page

246

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	@ A3	08.06.18	DA proposal - 19sqm addition to an existing dwelling

SITE AREA = 786.2

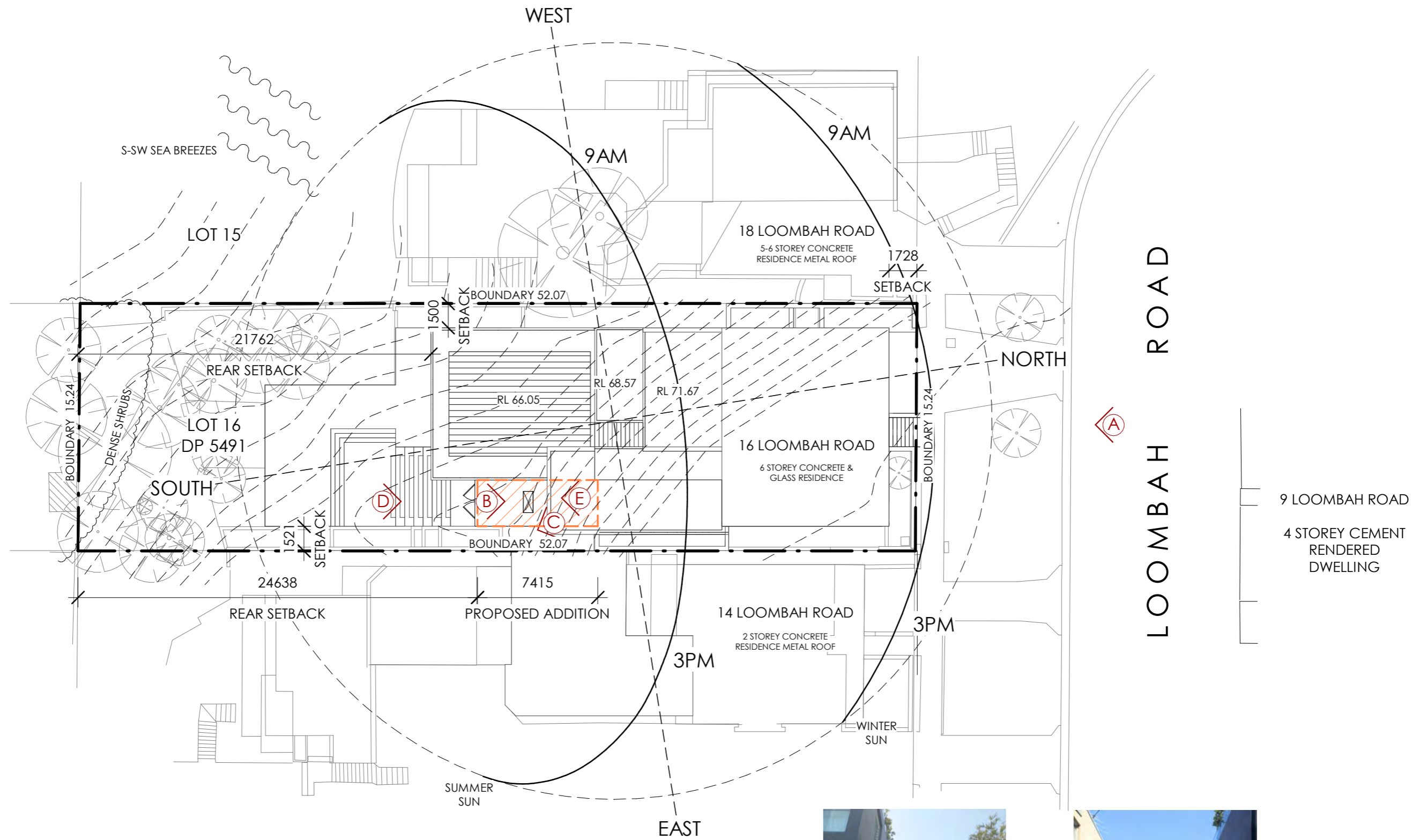


LOOMBAH ROAD

9 LOOMBAH ROAD
4 STOREY CEMENT
RENDERED
DWELLING

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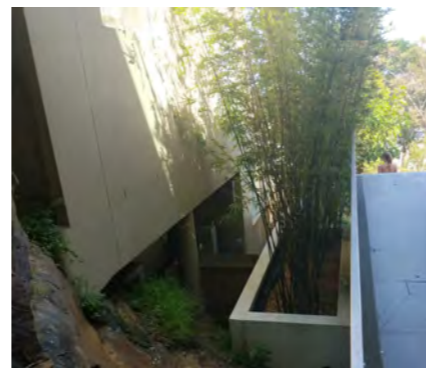
A101
Site Plan
247



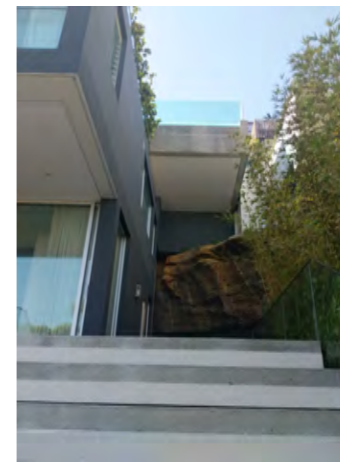
A Street view of 16 Loombah Road Dover Heights



B Area located east of Parents Level proposed to be extended, as viewed looking north



C View over neighbouring boundary, as viewed looking towards 14 Loombah Road



D Area located east of Parents Level proposed to be extended, as viewed from the level below looking north

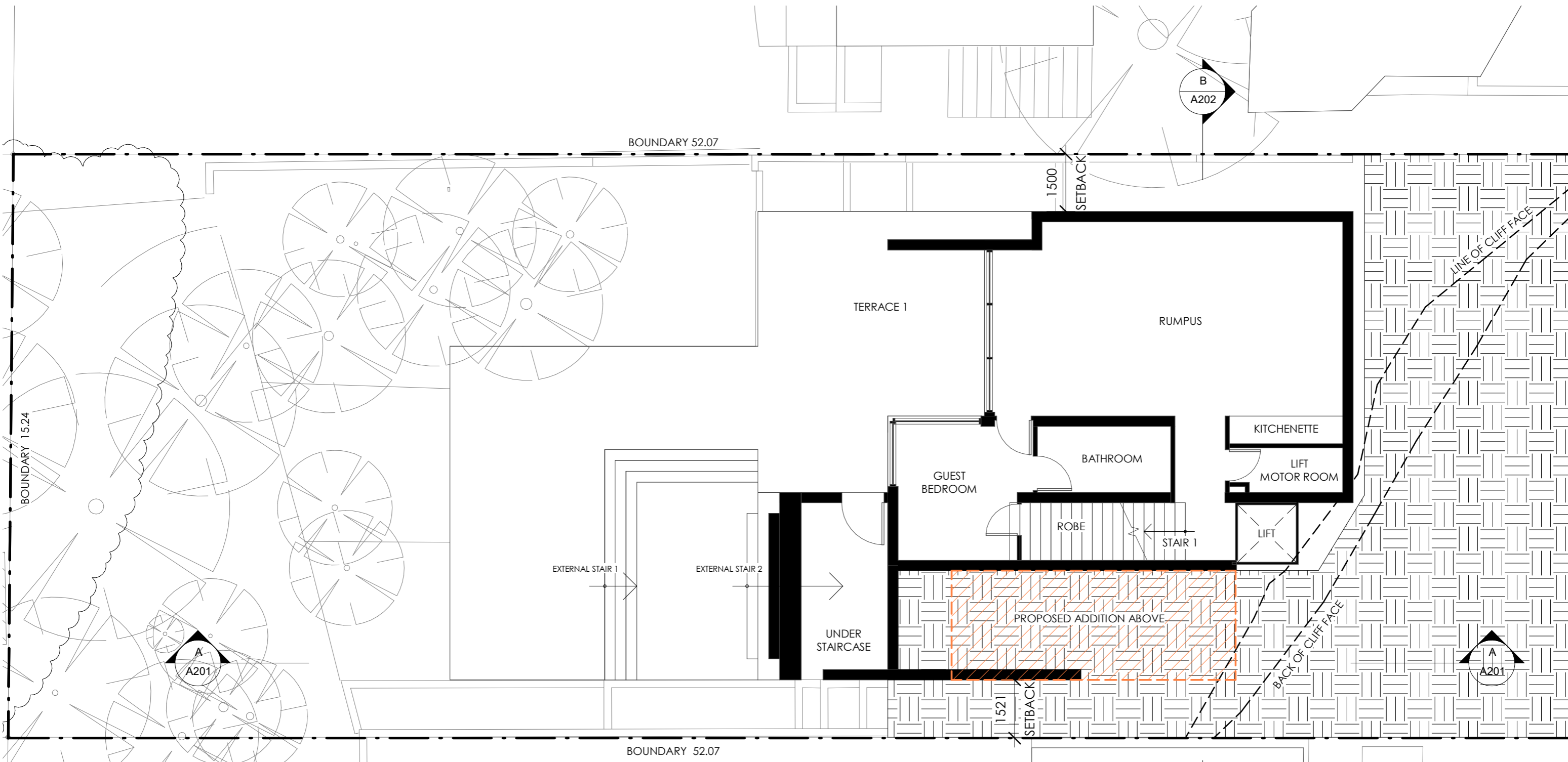


E Area located east of Parents Level proposed to be extended, as viewed looking south

9 LOOMBAH ROAD
4 STOREY CEMENT RENDERED DWELLING

A102 Site Analysis

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	1 : 250 @ A3	08.06.18	DA proposal - 19sqm addition to an existing dwelling



BASIX REQUIREMENTS

W1, W2, W3 - Standard aluminium frame, single clear glass (or U-value: 7.63, SHGC: 0.75)

S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

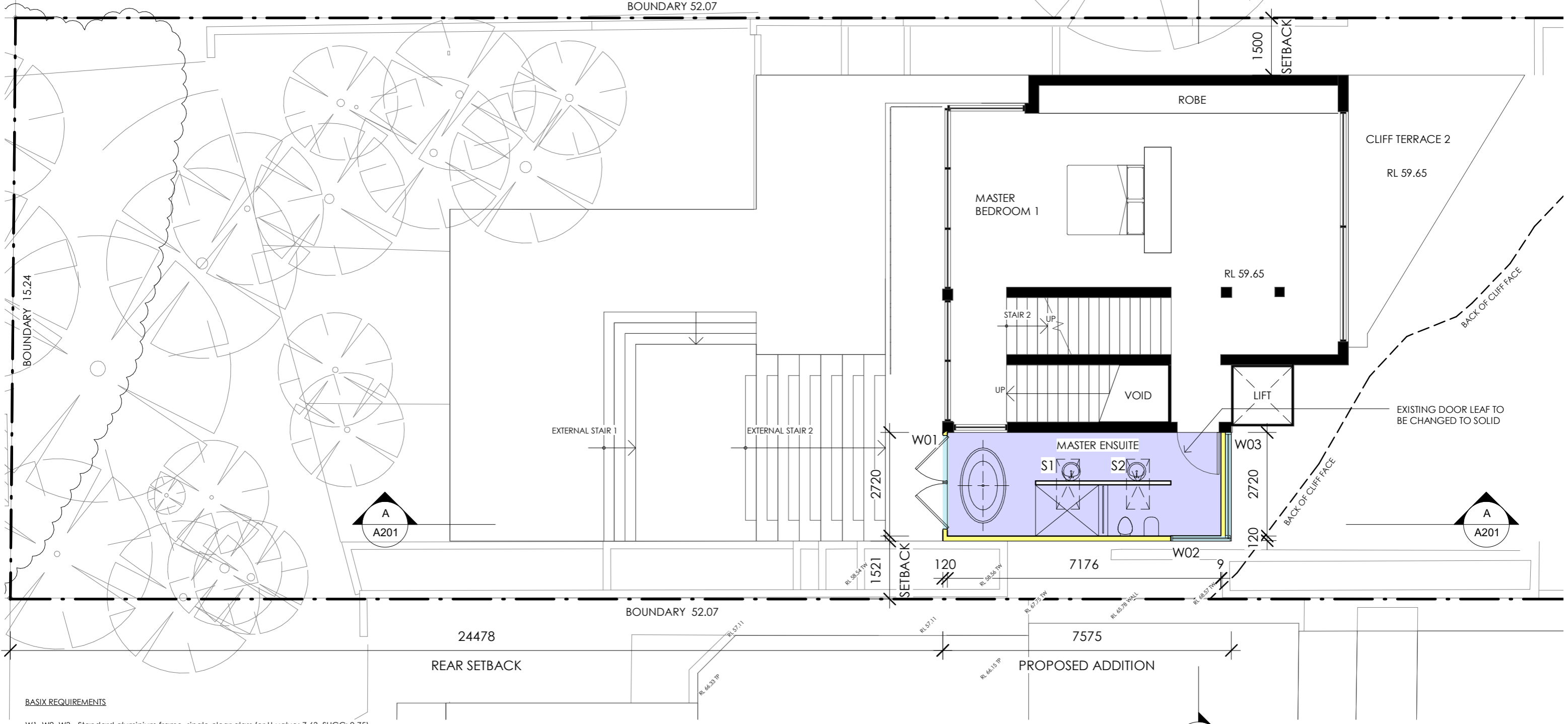
Construction - Insulation requirements
 External wall cavity brick - nil R-value
 External wall framed - R1.16 (or R1.70 including construction)
 Flat ceiling - R2.50 (up), medium (solar absorptance 0.475 - 0.70)
 Flat roof framed - Foil/sarking, medium (solar absorptance 0.475 - 0.70)

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A103
Rumpus Level
249

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



BASIX REQUIREMENTS

W1, W2, W3 - Standard aluminium frame, single clear glass (or U-value: 7.63, SHGC: 0.75)

S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

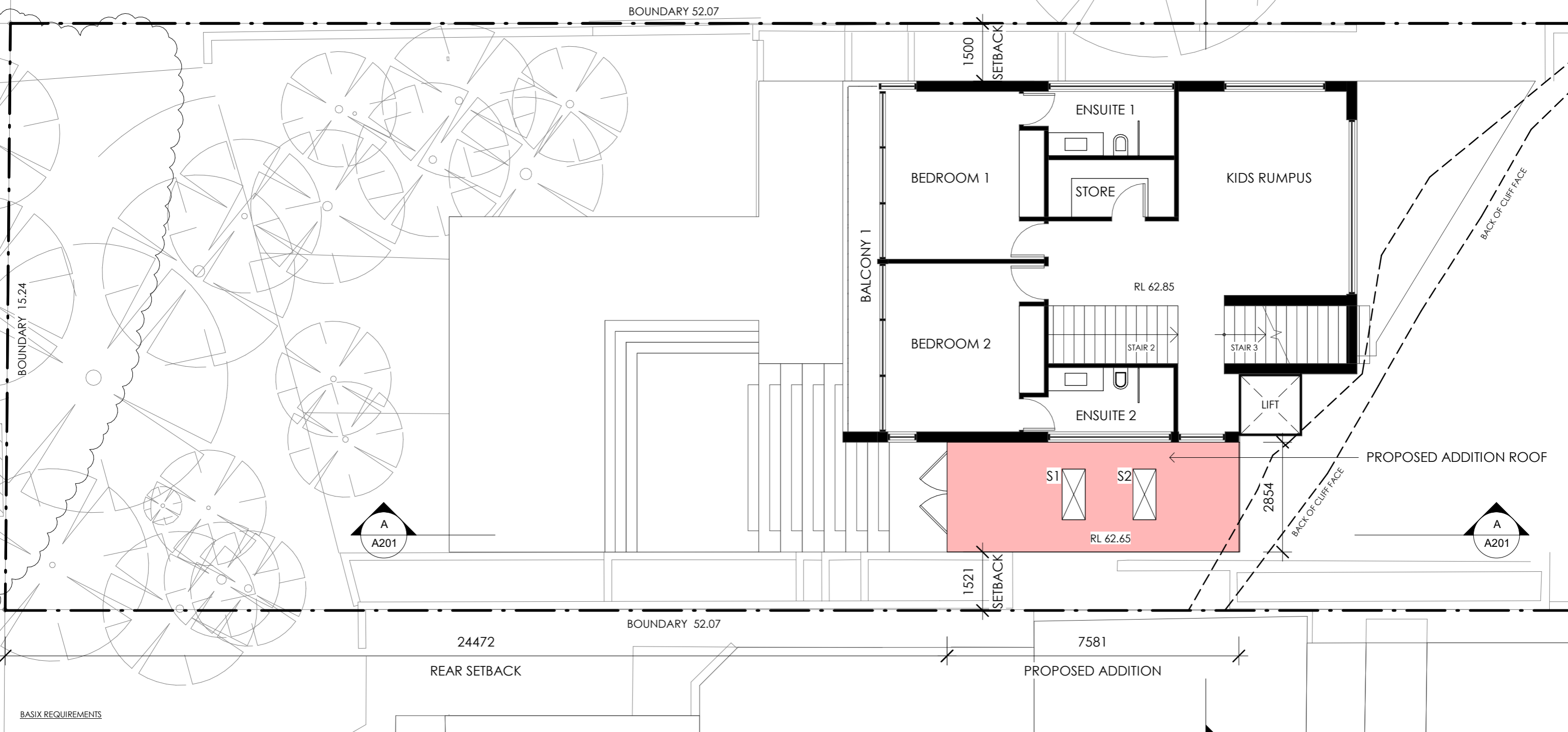
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A104
 Parents Level
 250

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



BASIX REQUIREMENTS

W1, W2, W3 - Standard aluminium frame, single clear glass (or U-value: 7.63, SHGC: 0.75)

S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

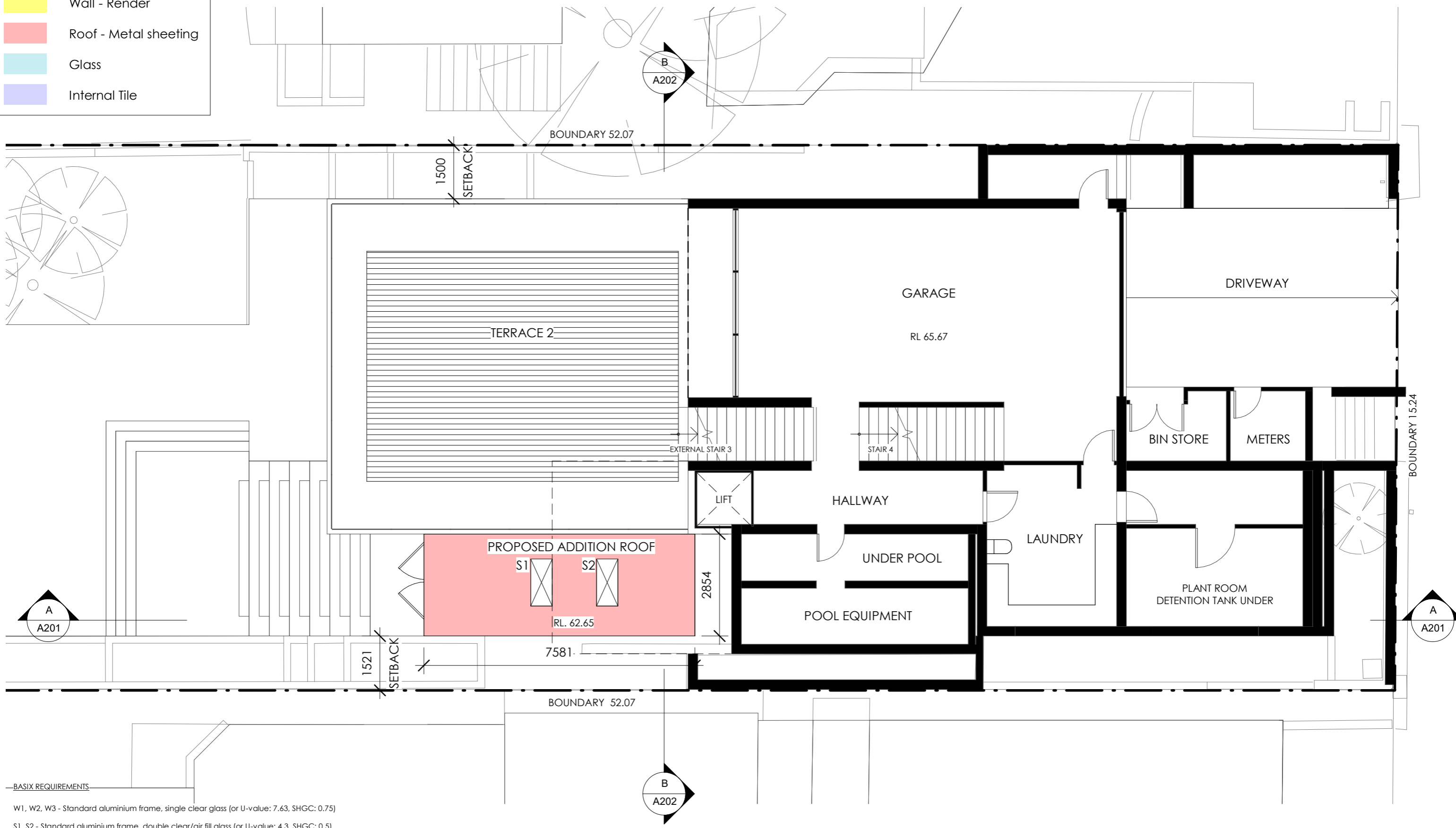
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A105
 Kids Level
 251

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



BASIX REQUIREMENTS

W1, W2, W3 - Standard aluminium frame, single clear glass (or U-value: 7.63, SHGC: 0.75)

S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

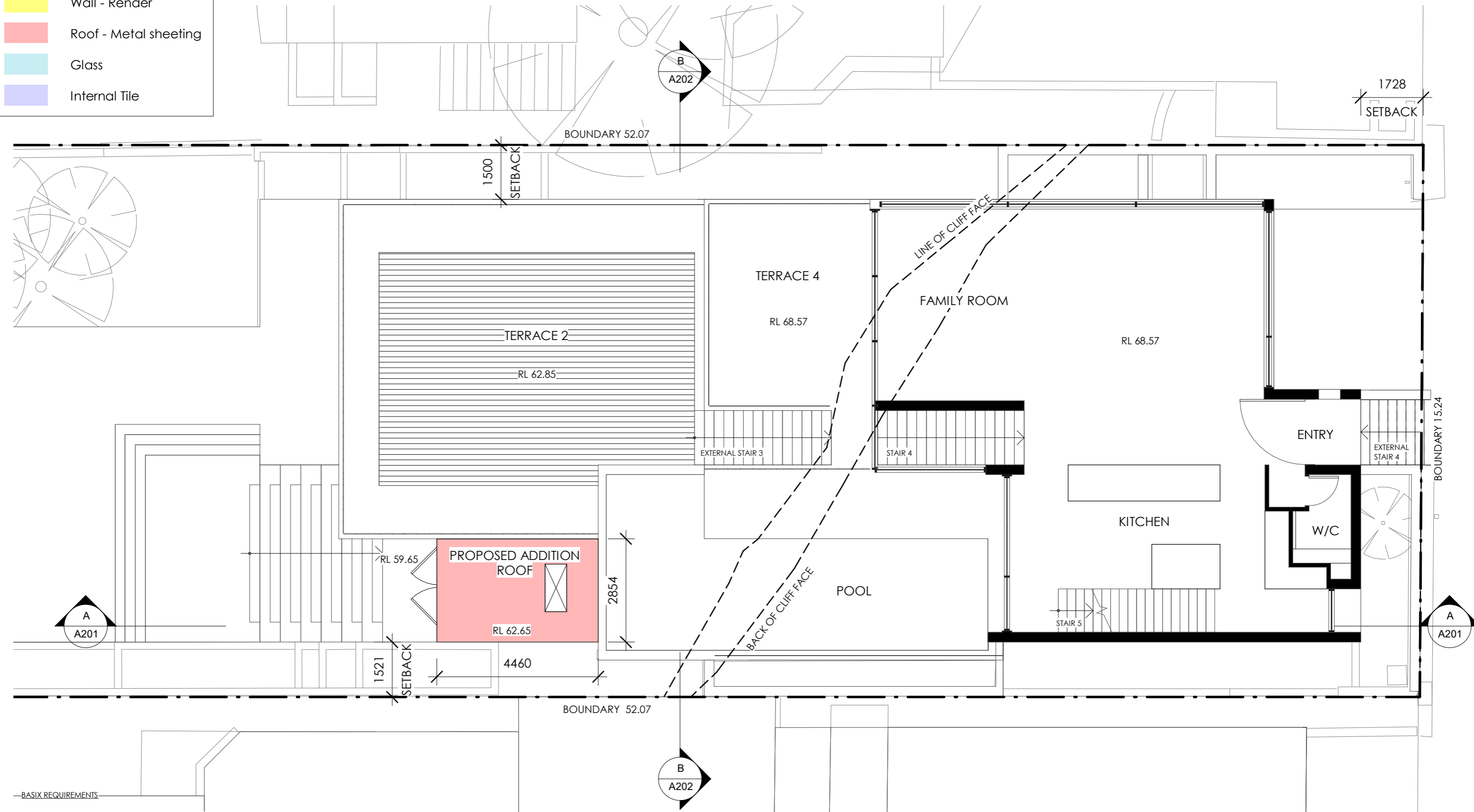
Construction - Insulation requirements
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A106
 Garage Level
 252

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



NOTES

-BASIX REQUIREMENTS

W1, W2, W3 - Standard aluminium frame, single clear glass (or U-value: 7.63, SHGC: 0.75)

S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

Construction - Insulation requirements

External wall cavity brick - nil R-value

External wall framed - R1.16 (or R1.70 including construction)

Flat ceiling - R2.50 (up), medium (solar absorptance 0.475 - 0.70)

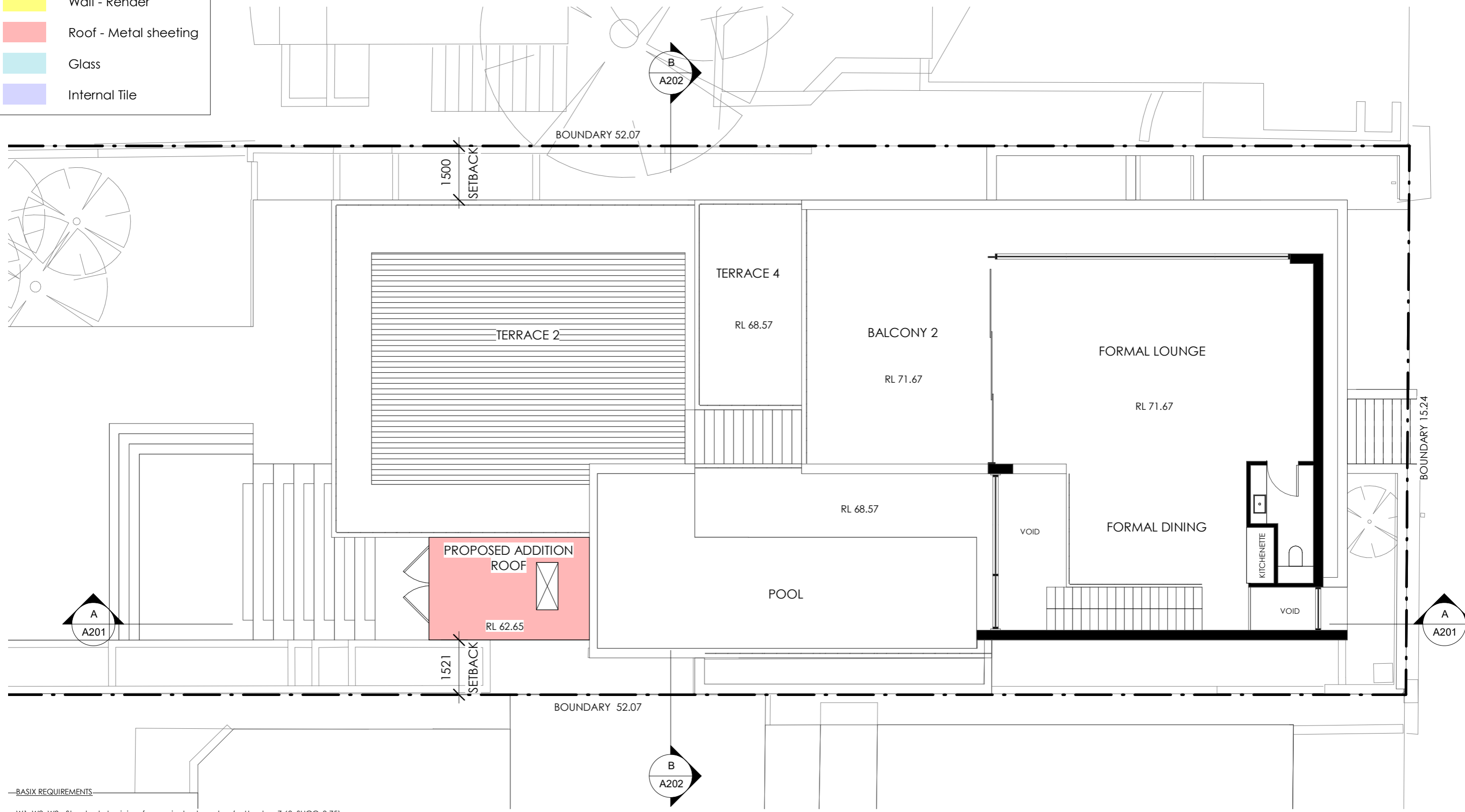
Flat roof framed - Foil/sarking, medium (solar absorptance 0.475 - 0.70)

A107
Ground Floor
253

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
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Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



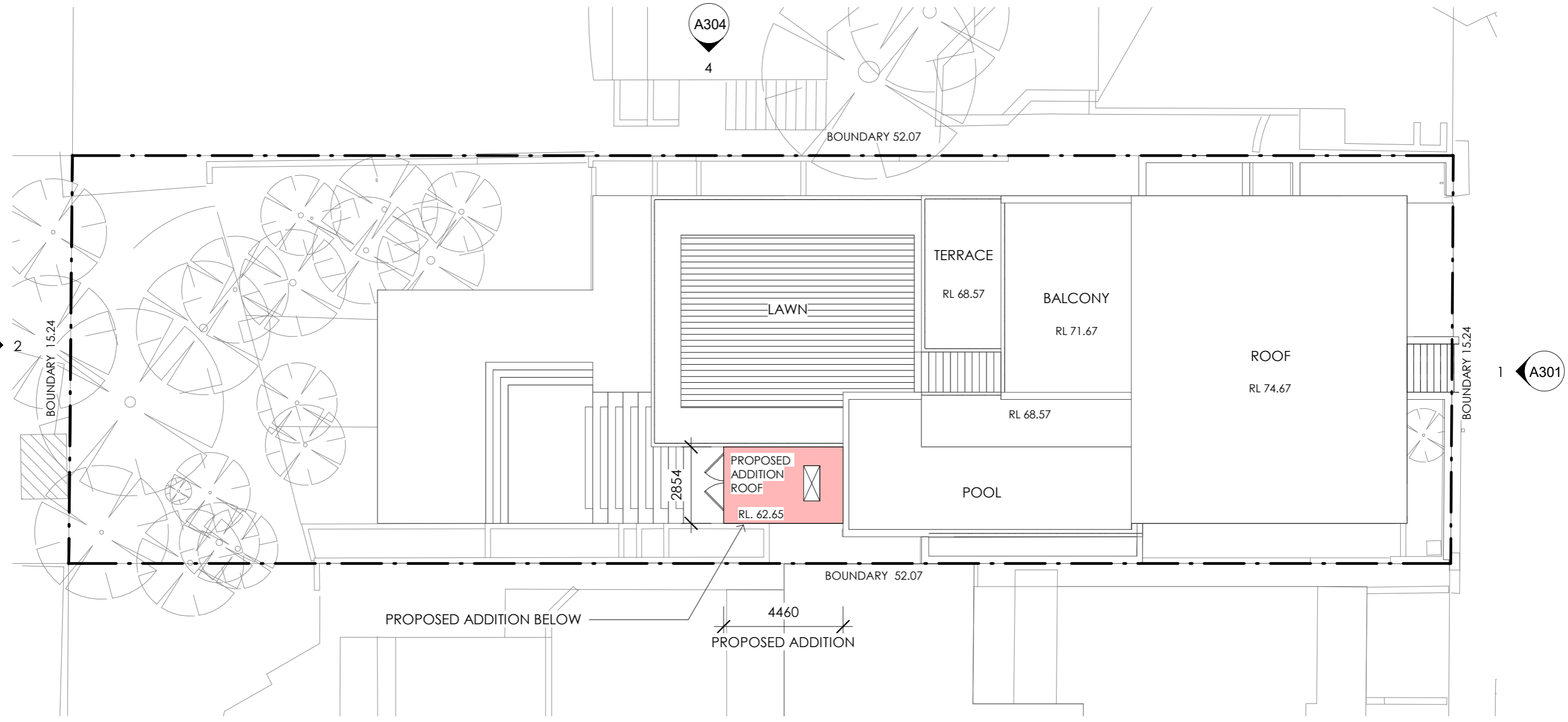
- NOTES**
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A108
First Floor
254

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile

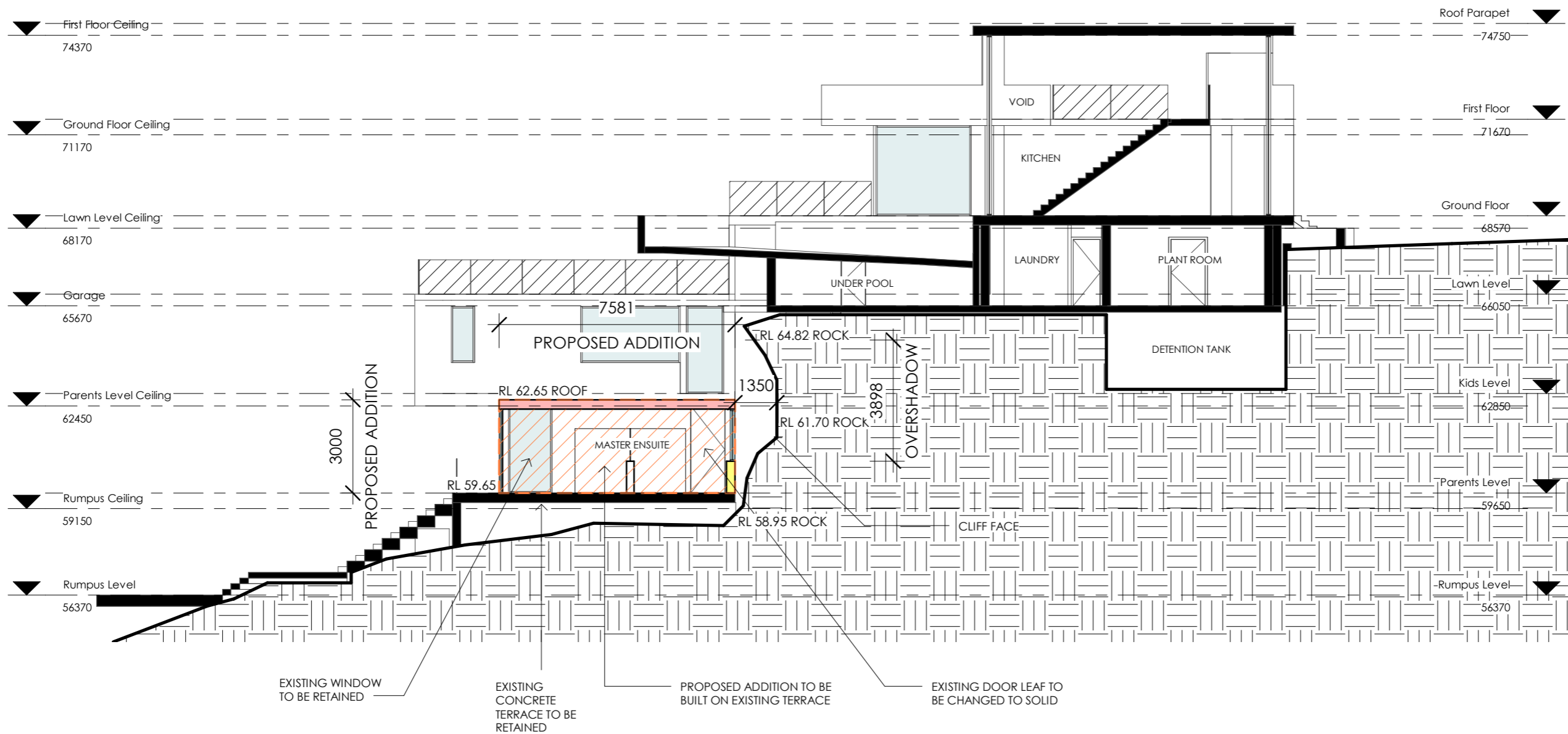


A109
Roof Plan
255

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	As indicated	08.06.18	DA proposal - 19sqm addition to an existing dwelling

Materials

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- Roof - Metal sheeting
- Glass
- Internal Tile



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- Flat roof framed - Foil/sarking, medium (solar absorbance 0.475 - 0.70)

NOTES

- Any discrepancies should be brought to the attention of the author.
 - All dimensions and services etc. to be checked on site prior to construction.

PROJECT ADDRESS

16 Loombah Road, DOVER HEIGHTS

CLIENT

Steven & Jodi Sher

DRAWN

M. Ryan

SCALE

1 : 150 @ A3

DATE

08.06.18

REVISION

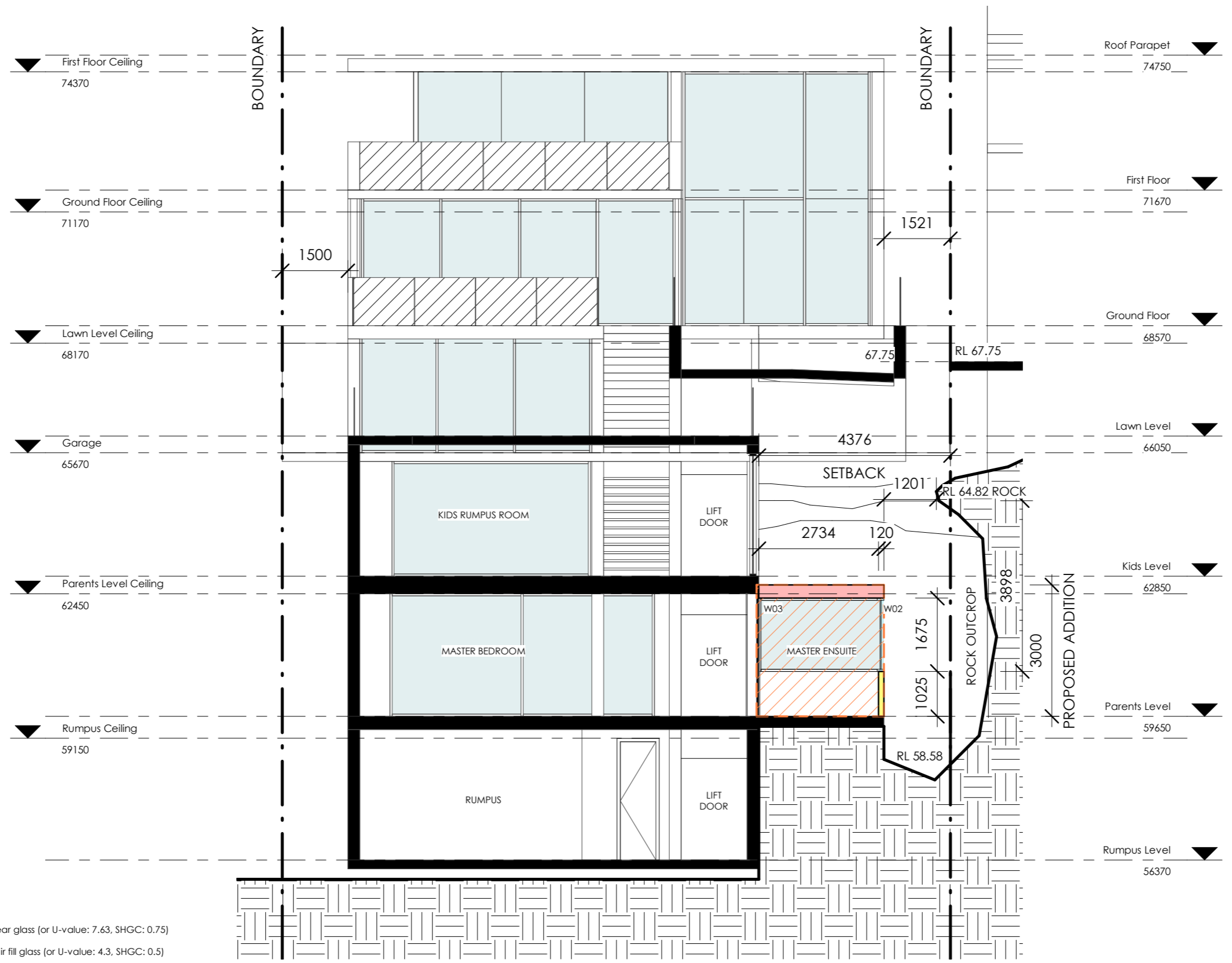
DA proposal - 19sqm addition to an existing dwelling

A201
Section A

256

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



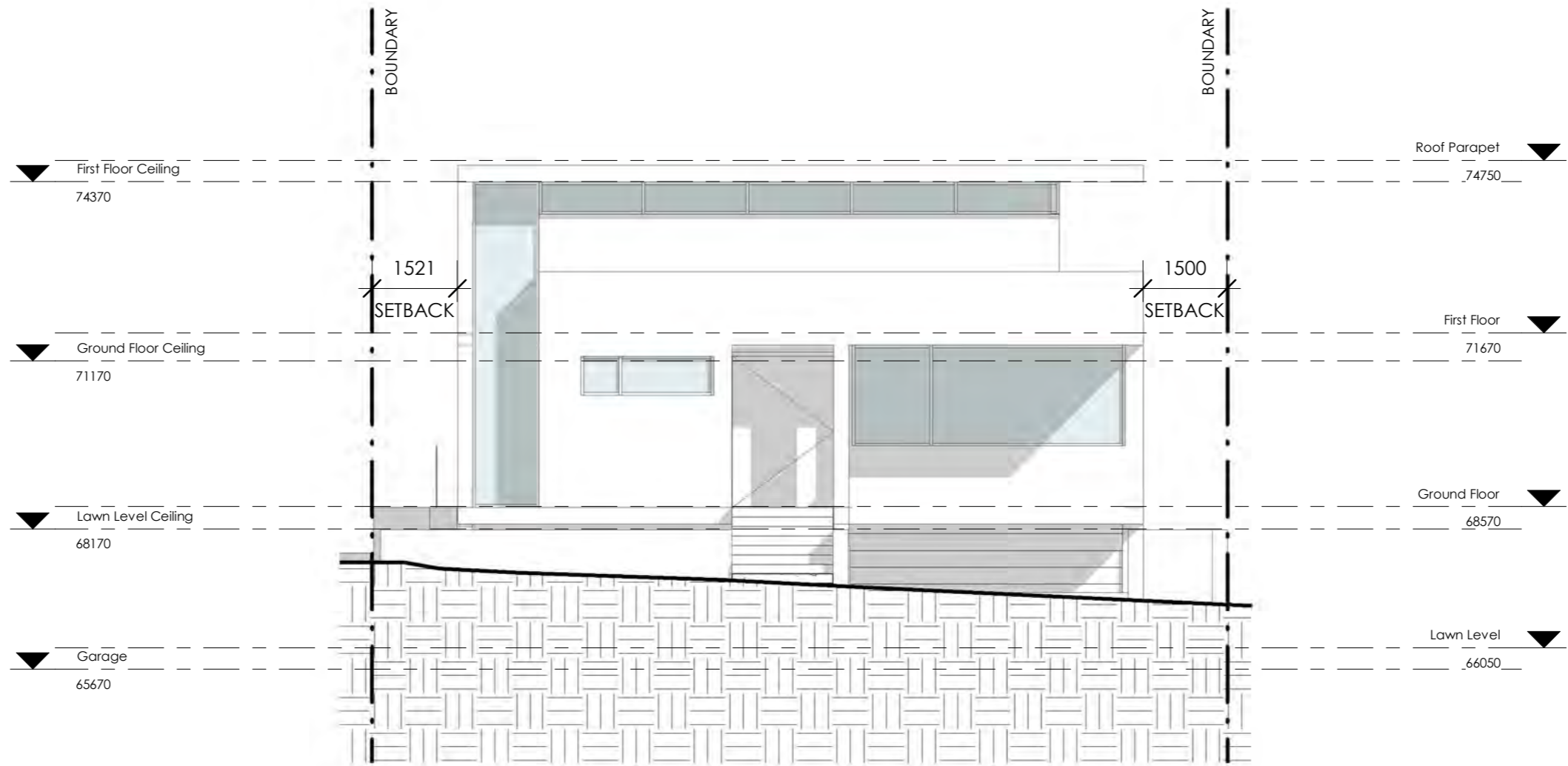
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 Flat roof framed - Foil/sarking, medium (solar absorptance 0.475 - 0.70)

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A202
 Section B
 257



A301
North Elevation

258

NOTES

- Any discrepancies should be brought to the attention of the author.
- All dimensions and services etc. to be checked on site prior to construction.

PROJECT ADDRESS

16 Loombah Road, DOVER HEIGHTS

CLIENT

Steven & Jodi Sher

DRAWN

M. Ryan

SCALE

1 : 100 @ A3

DATE

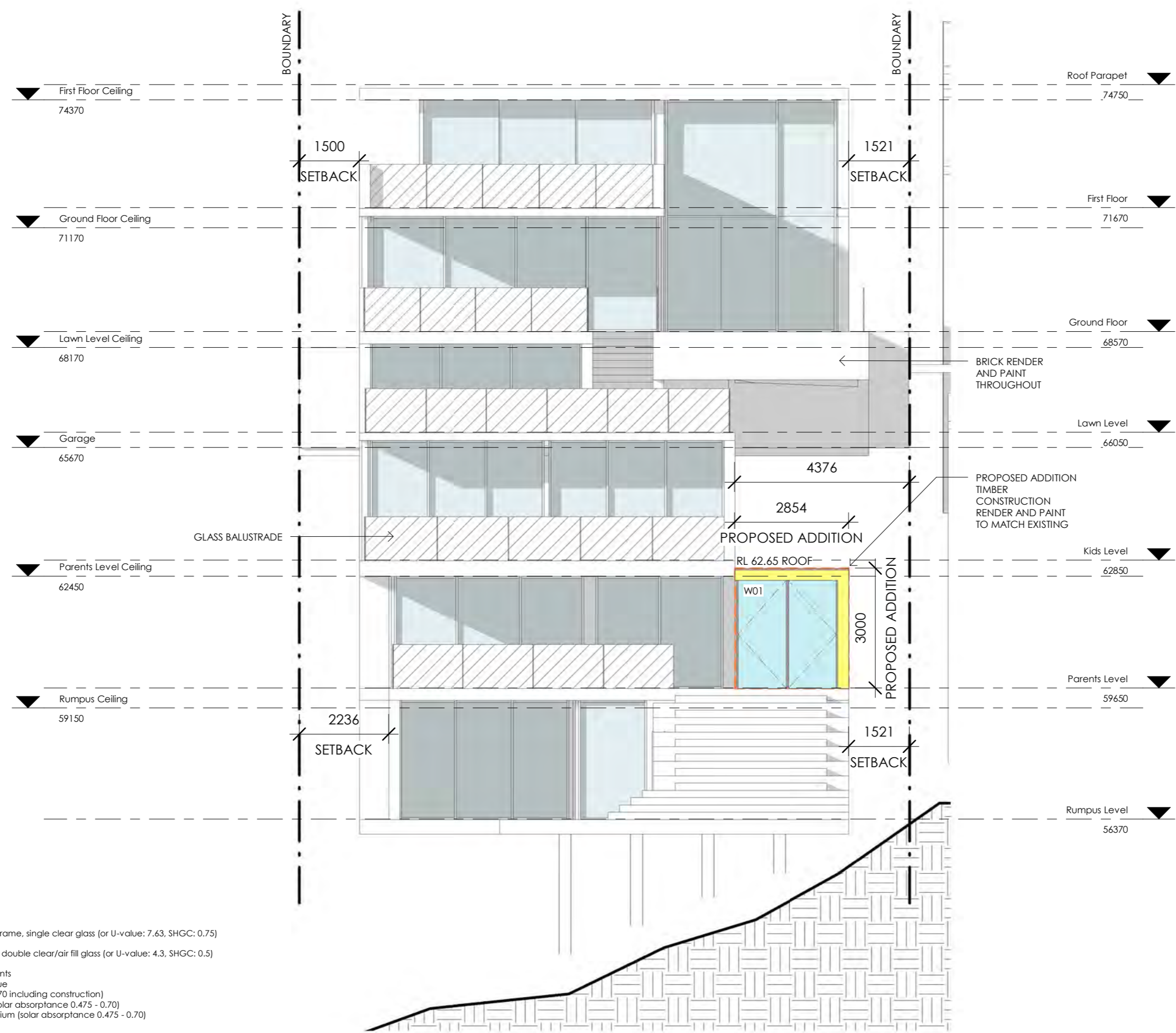
08.06.18

REVISION

DA proposal - 19sqm addition to an existing dwelling

Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile



BASIX REQUIREMENTS

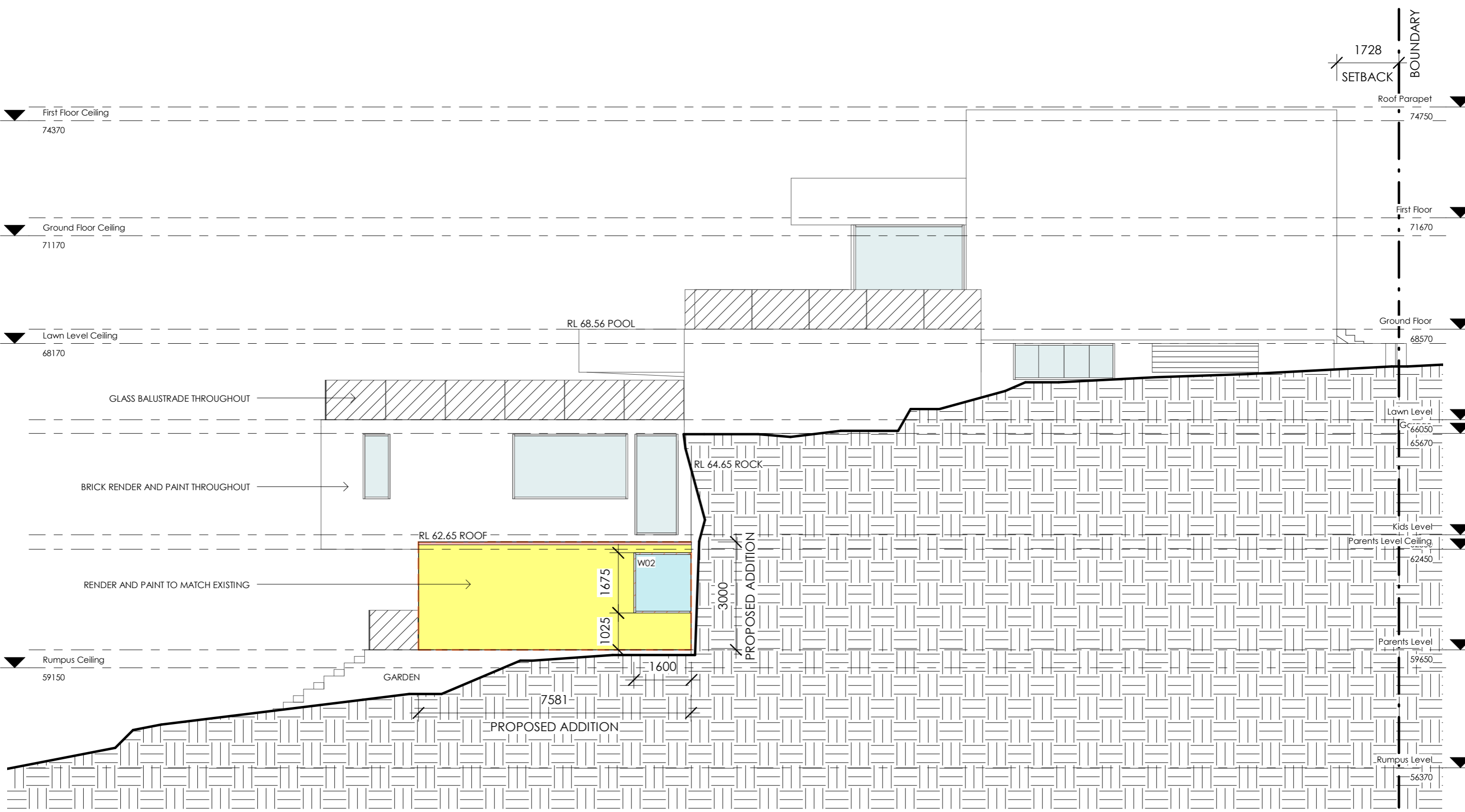
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A302
 South Elevation
 259



BASIX REQUIREMENTS

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S1, S2 - Standard aluminium frame, double clear/air fill glass (or U-value: 4.3, SHGC: 0.5)

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 Flat roof framed - Foil/sarking, medium (solar absorptance 0.475 - 0.70)

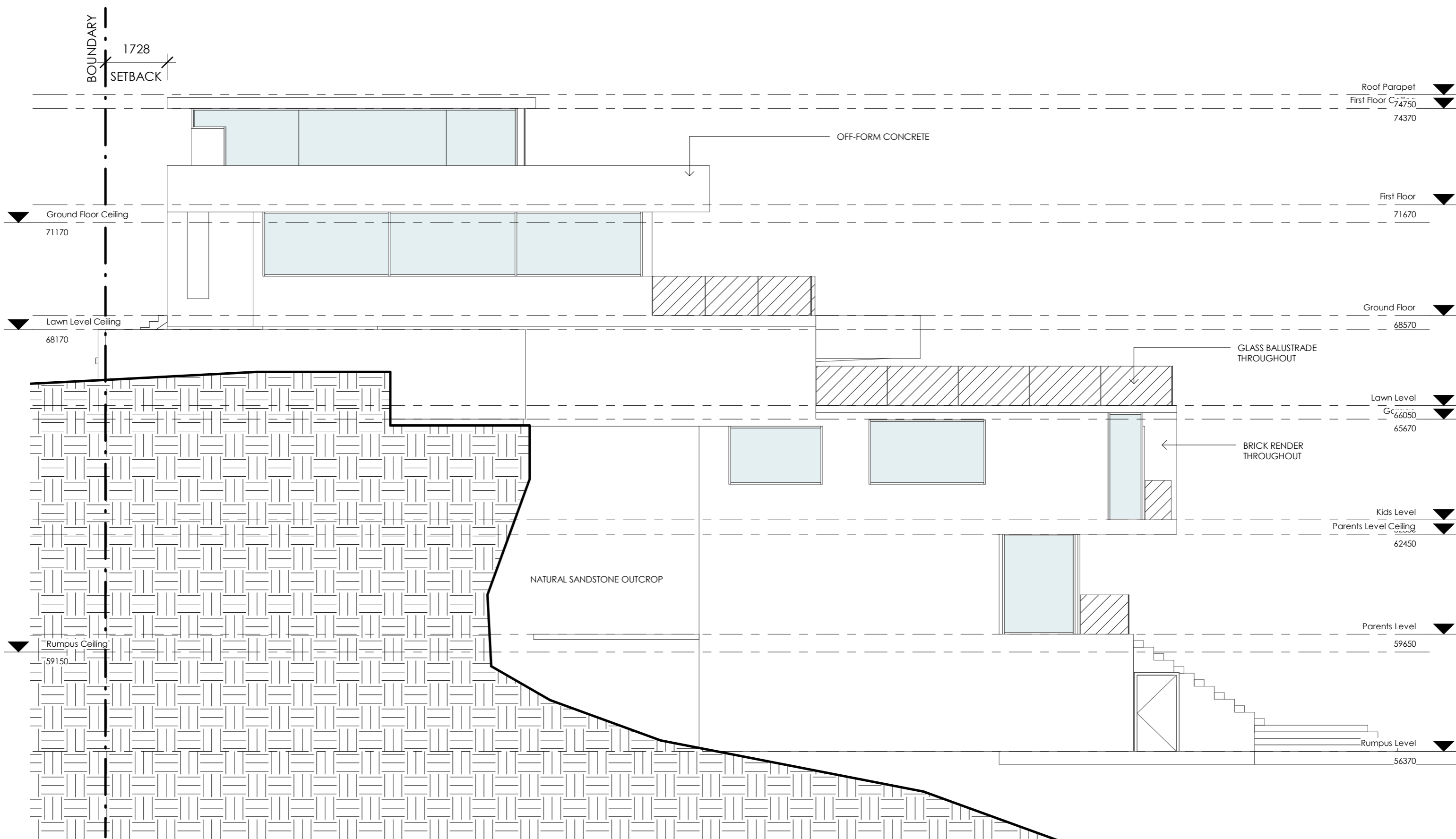
Materials

- Wall - Render
- Roof - Metal sheeting
- Glass
- Internal Tile

A303
 East Elevation

260

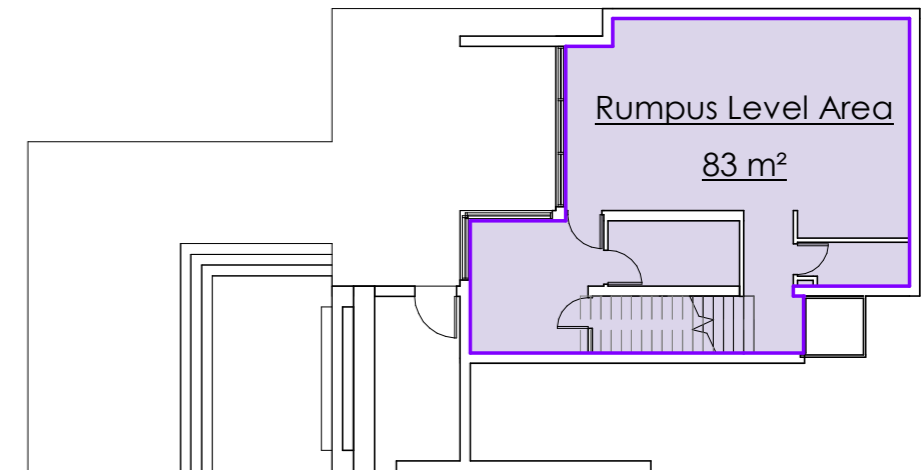
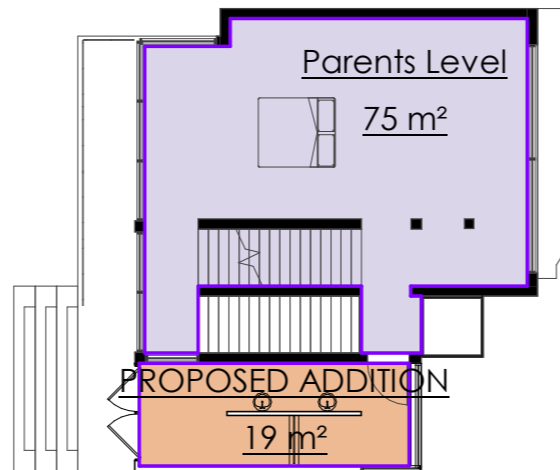
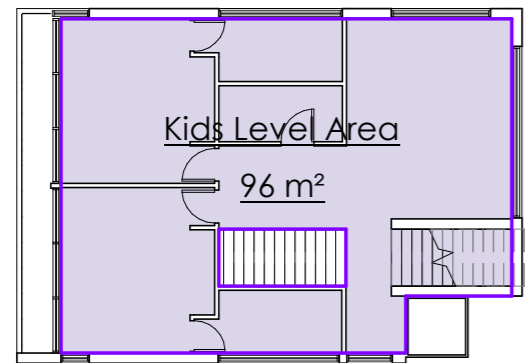
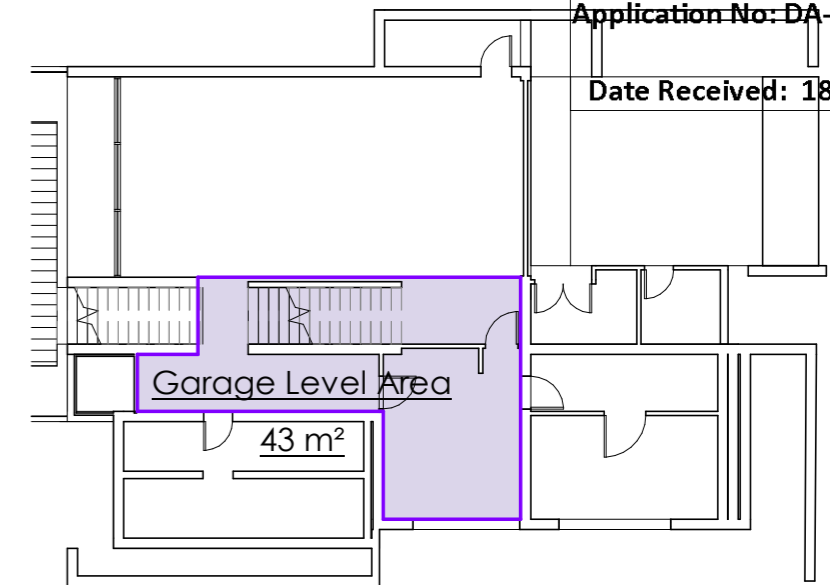
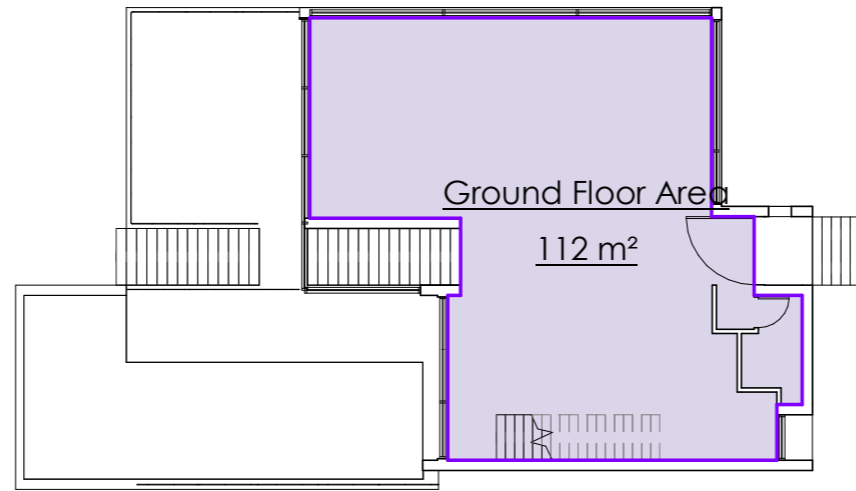
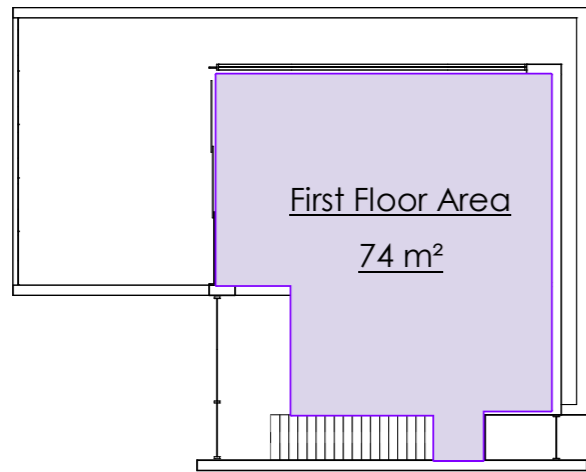
NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	1 : 100 @ A3	08.06.18	DA proposal - 19sqm addition to an existing dwelling



A304
West Elevation

261

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	1 : 100 @ A3	08.06.18	DA proposal - 19sqm addition to an existing dwelling



Level	Existing Area
Rumpus Level	83 m ²
Parents Level	75 m ²
Kids Level	96 m ²
Garage	43 m ²
Ground Floor	112 m ²
First Floor	74 m ²
	<u>484 m²</u>

Site Area =	786.2sqm
Proposed area =	503sqm
Existing GFA =	484sqm
Proposed GFA =	503sqm
Permissible FSR ratio =	0.5:1 (393.1sqm)
Current FSR ratio =	0.61:1 (484sqm)
Proposed ratio =	0.64:1 (503sqm)

NOTES

- Any discrepancies should be brought to the attention of the author.
- All dimensions and services etc. to be checked on site prior to construction.

PROJECT ADDRESS

16 Loombah Road, DOVER HEIGHTS

CLIENT

Steven & Jodi Sher

DRAWN

M. Ryan

SCALE

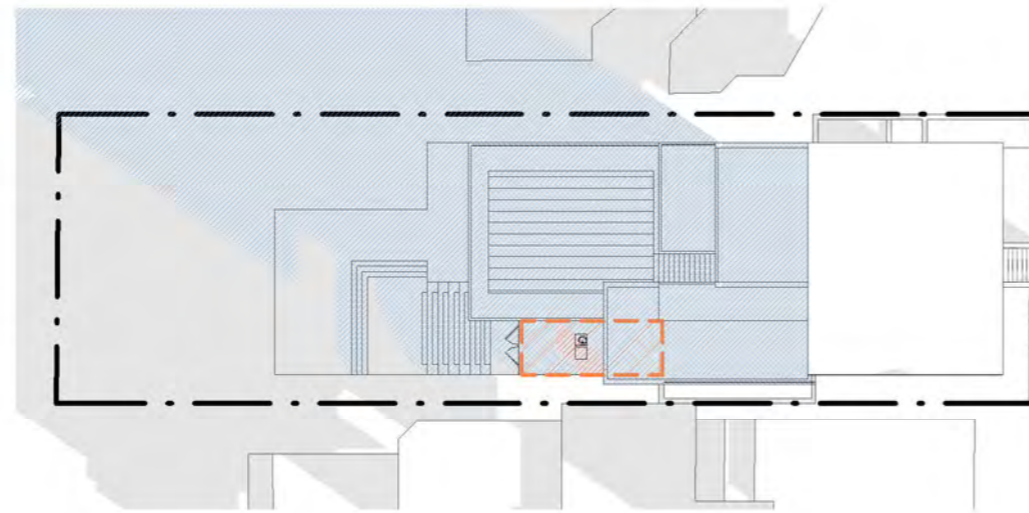
1 : 200 @ A3

DATE

08.06.18

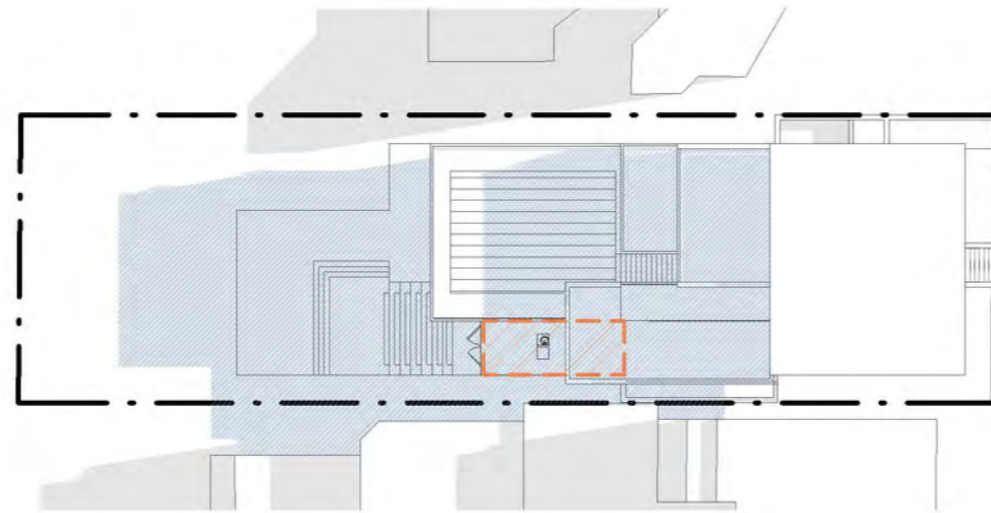
REVISION

DA proposal - 19sqm addition to an existing dwelling



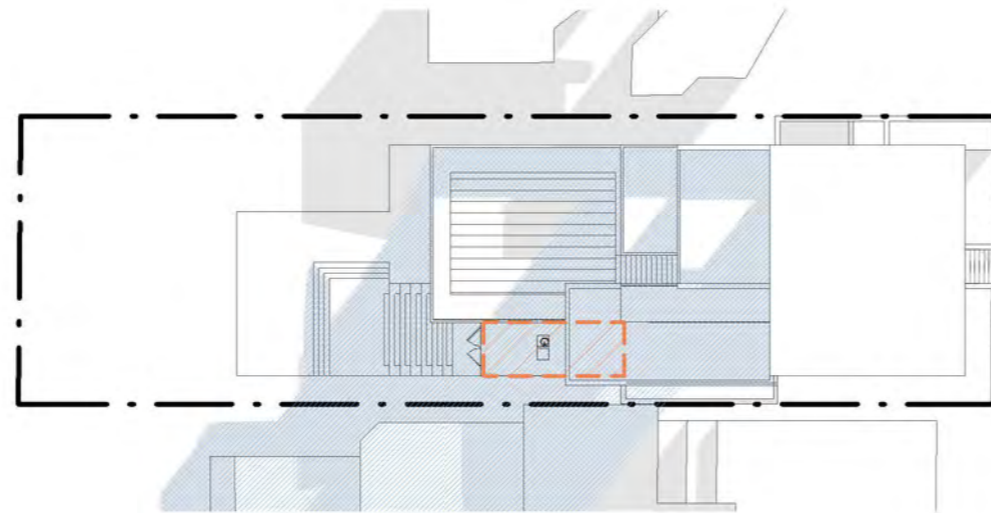
Shadows - 9am 21 June

* no change in existing shadows on neighbouring properties





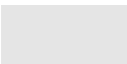
Shadows - 12pm 21 June

* no change in existing shadows on neighbouring properties



Shadows - 3pm 21 June

* no change in existing shadows on neighbouring properties

-  Existing shadow
-  Proposed shadow
-  Neighbour shadow

A600
Shadow Diagrams - Winter Solstice

NOTES	PROJECT ADDRESS	CLIENT	DRAWN	SCALE	DATE	REVISION
- Any discrepancies should be brought to the attention of the author. - All dimensions and services etc. to be checked on site prior to construction.	16 Loombah Road, DOVER HEIGHTS	Steven & Jodi Sher	M. Ryan	1 : 400 @ A3	08.06.18	DA proposal - 19sqm addition to an existing dwelling



Report to the Waverley Local Planning Panel

Application number	DA-11/2018
Site address	89 Macpherson Street, Bronte
Proposal	Alterations and additions to existing flat building to provide 2 additional units (total 6 units), four car parking spaces and communal open space.
Date of lodgement	23 January 2018
Owner	Mr A Bassaly
Applicant	Mr A Bassaly
Submissions	Three
Cost of works	\$2,495,829
Issues	Height, FSR, setbacks and amenity.
Recommendation	That the application be REFUSED .



1. PREAMBLE

1.1 Site and Surrounding Locality

The site is identified as Lot 13 in DP 77542, known as 89 Macpherson Street, BRONTE. The site is rectangular in shape with a northern street frontage measuring 12.19m, eastern side boundary measuring 45.695m, southern rear boundary measuring 12.19m, and a western side boundary measuring 45.68m. The site has an area of 557m² and the site falls from the north towards the south by approximately 5.8m.

The site is occupied by a double (2) storey residential flat building containing four units. The site is provided with vehicular access from Chesterfield Lane and a garage located at the rear of the site.

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



Figure 1: Subject site frontage



Figure 2: Existing building viewed from rear of the site



Figure 3: Site (with existing large tree) and neighbouring development viewed from Chesterfield Lane

1.2 Relevant History

DA-105/2017 proposed demolition of the existing residential flat building, construction of two semi-detached dwellings with double garages and swimming pools, and Torrens title subdivision. The application was withdrawn on 9 June 2017.

1.3 Proposal

The application seeks consent for alterations and additions to existing residential flat building.

Garage: Alterations to provide 4 car spaces accessed via Chesterfield Lane and an additional level above for a 2 bedroom apartment.

Lower ground floor: Alterations and additions (retaining the external side walls) to the two existing units, including removing the studies to provide balconies. Landscaping works are proposed to the rear, including the removal of a tree, to provide for communal open space.

Ground floor: Alterations and addition (retaining the external side walls) to the two existing units, including removing the studies to provide balconies. The entrance to the building via the bridge on Macpherson Street is to be retained.

First floor: Additional level comprising a 3 bedroom unit (described in the SEE as 3 bedroom, but shown on plans as 2 bedroom plus study). The SEE states this additional level has a flat roof form, however it has a pitched roof with a flat dormer window like structure protruding towards the front and rear.

2. ASSESSMENT

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

2.1 Planning Instruments and Development Control Plans

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

2.1.1 SEPP (Building Sustainability Index – BASIX) 2004

A BASIX Certificate has been submitted with the development application.

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

2.1.2 SEPP 55 Remediation of Land

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

2.1.3 SEPP 65 Design Quality of Residential Flat Development

The application was referred to the Joint Randwick/Waverley SEPP 65 Design Review Panel on 23 July 2018. The Panel's comment of the proposed development with regard to the nine design quality principles under SEPP 65 and a planning response to each comment are set out in **Table 1** below:

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

Principle	Panel's Comment	Planning Comment
1. Context & Neighbourhood	<p><i>The existing streetscape of Macpherson Street is a mix of low to medium residential typologies, with the exception of a 9 storey unit building 2 blocks to the east. Within the immediate neighbourhood are pockets of local infrastructure, recreation and community related uses.</i></p> <p><i>The rear lane has a variety of garages and there is evidence of some activation that this proposal intends to complement with a 2 bedroom unit having a partial outlook in that direction.</i></p> <p><i>In this context the contemporary character of the proposal will be a complementary addition.</i></p>	<p>Agreed. A contemporary proposal would be a complementary addition to the area, however the existing proposal is not considered to be suitable for the site.</p>
2. Built form & Scale	<p><i>The site for the proposed built form is zoned R3 Medium Density, under the height control of 9.5m and appropriate in scale relative to the surrounding buildings within the R2 zone. A pitched roof with extruded dormers is intended to provide space for the upper most unit, and helps manage the scale relationship to the buildings on either side.</i></p> <p><i>With an internal communal open space overlooked by adjacent units and substantially overshadowed, it was recommended that the Applicant consider making the green roof to the rear building into a communal landscaped roof terrace that would have good year round solar access. This could be achieved with a return stair adjacent to the garage access, and appropriate screening for privacy.</i></p>	<p>The proposed maximum height is 10.26m, which exceeds the maximum height control of 9.5m by 760mm or 8%.</p> <p>The proposal seeks to retain the existing external walls, which result in non-compliant side setbacks of 1.06m on the eastern side and 155mm on the western side. The front setback of 2.5m is retained. The addition above the garage to provide a two bedroom unit has nil setbacks to Chesterfield Lane and the side boundaries of the site.</p> <p>It is agreed that the internal communal open space is overlooked and will be substantially overshadowed. However, the suggestion that the Applicant make the garage roof an accessible roof terrace is not supported. This will have adverse privacy and noise impacts on</p>

Principle	Panel's Comment	Planning Comment
		neighbouring properties as it is a two storey structure. There is also not a pattern of roof terraces within the immediate context.
3. Density	<i>Although the proposal has a FSR of 0.9:1, 31% of the GFA is achieved under the additional floor space permissible with the ARH SEPP, and the outcome is not at odds with the surrounding precinct. Access to a good range of local amenities and services will ensure the increase in residential capacity can be managed.</i>	This is not the position of Council's Development and Building Unit. The Applicant is relying on the ARH SEPP to achieve additional FSR for the development. However, the architect's calculation of FSR differs from the assessing officer's. Specifically, the architect has not included the lower ground floor hall way as it is not enclosed at either end. For safety and amenity purposes, this hallway is required to be enclosed, and therefore is included in the FSR calculation. This is discussed in further detail below.
4. Sustainability	<i>With the proposed configuration all units will have access to good natural light and through ventilation. However the Panel had concerns about the living areas of the 2 lower ground floor units that are virtually one level below Macpherson Street, even with their terraces extending out to the front. It was recommended that a more detailed section be provided to determine the extent of winter sun possible through the palisade fence and landscaping.</i>	Agreed, the two lower ground floor units are not anticipated to achieve adequate natural ventilation or solar access.
5. Landscape	<i>While the general landscape intentions seemed good, as noted above communal open space sited on a landscaped roof terrace above the laneway building should be considered. This would also assist access for maintenance of planting. At the front the retaining wall to the street could be enhanced by inclusion of green wall treatment that would improve the internal aspect to the lower units, and also benefit air quality.</i>	It is not agreed that the communal open space should be relocated to the roof terrace above the garage. This has adverse impacts on surrounding properties.
6. Amenity	<i>While the unit layouts all appeared well planned with good amenity, the Panel expressed concern about the long internal corridor access to the</i>	The lower ground floor units will not have adequate amenity. They have non-compliant side setbacks and the private open space that is directly

Principle	Panel's Comment	Planning Comment
	<p><i>rear unit and communal spaces. It was recommended that the wall to B1 (Unit 2) be adjusted by approx. 0.5m to enable widening of the corridor towards the rear which would improve access to light and facilitate spatial flow. Further recesses could also be included back towards the entry for more relief.</i></p> <p><i>The potential for views into the ground floor units from the street should be reviewed, and provision for appropriate screening louvres or similar privacy treatment considered. Some side windows are also very close to neighbouring rooms, and should have obscure glazing.</i></p>	<p>accessible from the living and dining rooms is below street level. The lobby to access these is not enclosed at each end which poses issues in terms of security, and weather protection. The rear unit above the garage is accessed via the garage which does not have adequate amenity nor does it provide a sense of arrival.</p>
7. Safety	<p><i>The provision for security and surveillance was well planned, but the long convoluted access to the rear unit was seen as problematic. It was agreed with the Applicant that some adjustment to the parking layout could enable access from the rear lane.</i></p>	<p>Agreed. The access to the rear unit is through the garage and convoluted. In addition, the lower ground floor walkway is not enclosed and therefore not secure.</p>
8. Housing Diversity and Social Interaction	<p><i>Inclusion of the 2 low cost rental units was commended, and would enable a good diversity of unit residents. Scope for social encounters with the more generous communal open space and wider corridor would further complement the potential for resident interaction.</i></p>	<p>Agreed in principle.</p>
9. Aesthetics	<p><i>The general presentation was commended, and the overall proposal had a high design quality potential with a well-considered material palette. Given the highly visible roof and dormers, the Panel requested details be well resolved for the collection and dispersal of roof water and that internal locations utilised for downpipes where possible.</i></p>	<p>While the material palette may be of a high quality, the cumulative impacts of non-compliant setback and the convoluted nature of the overall proposal results in a development that does not provide adequate amenity for future occupants.</p>

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

Clause 6A of SEPP 65 requires that development control plans (DCPs) cannot be inconsistent with the Apartment Design Guide (ADG) in respect of the following:

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

If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. DCP 2012 contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

An assessment against the provisions within the ADG is provided in the table below and these controls have been deleted from **Table 6** relating to the DCP as they are no longer relevant.

Table 2: Apartment Design Guide

Design Criteria	Compliance	Comment
3F Visual privacy		
<ul style="list-style-type: none"> • Min separation distances from buildings to side and rear boundaries: • Up to 12m (4 storey) – 6m habitable & 3m non-habitable 	No	The proposal seeks to retain the existing external walls of the building which results in significantly non-compliant setbacks. The side setback from the eastern boundary is 1.1m, and from the western boundary is only 155mm.
4A Solar and daylight access		
<ul style="list-style-type: none"> • Living rooms and private open spaces of at least 70% of units receive minimum of 2 hours direct sunlight between 9am-3pm mid-winter • A maximum of 15% receive no direct sunlight between 9am-3pm mid-winter 	Not clear	The SEE and SEPP 65 statement submitted with the application state that 100% of the units meet ADG solar access criteria, but it is not clear how the lower ground floor dwellings (Units 3 and 4) achieve this. The solar view diagram provided indicates that between 10am and 1pm these units receive solar access. Sections have not been provided to indicate if this solar access reaches the internal living rooms or just the front landscaping and balcony. In addition, the shadow diagrams do not appear to indicate the overshadowing impact of the front retaining wall and fence. Therefore it is not clear whether any apartment receive no direct sunlight between 9am and 3pm mid-winter. The private open space of Unit 5 on the top floor faces due south and includes side walls for privacy and therefore does

Design Criteria	Compliance	Comment
		<p>not achieve any solar access.</p> <p>Shadow elevations have not been included to indicate the impact of the development on the neighbouring properties. Given the non-complaint setbacks and the height exceedance, any additional overshadowing impact should not be supported.</p>
4B Natural ventilation		
<ul style="list-style-type: none"> All habitable rooms are naturally ventilated Number of units with natural cross ventilation is maximised: <ul style="list-style-type: none"> At least 60% of units naturally ventilated 	Yes	<ul style="list-style-type: none"> All habitable rooms are provided with at least one window for natural ventilation. All units have dual aspects. In this regard, 100% of the units can be naturally cross ventilated. <p>Notwithstanding this, the 155mm setback from the western boundary means that the side facing windows to Unit 2 and 4 cannot be operable which further reduces the amenity to these apartments.</p>
4C Ceiling heights		
<ul style="list-style-type: none"> Habitable rooms – 2.7m Non-habitable rooms – 2.4m 	Yes	The ceiling heights within all units comply with the minimum requirement.
4D Apartment size and layout		
<p>The following minimum internal areas apply:</p> <ul style="list-style-type: none"> Studio = 35 m² 1 Bed = 50 m² 2 Bed = 70 m² 3 Bed = 90 m² Add 5m² for each additional bathroom (above 1) Add 12m² for each additional bedroom 	No	<p>Unit 3 and Unit 5 are undersized. They both provide a room labelled as “study”, which is an undersized bedroom. In Unit 3 the room is 3.4 x 2.7m with no wardrobe space provided and the apartment is 72sqm. This space should be incorporated into the open plan living/dining room area or with sliding walls to provide a more flexible floor space which would provide better amenity to future occupants.</p> <p>In Unit 5, the proposed study has storage and measures 4.3 x 2.6m, which does not comply with the minimum bedroom dimension of 3m. The apartment has an overall size of 94sqm, which is undersized for a 3 bedroom, 2 bathroom unit.</p>
4E Private open space and balconies		
<p>All apartments provide primary balcony as follows:</p> <ul style="list-style-type: none"> 1-bed – 8m² & 2m depth 2-bed - 10m² & 2m depth 3+bed - 12m² & 2.4m depth 	Yes	Units 1 and 2 on the ground floor retain the existing balconies at the front, which do not comply with the minimum dimensions. The new units, i.e. Unit 5 on the top floor, and Unit 6 above the garage both provide adequate private open

Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> Ground level, min 15m² & 3m depth 		space.
4F Common circulation and spaces		
<ul style="list-style-type: none"> Max of 8 units accessed off a circulation core on a single level 	Yes	<p>The proposal includes 6 apartments, with a maximum of 2 accessed off a single level.</p> <p>Notwithstanding this, the lower ground floor walkway between Units 3 and 4 is approximately 25m in length and 1.1m in width. No doors or security gates are provided at either end, which poses safety impacts for future occupants. ADG Part 4F design guidance requires longer corridors greater than 12m in length to be well articulated. The corridor is anticipated to be regularly used by residents as it is the only access from the 5 units to the communal open space and car parking. In addition, it will provide access from Macpherson Street to Unit 6. As such, in its current form, the open walkway is not considered suitable.</p>
4G Storage		
<p>In addition to kitchens, bathrooms and bedrooms, the following is provided:</p> <ul style="list-style-type: none"> 1-bed – 6m³ 2-bed – 8m³ 3+bed – 10m³ 	No	No storage has been indicated on the plans. The architect's design verification statement outlines that compliance is not achieved but no justification for the non-compliance is provided.

2.1.4 SEPP (Affordable Rental Housing) 2009

The application includes both the loss of existing affordable rental housing and the provision of in-fill affordable housing. The existing building is not Strata Subdivided, and no information has been provided relating to whether the building was a low-rental at 28 January 2000. Should it be found that the building provided low-rental accommodation at that time, a contribution would be payable based on the loss of affordable housing. This contribution would be a separate assessment and requirement under the SEPP (ARH) 2009, prior to determining whether the in-fill affordable housing may be supported.

An assessment against the provisions within the SEPP (Affordable Rental Housing) 2009 Division 1 In-fill affordable housing is provided in the **Table 3** below.

Table 3: SEPP (ARH) 2009 Compliance Table

Control	Compliance	Comment
10 Development to which Division applies		
<ul style="list-style-type: none"> This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: <ol style="list-style-type: none"> the development concerned is permitted with consent under another environmental planning instrument, and the development is on land that does not contain a heritage item. <p>This Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</p>	Yes	<p>The proposal is for alterations and additions to the existing residential flat building.</p> <p>The development is permissible.</p> <p>The subject site is not listed as a heritage item, and is not located in a conservation area.</p> <p>The site is located within an accessible area as it is within 400m walking distance of a bus stop used by a regular bus service (as defined in SEPP (ARH) 2009 Part 1 Clause 4(1)).</p>
13 Floor space ratios		
<ul style="list-style-type: none"> This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent. 	No	<p>A total of 6 units are proposed, 2 of which are dedicated to affordable rental housing. The applicant has calculated this as 31% of the total GFA of the development. However, the applicant has not included the lower ground floor walkway as gross floor area. This area equates to 26.73sqm, and when it is included in the total GFA for the development, the proposed percentage of affordable housing is reduced on 29%.</p>
<ul style="list-style-type: none"> The maximum FSR permitted under the LEP plus the percentage of the GFA of the development used for affordable housing, when the GFA for the development is correctly calculated). 	No	<p>The maximum FSR permitted under Waverley LEP 2012 Clause 4.4 is 0.6:1.</p> <p>The total proposed GFA 562.5sqm, of this 27% (154sqm) is affordable housing floor space. Therefore a bonus 0.27:1 FSR is permitted under the SEPP (ARH) 2009 equates to a maximum permissible FSR of 0.87:1.</p> <p>The assessing officer has calculated the proposed GFA as 562.5m², which results in a FSR of 1:1. The proposal does not comply.</p>

Control	Compliance	Comment
14 Standards that cannot be used to refuse consent		
<ul style="list-style-type: none"> • Site and solar access requirements <ul style="list-style-type: none"> – Site area to be at least 450sqm – 30% of the site is to be landscaped – Deep soil area to be not less than 15% of the site and to have minimum dimensions of 3m – 70% of dwelling receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. 	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p> <p style="text-align: center;">No clear</p>	<p>The site area is 557sqm.</p> <p>49% of the site is landscaped.</p> <p>26% of the site is provided for deep soil area with minimum dimensions of 3m.</p> <p>As noted above in the Apartment Design Guide compliance table, it is not clear if the two lower ground floor apartments achieve this requirement.</p>
<ul style="list-style-type: none"> • Parking <ul style="list-style-type: none"> – 0.5 / 1 bedroom unit – 1 / 2 bedroom unit – 1.5 / 3 bedroom unit • Dwelling size <ul style="list-style-type: none"> – 50sqm for 1 bed unit – 70sqm for 2 bed unit – 95sqm for 3 bed unit 	<p style="text-align: center;">No</p> <p style="text-align: center;">Yes</p>	<p>Under the SEPP (ARH) 2009 controls, 6 car parking spaces are required. The proposal includes 4 car parking spaces to the rear which does not comply.</p> <p>The units comply. However, concern is raised about Unit 5 as it includes a study that is separated from the living and dining area and may be able to function as an undersized bedrooms. If so, this apartment will be undersized.</p>
16 Continued application of SEPP 65		
Nothing in this Policy affects the application of SEPP 65 to any development to which this Division applies.	Yes	An assessment against SEPP 65 has been provided above.
16A Character of local area		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	Yes	Some aspects of the proposal are compatible with the character of the local area. However, concern is raised about the overdevelopment of the site and the convoluted access arrangements.
17 Must be used for affordable housing for 10 years		
A consent authority must not consent to development to which this Division applies	Noted	Noted. Should the application be approved, appropriate conditions will be imposed.

Control	Compliance	Comment
<p>unless conditions are imposed by the consent authority to the effect that:</p> <p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property.</p>		
18 Subdivision		
Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority	Noted	Approval for subdivision has not been sought under this application.

2.1.5 Waverley Local Environmental Plan 2012 (Waverley LEP 2012)

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

Table 4: Waverley LEP 2012 Compliance Table

Provision	Compliance	Comment
Part 1 Preliminary		
1.2 Aims of plan	No	The proposal is not considered to be consistent with the aims of the plan.
Part 2 Permitted or prohibited development		
Land Use Table R3 Medium Density Zone	Yes	The proposal is defined as a residential flat building, which is permitted with consent or prohibited in the R3 zone.

Provision	Compliance	Comment
Part 4 Principal development standards		
4.3 Height of buildings <ul style="list-style-type: none"> 9.5m 	No	The maximum height of the development is 10.26m, which exceeds the control by 760mm or 8%.
4.4 Floor space ratio <ul style="list-style-type: none"> 0.6:1 ARH bonus = 0.87:1 	No	The proposed GFA is 562.5sqm, which results in a FSR of 1:1. This exceeds the control by 77.9sqm or 16%.
4.6 Exceptions to development standards	See discussion	<p>The application is accompanied by a written request pursuant to clause 4.6 of Waverley LEP 2012 to vary the height development standards. A detailed discussion of the variation to the development standards is presented below this table.</p> <p>As discussed in other areas of this report, the architect did not include the lower ground floor hallway in the GFA calculations, which results in the FSR non-compliance. Therefore, a written request to vary this standard under Clause 4.6 has not been submitted.</p>

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

Exceptions to Development Standards

Clause 4.3 Height

The proposal has an overall building height of 10.26m, which exceeds the height of buildings development standard of 9.5m prescribed under clause 4.3 of Waverley LEP 2012 by 760mm or 8%.

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

- The proposed height maintains and improves the environmental amenity of the neighbouring properties. Existing front and side setbacks are retained. Privacy is improved through opaque glass to the side-facing openings and privacy screens. The proposal does not result in view loss impacts.
- The overall height of the flat building will be of a 2-storey structure when viewed from the streetscape as the lower ground level will not be evident from any public vantage point.
- The proposed height is consistent with the character of the locality and is subservient to the nearby 8-storey tower.
- The proposed height is not responsible for any inconsistency with the zone objectives.

The arguments in the applicant's written request is not considered to sufficiently address the requirements of Clause 4.6(3) as it fails to demonstrate sufficient environmental planning grounds to justify contravening the minimum lot size development standard for the following reasons:

- No evidence is shown of improvements to the environmental amenity of the neighbouring properties as the SEE claims. The proposal retains the non-compliant setbacks, while increasing the density on the site. Furthermore, shadow elevations of the two neighbouring properties have not been provided and therefore an assessment of the impact of the height non-compliance cannot be made.
- No evidence is presenting relating to the claim that there are no view loss impacts. A submission was received from an owner at 87 Macpherson Street raising view loss impacts as an objection to the proposal.
- Regardless of how the development is viewed from the streetscape, the non-compliance with the height development standard occurs where there are non-compliant side setbacks and no documentation has been provided with regards to shadow elevations or view loss.
- When paired with the non-compliant FSR (when the GFA is calculated correctly), the proposal results in an overdevelopment of the site.

The written request fails to demonstrate that compliance is unreasonable or unnecessary in the circumstances. The request does not provide sufficient environmental planning grounds to justify contravening the height development standard for this particular proposal. The proposed development would not be in the public interest because it is inconsistent with the objectives of the height development standard and the R3 Medium Density Residential zone. In accordance with Clause 4.6(4), development consent cannot be granted, and as such, the proposal is recommended for refusal.

Clause 4.4 Floor space ratio

The applicant has excluded the lower ground floor walkway between the two apartments from the gross floor area calculations. Given it is approximately 25m in length and 1.1m in width, regardless of whether it is open at either end, this space should be included as floor space. As discussed in other areas of this report, for amenity purposes this walkway should be enclosed, which would result in it automatically being considered GFA. The architect's GFA calculation differs from the assessing officer's GFA calculation. The proposed GFA is 562.5sqm, which results in a total FSR of 1:1.

Under Waverley LEP 2012 Clause 4.4, a maximum FSR of 0.6:1 is permitted. The SEPP (Affordable Rental Housing) 2009, permits a bonus FSR based on the percentage of the GFA being used for the purposes of affordable housing. In this case the bonus FSR is 0.27:1, which results in a maximum permissible FSR of 0.87:1.

The applicant has not provided a written request pursuant to Clause 4.6 of Waverley LEP 2012 to vary the FSR development standard. Notwithstanding the absence of a written request, the proposal is considered an overdevelopment of the site, having unacceptable and unreasonable impacts on the amenity of the adjoining properties and the locality. The proposal does not demonstrate the desired future character of the area.

2.1.6 Waverley Development Control Plan 2012

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

Table 5: Waverley DCP 2012 – Part B General Provisions Compliance Table

Development Control	Compliance	Comment
1. Waste	No	Bin storage is provided in the garage, however as discussed in other areas of this report, access to this area is convoluted.
2. Energy and water conservation	Yes	A BASIX certificate has been submitted with the application. However, the application is recommended for refusal.
5. Tree preservation	Yes	The proposal includes the removal of one tree. No objection was raised from Council's Tree Management Officer. However, the application is recommended for refusal.
6. Stormwater	Yes	The application was referred to Council's Stormwater team who advised that the proposal with regards to stormwater was satisfactory. However, for other reasons outlined in this report, the application is recommended for refusal.
8. Transport Residential car parking: 1 space/1 bed unit = 1 1.5 spaces/2 bed unit = 7.5 1 visitor space / 5 units = 1 Bicycle parking: 1 space / unit = 6 spaces	No	The proposal provides 4 car parking spaces, which does not comply. No visitor car parking spaces are proposed. Bicycle parking has not been provided.
10. Safety	No	The proposal does not comply with the objectives to provide a safe environment and encourage design to reduce crime. The lower ground floor lobby is not visible from the public domain but is not enclosed. This walkway is used by all residents to access car parking, the communal open space and the bin storage area. Given that the hallway is 25m x 1.1m and does not have access to natural daylight, it results in a development that does not provide adequate amenity or security for future occupants.

Table 6: Waverley DCP 2012 – Part C2 Multi Unit and Multi Dwelling Housing Compliance Table

Development Control	Compliance	Comment
2.2 Site, scale and frontage		
<ul style="list-style-type: none"> Minimum frontage: 15m 	No	The street frontage measures 12.1m.
2.3 Height		
<ul style="list-style-type: none"> Maximum external wall height: 7m 	Yes	The external wall height is 6.71m.
2.5 Setbacks		
2.5.1 Street setbacks <ul style="list-style-type: none"> Consistent street setback 	Yes	The proposal retains the existing street setbacks.
2.5.2 Side and rear setbacks <ul style="list-style-type: none"> Minimum side setback: 3m Minimum rear setback: 6m or predominant rear building line, whichever is the greater setback Deep soil along side boundary min 2m wide 	No Yes No	The setbacks are 155mm to the western boundary and 1m to the eastern boundary, which does not comply. The rear setback is consistent with neighbouring properties. A minimum 2m wide deep soil along the boundary is not provided.
2.6 Length and depth of buildings		
<ul style="list-style-type: none"> Maximum building length: 24m Maximum unit depth: 18m 	Yes No	The building length is 23m. Units 1, 2, 3 and 4 are 23m deep.
2.7 Building separation		
<ul style="list-style-type: none"> Minimum 6m btw non-habitable Minimum 9m btw non-habitable and habitable Minimum 12m btw habitable and habitable 	No No No	The building separation to the west is 1.2m and to east is 2m, which do not comply. The distance between the rear Unit 6 and the main building is 12m, which complies.
2.8 Building design and streetscape		
<ul style="list-style-type: none"> Respond to streetscape Sympathetic external finishes 	Yes Yes	The building does respond to the streetscape and uses sympathetic external finishes. However, for other reasons outlined in this report the proposal does not result in a development that provides adequate amenity to future occupants.
2.9 Attic and roof design		
<ul style="list-style-type: none"> Minimum room width: 3m Minimum floor to ceiling height for at least 2/3 of the floor area: 2.4m Dormer windows set down 300mm from the main 	N/A	The upper level is considered a third storey, not an attic level in accordance with the WLEP 2012 definition.

Development Control	Compliance	Comment
ridge and less than 50% of roof elevation <ul style="list-style-type: none"> Must be connected to unit below 		
2.10 Fences and walls		
<i>Front fence:</i> <ul style="list-style-type: none"> Maximum height 1.2m Maximum 2/3 solid <i>Side fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m <i>Rear fence:</i> <ul style="list-style-type: none"> Maximum height: 1.8m 	Yes Yes N/A	The front fence is an open palisade style 1.2m high fence, which complies. 1.8m high side fences are proposed. A rear fence is not proposed, nor is it required given the garage is built to the boundary.
2.11 Vehicular access and parking		
<ul style="list-style-type: none"> Integrated into the design Secondary to pedestrian entrance Maximum of 1 x 2-way driveway From rear of side where possible Pedestrian safety 	Yes	Vehicular access is maintained via the cross over at the rear of the site on Chesterfield Lane, which is supported in principle.
2.12 Pedestrian access and entry		
<ul style="list-style-type: none"> Entry at street level Accessible entry Legible, safe, well-lit 	No No No	The existing pedestrian entrance to the building via the bridge from Macpherson Street is being retained. The entrance is not accessible or level, however it is existing. The proposed lower ground floor lobby and hallway is not appropriate, as discussed in other areas of this report.
2.13 Landscaping		
<ul style="list-style-type: none"> Minimum of 30% of site area landscaped: 167.1m² 50% of the above is to be deep soil: 83.55m² 	Yes Yes	32% (181sqm) of the site is landscaped. 80% of the landscaped area (145sqm) is deep soil.
2.14 Communal open space		
<ul style="list-style-type: none"> Minimum 15% communal (R3 zone): 83.55m² Minimum dimensions: 6m x 6m Minimum of 30% of communal area must receive three hours of sunlight 	Yes Yes No	87sqm of communal open space is provided. With minimum dimensions of 6m. The communal open space does not achieve any solar access.

Development Control	Compliance	Comment
2.17 Views and view sharing		
<ul style="list-style-type: none"> Minimise view loss 	No	<p>A submission from the neighbouring property has raised potential view loss impacts as a result of the proposed upper level. Specifically from the attic level balcony of 3/87 Macpherson Street which has partial south-eastern coastal views. Given that the proposed addition at #89 will extend further south than #87 at this upper level, concern is raised that the balcony privacy screen may impact the views.</p> <p>The application is recommended for refusal. However, should the application be approved further information would be requested in relation to view loss impacts.</p>
2.18 Visual privacy and security		
<ul style="list-style-type: none"> Prevent overlooking of more than 50% of private open space of lower level dwellings in same development 	No	<p>The lower ground floor Units 3 and 4 include principle private open space (which is accessible via the internal living areas) at the front of the building. While this is north facing, it is directly overlooked by the public footpath on Macpherson Street and the balconies above, which raises concern about visual privacy, safety and security impacts. This, combined with the non-compliant side setbacks and lack of solar access result in two apartments with very poor amenity for future occupants. As such, the proposal is recommended for refusal.</p> <p>The private open space associated with Unit 6 above the garage will have adverse privacy impacts on the neighbouring properties as it is above the existing ground level of the site and enable viewing over then proposed 1.8m boundary fences.</p>
2.22 Acoustic privacy		
<ul style="list-style-type: none"> Internal amenity by locating noisy areas away from quiet areas 	No	<p>The new top floor unit (Unit 5) provides a very awkward floor plan. Bedroom 2 is directly accessible from the kitchen, behind the main entry door and away from the bathroom. The study protrudes into the living and dining area, which minimises access to natural daylight and ventilation. The study is undersized for a bedroom, so should be incorporated into the open plan living area.</p>
2.24 Building services		
<ul style="list-style-type: none"> Must have a minimum of 2m setback from the 	N/A	<p>A/C units are provided in the garage, but no mechanical services are provided on the roof of</p>

Development Control	Compliance	Comment
building edge		the building.

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 a significant detrimental effect relating to environmental, social or economic impacts on the locality, and as such the application is recommended for refusal

2.3 Suitability of the Site for the Development

The site is not considered to be suitable for the proposed development.

2.4 Any Submissions

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

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

Table 7: Summary of property addresses that lodged a submission

Property
4/87 Macpherson Street, Bronte
Lots 11 & 13 / 87 Macpherson Street (unit numbers not provided)
38 Chesterfield Parade, Bronte

Issue: *A dilapidation report in respect to No. 87 Macpherson Street should be provided*

Response: The application is recommended for refusal, should the application be supported appropriate conditions will be included.

Issue: *The proposal does not comply with the Waverley LEP and Waverley DCP and has unacceptable impacts*

Response: Agreed. The application is recommended for refusal.

Issue: *Elevated residences along Chesterfield Lane have visual and acoustic privacy impacts on the properties to the south.*

Response: The proposal includes external louvre screens for privacy to the windows on Chesterfield Lane. Notwithstanding this, the application is recommended for refusal.

Issue: The upper level balcony privacy screen may have view loss impacts for Unit 3/87 Macpherson St

Response: The application is recommended for refusal. Should the application be approved, further details would be provided relating to view loss impacts, or minor design modifications relating to the privacy screens could be imposed.

Issue: The north facing windows to Unit 6 (above the garage) will have visual privacy impacts

Response: Agreed, as will the private open space for this unit. The application is recommended for refusal.

2.5 Public Interest

It is considered that the proposal will have a detrimental effect on the public interest, and it is therefore recommended for refusal.

3. REFERRALS

3.1 Stormwater – Creating Waverley

The Design Manager in the Creative Waverley department advised that the proposal is satisfactory with regards to stormwater. For other reasons, the proposal is recommended for refusal.

3.2 Driveways – Creating Waverley

The application was referred to Council's Traffic and Development team for comment, who advised that the proposal is not supported because a minimum of 7 residential car parking spaces, 1 visitor space and 5 bicycle spaces are required. The proposal is recommended for refusal.

3.3 Trees – Clean and Attractive Waverley

The application was referred to Council's Tree Management Officer who supported the removal of the existing tree on site. For other reasons outlined in this report, the application is recommended for refusal.

3.4 Fire Safety – Building Waverley

The application was referred to Council's Senior Building Surveyor who advised that there may be a number of non-compliances with the BCA. The BCA report submitted with the application indicates that essential fire safety measures are required to be installed in the building. For other reasons, the application is recommended for refusal.

3.5 Strategic Planning – Shaping Waverley

The application was referred to Council's Strategic Planning team for comment regarding the loss of affordable housing, however no comments were received. For other reasons outlined in this report the application is recommended for refusal. Should the application be approved, comments from the Strategic Planning team would be sought.

4. SUMMARY

The application seeks consent for alterations and additions to existing residential flat building, including an additional 2 bedroom unit above the garage, and an additional storey above storey above the flat building. The proposal results in 6 apartments (1 x 1 bedroom + study, 4 x 2 bedroom and 1 x 2 bedroom + study), 4 car parking spaces and communal open space.

The application relies on the SEPP (Affordable Rental Housing) 2009 for bonus FSR, as the proposal includes the provision of 2 affordable rental units. The applicant calculated the bonus at 0.31:1 (total FSR 0.91:1), however the assessing officer has calculated a bonus of 0.27:1 (total FSR 0.87:1), which results in the development not complying with the FSR development standard. There are also discrepancies between the architect and the assessing officer's calculation of GFA.

The proposal also does not comply with height development standards and a number of design criteria in the Apartment Design Guide and Waverley DCP 2012. Significant concern is raised about the non-compliant side setbacks, convoluted access arrangements, privacy and lack of car parking.

The application is referred to the Waverley Local Planning Panel because SEPP65 applies.

Three submissions were received. The application is recommended for **REFUSAL**.

5. RECOMMENDATION TO WAVERLEY LOCAL PLANNING PANEL

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

Report prepared by:

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

Emma Finnegan
Senior Development Assessment Planner

Ben Magistrale
**Acting Manager, Development Assessment
(North / South)**

Date: 10 October 2018

Date: 12 October 2018

Reason for referral:

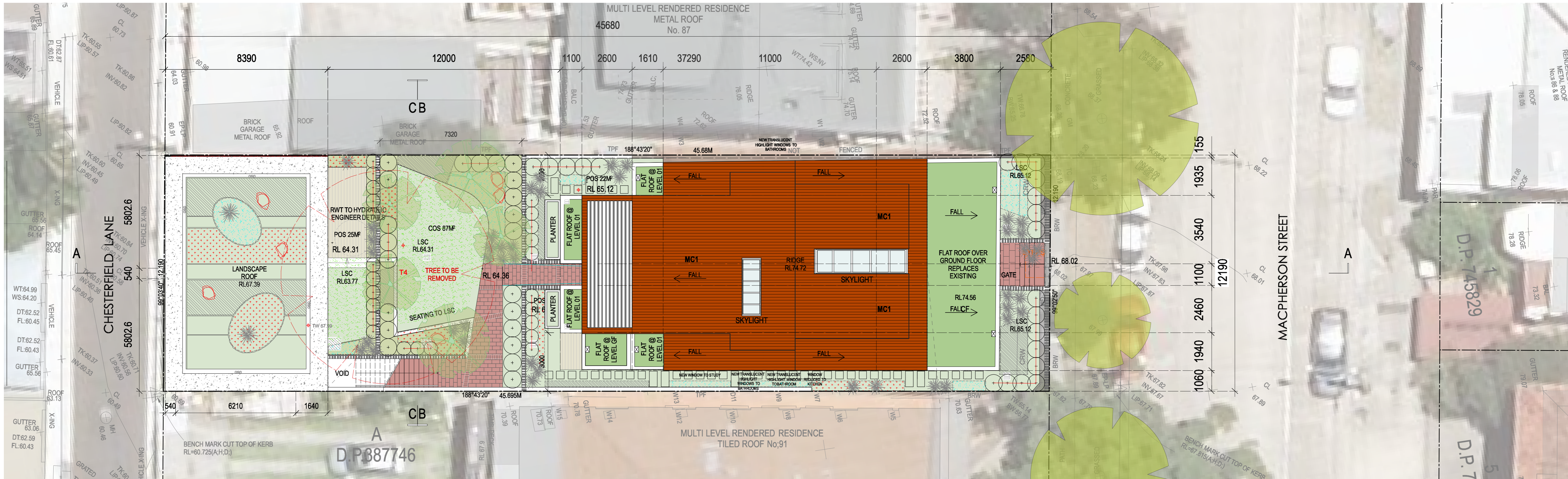
- 4 Sensitive development:
 - (b) SEPP 65 development

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 comply with clause 13 of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 as the proposed development exceeds the maximum floor space ratio.
2. The proposal does not comply with SEPP (Affordable Rental Housing) 2009 as no details are provided with regards to the loss of existing affordable housing units on the site in accordance with clause 50.
3. The proposal fails to satisfy the Design Quality Principles under SEPP 65 Design Quality of Residential Flat Development.
4. The proposal does not satisfy the Apartment Design Guide, in particular, the following provisions:
 - a. 3F *Visual Privacy* as the proposal has non-compliant side setbacks.
 - b. 4A *Solar and daylight access* as it is not clear how solar access to the lower ground floor apartments is achieved, particularly to the living areas.
 - c. 4D *Apartment size and layout* as some units include undersized rooms.
 - d. 4F *Common circulation and spaces* as the lower ground floor walkway is not well articulated.
 - e. 4G *Storage* as insufficient storage has been provided.
5. The proposal does not satisfy the Waverley Local Environmental Plan (WLEP) 2012, in particular, the following provisions:
 - a. Clause 4.3 as the proposal will exceed the maximum height permitted for the site and have unacceptable impacts.
 - b. Clause 4.4 as the proposal will exceed the maximum floor space ratio permitted for the site and have unacceptable impacts.
 - c. Clause 4.6 as the proposal is inconsistent with the objectives of the maximum height and floor space ratio development standards and the objectives of the R3 Low Density Residential zone.
6. The proposed development is contrary to Waverley Development Control Plan 2012, in respect to the following provisions:
 - a. Part B – General Provisions
 - i. Clause 8.1.1 Car Parking, as the proposal does not provide adequate residential and visitor car parking.
 - ii. Clause 8.1.2 Bicycle Parking, as the proposal does not provide bicycle parking.
 - iii. Clause 10.1 Safety, as the proposal does not provide adequate amenity or security for future occupants.

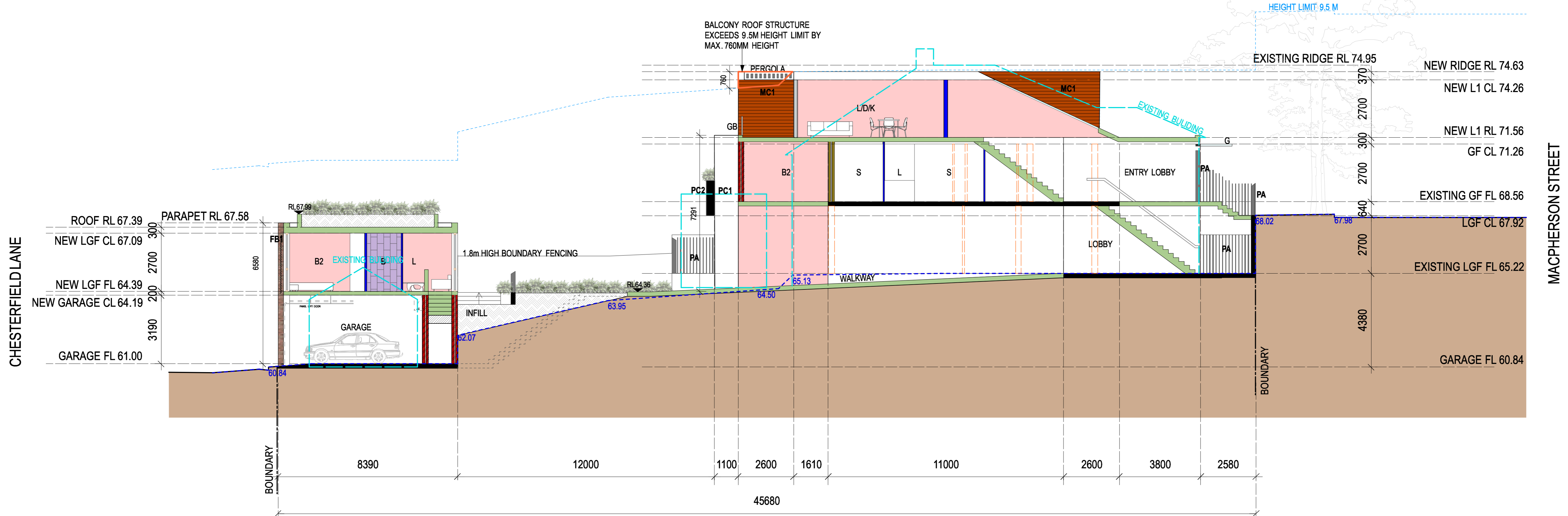
- b. Part C2 – Multi Unit and Multi Dwelling Housing
 - i. Clause 2.2 Site, scale and frontage, as the proposal does not achieve the minimum developable site frontage.
 - ii. Clause 2.5 Setbacks, as the proposal does not achieve the minimum side setbacks.
 - iii. Clause 2.6 Length and depth of buildings, as the proposal exceeds the maximum building length and unit depth.
 - iv. Clause 2.7 Building separation, as the proposed separation does not comply with the minimum requirements.
 - v. Clause 2.12 Pedestrian access and entry, as the proposal is not considered to provide safe access for residents.
 - vi. Clause 2.14 Communal open space, as the communal open space does not achieve any solar access.
 - vii. Clause 2.17 Views and view sharing, as details have not been provided with regards to potential view loss as a result of the additional level.
 - viii. Clause 2.18 Visual privacy and security, as the private open space of the lower ground floor units is directly overlooked by the public footpath and the balconies above. The private open space to Unit 6 is above ground level and the proposed side boundary fences.
 - ix. Clause 2.22 Acoustic privacy, as Unit 5 has not been designed to maximise internal amenity.
- 7. The proposal does not promote good design and amenity of the built environment in accordance with section 1.3(g) of the *Environmental Planning and Assessment Act 1979*.
- 8. The proposal does not satisfy section 4.15(e) of the *Environmental Planning and Assessment Act 1979* as it is considered contrary to the public interest as the proposal exceeds the relevant development standards and planning controls applying under Waverley LEP 2012 and Waverley DCP 2012, which will consequently undermine the intent of these standards and controls in achieving the desired future character of the Waverley local government area.



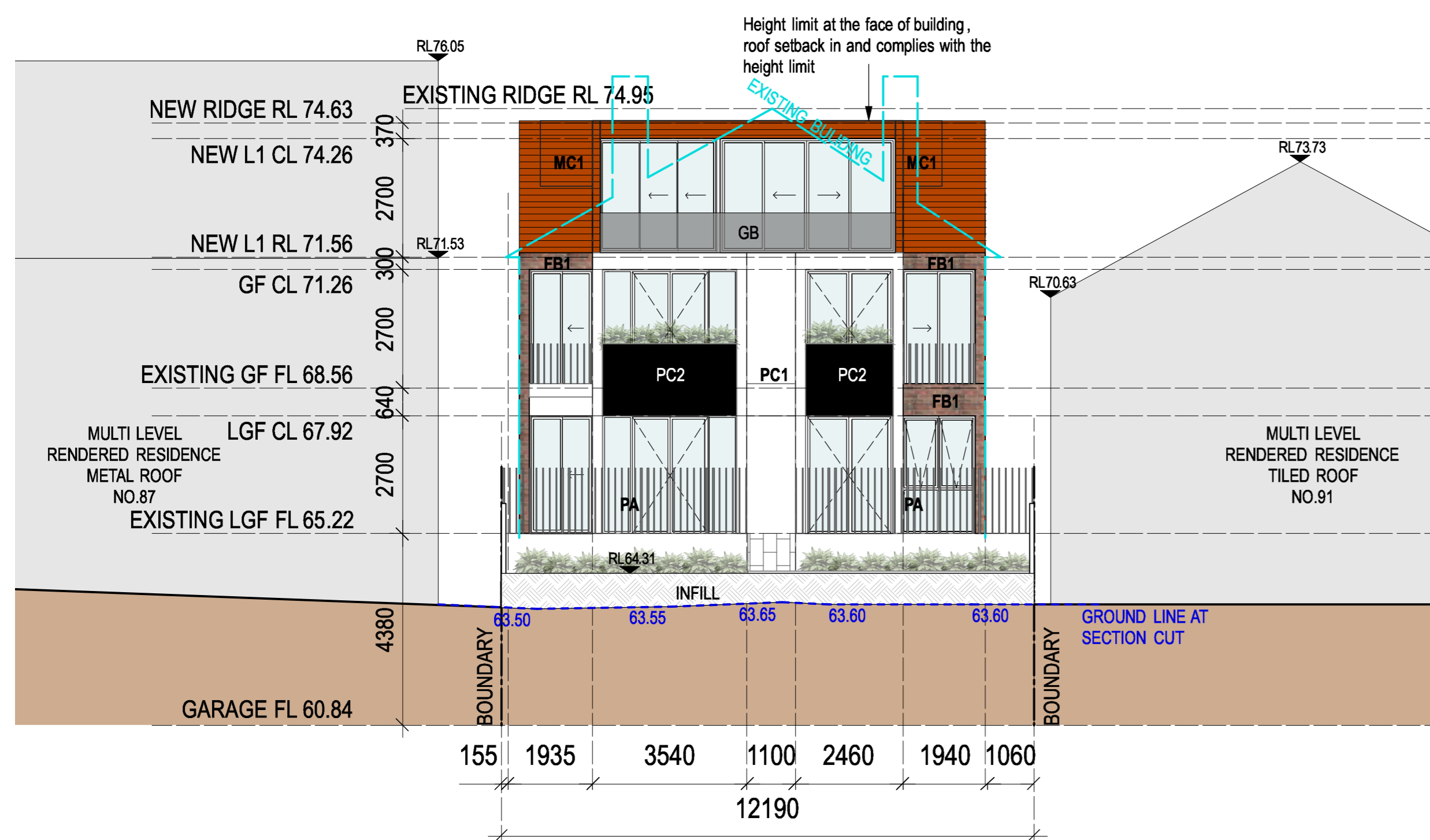
SITE + ROOF PLAN

LEGEND

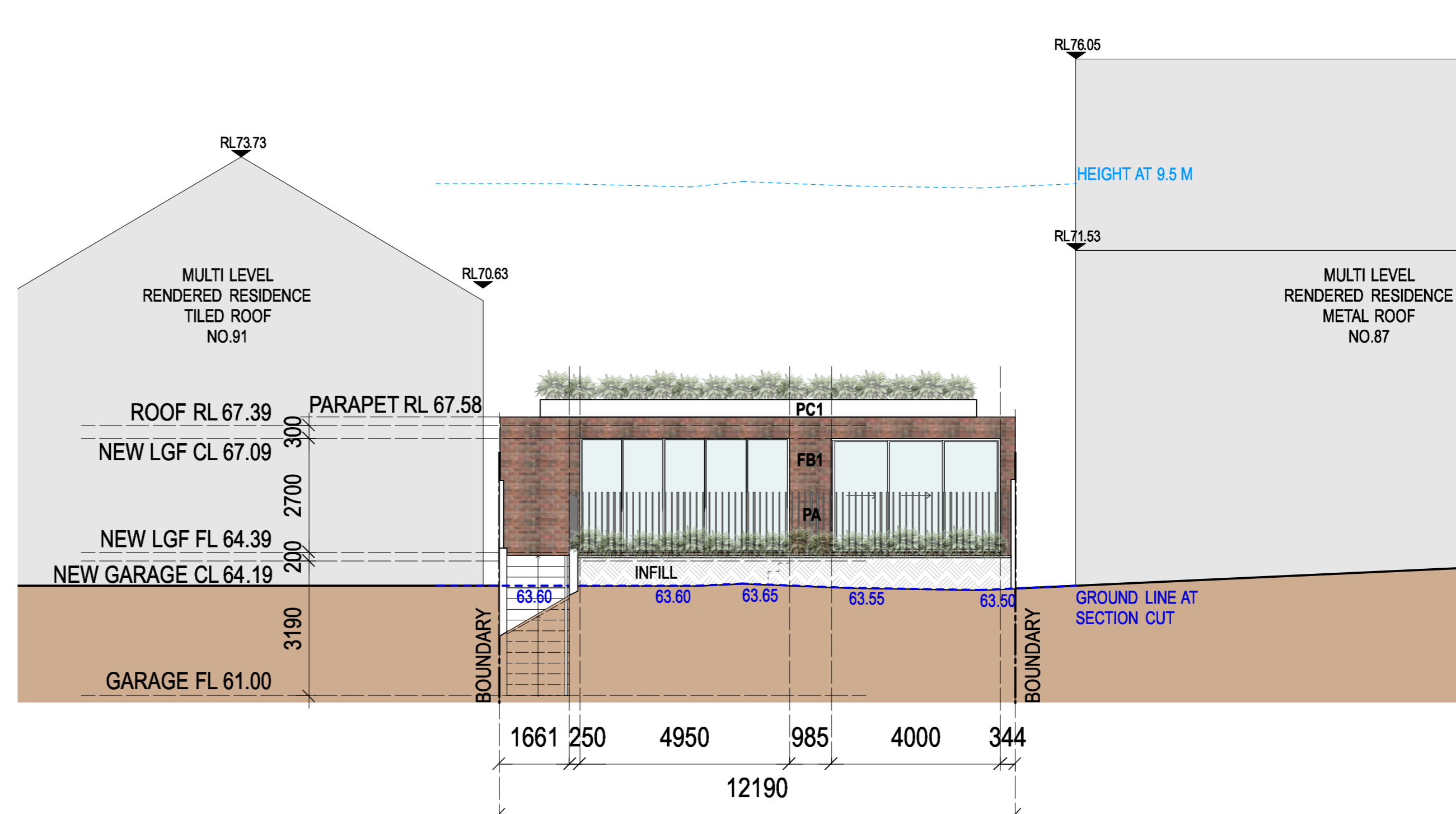
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- TILING
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- CARPET FLOOR FINISH
- NEW BRICK WALL
- EXISTING EXTERNAL WALL
- INTERNAL WALL
- CONCRETE
- MC - METAL ROOF
- LSC - LANDSCAPE TO ARCH. DETAILS
- SUMP - TO STORMWATER ENGINEER DETAILS
- PIT - TO STORMWATER ENGINEER DETAILS



SECTION A-A



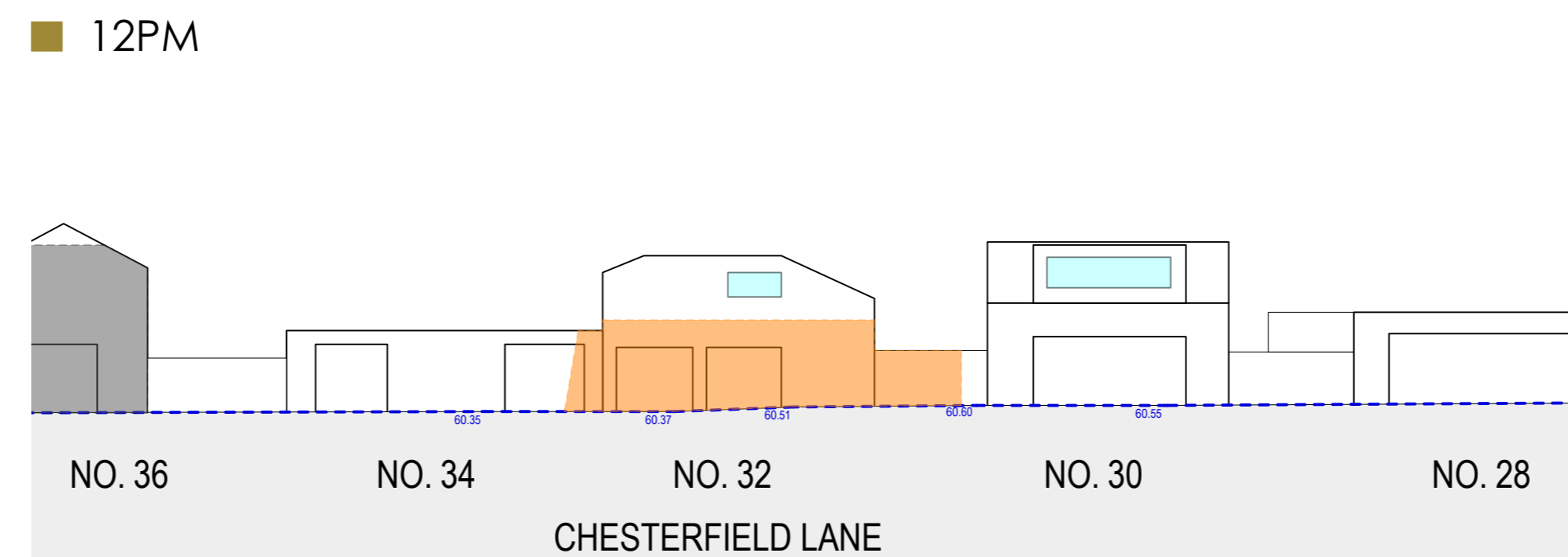
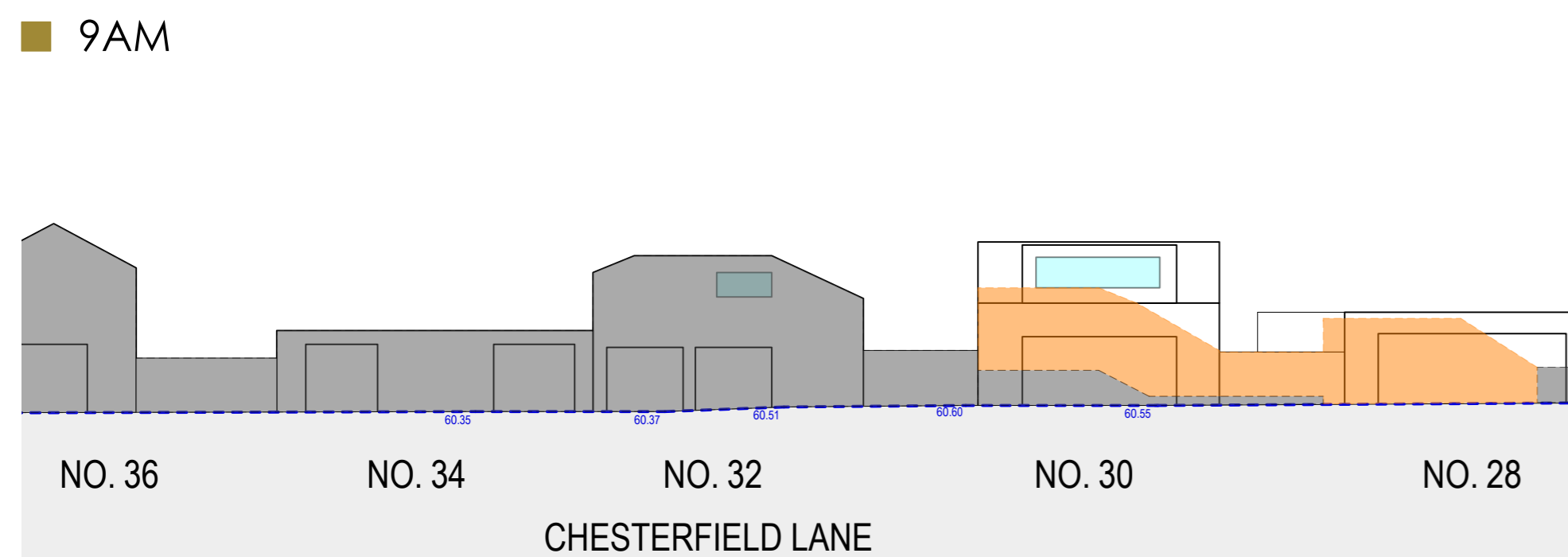
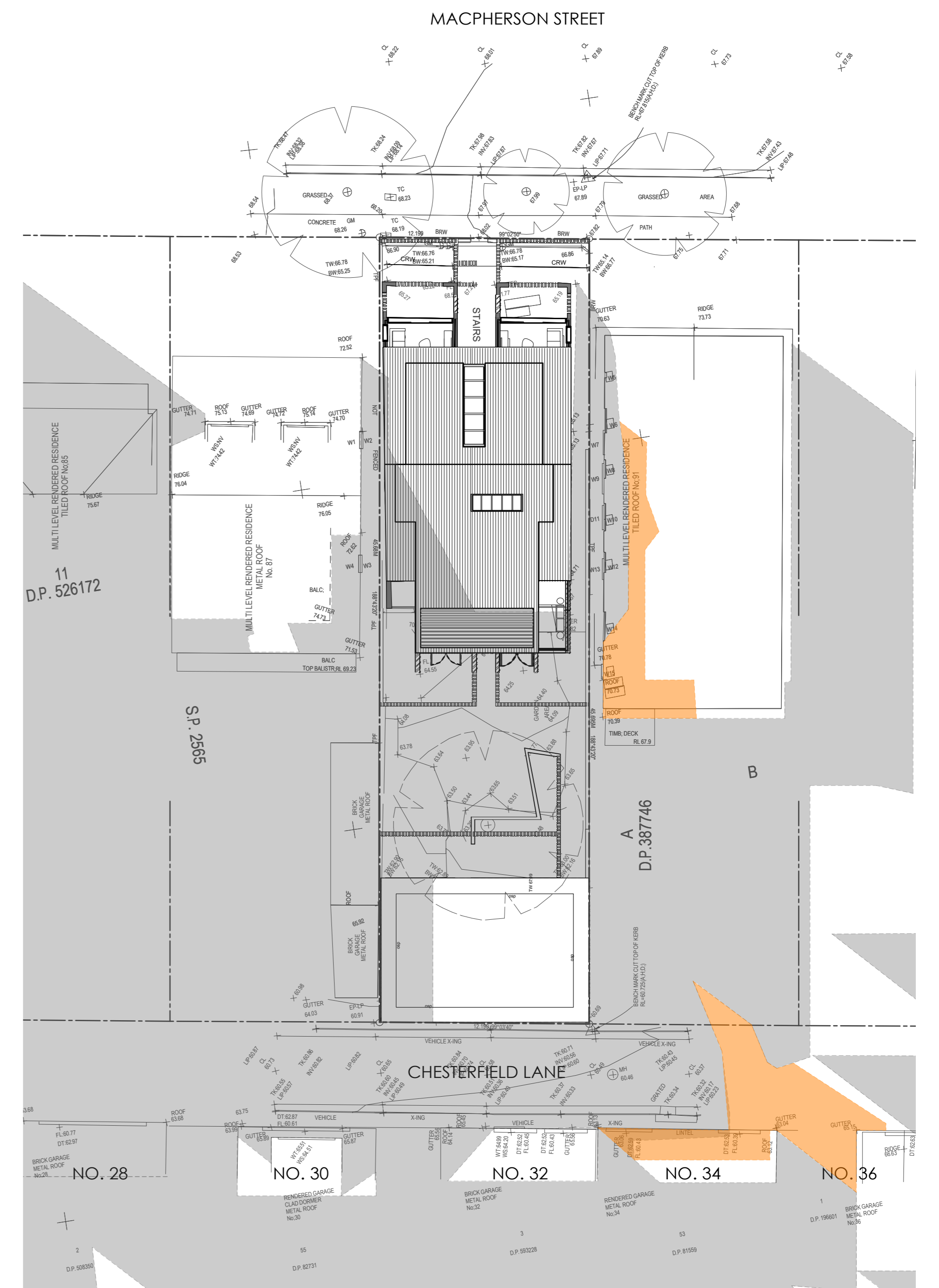
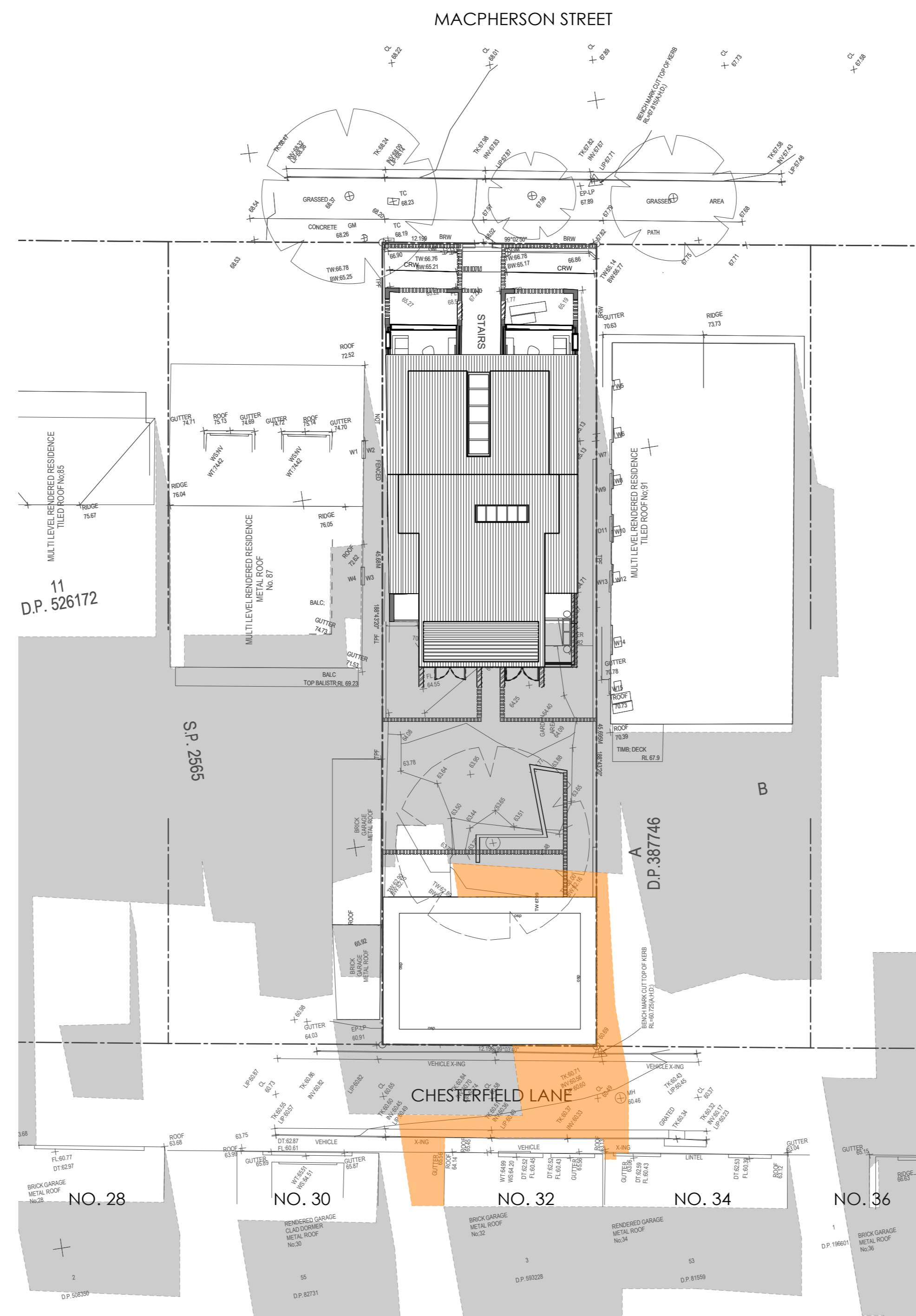
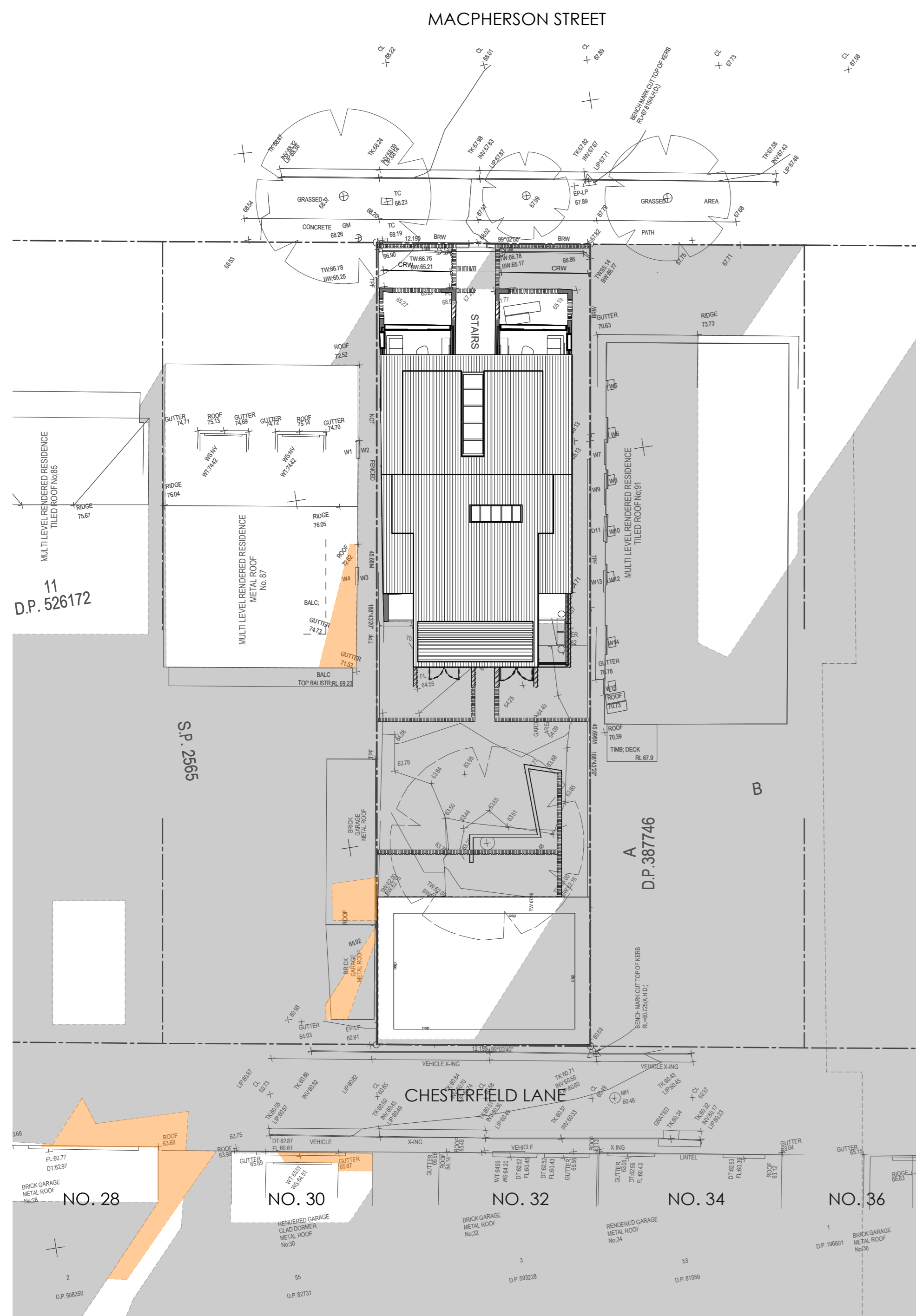
SECTION B-B



SECTION C-C

LEGEND

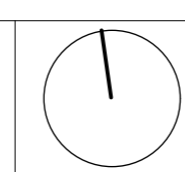
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- CARPET FLOOR FINISH
- NEW BRICK WALL
- EXISTING EXTERNAL WALL
- INTERNAL WALL
- CONCRETE
- MC - METAL ROOF
- LSC - LANDSCAPE TO ARCH. DETAILS
- SUMP - TO STORMWATER
- ENGINEER DETAILS
- PIT - TO STORMWATER
- ENGINEER DETAILS
- NEW ADDITION TO EXISTING BUILDING
- FB1 FACE BRICK
- GB GLASS BALUSTRADE
- GD GARAGE DOOR
- PA PALISADE FENCING
- PC1 CEMENT RENDER - WHITE
- PC2 CEMENT RENDER - BLACK
- MC1 METAL CLADDING - COPPER
- MC2 METAL CLADDING - BLACK
- LS1 LOUVRED SCREEN - MATCH MC
- LS2 LOUVRED SCREEN - BLACK
- OPAQUE GLASS

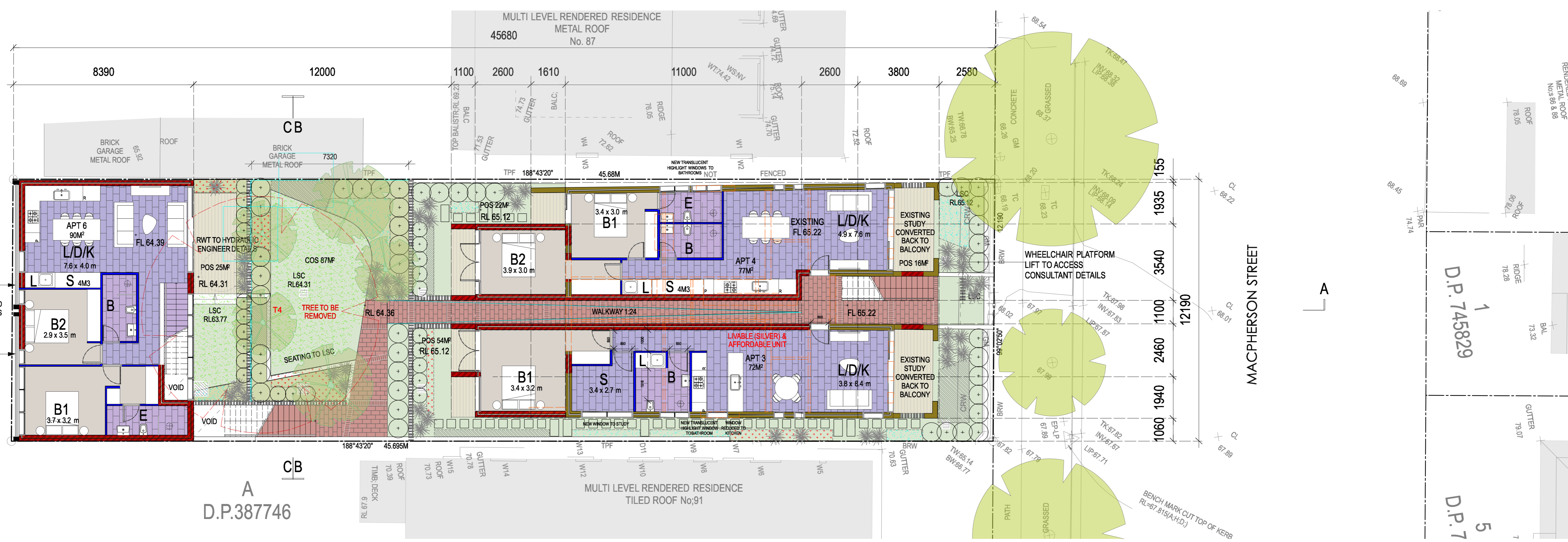


■ SHADOW IMPACT ALONG CHESTERFIELD LANE (NORTH ELEVATION)

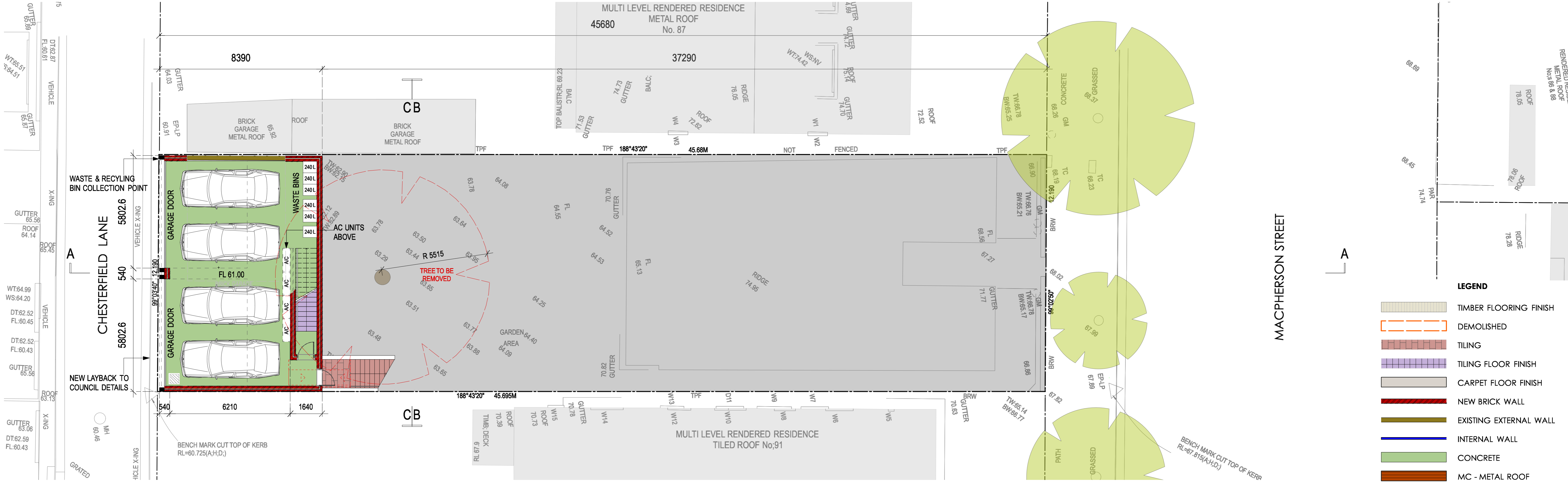
KEY: Shadow cast by existing building Additional Shadow cast by proposed

METHOD USED
Sketchup Pro 17
RENDERING CAD SOFTWARE



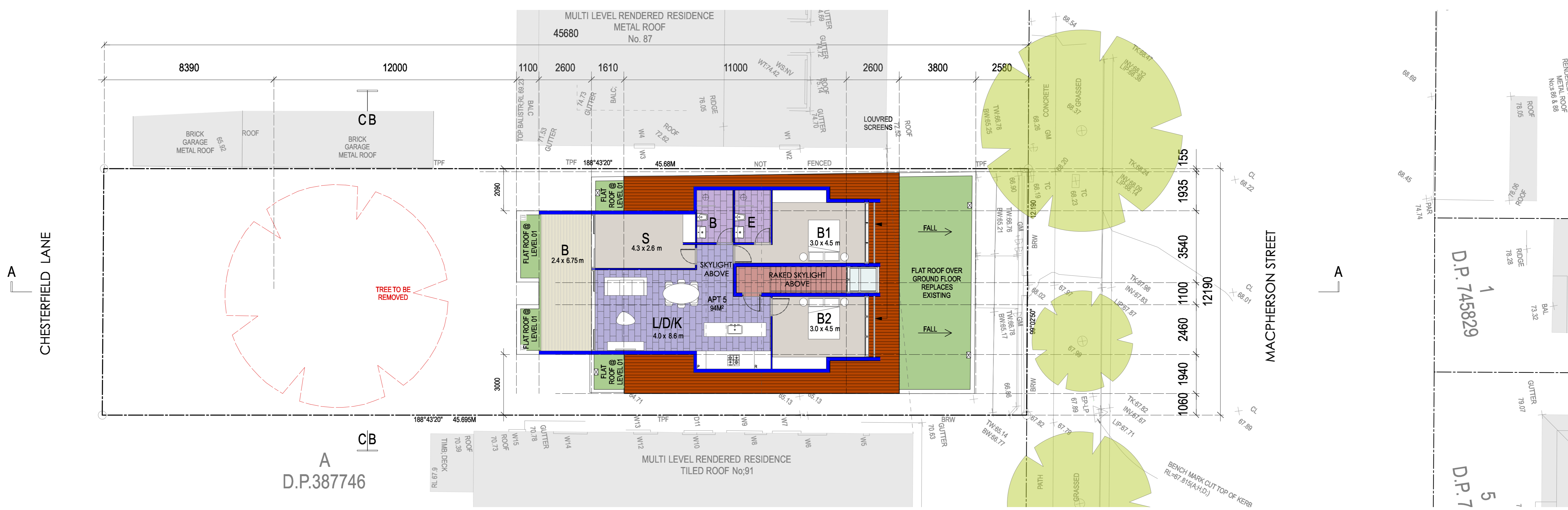


LOWER GROUND FLOOR PLAN

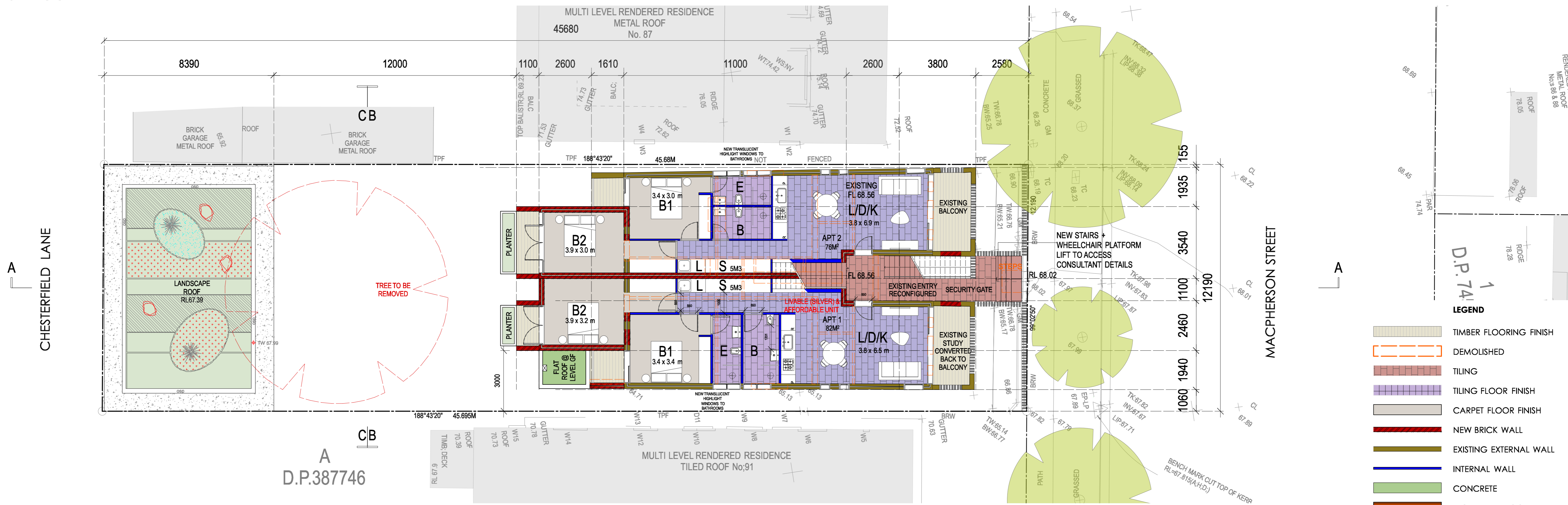


GARAGE PLAN

- LEGEND**
- TIMBER FLOORING FINISH
 - DEMOLISHED
 - TILING
 - TILING FLOOR FINISH
 - CARPET FLOOR FINISH
 - NEW BRICK WALL
 - EXISTING EXTERNAL WALL
 - INTERNAL WALL
 - CONCRETE
 - MC - METAL ROOF
 - LSC - LANDSCAPE TO ARCH. DETAILS
 - SUMP - TO STORMWATER ENGINEER DETAILS
 - PIT - TO STORMWATER ENGINEER DETAILS

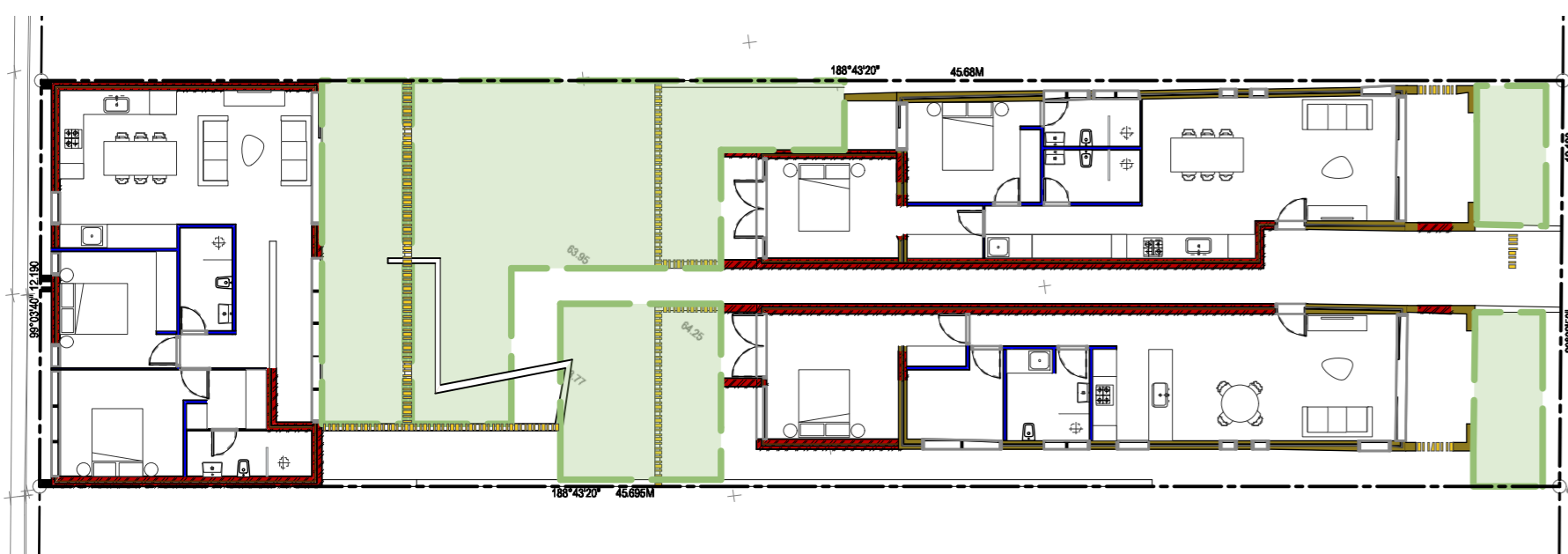


LEVEL 01 FLOOR PLAN



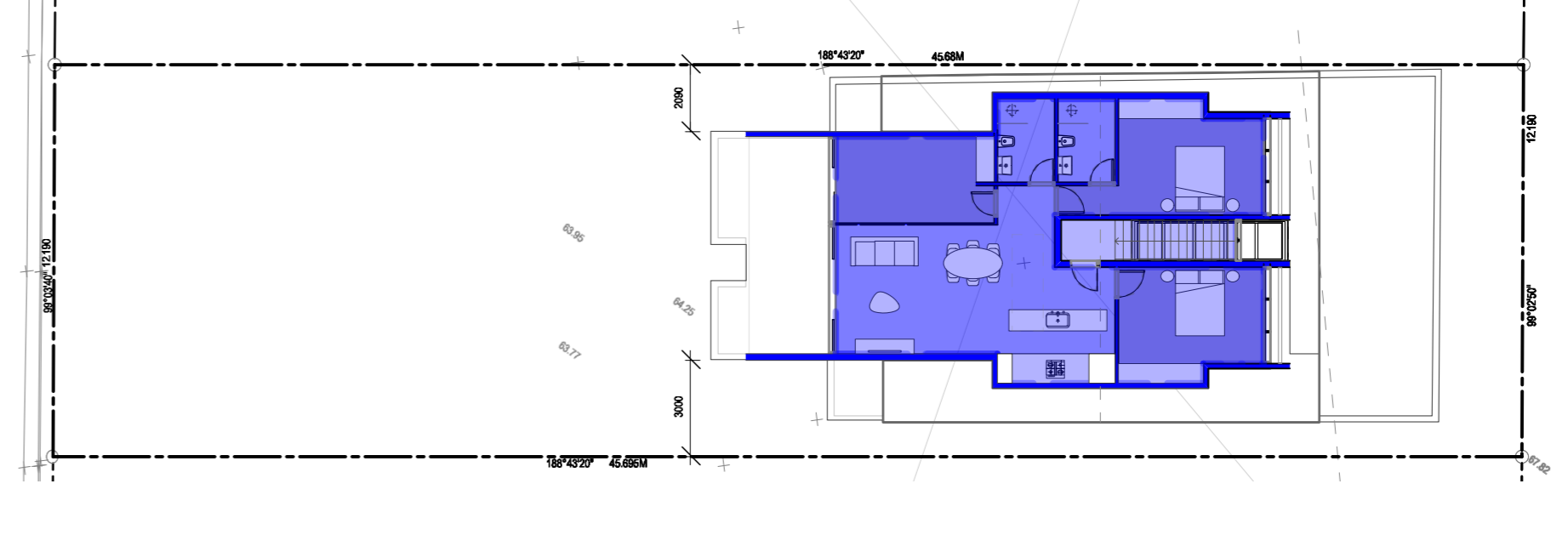
GROUND FLOOR PLAN

- LEGEND**
- TIMBER FLOORING FINISH
 - DEMOLISHED
 - TILING
 - TILING FLOOR FINISH
 - CARPET FLOOR FINISH
 - NEW BRICK WALL
 - EXISTING EXTERNAL WALL
 - INTERNAL WALL
 - CONCRETE
 - MC - METAL ROOF
 - LSC - LANDSCAPE TO ARCH. DETAILS
 - SUMP - TO STORMWATER ENGINEER DETAILS
 - PIT - TO STORMWATER ENGINEER DETAILS

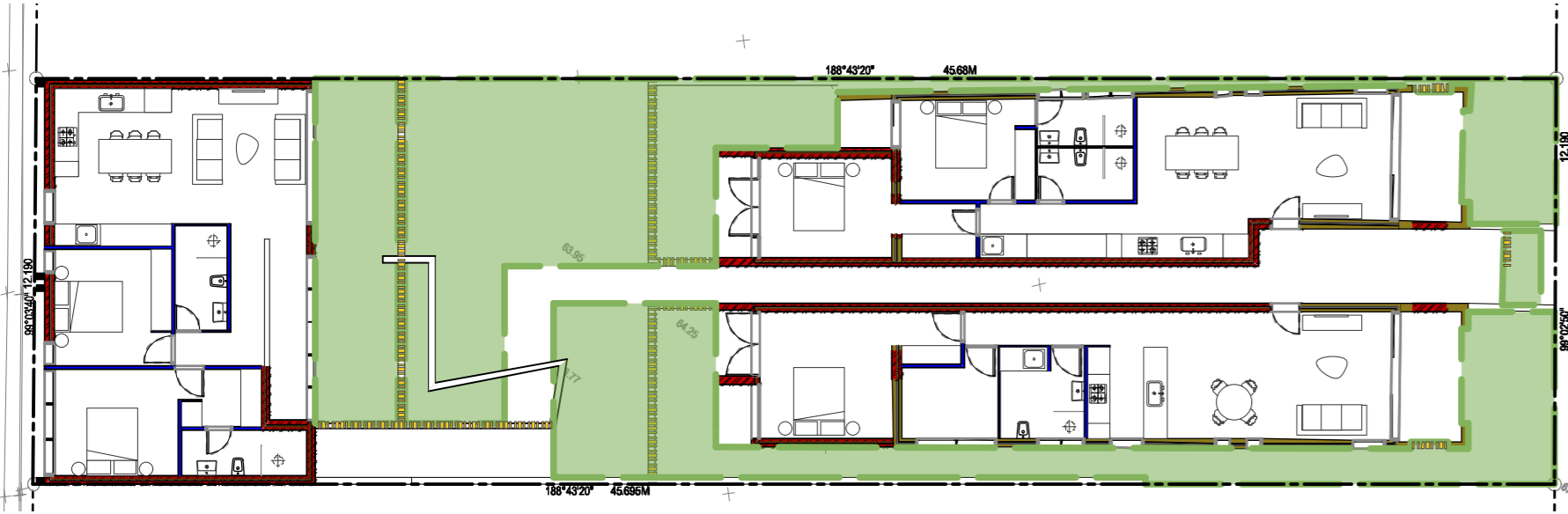


LOWER GROUND FLOOR

DEEP SOIL AREA - 145M²

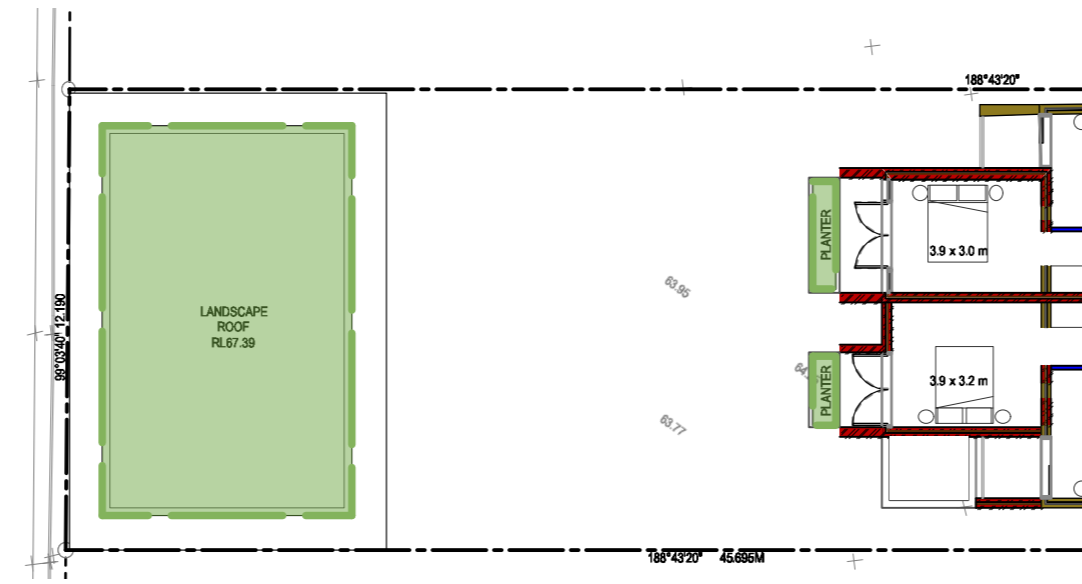


LEVEL 01 - 94m²

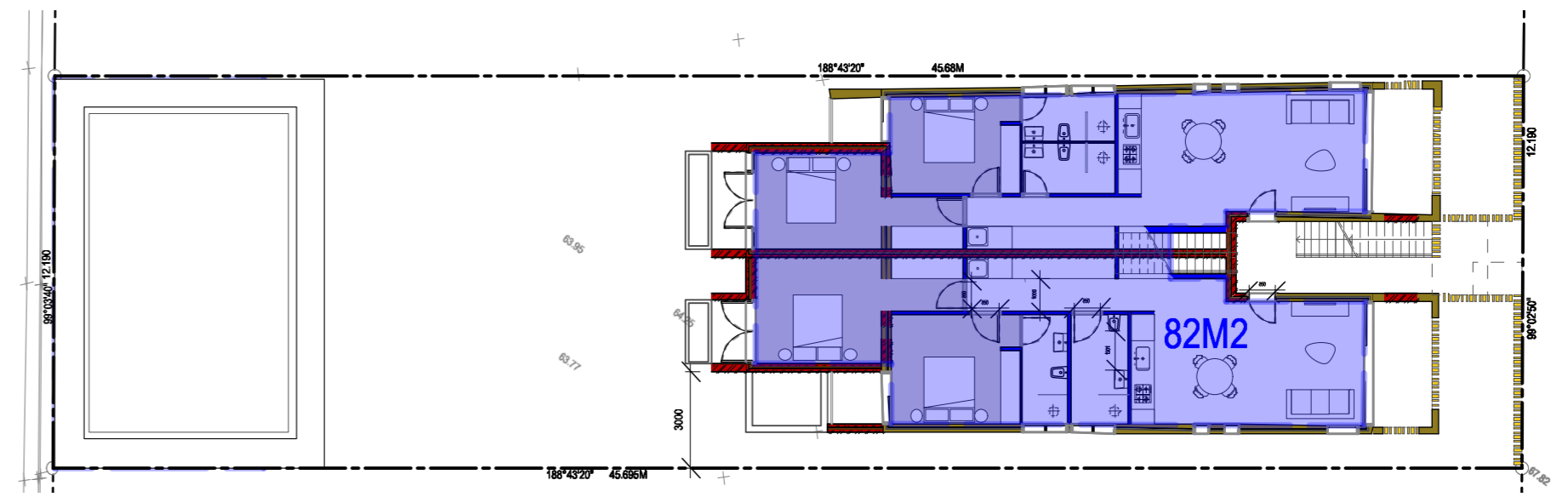


LOWER GROUND FLOOR - 181m²

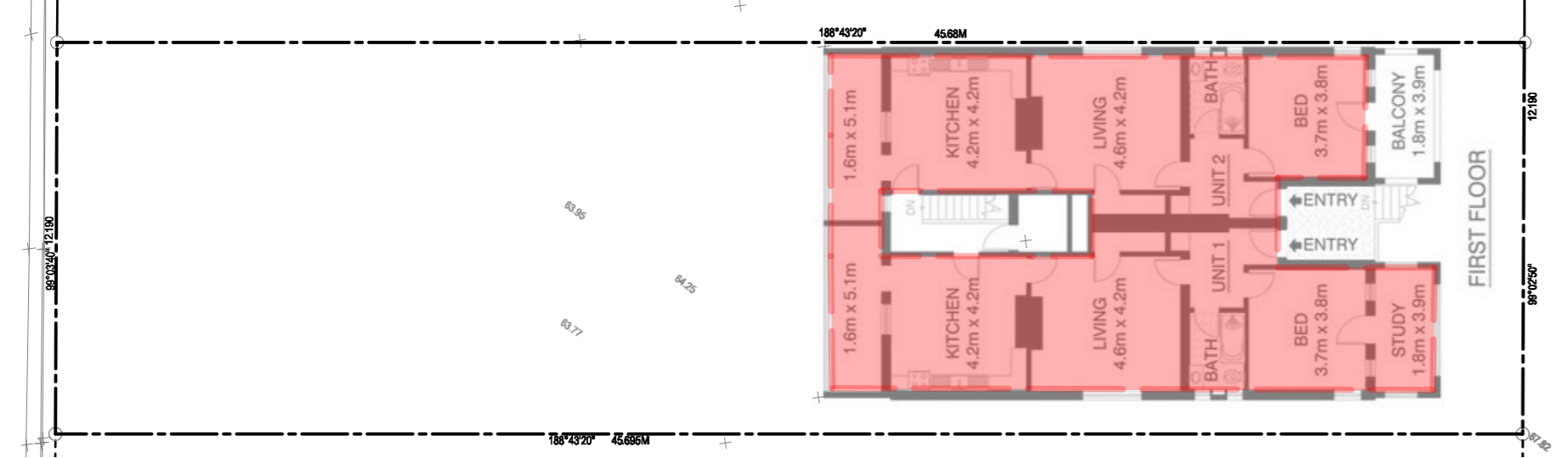
LANDSCAPE AREA - 277M²



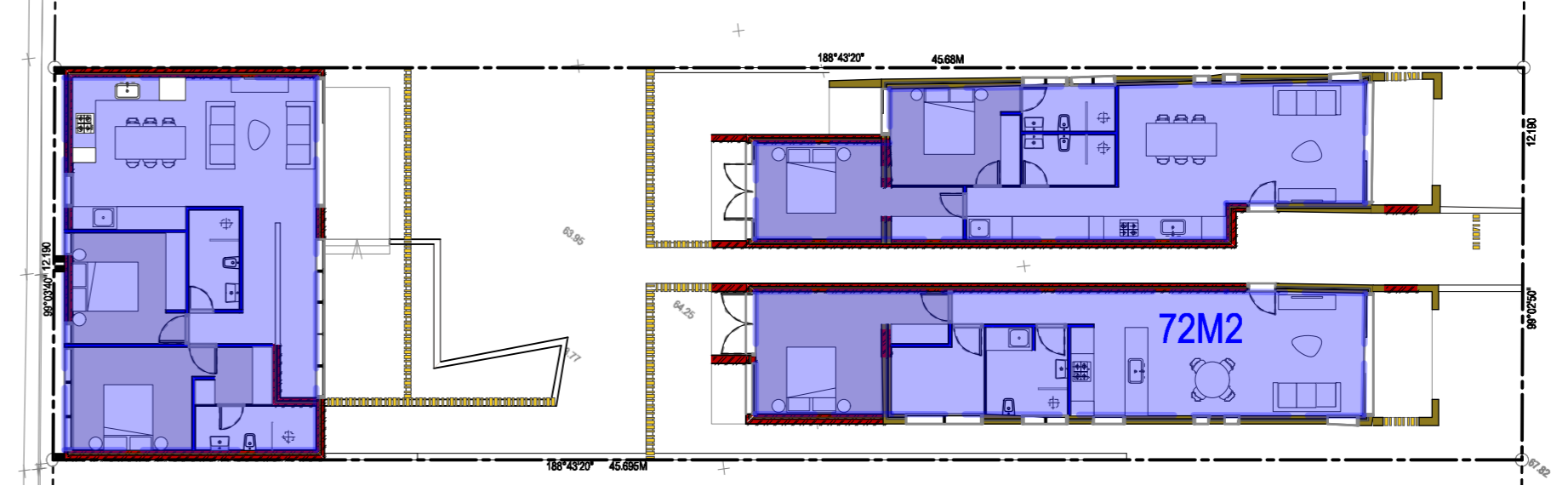
GROUND FLOOR - 96m²



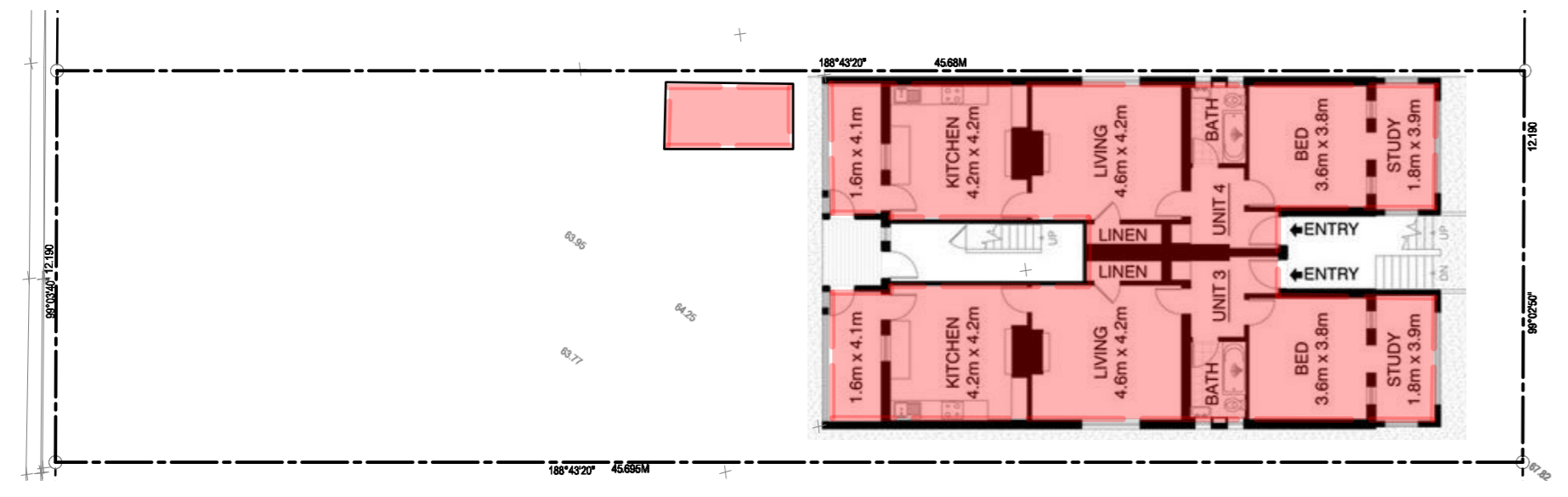
GROUND FLOOR - 164m² (82m² AFFORDABLE GFA)



GROUND FLOOR - 160m²



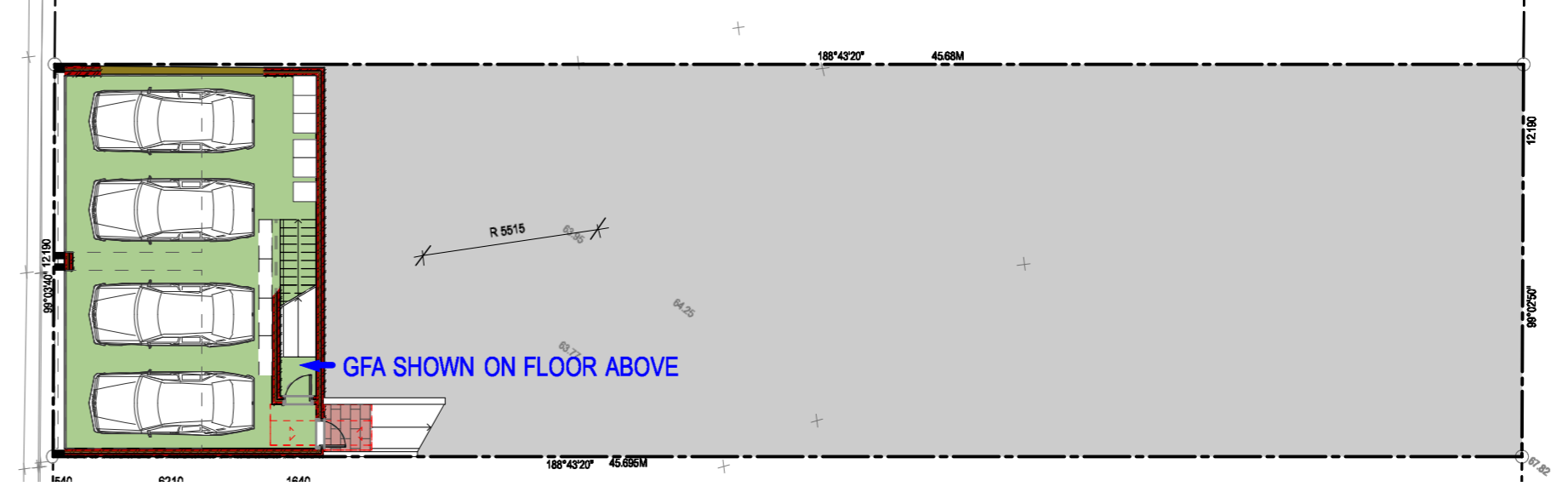
LOWER GROUND FLOOR - 241m² (72m² AFFORDABLE GFA)



LOWER GROUND FLOOR - 171m²

EXISTING GFA - 331M²

SITE AREA 557M²
 EXISTING GFA 331M²
 FSR 0.59:1

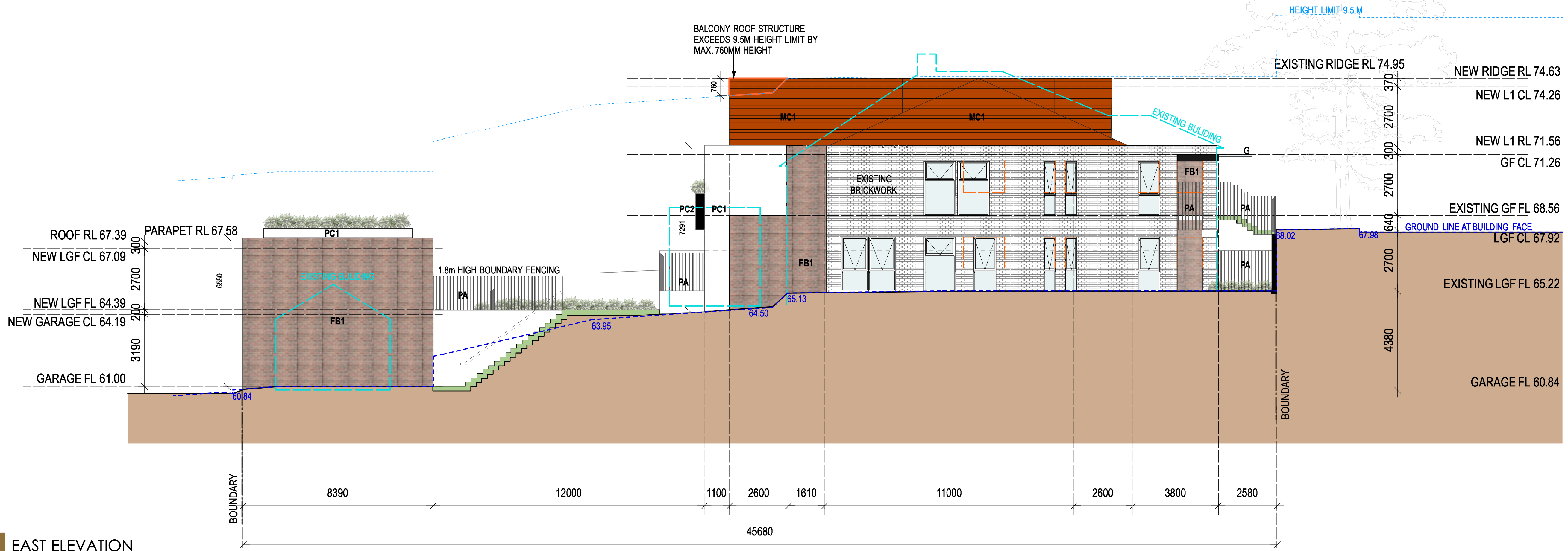


GARAGE

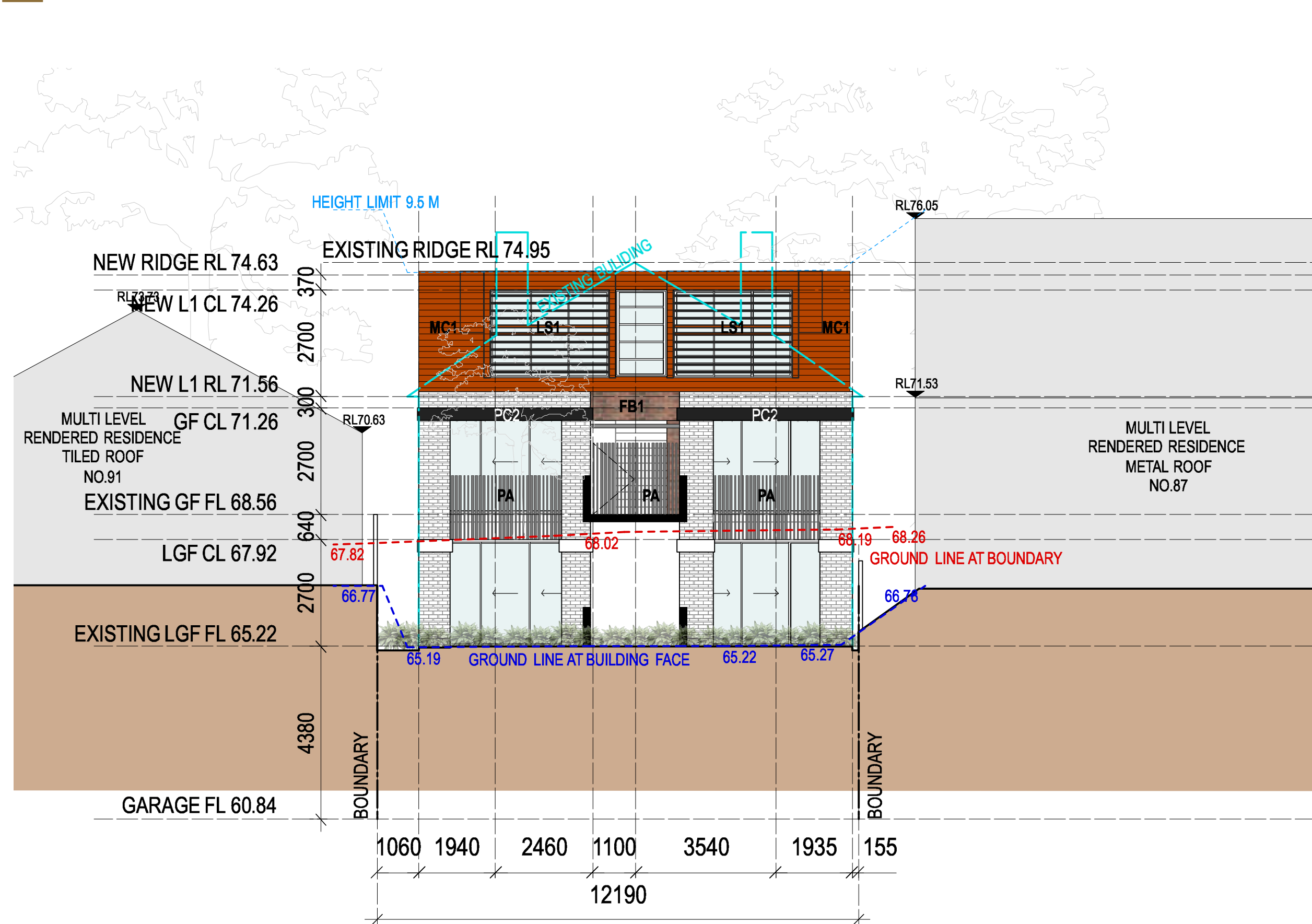
PROPOSED GFA - 499M²

SITE AREA 557M²
 PROPOSED GFA 499M²
 FSR 0.9:1

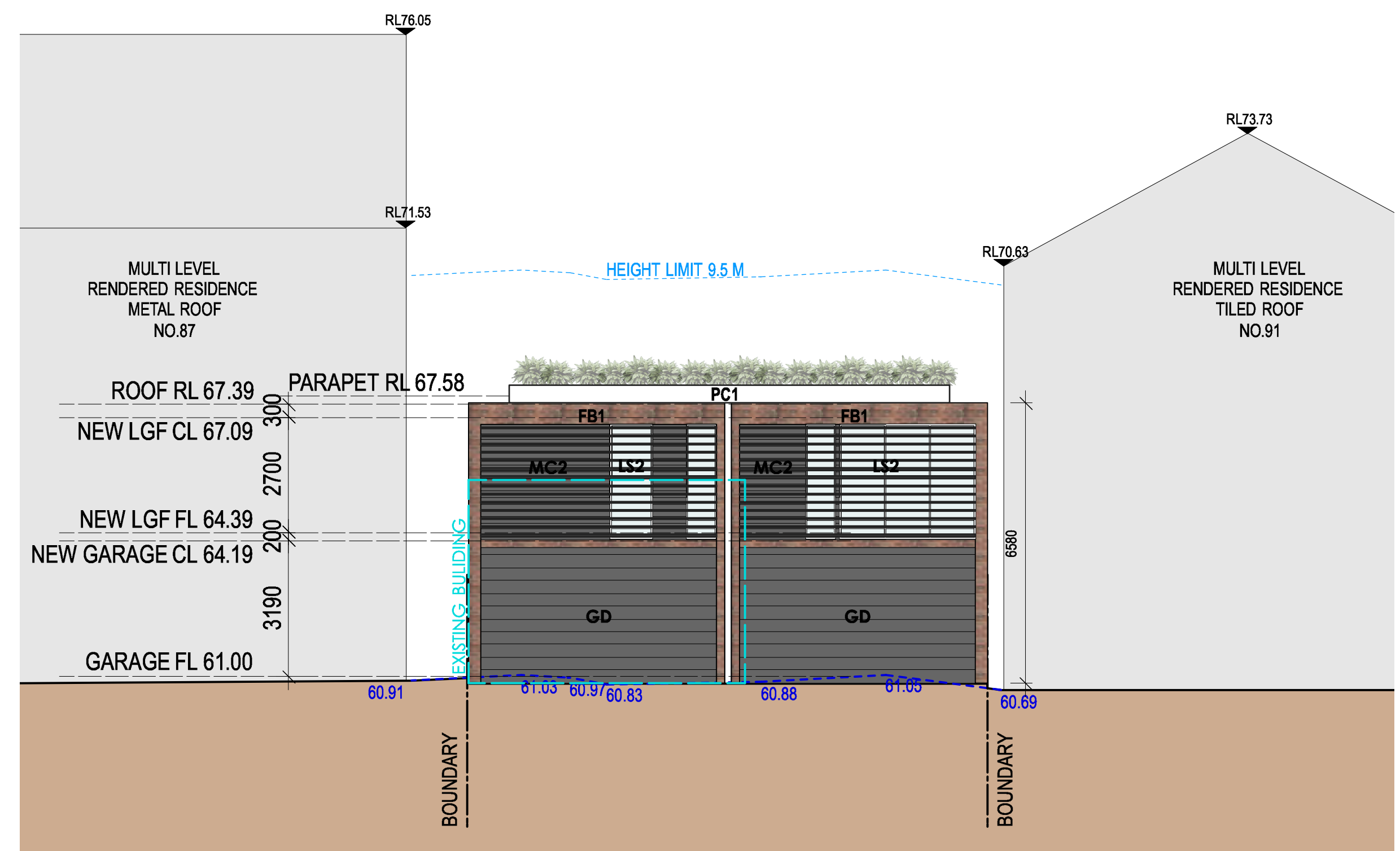
CHESTERFIELD LANE



EAST ELEVATION

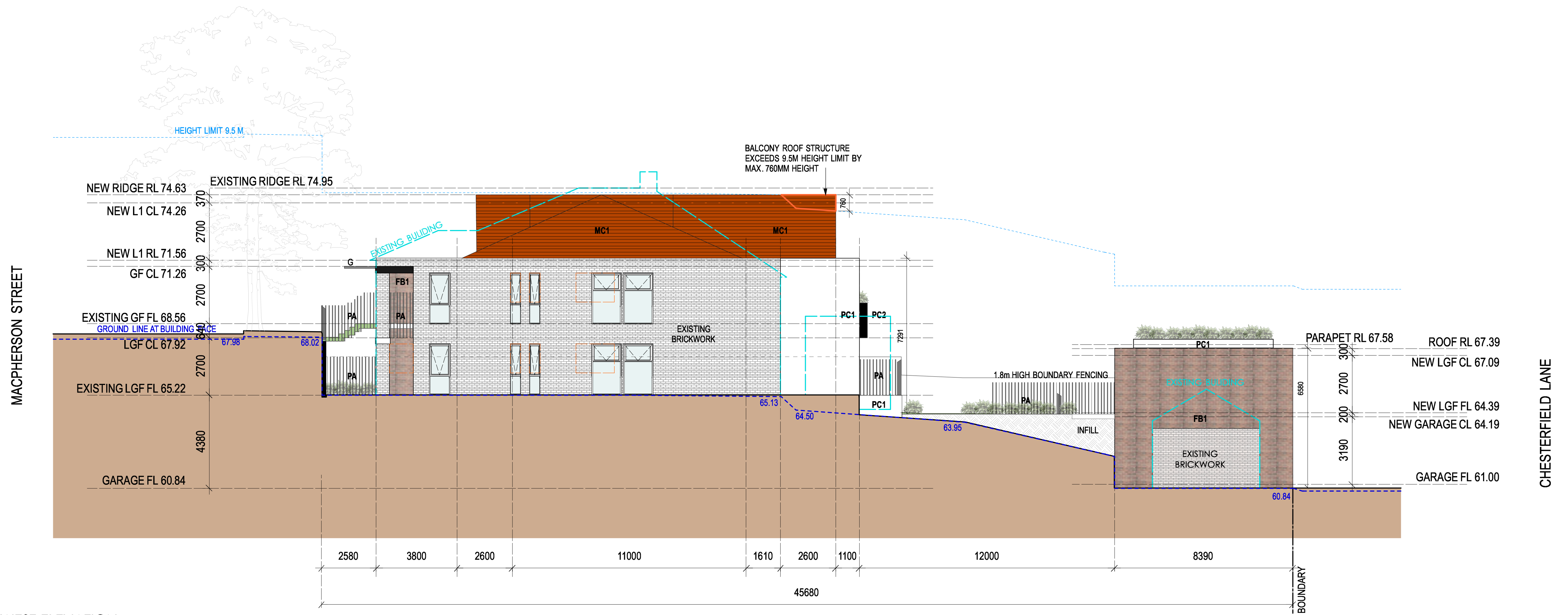


NORTH ELEVATION



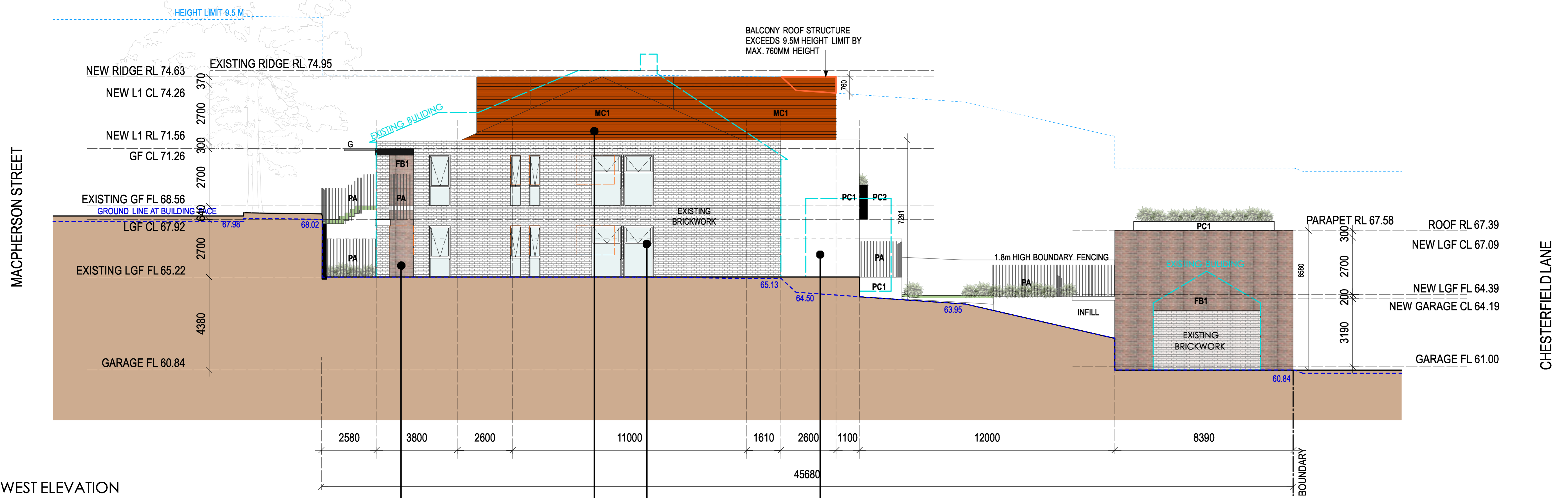
SOUTH ELEVATION

- LEGENDS :**
- FB1 FACE BRICK
 - GB GLASS BALUSTRADE
 - GD GARAGE DOOR
 - PA PALISADE FENCING
 - PC1 CEMENT RENDER - WHITE
 - PC2 CEMENT RENDER - BLACK
 - MC1 METAL CLADDING - COPPER
 - MC2 METAL CLADDING - BLACK
 - LS1 LOUVRE SCREEN - MATCH MC
 - LS2 LOUVRE SCREEN - BLACK
 - OPAQUE GLASS
 - DEMOLISHED

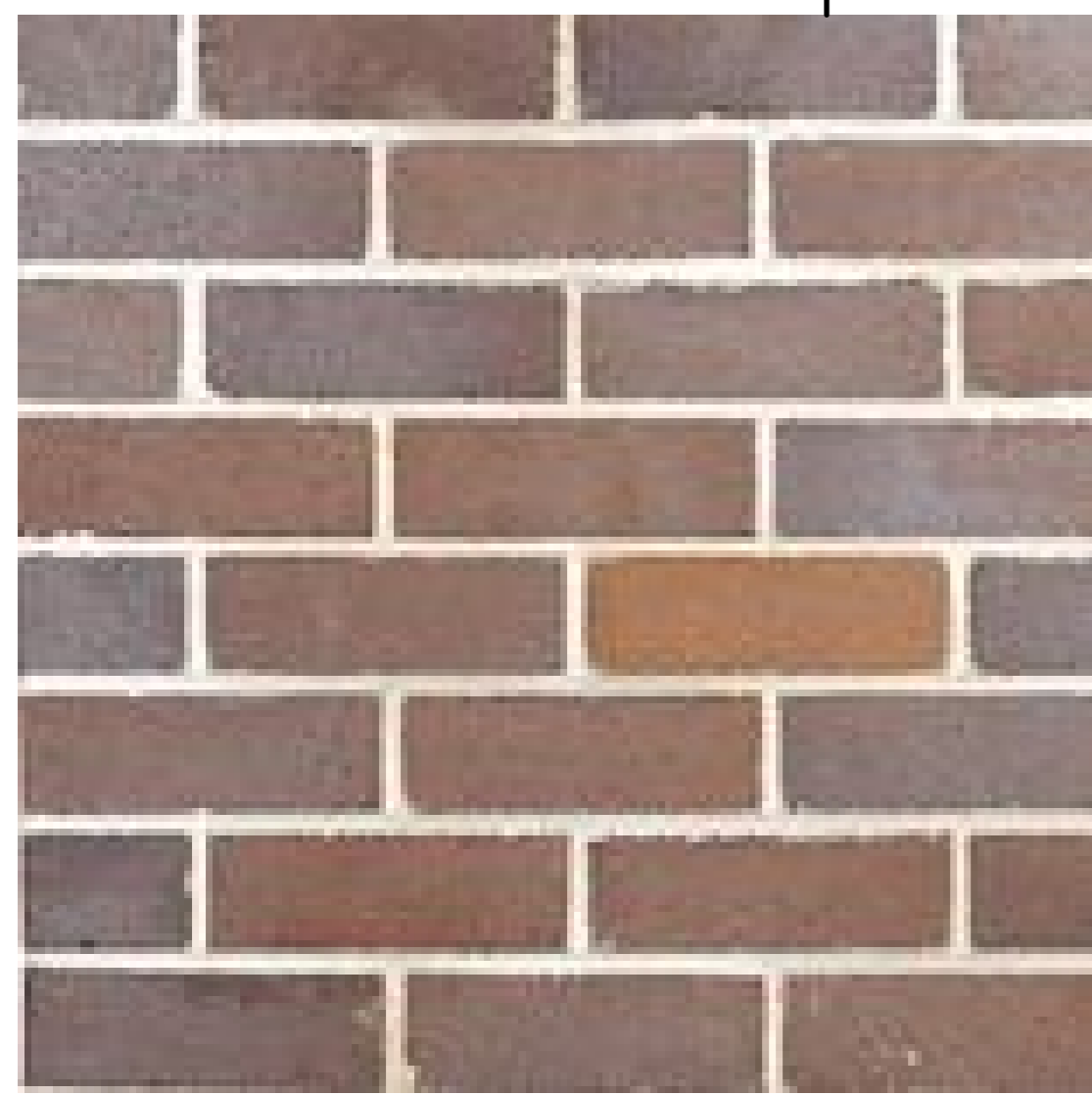


WEST ELEVATION

- LEGENDS :**
- FB1 FACE BRICK
 - GB GLASS BALUSTRADE
 - GD GARAGE DOOR
 - PA PALISADE FENCING
 - PC1 CEMENT RENDER - WHITE
 - PC2 CEMENT RENDER - BLACK
 - MC1 METAL CLADDING - COPPER
 - MC2 METAL CLADDING - BLACK
 - LS1 LOUVRED SCREEN - MATCH MC
 - LS2 LOUVRED SCREEN - BLACK
 - OPAQUE GLASS
 - DEMOLISHED



WEST ELEVATION



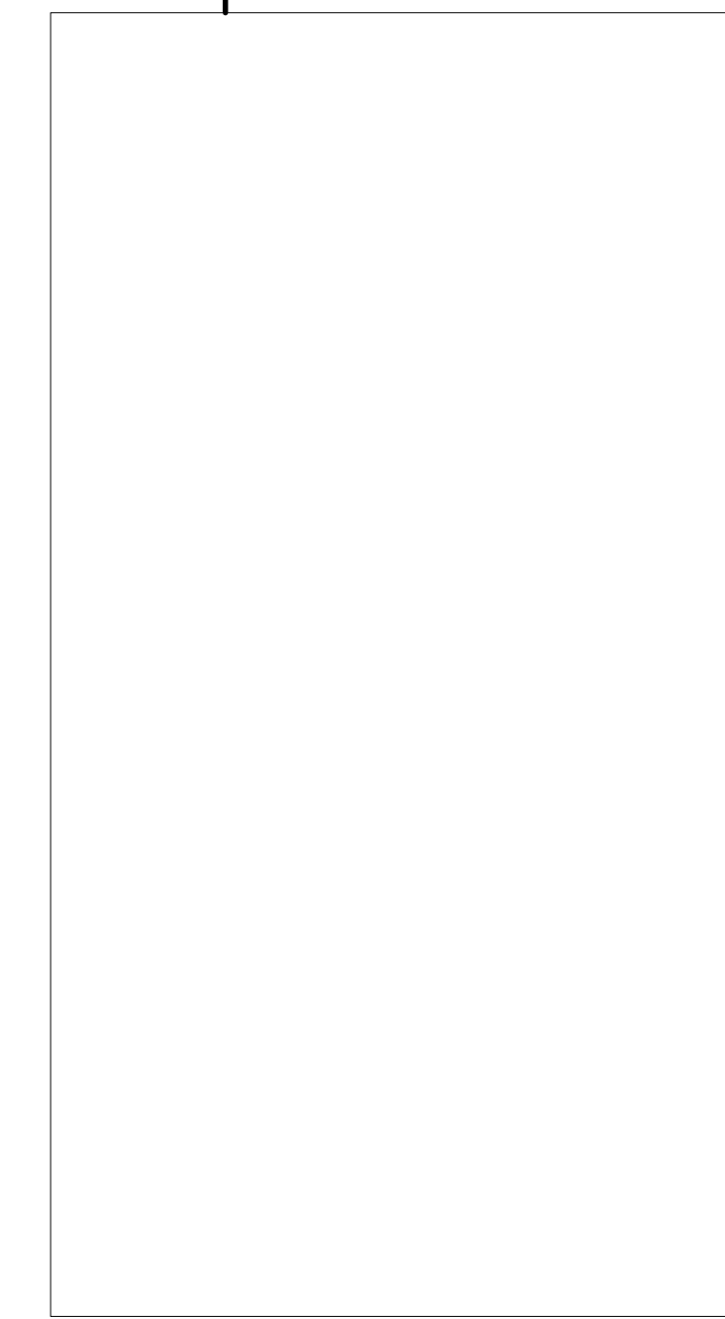
Gertrudis Brown Brick



ALUCOBOND - NaturAL Copper



Powdercoated Black Aluminium

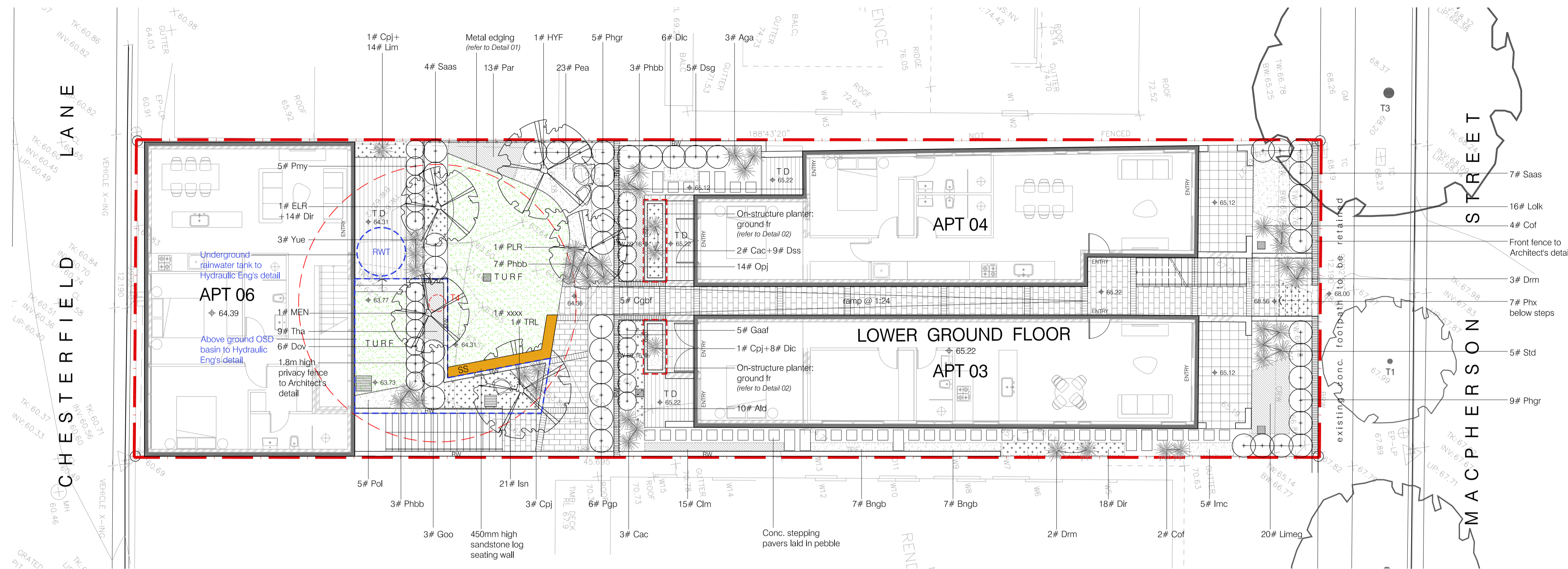


CEMENT RENDER - WHITE

- LEGENDS :**
- FB1 FACE BRICK
 - GB GLASS BALUSTRADE
 - GD GARAGE DOOR
 - PA PALISADE FENCING
 - PC1 CEMENT RENDER - WHITE
 - PC2 CEMENT RENDER - BLACK
 - MC METAL CLADDING - COPPER
 - LS1 LOUVRED SCREEN - MATCH MC
 - LS2 LOUVRED SCREEN - BLACK
 - OPAQUE GLASS
 - DEMOLISHED



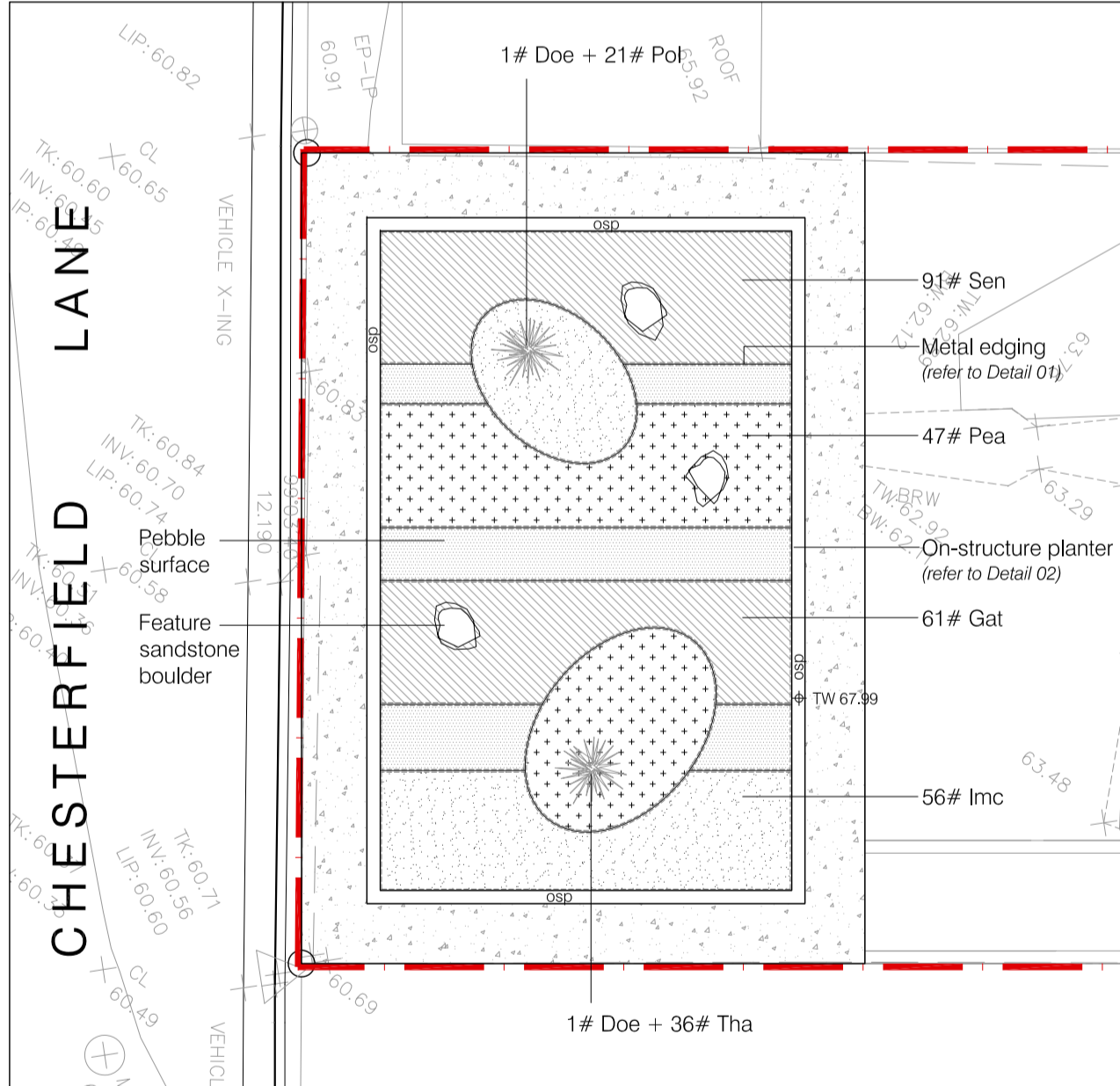
■ STREETVIEW - MACPHERSON STREET



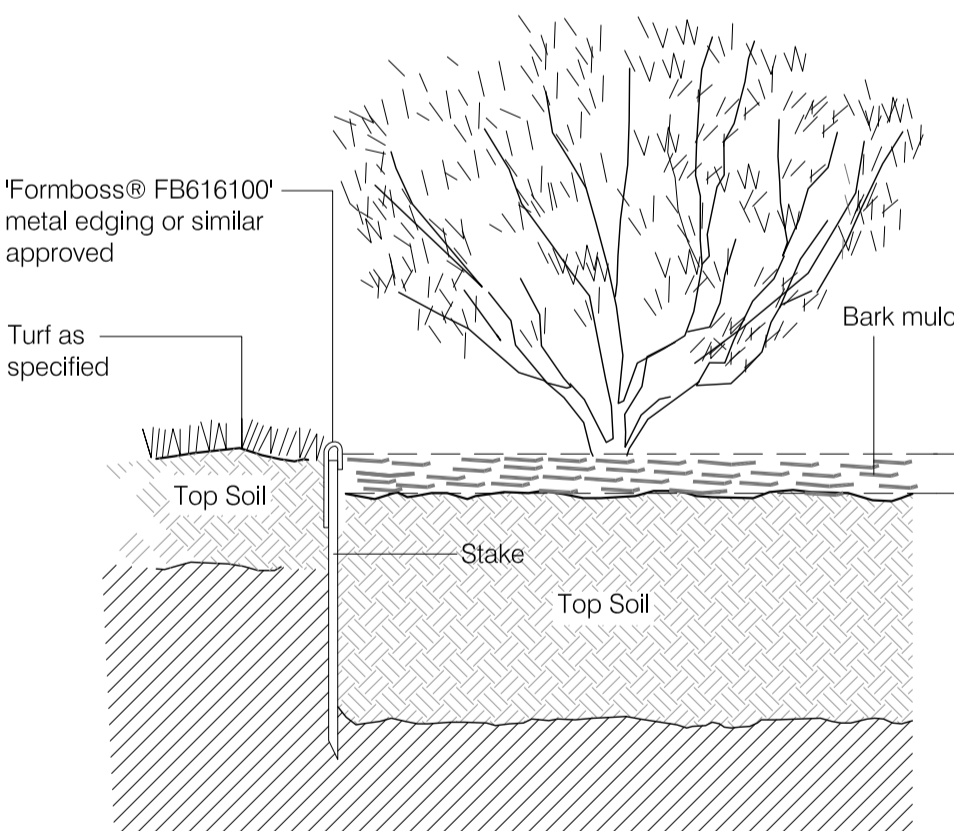
LANDSCAPE PLAN: lower ground floor scale: 1:100

PROPOSED PLANT SCHEDULE

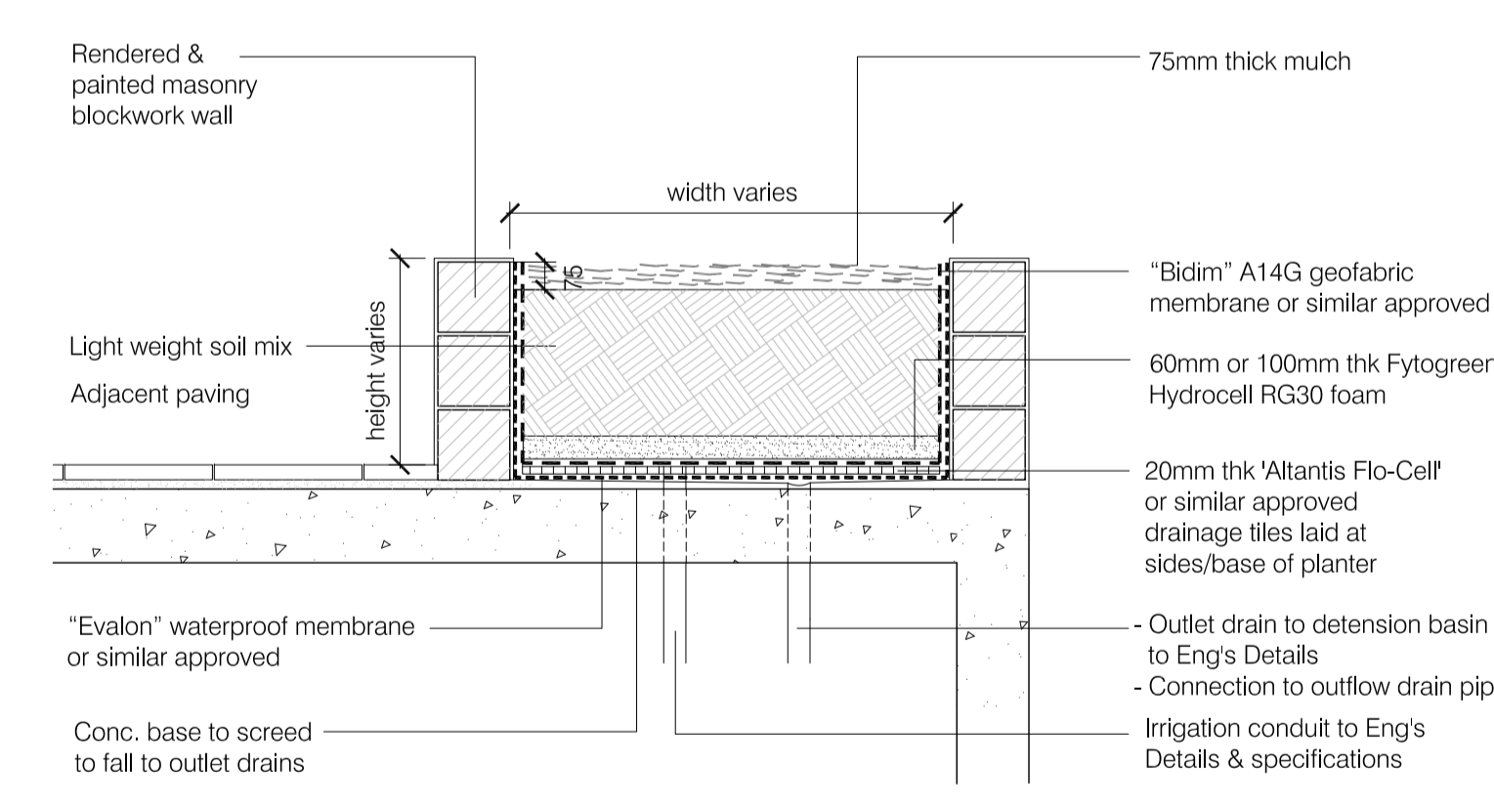
CODE	BOTANICAL NAME	COMMON NAME	POT SIZE	MATURE HEIGHT
TREES				
ELR	<i>Elaeagnus reticulatus</i>	Blue-berry Ash	45L	7m
HYF	<i>Hymenosporum flavum</i>	Native Frangipani	45L	10m
MEN	<i>Melaleuca nodosa</i>	Melaleuca	45L	6m
TRL	<i>Tastanopsis laurina</i>	Water Gum	45L	8m
SCREEN & BARRIER SHRUBS				
Bngb	<i>Bambusa sp. 'New Guinea Black'</i>	Black Bamboo	10L	5m
Cgbl	<i>Callistemon 'Great Balls of Fire'</i>	Great Balls of Fire Bottlebrush	200mm	1.5m
Dov	<i>Dodonaea viscosa</i>	Purple-leaved Hop-bush	200mm	1.5m
Dsg	<i>Duranta 'Sheena's Gold'</i>	Golden Dew Drop (Hedge)	300mm	2m
Gaaf	<i>Gardenia augusta 'Florida'</i>	Gardenia 'Florida'	200mm	1.5m
Goo	<i>Goodenia ovata</i>	Hop Goodenia	200mm	2m
Pgp	<i>Pittosporum 'Green Pillar'</i>	Green Pillar Pittosporum	5L	3.5m
Phgr	<i>Photinia glabra 'Rubens'</i>	Photinia	25L	2m
Pmy	<i>Phorthea myoporoides</i>	Wax Flower	200mm	1.5m
Saas	<i>Syzygium australe 'Aussie Southern'</i>	Syzygium 'Aussie Southern'	5L	2m
GROUND COVERS				
Ald	<i>Alternanthera dentata</i>	Ruby leaf alternanthera	150mm	0.5m
Cim	<i>Cleve miniata</i>	Kalfr Lily	150mm	0.4m
Dic	<i>Dianella caerulea 'little jess'</i>	Flax Lily	150mm	0.4m
Dir	<i>Dianella revoluta 'little rev'</i>	Black Anther Flax Lily	150mm	0.8m
Dmg	<i>Duranta Mini Gold</i>	Dwarf Golden Dew Drop	200mm	0.5m
Dss	<i>Dianella Silver Streak</i>	Silver Streak Flax Lily	150mm	0.4m
Gat	<i>Gazania tormentosa</i>	Gazania	140mm	0.15m
Imc	<i>Imperata cylindrica</i>	Birdy Grass	150mm	0.6m
Limeg	<i>Liriodendron 'Evergreen Giant'</i>	Giant Lily Turf	150mm	0.6m
Lolk	<i>Lomandra longifolia 'Katrinus'</i>	Spry-headed Mat-rush 'Katrinus'	150mm	0.7m
Par	<i>Pennisetum advena 'Rubrum'</i>	Purple Fountain Grass	150mm	1.5m
Pea	<i>Pennisetum alopecuroides</i>	Black Lea	150mm	0.8m
Phx	<i>Phibiscendron Xanadu</i>	Xanadu	200mm	0.8m
Pol	<i>Poa abillardi</i>	Tussock Grass	150mm	0.5m
Sen	<i>Senecio serpens</i>	Dwarf Blue Chalk Sticks	100mm	0.2m
Tha	<i>Themeda australis</i>	Kangaroo Grass	200mm	0.6m
ACCENT PLANTS				
Aga	<i>Agave attenuata</i>	Century Plant	200mm	1.5m
Cac	<i>Cordyline australis 'Cabernet'</i>	Cordyline Cabernet	200mm	1.2m
Cof	<i>Cordyline frutescens</i>	Ti Plant	200mm	1.5m
Cpj	<i>Cordyline 'Pink Joy'</i>	Pink Joy Cordyline	150mm	1.2m
Drm	<i>Dracaena Marginata</i>	Dragon Tree	250mm	2m
Phbb	<i>Phormium 'Bronze Baby'</i>	Bronze Baby Flax	200mm	0.8m
Std	<i>Strelitzia reginae dwarf</i>	Dwarf Bird-of-Paradise	200mm	0.6m
Yue	<i>Dracaena Marginata</i>	Dragon Tree	250mm	2m
TURF GRASS				
As noted	<i>Stenotaphrum secundatum</i>	Sir Walter Buffalo	N/A	



LANDSCAPE PLAN : roof level scale: 1:100



TYPICAL DETAIL 01: metal edging scale: 1:10



TYPICAL DETAIL 02: on-structure planter scale: 1:20

LEGEND

- Existing trees to be protected & retained (refer to arborist's report)
- Proposed small tree planting (refer to proposed plant schedule)
- Existing trees to be removed
- Proposed shrub planting (refer to proposed plant schedule)
- Proposed groundcover planting (refer to proposed plant schedule)
- Proposed decorative pebble surface
- Proposed accent planting (refer to proposed plant schedule)
- Proposed turf area (refer to proposed plant schedule)
- Proposed conc. stepping pavers (size as indicated)
- Proposed conc. paving
- Proposed tile paving to Architect's detail
- Proposed metal edging
- Proposed timber deck
- Proposed walkway paving with recycle brick banding
- Proposed feature sandstone boulders
- Proposed retaining wall
- Proposed above ground OSD basin to Hydraulic Eng's detail
- Proposed underground rainwater tank to Hydraulic Eng's detail
- Proposed SW pit to Hydraulic Eng's detail
- Proposed sandstone log seating wall
- Design levels
- Existing levels
- Site boundary

PROPOSED PLANTING IMAGE PALETTE



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0 1 2 5 10 scale @1:100A1
@1:200A3

dwg title: landscape plan: lower ground fr + roof & typical details

scale: 1:100 & as shown @a1
dwg no.: DA-L101

Client: Mr. Tony BASSALY

revision: P co-ordination 12/12/17
A da submission 21/12/17

date: 12/12/17

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